

The Jerome N. Frank Legal Services Organization

YALE LAW SCHOOL

July 14, 2021

City of Stamford
Zoning Board, Land Use Bureau
Government Center
888 Washington Boulevard
Stamford, CT 06904-2152

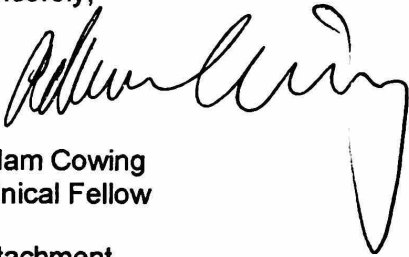
Re: Amendment to Special Permit Application (No. 221-21)

Dear Zoning Board Members:

On behalf of Gladys Contreras, we write to amend the Application for Special Permit submitted to the Zoning Board on May 27, 2021 (the "Application") to use 70 Alvord Lane, Unit A as a Group Day Care Home (as defined in the Zoning Regulations of the City of Stamford). The attachment to this letter is meant to update and replace the "Attachments to Application for Special Permit" included in the initial Application.

Please let us know if you require any additional information or have any questions about this amendment to the Application. Thank you.

Sincerely,



Adam Cowing
Clinical Fellow

Attachment

**Attachments to
Application for Special Permit
70 Alvord Lane, Unit A, Stamford, CT 06902
(As Amended July 14, 2021)**

REQUESTED SPECIAL PERMIT:

The applicant, Gladys Contreras, the tenant at the subject property, requests a special permit to use 70 Alvord Lane, Unit A ("Unit A") as a Group Day Care Home (as defined in the Zoning Regulations of the City of Stamford).

PROJECT DESCRIPTION:

70 Alvord Lane contains a two-family building with separate condominium units. Ms. Contreras owns and currently resides at 70 Alvord Lane, Unit B ("Unit B") with her 26 year old daughter and two adult nephews. She operates a licensed Family Day Care Home (as defined in state law and the Zoning Regulations of the City of Stamford) at Unit B, where she currently provides child care for six children. Consistent with the well-documented shortage of affordable child care in Connecticut, which has been exacerbated by the COVID-19 pandemic,¹ Ms. Contreras has a current waitlist of six additional children. She is in the process of applying for a group child care home license that will allow her to provide child care for up to 12 children.

Ms. Contreras currently rents Unit A and is in discussions to purchase the unit. She is planning to move her residence from Unit B to Unit A so that she and her adult daughter can each live in their own separate unit. She is also planning to move her day care to Unit A, operating the Group Day Care Home only on the first floor and using the upper floors of Unit A exclusively for home office and living areas.

Family Day Care Homes are permitted as of right in the R-5 district, where the subject property is located, but Group Day Care Homes currently require a special permit. The proposed Group Day Care Home would provide day care for up to twelve children, ages two to five years old. Ms. Contreras anticipates hiring two staff members in addition to herself to run the Group Day Care Home. Unit A includes 2,544 of gross square footage and 1,449 square feet of living area in total, with the first floor accounting for approximately 623 square feet. The living and dining areas on the first floor would provide the primary indoor play areas for the children.

In addition, the property includes a large, fenced-in backyard covered with grass and flowers, accessible to both Unit A and Unit B. This backyard currently provides outdoor play area for Ms. Contreras's Family Day Care Home and would provide outdoor play area for the proposed Group Day Care Home. This would provide space for children to be outside, exercise, garden, and develop fine and gross motor skills.

¹ See, e.g., Amanda Blanco, *20% of Connecticut child care centers have closed since COVID-19, and preschool capacity has dropped, posing challenges as workers return to their jobs*, HARTFORD COURANT, May 17, 2021; SARAH MILLER, *CONNECTICUT VOICES FOR CHILDREN, THE STATE OF EARLY CHILDHOOD DURING THE COVID-19 PANDEMIC* (May 2021).

The proposed Group Day Care Home would operate between 7 a.m. and 6 p.m., Monday through Friday. Parents would drop off their children and pick up their children at various times during those hours of operation, depending on family schedules. It generally takes about 5 minutes for parents to drop off or pick up their children.

According to the Zoning Regulations, 70 Alvord Lane is located in Parking Category 3.² Two-family buildings in Parking Category 3 are required to have two parking spaces per unit in this case.³ In addition, according to City zoning staff, day care requires 1.25 parking spaces per staff. Ultimately, Ms. Contreras plans to have two staff, in addition to herself, to help operate the Group Day Care Home. This would mean a total of 3.75 parking spaces would be required for the Group Day Care Home, in addition to the two parking spaces required for Unit A as a residential unit.

Each of Unit A and Unit B contains a garage and there are also six exterior, off-street parking spaces shared between the two units, as further shown in the Application. Two of the exterior parking spaces—one each for Unit A and Unit B—are required based on the regulations for residential parking spaces. (Each garage provides the second parking space required for each unit.) That leaves four additional exterior parking spaces for the 3.75 parking spaces required for three total day care staff. Since the exterior parking spaces are shared between Unit A and Unit B, there will be a shared parking arrangement, pursuant to Section 12.1. of the Zoning Regulations, to account for the required parking.

As a practical matter, since Ms. Contreras plans to live at Unit A and will also staff the Group Day Care Home, she will not require an additional 1.25 parking spaces as day care staff beyond the two parking spaces required for her as a resident. Also, the two additional day care staff will only require one parking space apiece. This means that Unit A will only require four parking spaces, accounted for by the garage and three of the exterior parking spaces, which represents half of the shared off-street parking spaces. The shared parking arrangement pursuant to Section 12.1. of the Zoning Regulations will also allow parents picking up and dropping off their children to use the shared off-street parking spaces, if available. Parents will also use on-street parking, as needed, for pick-up and drop-off.

STATEMENT OF FINDINGS:

Special Permits shall be granted by the reviewing board only upon a finding that the proposed use or structure or the proposed extension or alteration of an existing use or structure is in accord with the public convenience and welfare after taking into account, where appropriate:

(1) the location and nature of the proposed site including its size and configuration, the proposed size, scale and arrangement of structures, drives and parking areas and the proximity of existing dwellings and other structures.

The proposed Group Day Care Home use does not require changes to any built structure; it is simply a use permission. The proposed Group Day Care Home is appropriately located in a medium density residential neighborhood proximate to major roads and employment opportunities. It is, therefore, conveniently located for the benefit of the families it will serve. The

² STAMFORD, CONN., ZONING REGULATIONS, Map 12.8.

³ See STAMFORD, CONN., ZONING REGULATIONS, Table 12.7.

structure, a 1,449 square foot townhome with more than 600 square feet on the first floor, should accommodate up to 12 children and required staff.

(2) the nature and intensity of the proposed use in relation to its site and the surrounding area. Operations in connection with special permit uses shall not be injurious to the neighborhood, shall be in harmony with the general purpose and intent of these Regulations, and shall not be more objectionable to nearby properties by reason of noise, fumes, vibration, artificial lighting or other potential disturbances to the health, safety or peaceful enjoyment of property than the public necessity demands.

Child care creates no objectionable noises, fumes, vibration, artificial lighting or other potential disturbances to the health, safety or peaceful enjoyment of property. Group child care, by state law, is limited to just 12 children and is, therefore, a low-intensity use of the site. Per the State Zoning Enabling Act, family and group child care are compatible with residential uses generally.

(3) the resulting traffic patterns, the adequacy of existing streets to accommodate the traffic associated with the proposed use, the adequacy of proposed off-street parking and loading, and the extent to which proposed driveways may cause a safety hazard, or traffic nuisance.

Parents will drop off and pick up their children but will not park for long periods of time. They will use off-street parking located on site, as available, and on-street parking, as needed, for drop-off and pick-up. One staff member, Ms. Contreras, plans to live in Unit A and will not require additional parking as a staff member. Up to two additional staff will park in the shared off-street parking spaces. A child care use does not require any more access to loading facilities than a typical residential use would. There is adequate off-street parking available in this neighborhood.

(4) the nature of the surrounding area and the extent to which the proposed use or feature might impair its present and future development.

The proposed Group Day Care Home use is compatible with the surrounding area. The immediate area is largely residential but the site is mere blocks away from a variety of commercial and retail uses and conveniently located near a substantial number of major employers. The availability of licensed day care contributes to a neighborhood's attractiveness and livability. It also contributes to the ability of Stamford residents to secure employment while trusting their children are properly cared for and receiving high quality early childhood services.

(5) the Master Plan of the City of Stamford and all statements of the purpose and intent of these regulations.

The proposed use is consistent with the Master Plan which, in its economic development strategy, prioritizes "cradle to career" education and training. (Policy 3C, Implementation Strategy 3C.1, page 71). This approach to education and training is supported by the availability of affordable, licensed child care. In addition, the Master Plan seeks to "ensure that people who work in Stamford can afford to live in Stamford." (Policy 3C, Implementation Strategy 3C.2, page 71.) Available affordable child care is key to that policy goal.