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WESTPORT P. & Z. C.

Hand Delivery

Chairman Chip Stephens, and
Westport Planning and Zoning Commission
c/o Steven Palmer, Planning & Zoning Director
Westport Town Hall
110 Myrtle Avenue, Room 203
Westport, CT 06880

Re: Three-part application for: (1) zone text amendment to create a new Residential-Rental Housing Opportunity/Workforce Zone ("R-RHOW"); (2) request for zone change; and (3) application for site plan approval to permit a ninety-four (94) multi-family dwelling residential community on real property known as 1177 Post Road East, a/k/a 1175 Post Road East, Westport, Connecticut; Assessor's Map G09/Block 029/Lot 000 ("subject property"). (This third-part application is referred to as "application").

Applicant / owner: 1177 PRE Associates, LLC ("Owner").

This application is submitted pursuant to and in compliance with the provisions of Section 8-30g of the Connecticut General Statutes, "Affordable Housing Land Use Appeals Procedure."

Dear Chairman Stephens and Members of the Commission:

The undersigned firm represents 1177 PRE Associates, LLC ("Owner") concerning the above-referenced application. The application pertains to real property known as 1177 Post Road East, a/k/a 1175 Post Road East, located in Westport, Connecticut ("subject property"). A commercial building with associated parking known as "Green Farms Office Park" is currently located on the subject property. The proposal is to renovate the existing commercial building into residential rental dwellings, and construct an addition to the existing building with additional residential rental dwellings. The residential community will house ninety-four (94) residential rental dwellings. The new residential community will have an affordable or workforce housing component, as provided by Section 8-30g of the Connecticut General

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Statutes (“Section 8-30g”). This workforce housing component will provide housing opportunities for mixed-income families.

I. Overview:

A. The Proposal:

The subject property comprises approximately 1.96 acres and it is located within the General Business Zone District (“GBD”).

The property is fully developed with a commercial office building and associated parking area. The office building is currently served by public water and public sewer. The sewer discharges into the Town of Westport municipal sewer system. There is more than adequate sewer capacity to serve the proposed residential community.

The proposed multi-family residential community will have fifty-two (52) studio apartments, thirty-six (36) one bedroom apartments, and six (6) two bedroom apartments. The community includes a lounge and recreation area. There are 152 parking spaces provided, 55 of which will be covered.

The proposed community comprises rental dwellings. The community will have an internal driveway system with full service access on a public street. The community’s internal driveway and parking system will be private.

An application is being submitted to the Conservation Commission of the Town of Westport prior to or simultaneously with this zoning application, as provided by law.

The property’s stormwater runoff is currently not treated prior to being discharged from the property. The subject proposal provides for enhanced stormwater quality measures, including detention, infiltration, green roof, partial covered parking and porous pavement. The proposal does not expand the parking area beyond the footprint of the property’s existing parking area. These enhancements result in the following benefits when compared to the office building’s existing stormwater quality system: (a) better water quality treatment; (b) a reduction in peak flows attributed to the 2, 10, 25, 50 and 100 year storm events; and (c) a reduction in total volume of stormwater leaving the subject property attributed to the 2, 10, 25, 50 and 100 year storm events.

The proposed residential community will continue to utilize the same sewer and public water services currently serving the subject property.

The subject property is not located in a public water supply watershed or aquifer protection area. No portion of the subject property is within five hundred feet of the boundary of an adjoining municipality. No significant portion of the traffic relating to the proposed development will use streets within an adjoining municipality to enter or exit the site. No significant portion of the sewer or water drainage from the site will flow through and significantly impact the drainage or sewerage system within an adjoining municipality. No water runoff from the improved site will impact streets or other municipal or private property within an adjoining municipality.

The proposal includes an affordable or workforce housing component, as provided by Section 8-30g. The proposal provides that thirty percent (30%) of the total number of dwellings (twenty-nine dwellings) will qualify as workforce housing, as provided by Section 8-30g. Specifically, the proposal provides for fourteen (14) dwellings to be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less of income, where such income is less than or equal to eighty (80%) percent of the median income, as defined by Section 8-30g. Fifteen (15) dwellings will be offered at rental prices that will preserve the housing for which persons and families pay thirty (30%) percent or less income, where such income is less than or equal to sixty (60%) percent of the median income, as defined by Section 8-30g. These rental prices target families with incomes comparable to many of Westport's municipal and board of education employees. There will be restricted deed covenants to ensure that these dwellings are rented at such prices. The deed covenants will restrict these dwellings for a total of forty years, as provided by Section 8-30g. For purposes of this proposal, the deed restricted dwellings are referred to as "workforce homes." This affordable or workforce housing component results in greater housing opportunities for the citizens of Westport.

B. Workforce Housing Need:

Section 8-30g of the Connecticut General Statutes, Connecticut's Affordable Housing Land Use Appeals Act, has been in place for more than 20 years, and during that time, a model for zoning approvals for mixed-income development under the Act has been used successfully across the state in municipalities, including Bethany, Oxford, Milford, Madison, Newtown, Wallingford, Darien, Avon, Monroe, New Milford, Newtown, Norwalk, Orange, Ridgefield, Simsbury, Westport, Hamden, Fairfield and Wilton. This proposal follows this established model where the applicant applies for: (1) the adoption of a new special district regulation, in this application, the "Residential-Rental Housing Opportunity/Workforce Zone District;" (2) rezoning of the subject property to this new zone district; and (3) site plan approval for the development. This three-part application process ensures that the site plan is governed by a clear set of land use and dimensional regulations.

The proposed regulation includes provision for administrative rules for the apartments that will be subject to long-term rent restrictions, and these rules are spelled out further in an accompanying Housing Affordability Plan.

It should be noted that the Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW") regulation has been drafted for this application and applies only to the subject property. This allows the Planning and Zoning Commission to consider this application without having to review the potential application of the regulation to other parcels. In other words, while the Commission has the option at any time to make more properties subject to this new R-RHOW regulation, this application does not require that analysis at this time. Such extended analysis is only required if the Commission considers to rezone other properties in Westport to the R-RHOW in the future.

The Town of Westport, like other municipalities in the region, has an acute need for more housing, in particular rental housing, that is available to moderate income households.

Although the so-called "Ten Percent List," maintained by the Connecticut Department of Housing ("DOH") to identify which municipalities are permanently exempt from General Statutes § 8-30g, is not strictly speaking a measure of housing need, it is an indication of a municipality's lower-cost housing stock relative to other municipalities in the state. In this regard, Westport has approximately 10,399 dwellings. With only 3.07 percent of the Town's housing stock being governmentally-assisted or deed-restricted in compliance with § 8-30g (as shown on the attached 2015 Affordable Housing Appeals List), Westport's affordable housing supply falls far short of the ten percent exemption threshold.

II. The subject three-part land use application proposal:

A. Proposed new Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW"):

Westport's current Zoning Regulations do not permit the proposed residential community. Therefore, the Owner proposes a zone text amendment that creates a new zone district designated as Residential-Rental Housing Opportunity/Workforce Zone District ("R-RHOW"). The intent of the proposed R-RHOW Zone is to permit the creative conversion of, and modification to, the existing uses of the property in a manner that will conserve the existing features of the property, while providing an affordable or workforce housing component pursuant to Section 8-30g. For example, the Owner's proposal provides that thirty (30%) of the total number of dwellings, or twenty-nine (29) dwellings, will be rented at certain prices for a period of forty years, as provided by Section 8-30g.

B. Request to re-zone the subject property to the proposed R-RHOW Zone:

The Owner also requests that if the R-RHOW Zone is adopted, that the Commission re-zone the subject property to the R-RHOW Zone. This rezoning will permit, subject to site plan review and approval by the Commission, the proposed residential community on the subject property. The proposed community is located within the property's existing development area, provides better stormwater quality measures, and utilizes the same public sewer, water and road access as currently utilized. The proposal provides for a meaningful conversion or adaptive reuse of the subject property. The proposed residential community includes an affordable or workforce housing component, as provided by Section 8-30g. This component results in twenty-nine (29) new workforce home opportunities for the citizens of Westport. For the foregoing reasons, the proposal is also consistent with the Town Plan of Conservation and Development.

C. Site Plan:

Simultaneously with filing the subject zone text amendment and request for change of zone, the Owner requests site plan approval. The site plan proposal complies with the requirements of the R-RHOW Zone and Section 8-30g. The applicant includes a traffic study and engineering drainage report.

III. Conclusion:

In support of this proposal, the Owner respectfully submits the following documentation:

1. Three-part application for: (a) zone text amendment; (b) zone change; and (c) site plan approval;
2. Statement of Use, as provided for in this document;
3. Draft "Residential-Rental Housing Opportunity/Workforce Zone District" zoning regulation;
4. "Housing Affordability Plan for Household Income and Rental Price Restrictions for Workforce Homes, Mixed Income Units, Submission Draft, March 2016";
5. All required site development plans, with architectural;

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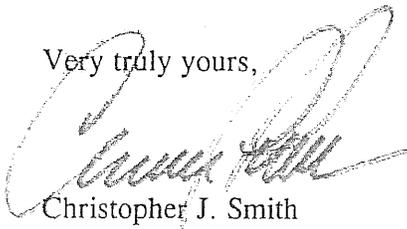
- 6. Drainage plan report; and
- 7. All other required documentation including the requisite filing fees. Any additional filing fees will be submitted once determined by the Commission's professional staff.

On behalf of the Owner and the Owner's development team, we look forward to processing this exciting proposal with the Commission and Town.

Thank you for your anticipated cooperation and assistance concerning this matter.

As always, best regards.

Very truly yours,



Christopher J. Smith

CJS:las

cc: 1177 PRE Associates, LLC (w/ enclosure)
Milone & MacBroom (w/ enclosure)
Rose • Tiso & Co. LLC