RESOLUTION NO. 4023-25

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR DENYING THE APPLICANT'S APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DENIAL OF A REVISION TO FILE APPLICATION FOR THE SITE PLAN AND DESIGN REVIEW APPROVAL FOR THE WINDSOR GARDENS PROJECT LOCATED AT 6100 OLD REDWOOD HIGHWAY (FILE NO. 06-20H)

WHEREAS, the Town of Windsor received an application from Tarik Taeha of Skyline Seven Inc. ("Applicant") for design changes to the Windsor Gardens project, an approved 12-lot residential planned development on a 1.17-acre parcel located at 6100 Old Redwood Highway (APN 163-172-017). No change to the number of units was proposed. General Plan and Zoning: Medium Density Residential; and

WHEREAS, by Resolution No. 2799-11, herein incorporated by reference, the Town of Windsor Town Council ("Town Council") adopted a Mitigated Negative Declaration ("MND") for the Windsor Live/Work+ project on June 15, 2011; and

WHEREAS, by Resolution No. 2800-11, herein incorporated by reference, the Town Council approved General Plan Amendments associated with the Windsor Live/Work+ project on June 15, 2011; and

WHEREAS, by Resolution No. 2801-11, incorporated herein by reference, the Town Council approved a Use Permit, including final Site Plan and Design Review, for the Windsor Live/Work+ Planned Development, consisting of 12 live/work units on the subject parcel, with units ranging in size from 1,750 to 2,256 square feet; and

WHEREAS, by Resolution No. 2802-11, herein incorporated by reference, the Town Council approved a Tentative Map for the Windsor Live/Work project on June 15, 2011. The Tentative Map divides the property into 12 parcels and a common area; and

WHEREAS, the project's original approval on June 15, 2011, had a two-year time limit, expiring on June 15, 2013; and

WHEREAS, State of California Assembly Bill 208 provided a two-year extension for the tentative map, setting a new expiration date of June 15, 2015; and

WHEREAS, State of California Assembly Bill 116 provided another two-year extension for the tentative map, setting a new expiration date of June 15, 2017; and

WHEREAS, the State of California Subdivision Map Act allows up to six years of extensions in addition to any automatic extensions that area granted by the State of California; and

WHEREAS, by Administrative Notice of Decision No. 121-17, herein incorporated by reference, the Town of Windsor Administrative Hearing Officer approved a two-year extension of time on April 17, 2017, extending the expiration date of the project to June 14, 2019; and

WHEREAS, by Resolution No. 3448-18, herein incorporated by reference, the Town Council adopted General Plan 2040 on April 4, 2018, which changed the General Plan land use designation of the site from General Business (with Medium Density Residential overlay) to Medium Density Residential; and

WHEREAS, by Resolution No. 3448-18, Exhibit D (line 8), the Town Council approved rezoning the subject property to Medium Density Residential to be consistent with the General Plan; and

WHEREAS, the Town Council granted 12 Growth Control waivers for this project on October 4, 2006, as part of the "2007 Pilot Program for Mixed Use/Mixed Income Projects," memorialized by Minute Order and reaffirmed by Town Council Resolution No. 2217-08; and

WHEREAS, by Resolution No. 3498-19, herein incorporated by reference, the Town Council revised the Use Permit to remove the work component of the project and make it a 100% residential project, consistent with the General Plan Amendment and Rezone to Medium Density Residential referenced above, with no changes to the project's site plan or design, and with a change of the project name to "Windsor Gardens," on January 15, 2019; and

WHEREAS, the 2007 Pilot Program for Mixed Use/Mixed Income Projects no longer applies to the project because the commercial component was eliminated, and therefore, by Resolution No. 3498-19, the Town Council rescinded the 12 Growth Control waivers under the 2017 Pilot Program; and

WHEREAS, by Resolution No. 3498-19, the Town Council reserved 12 Reserve "B" Growth Management allocations for the project from the 2017-2021 Five-Year Growth Control Allocation period approved by Resolution No. 3496-18; and

WHEREAS, by Administrative Notice of Decision No. 138-19, herein incorporated by reference, the Town of Windsor Administrative Hearing Officer approved a one-year extension of time on March 28, 2019, extending the expiration date of the project to June 14, 2020; and

WHEREAS, by Administrative Notice of Decision No. 142-20, herein incorporated by reference, the Town of Windsor Administrative Hearing Officer approved a two-year extension of time on May 11, 2020, extending the expiration date of the project to June 14, 2022; and

WHEREAS, by Administrative Notice of Decision No. 155-22, herein incorporated by reference, the Town of Windsor Administrative Hearing Officer approved a two-year extension of time on May 5, 2022, extending the expiration date of the project to June 14, 2023; and

WHEREAS, a building permit application has been submitted and is under review, thereby keeping the entitlements alive; and

WHEREAS, the Revision to File application proposed design changes to the architectural style, individual architectural elements, colors, materials, and minor changes to the buildings and building footprints on Lots 1 and 2; and

WHEREAS, in accordance with the provisions of law, the Planning Commission did conduct a public hearing on February 11, 2025, which was continued to the Planning Commission agenda on March 11, 2025, on said Revision to File application, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, pursuant to Planning Commission Resolution No. 773-23, incorporated herein by reference, the Planning Commission denied the Revision to File request and made the following findings:

1. The design and layout of the proposed development are not consistent with the development standards of the applicable zoning district, design standards/guidelines, and architectural criteria for special areas, including the following:
    a. A minimum of four feet of vertical articulation is required at least every 36 feet.
    b. The Zoning Code requires crime prevention through environmental design, such as front stoops at the entries. A low fence and gate should be provided around each private front yard for the purpose of enhancing the transition between public and private space.
2. The architectural design of the proposed development is not compatible with the character of the surrounding neighborhood.
3. The Planning Commission could not determine that design of the proposed development would provide a desirable environment for its occupants, the visiting public, and its neighbors through the appropriate use of materials, texture, and color, or that it would remain aesthetically appealing and appropriately maintained. Of particular concern were the flat roofline as it would appear from public views and the proposed siding materials. Concerns regarding the siding materials included uncertainty about the materials' testing and ratings for use within the United States, a relatively short warranty period (10 years) for a new product, and uncertainty about the availability of materials for future repair and/or replacement.
4. The Planning Commission was not provided with timely, consistent, accurate information upon which to base their decision.

WHEREAS, on May 24, 2025, the Applicant filed an appeal of the Planning Commission's denial of the Revision to File application, pursuant to Zoning Code requirements and deadlines for appeals; and

WHEREAS, the appeal requested the Town Council to consider overturning the Planning Commission's denial and approve the Revision to File application based upon revised plans and new information that was submitted with the appeal application; and

WHEREAS, the Town Council held a duly noticed public hearing to consider the appeal on May 21, 2025, at which time all interested parties were given an opportunity to be heard; and

NOW, THEREFORE BE IT RESOLVED that the Town Council hereby denies the Applicant's appeal of the Planning Commission's denial of the Revision to File application, and upholds the Planning Commission's denial, based upon the following findings:

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- _____
- _____

PASSED, APPROVED AND ADOPTED this 21st day of May 2025, by the following vote:

AYES: **COUNCILMEMBERS LEEP, SALMON, VICE MAYOR POTTER, AND MAYOR REYNOZA**
NOES: **NONE**
ABSTAIN: **COUNCILMEMBER WALL**
ABSENT: **NONE**

ROSA REYNOZA, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK