

RESOLUTION NUMBER R- 307681
DATE OF FINAL PASSAGE SEP 17 2012

A RESOLUTION CERTIFYING ENVIRONMENTAL IMPACT
REPORT NO. 5617/SCH NO. 2003041057 AND ADOPTING A
MITIGATION, MONITORING AND REPORTING PROGRAM,
FINDINGS, AND STATEMENT OF OVERRIDING
CONSIDERATIONS FOR THE SYCAMORE LANDFILL
MASTER PLAN - PROJECT NO. 5617

WHEREAS, on February 5, 2003, Sycamore Landfill, Inc. (SLI) submitted an application to the Development Services Department for an East Elliott Community Plan Amendment, General Plan Amendment, Rezone from RS-1-8 (Single Dwelling Unit) to IH-2-1 (Heavy Industrial), Amendment To Planned Development Permit/Site Development Permit, Lot Consolidation Parcel Map, Street Vacation, Easement Abandonment, various Deviations from the Environmentally Sensitive Lands Regulations for the Sycamore Landfill Master Plan-Project No. 5617; and

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

WHEREAS, the issue was heard by the City Council on September 17, 2012; and

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

WHEREAS, the City Council considered the issues discussed in Environmental Impact Report No. 5617/SCH No. 2003041057 (Report) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the City Council that it is certified that the Report has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Report, together with any comments received during the public review process, has been reviewed and considered by the City Council in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081 and State CEQA Guidelines Section 15091, the City Council hereby adopts the Findings made with respect to the Project, and pursuant to State CEQA Guidelines Section 15093, the City Council hereby adopts the Statement of Overriding Considerations with respect to the Project, both of which are attached hereto as Exhibit A.

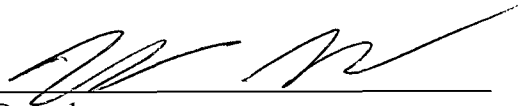
BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the City Council hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by this City Council in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit B.

BE IT FURTHER RESOLVED, that the Report and other documents constituting the record of proceedings upon which the approval is based are available to the public at the Office of the City Clerk, 202 C Street , San Diego, CA 92101.

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

APPROVED: JAN GOLDSMITH, CITY ATTORNEY

By:



Keith Bauerle
Deputy City Attorney

KB:sc:mm
08/30/12
Or.Dept:DSD
Doc. No.431107

ATTACHMENT(S): Exhibit A, Findings and Statement of Overriding Considerations
Exhibit B, Mitigation Monitoring and Reporting Program

EXHIBIT A

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

East Elliott Community Plan Amendment, General Plan Amendment, Rezone from RS-1-8 (Single Dwelling Unit) to IH-2-1 (Heavy Industrial), Amendment To Planned Development Permit/Site Development Permit, Lot Consolidation Parcel Map, Street Vacation, Easement Abandonment, various Deviations from the Environmentally Sensitive Lands Regulations SYCAMORE LANDFILL MASTER PLAN - PROJECT NO. 5617 ENVIRONMENTAL IMPACT REPORT NO. 5617/STATE CLEARINGHOUSE NO. 2003041057

INTRODUCTION

Findings of Fact and Statements of Overriding Considerations

The California Environmental Quality Act (Pub. Res. Code §§ 21000 *et seq.*) (CEQA) and the State CEQA Guidelines (14 Cal. Code of Regs. Sections 15000 *et seq.*) (Guidelines) promulgated thereunder require that the environmental impacts of a proposed project be examined by the decision-maker before a project is approved. Moreover, once significant impacts have been identified, CEQA and the CEQA Guidelines require that certain findings be made before project approval. It is the exclusive discretion of the decision-maker certifying the EIR to determine the adequacy of proposed candidate findings. Regarding the findings, Section 15091 of the Guidelines provides that:

(a) No public agency shall approve or carry out a project for which an environmental impact report has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alternatives have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation

measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to section 15093 does not substitute for the findings required by this section.

These requirements are also found in Section 21081 of the CEQA statute. The “changes or alterations” that have been “required in, or incorporated into, the project” and “which avoid or substantially lessen the significant environmental effect” identified in the Final EIR and which are referred to in Section 14091(a)(1) cited above may include a wide range of measures or actions, which are described in Section 15370 of the Guidelines, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Should significant and unavoidable impacts remain after changes or alterations are applied to the project, a Statement of Overriding Considerations must be prepared. That statement provides the lead agency’s views on whether the project’s benefits outweigh its unavoidable adverse environmental effects. Guidelines Section 15093 provides guidance on what a Statement of Overriding Considerations requires:

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable.’

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final environmental impact report but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final environmental impact report and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The following Candidate Findings and Statement of Overriding Considerations have been submitted by the Applicant following their preparation by legal, environmental, engineering, planning and economic experts whose opinions are based on their review of the entire administrative record and their familiarity with the Project, the environment of the Project site and its vicinity, and the applicable rules and regulations of the public agencies involved in approval, implementation, and regulations of the Project. Experts in these same disciplines at the Development Services Department (DSD), Environmental Analysis Section (EAS) and other City agencies who are familiar with the Project independently evaluated the findings and concur that they are legally adequate and supported by substantial evidence. Following its independent review, it is exclusively discretion of the decision-maker certifying the final EIR to make a final determination regarding the adequacy of the proposed Candidate Findings and Statement of Overriding Considerations.

Having received, reviewed and considered the Final Environmental Impact Report for the proposed Sycamore Landfill Master Plan, Project No. 5617, SCH No. 2003041057 (FEIR), as well as all other information in the record of proceedings on this matter, the following Findings of Fact (Findings) and Statement of Overriding Considerations are hereby adopted by the City of San Diego (City) in its capacity as the CEQA Lead Agency. These Findings and Statement of Overriding Considerations set forth the environmental basis for discretionary actions to be undertaken by the City and responsible and trustee agencies for implementation of the project.

Record of Proceedings

For purposes of CEQA and these Findings and Statement, the record of proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City in conjunction with the project;
- All responses to the NOP received by the City;
- The documentation of the final City decision, including the FEIR and all documents cited or relied on in the Findings or in the Statement of Overriding Considerations;

- All other written materials relevant to the City's compliance with CEQA or to its decision on the merits of the project, including the Draft EIR, and copies of studies or other documents relied upon in the Draft and/or Final EIR prepared for the project and made available to the public during the public review period or included in the City's files, and City communications related to the project and/or its compliance with CEQA;
- All written comments, correspondence, evidence and/or documents submitted to or transferred from the City with respect to compliance with CEQA or with respect to the project, including all written comments, correspondence and/or documents submitted by agencies or members of the public up through the close of the public hearing on the project, including responses to the Notice of Preparation, as well as all responses to those written comments, correspondence and/or documents;
- All written and verbal public testimony presented during any noticed public hearing for the project, and minutes and/or verbatim transcripts of all information sessions, public meetings and public hearings held by the City in connection with the project;
- All previously certified CEQA documents prepared for Sycamore Landfill, including but not limited to the County of San Diego (County) EIR No. SS 6401, analyzing a 380-acre expansion of landfill uses at the site, increasing the landfill from 113 acres to approximately 493 acres (May 1974); City Mitigated Negative Declaration (MND) No. 83-0769, addressing proposed generation of electrical power from landfill gases (August 1984); County EIR for Sycamore Landfill Modifications And Power Line Relocation, SCH No. 90010305, addressing proposed heights up to 900 feet above mean sea level (AMSL), landfill capacity of 80 million cubic yards, fill depth of 434 feet and transmission line relocation (1990); County EIR 88-14-63, addressing a proposed new landfill entrance (May 1991); City Local Enforcement Agency (LEA) Negative Declaration No. 99021093, increasing limits on maximum tonnage of municipal solid waste (MSW) to 3,300 tons per day (tpd) while retaining a 2,500 tpd average (April 1999); and City MND No. 40-0765, addressing biological impacts related to development of the approved landfill Staged Development Plan, aggregate operations and change in operating hours (July 2002); and City Substantial Conformance Review Letter addressing revisions to permit conditions relating to aggregate truck traffic, as well as ND No. 2006061091;
- All previously approved permits and other entitlements associated with the Sycamore Landfill, including but not limited to CUP No. 6066-PC, CUP No. 6066-PC AM-1, and CUP No. 6066-PC AM-2; and CUP 10-640-0, as well as Planned Development Permit/Site Development Permit (PDP/SDP) No. 40-0765, and SWFP No. 37-AA-0023 (2006);
- The Final Recirculated Joint EIR/EIS Issuance of Take Authorizations for Threatened and Endangered Species Due to Urban Growth Within the Multiple Species Conservation Program (MSCP) Planning Area, LDR No. 93-0287, SCH No. 93121073 (January 1997);
- The project's Mitigation Monitoring and Reporting Program (MMRP);

- All final reports, studies, memoranda, maps, staff reports and related documents, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the substantive and procedural requirements of CEQA and with respect to the City's actions on the project, and all staff reports and related documents prepared by the City and written testimony or documents submitted by any person relevant to any findings or the statement of overriding considerations adopted by the City pursuant to CEQA;
- The ordinances and resolutions adopted by the City in connection with the project, and all documents cited or incorporated by reference therein;
- The reports, documents, studies, technical memoranda or other materials included or referenced by reference in the FEIR;
- Matters of common knowledge to the City, including but not limited to federal, state and local laws and regulations;
- Any documents expressly cited in these Findings and/or the SOC;
- All notices issued by the City to comply with CEQA or with any other law governing the processing and approval of the project;
- All project application materials;
- Any proposed decisions or findings submitted to the City Council of the City by its staff, or the project proponent, project opponents, or other persons; and
- Any other relevant materials required to be in the record of proceedings by Section 21167.6(e) of CEQA.

Custodian and Location of Records

The documents and other materials which constitute the record of proceedings for the City's actions on the project are located at the City's Development Services Department (DSD), 1222 First Avenue, 5th Floor, San Diego, CA 92101. The City DSD is the custodian of the project's administrative record. Copies of the documents that constitute the record of proceedings are and at all relevant times have been available upon request at the offices of the City Development Services Department. The draft EIR also was placed on the City's web-site at <http://clerkdoc.sannet.gov/Website/publicnotice/pubnotceqa.html>. This information is provided in compliance with Public Resources Code §21081.6(a)(2) and CEQA Guidelines §15091(e).

PROJECT SUMMARY

Project Location

The approximately 491-acre Sycamore Landfill Master Development Plan project site is home to the existing and active Sycamore Landfill, located in the East Elliott Community Plan area in the

eastern edge of the City of San Diego, north of State Route 52 (SR 52) and Mission Trails Regional Park (MTRP), and north and west of the City of Santee corporate boundaries. The United States Marine Corps Air Station (MCAS) Miramar is located west and north of the property (FEIR Figures 2-1 *Regional Location Map*, and 2-2 *Project Vicinity Map*).

The geographic area is defined by large, north-to-south canyons characterized by steep slopes. The project site is developed with the permitted Sycamore Landfill and various activities relating to existing landfilling operations, as well as previously approved aggregate processing. The eastern ridge reaches elevations ranging from approximately 830 feet to approximately 907 feet above mean sea level (AMSL), while the western ranges from 640 to 817 feet AMSL, with both ridges increasing in elevation from south to north, joining to form the head of Little Sycamore Canyon north of the project site.

SR 52 and Interstate 15 provide regional access to the site, with immediate access provided by Mast Boulevard just east of its intersection with SR-52. The site is located next to designated Open Space in the East Elliott Community Plan that is zoned RS-1-8 but designated as Multi-Habitat Preserve Area (MHPA), which restricts development to the least-sensitive 25% of the property. The Sycamore Landfill site is not within the MHPA, and the MSCP Subarea Plan recognizes the property's use as a landfill. There are residential and associated uses to the east and southeast in the City of Santee, open space associated with regional park uses to the south (MTRP), and military property to the west and north (MCAS Miramar). There are no developed land uses closer than about one-half mile south of the landfill site. Existing residential uses are located about 0.7 mile from the landfill to the east and 0.75 mile to the southwest, with West Hills High School and West Hills Park located south of Mast Boulevard about 0.75 mile southeast of active landfill areas.

The active landfill area is situated in the eastern part of the property, with a working area that is approximately 10 acres at a time, and an approximately 500 feet by 800 feet active face. The working area moves as areas are filled. The southern edge of the landfill is visible from areas within MTRP and intermittently visible from Mission Gorge Road and SR-52; the eastern edge is visible from private residences in Santee. The existing public drop-off recycling facility is visible to viewers on Mast Boulevard and West Hills Parkway.

Project Background

The project proposes a master development plan expansion of the existing Sycamore Landfill. In 1963 the City Planning Commission issued Conditional Use Permit (CUP) No. 6066 to the County of San Diego (County) (the original landfill owner) to construct and operate the original 113-acre municipal solid waste (MSW) Sycamore Landfill. The City amended that CUP in 1974 to increase the landfill size of to about 491 acres, with the intent of filling the entire canyon with municipal solid waste, analyzing the expansion in County EIR SS 6401. Additional amendments to the CUP as well as approval of CUP 10-640-0 and PDP/SDP No. 40-0765, along with approval of Habitat Loss Permits from the County and entitlements from the San Diego Air Pollution Control District (APCD), the County Local Enforcement Agency (LEA), the City LEA, the California Integrated Waste Management Board (CIWMB) (now CalRecycle) and other agencies were made over the years, permitting ancillary uses at the landfill site, revisions to

the landfill operating parameters, habitat grading, and other activities that ultimately have resulted in the existing Sycamore Landfill.

In 1997 Allied Waste Industries (Allied), at the time the parent company of the project Applicant, Sycamore Landfill, Inc. (SLI) (Republic Services is now the parent company of both Allied and SLI), purchased the County's solid waste facilities, including Sycamore Landfill. The City's Planning Commission held a workshop in January of 1998 to review the landfill's history and directed the new owners to pursue a phased process with the first phase requiring an update to the landfill's land use permits to ensure compliance with the Municipal Code and the second phase being a master plan expansion to ensure the City's long-term MSW disposal needs. This two-phase plan also was included in the Facilities Franchise Agreement the City and San Diego Landfill Systems, Inc., an affiliate of SLI, entered into in 1999 pursuant to Municipal Code Sections 66.0132 and 66.0133 as amended by Ordinance No. O-18429. The first phase was completed when the City approved PDP/SDP No. 40-0765 in 2002. Because the need for disposal capacity increased around 2005, and the landfill was not generating the amount of trips the traffic study for that 2002 approval had anticipated, the City's Local Enforcement Agency (LEA), with concurrence from the CIWMB (now Cal-Recycle), later approved an increase in daily waste acceptance limits within previously approved traffic limits from 3,300 tons per day (tpd) of MSW to 3,965 tpd of such waste, approved as Solid Waste Facilities Permit (SWFP) 37-AA-0023 Revision 9/15/06 by the City LEA with concurrence from the CIWMB. The second phase of the Planning Commission's recommended approach – to pursue a master plan expansion to ensure long-term disposal capacity for the City's municipal solid waste, is the subject of these Findings and SOC.

That master plan expansion was first approved in 2008, when the San Diego City Council certified an EIR for the Sycamore Landfill Master Plan Development and approved an alternative identified in that EIR, which called for a larger, 1,145-foot AMSL expansion, as the project, along with permits, a community plan amendment and other actions needed to implement the larger, 1,145-foot AMSL landfill expansion. The City of Santee and a group that owned property near the landfill challenged the 2008 EIR under CEQA and the trial court ultimately ruled that the alternative chosen should not have been included in the EIR and found the EIR inadequate on that ground. As a result the City has revised the 2008 EIR to comply with the court's ruling, deleting the 1,145-foot alternative and updating the traffic study and any other studies that CEQA required to be updated due to passage of time or other factors.

Project Description

The project would implement the plans for Sycamore Landfill first set forth in its 1974 CUP and reinforced by the Planning Commission's direction in 1998, to expand the existing landfill and thereby ensure that the City has long-term municipal solid waste disposal capacity. Overall disposal capacity would be increased by approximately 82 million cubic yards (mcy), to a total of about 153 mcy – accomplished through landfill design and construction techniques that would incorporate (i) additional excavation; (ii) fill between currently permitted landfill footprint areas that are bisected by the existing SDG&E transmission line, accomplished by relocating that line to follow the western landfill boundary to the north then connect with the existing line to the east; (iii) expanding an additional 167 feet high for a maximum height of the final grade of 1,050 feet AMSL; and (iv) increasing the disposal area footprint by about 28 acres (Table 3-1,

Summary Comparison of Proposed MDP to Existing Staged Development Plan). Besides adding MSW capacity, the project also would provide enhanced green/wood material processing and construction and demolition (C&D) material processing, aiding in the region's recycling efforts. To ensure flexibility in best managing operations, the project, including its maintenance facility operations, would operate up to 24 hours/day, seven days a week, with actual hours set as needed by the landfill's General Manager. Aggregate processing would continue to operate only from 6 a.m. to 4:30 p.m. weekdays and 6 a.m. to 4 p.m. on Saturday; C&D and greens processing would operate 6 a.m. to 8 p.m. weekdays, although delivery of C&D and greens loads would be allowed during general hours of operation. Public access to the public drop-off and recycling area would be from 7 a.m. to 6 p.m. Monday through Saturday. The landfill life would depend on the rate of disposal both daily and annually, which depends on market demand, permit and Facility Franchise Agreement limits, and other factors. The conservative estimate for the landfill life would assume maximum tonnage disposal, resulting in a lifespan of almost 32 years.

Permitted daily tonnage of MSW would increase over time, as needed by the region's disposal needs and never exceeding the limits of the Facilities Franchise Agreement, from the existing 3,965 tpd of MSW to up to a maximum of 11,450 tpd of MSW at landfill closure. Other waste stream tonnage also would increase, but other waste streams are not buried and thus do not take up landfill capacity or landfill life. Actual increases would be driven by demand (Table 3-2, *Sycamore Landfill MDP Waste Stream Projections*). Accessory operations that are included as part of the project include a facility for processing and recycling of source-separated C&D, enhanced green materials and wood processing. In the future, the landfill may initiate composting, but it is only analyzed on a programmatic level in the FEIR and would require additional environmental review prior to beginning operation.

The SLI ownership would be increased to 603 acres, but much of the expanded acreage would be used only for open space and/or access roads. All new disposal areas would be lined consistent with Federal regulations, and a leachate collection and removal system (LCRS) would be installed over the liner system to collect and convey leachate generated from the waste area. The landfill would implement an active storm water management system approved by the Regional Water Quality Control Board (RWQCB) and the LEA to prevent and control storm water run-on into the facility, and would monitor surface water pursuant to the National Pollutant Discharge Elimination System (NPDES) Industrial General Permit requirements. Groundwater quality monitoring would continue and expand consistent with the changes in the landfill footprint. Existing operational controls would continue, expanded as needed, and daily cover would continue to be used to control vectors, fires, blowing litter and scavenging. Ongoing odor controls would continue and project features have been added since 2008 to ensure even more control of odors. Site operations would comply with Cal-OSHA regulations and mufflers would be installed and properly maintained to control noise from on-site equipment, along with other project features and measures designed to minimize noise from operations. The landfill construction and operations would be shielded from views from the east by berms comprised of soil and rock at the east-facing perimeter of landfill ridges visible to neighborhoods east of the landfill.

The landfill base grading would require a net cut of about 33.6 mcy, much of it through already permitted aggregate processing operations; the new scale facility would require 231,000 cy of

cut, the operations area would require a net of about 14,800 cy of cut, and the construction pads for the transmission tower installation would require about 39,000 cy of cut and 48,750 cy of fill.

The existing landfill Gas Collection and Control System (GCCS), which draws landfill gas (LFG) from the landfill, would be expanded with additional LFG extraction wells and other features over time as necessary as the amount of deposited waste increases. The landfill may also add additional gas control facilities as needed, consisting of additional flares or gas-fired turbine elements.

New and expanded landfill support facilities also would be built as part of the project, including a new two-story, approximately 8,655-square-foot maintenance building near the landfill's south end for maintaining landfill operating equipment, which would require reorienting the existing above-ground fuel tank and locating a vehicle wash area adjacent to the building, with a larger condensate water tank replacing the existing tank and slightly shifted from its existing site. A 600,000-gallon water storage tank would be installed west of the proposed sedimentation basin to provide reclaimed water storage for on-site use in dust control and fire suppression, and a septic holding tank system with regular collections of effluent would be used at the maintenance building, including a hardwired continuous methane monitor.

The existing scales and scale house at the landfill entrance would be removed and new scales and public drop-off recycling facility constructed along the facility access road about 2,800 feet north and west of the landfill entrance and 1,000 feet south of the disposal area. Three approximately 650-square foot scale houses would be built, each with a septic holding tank system with regular collection of effluent. The public drop-off facility would provide the general public with bins for disposal of waste and recyclable materials. Also, a new, approximately 3,260-square foot office building would be built on the site near the existing scale house, designed to match the existing MTRP buildings and blend with the natural setting, and would use a septic holding tank with regular collection of effluent, like the current operations. A total of 45 parking spaces would be provided between the landfill road and the administrative office building.

The project proposes to return landfill leachate and landfill gas condensate to areas of the landfill underlain by liners and leachate collection systems, as provided in Title 27 of the California Code of Regulations Sections 20090(b) and (e), 20200(d) and 20340(g). Various methods may be used to return these landfill liquids, including injecting them directly into horizontal or vertical infiltration wells or trenches. The leachate reintroduction program would be conducted in accordance with a written plan approved by the Regional Water Quality Control Board (RWQCB) and APCD. If approvals are not obtained for leachate and/or condensate reintroduction, the facility would continue to collect the leachate and condensate and haul it off-site for disposal to an approved wastewater treatment facility. Both options for leachate control are analyzed in the FEIR.

At the end of its life the landfill would be closed under Title 27 of the California Code of Regulations and would construct a final cover to be approved by RWQCB, City's LEA, CalRecycle and APCD, and would have drainage control, landfill gas management, leachate management and other required facilities in place. To the extent possible, existing on-site soils removed during landfill excavation would be stockpiled on site for future use in the final landfill cover. Any additional soils needed at closure would be obtained off-site. Aggregate processing

operations would be completed prior to closure, leaving the 300 truckloads per day allocated to aggregate operations in the traffic study available for off-site soil import vehicles. Structures and facilities not required for post-closure maintenance or environmental monitoring programs would be demolished and removed (or kept if the City or MTRP prefer), and the resulting area would be graded and revegetated using native plant species, and would remain open space. SLI would provide post-closure care and maintenance for at least 30 years following closure.

State law requires that each city and county develop long-term waste disposal plans demonstrating that 15 years of Countywide or regional permitted solid waste disposal capacity is or would be available through existing or planned facilities. (Cal. Pub. Res. Code §§ 41700-41721.5 and 41750-41770). The Siting Element demonstrated 15 years of capacity by assuming the planned expansion of Sycamore Landfill, which was anticipated to provide almost two-thirds of the County's new supply of capacity. The City Council unanimously approved the Countywide Integrated Waste Management Plan Summary and Countywide Updated Siting Element (Siting Element) on April 5, 2005, via Resolutions R-300295 and R-300296.

The SDG&E transmission line relocation construction would require approval from the California Public Utilities Commission (CPUC), and, once approved, would require approximately two years to complete. Transmission line construction areas for staging and storage of power line equipment would be on SLI property and primary access would be from existing dirt roads or trails or newly graded temporary access roads on the landfill property. The project would create permanent access roads to individual tower/pole pads in the locations shown in Figures 3-3 and 3-4 of the EIR, connecting to the future landfill perimeter access road. Following installation and system connection of the relocated line, the old structures and associated hardware would be dismantled by cranes and the concrete foundations broken with jackhammers to below grade, with debris removed to an on-site disposal area. The foundation holes would be backfilled with soil or materials similar to the surrounding area and the site restored. Disturbed areas not required for permanent access would be seeded with native plant species.

Discretionary Actions

The project consists of the following discretionary actions, which are being considered by the San Diego City Council with an advisory vote by the Planning Commission and are further described below:

- General Plan Amendment (GPA) and Community Plan Amendment (CPA)
- Rezone
- Planned Development Permit (PDP)/Site Development Permit (SDP) amendment including deviations
- Formal vacation of an existing public right-of-way and of several road, slope and sewer easements;
- Consolidated parcel map;

- Conveyance of the entrance road's fee title; and
- Encroachment permit.

In addition, the City may use the FEIR to approve other discretionary actions, including but not limited to possible future amendments to the NPDES Construction General Permit conformance and Municipal Storm Water Permit compliance, a permit for relocating an above-ground diesel fuel tank, Facility Franchise Agreement, grading permits, conditional use permits, or other future entitlements and approvals. The FEIR also may be used by responsible and trustee agencies in connection with project-related approvals, including without limitation approvals from the CPUC as required for the relocated SDG&E transmission line; CalRecycle; the City LEA; the RWQCB; the San Diego County Department of Environmental Health (DEH) and Department of Agriculture, Weights and Measures; the California Department of Fish & Game (CDFG); the California Department of Industrial Relations, the San Diego APCD, the California Department of Transportation (Caltrans); the U.S. Fish and Wildlife Service and the U.S. Army Corps of Engineers.

Statement of Objectives

As identified in Section 3.1.1 of the FEIR, the project has 14 objectives including the landfill and the transmission line relocation components:

Landfill-Related Objectives

1. Continue to provide a centralized location for regional disposal of MSW within the City's jurisdiction;
2. Improve the utilization efficiency of the land area within the boundary of an existing and permitted Class III landfill;
3. Support City and regional need for long-term waste disposal through extension of facility lifespan;
4. Increase the allowable daily tonnage and associated traffic into and out of the landfill;
5. Provide for more efficient landfill activities through allowance of a 24-hour waste disposal and processing operation, with associated minimization of facility-related traffic effects during peak hours;
6. Provide the City with increased revenues from franchise agreement revenue sharing on increased annual tonnage;
7. Support City goals of "energy independence" through optimal use of landfill gas as a local power source;
8. Render City disposal costs more predictable over a longer period (both before and after anticipated closure of the Miramar Landfill) thereby facilitating the ability to focus on recycling programs and services;

9. Support City implementation of recycling by providing a new, on-site public off-load and recycling area that is separate from the commercial area, establishing new material processing areas for construction and demolition (C&D) debris and composting, and implementing other recycling operations;
10. Relocate existing landfill entrance facilities more internal to the site to improve off-site views of the site, maximize traffic queuing distance on-site, and minimize vehicle weaving and mixing between facility customers and employees, and
11. Use architectural designs for proposed ancillary facilities that are compatible with possible future incorporation of the landfill site into the MTRP.

Transmission Line Relocation Objectives

1. Recover space-efficient and available landfill airspace within an existing landfill site by relocating an expired easement and on-site electrical transmission lines to the periphery of the landfill site while maintaining service and reliability of the power supply;
2. Allow for access to the transmission lines and ensure continued safe and reliable electrical services to the area; and
3. Relocate the transmission lines in a way that minimizes potential environmental impacts.

ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

In 2003 the City determined that an EIR should be prepared to analyze the potential impacts associated with approval and implementation of the Landfill Master Plan Expansion. On April 9, 2003, in accordance with Guidelines Section 15082, the City distributed a Notice of Preparation (NOP) of that Draft EIR to the State Clearinghouse, local and regional responsible agencies, and other interested parties and held a noticed public scoping meeting on April 22, 2003. That EIR was later found to be inadequate under CEQA, largely because of its inclusion of an alternative, adopted by the City Council that allowed a higher landfill than the one proposed as the project. As a result, the City has revised that EIR and on November 9, 2011 issued a NOP giving the public notice of the preparation of the revised EIR and the scoping meeting, which was held on November 30, 2011. The NOP was properly distributed under CEQA, placed on the City's website, and published in the San Diego Daily Transcript. The NOP, NOP distribution list and NOP comments received during the 30-day public review period are contained in Appendix A to the Draft EIR. The City held a noticed public scoping meeting on November 30, 2011 to provide information regarding the project and an opportunity for public input regarding project issues that should be addressed in the Draft EIR. Comments received during the public scoping process (all of which were responding to the NOP, as no member of the public spoke at the scoping meeting) were considered in the preparation of the Draft EIR.

The Draft EIR was circulated for a 45-day review period, from May 11, 2012 until June 25, 2012. At the request of the U.S. Fish & Wildlife Service, the public comment period was extended until June 29, 2012. A Notice of Completion of the Draft EIR was sent to the State

Clearinghouse and the Draft EIR was circulated to State agencies for review through the State Clearinghouse, Office of Planning Research (SCH No. 2003041057). The City received comments on the Draft EIR and completed responses to those comments in August 2012, and those responses to comments have been incorporated into the FEIR.

FINDINGS REGARDING SIGNIFICANT IMPACTS

In making each of the findings below, the City has considered the Project Design Features and Plans, Programs and Policies discussed in the FEIR. The Project Design Features described in the FEIR are part of the Project that the City has considered, and are explicitly made conditions of project approval. The Plans, Programs and Policies discussed in the FEIR are existing regulatory plans and programs the project is subject to and, likewise, are explicitly made conditions of Project Approval. As described in Section 3.1 of the FEIR, the project has two specific components, and although the entire project has been analyzed as a whole to avoid piecemealing or segmentation, the description of the impacts of the landfill (project element a) and of the transmission line relocation (project element b) have been set out separately for ease of later review by the California Public Utilities Commission (CPUC).

Findings Regarding Impacts That Would Be Mitigated to Below a Level of Significance (CEQA §21081(a)(1) and CEQA Guidelines §15091(a)(1))

In making these Findings, the City has reviewed and considered the information contained in the FEIR and the Record of Proceedings pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), including the project design features and plans, programs, and policies listed in the FEIR. The project design features described in the FEIR are described throughout the FEIR are part of the project that the City has considered, and the project may only be constructed in accordance with the project design features regardless of whether they are explicitly made conditions of the project permits. The plans, programs, and policies discussed in the FEIR are existing regulatory plans and programs the project is subject to regardless of whether they are explicitly made conditions of the project permits.

The CEQA Guidelines state that an agency's findings must be "accompanied by a brief explanation of the rationale for each finding." 14 Cal. Code Regs. § 15091(a). This requirement applies to the findings relating to mitigation of significant impacts, mitigation measures under the jurisdiction of another agency, and infeasibility of mitigation measures and alternatives required under Public Resources Code § 21081(a) and 14 Cal. Code Regs. §15091(a), (c). Detailed findings on an issue are not required if the basis for the agency's decision is found in the EIR and the agency's findings incorporate or adopt the EIR's discussion and analysis. See *Mira Mar Mobile Cmty v. City of Oceanside* (2004) 119 Cal.App.4th 477 (written findings on significant environmental effects of project, incorporating EIRs relied on and other reports in record by reference, were sufficient to show basis for agency's actions); *Rio Vista Farm Bureau Ctr. v. County of Solano* (1992) 5 Cal.App.4th 351, 373; *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223; *City of Poway v. City of San Diego* (1984) 155 Cal.App.3d 1037 (findings adopted for a general plan amendment were adequate because they incorporated the EIR's mitigation measures by reference); *No Slo Transit, Inc. v. City of Long Beach* (1987) 197 Cal.App.3d 241 (policy decision to reject alternative found in reports in the record); *Concerned Citizens of S. Cent. L.A. v. Los Angeles Unified Sch. Dist.* (1994) 24 Cal.App.4th 826, 848

(findings on impacts remaining after mitigation and infeasibility of mitigation measures were amplified by information in EIR). Accordingly, every citation to the FEIR or other documents identified in these findings is hereby incorporated by reference as if fully set forth herein. Additionally, every Response to Comment (RTC) in the FEIR relating to said citations to the FEIR are also hereby incorporated by reference as if fully set forth herein.

For reasons stated in the FEIR and its technical appendices, and pursuant to CEQA Section 21081(a)(1), Guidelines Section 15091(a)(1), the City finds that changes or alterations have been required in, or incorporated into, the project, which would mitigate, avoid, or substantially lessen the significant environmental effects as identified in the FEIR (Project No. 5617/SCH No.2003041057) as described below:

Transportation/Circulation

Potentially Significant Impact (Project Approval/Intersections and Street Segment, project element a)

At project approval the landfill would be allowed up to 869 daily MSW trips, whereas 620 such trips are allowed with the existing landfill. Project Approval would thus raise the current baseline of 4,140 average daily trips (ADT) (with passenger car equivalence (PCE)) to 5,136 ADT (with PCE). With that increase in trips, the traffic study shows that the project would have significant direct impacts to two intersections and one street segment. The Mast Boulevard/SR-52 Westbound Ramps would remain at their existing level of service (LOS) E during the AM peak hour with the project, but the project would add a delay of 3.9 seconds to that intersection during that timeframe. Similarly, the Mast Boulevard/West Hills Parkway/Project Driveway would continue to function at LOS F in the AM peak hour, and the project would add a 6.6 second delay. The increase in trips that would be permitted by approval of the project also would have a significant impact to the street segment of Mast Boulevard from SR-52 to West Hills Parkway/Project Driveway. That street segment would continue to operate at the existing LOS E with or without the project, but the project would increase the volume-to-capacity ratio by 0.032 %.

Facts Supporting Finding

The potentially significant direct impacts to intersections and one impacted street segment due to an increase in traffic at project approval would be fully mitigated by implementation of mitigation measures Tra-1 through Tra-3, the details of which are described in the FEIR at Section 5.2.2, and incorporated by reference herein. The physical improvements that would mitigate the direct project impacts to intersections and the affected street segment at project approval are shown in the FEIR at Figure 5.2-11, and include improving the westbound Mast Boulevard approach at its intersection with the SR-52 Westbound Ramps to provide a dedicated through lane and dual right-turn lanes from Mast Boulevard to Westbound SR-52, as well as improving the intersection of Mast Boulevard/West Hills Parkway/Project Driveway to provide: (i) eastbound: two left lanes, two through lanes and a shared through/right lane; (ii) westbound: two left lanes, three through lanes and a right lane; (iii) northbound: two left lanes, one through lane and one right lane; and (iv) southbound: one left lane, one through lane and one right lane.

Also, the Applicant would improve Mast Boulevard to six lanes with a raised median for the SR-52 Westbound Ramps' intersection to West Hills Parkway/Project Driveway to accommodate the increased through lanes at the intersection.

As shown in the FEIR at Table 5.2-24, the intersection of Mast Boulevard/SR-52 Westbound Ramps would operate at acceptable LOS D in the AM peak hour with implementation of Tra-1 at project approval, and the intersection of Mast Boulevard/West Hills Parkway/Project Driveway would operate at LOS C in the AM peak hour with implementation of Tra-2. The Mast Boulevard (SR-52 to West Hills Parkway/Project Driveway) street segment would operate at LOS B in the AM peak hour with completion of Tra-2. Completion of these road improvements would result in all intersections and street segments operating at acceptable LOS, leaving no remaining significant impact to intersections or street segments once the mitigation measures set out in the FEIR are constructed. Mitigation Measures Tra-1 through Tra-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Rationale and Conclusion

Widening the roadway and intersections as described in Tra-1 through Tra-3 would provide more capacity to the road system in those areas and thus would allow the intersections and street segment that would experience higher volume due to the project to function within acceptable limits after the physical improvements are completed. The FEIR's Table 5.2-24 shows that post-mitigation, the delays would be less than the delays that would occur without the project and its mitigation, and indicates that all intersection impacts fall below the significance threshold. Similarly, Table 5.2-25 in the FEIR demonstrates that impacts to the road segments would be reduced to below the significance threshold once the mitigation is complete.

Potentially Significant Impact (Year 2015/Intersections and Street Segment, project element a)

In 2015, the project would have direct impacts at the same two intersections that are affected at project approval, Mast Boulevard/SR-52 Westbound Ramps (LOS F, AM peak hour) and Mast Boulevard/West Hills Parkway/Project Driveway (LOS F, AM peak hour). The project-attributable increase in delay would exceed the allowable increase of 2.0 seconds at those locations in the AM peak hour. The project's 2015 traffic increase also would have a direct impact to one street segment, Mast Boulevard, SR-52 to West Hills Parkway/Project Driveway (LOS F).

Facts Supporting Finding

The potentially significant direct impacts to intersections and the one impacted street segment at year 2015 would be fully mitigated by implementation of Mitigation Measures Tra-1 through Tra-3, the details of which are described in the FEIR at Section 5.2.2, and incorporated by reference herein. The physical improvements that would mitigate the direct project impacts to intersections and the affected street segment in the 2015 scenario are shown in the FEIR at Figure 5.2-11, and include improving the westbound Mast Boulevard approach at its intersection with the SR-52 Westbound Ramps to provide a dedicated through lane and dual right-turn lanes

from Mast Boulevard to Westbound SR-52, as well as improving the intersection of Mast Boulevard/West Hills Parkway/Project Driveway to provide: (i) eastbound: two left lanes, two through lanes and a shared through/right lane; (ii) westbound: two left lanes, three through lanes and a right lane; (iii) northbound: two left lanes, one through lane and one right lane; and (iv) southbound: one left lane, one through lane and one right lane. Also, the Applicant would improve Mast Boulevard to six lanes with a raised median for the SR-52 Westbound Ramps' intersection to West Hills Parkway/Project Driveway to accommodate the increased through lanes at the intersection.

As shown in the FEIR at Table 5.2-24, the intersection of Mast Boulevard/SR-52 Westbound Ramps would operate at acceptable LOS C in the AM peak hour with implementation of Tra-1 at Year 2015, and the intersection of Mast Boulevard/West Hills Parkway/Project Driveway would operate at LOS D in the AM peak hour with implementation of Tra-2. The Mast Boulevard (SR-52 to West Hills Parkway/Project Driveway) street segment would operate at LOS C in the AM peak hour with completion of Tra-2. Completion of these road improvements would result in all intersections and street segments operating at acceptable LOS, leaving no remaining significant impact to intersections or street segments once the mitigation measures set out in the FEIR are constructed. Mitigation Measures Tra-1 through Tra-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Rationale and Conclusion

Widening the roadway and intersections as described in Tra-1 through Tra-3 would provide more capacity to the road system in those areas and thus would allow the intersections and street segment that would experience higher volume due to the project to function within acceptable limits after the physical improvements are completed. The FEIR's Table 5.2-24 shows that post-mitigation, the delays would be less than the delays that would occur without the project and its mitigation, and indicates that all intersection impacts fall below the significance threshold. Similarly, Table 5.2-25 in the FEIR demonstrates that impacts to the road segments would be reduced to below the significance threshold once the mitigation is complete.

Potentially Significant Impact (Buildout/Intersections and Street Segment, project element a)

At Buildout the project would have cumulatively significant impacts at the same two intersections that are affected at project approval and in Year 2015; namely, Mast Boulevard/SR-52 Westbound Ramps (AM peak hour) and Mast Boulevard/West Hills Parkway/Project Driveway (AM peak hour), as well as at the street segment of Mast Boulevard, SR-52 to West Hills Parkway/Project Driveway.

Facts Supporting Finding

The potentially significant direct impacts to intersections and the one impacted street segment at buildout would be fully mitigated by implementation of Mitigation Measures Tra-1 through Tra-3, the details of which are described in the FEIR at Section 5.2.2. Specifically, Tra-1 would improve westbound Mast Boulevard approach at its intersection with the SR-52 Westbound Ramps to provide a dedicated through lane and dual right-turn lanes from Mast Boulevard to

Westbound SR-52. Tra-2 would provide the physical road improvements to the intersection of Mast Boulevard/West Hills Parkway/Project Driveway that would be required to provide sufficient capacity to avoid a significant impact. Tra-3 would improve Mast Boulevard to six lanes with a raised median from SR-52 Westbound Ramps intersection at West Hills Parkway to accommodate the increased through lanes at the intersection. As Tables 5.2-24 and 5.2-25 of the FEIR demonstrate, all intersections and street segments would be operating at acceptable LOS with the mitigation measures Tra-1 through Tra-3, so there would not be any remaining significant cumulative impacts to intersections or street segments in the study area at buildout. Mitigation Measures Tra-1 through Tra-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Rationale and Conclusion

Widening the described intersections and road segments would provide more capacity in those areas and thus would allow the intersections and street segment that would experience higher volume due to the project to function within acceptable limits after the physical improvements are assured to the satisfaction of the City Engineer. The FEIR's Table 5.2-24 shows that post-mitigation, the delays would be less than the delays that would occur without the project and its mitigation, and indicates that all intersection impacts fall below the significance threshold. Similarly, Table 5.2-25 in the FEIR demonstrates that impacts to the road segments would be reduced to below the significance threshold once the mitigation is complete.

Noise

Potentially Significant Impact

Sound levels at the project boundaries from landfill operations, including C&D, aggregate and greens processing, would range from 66.6 to 76.1 dBA when landfill operations are at a higher elevation than existing adjacent ridgelines, and the average sound levels at the property line from operations would increase by more than three decibels when operations are located near the planned limits of grading or filling, which would exceed the allowed arithmetic mean between residential and industrial uses allowed by the City of San Diego Noise Ordinance criteria of 62.5 dBA L_{EQ} (7 a.m. – 7 p.m.), 60 dBA L_{EQ} (7 p.m.-10 p.m.) and 57.5 dBA L_{EQ} (10 p.m. – 7 a.m.) at a residential boundary adjacent to an industrial boundary.

Also, as the landfill operations move from place to place on the site, and its elevation increases, the truck haul road routes will vary. The haul trucks would never come closer than 150 from the nearest property line, but there may not always be a sound barrier between the route and the property line. Without a noise barrier, the trucks could come within 200 feet of the property line in the evening and within 150 feet of the property line in the day without exceeding the Noise Ordinance limits. However, during the 10 p.m. – 7 a.m. period the haul trucks would create noise exceeding the Noise Ordinance's allowable limits if they came closer than 325 feet from the property line.

Facts in Support of Finding

Mitigation measures Noi-1 through Noi-3 require building noise berms and prohibiting nighttime landfill operations and heavy truck movement within specified distances from the property boundary if the adjacent residential parcel(s) are developed. By preventing noise generated from operations from exceeding the Noise Ordinance levels, the mitigation would ensure that impacts are kept below the level of significant. The 15- to 20-foot high noise barrier berms that would be built between the landfill working face and the nearest property line when the working face is within 1,600 feet of the property boundary and is above or less than 20 feet below the existing ridgeline or other topographic barrier would mitigate the noise to 57.5 dBA L_{EQ} or less everywhere except cross-section C as shown on Figure 5.3-2 of the FEIR. As a result, landfill operational noise would be consistent with the Noise Ordinance in all but one location. To fully mitigate noise impacts that otherwise might occur at that potentially impacted location should operations be within 200 feet of the property boundary and therefore exceed the Noise Ordinance limit of 57.5 dBA L_{EQ} (10 p.m. – 7 a.m.), such operations would be precluded by mitigation measure Noi-2. As a result, no impact would occur. Similarly, to avoid the noise impacts that otherwise might occur should there be heavy truck movement on on-site haul roads within 325 feet of the nearest residential property line, such truck movement would be prohibited within that distance should the residential parcel(s) adjacent to the landfill be developed as residential. It is possible that such development would never occur, especially given the fact that the East Elliott Community Plan encourages any residential development proposed within the planning area's open space to be on lands that are not adjacent to the landfill.

In addition, the landfill operator has agreed to conduct a pilot program to monitor nighttime operations as a project design feature. The noise pilot program would not commence until the landfill operator and the City of Santee have met and conferred on the details of the nighttime operations. If, after completion of the pilot program, noise levels associated with nighttime operations are not acceptable to local residents, the landfill operator would suspend the nighttime operations until a mutually agreed upon pilot program could be established and appropriate noise reduction measures identified.

Rationale and Conclusion

Noise barrier berms would block enough sound from carrying over to adjacent parcels that it would ensure that the noise levels at the adjacent parcels would be within the limits of the Noise Ordinance, except for: (i) cross-section C as shown on Figure 5.3-2 of the FEIR, and (ii) those parcels potentially impacted by heavy truck movements on on-site haul roads within 325 feet from the property line between 10 p.m. and 7 a.m. should residential actually be developed on those parcels. Should residential be developed on the potentially impacted parcels, noise mitigation measures Noi-2 and Noi-3 would preclude the impacts from occurring by precluding the activity that would otherwise generate the noise. Nighttime landfill operations would be prohibited within 200 feet of the residential property line if the residential parcel adjacent to the landfill were developed, and nighttime heavy truck movement on on-site haul roads would be prohibited within 325 feet of the property line should a potentially impacted residential parcel be developed. The landfill's pilot program of monitoring nighttime operations also would help minimize noise impacts from landfill operations on nearby residents. Thus, other than noise impacts from future development of residentially zoned parcels adjacent to the access road, which are discussed under significant unmitigated impacts, all other noise impacts would be fully mitigated by Noi-1 through Noi-3. Mitigation Measures Noi-1 through Noi-3 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Biological Resources

Potentially Significant Impact (Sensitive Vegetation Communities, project element a)

Grading, excavation and construction and operations of the expanded landfill would result in direct impacts to sensitive vegetation communities. Additionally, the proposed project could have indirect impacts to habitat remaining within the approved boundary for the landfill area as well as to habitat within MHPA lands adjacent to the landfill haul road. The biological impacts of the entire project, including the landfill expansion and transmission line relocation, were assessed per the City's Biology Guidelines, ESL regulations, the MSCP Subarea Plan, and the City of San Diego Significance Thresholds. As depicted on Figure 5.5-5 of the FEIR and set forth in Table 5.5-6 of the FEIR, the Landfill Expansion would impact 50.4 acres of sensitive uplands habitats (3.6 acres of Valley needlegrass grasslands (Tier I), 2.7 of which is outside the MHPA; 32 acres of Diegan coastal sage scrub, 16.1 of which is outside the MHPA, and 3.0 acres of disturbed Diegan coastal sage scrub (2.9 acres of which is outside the MHPA) (both Tier II species); 9.7 acres of chamise chaparral (7.9 of which is outside MHPA) and 0.9 of southern mixed chaparral (0.6 of it outside the MHPA) (both Tier IIIA); and 1.2 acres of non-native grassland (1.0 of which is outside the MHPA) (Tier IIIB). The landfill also would impact 0.62 acre of sensitive wetland/riparian habitats (0.35 acre of mule fat scrub and 0.27 acre of natural flood channel), for a total of 51.02 acres of sensitive habitat impacts. Of that total, 19.82 acres is inside the MHPA and 31.2 acres is outside the MHPA.

Facts in Support of Finding

The project's potentially significant impacts to sensitive species would be mitigated to below a level of significance with implementation of the mitigation measures Bio-1 through Bio-2,

described in Section 5.5.2 of the FEIR, which include a combination of on-site preservation and off-site acquisition of land with equal or greater habitat value than what would be impacted, based on the City's Biology Guidelines. Implementation of these mitigation measures would require, prior to any construction in undisturbed areas, that the Applicant schedule a preconstruction meeting with Mitigation Monitoring Coordination (MMC) and submit to the City Development Services Department (DSD) written documentation showing implementation of the required mitigation has been achieved for all applicable resources to be impacted in the proposed phase of work. The DSD Director's Environmental Designee (ED) shall review and approval all Construction Documents (CDs) to ensure that the MMRP requirements have been incorporated in that phase of the design. The ED would verify that the Applicant has fulfilled its mitigation requirement, which is to provide biological mitigation for direct habitat disturbance to approximately 50.4 acres of sensitive upland communities and 0.62 acres of wetland and riparian communities consistent with the City Biology Guideline's mitigation ratios. The impacts would be mitigated by conveyance of land that contains the appropriate habitat in the required ratios, including whole or part of the remaining 43.42 acres of land within 366-031-14, 366-031-18, 366-080-16, 366-080-25 and 366-080-26 and the remaining 24.04 acres of land within 366-070-12, 366-070-13, 366-071-12 and 366-071-33 (excluding areas of wetland restoration, wetland creation and upland preservation within those four parcels previously conveyed to the City as part of 2002 mitigation). The final parcels to be conveyed would be determined in consultation with the City, and the upland mitigation requirements and mitigation available by parcel is shown in Table 5.5-10 in the FEIR. The land to be conveyed to the City shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

As discussed in Bio-1a, impacts to 0.9 acre of Tier I valley needlegrass inside the MHPA shall be mitigated at a 2:1 ratio and impacts to that habitat outside the MHPA shall be mitigated at a 1:1 ratio, for a total of 4.5 acres to be identified and preserved inside the MHPA. Bio-1b explains that impacts to 16 acres of Tier II Diegan and disturbed Diegan coastal sage scrub inside the MHPA and the 19 acres outside the MHPA both would be mitigated at 1:1, for a total of 35 acres of mitigation preserved inside the MHPA for direct impacts to Diegan coastal sage scrub. Bio-1c calls for identifying and preserving 5.8 acres of chamise chaparral inside the MHPA to mitigate for impacts to the impacts to 1.8 acres of Tier III(A) inside the MHPA (at 1:1 ratio) and 7.9 acres of chamise chaparral outside the MHPA (mitigated at 0.5:1 for a requirement of 3.95 acres). Likewise, Bio-1d calls for the 0.3 acre of impacts to Tier III(A) southern mixed chaparral inside the MHPA to be mitigated at 1:1 and the impacts to 0.6 acre outside the MHPA to be mitigated at 0.5:1 for a total mitigation requirement of 0.6 acre to be identified and preserved inside the MHPA for impacts to the southern mixed chaparral habitat. Bio-1e requires that impacts to 0.2 acre of Tier III(B) non-native grassland inside the MHPA be mitigated at a 1:1 ratio while impacts to 1.0 acre of non-native grassland outside the MHPA be mitigated at a 0.5:1 ratio, for a mitigation total of 0.7 acre of the non-native grassland habitat to be preserved inside the MHPA. Bio-1f requires that impacts to 0.35 acre of mule fat scrub (wetland) inside the MHPA shall be mitigated at a 2:1 ratio through a combination of conveyance of the 0.94 acre of surplus credits of completed and approved wetland habitat on the site as well as the purchase of credits in the Rancho Jamul Wetland Mitigation Bank, for a total mitigation of 0.70 acre of wetland mitigation. Bio-1g requires that the impacts to 0.27 acre of natural flood channel (wetland) inside the MHPA would be mitigated as a 2:1 ratio, for a total of 0.54 acre of mitigation, through a combination of the conveyance of the 0.94 acre of surplus completed and approved mitigation credits from the landfill's past wetlands restoration (further described in

mitigation measure Bio-13) and the purchase of credits in the Rancho Jamul Wetland Mitigation Bank (further described in mitigation measure Bio-14).

Finally, Bio-2 requires that, prior to any construction in undisturbed areas, the Applicant schedule a preconstruction meeting with MMC and submit written documentation to DSD demonstrating that the required mitigation has been implemented. Also, the MHPA boundary and grading limits must be clearly delineated by a survey crew prior to brushing, clearing or grading to ensure that impacts remain within the project boundary and that no significant indirect impacts are created from errant construction impacts. Limits would be defined with orange construction fence and a siltation fence as supervised by a Qualified Biologist/Owners Representative, who would provide a letter of verification to the Resident Engineer (RE)/MMC that all limits were marked as required. Within or adjacent to the MHPA all manufactured slopes associated with site development shall be included within the development footprint, and a Qualified Biologist shall be on-site during construction to verify that no errant construction impacts occur and, if an accident were to occur, the impacted habitat must be replaced by restoration or land conveyance according to the City's Biology Guidelines' mitigation ratios. Mitigation Measures Bio-1 through Bio-2 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Rationale and Conclusion

The actions making up the nine mitigation measures of Bio-1 through Bio-2 ensure that the project's potentially significant impacts to sensitive vegetation species would be mitigated to below a level of significance in accordance with the ratios set out in the City's Biology Guidelines (2004) and the MSCP. These ratios have been determined by the City and the resource agencies to be adequate to avoid significant impacts. Implementation of these mitigation measures would be binding through incorporation into the project's MMRP.

Potentially Significant Impact (Sensitive Plants: Direct and Indirect Impacts, project element a)

The project would have direct significant impact on 1,596 variegated dudleya (a narrow endemic), all of which are located outside the MHPA; 4.22 acres of San Diego goldenstar, with 0.01 acre of that occurring in the MHPA (impacts within the MHPA are significant); 46 San Diego barrel cactus, nine inside the MHPA (a significant impact), and 37 outside the MHPA (not significant because covered by the MSCP); and 10 Nuttall's scrub oak, four inside and six outside the MHPA (because this species is not common in areas near the project site, impacts to individuals are significant even if outside the MSCP). The project also would have an indirect significant impact to 31 willow monardella, a federal and state-listed endangered species that is covered by the MSCP. The potentially impacted willow monardella shrubs are located off-site, inside the MHPA in Spring Canyon (as show on Figure 5.5-9 of the FEIR). The potential indirect impacts could occur if stream flow characteristics within an unnamed seasonal creek in Spring Canyon were altered by potential drainage changes caused by the landfill expansion upstream of where the drainages empty into the creek. Although the willow monardella is covered by the MSCP, any impacts would be significant because it is a state and federally listed endangered species. Table 5.5-8 of the FEIR shows the location of these sensitive plant species relative to the MHPA.

Facts in Support of Finding

Area-specific management directives (ASMDs) in the MSCP Subarea Plan for variegated dudleya include species-specific monitoring and measures to protect against detrimental edge effects to this species inside and outside of the MHPA, and as an ASMD a biologist shall monitor the installation of the construction limits fence to delineate the extent of variegated dudleya, San Diego goldenstar and San Diego barrel cactus habitat to be avoided and shall monitor any construction activities conducted adjacent to habitat areas that support variegated dudleya, San Diego goldenstar or San Diego barrel cactus to avoid any detrimental edge effects to the species or its habitat. In addition, variegated dudleya, San Diego goldenstar and San Diego barrel cactus individuals shall be salvaged from impact areas and transplanted into mitigation areas located off-site within the MHPA. The landfill expansion would not increase the risk of fire in the local area, and the landfill would be responsible for implementing fire management/control practices to reduce the risk of fire ignition from landfill activities, thus appropriate fire management/control practices would be in place to protect the San Diego barrel cactus from too-frequent fire cycles.

As described in mitigation measures Bio-3 through Bio-7a, there are a numerous required pre-construction, construction and post-construction meetings, plan approvals, documentation submittals and review, monitoring and reporting required to ensure that the mitigation required to lessen impacts to the plant species are followed through. For example, the project must restore and/or translocate rare plants impacted by the project in compliance with the City's Biological Mitigation Procedures, conducting pre-construction meetings with MMC and providing DSD written documentation showing implementation of the required mitigation prior to any construction in undisturbed areas. Before any construction permits are issued the Assistant Deputy Direct (ADD) ED must verify that the revegetation/restoration plans and specifications are shown on the landscape construction documents, which shall contain plans for revegetation/restoration, planting, irrigation and erosion control including plant/seed palettes, water methods, protection of adjacent habitats, erosion and sediment control, performance/success criteria, an inspection schedule by City staff. The appropriate personnel would be responsible for ensuring that all grading and contouring, clearing and grubbing, plant material installation and maintenance or remedial activities are done according to the LDC as further described in Bio-3. Additionally, the Principal Qualified Biologist (PQB) shall submit evidence to MMC that the Storm Water Pollution Prevention Program training has been completed and all approvals and written documentation have been provided and either the PQB or the Qualified Biological Monitor (QBM) shall be present full-time during construction activities that could result in impacts to sensitive biological resources, monitoring construction activities as needed to ensure that there is no encroachment into biologically sensitive areas beyond the limits of disturbance shown on the approved documents, supervising placement or orange construction fencing or City-approved equivalent along the limits of potential disturbance adjacent to or at the edge of all sensitive habitats, oversee implementation of the Best Management Practices (BMPs) to prevent any significant sediment transport, and verify that no trash stockpiling, oil dumping or similar activity occurs outside the designated staging areas outside biologically sensitive areas. If unauthorized disturbances occur or sensitive biological resources are discovered that were not previously identified the PQB or QBM shall direct the contractor to temporarily divert construction in the disturbance area, notify MMC and install approved protection and agreed-upon BMPs. The Revegetation Maintenance Contractor (RMC)

shall complete maintenance monitoring activities through a five-year mitigation monitoring period, visiting twice a month for the first six months and monthly thereafter for the first year, then quarterly, monitoring for both qualitative horticultural issues and quantitative success criteria. The PQB or QBM shall oversee implementation of post-construction BMPs as needed to prevent significant sediment transport, and verify removal of temporary post-construction BMPs upon completion of construction. A variety of reports are required including a Final Monitoring Report after the five-year maintenance period is complete and the performance/success criteria met. Should the revegetated area not meet the final success standards, the Applicant must meet with MMC and determine if the revegetation effort is acceptable, and may have to replace vegetation and/or extend the monitoring/establishment/maintenance period until all standards are met.

The variegated dudleya impacts would be mitigated pursuant to the Variegated Dudleya Translocation Plan (RECON 2011a), described in the FEIR Appendix H2; the San Diego goldenstar impacts would be mitigated through the San Diego goldenstar Translocation Plan (RECON 2011b), further discussed in EIR Appendix H3; the San Diego barrel cactus to be impacted would be transplanted as described in the Coast Barrel Cactus Translocation Plan (RECON 2011c), described in EIR Appendix H4; and the Nuttall's Scrub Oak would be mitigated as described in the Nuttall's Scrub oak Mitigation Plan (RECON 2011d), found in EIR Appendix H5. These translocation plans require salvaging individual plants from the MHPA impact area (for San Diego goldenstar) and all impact areas, inside or outside the MHPA (for variegated dudleya and San Diego Barrel Cactus) and transplanting the plants and salvaged seeds into monitored, off-site mitigation areas within the MHPA, as further described in the Mitigation Monitoring and Reporting section of the FEIR.

The variegated dudleya that would be impacted by the project and those in the ungraded portion of the 2002 PDP/SDP permitted disturbance area shall be salvaged and translocated to the off-site mitigation parcel APN 366-080-29, which shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division. The biologists have shown that the mitigation site supports enough acreage of appropriate soils and habitat to incorporate the additional 1,596 variegated dudleya plants to be located there. Moreover, as further described in Bio-4a in section 5.2.2 of the FEIR, prior to construction in any undisturbed areas there would be a preconstruction meeting with MMC and written documentation submitted to DSD showing that the limits of habitat for variegated dudleya have been clearly marked with orange construction fencing to avoid inadvertent impacts to the species or its habitat, and the installation of that fence shall be overseen by a Qualified Biologist.

The San Diego goldenstar mitigation is detailed in Bio-5, 5a and 5b. The project would salvage and translocate the individual plants from the affected 0.01 acre in the MHPA to the off-site mitigation site (parcel 366-080-29); flag the plants in the spring so they will be visible for collection of seed once fully matured, then collect seed from the impacted population; salvage the top four to six inches of soil that contains the corms and propagate and translocate the salvaged material; develop and implement a maintenance and monitoring program; and achieve the restoration success criteria. The San Diego goldenstar translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Impacts also would be minimized by clearly marking the limits of habitat for San Diego goldenstar with orange construction fencing to prevent in areas that are not to be disturbed, and by conveying 3.79 acres of San Diego goldenstar to the City within APNs 366-031-14 (0.13 acre), 366-031-18 (0.13 acre), and 366 040-40 (3.53 acres). The project also would minimize the impacts by implementing a weed treatment program and monitoring program in the 3.53 acres in APN 366-040-40 that is to be preserved for San Diego goldenstar, thus allowing the current subpopulations to increase by reducing competition from non-native plants. Mitigation lands shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

The barrel cactus impacts would be mitigated by Bio-6, 6a and 6b, described in Section 5.2.2 of the FEIR. These include salvaging and translocating the 9 individual cacti inside the MHPA and the 37 individual San Diego barrel cacti that would be impacted outside the MHPA to the off-site mitigation parcel described in the Coast Barrel Cactus Translocation Plan (RECON 2011d). The San Diego barrel cactus translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.). Impacts also would be minimized to the cacti outside the MHPA by the requirement of Bio-6a to clearly mark the limits of the cacti habitat with orange construction fencing to avoid any inadvertent impacts to this species or its habitat. Barrel cactus also would be protected from unauthorized collection and appropriate fire management/control practices would be implemented to protect the plant from too-frequent fire cycles.

Nuttall's scrub oak would be mitigated by measures Bio-7 and 7a, which require that the 10 individual (4 inside the MHPA and 6 outside the MHPA) Nuttall's scrub oaks impacted by the landfill expansion be replaced at a 4:1 ratio, resulting in 40 Nuttall's scrub oaks being planted at the off-site mitigation site (APN 366-080-29) – a site that shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division. The limits of habitat for Nuttall's scrub oak shall be clearly marked with orange construction fencing to avoid any inadvertent impacts to this species/habitat. The biologists concluded that the measures described in the Mitigation Plan adequately mitigate for impacts to the Nuttall's scrub oak.

ASMDs for willowy monardella protect the species against detrimental edge effects from erosion and sedimentation from storm water run-off. As described in the FEIR at Section 5.12.3, the drainage channels and small watershed that drains west into Spring Canyon after the landfill expansion are not expected to generate much storm water runoff, and the project would comply with the general National Pollutant Discharge Elimination System (NPDES) Construction General Permit's requirements for erosion control and post-project stabilization of disturbed areas. These measures would prevent sediments from getting into the willowy monardella habitat and thus prevent significant impacts on this species from occurring.

Rationale and Conclusion

The actions making up mitigation measures Bio-3 through Bio-7a ensure that the project's potentially significant impacts to sensitive plants would be mitigated to below a level of significance. Mitigation Measures Bio-3 through Bio-7a are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact (Sensitive Wildlife Species, project element a)

The proposed project would have potentially significant impacts to the least Bell's vireo, coastal California gnatcatcher, red-tailed hawk, northern harrier and white-tailed kite.

The coastal California gnatcatcher was detected on-site in surveys in 2001 and 2003 but has not been detected in subsequent surveys, including the 2010 protocol survey (RECON 2012), although as the coastal sage scrub recovers from the 2003 fire the species may return. The plan would remove about 17.7 acres of Diegan coastal sage scrub inside the MHPA that may be occupied by the gnatcatcher in the future, and associated impacts would be considered significant should they occur. The gnatcatcher also could be indirectly impacted inside the MHPA during breeding seasons (March 1 to August 15) if construction and operational noise levels exceed 60 A-weighted decibels average sound level (dB[A] L_{EQ}) (or ambient, whichever is greater) and temporary construction noise could range from 75 to 93 dB(A) L_{EQ} at 400 and 50 feet, respectively, away from the area where construction equipment is operating. Hourly average landfill operational noise would reach 81 dB(A) L_{EQ} at 100 feet from the landfill working face, greens processing or C&D processing areas. If those operations are less than 20 feet below the existing topographic barriers and within 1600 feet of MHPA habitat occupied by a gnatcatcher the indirect noise would be significant, and constructing berms to mitigate that impact would have temporary construction-related noise impacts if conducted during the breeding season and the nearby habitat were occupied by the gnatcatcher. Haul trucks using the landfill access road located adjacent to gnatcatcher habitat would have operational noise impacts once the landfill began accepting 11,450 tons per day of solid waste. At that level of truck activity, noise from the haul road could expand the 60 dB(A) L_{EQ} noise contour approximately 120 feet beyond the existing 115-foot contour lines in an area approximately 2,800 feet long, between the landfill entrance and the proposed new scales facilities. As a result the project could increase noise in up to 12 acres of potential gnatcatcher habitat within the MHPA from the time of acceptance of 11,450 tons per day (anticipated not to start until about 2025) until closure, if the gnatcatcher is located within 500 feet of the edge of the MHPA boundary adjacent to the landfill haul road.

One least Bell's vireo, a federal and state listed endangered and MSCP covered species, was observed within the southern portion of the study area in spring 2011, but appeared to be a transient without an established breed territory at the site. However, neither the protocol survey during the 2012 breeding season nor any other surveys over the past decade have observed the least Bell's vireo at the site. Nonetheless, noise from construction could impact the bird if it were present during the breeding season (March 15-September 15).

Impacts to nesting migratory birds and raptors within the MHPA would occur if a nesting migratory bird is present within 300 feet and/or a nesting raptor is present within 500 feet of construction activities associated with the project. The project also could have impacts to a nesting white-tailed kite, one of which was observed flying over the study area.

There is a potential for impacts to occur to several other species, but the biologists concluded that due to coverage under the MSCP, the relatively low sensitivity of the species, the extent of the preserved MHPA lands in the immediate vicinity, and installation of the construction limits fence to delineate an appropriate buffer area around certain of the species (such as the coast horned lizard and the orangethroat whiptail) and monitoring of construction activities conducted

adjacent to the habitat areas that support the coast horned lizard and the orangethroat whiptail, detrimental edge effects to the species or their habitats would be avoided.

Facts in Support of Finding

Prohibiting grading activities during the raptor breeding season (February 1 through September 15) unless the project biologist conducts a pregrading survey for active raptor nests within 300 feet of the development area and submits a letter report to City staff from MMC showing mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) would avoid impacts to nesting raptors and white-tailed kite, as further described in Bio-8 in the FEIR and MMRP. Similarly, any construction activities set to occur during bird-breeding season would require pre-construction surveys to confirm whether the birds are present and, if nests or breeding activities are located on the site, maintenance of an appropriate buffer area around the nesting site until the young have fledged. That measure, fully described in Bio-9 in the FEIR and MMRP, would preclude direct impacts to any nesting birds, their eggs, chicks or nests during breeding season.

As discussed above and in the FEIR, the impacts to the southern California rufous-crowned sparrow, grasshopper sparrow, orangethroat whiptail, coast horned lizard, western spadefoot toad, coast horned lizard, Coronado Island skink, red diamond rattlesnake and mule deer would be less than significant for a variety of reasons, including the extent of preserved MHPA lands in the immediate vicinity, the fact the project would impact little of the species' primary habitat, and, in some cases, because the species has a relatively low sensitivity, or already is covered by the MSCP. Nonetheless, as further described in Section 5.2.2 of the FEIR, even those adverse but less-than-significant impacts would be lessened by installation of a construction limits fence to delineate an appropriate buffer area around suitable habitat during grading activities, monitored by a qualified biologist. A biologist also would monitor construction adjacent to habitat areas that support orangethroat whiptail and coast horned lizard, to avoid detrimental edge effects to those species' habitat.

ASMDs for the coastal California gnatcatcher would be used to reduce edge effects and minimize disturbance during the nesting period, and fire protection measures would reduce the potential for habitat degradation due to unplanned fire. ASMDs also require management measures to maintain or improve habitat quality, including vegetation structure. No clearing or grading of occupied habitat within the MHPA may occur between March 1 and August 15, and construction that would be allowed would be subject to noise restrictions. Mitigation land within the MHPA and containing coastal sage scrub habitat would be provided to compensate for loss of coastal California gnatcatcher habitat and the landfill operator would be required to implement current fire management and control practices to reduce the risk of a fire ignition. For example, Bio-11 and 11a require that no landfill activities be conducted during the breeding season (March 1 to August 15) unless they are behind 15- to 20-foot-high noise berms, built within the current grading limits to avoid any direct impacts to sensitive vegetation from berm construction. To ensure that creating the noise berms, or other landfill activities, do not indirectly impact the gnatcatcher, no clearing, grubbing, grading, or other construction activities, including those related to creation of noise berms, shall occur during the bird's breeding season until a QB surveys MHPA habitat areas that would be subject to construction noise levels of more than 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. If

gnatcatchers are present, then no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat within the MHPA shall be permitted between March 1, and August 15. Areas restricted from such activities shall be staked or fenced under a QB's supervision and: (i) between March 1 and August 15 no construction activities, including berm creation, shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat within the MHPA, with proof that the noise would be below that level approved by the City at least two weeks prior construction would commence, and restricted areas staked or fenced, or (ii) at least two weeks before any construction (including berm creation in accordance with Noi-1), and under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) are implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher within the MHPA. Noise monitoring shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average and if the level is exceeded then the construction must stop until the noise is attenuated or the breeding season ends.

If coastal California gnatcatchers are not detected during the protocol survey, then the QB shall submit substantial evidence to the City and applicable Resource Agencies which demonstrates whether or not noise mitigation measures are required between March 1 and August 15 and, if the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then at least two weeks before construction activities commence and under the direction of a Qualified Acoustician, noise attenuation measures must be implemented to ensure that noise levels resulting from construction would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher and noise monitoring must be conducted to ensure that noise levels do not exceed that level. If the appropriate noise levels cannot be maintained then construction must stop until the noise attenuation is achieved or the breeding season ends.

For indirect impacts resulting from noise along the access road the project would convey fee title to approximately 12 acres of coastal sage scrub within the MHPA to the City for long-term preservation, to be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Bio-12 mitigates impacts to the least Bell's vireo, and includes pre-construction surveys to verify that the bird is not using the area if noise from construction activities would impact occupied habitat during the March 15 – September 15 breeding season. Also, all landfill activities must occur outside the breeding season or behind noise berms, built within the current grading limits to avoid any direct impacts to sensitive vegetation from berm construction. No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the species' breeding season, until a QB has confirmed there are no least Bell's vireos in areas where noise would exceed 60 decibels [dB(A)] hourly and, if the bird is present, then no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted during the breeding season, restricted areas must be staked or fenced, and no construction activities within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat would be allowed unless an analysis approved by the City demonstrated that noise would be below those levels or, at least two weeks before beginning construction and under the direction of a Qualified Acoustician,

noise attenuation measures (e.g., berms, walls) are implemented to ensure that noise levels resulting from construction activities would not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring must be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise is not being attenuated then construction must stop until it is lowered, or the breeding season ends.

If least Bell's vireos are not detected during the protocol survey, the QB must submit substantial evidence to the City and applicable resource agencies demonstrating whether or not mitigation measures are necessary during the breeding season. If the evidence shows a high potential for least Bell's vireo to be present then the mitigation discussed above and designed to avoid noise impacts must be implemented and if no impacts to the species are anticipated, no mitigation would be necessary.

Impacts to the California rufous-crowned sparrow would not be significant because the species is adequately covered by the MSCP. Project impacts to native and non-native grassland habitats – the primary habitat of the non-covered grasshopper sparrow – are minimal and would not create a significant impact. The potential impact is further avoided by preservation of grassland habitat as mitigation for loss of grassland, reducing potential impacts to this species to less-than-significant levels.

Rationale and Conclusion

The actions making up mitigation measures Bio-8 through Bio-12 ensure that the project's potentially significant impacts to sensitive wildlife species would be mitigated to below a level of significance through surveys, monitoring, attenuating noise and, where necessary, avoiding construction during the breeding season, as well as conveyance of habitat to be permanently conserved as open space. Mitigation Measures Bio-8 through Bio-12 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact (jurisdiction areas, project element a)

The project's scales and sedimentation basin would directly impact 0.53 acre of Corps jurisdictional habitat, including non-wetland waters of the U.S.; 0.85 acre of CDFG jurisdiction, including 0.35 acre of CDFG riparian habitat and 0.50 acre of CDFG streambed; and 0.62 acre of City of San Diego jurisdiction, including 0.35 acre of riparian areas and 0.27 acre of natural flood channel. The impacts are shown in Figures 5.5-6 through 5.5-8 or the FEIR and listed in Table 5.5-7. All impacts to sensitive jurisdictional areas are considered significant.

The project could cause indirect impacts to jurisdictional areas by discharging pollutants in runoff, especially where buffers between development areas and the affected resource(s) are reduced. Buffers to jurisdictional waters/wetlands to remain undisturbed after the landfill expansion would be largely consistent with pre-project conditions except for a relatively short distance of reduced lateral buffer along the eastern edge of the main drainage course in the

southern portion of Little Sycamore Canyon (where the proposed landfill access road construction runs parallel to the jurisdictional areas in Little Sycamore Canyon).

Facts in Support of Findings

With implementation of storm water management BMPs, runoff from the landfill access road to adjacent jurisdictional areas would be intercepted by a curb and directed to a down drain equipped with an oil and grease trap and particulate filters. After the runoff water has been treated, it would be released to flow into the Little Sycamore Creek drainage, which runs parallel to the landfill access road. The storm water control system for the landfill ancillary facilities has been designed to convey surface storm water flows to drop inlets that discharge to underground culverts. The underground culverts located at the maintenance facility would discharge into the sedimentation basin, while the underground culverts at the scale facility would discharge into Little Sycamore Creek. To reduce the transfer of pollutants into the basin and Little Sycamore Creek, Best Management Practices (BMPs) have been incorporated into the project design in conformance with the NPDES Industrial General Permit (as described in Section 5.12 of the FEIR). These BMPs include an asphalt concrete (AC) dike would be installed along the western edge of the access road to control storm water from directly discharging into the basins or creek. The AC dike would follow the slope of the road and convey storm water to drop inlets and culverts. Sediment and petroleum control devices would be installed at the drop inlets. These include sediment logs to filter storm water before it discharges to the inlet and vortex control devices that force storm water to move in a circular motion to trap sediment, oils, and trash in the center of the vortex where it can settle. Other methods such as continuous deflective separation could also be used as needed in drop inlets to separate out contaminants.

A combination of the methods described above would be used to control storm water pollution at the site, with the exact methods to be used at specific locations based on the quantity of flow, the type of pollutants expected, and the geometry of the discharge system. Implementation of these methods as part of project design would reduce the indirect impacts of the project to jurisdictional areas to below a level of significance.

The jurisdictional waters/wetland buffers created by the project design protect would maintain the existing functions and values of the riparian habitat on the site. The reduction in buffer at a few points along the new access road would not result in a significant loss of wetland habitat functions and values due to the project design and the condition of on-site resources: (i) the proposed buffers would not restrict current species utilization of the habitats associated with the drainage courses any more than already exists under current conditions; (ii) the project design would provide a buffer of existing relatively undisturbed vegetation between the developed portions of the site and the drainage courses and associated riparian habitat; (iii) the lateral wetland buffer distances, combined with vertical separation, would be sufficient to buffer the habitats from potential edge effects and maintain species utilization of these areas similarly to the existing condition; and (iv) the existing hydrologic, biochemical, and habitat functions and values of the riparian habitats to remain would be similar in nature and extent to the pre-project condition. Project impacts are largely confined to the upstream limits of the drainage courses. The ephemeral drainages remaining on the western and northeastern portion of the BSA would continue to convey storm water to the adjacent open space areas. Although there would be a reduction in wetland habitat on the main drainage course in the southern portion of the site, the

overall functions and values of the riparian habitat to remain would continue to have the same hydrologic and biochemical functions as the pre-project condition. Habitat values of the remaining wetlands also would be similar to the pre-project condition despite the reduction in habitat area.

Also, as described in Bio-13 and further explained in Bio-12, the landfill already has an approved wetland mitigation area which with implementation of the project would have 0.94 acres of additional wetland that can be used as mitigation (since the project vacates previous “paper streets” that crossed the site and that can now be used as mitigation). That 0.94 acre of wetland mitigation covers 1:1 creation component required for jurisdictional impacts, which mitigates for the 0.85 acre of riparian areas and streambed impacted by the project, as discussed in Bio-13. Impacts to 0.53 acre of Corps non-wetland jurisdictional waters of the U.S. shall be mitigated 1:1 using the excess pre-approved mitigation credits, for a total of 0.53 acre of Corps non-wetland waters of the U.S. mitigation (see Bio-14a) and impacts to 0.35 acre of CDFG riparian habitat shall be mitigated at 2:1, for a total of 0.70 acre of riparian habitat (Bio-14b). Impacts to 0.50 acre of CDFG streambed would be mitigated at 1:1. The remaining mitigation obligation would be met through purchase of credits in the Rancho Jamul Wetland Mitigation Bank, as described in Bio-14c, which also discusses how the impacts to the 0.62 acre of City jurisdiction shall be mitigated. Finally, as set forth in Bio-15, the landfill operator would conduct a pre-construction meeting with MMC and submit to DSD written documentation showing compliance with the Corps’ Section 404 permit, the RWQCB’s Section 401 Water Quality certification and compliance with the CDFG’s Section 1601-1603 Streambed Alteration Agreement.

Rationale and Conclusion

Prior to any construction-related activities that would impact wetlands or non-wetland jurisdictional waters of the U.S. the landfill owner would schedule a meeting with MMC and provide DSD written documentation showing that the landfill has implemented the required mitigation for the proposed phase of work, providing evidence of compliance with the Corps Section 404 permit, RWQCB Section 401 Water Quality certification and CDFG Section 1601-1603 Streambed Alteration Permit. By obtaining the required regulatory permits and providing the mitigation at the ratios set forth in the MSCP and the City’s regulations and guidelines, impacts to the habitat would be fully mitigated. Mitigation Measures Bio-13 through Bio-15 are feasible, and have been made binding through incorporation in the project’s conditions of approval and through the MMRP.

Potentially Significant Impact (Vegetation Communities, project element b)

The transmission line relocation would require clearing vegetation in and around the bases of the new transmission line structures and construction of permanent access roads to the transmission lines, which would result in significant direct impacts to 6.9 acres containing two sensitive vegetation communities: 1.8 acres of Diegan coastal sage scrub inside the MHPA and 2.0 acres outside the MHPA; and 0.5 acres of chamise chaparral inside the MHPA and 2.6 acres outside the MHPA.

Facts In Support of Finding

As described in Bio-16, before any construction could occur in an undisturbed area, a meeting would be held with MMC and written documentation would be submitted showing that the landfill had provided biological mitigation for direct habitat disturbances by conveying approximately 6.9 acres of sensitive upland communities and 0.01 acre of sensitive non-wetland waters of the U.S./streambed associated with relocation of the transmission lines to the City of San Diego. The uplands habitat would be preserved and maintained in perpetuity by the City Park and Recreation Department, Open Space Division, as set forth in the MSCP Subarea Plan.

A Property Analysis Record (PAR), which is a computerized database method designed by the Center for Natural Lands Management to help calculate the costs of land management for a specific project by analyzing the property's characteristics and needs to pinpoint and estimate the costs of management tasks and necessary administrative costs, would be established to ensure long-term maintenance of the non-wetland waters of the U.S./streambed alteration mitigation area. This mitigation is consistent with that set forth in the City's Biology guidelines. Although the final land to be conveyed would be determined through consultation with the City, the potential upland mitigation parcels are shown in Figure 19 of the Biological Technical Report (Appendix H1 of the EIR) and a summary of the potential upland mitigation available by parcel as well as the mitigation requirements is shown in Table 5.5-10. The project would convey 3.8 acres of Diegan coastal sage scrub to the City as permanent open space to mitigate at 1:1 for the 3.8 acres of that habitat being impacted by the transmission line relocation, as described in Bio-16a. Similarly, it would convey 1.8 acres of chamise chaparral for to the City as permanent open space for a 1:1 mitigation of impacts to that habitat, as set forth in Bio-16b.

Rationale and Conclusion

Compliance with mitigation measures Bio-16, Bio-16a, and Bio-16b through conveyance of land containing the required habitat at the ratios established in the MSCP Subarea Plan fully mitigates for impacts of project element b to vegetation communities. Mitigation Measures Bio-16 through Bio-16b are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact: (Jurisdictional Areas, project element b)

Relocating the transmission lines would impact 0.01 acre of non-wetland waters of the U.S. (drainage) under the jurisdiction of the U.S. Army Corps of Engineers (ACOE), which is also considered streambed under the jurisdiction of the CDFG/RWQCB, and is within the upper slope of Spring Canyon.

Facts in Support of Finding

The project would hold a meeting prior to any construction in undisturbed areas and during that time would provide written documentation evidencing that the required mitigation for impacts to wetlands or non-wetland jurisdictional waters of the U.S./streambed had been fully mitigated through obtaining a 404 permit from the Corps, a 401 Water Quality Certification from the RWQCB, and a 1601 Streambed Alteration Permit from the CDFG, and by providing mitigation

as specified in Table 5.5-11 and Bio-17a. Impacts to the 0.01 acre of drainage under the jurisdiction of both Corps and CDFG would be mitigated at a 1:1 ratio as described in Bio-17a and its cross-reference to Bio-13, which explains that the project would use its 0.94 acre of surplus credits from a previously approved mitigation site as well as purchasing credits in the Rancho Jamul Wetland Mitigation Bank prior to impacting the resource.

Rationale and Conclusion

Compliance with mitigation measures Bio-17 and Bio-17a, and its cross-reference to Bio-13, which require obtaining permits from the relevant resource agencies and providing mitigation at the established ratios, would fully mitigate impacts of project element b to jurisdictional areas. Mitigation Measures Bio-17 and Bio-17a are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact (Sensitive Plants, project element b)

There are 227 variegated dudleya plants inside the MHPA and 198 outside the MHPA that would be impacted by the transmission line relocation, and whether inside or outside of the MHPA impacts to these plants are considered significant because the species is a narrow endemic. The transmission line also would impact 0.32 acre of San Diego goldenstar inside and 2.06 acres outside of the MHPA. Only impacts to the San Diego goldenstar inside the MHPA would be significant. The transmission line relocation also would impact four San Diego barrel cacti inside and four outside the MHPA, with only the impacts to those inside the MHPA considered significant. There are 31 willowy monardella shrubs in an off-site parcel inside the MHPA that may be indirectly impacted if hillside erosion and downstream sedimentation were to occur, but based on the BMPs and compliance with SDG&E Protocols as well as the NPDES guidelines, the potential indirect impacts to willowy monardella shrubs would not be considered significant. Similarly, while the transmission line would impact 0.12 acre of golden-rayed pentachaeta (0.05 acre within the MHPA) and one chaparral rein-orchid individual outside the MHPA, these impacts are not expected to reduce the populations to less than self-sustaining levels and therefore are not considered significant.

Facts in Support of Finding

The measures described in Bio-18 through Bio-20, along with SDG&E Protocols, would fully mitigate the impacts to sensitive plant species that otherwise would occur due to the transmission line relocation. Bio-18 would entail salvaging the variegated dudleya plants, San Diego goldenstar and San Diego barrel cactus that otherwise would be impacted, and translocating them to the specified off-site mitigation area as part of a plan created by expert biologists. The off-site mitigation area has been surveyed and determined to have the correct soil type and climate for plants to be translocated there, and a prior translocation plan using that site has proven successful. The translocation plans for the variegated dudleya, San Diego goldenstar and San Diego barrel cactus all contain restoration success criteria that assures adequate numbers of the plants would survive, and the mitigation site would be preserved and managed in perpetuity by the City Park and Recreation Department's Open Space Division. Other work called for in the plans, such as weed abatement, also would allow the current subpopulations to grow due to reduced competition from the weeds that now choke out some of their nutrients, sunlight,

precipitation, etc. In addition to the translocation, the project also would convey land containing the San Diego goldenstar to the City as permanent open space, to be maintained in perpetuity by the City's Park and Recreation Department's Open Space Division.

Rationale and Conclusion

Conveying land containing the San Diego goldenstar to the City for preservation and maintenance as permanent open space, combined with translocating the variegated dudleya, San Diego goldenstar and San Diego barrel cactus to an approved mitigation site with the appropriate site conditions, and requiring establishment and success of a set number of the translocated plants, assures that a sufficient number of the variegated dudleya, San Diego goldenstar and San Diego barrel cactus would survive to avoid endangering the sensitive plants that would be impacted by the project. Mitigation Measures Bio-18 through Bio-20 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact (Sensitive Wildlife, project element b)

The transmission line relocation would result in potential significant temporary construction impacts to nesting Cooper's hawk, white-tailed kite and nesting coastal California gnatcatchers, if present within 500 feet (raptors) or 300 feet (gnatcatchers) of the construction zone. Impacts to the California horned lark, loggerhead shrike and Bell's sage sparrow are expected to be adverse but not significant based on the extent of preserved MHPA in the immediate vicinity. Noise from transmission line construction could potentially have indirect impacts to coastal California gnatcatchers during the nesting season if noise levels exceed 60 dB(A) L_{EQ} (or ambient, whichever is greater) if the birds return to the area and nest within 300 feet of the relocation area. Temporary construction noise associated with transmission line relocation could range from 78 to 92 dB(A) L_{EQ} at 50 feet away from where the equipment is operating and could be up to 75 dB(A) L_{EQ} within 400 feet of specific tower locations during construction.

Facts In Support of Finding

As a standard design feature, SDG&E implements avian protection guidelines developed by the APLIC (2006), and implementation of these guidelines would avoid operational impacts to the coastal California gnatcatcher, raptors, and birds covered by the MBTA. Moreover, under Bio-21, any grading of the coastal California gnatcatcher habitat inside the MHPA would be conducted outside of the species' breeding season, unless mitigation measure Bio-11 were implemented along with the appropriate SDG&E Protocols. As discussed above and in the FEIR, Bio-11 entails building noise barrier berms, surveying to determine if the areas subject to noise above 60 dB(A) hourly average contained the coastal California gnatcatcher and, if the species is present, then documenting through a Qualified Acoustician that the noise would not exceed 60 dB(A) hourly average at the edge of occupied habitat or, at least two weeks before starting construction, implementing noise attenuation measures to ensure that noise would not exceed the 60 dB(A) hourly average at the edge of occupied habitat, along with noise monitoring during the construction to ensure that noise stays below that level.

Under Bio-22, construction impacts to raptors would be avoided by restricting grading and construction to outside the breeding season or completion of pre-grading nest surveys and, if necessary, use of appropriate construction setbacks in accordance with Bio-8 and the appropriate SDG&E Protocols. Bio-8 precludes grading during the raptor breeding season unless a pregrading survey by the project biologist for active raptor nests within 300 feet of the development area demonstrates that there are no nesting raptors or, if there are active raptor nests detected, mitigation is included in the report that conforms to the City's Biology Guidelines for appropriate buffers, etc. and that includes monitoring to ensure the mitigation adequately precludes any significant impact from occurring.

Rationale and Conclusion

Ensuring that the coastal California gnatcatcher habitat inside the MHPA would not be graded, grubbed or cleared during the bird's breeding/nesting season, and that the breeding/nesting birds would not be subject to excessive noise, and avoiding construction and grading during the raptors' breeding season if pre-grading surveys found that the birds were in the area of potential impact would preclude the transmission line relocating from negatively impacting the sensitive wildlife in the area by ensuring that the noise generated by construction would not be at levels determined to potentially harm the gnatcatcher or raptors. Mitigation Measures Bio-21 and Bio-22 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact (Conflict with Approved Habitat Conservation Plan, project element a)

The landfill expansion construction activities could result in significant indirect impacts relating to land development/grading, drainage/toxins, staging/storage, equipment maintenance/trash, lighting, noise, barriers, invasive plants and brush management. Wind-borne seeds from greens processing and disturbed areas could lead to potentially significant invasive species impacts on the MHPA. Water-borne seeds or plant material might be carried by the surface water drainage system to the sedimentation basins, and the sediment later used on the landfill for daily cover.

Facts In Support of Finding

The landfill would be revegetated with native plant species after final closure, and landscaping around the ancillary facilities would be non-invasive plant species permitted by the Landscaping Regulations of the Land Development Manual. Quarterly inspections of the landfill site would be conducted by qualified biologists to identify any exotic invasive plants that may be present and, if present, would implement removal or eradication procedures to preclude their spread pursuant to the landfill's Exotic Invasive Plant Removal Plan (EIPRP) (RECON 2011e). Additionally, standard City mitigation would be implemented to reduce potential construction-related indirect impacts to the MHPA to below a level of significance, as outlined in Bio-23. This mitigation is comprehensive and includes, among other measures, delineating MHPA boundaries on the CDs; designing parking adjacent to the MHPA to avoid draining directly into the MHPA; staging, storing equipment and materials and other construction-related activities within the development footprint and noting that construction-related activity with the potential for leakage or intrusion must be monitored by a QB/Owners Representative; fencing or other

City-approved barriers along MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation and direct wildlife to appropriate corridor crossings; directing construction lighting away from the MHPA; ensuring that plant species within 100 feet of the MHPA comply with the Landscape Regulations and are non-invasive; conducting brush management within the City-specific brush management zones; and avoiding construction noise that exceeds the maximum levels allowed during breeding season.

The project also would comply with its EIPRP to minimize potential dissemination of exotic invasive plants and prevent such species from spreading into native land surrounding the landfill. Bio-24 would require that plant species within 100 feet of the MHPA comply with the City's Landscape Regulations and be non-invasive, and Bio-25 would require that quarterly inspections be conducted by a Qualified Biologist to identify any exotic invasive plants and, if present, to remove or eradicate and preclude their spread pursuant to the 2011 EIPRP, submitting annual reports on the ongoing exotic invasive plant control program at the landfill.

Rationale and Conclusion

By monitoring for and, if found, eradicating or removing invasive plants, as well as by ensuring that plants within the area near the MHPA be native and non-invasive, the mitigation keeps impacts from invasive plants to a less-than-significant level. Similarly, shielding lighting and drainage away from the MHPA, keeping equipment and construction activities strictly to the development footprint, directing access through barriers and attenuating noise all ensure that there would be no significant indirect impacts from the proposed project on the MHPA. Mitigation Measures Bio-23 through Bio-25 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact (Conflict with Approved Habitat Conservation Plan, project element b)

The transmission line construction activities could result in significant indirect impacts relating to land development/grading, drainage/toxins, staging/storage, equipment maintenance/trash, lighting, noise, barriers, invasive plants and brush management, and impacts associated with the relocated transmission line could create more potential for impact because the transmission line would no longer bisect the landfill but would be along the outside in an area that does not currently experience any impacts. The transmission line relocation could result in the spread of exotic invasive species; for example, if the graded area were re-planted with non-native species.

Facts In Support of Finding

The transmission line impact areas would be revegetated with native plant species after construction, and landscaping around the facilities would be non-invasive plant species permitted by the Landscaping Regulations of the Land Development Manual. Additionally, standard City mitigation would be implemented to reduce potential construction-related indirect impacts to the MHPA to below a level of significance, as outlined in Bio-23. This mitigation is comprehensive and includes, among other measures, delineating MHPA boundaries on the CDs; designing parking adjacent to the MHPA to avoid draining directly into the MHPA; staging, storing equipment and materials and other construction-related activities within the development

footprint and noting that construction-related activity with the potential for leakage or intrusion must be monitored by a QB/Owners Representative; fencing or other City-approved barriers along MHPA boundaries to direct public access to appropriate locations, reduce domestic animal predation and direct wildlife to appropriate corridor crossings; directing construction lighting away from the MHPA; ensuring that plant species within 100 feet of the MHPA comply with the Landscape Regulations and are non-invasive; conducting brush management within the City-specific brush management zones; and avoiding construction noise that exceeds the maximum levels allowed during breeding season.

The project also would comply with its EIPRP to minimize potential dissemination of exotic invasive plants and prevent such species from spreading into native land surrounding the transmission line. Bio-24 would require that plant species within 100 feet of the MHPA comply with the City's Landscape Regulations and be non-invasive, and Bio-25 would require that the 2011 EIPRP be followed.

Rationale and Conclusion

By monitoring for and, if found, eradicating or removing invasive plants, as well as by ensuring that plants within the area near the MHPA be native and non-invasive, the mitigation keeps impacts from invasive plants to a less-than-significant level. Similarly, shielding lighting and drainage away from the MHPA, keeping equipment and construction activities strictly to the development footprint, directing access through barriers and attenuating noise all ensure that there would be no significant indirect impacts from the proposed project on the MHPA. Mitigation Measures Bio-23 through Bio-25 are feasible, and have been made binding through incorporation in the project's conditions of approval and through the MMRP.

Historical Resources

Potentially Significant Impact (project element a)

No historical resources in the Mast Boulevard improvement area were identified but given the presence of level, low-lying areas close to the San Diego River, it is possible that currently unknown subsurface resources could exist and be discovered upon excavation for the road improvement. Accordingly, this aspect of the project could potentially result in significant impacts to historical resources.

Facts In Support of Finding

The project's potentially significant impacts to historical resources would be mitigated to below a level of significance with implementation of the mitigation measure Hist-1 identified in Section 5.9.2 of the FEIR. Implementation of this mitigation measure would require, prior to the issuance of any construction permits, the ADD ED to verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the appropriate CDs. Also, prior to permit issuance, the Applicant would be required to submit a letter of verification to MMC identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). The MMC would respond to the Applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring

of the project. Prior to the start of work, the Applicant would be required to obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to the start of construction, the PI would have to provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Prior to any beginning any work that requires monitoring, the Applicant would arrange a preconstruction meeting including the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. Additionally qualified Archaeologist Monitor (AM) and Native American consultant/monitor would attend any grading/excavation related preconstruction meetings to make comments and/or suggestions concerning the Archaeological Monitoring program. If the PI is unable to attend, the Applicant would schedule a focused preconstruction meeting with MMC, the PI, RE, CM, or BI, if appropriate prior to the start of any work that requires monitoring.

Prior to the start of any work, the PI would submit an Archaeological Monitoring Exhibit (AME) identifying the areas to be monitored, including the delineation of grading/excavation limits. When Native American resources may be impacted, this submission must include verification that the AME has been reviewed and approved by the Native American consultant/monitor. Prior to the start of any work, the PI also would submit a construction schedule to MMC indicating when and where monitoring would occur. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program based on relevant information that indicates site conditions such as depth of excavation and/or site graded to bedrock, etc. may reduce or increase the potential for resources to be present.

The AM shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. Additionally, the Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities that could result in impacts to archaeological resources as identified in the AME. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed below shall commence.

Thereafter, the CM would notify the RE, PI, and MMC of changes to any construction activities within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME. The mitigation measure provides that the PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance, post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered may reduce or increase the potential for resources to be present. The AM and Native American consultant/monitor would document field activity via the Consultant Site Visit Record (CSVR), which would be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly and in the case of any discoveries. The RE shall forward copies to MMC.

Implementation of this mitigation measure requires a discovery notification process whereby the AM must direct the contractor to temporarily divert all soil disturbing activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate, and the PI. Thereafter, the PI would immediately notify

MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

This mitigation measure provides a protocol for the determination of significance of resources found. Specifically, the PI and Native American consultant/monitor must evaluate the significance of the resource, notify MMC by phone to discuss significance determination and submit a letter to MMC indicating if additional mitigation is required. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered. If the resource is considered significant, the PI must submit an Archaeological Data Recovery Program (ADRP), which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery would be allowed to resume. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts would be collected, curated and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

If human remains are discovered, work must stop in that area and the procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) followed. The AM must notify the RE or BI as appropriate, MMC, and the PI. MMC would notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process. Additionally, the PI must notify the Medical Examiner after consultation with the RE. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until the Medical Examiner and PI determine the provenance of the remains.

If human remains are discovered and are determined to be Native American, the Medical Examiner would notify the Native American Heritage Commission (NAHC) within 24 hours. The NAHC must immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information. Thereafter, the MLD must contact the PI within 24 hours after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes. The MLD would have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods. Disposition of Native American human remains would be determined between the MLD and the PI, and, if: (i) the NAHC is unable to identify the MLD, or the MLD failed to make a recommendation within 48 hours after being notified by the Commission; or; (ii) the Applicant or authorized representative rejects the recommendation of the MLD and mediation in accordance with Public Resources Code Section 5097.94 (k) by the NAHC fails to provide measures acceptable to the Applicant.

If human remains are discovered and determined not to be Native American, the PI must notify the Medical Examiner of the historic era context of the burial. The Medical Examiner would determine the appropriate course of action with the PI and City staff pursuant to Public Records Code Sect. 5097.98. If the remains are of historic origin, they must be appropriately removed and conveyed to the San Diego Museum of Man for analysis.

Timing and extent of night and/or weekend work would be discussed at the preconstruction meeting, and the CM must notify the RE, or BI, as appropriate, a minimum of 24 hours before the night or weekend work began. The RE, or BI would notify MMC immediately. In the event that no discoveries were encountered during night and/or weekend work, the PI must record the information on the CSV and submit to MMC via fax by 8AM of the next business day. All discoveries must be processed and documented using the existing procedures detailed in the Discovery Notification Process identified in the mitigation measure.

Upon completion of construction, the PI must submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the HRG which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. The PI must record any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the HRG, and submit such forms to the South Coastal Information Center with the Final Monitoring Report. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report. Thereafter, the PI must submit a revised Draft Monitoring Report to MMC for approval. MMC shall provide written verification to the PI of the approved report, and shall notify the RE or BI of receipt of all Draft Monitoring Report submittals and approvals.

With respect to artifacts found, implementation of this mitigation measure requires the PI to ensure that: (i) all cultural remains collected are cleaned and catalogued; (ii) all artifacts are analyzed to identify function and chronology as they relate to the history of the area; (iii) faunal material is identified as to species, and that specialty studies are completed, as appropriate; and (iv) all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. Curation of artifacts is requires consultation with MMC and the Native American representation, as applicable. The Applicant is responsible for the cost for curation. The PI must include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. Additionally, when applicable, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with the existing procedures detailed in the Discovery of Human Remains process.

Lastly, the PI must submit one copy of the approved Final Monitoring Report to the RE or BI and one copy to MMC within 90 days after notification from MMC that the draft report has been approved. The RE shall not issue the Notice of Completion and/or release of the Performance Bond for grading until he/she receives a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution. This mitigation measure would reduce potentially significant impacts to historical and/or archeological resources to a less than significant level.

Rationale and Conclusion

The individual actions making up mitigation measure Hist-1 ensure the recording and recovery of important historical and/or prehistorical information which may be otherwise lost during

construction of the proposed project. The requirement for an AM to be present for all soil disturbing activities, along with specified processes, assures that soil disturbance would be halted or diverted should any discovery be made. In the event that human remains are unearthed during grading activities, the Medical Examiner and/or the NAHC would be contacted as required to ensure that proper steps are taken. Mitigation Measure Hist-1 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

Paleontological Resources

Potentially Significant Impact (project element a)

Implementation of the landfill expansion and support facilities would result in substantial excavation within the high-sensitivity Stadium Conglomerate and Friars Formation and could result in significant impacts if disturbing more than 1,000 cubic yards from the high-sensitivity strata greater than 10 feet in depth.

Facts in Support of Finding

The project's potentially significant impacts to paleontological resources would be mitigated to below a level of significance with implementation of the mitigation measure Paleo-1, identified in Section 5.10.2 of the FEIR. This mitigation comprises a comprehensive program to address potential impacts to high-sensitivity paleontological resources and would allow preservation and future scientific study of any important paleontological resources encountered. Implementation of the mitigation would require, prior to the issuance of any construction permit, that the ADD ED verify that the requirements for paleontological monitoring have been noted on the appropriate CDs. Also, prior to permit issuance, the Applicant must submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the Paleontological Monitoring Program, as defined in the City of San Diego Paleontology Guidelines (PG). MMC would respond to the Applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project. Prior to the start of work, the Applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to the start of construction, the PI must verify completion of a site specific records search. Prior to any beginning any work that requires monitoring, the Applicant must arrange a preconstruction meeting including the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. Additionally qualified paleontologist shall attend any grading/excavation-related preconstruction meetings to make comments and/or suggestions concerning the Paleontological Monitoring program. If the PI is unable to attend, the Applicant must schedule a focused preconstruction meeting with MMC, the PI, RE, CM, or BI, if appropriate, prior to the start of any work that requires monitoring.

The PI, prior to the start of work, must submit a Paleontological Monitoring Exhibit (PME) identifying the areas to be monitored, including the delineation of grading/excavation limits. The PI also must submit a construction schedule to MMC through the RE indicating when and where monitoring would occur. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program based on

relevant information that indicates site conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc. may reduce or increase the potential for resources to be present. The Paleontologist Monitor (PM) shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to paleontological resources as identified on the PME. The CM must notify the RE, PI, and MMC of changes to any construction activities within the area being monitored. OSHA safety requirements may require modifying the PME. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition does not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present. The PM must document field activity via the CSV, which must be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly and in the case of any discoveries. The RE shall forward copies to MMC.

The PM shall direct the contractor to temporarily divert all soil disturbing activities in the area of any discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI and the PI, who in turn must immediately notify MMC by phone of the discovery, and submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

This mitigation provides a protocol for the determination of significance of resources found. The PI must evaluate the significance of the resource, notify MMC by phone to discuss significance determination and submit a letter to MMC indicating if additional mitigation is required. If the resource is considered significant, the PI must submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery could resume. If the resource is not significant, the PI is required to notify the RE or BI that a non-significant discovery has been made and the Paleontologist must continue to monitor the area without notification to MMC unless a significant resource is encountered.

If night and/or weekend work is required, the extent and timing shall be discussed at the preconstruction meeting, and the CM must notify the RE, or BI a minimum of 24 hours before the work is to begin and the RE or BI shall notify MMC of it immediately. If no discoveries are encountered during night and/or weekend work, the PI must record the information on the CSV and submit to MMC via fax by 8AM of the next business day. All discoveries must be processed and documented using the existing procedures detailed in the Discovery Notification Process.

Upon completion of construction, the PI must submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days after completion of monitoring. For significant paleontological resources encountered during monitoring, the PRP must be included in the Draft Monitoring Report. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report, then the PI must submit a revised Draft Monitoring Report to MMC for approval. MMC shall provide written verification to the PI of the approved report, and shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. The PI is responsible for any significant or

potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submitting such forms to the San Diego Natural History Museum with the Final Monitoring Report. With respect to fossil remains found, the PI must ensure that all fossil remains collected are: (i) cleaned and catalogued; (ii) analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate; and (iii) permanently curated with an appropriate institution. The PI must include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. Lastly, the PI must submit one copy of the approved Final Monitoring Report to the RE or BI and one copy to MMC within 90 days after notification from MMC that the draft report has been approved. The RE shall not issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution. Through this mitigation measure, potentially significant impacts to paleontological resources would be reduced to below a level of significance.

Rationale and Conclusion

The individual actions making up Paleo-1 ensure the recording and recovery of important paleontological resources that may otherwise be lost during construction of the proposed project. The requirement for a PM to be present for all ground disturbing activities, along with the specified processes, assures that grading/excavation/trenching activities would be halted or diverted should any discovery be made. Implementation of the mitigation measure assures that significance determination occurs right away and that important discoveries are reported and/or collected. Mitigation Measure Paleo-1 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

Potentially Significant Impact (project element b)

Excavating for the new transmission line tower or pole structures and related access roads would result in substantial excavation within the high-sensitivity Stadium Conglomerate, with associated significant impacts to paleontological resources. Although there is no known data of paleontological resources occurring in this location, a number of known fossil-bearing sites are present in nearby exposures of the Stadium Conglomerate on the landfill property, and have produced well-preserved mammalian remains as well as an invertebrate specimen during monitoring in 2010. Known fossil occurrences in the Stadium Conglomerate near the project transmission line relocation corridor means the relocation could have impacts on such resources.

Facts in Support of Finding

The project's potentially significant impacts to paleontological resources would be mitigated to below a level of significance with implementation of the mitigation measure Paleo-1, identified in Section 5.10.2 of the FEIR. This mitigation comprises a comprehensive program to address potential impacts to high-sensitivity paleontological resources and would allow preservation and future scientific study of any important paleontological resources encountered. Implementation of the mitigation would require, prior to the issuance of any construction permit, that the ADD ED verify that the requirements for paleontological monitoring have been noted on the

appropriate CDs. Also, prior to permit issuance, the Applicant must submit a letter of verification to MMC identifying the PI for the project and the names of all persons involved in the Paleontological Monitoring Program, as defined in the City of San Diego Paleontology Guidelines (PG). MMC would respond to the Applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project. Prior to the start of work, the Applicant must obtain approval from MMC for any personnel changes associated with the monitoring program.

Prior to the start of construction, the PI must verify completion of a site specific records search. Prior to any beginning any work that requires monitoring, the Applicant must arrange a preconstruction meeting including the PI, CM and/or Grading Contractor, RE, BI, if appropriate, and MMC. Additionally qualified paleontologist shall attend any grading/excavation-related preconstruction meetings to make comments and/or suggestions concerning the Paleontological Monitoring program. If the PI is unable to attend, the Applicant must schedule a focused preconstruction meeting with MMC, the PI, RE, CM, or BI, if appropriate, prior to the start of any work that requires monitoring.

The PI, prior to the start of work, must submit a Paleontological Monitoring Exhibit (PME) identifying the areas to be monitored, including the delineation of grading/excavation limits. The PI also must submit a construction schedule to MMC through the RE indicating when and where monitoring would occur. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program based on relevant information that indicates site conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc. may reduce or increase the potential for resources to be present. The Paleontologist Monitor (PM) shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to paleontological resources as identified on the PME. The CM must notify the RE, PI, and MMC of changes to any construction activities within the area being monitored. OSHA safety requirements may require modifying the PME. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition does not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present. The PM must document field activity via the CSV, which must be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly and in the case of any discoveries. The RE shall forward copies to MMC.

The PM shall direct the contractor to temporarily divert all soil disturbing activities in the area of any discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI and the PI, who in turn must immediately notify MMC by phone of the discovery, and submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

This mitigation provides a protocol for the determination of significance of resources found. The PI must evaluate the significance of the resource, notify MMC by phone to discuss significance determination and submit a letter to MMC indicating if additional mitigation is required. If the resource is considered significant, the PI must submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be

mitigated before ground disturbing activities in the area of discovery could resume. If the resource is not significant, the PI is required to notify the RE or BI that a non-significant discovery has been made and the Paleontologist must continue to monitor the area without notification to MMC unless a significant resource is encountered.

If night and/or weekend work is required, the extent and timing shall be discussed at the preconstruction meeting, and the CM must notify the RE, or BI a minimum of 24 hours before the work is to begin and the RE or BI shall notify MMC of it immediately. If no discoveries are encountered during night and/or weekend work, the PI must record the information on the CSV and submit to MMC via fax by 8 AM of the next business day. All discoveries must be processed and documented using the existing procedures detailed in the Discovery Notification Process.

Upon completion of construction, the PI must submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days after completion of monitoring. For significant paleontological resources encountered during monitoring, the PRP must be included in the Draft Monitoring Report. MMC shall return the Draft Monitoring Report to the PI for revision or for preparation of the Final Report, then the PI must submit a revised Draft Monitoring Report to MMC for approval. MMC shall provide written verification to the PI of the approved report, and shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals. The PI is responsible for any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submitting such forms to the San Diego Natural History Museum with the Final Monitoring Report. With respect to fossil remains found, the PI must ensure that all fossil remains collected are: (i) cleaned and catalogued; (ii) analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate; and (iii) permanently curated with an appropriate institution. The PI must include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC. Lastly, the PI must submit one copy of the approved Final Monitoring Report to the RE or BI and one copy to MMC within 90 days after notification from MMC that the draft report has been approved. The RE shall not issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution. Through this mitigation measure, potentially significant impacts to paleontological resources would be reduced to below a level of significance.

Rationale and Conclusion

The individual actions making up Paelo-1 ensure the recording and recovery of important paleontological resources that may otherwise be lost during construction of the proposed project. The requirement for a PM to be present for all ground disturbing activities, along with the specified processes, assures that grading/excavation/trenching activities would be halted or diverted should any discovery be made. Implementing the mitigation measure assures that significance determination occurs right away and that important discoveries are reported and/or

collected. Mitigation Measure Paleo-1 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

Findings Regarding Mitigation Measures Which are the Responsibility of Another Agency (CEQA § 2801(a)(2)) and CEQA Guidelines § 15091(a)(2)

The City, having reviewed and considered the information contained in the FEIR and administrative record of proceedings, finds pursuant to CEQA Section 21081(a)(2) and CEQA Guidelines Section 15091(a)(2) that there are no changes or alterations which would reduce significant impacts that are within the responsibility and jurisdiction of another public agency.

Findings Regarding Significant Unmitigated Impacts/Infeasible Mitigation Measures (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings and pursuant to Public Resource Code Section 21081(a)(3) and State CEQA Guidelines Section 15091(a)(3), makes the following findings regarding Land Use (Plan Consistency, project element a, direct), Transportation/Circulation (Capacity, Freeway Mainlines, project element a, direct and cumulative), Noise (On-site Traffic Generated, project element a, noise), Visual Effects/Neighborhood Character (Neighborhood Character, project element a, direct), Biological Resources (Sensitive Vegetation, project element a, cumulative); and Air Quality (Violation of Air Quality Standards, project element a, direct) (Sensitive Receptors, project element a, direct):

Specific economic, legal, social, technological, or other considerations, including providing necessary municipal solid waste capacity for the City and making efficient use of an existing landfill site, make infeasible the mitigation measures or alternatives identified in the FEIR (Project No. 5617/SCH No. 2003041057), as described below.

This finding is appropriate because there are no feasible mitigation measures available that would reduce the identified impacts to below a level of significance. "Feasible" is defined in Section 15364 of the CEQA Guidelines as "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors." The CEQA statute (Section 21081) and Guidelines (Section 15019(a)(3)) provide that "other" considerations may form the basis for a finding of infeasibility. Case law makes clear that a mitigation measure or alternative can be deemed infeasible on the basis of its failure to meet project objectives or on related public policy grounds.

Land Use

Significant Effect (Direct, Plan Consistency, project element a)

Implementation of the project element a (Landfill) would convert 21 acres of land designated as open space, which does not meet the environmental policy of the General Plan and East Elliott Community Plan to retain open space.

Facts in Support of Finding

There are no mitigation measures that could feasibly mitigate the impact from re-designating land currently designated as open space to a less than significant level; the impact from re-designating land from open space to another use could only be fully mitigated by re-designating land from some other use to an open space designation. While the project could not feasibly locate non-open-space land and re-designate it from some other use to open space, it is in essence accomplishing the same result through conveying 64 acres of East Elliott property currently designated as open space but zoned residential to the City to be permanently preserved as open space. Without the project that land could be developed as residential. While 21 acres would be re-designated, 64 acres would be permanently conserved, a 3:1 ratio.

Also, the entire landfill site would convert to open space upon closure, and could be re-designated to open space at that time should the City so desire. Moreover, the landfill already has conveyed many acres of land to the City to be permanent conserved as open space, and also has contributed funds to the City to help with the purchase and preservation of more than 285 acres of land in East Elliott.

Rationale and Conclusion

Although the project would represent a loss of land designated as open space, the land area to be converted to landfill use is adjacent to the existing landfill facility which is a recognized use in both the General Plan and East Elliot Community Plan, has been in existence for more than 45 years, and is currently projected to remain operational for many years even without the project. Moreover, the long-term use for the landfill site, after facility closure, would be open space. As described in Section 5.4 of the EIR, the on-site structures have been designed to mimic the architectural style of the MTRP visitor's center and trail connections would be developed in the future as part of the final closure plan. Additionally, the biological mitigation program for the landfill expansion would preserve approximately 64 acres of additional open space within the MHPA surrounding the landfill property to compensate for biological resources impacts (refer to Section 5.5 of the EIR). This exceeds the 21 acres being redesignated from open space and would permanently preserve as open space land that otherwise could be developed as residential. The project site would ultimately be converted to open space at closure, but there are no feasible measures available in the interim to compensate for the redesignation of open space.

Transportation/Circulation**Significant Effect (Direct and Cumulative, Capacity, Freeway Mainlines, project element a)**

Project element a (Landfill) would result in direct project impacts to the SR-52 freeway mainline that would be significant and unmitigated in the Year 2015 scenario and would result in cumulative project impacts to the SR-52 freeway mainline that would be significant and unmitigated in the Buildout (2030) scenario. Specifically, with the traffic increase allowed in the Year 2015 scenario, the project-attributable increase in volume-to-capacity ratio exceeds the allowable 0.01 increase at three locations: SR-52 west of I-15, SR-52 west of Mast Boulevard and SR-52 east of Mast Boulevard. At buildout, including traffic associated with Fanita Ranch and Castlerock in SANDAG's Series 11 Traffic Model (which already includes the City of San

Diego's and the City of Santee's General Plan land uses), cumulative project impacts were identified at the following freeway locations: SR-52 west of I-15, SR-52 east of I-15, SR-52 west of Mast Boulevard and SR-52 east of Mast Boulevard.

Facts in Support of Finding

Implementation of improvements to the SR-52/Mast Boulevard interchange as set forth in mitigation measure Tra-4 and as shown in Figure 5.2-12 would partially mitigate both the direct impacts to the SR-52 freeway mainline in the Year 2015 scenario and the cumulative impacts to the SR-52 freeway mainline in the Buildout (2030) scenario; however, impacts would remain significant and unmitigated. Mitigation Measure Tra-4 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP.

Tra-4 would require the landfill operator to enter into a Highway Improvement Agreement with Caltrans that requires the landfill operator to fund the \$1.5 million required to perform a design study and construct improvements to the SR-52/Mast Boulevard interchange to the satisfaction of Caltrans and the City Engineer. This improvement would widen the Mast Boulevard westbound ramp at SR-52, creating additional capacity for traffic flow in that location.

There are no mitigation measures available that could feasibly reduce the direct and cumulative freeway mainline impacts to a less than significant level because no applicant can fund 100% of a major infrastructure improvement on a regional system such as the freeway mainline, and it's unlikely that it would even be feasible to acquire right-of-way for the area that would be required to widen the freeway sufficient to fully mitigate cumulative traffic impacts on SR-52 at buildout. The SR-52 managed lanes project is planned for the area but would not be completed until about the time the landfill is to close, thus would not mitigate for the landfill's impacts. Any improvements that would add additional lanes are infeasible in part because such work likely could not be implemented prior to at or near the end of the life of the landfill (at which time the project impacts fully cease) even if they were permitted by Caltrans, and, in any event, the financial costs of such mitigation would be disproportionate to the project impacts.

As discussed in Section 3.0 of the FEIR, the landfill would also help mitigate for freeway impacts by implementing a Transportation Demand Management (TDM) strategy that would reduce traffic on freeway mainlines during peak commuter periods (7:00 – 9:00 AM and 4:00 – 6:00 PM). The TDM strategy would use the relationship between peak hour volumes at the project site and “tickets” issued to haul vehicles arriving at the landfill entrance facility to help control landfill-related traffic. Nonetheless, both direct and cumulative impacts to the freeway mainlines would be significant and unmitigated.

It's important to note that traffic impacts from vehicles disposing of municipal solid waste generated in the region cannot be avoided by failing to expand Sycamore Landfill. The waste generated in San Diego requires disposal and haul truck trips would continue to be required to transport waste from the generating source to the disposal facility. If the waste cannot be disposed of at Sycamore Landfill, the most centrally located facility, then those trucks would travel further on other streets or highways (e.g., Gregory Canyon or East Otay Mesa).

Rationale and Conclusion

Mitigation measure Tra-4 is feasible, and has been made binding through incorporation in the project's conditions of approval and through the MMRP. Prior to completion of the TransNet work on SR-52, TDM measures are the only potential means of mitigating project impacts to the impacted segment of SR-52 to below a level of significance; however, TDM cannot be relied upon for guaranteed mitigation due to the landfill's inability to control trips, weather conditions, waste streams and other factors that result in traffic on the highway. Therefore, a significant, unmitigable direct and cumulative impact on SR-52 would occur.

Noise**Significant Effect (Direct, On-site Traffic Generated, project element a)**

Truck movement along the southerly 2,800 feet of landfill access road between the scale area and the landfill entrance would create noise that could exceed the Noise Ordinance at certain portions of four currently undeveloped residential parcels along the access road, should those parcels ever be developed as residential. The daytime 2035 build-out scenario is when the most traffic would occur along the access road, and, assuming a peak hourly average of 384 heavy trucks during daytime hours, noise from those trucks at that time would exceed the Noise Ordinance's 62.5 dBA L_{EQ} limits about 165 feet into those four parcels, as shown on Figure 5.3-3 of the FEIR. As a result, there would be a significant impact should the parcels ever be developed as residential. Moreover, it is impossible today to be confident that despite their best efforts, the landfill operator would be able to adequately attenuate the noise impacts, due to terrain or other factors. As a result, the noise impact could potentially remain significant.

Facts in Support of Finding.

Mitigation measure Noi-4 would partially mitigate the noise impacts from the heavy truck traffic along the access road by requiring that, should any of the four potentially impacted parcels be developed as residential and the CEQA analysis for that development demonstrate a noise impact from the access road truck trips, the landfill operator would work with the residential developer of the parcel to identify feasible noise mitigation measures to reduce the noise to levels consistent with the Noise Ordinance and to provide such mitigation measures at no cost to the residential developer. Despite this, it is possible, given the existing topography, that no effective noise barrier could be implemented that would fully mitigate levels to below those allowed by the Noise Ordinance. Because it cannot be stated with certainty that there would be a feasible mitigation measure that could be implemented, it is impossible to guarantee that in the event any of the four impacted parcels developed as residential the noise would be fully mitigated. And, because the access road must be used to access the landfill working face, it is possible that a noise exceeding that allowed by the Noise Ordinance would occur despite the landfill's best efforts to feasibly mitigate the impacts.

Rationale and Conclusion

The mitigation required by Noi-4 would require the landfill to work with any future developer of residential on the four potentially impacted parcels to attempt to fully mitigate noise impacts at the landfill's expense, but there remain too many unknowns to determine with certainty that the

potential impacts would be fully mitigated. Mitigation Measure Noi-4 is feasible, and has been made binding through incorporation in the project's conditions of approval and MMRP.

Visual Effects/Neighborhood Character

Significant Effect (Direct, Neighborhood Character, project element a)

Implementation of the landfill expansion, project element a, would result in a substantial alteration to the existing or planned character of the area. The project would substantially alter the natural landform of Little Sycamore Canyon by excavating the canyon and filling it to create a large land mass. As discussed for Issue 5.4.3 of the EIR, the project would contrast with the area's existing character because disturbed landforms would be visible during the landfill life, and the project would increase the height and thus make it more visible, allowing views to engineered construction in an area currently surrounded by natural open space. As the landfill fills to ultimate height, it would contrast with the natural topography due to its increased height and lack of consistent vegetative cover. The presence of disturbed landforms where other grading is not currently visible would create a significant and unmitigated impacts.

Facts in Support of Finding

The visible fill slopes as proposed would have a slightly undulating edge and be surmounted by two hills, and thus have irregular landform surfaces. The visual impact also would be reduced through incorporation of irregular features and revegetation of landfill slopes that are inactive for more than six months with native vegetation, as well as revegetation of the landfill as a whole at the time of final closure. It is not possible to have a regional MSW landfill and not fill the excavated area with MSW. Although such grading and filling are required in order to allow the property to function as a landfill, the project was designed to help ensure that the final landform would blend in to its surroundings to the extent feasible. For example, the project has been designed using topographic parameters present in the natural landforms to reduce visual contrast between the manmade form and the natural topography. Moreover, the final landform would be characteristic of existing natural landforms surrounding the project site.

Following landfill closure, capping, and revegetation activities would create a positive effect relative to existing conditions as well as conditions during buildout. Character of the existing use would change from the industrial nature of an active landfill to natural-appearing open space. The project design element of planting south- and east-facing graded areas planned to be inactive for six months entails planting within one month of grading, using native and drought tolerant plants from the approved project Landscape Plan. Plant materials shall be chosen to create a texture similar to that of surrounding natural areas. Natural variations in soil and vegetation shall be used to avoid a uniform geometric appearance. A number of additional measures would be taken to reduce the visual contrast of the project. For example, the landfill grading for the project would fit with the surrounding natural setting to the maximum extent feasible. The project incorporated contour grading, which would help avoid the otherwise uniform geometric appearance of large areas of the site, making it less flat and more undulating and better able to blend with the existing, natural topography. The landfill has been designed to appear less uniform and more consistent with the canyon in which it is located.

Impacts are lessened by the fact that the project is modifying an existing operation, and the expansion in landfill area would be a less than nine percent change in the amount of area dedicated to disposal activities, albeit at the most visible part of the project. The interim landscape plan proposed as a project design feature in the Project would reduce the overall impact to the visual quality, but due to periods of time when some manufactured slopes would be devoid of vegetation, the plan would not reduce those impacts to below a level of significance. Overall, the long-term contrast with surrounding landforms would increase as the landfill approaches closure date, and the inability to shield the disturbed nature of these activities from viewers results in a significant and unmitigable impact.

Rationale and Conclusion

The expansion of this long-term existing facility is significant overall based on long-term contrast with surrounding landforms which becomes more visible as landfilling activities exceed the existing ridgeline and the currently approved elevation of 883 feet AMSL. All feasible means of reducing the impact have been made part of the project, including berms shielding equipment activity during landfilling activities, contour grading, and landscaping slopes determined to be inactive for at least six months. However, due to ground surface relief features inherent in MSW landfills as well as the historic and approved excavation and fill already approved at the site there is no feasible mitigation available to reduce the impact resulting from the disturbed nature of the landfill. Although project design features would minimize the project's impact on visual quality, no other measures exist that would mitigate visual impacts. Therefore, significant and unmitigable visual quality impacts would occur.

Biological Resources

Significant Effect (Cumulative, Sensitive Vegetation, project element a)

The project grading would result in the loss of 3.6 acres of native valley needlegrass grassland located in and outside of the MHPA, and, in concert with other potential impacts to native grassland habitat from the cumulative projects, would represent a significant cumulative impact. The project's contribution to the impact would be cumulatively considerable.

Facts in Support of Finding

The direct impacts to native grasslands would be mitigated by mitigation measure Bio-1a, which mitigates impacts to 0.9 acre of Tier I valley needlegrass grassland inside the MHPA at a 2:1 ratio and impacts to 2.7 acres of valley needlegrass grassland outside the MHPA mitigated at a 1:1 ratio. Under Bio-1a, a total of 4.5 acres of mitigation land containing native grasslands shall be identified and preserved inside the MHPA. In addition, native grasslands would be planted on the landfill at closure. As portions of the landfill receive final cover, most of the landfill surface, totaling approximately 300 acres, would be planted for erosion control purposes with Native Grassland species. Some areas of fill slopes located west of the project perimeter road (approximately 12 acres) would be planted with Native Grassland species soon after completion of the road, anticipated in the early years of the expansion. At landfill closure, the landfill surface would be planted with native grassland species, and that would reduce the project's impacts to that species. Thus, the anticipated project-related net loss of native grassland would

be partially offset by the reseeded and/or revegetation of the entire landfill surface once operations cease. In addition, impacts within sensitive vegetation communities would be avoided to the greatest extent possible, and areas that could not be avoided would be restored by reseeded and/or revegetating the habitat to pre-impact conditions through spreading a seed mix of native species prior to the annual rainy season. Areas with long-term impacts to vegetation would be mitigated by preserving land with similar habitat as permanent open space. However, the significant cumulative impact could not feasibly be fully mitigated.

Rationale and Conclusion

The noted loss of native grassland from the project, in concert with other potential impacts to native grassland habitat from the cumulative projects listed in Table 9-1 of the EIR, would represent a significant cumulative impact. The project contribution to this impact would be cumulatively considerable and would remain significant after implementation of mitigation measure Bio-1a.

Air Quality

Significant Effect (Direct, Violation of Air Quality Standards, project element a)

Emissions of PM₁₀, PM_{2.5}, CO, ROG/VOC, and NO_x during normal landfill operations would exceed City significance thresholds. Therefore, the landfill operations would have significant and unmitigable direct air quality impacts.

Facts in Support of Finding

The project includes emission reduction features and best available control technology (BACT). BACT consistent with the RAQS and APCD rules and regulations. The emissions from the expanded capacity of the flares and turbines are required to use BACT. BACT is defined in the APCD Regulation II, Rule 20.1(c)(11)(D) as "...the most stringent emission limitation, or the most effective emission control device or control technique, contained in any SIP... ." Thus, BACT is the lowest emission rate in service and includes a cost effectiveness test to see if other control technologies are feasible. As a result, a source that has BACT has, by definition, already been mitigated to the extent possible in order to qualify for a permit from the APCD.

The landfill gas collection system would be T-BACT, which is BACT for VOCs, and thus would be mitigated to the greatest extent possible. By definition there is no other feasible mitigation for the landfill gas collection system. Emissions of NO_x from stationary sources also would be controlled to the lowest feasible emission rate using BACT. The majority of NO_x emissions result from off-road and on-road mobile sources. The U.S. EPA has tightened the standards for off-road diesel vehicles for NO_x emissions, with the final standard being promulgated by 2013, and also has required reduction in emissions from on-road heavy duty vehicles. The project includes replacing mobile equipment with new equipment meeting the tougher standards, which would help further reduce emissions.

PM emissions from stationary sources would be controlled to the lowest feasible emission rate through BACT and therefore, by definition, could not be further mitigated. The balance of the PM emissions are from disturbed soils and vehicle exhaust. As discussed above, U.S. EPA has

required reduced tailpipe emissions, which would reduce emissions of PM_{10} from both on-road vehicles and off-road equipment. The vast majority of PM_{10} from diesel combustion is $PM_{2.5}$, so controlling PM_{10} from on-road vehicles and off-road equipment would also reduce $PM_{2.5}$ emission from those sources. Emission reduction measures for mobile sources are included as design features, including replacing older vehicles.

The landfill would regularly maintain vehicular and equipment engines, thus controlling emissions of CO from those sources. During all operational activities, landfill personnel would properly maintain engine-powered equipment per manufacturers' specifications, as demonstrated by logs they will maintain. These project design features would be included in the project but were not incorporated into the CO emission calculations.

Rationale and Conclusion

Despite the implementation of BACT and various project design features, operational emissions of NO_x , CO, ROG/VOC, and $PM_{10}/PM_{2.5}$ would exceed the City air quality screening thresholds. Despite the implementation of BACT, which would control emissions to the lowest feasible emission rate for stationary sources, as well as compliance with federal and state rules and regulations minimizing the amount of pollutants emitted from mobile sources and replacement of older mobile equipment to reduce tailpipe emissions, the project nonetheless would have a significant and unmitigable direct impact due to emissions of these pollutants.

Significant Effect (Direct, Sensitive Receptors, project element a)

The dispersion modeling shows that the modeled ambient NO₂ concentrations at the closest current or future residents and nearest sensitive receptor would exceed the allowable one-hour NO₂ NAAQS standards, thus is considered a significant impact.

Facts in Support of Finding

NO_x emissions from the stationary sources would be controlled to the lowest feasible emission rate using BACT, and therefore by definition no further mitigation of these stationary sources is feasible. The majority of NO_x emissions at the project site result from off-road and on-road mobile sources at the landfill site. U.S. EPA and the California Air Resources Board (CARB) have requirements for off-road equipment to meet lower standards for NO_x emission. Similarly, the U.S. EPA and CARB have low NO_x emission requirements for on-road heavy duty vehicles. Consistent with the project design features, the replacement of mobile equipment fleet model years would help reduce NO_x emissions as new equipment complies with the latest U.S. EPA and CARB standards. However, combined NO_x emissions from the stationary and mobile sources would not be reduced below the stated thresholds and the residual impact would remain significant and unmitigable.

Rationale and Conclusion

The project would expose sensitive receptors to ambient one-hour NO₂ concentrations from all sources, in excess of the one-hour NO₂ NAAQS, despite implementing BACT which by definition means there is no other feasible mitigation, and by incorporating as a project design feature replacement of older equipment and vehicles to take advantage of the fact newer engines must comply with stricter EPA and CARB standards for tailpipe emissions.

FINDINGS REGARDING ALTERNATIVES (CEQA § 21081(a)(3) and CEQA Guidelines § 15091(a)(3))

Because the proposed project would cause one or more unavoidable significant environmental effects, the City must make findings with respect to the alternatives to the proposed project considered in the FEIR, evaluating whether these alternatives could feasibly avoid or substantially lessen the proposed project's unavoidable significant environmental effects while achieving most of its objectives. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are (i) failure to meet basic project objectives, (ii) infeasibility, and (iii) inability to avoid significant environmental impacts.

The significant and unavoidable impacts of the project are:

Land Use: Implementation of the landfill element of the project would convert 21 acres of land designated as open space, which does not meet the environmental policy of the General Plan and East Elliott Community Plan of retaining open space.

Transportation/Circulation: The landfill element of the project would cause direct project impacts to the SR-52 freeway that would be significant and unmitigated in the Year 2015

scenario and would result in cumulative project impacts to the SR-52 freeway that would be significant and unmitigated in the Buildout (2030) scenario. Specifically, with the traffic increase allowed in the Year 2015 scenario, the project-attributable increase in volume-to-capacity ratio exceeds the allowable 0.01 increase at three locations: SR-52 west of I-15, SR-52 west of Mast Boulevard and SR-52 east of Mast Boulevard. At buildout, including traffic associated with Fanita Ranch and Castlerock in SANDAG's Series 11 Traffic Model (which already includes the City of San Diego's and the City of Santee's General Plan land uses), cumulative project impacts were identified at the following freeway locations: SR-52 west of I-15, SR-52 east of I-15, SR-52 west of Mast Boulevard and SR-52 east of Mast Boulevard.

Noise: Truck movement along the southerly 2,800 feet of landfill access road between the scale area and the landfill entrance would create noise that could exceed the Noise Ordinance at certain portions of four currently undeveloped residential parcels along the access road, should those parcels ever be developed as residential. The daytime 2035 build-out scenario is when the most traffic would occur along the access road, and, assuming a peak hourly average of 384 heavy trucks during daytime hours, noise from those trucks at that time would exceed the Noise Ordinance's 62.5 dBA L_{EQ} limits about 165 feet into those four parcels, as shown on Figure 5.3-3 of the FEIR. As a result, there would be a significant impact should the parcels ever be developed as residential. Moreover, it is impossible today to be confident that despite their best efforts, the landfill operator would be able to adequately attenuate the noise impacts, due to terrain or other factors. As a result, the noise impact could remain significant.

Visual Effects/Neighborhood Character: Implementation of the landfill element of the project, would result in a substantial alteration to the existing or planned character of the area. The project would substantially alter the natural landform of Little Sycamore Canyon by excavating the canyon and filling it to create a large land mass. The project would contrast with the area's existing character because disturbed landforms would be visible during the landfill life, and the project would increase the height and thus make it more visible, allowing views to engineered construction in an area currently surrounded by natural open space. As the landfill fills to ultimate height, it would contrast with the natural topography due to its increased height and lack of consistent vegetative cover. The presence of disturbed landforms where other grading is not currently visible would create a significant and unmitigated impacts.

Biological Resources: The project grading would result in the loss of 3.6 acres of native valley needlegrass grassland located in and outside of the MHPA, and, in concert with other potential impacts to native grassland habitat from the cumulative projects, would represent a significant cumulative impact. The project's contribution to the impact would be cumulatively considerable.

Air Quality: Emissions of PM_{10} , $PM_{2.5}$, CO, ROG/VOC, and NO_x during normal landfill operations would exceed City significance thresholds. Therefore, the landfill operations would have significant and unmitigable direct air quality impacts. In addition, the dispersion modeling shows that the modeled ambient NO_2 concentrations at the closest current or future residents and nearest sensitive receptor would exceed the allowable one-hour NO_2 NAAQS standards, thus is considered a significant impact.

The project objectives are listed in Section 3.0 of the FEIR; among the most important of those objectives are:

Continue to provide a centralized location for regional disposal of MSW within the City's jurisdiction;

Improve the utilization efficiency of the land area within the boundary of an existing and permitted Class III landfill;

Support City and regional need for long-term waste disposal through extension of facility lifespan;

Increase the allowable daily tonnage and associated traffic into and out of the landfill;

Provide for more efficient landfill activities through allowance of 24-hour waste disposal and processing operations with associated minimization of facility-related traffic effects during peak hours;

Provide the City with increased revenues from franchise agreement revenue sharing on increased annual tonnage;

Relocate existing landfill entrance facilities more internal to the site to improve off-site views of the site, maximize traffic queuing distance on-site, and minimize vehicle weaving and mixing between facility customers and employees.

In addition, among the objectives for the transmission line relocation are to recover space-efficient and available landfill airspace within an existing landfill site by relocating an expired easement and on-site electrical transmission line to the periphery of the landfill site while maintaining service and reliability of the power supply.

Numerous alternatives were considered but rejected in the FEIR for the reasons set forth in Section 11 of that document. Three alternatives were thoroughly analyzed in the EIR, which constitute a reasonable range of alternatives necessary to permit a reasoned choice among the options available to the City and the Applicant. The City finds that a good faith effort was made to evaluate all feasible alternatives in the EIR that are reasonable alternatives to the project and could feasibly obtain the basic objectives of the project, and, as a result, the scope of alternatives analyzed in the EIR is not unduly limited or narrow and that all reasonable alternatives were reviewed, analyzed and discussed in the review process of the EIR and the ultimate decision on the project.

The City, having reviewed and considered the information contained in the FEIR and the Record of Proceedings, and pursuant to Public Resources Code §21081(a)(3) and State CEQA Guidelines §15091(a)(3), hereby finds that specific economic, legal, social, technological, or other considerations, including considerations of the provision of employment opportunities for highly trained workers, make infeasible the project alternatives identified in the FEIR as described below. More specifically, based upon the

administrative record for the project, the City makes the following findings concerning the alternatives to the proposed project:

No Project Alternative

The No Project Alternative assumes that the site would continue to be developed and operated under approved City Conditional Use Permit (CUP) No. 6066 (as amended), Planned Development Permit/Site Development Permit (PDP/SDP) No. 40-0765, and revised Solid Waste Facility Permit (SWFP) No. 37-AA-0023, as amended. None of the MDP project elements would be implemented under the No Project Alternative, thus there would not be any increase in capacity or daily tonnage, facilities would not be built or relocated, C&D processing would not be added nor would green waste processing be expanded (or kept to the west of the site), and the transmission line would continue to diagonally cross the site.

The existing landfill property includes approximately 150 acres of previously developed/disturbed waste disposal areas and is permitted to disturb 324 acres for waste disposal and 380 acres for long-term disturbance. As currently permitted, Sycamore Landfill has an estimated total volumetric capacity of 71 million cubic yards (mcy), with a maximum fill elevation of 883 feet above mean sea level (AMSL). As of February 2011, the remaining volumetric capacity at Sycamore Landfill is approximately 42.2 mcy. Based on these figures, the existing landfill would close in 2031 if MSW is received at the approved daily maximum rate of 3,965 tonnage per day (tpd) (although the overriding annual tonnage limit in the 1999 Franchise Agreement would be exceeded if this maximum tonnage were accepted).

Rationale for Selecting This Alternative For Analysis:

This alternative allows decision makers to compare the impacts of approving the project with the impacts of not approving the project and is required under CEQA Guidelines §15126.6(e)(3)(B).

Comparison to Project/Potentially Significant Impacts and Grounds for Infeasibility:

While adoption of the No Project Alternative would avoid the proposed project's significant and unmitigated impacts to land use, transportation/circulation, noise, visual effects/neighborhood character, and would reduce air quality emissions and biological impacts, it still would have cumulatively significant, unmitigated impacts to valley needlegrass grasslands. This alternative could result in regionally significant transportation/circulation and air quality impacts due to the ongoing reduction in capacity at the Sycamore Landfill and closure of Miramar Landfill, as waste would continue to be generated and would require disposal at some location. Miramar and Sycamore landfill are the most centrally located of the area's landfills and therefore diversion to other sites would entail travel to more distant locations, which could result in increases in related on-road vehicle mileage as haul trucks, with associated increases in emissions generation from such sources. It is possible that solid waste would need to be diverted even in the near future, since Sycamore Landfill would be limited to 3,965 tpd of MSW and the region's daily waste generation could exceed the allowable daily tonnage limits of the area's landfills. Substantial modification to landforms in excess of City significance thresholds would continue under the approved 1994 Staged Development Plan in the No Project Alternative, and potential dissemination of exotic invasive plants to the landfill vicinity would not be addressed. The

noise berms would not be required, and thus would not attenuate noise or block views of the working face of the landfill. Odor from ongoing greens processing may be detected by nearby residents, because the requirement to limit green materials to west of the center of the landfill would not be required. Anticipated increases in regional MSW generation may not be accommodated with the existing landfill capacity.

The No Project Alternative would not meet the majority of the basic and/or most important project objectives, since it would not improve utilization efficiency of the area within an existing, permitted Class II landfill; would not support the City's need for disposal capacity by extending the lifespan of a long-term waste disposal facility; would not increase the allowable daily tonnage and traffic at the landfill; would not provide for more efficient landfilling activities by allowing 24-hour waste disposal and processing; would not provide the City with increased revenues from increased annual tonnage; would not support the City's implementation of their Source Reduction and Recycling Element by providing a new on-site public off-load and recycling area separate from the commercial area, or by establishing new material processing areas for construction and demolition debris; and would not relocate existing landfill entrance facilities more internal to the site to improve off-site views, maximize on-site queuing area and minimizing vehicular weaving and mixing. Moreover, it would not recover space-efficient and available landfill airspace within an existing landfill by relocating an expired easement and on-site electrical transmission line to the periphery of the landfill site.

Facts in Support of Finding

The No Project Alternative would not meet most of the identified project objectives, since no additional waste disposal capacity would be provided at the centrally located Sycamore Landfill, an existing Class III disposal facility, the existing site would not be better utilized, its lifespan would not be extended, the daily tonnage limits would not be expanded, the hours of operation would not be expanded to allow up to 24 hours of operation, no increase in revenue sharing to the City through increased annual tonnage would be achieved, the City's Source Reduction and Recycling Element would not be enhanced through on-site public off-load and recycling area separate from the commercial area or from a new area for construction and demolition waste processing, and the entrance facilities would not be relocated and therefore would remain closer to Mast Boulevard, thus not increasing the on-site area for truck queuing or improving off-site views. This alternative would also not meet the requirements of the Facility Franchise Agreement, and would potentially result in additional impacts (i.e., beyond those for the MDP project) for issues including transportation/circulation and air quality. Specifically, potential transportation/circulation and air quality impacts for the No Project Alternative are associated with the ongoing reduction of capacity at the Sycamore Landfill, and the fact that waste proposed for disposal at the Sycamore Landfill after closure of Miramar Landfill would require diversion to one or more other (potentially more distant) disposal sites within and beyond the County.

Rationale and Conclusion

Although the No Project Alternative would reduce some of the project's significant and unmitigated impacts, it could have impacts of its own as it would not meet the City's need for long-term waste disposal capacity and thus waste would be diverted to other disposal areas, and because the project design features and mitigation measures that would be part of the proposed

project would not be implemented yet the existing, already permitted landfill would continue to operate. Moreover, it would fail to meet most of the project objectives. As a result, this alternative is infeasible.

Reduced Footprint Alternative

The Reduced Footprint Alternative would reduce land use and biological resource impacts along the western landfill boundary relative to the proposed project by reducing and reconfiguring the landfill impact footprint. This alternative also would result in an overall reduction in landfill disposal capacity and less grading into steep slopes west of the waste disposal area. The Reduced Footprint Alternative would have a total capacity of 133 mcy, which represents an increase of approximately 62 mcy over the existing landfill (compared to an increase of 82 mcy for the project). The final maximum landfill elevation under this alternative would be 1,050 feet AMSL, which is the same as for the proposed project. All associated landfill-related facilities and operations would be essentially the same as for the proposed project, although long-term waste disposal, related truck trips and other associated effects (e.g., landfill gas generation) would be reduced due to the lower overall landfill capacity.

The relocated transmission line under the Reduced Footprint Alternative would occur west and north of the landfill footprint, similar to the proposed project, although it would be approximately 500 feet further to the east of the proposed location due to the modified western landfill boundary. All other elements of the relocated transmission line under this alternative would be the same as for the proposed project.

Rationale for Selecting This Alternative For Analysis

The Reduced Footprint Alternative was selected to reduce land use and biological resource impacts along the western landfill boundary through reducing and reconfiguring the landfill impact footprint (see Figures 3-4 and 11.5-1 in the FEIR). It also would result in less grading into steep slopes west of the waste disposal area.

Comparison to Project/Potentially Significant Impacts and Grounds for Infeasibility

The Reduced Footprint Alternative would continue to have a significant and unmitigated land use policy impact, although the impact would be reduced as fewer acres would be redesignated from Open Space to Industrial/Sanitary Fill. The alternative also would have significant impacts associated with transportation/circulation, since the daily traffic volumes would be essentially the same as for the proposed project. However, the trips to Sycamore Landfill would end sooner as the landfill's capacity would be less, although the waste disposal trucks would still need to travel to some other disposal location as the area would continue to generate waste in need of disposal capacity. Thus the waste would need to be diverted to another location and could potentially entail more distant locations, likely resulting in increases in waste-related on-road vehicle mileage with associated increases in traffic congestion. The Reduced Footprint Alternative would reduce landfill-generated noise west of the landfill by several decibels from that of the proposed project, since the western landfill boundary would be up to 500 feet further east. The haul truck noise impacts to potential future residences along the access road would remain significant and unmitigated, since the number of truck trips would be the same as with the

project on a daily basis, although they would end sooner as capacity would be more quickly used up. This alternative would change the overall plan-view shape of the completed landfill but associated visual impacts would be about the same as those of the project, since it would have the same elevation (1,050 feet AMSL), the landfill would be somewhat less undulating than the project, and the visual effects/neighborhood character impact identified as significant and unmitigated for the proposed project would remain the same in this alternative.

This alternative would reduce the impacts to biological resources by reducing the landfill impact footprint along the western boundary, reducing impacts to (i) valley needlegrass grassland, (ii) Diegan coastal sage scrub/Diegan coastal sage scrub disturbed, (iii) chamise chaparral, and (iv) non-native grassland. Cumulative impacts to valley needlegrass grassland would remain cumulatively significant and unmitigated under this alternative. Air Quality emissions would remain essentially the same under either this alternative or the proposed project, although the alternative's shorter lifetime would mean that the impacts would end sooner should the alternative be selected. Nonetheless, due to the need to divert solid waste to other, more distant landfills once the capacity at Sycamore Landfill is gone, as discussed above and in the FEIR, that diversion could lead to increases in related on-road vehicle mileage and associated increases in emissions generated by mobile sources. Thus, the significant and unmitigated land use policy impact would remain with this alternative, and significant impacts identified for other issue areas would be similar to that of the proposed project, although they would occur within a smaller impact area or over a shorter duration. However, some impacts could increase regionally due to the likely need to divert waste to more distant facilities sooner than would be required under the proposed project. With the smaller solid waste capacity in the Reduced Footprint Alternative, the landfill would need to close approximately six years sooner than the project, thus efforts to find a new disposal site for San Diego County MSW would need to be start earlier than otherwise would be required.

The Reduced Footprint Alternative would not meet a number of the stated project objectives, including the objective to support the City and regional need for long-term waste disposal or to continue to provide a centralized location for regional disposal of MSW within the City's jurisdiction, and the objective of rendering City disposal costs more predictable over a longer time period to facilitate the focus on recycling programs and services. With this alternative, the associated waste disposal capacity would not be adequate to accommodate identified long-term demand (including demand associated with the future closing of the Miramar Landfill); and (ii) additional significant transportation/circulation and air quality impacts could potentially result under this alternative as a result of the noted long-term waste diversion requirements.

Facts in Support of Finding

The Reduced Footprint Alternative either does not meet or only partially meets some of the important project objectives, and does not avoid all of the project's significant unmitigated impacts. Because the service life of the Reduced Footprint Alternative would be less than that of the project, it would not fully meet the project objectives that call for providing the City with sufficient MSW disposal capacity. In turn, it could result in more significant impacts to transportation/circulation and air quality as a result of closing sooner and thus requiring the City to divert MSW to other, less centrally located disposal facilities sooner, and could require permitting a new site for landfill disposal that could have its own biological and other impacts.

In addition, this alternative may result in slightly greater visual impacts, since its design has no undulations or contour grading and, with less solid waste capacity than would be provided by the proposed project, the alternative would provide fewer years of landfill gas power generation than that of the project. As a result, this alternative is considered infeasible.

Rationale and Conclusion

Although the Reduced Footprint Alternative would reduce some of the impacts, significant and unmitigated impacts would remain and the alternative could result in greater impacts to regional traffic and air quality since it would require waste to be diverted to other disposal areas years before that would be required under the proposed project. Moreover, this alternative would not as fully meet most of the project objectives. As a result, this alternative is infeasible.

Reduced Height Alternative

The Reduced Height Alternative would be no higher than the currently permitted height of 883 feet AMSL. It would have the same horizontal disturbance footprint as that of the proposed project, and would retain all other elements of the proposed project.

Rationale for Selecting This Alternative For Analysis

The Reduced Height Alternative was selected to provide a lower profile for the final landfill grade, thereby avoiding or reducing associated visual effects/neighborhood character impacts.

Comparison to Project/Potentially Significant Impacts and Grounds for Infeasibility

This alternative would have the same horizontal disturbance footprint as the proposed project, completely filling the portion of Little Sycamore Canyon within the landfill site. Under this alternative, the maximum allowable landfill elevation would be the currently permitted level of 883 feet AMSL, reducing the landfill's capacity to a total capacity of 128.5 mcy, which although it increases capacity over existing by approximately 57.5 mcy, decreases capacity by about 24.5 mcy from that provided by the project. All other elements of the Reduced Height Alternative (including the transmission line relocation) would be the same as the project, although long-term waste disposal, related truck trips and other associated effects (e.g., landfill gas generation) would be reduced due to the lower overall landfill capacity.

The Reduced Height Alternative would avoid significant and unmitigable visual resources impacts identified for the proposed project related to increasing the vertical elevation of the final grade for the landfill. Under the Reduced Height Alternative, the land use policy inconsistency, and therefore land use impact, would remain, since the area to be redesignated from open space would remain the same. Additionally, daily traffic volumes would be about the same as under the proposed project, although with the decrease in capacity under this alternative waste from the City would need to be diverted to other landfill sites more quickly than they would under the proposed project. This could potentially entail increases in waste-related on-road vehicle mileage with associated traffic congestion increases. The noise impacts would be similar to those of the project, although they would end sooner. The significant unmitigated noise impact to four residentially zoned parcels impacted by trucks on the access road would remain the same, although the traffic would cease earlier under the alternative's reduced capacity scenario.

Because the impact footprint would be the same as for the proposed project, the biological resources impacts would also be the same, and thus the cumulatively significant and unmitigated impact to valley needlegrass grasslands would remain with this alternative. Air Quality emissions would remain about the same, although would end at this location sooner than other the proposed project. However, the diversion of waste early closure of Sycamore Landfill would require could result in additional air quality impacts due to increases in related on-road vehicle mileage. All other impacts would be the same as under the proposed project.

Facts in Support of Finding

Under the Reduced Height Alternative, significant impacts for the issues of land use, transportation/circulation, noise, biological resources, air quality, historical resources and paleontological resources would generally be the same as those identified for the proposed project; although transportation/circulation, air quality and noise impacts would occur over a shorter time period due to the reduced landfill lifespan. As a result, mitigation measures for the noted issues under this alternative would be the same as those identified for the proposed project. Impacts to land use, transportation/circulation, biological resources, and air quality would remain significant after mitigation. This alternative would avoid the significant and unmitigable visual effects/neighborhood character impacts identified for the project. However, these impacts would be qualified somewhat in the long-term contrast from the more manufactured appearance of the final grade under this alternative, as well as the ultimate maturation of vegetation installed during associated restoration efforts. The Reduced Height Alternative would also potentially result in additional impacts for the issues of transportation/circulation and air quality (i.e., beyond those for the proposed project), due to the reduction in capacity at Sycamore Landfill. Specifically, potential transportation/circulation and air quality impacts for this alternative are associated with the ongoing reduction of capacity at the Sycamore Landfill, and the fact that waste proposed for disposal at the Sycamore Landfill after closure of the Miramar Landfill would require diversion to one or more other (potentially more distant) disposal sites.

The Reduced Height Alternative would not meet some of the stated project objectives, because the associated waste disposal capacity would not be adequate to accommodate identified long-term demand. This alternative would not fully meet the project objectives, because its service life would be about seven years less than that of the proposed project. Due to the earlier closure, waste would need to be diverted to another location sooner, and could result in additional significant transportation/circulation and air quality impacts. Because the project objectives are only partially met and the alternative does not avoid or reduce significant unmitigated impacts to a greater degree than the proposed project, this alternative is considered infeasible.

Rationale and Conclusion

Although the Reduced Height Alternative would reduce visual impacts, significant and unmitigated impacts would remain and the alternative could result in greater impacts to regional traffic and air quality since it would require waste to be diverted to other disposal areas years before that would be required under the proposed project. Moreover, this alternative would not as fully meet most of the project objectives. As a result, this alternative is infeasible.

STATEMENT OF OVERRIDING CONSIDERATIONS

East Elliott Community Plan Amendment, General Plan Amendment, Rezone from RS-1-8 (Single Dwelling Unit) to IH-2-1 (Heavy Industrial), Amendment To Planned Development Permit/Site Development Permit, Lot Consolidation Parcel Map, Street Vacation, Easement Abandonment, various Deviations from the Environmentally Sensitive Lands Regulations SYCAMORE LANDFILL MASTER PLAN - PROJECT NO. 5617 ENVIRONMENTAL IMPACT REPORT NO. 5617/STATE CLEARINGHOUSE NO. 2003041057

Pursuant to Section 21081(b) of CEQA, Section 15093 and 15043(b) of the Guidelines, the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable adverse environmental impacts when determining whether to approve the Project.

If the specific economic, legal, social, technological, or other benefits, including considerations for the provision of employment opportunities for highly trained workers outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable pursuant to Public Resources Code section 21081.

CEQA further requires that when the lead agency approves a project which would result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record.

Pursuant to Public Resources Code § 21081(b) and Guidelines § 15093, the City has balanced the benefits of the project against its unavoidable adverse impacts to Landform Alteration/Visual Quality (direct), Transportation/Circulation (direct and cumulative), Noise (direct), Visual Effects/Neighborhood Character (direct), Biological Resources (cumulative), and Air Quality (direct), and has adopted all feasible mitigation measures with respect to these significant and unmitigable impacts. The City also has examined alternatives to the proposed project and has rejected them as infeasible, finding that none of them would fully meet most of the project objectives and result in substantial reduction or avoidance of the project's significant and unmitigated environmental impacts, and/or would potentially result in significant impacts in addition to those associated with the proposed project.

The California Supreme Court has stated that, “[t]he wisdom of approving ... any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced.” *Citizens of Goleta Valley v. Bd. of Supers.* (1990) 52 Cal.3d 553, 576.

Courts have upheld overriding considerations that were based on policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plans and general plans, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal.App.3d 671;

Dusek v. Redevelopment Agency (1985) 173 Cal.App.3d 1029; *City of Poway v. City of San Diego* (1984) 155 Cal.App.3d 1037; *Markley v. City Council* (1982) 131 Cal.App.3d 656.

Each of the separate benefits of the proposed project, as stated herein, is determined to be, unto itself and independent of the other project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these findings, so that if a court were to set aside the determination that any particular benefit would occur and justifies the project's approval, the City Council determines that it would stand by its determination that the remaining benefits are sufficient to warrant the project's approval.

Having considered the entire administrative record on the project, and (i) made a reasonable and good faith effort to eliminate or substantially mitigate the impacts resulting from the project, adopting all feasible mitigation measures; (ii) examined a reasonable range of alternatives to the project and, based on this examination, determined that all of these alternatives are either environmentally inferior, fail to meet the project objectives or are not economically or otherwise viable, and therefore should be rejected; (iii) recognized all significant, unavoidable impacts; and (iv) balanced the benefits of the project against the project's significant and unavoidable effects, the City hereby finds that the following economic, legal, social, technological, aesthetic, environmental and other benefits of the project outweigh the potential unavoidable adverse impacts and render those potential adverse environmental impacts acceptable based upon the following considerations, set forth below.

1. Efficient Use of Existing Landfill. The project site already serves as a landfill, and has approved permits allowing it to develop in four more stages in this location. The project would substantially increase the overall volumetric disposal capacity of the existing landfill with a minimal increase in the landfill footprint. It would accomplish this by a combination of using modern landfill design, incorporating excavation to provide suitable base grades for liner construction, filling between the currently approved SDP landfill footprint areas, increasing the maximum height and increasing the landfill footprint. Effective use of a site on which landfilling has been a recognized and planned use since at least 1964 allows the City to avoid the impacts caused by introducing landfilling activity to other areas of the City planned for other uses.
2. Provide Necessary Daily Capacity. The Sycamore Landfill would help ensure that the City and the region have adequate daily acceptance capacity, consistent with the 2005 CIWMB Siting Element and as updated in 2011. Even if the as-yet unpermitted new landfills or landfill expansions become fully operational, there still would be a need for the Sycamore Landfill expansion. With the approval of the Sycamore Landfill expansion, the region would not reach an average daily capacity shortfall until much later. The Sycamore Landfill expansion project has been planned for more than a decade to provide the region expanded disposal capacity. Its approval fulfills long-term goals and planning efforts for provision of such capacity. The expanded landfill also would include a construction and demolition waste recycling facility to divert such materials from the waste stream in the future.
3. Provide Necessary Long-Term Capacity To Facilitate CIWMB Siting Element. In addition to the shortage of daily MSW disposal capacity, the City and the region as a whole need the Sycamore Landfill expansion to provide long-term MSW disposal capacity. The project has been planned since at least 1998, when the Planning Commission first adopted recommendations

that such an expansion be pursued. Providing for the City's needs by transporting waste to disposal sites outside the County is not feasible because reliance on such landfill sites would only meet two of the twelve project objectives. In addition, disposing of waste outside the County may have significant GHG and traffic circulation effects due to increased vehicle miles traveled. The CIWMB Siting Element depends on approval of this project to ensure the region's required 15 years of MSW disposal capacity.

4. Provide A Site For Comprehensive Recycling of Construction and Demolition Waste.

The Integrated Waste Management Act of 1989 (AB 939) was enacted by the California Legislature to reduce the landfilling of solid waste, and to ensure an effective and integrated approach to the safe management of all solid waste generated within the state. AB 939 required reduction in the disposal of waste by local jurisdictions by 25% by 1995 and 50% by 2000. In 2008, the City reached the waste diversion goal by diverting 52% of the waste going into the landfill. One of the largest contributors of landfill waste is construction and demolition waste material. According to City of San Diego reports, the total amount of construction and demolition waste generated within the City jurisdictional boundaries, including what is disposed in landfills, is estimated to be nearly 600,000 tons annually. The Sycamore Landfill would implement a construction and demolition waste program to help the City meet its goals of reducing such waste and to help the City to meet its AB 939 mandates.

5. Provide the City of San Diego Waste Guaranteed Disposal Capacity at a Predictable Future Cost. The City Charter requires the City to pick up and dispose of solid waste from residential uses for free. With the pending closure of Miramar landfill, the future cost to the City to provide this service is not well-known. The project would provide long-term disposal capacity to the City at a known cost as negotiated in the Facility Franchise Agreement.

6. New Revenue to the City. The Sycamore Landfill would produce substantial beneficial fiscal impacts, and would have a net positive impact on the City. Currently, this benefit is approximately \$3 million dollars annually for a total of approximately \$30 million since the landfill was purchased from the County. With the project, this benefit would continue until landfill closure and would grow on a yearly basis as the waste receipts grow. This annual net revenue can be used for citywide services and programs. Evidence of the substantial fiscal benefits of the project has been submitted to the City in the public hearings and in written documentation. The project provides the City with the opportunity to gain increased revenues from tipping fee surcharges on increased tonnages.

7. Jobs for Area Residents. The project would preserve and add to the landfill's approximately 40 direct, full-time existing jobs and would create a number of temporary construction jobs from construction of new facilities and relocating transmission lines.

8. Improvement to Local Transportation System and Access. A number of improvements to the existing local transportation system (e.g. freeway ramps and Mast Boulevard) have been incorporated into the project design and/or mitigation measures to enhance access to and egress from the project area. These improvements would also benefit all users in the vicinity of the transportation system because the improvements would extend the durability of the existing transportation structures.

9. Help Alleviate Traffic Congestion. Approval of the project would allow the landfill to operate with more flexible hours, so its operations can be managed to shift traffic volume from peak periods to night-time hours.

10. Provide a Centrally Located Disposal Facility. The project allows the City to keep its MSW disposal in a central location very close to the regional center of waste generation. Expansion of the facility maximizes its current use as a landfill for waste disposal and reduces the need to find alternate locations to place waste in the county that would be less centrally located. With the pending closure of Miramar Landfill, the County Integrated Waste Management Plan identifies no landfill expansion sites closer to the center of the San Diego region. Without the project, impacts from constructing and operating a new solid waste disposal facility elsewhere in the County (or outside the County) as well as the transportation and air quality impacts from location such a facility farther from in the center of the San Diego region would occur.

11. Lower Vehicle Miles Traveled and Lower Costs. Approval of the project would mean that City vehicles and other haulers would not have to haul MSW from San Diego to a less-central location, saving those vehicle miles traveled. Enlarging the already approved landfill in its centrally located position avoids the costs of hauling City wastes to Gregory Canyon, if that landfill ever is approved, or to out-of-county facilities.

12. Provide Aggregate Resources. Excavation associated with the project would provide aggregate to the building and road construction industries at an existing centralized landfill operation, helping avoid the need to develop new borrow sites or disturb new lands to supply the aggregate needs of the region. Aggregate materials from the landfill have been used by Caltrans for improvements to SR-52. The availability of additional aggregate resources at the project site would reduce the risk of expanding vehicular miles traveled to haul aggregate from more remote sites.

13. Enhance Recycling Efforts. The project would introduce enhanced green materials processing and construction and demolition recycling to the landfill, which would:

- Produce aggregate product from waste materials, thus conserving aggregate resources in the City.
- Help cities within San Diego County implement the Source Reduction and Recycling Elements, and achieve AB 939 diversion goals consistent with State law.
- Divert construction and demolition waste from the landfill, allowing longer life for disposal of MSW.
- Allow recycling and recovery of steel, wood wastes and other material.

14. Help Manage Greenhouse Gasses. The landfill would make a significant contribution to the long-term sequestration of carbon, thereby preventing GHG emissions that would otherwise occur. Furthermore, by using landfill gas to generate electricity, the facility displaces the need for carbon-based, GHG-emitting source of energy to replace the landfill's clean energy. In

addition, the central location of the Sycamore Landfill expansion would also reduce vehicle miles traveled compared to the vehicle miles that would be traveled if municipal solid waste were required to be transported to out-of-County facilities. The landfills expanded recycling facilities would also reduce the City's carbon footprint as materials would be reused instead of emitting greater levels of GHG to construct products from raw materials. All four of these factors assist the City in managing sources of greenhouse gas emissions within the region.

15. Improve Aesthetics, Queuing and Safety of Existing Project Entry. The project would allow the landfill to relocate the existing recycling facility that exists along Mast Blvd. in order to improve site aesthetics, traffic queuing and safety.

16. Provide Post-Closure Open Space. After the landfill is closed, unlike other industrial facilities, the landfill would not continue as a permanent industrial use, but would revert to open space. Operational impacts that would cease, or be dramatically reduced after closure would be noise, traffic, biological impacts and air quality. In addition, the ancillary facilities are being designed to be compatible with facilities at Mission Trails Regional Park, for possible future use.

17. Increase Trails In and Around Mission Trails Park. The Applicant would coordinate with the City's Parks and Recreation staff as well as Mission Trails Regional Park to provide future open space that would connect trails from Mission Trails Regional Park to ones that would be located within the project boundary.

18. Provide Additional MHPA Lands to the City. Upon approval of the project, the Applicant would convey biological habitat lands within the MHPA to the City, helping the City meet its MHPA goals and increasing the acreage of conserved lands in the Elliot area.

19. Eliminate Potential Conflicts from Self-Haul and Commercial Vehicles. Constructing a scales and public drop-off for recyclables south of the disposal area and more than 3,000 feet north of the existing scale location at the facility entrance would eliminate the potential conflicts from mixing small self-haul vehicles and large commercial collection and transfer trucks that occurs at the active face of the existing landfill.

20. Remove Exotic Invasive Species. The landfill would remove and control the spread of exotic invasive plants as described in the biological mitigation measures, which would benefit the quality of the habitat surrounding City's MHPA.

21. Implement General Plan Waste Management and Recycling Goals. The landfill project would help implement the City's waste management and recycling goals.

22. Strengthen City's Tax/Revenue Base. Municipalities that become disproportionately reliant on one form of revenue, whether it is property taxes or sales taxes or transit occupancy taxes, lack the diversity of revenue sources that can provide revenue stability during the economic cycle. The Franchise Facility Agreement provides the City with a source of revenue that is not dependent upon property tax values increasing, sale of goods, or tourism and therefore provides the City with a more diverse and stable source of revenue.

23. Social Benefits/Implement General Plan Goals and Policies. The proposal assists in implementing the following policies of the City of San Diego General Plan:

Public Facilities, Services, and Safety Element

PF-I.1, Provide efficient waste collection services – by expanding the capacity of a centrally located landfill.

PF-1.2, Maximize waste reduction and diversion – by providing in a centrally located facility new and/or expanded facilities including customer convenience center, mixed construction and demolition waste materials recycling, green material reuse, and potential future composting.

PF-1.3, Provide environmentally sound waste disposal – by expanding an existing disposal facility and incorporating the highest applicable environmental standards such as leachate collection and gas control systems, providing new and expanded recycling programs, and generating energy from landfill gas.

PF.1-5, Plan for sufficient waste handling – by providing expansion of the landfill daily acceptance capacity and airspace capacity to meet future needs, and by providing a known cost for disposal of City of San Diego residential wastes.

PF-N.4, Coordinate timing of new regional facilities – by providing new daily acceptance and air space capacity in a timely manner to help meet regional needs.

Conservation Element

CE-A.2, Reducing City's carbon footprint – by providing additional facilities to remove recyclable material from the waste stream and manage recyclable materials.

CE-A.9, Reusing building materials – by providing a construction and demolition recycling waste facility to make such materials available for reuse.

CE-F.3, Use methane as an energy source – by collecting landfill gas for use in generating electricity in on-site turbines.

CE-K.1, Promoting recycling of construction materials – by providing for a new construction and demolition recycling facility.

CE-K.3, Sand and gravel production – by producing sand and gravel resources for regional use with no additional disturbance to adjacent property owners and native habitats

CONCLUSION

For the foregoing reasons, the City finds that the project's adverse, unavoidable environmental impacts are outweighed by the above-referenced benefits, any one of which individually would be sufficient to outweigh the adverse environmental effects of the project. Therefore, the City has adopted these Findings and Statement of Overriding Considerations.

EXHIBIT B

MITIGATION MONITORING AND REPORTING PROGRAM

East Elliott Community Plan Amendment, General Plan Amendment, Rezone from RS-1-8 (Single Dwelling Unit) to IH-2-1 (Heavy Industrial), Amendment To Planned Development Permit/Site Development Permit, Lot Consolidation Parcel Map, Street Vacation, Easement Abandonment, various Deviations from the Environmentally Sensitive Lands Regulations SYCAMORE LANDFILL MASTER PLAN - PROJECT NO. 5617 ENVIRONMENTAL IMPACT REPORT NO. 5617/STATE CLEARINGHOUSE NO. 2003041057

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with Public Resources Code Section 21081.6 during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. A record of the Mitigation Monitoring and Reporting Program will be maintained at the offices of the Land Development Review Division, 1222 First Avenue, Fifth Floor, San Diego, CA, 92101. All mitigation measures contained in the Environmental Impact Report No. No. 5617 / SCH No. 2003041057 shall be made conditions of East Elliott Community Plan Amendment, General Plan Amendment, Rezone from RS-1-8 (Single Dwelling Unit) to IH-2-1 (Heavy Industrial), Amendment To Planned Development Permit/Site Development Permit, Lot Consolidation Parcel Map, Street Vacation, Easement Abandonment, various Deviations from the Environmentally Sensitive Lands Regulations, as may be further described below.

A. GENERAL REQUIREMENTS – PART I Plan Check Phase (prior to permit issuance)

1. Prior to the issuance of a Notice To Proceed (NTP) for a subdivision, or any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of this project are included VERBATIM, under the heading, "**ENVIRONMENTAL/MITIGATION REQUIREMENTS.**"
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:
<http://www.sandiego.gov/development-services/industry/standtemp.shtml>

4. The **TITLE INDEX SHEET** must also show on which pages the “Environmental/Mitigation Requirements” notes are provided.
5. **SURETY AND COST RECOVERY** – The Development Services Director or City Manager may require appropriate surety instruments or bonds from private Permit Holders to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

B. GENERAL REQUIREMENTS – PART II Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder’s Representative(s), Job Site Superintendent and the following consultants: **Qualified biological, paleontological, and archaeological monitors.**

Note: Failure of all responsible Permit Holder’s representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE at the Field Engineering Division – 858-627-3200**
 - b) For Clarification of ENVIRONMENTAL REQUIREMENTS, applicant is also required to call **RE and MMC at 858-627-3360**
2. **MMRP COMPLIANCE:** This Project, Project Tracking System (PTS) Number 5617 and/or Environmental Document Number 5617 shall conform to the mitigation requirements contained in the associated Environmental Document and implemented to the satisfaction of the DSD’s Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc).

Note: Permit Holder’s Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency: **Not Applicable**

4. **MONITORING EXHIBITS**

All consultants are required to submit , to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.

NOTE: Surety and Cost Recovery – When deemed necessary by the Development Services Director or City Manager, additional surety instruments or bonds from the private Permit Holder may be required to ensure the long term performance or implementation of required mitigation measures or programs. The City is authorized to recover its cost to offset the salary, overhead, and expenses for City personnel and programs to monitor qualifying projects.

5. **OTHER SUBMITTALS AND INSPECTIONS:**

The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

DOCUMENT SUBMITTAL/INSPECTION CHECKLIST		
Issue Area	Document Submittal	Associated Inspection/Approvals/Notes
General	Consultant Qualification Letters	Prior to Preconstruction Meeting
General	Consultant Construction Monitoring Exhibits	Prior to or at Preconstruction Meeting
Biology	Biologist Limit of Work Verification	Limit of Work Inspection
Biology	Biology Reports	Biology/Habitat Restoration Inspection
Biology	Land Use Adjacency Issues CVSRs	Land Use Adjacency Issue Site Observations
Visual Quality	Contour Grading Verification Letter	Contour Grading/Staking Inspection
Visual Quality	Retaining Wall Verification Letter	Retaining Wall Inspection

Paleontology	Paleontology Reports	Paleontology Site Observation
Archaeology	Archaeology Reports	Archaeology/Historic Site Observation
Noise	Acoustical Reports	Noise Mitigation Features Inspection
Traffic	Traffic Reports	Traffic Features Site Observation
Bond Release	Request for Bond Release Letter	Final MMRP Inspections Prior to Bond Release Letter

TRANSPORTATION/CIRCULATION

For the landfill expansion and support facilities, direct project impacts are identified in the near-term (Project Approval and 2015) scenarios, and require mitigation back to pre-project operations. Cumulative project impacts are impacts identified in the Buildout (2030) scenario, and require contributions to improvements to mitigate for that portion of the impact caused by the project.

Project Approval

Implementation of the following physical improvements, shown in Figure 5.2-11, *Post-mitigation Improvements*, would mitigate direct project impacts to intersections and street segments at project approval to below a level of significance as shown in the post-mitigation calculations provided in TIA and summarized below:

- Tra-1** Prior to issuance of the first construction permit, the project applicant shall improve the westbound Mast Boulevard approach at its intersection with the SR-52 Westbound Ramps to provide a dedicated through lane and dual right-turn lanes from Mast Boulevard to Westbound SR-52, to the satisfaction of the City Engineer and Caltrans.
- Tra-2** Prior to issuance of the first construction permit, the project applicant shall improve the intersection of Mast Boulevard/West Hills Parkway/ Project Driveway to provide, to the satisfaction of the City Engineer:
- Eastbound: two left lanes, two through lanes and a shared through/right lane
 - Westbound: two left lanes, three through lanes and a right lane
 - Northbound: two left lanes, one through lane and one right lane (change the signal to permissive phasing)
 - Southbound: one left lane, one through lane and one right lane (change the signal to permissive phasing)
- Tra-3** Prior to issuance of the first construction permit, the project applicant shall improve Mast Boulevard to six lanes with a raised median from the SR-52 Westbound Ramps intersection to West Hills Parkway/Project Driveway to accommodate the increased through lanes at the intersection.

Year 2015

In addition to the mitigation for project approval impacts, the following would partially mitigate the direct project impacts to the SR-52 mainline in 2015:

- Tra-4** Prior to amending the Solid Waste Facilities Permit to allow an increase in disposal activity equal to or greater than 1,250 daily tickets, SLI shall enter into a Highway Improvement Agreement with Caltrans to fund, at an amount not to exceed \$1.5 million, both a design study and the construction of improvements to the SR-52/Mast Boulevard interchange, satisfactory to Caltrans and the City Engineer.

Buildout

Implementation of Tra-1 through Tra-3 would mitigate the project's cumulative impacts at intersections and street segments. However, no improvements to the freeway system are planned within the timeframe of the project operations. Therefore, cumulative project impacts to the SR-52 freeway mainline would be considered significant and unmitigated, despite the implementation of Tra-4.

NOISE

Implementation of the following mitigation measures would reduce noise impacts to below a level of significance, except for potential noise impacts to future residential along the landfill access road which may be unmitigable:

- Noi-1** SLI shall increase the height of the proposed eastern berm to construct 15- to 20-foot high noise barrier berms made with soil, or of soil and rock alone (on the eastern side), between the landfill expansion area (working face) and the nearest property line when the working face is within 1,600 feet of that boundary, and the working face elevation is above, or less than 20 feet below, existing topographic barriers between the working face and the boundary.
- Noi-2** Nighttime landfill operations shall be prohibited within 200 feet of the nearest residential property line (see Figure 5.3-2) if the residential parcel(s) adjacent to the landfill has/have been developed.
- Noi-3** Nighttime heavy truck movement on on-site haul routes shall be prohibited within 325 feet of the nearest residential property line (see Figure 5.3-2) if the residential parcel(s) adjacent to the landfill has/have been developed.
- Noi-4** Any future development of residentially-zoned parcels adjacent to the existing landfill access road would require environmental review by the City of San Diego and a Community Plan Amendment. In the event such review includes a noise analysis that identifies any landfill truck traffic noise that would exceed City Noise Ordinance limits at the proposed residential use, SLI shall work with the developer of the residential use to identify feasible noise mitigation measures that would reduce the

noise levels to less than significant. If the residential development subsequently is approved by the City, SLI shall provide the identified noise mitigation at no cost to the developer.

BIOLOGICAL RESOURCES

Landfill Expansion, Support Facilities, and Ancillary Activities

Sensitive Vegetation Communities

There are several general mitigation strategies for addressing impacts to sensitive vegetation communities in the City of San Diego: avoidance of the native habitats on site, restoration of habitat, or dedication or acquisition of land containing the appropriate resources at the mitigation ratios specified in the City's Biology Guidelines (2004). The following mitigation measures would reduce significant direct and indirect project impacts to sensitive vegetation communities within the expansion area to below a level of significance; however, cumulative impacts to Tier I native grassland would remain significant and unmitigated, as discussed in Section 9.0 of this EIR.

Bio-1 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with Mitigation Monitoring Coordination (MMC) and submit to Development Services Department (DSD) written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The DSD Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD) (plans, specification, details, etc.), to ensure the MMRP requirements are incorporated into the design. The ED shall verify that Sycamore Landfill Incorporated (SLI) has fulfilled the requirement for mitigation of long-term impacts to sensitive vegetation communities. SLI shall provide biological mitigation for direct habitat disturbance to approximately 50.4 acres of sensitive upland communities and 0.62 acre of wetland and riparian communities associated with expansion of the landfill and associated ancillary facilities, consistent with the mitigation ratios contained in City Biology Guidelines. Impacts to sensitive vegetation communities shall be mitigated through conveyance of land to the City. Potential parcels to be conveyed in whole or in part to the City include the remaining 43.42 acres of non-impacted land within 366-031-14, 366-031-18, 366-080-16, 366-080-25, and 366-080-26; and also the remaining 24.04 acres of land within 366-070-12 (non-impacted land), 366-070-13, 366-071-33 and , 366-071-12 (excluding areas of wetland restoration, wetland creation, and upland preservation within those four parcels previously conveyed to the City in 2002 as part of the mitigation efforts for the 2002 PDP/SDP. The conveyance of land from SLI to the City includes mitigation for SDG&E transmission line relocation habitat as required under Bio-16, Bio-16a, Bio-16b, Bio-17, and Bio-17a). The final parcels to be conveyed shall be determined through consultation between the City and the applicant. A summary of upland mitigation requirements and upland mitigation available by parcel is provided in Table 5.5-10, *Potential Upland Mitigation Available by Conveyance Parcel*. The

mitigation lands to be conveyed to the City shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

- Bio-1a** Impacts to 0.9 acre of Tier I valley needlegrass grassland inside the MHPA shall be mitigated at a 2:1 ratio, for a mitigation requirement of 1.8 acres. Impacts to 2.7 acres of valley needlegrass grassland outside the MHPA shall be mitigated at a 1:1 ratio, for a mitigation requirement of 2.7 acres. In total, 4.5 acres of mitigation shall be identified and preserved inside the MHPA.
- Bio-1b** Impacts to 16 acres of Tier II Diegan and disturbed Diegan coastal sage scrub inside the MHPA shall be mitigated at a 1:1 ratio, for a mitigation requirement of 16 acres. Impacts to 19 acres of Diegan and disturbed Diegan coastal sage scrub outside the MHPA shall be mitigated at a 1:1 ratio, for a mitigation requirement of 19 acres. In total, 35 acres of mitigation shall be identified and preserved inside the MHPA for direct impacts to Diegan coastal sage scrub.
- Bio-1c** Impacts to 1.8 acres of Tier III(A) chamise chaparral inside the MHPA shall be mitigated at a 1:1 ratio, for a mitigation requirement of 1.8 acres. Impacts to 7.9 acres of chamise chaparral outside the MHPA shall be mitigated at a 0.5:1 ratio, for a mitigation requirement of 3.95 acres. In total, 5.8 acres of mitigation shall be identified and preserved inside the MHPA.
- Bio-1d** Impacts to 0.3 acre of Tier III(A) southern mixed chaparral inside the MHPA shall be mitigated at a 1:1 ratio, for a mitigation requirement of 0.3 acre. Impacts to 0.6 acre outside the MHPA shall be mitigated at a 0.5:1 ratio, for a mitigation requirement of 0.3 acre. In total, 0.6 acre of mitigation shall be identified and preserved inside the MHPA.
- Bio-1e** Impacts to 0.2 acre of Tier III(B) non-native grassland inside the MHPA shall be mitigated at a 1:1 ratio, for a mitigation requirement of 0.2 acre. Impacts to 1.0 acre of non-native grassland outside the MHPA shall be mitigated at a 0.5:1 ratio, for a mitigation requirement of 0.5 acre. In total, 0.7 acre of mitigation shall be identified and preserved inside the MHPA.
- Bio-1f** Impacts to 0.35 acre of mule fat scrub (wetland) inside the MHPA shall be mitigated at a 2:1 ratio, for a total mitigation requirement of 0.70 acre of wetlands. The mitigation obligation for mule fat scrub impacts shall be met through a combination of a surplus of 0.94 acre of completed and approved mitigation credits from past wetland restoration (as described in mitigation measure Bio-13) and the purchase of credits in the Rancho Jamul Wetland Mitigation Bank as part of mitigation for impacts to CDFG jurisdiction (as described in mitigation measure Bio-14b).
- Bio-1g** Impacts to 0.27 acre of natural flood channel (wetland) inside the MHPA shall be mitigated at a 2:1 ratio, for a total mitigation requirement of 0.54 acre. The mitigation obligation for mule fat scrub impacts shall be met through a combination of a surplus of 0.94 acre of completed and approved mitigation credits from past

wetland restoration (as described in mitigation measure Bio-13) and the purchase of credits in the Rancho Jamul Wetland Mitigation Bank as part of mitigation for impacts to City jurisdiction (as described in mitigation measure Bio-14c).

Bio-2 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The MHPA boundary and the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing, or grading, to ensure that impacts remain within the project boundary and no significant indirect impacts are created from errant construction impacts. Limits shall be defined with orange construction fence and a siltation fence (can be combined) under the supervision of the Qualified Biologist/Owners Representative who shall provide a letter of verification to RE/MMC that all limits were marked as required. Within or adjacent to the MHPA, all manufactured slopes associated with site development shall be included within the development footprint. A Qualified Biologist shall be on-site during construction to verify no errant construction impacts occur. If accidental impacts occur, mitigation to replace impacted habitat shall consist of habitat restoration or land conveyance.

Sensitive Plants: Direct Impacts

The following mitigation measures would reduce significant direct and indirect project impacts to sensitive plants within the expansion area to below a level of significance:

Any and all restoration and/or translocation plans for rare plants impacted by the MDP (i.e., variegated dudleya, San Diego goldenstar, San Diego barrel cactus, and Nuttall's scrub oak) shall comply with the following Standard City of San Diego Biological Mitigation Procedures:

Bio-3 The following City of San Diego biological mitigation procedures shall be followed in implementation of all applicable project biological mitigation.

Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The ADD environmental designee of the City's LDR Division shall incorporate the following mitigation measures into the project design and include them on all appropriate construction documents.

Prior to Permit Issuance

- A. Land Development Review (LDR) Plan Check
 1. Prior to NTP or issuance for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, whichever is applicable, the ADD environmental designee shall

verify that the requirements for the revegetation/restoration plans and specifications, including mitigation of direct impacts to variegated dudleya, San Diego goldenstar, San Diego barrel cactus, and Nuttall's scrub oak have been shown and noted on the appropriate landscape construction documents. The landscape construction documents and specifications must be found to be in conformance with the Variegated Dudleya Translocation Plan for the Sycamore Landfill Expansion Project, San Diego Goldenstar Translocation Plan for the Sycamore Landfill Expansion Project, Coast Barrel Cactus Translocation Plan for the Sycamore Landfill Expansion Project, and Nuttall's Scrub Oak Mitigation Plan for the Sycamore Landfill Expansion Project, each of which was prepared by RECON Environmental, Inc. , the requirements of which are summarized below:

B. Revegetation/Restoration Plan(s) and Specifications

1. Landscape Construction Documents (LCD) shall be prepared on D-sheets and submitted to the City of San Diego DSD, Landscape Architecture Section (LAS) for review and approval. LAS shall consult with Mitigation Monitoring Coordination (MMC) and obtain concurrence prior to approval of LCD. The LCD shall consist of revegetation/restoration, planting, irrigation and erosion control plans; including all required graphics, notes, details, specifications, letters, and reports as outlined below.
2. Landscape Revegetation/Restoration Planting and Irrigation Plans shall be prepared in accordance with the San Diego Land Development Code (LDC) Chapter 14, Article 2, Division 4, the LDC Landscape Standards submittal requirements, and Attachment "B" (General Outline for Revegetation/Restoration Plans) of the City of San Diego's LDC Biology Guidelines (July 2002). The Principal Qualified Biologist (PQB) shall identify and adequately document all pertinent information concerning the revegetation/restoration goals and requirements, such as but not limited to, plant/seed palettes, timing of installation, plant installation specifications, method of watering, protection of adjacent habitat, erosion and sediment control, performance/success criteria, inspection schedule by City staff, document submittals, reporting schedule, etc. The LCD shall also include comprehensive graphics and notes addressing the ongoing maintenance requirements (after final acceptance by the City).
3. The Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Construction Manager (CM) and Grading Contractor (GC), where applicable shall be responsible to insure that for all grading and contouring, clearing and grubbing, installation of plant materials, and any necessary maintenance activities or remedial actions required during installation and the 120 day plant establishment period are done per approved LCD. The following procedures at a minimum, but not limited to, shall be performed:
 - a. The RMC shall be responsible for the maintenance of the *upland* mitigation area for a minimum period of 120 days. Maintenance visits shall be conducted on a *weekly* basis throughout the plant establishment period.
 - b. At the end of the 120 day period the PQB shall review the mitigation area to assess the completion of the short-term plant establishment period and submit a report for approval by MMC.

- c. MMC will provide approval in writing to begin the *five year* long-term establishment/maintenance and monitoring program.
 - d. Existing indigenous/native species shall not be pruned, thinned or cleared in the revegetation/mitigation area.
 - e. The revegetation site shall not be fertilized.
 - f. The RIC is responsible for reseeded (if applicable) if weeds are not removed, within one week of written recommendation by the PQB.
 - g. Weed control measures shall include the following: (1) hand removal, (2) cutting, with power equipment, and (3) chemical control. Hand removal of weeds is the most desirable method of control and will be used wherever possible.
 - h. Damaged areas shall be repaired immediately by the RIC/RMC. Insect infestations, plant diseases, herbivory, and other pest problems will be closely monitored throughout the *five-year* maintenance period. Protective mechanisms such as metal wire netting shall be used as necessary. Diseased and infected plants shall be immediately disposed of off-site in a legally-acceptable manner at the discretion of the PQB or Qualified Biological Monitor (QBM) (City approved). Where possible, biological controls will be used instead of pesticides and herbicides.
4. If a Brush Management Program is required the revegetation/restoration plan shall show the dimensions of each brush management zone and notes shall be provided describing the restrictions on planting and maintenance and identify that the area is impact neutral and shall not be used for habitat mitigation/credit purposes.

C. Letters of Qualification Have Been Submitted to ADD

1. The applicant shall submit, for approval, a letter verifying the qualifications of the biological professional to MMC. This letter shall identify the PQB, Principal Restoration Specialist (PRS), and QBM, where applicable, and the names of all other persons involved in the implementation of the revegetation/restoration plan and biological monitoring program, as they are defined in the City of San Diego Biological Review References. Resumes and the biology worksheet should be updated annually.
2. MMC will provide a letter to the applicant confirming the qualifications of the PQB/PRS/QBM and all City Approved persons involved in the revegetation/restoration plan and biological monitoring of the project.
3. Prior to the start of work, the applicant must obtain approval from MMC for any personnel changes associated with the revegetation/restoration plan and biological monitoring of the project.
4. PBQ must also submit evidence to MMC that the PQB/QBM has completed Storm Water Pollution Prevention Program (SWPPP) training.

Prior to Start of Construction

- A. PQB/PRS Shall Attend Preconstruction (Precon) Meetings
 - 1. Prior to beginning any work that requires monitoring:
 - a. The owner/permittee or their authorized representative shall arrange and perform a Precon Meeting that shall include the PQB or PRS, Construction Manager (CM) and/or Grading Contractor (GC), Landscape Architect (LA), Revegetation Installation Contractor (RIC), Revegetation Maintenance Contractor (RMC), Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC.
 - b. The PQB shall also attend any other grading/excavation related Precon Meetings to make comments and/or suggestions concerning the revegetation/restoration plan(s) and specifications with the RIC, CM and/or GC.
 - c. If the PQB is unable to attend the Precon Meeting, the owner shall schedule a focused Precon Meeting with MMC, PQB/PRS, CM, BI, LA, RIC, RMC, RE and/or BI, if appropriate, prior to the start of any work associated with the revegetation/restoration phase of the project, including site grading preparation.
 - 2. Where Revegetation/Restoration Work Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a revegetation/restoration monitoring exhibit (RRME) based on the appropriate reduced LCD (reduced to 11" x 17" format) to MMC, and the RE, identifying the areas to be revegetated/restored including the delineation of the limits of any disturbance/grading and any excavation.
 - b. PQB shall coordinate with the construction superintendent to identify appropriate Best Management Practices (BMP's) on the RRME.
 - 3. When Biological Monitoring Will Occur
 - a. Prior to the start of any work, the PQB/PRS shall also submit a monitoring procedures schedule to MMC and the RE indicating when and where biological monitoring and related activities will occur.
 - 4. PQB Shall Contact MMC to Request Modification
 - a. The PQB may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the revegetation/restoration plans and specifications. This request shall be based on relevant information (such as other sensitive species not listed by federal and/or state agencies and/or not covered by the MSCP and to which any impacts may be considered significant under CEQA) which may reduce or increase the potential for biological resources to be present.

During Construction

- A. PQB or QBM Present During Construction/Grading/Planting
 - 1. The PQB or QBM shall be present full-time during construction activities including but not limited to, site preparation, cleaning, grading, excavation, landscape establishment in association with *project construction and/or grading*

activity which could result in impacts to sensitive biological resources as identified in the LCD and on the RRME.

2. The PQB or QBM shall document field activity via the Consultant Site Visit Record Forms (CSVSR). The CSVSR's shall be faxed by the CM the first day of monitoring, the last day of monitoring, monthly, and in the event that there is a deviation from conditions identified within the LCD and/or biological monitoring program. The RE shall forward copies to MMC.
3. The PQB or QBM shall be responsible for maintaining and submitting the CSVSR at the time that CM responsibilities end (i.e., upon the completion of construction activity other than that of associated with biology).
4. All construction activities (including staging areas) shall be restricted to the development areas as shown on the LCD. The PQB/PRS or QBM staff shall monitor construction activities as needed, with MMC concurrence on method and schedule. This is to ensure that construction activities do not encroach into biologically sensitive areas beyond the limits of disturbance as shown on the approved LCD.
5. The PQB or QBM shall supervise the placement of orange construction fencing or City approved equivalent, along the limits of potential disturbance adjacent to (or at the edge of) all sensitive habitats (variegated dudleya, San Diego goldenstar, coast barrel cactus, and Nuttall's scrub oak), as shown on the approved LCD.
6. The PBQ shall provide a letter to MMC that limits of potential disturbance has been surveyed, staked and that the construction fencing is installed properly.
7. The PQB or QBM shall oversee implementation of BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measures, as needed to ensure prevention of any significant sediment transport. In addition, the PQB/QBM shall be responsible to verify the removal of all temporary construction BMP's upon completion of construction activities. Removal of temporary construction BMP's shall be verified in writing on the final construction phase CSVSR.
8. PQB shall verify in writing on the CSVSR's that no trash stockpiling or oil dumping, fueling of equipment, storage of hazardous wastes or construction equipment/material, parking or other construction related activities shall occur adjacent to sensitive habitat. These activities shall occur only within the designated staging area located outside the area defined as biological sensitive area.
9. The long-term establishment inspection and reporting schedule per LCD must all be approved by MMC prior to the issuance of the Notice of Completion (NOC) or any bond release.

B. Disturbance/Discovery Notification Process

1. If unauthorized disturbances occurs or sensitive biological resources are discovered that were not previously identified on the LCD and/or RRME, the PQB or QBM shall direct the contractor to temporarily divert construction in the area of disturbance or discovery and immediately notify the RE or BI, as appropriate.
2. The PQB shall also immediately notify MMC by telephone of the disturbance and report the nature and extent of the disturbance and recommend the method of additional protection, such as fencing and appropriate Best Management Practices

(BMP's). After obtaining concurrence with MMC and the RE, PQB and CM shall install the approved protection and agreement on BMP's.

3. The PQB shall also submit written documentation of the disturbance to MMC within 24 hours by fax or email with photos of the resource in context (e.g., show adjacent vegetation).

C. Determination of Significance

1. The PQB shall evaluate the significance of disturbance and/or discovered biological resource and provide a detailed analysis and recommendation in a letter report with the appropriate photo documentation to MMC to obtain concurrence and formulate a plan of action which can include fines, fees, and supplemental mitigation costs.
2. MMC shall review this letter report and provide the RE with MMC's recommendations and procedures.

Post Construction

A. Mitigation Monitoring and Reporting Period

1. *Five-Year* Mitigation Establishment/Maintenance Period
 - a. The RMC shall be retained to complete maintenance monitoring activities throughout the *five-year* mitigation monitoring period.
 - b. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter.
 - c. Maintenance activities will include all items described in the LCD.
 - d. Plant replacement will be conducted as recommended by the PQB (note: plants shall be increased in container size relative to the time of initial installation or establishment or maintenance period may be extended to the satisfaction of MMC).
2. *Five-Year* Biological Monitoring
 - a. All biological monitoring and reporting shall be conducted by a PQB or QBM, as appropriate, consistent with the LCD.
 - b. Monitoring shall involve both qualitative horticultural monitoring and quantitative monitoring (i.e., performance/success criteria). Horticultural monitoring shall focus on soil conditions (e.g., moisture and fertility), container plant health, seed germination rates, presence of native and non-native (e.g., invasive exotic) species, any significant disease or pest problems, irrigation repair and scheduling, trash removal, illegal trespass, and any erosion problems.
 - c. After plant installation is complete, qualitative monitoring surveys will occur monthly during year one and quarterly during years two through five.
 - d. Upon the completion of the 120-days short-term plant establishment period, quantitative monitoring surveys shall be conducted at 0, 6, 12, 24, 36, 48 and 60 months by the PQB or QBM. The revegetation/restoration effort shall be quantitatively evaluated once per year (in spring) during years three through five, to determine compliance with the performance standards identified on

the LCD. All plant material must have survived without supplemental irrigation for the last two years.

- e. Quantitative monitoring shall include the use of fixed transects and photo points to determine the vegetative cover within the revegetated habitat. Collection of fixed transect data within the revegetation/restoration site shall result in the calculation of percent cover for each plant species present, percent cover of target vegetation, tree height and diameter at breast height (if applicable) and percent cover of non-native/non invasive vegetation. Container plants will also be counted to determine percent survivorship. The data will be used determine attainment of performance/success criteria identified within the LCD.
- f. Biological monitoring requirements may be reduced if, before the end of the fifth year, the revegetation meets the fifth year criteria and the irrigation has been terminated for a period of the last two years.
- g. The PQB or QBM shall oversee implementation of post-construction BMP's, such as gravel bags, straw logs, silt fences or equivalent erosion control measure, as needed to ensure prevention of any significant sediment transport. In addition, the PBQ/QBM shall be responsible to verify the removal of all temporary post-construction BMP's upon completion of construction activities. Removal of temporary post-construction BMPs shall be verified in writing on the final post-construction phase CSV.

B. Submittal of Draft Monitoring Report

1. A draft monitoring letter report shall be prepared to document the completion of the 120-day plant establishment period. The report shall include discussion on weed control, horticultural treatments (pruning, mulching, and disease control), erosion control, trash/debris removal, replacement planting/reseeding, site protection/signage, pest management, vandalism, and irrigation maintenance. The revegetation/restoration effort shall be visually assessed at the end of 120 day period to determine mortality of individuals.
2. The PQB shall submit two copies of the Draft Monitoring Report which describes the results, analysis, and conclusions of all phases of the Biological Monitoring and Reporting Program (with appropriate graphics) to MMC for review and approval within 30 days following the completion of monitoring. Monitoring reports shall be prepared on an annual basis for a period of five years. Site progress reports shall be prepared by the PQB following each site visit and provided to the owner, RMC and RIC. Site progress reports shall review maintenance activities, qualitative and quantitative (when appropriate) monitoring results including progress of the revegetation relative to the performance/success criteria, and the need for any remedial measures.
3. Draft annual reports (three copies) summarizing the results of each progress report including quantitative monitoring results and photographs taken from permanent viewpoints shall be submitted to MMC for review and approval within 30 days following the completion of monitoring.
4. MMC shall return the Draft Monitoring Report to the PQB for revision or, for preparation of each report.

5. The PQB shall submit revised Monitoring Report to MMC (with a copy to RE) for approval within 30 days.
 6. MMC will provide written acceptance of the PQB and RE of the approved report.
- C. Final Monitoring Reports(s)
1. PQB shall prepare a Final Monitoring upon achievement of the fifth year performance/success criteria and completion of the five year maintenance period.
 - a. This report may occur before the end of the fifth year if the revegetation meets the fifth year performance /success criteria and the irrigation has been terminated for a period of the last two years.
 - b. The Final Monitoring report shall be submitted to MMC for evaluation of the success of the mitigation effort and final acceptance. A request for a pre-final inspection shall be submitted at this time, MMC will schedule after review of report.
 - c. If at the end of the five years any of the revegetated area fails to meet the project's final success standards, the applicant must consult with MMC. This consultation shall take place to determine whether the revegetation effort is acceptable. The applicant understands that failure of any significant portion of the revegetation/restoration area may result in a requirement to replace or renegotiate that portion of the site and/or extend the monitoring and establishment/maintenance period until all success standards are met.

Variegated dudleya

Bio-4 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The 1,596 variegated dudleya outside the MHPA that would be impacted by the landfill expansion, and the remaining 1,098 (also outside the MHPA) variegated dudleya within the ungraded portion of the 2002 PDP/SDP permitted disturbance area shall be salvaged prior to construction and translocated to the off-site mitigation site (APN 366-080-29), as described in the Variegated Dudleya Translocation Plan (RECON 2011b), prepared in accordance with City Biology Guidelines. Impacts to 1,596 variegated dudleya caused by the landfill expansion shall be mitigated in the same manner as is being conducted for those impacted within the 2002 PDP/SDP permitted disturbance area. The variegated dudleya translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

The restoration plan detailing the variegated dudleya mitigation measures associated with the 2002 PDP/SDP has been updated to reflect the changes to the project impact area since the time the plan was submitted (RECON 2011a). The current mitigation site supports enough acreage of appropriate soils and habitat to incorporate the

additional 1,596 variegated dudleya plants that would be impacted by the proposed landfill expansion.

- Bio-4a** Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The limits of habitat for variegated dudleya shall be clearly marked with orange construction fencing to avoid any inadvertent impacts to this species or its habitat. A Qualified Biologist shall be present during the installation of the construction limits fence around these areas and during construction activities as necessary to avoid any additional direct or indirect impacts to variegated dudleya or its habitat.

San Diego Goldenstar

- Bio-5** Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The approximately 0.01 acre of San Diego goldenstar inside the MHPA that would be impacted by the landfill expansion shall be mitigated through several methods: (1) salvage and translocation of the individuals from the affected 0.01 acre to the off-site mitigation site (parcel 366-080-29), as described in the San Diego goldenstar plans (RECON 2007b); (2) collection of seed from the impacted population that would include the flagging of the plants in the spring when visible for collection of seed once fully matured; (3) salvage of the top four to six inches of soil that contains the corms to be impacted; (4) propagation and translocation of the salvaged material through a variety of methods such as hand-broadcasting seed, transplantation of salvaged corms, and/or transplantation of individuals grown in a nursery setting; (5) development and implementation of a maintenance and monitoring program; and (6) achievement of the restoration success criteria. The San Diego goldenstar translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

- Bio-5a** Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The limits of habitat for San Diego goldenstar shall be clearly marked with orange construction fencing to avoid any inadvertent impacts to this species or its habitat. A Qualified Biologist shall be present during the installation of the construction limits fence around these areas and during construction activities as

necessary to avoid any additional direct or indirect impacts to San Diego goldenstar or its habitat.

Bio-5b Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. It is recommended that landfill expansion impacts to 4.21 acres of goldenstar located outside the MHPA be minimized through the following: (1) conveyance of 3.79 acres of San Diego goldenstar to the City within APNs 366-031-14 (0.13 acre), 366-031-18 (0.13 acre), and 366-040-40 (3.53 acres); and (2) implementation of a weed treatment program and monitoring program in preserved areas where San Diego goldenstar is located: 3.53 acres in APN 366-040-40. A weed abatement program would likely allow the current subpopulations to increase in size due to reduced competition from non-native plants. Mitigation lands to be conveyed to the City as part of the San Diego goldenstar conveyance shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

San Diego barrel cactus

Bio-6 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The 9 individual San Diego barrel cacti that are located inside the MHPA and would be impacted by the landfill expansion shall be salvaged prior to construction and translocated to the off-site mitigation parcel as described in the Coast Barrel Cactus Translocation Plan (RECON 2011d). The individuals within the proposed impact area shall be salvaged and stored by a local qualified native plant nursery prior to use in future translocation into the Sycamore Landfill mitigation parcel. The San Diego barrel cactus translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Bio-6a Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The limits of habitat for San Diego barrel cactus shall be clearly marked with orange construction fencing to avoid any inadvertent impacts to this species or its habitat. A Qualified Biologist shall be present during the installation of the construction limits fence around these areas and during

construction activities as necessary to avoid any additional direct or indirect impacts to San Diego barrel cactus or its habitat.

Bio-6b Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The 37 individual San Diego barrel cacti that would be impacted by the landfill expansion would be salvaged prior to construction and translocated to the off-site mitigation parcel as a part of the mitigation activities described in the Coast Barrel Cactus Translocation Plan (RECON 2011d). The individuals may be temporarily stored by a local qualified native plant nursery prior to use in future translocation into the Sycamore Landfill mitigation parcel (RECON 2012). The San Diego barrel cactus translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Nuttall's scrub oak

Bio-7 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The 10 individual (4 inside the MHPA and 6 outside the MHPA) Nuttall's scrub oaks that would be impacted by the landfill expansion shall be replaced at a 4:1 ratio; therefore, 40 Nuttall's scrub oaks shall be planted at the off-site mitigation site (APN 366-080-29). The Nuttall's scrub oak translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Bio-7a Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The limits of habitat for Nuttall's scrub oak shall be clearly marked with orange construction fencing to avoid any inadvertent impacts to this species/habitat. A Qualified Biologist shall be present during the installation of the construction limits fence around these areas and during construction activities as necessary to avoid any additional direct or indirect impacts to Nuttall's scrub oak habitat or individuals.

Sensitive Wildlife: Direct Impacts

The following mitigation measures would reduce significant direct project impacts to sensitive wildlife within the expansion area to below a level of significance:

Nesting Raptors

- Bio-8** To avoid impacts to raptors, no grading activities shall occur during the raptor breeding season of February 1 through September 15. If project grading is proposed during the raptor breeding season, the project biologist shall conduct a pregrading survey for active raptor nests within 300 feet of the development area and submit a letter report to City staff from Mitigation Monitoring and Coordination (MMC) prior to the preconstruction meeting.
- A. If active raptor nests are detected, the report shall include mitigation in conformance with the City's Biology Guidelines (i.e. appropriate buffers, monitoring schedules, etc.) to the satisfaction of the Assistant Deputy Director (ADD) of the Entitlements Division. Mitigation requirements determined by the project biologist and the ADD of Entitlements shall be incorporated into the project's Biological Construction Monitoring Exhibit (BCME) and monitoring results incorporated in to the final biological construction monitoring report.
 - B. If no nesting raptors are detected during the pregrading survey, no mitigation is required.
 - C. Prior to any landfill or ancillary facility construction, SLI or its authorized representative shall send a letter of verification to the ADD environmental designee of LDR identifying the Principal Qualified Biologist for this work, as defined in the City Biology Guidelines (2004).

Nesting Birds

- Bio-9** To remain in compliance with the Migratory Bird Treaty Act, no direct impacts shall occur to any nesting birds, their eggs, chicks, or nests during the breeding season, as mentioned above under nesting raptors. If construction activities were to occur during the bird-breeding season, then pre-construction surveys would be necessary to confirm the presence or absence of breeding birds. If nests or breeding activities are located on the site, then an appropriate buffer area around the nesting site shall be maintained until the young have fledged.

Orangethroat Whiptail, Coast Horned Lizard, Western Spadefoot Toad

- Bio-10** Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. Direct impacts to orangethroat whiptail, coast horned lizard,

and western spadefoot toad (all are Species of Special Concern) shall be minimized through the conservation of MHPA lands in the immediate vicinity and installation of a construction limits fence to delineate an appropriate buffer area around suitable habitat during grading activities. Fence installation shall be monitored by a Qualified Biologist. In addition, where construction activities would occur adjacent to habitat areas that support orangethroat whiptail and coast horned lizard, a biologist shall monitor those construction activities to avoid any detrimental edge effects to habitat.

Sensitive Wildlife: Direct and Indirect Impacts

The following mitigation measures would reduce significant direct and indirect project impacts to sensitive wildlife within the expansion area to below a level of significance:

Coastal California Gnatcatcher

Bio-11 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The City Manager (or appointed designee) shall verify that the Multi-Habitat Planning Area (MHPA) boundaries and the following project requirements regarding the coastal California gnatcatcher are shown on the construction plans:

All landfill activities shall be conducted either outside the breeding season or behind 15- to 20-foot-high noise berms, built within the current grading limits to avoid any direct impacts to sensitive vegetation from berm construction, required by mitigation measure Noi-1. To ensure that landfill activities, including the creation of the noise berms, would not result in indirect impacts, the following measures shall be implemented:

No clearing, grubbing, grading, or other construction activities, including those related to creation of noise berms, shall occur between March 1 and August 15, the breeding season of the coastal California gnatcatcher, until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those habitat areas within the MHPA that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average for the presence of the coastal California gnatcatcher. Surveys for the coastal California gnatcatcher shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If coastal California gnatcatchers are present, then Condition I and either II or III must be met:

- I. Between March 1 and August 15, no clearing, grubbing, or grading of occupied coastal California gnatcatcher habitat within the MHPA shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; AND
- II. Between March 1 and August 15, no construction activities, including berm creation, shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat within the MHPA. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; OR
- III. At least two weeks prior to the commencement of construction activities (including berm creation in accordance with Noi-1), and under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the coastal California gnatcatcher within the MHPA. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques that are implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved, or until the end of the breeding season (August 16).

*Construction noise shall continue to be monitored at least twice weekly during construction on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

- B. If coastal California gnatcatchers are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and

applicable Resource Agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 1 and August 15, as follows:

- I. If this evidence indicates that the potential is high for coastal California gnatcatcher to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
- II. If this evidence concludes that no significant impacts to this species are anticipated, no mitigation measures would be necessary.

Bio-11a Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The City Manager shall verify that SLI has fulfilled the requirement for mitigation of long-term truck noise along the landfill access road. As the mitigation, SLI shall convey fee title to approximately 12 acres of coastal sage scrub within the MHPA to the City of San Diego for long-term preservation. Mitigation lands to be conveyed to the City shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Least Bell's Vireo

Bio-12 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The City Manager (or appointed designee) shall verify that the following project requirements regarding the least Bell's vireo are shown on the construction plans:

All landfill activities shall be conducted either outside the breeding season or behind 15- to 20-foot-high noise berms, built within the current grading limits to avoid any direct impacts to sensitive vegetation from berm construction, required by mitigation measure Noi-1. To ensure that landfill activities, including the creation of the noise berms, would not result in indirect impacts, the following measures shall be implemented:

No clearing, grubbing, grading, or other construction activities, including those related to the creation of noise berms, shall occur between March 15 and September 15, the breeding season of the least Bell's vireo, until the following requirements have been met to the satisfaction of the City Manager:

- A. A Qualified Biologist (possessing a valid Endangered Species Act Section 10(a)(1)(a) Recovery Permit) shall survey those wetland areas that would be subject to construction noise levels exceeding 60 decibels [dB(A)] hourly average

for the presence of the least Bell's vireo. Surveys for the least Bell's vireo shall be conducted pursuant to the protocol survey guidelines established by the U.S. Fish and Wildlife Service within the breeding season prior to the commencement of any construction. If the least Bell's vireo is present, then Condition I and either II or III must be met:

- I. Between March 15 and September 15, no clearing, grubbing, or grading of occupied least Bell's vireo habitat shall be permitted. Areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; and
- II. Between March 15 and September 15, no construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB(A) hourly average at the edge of occupied habitat must be completed by a Qualified Acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to the commencement of construction activities. Prior to the commencement of construction activities during the breeding season, areas restricted from such activities shall be staked or fenced under the supervision of a Qualified Biologist; or
- III. At least two weeks prior to the commencement of construction activities (including berm creation in accordance with Noi-1), and under the direction of a Qualified Acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from construction activities will not exceed 60 dB(A) hourly average at the edge of habitat occupied by the least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60 dB(A) hourly average. If the noise attenuation techniques that are implemented are determined to be inadequate by the Qualified Acoustician or Biologist, then the associated construction activities shall cease until such time that adequate noise attenuation is achieved, or until the end of the breeding season (September 16).

*Construction noise monitoring shall continue to be monitored at least twice weekly during construction on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. If not, other measures shall be implemented in consultation with the biologist and the City Manager, as necessary, to reduce noise levels to below 60 dB(A) hourly average or to the ambient noise level if it already exceeds 60 dB(A) hourly average. Such measures may include, but are not limited to, limitations on the placement of construction equipment and simultaneous use of equipment.

- B. If least Bell's vireos are not detected during the protocol survey, the Qualified Biologist shall submit substantial evidence to the City Manager and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows:
- I. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then condition A.III shall be adhered to as specified above.
 - II. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

Jurisdictional Areas

The following mitigation measures would reduce significant direct and indirect project impacts to jurisdictional areas within the expansion area to below a level of significance:

- Bio-13** The 0.94 acre of surplus credits provides enough wetland mitigation to cover the 1:1 creation component for mitigation requirements associated with Corps, CDFG, and City jurisdictional impacts (0.85 acre of riparian areas and streambed maximum) under the current proposed MDP. The remaining mitigation obligation shall be met through purchase of credits in the Rancho Jamul Wetland Mitigation Bank. Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work.
- Bio-14** Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The City Manager shall verify that SLI has fulfilled the requirement for mitigation of significant impacts. Wetland mitigation is proposed as listed below:
- Bio-14a** Impacts to 0.53 acre of Corps non-wetland jurisdictional waters of the U.S. shall be mitigated at a 1:1 ratio using the excess pre-approved mitigation credits, for a total of 0.53 acre of Corps non-wetland waters of the U.S. mitigation.
- Bio-14b** Impacts to 0.35 acre of CDFG riparian habitat shall be mitigated at a 2:1 ratio, for a total of 0.70 acre of riparian mitigation. Impacts to 0.50 acre of CDFG streambed shall be mitigated at a 1:1 ratio. The total CDFG mitigation acreage of 1.21 acres (including 0.01 acre of impact associated with the SDG&E transmission line relocation) shall be met using the 0.94 acre of excess wetland mitigation, and purchase of an additional 0.27 acre in the Rancho Jamul Wetland Mitigation Bank.

Bio-14c Impacts to 0.62 acre of City jurisdiction shall be mitigated at a 2:1 ratio, for a total of 1.24 acres of City jurisdictional mitigation. As noted in Mitigation Measure Bio-13, there is 0.94 acre of already created and signed off wetland mitigation available for use on the project site that shall be used as mitigation for the current MDP. The remaining 0.30 acre of City-required wetland mitigation obligation shall be provided in the Rancho Jamul Wetland Mitigation Bank (U.S. Army Corps of Engineers Reference No. 9820154400-FT).

Bio-15 Prior to any construction-related activities that would impact jurisdictional areas (including earthwork and fencing), the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. SLI shall provide evidence¹ of the following to the City Manager:

- A. Compliance with the Corps Section 404 permit;
- B. Compliance with the RWQCB Section 401 Water Quality certification; and,
- C. Compliance with the CDFG Section 1601-1603 SAA.

Transmission Line Relocation

SLI will be responsible for the implementation, maintenance, monitoring, and completion of mitigation measures for impacts to biological resources associated with the proposed SDG&E transmission line relocation.

The mitigation ratios and acreages required for impacts are dependent on whether the impacts are inside or outside the MHPA and whether the mitigation would be implemented inside or outside the MHPA. Mitigation requirements both inside and outside the MHPA for impacts due to SDG&E transmission line relocation are summarized in Table 5.5-9.

Sensitive Vegetation Communities

Bio-16 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The DSD Director's ED shall review and approve all CD (plans, specification, details, etc.), to ensure the MMRP requirements are incorporated into the design. The ED shall verify that SLI has fulfilled the requirement for mitigation of long-term impacts to sensitive vegetation communities. SLI shall provide biological mitigation for direct habitat disturbance to approximately 6.9 acres of sensitive upland communities and 0.01 acre of sensitive non-wetland

¹ Evidence shall include either copies of permits issued, letter of resolutions issued by the responsible agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the City Manager.

Waters of the U.S./streambed associated with relocation of the transmission lines, consistent with the mitigation ratios contained in City Biology Guidelines. Impacts to sensitive vegetation communities associated with the transmission line relocation shall be mitigated through the conveyance of land to the City. A summary of potential upland mitigation available by parcel and upland mitigation requirements is provided in Table 5.5-10. Potential mitigation parcels are shown in Figure 19 of the BTR (Appendix H1 to this EIR). The final parcels to be conveyed shall be determined through consultation between the City and the applicant. Mitigation lands to be conveyed to the City shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

- Bio-16a** Transmission line impacts to 1.8 acres of Diegan coastal sage scrub (Tier I) inside the MHPA and 2.0 acres outside the MHPA would be mitigated at a 1:1 ratio, for a total mitigation requirement of 3.8 acres.
- Bio-16b** Transmission line impacts to 0.5 acre of chamise chaparral (Tier IIIA) inside the MHPA would be mitigated at a 1:1 ratio, for a mitigation requirement of 0.5 acre. Impacts to 2.6 acres of chamise chaparral (Tier IIIA) outside the MHPA would be mitigated at a 0.5:1 ratio, for a mitigation requirement of 1.3 acres. The total mitigation requirement for chamise chaparral impacts associated with the transmission line relocation would be 1.8 acres.

Jurisdictional Areas

- Bio-17** Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. Any impacts to Corps and CDFG jurisdictional waters associated with the transmission line relocation would require acquisition of a 404 permit from the Corps, a 401 Water Quality Certification from RWQCB, and a 1601 SAA from CDFG. A 404 permit from the Corps has been submitted for the landfill expansion project, including the transmission line relocation component of the project. Any approved impacts would require mitigation in the form of excess mitigation credits that have been pre-approved by the regulatory agencies. Table 5.5-11 and Bio-17a specify the required mitigation for impacts to jurisdictional areas associated with the transmission line relocation.
- Bio-17a** The SDG&E transmission line relocation would impact 0.01 acre of drainage that is under the jurisdiction of both the Corps and CDFG. Impacts to this 0.01 acre of non-wetland Waters of the U.S./streambed would be mitigated at a 1:1 ratio, for a total of 0.01 acre of jurisdictional area. As described in Mitigation Measure Bio-13, this mitigation requirement shall be met in conjunction with the mitigation for impacts to jurisdictional areas associated with the landfill expansion.

Sensitive Plants

Bio-18 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The 425 variegated dudleya plants that are located within the SDG&E impact area shall be salvaged and translocated to the off-site mitigation site as described in the variegated dudleya translocation plan (EIR Appendix H2; RECON 2011b) and Figure 14 of the BTR (Appendix H1 to this EIR). Mitigation would include the following criteria: (1) collection of seed from the impacted population that would include the flagging of the plants in the spring when visible, for collection of seed once fully matured; (2) salvage of the top four to six inches of soil that contains the corms to be impacted; (3) propagation and translocation of the salvaged material through a variety of methods such as hand-broadcasting seed and/or placement of leaf cuttings onto the translocation site, transplantation of salvaged corms, and transplantation of individuals grown in a nursery setting; (4) development and implementation of a maintenance and monitoring program; and (5) achievement of the restoration success criteria. The variegated dudleya translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Bio-19 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. Impacts to the approximately 0.32 acre of San Diego goldenstar inside the MHPA shall be mitigated by: salvaging and translocating the affected plants to the off-site mitigation site as described in the San Diego goldenstar translocation plan (EIR Appendix H3; RECON 2011c). While impacts to San Diego goldenstar outside the MHPA (2.06) acres are considered less than significant, SDG&E transmission line impacts to this species outside the MHPA shall be minimized by: (1) conveying 3.79 acres of San Diego goldenstar to the City within parcels 366-031-14 (0.13 acre), 366-031-18 (0.13 acre), and 366-040-40 (3.53 acres); and (2) implementing a weed treatment program and monitoring program in preserved areas where San Diego goldenstar is located, including 3.53 acres in parcel 366-040-40. A weed abatement program would likely allow the current subpopulations to increase in size due to reduced competition from non-native plants. The final mitigation parcels to be conveyed shall be determined through consultation between the City and SLI, to the satisfaction of the City Manager. Mitigation lands to be conveyed to the City shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Bio-20 Prior to any construction in undisturbed areas, the applicant shall schedule a preconstruction meeting with MMC and submit to DSD written documentation (including table and graphics) demonstrating implementation of the following required mitigation, should the applicable resources be impacted in the proposed phase of work. The documentation shall be reviewed at the preconstruction meeting for that phase of work. The four individuals of San Diego barrel cactus inside the MHPA and the four individuals outside the MHPA, shall be salvaged and translocated to the off-site mitigation site as described in the Coast Barrel Cactus Translocation Plan (EIR Appendix H4; RECON 2011d). The individuals within the proposed impact area shall be salvaged and stored by a local qualified native plant nursery prior to future translocation into the Sycamore Landfill mitigation parcel. The San Diego barrel cactus translocation site shall be preserved and managed in perpetuity by the City Park and Recreation Department, Open Space Division.

Sensitive Wildlife

As a standard measure, SDG&E implements the avian protection guidelines developed by the APLIC (2006). Implementation of these guidelines during the proposed transmission line relocation would avoid operational impacts to the coastal California gnatcatcher, raptors, and birds covered by the MBTA.

Bio-21 Any grading of coastal California gnatcatcher habitat inside the MHPA associated with the transmission line relocation shall be conducted outside the gnatcatcher breeding season (March 1 through August 15). There are no restrictions for clearing, grubbing, or grading gnatcatcher habitat outside MHPA lands except where construction activities might result in indirect noise impacts to nesting gnatcatchers within adjacent MHPA lands. If construction of the transmission line relocation is proposed during the nesting period of the coastal California gnatcatcher (March 1 to August 15), mitigation measure Bio-11 shall be implemented by SLI, and SDG&E Protocols 1, 2, 20, and 43 shall be implemented as a matter of project design to help further minimize impacts.

Bio-22 Construction impacts to raptors associated with the transmission line relocation shall be avoided by restricting grading and construction to outside the breeding season or completing pre-grading nest surveys and, if necessary, utilizing appropriate construction setbacks in accordance with mitigation measure Bio-8, and Protocols 1, 2, 20, and 43.

Landfill Expansion, Support Facilities, and Ancillary Activities

Construction

Mitigation is provided below to reduce potential construction-related indirect impacts to the MHPA.

Bio-23 I. Prior to Permit Issuance

- A. Prior to issuance of any construction permit, the City Manager shall verify the Applicant has accurately represented the project's design in the Construction Documents (CDs) that are in conformance with the associated discretionary permit conditions and Exhibit "A", and also the City's MSCP Land Use Adjacency Guidelines for the MHPA, including identifying adjacency as the potential for direct/indirect impacts where applicable. In addition, all CDs where applicable shall show the following:
1. **Land Development /Grading /Boundaries** – MHPA boundaries on-site and adjacent properties shall be delineated on the CDs. The City Manager shall ensure that all grading is included within the development footprint, specifically manufactured slopes, disturbance, and development within or adjacent to the MHPA.
 2. **Drainage/Toxins** – All new and proposed parking lots and developed area in and adjacent to the MHPA shall be designed so they do not drain directly into the MHPA. All developed and paved areas must prevent the release of toxins, chemicals, petroleum products, exotic plant materials prior to release by incorporating the use of filtration devices, planted swales and/or planted detention/desiltation basins, or other approved permanent methods that are designed to minimize negative impacts, such as excessive water and toxins into the ecosystems of the MHPA.
 3. **Staging/storage, equipment maintenance, and trash** – All areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities are within the development footprint. Provide a note on the plans that states: "*All construction related activity that may have potential for leakage or intrusion shall be monitored by the Qualified Biologist/Owners Representative to ensure there is no impact to the MHPA.*"
 4. **Barriers** – All new development within or adjacent to the MHPA shall provide fencing or other City approved barriers along the MHPA boundaries to direct public access to appropriate locations, to reduce domestic animal predation, and to direct wildlife to appropriate corridor crossing. Permanent barriers may include, but are not limited to, fencing (six-foot black vinyl-coated chain link or equivalent), walls, rocks/boulders, vegetated buffers, and signage for access, litter, and educational purposes.
 5. **Lighting** – All construction lighting adjacent to the MHPA shall be directed away from the preserve using proper placement and adequate shielding to protect sensitive habitat. Where necessary, light shall be shielded from the MHPA through the utilization of including, but not limited to, earth berms, fences, and/or plant material.
 6. **Invasive Plants** – Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive.

Landscape plans shall include a note that states: “*The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA.*”

7. **Brush Management** – All new development adjacent to the MHPA is set back from the MHPA to provide the required Brush Management Zone (BMZ) 1 area (LDC Sec. 142.0412) within the development area and outside of the MHPA. BMZ 2, if applicable, may be located within the MHPA and the BMZ 2 management shall be the responsibility of SLI.
8. **Noise** – Due to the site's location adjacent to or within the MHPA, construction noise that exceeds the maximum levels allowed shall be avoided, during the breeding seasons for protected avian species such as: *coastal California gnatcatcher (3/1-8/15) and least Bell's vireo (3/15-9/15)*. If construction is proposed during the breeding season for the species, U.S. Fish and Wildlife Service protocol surveys shall be required in order to determine species presence/absence, in accordance with mitigation measures Bio-8 and Bio-9, respectively. When applicable, adequate noise reduction measures shall be incorporated.

II. Prior to Start of Construction

A. Preconstruction Meeting

The Qualified Biologist/Owners Representative shall incorporate all MHPA construction related requirements into the project's Biological Monitoring Exhibit (BME).

The Qualified Biologist/Owners Representative is responsible to arrange and perform a focused pre-construction meeting with all contractors, subcontractors, and all workers involved in grading or other construction activities that discusses the sensitive nature of the adjacent sensitive biological resources.

III. During Construction

- A. The Qualified Biologist/Owners Representative, shall verify that all construction related activities taking place within or adjacent to the MHPA are consistent with the CDs and the MSCP Land Use Adjacency Guidelines. The Qualified Biologist/Owners Representative shall monitor and ensure that:

1. **Land Development /Grading Boundaries** – The MHPA boundary and the limits of grading shall be clearly delineated by a survey crew prior to brushing, clearing, or grading. Limits shall be defined with orange construction fence and a siltation fence (can be combined) under the supervision of the Qualified Biologist/Owners Representative who shall provide a letter of verification to the City Manager that all limits were marked as required. Within or adjacent to the MHPA, all manufactured

slopes associated with site development shall be included within the development footprint.

2. **Drainage/Toxins** – No direct drainage into the MHPA shall occur during or after construction and those filtration devices, swales and/or detention/desiltation basins that drain into the MHPA are functioning properly during construction, and that permanent maintenance after construction is addressed. These systems should be maintained approximately once a year, or as often as needed, to ensure proper functioning. Maintenance should include dredging out sediments if needed, removing exotic plant materials, and adding chemical-neutralizing compounds (e.g. clay compounds) when necessary and appropriate.
3. **Staging/storage, equipment maintenance, and trash** – Identify all areas for staging, storage of equipment and materials, trash, equipment maintenance, and other construction related activities on the monitoring exhibits and verify that they are within the development footprint. Comply with the applicable notes on the plans.
4. **Barriers** – New development adjacent to the MHPA provides City approved barriers along the MHPA boundaries.
5. **Lighting** – Periodic night inspections are performed to verify that all construction-related lighting adjacent to the MHPA is directed away from preserve areas and appropriate placement and shielding is used.
6. **Invasives** – No invasive plant species are used in or adjacent (within 100 feet) to the MHPA and that within the MHPA, all plant species must be native.
7. **Brush Management** – BMZ1 is within the development footprint and outside of the MHPA, and the maintenance responsibility for the BMZ 2 located within the MHPA is identified as the responsibility of an HOA or other private entity.

IV. Post Construction

A. Preparation and Submittal of Monitoring Report

The Qualified Biologist/Owners Representative shall submit a final biological monitoring report to the City Manager within 30 days of the completion of construction that requires monitoring. The report shall incorporate the results of the MMRP/MSCP requirements per the construction documents and the BME to the satisfaction of City Manager.

Operations

The following measure would address potentially significant invasive species impacts on the MHPA:

Invasive Species

As part of Sycamore Landfill's conditions for operation for the previously proposed 2008 expansion, an Exotic Invasive Plant Removal Plan (EIPRP) was implemented in April 2009 through October 2010. Invasive plant removal followed guidelines presented in the EIPRP, which was prepared in support of the 2008 EIR for the previously proposed landfill Master Development Plan project. The EIPRP was updated in late 2011 to address the current Master Development Plan proposal and was submitted to the City for review (RECON 2011b). The main purpose of the plan is to minimize potential dissemination of exotic invasive plants that may become established at the site during and following landfill closure and prevent the spread of exotic invasive species (weeds) into native land surrounding the Sycamore Landfill and prevent invasives impacts to the adjacent MHPA. The EIPRP identifies weed species that occur within the Sycamore Landfill and have been identified by the California Invasive Plant Council (Cal-IPC) as "exotic pest plants of greatest ecological concern" (Cal-IPC 2007).

Qualitative monitoring was performed in 2009-2010 by surveying all landfill property and identifying Cal-IPC-listed species, in particular species that had the potential to spread into the adjacent open spaces. Surveys were conducted to monitor for weed presence and to determine the need and timing of herbicide treatments. Weed locations were marked on an aerial photograph, and field notes were taken to identify the species for control, size of the weed population, and life stage.

Bio-24 Plant species within 100 feet of the MHPA shall comply with the Landscape Regulations (LDC142.0400 and per table 142-04F, Revegetation and Irrigation Requirements) and be non invasive. Landscape plans shall include a note that states: *"The ongoing maintenance requirements of the property owner shall prohibit the use of any planting that are invasive, per City Regulations, Standards, guidelines, etc., within 100 feet of the MHPA."*

Bio-25 In order ensure compliance with the MHPA adjacency guidelines and to minimize potential dissemination of wind-borne seeds that could lead to potentially significant invasives impacts on the MHPA, quarterly inspections of the landfill site shall be conducted by a Qualified Biologist in order to identify any exotic invasive plants that may be present. If such species are present, the project biologist shall implement removal or eradication procedures to preclude their spread in accordance with the 2011 EIPRP. The Qualified Biologist shall prepare and submit to DSD an annual report on the ongoing exotic invasive plant control program at the landfill.

HISTORICAL RESOURCES

The following mitigation measure would avoid or reduce potentially significant impacts to unknown subsurface resources along Mast Boulevard below a level of significance.

Hist-1 The following measure shall be implemented for the Mast Boulevard improvements:

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (¼-mile radius) has been completed. Verification includes, but is not limited to a

copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the ¼-mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - b. The AME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate site conditions such as depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

A. Monitor(s) Shall be Present During Grading/Excavation/Trenching

1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any**

construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.

2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.
4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.

C. Determination of Significance

1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) which has been reviewed by the Native American consultant/monitor, and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in

the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**

- c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

A. Notification

1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.

B. Isolate discovery site

1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenance of the remains.
2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenance.
3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.

C. If Human Remains **ARE** determined to be Native American

1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.
3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in

accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.

4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission; OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN,
 - c. In order to protect these sites, the Landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement on the site;
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.

D. If Human Remains are **NOT Native American**

1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.

- b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
 - d. The PI shall immediately contact MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe resulting from delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.

2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.
3. The cost for curation is the responsibility of the property owner.

C. Curation of Artifacts: Accession Agreement and Acceptance Verification

1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
3. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection 5.

D. Final Monitoring Report(s)

1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion and/or release of the Performance Bond for grading until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

PALEONTOLOGICAL RESOURCES

The following mitigation measures contain project conditions that have been developed by the City to reduce potential paleontological impacts from the landfill expansion and related support facilities below a level of significance. These requirements comprise a comprehensive program to address potential impacts to high-sensitivity paleontological resources associated with the Stadium Conglomerate and Friars Formation, and are consistent with standard programs employed at other sites in the City. Implementation of these mitigation measures would allow preservation and future scientific study of any important paleontological resources encountered, thereby reducing impacts below a level of significance.

Paleo-1 During the anticipated 20-year excavation period, landfill operations would affect the high-sensitivity Friars Formation and/or Stadium Conglomerate in an area of approximately 100 acres. The excavation process and fossils uncovered shall be regularly monitored and the results reported to the City Mitigation Monitoring Coordinator (MMC) by qualified paleontologists, as outlined below.

I. Prior to Permit Issuance

A. Entitlements Plan Check

1. Prior to issuance of any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits or a Notice to Proceed for Subdivisions, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.

2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
- B. PI Shall Attend Precon Meetings
1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
 2. Identify Areas to be Monitored
Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 3. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.

B. Discovery Notification Process

1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

C. Determination of Significance

1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
 - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

IV. Night and/or Weekend Work

A. If night and/or weekend work is included in the contract

1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
 - b. Discoveries

All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.

c. Potentially Significant Discoveries

If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.

- d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.

B. If night work becomes necessary during the course of construction

1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
2. The RE, or BI, as appropriate, shall notify MMC immediately.

C. All other procedures described above shall apply, as appropriate.

V. Post Construction

A. Preparation and Submittal of Draft Monitoring Report

1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
4. MMC shall provide written verification to the PI of the approved report.
5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Fossil Remains

1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area;

that faunal material is identified as to species; and that specialty studies are completed, as appropriate

C. Curation of fossil remains: Deed of Gift and Acceptance Verification

1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

D. Final Monitoring Report(s)

1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.