

Division 4. Standards for
Restricted Housing

Table 4-5
Employee Generation Rates Per Type of Use

Sec. 16A-4-400. Purpose.

To provide adequate housing for persons of low, moderate or middle income, provisions for comfortable and affordable housing in locations approved by the Town Council shall be made to accommodate sixty percent (60%) of new employees generated by development and redevelopment within the Town. (Ord. 4-1998 §1; Ord. 7-2000 §1; Ord. 1-2002 §1; Ord. 09-2004 §4; Ord. 3-2011 §3)

Sec. 16A-4-410. Restricted housing requirements.

(a) Employee Generation Rates. Employee generation rates vary by the type of employment. The employee generation rates found in Table 4-5, Employee Generation Rates Per Type of Use, shall be applied to each type of use in the development at its maximum annual (peak) employment impact on the community. For any use not listed, or special circumstances as determined by the Town Council, the Planning Director shall determine the applicable employee generation rate by consulting recognized professional publications or studies completed for resort communities similar to the Town. At the Town Council's discretion, the developer may be required to prepare, or the developer may provide, a peak season (maximum annual) employee staffing plan to determine whether certain multi-family or other short-term occupancy dwellings should be considered as Multi-Family-1 or Hotel/Lodge for purposes of applying the appropriate employee generation rates.

Type of Use	Number of Employees Generated
Commercial, including general retail, grocery, liquor, convenience	4.93 employees per 1,000 interior square feet
Office: finance, legal, medical and professional services	1.97 employees per 1,000 interior square feet
Office: real estate and property management	4.93 employees per 1,000 interior square feet
Construction	5.16 employees per 1,000 interior square feet
Multi-family-1	0.32 employees per first FSA * within the unit 0.10 employees per each additional FSA * within the unit
Multi-family-2	0.50 employees per unit or 0.60 employees per unit if in-house property management or rental management
Single-family /duplex	$0.0331 \times e^{(.0005) \times (\text{Residence or duplex unit sq. ft.})}$ where $e = 2.71828$
Hotel/lodge	0.38 employees per FSA *
Ski area restaurants – cafeteria style	3.59 employees per 1,000 interior square feet
Restaurants /bars	5.9 employees per 1,000 interior square feet
Ski areas	61.95 employees per 1,000 skiers at 1 time
Conference center	0.97 employees per 1,000 interior square feet
Health club (general)	0.96 employees per 1,000 interior square feet
Health club (spa)	1.97 employees per 1,000 interior square feet

* FSA: Furnished Sleeping Area

(b) Square Footage Per Employee. For that number of employees required to be housed in restricted housing, as determined in Subsection (a) above, the developer shall be responsible for the creation of a total square footage equal to four hundred forty-eight (448) square feet (as measured in Section 16A-3-210(b), Measuring Floor Area) for each employee to be housed. The total square footage for which the developer shall be responsible shall be provided in dwelling units whose size shall be within the range of sizes described in Subsection (c), Size Ranges of Restricted Dwelling Units. The unit mix and methods of providing housing shall be determined as described in Section 16A-4-420, Methods of Complying With Requirements.

(c) Size Ranges of Restricted Dwelling Units for Full-time Employees. Table 4-6, Size Ranges of Restricted Dwelling Units, establishes the minimum and maximum size range of restricted dwelling units, to ensure that the size of dwelling units contributed by a developer is appropriate. All units contributed by a developer shall meet these size limits.

Table 4-6
Size Ranges of Restricted Dwelling Units

<i>Type of Unit</i>	<i>Minimum Size (sq. ft.)</i>	<i>Maximum Size (sq. ft.)</i>
Studio	448	550
One-bedroom	550	750
Two-bedroom	750	1,080
Three-bedroom	1,150	1,350

(d) Size Ranges of Restricted Housing Units for Seasonal Employees. Seasonal employee housing shall be designed to provide efficient, comfortable and affordable accommodations for seasonal employees and may include dormitory style or shared living accommodations configured to provide single-room occupancy for each employee with shared living, restroom and kitchen facilities. To ensure that the size of the

housing contributed by a developer for shared living accommodations is appropriate, each building shall provide two hundred twenty-four (224) square feet of private or jointly shared living area for each employee being housed.

(e) Redevelopment.

(1) Redeveloped properties. Except as provided in Subparagraph (3) below, the developer shall receive a credit toward restricted housing requirements of up to one hundred fifteen percent (115%) of the housing mitigation that would be required on the existing square footage and use of the building to be redeveloped as computed in accordance with the provisions of Subsections (a) and (b) above.

(2) Existing employee housing replacement. If any existing square footage currently utilized as employee housing is to be removed, an equal square footage of restricted housing shall be replaced within the development.

(3) Existing FTE employees housed. The developer shall provide verifiable information specifying the maximum number of full time equivalent (FTE) employees, including seasonal employees, housed within nonrestricted units at any one (1) time within the development during the year prior to submitting the redevelopment application. This number shall be deducted from the "pre-development employees generated" amount in the redevelopment formula in Paragraph (f)(2) below unless the redevelopment proposal provides the same units occupied by existing employees, or comparable units, as restricted housing within the development.

(f) Formula. To calculate the amount of square footage of restricted housing to be provided in accordance with the provisions of this Section, the developer shall utilize the appropriate formula as follows:

(1) New development. (Number of employees generated x 60% x 448 square feet).

(2) Redevelopment. (Number of post-redevelopment employees generated x 448 square feet x 60%) minus (Number of existing pre-redevelopment employees generated minus existing FTE employees housed x 448 square feet x 60% x 115%).

(g) Alternative Independent Calculation. An applicant may submit an alternative independent calculation requesting modification to any of the employee generation rates within Table 4-5 above. The alternative independent calculation shall be supported by comparable resort and local data with analysis, surveys and/or other supporting materials that provide competent substantial evidence supporting the proposed modifications. Such an alternative independent calculation shall be received by the Town as an equally acceptable methodology of determining employee generation rates as the rates contained in Table 4-5. The alternative independent calculation shall then be reviewed by the Town Council. If the materials and information supporting the calculation demonstrated by substantial competent evidence that there is a reasonable basis to modify the employee generation rates because of unique circumstances related to the proposed development, the Town Council may, at its sole discretion, make the appropriate modifications.

(h) Independent Payroll Audit. In the event of an independent calculation, the Town Council may require the applicant to have an independent payroll audit performed two (2) years following the subject building's occupancy to determine if the number of employees in the project corresponds with the applicant's calculation. The Town Council may waive or extend the date of the independent payroll audit. The applicant and the Town shall agree upon a method for mitigating any additional restricted

housing that may be required as a result of the audit and said methodology shall be specified within the restricted housing agreement. (Ord. 4-1998 §1; Ord. 11-1998 §1; Ord. 7-2000 §1; Ord. 1-2002 §1; Ord. 09-2004 §4; Ord. 3-2011 §3)

Sec. 16A-4-420. Methods of complying with requirements.

Restricted housing shall be provided as follows:

(1) Preliminary review. During preliminary review of the project, and based upon the information provided by the developer and Town staff, the Town Council shall determine:

a. Whether the project is an appropriate project to be financed, constructed, owned and operated by the Town.

b. Whether the project is an appropriate project to be financed, constructed, owned and operated by the developer.

c. Any combination of the above that the Town Council determines to be in the best interest of the Town.

d. The total anticipated construction cost of the project, including all site development costs, including soft costs.

(2) Methods of providing housing. Housing shall be provided using one (1) or more of the following methods with preferences given to Subparagraph a or b below:

a. Developer buy-down. Developer builds rental units, transfers title of the project, including land, to the Town and the Town pays to the developer the bondable amount derived from the net operating income (amortized for a twenty-year period). The *net operating income* means

the amount of revenue generated from the rents of a project, less capital replacement reserve and operating expense other than debt service. When the estimated net operating income of a project is insufficient to meet the debt service requirements of the restricted units, the developer shall pay the difference between the bondable amount derived from the net operating income (amortized for a twenty-year period) and total construction costs.

b. Restricted sale. Developer builds the restricted units and sells the units to qualified employees, at prices established by the Town Council, as determined by current sale prices of comparable restricted units within the Town.

c. Other means. Such other means as may be agreed upon by the Town Council at its sole discretion and the developer of a project requiring restricted housing, as required by Article IV of this Chapter, which may include:

1. Restricted rates and use. The developer builds, owns and manages restricted rental units in accordance with current Town of Snowmass Village Restricted Housing Guidelines. When permitted by all applicable state and local laws, or when agreed to by the developer, the units shall be restricted at the same rental rates charged by the Town for similar size units with similar amenities, as determined by the Town Council. Rental rates may be adjusted annually based on the inflation index used by the Town. A restricted housing agreement shall be entered into between the Town and the developer identifying the conditions of occupancy, maintenance and rental guidelines for the restricted units.

2. Land for credits. The Town Council, at its sole discretion, may grant to the developer employee housing credits in exchange for developable land.

(3) Cash in lieu for minor developments. The Town Council may, at its sole discretion, accept cash in lieu of restricted employee housing as defined in this Chapter. Cash in lieu of employee housing shall include the net cost (total cost less the amount covered by rental or sale income) of land and all related planning, design, site development, construction and construction management costs of the project, in current dollars, which would be incurred by the Town in order to provide the required amount of restricted housing, or as agreed to by the Town and developer.

(4) Developer responsibilities. The developer shall be responsible for planning, design and development approvals for any housing proposed to mitigate employee impact. The developer shall provide adequate land for the project and shall be responsible for the full costs of constructing the project. If the Town Council has determined that the restricted housing will be owned by the Town, upon issuance of a certificate of occupancy, the developer shall convey the project free and clear of any monetary liens or restraints on alienation to the Town and the Town shall thereafter own and manage the restricted units. The developer shall warrant that the project is free of any construction defects for a period of one (1) year from the transfer of title to the Town.

(5) Town Council responsibilities. The Town Council shall determine, at the time of Preliminary PUD review of the specific restricted housing projects, the unit mix and configuration of restricted units to be provided, fair and reasonable rental rates and sale prices for each type of restricted unit,

estimates of occupancy rates, estimates of operating budgets (including maintenance and capital reserve), and the effect of the proposed restricted units on the overall restricted housing inventory in the Town. The criteria shall be the Comprehensive Plan, the most recent housing surveys, comparable restricted rental rates, information provided by the developer and recommendations from Town staff. At the Town Council's discretion, the developer may be required to prepare, or the developer may provide, a peak season (maximum annual) employee staffing plan for all or portions of the development being mitigated to determine the appropriate full-time/seasonal restricted housing mix to be provided by the developer.

(6) Homeowner's Association. If a restricted housing unit is developed as part of a mixed free market/restricted housing development project in which both free market and restricted units will be included in the same association, then the documents creating the condominium regime, Homeowner's Association (HOA) and any Covenants, Conditions and Restrictions (CC&R) shall state that the restricted housing unit shall only be assessed monthly dues and other shared assessments based on whichever of the following two (2) formulas apply:

a. The size of the restricted housing unit in square feet as compared to the total size of the other units in the development; or

b. The size of the lot on which the restricted housing unit is located as compared to the total size of the other lots in the development.

The Town shall consider the economic effect all assessments may have upon the Town's goal of successfully maintaining reasonable long-term affordability of the restricted housing units or lots. The Town Council will evaluate the proposed assessment rates considering the nature of the project, the level of maintenance, types of utilities, services and amenities being provided relative to those of comparable wholly restricted projects. The condominium regime, HOA and any CC&R documents shall state the maximum share of general, common, limited, special or other assessments allocated to each restricted housing unit or lot and how such documents may be amended in the future within a restricted housing agreement. (Ord. 4-1998 §1; Ord. 11-1998 §3; Ord. 7-2000 §1; Ord. 09-2004 §4; Ord. 3-2011 §3)

