

PRJ-1070013 CUP 82-0611 Compliance Matrix for Interested Parties

Condition Text	Compliance?	Comments, References, etc.	Suggested Amendments
PREAMBLE: This Conditional Use Permit is granted by the City Council of The City of San Diego to xxx, "Owner," and xxx, "Permittee," for the purpose and under the terms and conditions as set out herein pursuant to the authority contained in Section 101.0506 of the Municipal Code of The City of San Diego.	1) NO, the CUP contradicts itself. ----- 2) Section 101.0506 of the SDMC is not the current Land Use code.	1) The language of the Preamble states that the purpose of the CUP is "set out herein." But the purpose is not mentioned anywhere in the CUP, making the CUP self-contradictory. ----- 2) Staff, please correct the quoted code to reflect the current Land Use code. See attachment: "Preamble, CUP 82-0611" ☒ create attachment Code and Documents: 1969 CUP and findings "19700303 Doc731067 Conditional Use Permit Case No.238-PC.pdf"	State what the purpose is and add it to the preamble. <i>This conditional use permit is granted by the Council of The City of San Diego to _____, "owner," and _____, "Permittee," for the purposes of allowing a natural resource facility to operate within the area described below, the operation of which would provide the greater San Diego community with valuable commodities produced from the extraction of the sand, gravel and rock deposits found within the facility's borders, while fully protecting the public health, safety, and welfare of the community from any adverse effects of the proposed use.</i>
Permission is hereby granted to Owner/Permittee to construct and operate a natural resource facility over approximately 250 acres of land located on the north side of Mission Gorge Road, between the extension of Tierrasanta Boulevard and Margerum Avenue, described as portion of Lots 53, 61, 62, 63 and 70, Rancho Mission of San Diego, lying northerly of Road Survey 1634, in the A-1-10, R-1-40 and M-IB zones.			

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The natural resource facility shall include, and the term "project" as used in this Conditional Use Permit shall mean, the total of the following facilities: a. Extraction, processing and storage of sand, gravel, rock, clay, decomposed granite and soils. b. Manufacture, production, processing and storage of asphaltic concrete, Portland cement: concrete products and clay products. c. Sale and distribution by truck or other conveyance of sand, gravel, rock, clay, decomposed granite and soils, and Portland cement, asphaltic concrete, concrete and clay products. d. Off-street parking, e. All structures, machinery, equipment and facilities incidental to the uses described in this paragraph. f. A master Reclamation Plan encompassing 420 acres of land to be implemented through the phased rehabilitation of excavated area. g. Incidental accessory uses as may be determined and approved by the Planning Director. h. Storage and use of explosives as per California	NO	check for accuracy of "h," please. Only applies to employees, no coverage of environment or people and residences. (double check this) The master Reclamation Plan is not complete or accurate.	
This permit shall expire at midnight, June 14 , 2033.		Vulcan has indicated that they do not intend to renew the permit. It is the recommendation of the NCGP and the community that the permit is NOT renewed.	show that the usable stone is limited

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This permit shall be subject to review of all conditions by the City Planning Commission of The City of San Diego at five-year intervals. This review shall be for the purpose of determining if any additional conditions need to be imposed or existing conditions amended. However, during the five-year review period, any affected person may submit a request to the City Planning Director for a review of this permit if any unforeseen major problem arises.	NO	The last review was 1997. Vulcan has owned the CUP land since December of 2024. It has taken Vulcan over one and a half years to apply for a review.	CORRECT PERMIT: It is not obvious from the wording of Condition #4 that the review is intended to be initiated by the Permittee/Applicant. Adding appropriate wording to the condition would add clarity to the Permit.
A 420-acre Master Reclamation Plan accompanies this Conditional Use Permit. Precise reclamation plans shall be submitted to the City Planning Department and Environmental Quality Division for review prior to final reclamation of subareas. The submittal of the phased plans should correspond with the five-year period outlined in paragraphs 4 and 28.d.	NO	Since no mining is allowed on the area west of Princess View Drive, reclamation should have been in progress years ago. We are not aware of any submittals regarding reclamation--either before or after Vulcan acquired the land. There appears to be some sort of ongoing reclamation on the far east side of the east quarry pit. (The floor of the quarry appears to be in the process of being raised.) we are unaware of any review given to this activity.	CHANGE CUP: With submittal of 5-year phased reclamation plans, give public notice and invite formal review by adjacent Community Planning Groups. Require Planning Commission approval for 5-yr. phased reclamation plans. NEED NEXUS
Precise reclamation plans shall also be subject to environmental review. If deemed necessary, geotechnical studies shall be conducted in order to determine significance of potential impacts. Mitigation measures, if required, shall be implemented at the precise plan level.	NO	The Reclamation Plan should but does not show federal waters, wetlands, Multi-Habitat Planning Areas (MHPA) and monitoring, mining ponds, and Environmentally Sensitive Land (ESL) on CUP lands, as well as locations where the river has been confined by dikes or berms and crossed with bridges. Include access and haul roads, lands used for processing and stockpiling materials, all areas used for other approved mining activities, equipment storage, and parking. The specific description of when and how these areas will be reclaimed should be described in the text of the reclamation plan. -	CORRECT THE RECLAMATION PLAN to show items listed in column D.

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Not less than one off-street parking space for each employee shall be provided and maintained on the subject property. Areas and driveways shall be oiled, paved, or otherwise dust-proofed, and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.			
The following agreements, easements and reservations shall be granted to The City of San Diego within one year of the effective date of this permit or as otherwise approved by the City Engineer:	Not in accord with the SD Master River Park	Easements for the purpose of obtaining land dedicated to the SDMRPP should be a contingent condition for approval of the Permit. Critically vital to the realization of the SD Master River Park plan is the setting aside of land for that purpose.	CHANGE CUP TO REQUIRE EASEMENTS consistent with SD Master River Park plan NEED NEXUS
An agreement for right-of-way for the connection of Tierrasanta Boulevard with Mission Gorge Road to include sufficient areas for construction of bridge structures and slopes.	Yes	To the best of our knowledge, this easement has been granted.	Correct language in CUP
An easement for recreational purposes to provide public access - linkage for the Regional Trail System between Tierrasanta Boulevard right-of-way and the Mission Trails Regional Park.	Yes	To the best of our knowledge, this easement has been granted.	Correct language in CUP
Street reservation for the future widening of Mission Gorge Road adjacent to the property.	Yes	To the best of our knowledge, this easement has been granted.	Correct language in CUP
No grading, blasting, quarrying and related operations shall be permitted within 100 feet of the Tierrasanta/CUP boundary line nor within 500 feet of any existing residential structure in the Tierrasanta community.	This condition is not in accord with MSHA best practices	PROBLEMS WITH THIS CONDITION	■ SEE ATTACHED Needs nexus, photos, etc

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Within the area between Mission Gorge Road and the San Diego River, blasting will be precluded within 200 feet of the Mission Gorge Road right-of-way and within 275 feet of the northeasterly property line adjacent to the Mission Pacific residential neighborhood.	This condition is not in accord with Condition 24 of the CUP or with MSHA best practices	PROBLEMS WITH THIS CONDITION. See report from NCPG	☒ See ATTACHED Needs nexus, photos, etc
Within areas designated as floodplain fringe, all finished cut slopes shall be undulating and variable with no slope steeper than 2:1 ratio.			
No filling or grading shall be conducted within the floodway of the San Diego River, nor within 300 feet of the center line of the river, until any and all permits required from Federal, State and local agencies have been obtained, and the City Environmental Quality Division has reviewed the proposed grading or filling.	NO.	The Reclamation plan and the CUP must match in their requirements, and there is nothing on the reclamtion plan that shows either the floodway of the San Diego River or a 300 foot setback from the centerline of the river. In fact, the San Diego River is not labeled. in subarea 'A' there has been a bridge constructed to access the quarry that has caused major constrictions of the river floodway. The applicant did not supply any permit records to the committee. -	CORRECT RECLAMATION PLAN
Landscaping of the river corridor shall be exclusively with native riparian plant species such as sycamore, willows, etc., as shown on the Landscape Concept Plan.	NO	You can see from google earth photos that the river corriodr is overrun with arundo. Also, we do not know of any approved landscape concept plan. -	Require an approved landscape concept plan to accompany the CUP. CHANGE CUP to require inspection with photo documentation A river corridor is the area of land surrounding a river that includes the river channel, its banks, floodplains, and adjacent ecosystems,
Treatment of the slopes of the San Diego River shall be determined at the time precise reclamation plans are prepared. Specific slope treatments shall be chosen which enhance the riparian environment and which provide adequate flood protection.			

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Within the floodplain fringe, a combination of controlled and uncontrolled fill will be allowed to an elevation not to exceed 10 feet above 100-year-flood elevation, subject to the owner's acknowledging and recording with the County Recorder an agreement that uncontrolled fill and embankment is not eligible for a building permit unless special soils analysis and foundation design are submitted and approved by the City Engineer.			
Within the rock quarry area, finished slopes without benches and steeper than 1 1/2:1 will be permitted upon report and certification of a soils and geologic engineer that such slopes are stable.			
Excavation and slope stability in other areas shall be certified by a soils engineer.	NO	The hillside slope bordering Mission Gorge Road immediately west of Mission Vista Drive is eroding, with rocks and soil falling into Mission Gorge Road at times. Many complaints have been sent to the City about this. The cliff northwest of Mariposa, on the south side of the San Diego River appears to be degrading. see	
Slope stability shall be certified by a soils engineer prior to commencement of grading or excavation operations in that area designated as "SLIDE PRONE" on Exhibit "A."			
Continued operations shall comply with County Air Pollution Control District (APCD) regulations as contained in Permit No. 254-258-1339-1572.	On and off compliance	There is no Permit No. 254-258-1339-1572. Over the years there have been numerous notices of violation issued by the APCD to the facility.	

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Existing buildings, structures, machinery, equipment and facilities in the natural resources processing area designated on the plot plan as present and future plant sites may be used, operated, maintained, altered, enlarged, repaired, modernized, and replaced, provided that appropriate building permit is as required by appropriate governmental regulations are obtained and provided that such installations and their operations meet the requirements of Public Health, Water Quality Control, and Air Pollution Control regulations and the following:	NO	The asphalt plant was moved from an approved location to a location where activity is prohibited on Saturdays. It remains in this location today. The asphalt plant was allowed to run with deficient baghouse filters. aloop-hole in regulations for the agregate rock crusher allows the rock crusher to run witout meeting higher standards of the APCD	
That access and operating area roads be oiled, paved or otherwise dust-proofed, and so maintained, as may be required by Air Pollution Control officer.	NO	Access and operating area roads have dust that is frequently kicked up by traffic on the internal roads of the facility. See photo	
That material delivery trucks be watered or covered prior to departure from the site.			
That dust emissions at screens, rock crushers at grading and mining areas and material transfer points be controlled by water sprays or by other equally effective dust control methods, as may be required by the Air Pollution Control officer. These operations shall also meet all noise abatement regulations.	NO	Noise from the facilty exceeds the allowed limit. See noise study.	
That cement mix plant dust, conveyors and elevators be operated and maintained to meet Air Pollution and Noise Abatement regulations.	NO	Noise from the facilty exceeds the allowed limit. See noise study.	
That cement soils and weight hopper be operated and maintained to meet Air Pollution and Noise Abatement regulations.	NO	Noise from the facilty exceeds the allowed limit. See noise study.	
That adequate water supply be provided where cement, aggregate and water are mixed and transferred into the cement mix trucks to prevent dust emissions at this point.	UNK		

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That dry cement delivery trucks be provided with dust shrouds to prevent dust emissions when unloading cement into storage bins.	UNK		
That a cleaning area be provided for cement mix trucks to prevent accumulations of cement residue on the ground where it could be pulverized into dust by vehicular traffic.	UNK		
That the hot plant ducts, elevators and dust collectors be operated and maintained to meet Air Pollution and Noise Abatement regulations.	NO	Noise from the facility exceeds the allowed limit. <i>See noise study.</i>	
That the hot mix plant cyclones and wet wash scrubber be capable of limiting emissions from the exhaust stack to 40 pounds per hour maximum, as prescribed in San Diego County Air Pollution Control District rules and regulations.			
That dust control methods be applied to any dust producing conditions which may develop and result in a nuisance from this operation, as may be determined by the Air Pollution Control officer.	NO	<i>provide dust photo</i>	
That an adequate supply of water, approved by the San Diego Department of Public Health, be provided to effect the above dust control methods.			
That the excavation areas shall be fenced with an acceptable security fence which shall be maintained at all times. There shall also be maintained at all times a continuous security fence along the entire buffer area between the Tierrasanta residences and the Conditional Use Permit area.			

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Except for reasons of safety or to satisfy public health requirements, all operations, excluding maintenance of trucks and equipment, conducted on the premises shall be limited to the following hours of operation:			
North of the San Diego River; 7:00 a.m. to 7:00 p.m. Monday through Friday.			
South of the San Diego River; 6:00 a.m. to 10:00 p.m. Monday through Friday. Saturday operation permitted from 7:00 a.m. to 7:00 p.m. No Saturday activity shall occur within 500 feet of residential structures.	NO	As recently as Saturday, Aug 1, 2026, trucks were seen within the area described in condition 22b. See photos. This has been an ongoing problem. Get photo on scales or something specific	
No operations shall occur north or south of the San Diego River on Sundays.			
Except for reasons of safety, blasting will be limited to the period between 12 noon and 5:00 p.m., Monday through Friday. Blasting will not be permitted on weekends.			
All operations shall be conducted in a safe and sanitary manner, so as not to endanger/damage any adjacent public or private property. Particular attention shall be paid to safeguarding the trunk sewer and water transmission main traversing this and adjoining property.	NO	Impacts of blasting range from constant low-level vibrations to vibrations that knock pictures off the wall, cause items on shelves to fall and break, cause people to fall, cause drywall to crack. Since Vulcan purchased the property, residents have reported more severe impacts (see impact report, attached). rock slide. Flyrock. K Torell's answer to how they are protecting the trunk sewer. How Vulcan is responding to residents' complaints of safety impacts. Employees are at risk--see Justyna's list. Community had to get SRM to do fire safety measures. Rockslide on Mission Gorge Road.	

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The Permittee, or its successors in interest, shall obtain a comprehensive policy of liability insurance which names The City of San Diego as co-insured and indemnifies the insured against claims of liability for damages to adjacent properties or the general public which result from explosions, slope failure, or flood damage which originates from, or are caused by, work on the property. The policy shall provide for a minimum property liability of \$2,000,000 and a minimum personal liability of \$5,000,000 and shall be carried, in force, as long as this permit is in effect.			
All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.			
The subject property shall not be used for any purposes unless specifically authorized by the Planning Commission or unless the proposed use meets every requirement of zone existing for the subject property at the time conversion.	NO	The facility was used for staging helicopter landings until the facility was ordered to stop the use.	
That the ultimate reclamation of the property be in accordance with the adopted Progress Guide and General Plan, and the adopted Navajo Community Plan (subject to future revisions). Reclamation shall be done in general conformance with the approved Master Reclamation Plan which will be accomplished in phases. Each phase shall be reviewed and approved by the Planning Department prior to final reclamation of subareas.			

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In the quarry areas, the final excavation slopes will be in a condition certified by a qualified soils engineer to be stable and safe. Permanent security-type fence will provide protection against public access to slope area. The floor of the quarry areas outside of the floodway of the San Diego River will be cleared of loose material and generally level.	NO	There has been no reclamation and "subarea B" has not had mining done in far more than 5 years.	
In the floodplain fringe, excavated areas that are designated in the Navajo Community Plan for future light industrial use will be used as interim disposal sites for overburden and fill material generated in the processing of natural resources. This continuing fill operation will be limited to areas outside of the floodway and will be conducted in a manner that will keep all interim slopes to less than 5:1 and maximum fill elevation no greater than 10 feet above 100-year-flood elevation. Prior to performing any filling north of the existing private service road as shown on the site layout plan, Exhibit "A", the Permittee must have obtained approval of the City Engineer as to the location and physical configuration of the levee, dike, or embankment that will confine the floodway. The ultimate reclamation will have raised the elevation of future light industrial land above 100-year-flood elevation. Prior to completion of filling in any portion of the floodplain, a grading plan will be submitted for approval of the City Engineer, and accomplished grading will conform to such approved plan. -			
In the floodway area, the sand excavation areas will be left as interim ponds that will be allowed to refill with sediment. The embankment, dike, or levee protecting the light industrial area will be protected by rip-rap.			

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At the time of each five-year review of the Conditional Use Permit by the Planning Commission, a precise reclamation plan, including landscaping, will be submitted for those areas in which the mining operations and interim filling operations are expected to be completed during the ensuing five-year period. An environmental analysis of the precise reclamation plans shall be completed prior to review by the Planning Commission.	NO+C52:C56	in 1990 and 1997, no reclamation plan was presented.	
No mining shall be permitted in the area proposed for inclusion within the Mission Trails Regional Park, unless the City fails to complete the acquisition authorized by the City Council within the first five-year review period.			
A landscape buffer of eucalyptus trees or similar drought-resistant plant material will be planted in the 100-foot buffer zone south of Tierrasanta, along the trail easement, to dampen sound and screen the quarry operation from the Tierrasanta community. In addition, a landscape buffer of oleander or similar drought-resistant plant material will be planted on the north side of Mission Gorge Road between Princess View Drive and Margerum Avenue sufficient to screen the quarrying and processing operations from Mission Gorge Road. The latter screening will be similar to the landscape buffer that screens the Hazard operation from Friars Road.	NO	The plant barrier is failing or non-existent in places along Mission Gorge Road. It is no longer a sight barrier for Tierrasanta. Since the composition of the previous Hazard Operation on Friars Road is unknown, a description of desired plant materials is needed. photos	
All of the subject property shall be maintained at all times in a neat, orderly fashion, free of junk, litter and debris.	NO	photo	

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This Conditional Use Permit must be used within 18 months after the date of City approval or the permit shall be void. An extension of time may be granted as set forth in Section 101.0506 and Section 101.0507 of the Municipal Code. -			
Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agency.	NO	noise limit nuisance noise Cal nuisance ord dust MSHA violations	
After establishment of the project, the property shall not be used for any other purpose unless: a. authorized by the Planning Commission, or b. the proposed use meets every requirement of the zone existing for the property at the time of conversion; or c. the permit has been revoked by the City.			
This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.			
This Conditional Use Permit is a covenant running with the lands and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out.			