

**REPORT TO THE
PLANNING AND ZONING COMMISSION
FROM THE AFFORDABLE HOUSING SUBCOMMITTEE
JULY 10, 2007**

Objectives

This subcommittee of the Planning and Zoning Commission was asked to study the zoning issues and locations that the Planning and Zoning Commission might need to address as it relates to applications and initiatives driven by the State's affordable housing statute--Connecticut General Statutes (CGS) Section 8-30g. The subcommittee chose to look at inventory first and then consider some of the zoning issues that might arise from those locations. During this multi-month process, input was sought and received from the Darien Affordable Housing Advisory Committee (DAHAC), the Planning and Zoning Department, and others. Our subcommittee also reviewed the June 2007 draft Southwestern Regional Planning Agency (SWRPA) Regional Housing Needs and Supply Assessment, and Darien's 2006 Town Plan of Conservation & Development.

The Planning and Zoning Commission has noted that there are many entities now working on addressing affordable housing in Darien. These include, but may not be limited to, the Darien Affordable Housing Advisory Commission (DAHAC), the Darien Housing Authority, the Board of Selectmen, property owners and prospective property owners, as well as developers and builders. While others may need to work on financing and managing the affordable housing, the purpose of this memo is to give those parties some of the Planning and Zoning Commission's preliminary thoughts (from a zoning standpoint) on the affordable housing issue, and to provide guidance on sites which have the most potential for affordable housing. Chapter 6 of the 2006 Town Plan of Conservation & Development should also be used as reference to gain additional information.

How the "Potential Development Areas" were established

As the 2006 Town Plan of Conservation & Development clearly states, Darien continues to be primarily a single-family residential community. Thus, the subcommittee first took a "planners look" at the Town, and tried to identify locations that, if developed with affordable housing, would provide the most harmonious blend with the existing character of the town. The primary criteria included: being served by town water and sewer and other major utilities; proximate to public transportation routes, such as bus lines and the two train stations; and proximate to services and retail uses such as shopping. The subcommittee also included all Town-owned property, which by definition is for use and/or development for the common good. The subcommittee believed that the prime areas for affordable housing were those that are close to train stations, bus routes and/or shopping. The availability of public water and sewer was also a priority. Other attributes are listed below:

Criteria/attributes:

- 1) served by town water and sewer and other major utilities;
- 2) little or no impact on existing single-family residential neighborhoods. Preferably adjacent to existing multi-family housing or in "transitional areas";
- 3) where higher density housing now exists;
- 4) preferably on or near collector or arterial roads, not generally on local dead-end roads which would concentrate all traffic flow in a restricted area;
- 5) near the two train stations and/or near bus lines. The term "Transit Oriented Development" refers generally to the concept of having higher density development located near public transit such as train stations. This would include Noroton Heights, downtown Darien, and possibly some areas along Boston Post Road;
- 6) near services and shopping.

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The resulting map showing “Potential Development Areas” was created. These sites meet the following criteria:

- 1) now serviced or easily serviced by public water and sewer;
- 2) a Town-owned property OR a property on one of the following streets:
West Avenue, Noroton Avenue from West Ave to Maple St, Boston Post Road,
Old King’s Highway North, Hoyt Street, Heights Road
- 3) Properties which already contain affordable housing:
AvalonBay property;
Allen O’Neill properties;
Old Town Hall Homes property/ies
- 4) Properties which are already zoned for higher densities
The 3.7 Acre “Duhaime” property on Hollow Tree Ridge Road
Existing multi-family properties: Villager Pond, Middlesex Commons, Pine Brook,
Darien Close, etc.

The following streets were included:

Old King’s Highway South, West Avenue, Noroton Avenue, Boston Post Road
Old King’s Highway North, Tokeneke Road, Heights Road, Hoyt Street

Properties owned by all of the churches were included. Property owned by the Darien Land Trust were excluded, since most, if not all, are restricted as to use.

The subcommittee understands the need to minimize impacts to, and be harmonious with nearby and adjacent properties, many of which are single family residential sites. Others may have a different prospective of where would make as good, or better locations, however the subcommittee believes that the selected criteria are reasonable examples of where in Darien affordable housing might be proposed. One major caveat is that this is a “macro-view”. *Specific characteristics of these properties, such as the location of wetlands, steep slopes, related street intersections and sight lines were not interpreted or taken into account. It would be expected that upon a closer examination of the site specific circumstances and conditions, some potential sites are ruled out due to one or a combination of these or other factors.*

Analysis of Map results

The initial result was identifying over 1,000 acres in virtually all of the Town’s residential and non-residential zones. Many of the properties were in residential zones that are less than one acre in size, making the financial feasibility for development into affordable housing and/or the probability that a property accumulation might take place unlikely. When the subcommittee looked at only properties of one acre or more, the total acreage identified would be reduced greatly.

While the seven public school properties are shown on the map, much of those school properties are now occupied by existing school buildings and their related fields. It is not expected that near term those properties could provide more than a just a few, if any, units of affordable housing per property, except for the former Hollow Tree School site. It is believed that some of that area behind Middlesex Middle School may be earmarked for a new senior citizens center.

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TABLE 1: NUMBER AND ACREAGE OF PROPERTIES BY CATEGORY

	<u>No. Properties</u>	<u>Total Acreage</u>	<u># Properties > 1 acre</u>	<u>Total Acreage of Properties > 1 acre</u>
Schools *	10	140+/-	10	140+/-
Churches and Cemeteries greater than 0.5 ac.	31	146+/-	20	141+/-
Town Parks & Beaches	17	199+/-	17	199+/-
Other Town Properties	24	100/-	13	59+/-
State Owned Properties	11	83+/-	5	81+/-
Residential Properties**	507	280+/-	39	124+/-
Condominiums**	7	55+/-	7	55+/-
Commercial Properties**	283	194+/-	50	108+/-
Special Permit Uses	3	8+/-	2	8+/-

*Reflects number of lots that make up the school properties.

**Some lots were missing acreage from both GIS and CAMA databases, so acreage was calculated based on GIS geometry.

***There are some properties that are shown on the map as Commercial and Residential.

Although these criteria give general standards, there may be areas that meet these criteria which are not appropriate for affordable housing. For example, such factors such as sight lines, intersection locations, proximity to and unavoidable impacts upon single family homes, the presence of wetlands and/or watercourses and their associated regulated areas, and other environmental factors may have an impact on the exact location of such housing. Of course, the specific site plan (including grading, drainage and other details) will ultimately determine the feasibility of, and density of, the construction of affordable housing in a specific location.

Conclusions from the Map

Affordable housing can be developed in generally two different ways: 1) through larger projects (such as AvalonBay Communities on over 30 acres); or 2) in smaller numbers as part of a mixed-use development such as the condominiums/apartments now being constructed at 1014-1020 Boston Post Road, or through other methods such as inclusionary zoning or accessory apartments.

Some of the larger parcels which may accommodate a greater number of units are described herein. In short, the subcommittee quickly quantified that there are not enough lots of considerable size that exist to handle the potential need for affordable housing unless zoning is addressed. The subcommittee also realized that any affordable housing project would likely require compromise so to be most harmonious with the neighboring zoning no matter where in town it is proposed and/or located.

Sites which may meet the criteria/attributes listed above:

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The largest identified properties within the review area include (listed in order of size—with all listed sites being at least 1.9 acres):

- AvalonBay Communities property, Hollow Tree Ridge Road.—This 31.5+/- acre property now contains 189 dwelling units, 42 of which are affordable. It is zoned Designed Multi-Family Residential (DMR). This property may provide an opportunity for additional density, and a related number of affordable units being constructed. A rezoning to allow additional on-site density would be needed to accomplish this.
- “Procaccini” Property, Hoyt Street.--12-15+/- acres, now zoned mostly R-1. The subcommittee acknowledges that an application is now pending for 62 market-rate condominium units. Again, if affordable housing were to be constructed, a rezoning would need to occur.
- Allen O’Neill properties, Allen O’Neill Drive.—10+ acres, now zoned R-1/3 and owned by the Housing Authority of Darien. Presently, there are 41 houses and one twelve unit apartment building. The Town web site notes that the housing was completed in 1953. If the properties are rezoned to one of the Town’s existing multi-family zones, then a range of 60-100+ units (20-60 more than currently exist) could potentially be sited here.
- 85 Old King’s Highway North.—5+/- acres on Old King’s Highway North now zoned OB. This site contains a large office building and related on site parking. The property is located between Old King’s Highway North and the Connecticut Turnpike.
- “Howard Johnson’s” property, Ledge Road.—5 acres now zoned Service Business (SB). The site now contains a Howard Johnson’s hotel and restaurant. A proposal to demolish those buildings and their associated parking area and replace it with a Whole Foods Market with associated parking area was recently denied by the Planning and Zoning Commission. That denial has been appealed and is pending in Court.
- Leroy West parking lot, Leroy Avenue.—4.0+/- acres now zoned PR. Located across Leroy Avenue from the Darien Train Station, there is potential for affordable housing to be constructed above the existing parking lot. Zoning regulation amendments would be required to implement such a project. The project should be designed to not reduce the availability of parking spaces for train commuters.
- “Duhaime” Property, Hollow Tree Ridge Road.—3.7 acres, now zoned 3.7AH. This property is already zoned for up to 9 units per net acre provided it is affordable housing. Under this zoning, 27-33 units could be constructed here, with 30% of those being affordable units, resulting in 9-11 units of affordable housing.
- Senior Center property, between Hollow Tree Ridge Road and Edgerton Street.—3.6+/- acres now zoned R-1/2. This area is described in the October 2006 Feasibility Report Senior Center Site by Redniss & Mead.
- “Koons” property, located at the corner of West Avenue and Leroy Avenue.--2.0+/- acres, now zoned Designed Commercial (DC). This is now used exclusively for commuter parking. Similar to the Leroy West parking lot, there is potential for affordable housing to be constructed above the existing parking. Zoning regulation amendments would be required to implement such a project. The project should be designed to not reduce the availability of parking spaces for train commuters.
- Darien Library, Leroy Avenue.—1.98+/- acres, now zoned R-1/3 and DB-1/DBR. The northern part of the site, consisting of the building and 43 parking spaces is 1.5 acres is in the R1/3 Zone. The southern part of the site, consisting of 38 parking spaces is in the DB-1/DBR Zone and is 486+/- acres. The Library site is currently in two different zones. The northern part of the property is zoned R-1/3. The southern part of the property is zoned

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Designed Business-1 (DB-1) with a Designed Business and Residential (DBR) overlay. This southern portion of the site was given to the Library by the developers of the Middlesex Commons project. Rezoning will be necessary to build affordable housing on the entire property. It is expected that with rezoning, 11-24 units could be constructed here. Most of these sites are located within the radius around the Darien or Noroton Heights Train Stations as shown in the draft Southwestern Regional Planning Agency (SWRPA) Regional Housing Needs and Supply Assessment.

The subcommittee next looked at what zones are within the identified locations that most logically lend themselves to affordable housing. As all zones – residential as well as non-residential -- are impacted, it is not possible to adapt any one zone exclusively to accommodate affordable housing. Most likely larger developments of or incorporating affordable housing units might take place in both residential and/or areas now zoned for condominiums, while auxiliary affordable units most likely will be incorporated mostly into existing commercial areas.

This suggests that the Planning & Zoning Commission may well need to have a two pronged strategy toward reviewing zoning as it relates to affordable housing: 1) being to develop a “zoning template” for units built as part of a developed housing complex (such as AvalonBay communities); and 2) being zoning incentives for adding affordable units to commercial or mixed use commercial developments (such as the construction now ongoing at 1014-1020 Boston Post Road).

Zoning Issues

Incentive and Inclusionary Zoning

Incentive zoning is a practice that encourages property owners and/or developer to construct what is desired, in this case- affordable housing, by making it easier and more economically worthwhile to do so. Inclusionary zoning is a practice that requires that each development must include affordable housing. It would be a mandatory requirement that each subdivision or multi-family project or commercial development must create affordable housing units in accordance with a pre-set schedule depending on the number of lots, number of units, amount of square feet of floor space, or value/cost of the project. If the developer wishes to opt out of actually creating affordable housing, they would need to make a ”payment in lieu” of construction or a “buy out” fee to an affordable housing fund. The fund would then be used to acquire land and/or construct affordable housing at a different site.

To encourage affordable housing the Commission could include in the Zoning Regulations the zones that allow affordable housing, increased densities, minimize setbacks, reduce road construction standards, allow greater building height, or relax other standards.

Existing Zoning Districts/Density

In the past, the Commission has approved density in the range of six units per acre (AvalonBay Communities) to fourteen units per acre (Clock Hill Homes). The Town of Darien now has three separate zoning districts related to affordable and/or higher density housing. They are:

- ***Designed Multi-Family Residential (DMR)—Section 520 of the Zoning Regulations.*** This is the zoning district covering the AvalonBay property on Hollow Tree Ridge Road. It allows a maximum of four (4) units per acre if all of the units are to be sold or rented at market rate. Six (6) dwelling units per acre are permitted for affordable housing projects.

AvalonBay developed an affordable housing project at 6 units per acre—189 dwelling units on 31.5+/- acres.

- ***3.7 Acre Hollow Tree Ridge Road Small Acreage Zone for Affordable Housing (3.7AH)—Section 540 of the Zoning Regulations.*** This zoning district covers the property to the east of the AvalonBay property commonly referred to as the “Duhaime” property. It is located to the west of Hollow Tree Ridge Road, south of the railroad tracks and north of the Connecticut Turnpike. Its maximum allowable density is 9 units per net acre. This net acre calculation subtracts out any wetlands, land under water, or steep slopes from the acreage calculation.
- ***Designed Business and Residential (DBR overlay zone on DB-1 and DB-2 properties)—Section 500 of the Zoning Regulations.*** This is the zoning district of the Middlesex Commons property as well as other condominiums in Town, including Sedgwick Village, Darien Close, and Villager Pond. It is also the zoning designation of Clock Hill Homes. This zone allows up to eight (8) dwelling units per gross acre if the units are to be sold or rented at market rate. Up to twelve (12) dwelling units per gross acre are allowed as a senior housing incentive, or, there is an incentive for the inclusion of moderate income units. A Special Permit provision allows for an additional increase in density. The condominiums are developed generally at a density of four to eight (4-8) units per acre, and Clock Hill Homes (a moderate-income condominium project) at a density of fourteen (14) units per acre.

These three zoning districts would address larger housing development opportunities. In the recommendations herein, other opportunities are identified for including smaller amounts of housing within mixed-use developments.

Economic Issues

While the subcommittee acknowledges that economic issues play a large role in the development of affordable housing both during construction and thereafter, this area is outside the scope of the Commission. Existing market forces have driven land prices so high that it is often very difficult to develop affordable housing under the present zoning regulations on small lots. Often, a large parcel of undeveloped land is needed to have enough units to create an economy of scale. In some cases, it may be necessary to have a private or government subsidy to make affordable housing feasible.

Conclusions and Recommendations

- As the Commission further investigates the affordable housing issue, it may be proper to recommend modifications to the 2006 Town Plan of Conservation and Development and/or zoning regulation amendments to implement these ideas.
- The Planning & Zoning Commission will need to commence a comprehensive review of zoning regulation amendments relative to affordable housing.
- The Commission should re-evaluate the three existing multi-family zoning districts to determine their applicability to other areas of Town. Quite possibly, a more general overlay zone could be created, giving the Commission more flexibility in the future. Any affordable housing overlay zone would likely focus on the areas described herein.

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- Establish benchmark criteria that best harmonizes any affordable housing development with the existing zoning. Such criteria need to encourage the creation of affordable housing while addressing the concerns neighbors and the community as a whole. A “zoning template” for such housing would be consistent as related to:
 - minimum lot size;
 - number of units per acre (density);
 - setbacks and buffers– front/side/rear;
 - maximum building height;
 - required on-site parking;
 - designated open space.

- The Commission should consider rezoning some of the properties listed herein to a zone which allows affordable housing.

- While many existing non-residential properties may meet the criteria described in this memo, it is important to recognize the role that these businesses play in the community. For example, a policy question is whether to allow housing within existing office parks. Another is how much of the Town’s existing commercial base may be converted to affordable housing and/or housing in general. The subcommittee believes that the Town needs to balance the need for affordable housing with other needs of the community.

- Mixed use development – identify incentives that best support the affordable housing initiative. These could include the provision that in certain commercial zones (such as the CBD and/or DC Zones) to allow third floor housing as a permitted use as-of-right or as a Special Permit use, if at least a certain percentage of it is affordable housing.