

**CITY OF NORWALK  
REDEVELOPMENT AGENCY  
SPECIAL MEETING  
JANUARY 17, 2017**

**ATTENDANCE:** Felix R. Serrano, Chairman; Commissioners Lisa Cooper, Lori Torrano and Tom Devine (via teleconference)

**AGENCY COUNSEL:** Joseph DaSilva, Jr. Esq.

**STAFF:** Timothy T. Sheehan, Executive Director; John Slovak, Comptroller; Susan Sweitzer, Senior Project Manager; Elizabeth Stocker, Director of Economic Development

**OTHERS:** Douglas Adams, GGP; Robert Jakubik, GGP; Andrew Glickson, Esq.; William Collins; Members of the Press

**A G E N D A**

**CALL TO ORDER**

Chairman Serrano called the meeting to order at 5:36 PM.

**ROLL CALL**

Chairman Serrano noted that a quorum was present.

**PUBLIC PARTICIPATION**

Michael McGuire, 64 Wall Street, said he thinks TOD needs to really consider some issues a little further, primarily the gentrification and displacement of the existing residents and businesses in the area. The TOD development as projected has extended further south and is going to be very destructive to the industrial users, some of which have been there for a long time, and the TOD will basically change the zoning on them, effectively changing the values of their properties and/or their abilities to use them. They are not big industrial users anymore in that area. They are small industrial users for the most part, and that is a much more valuable use.

The other issue is multifamily markets come and go. People move very readily in this market. In fact, Price Waterhouse Coopers' current study is projecting a multifamily recession in the Stamford area, and Norwalk is also going to see a recession in the multifamily housing side, which is logical because they are building like crazy, so to build more doesn't make sense.

Also, there should be some way that the public can be better notified when significant issues are occurring where people can be displaced, maybe with the new website the City has, or maybe reaching out through community neighborhood associations, because it is not really well known what is happening in the community.

The TOD development around the SoNo train station is going to take a decade or more to pull off, so why don't they just do the one that is so easy and right on their doorstep, and it will create the first TOD district in Southwest Fairfield County if you put a train station in the Mechanic Street lot or close by. It would cost less than a million dollars, more like a half million, and would be a very short time period of development to do it. It has the maximum

impact of what the Redevelopment Agency and the Parking Authority can do, and brings much needed revenues into the City. In the past decade, including what is planned to be built, there are approximately 2,000 housing units within walking distance of that particular location. There is a two and a half year waiting list at the train stations for parking, so who is going to occupy the 2000 units when you have to get in your car and drive to the train station and you can't park there for two years, but if they had the station there, then suddenly they open up to a much broader range of potential tenant base and it would be the first walkable train station to a significant number of housing units, which doesn't exist anywhere else.

*(Mr. Devine joined the meeting via teleconference call.)*

Chairman Serrano said he would point out that they did have a number of public meetings associated with TOD that were very well attended and they had a lot of public input. The City is rolling out their new website, but actually the Agency rolled out its updated website which included social media, so they have their Facebook and other connections and resources. In order to make sure that they are being transparent and getting the community involvement, they tend to go overboard with the number of many meetings they have, and if there was an issue they would ere on the side of having the meeting again, which happened in one instance.

Mr. Sheehan said actually the specific direction from the neighborhood was to include the Lexington Avenue neighborhood, and the Planning Committee of the Common Council authorized modifications that included Lexington Avenue before the plan went to the Common Council, so it wasn't something that the Redevelopment Agency advanced, and, what was proposed relative to Lexington Avenue is not wholesale displacement, but it was Village District zoning, which is Preservation Zoning as opposed to encouraging massive multifamily housing developments throughout South Norwalk. The whole TOD plan is more of a preservation based plan in general. The Redevelopment Agency doesn't control the zoning associated with the district. That is a process that is going through the Zoning Commission currently. They have structured proposed zoning to support the underlying plan, and the Commissioners have given a time period for the Zoning Commission to act to enable that zoning. It was not encouraging significant new development in that area. And just to be specific, you can't go higher than three and a half stories, 45 feet, south of Henry Street in the TOD plan, so you won't see four or five stories in the mixed use developments.

Bill Collins said just to Mr. McGuire's point, as he looks around, he and Mr. McGuire are the only ones there tonight, so one way or another they are not getting the participation of people who probably don't realize the importance of these meetings to them and their neighborhood.

There were no other members of the public who wished to speak, and the public participation potion of the meeting was closed.

I. **APPROVAL OF MINUTES**

A. December 13, 2016 Regular Meeting

- \*\* MS. TORRANO MOVED TO APPROVE THE MINUTES OF THE DECEMBER 13, 2016 REGULAR MEETING OF THE NORWALK REDEVELOPMENT AGENCY.
- \*\* MR. DEVINE SECONDED (MS. COOPER ABSTAINED).
- \*\* THE MOTION PASSED.

December 28, 2016 Special Meeting

- \*\* **MS. TORRANO MOVED TO APPROVE THE MINUTES OF THE DECEMBER 28, 2016 SPECIAL MEETING OF THE NORWALK REDEVELOPMENT AGENCY.**
- \*\* **MS. COOPER SECONDED.**
- \*\* **THE MOTION PASSED UNANIMOUSLY.**

II. **FINANCE**

Mr. Slovak reported on the NRA Revenues and Expenditures for year-to-date November 30, 2016 as follows:

- Operating Fund 100 had actual revenues of \$697,632 versus budgeted revenues of \$711,763 for a \$14,132 revenue deficit.
- Actual operating expenditures are \$626,790 versus a budget of \$697,391 resulting in a \$70,600 favorable expenditure variance.
- There is an actual operating surplus of \$70,841 versus a budgeted operating surplus of \$14,373 resulting in a \$56,469 favorable net operating variance.

- \*\* **MS. TORRANO MOVED TO APPROVE THE FINANCE RERPORT AS PRESENTED.**
- \*\* **MS. COOPER SECONDED.**
- \*\* **THE MOTION PASSED UNANIMOUSLY.**

III. **BUSINESS**

A. **TRANSIT ORIENTED DEVELOPMENT REDEVELOPMENT PLAN**

1. Discuss status on TOD zoning
2. Authorize extension of TOD Redevelopment Plan for 90 days

Mr. Sheehan said the Redevelopment Plan for TOD has been approved by both the Common Council and the Redevelopment Agency. On October 5<sup>th</sup> they submitted the proposed zoning to the Zoning Commission. The Commission also authorized the Agency to hire outside counsel, and Attorney Andy Glickson has been working with the Zoning Commission staff on reviewing the proposed zoning that was conveyed by the Redevelopment Agency, and Attorney Glickson is there to review where things stand with the zoning staff and the timelines associated with advancing it to the full commission.

Attorney Glickson said he has been talking to staff because he can't unofficially talk to the Zoning Commission. He appeared at one meeting of the Zoning Committee, a subset of the Zoning Commission, and got a reception that he characterized as feisty. They are trying to ascertain from staff where they think the Commission is going to go. Basically, he is not hearing an objection at the staff level to the TOD District proposals, but he would like to hear them say yes, we support it and we are prepared to recommend it. The proposal is supposed to foster development in the TOD District, but how much do they think they are going to get? They have asked for an analysis. The Agency, Tim Sheehan and Susan Sweitzer, have sent over a list, with the advice of their consultant, of what they think are the most likely near and medium term development sites and from which they can calculate development volumes and from which they will then proceed to traffic studies, so substantively the TOD District is in good shape with the Zoning Commission procedurally, but they need more time, so they need

to extend the imposed deadline on the adoption of the zoning changes in order to allow this to happen, which is what the agenda item calls for.

The Lexington Avenue Village Area is a little bit different. The Zoning Commission can't make a Village District until it is identified in the Plan of Conservation and Development which involves a lot of procedure and involves an amendment to the POCD, so he was authorized by Agency staff to communicate to the Zoning staff that in their judgment the proposed zoning changes could be accomplished without formally creating a Village District, and they would like not to have a month's long detour to accomplish something that they think doesn't have to be accomplished.

There had been concern expressed by the Zoning Commissioners about redundant design review. Obviously the redevelopment plan is going to require Agency design review. If the Village District were incorporated into the zoning regulations, the Zoning Commission would require design review, but if they take away the official Village District, the Agency still has its design review power under the plan, and if the Commission doesn't want to exercise a redundant design review, fine.

He still feels there is some resistance to doing both of these at the same time from the zoning point of view. In effect, the elimination of the industrial zoning within the sort of reconfigured confines of what would be the Springwood Whistleville zoning district is still not clear to him after a number of discussions with staff and exchanges of emails, and he has asked could they please tell him what they are for and what they are against.

Mr. Sheehan said he thinks the point that he has made relative to TOD and the challenges with the Springwood Whistleville component of this is on the mark, and he believes that the remaining point is really what to do from a zoning standpoint relative to the I-1 uses that are there. And again, that is a zoning concern. The neighborhood has said that they don't want those uses in their neighborhood and they want to have them contained. The Commissioners heard from people that were representative of the neighborhood, and the Common Council has heard from those same representatives, but now it is going to come down to whether zoning is going to look at it and say that they want to ensure that the I-1 zone continues to operate in the neighborhood or look at it favorably with what the proposed zoning is. The Agency actually structured this with the Common Council and left it to the Common Council to direct them as to whether they wanted the Springwood Whistleville District in or not, and the determination was, yes, they want to have it in and they modified the plan to accommodate what the Council wanted.

Chairman Serrano said it sounds like with respect to the TOD they are excluding the Lexington Avenue at this point. Mr. Sheehan said unless there is some information that comes out that is a big surprise to them, which he can't imagine what it would be at this point, he thinks that is an accurate statement.

Attorney Glickson said it was agreed with the P&Z staff that there are issues with the drafting of the zoning proposals and it needs a fair amount of work. They are basically language changes and there were some provisions that weren't perfectly clear to the people sitting at the table, and by vote of three P&Z staffers and one Agency attorney, he was elected as the draftsman to make proposed revisions to the draft, but he is not permitted to proceed with the drafting until they get a clear signal on where the staff is going.

Mr. Sheehan said there is no point in going through the redrafting until they understand that staff is supportive of what they propose.

Attorney Glickson said the last exchange of communications between Steve Kleppin, the Director, and him was they are looking at another visit to the Zoning Committee on February 9<sup>th</sup>, but that would not enable them to put it on the agenda for a public hearing six days later, so that would mean another hearing the third Wednesday in March, and he doesn't think this is something they are going to vote up or down on the spot, so they are looking at another month to the April Zoning Commission meeting, so they have really got to extend out past their April Commission meeting.

- \*\* **MS. TORRANO MOVED TO APPROVE THAT THE SOUTH NORWALK TRANSIT ORIENTED REDEVELOPMENT PLAN DATED SEPTEMBER 27, 2016 BE FURTHER CONDITIONED UPON THE RECOMMENDED ZONING TO SUPPORT THE EFFECTIVE IMPLEMENTATION OF THE PLAN BEING ADOPTED BY THE ZONING COMMISSION ON OR BEFORE APRIL 30, 2017.**
- \*\* **MS. COOPER SECONDED.**
- \*\* **THE MOTION PASSED UNANIMOUSLY.**

B. **HEAD OF THE HARBOR**

1. Approve Public Improvements Agreement Letter

Ms. Sweitzer said the memo before them summarizes public improvements that the City is required to undertake under the option agreement with the developer and so they put this together as an agreement to complete these public improvements in accordance with the terms and conditions that were outlined in the memo, and this would then be an agreement on the part of the Agency to pay for these public improvements that are outlined in the scope of work in the option agreement. It is the City's obligation, and the developer has agreed to construct these improvements in accordance with the terms and conditions that are outlined in the memo. The actual agreement letter has been sent to the developer, so it is possible that the developer will propose some changes that would then be reviewed by Agency counsel, so what they are looking for is an authorization to move forward with the letter of agreement in accordance with their obligations.

Mr. Sheehan said they are essentially looking for approval of the terms which would then be reflected into an agreement with the developer. The terms were advanced by Agency counsel and ultimately the public improvements they are talking about are all contained in the option agreement with the City, so they are contractually obligated to do the improvements. It's just the terms of this separate agreement with the developer to do this is ultimately what is before the Commission this evening.

The other issue that it is important to know is that in discussions with the City, DPW and Corporation Counsel, it was determined that this work should advance under an encroachment agreement in concert with the public improvements agreement that they are being asked to approve. .

Ms. Sweitzer said the developer will not own the improvements. The improvements will be owned by the City. The developer's role is to step in and effectuate the improvements, and then turn them back to the City on completion and upon acceptance by the City.

Mr. Torrano asked where the money for this project is coming from. Mr. Sheehan said the project will be entirely paid for from the Wall Street Capital Budget account. He agreed the motion should be modified to specify the source of the funds for the project.

- \*\* **MS. TORRANO MOVED THAT CHAIRMAN FELIX R. SERRANO OF THE NORWALK REDEVELOPMENT AGENCY BE AUTHORIZED TO EXECUTE AN AGREEMENT IN ACCORDANCE WITH THE STATED TERMS AND APPROVED BY AGENCY COUNSEL WITH THE HEAD OF THE HARBOR SOUTH LLC FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS AS DEFINED IN THE HEAD OF HARBOR RETAINING WALL REPLACEMENT FINAL DESIGN SUBMISSION DATED DECEMBER 1<sup>ST</sup>, 2016 FOR AN AMOUNT NOT TO EXCEED \$849,485 TO BE PAID FROM THE WALL STREET CAPITAL ACCOUNTS 09170910 5777 C0287, 09150910 5777 C0551 AND 090800910 5777 C0433.**
- \*\* **MS. COOPER SECONDED.**
- \*\* **THE MOTION PASSED UNANIMOUSLY.**

*(Ms. Torrano left the meeting.)*

C. **SONO COLLECTION**

1. Update by GGP

Mr. Sheehan said included in the package is the sustainability review that was done by Steve Cecil on behalf of the Redevelopment Agency for the SoNo Collection, which they would like to take action on next month and will submit all of the additional backup for the next meeting. And also, because zoning is taking action on it, they have already done their final design review. As Steve Cecil had indicated at that final design review, there would be component pieces coming in supplementary to that. One was the Bloomingdale's façade, and obviously he was supportive of that. He was referencing that the only thing that he was requiring them to submit was material boards so that they have some continuity as to what was the material going forward.

Mr. Adams said he was there to follow up on the sustainability and the Bloomingdale's façade, and they are very proud that according to the report, they have met the sustainability guidelines without conditions, so they look forward to the Agency reviewing that and approving it.

Mr. Sheehan had asked that he give a brief update. At the end of last year they completed some additional approvals for the plan updates on the building and the facades, some of which returned the façade materials back to some of the original materials that went through both the Planning and Zoning Department and the Agency's design review guidelines, both of which were successfully completed. In addition, they did the same with the signage package, which was completed in the same manner and is now done. Earlier this month they received approval from P&Z for a revision to the Bloomingdale's façade, which was approved administratively. Mr. Cecil weighed in very positively as well. There were no other changes.

It was strictly a façade material change. And then, of course, they touched upon the sustainability with the Agency, which is an important item for them to check off the list, both because it is required and because sustainability is a major issue within their company.

Mr. Sheehan said just to bring the Commissioners up to speed on that, that is a requirement of the Redevelopment Agency, not of zoning.

Mr. Adams said they are close to finalizing the actual language of the easement with the City, which was left under the LDA with the Agency and the City. It is essentially completed. Zoning is reviewing the plan for compliance with the zoning approvals. Once that is all signed off and finalized then they assume the documents will be signed, recorded and the easement paid for, so that is in the process.

They are very hard at work with their contractor, and are working hard to complete all of the bidding, all of the construction documents and the interim process so they can get in the ground as quickly as possible. As to leasing, their company has made a public statement that they are pleased with the progress. They are on schedule and there has been a good response to the project in the community and the location.

As to the community, they continue to work very hard to maintain those connections. Their office in South Norwalk is very busy. They have walk-ins daily. They continue to meet with businesses down there. They met with Agency staff and the City to review their plan of hiring disadvantaged business enterprises for the local hiring, all the things that were laid out in the LDA. He thinks the plan was very well received and they have also vetted it with leadership of the Council. He has a meeting set up with the South Norwalk Coalition, who has also been involved through the entire process of setting up. They have also pretty much completed their program of career training with the Norwalk Community College. That is set to go, and they would expect that to begin this summer or fall. In addition, they nationally have gotten a very long list of retailers to buy into the certification, which is a very good thing. And then they also continue to coordinate on a monthly basis with ConnDOT and MetroNorth to make sure that DPW and Bill Ireland's groups as well as the Building Department are all properly coordinated.

Lastly, they are currently having their core shell drawings reviewed by the third party reviewers for Mr. Ireland, and that is going along well, so they are all working every day to get that put together, to get in the ground as soon as they can.

Chairman Serrano thanked him for coming and giving them an update. He said he knows they have been hard at work trying to move this process along. From their perspective, their concern is with regard to the timeline and moving along with the foundation, and also the concern with the Walk Bridge and everything there.

Mr. Adams said that is one of the reasons they stay completely coordinated and will with the Connecticut DOT. The good news is their construction will be significantly within the building, so in terms of impacts to the surrounding area, he thinks there will be even less of a conflict, because they will be finishing as they are starting up, and they are going to only have the construction folks, which are being managed through garages and offsite, and there will not be significant road work at that point, so he thinks the transition from them completing to the Walk Bridge beginning will be a very manageable process. Their construction schedule is

tied to ground breaking, and until they get in the ground he can't confirm exactly when an opening date will be. ConnDot has a lot of work to do, and they don't have an official timeframe either, but they will start as soon as they can and go as fast as they can to completion, well within the LDA timeline, so they don't see any issues.

Chairman Serrano asked if he had any updates on the hotel or the hotel operator. Mr. Adams said no real updates. It is something they are working through and working with partners to try to structure and get it brought forward.

D. **AGENCY LOAN PORTFOLIO**

1. Quarterly loan report

Chairman Serrano said they are going to be tabling the loan portfolio, so if he could have a motion to table it. .

\*\* **MS. COOPER MOVED TO TABLE THE LOAN PORTFOLIO.**  
\*\* **MR. DEVINE SECONDED.**  
\*\* **THE MOTION PASSED UNANIMOUSLY.**

IV. **NEW BUSINESS**  
None.

V. **OLD BUSINESS**  
None

**ADJOURNMENT**

There being no further Old or New Business, upon motion of Ms. Cooper and second of Mr. Devine, the Norwalk Redevelopment Agency meeting was adjourned at 6:36 P.M.

Respectfully submitted,

Karen Pacchiana