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BY EMAIL & BY HAND

November 3, 2021

Greenwich Planning and Zoning Commission
101 Field Point Road
Greenwich, CT 06830

RE: PLPZ 2021 00330 - Proposed Zoning Text Amendment to Create MRCO Zone
Applicant/Owner: Renamba Greenwich LLC

Dear Chairwoman Alban and Members of the Planning and Zoning Commission:

This letter is in response to comments received by the applicant at the Commission's October 26, 2021 public hearing regarding the proposed zoning text amendment to create a Managed Residential Community Overlay (MRCO) Zone. At its October 26th public hearing, the Commission expressed two (2) primary concerns with the regulation, as previously proposed:

1. The Commission was reluctant to incorporate a LEED-based FAR bonus into the proposed MRCO regulation due to the Town's active efforts in adopting alternative forms of sustainable zoning incentives; and
2. While not a primary point of concern, it was pointed-out that the affordable housing incentive was structured dissimilarly to the other incentives provided in Section 6-115(i) of the proposed zoning regulation.

In response to these comments, revisions have been made to Section 6-115(i) Incentives of the proposed zoning regulation as follows:

1. The LEED-based zoning incentive previously outlined in Section 6-115(i)(1)(B) of the proposed regulation has been deleted in its entirety;
2. The below grade parking incentive, provided in Section 6-115(i)(1)(A) of the proposed regulation, has been revised to simply provide a 0.0015 FAR bonus for every 1% of required parking provided below grade. This equates to a maximum FAR bonus of 0.15 if an applicant were to provide 100% of its required parking below grade; and
3. The affordable housing incentive, now provided as Section 6-115(i)(1)(B) of the proposed regulation, has been revised to permit the Commission to not only authorize a 0.05 FAR bonus to applicants that provide at least 5% of a project's total number of dwelling units as "Affordable housing units", but expands the zoning incentive to authorize the Commission to grant additional FAR bonuses in 0.05 increments for each additional 5% of affordable housing provided, up to 0.15 or 15%. The additional affordable housing provided over the initial 5% may be provided as either "Affordable housing units" or "Moderate-income housing units", as defined in Section 6-110(b) of the regulations.

Please refer to the attached updated DRAFT zoning regulation, Section 6-115. Managed Residential Community Overlay Zone (MRCO) for the complete updated text.

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We look forward to continuing our conversation with the Commission and presenting the revised draft zoning text amendment at its upcoming November 9, 2021 public hearing. Should you or your staff have any questions or comments in the interim, please do not hesitate to contact me at 203.629.7336.

Very truly yours,

Michele A. Cronin

Michele A. Cronin

cc: (w/enc.): Renamba Greenwich LLC
Perkins-Eastman
Rocco V. D'Andrea, Inc.

Sec. 6-115. MANAGED RESIDENTIAL COMMUNITY OVERLAY ZONE (MRCO):

(a) Purpose

The purpose of the Managed Residential Community Overlay Zone (MRCO) is to encourage the development of age-friendly housing options that provide “Assisted living services” to broaden the range of housing and health care options for Greenwich’s increasing elderly population. The MRCO is designed to encourage such housing developments in close proximity to commercial centers and provide attractive congregate housing for elderly residents within the context of the Town’s predominantly residential character.

(b) Definitions:

The following definitions are applicable to an MRCO:

- (1) Activities of daily living - Pursuant to Section 19a-693 of the Connecticut General Statutes, “Activities of daily living” shall mean activities or tasks that are essential for a person's healthful and safe existence, including, but not limited to, bathing, dressing, grooming, eating, meal preparation, shopping, housekeeping, transfers, bowel and bladder care, laundry, communication, self-administration of medication and ambulation.
- (2) Assisted living services - Pursuant to Section 19a-693 of the Connecticut General Statutes, “Assisted living services” shall mean nursing services and assistance with activities of daily living provided to residents living within a managed residential community having supportive services that encourage persons primarily fifty-five years of age or older to maintain a maximum level of independence.
- (3) Building Area - For all Managed Residential Community (MRC) facilities “Building Area” shall defined as outlined in §6-5(a)(7) except as follows:
 - A. That portion of the area of a building or structure whose roof is treated as ground surface (planted or paved) and is entirely below the elevation of the adjacent grade by at least one (1) foot of friable fill, as it was prior to any construction or regrading shall not be included in “Building Area”. However, such area shall be included in the site’s overall lot coverage unless said area is below the elevation of the adjacent grade by at least three (3) feet of friable fill.
 - B. The portion of the area of a structure or building whose floor is below the average established grade of the street curb in front of the building shall not be included in Building Area nor included in the floor area and may encroach within the required setbacks if it complies with all of the following conditions:
 - i. At least 60% of the roof surface of such structure or building shall have sufficient earth to support natural vegetation and be planted with grass, ground cover or shrubs.
 - ii. The maximum grade of said roof shall not exceed one foot of rise to three feet of run.

- iii. The maximum height of any wall of said structure within a required setback shall not exceed 30 inches above the grade at all street curbs at any point, except that cross walls starting from said maximum 30 inch height may follow the slope of an earth covered roof.
- iv. A below grade structure shall not affect the computation of building height, except that the roof surface may be considered finished ground surface if it complies with all the provisions of the building height definition of these regulations.

(c) Location:

- (1) To promote multifamily elderly housing within close proximity to the Town's existing commercial centers and within an area of the Town which can provide the necessary infrastructure to support such development, such as, but not limited to, road network, water supply, storm drains, sewage disposal, etc., a MRCO may be located in any GB zone.
- (2) No Managed Residential Community facility shall be allowed on parcels which are within the Flood Plain District or designated by the Federal Emergency Management Agency as either a special flood hazard area or a floodway.

(d) Procedure:

- (1) Creation of an MRCO requires approval from the Planning and Zoning Commission for a zone change. Any accompanying improvements to the MRCO property require site plan and special permit applications.
- (2) An application to rezone a site to a MRCO shall be submitted in conjunction with site plan and special permit applications, or pre-applications, as applicable, in accordance with Section 6-13-6-15 of these regulations, and shall be subject to Special Permit procedures and standards pursuant to Section 6-17.

(e) Use Regulations:

- (1) The principal permitted use within a MRCO shall be congregate housing within a managed residential community which provides assisted living services; such uses shall comply with all requirements and limitations as adopted by the Connecticut Department of Public Health, as amended from to time.
- (2) Accessory uses permitted within a MRCO shall include:
 - A. Non-Residential common uses, limited and essential for the exclusive use and needs of the occupants, such as recreation rooms, housing management office when contained within a principal building, maintenance, storage space, common dining and food preparation facilities and central laundry facilities.
 - B. Management and operational offices when contained within a principal building and directly related to the MRC.

- (f) Parking
- (1) Parking for an MRC development shall be provided at a rate of 0.25 spaces per unit plus 0.8 parking spaces for every employee present during the busiest shift.
 - (2) In an MRCO zone, required handicapped parking may be included in the parking requirements as set forth in these standards. Tandem parking spaces, if provided, shall be considered overflow parking and shall not be included in the minimum parking requirements outlined herein.
 - (3) Notwithstanding the provisions of Section 6-115(f)(1), parking standards may be modified as determined by the Planning and Zoning Commission in order to accomplish the purpose of this Section. Such modification shall be based on a finding that a greater or lesser number of parking spaces appropriate to the nature of the MRC development and will not interfere with vehicular and pedestrian safety both within and without the site.
- (g) Density, Size, and Type of Dwelling Units Permitted:
- (1) The maximum number of dwelling units permitted within a MRC development shall be determined by requiring 750 square feet of land area for each unit.
 - (2) The dwelling units may be studio, one bedroom or two bedrooms. Each unit shall contain a full bathroom and may contain a small kitchenette.
 - (3) The square footage of the individual private residential units in an MRC facility shall be not less than 450 square feet per unit with one (1) or more bedrooms. Studio units and memory care units may be smaller, but not less than 275 SF per unit.
 - (4) Due to the requirements of CT Statutes and Regulations, which require that an MRC facility provide large communal indoor facilities, parcels with an MRCO designation shall be permitted to have a floor area ratio of up to 0.75 and a maximum building area of 30%. Lot coverage in an MRCO zone shall be consistent with the underlying GB zone.
 - A. For all MRC facilities "Floor Area, Gross" shall not include any areas below grade, as defined in Section 6-134(b) of these regulations, regardless of use.
- (h) Special Requirements: An MRC Facility must meet the following standards and requirements:
- (1) Any development approved by the Commission under the provisions of the MRCO shall meet the definition of a "managed residential community" and provide "assisted living services" as defined herein and by Section 19a-693 of the Connecticut General Statutes. In addition, the agency or agencies that provide such services, (i.e. the "assisted living services agency" or "ASLA") must be licensed by

the Connecticut Department of Public Health ("DPH") pursuant to chapter 368v and managed in accordance with all applicable provisions of the Connecticut General Statutes and regulations of the DPH, as may hereafter be amended. Copies of all documents required to be filed with the DPH under said regulations shall be filed simultaneously with the Commission and the Greenwich Commission on Aging.

- (2) Any development approved under the MRCO shall be connected to public sanitary sewers and served by public water supply.
- (3) Any development approved under the MRCO shall include at least all of the following services and facilities:
 - A. Regularly scheduled meal service for three (3) meals per day;
 - B. Regularly scheduled laundry service for personal laundry and linens;
 - C. Regularly scheduled transportation for personal shopping, social and recreational events, health care appointments and similar needs;
 - D. Regularly scheduled housekeeping services;
 - E. Maintenance for tenants' living units, including chore services for routine domestic tasks that the tenant is unable to perform;
 - F. Programs of social and recreational opportunities;
 - G. A formally established program that provides tenants with twenty-four (24) hour a day security designed to protect tenants from intruders;
 - H. An emergency call system in each living unit;
 - I. On-site washers and dryers sufficient to meet the needs of the tenants; and
 - J. Interior common use space that is sufficient in size to accommodate fifty percent (50%) of the tenant population.
- (4) In addition to complying with the standards set forth in Section 6-15 and 6-17 of these regulations, the site plan shall provide for the needs of its residents including, but not limited to:
 - A. Grading of areas accessible to residents shall have a slope no greater than 5%, and shall, in all other respects, be accessible to the residents as determined by the Americans with Disabilities Act and its requirements.
 - B. Provisions for a van drop off area and parking space for the van located at the main entry for the convenience of residents.
 - C. Access to loading spaces shall be designed so as not to interfere with normal traffic, and such spaces shall be screened.
 - D. Outdoor recreational space designed for use by typical assisted living residents shall be provided at no less than 300 SF per unit, with a minimum of 2,000 sq. ft. landscaped. Benches, paved walkways, and appropriate site

lighting shall be provided and such area(s) shall be shielded from heavy traffic. No less than 50% of the total area of such space shall be contiguous. Natural features and specimen trees should be preserved or provided in these areas. The land so set aside shall be graded and landscaped, shall be of a passive recreation nature suited to the needs of the residents. Such outdoor recreation areas shall be designed to provide security and privacy to residents and programs of social and recreational opportunities. Screening and planting requirements shall be in accordance with Sections 6-180 and 6-181 of these Regulations and as may be additionally required by the Planning and Zoning Commission.

(i) Incentives:

To meet the recognized community need for elderly housing opportunities for Greenwich's aging population and allow elderly residents to remain within the Greenwich community, the Planning and Zoning Commission may provide the following zoning incentives on sites of one (1) acre or more:

- (1) To encourage to development of facilities that reflect the Greenwich Community's ideals and generate certain public benefits, the Commission may authorize one (1) or more of the following floor area incentives up to a maximum FAR of 0.9:
 - A. To encourage an increase in green space and landscaping, construction of underground parking is encouraged in preference to surface parking lots. Accordingly, an FAR bonus of 0.0015 may be authorized for every one-percent (1%) of a project's required parking that is provided "below grade", as defined in Section 6-134(b) of these Regulations. The maximum FAR bonus that may be achieved by providing below grade parking is 15% or 0.15 FAR.
 - B. To encourage the creation of more affordable elderly housing, an FAR bonus of 0.05 may be authorized for providing at least 5% of the total number of dwelling units as "Affordable housing units", as defined in Section 6-110(b) of these regulations. Due to the importance the Commission places on increasing the Town's affordable housing stock, the Commission may authorize additional FAR in 0.05 increments for each additional 5% of affordable housing provided. Any additional affordable housing provided by an applicant over the initial 5%, which must qualify as "Affordable housing units" as defined in Section 6-110(b) of the regulations, may be provided as either "Affordable housing units" or "Moderate-income housing units" as defined in Section 6-110(b) of the regulations. The maximum FAR bonus that may be achieved by providing affordable elderly housing is 15% or 0.15 FAR.
- (2) The Commission may permit a maximum building height of up to 47 ½ feet and up to four (4) stories provided that:
 - A. The floor area of any fourth story shall not exceed 70% of the floor area of the third story;

- B. The Commission shall make a finding that the building, at its increased height, is adequately screened by virtue of its location or natural topography as viewed from public roads or existing residences. If the topography does not, by itself, adequately mitigate the building's increased massing, as determined by the Planning and Zoning Commission, the exterior wall(s) of the fourth story shall be stepped back from all street façades by one-foot for each foot of building height over that of the underlying zone, excluding parapets. The Commission may make a finding that a different façade is more appropriate to reduce the apparent massing of the structure; and
 - C. The building, at its increased height, is compatible with surrounding buildings and/or uses and will not be detrimental to a neighborhood or its residents.
- (3) Front, side and rear yards may be reduced to not less than twenty (20) feet, subject nevertheless to the provisions of Section 6- 123 of these Regulations.
- (j) **Special Permit Standards for Authorization to Use Zoning Incentives**
- The above incentives are further dependent on the Commission making a finding that:
- (1) The development complies with the standards of Sec. 6-15, 6-17 and 6-115(h)(4) of the Building Zone Regulations;
 - (2) The proposed development provides landscaping, planting and screening at a sufficient height and depth to support any additional massing permitted over that of the underlying zone and mitigate visual impacts on adjoining properties; and
 - (3) That the quality of architecture, landscape treatments, and the density and scale of the MRC development are compatible with adjacent buildings, surrounding land use development, and the general neighborhood context.