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**RESOLUTION NO. 2910-12**

**A RESOLUTION OF THE TOWN COUNCIL  
OF THE TOWN OF WINDSOR  
ADOPTING A REVISED PROCESS FOR CONSIDERATION  
OF MERIT PRESENTATIONS AND ALLOCATION APPLICATIONS  
IN CONJUNCTION WITH THE TOWN'S GROWTH CONTROL ORDINANCE**

**WHEREAS**, the Town Council has established through adoption of the Growth Control Ordinance the general rule that all new residential units require allocations; and

**WHEREAS**, the Growth Control Ordinance contains provisions for residential units that may be exempted or waived from the allocations requirement based on certain criteria and procedures; all other new residential units shall be subject to the Merit Process for implementing the allocation requirement; and

**WHEREAS**, the Town Council initiated a review process known as "Merit Presentations" in 2006. Merit Presentations provided a forum for development project with a residential component an opportunity to present the merits of the project that would allow the project to be considered for reservation of allocations and submittal of a development application. 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;

**WHEREAS**, the Town Council initially adopted Resolution 1999-06 which defined the process for future consideration of "Merit Presentations" and subsequently adopted Resolution 2173-07 which further defined the process in order that both staff and prospective applicants had an understanding of the Councils intent; and

**WHEREAS**, the review process includes the Planning Commission as part of a Joint Merit Presentation Meeting, and as a recommending body with regard to ranking of projects according to merit; and

**WHEREAS**, at the Town Council meeting of November 2, 2011 the Town Council directed staff to work with the Planning Commission to make a recommendation to the Town Council related to redefining the criteria for participation in the "Merit Presentation" process, which would direct presentations of projects in a more conceptual form focusing early review on project location, phasing, density, site constraints and overall project merits while allowing site plan, site design, and architecture to be created and refined in the application and entitlement process.

**NOW, THEREFORE BE IT RESOLVED that the Town Council establishes the following policies and procedures with regards to the Merit Process:**

1. **Establishment of Merit Presentation Forum Date and Review Criteria.** In February-March, the Town Council will select a date for the annual Merit Presentation Forum, and also review the criteria to be used in evaluating proposals. Applicants who have

expressed interest to the Planning Department will be notified of these determinations.

2. **Merit Presentation Forum.** In April-May, a Merit Presentation Forum will be scheduled as a Joint Meeting of the Town Council and Planning Commission and noticed as a public meeting. Noticing shall include an on-site hearing sign and mailing to owners within 300 feet of properties considered at the Forum. Presentations will be limited to 30 minutes each, unless otherwise approved by the Council.
3. **Presentation Materials/Allocation Applications.** Applicants participating in the Merit Process shall submit the following materials:
  - a. A Merit Presentation Application of up to two pages (8 ½" x 11") of text describing the potential future project, total number of units, number of existing residential units, number of allocations sought, number or percentage of affordable units, the number of allocations sought and the anticipated year for map recordation, if applicable, or future year in which residential building permit issuance would be requested for non-subdivision projects. The text should also include the merits of the potential future project such as public realm, mixed-use (type i.e. office, commercial, retail, etc.), housing types, parking type/location in relation to units and streets, proposed densities, economics and job creation, energy conservation, sustainability elements, increased community health efforts, elements to reduce of green house gases, water conservation, defensible space, building orientation, and design goals such as walkability, pedestrian amenities, public parks, bike and trail amenities, etc. The text should also include references to any special plan areas or priority development areas the proposed project may be part of.
  - b. An Area Context Map/Opportunities and Constraints map (11"x 17") that shows the existing site characteristics and the surrounding area.
  - c. A Site Analysis Plan (11" x 17") that includes any known site constraints such as biological constraints, creeks, wetlands, protected species, protected plants, protected trees, and physical constraints or requirements such as stub streets, road connections, required setbacks, proximity to rail corridor, freeway on- and off-ramps, and/or similar features.
  - d. A Conceptual Site Plan (11"x 17") that shows developable areas, location of parking, parks, site circulation, and similar components. An example could be depicted in a simple line drawing cross-section including the building. The plan should not include specific building footprints nor design elements but rather identify developable areas.
  - e. Optional submittal – An optional fourth submittal would be a representation of the applicant's professional experience. Photos or drawings of projects the applicant has participated in and/or constructed could be submitted as part of the PowerPoint presentation. The photos and/or drawings should represent the basic concept of the proposed project.
  - f. Architecture, design, and color renditions are not to be submitted as part of the application materials.
  - g. The applicant will submit 15 sets of the application package. If the applicant's presentation includes a power point or other electronic presentation, a CD with

the presentation shall be included with the packet of materials. New materials will not be accepted at the Merit Presentation Forum. Additional requirements for presentation materials, numbers of copies, submittal deadlines, and on-site notice postings will be established by the Planning Director. Applicants who fail to submit all required information and materials by the stated deadline will not be allowed to participate in the Merit Process, including the Merit Presentation Forum.

4. **Planning Commission Recommendation.** The Planning Commission will hold a public hearing in June-July for purposes of reaching consensus on a ranking of Merit Presentations for further consideration by the Town Council.
5. **Town Council Establishment of Short List.** In August-September, the Town Council will conduct a public hearing to review the recommendations of the Planning Commission and establish a short list of Merit Projects eligible for further consideration during the November Annual Review of the Growth Control Ordinance.
6. **Reservation of Allocations.** During its Annual Review of the Growth Control Ordinance, the Council may reserve allocations to one or more of the Merit Projects remaining on the short list for the subsequent calendar year (or years). The Council may adopt a resolution reserving allocations for the next calendar year(s). The applicant shall enter into an Allocation Agreement (or other mechanism approved by the Town Council) that identifies the key components of the project and allocations reserved by Council resolution, prior to submittal of a Residential Development Application.
7. **Subsequent Project Review.** Upon reservation of allocations, and execution of an agreement, the applicant shall submit a Residential Development Application to the Planning Department for processing of the project entitlements, in accordance with the Zoning Ordinance/and or Subdivision Ordinance. A Residential Development Application shall be submitted within three (3) months of the date of reservation of allocations. If an applicant fails to submit a Residential Development Application within the required time frame, the reserved allocations will expire. However, an applicant may submit a written request to the Planning Director requesting an extension of time from the Town Council to file a Residential Development Application. The request shall be submitted before the reserved allocations expire, and shall include a specified extension of time and the reasons for the request. The Town Council may approve or deny the request. If the Town Council denies an extension, the reserved allocations will be considered null and void.
8. **Project Revision during Review.** When a potential future project receives a reservation of allocation, the Council is reserving a set number of allocations related to a general project description, with the key components of the project being established. Allocation reservations are reserved based on the general components of a project (i.e. 20 units mixed-use on the project frontage, 15 units of detached residential, etc.). The actual design, architecture, circulation, and other elements of the project will be determined through the discretionary land use application and review process as provided for in the Town's Zoning Ordinance and/or Subdivision Ordinance. Infrastructure improvements,

right-of-way, and other design criteria may affect the actual layout and design of the project. Street alignment and access may be modified during the project review process.

If a potential future project is significantly changed during the review process, it may need to be referred back to the Town Council for review and possible direction or revocation of reserved allocations, prior to proceeding. Significant changes may include but are not limited to:

- a. A 25% reduction in the overall residential units of a project.
- b. A 20% reduction in the affordable residential units of a project.
- c. The loss or substantial alteration of a key merit component of the project.

9. **Project Performance After Entitlement:** Reserved allocations for approved projects are valid during the life of the entitlement, including any valid extensions of time consistent with the Town's Zoning Ordinance and/or the Subdivision Map Act.

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

**BE IT FURTHER RESOLVED** that participation in the Merit Process is required to reserve allocations, with the exception of exemptions or waivers identified in the Growth Control Ordinance. A Residential Development Application submitted without prior allocation reservations will be deemed "incomplete", pending the applicant obtaining allocation reservations in accordance with the Growth Control Ordinance.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of March 2012, by the following vote:

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

  
**DEBORA FUDGE, MAYOR**

**ATTEST:**

  
**J. MATTHEW MULLAN,**  
**DEPUTY TOWN CLERK**