

December 11, 2020

Steven Kleppin, Director  
Norwalk Planning and Zoning Department, Room 223  
125 East Avenue  
Norwalk, CT 06856

RE: Building Zone Regulations Standards of Review  
Application #09-20SP TB Norwalk Apartments LLC (Toll Brothers)  
467 West Avenue, 17 Butler Street, & 3 Quincy Street

Dear Mr. Kleppin,

Provided below are the standards for review for both Site Plan and Special Permit applications as outlined in the Norwalk Building Zone Regulations, along with a brief description of how the applicant has satisfied or complied with each standard.

Norwalk Building Zone Regulations Section 118-1451.C: ***Standards for site plan review. In reviewing site plans the following standards shall be taken into consideration:***

*(1) "Stable traffic flow" shall mean that site-generated traffic shall not adversely affect pedestrian or vehicular safety, conflict with the pattern of highway circulation or increase traffic congestion to a level of service (LOS) considered unacceptable by the Commission. The Commission shall not approve developments which fail to maintain stable traffic flow unless provision has been made for the improvement of inadequate conditions.*

The project traffic engineer and planner, David G. Sullivan, PE and Neil Olisnki, MS, PTP both of Milone & MacBroom provided correspondence dated September 8, 2020 which concluded, "We continue to expect that the traffic associated with the Pinnacle development will be easily accommodated on the area street network and transportation system". The City of Norwalk Department of Public Works (DPW), which included review by Transportation, Mobility, and Parking (TMP), approved the proposed plans in correspondence dated November 9, 2020 signed by Principal Engineer, Vanessa Valadares, P.E.

*(2) Off-street parking and loading. All off-street parking and loading areas shall be arranged in an orderly manner so as to provide safe and convenient access for vehicles and pedestrians using the area. Adequate emergency vehicle access shall be provided as determined by the Fire Department.*

Adequate off-street parking and loading is indicated on the project plans. The Building Zone Regulations require 576 parking spaces which are provided in the proposed garage (calculations are provided on the Zoning Site Plan revised through December 11, 2020 by Redniss & Mead, Inc). The garage has two distinct vehicular access points from two different streets and multiple ingress and

egress points for pedestrians to the building, public sidewalks, and the pedestrian way. Two loading spaces are required and indicated in a loading alley at the southwesterly corner of the site segregated from areas of pedestrian use. As noted above, DPW approved the plans. The Fire Department reviewed and approved the plan via email on December 3, 2020.

- (3) Landscaping and screening. All off-street parking and loading areas shall be landscaped in accordance with § 118-1250 of these regulations. The area between the street line and the front setback line, except for vehicle and pedestrian accessways shall be landscaped with lawns, trees, shrubs or other appropriate planting. Properties used for commercial or industrial purposes shall provide buffer strips in accordance with § 118-1000 of these regulations. Major trees and significant landscape features shall be preserved to the maximum extent practicable and sidewalks, with a minimum clearance of five (5) feet without obstructions, shall be provided.*

Landscape Plans and Details revised through December 11, 2020 and prepared by Eric Rains Landscape Architecture indicate the landscape and screening treatment of the site in accordance with the Building Zone Regulations and the West Avenue and Wall Street Neighborhood Design Guidelines. Sidewalks ranging from 10 to 20 feet wide are provided around the perimeter of the site including a five-foot wide unobstructed zone. It is noted that there is no front setback requirement in the CBD zone, nor are there any existing major trees or significant landscape features to preserve. The proposed plan includes: 28 street trees wrapping the site, ground level planters along Quincy Street, a parklet is along Butler Street, a six-foot tall opaque fence screening the loading area, and a garage entirely blocked from view by the proposed building.

- (4) Illumination. All outdoor lighting and illuminated signs shall be of a reasonable intensity of illumination and shall be shielded so that such lighting will not adversely affect any abutting property, street or navigable waterway.*

The subject parcel is in the Central Business District and surrounded on four sides by public streets. The proposed design includes the installation of 28 streetlights within the public right-of-way to provide adequate lighting of the sidewalks and streets in this urban area. Additional lighting will be building mounted or within the pedestrian way bisecting the site and sufficiently shielded to prevent excessive light spillage onto neighboring properties.

- (5) Utilities. All sanitary and storm sewers shall be designed and certified by a civil engineer and shall be approved by the Department of Public Works. Proper provision for erosion and sedimentation control shall be made, subject to approval by the Site Planner.*

A complete set of site plans and an engineering report prepared and certified by Craig J. Flaherty, P.E., civil engineer, are provided with the application, including Sheet SE-2A Site Storm & Sanitary Utilities revised through December 1, 2020. As noted above, the plans and report were reviewed and approved by DPW on November 9, 2020. WPCA reviewed the plans and report and indicated their approval via email from Ralph Kolb dated December 10, 2020.

*(6) Impact upon adjacent property. The traffic access, off-street parking and loading, landscaping and screening, illumination and utilities provided for a site shall not be detrimental to the safe and orderly development of any adjacent property.*

As described in 1 through 5 above, the design team has carefully provided for proper traffic access, parking, loading, landscaping, screening, illumination, and utilities, and each of these issues has been favorably reviewed by relevant Norwalk authorities. No component of the site plan obstructs or is otherwise detrimental to the safe and orderly development of adjacent properties. In fact, the proposed site plan offers greater building setback to the two adjacent properties (455 West Avenue and 1 Quincy Street) than provided by the active approval (2-17SPR/14-17CAM) and greater building setback than the zoning regulations require as evidenced by Sheet SCN-2 Cross Sections Comparing Allowed & Proposed Building Setbacks prepared by Redniss & Mead, Inc. dated October 1, 2020. In addition, the sidewalks on Quincy Street in front of #1 are proposed to be widened by moving the curb line away from the existing building there, which will benefit that property.

*(7) No zoning violation exists on the property.*

As of December 3, 2020, zoning department staff confirmed there are no zoning violations on the property.

Norwalk Building Zone Regulations Section 118-1450.C.(1): *In granting a **Special permit**, the Commission may attach reasonable conditions and safeguards as it deems necessary to protect the general health, safety, welfare and property values of the neighborhood, including but not limited to, requiring additional screening of lights and parking areas, limiting the hours of operation, requiring the redesign of buildings, and similar types of safeguards or conditions. A Special Permit may be granted after determination by the Commission that the proposed use or structure is in harmony with the general purpose and intent of these regulations and after consideration of the following conditions where applicable:*

*(a) The density of use and bulk of buildings.*

As indicated on the Zoning Information Table on Sheet ZSP-1B, Zoning Site Plan B, prepared by Redniss & Mead, Inc. and revised through December 11, 2020, the proposed plan complies with the minimum and maximum height, minimum yards, maximum building area, maximum floor area ratio, residential density, and recreation area requirements prescribed by the Central Business District Standards Schedule Limiting Height and Bulk of Buildings of the Norwalk Building Zone Regulations.

*(b) "Stable traffic flow" shall mean that site-generated traffic shall not adversely affect pedestrian or vehicular safety, conflict with the pattern of highway circulation or increase traffic congestion to a level of service (LOS) considered unacceptable by the Commission. The Commission shall not approve developments which fail to maintain stable traffic flow unless provision has been made for the improvement of inadequate conditions.*

The project traffic engineer and planner, David G. Sullivan, PE and Neil Olisnki, MS, PTP both of Milone & MacBroom provided correspondence dated September 8, 2020 which concluded, “We continue to expect that the traffic associated with the Pinnacle development will be easily accommodated on the area street network and transportation system”. They also opined that “the currently proposed version of the Pinnacle development is expected to generate significantly fewer vehicle trips compared to what was previously approved. The City of Norwalk Department of Public Works (DPW), which included review by Transportation, Mobility, and Parking (TMP), approved the proposed plans in correspondence dated November 9, 2020 signed by Principal Engineer, Vanessa Valadares, P.E.

Should the Commission have a concern about the Level of Service at the intersection of Butler Street at West Avenue, the applicant is amenable to a condition requiring the applicant to provide an analysis of this intersection one year after a final certificate of occupancy is granted for the project. The purpose of the analysis would be to identify any necessary signal timing changes and provide a recommendation of those timing changes to Norwalk Transportation, Mobility, and Parking for their consideration and use.

*(c) Availability of mass transit facilities and provision of sidewalks, with a minimum clearance of five (5) feet without obstructions.*

There are bus stops and bus routes (4, 9, 10, CT Ave, Wheels 2U) immediately adjacent to the site along West Avenue, including shelters on both sides of West Avenue between Butler Street and Orchard Street. The Norwalk Wheels Transit Hub is within a half mile of the subject parcel. Sidewalks between 10 and 20 feet wide are proposed around the perimeter of the entire site including a five-foot-wide zone without obstruction.

*(d) Availability and compatibility of utilities.*

The applicant has completed the referral process with the Code Enforcement Administration Committee (CEAC). Referrals, plans, and reports were sent to, and positive responses received from: The Department of Public Works for stormwater management (November 9, 2020), the Water Pollution Control Authority for sanitary sewer discharge and capacity confirmation (December 10, 2020), First District Water Company for domestic and fire suppression water supply (November 17, 2020), Eversource for both electric (November 9, 2020) and gas (November 18, 2020), and Altice (October 26, 2020).

*(e) Adverse impact from noise, odor, fumes, dust and artificial lighting.*

The proposed use including residential apartments over street level retail/restaurant/commercial space does not introduce any greater potential for noise, odor, fumes, dust and artificial lighting than the other similarly approved and developed properties in the immediate neighborhood and throughout the Central Business District, and will not adversely impact those properties. In fact, to the benefit of

the immediate neighborhood, the permanent construction of the building will replace what is now a vacant site. The temporary activities of construction which have the potential to produce such impacts will be performed in accordance with requirements set forth by noise ordinances, building permit conditions, and street opening permit conditions. In addition, Sheet SE-3, Sediment & Erosion Control prepared by Redniss & Mead, Inc. and dated September 9, 2020 along with attendant Notes & Details on Sheet SE-4 provide guidance for dust control during construction and provide a schedule for the orderly construction of the site. A Photometric Study from Speclines dated December 10, 2020 indicates the appropriate levels of light provided along the streetscape around the perimeter of the site.

*(f) Signs of size and design that are in harmony with the neighborhood.*

Traffic oriented street signs are indicated on Sheet ZSP-1B Zoning Site Plan prepared by Redniss & Mead, Inc revised through December 11, 2020. Other signs for wayfinding and businesses will be designed to conform with Norwalk Building Zone Regulations Article 121, Sign Regulations, and provided for approval under a separate permit request.

*(g) Adequacy of yards and open space, screening and buffering.*

As indicated on the Zoning Information Table on Sheet ZSP-1B, Zoning Site Plan B, prepared by Redniss & Mead, Inc. and revised through December 11, 2020, the proposed plan complies with the minimum yard, recreation area, open space, and public realm space requirements prescribed by the Central Business District Standards Schedule Limiting Height and Bulk of Buildings of the Norwalk Building Zone Regulations.

Landscape Plans and Details revised through December 11, 2020 and prepared by Eric Rains Landscape Architecture indicate the landscape and screening treatment of the site in accordance with the Building Zone Regulations and the West Avenue and Wall Street Neighborhood Plan Design Guidelines. The proposed plan includes: 28 street trees wrapping the site, ground level planters along Quincy Street, a parklet along Butler Street, a six-foot tall opaque fence screening the loading area, and a garage entirely blocked from view by the proposed building.

*(h) Impact on neighborhood properties, as compared to uses and structures permitted as a matter of right.*

The proposed site plan offers greater building setbacks to the two adjacent properties (455 West Avenue and 1 Quincy Street) than provided by the active approval (2-17SPR/14-17CAM) and greater building setbacks than the zoning regulations require as a matter of right as evidenced by Sheet SCN-2 Cross Sections Comparing Allowed & Proposed Building Setbacks prepared by Redniss & Mead, Inc. dated October 1, 2020. The proposed site plan offers greater building setbacks to properties across the street than the zoning regulations allow as a matter of right as evidenced by Sheet SCN-1 Cross Sections Comparing Allowed & Proposed Building Setbacks prepared by Redniss & Mead, Inc. dated September 25, 2020. The proposed site plan offers greater setbacks than other recently approved and

developed apartment buildings in the immediate area (The Waypointe, Quincy Lofts, Tea House Lofts, and The Berkeley) as evidenced by the Average Setback Exhibit prepared by Redniss & Mead, Inc. dated September 25, 2020. As the special permit request is directly related to the setback of the building façade at the upper stories, the additional setback provided as described in this paragraph and indicated on the provided exhibits is specifically relevant.

*(i) Existing land use in the area.*

All abutting properties are in the same zone as the subject parcel, Central Business District. Four other buildings of similar use and scale were approved and constructed in the immediate area in the last eight years including: The Waypointe, Quincy Lofts, Tea House Lofts, and The Berkeley, together comprising a total of 658 apartments and 75,275 square feet of gross commercial floor area. The subject parcel has an active approval (2-17SPR/14-17CAM) permitting the construction of 330 apartments and 120,000 square feet of commercial floor area. The current proposal put forward by Toll Brothers is consistent with all of the note projects and approvals which are predominantly multi-family apartments (393) with a portion of the ground level reserved for commercial uses (25,528sf).

*(j) Proximity of community facilities.*

Given its position in the Central Business District within a half mile walk of the subject parcel there is the Norwalk Wheels Hub, Norwalk Hospital, Mathews Park, Oyster Shell Park, Norwalk River Valley Trail, Stepping Stones Museum for Children, Lockwood Mathews Mansion, Norwalk Library, a post office, Wall Street Theater, Norwalk Transfer Station and Recycling Center, six churches and a mosque, George Washington Carver Community Center, Triangle Community Center, SONO Collection, and a host of other businesses, markets, pharmacies, medical office, and eateries.

*(k) Compliance with the Zoning Code and Plan of Conservation and Development.*

As indicated on the Zoning Information Table on Sheet ZSP-1B, Zoning Site Plan B, prepared by Redniss & Mead, Inc. and revised through December 11, 2020, the proposed plan complies with the minimum and maximum height, minimum yards, maximum building area, maximum floor area ratio, residential density, and recreation area requirements prescribed by the Central Business District Standards Schedule Limiting Height and Bulk of Buildings of the Norwalk Building Zone Regulations.

The Future Land Use Plan in the Citywide Plan of Conservation and Development (POCD) shows this property in a Mixed Use Center which is described as follows: “Mixed-use centers ranging from vibrant downtown areas to quiet village centers will encourage walkability and bikeability. Buildings should be oriented to the street, ideally with active ground floor uses that provide convenient pedestrian access. Parking should be located in the rear of the parcel or to the side where lots are shallow. Green infrastructure and low impact development (LID) strategies should be used to manage stormwater to enhance resilience and sustainability.”

The proposed plan conforms to the Future Land Use designation and significantly increases public realm space on the block by 32,000 square feet effectively widening the streetscape on all four street

frontages by ten to fifteen feet. This provides additional room to allocate more space for all uses providing wider sidewalks, on street parking spaces, and more room for pedestrians and cyclists. In addition, a 45-foot wide and 300-foot long pedestrian promenade creates a vital walkable linkage between the public park to the south and businesses to the north. Buildings are oriented to the street and ground floor commercial uses are proposed on three street fronts with convenient pedestrian access. Parking is fully hidden from view by the proposed building. Permeable paver plazas and tree pits provide low impact source control for stormwater management.

The site and building design reflect the goals outlined in the West Avenue and Wall Street Neighborhood Plan Design Guidelines and the design review process has resulted in several considered improvements to the design.

The project certainly meets a prominent goal of the POCD: “Proactive economic development to grow jobs and the Grand List”.

*(l) Conservation of wetlands, watercourses and other ecologically valuable lands.*

There are no wetlands, watercourses, or other ecologically valuable lands on the subject parcel. As documented in the Coastal Area Management Application dated September 9, 2020 prepared by Redniss & Mead, Inc., the project as designed will result in no adverse impacts to the coastal resources located more than 600 feet east of the site.

*(m) No zoning violation exists on the property.*

As of December 3, 2020, zoning department staff confirmed there are no zoning violations on the property.

We trust the above summary of the standards for review for both Site Plan and Special Permit applications will be helpful to the Zoning Commission deliberations. We believe the record is clear and complete and supports the approval of the application as currently presented. As always, do not hesitate to contact me for any clarifications or requests for information.

Sincerely,



Craig J. Flaherty, P.E.

cc: David Sands, Toll Brothers.  
Joseph Williams, Esq., Shipman & Goodwin