

December 12, 2023

**VIA E-MAIL + HAND DELIVERY**

Mr. Ralph Blessing  
City of Stamford Land Use Department  
888 Washington Boulevard  
Stamford, Connecticut 06901

**Re: Special Permit Application  
100 & 101 Clinton Avenue, Stamford, Connecticut  
CP VIII 100 Clinton, LLC**

Dear Mr. Blessing:

Our firm represents CP VIII 100 Clinton, LLC (the “Applicant”), the owner of the property located at 100 and 101 Clinton Avenue, Stamford, CT (the “Property”). The Property is 4.37 acres and is primarily located within the MRD Zone. A sliver of the Property is located within the Parks Zone (the “P Zone”).

In 2016, the Zoning Board approved Application No. 216-26 (the “GDP Approval”), facilitating the construction of a multifamily residential community consisting of 456 apartment homes and related site improvements on the Property. In March 2023, the Zoning Board approved Appl. #222-32 (the “FSP Approval”) modifying the GDP Approval and granting Final Site Plan and Special Permit approval for the project. This approval also increased the total number of apartments permitted from 456 to 471 with all Below Market Rate (“BMR”) units onsite. The Applicant now seeks Special Permit Approval from the Zoning Board pursuant to Section 7.4.D.3 of the Stamford Zoning Regulations to make a \$12,953,280.00 contribution to the Stamford Affordable Housing Trust Fund in lieu of providing onsite Below Market Rate apartments. In connection with the application, please find enclosed the following materials:

- 1 firm check in the amount of \$460.00, representing the Special Permit Application Fee;
- 1 firm check in the amount of \$1,000.00, representing the Public Hearing Fee;
- 1 Letter of Authority from the Applicant, authorizing the filing of the enclosed application materials;
- 21 copies of a Special Permit Application, including:
  - Schedule A – Application Narrative & Statement of Compliance; and
  - Schedule B – Property Description; and
- 21 copies of an Illustrative Site Plan prepared by Lessard Design, revised to January 30, 2023, titled “Illustrative Site Plan, A.03.”

As always, thank you for your time and attention regarding this matter. We look forward to advice as to when the Zoning Board will hold a public hearing to consider the enclosed application.

Sincerely,



Jason A. Klein

Enclosures.

December 4, 2023

Vineeta Mathur  
Senior Planner  
City of Stamford  
888 Washington Blvd.  
Stamford, CT 06901

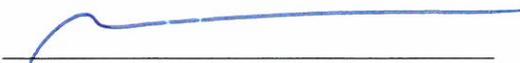
**RE: CP VIII 100 Clinton, LLC & City of Stamford - Coastal Site Plan Application  
100 & 101 Clinton Avenue, Stamford, CT (the "Property")  
Letter of Authority**

Dear Ms. Mathur:

CP VIII 100 Clinton, LLC is the owner of the above-captioned Property. Please consider this letter as written confirmation that the undersigned has authorized the attorneys of Carmody Torrance Sandak & Hennessey, LLP, with offices located at 1055 Washington Boulevard, Stamford, Connecticut 06901, to file the enclosed Land Use Applications with the City of Stamford on its behalf in connection with the Property. Thank you for your acknowledgement of said authority.

Sincerely,

**CP VIII 100 Clinton, LLC**



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By: Matthew Feldman  
Duly Authorized  
And acting for CP VIII 100 Clinton, LLC



**APPLICATION FOR SPECIAL PERMIT**

Complete, notarize, and forward **thirteen (13) hard copies and (1) electronic copy in PDF format** to Clerk of the Zoning Board with a **\$1,000.00 Public Hearing Fee** and the required application filling fee (see **Fee Schedule below**), payable to the City of Stamford.

**NOTE:** Cost of required advertisements are payable by the Applicant and performance of required mailing to surrounding property owners is the sole responsibility of the applicant. **LAND RECORDS RECORDING FEE:** \$60.00 for First page - \$5.00 for each additional page)

**Fee Schedule**

Special Permit 20,000 sq. ft. or less	\$460.00
Special Permit more than 20,000 sq. ft.	\$460.00 + \$30 per 1,000 sq. ft. or portion thereof in excess of 20,000 sq. ft.

APPLICANT NAME (S): CP VIII 100 Clinton, LLC

APPLICANT ADDRESS: c/o Agent: Jason Klein, Carmody Torrance Sandak & Hennessey LLP, 1055 Washington Blvd., 4th Floor, Stamford, CT

APPLICANT PHONE #: c/o Agent: (203) 252-2669

IS APPLICANT AN OWNER OF PROPERTY IN THE CITY OF STAMFORD? Yes

LOCATION OF PROPERTY IN STAMFORD OWNED BY APPLICANT (S): 100 and 101 Clinton Avenue, Stamford, CT

ADDRESS OF SUBJECT PROPERTY: 100 and 101 Clinton Avenue, Stamford, CT

PRESENT ZONING DISTRICT: Block A: MRD-D, P Zone, ARD; Block B: MRD-D

TITLE OF SITE PLANS & ARCHITECTURAL PLANS: N/A

REQUESTED SPECIAL PERMIT: (Attach written statement describing request)  
See Schedule A attached hereto

LOCATION: (Give boundaries of land affected, distance from nearest intersecting streets, lot depths and Town Clerk's Block Number)  
Block No. 6, 7, & 18 - Please see enclosed application materials for property description.

NAME AND ADDRESS OF OWNERS OF ALL PROPERTY INVOLVED IN REQUEST:  

<u>NAME &amp; ADDRESS</u>	<u>LOCATION</u>
CP VIII 100 Clinton, LLC 1000 Sansome Street 1st Floor San Francisco CA 94111	100 & 101 Clinton Avenue, Stamford, CT

DOES ANY PORTION OF THE PREMISES AFFECTED BY THIS APPLICATION LIE WITHIN 500 FEET OF THE BORDER LINE WITH GREENWICH, DARIEN OR NEW CANAAN? No (If yes, notification must be sent to Town Clerk of neighboring community by registered mail within 7 days of receipt of application – PA 87-307).

DOES THE PROJECT RESULT IN THE CREATION OF 10 OR MORE UNITS OR 10,000 SF OR MORE IN FLOOR AREA OR DISTURBANCE OF 20,000 SF OR MORE IN LAND AREA, THROUGH NEW DEVELOPMENT, RECONSTRUCTION, ENLARGEMENT OR SUBSTANTIAL ALTERATIONS? N/A (If yes, then complete the Stamford Sustainability Scorecard per Section 15.F).



DATED AT STAMFORD, CONNECTICUT, THIS 6<sup>th</sup> DAY OF December 2023

SIGNED: [Signature]

**NOTE: Application cannot be scheduled for Public Hearing until 35 days have elapsed from the date of referral to the Stamford Planning Board. If applicant wishes to withdraw application, please notify the Zoning Board at least three (3) days prior to Public Hearing so that the Board may have sufficient time to publicize the withdrawal.**

STATE OF CONNECTICUT  
 ss STAMFORD 6<sup>th</sup> December 2023  
 COUNTY OF FAIRFIELD

Personally appeared Jason Klein, signer of the foregoing application, who made oath to the truth of the contents thereof, before me.

Daniel Chapple  
 Daniel Chapple - Notary Public - Commissioner of the Superior Court

**FOR OFFICE USE ONLY**

APPL. #: \_\_\_\_\_ Received in the office of the Zoning Board: Date: \_\_\_\_\_

By: \_\_\_\_\_

Revised 09/02/2020

## Schedule A – Application Narrative & Statement of Compliance

### I. Introduction

Housing affordability remains a significant challenge for many residents across Connecticut. The demand for housing at all price points exceeds available supply in most (if not all) municipalities across the State, including the City of Stamford. According to the Stamford Master Plan (the “Master Plan”) “almost half of Stamford’s residents (46.2%) spend more than 30 percent of their household income on housing costs, including mortgage or rent payments and utility bills” and, as such, are “housing cost burdened.”<sup>1</sup>

Stamford has consistently demonstrated its commitment to responding to the housing needs of current and future residents with thoughtful land use policies. As an example, Stamford’s Below Market Rate (“BMR”) Program (codified in Section 7.4 of the Stamford Zoning Regulations) remains an example for other Connecticut communities. These rules have led to the construction of affordable apartments across Stamford’s neighborhoods in the form of both onsite affordable apartments and affordable apartments built using Fee-in-Lieu payments from land use applicants. However, most of the BMR units are provided at the 50% of Area Median Income and reflect the unit sizes in the building. Thus, in order to serve families at lower affordability levels requiring additional bedrooms, the City has recognized an alternative method of compliance may be warranted.<sup>2</sup>

To facilitate this goal, Stamford created the Stamford Affordable Housing Trust Fund (the “AHTF”). The AHTF is funded, in part, by financial contributions derived from Fee-in-Lieu payments from land use applicants, and the AHTF Board is empowered to utilize these monies to create affordable rental or homeownership housing opportunities.<sup>3</sup>

In 2022 Stamford adopted the *Stamford Housing Affordability Plan* (the “Affordability Plan”) to “evaluate conditions in Stamford today and prioritize strategies for the future.”<sup>4</sup> To meet “housing needs of all residents,” the Affordability Plan recommends focusing on “three strategies,” including increasing investments in housing.<sup>5</sup> The Affordability Plan goes on to recognize the “use of fee-in-lieu payments from the Below Market Rate (BMR) program” as a key action required to make this goal a reality.<sup>6</sup> The Affordability Plan accurately captures the opportunities that can be unlocked utilizing Fee-in-Lieu funds. Fee-in-Lieu funds can provide financing necessary to build development proposals including affordable and deeply affordable housing opportunities. Often, Fee-in-Lieu funds can be the difference between making an affordable housing development proposal feasible or not.

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<sup>1</sup> Master Plan, pg. 129.

<sup>2</sup> See Executive Order issued by Mayor Simmons, dated June 30, 2023, entitled “City of Stamford Housing Affordability Initiative.”

<sup>3</sup> See Stamford Code of Ordinances Sec. 146-75.C.1.a.

<sup>4</sup> The Affordability Plan, pg. 5.

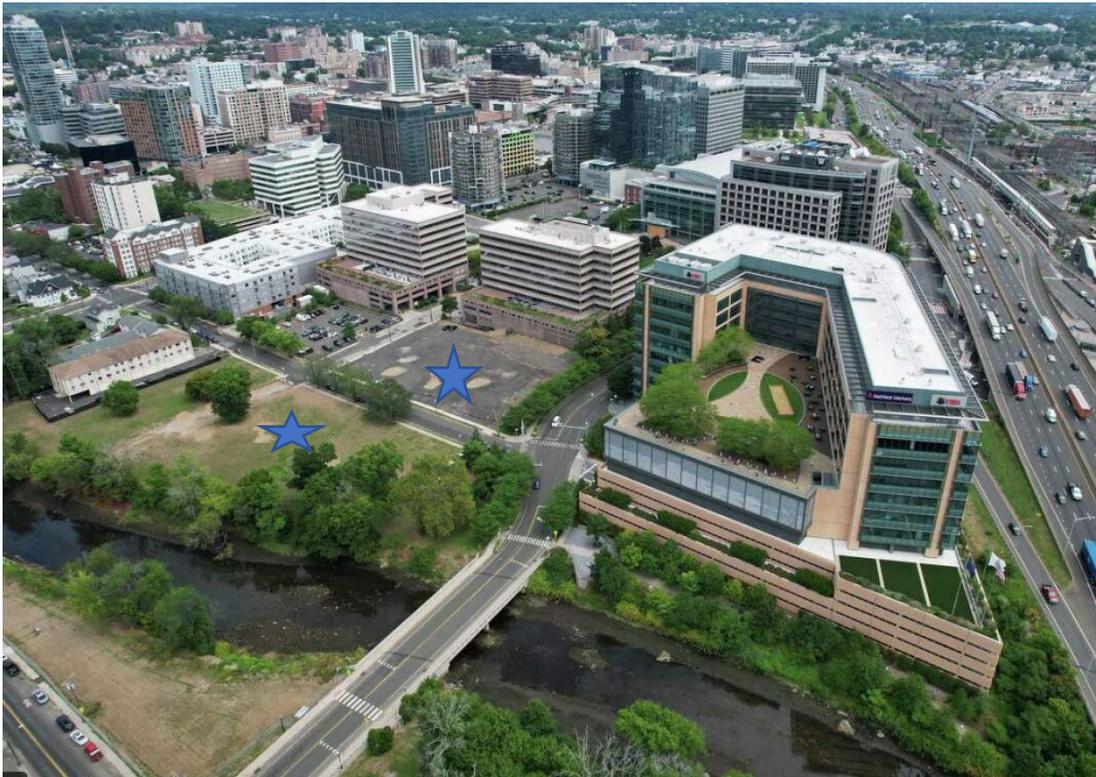
<sup>5</sup> The Affordability Plan, pg. 13.

<sup>6</sup> Id.

CP VIII 100 Clinton LLC (the “Applicant”) seeks Special Permit Approval from the Stamford Zoning Board pursuant to Section 7.4.D.3 of the Zoning Regulations to make a Fee-in-Lieu contribution of \$12,953,280.00 to the AHTF in place of providing onsite BMR apartments on the Property.<sup>7</sup>

## II. Project Background

In 2016, the Zoning Board approved Application No. 216-26 (the “GDP Approval”), facilitating the construction of a multifamily residential community consisting of 456 apartment homes (including 45.6 BMR apartments) and related site improvements on the property known as 100 and 101 Clinton Avenue (the “Property”). The Property is depicted in the aerial image below.



In March, 2023, the Zoning Board approved Appl. #222-32 (the “FSP Approval”) modifying the GDP Approval and granting Final Site Plan and Special Permit approval for the project. This approval also increased the total number of apartments permitted from 456 to 471 (of the 15 additional apartments, 1.8 are required to be designated as BMR apartments in accordance with

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<sup>7</sup> The Applicant notes that payment of any Fee-in-Lieu contribution is due prior to the issuance of a Building Permit in accordance with Sec. 7.4.D.3 of the Zoning Regulations. As such, in the event the Applicant elects to forfeit rights derived from the approval of this application, and build required BMR apartments onsite, it must do so prior to the issuance of a Building Permit for the approved project. The Applicant understands that the final dollar amount of the Fee-in-Lieu contribution will be determined immediately prior to the issuance of a Building Permit subject to the then applicable Construction Cost Index as published by the Engineering News Record, and in accordance with the standards of Section 7.4.D.3 as currently articulated in the Zoning Regulations.

Section 7.4 of the Zoning Regulations). As currently approved, all BMR units would be provided onsite. An illustrative Site Plan depicting the FSP Approval is depicted below.



As currently approved, a substantial majority of the required BMR apartments (47) are required to be set aside to residents earning no more than 50% of Area Median Income (“AMI”).

### III. Application Summary & Statement of Compliance

In lieu of providing BMR units onsite, the Applicant proposes making a financial payment to the AHTF pursuant to Section 7.4.D.3 of the Zoning Regulations.

In accordance with Section 7.4.D of the Zoning Regulations, this substantial contribution “is desirable and will further affordable housing opportunities in the City to a greater extent than the provision of on-site BMR Units, either through the production of a greater number of affordable housing units, larger bedroom size units, or units for families below the required targeted income brackets.”<sup>8</sup> As previously stated, a substantial majority of the onsite BMR apartments required under the FSP Approval (approximately 96%) would be set aside to residents earning no more than 50% AMI.

<sup>8</sup> See Sec. 7.4.D of the Zoning Regulations.

A multi-million-dollar infusion into the AHTF can be used to facilitate the construction of BMR apartments restricted to residents at lower income levels. This is consistent with the Affordability Plan, which recognizes that Fee-in-Lieu payments “can help create deeper affordability for units off-site...to help households in greater need.”<sup>9</sup> Examples of deeply affordable apartments built through Fee-in-Lieu financing include the 47 BMR apartments at Park 215 Apartments (depicted below). \$2.35 million in Fee-in-Lieu funds was deployed to this site to create deeply affordable BMR apartments restricted to residents earning no more than 25% AMI.



A multimillion dollar investment in the AHTF is in compliance with Section 19-3.2 (Special Permit Standards) of the Zoning Regulations as follows:

*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:*

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<sup>9</sup> The Affordability Plan, pg. 21.

- 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.*

No changes to the approved development or site plan are proposed in connection with this Special Permit request.

- 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.*

The requested Special Permit will not alter the approved use of the site. Moreover, affordable homes built utilizing the proposed Fee-in-Lieu funds will provide safe, affordable and desperately needed homes for current and future Stamford residents. As such, these homes be will not be injurious to the neighborhood(s) in which they are located.

- 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.*

No changes are proposed that would impact traffic patterns. All required parking can continue to be accommodated onsite.

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

The residential use of the Property will not change. As noted in the Master Plan, a substantial amount of Stamford residents are housing cost burdened. Providing safe, affordable housing will result in more stable living conditions for countless Stamford residents. This will enhance, rather than impair, the present and future development of the community.

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

The Master Plan recognizes that “addressing housing affordability has remained a top priority for the City.”<sup>10</sup> The proposed financial contribution to the AHTF will further Policy 6.B of the Master Plan, to “preserve existing and create new affordable housing.”<sup>11</sup> The \$12 million plus provided can be utilized to finance development proposals seeking to provide affordable living opportunities that cannot be built absent additional funding sources. These funds are particularly helpful in the current development climate with high interest rates. This will further Implementation Strategy 6B.4 to “promote neighborhood

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<sup>10</sup> Master Plan, pg. 119.

<sup>11</sup> Master Plan, pg. 134.

stabilization and...maintain a diverse housing stock and provide continued housing opportunities for low- and moderate-income households.”<sup>12</sup> The proposed contribution to the AHFT is also in keeping with the Affordability Plan, which calls for the prioritization of Fee-in-Lieu payments to help address the many facets of the housing crisis.<sup>13</sup>

#### IV. Conclusion

The proposed investment into the AHTF can be utilized to provide safe, affordable homes for Stamford residents, and result in the construction of more affordable housing opportunities than the onsite BMR apartments required by the FSP Approval. Approval of the requested Special Permit is also in keeping with Stamford’s goal of creating a broader range of affordable housing opportunities using Fee-in-Lieu funds as outlined in the Affordability Plan.

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<sup>12</sup> Id.

<sup>13</sup> See Affordability Plan, pg. 25.

## Schedule B – Property Description

### **100 Clinton Avenue – (fka Block A: 0, 100, 102 Clinton Avenue, 29, 31, 37, 41 Division Street, and Parcel N-1 Shown on Map No. 13846 of the Stamford Land Records)**

BEGINNING at a point on the easterly side of Clinton Avenue at its intersection with the southerly side of Division Street; thence running in an easterly direction along said southerly side of Division Street N 89°18'10" E a distance of 193.80 feet to the westerly side of land now or formerly of Stamford Towers Limited Partnership (#680 Washington Boulevard); thence running in a southerly, then easterly, direction along said land of Stamford Towers Limited Partnership the following four (4) courses: S 01°21'06" E a distance of 132.63 feet, N 89°29'34" E a distance of 3.96 feet, S 02°09'44" W a distance of 139.20 feet, and S 89°50'15" E a distance of 192.24 feet to the westerly side of Washington Boulevard; thence running southerly along said Washington Boulevard S 00°49'17" W a distance of 15.01 feet to the northerly side of Richmond Hill Avenue; thence running westerly along said Richmond Hill Avenue the following three (3) courses: along a tangent clockwise curve, the central angle of which is 89°10'43" with a radius of 20.00 feet and an arc length of 31.13 feet, West 234.83 feet, and along a tangent anti-clockwise curve, the central angle of which is 25°14'35" with a radius of 293.00 feet and an arc length of 129.09 feet to the aforesaid easterly side of Clinton Avenue; thence northerly along said Clinton Avenue N 01°21'20" W a distance of 332.65 feet to the aforesaid southerly side of Division Street and the point of beginning and comprising an area of 66,831 SF or 1.5342 Acres.

### **101 Clinton Avenue – (fka Block B: 75, 79, 99, 101, 107, 113 Clinton Avenue and 0, 1, 4, 6, 10, 17, 19, 25 Division Street)**

BEGINNING at a point on the westerly side of Clinton Avenue at its intersection with the southerly side of land now or formerly of Clinton Court-A Condominium (#69 Clinton Avenue); thence running in a southerly direction along said westerly side of Clinton Avenue the following three (3) courses: S 01°18'45" E a distance of 110.65 feet, S 01°19'17" E a distance of 46.51 feet, and S 01°21'20" E a distance of 359.14 feet to the northerly side of land now or formerly of the City of Stamford (#117 Clinton Avenue); thence running in a westerly direction along said City of Stamford S 89°12'48" W a distance of 165.4± feet to the Mean High Water (MHW) line of the Rippowam River; thence running generally northerly along said MHW 555.1± feet to the aforesaid southerly side of Clinton Court-A Condominium; thence running easterly along said lands of Clinton Court-A Condominium the following five (5) courses: S 88°00'00" E a distance of 97.6± feet, N 85°30'00" E a distance of 15.00 feet, S 88°15'00" E a distance of 170.00 feet, North 7.00 feet, and N 88°00'00" E a distance of 20.27 feet to the aforesaid westerly side of Clinton Avenue and the point of beginning, and comprising an area of 133,121± SF or 3.0560 Acres.



\* NOTE: SETBACKS AND FLOOD ZONES SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.  
 REFER TO CIVIL FOR SITE PLAN, SETBACKS, FLOOD ZONES AND CIVIL INFORMATION.  
 LANDSCAPE AND RIVER WALK SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.  
 REFER TO LANDSCAPE FOR TREES AND LANDSCAPE INFORMATION.

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### SUMMARY OF PROVISIONS

BLOCK A UNITS = 176 UNITS  
 BLOCK B UNITS = 295 UNITS  
 TOTAL UNITS = 471 UNITS

BLOCK A PARKING = 164 PS  
 BLOCK B PARKING = 289 PS  
 TOTAL PARKING = 453 PS

100 CLINTON BLOCK A - BUILDING TABULATIONS			
Unit Type	+/- SF	Units Per Types	%
Studio	478 - 622	33	18.8%
1 Bedroom	774 - 918	88	50.0%
2 Bedroom	1,203 - 1,423	55	31.3%
<b>TOTAL UNITS</b>		<b>176</b>	<b>100.0%</b>

100 CLINTON BLOCK B - BUILDING TABULATIONS			
Unit Type	+/- SF	Units Per Types	%
Studio	474 - 583	18	6.1%
1 Bedroom	774 - 961	121	41.0%
Two Story Unit (1 Bedroom)	764 - 1,167	7	2.4%
2 Bedroom	1,069 - 1,481	132	44.7%
Two Story Unit (2 Bedroom)	1,224 - 1,541	16	5.4%
3 Bedroom	1,611	1	0.3%
<b>TOTAL UNITS</b>		<b>295</b>	<b>100.0%</b>



8521 LEESBURG PIKE, SEVENTH FLOOR, VIENNA, VA 22182  
 P: 571.830.1800 | F: 571.830.1801 | WWW.LESSARDDESIGN.COM

## ILLUSTRATIVE SITE PLAN

FDP RESUBMISSION

©2022 LESSARD DESIGN INC. EXPRESSLY RESERVES ITS COMMON LAW COPYRIGHT AND OTHER PROPERTY RIGHTS IN THESE PLANS. THESE PLANS ARE NOT TO BE REPRODUCED, CHANGED OR COPIED IN ANY OTHER FORM OR MATTER WHATSOEVER, NOR ARE THEY TO BE ASSIGNED TO ANY THIRD PARTY, WITHOUT FIRST OBTAINING THE EXPRESS WRITTEN PERMISSION AND CONSENT OF LESSARD DESIGN INC.



100 CLINTON

STAMFORD, CT

CP VII 100 CLINTON, LLC

JAN 30, 2023  
 ZONING BOARD SUBMISSION  
 SEP 28, 2022  
 CML.002

A.03

0' 20' 40' 80'  
 SCALE: 1" = 40'-0" (@ 22"x34")



December 12, 2023

**VIA EMAIL + HAND DELIVERY**

Ms. Lindsey Cohen  
Associate Planner  
City of Stamford  
Land Use Department  
888 Washington Boulevard  
Stamford, Connecticut 06901

**Re: Special Permit Application  
100 & 101 Clinton Avenue, Stamford, Connecticut  
CP VIII 100 Clinton, LLC**

Dear Ms. Cohen:

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  - Schedule A – Application Narrative & Statement of Compliance; and
  - Schedule B – Property Description; and
- 8 copies of an Illustrative Site Plan prepared by Lessard Design, revised to January 30, 2023, titled “Illustrative Site Plan, A.03.”

We look forward to advice as to when this application will be considered by the Planning Board. I ask that members of our project team and I be given the opportunity to make a brief presentation to the Planning Board at that time.

Sincerely,



Jason A. Klein

Enclosures.