



RCA Joint Project Review (JPR)

JPR #: 17-04-05-10

Date: 01-29-18

Project Information

Permittee: City of Murrieta
 Case Information: EA 2016-1264 (Larchmont Business Park)
 Site Acreage: 10.88 acres (on-site 10.1 acres; off-site 0.81 acres)
 Portion of Site Proposed for MSHCP Conservation Area: 0 acres

Criteria Consistency Review

Consistency Conclusion: *The project is consistent with both the Criteria and Other Plan requirements.*

Data:

Applicable Core/Linkage: Proposed Constrained Linkage 13
 Area Plan: Southwest

APN	Sub-Unit	Cell Group	Cell
909-060-044 909-060-038	SU1 – Murrieta Creek	Independent	6528

Criteria and Project Information

Criteria Comments:

- a. As stated in Section 3.2.3 of the MSHCP, “Proposed Constrained Linkage 13 consists of Murrieta Creek, located in the southwestern region of the Plan Area. This Constrained Linkage connects Existing Core F (Santa Rosa Plateau Ecological Reserve) in the north to Proposed Linkage 10 in the south. This Linkage is constrained along most of its length by existing urban Development and agricultural use and the planned land use surrounding the Linkage consists of city (Murrieta and Temecula). Therefore, care must be taken to maintain high quality riparian Habitat within the Linkage and along the edges for species such as yellow warbler, yellow-breasted chat, and least Bell’s vireo, which have key populations located in or along the creek. Maintenance of existing floodplain processes and water quality along the creek is also important to western pond turtle and arroyo chub in this area. Guidelines Pertaining to Urban/Wildlands Interface for the management of edge factors such as lighting, urban runoff, toxics, and domestic predators are presented in Section 6.1.4 of this document [MSHCP].”
- b. The project is located within Cell 6528, independent of a Cell Group. As stated in Section 3.3.15 of the MSHCP, “Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 13. Conservation within this Cell will focus on grassland habitat along Murrieta Creek to the extent feasible. Areas conserved within this Cell will be connected to habitat proposed for



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conservation along Murrieta Creek in Cell 6530 to the west and 6656 to the south. Conservation within this Cell will be approximately 5% of the Cell focusing in the western portion of the Cell.”

- c. Rough Step: The proposed project is within Rough Step Unit 5. Rough Step 5 encompasses 91,734 acres within the southwestern corner of western Riverside County and includes the Santa Rosa Plateau, the Tenaja Corridor, and Murrieta Creek. It is bounded by Interstate 15 to the northeast, San Diego County to the south and the Santa Ana Mountains in the Cleveland National Forest to the west. Within Rough Step 5, 24,326 acres are located within the Criteria Area. Key vegetation communities within Rough Step Unit 5 include coastal sage scrub; grasslands; riparian scrub, woodland, forest; and Riversidean alluvial fan sage scrub and woodlands and forests. Based on the 2014 MSHCP Annual Report, all vegetation categories are “in” rough step. Based on the MSHCP baseline vegetation mapping, vegetation on the proposed project site is grassland. Development of the project site will not conflict with or interfere with the Rough Step Status of Unit 5.
- d. Project information was provided by the Permittee in the JPR application, dated April 3, 2016, including a Larchmont Business Park Biological Resource Assessment, MSHCP Consistency Document, and Determination of Biologically Equivalent or Superior Preservation (DBESP) (*Assessment*), prepared by ESA PCR dated October 2016. The most recent revised submittal includes one consolidated document titled “Biological Resource Assessment, MSHCP Consistency Document, and Determination of Biologically Equivalent or Superior Preservation” revised by Helix¹, dated January 2018.

The project study area is located on the northeast side of Adams Avenue, just southeast of the intersection of Fig Street and Adams Avenue, approximately 0.75 mile southwest of the Interstate 15/Interstate 215 in the City of Murrieta, Riverside County, California. The proposed project consists of the approximate 10.07-acre proposed Larchmont Business Park commercial development (project) associated with Assessor’s Parcel Number (APN) 909-060-044 and an approximate 0.81 acre of off-site property (APN 909-060-038) to the north that will be disturbed as part of the project. Collectively, the total 10.88 acres evaluated as part of the project footprint is referred to as the “study area.” Portions of the 10.88-acre study area will be impacted as a result of grading activities in order to support a commercial development at a future date. The project grading activities will include permanent to 6.99 acres (6.67 acres on-site and 0.32 acre off-site) and temporary impacts to 0.71 acres (0.22 acre on-site and 0.49 acre off-site). The project area will eventually be fully constructed to support commercial buildings and associated infrastructure. The details of structure development were not included. According to the *Assessment*, the study area supports a mixture of native, non-native, and hydrophytic vegetation, including black willow thicket (*Salix gooddingii* and *Baccharis salicifolia*), tarplant field (dominated by *Centromadia pungens* ssp. *laevis*), western ragweed meadow (dominated by *Ambrosia psilostachya*), and non-native vegetation, such as annual brome grassland, foxtail barley patches, and swamp timothy sward (*Crypsis schoenoides*). The northwestern and western portion of the study area

¹ Note that ESA PCR biologists originally working on the project moved to Helix, and were subsequently required to make all document revisions in red-line strike-out and source ESA PCR as the original preparer of JPR supporting documents.



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supports developed areas associated with Adams Avenue. The project study area is surrounded by development and/or roads; land uses immediately adjacent to the study area include the Murrieta Valley Pony Baseball athletic fields to the northwest, Murrieta Creek to the southwest, and industrial development to the northeast and southeast.

- e. Reserve Assembly: As stated above, Conservation within Cell 6528 (Independent of a Cell Group) focuses on grassland habitat along Murrieta Creek (Proposed Constrained Linkage 13). The primary goal in the Southwest Area Plan SU1 Murrieta Creek for this area is maintaining habitat connectivity between Murrieta Creek and Lower Warm Springs Creek to facilitate wildlife movement and conserve wetland species. The goal of Cell 6528 is to conserve 5% in the western portion of this approximate 194-acre Cell, therefore approximately 9.7 acres are described for conservation. The 10.88-acre project site is located in the north and western portion of this Cell. Although the proposed project is located in the western portion of the Criteria Cell, it is located on the edge of the remaining open space areas east of Murrieta Creek and would not cause fragmentation in any connection to Cell 6656 to the south or Cell 6530 to the west. Although the study area is adjacent to Murrieta Creek, Adams Avenue disrupts the connection of the project site to Murrieta Creek. Wildlife may cross Adams Avenue to access the project site from Murrieta Creek; however, wildlife movement to the north is constrained by industrial development adjacent to the project site and the I-15 freeway, approximately 0.65 mile to the east. Approximately 19 acres of undeveloped lands remain in the western portion of the Cell potentially available for conservation, and provide grassland habitats and connectivity to the south and west. Furthermore, there will be no temporary impacts to Murrieta Creek or its tributary Warm Springs Creek. The proposed project will not preclude the ability of MSHCP conservation goals to be achieved and no fragmentation of the Reserve will occur. As such, the proposed project is consistent with the Reserve Assembly goals of the MSHCP.

Other Plan Requirements

Data:

Section 6.1.2 – Was Riparian/Riverine/Vernal Pool Mapping or Information Provided?

- Yes. There are riparian/riverine resources on the project site, including habitat potentially suitable for fairy shrimp. Habitat for riparian birds is also present within the project boundary. Least Bell's vireo have been observed within the black willow thicket, in the upstream portion of Drainage A.

Section 6.1.3 – Was Narrow Endemic Plant Species Survey Information Provided?

- Yes. The project site is not located within a Narrow Endemic Plant Species Survey Area (NEPSSA).

Section 6.3.2 – Was Additional Survey Information Provided?

- Yes. The project site is not located within a Criteria Area Species Survey Area (CASSA). The site is located within an Additional Survey Needs and Procedures Area for burrowing owl.



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Section 6.1.4 – Was Information Pertaining to Urban/Wildland Interface Guidelines Provided?

Yes. The project site is located adjacent or near to future and existing Conservation Areas, including Murrieta Creek and the Warm Springs Creek channel tributary to Murrieta Creek.

Other Plan Requirement Comments:

- a. Section 6.1.2: According to the *Assessment*, a site visit was conducted on April 13, 2016. The study area supports one drainage identified as “Drainage A” which also includes a manmade channel segment (1,406 linear feet), commonly referred to as Larchmont Channel that did not exist prior to 2005. This channel was originally created in order to accept flows from adjacent commercial development to the northeast and east of the study area, and carry those flows along the southern property boundary into a tributary channel to Warm Springs Creek that runs along the eastern bank of Murrieta Creek for approximately 0.6 mile prior to entering Murrieta Creek; however, the connection as intended was never completed. Larchmont Channel also accepts flow from two tributary drainages north of the intersection of Larchmont Lane and Jefferson Avenue. As a result of site topography, the lack of a connection, and the development directly to the south/southeast associated with a cement plant operation, water flowing from surrounding development onto the study area becomes impounded, creating a large ponded area in the center of the study area and a smaller one along the northeastern boundary of the study area associated with a man-made swale that results in “backponding” when the larger ponded area becomes inundated. Refer to the *Assessment* for historic aerial research originally conducted by ESA PCR for the purposes of understanding the origins of the ponded features observed in associated with Drainage A/Larchmont Channel.

According to the *Assessment*, the two ponded areas totaling approximately 6.92 acres and 0.22 acre reflect maximum inundation levels during the rainy season, but not all ponded areas were determined to meet the definition of riparian or riverine. These areas were treated as two separate ponded areas for the fairy shrimp surveys but are generally a contiguous 7.14-acre area, as shown on the graphics in the *Assessment*. An additional area totaling 4.17 acres that extends outside of the Riparian/Riverine area associated with Drainage A that also ponds was not classified as Riparian/Riverine or Vernal Pool due to the lack of Riparian/Riverine and Vernal Pool indicators. Therefore, 4.17 acres was not included as a Riparian/Riverine or Vernal Pool resource because this area did not meet the MSHCP definition of a Riparian/Riverine or a vernal pool. The jurisdictional limits were coordinated with RCA, CDFW and U.S. Fish and Wildlife Service during the pre-application process based on compromise between an expanded “wet” jurisdictional boundary shown on historic aerials and a smaller jurisdictional boundary originally proposed by the applicant in April 2017. Portions of Drainage A within the larger ponded area support a sensitive plant community (i.e., smooth tarplant field). The Larchmont Channel also supports a sensitive black willow thicket (0.51 acre) along the channel’s eastern and southeastern reaches.

Of the areas characterized as riparian/riverine (2.967-acres) in Drainage A, the proposed project will permanently impact 0.298 acres, and temporarily impact 0.001 acre. The black willow thicket will be 100% avoided. The proposed avoidance areas within Drainage A (2.67 acres) will be protected through an appropriate legal preservation instrument (conservation easement or deed restriction) per MSHCP guidelines, provided that said mechanism will not inhibit the City of Murrieta's ability to manage and implement hydraulic improvements to the channel in the future. Any City improvements to the channel were not part of the proposed project, and would be subject to independent review consistent with the MSHCP and pursuant to regulated waters permitting.

A DBESP was prepared (refer to *Assessment* Section 9.0). Off-site mitigation for permanent impacts to CDFW jurisdictional streambeds is proposed at a 3:1 ratio through the purchase of a minimum 0.894 acre of combined off-site streambed mitigation credits. Compensatory mitigation will include the purchase of riparian rehabilitation/reestablishment credits at a 2:1 ratio totaling no less than 0.596 acre of off-site mitigation credits through the Riverside-Corona Resource Conservation District In-Lieu Fee Program (Santa Ana watershed), in addition to the purchase of riparian/wetland preservation credits at a 1:1 ratio totaling no less than 0.298 acre of riparian or wetland preservation credits through the Barry Jones Wetland Mitigation Bank (Santa Margarita watershed). The Riverside-Corona Resource Conservation District In-Lieu Fee Program and Barry Jones Wetland Mitigation Bank are both located within the MSHCP Plan Area. Purchase of mitigation credits through the Riverside-Corona Resource Conservation District In-Lieu Fee Program and Barry Jones Wetland Mitigation Bank shall occur prior to any impacts to Section 6.1.2 resources. According to the *Assessment*, the compensatory mitigation would rehabilitate/reestablish and preserve habitat with greater function and value than the impacted habitat providing equivalent or superior preservation under the MSHCP. The in-lieu fee program and mitigation bank are regional mitigation programs which result in more collective benefits to the Santa Ana watershed and/or the Santa Margarita watershed.

Fairy Shrimp – As mentioned above, the project site supports two ponding areas which total approximately 7.14 acres and are located along the easterly site boundary and the center of the site. According to the *Assessment*, these areas were determined to potentially support suitable habitat for listed fairy shrimp, and the entire 7.14 acres was surveyed for fairy shrimp. Dry and wet season surveys conducted in accordance with *Survey Guidelines for Listed Large Branchiopods* (USFWS 2015) were both negative for listed fairy shrimp species. The dry season survey consisted of soil collection, soil storage, soil analysis, cyst identification, and preservation (if applicable). Soils were collected on July 12 and 13, 2016; soil analysis, egg identification, and preservation (if applicable) were completed between July and– September 2016. The wet season survey consisted of branchiopod sampling conducted between December 2016 and April 2017 following the survey requirements for Survey Zone C (Southwestern California).

Riparian Birds – According to the *Assessment*, the study area supports a limited amount of suitable habitat for the least Bell’s vireo (*Vireo bellii pusillus*), and yellow warbler along the southern boundary where the black willow thicket occurs, although neither species is expected to breed on site. The study area is not expected to support southwestern willow flycatcher (*Empidonax traillii extimus*) or yellow-billed cuckoo (*Coccyzus americanus*) due to the lack of suitable habitat. A least Bell’s vireo was heard calling off site in an upstream area of Larchmont Channel during the general biological survey conducted on April 13, 2016, and the focused burrowing owl survey conducted on June 2, 2016. According to the *Assessment*, this individual was likely a migrant as Larchmont Channel supports low-quality nesting habitat and a high level of human disturbance associated with the cement plant operations immediately to the east. Furthermore, this individual was not observed during any other site visits conducted within the study area. Least Bell’s vireo are known to require dense riparian vegetation that has a stratified canopy for foraging and is large enough to support a typical territory size between 0.5 and 7.5 acres. Larchmont Channel may provide suitable foraging habitat and potential territory opportunities for young or displaced males that may be forced to utilize less optimal habitats; however, the likelihood of least Bell’s vireo using Drainage A (Larchmont Channel) for nesting is considered low. Focused surveys were not performed given that all of the riparian habitat (black willow thicket) will be 100% avoided by the project. The avoidance of the black willow thicket will also preserve foraging and movement habitat for the least Bell’s vireo observed just off site within this plant community.

To avoid indirect impacts to least Bell’s vireo, the project proposed implementation of three project design features and a mitigation measure (MM) BIO-2 (see Section 7.2.1 of the *Assessment*) relative to installation of a sound wall, orientation of the structures, seasonal avoidance, exclusion buffers, noise monitoring, and biological monitoring throughout the duration of the project (required pursuant to MSHCP Appendix C).

Based on the information provided in the *Assessment*, the project demonstrates compliance with Section 6.1.2 of the MSHCP.

- b. Section 6.1.3: The project site is not located within a NEPSSA. Based on the information provided in the *Assessment*, the project demonstrates compliance with Section 6.1.3 of the MSHCP.
- c. Section 6.3.2: The project site is not located within a CASSA for plant species, but is located within an Additional Survey Needs and Procedures Area for burrowing owl. In accordance with the County of Riverside’s *Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area* (County of Riverside 2006), a Step I *Habitat Assessment* and Step II *Locating Burrows and Burrowing Owls* focused surveys were conducted. Suitable habitat was identified in the study area during the Step I Habitat Assessment on April 13, 2016. Suitable habitat included disturbed, low-growing vegetation; bare ground, and a few small fossorial mammal burrows. Step II surveys were conducted within the project site, plus a 150-meter (approximately 500 feet) buffer zone around the perimeter of the project site. These surveys were conducted on June 2, 15, 29, and July 13, 2016, between the period of “two hours before sunset to one hour after” or “one hour before sunrise to two

hours after.” Step II surveys focused on the detection of burrowing owl individuals, small fossorial mammal burrows potentially suitable for burrowing owl, and burrowing owl diagnostic sign (e.g., molted feathers, cast pellets, prey remains, eggshell fragments, or excrement at or near a burrow entrance). Transects were utilized, spaced no more than 100 feet apart, to allow 100 percent visual coverage of the ground surface. The subsequent Step II surveys did not identify individual burrowing owls, active burrowing owl burrows, or signs of burrowing owls within the survey area. According to the *Assessment*, the study area and adjacent buffer area do not currently support burrowing owls.

The *Assessment* also includes a commitment to conduct a 30-day pre-construction survey prior to initial ground-disturbing activities to ensure that no owls have colonized the site in the days or weeks preceding construction. **If burrowing owls have colonized the project site prior to the initiation of construction, the project proponent should immediately inform the Regional Conservation Authority (RCA) and Wildlife Agencies, and would need to prepare a Burrowing Owl Protection and Relocation Plan for approval by RCA and the Wildlife Agencies prior to initiating ground disturbance.** Based on the information provided by in the *Assessment*, the project demonstrates consistency with Section 6.3.2 of the MSHCP.

- d. Section 6.1.4: The project site is located adjacent or near to future and existing Conservation Areas, including Murrieta Creek and the Warm Springs Creek channel tributary to Murrieta Creek (Proposed Constrained Linkage 13). To preserve the integrity of areas dedicated as (existing and future) MSHCP Conservation Areas, the guidelines contained in Section 6.1.4 related to controlling adverse effects to the MSHCP Conservation Area shall be implemented by the Permittee in their actions relative to the project. As determined by the Permittee, conditions may be included in the development/entitlement process that include but are not limited to the following described below.
 - i. Incorporate measures to control the quantity and quality of runoff from the site entering the MSHCP Conservation Area. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into MSHCP Conservation Areas. This condition is also applicable to areas either already dedicated to conservation or those described for conservation. **Post-construction water quality and flood measures associated with the ultimate project will be documented in a Water Quality Management Plan (WQMP) to be approved by the City of Murrieta, in addition to compliance with the City’s Municipal Storm Drain Permit (MS4) ensuring that the quantity and quality of water discharged into on-site avoided and off-site Riparian/Riverine Areas will be consistent with the pre-project condition.** Implementation of the MS4 permit for the ultimate project will require that flows leaving the site do not result in downstream impacts by erosion or sedimentation. In addition, the San Diego RWQCB will require review and approval of the water quality management plan for the project by way of a permit condition relative to the Section 401 Water Quality Certification.
 - ii. Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bioproducts, such as manure, that are potentially toxic or may adversely affect wildlife



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species, Habitat, or water quality shall incorporate measures to ensure that application of such chemicals does not result in discharge to the MSHCP Conservation Area. The greatest risk is from landscaping fertilization overspray and runoff.

- iii. **Night lighting shall be directed away from the MSHCP Conservation Area and the avoided area on site to protect species from direct night lighting.** Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.
- iv. Proposed noise-generating land uses affecting the MSHCP Conservation Area, including designated avoidance areas, shall incorporate setbacks, berms, or walls to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards. The proposed use of the site for commercial development is not anticipated to result in noise-generating activities apart from increased traffic noise, which could indirectly impact any least Bell's vireo that may use the avoided black willow thicket within Drainage A/Larchmont Channel. To avoid potential indirect impacts to least Bell's vireo, the project will comply with all City requirements pertaining to noise and traffic standards. **Three project design features (PDFs BIO-1 through BIO-3) will be incorporated into the interim and ultimate project design to limit any potential noise impacts to least Bell's vireo (see Section 2.3 of the Assessment).** In addition, a mitigation measure is recommended to minimize any potential indirect impacts to least Bell's vireo during construction (see MM BIO-2 in Section 7.2.1 of the *Assessment*).
- v. **Avoid use of invasive, non-native plant species listed in Table 6-2 of the MSHCP in approving landscape plans for the portions of the project that are adjacent to the MSHCP Conservation Area, including avoidance areas.** Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation Areas and designated avoidance areas, species considered in the planting plans, resources being protected within the MSHCP Conservation Area and their relative sensitivity to invasion, and barriers to plant and seed dispersal, such as walls, topography, and other features.
- vi. Proposed land uses adjacent to the MSHCP Conservation Area shall incorporate barriers, where appropriate, in individual project designs to minimize unauthorized public access, domestic animal predation, illegal trespass, or dumping into existing and future MSHCP Conservation Areas. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage, and/or other appropriate mechanisms.
- vii. Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area.
- viii. Weed abatement and fuel modification activities are not permitted in the Conservation Area, including designated avoidance areas.

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