

TOWN OF WINDSOR AGENDA REPORT

Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date: August 7, 2024

To: Mayor and Town Council
From: Patrick Streeter, Community Development Director
Subject: Approve an Amendment to Windsor Palms II Center Building 600 Covenants, Conditions, and Restrictions

Recommendation to Council:

Adopt a resolution approving an amendment to Windsor Palms II Center Building 600 Covenants, Conditions, and Restrictions (CC&Rs) to specify the provisions of the CC&Rs that require Town approval to amend, consistent with Planning Commission Resolution No. 499-06.

Strategic Plan Element:

The recommended action supports the goal of Infrastructure. Goal Statement: Through a lens of sustainability and innovation, invest in the Town's infrastructure and public facilities to meet the needs of future generations.

Background:

The Windsor Palms II Center is located at 8465 Old Redwood Highway (APN: 164-540-001), and includes several buildings, totaling approximately 46,000 square feet. The area was originally approved as a commercial planned development in 1992, with the final building, Building 600, receiving design review approval in June 2003.

In August 2006, the Planning Commission adopted Resolution 499-06 approving a Use Permit and Major Subdivision for Building 600 to be subdivided into 11 commercial condominium units, resulting in amendments to the Covenants, Conditions, and Restrictions (CC&Rs). Per Resolution 499-06, Condition of Approval number 12 (Attachment 2), the CC&Rs shall be reviewed and approved by the Town prior to recordation to ensure disclosure of shared parking, access, maintenance, and utility services. As such, the CC&Rs include a provision that amendments are to be reviewed and approved by the Town (Number 19.4; Attachment 3).

In January 2023, proposed amendments to the CC&Rs to allocate assessments based on square footage, were submitted to the Town for review. The Town Council considered the requested amendment at its April 19, 2023, meeting and declined to approve it.

On February 9, 2024, the Windsor Palms - 600 Building Owners' Association approved by a vote of nine in favor, one opposed, an amendment to Section 19.4 of the CC&R's to require Town of Windsor approval only for amendments affecting the project components identified in Planning Commission Resolution No. 499-06, Condition of Approval number 12 (Attachment 4).

Discussion:

As noted above, in 2023 and in 2024, proposed amendments to the CC&Rs for the Windsor Palms II Center Building 600 were submitted to the Town for review. Generally, jurisdictions are not involved

with approving or enforcing CC&Rs for associations. In this case, when the commercial subdivision took place, the Town had an interest in ensuring accurate and full disclosure of shared parking, access, maintenance, and utility services. Condition of Approval No. 12 specifically lists the four declarations to be included in the CC&Rs and the requirement that they not be amended unless approved by the Town:

12. The CC&R's Declaration for Windsor Palms Plaza II Shopping Center A Planned Development and associated amendments) for the Windsor Palms II Shopping Center originally recorded in 1994 shall remain in place and a declaration shall be recorded for Building E, Lot 6 of the Windsor Palms Plaza II (herein referred to as Building 600). The declaration shall be reviewed and approved by the Town, prior to being recorded, shall run with the ownership of the units served, and shall be disclosed to all potential owners. The declaration shall be recorded with the final map and shall include the following:

- a. The commercial condominium units of Building 600.
- b. Shared parking that assigns the available ninety-two (92) parking spaces as retail use (five spaces each 1,000 square feet) for units C1- C3 and office use (four spaces for each 1,000 square feet) for Units C4..:C11.
- c. Shared parking, access, and maintenance of all common areas.
- d. Area outside of the building footprint designated as common area for the shopping center.
- e. A non-amendment clause regarding the above unless approved by the Town. Third party benefits with the right, but no obligation to compel compliance to these provisions.

Because the proposed amendment to the CC&Rs would not affect the Town's authority to review and approve those provisions of interest to the Town, staff recommends approval of the Amendment to Windsor Palms Plaza Covenants, Conditions, and Restrictions.

Fiscal Impact:

This action is not associated with any direct fiscal impact for the Town.

Environmental Review:

The recommended action is not a "project" pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15378 and no environmental review is required.

Attachment(s):

1. Resolution
[Exhibit A - Windsor Palms 600 BOA Agenda and Resolution](#)
2. Planning Commission Resolution 499-06
3. Windsor Palms CC&Rs
4. Windsor Palms 600 BOA Agenda and Resolution

Prepared by:

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Recommended by:

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Town Manager