

Web Version

FOR PUBLICATION: THE ADVOCATE – TWO INSERTIONS – WED, OCT 23, 2024
WED, OCT 30, 2024

**LEGAL NOTICE
ZONING BOARD – CITY OF STAMFORD**

Application 224-24- Notice is hereby given that the Zoning Board of the City of Stamford, CT will conduct a Public Hearing on Monday, **November 4, 2024** at **6:30pm** through a web and phone meeting to consider the application of the City of Stamford’s Zoning Board for a Text Change to amend the Below Market Rate Housing regulations in the Stamford Zoning Regulations (Section 7.4.) to increase the supply of affordable units by increasing the affordable housing requirements and other measures.

~~Strikethrough~~ Text to be deleted.

Underline Text to be added.

Double Underline Text to be moved.

Regular Existing text to be retained.

AMEND Section 7, Below Market Rate Housing Program, as follows:

SECTION 7 – BELOW MARKET RATE HOUSING PROGRAM (220-13)

7.A. PURPOSE

It is the public purpose and policy of the City of Stamford, as outlined in its 2015 *Master Plan*, and the State of Connecticut to achieve a diverse and balanced community with housing available and affordable 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. In addition to the City’s other affordable housing strategies, the *Below Market Rate* (“*BMR*”) Housing Program aims at creating mixed-income communities in new developments.

7.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.

7.C. STANDARDS

7.C.1. ~~Standards for All BMR Units~~ Applicability

~~On-site BMR Units Required.~~ or the equivalent Fee-In-Lieu payment shall be required as follows:

- a. ~~(i) All new residential developments with ten (10) or more Dwelling Units, conversions of non-residential Floor Area to residential Floor Area or~~ (ii) additions, expansions or conversions to existing residential and Mixed-Use Buildings that increase the total number of residential units Dwelling Units in such Buildings to ten (10) or more units, or (iii) any combination of (i) and (ii), resulting in ten (10) or more Dwelling Units, shall permanently create and deed restrict the number of rental or for sale BMR Units for the life of the Building as specified in Subsections 7.C.23, 7.C.34 and 7.C.5 below, notwithstanding any provision of these Regulations to the contrary.
- b. Conversions of non-residential Floor Area to residential Floor Area generating ten (10) or more Dwelling Units, shall permanently create and deed restrict the number of rental or for sale BMR Units for the life of the Building as specified in Subsections 7.C.3, 7.C.4 and 7.C.5 below notwithstanding any provision of these Regulations to the contrary.
- c. For any Substantial Renovation or Alteration of existing rental residential properties having ten (10) or more Dwelling Units prior to the renovation or upgrade and which have less than 5% 7% BMR Units (excluding Premium Units) on-site (and for which no Fee-in-Lieu payment or alternative means of meeting the BMR requirement pursuant to Subsection 7.D was made), there shall be a BMR requirement of 5% 7% of all units existing following any such work ("Rehab Units"), affordable to Households at 65% of the AMI or lower. Such Rehab Units shall comply with this Section 7. If, as part of such work, new units are developed, then such new units shall be subject to all of the requirements of this Section 7.
- d. All Senior Housing for the Elderly, including Independent Living Facility and Assisted Living Facility, shall provide at least seven five percent (7%5%) of all units as BMR Units. Memory care assisted living and hospice care units shall be excluded from this BMR requirement. Such developments may, however, make a fee in lieu payment pursuant to Section 7.D.3 without having to receive Special Permit approval by the Zoning Board. For the purpose of calculating the amount of the fee-in-lieu payment, common and program areas, e.g., dining or recreational facilities, shall not be considered. All monies generated by this provision shall be used exclusively for the production of Affordable Housing for Seniors.

7.C.2. Premiums for Developments with Less than Ten (10) Units Providing BMR Units

For smaller Developments or other housing not subject to the BMR requirements pursuant to Subsection 7.C.1., the following Premium Density regulations shall apply:

- a. For Developments with at least three (3) but fewer than six (6) units, one (1) Premium Market Rate Unit may be provided in addition to the base Density permitted in the underlying zoning district if one (1) BMR Unit is provided onsite, or a fee-in-lieu payment is made.
- b. For Developments with at least six (6) but fewer than ten (10) units, two (2) Premium Market Rate Units may be provided in addition to the base Density permitted in the underlying zoning district if two (2) BMR Units are provided onsite, or a fee-in-lieu payment is made.

For a. and b., the fee-in-lieu shall be calculated as follows:

Gross Residential Floor Area (including Premium Units) * 10% x fee per square foot pursuant to Table 7.2

- c. With the exception of Permitted Density, all other zoning requirements of the underlying zoning district shall apply.

7.C.3. Standards for All On-Site BMR Units

- a. **Pricing of BMR Units for Sale or Rent.** Studios BMR Units shall be priced based on the *Area Median Income (AMI)* for families of 0.9 persons; one-bedroom *BMR Units* shall be priced based on the *AMI* ~~income~~ for families of one and one-half persons; two-bedroom *BMR Units* shall be priced based on the *AMI* for families of three persons; and three-bedroom *BMR Units* shall be priced based on the *AMI* for families of four and one-half persons, all at the criteria income levels established in Table 7.1 (for rental units) and Subsection 7.C.5. (for ownership units) 7.3.
- b. **Policies and Guidelines for BMR Units.** *BMR Units* shall be designed, constructed, sold or rented, managed and controlled as to resale and rental in accordance with such other 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.
- c. **BMR Units Equivalent to Market Rate Units.** *BMR Units* shall be constructed, maintained, and updated comparably to the Market Rate Units within the Development, including but not limited to floor area, layout, interior and exterior finishes, fixtures and amenities. ~~comparable to the market rate units within the development.~~
- d. **Location of BMR Units within Buildings.** *BMR Units* shall be dispersed evenly throughout the *Development* and must not be concentrated on particular floors, within particular sections of a *Building*, or within particular buildings in a *Development* with multiple *Buildings*. There shall be no separate access points for *Market Rate Units* and *BMR Units*.
- e. **Equal Access to Amenities for BMR Residents.** Residents of *BMR Units* shall have the same access to common areas, facilities, amenities and services as residents of *Market Rate Units* in the project, including but not limited to, outdoor spaces, amenity spaces, storage, and other resident services. There shall be no fees for the use of Standard Amenities or for the use of a Parking Space for one vehicle and bicycle facilities for residents of *BMR Units*. If a *BMR* household owns more than one vehicle, the same parking fees as for the market rate tenants or owners shall apply for all vehicles in excess of the first vehicle. *BMR* tenants and owners shall not be charged higher or additional fees than market rate ~~renters~~ tenants or owners. ~~and free access to amenities for market rate owners or renters, must be free for BMR Unit renters or owners.~~
- f. **BMR Unit Size Proportional to Market Rate Unit Size; Alternate Unit Mix.** The number of *BMR Units* defined by size and number of bedrooms shall be proportionate to the overall number of Dwelling Units in the project defined by size of the Dwelling Unit and number of bedrooms. The Zoning Board may at the request of the Applicant by Administrative Approval permit a different unit mix (unit size and number of bedrooms) differing from the overall distribution of Dwelling Units. Such different mix of units shall be based on the following ratios; provided, ~~however that the Floor Area of the BMR Units provided is equal to or greater than the total Floor Area of BMR Units that~~ equivalencies:

Unit size equivalencies:

Base: 2-Bedroom Unit

One 2-Bedroom Unit equals three Studio units

One 2-Bedroom Unit equals two 1-Bedroom units

One 2-Bedroom Unit equals one 2-Bedroom unit

One 2-Bedroom unit equals 0.75 3-Bedroom units.

- g. **Rental and Ownership BMR Units in the Same Development.** For projects with a combination of rental and owner-occupied *Dwelling Units*, the ratio of rental to owner-occupied *BMR Units* shall be equal to the ratio of rental to owner-occupied units in the *Development*.
- h. ~~i. **All BMR Units to be Provided On-Site.** All required *BMR Units*, except fractional units, shall be provided on-site unless the Zoning Board, in its sole discretion, approves an Alternative Method of Compliance, pursuant to Section 7.D. below.~~
- i. ~~j. **Fractional BMR Units.** For fractional *BMR Units* of less than one unit, a fee-in-lieu payment may be made pursuant to Section 7.D.3 without having to receive *Special Permit* approval by the Zoning Board.~~
- h. ~~Equivalency of Affordability Levels. The Zoning Board, in its sole discretion, may determine the affordability level for the required *BMR Units* between the range of 50-80% *AMI* based on the following equivalencies and shall take into account the recommendations of the City's Affordable Housing Plan, if such Plan exists. *BMR Units* shall have affordability levels between 40%-50% of *AMI* based on the equivalencies provided in subsection i. below; provided, however that the Zoning Board may, at the request of the Applicant, permit by Administrative Approval, affordability levels above 50% or below 40% of the *AMI*.~~
- i. **Equivalency of Affordability Levels.** If Affordability Levels other than 50% *AMI* are used, the following equivalencies shall apply and shall take into account the recommendations of the City's Affordable Housing Plan:

Base: One (1) BMR unit at 50%;

One (1) *BMR Unit* at 25% *AMI* equals 2.00 units at 50% *AMI*;

One (1) *BMR Unit* at 30% *AMI* equals 1.56 units at 50% *AMI*;

One (1) *BMR Unit* at 35% *AMI* equals 1.43 units at 50% *AMI*;

One (1) *BMR Unit* at 40% *AMI* equals 1.3 units at 50% *AMI*;

One (1) *BMR Unit* at 45% *AMI* equals 1.15 units at 50% *AMI*;

One (1) *BMR Unit* at 60% *AMI* equals 0.70 0.65 units at 50% *AMI*; and

One (1) *BMR Unit* at 65% *AMI* equals 0.60 0.55 units at 50% *AMI*; and

For homeownership BMR units only

One (1) *BMR Unit* at 80% *AMI* equals 0.40 units at 50% *AMI*

- j. **Premium Floor Area or Premium Units Only When BMRs Provided On-Site.** Notwithstanding anything to the contrary in these Regulations, no development shall receive *Premium Floor Area* or *Premium Units* unless all *BMR Units* are provided on-site at the Development, except for fee-in-lieu

paid for fractional Units and Fee-In-Lieu payments under Section 7.C.2. ~~under Subsections 7.e.1.d and e.2 and paid for fractional BMR Units as defined in Subsection C.1.k.,~~

- k. **Premium Floor Area or Premium Units Excluded from BMR Calculations.** *Premium Floor Area or Premium Units received for providing BMR Units provided on-site, as defined in the respective District Regulations in Sections 4 and 9 and/or in Appendix B, Table III, shall be excluded from BMR requirements.*
- l. **Bonus Floor Area and Bonus Units Subject to BMR Requirements.** *Bonus Floor Area and Bonus Units shall be subject to the BMR requirements.*
- m. **Replacement of Subsidized, Affordable Housing (including BMR Units) and Existing Market Rate Affordable Housing Units.**

(1) **Replacement of Subsidized, Income Restricted or BMR Units.** *If, on a Lot, any subsidized, income restricted or deed restricted Affordable Housing Units currently exists, If, as part of a redevelopment, any Subsidized or Affordable Housing units are lost, then, in addition to the new BMR Units required, applicant shall replace all such units at a ratio of 1:1 at the same or equivalent affordability levels as the subsidized, income restricted or deed restricted units lost. provided, however, the following rules shall apply In case the deed restriction, income limitation or subsidy has expired, and the units are Market Rate Affordable, the rules for Market Rate Affordable Units in Subsection (2) below shall apply. In case a redevelopment does not include residential units then the applicant shall make a fee-in-lieu payment for such lost units. In that case, the fee-in-lieu shall be calculated based on the square footage fee for the respective zoning district pursuant to Table 7.3. multiplied by 1,000 and the number of units lost.*

(2) **Replacement of Market Rate Affordable Housing Units.** *If, on a Lot, any Market Rate Affordable Housing Units existed (at any time during the three (3) years prior to applying for a Zoning Board approval for a project on such Lot) If, as part of a redevelopment, any Market Rate Affordable Housing units are lost, then, in addition to providing the new BMR Units, required for such district, applicant shall replace the Market Rate Affordable Units lost with BMR Units affordable at 65% of AMI at a ratio of one additional replacement unit for every two 1.5 Market Rate Affordable Units lost; provided, however, that the*

(3) **Limitation on Replacements of Units Lost.** *The applicant shall not be required to provide replacement BMR Units pursuant to Subsection 7.C.3.m. (2) exceeding 25 20% of the total number of units of the proposed project redevelopment. (i.e., any BMR Units required pursuant to Subsection 7.C.3.m.(1) above shall be in addition to this 25% maximum.)*

Examples:

(a) *Market Rate Affordable Units pre-redevelopment: 89*

Proposed development: 100 units; BMR requirement 10% = 10 BMR Units

9 8 Market Rate Affordable Units lost = 4 6 replacement units required (0.67x9 units)

Total BMR requirement = 14 16 units (10 new BMR Units plus 4 6 replacement BMR Units)

(b) *Market Rate Affordable Units pre-redevelopment: 24*

Proposed development: 100 units; BMR requirement 10% = 10 BMR Units

24 Market-Rate Affordable Units lost = 16 replacement units required (0.67x24 units)

Total BMR requirement 26 units (10 BMR units plus 16 replacement units)

Because the maximum number of BMRs to be provided when Market Rate Affordable Housing is replaced is capped at 25%, the total BMR requirement in this example is 25.

~~*Market Rate Affordable units lost must be replaced at a ratio of 1.52:1 but no more than 25-20% of the proposed total of units created;*~~

~~*12-16 Market Rate Affordable units need to be replaced, however, BMR is capped at 20-25% BMR requirement = 20-25 units*~~

(4) Where Subsections 7.C.3.m.(1) or (2) applies, and the proposed project are replaced with non-residential does not contain any residential units, then a fee-in-lieu payment shall be made for such lost units. Said fee-in-lieu payment shall be calculated based on ~~10%~~ of the proposed non-residential Gross Floor Area and the current per square foot fee for “~~All other districts~~” in Table 7.2 for such district pursuant to Table 7.2.

- n. **Accounting for Assets.** Return-on-Assets Income shall be imputed by excluding the first \$5,000 of assets and multiplying the value of the remaining assets by the HUD passbook rate ~~as reported by Charter Oak Communities.~~ Net Household Assets shall not exceed \$100,000 at the time of initial application to lease or purchase a *BMR Unit* and at the time of annual income recertification.
- o. **Preference for Stamford Residents at Initial Leasing.** Preference for 50% of *BMR Units* at initial leasing shall be given to persons living or working in the City of Stamford.
- p. **Initial Leasing by Lottery Only.** For the initial lease-up, *BMR* tenants shall be determined by two lotteries, one for applicants living or working in Stamford and a second for all eligible applicants. This shall be outlined in the applicable Affordability Plan.
- q. **Phased Development.** Where a project is constructed in phases, the required number of *BMR Units* shall be satisfied at each phase of the development, unless the Zoning Board, by *Special Permit*, approves a different procedure.
- r. **Fees.** No additional fees of any kind (including but not limited to those related to applications, administration, amenities or management of the building) shall be charged other than the approved application fee and optional amenity fees not included in the *Standard Amenities* (e.g., additional storage, pets, event space, etc.). All fees shall be listed in the Affordability Plan and are subject to approval by the Land Use Bureau. No fees in addition to those listed shall be charged without prior approval by the Land Use Bureau.

7.C.24. Standards for Rental On-Site BMR Units

- a. *BMR Units* offered for rent shall be restricted to a maximum annual rent, inclusive of all rent, parking for one car, fees (except as set forth in subsection 7.C.3.r above), taxes and basic utilities except telephone and cable, ~~fees and taxes~~ not to exceed 30% of the criteria family income, according to unit type as set forth above in Subsection 7.C.4-b.3.a.
- b. The limitation on the maximum amount of rent which may be charged 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.
- c. In all rental developments specified in Subsection 7.C.4-a.3.a. above, *BMR Units* shall be made available at the percentages and affordable levels (as percentage of the *AMI*) as set forth in Table 7.1:

Table 7.1.

Zoning District	Percentage of units in developments with 10 or more units to be permanently dedicated <u>deed restricted</u> as <i>Below Market Rate Rental Dwelling Units</i>	
	% of all units ¹⁾	Affordability level (% of <i>AMI</i>) ²⁾
<u>TCD-D, MRD-D</u>	<u>14%</u>	<u>50%</u>
<u>C-C, C-G, R-HD, SRD-N, SRD-S, V-C</u>	<u>12%</u>	<u>50%</u>
All other Districts	10% <u>10%</u>	50%
Conversion Units	<u>7%</u>	<u>50%</u>
Rehab Units	5% <u>7%</u>	50% <u>65%</u>
Housing for the Elderly	5% <u>7%</u>	50%

¹⁾ Excluding ~~units developed with Premium FAR~~ Premium Floor Area and Premium Units received for providing *BMR Units* on-site.

²⁾ Subject to Subsection 7.C.3.i

- d. All renters of *BMR Units* shall be recertified annually to assure that they continue to meet the respective maximum income requirements. If, upon recertification, a household's income exceeds the maximum income by more than 10%, said household shall vacate said unit within three months of the date of the recertification. income limit for the *BMR Unit* by less than 10%, the household shall remain eligible under the BMR program. If a household's income exceeds the income limit for the *BMR Unit* by 10% or more but such income is still below 80% of the *AMI*, the household shall remain eligible to occupy the unit for one year following the recertification. If at the end of such year their income has declined to less than 10% over the income limit for that unit, the household shall remain eligible. For example, below 60% for a 50% *AMI* unit. If a household's income exceeds 80% of the *AMI*, that household shall be

notified in writing they will no longer be eligible to occupy the unit and within 90 days after such notification, the household must vacate the unit.

- e. Renters of *BMR Units* ~~under the BMR Housing Program established under this Section 7.~~ shall only be permitted to apply for a different *BMR Unit* in this program if they no longer meet the requirements of the *BMR Unit* assigned to them, for example because of a change in family size or income.

7.C.35. Standards for On-Site Ownership BMR Units

- a. In all home-ownership developments specified in Subsection 7.C.1 above, 50% of all required *BMR Units*, ~~excluding units developed with *Premium FAR*,~~ shall be made available for sale to *Eligible Households* earning 65% or less of the *AMI*, and an additional 50% to *Eligible Households* earning 80% or less of the *AMI*. ~~according to unit type as set forth above in Subsection C.1.b.~~
- b. *BMR Units* offered for sale (both the first sale and all subsequent resales) shall be limited to a selling price that is affordable to a purchaser with an income not exceeding the family income defined in Subsection 7.C.5.3.a, according to unit type as set forth above, based on industry-standard mortgage underwriting guidelines, and based on prevailing interest rates and a three percent (3%) down payment. The initial sale price for a *BMR Unit* shall be set at a level where monthly housing cost (which shall include debt service at prevailing interest rates for a 30-year conventional mortgage, down payment of three percent (3%), condominium or related common charges, real estate taxes, and parking fees for one vehicle) does not exceed thirty percent (30%) of household income, based on a household size of one (1) person per bedroom.
- c. *BMR Units* offered for sale shall remain subject to resale restrictions for so long as the *Building* or *Development* exists, with a selling price that is affordable to a purchaser with an income not exceeding the family income defined in Subsection 7.C.5.3.a. and based on the guidelines set forth in Subsection 7.C.5.3.b. *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.
- d. Should an applicant not be able to sell some or all the required *BMR Units* within one year of the issuance of a final Certificate of Occupancy for a *BMR Unit*, the unsold home ownership units may, by *Administrative Approval* by the Zoning Board, be rented out to *Eligible Households* earning 50% or ~~of~~ less of the *AMI* for a lease term of at least one (1) year. Following expiration of the initial one (1) year lease term, if the applicant finds an eligible buyer other than the renter of a the *BMR Unit*, the applicant must grant the current renter at least three months from the date of closing to vacate the *BMR Unit*.

e. BMR Units which are offered for sale must be occupied by the owner at all times and may not be rented out by the owner.

7.C.6. 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 the City of Stamford Affordable Housing Trust Fund.

Notwithstanding any other provisions of this Section 7 to the contrary, the cash contribution shall be determined based on a fee per square foot for the percentage of *Residential Gross Floor Area* set forth in table 7.2. All fee-in-lieu payments shall be made prior to the issuance of a Building Permit for the *Market Rate Units*.

Table 7.2. (221-11)

<u>Zoning District</u>	<u>Percentage of <i>Residential Gross Floor Area</i> subject to fee</u>	<u>Fee per square foot, 1/1/2024</u>
<u>TCD-D, MRD-D</u>	<u>14%</u>	<u>\$200</u>
<u>C-C, C-G, R-HD, SRD-S, SRD-N</u>	<u>12%</u>	<u>\$200</u>
<u>MX-D, R-H</u>	<u>10%</u>	<u>\$200</u>
<u>V-C</u>	<u>12%</u>	<u>\$150</u>
<u>All other districts</u>	<u>10%</u>	<u>\$150</u>
<u>Conversion units</u>	<u>7%</u>	<u>\$125</u>
<u>Rehab units</u>	<u>7%</u>	<u>\$125</u>
<u>Housing for the Elderly</u>	<u>7%</u>	<u>\$125</u>

The fee-in-lieu per square foot shall be increased automatically on every January 1st by the increase of the Construction Cost Index as published by the Engineering News Record with January 1, 2024 as the base month.

7.D. ALTERNATIVE METHODS OF COMPLIANCE

Pursuant to an application for *Special Permit*, the Zoning Board, at its sole discretion, may approve one or a combination of the alternative methods of satisfying a BMR requirement as provided for below. ~~provided, however, as set forth above, no *Special Permit* approval shall be required for fee-in-lieu payments made for fractional *BMR Units* pursuant to Subsection 7.C.1.k., Substantial~~

~~Renovations or Upgrades pursuant to Subsection 7.C.1.a(2) and housing for the Elderly pursuant to Subsection 7.C.1.a(3).~~

Any proposed alternative method shall demonstrate to the satisfaction of the Zoning Board that the alternative method ~~is desirable and~~ will further affordable housing opportunities as supported by the current Stamford Affordable Housing Plan in the City to a greater extent than the provision of on-site *BMR Units*, either through the production of a greater number of *Affordable Housing Units*, larger bedroom size units, or units for families below the required targeted income brackets. The dedication of land shall not be a permitted alternative method of compliance.

7.D.1. ~~Dedication~~ Deed Restriction of Off-Site Existing Units

Subject to *Special Permit* approval by the Zoning Board, the BMR requirement may be satisfied by permanently deed-restricting off-site rental or sale price of existing home ownership Dwelling Units within the City, the form and content of which is acceptable to the Zoning Board (by approval of a *Special Permit*), and which is recorded on the land records and senior to all financing instruments. All such units shall comply with the requirements for on-site units under Section 7. The restriction of such existing units must result in the creation of units that are at a minimum equivalent in value, quality, and size to the on-site *BMR Units* that would otherwise be provided. Such units shall not displace existing deed-restricted Affordable Housing units or Market Rate Affordable Housing units, and must be provided and available prior to issuance of the Certificate of Occupancy for the market rate units in the development. These units shall be subject to the following standards:

- a. The total value of the off-site units provided shall be equal to or greater than the onsite *Market Rate Units*. This value should consider number and size of *BMR Units*, affordability levels, location, architectural design, quality of finishes, amenities, unit mix, parking and be generally consistent with all applicable standards of this Section 7;
- b. Such units shall not displace any existing *BMR*, subsidized, income restricted or *Market Rate Affordable Housing Units*; and
- c. Such *BMR Units* must be provided prior to the issuance of the first Temporary Certificate of Occupancy, any Partial Certificate of Occupancy or the first Certificate of Occupancy for the *Market-Rate Units* in the *Development*.

7.D.2. Off-Site Construction of BMR Units

Subject to *Special Permit* approval by the Zoning Board, the BMR requirement may be satisfied through the off-site construction or substantial rehabilitation (also known as a “gut rehab”) and permanently deed restriction of *BMR Units* within the City of Stamford, subject to the following standards:

- a. The total value of the off-site *BMR Units* provided shall be equal or greater to the value if the units were provided on-site. This value should consider number and size of *BMR Units*, affordability levels, location, architectural design, quality of finishes, amenities, unit mix, parking and shall be generally consistent with the requirements for on-site units under this Section 7.;
- b. Such units shall not displace any existing subsidized, income restricted, *BMR* or *Market Rate Affordable Housing Units*; and
- c. ~~Such units shall be generally consistent with all applicable standards of this Section 7.4, including but not limited to, value, quality of finishes, amenities, unit mix, parking and size of the market rate units in the development; and~~
- c. Such *BMR Units* must be provided prior to the issuance of the first Temporary Certificate of Occupancy, any Partial Certificate of Occupancy or the first Certificate of Occupancy for the Market-Rate Units in the Development.

7.D.3. 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 to a non-profit or for-profit organization approved by the Zoning Board, which is 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 a fee for every square foot of *BMR Gross Floor Area* not realized pursuant to table 7.2. All fee-in-lieu payments shall be made prior to the issuance of a Building Permit for the market rate units.~~

Table 7.2. (221-11)

Zoning District	Percentage of Gross Residential Floor Area subject to fee	Fee per square foot, 2020
MR-D, TCD-D	12%	\$200
CC, G-G, C-L, DW-D, MX-D, R-H, R-HD, SRD-N, SRD-S,	10%	\$200
V-C	12%	\$175
All other districts	10%	\$150
Rehab units	5%	\$125
Housing for the Elderly	5%	\$125

~~The fee-in-lieu fee per square foot shall be increased automatically on every January 1st by no more than the increase of the Construction Cost Index as published by the Engineering News~~

~~Record with December 2019 as the basis. More frequent increases or increases higher than the Construction Cost Index, or a decrease of the current fee in lieu fee, shall require an amendment to these Regulations by the Zoning Board.~~

7.E. MANAGEMENT OF THE BMR PROGRAM

7.E.1. Affordability Plans Required

All developments requiring the provision of *BMR Units* pursuant to this Section 7. shall be accompanied by a management plan (“Affordability Plan”).

For projects requiring *Special Permit*, or Final Site and Architectural Plan and Requested Uses Site Plan, Zoning Map or Text change, Architectural and Site Plan or General Development Plan approval, or any other Zoning Board approval, a draft Affordability Plan shall be submitted and is subject to Zoning Board approval concurrently with these actions. For as-of-right developments, the draft Affordability Plan is subject to review and approval by the Zoning Board staff prior to issuance of a Building Permit. No first Temporary Certificate of Occupancy, any Partial Certificate of Occupancy or the first final Certificate of Occupancy shall be granted without a complete and approved final Affordability Plan. Minor Modifications to approved Affordability Plans shall be subject to approval ~~to~~ by the Land Use Bureau Chief or designee.

7.E.2. Contents of the Affordability Plan

The Affordability Plan shall include the following:

- a. General information about the nature and scope of the development subject to these regulations.
- b. The total number of Market Rate Housing units, and designated BMR Units in the development and affordability levels assigned to each designated unit.
- c. The size (number, bedrooms, bathrooms, and square footage) for each *Market Rate Housing Unit* and *BMR Unit* in the development.
- d. The combined approximate square footage of all *BMR Units* and all *Market Rate Housing Units* without common areas such as hallways, amenity spaces, etc.
- e. The approximate location of each *BMR Unit* within any multifamily residential Structure.
- f. The person or organization responsible for administering the Affordability Plan, including the application procedures and screening criteria to determine the income eligibility of applicants, and reporting and enforcement mechanisms.
- g. Provision for the selection of buyers or tenants and affirmative fair marketing procedures governing the sale or rental of the *BMR Units*.

- h. The pricing of each *BMR Unit* and the basis for their determination, including all fees and common charges associated with the *Building*, e.g., for parking. Final pricing of rental and ownership *BMR Units* shall be re-determined at the time of issuance of the Certificate of Occupancy, based on changes in the area median income and prevailing mortgage interest rates and any changes in the administrative guidelines. A completed Utility Allowance form showing expected monthly utility expenses for which the tenant is responsible shall be provided.
- i. Plans for income verification of tenants and buyers.
- j. Plans for management of *BMR Units*, particularly with respect to maintenance and assurance of long-term affordability. New fees and charges should not make units unaffordable.
- k. Applicant's relocation plans for tenants affected by substantial rehabilitation projects (e.g., required to move out) or by the demolition of the existing building.
- l. Timetable for the completion of *Market Rate Housing Units* and *BMR Units* on a pro-rata basis.
- m. Amenities available to tenants and buyers, including tenants and buyers of *BMR Units* and conditions of use, such as fees.
- n. Annual reports demonstrating compliance with the requirements of this Subsection 7.E shall be submitted to the Land Use Bureau ~~and the Director of the Department of Social Services~~ for the life of the *Building*. Such reports shall be submitted no later than January 15³¹ of each year. Failing to submit such report on time shall be considered a Zoning Violation pursuant to the City of Stamford Code Chapter 248 (Zoning), with each day being a separate violation.

The Zoning Board may request additional information in conjunction with its review and may reject any application not providing the minimum Affordability Plan elements noted above.

7.E.3. Administration of the BMR Program by the City or a Third Party

The City of Stamford may, at the discretion of the Zoning Board and under an agreement acceptable to the City's Law Department, at any time assume management of rental *BMR Units* and the resale of ownership *BMR Units*, or delegate such responsibilities, for rental and ownership units to a third party. The applicant or then owner of the *Building* shall pay a reasonable fee to cover the cost of administration of the *BMR Units*.

7.E.4. Section 8 Vouchers

~~Section 8 vouchers and the use of other local, state or federal programs, subsidies and initiatives to further increase the affordability of *BMR Units* shall only be permitted to accommodate families earning less than 45% of the AMI. Under no circumstance shall the total of rent, including the value of the Section 8 voucher or other subsidy, initiative or program, including all rent, common~~

~~charges basic utilities (with the exception of telephone and cable), parking for one vehicle, fees and taxes exceed the rent for a household earning 50% of the AMI.~~

AMEND definition for “Affordable Housing” in Section 3.B., Definitions, as follows:

Affordable Housing or Affordable (Housing) Unit (220-13)

Affordable Housing or an Affordable (Housing) Unit is all housing, for which the sale price, the rent or the rent increase is restricted for at least 30 years, or, in the case of *BMR Units*, permanently deed restricted, beginning with the final Certificate of Occupancy, by deed restriction, covenant or other legal instrument, running with the land and senior to all financing instruments. Affordable means that the housing cost (either mortgage or rent payments, parking for one vehicle and applicable basic utilities (except telephone and cable), fees and taxes) of a household earning 80% or less of the *Area Median Income (AMI)*, adjusted by household size, does not exceed 30% of the gross income of said household. “*Deeply Affordable Housing*” is all housing affordable to households earning 30% or less of the *AMI*. SEE ALSO *Market Rate Housing* and *Market Rate Affordable Housing*.

AMEND definition for “Below Market Rate Dwelling Unit” in Section 3.B., Definitions, as follows:

Below Market Rate Dwelling Unit (BMR, BMR Unit) (220-13)

A *Below Market Rate Dwelling Unit (BMR, BMR Unit)* is a Dwelling Unit permanently deed restricted (with such restriction running with the land and senior to all financing instruments) as to ~~sale or rent to~~ households not earning more than ~~80~~65% for rental units, or 80% for ownership units of the *Area Median Income*, 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.

AMEND definition for “Market Rate Housing” in Section 3.B., Definitions, as follows:

Market Rate Housing or Market Rate Unit (220-13)

Market Rate Housing or Market Rate Unit is housing for which the sales price, the rent or the rent increase is not regulated or limited by covenant, deed restriction or other legal instrument, or when such restriction is for less than 30 years, regardless of the actual amount of the rent or sales price. SEE ALSO *Affordable Housing*.

AMEND Definition for Floor Area, Premium in Section 3.B., Definitions, as follows:

Floor Area, Premium, or Premium Unit

Premium Floor Area or *Premium Units* are the development rights that can be used if all required *Below Market Rate Housing Units* are provided on site (except under Subsections 7.C..1.d and c.2). The *Premium Floor Area* is calculated by utilizing the *Premium Floor Area Ratio*; the number of *Premium Units* in zoning districts where density is determined in Units per acre is calculated by utilizing the applicable district regulations. *Premium Units* or *Premium Floor Area* shall not be subject to the *BMR* requirements.

Under no circumstances shall the total of all applicable *Bonus* and *Premium Floor Areas* or number of *Premium* and *Bonus Units* exceed 33% of the permitted *Base Floor Area* or *Density*. (219-26)

AMEND Definition for Floor Area, Bonus in Section 3.B., Definitions, as follows:

Floor Area, Bonus or Bonus Unit (223-11)

Bonus Floor Area or *Bonus Units* may be awarded to a *Development* if it incorporates certain desirable features, provides certain amenities or helps achieve policy and planning goals as laid out in the City's *Master Plan* or other official policy documents. *Bonus Floor Area* or *Bonus Units* may only be awarded by the Zoning Board, by *Special Permit*, as specified in these Regulations.

Under no circumstances shall the total of all applicable *Bonus* and *Premium Floor Areas* or number of *Premium* and *Bonus Units* exceed 33% of the permitted *Base Floor Area* or *Density*.

All *Bonus Floor Area* or *Bonus Units* shall be subject to the *BMR* requirements.

[remainder of definition unchanged]

ADD Definition for Amenities, Standard in Section 3.B., Definitions, as follows:

Amenities, Standard

Standard Amenities are all amenities that are provided free of charge or are bundled as a mandatory package for tenants in market-rate units. These include, but are not limited to, access to any concierge services, fitness center, clubroom (business hours/daytime), or indoor/outdoor active or passive recreation facilities offered at the Property to market-rate tenants. *Standard Amenities* shall not include: any additional parking spaces, out-of-unit storage space, nighttime or holiday rental of a clubroom for private parties/special events, telephone, cable TV, or other telecommunication services.

AMEND Section 4.B.11.D., R-HD District, as follows:

d. Building Regulations

	Lots less than one acre	Lots one acre or more
(1) Minimum Lot Size	5,000 sf	43,560 sf
(2) Minimum Street Frontage	50 feet	150 feet

(3) Density - Floor Area Ratio	2.5 <u>2.75</u> (<i>Premium FAR 0.5</i> <u>0.25</u>) ⁶⁾	3.75 <u>4.0</u> (<i>Premium FAR 0.75</i> <u>0.5</u>) ⁶⁾
Residential Density Divider (RDD) / market rate	1,000 sf	1,000 sf
[...]		

AMEND Section 9.F.4., TCD District as follows:

9.F.4. Standards (222-30)

The following standards shall apply to all *Buildings* and *Structures* within the TCD District

	Zoning Lots less than one acre	Zoning Lots one acre and more
a. Minimum Lot Size	none	43,560 sf
b. Minimum Lot Frontage	40 ft	100 ft
c. Density		
<i>FAR, Commercial only</i>	3.0	6.0
<i>FAR, Residential only and Mixed-Use residential – non-residential¹⁾</i>	4.0 <u>4.35</u> (<i>Premium FAR 0.75</i> <u>0.4</u>)	7.5 <u>8.25</u> (<i>Premium FAR 1.5</i> <u>0.75</u>)

[...]

AMEND Appendix B, Footnote 4, as follows:

- 4** *Below Market Rate Housing* shall be provided pursuant to Section 7 of these Regulations. ~~Where proposed development includes ten (10) or more dwelling units, not less than ten percent (10%) of the total number of *Dwelling Units* shall be offered for rent or sale as *Below Market Rate (BMR) Units*. Required *Below Market Rate Units* shall be affordable to households earning not more than fifty percent (50%) of the Stamford SMSA Median income and shall be provided in accordance with the standards, definitions and procedures contained within Article III, Section 7.4 of these Regulations.~~ For every *BMR Unit* provided on-site, including *BMR Units* provided voluntarily ~~within developments containing fewer than ten (10) dwelling units, a bonus two *Premium Dwelling Units* of two additional *Dwelling Units* exempt from any *BMR* requirement shall be permitted. See Section 7 for more information. provided that as of right density shall not be increased by more than twenty five (25%).~~

Residential *Buildings* erected in the C-G General Commercial District and used only for purposes permitted in R-MF Multiple Family Residence Districts ~~may~~ shall have a minimum of ~~five hundred~~ 500 square feet of land area per ~~family~~ Dwelling Unit.

Within *Master Plan Category* 11 (Downtown), *Mixed-Use Buildings* ~~projects~~ within the C-G or C-C District shall have a minimum of 400 square feet of land area per family as delineated on the Stamford Master Plan, and shall be subject to *Special Permit* approval by the Zoning Board pursuant to the Floor Area, Bonus provisions in

Section 3.B. “Defined Terms” ~~Section 7.S~~ of these Regulations. ~~shall have a minimum of 400 square feet of land area per family~~ (81-018; 97-027; 200-27; 203-12, 207-61; 208-18; 213-43, 216-27, 220-13)

DELETE Appendix B, Footnote 11 and add “[deleted]”

AMEND Appendix B, Table IV as follows:

Zoning Districts	[...]	Building Height Stories	Building Height Feet	[...]
[...]				
CC		- (11)	—(12) 290 ^{*(13)}	
[...]				

AMEND Footnote 13 as follows:

13 On *Lots* containing at least 30,000 square feet in area, ~~the Zoning Board, by *Special Permit*, may approve or on *Lots* fronting on a *Commercial Street*~~ the following *Bonus Floor Area Ratios* and *Bonus Building Heights* ~~shall apply:~~

~~— Standard Floor Area maximum ratios as set forth below except that on any parcel containing at least 30,000 square feet in area (7.5 times the minimum allowable lot) or on any parcel located on a “Ground Floor Retail Street” as defined herein, and which is to be developed in accordance with premiums permitted by these regulations, *Buildings* shall not exceed the “premium floor/area ratio maximum” and “maximum premium height” shown below for the appropriate district. All other restrictions of the appropriate district pertaining to front yards, side yards, rear yards and uses — must be complied with. (204-16, 220-13)~~

Zoning District	Standard*	Bonus FAR	Bonus Building Height	
		Maximum	Maximum Feet	Maximum Stories
C-B	0.5	N/A	N/A	N/A
C-C	2.0	2.5	350**	N/A
C-G	1.8	2.2	150	N/A
C-I	1.2	N/A	N/A	N/A
C-L	1.0	1.2	55***	5***
C-N	0.3	N/A	N/A	N/A

* For lots less than 30,000 square feet or where no premiums are granted.

** 400 feet, ~~in the Mill River Corridor see Section 7.S.9: see “Mill River Park, Additional Building Height” provisions in Section 3.B., Definitions, Floor Area, Bonus.~~ (206-42)

*** Lesser of 75' or 7 stories Maximum Bonus Premium Height ~~/7 Maximum Premium Stories for C-L Properties within the Architectural Design Review District Downtown Boundary.~~ (206-04)

All other restrictions of the applicable zoning district, including, but not limited to Yards, setbacks and Uses must be complied with.

Specifically excluded from these regulations are Southeast Quadrant Urban Renewal Project Re-Use Parcels, now or formerly numbered 3-D, 3-E, 3-F, 3-G, 12, 13, 29, 30, 31 and 32 which constitute construction projects approved by the Urban Redevelopment Commission. (78-002; 80-025; 80-026; 83-003)

For any project within the C-C or C-G District, directly fronting on a ~~“Ground Floor Retail Street”~~ Commercial Street as defined herein, and utilizing premium ~~Floor Area~~ or premium ~~Bonus Height~~ pursuant to this footnote, the Ground Floor Retail amenity must be provided.

For such projects, retail *Floor Area* not to exceed 1.0 *FAR* may be exempt from the maximum *FAR* calculation. ~~Ground Floor Retail Streets: Atlantic Street – from Tresser Boulevard north to Broad Street, Bedford Street – from Broad Street north to the CBD Boundary, Broad Street – from Washington Boulevard to Greyrock Place, Main Street – from Washington Boulevard to Veterans Park, West Park Place – from Washington Boulevard to Main Street, Bank Street – from Main Street to Atlantic Street, Summer Street – from Main Street north to the CBD Boundary.~~

All Buildings fronting Commercial Streets in the C-C and C-G districts shall meet the Site and Architectural design requirements for Transit Center Access Streets in Section 5.II.9.

~~All such buildings are required to provide Pedestrian Oriented Frontage, which is defined as uses of buildings and/or major design features that encourage pedestrian interaction at the street level. These include but are not limited to: retail shops, service businesses; establishments dealing directly with the general public; visually interesting features such as public art; display cases; awnings; signage at eye level; accessible plazas; or similar landscaped open spaces for public use and congregation. To the maximum extent practicable, all frontages on public and private streets and pedestrian ways shall be supported with contiguous pedestrian oriented amenities that appropriately fit into the context of the existing streetscape.~~ For any project within the C-C District adjacent to the Mill River and utilizing Bonus Premium Floor Area and/or Bonus premium Height pursuant to this footnote, the Greenbelt Amenity must be provided. For such projects, extra *Floor Area* not to exceed 1.0 *FAR* may be exempt from the maximum *FAR* calculation, provided the maximum *FAR* for the contiguous parcel remaining after any donation of land shall not exceed 3.5 *FAR* and the parking ratio shall not exceed 2.75 parking spaces per 1,000 square feet of commercial office space. (78-002; 80-025; 80-026; 83-003; 97-002, 97-027, 99-011; 204-16; 206-04, 206-35, 206-42; 220-13)

ADD the following streets to list of Commercial Streets in Section 3.B. Definitions, Street, Commercial

- Bank Street - from Main Street to Atlantic Street
- Broad Street - from Washington Boulevard to Greyrock Place
- Main Street - from Washington Boulevard to Veterans Park
- Summer Street - from Main Street to North Street.
- Washington Boulevard – from North State Street to Broad Street
- West Park Place - from Washington Boulevard to Main Street

Details regarding how to access the meeting will be posted on the City of Stamford Zoning Board webpage (www.stamfordct.gov/zoning) in advance of the Public Hearing.

At the above time and place all interested persons shall be given an opportunity to be heard. The hearing may be continued to such time and place as will be announced by the Zoning Board. Hearing impaired persons wishing to attend this meeting that require an interpreter may make arrangements by contacting the Department of Social Services administration office at 977-4050 at least five (5) working days prior to the meeting.

ATTEST: DAVID STEIN
CHAIRMAN, ZONING BOARD
CITY OF STAMFORD, CT

Dated at the City of Stamford, CT, this 23rd day of October 2024