Katie,

As much as I appreciate your attempt to change 6-110 to further encourage development of Affordable and or Moderate Housing, I feel that the direction is counter to the discussions in previous Task Force meetings as well as the POCD workshops I attended. Providing Affordable and Moderate Housing was a top 3 priority for Town Residence at the workshops I attended.

Not only has the FAR incentive been reduced from .9 to .75, but the added restriction of splitting the previous 20% of the units being Moderate to 10% being Moderate/10% being Affordable removes the incentive of developing under 6-110 for all properties but the largest of properties. This is counter-intuitive to your attempt to build small projects throughout town. As much as P&Z’s previous statements that Regulations should not include Financial implications as being important, the reality is that Development must make financial sense or Development will not happen. Government projects are the only intended projects attempted, knowing from the onset that the project will lose money. I am certain that the proposed regulation changes under 6-110 will certainly encourage one of three things in the LBR-2 Zones: First; No change and buildings beyond their useful life will remain in disrepair; Second; Due to the First reason, those existing buildings will be purchased by people who will continue to eliminate the retail portion of the properties and make them two and three family homes, thus continuing to remove small neighborhood business that would otherwise service the surrounding neighborhood (definition of LBR-2 Zone); Third; Development under CGS 8-30g will continue (which I feel is encouraging in that 8-30g development is the only way I see the LBR-2 zones being upgraded to today’s standards). Building Moderate/Affordable Housing on small lots under your proposed regulations is quite different than building same on larger lots.

Under section (d), you write that the “There are no limits on the number of dwelling units permitted within those structures, subject to the following:...”

It is important to remember that every property has a limit of dwelling units and that limit is determined as to the available parking spaces for said tenants or homeowners to park their vehicles. I do not see nor expect you to eliminate or lessen the parking requirements under the current regulation or what has historically been accepted by the Commission. For that reason, everyone must understand that the smaller the lots, the less available parking will be provided, which limits the number of dwelling units that can be developed, unless success of a project is not important. Also, dwelling units are NOT allowed on the first floors of CGBR and LBR-2 zones. Remember that in the LBR-2 zones, which typically have smaller lots, parking spaces are limited which limits the number of dwelling units that can realistically be developed. Historically, the Commission has allowed and even encouraged 1/1 shared parking between residential uses and retail/commercial uses, which I do not see any reference to shared parking written anywhere in the proposed regulation changes. Thus, with the mandate of retail/commercial being on the first floor of LBR-2 zones which require parking spaces, and your proposed changes to 6-110, and the fact that LBR-2 lots typically are small in Chickahominy, Byram, Pemberwick and parts of Cos Cob, development in said zones will be difficult or impossible to provide any Moderate or Affordable units.

Incentives to LBR-2 Zone:
Waiver of maximum coverage requirements: The “Requirements” are not realistic in LBR-2 zones in Chickahominy, Byram, Pemberwick or parts of Cos Cob. The lots are too small to always provide open spaces and sufficient landscaping, screening, and decorative planting to enhance the residential quality of the development. Thus, I envision the Commission’s Special Permit hammer to dictate the waiver of said Maximum Coverage regulation. Meaning, P&Z Commission will use said Coverage regulation to deny Applications.

LBR-2 Zones:
Stories: 2.5 to 3
Height: 35’ to 37’
FAR: .5 to .75
*per Sec.6-5(9)
** For mixed-use buildings only and only for a peaked roof (gable ends) 6-134

I find it interesting that you are proposing to allow 3 stories/37’ height/.75 FAR versus 2.5 stories/35’.5 FAR under the current regulations, but only if the mixed-use building has a peaked roof. I am not an Architect, but unless I am not understanding what is being proposed, having a peaked roof with a 37’ roof height is inherently saying that you are only allowing for a 2.5 story building. Thus, the “incentive” is 2.5 stories, not 3 stories, and the number of stories has not changed from the previous regulations; or the size of the attic can increase beyond the 40% rule, to stick a Moderate/Affordable Unit in the attic of said 2.5 story building. If I recall, development of Affordable Housing must be equal to the quality of the Market Rate units. Either way, this does not appear to be any type of incentive. Also, the incentive of .25 FAR on a small lot (most LBR-2 zones in Chickahominy, Byram, Pemberwick, parts of Cos Cob), would be enough to add 1500-1800 sf of space or 1 unit when one accounts for added common space and proper access, all of which count in FAR. Thus, the ability for a developer to add one Affordable or Moderate Unit versus not adding that one Affordable or Moderate Unit is a disincentive, not an incentive. One loses money by building such units and two or three additional market rate units must be added for every additional Moderate/Affordable unit built.

Again, I say: If a development is complying with Roof Height, setbacks, parking, why is FAR a criterion? Also, why is a residential feel a criterion when the most successful LBR-2, LB and CGBR zones are in Old Greenwich, Central Greenwich, parts of Byram and parts of Cos Cob, all of which are not residential in feel (in my opinion) and have parking, although not adequate parking?

P&Z Regulations that further restrict development of Affordable Housing is exactly the reason why Connecticut P&Z Commissions are under pressure in the times we live in. If you want to provide Affordable Housing, then you need to accept change. Change is not something that comes easy to most people and trying to appease everyone usually results in failure. Respectfully, the proposed 6-110 Regulations are showing that change is not a priority.

Best,

Joseph A. Pecora
Pecora Brothers, Inc.
70 Hamilton Avenue
APPLICATION PL’ PZ 2020 00XX to amend Section Sec. 6-110. USE REGULATIONS AND SPECIAL REQUIREMENTS FOR DWELLING UNITS PERMITTED IN THE BUSINESS ZONES.

All deletions are noted through strikethrough, and new text is noted in italics.

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

(a) Purpose:

Recognizing the priority need for the construction of more below-market-rate dwelling units in the Town of Greenwich. The purpose of these regulations is to incentivize the promotion of private sector construction of residential or mixed-use developments in the business zones, provide incentives for the inclusion of below-market-rate dwelling units as well as increasing the diversity of the Town’s housing stock in walkable, higher density areas, in accordance with the objectives of the 2009 Town’s Plan of Conservation and Development (POCD) and the POCD Housing Task Force recommendations of 2011. Further, the regulations are designed to mitigate the shortage of dwelling units that can meet the housing needs particularly, but not exclusively, of those employed by the Town and by not-for-profit and non-governmental agencies located in the Town of Greenwich that provide essential services to the Greenwich community; the elderly; and others who can benefit from below market rate units. Moderate and Affordable Income Dwelling Units promote a diverse and balanced community by creating housing for households of all income levels because economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the Town and are beneficial to the health, safety and welfare of its residents.

(b) Definitions:

(1) A household, as defined by The United States Department of Housing and Urban Development (HUD), is all the people who occupy a housing unit and household includes the related family members and all the unrelated people, if any, such as lodgers, foster children, wards, or employees who share the housing unit. A person living alone in a housing unit, or a group of unrelated people sharing a housing unit such as partners or roomers, is also counted as a household.

(2) A Moderate-income Housing Unit A household whose aggregate income, including the total of all current annual income of all household members from any source whatsoever at the time of certification (but excluding the earnings of working minors attending school full-time), averaged for the preceding two years,
shall not exceed the following multiple (listed below) of median annual paid wages of all full-time employees during the preceding fiscal year. Household members shall include but are not limited to Town of Greenwich employees and teachers.

Town paid wages of all full-time employees and teachers of the Town of Greenwich during the preceding fiscal year.

<table>
<thead>
<tr>
<th>Household Size</th>
<th>Multiple</th>
</tr>
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<tbody>
<tr>
<td>1 person</td>
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<tr>
<td>2-3 person</td>
<td>1.5</td>
</tr>
<tr>
<td>4-5 person</td>
<td>1.8</td>
</tr>
<tr>
<td>6 person</td>
<td>1.9</td>
</tr>
</tbody>
</table>

(3) An Affordable Housing Unit -- A household with an annual income is no more than eighty percent (80%) of the State Median as adjusted for family size, as published by the United States Census Bureau and periodically updated by the U.S. Department of Housing and Urban Development (HUD). Household eligibility determinations shall be made in accordance with the income criteria in Section 8-30g-8 of the Connecticut General Statutes.

(c) Location of dwelling units in business zones:

Dwelling units are permitted within private-sector residential or mixed-use developments in the LB, LBR-2, CGB, CBGR, WB, GB and GBO zones in accordance with these regulations.

(d) Requirements for Dwelling Units Permitted in the Business Zones:

1. These regulations provide for the size and location of structures permitted for private-sector residential and/or mixed-use developments. There are no limits on the number of dwelling units permitted within those structures, subject to the following:

(A) A minimum of $\frac{107}{100}\times\%$ of all dwelling units on a lot shall be deed restricted in perpetuity as Moderate Income Housing Units and an additional $\frac{107}{100}\times\%$ of all dwelling units on a lot shall be deed-restricted in perpetuity as an Affordable Housing Units, defined in Section 6-110(b), when the following is met:
   i. The development includes (5) or more units; or
   ii. Any portion of one or more of the incentives offered under Section 6-110(g) is applied to a development.

(B) Fractional units at 0.5 and above shall be rounded up. In the case where only one below market rate unit is required, that unit shall be an Affordable Housing Unit.
In the case of an odd number, there majority of the units should be Affordable Housing Units.

(C) Priority List of eligible moderate-income households applying for moderate-income dwelling units shall be selected on the basis of the following categories of priority:

i. Full-time Town of Greenwich Municipal and Board of Education employees and full-time employees of not-for-profit health, education, and human services agencies and other not-for-profit agencies located in the Town of Greenwich that provide essential services to the Greenwich community.

iii. Other persons employed in the Town of Greenwich.

iv. All others

(D) In order to meet the purpose of these regulations as noted in Section 6-110(a), no applicant for a Moderate or Affordable Income Dwelling Unit shall own real estate in the Town of Greenwich; and

For CGBR and LBR-2 zones, dwelling units are allowed only on the floors above the ground floor. The ground floor uses allowed are non-residential uses and are specified in Sec. 6-103 and 6-103.1.

(E) The Planning and Zoning Commission, when it deems appropriate, may require outdoor recreation space of suitable size, shape, and location to serve the recreational needs of the residents. Such areas may include balconies, roof terraces, lawn areas, and the like.

(F) Notwithstanding any other provision of these regulations, floor area devoted to Use Group 3 uses (dwelling units in business zones) may not be converted to any other Use Group and may not be used for resident professional offices unless a Special Permit and Site Plan approvals have been granted in accordance with the standards and requirements of Sec. 6-15 and 6-17 of these regulations.

(G) Parking shall be provided as follows: One Bedroom Unit 1.25 spaces; Two Bedroom Unit 1.5 spaces; Three or more Bedroom Unit 2.0 spaces in accordance with the standards of Sec. 6-155 for multi-family dwellings.

(e) Procedure:

(1) A site plan application is required when the development proposal is four (4) units or less, the building’s size does not trigger a special permit as outlined in
Section 6-101, and the development does not use any of the incentives outlined in Section 6-110(g).

(2) A special permit and site plan is required when the development proposal is five (5) units or more, the building’s size is at or over the threshold that triggers a special permit as outlined in Section 6-101, and/or any of the incentives outlined in Section 6-110(g) are used. Pursuant to Section 6-14(a)(1), a pre-application(s) is required for special permit applications.

(3) Any development with either Moderate Income Dwelling Units or Affordable Housing Units shall submit an “Affordability Plan” concurrently with a Special Permit and Site Plan application, which shall prescribe how the regulations regarding affordability will be administered. Unless otherwise provided in the Housing Affordability Plan approved by the Commission, the Affordability Plan shall contain at least the following:

(A) The construction quality of moderate and/or affordable housing units shall be comparable to market-rate units within the development;
(B) Affordable housing units shall be dispersed throughout the development;
(C) Affordable housing units shall be built on a pro rata basis as construction proceeds;
(D) Each development shall designate an administrator to monitor and enforce the standards contained in the Affordability Plan;
(E) Moderate or Affordable Housing Units must be owner occupied or occupied by the legal lessee only. If there is more than one owner of a unit, both owners must occupy the unit as their primary residence. Affordable dwelling units cannot be rented or leased out or occupied by others not legally allowed or qualified by the Town. An annual affidavit is required from the owner/renter indicating they are residing in the unit as their primary residence. This annual affidavit should be submitted to the Planning and Zoning Department or its designated agent.
(F) The annual income of Moderate or Affordable Housing Unit households shall be reviewed and certified by the Commission, or its designee, in accordance with a procedure established in advance and approved by the Commission.
(G) Tenants or owners of Moderate or Affordable Housing Units shall have the same access to common areas, facilities, amenities and services as residents of Market-Rate Units in the project, including but not limited to outdoor spaces, amenity spaces, storage, and other resident services. There shall be no fees for the use of a parking space for one vehicle and bicycle facilities for residents of Moderate or Affordable Housing Units. If a Moderate or Affordable Housing Units household owns more than one vehicle, the same parking fees as for the market rate tenants or owners shall apply for all vehicles in excess
of the first vehicle. Tenants or owners of Moderate or Affordable Housing Units shall not be charged higher or additional fees than market-rate renters or owners, and free access to amenities for market rate owners or renters must be free for tenants or owners of Moderate or Affordable Housing Units.

(f) Distance Requirements:

In the LB, LBR-2, CGB, CGBR, WB, GB and GBO business zones an adequate distance shall be maintained free of all obstructions from any wall containing a dwelling unit window required for light or ventilation. The minimum distance in feet between buildings must meet all applicable fire and building codes and provide for adequate light, air, and ventilation, unless the Planning and Zoning Commission finds a greater distance more appropriate.

(g) Incentives:

The Planning and Zoning Commission offers the following incentives in order to induce developments with Moderate or Affordable Housing Units. In order to use the incentives, the development must:

1. meet the purposes and requirements of Sec. 6-110 as determined by the Commission;
2. comply with the standards of Sec. 6-15 and 6-17 of the Building Zone Regulations, balancing such standards against the recognized need for below market rate Dwelling Units in the Town of Greenwich, as determined by the Commission.

(A) **An increase in Floor Area Ratio, stories, and height up to those provided in Table 1.** 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 floor area up to the limits in Table 1, up to 0.9, is devoted to residential;

(B) **A waiver of the prohibition of ground-floor residential dwelling units in the LB zone may be granted.** Ground-floor residential use is permitted in the GB, GBO and CGB zones but is prohibited in the LB, LBR-2 or CGBR zones;

(C) 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 the refuse, transformer, storage, and parking areas are screened;
(D) 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.

(E) For minimum front, rear and side yards in all zones where Moderate and Affordable Dwelling Units are permitted, and also for rear yards in the LB and LBR zones only, the Planning and Zoning Commission may find lesser yards adequate and appropriate given the overall characteristics of the neighborhood, the size, topography, and configuration of the property, and the proposed landscaping. In those instances where the lesser yards allow for a building that is more in keeping with the surrounding neighborhood, the Planning and Zoning Commission may find lesser yards adequate and appropriate.

(G) A waiver of the prohibition of an entrance to or exit from a business use located on any street frontage opposite a residential zone in the instances where the lot containing the business use has frontage in a business zone along East and West Putnam Avenue. (12/8/16)

(H) In order to encourage underground parking or parking within buildings and a reduction in coverage, a density bonus of market-rate units is permitted within a residential FAR bonus not to exceed 0.05 per unit, which is exempt from the overall count of units as it applies the percentage of required moderate or affordable housing units, if at least 0.75 underground parking spaces are provided per unit. In no circumstance shall the overall development exceed 0.910 FAR.

(I) The land area of a property in the same ownership of the development, which is within 250 feet of the development, may be used to calculate the floor area of the property with the building provided said property is used as a public park, is at least 7,500 square feet, and the floor area on the parcel with the development does not exceed 0.910 FAR.

<table>
<thead>
<tr>
<th>INCENTIVES</th>
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<td>ZONE</td>
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**TABLE 1 Sec.6-110 (g)**

Commented [TJ4]: This is a must change; too many properties have limitations in the areas referenced; the Commission should not and cannot rely upon the board of appeals to grant needed variances.

Commented [TJ5]: As I did not participate in any discussions, I am at a disadvantage here, but my comment is overall “why bother with this; parking for any project of reasonable size has to be partially under the building; I would address the coverage issue with a minimum requirement of a combination of green area on the ground and on flat roofs” on lots of a certain minimum size.”
<table>
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<th>Scale</th>
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<th>Rent Limit</th>
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<td>0.90</td>
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<td>LBR 2 (0.5)</td>
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<td>37**</td>
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<td>CGBR (0.9)</td>
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<td>47.5**</td>
<td>0.90</td>
</tr>
<tr>
<td>GB (0.5)</td>
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<td>0.90</td>
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<tr>
<td>GBO (0.5)</td>
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<tr>
<td>WB</td>
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</tr>
</tbody>
</table>

*per Sec.6-5(9)
** For mixed-use buildings only and only for a peaked roof (gable ends) 6-134

(h) Guidelines for maximum rent and sales price:

(A) For Moderate Income Housing units in each housing development, a range of sales prices and/or monthly rentals may be established, subject to the following:

i. The maximum monthly rent for one bedroom moderate-income dwelling units shall include common charges, and may exclude utilities (gas, oil and electricity) at the discretion of the property owner, shall not exceed 2.0% of the median annual Town paid wages for all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum rent: two bedroom units will be limited to 2.5% and three bedroom units to 3% of the median annual Town paid wages as described above. (6/20/19)

ii. The first time a moderate-income dwelling unit is sold, the maximum sales price for a one bedroom unit to a subsequent moderate-income household shall not exceed four times the median annual Town paid wages of all full-time Town of Greenwich Municipal and Board of Education employees during the preceding fiscal year. Additional bedrooms will result in higher maximum sales prices: two bedroom unit prices will be limited to five times and three bedroom units to six times the median annual Town paid wages as described above. iii. In the case of a condominium ownership structure, there shall be no extra up-front charge for minimum required facilities such as, but not limited to, parking and recreational facilities. Each unit owner, however, shall pay his fair share of common charges, expenses and assessments as provided in the Common Interest Ownership Act of the State of Connecticut and as

Commented [T16]: The LB Zone, CGB, GB and GBO Zones all need to be included in the same bucket in my view with robust enough incentives for developers to utilize the residential use option in the regulations vs the state statute option if the Commission's goal is to take control; what is proposed will not do it.
approved by the Town of Greenwich Planning and Zoning Department.
(6/20/19)

(B) For Affordable Housing Units in each housing development, a range of sales
prices and/or monthly rentals may be established, subject to the following:

ii. The maximum monthly rent shall not exceed the maximum
monthly rent as calculated in accordance with the maximum
housing payment calculations in set-aside developments as per
Section 8-30g-8 of the regulations of Connecticut State
Agencies, as adjusted for family size. Should household
earning increase after initial tenancy, such unit shall be
considered to be in compliance with the provisions of this
regulation, provided eligible household income does not
exceed eighty (80) percent of state median income.

iii. The sale price shall not exceed the maximum purchase price as
calculated in accordance with the maximum housing payment
calculations in set-aside developments as per Section 8-30g-8
of the regulations of Connecticut State Agencies, as adjusted
for family size.

(4) Resale Restrictions:

i. For moderate-income dwelling units, the title to said property shall be restricted
so as to maintain the unit in the moderate-income and/or affordable category in
perpetuity beginning on the date of issue of the Certificate of Occupancy (the
"Restriction Period"). Said restriction shall provide that in the event of any resale
of the unit by the original owner or any successor owner, the maximum resale
price shall be limited by the same guidelines and rules indicated in 6-110(h)(3)(A)(ii)
above. (6/20/19)

ii. For rental moderate-income dwelling units, the title to said property shall be
restricted so as to maintain the rents charged for the units in the moderate-
icomponent category in perpetuity beginning on the date of issue of the Certificate of
Occupancy. This title restriction will survive any sale of the rental project to a
subsequent owner during the Restriction Period. There shall be no limitation on
the sales price of an entire moderate-income rental project; however, if less than
the entire project is sold, any moderate-income dwelling unit(s) sold must be sold
to a qualifying moderate-income household during the Restriction Period.
(6/20/19)

iii. If a moderate-income dwelling unit is subject to a Restriction Period other than
"in perpetuity", twelve months prior to the end of the Restriction Period, the
owner of any moderate-income dwelling unit shall notify, by certified mail, the
Town of Greenwich Planning and Zoning Department or its designee of the
impending end of the Restriction Period. Failure by the owner of the moderate-
icomponent dwelling unit to notify, by certified mail, the Town of Greenwich Planning
and Zoning Department or its designee twelve months prior to the end of the
Restriction Period shall extend the Restriction Period by the number of days
equal to the period of failure to give notice. (6/20/19)

iv. In the case of moderate-income dwelling units which are part of a commonly
owned building in which a moderate-income dwelling unit cannot be sold
individually, then such moderate-income dwelling unit will remain in the
Restriction Period, if applicable, until such unit can be eligible to be sold in
accordance with the procedure of Sec. 6-110. (6/20/19)

v. Each moderate-income dwelling unit shall be subject to an option to purchase
(the “Purchase Option”) at the maximum allowable restricted sales price or any
mutually agreed upon sales price that does not exceed the maximum sale price.
The Purchase Option shall be available to the Town of Greenwich, or its designee,
followed next by the Housing Authority of the Town of Greenwich, then followed
next by a qualified non-profit as approved by the Town. Upon receipt of a notice
of the end of the Restriction Period, if applicable, the Purchase Option shall be
available to the Town of Greenwich for 90 days. If the Town exercises the
Purchase Option, it may enter into a contract of sale. If the Town fails to exercise
the Purchase Option or declines to exercise the Purchase Option within 90 days,
the Housing Authority of the Town of Greenwich shall have 30 days to exercise
the Purchase Option and enter a contract of sale. If the Housing Authority of the
Town of Greenwich fails to exercise the Purchase Option or declines to exercise
the Purchase Option within 30 days, a qualified non-profit as approved by the
Town shall have 30 days to exercise the Purchase Option and enter into a contract
of sale. If the qualified non-profit fails to exercise the Purchase Option or declines
to exercise the Purchase Option within 30 days, the existing moderate-income
dwelling unit owner will be free to proceed with the sale of the moderate-income
dwelling unit at the end of the Restriction Period, if applicable. (6/20/19)

vi. A seller of a moderate-income dwelling unit that has been restricted as a
moderate-income dwelling unit for a Restricted Period who has provided the
requisite notice of an intent to sell shall have the option to proceed with a sale at
fair market value without restriction if no contract of sale has been signed in
accordance with paragraph (h)(4)v above, provided that the Town of Greenwich,
or its designee, shall examine the contract of sale to determine if the proposed sale
price bears a reasonable relationship to the moderate-income dwelling unit’s fair
market value. The Town of Greenwich, or its designee, may rely on comparable
sales or an appraisal, and shall not approve a contract of sale where there is a
determination that the sale price does not bear a reasonable relationship to fair
market value. Upon transfer of title on the moderate-income dwelling unit, the
seller of the moderate-income dwelling unit shall pay 50% of the difference
between the contract sale price of the unit and the final restricted sale price to the
Town of Greenwich. (6/20/19)

vii. In the event of a casualty or other destruction of a moderate-income dwelling
unit, any replacement unit shall be subject to the regulation of this Sec. 6-110.
viii. Any conversion of a rental moderate-income project to another use shall not be permitted during the Restriction Period, if applicable, unless such conversion includes the creation of the required number of for sale moderate-income dwelling units in accordance with Sec. 6-110. (6/20/19)

ix. Resale of Affordable Housing Units shall follow the standards outlined in Section 6-110(h)(B)(iii)

(5) Declaration of Restrictions:
The developer/owner of moderate-income dwelling units shall submit to the Planning and Zoning Commission a Declaration of Restrictions and Lien adopted by the Town of Greenwich, as to the ownership, use, occupancy, and resale of such moderate-income dwelling units. This declaration of restrictions shall be binding upon such developer and all succeeding owners of the moderate-income dwelling units and shall incorporate the provisions of this Sec. 6-110 therein by reference hereto. Final site plan approval shall be given by the Commission only after it has been satisfied that the Declaration of Restrictions binds the developer and all succeeding owners of the moderate-income dwelling units and duly restricts the ownership, use, occupancy, and resale thereof, and requires adherence to established sales and rental guidelines and administrative procedures, all in accordance with the provisions of this Sec. 6-110. The Commission may cause any such Declaration of Restrictions to be reviewed by the Town Attorney. Each deed for a moderate-income dwelling unit will indicate the restrictions on such unit and refer to the Declaration of Restrictions and Lien, which shall be on file with the Town Clerk as part of the Town’s land records.

(6) Administration:

i. The Greenwich Planning and Zoning Department or other designated agent/agency approved by the Town shall maintain a list of eligible moderate-income households in accordance with the priority list set forth in (b)(3) above. Where the number of those eligible in the same category of priority exceeds the number of available moderate-income dwelling units, the applicant shall be selected by lottery. As the goal of this program is to provide the greatest benefit to

ii. the largest number of eligible people, the Town will seek, at its discretion, to match the size of an available moderate-income dwelling unit to the most appropriately sized eligible household. The selected moderate-income household must reside in the moderate-income dwelling unit. Moderate-income dwelling units must be occupied by the qualified owner(s) or legal lessee(s) only. If there is more than one qualified owner or legal lessee, each owner or legal lessee must occupy these units as their primary residence. These moderate-income dwelling units cannot be rented, assigned, leased out, or occupied by others not legally allowed or approved by the Town or its designated agency. (6/20/19)
ii. At the time of Site Plan approval for each housing development, the Planning and Zoning Commission shall approve the designation of an administrative agency to monitor and administer guidelines for the rental, sale, or resale of moderate-income dwelling units. Such administrative agency, which may buy the moderate-income dwelling units for the purpose of rental or resale to moderate-income households, may be a non-profit corporation, an agency of the Town, a Community Housing Development Corporation pursuant to Section 8-217 of the General Statutes, a 501(c)(3) non-profit corporation such as a Greenwich Community Development Partnership, or other approved organization. Such agency may maintain and submit an eligibility list to the Planning and Zoning Department or other designated agent, but the choice of households for available moderate-income dwelling units even if owned by the designated agency shall be in accordance with (b)(3) above. (6/20/19)

iii. The designated agency shall establish the sale price, resale price, or annual rent of the individual dwelling unit in accordance with the guidelines and requirements of (h)(3) and (h)(4) above and with the approval of the Greenwich Planning and Zoning Department or other designated organization. There will be an Affordability Plan filed on the Greenwich Land Records indicating the deed restrictions on the specific unit which the designated agency will enforce. (6/20/19)

iv. The designated agency shall set up such procedures as may be necessary to receive annual certification or other information from owners and or tenants which confirms continuing compliance with the guidelines and requirements of this Sec. 6-110 and which notifies it of any conversion in the form of ownership. This information shall be submitted to the Planning and Zoning Department. (6/20/19)
Katie: Thanks for your hard work on this initiative, and your solicitation of input from the development community. Following is my response to the proposed 6-110 zoning amendments:

1. The proposed “Inclusionary Zoning” is extremely problematic, in my opinion. Rather than increase the number of “affordable/moderate” units, this mandatory 20% “tax” will do the following:
   - Make the development of market-rate rental multi-family projects financially unviable
   - Completely stop the development of (much-needed) luxury condominium projects
   - Encourage the development of 4-unit projects, with the units being very large and unaffordable to most
   - Strongly encourage developers to go straight to 8-30(g) for their projects

2. Splitting the previous 20% moderate requirement for 6-110 into 10% moderate and 10% affordable will further strain the economics of development under 6-110. This change will also encourage developers to go straight to 8-30(g) for their projects

3. I am OK with the proposed .75 FAR (down from .9) for 6-110 and the reduced height/bulk, but feel that these reductions will still cause developers to go straight to 8-30(g)

Overall, I feel that the Commission is going in the wrong direction to encourage developers to provide Workforce Housing for our Town. The proposed changes would disincentivize the development community to build these 6-110 projects, and encourage the creation of more 8-30(g) projects.

I look forward to hearing the responses of others and to continuing the dialogue with the Commission.

Best,

Rich

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