(R-2002-1231)

RESOLUTION NUMBER R- 296297

ADOPTED ON APR 0 9 2002

WHEREAS, Sycamore Landfill Systems, Inc., submitted an application to the City of San Diego for a Community Plan Amendment, Planned Development Permit, Site Development Permit, and Multiple Habitat Planning Area Boundary Adjustment for the Sycamore Landfill project; and

WHEREAS, the matter was set for a public hearing to be conducted by the Council of the City of San Diego; and

WHEREAS, the issue was heard by the City Council on APR 0 9 2002; and

WHEREAS, the City Council considered the issues discussed in Mitigated Negative Declaration, LDR No. 40-0765; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it is certified that Mitigated Negative Declaration, LDR No. 40-0765, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the land use actions for the Sycamore Landfill project.

BE IT FURTHER RESOLVED, that the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration, a copy of which is on file in the office of the City Clerk and incorporated by reference, is approved.

BE IT FURTHER RESOLVED, that pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment, a copy of which is attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

APPROVED: CASEY GWINN, City Attorney

By _____
Mary Jo Lanzafame
Deputy City Attorney

MJL:lc
03/26/02
Or.Dept: Dev.Svcs.
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EXHIBIT A

MITIGATION, MONITORING AND REPORTING PROGRAM

SYCAMORE LANDFILL CONTINUED OPERATIONS -
BRUSHING AND CLEARING

COMMUNITY PLAN AMENDMENT, PLANNED DEVELOPMENT
PERMIT, SITE DEVELOPMENT PERMIT, AND
MULTI-HABITAT PLANNING AREA BOUNDARY ADJUSTMENT

LDR NO. 40-0765

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation, Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA 92101. All mitigation measures contained in the Mitigated Negative Declaration (LDR No. 40-0765) shall be made conditions of Community Plan Amendment, Planned Development Permit, Site Development Permit, and Multi-Habitat Planning Area Boundary Adjustment as may be further described below.

VI. MITIGATION MEASURES:

Biological Resources

1. Prior to the issuance of any grading permit, the City Manager shall verify that the MHPA boundaries and the following notes are shown on the project construction/grading plans.

2. To ensure that project-related sound levels do not exceed 60 dB(A) hourly average in California gnatcatcher occupied MHPA lands during the gnatcatcher breeding season (March 1st through August 15th), the applicant shall:

   a. Prior to the issuance of any grading permit, the applicant shall provide a letter of verification to the Assistant Deputy Director (ADD) of Land Development Review (LDR) that a qualified biologist has been hired by January 15th of each year to conduct annual California gnatcatcher surveys in the lands west, north and south of Landfill Stages II, III and IV.

   b. The qualified biologist shall submit a report to the ADD of LDR no later than March 1st of each year documenting the results of the survey. The report shall identify any areas of the acoustical separation zone within the landfill footprint that are not available for grading and/or landfilling activities between March 1st and August 15th of that year based on the presence of the gnatcatcher. In preparing the biology report, the biologist shall consider any noise reducing mitigation measures, such as berms, proposed by the Applicant.

      Where no gnatcatchers occupy adjacent lands, no restriction on landfill operations shall apply. There are no gnatcatcher/noise related restriction on landfilling or excavation operations during the rest of the year (August 16 through February 28).

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3. Equipment used to construct ancillary groundwater monitoring wells or gas monitoring probes west of the Spring Canyon/Little Sycamore Canyon ridgeline shall use existing access roads or trails where possible. An access trail shall only be graded if required for access to the site. The biologist shall ensure that disturbed areas near the ancillary facility sites are reseeded with a seed mix appropriate for the surrounding vegetative habitat, (i.e., coastal sage scrub seed mix for those areas, etc.).

   Also, areas of sensitive plant species along the Spring Canyon/Little Sycamore Canyon ridge line such as barrel cactus and variegated dudleya outside of the approved landfill Stage Development boundaries (see Landfill Plan, Sheet **C-1**, and Figure **3)** are not proposed for disturbance, and shall be protected from inadvertent disturbance, as will areas of native grassland, through installation of protective markings. The biologist shall ensure that areas of variegated dudleya and barrel cactus are protected by one- or two-strand wire fencing are shown in Figure 3a.

4. Prior to the issuance of a grading permit, the Applicant shall provide biological mitigation for disturbance consistent with the mitigation ratios contained in City of San Diego Land Development Manual Biology Guidelines for continued landfill development. Acreages of the various habitats anticipated to be disturbed as a result of this project, as well as applicable mitigation ratios, are shown in the following MMRP Table A. Any mitigation lands offered from the "white-holed" areas of the landfill site shall be boundary-adjusted into the MHPA. These mitigation areas added to the MHPA, shall be contiguous with the existing MHPA

   The required mitigation shown in Table A shall be phased with each landfill development phase/stage; future landfill development would occur in Stages II, II, and IV. (See attached Figure 3.) Prior to the brushing, clearing, and/or grading of each stage, the applicant shall submit a grading plan to the ADD of LDR. This grading plan shall be accompanied by proof that the required mitigation has occurred. This proof of mitigation shall include, as a minimum, specific mapped location and size of acquired mitigation site and an associated biological survey of this mitigation site to assure its appropriate biological value. The expected impacts and associated required mitigation by stage are shown in the following Table A.

MMRP: Table A

Acres of Biological Impacts and Associated Mitigation by Habitat Type and Development Stage based on 1994 Staged Development Plan

	Coastal Sage Scrub	Non-Native Grass-land	Native Grass-land	CSS/ NG	Southern Mixed Chap-arral	ESL Wet-land*	Chamise Chap-arral	TOTAL
Acres by Habitat Type Proposed to be Disturbed/Impacted(3)	**139.36**	**3.36**	**2.34**	**20.16**	**7.97**	**2.71**	**29.25**	**205**
Acres of Habitats within Stage I (1,4)	1.17	1.18	0.00	0.00	0.00	0.00	2.55	**4.90**
Acres of Habitats within Stage II - without aggregate operations (1,2,4)	51.96	1.14	1.05	12.69	7.87	0.59	21.37	**96.67**
Acres of Habitats within Stage II - aggregate processing area (1,,2,4)	6.67	0.00	0.00	0.82	0.00	0.10	0.60	**8.18**
Acres of Habitats within Stage III (1,4)	46.89	0.23	0.10	3.19	0.00	1.62	0.73	**52.76**
Acres of Habitats within Stage IV (1,4)	32.67	0.81	1.19	3.46	0.10	0.40	4.00	**42.49**
Mitigation Ratios if Mitigated Within (or placed into) the MHPA	*1:1*	*0.5:1*	*1:1*	*1:1*	*0.5:1*	*2:1*	*0.5:1*	*NA*
Total Mitigation Acreage Required (Assuming Mitigation w/in MHPA)	**139.36**	**1.68**	**2.34**	**20.16**	**3.99**	**5.42**	**14.64**	**187.6**
For Stage I	1.17	0.59	0.00	0.00	0.00	0.00	1.28	**3.04**
For Stage II - without aggregate processing area	51.96	0.57	1.05	12.69	3.94	1.18	10.69	**82.08**
For Stage II - with additional aggregate processing area impacts	6.67	0.00	0.00	0.82	0.00	0.20	0.30	**7.99**
(Subtotal - Stage II)	*(58.63)*	*(0.57)*	*(1.05)*	*(13.51)*	*(3.94)*	*(1.38)*	*(10.99)*	**(90.07)**
For Stage III	46.89	0.12	0.10	3.19	0.00	3.24	0.37	**53.91**
For Stage IV	32.67	0.41	1.19	3.46	0.05	0.80	2.01	**40.59**

ESLWetland* = City's Environmental Sensitive Lands Ordinance defined wetland

Sand and Gravel has been replaced with Aggregate.

Source: Merkel and Associates, March 20, June 8, and June 12, 2001; additional calculations by BRG Consulting Inc.
ESL Wetlands* column revised 8/30/01 to incorporate Merkel and Associates area recalculations of July 12, 2001

NOTES:

(1) Include ancillary facility areas associated with each Development Stage, but not habitat areas already mitigated for under HLP 95-endemics such as dudleya species, native grasslands, and concentrations of barrel cactus; see Figure 3 for locations.

(2) Calculations for these areas made by BRG personnel

(3) Areas of narrow endemics and other sensitive species described in (2) are excluded from totals shown here.

(4) The required mitigation ratios, and therefore, acreage required for mitigating impacts to affected habitat types would increase in accordance

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5. Contingency Mitigation Measures for Proposed Impacted Habitat: An alternative biological mitigation option is for full, one-time contribution of monies into the City's Habitat Acquisition Fund, with the concurrence of City MSCP staff.

6. The total number of variegated dudleya *(Dudleya variegata)*, a narrow endemic species, present on site is 35,710 (Merkel and Associates March 20, 2001). Approximately 24% or 8,570 of the 35,710 individuals on site would be impacted in association with aggregate extraction and landfill development.

The MSCP Subarea Plan (pg. 105) states that outside the MHPA narrow endemic species will be protected though the following measures, as defined appropriate: 1) avoidance; 2) management; 3) enhancement; and/or 4) transplantation to areas identified for preservation. Unavoidable impacts associated with reasonable use or essential public facilities would need to be minimized and mitigated.

The project is consistent with the requirements of the Subarea Plan. The project would avoid 27,140 individuals or 76% of the individuals on site. The project provides for management of populations to be avoided by requiring that protective fencing and other monitoring efforts be implemented on site to ensure that populations to be preserved are not adversely impacted by landfill operations (see further discussion under mitigation measure 6). In addition, impacts to the less than 24 percent of on-site variegated dudleya plants which are located within the proposed landfill footprint, as shown in Sycamore Landfill Plan, Sheet C-1, will be mitigated by establishing a new off-site population of variegated dudleya at a site suitable for translocation of this species. Potential sites for translocation include the landfill property outside the landfill footprint, parcels that may be acquired for habitat mitigation, and land at Mission Trails Regional Park (Assuming approval by City Parks and Recreation Department, Mission Trails Regional Park Citizens Advisory Committee, and the Mission Trails Regional Park Task Force).

Prior to any translocation of this species, a detailed variegated dudleya translocation plan detailing transplant methodologies and contingency measures shall be submitted by a qualified biologist to the ADD of LDR for review and approval prior to each stage of landfill development expected to impact variegated dudleya. This plan shall include a mitigation, monitoring, and reporting program (MMRP) to track the success of the translocation. The criteria for the required contents of a conceptual translocation plan is given below.

a. Site Requirements

Natural populations of variegated dudleya exist in open clay patches within coastal sage scrub, southern mixed chaparral, and native grasslands

communities. The are typically found at low elevations (below 300 meters), on dry slopes or mesas with soils composed of heavy clays (i.e., Diablo clay). The open clay patches normally have less than 40 percent cover of low-growing shrubs and have little to no competitive non-native species. The variegated dudleya transplant site is required to have similar characteristics to those of natural populations nearby. Additionally, the restoration site should be at least 250 feet from existing roads or heavily used trails to reduce the chance of disturbances related to increases in exotic species which compete with variegated dudleya. The proposed translocation program may include seeding and transplantation.

b. Seed Collection

Since variegated dudleya are drought deciduous they are difficult to locate in the fall; therefore, the location of the population should be flagged during the peak flowering period in May-June. If seeding is required, collection of variegated dudleya seed should occur soon after the flowering period when seeds are fully mature. Whole dried inflorescences should be collected and placed in paper envelopes, which allows for the evaporation of residual moisture to prevent fungal growth. Seeds should be stored in a cool, dark location to prevent desiccation and maintain viability.

c. Soil Salvage

The top four to six inches of soil which contains the variegated dudleya corms (underground bulb structure) should be carefully excavated. Salvaged soil clumps collected on-site should never be stockpiled but instead spread out in standard greenhouse flats. Space between the soil clumps containing the corms should be filled in with leftover native clay soils.

d. Propagation and Translocation

The translocation/restoration effort may include the use of several propagation techniques, including hand broadcasting of seed, collection and placement of leaf cuttings at the translocation site, and the translocation of salvaged adult plants from the natural population present at the project site. The most effective method is to collect seed and grow plants at a greenhouse for one to two seasons and then transplant them into the restoration site. Hand broadcast of seed may help to supplement plant translocation. The germination and establishment of dudleya by direct seeding methods is most successful if completed immediately prior to rainfall events.

Transplanting should always be done in soil that has been moistened by previous rains. A hole slightly larger than the clump of plants is excavated. Each clump is then lowered into the hole and the gap between the edge of the

excavated area and the transplant clump is filled with soil and lightly compacted. Each clump is placed into the hole flush with or slightly below the existing soil surface.

e. Maintenance and Monitoring

Maintenance shall include, but is not limited to, hand watering during the first season, exotic species control, and reseeding. A comprehensive weeding program is especially important as variegated dudleya populations are sensitive to invasion by exotic species.

A habitat monitoring program shall be conducted during the first five years following completion of the restoration program by the project biologist in conjunction with the maintenance program. Monitoring shall be conducted by a biologist with experience in the preparation and implementation of revegetation programs and commence with the site preparation. The monitoring program shall emphasize qualitative and quantitative assessments of the status of the revegetation program.

f. Restoration Success Criteria

The success criteria to be attained by the variegated dudleya translocation plan is the establishment of a self-sustaining population of variegated dudleya at the translocation site as determined by the following criteria:

In any given year of the five-year monitoring program, at least 70% of the translocated individuals will survive with at least 50% of the surviving individuals consisting of mature flowering individuals; and

Less than 50% of the restoration area is covered by exotic species.

During any year of the five-year monitoring period if the success criteria for transplantation is not achieved, then at the discretion of the project biologist in coordination with the ADD of LDR:

1. Additional broadcasting of seed into appropriate areas shall be required, and/or;
2. Transplantation of plants grown at the greenhouse to an appropriate area, and/or;
3. Additional weeding to reduce competition by exotic species.

An annual report shall be submitted to the ADD of LDR at the end of each year of the monitoring program outlining the level of transplantation success and efforts conducted for that year. At the end of five years, if a self-sustaining population is not established then:

1. The applicant shall meet with the ADD of LDR to identify additional measures for the protection of variegated dudleya which may include additional protection, management and enhancement of lands under the applicant's control, or lands to be acquired by the applicant.

General

Prior to the issuance of the initial grading permit, the applicant shall submit a deposit of $7,000 to EAS to cover the City's costs associated with the implementation of the phased MMRP.

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