



TOWN OF RIDGEFIELD Planning & Zoning Commission

Friday, May 6, 2022

Affordable Housing Committee
Town of Ridgefield
c/o Dave Goldenberg, Chair
400 Main Street
Ridgefield, CT 06877
VIA email to yodaveg@gmail.com

Re: **Ridgefield Affordable Housing (8-30j) Plan Draft
Comments from Planning & Zoning Commission**

Dear Mr. Goldenberg and members of the Affordable Housing Committee:

Thank you for sharing your draft of the 8-30j Affordable Housing Plan (the "Plan"), and for requesting comments from the Planning & Zoning Commission ("PZC"). We recognize the tremendous effort that the AHC has invested in this process. Thank you, on behalf of the PZC.

During a Special Meeting of the PZC on May 4, 2022, we reviewed your draft Plan (dated April 4, 2022), which was the latest version available on your page of the town website. In the interest of time and efficiency, rather than critiquing every line of 40+ pages, we focused our discussion and review on the 19 specific recommendations called-out in grey boxes in your draft Plan. Below, on behalf of the PZC, I will itemize our comments to those recommendations.

General – Consolidate & Prioritize

First, as a general suggestion, we believe your Plan could consolidate some of the recommendations, and clarify the prioritization of recommendations – so a reader understands which are most important and/or most impactful, with minimal challenges to accomplish. In that regard, we suggest that you prioritize ideas that are likely to generate incremental affordable housing units without adding incremental building stock.

Specifically, in our view, a few of the best recommendations would be your numbers 11.2.1 part 1 (re: "adaptive reuse"), 11.2.1 part 2 (re: "extending [set-aside deed restrictions] to perpetuity"), and 11.2.3 (re: "ADU deed restriction [incentives]"). Many others follow closely.

On the other hand, we believe recommendations for new construction of affordable housing on specific targeted sites may be premature and risky to success for a Plan such as this. While any "project" may be proven feasible and achievable, PZC must hesitate to endorse them specifically, given the limited information at this stage. We suggest that you place a lower prioritization on

recommendations 11.1.1 (re: Ballard Green expansion”), 11.1.2 (re: Prospect Ridge Expansion”), 11.1.3 (re: “Halpin Lane Mixed Housing”) and/or consolidate these site-specific recommendations into one that is more general. Suggested language is below.

We believe the remaining recommendations not mentioned above fall between the two ends of the priority spectrum (factoring anticipated impact & currently understood feasibility). Below I will share our comments & suggestions specific to each.

8.0 Zoning Review, item 1 re: PZC “review ... to facilitate multifamily development”

The PZC consensus is supportive of this. While we believe our current regulations provide a variety of opportunities for such development (e.g., MFDD, MSDD, SD R-20, HOD, MU, multi-family conversion in many R zones, etc.), we are happy to look at them again – and to also review the zoning maps – with a contemporary eye.

8.0 Zoning Review, item 2 re: “Multifamily Conversion ... as of right ... regardless ...”

We agree this can be reviewed, although the full recommendation as written *may be too ambitious*. The limits on building age are prudently designed to prevent “backdoor” multifamily conversions, i.e., a developer building with the intent to convert quickly after Certificate of Occupancy. The Special Permit requirement is not prohibitive, and typically appropriate given the site-specific factors which often need to be considered to assure multifamily conversions are implemented successfully. We are supportive of a careful review; but *suggest replacing “expand” with “consider expanding” and replacing everything after “two-family home...” with “... in a greater variety of situations”*.

8.0 Zoning Review, item 3 re: “MU”

We are supportive of a review on this – especially with respect to the CBD – although we note the existing regulation (adopted in 2018) was designed to advance affordable housing goals. We also note this goal may be covered already, or easily rolled-into, the first recommendation to review all regulations and zones with respect to multifamily development opportunities.

11.1.1, 11.1.2, 11.1.3 re: specific sites to be developed for affordable housing

As noted above, we suggest that you consolidate these three recommendations into one single recommendation, which is not site-specific. As a general practice the PZC must be very careful about endorsing any specific project for any specific site without significant due diligence – particularly when the current zoning does not match the proposed project. We also would need to carefully consider the clustering risks related to all-affordable projects.

A consolidated recommendation that is not site-specific might use phrases such as:

“AHC to coordinate an evaluation of various sites to determine which may be suitable for public or private affordable housing projects; AHC to work with town entities to explore those possibilities; always considering the need to balance various public interests, including the preservation of open space & public uses, capacity of municipal infrastructure & services, etc.”

11.12.1 re: “adaptive reuse”

We believe this is one of several that should be *emphasized as a priority* above other recommendations; adaptive reuse is one of the smartest ways for a community to expand housing opportunities while also preventing abandoned stock. While the number of sites may be limited, we should make the most of each one, subject to capacity of municipal infrastructure & services. We expect the ECDC and/or AHC would take the lead on implementation here (as noted above, PZC generally must be cautious about promoting specific projects on specific sites).

11.2.1 re: “incentives ... for extending [set-aside deed restrictions] to perpetuity”

We are supportive from a PZC standpoint. This could deliver additional affordable housing without adding building stock. We believe that you can/should include *existing developments* (even those which have expired) in this effort, and we believe the Board of Finance and the Board of Selectmen should also be named as partners in this effort, given the likely revenue offset considerations.

11.2.2 re: “housing trust fund”

Comments from PZC members were mixed, but mainly due to the suggestion of seeding this with ARPA funds, which seemed a premature or inappropriate commitment for some PZC members. The consensus is supportive to “investigate” (*note: replace “pursue”*) establishment of a housing trust fund, i.e., we should look at the possibility in greater detail.

11.2.3 re: “ADU deed restriction [incentives]”

As with 11.2.1 above, we are supportive from a PZC standpoint. This could deliver additional affordable housing without adding building stock. We believe the *Board of Finance and the Board of Selectmen* should also be named as partners in this effort, given the likely revenue offset considerations.

11.2.4 re: MSDD & Inclusionary Zoning

Several PZC members feel this recommendation can/should focus on the possibility of *inclusionary zoning in a variety of areas* (see 11.3.1 below). A review of the MSDD footprint would also be part of the initial recommendation above (under 8.0, item 1), so this may be duplicative as a recommendation.

11.2.5 re: Fee Incentives for Affordable Units

PZC members are supportive of this possibility, but we note the need for other entities to be involved, such as the *Board of Finance and Board of Selectmen* (from a revenue offset perspective), as well as the *Building Department* (which reports to the Board of Selectmen) since certain fees are established there. PZC does not establish all building-related fees.

11.3.1 re: Inclusionary Zoning

The PZC consensus was very supportive of this recommendation; we have already had some conversation within the PZC about this, and we are eager to accelerate with your partnership. However, it can likely be consolidated with your recommendation 11.2.4 above.

11.3.2 re: Middle Housing

We believe that opportunities for middle housing are provided via our regulations and zones (including R-7.5, R-10, SD R-20, R-20, MFDD, and MSDD, as well as the MU and Multi-Family Conversion regulations). We also believe this recommendation overlaps with several of those already listed above. We suggest you could consolidate this recommendation by simply referencing “middle housing” alongside “multi-family” in those other goals (e.g., 8.0 item 1).

11.3.3 re: Form-Based Codes

The PZC had some workshop & educational discussions on form-based codes within the past two years, but as you know the PZC membership changed significantly in November 2021, with 4 of 9 members newly seated. In implementation, a form-based framework must not completely ignore certain *use compatibility issues*, as well as different *use-based requirements for infrastructure, services, and amenities (including parking)*. But we can continue to learn, and to consider form-based principals to be incorporated into our regulations.

11.4 re: TOD Branchville

The PZC is generally supportive of this review, but as with others, we believe it can be accomplished under the heading of recommendation(s) above, including 8.0, item 1. As you note in your Plan, there are issues on infrastructure capacity which have solutions in concept; PZC would seek to assure *those solutions will be realized* as part of a zone change or proposed project. *We also specifically suggest a rewording: “... to create and implement strategies for ...” should become “... to explore feasibility and potentially update regulations and zones to support ...”.*

11.5.1 re: Program ... CHFA mortgages

We are supportive from a PZC standpoint. This could deliver additional affordable housing without adding building stock.

11.5.2 re: Resource Page on town website

We are supportive from a PZC standpoint. We suggest you expand your audience for this page. Increasing the availability of information helps those eligible for affordable housing, but also can help *educate the community, and guide investment and development*.

As a specific suggestion, the PZC and our staff could work with AHC to publish and regularly update a report or “dashboard” to illustrate and track status of our housing stock, affordable units, HEUs, etc. On this page, you and/or ECDC may also wish to list known suitable properties (e.g., for adaptive reuse, HODs, MFDDs, etc.). This information may be less interesting to affordable housing applicants, but very helpful to members of the community who need to understand the initiative(s), and investors/developers considering projects in town.

11.5.4. re: Surplus Land Task Force

This appears to be a recommendation where the *Board of Selectmen and/or Board of Finance* should have primary input. We should note from a PZC perspective, certain members voiced concern that this proposed task force could target open space, recreational space, and other properties which may be important to the “conservation” aspects of our Plan of Conservation &

Development (POCD). Also from a planning standpoint, it may be wise for the town to retain some land for long-term public/municipal needs which are currently unforeseen (e.g., new schools or expansions when appropriate, public safety facilities, etc.).

Some individual PZC members had more detailed comments on the draft Plan (e.g., grammatical, data source inquiries, etc.), but I will not itemize all of these in this letter. Instead, I will forward those directly from the PZC members who wish to write-out their suggestions. However, it is worth reiterating one particularly strong comment from Commissioner Katz during our public meeting with you on April 5th; he took exception to your first two sentences under “The Impact of Zoning”, which some could interpret to mean that zoning was socioeconomically exclusionary by design. While this view is held by many (hence the possible interpretation), it is not universally accepted. Many early zoning efforts were focused on preventing *industrial uses* from encroaching on residential communities (see notably *Euclid v. Ambler*, the 1926 landmark Supreme Court case that paved the way for zoning in America). Especially given the context of the Plan, it may be helpful to adjust this paragraph to clarify that socioeconomic exclusion was not the impetus for all zoning efforts.

We hope that you find this letter helpful as you continue drafting the Plan. We recognize that you may not accept or agree with all above, but we greatly appreciate the opportunity to provide our feedback.

Sincerely,



Robert B Hendrick Jr.
Chair, Planning & Zoning Commission
Town of Ridgefield

Cc: Alice Dew (Director, Planning & Zoning)
Planning & Zoning Commission Members
Public File (MISC-22-2, re: 8-30j Plan)