

April 27, 2020

Planning and Zoning Commission
c/o Mary Young, AICP, Director of Planning & Zoning
Town of Westport
110 Myrtle Ave, Room 203
Westport CT 06880

***RE: Proposed Text Change #778 (Special Needs)
Revised Text Change and Explanatory Statement***

Dear Ms. Young,

As discussed, attached please find the revised simplified Text Change and Explanatory Statement.

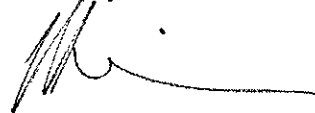
Group homes for up to six special need adults are currently allowed by right in single family zones however not as separate units with kitchens. The proposed text would allow the same basic use with kitchenettes.

We have identified three Town owned buildings that in theory could take advantage of this regulation: 136 Riverside Ave (former BOE use), 124 Compo Road North (Project Return House), and 15 Morningside Drive North (former Adams Academy).

The developers of 41 Richmondville are the sponsors of this effort and hope that it will satisfy the affordability requirement for their pending PZC applications for that site. This text is the first step. Next would be to complete the application for 41 Richmondville. After that we can proceed with the various approvals necessary to complete the 8-24, lease, Special Permit, etc., for 136 Riverside Avenue as Special Needs Housing.

Should this #778 text be approved and 41 Richmondville developers not complete the transaction, the text would remain a future opportunity to meet important Town goals. We look forward to continuing our collective efforts to make this exciting opportunity a reality.

Sincerely,



Richard W. Redniss, AICP

Enclosures (via email)

cc: 41 Richmondville Team
Helen Garten, Selectman's Real Property Committee
Elaine Daignault, Human Services Department
Interested Parties

Note:

- Proposed new language is shown underlined. Language to be removed is shown [~~in brackets~~].

Proposed Text Change

TO AMEND

- **§4-5 Maximum Allowable Multi-Family Dwellings, by amending standard #2;**
- **§5 “DEFINITIONS”, by adding a new “Special Needs Housing” definitions;**
- **§13 Residence A District, by adding “Special Needs Housing” under Special Permit Uses Subject to Special Conditions;**
- **§32 “Supplementary Use Regulations”, by adding NEW §32-27 “Special Needs Housing”**

§4-5 Maximum Allowable Multi-Family Dwellings

2. The first two-hundred (200) multi-family units approved under §32-15B, Age-Restricted Housing, per §32-15B.18, Special Needs Housing per §32-27, Exemptions and/or dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities.

§5 DEFINITIONS

Special Needs Individuals:

Persons that are blind, physically disabled, and/or have intellectual disabilities pursuant to Sections 1-1f and/or 1-1g of the Connecticut General Statutes

§13 RESIDENCE A DISTRICT

...

13-2.1 Special Permit Uses Subject to Special Conditions

The following additional uses [~~is~~] are permitted subject to the conditions provided for in §32 and Special Permit & Site Plan approval in accordance with §43, herein.

13-2.1.1

Small Home Developments

13-2.1.2

Special Needs Housing

32-27 Special Needs Housing

Housing for Special Needs Individuals is important to meet the Westport Plan of Conservation Development goals to allow qualified 501(c)3 non-profit organizations specializing in providing special needs services in residential settings to help address housing needs that maintain the character and integrity of Westport. Such housing enables persons with special needs to live in Westport and contribute to the community through employment and other opportunities. Special Needs Housing encourages the adaptive reuse of existing town owned buildings and shall require a Special Permit and Site Plan Approval.

32-27.1 Location

Special Needs Housing shall be located within an existing building in the Residence A District on Town owned property.

32-27.2 Density

The maximum allowable density shall not exceed six (6) units per building.

32-27.3 Special Standards

32-27.3.1 Height and Coverage

Building Stories, Building Height, and Total Coverage shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater.

32-27.3.2 Landscaping, Screening and Buffer Areas

Existing parking areas do not need to meet the requirements of Section 35-2.3.

32-27.3.3 Parking

The minimum parking requirement for Special Needs Housing shall be one (1) space per residence.

32-27.4 Affordability Requirement

All proposed units shall be affordable to households whose income does not exceed 60% of the State Median Income as provided by CT General Statutes §8-30g, and an affordability plan shall be required prior to the issuance of a Zoning Certificate of Compliance.

Explanatory Statement

**Special Needs Text Change
Proposed Text Change to Amend
§4-5, §5, §13-2.1, & §32**

Purpose/Benefits

The purpose of this application is to marry together multiple Town of Westport goals. Two years ago, the Planning and Zoning Commission unanimously voted to send a positive §8-24 Report on the sale of 136 Riverside Avenue to be used to house up to six special needs adults (records in the PZC office). This would have enabled the town to sell the no longer needed vacant building, see the historic building renovated and preserved, receive capital funds, and alleviate operating costs. It also would have served to meet the housing needs for special needs adults. What it likely would not have done was generate any moratorium points. The income and rent calculation for a group home aggregates the income and rent paid by all residents (up to six) and treats that as a total for a single household. That likely would have exceeded the State Median Income (SMI) limits stipulated in the Connecticut General Statutes §8-30g.

This Text Change simply allows for the same existing Town owned building to house the same, up to six, adult Special Needs Individuals with private kitchenets and bathrooms. Thus, each unit is calculated on the income of one (or perhaps 2) persons which is likely to be well below the minimum 80% SMI standard. According to industry experts, most of these adults' income will be less than 40% SMI. However, in order to be able to accommodate up to 6 adults, there may be one or two units that have two adults sharing the space. Therefore, we have set the affordability level at 60% SMI. In addition to the moratoria points, this is superior housing for the adults as they learn and help each other with independent living skills.

To help address the need for Special Needs Housing as a diverse housing option, we are proposing to amend:

- §4-5 by adding language to exempt (new) §32-27 from the Maximum Allowable Multi-Family Dwellings;
- §5 by adding a new definition for Special Needs Individuals;
- §13 Residence A District, by adding "Special Needs Housing" under Special Permit Uses Subject to Special Conditions; and
- §32 by adding a new section and standards for Special Needs Housing.

With the implementation of this text change, applicants will have an opportunity to adaptively reuse a Town owned building in the Residence A District as housing for Special Needs Individuals.

The changes serve to address several goals and strategies highlighted in the Westport Plan of Conservation and Development, including:

1. 10.1 Overview ("Westport's wide variety of housing types from modest homes and historic structures to grand manor homes is one of its strongest features."), p. 79.
2. 10.4. Monitor Changing Housing Needs, p.85
 - Seek ways to address changing housing needs while maintaining the character and integrity of Westport.
 - Consider ways of integrating affordable and workforce housing in future projects.
 - Support and encourage non-profit organizations that help address housing needs in ways that maintain the character and integrity of Westport.
3. 10.5. Continue to Address Housing Needs, p. 88
 - Continue to address housing needs in Westport (affordable, aged, special needs, ADA).
 - Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers.

Summary of Proposed Text Changes

§4-5 Maximum Allowable Multi-Family Dwellings

To encourage and enable Special Needs Housing, the proposed section (§32-27) is added to the exemption eligibility listed in §4-5-2. This would permit such housing, all of which is required to be Below Market Rate (as defined in pending regulation changes).

§5 Definitions

To enable regulations serving those with special needs, a definition is created to outline the parameters of a special needs individuals pursuant to Chapter 1, Sections 1-1f and/or 1-1g of the Connecticut General Statutes (i.e. persons that are blind and/or physically or intellectually disabled).

§13-2 Residence A

To allow Special Needs Housing within the Residence A district subject to applications for Special Permit and Site Plan approval.

§32-27 Special Needs Housing

§32-27 & 32-27.1

These sections outline the purpose and permitted locations for qualified 501c3 nonprofit organizations to provide special needs services in residential settings. Such opportunities are proposed to be limited to Town owned land within the Residence A District. This will limit the applicability of the regulation and allow for an identified opportunity at 136 Riverside Avenue as a demonstration site, which has previously been approved by the Planning and Zoning Commission via Section §8-24 Report (March 1, 2018). Other potential properties include 15 Morningside Drive North (former Adams Academy) and 124 Compo Road North (Project Return).

§32-27.2

The proposed density is limited to 6 units in any single building consistent with Connecticut General Statutes §8-3e which already allows 6 Special Needs Individuals in any single-family residence. The only difference is that individuals will have a small kitchenette and private bathroom in their "unit".

§32-27.3

To provide flexibility in the renovation and/or alterations that may be required for a special needs adaptive reuse of property that may or may not conform to existing zoning standards, building height/stories and total coverage may be the greater of either the existing condition or the amount permitted by the underlying zone. Such flexibility can be a particularly critical element for Special Needs Individuals.

Similarly, where existing properties may not meet the Special Permit standards for landscaping of parking areas and buffers, existing conditions may remain in place. This allows the existing driveway and parking shared amongst the school, recreational uses and 136 to remain in place.

Lastly, as Special Needs Individuals do not drive, the proposed 1 parking space per residence standard is sufficient to provide for staffing and visitors.

§32-27.4

All Special Needs Housing is required to be affordable to households whose income does not exceed 60% of the State Median Income, and to provide an affordability plan.