



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: July 18, 2008 **REPORT NO. PC-08-072**

ATTENTION: Planning Commission, Agenda of July 24, 2008

SUBJECT: HOLLISTER BATCH PLANT - PROJECT NO. 109619, PROCESS 4.

OWNER: Hanson Aggregates West Inc. (Attachment 12)

APPLICANT: Marvin Howell

SUMMARY

Issue(s): Should the Planning Commission approve a request to extend the use of an existing batch plant and related facilities permitted by Conditional Use Permit No.10-645-0 for an additional 10 years (from the originally approved 25 years) and, to allow modifications to the project boundaries for a site located at 387 Hollister Street within the Otay Mesa-Nestor Community Planning area?

Staff Recommendation:

1. **CERTIFY** Addendum to Negative Declaration No. 81-09-27; and,
2. **APPROVE** Conditional Use Permit No. 366071 and Site Development Permit No. 562528 with conditions.

Community Planning Group Recommendation: On February 16, 2007, the Otay Mesa-Nestor Community Planning Committee voted 12-0-0 to recommend approval of the request provided the proposal not impact park trails (Attachment 14). Reference the Discussion section of the report.

Other Recommendations: On February 14, 2007, the Otay Valley Regional Park's Citizens Advisory Committee voted 15-0-0 to recommend approval of the request with no conditions (Attachment 14).

Environmental Review: An addendum to Negative Declaration No. 81-09-27 has been prepared for the project in accordance with the State of California Environmental Quality Act (CEQA) guidelines as it was determined that there are no new significant

environmental impacts not considered in the previous Negative Declaration; no substantial changes have occurred with respect to the circumstances under which the project is undertaken and, there is no new information of substantial importance to the project.

Fiscal Impact Statement: None with this project. All costs associated with the processing of the project are paid by a deposit account maintained by the applicant.

Code Enforcement Impact: None.

Housing Impact Statement: None.

BACKGROUND

The project is a request to amend Conditional Use Permit (CUP) No. 10-645-0 approved by the City Council in 1982, to extend the use of an existing concrete and asphalt batch plant, rock processing facility and an I-beam production facility for an additional 10 years to the year 2018, from the originally approved 25 years (expiration year 2007). This action would also modify the project boundaries of the facility as depicted in the approved CUP 10-645-0 Exhibit to make them consistent with the existing property line boundaries of the facility. No new development, construction or expansion is proposed with this action and hours of operation would remain the same (Monday through Saturday, 6:00 a.m. to 11:59 p.m.). The 39.4-acre site is located at 387 Hollister Street, designated as Open Space in the Otay Mesa-Nestor community plan and zoned OF-1-1 (Open Space Floodplain) and AR-1-2 (Agricultural Residential). The site is located within the Multiple Habitat Planning Area (MHPA) and within the Special Flood Hazard Area of the Otay River. The site is also within the Otay Valley Regional Park (Attachments 1 through 7).

Surrounding land use designations include Open Space to the west across Hollister Street, Open Space and the City of Chula Vista boundary to the north, Open Space to the east, and Open Space immediately to the south, with Low Density Residential and Mixed Use designations adjacent to the Open Space. Surrounding land uses include the Otay River Valley in its natural state and heavy industrial uses to the north; open space and Beyer Boulevard to the east; heavy agricultural use to the south; and vegetated areas, railroad right-of-way and Hollister Street to the west (Attachment 5).

Since approximately 1906, the property was used for natural resources extraction and processing (mining activities) by the H.G. Fenton Material Company. (Mining activities ceased in 1972). Prior to World War II, a concrete batch plant was added to the facility. Subsequently, an I-beam production area was added. The concrete batch plant and I-beam production continued to operate on the site as previously conforming uses after the property was annexed to the City of San Diego which occurred in the late 1970s as operations pre-dated the need for a CUP. The current operator of the facility is Hanson Aggregates since 1998.

In 1982, the owners sought a Conditional Use Permit to add an asphalt batch plant to the site. As the existing facility was operating as a previously conforming use, the entire site was placed under the encumbrance of a conditional use permit. Conditional Use Permit No. 10-645-0 was

approved on appeal by the City Council in 1982 (Attachment 13). Conditions of approval included a requirement for a five-year review (condition no. 7), limitations on the hours of operation (condition no. 12), and, a “sunset clause” limiting the use of the facility for 25 years (condition no. 13). In 1991, the Planning Commission held a five-year review hearing to determine if the site was operating in compliance with the permit and found the site to be in full compliance.

Requested Amendment:

The current request is to extend the use of the property for an additional 10 years to the year 2018. Additionally, during the course of staff’s current review, it was determined that the boundaries of the site as depicted in the 1982 CUP No. 10-645-0 Exhibit (23.7 acres) did not coincide with the ownership and operational boundaries of the facility that exist today (39.4 acres). Staff has confirmed through historical information and photographs predating 1982 that the exhibit prepared for CUP No.10-645-0 was likely in error. Therefore, this current action includes a request to modify the previously approved Exhibit “A” so that the CUP/SDP boundaries are co-terminus with the boundaries of the facility (Reference Attachment 18 for comparison of boundaries).

The project requires the processing of a Conditional Use Permit Amendment and a Site Development Permit to allow the additional 10 years and correct the boundaries. The Site Development Permit is required as the site is within the MHPA and the Special Flood Hazard Area. The applicant has provided staff with information as to the basis for the requested 10-year extension and much of this information has been incorporated into the draft CUP/SDP resolution (Attachment 9). They have also noted the extension will allow for adequate time to locate and entitle an alternative site (Attachment 17). The applicant also notes that the existing facility provides a public benefit to the City of San Diego as described below:

It is important to note that the operation of this facility has been of critical importance to the infrastructure needs of San Diego County for almost 50 years. The site supplies the concrete and asphalt material that has quite literally built San Diego. Our Hollister Street plant produces over 400,000 tons of asphalt that is almost exclusively used in public projects like roads and freeways around the County. The Hollister Street plant produces the majority of concrete being used to complete the SR-125 project and supplies much of the concrete used in downtown San Diego.

DISCUSSION

Project Description:

The existing facility encompasses 39.4 acres of property that has been previously graded with portions of the site containing vegetated areas. Access to the property is from Hollister Street to the west and 27th Street in the City of San Diego to the east. The site has frontage on Hollister Street. The site does not have frontage on 27th Street, however, the owners have an access easement to cross adjacent land owned by the City of San Diego. On site operations consist of the asphalt batch plant, concrete batching, I-beam production and rock processing facilities. The site

also includes aggregate stock piles used to store sand and rock materials. Truck and equipment storage areas are located along the southern border of the property. Several accessory buildings including small office buildings and trailers are located adjacent to the various uses to provide administrative work areas. Within the southern section of the site are truck and equipment storage areas. Ingress and egress is provided via two-way internal circulation for trucks from both streets for deliveries, pick up and the hauling of materials from the site. Other equipment includes back hoes, bulldozers, loaders and a conveyor belt utilized to move aggregate material from the stock piles to the various batching operations.

Project Issues (MHPA/Special Flood Hazard Area/Termination of Use)

Staff acknowledges that the development is an existing use and no changes are proposed with this application. Staff analysis of the proposal included a review to determine if the site was in conformance with the previously approved permit, to document existing baseline conditions, and to determine if additional conditions should be added to the permit to ensure compliance with the applicable current regulations.

A biology report and water quality technical report were required for the proposal. With respect to the MHPA, new conditions have been incorporated to ensure that there shall be no further encroachment into the MHPA and limits of work are clearly delineated on the project exhibits. Further, those areas not utilized as development/operational areas will be placed in an open space easement or other appropriate mechanism in perpetuity. The project is conditioned to not increase existing operational noise levels due to Least Bell's vireo within the adjacent MHPA. Additional requirements addressing MHPA Adjacency Guidelines are included in the permit to ameliorate existing indirect impacts from lighting and noise as well as to install wildlife-appropriate fencing.

The property is located within the special flood hazard area of the Otay River. Stockpiling and/or uncompacted material is typically not permitted in a special flood hazard area. However, historical Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps were developed with an assumption that the stockpiles would be located in this area and were therefore included in the floodplain analysis. The FEMA maps show stockpiling of materials at the site and identify those areas as Zone "X". Zone "X" represents areas that are not within the 100-year flood and are classified as having minimal chance of inundation. As outlined in the water quality technical report prepared for the project which included a hydraulic analysis, there shall be no additional stockpiling of aggregate materials within the floodway in order to ensure that there are no new impacts to the special flood hazard area. Further, all site improvements and operations shall terminate and the site revegetated in accordance with the conceptually approved landscape/revegetation plan within 90 days of the permit expiration date.

Otay Mesa-Nestor Community Planning Committee Recommendation

The Otay Mesa-Nestor Community Planning Committee voted 12-0-0 to recommend approval on February 16, 2007, provided that the requested extension of time did not impact park trails anticipated for the area. Staff response is that the plant operations use is interim in nature. Any proposed park and trail development that would potentially be in conflict with the proposed

project could be phased with the removal and relocation of the plant operations.

Community Plan Analysis:

The proposed project, to allow for an asphalt batch plant to continue operations for a limited amount of time, is located in the Otay Mesa-Nestor community planning area and has a land use designation of Open Space. The Otay Mesa-Nestor Community Plan specifically states that “all mineral processing and batching operation Conditional Use Permits (CUP) shall be allowed to expire” and strongly discourages, but does not prohibit, extensions of time and the granting of new batching operations and mineral processing of these CUP’s. The applicant has requested a one-time 10-year period for the continuation of operations in order to provide adequate time to find and entitle an alternative site for use as an asphalt batch plant. The project is the only asphalt batch plant south of Interstate 8 and is a significant local resource of asphalt and concrete building materials that are important to the continued economic vitality of the region. The use is interim in nature, and the eventual revegetation of the site would conform to the long-term goals and objectives of the Otay Mesa-Nestor Community Plan.

The Otay Mesa-Nestor Community Plan further states to restore and enhance environmentally degraded areas, particularly those currently used for extraction, mineral processing, and other industrial activities. This particular strategy is called out to include degraded areas that may not be subject to the Surface Mining and Reclamation Act of 1975 (SMARA). Although not required by SMARA or other regulatory requirements, the project applicant has agreed to and submitted a revegetation plan for the site. The plan provides for the removal of existing uses, buildings, and aggregate stock piles. The site will be re-graded and hydro-seeded with a City of San Diego approved native seed mix and irrigated to allow for the growth of native vegetation. Again, as the use is interim in nature, the eventual revegetation of the site would conform to the long-term goals and objectives of the Otay Mesa-Nestor Community Plan.

The project site is considered within a view corridor of the Otay River Valley as described in the Otay Mesa-Nestor Community Plan. Topic 1A of the community plan recommends the preservation of public views to the bay, valley, and steep hillsides throughout the Otay River Valley. Appendix C of the plan describes the northern edges of the Palm Avenue Transit Center and the Midway Baptist Church as View and Access Points, with both points situated due south of the project site. The long-term goals of the community plan would be implemented upon the relocation of the interim plant operations and revegetation of the site.

The site is also within the Otay Valley Regional Park, a Joint Powers Authority between the City of San Diego, County of San Diego and City of Chula Vista. The park follows the Otay River Valley and the Otay Valley Regional Park Concept Plan incorporates goals and objectives to provide recreational open space opportunities for South Bay residents through park and trail development. A revegetation plan has been incorporated into the project. The plant operations use is interim in nature. Future proposed park and trail development that would potentially be in conflict with the proposed project could be phased with the removal and relocation of the plant operations.

Environmental Analysis:

In 1982, Conditional Use Permit No. 10-645-0 was processed for the proposed addition of an asphalt batch plant to the existing facility. Negative Declaration No. 81-09-27 was prepared for the project as it was determined that there would be no significant environmental impacts. The current request required the preparation of a biology report due to the site's location and adjacency to the MHPA and a water quality technical report including information regarding the special flood hazard area. The biology report evaluated the baseline existing conditions of the resources and potential impacts of the facility to the resources. The report concluded that there are sensitive plant species, sensitive, threatened, or endangered animal species and wetlands on site. Staff has concluded that these are documented, existing conditions, existing prior to the mapping of the site into the MHPA, therefore, the report concluded that there will be no new impacts to these resources therefore, environmental mitigation is not required. The MHPA guidelines provide that existing asphaltic operations may continue in the MHPA provided they have an approved revegetation plan. A revegetation plan has been reviewed and accepted by city staff and final construction drawings of this plan are a condition of this permit. The MHPA Land Use Adjacency Guidelines have also been included as permit conditions which include requirements for drainage, lighting, and fencing.

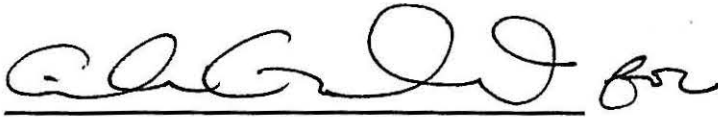
Conclusion:

Staff recommends that the Planning Commission approve the amendment to allow the time extension and modifications to the project boundaries. The request was reviewed for consistency with all applicable regulations. The existing facility was found to be in conformance with the previously approved permit. Staff has found that the requested Conditional Use Permit and Site Development Permit can be supported as outlined in the draft findings of facts. Staff has determined that this is an interim use that provides a significant public benefit and that it will not adversely affect the community plan.

ALTERNATIVES:

1. **Approve** Conditional Use Permit No. 366071 (Amendment to Conditional Use Permit No. 10-645-01) and Site Development Permit No. 562528 **with modifications.**
2. **Deny** Conditional Use Permit No. 366071 (Amendment to Conditional Use Permit No. 10-645-01) and Site Development Permit No. 562528 **if the findings required to approve the project cannot be affirmed.**

Respectfully submitted,



Mike Westlake
Program Manager
Development Services Department



Sandra Teasley, Project Manager
Development Services Department

BROUGHTON/SMT

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Otay Valley Regional Park Concept Plan
4. Project Location Map
5. Surrounding Land Use Map
6. Multiple Habitat Planning Area Boundaries
7. Special Flood Hazard Area Map
8. Project Data Sheet
9. Project Site Plans
10. Draft Resolution with Findings
11. Draft Permit with Conditions
12. Ownership Disclosure Statement
13. Copy of Recorded Permit No. 10-654-0 and Exhibit "A"
14. Community Recommendations
15. Site Photographs
16. Letters in Support (Otay Valley Regional Park, Friends of OVRP)
17. Applicant Timeline for Relocation
18. Project Boundary Maps -1982 and 2008
19. Project Chronology