



City of Stamford
Zoning Board

STAFF REPORT

TO: CITY OF STAMFORD ZONING BOARD
FROM: LINDSEY COHEN, ASSOCIATE PLANNER
SUBJECT: ZB #222-23 & #222-24, 68 Seaview Avenue
DATE: April 21, 2023
MASTER PLAN: Master Plan Category 10 (Shorefront – Mixed-Use)
ZONING: R-5 (Multiple Family Medium Density Design District)

REQUESTED ACTIONS:

222-23	Zoning Map Change	Change from R-5 to RM-1 Zoning District	Seaview House LLC
222-24	Site & Architectural Plans and Requested Uses	Section 9.L.2 (Special Permit uses on sites >30,000 sq. ft. require site and architectural plan approval)	Seaview House LLC
	Special Permits	Section 7.4.D.3 (BMR Fee-in-Lieu Payment) Section 10.I (Conversion of Non-Conforming Buildings in RM-1 Districts to Residential Use)	Seaview House LLC
	Coastal Site Plan Review		Seaview House LLC

Introduction

Seaview House LLC (the “Applicant”) is requesting approval of related applications including Zoning Map Change to RM-1 District, Special Permit and Site and Architectural Plans and Requested Uses, and Coastal Site Plan Review to facilitate the redevelopment of a mostly vacant office building located at 68 Seaview Avenue (the “Property”) into a predominantly residential multifamily development containing fifty-two (52) residential units, 5,300 square feet of office space, and on-site parking.

Background

A “Main Building” and “Marina Office” currently exist on the Property. The Main Building is seven-stories, 105,474± square feet, and has historically served as commercial office space. The Marina Office is 1,500± square feet and has historically served as the office for the 57 marina slips on the Property. There is a 2,780± square foot, publicly-accessible boardwalk located on the eastern side of the Property between the marina slips and the two buildings.

Currently, the first floor of the Main Building is dedicated to office use, lobby areas, and parking; floors two through four are partially-enclosed parking areas (except for a small portion of the fourth floor 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 buildings. 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.

Site and Surroundings

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± feet of frontage. About 390± feet of the Property fronts the Long Island Sound. The Property is located in the R-5 District, “Multiple Family Medium Density Design District” 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 majority of it lies within the AE FEMA flood zone. A small portion of the Property is located within the VE FEMA flood zone.

The Property is located adjacent to the Halloween Yacht Club, Cummings Park, and multiple residential condominium and apartment developments. There are multiple bus stations located up

the street on Seaview Avenue at the intersection of Shippan Avenue and Seaview Avenue, within 500' of the Property. There are multiple commercial uses located on Shippan Avenue near the Property.

Proposed Development

The Applicant plans to repurpose the Property by converting the Main Building to predominantly multi-family residential use. The Applicant plans to leave the Marina Office and boardwalk as-is.

The Applicant does not intend to demolish any significant portion of the Main Building. 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. A portion of the ground floor will remain as parking and about 8,152± square feet will be converted from parking to residential amenity space. 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 be fully converted to residential units.

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

Site Photos



Photo 1: Ground floor view looking southeast from Seaview Avenue.



Photo 2: View of floors five through seven taken from fourth floor parking deck.



Photo 3: Marina slips and publicly-accessible boardwalk.

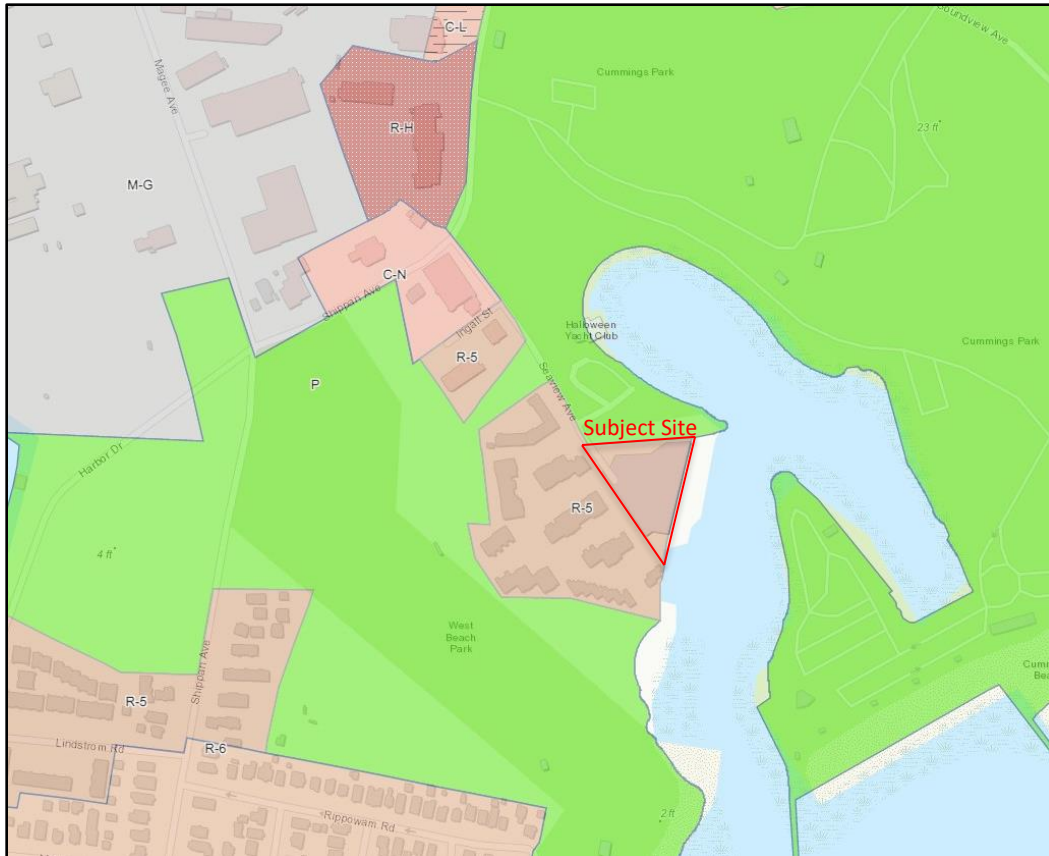


Photo 4: Residential property looking west from boardwalk.



Photo 5:
Property line (behind tree line)
between the subject
Property and
Halloween
Yacht Club
looking
East from
Seaview
Ave.

Zoning Map



222-23 – Zoning Map Change

The Applicant requests a change from the current R-5 designation to the RM-1 designation. The RM-1 Zoning District is a multi-family design district created to set aside and protect areas that have been or may be developed predominantly for low density multi-family dwellings of various types. The application is compatible with this district's purpose because a residential use will assist in setting aside and protecting areas that are developed for low density multi-family dwellings such as those areas surrounding the Property as opposed to the Property's existing use as an office building.

The following zoning chart shows a comparison of the Zoning Standards for R-5 and RM-1 zoning districts.

Zoning Comparison Chart

Zoning Standard	R-5 ¹	RM-1
Min. Lot Area	30,000 sq. ft.	5,000 sq. ft.
Min. Frontage	150 ft.	50 ft.
Min. Circle Diameter	N/A	N/A
Min. sf per family	2,500 sq. ft. per dwelling	3,750 sq. ft. per unit <i>With Special Permit approval per Section 10.I: 2,000 sq. ft. of converted Gross Floor Area.</i>
Max family per plot	N/A	N/A
Max. Building Height	3 stories / 40 ft.	2.5 stories / 30 ft.
Max. Building Area	30%	25%
Min. Front Setback	<i>Street Line: 20 ft. Street Center: 45 ft.</i>	<i>Street Line: 25 ft. Street Center: 50 ft.</i>
Min. Side Setback	6 ft. plus 6 in. for each foot of length of an individual building over 45 ft., not to exceed 15 ft.	<i>One Side: 10 ft. Both Sides: 20 ft.</i>
Min. Rear Setback	30 ft.	30 ft.

¹ Unless otherwise noted, the following Area, Height, and Bulk standards are for properties in the R-5 District that are larger than 30,000 sq.ft. as per Zoning Regulations Appendix B, Table III, and/or for multi-family dwellings as applicable.

222-24 Site and Architectural Plan and Requested Uses, Special Permit, and Coastal Site Plan Review

Access

The vehicular access to the Property will remain the same as it is today, through one two-way driveway at the end of Seaview Avenue at the northwest corner of the Property. Pedestrian access to the Main Building will be through two entrances on north side of the Main Building. Residents of apartment buildings will also be able to access the Main Building from the second and third floor parking areas. Office users can access the office space from the main floor and the second floor parking area.

Public access to the boardwalk is through Halloween Yacht Club (the Club leases its property from the City) where the two properties adjoin to the east at the waterfront.

Of note, in response to comments from the Harbor Management Commission, Connecticut Department of Energy and Environmental Protection, Bureau of Water Protection and Land Reuse, Land and Water Resources Division (OLIS), and Environmental Protection Bureau (EPB), the Applicant has proposed significant alterations to Seaview Avenue in order to provide dry access to the Property in the event of a major flood event. The Proposal includes shifting Seaview Avenue eastward (toward Halloween Yacht Club) and raising Seaview Avenue to a base flood elevation of 12.3. The Applicant would also address slope and grading of all drives that lead off Seaview Avenue to ensure flooding isn't increased on any adjoining properties due to raising Seaview Avenue. While located in FEMA's VE15 and AE14 flood zones, independent reports have shown a flood elevation of 12 is more realistic. Raising the road does address some comments regarding dry access however whether or not the the Main Building needs to be brought up to VE Zone standards is still outstanding. The Applicant made note during the Zoning Board hearing that the portion of the building overhanging the VE zone line is significantly above the VE flood elevation. Staff recommends that the Applicant work with FEMA to achieve a resolution on the appropriate flood protection standard for the Main Building prior to the issuance of a Building Permit.

Unit Distribution

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.

Parking

There will be a surplus of available parking on the Property. 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 the 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, the Applicant believes the surplus of parking (75 spaces more than what is required) will adequately service the needs of all users of the Property.

Electric Vehicle

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

Bike

The Applicant will install 23 Class A & B bicycle spaces where 13 Class A and 10 Class B spaces are required. The bicycle spaces are accessible through the ground floor parking lot.

Landscaping and Open Space

The residential proposal includes approximately 25,327 sq. ft. of open space for use by residents in the form of private balconies, shared terraces and a swimming pool area. An additional 2,780 sq. ft. of open space is available to the public via the boardwalk. The Applicant plans to maintain and supplement the existing trees that screen the Property from the residential condominiums to the west and Halloween Yacht Club to the north.

Exterior Renovations

The Applicant is not requesting major structural or massing changes to the existing buildings. The proposal includes updates to the façade of the Main Building with more residentially appropriate materials.

Proposed Resiliency Improvements

There are multiple coastal resiliency improvements proposed for the Property and surrounding properties. The first floor of the Main Building will be raised and will be built with materials resistant to flood damage 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 application documents 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. The Applicant is currently and will continue to coordinate with neighboring residents and the Halloween Yacht Club.

Special Permit

Section 7.4.D.3 (BMR Fee-in-Lieu Payment)

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 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. The City’s recent Housing Affordability Study recommends increased usage of the fee-in-lieu option and recent public comment encourages the City to focus on affordable homeownership opportunities.

Section 10.I (Conversion of Non-Conforming Buildings in RM-1 Districts to Residential Use)

Pursuant to Section 10.I, the Applicant requests Special Permit approval to allow the existing building in the proposed RM-1 Zone that is nonconforming with respect to Land Use and Bulk requirements to be converted to residential purposes. The Property is currently legally nonconforming in the existing R-5 District and would continue to be legally nonconforming in the proposed RM-1 District. However, through rezoning the Property and converting the Main Building to residential use, the Property will become more conforming with the Zoning Regulations and surrounding land uses. 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. 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 of the application, there are only positive impacts associated with converting the Property to the RM-1 Zone (for example, property tax increase, adaptive reuse, improved coastal resiliency and improved emergency access). Additionally, should the Property be redeveloped in the future, beyond the 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.

Referral Comments

Planning Board

The Planning Board reviewed the applications at its regularly scheduled meeting held on August 9, 2022 and found the requests compatible with the neighborhood and consistent with Master Plan Category 10 (Shorefront Mixed-Use) and recommended approval of the Zoning Map Change from R-5 to RM-1 District, Site and Architectural Plans and/or Requested Uses, Special Permit and Coastal Site Plan Review. Approval for the Site and Architectural Plans and/or Requested Uses, Special Permit and Coastal Site Plan Review is subject to the conditions that the Applicant 1) return to the Planning Board with a plan for affordable housing and 2) keep the Marina Bay Association at 61 Seaview Avenue informed of the progress of the project.

The Planning Board found that this development is consistent with Master Plan Category #10 (Shorefront - Mixed-Use) and is also consistent with the following Master Plan Policies and Implementation Strategies:

- C1.2: Support efforts aimed at maintaining and enhancing the scenic quality of key corridors serving the Cove neighborhood. Priority should be given to maintaining roadways that provide waterfront views and access.
- C3.1: Protect and promote water-dependent uses, recreation and boating.
- C3.2: Promote neighborhood access to public waterfront amenities.
- C3.3: Promote waterfront views and access, particularly in connection with future waterfront development.
- 6B: Preserve existing and create new affordable housing.
- 7E: Support an active and diverse waterfront.
- 7I.4: Vehicle charging stations.

Fire Marshal

The Fire Marshal's office has no objections to the applications.

Engineering Bureau

The Engineering Bureau has not objections to Application # 222-23. The Engineering Bureau has provided comments on proposal documents and offered comments to be addressed by an engineer licensed in the State of Connecticut.

Stamford Harbor Management Commission

The Stamford Harbor Management Commission reviewed this application at its regularly scheduled meeting held on April 18, 2023. The Commission found the application consistent with the Harbor Management Plan with certain conditions. A letter from the HMC detailing their recommendation is forthcoming.

Environmental Protection Board

Robert Clausi, Executive Director of Environmental Protection Board issued comments on March 20, 2023 and April 03, 2023 and concluded that the proposal is not compliant with the Stamford Flood Prone Area Regulations (FPAR) or the requirements of FEMA's National Flood Insurance Program (NFIP). It is possible to bring the project into compliance and the Zoning Board may conclude the project is consistent with the minimum requirements of the CT Coastal Management Act and may act to approve ZB #222-23 and #222-24 if the applicant addresses various conditions listed in his letter.

Connecticut Department of Energy and Environmental Protection, Bureau of Water Protection and Land Reuse, Land and Water Resources Division (OLIS)

OLIS found the proposed text change (ZB#222-23) to be consistent with the CT Coastal Management Act in that it would reduce the overall maximum density for the property. OLIS found the proposed Coastal Site Plan Application (ZB #222-24) to be inconsistent with relevant flood hazard policies and recommends the Zoning Board deny the application as presented unless the Applicant can demonstrate to the Board's satisfaction that the conversion of the office building to residential units and the resulting increased hazards to life are insignificant at this parcel and that the redesign is compliant with FEMA standards.

The Applicant has since revised their Application to raise Seaview Avenue to provide for dry access.

Traffic, Transportation and Parking Bureau (TTP)

TTP has reviewed the Application documents and notes the proposed development does not appear to have an adverse impact on the City's roadway network and is satisfied with the proposed on-site parking. TTP provided comments on the proposal documents in a letter dated August 26, 2022. In particular, TTP does not see the boardwalk as being publicly accessible because there are no connections to other public boardwalks or walkways and there is no signage or indication that it is publicly accessible. In its August 26 letter, TTP requests the applicant undertake three actions to make the boardwalk publicly accessible: 1) re-plank the boardwalk, 2) construct a path connecting the boardwalk to the sidewalk on Seaview Avenue and 3) provide a \$100,000 contribution to the

City that would be used for design and permitting of a boardwalk linking Cummings Beach and West Beach.

Stamford Water Pollution Control Authority (WPCA)

WPCA has no objection to ZB Application #222-23. WPCA has a number of comments on ZB Application #222-24 including comments on sewage infrastructure, wastewater infrastructure, inspections and maintenance, kitchens, pet wash, dewatering, swimming pool, Seaview Avenue and the connection charge. Items shall be addressed in advance of Building Permit, Certificate of Occupancy, Temporary Certificate of Occupancy and/or Partial Certificate of Occupancy, respectively.

Summary

Staff recommends approval of the Zoning Map Change (#222-23), Special Permit and Site and Architectural Plans and Requested Uses and Coastal Site Plan Review (#222-24) Applications that will allow the redevelopment of the Property in greater conformance with the Zoning Regulations and facilitate compliance with FEMA flood regulation and the CT Coastal Area Management Act.