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| DOCKET NO. DBD-CV-226041619S | : | SUPERIOR COURT |
| | : | |
| 3 LAKE AVENUE EXTENSION, LLC | : | J.D. OF DANBURY |
| | : | |
| V. | : | AT DANBURY |
| | : | |
| CITY OF DANBURY ZONING COMMISSION | : | APRIL ___, 2023 |
| | : | |

**MOTION FOR JUDGMENT IN ACCORDANCE WITH STIPULATION PURSUANT
TO C.G.S. §8-8(n) AND PRACTICE BOOK § 14-7B**

Plaintiff 3 Lake Avenue Extension, LLC and defendant City of Danbury Zoning Commission (“Commission”) move, pursuant to General Statutes § 8-8(n) and Practice Book § 14-7B, that the Court approve a proposed settlement and enter judgment in accordance with the Stipulation set forth below.

WHEREAS, plaintiff is a limited liability corporation that owns real property at 3 Lake Avenue Extension, in Danbury, and is affiliated with Pacific House, a non-profit corporation based in Stamford, Connecticut that provides housing and supportive services to homeless and indigent individuals in the vicinity of Stamford and lower Fairfield County; and

WHEREAS, the COVID-19 pandemic changed the way officials in Connecticut and at the federal level approach providing low-income housing and shelter, including consideration of the use of hotels and motels as affordable housing with supportive services, as an alternative to traditional, overnight-only, dormitory-style homeless shelters; and

WHEREAS, on March 28, 2020, the Governor of the State of Connecticut issued Executive Order 7P, authorizing state agencies to issue orders as deemed necessary to allow for non-congregant housing for people experiencing homelessness and exposure to COVID-19; and

WHEREAS, pursuant to Executive Order 7P, on March 28, 2020, the Commissioner of the Department of Public Health ordered shelter providers to find alternative sites to traditional congregant-style housing for the homeless; and

WHEREAS, pursuant to Executive Order 7P, on March 31, 2020, the Commissioner of the Connecticut Department of Housing ordered Coordinated Access Network (“CAN”) managers to find alternative sites to traditional congregant-style housing for the homeless; and

WHEREAS, in early 2020, a Super-8 Motel, with 86 rooms, at 3 Lake Avenue Extension in Danbury, Connecticut, was identified by the State Department of Housing as a suitable facility to be a homeless shelter and to provide affordable housing with supportive services; and

WHEREAS, in response to Executive Order 7P and the associated agency orders, the State Department of Housing began moving people experiencing homelessness, who had traditionally been housed in congregant-style housing, to non-congregant style housing, including working hotels and motels, using a voucher program to pay for rooms, in the early spring of 2020; and

WHEREAS, from March 2020 through April 2021, the 3 Lake Avenue Extension property was operated as both a hotel and a homeless shelter, with people experiencing homelessness being housed in hotel rooms paid for by vouchers; and

WHEREAS, throughout 2021, as the COVID-19 pandemic remained in place, state agencies began looking for permanent non-congregant housing solutions, using money obtained in grants from the federal government; and

WHEREAS, 3 Lake Avenue Extension, LLC, in March 2021, in connection with its intended acquisition of the property, applied to the City of Danbury Zoning Board of Appeals for

a use variance to allow the 3 Lake Avenue Extension property to be operated as a shelter for the homeless in the CA-80 Zoning District; and

WHEREAS, 3 Lake Avenue Extension, LLC acquired the Super 8 motel, with funds provided by the Connecticut Department of Housing, in April 2021, and thereafter terminated the hotel operations, while continuing the shelter function; and

WHEREAS, the 3 Lake Avenue Extension property is zoned CA-80, a commercial use district that allows congregate housing as well as hotels and motels, adult day care centers, continuing care facilities, and nursing homes, but does not expressly allow homeless shelters; and

WHEREAS, the variance application led to a lengthy public hearing in May 2021, after which the applicant withdrew the variance application; and

WHEREAS, in August 2021, 3 Lake Avenue Extension, LLC first assumed full operational and employment control of the property; and

WHEREAS, on August 16, 2021, Plaintiff filed an application with the defendant Zoning Commission (“the Commission”) to amend the CA-80 Zoning District Regulations, to allow a “transitional shelter for the homeless,” which would encompass both “supportive housing units” and emergency shelter rooms for individuals, as a special exception use, a copy of which proposed amendment is attached as Exhibit A; and

WHEREAS, in response to the zoning application, City staff issued a memo to the Commission stating that the proposed use of the property was similar to other uses already allowed in the CA-80 Zoning District, and was consistent with the City’s Plan of Conservation and Development; and

WHEREAS, the zoning application required the operator of the transitional shelter for the homeless, if the zoning regulation amendment were adopted, to apply to the Planning Commission for a special exception, which would allow the Planning Commission and the public to review the proposal for the Property, and would empower the Planning Commission to impose conditions of approval on its day-to-day operation; and

WHEREAS, after a lengthy hearing in October and November 2021, the Zoning Commission denied the zoning application by a 6-3 vote and issued a resolution explaining its reasons; and

WHEREAS, 3 Lake Avenue Extension LLC timely filed this appeal to Superior Court of the Commission's denial of the zoning application, in the Judicial District of Danbury, on December 10, 2021; and

WHEREAS, in April, June and December 2022, the Governor issued orders and/or declarations that continue to recognize that provision of alternate housing for homeless people is necessary to protect public health and safety, thereby extending such orders through at least June 2023; and

WHEREAS, through extensive discussions in 2022 and continuing in 2023 involving the City of Danbury, the Housing Authority of the City of Danbury, the Connecticut Department of Housing, Pacific House, other city agencies, and housing organizations, these entities have arrived at a structure for settlement of this appeal, generally involving the use of property at 98 Elm Street, Danbury as a homeless shelter, and 3 Lake Avenue Extension as an affordable housing complex with supportive services; and

WHEREAS, more specifically, as of the date of this Motion for Judgment, the City and the Danbury Housing Authority of the City of Danbury ("Housing Authority") have approved as

to terms and form, and have executed a Lease Agreement and a Purchase and Sale Agreement, whereby the City will take control of 98 Elm Street and operate it as a homeless shelter, and has the right and obligation to purchase 98 Elm Street for this same purpose; and

WHEREAS, Pacific House and the Housing Authority, with the City’s knowledge and consent, have approved as to terms and form a “side letter” agreement (the “letter agreement”) whereby Pacific House, in lieu of the City, would purchase 98 Elm Street and operate it as a homeless shelter, provided that Pacific House receives funding for the purchase from the Connecticut Department of Housing, which funding is expected to be received by September 1, 2023; and

WHEREAS, in view of the Lease Agreement, Purchase and Sale Agreement, and letter agreement, Pacific House and the Commission now have a sufficient basis and desire to resolve and settle this action, and have come to an agreement on terms and conditions, set forth below; and

WHEREAS, 3 Lake Avenue Extension, LLC now proposes to reduce and revise its 2021 petition to amend the Zoning Regulations by eliminating the emergency shelter rooms portion of the 2021 proposed amendment, and proposing at 3 Lake Avenue Extension only the supportive housing units, deed-restricted as affordable, with supportive services; and

WHEREAS, the amendment now proposed as a settlement will allow a “Supportive housing facility” as a special exception use within the CA-80 zone, which as defined will qualify the supportive units within the facility as “affordable housing within the meaning of § 8-30g of the General Statutes of Connecticut and be restricted in occupancy to persons or families, identified as family units within the meaning of Section 8-30g of the General Statutes of

Connecticut, whose income is equal to or less than forty (40) percent of the state median income for a term no less than forty (40) years”; and

WHEREAS, the amendment now proposed would apply to any building proposed to be built or converted to a “Supportive housing facility,” where such facility is controlled and operated by either a non-profit housing organization assisted by the State of Connecticut or the federal government or any other available resources, or the City of Danbury; and

WHEREAS, as a proposed special exception use within the CA-80 zone, any applicant for a “Supportive housing facility” use within the CA-80 zone will be required to file for a special exception and site plan approval with the Danbury Planning Commission; and

WHEREAS, this Stipulation proposes a reduction of what was sought in August 2021, and thus requires compliance with the notice provisions of Connecticut Practice Book § 14-7B, but not the State and City procedures for notice of a new application (see *Third Garden Park, L.C. v. Ledyard Zoning Com’n*, Superior Court, Judicial District of Hartford, No.

LNDCV126038939S (Dec. 4, 2013) (“[t]he § 8-8(n) (settlement) approval process is not meant to be the equivalent of a new administrative application and hence the notice provisions that would apply in the first instance ... do not apply in this situation”); and

WHEREAS, 3 Lake Avenue Extension, LLC represents and agrees that, as a condition of this stipulation, it intends, as stated in the letter agreement, to purchase or lease the Housing Authority property at 98 Elm Street as an assignee of the City, which property is approved for use as a 20 bed single room dormitory building shelter for the homeless pursuant to an existing approved site plan ; and

WHEREAS, the parties agree and understand that the efforts of 3 Lake Avenue Extension, LLC with respect to both 3 Lake Avenue Extension and 98 Elm Street are dependent

upon funding and administrative support from the State of Connecticut, acting through its Department of Housing; and

WHEREAS, 3 Lake Avenue Extension, LLC agrees that after approval of this Stipulated Judgment, it will operate 3 Lake Avenue Extension as a supportive housing facility as described in the proposed amendment to the Zoning Regulations adopted pursuant to this stipulation, and will proceed expeditiously, and no later than thirty (30) days, from approval of this Motion for Judgment, to apply for a special exception from the Planning Commission to operate a Supportive housing facility permanently as supportive units within the meaning of the amendment; and

WHEREAS, the Commission finds that the amendment to the Zoning Regulations approved pursuant to this Judgment is consistent with the City of Danbury's comprehensive plan and the Plan of Conservation and Development (as amended in 2022), and is in the interest of the public health, safety and welfare.

NOW THEREFORE, in order to fully and fairly resolve the above-captioned matter, and to avoid any further litigation regarding the use of the property, 3 Lake Avenue Extension, LLC and the Commission hereby move under General Statutes § 8-8(n) and Practice Book § 14-7B(j) for approval of a settlement as described below, and entry of judgment in accordance with the Stipulation as described below.

1. The Commission hereby adopts a revised zoning regulation amendment, set forth in attached Exhibit(s) B-1 and B-2 to this Stipulation, intending to supersede and replace the former "transitional shelter to the homeless" regulation amendment filed by 3 Lake Avenue Extension, LLC in August 2021. Exhibit B-2 is a clean copy of the proposed zoning regulation amendment, whereas Exhibit B-1 is a copy of the proposed zoning regulation amendment

redlined against the prior zoning regulation amendment included in 3 Lake Avenue Extension, LLC's August 2021, application.

2. The revised zoning regulation amendment provides for the following:
 - a. Amendment to § 2.B of the Danbury Zoning Regulations to define a use entitled "Supportive Housing Facility";
 - b. Amendment to § 5.B.2.b of the Danbury Zoning Regulations, governing Special Exception Uses for the Arterial Commercial District (CA-80), to include a subsection (19), labeled "Supportive Housing Facility," as shown on Exhibits B-1 and B-2 to this Stipulation;
 - c. Amendment to the list of the existing Special Exception Uses currently numbered as (19) – (21) to move each use down one number to accommodate the revised subsection;
 - d. Amendment to § 5.B.5 of the Danbury Zoning Regulations, governing Special Exception Uses for the Arterial Commercial District (CA-80), to include a subsection (g), which details the special use regulations for the "Supportive Housing Facility" use identified above, as shown on Exhibits B-1 and B-2 to this Stipulation.

3. To comply with Practice Book § 14-7B(j), the Commission published notice of its consideration of the terms of this Stipulation in a newspaper of general circulation on March 31 and April 7, 2023, advising interested members of the public that they could obtain a copy of this Motion, and appear and offer public comment on same, at a meeting held on April 11, 2023 (Exhibit C). As required by Practice Book § 14-7B(j), the proposed settlement was noticed on the Zoning Commission's agenda for April 11, 2023 (Exhibit D). After review and consideration of all public comment received, the Commission voted on April ___, 2023 to authorize

undersigned counsel for the Commission to execute this Stipulation on its behalf, giving reasons for its action, as shown in Exhibit E.

4. Non-Admission of Liability. The entry by the parties into this Stipulation shall not be construed as an admission of liability of any party hereto.

5. No Representation. Each party hereto acknowledges that no other party or any agent or attorney of any other party, or any other person, firm, corporation, or any other entity has made any promise, representation or warranty whatsoever, express or implied, not contained herein concerning the subject matter of this Stipulation to induce the execution of this instrument, and each signatory hereby acknowledges that he, she or it has not executed this instrument in reliance on any promise, representation or warranty not contained in this Stipulation.

6. Counterparts. This Stipulation may be executed in separate counterparts, each of which shall be deemed to be a fully executed original as to all parties that have executed any one or more of those separate counterparts. The execution of this Stipulation and the transmission thereof by facsimile or electronic (e-mail) shall be binding on the party signing and transmitting same by facsimile or electronic (e-mail) fully and to the same extent as if a counterpart of this Stipulation bearing such party's original signature had been delivered. Notwithstanding the foregoing, the parties shall exchange original counterparts of the Stipulation promptly following execution hereof.

7. Binding Effect. This Stipulation shall be binding upon and inure to the benefit of the parties hereto, and each and all of their heirs, personal representatives, successors, and assigns.

8. Construction. This Stipulation shall be construed without regard to the party or parties responsible for its preparation and shall be deemed as having been prepared jointly by the parties hereto. Any ambiguity or uncertainty existing herein shall not be interpreted or construed against any party hereto. This Stipulation shall be construed as a whole according to its plain meaning.

9. Entire Agreement. This Stipulation, together with Exhibits and attachments hereto constitutes the entire agreement of the parties and supersedes all prior or contemporaneous agreements, discussions, or representations, oral or written, with respect to the subject matter hereof, and each of the parties hereto states that he/she/it has read each of the paragraphs hereof and that he/she/it understands the same and understands the legal obligations created thereby.

10. Notices. Any notices given or required to be given under this Stipulation shall be in writing and delivered either personally or via certified mail, or via commercial overnight courier and by electronic (e-mail) mail as follows:

- a. Any notice given to the Plaintiffs shall be sent simultaneously to the following addresses:

Timothy Hollister, Esq.
Hinckley Allen
20 Church Street
Hartford, CT 06103-1221
thollister@hinckleyallen.com

- b. Any notice to the Commission shall be sent to the following address:

Sharon B. Calitro, Director
Department of Planning and Zoning
City of Danbury
155 Deer Hill Avenue
Danbury, CT 06810
s.calitro@danbury-ct.gov

Daniel Casagrande, Esq.
Cramer & Anderson, LLP
30 Main Street, Suite 204
Danbury, CT 06810
dcasagrande@crameranderson.com

Notices delivered personally or by overnight mail, shall be deemed given when received, as well as electronic (e-mail) messages. Notices delivered by mail shall be deemed given three (3) business days after mailing. Parties may change their address for notices in a notice given pursuant to this paragraph.

11. Power and Authority to Execute. Each party hereto represents and warrants that it has the full power and authority to execute, deliver and perform this Stipulation, that each individual signing on behalf of a party has been duly authorized by that party to execute this Stipulation on its behalf, and that no claims being released under the terms of this Stipulation have been assigned, sold, or otherwise transferred to any other entity.

12. Advice of Counsel. Each of the parties has had the benefit of the advice of counsel of its own choice in the negotiating, drafting and execution of this Stipulation, and the language in all parts of this Stipulation is a product of the efforts of all parties and their respective counsel.

13. No Duress. The parties acknowledge that they have entered into this Stipulation freely and voluntarily, with the advice of counsel, and without duress.

WHEREFORE, the Parties requests the Court enter Judgment as set forth above.

PLAINTIFF,

3 LAKE AVE EXTENSION, LLC

DEFENDANT,

CITY OF DANBURY ZONING
COMMISSION

By: /s/

Timothy S. Hollister
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20 Church Street
Hartford, CT 06103
P: 860-331-2823
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By: /s/

Daniel E. Casagrande Esq.
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Cramer & Anderson, LLP
30 Main Street, Suite 204
Danbury, CT 06810
P: 203.744.1234
F: 203.730.2500

CERTIFICATION OF SERVICE

I hereby certify that a copy of the foregoing was sent this ____ day of April 2023, via First Class, U.S. Mail, postage prepaid, to the following parties:

City of Danbury Zoning Commission
Daniel E. Casagrande Esq.
Cramer & Anderson, LLP
30 Main Street, Suite 204
Danbury, CT 06810

By _____
Timothy S. Hollister

Exhibit A

**Pacific House's Proposed
Zoning Regulation Amendment,
November 2021**

ZONING REGULATIONS AMENDMENT

Amend the Zoning Regulations as follows. Additions are underlined; and deletions are [bracketed] and have a ~~strike~~through.

SECTION 2. DEFINITIONS

2.B DEFINITIONS.

Dwelling unit. A housing unit containing a single room or group of rooms designed for occupancy as separate living quarters by one family. Separate living quarters are those in which occupants have direct access to the unit from outside of the building or through a common hall and which contain separate bedrooms (other than efficiency units) and provisions for living, dining, kitchen and bathroom facilities for the exclusive use of the occupants. The following uses are not considered dwelling units as defined herein: clubs; congregate housing; dormitories; fraternal organizations; fraternity or sorority houses; hotels or motels; nursing homes; rooming houses or boarding houses; shelters for the homeless; transitional shelters for the homeless; or, similar uses. [Rev. 11/26/2011]

Shelter for the homeless. A facility providing only temporary dormitory/congregate-style housing and [~~ancillary~~] associated services for one or more individuals who would otherwise be without shelter; homeless shelter.

Transitional shelter for the homeless. A facility that provides both supportive units and emergency shelter rooms and associated services to those experiencing homelessness, which such facility is controlled and operated by either (1) a non-profit housing organization pursuant to a contract with the Connecticut Department of Housing; or (2) the City of Danbury. Supportive units shall consist of a room/rooms with an area for sleeping and contain a kitchenette comprised only of a mini-refrigerator and microwave, a bathroom, and a required sink. Gas or electrical services for ovens, ranges, cooktops and associated venting shall not be permitted within any supportive units or emergency shelter rooms. The facility shall contain offices for supportive services including but not limited to social and case management services, counseling, and similar programs and supportive services provided by the non-profit or City to enable individuals experiencing homelessness to transition to permanent housing and self-sufficiency. All supportive units and emergency shelter rooms within the facility shall qualify as affordable housing within the meaning of CGS Section 8-30g as follows: supportive units shall be restricted in occupancy to persons or families, identified as family units within the meaning of CGS Section 8-30g, whose income is equal to or less than forty (40) percent of the state median income for a term no less than forty (40) years; and, emergency shelter rooms shall be restricted in occupancy to persons or families, identified as family units within the meaning of CGS Section 8-30g, whose income is equal to or less than fifty (50) percent of the state median income for a period of not less than fifteen (15) years; transitional homeless shelter.

SECTION 5. ARTERIAL COMMERCIAL DISTRICT: CA-80

5.B.2.b. Special Exception Uses

(19) Transitional shelter for the homeless. See Section 5.B.5.g.

~~(19)~~ (20) Truck terminal, warehouse, moving and storage establishment; self-service storage. See Section 6.C.3.

Renumber remaining uses consecutively.

5.B.5. Specific Use Regulations: Special Exception Uses.

The following use regulations shall apply to the special exception uses specified below.

g. Transitional shelter for the homeless.

- (1) Vehicular access to the site shall be provided solely from an arterial street.
- (2) The site shall abut a ramp of Interstate 84.
- (3) The facility shall contain no greater than a total of eighty-six (86) supportive units and emergency shelter rooms used as accommodations for individuals experiencing homelessness and/or transitioning from homelessness to permanent housing.
- (4) There shall be no greater than forty-eight (48) supportive units within the facility.
- (5) No supportive unit or emergency shelter room shall be occupied by more than two (2) individuals; however, in emergency situations, more than two (2) individuals may be housed in a one-bedroom suite, provided that the total number of individuals accommodated within the facility shall not exceed one-hundred-and-seventy-two (172).
- (6) Laundry facilities shall be available and accessible to emergency shelter room occupants, and a laundry room shall be located on each floor with supportive units for use by said supportive unit occupants.
- (7) No exterior site or facade alterations shall be made without required permits and approvals issued by the City of Danbury.
- (8) The facility may contain a room within the building where food is provided to shelter occupants, subject to obtaining all required permits and approvals.
- (9) An interior layout plan of the facility shall be submitted with any application for special exception and site plan approval and shall accompany the application for issuance of a Zoning Permit to use the site as a transitional shelter for the homeless.
- (10) All supportive units and emergency shelter rooms shall have access solely from an interior hallway. No supportive unit or emergency shelter room

shall be accessed from the exterior of the building, unless such access is required for life safety as determined by the Fire Marshal.

- (11) The non-profit entity operating said transitional shelter for the homeless shall issue a written report to the Department of Health and Human Services and the Zoning Enforcement Officer by January 31st of each year beginning in 2022 certifying compliance with these additional use regulations, the use definition, and affordability components contained therein.
- (12) All required occupancy restrictions for supportive units and emergency shelter rooms, as required by the use definition, shall be submitted with the application for special exception and site plan approval and shall be recorded on the Danbury Land Records prior to issuance of a Zoning Permit. Prior to recording, said occupancy restrictions shall be submitted by the facility operator to the Office of the Corporation Counsel for review and approval as to form and content. Copies of recorded restrictions shall be filed with the Zoning Enforcement Officer, and Directors of the Departments of Health and Human Services and Planning and Zoning.
- (13) The Planning Commission may request such additional information as necessary to determine compliance and issue findings in accordance with Section 10.C.4 of these Regulations.

EXHIBIT B-1

**Proposed Stipulated Judgment Regulation
(redlined against November 2021)**

February 2023

ZONING ~~REGULATIONS~~ REGULATION AMENDMENT

Amend the Zoning Regulations as follows. Additions are underlined; and deletions are [bracketed] and have a ~~strikethrough~~.

SECTION 2. DEFINITIONS

2.B DEFINITIONS.

~~Dwelling unit. A housing unit containing a single room or group of rooms designed for occupancy as separate living quarters by one family. Separate living quarters are those in which occupants have direct access to the unit from outside of the building or through a common hall and which contain separate bedrooms (other than efficiency units) and provisions for living, dining, kitchen and bathroom facilities for the exclusive use of the occupants. The following uses are not considered dwelling units as defined herein: clubs, congregate housing, dormitories, fraternal organizations, fraternity or sorority houses, hotels or motels, nursing homes, rooming houses or boarding houses, shelters for the homeless, transitional shelters for the homeless, or similar uses. [Rev. 11/26/2011]~~

~~Shelter for the homeless. A facility providing only temporary dormitory/congregate style housing and (ancillary) associated services for one or more individuals who would otherwise be without shelter, homeless shelter.~~

~~Transitional shelter for the homeless~~ Supportive housing facility. A facility that provides both designed to provide affordable housing in supportive units and emergency shelter rooms and associated services to those experiencing homelessness, which to individuals who otherwise would be homeless or at risk of being homeless. Such facility shall be controlled and operated by either (1) a non-profit housing organization pursuant to a contract with the assisted by the State of Connecticut Department of Housing or federal government or any other available resources; or (2) the City of Danbury. Supportive housing units shall consist of a room/rooms with an area for sleeping and contain a kitchenette comprised only of a mini-refrigerator and microwave, a bathroom, and a required sink. Gas or electrical services for ovens, ranges, cooktops and associated venting shall not be permitted within any supportive units or emergency shelter rooms. The facility shall contain offices for supportive services including but not limited to social and case management services, counseling, and similar programs and supportive services provided by the non-profit or City to enable individuals experiencing homelessness to transition to permanent housing and self-sufficiency. All supportive units and emergency shelter rooms within the facility shall qualify as affordable housing within the meaning of CGS Section 8-30g as follows: supportive units shall of the General Statutes of Connecticut and be restricted in occupancy to persons or families, identified as family units within the meaning of CGS Section 8-30g of the General Statutes of Connecticut, whose income is equal to or less than forty (40) percent of the state median income for a term no less than forty (40) years; and, emergency shelter rooms shall be restricted in occupancy to persons or families, identified as family units within the meaning of CGS

~~Section 8-30g, whose income is equal to or less than fifty (50) percent of the state median income for a period of not less than fifteen (15) years; transitional homeless shelter. A supportive housing facility shall contain offices for supportive services including but not limited to social and case management services, counseling, a health clinic, and similar programs and supportive services provided by the non-profit operator, the City, or other governmental entity.~~

SECTION 5. ARTERIAL COMMERCIAL DISTRICT: CA-80

5.B.2.b. Special Exception Uses

~~(19) Transitional shelter for the homeless~~ Supportive housing facility. See Section 5.B.5.g.

~~(19) 20) Truck terminal, warehouse, moving and storage establishment; self-service storage. See Section 6.C.3. Renumber remaining uses consecutively.~~

5.B.5. Specific Use Regulations: Special Exception Uses.

The following use regulations shall apply to the special exception uses specified below.

g.

~~Transitional shelter for the homeless~~ Supportive housing facility.

- (1) vehicular access to the site shall be provided solely from an arterial street.
- (2) The site shall abut a ramp of Interstate 84.
- (3) The facility shall contain no greater than a total of ~~eighty six sixty six (8666)~~ supportive units and emergency shelter rooms used as accommodations for individuals experiencing homelessness and/or transitioning from homelessness to permanent housing, which units shall meet the definition of a dwelling unit in accordance with these Regulations.
- ~~(4) There shall be no greater than forty eight (48) supportive units within the facility;~~
- (4) ~~(5) No supportive unit or emergency shelter room shall be occupied by more than two (2) individuals; however, in emergency situations, more than two (2) individuals may be housed in a one bedroom suite, provided that the total number of individuals accommodated within the facility shall not exceed one hundred and seventy two (172).~~
- (5) ~~(6) On site laundry facilities shall be available and accessible to emergency shelter room occupants, and a laundry room shall be located on each floor with supportive units for use by said supportive unit occupants.~~
- (6) ~~(7) No exterior site or facade alterations shall be made without required permits and approvals issued by the City of Danbury.~~

- (7) ~~(8)~~ The facility may contain a room within the building where food is provided to ~~shelter~~ ~~supportive unit~~ occupants, subject to obtaining all required permits and approvals.
- (8) ~~(9)~~ An interior layout plan of the facility shall be submitted with any application for special exception and site plan approval and shall accompany the application for issuance of a Zoning Permit to use the site as a ~~transitional shelter for the homeless~~ ~~supportive housing facility~~.
- (9) ~~(10)~~ All supportive units ~~and emergency shelter rooms~~ shall have access solely from an interior hallway. No supportive unit ~~or emergency shelter room~~ shall be accessed from the exterior of the building, unless such access is required for life safety as determined by the Fire Marshal.
- (10) ~~(11)~~ The non-profit entity operating said ~~transitional shelter for the homeless~~ ~~facility~~ shall issue a written report to the Department of Health and Human Services and the Zoning Enforcement Officer by January 31st of each year beginning in ~~2022~~ ~~2023~~ certifying compliance with these additional use regulations, the use definition, and affordability components contained therein.
- (11) ~~(12)~~ All required occupancy restrictions for ~~the supportive units and emergency shelter rooms, as required by the use definition,~~ shall be submitted with the application for special exception and site plan approval and shall be recorded on the Danbury Land Records prior to issuance of a Zoning Permit. Prior to recording, said occupancy restrictions shall be submitted by the facility operator to the Office of the Corporation Counsel for review and approval as to form and content. Copies of recorded restrictions shall be filed with the Zoning Enforcement Officer, and Directors of the Departments of Health and Human Services and Planning and Zoning.
- (12) Each application for a supportive housing facility shall include a written security plan. Said plan shall include a detailed description of the monitoring video cameras to be installed and alarms. Alarm systems shall be subject to provisions of Chapter 10 Article III of the Code of Ordinances, as amended.
- (13) The facility shall be the sole principal use on the lot and shall not be combined with or operated simultaneously with any other permitted or special exception use. Homeless shelters are not deemed accessory to a supportive housing facility.
- (14) A supportive housing facility shall be considered congregate housing for the purpose of calculating the required number of off street parking spaces pursuant to Section 8.C.4. of these Regulations.
- (15) ~~(13)~~ The Planning Commission may request such additional information as necessary to determine compliance and issue findings in accordance with Section 10.C.4 of these Regulations.

EXHIBIT B-2

**Proposed Stipulated Judgment Regulation
(clean copy)**

February 2023

ZONING REGULATION AMENDMENT

Amend the Zoning Regulations as follows. Additions are underlined; and deletions are [bracketed] and have a ~~strikethrough~~.

SECTION 2. DEFINITIONS

2.B DEFINITIONS.

Supportive housing facility. A facility designed to provide affordable housing in supportive units to individuals who otherwise would be homeless or at risk of being homeless. Such facility shall be controlled and operated by either (1) a non-profit housing organization assisted by the State of Connecticut or federal government or any other available resources; or (2) the City of Danbury. Supportive housing units shall qualify as affordable housing within the meaning of Section 8-30g of the General Statutes of Connecticut and be restricted in occupancy to persons or families, identified as family units within the meaning of Section 8-30g of the General Statutes of Connecticut, whose income is equal to or less than forty (40) percent of the state median income for a term no less than forty (40) years. A supportive housing facility shall contain offices for supportive services including but not limited to social and case management services, counseling, a health clinic, and similar programs and supportive services provided by the non-profit operator, the City, or other governmental entity.

SECTION 5. ARTERIAL COMMERCIAL DISTRICT: CA-80

5.B.2.b. Special Exception Uses

(19) Supportive housing facility. See Section 5.B.5.g.

Renumber remaining uses consecutively.

5.B.5. Specific Use Regulations: Special Exception Uses.

The following use regulations shall apply to the special exception uses specified below.

g. Supportive housing facility.

- (1) Vehicular access to the site shall be provided solely from an arterial street.
- (2) The site shall abut a ramp of Interstate 84.

- (3) The facility shall contain no greater than a total of sixty-six (66) supportive units, which units shall meet the definition of a dwelling unit in accordance with these Regulations.
- (4) No supportive unit shall be occupied by more than two (2) individuals.
- (5) On site laundry facilities shall be available and accessible to supportive unit occupants.
- (6) No exterior site or façade alterations shall be made without required permits and approvals issued by the City of Danbury.
- (7) The facility may contain a room within the building where food is provided to supportive unit occupants, subject to obtaining all required permits and approvals.
- (8) An interior layout plan of the facility shall be submitted with any application for special exception and site plan approval and shall accompany the application for issuance of a Zoning Permit to use the site as a supportive housing facility.
- (9) All supportive units shall have access solely from an interior hallway. No supportive unit shall be accessed from the exterior of the building, unless such access is required for life safety as determined by the Fire Marshal.
- (10) The non-profit entity operating said facility shall issue a written report to the Department of Health and Human Services and the Zoning Enforcement Officer by January 31st of each year beginning in 2023 certifying compliance with these additional use regulations, the use definition, and affordability components contained therein.
- (11) All required occupancy restrictions for the supportive units shall be submitted with the application for special exception and site plan approval and shall be recorded on the Danbury Land Records prior to issuance of a Zoning Permit. Prior to recording, said occupancy restrictions shall be submitted by the facility operator to the Office of the Corporation Counsel for review and approval as to form and content. Copies of recorded restrictions shall be filed with the Zoning Enforcement Officer, and Directors of the Departments of Health and Human Services and Planning and Zoning.
- (12) Each application for a supportive housing facility shall include a written security plan. Said plan shall include a detailed description of the monitoring video cameras to be installed and alarms. Alarm systems shall be subject to provisions of Chapter 10 Article III of the Code of Ordinances, as amended.
- (13) The facility shall be the sole principal use on the lot and shall not be combined with or operated simultaneously with any other permitted or special exception use. Homeless shelters are not deemed accessory to a supportive housing facility.
- (14) A supportive housing facility shall be considered congregate housing for the purpose of calculating the required number of off street parking spaces pursuant to Section 8.C.4. of these Regulations.

- (15) The Planning Commission may request such additional information as necessary to determine compliance and issue findings in accordance with Section 10.C.4 of these Regulations.

Exhibit C

Published Notice of Settlement

Exhibit D

**Agenda for Zoning Commission Consideration of
Settlement**

Exhibit E

Zoning Commission Resolution
Approving Settlement
