

## DEVELOPMENT AND MITIGATION GUIDELINES

### DEVELOPMENT GUIDELINES

The following development guidelines are provided to assure minimal impacts to FSDRIP during the construction of projects adjacent to FSDRIP or maintenance of utilities (such as the sewer) or other facilities (such as the MVLRT) within FSDRIP itself. These guidelines also assure conformance with the community plan.

1. Temporary fencing along FSDRIP's outer edge between the proposed construction and FSDRIP shall be installed before construction. This fence shall remain in place until the end of construction, and shall be inspected on a regular basis. Damaged portions of the fence shall be repaired in a timely manner from the construction side of the fence.
  
2. Buffer areas should be located along the entire length of an adjacent project and/or development. The buffer is defined as the area between the top of the floodway and development. The width of the buffer is specified in the amended Specific Plan. Changes to a uniform buffer were necessary to accommodate a meandering sidewalk design and usage by service vehicles and bicycles. At no point should private development intrude into the river corridor. Buffer areas, including the FSDRIP buffer area where it exists, and adjacent landscaped ornamental areas of private developments, shall meet the following criteria:
  - The average buffer width should be at least 20 feet.
  - Maximum buffer widths should be 50 feet, with a minimum buffer of ten feet.
  - Buffer areas should be widest when adjacent to sensitive habitat.

- Buffer areas within FSDRIP should be planted with a combination of native trees and shrubs, particularly riparian woodland and coastal sage scrub species. (Note: the exception to this rule is the narrow portion of the FSDRIP buffer zone (approximately two feet) on the outside of the sidewalk edges may be planted with ornamental species similar to the adjacent development). The buffer should provide some woodland overstory, but should be more open than the riparian woodland.
3. To avoid impacts to breeding least Bell's vireo and other migrating birds, construction activities which will impact FSDRIP, directly or indirectly, shall include the following conditions as part of any project authorization, permit, construction specifications and shall show these conditions on the construction drawings.

No clearing, grubbing, grading, or other construction activities shall occur between March 15 and September 15, the least Bell's vireo breeding season, until the following requirements have been met to the satisfaction of the City Manager. Coordination with the USFWS and CDFG will be required if least Bell's vireo are present.

Surveys for least Bell's vireo should be conducted pursuant to the recommended protocol survey guidelines as established by the USFWS. If full protocol surveys cannot be conducted, then a qualified biologist (has a valid 10(a)(1)(A) recovery permit from the USFWS for least Bell's vireo) shall survey any adjacent wetland habitat considered potentially suitable for the least Bell's vireo weekly for a minimum of four weeks (within the breeding season) prior to the commencement of any construction.

- I. If the least Bell's vireo is detected during the initial survey or may be present (see Section II below), then one of the following conditions must be met:
  - A. Between March 15 and September 15, no clearing, grubbing, grading, or

other construction activities shall occur within any portion of the site where construction activities would result in noise levels exceeding 60 dB hourly average at the edge of occupied least Bell's vireo habitat. An analysis showing that noise generated by construction activities would not exceed 60 dB hourly average at the edge of occupied habitat must be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with listed animal species) and approved by the City Manager at least two weeks prior to commencement of construction activities.

- B. At least two weeks prior to commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls) shall be implemented to ensure that noise levels resulting from clearing, grubbing, grading, or other construction activities will not exceed 60 dB hourly average at the edge of habitat occupied by least Bell's vireo. Concurrent with the commencement of construction activities and the construction of necessary noise attenuation facilities, noise monitoring\* shall be conducted at the edge of the occupied habitat area to ensure that noise levels do not exceed 60dB hourly average. If the noise attenuation techniques implemented are determined to be inadequate by the qualified acoustician or biologist, then the above activities shall cease until such time that adequate noise attenuation is achieved or until the end of the breeding season (September 16).

\*Construction noise monitoring shall continue to be monitored at least once weekly on varying days, or more frequently depending on the construction activity, to verify that noise levels at the edge of occupied habitat are maintained below 60dB hourly average or to the ambient noise level if it already exceeds 60dB hourly average. If not, other measures shall be implemented in consultation with the biologist and the City

Manager, as necessary, to reduce noise levels to below 60dB hourly average or to the ambient noise level if it already exceeds 60 dB hourly average. Such measures include, but are not limited to, limitations on the placement of construction equipment and the simultaneous use of equipment.

II If least Bell's vireo are not detected during the initial survey, the qualified biologist shall submit substantial evidence to the City Manger and applicable resource agencies which demonstrates whether or not mitigation measures such as noise walls are necessary between March 15 and September 15 as follows.

A. If this evidence indicates the potential is high for least Bell's vireo to be present based on historical records or site conditions, then Condition I.B. shall be adhered to as specified above.

B. If this evidence concludes that no impacts to this species are anticipated, no mitigation measures would be necessary.

4. Dikes, embankments, etc. should be vegetated or otherwise protected against erosion. Riprap may be used in limited areas where scouring is likely to occur during high velocity water flow.

5. All pedestrian walks within FSDRIP should be a minimum width of 10 feet. In areas of high development intensity, widths of 15-20 feet or greater should be considered.

6. Item Deleted

7. Grading required to accommodate any new development should have minimal disturbance

to the natural terrain.

8. Contours should maintain the overall landform.
9. Plant and seed recontoured slopes with local native drought-resistant trees, shrubs, and grasses to restore a natural appearance and prevent erosion.
10. Use specialized plantings to serve as natural barriers to inappropriate human access, or in areas with little or no buffer between the wetland and development.
11. Do not plant invasive, exotic plant species, such as pampas grass (*Cortaderia* sp.), giant cane (*Arundo donax*), tamarisk (*Tamarix* sp.) and Brazilian pepper (*Schinus terebinthifolius*), in adjacent ornamental landscapes.
12. All development projects along FSDRIP edges will be required to inform residents and/or tenants within the development of the permitted and non-permitted uses within FSDRIP.

## MITIGATION GUIDELINES

If impacts to FSDRIP vegetation are unavoidable, approval from the City of San Diego is required. In emergency situations, impacts to vegetation may occur without approval, if human health and safety or property damage may occur. All impacts to FSDRIP's vegetation require mitigation.

If unavoidable impacts to FSDRIP habitat occurs, the following guidelines provide an appropriate structure for mitigation. The mitigation options for habitat impacts are the creation of new habitat and/or the enhancement of degraded habitat.

1. No net loss of all habitats at FSDRIP will be permitted without replacement of the same habitat with equal or greater habitat value.

2. Revegetation of impacted area will be required. Additional mitigation at an offsite location may also be required.
3. Impacts to wetland vegetation may require a CDFG 1601 Streambed Alteration Agreement, except for dredging of the open water areas of the channel.
4. Revegetation should be scheduled in the fall to early spring to take advantage of the winter rains and avoid impacts to nesting sensitive birds.
5. Any disturbance to streambanks which would cause erosion or create a potential erosion risk will be mitigated by revegetating the disturbed area as soon as possible. Erosion control measures shall follow Best Management Practices.
6. A mitigation and monitoring program will be required for all wetland mitigation projects subject to approval by City and other appropriate agencies. The program will outline the installation, maintenance, monitoring, and the success standards for the mitigation project.
7. Only native plants that are known to occur in the area will be used for revegetation. Appendix D provides native plant palettes appropriate for revegetation at FSDRIP.
8. Human impacts should be considered in designing revegetation, such as the use of thorny shrubs to limit access to sensitive areas.
9. Temporary irrigation, if necessary, will be provided to help establish revegetation plants.
10. During revegetation, non-native, invasive and weedy species need to be removed on a regular basis between September 15 and March 1. During the rest of the year, noxious, invasive weeds may be removed by hand after the work area has been visually inspected for bird nests. If nests are found and inhabited, weed removal will be deferred until the nests

are abandoned.

11. Revegetation sites will be monitored on a regular basis. Appropriate recommendations will be made for enhancing revegetation efforts to ensure success criteria are met in a timely manner.
12. Prior to their implementation, all projects involving revegetation or mitigation within FSDRIP must be reviewed and approved by Park and Recreation and appropriate agencies.
13. Measures will be taken to limit human intrusion problems. This may include installation of fencing and/or new buffer plantings.
14. During revegetation, pest species, such as ground squirrels, cowbirds, gophers and weedy plants (such as pampas grass, arundo, tamarisk, etc.) will be controlled if they endanger the intended habitats and species composition. With the presence of least Bell's vireo, a cowbird trapping program is a priority.
15. Control agents for animal and plant pest will be carefully selected to avoid adverse effects on wildlife. These agents could be fertilizers, insecticides, algal control agents, and vertebrate poisons. There are a number of safe biological control methods for mosquitos. A licensed pest control advisor should be consulted regarding correct control agents devices, or methods to be used. Any control agents used shall be approved for use in a wetland by CDFG and USFWS.
16. Impacts to CORPS jurisdictional wetlands and waters of the United States may require a Section 404 permit pursuant to the Clean Water Act.
17. Impacts to least Bell's vireo or other rare, threatened, or endangered species may require a Section 7 consultation or Section 10 (a) permit pursuant to the Endangered Species Act.

18. The City-owned FSDRIP property is subject to deed restriction.