



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: June 12, 2024 REPORT NO. PC-24-018
HEARING DATE: June 27, 2024
SUBJECT: 2499 Qualcomm Amendment, Process Four Decision
PROJECT NUMBER: [PRJ-1063668](#)
OWNER/APPLICANT: Quarry Falls, LLC/Vulcan Materials Company

SUMMARY

Issue: Should the Planning Commission approve an amendment to a Conditional Use Permit at [2499 Qualcomm](#) Way within the [Mission Valley Community Plan](#) area?

Proposed Actions:

1. Approve Conditional Use Permit (CUP) No. PMT-3162219, an amendment to Conditional Use Permit No. 183194.

Fiscal Considerations: No fiscal impact. All costs associated with the processing of the application are recovered through a fee paid for by the applicant.

Community Planning Group Recommendation: On August 2, 2023, the Mission Valley Community Planning Group voted 15-1-1 to recommend approval of the project with no conditions (Attachment 9).

Environmental Impact: The project site was previously analyzed within the certified Environmental Impact Report No. 49068/SCH 2005081018 certified by the City Council October 21, 2008, Resolution No. R-304292. A consistency evaluation was prepared to determine if conditions specified in California Environmental Quality Act (CEQA) Statute and Guidelines section 15162 would require preparation of additional CEQA review for the project. As outlined in the evaluation, the project is consistent with the original adopted/certified Environmental Impact Report, No. 49068/SCH 20050818108 and would not result in new impacts. A Mitigation, Monitoring, and Reporting Program was prepared for Environmental Impact Report No. 49068 and will be implemented. Based on the CEQA Section 15162 consistency analysis, the project would not require any additional environmental review.

BACKGROUND

The asphalt and concrete plant for which the amendment is being sought is located within the Quarry Falls Specific Plan (QFSP) project area, which is situated on 10 parcels comprising approximately 209 acres within the Mission Valley Community Plan area bounded by I-805 to the east, Friars Road to the south, Mission Center Road to the west and the Serra Mesa Community Plan boundary to the north (Attachment 1). The 11 acres on which the asphalt and concrete plant site is located is zoned IL-3-1 which allows for a mix of light industrial, office, and commercial uses. In the Mission Valley Community Plan (Attachment 2), the site is identified as Mixed-Use Medium (MD), has a land use designation of Multiple Use within the Quarry District of the QFSP and is governed by Conditional Use Permit (CUP) No. 183194 (Attachment 7). The existing use is a ready-mix concrete facility (classified as an asphalt/concrete plant per QFSP or extractive/mining facility), previously approved under a CUP (part of the QFSP). The Quarry District allows for the asphalt and concrete plant as an interim use within the district and the existing CUP is now expired.

San Diego Municipal Code (SDMC) section 126.0114(d) states that an amendment to an existing development permit will not affect the original expiration date of the permit, unless a change is specifically requested. In such cases, the application must be deemed complete prior to the development permit expiration date and the development permit will automatically be extended until a decision on the amendment request is final and all available administrative appeals of the project decision have been exhausted. An application for an amendment to CUP No. 183194 was created June 20, 2022, and deemed complete June 28, 2022. The applications deemed complete date was prior to the existing CUP expiration on June 30, 2022.

The project site is surrounded by urban development, including single and multi-unit housing of varying densities, commercial retail uses, a hotel, and office uses of varying intensities. The project's eastern boundary is adjacent to I-805 which forms a barrier from development to the east. Development south of the project includes high intensity office, retail and residential densities ranging from 20 to 90 units per acre. This area to the south was developed as a transit-oriented design (TOD) project due to the adjacency of the Rio Vista light rail station. Neighborhood serving retail uses and office and industrial development is located to the west.

DISCUSSION

The 209-acre site regulated by CUP No.183194 is located at 2499 Qualcomm Way in the IL-3-1 zone of the Mission Valley Community Plan. The proposed amendment to the existing CUP applies only to the approximately 11-acre asphalt and concrete plant located in the southeast corner of the property.

The project site is the location of an on-going resource extraction operation for the mining and Processing of sand and gravel, which has been operating on the site for more than 60 years. A CUP was originally issued by the City of San Diego in 1962 and was amended by the City Council in 2008. This application is for an amendment to CUP No. 183194, which expired on June 30, 2022. The

application is to extend the remaining use for additional three years and no development is proposed. The amendment is to continue the existing use and conditions as outlined in the permit for an additional three years, with a proposed expiration date of June 3, 2025, and all previous conditions of the previous CUP related to this site will remain in effect.

Permit Required

- A Process 4 Conditional Use Permit per SDMC Section 126.0114(c) is required for an amendment to the existing CUP.

Community Plan Analysis

The site is designated Mixed-Use Medium in the Mission Valley Community Plan, Multiple Use in the Quarry Falls Specific Plan. Within the Quarry Falls Specific Plan, the site is identified to be used for asphalt and concrete plants as an interim use under a Conditional Use Permit. The Quarry Falls Specific Plan does not indicate a sunset provision for interim use. As such, the application is consistent with the adopted plans that regulate the site.

Conclusion

City staff has reviewed the proposed project and all issues identified through the review process have been resolved in conformance with adopted City Council policies, the Mission Valley Community Plan, the Quarry Falls Specific Plan and regulations in the Land Development Code. Staff has provided draft findings (Attachment 4) to support the proposed development and draft conditions (Attachment 3) of approval. Staff recommends the Planning Commission approve the project as presented and conditioned.

ALTERNATIVES

1. Approve Conditional Use Permit PMT-3162219, an amendment to Conditional Use Permit No. 183194, with modifications.
2. Deny Conditional Use Permit PMT-3162219, an amendment to Conditional Use Permit No. 183194, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,



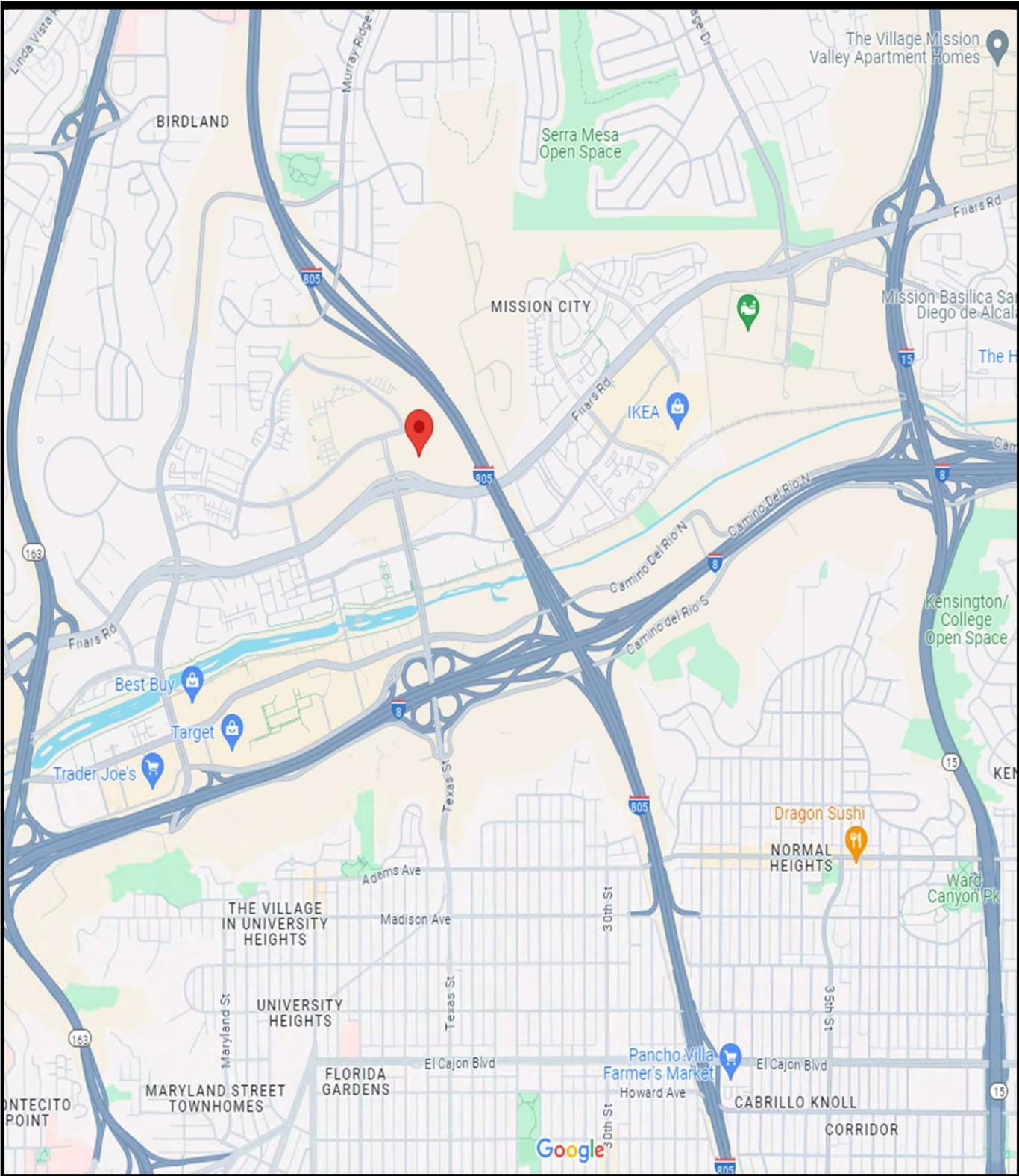
Renee Mezo
Assistant Deputy Director
Development Services Department



Andrew Murillo
Development Project Manager
Development Services Department

Attachments:

1. Project Location
2. Quarry Falls Specific Plan Plan Land Use Map
3. Draft Permit with Conditions
4. Draft Permit Resolution with Findings
5. Environmental Memorandum/Section 15162 Evaluation
6. Ownership Disclosure Statement
7. Existing Conditional Use Permit No. 183194
8. Site Development Plans
9. Community Planning Group Recommendations



Project Location

2499 Qualcomm Way
Project No. PRJ-1063668





| Land Use | Allowable Zone(s) | Net Area (acres) ¹ | Development Intensity Range | Target Development Intensity |
|--|------------------------|-------------------------------|-----------------------------------|------------------------------|
| Office/Business Park, Support Commercial Interim Use: Asphalt and Concrete Plants | IL-3-1 CUP (183194) | 12.9 | 245,000 sq. ft. – 750,000 sq. ft. | 390,000 sq. ft. |



Quarry Falls Specific Plan Land Use Map

2499 Qualcomm Way
Project No. PRJ-1063668



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

WHEN RECORDED MAIL TO
PROJECT MANAGEMENT
PERMIT CLERK
MAIL STATION 501

INTERNAL ORDER NUMBER: 24009284

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT PMT-3162219
2499 QUALCOMM PROJECT NO. PRJ-1063668
AMENDMENT TO CONDITIONAL USE PERMIT NO. 183194
PLANNING COMMISSION

This Conditional Use Permit PMT-3162219 (Permit), an amendment to Conditional Use Permit No. 183194 is granted by the Planning Commission of the City of San Diego to Quarry Falls, LLC, a California limited liability company, Owner, and Vulcan Materials Company, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 11-acre site is located within the larger 209-acre site which is located at 2499 Qualcomm Way in the IL-3-1 zone of the Quarry Falls Specific Plan and within the Mission Valley Community Plan. The project site is legally described as being a portion of Pueblo Lots 1109, 1173, 1174, 1182, 1183, 1184 and 1186 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California according to the map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder of San Diego County on November 14, 1921 and is known as Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to operate a sand and gravel extraction facility, concrete batch plants, and asphaltic concrete batch plants, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 27, 2024, on file in the Development Services Department. The project shall include:

- a. Conditional Use Permit No. 183194, PTS No. 49068 shall remain in force and effect except where amended by this permit;
- b. This amendment only allows the change to the expiration date of the previously approved CUP permit.

STANDARD REQUIREMENTS:

- 1. Conditional Use Permit No. 183194 shall remain in force and effect except where amended by this permit.

2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 3, 2025. Upon expiration of this Permit, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this Permit.
3. No permit for the construction, occupancy, or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee 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.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this

Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

11. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program [MMRP] and outlined in the Environmental Impact Report No. 49068 SCH NO. 2005081018 shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report No. 49068 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 49068/SCH No. 2005081018 to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented. for the following issue areas:

- Land Use
- Transportation/Traffic Circulation/Parking
- Air Quality
- Noise
- Biological Resources

Health and Safety
Historical Resources
Paleontological Resources
Public Utilities

PLANNING/DESIGN REQUIREMENTS:

15. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

16. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

17. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the Planning Commission of the City of San Diego on June 27, 2024, by Resolution No. XXXXXX.

Conditional Use Permit PMT-3162219
Date of Approval: June 27, 2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES DEPARTMENT

Andrew Murillo
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

Quarry Falls, LLC
Owner/Permittee

By _____
NAME
TITLE

Vulcan Materials Company
Owner/Permittee

By _____
Kevin Torell
Permitting Manager

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

PLANNING COMMISSION RESOLUTION NO. XXXXX
CONDITIONAL USE PERMIT NO. PMT-3162219
AMENDMENT TO CONDITIONAL USE PERMIT NO. 183194
2499 QUALCOMM - PROJECT NO. PRJ-1063668

WHEREAS, Quarry Falls, LLC, a California limited liability company, Owner, and Vulcan Materials Company, Permittee, filed a timely application with the City of San Diego for a permit to amend Conditional Use Permit No. 183194, (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 183194) on an 11-acre portion of the larger 209-acre site;

WHEREAS, the project site is located at 2499 Qualcomm Way in the IL-3-1 of the Mission Valley Community Plan;

WHEREAS, the project site is legally described as being a portion of Pueblo Lots 1109, 1173, 1174, 1182, 1183, 1184 and 1186 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California according to the map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder of San Diego County on November 14, 1921, and is known as Miscellaneous Map No. 36;

WHEREAS, on June 27, 2024, the Planning Commission of the City of San Diego considered Conditional Use Permit PMT-3162219 pursuant to the Land Development Code of the City of San Diego;

BE IT RESOLVED by the Planning Commission of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. PMT- 3162219, an amendment to Conditional Use Permit No. 183194:

A. Conditional Use Permit SDMC Section 126.0305

- 1. The proposed development will not adversely affect the applicable land use Plan.**

The site is within the Quarry District of the Quarry Falls Specific Plan (QFSP). Within the Quarry Falls Specific Plan, the site is identified as Mixed-Use Medium (MD) with has a land use designation of Multiple Use within the Quarry District of the QFSP and is governed by Conditional Use Permit (CUP) No. 183194. It is zoned IL-3-1 which allows for a mix of light industrial, office, and commercial uses. The existing use is a ready-mix concrete facility (classified as an asphalt/concrete plant per QFSP or extractive/mining facility), previously approved under a Conditional Use Permit (part of the Quarry Falls Specific Plan). The Mission Valley Community Plan (MVCP) identifies the site as Mixed Use-Medium which allows for a variety of resident and employee-serving commercial uses.

The proposed amendment is to continue the use of approximately 11 acres of the southeast corner of the original development as a Ready-Mix Concrete site. There was historical mining on the 209-acre site (surrounding the current Civita Park Area) since the 1960s. In 2008, Conditional Use Permit No. 183194 was issued that allowed for a sand and gravel extraction facility, concrete batch plants and asphaltic concrete batch plants. Approximately 15-20 years ago the aggregate extraction area was reclaimed and most of the site transitioned into urban development. In 2011 the existing concrete plant was established in its current location.

According to the land use element of the Quarry District within the QFSP, as an interim use in this district, asphalt and concrete plants will operate under a Conditional Use Permit (CUP No. 183194). The proposed project is to extend the expiration date of CUP No. 183194 for an additional three years. The proposed amendment to extend the expiration date of the CUP for the batch plant operations will ensure the last mining and related activities are phased out in an orderly manner to allow for the implementation of a multiple development use consistent with the QFSP. An application for an amendment to CUP No. 183194 was created June 20, 2022, and deemed complete June 28, 2022. Pursuant to San Diego Municipal Code section 126.0114(d) the deemed complete date of the application for the amendment was prior to the CUP's expiration of June 30, 2022.

The scope of the project will not affect the location of the batch plant or the day-to-day activities of the concrete operation. Therefore, the proposed project will not adversely affect the MVCP.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed project is to extend the expiration date (for three years) of the existing CUP No. 183194. The scope of the project will not affect the location of the batch plant, or the day-to-day activities of the Ready-Mix concrete operation and no development or construction is proposed.

The sand and gravel extraction and processing facility has been in operation for over 50 years and has implemented measures to ensure compatibility with the surrounding development in the area such as complying with all Air Pollution Control District (APCD) rules and regulations. The existing daily truck count is 225. This will not increase under the pending application. Any new development that occurs near or adjacent to the mining operation and has been conditioned to be sufficiently buffered to meet existing noise and air quality standards.

The batch plant operations in the southeast corner of the site, minimizes onsite noise by excavating and lowering the pad, using the material to create an earthen berm to surround the parcel. The site perimeter is screened by a special landscape buffer that includes the elevated berm and large shade and evergreen trees.

The amendment is to continue the existing use and conditions as outlined in the existing permit for an additional three years, with a proposed expiration date of June 3, 2025. The existing CUP conditions remain in full effect and comply address noise, air quality, visual impact, water quality, and operations to maximize compatibility with surrounding land uses. Water quality is maintained by the implemented and approved Storm Water Pollution Prevention Plan (SWPPP) that addresses short-term water pollution impacts related to sediment discharges, including the inspection and maintenance of catch basins, repair and replacement of erosion control devices, and street sweeping adjacent to the site.

The ability to maintain this locally sourced concrete for surrounding development projects will prevent traffic congestion, air emissions, and severe impacts on the regional roadway system by being forced to import needed concrete from distant sources. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations Development Code.

The sand and gravel extraction and processing facility has been in operation for over 50 years. The amended CUP retains all conditions established by the existing CUP No. 183194 approved by City Council in 2008. The operations of the established business comply with all development regulations, standard policies and guidelines and State Law and no deviations are proposed.

The Land Development Code (LDC) and Surface Mining and Reclamation Act (SMARA) provide guidance for the requirements of the Conditional Use Permit and reclamation plan. The existing CUP conditions remain in full effect and comply address noise, air quality, visual impact, water quality, and operations to maximize compatibility with surrounding land uses. Water quality is maintained by the implemented and approved Storm Water Pollution Prevention Plan (SWPPP) that addresses short-term water pollution impacts related to sediment discharges,

including the inspection and maintenance of catch basins, repair and replacement of erosion control devices, and street sweeping adjacent to the site.

The project is required to annually update a master grading plan and performance bond based upon the existing site conditions and proposed future operations. Revegetation of slopes is an ongoing process in materials native to the area capable of providing deep rooting characteristics for added slope stability, erosion control, and compatibility with the surrounding landscape. Drought resistant plant species have been selected that are common in the region, require a minimum of irrigation and care, and are suited to flourish in the intended locations. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code and no deviations are proposed.

4. The proposed use is appropriate at the proposed location.

The sand and gravel operation and related activities are existing facilities that have been operating for over 50 years, and these uses are identified as an allowable use for this site in the QFSP. The proposed project is to extend the expiration date of existing CUP No. 183194 only and there is no expansion of the existing facilities. The scope of the project will not affect the location of the batch plant or the day-to-day activities of the Ready-Mix concrete operation.

The amendment is to continue the existing use and conditions as outlined in the existing permit for an additional three years, with a proposed expiration date of June 3, 2025 . The existing CUP conditions remain in full effect and comply address noise, air quality, visual impact, water quality, and operations to maximize compatibility with surrounding land uses. Water quality is maintained by the implemented and approved Storm Water Pollution Prevention Plan (SWPPP) that addresses short-term water pollution impacts related to sediment discharges, including the inspection and maintenance of catch basins, repair and replacement of erosion control devices, and street sweeping adjacent to the site.

The location of the facility is central to the city and served by Friars Road to the south, Interstate 805 to the east, and State Route 163 to the west to allow access to project sites in the region. Due to the limited future capacity of Portland cement concrete processing facilities to provide materials over the next 10 to 20 years, continued operation of the facility is critical to the construction needs of the city and the region. The proposed amendment to extend the expiration date of the CUP of the batch plant operations will ensure the last mining and related activities are phased out in an orderly manner to allow for the implementation of a multiple development use consistent with the QFSP. Therefore, the proposed use is appropriate at the proposed location.

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

ATTACHMENT 4

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit No. PMT-3162219, an amendment to Conditional Use Permit No. 183194, is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. PMT-3162219, and amendment to Conditional Use Permit No. 183194, a copy of which is attached hereto and made a part hereof.

Andrew Murillo
Development Project Manager
Development Services

Adopted on: June 27, 2024

IO#: 24009284



THE CITY OF SAN DIEGO

M E M O R A N D U M

DATE: April 19, 2024

TO: Environmental/Project File
Development Services Department

FROM: Courtney Holowach, Senior Planner, Development Services

SUBJECT: 2499 Qualcomm (Project No. 1063668)
California Environmental Quality Act – Section 15162 Evaluation

The Development Services Department (DSD) has completed a California Environmental Quality Act (CEQA) Section 15162 – Subsequent Environmental Impact Reports and Negative Declarations consistency evaluation for the proposed 2499 Qualcomm (project). See 14 C.C.R. §15162.

This evaluation was performed to determine if conditions specified in CEQA Guidelines Sections 15162 would require preparation of additional CEQA review for the proposed 2499 Qualcomm CUP Amendment. As outlined in the evaluation, DSD has determined that the proposed amendments are consistent with the original Quarry Falls Program Environmental Impact Report (PEIR), Project No. 49068 / SCH 2005081018 certified by the City Council on October 21, 2008, Resolution No. R-304292; and would not result in new impacts.

BACKGROUND

The analysis contained in the Quarry Falls PEIR concluded that project would result in significant impacts to: Land Use (direct and cumulative), Transportation/Traffic Circulation/Parking (direct and cumulative), Visual Effects and Neighborhood Character (direct and cumulative), Air Quality (direct), Noise (direct), Biological Resources (direct), Health and Safety (direct), Historical Resources (direct), Paleontological Resources (direct), and Public Utilities (direct and cumulative). Mitigation measures were identified which would reduce direct impacts to below a level of significance for all significant impacts except Land Use (traffic circulation), Transportation/Traffic Circulation/Parking and Visual Effects and Neighborhood Character. Cumulative impacts associated with Land Use (traffic circulation), Transportation/Traffic Circulation/Parking, Visual Effects and Neighborhood Character, and Public Utilities (solid waste) would not be fully mitigated by the project. All other impacts analyzed in the EIR were determined to be less than significant.

PROJECT DESCRIPTION

The Quarry Falls Project consisted of a Community Plan Amendment (CPA), General Plan Amendment (GPA), Rezone, Specific Plan, Master Planned Development Permit (PDP), Site Development Permit (SDP), Vesting Tentative Map (VTM), Conditional Use Permit/Reclamation Plan, and Amendment to the Mission Valley Public Facilities Financing Plan (PFFP) to develop an approximately 230.5 acre site, currently the location of an on-going resource extraction operation for the mining and processing of sand and gravel. The project included approximately 4,780 residential units; 603,000 square feet of retail space; 620,000 square feet of office/business park uses; and 31.8 acres of public and private parks, civic uses, open space and trails, and an optional school site. The project site is located in the Mission Valley and Serra Mesa communities, bordered on the south by Friars Road, on the north by Phyllis Place (within the Serra mesa Community Plan area), on the east by I-805 Freeway, and on the west by Mission Center Road.

The applicant has requested a CUP Amendment for the extension of mining operation use and related activities. The asphalt and concrete plant for which the amendment is being sought is located within the Quarry Falls Specific Plan project area. No other changes to the are requested.

CEQA 15162 CONSISTENCY EVALUATION

DSD reviewed the proposed 2499 CUP Amendment and conducted a review pursuant to CEQA Guidelines Section 15162 to determine consistency with the previously certified PEIR (Project No. 49068 / SCH 2005081018). The following evaluation substantiates the conclusion that supports a determination that no subsequent document is required.

The project is for the extension of mining operation use and related activities, located at 2499 Qualcomm Way. Considering the project consists of an extension of an existing use with no expansion of such use, and would be consistent with the land use and zoning, the project would not result in the need for any revisions to the previous EIR or substantial increase impacts related to Land Use, Transportation/Traffic Circulation/Parking, Visual Effects and Neighborhood Character, Air Quality, Noise, Biological Resources, Health and Safety, Historical Resources, Paleontological Resources, and Public Utilities. There is no new information of substantial importance or significant change in conditions that would alter the analysis within the Quarry Falls PEIR.

CONCLUSION

Overall, implementation of the proposed would not result in any significant direct, indirect or cumulative impacts over and above those disclosed in the previously certified PEIR.

Section 15162 of the CEQA Guidelines states:

When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Based upon a review of the current project, none of the situations described in Section 15162 of the State CEQA Guidelines apply. No changes in circumstances have occurred, and no new information of substantial importance has manifested, which would result in new significant or substantially increased adverse impacts because of the project. This evaluation, therefore, supports the use of the previously certified PEIR, under CEQA Guidelines Section 15162, in that both environmental documents adequately covers the proposed project.

Courtney Holowach
Senior Planner

CH/ch

cc: Andrew Murillo, Development Project Manager, Development Services Department



City of San Diego
Development Services
 1222 First Ave., MS 302
 San Diego, CA 92101
 (619) 446-5000

Ownership Disclosure Statement

FORM
DS-318

October 2017

Approval Type: Check appropriate box for type of approval(s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit Variance
 Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other Amendment

Project Title: Quarry Falls Project #49068 **Project No. For City Use Only:** _____

Project Address: 2499 Qualcomm Way
 San Diego, CA 92103

Specify Form of Ownership/Legal Status (please check):

Corporation Limited Liability -or- General - What State? _____ Corporate Identification No. _____
 Partnership Individual

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the owner(s), applicant(s), and other financially interested persons of the above referenced property. A financially interested party includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver or syndicate with a financial interest in the application. If the applicant includes a corporation or partnership, include the names, titles, addresses of all individuals owning more than 10% of the shares. If a publicly-owned corporation, include the names, titles, and addresses of the corporate officers. (A separate page may be attached if necessary.) If any person is a nonprofit organization or a trust, list the names and addresses of **ANY** person serving as an officer or director of the nonprofit organization or as trustee or beneficiary of the nonprofit organization. A signature is required of at least one of the property owners. Attach additional pages if needed. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Property Owner

Name of Individual: Quarry Falls, LLC Owner Tenant/Lessee Successor Agency

Street Address: 5465 Morehouse Drive, Suite 260

City: San Diego State: CA Zip: 92121

Phone No.: (858)546-3000 Fax No.: _____ Email: marco@sudprop.com

Signature:  Date: 6/20/2022

Additional pages Attached: Yes No

Applicant

Name of Individual: Vulcan Materials Company, Kevin Torell, Permitting Manager Owner Tenant/Lessee Successor Agency

Street Address: 10051 Black Mountain Road

City: San Diego State: CA Zip: 92126

Phone No.: (510) 340-8215 Fax No.: _____ Email: torellk@vmcmail.com

Signature:  Date: 6/17/2022

Additional pages Attached: Yes No

Other Financially Interested Persons

Name of Individual: _____ Owner Tenant/Lessee Successor Agency

Street Address: _____

City: _____ State: _____ Zip: _____

Phone No.: _____ Fax No.: _____ Email: _____

Signature: _____ Date: _____

Additional pages Attached: Yes No

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THE ORIGINAL OF THIS DOCUMENT
 WAS RECORDED ON NOV 19, 2008
 DOCUMENT NUMBER 2008-0600349
 GREGORY J. SMITH, COUNTY RECORDER
 SAN DIEGO COUNTY RECORDER'S OFFICE
 TIME: 2:55 PM

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

**WHEN RECORDED
 MAIL TO
 CITY CLERK
 MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-3334

**CONDITIONAL USE PERMIT NO. 183194
 QUARRY FALLS – PROJECT NO. 49068 (MMRP)
 AMENDMENT TO CONDITIONAL USE PERMIT NOS. 5073-PC, AND 82-0315
 CITY COUNCIL**

This Conditional Use Permit No. 183194, Amendment to Conditional Use Permit Nos. 5073-PC and 82-0315 is granted by the City Council of the City of San Diego to Quarry Falls, LLC a California Limited Liability Company, Owner/Vulcan Materials Company – Western Division, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305 et seq. The 209-acre site is located on the north side of Friars Road between I-805 and Mission Center Road, in the proposed OP-2-1, RM-1-1, RM-2-4, RM-3-7, RM-3-8, RM-3-9, RM-4-10, CC-3-5, and IL-3-1 zones within the Mission Valley Community Plan area. The project site is legally described as being a portion of Pueblo Lots 1109, 1173, 1174, 1182, 1183, 1184 and 1186 of the Pueblo Lands of San Diego, in the City of San Diego, County of San Diego, State of California according to the map thereof made by James Pascoe in 1870, a copy of which said map was filed in the office of the County Recorder of San Diego County on November 14, 1921 and is known as Miscellaneous Map No. 36.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to operate a sand and gravel extraction facility, concrete batch plants and asphaltic concrete batch plants, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated OCT 21 2008, on file in the Development Services Department.

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The project shall include:

- a. The extraction, processing, selling and distributing of sand, rock and gravel;
- b. The construction and operation of facilities for:
 - (1) Sand, rock and gravel processing.
 - (2) The manufacture of concrete, concrete products and precast concrete products.
 - (3) Concrete mixing and batching.
 - (4) Asphaltic concrete mixing and batching.
- c. The selling and distributing of concrete, concrete products and precast concrete products;
- d. Off-street parking, storage and stockpiling;
- e. The construction and/or installation of necessary and usual buildings and/or equipment to be used in connection with the ongoing.
- f. Landscaping (planting, brush management, irrigation and landscape related improvements); and
- g. Accessory improvements determined by the Development Services Department to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. This Conditional Use Permit [CUP] and corresponding use of this site shall expire on June 30, 2022. Upon expiration of this Permit, the facilities and all improvements, buildings, and appurtenances associated with the mining operation and related activities shall be removed and

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the site reclaimed or grading completed in accordance with Vesting Tentative Map 183196 or a subsequently approved final map or grading permit.

3. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:

- a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

4. 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 Development Services Department.

5. This Permit is a covenant running with the subject property and shall be binding upon the Owner/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.

6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee 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.).

8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for

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mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

10. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

11. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

12. 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 a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

13. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, including, but not limited to, any to any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

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14. With the exception of parcels 43, 44, 45, 46 and/or 47, upon issuance of a grading permit other than the master grading permit for mining operations or upon recordation of a Final Map for individual parcels, Conditional Use Permit No.183194 shall be extinguished as to those individual parcels and no longer be in force.

15. Existing Concrete Batch Plant and Asphalt Hot Plant operations shall cease within ninety days of commencement of operations of the Plants located on parcels 43, 44, 45, 46 and/or 47; or no later than December 31, 2011; or no later than two years after the issuance of the first residential building permit.

16. Recordation of final maps on parcels 43, 44, 45, 46 and/or 47 shall be allowed prior to the expiration date of Conditional Use Permit No.183194.

17. The issuance of a grading permit, except for the master grading permit for mining operations, for any portion of the site covered by the reclamation plan shall be deemed to satisfy the completion and close-out of reclamation requirements on that portion of the site.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

18. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project

19. The mitigation measures specified in the MMRP, and outlined in Environmental Impact Report No. 49068 shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

20. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 49068, satisfactory to the City Manager and the City Engineer. All mitigation measures associated with mining operations as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use
- Transportation/Traffic Circulation/Parking
- Air Quality
- Noise
- Biological Resources
- Health and Safety
- Historical Resources
- Paleontological Resources
- Public Utilities

21. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

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22. The mining operator shall be responsible for implementation of the MMRP for mitigation of impacts from mining and related activities as identified in Environmental Impact Report No. 49068, State Clearing House No. 2005081018.

ENGINEERING REQUIREMENTS:

23. Excavation and all other grading operations performed in conjunction with the mining and reclamation activities shall:

- a. Conform to said Reclamation Plan, City standard specifications and standard drawings pertaining to land development, including, but not limited to, the following: 1) Brow ditches installed where needed; 2) Chain-link fence installed at the top and bottom of slopes where required; and 3) All finished slopes planted with erosion control planting shall be consistent with Exhibit "A," Landscape Development Plan.
- b. Make suitable provision as required by the City Engineer to take care of storm drainage and proper drainage shall be maintained throughout the site as required by the City Engineer.
- c. Not divert storm drainage from its natural channel nor concentrate it within said channel without the approval of the City Engineer.
- d. Where natural drainage channels are interrupted, make provision, satisfactory to the City Engineer, to take care of storm drainage, including construction of adequate hydraulic structures where required.

24. The proposed new asphaltic concrete batch plant shall comply with all Air Pollution Control District [APCD] rules and regulations applicable to a new emission source. Additionally, prior to construction and operation of the asphaltic concrete 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.

25. The Permittee must annually renew all required APCD permits to operate for any existing equipment and must obtain required APCD permits for any additions of new emission sources or modifications of existing sources at this site that are subject to APCD rules and regulations.

26. A review of the conditional use permit for compliance with all applicable APCD regulations shall be required after one year from the date of issuance of the permit.

27. 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.

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28. 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.

29. 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 District to control any excessive dust or air pollutant production.

30. The mining operator shall implement best management practices to reduce the amount of fugitive dust generated from mining operations:

- a. Multiple applications of water during grading between dozer/scrapper passes.
- b. Watering or chemical stabilization of unpaved internal roadways after completion of grading.
- c. Use of sweepers or water trucks to remove "track-out" at any point of public street access.
- d. Termination of grading if winds exceed 25 mph.
- e. Stabilization of dirt storage piles by chemical binders, tarps, fencing or other erosion control measures.
- f. Hydroseeding of graded, unreclaimed lots per Exhibit "A" Landscape Development Plan.

31. Subject to the approval of the City Engineer, all final grading and earthwork performed in support of existing mining operations shall be designed and constructed consistent with the approved Quarry Falls Project entitlements, Vesting Tentative Map 183196, the City's Technical Guidelines for Geotechnical Reports and the approved design geotechnical reports.

32. All existing earthwork must be documented and certified as suitable for the proposed development by the geotechnical engineer of record for the Quarry Falls project prior to acceptance by the City.

33. A reclamation plan shall be submitted in a format specified by the Development Services Director that includes all information and documentation set forth in Public Resources Code sections 2772 (c) and 2773(a).

34. The mining operator shall file an annual surface mining report on forms provided by the State Mining and Geology Board with the California Department of Conservation and the Development Services Director no later than the anniversary date established by the Director of

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the California Department of Conservation, or as otherwise required by the Conditional Use Permit.

35. Reclamation plans, reports, applications, and other documents submitted in accordance with SDMC Section 141.1004 are public records unless it can be demonstrated to the satisfaction of the City Attorney that the release of this information would reveal production, reserves, or rate of depletion that is entitled to protection as proprietary information. The City Attorney shall identify the proprietary information as a separate part of each application. A copy of all permits, reclamation plans, reports, applications, and other documents submitted in accordance with SDMC Section 141.1004, including proprietary information, shall be furnished to the Director of the California Department of Conservation by the Development Services Director. Proprietary information shall be made available to persons other than the Director of Department of Conservation only when authorized by the surface mining owner in accordance with Public Resources Code section 2778.

36. As a condition of approval for the Conditional Use Permit or the reclamation plan, or both, the Owner/Permittee shall agree to allow the City, upon notice of inspection, to enter the site to inspect and evaluate continuing compliance with the Conditional Use Permit and the reclamation plan. The inspections shall occur no less frequently than once in any calendar year, in accordance with Public Resources Code section 2774(b). The inspection shall be conducted by a state-registered geologist, state registered civil engineer, state licensed landscape architect or state registered forester, who is experienced in land reclamation and who has not been employed by the surface mining operation in any capacity during the twelve month prior to the inspection. The inspection shall be conducted using a form provided by the California Department of Conservation and subject to review and approval by the Development Services Director. The completed inspection form and an inspection report shall be submitted to the Development Services Director within fifteen days of the inspection. All costs related to the inspections and report shall be borne solely by the operator. The Development Services Director shall notify the California Department of Conservation within thirty days of completion of the inspection that the inspection has been conducted; the Development Services Director shall also forward a copy of the notice, the completed inspection form and any necessary supporting documentation, to the Owner/Permittee.

37. As a result of the annual inspection, if the Development Services Director finds that the surface mining operator is not following the provisions of the reclamation plan, the surface mining operator shall be given notice to comply within a given time not to exceed ninety calendar days. A copy of the notice shall be given to owner of the land upon which the surface mining operations are located. If at the end of the stated time the operator is not in compliance, the Development Services Director may revoke or suspend the Conditional Use Permit or the reclamation plan or both until the surface mining operator complies or obtains approval of a revised reclamation plan.

38. In accordance with the provisions of SDMC Section 141.1004, Public Resources Code section 2773.1 and as a condition of approval of the Condition Use Permit or the reclamation plan or both, the surface mining operator shall submit financial assurances to ensure compliance

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with the surface mining operation's reclamation plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, annual adjustments for disturbance to new lands and those anticipated for the upcoming calendar year, inflation and other measures, as necessary.

- a. Cost estimates shall be prepared in accordance with the procedures outlined in the most recent edition of the State Mining and Geology Board's "Financial Assurance Guidelines" and shall be submitted to the City Manager for review and approval prior to the surface mining operator securing financial assurances.
- b. A copy of the cost estimates will be forwarded to the State California Department of Conservation for review.
- c. Revisions to financial assurances shall be submitted to the Development Services Director each year prior to the anniversary date for approval of the financial assurances. The annual adjustments shall take into account new lands disturbed by surface mining operations, changes with respect to environmental conditions affected by mining operations, new information concerning mining reclamation or the reclamation of subject mined lands, modifications of the reclamation plan, changes in the laws and regulations affecting surface mining, inflation and reclamation of lands accomplished in accordance with the reclamation plan.
- d. The financial assurances shall be made payable to the City of San Diego and the California Department of Conservation and may be any of those listed below. The financial assurances shall be released, upon written notification from the Development Services Director to the surface mining operator and the California Department of Conservation, that the surface mining operator is in compliance with the provisions of the Conditional Use Permit and has completed the work in accordance with the approved reclamation plan. Financial assurances may be any of the following:
 - i. A bond or bonds by one or more duly authorized corporate securities;
 - ii. A deposit of money or negotiable bonds of the kind approved for securing deposits of public moneys;
 - iii. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the plan are on deposit and guaranteed for payment; or
 - iv. Other security which the State Mining and Geology Board determines is reasonably available and adequate to ensure reclamation in accordance with the California Surface Mining and Reclamation Action of 1975.

b. Default of financial assurances shall comply with the procedures established by the Development Services Director, as amended from time to time.

39. Whenever any surface mining operation or portion of a surface mining operation that is subject to SDMC Section 141.1004 is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Conditional Use Permit, reclamation plan, the provisions of SDMC Section 141.1004 and the California Surface Mining and Reclamation Act of 1975.

40. In accordance with Public Resources Code section 2770, and as further provided in SDMC Section 141.1004, whenever any surface mining operation becomes idle, the surface mining operator shall submit a proposed interim management plan [IMP] to the Development Services Director for review and approval. The IMP shall be submitted within ninety days of the operation becoming idle on forms provided by the Development Services Director. Review and approval of the IMP shall be carried out in accordance with Public Resources Code section 2770(h). Upon receipt of a complete proposed IMP, the Development Services Director shall forward it to the California Department of Conservation for review.

41. Deviations from the approved reclamation plan, including an IMP, are not permitted unless amendments to the reclamation plan, financial assurances and the Conditional Use Permit have been approved by the decision maker in accordance with Process Four, or the Substantial Conformance Review process where applicable.

42. Within thirty days of approval of the conditional use permit, the Owner/Permittee and/or mining operator shall submit a complete application for processing a master grading permit and performance bond for the work described in the approved Reclamation Plan for the existing mining operation. The master grading permit and performance bond shall cover the work anticipated for one year and shall be updated annually.

43. Concurrent with the annual update of financial assurances for the Reclamation Plan, the Owner/Permittee shall update the scope of work and the performance bond associated with the master grading permit only for the upcoming year for that area still subject to the Conditional Use Permit. The financial assurance shall be the greater of that required for the Reclamation Plan or the master grading permit.

44. Subject to the approval of the City Engineer, public improvements installed in support of the existing mining operation may be designed and constructed consistent with the approved Quarry Falls Project entitlements, Vesting Tentative Map No. 183196 and the City of San Diego Standard Drawings so as to be accepted by the City at a later date.

LANDSCAPE REQUIREMENTS:

45. Landscape screening along Friars Road from the eastern project boundary to Qualcomm Way and the northern terminus of Qualcomm Way, consisting of earthen berms, trees, understory

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planting and scrubs, shall be installed prior to operation of the relocated Batch Plants per Exhibit "A," Landscape Development Plan.

46. Prior to issuance of any building permits, landscape construction documents for the revegetation and hydroseeding of all disturbed land not otherwise covered by the revegetation requirements of the Reclamation Plan shall be submitted in accordance with the Land Development Code Landscape Regulations and Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," Landscape Development Plan.

47. Construction plans shall take into account a 40 square foot area around each tree which is unencumbered by hardscape and utilities as set forth under Land Development Code [LDC] Section 142.0403(b)5.

48. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

49. After twenty-five months from the date of hydroseeding, all slopes over 15 feet in height shall be considered permanent and shall be revegetated consistent with the revegetation requirements of this reclamation plan which calls for a minimum 75 percent coverage with no unvegetated area greater than 100 square feet. The maturity of previously hydroseeded plant material on these slopes shall be evaluated to determine the composition and quantity of additional plant material, if needed. Such erosion control/slope planting and the associated irrigation systems and appurtenances shall be installed in accordance with the approved plans, Land Development Code Landscape Regulations, and the Land Development Manual Landscape Standards.

50. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or Certificate of Occupancy or a Final Landscape Inspection.

51. Prior to any grading permit the Landscape Architect of Record shall demonstrate to the satisfaction of the Landscape Section that the soil cut or back fill shall sustain long-term plant growth. The soil of the cut and fill slope shall be amended and specification shall be submitted based on the soil type and plant material selected.

52. Any required planting that dies within 3 years of installation shall be replaced within thirty calendar days of plant death with the same size and species of plant material shown on the approved plan. Required shrubs or trees that die three years or more after installation shall be replaced with 15 gallon size or 60-inch box size material, respectively. Development Services

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may authorize adjustment of the size and quantity of replacement material where material replacement would occur in inaccessible areas or where the existing plant being replaced is larger than a 15 gallon shrub or 60-inch box tree.

53. Upon termination of mining and existing batch plant activities all disturbed areas within the reclamation plan boundaries, except as noted for the batch plant site, shall be revegetated.

54. The permittee shall prepare an annual monitoring report for a three year period to ensure revegetation occurs to the satisfaction of the Development Services Department. This report shall be prepared by a qualified biologist selected by and under contract to the permittee. Said report shall also be used in consideration of annual financial assurance estimates.

55. Revegetation shall be to rehabilitate slopes to a natural condition with native plants. Vegetation coverage shall achieve a minimum 75 percent coverage with no unvegetated area greater than 100 square feet after the termination of irrigation. Revegetation activities shall occur in the following sequence:

- a. Tack walk slopes if feasible
- b. Test Soils
- c. Install irrigation system
- d. Remove any weed growth
- e. Hydroseed slopes
- f. Begin maintenance period

56. Where feasible, the slopes shall be "track walked, " vertically, using a tracked vehicle to provide a rough surface suitable for planting seeds.

57. Soil Tests shall be performed to ensure no conditions are present that would limit plant growth. The number of tests shall be determined by visual observation of slope soil conditions.

58. The irrigation system shall consist of main lines installed in a trench at the top of the slope and will be sufficient in size so as to accommodate future slope areas. Lateral lines, using "brown line" (UV-resistant) pipes, shall be placed above ground. Spray heads shall be placed to ensure 100 percent coverage of the seeded slope areas. The system shall be sufficient to provide water daily or more often if needed for adequate germination of the seeded species. The Landscape Architect shall provide the final irrigation system design and installation, including the use of an automatic timer and rain sensor device.

59. Prior to seeding, any weed growth present on the slopes shall be removed.

60. Hydroseeding shall consist of the approved hydroseed mix, 2,200 pounds wood fiber, 60 pounds of soil stabilizer, and 5 gallons kelp soil conditioner (per acre).

61. Maintenance and monitoring for weed growth/removal and checking soil moisture levels/irrigation system operation shall occur twice per month during the first spring and summer after planting.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

62. The Permittee shall implement landscape requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan.

63. Prior to issuance of any engineering permits for grading, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

64. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the City Manager and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0101, the Landscape Standards, and the Land Development Code Section 142.0412 (Ordinance 19413).

65. The Brush Management Program shall consist of Zone Two consistent with the Brush Management Regulations of the Land Development Code section 142.0412 as follows: slopes adjacent to existing residential shall have a standard Zone Two of 65 feet.

66. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on site with the contractor and the Development Services Department to discuss and outline the implementation of the Brush Management Program."

67. All new Zone Two planting shall be temporarily irrigated with an above-ground irrigation system until established. Zone Two shall be maintained on a regular basis by pruning and thinning plants, removing weeds, and maintaining the temporary irrigation system. Only native vegetation shall be planted or hydroseeded. If Zone Two is being revegetated, 50 percent of the planting area shall be seeded with material that does not grow taller than 24 inches.

68. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Brush Management Program shall be implemented.

69. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

PLANNING/DESIGN REQUIREMENTS:

70. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under

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construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

71. All operations shall be maintained in a safe and sanitary condition so as not to damage any adjacent private or public property, at the full cost, risk and responsibility of the Permittee and successors in interest. In case of damage to public improvements of the City caused by these operations, the Permittee shall immediately repair the same or reimburse the City for doing so.

72. Grading, excavating and hauling operations within 500 feet of any existing residence shall be limited to the hours between 7 A.M. to 7 P.M., Monday through Saturday.

73. Grading, excavating and hauling operations within 500 feet of a school shall be coordinated with the school administrator to avoid conflicts during outdoor learning activities.

74. The mining operations (rock crushing and grading) shall be limited to 7 AM to 7 PM upon occupancy of the first new residential unit for Quarry Falls Vesting Tentative Map No. 183196.

75. Prior to issuance of building permits for new residential development within 2,000 feet of existing mining (rock crushing and grading activities), a noise mitigation plan shall be required that identifies modifications to limit noise levels to 65 db Leq at the property line between 7AM and 7PM. A letter, verifying compliance with the 65 db Leq shall be prepared by a qualified acoustician and sent to the Mitigation, Monitoring and Coordination Section for review and approval prior to the occupancy of the residential units.

76. Prior to issuance of building permits for new residential development within 1,580 feet of existing concrete and asphalt batch plant activities, a noise mitigation plan shall be required that identifies modifications to limit noise levels to 65 db L_{eq} (presumed nuisance protection standard) between 7AM and 7PM. A letter, verifying compliance with the 65 db L_{eq} shall be prepared by a qualified acoustician and sent to the Mitigation, Monitoring and Coordination Section for review and approval prior to the occupancy of the residential units.

77. Prior to issuance of building permits for new residential development within 1,580 feet of existing concrete and asphalt batch plant activities, a noise mitigation plan shall be required that identifies modifications to limit noise levels to 50 db L_{eq} (presumed nuisance protection standard) between 7PM and 7AM. A letter, verifying compliance with the 50 db L_{eq} shall be prepared by a qualified acoustician and sent to the Mitigation, Monitoring and Coordination Section for review and approval prior to the occupancy of the residential units.

78. Existing mining, rock crushing, and concrete and asphalt plant activities shall cease operation no later than December 31, 2011 or no later than two years after the issuance of the first residential building permit.

79. The hours of operation of the relocated concrete and asphalt plants shall be from 4 AM to 7 PM. Queuing of trucks shall be prohibited between the hours of 7 PM and 4 AM.

ORIGINAL

80. The construction of the relocated concrete and asphalt plants shall incorporate earthen, landscape berms and other noise attenuation features to interrupt the line of sight from future residential development.

81. Prior to issuance of building permits for construction of the relocated concrete and asphalt batch plants, a noise mitigation plan shall be required that reduces/attenuates noise levels at the property line to 65 db L_{eq} between the hours of 7 AM and 7 PM by incorporating any of the following: limits on noise generating concrete and asphalt plant activities; noise attenuation screening of equipment; and state-of-the-art equipment (such as rock-handling noise reduction features). A letter, verifying compliance with the 65 db L_{eq} shall be prepared by a qualified acoustician and sent to the Mitigation, Monitoring and Coordination Section for review and approval.

82. Prior to issuance of building permits for construction of the relocated concrete and asphalt batch plants, a noise mitigation plan shall be required that reduces/attenuates noise levels at the property line of all future residentially zoned parcels to 50 db L_{eq} (presumed nuisance protection standard) between the hours of 4 AM and 7 AM by incorporating any of the following: limits on hours of operation; limits on noise generating concrete and asphalt plant activities; earthen, landscaped berms; noise attenuation screening of equipment; and state-of-the-art equipment (such as rock-handling noise reduction features). A letter, verifying compliance with the 50 db L_{eq} shall be prepared by a qualified acoustician and sent to the Mitigation, Monitoring and Coordination Section for review and approval.

83. The phasing of the mining and batch plant uses shall be consistent with all phasing requirements and conditions associated with the Quarry Falls development project.

84. The northern entrance to the Friars Road under crossing shall be gated, fenced or otherwise protected to prevent public access and entry.

85. All storage, service and repair areas shall be located on the site so that they are not visible, or shall be screened from adjacent development and public rights of way.

86. All drill holes, monitoring wells and water wells shall be maintained or abandoned in accordance with local and State regulations.

87. All contaminants, mine waste and tailings, and other hazardous materials shall be disposed of in accordance with local and State regulations.

88. All interior roadways, parking areas and operating areas (except areas of excavation) shall be paved or otherwise dustproofed, and so maintained as required by the Air Pollution Control Officer of San Diego County.

ORIGINAL

89. Control methods shall be applied to any dust or smog producing condition which may develop into a nuisance from this operation, as may be determined and required by the Air Pollution Control Officer. In general, these control methods shall consist of:

- a. Dust covers to prevent cement dust emissions on dry cement delivery trucks when unloading into storage bins.
- b. Dust-tight cement ducts and elevators.
- c. Dustproof air vents on cement silos and hoppers.
- d. Dust covers where dry material drops from weighing hoppers onto conveyors or gathering chutes to concrete mixers, if this transfer point is not enclosed.
- e. A cleaning area for concrete trucks and pouring hoppers to prevent accumulation of cement residue on the ground where the trucks' tires might grind it into dust.
- f. An adequate water spray to prevent dust emissions where cement, aggregate and water are combined and charged into the concrete mixer if this transfer point is not enclosed.

90. The subject property shall be maintained at all times in a neat, orderly manner, free of all junk, litter and debris.

91. Off street parking shall be provided at a level sufficient to serve the facility without impacting adjacent or nearby property.

92. An exception to any hours of operation restriction may be made when an emergency exists for federal, state or local governmental contracts. Emergency extensions are limited and shall require review and approval by Development Services. Any restrictions to hours of operation would not include real emergencies (natural disasters) as defined in CEQA, which require these uses to operate beyond the specified hours of operation.

93. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

94. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS

95. Upon recordation of the first Final Map for the Quarry Falls Vesting Tentative Map No. 183196 all vehicular and truck traffic associated with Conditional Use Permit No. 183194 shall take ingress and egress at Qualcomm Way.

ORIGINAL

WATER REQUIREMENTS:

96. An adequate water supply shall be provided at the site to effect all dust control methods herein enumerated or as required by the Air Pollution Control Officer. Also, a potable water supply and sanitary facilities for employees shall be provided as required by the Health Department.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- This development may be subject to impact fees at the time of construction permit issuance

APPROVED by the City Council of the City of San Diego on OCT 21 2008 by Resolution No. RR- 304296.

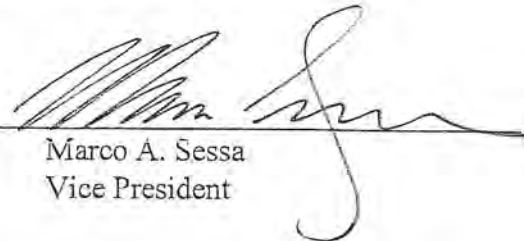
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AUTHENTICATED BY THE CITY MANAGER

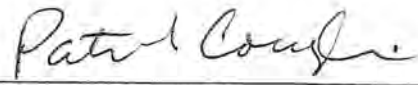
By 
MIKE WESTLAKE, PROGRAM MANAGER
DEVELOPMENT SERVICES

The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.

QUARRY FALLS, LLC, a
California Limited Liability Company

BY 
Marco A. Sessa
Vice President

VULCAN MATERIALS COMPANY –
WESTERN DIVISION

BY 
Patrick Coughlin
Operator, Vulcan Materials Company –
Western Division

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

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On November 19, 2008 before me, Maribel A. Martinez, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Mike Westlake
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

Signature Maribel A. Martinez
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Quarry Falls. Pl# 49008. Cap No. 183194
 Document Date: October 21, 2008 Number of Pages: 18
 Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
 Top of thumb here

Signer Is Representing: _____

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

RIGHT THUMBPRINT OF SIGNER
 Top of thumb here

Signer Is Representing: _____

ORIGINAL

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of San Diego

On NOVEMBER 19, 2008 before me, Phillip D. Hill, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared MARCO A. SESSA
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Phillip D Hill
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: CUP 183194 QUARRY FALLS, PTS. 49068

Document Date: OCTOBER 21, 2008 Number of Pages: 18

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

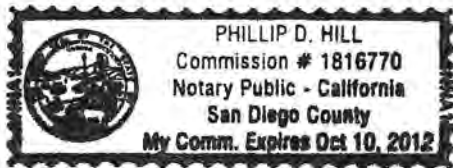
State of California

County of San Diego



On NOVEMBER 19, 2008 before me, Phillip D. Hill, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared PATRICK COUGHLIN
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Phillip D. Hill
Signature of Notary Public

Place Notary Seal Above.

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Signer's Name: _____

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- Corporate Officer — Title(s): _____
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- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



(R-2009-416)
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10/21

MEET

RESOLUTION NUMBER R- 304296

DATE OF FINAL PASSAGE OCT 21 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO GRANTING CONDITIONAL USE PERMIT
NO. 183194 AMENDMENT TO CONDITIONAL USE PERMIT
NOS. 5073-PC AND 82-0315 FOR QUARRY FALLS PROJECT
NO. 49068.

WHEREAS, Quarry Falls, LLC, a California Limited Liability Company, Owner, and
Vulcan Materials Company – Western Division, Permittee filed an application with the City of
San Diego for a conditional use permit, to phase a redevelopment of a mining, extraction and
processing use to land uses and development consistent with the Quarry Falls Specific Plan
known as the Quarry Falls project, located at on the north side of Friars Road, south of Phyllis
place between I-805 and Mission Center Road, and legally described as being a portion of
Pueblo Lots 1109, 1173, 1174, 1182, 1183, 1184 and 1186 of the Pueblo Lands of San Diego, in
the City of San Diego, County of San Diego, State of California, according to the map thereof
made by James Pascoe in 1870, a copy of which said map was filed in the office of the County
Recorder of San Diego County on November 14, 1921 and is known as Miscellaneous Map
No. 36; and

WHEREAS, on September 18, 2008, the Planning Commission of the City of San Diego
considered Conditional Use Permit No. 183194, amendment to Conditional Use Permit
Nos. 5073-PC and 82-0315 pursuant to Resolution No. 4447-PC voted to recommend City
Council approval of the permit; and

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WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter required the City Council to act as a quasi-judicial body, a public hearing was required by law implicating due process rights of individuals affected by the decision, and the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on OCT 21 2008, 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 findings with respect to Conditional Use Permit No. 183194, amendment to Conditional Use Permit Nos. 5073-PC and 82-0315:

A. CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC] – SECTION 126.0305:

1. The proposed development will not adversely affect the applicable land use Plan. The proposed project would redevelop an approximately 230.5-acre site from a mining and sand and gravel processing operation to a mixed use development over phases. Continued operation of the mining facility is consistent with the current land use plan and provides a needed service for the community, city and region. The Mission Valley Community Plan [MVCP] identifies the objectives for this site which identify continued sand and gravel operations and related mining activities until depletion of resources is reached. The revised reclamation plan is consistent with municipal, state and federal guidelines and will assure compatibility with adjacent land uses as new development progresses and mining operations cease. The addition of an expiration date for the batch plant operations, where no specific expiration date currently exists, will ensure the last mining and related activities in the area are phased out in an orderly manner to allow for the implementation of a multiple development use consistent with the MVCP. Therefore, the proposed development will not adversely affect the MVCP.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project would redevelop an approximately 230.5-acre site from a mining and sand and gravel processing operation to a mixed use development over phases. The sand and gravel extraction and processing facility has been in operation for over 50 years and has implemented measures to ensure compatibility with the surrounding development in the area. The amended Conditional Use Permit includes additional conditions for air quality,

ORIGINAL

noise and dust abatement, and visual screening from adjacent land uses. New development that occurs prior to the termination of the mining operation and related activities has been conditioned to be sufficiently buffered to meet existing noise and air quality standards. The relocated batch plant operations in the southeast corner of the site, mitigates onsite noise by excavating and lowering the pad, using the material to create an earthen berm to surround the parcel. In addition, appropriate mitigation for potential impacts to future residential development from existing rock crushing and the batch plants is a condition of approval for future development. The site perimeter will be screened by a special landscape buffer that includes the elevated berm and large shade and evergreen trees.

The revised Reclamation Plan will retain approximately 2.4 million cubic yards of material that otherwise would have to be hauled off-site, resulting in less emissions than the current Reclamation Plan. Additional measures and best management practices will be implemented to control fugitive dust, including the application of water during grading operations, the use of sweepers and/or water trucks to control "track-out" of soil at all public street access points, the termination of grading should winds exceed 25 mph, the hydroseeding of graded lots, and the stabilization of stockpile areas. A phasing plan to relocate the existing batch plant operations and the addition of an expiration date in the year 2022 provides certainty to the orderly phase out of sand and gravel operations and the full implementation of the reclamation plan. A comprehensive set of development conditions have been applied to the project to ensure the safe implementation of the mining operation's reclamation plan. Therefore, the proposed development will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. The proposed project would redevelop an approximately 230.5-acre site from a mining and sand and gravel processing operation to a mixed use development over phases. The sand and gravel extraction and processing facility has been in operation for over 50 years and is identified in the Land Development Code for requiring a Conditional Use Permit. The amended Conditional Use Permit has additional conditions placed to increase the operations compliance with all development regulations, standard policies and guidelines and State Law.

The Land Development Code [LDC] and Surface Mining and Reclamation Act [SMARA] provide guidance for the requirements of the Conditional Use Permit and reclamation plan. The project includes conditions to address noise, air quality, visual impact, water quality, and operations to maximize compatibility with surrounding land uses. Water quality is maintained by the implementation of an approved Storm Water Pollution Prevention Plan [SWPPP] that addresses short-term water pollution impacts related to sediment discharges, including the inspection and maintenance of catch basins, repair and replacement of erosion control devices, and street sweeping adjacent to the site. The project is required to annually update a master grading plan and performance bond based upon the existing site condition and proposed future operations. Revegetation of slopes will be in materials native to the area capable of providing deep rooting characteristics for added slope stability, erosion control, and compatibility with the surrounding landscape. Drought resistant plant species have been selected that are common in the region, require a minimum of irrigation and care, and are suited to

ORIGINAL


flourish in the intended locations. Therefore, the proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.

4. **The proposed use is appropriate at the proposed location.** The sand and gravel operation and related activities are existing facilities in operation for over 50 years and are identified in the MVCP for this use. The location of the facility is central to the city and well served by Friars Road, Interstates 8 and 805, and Highway 163 to allow convenient access to project sites in the region. Due to the limited future capacity of active Portland cement concrete processing facilities to provide materials over the next 10 to 20 years, continued operation of the facility is critical to the construction needs of the city and the region.

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

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 183194 is granted to Quarry Falls, LLC., Owner/Vulcan Materials Company – Western Division, Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Nina M. Fain
Deputy City Attorney

NMF:mm
10/06/08
10/10/08 COR.COPY
Or.Dept:DSD
R-2009-416
MMS#6848

ORIGINAL

Passed by the Council of The City of San Diego on October 21, 2008 by the following vote:

YEAS: **PETERS, FAULCONER, ATKINS, YOUNG, MAIENSCHIN,
MADAFFER, HUESO.**

NAYS: **FRYE.**

NOT PRESENT: **NONE.**

VACANT: **NONE.**

RECUSED: **NONE.**

AUTHENTICATED BY:

JERRY SANDERS

Mayor of The City of San Diego, California

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(Seal)

By: Mary Zumaya, Deputy

I HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
RESOLUTION NO. **R-304296** approved by the Council of the City of San Diego, California
on October 21, 2008.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California

(SEAL)

By: *Mary Zumaya*, Deputy

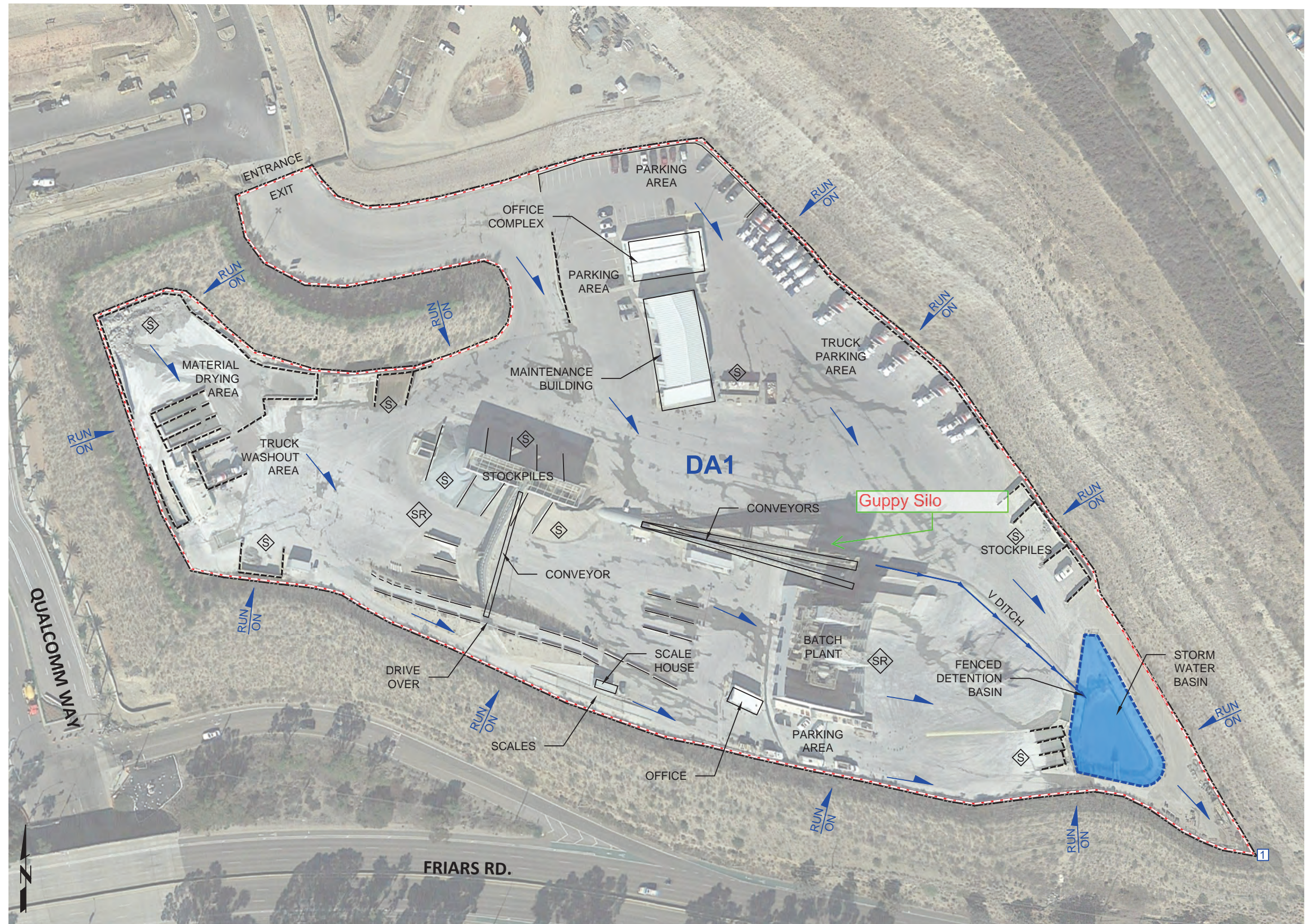
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LEGEND


- # — DISCHARGE POINTS/SAMPLE POINTS
- ▶ — FLOW DIRECTION
- DA#** — DRAINAGE AREA
- - - - - DRAINAGE BOUNDARY
- ↗ — GRADE BREAK
- - - - - WALL / BERM / BARRIER
- - - - - FACILITY BOUNDARY
- S — STORAGE AREA
- SR — SHIPPING/RECEIVING AREA

NOTES:

- MATERIAL HANDLING AND PROCESSING MAY OCCUR THROUGHOUT THE INDUSTRIAL AREAS OF THE FACILITY.
- ENTIRE SITE IS IMPERVIOUS. NO AREAS OF SOIL EROSION.
- ONSITE WATER IS RECYCLED THROUGH THE USE OF WEIRS.
- STORM WATER IS DIRECTED AROUND PROCESS AREA VIA STRUCTURAL CONTROLS.
- FACILITY IS DESIGNED TO CAPTURE AND RETAIN WATER ONSITE.
- OUTDOOR STOCKPILES ARE DIRECTLY EXPOSED TO PRECIPITATION.
- NO LOCATIONS OF SIGNIFICANT SPILLS OR LEAKS.



| | | | |
|--|--------------------|--|--------------------|
| SESPE CONSULTING, INC. | | CEMEX - SWPPP | |
| 374 Poli Street, Suite 200 • Ventura, CA 93001 (805) 275-1515 • www.sespeconsulting.com | | 2499 QUALCOMM WAY SAN DIEGO, CA 92102 | |
| SCALE: HORIZ: AS SHOWN VERT: AS SHOWN | DRAWN BY: G. CAMUS | FIGURE NUMBER 1 | DATE: JANUARY 2018 |
| DATUM: HORIZ= NAD83, CALIFORNIA ZONE 6, US FOOT VERT=NAVD88 | | CHECKED BY: JK | |

| | | | |
|--|---|--------------------------------|---|
| Page 3 | City of San Diego · Information Bulletin 620 | | August 2018 |
|  | City of San Diego Development Services 1222 First Ave., MS-302 San Diego, CA 92101 | | <h2 style="text-align: center;">Community Planning Committee Distribution Form</h2> |
| Project Name: Aendeent to Conditional Use Permit No.183194 | | Project Number: PRJ-1063668 | |
| Community: Mission Balley | | | |
| <p>For project scope and contact information (project manager and applicant), log into OpenDSD at https://aca.accela.com/SANDIEGO.</p> <p>Select "Search for Project Status" and input the Project Number to access project information.</p> | | | |
| <input checked="" type="radio"/> Vote to Approve <input type="checkbox"/> Vote to Approve with Conditions Listed Below <input type="checkbox"/> Vote to Approve with Non-Binding Recommendations Listed Below <input type="checkbox"/> Vote to Deny | | | Date of Vote: August 02, 2023 |
| # of Members Yes 15 | # of Members No 1 | # of Members Abstain 1 | |
| Conditions or Recommendations: none | | | |
| <input type="checkbox"/> No Action (Please specify, e.g., Need further information, Split vote, Lack of quorum, etc.) | | | |
| NAME: Michele Addington | | | |
| TITLE: Mission Valley Planning Group, Chair | | DATE: August 02, 2023 | |
| <i>Attach additional pages if necessary (maximum 3 attachments).</i> | | | |

Visit our web site at www.sandiego.gov/development-services.

Upon request, this information is available in alternative formats for persons with disabilities.

DS-5620 (08-18) ONLINE FORM