

C/O Jacqueline U. Kivimäki  
Carmody Torrance Sandak Hennessey LLP

707 Summer St, FL3  
Stamford, CT 06901

**ZONING COMMISSION**  
125 East Avenue  
Norwalk, Connecticut 06851



August 6, 2019

William Hennessey, Esq.  
Carmody Torrance Sandak & Hennessey  
707 Summer Street  
Stamford, CT 06901-1026

Re: **#2-17SPR/#14-17CAM** – NWMFP Norwalk Town Ctr II/3 Q Property LLC – The Pinnacle @ Waypointe South Block - 467 West Av/17 Butler St/3 Quincy St – New 7 story, 519,820 square foot mixed use development with 330 dwelling units, 496 seat iPic movie theater (41,604 sf), 22,509 square feet restaurant, 0 sf retail, 3,602 sf office, 23,979 sf fitness center and 942 sp pkg garage

**#3-17SPR/#15-17CAM** – 6 Butler Properties, LLC – 6 Butler St – Demolish existing building at 6 Butler St; Relocate historic building from 3 Quincy St to 6 Butler St; demolish portion of historic bldg and rehabilitate remaining portion of historic bldg for reuse as 1,395 sf restaurant & 3,840 sf office

Dear Attorney Hennessey:

At a meeting of the Norwalk Zoning Commission held on Thursday, August 1, 2019 the following actions were taken:

**\* #2-17SPR/#14-17CAM RESOLUTION \***

**BE IT RESOLVED** that the request for a THIRD extension of approval time for site plan review application **#2-17SPR** and coastal site plan application **#14-17CAM** - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat iPic theater, 0 sf retail, 22,509 sf restaurant, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet inches bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 as revised to October 9, 2017, **be APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **no later than October 11, 2020**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **August 9, 2019**.

**\* #3-17SPR/#15-17CAM RESOLUTION \***

**BE IT RESOLVED** that the request for a THIRD extension of approval time for site plan review application **#3-17SPR/#15-17CAM** - 6 Butler Properties, LLC – 6 Butler Street – New 2 story building with 1,395 sf restaurant on the first floor and 3,840 sf offices on the second floor as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated October 9, 2017 as revised to February 27, 2018, be **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **no later than October 11, 2020**; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **August 9, 2019**.

**The above approvals will expire on October 11, 2020.** You must obtain a zoning approval and a building permit prior to any work on either of the two sites. A building permit must be obtained **prior to the expiration date** or these approvals will automatically become null and void.

A zoning approval will not be issued until the plans have been revised to comply with any conditions of approval and a surety for each site is submitted to this office to guarantee the installation and maintenance of the required erosion and sediment controls. The bond for The Pinnacle is set at Fifty Thousand Dollars (\$50,000.00) and the bond for 6 Butler Street is set at Twenty Thousand Dollars (\$20,000.00). Regarding all

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RICHARD A. MCQUAY, TOWN CLERK, NORWALK, CT



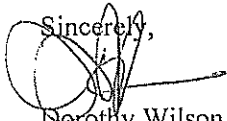
non-cash bonds: Corporation Counsel and the Commission reserve the right to approve the surety as to form and issuing financial institution. A Certificate of Zoning Compliance will not be issued until a surety to guarantee the installation of any incomplete improvements is submitted to this office. The contractor or owner is responsible for alerting this office regarding the status of any incomplete improvements prior to any request for a certificate of zoning compliance. The applicant must post a bond sufficient to cover the cost of any incomplete improvements or of any work that is not in compliance with City standards.

Prior to the issuance of a Certificate of Zoning Compliance, the applicant must file the revised Design District Development Park agreements between the south block parcels and the midblock, north block and east block parcels in the Waypointe Design District Development Park allowing the transfer of development rights to permit shared parking between parcels and increases in permitted FAR, coverage and density. Prior to filing these documents on the Norwalk Land Records, the applicant must review the draft agreements with Corporation Counsel and obtain their approval. These filings must precede any request for a Certificate of Zoning Compliance.

Enclosed please find a copy of the Policy on Construction Inspection in the City of Norwalk and As-Built Plan requirements. You are responsible for obtaining permits from the Department of Public Works prior to any work in a street right-of-way. All work must comply with the standards for the City of Norwalk, whether or not those standards were specifically discussed in the process of reviewing the application.

Please relay the above information to the applicant and contact this office after the revised Development Park Data Accumulation Plan as revised to October 17, 2017 and the lot consolidation map merging the three parcels at 467 West Avenue, 3 Quincy St and 17 Butler St into one lot have been filed on the NLR. Once these filings have occurred, an application for a zoning permit may be requested. If you have any questions regarding the enclosed, please contact this office at (203) 854-7780.

Sincerely,



Dorothy Wilson  
Senior Planner

enclosures

**2019 EXTENSION OF TIME RESOLUTIONS**

**\* #2-17SPR/#14-17CAM RESOLUTION \***

**BE IT RESOLVED** that the request for an extension of approval time for site plan review application #2-17SPR and coastal site plan application #14-17CAM - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat iPic theater, 0 sf retail, 22,509 sf restaurant, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet inches bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 as revised to October 9, 2017, be **APPROVED**, subject to the following conditions:

4. That property taxes be kept current for the duration of the extension period; and
5. That the original conditions of approval remain in effect; and
6. That the new approval deadline for obtaining permits will be **no later than October 11, 2019**; and

**BE IT FURTHER RESOLVED** that the applicant shall return to the Commission at its meeting on August 21, 2019 to report on the status of the violation and to present a plan with a timetable to remove the violation; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **December 21, 2018**

**\* #3-17SPR/#15-17CAM RESOLUTION \***

**BE IT RESOLVED** that the request for an extension of approval time for site plan review application #3-17SPR/#15-17CAM - 6 Butler Properties, LLC – 6 Butler Street – New 2 story building with 1,395 sf restaurant on the first floor and 3,840 sf offices on the second floor as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated October 9, 2017 as revised to February 27, 2018, be **APPROVED**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **no later than October 11, 2019**; and

**BE IT FURTHER RESOLVED** that the applicant shall return to the Commission at its meeting on August 21, 2019 to report on the status of the violation and to present a plan with a timetable to remove the violation; and

**BE IT FURTHER RESOLVED** that the effective date of this action be **December 21, 2018**.

**2018 EXTENSION OF TIME RESOLUTIONS**

**#2-17SPR/#14-17CAM RESOLUTION**

**BE IT RESOLVED** that the request for an extension of approval time for site plan review application #2-17SPR and coastal site plan application #14-17CAM - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat iPic theater, 0 sf retail, 22,509 sf restaurant, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet inches bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 as revised to October 9, 2017, be **approved for a period of ninety (90) days**, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be **no later than January 15, 2019**; and

**BE IT FURTHER RESOLVED** that the applicant shall return to the Commission at its meeting on **November 14, 2018** to report on the status of the violation and to present a plan with a timetable to remove the violation within 90 days;

**BE IT FURTHER RESOLVED** that the effective date of this action be **October 26, 2018**.

**#3-17SPR/#15-17CAM RESOLUTION**

**BE IT RESOLVED** that the request for an extension of approval time for site plan review application #3-17SPR/#15-17CAM - 6 Butler Properties, LLC – 6 Butler Street – New 7,680 sf building for use as 1,395 sf restaurant on the first floor and 3,840 sf offices on the second floor as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated May 17, 2017 as revised to October 9, 2017, be approved for a period of ninety (90) days, subject to the following conditions:

1. That property taxes be kept current for the duration of the extension period; and
2. That the original conditions of approval remain in effect; and
3. That the new approval deadline for obtaining permits will be no later than **January 15, 2019**; and

**BE IT FURTHER RESOLVED** that the applicant shall return to the Commission at its meeting on **November 14, 2018** to report on the status of the violation and to present a plan with a timetable to remove the violation within 90 days;

**BE IT FURTHER RESOLVED** that the effective date of this action be **October 26, 2018**.

**\* 2017 ZONING AMENDMENT RESOLUTION \***

**BE IT RESOLVED** that the proposed amendments to the Building Zone Regulations as shown on a certain document entitled "#4-17R – NW MFP Norwalk Town Center II, LLC – Proposed amendments to Section 118-504 to revise Design District Development Park (DDDP) criteria for developments in Central Business Design District Subarea B and related technical amendments" and dated May 18, 2017 as modified October 18, 2017 to retain the word "active", be approved; and

**BE IT FURTHER RESOLVED** that the reasons for this action are:

- 1) To implement the Plan of Conservation and Development to "Create an engaging urban landscape and architectural setting in the West Avenue area through the adoption and implementation of West Avenue planning, as amended" (F.4.1.10, p. 44); and
- 2) To implement the Plan of Conservation and Development to "Advance current redevelopment plans" (A.6.2, p. 13)
- 3) To implement the Plan of Conservation and Development to "Strengthen the character of neighborhoods and commercial areas and improve the quality of architectural design" (F.4.1, p. 43); and

**BE IT FURTHER RESOLVED** that the effective date of this action be **October 27, 2017**.

**\* #2-17SPR/#14-17CAM - 17 BUTLER ST/3 QUINCY ST - 2017 RESOLUTION \***

**BE IT RESOLVED** that site plan application #2-17SPR and coastal site plan application #14-17CAM - NW MFP Norwalk Town Center II, LLC & 3Q Property LLC – 467 West Avenue/17 Butler Street/3 Quincy Street (Waypointe South Block) – New 7 story, 519,820 sf mixed use development with 496 seat iPic theater, 0 sf retail, 22,509 sf restaurant, 3,602 sf office, 23,979 sf fitness center and 330 multifamily dwelling units with new public amenities to permit one (1) additional story and 4 feet inches bonus height and 153,754 sf bonus floor area with 942 space parking garage within a Design District Development Park as shown on a set of plans entitled "The Pinnacle at Waypointe Norwalk CT." by Redniss and Mead and various related plans by Penney Design Group and Didona Associates Landscape Architects, LLC, dated July 21, 2017 as revised to October 9, 2017, be approved, subject to the following conditions:

1. That revised Waypointe Design District Development Park (DDDP) master plan as shown on a plan entitled "Data Accumulation Plan depicting property surveys within Waypointe Design District Development Park Norwalk CT." dated revised to October 17, 2017 to permit shared parking between parcels and increases in permitted FAR, coverage and density shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final certificate of zoning compliance (CZC); and
2. That a final Workforce Housing Plan showing a total of thirty three (33) workforce housing units shall be submitted for Commission review and approval and shall include deed restriction documents, architectural floor plans and a breakdown of the number of studios, one bedroom, two bedroom and three bedroom workforce housing units; the final Plan shall be submitted for Corporation Counsel review prior to filing on the Norwalk Land Records. All such workforce housing units be deed restricted in perpetuity and meet all requirements of Section 118-1050 Workforce Housing regulations; and
3. That a copy of the permit issued by the Office of the State Traffic Administration (OSTA) be

- submitted prior to the issuance of a zoning permit and that any modifications to the approved plan, including changes requested by the OSTA, be submitted for review by the Zoning Commission; and
4. That all traffic improvements, including improvements, including those required by the OSTA, be complete prior to the issuance of a certificate of zoning compliance (CZC) and that within six months of the issuance of the CZC, a follow-up traffic study be submitted; and
  5. That a final Covenant Regarding Amenities and Bonus Amenities Exhibit showing wider sidewalks and a through block arcade which ensures the continuous operation and maintenance of each of the public amenities, including 18,737 sq. ft. of wider sidewalks and a 14,535 sq. ft. through block arcade as shown on a Bonus Amenity Exhibit dated July 21, 2017 and on related plans by Redniss & Mead, and that such amenities shall run with the land in perpetuity, shall be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC); and
  6. That all CEAC signoffs shall be submitted prior to the start of construction; and
  7. That the storm water maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is properly maintained; and
  8. That all soil and erosion controls be installed prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
  9. That any graffiti on the site, now or in the future, be immediately removed; and
  10. Pedestrian level windows shall remain at least 80% opaque, provided that is consistent with the design review approved by the Norwalk Redevelopment Agency and does not pose privacy issues for the tenant(s).
  11. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards; and
  12. That all site improvements shown on the above-referenced plans are the applicant's responsibility including flush paver crosswalks, granite curbs, moveable furniture and any street improvement upgrades; and
  13. That the landscape plan be revised to show decorative pavers on the crosswalk connecting the south block to the Stepping Stones Museum for Children and made part of this approval; and
  14. That the idling of delivery vehicles on site shall be prohibited. The property owner will inform vehicle operators of this prohibition by posting the appropriate language in designated delivery areas; and
  15. That a final Covenant Regarding Amenities and Bonus Amenities, as shown on a Bonus Amenity Exhibit dated July 21, 2017, as modified October 18, 2017 and on related plans by Redniss & Mead, shall run with the land in perpetuity and must be submitted for Corporation Counsel review and then filed on the Norwalk Land Records prior to the issuance of a final Certificate of Zoning Compliance (CZC). The amenities approved consist of a 14,535 sq. ft. through block arcade and an 18,737 sq. ft. sidewalk area if a 15' wide sidewalk is constructed or a modified square footage if a 13' wide sidewalk is constructed; and
  16. Sidewalk widths may be reduced to thirteen (13) feet from the proposed fifteen (15) feet, in order to accommodate future bike lanes on West Avenue, provided the combined amenity space of the revised sidewalk area and the proposed through-block arcade justify the amenity bonus<sup>1</sup> requested by the applicant.
  17. A modified schematic, *for illustration purposes only*, shall be submitted to the Planning and Zoning Department for review, prior to obtaining any zoning permits for this project, which indicates a seventy (70) foot wide road clearance on West Avenue, containing 1) existing travel lanes; 2) existing on-street parking on West Avenue; 3) on-street parking as proposed by the applicant; and 4) five (5) foot wide bike lanes on both the east and west sides of West Avenue, in order to confirm that the components contained in this paragraph and their respective dimensional standards are feasible; and
  18. That any modifications to the approved plans, including any reduction in active area contained in the Zoning Information Table dated 12/20/16, revised through 10/17/17, be submitted to the Zoning Commission for review and approval.

**BE IT FURTHER RESOLVED** that this application complies with applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B, as amended, and with applicable sections of the Building Zone Regulations for the City of Norwalk.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**BE IT RESOLVED** that site plan review application #3-17SPR/#15-17CAM - 6 Butler Properties, LLC – 6 Butler Street – New 7,680 sf office building as shown on a set of plans entitled "Zoning Site Plan depicting 6 Butler Street Norwalk, CT" prepared for 6 Butler Properties, LLC by Redniss and Mead Engineers and Didona Associates Landscape Architects and dated May 17, 2017 as revised to October 9, 2017, be approved, subject to the following conditions:

1. That any modifications to the approved plans be submitted to the Zoning Commission for review and approval; and
2. That the stormwater maintenance plan, including the annual maintenance schedule, be made a part of this approval to verify that the proposed subsurface infiltration system is properly maintained; and
3. That all soil and erosion controls be installed prior to the start of any construction or site work; that silt sacks be installed in all existing and proposed catch basins, and that additional controls be installed at the direction of the Commission's staff, as needed; and
4. That a surety, in an amount to be determined by staff, be submitted to guarantee the installation of the required erosion and sediment controls; and
5. That a surety (in an amount to be determined by staff) be submitted to guarantee the installation of the required improvements and that a Connecticut licensed engineer certify that the required improvements were installed to City standards prior to the issuance of a final certificate of zoning compliance (CZC); and
6. That all CEAC signoffs be submitted prior to the start of construction; and

**BE IT FURTHER RESOLVED** that this application complies with applicable coastal resource and use policies; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

**\* REVISED DATA ACCUMULATION PLAN – 2017 RESOLUTION \***

**BE IT RESOLVED** that the request to revise the Waypointe Design District Development Park as noted below and to adopt a new master plan for the Waypointe Design District Development Park (DDDP) as shown on a plan entitled "Data Accumulation Plan depicting property surveys within Waypointe Design District Development Park Norwalk CT." dated July 21, 2017 as revised to October 17, 2017 and related plans by Redniss and Mead Engineers, Penney Design Group, Gooding Architecture, Didona Associates Landscape Architects, LLC et al for each Block within the 15.26 acre DDDP, be approved, subject to the following revised conditions:

- 1) That any modifications to the blocks and/or parcels within the Design District Development Park requires review and approval by the Commission; and

**BE IT FURTHER RESOLVED** that this application complies with Section 118-504 Central Business Design District, for a Design District Development Park in Subarea B and with applicable sections of the Building Zone Regulations for the City of Norwalk, as amended.

**BE IT FURTHER RESOLVED** that the effective date of this action be October 27, 2017.

## NORWALK PLANNING & ZONING COMMISSIONS

125 East Avenue  
P.O. Box 5125  
Norwalk, Connecticut 06856-5125  
(203) 854-7780

### AS-BUILT PLAN (IMPROVEMENTS LOCATION MAP, RECORD)

The following information will be required to be submitted to satisfy the as-built requirement:

- Building Location Map showing:
  - All zoning setback lines
  - Structures & distances from property lines
  - Coverage calculations as required (Building, building & parking, open space, F.A.R.)
- Parking & loading spaces with total # of spaces and typical dimensions & aisle width
- Site improvements (sidewalks, curbs, planting islands, lights, ground signs, retaining walls, etc.)
- All utility pipes & structures, plan view showing rim and invert elevations, pipe size and material, slope, length

A set of as-built plans must be submitted along with a certificate from a professional engineer stating that the construction has been built according to city standards. Please contact the engineer of record so that an acceptable inspection program can be instituted in order to enable the engineer to certify the project.

If any changes in the construction plans are proposed, the Site Planner's approval shall be obtained before proceeding. If the change is substantial, a revised Utility Plan shall be submitted for approval before the work is done.

## NORWALK PLANNING & ZONING COMMISSIONS

125 East Avenue P.O. Box 5125  
Norwalk, Connecticut 06856-5125  
(203) 854-7780

### POLICY ON CONSTRUCTION INSPECTION IN THE CITY OF NORWALK

The Planning and Zoning staff is to be notified by the developer, contractor or the property owners prior to commencing the following stages of development:

1. Site Clearing
2. Rough grading
3. Installation of storm drainage
4. Installation of sanitary sewers
5. Placing of road base and final grading
6. Installation of bituminous concrete paving
7. Installation of landscaping
8. Installation of curbs and sidewalks
9. Receipt of certification of foundation location (as per Section 118-1420G).
10. Receipt of Certificate of Zoning Compliance

A set of as-built plans must be submitted along with a certificate from a professional engineer stating that the construction has been built according to city standards. Please contact the engineer of record so that an acceptable inspection program can be instituted in order to enable the engineer to certify the project.

All development proposals approved by the Planning & Zoning Commissions are subject to this policy on construction. Responsibility for compliance with this policy shall be upon the property owner. Any violation of this procedure could mean loss of time and money to the developer or contractor through delay in release of the surety or delay in the issuance of a Certificate of Zoning Compliance.

Messages concerning these matters will be received at the Planning & Zoning Commissions' office at City Hall, 125 East Avenue, Norwalk, CT.; Telephone (203) 854-7780, between the hours of 8:30 am and 3:30 pm, Monday through Friday.

If any changes in the construction plans are proposed, the Site Planner's approval shall be obtained before proceeding. If the change is substantial, a revised Utility Plan shall be submitted for approval before the work is done.

If the construction plans call for excavation in an existing public street for any reason, a permit for such work shall be obtained from the Department of Public Works prior to the beginning of work. No additional bond from the Planning or Zoning Commissions shall be required.