September 2022 | Mitigation Monitoring and Reporting Program
State Clearinghouse No. 2022070553

WINDSOR SHELL STATION PROJECT

Town of Windsor

Prepared for:

Town of Windsor
Kimberly Voge, Planner
9291 Old Redwood Highway
Windsor, California 95492

Prepared by:

PlaceWorks
Patrick Hindmarsh, Senior Associate
101 Parkshore Drive, Suite 200
Folsom, California 95630
714.966.9220
info@placeworks.com
www.placeworks.com

PLACEWORKS

Table of Contents

Section **Page**

1. INTRODUCTION 1
1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM 1
1.2 PROJECT CHARACTERISTICS 2
1.3 ENVIRONMENTAL IMPACTS 2
2. MITIGATION MONITORING PROCESS 5
2.1 MITIGATION MONITORING PROGRAM ORGANIZATION 5
2.2 TOWN OF WINDSOR 5
2.3 MITIGATION MONITORING TEAM 5
2.4 DISPUTE RESOLUTION 6
2.5 ENFORCEMENT 6
3. MITIGATION MONITORING REQUIREMENTS 7
3.1 PREMONITORING MEETING 7
3.2 CATEGORIZED MITIGATION MEASURES/MATRIX 7
3.3 IN-FIELD MONITORING 7
3.4 DATABASE MANAGEMENT 7
3.5 COORDINATION WITH CONTRACTORS 7
3.6 LONG-TERM MONITORING 7
4. MITIGATION MONITORING REPORTS 9
4.1 FIELD CHECK REPORT 9
4.2 IMPLEMENTATION COMPLIANCE REPORT 9
4.3 DISPUTE/ENFORCEMENT REPORT 9
5. COMMUNITY INVOLVEMENT 11
6. REPORT PREPARATION 13
6.1 LIST OF PREPARERS 13

List of Tables

Table **Page**

Table 3-1 Mitigation Monitoring Requirements 8

1. Introduction

1.1 PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

The Town of Windsor (Town) is the lead agency for the proposed Windsor Shell Station project and has developed this Mitigation Monitoring and Reporting Program (MMRP) as a vehicle for monitoring mitigation measures outlined in the Windsor Shell Station Mitigated Negative Declaration (MND), State Clearinghouse No. 2022070553. As the lead agency, the Town is responsible for implementing the MMRP, which has been prepared in conformance with Section 21081.6 of the California Public Resources Code, as follows:

> (a) When making findings required by paragraph (1) of subdivision (a) of Section 21081 or when adopting a mitigated negative declaration pursuant to paragraph (2) of subdivision (c) of Section 21080, the following requirements shall apply:
>
> (1) The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead or responsible agency, prepare and submit a proposed reporting or monitoring program.
>
> (2) The lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

The MMRP consists of mitigation measures that avoid, reduce, and/or fully mitigate potential environmental impacts. The mitigation measures have been identified and recommended through preparation of the MND and drafted to meet the requirements of Public Resources Code, Section 21081.6.

1.2 PROJECT CHARACTERISTICS

1.2.1 Project Location

The 0.71-acre project site is located at 9033 Old Redwood Highway (Assessor's Parcel Number [APN] 066-100-62) in the Town of Windsor, in Sonoma County. The project site is 280 feet west of Highway 101 and is bordered by commercial retail uses to the north, west, and south; and a vacant lot to the east.

1.2.2 Proposed Improvements

The Windsor Shell Station Project would update the existing facilities at the project site by demolishing the uses onsite; acquire approximately 4,194 square feet of right-of-way (ROW) from the Town (approximately 12.5 feet wide along the northern portion of the site); and result in the construction of a 2,432-square-foot, 20-foot-tall convenience store, 1,132-square-foot car wash with a self-service drive-through tunnel with an attached 248-square-foot equipment room, and four fuel pumps (two fewer than existing conditions) with a 2,733-square-foot, 16.6-foot-tall canopy. Additionally, the existing fuel system's underground tanks would be replaced. Site improvements include parking stalls, accessible path of travel to the right-of-way, masonry trash enclosure, site lighting, landscaping, and self-service vacuum and air/water equipment. Other site improvements include moving the existing driveway on the south side approximately 40 feet to the east, a new driveway on the west side, and extending the curb return at the southwest corner to reduce pedestrian conflicts.

The project site is an open Leaking Underground Storage Tank (LUST) site with remediation ongoing. Consequently, the Water Board has prohibited the use of stormwater best management practices (BMPs) that allow stormwater to infiltrate into the ground on the project site. Therefore, there will be no volume capture on the project site and the project would also include an off-site bioretention planter to provide stormwater treatment, volume capture, and trash capture for an area of Esposti Park that currently does not have any of these benefits.

1.3 ENVIRONMENTAL IMPACTS

1.3.1 Impacts Considered Less Than Significant

The MND identified various thresholds from the California Environmental; Quality Act (CEQA) Guidelines in a number of environmental categories that would not be significantly impacted by the proposed project and therefore did not require mitigation. Impacts to the were found to be less than significant:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation

- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Utilities and Service Systems
- Wildfire

1.3.2 Potentially Significant Adverse Impacts That Can Be Mitigated, Avoided, or Substantially Lessened

Cultural Resources and Tribal Cultural Resources were identified as having potentially significant impacts that could be reduced, avoided, or substantially lessened through implementation of mitigation measures. No significant and unavoidable impacts were identified.

1. Introduction

This page intentionally left blank.

2. Mitigation Monitoring Process

2.1 MITIGATION MONITORING PROGRAM ORGANIZATION

Overall MMRP management is the responsibility of the Town of Windsor. The Town's technical consultants (CEQA consultant, etc.) may perform related monitoring tasks under the direction of the environmental monitor if they are contracted by the Town.

2.2 TOWN OF WINDSOR

As the lead agency, the Town is responsible for the review of all monitoring reports, enforcement actions and document disposition. The Town will rely on information provided by individual monitors (e.g., CEQA consultant, etc.) as accurate and up to date, and will field check mitigation measure status, as required.

2.3 MITIGATION MONITORING TEAM

The mitigation monitoring team, consisting of the designated Project Manager (Community Development Director) and Technical Consultants (CEQA consultant, etc.) are responsible for monitoring implementation and compliance with all adopted mitigation measures and conditions of approval. A major portion of the team's work is in-field monitoring and compliance report preparation. Implementation disputes are brought to the Project Manager, and any appeals would go to the Town Manager and ultimately the Planning Commission and Town Council.

2.3.1 Monitoring Team

The following summarizes key positions in the MMRP and their respective functions:

- **Project Manager:** Responsible for coordination of mitigation monitoring team, technical consultants, report preparation, and overall program administration and document/report clearinghouse.
- **Construction Contractor:** Responsible for coordination of mitigation monitoring team; technical consultants; report preparation; and implementation the monitoring program, including overall program administration, document/report clearinghouse, and first phase of dispute resolution.
- **Technical Consultants:** Responsible for monitoring in respective areas of expertise (CEQA consultant, project engineer, noise analyst/specialist). Report directly to the Project Manager.

2.3.2 Recognized Experts

The use of recognized experts on the monitoring team is required to ensure compliance with scientific and engineering mitigation measures. The mitigation monitoring team's recognized experts assess compliance with required mitigation measures, and recognized experts from responsible agencies consult with the Project Manager regarding disputes.

2.4 DISPUTE RESOLUTION

If the mitigation monitor determines that a mitigation measure, in the opinion of the monitor, has not been implemented or has not been implemented correctly, the problem will be brought before the Project Manager for resolution. The decision of the Project Manager is final unless appealed to the Town Manager. The Project Manager will have the authority to issue stop-work order until the dispute is resolved.

2.5 ENFORCEMENT

Public agencies may enforce conditions of approval through their existing police power, using stop-work orders, fines, infraction citations, or in some cases, notice of violation for tax purposes.

3. Mitigation Monitoring Requirements

3.1 PREMONITORING MEETING

A pre-monitoring meeting will be scheduled to review mitigation measures, implementation requirements, schedule conformance, and mitigation monitoring committee responsibilities. Committee rules are established, the entire mitigation monitoring program is presented, and any misunderstandings are resolved.

3.2 CATEGORIZED MITIGATION MEASURES/MATRIX

Project-specific mitigation measures have been categorized in matrix format, as shown in Table 3-1, *Mitigation Monitoring Requirements*. The matrix identifies the environmental factor, specific mitigation measures, schedule, and responsible monitor. The mitigation matrix will serve as the basis for scheduling the implementation of, and compliance with, all mitigation measures. These mitigation measures are also contained in the Conditions of Approval matrix for the Project.

3.3 IN-FIELD MONITORING

Project monitors and technical subconsultants shall exercise caution and professional practices at all times when monitoring implementation of mitigation measures. Protective wear (e.g. hard hat, glasses) shall be worn at all times in construction areas. Injuries shall be immediately reported to the mitigation monitoring committee.

3.4 DATABASE MANAGEMENT

All mitigation monitoring reports, letters, and memos shall be prepared utilizing Microsoft Word software on IBM-compatible PCs.

3.5 COORDINATION WITH CONTRACTORS

The construction manager is responsible for coordination of contractors and for contractor completion of required mitigation measures.

3.6 LONG-TERM MONITORING

Long-term monitoring related to several mitigation measures will be required, including fire safety inspections. Post-construction fire inspections are conducted on a routine basis by the Sonoma County Fire District.

3. Mitigation Monitoring Requirements

Table 3-1 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
CULTURAL RESOURCES/TRIBAL CULTURAL RESOURCES					
CUL-1	Prior to issuance of grading permits, a qualified archaeological monitor shall be identified to be on call during ground-disturbing activities. If archaeological resources are discovered during excavation and/or construction activities, construction shall stop within 25 feet of the find, and the qualified archaeologist shall be consulted to determine whether the resource requires further study. The archaeologist shall make recommendations to the Town of Windsor to protect the discovered resources. Archaeological resources recovered shall be provided to any local museum or repository willing and able to accept and house the resource to preserve for future scientific study.	Project Applicant/ Qualified archaeologist	Prior to issuance of grading permits	Town of Windsor Engineering Division and Planning Division	
4.1	Prior to demolition of structures or removal of trees on the project sites, a qualified wildlife biologist shall conduct preconstruction surveys. If bats are identified as present on the site, bats shall be absent or humanely evicted and excluded from roost locations prior to demolition of buildings to avoid direct impacts. During the eviction process, potential roosts will be inspected and then sealed with exclusion devices to exclude bats. If bat eviction from buildings is necessary, it shall be done by a qualified biologist during the non-breeding season from October 1 to March 31. When flushing bats, structures shall be moved carefully to avoid harming individuals, and torpid bats given time to completely arouse and fly away.	Project Applicant/ Qualified wildlife biologist	Prior to demolition of structures	Town of Windsor Engineering Division and Planning Division	

4. Mitigation Monitoring Reports

Mitigation monitoring reports are required to document compliance with the Mitigation Monitoring Program and to resolve disputes. Specific reports include:

- Field Check Report
- Implementation Compliance Report
- Dispute/Enforcement Report

4.1 FIELD CHECK REPORT

Field check reports are required to record in-field compliance and conditions.

4.2 IMPLEMENTATION COMPLIANCE REPORT

The Implementation Compliance Report (ICR) is prepared to document the implementation of mitigation measures on a phased basis, based on the information in Table 3-1. The report summarizes implementation compliance, including mitigation measures, date completed, and monitor's signature.

4.3 DISPUTE/ENFORCEMENT REPORT

The Dispute/Enforcement Report (DER) is prepared to document the outcome of the Project Manager or Town Manager and becomes a portion of the ICR.

4. Mitigation Monitoring Reports

This page intentionally left blank.

5. Community Involvement

Monitoring reports are public documents and are available for review by the general public. Discrepancies in monitoring reports can be taken to the Project Manager or Town Manager by the general public.

5. Community Involvement

This page intentionally left blank.

6. Report Preparation

6.1 LIST OF PREPARERS

Town of Windsor

Kimberly Voge, Planner

PlaceWorks

Patrick Hindmarsh, Senior Associate

Jasmine A. Osman, Associate I

Report Preparation

This page intentionally left blank