FINAL

Initial Study/Mitigated Negative Declaration
Heritage Park Project
Town of Windsor, Sonoma County, California

Prepared for:
Town of Windsor
9291 Old Redwood Highway, Building 400
Windsor, CA 95492

Contact: Kim Voge, Planner
Community Development Department
kvoge@townofwindsor.com
(707) 838-5331

Date: July 23, 2020

SECTION 1: INTRODUCTION

The Town of Windsor has evaluated the comments received on the Heritage Park Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The California Environmental Quality Act (CEQA) and CEQA Guidelines do not require responses to comments provided on IS/MNDs. However, the Town's CEQA Guidelines, adopted by Resolution 905-00, require response to comments; therefore, responses are provided herein. The Responses to Comments and Errata, which are included in this document, together with the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program, comprise the Final IS/MND for use by the Town of Windsor in its review and consideration of the Heritage Park Project.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments:** Provides the agencies, organizations, and individuals who commented on the Draft IS/MND. Correspondence received regarding the Draft IS/MND and responses thereto are included in this section.
- **Section 3—Errata:** Includes a listing refinements and clarifications on the Draft IS/MND that have been incorporated based on public input and corrections made by Town staff, as appropriate.

The Final IS/MND includes the following contents:

- Draft IS/MND (provided under separate cover)
- Draft IS/MND appendices (provided under separate cover)
- Responses to Written Comments and Errata (Sections 2 and 3 of this document)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies, organizations, and individuals who provided comments on the Draft IS/MND is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communications are reprinted and then followed by the corresponding responses.

Author **Author Code**

State Agencies

California Department of Fish and Wildlife ..... CDFW

Local Agencies

None

Individuals

Britt M. Gharachamani..... BG

Chris Browne..... CB

Christe Smith..... CS

Eric Graham..... EG

Erin Ryan..... ER

Wayne C. Bahr..... WB

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15074, the Town of Windsor, as the lead agency, evaluated the comments received on the Draft IS/MND for the Heritage Park Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final IS/MND for the project.

2.2.2 - Comment Letters and Responses

The comment letters contained in the following pages follow the same organization as used in the List of Authors.

CDFW

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 3, 2020

Ms. Kim Voge, Planner
Town of Windsor
9291 Old Redwood Highway
Windsor, CA 95492
kvoge@townofwindsor.com

Subject: Heritage Park Apartments Project, Mitigated Negative Declaration, SCH No. 2020060369, Town of Windsor, Sonoma County

Dear Ms. Voge:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt a Mitigated Negative Declaration (MND) from the Town of Windsor (Town) for the Heritage Park Project (Project) pursuant the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the Town, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Issuance of a CESA Permit is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

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CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

PROJECT DESCRIPTION SUMMARY

Proponent: Michael Weyrick

Objective: Construct a three-story, 33-unit apartment building for affordable to low- and very low-income households on a 1.66-acre site. The Project includes frontage improvements, a new access road at the south end of the site, and demolishing an existing single family residence and barn.

Location: The Project is in the Town of Windsor, Sonoma County southwest of the Old Redwood Highway and Courtyards East intersection, at 8685 Old Redwood Highway. It is centered at approximately 38.544985 degrees latitude and -122.804812 degrees longitude on Assessor Parcel Number 164-100-023.

Timeframe: Unspecified.

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the Town in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the Project's avoidance of significant impacts on biological resources, in part through

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implementation of CDFW's below recommendations, CDFW concludes that an MND is appropriate for the Project.

Environmental Setting

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by CDFW or the U.S. Fish and Wildlife Service (USFWS)?

Comment 1: MND Page 17

Issue: According to the MND and Appendix B Biological Resources Analysis, the Project would result in the permanent loss of mature valley oak trees (*Quercus lobata*) and coast live oak trees (*Quercus agrifolia*), which may be considered a sensitive natural community and provide bird nesting habitat.

Specific impacts and why they would occur: The Project would remove several valley oak and coast live oak trees in preparation for site development.

Evidence impact would be significant: Valley oak woodland is an endemic, CDFW-designated rare natural community (CDFG 2010; Standiford et al. 1996; CIWTG). Rare natural communities have limited distribution and are often vulnerable to project impacts (CDFW 2009). Only remnant patches of valley oak woodland remain, of which a fraction consists of the valley oak/coast live oak alliance (CIWTG). When oak woodlands are removed, it is not only the trees that are missing; all the associated functions and habitat are lost as well (Dagit et al. 2015).

Additionally, the removal of habitat for birds from human activities has contributed to the loss of a significant proportion of birds in the United States and Canada since the 1970s. According to a study published in 2019 entitled Decline of the North American Avifauna authored by Kenneth V. Rosenberg et al., 90 percent of the total loss is attributable to 12 bird families including sparrows, warblers, blackbirds, and finches, which may all utilize the trees that would be removed by the Project for breeding and foraging.

Based on the foregoing, the Project could substantially adversely affect a sensitive natural community identified by CDFW and nesting bird habitat; therefore, impacts would be *potentially significant*.

To reduce impacts to less-than-significant, CDFW recommends that the MND:

1) Evaluate whether the trees that would be removed are part of a sensitive natural community, see CDFW's Natural Communities List available on CDFW's webpage at: https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities

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2) Clearly describe within a mitigation measure the applicable Town of Windsor Tree Preservation and Protection policies and regulations, including associated tree replacement, monitoring, maintenance, and annual reporting.

3) Require that trees part of a sensitive natural community shall be replaced at a 10:1 mitigation to impact ratio for trees less than 15 inches at diameter breast height (DBH) and a 15:1 ratio for larger trees using locally procured trees of the same species. Trees shall be planted as close to the Project site as possible and maintained and monitored for a minimum of five years with an 85 percent survival rate at the end of five years. Annual monitoring reports shall be provided to the lead agency. If tree plantings have not achieved at least an 85 percent survival rate after 5 years, new trees shall be planted and monitored for an additional 5 years to achieve the survival rate.

   Planted trees shall be irrigated for at least the first two years either via hand-watering or drip irrigation. CDFW recommends that cages be placed around planted oak trees to avoid deer browse and that weeding occur within and around caged oak trees, until the trees become well-established. Once the oaks become a sufficient size the cages should be removed.

4) Require that trees *not* part of a sensitive natural community shall be: 1) replaced at the ratios outlined below; and 2) monitored, and maintained in the same manner described above and achieve an 80 percent survival rate.

   - Non-oak native trees - 3:1
   - Non-native trees – 1:1
   - Oak trees provide a diversity of ecological benefits and because oak trees have slow growth rates, it would take several decades for planted oaks to grow to a size that could provide the same ecological benefits that old-growth oaks provide. Therefore, the below higher ratios are required.

     - Oaks 5 to 10 inches DBH – 4:1
     - Oaks 10 to 15 inches DBH – 5:1
     - Oaks greater than 15 inches DBH – 15:1

Mitigation Measures

Comment 2: MND Page 19

According to the MND Mitigation Measure (MM) BIO-3 and Appendix B Biological Assessment, the Project would mitigate for impacts to suitable but unoccupied habitat, based on special-status plant surveys conducted in 2008, 2009, and 2018, for the following federally listed as endangered plants: Burke's goldfields (*Lasthenia burkei*), Sonoma sunshine (*Blennosperma bakeri*), many-flowered navarretia (*Navarretia*

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leucocephala ssp. *plieantha*), and Sebastopol meadowfoam (*Limnanthes vinculans*), through preserving off-site habitat at a 1.5:1 mitigation to impact ratio for the former two species.

To reduce impacts to less-than-significant, CDFW recommends that the MND:

1) Clearly acknowledge that the above plant species are also State listed as endangered under CESA.

2) Require preserved habitat to be: 1) purchased from a CDFW and U.S. Fish and Wildlife Service (USFWS) approved conservation bank, or 2) placed under a conservation easement and implementing and funding in perpetuity a long-term management plan.

3) Provide a sound basis for not requiring mitigation for many-flowered navarretia and Sebastopol meadowfoam as the Project would impact suitable habitat for them or provide for mitigation in the same manner as described above.

4) Require providing the plant survey reports to CDFW for acceptance to ensure surveys were properly implemented, prior to Project start. If CDFW is unable to accept the survey results due to improper implementation, additional surveys shall be required in coordination with CDFW and USFWS or the Project may be required to obtain an ITP as determined through consultation with CDFW.

Comment 3: MND Page 19

According to MND MM BIO-4 and Appendix B Biological Assessment, the Project would remove several trees suitable for special-status bats and surveys and potential bat eviction would be required.

To reduce impacts to less-than-significant, CDFW recommends that the MND:

1) Require that the Town review and approve the resumes of biologists proposing to conduct surveys for special-status bats to ensure each biologist possesses the appropriate specialized qualifications. Resumes shall reflect: 1) at least 2 years of experience conducting bat surveys that resulted in detections for the relevant species such as pallid bat (*Antrozous pallidus*) including the Project name, dates, and person who can verify the experience, and 2) the types of equipment used to conduct surveys. Ideally, the resume shall also indicate that the biologist possesses a state-issued Scientific Collecting Permit for the relevant species. A survey methodology shall be submitted to the Town for approval. CDFW staff is available to assist the Town with resume and survey methodology review. An initial habitat assessment and survey shall occur several weeks or months before Project construction to avoid last minute delays.

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2) Require surveys of the existing single-family residence and barn if they may be occupied by bats before demolishment.

Comment 4: MND Page 18

CDFW offers the below measure as a replacement for MM BIO-2. We have found that replacing certain measures can facilitate better interpretation and implementation; however, recognize that the existing measure has thoughtful and important protective elements included below. The recommended measure below will also facilitate compliance with Fish and Game Code section 3503 et seq. and the federal Migratory Bird treaty Act.

To reduce impacts to less-than-significant, CDFW recommends replacing MM BIO-2 with the following language:

1) If the Project occurs between February 1 and August 31, a qualified biologist shall conduct nesting bird surveys within 500 feet of the Project site no more than 7 days before Project construction begins and anytime a lapse of 7 days or more in construction occurs.

2) For all identified active nests, prior to construction activities a qualified biologist shall conduct a survey to establish a behavioral baseline of birds using each nest. The qualified biologist shall provide training for all Project site personnel regarding nesting bird protection measures and State and federal laws.

3) The qualified biologist shall establish a minimum no-disturbance buffer around active nests with the buffer distance based on the tolerance level of the species. The buffer area shall include clear visual markers for Project site personnel such as high visibility fencing and posted signs. These buffers shall remain in place until the breeding season has ended or until the qualified biologist determines that the young have fledged and are no longer reliant upon the nest or parental care for survival.

4) Once Project activities begins, the qualified biologist shall continuously monitor active nests to detect behavioral changes resulting from the Project. If behavioral changes occur, Project activities causing that change shall halt and no-disturbance buffers shall be increased to ensure the birds are not disturbed. If continuous monitoring of active nests by a qualified wildlife biologist is not feasible, more conservative no-disturbance buffers shall be established by the qualified biologist.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination

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by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs., tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends the feasible mitigation measures described above be incorporated as enforceable conditions into the final CEQA document for the Project. CDFW appreciates the opportunity to comment on the MND to assist the Town in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Melanie Day, Senior Environmental Scientist (Specialist), at Melanie.Day@wildlife.ca.gov; or Ms. Karen Weiss, Senior Environmental Scientist (Supervisory), at Karen.Weiss@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Gregg Erickson
BE74D4C93C604EA...
Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse (SCH No. 2020060369)

REFERENCES

California Department of Fish and Game (CDFG). 2010. List of Vegetation Alliances and Associations. Vegetation Classification and Mapping Program, Sacramento, CA.

California Department of Fish and Wildlife (CDFW). 2009. Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities.

California Interagency Wildlife Task Group (CIWTG). California Wildlife Habitat Relationship System. California Department of Fish and Game. Valley Oak Woodland.

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Dagit, Rosie et al. Economic Incentives for Oak Woodland Preservation and Conservation. Gen. Tech. Rep. PSW-GTR-251. Berkeley, CA: U.S. Department of Agriculture, Forest Service, Pacific Southwest Research Station: 457-469.

Standiford, R.B et al. 1996. Sustainability of Sierra Nevada hardwood rangelands. In: Status of the Sierra Nevada: Volume III Sierra Nevada Ecosystem Project Report, UC Div. of Ag. and Nat. Res. Wildland Resources Center Report 38:637-680.

State Agencies

California Department of Fish and Wildlife (CDFW)

Response to CDFW

Regarding potential impacts to sensitive natural communities due to tree removal, the Windsor 2040 General Plan EIR, Figure 7, Vegetation Communities, shows the parcel within an area that is "urban." The project vicinity is largely urbanized and there are no creeks on or adjacent to the site and no riparian habitat. Because of the urban nature of the project vicinity, there would not be a substantial effect on a sensitive natural community.

The Town of Windsor has robust tree mitigation policies in its Tree Preservation and Protection Ordinance ("tree ordinance"). Because the tree ordinance is lengthy and detailed, it is typically referenced by name in mitigation measures, with implementation verified through the improvement plan process.

The Windsor General Plan 2040 EIR considered biological impacts related to tree removal due to land development under "Impact BIO-5." Through implementation of the tree ordinance, as well as Environmental Resources policies in the General Plan, these impacts were deemed to be less than significant. Compliance with the tree ordinance would provide for no net loss of tree canopy within 10 years' time. Mitigation measure BIO-5 has been added to the MND, which requires the project applicant to monitor the replacement trees and provide annual monitoring reports to the Town to ensure 85 percent tree survival and compliance with the ordinance. Because compliance with the ordinance would ensure no net loss of canopy, 10:1 or 15:1 tree replacement is not required to mitigate for the loss of trees on the site.

Regarding tree replacement ratios for trees not part of a sensitive natural community, compare the Town's tree mitigation requirements to CDFW tree mitigation requirements. Tree #1 on the arborist's tree inventory is a 17-inch- diameter, healthy valley oak tree that would be mitigated at 100% trunk diameter replacement. Under the Town's tree ordinance, tree replacement mitigation would include three 4-inch box trees, one 3-inch box tree, and one 2-inch box tree. The equivalent in-lieu fee would be $6,000. Assuming this tree is not part of a sensitive natural community, CDFW would require 15 replacement trees, since Tree #1 is over 15 inches in diameter. CDFW does not specify the size of the replacement trees, so theoretically the replacement trees could be very small. While the tree replacement ratios in the comment differ from those in the Town's tree ordinance, compliance with the tree ordinance and annual monitoring to ensure tree survival such that there is no net loss of tree canopy. Compliance with the tree ordinance would adequately mitigate for tree removal on the site and changes to the mitigation measure are not required.

Regarding the replacement of habitat for many-flowered navarrertia and Sebastopol meadowfoam, while there is suitable habitat on site, plant surveys determined that these plants are not present on the site. The biological assessment provides details regarding study methods for protocol-level special-status plant species surveys and results of surveys. Special-status plant species surveys were conducted at the time of year when rare or endangered species were both evident and identifiable. Federally listed plant species reference site surveys were performed at several locations in the Santa Rosa Plain. In addition, given the urban nature of the project vicinity, the potential for these plants to establish on the site is low. For these reasons, mitigation for plants that are not present on the site

would not be proportional to the project's impact and the recommended mitigation would not be required. Nonetheless, mitigation measure BIO-3 will be amended to require wetland and endangered plant habitat to be: 1) purchased from a CDFW and USFWS approved conservation bank, or 2) placed under a conservation easement and implementing and funding, in perpetuity, a long-term management plan. This mitigation measure will also be amended to require that wetland and endangered plant habitat obtained for mitigation would provide suitable habitat for all four referenced plant species.

Regarding pre-construction bat surveys, the Town's standard practice is to allow passive eviction through the proposed tree cutting strategy that is proposed in the biological assessment. Tree mitigation in accordance with the Town's Tree Preservation and Protection Ordinance should be sufficient to replace the loss of potential bat roosting habitat. The Town will require the applicant to obtain a qualified biologist to oversee and direct passive eviction and tree cutting operations. Additionally, mitigation Measure BIO-4 will be amended to require pre-demolition surveys and passive eviction strategies for demolishing the existing single-family residence and barn.

Regarding the proposed changes to mitigation measure BIO-2, the Windsor 2040 General Plan EIR includes mitigation measure BIO-1 Nesting Bird Protection Policy:

> *The Town shall require project applicants to retain the services of a qualified biologist(s) to conduct a pre-construction nesting bird survey during the nesting season (February 1 through August 31) prior to all new development that may remove any trees or vegetation that may provide suitable nesting habitat for migratory birds or other special-status bird species. If nests are found, the qualified biologist(s) shall identify appropriate avoidance measures.*

Given the developed, urban nature of the project vicinity, obtaining access to private property surrounding the site would not be feasible. Furthermore, because of the project site's proximity to Highway 101, Old Redwood Highway, and urban uses around the site, nesting birds on the site would be accustomed to human activity. Pre-construction surveys would include surveys of trees immediately surrounding the site where access is available.

BG-1

From: Britt Mitchell <brittmitchell721@gmail.com>
Sent: Thursday, July 9, 2020 9:50 PM
To: Kim Voge <kvoge@townofwindsor.com>
Cc: Cara@cpmca.com; receptionist@cpmca.com
Subject: Traffic Impact by Proposed Heritage Park Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Kim,

My name is Britt Mitchell Gharachamani, owner of the property at 234 Courtyards East, in Windsor. Thank you for the notification of your intent to adopt a mitigated negative declaration and comment period until 20 July 2020. I have read through the files you posted for this project on the town of windsor website. I am particularly concerned about the traffic in the intersection of Courtyards East/2nd Street-Old Redwood Highway. I have included a screen shot below from the Traffic Impact Report, page 20, in which no recommendations for traffic modifications at that intersection were made. I don't follow the logic between the tables (that show an F grade for entering Old Redwood Highway from Courtyards East with average wait times between 50-65 seconds at peak times) and the "Findings" that say that the average wait time for the same intersection is less than 5 seconds. Can this descrepancy be explained by the fact that barely any traffic approaches the intersection from the opposite side (2nd street on the east side of Old Redwood Highway)?

As it now stands, making a left turn from 2nd street (leaving Courtyards East) across two lanes of southbound traffic on Old Redwood Highway is difficult and dangerous. Furthermore, congestion problems are caused by the fact that there is only one lane approaching Old Redwood Highway from Courtyards East, so cars who are turning right onto Old Redwood Highway have to wait behind left-turning cars before they can approach the intersection. Since the section of 2nd street from the roundabout to the intersection is quite short, I anticipate that adding 30-50 more cars at peak hours will cause backups that block this section of 2nd street entirely, and make it nearly impossible for the residents of the new development to exit their parking lot if there are more than 3 or 4 cars waiting at the intersection. At the very least, I would recommend creating both a left and a right-turn lane on the 2nd Street/Courtyards East approach so that right and left turning cars can move through the intersection simultaneously. I urge you to drive into and out of courtyards east during peak hours to experience it for yourself.

Sincerely,
Britt Mitchell Gharachamani

BG-2

From: Britt Mitchell <brittmitchell721@gmail.com>
Sent: Friday, July 10, 2020 5:21 PM
To: Kim Voge <kvoge@townofwindsor.com>
Cc: cammie@cambria-events.com; receptionist@cpmca.com
Subject: Re: Traffic Impact by Proposed Heritage Park Project

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Dear Kim,

Thank you so much for your response to my email. I appreciate your reply. I look forward to hearing your input as well as that of the traffic engineer and public works. You may be aware that this section of 2nd street has been especially controversial in our HOA lately because we face severe parking shortages in our complex, and 2nd street is currently the only place for visitors and overflow residents to park. I wasn't able to determine from the planning documents whether on-street parking on 2nd street would be eliminated. If so, will the developer be required to mitigate the resulting loss of parallel street parking used by Courtyards East and the apartment complex on the opposite side of 2nd street?

My sister who also owns a property in Courtyards East pointed out that having only one exit for 70 Courtyards East households + approximately 8-10 households in the apartments opposite the proposed development + 30 new units through this problematic intersection could possibly pose an issue with safety and fire codes. Last year when the Kincaid fire broke out and Windsor was asked to evacuate, that exit was blocked for extended periods of time. Adding 30 more residences using the same exit to evacuate (making a left turn onto second street) will add significant congestion and delays in case of emergency. Could this issue be investigated with local fire officials?

The more I discuss this with other homeowners, the more concerns we have. My expertise is not in planning, but it seems to me that developing the entry points to the new complex from The north side of the property instead of the south side would be a simple way to avoid exacerbating existing problems with traffic, parking, and evacuations in fire season.

Thank you again for considering my ideas and concerns.

Sincerely,
Britt

CB

From: Chris Browne <groundnoiseindustries@sonic.net>
Sent: Monday, July 20, 2020 6:14 AM
To: Kim Voge <kvoge@townofwindsor.com>
Subject: Heritage Park Negative Impact Letter - July 20, 2020

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Date: July 19, 2020

To: Town of Windsor Planning Department

RE: The Proposed Heritage Park Apartment Complex and future proposals for high density housing

PARKING

Parking is a major problem on Courtyards East, in the 8-unit apartment complex and within Courtyards East HOA. The reduction in available parking spaces for two access roads and a dumpster access in not acceptable. Working families need to have two or three cars to get to diverse and remote locations around the county; at the end of the day they need safe and available parking near our homes. Guest and service vehicles often have no location to park. We have had to park across Old Redwood on 2nd and Franklin which is also impacted and short of available parking – and dangerous. When Courtyards East parking is full, cars begin to park illegally in Courtyards East HOA. Existing parking is necessary and cannot be sacrificed. Any project approval should include 250% parking per unit on the project site to prevent a negative impact on the existing residents. Don't use Courtyards East as the parking solution for the proposed Heritage Park Apartments.

TRAFFIC

Courtyards East is a residential street serving the families that live in 81 apartments and condos; hundreds of people rely on this street and it is currently heavily used by the residents and service vehicles. The 100 room hotel, future businesses, and the proposed 33 unit apartments to the traffic will add a dangerous amount of traffic. Do not approve the access road the exits onto Courtyards East. The proposed access road, main entrance and dumpster access will create cross traffic on a street heavily populated by cars, residents and children. The roundabout on Courtyards East HOA is private and maintained by the dues of the residents of Courtyards East HOA. Putting the financial burden on the existing homes to subsidize high density housing is unacceptable.
Any access road should be placed parallel to Courtyards East on the western edge of the development and not intersecting Coutyards East.
Don't use Courtyards East as the traffic solution for the proposed Heritage Park Apartments, hotel and future commercial businesses.

HERITAGE PARK

Keep to the original zoning – a three story, high density apartment building is too big for our residential neighborhood. A two story apartment complex of not more than 24 units would be more within the character of our neighberhood. The three story hotel down the street is a blight on our residential neighborhood. The impact this project will have on our neighborhood will cause further problems associated with parking, traffic and the population density. Courtyards East HOA has a swimming pool and we have problems with non-residents illegally using the pool – Heritage Park will only increase this problem and open our HOA to legal problems if a non-resident illegally uses our pool.
Illegal dumping of garbage is a major problem at Courtyards East HOA and this proposed apartment complex will increase illegal dumping at Courtyards East HOA. Don't use Courtyards East for the shortage of housing.

FINAL THOUGHTS

State mandated water restrictions, fire danger, evacuation traffic, population density, oversized buildings in residential neighborhood, increased traffic from commercial properties, increased trespassing, illegal parking, illegal dumping of garbage. Please reject the proposed Heritage Park apartment complex – our quality of life matters more than more housing.

Sincerely,

Chris Browne
144 Courtyards East, Windsor, CA 95492
707-838-8375

CS

From: Smith Hoops <smithchriste@gmail.com>
Sent: Friday, July 10, 2020 3:34 PM
To: Kim Voge <kvoge@townofwindsor.com>
Subject: apartment project 8685 Old Redwood Highway

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Ms. Voge

I am an owner at 162 Courtyards east. I have a concern for the apartment project 8685 Old Redwood Highway. My concern is proper parking planning. At my complex our units are all two bedrooms. Each unit has two parking spaces per unit :one reserved parking space and one unreserved guest space.It is not enough and we have parking overflow on the street on Courtyards east and the neighborhood across Old Redwood highway.

The new project will decrease the street parking on Courtyards east street and I understand the new project proposal is only 1.5 parking spots per unit.

This would cause significant parking problems for our neighborhood and surrounding neighborhoods. In addition it would create an unsafe pedestrian situation with many parking in adjoining neighborhoods and crossing Redwood highway during peak commute hours.

The proposed new building will have approximately 33 units with 74 bedrooms. The plan should include a minimum 110 parking places: one parking space per bedroom and a guest space per unit. Currently the plan is less than 50 spaces.

Please advise me of when, how and where I can plead my case.

Thank you,
Christe Smith
162 Courtyards East
707-972-4387

EG

From: Eric Graham <ericg22688@gmail.com>
Sent: Monday, July 13, 2020 4:50 PM
To: Kim Voge <kvoge@townofwindsor.com>
Subject: Overcrowding of parking

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Hello my name is Eric Graham. I live in the courtyards East neighborhood. I received a letter in the mail regarding a new development next to the entrance to my neighborhood. I have some concerns about parking and about how it will affect the amount of spaces available that are already unfortunately limited in and around where I live. It has been an ongoing battle to try to keep our neighbors in the apartments from parking in our limited space neighborhood and I am concerned that with the new development it will exacerbate the issue. I have been informed that the developer is not legally required to provide the standard number of parking spaces. myself and neighbors do not want to make the parking issue worse than it already is. Please take this Information into consideration.

ER-1

From: Erin Ryan <erinryan1@gmail.com>
Sent: Monday, June 29, 2020 2:40 PM
To: Kim Voge <kvoge@townofwindsor.com>
Subject: Comments on Heritage Park Mitigated Negative Declaration

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Ms. Voge,
I am emailing to submit comments regarding the proposed Heritage Park development. I am a homeowner in the Courtyards East condominium complex and am very concerned about the lack of parking proposed in the plan. I kindly request that the developer reconsider investing in additional parking spaces.

After reading the Traffic Impact Study, I fear that the impression of the parking situation gathered via the site visit is not reflective of reality. The author stated that only a few vehicles were parked on Courtyards East at the time of the site visit. This is sometimes true during the middle of a work day, but I would highly encourage another site visit to be conducted on a weekend or a weekday evening. The street is normally at full capacity by 7:30pm, with cars parking all the way up to the intersection with Old Redwood Highway. The parking is over capacity to the point that people often illegally park in the fire lanes of the condo complex overnight.

The alternative of parking in the neighborhood across Old Redwood is insufficient due to the lack of crosswalk at the intersection of Old Redwood and Courtyards E. The closest crosswalk is a significant distance away, which will likely lead to dangerous jaywalking across the five-lane roadway. If I were to park in the neighborhood across Old Redwood and use the crosswalk at Old Redwood and Lakewood, the walk from my car to my house would take over 12 minutes.

I am aware of the federal guidelines mandaing the contractor's requirement to only provide 1 parking space per unit for this type of housing. There is minimum public transportation in Windsor, thus most working adults need to own a vehicle. The number of planned parking spaces in Heritage park assumes 1.84 cars per unit, which seems unrealistic considering the fact that many of those units will likely house at least two adults, each possibly owning their own vehicle. There is no room for overflow parking from the new development on Courtyards E, so I am concerned about the impact on the neighborhood.

I have attached photos of the typical parking situation on Courtyards E. One was taken on Sunday, June 21 at 1:15pm and the other was taken on Monday, June 22 at 5:55pm. You'll notice that the street is almost completely full in both photos, which is indicative of the typical parking situation in our neighborhood.
Thank you so much for taking the time to review my request. Please let me know if there is anything further I can do to advocate for a more adequate parking plan.

Sincerely,

Erin Ryan
412-956-4272





ER-2

From: Erin Ryan <erinryan1@gmail.com>
Sent: Saturday, July 11, 2020 1:30 PM
To: Kim Voge <kvoge@townofwindsor.com>
Subject: Re: Comments on Heritage Park Mitigated Negative Declaration

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Kim,
Thank you so much for your prompt response! I really appreciate you getting back to me and providing more background information. I've been out of town, hence the delay in my response. It is a relief to hear that a crosswalk will be installed, but it's unfortunate that the Town is constrained in its abilities to compel the developer to install extra parking. Will the developer be present at the planning commission meeting on July 28? If so, is there time for public comment? Or do you recommend a different form of advocacy?
Thank you again,
Erin

WB

From: Wayne C. Bahr <moemy14@comcast.net>
Sent: Friday, June 19, 2020 7:12 PM
To: Kim Voge <kvoge@townofwindsor.com>
Subject: Heritage-Park subdivsiion on Old Rwd Hwy

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I have received a negative declaration for the above proposed project and am unable to locate a form to file a negative declaration. I am highly concerned as are the other 114 home owners on Courtyards E., regarding the parking situation. At present, many residences have been forced to park their cars on the north side of Old Redwood Hwy, a considerable walk to the units. This will take away ½ of the available spaces on Courtyards E., which combined with the added parking that will be required by this development, make it impossible to park within 4 blocks of the property. And this is an optimistic evaluation. Please respond ASAP.

Thanks, Wayne C. Bahr
130 Courtyards E.,
Windsor, CA 95492
707 280 9288

Individuals

Britt M. Gharachamani (BG)

Response to BG-1 and BG-2

The comment referred to level of service on Old Redwood Highway under future conditions. Note that this includes substantial cumulative growth and the level of service F is a result of that cumulative growth. As shown in Table 4 of the traffic impact study, the project would contribute 12 AM peak hour trips and 15 PM peak hour trips, which would increase the average delay by 0.3 seconds in the AM and PM peak hours. This was determined to be less than significant as it is below the Town guidelines, which would be a 5 second or greater increase.

With respect to turning movements onto Old Redwood Highway, the Town considered the restriping of Courtyards East to provide dedicated right and left turn lanes to get out onto Old Redwood Highway, but it would eliminate some on-street parking. Because the dedicated turn lanes are not required under the Town's guidelines, and because some other parking spaces on Courtyards East will be eliminated, staff is recommending against the dedicated turn lanes in order to keep as much parking as possible on the street. The applicant is entitled to reduced parking standards because the project is 100 percent affordable housing. Even if that were not the case, a new housing project would not be required to remedy an existing parking problem from a neighbor. While some parking spaces will be removed on Courtyards East, new parking spaces will be constructed along the new connector road at the south end of the project site. Staff is reviewing the recommendations in the traffic study to see how much on-street parking can be provided safely.

Regarding an additional point of entry from the north, as far back as the development of the Holiday Inn, the guiding principle for development in this area has been to limit, as much as possible, the addition of new driveways on Old Redwood Highway. This is for safety purposes and better traffic flow on Old Redwood Highway. Adding a new driveway on the north side of the project site would be contrary to that principle.

Regarding evacuation during a fire, the Fire District has reviewed the proposal multiple times and has found the site plan to be acceptable. For pedestrian safety, a pedestrian crossing of Old Redwood Highway will be provided to the south of 3rd Street, which would be similar to the pedestrian crosswalk and refuge on Old Redwood Highway near Kendall Way and Esposti Park.

Chris Browne (CB)

Response to CB

The Town is constrained by State law regarding parking requirements. In an effort to address the housing crisis, the State has passed legislation that limits the number of parking spaces that a city may require for affordable housing projects. In order to deny the developer's request for reduced parking on site, the Planning Commission would be required under State law to make the following written findings, which must be supported by substantial evidence provided by the Town:

(1) The incentive is not required in order to provide for affordable housing costs; or

(2) The incentive would have a specific adverse impact upon public health and safety, the physical environment, or properties listed on the California Historical Register.

Staff does not have substantial evidence in support of either of these findings. Regarding the commenter's request for the project to provide 250 percent parking to avoid impacts on existing residents, CEQA Guidelines Section 15126.4 states that project mitigation must have a nexus to the impact and be roughly proportional to the project's impact. A project is not required to remedy existing conditions.

The guiding principle for traffic circulation in the area has been to limit the number of new driveways on Old Redwood Highway for safety and traffic flow. A new road or driveway on the western edge of the project site may cause additional problems.

The project is consistent with the property's zoning, other than the three affordable housing development incentives requested under State law. The property's zoning (Boulevard Commercial) allows a density range of 16-32 units per acre. The property is 1.66 acres, which translates to a range of 27 to 53 units potential units on the site. This means that the proposed 33-unit project is on the low end of the density range for this zoning district.

Christe Smith (CS)

Response to CS

The Town is constrained by State law regarding parking requirements. In an effort to address the housing crisis, the State has passed legislation that limits the number of parking spaces that a city may require for affordable housing projects. Affordable housing projects also qualify for "development incentives" that can further reduce parking. Additionally, parking is generally not considered an environmental issue under the California Environmental Quality Act.

Regarding safety concerns, the developer would be required to provide a crosswalk across Old Redwood Highway as part of the project's public improvements. This would likely include a pedestrian-activated system with associated traffic signs and markings and a raised pedestrian refuge island in the center of Old Redwood Highway.

Eric Graham (EG)

Response to EG

The Town is constrained by State law regarding parking requirements. In an effort to address the housing crisis, the State has passed legislation that limits the number of parking spaces that a city may require for affordable housing projects. Affordable housing projects also qualify for "development incentives" that can further reduce parking. Additionally, parking is generally not considered an environmental issue under the California Environmental Quality Act.

Erin Ryan (ER)

Response to ER-1

The Town is constrained by State law regarding parking requirements. In an effort to address the housing crisis, the State has passed legislation that limits the number of parking spaces that a city may require for affordable housing projects. Affordable housing projects also qualify for "development incentives" that can further reduce parking. Additionally, parking is generally not considered an environmental issue under the California Environmental Quality Act.

Regarding safety concerns, the developer would be required to provide a crosswalk across Old Redwood Highway as part of the project's public improvements. This would likely include a pedestrian-activated system with associated traffic signs and markings and a raised pedestrian refuge island in the center of Old Redwood Highway.

Response to ER-2
The Planning Commission will receive all public comments on the Draft Initial Study. The public is also invited to participate and comment on the Draft Initial Study at a meeting being held on July 28th. The developer will be present at the meeting to answer questions from the Planning Commission. Members of the developer's team, such as the engineer or architect may be available remotely (via Zoom) to answer questions. There is room in the audience for 12 people, with adequate distance between seating. The public can also participate via Zoom.

Wayne C. Bahr (WB)

Response to WB
A Negative Declaration is a document that would be adopted by the Planning Commission, stating that the project would not result in any significant environmental impacts. In this case, a "Mitigated Negative Declaration" was prepared that found the project to have no significant environmental impacts with the proposed mitigation, which would also be adopted by the Planning Commission and be required by the developer to implement. This process is a part of the California Environmental Quality Act (CEQA).

Parking is not an environmental issue under CEQA, but it is a planning issue. Because the project is 100 percent affordable housing, it is entitled by State law to have four development incentives to help with affordability. In this case, one incentive is a reduction for on-site parking requirements.

Regarding parking on Courtyards East, several parking spaces would be removed to provide a driveway to the site and for safety reasons. However, a new access road would be provided along the south side of the project site. Public parking would be provided on one side of the access road, so that the overall number of public parking spaces in the area would be higher than existing conditions.

SECTION 3: ERRATA

The following are revisions to the Draft IS/MND for the Heritage Park Project. These revisions are clarifications to the document, and do not result in "substantial" revisions (in accordance with CEQA Guidelines Section 15073.5 (b)), as none of the changes would result in any new, avoidable significant impacts or an increase in significance of any of the environmental issue conclusions within the Draft IS/MND. The changes to the mitigation measures are equal to or more effective than the measures in the Draft IS/MND; thus, recirculation of the IS/MND is not required (CEQA Guidelines Section 15074.1). The revisions are listed by page number. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

3.1 - Changes Due to Clarifications

The following mitigation measures were changed based on comments from the California Department of Fish and Wildlife (CDFW).

BIO-3 During the permitting process with the US Army Corps of Engineers (USACE), request the USACE to obtain formal consultation with United State Fish and Wildlife Service (USFWS) to append the project to the Programmatic Biological Opinion (USFWS 2007).

Under specified conditions under the Programmatic Biological Opinion (USFWS 2007), mitigate for the loss of 0.05 acres of suitable habitat for listed plants through the purchase of 0.05 acres (1:1 mitigation ratio) of Burke's goldfields or Sonoma sunshine occupied or established habitat (any combination) with success criteria met prior to groundbreaking at the project site AND 0.025 acres (0.5:1 mitigation ratio) of Burke's goldfields or Sonoma sunshine establishment habitat with success criteria met prior to groundbreaking at the project site.

Additionally, all mitigation habitat would be required to be purchased from a CDFW and USFWS approved conservation bank or placed under a conservation easement that is implementing and funding, in perpetuity, a long-term management plan.

BIO-4 To ensure that actively roosting bats are not disturbed as a result of building demolition, tree trimming, and tree removal, the following mitigation measures would be implemented to avoid impacts to bat species.

1. The pruning or removal of living trees or snags must not occur during the maternity season between April 1 and September 1 to minimize the disturbance of young that may be present and unable to fly.

2. The pruning or removal of living trees or snags must occur between the hours of 12 p.m. and sunset on days after nights when low temperatures were 50° or warmer to minimize impacting bats that may be present in deep torpor.

3. When it is necessary to perform crown reduction on trees over 12 inches in diameter breast height or remove entire trees or branches over 6 inches in diameter,

there shall be preliminary pruning of small branches less than 2 inches in diameter performed the day before. The purpose of this is to minimize the probability that bats would choose to roost in those trees the night before the work is performed. If it is not possible to implement Measures 2 and/or 3, then a qualified bat biologist will be required to conduct tree cavity surveys and humanely evict roosting bats within 24 hours of vegetation management activities. Measure 1, i.e., avoidance of maternity season, is critical as young bats that are not able to fly cannot be humanely evicted.

4. Prior to demolition activities, a survey shall be conducted by a qualified bat biologist to determine the presence of bats in the existing single-family residence and barn structures. Should bats be present, passive eviction strategies would be used to humanely evict the bats.

BIO-5 To reduce impacts to trees as a result of demolition and construction activities, the proposed project shall comply with the Town of Windsor Tree Preservation and Protection Ordinance. The project applicant would be required to monitor the replacement trees and provide annual monitoring reports to the Town for five (5) years to ensure 85 percent tree survival at five years and compliance with the ordinance.