# TOWN OF WINDSOR
# AGENDA REPORT

**Joint Windsor Town Council, Windsor Redevelopment Successor Agency and Windsor Water District Meeting Date:** April 16, 2025

**To:** Mayor and Town Council
**From:** Patrick Streeter, Community Development Director
**Subject:** Consideration of the First Restated Declaration for Windsor Palms Plaza II Shopping Center

**Recommendation to Council:**
Adopt a resolution consenting to the proposed amendments to the Declaration for Windsor Palms Plaza II Shopping Center recorded on April 30, 1993, pursuant to Section 12.04.

**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 Plaza II Shopping 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.

The Declaration for Windsor Palms Plaza II Shopping Center (Declaration) was recorded on April 30, 1993. The Declaration was drafted prior to the 2014 enactment of the Commercial and Industrial Common Interest Development Act and was also written to reflect that the shopping center would be developed with seven commercial buildings, each under separate, single ownership.

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 a new declaration with Covenants, Conditions, and Restrictions (CC&Rs) for property owners in that building specifically.

On November 25, 2024, Attorney Peter J. Walls, on behalf of the Windsor Palms Plaza II Owners Association submitted a request (Attachment 2) for Town of Windsor consent to the First Restated Declaration for the Windsor Palms Plaza II Shopping Center, pursuant to a provision in the Declaration that requires Town Council approval for any amendments.

**Discussion:**
As noted above, the original Declaration was adopted more than 30 years ago, prior to significant legislation affecting commercial properties under common ownership and when adopted, the subdivision of Building 600 had not been anticipated. As such, the Declaration includes outdated language as well as inconsistencies with both state law and internal policies tied to the ownership structure. The letter from Peter J. Walls, described above, outlines the nature of the amendments and

the Owners Association's justification.

It should be noted that in April 2023, and August 2024, the Town Council considered requests from the Building 600 Owners Association, a separate entity from the Owners Association making the current request, for amendments to the Building 600 CC&Rs that would modify the rules related to maintenance allocation and that would limit the Town's consent requirement to conditions tied to the original Planning Commission subdivision approval, respectively.

The Council declined to approve the amendments on both occasions. The request currently under consideration is related to a separate and distinct Owners Association and policy document. And, importantly, the Restated Declaration does not propose to limit or otherwise modify the requirement for Town consent of future amendments.

Because none of the amendments in the First Restated Declaration pertain to Town infrastructure or directly affect Town interests and because the First Restated Declaration does not preclude the Town from being involved in future amendments, Town staff recommend that the Council consent to the proposed amendments.

**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
2. Windsor Palms II Owners Association Request for Town of Windsor Consent to First Declaration for Windsor Palms Plaza
3. First Restated Declaration-12012024112945
14.2 PowerPoint (Distributed 2025-04-15)

**Prepared by:**
Patrick Streeter
Community Development Director