Web Version

PUBLICATION: THE ADVOCATE – ONE INSERTION – THURS SEPT 11, 2025

LEGAL NOTICE
ZONING BOARD – CITY OF STAMFORD

Application 225-22 – Notice is hereby given that the Zoning Board of the City of Stamford, CT, at its special meeting held on Monday, September 8, 2025, **UNANIMOUSLY APPROVED AS MODIFIED** the application of the City of Stamford's Zoning Board for a Text Change to provide assurances for BMR tenants that are threatened by the loss of their units to stay in the program and to make sure that lost affordable units get replaced.

Plain text – existing text to be retained
Underlined text – new text to be added
~~Struck through text~~ – existing text to be deleted

AMEND Affordable Housing or Affordable (Housing) Unit definition as follows:
Affordable Housing* or *Affordable (Housing) Unit (220-13, 224-24)
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 notwithstanding any change of use, demolition or other Redevelopment of the property, 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 Below Market Rate Dwelling Unit definition as follows:
***Below Market Rate Dwelling Unit* (*BMR*, *BMR Unit*)** (220-13, 224-24)
A *Below Market Rate Dwelling Unit* (*BMR*, *BMR Unit*) is a Dwelling Unit permanently deed restricted (with such restriction running with the land, notwithstanding any change of use, demolition or other Redevelopment of the property, and senior to all financing instruments) as to households not earning more than 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 Section 7.C.3., Below Market Rate Housing Program, as follows:

7.C.3. Standards for All On-Site BMR Units (224-24)

[…]

m. **Redevelopment of Subsidized, Affordable Housing (including BMR Units) and Existing Market Rate Affordable Housing Units**.

(1) **Zoning Board Administrative Approval Required for Loss of Subsidized, Affordable Housing (including BMR Units) and Existing Market Rate Affordable Housing Units**. Any *Redevelopment*, change of Use, or other activity that results in the loss of subsidized, income-restricted, deed-restricted Dwelling Units or Affordable Housing (including BMR Units) and Existing market-rate affordable Housing Units shall be subject to Administrative Approval by the Zoning Board.

(2) ~~**Replacement**~~ **Redevelopment of a Building or Structure Containing Subsidized or Income Restricted or Deed Restricted ~~or BMR~~ Units**. If, on a *Lot*, any subsidized, income restricted or deed restricted Dwelling Units currently exist and some or all are lost due to Redevelopment, and the proposed Redevelopment project contains residential units, then, in addition to the ~~new~~ *BMR Units* required in the Redevelopment for such district pursuant to Table 7.2, applicant shall replace all such units lost with comparable units at a ratio of 1:1 at the same or equivalent affordability levels as the subsidized, income restricted or deed restricted units lost. 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 (3) below shall apply.

(3) ~~**Replacement**~~ **Redevelopment of Market Rate Affordable Housing Units and Limitation on Replacement of Market Rate Affordable Housing Units Lost**. 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*), and the proposed project contains residential units, then, in addition to providing the new *BMR Units* required in the ~~Redevelopment~~ project for such district pursuant to Table 7.2, 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 1.5 *Market Rate Affordable Units* lost. The applicant shall not be required to provide *BMR Units* pursuant to this Subsection ~~7.C.3.m~~(3) exceeding 25 ~~20~~% of the total number of units of the proposed project.

Examples:

(a) Market Rate Affordable Units pre-redevelopment: 9
Proposed development: 100 units; BMR requirement 10% = 10 BMR Units
9 Market Rate Affordable Units lost = 6 replacement units required (0.67x9 units)
Total BMR requirement =16 units (10 new BMR Units plus 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.

(4) Where Subsections ~~7.C.3.m.~~(2) or (3) applies, and the proposed *Redevelopment* project does not contain any residential units, then the applicant shall make a fee-in-lieu payment for such lost units, with the fee-in-lieu calculated as follows:

Fee-In-Lieu = Number of BMR Units lost x 1,000 x fee per sf pursuant to Table 7.2.

If the BMR units have been provided for at least ten (10) years, the Fee-In-Lieu is reduced by one percent (1%) each year starting in year 11, until year 80. After year 80, there shall be no further reduction, i.e., the fee in lieu shall be 30%.

Alternatively, Applicant shall provide comparable replacement units on a 1:1 basis at another location, with such replacement units in addition to any *BMR Units* required at such other location, if any, for such district pursuant to Table 7.2. Existing subsidized, income restricted or deed restricted or Market Rate Affordable units shall remain until replacement Units are provided or the Fee-In-Lieu is paid. Temporary replacement Units may be provided at no additional cost to the tenant until permanent replacement units are provided.

(5) **Replacement or Fee-In-Lieu Payment for BMR Units Lost Due to a Change in Use.**

(a) For a *Building* that has been approved for on-site *BMR Units,* but such *Building* has never been occupied by tenants, the approved Affordability Plan shall be suspended until such *Building* reverts to a Use requiring *BMR Units* and no replacement units or fee-in-lieu for the loss of units shall be required.

(b) Where a *Building* containing *BMR Units* has been occupied in whole or in part by tenants, and that Building is proposed to be converted to a Use that does not require *BMR Units* (e.g., a *Building* is converted from residential Use to an office Use), then the applicant shall make a fee-in-lieu payment for such lost *BMR Units*, with the fee-in-lieu calculated as follows:

Fee-In-Lieu = Number of BMR Units lost x 1,000 x fee per sf pursuant to Table 7.2.

If the BMR units have been provided for at least ten (10) years, the Fee-In-Lieu is reduced by one percent (1%) each year starting in year 11, until year 80. After year 80, there shall be no further reduction, i.e., the fee in lieu shall be 30%.

Alternatively, Applicant shall provide comparable replacement units on a 1:1 basis at another location, with such replacement units in addition to any required *BMR Units* at

that other location, if applicable. Existing *BMR Units* shall remain until replacement *BMR Units* are provided or the Fee-In-Lieu is paid. Temporary replacement Units may be provided at no additional cost to the BMR tenants until permanent replacement *BMR Units* are provided. In case a *Building* is later converted to a residential use, there shall be no *BMR* requirement if the fee-in-lieu payment has been received or comparable replacement BMR Units have been provided.

(6) **Relocation Costs**. The Affordability Plan shall provide for payment of relocation costs to tenants in an amount specified in the Affordability Plan.

[…]

o. **Preference for Current or Displaced BMR Residents ~~Stamford Residents~~ at Initial Leasing**. At the initial leasing of *BMR Units*, preference shall be given to qualifying current or displaced *BMR* tenants who have to vacate their current BMR Unit due to substantial rehabilitation, Redevelopment, or the re-use of such *Units* for a non-residential Use. Current or displaced residents in the BMR program who have to move for the reasons stated above shall be considered recertifications for whom the income qualifications of Section 7.C.4.d. shall apply. ~~for 50% of *BMR Units* at initial leasing shall be given to persons living or working in the City of Stamford.~~ Such qualifying current or displaced BMR tenants shall be offered BMR units in the initial leasing of new BMR units (which shall be set aside for such tenants), prior to any lottery. The Affordability Plan shall specify that current or displaced BMR tenants will be prioritized.

p. **Initial Leasing by Lottery Only.** For the initial lease-up, with the exception of *BMR Units* set aside for eligible current or displaced *BMR* tenants specified in Subsection o, if any, *BMR* tenants shall be determined by two lotteries. Half of the remaining *BMR Units* shall be allocated by lottery~~, one for~~ to applicants living or working in Stamford. The other half shall be allocated to ~~and a second for~~ all other eligible applicants. If there is an uneven number of *Units* available for the lottery, the additional *Unit* shall be added to the *Units* for the Stamford lottery. ~~This shall be outlined in the applicable~~ The Affordability Plan shall specify the conditions of the lotteries for initial leasing.

[…]

s. **Payment for No Longer Eligible Premium Floor Area**. Where any on-site *BMR Units* are no longer provided (e.g., because of a change in Use, or a fee-in-lieu payment, or any other loss of on-site *BMR Units)*, owner shall make a payment pursuant to Section 3.B., *Floor Area, Premium*, to the City of Stamford Affordable Housing Trust Fund, for all the approved *Premium Floor Area*.

AMEND Section 7.E.2.k., Below Market Rate Housing Program, as follows:

7.E.2. Contents of the Affordability Plan (224-24)

The Affordability Plan shall include the following:

[…]

g. Provision for the selection of buyers or tenants, including lotteries and priorities for current and displaced BMR tenants pursuant to Sections 7.C.3.o. and 7.C.3.p. and affirmative fair marketing procedures governing the sale or rental of the *BMR Units*.

[…]

k. Applicant's relocation plans for tenants affected by substantial rehabilitation projects, ~~or by~~ the demolition or Redevelopment or any other activity which requires the tenant to move out of ~~of the existing building~~ a *Building* containing *BMR Units* or a change in use that would result in the loss of *BMR Units*. If tenant moves directly into a comparable BMR Unit, owner shall pay two months' rent to tenant to cover tenant's moving and related cost. Where owner makes a fee-in-lieu payment and does not provide a comparable BMR Unit, then owner shall make a payment of three months rent to tenant to cover tenant's moving and related cost.

[…]

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

Floor Area, Bonus* or *Bonus Unit (223-11, 224-24, 225-04)

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.

The Zoning Board may grant a *Special Permit* to authorize *Bonus Floor Area* and approve amenities for the benefit of the public in C-L, C-G, C-C, C-I, DW-D, MRD, MX-D, R-H, R-HD, SRD-N, SRD-S and TCD Districts, in addition to any required amenities, subject to the following standards and limitations:

Amenity	**Bonus**	**Minimum Amenity Required to Qualify**		**Maximum Bonus Floor Area Obtainable**	
		Lots less than 1 acre	**Lots 1 acre and larger**	**Lots less than 1 acre**	**Lots 1 acre and larger**
Public Plazas pursuant to Sections 6.B. and 6.C.1.***	1 sf additional *Floor Area* for each 1 sf of Amenity	500sf	2,500sf	1,000sf	5,000sf
Through-Block Connections pursuant to Sections 6.B. and 6.C.2.	1 sf additional *Floor Area* for each 1 sf of Amenity	500sf	2,500sf	1,000sf	5,000sf

Publicly Accessible Waterfront Areas pursuant to Sections 6.B. and 6.C.3.	4 sf additional *Floor Area* for each 1 sf of Amenity in excess of the required minimum amount.	Required minimum Amenity Area of at least 15 feet in depth must be provided along the entire length of the waterfront on average. Bonus is only provided for Amenity in excess of required minimum amount.		5,000sf	10,000sf
Community Room, pursuant to Sections 6.B. and 6.C.5.	3 sf additional *Floor Area* for each sf of Community Room	400sf	1,250sf	500sf	2500sf
Commuter Facility Spaces pursuant to Sections 6.B. and 6.C.6.	4 sf additional *Floor Area* for each 1 sf of Commuter Facility Space	1,000sf	1,000sf	5,000sf	5,000sf
Child Day Care Centers meeting the Standards of Sec. 6.C.8.**, ***	2 sf additional *Floor Area* for each 1 sf of Child Day Care Center	1,000sf	1,000sf	2,500sf	5,000sf
Mill River Park, Public Access	1 sf of additional *Floor Area* for each 1 sf of public access or conservation easement provided within the designated Mill River Corridor	n/a			
Mill River Park, Land Conveyance	7 sf of additional *Floor Area* for each 1 sf of land conveyed in fee at no cost to the city or for each $100* paid to Mill River Park within the designated Mill River Corridor	n/a			
Mill River Park, additional *Building Height*	10 sf of permitted *Floor Area* may be located above a height of 350’ within the CC District for each $100* paid to Mill River	n/a			

	Park. No *Building* shall exceed a height of 400'.	

* Amount shall be adjusted each year on January 1st based on the construction price index as published in the Engineering News Record (ENR) with January 2020 as the base month.

** In addition to the districts listed above, properties 30,000 sf or larger located in the following zoning districts may qualify for *Bonus Floor Area* at a rate of 1 sf additional sf of *Floor Area* for each 1 sf of Child Day Care Center when meeting the requirements of Section 6.C.8.: R-5, RM-1, R-MF.

*** Should the amenity for which *Bonus Floor Area* was received not be provided or operate within two years after the issuance of the first partial, temporary of final CO, then, within 30 days thereafter, owner shall make a fee-in-lieu payment to the City of Stamford to an account designated by the Director of Administration for pedestrian and open space improvements. The amount of such payment shall be $450 per square-foot. multiplied by square footage of the *Bonus Floor Area* received for the amenity that is not provided or operable. The $450 per square foot payment shall be adjusted each year on January 1st based on the construction price index as published in the Engineering News Record (ENR) with January 2025 as the base month. This payment shall be in addition to any fee-in-lieu amount due pursuant to these Regulations.

Any reduction of the Use for which *Bonus Floor Area* was approved shall require Administrative Approval by the Zoning Board. , In addition, prior to the reduction of such Use, the owner shall make a one-time payment to the City of Stamford to an account most closely matching the purpose of the *Bonus*, as determined by the Land Use Bureau Chief, or designee, of $100 for every square foot of *Bonus Floor Area* no longer used for its approved purpose. The payment amount shall be adjusted each year on January 1st based on the construction price index as published in the Engineering News Record (ENR) with January 2025 as the base. Alternatively, the *Bonus Floor Area* may be reduced proportionally, e.g., by demolition.

AMEND Section 3.B., Definitions, Floor Area, Premium as follows:
Floor Area, Premium,* or *Premium Unit (224-24)

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)

Any reduction in the number or size of the on-site BMR Units for which *Premium Floor Area* or *Premium Units* were approved shall require Administrative Approval by the Zoning Board. In addition, prior to the reduction or elimination of such on-site BMR Units, the owner shall make a one-time payment to the City of Stamford Affordable Housing Trust Fund of $100 for every square

foot of *Premium Floor Area* or *Premium Units* approved. The payment amount shall be adjusted each year on January 1st based on the construction price index as published in the Engineering News Record (ENR) with January 2025 as the base. Alternatively, the *Premium Floor Area* or *Premium Units* may be reduced proportionally, e.g., by demolition.

Effective date of this Decision: September 23, 2025

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

Dated at the City of Stamford, CT, this 11th day of September 2025