

## **TOWN OF WINDSOR AGENDA REPORT**

**Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date:** May 21, 2025

**To:** Mayor Reynoza and Town Council  
**From:** Kim Voge, Planner III  
**Subject:** Appeal of Planning Commission Denial of a Revision to File Application for the Windsor Gardens Project

### **Recommendation to Council:**

Adopt a resolution 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.

### **Strategic Plan Element:**

The recommended action supports the goal of Livability. Goal Statement: Preserve community character by maximizing the use of existing amenities and creating future opportunities that enhance quality of life for all.

### **Background:**

On June 15, 2011, the Town Council approved the Windsor Live/Work project, which included planning entitlements for a General Plan Amendment; Use Permit and Final Design Review for a Planned Development; and 12-lot Tentative Subdivision Map. The units are organized into two groups of six, with all units designed to face a public street and with parking located in garages and at the rear of the site. The original approved plans are provided in Attachment 10.

On April 4, 2018, the Town Council adopted the 2040 General Plan, which included changing the land use designation of the subject parcel from General Business with Medium Density Residential overlay to Medium Density Residential. Concurrently, the Town Council also approved rezoning the subject property to Medium Density Residential.

On January 15, 2019, the Town Council approved a change to the project's Use Permit to remove the work component, thus converting the project from live/work to 100% residential. This change was due to the developer's inability to secure construction financing for the project with a live/work model. No changes were requested or approved for the tentative map, site plan, or design of the project. At that time, the project's name was changed from "Windsor Live/Work" to "Windsor Gardens."

### *Entitlement Extensions*

The original approval was valid for a two-year period expiring on June 15, 2013. In addition to a lack of construction financing for a live/work project, there were other extenuating circumstances that prevented the project from getting to the construction stage, including local wildfires and the pandemic, and the ensuing supply chain disruptions, labor shortages, higher interest rates and inflation. In the intervening years, multiple extension requests were made and approved to keep the entitlements alive. The State of California granted two automatic two-year extensions which extended the entitlements to June 15, 2017. In addition, the State of California Subdivision Map Act requires the Town to approve

six years of extensions unless specific findings for denial can be made. The extension approvals are listed below:

- 2-year extension (California Assembly Bill 208)
- 2-year extension (California Assembly Bill 116)
- 2-year extension (Town of Windsor Notice of Decision No. 121-17)
- 1-year extension (Town of Windsor Notice of Decision No. 138-19)
- 2-year extension (Town of Windsor Notice of Decision No. 142-20)
- 1-year extension (Town of Windsor Notice of Decision No. 155-22)

Prior to the last extension, the property and the project were sold to a new owner and developer (the current applicant). The entitlements would have expired on June 15, 2023, except that there is an active building permit under review. If this building permit expires, the planning entitlements also will expire.

On February 11, 2025, the Planning Commission held a public hearing to consider a Revision to File (REV) application to modify some of the design details, including a different architectural style, design elements and materials. No changes were requested to the number of units, the basic site plan layout, or the overall building massing. The Planning Commission continued the hearing, with a request for more details and clarifications. The Planning Commission minutes and staff report are provided in Attachments 8 and 9.

The public hearing was continued on March 11, 2025, after which the Planning Commission denied the Revision to File application, pursuant to Resolution No. 773-25 (provided in Attachment 4) for the following reasons:

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. There was a discussion of whether the gables on the rooftop could be oriented toward Old Redwood Highway, which the applicant indicated would interfere with solar access. There was no visual representation of how this change would appear.
  - 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, visiting public, and its neighbors through the appropriate use of materials, texture, and color, or that it would remain aesthetically appealing and be 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.

The Planning Commission minutes, the staff memo, and the project plans are provided in Attachments 5-7.

On March 24, 2025, the applicant filed an Appeal of the Planning Commission's denial. A cover letter and revised plan set are provided in Attachments 2 and 3.

### **Discussion:**

The Planning Commission denied the Revision to File request for the reasons listed below. Each point is followed by the applicant's response through the Appeal and then staff comments.

1. Inconsistency with Development Standards. The Planning Commission could not find the proposed design to be consistent with the development standards of the applicable zoning district, design standards/guidelines, and architectural criteria for special areas, including the following:
  1. A minimum of four feet of vertical articulation is required at least every 36 feet.
  2. The Zoning Code requires crime prevention through environmental design, such as front stoops at the entries.
  3. 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.

*Appeal Response:* The revised plans show a new roofline with gables facing Old Redwood Highway that provide the required vertical articulation (see Attachment 3). Balconies are provided to meet the requirement for stoops. Low fences with gates will be provided around each private front yard.

*Staff Comments:* The modified plans meet the minimum requirement of providing four feet of vertical articulation every 36 feet. The project does not include stoops as they previously have been defined and understood in Windsor. Although the Zoning Code does not define "stoops," they typically are designed with a landing at the front door that is two to five feet above the sidewalk elevation. The addition of stoops potentially could require adjustments to the site plan, such as wider front setbacks to allow for stairs or ramps, and/or substantial changes to the grading plan (adding fill to elevate the first-floor finished grade). This issue remains unresolved. The Applicant is agreeable to providing low fences around the private front yards, which could be added as a condition of approval.

2. Incompatibility with the Surrounding Neighborhood. The Planning Commission did not find the architectural design of the proposed development to be compatible with the character of the surrounding neighborhood.

*Appeal Response:* Plans have been modified to address the Planning Commission's concerns.

*Staff Comments:* The Town Council should consider whether the project as modified would create a project that is compatible with the character of the surrounding neighborhood.

3. Potential to Create an Undesirable Environment. 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.
  1. The roofline would be flat from public views.

2. Siding Materials. There were concerns about using an aluminum siding material without U.S. testing and ratings, with a relatively short warranty period (10 years), and uncertainty about the future availability of materials for repair/replacement.

*Appeal Response: The roofline has been modified to provide vertical articulation as seen from public views.*

*Staff Comments: The Town Council should consider whether the project as modified would create a desirable environment for the occupants, visitors and neighbors. No new information was provided regarding the novel siding materials.*

4. Inconsistent and Inaccurate Plans. The Planning Commission was not provided with timely, consistent, accurate information upon which to base their decision.

*Appeal Response: Plans have been revised to address all the Planning Commission's concerns.*

*Staff Comments: Although the Applicant has revised the plans in attempt to address the Planning Commission's concerns, the plans continue to have inaccuracies and inconsistencies.*

#### **Fiscal Impact:**

There are no fiscal impacts associated with this item.

#### **Environmental Review:**

The Town Council adopted a Mitigated Negative Declaration for the project based on a development plan with 12 live/work units (see Attachment 5). Only two mitigation measures were required, including a unit-specific acoustic study and pre-construction nesting bird surveys, depending upon the date of commencing construction activities. Because the proposed revisions would not change the number of units or the basic site plan or massing, the project would be substantially consistent with original environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15162. No further environmental review is required.

#### **Attachment(s):**

1. Resolution
2. Applicant Letter for Appeal
3. Project Plans - Revised for TC Meeting
4. PC Resolution 773-25 - Denial of REV 2025-03-11
5. PC Minutes 2025-03-11
6. PC Memo 2025-03-11
7. Project Plans - PC Meeting 2025-03-11
8. PC Minutes 2025-02-11
9. PC Staff Report 2025-02-11
10. Project Plans - Original Approval
- 12.2 Correspondence Received (Distributed 2025-05-21)
- 12.2 PowerPoint (Distributed 2025-05-21)

#### **Prepared by:**

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#### **Reviewed by:**

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**Approved by:**  
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