

RESOLUTION NO. 3538-19

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
AUTHORIZING THE TOWN MANAGER TO EXECUTE A FEE DEFERRAL
AGREEMENT FOR WINDSOR VETERANS VILLAGE TO (i) DEFER PAYMENT OF
IMPACT AND CAPACITY FEES UNTIL A CERTIFICATE OF OCCUPANCY HAS
BEEN ISSUED AND (ii) APPROVING THE DEVELOPER'S REQUEST TO APPLY
THE 2018/2019 DEVELOPMENT IMPACT AND CAPACITY FEES TO THE PROJECT
INSTEAD OF 2019/2020 FEES**

WHEREAS, Policy 1.6 under Goal H-1 in the Housing Element of the Town's General Plan requires the provision of very-low, low- and moderate-income housing as part of new residential development projects and allows for this requirement to be satisfied through payment of an in-lieu fee; and

WHEREAS, the Town has adopted an Inclusionary Housing Ordinance that includes payment of an in-lieu fee as an option for satisfying the Town's inclusionary housing requirements; and

WHEREAS, on June 15, 2016, the Town Council adopted Resolution No. 3297-16 which establishes guiding principles for use and disbursement of the Town's Inclusionary Housing Funds; and

WHEREAS, on January 24, 2018, the Town issued and distributed a "Notice of Funding Availability" (NOFA) to over 85 individuals/organizations in the North Bay area announcing the availability of up to \$500,000 dollars in Inclusionary Housing Funds for construction of affordable housing units within the Town of Windsor; and

WHEREAS, three applications for funding in response to the NOFA were received by the Town, including an application from a limited partnership comprising Veterans Resource Centers of America and Urban Housing Communities ("Developer"); and

WHEREAS, the Town of Windsor Town Council held a noticed public meeting on June 6, 2018 to consider the merits of the three applications and determined that the application submitted by the Veterans Resource Centers of America and Urban Housing Communities for Windsor Veterans Village ("Project") was superior in that it would produce the greatest of number of units at the deepest level of subsidy with a focus on a household population with special needs; and

WHEREAS, on June 6, 2018, the Town Council adopted Resolution No. 3459-18 authorizing the Town Manager to execute an agreement awarding up to \$500,000 in Inclusionary Housing Funds to the Veterans Resource Centers of America and Urban Housing Communities to construct the Windsor Veterans Village project, a 60-unit rental apartment project with onsite supportive services that is targeted to veterans and their families who are at-risk of homelessness or are homeless, at income-levels from zero to 50 percent of Sonoma County area median income, located at 9500 Oak Park Street; and

WHEREAS, on May 22, 2018, the Planning Commission adopted a Mitigated Negative Declaration (Resolution No. 654-18) and approved the Use Permit and Design Review application for the Project (Resolution No. 655-18); and

WHEREAS, subsequent to the Planning Commission's approval of the Project and Town Council's award of \$500,000 in Inclusionary Housing Funds for the Project, the costs to construct the Project exceeded the anticipated construction costs for the Project due to the increase in the cost of labor and materials that occurred after the 2017 Nuns and Tubbs fires; and

WHEREAS, in order to offset part of the increase in the costs of the Project, the Developer has requested to defer the payment of impact fees and capacity fees ("Impact Fees") to the issuance of the first certificate of occupancy and to have the 2018/2019 development Impact Fees applied to the Project; and

WHEREAS, the estimated amount of Impact Fees to be deferred is \$1,983,831; and

WHEREAS, the Developer anticipates that a certificate of occupancy will be issued by December of 2020; and

WHEREAS, the Town Council held a public meeting on July 17, 2019 to consider the Developer's request to defer the payment of development Impact Fees to the issuance of the first certificate of occupancy for the Project and to apply the 2018/2019 development Impact Fees to the Project, at which time all interested persons were given an opportunity to be heard; and

WHEREAS, staff has negotiated a fee deferral agreement (the "Agreement") substantially in the form on file with the Town Clerk; and

WHEREAS, the deferral of development Impact Fees to the issuance of the first certificate of occupancy and applying the 2018/2019 development Impact Fees to the Project is part of the larger Veterans Village project for which Planning Commission adopted a Mitigated Negative Declaration on May 22, 2018; therefore, no further environmental review is required.

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Windsor that:


Section 1. The above recitals are true and incorporated into this Resolution.

Section 2. The Town Manager is hereby authorized to execute the Agreement, with such changes as are approved by the Town Attorney, and to execute all documents and take all actions necessary to carry out the intent of this Resolution.


Section 3. The Town Manager is hereby authorized to apply the 2018/2019 development Impact Fees to the Project.

PASSED, APPROVED AND ADOPTED this 17th day of July 2019, by the following vote:

**AYES: COUNCILMEMBERS LEMUS, OKREPKIE, SALMON,
VICE MAYOR FUDGE AND MAYOR FOPPOLI**
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



DOMINIC FOPPOLI, MAYOR

ATTEST:


MARIA DE LA O, TOWN CLERK

