

RESOLUTION NUMBER R-290733

ADOPTED ON SEPTEMBER 15, 1998

WHEREAS, the City of San Diego Engineering and Capital Projects Department, Permittee, filed an application for a Resource Protection Ordinance Permit to construct/replace approximately 850 feet of 15-inch diameter sewer main to 18-inch diameter sewer main, located north of I-8 and Airoso Avenue on the lower east side of Chaparral Creek in the City of San Diego within the Navajo Community Planning area; and

WHEREAS, on September 15, 1998, the Council of the City of San Diego considered Resource Protection Ordinance Permit No. 95-0266, 98-0126, pursuant to Section 101.0462 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Resource Protection Ordinance Permit No. 95-0266, 98-0126:

1. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN.

The proposed development will not adversely affect the City of San Diego's Progress Guide, General Plan and Navajo Community Plan. The project will replace 850 feet of 15-inch sewer main with 18-inch sewer main.

2. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY AND WELFARE.

The proposed development is located in the Chaparral Creek area. The replacement of the existing sewer line in the remote area will not be detrimental to the public health, safety and welfare.

3. THE PROPOSED DEVELOPMENT WILL COMPLY WITH THE APPLICABLE REGULATIONS OF THE MUNICIPAL CODE.

The proposed development with its mitigation measures described in the Mitigation, Monitoring and Reporting Program will comply with the Resource Protection Ordinance of the Municipal Code.

4. THE SITE IS PHYSICALLY SUITABLE FOR THE DESIGN AND SITING OF THE PROPOSED DEVELOPMENT AND THE DEVELOPMENT WILL RESULT IN MINIMUM DISTURBANCE TO SENSITIVE BIOLOGICAL RESOURCES.

The proposed development has been sited and designed to prevent adverse impacts on environmentally sensitive land and resources in the Chaparral Canyon area. It will result in minimum disturbance to sensitive biological resources.

5. THE PROPOSED DEVELOPMENT WILL BE SITED AND DESIGNED TO PREVENT ADVERSE IMPACTS ON ANY ADJACENT SENSITIVE BIOLOGICAL RESOURCES.

The proposed sewer line and the permanent sewer access maintenance road have been carefully sited and designed to minimize adverse impacts to the existing vegetation.

6. THE PROPOSED DEVELOPMENT WILL BE CONSISTENT WITH THE CITY OF SAN DIEGO'S MULTIPLE SPECIES CONSERVATION PROGRAM (MSCP) SUBAREA PLAN.

The proposed project will not significantly affect the maintenance and enhancement of biological diversity in the region. The conservation of viable populations of endangered species and their habitats will be consistent with the City's MSCP program.

7. 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.

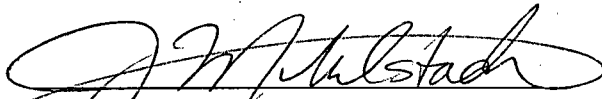
The five year mitigation, monitoring and reporting program required as the permit condition will mitigate the impacts through revegetation at a consolidated mitigation site. Other indirect impacts to wildlife of the project that potentially result from noise will be reduced to a level that is not significant through noise reduction procedures during construction.

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

BE IT FURTHER RESOLVED, that based on the findings hereinbefore adopted by the City Council, Resource Protection Ordinance Permit No. 95-0266, 98-0126 is hereby granted to Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Jacqueline Mittelstadt
Deputy City Attorney

JM:pev
10/26/98
Or.Dept:Clerk
R-99-494
Form=permitr.frm

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**RESOURCE PROTECTION ORDINANCE PERMIT 95-0266, 98-0126
LAKE MURRAY TRUNK SEWER**

CITY COUNCIL

This permit is granted by the Council of The City of San Diego to the CITY OF SAN DIEGO ENGINEERING AND CAPITAL PROJECTS DEPARTMENT, Permittee, pursuant to Section 101.0462 of the Municipal Code of the City of San Diego. The project is located north of I-8 and Airoso Avenue on the lower east side of Chaparral Creek within the Navajo Community Planning area. The project site is zoned Residential (R1-20000) and Hillside Review (HR).

Subject to the terms and conditions set forth in this permit, permission is granted to Permittee to construct the Lake Murray Trunk Sewer. The project is described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated September 15, 1998 on file in the Office of Development Services. The facility shall include:

- a. Replacement of approximately 850' of 15-inch sewer main with 18-inch sewer main and associated mitigation.
 - b. Environmental mitigation for the manhole repair in Murray Ridge.
 - c. Environmental mitigation for the spill in Chaparral Canyon.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this permit be conducted on the premises until:
 - a. The Permittee signs and returns the permit to Development Services; and
 - b. The permit is recorded in the office of the San Diego County Recorder.
 3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

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

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

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

7. The Owner/Permittee shall secure all necessary construction permits.

8. Before the construction starts, complete sets of working drawings shall be submitted to the City Council for review. Plans shall be in substantial conformity to Exhibit "A," dated September 15, 1998 on file in the Office of Development Services. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this permit be required to comply with each and every condition in order to be afforded special rights which the holder of the permit is obtaining as a result of this permit. It is the intent of the City that the Owner of the property which is the subject of this permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this permit, but only if the Owner complies with all the conditions of the permit.

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

10. This permit has been issued in accordance with all authorizations granted to the City of San Diego and all limitations imposed upon the City of San Diego by the United States Fish and Wildlife (USFWS) pursuant to Section 10(a) of the Endangered Species Act (Incidental Take Permit No. PRT-830421, effective 7/18/97 and expiring on 7/18/2047) 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). As a result, if mitigation for this project is implemented in accordance with this permit and the MSCP, this project will enjoy all assurances provided to the City in the City of San Diego Implementing Agreement (IA) executed on July 17, 1997.

11. The area in Mission Trails Park that will be affected by the construction of the sewer line trench, shall be generally restored to it's original form.

12. The environmental mitigation requirement of this project is indicated in the attached MITIGATION, MONITORING AND REPORTING PROGRAM.

13. All required revegetation shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the *Landscape Technical Manual*.

14. If any required revegetation (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during construction, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the City Council of the City of San Diego by Resolution No. R-290733, on September 15, 1998.

AUTHENTICATED BY THE CITY MANAGER

By _____

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

CITY OF SAN DIEGO
ENGINEERING AND CAPITAL
PROJECTS DEPARTMENT
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

10/28/98

R-290733

MITIGATION, MONITORING AND REPORTING PROGRAM:

As conditions of the Resource Protection Ordinance Permit (RPO) and Council Authorization, and incorporated into the construction plans and specifications, the following mitigation measures are required to reduce potentially adverse impacts associated with biological resources, to below a level of significance:

NOTE: This MMRP incorporates mitigation for the Lake Murray Trunk Sewer Project as well as for two other projects which are: 1) Emergency repairs for the Murray Ridge Manhole Repairs and, 2) Chaparral Canyon; Settlement Agreement between the City of San Diego and the Regional Water Quality Control Board (See Initial Study for further discussion).

1. LAKE MURRAY TRUNK SEWER PROJECT

A total of 0.33-acre of wetlands shall be enhanced and/or created on-site (0.12-acre enhancement; 0.21-acre creation/enhancement). This shall be accomplished onsite by the conversion of upland ruderal habitat and/or disturbed habitat to wetland habitat. Mulefat-eldeberry/southern willow scrub container plantings and a seed mix will be used for this effort (see Container Plant Palette and Seed Mix, Table 2).

2. MURRAY RIDGE MANHOLE REPAIRS

A total of 0.78 acres of wetland enhancement shall be done on-site in combination with Item 1, above.

3. CHAPARRAL CANYON

A total of 0.53 acres of exotics removal and wetland enhancement and 0.42 of coastal sage scrub shall be done on-site.

A Conceptual Revegetation Program has been prepared for mitigation for all three of the above projects. This Plan consists of:

1. PROJECT RESPONSIBILITIES:

The applicant (Engineering and Capital Projects Department) shall be responsible for hiring a revegetation contractor and a project biologist to implement the installation, maintenance and monitoring programs.

The contractor shall be responsible for all grading and contouring, clearing and grubbing, installation of temporary irrigation systems, installation of plant materials and native seed mixes, and any necessary maintenance activities or remedial actions required during installation and the initial 120-day plant establishment period. The Biologist shall conduct construction monitoring and the five year mitigation monitoring program. The Applicant shall be responsible for hiring a landscape maintenance contractor to carry out the long-term five-year maintenance requirements.

The Biologist shall be responsible for monitoring the revegetation effort, and for preparing interim and annual reports documenting the status of the project. The Biologist also shall assist the Applicant with any decisions regarding the need for specific remedial actions during the monitoring period.

A Mitigation, Monitoring, and Reporting Program, of a minimum of five years, shall be incorporated into the Wetland Management Plan described in Section 4. The monitoring program and maintenance of the revegetation area, including weed and giant reed eradication, supplemental irrigation and replanting (if necessary) will be the responsibility of the Applicant. If success is achieved prior to the end of the five-year period, no further work will be required.

2. SITE PREPARATION AND INSTALLATION REQUIREMENTS:

Prior to grading and clearing/grubbing activities, the mitigation/revegetation site limits must be surveyed and staked by the Applicant and Biologist to designate the limits of work areas. The Biologist shall flag all existing native vegetation patches to be preserved within the project limits. The Contractor shall only utilize this designated access area. Non-native exotic tree species shall also be flagged for removal.

- a. Areas designated for wetland creation will be excavated and recontoured to match the topography and hydrology of existing wetland areas. Excavated soils will be removed from the wetland creation areas, as well as any remnant piles of trash, organic debris, and construction materials. Approval of finish grading should be coordinated with the Project Biologist. Disking may be required within the graded portions of the mitigation site to a depth of six inches upon completion of final grading, to relieve compaction that may have occurred during excavation.
- b. The goal of the clearing and grubbing effort is to provide a weed-free, clear understory area around existing native species to be preserved, suitable for enhancement planting within existing degraded riparian habitat. Clearing and grubbing activities will include the removal and disposal of all non-native herbaceous vegetation, trash, and debris located within the riparian areas. All materials should be disposed of offsite in an approved manner. The Project Biologist shall periodically monitor all site clearing and grubbing activities. No equipment will be allowed to be operated in ponded or flowing water, except as necessary to install the sewer line.

The removal of larger-stature exotic species from the wetland enhancement areas should be coordinated with the grading and clearing/grubbing effort. In this manner, the entire rooting mass of these species should be removed and disposed of off-site. Exotic/invasive species to be removed include Brazilian/California pepper trees, myoporum, ash, acacia, eucalyptus, pampas grass, tamarisk, tree tobacco, castor bean, fennel, Mexican/California fan palm trees and Canary Island date palm trees.

In addition, herbaceous weed species and non-native grasses including, bermuda grass, black and field mustards, white sweetclover, African umbrella-plant, curly dock, garden nasturtium, florist's smilax, thistles, Hottentot fig, cocklebur, and other common weeds shall be removed from the wetland creation and enhancement areas. The Contractor shall

coordinate with the Project Biologist regarding identification of exotic/weed species to be removed.

c. Perimeter Fencing and Signage

Permanent perimeter fencing will be maintained around the accessible edges of the mitigation/revegetation sites. Existing fencing is in place along the south and east edges of the site. This fencing shall be reinstalled and/or repaired after the sewer improvement work is completed to protect the mitigation/enhancement sites from damage. Lockable gates will be designated for maintenance access during the long-term maintenance and monitoring of the mitigation/enhancement areas.

Construction silt fencing will be employed as necessary along the edge of the revegetated/enhanced riparian areas for erosion control protection and control of sediment flow into existing wetlands, as directed by the Biologist.

Signs shall be posted on the perimeter fencing, every 100 feet, indicating that the area is part of the Multiple Habitat Planning Area (MHPA) Conservation Area and that sensitive habitats and wildlife exist there which shall be preserved. Final wording of the signs shall be determined between the Applicant and the Biologist.

d. Irrigation Installation

A temporary irrigation system will be installed for the establishment of the wetland plantings. The irrigation will consist of an automatically operated overhead spray system. All irrigation lines will be placed at grade and staked in place. The Applicant will be responsible for providing a temporary water meter and electrical hook-ups, as needed. A solar controller or battery operated controller can be utilized as an option if conventional power cannot be provided. The irrigation design and layout will be per the final irrigation plans produces as part of the construction documents. The irrigation system should provide complete and even coverage of the mitigation/revegetation areas where container plants will be installed. Some seed areas shall be installed as non-irrigated as shown on the plans.

3. PLANT MATERIALS AND INSTALLATION SPECIFICATIONS:

Implementation of the wetland mitigation/enhancement program must be coordinated among the Applicant, the Project Biologist, and the Contractor. The contracting nursery to supply container plant material should be given a minimum time of nine months lead time to prepare plant material for the project, in order to assure species availability from commercial sources, however, the seed supplier should be contacted to confirm availability and the need for pretreatment of selected seed species.

a. Species Composition and Plant Materials

Species to be planted in the mitigation/enhancement areas will be similar to those occurring in existing southern willow scrub and coastal sage scrub vegetation onsite. Plant container sizes have been selected to help support plant survival and establishment with limited supplemental irrigation.

- Southern Willow Scrub

Southern willow scrub species will include overstory and understory species, as shown on Table 2, to create an adequate composition of species to evolve into the intended habitat. Seed mixes will be hand-broadcast seeded, or hydroseeded depending on accessibility, throughout the mitigation/enhancement areas to provide additional understory composition, nurse crop establishment, and erosion control protection.

- Coastal Sage Scrub (CSS)

The upland transitional CSS areas along the perimeter of the wetland habitat will be seeded with appropriate non-invasive native species to reduce the introduction of exotic species into the wetland habitat and to enhance the existing coastal sage scrub vegetation. Species are shown on Table 3.

The nursery that provides container plant materials should be contacted a minimum of nine months prior to planting to set up a contract growing agreement to reserve the plant material for the project. Few nurseries have experience dealing with native plants, especially those not used for ornamental purposes. Nurseries such as Tree of Life in San Juan Capistrano, Mockingbird Nursery in Riverside, and/or approved equal source, have experience in providing material for riparian wetland revegetation projects. Other nursery sources may be acceptable if approved by the Project Biologist. Seed may be obtained from S&S Seed in Carpenteria, Albright Seed Company in Pomona, or approved equal.

b. Planting Arrangement

Figure 3 illustrates the proposed mitigation/enhancement areas. The field layout of all container plants shall be based upon the final landscape construction drawings to be prepared following approval of this Plan by the Project Biologist. Wild rose, mule fat and Mexican elderberry will be planted primarily along the outer fringes of the southern willow scrub and mulefat/elderberry scrub revegetation areas. The designated native seed mixes will be broadcast throughout the mitigation/enhancement sites as indicated on the final drawings.

c. Planting Procedure

The standard procedure for planting container stock shall be to dig a hole about twice the width of the rootball of the plant. The hole is then filled with water and allowed to drain. The plant shall be positioned so that the surface of the soil in the container is at ground level. Finally, soil shall be backfilled around the rootball of the plant. Plants shall be watered-in by hand or fully irrigated immediately after planting. Each container plant shall have a 2-inch thick mulch layer installed in a two-foot diameter around the rootball. The mulch shall not touch the trunk or plant crown directly. All mulch shall be locally-imported and composed of wee-free native coarse shredded bark or approved equal.

d. Timing of Plant Installation

Appropriate timing of planting may decrease or eliminate the need for supplemental watering and will increase the survival of the plants. The best survival rates are achieved when native species are planted between 15 November and 15 April. This time frame would minimize the need for irrigation. Otherwise, irrigation would need to be installed. An approximate schedule of installation activities are shown on Table 4.

e. Irrigation Requirements

Temporary irrigation will be employed for the establishment of the revegetation and enhancement areas. A temporary irrigation system will be installed for use during the 120-day Plant Establishment Period and as-needed during the long-term maintenance period. Anticipated period is 2 - 3 years. Irrigation will be used on an as-needed basis through the following two summers after planting. Irrigation will be employed to increase the survival rate of container stock, to increase growth and encourage establishment. Irrigation will be phased out by the end of the 5-year monitoring period.

Scheduling of irrigation applications should be coordinated with the Applicant and the Project Biologist.

f. Replacement Planting

One hundred percent of all dead container plant materials shall be replaced prior to the end of the 120-day Plant Establishment Period. Any bare seed area greater than 225 square feet (15' x 15') shall be reseeded with the previously specified seed mix, at the end of the 120-day Plant Establishment Period

During the long-term maintenance/monitoring period, by September following the first summer after planting, the plants should be checked for survivability. Any dead container plants greater than 10 percent shall be replaced with the same size material as was planted originally.

Replacement planting should be done in November or December of that year. The survivability check in September should be part of a technical monitoring assessment described in Section 4 (Wetland Management Plan) below.

4. WETLAND MANAGEMENT PLAN:

The purpose of the Wetland Management Plan is to provide guidelines for maintenance of the revegetated habitat, both during the initial establishment period and during the long-term maintenance/monitoring period. Because the goal of the revegetation plan is to create a natural system that can support itself with little or no maintenance, the primary maintenance effort is concentrated in the first few seasons of growth to adequately establish the plant materials.

a. 120-Day Establishment Period

The contractor will be responsible for the maintenance of the wetland mitigation areas for a minimum period of 120 days after installation. A retention amount of \$10,000 shall be withheld until the end of program. Maintenance visits shall be conducted on a weekly basis through the plant establishment period. Maintenance activities will include all items described in Section 5 and plant replacement as described in Section 4.a. At the end of this period, the Applicant and the Project Biologist will review the mitigation area to determine the completion of the Plant Establishment Period. Any punch-list items developed during this review will be completed by the Contractor prior to final acceptance of the mitigation site. Once finally accepted, retention monies will be paid.

b. A Contractor will be retained by the Applicant to complete the maintenance activities throughout the five year mitigation monitoring and maintenance period. Maintenance visits will be conducted twice per month for the first six months, once per month for the remainder of the first year, and quarterly thereafter. Maintenance activities will include all items described in Section 5.0. Plant replacement will be conducted per the direction of the Project Biologist and the City.

If success is achieved prior to the end of the five-year period, no further requirements will be necessary.

5.0 MAINTENANCE:

- a. Existing native species shall not be cleared in the mitigation or enhancement sites, unless directed by the Project Biologist.
- b. The mitigation site shall not be fertilized during the maintenance Period, unless directed by the Project Biologist.
- c. In general, native vegetation shall not be pruned within the mitigation site; however, the thinning and removal of native vegetation may occur in the

immediate proximity of the access road, in order to allow for long-term vehicular access.

- d. Non-native species may invade the mitigation site and become a problem before or during the establishment of the native plants. Weedy, invasive, non-native species including Brazilian pepper tree, giant reed, myorporum, Canary Island date palm, black and field mustards, white sweetclover, African umbrella- plant, curly dock, garden nasturtium, florist's smilax, castorbean tamarisk, pampas grass, bermuda grass, and tree tobacco, should be removed as soon as they begin to invade and before they become too large for hand extraction.
- e. No maintenance service vehicles will be allowed in the mitigation site after the completion of the site preparation activities. No power equipment fluids will be changed or added while the equipment is within the mitigation site.

6. GENERAL HABITAT MAINTENANCE GUIDELINES:

- a. Weed Control: Weed control measures shall include the following: 1) hand removal, 2) cutting or mowing, and 3) chemical control. Hand removal of weeds is the most desirable method of control and shall be used wherever possible. Weeds such as Russian thistle, cocklebur, field mustard, and castorbean should be hand removed before seed-set. Cutting or mowing is the most practical method, but requires that maintenance personnel be able to accurately differentiate between native plantings and non-native weeds. This method may be used for control of cheeseweed, thistles, and sweetclover. Because these species are fast growing, it is critical that they are controlled before they shade out/compete native species. Chemical control shall be used only for hard-to-control weeds such as giant reed, tamarisk, and pampas grass or for other exotic species if such weeds cannot be completely removed by hand. A cut-and-paint herbicide treatment should be employed for these difficult species which requires the application of the herbicide on a freshly cut stem within two minutes of the cutting, before the sap on the cut surface begins to congeal.

All non-native seedlings and resprouts should be removed or treated prior to seed set.

- b. Reseeding: The Contractor shall be held liable for reseeding if weeds are not removed in a "timely manner," thus preventing the establishment of the intended species. A "timely manner" should be understood to be within one week of written recommendation by the Project Biologist, or as specified in this document. More frequent weeding will be performed as necessary or as recommended by the Project Biologist to keep weeds at manageable levels.

7.0 BIOLOGICAL MONITORING:

- a. **Qualitative Monitoring.** The revegetation effort should be visually assessed in September following the first planting to determine mortality of individuals and initial success of the seeding. The number and species of dead plants should be recorded, along with percent cover. Thereafter, monitoring shall consist of a field check during the spring by a qualified biologist to assess species composition, percent cover, size of individuals, and use of the revegetated area by wildlife species. Fall monitoring should be conducted to determine mortality as described above. Permanent photo-documentation stations will be established to record the progress of the mitigation over the 5-year monitoring period.

Monitoring will occur every 6 months for a minimum period of five years.

For each monitoring period, an interim report shall be submitted to the Applicant. An annual report outlining the results of the interim monitoring surveys should be submitted by the Applicant to the Resource Agencies and the City of San Diego, Development Services Department following completion of each year's anniversary date (refer to Table 4, Schedule of Activities). The monitoring reports shall describe the status of the site, identify all shortcomings of the revegetation effort, and recommend remedial measures necessary for the successful completion of the mitigation project.

- b. **Quantitative Monitoring:** The revegetation effort shall be quantitatively evaluated once per year in the spring during years three through five, to determine compliance with the performance standards. Data shall be collected on percent cover, as well as height of tree species through a representative sampling of planted specimens. Cover shall be measured using line intercept transects (30 meter lengths) at the rate of two transects per each revegetation type. Results shall be included in the year-end reports.

8.0 PERFORMANCE CRITERIA

The following performance standards for planted material shall be the basis for determining success:

- a. **First Year Performance Standards:**

100 percent survival of all container planted species
50 percent cover overstory trees
10 percent cover of shrubs and seeded species

b. Second Year Performance Standards:

- 95 percent survival of all container planted species
- 60 percent cover overstory trees
- 15 percent cover of shrubs and seeded species

c. Third Year Performance Standards:

- 90 percent survival of all container planted species
- 70 percent cover overstory trees
- 20 percent cover of shrubs and seeded species
- 10-foot mean height for willows

d. Fourth Year Performance Standards:

- 85 percent survival of all container planted species
- 80 percent cover overstory trees
- 25 percent cover of shrubs and seeded species
- 15-foot mean height for willows

e. Fifth Year Performance Standards:

- 80 percent survival of all container planted species
- 90 percent cover overstory trees
- 30 percent cover of shrubs and seeded species
- 20-foot mean height for willows

9.0 COMPLETION OF MITIGATION:

At the end of the fifth year (or sooner if success is achieved and accepted by the resource agencies and DSD), a final report will be submitted to the agencies and the City of San Diego Development Services Department, evaluating the final status of the mitigation/enhancement project. The report will make a determination of whether the requirements of the mitigation program have been achieved. At that time, if a 90 percent coverage of trees and shrubs combined has not been met, the Applicant must consult with the Resource Agencies and the City of San Diego Development Services Department. This consultation will take place to determine whether the mitigation effort is acceptable. The Applicant understands that failure of any significant portion of the mitigation site may result in a requirement to replace or revegetate that portion of the site and extensions to the long-term maintenance and monitoring period.

10. SEASONAL RESTRICTIONS:

If construction occurs between March 1 - August 15 of any given year, then work within 500 feet of any gnatcatcher occupied habitat, the following procedures will be required:

- Additional focused gnatcatcher surveys shall be required and noise barriers may be needed.
- Prior to construction in sensitive areas and no more than one month prior to construction, three protocol surveys shall be conducted to determine the presence or absence of California gnatcatchers in the adjacent habitat. If this species is detected, their territories shall be plotted on a map with noise contour lines superimposed. If the gnatcatcher territories are outside of the 60 dB(A) contour line, construction may proceed. If the territories would be subjected to the 60 dB(A) or greater, mitigation shall be through one of the following options:
 - a. Construction activities shall be allowed only between August 15 and March 1, or
 - b. If it is not feasible to restrict construction timing, a temporary noise and line of sight barrier shall be installed between the habitat and the construction and/or noise-attenuating devices shall be installed on construction equipment. Noise monitoring shall be conducted at the edge of the habitat by a qualified acoustical engineer.

If option (b) is implemented, the applicant shall provide verification that a qualified acoustical engineer has been retained to provide noise monitoring.

**TABLE 2. RECOMMENDED SPECIES FOR
SOUTHERN WILLOW SCRUB/RIPARIAN SCRUB
CREATION/ENHANCEMENT AREAS**

Southern Willow Scrub/Riparian Scrub Container Plant Palette
(For all SWS Creation and Enhancement Areas, 1.64 Acres)

<u>BOTANICAL NAME/COMMON NAME</u>		<u>DENSITY</u>	<u>QUANTITY</u>	<u>SIZE</u>
<u>Overstory Trees (Assumes 100% canopy cover) % Composition</u>				
<i>Salix exigua</i> - sandbar willow	10%	8 ft. o.c.	112	1 gallon
<i>Salix goodingii</i> - black willow	30%	12 ft. o.c.	149	1 gallon
<i>Salix lasiolepis</i> - arroyo willow	50%	15 ft. o.c.	159	1 gallon
<i>Sambucus mexicana</i> - Mexican elderberry	10%	15 ft. o.c.	<u>32</u>	1 gallon
		TOTAL	452	
<u>Understory Shrubs (Assumes 80% cover by shrubs)</u>				
<i>Baccharis salicifolia</i> - mule fat	50%	8 ft. o.c.	446	1 gallon
<i>Iva hayesiana</i> - San Diego marsh-elder	10%	6 ft. o.c.	158	1 gallon
<i>Rosa californica</i> - wild rose	10%	6 ft. o.c.	158	1 gallon
<i>Rubus ursinus</i> - California blackberry	10%	8 ft. o.c.	<u>89</u>	1 gallon
		TOTAL	851	
TOTAL TREES & SHRUBS			1,303	

Seed Mix A (Riparian Seedmix)
(All SWS Creation and Enhancement Areas)

<u>BOTANICAL NAME/COMMON NAME</u>	<u>%P%G</u>	<u>RATE LBS./ACRE</u>	<u>REMARKS</u>
<i>Ambrosia psilostachya</i> - western ragweed	2/40	6	No Treatment
<i>Artemisia douglasiana</i> - mugwort	10/50	8	No Treatment
<i>Artemisia palmeri</i> - San Diego sagewort	15/50	8	No Treatment
<i>Leymus triticoides</i> - beardless wild rye	90/80	3	No Treatment
<i>Lotus scoparius</i> - deerweed	90/60	4	Hot water
<i>Lupinus succulentus</i> - arroyo lupine	98/25	4	Hot water
<i>Oenothera elata</i> - evening primrose	98/75	2	No Treatment
<i>Pluchea odorata</i> - marsh fleabane	35/60	<u>4</u>	No Treatment
		39	

- Note:
- %P%G = Percentage Purity and Percentage Germination of the seed per species. This is the minimal acceptable quality of the seed to be provided.
 - Hydroseeding may be an acceptable alternative if vehicular access is feasible, and slurry mix components are approved by the City and Biological Monitor.
 - Seed mix to be installed between the months of November through January.
 - Seed to be hand seeded or hydroseeded.

3-19-98 bf.



Table #2.

Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

TABLE 3. RECOMMENDED SPECIES FOR UPLAND CSS ENHANCEMENT

Seed Mix B (Coastal Sage Scrub Seed Mix)

Total Area: 0.59 Acre

Seed mix to be installed in a non-irrigated condition between the months of November 15 through April 15. Seed to be hand seeded or hydroseeded. No container plants proposed for these areas, seeding only.

Note: Hydroseeding may be an acceptable alternative if vehicular access is feasible, and slurry mix components are approved by the City and Biological Monitor.

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>%P/%G*</u>	<u>RATE LBS/Ac</u>	<u>REMARKS</u>
<i>Adenostoma fasciculatum</i>	chamise	50/20	5 lbs/ac.	No treatment
<i>Artemisia californica</i>	California sagebrush	15/50	8 lbs/ac.	No treatment
<i>Encelia californica</i>	California encelia	40/60	2 lbs/ac.	No treatment
<i>Eriogonum fasciculatum</i>	flat-topped buckwheat	10/65	8 lbs/ac.	No treatment
<i>Isocoma menziesii</i>	coast goldenbush	20/40	4 lbs/ac.	No treatment
<i>Lotus scoparius</i>	deerweed	90/60	4 lbs/ac.	Hot water
<i>Lupinus succulentus</i>	arroyo lupine	98/85	3 lbs/ac.	Hot water
<i>Mimulus puniceus</i>	red monkeyflower	7/70	2 lbs/ac.	No treatment
* <i>Nassella pulchra</i>	purple needlegrass	70/60	4 lbs/ac.	No treatment
<i>Salvia apiana</i>	white sage	70/50	5 lbs/ac.	No treatment
<i>Salvia mellifera</i>	black sage	70/50	5 lbs/ac.	No treatment
<i>Viguiera laciniata</i>	San Diego sunflower	40/60	4 lbs/ac.	No treatment
Total Lbs.			54 lbs/ac.	

Note: * *Nassella* seed shall be tilled into the soil prior to application of the remainder of the mix.

** %P/%G=Percentage Purity and Percentage Germination of the seed per species. This is the minimal acceptable quality of the seed to be provided.

Container plant material and seed used for the revegetation efforts mentioned above should originate from local sources (i.e. local genetic stock collected from the local area). Seed should be collected or secured from local sources, based upon seasonal availability, to facilitate installation between November 15 through April 15 of the year of implementation, and to take advantage of the winter rainy season to help foster germination.

3-19-98 bf.



Table #3.

Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT

TABLE 4. SCHEDULE OF ACTIVITIES

<u>Task</u>	<u>Dates*</u>
Site preparation	Spring 1999
Plant installation	Spring 1999
Site Seeding	Spring 1999
120-Day Plant Establishment Period	Summer 1999
Assessment of revegetation effort	Summer 1999
Completion of Installation Letter Report	Summer 1999
First annual monitoring report due	Summer/Fall 2000
Cessation of Irrigation (Approximate**)	Fall 2003
Remedial efforts (if required)	Fall 2000
Second annual monitoring report due	Summer/Fall 2001
Third annual monitoring report due	Summer/Fall 2002
Fourth annual monitoring report due	Summer 2003
Fifth/Final monitoring report due	Summer 2004

- * Actual dates contingent upon resource agency permit process and City construction schedule.
- ** The Biologist shall determine the acceptability and timing for phasing out the irrigation system.

3-19-98 bl.



Table #4.
 Environmental Analysis Section

CITY OF SAN DIEGO • DEVELOPMENT SERVICES DEPARTMENT