STAFF REPORT UPDATE:

The applicant was last before the Commission at the 9/14/2021, 10/26/2021 and 11/9/2021 Meetings. At the last meeting, the Commission discussed a series of amendments they would prefer to see in the next draft text language. The applicant has responded with the following changes to the proposed text amendment:

- Yard requirements. The applicant has now proposed language that the yard requirements shall match the underlying zone.
- FAR incentive. A FAR bonus of 0.075 may be authorized with 50% of the projects required parking is provided underground. Increments of 0.075 FAR may be authorized for every additional 5% of parking constructed underground. Maximum incentive achieved cannot exceed 0.15 additional FAR.
- Incentive for providing affordable. This section has been revised to be a maximum bonus of up to 0.15 additional FAR, and not “15%” as previously proposed.
- Modifications to minimum yard requirements. These may be modified, by Commission’s decision to be no less than 25 feet for a principle structure or 10 feet for an accessory. Commission must make a finding that, “due to location of the building or other mitigating circumstances specific to the site, the required light, air and privacy for residents of the proposed facility is improved and that such modifications will not adversely impact surrounding properties or public spaces”

As notes in prior reports and discussions, it is the applicant’s preference to settle any issues with the text amendment before progressing with the pending related map amendment and site plan.

APPLICATION SUMMARY:

The applicant has filed for a Zoning Text Amendment, to amend Sec. 6-115 of the Town’s Building Zone Regulations, and create a new “MANAGED RESIDENTIAL COMMUNITY OVERLAY ZONE (MRCO)”.

ISSUES / RECOMMENDATIONS:

1. The subject action has been designed in conjunction with a preliminary site plan/special permit, and rezoning of the land into said Zone. The Commission will need to consider this application, before acting on the other subsequent applications.
2. The Commission should determine if the proposed language is adequate to support such facilities in the Town, while maintaining and orderly pattern of development, in line with the goals of the POCD and the needs of the Community.

3. POCD - In making any decision to change the Zoning Regulations, the Commission shall take into consideration the Plan of Conservation and Development, per the State’s Statutes.

DEPT. COMMENTS:
WestCOG – See attached

PROPOSAL:
The applicant has indicated that the Town’s current zoning regulations is not conducive to permit development of a, “managed residential community” as defined and licensed through the State’s Department of Public Health. Such a facility is defined as a facility “consisting of private residential units that provides a managed group living environment consisting of housing and services for persons who are primarily fifty-five years of age or older…”. The applicant notes that the Town’s current R-PHD-E zoning is designed for the senior population who is independent and in good health, with little to no need of assistance. Additionally, the Town’s CCRC regulations permits for a completed range of care including on site medical service. The intent of the applicant’s amendment is permit opportunities of “assisted living facilities” in town which fall somewhere in between these two models. The amendment would meet the State’s licensing requirements for a “managed residential community”, while allowing for a size and density they are considering on balance for the market they believe is in demand in Greenwich.

The changes that this proposed amendment would make to the regulations are summarized as follows:

- Would create an overlay zone, requiring a rezoning application, and a special permit for development, and only applicable to those properties within the GB. Not permitted on land within a FEMA designated Flood Zone.
- Would allow for those properties who rezone, to have an as of right floor to area of 0.75 with opportunity to increase it up to a 0.9 ratio, if incentives are provided.
- With a floor area increase, an increase in height to 47.5 ft. and stories to a max of 4 total, would be permitted subject to the Commission making and finding it was compatible to the surrounding topography, uses, or buildings.
- Increasing the allowable building coverage from 25% to 30%.
- Setbacks could be reduced, with a finding of the Commission, but no less than 25 ft. for a principle structure, or 10 feet for an accessory structure.
- Sufficient landscaping must be provided.
- Redefining “Building Area” for this specific use.
• Parking being required at a reduced rate when compared to other commercial ventures.
• Total permitted unit count to be determined at the rate of 750 sq. ft. of land area per unit.
• Units would not be required to have a full kitchen.
• Size of unit would be less than 450 sq. ft. per 1 bedroom, and 275 per studio/memory care units.
• Must be connected to public sewer and served by public water.
• A minimum level of services shall be provided and as outlined.
• Private transportation must be available.
• Outdoor recreational space to be provided at 300 sq. ft. per unit. But not less than 2,000 sq. ft. in total. Additionally, 50% of said space shall be contiguous.
• Areas proposed to be “Below grade” would be excluded from gross floor area regardless of use.
• To encourage underground parking, an additional FAR may be granted 0.075 FAR bonus for every 5% of required parking below grade (maxed out at 0.15 additional FAR).
• Additional standards for project in the zone and considered under a special permit.
• Incentives for providing affordable units in 0.05 increments and up to an additional 0.15 FAR.
• Operators of the facility could be for profit and not explicitly for non-profit operators.
• Would establish a definition for a “managed residential community” which would make a distinction and separate it from other senior citizen housing concepts in the Town’s regulations as well as align with the State’s Department of Health requirements for licensure.

2019 POCD:

The applicant notes that amendment would be in line with objective 2.3 of the Town’s 2019 Plan of Conservation and Development which calls to, “Facilitate housing options that encourage seniors to stay in Greenwich (“aging-in-place”) and are designed for enjoyment of all.” Moreover, the applicant also cites to objective 2.3 a., which recommends to, “Promote age-friendly housing options in or near walkable, pedestrian-friendly areas with one floor living, lifestyle amenities, elevators, limited maintenance, and proximity to restaurants and other retail.”

The applicant should make clear, for the record, and to the Commission; the ways the subject text amendment would meet the recommendations of the POCD.

OTHER APPLICATIONS:

Zoning Map Amendment: if the noted text amendment was to be adopted, the applicant is also seeking to re-zone the subject property into the yet to be created MRCO overlay zone.
**Preliminary Site Plan/Special Permit**: in addition to this application, the applicant is also seeking preliminary approval to develop a facility in concert with this amendment.

**APPLICABLE REGULATIONS:**

Sec. 6-22, Sec. 8-3 of the CT General Statutes
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 MRCO.
(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) Yard Requirements

(1) **Setbacks shall be in conformance with the underlying zone, or as further provided within the Greenwich Building Zone Regulations, as amended.**
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 MRC and/or 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 that 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 the 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 on projects that require a significant amount of parking spaces, construction of underground parking is encouraged in preference to surface parking lots. Accordingly, on sites which require 25 parking spaces or more, an FAR bonus of 0.075 may be authorized when fifty percent (50%) of the project’s required parking is provided “underground”, as further defined below. An applicant may be permitted an additional 0.0075 bonus FAR for every additional 5% of required parking constructed underground, rounded down to the nearest 5% (e.g. if 78% of required parking is provided underground the percentage of required parking, for purposes of utilizing this zoning incentive, is rounded down to 75%). The maximum FAR bonus that may be achieved by providing underground parking is 0.15 FAR.

i. For purposes of this regulation “Underground Parking” must meet the following requirements:

a. The underground parking level(s) must be “below grade”, as defined in Section 6-134(b) of these Regulations:
b. **Such underground parking must be hidden from view from abutting properties;**

c. **The street level views of such underground parking access shall be minimized; and**

d. **Any first floor level above such parking shall not exceed the curb level of the street by more than two (2) feet.**

**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) The Commission may authorize modifications to the minimum yard requirements provided that the total area of open space resulting from the lot line to the proposed front, side and rear yard depths shall be equal to or more than the total area of open space resulting from the lot line to the front, side and rear yards for the underlying zone. In no case shall the minimum setbacks...
be less than 25 feet for principle structures or less than 10 feet for accessory structures. See Diagram No. 9A.

In authorizing modifications to minimum yard requirements, the Commission shall make a finding that, due to location of the building or other mitigating circumstances specific to the site, the required light, air and privacy for residents of the proposed facility is improved and that such modifications will not adversely impact surrounding properties or public spaces.

(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.
Diagram 9A

Illustrations distinguishing required yards from modified required yards for MRCO zone

Setbacks per underlying zone

Principal Building

Street

Total area of open space resulting from required yards

Area X

Front Lot Line

Modified setbacks per MRCO zone

Principal Building

Street

Total area of open space resulting from required yards

Area Y

Required (minimum) yard

Area Y must be greater than or equal to Area X