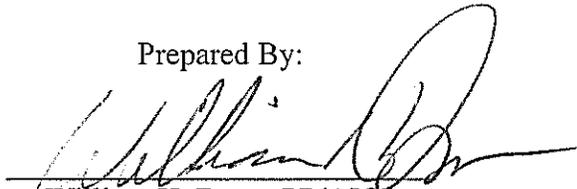


Town of Westfield, NJ Master Plan

Amendment to the 2013 Housing Plan Element & Fair Share Plan

Adopted
November 3, 2014

Prepared By:



William H. Drew, PP/AICP

License # 3971

Town Planner, Westfield NJ

TOWN OF WESTFIELD, NJ
AMENDMENT TO THE 2013
HOUSING PLAN ELEMENT & FAIR SHARE PLAN

Purpose of Amendment

This document represents the second amendment of the Town of Westfield's 2013 Housing Plan Element & Fair Share Plan (the 2013 Plan) relating to the New Street TOD zone (NS-AMFH zone). Its purpose is fourfold, as follows: Increase the density in the zone from 16 units/acre to permit a total of 68 units; Reduce the inclusionary set-aside from 20% to 10%; Change the relevant tables in the Fair Share Plan concerning Credits for Future Round by the addition of one more affordable unit to be provided through development in the New Street TOD; and to delete from the 2013 Plan several lots that were part of the NS-AMFH zone. In the adopted plan, the Planning Board recommended that a new zone be created known as the New Street Affordable Multi-Family Housing (NS-AMFH) zone district. This district, with zoning regulations was established by the Town Council's passage of Ordinance No. 2003 on May 7, 2013. The recommended amendments contained herein should be accomplished by means of the Town Council adopting an amended zoning ordinance.

Background

In January 2009, Mount Laurel litigation was filed against the Town of Westfield (Sunnyside Senior Housing of Westfield v. Westfield, Docket No. UNN-L-135-09). On May 27, 2009 the Planning Board adopted a Housing Element & Fair Share Plan (the 2009 Plan) detailing a plan to address Westfield's affordable housing obligation, consistent with the then in effect third round rules adopted by the NJ Council on Affordable Housing (COAH). In December 2012, the Town reached a settlement of the litigation, and on February 4, 2013 the Planning Board amended the 2009 Plan to include the plaintiff's property located at 206 Springfield Avenue as an inclusionary housing site (the "Sunnyside Settlement").

In January 2013, the Court-appointed Master reviewed the Town's 2009 Plan (as amended) and the settlement agreement. In view of the passage of time and Court decisions invalidating important aspects of COAH's third round rules, the Court-appointed Master required an update and revision of the 2009 Plan. On April 10, 2013, the Planning Board amended the Town's Master Plan with the adoption of the 2013 Housing Plan Element & Fair Share Plan (the 2013 Plan*).

The 2013 Plan consists of two parts: Part 1, the *Housing Plan Element*, contains the statutorily required information based on the 2010 Census concerning the Town's housing stock, demographics, and employment characteristics, and a determination of the Town's affordable housing obligation. Part 2, the *Fair Share Plan*, describes the Town's plan to address its affordable housing obligation with credit for existing affordable housing, programs for the rehabilitation of substandard housing, and zoning to provide a realistic opportunity for the construction of new affordable housing as part of inclusionary developments on specified properties in Westfield.

Amendments to the Fair Share Plan

First Amendment

The 2013 Plan was adopted by the Planning Board on April 10, 2013 and subsequently endorsed by the Town Council. The Council then considered zoning ordinances to implement the 2013 Plan. The owner of one designated inclusionary site (the South Avenue TOD) requested of the Town Council that this site be excluded from the rezoning as he did not plan to redevelop the site as proposed in the 2013 Plan. Twenty affordable units would have been provided on this site. With the adoption of the first amendment on December 2, 2013, the South Avenue TOD site was deleted from the 2013 Plan as a development site for inclusionary housing.

Second Amendment

The purpose of this second amendment is to amend the adopted 2013 Plan to reflect changes resulting from a proposal presented to the Town to develop properties within the NS-AMFH zone. To achieve the goal of providing affordable housing, density increases are recommended herein and set-aside percentages are reduced from 20% to 10%. Relevant tables in the Fair Share Plan concerning Credits for Future Round should also be changed to reflect the addition of one affordable unit to be provided through this development proposal, and to delete from the 2013 Plan several lots that were recommended be placed in the NS-AMFH zone.

The developer has submitted concept plans showing that the properties owned by him (Block 3207, Lots 1 and 4 and Block 3208 Lot 1.02) can reasonably be developed at the proposed density, resulting in 68 living units. At a 10% set-aside, this development proposal will provide 7 affordable units, surpassing the six units proposed in the plan. As a result, the purpose of the NS-AMFH zone as defined in the 2013 Plan can be achieved.

There are significant on-site development costs associated with the construction of these units, including the construction of underground parking and the purchase of a significant portion of the New Street right of way from the Town. Additionally, the developer will be installing a right turn lane along South Avenue at its own cost, which involves the construction of significant traffic signal infrastructure. Due to these costs, it has been determined that a reduction in the percentage set-aside is fair and reasonable.

As a result of this development proposal, the remaining properties within the zone are no longer necessary for inclusionary development. The subject properties are identified on the Town Tax Maps as Block 3207 Lots 2, 3, 5 and 6, and Block 3208 Lot 2. Furthermore, the remaining lots are each under separate ownership, are not contiguous and do not present developable sites. Therefore, the re-delineation of the NS-AMFH zone district boundary is recommended for the purpose of removing the tax lots that were included in the rezoning of properties in conformance with the 2013 Plan. These identified tax lots should be rezoned back to and become part of the existing GB—3 zone. This was the same zone that these lots were part of prior to the establishment of the NS-AMFH zone.

Westfield's Fair Share Obligation

The 2013 Housing Plan Element & Fair Share Plan contains detailed information on the history of Westfield's affordable housing obligations and compliance efforts dating back to the Superior Court's approval of the Town's first compliance plan in 1991. At that time, the Court approved a vacant land adjustment lowering the original 139-unit obligation from 139 to 51 units, referred to as the Town's "realistic development potential." The difference, or adjustment of 88 units, is referred to as "unmet need." The 2013 Plan describes how the Town has addressed the past affordable housing obligation, referred to as the "prior round" obligation; how it will address the rehabilitation obligation; and designates inclusionary housing sites and affordable units to address any future affordable housing obligation.

Court Decision and Judgment of Repose

After holding a hearing and considering the recommendations of the Court-appointed Master with respect to the Sunnyside Settlement and the Town's 2013 Plan and supporting exhibits (taken together, referred to as the "compliance plan"), the Court issued an oral decision on September 9, 2013. On October 7, 2013, an Order was issued granting Westfield repose and immunity from Mount Laurel litigation until such time as a deadline for filing a third round affordable housing plan is established by new legislation or future Court decision.

The Court specifically found that the previously approved vacant land adjustment remains valid and that the Town has fully addressed its prior round obligation, consisting of the 51-unit realistic development potential and 88 units of unmet need. The Court determined that the Town's rehabilitation obligation is 41 units, which is to be addressed by participation in the Union County rehabilitation program with respect to single-family home rehabilitation and by establishing a local program to address substandard multifamily

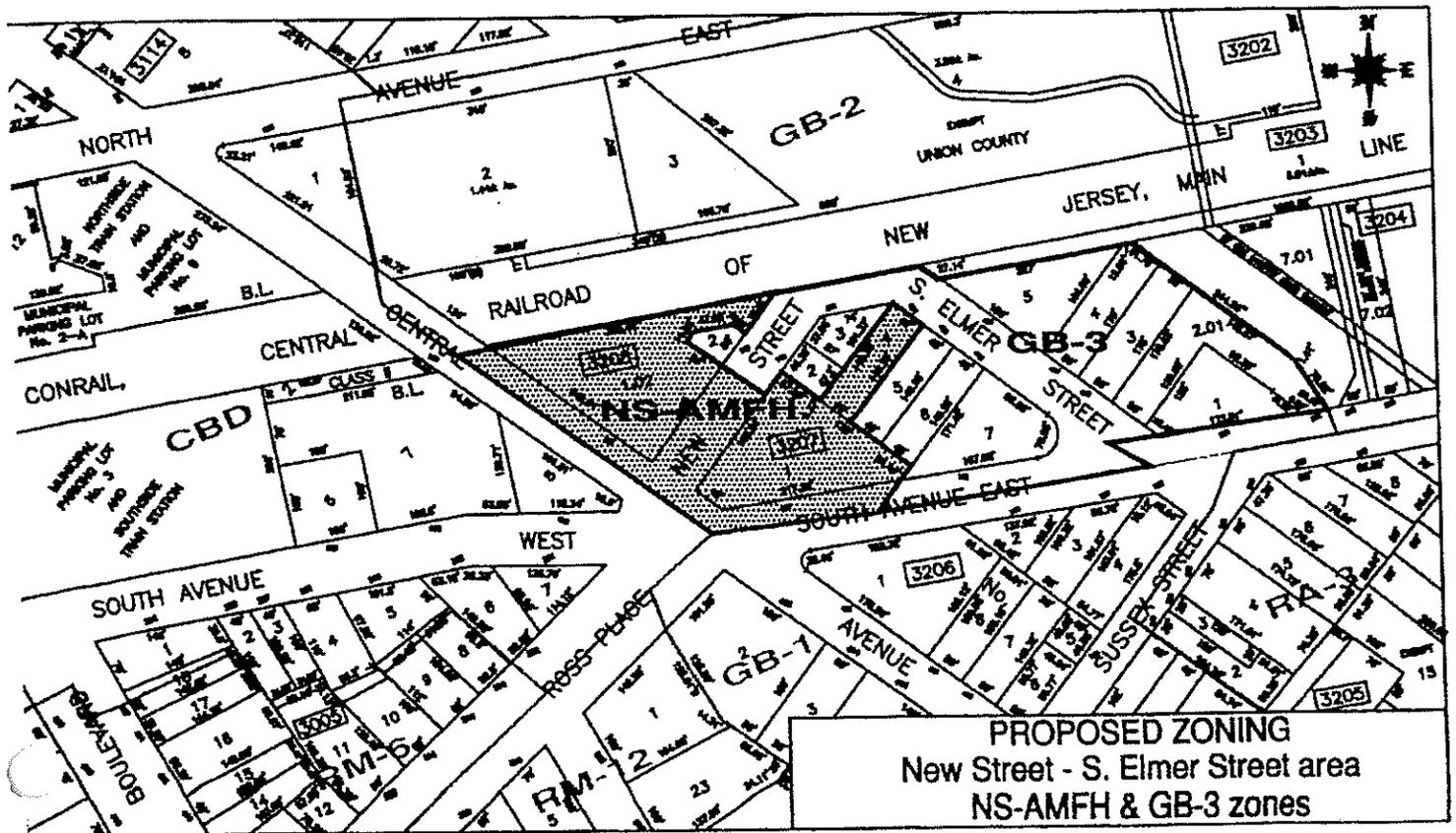
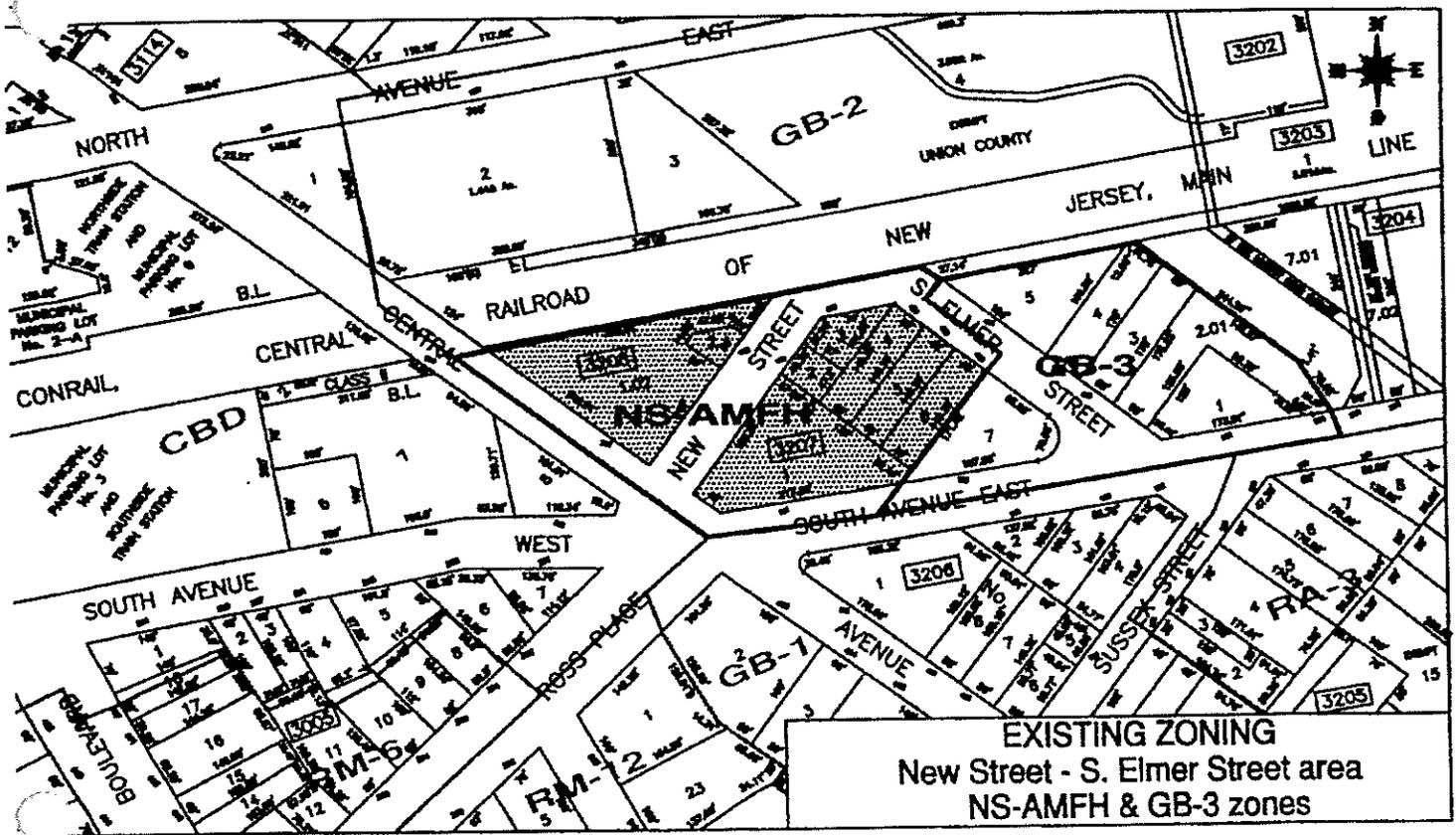
housing. The Court also approved 55 additional credits that will be available to address any future affordable housing obligation and directed that the Town will be awarded (a) credit for affordable rental units associated with the Sunnyside site (four units proposed) after any appeals are resolved, and (b) credit for the New Street and North Avenue TOD sites when preliminary site plan approvals are granted for inclusionary development.

**Amended 2013 Housing Plan
Element & Fair Share Plan**

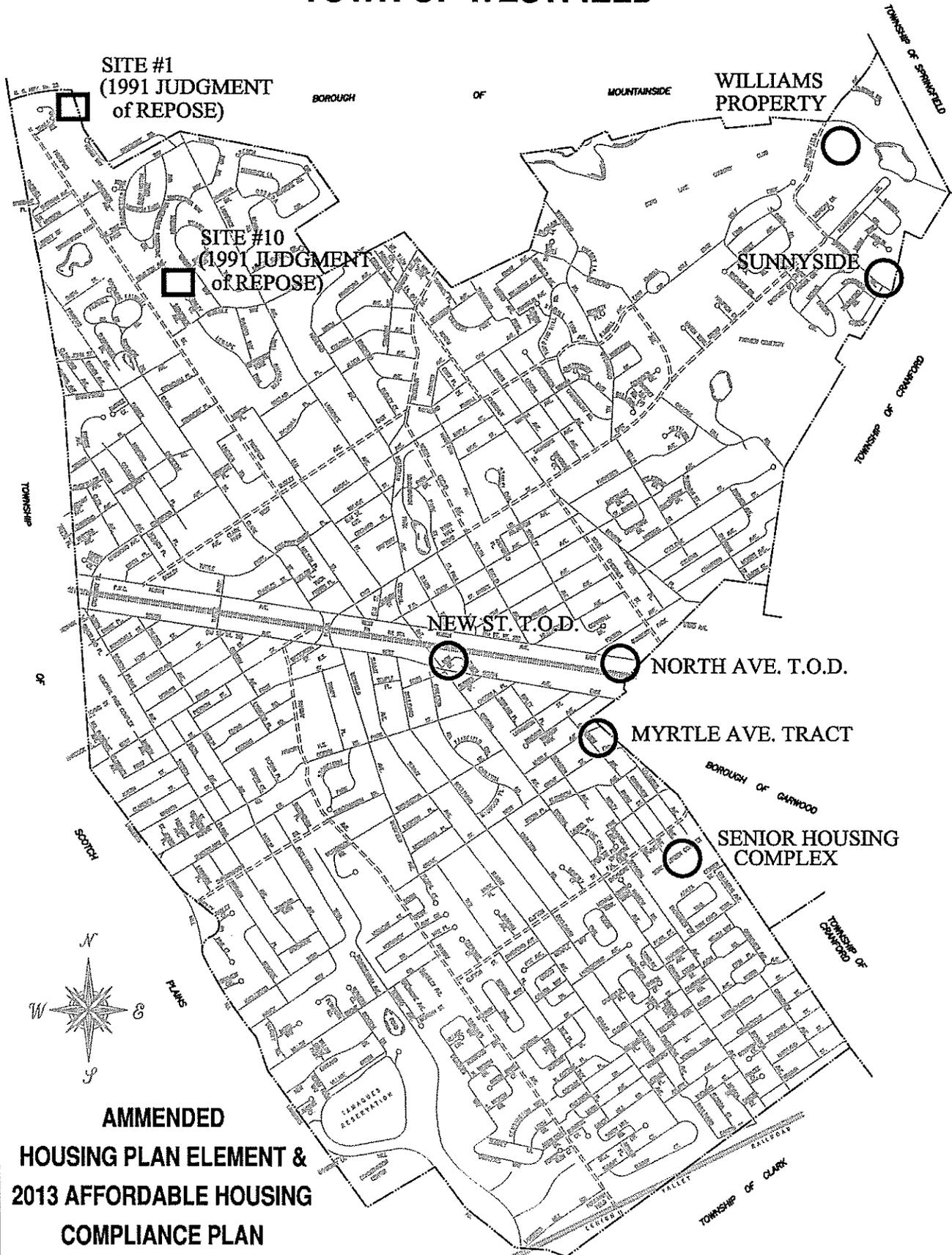
The 2013 Housing Plan Element & Fair Share Plan adopted on April 10, 2013, was amended on December 2, 2013 to delete the South Avenue TOD as a designated inclusionary zoning site. This second amendment addresses changes to the NS-AMFH zone to increase the density to 45 units/acre, reduce the set-aside percentage for inclusionary housing from 20% to 10%, and provide one additional credit for future round obligation (Round Three). Accordingly, the NS-AMFH zone boundary should be redrawn as shown on the attached map. All other aspects of the 2013 Plan are to remain in place.

The attached table reflects both amendments to the 2013 Plan as follows: It displays 139 affordable housing credits addressing the prior round obligation, and the deletion of the South Avenue TOD, which resulted in 73 credits toward the Town's future affordable housing obligation, as approved by the Court. As a result of this second amendment, the credits have been increased by one additional set-aside unit to provide 74 credits toward the Town's future affordable housing obligation. There are two attached maps. The first displays the recommended change to the zone boundary of the NS-AMFH zone, and the second displays the Town's designated affordable housing sites based upon the above amendments (not including existing special needs housing).

TOWN OF WATFIELD AFFORDABLE HOUSING							
Project, Date Established, and Location	No. of Afford. Units	Rental Hsg.	Population Served	Prior Round RDP Credits	Prior Round Rental Bonus	Prior Round Unmet Need	Credits for Future Round
Special Needs and Permanent Supportive Housing		(20 units - all housing is Occupied					
ARC - 1982 478 Whittier (Poet's Place)	4 (BR)	Yes	Develop. Disabled	4			
ARC - 1989 56 Mohawk Trail	4 (BR)	Yes	Develop. Disabled	4	4		
Our House - 2001 506 Boulevard	6 (BR)	Yes	Develop. Disabled	2	2		4
Homefirst Interfaith Hsg - 2009 550 Trinity Place	2	Yes	Homeless Disabled				2
Homefirst Interfaith Hsg - 2010 706 Central Avenue	2	Yes	Homeless Disabled				2
Homefirst Interfaith Hsg - 2011 710 Central Avenue	2	Yes	Homeless Disabled				2
Regional Contribution Agreement (Terms Fulfilled by Westfield)							
RCA with the City of Elizabeth - 1993	21		n/a	21			
Senior Citizens Housing (Constructed in 1995 and Occupied)							
Westfield Senior Citizens	130	Yes	Seniors	12	2	88	30
Inclusionary Zoning (Proposed Affordable Housing)							
Court-approved First Round Williams Property (52 total units/10 affordable)	10	No	Families				10
Court-approved First Round Myrtle Avenue Tract (originally 34 total units/7 affordable)	5	No	Families				5
Credits Granted by Court Order/Judgment of Repose on October 7, 2013				51		88	55
Future Credits: Sunnyside Settlement (24 total units/4 affordable)	4	Yes	Families				4
Future Credits: New Street and North Avenue Transit-oriented Development (107 total units/15 affordable)	15	Option	Families				15
GRAND TOTAL OF UNITS & CREDITS (minus Prior round rental bonus)	205			51		88	74



TOWN OF WESTFIELD



**AMMENDED
HOUSING PLAN ELEMENT &
2013 AFFORDABLE HOUSING
COMPLIANCE PLAN
AREA MAP**

SCALE: N.T.S. REV: OCTOBER 2014
DATE: FEBRUARY 2013

TOWN ENGINEER: Kris McAloon, P.E.

- SITES 1 & 10 (1991) JUDGMENT of REPOSE
- IDENTIFIED AFFORDABLE HOUSING SITES