

California Regional Water Quality Control Board, San Diego Region

July 1, 2014

Certified Mail – Return Receipt Requested
Article Number: 7009 1410 0002 2347 3315

Mr. Fernando Arimon
Pacific Landing, LP
1025 Kane Concourse, Suite 215
Bay Harbor Islands, FL 33154

In reply/refer to:
799923:dbradford

**Subject: Clean Water Act Section 401 Water Quality Certification No. R9-2013-0157
for the Pacific Landing Apartments Project**

Mr. Arimon:

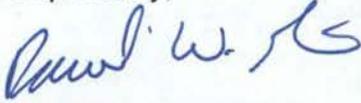
Enclosed find Clean Water Act Section 401 Water Quality Certification No. R9-2013-0157 (Certification) issued by the California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) in response to the application submitted by Pacific Landing, LP for the Pacific Landing Apartments Project (Project). A description of the Project and Project location can be found in the Certification and site maps which are included as attachments to the Certification.

Pacific Landing, LP is enrolled under State Water Resources Control Board Order No. 2003-017-DWQ as a condition of the Certification and is required to implement and comply with all terms and conditions of the Certification in order to ensure that water quality standards are met for the protection of wetlands and other aquatic resources. Failure to comply with this Certification may subject Pacific Landing, LP to enforcement actions by the San Diego Water Board including administrative enforcement orders requiring Pacific Landing, LP to cease and desist from violations or to clean up waste and abate existing or threatened conditions of pollution or nuisance; administrative civil liability in amounts of up to \$10,000 per day per violation; referral to the State Attorney General for injunctive relief; and, referral to the District Attorney for criminal prosecution.

Any petition for reconsideration of this Certification must be filed with the State Water Resources Control Board within 30 days of certification action pursuant to section 3867 of Title 23 of the California Code of Regulations (23 CCR). If no petition is received, it will be assumed that Pacific Landing, LP has accepted and will comply with all terms and conditions of the Certification.

In the subject line of any response, please include reference number 799923:dbradford. For questions or comments, please contact Darren Bradford by telephone at (619) 521-3356 or by email at darren.bradford@waterboards.ca.gov.

Respectfully,



DAVID W. GIBSON
Executive Officer

Enclosure:

Clean Water Act Section 401 Water Quality Certification No. R9-2013-0157 for the Pacific Landing Apartments Project

DWG:jgs:db:kd:dlb

cc:

U.S. Army Corps of Engineers, Regulatory Branch
San Diego Field Office
Peggy Bartels
Peggy.J.Bartels@usace.army.mil

California Department of Fish and Game
South Coast Region
Habitat Conservation Planning – South
Kim Freeburn
Kim.Freeburn@wildlife.ca.gov

U.S. EPA, OWOW, Region 9
R9-WTR8-Mailbox@epa.gov

State Water Resources Control Board, Division of Water Quality
401 Water Quality Certification and Wetlands Unit
Stateboard401@waterboards.ca.gov

Beth Jolie Martinez
PCR Services Corp.
b.martinez@pcrnet.com

Tech Staff Info & Use	
Certification No.	R9-2013-0157
Party ID	543773
File No.	R9-2013-0157
WDID	9000002651
NPDES No.	None
Regulatory ID	393600
Place ID	799923
Person ID	543774
Inspection ID	None

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION**

2375 Northside Drive, Suite.100, San Diego, CA 92108
Phone (619) 516-1990 • Fax (619) 516-1994
<http://www.waterboards.ca.gov/sandiego/>

Clean Water Act Section 401 Water Quality Certification
and Waste Discharge Requirements
for Discharge of Dredged and/or Fill Materials

PROJECT: Pacific Landing Apartments
Certification Number R9-2013-0157
WDID: 9000002651

Reg. Meas. ID: 393600 Place ID: 799923 Party ID: 543773 Person ID: 543774
--

APPLICANT: Pacific Landing, LP
1025 Kane Concourse, Suite 215
Bay Harbor Islands, FL 33154

ACTION:

<input type="checkbox"/> Order for Low Impact Certification	<input type="checkbox"/> Order for Denial of Certification
<input checked="" type="checkbox"/> Order for Technically-conditioned Certification	<input type="checkbox"/> Waiver of Waste Discharge Requirements
<input checked="" type="checkbox"/> Enrollment in SWRCB GWDR Order No. 2003-017-DWQ	<input type="checkbox"/> Enrollment in Isolated Waters Order No. 2004-004-DWQ

PROJECT DESCRIPTION

An application dated October 7, 2013 was submitted by Pacific Landing, LP (hereinafter Applicant), for Water Quality Certification pursuant to section 401 of the Clean Water Act (33 U.S.C. § 1341) for the proposed Pacific Landing Apartments (Project). The California Regional Water Quality Control Board, San Diego Region (San Diego Water Board) deemed the application to be complete on May 12, 2014. The Applicant proposes to discharge dredged or fill material to waters of the United States and/or State associated with construction activity at the Project site. The Applicant has also applied for a Clean Water Act section 404 permit from the United States Army Corps of Engineers for the Project (USACE File No. SPL-2013-00645-PJB).

The Project is located within the City of Murrieta, Riverside County, California on the southeast corner of the intersection of Clinton Keith Road and Escondido Freeway. The Project center reading is located at latitude 33.59671 and longitude -117.17305. The Applicant has paid all required fees for this Certification in the amount of \$35,162.00. On October 18, 2013, the San Diego Water Board provided public notice of the Project application pursuant to California Code of Regulations, title 23, section 3858 by posting information describing the Project on the San Diego Water Board's web site and providing a period of twenty-one days for public review and comment. No comments were received.

The Applicant proposes the construction of multifamily apartment buildings, paved roads, driveways, sidewalks, parking areas, play areas, a tennis court, a pool, landscape areas, drainage structures and other associated dry and wet utilities on the 36.7-acre Project site.

The Project will convert approximately 13.6 acres of pervious ground cover to impervious surfaces. Runoff leaving the developed Project area would be significantly greater in volume, velocity, peak flow rate, and duration than pre-development runoff from the same area without mitigation. Post-construction best management practices (BMPs) to manage and control the effects of these runoff increases will consist of vegetated swales, impervious area disconnection, bioretention areas, and proprietary curb inlet filter inserts. The roof drains discharge into landscape areas or vegetated swales before connecting to the storm drain system. Runoff from the streets will receive pretreatment by curb inlet filter inserts prior to discharge into the bioretention areas for further treatment control. These BMPs will be designed, constructed, and maintained to meet Riverside County's Low Impact Development (LID) Capture Volume and hydromodification treatment requirements.

The Project application includes a description of the design objective, operation, and degree of treatment expected to be attained from equipment, facilities, or activities (including construction and post-construction BMPs) to treat waste and reduce runoff or other effluents which may be discharged. Compliance with the Certification conditions will help ensure that construction and post-construction discharges from the Project will not cause on-site or off-site downstream erosion, damage to downstream properties, or otherwise damage stream habitats in violation of water quality standards in the *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan).

Project construction will permanently impact 0.084 acre (2,549 linear feet) of streambed waters of the United States and/or State. The Applicant reports that the Project purpose cannot be practically accomplished in a manner which would avoid or result in less adverse impacts to aquatic resources considering all potential practicable alternatives, such as the potential for alternate available locations, designs, reductions in size, configuration or density.

The Applicant reports that compensatory mitigation for the permanent loss of 0.084 acre (2,549 linear feet) of jurisdictional waters will be achieved through the establishment, restoration, and enhancement of 3.38 acres (3,393 linear feet) of waters of the United States and/or State. All waters of the United States and/or State receiving temporary discharges of fill material will be restored upon removal of the fill. Mitigation for discharges of fill material to waters of the United States and/or State will be completed by the Applicant located on-site in the Murrieta hydrologic sub-area (HSA 902.32), and off-site at the Winchester Conservation Area owned and managed by the Resource Conservation Authority (Reed Valley HSA 902.63).

Detailed written specifications and work descriptions for the compensatory mitigation project including, but not limited to, the geographic boundaries of the project, timing, sequence, monitoring, maintenance, ecological success performance standards and provisions for long-term management and protection of the mitigation areas are described in the *Habitat Mitigation and Monitoring Plan for Pacific Landing, LP, Pacific Landing Apartments in Murrieta, California* (Mitigation Plan), dated May 2014. San Diego Water Board acceptance of the Mitigation Plan applies only to the Project described in this Certification and must not be construed as approval for other current or future projects that are planning to use additional acreage at the site for mitigation. The Mitigation Plan is incorporated in this Certification by reference as if set forth herein. The Mitigation Plan provides for implementation of compensatory mitigation which offsets adverse water quality impacts attributed to the Project in a manner that protects

and restores the abundance, types and conditions of aquatic resources and supports their beneficial uses. Implementation of the Mitigation Plan will reduce significant environmental impacts to resources within the San Diego Water Board's purview to a less than significant level. Based on all of these considerations, the Mitigation Plan will adequately compensate for the loss of beneficial uses and habitat within waters of the United States and/or State attributable to the Project.

Additional Project details are provided in Attachments 1 through 5 of this Certification.

TABLE OF CONTENTS

I.	STANDARD CONDITIONS.....	5
II.	GENERAL CONDITIONS	5
III.	CONSTRUCTION BEST MANAGEMENT PRACTICES	8
IV.	POST-CONSTRUCTION BEST MANAGEMENT PRACTICES	10
V.	PROJECT IMPACTS AND COMPENSATORY MITIGATION	11
VI.	MONITORING AND REPORTING REQUIREMENTS	14
VII.	NOTIFICATION REQUIREMENTS	18
VIII.	CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE	20
IX.	SAN DIEGO WATER BOARD CONTACT PERSON	21
X.	WATER QUALITY CERTIFICATION	21

Attachments:

- 1. Definitions**
- 2. Project Location Maps**
- 3. Project Site Plans**
- 4. Mitigation Figures**
- 5. CEQA Mitigation Monitoring and Reporting Program**

I. STANDARD CONDITIONS

Pursuant to section 3860 of title 23 of the California Code of Regulations, the following three standard conditions apply to all water quality certification actions:

- A. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to section 13330 of the Water Code and chapter 28, article 6 (commencing with title 23, section 3867), of the California Code of Regulations.
- B. This Certification action is not intended and shall not be construed to apply to any discharge from any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to California Code of Regulations title 23, section 3855 subdivision (b), and that application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
- C. This Certification action is conditioned upon total payment of any fee required under title 23, chapter 28 (commencing with section 3830) of California Code of Regulations and owed by the applicant.

II. GENERAL CONDITIONS

- A. **Term of Certification.** Water Quality Certification No. R9-2013-0157(Certification) shall expire upon a) the expiration or retraction of the Clean Water Act section 404 (33 U.S.C. §1344) permit issued by the U.S. Army Corps of Engineers for this Project, or b) five (5) years from the date of issuance of this Certification, whichever occurs first.
- B. **Duty to Comply.** The Applicant must comply with all conditions and requirements of this Certification. Any Certification noncompliance constitutes a violation of the Water Code and is grounds for enforcement action or Certification termination, revocation and reissuance, or modification.
- C. **General Waste Discharge Requirements.** The requirements of this Certification are enforceable through Water Quality Order No. 2003-0017-DWQ, *Statewide General Waste Discharge Requirements for Discharges of Dredged or Fill Material that have Received State Water Quality Certification* (Water Quality Order No. 2003-0017-DWQ). This provision shall apply irrespective of whether a) the federal permit for which the Certification was obtained is subsequently retracted or is expired, or b) the Certification is expired. Water Quality Order No. 2003-0017-DWQ is accessible at:

http://www.waterboards.ca.gov/water_issues/programs/cwa401/docs/generalorders/gowdr401regulated_projects.pdf.

- D. Project Conformance with Application.** All water quality protection measures and BMPs described in the application and supplemental information for water quality certification are incorporated by reference into this Certification as if fully stated herein. Notwithstanding any more specific conditions in this Certification, the Applicant shall construct, implement and comply with all water quality protection measures and BMPs described in the application and supplemental information. The conditions within this Certification shall supersede conflicting provisions within the application and supplemental information submitted as part of this Certification action.
- E. Project Conformance with Water Quality Control Plans or Policies.** Notwithstanding any more specific conditions in this Certification, the Project shall be constructed in a manner consistent with the Basin Plan and any other applicable water quality control plans or policies adopted or approved pursuant to the Porter Cologne Water Quality Act (Division 7, commencing with Water Code Section 13000) or section 303 of the Clean Water Act (33 U.S.C §1313.)
- F. Project Modification.** The Applicant must submit any changes to the Project, including Project operation, which would have a significant or material effect on the findings, conclusions, or conditions of this Certification, to the San Diego Water for prior review and written approval. If the San Diego Water Board is not notified of a significant change to the Project, it will be considered a violation of this Certification.
- G. Certification Distribution Posting.** During Project construction, the Applicant must maintain a copy of this Certification at the Project site. This Certification must be available at all times to site personnel and agencies. A copy of this Certification shall also be provided to any contractor or subcontractor performing construction work, and the copy shall remain in their possession at the Project site.
- H. Inspection and Entry.** The Applicant must allow the San Diego Water Board or the State Water Resources Control Board, and/or their authorized representative(s) (including an authorized contractor acting as their representative), upon the presentation of credentials and other documents as may be required under law, to:
1. Enter upon the Project or Compensatory Mitigation site(s) premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Certification;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Certification;
 3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Certification; and
 4. Sample or monitor, at reasonable times, for the purposes of assuring Certification compliance, or as otherwise authorized by the Clean Water Act or Water Code, any substances or parameters at any location.

- I. **Enforcement Notification.** In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- J. **Certification Actions.** This Certification may be modified, revoked and reissued, or terminated for cause including but not limited to the following:
1. Violation of any term or condition of this Certification;
 2. Monitoring results indicate that continued Project activities could violate water quality objectives or impair the beneficial uses of the Murrieta Creek or its tributaries;
 3. Obtaining this Certification by misrepresentation or failure to disclose fully all relevant facts;
 4. A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge; and
 5. Incorporation of any new or revised water quality standards and implementation plans adopted or approved pursuant to the Porter-Cologne Water Quality Control Act or section 303 of the Clean Water Act.

The filing of a request by the Applicant for modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Certification condition.

- K. **Duty to Provide Information.** The Applicant shall furnish to the San Diego Water Board, within a reasonable time, any information which the San Diego Water Board may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Certification or to determine compliance with this Certification.
- L. **Property Rights.** This Certification does not convey any property rights of any sort, or any exclusive privilege.
- M. **Petitions.** Any person aggrieved by this action of the San Diego Water Board may petition the State Water Board to review the action in accordance with the California Code of Regulations, title 23, sections 3867 and following. The State Water Resources Control Board must receive the petition by 5:00 p.m., 30 days after the date of this Certification. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:
http://www.waterboards.ca.gov/public_notices/petitions/water_quality or will be provided upon request.

III. CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. **Approvals to Commence Construction.** The Applicant shall not commence Project construction until all necessary federal, State, and local approvals are obtained.
- B. **Personnel Education.** Prior to the start of the Project, and annually thereafter, the Applicant must educate all personnel on the requirements in this Certification, pollution prevention measures, spill response measures, and BMP implementation and maintenance measures.
- C. **Spill Containment Materials.** The Applicant must, at all times, maintain appropriate types and sufficient quantities of materials on-site to contain any spill or inadvertent release of materials that may cause a condition of pollution or nuisance if the materials reach waters of the United States and/or State.
- D. **General Construction Storm Water Permit.** Prior to start of Project construction, the Applicant must, as applicable, obtain coverage under, and comply with, the requirements of State Water Resources Control Board Water Quality Order No. 2009-0009-DWQ, the *General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activity*, (General Construction Storm Water Permit) and any reissuance. If Project construction activities do not require coverage under the General Construction Storm Water Permit, the Applicant must develop and implement a runoff management plan (or equivalent construction BMP plan) to prevent the discharge of sediment and other pollutants during construction activities.
- E. **Waste Management.** The Applicant must properly manage, store, treat, and dispose of wastes in accordance with applicable federal, state, and local laws and regulations. Waste management shall be implemented to avoid or minimize exposure of wastes to precipitation or storm water runoff. The storage, handling, treatment, or disposal of waste shall not create conditions of pollution, contamination or nuisance as defined in Water Code section 13050. Upon Project completion, all Project generated debris, building materials, excess material, waste, and trash shall be removed from the Project site(s) for disposal at an authorized landfill or other disposal site in compliance with federal, state and local laws and regulations.
- F. **Waste Management.** Except for a discharge permitted under this Certification, the dumping, deposition, or discharge of trash, rubbish, unset cement or asphalt, concrete, grout, damaged concrete or asphalt, concrete or asphalt spoils, wash water, organic or earthen material, steel, sawdust or other construction debris waste from Project activities directly into waters of the United States and or State, or adjacent to such waters in any manner which may permit its being transported into the waters, is prohibited.
- G. **Downstream Erosion.** Discharges of concentrated flow during construction or after Project completion must not cause downstream erosion or damage to properties or stream habitat.

- H. **Construction Equipment.** All equipment must be washed prior to transport to the Project site and must be free of sediment, debris, and foreign matter. All equipment used in direct contact with surface water shall be steam cleaned prior to use. All equipment using gas, oil, hydraulic fluid, or other petroleum products shall be inspected for leaks prior to use and shall be monitored for leakage. Stationary equipment (e.g., motors, pumps, generator, etc.) shall be positioned over drip pans or other types of containment.
- I. **Process Water.** Water containing mud, silt, or other pollutants from equipment washing or other activities, must not be discharged to waters of the United States and/or State or placed in locations that may be subjected to storm water runoff flows. Pollutants discharged to areas within a stream diversion must be removed at the end of each work day or sooner if rain is predicted.
- J. **Surface Water Diversion.** All surface waters, including ponded waters, must be diverted away from areas of active grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. Diversion activities must not result in the degradation of beneficial uses or exceedance of the receiving water quality objectives. Any temporary dam or other artificial obstruction constructed must only be built from materials such as clean gravel which will cause little or no siltation. Normal flows must be restored to the affected stream immediately upon completion of work at that location.
- K. **Re-vegetation and Stabilization.** All areas that have 14 or more days of inactivity must be stabilized within 14 days of the last activity. The Applicant shall implement and maintain BMPs to prevent erosion of the rough graded areas. After completion of grading, all areas must be re-vegetated with native species appropriate for the area. The re-vegetation palette must not contain any plants listed on the California Invasive Plant Council Invasive Plant Inventory, which can be accessed at <http://www.cal-ipc.org/paf/>.
- L. **Hazardous Materials.** Except as authorized by this Certification, substances hazardous to aquatic life including, but not limited to, petroleum products, unused cement/concrete, asphalt, and coating materials, must be prevented from contaminating the soil and/or entering waters of the United States and/or State. BMPs must be implemented to prevent such discharges during each Project activity involving hazardous materials.
- M. **Vegetation Removal.** Removal of vegetation must occur by hand, mechanically, or through application of United States Environmental Protection Agency (USEPA) approved herbicides deployed using applicable BMPs to minimize adverse effects to beneficial uses of waters of the United States and/or State. Discharges related to the application of aquatic pesticides within waters of the United States must be done in compliance with State Water Resources Control Board Water Quality Order No. 2004-0009-DWQ, the *Statewide General National Pollution Discharge Elimination System Permit for the Discharge of Aquatic Weed Control in Waters of the United States*, and any subsequent reissuance as applicable.

- N. Limits of Disturbance.** The Applicant shall clearly define the limits of Project disturbance to waters of the United States and/or State using highly visible markers such as flag markers, construction fencing, or silt barriers prior to commencement of Project construction activities within those areas.
- O. On-site Qualified Biologist.** The Applicant shall designate an on-site qualified biologist to monitor Project construction activities within or adjacent to waters of the United States and/or State to ensure compliance with the Certification requirements. The biologist shall be given the authority to stop all work on-site if a violation of this Certification occurs or has the potential to occur. Records and field notes of the biologist's activities shall be kept on-site and made available for review upon request by the San Diego Water Board.
- P. Beneficial Use Protection.** The Applicant must take all necessary measures to protect the beneficial uses of waters of tributaries to Murrieta Creek. This Certification requires compliance with all applicable requirements of the Basin Plan. If at any time, an unauthorized discharge to surface waters (including rivers or streams) occurs or monitoring indicates that the Project is violating, or threatens to violate, water quality objectives, the associated Project activities shall cease immediately and the San Diego Water Board shall be notified in accordance with Notification Requirement VII.A of this Certification. Associated Project activities may not resume without approval from the San Diego Water Board.

IV. POST-CONSTRUCTION BEST MANAGEMENT PRACTICES

- A. Post-Construction Discharges.** The Applicant shall not allow post-construction discharges from the Project site to cause or contribute to onsite or off-site erosion or damage to properties or stream habitats.
- B. Storm Drain Inlets.** All storm drain inlet structures within the Project boundaries must be stamped or stenciled (or equivalent) with appropriate language prohibiting non-storm water discharges.
- C. Post-Construction BMP Design.** The Project must be designed to comply with the most current Standard Storm Water Mitigation and Hydromodification Plans for the County of Orange. Post-construction BMPs, including those described in the *Final Project Specific Water Quality Management Plan for: Pacific Landing Apartments* (SWMP), must treat 100 percent of the added impervious surface.
- D. Post-Construction BMP Implementation.** All post-construction BMPs must be constructed, functional, and implemented prior to completion of Project construction, occupancy, and/or planned use, and maintained in perpetuity. The post construction BMPs must include those described in the SWMP, dated November 2013 (4th Revision), prepared on behalf of the Applicant by Burkett & Wong Engineers; or any subsequent version of the SWMP approved by the County of Riverside.

E. **Post-Construction BMP Maintenance.** The post construction BMPs must be designed, constructed, and maintained in accordance with the most recent California Storm Water Quality Association (CASQA)¹ guidance. The Applicant shall:

1. No less than two times per year, assess the performance of the BMPs to ensure protection of the receiving waters and identify any necessary corrective measures;
2. Perform inspections of BMPs, at the beginning of the wet season no later than October 1 and the end of the wet season no later than April 1, for standing water, slope stability, sediment accumulation, trash and debris, and presence of burrows;
3. Regularly perform preventative maintenance of BMPs, including removal of accumulated trash and debris, as needed to ensure proper functioning of the BMPs;
4. Identify and promptly repair damage to BMPs; and
5. Maintain a log documenting all BMP inspections and maintenance activities. The log shall be made available to the San Diego Water Board upon request.

F. **Stream Crossing Structures.** Bridges, culverts, dip crossings, or other stream crossing structures shall be designed and installed in a manner that will not cause scouring of the stream bed and/or erosion of the banks in the vicinity of the Project. Storm drain lines/culverts and other stream crossing structures shall be designed and maintained to accommodate at least a 100-year, 24-hour storm event, including associated bedload and debris, with a similar average velocity as the upstream and downstream sections of the affected water body. Bottoms of temporary culverts shall be placed at stream channel grade and bottoms of permanent culverts shall be open bottom or embedded and backfilled below the grade of the stream greater than or equal to a depth of 1 foot.

V. PROJECT IMPACTS AND COMPENSATORY MITIGATION

A. **Project Impact Avoidance and Minimization.** The Project must avoid and minimize adverse impacts to waters of the United States and/or State to the maximum extent practicable.

B. **Project Impacts and Compensatory Mitigation.** Unavoidable Project impacts to unnamed tributaries to Murrieta Creek within the Santa Margarita Watershed must not exceed the type and magnitude of impacts described in the table below. At a minimum, compensatory mitigation required to offset unavoidable temporary and permanent Project impacts to waters of the United States and/or State must be achieved as described in the table below:

¹ California Storm Water Quality Association (*California Storm Water BMP Handbook, New Development and Redevelopment 2003*), available on-line at: <http://www.cabmphandbooks.org/> [Accessed on January 15, 2012]

	Impacts (acres)	Impacts (linear ft.)	Mitigation for Impacts (acres)	Mitigation Ratio (area mitigated :area impacted)	Mitigation for Impacts (linear ft.)	Mitigation Ratio (linear feet mitigated :linear feet impacted)
Permanent Impacts						
Streambed	0.084	2,549	0.50 Establishment ¹ 0.04 Rehabilitation ² 2.84 Enhancement ³	6.0:1 Establishment 0.5:1 Rehabilitation 33.8:1 Enhancement	2,413 Establishment 240 Rehabilitation 740 Enhancement	1:1 Establishment 0.1:1 Rehabilitation 0.3:1 Enhancement

1. Streambed establishment on-site.
2. Riparian rehabilitation on-site within Drainage A.
3. Streambed riparian habitat enhancement of 0.34-acre on-site within Drainage A. In addition, 2.5 acres of tamarisk removal off-site within RCA conserved lands in Wilson Creek. The adjacent 1.5-acre tamarisk area within Wilson Creek must also be treated to improve the success of the RCA enhancement area by removing all sources of tamarisk in the immediate area.

C. Compensatory Mitigation Plan Implementation. The Applicant must fully and completely implement the Mitigation Plan; any deviations from, or revisions to, the Mitigation Plan must be pre-approved by the San Diego Water Board.

D. Performance Standards. Compensatory mitigation required under this Certification shall be considered as achieved once it has met the ecological success performance standards contained in the Mitigation Plan to the satisfaction of the San Diego Water Board.

E. Compensatory Mitigation Site Design. The compensatory mitigation site(s) shall be designed, to the maximum extent practicable, to be self-sustaining once performance standards have been achieved. This includes minimization of active engineering features (e.g., pumps) and appropriate siting to ensure that natural hydrology and landscape context support long-term sustainability in conformance with the following conditions:

1. Most of the channels through the mitigation sites shall be characterized by equilibrium conditions, with no evidence of severe aggradation or degradation;
2. As viewed along cross-sections, the channel and buffer area(s) shall have a variety of slopes, or elevations, that are characterized by different moisture gradients. Each sub-slope shall contain physical patch types or features that contribute to irregularity in height, edges, or surface and to complex topography overall; and
3. The mitigation sites shall have a well-developed plant community characterized by a high degree of horizontal and vertical interspersions among plant zones and layers.

- F. Temporary Project Impact Areas.** The Applicant must restore all areas of temporary impacts and all other areas of temporary disturbance which could result in a discharge or a threatened discharge of pollutants to waters of the United States and/or State. Restoration must include grading of disturbed areas to pre-project contours and re-vegetation with native species. The Applicant must implement all necessary BMPs to control erosion and runoff from areas associated with the Project.
- G. Long Term Management and Maintenance.** The compensatory mitigation site(s), must be managed, protected, and maintained, in perpetuity, in conformance with the long term management plan to maintain the final ecological success performance standards identified in the Mitigation Plan. The aquatic habitats, riparian areas, buffers and uplands that comprise the mitigation site(s) must be protected in perpetuity from land-use and maintenance activities that may threaten water quality or beneficial uses within the mitigation area(s) in a manner consistent with the following requirements:
1. Any maintenance activities on the mitigation site(s) that do not contribute to the success of the mitigation site(s) and enhancement of beneficial uses and ecological functions and services are prohibited;
 2. Maintenance activities must be limited to the removal of trash and debris, removal of exotic plant species, replacement of dead native plant species, and remedial measures deemed necessary for the success of the compensatory mitigation project;
 3. The Mitigation site(s) must be maintained, in perpetuity, free of perennial exotic plant species including, but not limited to, pampas grass, giant reed, tamarisk, sweet fennel, tree tobacco, castor bean, and pepper tree. Annual exotic plant species must not occupy more than 5 percent of the mitigation site(s); and
 4. If at any time a catastrophic natural event (e.g., fire, flood) causes damage(s) to the mitigation site(s) or other deficiencies in the compensatory mitigation project, the Applicant must take prompt and appropriate action to repair the damage(s) including replanting the affected area(s) and address any other deficiencies. The San Diego Water Board may require additional monitoring by the Applicant to assess how the compensatory mitigation site(s) or project is responding to a catastrophic natural event.
- H. Timing of Mitigation Site Construction.** The construction of proposed mitigation must be concurrent with project grading and completed no later than 9 months following the start of Project construction. Delays in implementing mitigation must be compensated for by an increased mitigation implementation of 10% of the cumulative compensatory mitigation for each month of delay.
- I. Mitigation Site(s) Preservation Mechanism.** **Within 60 days from the start of Project construction**, the Applicant must provide the San Diego Water Board a draft preservation mechanism (e.g. deed restriction, conservation easement, etc.) that will protect all mitigation areas and their buffers in perpetuity. **Within one year of the issuance of this Certification**, the Applicant must submit proof of a completed final

preservation mechanism that will protect all mitigation areas and their buffers in perpetuity. The conservation easement, deed restriction, or other legal limitation on the mitigation properties must be adequate to demonstrate that the sites will be maintained without future development or encroachment on the sites which could otherwise reduce the functions and values of the sites for the variety of beneficial uses of waters of the United States and/ or State that it supports. The legal limitation must prohibit, without exception, all residential, commercial, industrial, institutional, and transportation development, and any other infrastructure development that would not maintain or enhance the wetland and streambed functions and values of the sites. The preservation mechanism must clearly prohibit activities that would result in soil disturbance or vegetation removal, other than the removal of non-native vegetation. Other infrastructure development to be prohibited includes, but is not limited to, additional utility lines, maintenance roads, and areas of maintained landscaping for recreation.

VI. MONITORING AND REPORTING REQUIREMENTS

- A. **Representative Monitoring.** Samples and measurements taken for the purpose of monitoring under this Certification shall be representative of the monitored activity.
- B. **Monitoring Reports.** Monitoring results shall be reported to the San Diego Water Board at the intervals specified in section VI of this Certification.
- C. **Monitoring and Reporting Revisions.** The San Diego Water Board may make revisions to the monitoring program at any time during the term of this Certification and may reduce or increase the number of parameters to be monitored, locations monitored, the frequency of monitoring, or the number and size of samples collected.
- D. **Records of Monitoring Information.** Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.
- E. **Hydrogeomorphic Method.** Hydrogeomorphic Method (HGM) monitoring must be performed to assess the current and potential ecological conditions (ecological integrity) of the impact site and proposed compensatory mitigation site(s). These conditions reflect the overall level of ecological function of an aquatic resource. Prior to initiating Project construction, the Applicant shall develop a monitoring plan to implement HGM monitoring. The Applicant must conduct a quantitative function-based assessment of

the health of streambed habitat to establish pre-project baseline conditions, set HGM success criteria, and assess the mitigation site(s) progress towards meeting the success criteria. HGM monitoring must be conducted prior to the start of Project construction authorized under this Certification and annually following construction completion for a period of 5 years. The annual HGM monitoring results shall be submitted with the Annual Progress Report. An evaluation, interpretation, and tabulation of all HGM assessment data shall be submitted with the final Project Annual Project Monitoring Report.

F. Annual Project Progress Reports. The Applicant must submit annual Project progress reports describing status of BMP implementation and compliance with all requirements of this Certification to the San Diego Water Board prior to **March 1** of each year following the issuance of this Certification, until the Project has reached completion. The report must include the following information:

1. The names, qualifications, and affiliations of the persons contributing to the report;
2. The status, progress, and anticipated schedule for completion of Project construction activities including the installation and operational status of best management practices project features for erosion and storm water quality treatment;
3. A description of Project construction delays encountered or anticipated that may affect the schedule for construction completion;
4. A description of each incident of noncompliance during the annual monitoring period and its cause, the period of the noncompliance including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; and
5. The results of the HGM monitoring required under section VI.E of this Certification.

H. Final Project Completion Report. The Applicant must submit a Final Project Completion Report to the San Diego Water Board **within 30 days of completion of the Project**. The final report must include the following information:

1. Date of construction initiation;
2. Date of construction completion;
3. BMP installation and operational status for the Project;
4. As-built drawings of the Project, no bigger than 11"X17";
5. Photo documentation of implemented post-construction BMPs and all areas of permanent and temporary impacts, prior to and after project construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/d

ocs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Global Positioning System (GPS) coordinates for each of the photo points referenced; and

6. An evaluation, interpretation, and tabulation of all HGM assessment data collected throughout the term of Project construction in accordance with section VI.E of this Certification.

- I. **Annual Compensatory Mitigation Monitoring Report.** The Applicant must submit compensatory mitigation monitoring reports, annually, by **March 1** of each year containing sufficient information to demonstrate how the compensatory mitigation project is progressing towards accomplishing its objectives and meeting its performance standards. Mitigation monitoring reports must be submitted annually for a period of not less than five years, sufficient to demonstrate that the compensatory mitigation project has accomplished its objectives and met ecological success performance standards contained in the Mitigation Plan. Following Project implementation the San Diego Water Board may reduce or waive compensatory mitigation monitoring requirements upon a determination that performance standards have been achieved. Conversely the San Diego Water Board may extend the monitoring period beyond five years upon a determination that the performance standards have not been met or the compensatory mitigation project is not on track to meet them.

The monitoring reports must include, but not be limited to, the following information:

1. Names, qualifications, and affiliations of the persons contributing to the report;
2. An evaluation, interpretation, and tabulation of the parameters being monitored, including the results of the Mitigation Plan monitoring program, and all quantitative and qualitative data collected in the field;
3. A description of the following mitigation site(s) characteristics:
 - a. Detritus cover;
 - b. General topographic complexity;
 - c. General upstream and downstream habitat and hydrologic connectivity; and
 - d. Source of hydrology;
4. Monitoring data interpretations and conclusions as to how the compensatory mitigation project(s) is progressing towards meeting performance standards and whether the performance standards have been met;
5. A description of the progress toward implementing a plan to manage the compensatory mitigation project after performance standards have been achieved to ensure the long term sustainability of the resource in perpetuity, including a discussion of long term financing mechanisms, the party responsible for long term management, and a timetable for future steps;

6. Qualitative and quantitative comparisons of current mitigation conditions with pre-construction conditions and previous mitigation monitoring results;
 7. Stream photo documentation, including all areas of permanent and temporary impact, prior to and after mitigation site construction. Photo documentation must be conducted in accordance with guidelines posted at http://www.waterboards.ca.gov/sandiego/water_issues/programs/401_certification/docs/StreamPhotoDocSOP.pdf. In addition, photo documentation must include Geographic Positioning System (GPS) coordinates for each of the photo points referenced;
 8. A qualitative comparison to adjacent preserved streambed areas;
 9. As-built drawings of the compensatory mitigation project site(s), no bigger than 11"X17"; and
 10. A survey report documenting boundaries of the compensatory mitigation site(s).
- J. **Reporting Authority.** The submittal of information required under this Certification, or in response to a suspected violation of any condition of this Certification, is required pursuant to Water Code section 13267 and 13383. Civil liability may be administratively imposed by the San Diego Water Board for failure to submit information pursuant to Water Code sections 13268 or 13385.
- K. **Electronic and Paper Media Documents.** The Applicant must submit all reports and information required under this Certification in both hardcopy (paper) and electronic format. The preferred electronic format for each report submission is one file in PDF format that is also Optical Character Recognition (OCR) capable. All paper and electronic documents submitted to the San Diego Water Board must include the following identification numbers in the header or subject line: Certification No. R9-2013-0157:PIN 799923.
- L. **Document Signatory Requirements.** All applications, reports, or information submitted to the San Diego Water Board must be signed as follows:
1. For a corporation, by a responsible corporate officer of at least the level of vice president.
 2. For a partnership or sole proprietorship, by a general partner or proprietor, respectively.
 3. For a municipality, or a state, federal, or other public agency, by either a principal executive officer or ranking elected official.
 4. A duly authorized representative may sign applications, reports, or information if:
 - a. The authorization is made in writing by a person described above.

- b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated activity.
- c. The written authorization is submitted to the San Diego Water Board Executive Officer.

If such authorization is no longer accurate because a different individual or position has responsibility for the overall operation of the Project, a new authorization satisfying the above requirements must be submitted to the San Diego Water Board prior to or together with any reports, information, or applications, to be signed by an authorized representative.

M. Document Certification Requirements. All applications, reports, or information submitted to the San Diego Water Board must be certified as follows:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment."

N. Document Submittal Address. The Applicant must submit reports required under this Certification, or other information required by the San Diego Water Board, to:

Executive Officer
California Regional Water Quality Control Board
San Diego Region
Attn: 401 Certification No. R9-2013-0157:PIN 799923
2375 Northside Drive, Suite 100
San Diego, California 92108

VII. NOTIFICATION REQUIREMENTS

- A. Twenty Four Hour Non-Compliance Reporting.** The Applicant shall report any noncompliance which may endanger health or the environment. Any such information shall be provided orally to the San Diego Water Board within **24 hours** from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance. The San Diego Water Board, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- B. Hazardous Substance Discharge.** Except for a discharge which is in compliance with this Certification, any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of

the State, shall as soon as (a) that person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the County of Riverside, in accordance with California Health and Safety Code section 5411.5 and the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State toxic disaster contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.17), and immediately notify the State Water Board or the San Diego Water Board of the discharge. This provision does not require reporting of any discharge of less than a reportable quantity as provided for under subdivisions (f) and (g) of section 13271 of the Water Code unless the Applicant is in violation of a Basin Plan prohibition.

- C. **Oil or Petroleum Product Discharge.** Except for a discharge which is in compliance with this Certification, any person who without regard to intent or negligence, causes or permits any oil or petroleum product to be discharged in or on any waters of the State, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the State, shall, as soon as (a) such person has knowledge of the discharge, (b) notification is possible, and (c) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Services of the discharge in accordance with the spill reporting provision of the State oil spill contingency plan adopted pursuant to Government Code Title 2, Division 1, Chapter 7, Article 3.7 (commencing with section 8574.1). This requirement does not require reporting of any discharge of less than 42 gallons unless the discharge is also required to be reported pursuant to Clean Water Act section 311, or the discharge is in violation of a Basin Plan prohibition.
- D. **Anticipated Noncompliance.** The Applicant shall give advance notice to the San Diego Water Board of any planned changes in the Project or the Compensatory Mitigation project which may result in noncompliance with Certification conditions or requirements.
- E. **Transfers.** This Certification is not transferable in its entirety or in part to any person or organization except after notice to the San Diego Water Board in accordance with the following terms:
1. **Transfer of Property Ownership:** The Applicant must notify the San Diego Water Board of any change in ownership of the Project area. Notification of change in ownership must include, but not be limited to, a statement that the Applicant has provided the purchaser with a copy of the Section 401 Water Quality Certification and that the purchaser understands and accepts the certification requirements and the obligation to implement them or be subject to liability for failure to do so; the seller and purchaser must sign and date the notification and provide such notification to the San Diego Water Board **within 10 days of the transfer of ownership.**
 2. **Transfer of Mitigation Responsibility:** Any notification of transfer of responsibilities to satisfy the mitigation requirements set forth in this Certification must include a signed statement from an authorized representative of the new party (transferee) demonstrating acceptance and understanding of the responsibility to

comply with and fully satisfy the mitigation conditions and agreement that failure to comply with the mitigation conditions and associated requirements may subject the transferee to enforcement by the San Diego Water Board under Water Code section 13385, subdivision (a). Notification of transfer of responsibilities meeting the above conditions must be provided to the San Diego Water Board **within 10 days of the transfer date.**

3. **Transfer of Post-Construction BMP Maintenance Responsibility:** The Applicant assumes responsibility for the inspection and maintenance of all post-construction structural BMPs until such responsibility is legally transferred to another entity. At the time maintenance responsibility for post-construction BMPs is legally transferred the Applicant must submit to the San Diego Water Board a copy of such documentation and must provide the transferee with a copy of a long-term BMP maintenance plan that complies with manufacturer specifications. The Applicant must provide such notification to the San Diego Water Board **within 10 days** of the transfer of BMP maintenance responsibility.

Upon properly noticed transfers of responsibility, the transferee assumes responsibility for compliance with this Certification and references in this Certification to the Applicant will be interpreted to refer to the transferee as appropriate. Transfer of responsibility does not necessarily relieve the Applicant of this Certification in the event that a transferee fails to comply.

- F. **Discharge Commencement.** The Applicant must notify the San Diego Water Board in writing **at least 5 days prior to** the start of Project construction.

VIII. CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE

- A. The City of Murrieta is the Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code section 21000, et seq.) section 21067, and CEQA Guidelines (California Code of Regulations, title 14, section 15000 et seq.) section 15367, and has filed a Notice of Determination dated May 15, 2009 for the Final Mitigated Negative Declaration (FMND) titled *Appeal 009-2806, General Plan Amendment (2008-2666), Zone Change (2008-2667) & Development Plan 2008-2668* (State Clearing House Number 2009011030). The Lead Agency has determined the Project will have a significant effect on the environment and mitigation measures were made a condition of the Project.
- B. The San Diego Water Board is a Responsible Agency under CEQA (Public Resources Code section 21069; CEQA Guidelines section 15381). The San Diego Water Board has considered the Lead Agency's FEIR and finds that the Project as proposed will have a significant effect on resources within the San Diego Water Board's purview.
- C. The San Diego Water Board has required mitigation measures as a condition of this Certification to avoid or reduce the environmental effects of the Project to resources within the Board's purview to a less than significant level.
- D. The Lead Agency has adopted a mitigation monitoring and reporting program pursuant to Public Resources Code section 21081.6 and CEQA Guidelines section 15097 to

ensure that mitigation measures and revisions to the Project identified in the FEIR are implemented. The Mitigation Monitoring and Reporting Program (MMRP) is included and incorporated by reference in Attachment 5 to this Certification. The Applicant shall implement the Lead Agency's MMRP described in the FEIR, as it pertains to resources within the San Diego Water Board's purview. The San Diego Water Board has imposed additional MMRP requirements as specified in section VI of this Certification.

- E. As a Responsible Agency under CEQA, the San Diego Water Board will file a Notice of Determination in accordance with CEQA Guidelines section 15096 subdivision (i).

IX. SAN DIEGO WATER BOARD CONTACT PERSON

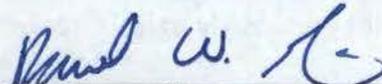
Darren Bradford, Environmental Scientist
California Regional Water Quality Control Board, San Diego Region
2375 Northside Drive, Suite 100
San Diego, California 92108
Telephone: (619) 521-3356
Email: darren.bradford@waterboards.ca.gov

X. WATER QUALITY CERTIFICATION

I hereby certify that the proposed discharge from the **Pacific Landing Apartments** (Certification No. R9-2013-0157) will comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated under State Water Board Order No. 2003-0017-DWQ, "*Statewide General Waste Discharge Requirements for Dredged or Fill Discharges that have Received State Water Quality Certification (General WDRs)*," which requires compliance with all conditions of this Water Quality Certification. Please note that enrollment under Order No. 2003-017-DWQ is conditional and, should new information come to our attention that indicates a water quality problem, the San Diego Water Board may issue individual waste discharge requirements at that time.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited to, and all proposed mitigation being completed in strict compliance with, the applicants' Project description and/or the description in this Certification, and (b) compliance with all applicable requirements of the Basin Plan.

I, David W. Gibson, Executive Officer, do hereby certify the forgoing is a full, true, and correct copy of Certification No. R9-2013-0157 issued on July 1, 2014.



DAVID W. GIBSON
Executive Officer
San Diego Water Board

1 July 2014
Date

ATTACHMENT 1

DEFINITIONS

Activity - when used in reference to a permit means any action, undertaking, or project including, but not limited to, construction, operation, maintenance, repair, modification, and restoration which may result in any discharge to waters of the state.

Buffer - means an upland, wetland, and/or riparian area that protects and/or enhances aquatic resource functions associated with wetlands, rivers, streams, lakes, marine, and estuarine systems from disturbances associated with adjacent land uses.

Hydrogeomorphic Method (HGM) - is a wetland assessment method intended to provide a rapid, scientifically-defensible and repeatable assessment methodology to monitor status and trends in the conditions of wetlands for applications throughout the state. It can also be used to assess the performance of compensatory mitigation projects and restoration projects. HGM provides an assessment of overall ecological condition and classifies wetlands by their landscape position and hydrology. Hydrologic types used in HGM are Riverine, Depressional, Mineral Soil Flats, Organic Soil Flats, Slope, Lacustrine Fringe, and Estuarine Fringe.

Compensatory Mitigation Project - means compensatory mitigation implemented by the Applicant as a requirement of this Certification (i.e., applicant -responsible mitigation), or by a mitigation bank or an in-lieu fee program.

Discharge of dredged material – means any addition of dredged material into, including redeposit of dredged material other than incidental fallback within, the waters of the United States and/or State.

Discharge of fill material – means the addition of fill material into waters of the United States and/or State.

Dredged material – means material that is excavated or dredged from waters of the United States and/or State.

Ecological Success Performance Standards – means observable or measurable physical (including hydrological), chemical, and/or biological attributes that are used to determine if a compensatory mitigation project meets its objectives.

Enhancement – means the manipulation of the physical, chemical, or biological characteristics of an aquatic resource to improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

Establishment – means the manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist. Creation results in a gain in aquatic resource area.

Fill material – means any material used for the primary purpose of replacing an aquatic area with dry land or of changing the bottom elevation of a water body.

Isolated wetland – means a wetland with no surface water connection to other aquatic resources.

Mitigation Bank – means a site, or suite of sites, where resources (e.g., wetlands, streams, riparian areas) are restored, established, enhanced, and/or preserved for the purpose of providing mitigation for impacts authorized by this Certification.

Preservation - means the removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/ historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/ historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration - means the manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

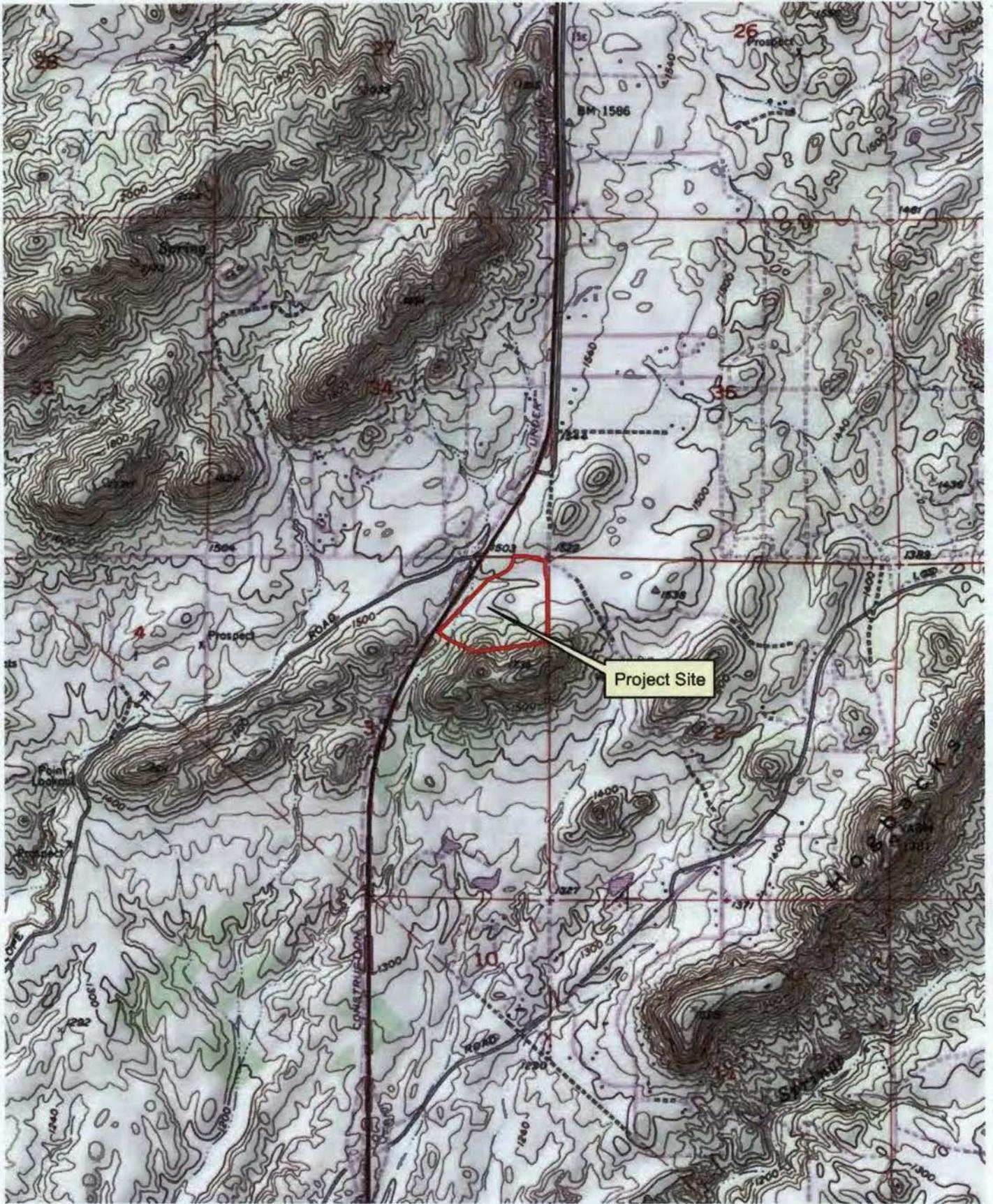
Start of Project Construction - For the purpose of this Certification, "start of Project construction" means to engage in a program of on-site construction, including site clearing, grading, dredging, landfilling, changing equipment, substituting equipment, or even moving the location of equipment specifically designed for a stationary source in preparation for the fabrication, erection or installation of the building components of the stationary source within waters of the United States and/or State.

Uplands - means non-wetland areas that lack any field-based indicators of wetlands or other aquatic conditions. Uplands are generally well-drained and occur above (i.e., up-slope) from nearby aquatic areas. Wetlands can, however, be entirely surrounded by uplands. For example, some natural seeps and constructed stock ponds lack aboveground hydrological connection to other aquatic areas. In the watershed context, uplands comprise the landscape matrix in which aquatic areas form. They are the primary sources of sediment, surface runoff, and associated chemicals that are deposited in aquatic areas or transported through them.

Water quality objectives and other appropriate requirements of state law – means the water quality objectives and beneficial uses as specified in the appropriate water quality control plan(s); the applicable provisions of sections 301, 302, 303, 306, and 307 of the Clean Water Act; and any other appropriate requirement of state law.

Mr. Fernando Arimon
Pacific Landing Apartments
Certification No. R9-2013-0157

**ATTACHMENT 2
PROJECT LOCATION MAPS**



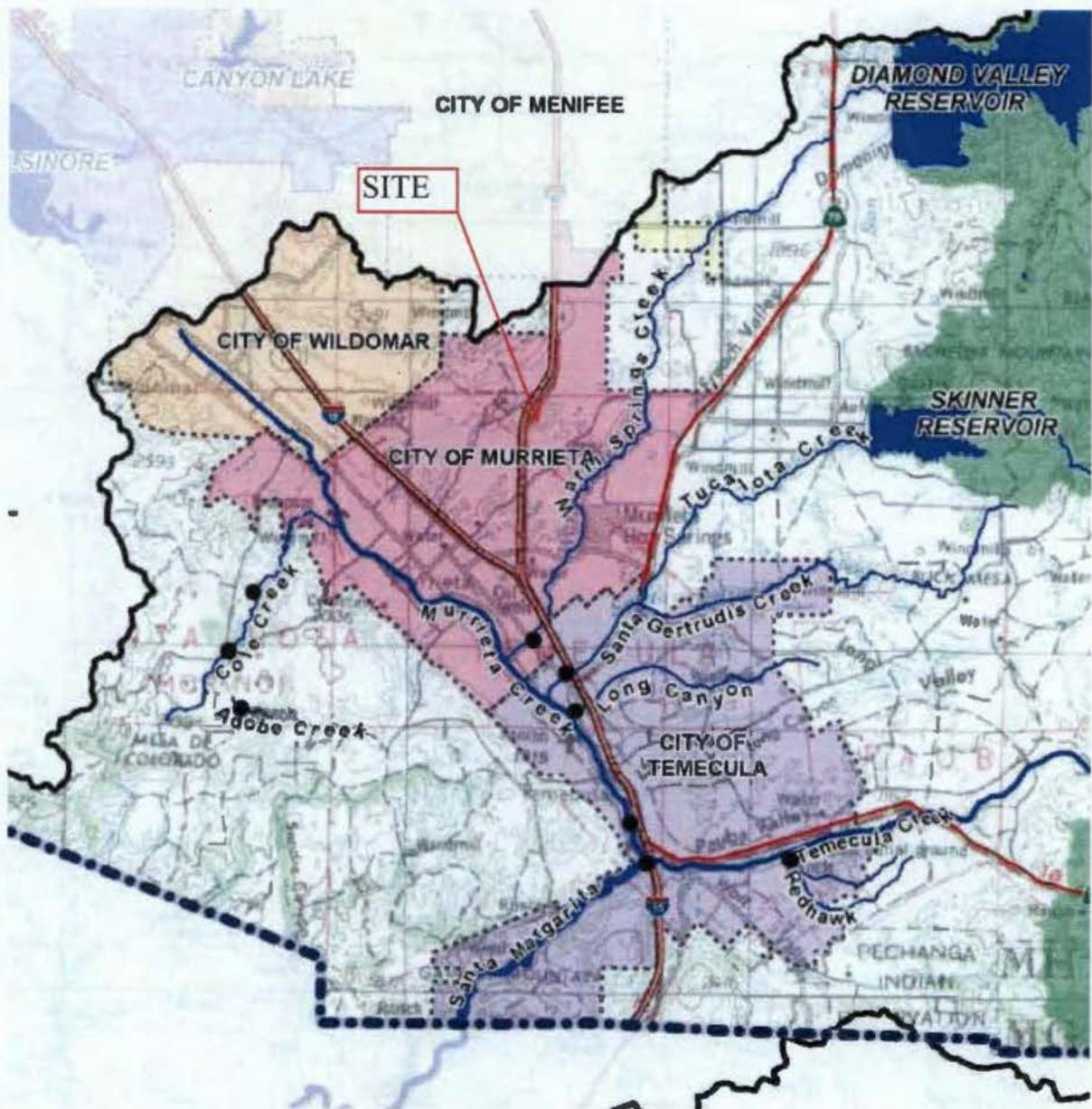
Vicinity Map

FIGURE

Pacific Landing Apartments Project

2

Source: USGS Topographic Series (Murrieta, CA); PCR Services Corporation, 2014.



RECEIVING WATERS

Mr. Fernando Arimon
Pacific Landing Apartments
Certification No. R9-2013-0113

**ATTACHMENT 3
PROJECT SITE PLANS**

INTERSTATE HIGHWAY ROUTE 215

CLINTON KEITH ROAD

CREIGHTON AVE.

LEGEND

- DMA DESIGNATION 
- DMA AREA  0.29 AC
- DMA BOUNDARY 
- BIORETENTION BMP 

DRAINAGE MANAGEMENT AREA SUMMARY TABLE

DMA #	Area (Ac)	Impervious Area (Ac)	Permeable Area (Ac)	Imp. Fraction (%)	Treatment Control BMP					
					Type	BMP #	Required Area (Ac)	Provided Area (Ac)	Req'd. Vol. Retained (CF)	
1	8.19	358,756	212,273	145,183	0.60	Detention	BMP #1	5,372	5,380	7,430
14	0.25	10,800	10,600	256	0.98	Detention	BMP #14	337	337	481
3	0.25	10,800	10,670	228	" "	" "	BMP #3	337	337	481
4	0.27	11,361	11,318	243	" "	" "	BMP #4	289	110	519
5	0.28	12,197	11,927	270	" "	" "	BMP #5	400	140	539
6	0.25	10,800	10,500	310	0.97	" "	BMP #6	357	165	481
7	0.28	12,197	11,797	400	0.97	" "	BMP #7	300	275	538
8	0.28	12,197	11,927	270	0.98	" "	BMP #8	400	135	538
9	0.28	12,197	11,927	270	0.98	" "	BMP #9	400	135	539
10	0.25	10,800	10,510	380	0.95	" "	BMP #10	435	435	481
11	0.28	12,197	11,889	308	0.97	" "	BMP #11	400	190	535
12	0.27	11,361	11,111	450	0.96	" "	BMP #12	435	435	519
13	0.27	11,361	11,431	330	0.97	" "	BMP #13	385	375	519
Sub-Total	11.2									
2	9.12	397,267	216,485	181,082	0.54	" "	BMP #2	5,694	3,300	7,614
15	0.4	17,434	17,134	270	0.98	" "	BMP #15	171	220	770
16	0.28	12,197	11,907	330	0.97	" "	BMP #16	284	200	529
Sub-Total	9.8									
Total	21.3									22,539

Note: Areas correspond to the 0.05% wettable areas.
 Additional storage will be provided beneath the gravel drainage layer to accommodate the portion of the water quality volume.
 (12" deep Rate Tech or approved equal product with or best 97% volume efficiency will be used for this purpose)



1 inch = 120 ft.

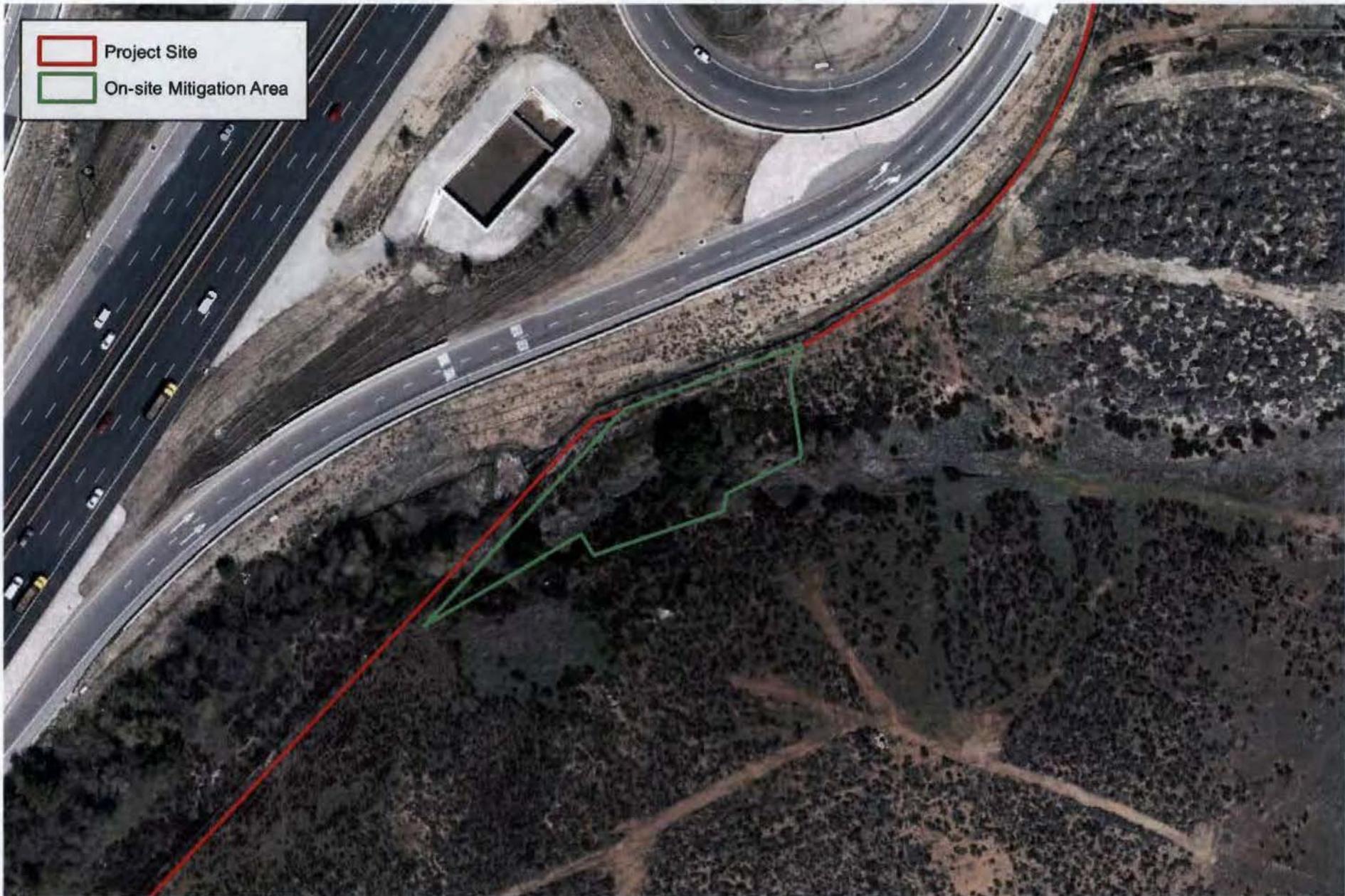
BURKETT & WONG
 ENGINEERS
 ENGINEERS & SURVEYORS
 3434 Fourth Ave. San Diego, CA.
 92103-5704 * (619) 299-5550

PACIFIC LANDING APARTMENTS
 DMA MAP
 REV. DATE: OCT, 2013

PLT: M:\PROJECTS\13081\13081_11011101.LDW PACIFIC LANDING APARTMENTS\DWG\DWG\DMASUMMARY.DWG DATE: 11/17/2013 4:23 PM

Mr. Fernando Arimon
Pacific Landing Apartments
Certification No. R9-2013-0113

**ATTACHMENT 4
MITIGATION FIGURES**



 Project Site
 On-site Mitigation Area



On-site Mitigation Area

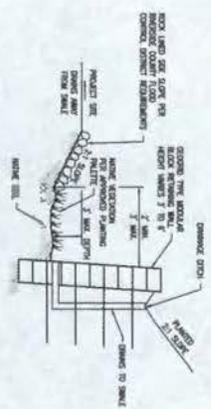
Pacific Landing Apartments Project
Source: Microsoft, 2010 (Aerial); PCR Services Corporation, 2014.

FIGURE
3



LEGEND

- PROPERTY LINE
- VEGETATED SWALE
- EROSION CONTROL BANK
- RETAINING WALL



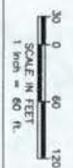
VEGETATED SWALE TYPE 1



VEGETATED SWALE TYPE 2

SWALE LENGTH TABLE

SWALE TYPE	LENGTH
VEGETATED SWALE TYPE 1	100 FT
VEGETATED SWALE TYPE 2	100 FT
VEGETATED SWALE TYPE 3	100 FT
VEGETATED SWALE TYPE 4	100 FT
VEGETATED SWALE TYPE 5	100 FT
VEGETATED SWALE TYPE 6	100 FT
VEGETATED SWALE TYPE 7	100 FT
VEGETATED SWALE TYPE 8	100 FT
VEGETATED SWALE TYPE 9	100 FT
VEGETATED SWALE TYPE 10	100 FT



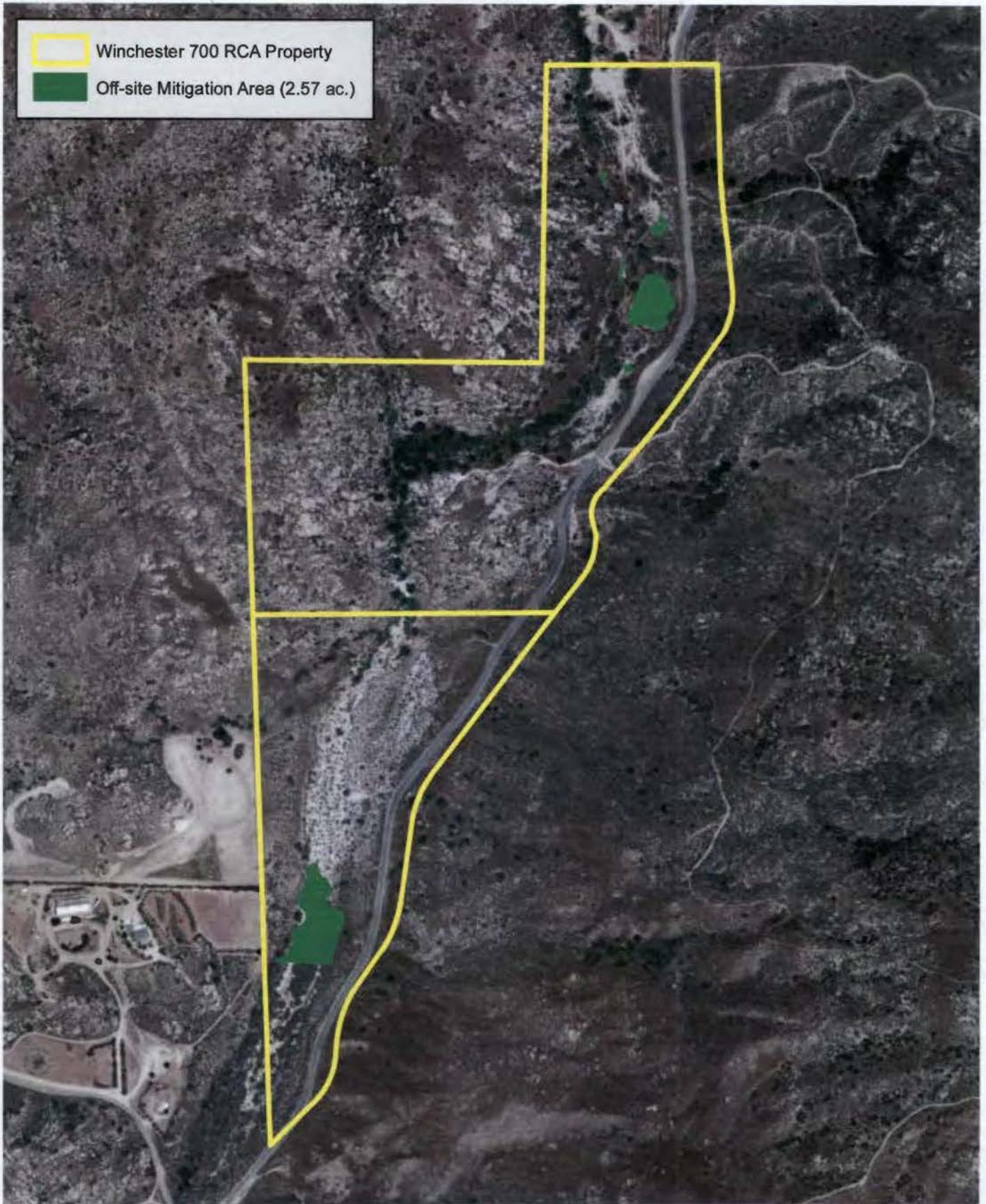
REVISIONS

NO.	DATE	DESCRIPTION

PROJECT

PROJECT NO.	11300-1100
DATE	02/07/01
DESIGNER	C
CHECKER	C

PACIFIC LANDING APARTMENTS
CITY OF MURRIETA, CALIFORNIA



Off-site Mitigation Area

Pacific Landing Apartments Project

Source: Microsoft, 2010 (Aerial); PCR Services Corporation, 2014.

FIGURE

5

Mr. Fernando Arimon
Pacific Landing Apartments
Certification No. R9-2013-0113

ATTACHMENT 5
CEQA MITIGATION MONITORING AND REPORTING PROGRAM

	<p>• Hazards and Hazardous Material Mitigation Measure (7.f-1) The developer/permittee shall coordinate grading and construction activities with the utility companies to prevent disruption of utility lines and infrastructure that could pose a risk to the public.</p>			summary of the type of remedial response: the firm that carries out the remediation and the location where the contaminated waste is disposed. City inspectors shall verify compliance	
8	<p>• Hydrology and Water Quality Material Mitigation Measure (8.c-1) The project proponent will select best management practices from the range of practices identified by the City and reduce future non-point source pollution in surface water runoff discharges from the site to the maximum extent practicable, both during construction and following development. The Storm Water Pollution Prevention Plan (SWPPP) and (SUSMP) shall be submitted to the City for review and approval prior to any ground disturbance and the identified BMPs installed in accordance with schedules contained in these documents.</p>	CEQA INITIAL STUDY	CITY OF MURRIETA Public Works/Engineering Department & Building and Safety Division	During grading and construction activities, City inspectors shall verify compliance	
11	<p>• Noise Mitigation Measure (11.a-1) The applicant shall require that construction activities be limited to no more than the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday except in the event of emergency declared by City, State or Federal officials. No construction shall be permitted on Sundays or holidays, except in a declared emergency, as outlined in this measure.</p> <p>• Noise Mitigation Measure (11.a-2) The applicant will require that all construction equipment be operated with mandated noise control equipment (mufflers or silencers). Enforcement will be accomplished by random field inspections by applicant's personnel during construction activities.</p> <p>• Noise Mitigation Measure (11.a-3) The applicant will require all window and door assemblies used throughout the project shall be free of cut outs and openings and shall be well fitted and well weather-stripped.</p> <p>• Noise Mitigation Measure (11.a-4) The applicant will provide standard windows with a Sound Transmission Class (STC) rating 26 or higher for Buildings 19, 20, 21, 29, 35, 36, and 37 facing the 215 Freeway and Clinton Keith Road and all windows in buildings 4, 5, 34, 38 facing the High School.</p> <p>• Noise Mitigation Measure (11.a-5) The applicant will provide a windows closed condition requiring a means of mechanical ventilation (fresh air intake) for all units. In addition, provide fresh air intake ducts at these lots based on the Uniform Building Code (UBC) requirements that state "in lieu of exterior opening for natural ventilation, a mechanical ventilating system may be provided. Such a system shall be capable of providing two air changes per hour with minimum outside fresh air requirements."</p>	CEQA INITIAL STUDY	CITY OF MURRIETA Public Works/Engineering Department & Building and Safety Division	<p>During grading and construction activities, City inspectors shall verify compliance</p> <p>Prior to the issuance of building permits, building plans shall be checked for compliance. During construction City inspectors shall verify compliance.</p>	

	<p>• Biological Resources Mitigation Measure (4.a-5) The applicant will not conduct any on-site clearing or grading on the project site between 15 February and 15 August unless a qualified biologist has first surveyed the property to determine the presence or absence of nesting bird species protected under the Federal Migratory Bird Treaty Act. If nesting birds are found, then appropriate mitigation measures shall be implemented. If no nesting birds are located, then clearing and grading may commence without additional mitigation requirements.</p> <p>• Biological Resources Mitigation Measure (4.a-6) The applicant will be required to have a qualified biologist conduct a 30-day pre-construction burrowing owl survey on the project site prior to the start of grading or clearing on-site.</p> <p>• Biological Resources Mitigation Measure (4.a-7) The applicant will be required participate in the MSHCP, the appropriate MSHCP fee(s) shall be paid prior to the issuance of a Grading Permit.</p>	CEQA INITIAL STUDY	CITY OF MURRIETA Public Works/Engineering Department	<p>Prior to grading Engineering shall verify compliance and completion of bird survey and Burrowing owl survey as necessary.</p> <p>Prior to issuance of grading permits all Mitigation fees paid</p>	
5	<p>• Cultural Mitigation Measure</p> <p>5-1 If cultural resources are discovered during project related land disturbance, a qualified archeologist shall be retained by the project permittee/sponsor to investigate the find/resource the archeologist is authorized to stop all grading in the immediate area of the discovery, and shall make recommendations to the Lead Agency (City) on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with section 15064.5 of the CEQA Guidelines.</p> <p>It the resources are determined to be unique historic resources as defined under section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the archeologist and recommended to the Lead Agency (City).</p> <p>Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency (City) approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency (City) where they would be afforded long-term preservation to allow future scientific study.</p> <p>5-2 Once the project-related earthmoving excavation begins, and in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps shall be taken: 1) There shall be no further excavation or disturbance of the site or any nearby area</p>	CEQA INITIAL STUDY	<p>CITY OF MURRIETA Public Works/Engineering Department.</p> <p>City Planning Department & Engineering Dept.</p>	<p>During grading by City Inspector shall verify compliance.</p> <p>Prior to grading permit issuance contract submittal to City Planning Department & Engineering Dpt. required.</p>	

	<ul style="list-style-type: none"> • Air Quality Mitigation Measure (3.a-15) During construction, the City shall require that low VOC asphalt be used on paved portions of the project site. • Air Quality Mitigation Measure (3.a-16) Idling of delivery trucks shall be kept to a minimum and where feasible idling should be limited to no longer than 5-minutes. • Air Quality Mitigation Measure (3.a-17) Deleted 	CEQA INITIAL STUDY	CITY OF MURRIETA Public Works/Engineering Department & Building and Safety Division	During grading and construction activities, City inspectors shall verify compliance	
4	<ul style="list-style-type: none"> • Biological Resources Mitigation Measure (4.a-1) The applicant will be required to mitigate for the loss of one California Scrub Oak with on-site planting Coast Live Oak and Scrub Oak on portions of the fill banks surrounding the proposed development at a ratio to be approved by the City of Murrieta. Per Development Code 16.42.070 C, the appraised value of the removed tree (\$2,000.00) shall be applied to increasing the amount of landscaping. • Biological Resources Mitigation Measure (4.a-2) The applicant will be required to mitigate for the loss of Stephens' Kangaroo Habitat through the payment of fees under the terms of the existing Stephens' Kangaroo Rate 10(a)-permit. • Biological Resources Mitigation Measure (4.a-3) The applicant will be required to create 0.53-acres of riparian habitat (a 1:1 mitigation ratio) on-site adjacent to the existing wetlands in the northwest section of the site. A conservation easement will be placed over the wetlands area to be turned over to the Center for Natural Lands Management for long-term management and maintenance activities. • Biological Resources Mitigation Measure (4.a-4) Two areas (a 0.92-acre segment and a 2.8-acre segment) located within the existing conservation easement in the southern portion of the parcel, and to the south of the site, totaling 3.72-acres will be added to the existing conservation easement. Richland Communities is recording easements for these additions to the conservation land which will be utilized by The Spanos Corporation to satisfy their mitigation requirements for impacts to state jurisdictional drainages. In event that the easements are not finalized suitable and equivalent mitigation will need to be provided and approved by the City and appropriate agencies. 	CEQA INITIAL STUDY	CITY OF MURRIETA Public Works/Engineering Department	<p>Prior to issuance of grading permits all Mitigation fees paid</p> <p>Prior to the issuance of occupancy proof of mitigation and easement shall be provided to City.</p> <p>Prior to issuance of grading permits proof of conservation easements and/or approved equivalent Mitigation provided to City.</p>	