

**CITY OF NORWALK
PLANNING COMMITTEE
SPECIAL MEETING
FEBRUARY 5, 2009**

ATTENDANCE: Douglas Hempstead, Kelly Straniti, William Krummel,
Rev. Phyllis Bolden

STAFF: Timothy Sheehan, Redevelopment Agency Director; Susan
Sweitzer, Senior Project Manager Redevelopment

OTHERS: Attorney Frank Baker, Robinson & Cole; Michael Moore, Senior
Community Development Project Manger, Diane Lauricella
Diane Cece

CALL TO ORDER

It was announced that Rev. Bolden had been delayed, so Mr. Krummel, as Acting Chair, called the meeting to order at 7:11 p.m. A quorum was not present.

PUBLIC PARTICIPATION

Ms. Diane Lauricella came forward and said that she would like to speak to the first two items on the agenda. She said that she was a member of the Mayor's Brownfield Task Force and that the goal was to turn brownfields in to green fields.

Ms. Lauricella commended the staff for being aware of The Incentive Housing Zone program. Ms. Lauricella said that she was involved in developing the Connecticut home program for this initiative. She then asked whether additional zones in the City where IHZs could be located. She then suggested other areas, like the East Avenue Railroad Station area and possibly Wall Street. She said that she thought that it was time that Norwalk changed some of the zoning to bring affordable housing to other areas.

Mr. Moore came forward and said that the Redevelopment Agency was responding to the State initiative to encourage affordable housing. The grant would be a technical grant to explore the different areas of town, where Affordable Housing Incentives might be applied.

Rev. Bolden arrived at 7:18 p.m. A quorum was now present.

BUSINESS

A. Brownfield Municipal Pilot Grant Program

1. Authorize Mayor Moccia to execute all Document and Resolutions in order to enter into Assistance Agreement with DECD.

Mr. Moore came forward and explained that the project for the Eastbound side of the East Norwalk Parking Lot had been approved. He then distributed copies of a revised motion for the Committee to consider.

**** REV. BOLDEN MOVED TO AMEND THE FOLLOWING MOTION FROM:**

“AUTHORIZE MAYOR MOCCIA TO EXECUTE ANY AND ALL DOCUMENTS INCLUDING THE ATTACHED RESOLUTION IN ORDER TO ENTER INTO AN ASSISTANCE AGREEMENT WITH THE CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR \$300,000 IN FUNDING FROM THE STATE OF CONNECTICUT’S *BROWNFIELD MUNICIPAL PILOT PROGRAM* FOR USE IN UNDERTAKING THE SOUTH NORWALK TRANSIT REMEDIATION PROJECT LOCATED AT 30 MONROE STREET. THE EXECUTIVE DIRECTOR, OF THE NORWALK REDEVELOPMENT AGENCY IS AUTHORIZED TO PREPARE AND EXECUTE ALL ADMINISTRATIVE DOCUMENTS AND REPORTS AS REQUIRED BY THE ASSISTANCE AGREEMENT FOR THIS GRANT AWARD.

TO:

A. “AUTHORIZE MAYOR MOCCIA TO EXECUTE ANY AND ALL DOCUMENTS IN CONNECTION WITH AN ASSISTANT AGREEMENT WITH THE CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT FOR \$300,000 IN FUNDING FROM THE STATE OF CONNECTICUT’S *BROWNFIELD MUNICIPAL PILOT PROGRAM* FOR USE IN UNDERTAKING THE SOUTH NORWALK TRANSIT REMEDIATION PROJECT LOCATED AT 30 MONROE STREET. THE EXECUTIVE DIRECTOR OF THE NORWALK REDEVELOPMENT AGENCY IS AUTHORIZED TO PREPARE AND EXECUTIVE ALL ADMINISTRATION DOCUMENTS AND REPORTS AS REQUIRED BY THE ASSISTANCE AGREEMENT FOR THIS GRANT AWARD.

**** THE MOTION PASSED UNANIMOUSLY.**

Mr. Hempstead asked whether the \$300,000 was site specific. Mr. Moore replied that it was.

**** MS. STRANITI MOVED TO ADOPT SECTION B OF THE PROPOSED AMENDED RESOLUTION AS FOLLOWS:**

“B. ADOPT THE ATTACHED RESOLUTION REGARDING THE FILING OF AN APPLICATION FOR STATE FINANCIAL ASSISTANCE IN THE AMOUNT OF \$300,000 FROM THE CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT IN ORDER TO UNDERTAKE THE SOUTH NORWALK TRANSIT REMEDIATION PROJECT.

Mr. Moore pointed out that this was a City held site and that the Redevelopment Agency was working on the licensing agreement.

**** THE MOTION PASSED UNANIMOUSLY.**

B. Incentive Housing Zone

1. Authorize Mayor Moccia to execute all Document and Resolution in order to apply for and accept a Grant Award from OPM's program

Mr. Moore distributed copies of a revised motion to the Committee. Mr. Moore then reviewed the definition of an Incentive Housing Zone, which includes an increased density ratio and a commitment to residents at or below 80% of the Area Median Income in the created IHZ zone. The grant before the Committee is a technical assistance grant, it is not creating an Incentive Housing Zone. Mr. Sheehan said that Zoning felt that the South Norwalk Railroad Station area would be a viable candidate.

Mr. Krummel asked where in the City there would be a site of 25 units per acre. SoNo Garden, Maritime Yards and Washington Village were identified as areas that met that criteria. Mr. Krummel then had several other questions about the percentages involved in the IHZ. Mr. Moore explained that the State will also give the City a very small cash payment for each unit established.

Mr. Hempstead asked about the sequence of events once the grant funding is received. Mr. Moore said that discussions with P&Z have already commenced. Ms. Straniti asked what would happen if someone developed a four family unit because they were asking for 20% of the units to be affordable. Mr. Sheehan said that 20% of the development happening in the area would have to be deed restricted for affordable housing. Mr. Moore said that these were questions that would be discussed during the planning phase.

**** REV. BOLDEN MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

A. AUTHORIZE MAYOR MOCCIA TO EXECUTE ANY AND ALL DOCUMENTATION NEEDED TO APPLY FOR AND ACCEPT A TECHNICAL ASSISTANCE GRANT AWARD FROM THE STATE OF CONNECTICUT OFFICE OF POLICY AND MANAGEMENT FOR THE PURPOSE OF ANALYZING THE FEASIBILITY OF CREATING AN *INCENTIVE HOUSING ZONE* (PER CGS 1-13 (m-x)) IN NORWALK. THE EXECUTIVE DIRECTOR OF THE NORWALK REDEVELOPMENT AGENCY IS AUTHORIZED TO PREPARE AND EXECUTE ALL ADMINISTRATION DOCUMENTS AND REPORTS AS REQUIRED BY THE ASSISTANCE AGREEMENT FOR THIS GRANT AWARD RESULTING FROM THIS APPLICATION.

**** THE MOTION PASSED UNANIMOUSLY.**

**** MS. STRANITI MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

“B. ADOPT THE ATTACHED RESOLUTION REGARDING THE FILING OF AN APPLICATION TECHNICAL ASSISTANCE IN THE AMOUNT OF \$50,000 FROM THE CONNECTICUT OFFICE OF POLICY AND MANAGEMENT’S HOUSING FOR ECONOMIC GROWTH PROGRAM.

C. West Avenue Redevelopment Project

1. Approve Property transfer 0-16 & 18 Merwin Street

Mr. Sheehan explained that this property was a “friendly taking” where the City took the parcel for the developer. At the present time, the City now owns the parcel and this motion would approve the transfer of the parcel to the developer.

**** REV. BOLDEN MOVED TO APPROVE PROPERTY TRANSFER 0-16 & 18 MERWIN STREET.**

Mr. Krummel asked if the IRS research had been presented to the Council as requested. Mr. Sheehan replied that Atty. Maslan had contacted the IRS about this and the City was not liable for any taxes on the parcel.

**** THE MOTION PASSED WITH THREE IN FAVOR (STRANITI, HEMPSTEAD AND BOLDEN) AND ONE ABSTENTION (KRUMMEL).**

2. Discussion of Waypointe Master Development Agreement

Mr. Sheehan said that many of the Exhibits contained in the Waypointe Master Development Agreement were very legal in their nature. Therefore, Atty. Baker from

Robinson and Cole was present to answer the Committee's questions on this items. Mr. Sheehan reminded everyone that there are three ordinances in the Exhibits and these would be going to the Council for approval as part of the document when the full document was presented to the Council.

Atty. Baker said that Exhibits are all included in the Waypointe Master Development Agreement and that these are the details of various portions of the agreement. The Exhibits are very specific in some cases.

Atty. Baker said that he would like to start with Exhibit B, which covers the bond agreement. The bond resolution will go to the Planning Commission and then be forwarded to the full Council for approval. There will also be a letters from the BET, the Comptroller and one from the Mayor before the bonding component is approved. This bond is for the purchase of the parking garage and the public improvements following the closing of the project. Atty. Baker then reviewed the details of the 20 year and 30 year bonds. The funds will be used to purchase the public improvements. There are two revenue streams to pay for the bonds: the Special Services Taxing District and the revenues from the parking garages.

Mr. Krummel said that a point was raised at an earlier meeting regarding what would happen if a developer did something to jeopardize the City's triple A rating. Atty. Baker said that there is no City money going into the project until the developer has built the garage, completed the project and has reached a 75% occupancy rate. The Waypointe Master Development Agreement prohibits the developer from doing anything that would jeopardize the City's bond rating. If these two conditions are not met, the closing will not take place. A discussion then followed about the terms that should be used to describe the City's role in the project. Atty. Baker said that the City would be described as the "take out purchaser" or the "end purchaser". The City is protected in the case of a default and can't be sued by another party who files against the developer. Discussion followed.

Atty. Baker then reviewed Exhibit C – the SSD ordinance. Atty. Baker said that the Special Service District has the power to levy an additional tax on the residents within the district for the privilege of being within the area. The SSD is designed to allow the owners within the district to vote on the acceptance of the SSD as a taxing district. Section 1-5-A-1 contains a list of the voting members of the SSD.

Atty. Baker then reviewed the fact that the SSD level would remain constant until all the bond debt is retired. The question of what would happen if the parking revenues were insufficient to pay off the bonds in 20 years. Atty. Baker said that the staff insisted that the Waypointe Master Development Agreement include a provision to retain the SSD until the bond is fully paid off.

Mr. Krummel then asked what would happen in the event of a bankruptcy of a major tenant. Atty. Baker then reviewed the legal details. He added that property taxes cannot be adjusted by a judge in a bankruptcy hearing.

Atty. Baker said that there was a Parking Service Agreement in Exhibit M. Outside of the parking garages, there will be controlled revenue parking lots, which is outlined in Exhibit I. These are off street surface parking lots and are indicated on the site plan. The revenue will come to the City, but the City will not own the land. The developer will be responsible for the maintenance of those lots.

Atty. Baker then directed the Committee to Exhibit P, which deals with the public improvements before the closing on the property. Mr. Hempstead asked about liens on the facility. Atty. Baker said that there was a section that was labeled "Permitted Exceptions" and that anything outside of that section was strictly prohibited.

Exhibit Q contains the bills of sale, such as the light bulbs, markers on the wall, and other items that would not be covered in the deed transfer.

The discussion then moved to indemnity and insurance protection for the City.

Atty. Baker then said that the Outdoor Dining Ordinance was covered in Exhibit GG and the Parking Authority Ordinance in Exhibit LL.

Ms. Sweitzer said that the Parking Authority Ordinance deals with the assignment of the parking revenues to a special bond repayment fund rather than the General Fund.

Mr. Krummel said that he had been in Rochester where the outdoor facilities blocked the sidewalks and he was concerned about this. Atty. Baker explained that the vision was more along the line of plaza dining. Ms. Sweitzer pointed out that there was a clause that stated "non-obstruction". After some discussion, it was decided to remove the word "curbside" from Exhibit GG.

OLD BUSINESS

Mr. Sheehan said that it would be important to set a date for the next meetings, one of which might be a public presentation and another for the final vote to advance Waypointe Master Development Agreement to the Council. Atty. Baker said that he felt that it would be important to have a meeting with the Committee regarding questions regarding the private/public partnership.

Mr. Sheehan said that it would be important to set the date for the Special Meeting in order to have Atty. Baker present. It was agreed that the 19th might be a possible date for the Special Meeting.

Mr. Sheehan then suggested that the Ordinance Committee Chair be contacted by the Planning Committee Chair to discuss possibly having a joint meeting, so that the Planning Committee can present the Waypointe Master Development Agreement to the Council in March.

2. Discussion of Waypointe Master Development Agreement CONT'D

Mr. Krummel said that he still had several comments and questions about the Exhibits, such as the inclusion of a "theater" in Exhibit G. The discussion then moved back to the discussion of the Master Development Agreement.

Regarding Exhibit A, Mr. Krummel said that the original plan indicated two levels, but that it was not lettered clearly. He also pointed out that the plan was printed on basically half of an 8 1/2" x 11" sheet and difficult to read. Mr. Sheehan agreed and then said that he believed that Mr. Krummel was looking for the site plan overlays.

Mr. Krummel then asked about the term "potential Community use" but this was not defined. This was briefly discussed and Atty. Baker said that he would look into this.

Mr. Krummel then said that there were eight levels of parking indicated in two different sites. Ms. Sweitzer explained that on the site plan, D1 was eight stories but that Levels 2-8 were residential and the parking was underneath.

Exhibit D, the Maintenance Diagram was the next item that Mr. Krummel had questions about. Atty. Baker suggested that the original diagram was in color, which did not translate to the black and white copies. Atty. Baker suggested that the developer be requested to provide the Committee with color copies of the diagram.

Mr. Krummel said that on Exhibit J, the Public Improvements Budget, he said that the draft of the MDA originally had an additional sheet that had maximum purchase price, but that it was not included in the current MDA. There is a note on the bottom of the additional page that was extremely important. Mr. Sheehan said that it was still in the MDA and that this apparently had been omitted from Mr. Krummel's copy and would be promptly corrected.

Mr. Krummel asked why the Pine Street improvements were included in Exhibit II – The City's Traffic Improvements. Mr. Sheehan reviewed the reason for with the Committee. Atty. Baker said that it was included in the Executive Summary, but that a footnote could be included in Exhibit II.

OLD BUSINESS CONT'D

Mr. Sheehan asked about the CDGB appointments. Rev. Bolden said that Mr. Hempstead and Ms. Brown had volunteered to serve.

NEW BUSINESS

There was no new business to discuss at this time.

ADJOURNMENT

**** MS. STRANITI MOVED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 9:05 p.m.