



## City of Stamford Zoning Board

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### STAFF REPORT

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**TO:** CITY OF STAMFORD ZONING BOARD

**FROM:** RALPH BLESSING, LAND USE BUREAU CHIEF  
VINEETA MATHUR, ASSOCIATE PLANNER

**SUBJECT:** **ZB #219-01 HP GATEWAY UNIT ONE - TEXT CHANGE**  
**ZB #217-16 MODIFICATION 2 – GDP, SPECIAL EXCEPTION**

**DATE:** MARCH 22, 2019

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**MASTER PLAN:** MP Category 11 (Downtown)

**ZONING:** Transportation Center Design District (TCDD)

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The Applicant, HP Gateway Unit One Owner LLC and Gateway Harbor Point Planned Community Association, Inc., is proposing development of approx. 292,446 sf of Zoning floor area in a 9-story office building. A three-story pavilion would connect the new building to an already approved 14-story office building with approx. 777,153 sf zoning floor area which is currently under construction and expected to be completed in early 2021. In addition, the applicant proposes to expand an existing 1,722 car garage by 288 spaces for a new total of 2010 parking spaces and the addition of a loading dock. The applicant also requests the removal of a Zoning requirement to provide 500 commuter parking spaces on-site.

The proposed development site is located at 400-440 Washington Boulevard on a block bounded by the Metro North Commuter Railroad New Haven Line to the north, Washington Boulevard to the east, Pulaski Street to the south and the Mill River to the west with direct platform access to the Stamford Transportation Center. With the exception of one outparcel which is occupied by a small multi-family building, the site is owned by the applicant and currently improved with the 1,722 space Gateway parking Garage and the aforementioned office tower that is currently under construction on top of the garage. The proposed office building (“Building 2”) is also proposed to be built on the existing garage.



To facilitate this development, the following approvals by the Zoning Board are necessary:

1. Modification of the existing TCD Zoning Regulations;
2. Modification of an existing General Development Plan
3. Revised Coastal, as well as Site and Architectural Plan and/or Requested Uses
4. Special Exception approvals subject to Sections 9-BB-7, 9-BB-5.g and 9-BB-5.i

### **1. Change to the existing TCD District Regulations**

Current TCD regulations limit development to a Floor Area Ratio (FAR) of 3.0, with a requirement of at least 40% residential floor area (on parcels not abutting the Mill River) or at least 15% of residential floor area on parcels abutting the Mill River. The Below Market Rate (BMR) Housing requirement is 12%. Building height is limited to 165 feet, and the parking ratio is between 2.0 (minimum) and 2.5 (maximum) per 1,000 sf of office area. Residential parking requirements are 1 per unit for units 1BR and smaller and 1.25 for all other units. There is also a requirement to provide between 10% and 40% of the required parking spaces as commuter parking, in addition to the required parking. Parcels abutting on the Mill River must set aside an at least 50' wide strip along the river for public access.

A bonus height of 250 feet can be achieved if the parking is reduced to no more than 2.35 spaces per 1,000sf of office space, all BMR units are provided on-site and if the LEED Silver Standard for new construction is met.

Under the proposed changes the allowable maximum FAR would remain at 3.0 but 40% of the floor area would have to be dedicated to residential uses, including those on the Mill River, where the existing current requirement is 15% residential. Where a proposed development has direct platform access to the Transportation Center platform which can be single use, the

proposed text change would allow the Zoning Board to permit a single use development. Even single use commercial buildings, however, would still be subject to a fee-in-lieu payment for Below Market Rate units based on the following formula:

$$\frac{\text{Gross sf of all buildings} \times 15\%}{1,000 \text{ sf}} \times 12\%$$

In other words, the fee-in-lieu assumes that at least 15% of the development would be residential with an average unit size of 1,000sf, and a BMR requirement of 12%, modeled after the current TCD Mill River criteria.

The text also proposes that all units affordable to households earning 80% or less of Area Median Income (AMI) would be excluded from density calculations up to 1.0 FAR. The parking requirements would be unchanged but a provision would be added to allow the buy-out of the commuter parking requirement based on the formula provided in Section 12.K.4 of the Zoning regulations. Maximum building height would be increased from 165 to 225 feet, and the new bonus height to 275 feet.

## **Discussion**

The South End and Downtown outside of the TCD have in recent years been developed into mixed-use neighborhoods less by virtue of individual integrated mixed-use developments but by residential and commercial developments next to each other. Based on that experience, the Land Use Bureau had eliminated the CC-S District which had prohibited residential development in parts of Downtown. As oftentimes the demand for new residential space is not in sync with that for commercial space a flexible approach needs to be taken to achieve overall, neighborhood or area wide mixed-use goals. The proposed change to allow single-use buildings under certain, very limited conditions (sites with direct train station platform access) seems therefore appropriate. It should also be noted that in this specific case, while the permitted overall floor area would remain the same (838,428 sf), only 15% more than currently permitted (125,764 sf) would be used for additional commercial uses.

The requirement to provide a fee-in-lieu payment for Below Market Rate units even if no residential units at all are proposed helps further the City's affordable housing agenda and the TCD district would be the first District with a BMR requirement even without any residential development on site.

The overall residential requirement would be strengthened by eliminating the lower residential requirement for parcels abutting the Mill River. The newly added exclusion of some permanently affordable units in density calculations would create additional incentives for housing

production, and in particular affordable housing, in the vicinity of the Train Station. Staff therefore believes that the proposed changes with regard to housing are appropriate.

Adding a fee-in-lieu option to meet the commuter parking requirement is a helpful tool for managing parking and traffic around the Station. Insisting on meeting a commuter parking requirement on-site in each and every cases could create a concentration of parking operations in one place, making access to parking for drivers more difficult. In the event that sufficient commuter parking is already available, insisting on a requirement for commuter parking spaces would create unused parking spaces, or worse, induce traffic. The parking fee-in-lieu would provide a flexible tool for all kinds of transit and traffic improvements rather than adding to a potential oversupply of parking.

The Land Use Bureau required information from the Traffic Bureau if the fee-in-lieu amount as calculated through the formula provided in Section 12.K.4 is appropriate. The Traffic Bureau retained a Traffic Consultant to evaluate the numbers. The Consultant mostly confirmed that the formula provides a realistic cost estimate, when the expected revenue stream from the parking operations is considered. The Consultant's report is attached.

The parking fee-in-lieu proposal, therefore, is appropriate.

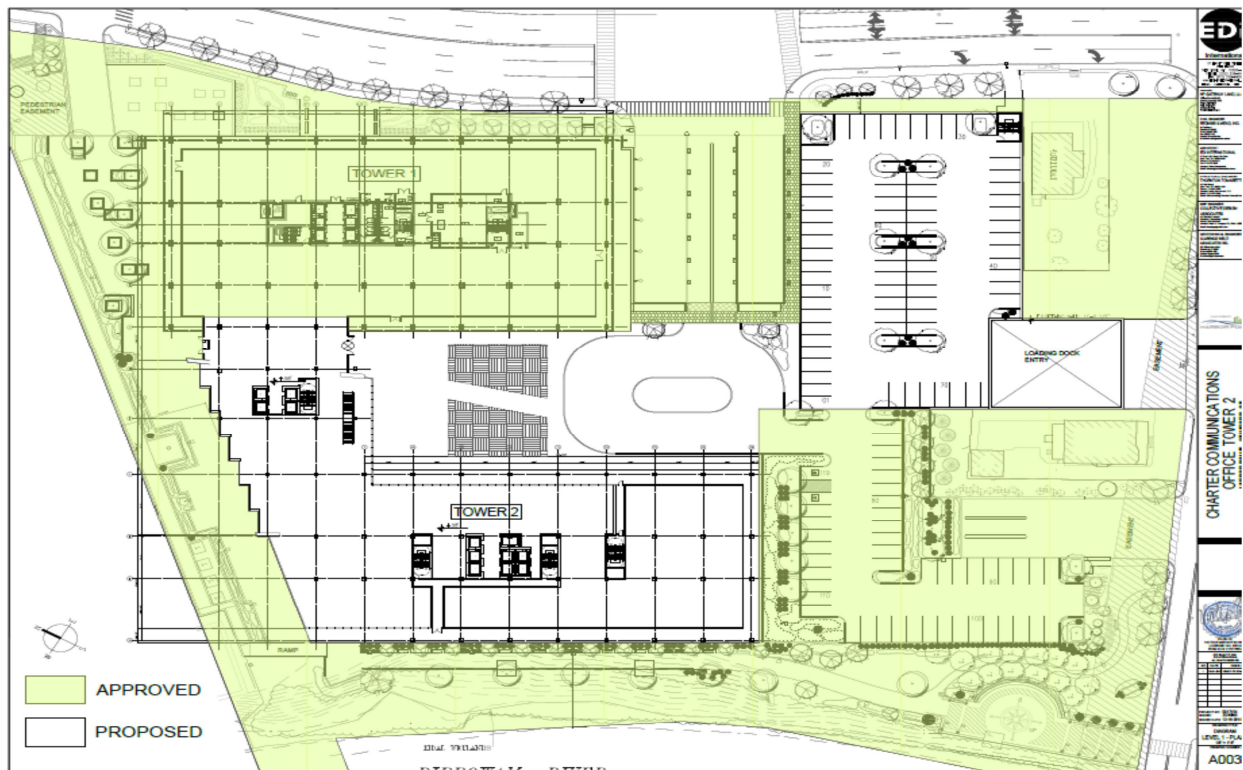
By moving the threshold for bonus height from 165 to 225 feet both the approved and the proposed buildings are no longer subject to the bonus requirements, i.e., providing at least Silver Certification, limiting the parking to a maximum ratio of 2.35 per 1,000sf of commercial space, and providing all BMR units on-site.

The issue of the LEED Silver Certification has been taken care of in the proposed text by requiring all new developments in the TCD, not only those eligible for a bonus, to obtain LEED Silver Certification or equivalent for the core and shell of the buildings. The issue of BMRs has been discussed above.

Since the proposed development has direct access to the train station, a specific goal for parking and traffic demand management (TDM) should be incorporated in the proposed text, for example prescribing that at least 20% of the building occupants should use modes other than single occupied cars to commute. The TDM plan should require that the applicant also reports back on a regular basis on meeting the TDM goals and, if not, how to achieve that level.

Since the requirement for LEED Silver is now the requirement for all new developments, the proposed text should be amended to require at least LLED Gold Certification or the equivalent for core and shell for developments requesting bonus height. Also, a minimum landscape requirement for parking garage roofs, should they not be covered by buildings, should be established. The Board may want to consider earmarking the fee-in-lieu money for specific purpose (e.g., specific traffic or transit improvements or traffic and transit improvements in specific areas of the city).

Staff recommendations to amend the text based on the above review are attached to this report.



## 2. GDP, CAM, Site and Architectural Plan Approval

### General Development Plan

The modified General Development Plan reflects the change in the programming of the site. The GDP eliminates the residential building, includes a new 9-story office building in addition to the already approved 14-story office building, and expands the parking garage by 288 spaces.

### Site Plan

Staff has the following comments on the site plan following a review of the proposed modifications:

- **Building Design.** The proposed second building replicates the design of the first glass office tower. As originally proposed, the second office building did have little variation in the glass façade although the proposed terraces provide some relief from the regular form of the cube, a criticism that was also echoed in the Planning Board's Letter to the Zoning Board. Staff has worked with the applicant to further improve the façade of the building, focusing on the highly visible northern and western sides, by adding variety and vertical elements to the facades as they will be prominently visible when approaching



Stamford using I-95 or the train. The connector building introduces new materials and form and therefore improves the aesthetics of the campus.

- **Realignment of garage along Washington Boulevard.** The originally proposed property line along Washington Boulevard, south of the existing entrance to the garage did not align with the property line to the north of the garage. As a result the garage on the south side of the entrance is offset from the building line to the north. Staff recommended that the garage be aligned with the building line to the north to allow for a better pedestrian experience along Washington Boulevard with additional landscaping. In their latest designs the applicant has pushed back the proposed new parking garage, allowing for landscaping and the widening of Washington Boulevard, including a bike lane, to improve traffic operations.
- **New loading dock.** Land Use and Traffic Bureau recommended to reduce the new loading entrance on Pulaski Street to the smallest dimension feasible and to create a landscaped buffer between the existing multi-family building and the new loading dock. The applicant has incorporated these recommendations in their latest plans.
- **Mill River Park Improvements.** The feasibility of connectivity of the Mill River walkway underneath the railroad tracks and I-95 is currently being studied by consultants hired by the City and Mill River Collaborative. The design for the lower walkway will depend upon finalization of the design and funding to make these improvements. The applicant should be required to complete the upper walkway prior to the issuance of a C of O for the second building. The Board should maintain a condition that the applicant completes the entire Mill River Park (upper and lower walkway) on their property.
- **Traffic Improvements.** The Land Use Bureau has closely coordinated the review of the site plan with the Traffic Bureau and developed a comprehensive approach to mitigate traffic and parking impacts by the new development and include, among others, widening of Washington Boulevard from Station Place to Atlantic Street, as deemed necessary by the Transportation Bureau, modifications to Pulaski Street to allow better access to the applicant's garage, comprehensive parking management, signal timing changes and other improvements, and a requirement to fund a traffic study
- **Elevator funding.** The new approval should continue to include Condition # 14 of the previous approval (217-16MOD) which requires the applicant to facilitate the provision of an ADA- compliant elevator or ramp connecting the pedestrian overpass, plaza on the gateway site and the New Ramped Walkway. The condition required that the applicant either construct the elevator or provide \$200,000 into an escrow account if the construction is not feasible within the specified timeframe stated in condition #14.

#### **4. Special Exception approvals**

##### **a. Special Exception pursuant to 9-BB-7**

This Special Exception needs to be updated to reflect changes in project as previously approved.

##### **b. Special Exception pursuant to 9-BB-5.g**

This is a new Special Exception request and is dependent on approval of the Text Change proposed under this application by the applicant.

Granting of this Special Exception would allow the applicant to pay a fee-in-lieu for the requirement to provide 500 commuter parking spaces on site, which was established in previous approvals. Pursuant to the formula in Section 12.K.4 the fee in lieu would amount to \$6,627,374.03 (500 spaces @ \$13,254.75 per space). Accepting the proposed fee-in-lieu is appropriate because the construction of a proposed new parking facility by the State north of the site would create an undue concentration of commuter parking thus potentially overtaxing the street network in this area. The proposed new State garage would replace and increase the capacity of the old State garage on Station Place.

In conjunction with this Special Exception the Board may want to consider dedicating monies from this fee-in-lieu to transportation and mobility projects. In addition the Board should consider hiring a Parking Manager by the applicant and preparation of a Parking Plan to optimize parking operations in both public and private garages at and around the Station, and identify interim parking spaces for the time when commuter parking at the Gateway Garage would no longer be possible (starting in early 2021) and the new State Garage would not yet be completed (current estimate for completion of the State Garage is mid 2022). Safeguards should be included to assure that there is always a sufficient supply in commuter parking, either by identifying current unused parking spaces in existing structures and, should that not be sufficient, by providing parking elsewhere, e.g., on the applicant-owned property on Atlantic and Dock streets.

To make sure that parking and traffic operations around the Station work in the long-term the Board should support the Traffic Bureau's request for an independent parking and traffic study for the wider Station area (including Downtown and the South End) with an estimated cost of about \$250,000.

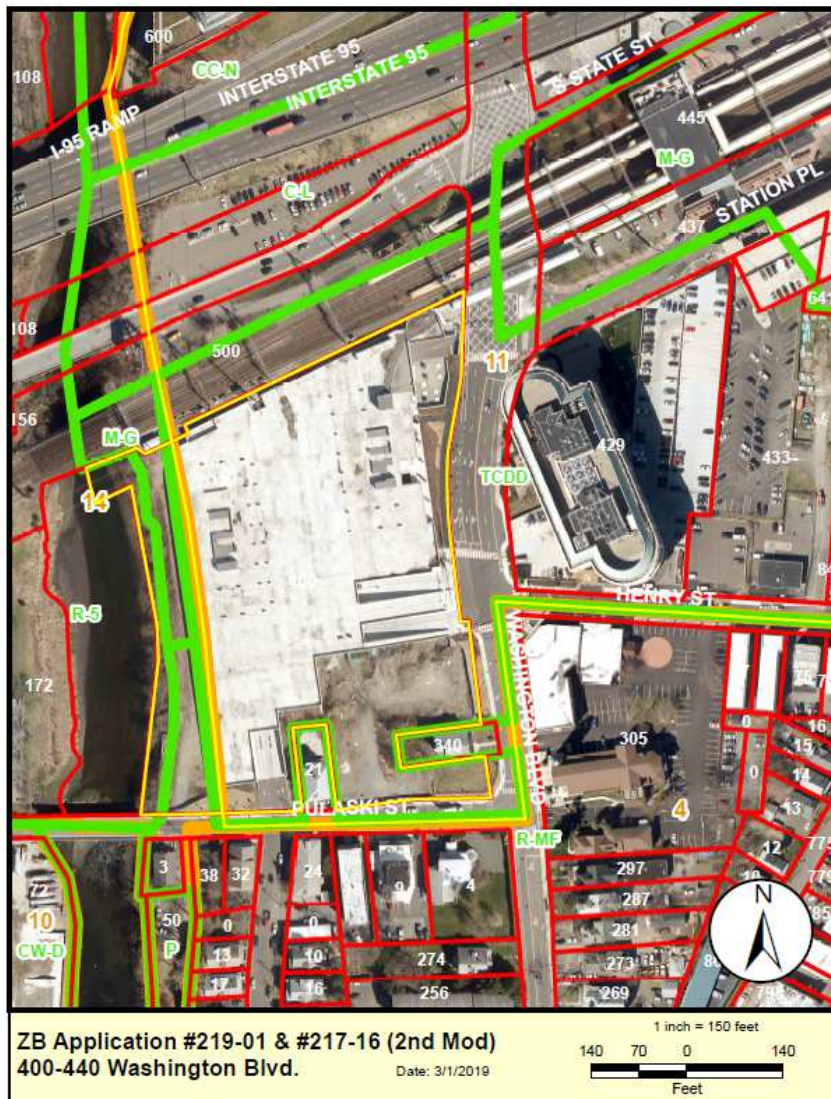
##### **c. Special Exception pursuant to 9-BB-5.i**

This is a new Special Exception request and is dependent on approval of the Text Change proposed under this application. The Special Exception would allow for a BMR fee-in-lieu payment of \$2,952,012.76, based on the formula in proposed new Section 9.BB.5.i and the current buy-out amount as established in Section 7.4 of the Zoning Regulations (15.1 units based

on a gross floor area of 838,428 - at least 15% of the floor area are supposed to be residential and the fee-in-lieu amount per unit for 2018 is \$195,605).

The funds should be used for the purposes outlined in Section 7.4 of the regulations and transferred to the City's Affordable Housing account.

Based on the considerations above, staff believes this is an appropriate request. It should be emphasized that this fee-in-lieu payment is triggered by development of commercial space and not, as generally the case, residential space.





## **Referral Comments**

### **Fire Marshall**

The Fire Marshall in an email dated February 8, 2019 stated that he has no objections or comments at this time.

### **Engineering Bureau**

The Engineering Bureau reviewed the applications and with regards to the proposed text change and offered no comments/objections on the application. With regards to application 217-16 (MOD 2) Susan Kisken stated that the Engineering Bureau does not have any objections to the application moving forward but questioned the need for the second loading dock.

### **WPCA**

Stephen Pietrzyk in a letter dated March 13, 2019 gave preliminary comments on the application and requested additional information prior to the request for a Building Permit.

### **Planning Board**

The Planning Board at their regularly scheduled meeting held on March 5, 2019, reviewed the two applications and in a letter dated March 8, 2019 recommended that the Zoning Board approves the two applications with a list of seven conditions. Staff has incorporated these conditions in the summary below.

### **Historic Preservation Advisory Commission**

The Historic Preservation Advisory Commission reviewed this application at their meeting held on March 5, 2019 and in their resolution dated March 15, 2019 stated that the commission has no objections to the application, but asks to review a revised landscape design for the Pulaski Street side of the building, including: loading dock, green roof option, parking entrance, and landscaping along Pulaski Street. The owners should give special attention to the corner lot with Washington Blvd.

## Summary

Staff recommends approval of ZB #219-01 HP GATEWAY UNIT ONE TEXT CHANGE, and #217-16 MODIFICATION 2 – SPECIAL EXCEPTION with the following considerations based on staff review, department comments and recommendations of the Planning Board.

1. The applicant should set specific goals for TDM measures, as proposed by the Land Use Bureau;
2. Require LEED Gold Standard (or equivalent) for all new buildings requesting bonus height, as proposed by the Land Use Bureau;
3. Add a landscape requirement for parking garage roofs in the zoning text as proposed the by the Land Use Bureau;
4. Approve the BMR fee-in-lieu payment for 15.1 BMR units at 12% for a total of approximately \$2,952,012.76 to be placed in City's BMR account;
5. Approve the fee-in-lieu for the required 500 commuter parking spaces (\$6,627,374.03) and place such funds in new Capital Account: Stamford Transportation Center Improvements specifically to fund infrastructure improvements that are associated with or in the vicinity of the Stamford Transportation Center. This could include direct investment to roadway enhancements or to leverage additional funds to provide improved function and mobility in the area and for the station;
6. Require a firm commitment and plan from the applicant to provide commuter parking as long as the proposed State garage is not operational.
7. Require a plan, including timeline and specifications, for the completion of the Mill River Park segment on the Gateway property and define milestones
8. Maintain the requirement for mobility improvements as defined in Condition 14 in Approval #217-16MOD 1