CITY OF NORWALK
REDEVELOPMENT AGENCY
SPECIAL MEETING
MARCH 13, 2019

ATTENDANCE: Felix R. Serrano, Chairman, Commissioners Tom Devine, William Speirs and David Westmoreland.

AGENCY COUNSEL: Marc Grenier, Esq.

STAFF: Timothy T. Sheehan, Executive Director, John Slovak, Comptroller, Susan Sweitzer, Senior Project Manager, Tami Strauss, Director of Community Development Planning, Sabrina Church, Community Development Planner

CALL TO ORDER
Chairman Serrano called the Special Meeting of the Norwalk Redevelopment Agency of March 13th to order at 5:31 PM.

ROLL CALL
Chairman Serrano noted that a quorum was present.

LEGAL – EXECUTIVE SESSION
*** **MR. WESTMORELAND MOVED TO GO INTO EXECUTIVE SESSION AT 5:33 PM TO HAVE DISCUSSION WITH ATTORNEY JOSEPH P. WILLIAMS REGARDING (A) LITIGATION TITLED <u>CITY OF NORWALK AND CITY OF NORWALK REDEVELOPMENT AGENCY VS. ILSR OWNERS, LLC AND WALL ST OPPORTUNITY FUND, LLC</u>, WHICH IS CURRENTLY PENDING IN THE STAMFORD-NORWALK JUDICIAL DISTRICT AT STAMFORD, AND DISCUSSION REGARDING THE LAND DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF NORWALK, THE REDEVELOPMENT AGENCY OF THE CITY OF NORWALK AND POKO-IWSR DEVELOPERS, LLC, DATED NOVEMBER 14, 2007 (AS AMENDED), AND THE CONDITIONAL AGREEMENT BY AND BETWEEN THE CITY, THE AGENCY AND POKO, DATED JULY 27, 2015 AND THE LOAN RECOGNITION AGREEMENT, BY AND BETWEEN POKO-IWSR DEVELOPERS, LLC, THE CITY OF NORWALK, THE REDEVELOPMENT AGENCY OF THE CITY OF NORWALK, CITIBANK, N.A., STATE OF CONNECTICUT DEPARTMENT OF HOUSING, STATE OF CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, NATIONAL EQUITY FUND, INC., MC CREDIT, LLC, IWSR OWNERS, LLC AND ILSR OWNERS, LLC, DATED NOVEMBER 14, 2007 (AS AMENDED), AND (B) DISCUSS AND REVIEW REAL ESTATE NEGOTIATIONS FROM ONGOING MEDIATION WITH MUNICIPAL HOLDINGS, LLC.**
*** **MR. SPEIRS SECONDED.**
*** **THE MOTION PASSED UNANIMOUSLY.**

Chairman Serrano noted that the Redevelopment Agency came out of Executive Session at 6:55 P.M. He then opened the public participation portion of the meeting.

PUBLIC PARTICIPATION

Diane Lauricella, Blue Mountain Road, asked that the word "Watershed" be added to the words "Norwalk River Action Plan" on page 17 of the verbatim transcript of the Public Hearing of January 8th, as it is an important distinction. She said "Challenge 4: Lacks a Cohesive Identity" on page 19 of the Plan does a disservice to members of groups like the Wall Street Neighborhood Association as it is untrue and also hurts your chances of success in implementing the Plan because you are turning away a lot of really good business people, neighbors and artists who have put together this neighborhood association, and she asks that there at least be one sentence, if not more, that there is an organization that is currently attempting things, and give them a little credit. She is happy that they added the new area river designation. However, getting this river designated as a Federal Wild and Scenic River is almost dead in the water, and she asks that they add "and any additional urban river grants", because there are such grants available. On page 22 under Opportunity Sites for Redevelopment, she would have liked to have seen a lot more shading of opportunity sites north of Wall Street, including Hoyt Street.

She said she has still not received the soil boring log reports from Ryan Park that she asked for that indicate how deep the contamination is, what it is and where it is on that site, which is important, because there are citizens that are still worried about what is under the ground.

Jason Milligan, 11 Belden Avenue, said sixty people attended the public hearing on January 8th regarding the proposed Wall Street-West Avenue Redevelopment Plan. Fifteen spoke about the Plan, but he did not hear one person speak highly of it. Agency staff said that two blight consultants found blight consistent with the statute for the proposed plan area, but only one consultant is mentioned in the Plan. A new plan emerged allegedly prepared by Steve Cecil, which used new terms and new criteria to label the area slum or blight or deteriorated and deteriorating, and he would like to understand the circumstance under which the new plan was completed. Who hired or authorized Steve Cecil and what did he actually do? He understands that Steve Cecil did not conduct any physical inspections, but determined that the area meets the criteria for a designation as a deteriorating area as defined in both state and federal statutes which qualifies it for a designation as a redevelopment area. Harriman used a 30% standard of depreciation as a threshold, but there is no reference as to why a 30% depreciation was chosen when in fact the industry standard and precedent for designating a building blighted is if it is greater than 60% depreciated.

With regard to public input, the state statute has very specific rules on how the public is notified and engaged, and while the Redevelopment Agency did follow a lot of what is required, to date the strict guidelines put forth in the statute have not been properly followed, and he asks that they table the vote, send it back to Council, and take the extra time to properly notice it and involve the public, and have a proper blight determination study done. This plan is good for ten years, and it should be thoroughly vetted and endorsed by the public. Right now it is difficult for the public to even obtain a copy of the new Plan, and there are many citizens and stakeholders concerned with parts of the Plan.

Michael McGuire, 64 Wall Street, said you have to qualify this area as blighted or deteriorating or deteriorated based on the state statutes. He called Steve Cecil of Harriman and asked where are his citations and what is the support for determining that the area is deteriorated, but he just said

"Ask the Redevelopment Agency". Studies show that in a blighted area, the average building depreciation is more than 60%, but Steve Cecil says 30% is untenable, but there was nobody he could site. All they want is that the plan be done correctly, because this is a big plan and it is going to have some long range ramifications. Comments were made consistently that the business sector is not doing well down there, so he took all the data in the plan area versus the similar data for all of Norwalk, and compared the plan area retail to Norwalk's overall retail, the plan area office to Norwalk's overall office, and the conclusion is that the retail market in the plan area performs on par with all of Norwalk, and all of Norwalk is doing really well, and therefore an overall healthy market, and our office market is probably the best one we have ever had. The pricing of our markets in Wall Street are ideally suited for small businesses, the mom and pop stores, but if you do new construction, the moms and pops can't afford the rents of that retail space and can't survive. He believes the Redevelopment Agency and the Common Council members have been given selective information and not the full story, and are making their decisions based upon incomplete information.

Chairman Serrano asked if anyone else would like to address the Commissioners. Hearing none, Chairman Serrano closed the public participation portion of the meeting.

II-A. <u>APPROVAL OF MINUTES</u>

** **MR. SPEIRS MOVED TO APPROVE THE MINUTES OF THE JANUARY 8, 2019 REGULAR MEETING.**
** **MR. WESTMORELAND SECONDED.**
** **THE MOTON PASSED UNANIMOUSLY.**

** **MR. SPEIRS MOVED TO APPROVE THE MINUTES OF THE FEBRUARY 25, 2019 SPECIAL MEETING.**
** **MR. WESTMORELAND SECONDED.**
** **THE MOTON PASSED UNANIMOUSLY.**

II-B. FINANCE

Mr. Slovak said everyone received the explanation of statements of revenues and expenditures and balance sheets of all funds for year-to-date December 31, 2018 as listed below, and asked if anyone had any questions.

- Operating Fund 100 had revenues of $912,961 versus budgeted revenues of $1,032,497 with an unfavorable variance of $119,536. This was largely due to $83,577 of undrawn salary and benefits for an open position.
- Actual operating expenditures are $867,899 versus a budget of $1,032,497 resulting in an $164,598 favorable variance of which $83,577 is due to an unfilled vacancy under city positions. There is also a favorable variance of $47,558 for taxes and benefits mostly due to our switch from Anthem to the CTPP 2.0 City Medical Insurance Plan.
- There is an operating surplus of $45,062 versus a budgeted breakeven bottom line resulting in a $45,062 favorable operating variance.
- Operating Fund 100 Balance Sheet has $8,031,996 in cash, accounts receivable and due from other funds, and $28,933 in net loans receivable and other assets. There are $3,277,726 in Deferred Revenues which will be earned when expended, and $4,284,040 in Net Assets.
- The GGP Operating Fund 115 has revenues of $73,268, expenditures of $73,268, resulting in a breakeven bottom line. The balance sheet has $687,614 in current assets, and $687,614

in liabilities which include $472,784 for the circulator, and $214,830 in GGP security deposit.

- CDBG Revolving Loan Fund 200 Statement of Revenues and Expenditures has $15,627 of interest income from notes receivable, expenditures of $3,218, and a $12,409 operating surplus. The CDBG Revolving Loan Fund Balance Sheet has $598,158 in cash and due from other funds, $425,987 net loans receivable, $519,331 in liabilities, and $504,814 in net assets.
- CDBG Non-Revolving Loan Fund 300 Statement of Revenues and Expenditures has revenues of $286,245, program expenditures of $325,068, and an operating deficit of $38,822 which has already been drawn down from CDBG. The Balance Sheet for CDBG (NRLF) Fund 300 has $556,791 in cash, receivables, and due from other funds, $121,633 in net loans receivable, and $678,425 in liabilities and net assets.
- Norwalk Redevelopment Agency Project and Program Fund 500 Statement of Revenues and Expenditures include Capital Budget Grants from the City of Norwalk, grants from State DECD, and Choice Neighborhoods Federal grants. There was $2,078,794 in revenue and $2,137,047 in program expenditures and a $58,253 deficit which will be reimbursed by the DECD Grant. The NRA Project and Program Fund balance sheet has $769,235 in cash, receivables and due to other funds, and $769,235 in liabilities and net assets.

** **MR. WESTMORELAND MOVED TO APPROVE THE AGENCY YEAR-TO-DATE DECEMBER 31, 2018 STATEMENT OF REVENUE AND EXPENDITURES AND BALANCE SHEETS FOR ALL FUNDS AS PRESENTED.**

** **MR. SPEIRS SECONDED.**

** **THE MOTON PASSED UNANIMOUSLY.**

Mr. Slovak said the January 31st statements were also presented and explained as listed below, and asked if anyone had any questions.

- Operating Fund 100 had revenues of $1,064,212 versus budgeted revenues of $1,190,580 with an unfavorable variance of $126,368. This is largely due to $97,506 of undrawn salary and benefits for an open position.
- Actual operating expenditures are $1,051,545 versus a budget of $1,205,829 resulting in a $154,284 favorable variance of which $97,506 is similarly due to the open position. There is also a favorable variance of $49,056 for taxes and benefits expense mostly due to the switch from Anthem to the CTPP 2.0 City Medical Insurance Plan, which is offset by a $47,523 unfavorable legal fees variance due to Wall Street litigation expenses.
- There is an actual operating surplus of $12,667 versus a budgeted operating deficit of $15,249 resulting in a $27,916 favorable net operating variance.

** **MR. SPEIRS MOVED TO APPROVE THE AGENCY OPERATING STATEMENT YEAR-TO-DATE JANUARY 31, 2019.**

** **MR. WESTMORELAND SECONDED.**

** **THE MOTON PASSED UNANIMOUSLY.**

Chairman Serrano noted for the record that Commissioner Devine has left the meeting.

II-C. LEASE

1. Approve lease terms with the First Taxing District for 3 Belden Avenue.

2. Authorize Chairman Felix R. Serrano to execute the lease as acceptable to Agency Counsel.

Mr. Sheehan said they have been talking about the lease for 3 Belden Avenue for a number of months and Agency Counsel has been working with the Taxing District to finalize it.

Attorney Grenier said the lease terms are consistent with the business terms discussed with the First Taxing District representatives. There have been no changes to the business terms except for a condition that it be approved by the Taxing District on or before June 13, 2019.

** **MR. SPEIRS MOVED TO APPROVE THE DRAFT LEASE DATED 2019 WITH THE FIRST TAXING DISTRICT OF THE CITY OF NORWALK FOR 3 BELDEN AVENUE, SUBJECT TO FINAL REVIEW BY AGENCY COUNSEL AND APPROVAL BY THE FIRST TAXING DISTRICT OF THE CITY OF NORWALK ON OR BEFORE JUNE 13, 2019, AND AUTHORIZE CHAIRMAN SERRANO TO EXECUTE THE LEASE AGREEMENT AS ACCEPTABLE TO AGENCY COUNSEL.**
** **MR. WESTMORELAND SECONDED.**
** **THE MOTON PASSED UNANIMOUSLY.**

II-D. LOAN COMMITTEE
Mr. Sheehan said loans that come through the Agency associated with assistance for housing have typically been reviewed by the Loan Committee, which had been two Commissioners and one staff member. Those Commissioners are no longer Commissioners, so we need to repopulate that Loan Committee, and he thinks the best course of action is to have three commissioners participate and staff provide input. Inasmuch as it would be a meeting of a subcommittee of a public body, it would be subject to FOIA, so all of the meetings should be posted and there should be minutes as to what was discussed. It would be an ongoing standing committee, and they could decide on an annual basis if there needs to be a new set of faces. If a commissioner wanted to come off the Loan Committee, they could just notify staff to that effect and it would come back to the commissioners to seek another nomination. It is not an extensive time commitment. It is basically when the loans come in that the commissioners would get an email indicating that there are one or two loans that need to have approval and we would set a date and time for the meeting that was convenient to the commissioners. It would then go up to the full commission.

Mr. Westmoreland, Mr. Speirs and Chairman Serrano all said they would be happy to serve.

** **MR. WESTMORELAND MOVED TO NOMINATE AND APPROVE THE SLATE OF LOAN COMMITTEE COMMISSIONERS INCLUDING FELIX SERRANO, WILLIAM SPEIRS AND DAVID WESTMORELAND.**
** **MR. SPEIRS SECONDED.**
** **THE MOTON PASSED UNANIMOUSLY.**

III. CONTRACTS
A. RYAN PARK
Ms. Sweitzer said we received an acceptable bid for the Ryan Park improvements, which is to install the recreation equipment including an open lawn area, two age appropriate play areas, a fitness loop, basketball court, splash pad, walkways and landscaping. The confirmed low bidder

is Deering Construction and the bid was in the amount of $897,612.85, and we are asking the commissioners to approve the award of that contract as well as a project contingency, and also authorize the Chairman to execute all documents necessary to implement the contract.

Mr. Westmoreland asked if there is a bid summary, as it is customary to have that information before they act on the bid.

(Whereupon the matter was passed until that information was obtained.)

IV. DESIGN REVIEW

A. Clarke Development

Mr. Sheehan said Clarke has been advancing a development at 64 South Main Street, which has been through Planning and Zoning and it is coming to the Commissioners for consideration with regards to design review.

Colin Grotheer of Beinfield Architect said he is there with Eric Rains, landscape architect. He handed out an addendum that includes the addition of some signage plans and a minor revision to the site where the generator goes. The parcel at 64 South Main Street is an existing parcel. There is an existing building that is retail in nature, and four other existing buildings on the site. The main concept is to maintain the existing building, and add on a four and five story portion fronting on South Main Street that is about 5,000 additional square feet of coverage which would entirely replace surface parking. This is a very challenged corner, and the city sidewalk actually clips across private property, so this will reduce the need for that and greatly expand the pedestrian room in the area and provide much better connectivity along the block face with the development and the four other structures on the property. They are proposing to demolish and remove two of the existing structures that are in deteriorated condition and essentially rebuild two structures that are in compliance with the new zoning regulations by moving them closer to the street in the same scale and style as the other houses in the neighborhood and then to renovate the exterior and try to bring back some of the architectural detail in this district that has been lost over the years. All of the parking is being moved to the rear. They have also eliminated the curb cuts for the driveways that are currently there, so aside from the main curb cut entering Clarke, it is going to be a very pleasant block to walk down, with the city standard brick pavers and street trees going all the way down the street and basically creating a continuous block rendition. Site parking is in the neighborhood of 60 spaces, so there will be a small surplus of spaces based on the current zoning regulations. It is designed to the new SoNo Station Design District standards. The showroom area is just shy of 20,000 sf and there are 40 units on site. It is a five story building with a retail first floor and three typical stories of residential with a fifth story being set back.

Bob Grzywacz of DeCarlo & Doll said he is pleased to say that you have a good project before you. The report goes through all of the requirements of zoning and shows how this project meets them. The reasons that this is a project they would recommend that you approve is, first of all, it is an infill project. It is completing South Main Street along this block of continuous street frontage, and then for the residential historic district behind it is restoring those two houses and adding the two infill residences that keep the character of a historic district. The existing structures are mid-19th century, which means they are 150 years or more old, well worth keeping, and the two new structures complete the rhythm of the screening. What is very nice about the landscaping around those four structures is that as opposed to individual houses with little strips of land, this is an opportunity to create a campus like landscape with a nice open feeling which everybody will appreciate. The sidewalk along Elizabeth Street is going to be contingent on the utilities, and that will need to be worked out as the utility company progresses with their improvements.

Mr. Grotheer said they met with SNEW regarding the streetscape improvements and it was their opinion that the duct that feeds their network underneath the sidewalks is deep enough that planting street trees and the improvements they are making is not going to be an issue. The larger issue is with the Walk Bridge project. Eversource is going to be rerouting their utilities across the harbor and coming up Elizabeth Street, and that is more the ongoing dialogue that we need to coordinate with the city, DPW and Eversource, and they are not going to be able to bring a proposal for that until all parties have expressed their desires as to what they need and what their timelines are.

Mr. Westmoreland said he thinks the plan is a good plan and certainly strengthens the historical integrity and character of that neighborhood, which was his original concern, and he would complement and thank the applicant for reaching out to the Historical Commission when they started discussing this project because there were a couple of historical houses that were in bad shape and they needed to discuss demolition, and it was all worked out very positively. They have done a great job on the design, and he thinks it is a terrific project and he completely supports it.

** **MR. WESTMORELAND MOVED TO APPROVE THE FINAL PROJECT SITE DESIGN FOR 64 SOUTH MAIN STREET AS RECOMMENDED BY THE THIRD PARTY DESIGN REVIEWER, DECARLO & DOLL, IN THEIR FINAL REPORT AS PRESENTD MARCH 13, 2019.**

** **MR. SPEIRS SECONDED.**

** **THE MOTON PASSED UNANIMOUSLY.**

RYAN PARK

Ms. Sweitzer said, getting back to Ryan Park, we received three bids and the low bidder was Deering at $897,612.85. The second low bidder was Vaz Quality Works from Bridgeport at $995,590.31, and the third was Mountainview Landscapes and Lawncare, Inc. from Chicopee, MA at $1,139,389.13. The engineer's estimate was $970,189.80, so we came in just below that. They would like to have the contracts signed and completed by the end of the month and be ready to start work in April. They will need a 4 to 6 week lead time on ordering the play equipment, but can probably complete most of the site work and some of the landscaping in advance of that, so it is the anticipation that this park will be completed and open by the summer.

Mr. Westmoreland said, again, he was very involved in the design of this, and it is a great design. This is going to probably be the nicest park in Norwalk when it is finished.

Chairman Serrano said he would echo those comments. This park is very impactful for that area, especially with the development of Washington Village, now Soundview Landing, and the impact to those residents and the kids there, as well as the South Norwalk Community Center. It is going to be a great park, so he is very happy about that.

** **MR. WESTMORELAND MOVED TO APPROVE THE AWARD OF THE RYAN PARK IMPROVEMENTS CONTRACT TO DEERING CONSTRUCTION INC. FOR AN AMOUNT NOT TO EXCEED $897,612.85, AND ALSO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT**

NOT TO EXCEED 15% OR $134,642, AND AUTHORIZE FELIX R. SERRANO TO EXECUTE ALL DOCUMENTS NECESSARY TO IMPLEMENT THE APPROVED PROJECT CONTRACTS. THE FUNDING SOURCE IS NOTED AS CHOICE NEIGHBORHOODS INITIATIVE.

** **MR. SPEIRS SECONDED.**

** **THE MOTON PASSED UNANIMOUSLY.**

V. WALL STREET-WEST AVENUE REDEVELOPMENT PLAN

Ms. Strauss said she will go through a summary of how the plan meets the statutory requirements that are set forth in Chapter 130 regarding redevelopment plans. Section 8-125 gives the definition of what a redevelopment plan is. It includes (A) a description of the redevelopment area and the condition, type and use of the structures therein and can be found in the document in the existing conditions section. (B) The statute requires the specification of each parcel proposed to be acquired. This is not applicable to this plan as there are no anticipated takings in the plan. (C) The location and extent of the land uses proposed for and within the redevelopment area. You can find those in the plan use map, the existing land use map, priorities to redevelopment or Opportunity Sites on pages 22 to 26. (D) The location and extent of streets and other public utilities, facilities and works within the redevelopment area. Those can also be found in the existing conditions on pages 10 to 17. (E) Schedules showing the number of families displaced. This is not applicable as there are no anticipated takings at this time, and hence no displacements. (F) Present and proposed zoning regulations in the redevelopment area. There is an existing zoning analysis on pages 15 to 16 and a zoning recommendation on page 29. And as you know, we are on a parallel basis with the zoning amendment recommendation for the redevelopment area. (G) A description of how the redevelopment area is deteriorated, deteriorating, substandard or detrimental to the safety, health, morals or welfare of the community, and that is found in Appendices A -1 and A-2, and (H) other detail which in the judgment of the Redevelopment Agency is necessary to give the plan adequate information.

We have the outreach efforts on pages 7 to 8, and in appendix B we set a vision, goal and guiding policies on pages 18 to 20. We have implementation actions on pages 37 to 38, a list of financial resources for development on page 31, design guidelines on page 39 to 59, socioeconomic data in appendix C, and a market study on the plan objectives.

Section 8-127 is regarding the preparation of a redevelopment plan and a notice of that approval. (A) In accordance with Section 8-127 the Norwalk Redevelopment Agency prepared a redevelopment plan and transmitted it to the planning agency of the municipality, which is the Planning Commission. The process is described on page 9. The plan shows the location of the proposed redevelopment area within geographic boundaries on page 6, and the general location and extent of use of land for housing, business, industry, communications and transportation, recreation, public buildings and such other public and private uses as deemed by the Planning Commission essential to the redevelopment. The Redevelopment Agency requested a written opinion of the planning agency prior to approving the plan, including the determination that the redevelopment plan is consistent with the Plan of Conservation and Development of the municipality. On December 11, 2018 the Planning Commission determined the draft redevelopment plan to be consistent with the existing and draft POCD documents, as explained on page 9 of the document.

(B) Before approving any redevelopment plan, the Redevelopment Agency shall hold a public hearing on the plan, notice of which shall be published at least twice in general circulation of the municipality, that would be The Norwalk Hour, the first publication notice not to be less than two weeks prior to the date set for the hearing. At least 35 days prior to any public hearing, the Redevelopment Agency shall post the plan on the Internet website of the Redevelopment Agency. The draft plan was posted to the Redevelopment page of Norwalk's website and on the Norwalk Tomorrow website on November 13, 2018. The first notice of public hearing was published in The Hour on December 4th, 2018 and the second notice of public hearing was published in The Hour on December 21st, and as you know, we had the public hearing at the meeting of the Redevelopment Agency on January 8th, 2019.

Mr. Sheehan said as you recall, there were comments that came in as part of that public hearing and public comment period. Ultimately, it is the responsibility of the Agency to take in that information, make determinations as to any modifications that might be applicable to the plan based on the public comment that it receives during the public comment period and from the public hearing, and that is ultimately what we did. We took in the information and we made modifications that we thought were appropriate based on what we heard from the public.

Ms. Strauss said as it relates to a planning document rather than a specific redevelopment project, the Redevelopment Agency may approve such redevelopment plan if following such hearing it finds that: (1) the area in which the proposed redevelopment is to be located is a redevelopment area. Under the definition, a redevelopment area means an area within the state that is deteriorated, deteriorating, substandard or detrimental to the safety, health, morals or welfare of the community. An area may consist partly or fully of vacant or unimproved land or a land with structures and improvements thereon, and may include structures not in themselves substandard or unsanitary which are found to be essential to complete an adequate unit of development if the redevelopment area is deteriorated, deteriorating, substandard or detrimental to safety, health, morals or welfare of the community. An area may include properties not contiguous to each other. An area may include all or part of the territorial limits and fire districts, sewer district, fire and sewer district, lighting district, village, beach or improvement association, or any other district or association fully within a town and having the power to make appropriations or to levy taxes whether or not such entity is chartered by the General Assembly.

Deteriorated or deteriorating with respect to a redevelopment area means an area within which at least 20% of the buildings contain one or more building deficiencies or environmental deficiencies, including, but not limited to: (A) defects that warrant clearance; (B) conditions from a defect that are not correctable by normal maintenance; (C) extensive minor defects that collectively have a negative effect on the surrounding area; (D) inadequate original construction or subsequent alterations; (E) inadequate or unsafe plumbing, heating or electrical facilities; (F) overcrowding or improper location of structures on land; (G) excessive density of dwelling units; (H) conversion of incompatible types of uses, such as conversion of a structure located near family dwelling units to rooming houses; (I) obsolete building types, such as large residences or other buildings which because of lack of use or maintenance have a blighting influence; (J) detrimental land uses or conditions, such as incompatible uses, structures in mixed use, or adverse influences from noise, smoke or fumes; (K) unsafe, congested, poorly designed, or otherwise deficient streets; (L) inadequate public utilities or community facilities that contribute to unsatisfactory living conditions or economic decline; or (M) other equally significant building deficiencies or environmental deficiencies.

Ms. Strauss indicated she consulted with Agency Counsel and with Corporation Counsel who have both opined that we met with the statutory requirement with both analyses for deteriorated and deteriorating conditions. Anecdotally, the Corporation Counsel said that it would have been sufficient with only the first analysis. The second one wasn't necessary.

(2) The carrying out of the redevelopment plan will result in materially improving conditions in such area. This plan sets forth the vision of participating stakeholders for how the plan area should be built out over the next ten years. On page 2 there is a list of participating stakeholders. This plan provides implementation recommendations for achieving that vision. It provides a framework for developers, business owners, area institutions and the city when advancing developments, analytically identifies priority development sites and associated uses that serve as a catalyst for future investment. Those development sites were chosen based on their buildout potential and they are highly visible sites that are not being used to their highest and best use. It provides the planning context for zoning amendments for achieving that vision, it provides the basis for capital improvements and associated capital budget requests for public infrastructure and open space improvements. It sets design guidelines and approval process that preserve the desired physical character of the neighborhood for both new construction, historic preservation and adaptive reuse. It provides the statutory framework required if at some point eminent domain is deemed necessary for the benefit of the community with the consent of the Common Council.

(3) Sufficient living conditions are available within a reasonable distance of such area or are provided for in the redevelopment plan for families displaced by the proposed improvement. This is not applicable if there is sufficient housing within the area and there are no projects right now requiring relocation at this time.

(4) The redevelopment plan is satisfactory as to site planning. This is not applicable as there are no redevelopment projects anticipated at this time.

(5) The planning agency has issued a written opinion as to the consistency of the POCD and deemed that consistency on December 11, 2018.

(6) Public benefits will outweigh private benefits. A healthy and vibrant environment is good for the whole city in terms of safety, housing choice, improved open spaces, recreation, a healthier environment, and small businesses, improved infrastructure and targeted public spending. The existing use of the real property cannot be feasibly integrated into the overall redevelopment plan for the project. That is not applicable at this time. Acquisition by eminent domain is currently not necessary to achieve the plan objectives. The redevelopment plan is not for the primary purpose of increasing local tax revenues. That's not the primary objective. No redevelopment plan for a project that consists predominantly of residential facilities shall be approved by the Redevelopment Agency in any municipality having a housing authority organized under the

provisions of chapter 128 except with the approval of such housing authority. Norwalk does have a housing authority, but only 7 percent of the area is residential. It is mostly commercial.

(C) The approval of a redevelopment plan shall be given by a legislative body. The Common Council approved the plan on March 13, 2019. The Redevelopment Agency shall cause notice of the initial approval of any redevelopment plan to be published in a newspaper having general circulation in the municipality. Those are the statutory requirements of the plan.

Mr. Sheehan said he thinks that that puts forward how we met the requirements of the statute via the plan. He would be happy to take any questions the Commissioners might have with regards to it.

Chairman Serrano noted that besides the work that was done by Harriman, staff went out, documented these properties, and things like that, and he asked if they could talk a little bit about that.

Ms. Strauss said Redevelopment staff went out and photographed each property in the redevelopment area to document the condition of the area. There are just shy of 400 properties with buildings on them in the redevelopment area. There are more parcels, but a lot of them are utilities and easements. There are a little less than 400 parcels that have buildings on them.

Chairman Serrano asked if there were any questions.

Mr. Westmoreland asked if staff could describe the two analyses that supported the finding that met the requirements of deteriorated or deteriorating. Mr. Strauss said the first analysis that was done by Regional Plan Association was based off the original blight determination for Wall Street. We used the same criteria that the Wall Street determination in 2016 used. It looked at flood risk, being 100 year flood plain, possible contamination in old buildings, contaminated sites based off the city's brownfields inventory and also a list of potential contaminated sites that the state publishes. This analysis met the state statutes for a finding of deteriorated and deteriorating conditions. Corporation Counsel and Agency Counsel have both reviewed that analysis and say that it is consistent with the statute.

Mr. Westmoreland said he would like to go through a list of items from the public comment and ask if staff could highlight how they are addressed in the plan, or if staff did not address them, why not. The plan doesn't mention light industrial.

Ms. Strauss said there are industrial zones in the redevelopment area along the waterfront and up into the north. We did not make a zoning recommendation for those because the P&Z Department is going to take a citywide look at the industrial zones and the waterfront hopefully in the coming year. The zoning amendment that we put forward expands the allowable uses in the CDB zone and one of those uses is light industrial. Mr. Sheehan said the plan does reference light industrial, and one of the objectives of the plan is to expand light industrial in the mixed use areas so that we are capitalizing on commercial development as well as housing.

Mr. Westmoreland asked why is eminent domain in the plan. Mr. Sheehan said he is the one that actually suggested that it go back in the Plan based on the public comment. There was a legitimate concern that was expressed that there could be the potential for the city to actually have a situation where it wanted to use eminent domain and the Redevelopment Agency and the Common Council were in agreement that it was appropriate to use eminent domain, and we didn't want to preclude that from the plan. It would be very limited in terms of its use, and would be on a case by case basis and the case for its utilization would have to be overwhelming. There is nothing in the plan that targets any specific property for eminent domain. It would have to go through its own public approval process.

Mr. Westmoreland said there was mention of subsidizing certain businesses that we want there, and asked if that is something that has ever been done in Norwalk, and are there incentives for small businesses to use as a result of this plan. Mr. Sheehan said the city is contemplating the ability to have tax agreements to promote development and the Ordinance Committee is in the process of considering that. He thinks even the new Economic Development Director has come to the realization that the tool box that we have at the municipal level to try and incentivize small business is pretty limited, and there is probably going to have to be more than one program to deal with all of the needs that we have.

Mr. Westmoreland said with regard to sidewalk improvements and awnings, he didn't see anything in the plan to actually make improvements to the sidewalks beyond just projects that come through. Ms. Strauss said it talks about sidewalks in the Complete Streets plan and it's encouraged in the Complete Streets plan. Mr. Westmoreland said so the development of better sidewalks is sort of contingent upon the projects that would come through in development? Mr. Sheehan said there has been an interesting dialogue with the council on this issue. Some council members believe that the area has lacked advancement because there has been a lack of public investment into the streetscape, and there hasn't been any formalized commitment that says there is a dollar value associated with this and we are going to put X amount of dollars from capital budget over an extended period of time of whatever that number should be to deal with improving the infrastructure and streetscapes in the plan area. Mr. Sheehan stated if anyone spends any time in the area, it is pretty easy to see that the streetscape is dated and in disrepair. The benches are old. And as Doug Hempstead was pointing out last night, the city has failed to even replace the fence at Freese Park, although it is in the capital budget to the Redevelopment Agency and has made it so far. The railing along the river is a mess and it has been a mess for over a decade. Those are the types of things that have been discussed.

Mr. Westmoreland asked if the sewage treatment plant has the additional capacity to handle increased density as a result of this plan? Ms. Strauss said the Water Pollution Control Authority advised that they have about 2.6 million gallons per day of available capacity.

Mr. Westmoreland said there was a comment made that he thought was a good one, that the plan could be more green and have more sustainability issues addressed, and have you done anything since the first version? Ms. Strauss said we enhanced the design guidelines for green infrastructure and sustainability guidelines. Mr. Sheehan noted that the Agency has sustainability review as part of project review in general, and we should be looking at updating that on an ongoing basis.

Mr. Westmoreland said there was a complex built next to a complex where he had a condo in Houston, Texas that had micro units 250 to 300 sf, and then they had a big recession and within a year the micro unit complex became blighted and deteriorated because nobody would rent them because you could afford a bigger, nicer apartment in a recession, so he is a little bit leery from that experience of supporting micro units. However, he thinks you have a 400 sf limit which seems like a studio apartment. Ms. Strauss said CERC did a housing analysis and said smaller units would be great for people in their 20s who are just starting out in their careers and have student loans and other expenses and can't afford a conventional size unit, and we looked at that in developing the accompany zoning recommendations to this plan, and because you had mentioned that concern before, and we tied the micro units to historic preservation and adaptive use so that we wouldn't have giant buildings of newly constructed micro units, and we limited the number to 150 of them in the whole redevelopment area. The difference between a studio apartment and a micro unit is not really the size of the unit, it is a difference in the extra amenities and the parking and the recreation associated with it.

Mr. Westmoreland asked why is design review in Redevelopment? Why don't we have an architectural review board like other cities have, where you have a commercial realtor, a residential realtor, an architect, a landscape architect, a lawyer, people who can listen to professional design reviewers and really interpret them and have the experience to really judge versus us. We are not those professionals. Mr. Sheehan said it came to us because it really isn't incorporated into zoning's function because design review isn't really a land use function, so as we were putting plans forward, we wanted to have a sense of design criteria that you were telling the development market that you wanted. When he first came here it was all done at the staff level, and quite frankly, he thought who's got the architectural degree to be doing this, and then we quickly determined that this should be something that gets farmed out to a third party review, and we've maintained a list of architects for third party review. Zoning does it on a case by case basis as far as he understands, but then they put it back to Redevelopment and said, well, design review goes over here, land use goes over here, but he thinks the process that we have been kind of jointly undertaking has worked well, but he understands the point of, okay, it's coming back to where he was when he first got here, okay, we're looking at it saying it's okay, but do we actually have the knowledge base to really drill into it, and you're leaving that more to the third party that has that expertise to tell you that it is, and as Bob said, when you start with somebody that has the expertise in that area telling you that you've got a great project, well that gives you a good summary and relief that somebody has reviewed it that has.

Mr. Westmoreland said one of the complaints he hears from developers is that the city and the Redevelopment Agency reviews are too complicated. How do we streamline the process, and does it make sense in order to streamline the process to make it at least the perception to potential developers that it is easier to work with us if design review, if these things are all moved, the functions, the approval processes are all in the city and not like the Redevelopment Agency and you have to deal with P&Z. I mean don't know that it actually makes it simpler. Mr. Sheehan said he is not certain that it does make it simpler, and he hasn't heard that the design review process is an impediment, and quite frankly even in this case we've worked with the applicant to basically say advance with your zoning, we'll take up design review after you complete the zoning, so it is kind of going on a concurrent track. And I do think that the Agency, because it is the one that is advancing the planning at the granular level of this in an area, as opposed to zoning that's basically doing master plan of conservation and development across the entire city, he thinks we are more sensitive to the character of what that area is then necessarily zoning.

Mr. Westmoreland said the other particular concern he had was on page 23 where it talks about Opportunity Sites. There is some mention about the possible assemblage of parcels, and to him with his sort of preservation hat, that implies demolition and he certainly doesn't want historic buildings demolished, certainly not as a first option. Ms. Strauss said preservation of historic buildings is key to this plan and central to this plan and we don't envision any demolition of historic buildings in assembling sites. There is a historic house on the Y site and that has been worked out with the hospital and Historic Commission and Preservation Trust.

Mr. Sheehan said he thinks this is an important point and that we wouldn't as the Agency be advancing demolition of historically recognized properties without support coming from the historic community and that they are made comfortable with what the proposal is. Mr. Westmoreland said that's good. That's a big change from how it used to be. The implementation matrix calls for a whole lot of activity with the Norwalk Redevelopment Agency's name as responsible party, as he reads it. Some of them being timeframe of one year, one to three years, and then three to five years. He would just ask that we begin, assuming we move this plan forward, that we include tracking of those projects in the Quarterly Project Status update.

Mr. Sheehan said, retrospectively, we haven't done a very effective job of assessing the overall success of the plan on an incremental level, and obviously redevelopment activity takes some time to advance, but he would say there should be a review done by the Agency itself and a review perhaps of the public with regards to the plan actually accomplishing the objectives that it is supposed to. Ten years is a long time in the real estate business and we should be looking to keep the plan as current as possible.

Chairman Serrano said if there are no other questions or comments, he will entertain a motion.

** **MR. SPEIRS MOVED TO APPROVE THE WALL STREET-WEST AVENUE REDEVELOPMENT PLAN**
** **MR. WESTMORELAND SECONDED.**
** **THE MOTON PASSED UNANIMOUSLY.**

VI. Quarterly Project Review
Mr. Serrano asked if anyone had any questions regarding the project review.

In response to a question by Mr. Westmoreland regarding the Pinnacle project, Mr. Sheehan said the developer has indicated that they have been trying to secure financing relative to the project, and there are still some outstanding zoning issues. The expenditures being considered are not with regards to the Pinnacle project, but closeout of infrastructure issues associated with the previous phases of development. Ms. Sweitzer said there were some connections that were having to be made in the site by Eversource that would enable us to finish out the Orchard Street piece, but other than that, we have not expended any grant funds. It is anticipated that the dirt piles will be removed by the end of June.

Mr. Westmoreland said the Quarterly Status Report notes that we are in the final plan year of the Consolidated Plan for CDBG and we have to do a new one, and asked what is the plan.

Ms. Church said every five years CDBG and HUD require that certain goals be met by the city, and that process involves a consultant or the city determining what those goals are, and from that plan we make our Annual Action Plan which lays out how we meet those goals over each year. Our progress towards those is then recorded in a CAPER, which reports on how well we did that specific year meeting those goals, and at the end of that five year process we should have met those goals that were originally set out in the plan, so it is basically tracking your progress on what you are spending money on and what impacts you are making with those funds.

Ms. Strauss said the development of the Five Year Consolidated plan is not just looking at data to see what needs to be met, it includes extensive public outreach.

VII. NEW BUSINESS
(None.)

VIII. OLD BUSINESS
(None.)

ADJOURNMENT

Upon motion of Mr. Speirs, the Norwalk Redevelopment Agency special meeting was adjourned at 8:59 P.M.

Respectfully submitted,
Karen Pacchiana