



# Memorandum

DATE May 9, 2011

TO Templeton Planning Group

CONTACT Nicole Morse, Director of Environmental Services

FROM Phil Brylski, Ph.D.

SUBJECT Biological Sensitivity Assessment, Historic Town Center Master Plan, San Juan Capistrano

PROJECT NO. TPG 05.0E

This memorandum summarizes the results of my windshield survey of the Historic Town Center Master Plan Area in San Juan Capistrano, which I carried out on May 8, 2011. The survey assessed the potential for sensitive biological resources in the project area, and what measures would be recommended to address these. Sensitive plant and animal species include those species listed by state or federal agencies as endangered, threatened, or rare, and species that are candidates for future listing. These include species listed as California Species of Special Concern by the California Department of Fish and Game, species on the CDFG special plants and animals list (CDFG 2011 a, b, c) and plants on the California Native Plant Society Rare Plant Inventory (CNPS 2011).

The project area is largely urbanized with residential, commercial, and retail land uses. There are several open space and agricultural land uses. One stream course, Horno Creek, crosses the northeastern corner of the project site, and the project site is located between several regionally important water courses: San Juan Creek flows beneath Interstate 5 south of the southern end of the Repositioning Area, and Oso Creek and Trabuco Creek merge just outside of the northwestern corner of the Connectivity Area. The San Juan, Oso, and Trabuco Creek stream courses and their habitats occur outside of the project site.

**Connectivity Area (64 acres).** The majority of the Connectivity Area is developed. However, the western part of the Connectivity Area includes the open space area of Los Rios Park and associated agricultural type land uses including a nursery and a remnant orange grove north of Ortega Highway. Oso Creek and Trabuco Creek merge immediately outside the northwestern corner of this Area. Oso Creek then runs within a concrete channel outside the western project boundary.

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- There are a number of coast live oak trees (*Quercus agrifolia*) in and around the Los Rios Street Historic District and several vacant lots with ruderal vegetation. The coast live-oak trees may be covered by City tree protection ordinances. Although sensitive plant species would not be expected to occur on the vacant lots, these should be surveyed as part of the environmental review of any proposed development.
- Horno Creek flows in a southerly direction through the northeastern corner of the Connectivity Area. The stream course contains riparian vegetation, which is considered a sensitive plant community in southern California. In general, riparian habitat supports a number of declining bird species and provides cover for other animals that may utilize the area. The Horno Creek streambed and its vegetation would be considered jurisdictional to the Army Corps of Engineers as wetlands and Waters of the United States, and would also be regulated by the California Department of Fish and Game under the lake and streambed alteration agreements.
- Based on information provided by Templeton Planning Group, no specific buildings are proposed for development within the Connectivity Area and future trail connections would not impact existing trees or Horno Creek.

**Revitalization Area (44 acres).** The Revitalization Area is almost entirely developed with urban land uses.

- The vacant lot between Spring Street and Ortega Highway in the northeastern corner of this Area contains ruderal vegetation, a remnant orange grove with scattered oak trees, willows, and ornamental trees and shrubs. Although the vacant lot would not necessarily be expected to support sensitive plant species, future site specific development plans should require biological surveying in this area. The vegetation that has developed at the base of Ortega Highway at the south end of the vacant lot could have formed by surface runoff or overflow from Horno Creek. The issue of whether this would be considered a part of Horno Creek riparian vegetation should be included in any development proposed for the site.<sup>1</sup>

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<sup>1</sup> According to Templeton Planning Group, a biological resources assessment prepared by Glenn Lukos Associates was prepared for the previously approved Plaza Banderas Hotel as part of the "Plaza Banderas Hotel Project Final EIR" (SCH#2010051075) certified in October 2010.



- **MTBA Requirements:** Prior to any permit issuance for grubbing, grading, tree trimming/removal or prior to engaging in such activities that would occur between the breeding season for native birds (February 15 through July 31), the project applicant for site specific development shall retain the services of a qualified ornithologist to conduct an ornithological survey of the construction zone. The City will require the developer to submit a copy of the executed contract for such services prior to the issuance of any grading permits. The ornithological survey shall occur not more than seven days prior to the initiation of grading/construction activities. If the ornithologist detects any occupied nests of native birds within the construction zone, they shall be mapped on construction plans and the project applicant will fence off the area(s) supporting bird nests with temporary construction fencing, providing a minimum buffer of 200 feet between the nest and limits of construction. (This buffer zone shall be at least 500 feet for raptors until the young have fledged, are no longer being fed by the parents, have left the nest, and will no longer be impacted by the project.) The construction crew will be instructed to avoid any activities in the zone until the bird nest(s) is/are no longer occupied, per a subsequent survey by the qualified ornithologist. Alternatively, the project applicant will consult as appropriate with the USFWS to discuss the potential loss of nests of native birds covered by the MBTA to obtain the appropriate permit from the USFWS.

**Repositioning Area (44 acres).** The Repositioning Area is entirely developed with urban land uses. The small segment of Horno Creek in the northeastern corner of this area is in a concrete channel and would not be expected to support any sensitive biological resources.



## References

- California Department of Fish and Game (CDFG) Natural Diversity Database. 2011a. California Natural Diversity Database (RareFind), Element report for San Juan Capistrano 7.5' quadrangle. California Department of Fish and Game, Natural Heritage Division, Sacramento, California
- California Department of Fish and Game (CDFG) Natural Diversity Database. 2011b. Special Animals List. Wildlife and Habitat Data Analysis Branch, Sacramento, California (January).
- California Department of Fish and Game (CDFG) Natural Diversity Database. 2011c. Special Vascular Plants, Bryophytes, and Lichens List. Wildlife and Habitat Data Analysis Branch, Sacramento, California (April)
- California Native Plant Society (CNPS). 2011. Online Inventory of Rare and Endangered Plants in California. California Native Plant Society, Sacramento, California (Version 8).