

MEMORANDUM

To: Zoning Board of the City of Stamford
From: Lisa L. Feinberg
Date: June 20, 2024
Re: Response to Comments on ZB App. No. 223-38 (800 Long Ridge Road)

On May 20, 2024, the Zoning Board opened and immediately continued the public hearing on Zoning Board Application No. 223-38 (the “Application”) for 800 Long Ridge Road without any substantive discussion on the Application. The applicant, 800 Long Ridge, LLC (the “Applicant”), subsequently received comments from Land Use Bureau staff in a staff report dated June 10, 2024. At its meeting on June 10, 2024, the Zoning Board made comments on the Application and requested revisions to the associated materials. The Zoning Board also heard comments on the Application from members of the public. On June 11, 2024, Chairman Stein sent an e-mail to Land Use Bureau staff with a list of additional comments and requests for revisions to certain application materials. This memorandum serves to respond to these collective comments.

Staff Comments

Below is a list of comments received from staff along with the Applicant’s responses:

- 1. In her staff report dated June 10, 2024, Vineeta Mathur, Principal Planner for the City of Stamford, stated that “the staff strongly recommends that the applicant update the façade of the buildings and design of intermediate amenity spaces so as to create a stronger sense of place.”*

After the June 10, 2024, Zoning Board public hearing, the Applicant had multiple meetings with staff to discuss potential design changes. Enclosed is a revised set of Architectural Plans and renderings that are responsive to these comments. A variety of landscaping and architectural strategies were employed to reduce the visual impact of the building height and contextualize the development.

EDI has revised the building design to address the perceived scale and to create a more residential appearance. Greater emphasis was placed on creating a definitive base, middle and top to the buildings, to give the project a more human scale. The effect is to create a village-like streetscape to each of the buildings.

A number of traditional architectural elements, common to New England townscapes, have been incorporated into the design to create a more contextual facade treatment. Elements such as dormers, pediments, and gables have been incorporated through-out the facades and materials such as stone and brick veneers, clapboard and shingles with complimentary trim, all contribute to effect. Overall, the building elevations and facades have been revised to create greater articulation and variety.

2. *Staff requested that the Applicant add the exact setbacks to the Zoning Data Chart.*

Enclosed please find a revised Zoning Data Chart dated June 20, 2024 with the exact front, rear, and side yard setbacks, at the closest point.

Zoning Board Comments

On June 11, 2024, Chairman Stein sent a list of comments to staff and asked that the Applicant address same at the continued Zoning Board public hearing on June 24, 2024. Below are his comments/questions in italics with the Applicant's responses below:

1. *Sidewalk Fee-in-Lieu: provide calculations for the amount of the Sidewalk FIL.*

Section 12.K.4.c.(2) of the Zoning Regulations provides that the fee-in-lieu payment should be calculated by multiplying the linear feet of all street frontages by \$250 and adjusted by the Engineering News Record Construction Cost Index ("ENR Index"). The current ENR Index is 1.18. Because the Applicant is providing sidewalks on the street frontage north of the driveway, the Applicant has calculated the estimated fee-in-lieu payment based on the number of linear feet south of the driveway.¹ The Property has 707' of frontage south of the driveway. Accordingly, the estimated fee-in-lieu payment would be approximately \$208,565 ((707' x \$250) x 1.18).

2. *Street Trees: I see the 9 new trees proposed by applicant. Provide a plan showing where the rest of the required street trees are.*

Enclosed please find a Landscape Plan (LP.1) prepared by Environmental Land Solutions, LLC, (ELS) dated October 3, 2023, revised to June 20, 2024. After receiving Mr. Stein's request, ELS field located a few additional existing trees not shown on the survey. Sheet LP.1 has been revised to depict the number and location of each existing and new street tree.

¹ The Applicant's initial calculation mistakenly included the frontage north of the driveway access in the linear frontage.

3. *Mixed Use: The commercial space is located in Building 1. Therefore Building 1 qualifies for 4 stories. Buildings 2, 3 and 4 are not mixed use. Therefore their maximum height is 3 stories. Plans should be revised accordingly.*

Section 3 of the Zoning Regulations defines “Building” as follows:

A Structure having a roof supported by columns or walls along whose outside face can be traced an unbroken line for the complete circumference of the Building, which is permanently affixed to a Lot or Lots for the housing or enclosure of persons, animals or chattels, and shall include each of the independent units into which it is divided by party walls....

From a visual perspective, the structures on the site appear as four (4) separate buildings. However, from a technical perspective, Buildings 1 and 2 and Buildings 3 and 4 are connected internally. Thus, there are two (2) *buildings* proposed on the site within the meaning of the Zoning Regulations. This was noted in footnote 2 of the project narrative for this Application.

Moreover, Section 3 of the Zoning Regulations defines “*Mixed-Use Building*” as “a *Building* with residential and non-residential uses where at least forty percent (40%) of the *Gross Floor Area*, excluding *Parking Areas*, is used for residential uses, including residential *Indoor Amenity Space*. Notably, there is no minimum for non-residential uses in a *Mixed-Use Building*.”

Furthermore, the zoning standards in § 9.G.4. of the Zoning Regulations provide the standards for two different types of projects: 1) Non-Residential Uses and Mixed Uses or 2) Residential Uses. These standards apply to the entire site and provide different requirements based on the use classification. For example, a purely residential project is limited to three (3) stories; however, it is entitled to 25% building coverage and 40% lot coverage. Whereas a mixed-use or non-residential project is entitled to four (4) stories but is then limited to 10% building coverage and 35% lot coverage. Thus, there is no way to apply these standards if multiple buildings on the same site are categorized differently. For this reason, the standards use the term “development,” not “building.” The Zoning Regulations do not define “Mixed-Use Development.”

The Applicant submits that if a development contains both non-residential and residential space (provided that the residential space exceeds 40 percent of the gross floor area), the entire development should be classified as mixed use, regardless of how this space is divided among the buildings in the development.

Nevertheless, as depicted on the enclosed Architectural Plans, the Applicant has revised the design of the proposed development to include non-residential space in both *Buildings*. Accordingly, under any reasonable interpretation of the Zoning Regulations, the Applicant

submits that both *Buildings* qualify as mixed use and can be a maximum of four (4) stories in accordance with § 9.G.4. of the Zoning Regulations.

4. *Bike Parking: where on the plans for each building is the Class A and Class B bike parking.*

Sheet Z002 of the Architectural Plans prepared by EDI International and revised through June 20, 2024 has been updated to include additional callouts for the Class B bicycle parking spaces. Sheets A003 and A005 have been revised to include additional callouts for the Class A bicycle parking spaces.

5. *EV Spaces: should be relocated to be closest spaces to entrance per the regulations.*

Sheets Z002, A003, and A005 of the Architectural Plans prepared by EDI International and revised through June 20, 2024, have been updated to relocate the proposed electric vehicle spaces closest to the various building entrances.

6. *Parking Management Plan - should be provided*

Enclosed is a copy of the Parking and Traffic Demand Management Plan prepared by Fuss & O'Neill, dated October 6, 2023, which was included with the initial application submission on October 6, 2023.

7. *Transportation Demand Management Plan: should be provided*

See response to Comment 6.

8. *Design: per staff's recommendation in the Staff Report, provide redesign of buildings*

As stated in the previous section of this memorandum, the Applicant has redesigned the buildings in accordance with feedback received from staff and the Zoning Board.

9. *Parking Lots: explain how parking lot layouts conform to the requirements of Section 12.B.*

Sheet Z002 of the Architectural Plans prepared by EDI International, revised through June 20, 2024, has been updated to include additional dimensions for the parking spaces and drive aisles that confirm that the parking lot layouts comply with the requirements in § 12.B. EDI has also confirmed that the planted islands, which are located after at least every tenth parking space and around the perimeter of the parking lot, are the same width as the parking space and therefore conform to the minimum requirements.

10. *Building Coverage: the Zoning Data Chart in a footnote excludes "amenity terrace" from building coverage. What is the amenity terrace and under what section of the regulations is it excluded?*

The definition of *Building Area* in § 3 of the Zoning Regulations provides in relevant part:

Building Area shall . . . exclude decks, terraces, patios, pools or similar *Structures* not more than eight inches (8") above adjacent grade, and exclude such *Structures* that exceed eight inches (8") above adjacent grade up to an amount equal to 200 square feet for each *Dwelling Unit* on the *Lot*.

The Applicant discussed the application of this definition to the proposal and has excluded all decks, terraces, patios, pools, and similar Structures that are not more than 8" above grade from its building coverage calculations. After incorporating the design changes requested by staff and the Zoning Board, the building coverage for Buildings 1-4 is now 106,141± square feet. The total coverage for all decks, terraces, patios, pools, and similar Structures that exceed 8" above grade is 32,596± square feet. Because up to 200 square feet of coverage per Dwelling Unit can be excluded for these amenity areas, all 32,596± square feet can be excluded from total Building Coverage. Accordingly, the Applicant submits that the total Building Coverage for the proposed development is now 9.65 percent (106,141± square feet), which is under the 10 percent maximum permitted under § 9.G.4. of the Zoning Regulations. A coverage diagram exhibit prepared by EDI International depicting the areas included and excluded from Building Coverage has also been included in this supplemental submission.

Public Comments

Approximately 20 members of the public spoke in opposition to the Application. Their concerns generally fell into the following categories: traffic and pedestrian safety, impact on City services, impact on taxpayers and compatibility with single-family neighborhoods. These concerns were addressed in the Applicant's Special Permit Memorandum dated June 3, 2024, but for ease of reference, a summary response is provided below:

Traffic & Pedestrian Safety

The Applicant has submitted uncontroverted data confirming that the proposed residential use will result in fewer vehicle trips on area roadways during peak hours than a fully-occupied office use. Moreover, the Applicant has also submitted data confirming the proposed residential use will result in fewer trips than other permitted, viable uses in the C-D zone such as medical office or schools.

It is true that Long Ridge Road is busy, but that is by design. It is a main arterial roadway in Stamford, best equipped to accommodate growth. This is why multiple corporations and financial institutions chose Long Ridge Road when building their headquarters. Corporations like Olin, GE Credit Corp., Nestle Waters, Xerox and Synchrony Financial. Based on a recent presentation from Luke Bittenweiser in the Transportation, Traffic & Parking Bureau, traffic on Long Ridge Road, south of the Merritt Parkway, has actually

decreased by seven percent (7%) since 1991. This makes sense when considering the historic office uses on these large sites.

Moreover, as detailed in the Traffic Impact Study prepared by Fuss & O'Neill, dated September 2023, the proposed development will result in a substantial reduction in site generated traffic as compared to the office use and will not have a significant impact on traffic operations. Specifically, compared to the existing office land use, the proposed development will result in a substantial reduction in site generated traffic of 206 trips during the morning peak hour and 185 trips during the afternoon peak hour.

To provide additional assurance that the data supplied by the Institute of Transportation Engineers ("ITE") is accurate, the Applicant also studied how the estimated peak trip counts compare to an existing multifamily development. On April 11, 2024, Fuss & O'Neill took trip counts at the Curb apartment complex at 200 Glover Avenue in Norwalk. Fuss & O'Neill used this data to estimate trip counts for the proposed development, which is roughly half the size of Curb. It then compared this data to the trip counts for the proposed development that it included in its Traffic Study, which were calculated using data from the ITE. The results of this analysis are below:

	Curb Development (761 units) 4.11.24 Counts*	800 LRR Multifamily (354 units) Based on Curb Estimate	800 LRR Multifamily (354 units) Based on ITE Estimate
AM Peak	274	127	144
PM Peak	337	156	139

*These totals represent a 20 percent increase from the actual trip counts to account for trips occurring by public transportation because unlike Curb, there is no rail station near 800 Long Ridge Road.

Based on this data, Fuss & O'Neill concluded that the ITE rates that were utilized are comparable to the observed rates occurring at the Curb (approximately 17 trips more in the morning peak hour and approximately 17 trips less in the afternoon peak hour).

Fuss & O'Neill also studied how an alternative special permit use, such as a public or private school, compares to the proposed multifamily housing. The results of this analysis are below:

	Weekday AM Peak (entering)	Weekday AM Peak (exiting)	Weekday AM Peak (total)	Weekday PM Peak (entering)	Weekday PM Peak (exiting)	Weekday PM Peak (total)
Proposed Use	90	160	250	135	112	247
1,000 Student Private K-8	599	470	1,069	282	318	600
500 Student Private K-8	288	226	514	142	160	302

Based on this data, the proposed multifamily residential use at the proposed density will result in significantly fewer vehicular trips during peak hours than other potentially viable uses permitted in the C-D zone. While a vacant site certainly produces less traffic than an occupied site, that analysis is not practical or relevant from a zoning perspective. The

question before the Zoning Board is how the proposed use compares to other uses permitted in the C-D zone, and the above analysis confirms that the proposed use is more favorable when it comes to peak traffic impact.

Moreover, like every large-scale development in Stamford, the Applicant has been asked to contribute to the public transportation infrastructure to improve pedestrian safety in the vicinity. In addition to creating a direct sidewalk connection between the publicly accessible amenity space and the bus stops on either side of Long Ridge Road, the Applicant has also agreed to contribute \$250,000 toward other pedestrian improvements in addition to more than \$200,000 for sidewalk improvements in the Long Ridge Road area.

Thus, the Applicant is confident that, if approved, the proposed redevelopment will not adversely affect area roadways and will improve pedestrian safety in the immediate vicinity.

Impact on City Services

Water, Sewer, Electric & Gas

Sites currently zoned C-D and of a sufficient size to allow for multifamily development, such as the Property, are located on main arterial roads with access to municipal sewer, water and transportation resources. This ensures the availability of the necessary infrastructure to accommodate denser development. In connection with the Application, the Applicant has confirmed that this is the case by obtaining “will-serve” letters from all of the requisite utility companies and agencies regulating these city services. These letters, which were previously submitted, in addition to reports from the Applicant’s professionals, reviews by the relevant City of Stamford technically-trained department professionals and recent presentations from the Stamford Water Pollution Control Authority (“WPCA”) and Aquarion, confirm that there is adequate electric service, natural gas, water supply, and public sewer service to meet the demands of the proposed development.

Public Health & Safety

Similarly, the Applicant has also engaged with Stamford Hospital and Stamford’s Director of Public Safety, Health & Welfare, Lou DeRubeis, to confirm there will be no adverse impacts to public health and safety from the proposed development. A letter from Stamford Hospital leadership confirming the Hospital is well-equipped to accommodate the proposed housing was previously submitted and, based on discussions with Mr. DeRubeis, the Applicant understands that Stamford plans for continued development which is why the city is well-prepared from a public safety perspective.

Schools

The impact on the public schools created by increased development of apartment buildings has been well-documented over the last few years. Based on information provided by the

Stamford Public Schools, generally less than five percent (5%) of new apartment units are occupied students attending the Stamford Public Schools.²

Therefore, the Applicant submits that there is no evidence of negative impacts to Stamford services in connection with this proposal.

Impact on Taxpayers

Building & Land Technology is one of the largest, if not the largest, taxpayers in the City of Stamford. On average, each multifamily housing unit generates \$7,000 in tax revenue, some generate more and others generate less. For the proposed project, this average equates to an estimated \$2.4 million in property taxes annually. Today, the office site generates approximately \$785,000.00, and this amount was based on an income generating building. Thus, if approved, the new development will generate an additional \$1.6 million in tax revenue annually, on average.

However, if the proposal is not approved, and the building remains vacant or is demolished, the tax revenue generated by this property will continue to decrease. Notably, approximately 82% of the land in Stamford is zoned for single-family housing. This leaves only 18% of the city for non-single-family tax-generating purposes. If that 18% is not properly utilized, the grand list is reduced and the tax burden will shift to the single-family taxpayers. We have seen similar shifting over the last ten (10) years, only the shift was positive from the perspective of residential taxpayers. According to Ben Barnes, the Director of Administration for the City of Stamford, in 2014, the taxable grand list was broken down as follows: Residential Share (62%), Commercial Share (28%), Apartment Share (7%) & Other (3%). In 2024, those proportions have shifted to: Residential Share (60%), Commercial Share (21%), Apartment Share (14%) & Other (5%). So, notwithstanding the depreciation in the commercial taxbase, single-family homeowners contribute less today because apartments contribute more.

Compatibility with Single-Family Neighborhoods

The Applicant's team spent a significant amount of time talking about the proposed project and its compatibility with the neighborhood during the June 10th public hearing. The Property consists of twenty-five (25) acres of land that has been used for commercial purposes since 1978. Although there are residential streets and homes with direct access from Long Ridge Road, most of the frontage on the west side of Long Ridge Road is improved with large commercial, educational or institutional uses. This is particularly true in the vicinity of the subject site. Several single-family homes are directly adjacent to the west of the Property, but most of these homes sit more than 120 feet above Long Ridge Road and roughly fifty feet (50') above the elevation where the proposed development would be constructed. The existing, dense foliage that borders the site will completely

² Maple Ridge Apartments is an outlier with 9.43%.

obstruct the view of the new development from these properties during the warmer months, and additional evergreen plantings proposed by the Applicant will further enhance this condition for the remainder of the year.

The new apartment building is also almost the exact same height as the existing office building and has been positioned in almost exactly the same position on the site as the existing improvements. Access to the site and vehicular circulation around the site remains generally unchanged. The closest dwellings to the property are between 256 feet and 387 feet away from the proposed apartment buildings, respectively. Notably, the proposed setbacks and massing are consistent with the senior housing projects approved by the Zoning Board on C-D zoned sites located at 210 Long Ridge Road and 215 High Ridge Road, both of which are adjacent to single-family homes.

The Applicant has also submitted an assessment of compatibility prepared by Goman + York and a Neighborhood Impact Study prepared by Kerin & Fazio, LLC confirming there will be no negative impact on the neighboring single-family homes.

Lastly, the Applicant has made significant changes to the design of the buildings in an effort to better contextualize the project with the neighborhood. The Applicant believes that the new townhouse-inspired design is responsive to the feedback received from the Land Use Bureau staff, Zoning Board and general public.

Thus, the Applicant submits that the record is devoid of any evidence that the proposal is incompatible with the neighborhood.