

RESOLUTION NO. 2217-08

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
RE-AFFIRMING RESERVATION OF GROWTH CONTROL ALLOCATIONS FOR
THE "WINDSOR LIVE/WORK" PROJECT LOCATED AT 6010 OLD REDWOOD
HIGHWAY (FILE NO. GPA/UP/MJS 06-20)**

WHEREAS, the Town of Windsor Town Council initiated a review process in 2006 known as "Merit Presentations" in which representatives of pending development projects were provided an opportunity to present the merits of their proposals in a comparative forum. The purpose of the forum was to provide the Council with a "global" view of future potential projects within the Town, and to provide applicants with exceptional projects an opportunity to secure commitments for future Growth Control Allocations; and

WHEREAS, in Ordinance 2006-211 (December 6, 2006), the Town Council amended the Growth Control Ordinance to create an allocation waiver category of "Pilot Program for Mixed Use / Mixed Income Projects" and assigned 25 allocations (waivers) to this category for the 2007 calendar year; and

WHEREAS, on August 14, 2006 Misha Weidman has submitted an application for a General Plan Amendment and entitlements for a 12 unit live/work planned development known as "Windsor Live/Work" located at 6010 Old Redwood Highway (APN 163-172-017); and

WHEREAS, the Town Council reserved 12 allocations (waivers) for this project under the "2007 Pilot Program for Mixed Use / Mixed Income Projects" at a duly noticed public hearing on October 4, 2006 at which time all interested persons were given an opportunity to be heard; and

WHEREAS, Misha Weidman requested that certain revisions to the project design be considered by the Town Council prior to presentation to the Planning Commission for entitlement approvals. These changes include on-site circulation, unit model design, and external architecture; and

WHEREAS, the Town Council considered this request for design changes at a duly noticed public hearing on January 16, 2008 at which time all interested persons were given an opportunity to be heard.

NOW THEREFORE BE IT RESOLVED that the Town Council hereby reaffirms reservation of 12 allocations (waivers) from the "2007 Mixed Use / Mixed Income Pilot Program" for the "Windsor Live/Work Project" subject to the following limitations:

1. Project shall total 12 units.
2. One unit shall meet Town requirements as an affordable unit (very low, low, or moderate).
3. Project shall meet minimum qualifications as a Green Building according to Town Guidelines.

BE IT FURTHER RESOLVED that reservation of allocations is not a commitment of the Town Council to a particular design solution. The application is obligated to comply with all required public dedications and improvements as well as all applicable design standards and zoning code requirements including coverage, density, parking, open space, landscaping, and tree preservation.

BE IT FURTHER RESOLVED that the Town Council identifies the following additional items to be included in subsequent review of entitlements by the Planning Commission:

1. Items to be retained in the project design:
 - a. Live/work design format. In addition to area devoted to work component, kitchen / dining use of the ground floor is acceptable.
 - b. Site Plan and Architecture, except street elevations as described below.
 - c. Inclusionary Housing: Continue to provide a minimum of 1 affordable housing unit in the project, unless current ordinance (effective January 16, 2006) requires additional units based on square footage of residential units.

2. Items to be resolved during further review of the application:
 - a. Traffic safety and improvements associated with increased density, including desirability of a roundabout or traffic signalization of the intersection of Merner Drive/Old Redwood Highway.
 - b. Corner lot architecture.
 - c. Street frontage architecture needs to reconsider projections and overhangs (roof elements, balconies, awnings) as originally presented, to the extent feasible with local utility company easements and Town right-of-way encroachment.
 - d. Work space needs to be conditioned (including CC&Rs) to restrict use to that of the residential unit owner. It may be used as living space for the residential unit if not used as work space, but may not be sub-rented or leased to another party for either work space or residential use.

PASSED, APPROVED AND ADOPTED this 16th day of January 2008 by the following vote:

**AYES: COUNCILMEMBERS ALLEN, PARKER, SALMON
AND MAYOR FUDGE**
NOES: NONE
ABSTAIN: MAYOR PRO TEM GOBLE
ABSENT: NONE


DEBORA FUDGE, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK