

RESOLUTION NUMBER R- 307685

DATE OF FINAL PASSAGE SEP 17 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO AUTHORIZING SITE DEVELOPMENT PERMIT NO. 9310 AND PLANNED DEVELOPMENT PERMIT NO. 9309 FOR THE SYCAMORE LANDFILL MASTER PLAN - PROJECT NO. 5617

WHEREAS, SYCAMORE LANDFILL, INC., Owner/Permittee, filed an application with the City of San Diego for a Site Development Permit (SDP) No. 9310 and Planned Development Permit (PDP) No. 9309 to implement the Sycamore Landfill Master Development Plan project to expand the capacity, footprint and height of the existing Sycamore Landfill; add or modify ancillary facilities including sedimentation basins, an equipment maintenance facility, perimeter access road, scales and recycling area, and administrative offices; relocate an SDG&E transmission line; continue processing green/wood materials for alternative daily cover and/or beneficial reuse; process construction and demolition (C&D) debris; continue excavation and processing of aggregate materials; and change the hours of operation of the Landfill, located at 8514 Mast Boulevard, and legally described as Portions of Lots 3, 4, 9 and 10 of the resubdivision of part of Fanita Rancho, Map No. 1703, and a portion of Lot 73 of Rancho Mission, 330, and all that real property relinquished to the City of San Diego per document recorded March, 6, 2008 as Document No. 2008-0117850 of Official Documents excepting Easement Parcels 26202-2, 26202-3, 26203-2, 26203-4, 26204-3, 26204-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 dated March 7, 2001 as File/Page No. 2001-0129708 of Official Documents, in the East Elliot Community Plan area, in the RS-1-8 Zone,

which is proposed to be rezoned to the IH-2-1 Zone; and the Mission Trails Design District Overlay zone; and

WHEREAS, on August 23, 2012, the Planning Commission of the City of San Diego considered SDP No. 9310 and PDP No. 9309, and pursuant to Resolution No. 4828-PC, voted to recommend City Council approval of the permit; 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 and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on SEP 17 2012, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

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

SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0504

A. Findings for all Site Development Permits SDMC Section 126.0504(a):

1. The proposed development will not adversely affect the applicable land use plan. The proposed project would not adversely affect the applicable land use plan. The City first permitted the Sycamore Landfill under Conditional Use Permit No. 6066 (CUP) in 1963. The 1971 Elliott Community Plan (now the East Elliott Community Plan or herein referenced as the "Community Plan") recognized the landfill use and designated the site for solid waste disposal. In 1974, the City Council amended the Community Plan and the CUP to increase the landfill site designation to approximately 491 acres. As part of this proposed project, another approximately 26 acres outside the boundaries of the existing approved Sycamore Landfill parcels is proposed to be redesignated from Planned Open Space and Office Commercial to Sanitary Landfill in the Community Plan and from Parks, Recreation and Open Space and Commercial Employment in the General Plan to Industrial Employment. These new areas are adjacent to the existing landfill

parcels or to the existing landfill access road. Once the proposed amendment to the Community Plan and the General Plan is approved, the land uses at the landfill site would be consistent with the Community Plan and the General Plan. Moreover, the proposed project is consistent with all applicable goals, policies, objectives and recommendations of the City General Plan and Community Plan except that the redesignation of 21 acres from open space designations to industrial conflicts with the goals to preserve open space found in the Conservation and Urban Design Element of the General Plan and the open space management guidelines of the Community Plan, resulting in a significant unmitigable land use policy impact for the life of the landfill. However, upon closure of the landfill those 21 acres, along with the hundreds of acres already occupied by the existing landfill, will return to open space.

Avoiding the redesignation of the 21 acres of open space associated with the proposed project would have its own, potentially more severe, inconsistencies with applicable land use plans. The only alternative landfill sites identified within the City of San Diego, within ten miles of Sycamore Landfill, and not developed or surrounded by development are in Spring Canyon (approximately 0.1 mile west of Sycamore Landfill, in MHPA); Oak Canyon, located 1.5 miles west of the Sycamore Landfill site; and Upper Sycamore Canyon, located in San Diego near the City of Poway. These sites were identified in a 1990 study jointly conducted by the City and the County of San Diego (Dames & Moore, 1990) and/or identified in a 1996 County of San Diego *Integrated Waste Management Plan Countywide Siting Element* (County 1996). While a landfill at the Spring Canyon site could yield up to 134 million cubic yards (mcy) of capacity, it currently is undeveloped open space within the preserve area of the MHPA and therefore its conversion to landfill would also be inconsistent with General Plan policies about preserving open space and would constitute a much larger inconsistency than occurs with the proposed project. Potential landfills at the other two sites would have a waste capacity of 30-44 million cubic yards (mcy), much smaller than the additional 82 million cubic yards (mcy) proposed in the Sycamore Landfill Master Development Plan. Oak Canyon is known to contain wetlands and other environmentally sensitive lands, and Upper Sycamore Canyon contains ephemeral drainages and environmentally sensitive lands, although wetlands-specific evaluations have not been conducted. As a result, development of either of these two sites as a landfill would also be inconsistent with the General Plan and Community Plan's open space preservation policies and would likely entail additional inconsistencies given they would be creating a new landfill on undeveloped land rather than more efficiently using an existing landfill site.

The proposed project is consistent with the Multiple Species Conservation Program/City of San Diego MSCP Subarea Plan. The parcels currently approved for landfill use are not within the MHPA, but adjacent to it. As part of the Master Development Plan, approximately 22.12 acres of sensitive habitat within the MHPA would be permanently disturbed by Master Development Plan landfill activities, ancillary facilities and transmission line relocation. However, all of these impacts would be mitigated in accord with the City's Biological Guidelines. The proposed Master Development Plan complies with the MSCP Subarea Plan, including its Adjacency Guidelines. The proposed project would fully mitigate its impacts to the habitats, wildlife movement, preserve conservation and management of the MHPA. Thus, the proposed project is consistent with the applicable land use plans except for the redesignation of what currently is designated as open space; however, as noted above, that land also will return to

open space upon landfill closure and any alternative landfill site would be expected to generate greater land use plan inconsistencies than that caused by the proposed project.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development, as currently designed, would not be detrimental to the public health, safety or welfare. The proposed project is a Master Development Plan to allow an area already approved for use as a solid waste disposal facility to be developed in a way that efficiently provides solid waste capacity for the City of San Diego as envisioned by a 1999 Facilities Franchise Agreement. The Master Development Plan expands the already approved waste disposal area by only 28.6 acres. The proposed project would extend the life of this centrally located facility with minimal additional expansion of the already existing footprint. The Master Development Plan would provide for an increase in daily tonnage of municipal solid waste from the current limit of 3,965 tons per day to up to a total of 11,450 tons per day at full build-out, estimated to occur in approximately 2030, depending on the rate of waste disposal in the future and subject to the annual waste acceptance limits in the Franchise Agreement. The proposed expansion would also involve relocating approximately one mile of electric power transmission line corridor that crosses the existing site, and approval of increased operating hours to up to 24-hour a day operations. Moreover, the proposed project would clarify the public property records by means of a lot consolidation parcel map which clarifies which of certain easements were abandoned by Public Act in 1974, and offers to dedicate alternate easements. The proposed project, including the associated development of roadways, drainage infrastructure, open space preservation, etc., has been designed to conform to the City of San Diego's codes, policies, and regulations, the primary focus of which is the protection of the public's health, safety, and welfare. The proposed project has been reviewed by City staff, and, after approval of the amendment to the Community Plan and General Plan, is consistent with the Community Plan and General Plan; the California Environmental Quality Act and the City's environmental regulations; the Multiple Species Conservation Program (MSCP) and Multi-Habitat Planning Area (MHPA); landscaping and brush management policies, the Fire Department's fire protection policies, and all other applicable public health, safety and welfare rules and regulations; as well as all permit conditions imposed by the San Diego Air Pollution Control District, the Department of Resources Recycling and Recovery (CalRecycle), the Local Enforcement Agency, the Regional Water Quality Control Board, and other oversight boards and commissions. These permit conditions also help ensure that the proposed project would not be detrimental to the public health, safety or welfare.

No sensitive human receptors are located close to the existing landfill disposal area - the nearest school (West Hills High School) is situated 3,500 feet southeast of the landfill boundary. The closest residential development is approximately 3,500 feet east and south of the site. Other residential developments have been proposed 1,800 feet east of the landfill boundary (Castlerock), and 7,900 feet west of the boundary (Military Family Housing Site 8, MCAS/Miramar). Sycamore Landfill operates under existing Permit No. 971111 issued by the County of San Diego Air Pollution Control District (APCD). The current operational permit allows no releases of odors or dust from any part of the landfill, associated landfill operations or on-site equipment that exceed the applicable visible emission or public nuisance standards specified in the APCD rules and regulations. The proposed project incorporates a liner system to protect groundwater, and monitoring wells to confirm the effectiveness of the liner system.

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

In addition, the proposed project health risk assessment for air emissions that was completed for the Master Development Plan concluded that all public health risks for any potential health risk pathways at all sensitive receptors would be less than the applicable adopted public health risk thresholds, therefore there is no public health risk as a result of the approval of the Master Development Plan.

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

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

3. The proposed development will comply with the applicable regulations of the Land Development Code. The proposed project has been designed to comply with all development regulations of the San Diego Municipal Code and the City's Land Development Code, including the requirements for a site development permit to protect, preserve and, where damaged, restore environmentally sensitive lands, as further discussed below. Implementation of the proposed project would comply with the Municipal Code and the findings for deviations are more fully described in the Supplemental Findings below.

B. Supplemental Findings-Environmentally Sensitive Lands SDMC Section 126.0504(b):

These supplemental findings under San Diego Municipal Code Section 126.0504(b) are necessary because the Master Development Plan would result in impacts to environmentally sensitive lands. Specifically, the proposed project would result in long-term or permanent impacts to approximately 50.4 acres of native upland habitat and 0.62 acres of ESL wetlands. As discussed above, of that amount, approximately 22.12 acres of sensitive habitat land within the

MHPA would be permanently disturbed for development for landfill, ancillary facility or transmission line purposes.

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

The site is physically suitable for the design and siting of the proposed development, as evidenced by the fact that this location has been the site of a municipal solid waste landfill for almost 50 years. Sycamore Landfill initially was approved in this location by the City of San Diego in 1963 (CUP 6066 PC). The present site was approved for expansion for landfill purposes by the City of San Diego in 1974 (CUP 6066 PC - Amendment 1). Later, CUP 6066 PC-Amendment 1 approved a conceptual landfill plan filling all of Little Sycamore Canyon within the current landfill parcels (Exhibit A, CUP 6066 PC-Am). The current Staged Development Plan for the entire site was approved by the California Integrated Waste Management Board, now known as the Department of Resources Recycling and Recovery (CalRecycle), the LEA and the RWQCB in 1994.

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

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

The new scales and sedimentation basin associated with the landfill expansion would directly impact 0.62 acre of City of San Diego jurisdictional habitat, including 0.35 acre of

riparian areas and 0.27 acre of natural flood channel. The wetlands impacts are primarily related to installation of a sedimentation basin at the southern end of the project. That sedimentation basin is required to capture soil particles washed by rainfall, and to minimize potential downstream sediment deposition in order to protect water quality in Little Sycamore Canyon and downstream areas beyond. To utilize gravity flow, the sedimentation basin must be lower in elevation than the lowest area of landfill. The only area available that meets that definition is the area immediately south of the landfill area, within the Little Sycamore Creek ephemeral drainage. Thus, the only feasible location for the required sedimentation basin is that shown on the Master Development Plan, which necessarily requires impacts to wetlands.

In addition, small areas of the landfill expansion as well as the scale area would impact natural flood channels. There is no feasible alternative to the location of the scales that would avoid all impacts to wetlands and other environmentally sensitive lands. The scales must be located (i) between the landfill entrance and the waste disposal area of the landfill in order to check the load before it is deposited in the landfill waste disposal area, (ii) in an area readily accessible to and from the landfill access road, as the trucks have to easily access the scales prior to disposal of the materials; (iii) far enough from the Mast Boulevard entrance that trucks waiting for the scales will not back up onto Mast Boulevard.

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

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

The approval of the existing landfill preceded the City's regulation of steep hillsides, and the existing landfill already has already graded or is approved to grade more than 25% of the steep slopes that originally existed on the property. As a result, even though the additional grading is minimal, strict compliance with steep hillside provisions of LDC sections 143.0150(b) and 126.0504 is not possible given that the LDC limits were already exceeded by prior City permits for the already approved landfill design. Therefore, the project applicant is requesting a deviation from strict enforcement of the provisions, as provided under LDC 143.0150(b) and LDC 126.0504, and is requesting approval under the Alternative Compliance provisions of LDC 143.0151.

The project applicant is seeking a deviation from the ESL regulations with regard to steep slopes on the basis that the Master Development Plan would expand an existing landfill primarily through vertical versus horizontal impacts to naturally occurring steep slopes. In addition, the

landfill use is an essential public facility. The impact to steep slopes in the scale area, which accounts for slightly more than half of the steep slope encroachment, would be minimized through the integration of a retaining wall into the design and the graded slope would have restricted visibility in terms of numbers of viewpoints and view duration; this ESL deviation would not result in a significant visual impact. Moreover, there is no feasible alternative to the location of the scales that would avoid all impacts to steep slopes without increasing the impacts to other environmentally sensitive lands, such as wetlands. The scales must be located (i) between the landfill entrance and the landfill itself, (ii) in an area readily accessible to and from the landfill access road, and (iii) on at least four acres. It also is required to be located far enough away from the entrance off of Mast Boulevard to avoid traffic waiting to be weighed on the scales backing up traffic on the surrounding roads.

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

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

The approval of the existing landfill preceded the City's regulation of steep hillsides, and the existing landfill already has already graded or is approved to grade more than 25% of the steep slopes that originally existed on the property. As a result, even though the additional grading is minimal, strict compliance with steep hillside provisions of LDC sections 143.0150(b) and 126.0504 is not possible given that the LDC limits were already exceeded by prior City permits for the already approved landfill design. Therefore, the project applicant is requesting a deviation from strict enforcement of the provisions, as provided under LDC 143.0150(b) and LDC 126.0504, and is requesting approval under the Alternative Compliance provisions of LDC 143.0151.

The project applicant is seeking a deviation from the ESL regulations with regard to steep slopes on the basis that the Master Development Plan would expand an existing landfill primarily through vertical versus horizontal impacts to naturally occurring steep slopes. In addition, the landfill use is an essential public facility. The impact to steep slopes in the scale area, which

accounts for slightly more than half of the steep slope encroachment, would be minimized through the integration of a retaining wall into the design and the graded slope would have restricted visibility in terms of numbers of viewpoints and view duration; this ESL deviation would not result in a significant visual impact. Moreover, there is no feasible alternative to the location of the scales that would avoid all impacts to steep slopes without increasing the impacts to other environmentally sensitive lands, such as wetlands. The scales must be located (i) between the landfill entrance and the landfill itself, (ii) in an area readily accessible to and from the landfill access road, and (iii) on at least four acres. It also is required to be located far enough away from the entrance off of Mast Boulevard to avoid traffic waiting to be weighed on the scales backing up traffic on the surrounding roads.

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

The proposed development areas are located immediately adjacent to existing areas approved for landfill development, or to the existing landfill access road. Moreover, all feasible mitigation measures with respect to land form alteration and site design, including sensitive grading techniques, landscaping, and site planning, have been incorporated into the proposed project.

The proposed project would not result in undue risk from geologic or erosional forces, flood or fire hazards. No moderate to large earthquakes have occurred within the greater San Diego area during historic times. The largest estimated ground acceleration at the site that would result from a Maximum Probable Earthquake (MPE) at the nearest active fault zones was calculated at 0.2 g. This would result from a magnitude 6.0 earthquake on the La Nacion fault, located approximately 7.2 miles southwest of Sycamore Landfill. There would be little or no likelihood of liquefaction, induced flooding, induced land subsidence, or major induced landslides from a major regional earthquake at the Sycamore Landfill site.

The site is not subject to any erosional forces that might preclude its use for landfill purposes. RWQCB Order No. 99-74 lists current Waste Discharge Requirements for Sycamore Landfill, and among other topics, addresses erosion control requirements. As part of the proposed project permitting process, the Regional Water Quality Control Board (RWQCB) would issue a new order addressing specific water quality and erosion issues associated with the proposed Master Development Plan design and operation. One item of Order No. 99-74 requires that "annually, by October 31, the discharger shall implement adequate erosion control measures, maintenance and repair of the landfill cover, drainage control facilities and use soil stabilization practices on all disturbed areas of the landfill to prevent erosion or flooding of the facility and to prevent surface drainage from contacting or percolating through wastes." Similar requirements would be part of the new order from RWQCB.

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

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

In general, the landfill site is not at undue risk from brush fires. The working areas of the landfill are comprised mostly areas of bare soil, with only a small working face where municipal solid waste is deposited for the day. That area is covered each day, and a new landfill cell is begun on the following day. Also, landfill employees are trained in operational procedures to be followed when dealing with hot loads and fires detected in operational areas. In the event that a waste load is received that is smoking or on fire, landfill personnel direct it to be unloaded in an unvegetated area away from the working face. Appropriate fire fighting activities are implemented immediately thereafter. A stockpile of soil to be used for fire fighting purposes is maintained near the working face.

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

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The proposed project has been sited and designed to minimize its adverse impacts to adjacent environmentally sensitive lands, such as the MHPA, including controls on drainage, lighting, and nuisance species. The proposed project would not conflict with habitat function, configuration or long-term viability of adjacent environmentally sensitive lands, nor would it cause significant edge effects. The proposed Master Development Plan would prevent or minimize potential adverse impacts to those adjacent environmentally sensitive lands by minimizing or avoiding impacts to sensitive plants within the MHPA lands to be disturbed; keeping new proposed areas of landfill development immediately adjacent to the approved areas of landfill development, thus avoiding potential habitat fragmentation and minimizing "edge effects"; keeping new proposed areas of landfill ancillary facilities adjacent to the existing landfill access road, thus avoiding potential habitat

fragmentation and minimizing “edge effects”; complying with all City of San Diego MSCP Adjacency Guidelines; and avoiding potential operational noise and lighting impacts by conducting landfill operations behind 15 to 20-foot high berms located between operations and nearby MHPA boundaries where noted in the applicable mitigation measure. In addition, all manufactured slopes adjacent to undisturbed non-MHPA open space would be revegetated with native species upon landfill closure.

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

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The proposed project would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The Sycamore Landfill is located several miles from the public beaches and the local shorelines; therefore, it is highly unlikely based on distance alone that on-site development on the already existing landfill would contribute to erosion of public beaches or adversely impact local shoreline sand supplies. In addition, the proposed project includes detention/desiltation basins on-site to reduce surface water runoff velocities to ensure that water runoff would not increase downstream siltation, contribute to the erosion of public beaches or adversely affect local shoreline sand supply.

6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative impacts created by the proposed development. The nature and extent of mitigation required as a condition of the PDP/SDP is reasonably related to and calculated to alleviate negative impacts created by the proposed Master Development Plan. The EIR included a site specific impact analysis for the proposed development and its impacts and associated mitigation measures. All mitigation measures identified in the EIR that are associated with this proposed development have been found to be feasible and calculated to minimize and if possible avoid negative impacts that otherwise would be created by the proposed development.

C. Supplemental Findings--Environmentally Sensitive Lands Deviations SDMC Section 126.0504(c):

The supplemental findings are necessary because the Sycamore Landfill Master Development Plan project does not fully comply with the development regulations prescribed by the City of San Diego Environmentally Sensitive Lands regulations. Specifically, the Master Development Plan cannot avoid impacts to 0.62 acres of City of San Diego ESL-definition wetlands as required by Section 143.0141(b) of the Municipal Code or impacts to 0.86 acres of wetlands meeting California Dept. of Fish & Game definitions; or impacts to steep slope lands in excess of provisions of Section 143.0142 of the Municipal Code.

Impacts to environmentally sensitive lands would be mitigated in accordance with all applicable regulations and mitigation ratios, and have conferred with the appropriate wildlife agencies.

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

The new scales and sedimentation basin associated with the landfill expansion would directly impact 0.62 acre of City of San Diego jurisdictional habitat, including 0.35 acre of riparian areas and 0.27 acre of natural flood channel. The wetlands impacts are primarily related to installation of a sedimentation basin at the southern end of the project. That sedimentation basin is required to capture soil particles washed by rainfall, and to minimize potential downstream sediment deposition in order to protect water quality in Little Sycamore Canyon and downstream areas beyond. To utilize gravity flow, the sedimentation basin must be lower in elevation than the lowest area of landfill. The only area available that meets that definition is the area immediately south of the landfill area, within the Little Sycamore Creek ephemeral drainage. Thus, the only feasible location for the required sedimentation basin is that shown on the Master Development Plan, which necessarily requires impacts to wetlands.

In addition, small areas of the landfill expansion as well as the scale area would impact natural flood channels. There is no feasible alternative to the location of the scales that would avoid all impacts to wetlands and other environmentally sensitive lands. The scales must be located (i) between the landfill entrance and the waste disposal area of the landfill in order to check the load before it is deposited in the landfill waste disposal area, (ii) in an area readily accessible to and from the landfill access road, as the trucks have to easily access the scales prior to disposal of the materials; (iii) far enough from the Mast Boulevard entrance that trucks waiting for the scales will not back up onto Mast Boulevard.

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

There also would be minimal long-term disturbance to jurisdictional areas associated with the proposed transmission line relocation: (0.01 to Corps non-wetland waters of the U.S. and 0.01 to CDFG streambeds). There are no transmission line relocation jurisdiction impacts to City of San Diego jurisdictional areas.

The proposed project has been designed to minimize its wetland impacts, but cannot further avoid them because regulations that require the protection of water quality demand that the sedimentation basin be built, and topographic and geographic characteristics of the site

demonstrative that the proposed location is the natural site for such a basin given that water runs downhill. Also, the proposed facilities are essential to the safe operation of the landfill and therefore must remain part of the proposed project. The proposed project has been designed to have the minimum impact on environmentally sensitive lands feasible, but due to regulatory, site and design constraints, the proposed project cannot completely avoid certain impacts to environmentally sensitive lands, as further discussed below.

The EIR analyzed Wetland Impact Reduction Alternatives that may reduce some impacts to wetlands, but that would require modifications to the design and/or location of the proposed sedimentation basin. While all of these alternative sedimentation basin scenarios would reduce impacts to non-wetland jurisdictional waters by 0.1 to 0.2 acre, they are infeasible because, among other reasons: (1) four of the five identified alternatives would not provide adequate detention capacity for a 100-year storm event, which is a requirement the landfill must meet; (2) three of the five alternatives would require disturbance in areas not currently owned by the proposed project applicant; (3) all five of the identified alternatives would entail an increase in project-related impacts to sensitive upland biological resources, including MHPA lands and Diegan coastal sage scrub habitat which supports sensitive floral/faunal species; and (4) all five alternatives entail costs that exceed those identified for the Master Development Plan, and are not reasonable considering the overall scope and cost of the proposed project.

The applicant proposes to mitigate all impacts to wetlands in accordance with all applicable local, state and federal regulations. 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, and 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. Mitigation amounts will comply with City of San Diego requirements, as listed in Mitigation Measures Bio-13, Bio-14, Bio-14a, Bio-14b, Bio-14c, and Bio-15 of the EIR. That mitigation includes use of 0.94 acres of mitigation credits previously created by the landfill operator at the landfill site during past wetland mitigation efforts, which 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 Master Development Plan, and purchase of 0.30 of an acre of credits in the Rancho Jamul Wetland Mitigation Bank. The Rancho Jamul Wetland Mitigation Bank includes the San Diego River Watershed as a secondary service area.

It is important to note that the 1:1 wetland mitigation has already been implemented and signed off on by the resource agencies “in advance” and the majority of the wetland mitigation (0.94 acre) occurs on site. The mitigation would result in “no net loss” of wetlands. 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. The remaining 0.30 acre of City-required wetland mitigation obligation shall be provided in the Rancho Jamul Wetland Mitigation Bank.

The proposed project also would have some unavoidable impact to steep slopes. The Master Development Plan would impact approximately 30 acres of steep slopes, 17 of which are associated with the proposed scale area. The previously approved permits granted by the City for the existing landfill have already exceeded the LDC’s limits for grading in steep slopes, thus

expansion of the landfill cannot comply. The proposed project's deviation is appropriate because the Master Development Plan would expand an existing landfill primarily through vertical rather than horizontal expansion, thus minimizing grading impacts to naturally occurring steep slopes. Moreover, the landfill is an essential public facility, and the need for its expansion is well documented by the City's Planning Commission, City Council, and Franchise Agreement and by the County's *Integrated Waste Management Plan Siting Element*, which discuss the need for expanded capacity at this existing, centrally located municipal solid waste disposal facility. The visual impact to steep slopes in the scale area would be minimized through integration of a retaining wall into the design and the graded slope would have restricted visibility in terms of numbers of viewpoints and view duration; this ESL deviation would not result in a significant visual impact.

A project alternative that would exclude steep slope areas located on the western side of the proposed project has been addressed in the Draft EIR (Reduced Footprint Alternative). While implementation of that alternative would avoid steep hillside lands, it would result in a loss of approximately 20 mcy of landfill capacity, the equivalent of 27% or more of the entire County's 2004 estimate of landfill capacity (Siting Element, CIWMP, May 2004). The capacity lost by avoiding the steep slopes would have to be provided elsewhere for the City's waste disposal, and any alternative location most likely would also have impacts to steep slopes. The only other alternative would be to haul the waste out of the region, at additional costs to the environment, as well as fiscal costs associated with reliance on an out-of-region facility.

Reduction in proposed capacity would require that a new landfill site for the region be identified, permitted, and developed sooner than would be required under the proposed Master Development Plan. Any such new landfill would likely have the same or more severe impacts to environmentally sensitive lands than those posed by the proposed Master Development Plan. The only alternative landfill sites identified within the City of San Diego, within ten miles of Sycamore Landfill, and not developed or surrounded by development are in Oak Canyon, located 1.5 miles west of the Sycamore Landfill site, and Upper Sycamore Canyon, located in San Diego near the City of Poway. These sites were identified in a 1990 study jointly conducted by the City and the County of San Diego (Dames & Moore, 1990). Potential landfills at these sites would have a waste capacity of 30-44 million cubic yards (mcy), much smaller than the additional 82 mcy proposed in the Sycamore Landfill Master Development Plan. Oak Canyon is known to contain wetlands and other environmentally sensitive lands, and Upper Sycamore Canyon contains ephemeral drainages and environmentally sensitive lands, although wetlands-specific evaluations have not been conducted. As a result, development of either of these two sites as a landfill would not reduce impacts to environmentally sensitive lands over that of the proposed project.

2. The proposed deviations are the minimum necessary to afford relief from special circumstances or conditions of the land, not of the applicant's making. Sycamore Landfill has operated for more than 40 years in this location and the proposed design is the most efficient and least impactful means of providing the region with the required capacity for the County's anticipated municipal solid waste needs. Sycamore Landfill is an essential public facility, and to move to a new location would likely produce more impacts. Its proposed location is the location in which landfilling has been occurring since the 1960s, and the proposed project

would better utilize the property with minimal increase in footprint. The deviations are due to the region's need for solid waste disposal capacity, and are not of the applicant's making. The 2004 San Diego County *Integrated Waste Management Plan (CIWMP) Siting Element*, prepared with the cooperation and approval of the City of San Diego, addressed the capacity of existing permitted landfills within the County of San Diego. State regulations (CCR 18755.3) require that each County or Regional Agency must identify disposal facilities that provide at least 15-years of remaining landfill capacity for that region. The 2004 San Diego CIWMP incorporated proposed Sycamore Landfill additional capacity projections of 162 million cubic yards or 116 million tons of waste into projections for County-wide waste disposal facilities. The additional capacity of the proposed expansion would, if approved, equal approximately 42% of all in-County disposal capacity. If landfilling according to the proposed plan is not allowed because the deviation is not approved, the result would be loss of planned County-wide solid waste disposal capacity, potential non-compliance with state solid waste regulations, and the need to site, permit, and develop one or more additional regional landfills years earlier than anticipated.

The 2005 Siting Element was subject to a 2011 Review Report (County of San Diego 2011a) that projects exhaustion of the existing permitted disposal capacity for the region in 2017 with current permitted capacity, and provides a number of updates and/or additions to the assumptions used in the 2005 Siting Element. Specifically, these include current data related to demographics, as well as the following updates regarding waste generation, recycling and disposal rates; and assumptions on existing and proposed landfill capacity. The 2011 Review Report notes that solid waste disposal decreased by approximately one million tons between 2006 and 2010, based on factors including the economic downturn, and increased conservation and recycling activities, and updated the assumed opening date for the Gregory Canyon Landfill to 2015, noting that the actual date is unclear. It also assumed that the Miramar Landfill is assumed would close in 2022 and the existing Otay Landfill is would close in 2027. The 2011 report also notes that the proposed East Otay Mesa Landfill is designated as a "Proposed New Disposal Facility" rather than a "Tentatively Reserved" site as it was listed in the 2005 Siting Element. Finally, expansion of the Sycamore Canyon Landfill is assumed to begin in 2012, with additional expansion phases to be implemented as needed and to coincide with events such as closure of the Miramar and Otay Landfill sites (and increases in permitted tons per day at the Sycamore Canyon Landfill assumed to correspond with expansion phases).

Based on the described information and "continued improvements in recycling," the 2011 Review Report projects that current in-County permitted landfill capacity, plus the proposed Sycamore Canyon Landfill expansion, will be exhausted in approximately 2028. Accordingly, the report concludes that "San Diego County continues to have 15 years of disposal capacity... Revision to the Countywide Siting Element of the CIWMP is not warranted at this time."

The regional need for the expansion is clear in the text of those documents. If expansion of the Sycamore Landfill is assumed, the physical capacity of the County-wide landfill system is projected to be adequate to approximately 2028 (ibid).

**D. Supplemental Findings—Steep Hillside Development Area Regulations
Alternative Compliance SDMC Section 126.0504(e).**

The supplemental findings are necessary because the Sycamore Landfill Master Development Plan project has impacts to steep hillsides and requests alternative compliance in accordance with Section 143.0151, which requires the following supplemental findings in addition to those listed above.

1. The proposed development is in conformance with the Steep Hillside Guidelines.

The proposed project conforms to the Steep Hillside Guidelines. The Guidelines for commercial, industrial and other non-residential development assume a typical industrial “box” development and not a facility such as a landfill, which by necessity will create a manufactured hillside as it accepts the area’s waste. Nonetheless, the landfill applies and has incorporated, as appropriate, the Guidelines into the development design given the site conditions and the proposed landfill development. Sensitive natural features were preserved to the greatest extent possible, with care taken to site the facility in the way that minimized impacts to environmentally sensitive lands while still accommodating landfilling requirements. Development encroaches into steep hillsides only where there are no other areas feasible for the landfill-associated development and/or the area with the steep hillsides with natural gradient of more than 200 percent constitute a minor portion of the entire site. In addition, the landfill was designed to that the final landfill will be contoured to mimic the surrounding natural hillsides, avoiding angular intersections.

The landfill development maximizes the areas of the site that do not contain steep hillsides and uses retaining walls to reduce the total extent of grading in the steep hillside areas.

To the extent appropriate given the site conditions and the proposed development of the site as a municipal solid waste landfill, the proposed project has been designed so that manufactured slopes would be graded with contours and rounded to the extent feasible and consistent with regulations to resemble natural landforms. The transition between manufactured slopes and natural topography will be blended to avoid harsh angular lines to the extent allowed by landfill regulations designed to protect public health and safety. Moreover, the permit conditions and mitigation measures require that the landscaping on the manufactured slopes adjacent to natural topography will be similar to the vegetation on the natural slopes.

Parking has been designed consistent with the standards in the Hillside Development Guidelines and, consistent with Standard 5 of those Guidelines, the use of reflective building materials has been minimized.

Landscaping has been used to complement and not obscure view corridors, and natural drainage patterns have been respected to the extent feasible, with no increase in the peak rate or concentration of run-off that would result in increased erosion to steep hillside areas and the amount of impervious surfaces minimized.

The Steep Hillside Guidelines have been adhered to to the extent they apply to landfills, a unique land use and essential public facility. The Guidelines were not designed to address

municipal solid waste landfills, which cannot be developed without impacting a relatively large land and filling that area over with waste. The essential nature of a landfill is providing room for waste capacity. Combined with existing design, engineering regulations, and criteria and topography like that of San Diego make it is unlikely there is a site in the City that could comply with landfill regulations and still provide sufficient capacity for the future municipal solid waste disposal needs, without encroaching into steep slopes.

2. The proposed development conforms to the applicable land use plan.

The proposed project conforms to the applicable land use plan. The development complies with the type of development recommended by the Land Use Plan for this location – a landfill. The City first permitted the Sycamore Landfill under Conditional Use Permit No. 6066 (CUP) in 1963. The original, 1971 version of the Community Plan recognized the landfill use and designated the site for solid waste disposal. In 1974, the City Council amended the Community Plan and the CUP to increase the landfill site designation to approximately 491 acres. As part of this proposed project, another approximately 26 acres outside the boundaries of the existing approved Sycamore Landfill parcels is proposed to be re-designated as landfill in the Community Plan and as Industrial Employment in the General Plan. These new areas are adjacent to the existing landfill parcels or to the existing landfill access road. Once the proposed amendment to the Community Plan and the General Plan is approved, the land uses at the landfill site would be consistent with the Community Plan and the General Plan. Moreover, the proposed project is consistent with all applicable Community Plan and the General Plan goals, objectives and recommendations.

The proposed project also is consistent with the Multiple Species Conservation Program/City of San Diego MSCP Subarea Plan. The approved landfill parcels are not within the MHPA, but adjacent to it. As part of the Master Development Plan, approximately 22.12 acres of sensitive habitat within the MHPA would be permanently disturbed by landfill Master Development Plan development for landfill activities, ancillary facilities and transmission line relocation. However, all of these impacts would be mitigated in accord with the City's Biological Guidelines. The proposed Master Development Plan complies with the MSCP Subarea Plan, including its Adjacency Guidelines. The proposed project would fully mitigate its impacts to the habitats, wildlife movement, preserve conservation and management of the MHPA. Thus, the proposed project is consistent with and conforms to the applicable land use plans.

3. Strict application of the steep hillside development area regulations would result in conflicts with other City regulations, policies, or plans. Strict application of the steep hillside development regulations is impossible given that the existing landfill already exceeds the allowed encroachment, and to relocate the scales to a place that requires less grading into steep slopes would necessarily force it into having more impact to wetlands, which would conflict with other City regulations, policies and plans.

Also, limiting the amount of development area would be inconsistent with recommendations in the applicable Land Use Plan to use this particular site for the landfill operations, and with the Planning Commission direction to expand the existing landfill and the City's requirements through the Franchise Agreement to provide adequate long-term capacity for municipal solid waste at this location.

Moreover, other City policies or programs will be jeopardized by limiting the development footprint for the landfill on the subject premises. Already the footprint expansion is limited when compared to the additional capacity generated by the proposed landfill design.

City health and safety policies could not be met if the steep hillside development area regulations were strictly complied with, given that the landfill would have to be designed in a way that would make it impossible to ensure adequate public health and safety while still providing the capacity long-term to the City, if precluded from encroaching into steep hillsides and required to strictly comply with steep hillside development regulations. To develop a landfill in the City of San Diego that meets the City's long-term disposal capacity needs requires encroaching on some steep slopes. To reduce the landfill footprint and avoid any encroachment into steep slopes would not only impact wetlands, as noted above, but would also be inconsistent with City General Plan and other policies and goals of ensuring adequate municipal solid waste disposal capacity.

PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed project would not adversely affect the applicable land use plan. The City first permitted the Sycamore Landfill under Conditional Use Permit No. 6066 (CUP) in 1963. The 1971 Elliott Community Plan (now the East Elliott Community Plan or herein referenced as the "Community Plan") recognized the landfill use and designated the site for solid waste disposal. In 1974, the City Council amended the Community Plan and the CUP to increase the landfill site designation to approximately 491 acres. As part of this proposed project, another approximately 26 acres outside the boundaries of the existing approved Sycamore Landfill parcels is proposed to be redesignated from Planned Open Space and Office Commercial to Sanitary Landfill in the Community Plan and from Parks, Recreation and Open Space and Commercial Employment in the General Plan to Industrial Employment. These new areas are adjacent to the existing landfill parcels or to the existing landfill access road. Once the proposed amendment to the Community Plan and the General Plan is approved, the land uses at the landfill site would be consistent with the Community Plan and the General Plan. Moreover, the proposed project is generally consistent with all applicable goals, policies, objectives and recommendations of the City General Plan and Community Plan except that the redesignation of 21 acres from open space designations to industrial conflicts with the goals to preserve open space found in the Conservation and Urban Design Element of the General Plan and the open space management guidelines of the Community Plan, resulting in a significant unmitigable land use policy impact for the life of the landfill. When the landfill closes those 21 acres, along with the hundreds of acres already occupied by the existing landfill will return to open space.

Avoiding the redesignation of the 21 acres of open space associated with the proposed project would have its own, potentially more severe, inconsistencies with applicable land use plans.

The only alternative landfill sites identified within the City of San Diego, within ten miles of Sycamore Landfill, and not developed or surrounded by development are in Spring Canyon (approximately 0.1 mile west of Sycamore Landfill, in MHPA); Oak Canyon, located 1.5 miles west of the Sycamore Landfill site; and Upper Sycamore Canyon, located in San Diego near the City of Poway. These sites were identified in a 1990 study jointly conducted by the City and the County of San Diego (Dames & Moore, 1990) and/or identified in a 1996 County of San Diego *Integrated Waste Management Plan Countywide Siting Element* (County 1996). While a landfill at the Spring Canyon site could yield up to 134 million cubic yards (mcy) of capacity, it currently is undeveloped open space within the preserve area of the MHPA and therefore its conversion to landfill would also be inconsistent with General Plan policies about preserving open space and would constitute a much larger inconsistency than occurs with the proposed project. Potential landfills at the other two sites would have a waste capacity of 30-44 million cubic yards (mcy), much smaller than the additional 82 mcy proposed in the Sycamore Landfill Master Development Plan. Oak Canyon is known to contain wetlands and other environmentally sensitive lands, and Upper Sycamore Canyon contains ephemeral drainages and environmentally sensitive lands, although wetlands-specific evaluations have not been conducted. As a result, development of either of these two sites as a landfill would also be inconsistent with the General Plan and Community Plan's open space preservation policies and would likely entail additional inconsistencies given they would be creating a new landfill on undeveloped land rather than more efficiently using an existing landfill site.

The proposed project is consistent with the Multiple Species Conservation Program/City of San Diego MSCP Subarea Plan. The approved landfill parcels are not within the MHPA, but adjacent to it. As part of the Master Development Plan, approximately 22.12 acres of sensitive habitat within the MHPA would be permanently disturbed by Master Development Plan landfill activities, ancillary facilities and transmission line relocation. However, all of these impacts would be mitigated in accord with the City's Biological Guidelines. The proposed Master Development Plan complies with the MSCP Subarea Plan, including its Adjacency Guidelines. The proposed project would fully mitigate its impacts to the habitats, wildlife movement, preserve conservation and management of the MHPA. Thus, the proposed project is consistent with the applicable land use plans except for the redesignation of what currently is designated as open space; however, as noted above, that land also will return to open space upon landfill closure and any alternative landfill site would be expected to generate greater land use plan inconsistencies than this one caused by the proposed project.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The proposed development, as currently designed, would not be detrimental to the public health, safety or welfare. The proposed project is a Master Development Plan to allow an area already approved for use as a solid waste disposal facility to be developed in a way that efficiently provides solid waste capacity for the City of San Diego as envisioned by a 1999 Facilities Franchise Agreement. The Master Development Plan expands the already approved waste disposal area by only 28.6 acres. The proposed project would extend the life of this centrally located facility with minimal additional expansion of the already existing footprint. The Master Development Plan would provide for an increase in daily tonnage of municipal solid waste from the current limit of 3,965 tons per day to up to a total of 11,450 tons per day at full build-out, estimated to occur in approximately 2030, depending on the rate of

waste disposal in the future and subject to the annual waste acceptance limits in the Franchise Agreement. The proposed expansion would also involve relocating approximately one mile of electric power transmission line corridor that crosses the existing site, and approval of increased operating hours to up to 24-hour a day operations. Moreover, the proposed project would clarify the public property records by means of a lot consolidation parcel map which clarifies which of certain easements were abandoned by Public Act in 1974, and offers to dedicate alternate easements. The proposed project, including the associated development of roadways, drainage infrastructure, open space preservation, etc., has been designed to conform to the City of San Diego's codes, policies, and regulations, the primary focus of which is the protection of the public's health, safety, and welfare. The proposed project has been reviewed by City staff, and, after approval of the amendment to the Community Plan and General Plan, is consistent with the Community Plan and General Plan; the California Environmental Quality Act and the City's environmental regulations; the Multiple Species Conservation Program (MSCP) and Multi-Habitat Planning Area (MHPA); landscaping and brush management policies, the Fire Department's fire protection policies, and all other applicable public health, safety and welfare rules and regulations; as well as all permit conditions imposed by the San Diego Air Pollution Control District, the California Integrated Waste Management Board, the Local Enforcement Agency, the Regional Water Quality Control Board, and other oversight boards and commissions. These permit conditions also help ensure that the proposed project would not be detrimental to the public health, safety or welfare.

No sensitive human receptors are located close to the existing landfill disposal area - the nearest school (West Hills High School) is situated 3,500 feet southeast of the landfill boundary. The closest residential development is approximately 3,500 feet east and south of the site. Other residential developments have been proposed 1,800 feet east of the landfill boundary (Castlerock), and 7,900 feet west of the boundary (Military Family Housing Site 8, MCAS/Miramar). Sycamore Landfill operates under existing Permit No. 971111 issued by the County of San Diego Air Pollution Control District (APCD). The current operational permit allows no releases of odors or dust from any part of the landfill, associated landfill operations or on-site equipment that exceed the applicable visible emission or public nuisance standards specified in the APCD rules and regulations. The proposed project incorporates a liner system to protect groundwater, and monitoring wells to confirm the effectiveness of the liner system.

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

In addition, the proposed project health risk assessment for air emissions that was completed for the Master Development Plan concluded that all public health risks for any potential health risk pathways at all sensitive receptors would be less than the applicable adopted public health risk thresholds, therefore there is no public health risk as a result of the approval of the Master Development Plan.

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

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

3. The proposed development will comply with the regulations of the Land Development Code including any proposed deviations pursuant to Section 126.0602(b)(1) that are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The proposed project has been designed to comply with the development regulations of the San Diego Municipal Code and the City's Land Development Code, including the requirements for a site development permit to protect, preserve and, where damaged, restore environmentally sensitive lands, as further discussed below. Implementation of the proposed project would require deviations from the Municipal Code, and the findings for those deviations are more fully described in the Supplemental Findings for the associated Site Development Permit No. 9310.

Sycamore Landfill provides municipal solid waste capacity for a large portion of the City of San Diego and the San Diego County region. According to the CIWMP, Sycamore's existing capacity under its approved plan represents approximately 30% of San Diego County's existing disposal capacity. More recent capacity calculation methods required by the state indicate that Sycamore Landfill actually provides closer to 57% of the County's municipal solid waste disposal capacity. The 2005 Siting Element was subject to a 2011 Review Report (County of San Diego 2011a) that projects exhaustion of the existing permitted disposal capacity for the region in 2017 with current permitted capacity, and provides a number of updates and/or additions to the assumptions used in the 2005 Siting Element. Specifically, these include current data related to demographics, as well as the following updates regarding waste generation, recycling and disposal rates; and assumptions on existing and proposed landfill capacity. The 2011 Review Report notes that although solid waste disposal decreased by approximately one million tons between 2006 and 2010, expansion of the Sycamore Canyon Landfill is assumed to begin in 2012, with additional expansion phases to be implemented as needed and to coincide with events such as closure of the Miramar and Otay Landfill sites (and increases in permitted tons per day at the Sycamore Canyon Landfill assumed to correspond with expansion phases).

Based on the described information and “continued improvements in recycling,” the 2011 Review Report projects that current in-County permitted landfill capacity, including the proposed Sycamore Canyon Landfill expansion, will be exhausted in approximately 2028. Accordingly, the report concludes that “San Diego County continues to have 15 years of disposal capacity... Revision to the Countywide Siting Element of the CIWMP is not warranted at this time.” The regional need for the expansion is clear in the text of those documents. If expansion of the Sycamore Landfill is assumed, the physical capacity of the County-wide landfill system is projected to be adequate to approximately 2028 (ibid).

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

The proposed project with its proposed deviations, including the deviation from the industrial zone requirement for outdoor amenities, results in a more desirable project than would be achieved if strict conformance was required. According to SDMC Sec. 131.0601, “The purpose of the industrial zones is to accommodate a range of industrial and manufacturing activities in designated areas to promote a balanced land use and economy and to encourage employment growth. The industrial zones are intended to provide flexibility in the design of new and redeveloped industrial projects while assuring high quality *development* and to protect land for industrial uses and limit non-industrial uses.”

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


There are no comparable situations in the surrounding neighborhood. No other industrial uses are permitted within miles of the site, and there are few developments of any kind near the landfill disposal area. West Miramar Landfill, the nearest similar landfill in the region, provides

two picnic benches in an area near its administrative offices, similar to what would be provided at Sycamore. The proposed deviation would be beneficial to the neighborhood because of unique circumstances at the subject site, in that the workers at the site, who spend most of their day outside, would have an indoor eating area. Moreover, it benefits the neighborhood and the workers to have an indoor eating area rather than eating outdoors at the operating landfill. The landfill has existed at the present location for more than forty years, and no outdoor amenity beyond the picnic bench cited above has ever been provided.

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

BE IT FURTHER RESOLVED, that SDP No. 9310 and PDP No. 9309 are granted to Sycamore Landfill, Inc. Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Keith Bauerle
Deputy City Attorney

KB:sc
08/30/12
Or.Dept:DSD
Doc. No. 430585

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 421084

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

This Site Development Permit No. 9310 and Planned Development Permit No. 9309 to amend prior permits is granted by the City Council of the City of San Diego to Sycamore Landfill, Inc., a California Corporation,, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 517 acre site is located at 8514 Mast Boulevard in the in the AR-1-2 and RS-1-8 Zones which are proposed to be rezoned to the IH-2-1 Zone; and the Mission Trails Design District Overlay zone. The project site is legally as Portions of Lots 3,4.9 and 10 of the resubdivision of part of Fanita Rancho, Map No. 1703, and a portion of Lot 73 of Rancho Mission, 330, and All that real property relinquished to the City of San Diego per document recorded March, 6, 2008 as Document No. 2008-0117850 of Official Documents Excepting Easement Parcels 26202-2, 26202-3, 26203-2, 26203-4, 26204-3, 26204-4, 26429-2, and 26429-3 all as shown on State Highway Map No. 307 dated March 7, 2001 as File/Page No. 2001-0129708 of Official Documents.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to continue to operate the existing Sycamore Landfill, with an increase in daily trips from the previous limit of 620 trucks per day (equating to 4,140 average daily trips (ADT) with passenger car equivalence (PCE) factor) increasing in phases over time to a maximum of 1,913 trucks per day of municipal solid waste (MSW) (equating to 9,713 ADT with PCE) through the landfill closure, the timing of which depends primarily on the amount of municipal solid waste generated in the region requiring disposal. In addition, permission is granted to Owner/Permittee to operate up to 24 hours a day, seven days a week. This permit also allows the Owner/Permittee to relocate the scale area and the administrative office, landscape the entrance, relocate the existing transmission line, add a citizen's convenience drop-off and relocated recycling center, and construct a maintenance facility and a perimeter access road. This permit

allows the Owner/Permittee to continue to process green/wood materials for alternative daily cover and/or beneficial reuse, and to continued aggregate processing operations within its boundaries. The permit also allows the Owner/Permittee to process construction and demolition (C&D) debris. In the future, composting also may be initiated at the landfill subject to subsequent environmental review at the time of compost project application. When implemented, the Master Plan development will extend the capacity of this resource for municipal solid waste management in the San Diego metropolitan area by 82 mcy, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated September 17, 2012, on file in the Development Services Department.

The project shall include:

- a. A solid waste landfill site of approximately 517 acres, an increase over the existing landfill site of approximately 26 acres;
- b. Increase in permitted traffic to 1,913 daily MSW trucks (or 9.712 average daily trips (ADT) with passenger car equivalent (PCE) factor, compared to the existing landfill's 4,140 ADT with PCE), subject to traffic mitigation requirements;
- c. Transmission line relocation;
- d. Continued Excavation of approximately 35-40 million cubic yards of native material, some of which shall be processed to produce commercial aggregate and exported as approved by PDP/SDP 40-0765;
- e. Construction of new permanent maintenance and operations/office facilities, relocated scales, public drop-off facilities for refuse and recyclables, expanded landfill gas management and power generation facilities, a new water storage tank for dust suppression and fire control, sedimentation basin, a new/relocated fueling facility and surface water management structures including utilities;
- f. Initiation of enhanced green/wood material processing operation to assist local governments in diverting additional organic material from the landfill waste stream;
- g. Initiation of construction and demolition (C&D) materials processing for recovery;
- h. Construction of a perimeter access road and landscaping of the entrance;
- i. Brushing and clearing of the portions of the site not yet cleared and where landfilling and construction of landfill ancillary facilities are anticipated by this permit;
- j. Continued operations of the existing aggregate processing facility. The hours of operation of the aggregate processing shall be the same as they are under the existing project; namely, 6:00 a.m. – 4:30 p.m. Monday through Friday, and 6:00 a.m. – 4:00 p.m. Saturday and Sunday;

- k. Up to 24 four hours of landfill operations (receiving and processing waste), seven days a week;
- l. Deviations to development regulations as outlined in this permit;
- m. Landscaping (planting and landscape related improvements); and
- n. Accessory improvements determined by the City to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the Development Services Department.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. This Planned Development Permit/Site Development Permit amends PDP/SDP 40-0765 and supersedes CUP No. 6066-PC, CUP No. 6066-PC AM-1, and CUP No. 6066-PC AM-2; and CUP 10-640-0 ("Prior CUPs"). The permit governing the electrical power use of methane gas, CUP 83-0789, is not a part of this amended PDP/SDP.

7. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).

8. In accordance with authorization granted to the City of San Diego from the United States Fish and Wildlife Service [USFWS] pursuant to Section 10(a) of the ESA and by the California Department of Fish and Game [CDFG] pursuant to Fish and Game Code section 2835 as part of the Multiple Species Conservation Program [MSCP], the City of San Diego through the issuance of this Permit hereby confers upon Owner/Permittee the status of Third Party Beneficiary as provided for in Section 17 of the City of San Diego Implementing Agreement [IA], executed on July 16, 1997, and on file in the Office of the City Clerk as Document No. OO-18394. Third Party Beneficiary status is conferred upon Owner/Permittee by the City: (1) to grant Owner/Permittee the legal standing and legal right to utilize the take authorizations granted to the City pursuant to the MSCP within the context of those limitations imposed under this Permit and the IA, and (2) to assure Owner/Permittee that no existing mitigation obligation imposed by the City of San Diego pursuant to this Permit shall be altered in the future by the City of San Diego, USFWS, or CDFG, except in the limited circumstances described in Sections 9.6 and 9.7 of the IA. If mitigation lands are identified but not yet dedicated or preserved in perpetuity, maintenance and continued recognition of Third Party Beneficiary status by the City is contingent upon Owner/Permittee maintaining the biological values of any and all lands committed for mitigation pursuant to this Permit and of full satisfaction by Owner/Permittee of mitigation obligations required by this Permit, as described in accordance with Section 17.1D of the IA.

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

10. Construction plans shall be in substantial conformity to Exhibit "A." No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

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

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

proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

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

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

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

14. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in Environmental Impact Report No. 5617, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Environmental Impact Report No. 5617, satisfactory to the Development Services Department and the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Biological Resources
- Traffic/Circulation
- Paleontological Resources
- Noise
- Historical Resources

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

LANDSCAPE REQUIREMENTS:

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

18. Prior to issuance of construction permits for public right-of-way improvements, the Permittee or Subsequent Owner shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall provide a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

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

20. Prior to issuance of any construction permits for buildings including shell, the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department.

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

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

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

24. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or prior to a Certificate of Occupancy or a Final Landscape Inspection.

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

26. Construction Documents for grading shall include the following note: "Installation of landscaping associated with these construction documents shall require a minimum short-term establishment period of 120 days for all native/naturalized slope restoration and a minimum long-term establishment/maintenance period of 25 months. Final approval of the required landscaping shall be to the satisfaction of the Mitigation Monitoring Coordination section of the Development Services Department.

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

28. During landfill operations, following approval of a revised Solid Waste Facilities Permit by the Local Enforcement Agency that permits the Master Plan, visible south and east facing graded areas not planned to be active for six months shall be planted within one month of grading using native, drought-tolerant plant material listed in the approved Landscape Development Plan in Exhibit A." Drainage and erosion control shall be in accordance with landfill design and operating standards and controls as required by Title 27, California Code of Regulations (27 CCR).

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

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

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

BRUSH MANAGEMENT PROGRAM REQUIREMENTS:

32. The Permittee or Subsequent Owner shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit 'A', Brush Management Plan, on file in the Office of the Development Services Department.

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

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

35. The Brush Management Program shall implement one modified Zone One consistent with the Brush Management Regulations of the Land Development Code Section 142.0412(i) as follows: The administrative building shall have an expanded Zone One of 100 feet.

PLANNING/DESIGN REQUIREMENTS:

36. No fewer than forty-five (45) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department.

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

38. The following deviations to development regulations are allowed with this permit :

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

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

40. This Planned Development Permit allows the current use and proposed use in accordance with SDMC section 143.0403(a)(1). Unlawful uses on any portion of the premises shall be terminated or removed as a requirement of the Planned Development Permit.
41. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
42. The maximum noise level created by the landfill disposal operations and aggregate processing shall not exceed 65 dB(A) CNEL at any time as measured at the property line. In addition, all feasible mitigation measures shall be implemented to preclude or, to the maximum extent practicable, limit, dust and/or odor nuisances from extending beyond the property line as a result of the operation of the landfill, including the aggregate processing facility.
43. The aggregate processing facility shall be limited to areas within the Master Plan boundary of the landfill at which disposal of municipal solid waste is allowed.
44. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located. In addition, lighting at the maintenance facility will be limited to security lighting, installed in compliance with City of San Diego lighting regulations (shielded, light not falling on MHPA areas). Outside lighting for the scales shall be shielded, directed downward and to the east, and shall be the minimum wattage needed to provide scales visibility. Landfill areas active at night shall be lighted with mobile lighting units, but direct view of these areas from areas of equal or lower elevation shall be screened by 15 feet – to – 20 feet high barrier berms. The lights shall be shielded and pointed toward the ground.
45. The existing citizen recycling area now near Mast Boulevard shall be removed. Portions of the former recycling area shall be regraded/revegetated.
46. The proposed transmission line relocation shall use non-specular (dulled finish) conductors.
47. Following construction of the electric transmission line relocation, temporary disturbance areas shall be revegetated.
48. Prior to the issuance of any construction permits, including but not limited to the first Grading Permit, Demolition Plans/Permits, and Building Plans/Permits, the ADD Environmental Designee of the City's LDR Division shall verify that the following statement is shown on the applicable grading and/or construction plans as a note under the heading *Environmental Requirements*: "Sycamore Landfill Master Plan Development is subject to the Mitigation, Monitoring, and Reporting Program and shall conform to the mitigation conditions as contained in the Environmental Impact Report No. 5617/SCH 2003041057.
49. Any material disposed on any portion of the site shall be restricted to municipal solid waste as approved by the Department of Resources Recycling and Recovery (CalRecycle) and the Regional Water Quality Control Board.

50. Adequate provisions shall be made to prevent surface flooding of the site by water from outside the site.
51. Burning shall not be permitted on the site.
52. Water shall be provided for control of dust and hot materials.
53. A fence shall be so constructed as to be capable of preventing the dispersion of paper and other materials from littering the surrounding area, with a lockable gate provided.
54. Prior to use, access road and plant operating area roads shall be oiled, paved, or otherwise dust-proofed and maintained as required by the Air Pollution Control Officer of San Diego County for dust control.
55. Dust control methods shall be applied to any dust-producing condition which may develop and result in a nuisance from this operation, as determined by the Air Pollution Control Officer of San Diego County.
56. Prior to final approval of a building permit, the property shall be provided with facilities approved by the San Diego Department of Public Health, as follows:
 - a. A potable water supply;
 - b. Proper sanitary facilities, including toilet and hand-washing facilities for employees working on the premises. These facilities shall be installed in conformance with the laws applicable thereto.
57. Any ponds or surface waters shall be maintained in such a manner as to prevent the development of a pest nuisance.
58. The construction and operation of the proposed use shall comply at all times with the regulations and requirements of this and other governmental agencies.

TRANSPORTATION REQUIREMENTS

59. The existing landfill scales shall be relocated to an area approximately 2,800 feet from the landfill entrance at Mast Boulevard.
60. Prior to the issuance of the first construction permit, the project applicant shall widen and improve the westbound Mast Boulevard approach to provide a dedicated through lane and dual right-turn lanes from West Hills Parkway/Project Driveway to Westbound SR-52 ramps, to the satisfaction of the City Engineer and Caltrans.
61. Prior to the issuance of the first construction permit, the project applicant shall widen and improve the intersection of Mast Boulevard and 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

Southbound: one left lane, one through lane and one right lane

62. Prior to the issuance of the first construction permit, the project applicant shall widen and improve Mast Boulevard to six lanes with a raised median from SR-52 Westbound Ramps to east of West Hills Parkway/Project Driveway to accommodate the increased through lanes at the intersection, to the satisfaction of the City Engineer.

63. 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 design study and the construction of improvements to the SR-52 Westbound Ramps/Mast Boulevard intersection and on-ramp, satisfactory to Caltrans and the City Engineer.

64. To reduce traffic impact to State Route 52 during peak periods SLI shall make a good faith effort to restrict the arrival of vehicles to the landfill thru *direct control*, *contractual control* (adding provisions into waste haulers' contracts regarding hours deliveries should be made), and *peak hour disposal pricing* (charging more for disposals that occur during peak hours).

WASTEWATER REQUIREMENTS:

65. The property owner shall sign and record an agreement against their property to connect to sewer within thirty (30) days after such public sewer system becomes available.

66. All on site sewer facilities shall be private.

67. The developer shall design and construct all proposed public sewer facilities in accordance with established criteria in the most current edition of the City of San Diego sewer design guide. Proposed facilities that do not meet the current standards shall be redesigned or private.

68. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities necessary to serve this development.

69. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Uniform Plumbing Code and shall be reviewed as part of the building permit plan check. In addition, the developer shall submit calculations, satisfactory to the Metropolitan Wastewater Department Director, for sizing of the proposed sewer lateral from the property line to its connection with the public sewer main.

WATER REQUIREMENTS:

70. Prior to the issuance of any engineering permit, including grading, the Owner/Permittee shall provide evidence to the Development Project Manager indicating that approval has been obtained from the Padre Dam Municipal Water District for water service to the site.

71. Prior to the final inspection of any engineering or building permit, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code §66020.
- Owner/Permittee may be required to pay applicable Development Impact Fees (DIF) at the time of building permit issuance. The DIF shall be calculated based upon the City Council adopted East Elliott Public Facilities Financing Plan (PFFP) in effect at the time of building permit issuance.
- A draft East Elliott Public Facilities Financing Plan is being prepared. Land use categories and Development Impact Fee rates will be developed based upon the nexus determinations demonstrated in the PFFP.
- Applicant may request formation of a Cost Reimbursement District for Transportation infrastructure improvements.
- A Housing Trust Fund Fee (HTF) will apply to this project and is due at the time of building permit issuance. The HTF is calculated for each non-residential structure permitted on the site.

APPROVED by the City Council of the City of San Diego on SEP 17 2012,
Resolution No. R- 307685.

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

Jeannette Temple
Development Project Manager

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

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

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

By _____
Neil Mohr
Allied Waste

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