

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD
OFFICE OF LEGAL AFFAIRS
888 WASHINGTON BOULEVARD
P.O. BOX 10152
STAMFORD, CT 06904 - 2152
Tel: (203) 977-4081
Fax: (203) 977-5560

DIRECTOR OF LEGAL AFFAIRS
AND CORPORATION COUNSEL
KATHRYN EMMETT

DEPUTY CORPORATION COUNSEL
VIKKI COOPER

ASSISTANT CORPORATION COUNSEL
BARBARA L. COUGHLAN
CHRIS DELLASELVA
DANA B. LEE
AMY LIVOLSI
BURT ROSENBERG
MICHAEL S. TOMA

TO: Elaine Mitchell, Chair, Housing and Community Development Committee

FROM: Michael S. Toma, Assistant Corporation Counsel *MST*

DATE: March 15, 2017

RE: Affordable Housing Funds

Your committee asked for a review of the process of allocation of affordable housing funds for the two most recent significant affordable housing projects, Inspirica and Metro Green.

Inspirica: Inspirica received \$2.4 million in below market rate (BMR) fee-in-lieu funds to construct BMR units on Franklin Street. These funds were received directly from True North, the developer of a 212 apartment complex at 279 Atlantic Street, on property owned by St. John's Church. True North and Inspirica came to the Zoning Board with this proposal, and it was approved by the Zoning Board at its November 21, 2016 meeting (minutes attached). The Certificate of Approval for the St. John's Church project is attached, and it provides that this funding "shall be provided directly to Inspirica."

Metro Green Phase III: The developer of Metro Green was aware of the existence of BMR fee-in-lieu funds in the possession of the City, and proposed to the Zoning Board in December of 2014 that those funds be released to it so that BMR units could be built (meeting minutes attached). These funds were generated by two development projects, Morgan Lofts (Morgan Street) and Atlantic Station (421 Atlantic Street), each of which generated approximately \$3.2 million; these monies were paid to the City and went into capital account C46580, "Affordable Housing."

On December 1, 2014, the Zoning Board passed a resolution (attached hereto) allocating \$6,330,686 in BMR fee-in-lieu funds to the developer of Metro Green, for the purpose of constructing BMR units. Thereafter, a supplemental capital appropriation was approved by the Board of Finance and the Board of Representatives, whereupon the city released the funds to the developer.

Your committee also asked for an opinion setting forth the authority of the Zoning Board to direct the use of the BMR in-lieu fees that are paid by developers. At the outset, a distinction must be made between BMR in-lieu fees that are paid by one developer directly to a second developer, and BMR fees that are paid by a developer to the City. In the former case, the Zoning Board has the authority to direct those fees. In the latter case, the fees are subject to the City's normal appropriations process.

State statute (section 8-2i) delegates to the local zoning authority the power to adopt inclusionary zoning regulations, which are regulations which promote the development of affordable housing. Stamford's Zoning Board has, in fact, legislated in this area, adopting Section 7.4 of the zoning regulations, "Below Market Rate Dwelling Units." (copy attached.) Pursuant to this regulation, the Zoning Board has the discretion to accept an in-lieu housing fee rather than requiring a developer to provide BMR units on site. This section provides that the fee-in-lieu may be paid to "a City of Stamford fund, or other approved non-profit or for-profit organization dedicated to affordable housing initiatives. . . ." Pursuant to this regulation, the Zoning Board may approve of projects, such as the Inspirica project mentioned above, where one developer pays in-lieu fees directly to a second developer in satisfaction of its BMR obligation. It is well-established law in Connecticut that the power to enact and change zoning regulations is vested exclusively in the municipality's zoning board, and whatever a zoning board may do in this regard is in no way subject to the control of the municipality's legislature. *Olson v. Avon*, 143 Conn. 448, 454 (1956). Therefore, the Board of Representatives could not by ordinance seek to modify the operation of Section 7.4 of the zoning regulations.

If BMR fees are paid to the City, then they are subject to the normal appropriations process. The Zoning Board does not possess authority to accept or to appropriate funds. Its powers, found in section C6-40-1 of the Charter, do not include any fiscal authority. These in-lieu fees, even if deposited in a designated capital account, must be spent with the approval of the Mayor, Planning Board, and Boards of Finance and Representatives.

Finally, your committee asked for an opinion on whether the various affordable housing accounts can be combined. My understanding is that there are four such accounts: the BMR fees discussed above; commercial linkage fees; Housing Development Fund monies; and, funds received from HUD. I believe that the funds from HUD must not be combined with other funds, as this money is subject to strict accounting requirements and must be used in a prescribed manner. However, I see no legal impediment to combining the other three accounts into one account, although I am informed that subaccounts must still identify the source of funds as a matter of sound accounting practice.

It is my understanding that the Mayor's Office intends to have a member of the City's Land Use Bureau attend your committee's meeting to discuss the issue of establishing a centralized process for determining how affordable housing monies in City accounts are spent.

MINUTES OF THE ZONING BOARD
PUBLIC HEARING AND REGULAR MEETING,
MONDAY, NOVEMBER 21, 2016 AT
7:00PM, ON THE 4th FLOOR, CAFETERIA,
GOVERNMENT CENTER BLDG, 888 WASHINGTON
BLVD., STAMFORD, CT

REVISED

Present for the Board: Thomas Mills (Chair); David Stein (Secretary), William Morris and Rosanne McManus. Present for staff: Ralph Blessing, Land Use Bureau Chief.

Chairman Mills called the meeting to order 7:04pm.

PUBLIC HEARING CONTINUED FROM NOVEMBER 14, 2016

Application 216-27 –TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD, CT., 245 (aka) 279 Atlantic Street, Text Change, Proposing to Amend table IV, Appendix B, within the C-L, C-G and CC-N districts.

Application 216-28 – TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD CT., 245 (aka) 279 Atlantic Street, approval of Site and Architectural Plans, Special Exception and Costal Site Plan Review, The proposed redevelopment project is anticipated to consist of 212 apartments, 1 guest suite and up to approximately 8000 sf of retail / flex space as well as 315 parking spaces within an enclosed structural parking garage. An additional level of parking below grade with approximately 71 parking spaces is also proposed as an option to be constructed at the discretion of ROECO. The church and the rectory will also remain on the property.

Chairman Mills read the applications 216-27 and 216-28 into the record

Attorney William Hennessey and his staff presented the changes that they had made based on the comments from the Zoning Board. He went into detail concerning the piazza, the wall design and the rendering.

Attorney Hennessey stated that the conditions presented by the Zoning Board staff for the ground floor elevations are acceptable.

The board discussed the emergency egress of the piazza and they were presented with a plan.

Attorney Hennessy stated that a public cut through of the piazza will not be feasible as it presents a security issue. The only way for the public to cut through would be though the parking garage.

There will be (3) three security gates and that the residents will have a key fob. There will also be security personnel on staff. He stated that the roof top equipment will not be visible from the street and it will be concealed by a parapet.

Attorney Hennessey's team presented the window choice, steel awning choice and material samples to the Zoning Board. He stated that they can come back to the board for approval on material choices. The second canopy was described to the board members. The board agreed that the second canopy was a nice addition.

Attorney Hennessey stated that they are happy to accept a condition that the lighting plan be approved by the Zoning Board.

Ms. McManus asked for details on the parking ratio. Monsignor DiGiovanni stated that there are usually 100 to 125 cars parked for Sunday mass and that there are also people that walk or park in the Bell Street garage. He stated that he is comfortable with losing parking spaces.

Ms. McManus asked about the residential parking ratio. Attorney Hennessey replied that there will be 212 units and one (1) parking space per unit

The board discussed the parking management plan.

Attorney Hennessey discussed the eastern façade directly behind the Center for the Art. His team described the façade to the board. He solicited ideas from the board. He also noted that we do want to get this building going by the spring and thus time is limited. He also stated that there is a condition already in place for this façade.

Ms. McManus asked about the lease agreement. Attorney Hennessey noted that it will be a 99 years ground lease with a potential for renewal.

Chairman Mills asked the amount of B.M.R. requirement funds going to Inspirica.

Attorney Hennessey replied that \$2,400,000.

The board then went into a discussion on the calculations of the B.M.R. obligation.

The board is not comfortable with the formula that was used to come up with the dollar amount be given to Inspirica. Mr. Stein stated that he is more comfortable with \$2,700,000. Attorney Hennessey stated that \$2,700,000 will not work for my client.

Jason Chaplan, Executive Director of Inspirica expressed to the board that he needs the \$2,400,000 to get this project done.

The Board expressed concerns that this method of calculation will set a wrong precedent. Mr. Mills expressed that he wanted clarity on the calculations so that projects in the future who may try supporting deeply affordable units do not look at the final result from this application but also know how the calculation works.

The board discussed an email that was sent to Mr. Blessing from NBC at 4:45pm on November 21, 2016

PUBLIC COMMENTS

Mike Moran, Director, Center for the Arts introduced Robert Henrick.

Robert Henrick, Representative of NBC stated that we are supportive of the project but we have concerns: Noise and vibrations, production trailer, parking, He asked for help from the board to come to an agreement regarding these concerns.

Steven Weiss noted that he has worked with NBC on their concerns of his project and is very surprised by the issues.

Monsignor DiGiovanni- noted that we have been very good neighbors to NBC and was very surprised with NBC concerns.

Attorney John Leydon noted that NBC has been here for a long time and also expressed surprise to their concerns.

Chairman Mills closed the public hearing for applications 216-27 and 216-28.

Chairman Mills called a recess 10:00pm, Meeting resumed at 10:11pm

PUBLIC HEARING

Application 216-05 – 95 WEST BROAD STREET, LLC., Site & Architectural / Requested use and Special Exception, Requesting approval to construct (3) three residential condominium buildings with (3) three residential units in each along with associated parking and site improvements for property located at 91-95 West Board Street. Property is located in the R-5 district.

Chairman Mills read the application 216-05 into the record

Mr. Stein read the Planning Board referral comments for the record.

Attorney Joseph Capalbo, representative for the applicant introduced his team and presented the mailing to the board. He then described the proposed project to the board including the location and the zoning district (R-5). He indicated that there are already units built by this applicant on the site. This parcel of land became available which the applicant purchased and is wishing to build the same type of units, 9 units to total 15 for the entire project. Three of these units are per the bonus density. A total of 33 parking spaces are proposed. Each unit will have a two (2) car garage. No impact of traffic on the neighborhood is anticipated.

He stated that these units will be built the same way as the first 6 units. He described the materials being used, the landscaping plan and the lighting plan. Trash pickup will be provided by the City. There will be a condo association.

He described to the board the results of the City's Traffic Engineer report.

Mr. Stein asked about the BMR compliance of the prior units. Attorney Capalbo noted that there is no BMR requirement for those units since they are already built and have received C of Occupancy. BMR requirement would be applied to 9 new units and the bonus density is 1.2 units.

Ms. McManus asked for a description of the fence. Attorney Capalbo noted that there is an existing stone wall that will be continued.

Ms. McManus asked about planting and trees along the wall. Attorney Capalbo responded that there is only one tree in the back in far corner. No other trees exist on the site.

Mr. Stein noted that a photometric plan was not provided per staff report. Attorney Capalbo responded that lighting is described on the landscaping plan.

Mr. McManus noted that we would like to see a lighting plan and this should be a condition of approval.

Mr. Stein asked about snow removal. Attorney Capalbo noted that there is plenty of room in the back to store snow. If there is a time that the snow has to be removed it will be up to the condo association.

NO PUBLIC COMMENTS

Chairman Mills closed the public hearing for application 216-05

REGULAR MEETING

PENDING APPLICATIONS

- 1 Application 216- 22 - LADDINS TERRACE ASSOCIATES LP (owner) and T.M. CROWLEY & ASSOCIATES, 1938 West Main Street, 0 West Main Street and Lot A-West Main Street requesting approval for Site & Architectural Plans and Special Exception

Chairman Mills read the application 216-22 for the record.

The Board discussed the revised conditions of approval for application 216-22 dated November 16, 2016 and made suggestions to amend the conditions.

After a discussion of each of the conditions Mr. Morris moved to approve the conditions as amended for application 216-22, seconded by Ms. McManus and carried on a vote of 4 to 0 (Mills, Morris, Stein & McManus)

2. Application 216-27 –TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD, CT., 245 (aka) 279 Atlantic Street, Text Change

Chairman Mills reads the applications 216-27 and 216-28 for the record.

After a discussion, Mr. Morris moved to approve application 216-27 seconded by Ms. McManus and carried on a vote of 4 to 0 (Mills, Morris, Stein & McManus)

3. Application 216-28 – TRUE NORTH STAMFORD, LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD CT., 245 (aka) 279 Atlantic Street, approval of Site and Architectural Plans, Special Exception and Costal Site Plan Review

The Board discussed the conditions of approval for application 216-28 dated November 18, 2016

The board discussed the concerns from NBC regarding noise and vibrations. It was discussed whether a condition relating to the issues was needed. Mr. Mills, Mr. Morris were not in favor of such a condition. Mr. Stein was in favor of adding such a condition. It was decided that the condition will not be added.

The board discussed condition #10 in length. They discussed how the funds should or should not be used if the Inspirica project does not go through.

They discussed the calculations for the B.M.R. obligation. They agreed that while this is a good cause and were in favor of the project they felt that the dollar amount of \$2,400,000.00 is too low and was not based on a calculation found in the zoning regulations. Mr. Stein expressed a concern that this will set a wrong precedent since this amount is less than the fee in lieu amount set forth in the zoning regulations.

The Board discussed several changes to the condition. Mr. Stein suggested “Said funding shall be provided directly to Inspirica, to be held in escrow until said funds are used in the development of the 53 unit project in two years of the date hereof; subject to three one year extensions upon the approval the Zoning Board”.

After a discussion of each of the conditions Mr. Morris moved to approve with conditions dated November 18, 2016 and amended as discussed tonight, November 21, 2016 with the amount of \$2,400,000.00 reflected in the conditions, seconded by Ms. McManus to go into discussion. Mr. Stein and Ms. McManus were not in favor of the dollar amount they felt that it is too low.

Mr. Stein made a motion to amend the obligation to \$2,787,260.00. There were no seconds.

Ms. McManus made a motion to amend the BMR obligation to \$2,550,000.00, seconded by Mr. Stein.

Mr. Mills and Mr. Morris noted that they are in favor of \$2,400,000.00. There was a lengthy discussion of how the calculations were used for the fee in lieu for this project.

Ms. Manus withdrew her motion and stated that in the future she will not endorse how this calculation was implemented. And that she is in favor of changing some of the zoning regulations.

Chairman Mills asked Mr. Morris if his motion was still on the table. Mr. Morris replied yes. Mr. Morris made a motion to approve application 216-28 with conditions amended tonight (November 21, 2016), seconded by Ms. McManus and carried on a 3 to 1 vote (Mills –yes, Morris- Yes, McManus- Yes, Stein- No)

ADJOURNMENT

Mr. Morris moved to adjourn the meeting at 11:45pm, seconded by Ms. McManus and carried on a vote of 4 to 0 (Mills, Stein, Morris & McManus)

The meeting was adjourned at 11:45pm

Respectfully submitted,

David Stein, Secretary
Stamford Zoning Board

ZB PH112116

Block: 002

ZONING BOARD CERTIFICATE
REVISED 12/15/2016

I, Thomas R. Mills, Chairman of the ZONING BOARD of the CITY OF STAMFORD, in compliance with Special Act. No 619 of the 1953 General Assembly hereby certify that on November 14, 2016 and November 21, 2016 Public Hearings were held by the ZONING BOARD on the application of:

Application 216-28 – TRUE NORTH STAMFORD LLC and ST. JOHN’S ROMAN CATHOLIC CHURCH OF STAMFORD CONNECTICUT, 245 (aka) 279 Atlantic Street, approval of Site and Architectural Plans, Special Exception and Costal Site Plan Review

Proposed redevelopment project is anticipated to consist of 212 apartments, 1 guest suite and approximately 8000 sf of retail / flex space as well as 315 parking spaces within an enclosed structured parking garage. An additional level of parking below grade with approximately 71 parking spaces is also proposed as an option to be constructed at the discretion of the applicant. The church and the rectory will also remain on the property.

Block#: 002

Total Lot Area: 2.7987 acres

Description: All that certain parcel of land in the City of Stamford, State of Connecticut on the northerly side of Tresser Boulevard and being generally bounded as follows:

Northerly: 450± feet by Bell Street;

Easterly: 210± feet by Atlantic Street;

Southerly: 261± feet by property n/f of Stamford Center for the Arts;

Easterly: 125± feet by property n/f of Stamford Center for the Arts;

Southerly: 99± feet by Tresser Boulevard;

Westerly: 2± feet by property n/f of City of Stamford Urban Redevelopment Commission;

Southerly: 104± feet by property n/f of City of Stamford Urban Redevelopment Commission;

Westerly: 339± feet by property n/f of St. John Urban Development Corporation

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

<u>NAME</u>	<u>STREET</u>
St. John's Roman Catholic Church of Stamford Connecticut	245 Atlantic Street (aka) 279 Atlantic Street Stamford, CT 06901

And that the following is a statement of its findings: APPROVED AS MODIFIED on November 21, 2016, by passage of the following conditions:

WHEREAS, the Zoning Board has reviewed applications for Special Exception, Site / Architectural Plans and /or requested uses, Coastal Site Plan Review for approval of 212 apartments, 1 guest suite and approximately 8000 sf of retail / flex space as well as 315 parking spaces within an enclosed structured parking garage. An additional level of parking below grade with approximately 71 parking spaces is also proposed as an option to be constructed at the discretion of the applicant. The church and the rectory will also remain on the property.

WHEREAS, the Zoning Board conducted duly called public hearings on November 14, 2016 and November 21, 2016 and has considered the submitted comments of other interested City agencies, officials and the general public; and

WHEREAS, the approved for Special Exception, Site / Architectural Plans and /or requested uses, Coastal Site Plan Review applications are more particularly described in a set of architectural plans:

Architectural Plans prepared by: Beinfield Architecture PC

Sheet	Title	Last Revision
A0.00	Title Sheet	6/3/2016
A1.00	Optional Basement Plan	11/16/2016
A1.01	Grade Level Garage	11/16/2016
A1.02	Level-2 Garage	11/16/2016
A1.03	Plaza Level	6/3/2016
A1.04	Level 3 / Typical Level	6/3/2016
A1.07	Level 7	6/3/2016
A1.08	Loft Level	6/3/2016
A1.09	Roof Plan	6/3/2016
A2.01	Elevations	11/16/2016
A2.02	Elevations	11/16/2016
A2.03	Elevations	6/3/2016
A2.04	Elevations	6/3/2016
A3.01	Building Sections	6/3/2016

A3.02	Building Sections	6/3/2016
ZSK.04	Material Board	11/5/2015
ZSK.05	Basement Level Plan	11/16/2016
ZSK.06	Level 01 Plan	11/16/2016
ZSK.07	Level 02 Plan	11/16/16
ZSK.08	Washington – Atlantic Cross Section	11/5/2015
ZSK.09	Material Board Piazza	11/5/2015

and Site Development Plan prepared by: Redniss & Mead

Sheet	Title	Last Revision
SE-1	Site Development Plan	5/26/2016
SE-2	Site Removals Plan	5/26/2016
SE-3	Site Grading Plan	5/26/2016
SE-4	Site Utility Plan	5/26/2016
SE-5	Sediment & Erosion Control Plan	5/26/2016
SE-6	Notes & Details	5/26/2016
SE-7	Details	5/26/2016
SE-8	Details	5/26/2016

and Landscape Drawing prepared by: Eric Rains Landscaping Architect

Sheet	Title	Last Revision
SPL-1.0	Streetscape Plan	11/16/2016
SPL-2.0	Streetscape Plan-Enlargements	11/16/2016
SPL-2.1	Roof Terrace Plan	5/26/2016
SPL-3.0	Details	5/26/2016

and Surveying Plan prepared by Edward Frattaroli Inc.

Title	Last Revision
Survey	
Plot Plan for OSTA	5/15/2016
Zoning Location Survey	5/25/2016

and “Traffic Access & Impact Study” report prepared by Frederick P. Clark Associates, Inc., dated May 2016

and “Site Engineering” report prepared by Redniss & Mead, dated 5/26/2016

and such related materials, reports and exhibits constituting the application file as may be amended to be consistent with representations made during the public hearings on November 14,

2016 and November 21, 2016 and conditions contained herein. Together all of these documents are referred to hereinafter as the Building and Site Plans.

WHEREAS, the Zoning Board makes the following special findings:

- The approved Site & Architectural Plans/Requested Uses, Coastal Site Plan and Special Exception applications conform to the standards, goals, purposes and specific objectives of the CC-N zone, Special Exception requirements, standards and conditions of Section 19.3, Site Plan Review requirements of Section 7.2 and 7-T of the Stamford Zoning Regulations, and all applicable policies of the CAM Act and Stamford Master Plan as well as all other requirements of the City's Zoning Regulations.
 - The proposed activity: (1) is consistent with all applicable goals and policies in Connecticut General Statutes Section 22a-92 and (2) will not cause an adverse impact on coastal resources and future water dependent development activities.
 - The residential and potential commercial uses are permitted in the CC-N zoning district and the Zoning Board has determined that the proposed uses, structure and related improvements, including but not limited to the parking ratio, shared parking arrangement, building setbacks and BMR alternative method of compliance, are in accord with the public convenience and welfare.
 - The proposed site is an ideal location for a residential building with potential ground floor commercial uses and will not be injurious to the neighborhood or impair future development.
-
- The applications establish desirable uses, utilize a sensitive design and include a pedestrian-friendly streetscape environment.
 - The construction of up to 212 dwelling units will support and contribute to the downtown and revitalize a prominent underdeveloped site.
 - The location of the building proximate to the YMCA and Mill River Park will provide the residents of the building with convenient recreational space to enjoy.
 - The proposed off-street parking will adequately meet the needs of the proposed uses and provide the opportunity to support two important local non-profits.
 - The proposed BMR strategy is desirable and will further affordable housing opportunities in the City to a greater extent than the provision of onsite BMR units and increases the opportunity and range of family incomes served by the BMR program.

NOW THEREFORE BE IT RESOLVED that the Zoning Board APPROVED AS MODIFIED Application #216-28, subject to the following conditions:

SITE-SPECIFIC CONDITIONS:

- 1) All work shall substantially conform to the above referenced Building and Site Plans unless otherwise approved by the Zoning Board or, for minor modifications, by Zoning Board staff. Any modest changes to the eastern facing façade, including placement of doors (both pedestrian and vehicular) and utilities shall be subject to Zoning Board staff approval. Any conversion of the 2,000± square foot area on the eastern side of the new building from parking to retail/flex space shall be subject to administrative approval by the Zoning Board.
- 2) True North shall evaluate opportunities for enhancement of the blank eastern façade of the new building and, prior to issuance of a Temporary Certificate of Occupancy, submit alternative design concepts which will be subject to administrative approval by the Zoning Board.
- 3) Unless formal site plan and special exception approval are required by Section 7.5 (Large Scale Development) of the Stamford Zoning Regulations, the piazza and church rectory expansion improvements shall be subject to administrative approval by the Zoning Board. The piazza will be generally accessible to the public during reasonable daylight hours when not otherwise in use by the church. The details of the public accessibility shall be provided in connection with the Zoning Board's review of the piazza and church rectory expansion improvements.

- 4) True North will use reasonable efforts to launch the "Bell Street Market" and actively collaborate with the Downtown Special Services District to obtain viable incubator users. This effort shall also include a dialogue with the City of Stamford Traffic Engineer regarding the appropriateness of expanding the sidewalk in front of the new building on Bell Street. Final design of the incubator space shall be subject to approval by Zoning Board staff. In the event that a viable incubator market is not established within three (3) years of the issuance of the Certificate of Occupancy, the applicant shall present for administrative review to the Zoning Board an alternate treatment for the Bell Street frontage.
- 5) Prior to issuance of a Building Permit, a consolidation map shall be recorded on the Stamford Land Records. It is specifically noted that the 159 square foot parcel fronting on Tresser Boulevard and currently owned by the Urban Redevelopment Commission (the "URC Parcel") may not be consolidated with the remainder of the parcel.
- 6) Prior to issuance of a Building Permit, the Applicants shall submit evidence to Zoning Board staff of a legal right to use the URC Parcel in the manner depicted on the Building and Site Plans.

- 7) Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a final Parking Management Plan, consistent with definition 71.5, subject to Zoning Board staff approval.
- 8) Pursuant to Section 7.4-C-4-f of the Stamford Zoning Regulations, True North, or an affiliate, shall provide \$2,400,000.00 to construct deeply affordable dwelling units in the Inspirica 53-unit housing development, to be located on Franklin Street (Future consolidation of 68, 72, 76 & 80 Franklin Street). Said funding shall be provided directly to Inspirica prior to issuance of Building Permit to be held in escrow, and receipt of the funds by Inspirica shall satisfy the Applicants' BMR obligation. Should the Inspirica project referenced above does not go forward within two (2) years of the date hereof, subject to up to three (3) 1-year renewals, the funds shall be deposited into the City's Inclusionary Housing Fund for the development of deeply affordable housing units.
- 9) Prior to the issuance of a Building Permit, sewer and storm drainage plans shall be submitted and subject to final review of design specification and construction by the Engineering Bureau. Applicant shall address comments of Susan Kiskin, P.E. in her memorandum dated April 12, 2016.
- 10) Prior to issuance of a Building Permit, the Applicant shall obtain a discharge permit from the Stamford Water Pollution Control Authority and shall provide information requested in the August 3, 2016 memorandum from Stephen W. Pietrzyk, Collections Systems Supervisor.

STANDARD CONDITIONS:

- 11) 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.
- 12) 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 prior to the issuance of a Building Permit.
- 13) No significant mechanical equipment, in addition to that depicted on the Building and Site Plans, shall be installed within view of any public street without prior approval of the Zoning Board staff.

- 14) 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 jobsite.
- 15) Submission of 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. The performance surety shall be submitted to EPB Staff prior to the start of any site activity and issuance of a building permit.
- 16) Prior to issuance of a Building Permit, applicant shall obtain necessary approvals and permits from the Stamford Water Pollution Control Agency (WPCA).
- 17) Prior to the release of surety, transfer of title and issuance of a signature authorizing the granting of a Certificate of Occupancy, 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.

- 18) Prior to the release of surety, transfer of title and issuance of a signature authorizing the issuance of a Certificate of Occupancy, 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.
- 19) 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 Certificate of Occupancy.
- 20) 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.

- 21) Prior to issuance of a Certificate of Occupancy, the Applicant shall submit a Trash Management Plan, subject to the review of the Zoning Board staff.
- 22) A Street Opening Permit shall be required for any and all work within any City of Stamford street right of way.
- 23) Final signage plans shall be subject to approval by Zoning Board.
- 24) Final lighting details and photometric analysis shall be subject to approval by Zoning Board staff.
- 25) Applicants shall make best efforts to 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.
- 26) The Applicants 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: December 9, 2016

THOMAS R. MILLS, CHAIRMAN

ZONING BOARD, CITY OF STAMFORD, CT

Dated at the City of Stamford, CT, this 15th date of December, 2016

**MINUTES OF THE ZONING BOARD
PUBLIC HEARING & REGULAR MEETING,
HELD MONDAY, DECEMBER 1, 2014, 7:00 P.M.,
4TH FLOOR, CAFETERIA, GOVERNMENT CENTER
BUILDING, 888 WASHINGTON BLVD,
STAMFORD, CT 06901**

Present for the Board: Thomas Mills, Rosanne McManus, William Morris, David Stein and Joanna Gwozdzowski. Barry Michelson arrived at 8:11pm. Present for staff: Norman Cole, Land Use Bureau Chief and David Killeen, Associate Planner.

Mr. Mills called the meeting to order at 7:10 pm. Ms. Gwozdzowski was seated for Mr. Michelson who was absent.

Mr. Morris moved to change the order of the agenda, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Morris, McManus, Stein and Gwozdzowski).

NEW BUSINESS

3. Modifications to Park Square West, Phase IV (Trinity), Final Plans, 207 units

Attorney William Hennessey introduced the requested plan changes: 1) coverage of lot increased by 575 s.f.; 2) increase of two (2) units (one extra unit for Phase II and IV); 3) 4 relocated parking spaces; and 4) balconies added to the 18th floor.

After a brief discussion, Mr. Morris moved to approve the requested final site plan modifications, seconded by Ms. McManus and the motion was approved 4:0 (Morris, McManus, Stein and Gwozdzowski in favor; Mills recused).

Mr. Morris moved to return to the original agenda order, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Morris, McManus, Stein and Gwozdzowski).

PUBLIC HEARING

1. **Application 214-27 – RMS MAIN STREET LLC & RIPPOWAM PARK COMPANY, LLC, Text change**, to Amend Article III, Section 9I, Mill River District (MRD) 3d. Usable Open Space; 3f. Building Setbacks; 4d. Signage; 5a. Below Market Rate Dwelling Unit Requirements; 7a and e. Mixed-Use Commercial Development and 8. Application Review Procedures (*continued from November 24, 2014*).
2. **Application 214-28 – RMS MAIN STREET LLC & RIPPOWAM PARK COMPANY, LLC, Map Change**, Applicant proposes to change approximately 58,916 s.f. of property located at 896, 902, 908 & 914 Washington Boulevard, 135 & 159 Main Street and 8 Relay Place, Block #3, from C-G to MRD-D (*continued from November 24, 2014*).

3. **Application 214-29 – RMS MAIN STREET, LLC & RIPPOWAM PARK COMPANY, LLC, 896, 902, 908 & 914 Washington Blvd; 135 & 159 Main St; 8 Relay Place, Special Exception, General Development Plan and Final Site & Architectural Plans, Coastal Site Plan Review** requesting approval of Special Exceptions, General Development Plans and Final Site and Architectural Plans and Coastal Site Plan Review to construct a 6.5 story mixed use building with 8,760 s.f. of ground floor restaurant/retail space with 122 residential units above with indoor and outdoor amenity space, parking and landscaping improvements on property located in a proposed MRD District (*continued from November 24, 2014*).

Attorney William Hennessey, for the Applicant, noted that large scale plans had been provided to the two Board Members requesting them. He presented samples of exterior building materials.

Bruce Beinfield, Architect, explained the specifications for vinyl windows.

Attorney Lisa Feinberg presented revisions to the text amendment regarding the GDP and submitted a GDP map of the site.

Attorney Hennessey discussed the Applicant's plans for road improvements.

Randy Salvatore explained truck loading move in/out operations. He said he was opened to time restrictions for on-street parking.

Eric Raines, Landscape Architect explained the streetscape and Rippowam Park planting plans and discussed street lighting along Rippowam and Washington Blvd. Lighting on the building will be limited to walpacs and downlighting over the parking areas.

Mr. Michelson arrived at 8:11pm.

Mr. Mills asked if anyone from the public wanted to comment.

Mike Poppa, 49 Bowden, Landscaper, concerns about proposed plans for plant locations and depths and overall stormwater management for a project of this magnitude.

Attorney Hennessey responded that a complete landscape plan has been submitted with detailed specifics of plants, planting depths and maintenance. The current building is located on 100% impervious surface and this project will significantly improve drainage and plantings.

After further discussion, Mr. Mills closed the public hearing on these items at 8:37pm. He called a brief recess and resumed the meeting at 8:52pm.

REGULAR MEETING

APPROVAL OF MINUTES:

Minutes of November 24, 2014

Mr. Morris made a correction to page 2. Mr. Michelson requested several changes to the TOD text change application deliberations.

After further discussion, Mr. Morris moved to approve the minutes as modified, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

Ms. McManus moved to change the agenda order, seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, McManus, and Stein).

NEW BUSINESS

2. Modifications to Final Site & Architectural Plans for Parcel 38

Attorney Hennessey overviewed two proposed modifications: 1) a proposed "pocket" vehicle drop-off cutout which has been approved by the Traffic Advisory Committee and 2) Architect Erikjan Vermeulen, described changes to enclose the plaza and create a set of arches, 24 feet wide, to mark the building entrance.

After further discussion, Ms. McManus moved to approve the modification of the final site plans, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

Mr. Stein moved to return to the original agenda order, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus, and Stein).

Discussion with Staff on status of Appl. 214-07 and 214-08 West Side Development and ongoing meetings with Traffic Engineer. These applications, in addition to 214-21 and 214-25 have been tabled until the Zoning Board meeting of December 8, 2014.

PENDING APPLICATIONS:

5. Application 214-31 – CITY OF STAMFORD, ENGINEERING BUREAU, 83 Lockwood Avenue - Special Exception

Mr. Killeen outlined the application and reviewed additional materials on parking submitted for the Board to review. The big issue has to do with the traffic impact and parking requirements for public education buildings. The Applicant needs to rework their chart and obtain ZEO approval of parking.

After further discussion on seeing a lease that runs concurrent with use of the building and a revised parking plan approved by the ZEO, Mr. Mills moved to table this application until the next meeting.

NEW BUSINESS

1. Administrative review of signage, 101 Park Place; 101 Washington Blvd

Mr. Killeen reviewed the materials. Discussion of January 2014 minutes and review of illuminated signage on Franklin Street. Mr. Cole suggested a better discussion would be the south-end signage the Board has already approved and what the Zoning Regulations allow. Mr. Mills asked for clarification of what ramifications could be imposed for conditions not followed by Applicants.

After a brief discussion of design regulations for signage in the SRD district, the purpose of signs and a discussion of varying building heights with signage, Mr. Stein identified two questions: 1) the size and location of the signage and 2) illumination of signs.

Mr. Michelson moved to approve the sign request on the first level seconded by Mr. Stein and the motion was approved 5:0 (Mills, Michelson, Morris, McManus, and Stein).

Mr. Michelson moved to deny the sign request on the fifteenth floor due to the fact that it doesn't meet design guidelines to be informational and because it can't be seen at street level, seconded by Mr. Stein and carried on a 3:2 vote (Michelson, Morris, Stein voting to deny, Mills and McManus against).

4. Gateway Garage Temporary Access Plan

Attorney John Freeman and Bill Buckley reviewed the proposed changes for traffic flow at the Gateway Garage. They brought their requests to the Traffic Advisory Commission and reported on the outcome.

Mr. Stein requested clarification of what was in place and what was being requested. Are there barriers up? Mr. Buckley said yes but they are 4 feet apart. They are trying not to use Jersey barriers. There is a need for a sign and crosswalks with painted lines.

The Board discussed what's currently in place and what's needed regarding traffic flow controls.

Mr. Stein moved to approve a temporary access plan with conditions including a crosswalk along all lanes, a stop sign for pedestrian crossing, and a sign "right turn only" at the entrance to the garage, seconded by Ms. McManus and the motion was approved 5:0 (Mills, Michelson, Morris, McManus, and Stein). The conditions will read as follows:

1. *The Pedestrian Crosswalk will be clearly marked across all lanes;*
2. *A Sign will be installed to alert drivers to stop for the Pedestrian Crossing.*
3. *A Sign will be installed on the southbound lane of Washington Blvd. to notify drivers "Right Turn Only, Entrance to Garage".*

Ms. McManus moved to add an item to the agenda, seconded by Mr. Morris and the motion was approved 5:0 (Mills, Michelson, Morris, McManus and Stein).

Jonathan Rose/Metro Green

Attorney Amy Souchuns and Richard Redniss, representing Capelli Associates/Metro Green, discussed the proposed use of approximately \$6.3 million in BMR fee-in-lieu funds to help

bridge the financing gap for the construction of 73 BMR units in the Metro III Development. The \$6.3 million would come from fee-in-lieu payments from the approved Morgan Lofts Development and the approved Atlantic Station Development.

Attorneys William Hennessey and Lisa Feinberg were present to represent the Morgan Lofts Development and Carolyn Vary was present to represent Metro Green/Jonathan Rose Company.

Ms. Vary provided an overview of the various funding sources that would be utilized for the development including State loan funds, tax credits and other City funds.

After further discussion, the Zoning Board asked how the contributions from each development related to their conditions of approval. The Morgan Loft development contribution of just under \$3.2 million was in line with their approval. Mr. Stein calculated the requirement from the Atlantic Station development at around \$7 million, while their contribution to Metro Green would only be around \$3.1 million. The Board felt this was not enough. Some discounting could be considered for creative solutions but not by this amount.

After further discussion, a motion was made by Ms. McManus, seconded by Mr. Michelson to approve the allocation of approximately \$6.3 million in BMR fee-in-lieu payments to the Metro III Development of Jonathan Rose towards the construction of 73 BMR units. The source of these funds will be from the Morgan Lofts and Atlantic Station developments.

There being no further business, the meeting adjourned at 11:25 p.m.

Respectfully submitted,

Barry Michelson, Secretary
Stamford Zoning Board

MAYOR
DAVID R. MARTIN



CITY OF STAMFORD
ZONING BOARD
LAND USE BUREAU
888 WASHINGTON BOULEVARD
P.O. BOX 10152
STAMFORD, CT 06904 - 2152

NORMAN F. COLE, A.I.C.P.
LAND USE BUREAU CHIEF
Tel: (203) 977-4714

JAMES J. LUNNEY III, R.A.
LAND USE ADMINISTRATIVE OFFICER
ZONING ENFORCEMENT OFFICER
Tel: (203) 977-5944

RESOLUTION OF THE ZONING BOARD OF THE CITY OF STAMFORD

WHEREAS, the Zoning Board has approved Application #213-30 requesting Final Plan and Coastal Site Plan Review approval for the final residential component of the Metro Green development, containing 155 dwelling units, of which 73 units are proposed to be restricted to residents having incomes at or below 60% of AMI (the "Metro III Development");

WHEREAS, the Zoning Board has approved Application #213-29 for a Special Exception for the Morgan Lofts development and Application #213-44 for a Special Exception for the Atlantic Station development;

WHEREAS, the Zoning Board is supportive of the Metro III Development and recognizes that payments, if made by the developers of Morgan Lofts and Atlantic Station, in the total amount of \$6,330,686.00 to Affordable Housing Development Company, LLC ("AHDC"), an affiliate of Jonathan Rose Companies, will provide funds necessary to ensure the completion of the Metro III Development.

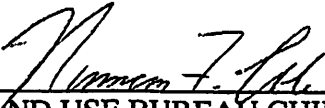
NOW THEREFORE BE IT RESOLVED that the Zoning Board approves the allocation of \$6,330,686.00 associated with the Morgan Lofts and Atlantic Station approvals, subject to the following conditions:

1. Receipt by AHDC of an award of \$5,000,000 in State of Connecticut Department of Housing funds, allocation of State of Connecticut private activity tax exempt bond authority, and 4% Low-Income Housing Tax Credits issued by the Connecticut Housing Finance Authority ("Metro III Funding").
2. The Morgan Lofts Payment shall be due to AHDC on July 30, 2015 or the Metro III Funding closing, whichever should occur later.
3. The Atlantic Station Payment shall be made to AHDC upon 30 days' notice, but no payment shall be required prior to the closing on construction financing of the Atlantic Station North Tower or the Metro III Funding closing, whichever should occur later.
4. Within 30 days of receipt of the Morgan Lofts Payment and Atlantic Station Payment, respectively, the Zoning Board shall be provided with proof of said payment.

5. If AHDC fails to begin construction by December 31, 2015, the Zoning Board may rescind the allocation of the Morgan Lofts Payment and the Atlantic Station Payment to the Metro III Development.
6. Nothing in this resolution prohibits the Atlantic Station developer from seeking Zoning Board approval that any payment to or production of below market rate units by AHDC is in satisfaction of the Atlantic Station below market rate obligation.

Adopted by the Zoning Board at its meeting of December 1, 2014.

NORMAN F. COLE



LAND USE BUREAU CHIEF
OF THE CITY OF STAMFORD

SECTION 7.4 – BELOW MARKET RATE DWELLING UNITS

A. FINDINGS

It is the public purpose and policy of the City of Stamford, the Southwestern Regional Planning Agency and the State of Connecticut to achieve a diverse and balanced community with housing available for households of all income levels. Economic diversity fosters social and environmental conditions that protect and enhance the social fabric of the City and are beneficial to the health, safety and welfare of its residents and to the environmental quality and economy of the region.

The Stamford Master Plan 2002 has documented a growing affordability gap between the supply of housing and the demand for housing. This affordability gap is driven by several broad trends including the fact that home sale prices have grown as fast or faster than household earnings, that rents in newer apartment developments are well out of reach of most low and moderate income households, and that the limited inventory of affordable market-rate apartments and condos coupled with the inventory of assisted housing units is inadequate to meet the demand for affordable housing.

A significant cause of this affordability gap and crisis in the availability of a diversity of housing opportunities is the rapid increase in employment in the City. Employment in Stamford increased by 8,000 jobs between 1980 and 1990 and is projected to add 9,000 more jobs by the year 2000 and an additional 7,700 jobs by the year 2010.

The Master Plan establishes the goal of providing decent, affordable housing for all of the residents of Stamford, whatever their economic conditions. To address the continuing loss of affordable housing, coupled with the increasing affordability gap and growing housing demand, ~~the City of Stamford has established the goal of producing a minimum of 8,000 affordable housing units, in addition to what is currently available.~~

The Master Plan recommends, as a key element of a coordinated housing strategy, that the City's Zoning Regulations incorporate a mandatory inclusionary housing requirement, with appropriate incentives, consistent with established planning principles and contextual development.

The inclusionary housing program defined herein is necessary to provide continuing housing opportunities for low and moderate income households and working people. It is necessary to help maintain a diverse housing stock and to allow working people to have better access to jobs and upgrade their economic status. The regional trend toward increasing housing prices will, without intervention, result in inadequate supplies of affordable housing and will negatively impact the ability of local employers to attract and maintain an adequate work force. Because remaining opportunity for new residential development within the city is limited, it is essential that a reasonable proportion of new development be devoted to housing that is affordable to low and moderate income residents and working people.

Therefore, to implement the policies of the Master Plan, it is essential that new residential development contain housing opportunities for households of low and moderate income, and that the City provide a regulatory and incentive framework that ensures development of an adequate

supply and mix of new housing to meet the future housing needs of all income segments of the community.

B. AUTHORITY

These regulations are enacted under the authority of the Charter of the City of Stamford and Section 8-2(i) of the Connecticut General Statutes.

C. STANDARDS

The purpose of this section is to establish uniform definitions, standards and procedures to apply in all cases where Below Market Rate (BMR) Dwelling Units are required under the terms of these Regulations. Standards for the level of affordability and the number of required BMR units and other special standards are established separately by zoning district and are stated elsewhere in these Regulations.

1.) The term "Below Market Rate Dwelling Unit" (BMR) shall be defined to be a dwelling unit restricted as to sale or rent based on the most current statistics of median family income for the Stamford Standard Metropolitan Statistical Area (SMSA) as published and periodically revised by the U.S. Dept. of Housing and Urban Development. The criteria for pricing one-bedroom BMR units shall be the SMSA median income for families of one and one-half; two-bedroom BMR units shall be priced based on the SMSA median income for families of three persons; and three-bedroom BMR units shall be priced based on the SMSA median income for families of four and one-half persons. BMR units offered for sale shall be limited to a selling price that is affordable to a purchaser with an income not exceeding the criteria family income, according to unit type as set forth above, based on industry-standard mortgage underwriting guidelines, and based on prevailing interest rates and a ten percent (10%) down payment. BMR units offered for rent shall be restricted to a maximum annual rent, inclusive of all basic utilities except telephone, not to exceed ~~30% of the criteria family income, according to unit type as set forth above.~~

Rental restrictions shall remain in full force and effect for so long as the building or development exists, and shall be administered in accordance with written guidelines as adopted and periodically revised by the Zoning Board. BMR units offered for sale shall remain subject to resale controls for so long as the building or development exists, and shall not exceed a resale price equal to the current BMR sale price for a comparable unit, as set forth above. The allowable resale price may be reduced if the physical conditions reflect abnormal wear and tear due to neglect, abuse or insufficient maintenance. BMR sale and resale requirements shall be administered in accordance with written guidelines as adopted and periodically revised by the Zoning Board, with suitable restrictive covenants in deeds, running with the land and senior to all financing instruments, to carry out and effectuate these obligations.

ELIGIBLE FAMILY INCOME LIMITS - YEAR 2011
FAMILY SIZE

AFFORDABILITY	one	two	three	four	five	six
25% of Median	\$22,155	\$25,320	\$28,485	\$31,650	\$34,182	\$36,714
50% of Median	\$44,310	\$50,640	\$56,970	\$63,300	\$68,364	\$73,428
60% of Median	\$53,172	\$60,768	\$68,364	\$75,960	\$82,036	\$88,114

2.) Below Market Rate Dwelling Units shall be designed, constructed, sold or rented, managed and controlled as to resale in accordance with such other necessary written administrative policies, definitions and guidelines as officially adopted by the Zoning Board and/or the City of Stamford, as amended from time to time. When located within the development, such BMR units shall be constructed with floor area, finishes and amenities comparable to the market rate units within the development, and shall be reasonably distributed throughout the project and provided in a mix of unit types, as determined by the Zoning Board, provided that the average floor area of BMR units shall be comparable to the average floor area of the market rate units within the development. The Board, in its sole discretion, may approve a different number of BMR units provided that the total floor area of BMR units approved by the Board is comparable to the total floor area of the BMR units which would otherwise be required pursuant to these Regulations.

3.) Management Plan. A proposal to establish BMR units shall be accompanied by a management plan ("Affordability Plan"), subject to approval of the Zoning Board, providing all of the necessary information and documentation to ensure the construction and continued operation of affordable housing, including the following:

i) the person or organization responsible for administering the plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms;

ii) affirmative fair marketing procedures governing the sale or rental of the BMR units;

iii) proposed sale or rental prices of BMR units and the basis for their determination;

iv) identification and timetable for the completion and even distribution of the BMR units among the market-rate units in the development; and

~~v) other information as may be required by the Zoning Board~~

The Affordability Plan shall encourage the participation of families with Section 8 vouchers and use of other local, State and/or federal programs and initiatives to further write down the affordability of BMR units to families earning less than fifty percent (50%) of the Stamford SMSA median income or to increase the number of BMR units within the project.

4.) Alternative Methods of Compliance: Pursuant to an application for Special Exception, the Zoning Board in its sole discretion may approve alternative methods of satisfying a BMR requirement, including but not limited to the dedication of vacant land, the construction of BMR units on another site, the acquisition and enforcement of rental/sales price restrictions on existing dwelling units, or the payment of an appropriate in-lieu housing fee. Any such proposal shall demonstrate to the satisfaction of the Zoning Board that the alternative method(s) 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 and/or larger bedroom size units and/or units for families below the required targeted income brackets.

(a) Land Dedication: a BMR requirement may be satisfied by the dedication of land within the City in-lieu of providing affordable housing on-site. The value of land to be dedicated

shall be determined by an independent appraiser, at the cost of the developer, who shall be selected from a list of certified appraisers provided by the City, or by such alternative means of valuation mutually acceptable to the developer and the City. The land to be dedicated shall have a value equal or greater than the fee-in-lieu contribution that would otherwise be required to satisfy the BMR requirement. In addition, the land must be of suitable character and location, and zoned to allow construction of a number of dwelling units equal or greater than the number of BMR units being satisfied.

(b) Dedication of Existing Units: a BMR requirement may be satisfied by restricting the rental or sale price of existing dwelling units within the City, through covenants, contractual arrangements, or resale restrictions, the form and content of which are acceptable to the Zoning Board. The restriction of such existing units must result in the creation of units that are equivalent in value, quality, and size as compared to the on-site BMR units that would otherwise be constructed.

(c) Off-Site Construction of BMR Units: a BMR requirement may be satisfied through the off-site construction or substantial rehabilitation of BMR dwelling units within the City of Stamford, subject to the following standards: (i) the location, architectural design and siting of such units shall be subject to approval by the Zoning Board; (ii) such units shall not serve to displace existing affordable housing units; (iii) off-site BMR units shall be generally consistent with all applicable standards of this section, including but not limited to, value, quality and size of on-site units that would otherwise be constructed; (iv) the Board shall condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units and/or establish other reasonable performance conditions necessary to insure that the off-site BMR units will be built in a timely manner.

(d) Fee-in Lieu Payment: a BMR requirement may be satisfied, in whole or in part, through the payment of a "fee-in-lieu" cash contribution to a City of Stamford fund, or other ~~approved non-profit or for-profit organization dedicated to affordable housing initiatives.~~ Notwithstanding any other provisions of this Section 7.4 to the contrary, the cash contribution shall be determined based on the number of BMR units otherwise required to be constructed on-site and the current SMSA median household income for a family of four persons, and the following criteria for each of three required affordable income ranges: BMR units affordable at the 25% of SMSA family income level shall require a cash contribution not less than 240% of the SMSA median income; BMR units affordable at the 50% of SMSA median family income level shall require a cash contribution not less than 145% of the SMSA median income; and BMR units affordable at the 60% of SMSA median family income level shall require a cash contribution not less than 110% of the SMSA median income. Where the contribution is targeted to assist an identified off-site project providing affordable housing, the Board shall condition the issuance of certificates of occupancy for the development project with the completion of the off-site affordable units and/or establish other reasonable performance conditions necessary to insure that the off-site BMR units will be built in a timely manner. (205-11) (209-08)

CALCULATION OF CASH PAYMENT, 50% AMI – YEAR 2011

2011 Median Income, Family of Four = \$126,600
Cash Payment = 145% x \$126,600 = \$183,570

(e) **Other Equivalent Actions:** a BMR requirement may be satisfied through other in-lieu contributions and efforts that, in the discretion of the Zoning Board, are judged to have a value that is equal or greater than the “fee-in-lieu” cash contribution otherwise required and will further the affordable housing goals and purposes of this section. (203-08)

(f) The Zoning Board may approve on-site or off-site BMR units at affordability levels ranging from 25% to 80% of the Area Median Income (AMI), in order to increase the opportunity and range of family incomes served by the BMR program. Subject to approval by the Board, the number of required BMR units affordable at 50% AMI may be substituted using the following approximate ratios (209-09):

- One (1) BMR unit at 25% AMI equals 1.70 units at 50% AMI
- One (1) BMR unit at 60% AMI equals 0.75 units at 50% AMI; and
- One (1) BMR unit at 80% AMI equals 0.40 units at 50% AMI.