

Planning and Zoning Commission's
Affordable Housing Subcommittee

Wednesday, Nov. 20, 2019, 12:00 P.M.

Room 307/309, Town Hall

ACTION MINUTES

P&Z Commissioners and Town Hall Staff in Attendance:

Danielle Dobin, Subcommittee Chair and Planning and Zoning Commission Vice Chair
Jim Marpe, First Selectman
Elaine Daignault, Director, Human Services Department
Susan Stefenson, Human Services Department
Mary Young, P&Z Director
Michelle Perillie, Planner

Public in Attendance:

Rick Redniss, Redniss and Mead
Ellie Lowenstein, 372 Greens Farms Road resident
Claudia Copeland, 119 Harvest Commons resident
Sal Liccione, 50 Church Lane resident and RTM District #1 member
Sarah Seelye, 1480 PRE/1177 Post Road East
Nicole Laskin, 1 Baldwin Place resident
Carol Martin, Executive Director, Westport Housing Authority
Michael Calise, 8 Sylvan Road South resident
Beth Bass, Human Services Commission
Richard Jaffe, RTM District #1 member
Larry Weisman, 11 Greenwood Lane resident
Harold Bailey, 15 Regents Park resident
Bernice Stine McLeod Bailey, 15 Regents Park resident

Danielle Dobin welcomed meeting attendees and introduced members of the P&Z Staff who were present.

1. Review updated mission statement:

To encourage the pro-active development and preservation of affordable housing choices for the present and future residents of Westport, including but not limited to additional affordable opportunities for families.

Ms. Copeland suggested adding word "*eligible*" before families since there is an income restriction.

Ms. Dobin stated she would not add the word “*eligible*” since the subcommittee is looking to allow a broad range of affordable housing aside from that described in the state statutes.

Ms. Young suggested using the term Below-Market Rate as an alternative.

Ms. Lowenstein stated she felt the priority should be to create affordable housing in compliance with the state requirements for affordable housing then work to add additional types of units.

Ms. Dobin explained the comments are more related to town-wide affordability plan as required by the Connecticut General Statutes and can be addressed when we get more direction from state on how to draft the plan.

2. **Continue to discuss changes to formula for calculating affordable Multi-Family Dwellings in §24A, General Business District Saugatuck (GBD/S), §32-12, Inclusionary Two-Family and Multi-Family Dwellings allowed in various non-residential zoning districts, and §39A, Inclusionary Housing Zone (IHZ) Overlay**
 - a. **New provision setting uniform standard for “rounding up”, minimum square footage percentage requirements and dispersion of units throughout building exception section related to assisted living applications.**
 - b. **New provision to permit the consideration of off-site affordable housing at PZC’s discretion.**
 - c. **Report from Rick Redness regarding possible formula for calculating affordable requirement with flexibility for differences in income levels.**

Ms. Dobin discussed comments conveyed from Chip Stephens, who was supposed to attend the meeting but could not, which included his strong support for the creation of additional opportunities throughout the regulations to allow off-site affordable units.

Ms. Young stated there is currently only a few options to allow off-site affordable housing now and suggested adding this regulations to other sections of the regulations. She stated that she finds merit in broadening the regulations.

Ms. Dobin stated that Mr. Stephens felt as though when an applicant proposes off-site opportunities which are identified later in the process it allows an open question of what the units will be and he was concerned with that. She asked if anyone had any suggestions for dealing with that question.

Mr. Redniss stated that if the affordable units have to be determined prior to issuance of a ZCC a developer is highly motivated to get it done. He discussed the process of obtaining the off-site units at 1141 Post Road East. Mr. Redniss explained that Homes with Hope had a desire to purchase a property next to a property they already owned so they approached the owner and struck a deal. It was determined that they could buy the house, fix it up and hand it over to Homes with Hope for free and have five unrelated women living in the house. Mr. Redniss

stated that since the purchase was dependent on zoning approval, the seller was nervous and backed out before could get to the Planning and Zoning Commission.

Mr. Redniss explained that they next contracted with the Housing Development Fund who found houses and contracted to buy them, came to Commission and got Commission to approve the units and bought them prior to the closing. He indicated the developer paid them \$1 million and Housing Development Fund got 2 single-family homes. Mr. Redniss stated the developer had to submit the deed restrictions prior to the ZCC.

Ms. Young discussed the draft scorecard worked on by Ms. Dobin and Mr. Cohn. She indicated the scorecard determined various criteria to consider so that the Commission can determine if off-site units would be superior to on-site. Ms. Young stated the draft scorecard will be finalized soon.

Ms. Dobin stated Neil Cohn will be at the next meeting to discuss the draft scorecard.

Mr. Redniss stated that the Planning and Zoning staff drafted a memo with amenities to be considered on the draft scorecard. He explained that there would have been 3 small on-site units generating 1.5 moratorium points as opposed to the off-site option which provided 2 single-family dwellings generating 3 moratorium points so it was an easy decision.

Mr. Weisman asked what the requirement for a management plan was.

Mr. Redniss stated that the Housing Development Fund will provide a deed restriction which will include a management plan and it will be filed on the land records.

Ms. Dobin stated it was critical there be a management plan.

Mr. Weisman asked the difference between the terms "*Below Market Rate*" (BMR) and "*Affordable*".

Ms. Dobin stated "*Below Market Rate*" is a term the Commission is trying to use more since it encompasses a wider array of housing than affordable. She stated that the term "*Affordable*" is usually used to refer to affordable housing as defined by the state statutes.

Mr. Weisman stated that he supports the use of the term "*Below Market Rate*".

Ms. Dobin asked Ms. Martin if she had an opinion on whether off-site affordable should be used in additional zoning districts in town.

Ms. Martin stated that she agreed with Ms. Young's recommendation and the regulations should be made more flexible. She discussed the cost of maintaining these homes so need to recognize long term management, especially for developers. Ms. Martin explained with real estate taxes and insurance, the math can become a problem and no one wants off-site units failing while original development is maintained.

Ms. Dobin asked if the Commission should require an affordability plan administrator.

Ms. Daignault stated she would agree that an administrator would be beneficial.

Ms. Martin stated that the developer needs to be held to the same standards for off-site units as original development. She stated that they can go to a third party for help with the affordability component.

Mr. Redniss stated that many of the issues are the same for on-site and off-site units. He indicated that most off-site work has been with non-profits and that is the best mode. Mr. Redniss explained that for an organization like the Westport Housing Authority they can leverage the income levels.

Ms. Dobin discussed ensuring the upkeep of the off-site units and the need for someone to enforce the on-going management of the units.

Mr. Weisman stated off-site affordable units tend to promote diversity of housing and that there needs to be a requirement for a management plan and possibly bond it.

Mr. Redness indicated that it would be nice to have one list and was coordinated so unit becomes available.

Ms. Martin stated there's a large cost involved with marketing an affordable unit in regard to Fair Housing laws so it would be beneficial to have one list. She explained the "*least likely to apply*" process and this could be a way to take that one barrier off the table and be a model for other towns.

Ms. Dobin asked if Westport Housing Authority would be willing to take on that task.

Ms. Martin indicated that the Westport Housing Authority has already done the work but they would need to look at the legal aspects. She stated there could be a person who missed the Westport Housing Authority wait list and could now potentially get on the list for a new development so would need to look at all aspects.

Mr. Redniss explained the process is complicated and it is good to have people vetted properly.

Mr. Marpe asked if the town has experienced a problem with long-term enforcement of affordable units.

Ms. Young confirmed there have been problems with enforcement since many times the Affordable Housing Administrator cannot be found.

Ms. Dobin asked if bonding would help.

Mr. Redniss stated that bonding is difficult since the developer wouldn't carry a bond for a long period of time. He also stated rentals are easier to manage, create more points and are in greater demand.

Mr. Liccione asked if having the Westport Housing Authority take on this role would be possible without new staff.

Ms. Martin stated they now have 221 units so if they add 10 units it would be okay but if they add 25 or 30 then they would need to think about hiring more staff. She also explained that the more scattered the units are the harder they are to manage.

Mr. Marpe stated the town needs to think about funding a half time position, possibly with fees from the developers creating multi-family.

Mr. Weisman stated the Stamford regulations allow a fee in lieu.

Ms. Dobin explained the subcommittee considered a fee in lieu but moved away from it because it was too unrestricted.

Ms. Young stated the money could be used for an administrator to monitor all the units.

Ms. Dobin discussed when you have on-site units there is money put aside for maintenance but with off-site units that is more of a problem.

Mr. Redniss argued that the private sector has not willingly gone into the process of providing these affordable units so he doesn't think you can expect another fee on top of providing the units. He stated if the town wants to make affordable housing more affordable, can consider no taxing them. Mr. Redniss argued that developers cannot solve all the problems.

Ms. Dobin stated her takeaways included:

- Opening off-site affordable option under the same criteria town-wide;
- Strong affordability plan with annual reporting requirements with an administrator.
- Off-site affordable units be administrated by the Westport Housing Authority, if not designated by a third party who is an expert in the field.

Ms. Perillie stated minimum credentials for an administrator can be required.

Ms. Martin stated the discussions have to be up front with the developer way before they get into the Planning and Zoning process.

Mr. Redniss stated this would be a bad idea because if trying to determine where off-site affordable unit are up front it's not possible.

Ms. Young stated a developer cannot chose the unit ahead of time but can chose the roles and the players.

Mr. Jaffe questioned affordable developers wanting to be in Westport and the role of the Westport Land Trust.

Ms. Dobin explained the priorities of the Westport Planning and Zoning Commission and the affordable housing regulations allow more density.

Ms. Seelye discussed affordable projects at 1177 Post Road East and 1480 Post Road East. She stated they have employed an outside consulting firm to process affordable housing applications. She explained the "*least likely to apply*" process for Fair Housing and the some peoples fear of the term "*affordable housing*".

Ms. Dobin discussed the letter she received from a teacher in Westport and the need to put a face on affordable housing. She expressed her feeling that there are generational shifts in Westport so how affordable housing is perceived is changing. She discussed the Stamford regulations for off-site affordable housing and the fact that the land is so expensive in Westport so it can be hard to get to the lower income levels, like 25% Area Median Income. Ms. Dobin questioned whether the range of affordable levels is a good idea for Westport. She asked Mr. Redniss how frequently this regulation is used.

Mr. Redniss explained as recently as Monday four non-profits argued how they could use the funds. He stated the Stamford Housing Authority can get lower income levels, which there is a demand for, and the regulation has been used many times. Mr. Redniss indicated the Zoning Board is thinking about expanding the regulation into other income levels and explained a town could get up to 2.5 points if it is a rental unit at a lower income level.

3. Continue discussion of change in regulations regarding Accessory Dwelling Units to encourage the availability of additional affordable dwellings in Westport.

Ms. Dobin discussed the letter from Dawn Collings who is an educator in Westport. She briefly explained the idea that an accessory structure could become a dwelling unit, which is not permitted now except in an antique home. Ms. Dobin indicated the subcommittee is considering allowing them as of right on lots of a certain size. She explained that the units are naturally occurring affordable housing due to size in a location away from Post Road.

Ms. Dobin stated there are multiple benefits that include: 1. Creating another opportunity for a below market rate housing that feels like a single family house without the expense; 2. It feels more compatible and looks more like Westport; and 3. Enhances the value of the home itself. She stated it also does not diminish the value of the neighborhood and discussed regulations needed for prohibiting the units as AirBnB or short term rentals.

Mr. Calise stated that he ran for RTM and his campaign was based on allowing accessory apartments in homes. He stated that he assisted in drafting the first accessory apartment regulation and has always been an advocate of them in homes. Mr. Calise indicated it adds value to homeowner as a new income source but my experience in the real estate business has been it is commonplace for people to remove accessory apartments when buy a new house.

Ms. Dobin stated she feels them being detached is critical since it allows for privacy.

Ms. Young discussed "*granny pods*" regulation considered by the RTM.

4. Discussion of feasibility of deed restricting town owned dwelling units.

Ms. Dobin stated would not get to item #4. She stated she would like to get more feedback from Commisison and Town Attorney.

Ms. Liccione requested there a subcommittee meeting at night.

Ms. Dobin suggested waiting to get further into the specific proposals before doing that since many involved in this are professionals so during the day works right now.

Ms. Young stated staff would e-mail everyone when the next meeting date is determined.

Mr. Liccione stated he would like to get the state Commissioner of Housing to come to a subcommittee meeting.

Ms. Dobin concluded the meeting offering her thanks to all who attended and adjourned the meeting at 2:20p.m.

Respectfully Submitted By:

Michelle Perillie, AICP; Planner

Nov. 26, 2019