

RESOLUTION NO. 3113-14

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF WINDSOR ADOPTING THE MITIGATED NEGATIVE DECLARATION
AND MITIGATION MONITORING AND REPORTING PROGRAM
FOR ESPOSTI PARK APARTMENT PROJECT AND RE-ADOPTING
THE STATEMENT OF OVERRIDING CONSIDERATION OF THE
SHILOH ROAD VILLAGE VISION PLAN
(FILE NO. GPA/CZ/UP/DRR 12-28)**

WHEREAS, the Town of Windsor Town Council considered a request from Paul Fritz for a General Plan Amendment, Zone Change, Use Permit, and Design Review for a 36-unit multi-family market rate apartment project on Old Redwood Hwy. The General Plan Amendment changes the existing land use designation from Village Residential (VR 5-8 units/acre) to Compact Residential (CR-24 units/acre). The property is located at 6087 Old Redwood Highway, Windsor, CA, 95492; APN: 163-171-042

WHEREAS, pursuant to Public Resources Code Section 21080.1 and Section 15063 of the State CEQA Guidelines (Title 14, California Administrative Code), an Initial Study was prepared to determine whether there are potentially significant effects on the environment peculiar to the proposed project; and

WHEREAS, based on information contained in the Initial Study included in the project file, a Mitigated Negative Declaration was prepared for the proposed project and noticed prior to the Town Council hearing in the manner required by law; and

WHEREAS, a part of the Mitigated Negative Declaration consists of a Mitigation Monitoring Plan (Exhibit "A"), consistent with the requirements of the Public Resources Code 21081.6, which lists all of the mitigation measures, specified the appropriate responsible party for implementing each mitigation measure and approximate time frames for implementing of each mitigation measure; and

WHEREAS, the Town Council finds that, based upon the information contained in the Initial Study included in the project file, it has been determined that there will be no significant environmental effect resulting from this project, provided that identified mitigation measures are incorporated into the project. The Mitigated Negative Declaration has been completed in compliance with CEQA State and Town Guidelines and the information contained therein has been reviewed and considered.

WHEREAS, by Resolution No. 616-14, the Planning Commission recommended adoption of the Mitigated Negative Declaration and re-adoption of the Statement of Overriding Consideration of the Shiloh Road Village Vision Plan; and

WHEREAS, in accordance with the provisions of law, the Town Council did conduct a duly noticed public hearing on August 6, 2014 on said application at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Town Council considered all written and oral testimony submitted at the public hearings; and

WHEREAS, the project is located within Shiloh Road Village Vision Plan Area; and

WHEREAS, an Environmental Impact Report was prepared and adopted for the Shiloh Road Village Vision Plan Area; and

WHEREAS, Town Council Resolution No. 1786-05 Certified the Environmental Impact Report and included the adoption of a Statement of Overriding Considerations; and

WHEREAS, development within the Shiloh Road Village Vision Plan area carries with it unavoidable adverse impacts as set forth in the Shiloh Road Village Vision Plan Environmental Impact Report; and

WHEREAS, the following impacts were identified as significant and unavoidable in the Shiloh Road Village Vision Plan and apply as follows to the proposed project:

Impact 3.3-1: Aesthetic and Visual Resources: Distant Vistas. Development of the project would alter views to the foothills and mountains due to building heights.

Impact 3.3-3: Aesthetic and Visual Resources: Visual Character: Development of the project includes construction of several buildings that continue to change the character of the existing area.

Impact 3.5-1 Air Quality: Conflict with Air Quality Plan. The proposed project includes a reduction in parking spaces. Bike lanes are available along the project frontage and a public bus route runs on Old Redwood Hwy with a bus stop in the vicinity. In addition, the applicant is providing on-site bike rack parking for the tenants.

Impact 3.5-2 Air Quality: Air Quality Violation. Conditions of approval have been incorporated into the project that require the contractor to be responsible for controlling noise, odors, dust and debris to minimize impacts on surrounding properties and roadways. In addition, Best Management Practices have been incorporated as a required condition of approval during construction.

Impact 3.5-3: Air Quality: Criteria Pollutants. See 3.5-2

Impact 3.6-3: Noise: Increased Ambient Noise. Acoustical Studies were prepared for the project to address acceptable noise levels. The recommendations of the studies were incorporated into the design and conditions of approval for the project.

Impact 3.7-1: Population and Housing: Population Growth. The project is for residential development, which will increase population in the area. While the project increases population it also helps meet the Town's market rate housing needs.

Impact 3.10-2: Utilities and Services Systems: Expanded Facilities. Utilities and services were reviewed as part of the project review. While construction of the project does not require an immediate expansion of facilities, it does place a new demand on the system that cumulatively with future development in the area may require expansion of facilities in the future.

Impact 3.10-5: Utilities and Service Systems: Wastewater Treatment. See 3.10-2 above.

Impact 3.15-3: Biological Resources: Wetlands. Biological Studies and a Wetland Delineation were prepared for the project. U.S. Army Corp determined that the wetlands were not jurisdictional. Mitigations measures have been incorporated into the conditions of approval for the project according to the Santa Rosa Plain Conservation Strategy and the US Army Corps 404 Permit requirements.

WHEREAS, the Town Council considered the benefits of the Esposti Park Apartment project against the unavoidable impacts identified in the Shiloh Road Village Vision Plan Environmental Impact Report and determined that, on balance, the benefits of the project outweigh the identified unavoidable adverse impacts; and

WHEREAS, the Town Council makes the following findings relative to this project:

1. The Initial Study/Mitigated Negative Declaration have been properly prepared and circulated for public review in accordance with CEQA and local guidelines.
2. The Town Council has reviewed the Initial Study/Mitigated Negative Declaration and considered the document and all comments thereon before making a decision on the project.
3. On the basis of the whole record before it, including the Initial Study/Mitigated Negative Declaration, Statement of Overriding Considerations, and comments received thereon, the Town Council finds that project related impacts will be reduced to less than significant level, provided that mitigation measures identified in the Initial Study and Mitigation Monitoring plan are incorporated into the project approval.
4. The Town Council finds that the project will not result in any new significant and unavoidable impacts not previously identified in the Shiloh Vision Plan Environmental Impact Report, and that those previously identified significant and unavoidable impacts of this project and other projects consistent with the Shiloh Vision Plan will continue to be outweighed by the benefits of the Shiloh Vision Plan as specified in Town Council Resolution 1786-05.
5. The Initial Study/Mitigated Negative Declaration reflects the Town's independent judgment and analysis of the potential environmental effects of the project.
6. The proposed project has been processed in accordance with the applicable provisions of the California Environmental Quality Act (CEQA). All noticing and review periods required by CEQA and the Town of Windsor's CEQA guidelines have been satisfied.
7. The location of the documents that constitute the record of proceedings are available for public review during business hours at Town Hall, 9291 Old Redwood Hwy, Building 400, Windsor, CA.

NOW, THEREFORE, BE IT RESOLVED that the Town of Windsor Town Council, based on the above findings, hereby adopts the Mitigated Negative Declaration for the Esposti Park Apartments project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town of Windsor Town Council hereby adopts the attached Mitigation Monitoring and Reporting Program for the Esposti Park Apartments project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Town of Windsor Town Council hereby readopts the Statement of Overriding Considerations of the Shiloh Road Village Plan.

PASSED, APPROVED AND ADOPTED this 6th day of August 2014, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, GOBLE, SALMON AND
MAYOR OKREPKIE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE


BRUCE OKREPKIE, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit "A": Mitigation Monitoring Plan

MITIGATION MONITORING PLAN
Esposti Park Apartments
Exhibit “A” Resolution No.

MITIGATION MEASURE	RESPONSIBLE PARTY	TIME FRAME	Page 1 of 2 COMPLETION DATE
<p>Mitigation Measure # 1: Mitigation for the loss of wetland habitat and vernal pool plant habitat can be accomplished by purchasing credits in an approved wetland mitigation bank. The minimum compensation for loss of wetlands would be 1:1 mitigation to impact. The total area of impact would be 0.17 acres. Wetland credits are typically sold in 0.1 increments so the applicant would need to purchase .2 acres to compensate for the loss of wetlands. Separate from the wetland impacts is the loss of suitable plant habitat. Mitigation for the loss of suitable plant habitat where no federally listed species were found is 1.5:1 compensation to loss. There must be at least 1:1 compensation of occupied or established habitat (any combination) and 0.5:1 compensation of established habitat for a total of 1.5:1 from an approved mitigation bank.</p> <p>Monitoring Plan: Project conditions of approval will require proof of purchase of mitigation credits in an approved mitigation bank and evidence of compliance with the RWQCB permitting requirements, prior to issuance of a grading permit.</p>	Planning/Engineering	Improvement Plans	
<p>Mitigation Measure # 2: The following summarized mitigation measures should be followed in order to avoid or minimize impacts to passerines and raptors that may potentially nest in the trees. 1. Grading or removal of nesting trees should be conducted outside the nesting season, which occurs between approximately February 15 and August 15. 2. If grading must occur within the nesting season a pre-construction nesting bird (both passerine and raptor survey shall be performed by a qualified biologist. 3. If active bird nests are observed during the pre-construction survey, a disturbance fee buffer zone shall be established around the nest until the young have fledged. 4. The radius of the buffer zone shall be determined by a qualified biologist. 5. To delineate the buffer zone, construction fencing shall be placed in the specified radius, which no machinery or workers shall intrude.</p> <p>Monitoring Plan: Project conditions shall include the requirement to conduct and submit a preconstruction survey prior to the start of grading/and or construction. Mitigation shall be consistent with the Project Mitigation identified in the Wildlife Habitat Assessment, prepared by Wildlife Research Associates, dated April 2, 2013 and the amendment dated June 11, 2013.</p>	Planning	Prior to Issuance of Building Permit/Grading Plans	

MITIGATION MEASURE	RESPONSIBLE PARTY	TIME FRAME	Page 2 of 2 COMPLETION DATE
<p><u>Mitigation Measure # 3:</u> Mitigation to reduce exterior noise levels below 65 in the Community Garden area includes construction of a noise barrier with a 6’ top of fence height above the garden ground elevation. The noise barrier should be built without cracks or gaps in the face or at the junction of the garden shed. Materials shall be consistent with the recommendations in the Environmental Noise Assessment identified above and on file in the Planning Department.</p> <p><u>Monitoring Plan:</u> Building Plans shall include materials to reduce exterior noise to within acceptable levels. Building Department will verify that the required materials are installed in the affected locations.</p>	Planning/Building	Building Permit	
<p><u>Mitigation Measure # 4:</u> Mitigation to reduce interior noise levels at or below 45 dBa for units adjacent to Old Redwood Hwy should include a standard central air conditioning system or a central heating system equipped with a “summer switch”, which allows the fan to circulate air without furnace operation in each residence would provide a habitable interior environment and meet the building code required reference in the report. No additional noise insulation treatment would be required to meet Town and State interior noise standards</p> <p><u>Monitoring Plan:</u> Building Plans shall include materials to reduce interior noise to within acceptable levels. Building Department will verify that the required materials are installed in the affected units.</p>	Planning/Building	Building Permit	