



RESOLUTION NO. 2862-11

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
ADOPTING THE
MITIGATED NEGATIVE DECLARATION
FOR THE BELL VILLAGE PROJECT
(FILE NO. GPA/ZC/UP/MJS 09-17; LLA 09-57)**

WHEREAS, the Town of Windsor Town Council considered the application from Jeff Civian / OSL Management LLC for Use Permit (including Site Plan and Design Review) and Tentative Map approval of a commercial and residential planned development including up to 403 dwelling units (condominiums and townhouses) and a 77,600+/- sq. ft. retail center on 25+/- acres. The use permit also includes a request for parking reductions as well as a drive-through service window for a proposed pharmacy, and a variance to height limits is requested. A General Plan Amendment is requested to amend the land use category from the existing “Mobile Home Park (8-12 units/acre)” category to the “Compact Residential (12-32 units/acre)” on 18.7 +/- acres, “Retail Commercial” category on 6.0 +/- acres, and “Service Commercial” on 0.2 +/- acres. A Rezoning is also requested from the existing “Medium Density Residential (8-12 units/acre)” to the “CR-24” (Compact Residential, 24 units/acre)” district on 18.7 +/- acres, “CC (Community Commercial)” district on 6.0 +/- acres, and “SC (Service Commercial)” district on 0.2 +/- acres or other districts consistent with the General Plan to accommodate the project. A lot line adjustment transferring 0.2 +/- acres to the northerly adjacent property at 9660 Old Redwood Highway is included. The property is located at 9290 Old Redwood Highway, Windsor (APN 161-070-036); and

WHEREAS, a Mitigated Negative Declaration was prepared and posted for the proposed project in accordance with the appropriate law and guidelines; and

WHEREAS, during the design review process and modifications requested to the project, the residential unit count was reduced to 387 units and the commercial floor area increased to 83,500 +/- square feet. These changes were evaluated by W-Trans Transportation Planning and environmental consultant Michael Brandman and Associates against the environmental analysis conducted for the project. Both consultants concluded that the net effect of the changes did not result in a significant effect nor change any of the impacts and mitigation measures identified in the Initial Study/Mitigated Negative Declaration prepared for the project; and

WHEREAS, by Resolution No. 589-11, the Planning Commission has recommended adoption of the Mitigated Negative Declaration; and

WHEREAS, in accordance with the provisions of law, the Town Council did conduct a duly noticed public hearing on December 7, 2011 on said application at which time all interested persons were given an opportunity to be heard; and

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

1. The Initial Study/Mitigated Negative Declaration has been properly prepared and circulated for public review in accordance with CEQA and local guidelines.
2. The Planning Commission 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 and comments received thereon, the Planning Commission finds that there will be no significant environmental effects resulting from this project, provided that mitigation measures identified in the Initial Study are incorporated into the project.
4. The Initial Study/Mitigated Negative Declaration reflects the Town's independent judgment and analysis of the potential environmental effects of the project.
5. 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.

NOW, THEREFORE, BE IT RESOLVED that the Town Council, based on the above findings, hereby adopts the Mitigated Negative Declaration for the Bell Village Project.

PASSED, APPROVED AND ADOPTED this 7th day of December 2011, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, GOBLE, SALMON, SCHOLAR AND
MAYOR FUDGE**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



DEBORA FUDGE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK