

RESOLUTION NUMBER R-296298

ADOPTED ON APRIL 9, 2002

WHEREAS, Sycamore Landfill, Inc., Owner/Permittee, filed an application with the City of San Diego for a Planned Development Permit/Site Development Permit/MHPA Boundary Adjustment No. 40-0765 to brush and clear areas of the existing Sycamore Landfill; add a sand and gravel extraction and processing operation; and to change the landfill hours of operation, which is known as the Sycamore Landfill project, on portions of a 493-acre site located at 9514 Mast Boulevard, and legally described as portions of Sections 13 and 14, Township 15 South, Range 2 West, and Sections 7, 18, and 19, Township 15 South, Range 1 West, San Bernardino Baseline and Meridian, in the RS-1-8 zone and the Mission Trails Design District Overlay Zone of the East Elliott Community Plan area; and

WHEREAS, on February 7, 2002, the Planning Commission of the City of San Diego considered Planned Development Permit/Site Development Permit/MHPA Boundary Adjustment No. 40-0765, and pursuant to Resolution No. 3233-PC voted to recommend City Council approval of the project; and

WHEREAS, the matter was set for public hearing on April 9, 2002, 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 Planned Development Permit/Site Development Permit/MHPA Boundary Adjustment No. 40-0765:

FINDINGS:

A. FINDINGS FOR PLANNED DEVELOPMENT PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is located in the existing Sycamore Landfill, which is located within the East Elliott Community Planning Area. The City first permitted the Sycamore Landfill under Conditional Use Permit [CUP] No. 6066 in 1963. The 1971 Elliot Community Plan [Community Plan] recognized the landfill use and designated the site for solid waste disposal. In 1977, the City Council amended the Community Plan and the CUP to increase the landfill site designation to 493 acres, and the project is consistent with that amendment. The Community Plan also recognizes the potential that the landfill use might need to be expanded to the west in the future. The proposed project does not conflict with any of the Community Plan's goals, objectives or recommendations; however, the Community Plan does not currently expressly allow aggregate extraction and processing within the identified landfill site, thus a community plan amendment is necessary to permit the aggregate processing operations consistent with the proposed Planned Development Permit. Once the Community Plan Amendment is approved, the land uses at the landfill site will be consistent with the Community Plan.

The proposed project is consistent with the Multiple Species Conservation Program [MSCP]. In 1995, the County of San Diego issued a Habitat Loss Permit [HLP] for removal of 10.6 acres of grassland/coastal sage scrub habitat as part of the approved landfill operations. In March 1997, the City of San Diego entered into an agreement with the U.S. Fish and Wildlife Service to establish a Multiple-Habitat Planning Area [MHPA] in the vicinity of the landfill as part of implementation of the MSCP in San Diego County. The landfill site itself is not included in the MHPA, but the MHPA is adjacent to the landfill property boundaries. An area of 0.5 acres in size on the western side of the landfill property is proposed for deletion from the MHPA, while a corresponding 0.5-acre area on the landfill's eastern boundary would be added to the MHPA, resulting in no net change in the MHPA acreage. Following a meeting on October 10, 2001, both the California Department of Fish and Game and U.S. Fish and Wildlife Service concurred with the MHPA 0.5-acre boundary adjustment. Full development of the landfill as allowed by existing state and regional permits would result in removal of more than 150 acres of native habitat; however, the project will fully mitigate such impacts as required by the City of San Diego Land Development Code. The landfill operation would comply with the MSCP Subarea Plan Adjacency Guidelines. There would be no significant impacts to the habitat, wildlife movements, preserve conservation or management of the MHPA as a result of the project. Thus, the proposed project has been designed in harmony with the applicable land use plans, and therefore it will not adversely affect those plans.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project has been designed to conform to the City of San Diego's codes, policies, and regulations, the primary focus of which is the protection of the public's health, safety, and welfare. The project has been reviewed by City staff, and is consistent with the Community Plan, the California Environmental Quality Act, the City's environmental

regulations, the MSCP and MHPA, landscaping and brush management policies, and the Fire Department's fire protection policies.

No area of the project site is covered by a 100-year floodplain, so flood hazards are not present on the site. The project will not result in undue risks from geological hazards, erosional forces or fire hazards. The landfill is regulated by the State Water Resources Control Board's Water Quality Control Plan Report for the San Diego Basin. The Basin Plan designates beneficial uses, water quality objectives, and prohibitions applicable to the discharges regulated under Order No. 99-74, Waste Discharge Requirements for the Sycamore Landfill, adopted October 13, 1999. These regulations and conditions would continue to be applicable to the Sycamore Landfill, and with compliance as required no significant impact to water quality would occur. The landfill implements run-on/runoff controls and other best management practices [BMPs] such as desilting basins to reduce off-site erosion/siltation effects to below a level of significance. The Sycamore Landfill has a National Pollution Discharge Elimination System [NPDES] permit which addresses storm water management complete with a storm water pollution prevention plan.

No sensitive human receptors such as residences or schools are located close to the existing landfill area – the nearest school is 3,000 feet southwest of the southeastern boundary, and the closest residential development is approximately 3,500 feet east and south of the site. The Sycamore Landfill operates under Permit No. 971111 issued by the County of San Diego Air Pollution Control District [APCD]. Under the current operational permit, there are no allowed releases of odors or dust from any part of the landfill, associated landfill operations or on-site equipment that exceed the applicable visible emission or public nuisance standards specified in the APCD rules and regulations. No air-related change in landfill operations is requested except for opening one hour earlier, and the current APCD requirements would remain in effect. As a result, no significant air quality impacts would occur due to the requested landfill operational changes. The existing APCD Permit No. 971111 does not cover the proposed aggregate extraction and processing operations. Odors or dust associated with the proposed aggregate extraction and processing operations (if any) will be subject to a separate APCD permit which would require that potential dust impacts be mitigated. If permitted by the APCD and all applicable operating conditions are met, no significant air quality impacts would be expected from the proposed aggregate extraction and processing operations. The current APCD requirements would remain in effect for landfill operations if the project is approved.

The project consists of the removal of certain sensitive biological resources for landfill development, the addition of aggregate extraction and processing operations and a slight revision to the hours of landfill operations. None of these items would require the need for new or altered governmental services. With implementation of the air quality mitigation measures and the requirement for an air quality permit for the aggregate extraction and processing operations, none of the activities proposed as part of the project will create a health hazard or potential health hazard.

3. The proposed development will comply with the regulations of the Land Development Code. The proposed project has been designed to comply with all development regulations of the SDMC and the City's Land Development Code, including the requirements for

a site development permit to protect, preserve and, where damaged, restore environmentally sensitive lands, as further discussed below. Implementation of the proposed project will not require any deviations from the SDMC or the Land Development Code other than the Environmentally Sensitive Lands Deviations more fully described in Finding B.3. below.

4. The proposed development, when considered as a whole, will be beneficial to the community. The project provides landfill operations for a large portion of the San Diego region, and the project would allow future land filling within the boundaries of the approved landfill Staged Development Plan to further accommodate the region's needs. In addition, the project would allow an aggregate extraction and processing operation that would process materials removed in the continued landfill development, providing aggregate materials used in regional construction. Natural soil conditions at the landfill include substantial quantities of rock and cobblestone. The landfill would like to establish an aggregate extraction operation on site to process this material for removal and beneficial reuse off-site. Allowing the change in hours of operation to begin at 6 a.m., when the gates open, instead of 7 a.m., will improve traffic conditions. Under the current operating hours, trucks begin to weigh in at 6 a.m. but cannot begin disposing of waste until 7 a.m., resulting in additional trucks on Mast Boulevard and State Route 52 during the morning peak hour traffic period. Allowing land filling to begin at 6 a.m. will allow these trucks to leave the landfill prior to the morning peak hour traffic, resulting in less interference with residents attempting to enter State Route 52 on Mast Boulevard during that time. The project implements the Community Plan, as amended, and therefore will be beneficial to the community as a whole.

5. Any proposed deviations pursuant to SDMC section 126.0602[b][1] are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed project has been designed to comply with all development regulations of the SDMC and the San Diego Land Development Code and implementation of the project will not require any deviations from the SDMC or Land Development Code, except as provided in Exhibit C below regarding the Environmentally Sensitive Lands Deviations which are fully described therein.

B. FINDINGS FOR SITE DEVELOPMENT PERMIT APPROVAL - SDMC SECTION 126.0504

1. Findings for all Site Development Permits:

a. The proposed development will not adversely affect the applicable land use plan. The proposed development is located in the existing Sycamore Landfill, which is located within the Elliott Community Planning Area. The City first permitted the Sycamore Landfill under CUP No. 6066 in 1963. The 1971 Elliot Community Plan [Community Plan] recognized the landfill use and designated the site for solid waste disposal. In 1977, the City Council amended the Community Plan and the CUP to increase the landfill site designation to 474 acres, and the project is consistent with that amendment. The Community Plan also recognizes the potential that the landfill use might need to be expanded to the west in the future. The

proposed project does not conflict with any of the Community Plan's goals, objectives or recommendations; however, the Community Plan does not currently expressly allow aggregate extraction and processing within the identified landfill site, thus a community plan amendment is necessary to permit the aggregate extraction and processing operations consistent with the proposed Planned Development Permit. Once the Community Plan Amendment is approved, the land uses at the landfill site will be consistent with the Community Plan.

The proposed project is consistent with the Multiple Species Conservation Program [MSCP]. In 1995, the County of San Diego issued a Habitat Loss Permit [HLP] for removal of 10.6 acres of grassland/coastal sage scrub habitat as part of the approved landfill operations. In March 1997, the City of San Diego entered into an agreement with the U.S. Fish & Wildlife Service to establish a Multiple-Habitat Planning Area [MHPA] in the vicinity of the landfill as part of implementation of the MSCP in San Diego County. The landfill site itself is not included in the MHPA, but the MHPA is adjacent to the landfill property boundaries. An area of 0.5 acres in size on the western side of the landfill property is proposed for deletion from the MHPA, while a corresponding 0.5-acre area on the landfill's western boundary would be added to the MHPA, resulting in no net change in the MHPA acreage. Following a meeting on October 10, 2001, both the California Department of Fish and Game and U.S. Fish and Wildlife Service concurred with the MHPA 0.5-acre boundary adjustment. Full development of the landfill as allowed by existing state and regional permits would result in removal of more than 150 acres of native habitat; however, the project will fully mitigate such impacts as required by the City of San Diego Land Development Code. The landfill operation would comply with the MSCP Subarea Plan Adjacency Guidelines. There would be no significant impacts to the habitat, wildlife movements, preserve conservation or management of the MHPA as a result of the project. Thus, the proposed project has been designed in harmony with the applicable land use plans, and therefore it will not adversely affect those plans.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed project has been designed to conform to the City of San Diego's codes, policies, and regulations, the primary focus of which is the protection of the public's health, safety, and welfare. The project has been reviewed extensively by City staff, and is consistent with the Community Plan, the California Environmental Quality Act, the City's environmental regulations, the MSCP and MHPA, landscaping and brush management policies, and the Fire Department's fire protection policies.

No area of the project site is covered by a 100-year floodplain, so flood hazards are not present on the site. The project will not result in undue risks from geological hazards, erosional forces or fire hazards. The landfill is regulated by the State Water Resources Control Board's Water Quality Control Plan Report for the San Diego Basin. The Basin Plan designates beneficial uses, water quality objectives, and prohibitions applicable to the discharges regulated under Order No. 99-74, Waste Discharge Requirements for the Sycamore Landfill, adopted October 13, 1999. These regulations and conditions would continue to be applicable to the Sycamore Landfill, and with compliance as required no significant impact to water quality would occur. The landfill implements run-on/runoff controls and other BMPs such as desilting basins to reduce off-site erosion/siltation effects to below a level of significance.

No sensitive human receptors such as residences or schools are located close to the existing landfill area – the nearest school is 3,000 feet southwest of the southeastern boundary, and the closest residential development is approximately 3,500 feet east and south of the site. The Sycamore Landfill operates under Permit No. 971111 issued by the County of San Diego Air Pollution Control District [APCD]. Under the current operational permit, there are no allowed releases of odors or dust from any part of the landfill, associated landfill operations or on-site equipment that exceed the applicable visible emission or public nuisance standards specified in the APCD rules and regulations. No air-related change in landfill operations is requested except for opening one hour earlier, and the current APCD requirements would remain in effect. As a result, no significant air quality impacts would occur due to the requested landfill operational changes. The existing APCD Permit No. 971111 does not cover the proposed aggregate extraction and processing operations. Odors or dust associated with the proposed aggregate extraction and processing operations (if any) will be subject to a separate APCD permit which would require that potential dust impacts be mitigated. If permitted by the APCD and all applicable operating conditions are met, no significant air quality impacts would be expected from the proposed aggregate extraction and processing operations. The current APCD requirements would remain in effect for landfill operations if the project were approved.

The project consists of the removal of certain sensitive biological resources for landfill development, the addition of aggregate extraction and processing operations and a slight revision to the hours of landfill operations. None of these items would require the need for new or altered governmental services. With implementation of the air quality mitigation measures and the requirement for an air quality permit for the aggregate extraction and processing operations, none of the activities proposed as part of the project will create a health hazard or potential health hazard.

c. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project has been designed to comply with all development regulations of the SDMC and the City's Land Development Code, including the requirements for a site development permit to protect, preserve and, where damaged, restore environmentally sensitive lands, as further discussed below. Implementation of the proposed project will not require any deviations from the SDMC or the Land Development Code other than the Environmentally Sensitive Lands Deviations more fully described below.

2. Supplemental Findings--Environmentally Sensitive Lands: These supplemental findings are necessary because the Sycamore Landfill project would result in impacts to environmentally sensitive lands. Specifically, the project would result in impacts to 205 acres of native habitat within Little Sycamore Canyon, and would excavate and subsequently cover approximately 191 acres of lands with slopes greater than 25 percent.

a. The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.

Physically suitable...

- The site has been a landfill for more than 35 years, having been initially approved for that use by the City of San Diego in 1963 (CUP No. 6066 PC).
- The present 493-acre site was approved for expansion for landfill purposes by the City of San Diego in 1974 (CUP No. 6066 PC - Amendment 1).
- The current Staged Development Plan for the entire site was approved by the State of California and the LEA in 1994 (see Sycamore Landfill Report of Landfill Disposal Information [RDSI], Oct. 24, 2000).
- Sycamore Landfill complies with all applicable regulations for landfill operation (RDSI, 2000).

Minimum disturbance to environmentally sensitive lands...

Given that the approved use of the site is for a municipal solid waste [MSW] landfill that will fill much of Little Sycamore Canyon...

- The project will affect no 100-year floodplains, no coastal beaches, and no coastal bluffs; there are none located on the project site. The site is located approximately fifteen miles from the Pacific Ocean, and contains no 100-year flood areas, according to the Federal Emergency Management Agency [FEMA] maps (TRC, 1998).
- Continued landfill development on the site is expected to remove 205 acres of biological resources (MND, p. 4), the minimum necessary to implement the approved landfill design. These resources were specifically excluded from the MHPA, which surrounds the landfill site. The biological impacts will be mitigated in accordance with the mitigation ratios in the City's Biological Guidelines.
- The design avoids impacts to the ridges where sensitive plants [*Dudleya variegata*] grow; the proposed project avoids approximately 76 percent of the individual *Dudleya variegata* plants located within the site (MND, p. 5). This is more than is required by the MSCP Subarea Plan.
- The area of steep slopes within Little Sycamore Canyon that will be excavated and be subsequently covered with MSW and cover materials will be kept to the minimum necessary to implement the approved landfill design.

b. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

Minimize landform alteration...

- As described under Finding 2a above, the approved design for the development is for an MSW landfill that will fill much of Little Sycamore Canyon. Within that context, landforms will be altered the minimum amount needed to implement the approved landfill design.
- Any proposed substantive changes to the approved design must be reviewed and approved by the City of San Diego, the City's LEA, the APCD, the RWQCB, and the California Integrated Waste Management Board.

No undue risk from geologic forces...

- No moderate to large earthquakes have occurred within the greater San Diego area during historic times (*Geotechnical Characterization Report, Sycamore Landfill*, TRC, 1998).
- The largest estimated ground acceleration at the site that would result from a Maximum Probable Earthquake [MPE] at the nearest active fault zones was calculated at 0.2 g. This would result from a magnitude 6.0 earthquake on the La Nacion fault, located approximately 7.25 miles southwest of Sycamore Landfill (TRC, 1998).
- TRC found that there would be little or no likelihood of the following secondary effects of a major regional earthquake at the Sycamore Landfill site: liquefaction, induce flooding, induced land subsidence, or major induced landslides (TRC, 1998).

No undue risk from erosional forces...

- The site is not subject to any erosional forces that might preclude its use for landfill purposes. RWQCB Order No. 99-74 lists Waste Discharge Requirements for Sycamore Landfill, that among other topics, addresses erosion control requirements.
- Item 12 of Order No. 99-74 requires that "annually, by October 31, the discharger shall implement adequate erosion control measures, maintenance and repair of the landfill cover, drainage control facilities and use soil stabilization practices on all disturbed areas of the landfill to prevent erosion or flooding of the facility and to prevent surface drainage from contacting or percolating through wastes" (RWQCB, 1999).
- Other erosion control measures are listed in Order No. 99-74, Items 18-24 (RWQCB, 1999).

No undue risk from flood hazards...

- The site is not located in a flood hazard zone, according to FEMA maps.

No undue risk from fire hazards...

- In general, the landfill site is not at risk from brush fires. Access to the non-landfill portions of the site are strictly controlled. The working areas of the landfill consist mostly areas of bare soil, with only a small working face where MSW is deposited for the day. That area is covered each day, and a new landfill cell is begun on the following day.
- Landfill employees are trained in operational procedures to be followed when dealing with hot loads and fires detected in operational areas. In the event that a waste load is received that is smoking or on fire, landfill personnel direct it to be unloaded in an unvegetated area away from the working face. Appropriate fire fighting activities are implemented immediately thereafter. The vehicles, scale house, and maintenance area are equipped with suitable fire extinguishers for minor fire suppression. A stockpile of soil to be used for fire fighting purposes is maintained near the working face (Sycamore Landfill RDSI, pp. 16-17).

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. Lands located immediately west, east and south of the landfill site are part of the MSCP Subarea Plan's MHPA Eastern Area, and are considered environmentally sensitive. However, the landfill site itself has been excluded from the MHPA, and is designated for continued use for landfill purposes. The proposed development will prevent adverse impacts to those adjacent environmentally sensitive lands by:

- Keeping landfill area development within and set back from the ridgelines that define Little Sycamore Canyon.
- Minimizing development of ancillary facilities (such as permit-required water monitoring wells and gas probes) on landfill property that is west of the ridgeline between Spring Canyon (within the MHPA) and Little Sycamore Canyon (see Mitigation Measure 3, MND, p. 3; also discussion on MND, pp. 8-9).
- Complying with all City of San Diego MSCP Adjacency Guidelines (see MND, pp. 9-10).
- Conducting annual surveys for presence of California gnatcatchers in adjacent MHPA lands, and identifying and implementing acoustical separation zones to preclude noise from nearby landfilling operations from exceeding 60 dB(A) hourly average at those gnatcatcher locations (see Mitigation Measure 2, MND, p. 2; also discussion on MND, p. 10).

d. The proposed development will be consistent with the City of San Diego's MSCP Subarea Plan. The proposed development will mitigate for impacts to sensitive biological habitats in accordance with City-prescribed mitigation ratios (see Mitigation Measure 4, MND pp. 3-4). In addition, the proposed development will avoid 76 percent of identified individuals of *Dudleya variegata*, a narrow endemic species; will protect *Dudleya variegata* adjacent to landfilling operations through fencing and monitoring; and will implement a translocation program for the 24 percent of *Dudleya variegata* that would otherwise be lost (Mitigation Measure 6, MND pp. 5-8). A 0.5-acre adjustment to MHPA boundaries is proposed to preclude potential noise impacts to an area of the existing MHPA located on top of the eastern ridgeline of Spring Canyon.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The site, when fully developed, would cover ephemeral drainages on-site that total approximately 2.2 miles in length. Water only flows in these drainages immediately after rains. The drainages are minor tributaries to the San Diego River, located approximately 0.8 mile to the south. As undeveloped natural drainages, existing annual sediment production is low. Following further landfill development, any sediment from the site would be captured in landfill-operated desilting basins. The net change in sediment loading downstream would be *de minimis*. Continued development of the landfill site would result in no discernible change in beach sand supply.

f. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The required mitigation (listed in MND, pages 2-8) has been determined to mitigate potential negative impacts from the development, and includes measures set forth in the MSCP, the Land Development Code, and the City's Biology Guidelines, all of which were implemented by the City of San Diego to alleviate adverse impacts to environmental resources.

3. Supplemental Findings--Environmentally Sensitive Lands Deviations (SDMC section 126.0504(b)). The supplemental findings are necessary because the Sycamore Landfill project does not fully comply with the development regulations prescribed by the City of San Diego Environmentally Sensitive Lands [ESL] regulations. Specifically, SLI cannot avoid impacts to 2.71 acres of City of San Diego wetlands as required by SDMC section 143.0141(b).

These include 2.61 acres of non-vegetated ephemeral drainages, and 0.10 acre of Mule Fat scrub. In addition, implementation of the project as proposed would result in development of lands with slopes greater than 25 percent in excess of the amounts allowed by SDMC section 143.0142(a)(2).

a. There are no feasible measures that can further minimize the potential adverse effects on environmentally sensitive lands.

Wetlands

Measures that might be used to minimize potential adverse effects on identified wetlands include (1) total avoidance of all wetlands impacts; (2) minimization of impacts to wetlands; or (3) provision of additional mitigation. These topics are addressed in order below.

Total Avoidance of All Wetlands Impacts

Existing CUP

On May 1, 1974, the City of San Diego approved CUP Amendment No. 6066-PC/Amendment that authorized the 380-acre expansion of the existing Sycamore Landfill from 113 acres to parcels totaling 493 acres. The landfill development concept associated with the approval was a series of oversized plans identified as Exhibit A, dated January 16, 1974. These plans depict a landfill design that substantially fills Little Sycamore Canyon, but whose western and eastern edges are set back slightly from the adjacent ridgelines. All of the drainages that are the topic of this discussion were approved to be filled by the City of San Diego in that 1974 action. Total avoidance of these drainages would be inconsistent with that earlier City permit.

New Landfill Site – Spring Canyon

One way to avoid impacts to any of the wetlands identified on-site would be to abandon development of the permitted Sycamore Landfill site, and to permit and develop a new landfill in a location in which no wetlands exist. The only alternative landfill site identified within the City of San Diego is in Spring Canyon, the canyon located immediately west of the Sycamore Landfill site. Spring Canyon contains higher-quality wetlands than does Little Sycamore Canyon, such as freshwater marsh and Sycamore woodland. Therefore, development of Spring Canyon as a landfill, even if it could be done in a timely manner, would not reduce wetlands impacts that would occur.

No Wildlife Agency Comments on Wetlands

SDMC section 143.0141[a] directs that the “applicant shall, to the maximum extent feasible, incorporate the Resource Agencies’ [wetlands] recommendations prior to the first public hearing.” The Resource Agencies did not request avoidance of all wetlands in their November 30, 2001 comment letter to the draft Mitigated Negative Declaration. There is no reason to suspect that the Resource Agencies will not issue permits to fill the City of San Diego wetlands located on-site.

Minimization of Wetlands Impacts

New Landfill Design on the Existing Site

It would be possible to prepare an alternative landfill design for the approved Sycamore Landfill site design to minimize anticipated impacts to ephemeral drainages and to the small area of Mule

Fat scrub. Such a design would result in small, fragmented landfill cells, sandwiched between the ephemeral drainages that run intermittently down the slopes and at the canyon bottom. Only a small fraction of the capacity of the permitted landfill design would be able to accommodate San Diego-area solid waste. When that capacity was reached, a new landfill in another location would be required, which likely would have the same or more severe impacts to wetlands. Environmental issues associated with such a situation were addressed on the previous page under the heading "New Landfill Site – Spring Canyon."

Additional Mitigation

City Requirements

On-site Mule Fat scrub is considered wetland under City of San Diego definitions, and impacts to such lands must be mitigated using a 2:1 mitigation ratio, according to San Diego Land Development Manual Biology Guidelines. The non-vegetated ephemeral drainages onsite are considered wetlands by the City of San Diego Land Development Code Biology Guidelines, Table 2, which require 2:1 mitigation for natural flood channels or freshwater marsh. Total mitigation for impacts to Mule Fat scrub and non-vegetated ephemeral drainage under the City's regulations would be 0.20 acre of Mule Fat scrub, plus 5.22 acres of non-vegetated ephemeral drainage.

State Requirements

On-site Mule Fat scrub is considered wetland under State of California definitions, and impacts to such lands must be mitigated using a 2:1 mitigation ratio. The non-vegetated ephemeral drainages onsite are considered wetlands by the California Department of Fish and Game, whose mitigation guidelines require a 1:1 ratio. Total mitigation requirements for the 2.61 acres of ephemeral drainages would be 2.61 acres, plus 0.20 acres for mitigation of 0.10 acres of Mule Fat scrub. Implementation of the City's mitigation requirements would meet or exceed state or federal mitigation requirements.

Proposed Wetlands Mitigation

SLI proposes to mitigate all impacts to wetlands in accordance with all applicable local, state and federal regulations. Mitigation amounts will comply with City of San Diego requirements, as listed in Table A of the MND document of October 29, 2001. That is, at least 5.42 acres of wetland mitigation will be provided for the disturbance of 2.71 acres of ephemeral drainages and Mule Fat scrub. The mitigation would result in "no-net-loss" of wetlands.

SLI has agreed to comply with City mitigation requirements. There are no feasible additional mitigation measures that further reduce the impacts, given that the project mitigation already results in no net loss.

Steep Slopes

The site on which Sycamore Landfill is located comprises approximately 493 acres. Of that area, approximately 198 acres has been developed for Stage I of the landfill, there are 14 acres south of Stage I that are undeveloped, and not proposed for disposal of wastes, and 281 acres currently undeveloped within which further, approved, landfill development is requested. Most of the land (68 percent) within the 281-acre area has topographic slopes of 25 percent or greater (IT Corporation, Slope Analysis Plan, Sheet C-3, 2001). Those areas with slopes less than 25 percent are comprised of the canyon bottoms (which are environmentally-sensitive wetlands areas) and the ridge tops (which contain concentrations of *Dudleya variegata* and other sensitive plant species).

Measures that might be used to minimize potential adverse effects on steep slopes include (1) total avoidance of areas of the site containing steep slopes; or (2) minimization of impacts to steep slopes.

Total Avoidance of Steep Slope Impacts

Existing CUP

On May 1, 1974, the City of San Diego approved CUP Amendment No. 6066-PC/Amendment that authorized the 380-acre expansion of the existing Sycamore Landfill from 113 acres to parcels totaling 493 acres. The landfill development concept associated with the approval was a series of oversized plans identified as Exhibit A, dated January 16, 1974. These plans depict a landfill design that substantially fills Little Sycamore Canyon, but whose western and eastern edges are set back slightly from the adjacent ridgelines. All of the steep slopes that are the topic of this discussion were approved to be modified by the City of San Diego in that 1974 action. Total avoidance of steep slopes within this site would be inconsistent with that earlier City permit.

New Landfill Site – Spring Canyon

One way to avoid impacts to any of the steep slopes identified on-site would be to abandon development of the permitted Sycamore Landfill site, and to permit and develop a new landfill in a location in which no steep slopes exist. The only alternative landfill site identified within the City of San Diego is in Spring Canyon, the canyon located immediately west of the Sycamore Landfill site. Spring Canyon, as a topographic feature immediately adjacent to the subject site, also contains many acres of lands with slopes greater than 25 percent. Therefore, development of Spring Canyon as a landfill, even if it could be done in a timely manner, would not substantially reduce steep slope impacts.

Minimization of Steep Slope Impacts

New Landfill Design on the Existing Site

It would be possible to prepare an alternative landfill design for the Sycamore Landfill site to minimize use of lands with slopes greater than 25 percent. However, such a design by definition would be comprised of a small landfill cell located in the drainage at the canyon bottom. As noted before, this location is among the most sensitive on the site. Thus, such a design would be infeasible. Such a design, if approved, would have only a small fraction of the capacity of the permitted landfill design. When that capacity was reached, a new landfill in another location would be required. Environmental issues associated with such a situation were addressed above under the heading "New Landfill Site – Spring Canyon."

b. The proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making.

Introduction

Sycamore Landfill has operated for more than 35 years. On May 1, 1974, the City of San Diego approved CUP Amendment No. 6066-PC – Amendment 1 that authorized the 380-acre expansion of the existing Sycamore Landfill from 113 acres to parcels totaling 493 acres. The landfill development concept associated with the approval shows a landfill design that substantially fills Little Sycamore Canyon. All of the drainages and steep slopes that are the topics of this discussion were approved to be filled by the City of San Diego in that 1974 action.

The 1996 San Diego County Integrated Waste Management Plan [CIWMP], prepared with the cooperation and approval of the City of San Diego, addressed the capacity of existing permitted landfills within the County of San Diego. State regulations (CCR 18755.3) requires that each County or Regional Agency must identify disposal facilities that provide at least 15-years of remaining landfill capacity for the region. The CIWMP utilized a remaining capacity of 28.8 million cubic yards for Sycamore Landfill in 1995. This is nearly one-third of the County-wide available landfill capacity, thus if landfilling according to the approved plan is not allowed because the deviation is not approved, the result would be loss of planned County-wide solid waste disposal capacity, non-compliance with state solid waste regulations, and the need to site, permit, and develop additional landfills years earlier than anticipated.

The planned future solid waste disposal capacity at Sycamore Landfill is a special circumstance not of the applicant's making. The proposed deviation is the minimum necessary to allow the applicant to develop the planned future disposal capacity identified in the CIWMP.

Wetlands

If Sycamore Landfill, Inc. is not allowed to fill the 2.61 acres of non-vegetated ephemeral drainages and the 0.10 acre of Mule Fat scrub on-site, as approved by the City in 1974, the result would be the loss of many years of County-wide solid waste disposal capacity, and the need to

select, permit and develop one or more additional landfills years earlier than anticipated by local solid waste planners, and that likely would have the same or more severe impacts.

As described in the discussion of Finding 1, all impacts to City of San Diego-defined wetlands will be mitigated in accordance with City-mandated mitigation ratios.

The MSCP Subarea Plan, prepared by the City and approved by the Wildlife Agencies in 1997, did not include the landfill property within the MHPA, which completely surrounds the landfill property. The Plan (page 15) explicitly accepts the presence and continued operation of the existing landfill, which will eventually be restored and used for passive park/open space preserve functions.

For these reasons, the proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of SLI's making.

Steep Slopes

If Sycamore Landfill, Inc. is not allowed to excavate and fill the steep slopes areas within the landfill property, as approved by the City in 1974, the result would be the loss of many years of planned County-wide solid waste disposal capacity, and the need to find, select, permit and develop one or more additional landfills years earlier than anticipated by local solid waste planners, that likely would have the same or more severe impacts.

In 1997, the City of San Diego entered into a Memorandum of Understanding [MOU] with Allied Waste Industries to give the City the sole right to purchase Sycamore Landfill from Allied at any time during the subsequent 20 years. One clause of that MOU states that "During the Term of the Landfill Development Agreement (20 years), the parties will agree to cooperate in all aspects of the future development and operation of the Sycamore Canyon Landfill. The parties recognize that all such future development and operation of the Sycamore Canyon Landfill shall seek to preserve the maximum disposal capacity for future City use." The City's only landfill, Miramar Landfill, may close as early as 2008. If the City does not allow excavation and filling of the steep slope areas within Little Sycamore Canyon, in accordance with the 1974 CUP Amendment, it would adversely affect the capacity of a solid waste disposal facility in which it has an interest, and would severely limit its solid waste disposal options for the next 16 years. It also would violate the terms of the MOU.

For these reasons, the proposed deviation is the minimum necessary to afford relief from special circumstances or conditions of the land not of SLI's making.

4. Supplemental Findings--Steep Hillides Development Area Regulations Alternative Compliance (SDMC section 126.0504[b]). These supplemental findings are necessary because the Sycamore Landfill project would result in impacts to steep slopes. Specifically, the project would excavate and subsequently cover approximately 191 acres of lands that have slopes greater than 25 percent.

a. The proposed development is in conformance with the Steep Hillside Guidelines. The development program addressed in the MND environmental analysis is based upon a conceptual landfill design approved by the City of San Diego prior to the existence of the current Steep Hillside Guidelines. CUP No. 6066 PC – Amendment 1, adopted by the City of San Diego in 1974, provided that the landfill site be expanded to 493 acres, the present site size. Under the landfill design that was part of that CUP amendment, the Sycamore Landfill was approved to fill most of Little Sycamore Canyon. Subsequently, the current Staged Development Plan was prepared and approved by the LEA and the State of California in 1994. No new impacts to steep slopes beyond those already approved by the City would occur as a result of City approval of continued development and operation of this landfill.

b. The proposed development conforms to the applicable land use plan. The proposed site is designated for landfill use in the Community Plan. Please see the detailed discussion regarding development conformance with the Plan under Finding A.1.

c. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans. The landfill was approved by the City of San Diego for Sycamore Landfill in 1974 in CUP Amendment No. 6066-PC-Amendment 1, and strict adherence to steep hillside regulations would conflict with this prior plan approval.

In addition, if Sycamore Landfill, Inc. is not allowed to excavate and fill the steep slopes areas within the landfill property, as approved by the City in 1974, the result would be the loss of many years of planned County-wide solid waste disposal capacity, as projected in the City-approved CIWMP, and the need to find, select, permit and develop one or more additional landfills years earlier than anticipated by local solid waste planners.

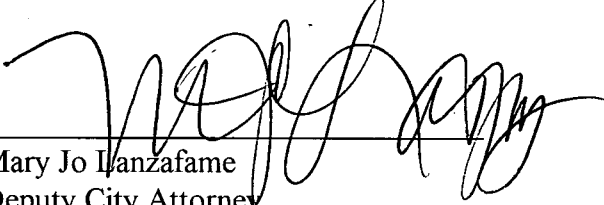
In 1997, the City of San Diego entered into a MOU with Allied Waste Industries to give the City the sole right to purchase Sycamore Landfill from Allied at any time during the subsequent twenty years. One clause of that MOU states that “During the Term of the Landfill Development Agreement (20 years), the parties will agree to cooperate in all aspects of the future development and operation of the Sycamore Canyon Landfill. The parties recognize that all such future development and operation of the Sycamore Canyon Landfill shall seek to preserve the maximum disposal capacity for future City use.” The City’s only landfill, Miramar Landfill, may close as early as 2008. If the City does not allow excavation and filling of the steep slope areas within Little Sycamore Canyon, in accordance with the 1974 CUP Amendment, it would adversely affect the capacity of a solid waste disposal facility in which it has an interest, and would severely limit its solid waste disposal options for the next sixteen years, and would violate the terms of the MOU.

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

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Planned Development Permit/Site Development Permit/MHPA Boundary Adjustment No. 40-0765 is granted to Sycamore Landfill, Inc., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Ianzafame
Deputy City Attorney

MJL:cl:pev
6/14/02
Or.Dept:Clerk
R-2002-1446
Form=permitr.frm
Reviewed by Vicky Gallagher

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

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**PLANNED DEVELOPMENT PERMIT/SITE DEVELOPMENT PERMIT
NO. 40-0765 (MMRP)
SYCAMORE LANDFILL
CITY COUNCIL**

This Planned Development Permit/Site Development Permit No. 40-0765 is granted by the City Council of the City of San Diego to Sycamore Landfill, Inc., a California Corporation, Owner/Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 493-acre site is located at 8514 Mast Boulevard in the RS-1-8 zone of the East Elliott Community Plan area. The project site is legally described as portions of Sections 13 and 14, Township 15 South, Range 2 West, and Sections 7, 18, and 19, Township 15 South, Range 1 West, U.S.G.S. 7.5 Minute La Mesa Quadrangle, San Bernadino Base and Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to continue to operate the existing Sycamore Landfill; brush and clear areas of the Sycamore Landfill site for future landfilling within the boundaries of the approved landfill Staged Development Plan; to add an aggregate extraction and processing facility; and, to change the hours of landfilling operations, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated April 9, 2002, on file in the office of the Development Services Department. The facility shall include:

- a. An existing solid waste landfill of approximately 493 acres;
- b. Brushing and clearing of the western and southwestern portions of the site within the existing boundaries of the approved landfill Stage Development Plan, in three phases, impacting a total of 205 acres of habitat;
- c. An aggregate extraction and processing facility within the staged development boundaries of the existing landfill. The hours of operation of the aggregate facility shall

be consistent with the hours of landfill operations, while truck ingress and egress associated with the aggregate facility shall be limited to the hours of 9:00 a.m. to 3:00 p.m., Monday through Saturday;

- d. Hours of landfill operations (receiving and processing waste):
 - Monday through Friday: 6:00 a.m. to 4:30 p.m.
 - Saturday and Sunday: 6:00 a.m. to 4:00 p.m.;
- e. Landscaping (planting and landscape related improvements); and
- f. Accessory improvements determined by the City Manager 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.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. 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 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.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

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

7. The Applicant or its successors shall obtain a grading permit as defined by this permit condition prior to any grading activities within landfill stages II, III or IV, or the small amount of native habitat remaining at the southeast corner of landfill Stage I. The specific requirements of Article 9, Division 6, of the SDMC, Chapter 12 do not apply to this grading permit condition. The following specific requirements apply:

- a. The required permit application shall be reviewed by Environmental Analysis Section and Multiple Species Conservation Program staff only.
- b. A decision on the application for a grading permit shall be made in accordance with Process One.
- c. The grading permit shall be approved if the application demonstrates that the biological mitigation requirements identified in Mitigated Negative Declaration No. 40-0765 have been met for the proposed habitat disturbance.
- d. The Applicant or its successors shall not begin any work, construction, or use on the property that removes native vegetation within landfill stages I, II, III, or IV until the required permit has been issued.

The Applicant or its successors shall submit a permit application to the City of San Diego Development Service Department. The required permit application shall include three (3) copies of the General Application (Land Development Manual, Volume I, Chapter I, Section 3, Item 1.1). General Application Part 1, Item 2, Project Description, shall indicate which landfill stage; II, III, or IV, or the small amount of native habitat remaining at the southeast corner of landfill Stage I, is proposed for disturbance.

The required permit application shall also include three (3) copies of a biology report addressing the biological resources of the offered mitigation parcel(s), prepared to City of San Diego standards by a qualified biologist. The biology report shall include the habitat mitigation requirement for the proposed landfill stage or aggregate extraction and processing area disturbance. The mitigation requirement shall be as defined by Mitigated Negative Declaration No. 40-0765. The biology report shall demonstrate how the acquired parcel(s) fulfills the mitigation requirement. No further information will be required.

8. This Planned Development Permit/Site Development Permit allows an additional use to the uses approved in CUP No. 6066-PC, CUP No. 6066-PC AM-1, and CUP No. 6066-PC AM-2. The uses and conditions in CUP No. 6066-PC, CUP No. 6066-PC AM-1, and CUP No. 6066-PC AM-2 remain in effect and are not changed or altered with the approval of this permit.

9. Prior to beginning aggregate extraction and processing facility operations, the applicant shall obtain a Permit to Construct and a Permit to Operate the aggregate facility from the Air Pollution Control District (APCD).

10. Any modification to this Permit, including any changes to approved Exhibit "A," dated April 9, 2002, on file in the office of the Development Services Department, shall require a permit amendment.

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 discretionary 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 special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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 new 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. The applicant shall comply with the Mitigation, Monitoring and Reporting Program (MMRP) as specified in Mitigated Negative Declaration, LDR No. 40-0765, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area(s): Biological Resources.

MULTI-SPECIES CONSERVATION PROGRAM (MSCP) REQUIREMENTS:

13. The issuance of this permit by the City of San Diego does not authorize the applicant to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. Section 1531 et seq.).

14. 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 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 Permittee by the City: (1) to grant 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 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 Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this permit and of full satisfaction by Permittee of mitigation obligations required by this permit, as described in accordance with Section 17.1D of the IA.

15. Prior to issuance of a grading permit for the project the applicant must provide assurances to the City Manager that areas within the Multiple Habitat Planning Area [MHPA] are preserved. Adequate notice must be recorded against the title of the property to memorialize the status of the MHPA areas. Options for this type of notice include: (1) Dedication in fee title to the City; (2) Conservation easement or (3) Covenant of easement.

PLANNING/DESIGN REQUIREMENTS:

16. This Planned Development Permit allows the current use and proposed use in accordance with SDMC section 143.0403(a)(1). Unlawful uses on any portion of the premises shall be terminated or removed as a requirement of the Planned Development Permit.

17. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

18. The maximum noise level created by the landfill and the aggregate facility operations shall not exceed 65 dB (A) CNEL at any time as measured at the property line.

19. The operation of the landfill, including the aggregate extraction and processing facility, shall not create dust or odor nuisances that extend beyond the property line.

20. The aggregate extraction and processing facility shall be limited to areas within the Staged Development Plan boundary of the landfill.

21. All signage associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan (Exhibit "A," dated April 9, 2002, on file in the office of the Development Services Department); or
- b. Citywide sign regulations.

22. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

LANDSCAPE REQUIREMENTS:

23. Prior to the implementation of the closure and post-closure plan, the Permittee or subsequent Owner shall provide a final Closure and Post-Closure Maintenance Plan to the Local Enforcement Agency for approval in accordance with State Law.

24. Installation of slope planting and other means of erosion control including seeding of all disturbed land (slopes and pads) consistent with the approved Closure and Post-Closure Plans is considered to be in the public interest. The Permittee shall initiate such measures within 30 days after the grading has been accomplished. Drainage and erosion control shall be in accordance with landfill design and operating standards and controls as required by Title 27, California Code of Regulations (27CCR). Final design and maintenance of closed landfill shall be consistent with the approved Final Closure and Postclosure Maintenance Plans and Closure and Postclosure Maintenance Standards for landfills as required by 27 CCR.

TRANSPORTATION REQUIREMENTS:

25. The ingress and egress of truck traffic associated with the aggregate extraction and processing operation site shall be limited to the hours of 9 a.m. to 3 p.m. Mondays through Saturdays.

INFORMATION ONLY

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code 66020.

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