

MEMORANDUM

TO: Stamford Zoning Board

CC: Ralph Blessing & Vineeta Mathur

FROM: Carmody Torrance Sandak & Hennessey, LLP

DATE: February 14, 2023

RE: Appl. 222-32 - Response to Questions Raised/Comments Made at Zoning Board Hearing on 2.6.23

I. ZONING BOARD QUESTIONS

- 1. Please modify the rendering of Block A to better depict the Clinton Avenue frontage.**

CP VIII 100 Clinton LLC (the "Applicant") has filed two new renderings of Block A from Clinton Avenue prepared by Lessard Design, and dated February 27, 2023. The first (titled "Perspective Rendering 2, A.02,") is a view looking northeast and the second (titled "Perspective Rendering 3, A.03,") is a view looking southeast.

- 2. Please modify the rendering of Block B from Richmond Hill to accurately reflect the plantings on the city-owned parcel.**

The Applicant has filed a revised rendering depicting this condition, prepared by Lessard Design, dated February 27, 2023, and titled "Perspective Rendering 1, A.01." Any changes to the city-owned parcel, including responsibility for the improvement and maintenance of same, would be determined in connection with the riverwalk application, which is not part of this proposal.

- 3. Please correct typographical errors in the following documents:**
 - i. The Summary of GDP amendments; and**

The GDP Amendment Summary erroneously referred to Appl. 216-26 as 216-

22. *This has been corrected on the version dated February 10, 2023 and attached hereto as Schedule A.*

ii. The letter from Jason Klein dated January 30, 2023 related to supplemental application materials

The letter erroneously referred to landscape plans dated January 29, 2023 instead of February 6, 2023. This has been corrected on the version revised to February 10, 2023, which is attached hereto as Schedule B. We note, however, that the Applicant has filed updated landscape plans that supersede those filed on January 30, 2023 (see plans prepared by Lee and Associates, Inc., dated February 13, 2023).

4. Please revise the chart depicting the requisite number of street trees to reflect the entire Clinton Avenue street frontage (without a reduction in the area where mature trees will remain). Please include this as a separate sheet.

An updated Street Tree Calculation Chart dated February 13, 2023 is attached hereto as Schedule C.

5. Please complete the planting plan with regard to native/adaptive plantings.

The landscape plans have been updated to note both native and adaptive plantings. See the Plant Schedule prepared by Lee and Associates, Inc., titled "Sheet L510, Plant Schedule," dated February 13, 2023.

6. Please provide a copy of the Illustrative Landscape Plan?

An Illustrative Landscape Plan, prepared by Lee and Associates, Inc., titled "Sheet L002, Illustrative Landscape Plan," dated February 13, 2023, is included in the updated landscape plan set referenced above.

7. Please provide a copy of the updated Traffic Study dated December 2022 with all changes from the earlier version noted.

The Applicant has filed a copy of the Traffic Study prepared by SLR, dated

December 2022 with all changes from the initial Traffic Study (dated September 2022) highlighted.

- 8. Please include a copy of the Sustainability Scorecard with the date it was submitted.**

Please see a copy of the Sustainability Scorecard dated January 9, 2023. As previously noted, sustainability measures will continue to be refined as the project details are further refined.

- 9. Please include correspondence from TTP confirming that Condition 13 of Appl. 222-26 has been waived or is otherwise superseded by the TTP Comments dated November 22, 2022.**

A copy of the email from Frank Petise, Transportation Bureau Chief, dated 2/9/2023 is attached hereto as Schedule D.

- 10. Please describe and detail the process and timing for all other local, state and federal permits necessary for the development project, as required by Condition 2 of Appl. 222-26.**

In addition to the current approvals (GDP Modification, Final Site Plan, Coastal Site Plan and Special Permit), approval from the Office of State Traffic Administration will be required, given the size of the development. It is anticipated that this will be accomplished through an Administrative Decision. It is possible that a DEEP General Permit for Discharge of Stormwater may also be required. Neither of these permits are unique or unusual. No other local, state or federal permits are anticipated for the development. Notably, FEMA issued the LOMR, removing the development site from the flood zone, after the GDP was approved.

- 11. Please provide an exhibit confirming the site's compliance with the zone change requirements approved in connection with Appl. 216-25.**

Section 9.P.7 (Special Residential Development Standards) of the Stamford Zoning Regulations provides:

In order to encourage the Redevelopment of land within the Mill River Corridor for residential purposes and the expeditious construction of public access improvements, the special standards set forth in (b) below shall apply to parcels that meet at least one of the following criteria in (a):

- a. *Parcels that are...(ii) directly adjacent to the Rippowam River and jointly developed with a non-contiguous site (separated only by a Street) that is zoned C-G for at least 50% of its development site area...*

*A copy of the Certificate of Approval for Appl. 216-25, which includes the zone change map, is attached hereto as Schedule E. As shown, the development area includes a parcel directly adjacent to the Rippowam River (Block B) which is to be jointly developed with the parcel across the street (Block A). The total lot area of Block A is 66,831 SF, of which 9,708 SF is in the Park Zone and excluded from the Zoning Lot Area. Of the remaining 57,123 SF, **29,510 SF (51.7%)** was C-G prior to the zone change.*

12. Will Clinton Avenue need to be closed during construction?

Both buildings are contemplated to be constructed simultaneously. Thus, the partial or complete closure of Clinton Avenue, between Richmond Hill Avenue and Division Street, may be preferable. However, any closure would be subject to review and approval by the Transportation, Traffic & Parking Bureau. As always, the Applicant is happy to accept a condition requiring submission of a Construction Logistics Plan prior to issuance of a building permit.

13. Table 7.4.1 of the Below Market Rate (BMR) Housing Regulations requires 12% of the units in a MRD-zoned development to be provided at a range of affordability levels between 25-65%. Specifically, 5% at 25% of AMI; 4% at 50% of AMI; 3% at 65% of AMI. Why doesn't this standard apply to the current proposal?

In 2016, the Zoning Board approved Appl. 216-26 which included requests for Special Exception, General Development Plan (GDP) and Coastal Site Plan

Review. The approval related to the development of two residential buildings consisting of 456 units and 567 parking spaces as well as associated site improvements. The approval also cited to a specific list of architectural plans depicting the general location, bulk and mass of the buildings. The application materials included a project narrative which specifically stated that ten percent (10%) of the units would be provided as on-site BMR units, unless a request for an alternative method of compliance was provided.

The purpose of a GDP approval is to vest the property with certain rights regarding the general size, location, density and use of a development without the substantial cost associated with detailed architectural, landscaping and civil engineering drawings. It is meant to provide some assurances to a developer of a large-scale or multi-phased project regarding the rules that will be applied to the development at the time it is ultimately constructed. This was the specific reason the approval of the GDP was a condition precedent to the closing on the Completion Agreement with the City. It was well-understood that RBS wanted to entitle the property to be able to market it to a developer.

Section 8-2h of the Connecticut General Statutes (Zoning applications filed prior to change in zoning regulations not required to comply with change.) provides:

(a) An application filed with a zoning commission, planning and zoning commission, zoning board of appeals or agency exercising zoning authority of a town, city or borough which is in conformance with the applicable zoning regulations as of the time of filing shall not be required to comply with, nor shall it be disapproved for the reason that it does not comply with, any change in the zoning regulations or the boundaries of zoning districts of such town, city or borough taking effect after the filing of such application.

When Appl. 216-26 was filed, the Zoning Regulations required “not less than nine percent (9%)” of proposed dwelling units be designated as BMR units at rents affordable to families earning less than fifty percent (50%) of Area Median Income. At the same time, the Mill River Corridor Project Plan (the “Project Plan”) required ten percent (10%) of all units be designated as BMR

Units. As such, 46 of the 456 units were designated as BMR units. A copy of the operative provisions of the Zoning Regulations and Project Plan are attached hereto as Schedule F. Thus, the GDP vested the 456-unit development with a ten percent (10%) BMR requirement in accordance with Section 8-2h of the Connecticut General Statutes. The vesting of the BMR requirement as applied to the previously approved 456 apartments was also confirmed by Land Use Bureau staff in 2019 by way of a correspondence between Lisa Feinberg and Ralph Blessing (a copy of this correspondence is attached hereto as Schedule G). It is important to note that these statutory standards and staff input were relied upon in connection with the property swap between RBS and the City, and in the eventual sale of the Property to Carmel.

As you know, Carmel has requested a modest increase to the density for this project consisting of fifteen (15) units. Prior to filing the current applications, we met with staff to discuss the impact of this increase on the BMR requirement. Specifically, we wanted to be sure that this change would not trigger the current BMR requirement for the entire project. Staff confirmed that the 456 units approved in connection with Appl. 216-26 remained subject to the 2016 BMR requirement; however, the incremental increase would be subject to the new twelve percent (12%) requirement. Therefore, the current application proposes forty-nine BMR units.¹ Again, Carmel relied upon the State statute and staff confirmation when proceeding with the current proposal.

Notably, the addition of more housing (including additional BMR apartments) achieved via the modest increase in density proposed by the Applicant is in conformance with the Project Plan and recently adopted Stamford Affordability Plan. While the Applicant understands the desire for more BMR units, the project cannot withstand that significant increase in cost which extends for the life of the development, particularly in conjunction with curing the City's default on the construction of the riverwalk

The development, as proposed, incorporates all of the best practices long-requested by the Land Use Bureau staff and the Zoning Board. It includes

¹ 10% of 456 = 45.6 (rounded up to 46); 12% of 15 = 1.8 (rounded up to 2) = 48. However, because of the range required (5% of 15 at 25% AMI, 4% of 15 at 50% AMI and 3% of 15 at 65% AMI), an additional unit was proposed.

high-quality materials, variation in window size and depth, movement along the face of the building, full-depth balconies, lush landscaping, a through-block publicly accessible connection, and perhaps most importantly, the Applicant's agreement to cure the City's default and take on its obligation to complete the Riverwalk. The benefits of this proposal are abundant. A copy of these benefits is attached hereto as Schedule H.

The project, as currently proposed, will not be constructed with a BMR requirement of twelve percent (12%) at 25-65% AMI.

14. Why doesn't the proposal include a child play area?

Section 9.P.7.b.5 of the Stamford Zoning Regulations provides: "On sites that are within 500 feet of open space/public parks in the Mill River Corridor Boundary, no additional open space is required on the Lot."² The development site is within 500 feet of the Mill River Park, including the Mill River Park Playground. As confirmed at the hearing, the playground is about to be replaced with new, upgraded equipment. The use of this playground by surrounding housing is exactly what the Mill River Park Collaborative wants. A child play area on the Property may even adversely impact the Mill River Park Playground, as the former may reduce the use of the latter.

Notwithstanding this, however, should the demand exist for a child play space, inside or outside, the Applicant will accommodate that desire.

2 The child play area requirement is addressed in the Open Space sections of the regulations. Because, no open space is required, no child play area is required. Moreover, this requirement is only triggered in the R-5, R-MF, commercial or industrial districts. Notably, Appl. 216-26 specifically noted that no child play area was proposed or required.

Schedule A

Summary of GDP Amendments: ZB App. No. 216-26 As Compared to ZB App. No. 222-32

February 10, 2023

- FAR¹
 - Previously Approved Under App. No. 216-26: 2.98 FAR (567,651 sf)
 - Currently Proposed Via App. No. 222-32: 2.88 FAR (547,003 sf)
- Total Residential Density²
 - Previously Approved Under App. No. 216-26: 456 apartments
 - Currently Proposed Via App. No. 222-32: 471 apartments
- Below Market Rate (“BMR”) Apartments
 - Previously Approved Under App. No. 216-26: 45.6 Apartments at 50% AMI
 - Currently Proposed Via App. No. 222-32: 49 Apartments, including: 47 apartments at 50% AMI, 1 apartment at 65% AMI, and 1 apartment at 25% AMI
- Building Coverage³
 - Previously Approved Under App. No. 216-26: 68.7% (130,645 sf)
 - Currently Proposed Via App. No. 222-32: 71.3% (135,715 sf)
- Building Height
 - Previously Approved Under App. No. 216-26: Block A = 83’; Block B = 81’
 - Currently Proposed Via App. No. 222-32: Block A = 84’, Block B = 84.1’
- Open Space
 - Previously Approved Under App. No. 216-26: 84,166 sf
 - Currently Proposed Via App. No. 222-32: 103,835 sf
- Parking
 - Previously Approved Under App. No. 216-26: 567 parking spaces
 - Currently Proposed Via App. No. 222-32: 456 parking spaces
- Block A Setbacks
 - Previously Approved Under App. No. 216-26:
 - FY (Clinton Ave) = 7.7’
 - FY (Division Street) = 4.6’
 - FY (Richmond Hill Ave) = 22.9’
 - SY = 0’
 - Currently Proposed Via App. No. 222-32:
 - FY (Clinton Ave) = 3.5’
 - FY (Division Street) = 3.5’
 - FY (Richmond Hill Ave) = 20.5’
 - SY = 4’
- Block B Setbacks
 - Previously Approved Under App. No. 216-26:

¹ FAR for Block A and Block B merged for zoning purposes pursuant to Section 9.P.6 of the Zoning Regulations.

² Density for Block A and Block B merged for zoning purposes pursuant to Section 9.P.6 of the Zoning Regulations.

³ Building Coverage for Block A and Block B merged for zoning purposes pursuant to Section 9.P.6 of the Zoning Regulations.

- FY (Clinton Ave) = 4.3'
- SY = 0' (south side) & 16' (north side)
- RY = 63'
- Currently Proposed Via App. No. 222-32:
 - FY (Clinton Ave) = 3.5'
 - SY = .5' (south side) & 15.5' (north side)
 - RY = 61'

Schedule B

January 30, 2023
REVISED February 10, 2023

VIA EMAIL & HAND DELIVERY

Ms. Vineeta Mathur
City of Stamford
888 Washington Boulevard
Stamford, CT 06901
VMathur@Stamfordct.gov

**Re: ZB App No. 222-32 (the "Application")
Amended General Development Plan, Final Site Plan, Special Permit & Coastal Site
Plan Applications
100 Clinton Avenue, Stamford, Connecticut (the "Property")
CP VIII 100 Clinton, LLC (the "Applicant")**

Dear Ms. Mathur:

Our firm represents the Applicant in the above-referenced application. Enclosed please find the following materials related to the Application:

- 12 copies of a letter prepared by our firm, dated January 30, 2023, responding to your design review memo dated January 13, 2023;
- 6 full-size and 6 half-size copies of a revised set of Architectural Plans prepared by Lessard Design, entitled:
 - "Cover, A-01," revised to January 30, 2023;
 - "Perspective Rendering, A-02," revised to January 30, 2023
 - "Illustrative Site Plan, A-03," revised to January 30, 2023
 - "Ground Floor Plan (G1/R1)," revised to January 30, 2023
 - "Residential Floor Plan (G2/R2), A-05," revised to January 30, 2023
 - "Residential Floor Plan (R3), A-06," revised to January 30, 2023
 - "Residential Floor Plan (R4), A-07," revised to January 30, 2023
 - "Residential Floor Plan (R5,) A-08," revised to January 30, 2023
 - "Residential Floor Plan (R6), A-09," revised to January 30, 2023
 - "Residential Floor Plan (R7), A-10," revised to January 30, 2023
 - "Building Section, A-11, ," revised to January 25, 2023;
 - "Building Elevations – Block A, A-12," revised to January 25, 2023;
 - "Building Elevations – Block A, A-13," revised to January 25, 2023;
 - "Building Elevations – Block B, A-14," revised to January 25, 2023;
 - "Building Elevations – Block B, A-15," revised to January 25, 2023;
 - "Building Elevations – Block B, A-16," revised to January 25, 2023;
 - "Material Board, A-17," revised to January 25, 2023;
 - "Typical Representative Unit Plans, A-18," revised to January 25, 2023;

- “Building Elevations – Block A – Alt., A-19,” revised to January 25, 2023;
 - “Building Elevations – Block A – Alt., A-20,” revised to January 25, 2023; and
 - “Material Board – Block. A – Alt., A-21,” revised to January 25, 2023.
- 6 full-size and 6 half-size copies of a revised set of Landscape Plans prepared by Lee and Associates, revised to February 6, 2023, entitled:
 - “General Notes, L001;”
 - “Tree Protection Plan, L003;”
 - “Overall Site Plan, L100;”
 - “Streetscape Materials Plan, L101;”
 - “Block B Central Courtyard Material Plan, L102;”
 - “Block B North Courtyard Material Plan, L103;”
 - “Block A Courtyard Material Plan, L104;”
 - “Streetscape Layout Plan, L201;”
 - “Streetscape Planting Plan, L501;”
 - “Block B Central Courtyard Planting Plan, L502;”
 - “Block B North Courtyard Planting Plan, L503;”
 - “Block A Courtyard Planting Plan, L504;”
 - “Plant Schedule, L510;”
 - “Block B Courtyard Lighting Plan, L702;”
 - “Block B North Courtyard Lighting Plan, L703;”
 - “Block A Courtyard Lighting Plan, L704;”
 - “Lighting Details, L710;”
 - “Streetscape Sections, L800;”
 - “Details, L900,” and
 - “Details, L901.”
 - 12 copies of a Zoning Data Chart;
 - 12 copies of a Summary of GDP Amendments;
 - 12 copies of a Frontage Exhibit prepared by Redniss and Mead, dated January 23, 2023; and
 - 12 copies of an open space exhibit, prepared by Redniss and Mead, dated January 30, 2023.

Our development team looks forward to presenting these materials to the Zoning Board at their February 6th public hearing. As always, please feel free to contact me if you have any questions regarding the enclosed materials. Thank you for your time and attention regarding this matter.

Sincerely,



Jason A. Klein

Schedule C

Street Tree Calculation Chart

February 13, 2023

	Total Street Frontage (LF)	Required Street Trees (Frontage / 25)	Trees Provided ¹	Number of Corners	Trees subject to payment of fees (Subtract Corners and Trees Provided from Required Street Trees)	Fee in Lieu Required (\$2,500 per tree).
Block A						
Clinton Avenue	332.64	13.3056	5	2	6.3056	\$15,764.00
Division Street	193.8	7.752	5	1	1.752	\$4,380.00
Block B						
Clinton Avenue	516	20.64	12 (4 existing street trees to be preserved)	0	8.64	\$21,600.00
Subtotal						\$41,744.00

¹ Note: Deposit of \$55,000.00 to be provided for 22 trees proposed (\$2,500 per tree), to be released after three (3) full growing seasons upon being deemed in good health by the City of Stamford Tree Warden.

Schedule D

Jason A. Klein

From: Petise, Frank <FPetise@StamfordCT.gov>
Sent: Thursday, February 9, 2023 4:00 PM
To: Lisa L. Feinberg
Cc: Buttenwieser, Luke; Mathur, Vineeta; Blessing, Ralph; Jason A. Klein; Neil C. Olinski
Subject: [EXTERNAL] RE: 100 Clinton - GDP Condition 13

Good afternoon Lisa,

Yes, you are correct. Our comments dated November 22, 2022 to the Zoning Board supersede the original condition 13 of the 2016 GDP approval. We are not requesting any additional analysis related to a southbound turn-lane on Clinton or other traffic or pedestrian improvements beyond what was requested in our TTP Memo. Please let me know if you need anything else.

Thanks,
Frank

Frank W. Petise, P.E.

Transportation Bureau Chief
City of Stamford
Transportation, Traffic & Parking
ph: 203-977-4124
m: 475-359-1729
fpetise@stamfordct.gov

See an issue? Let us know and track the progress.

www.stamfordct.gov/Fixit

From: Lisa L. Feinberg [mailto:LFeinberg@carmodylaw.com]
Sent: Wednesday, February 8, 2023 1:10 PM
To: Petise, Frank
Cc: Buttenwieser, Luke; Mathur, Vineeta; Blessing, Ralph; Jason A. Klein; Neil C. Olinski
Subject: 100 Clinton - GDP Condition 13

Frank,

As we discussed, the Zoning Board has asked for confirmation that TTP intended for your comments dated November 22, 2022 (the TTP Memo") to supersede condition 13 of the attached 2016 GDP approval. In other words, TTP is not requesting any analysis related to a southbound turn-lane on Clinton or other traffic or pedestrian improvements beyond what was requested in the TTP Memo. As noted in the TTP Memo, the Applicant's agreement to undertake the City's obligation related to the riverwalk will significantly enhance the mobility network and outweigh any previously contemplated improvements.

If you are in agreement with the foregoing, please confirm same by replying to this email. In doing so, please note this will be added to the record for the pending ZB Appl. #222-32.

Best,

Lisa

Lisa L. Feinberg | [Bio](#)

Carmody Torrance Sandak & Hennessey LLP

1055 Washington Blvd., 4th Floor | Stamford, CT 06901-2218

Direct: 203-252-2677 | Fax: 203-325-8608

LFeinberg@carmodylaw.com | www.carmodylaw.com

This electronic message contains information from Carmody Torrance Sandak & Hennessey LLP, or its attorneys, which may be confidential, privileged or otherwise protected from disclosure. The information is intended to be used solely by the recipient(s) named. If you are not an intended recipient, be aware that any review, disclosure, copying, distribution or use of this transmission or its contents is prohibited. If you have received this transmission in error, please notify us immediately at 203-573-1200 or at the reply email address. For more information about Carmody Torrance Sandak & Hennessey LLP, please go to <http://www.carmodylaw.com>

Schedule E



INSTR # 2016014254
 VOL 11544 PG 300
 RECORDED 08/16/2016 02:18:53 PM
 DONNA M LOGLISCI
 CITY & TOWN CLERK STAMFORD CT
 BLOCK 6 7

Block: 6 & 7

ZONING BOARD CERTIFICATE

I, Thomas R. Mills, Chairman of the ZONING BOARD of the CITY OF STAMFORD, in compliance with Special Act. No. 619 of the 1953 General Assembly hereby certify that on July 18, 2016 continued to July 21, 2016 a Public Hearing was held by the ZONING BOARD on the application of:

Appl. 216-25 – RBS Americas Property Corp & City of Stamford

Requesting approval to amend the Zoning Map of the City of Stamford to change to MRD-D “Mill River Design – District” for property currently zoned in R-5 “Multiple Family Medium Density Design” and C-G “General Commercial” on property commonly known as 0, 100, 102 Clinton Avenue; 29, 31, 37, 41 Division Street and a parcel known as N-1 on Map #13846 recorded in the Stamford Land Records (Block A) as well as 75, 79, 99, 101, 107, 113 Clinton Avenue and 0, 1, 4, 6, 10, 17, 19, 25 Division Street (Block B), Stamford, CT.

And that the following is a statement of its finding: UNANIMOUSLY APPROVED at its meeting held on August 1, 2016, as follows:

Change to MRD-D (Mill River Design District) for property currently zoned R-5 (Multiple Family Medium Density Design) and C-G (General Commercial) property generally described as follows:

Block #: 6 & 7

Area: 4.95± acres (including 0.35± acres of City rights-of-way)

Description:

All that area of land in the City of Stamford, CT currently zoned R-5 (Multiple Family Medium Density Design) and C-G (General Commercial) to be changed to MRD (Mill River Design), beginning at a point located on the southerly side of property n/f of Clinton Court Condominiums (Assessor Cards #003-0673 through 003-0690 inclusive) and the easterly side of the Rippowam River and bounded as follows:

- Northerly: 334'± by the proposed southerly side of said property n/f of Clinton Court Condominiums (as depicted on map titled “General Location Survey depicting General Development Plan Block A & Block B, Stamford, CT prepared for RBS Americas Property Corp.” prepared by Redniss and Mead, Inc., dated 4/11/2016 revised 7/18/2016) and projecting to the centerline of Clinton Avenue;
- Easterly: 134'± by the centerline of Clinton Avenue to the intersection of the centerlines of Clinton Avenue and Division Street;
- Northerly 219'± by the centerline of Division Street;

Easterly 333'± by a portion of Division Street and the westerly side of property n/f of Stamford Towers Limited Partnership and the westerly limit of the Park Zoning District to the northerly side of Richmond Hill Avenue;

Southerly: 90'± by the northerly side of Richmond Hill Avenue;

Westerly: 21'± by the easterly limit of the Park Zoning District;

Southerly: 125'± by the northerly limit of the Park Zoning District to the centerline of Clinton Avenue,

Easterly: 61'± by the centerline of Clinton Avenue;

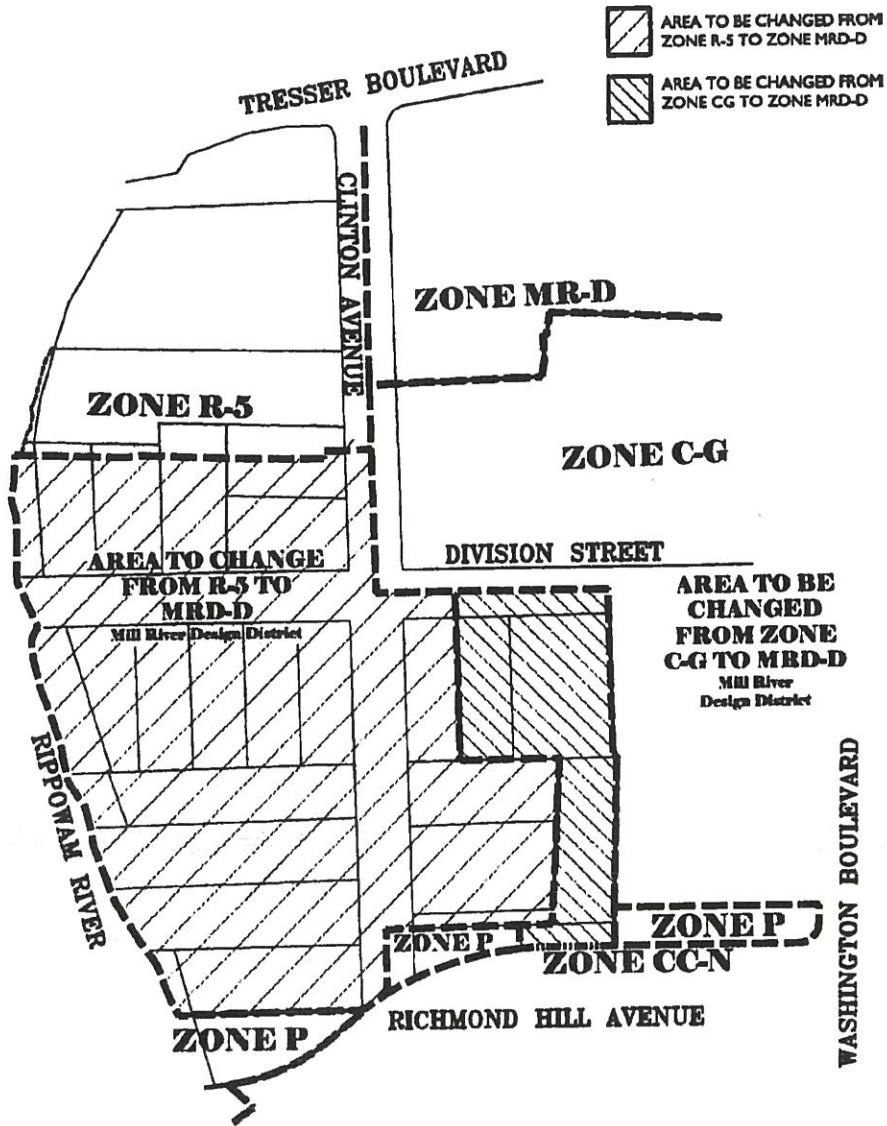
Southerly: 194'± by the northerly line of Richmond Hill Avenue and the northerly line of the property n/f of the City of Stamford to the limit of Mean High Water of the Rippowam River;

Westerly: 555'± by the Mean High Water line of the Rippowam River;

And the land affected is owned by and located on the following streets:

<u>NAME</u>	<u>STREET</u>
RBS Americas Property Corp.	0, 75, 79, 99, 100, 101, 102, 107, 113 Clinton Avenue; 0, 1, 4, 6, 10, 17, 19, 25, 29, 31, 37, 41 Division Street and a parcel known as N-1 on map #13846 recorded in the Stamford land records
City of Stamford	0 Division Street & Division Street ROW (west of Clinton Avenue)

The subject properties are generally shown and delineated on the sketch set forth below:



Effective date of this decision: August, 16, 2016

THOMAS R. MILLS, CHAIRMAN

Thomas R. Mills
ZONING BOARD, CITY OF STAMFORD, CT.

Dated at the City of Stamford, CT, this 16th day of August, 2016.

Schedule F

ZONING REGULATIONS

CITY OF STAMFORD
CONNECTICUT



As adopted November 30, 1951
With subsequent amendments
To December 31, 2016

7. Special Residential Development Standards (216-24)

In order to encourage the redevelopment of land within the Mill River Corridor for residential purposes and the expeditious construction of public access improvements, the special standards set forth in (b) below shall apply to parcels that meet at least one of the following criteria in (a):

- a. Parcels that are (i) zoned C-G for at least 50% of their development site area or (ii) directly adjacent to the Rippowam River and jointly developed with a non-contiguous site (separated only by a street) that is zoned C-G for at least 50% of its development site area or (iii) where at least 75% of the site is currently used for nonconforming commercial purposes and will be brought into conformity with the proposed development.
- b. Special Standards
 - (i) Commercial use shall not exceed a Floor Area Ratio of 0.30 and shall be limited to ground floor retail and service uses accessible to the general public.
 - (ii) The total Floor Area Ratio for all uses shall not exceed three and one-half (3.5) for C-G zoned sites and jointly developed sites defined under subsection 6 above, and two (2.0) for sites with a nonconforming commercial use that will be brought into conformity with the proposed development, excluding ground floor retail and service uses and resident amenity space and excluding portions of parking structures that do not exceed twenty-five (25) feet above grade (excluding parapet walls) or are fully integrated within the principal structure and are suitably screened from pedestrian views.
 - (iii) Building height shall not exceed 125 feet.
 - (iv) The total area occupied by principal structures shall not exceed sixty-five percent (65%) of the site. Portions of parking structures and other accessory structures may cover up to an additional twenty percent (20%) of the site, as described in subsection 3(e) above. When parking structures are fully integrated within the principal structure and suitably screened from pedestrian views, the total area occupied by all structures shall not exceed eighty-five percent (85%).
 - (v) All projects shall satisfy the Below Market Rate (BMR) standards set forth in Article III, Section 7.4 of these Regulations and shall provide not less than nine percent (9 %) of the total number of dwelling units as BMR units affordable to households earning not more than fifty percent (50%) of the Area Median Income. At the time of Final Site Plan approval, at the discretion of the Zoning Board, the number and affordability of BMR units may be modified consistent with the standards of Section 7.4-C-4(f) of these Regulations. (210-18)
 - (vi) Following Special Exception approval from the Zoning Board, the residential off-street parking requirement may be reduced to one (1) parking space for each residential unit of two bedrooms or less and one and one-quarter (1.25) spaces for each residential

MILL RIVER CORRIDOR PROJECT PLAN AMENDMENT

Amend the following subsections of Section 402 by adding the language in red and highlighted and deleting the red stricken language:

Section 402. Redevelopment Standards and Regulations

- a. Standards and Regulations Applicable to all lands and redevelopment
 - (i) In addition to all approvals otherwise required by the City of Stamford (such as but not limited to Coastal Area Management, Zoning Board Site Plan, Building and Fire Prevention Code, etc.), any development or redevelopment within the boundaries of the Mill River Corridor Project shall be subject to the review by the Urban Redevelopment Commission pursuant to §404, below, for conformity with the requirements of this Project Plan, and specifically with the standards and regulations applying to respective development sites and with the design guidelines set forth in Section 403, below. Developers are advised to pursue approvals concurrently so as to maximize the coordination among the several approving bodies.
 - (ii) All site plans, architectural plans and drawings and such other documentation prepared in relation to the proposed physical development of each development site, including all public spaces, shall be consistent with this Project Plan and with the design guidelines listed herein. While proposed redevelopers are given latitude in concept, design and layout within the standards and guidelines specified in this Plan and the City's Zoning Regulations, all structures, facilities, other improvements and public areas must reflect distinguished architectural expression and techniques in order to assure attractiveness, quality and permanence, and to produce a coherent residential community.
- b. Standards and Regulations Applicable to Specific Development and Redevelopment Sites
 1. Residential, Residential-Assisted Housing and Residential/Commercial lands

- ~~(vii) Buildings shall be set back not less than five (5) feet and not more than fifteen (15) feet from the right-of-way line of any street.~~
- ~~(viii) The parking standards of § 12-D of the Zoning Regulations shall apply, except as otherwise provided herein. There shall be a minimum residential off-street parking requirement of one and one-quarter (1.25) spaces for each residential unit. Parking for non-residential uses shall be subject to determination by the Zoning Board and may be shared where the hours of the use of stalls would not be in conflict. The potential for shared use of parking stalls shall constitute an additional standard for consideration of parking reduction. A portion of required parking may be provided off-site provided a determination is made by the Zoning Board that the location and availability of said parking is satisfactory.~~
- ~~(ix) The principal entrance and/or lobby of every building shall be accessed directly from the abutting public sidewalk. Portals serving interior courtyards and private open spaces shall be secondary only.~~
- ~~(x) Below-Market-Rate Dwelling Unit Standards shall apply as described in Section 402.c., below.~~

[SUBSECTION 2, HOTEL/RESIDENTIAL/COMMERCIAL AND SUBSECTION 3, COMMERCIAL AND PUBLIC LANDS TO REMAIN UNCHANGED]

c. Below Market Rate Dwelling Unit Standards (Except Hotel/Residential/Commercial Use Category)

Every applicant shall submit a complete and detailed plan describing the creation, management and operation of Below-Market-Rate Dwelling Units (the "Affordability Plan") to the Commission and the Zoning Board for approval. The Mayor shall designate an Agency or Department of the City to provide oversight review of Affordability Plan compliance.

Each residential redevelopment, and each residential component of a mixed- or multi-use redevelopment, shall provide on the site not less than **10%** ~~12%~~ of its residential units as below-market-rate affordable units in accordance with the standards, definitions and procedures contained in Article III, Section 7.4 of the Zoning Regulations, as may be amended from time to time, according to the following:

Schedule G

August 14, 2019

Mr. Ralph Blessing
Land Use Bureau Chief
City of Stamford
888 Washington Blvd.
Stamford, CT 06901

**RE: Zoning Board Approval #216-26 (the “Approval”)
Confirmation of Below Market Rate housing obligation**

Dear Mr. Blessing:

As you know, we represent RBS Americas Property Corp, owner of certain property located along Clinton Avenue and Division Street which was the subject of the Approval.¹ The Approval included General Development Plan and Special Exception applications related to the construction of 456 residential dwelling units and 567 parking spaces as well as associated site improvements and approximately 38,389 square feet of public access along the river. The Approval also required that ten percent (10%) of the total units constructed (45.6 units) be provided as Below Market Rate (“BMR”) housing units affordable to families earning less than fifty percent (50%) of the Area Median Income.

I understand that the Zoning Board is currently working on a Text Change to the Zoning Regulations which will likely include modifications to the BMR program. I am writing you now to confirm that, for as long as the Approval remains effective, the BMR obligation for the project will not change. In other words, unless an alternative method of compliance is applied for and approved by the Zoning Board, the project will continue to require ten percent (10%) of the total units constructed to be provided as BMR units in accordance with Section 7.4 of the Stamford Zoning Regulations as same was written at the time of the Approval. This determination would be in accord with §8-2h of the Connecticut General Statutes which provides:

Sec. 8-2h. Zoning applications filed prior to change in zoning regulations not required to comply with change. Applications for building permit or certificate of occupancy filed prior to adoption of zoning regulations not required to comply with regulations. (a) An application filed with a zoning commission,

¹ Please note that the City of Stamford currently owns 0 Division Street and the western portion of the Division Street right-of-way which are also part of the development site. The City of Stamford was a co-applicant to the Approval and the sale of these properties to my client is scheduled for this month.


*planning and zoning commission, zoning board of appeals or agency exercising zoning authority of a town, city or borough which is in conformance with the applicable zoning regulations as of the time of filing **shall not be required to comply with**, nor shall it be disapproved for the reason that it does not comply with, **any change in the zoning regulations** or the boundaries of zoning districts of such town, city or **borough taking effect after the filing of such application.***

(b) An application for a building permit or certificate of occupancy filed with the building official of a city, town or borough prior to the adoption of zoning regulations by such city, town or borough in accordance with this chapter shall not be required to comply with, nor shall it be disapproved for the reason that it does not comply with, such zoning regulations. (emphasis added)

Assuming you agree with the above, I would kindly request that you evidence same by signing below and returning a countersigned copy of this letter to me. Your earliest attention to this matter is requested because, as you know, these properties are the subject of a land swap between my client and the City which is scheduled for this month.

Should you have any questions, please feel free to contact me.

Sincerely,



Lisa L. Feinberg

cc: Gil Ohls

CONFIRMED AND ACCEPTED:

Ralph Blessing
Land Use Bureau Chief

Date

MAYOR
DAVID MARTIN



DIRECTOR OF OPERATIONS
MARK McGRATH

RALPH BLESSING
LAND USE BUREAU CHIEF
Tel: (203) 977-4714

**CITY OF STAMFORD
LAND USE BUREAU**

Carmody, Torrance, Sandak and Hennessey
ATTN: Lisa Feinberg, Esq.
707 Summer Street, 3rd fl.
Stamford, CT 06901

August 16, 2019

RE: Zoning Board Approval #216-26 – Below Market Rate Obligation / Your Letter Dated 8/14/2019

Dear Attorney Feinberg,

I agree with your interpretation that the BMR requirement for the RBS property along Clinton and Division streets in Stamford is 10 percent, pursuant to the above referenced Zoning Board approval. I also agree that should the Zoning Regulations regarding BMR requirements change that the 10 percent BMR requirement would be grandfathered in under the approval.

I would like to point out, however, that should an application or applications be filed for the subject property for new or additional approvals, or substantive changes to the existing approval (for example with regard to uses, number of units, parking spaces, building form or public access), the BMR requirement (and other Zoning Regulations) at the time of filing of such applications would apply.

Sincerely,

A handwritten signature in blue ink that reads "Ralph Blessing".

Ralph Blessing
Land Use Bureau Chief, City of Stamford

Schedule H

City of Stamford

- 1) Riverwalk Easement (41,000± SF; 650± LF)
- 2) \$1.7 M RBS payment for Riverwalk Improvements
- 3) Use of \$3.75M “Sandy” Grant
- 4) Use of \$4M DEEP Grant
- 5) Acquisition of Midas Site (Appraised Value \$2.089M up from \$1.7M)
- 6) Midas Lease \$93k+
- 7) Acquisition of RBS land for Clinton Court parking
- 8) Relocation of Drainage Pipe (\$300k total split with city)
- 9) Construction of Clinton Court Parking Lot
- 10) \$10k to Clinton Court
- 11) Removal of Properties from Flood Zone
- 12) **Design, Permitting & Construction of Riverwalk (35,000 SF) – estimated by MRC to be \$2.55M (\$1M more than provided back to Carmel)**
- 13) **Through-Block Connection**
- 14) **New Sidewalks & Streetscape**
- 15) **Market Rate (422) & Below Market Rate Units (49 units)**
- 16) **Increased Property Tax Revenue (\$3M+/- increased from \$108,000+/- today)**
- 17) **Sewer Connection Fee (\$2M+/-)**
- 18) **Building Permit Fee (\$3.6M+/-)**
- 19) **Zoning Permit Fee (\$96K+/-)**

Carmel

- 1) Complete development site
- 2) New park amenity
- 3) **GDP/FSP Approval (471 units)**
- 4) **\$1.6 M returned (-\$100k)**