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RESOLUTION NUMBER R-304356

DATE OF FINAL PASSAGE NOVEMBER 10, 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO GRANTING SITE DEVELOPMENT PERMIT NO. 9310 AND PLANNED DEVELOPMENT PERMIT NO. 9309, AMENDING DEVELOPMENT PERMIT NOS. 40-0765, 6066-PC, AND AMENDING 6066-PC AMENDMENTS 1 & 2 FOR THE SYCAMORE LANDFILL MASTER PLAN PROJECT NO. 5617.

WHEREAS, Sycamore Landfill, Inc. [SLI], Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit [SDP] No. 9310 and Planned Development Permit [PDP] No. 9309 to expand the capacity, footprint, and height of the existing Sycamore Landfill; add or modify ancillary facilities including sedimentation basins, an equipment maintenance facility, perimeter access road, scales and recycling area, and administrative offices; relocate an SDG&E transmission line; continue processing green/wood materials for alternative daily cover and/or beneficial reuse; process construction and demolition [C&D] debris; continue excavation and processing of aggregate materials and change the landfill hours of operation known as the Sycamore Landfill Master Plan project [Project], located at 8514 Mast Boulevard and legally described as: Portions of Lots 3, 4, 9 and 10 of the resubdivision of part of Fanita Rancho, Map No. 1703, and a portion of Lot 73 of Rancho Mission, 330, and all that real property relinquished to the City of San Diego per document recorded March, 6, 2008 as Document No. 2008-0117850 of Official Documents excepting Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3, all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on

March 7, 2001 as File/Page No. 2001-0129708; in the East Elliot Community Plan area, the AR-1-2 and RS-1-8 zones which are proposed to be rezoned to the IH-2-1 zone, and the Mission Trails Design District Overlay Zone; and

WHEREAS, on October 23, 2008, the Planning Commission of the City of San Diego considered SDP No. 9310 and PDP No. 9309, and pursuant to Resolution No. 6066-PC voted to recommend City Council denial of the permits; and

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

WHEREAS, the matter was set for public hearing on November 10, 2008, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to SDP No. 9310 and PDP No. 9309:

A. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE [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 Project, with the approval of SDP No. 9310 and PDP No. 9309, would not adversely affect the applicable land use plan. The City first permitted the Sycamore Landfill under Conditional Use Permit No. 6066 [CUP] in 1963. The 1971 Elliott Community Plan (now the East Elliott Community Plan or herein referenced as the "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 491-acres. As part of the Project, another approximately 26-acres outside the boundaries of the existing approved Sycamore Landfill parcels is proposed to be redesignated as landfill. These new areas are adjacent to the existing landfill parcels or to the existing landfill access road. Once the proposed amendment to the Community Plan and the General Plan is approved, the land uses at the landfill site would be consistent with the Community Plan and the General Plan. Moreover, the proposed Project is consistent with all applicable Community Plan as well as the General Plan goals, objectives or recommendations.

The proposed Project also is consistent with the Multiple Species Conservation Program/City of San Diego MSCP Subarea Plan. The approved landfill parcels are not within the MHPA, but adjacent to it. As part of the Master Plan, approximately 14.6-acres of sensitive habitat within the MHPA would be permanently disturbed by landfill Master Plan development for landfill activities, ancillary facilities, or transmission line relocation. However, all of these impacts would be mitigated in accord with the City's Biological Guidelines. The proposed Master Plan complies with the MSCP Subarea Plan, including its Adjacency Guidelines. The proposed Project would fully mitigate its impacts to the habitats, wildlife movement, preserve conservation, and management of the MHPA. Thus, the proposed Project is consistent with the applicable land use plans.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development, as currently designed, would not be detrimental to the public health, safety or welfare. The proposed Project is a Master Plan to allow an area already approved for use as a solid waste disposal facility to be developed in a way that efficiently provides solid waste capacity for the City of San Diego as envisioned by a 1999 Franchise Agreement. The Master Plan expands the already approved landfill site by only 26.04-acres. The Project would extend the life of this centrally located facility with minimal additional expansion of the already existing footprint. The Master Plan would provide for an increase in daily tonnage of municipal solid waste from the current limit of 3,965 tons per day to up to 13,000 tons per day in 2025, subject to limits in the Franchise Agreement as it may be amended from time to time. The proposed expansion would also involve relocating approximately one mile of electric power transmission line corridor that crosses the existing site, and approval of increased operating hours to up to 24-hour a day operations. Moreover, the Project would clarify the public property records by means of a consolidation map which clarifies which of certain easements were Abandoned by Public Act in 1974, and offers to dedicate alternate easements. The proposed Project, including the associated development of roadways, drainage infrastructure, open space preservation, etc., 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 after approval of the amendment to the Community Plan and General Plan is consistent with the Community Plan and General Plan; the California Environmental Quality Act and the City's environmental regulations; the Multiple Species Conservation Program [MSCP] and Multi-Habitat Planning Area [MHPA]; landscaping and brush management policies, the Fire Department's fire protection policies, and all other applicable public health, safety and welfare rules and regulations, as well as all

permit conditions imposed by the San Diego Air Pollution Control District, the California Integrated Waste Management Board, the Local Enforcement Agency, the Regional Water Quality Control Board, and other oversight boards and commissions. These permit conditions also help ensure that the Project would not be detrimental to the public health, safety or welfare.

No sensitive human receptors are located close to the existing landfill disposal area - the nearest school (West Hills High School) is situated 3,000 feet southeast of the landfill boundary. The closest residential development is approximately 3,500 feet east and south of the site. Other residential developments have been proposed 2,200 feet east of the landfill boundary (Castlerock), and 7,900 feet west of the boundary (Military Family Housing Site 8, MCAS/Miramar). Sycamore Landfill operates under existing Permit No. 971111 issued by the County of San Diego Air Pollution Control District [APCD]. The current operational permit allows no 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. The Project health risk assessment found that all public health risks for all potential health risk pathways at all sensitive receptors would be less than applicable adopted public health risk thresholds. The Project incorporates a liner system to protect groundwater, and monitoring wells to confirm the effectiveness of the liner system.

No area of the Project site is within a 100-year floodplain, so flood hazards are not present on the site. The Project would 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 Sycamore Landfill, adopted October 13, 1999. These regulations and conditions, or subsequent modifications by the Board, would continue to be applicable to Sycamore Landfill, and with compliance as required, no significant impact to water quality would occur. The landfill implements run-on/runoff controls and other surface water 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. In addition, the Project health risk assessment for air emissions that was completed for the Master Plan concluded that all public health risks for any potential health risk pathways at all sensitive receptors would be less than the applicable adopted public health risk thresholds, therefore there is no public health risk as a result of the approval of the Master Plan.

None of the proposed changes to the landfill design or operation would require the need for new or altered governmental services. With implementation of the air quality mitigation measures listed in the Environmental Impact Report [EIR], none of the

activities proposed as part of the Project would create a health hazard or potential health hazard.

In summary, the proposed Project would not be detrimental to public health, safety or welfare; in fact, it would have a net beneficial effect to the public health, safety and welfare because it would provide a modern municipal solid waste disposal facility in which to dispose of the waste generated by the City and its residents and businesses.

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 San Diego Municipal Code 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 would comply with the Municipal Code and the findings for deviations are more fully described in the Supplemental Findings below.

2. Supplemental Findings—Environmentally Sensitive Lands – Municipal Code Section 126.0504(b)

These supplemental findings under San Diego Municipal Code Section 126.0504(b) are necessary because the Master Plan would result in impacts to environmentally sensitive lands. Specifically, the Project would result in long-term or permanent impacts to approximately 38.66-acres of native upland habitat and 0.09-acres of ESL wetlands. Of that amount, approximately 11.97-acres of sensitive upland habitat land within the MHPA are proposed for development for landfill, ancillary facility or transmission line purposes.

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. For the reasons set forth below, the Sycamore Landfill Master Plan site is physically suitable for the design and siting of the proposed development, and the Project would result in minimal disturbance to environmentally sensitive lands. The Sycamore Landfill Master Plan has been designed to work with the natural environment, and take advantage of the location of the already existing landfill to minimize impacts to the environment.

The site is physically suitable for the design and siting of the proposed development, as evidenced that this location has been the site of a municipal solid waste landfill for more than 44 years. Sycamore Landfill initially was approved in this location by the City of San Diego in 1963 (CUP 6066 PC). The present site was approved for expansion for landfill purposes by the City of San Diego in 1974 (CUP 6066 PC - Amendment 1). Later, CUP 6066 PC-Amendment 1 approved a conceptual landfill plan filling all of Little Sycamore Canyon within the current landfill parcels (Exhibit A, CUP 6066 PC-Am). The

current Staged Development Plan for the entire site was approved by the California Integrated Waste Management Board, the LEA and the RWQCB in 1994.

The development would result in minimum disturbance to environmentally sensitive lands as it has been in continuous use as the site for a municipal solid waste [MSW] landfill since the 1960s. There are no 100-year floodplains, coastal beaches, or coastal bluffs located on the Project site. Continued landfill development, landfill ancillary facilities, and transmission line relocation at the site would permanently remove the minimum amount of biological habitat necessary to implement the proposed landfill design in a way designed to efficiently achieve municipal solid waste disposal capacity for the City's current and future needs. The biological impacts would be mitigated in accordance with the mitigation ratios in the City's Biological Guidelines and the MSCP. The area of steep slopes at the landfill site that would be excavated and which subsequently would be covered with municipal solid waste would be kept to the minimum necessary to safely implement the proposed landfill design.

Relocation of the transmission line that currently bisects the landfill site would result in minimum disturbance of environmentally sensitive lands, as required for transmission structure foundation areas, adjacent clear areas, and spur access roads. The biological impacts to these habitats would be mitigated in accordance with the mitigation ratios in the City's Biological Guidelines. The temporary impacts would be mitigated by reseeding the areas disturbed by construction activities with native plant species appropriate to the habitat disturbed. The Project would not preclude the use of any identified major wildlife corridors within the area.

Impacts to wetlands as defined by the Municipal Code would be limited and would be fully mitigated per City regulations]. Impacts to wetlands as defined by the State of California would be limited to the minimum necessary and would be fully mitigated per California Department of Fish and Game regulations.

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. The Project footprint has been located to minimize alterations to natural land forms and to ensure that the Project would not result in undue risk from geologic and erosional forces, flood or fire hazards. The location of the Master Plan within an already approved landfill site minimizes the land form alteration that any municipal solid waste landfill would require. Moreover, the design for the Sycamore Landfill was first approved by the City by CUP 6066 PC/Am, and that approval allowed the filling of much of Little Sycamore Canyon. The proposed Project substantially increases the capacity for municipal solid waste disposal over the existing landfill but only minimally increases the land form alteration required.

The approval for the landfill preceded the City's regulation of steep hillsides, and the existing landfill has already graded or is approved to grade more than 25%

of the steep slopes that originally existed on the property. As a result, even though the additional grading is minimal, strict compliance with steep hillside provisions of LDC sections 143.0150(b) and 126.0504 is not possible given the already approved landfill design. Accordingly, the Project would require approval under the Alternative Compliance provisions of Section 143.0151 of the Municipal Code. The proposed 38.66-acres of new development plus 4.69-acres of temporary construction disturbance would comprise approximately 18.7% of the remaining undeveloped premises, and development of steep slopes would occur in 12.85-acres, or 5.5%, of those premises. The proposed development areas are located immediately adjacent to existing areas approved for landfill development, or to the existing landfill access road. Moreover, all feasible mitigation measures with respect to land form alteration and site design, including sensitive grading techniques, landscaping, and site planning, have been incorporated into the Project.

The proposed Project would not result in undue risk from geologic or erosional forces, flood or fire hazards. No moderate to large earthquakes have occurred within the greater San Diego area during historic times. 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. There would be little or no likelihood of liquefaction, induced flooding, induced land subsidence, or major induced landslides at the Sycamore Landfill site from a major regional earthquake.

The site is not subject to any erosional forces that might preclude its use for landfill purposes. RWQCB Order No. 99-74 lists current Waste Discharge Requirements for Sycamore Landfill, and among other topics, addresses erosion control requirements. As part of the Project permitting process, the Regional Water Quality Control Board [RWQCB] would issue a new order addressing specific water quality and erosion issues associated with the proposed Master Plan design and operation. One item 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." Similar requirements would be part of the new order from RWQCB.

Other required erosion control measures are listed in Order No. 99-74. Similar control measures would be part of the new order from RWQCB. In addition, the Sycamore Landfill has approval to operate under the California General Storm Water Permit for Industrial Discharges, which addresses storm water management complete with a Storm Water Pollution Prevention Plan. The landfill implements run-on/runoff controls and other surface water best management practices [BMPs] such as desilting basins to reduce off-site erosion/siltation effects to below a level of significance. Coverage of the facility under the new Master Plan would continue.

There is no undue risk of a flood hazard as a result of the Project, since the site is not located in a flood hazard zone, according to FEMA Flood Insurance Rate Map 06073C1632F.

In general, the landfill site is not at undue risk from brush fires. The working areas of the landfill consist mostly areas of bare soil, with only a small working face where municipal solid waste is deposited for the day. That area is covered each day, and a new landfill cell is begun on the following day. Also, 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. A stockpile of soil to be used for fire fighting purposes is maintained near the working face.

Proposed new landfill ancillary facilities such as the administrative offices, scales/recycling area, and maintenance facilities area comply with City of San Diego brush management zone requirements. Water supplies to fight fires that may occur would be provided in accordance with City of San Diego fire regulations. Landfill vehicles, scale house, and maintenance area are equipped with suitable fire extinguishers for minor fire suppression. Evidence of landfill's resistance to brush fires was provided by the Cedar fire of October 2003. Although several hundred thousand acres of native habitat outside and inside the landfill site were burned as a result of that fire, the landfill, its ancillary facilities and equipment incurred little damage

c. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed Project has been sited and designed to minimize its adverse impacts to adjacent environmentally sensitive lands, such as the MHPA, including controls on drainage, lighting, and nuisance species. The Project would not conflict with habitat function, configuration or long-term viability of adjacent environmentally sensitive lands, nor would it cause significant edge effects. The proposed Master Plan would prevent or minimize potential adverse impacts to those adjacent environmentally sensitive lands by minimizing or avoiding impacts to sensitive plants within the MHPA lands to be disturbed; keeping new proposed areas of landfill development immediately adjacent to the approved areas of landfill development, thus avoiding potential habitat fragmentation and minimizing "edge effects"; keeping new proposed areas of landfill ancillary facilities adjacent to the existing landfill access road, thus avoiding potential habitat fragmentation and minimizing "edge effects"; complying with all City of San Diego MSCP Adjacency Guidelines; and avoiding potential operational noise and lighting impacts by conducting landfill operations behind 15 to 20-foot high berms located between operations and nearby MHPA boundaries where noted in the applicable mitigation measure. In addition, all manufactured slopes adjacent to undisturbed non-MHPA open space would be revegetated with native species upon landfill closure.

d. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program Subarea Plan. The proposed development would be fully consistent with the MSCP Subarea Plan and would mitigate for impacts to sensitive biological resources in accordance with the MSCP as well as with the City's Biological Guidelines.

e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Sycamore Landfill is located several miles from the public beaches and the local shorelines; therefore, it is highly unlikely based on distance alone that on-site development on the already existing landfill would contribute to erosion of public beaches or adversely impact local shoreline sand supplies. In addition, the Project includes detention/desiltation basins on-site to reduce surface water runoff velocities to ensure that water runoff would not increase downstream siltation, contribute to the erosion of public beaches or adversely affect local shoreline 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 nature and extent of mitigation required as a condition of the PDP/SDP is reasonably related to and calculated to alleviate negative impacts created by the proposed Master Plan. The EIR included a site specific impact analysis for the proposed development and its impacts and associated mitigation measures. All mitigation measures identified in the EIR that are associated with this proposed development have been found to be feasible and calculated to minimize and if possible avoid negative impacts that otherwise would be created by the proposed development.

3. Supplemental Findings--Environmentally Sensitive Lands Deviations (Section 126.0504(c).)

The supplemental findings are necessary because the Project does not fully comply with the development regulations prescribed by the City of San Diego Environmentally Sensitive Lands regulations. Specifically, the Master Plan cannot avoid impacts to 0.09-acres of City of San Diego ESL-definition wetlands as required by Section 143.0141(b) of the Municipal Code or impacts to 0.49-acres of wetlands meeting California Dept. of Fish & Game definitions; impacts to land within the MHPA (see Section 131.0250(b)(2) of the Municipal Code); or impacts to steep slope lands in excess of provisions of Section 143.0142 of the Municipal Code.

Impacts to all environmentally sensitive lands would be mitigated in accordance with all applicable regulations and mitigation ratios.

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

The sedimentation basins required as part of the Project would impact 0.09-acres of ESL-definition wetlands (mulefat scrub) located in the southern part of APN 366-041-01 (the existing landfill parcel located outside the MHPA), and in the eastern portion of APN 366-070-13, an MHPA parcel located immediately south of the landfill. In addition, the Project would disturb 11.97-acres of MHPA upland habitats on a long-term, permanent basis (coastal sage scrub (6.41-acres), CSS/native grassland/non-native grassland (0.78-acres), CSS/native grassland (0.78-acres), Valley needlegrass grassland (0.42-acres), chamise chaparral (3.35-acres), non-native grassland (0.22-acres)). Finally, the Project would have some unavoidable impact to steep slopes. The Project has been designed to have the minimum impact on environmentally sensitive lands feasible, but due to regulatory, site and design constraints, the Project cannot completely avoid certain impacts to environmentally sensitive lands, as further discussed below. All impacts to environmentally sensitive lands would be fully mitigated.

The proposed Master Plan includes sedimentation basins required to capture soil particles washed from them by rainfall, and to minimize potential downstream sediment deposition. Such sedimentation basins, in order to utilize gravity flow, must be lower in elevation than the lowest area of landfill. The only area available that meets that definition is the area immediately south of the landfill area, within the Little Sycamore Creek ephemeral drainage. Thus, the only feasible location for the required sedimentation basins is that shown on the Master Plan.

The five scales associated with the proposed increase in waste disposal and the proposed recycling drop-off area also would impact 0.04-acre of unvegetated stream channel. There is no feasible alternative to the location of the scales that would avoid all impacts to wetlands and other environmentally sensitive lands. The scales must be located (i) between the landfill entrance and the landfill itself, (ii) in an area readily accessible to and from the landfill access road, and (iii) on at least four acres.

There is no other location on the site other than that proposed which meets the above requirements and would result in fewer impacts to environmentally sensitive lands. The proposed scales area has been carefully designed and placed to minimize impacts to such lands, to minimize the intrusion into steep slopes and to minimize the required cuts. The proposed scales facilities are located immediately adjacent to the existing landfill access road; any other location would result in habitat fragmentation and increased "edge effects," and thus would result in greater impacts to environmentally sensitive lands than are caused by the proposed Project.

There also would be long-term disturbance associated with the proposed transmission line relocation, which would result in the loss of 0.20-acres of sensitive habitat within the MHPA. Such disturbance would occur where the new structures are placed, and where access roads to the structure clusters are located. Of this area, 0.13-acres, or 65 percent, is chamise chaparral, a Tier IIIA habitat. The remaining impacts would be to coastal sage scrub (0.06-acres, 30%) and to CSS/native grassland (0.01-acres, 5%). Transmission line relocation would not impact any sensitive plant species, however, due to fencing and subsequent monitoring during construction.

Reduction in proposed capacity would require that a new landfill site for the region be identified, permitted, and developed sooner than would be required under the proposed Master Plan. Any such new landfill would likely have the same or more severe impacts to environmentally sensitive lands than those posed by the proposed Master Plan. The only alternative landfill sites identified within the City of San Diego, within ten miles of Sycamore Landfill, and not developed or surrounded by development are in Oak Canyon, located 1.5 miles west of the Sycamore Landfill site, and Upper Sycamore Canyon, located in San Diego near the City of Poway. These sites were identified in a 1990 study jointly conducted by the City and the County of San Diego (Dames & Moore, 1990). Potential landfills at these sites would have a waste capacity of 30-44 million cubic yards [mcy], much smaller than the additional 95 mcy (approximate) proposed in the Sycamore Landfill Master Plan. Oak Canyon is known to contain wetlands and other environmentally sensitive lands, and Upper Sycamore Canyon contains ephemeral drainages and environmentally sensitive lands, although wetlands-specific evaluations have not been conducted. As a result, development of either of these two sites as a landfill would not reduce impacts to environmentally sensitive lands over that of the proposed Project.

Any alternative design that would totally avoid impacts to the wetlands and other environmentally sensitive lands altogether would place the required sedimentation basins 600 feet or more farther north, within the area already approved by the City for landfilling at the existing Sycamore Landfill in PDP/SDP 40-0765 (2002). That would be inconsistent with the already approved landfilling operations, and would reduce the landfill waste capacity by at least 18.5 mcy (to fully avoid wetland impacts). A landfill design that avoids the 6.73-acres of MHPA to the northwest is shown in the EIR as the Reduced Footprint Alternative. While it would avoid those MHPA lands, it would result in a loss of approximately 33 mcy of landfill capacity, the equivalent of 20 percent of the entire County's 2005 estimate of landfill capacity (Siting Element, CIWMP, September 2005). Avoiding MHPA lands where the sedimentation basins and the scales/recycling areas are proposed in the Master Plan would result in the loss of approximately an additional 19 mcy (Emcon/OWT, BRG, 2005). The avoidance of these impacts, then, would leave the County without adequate landfill capacity.

The applicant 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 Mitigation Measure 4.2.12 of the EIR. That is, at

least 0.58 of wetland mitigation will be provided for the disturbance of 0.49-acres of CDFG ephemeral drainages and Mule Fat scrub, as described in EIR Appendix C11. The mitigation would result in "no-net-loss" of wetlands. In addition, with the Project, the impacts to the MHPA would be fully mitigated in accordance with the MSCP. Similarly, the Project would mitigate all impacts to MHPA lands in accordance with all applicable City regulations. In essence, SLI will convey conservation easements on approximately 36.37-acres of MHPA lands to the City of San Diego, in exchange for the ability to develop approximately 38.66-acres. In addition, the applicant would convey 46.3-acres of gnatcatcher habitat in the MHPA for noise impacts along 29.36-acres of landfill access road. The total mitigation ratio would be greater than 2:1. There are no feasible additional mitigation measures that would further reduce the impacts.

The only apparent means of avoiding impacts to steep slopes would be to redesign the landfill to exclude steep slope areas located on the western side of the proposed Project. A project alternative that would do so has been addressed in the Draft EIR (Reduced Footprint Alternative). While implementation of that alternative would avoid steep hillside lands, it would result in a loss of approximately 33 mcy of landfill capacity, approximately 27 years of service life for the landfill at current disposal volumes, or four years of service life for the landfill at ultimate disposal volumes, and the equivalent of 20 percent of the entire County's 2005 estimate of landfill capacity (Siting Element, CIWMP, September 2005). The capacity lost by avoiding the steep slopes would have to be provided elsewhere for the City's waste disposal, and any alternative location most likely would also have impacts to steep slopes. The only other alternative would be to haul the waste out of the region, at additional costs to the environment, as well as fiscal costs associated with reliance on an out-of-region facility.

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. Sycamore Landfill has operated for more than 40 years in this location and the proposed design is the most efficient and least impactful means of providing the region with the required capacity for the County's anticipated municipal solid waste needs. Sycamore Landfill is an essential public facility, and to move to a new location would likely produce more impacts. Its proposed location is the location in which landfilling has been occurring since the 1960s, and the proposed Project would better utilize the property with minimal increase in footprint. The deviation is due to the region's need for solid waste disposal capacity, and is not of the applicant's making. The 2005 San Diego County Integrated Waste Management Plan [CIWMP] Siting Element, 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) require that each County or Regional Agency must identify disposal facilities that provide at least 15-years of remaining landfill capacity for that region. The 2005 San Diego CIWMP incorporated proposed Sycamore Landfill additional capacity projections of 162 million cubic yards or 116 million tons of waste into projections for County-wide waste disposal facilities. While the additional 95 mcy (approximate) capacity of the currently-proposed expansion is substantially less than that of

the original proposal, it still represents, if approved, approximately 39 percent of all in-County disposal capacity. If landfilling according to the proposed plan is not allowed because the deviation is not approved, the result would be loss of planned County-wide solid waste disposal capacity, potential non-compliance with state solid waste regulations, and the need to site, permit, and develop one or more additional regional landfills years earlier than anticipated.

B. PLANNED DEVELOPMENT PERMIT SDMC SECTION 125.0604

1. Findings for Planned Development Permit Approval – SDMC Section 126.0604

a. The proposed development will not adversely affect the applicable land use plan. The Project would not adversely affect the applicable land use plan. The City first permitted the Sycamore Landfill under Conditional Use Permit CUP No. 6066 in 1963. The 1971 Elliott Community Plan (now the East Elliott Community Plan, or herein referenced as the "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 491-acres. As part of the Project, another approximately 26-acres outside the boundaries of the existing approved Sycamore Landfill parcels is proposed to be redesignated as landfill. These new areas are adjacent to the existing landfill parcels or to the existing landfill access road. Once the proposed amendment to the Community Plan and the General Plan is approved, the land uses at the landfill site would be consistent with the Community Plan and the General Plan. Moreover, the proposed Project is consistent with all applicable Community Plan as well as the General Plan goals, objectives or recommendations.

The proposed Project also is consistent with the Multiple Species Conservation Program/City of San Diego MSCP Subarea Plan. The currently approved landfill parcels are not within the MHPA, but adjacent to it. As part of the Master Plan, approximately 11.97-acres of sensitive habitat within the MHPA would be permanently disturbed by landfill Master Plan development for landfill activities, ancillary facilities or transmission line relocation. However, all of these impacts would be mitigated in accord with the City's Biological Guidelines. The proposed Master Plan complies with the MSCP Subarea Plan, including its Adjacency Guidelines. The proposed Project would fully mitigate its impacts to the habitats, wildlife movement, preserve conservation and management of the MHPA. Thus, the proposed Project is consistent with the applicable land use plans, and therefore it would not adversely affect those plans.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development, as currently designed, would not be detrimental to the public health, safety or welfare. The proposed Project is a Master Plan to allow an area already approved for use as a solid waste disposal facility to be developed in a way that efficiently provides solid waste capacity for the City of San Diego as envisioned by

a 1999 Franchise Agreement. The Master Plan expands the already approved landfill site by only 26.04-acres. The Project would extend the life of this centrally located facility with minimal additional expansion of the already existing footprint. The Master Plan would provide for an increase in daily tonnage of municipal solid waste from the current limit of 3,965 tons per day to up to 13,000 tons per day in 2025, subject to limits in the Franchise Agreement as it may be amended from time to time. The proposed expansion would also involve relocating approximately one mile of electric power transmission line corridor that crosses the existing site, and approval of increased operating hours to up to 24-hour a day operations. Moreover, the Project would clarify the public property records by means of a consolidation map which clarifies which of certain easements were Abandoned by Public Act in 1974, and offers to dedicate alternate easements. The proposed Project, including the associated development of roadways, drainage infrastructure, open space preservation, etc., 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 after approval of the amendment to the Community Plan and General Plan is consistent with the Community Plan and General Plan; the California Environmental Quality Act and the City's environmental regulations; the Multiple Species Conservation Program [MSCP] and Multi-Habitat Planning Area [MHPA]; landscaping and brush management policies, the Fire Department's fire protection policies, and all other applicable public health, safety and welfare rules and regulations, as well as all permit conditions imposed by the San Diego Air Pollution Control District, the California Integrated Waste Management Board, the Local Enforcement Agency, the Regional Water Quality Control Board, and other oversight boards and commissions. These permit conditions also help ensure that the Project would not be detrimental to the public health, safety or welfare.

No sensitive human receptors are located close to the existing landfill disposal area - the nearest school (West Hills High School) is situated 3,000 feet southeast of the landfill boundary. The closest residential development is approximately 3,500 feet east and south of the site. Other residential developments have been proposed 2,200 feet east of the landfill boundary (Castlerock), and 7,900 feet west of the boundary (Military Family Housing Site 8, MCAS/Miramar). Sycamore Landfill operates under existing Permit No. 971111 issued by the County of San Diego Air Pollution Control District [APCD]. The current operational permit allows no 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. The Project health risk assessment found that all public health risks for all potential health risk pathways at all sensitive receptors would be less than applicable adopted public health risk thresholds. The Project incorporates a liner system to protect groundwater, and monitoring wells to confirm the effectiveness of the liner system.

No area of the Project site is within a 100-year floodplain, so flood hazards are not present on the site. The Project would 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 Sycamore Landfill, adopted October 13, 1999. These regulations and conditions, or subsequent modifications by the Board, would continue to be applicable to Sycamore Landfill, and with compliance as required, no significant impact to water quality would occur. The landfill implements run-on/runoff controls and other surface water 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. In addition, the Project health risk assessment for air emissions that was completed for the Master Plan concluded that all public health risks for any potential health risk pathways at all sensitive receptors would be less than the applicable adopted public health risk thresholds, therefore there is no public health risk as a result of the approval of the Master Plan.

None of the proposed changes to the landfill design or operation would require the need for new or altered governmental services. With implementation of the air quality mitigation measures listed in the Environmental Impact Report [EIR], none of the activities proposed as part of the Project would create a health hazard or potential health hazard.

In summary, the proposed Project would not be detrimental to public health, safety or welfare; in fact, it would have a net beneficial effect to the public health, safety and welfare because it would provide a modern municipal solid waste disposal facility in which to dispose of the waste generated by the City and its residents and businesses.

c. The proposed development will comply with the regulations of the Land Development Code. The proposed Project has been designed to comply with the development regulations of the San Diego Municipal Code 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 would require deviations from the Municipal Code, and the findings for those deviations are more fully described in the Supplemental Findings below.

d. The proposed development, when considered as a whole, will be beneficial to the community. Sycamore Landfill provides municipal solid waste capacity for a large portion of the City of San Diego and the San Diego County region. According to the most recent Countywide Integrated Waste Management Plan (CIWMP, September 2005), Sycamore's existing capacity under its approved plan represents approximately 30% of San Diego County's existing disposal capacity. Recent capacity calculation methods required by the state indicate that Sycamore Landfill actually provides closer to 57% of the County's municipal solid waste disposal capacity. The proposed Master Plan would allow future waste

disposal at an existing landfill site, helping to accommodate more of the region's needs for an additional 20-30 years. Continued availability of centrally located disposal facilities benefits the community as a whole. In addition, the facility would assist the cities in the County achieve their Source Reduction and Recycling Element [SRRE's] goals under state law and to generate additional electrical power from renewable sources of fuel.

e. Any proposed deviations pursuant to 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.

According to SDMC Sec. 131.0601, "The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and economy and to encourage employment growth. The industrial zones are intended to provide flexibility in the design of new and redeveloped industrial projects while assuring high quality *development* and to protect land for industrial uses and limit non-industrial uses."

SDMC Sec. 131.0655 is designed to provide outdoor amenities to workers in factories and similar industrial developments who otherwise would not have access to the outdoors. The proposed Project is an atypical industrial use, as it involves work that is almost exclusively outdoors, rather than the indoor work typically associated with industrial uses. Thus, while requiring an outdoor amenity is appropriate for industrial workers who otherwise would be kept indoors all day, the purpose behind the requirement, allowing workers an opportunity to spend some time outdoors, does not apply to the proposed Project, in which the work already is almost exclusively outdoors. Rather, the Project provides a 450-square foot indoor eating/break area in the proposed maintenance facility, to allow its workers, who spend most of the day outside, to have a place indoors to have shelter from the weather. There is a picnic bench located behind one of the offices in the existing landfill entrance area, for any workers who wish to eat outdoors, and an additional table would be added as part of the Project, so that there would be two tables placed in a sheltered portion of the landscaped areas near the new office building.

In addition, the Project is across the street from West Hills Park, and is within a quarter-mile of Mission Trails Regional Park. The Applicant purchased and donated a picnic table that is located in the equestrian area of the Park, and that is available for use by landfill workers.

There are no comparable situations in the surrounding neighborhood. No other industrial uses are permitted within miles of the site, and there are few developments of any kind near the landfill disposal area. West Miramar Landfill, the nearest similar landfill in the region, provides two picnic benches in an area near its administrative offices, similar to what would be provided at Sycamore. The proposed deviation would be beneficial to the neighborhood because of unique circumstances at the subject site, in that the workers at the

site, who spend most of their day outside, would have an indoor eating area. Moreover, it benefits the neighborhood and the workers to have an indoor eating area rather than eating outdoors at the operating landfill. The landfill has existed at the present location for more than forty years, and no outdoor amenity beyond the picnic bench cited above has ever been provided.

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 overruled, and SDP No. 9310 and PDP No. 9309 are granted to Sycamore Landfill, Inc. [SLI], Owner/Permittee for the 1,145' AMSL Alternative, with Transmission Line Relocation to the West and North (Section 8.8) as set forth in the Environmental Impact Report (Project No. 5617), as amended by action of the City Council to allow a height of 1,145 feet AMSL as set forth in the EIR but a capacity of approximately 166 million cubic yards rather than the 183 million cubic yards discussed in the EIR, reduced to reflect the council-added contour grading requirement, under the terms and conditions set forth in the permit attached hereto and made a part hereof, as well as the following conditions:

- a. SLI shall ensure that all contour grading and landscaping shall be done so as to appear as Open Space;
- b. SLI shall staff a committee to meet with representatives of the City of San Diego, the City of Santee, and all interested residents no less than quarterly to discuss and address community issues regarding the landfill;
- c. SLI shall make good faith efforts to engage in discussions with the City of San Diego on the feasibility of, and with an eye towards, transferring SLI's green waste

materials, and the processing of such materials, to the City of San Diego at a location other than the landfill;

d. While green waste is being stored and processed by SLI at the landfill, SLI shall store, stockpile, and/or process such green waste on the western side of the landfill;

e. SLI shall continue to update SLI's odor management plan prior to and during any expansion of the landfill;

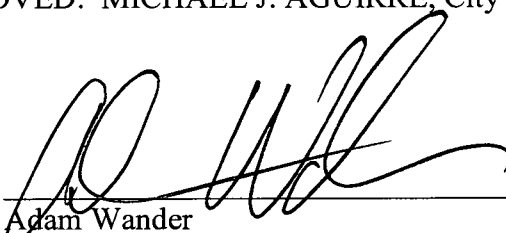
f. SLI shall ensure that no vehicles are stored on or around that portion of the landfill access road which runs adjacent to, and is visible from, California State Route 52 upon termination of the current lease with the current lessee, Asplundh Tree Expert Co., said lease being set to expire on June 31, 2009.

g. SLI shall ensure that the methane capture operations will continue on-site at the landfill;

h. SLI shall give priority of landfill space to waste generated in San Diego County;

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By:



Adam Wander
Deputy City Attorney

ARW:mm:cw
11/21/08
01/05/09
Or.Dept:DSD
R-2009-489
MMS#6932

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-1084

SITE DEVELOPMENT PERMIT NO. 9310
PLANNED DEVELOPMENT PERMIT NO. 9309
SYCAMORE LANDFILL MASTER PLAN - PROJECT NO. 5617 [MMRP]
(AMENDMENT TO DEVELOPMENT PERMIT NOS. 40-0765, 6066-PC, 6066-PC)
(AMENDMENTS 1 & 2, AND 10-64-0)

CITY COUNCIL

This Site Development Permit [SDP] No. 9310 and Planned Development Permit [PDP] No. 9309 to amend prior permits is granted by the City Council of the City of San Diego to Sycamore Landfill, Inc., a California Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 517-acre site is located at 8514 Mast Boulevard in the AR-1-2 and RS-1-8 zones which are proposed to be rezoned to the IH-2-1 zone; and the Mission Trails Design District Overlay Zone. The project site is legally described as Portions of Lots 3, 4, 9 and 10 of the resubdivision of part of Fanita Rancho, Map No. 1703, and a portion of Lot 73 of Rancho Mission, 330, and all that real property relinquished to the City of San Diego [City] per document recorded March, 6, 2008, as Document No. 2008-0117850 of Official Documents excepting Easement Parcels 26202-2, 26202-3, 26204-2, 26204-3, 26204-4, 26203-2, 26203-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 filed in the Office of the County Recorder of San Diego County on March 7, 2001 as File/Page No. 2001-0129708.

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, with an increase in daily trips from the previous limit of 620 trucks per day increasing in phases over time to a maximum of 6,880 average daily trips [ADT] through the landfill closure, the timing of which depends primarily on the amount of municipal solid waste generated in the region requiring disposal. In addition, permission is granted to Owner/Permittee to operate up to 24 hours a day, seven days a week. This permit also allows the Owner/Permittee to relocate the scale area and the administrative office, landscape the entrance, relocate the existing transmission line, add a

citizen's convenience drop-off and relocated recycling center, and construct a maintenance facility and a perimeter access road. This permit allows the Owner/Permittee to continue to process green/wood materials for alternative daily cover and/or beneficial reuse, and to continued aggregate processing operations within its boundaries. The permit also allows the Owner/Permittee to process construction and demolition (C&D) debris. In the future, composting also may be initiated at the landfill subject to subsequent environmental review at the time of compost project application. When implemented, the Master Plan development will increase the height of the landfill to 1145 feet above mean sea level [AMSL] and extend the capacity of this resource for municipal solid waste management in the San Diego metropolitan area by 95 mcy, described and identified by size, dimension, quantity, type, and location on the approved exhibits ["Exhibit A"] dated November 10, 2008, on file in the Development Services Department [DSD].

The Sycamore Landfill Master Plan Project shall include:

- a. A solid waste landfill site of approximately 517-acres, an increase over the existing landfill site of approximately 26-acres;
- b. An increase in height to 1145 AMSL;
- c. An increase in capacity to 166 mcy;
- d. An increase in permitted traffic to 6,880 ADT, subject to traffic mitigation requirements;
- e. A transmission line relocation;
- f. The continued Excavation of approximately 35-40 million cubic yards of native material, some of which shall be processed to produce commercial aggregate and exported as approved by PDP/SDP 40-0765;
- g. Construction of new permanent maintenance and operations/office facilities, relocated scales, public drop-off facilities for refuse and recyclables, expanded landfill gas management and power generation facilities, a new water storage tank for dust suppression and fire control, a new/relocated fueling facility and surface water management structures including utilities;
- h. Initiation of enhanced green/wood material processing operation to assist local governments in diverting additional organic material from the landfill waste stream;
- i. Initiation of construction and demolition (C&D) materials processing for recovery;
- j. Construction of a perimeter access road and landscaping of the entrance;

- k. Brushing and clearing of the portions of the site not yet cleared and where landfilling and construction of landfill ancillary facilities are anticipated by this permit;
- l. Continued operations of the existing aggregate processing facility. The hours of operation of the aggregate processing shall be the same as they are under the existing project; namely, 6:00 a.m. – 4:30 p.m. Monday through Friday, and 6:00 a.m. – 4:00 p.m. Saturday and Sunday;
- m. Up to 24 four hours of landfill operations (receiving and processing waste), seven days a week;
- n. Deviations to development regulations as outlined in this permit;
- o. Landscaping (planting and landscape related improvements); and
- p. 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.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
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 Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. This Planned Development Permit/Site Development Permit amends PDP/SDP 40-0765 and supersedes CUP No. 6066-PC, CUP No. 6066-PC AM-1, and CUP No. 6066-PC AM-2; and CUP No. 10-640-0 ("Prior CUPs"). The permit governing the electrical power use of methane gas, CUP 83-0789, is not a part of this amended PDP/SDP.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.
9. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
10. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

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

13. This Permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

15. The mitigation measures specified in the MMRP, and outlined in Environmental Impact Report [EIR] No. 5617, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

16. The Owner/Permittee shall comply with the MMRP as specified in EIR No. 5617, satisfactory to the City Manager and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Land Use/Multiple Species Conservation Program
- Landform Alteration/Visual Quality
- Biological Resources
- Traffic/Circulation
- Paleontological Resources
- Noise
- Air Quality

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

LANDSCAPE REQUIREMENTS:

18. Prior to issuance of construction permits for grading of the ancillary facilities or transmission line structures, the Permittee or Subsequent Owner shall submit landscape construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the City Manager. All plans shall be in substantial conformance to this permit; including Environmental conditions; Habitat Restoration Plans, and Relocation Plans, and Exhibit "A."

19. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the City Manager for approval. Improvement plans shall take into account a 40 square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

20. In the event that a foundation only permit is requested by the Permittee or Subsequent Owner, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit "A," Landscape Development Plan. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

21. Prior to issuance of any construction permits for buildings including shell, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the City Manager for

approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

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

23. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

24. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

25. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

26. Prior to issuance of construction permits for grading, the Permittee or Subsequent Owner shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or MHPA, shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the City's Land Development Manual, Landscape Standards are prohibited.

27. Construction Documents for grading shall include the following note: "Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of twenty-five months. Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Coordination section of the Development Services Department.

28. Prior to issuance of any grading permit that includes slope restoration, the Permittee or subsequent Owner shall enter into a Landscape Establishment/Maintenance Agreement (LEMA) to assure long-term establishment and maintenance of the slope and restoration areas. The LEMA shall be approved by the Landscape Section of Development Services and the City Manager. The agreement shall commence prior to release of the performance bond with Permittee or subsequent Owner posting a new bond to cover the terms of the agreement.

29. During landfill operations, following approval of a revised Solid Waste Facilities Permit by the Local Enforcement Agency that permits the Master Plan, visible south and east facing graded areas not planned to be active for six months shall be planted within one month of grading using native, drought-tolerant plant material listed in the approved Landscape Development Plan in Exhibit "A." 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 (27 CCR).

30. Noise and view-blocking barrier berms 15 to 20 feet-high above the elevation of the landfill active working area shall be constructed between the active working area, and the adjacent MHPA lands, if the landfill working areas are within 1,600 feet of the MHPA boundary, and if they are at an elevation at or above the adjacent natural ridgeline (visual and noise). The berms shall be constructed of solid waste and/or soil, with an outer, interim cover of soil, and covered with mulch promptly following berm construction.

31. The landfill slopes expected to be inactive for six months or more shall be seeded and mulched. The berm on the eastern side of the landfill shall be constructed of soil and rock, and not of waste.

32. The disturbed areas shall be revegetated with native plant species once the specific areas are ready to be closed pursuant to the Closure Plan.

33. All contour grading and landscaping shall be done so as to appear as Open Space.

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

34. The Permittee or Subsequent Owner shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A," Brush Management Plan.

35. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A."

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

37. The Brush Management Program shall implement one modified Zone One consistent with the Brush Management Regulations of the LDC section 142.0412(i) as follows: The administrative building shall have an expanded Zone One of 100 feet.

PLANNING/DESIGN REQUIREMENTS:

38. No fewer than 45 off-street parking spaces (63 will be provided) shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

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

40. The following deviations to development regulations:

- a. Deviation from LDC section 131.0665 to provide a 450 square foot indoor eating area where a 2,000 square foot outdoor eating and/or recreation facility is required.
- b. Deviation from LDC section 143.0141 to impact sensitive biological resources (wetlands).
- c. Deviation from LDC section 143.0142 to exceed the allowable development area of the premises where steep hillsides are present.

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

42. This PDP 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 PDP.

43. 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.

44. The maximum noise level created by the landfill disposal operations and aggregate processing shall not exceed 65 dB(A) CNEL at any time as measured at the property line. In addition, all feasible mitigation measures shall be implemented to preclude or, to the maximum extent practicable, limit, dust and/or odor nuisances from extending beyond the property line as a result of the operation of the landfill, including the aggregate processing facility.

45. The aggregate processing facility shall be limited to areas within the Master Plan boundary of the landfill at which disposal of municipal solid waste is allowed.

46. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located. In addition, lighting at the maintenance facility will be limited to security lighting, installed in compliance with City of San Diego lighting regulations (shielded, light not falling on MHPA areas). Outside lighting for the scales shall be shielded, directed downward and to the east, and shall be the minimum wattage needed to provide scales visibility. Landfill areas active at night shall be lighted with mobile lighting units, but direct view of these areas from areas of equal or lower elevation shall be screened by 15 feet – to – 20 feet high barrier berms. The lights shall be shielded and pointed toward the ground.
47. The existing citizen recycling area now near Mast Boulevard shall be removed. Portions of the former recycling area shall be regraded/revegetated.
48. The proposed transmission line relocation shall use non-specular (dulled finish) conductors.
49. Following construction of the electric transmission line relocation, temporary disturbance areas shall be revegetated.
50. Solid waste truckloads between 7:00 p.m. and 7:00 a.m. shall be limited to 1,295 per day and no more than 259 per hour. Prior to the issuance of any construction permits, including but not limited to the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the ADD Environmental Designee of the City's LDR Division shall verify that the following statement is shown on the applicable grading and/or construction plans as a note under the heading *Environmental Requirements*: "Sycamore Landfill Master Plan Development is subject to the MMRP and shall conform to the mitigation conditions as contained in the EIR No. 5617/SCH 2003041057.
51. Any material disposed on any portion of the site shall be restricted to municipal solid waste as approved by the California Integrated Waste Management Board and the Regional Water Quality Control Board.
52. Adequate provisions shall be made to prevent surface flooding of the site by water from outside the site.
53. Burning shall not be permitted on the site.
54. Water shall be provided for control of dust and hot materials.
55. A fence shall be so constructed as to be capable of preventing the dispersion of paper and other materials from littering the surrounding area, with a lockable gate provided.
56. Prior to use, access road and plant operating area roads shall be oiled, paved, or otherwise dust-proofed and maintained as required by the Air Pollution Control Officer of San Diego County [County] for dust control.

57. Dust control methods shall be applied to any dust-producing condition which may develop and result in a nuisance from this operation, as determined by the Air Pollution Control Officer of the County.

58. Prior to final approval of a building permit, the property shall be provided with facilities approved by the San Diego Department of Public Health, as follows:

- a. A potable water supply;
- b. Proper sanitary facilities, including toilet and hand-washing facilities for employees working on the premises. These facilities shall be installed in conformance with the laws applicable thereto.

59. Any ponds or surface waters shall be maintained in such a manner as to prevent the development of a pest nuisance.

60. The construction and operation of the proposed use shall comply at all times with the regulations and requirements of this and other governmental agencies.

TRANSPORTATION REQUIREMENTS

61. The existing landfill scales shall be relocated to an area approximately 3,200 feet from the landfill entrance at Mast Boulevard.

62. Prior to the first phase of the expansion (maximum of 1,250 tickets/3,040 ADT, the applicant shall provide a mitigation monitoring program with an annual traffic information summary to ensure the ticket counts, numbers of trucks, daily trips, trips per hour and tons per day are within the limits of operation to the satisfaction of the City Engineer. Copies of the annual report shall be provided to Caltrans, the City of Santee and the City's DSD Traffic.

On a quarterly basis, the applicant shall report to the City Engineer peak-period a.m. and p.m. tickets by hour and by day, and provide tickets per hour and inbound trips per hour for a representative day during each of the reporting months. If measures to reduce trips or tickets under condition 3 were implemented during the month, the monthly report shall describe what measures were implemented, and what effect, if any, they had on the trips or tickets being monitored, to the satisfaction of the City Engineer.

63. The applicant shall not exceed the following hourly operations to the satisfaction of the City Engineer:

- a.m. Peak (7:00 a.m. to 9:00 a.m.) – 104 tickets per hour; 132 inbound trips per hour;
- p.m. Peak (4:00 p.m. to 7:00 p.m.) – 44 tickets per hour; 56 inbound trips per hour.

64. Prior to the first phase of expansion (maximum of 1,250 tickets/3,040 ADT not assuming a conversion for Passenger Car Equivalence (PCE) of 2, the applicant shall provide the following

transportation mitigation measures to the satisfaction of the City Engineer: widen the intersection of Mast Boulevard and the Project's access point/West Hills Parkway to include dual eastbound left turn lanes.

65. Prior to increasing landfill tickets above the 620 tickets per day now allowed, the applicant shall provide a fair share contribution to Caltrans to widen SR-52 west of Mast Blvd. (Managed Lanes Project), working with the City and Caltrans to implement the appropriate payment, to the satisfaction of the City Engineer.

66. Prior to the second phase of the expansion (maximum of 1,900 tickets/5,270 ADT not assuming a conversion for PCE of 2), the applicant shall provide the following transportation mitigation measures to the satisfaction of the City Engineer: widen Mast Boulevard to six lanes from the SR-52 interchange to east of the project's access point/West Hills Parkway to the satisfaction of the City Engineer.

67. Prior to the second phase expansion to 1,900 tickets 5,270 ADT (not assuming conversion for PCE of 2), the applicant shall widen the intersection to include a westbound right turn lane, a northbound through lane, a southbound left turn lane, southbound dual right turn lanes, a westbound through lane, and an eastbound through lane to the satisfaction of the City Engineer.

68. Prior to the applicant's expansion to 2,150 tickets/5,942 ADT (not assuming conversion for PCE of 2), the applicant shall document that the Caltrans Managed Lanes Project on SR-52 (six lanes, plus two high-occupancy lanes) is assured between I-15 and SR-125, to the satisfaction of the City Engineer.

69. To reduce traffic impacts to State Route 52 during peak periods SLI shall implement the following Transportation Demand Management Plan [TDMP]. Prior to the first phase of the expansion (maximum of 1,250 tickets/3,040 ADT, SLI shall monitor and report the tickets as required by MM 4.4.5b. If peak-period tickets exceed the levels set forth in MM 4.4.5c more than five percent of the time in a given month, SLI shall take action to reduce landfill peak-period traffic by implementing one or more of the following steps in subsequent months:

- Reduce deliveries by vendors during a.m. and/or p.m. peak periods.
- Revise employee hours to allow commutes outside a.m. and/or p.m. peak periods.
- Implement a.m. and/or p.m. peak-period disposal pricing measures.
- Prohibit self-haul trash disposal during a.m. and/or p.m. peak periods.
- Adjust transfer vehicle deliveries during a.m. and/or p.m. peak periods.
- Convene a meeting of the TDMP Committee to consider other possible traffic management issues.

WASTEWATER REQUIREMENTS:

- 70. The property owner shall sign and record an agreement against their property to connect to sewer within thirty days after such public sewer system becomes available.
- 71. All on site sewer facilities shall be private.
- 72. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City Sewer Design Guide. Proposed facilities that do not meet the current standards shall be redesigned or private.
- 73. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.
- 74. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check. In addition, the developer shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

WATER REQUIREMENTS:

- 75. Prior to the issuance of any engineering permit, including grading, the Owner/Permittee shall provide evidence to the Development Project Manager indicating that approval has been obtained from the Padre Dam Municipal Water District for water service to the site.
- 76. Prior to the final inspection of any engineering or building permit, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

ADDITIONAL REQUIREMENTS:

- 77. Owner/Permittee shall staff a committee to meet with representatives of the City of San Diego, the City of Santee, and all interested residents no less than quarterly to discuss and address community issues regarding the landfill.
- 78. Owner/Permittee shall make good faith efforts to engage in discussions with the City of San Diego on the feasibility of, and with an eye towards, transferring Owner/Permittee's green waste materials, and the processing of such materials, to the City of San Diego at a location other than the landfill.
- 79. While green waste is being stored and processed by Owner/Permittee at the landfill, Owner/Permittee shall store, stockpile, and/or process such green waste on the western side of the landfill.

80. Owner/Permittee shall continue to update Owner/Permittee's odor management plan prior to and during any expansion of the landfill.

81. Owner/Permittee shall ensure that no vehicles are stored on or around that portion of the landfill access road which runs adjacent to, and is visible from, California State Route 52 upon termination of the current lease with the current lessee, Asplundh Tree Expert Co., said lease being set to expire on June 31, 2009.

82. Owner/Permittee shall ensure that the methane capture operations will continue on-site at the landfill.

83. Owner/Permittee shall give priority of landfill space to waste generated in San Diego County.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on November 10, 2008 by Resolution No. R-304356.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

SYCAMORE LANDFILL, INC., a
California Corporation
Owner/Permittee

By _____

By _____

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