

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (“Agreement”) is entered into on October 26, 2020 (the “Effective Date”), by and between the City of Temecula and City of Temecula City Council (the “City”); Ambient Communities, LLC and Temecula West Village, LLC (together referred to as “TWV”); Center for Biological Diversity, Sierra Club, Mountain Lion Foundation, and The Cougar Connection (collectively referred to as “CBD”); and Endangered Habitats League (“EHL”) (all referred to collectively as the “Parties” and, individually, a “Party”).

RECITALS

This Agreement is made with reference to, and in consideration of, the following facts and representations, which the Parties agree are true and correct:

A. On December 12, 2017, the City Council of the City certified a final Environmental Impact Report (“EIR”) and approved other project entitlements (the “Approvals”) for the Altair Specific Plan (the “Project”). A map depicting the Project as approved is attached for reference purposes as **Exhibit A**.

B. On January 11, 2018, CBD filed a Petition for Writ of Mandate and Complaint for Injunctive Relief alleging that Respondent City violated the California Environmental Quality Act (“CEQA”) and California planning and zoning laws in approving the EIR and the Approvals for the Project (the “CBD Petition”) in the action styled *Center for Biological Diversity, et al. v. City of Temecula, et al.* (Riverside County Superior Court Case No. RIC1800858) (the “CBD Action”). On January 10, 2019, CBD filed a First Amended and Supplemental Verified Petition for Writ of Mandate and Complaint for Injunctive Relief (the “Amended CBD Petition”), which added a claim alleging that the City had violated its duty to retain certain records.

C. On January 11, 2018, EHL filed a Petition for Writ of Mandate alleging that Respondent City violated CEQA in approving the EIR and the Approvals for the Project (the “EHL Petition”) in the action styled *Endangered Habitats League v. City of Temecula, et al.* (Riverside County Superior Court Case No. RIC1800866) (the “EHL Action”).

D. On February 5, 2018, the CBD Action and EHL Action were provisionally determined to be related cases and, on April 12, 2018, these actions were partially consolidated by stipulation for the limited purposes of utilizing the same administrative record, briefing schedule, and hearing and ruling on the merits, with separate judgments to be entered following the trial on the merits.

E. On November 22, 2019, a merits hearing was held on the CBD Petition and the EHL Petition, and the Court allowed the Parties to file joint objections to the Court’s tentative ruling by December 31, 2019, and to respond to any objections by January 31, 2020.

F. On March 19, 2020, the Court issued a minute order (the “Ruling”) adopting its tentative ruling (as amended) and granting the CBD Petition and EHL Petition in part regarding

certain CEQA and California planning and zoning law claims. The trial court denied all other claims.

G. Despite the Ruling, the City and TWV deny any liability related to the claims asserted in the CBD Action and EHL Action, and, prior to the execution of this Agreement, have reserved their rights to appeal the anticipated judgment and writ.

H. Settlement negotiations between the Parties began before the Court adopted its final ruling in the CBD Action and EHL Action. Each Party believes that it is in its best interests to resolve the claims asserted in the CBD Action and EHL Action in order to avoid the burden, expense, uncertainty, risk, and delay associated with further litigation, and to further their goal of minimizing the Project's impacts on the environment.

I. By this Agreement, the Parties have resolved all claims asserted in the CBD Action and EHL Action, except for CBD's and EHL's alleged claims for recovery of their costs and attorneys' fees pursuant to Code of Civil Procedure sections 1032, 1033.5, and 1021.5. By separate agreement, TWV, CBD, and EHL have agreed to terms to reimburse CBD's and EHL's reasonable attorney fees and costs associated with their respective actions (the "TWV Agreement"), and CBD's and EHL's attorney fees and costs are not the subject of this Agreement. At the request of TWV, the separate TWV Agreement will be retained as confidential, and will not be disclosed to any third party. As a result of the TWV Agreement, CBD and EHL expressly disclaim any claim against the City as to fees and costs. Further, the TWV Agreement does not affect any existing indemnification obligation of TWV as to the City, pursuant to the Approvals.

J. This Agreement is the product of arms-length negotiations between the Parties, and the Parties enter this Agreement to resolve all claims asserted in the CBD Action and the EHL Action.

AGREEMENT

NOW, THEREFORE, in reliance on the above Recitals, which are true and correct, and in consideration of the mutual promises, covenants, conditions, and releases set forth in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1. South Parcel. In order to preserve the 55 acres of the Project located south of the future Parkway/Western Bypass (the "South Parcel") in its native condition to the extent feasible and practical, the Parties agree as follows:

- (a) The City and TWV will be prohibited from developing the Nature Center Use as approved by the City as part of the Project Approvals. Instead, after identified portions of the South Parcel are graded and revegetated consistent with Paragraphs 1(c) or 1(d) below, the South Parcel shall be limited to Natural Open Space.
- (b) TWV shall secure the necessary approvals and the City agrees to cooperate in and consent to the transfer of excess fill material generated by

construction of the Western Bypass to the vacant parcels on the east side of Murrieta Creek with the goal of minimizing the amount of fill deposited on the South Parcel. TWV shall transfer as much fill as is feasible for a total maximum cost to TWV of \$400,000. TWV and the City shall be excused of this obligation if the transfer of excess fill material to the east side of Murrieta Creek: (1) is deemed infeasible due to environmental, technological, or legal factors outside of TWV's control (e.g., agency disapproval, regulatory constraints, or inability to secure the land); (2) cannot be accomplished without new or more severe significant environmental impacts that would require the preparation of a subsequent or supplemental EIR; or (3) if, after preparation and adoption by the City of an addendum to the EIR evaluating the transfer, the City's approval of the transfer and addendum is challenged in court by any third party. In the event that TWV and the City are excused of this obligation, the \$400,000 designated for this activity shall be set aside for initial funding of the Wildlife Community Facilities District ("Wildlife CFD") set forth in Paragraph (4)(b), below.

- (c) The goal of the process set forth in Paragraph 1(b) is to reduce the grading footprint on the South Parcel to the extent feasible and practical. If, after complying with the process set forth in Paragraph 1(b), there is still excess fill material, TWV may deposit the excess fill on the South Parcel subject to a grading, fencing, and revegetation plan prepared by TWV consistent with the grading alternative set forth in **Exhibit B** attached hereto and incorporated by reference (the "South Grading Alternative"). The grading, fencing, and revegetation plan shall be prepared in consultation with CBD, EHL, the Western Riverside County Regional Conservation Authority ("RCA"), California Department of Fish and Wildlife ("CDFW"), and U.S. Fish and Wildlife Service ("USFWS") (the latter two collectively referred to as the "Wildlife Agencies"), subject to the following conditions:
 - (i) Grading and revegetation shall be designed to maintain site hydrology and support vegetation (e.g., coastal sage scrub and oak woodland) so as to create an area attractive to sensitive wildlife species;
 - (ii) The fencing plan shall be consistent with the Western Riverside County Multiple Species Conservation Plan/Natural Communities Conservation Plan's ("MSHCP's") Urban/Wildland Interface Guidelines attached as **Exhibit C** and incorporated by this reference, and include the installation of wildlife impermeable chain-link fencing between the Western Bypass and remaining habitat. The wildlife impermeable fencing shall include a buried skirt to discourage digging underneath and be at least 10-feet in height with three strand wire attached to the top at 45 to 90

degree angles to reduce mountain lion jump-overs and guide large wildlife to appropriate habitats, linkages, or crossing locations;

(iii) The grading and revegetation plan shall include performance criteria, adaptive management measures, and at least five (5) years of monitoring by TWV of the grading and revegetation of the South Parcel or until the performance criteria are reached;

(iv) Revegetation shall include native vegetation in drainages controlled by grade control structures;

(v) Grading and revegetation activities shall only take place during daylight hours; and

(vi) TWV shall provide a final monitoring report to CBD, EHL, RCA, and the Wildlife Agencies as necessary to apprise them of the successful completion of the grading, fencing, and revegetation.

(d) At the City's discretion, TWV shall either transfer the South Parcel to an entity with expertise in managing conservation lands (e.g., Santa Margarita Ecological Reserve/San Diego State University, RCA, or CDFW) or to the City. In either event, the South Parcel shall be retained as Natural Open Space with a conservation easement to be placed on the South Parcel. The conservation easement shall prohibit trails or other human uses on the South Parcel and satisfy California of Civil Code section 815, et seq., provided, however, that all access necessary for utility maintenance work and for emergency access shall be allowed and shall not be considered a violation of the conservation easement.

2. Option for Purchase of Village G. TWV agrees to provide CBD and EHL a seven-year option to purchase the area identified in the Altair Specific Plan as the 7.05-acre Village G Parcel ("Village G Parcel"), or arrange to have a third party purchase the Village G Parcel, subject to the following conditions:

- (a) The seven-year option period shall commence on the Effective Date of this Agreement.
- (b) The option is provided by TWV without any fee to CBD or EHL. The Parties acknowledge and agree that settlement of the CBD Action and EHL Action is sufficient consideration for the option.
- (c) Within sixty (60) days after CBD or EHL provides notice of their intent to exercise the option, TWV shall conduct a fair market value appraisal of the Village G Parcel consistent with the Uniform Appraisal Standards for Federal Land Acquisitions and provide a copy of the appraisal to CBD and

EHL. CBD and EHL shall have the option of conducting their own appraisal as well.

(i) If the appraised value is acceptable to TWV and the Party noticing its intent to exercise the option, then CBD and EHL may exercise their option to purchase the Village G Parcel at the appraised value. If the appraised value is not acceptable to TWV or the Party noticing its intent to exercise the option, then the Parties agree to meet and confer on the appraised value and any other conditions for the purchase and sale of the Village G Parcel pursuant to Paragraph 2(d), below.

(ii) Even if CBD and EHL exercise their option to purchase the Village G Parcel, the Parcel shall remain available for deposit of some fill material and grading from construction of the Western Bypass. However, to the extent the Village G Parcel is disturbed due to construction of the Western Bypass, TWV will grade, revegetate, and monitor the area consistent with the standards set forth in Paragraph 1(c)(i)-(vi), above, to help buffer land uses within the Altair Specific Plan from wildlife using the escarpment and wildlife corridor described in the MSHCP as “Constrained Linkage 10.”

(d) If the Parties do not agree on the appraised value, the Parties shall meet and confer in good faith on the purchase price and any other conditions for the purchase and sale of the Village G Parcel for a period not to exceed sixty (60) days. CBD’s and EHL’s option to purchase the Village G parcel shall automatically terminate on the sooner of:

(i) Notification by CBD and EHL of their decision to release the option; or

(ii) The Parties’ failure to reach agreement on a purchase price or CBD’s and EHL’s failure to close escrow on the purchase of the Village G Parcel within the seven-year option period.

(e) If the option for the purchase of the Village G Parcel expires for any of the reasons stated in Paragraph 2(d), above, TWV may proceed to develop the Village G Parcel consistent with the approved Altair Specific Plan and under the following conditions:

(i) TWV shall reduce the Village G roadway from sixty (60) to thirty (30) feet in width to eliminate parking, discourage pedestrian use, and size the roadway more appropriately for ingress/egress to Village G and the existing Camino Estribo;

(ii) TWV shall add vegetation on the outer edge of Village G and wildlife fencing along the Village G ingress/egress roadway in order to

reasonably discourage pedestrian use and shield the South Parcel and escarpment from residential uses; and

(iii) TWV shall improve connectivity of Village G to the trail system internal to the Western Bypass so as to reasonably encourage pedestrian uses within the area entitled for development and to the north of the development.

3. Energy Efficiency/Greenhouse Gas Emissions. In order to ensure that the Project includes more energy-efficient designs or features and reduce overall greenhouse gas emissions, TWV agrees that initial construction of the Project shall satisfy either: (a) the California Energy Commission's 2019 Building Energy Efficiency Standards, which became effective on January 1, 2020; or (b) the EIR's mitigation of fifteen-percent (15%) greater efficiency than the California Energy Commission's 2016 Building Energy Efficiency Standards, whichever is more stringent.

4. The Western Riverside County Multiple Species Habitat Conservation Plan. To address CBD and EHL concerns about the Project's consistency with the MSHCP, the City or TWV shall undertake the following:

- (a) TWV will transfer to the RCA the 65 acres on the West Side of the Interstate 15 ("I-15"), commonly referred to as the "Omdahl Property," so that the RCA can complete the land acquisition for the potential alternative mountain lion crossing in coordination with the Nature Conservancy's 73-acre parcel on the East Side of the I-15 (together, referred to as the "Southern Crossing");
- (b) TWV and the City will work to establish the Wildlife CFD as set forth in the City's conditions of approval for the Project. While proceeds generated by the Wildlife CFD must first go towards acquisition of another 100 acres for the MSHCP, TWV and the City agree that the balance may be directed towards: (i) patrolling the South Parcel and adjacent areas consistent with Paragraph 5 below, and ensuring proper maintenance of fencing; (ii) planning and developing an alternative southern wildlife crossing (e.g., the Southern Crossing); or (iii) monitoring programs to study the MSHCP linkages impacted by the Project, particularly impacts to mountain lion and western pond turtle populations, including the development of annual reports to the Wildlife Agencies. The City acknowledges that documentation reflecting or evidencing (1) revenues generated by the Wildlife CFD, and/or (2) the disbursement of such revenues constitute "public records" as defined in Government Code section 6252 and shall be made available to members of the public as set forth in the California Public Records Act. At least ten (10) days prior to each public meeting relating to the Wildlife CFD, the City shall provide written notice (either by U.S. mail or electronic mail) to Petitioners using the contact information set forth in Paragraph 19. The

City and TWV shall consider establishing a bond for the Wildlife CFD so that the funds to be generated are available as early as possible.

- (c) For reference, a complete list of avoidance, minimization, and mitigation measures incorporated into the Project by existing entitlements is attached as **Exhibit D**; and
- (d) TWV and the City have prepared a criteria refinement-equivalent evaluation (“CRE Evaluation”) that acknowledges that the Altair Specific Plan does not satisfy the acreage targets for conservation in the MSHCP on an individual criteria cell level, but that the MSHCP is being made whole in terms of acreage, and function and value, including on an individual criterial cell level, by virtue of the on-site and off-site avoidance, minimization, and mitigation measures referenced in **Exhibit D** and the further conservation measures and commitments contained within this Agreement. The CRE Evaluation is attached as **Exhibit E**. The City also acknowledges, as stated in Section 11.9 of the MSHCP Implementation Agreement, that “[p]ublic and private projects within the Criteria Area are expected to be designed and implemented in accordance with the Criteria for each Area Plan and all other MSHCP requirements as set forth in the Plan and in Section 13.0 of [the Implementation Agreement].” Notwithstanding the foregoing, no Party’s obligations under this Agreement shall be contingent or conditioned upon the RCA or Wildlife Agencies’ approval of the CRE Evaluation contemplated by this Paragraph 4(d). Nothing in this Agreement modifies the City’s obligations under the MSHCP Implementation Agreement.

5. Patrolling of the South Parcel. Immediately upon receipt of initial proceeds from the Wildlife CFD, the City shall designate funding from the Wildlife CFD or other appropriate municipal source, to support a City ranger, private patrol, or other appropriate law enforcement personnel to periodically patrol the South Parcel and adjacent areas within the City’s jurisdiction to help prevent trespass, habitat degradation, fires, and graffiti within those areas. The designated personnel shall dedicate up to a maximum of one day per week or twenty percent (20%) of a full time equivalent employee (“FTE”) per month towards patrolling the South Parcel. The designated law enforcement personnel shall either receive training or have expertise in patrolling and protecting natural areas, and shall have the authority to issue citations for trespass. To the extent human trespass is not occurring, the frequency in patrols of the South Parcel and adjacent areas may occur less frequently than 20% of a FTE unless or until evidence of trespass is discovered by the City or made known to the City. Within 90 days of the Court’s dismissal of the CBD Action and EHL Action as set forth under Paragraph 9, below, TWV shall deposit \$50,000 towards efforts to address trespassing and install “No Trespassing” signs at the entrance to the northern boundary of the South Parcel in order to reduce trespass to the South Parcel and adjacent areas. In consultation with CBD and EHL, TWV shall deposit the \$50,000 with the City, a local non-profit, or other entity with expertise in managing conservation lands (e.g., Santa Margarita Ecological Reserve/San Diego State University or the RCA) to initiate efforts to coordinate or cooperate with the City on patrols and other measures to help prevent trespass, habitat degradation, fires, and graffiti on habitat lands and migration corridors on the

South Parcel, adjacent areas within the City's jurisdiction, and/or the Santa Margarita Ecological Reserve. To the extent administered by the City or TWV, an accounting of how these funds are being spent shall be provided at the request of CBD or EHL.

6. Mountain Lions. To help minimize the Project's indirect effects on mountain lions within the vicinity of the Project, TWV and the City agree to implement the following best management practices:

- (a) The City shall establish and maintain an existing or designated webpage that addresses wildlife conflict prevention with a link to the appropriate State or non-profit websites with instructions to residents about how to respond to wildlife sightings and potential conflicts. In developing the web page or web page content, the City shall consult with CBD and EHL.
- (b) The City shall establish a training program for law enforcement and City animal control in consultation with CDFW to provide environmental awareness, knowledge of wildlife conflict prevention and resolution methods, and mountain lion laws, regulations, and policies.
- (c) TWV shall provide new homeowners and renters within the Project with educational materials prepared or provided by CBD or EHL on mountain lions and wildlife conflict prevention at the time of the first occupancy of each residence. The educational materials provided to new homeowners and renters shall be subject to prior review and approval by TWV, whose approval shall not be unreasonably withheld.
- (d) The homeowners' association established within each proposed Village shall provide to all homeowners and renters within the Altair Project an annual educational update on what it means to live near mountain lions with an emphasis on conflict prevention. The educational update shall be shared with the City and included in each association's annual reports or newsletters, and will include a link to the web page maintained by the City under Paragraph 6(a), above.
- (e) The use of anticoagulant rodenticides shall be prohibited within the Project to reduce possible indirect poisoning effects on mountain lions and other wildlife, and this prohibition shall be incorporated into each homeowners' association's covenants, conditions, and restrictions.
- (f) Domestic chickens, goats, and other livestock shall be prohibited within the Project to reduce attractants to mountain lions and other sensitive species, and this prohibition shall be incorporated into each homeowners' association's covenants, conditions, and restrictions.
- (g) Except where needed for security purposes, the Project shall adhere to the MSHCP Urban/Wildland Interface Guidelines and the "Zone B" lighting

restrictions set forth in the currently enacted Riverside County Ordinance No. 655 attached as **Exhibit F** and incorporated by this reference.

7. Southern Wildlife Crossing. TWV and the City agree to support efforts by the California Department of Transportation (“Caltrans”), RCA, Wildlife Agencies, the Nature Conservancy, CBD, EHL, or any third party to establish the Southern Crossing under or over the I-15 for the migration of mountain lions and other wildlife. Such support may include, but is not limited to: (1) written support for funding, grants, or programs in furtherance of the Southern Crossing; or (2) financial support from the Wildlife CFD to supplement funding, grants, or programs in furtherance of the Southern Crossing (see Paragraph 4(b), above).

8. No Adverse Action or Opposition to the Approvals. Subject to and in consideration of the obligations accepted by the City and TWV, including those in Paragraphs 1 through 7, and except as provided in Paragraph 12(c) below, CBD and EHL agree that they will not initiate, file, or permit to be filed, in any of their names or on their behalves any lawsuit or arbitration or legal claim, or otherwise carry out any further litigation against the City or TWV, or their respective successors or assigns, with regard to the Approvals or against the Project including, without limitation, litigation against: (1) any local, regional, state, or federal permit or approval required for development of all or a portion of the Project; (2) any environmental review document prepared under CEQA or the National Environmental Policy Act prepared for the purpose of approving the Project or any portion of the Project; or (3) any action taken by the City, TWV, or any other person or entity to develop all or a portion of the Project, provided that the Project remains consistent with that described in the EIR and in this Settlement Agreement. The prohibitions set forth in this Paragraph 8 shall apply to CBD and EHL whether they act independently or in concert with any persons, entities, or associations, whether under their own name or some other name. CBD and EHL shall not oppose or object to, orally or in writing, any permit or approval from any local, regional, state, or federal agency that is required for development of all, or a portion, of the Project (or any environmental review that may be prepared in connection therewith), provided that the Project remains consistent with that described in the EIR and this Settlement Agreement. Should any individual, entity, or organization file a lawsuit or submit oral or written comments objecting to or challenging implementation of the Project or Approvals in the name of CBD or EHL, City or TWV may provide notice of said action and CBD or EHL, as applicable, shall issue a letter repudiating the comments or action provided the Project remains consistent with that described in the EIR and in this Settlement Agreement.

9. Resolution of Litigation. Within ten (10) court days of the Effective Date of this Agreement, CBD and EHL shall file a Form CIV-200 “NOTICE OF SETTLEMENT OF ENTIRE CASE,” Form CIV-110 “REQUEST FOR DISMISSAL,” and/or other appropriate form signed by all Parties requesting dismissal of the CBD and EHL Actions with prejudice as to all parties and all causes of action. CBD and EHL shall provide the City and TWV with a conformed copy of their respective filings. If the CBD Action is not dismissed with prejudice as to all parties and all causes of action, or a writ is issued in the CBD Action, this Agreement shall be void ab initio as if it was never executed by the Parties as to the CBD Action. If the EHL Action is not dismissed with prejudice as to all parties and all causes of action, or a writ is issued in the EHL Action, this Agreement shall be void ab initio as if it was never executed by the Parties as to the EHL Action.

10. Legal Expenses. Each party shall bear its own attorney fees and costs, except as otherwise stated in the TWV Agreement and as otherwise set forth as between the City and TWV pursuant to conditions in the Approvals. The City is not a party to the TWV Agreement.

11. Enforcement. Before any action is taken in court to enforce or resolve any dispute or claim under the Agreement (“Dispute”), the Parties shall promptly meet and confer in good faith in an attempt to resolve the Dispute. If meet and confer efforts do not resolve the Dispute, any party may seek enforcement of the Agreement, to the fullest extent allowed by law and equity and consistent with Paragraph 27 of this Agreement, from the Riverside County Superior Court, either pursuant to a motion under Code of Civil Procedure section 664.6 or pursuant to a new civil action.

12. Releases.

- (a) Except as provided in Paragraph 12(c) of this Agreement, each Party, on its own behalf and on behalf of its officers, directors, employees, shareholders, parents, subsidiaries, affiliates, predecessors, successors, assigns, estates, heirs, agents, attorneys, consultants, insurers, and other representatives, hereby releases, acquits, and forever discharges all other Parties and their officers, directors, employees, shareholders, parents, subsidiaries, affiliates, predecessors, successors, assigns, estates, heirs, agents, attorneys, consultants, insurers, and other representatives from any and all claims, actions, causes of action, liabilities, obligations, demands, and losses which arise from the Action or the Approvals, including, without limitation, all equitable and injunctive relief, damages, penalties, fees (including fees of attorneys, experts, and others), costs, expenses, and any other sums incurred or claimed or which could have been claimed in the Action by any Party.
- (b) It is understood and agreed by the Parties that the claims released in Paragraph 12(a) of this Agreement include all claims of every nature and kind whatsoever, whether known or unknown, suspected, or unsuspected, and all rights under California Civil Code section 1542 are hereby expressly waived. Section 1542 provides as follows:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

The Parties acknowledge that they may hereafter discover facts different from, or in addition to, those which they now know or believe to be true with respect to the released claims, and the Parties agree that this Agreement, including, without limitation, the releases contained herein,

shall be and remain effective in all respects notwithstanding such different or additional facts or the discovery thereof.

- (c) Notwithstanding any other provision of this Agreement, the releases specified in this Paragraph 12 of the Agreement shall not extend to any claims arising out of or related to enforcement of this Agreement or the TWV Agreement.
- (d) Nothing in this Agreement shall be construed to limit or restrict the City's constitutional police power in any way with respect to future legislative, administrative, or other actions by the City or City Council.

13. No Assignment. Except as provided in this Agreement, the obligations of the Parties under this Agreement may not be assigned, or otherwise transferred, except by operation of law, without the prior written consent of the Parties, which consent shall not be unreasonably withheld. In no event shall any Party's approved assignment of any aspect of this Agreement relieve such Party of its obligations under this Agreement. Notwithstanding the foregoing, TWV may, at its sole discretion, assign all or a portion of its rights and obligations under this Settlement Agreement to an assignee so long as the assignee enters an agreement assuming such rights and obligations (including expressly the jurisdiction of the Riverside County Superior Court and enforceability of the assigned obligations as set forth in Paragraphs 11 and 27), the assignee has financial capacity to fulfill the obligations assigned, and the assignor or assignee provides notice of assignment to all Parties in accordance with this Settlement Agreement and the assignment complies with Section 2.5 of the Development Agreement entered on January 9, 2018 between the City and TWV (Riverside County Recorder's Office, No. 2018-0036259). The City and TWV affirm that nothing in this Paragraph 13 modifies the rights, obligations, or procedures as between TWV and City set forth in the Development Agreement.

14. Sole and Final Agreement. The Parties acknowledge and represent that no promise or inducement not expressed in this Agreement has been made in connection with this Agreement. Except as to the TWV Agreement, which is between only TWV, CBD, and EHL (but under which the City is a third-party beneficiary as to the release of any claims by CBD or EHL against the City for attorneys' fees or costs), this Agreement contains the entire agreement and understanding between the Parties as to the subject matter of this Agreement. There are no representations, warranties, agreements, arrangements, undertakings, oral or written, between or among the Parties hereto relating to the terms and conditions of this Agreement that are not fully expressed herein. Accordingly, this Agreement supersedes, and fully and completely extinguishes, any prior understandings or agreements by or between the Parties, whether oral or written, express, or implied. This is an integrated agreement.

15. Waiver and Estoppel. No waiver will be implied by delay or any other act or omission of a Party. No waiver of any provision or breach of this Agreement shall be effective unless such waiver is in writing and signed by the waiving party, and any such waiver shall not be deemed a waiver of any other provision or breach of this Agreement. No Party shall be

estopped from enforcing any provision of this Agreement, unless the Party has agreed to such estoppel in a writing signed by the Party.

16. Amendment. Neither this Agreement, nor any of its provisions, may be waived, modified, amended, or terminated except by an instrument in writing signed by the Parties, and then only to the extent set forth in such writing.

17. Mutual Cooperation. Each Party shall execute and deliver to the other Parties all such other further instruments and documents, and take all other such actions, as may be reasonably necessary to carry out the terms and provisions of this Agreement and secure to the other Parties the full and complete enjoyment of their respective rights and privileges hereunder. The Parties agree to exercise care in raising issues that may be contentious by first attempting to meet and resolve such issues with the other Parties in good faith

18. Invalidity. If any portion of this Agreement as applied to any Party or to any circumstance is adjudged by a court to be void or unenforceable, such adjudication shall in no way affect any other provision of this Agreement, the application of any such provision in another circumstance, or the validity or enforceability of this Agreement as a whole.

19. Notices. Except as otherwise specifically set forth herein, all notices or other communications specifically required or permitted to be given under this Agreement shall be in writing and personally delivered or sent by certified mail, return receipt requested and postage prepaid, or sent by reputable overnight courier (such as Federal Express) to the addresses set forth below. Any Party may at any time change its address for the delivery of notice upon five (5) days written notice to the other Parties.

City of Temecula

Aaron Adams, City Manager
City of Temecula
41000 Main Street
Temecula, California 92590

With a copy to:

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With a copy to:

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Center for Biological Diversity, Sierra Club, Cougar Connection, and Mountain Lion Foundation

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Mary Ann Ruiz
Sierra Club, San Geronimo Chapter
Post Office Box 5425
Riverside, California 92517

Fred Hull
Mountain Lion Foundation
Post Office Box 1896
Sacramento, California 95812

With a copy to:

John P. Rose
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Los Angeles, California 90017

Endangered Habitats League

Dan Silver, Executive Director
Endangered Habitats League
8424 Santa Monica Boulevard, Room A 592
Los Angeles, California 90069-4267

With a copy to:

Abigail A. Smith
Law Offices of Abigail Smith
2305 Historic Decatur Road, Suite 100
San Diego, California 92016

20. Time of the Essence. Time is of the essence for this Agreement.

21. Force Majeure. A force majeure event is any event outside the reasonable control of a Party that causes a delay in performing actions required by this Agreement that cannot be cured by due diligence (including, for example, unilateral delay or inaction by another Party or a

third party). Delay in performance of an action required by this Agreement caused by a force majeure event is not a failure to comply with the terms of this Agreement, provided that as soon as reasonably possible, but in any event no later than five (5) days after the occurrence of the event, the Party invoking force majeure notifies the other Parties of the event, the steps that the invoking Party will take to perform the action, and the projected time that will be needed to complete the action ("Force Majeure Notification"). The Parties agree to promptly meet and confer in good faith concerning the Force Majeure Notification, and the invoking Party shall have the burden of establishing that it could not reasonably have been expected to avoid, and which by exercise of due diligence has been unable to overcome, the force majeure event. If that burden is met, the time for performance shall be extended for a reasonable period of time following the force majeure event. If a dispute arises under this Paragraph 21, each Party shall have the right to seek enforcement of this Agreement pursuant to Paragraph 11 of this Agreement.

22. Headings and Cross-References. The headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand, or limit the terms of this Agreement. All cross-references in this Agreement, unless specifically directed to another agreement or document, shall refer to provisions in this Agreement and shall not be deemed to be references to any other agreements or documents.

23. No Duress. This Agreement is executed voluntarily by each of the Parties and without being subjected to any duress or undue influence. Each of the Parties to this Agreement has read and fully understands the meaning of each provision of this Agreement and has relied on the independent advice and representation of legal counsel in entering into this Agreement.

24. Successors and Assigns. The terms and conditions of this Agreement shall be binding upon and inure to the benefit of the Parties as well as the agents, heirs, successors, assignees, and transferees of the Parties.

25. Interpretation; Governing Law. This Agreement shall be interpreted, and the rights and the duties of the Parties shall be determined, in accordance with the laws of the State of California as applied to contracts entered into and performed (or capable of performance) in California by California persons or entities, without regard for choice-of-law principles.

26. Construction. This Agreement has been reviewed by legal counsel for each of the Parties, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or application of this Agreement.

27. Remedies/Enforcement. The Parties' sole and exclusive remedy for breach of this Agreement shall be an action for specific performance or injunction. In no event shall any Party be entitled to monetary damages for breach of this Agreement. In addition, no legal action for specific performance or injunction shall be brought or maintained until: (a) the non-breaching Party provides written notice to the breaching Party which explains with particularity the nature of the claimed breach, and (b) within thirty (30) days after receipt of said notice, the breaching Party fails to cure the claimed breach or, in the case of a claimed breach which cannot be reasonably remedied within a thirty (30) day period, the breaching Party fails to commence to

cure the claimed breach within such thirty (30) day period, and thereafter diligently complete the activities reasonably necessary to remedy the claimed breach.

28. No Admission; Denial of Wrongdoing and Liability. Nothing in this Agreement shall be deemed an admission of any issue of fact or law, except for the limited purpose of enforcing this Agreement. Neither the negotiation of this Agreement, nor any action taken to carry out this Agreement, is, or may be construed or used as, an admission or concession by, or against, any Party of any fault, wrongdoing, or liability whatsoever.

29. Exercise of City Discretion. Except as expressly provided for herein, nothing in this Agreement shall restrict the discretion or police powers of the City.

30. Warranty of Authority. Each signatory of this Agreement represents and warrants that he or she has full authority to enter into this Agreement on behalf of the respective Parties and to settle and compromise all claims that are the subject matter of this Agreement.

31. Counterparts and Electronic Signatures. This Agreement may be executed in duplicate or counterparts, each of which is deemed an original. Electronic signatures and copies of handwritten signatures transmitted by facsimile, email, or other form of reproduction shall be deemed original signatures.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed.

DATED: October 14, 2020

CITY OF TEMECULA

By: 

AARON ADAMS
CITY MANAGER

APPROVAL AS TO FORM ON BEHALF OF CITY OF
TEMECULA

By: 

GINETTA L. GIOVINCO
RICHARDS, WATSON & GERSHON, APC

DATED: October __, 2020

TEMECULA WEST VILLAGE, LLC and
AMBIENT COMMUNITIES, LLC

By: _____

ROBERT ANSELMO
PRINCIPAL, TEMECULA WEST VILLAGE, LLC

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IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed.

DATED: October __, 2020

CITY OF TEMECULA


By: _____
AARON ADAMS
CITY MANAGER

APPROVAL AS TO FORM ON BEHALF OF CITY OF
TEMECULA


By: _____
GINETTA L. GIOVINCO
RICHARDS, WATSON & GERSHON, APC

DATED: October 23, 2020

TEMECULA WEST VILLAGE, LLC and
AMBIENT COMMUNITIES, LLC

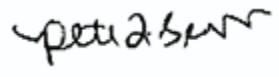
By:  _____
ROBERT ANSELMO
PRINCIPAL, TEMECULA WEST VILLAGE, LLC

APPROVAL AS TO FORM ON BEHALF OF
TEMECULA WEST VILLAGE, LLC and AMBIENT
COMMUNITIES, LLC

By: 
CHRISTIAN L. MARSH
DOWNEY BRAND LLP

DATED: October 26, 2020

CENTER FOR BIOLOGICAL DIVERSITY

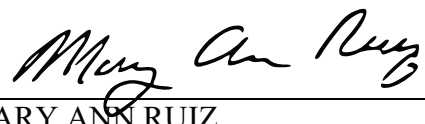
By: 
PETER GALVIN
DIRECTOR OF PROGRAMS

APPROVAL AS TO FORM ON BEHALF OF CENTER
FOR BIOLOGICAL DIVERSITY, SIERRA CLUB,
MOUNTAIN LION FOUNDATION, and THE COUGAR
CONNECTION

By: 
JOHN P. ROSE
CENTER FOR BIOLOGICAL DIVERSITY

DATED: October 22, 2020

SIERRA CLUB

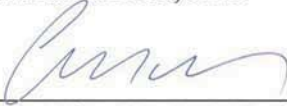
By: 
MARY ANN RUIZ
CHAIR, SAN GORGONIO CHAPTER
OF THE SIERRA CLUB

DATED: October ___, 2020

MOUNTAIN LION FOUNDATION

By: _____
DEBRA CHASE, CHIEF EXECUTIVE OFFICER

APPROVAL AS TO FORM ON BEHALF OF
TEMECULA WEST VILLAGE, LLC and AMBIENT
COMMUNITIES, LLC

By: 
CHRISTIAN L. MARSH
DOWNEY BRAND LLP

DATED: October __, 2020

CENTER FOR BIOLOGICAL DIVERSITY

By: _____
PETER GALVIN
DIRECTOR OF PROGRAMS

APPROVAL AS TO FORM ON BEHALF OF CENTER
FOR BIOLOGICAL DIVERSITY, SIERRA CLUB,
MOUNTAIN LION FOUNDATION, and THE COUGAR
CONNECTION

By: _____
JOHN P. ROSE
CENTER FOR BIOLOGICAL DIVERSITY

DATED: October __, 2020

SIERRA CLUB

By: _____
MARY ANN RUIZ
CHAIR, SAN GORGONIO CHAPTER
OF THE SIERRA CLUB

DATED: October 22, 2020

MOUNTAIN LION FOUNDATION

By: 
DEBRA CHASE, CHIEF EXECUTIVE OFFICER

DATED: October 26, 2020

THE COUGAR CONNECTION

By: 
VICKI LONG, EXECUTIVE DIRECTOR

DATED: October 16 2020

ENDANGERED HABITATS LEAGUE

By: 
DAN SILVER
EXECUTIVE DIRECTOR

APPROVAL AS TO FORM ON BEHALF OF
ENDANGERED HABITATS LEAGUE

By: 
ABIGAIL A. SMITH
LAW OFFICES OF ABIGAIL SMITH

Exhibit A

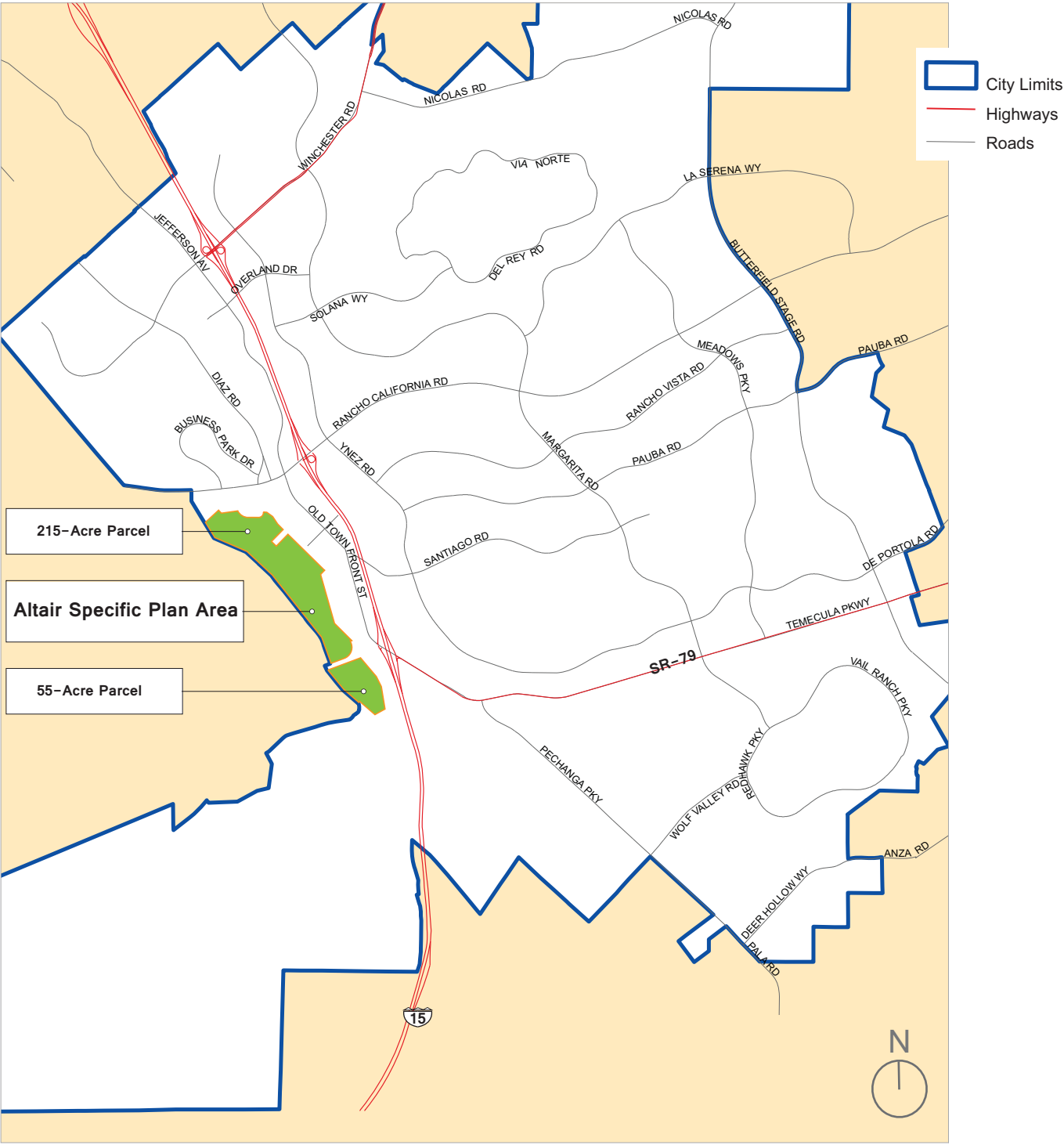


Figure 2-2 Vicinity Map

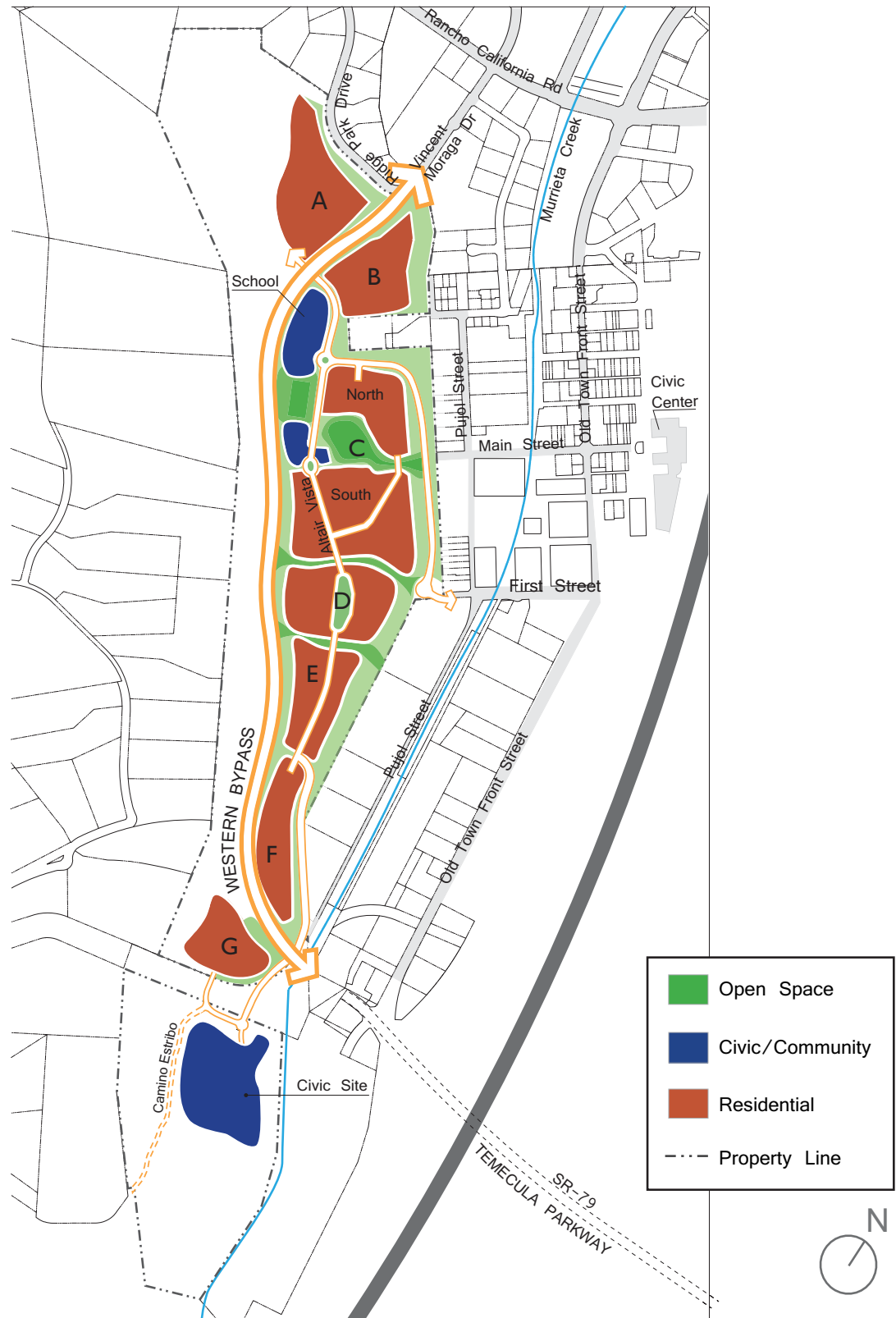


Figure 3-2 Land Use

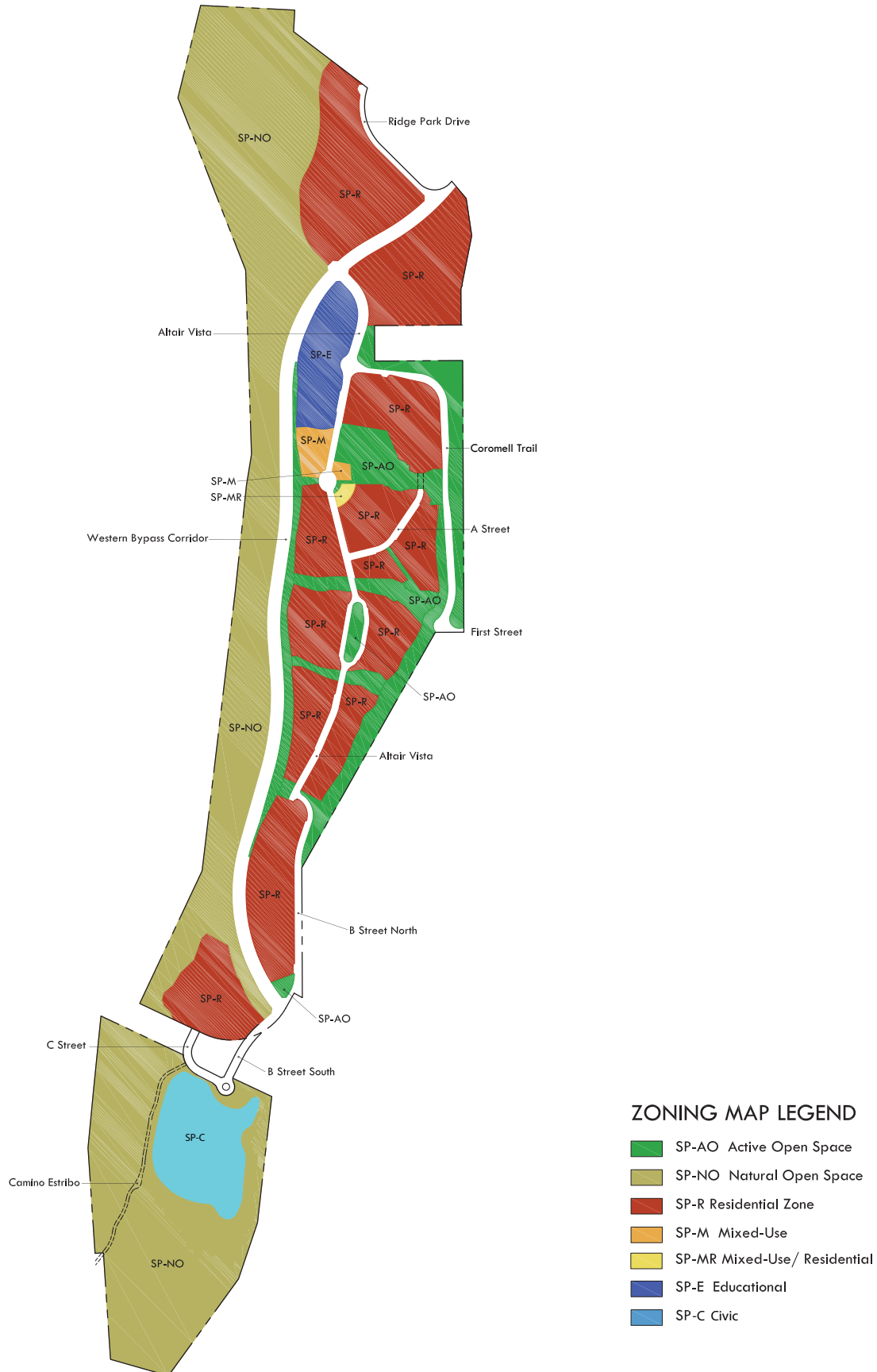


Figure 3-3 Zoning Map

Exhibit B

CITY OF TEMECULA
CIVIC SITE CONCEPTUAL GRADING
TTM NO. 36959

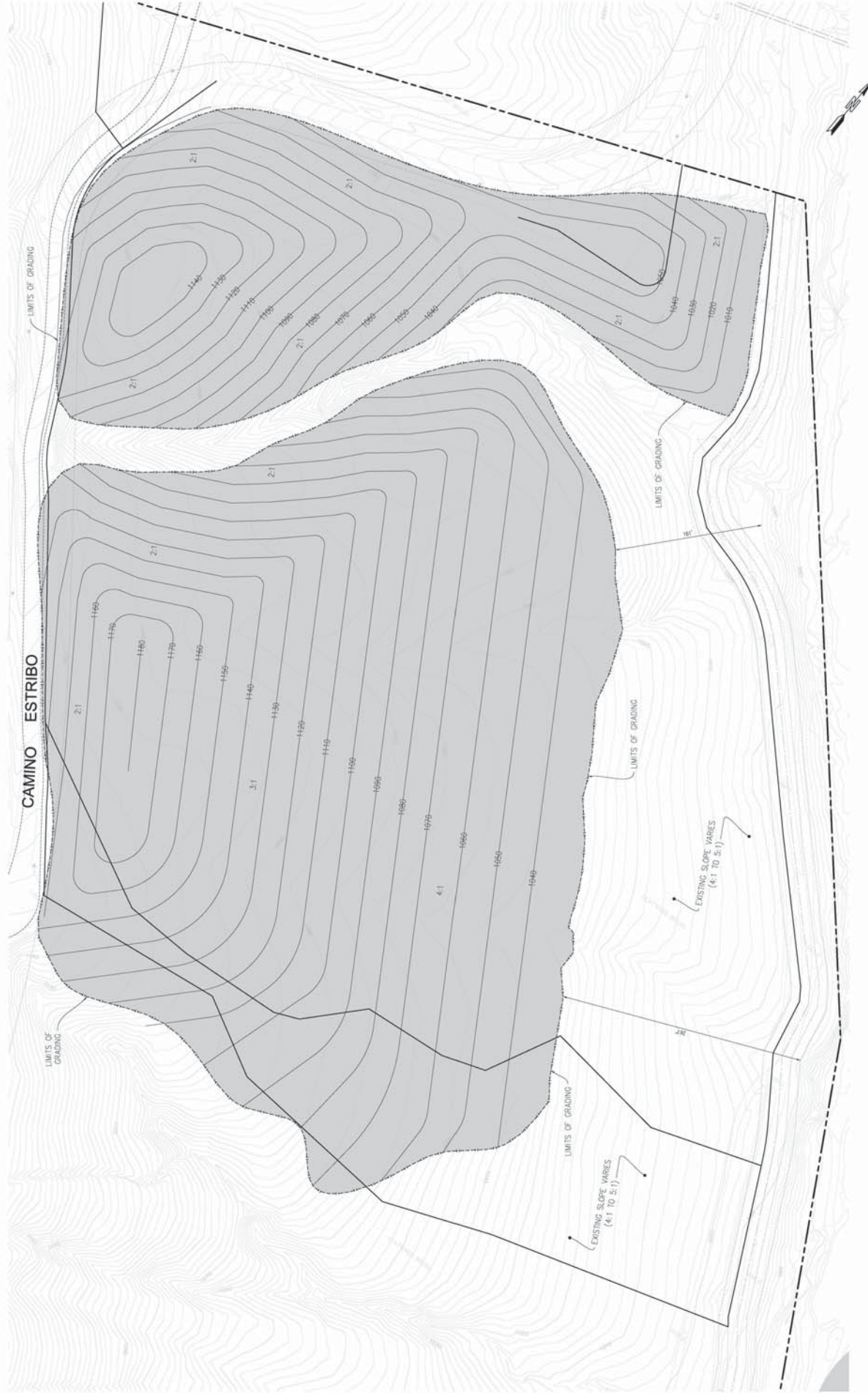


Exhibit C

6.0 MSHCP Implementation Structure



6.1.4 Guidelines Pertaining to the Urban/Wildlands Interface

The guidelines presented in this section are intended to address indirect effects associated with locating Development in proximity to the MSHCP Conservation Area, where applicable. Existing local regulations are generally in place that address the issues presented in this section. Specifically, the County of Riverside and the 14 Cities within the MSHCP Plan Area have approved general plans, zoning ordinances and policies that include mechanisms to regulate the development of land. In addition, project review and impact mitigation that are currently provided through the CEQA process address these issues.

Sections 3.2 and 3.3 of this document provide a general description of the MSHCP Conservation Area and contain the Criteria for Reserve Assembly. As the MSHCP Conservation Area is assembled, “hard-line” boundaries shall be established and Development may occur adjacent to the MSHCP Conservation Area. Future Development in proximity to the MSHCP Conservation Area may result in Edge Effects that will adversely affect biological resources within the MSHCP Conservation Area. To minimize such Edge Effects, the following guidelines shall be implemented in conjunction with review of individual public and private Development projects in proximity to the MSHCP Conservation Area. Edge effects associated with existing and future land uses in proximity to the MSHCP Conservation Area shall also be addressed through overall MSHCP management activities described in *Section 5.0* of this document, particularly General Management Measures 1 and 8 as described in Section 5.2.1.

➤ Drainage

Proposed Developments in proximity to the MSHCP Conservation Area shall incorporate measures, including measures required through the National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area is not altered in an adverse way when compared with existing conditions. In particular, measures shall be put in place to avoid discharge of untreated surface runoff from developed and paved areas into the MSHCP Conservation Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. This can be accomplished using a variety of methods including natural detention basins, grass swales or mechanical trapping devices. Regular maintenance shall occur to ensure effective operations of runoff control systems.



6.0 MSHCP Implementation Structure

➤ Toxics

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 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. Measures such as those employed to address drainage issues shall be implemented.

➤ Lighting

Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding shall be incorporated in project designs to ensure ambient lighting in the MSHCP Conservation Area is not increased.

➤ Noise

Proposed noise generating land uses affecting the MSHCP Conservation Area 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. For planning purposes, wildlife within the MSHCP Conservation Area should not be subject to noise that would exceed residential noise standards.

➤ Invasives

When approving landscape plans for Development that is proposed adjacent to the MSHCP Conservation Area, Permittees shall consider the invasive, non-native plant species listed in *Table 6-2* and shall require revisions to landscape plans (subject to the limitations of their jurisdiction) to avoid the use of invasive species for the portions of Development that are adjacent to the MSHCP Conservation Area. Considerations in reviewing the applicability of this list shall include proximity of planting areas to the MSHCP Conservation 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.

6.0 MSHCP Implementation Structure



**TABLE 6-2. PLANTS THAT SHOULD BE AVOIDED
ADJACENT TO THE MSHCP CONSERVATION AREA**

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<i>Acacia</i> spp. (all species)	acacia
<i>Achillea millefolium</i> var. <i>millefolium</i>	common yarrow
<i>Ailanthus altissima</i>	tree of heaven
<i>Aptenia cordifolia</i>	red apple
<i>Arctotheca calendula</i>	cape weed
<i>Arctotis</i> spp. (all species & hybrids)	African daisy
<i>Arundo donax</i>	giant reed or arundo grass
<i>Asphodelus fistulosus</i>	asphodel
<i>Atriplex glauca</i>	white saltbush
<i>Atriplex semibaccata</i>	Australian saltbush
<i>Carex</i> spp. (all species*)	sedge
<i>Carpobrotus chilensis</i>	ice plant
<i>Carpobrotus edulis</i>	sea fig
<i>Centranthus ruber</i>	red valerian
<i>Chrysanthemum coronarium</i>	annual chrysanthemum
<i>Cistus ladanifer</i> (incl. hybrids/varieties)	gum rockrose
<i>Cortaderia jubata</i> [syn. <i>C. Atacamensis</i>]	jubata grass, pampas grass
<i>Cortaderia dioica</i> [syn. <i>C. sellowana</i>]	pampas grass
<i>Cotoneaster</i> spp. (all species)	cotoneaster
<i>Cynodon dactylon</i> (incl. hybrids varieties)	Bermuda grass
<i>Cyperus</i> spp. (all species*)	nutsedge, umbrella plant
<i>Cytisus</i> spp. (all species)	broom
<i>Delosperma 'Alba'</i>	white trailing ice plant
<i>Dimorphotheca</i> spp. (all species)	African daisy, Cape marigold
<i>Drosanthemum floribundum</i>	rosea ice plant
<i>Drosanthemum hispidum</i>	purple ice plant
<i>Eichhornia crassipes</i>	water hyacinth
<i>Elaeagnus angustifolia</i>	Russian olive
<i>Eucalyptus</i> spp. (all species)	eucalyptus or gum tree
<i>Eupatorium coelestinum</i> [syn. <i>Ageratina</i> sp.]	mist flower
<i>Festuca arundinacea</i>	tall fescue
<i>Festuca rubra</i>	creeping red fescue
<i>Foeniculum vulgare</i>	sweet fennel
<i>Fraxinus uhdei</i> (and cultivars)	evergreen ash, shamel ash
<i>Gaura</i> (spp.) (all species)	gaura
<i>Gazania</i> spp. (all species & hybrids)	gazania

6.0 MSHCP Implementation Structure



**TABLE 6-2. PLANTS THAT SHOULD BE AVOIDED
ADJACENT TO THE MSHCP CONSERVATION AREA (Cont.)**

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<i>Genista</i> spp. (all species)	broom
<i>Hedera canariensis</i>	Algerian ivy
<i>Hedera helix</i>	English ivy
<i>Hypericum</i> spp. (all species)	St. John's Wort
<i>Ipomoea acuminata</i>	Mexican morning glory
<i>Lampranthus spectabilis</i>	trailing ice plant
<i>Lantana camara</i>	common garden lantana
<i>Lantana montevidensis</i> [syn. <i>L. sellowiana</i>]	lantana
<i>Limonium perezii</i>	sea lavender
<i>Linaria bipartita</i>	toadflax
<i>Lolium multiflorum</i>	Italian ryegrass
<i>Lolium perenne</i>	perennial ryegrass
<i>Lonicera japonica</i> (incl. 'Halliana')	Japanese honeysuckle
<i>Lotus corniculatus</i>	birdsfoot trefoil
<i>Lupinus arboreus</i>	yellow bush lupine
<i>Lupinus texanus</i>	Texas blue bonnets
<i>Malephora crocea</i>	ice plant
<i>Malephora luteola</i>	ice plant
<i>Mesembryanthemum nodiflorum</i>	little ice plant
<i>Myoporum laetum</i>	myoporum
<i>Myoporum pacificum</i>	shiny myoproum
<i>Myoporum parvifolium</i> (incl. 'Prostratum')	ground cover myoporum
<i>Oenothera berlandieri</i>	Mexican evening primrose
<i>Olea europea</i>	European olive tree
<i>Opuntia ficus-indica</i>	Indian fig
<i>Osteospermum</i> spp. (all species)	trailing African daisy, African daisy,
<i>Oxalis pes-caprae</i>	Bermuda buttercup
<i>Parkinsonia aculeata</i>	Mexican palo verde
<i>Pennisetum clandestinum</i>	Kikuyu grass
<i>Pennisetum setaceum</i>	fountain grass
<i>Phoenix canariensis</i>	Canary Island date palm
<i>Phoenix dactylifera</i>	date palm
<i>Plumbago auriculata</i>	cape plumbago
<i>Polygonum</i> spp. (all species)	knotweed
<i>Populus nigra</i> 'italica'	Lombardy poplar
<i>Prosopis</i> spp. (all species*)	mesquite
<i>Ricinus communis</i>	castorbean

6.0 MSHCP Implementation Structure



**TABLE 6-2. PLANTS THAT SHOULD BE AVOIDED
ADJACENT TO THE MSHCP CONSERVATION AREA (Cont.)**

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>
<i>Robinia pseudoacacia</i>	black locust
<i>Rubus procerus</i>	Himalayan blackberry
<i>Sapium sebiferum</i>	Chinese tallow tree
<i>Saponaria officinalis</i>	bouncing bet, soapwort
<i>Schinus molle</i>	Peruvian pepper tree, California pepper
<i>Schinus terebinthifolius</i>	Brazilian pepper tree
<i>Spartium junceum</i>	Spanish broom
<i>Tamarix</i> spp. (all species)	tamarisk, salt cedar
<i>Trifolium tragiferum</i>	strawberry clover
<i>Tropaeolum majus</i>	garden nasturtium
<i>Ulex europaeus</i>	prickly broom
<i>Vinca major</i>	periwinkle
<i>Yucca gloriosa</i>	Spanish dagger

An asterisk (*) indicates some native species of the genera exist that may be appropriate.

Sources: California Exotic Pest Plant Council, United States Department of Agriculture-Division of Plant Health and Pest Prevention Services, California Native Plant Society, Fremontia Vol. 26 No. 4, October 1998, The Jepson Manual; Higher Plants of California, and County of San Diego-Department of Agriculture.

➤ **Barriers**

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 in the MSHCP Conservation Area. Such barriers may include native landscaping, rocks/boulders, fencing, walls, signage and/or other appropriate mechanisms.

➤ **Grading/Land Development**

Manufactured slopes associated with proposed site development shall not extend into the MSHCP Conservation Area.

Exhibit D

EXHIBIT D

SUMMARY OF AVOIDANCE, MINIMIZATION, AND MITIGATION MEASURES FOR THE ALTAIR SPECIFIC PLAN

	Measure	Project Document
1.	<u>Mitigation Measure (“MM”) BIO-1</u> : Clearing and grubbing activities restricted to outside of the avian breeding season or with buffering and barriers to avoid disturbance.	MMRP ¹ , p. 1-12
2.	<u>MM-BIO-2</u> : Surveys and protection for burrowing owl.	MMRP, p. 1-12
3.	<u>MM-BIO-3</u> : Requires Best Management Practices such as oversight by qualified biologist during construction, protections for plant and wildlife species, and prohibition on nighttime construction.	MMRP, p. 1-13
4.	<u>MM-BIO-4a</u> : Requires permits for impacts to jurisdictional waters, wetlands, and riparian resources, with a mitigation ratio at a minimum of a 3:1 ratio. Impacts to vegetated channel shall be mitigated at a minimum of 1:1 ratio. <u>MM-BIO-4b</u> : Prior to issuance of grading permit, requires RCA approval of DBESP which shall include specified information.	MMRP, p. 1-13
5.	<u>MM-BIO-6a</u> : Payment of MSHCP Fees. <u>MM-BIO-6b</u> : Record conservation easements or deed transfer in favor of RCA for Conserved Lands.	MMRP, p. 1-13
6.	<u>MM-BIO-7a</u> : Retain a portion of Camino Estribo as a dirt road. <u>MM-BIO-7b</u> : Installation of permanent fencing along the Western Bypass where contiguous with existing or proposed MSHCP Conserved Lands. Requires a detailed fencing plan, including location, specifications, plant list, and method of timing and installation. <u>MM-BIO-7c</u> : Requires a Slope Revegetation Plan.	MMRP, p. 1-15
7.	<u>MM-HYD-1</u> : Requires final drainage study to support design for stormwater facilities conforming with City MS4 permit and Stormwater Ordinance.	MMRP, p. 1-20

¹ Altair Specific Plan Final Environmental Impact Report (October 2017) SCH No. 2014111029 (“FEIR”), Table 3-1 (Summary of Final EIR Environmental Impacts and Mitigation Measures for the Project).

	<p><u>MM-HYD-2</u>: Requires coverage under statewide NPDES Construction General Permit, as well as preparation and implementation of a SWPPP.</p> <p><u>MM-HYD-3</u>: Requires each future development project to develop site-specific Water Quality Management Plan reviewed and approved prior to issuance of building or grading permits.</p>	
8.	<p>Off-Site Conservation:</p> <ul style="list-style-type: none"> • 8.97 acres of hillside escarpment • 66 acres adjacent to I-15 (Omdahl Property – Santa Margarita Ecological Reserve) • 128 acres of escarpment previously purchased by City and provided to RCA for Western Bypass • 14 acres avoided by realignment of Western Bypass (within 100-foot right of way) • 100 acres to be conserved with Wildlife CFD funds <p>Total Off-Site Conservation: 317.00 acres</p>	DA, § 4.4.5(iii)-(iv) ² ; FEIR, p. 2-7; AFEIR ³ , ¶¶1,4
9.	<p>On-Site Conservation:</p> <ul style="list-style-type: none"> • 88.7 acres preserved surrounding Project • 14.54 acres restored and revegetated on South Parcel⁴ • 15.8 acres restored and revegetated after grading for Village A and Western Bypass complete <p>Total On-Site Conservation: 119.0 acres</p>	DA, §§ 4.1.5, 4.4.5(i)-(ii); FEIR, p. 2-7; AFEIR
10.	San Diego ambrosia translocation plan, with translocation to receptor site selected with City, RCA, and Resource Agencies.	FEIR, p. 2-7
11.	Urban/Wildlands Interface Guidelines: Prior to issuance of grading permit, RCA shall review and approve for conformance the design of fencing, lighting, access control, plant palette, drainage, etc. along Western Bypass, Villages A and G, and South Parcel for conformance with Guidelines.	AFEIR, ¶5
12.	<p>Wildlife Conservation CFD – Fee of \$43/year for each residence, in perpetuity, with 2% annual increase:</p> <ul style="list-style-type: none"> • \$23,750,000 anticipated over first 100 years 	DA, §§ 4.4.5(v), 4.5.2(iv); FEIR, p. 2-8; AFEIR, ¶2

² Development Agreement between City of Temecula and Temecula West Village, LLC (“DA”).

³ Addition to Final EIR (“AFEIR”), appearing as Attachment 15 to the City of Temecula Agenda Report to Consider the Altair Project Including a General Plan Amendment, Specific Plan, a Tentative Tract Map, and a Development Agreement, dated December 12, 2017.

⁴ This acreage calculation presumes development of the Nature Center, and does not take into consideration the preservation of the entire South Parcel proposed under the Settlement Agreement.

	<ul style="list-style-type: none"> • Initial revenue (\$6,000,000) directed to acquisition of 100 acres (65 acres not targeted for conservation by the MSHCP), subject to MSHCP equivalency standards • Reimbursement to RCA for costs, with interest, for lands acquired south of the Project for conservation • Engineering feasibility study for I-15 wildlife crossing • Wildlife conservation efforts (i) within Riverside County and (ii) within 10 miles 	
--	---	--

Exhibit E

Altair Specific Plan Project

Multiple Species Habitat Conservation Plan Equivalent Evaluation

September 4, 2020 | WHC-02

Prepared for:

Temecula Village West, LLC
179 Calle Magdalena, #201
Encinitas, CA 92024

Prepared by:

HELIX Environmental Planning, Inc.
7578 El Cajon Boulevard
La Mesa, CA 91942

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Altair Specific Plan Project

Multiple Species Habitat Conservation Plan Equivalency Evaluation

Prepared for:

Temecula Village West, LLC
179 Calle Magdalena, #201
Encinitas, CA 92024

Prepared by:

HELIX Environmental Planning, Inc.
7578 El Cajon Boulevard
La Mesa, CA 91942

September 4, 2020 | WHC-05

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1.0 PROPOSED PROJECT SUMMARY

This Equivalency Evaluation has been prepared to address the consistency of the Altair Specific Plan project (Proposed Project) with the conservation goals and objectives of the Western Riverside County Multiple Species Habitat Conservation Plan (MSHCP; Dudek and Associates [Dudek] 2003) for the MSHCP Cells that cover the Proposed Project footprint (RCA 2017), and to provide the City of Temecula (City) with detailed information on the Replacement Lands and overall acreage targets for the MSHCP Cells. The Proposed Project consists of the development of the Western Bypass and a mixed-use land plan consisting of approximately 1,200-1,750 residential units; a small commercial component in the center of the project overlooking a central park on axis with Main Street; and middle school. This Equivalency Evaluation finds and acknowledges that while the Proposed Project does not satisfy the acreage targets for conservation in the MSHCP within every individual cell encompassing the Project site, overall level, the MSHCP is being made whole in terms of cell acreage and function and value by virtue of the acreage conserved on and off-site, as well as the avoidance, minimization, and mitigation measures incorporated into the Project by existing entitlements and the further conservation measures and commitments contained within the concomitant Settlement and Release Agreement entered among the Parties to the existing litigation, *Center for Biological Diversity v. City of Temecula* and *Endangered Habitats League v. City of Temecula* (Riverside County Superior Court Case Nos. RIC1800858 and RIC1800866). Notwithstanding the forgoing, the realignment of the approved Western Bypass Road and addition of acreage from the Proposed Replacement Lands exceeds the acreage being developed by the Proposed Project.

1.1 PROJECT LOCATION

The approximately 272-acre property is located in the City of Temecula, Riverside County, California (Figure 1, *Regional Location Map*). The property is situated west of Interstate 15, south of Rancho California Road, and immediately north of the Santa Margarita River (Figure 2, *Project Vicinity Map [Aerial Photograph]*). A portion of Murrieta Creek occurs adjacent to the eastern boundary of the project. The property is in unsectioned lands of Township 8 South, Range 3 West and is shown on the U.S. Geological Survey 7.5-minute Temecula and Murrieta quadrangle maps (Figure 3, *Project Vicinity Map [USGS Topography]*). The site is located within the Murrieta Creek and Santa Rosa Plateau subunits of the MSHCP's Southwest Area Plan (Figure 4, *MSHCP Subunits*). A portion of the project site occurs in Cell Group K' (Cell Numbers 7077 and 7161), with the remainder of the project site occurring in Independent Cells (Cell Numbers 7078, 7164, 7166, 7258, 7264, 7355, and 7356; [Figure 5, *Soils*]). The property comprises 13 Assessor Parcel Numbers: 22210049, 940310013, 940310015, 940310016, 940310044, 940310045, 940310046, 940310047, 940310048, 940320001, 940320002, 940320003, 940320004, 940320005, 940320006, and 940320007.

The project area consists mainly of steep hills and narrow, incised canyons, with sage scrub and chaparral as the dominant vegetation communities. Non-native grassland occurs in the lower, flatter areas of the site, primarily along the eastern property boundary. Grading activities for the Ridge Park Office Complex project have disturbed 19.23 acres in the northeastern corner of the site. Soils on the project site include Arlington and Greenfield fine sandy loams, Escondido fine sandy loam, Fallbrook rocky sandy loam, Garretson very fine sandy loam, Garretson gravelly very fine sandy loam, Lodo gravelly loam, Lodo rocky loam, Ysidora gravelly very fine sandy loam, rough broken land, riverwash, and terrace escarpments (Knecht 1971; Figure 5).

1.2 ON-SITE LAND USES AND SURROUNDING LAND USES

Undeveloped land abuts the property to the south; undeveloped land, rural development and agriculture occur to the west; undeveloped land and urban development occur to the north; and urban development exists east of the property. Elevations range from approximately 1,000 to 1,440 feet above mean sea level. Site drainage is to the east/northeast toward Murrieta Creek, which converges with Temecula Creek to form the Santa Margarita River near the southeastern site boundary.

1.3 PROJECT DESCRIPTION

The Project proposes a mixed-use development and open space (Figure 6, *Site Plan on Aerial*), as well as the realignment and reduction of the Western Bypass from its original alignment. The Western Bypass is a Covered Activity under the MSHCP. Different housing types are proposed to meet the needs of a range of age groups and household sizes. The project is located to take advantage of the shopping, dining, and entertainment venues of Old Town and is designed to encourage a strong pedestrian connection to both Old Town and planned open space within the development.

The Project proposes a type of form-based code using building types clustered in villages as the organizing principle. Housing types will include: detached housing; multi-plex; rowhouse; live/work; multifamily walk-up; multifamily podium; micro-unit; and mixed-use. These building types are assigned to seven neighborhood “villages” which, in turn, are overlaid with one of three proposed residential zones (Residential Zone, Mixed-Use/Residential, or Mixed-Use), in combination with an active open space zone. All residential uses would allow a small amount of accessory commercial use to support the neighborhood.

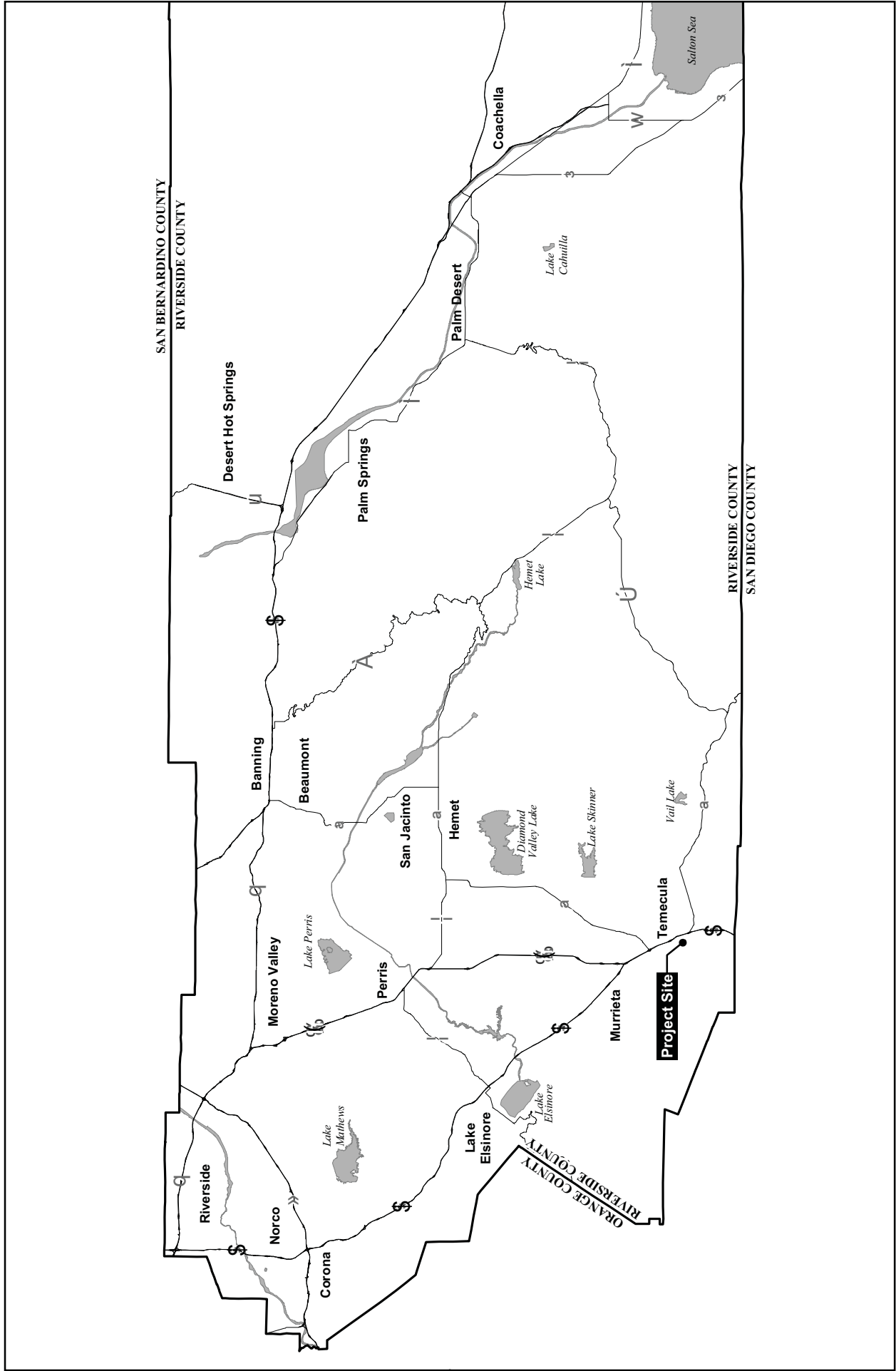
Each village is centered on a node or focal point separated by landscape terrain. The open space between the villages preserves the existing appearance of ravines extending from the upper hillside through the development, allowing similar drainage patterns and maintaining existing views. The villages are connected by an extensive network of pedestrian and bicycle paths.

The Proposed Project proposes to realign the Western Bypass farther to the east within the project boundary to maximize the wildlife corridor to the west and to tie in at Vincent Moraga Avenue. The proposed design greatly reduces the impact area associated with the Western Bypass by eliminating the central portion of the alignment. **The proposed revised design eliminates 55.8 acres of impacts from the approved design, representing a 43 percent reduction in impacts.** The section of the Western Bypass alignment from the northern property boundary to Via Industria would be eliminated from the City’s circulation element.

A portion of the South Parcel may be used for placement of excess fill from the project. These areas will be restored to native sage scrub vegetation following placement of fill.

Through existing Project entitlements as well as the concomitant Settlement Agreement, the project proponent and City of Temecula have incorporated numerous avoidance, minimization, and mitigation measures to reduce impacts on wildlife and perpetually conserve habitat and provide funding for the MSHCP, including:

I:\PROJECTS\W\H\W\HC-02 VillageWest\Map\BIO\EquivalencyEval\Fig1 Regional.mxd W\HC-02 03/17/14 -K.P

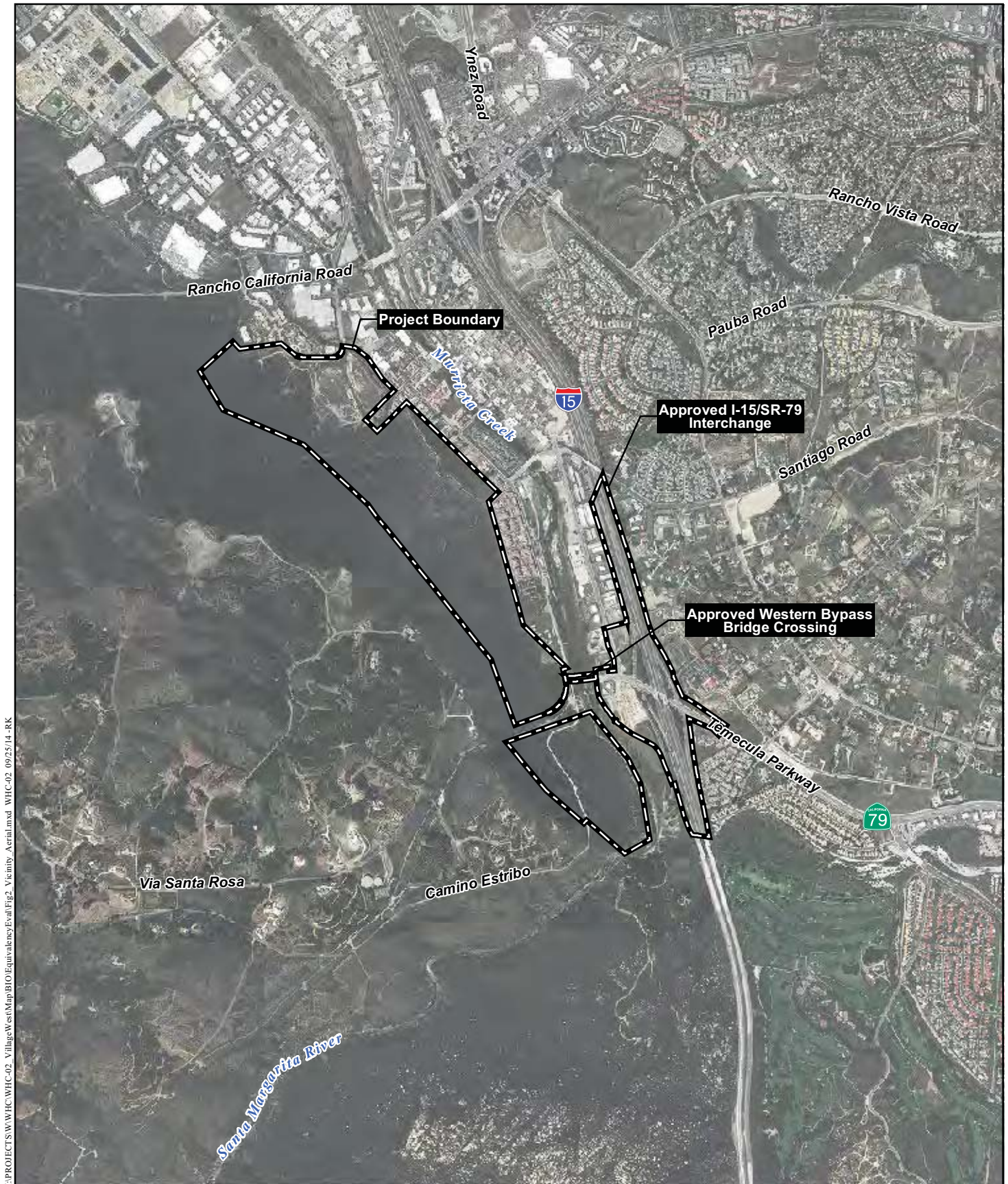


Regional Location Map

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

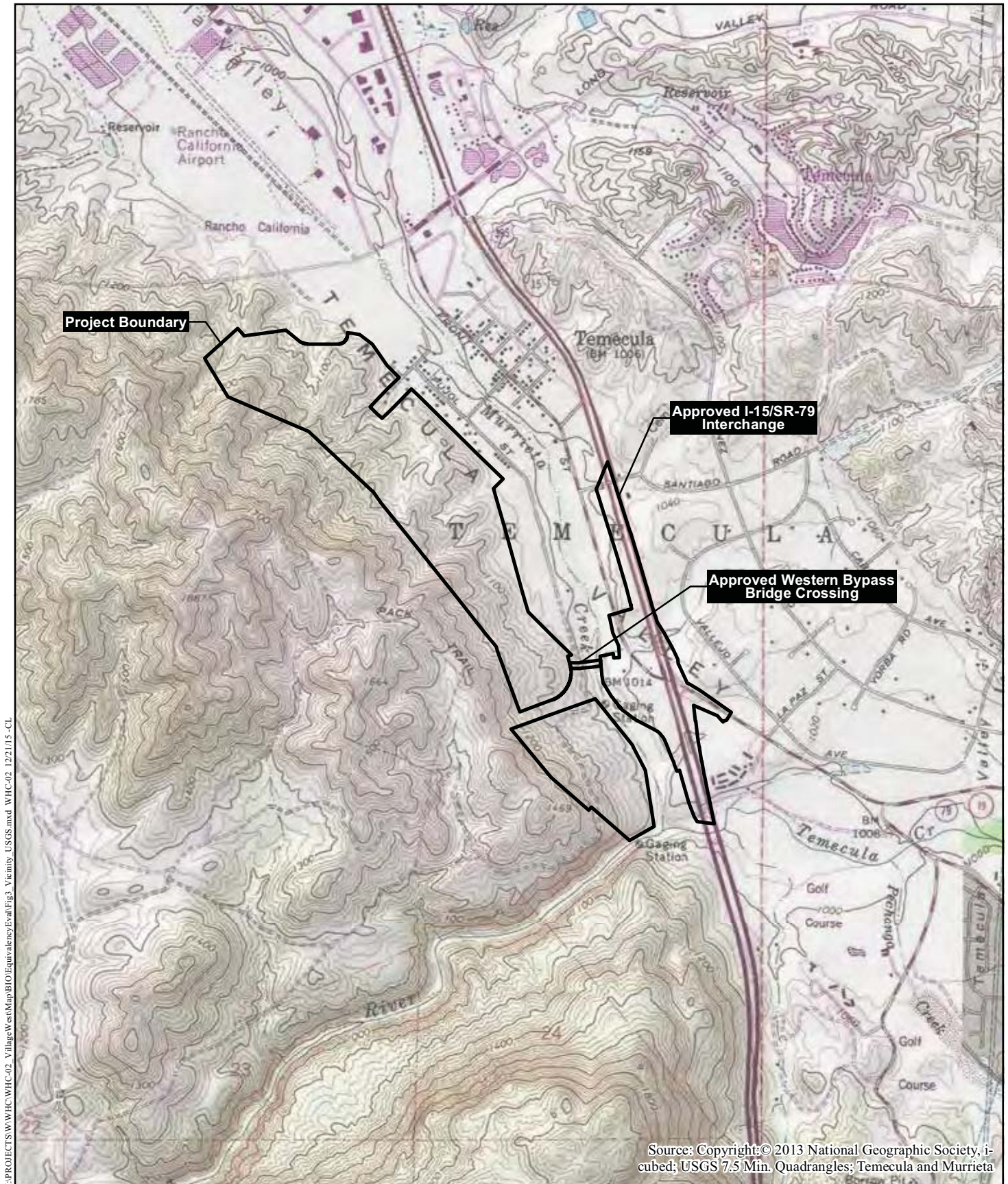


Figure 1



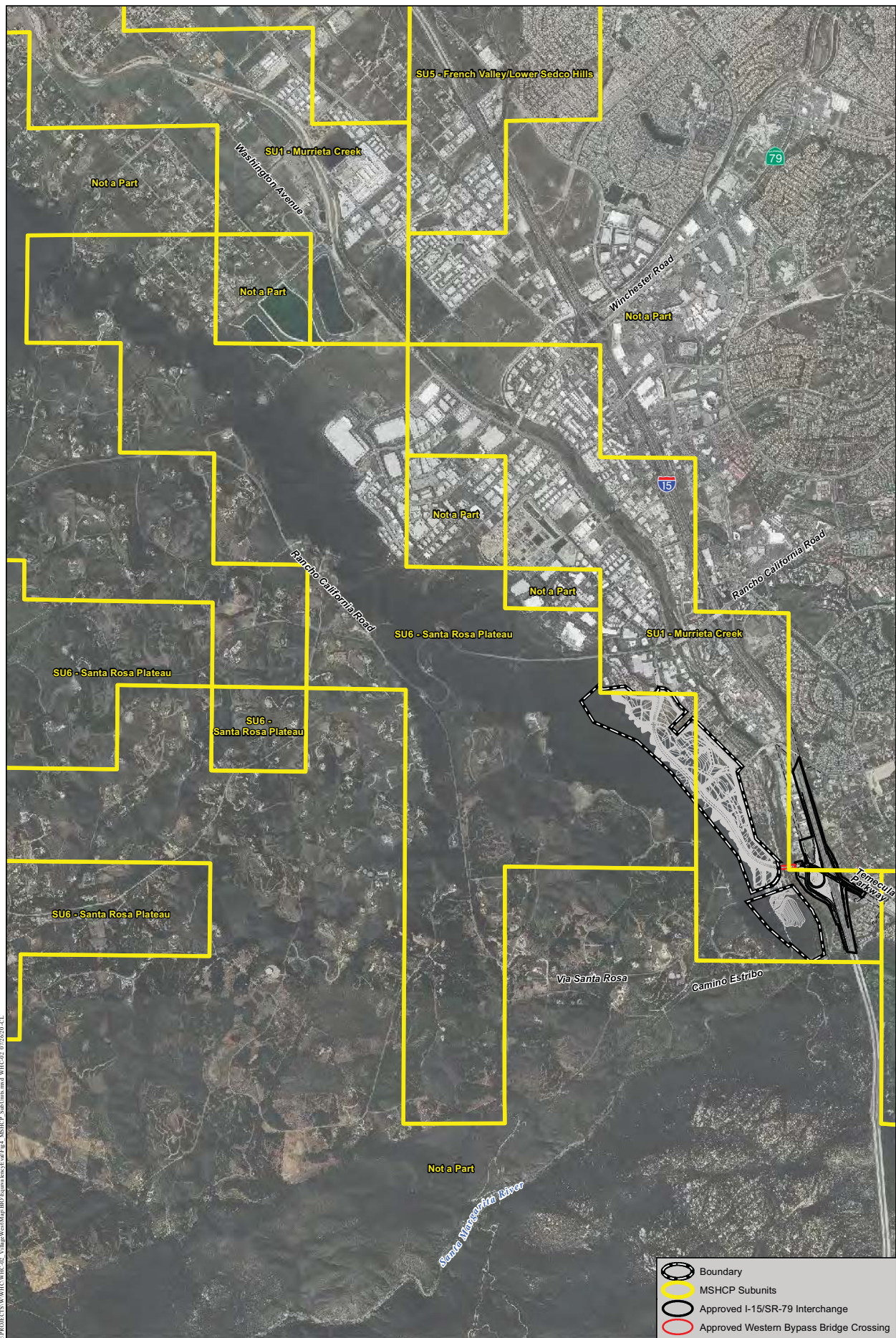
Project Vicinity Map (Aerial Photograph)

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION



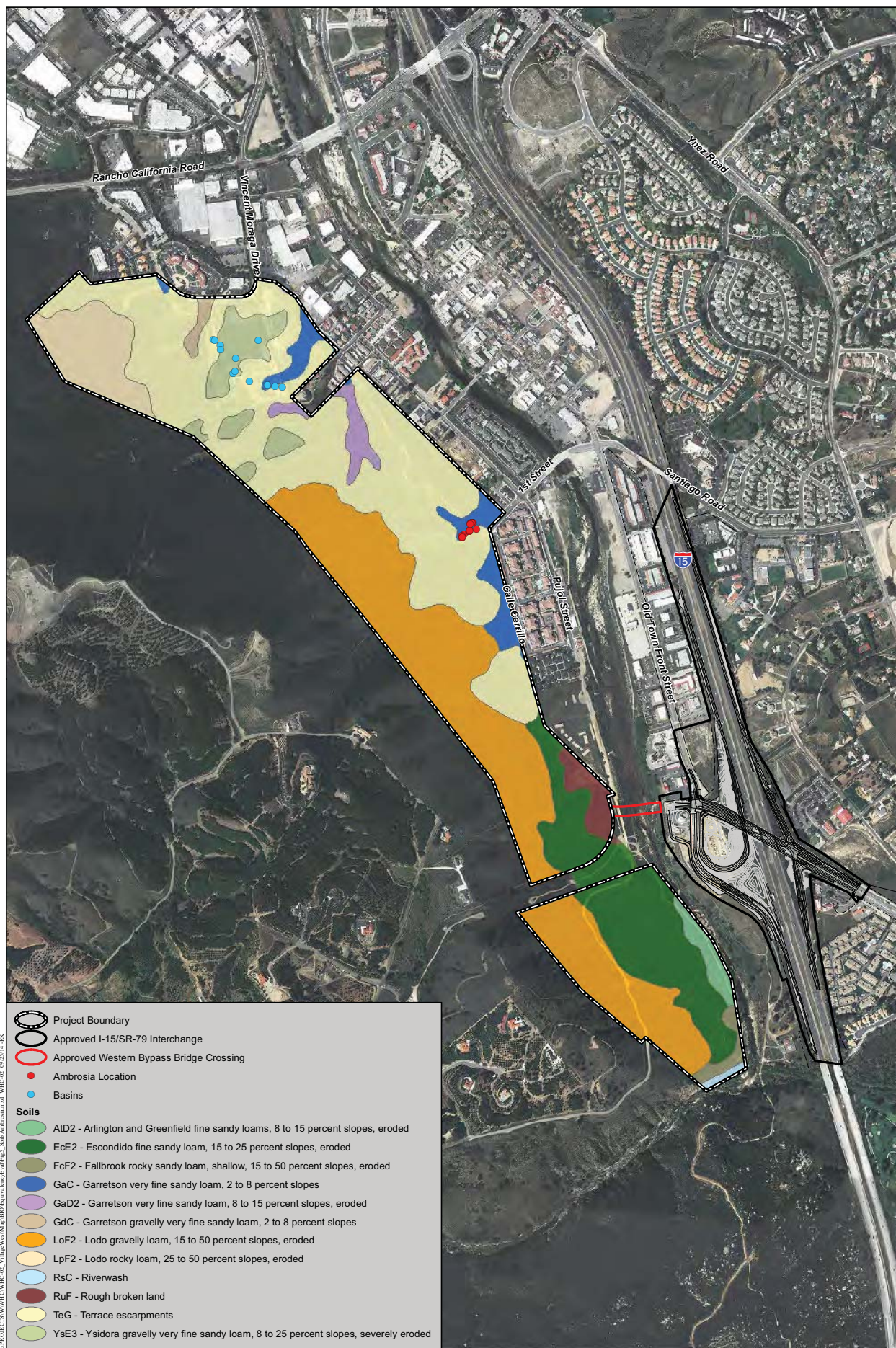
Project Vicinity Map (USGS Topography)

WESTERN BYPASS AND ALTAR SPECIFIC PLAN EQUIVALENCY EVALUATION



MSHCP Subunits

WESTERN BYPASS AND ALT AIR SPECIFIC PLAN EQUIVALENCY EVALUATION



Soils

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION



Site Plan on Aerial

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

- Dedicate the South Parcel to conservation, and prohibit human uses there;
- Work with the City to reduce fill placed on the South Parcel and restore up to the 14.54 acres of the South Parcel to Riversidean sage scrub that would be the maximum area of placement of fill;
- Preserve at least 88.7 acres on-site that will be transferred to the RCA, including the portions of the South Parcel may be transferred to the RCA or other entity with expertise in managing conservation lands;
- Purchase the Omdahl (66 acres) and Foley (8.97 acres) properties and conserve in perpetuity;
- Establish a Wildlife Community Facilities District (CFD) that will collect annual fees from homeowners for use in acquiring an additional 100 acres of conservation lands, a minimum of 65 acres of which are not currently targeted for conservation, and other activities that will benefit regional wildlife efforts;
- Restore approximately 15.8 acres of graded slopes along the western edge of the Western Bypass to chaparral and Riversidean sage scrub and restore slopes along the western edge of Village A and G where appropriate;
- Purchase 5.66-acre easement over APN 480-100-061 and restore and enhance a minimum of 3.96 acres of Riparian/Riverine resources;
- Provide fencing consistent with the MSHCP along the length of the Western Bypass and South Parcel to discourage wildlife movement, including mountain lion into the Proposed Project, and to exclude human use of the Conserved Lands;
- Make Village G available for purchase for conservation purposes;
- Provide up to \$1,742,000 in MSHCP Fees (or in-lieu land value); and
- Provided 128 acres of escarpment previously purchased by City and transferred to RCA for Western Bypass.

1.4 ON-SITE AND OFF-SITE CONSERVED ACREAGE

A total of 88.7 acres would be conserved on-site to contribute to the MSHCP reserve. The on-site open space on the northern parcel will be turned over to the RCA, while open space on the South Parcel will be turned over to the City, RCA or other entity with expertise in management of open space for conservation purposes.

In addition, the project proponent has or will acquire or cause to be acquired:

- APNs 918-080-008 and 918-080-009 totaling 66.00 acres and known as the Omdahl Conservation Parcels
- APN 940-090-010 totaling 8.97 acres and known as the Foley Conservation Parcel. Approximately 1.5 acres will be credited as additional conservation and the remaining 7.47 acres will be identified as lands already targeted for conservation but purchased by the Project

- 100 acres through the assessment of an Annual Wildlife Conservation Fee through a Wildlife Community Facilities District, a minimum of 65 acres of which are not currently targeted for conservation

The Omdahl Conservation Parcels are located approximately 1.1 mile south of the southern terminus of the property, southwest of Temecula Creek Inn Golf Course, approximately 1.25 miles south of the California State Route 79 (Temecula Parkway) exit on the west side of Interstate 15 (I-15), as shown on Figure 7, *Omdahl/Foley Parcels*. The Omdahl Conservation Parcels lie outside of any Cells or Cell Groups. Existing Core G associated with the Santa Margarita Ecological Reserve abuts the Omdahl Conservation Parcels on the north, west and southern boundaries. A narrow strip of native vegetation borders the eastern boundary before abutting Interstate 15.

The Foley Conservation Parcel abuts the west-central boundary of the Project and Via Horca to the west (Figure 7). It is located in MSHCP Cells 7258 and 7264 and abuts proposed conservation and native slope restoration on the Project.

The Proposed Project is proposing to establish a Wildlife CFD that will collect funds from the Proposed Project's residents with the initial \$6 million in funds to be used for the acquisition of parcels for conservation in the vicinity of the Proposed Project. The proceeds will be collected by the City of Temecula and will be transferred to the Western Riverside County Regional Conservation Authority (RCA) pursuant to the Proposed Project's Development Agreement and Specific Plan. The RCA will use the funds to acquire up to 100 acres of land, after which time the City will retain the remaining funds for future acquisitions or other activities that benefit wildlife resources (e.g., support for a southern wildlife crossing, land acquisition, or patrolling the South Parcel). The following criteria will be used in determining if a parcel is suitable for acquisition by the RCA.

1. Parcels must occur within 10 miles of the Altair project and must be located in Riverside County. Parcels do not need to be within the City of Temecula's city limits.
2. Lands must occur within Subunit 1, Subunit 6, Proposed Linkage 10, Proposed Constrained Linkage 9, Proposed Constrained Linkage 10, Proposed Constrained Linkage 11, Proposed Constrained Linkage 12, Proposed Constrained Linkage 13, or Proposed Constrained Linkage 14, or must provide conservation benefits for these areas or regional wildlife movement.
3. High acquisition priority shall be Diegan coastal sage scrub and Riversidean sage scrub within Rough Step Unit 5.
4. Parcels can include lands that may or may not occur within MSHCP Cells as long as the parcel provides conservation benefits for wildlife movement and for other long-term conservation values.
5. The priority should be for acquisition of lands that facilitate regional connectivity.
6. A minimum of 65 of the 100 acres purchased cannot currently be targeted for conservation.

1.5 CONSERVATION SUMMARY

Table 1 below summarizes conservation identified in Sections 1.3 and 1.4 above.

Table 1
ACREAGE WITHIN THE PROJECT BOUNDARY

1) Acreage Within the Project Boundary

Cell Description	Total Acres	Acres Targeted For MSHCP Conservation	Acres Conserved	Acreage (Shortfall) / Surplus	Footnotes
7077 - Group K	0.73	0.73	0.73	0.00	- 5
7161 - Group K	7.38	6.00	7.38	1.38	- 5
7078	3.94	0.00	0.23	0.23	-
7164	92.26	62.44	25.49	(36.95)	- 1, 2, 3, 5
7166	27.55	27.55	0.00	(27.55)	- 2
7258	5.29	5.29	2.73	(2.56)	- 1, 2, 6
7264	68.34	65.67	9.00	(56.67)	- 1, 2, 5, 6
7355	35.90	35.90	18.46	(17.44)	- 1, 4
7356	30.97	30.97	24.68	(6.29)	- 4
Total	272.36	234.55	88.70	(145.85)	

2) Acres Conserved To Offset Shortfall Within Project Boundary

	Acres Conserved	
A) Covered Activity Roadways		
i) Offsite Western Bypass ROW eliminated by realignment.	14.00	
B) Offsite Land Conserved (Not Targeted For Conservation By MSHCP)		
i) Foley Property purchased by Altair project.	1.50	
ii) Omdahl Property purchased by Altair project.	66.00	
C) Offsite Land Conserved, Financed By Altair Project		
i) Land to be purchased by RCA. <u>Not targeted</u> for MSHCP conservation.	65.00	
ii) Land to be purchased by RCA.	35.00	
Total Acres Conserved to Offset Shortfall Within Project Boundary	181.50	Cumulative Acreage (Shortfall) / Surplus 35.65

Total Acres Conserved In Sections #1 and #2 Above 270.20

3) Additional Acres Conserved and/or Restored

	Acres Conserved and/or Restored
A) Onsite Areas Revegetated	
i) Revegetation of graded land on the South Parcel.	14.54
ii) Revegetation of graded Western Bypass slopes.	15.80
B) Offsite Land Conserved	
i) Foley Property purchased by Altair. Targeted for MSHCP Conservation.	7.47
ii) Escarpment land purchased by City of Temecula.	128.00
Total Additional Acres Conserved and/or Restored	165.81

Total Land Conserved and/or Restored By Altair Project & City of Temecula In Sections #1, #2 and #3 Above 436.01

Footnotes:

- 1) Cell includes 100' of ROW for the revised Western Bypass alignment.
- 2) Cell includes habitat that will be isolated after the Western Bypass is constructed.
- 3) Cell includes 19.23 acres graded in 1989 by the Ridge Park Office development.
- 4) Cell includes land on the South Parcel to be graded and re-vegetated by the Altair project.
- 5) Cell includes offsite land conserved by the City of Temecula (128 acres total) and given to RCA.
- 6) Cell includes offsite land conserved by the Altair project to be given to the RCA.

2.0 SUMMARY OF JOINT PROJECT REVIEW PROCESS

HELIX Environmental Planning, Inc. (HELIX) conducted the following surveys and assessments of the property: delineation of jurisdictional waters, wet season and dry season fairy shrimp surveys, Riparian/Riverine and Vernal Pool habitat assessment, burrowing owl surveys, sensitive plant surveys, and vegetation mapping, along with a general habitat assessment of the potential for sensitive species to occur. The methods used to evaluate the biological resources present on the property are discussed in this section. Plant and animal species observed or detected on the property by HELIX are listed in Appendices A and B, respectively.

Site assessments were also conducted on Replacement Lands Areas 1 and 2.

Sensitive plant and animal status is taken from the California Natural Diversity Database (CNDDDB) of the CDFW (2013a, b, c and d). Sensitive plant species habitats and blooming periods are taken from the MSHCP (Dudek 2003). The CDFW CNDDDB (2013a), CNPS's online database (2014), and HELIX in-house database were searched to obtain a list of sensitive animal and plant species with potential to occur on the property.

2.1 ASSESSMENTS AND SURVEYS CONDUCTED ON THE PROPOSED PROJECT SITE

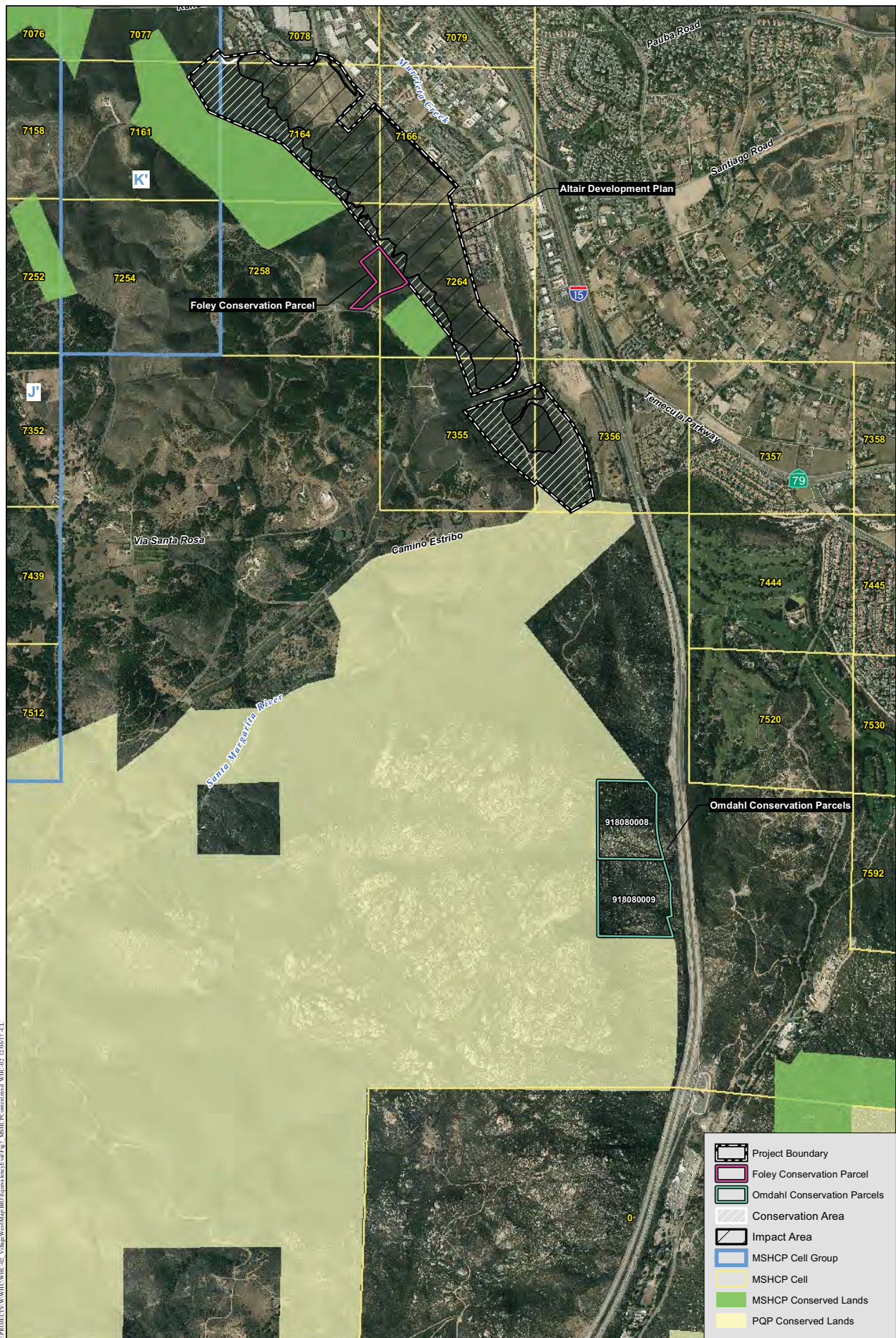
Nomenclature for this report follows Baldwin et al. (2012) for plants and the MSHCP (Dudek 2003) for vegetation community classifications, with additional vegetation community information taken from Holland (1986) and/or Oberbauer (2008). Animal nomenclature follows Emmel and Emmel (1973) for butterflies, Center for North American Herpetology (Taggart 2013) for reptiles and amphibians, American Ornithologists' Union (2013) for birds, and Baker et al. (2003) for mammals. Sensitive plant and animal status is from the CNDDDB (2019d). Sensitive plant species habitats and blooming periods are from the MSHCP (Dudek 2003). Soils classifications are obtained from Knecht (1971).

2.1.1 Vegetation Mapping (MSHCP Section 6.3.1)

HELIX conducted a general biological survey and vegetation mapping on the property on June 2 and June 28, 2005, with an additional general biological survey conducted on March 1, 2007. Vegetation of the previously graded pad was re-mapped on February 10, 2014. Vegetation communities were mapped according to vegetation community classifications in the MSHCP (Dudek 2003) with additional information from Holland (1986). Vegetation communities were mapped to one-tenth of an acre (0.1 acre) with the exception of Riparian/Riverine habitats that were mapped to one one-hundredth of an acre (0.01 acre).

2.1.2 Riparian/Riverine Resources (MSHCP Section 6.1.2)

Riparian/Riverine and Vernal Pool mapping has been conducted on multiple occasions including 2007, 2013, 2014, and 2018 by HELIX Environmental Planning, Inc. [HELIX] biologists W. Larry Sward and Robert Hogenauer. This also included a review of aerial photographs to complete the evaluation. The mapping of the Riparian/Riverine resources was finalized during a project site walk with CDFW in 2018.



Omdahl/Foley Parcels

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

Data presented in this report is based on this 2018 site assessment and supersedes previous biological reports for the project with respect to Riparian/Riverine and Vernal Pool Resources.

The work conducted by Mr. Sward and Mr. Hogenauer is the basis for the Riparian/Riverine and Vernal Pool habitats assessments, which, according to the MSHCP definition, are as follows:

Riparian areas are lands that include habitat dominated by trees, shrubs, persistent emergents, or emergent mosses and lichens, which occur close to or depend upon soil moisture from a nearby freshwater source. Riverine areas are land with freshwater flow during all or a portion of the year.

Vernal pools are seasonal wetlands that occur in depression areas that have wetland indicators of all three parameters (soils, vegetation, and hydrology) during the wetter portion of the growing season but normally lack wetland indicators of hydrology and/or vegetation during the drier portion of the growing season. Obligate hydrophytes and facultative wetlands plant species are normally dominant during the wetter portion of the growing season, while upland species (annuals) may be dominant during the drier portion of the growing season.

In addition to vernal pools, ephemeral or season pools are those areas that hold water during the wetter portion of the year but are dry for the majority of the year. These habitats are similar to vernal pools but typically lack the wetland indicator parameter of vegetation and/or soils that would classify them as seasonal pools. The ephemeral pools include road ruts and similar habitat with potential to support fairy shrimp. The HELIX mapping of Riparian/Riverine and Vernal Pool resources included naturally occurring habitat that met the definitions above. Man-made areas such as concrete v-ditches constructed in upland habitats were excluded from the mapping of riverine resources. Man-made basins and basins occurring within the existing graded pad in the northern portion of the project were excluded from the mapping.

The Omdahl Conservation Parcels were examined for potentially occurring water features, intermittent, and ephemeral drainages (ESA 2016).

An aerial photographic assessment of the Foley Conservation Parcel was conducted to assess the potential for Riparian/Riverine resources.

2.1.2.1 Riparian Birds

The project site was determined to have habitat with low potential to support least Bell's vireo (*Vireo bellii pusillus*). The habitat on-site by itself would typically not be considered potential habitat for least Bell's vireo, but due to the close proximity to quality habitat along Murrieta Creek the on-site habitat was determined to have low potential and, therefore, surveys for least Bell's vireo were conducted. The habitat was determined to not have potential to support southwestern willow flycatcher (*Empidonax traillii extimus*), or yellow-billed cuckoo (*Coccyzus americanus*).

The least Bell's vireo survey (HELIX 2014a) was conducted in 2014 according to USFWS survey protocol (U.S. Fish and Wildlife [USFWS] 2001). The survey covered potential vireo habitat on-site that consists of southern willow scrub, mule fat scrub, and riparian woodland that occur in patches along the central streambed that crosses the property.

2.1.2.2 Fairy Shrimp

Although all of the basins on-site are considered man-made features, HELIX permitted biologists Jason Kurnow (Permit TE778195) and Amy Mattson (Permit TE778195) conducted wet season surveys according to USFWS protocol (USFWS 1996) to determine presence/absence of vernal pool (*Branchinecta lynchi*) and Riverside fairy shrimp (*Streptocephalus woottoni*; HELIX 2015a). Surveys were conducted between December 11, 2014 through May 7, 2015.

Samples were taken in water-holding basins using fine mesh aquarium nets. Care was taken to ensure that nets were cleaned after each basin was sampled. Basin depth, area, water temperature, air temperature, habitat condition, and species present were noted and recorded on USFWS vernal pool data sheets.

Dry Season Survey

Fifteen basins identified by either the 2014-2015 wet season survey (HELIX 2015b) and/or past mapping were sampled by Mr. Kurnow (Permit TE778195-12). Mr. Kurnow conducted the dry season fairy shrimp sampling according to USFWS Listed Vernal Pool Branchiopods protocol (dated April 19, 1996)¹. Soil was collected by Mr. Kurnow on October 2, 2015, which was subsequently analyzed for fairy shrimp cysts. Approximate depth, area, and habitat condition of each sampled basin were noted and recorded on USFWS Vernal Pool Data Sheets.

Following soil collection, the samples were processed and analyzed at the HELIX lab. Soil samples were prepared by dissolving clumps of soil in water and sequentially sieving the material through 710-, 355-, and 212-µm pore size screens. The small size of these screens ensures that cysts from the target fairy shrimp species are retained. The portion of each sample retained in the screen was dispersed in a brine solution to separate organic from inorganic material. The organic fraction was decanted, dried, and examined under a microscope. Cysts were identified to genus based on their surface characteristics.

2.1.2.3 Western Pond Turtle

A survey for the western pond turtle (*Actinemys marmorata pallida*) was conducted by HELIX (2020) for the South Parcel. Surveys for the western pond turtle were conducted by HELIX biologists Rob Hogenauer, Benjamin Rosenbaum, Daniel Torres, Matthew Dimson, and Jessica Lee on January 17 and 20, 2020, within all areas of potentially suitable overwintering/aestivation habitat on the project site.

The January 2020 overwintering/aestivating western pond turtle survey was conducted by walking transects throughout the entire proposed South Parcel portion of the project. The transects were surveyed parallel to each other and spaced approximately one meter apart. The transect lines varied based on topography and suitable habitat conditions. If suitable shrubs and/or aestivation sites were observed outside of the transect line, the surveyor also surveyed these areas. All shrubs were inspected for leaf litter/duff and aestivating western pond turtles, or any other signs of turtle aestivation suitability. Flagging tape was used to mark survey areas and to confirm that the area beneath every shrub had been inspected. The surveyors used PVC pipes and a snake stick to survey beneath shrubs and

¹ The USFWS does not require the 2015 survey guidelines to be followed for projects where an existing contract was in place prior to the 2015 survey guidelines being issued. This is documented in an email from Stacey Love (USFWS) to Mr. Kurnow on July 6, 2015. This circumstance applies to the Altair project.

within leaf litter. The drainages and steep canyon slopes (generally steeper than 1:1 slopes) within the survey area were surveyed visually.

2.1.2.4 Riparian/Riverine and Vernal Pool Plants

The assessments for Riparian/Riverine and Vernal Pool plants were conducted by biologist Mr. Sward and Mr. Hogenauer and included a search for the 23 Riparian/Riverine plant species listed in the MSHCP. Additionally, HELIX biologists conducted general biological surveys and vegetation mapping surveys on June 2, 2005, March 1, 2007, and February 10, 2014, that included compiling a list of plant species observed, and these species were also searched for during multiple subsequent site visits while conducting the jurisdictional delineation.

On the Replacement Lands, Riparian/Riverine species were mapped if noted during the general assessments of these areas.

2.1.2.5 Narrow Endemic Plant Species Survey Area (MSHCP Section 6.1.3)

The property does not occur in a Narrow Endemic Plant Species Survey Area (NEPSSA) and NEPSSA surveys are therefore not required. During other project surveys, however, San Diego ambrosia (*Ambrosia pumila*), a NEPSSA species, was observed. Although not required the species was mapped during the 2014 vegetation mapping effort by HELIX.

2.1.3 Criteria Area Species Survey Area (MSHCP Section 6.3.2)

The property does not occur in a Criteria Area Species Survey Area (CASSA) and NEPSSA surveys are therefore not required. No CASSA species were incidentally identified during other project surveys.

2.1.4 Burrowing Owl (MSHCP Section 6.3.2)

HELIX biologist Mr. Hogenauer, surveyed the property for the burrowing owl in 2007. The survey was conducted according to the Burrowing Owl Survey Instructions for the Western Riverside Multiple Species Habitat Conservation Plan Area (County 2006). The area survey was primarily comprised of non-native grassland, and disturbed habitat. All potential owl burrows were checked for signs of recent owl occupation, which include pellets/casting (e.g., regurgitated fur, bones, and insect parts), white-wash (excrement), and feathers.

HELIX conducted a second burrowing owl survey in 2014 (HELIX 2014b) and followed County (2006) survey guidelines as noted above.

2.2 JOINT PROJECT REVIEW FINDINGS

2.2.1 Vegetation Communities (MSHCP Section 6.3.1)

Eleven vegetation communities occur on the property (Table 2, *Existing Vegetation Communities*; Figure 8, *Vegetation and Sensitive Resources/Site Plan*): riparian woodland, southern willow scrub, herbaceous wetland, native grassland, coast live oak woodland, Diegan coastal sage scrub, southern mixed chaparral, non-native grassland, non-native vegetation, disturbed habitat, and developed land.

Table 2
EXISTING VEGETATION COMMUNITIES

HABITAT	ACRES*
Riparian/Riverine Habitats	
Riparian woodland	0.48
Southern willow scrub	0.37
Herbaceous wetland	0.08
Coast live oak woodland	0.74
Subtotal	1.67
Upland Habitats	
Native grassland	0.1
Coast live oak woodland	6.4
Diegan coastal sage scrub	145.0
Southern mixed chaparral	68.4
Non-native grassland	22.1
Non-native vegetation	0.3
Disturbed habitat	25.6
Developed	2.7
Subtotal	270.6
TOTAL	272.4¹

¹Includes 1.6 acres of off-site impacts. Total reflects rounding

2.2.2 Riparian/Riverine and Vernal Pool Assessment (MSHCP Section 6.1.2)

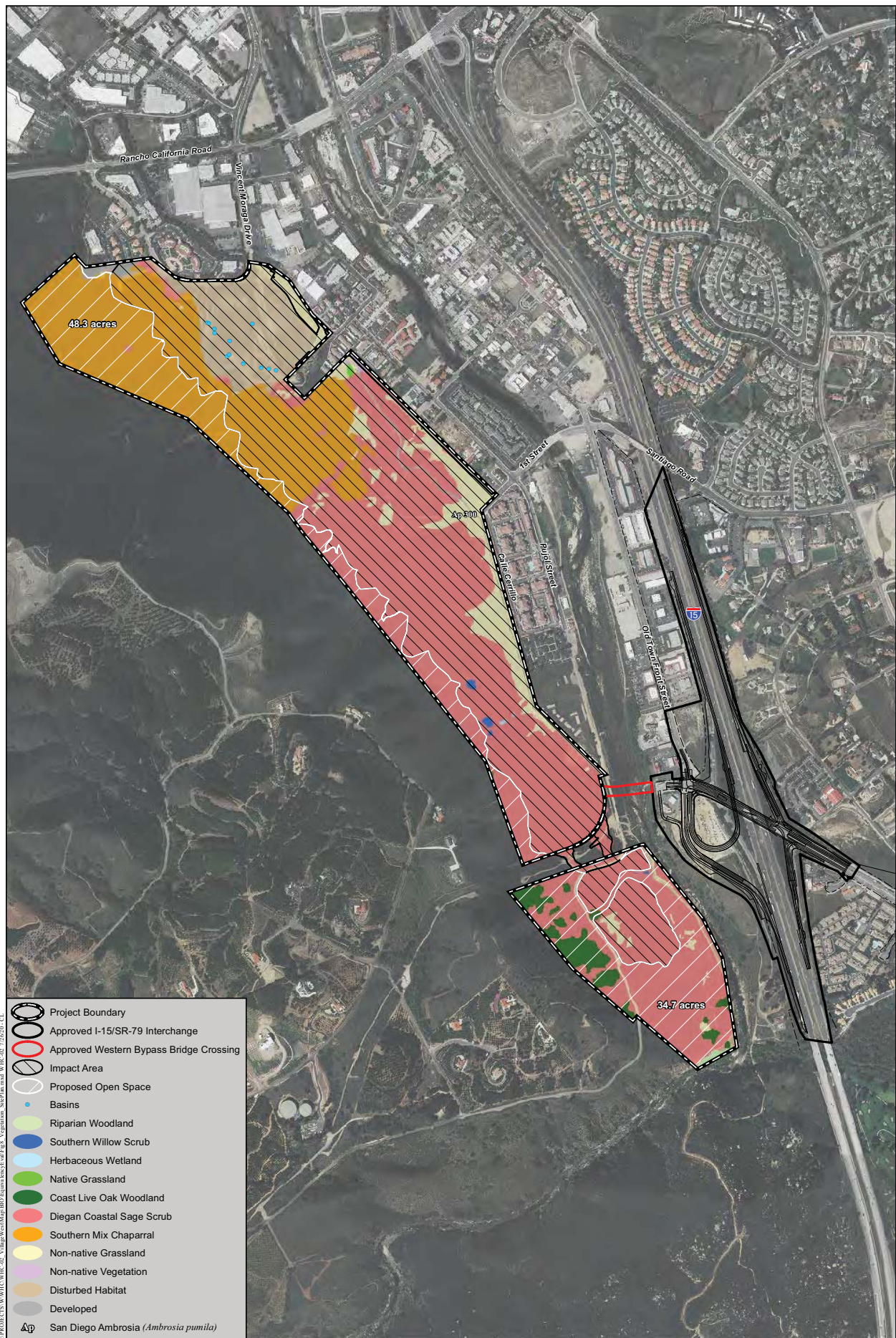
The Riparian/Riverine and Vernal Pool habitat assessment identified 3.08 acres of Riparian/Riverine habitat made up of 0.48 acre of riparian woodland, 0.37 acre of southern willow scrub, 0.08 acre of herbaceous wetland, 0.01 acre of mule fat scrub, 0.74 acre of coast live oak woodland, and 1.41 acres of streambed (Figure 9, *Riparian and Riverine Resources/Impacts*; Table 3, *Riparian/Riverine and Vernal Pool Resources Existing and Impacts in the Project Area [Acres]*). The project site also includes 0.04 acre of ephemeral pool habitat occurring in 15 basins in the northeast portion of the project site. The basins occur on the portion of the site that has been previously graded, and as such, all the pools are man-made features and are not discussed further in this report.

Table 3
RIPARIAN/RIVERINE AND VERNAL POOL RESOURCES EXISTING
AND IMPACTS IN THE PROJECT AREA
(acres)

Resource	Existing On-Site	Existing Off-Site	Impacts ¹	Avoided
Riparian woodland	0.48	-	0	0.48
Southern willow scrub	0.37	-	0.34	0.03
Herbaceous wetland	0.08	-	0.08	0
Coast live oak woodland	0.74	-	0.04	0.70
Mule fat scrub	0.01	-	0.01	0
Streambed	1.39	0.02	0.93	0.47
TOTAL	3.06	0.02	1.40	1.68

¹ includes off-site impacts

The project will avoid impacts to 1.68 acres of Riparian/Riverine resources. These resources occur within the 88.7 acres of habitat proposed to be conserved to contribute to the assembly of the MSHCP



Vegetation and Sensitive Resources/Site Plan

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preserve. The 88.7 acres will be under the management of the RCA, as will the 1.42 acres of Riparian/Riverine habitat being avoided. The project will include fencing consistent with the MSHCP along the western side of the project and signage stating the land is an MSHCP conservation area will be added to these designated areas throughout the project.

2.2.3 Plants

None of the 23 sensitive plant species identified in the MSHCP as potentially occurring in association with Riparian/Riverine and Vernal Pool habitats have been observed on-site.

A number of the species have distributions well above the elevations at the project site, and/or well north or east of the project site. Species in this group include lemon lily, San Jacinto Valley crowscale, Mojave tarplant, Parish's meadowfoam, Santa Ana River woolly-star, and Brand's phacelia.

The remaining species have a distribution that encompasses the project site or that occur in vegetation communities/habitats found on or near the property. The non-herbaceous species (e.g., trees and shrubs) are identifiable regardless of the time of year. These species would also have been in flower at the time of the surveys. Species in this category include Engelmann oak, California black walnut, San Miguel savory, Coulter's matilija poppy, and Fish's milkwort. Oak woodland occurs on the property; however, these areas are dominated by coast live oak. No Engelmann oak have been observed on-site.

California black walnut is restricted to woodlands and forests below 900 meters (m) and may be found in riparian or non-riparian areas (Dudek 2003). It has been documented in several locations within western Riverside County, with the majority of stands documented to occur on the eastern and western subregions of the Santa Rosa Plateau of the Santa Ana Mountains. Suitable habitat occurs on-site; however, this species was not observed during biological surveys conducted on the property.

San Miguel savory is primarily restricted to rocky, gabbroic, and metavolcanic substrates in coastal sage scrub, chaparral, cismontane woodland, riparian woodland, and valley and foothill grasslands (between 120 and 1,005 m; Dudek 2003). The majority of the populations/individuals are associated with the Santa Rosa Plateau and the Santa Ana Mountains. Suitable habitat occurs on-site; however, this species was not observed during biological surveys conducted on the property.

Coulter's matilija poppy occurs in dry washes and canyons below 1,200 m in open, mildly disturbed sage scrub, chaparral, and along rocky drainages (Dudek 2003). The majority of known occurrences for this species are in the Santa Ana Mountains and east to Temescal Canyon. Suitable habitat occurs on-site; however, this species was not observed during biological surveys conducted on the property.

Fish's milkwort is restricted to the eastern slopes of the Santa Ana Mountains and possibly the northern slopes of the Agua Tibia Mountains (Dudek 2003). It is associated with shaded areas within cismontane oak woodlands and riparian woodlands, although it also occurs in xeric and mesic chaparral habitat. Suitable habitat occurs on-site however this species was not observed during biological surveys conducted on the property.

All herbaceous species potentially occurring on-site would have been in flower and readily identifiable during the surveys. These species are discussed in greater detail below and include specific habitat information that greatly decreases their probability of occurrence on-site.

Several of the species are associated with vernal pools, mesic clay substrate, saline flats and depressions, mesic grasslands, playas, or similar habitats. These species are spreading navarretia, California Orcutt grass, prostrate navarretia, San Diego button-celery, thread-leaved brodiaea, Orcutt's brodiaea, vernal barley, and smooth tarplant. None of these species were found during the Riparian/Riverine and Vernal Pool Habitat Assessments or other surveys on the property, and they are not expected to occur.

Mud nama is restricted to muddy embankments of marshes and swamps and within lake margins and riverbanks. Three populations are known from Riverside County, with two occurring along the San Jacinto River (Dudek 2003). Habitat for this species is absent from the project site.

Graceful tarplant has a fairly scattered distribution, with known occurrences concentrated within the Santa Ana Mountains and Foothills, primarily within U.S. Forest Service lands (Dudek 2003). Within the Plan Area, graceful tarplant is restricted to coastal scrub, chaparral, cismontane woodland, lower montane coniferous forest, and valley and foothill grasslands at elevations below 600 meters within western Riverside County (Dudek 2003). Suitable habitat occurs on-site; however, this species was not observed during biological surveys conducted on the property.

Ocellated Humboldt lily occurs in openings in oak canyons, chaparral, and yellow pine forest. Within western Riverside County, this species is restricted to canyons along the east slope of the Santa Ana Mountains and the north slope of the Palomar Mountains (Dudek 2003). This species was not observed during biological surveys conducted on the property.

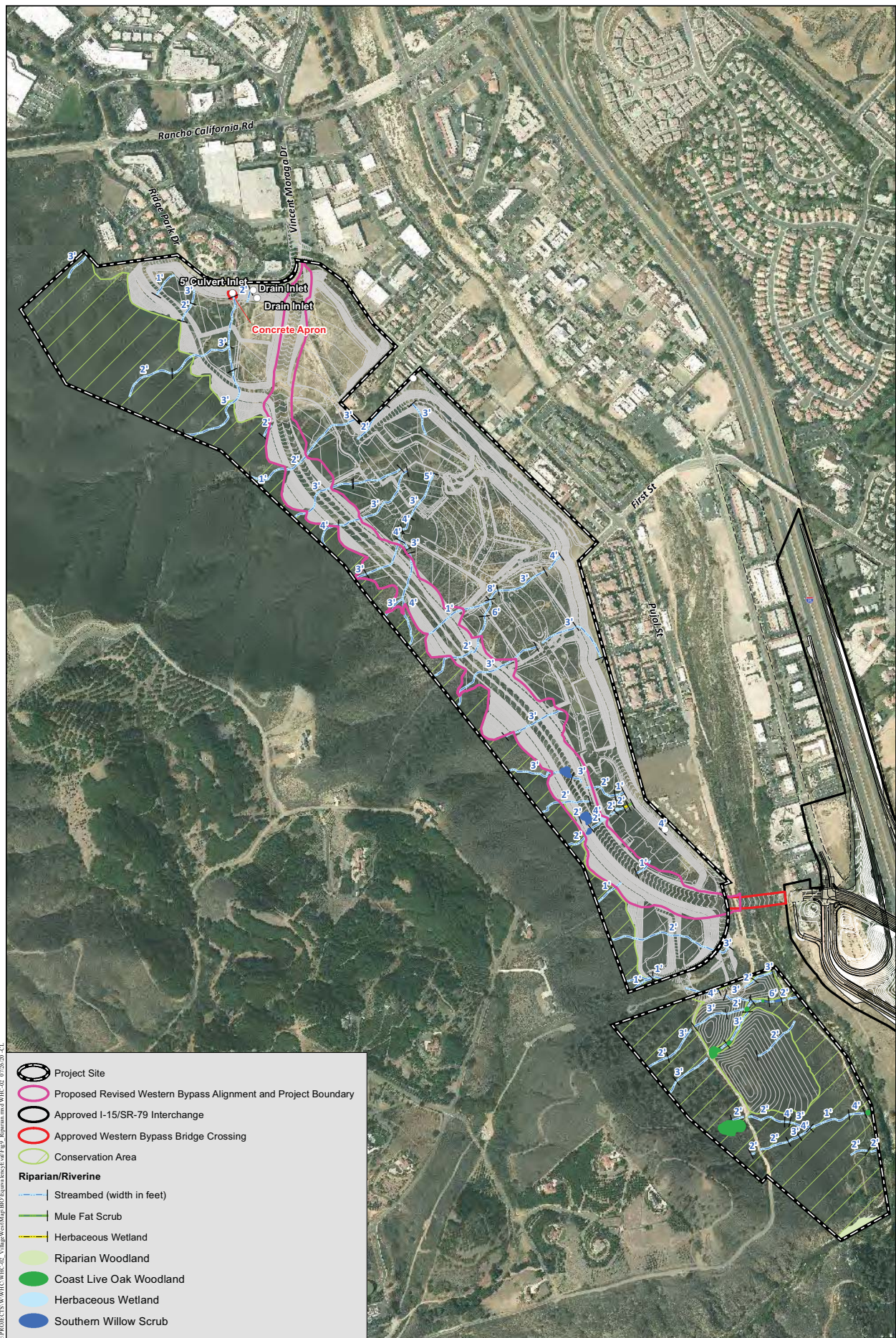
Slender-horned spineflower occurs in chaparral and coastal sage scrub on alluvial fans. This habitat subset is absent from the project site. Furthermore, this species was not observed during biological surveys conducted on the property.

2.2.4 Animals

2.2.4.1 Invertebrates

During the Vernal Pool Habitat Assessment on March 1, 2007, approximately 12 small basins were observed holding water. The majority of the basins occurred on a graded pad for the Ridge Park Office Complex project in the northern portion of the site and a few occurred as ruts along a dirt jogging trail along the eastern property boundary. Soils prior to grading consisted of terrace escarpments Garretson very fine sandy loam and Fallbrook rocky sandy loam, neither of which typically support vernal pools. As noted, this portion of the site has been graded, and the soil types as represented on the soils map no longer represent the soils that are present at this location. The basins are present on-site because the area was graded to a flat pad and has been compacted in preparation for development. The basins were also assessed during the wetland delineation in April and May 2013, and where traversed as part of the burrowing owl surveys conducted in March and April 2014. No vernal pool plant species were observed during any of these site visits. Section 6.1.2 of the MSHCP states:

“With the exception of wetlands created for the purpose of providing wetlands Habitat or resulting from human actions to create open waters or from the alteration of natural stream courses, areas demonstrating characteristics as described above which are artificially created are not included in these definitions.”



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The basins on-site clearly meet the definition of artificially created basins and no additional surveys for invertebrate species under Section 6.1.2 are required. Nonetheless, HELIX conducted wet season fairy shrimp surveys during the fall/winter of 2014/2015. Three basins held water during this survey effort. Fairy shrimp were not detected in any of these basins (HELIX 2015a). Rain events during the 2014-2015 rainy season did not result in the remaining 9 basins ponding for a long enough duration to sample for fairy shrimp. Dry season fairy shrimp surveys were also conducted by HELIX in 2015 and no fairy shrimp cysts were observed in any of the nine basins (HELIX 2015b).

2.2.4.2 Fish

No MSHCP fish species are expected to occur on or adjacent to the project site.

2.2.4.3 Amphibians

No appropriate habitat for the three amphibian species (arroyo toad [*Bufo californicus*], mountain yellow-legged frog [*Rana muscosa*], or California red-legged frog [*Rana aurora draytonii*]) listed under MSHCP 6.1.2 occurs on the property. Therefore, none of these species has potential to occur. No habitat for these 3 sensitive amphibian species occurs on the Replacement Lands.

2.2.4.4 Western Pond turtle

Western pond turtles were not observed during the surveys conducted on January 17 and 20, 2020 (HELIX 2020). All suitable aestivation/overwintering habitat within the project site was surveyed, and all shrubs and leaf litter within this suitable habitat were thoroughly investigated.

2.2.4.5 Birds

The least Bell's vireo was not seen or heard on the project site. During surveys 1 and 2, a least Bell's vireo was heard calling from off-site riparian habitat located within Murrieta Creek (HELIX 2014a). No brown-headed cowbirds (*Molothrus ater*) were observed during the vireo survey. The off-site least Bell's vireo was heard in proximity to the riparian woodland located at the southern terminus of the project site. Development is not proposed within 500 feet of this location.

The riparian habitat on the Replacement Lands is not made up of typical habitat for least Bell's vireo, but there is low potential for this species to occur. The habitat does not constitute potential habitat for WIFL.

2.2.5 NEPSSA Sensitive Plant Species (MSHCP Section 6.1.3)

The site does not have NEPSSA requirements for plant species. However, one MSHCP-covered NEPSSA plant species was observed during the vegetation mapping: San Diego ambrosia (*Ambrosia pumila*). Approximately 300 San Diego ambrosia were mapped in the central portion of the site, near the eastern property boundary in 2014 (Figure 5). The Replacement Lands occur outside of any NEPSSA.

2.2.6 Additional Survey Requirements (MSHCP Section 6.3.2)

2.2.6.1 Burrowing Owl

None of the burrows showed signs of current or historic use by burrowing owl. Potential burrowing owl burrows that were observed included fossorial mammal burrows, rock outcrops, and debris piles. Habitat with potential to support burrowing owls primarily occurred in the non-native grassland and disturbed habitats that occur along the eastern and northeastern portions of the property. Several patches of non-native grassland were also included in the surveys. The habitat assessment resulted in a few of the small patches of grassland that occurred in the middle of sage scrub habitat being excluded as potential burrowing owl habitat due to the small size, dense covering of tall grass, and lack of burrows that could support burrowing owls. The site was determined to not be currently or historically occupied by burrowing owl (HELIX 2014b).

The Replacement Lands do not have suitable burrowing owl habitat.

2.2.6.2 Criteria Area Species Survey Area

The Project lies outside of a CASSA and surveys conducted by HELIX and CASSA surveys are therefore not required. Additionally, project surveys did not identify any CASSA species.

The Replacement Lands do not occur within a CASSA.

2.2.7 MSHCP Cells

This Proposed Project is within the Southwest Area Plan; Subunit 1 – Murrieta Creek and Subunit 6 – Santa Rosa Plateau. A portion of the project site lies in Cell Group K' (Cell Nos. 7077 and 7161). The remainder of the project site lies in Independent Cells (Cell Nos. 7078, 7164, 7166, 7258, 7264, 7355, and 7356). Table 4, *MSHCP Cells Acreage*, provides a summary of the MSHCP's conservation criteria (obtained from MSHCP Table 3-16).

Southwest Area Plan, Subunit 1: Murrieta Creek

Planning Species for Murrieta Creek are: California red-legged frog, Cooper's hawk (*Accipiter cooperii*), least Bell's vireo, southwestern willow flycatcher, tree swallow (*Tachycineta bicolor*), white-tailed kite (*Elanus leucurus*), yellow warbler (*Dendroica petechia brewsteri*), arroyo chub (*Gila orcuttii*), bobcat (*Lynx rufus*), and mountain lion (*Puma concolor*), and southwestern pond turtle.

Biological Issues and Considerations:

- Maintain habitat connectivity within Murrieta Creek from the confluence of Temecula Creek to Cole Creek for wildlife movement and Conservation of wetland species.
- Maintain habitat connectivity between Murrieta Creek and Lower Warm Springs Creek to facilitate wildlife movement and conserve wetland species.
- Maintain linkage area for bobcat.
- Maintain the area of Murrieta Creek at the confluence of Pechanga Creek, Temecula Creek, and Santa Margarita River for mountain lion Linkage.

- Maintain Habitat for arroyo chub, California red-legged frog, and western pond turtle within Murrieta Creek and Cole Creek.

The middle and lower sections of the Proposed Project occur within Subunit 1 which is comprised of Independent Cells 7166, 7264, 7355 and 7356. The property covers portions of each Cell (Table 4; Figure 4). The MSHCP states that the target conservation for each Cell, although based on existing development in these Cells, virtually the entire portion of the property is targeted for conservation (Table 5, *MSHCP Conservation Criteria*). Conservation within the cell group will contribute to the assembly of the Proposed Linkage 10 and Proposed Constrained Linkage 13 and will connect Core F (Santa Rosa Plateau Ecological Preserve) with Core G (Santa Margarita Ecological Preserve).

Southwest Area Plan, Subunit 6: Santa Rosa Plateau

Planning Species for Santa Rosa Plateau are: California red-legged frog, coast range newt (*Taricha torosa*), Bell's sage sparrow (*Amphispiza belli belli*), golden eagle (*Aquila chrysaetos*), grasshopper sparrow (*Ammodramus savannarum*), mountain quail (*Oreortyx pictus*), southern California rufous-crowned sparrow (*Aimophila ruficeps canescens*), turkey vulture (*Cathartes aura*), yellow warbler (*Dendroica petechia brewsteri*), Riverside fairy shrimp, Santa Rosa Plateau fairy shrimp (*Linderiella santarosae*), vernal pool fairy shrimp, arroyo chub, bobcat, mountain lion (*Puma concolor*), western pond turtle, California black walnut (*Juglans californica*), Engelmann oak (*Quercus engelmannii*) and Orcutt's brodiaea (*Brodiaea orcuttii*).

Biological Issues and Considerations:

- Conserve Parish's meadowfoam, Orcutt's brodiaea, San Diego button-celery, thread leaved brodiaea, and vernal barley.
- Maintain Core Area for Riverside fairy shrimp, Santa Rosa Plateau fairy shrimp, and vernal pool fairy shrimp.
- Conserve large blocks of woodland and forest habitat.
- Conserve golden eagle nest site in Temecula Gorge.
- Maintain arroyo chub in Sandia Creek and DeLuz Creek.
- Maintain foraging area for turkey vulture.
- Maintain Core and Linkage Habitat for bobcat.
- Maintain Core and Linkage Habitat for mountain lion.
- Maintain Core and Linkage Habitat for California red-legged frog.
- Maintain Core and Linkage Habitat for coast range newt.
- Maintain Core and Linkage Habitat for western pond turtle.
- Conserve existing populations of grasshopper sparrow.

The property occurs within Cell Group K' and Independent Cells 7078, 7164 and 7258 (Table 4; Figure 10, *MSHCP Criteria Map*), although there are no impacts associated within the Proposed Project in Cell Group K'. Cell 7078 is largely developed, with conservation focused along Murrieta Creek. Cell 7164 is largely targeted for conservation with some development anticipated in the northern and eastern portions of the Cell, and Cell 7258 focuses conservation of the escarpment area. Conservation in these Cells are targeted to conserve Proposed Linkage 10 (Table 5).

Table 4
MSHCP CELL ACREAGE

CELL	CELL GROUP	ACRES On-Site	ACRES Off-Site
7077	K'	0.73	0
7161	K'	7.38	0
Subtotal Cell Group K'		8.11	0
7078	Independent Cell	3.94	0
7164	Independent Cell	92.26	0
7166	Independent Cell	27.55	0
7258	Independent Cell	5.29	0
7264	Independent Cell	68.33	0.01
7355	Independent Cell	34.34	1.56
7356	Independent Cell	30.97	0
Subtotal Independent Cells		262.68	1.57
TOTAL		270.79	1.57
TOTAL ON AND OFF SITE		272.36	

Table 5
MSHCP CONSERVATION CRITERIA

CELL GROUP	CELL NUMBER	USGS SECTION	ACRE(S) ON-SITE	CELL/CELL GROUP CONSERVATION CRITERIA	PROJECT LOCATION IN CELL/CELL GROUP
K'	7077	11 (NW)	0.73	Conservation within this Cell Group will contribute to assembly of Proposed Linkage 10. Conservation within this Cell Group will focus on chaparral and grassland habitat. Areas conserved within this Cell Group will be connected to chaparral habitat proposed for conservation in Cell Group J' to the west and in Cell No. 7164 to the east. Conservation within this Cell Group will range from 35 to 45 percent of the Cell Group focusing in the northern portion of the Cell Group.	The property lies along the eastern edge of the Cell Group and encompasses approximately 1.7 percent of the Cell Group (8.11 acres). All 8.11 acres is proposed for conservation.
	7161	11 (SW)	7.38		
	7254†	14 (NW)	0		

Table 5 (cont.)
MSHCP CONSERVATION CRITERIA

CELL GROUP	CELL NUMBER	USGS SECTION	ACRE(S) ON-SITE	CELL/CELL GROUP CONSERVATION CRITERIA	PROJECT LOCATION IN CELL/CELL GROUP
	7078	11 (NE)	3.94	Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 13. Conservation within this Cell will focus on riparian scrub, woodland, and forest habitat along Murrieta Creek. Areas conserved within this Cell will be connected to riparian scrub, woodland, and forest habitat proposed for conservation in Cell No. 7021 to the north and in Cell No. 7079 to the east. Conservation within this Cell will range from 15 to 25 percent of the Cell focusing in the northeastern portion of the Cell.	The property lies in the southwest portion of the Cell and encompasses approximately 2.5 percent of the Cell (3.94 acres). 0.23 acre conserved and 3.71 acres either impacted, impact neutral or not impacted but not conserved.
	7164	11 (SE)	92.26	Conservation within this Cell will contribute to assembly of Proposed Linkage 10. Conservation within this Cell will focus on chaparral and grassland habitat. Areas conserved within this Cell will be connected to chaparral habitat proposed for conservation in Cell Group K' to the west, in Cell No. 7258 to the south, and in Cell No. 7166 to the east. Conservation within this Cell will range from 70 to 80 percent of the Cell focusing in the southwestern portion of the Cell.	The property encompasses 57.8 percent of Cell No. 7164 (92.26 acres). 24.49 acres will be conserved, and 66.77 acres either impacted, impact neutral or not impacted but not conserved

Table 5 (cont.)
MSHCP CONSERVATION CRITERIA

CELL GROUP	CELL NUMBER	USGS SECTION	ACRE(S) ON-SITE	CELL/CELL GROUP CONSERVATION CRITERIA	PROJECT LOCATION IN CELL/CELL GROUP
	7166	12 (SW)	27.55	Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 13 and Proposed Linkage 10. Conservation within this Cell will focus on riparian scrub, woodland, forest, and grassland habitat along Murrieta Creek and on additional chaparral habitat within the Cell. Areas conserved within this Cell will be connected to riparian scrub, woodland, and forest habitat proposed for conservation in Cell No. 7079 to the north, to chaparral, grassland, riparian scrub, woodland, and forest habitat proposed for conservation in Cell No. 7264 to the south and to chaparral habitat proposed for conservation in Cell No. 7164 to the west. Conservation within this Cell will range from 35 to 45 percent of the Cell focusing in the southwestern portion of the Cell.	The property encompasses 17.2 percent of Cell No. 7166 (27.55 acres in the southwest corner). 26.03 acres will be impacted and 1.52 acres are considered impact neutral.
	7258	14 (NE)	5.29	Conservation within this Cell will contribute to assembly of Proposed Linkage 10. Conservation within this Cell will focus on chaparral and coastal sage scrub habitat. Areas conserved within this Cell will be connected to chaparral habitat proposed for conservation in Cell No. 7164 to the north and to chaparral and coastal sage scrub habitat proposed for conservation in Cell No. 7264 to the east. Conservation within this Cell will range from 30 to 40 percent of the Cell focusing in the northeastern portion of the Cell.	The property lies in the northeast portion of Cell No. 7258 and encompasses 3.3 percent of the Cell (5.29 acres). 2.73 acres will be conserved and 2.26 acres will be impacted.

Table 5 (cont.)
MSHCP CONSERVATION CRITERIA

CELL GROUP	CELL NUMBER	USGS SECTION	ACRE(S) ON- SITE	CELL/CELL GROUP CONSERVATION CRITERIA	PROJECT LOCATION IN CELL/CELL GROUP
	7264	13 (NW)	68.34	Conservation within this Cell will contribute to assembly of Proposed Constrained Linkage 13 and Proposed Linkage 10. Conservation within this Cell will focus on riparian scrub, woodland, forest, grassland, and coastal sage scrub habitat along Murrieta Creek and on additional chaparral, grassland and coastal sage scrub habitat within the Cell. Areas conserved within this Cell will be connected to grassland, riparian scrub, woodland, forest, and chaparral habitat proposed for conservation in Cell No. 7166 to the north and to chaparral and coastal sage scrub habitat proposed for conservation in Cell No. 7258 to the west and Cell No. 7355 to the south. Conservation within this Cell will range from 70 to 80 percent of the Cell focusing in the western portion and eastern edge of the Cell.	The property encompasses 42.7 percent of the Cell (68.34 acres). 9.00 acres will be conserved and 59.34 acres will be impacted.
	7355	13 (SW)	35.90	Conservation within this Cell will contribute to assembly of Proposed Linkage 10. Conservation within this Cell will focus on chaparral, woodland, forest, and coastal sage scrub habitat. Areas conserved within this Cell will be connected to chaparral and coastal sage scrub habitat proposed for conservation in Cell No. 7264 to the north and Cell No. 7356 to the east. Conservation within this Cell will range from 40 to 50 percent of the Cell focusing in the northeastern portion of the Cell.	The property encompasses 21.5 percent of the northeast portion of the Cell (35.90 acres). 18.46 acres will be conserved and 17.44 acres will be impacted.

Table 5 (cont.)
MSHCP CONSERVATION CRITERIA

CELL GROUP	CELL NUMBER	USGS SECTION	ACRE(S) ON-SITE	CELL/CELL GROUP CONSERVATION CRITERIA	PROJECT LOCATION IN CELL/CELL GROUP
	7356	13 (SE)	30.97	Conservation within this Cell will contribute to assembly of Proposed Linkage 10 and Proposed Constrained Linkage 14. Conservation within this Cell will focus on chaparral and coastal sage scrub habitat and on riparian scrub, woodland, and forest habitat along Temecula Creek. Areas conserved within this Cell will be connected to chaparral and coastal sage scrub habitat proposed for conservation in Cell No. 7355 to the west and to riparian scrub, woodland, and forest habitat proposed for conservation in Cell No. 7357 to the east.	The property lies in the western and southwestern portions of Cell No. 7356 and encompasses 19.4 percent of the Cell (30.97 acres). 24.68 acres will be conserved and 6.29 acres will be impacted.
	7356 (cont.)			Conservation within this Cell will range from 50 to 60 percent of the Cell focusing in the western and southeastern portions of the Cell.	

†Not a part of the project

3.0 PURPOSE OF EQUIVALENCY EVALUATION

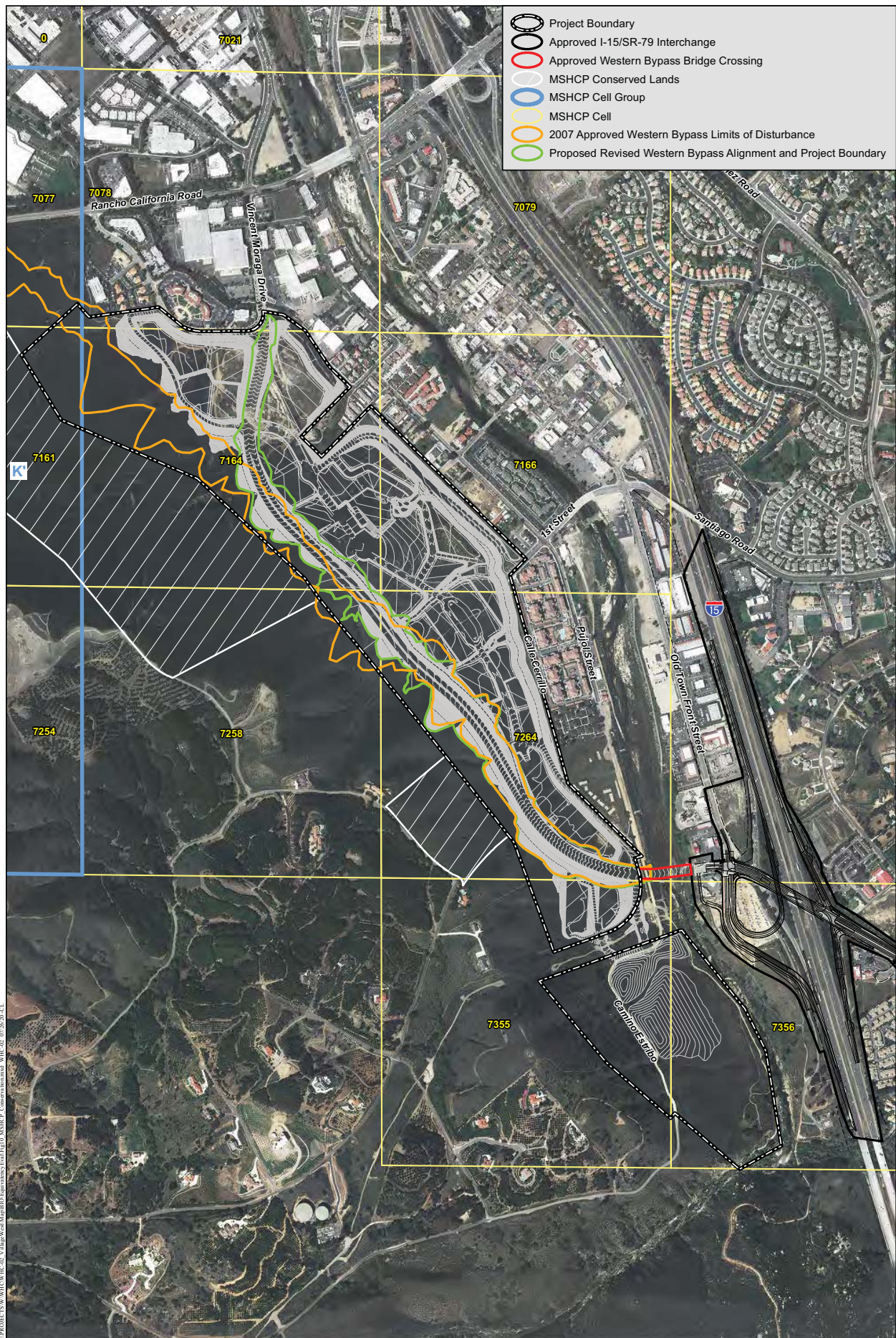
This Equivalency Evaluation has been prepared to address the consistency of the Altair Specific Plan project (Proposed Project) with the conservation goals and objectives of the MSHCP for the Cells that cover the Proposed Project footprint, and to provide the City with detailed information on the Replacement Lands and overall acreage targets for the MSHCP Cells. Section 6.5 of the MSHCP states that in some cases, refinements to the Criteria are desirable to facilitate Reserve Assembly.

3.1 EXPLANATION OF RESERVE ASSEMBLY ISSUES

This Equivalency Evaluation is being processed to evaluate whether the inclusion of the Replacement Lands meets the target conservation acreage for assemblage of the MSHCP reserve.

This Equivalency Evaluation provides certain information regarding the Project to aid in the analysis, including:

- Project definition including the project area, as well as a narrative and graphical description of the project;



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MSHCP Criteria Map

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- Narrative and graphic description of biological information available for the project site including current project-specific vegetation mapping and appropriate species surveys;
- Narrative and graphic description of the project's efforts to be consistent with the MSHCP Criteria; and
- Quantification and characterization of effects/benefits of the Proposed Project on Habitats, species and overall MSHCP Conservation Area design and function including the relationship to identified Core Areas, Linkages and Constrained Linkages.

The project definition is provided in Section 1.3 of this report and the biological information of the site and Replacement Lands is provided in Sections 2.1 and 2.2. Section 5.8 of this report provides a description of the Proposed Project's consistency with MSHCP Criteria including biological issues and considerations of the Southwest Area Plan, as well as the Replacement Lands.

3.1.1 Biological Issues and Considerations

Subunit 1 of the Southwest Area Plan includes a list of biological issues and considerations (Section 4.5 above) that relate to conservation goals of the MSHCP. Each issue is listed, and an assessment of consistency is provided.

- Maintain habitat connectivity within Murrieta Creek from the confluence of Temecula Creek to Cole Creek for wildlife movement and Conservation of wetland species.

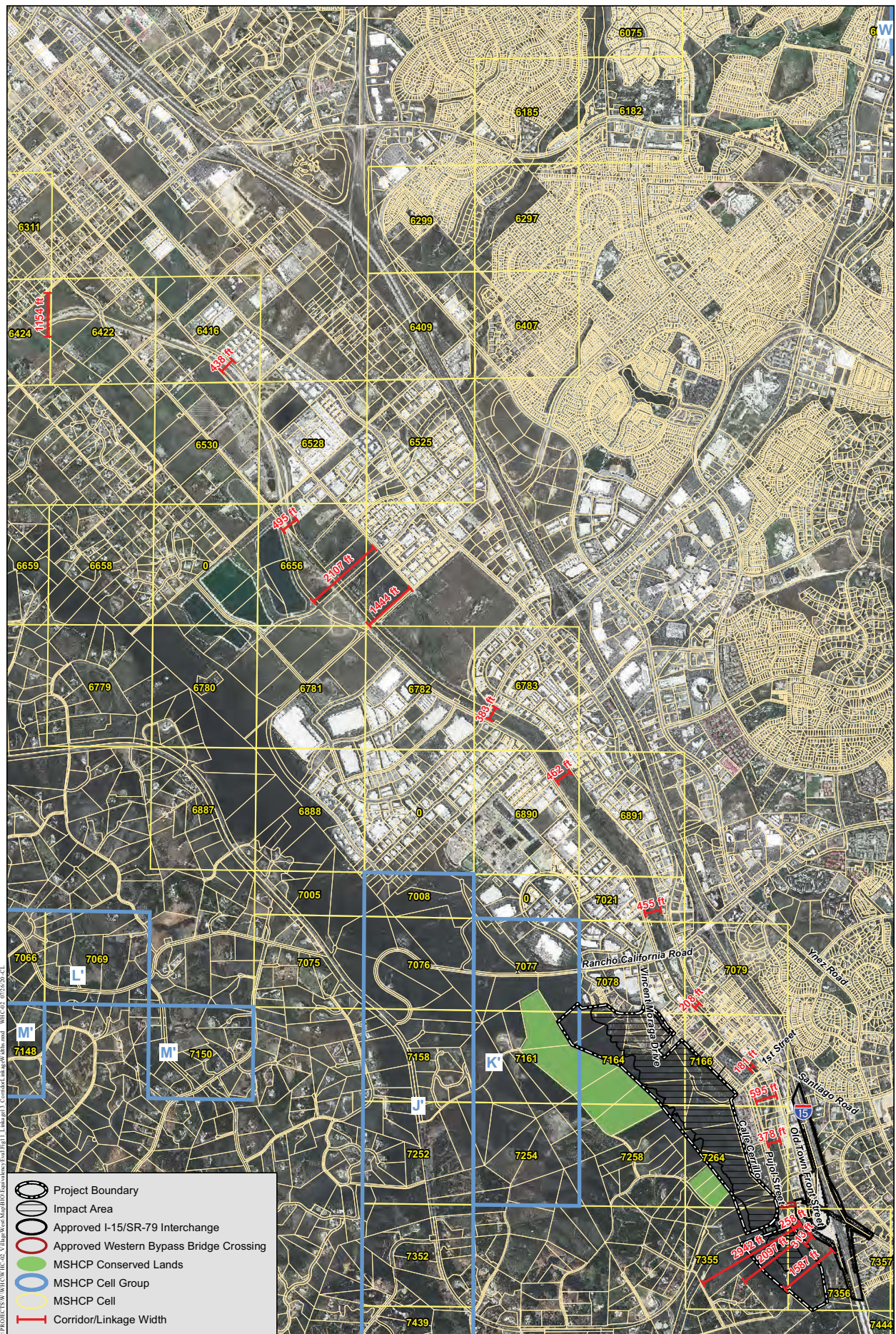
Status – The portion of Subunit 1 of the Area Plan, described here, is limited to Murrieta Creek from the approved and permitted crossing of the Western Bypass downstream to the confluence with the Santa Margarita River and overlaps with Linkage 10. The linkage in this area currently ranges from 1,800 to 2,500 feet in width. The Proposed Project lies entirely outside of Murrieta Creek, and the South Parcel no longer has any development next to Murrieta Creek other than the potential placement of fill that will be revegetated to sage scrub following placement of the fill. The temporary placement of fill would not preclude wildlife movement along Murrieta Creek. Proposed Constrained Linkage 13 would be temporarily impacted by placement of fill for approximately 1,160 feet, although only the northern 200 feet will place fill immediately adjacent to the creek. Placement of fill on the South Parcel would not impact Linkage 13 over the long term.

Linkage 13 is approximately 10 miles long and varies from a minimum of 180 feet just north of the Temecula Parkway bridge to potentially up to 1,100 feet in width, with much of the linkage constrained to a width of 400-600 feet (Figure 11, *Linkage 13 Corridor/Linkage Widths*). Access to the southern portion of the project site will be provided via an already approved bridge that will maximize wildlife movement under the bridge along Murrieta Creek. Proposed Constrained Linkage 14 is described as having its western terminus at I-15, and the Proposed Project is not anticipated to adversely affect this linkage.

As noted above, mountain lion point data was plotted by HELIX based on UC Davis Wildlife Health Center Southern California Mountain Lion Project maps and Vickers et. al. (2015) as shown on Figures 12a, *Mountain Lion Data/Site Plan* and 12b, *Regional Mountain Lion Data*. A mountain lion currently uses the lower portion of Murrieta Creek at least periodically, up to the approximate location of the already approved Western Bypass crossing of Murrieta Creek. Murrieta Creek

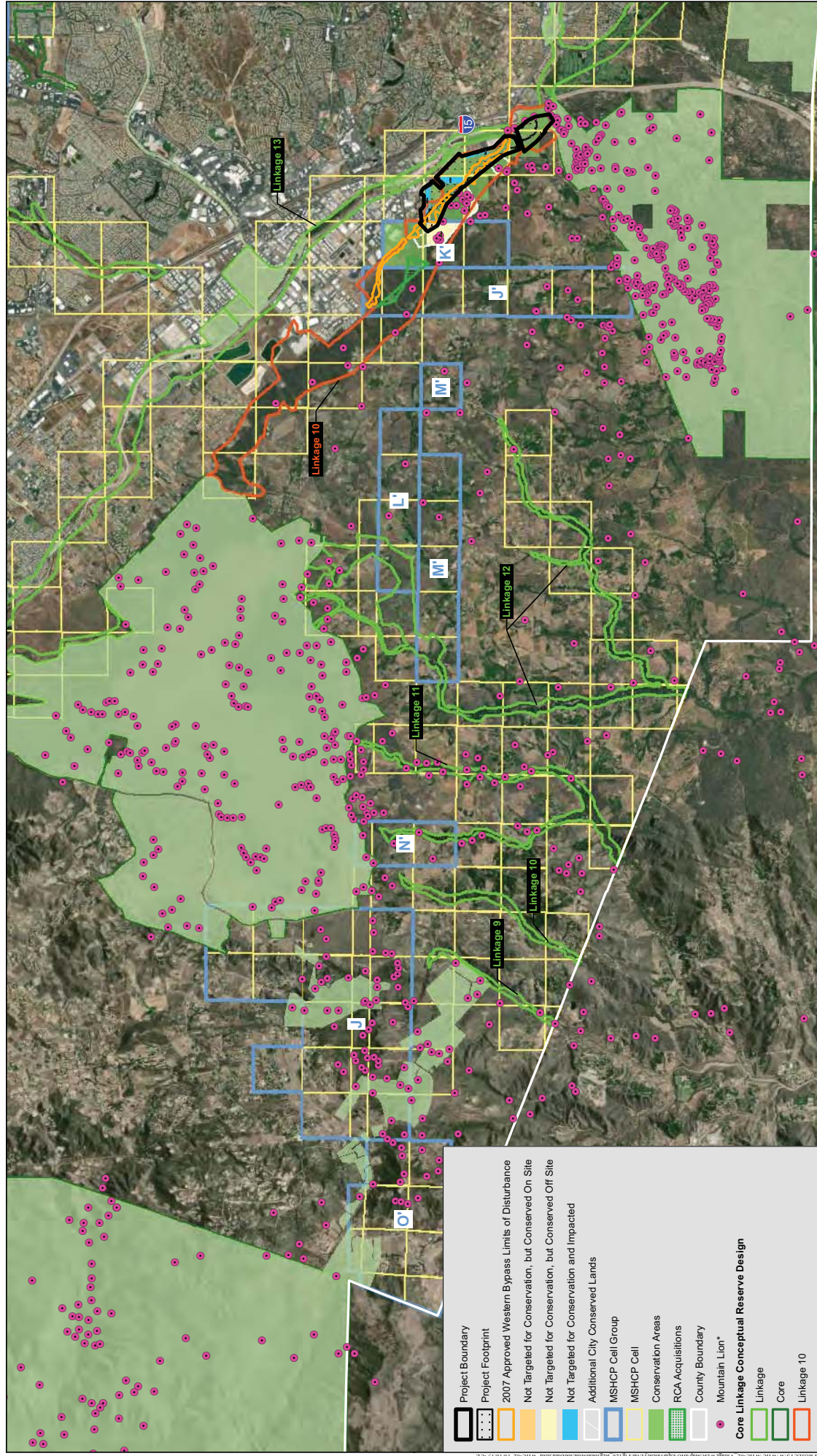
upstream of this point is not being used, likely because of the existing intense development on both sides of the creek which constrains the linkage to as narrow as 180 feet approximately 0.7 miles upstream of the crossing, and is the reason the mountain lion is not a planning species for Linkage 13. Mountain lions tend to avoid roadways when establishing territories, but once the territory has been established with a roadway within that territory, these roadways tend not to be avoided and can be a source of mortality (Dickson and Beier 2002). The construction of the approved and permitted Western Bypass crossing would likely reduce or eliminate use of Murrieta Creek north of and at the bridge (use is likely already eliminated upstream of the bridge crossing for the reasons noted above). Placement of fill and restoring with native vegetation on the South Parcel could temporarily reduce or eliminate use of Murrieta Creek along the northern portion of the South Parcel during placement of fill but with restoration of the South Parcel use of the South Parcel by the mountain lion is anticipated to continue. Even without the South Parcel, movement from Murrieta Creek through at least a portion of the upland habitat to the west may be reduced or eliminated by the construction of the Western Bypass beyond the approved bridge and by the construction of the residential development west of the Western Bypass. Additionally, the recently completed Temecula Pkwy/I-15 Freeway interchange enhancement project adjacent to and east of Murrieta Creek protrudes south a similar distance as the South Parcel.

With project implementation as proposed, the minimum Linkage 10 width within Subunit 1 adjacent to the Proposed Project exceeds 600 feet when measured from the edge of grading to the edge of already conserved land or existing roadways (Figure 13, *Corridor/Linkage Widths*). This pinch point exists with the existing approved alignment of the Western Bypass, and the current alignment of the Western Bypass has been minimized to the maximum extent possible while still maintaining design safety criteria for the Western Bypass. Based on the referenced point data of radio collared mountain lions, mountain lions are currently using the large lot agricultural areas to the west as well (Figures 12a and 12b), which significantly increases the linkage when these areas are included in the linkage width calculations (see discussion on exurban development below). It is important to note that these are merely point data and do not represent the limits of mountain lion use of the linkage; mountain lion use is expected over the entire escarpment area. These areas of exurban development increase the potential for mountain lion/human interaction and human caused mortality in mountain lion. Based on published literature, areas adjacent to development can have a “zone of negative influence” of 0 to 600 meters (0 to 1,970 feet). This zone of negative influence typically results in reduced usage of these areas both in time and spatially, with the first 150 meters (490 feet) being most heavily avoided by all population demographics. The use of the area of 150 to 600 meters is more variable depending on the age, sex and breeding status of mountain lions (Dickson and Beier 2002; Kertson et. al. 2011). Reproductive behaviors such as mating, giving birth, and early rearing of kittens would be expected to be most negatively impacted or possibly eliminated within this zone of negative influence, especially within the first 150 meters. Additionally, hunting activities would also be expected to be reduced. This zone of negative influence is anticipated to vary depending on the adjacent land use as well landform (i.e., topographic features that could mitigate affects) and project specific mitigation measures. It should be noted that all of the data points within Linkage 10 occur within this negative zone of influence today without the Proposed Project because of existing high-density development to the east and exurban development to the west. This includes the mountain lion noted above that currently utilizes Murrieta Creek. Additionally, there are a number of mountain lion data points immediately adjacent to I-15, as well as data points scattered throughout the exurban development to the west, indicating continued



Linkage 13 Corridor/Linkage Widths

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

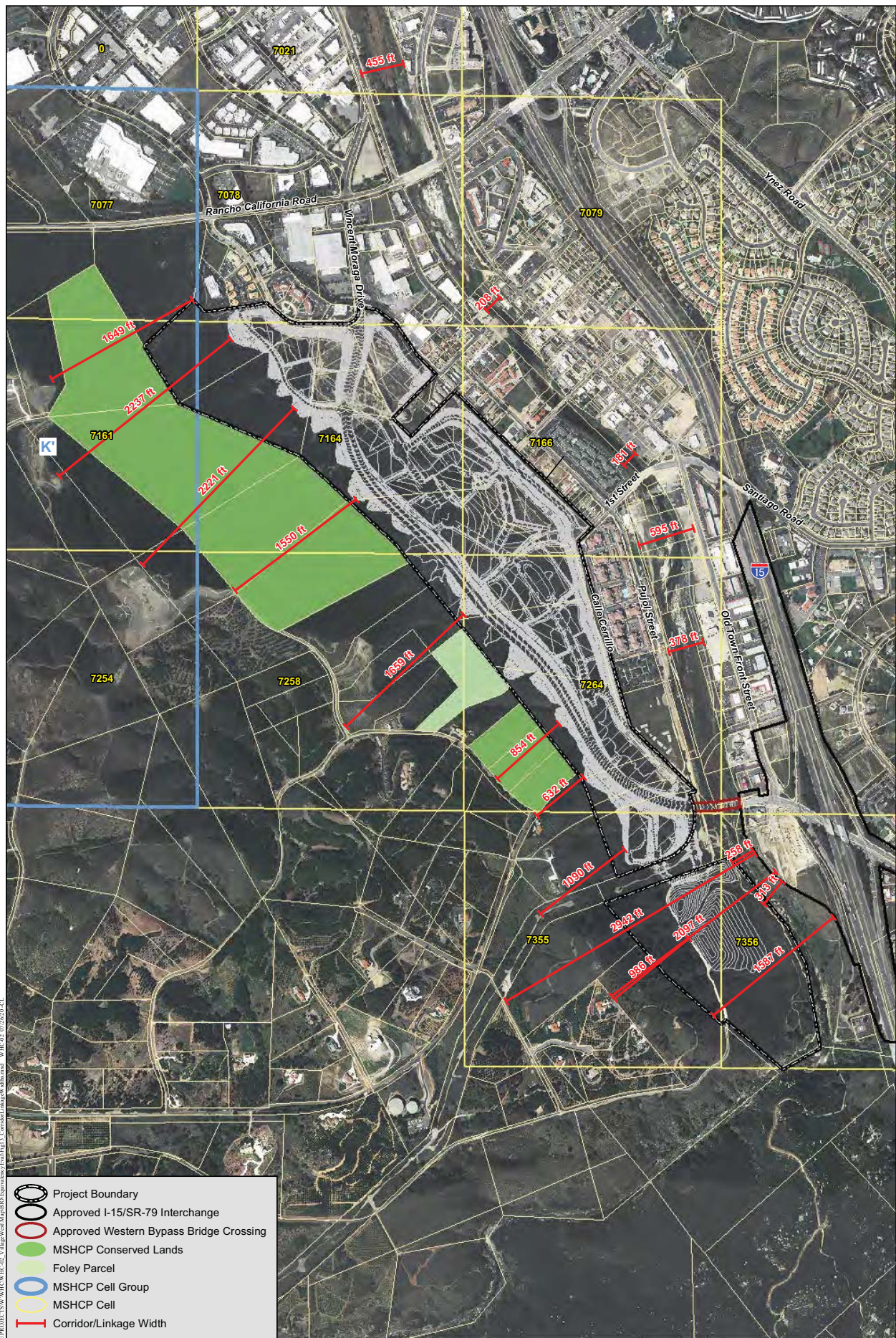


*Mountain Lion Point Data Plotted by HELIX from UC Davis Wildlife Health Center Southern California Mountain Lion Project maps. Point Data Should Be Considered Approximations. May Not Include all Data.

Regional Mountain Lion Data

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

Figure 12b



Corridor/Linkage Widths

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

mountain lion usage in these areas, all of which would be identified as part of the “zone of negative influence” noted above.

The linkage when measured from the edge of proposed development (Western Bypass, South Parcel, and residential development) with actual homes to the west in Subunit 1 adjacent to the project site varies from 600 feet to well over 2,300 feet, nearly all of which falls within this potential zone of negative influence. The linkage north of the project site varies 200 feet wide at its narrowest point at the northern end of the linkage to as much as 3,670 feet in width (Figure 14, *Linkage 10 Corridor/Linkage Widths*). The portion of the linkage adjacent to and west of the South Parcel does support oak woodland which is a habitat type considered highly desirable for facilitating mountain lion movement. Based on proposed development, it is anticipated that there will be a reduction in overall suitability of the linkage for the mountain lion as a result of the Proposed Project along Murrieta Creek, especially for adult males and females without kittens, although use of the linkage by mountain lion is anticipated to continue post project construction, primarily south and west of the project site.

- Maintain habitat connectivity between Murrieta Creek and Lower Warm Springs Creek to facilitate wildlife movement and conserve wetland species.

Status – This is outside of the Proposed Project area.

- Maintain linkage area for bobcat.

Status – As currently designed, the Proposed Project’s open space would contribute to a minimum 630-foot wide Linkage 10 area and a 260-foot wide Proposed Constrained Linkage 13 area (Figure 11). The most constrained area is due to the required Temecula Parkway bridge crossing at Murrieta Creek and the area between the Civic Site and development to the east where the Temecula Pkwy/I-15 interchange enhancement project has recently been constructed. The alignment criteria for the Western Bypass corridor prevents the road alignment from being pulled farther east from the linkage at this location. The majority of undeveloped habitat that occurs between the Western Bypass Road grading limits and the existing residences that occur west of the Proposed Project in Linkage 10 is at least 1,000 feet wide.

- Maintain the area of Murrieta Creek at the confluence of Pechanga Creek, Temecula Creek, and Santa Margarita River for mountain lion Linkage.

Status – Placement of fill and restoring with sage scrub vegetation is expected to have a negative short-term impact on future, potential mountain lion usage during placement of the fill. Once restoration efforts are initiated use of the south parcel by wildlife, including mountain lion is anticipated to re-establish. The South Parcel is adjacent to the confluence of Murrieta Creek and the Santa Margarita River, with fill areas set back approximately 980 horizontal feet (298 meters) and approximately 100 vertical feet from the Santa Margarita River, which is within the potential zone of negative influence for mountain lions noted above. While movement in the Santa Margarita River toward the bridge at I-15 may be temporarily negatively impacted to an extent by placement of fill, there is over 100 feet of vertical separation from the Santa Margarita River to the limits of fill. This bridge has the potential to provide safe passage under I-15 for mountain lions that could allow maintenance of gene flow between the Santa Ana mountain lion population

and areas to the east of I-15. It should be noted that there is no recent data confirming mountain lion usage of this connection under I-15, although as noted above, the absence of data does not necessarily mean there is no use of an area by mountain lions. It should also be noted that the connection to the east of I-15 is currently highly constrained by existing residential development and a golf course. The Proposed Project would conform to this issue through the preservation of 40.4 acres as open space in the southern portion of the site, and elimination of development other than the placement of fill on the South Parcel would not reduce the current width of Linkage 10 in this area. The Proposed Project has proposed to minimize indirect impacts within the area between the Western Bypass and development of Village G and Santa Margarita River by retaining a portion of Camino Estribo as a dirt road to minimize speeds on this existing dirt roadway.

- Maintain Habitat for arroyo chub, California red-legged frog, and western pond turtle within Murrieta Creek and Cole Creek.

Status – The Proposed Project lies entirely outside of Murrieta Creek, although there is the potential to place fill next to Murrieta Creek in Cell No. 7356. No habitat for the arroyo chub and California red-legged frog occurs on or near the site. Focused surveys within potential fill areas were conducted for the western pond turtle and were negative. Should pond turtles utilize the South Parcel in the future, areas of fill would be restored to native vegetation and would have no long-term impacts on potential pond turtle upland habitat. Cole Creek lies well outside of the project area.

The conservation to be provided by the Proposed Project is consistent with the MSHCP's biological issues and considerations of Subunit 1 of the Southwest Area Plan. The on-site conservation area and Replacement Lands, discussed below, also provide habitat to meet the MSHCP conservation acreage goals.

Subunit 6 of the Southwest Area Plan includes a list of biological issues and considerations (Section 4.5 above) that relate to conservation goals of the MSHCP. Each issue is listed, and an assessment of consistency is provided.

- Conserve Parish's meadowfoam, Orcutt's brodiaea, San Diego button-celery, thread leaved brodiaea, and vernal barley.

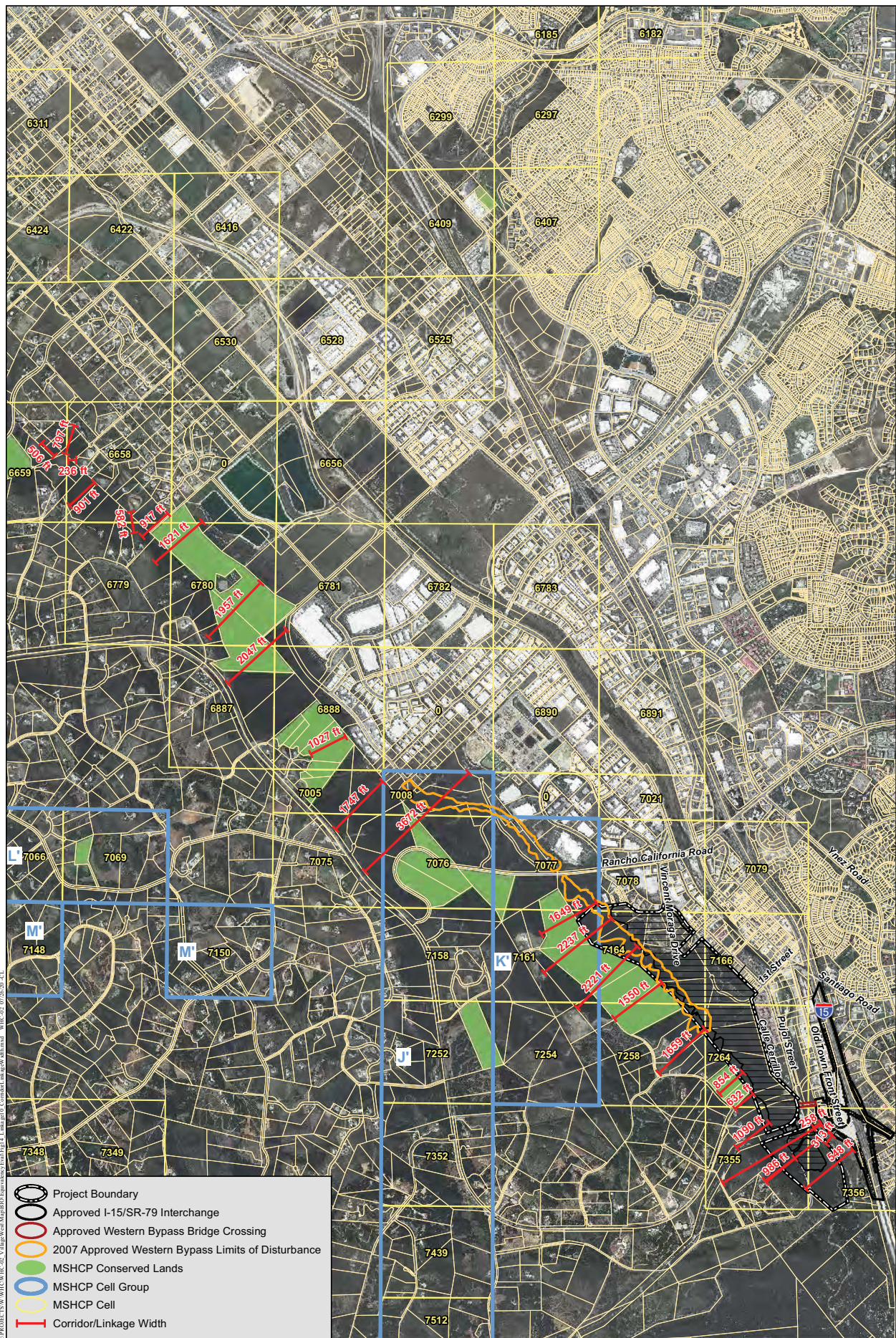
Status – The plants listed above occur in or adjacent to vernal pools. There are no vernal pools on-site.

- Maintain Core Area for Riverside fairy shrimp, Santa Rosa Plateau fairy shrimp, and vernal pool fairy shrimp.

Status – There are no vernal pools or naturally occurring basins on-site. Wet-season and dry season surveys for fairy shrimp were negative (HELIX 2015a and 2015b).

- Conserve large blocks of woodland and forest habitat.

Status – The oak woodland on-site occurs outside of Subunit 6. The Proposed Project would conserve all large patches of coast live oak woodland that occur on-site within Subunit 1. The



Linkage 10 Corridor/Linkage Widths

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

patches would be conserved within the 88.7-acre open space area. All of one small patch and a portion of a second small patch of coast live oak woodland occur in the development area.

- Conserve golden eagle nest site in Temecula Gorge.

Status – This issue is not applicable to the Proposed Project because the Temecula Gorge does not occur within the project area. The open space in the South Parcel totals 40.4 acres as part of the 88.7 acres of open space on the overall Proposed Project, and occurs adjacent to a portion of the Temecula Gorge and an approximately 980-foot setback from any temporary placement of fill from the Santa Margarita River is provided (Figure 8).

- Maintain arroyo chub in Sandia Creek and DeLuz Creek.

Status – This issue is not applicable to the Proposed Project because the creeks do not occur on-site.

- Maintain foraging area for turkey vulture.

Status – The Proposed Project would remove suitable foraging habitat for this species, including grasslands, coastal sage scrub, and chaparral. However, the site proposes to conserve a large block of habitat (88.7 acres; 104.5 acres in total if revegetated slopes are included) that would provide suitable foraging area for the species.

- Maintain Core and Linkage Habitat for bobcat.

Status – As currently designed, the Proposed Project's open space would contribute to a minimum 630-foot-wide linkage area for the Proposed Project as a whole, and a minimum of in excess of 1,500 feet within Subunit 6. The previously approved Western Bypass alignment would have further constrained bobcat movement in Cells 7164 and 7258 within Subunit 6 over the proposed alignment within the project boundaries had project design changes not been implemented.

- Maintain Core and Linkage Habitat for mountain lion.

Status – The primary goal for Linkage 10 is to facilitate wildlife movement between the Santa Margarita Ecological Reserve and Santa Rosa Plateau Ecological Reserve, and the mountain lion is one of the planning species for this linkage targeted by the MSHCP. Proposed Constrained Linkage 9, Proposed Constrained Linkage 10, Proposed Constrained Linkage 11, and Proposed Constrained Linkage 12 also occur within Subunit 6 and also provide additional linkages west of the project site from the Santa Rosa Plateau to San Diego County to the south, which eventually connects with the Santa Margarita Ecological Reserve, and potentially to the Palomar Mountains to the east. Combined, these 5 linkages, including Linkage 10, provide valuable redundancy of connections between the Santa Margarita Ecological Reserve and Santa Rosa Plateau Ecological Reserve within Subunit 6. Figure 12b shows mountain lion distribution through these linkages as well as undeveloped lands to the west based on UC Davis Wildlife Health Center Southern California Mountain Lion Project maps and Vickers et.al. (2015).

The Western Bypass is a covered activity under the MSHCP, and with or without the Altair Project, the Western Bypass in its original configuration was determined to be consistent with the goals for Linkage 10 under the original MSHCP approvals. As discussed further below, some reduction in linkage functionality would need to be assumed from the existing condition regardless of whether the Proposed Project, including the Civic Site goes forward because of the MSHCP's treatment of the Western Bypass as a covered activity.

Mountain lions were shown to prefer woodland and riparian habitats (Dickson and Beier 2002) and more rugged terrain in natural landscapes in southern California, and use chaparral equal to its distribution within a mountain lion's use area (Burdett et. al. 2010). As noted above, this same study showed that exurban and urban areas were selected against by the mountain lion, although exurban development as occurs west of the Proposed Project is still used by mountain lions. This is also consistent with the above-referenced point data that was plotted by HELIX as shown on Figure 12a and 12b. These areas of exurban development increase the potential for mountain lion/human interaction and human caused mortality in mountain lion.

The minimum linkage width within Subunit 6 along the project boundary exceeds 1,500 feet in width when measured from the edge of grading to the edge of already conserved land or existing roadways (Figure 13). North of the Proposed Project, Linkage 10, when measured from the edge of existing roadways and homes or commercial/industrial buildings, varies from a maximum width of 3,670 feet before being constrained down to a minimum width of approximately 200 feet at the northern terminus of the linkage before connecting with the Santa Rosa Plateau Reserve (Figure 14). Based on point data of radio collared mountain lions as referenced above, mountain lions are currently using the large lot agricultural areas to the west as well (Figure 12a and 12b), which significantly increases the linkage when these areas are included in the linkage width calculations, although as noted above, these areas of exurban development increase the potential for human interactions with mountain lions. It is important again to note that these are merely point data and do not represent the limits of mountain lion use of the linkage; mountain lion use is expected over the entire escarpment area. The distance from the roadway to the closest data points generally exceeds the 490-foot minimum zone of negative influence although it is anticipated that there will be at least some reduction in overall suitability of the linkage for the mountain lion as a result of the Proposed Project (see discussion above for Subunit 1 Murrieta Creek). When the previously approved alignment of the Western Bypass (which is a covered activity under the MSHCP) is considered however, the overall impacts to mountain lion movement through the area has actually being reduced over the previously approved alignment through the re-alignment of the Western Bypass as far east as possible, and the complete elimination of the alignment to the north.

In response to requests from the CDFW, HELIX prepared a corridor modeling study to assess corridor options for mountain lion movement between the Santa Margarita Ecological Reserve and Santa Rosa Plateau Ecological Reserve, which includes all of Subunit 6. The elimination of development from the South Parcel would enhance previous modeling results for the project.

Proposed Constrained Linkage 9, Proposed Constrained Linkage 10, Proposed Constrained Linkage 11, and Proposed Constrained Linkage 12 also provide additional linkages west of the project site from the Santa Rosa Plateau to San Diego County to the south, which eventually connects with the Santa Margarita Ecological Reserve, and potentially to the Palomar Mountains to the east. Combined, these 5 linkages, including Linkage 10, provide valuable redundancy of

connections between the Santa Margarita Ecological Reserve and Santa Rosa Plateau Ecological Reserve.

- Maintain Core and Linkage Habitat for California red-legged frog.

Status – This issue is not applicable to the Proposed Project because the species is not expected to occur on-site.

- Maintain Core and Linkage Habitat for coast range newt.

Status – This issue is not applicable to the Proposed Project because the species is not expected to occur on-site.

- Maintain Core and Linkage Habitat for western pond turtle.

Status – Western pond turtle is known to occur in Murrieta Creek immediately off-site, but the western pond turtle is not known to occur on-site and was not observed during focused surveys of the potential fill areas on the South Parcel (HELIX 2020). The western pond turtle utilizes slow moving permanent or intermittent streams, ponds, lakes and reservoirs (Holland 1994). Adjacent upland areas are also used for overwintering and estivation sites. Temecula Creek at the confluence of Murrieta Creek appears to be a key area, along with the Santa Ana River, Santa Rosa Plateau, and San Jacinto River (Dudek 2003). Where the fill areas abut Murrieta Creek, the western edge of the creek has steep side slopes that limit access to the upland areas for pond turtle, while the area to the east of the creek consists of gently sloping terrain that provides better access to upland areas. The terrain west of the creek and south of the fill areas flattens out for a portion of the creek channel making the proposed conservation area in the southern portion of the site more accessible to pond turtles. With elimination of any development of the South Parcel and re-establishment of native habitat following placement of fill on the South Parcel, the objective is met by the project.

- Conserve existing populations of grasshopper sparrow.

Status – It is not known whether this species occurs on-site. The biology reports from 2000 and 2001 did not report the species on-site and it was not observed during multiple visits (i.e., vegetation mapping, jurisdictional delineations, etc.) by HELIX. The project site contains over 20 acres of grassland habitat, which is primarily located on the eastern edge of the project where existing development maintains at least portions of these areas for fuel management purposes. The potential for this species is considered low and if present would likely occur in very low numbers. The project would not eliminate an existing population of grasshopper sparrows.

Subunit 6 has a target acreage range of 1,285-2,915 acres of conservation. HELIX conducted an assessment of remaining lands available for conservation within Subunit 6 by identifying existing lands that have already been conserved (excluding Public/Quasi-Public Lands), lands that support native vegetation within areas targeted for conservation, and agricultural lands that are targeted for conservation. Only lands that were generally targeted for conservation by the MSHCP were included in the analysis. Based on this, there is more than enough land remaining to meeting the conservation acreage goals for Subunit 6 .

The conservation to be provided by the Proposed Project addresses the biological issues and considerations of Subunit 1 and 6 of the Southwest Area Plan.

3.1.2 Summary of Reserve Assembly

In summary, overall conservation goals are met by the Proposed Project. Given the improved alignment of the Western Bypass as a part of the Proposed Project and being consistent with the MSHCP as discussed in Section 6.1 above, and given that construction of the Western Bypass with or without the project would isolate areas east of the Bypass (Figure 15, *Habitat Isolation East of the Western Bypass*), conservation within the MSHCP Cell as interpreted literally would result in MSHCP overall goals of providing viable habitat with long-term conservation not being met. Impacts in 7164 are primarily the result of the Western Bypass Covered Activity and the graded pads of the previously approved Ridge Park Office Complex project. Impacts in 7166 and 7264 are in an area east of the Western Bypass and west of existing residential development, and preservation of this area would result in an island of habitat surrounded by development and a heavily used regional road. Impacts in 7355 and 7356, while not meeting conservation acreage objectives, would meet overall conservation goals for Proposed Linkage 10. Additionally, a majority of the impacts in 7355 and 7356 are the result of placement of fill that will be restored to sage scrub and have minimal long-term impacts to Proposed Linkage 10 and Proposed Constrained Linkage 13. Overall conservation goals are met by the Proposed Project design.

4.0 PROPOSED REPLACEMENT LANDS

4.1 LOCATION OF PROPOSED REPLACEMENT LANDS

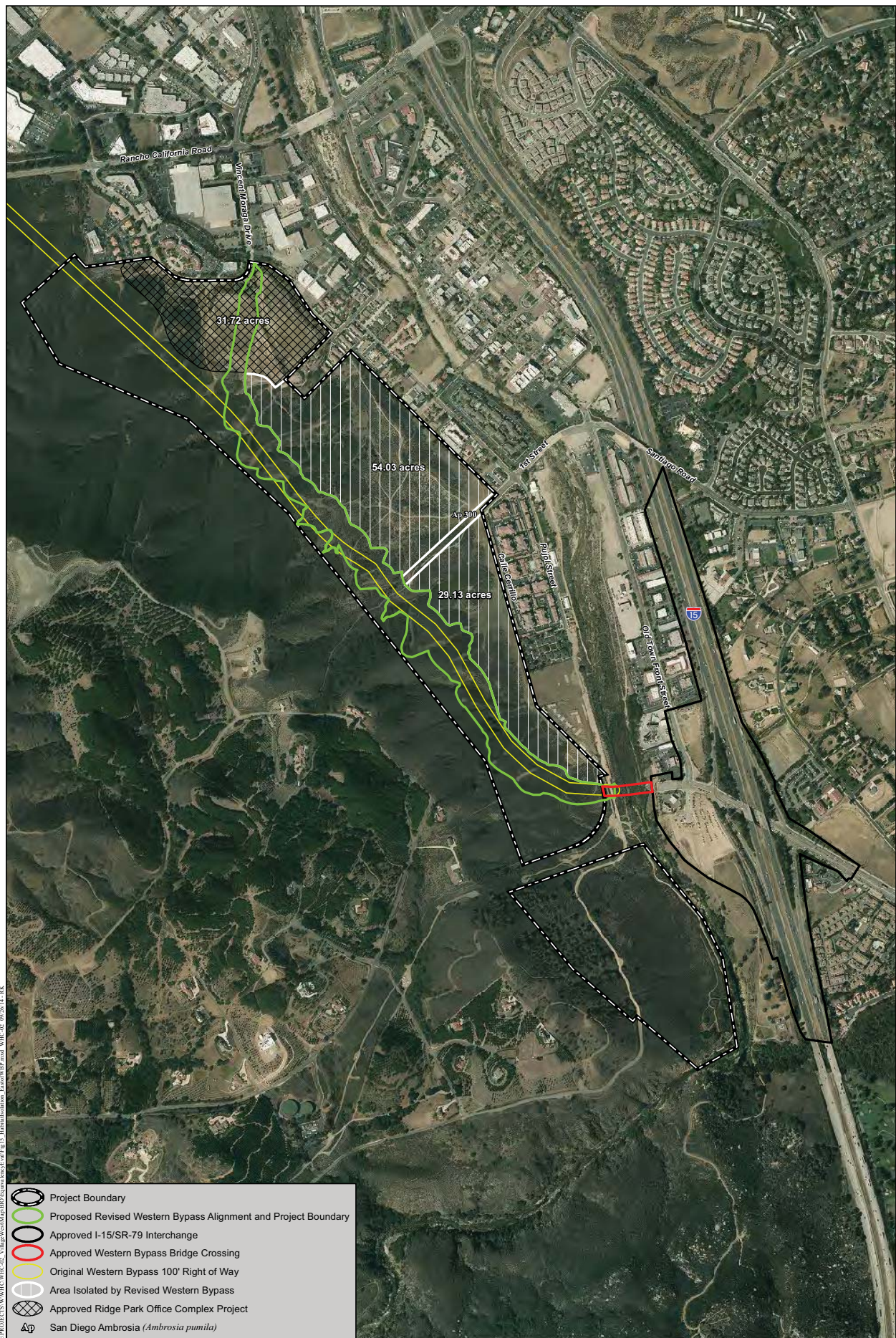
As noted above, the Proposed Project is located in Subunits 1 and 6 of the Southwest Area Plan of the MSHCP. To assist in achieving the MSHCP's acreage goals for the 153,000 acres of Additional Reserve Lands throughout the MSHCP plan area, and to offset acreage impacts in Independent Cells 7164, 7166, 7264, 7355, and 7356, the project proponent has acquired 67.50 acres of off-site properties, and is providing funding for acquisition of an additional 100 acres (167.50 acres total) to be used as Additional Reserve Lands. The Omdahl Conservation Parcels occur approximately 1.1 miles to the south of the Altair property and the Foley Conservation Parcel abuts the west-central edge of the Altair property (Figure 7).

4.1.1 Omdahl Conservation Parcels

The approximately 66-acre Omdahl Conservation Parcels are located approximately 1.1 miles south of the southern terminus of the Development Site, southwest of Temecula Creek Inn Golf Course, approximately 1.25 miles south of the California State Route 79 (Temecula Parkway) exit on the west side of Interstate 15 (I-15), as shown on Figure 7. The Conservation Parcels lie outside of any Cells or Cell Groups.

Existing Core G associated with the Santa Margarita Ecological Reserve abuts the Omdahl Conservation Parcels on the north, west and southern boundaries. These parcels are considered key conservation parcels for a potential future wildlife crossing of I-15.

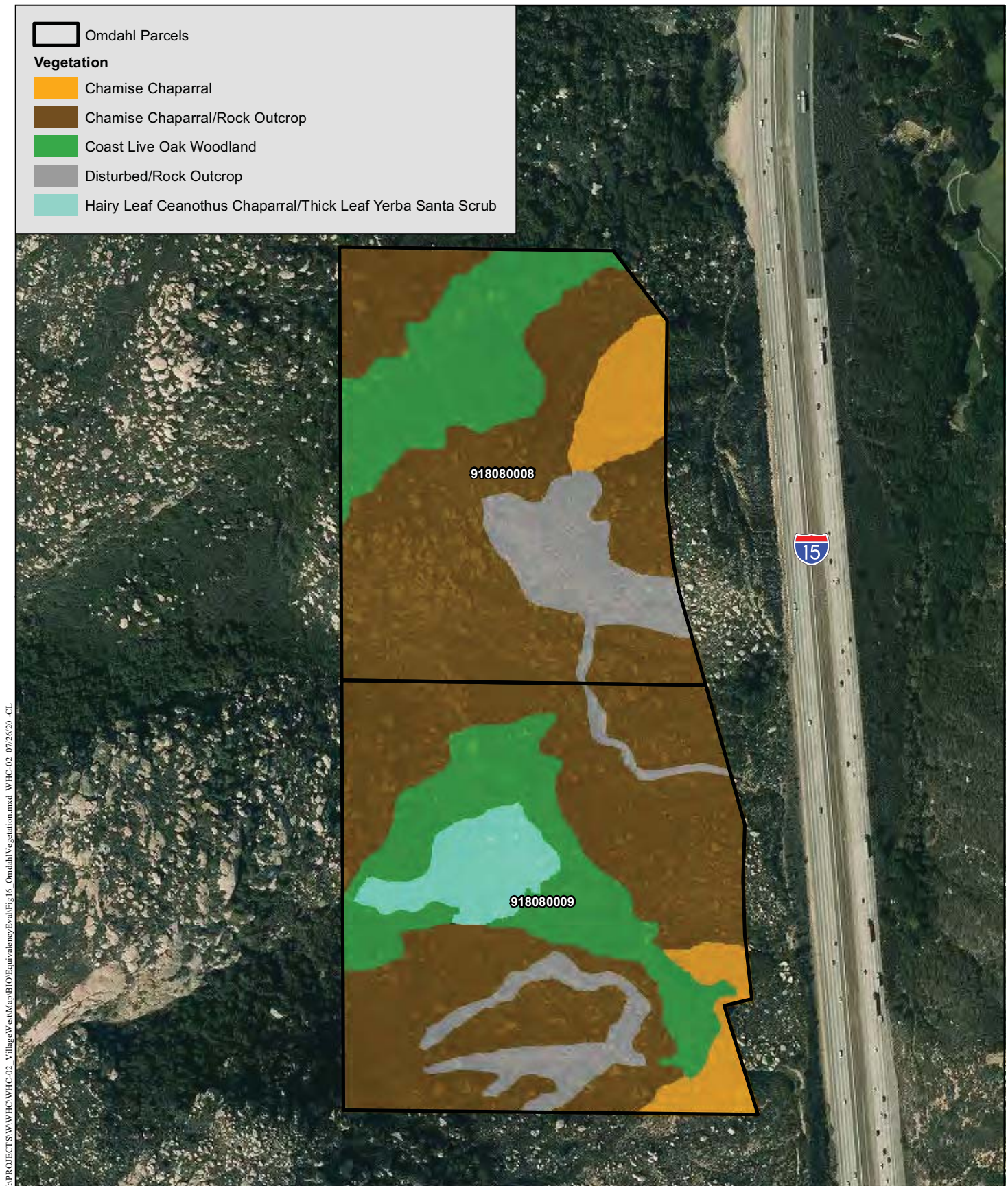
The majority of the Omdahl Conservation Parcels support natural rock outcrops intermixed with native chaparral vegetation and two large areas of coast live oak woodland, which are primarily associated with the two major drainages on the Conservation Parcels (Figure 16, *Omdahl Vegetation*).



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Habitat Isolation East of the Western Bypass

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION



Omdahl Vegetation

WESTERN BYPASS AND ALTAIR SPECIFIC PLAN EQUIVALENCY EVALUATION

4.1.2 APN 940-090-010 (Foley Conservation Parcel)

This Conservation Parcel totals 8.97 acres and abuts the west-central boundary of the Altair parcel. This Conservation Parcel lies within Independent Cells 7258 and 7264 and would tie into proposed conservation on Altair. Existing conserved lands that were acquired by the City and donated to the RCA occur immediately south and north of the Conservation Parcel. This Conservation Parcel is in Subunit 6 and Linkage 10. Approximately 1.5 acres of the 8.97-acre parcel are considered additional Replacement Lands under the MSHCP.

Habitat on-site includes oak woodland, chaparral and Riversidean sage scrub and at least one drainage bisects the site (Figure 17, *Foley Vegetation*).

4.1.3 Wildlife Community Facilities District 100-Acre Acquisition

The Wildlife Community Facilities District will collect funds from the Proposed Project's residents with the initial funds up to six million dollars to be used for the acquisition of parcels for conservation in the vicinity of the Project. The RCA will use the funds to acquire up to 100 acres of land, after which time the City will retain the remaining funds for future acquisitions or other activities that benefit wildlife resources. The following criteria will be used in determining if a parcel is suitable for acquisition by the RCA.

1. Parcels must occur within 10 miles of the Altair project and must be located in Riverside County. Parcels do not need to be within the City of Temecula's city limits.
2. Lands must occur within Subunit 1, Subunit 6, Proposed Linkage 10, Proposed Constrained Linkage 9, Proposed Constrained Linkage 10, Proposed Constrained Linkage 11, Proposed Constrained Linkage 12, Proposed Constrained Linkage 13, or Proposed Constrained Linkage 14, or must provide conservation benefits for these areas or regional wildlife movement.
3. High acquisition priority shall be Diegan coastal sage scrub and Riversidean sage scrub within Rough Step Unit 5.
4. Parcels can include lands that may or may not occur within Cells as long as the parcel provides conservation benefits for wildlife movement and for other long-term conservation values.
5. The priority should be for acquisition of lands that facilitate regional connectivity.
6. A minimum of 65 of the 100 acres purchased cannot currently be targeted for conservation.

4.2 LAND USE AND SURROUNDING LAND USES

4.2.1 Omdahl Conservation Parcels

The Omdahl Conservation Parcels are generally undisturbed and support chaparral and oak woodland habitats. Similar habitats occur to the south, west and north, and I-15 abuts the parcels to the east. Chaparral and oak woodland habitats continue to the east of I-15. PQP Lands surround the site to the south, west and north.

4.2.2 Foley Conservation Parcel

This Conservation Parcel is generally undisturbed and is situated between two existing residences at the western edge of the parcel. Large lot single-family residences and agriculture occurs to the west of the site.

4.2.3 Wildlife Community Facilities District 100-Acre Acquisition

The specific locations of these 100 acres have not been determined at this time.

4.3 ASSESSMENTS AND SURVEYS CONDUCTED ON PROPOSED REPLACEMENT LANDS

The Omdahl and Foley Conservation Parcels were examined for potentially occurring water features, intermittent, and ephemeral drainages (ESA 2016).

5.0 EQUIVALENCY ANALYSIS REQUIREMENTS ²

The following sections provide the analysis and rationale for why it is infeasible to achieve the target acreage conservation of every individual cell encompassed within the Project (including the Western Bypass) effects and benefits of the Project on habitats, species, and overall MSHCP Conservation Area design and function (including the relationship to identified Core Areas, Linkages, and Constrained Linkages). The following sections also provide the required equivalency analysis the following categories: (1) effects on habitats; (2) effects on covered species; (3) effects on core areas; (4) effects on linkages and constrained linkages; (5) effects on non-contiguous habitat blocks; (6) effects on MSHCP configuration and management; (7) effects on ecotones and other conditions affecting species diversity; (8) equivalent or greater acreage; and (9) control over mitigation property being offered under the equivalency analysis. Ultimately, the Equivalency Evaluation concludes that the MSHCP is being made whole in terms of cell acreage and function and value, including on an individual cell level, by virtue of the acreage conserved on and off-site, as well as the avoidance, minimization, and mitigation measures incorporated into the Project by existing entitlements and the further conservation measures and commitments contained within the Settlement and Release Agreement entered among the Parties.

5.1 ACREAGE TARGETS

Acreage targets within Cells and Cell Groups are intended to provide guidelines for conservation, and as noted above, the MSHCP's target conservation acreages are based on the "Conceptual Reserve Design," which is intended to describe one way in which the conservation area could be configured. Because the Biological Issues and Considerations are met through project design on-site, acreage targets can be met elsewhere within the MSHCP plan area, as long as they contribute to the overall conservation goals of the MSHCP. The following analysis uses a literal interpretation of acreage targets as a means of assessing whether acreage targets are being met by the Project.

² For the Equivalency Analysis Requirements, include only those graphics that are focused on the comparison between the Replacement Lands and the Project Impact Area.

5.1.1 Cell Group K (Consistent)

Conservation within this Cell Group will range from 35 to 45 percent (168 - 216 acres of conservation or 264 - 312 acres of development) of the Cell Group focusing in the northern portion of the Cell Group. The Proposed Project would not impact any portions of Cell Group K', leaving 8.11 acres of the Cell Group for contributing to the assembly of Proposed Linkage 10 (Table 6, *Vegetation Community Impacts*; Figure 10). This conservation meets the goal of conserving habitat in the northern portion of the cell group. Conservation acreage goals for this Cell Group are also met with design criteria for the Proposed Project, as no impacts are proposed.

5.1.2 Independent Cell 7078 (Consistent)

Conservation within this Cell will range from 15 to 25 percent (24 - 40 acres of conservation or 120 - 136 acres of development) of the Cell focusing in the northeastern portion of the Cell. The Proposed Project would impact 2.74 acres of Independent Cell No. 7078 and would also include 0.97 acre of existing slopes that are either impact neutral or not impacted but not conserved, leaving 0.23 acre for contributing to the assemblage of Proposed Constrained Linkage 13. The impacts would occur along the southern boundary of the cell and would not impact riparian habitat. The 15 to 25 percent of the Cell targeted for conservation occurs entirely along Murietta Creek and the Proposed Project is separated from the Creek by existing development. Although conserved areas on-site provide a small area (0.23 acre) of conservation towards Linkage 10, because the project site is not located within the northeast portion of the Cell, the project is not required to provide conservation and the Proposed Project is consistent with conservation acreage goals for Cell No. 7078.

5.1.3 Independent Cell 7164 (Acreage Not Consistent)

Conservation within this Cell will range from 70 to 80 (112 - 128 acres of conservation or 32 - 48 acres of development) percent of the Cell focusing in the southwestern portion of the Cell. The Proposed Project would impact 65.04 acres (41 percent) of Independent Cell No. 7164, and would also include 1.73 acres of existing slopes that are either impact neutral or not impacted but not conserved, leaving 25.49 acres for contributing to the assemblage of Proposed Linkage 10. The location of conserved areas on-site is consistent with the conservation goals for this cell, which focus on the preservation of chaparral habitat in the southwestern portion of the Cell. Conserved areas would connect to Cell Group K' to the west as well as Cell No. 7258 to the south. The remainder of the cell west of the Proposed Project boundary has already been conserved through previous acquisitions by the City. If the previous alignment for the Western Bypass were to be retained, virtually all of the 25.49 acres of proposed conservation would be eliminated by the Western Bypass.

Conservation acreage goals for this cell are not met with this project design because the 65.04 acres of impacts combined with the 10.18 acres of existing development (75.22 acres) exceed the anticipated range of 32 - 48 acres by 27.22 - 43.22 acres. However, a significant portion of these impacts (19.23 acres) are to the already graded pads for the Ridge Park Office Complex project in the north-central portion of the cell, as well as due to the Western Bypass. The already graded pads provide no conservation value and the Western Bypass is an approved project under the MSHCP and would be built with or without the Altair project. As noted above, the area east of the Western Bypass would not have long-term conservation value (Figure 15).

5.1.4 Independent Cell 7166 (Acreage Not Consistent)

Conservation within this Cell will range from 35 to 45 percent (56 - 72 acres of conservation or 88 - 104 acres of development) of the Cell focusing in the southwestern portion of the Cell. The Proposed Project would impact 26.03 acres of Independent Cell No. 7166. Approximately 1.52 acres in this Cell consists of existing slopes that is considered neither impacted nor conserved. The Proposed Project would result in the southwest corner of this cell being developed and when combined with existing development in the cell, the 26.03 acres of impacts exceed the anticipated range of 56 - 72 acres. Preserving the 27.55 acres on-site in the southwest corner of the cell would not provide significant benefit to the preserve because it would be separated from the preserve to the west by the Western Bypass, which would be built with or without the Altair project, and First Street would also bisect the south-central portion of the Cell. Conservation of this area would create an isolated area with little long-term conservation value (Figure 15). The area targeted for conservation in the remainder of the cell occurs along Murrieta Creek, which is separated for the parcel by existing development. Conservation goals for Proposed Linkage 10 are not met but as stated above, conservation of Cell No. 7166 within the Proposed Project would not provide for long-term conservation value for the MSHCP preserve because of the construction of the Western Bypass.

5.1.5 Independent Cell 7258 (Consistent)

Conservation within this Cell will range from 30 to 40 percent (48 - 64 acres of conservation or 96 - 112 acres of development) of the Cell focusing in the northeastern portion of the Cell. The Proposed Project would impact 2.56 acres of Independent Cell No. 7258 as a result of the Western Bypass and associated grading, leaving 2.73 acres for contributing to the assemblage of Proposed Linkage 10. Existing conservation has already occurred in the north-central portion of this cell. Conservation acreage goals, as well as overall conservation goals, are met for this cell by project design, which would preserve areas in the northeast portion of the cell and be located west of the Western Bypass.

5.1.6 Independent Cell 7264 (Acreage Not Consistent)

Conservation within this Cell will range from 70 to 80 percent (112 - 128 acres of conservation or 32 - 48 acres of development) of the Cell focusing in the western portion and eastern edge of the Cell. The Proposed Project would impact 59.33 acres of Independent Cell No. 7264, leaving 9.00 acres for contributing to the assemblage of Proposed Linkage 10 and Proposed Constrained Linkage 13. When combined with the 37.33 acres of existing development (96.66 acres) exceed the anticipated range of 32 - 48 acres by 48.66 – 64.66 acres. Although conservation acreage goals for this cell are not met with this project design primarily as the result of the construction of the Western Bypass (an Approved Facility), the location of conserved areas on-site is consistent with the conservation goals for this cell, which includes preservation of coastal sage scrub habitat connecting to Cell No. 7258 to the west and Cell No. 7355 to the south.

5.1.7 Independent Cell 7355 (Acreage Not Precluded)

Conservation within this Cell will range from 40 to 50 percent (64 - 80 acres of conservation or 80 - 96 acres of development) of the Cell focusing in the northeastern portion of the Cell. The Proposed Project would impact 17.44 acres of Independent Cell No. 7355, leaving 18.46 acres for contributing to the assemblage of Proposed Linkage 10. Approximately 8.25 acres of the 17.44 acres of impact are associated with placement of fill in the South Parcel that will be restored as sage scrub vegetation.

Although conservation acreage goals fall short of the targeted acreage for the Cell, conservation goals are met for this Cell by project design, which would preserve coastal sage scrub and oak woodland habitats in the northeast portion of the cell and connect to coastal sage scrub habitat in Cell No. 7264 to the north and Cell No. 7356 to the east. An additional 45.54 acres of conservation would be needed to achieve the minimum of 64 acres targeted for conservation in this Cell, and there are areas immediately west of the South Parcel and Village G that could accomplish this goal and contribute to the assembly of Linkage 10. Conservation targets are not precluded from being achieved in Cell 7355.

5.1.8 Independent Cell 7356 (Acreage Not Consistent)

Conservation within this Cell will range from 50 to 60 (80 - 96 acres of conservation or 64 - 80 acres of development) percent of the Cell focusing in the western and southeastern portions of the Cell. The Proposed Project would impact 6.29 acres of Independent Cell No. 7356, leaving 24.68 acres for contributing to the assemblage of Proposed Linkage 10 and Proposed Constrained Linkage 14. All 6.29 acres of impact are associated with placement of fill in the South Parcel that will be restored as sage scrub vegetation. Conservation acreage goals are not met. Conservation goals are met for this cell by project design, which would preserve coastal sage scrub, oak woodland, and riparian habitats in the western portion of the cell and connect to coastal sage scrub habitat in Cell No. 7355 to the west.

5.1.9 Summary of Reserve Assembly

In summary of the Sections 5.1.2 through 5.2.8, based on the literal interpretation of individual cell acreage targets, the acreage conservation goals would not be met for certain individual cells. Given the improved alignment of the Western Bypass as a part of the Proposed Project and being consistent with the MSHCP as discussed in Section 6.1 above, and given that construction of the Western Bypass with or without the project would isolate areas east of the Bypass (Figure 15), conservation within the MSHCP Cell as interpreted literally would result in MSHCP overall goals of providing viable habitat with long-term conservation not being met. Impacts in 7164 (65.04 acres) are primarily the result of the Western Bypass Covered Activity and the 19.23 acres of graded pads of the previously approved Ridge Park Office Complex project. Impacts in 7166 (26.03 acres) and 7264 (59.33 acres) are in an area east of the Western Bypass and west of existing residential development, and preservation of this area would result in an island of habitat surrounded by development and a heavily used regional road. Impacts in 7355 (17.44 acres) and 7356 (6.29 acres), while not meeting conservation acreage objectives, would meet overall conservation goals for Proposed Linkage 10. Overall conservation goals are met by the Proposed Project design and acreage goals will be achieved through the acquisition of Additional Reserve Lands as discussed below.

5.1.10 Acreage Summary

Based on the analysis above, using the maximum allowable development within each Cell or Cell Group, we would have the following:

Cell Group K' Conservation Target Shortfall:	0 acre
Cell 7078 Conservation Target Shortfall:	0 acre
Cell 7164 Conservation Target Shortfall:	27.22 acres ¹
Cell 7166 Conservation Target Shortfall:	26.03 acres
Cell 7258 Conservation Target Shortfall:	0 acre
Cell 7264 Conservation Target Shortfall:	48.66 acres
Cell 7355 Conservation Target Shortfall:	17.44 acres ²
Cell 7356 Conservation Target Shortfall:	6.29 acres ³
Project Area Acreage Target Shortfall:	125.64 acres

Replacement Lands: (167.50 acres)

Remaining Acreage Targeted: (41.86 acres)

¹Includes 19.23 acres already graded for the Ridge Park Office Complex project

²Includes 8.25 acres to be restored to sage scrub following placement of fill

³All acres impacted to be restored to sage scrub following placement of fill

Based on the above, there is an excess of 41.86 acres of conservation. Using the mid-point of allowable development of 137.75 acres instead of the minimum used above, there would still be an excess of 29.75 acres. The project proponent is proposing the following additional conservation beyond the 167.50 acres of conservation of Replacement Lands proposed for conservation:

- Preserve 88.7 acres on-site that will be transferred to the RCA (South Parcel may be transferred to the RCA or other entity with expertise in managing conservation lands);
- Preserve an additional 7.47 acres on the Foley property already targeted for conservation.
- Restore approximately 15.8 acres of graded slopes along the western edge of the Western Bypass to chaparral and Riversidean sage scrub;
- Purchase 5.66-acre easement over APN 480-100-061 and restore and enhance a minimum of 3.96 acres of Riparian/Riverine resources;
- Work with the City to reduce fill placed on the South Parcel and restore up to the 14.54 acres of the South Parcel to Riversidean sage scrub that would be the maximum area of placement of fill;
- Provide fencing along the length of the Western Bypass and South Parcel to discourage wildlife movement, including mountain lion into the Proposed Project, and to exclude human use of the Conserved Lands; and
- Provide up to \$1,742,000 in MSHCP Fees (or in-lieu land conservation).

With on-site conservation of 88.7 acres and 167.50 acres of conservation on Replacement Lands, the project will conserve a total of 256.20 acres, which is 94 percent of the site total of 272.4 acres at no

cost to the MSHCP. Additionally, 30.34 acres of the Western Bypass slopes and all of the South Parcel will be reclaimed to native habitat at the completion of the project and MSHCP fees (minus the cost of on-site conserved lands) will be provided by the project.

The Omdahl Conservation Parcels are a key addition to the MSHCP Preserve conserving the lands targeted for use of an east-west crossing of I-15 which is critical in maintaining long-term viability of wildlife populations, especially the mountain lion. The Foley Conservation Parcel adds to conservation in Linkage 10, and the 100 acres to be acquired through the Wildlife Community Facilities District will be targeted in areas most beneficial to wildlife movement in the project vicinity. The Additional Reserve lands are conserving habitat with similar long-term conservation values as the areas being impacted on-site within the context of this much larger reserve system. Combined, the project meets the requirement of equal or greater conservation value under the Equivalency Evaluation process.

5.2 EFFECTS ON HABITATS

5.2.1 Project Effects

The Proposed Project will result in permanent impacts to 177.9 acres (Table 6, *Vegetation Community Impacts*; Figure 8).

Table 6
VEGETATION COMMUNITY IMPACTS

COMMUNITY	EXISTING ACRES	IMPACTS ¹
Riparian/Riverine Habitats		
Riparian woodland	0.48	0
Southern willow scrub	0.37	0.34
Herbaceous wetland	0.08	0.08
Coast live oak woodland	0.74	0.04
Total Riparian/Riverine Habitats	1.67	0.46
Uplands		
Native grassland	0.1	0
Coast live oak woodland	6.4	0.04
Diegan coastal sage scrub	145.0	98.6
Southern mixed chaparral	68.4	34.9
Non-native grassland	22.1	18.4
Non-native vegetation	0.3	0.1
Disturbed habitat	25.6	23.1
Developed	2.7	1.9
Total Uplands	270.6	177.1
TOTAL*	272.3	177.9¹

* The existing and impacted streambeds are not part of the cumulative totals as the acres of habitat are accounted for within other habitats.

¹ Total represents rounding.

5.2.2 Vegetation Communities

The proposed impacts total 177.9 acres made up of 0.46 acre of Riparian habitats (plus an additional 0.91 acre of unvegetated ephemeral streambed), and 177.1 acres of upland habitats. The project proposes conservation of 256.20 acres of habitat (88.7 acres on-site and 167.50 acres of Replacement

Lands) made up of 16.09 acres of Riparian habitats (plus 0.70 acre of unvegetated ephemeral streambed) and 240.11 acres of upland habitats. Table 7, *Vegetation Community Impacts and Conservation*, provides a comparison of impacted acres versus Replacement Lands acres.

Table 7
VEGETATION COMMUNITY IMPACTS AND CONSERVATION

COMMUNITY	IMPACTS	ADDITIONAL RESERVE LANDS	NET CONSERVATION	COMMENTS
Riparian/Riverine Habitats				
Riparian woodland	0	--	--	0.48 acre conserved on-site. Riparian woodland may also be conserved within 100 acres
Southern willow scrub	0.34	--	(0.34)	0.03 acre conserved on-site. Southern willow scrub may also be conserved within 100 acres or Foley conservation parcel
Herbaceous wetland	0.08	--	(0.08)	Herbaceous wetland may be conserved within 100 acres
Coast live oak woodland	0.04	Omdahl 5.83 ¹	5.79	0.70 acre conserved on-site. Coast live oak woodland may also be conserved within 100 acres
Total Riparian/Riverine Habitats	0.46*	5.83²	5.37	Overall net increase of 5.37 acres. Does not include additional Riparian/Riverine that may occur off-site.
Uplands				
Native grassland	0	--	--	Native grassland may also be conserved within 100 acres
Coast live oak woodland	0.04	Omdahl 8.39	8.43	7.10 acres conserved on-site. Coast live oak woodland may also be conserved within 100 acres
Diegan coastal sage scrub	98.6	Foley 1.11 100 acres – 60.0 ⁴	(37.49)	44.72 acres conserved on-site and all of South Parcel restored following placement of fill.
Southern mixed chaparral	34.9	Omdahl 51.78 ⁵ Foley 0.39	17.27	33.25 acres conserved on-site. Southern mixed chaparral may also be conserved within 100 acres
Non-native grassland	18.4	--	(18.4)	0.72 acre conserved on-site. Non-native grassland may also be conserved within 100 acres
Non-native vegetation	0.1	--	(0.1)	Loss of non-native vegetation in net conservation is considered a benefit.
Disturbed habitat	23.1	--	(23.1)	Loss of disturbed habitat in net conservation is considered a benefit.
Developed land	1.9	--	(1.9)	Loss of developed lands in net conservation is considered a benefit.

Table 7 (cont.)
VEGETATION COMMUNITY IMPACTS AND CONSERVATION

COMMUNITY	IMPACTS	ADDITIONAL RESERVE LANDS	NET CONSERVATION	COMMENTS
Uplands (cont.)				
Undetermined 100 acres	--	40 ⁶	40	
Total Uplands	177.1	161.67	(15.43)	
TOTAL	177.9³	167.5	(10.4)	
ALLOWED IMPACTS	(55.65)	--	55.65	
NET CHANGE IN CONSERVATION	(122.25)³	167.5	45.25³	1.43-ACRE CHANGE IN CONSERVATION ACREAGE

* Does not include 0.91 acre of streambed. The existing and impacted streambeds are not part of the cumulative totals as the acres of habitat are accounted for within other habitats.

¹ Preliminary assessment by ESA (2016).

² Foley Conservation Parcel likely contains Riparian/Riverine resources. 100 acres likely will include Riparian/Riverine resources.

³ Numbers don't add due to rounding.

⁴ 100 acres of additional conservation prioritizes sage scrub so 60 percent of the 100 acres is assumed.

⁵ Omdahl Conservation Parcels include chamise chaparral, hairy leaf ceanothus chaparral, and chamise chaparral/rock outcrop.

⁶ Remaining 40 percent of 100 acres not assumed to be sage scrub.

As noted in Table 7, when the allowed impacts using the maximum development (minimum conservation) of 55.65 acres are included based on the calculations in Section 7.1.2 above, the Replacement Lands offsets an excess of 45.25 acres of impact for the project (29.25 acres of excess using the mid-point). Even if there was no allowance for allowed impacts, including the Western Bypass, the 167.5 acres of Additional Conservation offsets all but 10.4 acres of the 177.9 acres of development.

When the fact that the Western Bypass would be constructed with or without the Altair Project as an Approved Facility, the Replacement Lands provide for a significant increase actual long-term conservation value. There may be less sage scrub on the Replacement Lands depending on how much sage scrub is acquired within the 100-acre acquisition, which would be considered the highest value upland habitat. The most significant impacts from previous versions of the Proposed Project were from proposed uses in the South Parcel, and these uses have been eliminated and any temporary impacts resulting from the placement of fill will be restored to sage scrub. The purchase of the Omdahl Conservation Parcels secures lands west of I-15 for use of an anticipated regional wildlife crossing of the I-15 which is considered particularly critical for long-term mountain lion genetic viability.

It should also be noted that these acreage totals do not include:

- Restore approximately 15.8 acres of graded slopes along the western edge of the Western Bypass to chaparral and Riversidean sage scrub;
- Approximately 1.5 acres of the 8.97 have been credited as additional conservation above, however the remaining 7.47 acres will be identified as lands already targeted for conservation but purchased by the Project;

- Purchase 5.66-acre easement over APN 480-100-061 and restore and enhance a minimum of 3.96 acres of Riparian/Riverine resources;
- Work with the City to reduce fill placed on the South Parcel and restore up to the 14.54 acres of the South Parcel to Riversidean sage scrub that would be the maximum area of placement of fill; and
- Lands acquired by the RCA with up to \$1,742,000 in MSHCP Fees (or in-lieu land conservation)).

Based on the above, the project will result in no loss in overall habitat values within the MSHCP preserve and will result in a net gain in acres over the long term through the additional conservation noted above.

5.3 EFFECTS ON COVERED SPECIES

5.3.1 Mountain Lion

Impacts to mountain lion were discussed in detail in Section 3.1.1 above. In summary, the mountain lion is known to utilize the project site and immediate vicinity based on data compiled by Vickers et. al. (2015) as shown on Figures 12a and 12b. Proposed Linkage 10 is a key upland connection in the southwest region of the Plan Area extending from Existing Core F (Santa Rosa Plateau Ecological Reserve) in the north to Existing Core G (Santa Margarita Ecological Reserve) in the south. Mountain lions tend to avoid roadways when establishing territories, but once the territory has been established with a roadway within that territory, these roadways tend not to be avoided and can be a source of mortality (Dickson and Beier 2002). The construction of the approved and permitted Western Bypass crossing would likely reduce or eliminate use of Murrieta Creek north of and at the bridge (use is likely already eliminated upstream of the bridge crossing for the reasons noted above). Placement of fill and restoring the South Parcel with native vegetation could temporarily impede use of Murrieta Creek along the northern portion of the South Parcel during construction activities. However, once re-contouring, buffering, and revegetation is complete, use of the South Parcel by the mountain lion is anticipated to continue.

With project implementation as proposed, the minimum Linkage 10 width within Subunit 1 adjacent to the Proposed Project exceeds 600 feet when measured from the edge of grading to the edge of already conserved land or existing roadways (Figure 13), although the linkage becomes highly constrained at its northern limits. The Western Bypass has been moved as far east as feasible to minimize impacts on Linkage 10 and, as noted, the Western Bypass is an Approved Roadway and the MSHCP found that Linkage 10 remained functional with this Approved Roadway. The proposed fencing will also preclude mountain lion access to the Western Bypass thereby minimizing potential direct mortality from road kill.

Based on proposed development, it is anticipated that there will be a reduction in overall suitability of Linkage 10 and areas abutting the South Parcel for the mountain lion as a result of the Proposed Project along Murrieta Creek, especially for adult males and females without kittens, although use of the linkages by mountain lion is anticipated to continue post project construction.

The Proposed Project is providing a regionally significant contribution to long-term viability of mountain lion populations through the purchase of the Omdahl Conservation Parcels, which will help provide the lands needed to establish a potential future wildlife crossing of I-15. Additionally, the project has

purchased the Foley Conservation Parcel which provides connection of a key location of the escarpment in Linkage 10. The 100 acres that will be acquired will specifically target parcels that will enhance wildlife connectivity, especially for mountain lions within the region. Finally, the Proposed Project will be required to construct fencing designed to exclude mountain lions from the Western Bypass and the Project Site, in addition to meeting Urban/Wildlands Interface Guideline requirements.

5.3.2 Least Bell's Vireo

Focused surveys for the vireo were negative within the project footprint and the habitat on-site is considered to provide a low probability of occurrence. The elimination of development from the South Parcel further buffers the Proposed Project from Murrieta Creek and the Santa Margarita River where the least Bell's vireo is most likely to occur.

5.3.3 Western Pond Turtle

The western pond turtle is known from Murrieta Creek and the Santa Margarita River immediately east and south of the South Parcel. Focused upland habitat surveys for the western pond turtle were conducted in winter of 2020 and were negative within the South Parcel impact footprint. The elimination of development from the South Parcel further buffers the Proposed Project from Murrieta Creek and the Santa Margarita River and the restoration of any fill areas on the South Parcel insures upland habitat is available should western pond turtles ever move onto the South Parcel.

5.3.4 San Diego Ambrosia

The project site lies outside of any NEPSSA, and thus no surveys were required under the MSHCP for narrow endemic plant species (e.g., San Diego Ambrosia). However, during surveys of the project site, San Diego Ambrosia were identified and mapped in the east-central portion of the site. The project proponent has agreed to translocate the San Diego ambrosia population to minimize impacts to this species, and that voluntary commitment was incorporated as a condition of approval by the City. The translocation must occur on lands already conserved within 10 miles of the project site. The receptor site will be selected in conjunction with the City, the RCA, and the resource agencies. The project proponent will prepare a translocation plan for City review and approval prior to implementing the translocation effort. The RCA will be responsible for any long-term management and monitoring obligations as part of their overall management and monitoring efforts for the MSHCP preserve. (The Project's MSHCP fees are collected to support land acquisition and management within the MSHCP area.)

5.3.5 Bobcat

The bobcat will benefit from the project features that benefit mountain lion, including on-site conservation, off-site acquisition, and barriers to movement of bobcats onto the Western Bypass and the Altair project.

5.4 EFFECTS ON CONSERVATION AREA DESIGN, CORE AREAS AND LINKAGE AREAS, AND NON-CONTIGUOUS HABITAT BLOCKS

5.4.1 Biological Issues and Considerations

As discussed in Section 5.8.3 in greater detail, the biological issues and considerations are met through on-site reserve design and both on-site and off-site conservation lands. These include:

- Realignment of the Western Bypass farther to the east within the project boundary to maximize the Linkage 10 and to tie in at Vincent Moraga Avenue. The proposed design greatly reduces the impact area associated with the Western Bypass by eliminating the central portion of the alignment. The proposed revised design eliminates 55.8 acres of impacts from the approved design, representing a 43 percent reduction in impacts.
- The section of the Western Bypass alignment from the northern property boundary to Via Industria would be eliminated from the City's circulation element.
- Restore approximately 15.8 acres of graded slopes along the western edge of the Western Bypass to chaparral and Riversidean sage scrub;
- Approximately 1.5 acres of the 8.97 have been credited as additional conservation above, however the remaining 7.47 acres will be identified as lands already targeted for conservation but purchased by the Project;
- Purchase 5.66-acre easement over APN 480-100-061 and restore and enhance a minimum of 3.96 acres of Riparian/Riverine resources;
- Work with the City to reduce fill placed on the South Parcel and restore up to the 14.54 acres of the South Parcel to Riversidean sage scrub that would be the maximum area of placement of fill;
- Avoiding or minimizing impacts to the least Bell's vireo, mountain lion, western pond turtle, and other MSHCP covered species; and
- Offsetting impacts to San Diego ambrosia through translocation of individuals to other Reserve Lands.

5.4.2 Proposed Linkage 10

As noted, the Western Bypass alignment has been moved well east of the approved alignment, and the northern portion of the Western Bypass has been eliminated. The relocation of the Western Bypass to the east benefits the southern portion of Linkage 10, while the elimination of the northern portion of the Western Bypass benefits the central portion of Linkage 10. The conservation of 88.7 acres on-site, the conservation of the Foley Conservation Parcel, and the elimination of development on the South Parcel and restoration of fill areas on the South Parcel all benefit Proposed Linkage 10. Further, as per the Settlement Agreement, a seven-year option to purchase Village G has been provided to the conservation community. If exercised, the elimination of Village G will further benefit the southern portion of Linkage 10.

5.4.3 Proposed Constrained Linkage 13

Development on the South Parcel, other than the potential for placement of fill has been eliminated. This will benefit the southern portion of Linkage 13. Linkage 13 from the already approved Western Bypass bridge across Murrieta Creek north is constrained on both sides by existing development, and the Altair Project and Western Bypass are both northwest of this location and not anticipated to impact this portion of Proposed Constrained Linkage 13. Restoration of fill areas on the South Parcel would benefit Proposed Constrained Linkage 13.

The Project lies outside of and is not contiguous with any Non-contiguous Habitat Blocks.

5.5 EFFECTS ON MSHCP CONFIGURATION AND MANAGEMENT

The Proposed Project will place development in the MSHCP Criteria Area, while the Omdahl Conservation Parcels will conserve areas not identified for conservation, but which abut existing MSHCP PQP Lands and provide long-term conservation benefits. The Foley Conservation Parcel adds to conservation already provided for by the City along the escarpment, which should optimize management efficiency. The 100 acres of Replacement Lands will be located in areas that would benefit wildlife movement, and as a result would by that fact be adjacent to or in close proximity to already conserved lands, which again should facilitate configuration and management. The elimination of development on the South Parcel minimizes edge along the Preserve at this location. The project minimizes the perimeter/area ratio by eliminating this development in the south parcel and minimizing remaining development west of the Western Bypass. Although not included in the conservation acreage numbers, slope areas on the western edge of the Western Bypass as well as Villages A and G, and potential fill areas on the South Parcel will be restored to native vegetation.

With conservation of the Replacement Lands and the other measures noted above addressing on-site project configuration and indirect impacts, the Equivalency Evaluation will not significantly impact MSHCP configuration and management.

5.6 EFFECTS ON ECOTONES AND OTHER CONDITIONS AFFECTING SPECIES DIVERSITY

Both the proposed impact area and Replacement Lands are comprised of or anticipated to be comprised of a mosaic of Riparian/Riverine, sage scrub and chaparral habitats. There are no unique ecotonal features on the proposed impact area or Replacement Lands and with conservation of the Replacement Lands there are no significant impacts on ecotones or other conditions affecting species diversity.

5.7 EQUIVALENT OR GREATER ACREAGE CONTRIBUTED TO THE MSHCP CONSERVATION AREA

5.7.1 Cell Group K'

Cell Group K' comprises cells 7077, 7161, and 7254 and totals approximately 480 acres. The Proposed Project does not impact any of Cell Group K' and provides 8.11 acres of conservation. On-site conservation goals for Cell Group K' are met.

5.7.2 Independent Cell 7078 (Consistent)

Conservation within this Cell will range from 15 to 25 percent (24 - 40 acres of conservation or 120 - 136 acres of development) of the Cell focusing in the northeastern portion of the Cell. The Proposed Project would impact 2.74 acres of Independent Cell No. 7078 along the southern boundary of the cell. The 15 to 25 percent of the Cell targeted for conservation occurs entirely along Murietta Creek and the Proposed Project is separated from the Creek by existing development. The Proposed Project is consistent with conservation acreage goals for Cell No. 7078.

5.7.3 Independent Cell 7164 (Acreage Not Consistent)

Conservation within this Cell will range from 70 to 80 (112 - 128 acres of conservation or 32 - 48 acres of development) percent of the Cell focusing in the southwestern portion of the Cell. There are 10.18 acres of existing development and approximately 19.23 acres previously graded for the Ridge Park Office Complex project. When grading beyond the 100 foot right-of-way is added for the Western Bypass, the minimum acres of development (32 acres) is already exceeded and remaining areas east of the Western Bypass would be an isolated island of habitat with no long-term conservation value. With implementation of the Western Bypass, with or without the Altair Project, conservation acreage goals cannot be met for Cell 7164.

5.7.4 Independent Cell 7166 (Acreage Not Consistent)

Conservation within this Cell will range from 35 to 45 percent of the Cell (56 - 72 acres of conservation or 88 - 104 acres of development), focusing in the southwestern portion of the Cell. The Proposed Project would impact 26.03 acres of Independent Cell No. 7166. Although this cell has a lower conservation target than the other Cells, because a majority of the Cell is already developed, only complete avoidance of development on-site within this Cell would meet conservation targets. Preserving the 27.55 acres on-site in the southwest corner of the cell would not provide significant benefit to the preserve because it would be separated from the preserve to the west by the Western Bypass, which would be built with or without the Altair project, and First Street would also bisect the south-central portion of the Cell (Figure 15). Conservation goals for Cell 7166 are not met.

5.7.5 Independent Cell 7258 (Consistent)

Conservation within this Cell will range from 30 to 40 percent of the Cell (48 - 64 acres of conservation or 96 - 112 acres of development), focusing in the northeastern portion of the Cell. The Proposed Project would impact 2.56 acres of Independent Cell No. 7258 as a result of the Western Bypass and associated grading, leaving 2.73 acres for contributing to the assemblage of Proposed Linkage 10. Existing conservation has already occurred in the north-central portion of this cell. Conservation acreage goals, as well as overall conservation goals, are met for this cell by project design, which would preserve areas in the northeast portion of the cell and be located west of the Western Bypass.

5.7.6 Independent Cell 7264 (Acreage Not Consistent)

Conservation within this Cell will range from 70 to 80 percent of the Cell (112 - 128 acres of conservation or 32 - 48 acres of development), focusing in the western portion and eastern edge of the Cell. The Western Bypass cuts across this Cell diagonally and with the existing development to the east, avoidance would create a narrow strip of conservation along the southern two-thirds of the Cell with no

conservation value. First Street would also bisect any avoidance area in the northern portion of the cell rendering it of no conservation value. Nonetheless, conservation targets are not met for Cell 7264.

5.7.7 Independent Cell 7355 (Acreage Not Precluded)

Conservation within this Cell will range from 40 to 50 percent (64 - 80 acres of conservation or 80 - 96 acres of development) of the Cell focusing in the northeastern portion of the Cell. The Proposed Project provides for 18.46 acres of conservation for contributing to the assemblage of Proposed Linkage 10. An additional 45.54 acres of conservation would be needed to achieve the minimum of 64 acres targeted for conservation in this Cell, and there are areas immediately west of the South Parcel and Village G that could accomplish this goal and contribute to the assembly of Linkage 10. Conservation targets are not precluded from being achieved in Cell 7355.

5.7.8 Independent Cell 7356 (Acreage Not Consistent)

Conservation within this Cell will range from 50 to 60 percent (80 - 96 acres of conservation or 64 - 80 acres of development) of the Cell focusing in the western and southeastern portions of the Cell. The Proposed Project would impact 6.29 acres of Independent Cell No. 7356, leaving 24.68 acres for contributing to the assemblage of Proposed Linkage 10 and Proposed Constrained Linkage 14. All 6.29 acres of impact are associated with placement of fill in the South Parcel that will be restored as sage scrub vegetation. Conservation acreage goals are not met. However, conservation goals are met for this cell by project design, which would preserve coastal sage scrub, oak woodland, and riparian habitats in the western portion of the cell and connect to coastal sage scrub habitat in Cell No. 7355 to the west.

Based on the above, on-site conservation acreage goals for this cell group are not met with this Proposed Project design, although overall reserve acreage goals would be satisfied by the project's Replacement Lands. It is important to note that the MSHCP's target conservation acreages are based on the "Conceptual Reserve Design," which is intended to describe one way in which the conservation area could be configured (MSHCP Section 3.2.3). It does not represent the only possible reserve, and flexibility is intended to be incorporated (MSHCP Section 3.2.3). The project's on-site conservation plus Replacement Lands satisfy the MSHCP reserve acreage goals by adding conservation to Subunits 1 and 6, including Proposed Linkage 10 of the Southwest Area Plan.

The Proposed Project occurs within Rough Step Unit 5, which is currently in rough step (RCA 2018). Riparian scrub, woodland, forest, coastal sage scrub, and grasslands are the habitats that occur on-site that have Rough Step requirements for Rough Step Unit 5. The other major habitat type that occurs on-site is chaparral, which does not have a Rough Step requirement for Rough Step Unit 5.

The 2018 annual report (RCA 2015) states:

"A total of 1,392 acres of conservation has been acquired within this Rough Step Unit. Losses to this unit total 2,117 acres, with remaining development allowance as followed: 193 acres of coastal sage scrub, 103 acres of grasslands, 2 acres of riparian scrub, woodland, and forest, 0 acre of Riversidean alluvial fan sage scrub, and 191 acres of woodlands and forests. This unit remains in Rough Step for 2018."

Because Rough Step Unit 5 currently exceeds Rough Step requirements for riparian scrub, woodland, forest, coastal sage scrub and grassland habitats, the Proposed Project would not cause Rough Step Unit 5 to be out of Rough Step.

In order to ensure that the MSHCP stays in rough step, the project proponent has proposed to provide Replacement Lands within Rough Step Unit 5; all Replacement Lands will occur in Rough Step Unit 5.

5.7.9 Replacement Lands

To assist in achieving the MSHCP's acreage goals for the 153,000 acres of Replacement Lands throughout the MSHCP plan area, and to offset acreage impacts for the Proposed Project, the project proponent has acquired or will acquire 167.5 acres of off-site properties to be used as Replacement Lands. This is in addition to the 88.7 acres of lands already proposed to be conserved on-site. The Omdahl Conservation Parcels occur approximately 1.1 miles to the south of the southern terminus of the property and the Foley Conservation Parcel abuts the western boundary of the property (Figure 7). The specific location of the 100 acres of Replacement Lands being purchased with Wildlife CFD funds have not been determined.

The Omdahl Conservation Parcels comprise 2 parcels (APNs 918-080-008 and 918-080-009) that total 66.00 acres. They are located southwest of Temecula Creek Inn Golf Course, approximately 1.25 miles south of the California State Route 79 (Temecula Parkway) exit on the west side of Interstate 15 (I-15), as shown on Figure 7. The Conservation Parcels lie outside of any Cells or Cell Groups.

Existing Core G associated with the Santa Margarita Ecological Reserve abuts the Conservation Parcels on the north, west and southern boundaries. Preservation of these lands will increase the conservation acreage in Existing Core G. The RCA has previously reviewed and approved an equivalency analysis prepared by HELIX (2017) for the Omdahl Conservation Parcels.

The Foley Conservation Parcel comprises a single parcel (APN 940-090-010) that totals 8.97 acres, although only 1.5 acres is considered Replacement Lands. The remaining 7.47 acres will be conserved but not counted as Replacement Lands. It is located immediately adjacent to proposed Conserved Lands on the Proposed Project in Cell 7258 and 7264. It will add to already conserved lands in Linkage 10. The Foley Conservation Parcel acquired by the project proponent are made up of sage scrub, chaparral, and coast live oak woodland habitats (Figure 17).

The 100 acres acquired through Wildlife Community Facilities District funding will occur within 10 miles of the project in Riverside County, must occur within Subunit 1, Subunit 6, Proposed Linkage 10, Proposed Constrained Linkage 9, Proposed Constrained Linkage 10, Proposed Constrained Linkage 11, Proposed Constrained Linkage 12, Proposed Constrained Linkage 13, or Proposed Constrained Linkage 14, or must provide conservation benefits for these areas or regional wildlife movement, with the priority being on-sites that support Diegan coastal sage scrub and Riversidean sage scrub within Rough Step Unit 5 and that facilitate regional connectivity.

Nine zones were established by the MSHCP to guide reserve acquisition using environmental factors. Within each zone are similar weather patterns, geography, soils, and geology. These areas are called "rough steps" because they are meant to help the RCA, USFWS, and CDFW evaluate whether conservation of specific habitats is occurring in rough step with development approvals. Both the Proposed Project impacts and the off-site acquisition parcels occur within Rough Step Unit 5 (RCA 2018). The on-site conservation combined with the Replacement Lands would increase the MSHCP Conservation Area within Rough Step Unit 7 by 256.2 acres, composed of 88.7 acres on the property and 167.5 acres from the Replacement Lands, while impacting 177.9 acres within Unit 5. The on-site conservation and the additional lands both contribute to contiguous conservation of core and linkage

habitat within Subunit 1 and Subunit 6 of the Southwest Area Plan. These lands will increase core and linkage habitat for bobcat and mountain lion along with preserving riparian and oak woodland habitats with potential to support sensitive species.

5.8 CONTROL OVER MITIGATION PROPERTY

The Omdahl and Foley Conservation Parcels are owned by the project proponent and will be conveyed to the RCA prior to initiation of grading on the project. The 100 acres of Conservation Parcels to be acquired through the Wildlife CFD will be acquired by the City or RCA as funding permits and specific Conservation Parcels are identified and evaluated.

6.0 ADDITIONAL MSHCP REQUIREMENTS

6.1 NARROW ENDEMIC PLANT SPECIES (MSHCP SECTION 6.1.3)

The property is not within an area designated for NEPSSA plant species. During project surveys one narrow endemic species, San Diego Ambrosia was observed, and although because the Proposed Project lies outside of a NEPSSA, no mitigation would be required, the Project Proponent has agreed to translocate 300 individuals of San Diego ambrosia to minimize impacts to this species. The translocation will occur on already conserved land within 10 miles of the project site. The receptor site will be selected in conjunction with the City, the RCA, and the resource agencies. The project proponent will prepare a translocation plan for City review and approval prior to implementing the translocation effort. The RCA will be responsible for any long-term management and monitoring obligations as part of their overall management and monitoring efforts for the MSHCP preserve.

6.2 URBAN WILDLAND INTERFACE GUIDELINES ([UWIG] MSHCP SECTION 6.1.4)

Section 6.1.4 addresses potential indirect impacts to the MSHCP Conservation Area via the UWIG. The Proposed Project occurs adjacent to the MSHCP Conservation Area and, as such, is subject to the UWIG to reduce/prevent potential impacts to the reserve by the development.

6.2.1 Drainage

The Proposed Project would incorporate measures, including those required through National Pollutant Discharge Elimination System (NPDES) requirements, to ensure that the quantity and quality of runoff discharged to the MSHCP Conservation Area (Murrieta Creek) is not altered in an adverse way when compared with existing conditions. Measures shall be put in place to avoid discharge of untreated surface runoff into the MSHCP Conservation Area. Stormwater systems shall be designed to prevent the release of toxins, chemicals, petroleum products, exotic plant materials, or other elements that might degrade or harm biological resources or ecosystem processes within the MSHCP Conservation Area. This would be accomplished by the Proposed Project by using one or more of the following methods: natural detention basins, grass swales, or mechanical trapping devices. Regular maintenance shall occur to ensure effective operation of runoff control systems. Per project conditions of approval and mitigation measures MM-HYD-1 through MM-HYD-3, all of which have been imposed by adoption of the Project entitlements, the project proponent would be further mandated to manage and limit construction and post-construction stormwater discharges.

6.2.2 Toxics

Land uses proposed in proximity to the MSHCP Conservation Area that use chemicals or generate bio-products that are potentially toxic or may adversely affect wildlife 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. Measures such as those employed to address drainage issues would be implemented by the Proposed Project to avoid the potential impacts of toxics. Further, per the Settlement Agreement, the project proponent has agreed to prohibit the use of anticoagulant rodenticides within the Project site to reduce possible indirect poisoning effects on mountain lions and other wildlife.

6.2.3 Lighting

Night lighting shall be directed away from the MSHCP Conservation Area to protect species within the MSHCP Conservation Area from direct night lighting. Shielding would be incorporated in Proposed Project lighting designs to ensure ambient lighting in the MSHCP Conservation Area is not increased. Per the Settlement Agreement, and except as needed for security purposes, the project proponent has agreed to adhere to the MSHCP Urban/Wildland Interface Guidelines and the “Zone B” lighting restrictions set forth in the currently enacted Riverside County Ordinance No. 655.

6.2.4 Noise

The project incorporates setbacks and nesting season restrictions into the project description to minimize the effects of noise on MSHCP Conservation Area resources pursuant to applicable rules, regulations, and guidelines related to land use noise standards (County 2006). This will result in the MSHCP Conservation Area not being subject to noise that would exceed residential noise standards.

6.2.5 Invasives

Any project landscaping shall avoid the use of plants shown on MSHCP Table 6.2. Those species would be avoided.

6.2.6 Barriers

The edges of the project that are directly adjacent to the MSHCP Conservation Area shall include walls, fences, or other physical barriers to prevent unauthorized public access, domestic animal predation, illegal trespass, or dumping in the MSHCP Conservation Area. Barriers will include a combination of native landscaping, rocks/boulders, fencing, walls, signage and other appropriate mechanisms. The Proposed Project would incorporate such barriers into the project design. In particular, through project design, mitigation measures, conditions of approval, and the proposed Settlement Agreement, the project proponent has agreed to erect wildlife-proof fencing along the outer boundary of the Western Bypass and Villages A and G (if developed), and to adhere to the MSHCP’s Urban/Wildlands Interface Guidelines, subject to review and approval by the RCA.

6.2.7 Grading/Land Development

Manufactured slopes associated with proposed site development shall be included in the project impact and shall not extend into the lands proposed to contribute to the MSHCP Conservation Area. The

Proposed Project design accounts for this, and the project proponent has also agreed to restore the portions of slopes not needed for fuel modification with native upland vegetation that abut the MSHCP Conservation Area.

6.3 ADDITIONAL SURVEYS (MSHCP SECTION 6.3.2)

6.3.1 CASSA

The Proposed Project is not in a CASSA survey area and no CASSA species were observed during project surveys.

6.3.2 Burrowing Owl

Surveys for burrowing owl conducted in 2007 covered all potentially suitable burrowing owl habitat on the property, and no sign of use by burrowing owls was observed. Although the 2007 survey was negative for burrowing owl, and no sign of burrowing owl use of the property was observed during other biological surveys, an updated burrowing owl survey was completed in 2014 and no owls were observed on-site (HELIX 2014b). In addition, a pre-construction survey is recommended for the property, which should occur within 30 days prior to any ground-disturbing activity. Owls located as a result of survey efforts will be relocated. A relocation plan shall be submitted to City and wildlife agencies for review and approval.

6.3.3 Amphibians and Mammals

The property is not within an amphibian or mammal survey area. No surveys or mitigation is required under the MSHCP.

No other surveys are required or recommended, and this Equivalency Evaluation is consistent with MSHCP Section 6.3.2.

6.4 Fuels Management (MSHCP Section 6.4)

The property is adjacent to an MSHCP Conservation Area. Fuel modification impacts would not extend into the Conservation Area because the fuel modification zone requirements were taken into account when the Proposed Project was designed. No mitigation would be required.

6.5 MSHCP FEES

The project proponent shall pay MSHCP Local Development Mitigation fees as determined by the City. The fee schedule is adjusted annually by the RCA and was last adjusted on July 1, 2020. A Mitigation Fee of up to \$1,742,000, a portion of which could be satisfied with in-lieu land dedications.

7.0 CONCLUSION

Development of the property for the proposed Altair and Western Bypass Project would not satisfy the acreage targets for conservation in the MSHCP within every individual cell encompassing the Project site. However, the MSHCP is being made whole in terms of cell acreage and function and value by virtue

of the acreage conserved on and off-site, as well as the avoidance, minimization, and mitigation measures incorporated into the Project by existing entitlements and the further conservation measures and commitments contained within the Settlement and Release Agreement entered among the Parties, as follows:

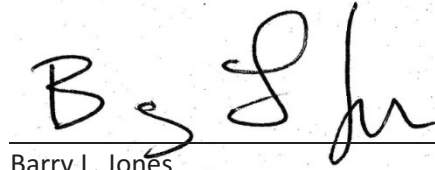
- Consistent with the Equivalency Evaluation process, the project is consistent with the MSHCP Cell goals and Biological Goals and Considerations.
- Consistent with the Equivalency Evaluation process, quantification and characterization of effects/benefits of the Proposed Project on Habitats, Species and overall MSHCP Conservation Area design and function including the relationship to identified Core Area F (Santa Rosa Ecological Reserve) and Core Area G (Santa Margarita Ecological Reserve), Proposed Linkage 10 and Proposed Constrained Linkage 13, has been provided.
- Conservation would occur on-site that is consistent with the connectivity criteria goals of the cell groups. Specifically, on-site conservation provides for conservation within Proposed Linkage 10 and Proposed Constrained Linkage 13.
- Acquisition of Replacement Lands that occur within the same Area Plan (Southwest Area Plan) and same rough step unit (Rough step Unit 5) and would meet the conservation goal of Rough Step Unit 5 acreage in compliance with the MSHCP.
- Surveys were not required for NEPSSA plant species. One NEPSSA plant species, San Diego ambrosia, does occur on the property, and the project proponent will translocate all ambrosia plants to a suitable location within the MSHCP preserve in conjunction with the City, RCA, and Resource Agencies.
- CASSA plants do not occur on the property.
- Surveys were conducted for numerous species (e.g., fairy shrimp, burrowing owl, and least Bell's vireo, and none were found to occur on the property.
- Habitat assessments were conducted for WIFL and YBCU; these species do not occur on the property.
- The developer would pay the MSHCP fee of up to \$1,742,000 (subject to possible in-lieu land credits).

8.0 CERTIFICATION/QUALIFICATION

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this biological evaluation, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

DATE: September 4, 2020

SIGNED: _____

A handwritten signature in black ink, appearing to read 'B. L. Jones', written over a horizontal line.

Barry L. Jones
Senior Consulting Biologist

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Exhibit F

ORDINANCE NO. 655

AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGULATING LIGHT POLLUTION

The Board of Supervisors of the County of Riverside Ordains as Follows:

Section 1. INTENT. The intent of this ordinance is to restrict the permitted use of certain light fixtures emitting into the night sky undesirable light rays which have a detrimental effect on astronomical observation and research. This ordinance is not intended to restrict the use of low pressure sodium lighting of single family dwellings for security purposes. This ordinance does not require any replacement of light fixtures already installed and operating.

Section 2. CONFORMANCE WITH APPLICABLE ORDINANCES. All artificial outdoor light fixtures shall be installed in conformance with the provisions of this ordinance and the applicable provisions of the ordinances of the County of Riverside regulating the installation of such fixtures.

Section 3. APPROVED MATERIALS AND METHODS OF INSTALLATION. This ordinance is not intended to prevent the use of any design, material or method of installation not specifically forbidden, provided any such alternate has been approved. The Planning Director may approve any such proposed alternate if it:

- A. Provides at least approximate equivalence to the applicable
specific requirements of this ordinance; and
- B. Is otherwise satisfactory and complies with the intent of
this ordinance.

Section 4. DEFINITIONS.

- A. Outdoor light fixtures means outdoor artificial illuminating
devices, installed or portable, used for flood lighting, general illumination or
advertisement. Such devices shall include, but are not limited to, search, spot, and flood
lights for:
 - 1. buildings and structures;
 - 2. recreational facilities;
 - 3. parking lots;
 - 4. landscape lighting;
 - 5. outdoor advertising displays and other signs;

6. street lighting on private streets;

7. walkway lighting.

B. Class I lighting means all outdoor lighting used for, but

not limited to, outdoor sales or eating areas, assembly or repair area, outdoor advertising displays and other signs, recreational facilities and other similar applications when color rendition is important.

C. Class II lighting means all outdoor lighting used for but

not limited to illumination for walkways, private roadways and streets, equipment yards, parking lot and outdoor security.

D. Class III lighting means that lighting not needed for Class

I or Class II purposes and used for decorative effects. Examples of Class III lighting include, but are not limited to, the illumination of flag poles, trees, fountains, statuary, and building walls.

E. Planning Director means the Director of Planning of the

County of Riverside or representative(s) designated by the Planning Director.

F. Individual means any private individual, tenant, lessee,

owner or any commercial entity, including, but not limited to, companies, partnerships, joint ventures or corporations.

G. Installed means any installation of outdoor light fixtures

after the effective date of this ordinance. Projects with construction plans approved by the County prior to the effective date of this ordinance are excluded from installation in compliance with this ordinance.

H. Zone A means the circular area fifteen (15) miles in radius

centered on Palomar Observatory.

I. Zone B means the circular ring area defined by two circles,

one forty-five (45) miles in radius centered on Palomar Observatory, and the other the perimeter of Zone A.

J. Fully shielded means outdoor light fixtures shielded or

constructed so that light rays emitted by the fixtures are projected below the horizontal plane passing through the lowest point on the fixture from which light is emitted.

K. Partially shielded means outdoor light fixtures designed or

constructed so that ninety percent (90%) of the light rays emitted by the fixture are projected below the horizontal plane passing through the lowest point of the shield.

L. Luminare means a complete lighting unit consisting of a lamp

or lamps together with the parts designed to distribute the light, to position and protect the lamps and to connect the lamps to the power supply.

M. Outdoor Advertising Display means advertising structures and

signs used for outdoor advertising purposes, not including on-site advertising signs, as further defined and permitted in Article XIX of Ordinance No. 348.

N. Outdoor Recreational Facilities means public or private

facilities designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities. Outdoor recreational facilities include, but are not limited to, fields for softball, baseball, football, soccer, and other field sports, courts for tennis, basketball, volleyball, handball and other court sports, stadiums, and lighted golf facilities such as driving ranges.

Section 5. GENERAL REQUIREMENTS.

These standards apply in Zones A and B.

A. Preferred Source - Low-pressure sodium lamps are the preferred illuminating source.

B. Shielding - All nonexempt outdoor light fixtures, shall be shielded as required in Section 6.

C. Hours of Operation - All nonexempt outdoor light fixtures are subject to the provisions of Section 8 regarding hours of operation.

D. Outdoor Advertising Display - Lighting fixtures used to illuminate an outdoor advertising display shall be mounted on the top of the outdoor advertising structure. All such fixtures shall comply with the lamp source and shielding requirements of Section 6, and the prohibitions of Section 8.

Section 6. REQUIREMENT FOR LAMP SOURCE AND SHIELDING. The requirements for lamp source and shielding of light emissions for outdoor light fixtures in Zones A and B shall be:

LAMP TYPE AND SHIELDING REQUIREMENTS PER FIXTURE

CLASS I - COLOR RENDITION IMPORTANT

<u>LAMP TYPE</u>	<u>ZONE A</u>	<u>ZONE B</u>
Low Pressure Sodium	Allowed	Allowed
Others above 4050 Lumens fully shielded	Prohibited	Allowed if
Others 4050 Lumens & Below	Allowed*	Allowed

CLASS II - PARKING LOTS, WALKWAYS, SECURITY

<u>LAMP TYPE</u>	<u>ZONE A</u>	<u>ZONE B</u>
Low Pressure Sodium	Allowed	Allowed
Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Allowed

CLASS III - DECORATIVE

<u>LAMP TYPE</u>	<u>ZONE A</u>	<u>ZONE B</u>
Low Pressure Sodium	Prohibited	Allowed

Others above 4050 Lumens	Prohibited	Prohibited
Others 4050 Lumens & Below	Prohibited	Allowed

*Maximum of 8,100 total lumens per acre or per parcel if under one acre.

NOTE: When lighting is "Allowed" by this ordinance, it must be

fully shielded if feasible and partially shielded in all other cases, and must be focused to minimize spill light into the night sky and onto adjacent properties.

Section 7. SUBMISSION OF PLANS AND EVIDENCE OF COMPLIANCE. The application for any required County approval for work in Zones A and B involving nonexempt outdoor light fixtures shall include evidence that the proposed work will comply with this ordinance. The submission shall contain, but not be limited to, the following:

- A. The location of the site where the outdoor light fixtures
will be installed;
- B. Plans indicating the location and type of fixtures on the
premises;
- C. A description of the outdoor light fixtures, including, but
not limited to, manufacturer's catalog cuts and drawings.

The above required plans and descriptions shall be sufficiently complete to enable the County to readily determine whether compliance with the requirements of this ordinance will be secured. If such plans and descriptions cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit further evidence of compliance enabling such determination.

Section 8. PROHIBITIONS.

- A. The installation of other than low pressure sodium street
lights on private roadways and streets is prohibited within Zones A and B.
- B. All Class I lighting in Zones A and B shall be off between
11:00 p.m. and sunrise, except as follows:

1. On-premise advertising signs may be illuminated while
the business facility is open to the public;
 2. Outdoor advertising displays may remain lighted until
midnight;
 3. Outside sales, commercial, assembly, repair, and
industrial areas may be lighted when such areas are actually in use.
 4. Outdoor recreational facilities may remain lighted to
complete recreational activities that are in progress and under illumination in
conformance with this ordinance at 11:00 p.m.
- C. All Class II lighting in Zones A and B may remain on all
night.
- D. All Class III lighting in Zones A and B shall be off between
11:00 p.m. and sunrise.
- E. Operation of searchlights for advertising purposes is
prohibited in Zones A and B.

Section 9. PERMANENT EXCEPTIONS.

- A. Nonconformance. All outdoor light fixtures existing and
legally installed prior to the effective date of this ordinance are exempt from the
requirements of this ordinance except that:
1. When existing luminaries are reconstructed or replaced,
such reconstruction or replacement shall be in compliance with this ordinance.
 2. Sections 8 b, c, d and e regarding hours of operation
shall apply.
- B. Fossil Fuel Light. All outdoor light fixtures producing
light directly by combustion of fossil fuels (such as kerosene lanterns, and gas lamps) are
exempt from the requirements of this ordinance.
- C. Holiday Decorations. Lights used for holiday decorations
are exempt from the requirements of this ordinance.

Section 10. TEMPORARY EXEMPTIONS.

A. Information Required. Any individual may submit a written

request to the Planning Director for a temporary exemption from the requirements of this ordinance. The filing fee for the temporary exemption shall be \$50.00. The Request for Temporary Exemption shall contain the following information:

1. Name, address and telephone number of the applicant;
2. Location of the outdoor light fixtures for which the
exemption is requested;
3. Specific exemption(s) requested;
4. Use of the outdoor light fixtures involved;
5. Duration of the requested exemption(s);
6. Type of outdoor light fixture to be used, including
total lumen output, character of the shielding, if any;
7. Previous temporary exemptions, if any;
8. Such other data and information as may be required by
the Planning Director.

The Planning Director shall have ten (10) business days from

the date of receipt of the Request for Temporary Exemption to approve or disapprove the request. The applicant will be notified of the decision in writing.

B. Duration of Approval. The exemption shall be valid for not

more than thirty (30) consecutive days from the date of issuance of approval. Exemptions are renewable for a period of not more than fifteen (15) consecutive days. Requests for renewal of a temporary exemption shall be processed in the same manner as the original request. No outdoor light fixtures shall be exempted from this ordinance for more than forty-five days during any twelve (12) month period.

C. Appeals. An applicant or any interested person may file an

appeal from the decision of the Planning Director within 10 days of the date of mailing of the notice of decision to the applicant. The appellant may appeal that decision, in writing, to the Board of Supervisors, on forms provided by the Planning Department, which shall be accompanied by a filing fee of \$25.00. Upon receipt of a completed appeal, the Clerk of the Board shall set the matter for hearing before the Board of Supervisors not less than five days nor more than 30 days thereafter and shall give written notice of the hearing to the appellant and the Planning Director. The Board of Supervisors shall render its decision within 30 days following the close of the hearing on the appeal.

Section 11. EMERGENCY EXEMPTIONS. This ordinance shall not apply to portable temporary lighting used by law enforcement or emergency services personnel to protect life or property.

Section 12. CONFLICTS. Where any provision of the statutes, codes or laws of the United States of America or the State of California conflicts with any provision of this ordinance, the most restrictive shall apply unless otherwise required by law.

Section 13. VIOLATIONS AND PENALTIES. It shall be unlawful for any individual to operate, erect, construct, enlarge, alter, replace, move, improve, or convert any lighting structure, or cause the same to be done, contrary to or in violation of any provision of this ordinance. Any individual violating any provision of this ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such individual shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted.

Any individual convicted of a violation of this ordinance shall be (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100) for a first violation: (2) guilty of an infraction offense and punished by a fine not exceeding two hundred fifty dollars (\$250) for a second violation on the same site and perpetrated by the same individual. The third and any additional violations on the same site and perpetrated by the same individual shall constitute a misdemeanor offense and shall be punishable by a fine not exceeding one thousand dollars (\$1,000) or six months in jail, or both. Payment of any penalty herein shall not relieve an individual from the responsibility for correcting the violation.

Section 14. VIOLATIONS CONSTITUTE PUBLIC NUISANCE. Any lighting structure erected, constructed, enlarged, altered, replaced, moved, improved, or converted contrary to the provisions of this ordinance shall be, and the same is hereby declared to be, unlawful and a public nuisance and subject to abatement in the manner provided by law. Any failure, refusal or neglect to obtain a permit as required by this ordinance shall be prima facie evidence of the fact that a public nuisance has been committed in connection with the erection, construction, enlargement, alteration, replacement, improvement, or conversion of a lighting structure erected, constructed, enlarged, altered, repaired, moved, improved, or converted contrary to the provisions of this ordinance.

Section 15. SEVERABILITY. If any provision of this ordinance or the application thereof to any individual or circumstance is invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

Section 16. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days after the date of its adoption.

ADOPTED: 6-7-88 (Eff.: 7-7-88)