

COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

PRINCIPALS:
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Edward Snieckus, Jr. PP, LLA, ASLA
David Novak PP, AICP

B U R G I S
A S S O C I A T E S , I N C .

MEMORANDUM

To: Cosmas P. Diamantis, Esq., Director of Community Development
From: Joseph Burgis PP, AICP, Edward Snieckus, PP, LLA, ASLA, and Robyn Welch PP, AICP
Subject: Cherry Hill Planning Board
Devel, LLC – Phase 1 & 2 and Phase 3
Application #17-P-0041 and #18-P-0002
Date: February 16, 2023
BA#: 3858.01

Pursuant to the Planning Board's request, we have reviewed the above-noted inclusionary development application with respect to the proposed affordable housing units – particularly the extent to which the proposed affordable housing units are integrated with the market rate units. Our findings and recommendations are set forth below.

1. Materials Reviewed

In addition to the relevant Mount Laurel case law, the Fair Housing Act, the substantive and procedural regulations of the Council on Affordable Housing (COAH), and the Uniform Housing Affordability Controls (UHAC), we have reviewed the various materials filed with the Planning Board in furtherance of Devel, LLC's application, inclusive of the following:

- a. Amended Site Plan (Phases 1 & 2), prepared by JSA, Inc., revised March 10, 2022.
- b. Amended Site Plan (Phase 3), prepared by JSA, Inc., revised May 20, 2022.
- c. Floor Plans and Elevations (Phases 1 & 2), prepared by JP Orleans, dated May 11, 2022.
- d. Floor Plans and Elevations (Phase 3), prepared by JP Orleans, dated April 21, 2022.
- e. Plan of Survey & Topography, prepared by Taylor Wiseman & Taylor, revised June 14, 2022.
- f. Plan of H.O.A. Limit Lines & Affordable Unit Allocation (Exhibit A-14 at 11/21/22 Hearing), revised October 11, 2022.
- g. Architecturals (Exhibit A-15 at 11/21/22 Hearing), prepared by JP Orleans, dated Oct. 12, 2022.
- h. Revised Plan of H.O.A. Limit Lines & Affordable Unit Allocation, revised November 11, 2022.
- i. Letter from Tiffany Morrissey, PP, AICP, to Cosmas Diamantis, Esq., dated January 17, 2022.

2. Overview of Affordable Units

The applicant is proposing a total of 137 additional units as Phases 1, 2, and 3 of the larger “Centura” development, as well as a future Phase 4 (infill units). These 137 units will consist of 105 market-rate units and 32 affordable units. The 32 proposed affordable units will be added to the 3 affordable units which already exist in the Cotswold section of the development, for an overall total of 35 affordable units in the development. This exceeds the 1993 court order which required a total of 32 affordable units for the entire development.

Fourteen of the newly proposed affordable units are to be located within the Cotswold section of the development, which when added to the 3 existing affordable units in this section equals a total of 17 affordable units in Cotswold. Eighteen of the proposed affordable units are to be located in the Normandy section of the development. This allocation of units between Cotswold and Normandy is consistent with the condition attached to the project’s 2012 approval, which required proportionate disbursement of affordable units to each homeowners’ association.

3. Integration of Affordable Units

The 137 units proposed as part of this application are distributed in 28 different buildings. The Plan of H.O.A. Limit Lines and Affordable Unit Allocation presented at the November 21st hearing (Exhibit A-14) showed 6 of these buildings as proposed to include affordable housing units; however, since the hearing, the applicant has submitted a Revised Plan of H.O.A. Limit Lines and Affordable Unit Allocation which now shows that 7 of these buildings are proposed to include affordable housing units. The table below identifies which buildings are proposed to contain affordable units and the ratio of market rate units to affordable units within each.

Table 1: Buildings Proposed to Contain Affordable Housing Units

Building	Market Units	Affordable Units	Total Units
2-B	3	2	5
2-C	0	10	10
3-G	6	4	10
3-H	4	4	8
Infill	0	4	4
Infill	0	4	4
Infill*	0*	4*	4*
Total	13	32	45

*: Whereas the HOA & COAH Plan shows 3 affordable infill buildings, each of which will contain 4 affordable units, the site plan drawings & architectural plans show only 2 affordable infill buildings – one with 4 units and one with 8 units. This requires clarification from the applicant.

The proposed affordable units are required to comply with §1005.C. of the Township’s Zoning Ordinance, which states that “In inclusionary developments, to the extent possible, low- and moderate-income units shall be integrated with the market units.” The Township’s requirement essentially mirrors the language contained within COAH’s Second Round rules, which states at N.J.A.C. 5:93-5.6(f), “The Council encourages a design of inclusionary developments that integrates the low and moderate income units with the market units.” This is also reflective of COAH’s Third Round rules, which states at N.J.A.C. 5:97-6.4(f), “Inclusionary zoning ordinances shall require, to the extent feasible, that developers fully integrate the low- and moderate-income units with the market units.”

The question for the Board is whether or not the proposed affordable units are sufficiently integrated with the market-rate units and, if not, to what extent is greater integration feasible? While there is no clear-cut definition of integration when it comes to affordable housing, and COAH clearly intended to leave the interpretation of this matter open to the discretion of reviewing boards, it is our opinion that the affordable units as presented in the applicant’s current submission are not adequately integrated with the market-rate units.

There are two primary concerns which need to be addressed:

- a. The first concern is the fact that only 25% of the 28 proposed buildings contain any affordable housing. This is a significant disparity since COAH’s rules require that the affordable units be fully integrated with the market-rate units to the extent feasible.
- b. The second concern is that, in those 7 buildings where affordable housing units are located, only 29% of the units therein are market-rate units and 71% are affordable units. Further, 4 of these 7 buildings are proposed to be 100% affordable. This again is a significant disparity and would not meet anyone’s definition of integrated housing.

Given these concerns, we reviewed the applicant’s plans to determine if it is feasible to better integrate the proposed affordable housing units with the market-rate units in the development. Upon review, it is our opinion that it is both possible and feasible to integrate these units to a greater extent than is currently being proposed.

Attached to the end of this report are two conceptual plans prepared by our office which demonstrate how Building 2-C (which the applicant proposes to contain 10 affordable units and no market rate units) could be redesigned for mixed-income units. As shown, we believe that 2 of the affordable units in Building 2-C can be relocated to Building 1-I, that 4 of the affordable units in Building 2-C can be relocated to the 5-unit infill building in the Normandy section of the development, and that the affordable units relocated from Building 2-C can be replaced with 3 market rate units. As detailed in the table below, this redistribution would maintain the same number of market rate and affordable units as are currently being proposed – both in terms of overall numbers in the development and within the respective H.O.A.s.

Table 2: Recommended Redistribution of Units

Building (HOA)	Proposed Distribution			Recommended Distribution		
	Market	Affordable	Total	Market	Affordable	Total
Infill (Normandy)	5 (100%)	0	5	3 (43%)	4 (57%)	7
1-I (Normandy)	7 (100%)	0	7	6 (75%)	2 (25%)	8
2-C (Normandy)	0	10 (100%)	10	3 (43%)	4 (57%)	7
Total	12	10	22	12	10	22

Not only does this redistribution satisfy the integration requirements set forth in the Township’s Zoning Ordinance and the COAH regulations, but it also takes into account the site’s topography and grading, the necessary parking supply and access thereto, and first floor ADA accessibility requirements, all of which were identified as impediments to integration by the applicant. Further, it is noted that while the attached conceptual plans show the proposed affordable units as being located within the interior of the mixed-income buildings, same could easily be redesigned as end cap units if construction requirements warrant.

As such, it is our opinion that it is both possible and feasible to integrate the development’s affordable units to a greater extent than is currently being proposed. The applicant should either incorporate these changes into their plans, or be prepared to demonstrate for the Board why this statutory requirement cannot be met.

4. Bedroom Distribution

Lastly, it is noted for the Board's consideration that the Uniform Housing Affordability Controls (UHAC) require at N.J.A.C. 5:80-26.3(b) that no less than 20% of the proposed affordable units (i.e., minimally 7 units) be 3-bedroom units. Although the architectural plans suggest that a portion of the affordable units will be 3-bedroom units and that the remaining affordable units will be 2-bedroom units, the site plan drawings for both Phases 1 & 2 and Phase 3 indicate (in the minimum parking calculations) that all of the proposed affordable units will be 2-bedroom units.

The applicant has confirmed via email communication with our office that the proposal will, in fact, provide the required number of 3-bedroom affordable units per UHAC. We find this satisfactory, but recommend that the plans be updated to clarify the proposed number of bedrooms in each of the affordable units in order to demonstrate compliance with UHAC, as well as to revise the proposal's minimum parking requirement calculations as necessary to account for the bedroom distribution of the affordable units.

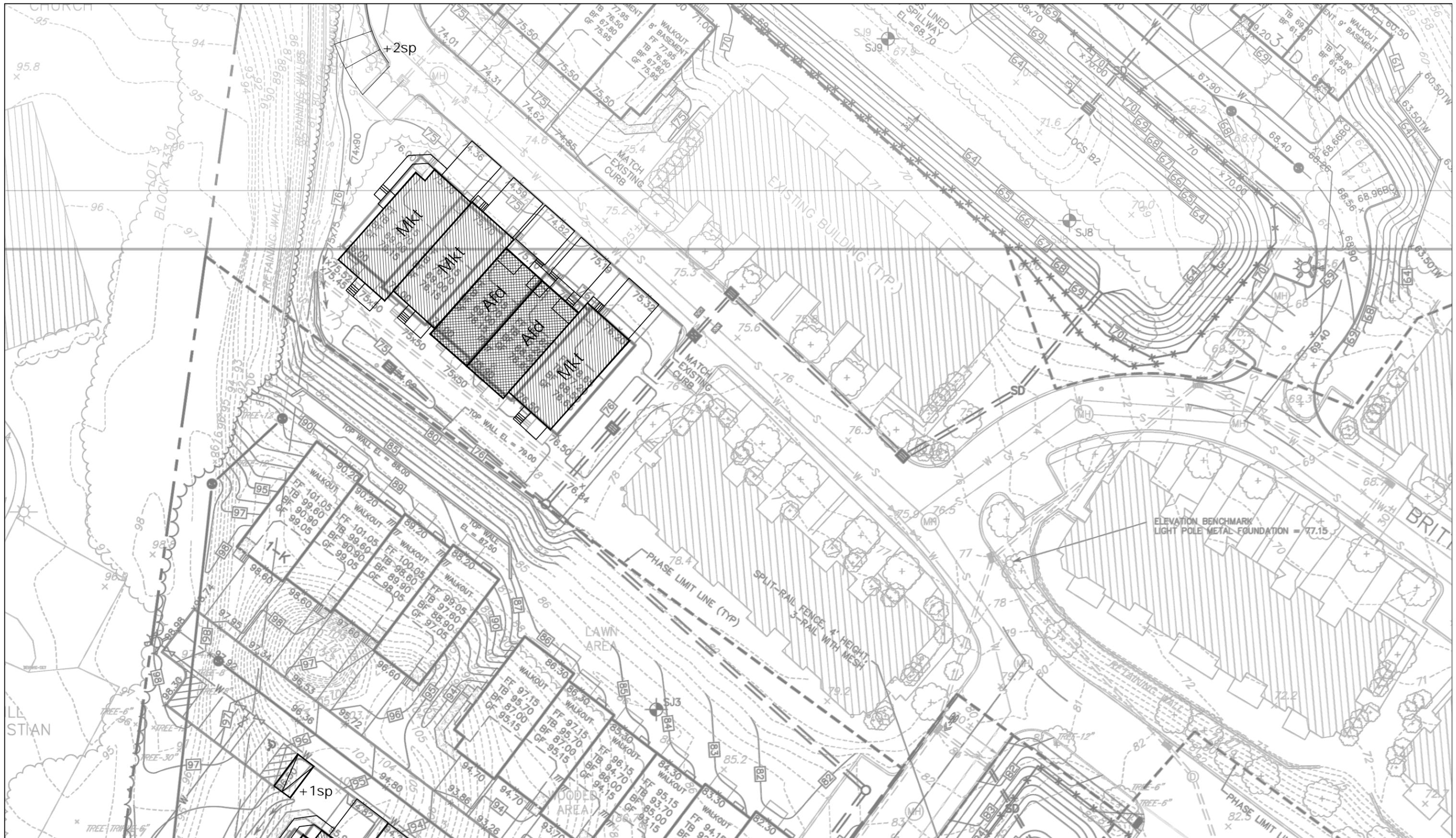
We would be pleased to respond to any questions or requests for further information you may have regarding this report.

JB/RW



Drawing Name Affordable Unit Distribution Study	Project No. 3858.01	Drawing Date 0207.23	Addendum No. X of X
	Drawing Scale 1" = 40'	Sheet No. X of X	Drawing No. C-1
Project Name Cherry Hill-Devel LLC		2023 COPYRIGHT BA - NOT TO BE REPRODUCED	

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Drawing Name Affordable Unit Distribution Study	Project No. 3858.01	Drawing Date 02.07.23	Addendum No. X of X
 BURGIS ASSOCIATES, INC. <small>COMMUNITY PLANNING LAND DEVELOPMENT AND DESIGN LANDSCAPE ARCHITECTURE</small> <small>25 Westwood Avenue Westwood, NJ 07675</small> <small>p: 201.666.1811 f: 201.666.2599</small>	Project Name Cherry Hill-Devel LLC	Drawing Scale 1" = 40'	Sheet No. X of X
			Drawing No. C-2