ORDINANCE NO. 2022-368

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR AMENDING THE PLANNED DEVELOPMENT (PD) ZONING STANDARDS FOR PROPERTIES LOCATED AT 6114 AND 6122 OLD REDWOOD HIGHWAY AND RENAMING IT THE "OLD REDWOOD HIGHWAY VILLAGES" PLANNED DEVELOPMENT (APNs 163-172-019, -020, -021) (FILE NO. 21-21)

WHEREAS, the Town of Windsor Community Development Department received an application for planning entitlements to: (1) amend the development standards of The Oaks Planned Development that was previously approved for properties located at 6114 and 6122 Old Redwood Highway; (2) subdivide the properties into 28 residential lots and 3 common areas; and (3) approve Site Plan and Design Review for a development project consisting of 28 two-story single-family units, including six units with designated ground floor flex/office spaces oriented to Old Redwood Highway, and three deed-restricted moderate income units ("Project"). The project site consists of two parcels located at 6114 and 6122 Old Redwood Highway with a total of 2.9+\- acres (APNs 163-172-019, -020, and -021). General Plan: Neighborhood Commercial/Mixed Use and Merner Drive Special Policy District (8-12 units/acre). Zoning: The Oaks Planned Development (PD) 8-12 units/acre); and

WHEREAS, by Resolution No. 3514-19, incorporated herein by reference, the Town Council adopted a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for The Oaks project (File No. 14-22); and

WHEREAS, in Resolution No. 723-22, incorporated herein by reference, the Town of Windsor Planning Commission recommended that the Town Council find that the Project is substantially consistent with The Oaks project for purposes of environmental review, and no further environmental review is required; and

WHEREAS, in Resolution No. 723-22, the Town of Windsor Planning Commission recommended that the Town Council approve the proposed amendment to the PD development standards; and

WHEREAS, in accordance with the provisions of law, the Town Council did conduct a duly noticed public hearing on November 2, 2022, on said application at which time all interested persons were given an opportunity to be heard; and

WHEREAS, the Town Council considered the Planning Commission recommendation, staff report dated November 2, 2022, and all written and oral testimony submitted at the public hearings.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor does ordain as follows:

SECTION 1. Recitals.
The above recitals are true and correct and adopted as findings.

SECTION 2. Findings.
The Town Council finds that:

1. The Zoning Map amendment is consistent with the General Plan.

   FINDING
   The General Plan land use classification is Neighborhood Center/Mixed Use (NCMU). The NCMU designation allows for diverse uses, including residential, commerce, and professional offices, located within the same building (vertical mixed use) or on the same site (horizontal mixed use). The intensity of development for NCMU is lower than that in the Town's other mixed-use designation to maintain compatibility with adjacent lower-density single-family neighborhoods. The PD is primarily residential, eliminating the 3 live/work units from The Oaks project and providing a flex/office space in 6 residential units, all of which are ground floor spaces that have access to, and are oriented toward, Old Redwood Highway. The lower intensity of commercial uses, limitation of building heights to two stories, and lower density than the maximum otherwise allowed by the NCMU land use designation help the project fit in with the existing neighborhood. The project is subject to General Plan Land Use Policy LU-12.9 (Neighborhood Interface Policy for Properties in the Vicinity of Merner Drive). The PD is consistent with the Merner Drive Special Policy District (General Plan Policy LU-12.9) because: 1) the residential density does not exceed 12 units per acre; 2) no buildings are located within the rear 30 feet of the site and no buildings exceed a height of 38 feet within the rear 50% of the site; and 3) noise attenuation is accomplished without the use of a solid sound wall along Old Redwood Highway.

2. The Zoning Map amendment would not be detrimental to the public interest, health, safety, conveniences, or welfare of the Town.

   FINDING
   The project does not include any design features that would impact public health, safety, and welfare. The PD zoning allows flexibility to tailor development to the site.

3. The site is physically suitable (including absence of physical constraints, access, and compatibility with adjoining land uses, and provision of utilities) for the requested zoning designations and anticipated land use/development.

   FINDING
   The site is relatively flat. The Oaks' development plan, including density and building heights, are compatible with the lower-density existing neighborhoods to the north and east, and the higher density apartments and a commercial center to the west and south. Access is provided from existing driveways on Old Redwood Highway and Merner Drive.

4. The Zoning Map amendment is internally consistent with other applicable provisions of the Zoning Ordinance.

   FINDING
   The PD zoning district allows for modifications to development standards. Where standards are not addressed in the project's approved Development Standards, the Zoning Ordinance provides the default development standards.

SECTION 3. Approval.
The zoning for 2.9+\- acres at 6114 and 6122 Old Redwood Highway will continue to be PD (Planned Development), with amended development standards as provided in Exhibit A, attached and incorporated herein by reference.

SECTION 4. Severability.
If any section, subsection, sentence, clause or phrase or word in this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions may be declared unconstitutional, unlawful or otherwise invalid.

SECTION 5. Effective Date and Publication.
This Ordinance shall take effect and be in force 30 days following its passage. Before the expiration of fifteen (15) days after its passage, this Ordinance, or a summary thereof, as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulations published and circulated in the Town of Windsor.

PASSED, APPROVED AND ADOPTED this 16th day of November 2022, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, REYNOZA, WALL, VICE MAYOR LEMUS AND MAYOR SALMON**
NOES:	**NONE**
ABSTAIN:	**NONE**
ABSENT:	**NONE**

SAM SALMON, MAYOR

ATTEST:

IRENE CAMACHO-WERBY, TOWN CLERK

Attachment:
- Exhibit A - Planned Development Standards

EXHIBIT A

OLD REDWOOD HIGHWAY VILLAGES PD DEVELOPMENT STANDARDS*		
	Standard	Additional Requirements
Lot Size		
Minimum	1400 SF	
Density		
Maximum	12 dwelling units/acre; 1.0 FAR	See General Plan Policy 12.9
Setbacks**		
Front	0 -10 feet	N/A
Rear	0 feet	N/A
Side	0 feet	N/A
Street Side	0 feet	N/A
Height Limits		
Maximum height	35 feet with exceptions allowed by Zoning Ordinance Chapter 27.20 (General Property Development and Use Standards).	N/A
Maximum stories	Two-story maximum, except for one-story maximum within rear 30 feet (east side)	N/A
Parking		
Single-family detached	2 covered spaces per unit	Required parking shall be provided on site.
Single-family attached (below market rate)	1 covered space per unit	Required parking shall be provided on site.
Open Space		
Minimum Open Space	400 SF/unit of usable open space, including at least 42 SF private open space per unit.	N/A
Porches	Minimum depth 3.5 feet	
Site Coverage		
Maximum 60%		
Fencing		
Northern perimeter fence	Maximum 8-foot height, including 2-foot 50% open lattice at the top.	Shall step down to 6-feet with 20 feet of public right-of-way.
Sound-rated fencing for individual lots	Maximum 7-foot height.	Allowed only in locations specified by the project's noise analysis and shown on landscape plans.
Other Fencing	Maximum 4-foot-tall tubular steel fencing is permitted at the front property lines, around the perimeter of common open space parcels B and C.	Height limitations are otherwise subject to Zoning Ordinance Section 27.26.010
Permitted Land Uses		
Residential	Multifamily or single-family.	Single family units can be attached or detached.
Other Standards		
Hours of Operation	Business uses open to the public shall be limited to the following hours: 7:00 a.m. to 9:00 p.m. Monday - Friday; 8:00 a.m. to 6:00 p.m. Saturday; 9:00 a.m. to 6:00 p.m. Sunday	Pertinent to live/work units and commercial space.
Home Occupations	Allowed in residential units according to Zoning Ordinance Section 27.34.100	N/A
Space Between Residential Structures	6 feet.	Building permits shall be reviewed for window placement and maximum privacy.
Accessory Structures	Consistent with requirements above and Zoning Ordinance Section 27.34.170	The minimum separation between accessory structures and main dwelling unit as allowed by the Building Code shall apply.
Bio-Retention	Consistent with approved Landscape and Irrigation Plan	Homeowners Association is responsible for maintenance of stormwater features on site.
Street Trees	Consistent with approved Landscape and Irrigation Plan	Homeowners Association is responsible for maintenance of street trees (on site and in tree grates in sidewalk). Tree removal requires Town approval and replacement trees are required.

*These standards, in addition to the approved site plan, architectural plans, and landscape plans shall constitute the Old Redwood Highway Final Development Plan. Any development standards not addressed by the Old Redwood Highway Final Development Plan shall be subject to the Neighborhood Center Commercial zoning district standards and the Town of Windsor Zoning Ordinance.