

RESOLUTION NO. 3436-18

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
(1) APPROVING A REVISION TO CONDITION NO. 109 OF RESOLUTION
NO. 3285-16 TO REQUIRE PAYMENT OF \$2,000,000 TO THE TOWN'S
INCLUSIONARY HOUSING FUND AND RESTRICTION OF 5 THREE-BEDROOM
UNITS TO BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS FOR 30
YEARS IN PLACE OF RESTRICTING 77 UNITS OF VARIOUS BEDROOM SIZES TO
BE AFFORDABLE TO MODERATE INCOME HOUSEHOLDS FOR 10 YEARS; AND
(2) APPROVING RESERVATION OF 77 RESERVE "A" GROWTH CONTROL
ALLOCATIONS FOR THE VINTAGE OAKS ON THE TOWN GREEN PROJECT
LOCATED AT 9290 OLD REDWOOD HIGHWAY (APNs 161-070-036 AND 161-600-005)
(FILE NO. REV 14-17)**

WHEREAS, by Resolution No. 2244-08, incorporated herein by reference, the Town Council approved a mobile home conversion report that provided that new development would provide a one-for-one replacement for the loss of affordable units; and the goal was to replace up to 131 affordable units on Bell Village Project site; and

WHEREAS, by Resolution No. 2862-11, herein incorporated by reference, the Town Council of the Town of Windsor ("Town Council") adopted a Mitigated Negative Declaration ("MND") for the Bell Village project ("Bell Village Project") on December 7, 2011; and

WHEREAS, by Resolution No. 2867-11, herein incorporated by reference, the Town Council approved the Tentative Map for the Bell Village Project on December 7, 2011; and

WHEREAS, by Resolution No. 2867-11, Condition No. 146, the Town Council required that the Owner shall execute a Housing Agreement with the Town guaranteeing provision of affordable housing units in conformance with the previously executed Priority Development Area Waiver Agreement, dated October 7, 2009, including the following:

- a. 77 residential units (20% of unit total) shall be reserved for occupancy by very low income households for a minimum period of 30 years.
- b. An additional 77 residential units (20% of unit total) shall be reserved for occupancy by moderate income households for a minimum period of 10 years.

WHEREAS, the Applicant indicated that the loss of State Redevelopment funds made it infeasible to construct the 77 very low and low income units on site; and staff indicated that moderate income units were the Town's most deficient housing type; and the provision of 77 moderate income units would fulfill 58% of the Town's requirements for moderate income housing as defined by the Regional Housing Needs Allocation; and the payment of in-lieu fees would allow the Town to subsidize the construction of 10-15 very low income units (Town Council Agenda Report, January 15, 2014); and

WHEREAS, by Resolution No. 3050-14, herein incorporated by reference, the Town Council amended certain Conditions of Approval of the Tentative Map on January 15, 2014, including

eliminating a requirement to reserve 77 units to be affordable for very low-income households, thereby creating a shortfall in Growth Control allocations because these 77 units would no longer be exempt from Growth Control Allocations due to affordability; and

WHEREAS, by Resolution No. 3134-14, herein incorporated by reference, the Town Council modified Key Components No. 1 of the Priority Development Area Waiver and Condition of Approval No. 109 to allow for payment of in-lieu fees for the 77 very low-income dwelling units in place of the requirement to construct the units on site; and

WHEREAS, housing in-lieu fees for the entire 387-unit project were calculated to be \$1,154,752.55, based upon the 2014 Fee Schedule, and were paid in full on August 8, 2014; and

WHEREAS, by Resolution No. 3284-16, incorporated herein by reference, the Town Council adopted an Initial Study/Mitigated Negative Declaration Addendum and Mitigation Monitoring Plan associated with a revised Tentative Map on May 18, 2016; and

WHEREAS, by Resolution No. 3285-16, incorporated herein by reference, the Town Council approved a revised Tentative Map for the Project on May 18, 2016; and

WHEREAS, Condition Number 109 of Resolution No. 3285-16 and Key Component No. 1 of the Amended Priority Development Area Waiver Agreement retained the previous requirement to reserve 77 units for moderate income households for a minimum period of 10 years; and

WHEREAS, an Amended Priority Development Area Waiver Agreement was executed on October 7, 2014; and

WHEREAS, on February 5, 2018, the Town received a request the Applicant to revise Condition No. 109 of Resolution No. 3285-16, to require a cash payment of \$1,750,000 and restriction of five (5) 3-bedroom units for moderate income households for 30 years in place of the requirement to reserve 77 units for moderate income households for a minimum period of 10 years, and to substitute a requirement for; and

WHEREAS, the 77 moderate income units required by Condition No. 109 is not a requirement of the Town's Inclusionary Housing Ordinance, the requirements of which have already been met; but rather it is a requirement of a previously imposed condition of project approval implementing the targeted replacement goal stated in Resolution No. 2244-08 from the conversion of the Windsorland Mobile Home and RV Park; and

WHEREAS, the Town's Housing Consultant, BAE Urban Economics, reviewed the proposed revision to Condition No. 109 and has recommended that the Town accept the proposal based on the following:

- The \$1.75 million cash payout could potentially assist up to 73 below market rate units, plus the five moderate-income three-bedroom units that will be built as part of the project itself, for a total yield of 78 units. Although the unit total is comparable to the original 77 units deed restricted for 10-years, it is likely that units assisted with the buyout funds would be at a deeper level of affordability (i.e, very low- and low-income vs. moderate-

income) and for a longer period of affordability (i.e., 30+ years versus 10 years).

- The Town achieves a longer term of affordability for the 5 three-bedroom below market rate housing units that will remain as part of the project, versus allowing those affordability covenants to expire in 10 years under the current project requirements.

;and

WHEREAS, Condition Number 109 of Resolution No. 3285-16 and Key Component No. 2 of the Amended Priority Development Area Waiver Agreement state that the 77 moderate income units were exempt from the Growth Control Ordinance and did not require allocations due to their affordability; and

WHEREAS, if the 77 units are no longer reserved for moderate income units, they would no longer be exempt from the Growth Control Ordinance; and

WHEREAS, by Resolution No. 3418-17, the Town Council affirmed establishment of Five-Year Annual Residential Growth Control Allocation with Reserve A, Reserve B and rolled over units as follows:

YEAR:	2017	2018	2019	2020	2021	TOTAL
Reserve A Units	0	55	28	28	29	140
Reserve B Units	0	219	112	114	115	560
Banked Units	0	0	0	0	0	0

;and

WHEREAS, the project is eligible for “Reserve A” allocations because it exceeds threshold requirement of having a density of at least 12 dwelling units per acre; and

WHEREAS, the Growth Control Ordinance limits the number of allocations that can be awarded to larger projects (projects exceeding 50 units) to 50 allocations per year; and

WHEREAS, the Growth Control Ordinance allows for allocations to be requested and awarded from future years if a multiple-year annual residential growth control allocation period has been established; and

WHEREAS, a Five-Year Annual Residential Growth Control Allocation has been established by Resolution 3418-17; and

WHEREAS, a sufficient number of Reserve A allocations remain within the Five-Year Annual Residential Growth Control Allocation period to reserve 77 allocations for the project; and

WHEREAS, in accordance with the provisions of law, the Town Council conducted duly-

noticed public hearings on February 21, 2018, and March 7, 2018, at which time all interested persons were given an opportunity to be heard and all comment was considered; and

WHEREAS, at the March 7, 2018 public hearing before the Town Council the Applicant agreed to an increase in the amount of the proposed cash payment from \$1,750,000 to \$2,000,000; and

WHEREAS, Town Staff has determined that the proposed amendment to Condition No. 109 of Resolution No. 3285-16 would not change the Project or Project circumstances or constitute substantial new information such that a new or substantially more severe significant impact than that disclosed in the MND or MND Addendum would result, and that no additional environmental review is required pursuant to CEQA Guidelines Section 15162; and

WHEREAS, Town staff has further determined that all previously adopted mitigation measures will continue to apply to the Project; and

WHEREAS, the proposed revision does not require additions or alterations to the mitigation measures or the mitigation monitoring program previously adopted; and

WHEREAS, the Applicant's request is deemed consistent with the provisions of the Town of Windsor General Plan.

NOW, THEREFORE BE IT RESOLVED that the Town of Windsor Town Council hereby approves the following revision to the Conditions of Approval for the Vintage Oaks on the Town Green Project established by Resolution No. 3285-16:

1. Revision of Condition No. 109 to read as follows:

“109. Prior to issuance of a building permit for construction of the first building on the subject site, the owner shall:

- a) Submit an unconditional cash payment of \$2,000,000 for deposit into the Town's Inclusionary Housing Fund.
- b) Execute a Housing Agreement with the Town of Windsor for the restriction of 5 three-bedroom units for occupancy by moderate income households for a period of 30 years.

This agreement shall be approved by the Community Development Director and Town Attorney.”

All other conditions of project approval stated in Resolution No. 3285-16 shall remain in effect; and

BE IT FURTHER RESOLVED that the Town of Windsor Town Council hereby approves reservation of 77 Reserve “A” Growth Management Allocations from the 2017 – 2021 Five-Year Annual Growth Control Allocation period approved by Resolution No. 3418-17 as follows:

ALLOCATION YEAR	RESERVE "A" ALLOCATIONS
2018	50
2019	27

Pursuant to Section 16-4-124 of the Town's Growth Control Ordinance, the reserved growth control allocations shall automatically expire upon expiration of the project's discretionary approvals or expiration of unused building permits issued for the project.

PASSED, APPROVED AND ADOPTED this 7th day of March 2018, by the following vote:

AYES: COUNCILMEMBERS MILLAN, SALMON,
 VICE MAYOR FOPPOLI AND MAYOR OKREPKIE
NOES: COUNCILMEMBER FUDGE
ABSTAIN: NONE
ABSENT: NONE



BRUCE OKREPKIE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK