ZONING BOARD CERTIFICATE

I, David Stein, 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 December 5, 2022, December 12, 2022, January 9, 2023, January 23, 2023, February 27, 2023, March 27, 2023, April 24, 2023, May 22, 2023, June 26, 2023, July 10, 2023, July 31, 2023 and September 11, 2023 Public Hearings were held by the ZONING BOARD on:

<u>Application 221-24- Old Town Square LLC, 160 Atlantic Street, Stamford, CT.,- Site and Architectural Plans and/or Requested Uses and Special Permit</u>

Applicant is proposing to maintain the existing building (formerly used as a bank) and add 9 additional stories for an 11 story hotel containing 82 rooms, 10 suites with a ground floor restaurant, banquet/meeting rooms and a roof-top patio.

Description

First Piece:

All that certain piece, parcel or tract of the land together with the buildings and improvements thereon, situated in the Town of Stamford and bounded Northerly 93.7 feet, more or less, by Canal Street, so-called, easterly by land of the First Stamford National Bank, to be conveyed on even date herewith to the Grantee herein, Southerly by land of the First Stamford National Bank to be conveyed on even date herewith to the Grantee herein, and Westerly 27.14 feet, more or less by Atlantic Street, so called.

Second Piece:

First Tract, bounded north ninety two and 12/100 (92.12) feet by land of the Atlantic Square Company, east thirty and 9/100 (30.09) feet by the second tract herein after described and land of the Stamford Trust Company, trustee, formerly of the estate of William H. Martin, deceased, south ninety two and 42/100 (92.42) feet by land of the Stamford Trust Company, trustee, formerly of the estate of William H. Martin, deceased, and west thirty and 10/100 (30.10) feet by Atlantic Street.

Second Tract, bounded north fourteen and 55/100 (14.55) feet by Canal Street, east forty seven and 50/100 (47.50) feet by the third tract hereinafter described, south fourteen and 96/100 (14.96) feet by land of the Stamford Trust Company, trustee, formerly of the estate of William H. Martin, deceased, and west by the first tract hereinabove described and by land of the Atlantic Square Company.

Third Tract, bounded north thirty four and 98/100 (34.98) feet by Cabal Street, east thirty nine and 66/100 (39.66) feet by Quintard Place, south thirty seven and 41/100 (37.41) feet by land of the Stamford Trust Company, trustee formerly of the estate of William H. Martin, decreased, and west forty seven and 50/100 (47.50) feet by the second tract hereinabove described, together with all its right, title and interest in, to and over said Quintard Place.



Third Piece:

Beginning at a point on the westerly line of Quintard Place as it now exists said point being further located 3.49 feet northerly of the intersection of the southerly line of land of Stamford Saving Bank and the said westerly line of Quintard Place as measured along the said westerly line of Quintard Place, thence northerly and westerly and easterly along land of the said Stamford Saving Bank N.19° 18' 20" E, a distance of 37.21 feet, N. 55° 29' 45' W, a distance of 39.40 feet and S. 65° 37' 20" E, a distance of 40.72 feet to a point, thence easterly, southerly and westerly over and across land of the City of Stamford U.R.C., and Quintard Place N. 88° 27' 22" E. a distance of 27.97 feet, S. 01° 32' 38" E, a distance of 45.00 feet and N. 85° 32' 12" W, a distance of 46.24 feet to the point or place of beginning.

For a more, particular description reference is hereby made and had to be a map entitled "Map Showing Urban Redevelopment Commission Parcel 8. Stamford, Conn. "And filed in the City and Town Clerk's Office as MAP #18291.

EXCEPING THEREFROM the described parcels:

The premises described in a deed from The Stamford Saving Bank to the City of Stamford and recorded in Book 481 at Page 54 of the Stamford Land Records.

The premises described in a deed from The Stamford Saving Bank to the City of Stamford, Connecticut Urban Development Commission recorded in Book 1656 at Page 334 of the Stamford Land Records.

The premises described in a deed from The Stamford Savings Bank to the City of Stamford, Connecticut Urban Development Commission recorded in Book 1781 at Page 139 of the Stamford Land Records.

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

NAME

Old Town Square, LLC 160 Atlantic Street Stamford, CT 06901

STREET

160 Atlantic Street Stamford, CT 06901

And that the following is a statement of its findings: UNANIMOUSLY APPROVED AS MODIFIED at its regular meeting held on September 18, 2023.

WHEREAS, the Zoning Board has reviewed applications for Site and Architectural Plans and/or Requested Uses and a Special Permit to maintain the existing building (formerly used as a bank) and add 9 additional stories for a 11-story hotel containing 82 rooms and 10 suites with a ground floor restaurant, banquet/meeting rooms and a roof-top patio;

WHEREAS, notice of the public hearing was duly published in the Stamford Advocate on November 23, 2022 and November 30, 2022;

WHEREAS, notice of the public hearing was duly mailed to property owners within 100 feet of the subject site on November 26, 2022 and a Certificate of Mailing evidencing same was submitted into the record on November 30, 2022;

WHEREAS, signage conforming to the requirements of the Stamford Zoning Regulations was duly mounted on the subject site on November 17, 2022 and photos and an affidavit evidencing same were submitted into the record on November 18, 2022;

WHEREAS, the Zoning Board conducted a duly called public hearings on December 5, 2022, December 12, 2022, January 9, 2023, January 23, 2023, February 27, 2023, March 27, 2023, April 24, 2023, May 22, 2023, June 26, 2023, July 10, 2023, July 31, 2023 and September 11, 2023 and has considered the submitted comments of other interested City agencies, officials and the general public; and

WHEREAS, the approved Site and Architectural Plans and/or Requested Uses and a Special Permit applications are more particularly described in the following plans:

Architectural Plans prepared by DO H. Chung & Partners:

Sheet	Title	Last Revision
A-0	Proposed Basement Fl. Plan	3-22-2023
A-1	Ground Fl. Plan	8-27-2023
A-2	2 ND Fl. Plan	8-27-2023
A-3	3 RD Fl. Plan	8-27-2023
A-4	4 TH – 10 TH Fl. Plan	3-22-2023
A-5	11 TH Fl. Plan	3-22-2023
A-6	Roof Plan	3-22-2023
A-7	Proposed Elevations	8-27-2022
A-8	Proposed Elevations	8-23-2023
A-9	TYP. Bldg. Thru Section	8-27-2023
A-10	TYP. Bldg. Cross Sections	2-7-2023
A-11	Proposed Perspective View	8-27-2023
A-12	Proposed Street Level View	8-27-2023
Pages 1-7	Hotel Entrance Design Concept	

Site Plans prepared by Rocco V. D'Andrea Surveying & Engineering:

Sheet ZLS Sheet #1 ZLS Sheet #2	Title Zoning Location Survey Zoning Location Survey	Last Revision 6-26-2023 6-26-2023
Cover Page	5	6-26-2023
#1	Existing Conditions "Topographic Survey"	6-26-2023
#2	Development Plan	6-26-2023
#3	Sedimentation & Erosion Control Plan	6-26-2023
#4	Notes & Details	4-14-2022

#5	Construction Logistics Plan	8-21-2023
1 of 2	Vehicle Drop off	6-26-2023
2 of 2	Truck Loading & Unloading	6-27-2023
	Average Grade Analysis Plan	4-19-2023
	Off-Site Improvements	08-29-2023

- Landscape Plan prepared by Environmental Land Solutions, Inc., dated revised 7-21-2023
- Drainage Summary prepared by D'Andrea Surveying & Engineering, P.C. dated October 18, 2021
- Photometric calculation prepared by Illuminate dated 7-12-2023
- Traffic Impact Assessment prepared by VHB, dated July 20, 2023
- Construction Logistics Narrative prepared by Magna Construction, dated August 16, 2023
- Parking Agreement dated September 11, 2023.

and such related materials and exhibits constituting the application file as may be amended to be consistent with representations made during the public hearings on December 5, 2022, December 12, 2022, January 9, 2023, January 23, 2023, February 9, 2023 (site visit), February 27, 2023, March 27, 2023, April 24, 2023, May 22, 2023, June 26, 2023, July 10, 2023, July 31, 2023 and, September 11, 2023 and conditions contained herein. Together, all of these documents are referred to hereinafter as the Building and Site Plans.

WHEREAS, the Applicant seeks the following Special Permit Approvals:

- Appendix B Table IV footnote 23 to allow the development of a hotel in the CC Zoning District with an FAR of 5.99.
- Appendix B Table IV footnote 7 to allow a front yard setback of 0 ft, side yard setback of 6.3 ft on the west side of the building, side yard setback of 38.5 ft on the east side of the building, combined side yard setback of 44.8 ft and a rear yard setback of 0.2 ft.
- Section 19.E.3 to allow a new non-residential structure having a gross floor area of more than 20,000 square feet.

WHEREAS, the Zoning Board makes the following special findings:

- The applications conform to the standards, goals, and purposes of Section 19.D.4 (Site Plan Standards for Review) and Section 19.C.2 (Special Permit Standards and Conditions), of the Zoning Regulations of the City of Stamford (the "Zoning Regulations").
- The location and nature of the proposed hotel site including its size and configuration, the proposed size, scale and arrangement of the hotel building, drive, parking area and the proximity of existing structures is in accordance with the public convenience and welfare.

- The nature and intensity of the approved use and improvements will not be injurious to the neighborhood, are in harmony with the general purpose and intent of the Zoning Regulations and will not be 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.
- Existing streets are adequate to accommodate the traffic patterns that will result from the approved use and improvements. The proposed off-site parking and on-site loading areas are adequate to support the proposed use and improvements and will not cause safety hazard or traffic nuisance. The proposed valet system along with the shuttle service allow for the off-site location of the parking at Bell Street garage.
- The proposed hotel and restaurant use will help occupy and restore the iconic bank building and the enliven Veteran's Park and this section of Stamford's Downtown.
- The Planning Board of the City of Stamford found the proposal is in keeping with the Master Plan of the City of Stamford, is consistent with Master Plan Category #11 (Downtown) and the following Master Plan policies:
 - Policy 5A: Support Downtown as a Regional Center,
 - Policy 5.A.6: Promote in-fill Development on vacant sites,
 - Policy 5.B: Make Downtown a more pedestrian friendly neighborhood and unanimously recommended approval of the Application in a letter to the Zoning Board dated January 11, 2022.

NOW THEREFORE BE IT RESOLVED that the Zoning Board UNANIMOUSLY APPROVED AS MODIFIED application 221-24, subject to the following conditions:

SITE-SPECIFIC CONDITIONS:

- 1) All work shall substantially conform to the above referenced Building and Site Plans (the "Plans") unless otherwise approved by the Zoning Board or, for minor modifications, by Zoning Board staff. For the third through eleventh floors the Applicant may use a thin brick (Watsontown Brick Company or equivalent) exterior subject to final approval by Zoning Board staff.
- 2) (a) Prior to the earlier of the issuance of a Certificate of Occupancy, including a temporary or partial Certificate of Occupancy (the first of these which is issued is the "CO"), the Applicant shall submit a final Parking Agreement to secure sixty (60) parking spaces in Bell Street garage and shall record such agreement on the Stamford Land Records. Such Parking Agreement shall provide that the applicant shall lease from the City of Stamford, and pay monthly rent throughout the term of the agreement for, 60 parking spaces. Any alternate location of off-site parking must be compliant with the Zoning Regulations and shall be subject to approval by Transportation, Traffic and Parking Bureau ("TTP") and Zoning Board. The Parking Agreement shall conform to the agreement submitted to the Zoning Board for the September 11, 2023 meeting, with any changes subject to Zoning Board approval. Applicant shall maintain and provide at all times commencing with first use of the property, the 60 parking spaces at the Bell Street

Garage or another location compliant with the Zoning Regulations and approved by the Zoning Board and TTP for the life of the project.

- (b) Prior to issuance of a CO, Applicant shall provide three (3) electric vehicle charging stations with spaces in the Bell Street Garage or in any other location in which Applicant provides the required 60 parking spaces.
- 3) Prior to the issuance of a CO, the Applicant shall submit a final Parking Management Plan consistent with Section 19.F. of the Zoning Regulations conforming to the draft submitted to the Zoning Board for its September 11, 2023 meeting, unless changes are approved by the Zoning Board, subject to Land Use Bureau staff approval for minor modifications. The Plan shall include the schedule of the shuttle and valet operations, specific reporting of parking demand, including offsite parking usage of the guests and bike parking usage. Reporting shall commence on the first use of the property and continue annually for the life of the building. Reports shall include periodic parking counts for a one-week period during each quarter which includes a minimum of one event, at specific times of day: Morning (9am), Afternoon (5pm) and Overnight (11pm). The parking usage report shall be submitted by the Applicant not later than each January 15th, in writing and in a format and with the content prescribed by the Land Use and Transportation, Traffic and Parking Bureaus pursuant to Section 19.F.5. Should the reports show an insufficient supply in parking the owner, tenant or property manager shall submit strategies for increasing the parking supply to the Land Use and Transportation, Traffic and Parking Bureaus by no later than March 31st of such year.
- 4) Prior to the issuance of a CO and for the life of the building, an on-demand twenty-four-hour per day, seven days a week shuttle service shall be provided to the hotel from the Bell Street garage or other approved parking location approved per condition 2 above. The shuttle service will permit the guests to park their car at the Bell Street Garage or other approved location themselves and then take the shuttle to the hotel. The shuttle service will be based at the Bell Street garage or other approved location. All charges for guests' use of the Bell Street garage or other approved location shall be paid directly by the hotel.
- Prior to issuance of a CO and for the life of the building, the Applicant shall provide and make available at all times a fully staffed valet operation as described in the final Parking Management Plan. The valet service shall be available with attendants on site 24 hours per day seven (7) days a week. A dedicated cell phone and hard-wired phone connecting to the valet operation shall be available at all times so that guests can communicate directly with valet staff via direct call, voice mail and text message. The valet service shall permit hotel guests to drop their car at the hotel and have hotel personnel park it at the Bell Street garage or other approved location and then retrieve the car for the guest when requested. All keys will be tagged with permit number and a vehicle condition ticket will be completed by the parking attendant on duty each time a car is taken into their possession. All charges for guests' use of the Bell Street garage or other approved location shall be paid directly by the hotel.
- 6) Prior to the issuance of a CO, the Applicant shall provide not less than 12 Class A and 27 Class B bicycle parking spaces on the Property, which shall comply with Subsections

12.J.2.a and b. At least half of the required Class A spaces shall be located on the ground floor.

- 7) Prior to issuance of a Building Permit, Applicant shall perform the following, each of which shall be subject to review and approval by the Transportation, Traffic and Parking Bureau and by Land Use Bureau staff:
 - a. file on the Stamford Land Records a Bicycle Parking Maintenance Agreement which complies with Section 12.J.;
 - b. submit to the Transportation Traffic and Parking Bureau and to Land Use Bureau staff information regarding bicycle racks and systems for the Class A and Class B bicycle parking which complies with Section 12.J.; and
 - c. add details and notes on the plans to demonstrate compliance with the bicycle parking requirements for Class A and Class B bicycle parking pursuant to Section 12.J.
- 8) Prior to the issuance of the Building Permit for the superstructure, the Applicant shall submit the second submission of the Sustainability Scorecard. Applicant shall submit the third (and final) Sustainability Scorecard prior to the issuance of a Certificate of Occupancy. The Scorecard Plaque as further defined in the "Stamford Sustainability Scorecard and Manual" (2020), as amended, shall be conspicuously posted near the main pedestrian access of the building within four weeks after issuance of the final Certificate of Occupancy. All Sustainability Scorecards, including additional documentation, shall be published on a City of Stamford web page for public view and inspection.
- 9) All proposed signage shall be subject to review and approval by the Zoning Board staff and comply with the Zoning Regulations of the City of Stamford.
- 10) Prior to the issuance of a Building Permit, the Applicant shall comply with comments from the Transportation, Traffic and Parking Bureau ("TTP") dated December 20, 2021 and July 26, 2023 to the satisfaction of department staff.
- 11) Prior to the issuance of a Building Permit, the Applicant shall comply with comments from the Historic Preservation Advisory Commission ("HPAC") in letters dated December 14, 2021, February 02, 2022 and as updated in an email dated June 26, 2023 to the satisfaction of HPAC staff.
- 12) Prior to the issuance of a Building Permit, the Applicant shall comply with comments from Jaclyn Chapman, Environmental Analyst, Environmental Protection Board ("EPB"), dated April 19, 2022 to the satisfaction of department staff.
- 13) Prior to the issuance of a Building Permit, the Applicant shall comply with comments from Susan Kisken, Engineering Bureau dated December 01, 2021 and August 29, 2022 to the satisfaction of department staff.
- 14) Prior to the issuance of a Building Permit, the Applicant shall comply with comments from Fire Marshal Walter Seely, dated December 28, 2021, to the satisfaction of department staff.

- 15) Prior to the issuance of a Building Permit, the Applicant shall comply with comments from Bharat Gami, Chief Building Official dated December 01, 2021, to the satisfaction of department staff.
- 16) Prior to issuance of a Building Permit, Applicant shall submit to the Zoning Board a photometric plan for the project. Such plan shall be subject to Zoning Board staff approval prior to issuance of a Building Permit.
- 17) Prior to the issuance of a Building Permit, the Applicant shall submit for approval of the Law Department and Zoning Board staff and then record on the Stamford Land Records an easement map and easement document including all easements required for the construction and operation of the hotel including easements required for access, valet drop-off/pick up, bike parking and for the use of the outdoor patio, from the City of Stamford and from the Urban Redevelopment Commission, as applicable.
- 18) Prior to the issuance of a CO and return of surety bond, (a) a Historic Preservation Easement satisfactory to the Stamford Law Department and Land Use Bureau staff shall be recorded on the City of Stamford Land Records and (b) all of the historic rehabilitation must be completed to the satisfaction of the Land Use Bureau and in accordance with approved Site and Architectural Plans.
- 19) For the life of the property, the Applicant shall provide benefits related to the use of the hotel meeting space and hotel rooms to the Stamford Veteran's Park Partnership as agreed to by the Applicant in an agreement between Old Town Square, LLC and Stamford Veteran's Park Partnership dated December 6, 2022. In addition, the Applicant shall install lights and a security camera in 2023 and maintain both for the life of the project, on the northern side of the former bank building in coordination with adjacent property owners.
- 20) (a) Since Applicant currently does not own or control most of the property shown on its outdoor space as shown on Off-Site Improvements Plan dated August 29, 2023, Applicant will need to obtain easements and/or other rights from the City of Stamford, the Urban Redevelopment Commission and any other property owners in order to move forward with the project.
 - (b) Prior to issuance of a Building Permit, Applicant shall obtain all such easements or other rights, and, to the extent required, obtain from property owners approval of its plans for the property shown on Off-Site Improvements Plan dated August 29, 2023. Prior to issuance of a Building Permit, the Applicant will provide Land Use Bureau staff with copies of such recorded easements and other rights and proof that Applicant's plans, to the extent required, have been approved by the owners of such easements and rights. Any modification to Applicant's plans for the property shown on Off-Site Improvements Plan dated August 29, 2023 shall be subject to review and approval by the Zoning Board.
- 21) Modifications to existing pavement, curb cuts and physical improvements on or adjacent to Town Center Drive, shall conform to those shown on the plan prepared by D'Andrea Surveying & Engineering, P.C. entitled "Truck Loading and Unloading 2 of 2" which is revised through June 27, 2023. It is understood and agreed that the location of the

- transformer(s) which is shown on said plan in the southeast corner of the Applicant's property, is not ideal. Therefore, Applicant shall extend its "best efforts" to work with Eversource to find a preferred location for the transformer(s), which location shall be subject to Land Use Bureau staff approval.
- 22) The Applicant's proposal to modify areas beneath the ramp leading to the upper garage levels of the shopping mall and improvements to Town Center Drive itself are, in part, depicted on a series of seven images entitled "Hotel Entrance Design Concepts". These improvements including the materials called out in the images, shall be implemented by Applicant as well as all landscaping, lighting, pavement modification improvements (including the repaving of Town Center Drive from Atlantic Street to the point where it turns south toward Tresser Boulevard) and similar accourtements shall be fully installed, operational and complete at no cost and expense to Stamford Town Center, LLC or any adjacent private property owner prior to the issuance of any CO for the hotel. Any change to the improvements depicted in the seven images entitled "Hotel Entrance Design Concepts" shall require the approval of the Zoning Board and Land Use Bureau staff. Furthermore, in order to secure the timely completion of such work, prior to the issuance of the Building Permit the Applicant shall be required to file a surety bond in the amount equal to the cost of all of the above-described work and improvements.

STANDARD CONDITIONS:

- 23) Prior to the issuance of a Building Permit, the Applicant shall submit final site and architectural and landscape plans, including specifications for exterior architectural designs, materials, samples and colors, for final approval by Zoning Board staff, to ensure consistency with the approved plans and architectural elevations constituting the record of the application. Any modification to product representations or material samples provided in connection with the applications or during the public hearing must be approved by the Zoning Board administratively.
- 24) Prior to the issuance of a Building Permit, the Applicant shall submit final specifications for landscaping, lighting, fencing, furnishings, and streetscapes to ensure consistency with the submitted application materials subject to Zoning Board staff approval.
- 25) No mechanical equipment shall be installed within view of any public street without review and approval of Zoning Board staff.
- 26) Prior to the issuance of a Building Permit, the Applicant shall submit a Construction Staging and Management Plan to ensure safe, adequate and convenient vehicular traffic circulation and operations, pedestrian circulation and protection of environmental quality through the mitigation of noise, dust, fumes and debris subject to final approval of the Land Use Bureau Chief or his designee. Such Construction Management Plan shall address, but not be limited to, reasonable restrictions on times when deliveries can be made to the job site, measures to control dust, staging areas for materials and construction worker parking as well as temporary measures requiring the timely removal of construction debris and/or litter from the job site. The plan shall also include the terms contained in certain documents on the letterhead of MAGNA Construction, dated August 16, 2023, and a Construction Logistics Plan prepared by D'Andrea Surveying &

- Engineering, P.C. entitled "Construction Logistics Plan 5 of 5" which is revised through August 21, 2023, both of which are in the record.
- 27) Prior to issuance of a Building Permit and the start of any site activity, Applicant shall submit to EPB staff a performance bond, certified check or other acceptable form of surety to secure the timely and proper performance of onsite sediment and erosion/construction controls, drainage, landscaping, professional supervision, along with a 15% contingency. A detailed estimate of these costs shall be supplied to EPB Staff for approval prior to the submission of the performance surety.
- 28) Sanitary sewer and storm drainage plans shall be submitted by Applicant, subject to final review and approval of design specification and construction plans by the Engineering Bureau.
- 29) Prior to issuance of a Building Permit, applicant shall obtain necessary approvals and permits from the Stamford Water Pollution Control Authority (WPCA).
- 30) Prior to the release of surety, transfer of title and issuance of a signature authorizing the granting of a CO, the Applicant shall execute and file a standard, City of Stamford "Landscape Maintenance Agreement" on the Stamford Land Records to ensure the success of the planted features.
- 31) Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a CO, the Applicant shall execute and file a standard, City of Stamford "Drainage Maintenance Agreement" on the Stamford Land Records to ensure the full and proper function of all installed drainage facilities.
- 32) All final grading, utilities, drainage, final stabilization measures, and other engineered elements shall be completed under the supervision of a Connecticut registered professional engineer and land surveyor with an improvement location survey (surveyor) and written certifications (engineer) submitted to EPB Staff prior to the release of surety and signature authorizing the issuance of a CO.
- 33) Prior to the issuance of a Building Permit, sedimentation and erosion control plans shall be submitted and subject to approval by the Environmental Protection Board staff.
- 34) Prior to issuance of a CO, the Applicant shall submit a Trash Management and Snow Removal Plan, subject to the review of the Zoning Board staff.
- 35) A Street Opening Permit shall be required for all work within any City of Stamford Street right of way.
- 36) Applicant shall keep the property in good condition up until and during the construction process. Existing lawn areas shall be mowed and maintained, and construction debris shall be kept to a reasonable minimum.
- 37) The Applicant shall maintain all facades facing and visible from public Right of Way in first class condition.

38) The Applicant shall have one year from the effective date of this approval within which to secure a Building Permit, subject to Zoning Board approval of three extensions, each not more than one year, upon timely application and good cause shown.

Effective date of this Decision: October 4, 2023

DAVID STEIN, CHAIRMAN

ZONING BOARD, CITY OF STAMFORD, CT

Dated at the City of Stamford, CT, this 4th day of October, 2023.