

Schedule A
List of Plans

- Architectural Plans prepared by Minno & Wasko, P.C., dated May 31, 2022, and entitled:
 - “C-01 – Cover Sheet;”
 - “A-01 – Ground Floor Plan;”
 - “A-02 – Second Floor Plan;”
 - “A-03 – Third Floor Plan;”
 - “A-04 – Fourth Floor Plan;”
 - “A-05 – 5th-7th Floor Plan;”
 - “A-06 – Roof Plan;”
 - “A-07 – Building Elevations;”
 - “A-08 – Building Elevations;”
 - “A-09 – Building Elevations;”
 - “A-10 – Building Elevations;”
 - “A-11 – Building Elevations;” and
 - “A-12 – Signage.”

- Zoning Location Survey prepared by D’Andrea Surveying & Engineering, PC, dated June 27, 2022, and entitled, “Zoning Location Survey Depicting 68-70 Seaview Avenue in Stamford, Connecticut, Prepared for Seaview House, LLC.”

- Civil Plans prepared by D’Andrea Surveying & Engineering, PC, dated May 20, 2022, and entitled:
 - “Topographic Survey Depicting 68-70 Seaview Avenue in Stamford, Connecticut, Prepared for Seaview House, LLC;”
 - “Sheet 1 of 7 – Site Grading and Layout Plan;”
 - “Sheet 2 of 7 – Storm Drainage and Utility Plan;”
 - “Sheet 3 of 7 – Roadway Regrading Plan;”
 - “Sheet 4 of 7 – Sedimentation and Erosion Control Plan;”
 - “Sheet 5 of 7 – Notes and Details;”
 - “Sheet 6 of 7 – Details;”
 - “Sheet 7 of 7 – Fire Truck Turning Radius Plan;” and
 - “Sheet 1 of 1 – Low Impact Development Plan.”

- Map detailing the proposed Amendment to the Official Zoning Map of the City of Stamford, prepared by D’Andrea Surveying & Engineering, PC, dated June 27, 2022, and entitled, “Proposed Revision of Zoning Districts at 68-70 Seaview Avenue in Stamford, Connecticut.”

- Landscape Site Plan prepared by Eric Rains Landscape Architecture LLC, dated May 20, 2022, and entitled:
 - “SPL-1.0 – Landscape Site Plan;”
 - “SPL-2.0 – Landscape Schedules and Details;” and
 - “SPL-R – Site Plan Rendering.”

7.21.22

- Engineering Summary Report prepared by D’Andrea Surveying & Engineering, PC, dated May 20, 2022, and entitled, “Engineering Summary Report for ‘Delamar Residences’ Located at 68-70 Seaview Avenue, Stamford, Connecticut, Prepared for Seaview House, LLC.”
- Sanitary Sewer Connection Summary Report prepared by D’Andrea Surveying & Engineering, PC, dated June 27, 2022, and entitled, “Sanitary Sewer Connection Summary Report for ‘Delamar Residences,’ Located at 68-70 Seaview Avenue, Stamford, Connecticut, Prepared for Seaview House, LLC”;
- Flood Risk Analysis prepared by RACE Coastal Engineering, dated April 25, 2022, and entitled, “68-70 Seaview Avenue, Stamford CT 06902.”
- Draft Flood Preparedness Plan for the Residents of 70 Seaview Avenue, Stamford, Connecticut, dated June 27, 2022.
- Traffic Impact Study prepared by SLR, dated July 19, 2022, and entitled, “Traffic Impact Study – Residential Redevelopment – 70 Seaview Avenue, Stamford Connecticut SLR #141.20495.00001.”

Schedule B **Project Narrative**

I. Introduction

Seaview House LLC (the “Applicant”) is the owner of the property located at 68 Seaview Avenue (Parcel ID No. 003-1647), Stamford, Connecticut (the “Property”). The Property is in the Shippan neighborhood and borders Long Island Sound on the east. The Property is located in the Multiple Family Medium Density Design District (the “R-5 Zone”) and is designated as Mater Plan Category 10 (Shorefront – Mixed-Use). The entirety of the Property is located within the Coastal Area Management (CAM) area and within the AE FEMA flood zone. A small portion of the Property is located within the VE FEMA flood zone.¹

The Property is 59,986± square feet (1.38± acres) and improved with two structurally separate buildings, 57 marina slips, and a publicly accessible boardwalk. Both buildings were built in 1986. The smaller building is 1,500± square feet and has historically served as the office for the marina slips (the “Marina Office”). The larger building is seven-stories, 105,474± square feet, and has historically served as commercial office space (the “Main Building”). Currently, the first floor is dedicated to office use, lobby areas, and parking; floors two through four are exclusively partially-enclosed parking areas (except for a small portion that is currently used as a cafeteria and fitness center); and the top three floors (floors five through seven) are office space.

The Applicant is proposing to “upzone” the Property to the Multiple Family, Low Density Design District (the “RM-1 Zone”), and then utilize the opportunity afforded by a Special Permit approval under § 10.I of the Zoning Regulations to convert most of the Main Building, a mostly vacant office building, into a predominantly residential multifamily development containing fifty-two (52) residential units, which will be known as “The Delamar Residences.” There will be 5,300± square feet of office space on the second floor in the area currently occupied by the cafeteria and fitness center. The Property’s existing coastal dependent uses will continue to operate in their current state and capacity. The marina will be unchanged and continue operations, and the boardwalk located on the east of the Property will be renovated and will continue to be open for public access.

Notably, significant coastal resiliency improvements are proposed in connection with this application, as detailed herein. For example, a small portion of the southern tip of the Marina Office will be removed so as to remove the Property from the VE Flood Zone,² the ground floor of the Main Building will be elevated to be one (1) foot above the base flood elevation (“BFE”) or, fifteen (15) feet. Additionally, all of Seaview Avenue will be raised in order to provide significantly improved access for emergency vehicles during flood events. This will not only benefit the Property, but will also improve emergency access during flood events for the surrounding condominium and apartment residents.

II. History and Surrounding Area

¹ Flood Insurance Rate Map (FIRM) No. 09001C0517G, dated July 8, 2013.

²This will result in a minor reduction in the amount of office space in the Marina Office.

The existing marina slips predate zoning, and the Property was previously the site of the Muzzio Brothers Boat Yard, which closed in the 1970s. According to the Tax Assessor's records, the existing buildings on the Property were built in 1986. At the time of local zoning approval for the existing improvements, the Property was in the General Industrial Zone (the "M-G Zone"). The City rezoned the Property to the R-5 Zone when the Main Building was under construction. As a result, the Main Building and Property are now dramatically, but legally, nonconforming with regards to use and most dimensional standards of the R-5 Zone, including height, frontage, building coverage, side yard setback, and rear yard setback. The Property is located adjacent to the Halloween Yacht Club and multiple residential condominium and apartment developments, and fronts the Long Island Sound. The immediate surrounding uses to the Property are public parkland and residential condominiums.

Because no modifications are proposed to the existing Main Building frame, these legal nonconformities will not change as a result of the proposed development. As detailed below, the proposed use change will bring the Property closer to conformity with the Zoning Regulations in terms of use.

III. Project Area and Development Site

The Property is comprised of one tax lot, 68 Seaview Avenue (Parcel ID No. 003-1647). The Property is located in the Shippan neighborhood and is 59,986± square feet (1.38± acres). The Property can be accessed at the terminus of Seaview Avenue, where it maintains 37.00± feet of frontage. About 390± feet of the Property fronts the Long Island Sound. The Property is located adjacent to the Halloween Yacht Club, Cummings Park, and multiple residential condominium and apartment developments. The Property is located at the terminus of Seaview Avenue. There are multiple bus stations located up the street on Seaview Avenue at the intersection of Shippan and Seaview Avenue. These bus stops are within 500' of the Property. There are multiple commercial uses located on Shippan Avenue near the Property.

IV. Description of Proposed Development

The Applicant plans to repurpose the Property by converting the Main Building to predominantly multi-family residential use.

a. Existing Conditions

The Main Building and Marina Office already exist on the Property. The Marina Office is 1,500± square feet and has historically served as the office for the marina slips. There are 57 marina slips on the Property. There is a 2,780± square foot boardwalk located on the eastern side of the Property between the marina and the two buildings. The Main Building is seven-stories, 105,474± square feet, and has historically served as commercial office space. Currently, the first floor of the Main Building is dedicated to office use, lobby areas, and parking; floors two through four are exclusively partially-enclosed parking areas (except for a small portion that is currently used as a cafeteria and fitness center); and the top three floors (floors five through seven) are office space. The Main Building is significantly taller than all surrounding uses. The Applicant does not intend to make significant changes to the structure of the Main Building or

the Marina Office. As detailed below, the Applicant intends to change the use of the Main Building from commercial to primarily multifamily residential rental units, which will bring the use of the Main Building into greater harmony with the surrounding area. Besides minor structural changes and architectural enhancements, the footprint and impact of the Main Building will remain similar to what is there today. As noted on Schedule F, building coverage is currently 69.4% of the Property and will be slightly reduced to 68.1%.

b. Conversion Details

The Applicant does not intend to demolish any significant portion of the Main Building. Instead, a portion of the ground floor will remain as parking, and about 8,152± square feet will be converted from parking to the residential amenity space. There will be a slight decrease in the overall building coverage due to a portion being shaved off so as to remove the Property from the VE Flood Zone (detailed further below). The ground floor of the Main Building will be raised to be one foot above BFE, so as to comply with FEMA and Stamford Zoning Regulations Section 15 requirements. The current amenity space on the second floor will be repurposed to office use, with the remainder of the second floor and the entire third floor continuing to serve as parking. The fourth floor, which is currently all parking, will be fully converted to residential units, with both private and communal terraces. The current office space floors on the fifth, sixth, and seventh levels will also be fully converted to residential units.

c. Unit Details

There will be a total of fifty-two (52) residential units. Specifically, there will be thirteen (13) one-bedroom units, thirty-five (35) two-bedroom units, and four (4) three-bedroom units. The units will be spacious, with one-bedroom units ranging from 1,000 to 1,300± square feet, two-bedroom units ranging from 1,500 to 2,390± square feet, and three-bedroom units of 2,530± square feet. Ample private terraces and other open space will be available to residents. The existing balconies on the second and fourth floors will be made available to all Delamar residents, and residential units on the fourth floor will have private balconies.

d. Design Updates

Impactful updates are proposed to the façade of the Main Building. The exterior will be replaced with more residentially appropriate materials and design features including: the ground floor entry elevation will have a combination of gray metal panels and teak composite wood panels as accent surfaces; new exterior stainless steel wire rails will be installed on all of the terraces; new white exterior stucco will be installed where the current concrete spandrels on the second and third floors are; Reynobond metal panels will be installed at the upper concrete spandrels on the fourth through seventh floors; and the building entry courtyard will be surfaced with modular masonry pavers. The mass of the Main Building facing the terminus of Seaview Avenue will be broken up via horizontal spandrels. Signage will be installed on the façade facing the terminus of Seaview Avenue so residents can identify the Delamar Residences. There will also be beautification improvements made to the Property's entrance to create a more welcoming environment for Delamar residents. For further details on the proposed architectural improvements, please see the enclosed Architectural Plans prepared by Minno & Wasko P.C.

e. Reducing Property's Nonconformities

Through rezoning the Property and converting the Main Building to residential use, the Property will become more conforming with the Zoning Regulations.³ For some time, the Main Building has been used as commercial offices. Professional Offices, Principal Use and Business and Professional Offices are not allowed in the R-5 or RM-1 Zones.⁴ The Applicant proposes converting the use in the Main Building to multifamily residential, which is an allowed use in the RM-1 Zone. Permitted in the RM-1 Zone with Special Permit approval is conversion of the Main Building to a residential density of up to 63 units, a scale that is appropriate given the Main Building's frame and size. As detailed in Schedule D, there are only positive impacts associated with converting the Property to the RM-1 Zone. Additionally, should the Property be redeveloped in the future, beyond the enclosed proposed development, a developer would be limited to uses and a residential density that will further reduce the Property's nonconforming status. Therefore, this project will reduce existing nonconformities as to use of the Property, and this proposed use is in greater harmony with the surrounding area, which is predominantly residential and recreational.

f. On-Site Parking

There will be a surplus of available parking on the Property. The Property is currently only parked for the office use at three (3) spaces per 1,000 square feet of office, resulting in 330 parking spaces. Based on the history of the Property and how the existing improvements were approved, it appears there has never been parking onsite for the marina slips. Therefore, the lack of parking for the marina onsite is an existing legal nonconformity. As detailed in the Zoning Data Chart, the required number of parking spaces for the residential and office use in the proposed development is 98 parking spaces. There will be 173 parking spaces provided onsite. At least eight (8) spaces will be demarcated for the office use. Studies conducted by our traffic engineer show that during this past Memorial Day weekend and Fourth of July weekend, the marina never reached a parking demand of 1.5 spaces per slip as required per the Zoning Regulations. Therefore, we believe the surplus of parking will adequately service the needs of the marina.

Finally, the Applicant will install six (6) EV charging stations, slightly above the required five (5) EV charging stations.

g. Proposed Resiliency Improvements

There are multiple coastal resiliency improvements proposed for the Property and surrounding properties. As detailed above, the first floor of the Main Building will be raised to

³Connecticut case law supports the practice converting a nonconforming use to a less nonconforming use that is more appropriate for the surrounding area. *See Adolphson v. Zoning Board of Appeals of the Town of Fairfield*, 205 Conn. 703, 710 (1988) (Connecticut Supreme Court upheld a variance that was granted to convert a nonconforming aluminum casting foundry to a less offensive, nonconforming automobile shop that was found to be more appropriate to the surrounding neighborhood).

⁴ ZONING REGS. Appx. A, Table 1, Use 33; Appx. A, Table II, Use 138.

be one foot above BFE, and will be built with materials resistant to flood damage so as to comply with FEMA and Stamford Zoning Regulations Section 15 requirements. Additionally, portions of Seaview Avenue will be raised. All of these improvements will significantly improve access during flood events for emergency vehicles. As detailed on the enclosed plans prepared by D'Andrea Surveying & Engineering, PC, Seaview Avenue and a section of the driveway on White Street will be raised anywhere between ten (10) to fourteen (14) inches. These improvements will not only benefit the Property, but also residents at the neighboring condominiums. Finally, a portion of the tip of the existing buildings will be removed in order to remove the Property from the VE Flood Zone.

h. Sustainability Characteristics of the Proposed Development

The proposed development achieves multiple sustainability goals of the City of Stamford, and significantly improves the Main Building's sustainability from existing conditions. The proposed development is to convert a vacant office building into residential units. This will add much needed inventory to Stamford's housing stock, along with increasing the City's tax base. The proposed development is an adaptive reuse, meaning the majority of the proposed development will take place within the Main Building's existing structure. This greatly reduces the amount of construction materials needed to construct the project. The majority of the Main Building's roof is occupied by solar panels. These panels will remain after construction and will provide energy service to portions of the proposed development. This will reduce the Property's energy needs from the grid, thereby reducing its reliance on fossil fuels. The majority of the existing trees on the Property will not be disturbed as a result of the proposed development. As detailed above, the Applicant will install EV charging stations on the Property. Finally, bicycle parking facilities are being installed, which will promote bicycle use by residents and the general public.

The proposed development offers unique environmental conditions to residents that are not available at other developments in Stamford. The Property directly fronts on Long Island Sound, allowing for ample natural light and air. With private and communal balconies, the publicly accessible boardwalk, and onsite marina slips, both Delamar residents and Stamford residents will be able to take advantage of waterfront views and utilize Long Island Sound for recreation.

i. Fee-in-Lieu Payment Request

Finally, in order to satisfy their Below Market Rate ("BMR") requirement, the Applicant seeks Special Permit approval per Section 7.4.D.3 of the Zoning Regulations in order to make a Fee-in-Lieu payment of \$2,426,028 to be dedicated to affordable housing initiatives in Stamford. The Applicant is exploring BMR ownership opportunities in the community and believes such a program would make a more meaningful impact to advancing the affordable housing goals of the City of Stamford than by providing BMR units onsite.

V. Requested Approvals

7.21.22

In order to facilitate this project and permit the conversion of the Property as described herein, the Applicant is requesting:

- Amendment to Zoning Map approval to convert the Property from the R-5 Zone to the RM-1 Zone, in order to be able to convert the nonconforming, commercial Main Building into a residential use.
- Site & Architectural Plans and/or Requested Uses approval pursuant to Sections 9.L.2 of the Zoning Regulations, as required for all projects in the RM-1 Zone located on Lots of 30,000 square feet or more;
- Special Permit approval pursuant to:
 - Section 7.4.D.3 (BMR Fee-In-Lieu Payment), as required by the Zoning Regulations when requesting the option to make a fee-in-lieu payment.
 - Section 10.I (Conversion of Non-Conforming Buildings in RM-1 Districts to Residential Use), in order to achieve a residential density that is appropriate for an existing building as large as the Main Building; and
- Coastal Site Plan Review approval, as required by the Connecticut General Statutes and Stamford Zoning Regulations because the Property is located with the Stamford CAM boundary.

Schedule C
Statement of Findings

The Applicant submits this proposal is consistent with the Special Permit and Site Plan standards (Sec. 19.C.2 and Sec. 19.D.4) of the Zoning Regulations as follows:

a. Site Plan Standards

In reviewing site plans the Zoning Board shall take into consideration the purposes of these Regulations, including the purposes of the applicable zoning district and the goals and policies of the Stamford Master Plan, the public health, safety and general welfare and convenience of the general public and the maintenance of property values. In its review the Board may modify a site plan or condition an approval to the extent necessary to conform the site plan to the following standards and objectives:

1. *Safe, adequate and convenient vehicular traffic circulation, operation, parking and loading, and pedestrian circulation, both within and without the site.*

a) *The number, locations and dimensions of all vehicular and pedestrian access drives and walkways, Parking Spaces, drop-off and loadings areas, and provisions for handicapped access shall conform to the standards of Section 12 of these Regulations, to the adopted design criteria and engineering practices of the Dept. of Traffic and Parking, and all other applicable standards. Such areas shall be constructed of suitable hard surface materials and maintained in good condition.*

The number, locations, and dimensions of all vehicular and pedestrian access drivers and walkways, parking spaces, drop-off and loading areas, and handicapped access conform to the standards of the applicable provisions of Section 12 of the Zoning Regulations. The amount of parking spaces provided significantly exceeds the amount required, all of the parking spaces are located on the Property, and the spaces are the size required by the Zoning Regulations. The publicly accessible boardwalk is accessed through the parking garage on the ground level. This access is further detailed on the Site Plan prepared by D'Andrea Surveying & Engineering, PC.

The required number bicycle facilities per the Zoning Regulations will be provided on site, as detailed in the Zoning Data Chart and Architectural Plans prepared by Minno & Wasko P.C. Slightly more than the required amount of EV charging stations will be installed.

b) *The number of vehicle access drives shall be minimized and shall be located and designed to provide safe and convenient turning movements and safe sightline as determined in accordance with the Geometric Highway Design Standards of the Conn. Dept. of Transportation.*

Both Seaview Avenue and the site drive will be elevated to be one foot above BFE, thus significantly improving emergency vehicle access during flood events. Minimal changes are proposed to the location of existing vehicle access drives, which have proven safe and effective for accessing the site. Therefore, the vehicle access drives will improve safety and continue to provide safe and convenient turning movements and safe sightline.

- c) *Area Streets and traffic controls shall be determined to have adequate capacity to service the site without causing undue congestion or hazardous conditions.*

The surrounding streets can adequately accommodate the traffic associated with this application, which is notably significantly reducing the level of traffic from existing conditions during weekday peak hours. For a more complete discussion of the traffic impact, please see the enclosed Traffic Impact Study prepared by SLR.

2. *The protection of environmental quality, landscaping of open space and harmony with existing Development. The Board shall take into consideration the following features and standards:*

- a) *The location, height, design and materials of walls, fences, hedges and plantings shall be appropriate to the vicinity and shall suitably screen parking, loading, garbage collection facilities, outside storage areas, Accessway drives, utility installations and other such features; such landscaping shall be appropriate to the general character of the vicinity and consider the proximity and nature of abutting uses and the level of use of adjoining public Streets and walkways.*

The proposed landscaping is appropriate to the area and was chosen with the proximity and nature of abutting uses and level of adjoining public Streets and walkways in mind. All necessary features shall be screened accordingly. For more details, please see the enclosed Landscape Plan prepared by Eric Rains Landscape Architecture LLC.

- b) *All open space areas, exclusive of undisturbed natural areas, shall be suitably landscaped to the satisfaction of the Board. Site landscaping shall be performed at a minimum dollar value equivalent to one shade tree of 2.5 inch caliper for every two hundred (200) square feet of landscaped area. In multi-family Developments, open space shall be designed to provide functional outdoor living and play areas meeting the needs of intended residents.*

The Applicant proposes maintaining appropriate onsite landscaping, as detailed on the enclosed Landscape Plan prepared by Eric Rains Landscape Architecture LLC. The majority of existing trees will not be disturbed as a result of the proposed development. Given the limited amount of space that is available on the Property for additional landscaping, and its priority position on the waterfront, the Applicant is maximizing the landscape potential of the Property. The proposed open space provides functional outdoor living and play areas for Delamar residents, including communal and individual balconies and an outdoor pool.

- c) *Soil erosion, sedimentation and the release of excessive dust shall be controlled through implementation of suitable short term and long term controls in accordance with the standards and procedures of Section 15.B.*

Enclosed is a comprehensive Sedimentation and Erosion Control Plan, prepared by D'Andrea Surveying & Engineering, PC, which ensures the standards and procedures of Section 15.B of the Zoning Regulations are satisfied. Minimal site disturbances are expected.

- d) *Site Development shall seek to preserve existing specimen trees, historic Structures and other significant natural features of the site. Accordingly, the premature demolition and site clearance of prospective development sites is specifically discouraged and may be taken into consideration in subsequent site plan reviews.*

The Applicant intends to preserve the majority of the existing trees on the Property. The existing Structures on the Property will remain standing and will be incorporated into the proposed development. The Main Building is being retrofitted in order to accommodate the proposed multifamily residential use. No changes are proposed to the frame of the Main Building. Additionally, the existing marina slips will remain as they are today. As detailed above, minimal changes are proposed to the Marina Office in order to remove it from the VE Flood Zone. These changes will result in a slight reduction in the size of the Marina Office. There are no historic Structures located on the Property.

- e) *Artificial lighting, and site generated noise, odors, particles and other disturbances shall be controlled to avoid interference with the use and enjoyment of neighboring properties. The location, height, design and arrangement of outside lighting shall be consistent with safety such as to avoid glare on any other Lot and to avoid hazards to traffic on any Street.*

Because the site will be predominantly dedicated to residential use, all artificial lighting and site generated noise and other disturbances will be minimal, shall be controlled, and will not interfere with the use and enjoyment of the neighboring properties. The location, height, design, and arrangement of outside lighting shall be consistent with safety so as to avoid glare on any other lot and to avoid traffic hazards on Seaview Avenue.

- f) *Available public utilities shall be adequate in capacity to safely service the requirements of the site. Surface water drainage facilities shall be adequate to safely drain the site while minimizing the risk of downstream flooding and erosion. Where infrastructure capacity is judged not to be adequate the Board may accept a binding agreement to perform suitable improvements.*

The enclosed Engineering Summary Report prepared by D'Andrea Surveying & Engineering, PC, summarizes the proposed stormwater treatment and drainage improvements that will be made to the Property. In short, there is currently no stormwater treatment on the Property. The Applicant proposes to install a cyclonic hydrodynamic stormwater treatment system to treat stormwater runoff from the majority of the proposed impervious surfaces. The drainage patterns and discharge points will be similar to those currently on the Property.

- g) *Adequate provision shall be made for emergency vehicle access, fire lanes, and safe fire flows, upon the recommendation of the Fire Marshall and the public water utility.*

The grade of Seaview Avenue and adjacent portions of the Main Building will be raised to allow for significantly improved access for emergency vehicles during flood events. These improvements will not only benefit the Property, but also the surrounding residential condominium and apartment developments. For more details

regarding the regrading of Seaview Avenue, please see Sheet 1 and Sheet 3 of Civil Plans prepared by D'Andrea Surveying & Engineering, PC.

- h) The arrangement, location, apparent bulk, architectural features, materials, texture and color of proposed Buildings and Structures shall establish an architectural character and overall site design compatible with the scale and general character of the vicinity.*

The proposed architectural features of the development will be completely compatible with the architectural character of the surrounding area. Currently, the size, height, coverage, and architectural design of the Main Building are incongruous with the nearby residential developments. The proposed architectural changes will make an otherwise architecturally nonconforming building more conforming with the residential character of the surrounding area. As detailed on the enclosed Architectural Plans prepared by Minno & Wasko P.C., the exterior will be replaced with more residentially appropriate materials and design features including:

- Ground floor entry elevation will have a combination of gray metal panels and teak composite wood panels as accent surfaces;
- New exterior stainless steel wire rails will be installed on all of the terraces;
- New white exterior stucco will be installed where the current concrete spandrels on the second and third floors are;
- Reynobond metal panels will be installed at the upper concrete spandrels on the fourth through seventh floors;
- Main Building's entry courtyard will be surfaced with modular masonry pavers; and
- Mass of the Main Building facing the terminus of Seaview Avenue will be broken up via horizontal spandrels.

- i) Building setbacks and the configuration of open space shall be appropriate to existing Structures on adjoining properties and established patterns of use of side and Rear Yard areas, and to the existing physical conditions of the site.*

The Property's building setbacks will not change as a result of the proposed development.

- j) No use shall be permitted that will cause or result in:*
- *dissemination of dust, smoke, observable gas or fumes, odor, noise or vibration beyond the immediate site of the Building in which such use is conducted, or*
 - *unusual hazard of fire or explosion or other physical hazard to any adjacent Buildings, or*
 - *harmful discharge of liquid materials, or*
 - *unusual traffic hazard or congestion due to the type of vehicles required in the use or due to the manner in which traffic enters or leaves the site of the use.*

No nuisance or hazardous conditions are anticipated. The proposed use is multifamily residential, which is in harmony with the surrounding area.

- k) All Buildings and grounds and other Structures shall be maintained in good repair and in safe, clean and sanitary condition. All landscaping required pursuant to an*

approved site plan shall be installed to the satisfaction of the Director of Parks and Recreation and shall thereafter be maintained in accordance with an agreement to be made part of the application of record, which agreement shall be enforced by the Zoning Enforcement Officer, upon advice of the Director.

The Applicants are amenable to a condition of approval requiring the execution of a Landscape Maintenance Agreement and a Drainage Maintenance Agreement prior to the issuance of a Certificate of Occupancy.

b. Special Permit Standards

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 size and configuration of the existing Property is not changing from its current state. The Main Building is nonconforming in many regards to the existing R-5 Zone, particularly to frontage, building coverage, side yard setback, rear yard setback, and use. The proposed development will reduce the legally nonconforming use of the Property by converting to a use allowed in the RM-1 Zone. The Property has historically been used as office use since the Main Building was constructed. Professional Offices, Principal Use and Business and Professional Offices are not allowed in the R-5 or RM-1 Zones.⁵ The surrounding area is predominantly residential. Multifamily developments are allowed as-of-right in the RM-1 Zone. Therefore, converting the Property to a predominantly residential use will bring the Property closer to conforming with the requirements of the RM-1 Zone.

- (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.*

As detailed above, the nature and intensity of the proposed residential use is more appropriate to the surrounding area than the current use at the Property. The proposed use is in harmony with the general purpose and intent of the Zoning Regulations because it will reduce the overall level of nonconformity of the Property, one of the main goals of zoning. The proposed use will be more compatible to nearby properties

⁵ ZONING REGS. Appx. A, Table 1, Use 33; Appx. A, Table II, Use 138.

and will not produce noise, fumes, vibration, artificial lighting, or other potential disturbances to the health, safety, or peaceful enjoyment of property.

In addition, the proposed fee-in-lieu payment for BMR units will further the success of City and nonprofit initiatives to create quality affordable housing in Stamford. The Applicant is exploring BMR ownership opportunities in the community and believes such a program would make a more meaningful impact to advancing the affordable housing goals of the City of Stamford than by providing BMR units onsite.

- (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.*

As detailed in the enclosed Traffic Impact Study prepared by SLR, the proposed development is anticipated to generate significantly less traffic than the existing office use. Additionally, individual movements are expected to continue to operate at an acceptable level of service. There will be ample onsite parking available for Delamar residents and patrons of the marina.

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

As detailed above, permitting the conversion of this office building to predominantly residential use will create a building and associated use that is more appropriate for the existing surrounding residential uses and neighborhood. Therefore, the proposed use and related site improvements will not impair the present and future development potential of the surrounding area. The Applicant is actively exploring BMR ownership opportunities in the community and believes such a program would make a more meaningful impact to advancing the affordable housing goals of the City of Stamford than by providing BMR units onsite.

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

The proposed development is consistent with Stamford's Master Plan. The Property is in Master Plan Category 10 (Shorefront Mixed-Use). The proposed density is generally consistent with that permitted in Category 10, particularly because this project proposes to re-zone the Property to a zoning designation that permits a lower density than its existing designation, thereby bringing this site into greater conformity with the Master Plan. Specifically, the proposed development:

- *“(1) Protects existing water-dependent uses”* by preserving the existing marina slips;

- “(2) Encourages the preservation and enhancement of public access to waterfront areas and waterfront vistas” by proposing improvements to the existing boardwalk and maintaining it for public access; and
- “(3) Encourages a mix of compatible uses so designed and integrated as to achieve these objectives within the capacity of the infrastructure and complementary in scale to the general character of the area”⁶ because the proposed development is fully within the existing infrastructure and is more complementary in character and use than the current use. Additionally, the proposed development offers a unique mixed-use development opportunity with the proposed residential uses located along Long Island Sound with direct access to the marina slips.

c. Section 10.I Special Standards

Subject to Special Permit Approval by the Zoning Board, any existing Building located in the RM-1 Zone that is non-conforming with respect to Appendix A - LAND USE SCHEDULE and Appendix B - SCHEDULE OF REQUIREMENTS FOR AREA, HEIGHT AND BULK OF BUILDINGS, may be converted to residential purposes provided that:

- (1) *Notwithstanding the limitations of Appendix B, residential density shall not exceed one (1) dwelling unit per 2,000 square feet of converted Gross Floor Area.*

The proposed residential density does not exceed 2,000 square feet of converted Gross Floor Area per unit.⁷ At 149,667± square feet of converted Gross Floor Area, the maximum amount of units that could be developed is 74 units. The proposed development is for less units at 52 units.

- (2) *The number of Parking Spaces provided shall satisfy the standards of Section 12 of these regulations, and may, subject to determination and approval of the Zoning Board, include existing Parking Space serving the nonconforming use including offsite spaces within 500 feet of the site, and spaces and aisle widths that are nonconforming;*

As detailed above and in the Zoning Data Chart, more than the required amount of parking is being provided onsite. This includes parking for the conforming use (multifamily residential) and the nonconforming use (office use). Additionally, the

⁶ STAMFORD MASTER PLAN at Page 195.

⁷ The Zoning Regulations do not have a definition for “converted gross commercial floor area.” The closest definition in the Zoning Regulations is “Floor Area, Gross Residential,” which is defined as, “All *Floor Area* used for residential uses and uses accessory to or supportive of residential uses, including but not limited to hallways, stairs, lobbies, amenity-, utility-, storage-, loading office and mechanical space but excluding *Parking Areas* and *Structures*.” ZONING REGS. at Page 3-10. Given this definition, in addition to the top three floors of the building, the converted fourth floor of parking, along with associated residential features on the first three floors, should be counted into the “converted gross commercial floor area” figure. This area is 149,667± square feet.

required amount of bicycle parking facilities and EV charging stations will be installed.

- (3) *No expansion of nonconforming Building(s) shall be permitted, except modifications not exceeding two and one half percent (2.5%) coverage shall be limited to exterior stairways, canopies, or other improvements necessary to comply with the Building Code or other Municipal, State or Federal Public Safety Code;*

There are no expansions proposed beyond the footprint of the Main Building.

- (4) *Notwithstanding standards set forth elsewhere in these regulations, useable open space shall be provided onsite, with the amount, location and design of such open space subject to determination and approval of the Zoning Board.*

There is ample onsite open space. Delamar residents will have access to communal balconies, private balconies, and an outdoor pool. Residents, along with members of the public, will continue to have access to the boardwalk located between the Main Building and Marina Office and the marina slips.

- (5) *Below Market Rate Housing shall be provided pursuant to Section 7.4 of these Regulations.*

As part of this application, the Applicant is asking for Special Permit approval pursuant to Section 7.4.D.3 to allow for a fee-in-lieu payment of \$2,426,028. The Applicant is exploring BMR ownership opportunities in the community and believes such a program would make a more meaningful impact to advancing the affordable housing goals of the City of Stamford than by providing BMR units onsite.

- (6) *The non-conforming use shall not be extended, expanded or changed to a less restrictive use.*

The proposed multifamily residential use is more conforming to the RM-1 Zone than the current office use. Additionally, the amount of nonconforming office use is being significantly decreased.

Conclusion

The proposed development offers the Stamford Zoning Board the opportunity to approve an exciting and unique multifamily residential development on the water in the Shippan neighborhood. The associated site improvements will help Stamford further its sustainability and housing goals, along with reducing the nonconforming status of an otherwise completely nonconforming building, and will make a waterfront property and associated infrastructure flood resilient. The proposal is consistent with the goals and policies of Master Plan Category 10 and the standards of the RM-1 Zone. The proposal will result in a use that better complements the

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character and uses of this portion of the Shippan neighborhood, while adding necessary units to Stamford's housing stock.

Schedule D
Qualitative Map Change Analysis

The Applicant proposes rezoning the Property from the R-5 Zone to the Multi-Family, Low Density Design District (the “RM-1 Zone”).

Applicable Areas

The proposed change to the official Zoning Map of the City of Stamford will be to the Property, only, which is located at the terminus of Seaview Avenue and identified as 68 Seaview Avenue (Parcel ID 003-1647). For a detailed view of the proposed Map Change, please see the enclosed map prepared by D’Andrea Surveying & Engineering, PC.

Conformance with Master Plan Objectives

The Property is located within Master Plan Category 10 (Shorefront Mixed-Use). In addition to the examples given above for how the proposed development complies with the Master Plan’s vision for Master Plan Category 10, the proposed map change promotes several policies and objectives of the Master Plan, including:

- **S1.2:** *“Support efforts aimed at maintaining and enhancing the scenic quality of key corridors, including Shippan avenue and other roadways serving the Shippan neighborhood. Priority should be given to maintaining roadways that provide waterfront views and access.”*⁸

The grade of Seaview Avenue will be raised from existing conditions to significantly improve access for emergency vehicles during flood events to both the Property and surrounding properties.

- **S3.1:** *“Protect and promote water-dependent uses, recreation and boating.”* **S.3.2:** *“Promote neighborhood access to public waterfront amenities.”* **S3.3:** *“Promote waterfront views and access, particularly in connection with future waterfront development.”*⁹

By facilitating the proposed development, the Map Change advances all of these goals. The existing marina slips at the Property are not being altered as a result of the proposed development and the existing boardwalk will continue to be available to the public. Finally, the proposed development offers residents of the Delamar Residences one of a kind waterfront views.

Mobility

⁸ STAMFORD MASTER PLAN at Page 153.

⁹ *Id.*

The proposed development will improve mobility in the surrounding neighborhood by reducing traffic levels and improving coastal resiliency of roadway access to the Property and surrounding properties.

Housing

The proposed development will increase the available housing stock in Stamford. Additionally, the BMR Fee-in-Lieu payment from the Applicant will allow the City to develop additional affordable housing opportunities in Stamford, and the Applicant is exploring BMR ownership opportunities in the community and believes such a program would make a more meaningful impact to advancing the affordable housing goals of the City of Stamford than by providing BMR units onsite.

Schools and Community Facilities

The permitting fees and tax revenue generated from the proposed development, which will be made possible by the Map Change, will provide needed funds that can be utilized to benefit schools and other municipally owned community facilities.

Infrastructure

The Map Change request is in conjunction with applications for Site Plan, Special Permit, and CAM approval by the Stamford Zoning Board. Materials provided in support of those applications indicate existing infrastructure can serve the proposed development, or will be modified as necessary to improve existing conditions, and improve their coastal resiliency.

Public Safety

No adverse impacts are anticipated as a result of the proposed map change. As a result of the proposed development, the Main Building will be raised to be compliant with FEMA requirements and Section 15 of the Zoning Regulations. Additionally, there are significant public safety improvements proposed for the Property and surrounding neighborhood that will significantly improve access for emergency vehicles during flood events.

Parks and Open Space

No adverse impacts are anticipated; there will not be a decrease in the amount of publicly available open space on the Property. The existing boardwalk, which is currently available to the public, will be cosmetically improved, making it more appealing to the public. There will be ample open space available to the Delamar residents in the form of private and communal balconies.

Environmentally Sensitive Area

No adverse impacts anticipated. The majority of the development is occurring within the footprint of the Main Building. The Property and surrounding area are located within a floodplain, and the grade of Seaview Avenue will be raised so as to significantly improve access during flood events for emergency vehicles. This will not negatively impact Long Island Sound

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and will improve the safety to Property residents and residents of the surrounding condominiums and apartments.

Historic Resources

No impact.

Quality of Life

The proposed Map Change will make it possible for the Main Building to be converted to a multifamily residential development with a residential density that allows for appropriately sized units that meet Stamford's market demand. This will add diversity to the Stamford housing stock while also providing much needed units. These units will offer the unique opportunity of being located directly along Long Island Sound.

Development Benefits

- Permits and other fees;
- Property taxes;
- Improved coastal resiliency;
- Increased housing opportunity with unique environmental features; and
- Opportunity to adaptively reuse a vacant office building for multifamily residential use.

Schedule E
Legal Property Description

All that certain piece, parcel or tract of land, with the buildings and improvements thereon, situated in the city of Stamford in the county of Fairfield and state of Connecticut, shown and delineated as Parcel "B" as shown and delineated on a certain map entitled "Map Showing Division Property in Stamford, Connecticut", which map is on file in the office of the Town Clerk of the City of Stamford as Map Number 10319, reference thereto being had and being more particularly bounded and described as follows:

Beginning at a point on the easterly street line of Seaview Avenue, where the same is intersected by the division line between land of the City of Stamford and Parcel "B" as shown on the above-mentioned map; thence running along said division line: N 88° 09' 22" East a distance of 293.36 feet;

To the waters of Westcott Cove; thence turning and running along said waters of Westcott Cove, the following courses and distances: S 14° 25' 12" West a distance of 312.71 feet; S 5° 14' 30" East a distance of 22.57 feet; and S 8° 41' 00" West a distance of 55.21 feet to

The division line between Parcels "A" and "B" as shown on the above-mentioned map; thence turning and running along the division line between Parcels "A" and "B": N 33° 28' 48" East a distance of 442.54 feet

To the southerly end of Seaview Avenue; thence turning and running along said southerly end of Seaview Avenue, the following courses and distances: S 87° 39' 00" East a distance of 37.00 feet and N 33° 28' 48" West a distance of 3.46 feet to the point or place of beginning.

Together with all littoral rights appurtenant to the premises described above and floats, docks, ramps in the marina operation pertaining to the premises described above.

Together with a certain access easement reserved in a deed from Carl Sodergran et al to Ocean View Construction, Inc., dated October 22, 1979 and recorded in Book 1906 at page 230 of the Stamford Land Records, as modified by a certain deed dated July 16, 1980 and recorded in Book 1920 at page 63 of said land records.

Together with a grant of Easement and an Easement Agreement from Marina Bay Condominium Association to Allstate Life Insurance Company, dated August 25, 1995 and recorded in Book 4581 at page 39 of the Stamford Land Records.