



**California Regional Water Quality Control Board  
North Coast Region  
Bob Anderson, Chairman**



**Linda S. Adams**  
Secretary for  
Environmental Protection

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**Arnold  
Schwarzenegger**  
Governor

July 9, 2009

In the Matter of  
Notice of Coverage, Waiver of Waste Discharge Requirements for Minor Dredging and  
Fill Activities  
for the  
Burbank Housing Development Corporation  
Windsor Redwoods Housing Development Project  
WDID No. 1B08170WNSO

APPLICANT: Burbank Housing Development Corporation  
RECEIVING WATER: Seasonal wetlands  
HYDROLOGIC AREA: Mark West Hydrologic Sub Unit No. 114.23, Russian River  
Hydrologic Unit No. 114.00  
COUNTY: Sonoma County  
FILE NAME: Windsor Redwoods Housing Development Project

**BY THE EXECUTIVE OFFICER:**

1. This Notice of Coverage provides notice that certain activities are covered by the Waiver of Waste Discharge Requirements for Minor Dredging and Fill Activities (Waiver), which was adopted pursuant to California Water Code Section 13269 by the California Regional Water Quality Control Board, North Coast Region, (Regional Water Board) in Resolution R1-2007-0098. On November 26, 2008, the North Coast Regional Water Quality Control Board (Regional Water Board) received an application from Ms. Jane Valerius acting on behalf of Burbank Housing Development Corporation (Applicant), requesting a Water Quality Certification and/or Waste Discharge Requirements (Dredge/Fill Projects) for the Windsor Redwoods Housing Development Project (Project) in Windsor, Sonoma County. A fee in the amount of \$1,016.00 was received on the same day (November 26, 2008). The Regional Water Board provided public notice of the application pursuant to title 23, California Code of Regulations, section 3858 on June 8, 2009, and posted information describing the Project on the Regional Water Board's website. No comments were received.

2. The Project is a multi-unit apartment complex located north of Shiloh Road and west of Old Redwood Highway at 6065 Old Redwood Highway, Windsor, CA. Pool Creek runs north of the project site and an unnamed tributary to Pool Creek runs south of the project site. The latitude and longitude is 38.527522° N and 122.781596° W. The project causes permanent impacts to approximately 0.12 acres of seasonal wetlands, within the Mark West Creek Hydrologic Sub Area No. 114.23, Russian River Hydrologic Unit No. 114.00. The purpose of the Project is to provide affordable housing to the Windsor community. The Project includes the construction of six apartment buildings with 65 units, approximately 30,000 square feet of parking lot and driveways, off-site frontage improvements to Old Redwood Highway, and the construction of Kendall Way.
3. The eastern portion of the 2.77-acre Project site has been developed as a dog kennel business. The western portion is grassland. Structures on site include a dog kennel comprised of multiple buildings, grassy fenced areas, and dog runs. All existing buildings will be demolished as part of the development plan. Existing impervious surface within the project boundaries include approximately 9,952 sq. ft. of buildings, sheds, patios and driveway. New impervious area includes buildings, parking lots, driveways, and sidewalks/patios and is 72,230 sq. ft. The Old Redwood Highway and Kendall Way improvements include approximately 27,500 sq. ft. of impervious area. Post-construction storm water treatment features will be incorporated to treat the increase in storm water runoff as well as pollutants created by the increase in impervious surface and other activities associated with development and future use of the site. Open drain inlets will be marked as draining to the creek. Runoff from the north side of Kendall Way and Old Redwood Highway will be directed into a vegetated swale that parallels Kendall Way. Runoff from the south side of Kendall Way and Old Redwood Highway will be directed to a Filterra® bioretention system (or approved equivalent), near the west property line. Runoff from the parking lots and the roofs of the buildings will either be directed to onsite bio-swales or Filterra® bioretention system (or approved equivalent). The bio-swales have been designed to meet City of Santa Rosa SUSMP (Standard Urban Storm Water Mitigation Plan) guidelines. Bio-swales and the Filterra® bioretention system (or approved equivalent) in the public right of way will be maintained by the Town of Windsor and the property owner will be responsible for all other maintenance of SUSMP features. An underground stormwater detention system consisting of oversized underground storm drain pipes has been designed to provide 2,000 cubic feet of volume, which is enough capacity to detain the required storage. Onsite storm runoff will be released through an outlet structure, which limits the flow to approximately pre-construction levels. Runoff from the project site will be conveyed through public storm drain to an existing storm drain system in Hembree Lane. Drainage shall eventually be released into Pool Creek west of Highway 101.
4. Compensatory mitigation consists of the purchase of 0.40 acres of wetland mitigation credits purchased from the Fulton Road Mitigation Bank.

5. Non-compensatory mitigation measures include the use of Best Management Practices (BMPs) to be employed during construction to minimize sediment production and prevent the movement of loose soil off-site. All erosion control measures will be installed and in place by October 15 and maintained thereafter by the contractor. Drain inlets will be protected by gravel bags, straw wattles or other filtering devices and all exposed areas will be treated with mulch or hydro-seeding or covered with plastic sheeting. Additionally, all required BMPs shall be on-site and ready for timely deployment before the start of construction activities.
6. Although the site may provide a suitable habitat for protected plant species, such as Burke's goldfields, Sonoma Sunshine and Sebastopol meadow foam, field surveys over the course of two years were conducted and no such plant species were found in the vicinity. As such, the U.S. Fish and Wildlife Service will not require mitigation.
7. Applicant has applied to the U.S. Army Corps of Engineers (File No. 29586N), however the Corps has determined that the Project is outside of their jurisdiction, and will not be issuing a permit for the Project.
8. The Russian River watershed is identified on the State of California Clean Water Act Section 303(d) list. The Russian River is listed as impaired for sediment and temperature. Activities that impact the riparian zone and riparian vegetation are identified as sources contributing to increased stream temperatures in the watershed. At present, there are no watershed specific total maximum daily loads (TMDLs) have not been established for this water body. If TMDLs are established and implementation plans are adopted for this watershed prior to the expiration date of this Notice of Coverage, the Regional Water Board may revise the provisions of this Notice of Coverage to address actions identified in such action plans.
9. Because the Project involves construction that may adversely affect waters of the State, the Regional Water Board has regulatory jurisdiction under Water Code Section 13260.
10. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Water Quality Notice of Coverage.
11. Applicant shall construct the project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.

12. Applicant shall provide Regional Water Board staff access to the project site to document compliance with this Notice of Coverage.
13. Applicant shall provide a copy of this Notice of Coverage and attachments to the contractor and all subcontractors conducting the work, and require that copies remain in their possession at the work site. Applicant shall be responsible for work conducted by its contractor or subcontractors.
14. In the event of any violation or threatened violation of the conditions of this Notice of Coverage, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under applicable State or federal law. For the 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 Notice of Coverage. In response to a suspected violation of any condition of this Notice of Coverage, the State Water Board may require the holder of any federal permit or license subject to this Notice of Coverage to furnish, under penalty of perjury, any technical or monitoring reports the State Water Board deems appropriate, provided that the burden, including costs, of the reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In response to any violation of the conditions of this Notice of Coverage, the State Water Board may add to or modify the conditions of this Notice of Coverage as appropriate to ensure compliance.
15. If, at any time, an unauthorized discharge to surface waters occurs, or any situation arises that compromises water quality and its beneficial uses, Applicant shall immediately cease work on the project and notify the Regional Water Board.
16. The Regional Water Board may add to or modify the conditions of this Notice of Coverage, as appropriate, to implement 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.
17. This Notice of Coverage is not transferable. In the event of any change in control of ownership of land presently owned or controlled by the applicant, the applicant shall notify the successor-in-interest of the existence of this Notice of Coverage by letter and shall forward a copy of the letter to the Regional Water Board. The successor-in-interest must send to the Regional Water Board Executive Office a written request for transfer of this Notice of Coverage to discharge dredged or fill material under this Notice of Coverage. The request must contain the following:
  - i. requesting entity's full legal name
  - ii. the state of incorporation, if a corporation
  - iii. address and phone number of contact person



1. This Notice of Coverage is contingent on compliance with all applicable requirements of the North Coast Region Water Quality Control Plan (Basin Plan), except as may be modified by the specific conditions of the Notice of Coverage.
2. The construction activity meets the eligibility criteria for the Waiver and, if constructed as described in the Application and in compliance with the above-listed conditions, the Project will adhere to applicable water quality standards. A monitoring and reporting program is required as described in the application. Therefore, I have determined that the Project is covered by the Waiver.
3. The following is a partial listing highlighting selected standard provisions from Resolution 2007-0098:
  - a. "The Applicant shall comply with all applicable provisions of the Water Quality Control Plan for the North Coast Region."
  - b. "The Applicant shall discharge only in accordance with the submitted Report of Waste Discharge or equivalent (i.e., the Application)."
  - c. "The Project shall not create a pollution, contamination, or a nuisance, as defined by California Water Code Section 13050."
  - d. "There shall be no discharge of any waste not specifically regulated by waivers in Resolution 2007-0098"
  - e. "The Applicant shall allow Regional Water Board staff reasonable access onto the affected property for the purpose of performing an inspection to determine compliance with waiver conditions."
4. The following from Resolution 2007-0098 apply specifically to dredge and fill activities. "The Applicant shall comply with the following additional conditions:
  - a. Discharges shall be non-toxic, short term, discharges to land.
  - b. The Project shall not result in a net loss of wetlands or beneficial uses.
  - c. This Notice of Coverage is valid only if operations are not being covered by General Waste Discharge Requirements."
5. Applicant shall construct the project in accordance with the conditions described in the application and the findings herein, and shall comply with all applicable water quality standards.
6. Please be aware that a failure to implement the Project according to the project description and other information submitted in the Application, or violation of any of

the terms contained in the Waiver and this Notice of Coverage, may result in the revocation coverage under the Waiver and the initiation of formal enforcement proceedings as authorized by provisions of the California Water Code.

7. Enclosed is a copy of the Waiver Policy for Minor Dredging and Fill Activities, Resolution 2007-0098.

If you have any questions or comments please call Stephen Bargsten at (707) 576-2653.

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Catherine Kuhlman  
Executive Officer

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#### Certified Return Receipt

Enclosure: Waiver Policy (Resolution 2007-0098)

Original to: Ms. Lisa Yoshida, Burbank Housing Development Corporation,  
790 Sonoma Avenue, Santa Rosa, CA 95404

Copies sent to: Mr. Kevin Maas, Adobe Associates Inc., 1220 North Dutton Avenue,  
Santa Rosa, CA 95401  
Ms. Jane Valerius, Environmental Consulting, 152 Weeks Way,  
Sebastopol, CA 95472  
Mr. Bill Daida, Assistant Town Engineer, Town of Windsor,  
8400 Windsor Road, Windsor, CA 95492  
Ms. Kim Niemeyer, SWRCB, Office of the Chief Counsel  
Mr. Bill Orme, SWRCB, 401 Program Manager, Clean Water Act  
Section 401 Certification and Wetlands Unit Program  
Ms. Jane Hicks, U.S. Army Corps of Engineers, Regulatory Functions,  
1455 Market Street, San Francisco, CA 94105-1398