

PLPZ 2020 00305	Text amendment to invoke a moratorium from 6-110(g) – use of incentives to promote moderate income dwelling units
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APPLICATION SUMMARY:

A 12-month moratorium of Section 6-110(g) became effective November 6, 2019. This was in reaction to two consistent complaints with the regulations, including:

- The incentives are too nebulous and therefore difficult for developers to know whether their application will be successful, leading to perceived or real excess time and money spent on an application.
- Criticism that the bulk and associated traffic and parking is too great for the number of moderate income units provided in the development.

Work to date under current moratorium

Since 11/6/19, the Commission has worked fastidiously to meet the original goals of the moratorium. One of the key changes has been to amend the regulations to allow for a pre-application process pursuant to Section 7-159b of the Ct. General Statutes, that allows for a non-binding discussion between the applicant, the Commission, and the public.

Furthermore, the Commission has focused heavily on the relationship between number of stories, Floor Area Ratio, and height in addition to ensuring sites have enough green space and trying to provide incentives to park underground. Charts showing the direction the Commission last discussed are attached. They are working documents and do not necessarily reflect any conclusions. Further, since the effective date, the RTM approved the 2019 POCD, which also called for efforts to increase affordable housing, as defined under Section 8-30g of the Ct. General Statutes. Through working on both types of housing, the Commission’s thinking has evolved to where it is clear a continuum of sorts will be the most effective way to continue promoting a diversity of housing options. In this case, subsidized housing.

The Commission held numerous planning meetings on the subject and one public workshop to ask for the opinions and help of the development community and public at large.

Based on the above, a second moratorium is needed to draft revisions to Section 6-110g of the regulations.

Moratorium is a common method that municipalities use to postpone having to review certain types of zoning applications or drafting of regulations until they have had sufficient time to study the issues and establish appropriate regulations. A moratorium is

temporary in nature and a may be extended if necessary as long as the municipality is working towards adopting regulations to address the land use issues.

In doing so, the Commission should consider the following:

- a) Determine if 12 months is an appropriate duration of time needed for the moratorium

PROPOSED LANGUAGE:

Proposed language in bold:

Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.

For a period of twelve (12) months, commencing from the effective date of this text amendment, no new applications that use Section 6-110 (c)(2) of the Town of Greenwich Building Zone Regulations will be accepted, considered, or approved. The expiration date of this Moratorium shall not exceed 12 months from the effective date of adoption unless extended by the Planning & Zoning Commission.

- (c) Limit on the Number of Dwelling Units Permitted in the Business Zones:

(2) When any portion of one or more of the incentives offered under Section 6-110(g) is requested, a minimum of 20% of all dwelling units on one existing lot or merged adjoining lots shall be deed restricted as moderate-income dwelling units, subject to Section 6-110(h). The incentives for moderate income dwelling units are applicable to properties within the LB, LBR-2, CGB, CGBR, GB and GBO business zones. The Planning and Zoning Commission may consider a fraction to be a whole number to meet the requirements that not less than 20% of all units are moderate-income dwelling units.

...

- (g) Incentives:

To provide incentives to include moderate-income dwelling units within private-sector residential or mixed-use development in the LB, LBR-2, CGB, CGBR, GB and GBO zones (including alteration of, or addition to, an existing building), the Planning and Zoning Commission may allow the following modifications of the Building Zone Regulations provided that (1) the proposed development includes the requisite number of moderate-income dwelling units required under Sec. 6-110(c)(2); (2) the Commission makes a finding that the purposes and requirements of Sec. 6-110 are met; and (3) the proposal complies with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations:

- (1) An increase in Floor Area Ratio to 0.9. The commercial floor area permitted in the underlying zone may be constructed new or added to an existing building up to the allowable Floor Area Ratio of the underlying zone, as permitted in Sec. 6-205(b), provided the remaining allowable floor area up to 0.9 is devoted to residential;
- (2) A waiver of non-residential ground floor use is permitted in the LB zone. Ground floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LBR-2 or CGBR zones;
- (3) For the GB, GBO, CGBR, CGB and LB business zones only, an increase by one (1) story only over the number of stories otherwise allowed in these zones and an increase in the height of a building up to 47½ feet; all as measured according to the requirements of the particular underlying business zone;
- (4) In the LBR-2 business zone an increase by one (1) story over the number of stories otherwise allowed in this zone and an increase in the height of a building up to 40 feet may be permitted; (7/19/16)
- (5) A waiver of maximum coverage standards provided the scale of proposed structures is compatible with surrounding uses and open spaces and provided sufficient landscaping, screening, and decorative planting is provided to enhance the residential quality of the development and to screen refuse, transformer, storage, and parking areas;
- (6) A modification of requirements, if any, of the underlying zone that all parking spaces for Use Group 1 be surface spaces on the same level as street level businesses. The Planning and Zoning Commission may allow up to two-thirds of the required parking spaces for Use Group 1 to be located in an on-site underground parking level provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening, and decorative planting. The total number of on-site parking spaces shall be determined in accordance with Division 15 of the Building Zone Regulations;
- (7) Where minimum side yards are required in Sec. 6-205(b), the Planning and Zoning Commission may find lesser side yards adequate for residential uses;
- (8) Such units shall have not less than one bedroom and shall contain, on average, the same number of bedrooms as the market rate units in the development, unless the Planning and Zoning Commission finds a different allocation of bedrooms per dwelling unit to be more responsive to current housing needs.
- (9) A waiver of the prohibition that no entrance to or exit from a business use shall be located on any street frontage opposite a residence zone where the lot containing the business use has frontage in a business zone along East and West Putnam Avenue. (12/8/16)

BACKGROUND INFORMATION:

CHANGES TO THE INCENTIVES FROM THE PRE-2015 REGULATIONS TO THE CURRENT REGULATIONS:

The goal of the 2015 change was to increase the moderate income housing stock. The method chosen to accomplish this was to provide more incentives in exchange for leniency of FAR, parking, re-balancing the commercial and residential space within a mixed-use building, and stories and height, as described in more detail below:

1. The pre-2015 regulations involved a comparatively complicated formula to determine the number of moderate income units required, which was based on a density bonus tied to the land area. The current regulation includes a simple calculation that requires a minimum of 20% of all dwelling units to be deed restricted as moderate-income dwelling units for applications within the LB, LBR-2, CGB, CGBR, GB and GBO business zones when any incentives are requested.
2. The pre-2015 regulation allowed for a **Floor Area Ratio** (FAR) increase to 0.75. The current regulation allows up to 0.9.
3. **Balance between commercial and residential**: Pre-2015 regulation required the applicant to “construct and maintain at least 50% of the gross floor area in residential use except in existing buildings as defined above where existing or new floor area is to be devoted to moderate income dwelling units”. The current regulation allows the existing commercial FAR to be constructed as currently permitted in the regulations provided the remaining allowable floor area is devoted to residential. In other words, the developer no longer has to “give up” commercial floor area in favor of a mixed use development.
4. The pre-2015 regulation allowed for an increase in the **number of stories** but the **height** could to exceed 40 feet. The current regulation also allows for an increase by one (1) of the number of stories but the height of a building can be up to 47½ feet.
5. The pre-2015 regulations allowed up to one-third of the **required parking** spaces for Use Group 1 to be located in an on-site underground parking level. The current regulation, allows up to two-thirds, provided that the underground spaces are designated for long-term parking by employees, and further provided that the Commission finds such location of spaces will result in an enhancement of the residential quality of the development through an increase of landscaping, screening and decorative planting.
 - a. The reason for this change is to ensure that parking is not always the limiting factor and that the relationship between the parking, FAR, coverage/landscaping work together.
6. A pre-application process with applicable Town Departments and the developer is now a requirement prior to submission of an application.

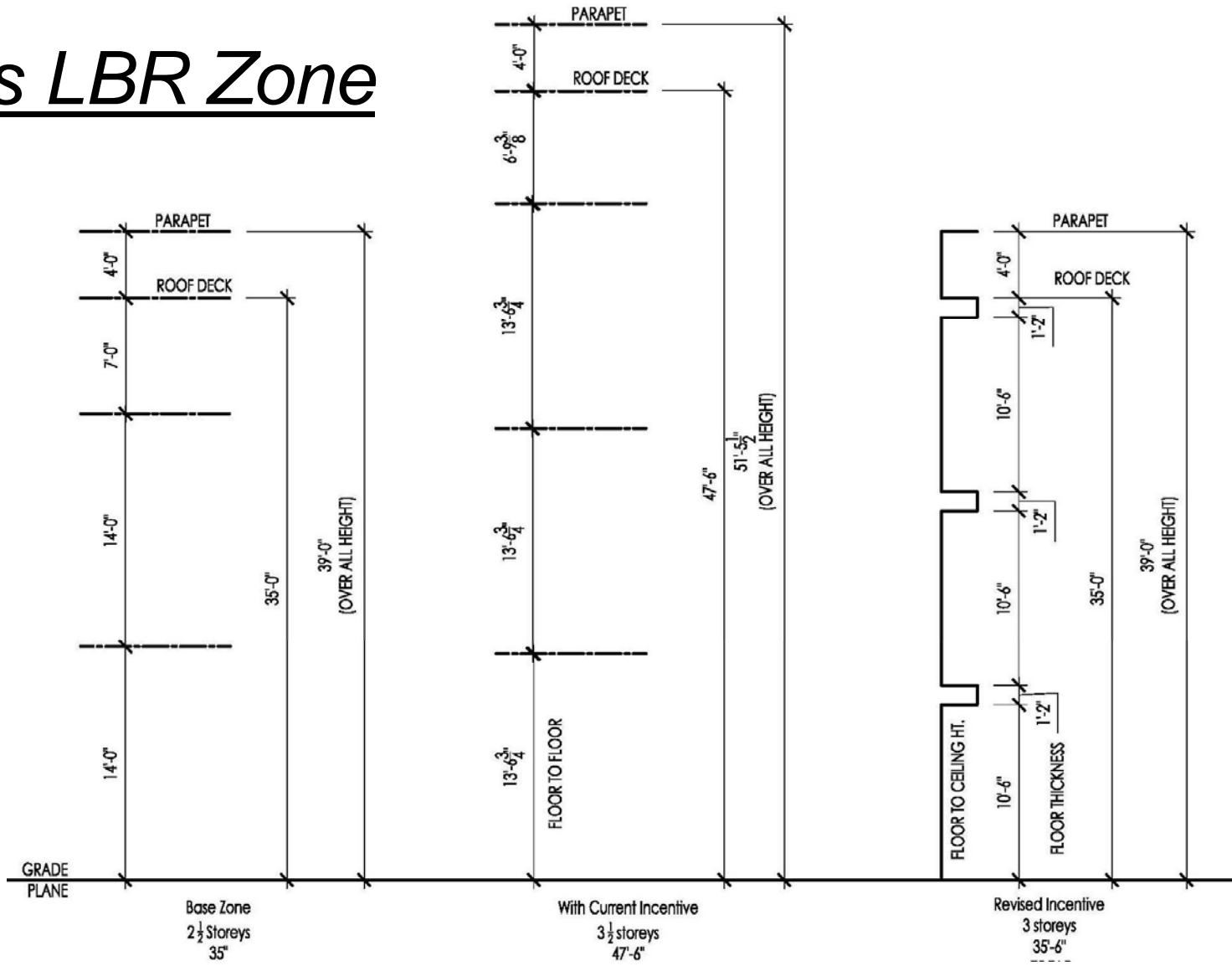
Chart

TABLE 1 Sec.6-110 (g)

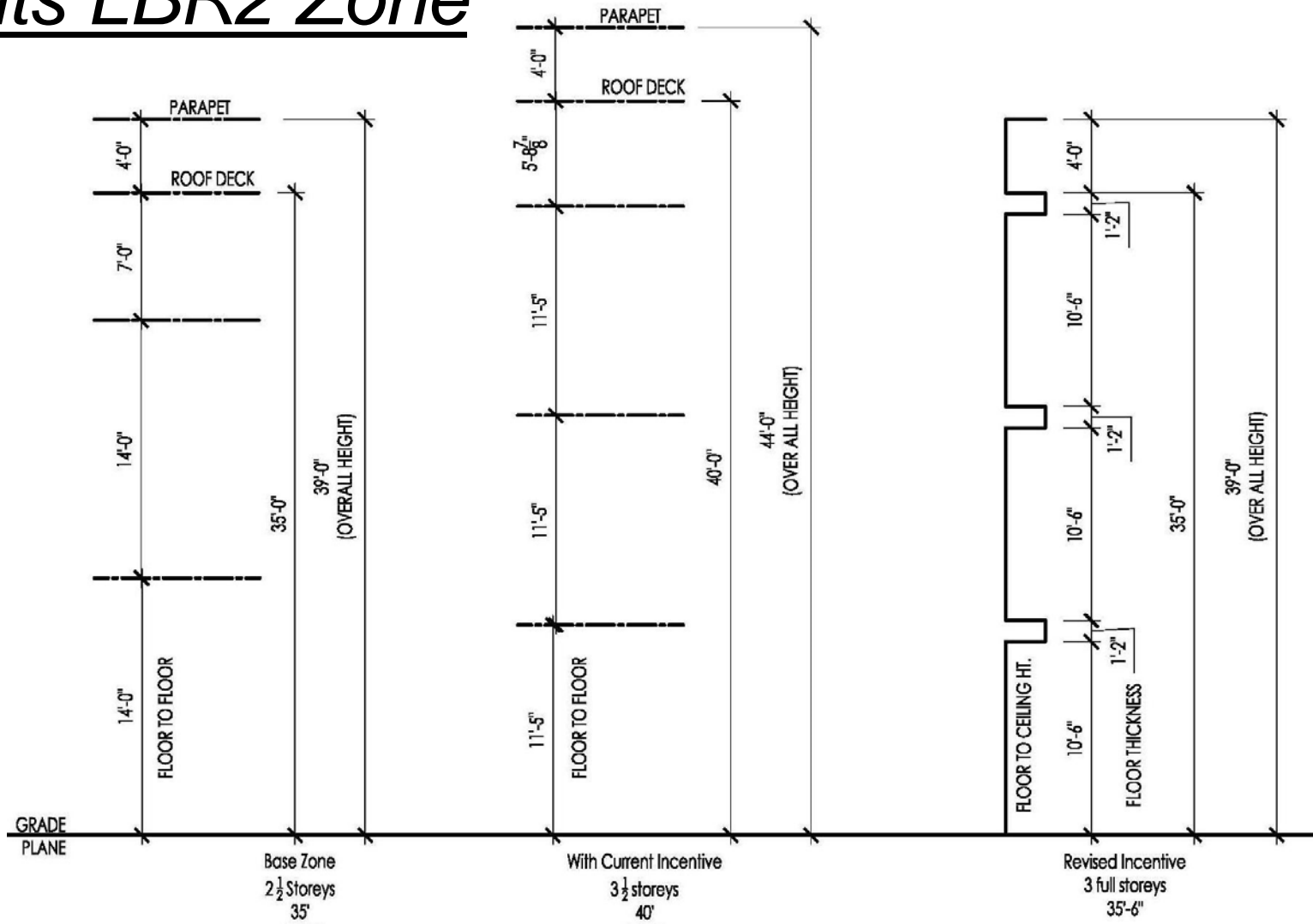
INCENTIVES						
ZONE	INCENTIVES STORIES	UNDERLYING STORIES	INCENTIVES HEIGHT	UNDERLYING HEIGHT	INCENTIVE FAR	UNDERLYING FAR
LB	3	2 1/2	35'-0"	35'-0"	0.75	0.5
LBR 2	3	2 1/2	35'-0"	35'-0"	0.75	0.5
CGBR	4	3	40'-8"	40'-0"	0.9	0.3
CGB	4	3	40'-8"	40'-0"	0.5	0.3
GB	4	3	40'-8"	40'-0"	0.75	0.5
GBO	4	3	40'-8"	40'-0"	0.75	0.5

*per Sec.6-5(9)

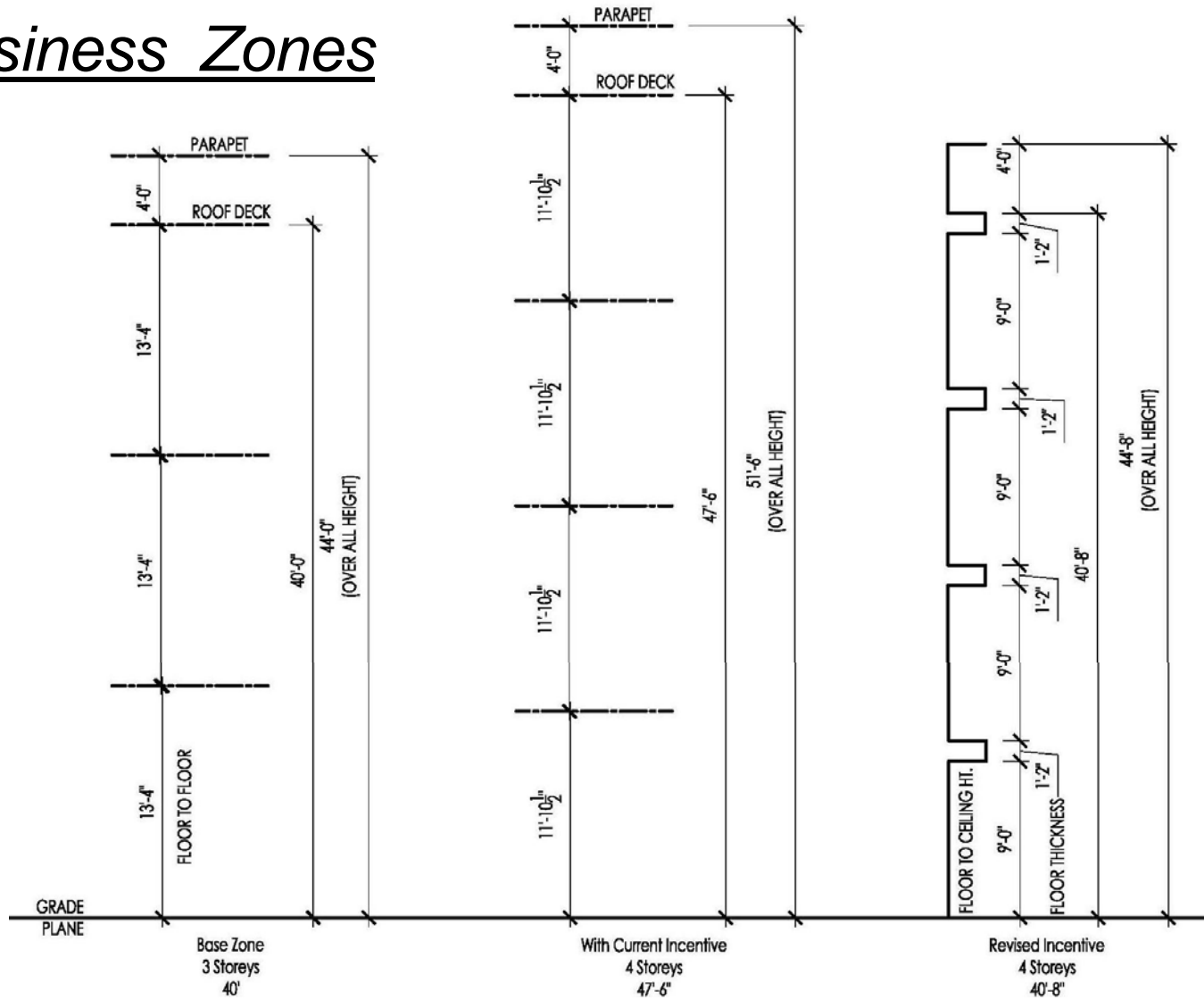
Heights LBR Zone



Heights LBR2 Zone



Heights Business Zones



Massing

10,552sqft. Lot

.9 = 9,497sqft max FAR
 .75 = 7,914sqft max FAR
 .7 FAR = 7,386sqft max FAR

² 14'-11" floor to floor height
 (13'-7" fl. to cl.)
³ 10'-4" floor to floor height
 (9'-0" fl. to cl.)

NOTE:
 HEIGHT TAKEN FROM
 ASSUMED SET GRADE
 PLANE. GRADE PLANE
 WILL VARY USALLY
 HIGHER THAN STREET.

