

To: Roger Clark, AICP
Planning and Zoning Director, City of Venice

From: Amanda Warner, AICP
Professional Planner, Wade Trim

Date: March 3, 2023

Subject: Village at Laurel and Jacaranda (Environmental Review)

On July 28, 2022, Wade Trim was engaged by the City of Venice to provide environmental review of the proposed Village at Laurel and Jacaranda project. Subsequently, on August 26, 2022, Wade Trim contracted with subconsultant Earth Resources Consulting Scientists to review the accuracy of the Village at Laurel and Jacaranda Environmental Narrative prepared by Kimley Horn (KHA report) dated June 2022.

To facilitate the environmental review, the City of Venice provided the KHA report, the Site Development Plans for the Village at Laurel and Jacaranda, and the City of Venice Comprehensive Plan 2017-2027 Open Space Element.

On September 8, 2022, Earth Resources Consulting Scientists conducted a site visit of the subject property proposed for future development of the Village at Laurel and Jacaranda project. The purpose of the site visit was to conduct field inspection/ground-truthing activities to verify the presence of significant environmental/ecological constraints identified in KHA report.

The Village at Laurel and Jacaranda project is proposed for commercial development by Neal Communities, Inc. The subject property is a 10.4-acre parcel located in the City of Venice at the intersection of Laurel Road and Jacaranda. As currently proposed, the project will impact the on-site wetland and a permitted stormwater management pond.

Earth Resources Consulting Scientists concluded that the characterization of the existing wetland conditions and the preliminary Uniform Mitigation Assessment Method (UMAM) scores for the wetland are generally accurate. However, additional wetland impacts associated with off-site drainage and road improvements were not accounted for in the KHA report, and the potential for several listed species were not included in the KHA report.

Wade Trim's original evaluation, submitted to the City of Venice on October 21, 2022, was based on the findings of the Memorandum of Village at Laurel and Jacaranda Environmental Document Review prepared by Earth Resources Consulting Scientists dated September 28, 2022. Since then, KHA submitted a first response to comments letter dated November 8, 2022, to which Earth Resources Consulting Scientists responded by memo dated January 11, 2023. On February 20, 2023, KHA submitted a second response to comments letter. Earth Resources Consulting Scientists reviewed the latest letter from KHA, dated February 20, 2023, and concluded that Earth Resources Consulting Scientists' technical comments were sufficiently addressed.

The following provides Wade Trim's updated evaluation, considering the latest comments exchanged between KHA and Earth Resources Consulting Scientists since October 21, 2022.

Conservation Open Spaces

Strategy OS 1.2.2 - Environmental Impact Mitigation

The City shall utilize the Land Development Code and review processes to ensure that development projects evaluate potential environmental impacts and provide mitigation for negative impacts. Development shall not adversely impact any threatened or endangered species or species of special concern without appropriate permitting and/or mitigation.

Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.2.2 – Environmental Impact Mitigation regarding evaluation of potential environmental impacts of the project.

Wetlands

Intent OS 1.3 - Wetlands

The City shall implement strategies to protect its wetlands, wetland buffers, and aquifer recharge areas.

Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection

The City shall protect its groundwater sources, particularly in wetland and aquifer recharge areas, through its Land Development Code and review processes by:

1. Establishing site plan requirements to ensure developments evaluate natural drainage features, man-made drainage structures, and impact to wetland and aquifer recharge areas.
2. Requiring development to first avoid impact to wetlands and aquifer recharge areas.
3. Requiring development to minimize impact and then mitigate for impacts to wetlands and aquifer recharge areas when impacts to wetlands and aquifer recharge areas are unavoidable.
4. Limiting activities/uses that are known to adversely impact such areas.
5. Restoring/mitigating wetlands in connection with new development.
6. Maintaining the natural flow of water within and through contiguous wetlands and water bodies.
7. Maintaining existing vegetation to serve as buffers to protect the function and values of the wetlands from the adverse impacts of adjacent development.
8. Requiring any wetland mitigation be based upon the most current state-approved methodology.
9. Prohibiting the dredging, filling, or disturbing of wetlands and wetland habitats in any manner that diminishes their natural functions, unless appropriate mitigation practices are established in coordination with and approved by local, regional, state, and federal agencies.
10. Coordinating with Sarasota County, Federal, and State review agencies on wetland designation, mitigation policies, and regulations.

Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection (5) regarding restoring/mitigating wetlands in connection with new

development, documenting maintenance of natural flow to contiguous wetlands or water bodies, or maintaining existing vegetation as buffers (6 and 7), and considering the additional wetland impacts associated with off-site drainage and road improvements associated with the project. Much of these points will be addressed during the permitting process, to which KHA, Roger Clark, AICP, City of Venice Planning & Development Director, and Earth Resource Consulting Scientists has mutually concurred. The KHA report was previously confirmed to be based on the most current state-approved methodology and mitigation practices (8, 9, and 10).

However, KHA has not yet demonstrated compliance with Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection (2, 3, and 4) because it is not first avoiding or minimizing all impacts or otherwise limiting activities of adverse impact in connection with the new development. No support was provided for alternative site location or alternative site design consideration. The applicant's response to this issue was: "Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible." It is our opinion that this response does not indicate an attempt to provide an alternative design of the project to limit adverse impact.

Strategy OS 1.3.2 - Wetland Encroachments

The City shall require development to identify and delineate wetland boundaries with final wetland delineations to be reviewed and approved by the applicable federal and state review agencies.

Wetlands of 20 acres or more shall require structures to be located outside of wetlands and wetland buffers except as provided below. Such exceptions are applicable only when the land use designation on the property permits the development of a land use activity listed below; site characteristics are such that wetland impacts cannot be avoided; the impacts are limited to the minimum necessary to allow the permitted use of the property; and the site development or use complies with federal and state review agencies for permitting and mitigation:

1. Residential lots of record existing on or before the adoption of the Comprehensive Plan which do not contain sufficient uplands to permit development of a residence without encroaching into wetlands may be developed with one residential dwelling.
2. Resource-based recreational facilities such as trails, boardwalks, piers, and boat ramps.
3. Private water-related facilities, such as boathouses, docks and bulkheads.
4. Essential public services, access roads and appurtenant structures.

Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.3.2 - Wetland Encroachments regarding delineation of all wetland boundaries associated with the project, and evaluation of potential environmental impacts of the project including off-site impacts. The requirement for structures to be located outside of wetlands and wetland buffers was previously noted as not applicable because the total acreage of onsite wetlands is less than 20 acres.

Native Habitats, Conservation Lands, and Natural Resources

Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources

The City shall protect significant native habitats through its Land Development Code and review process including the following:

1. Preserve existing native vegetation and natural areas including threatened native habitats
2. Encourage development forms that provide protection of significant native habitats such as clustered development and alternative roadway designs (i.e., reduced rights-of-way).
3. Development shall first avoid impact to significant native habitats.
4. Mitigate adverse impacts whenever areas of native habitats are involved in the development of property.
5. Require development to first impact lower quality habitats and resources before impacts to higher quality habitats and resources are considered and used.
6. Native habitat shall be used whenever possible to fulfill open space requirements.
7. Protect environmentally sensitive/significant areas (i.e., floodplain, watersheds, water recharge areas, etc.).

Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources regarding an account of all potential listed species and/or their habitat that could be present on site.

However, KHA has not yet demonstrated compliance with Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources because it is not documenting preservation or protection of significant native habitat through design and does not avoid impact to significant native habitats (1, 2, 3, and 7). It remains unclear whether habitat associated with those listed species will be mitigated (4). Furthermore, the KHA report does not demonstrate that lower quality habitats and resources were considered for impact before higher quality habitats and resources (5). No support was provided for alternative site location or alternative site design consideration. The applicant's response to this issue was: "Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible." It is our opinion that this response does not indicate an attempt to provide an alternative design of the project to limit adverse impact.

Strategy OS 1.4.3 - Endangered or Threatened Species

The City shall protect threatened or endangered native species by requiring that proposed new development and redevelopment (where applicable) be examined for location of Listed Species. The City through its Land Development Code and review processes, will:

1. Coordinate with Sarasota County, Federal, and State agencies for the identification and protection of endangered and threatened species.
2. Require applicants to consult with the appropriate agencies, to use recognized sampling techniques to identify listed species, and to provide documentation of such coordination and compliance prior to City approval to conduct any activities that could disturb listed species or their habitat.
 - a. If endangered or threatened species, or species of special concern are found, such species' habitat shall be identified on the proposed site plan and a plan for mitigation shall be discussed in the site plan narrative.

- b. Such information shall be addressed through the project staff report.
3. Coordinate with Sarasota County Environmental Protection Programs including, but not limited to, those regarding preservation and or permitting requirements.
4. Promote connectivity and minimize habitat fragmentation.

Evaluation: The KHA response to comments letter dated February 20, 2023, was deemed sufficient to address the technical comments made by Earth Resources Consulting Scientists on January 11, 2023. As such, KHA has demonstrated compliance with Strategy OS 1.4.3 - Endangered or Threatened Species (2a) regarding an account of all potential listed species and/or their habitat that could be present on site.

However, the KHA report does not document that habitat fragmentation will be minimized (4). The applicant's response to this issue was: "Given that most of the proposed development area is wetlands and the proposed commercial project requires a large contiguous footprint, avoidance of significant habitat is not possible." It is our opinion that this response does not indicate an attempt to provide an alternative design of the project to limit adverse impact.

Our evaluation based on the findings of the Memorandum of Village at Laurel and Jacaranda Environmental Document Review prepared by Earth Resources Consulting Scientists dated September 28, 2022, and the technical comments made by Earth Resources Consulting Scientists on January 11, 2023, finds that the KHA report dated June 2022 and subsequent letter responses dated November 8, 2022 and February 20, 2023 are not compliant with Strategy OS 1.3.1 - Wetland and Aquifer Recharge Areas Protection, Strategy OS 1.4.2 - Protection of Native Habitats and Natural Resources, and Strategy OS 1.4.3 - Endangered or Threatened Species of the City of Venice Comprehensive Plan 2017-2027 Open Space Element. Although most technical comments were addressed, these three key strategies of the Comprehensive Plan were not satisfied based on the lack of support for first avoiding or minimizing impacts to the subject wetland and minimizing habitat fragmentation. No support was provided for alternative site location or alternative site design consideration to first avoid or minimize the wetland impacts and habitat fragmentation.

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