

MINUTES OF THE REGULAR MEETING
CITY OF STAMFORD, CONNECTICUT
URBAN REDEVELOPMENT COMMISSION
WEDNESDAY, FEBRUARY 11, 2004

1. At 6:00M, Chairman Stephen C. Osman called the regular meeting to order. The following were in attendance:

Commissioners:

Stephen C. Osman, Chairman
James I. Nixon, Vice Chairman
Joel P. Mellis, Secretary/Treasurer
Neal M. Jewell

Staff:

Laszlo Papp, Executive Director
Rachel Goldberg, General Counsel
Sheila R. Kilcoyne, Fiscal Officer
Durelle Alexander

Absent

Edward J. Fuhrman

2. Approval of Minutes

- (a) **January 8, 2004 Regular Meeting** – Commissioner Mellis made a motion to approve the minutes. The motion was seconded by Commissioner Nixon and carried by unanimous vote.

3. Announcements

None.

4. Correspondence

None.

Commissioner Nixon made a motion to address the remaining agenda items out of order. The motion was seconded by Commissioner Jewell and carried unanimously.

8. Agency Administration

- (a) **Operating Budget FY 2003/04** – Fiscal Officer Kilcoyne distributed two reports updating the status of the Agency's estimated resources and expenditures. Commissioner Mellis, Co-Chair of the Budget Sub-Committee, reviewed the draft Administrative and Project Budgets for FY03/04. Discussion of the projected expenditures followed. Executive Director Papp noted that the first portion of the Blocks 8 & 9 demolition, asbestos removal and related costs for \$69,000, had already been approved. He explained, "We also have approval and a commitment of \$6,500 for previous work pertaining to the Nueva Café building, and tonight I will be asking for authorization to expend an additional \$4,500 to brace/secure the wall on the Café's east side."

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Executive Director Papp continued, "Another \$20,000 is needed to demolish the Lee Myles building. This has not been approved yet. In addition, when we remove the building we are going to find some soil that is contaminated and we will be required to deal with this at an estimated possible cost of approximately \$30,000." Discussion continued. It was the sense of the Board that a "conservative approach" to spending be taken. Attorney Goldberg was instructed to discuss these costs with Mr. Tim Curtin, Director of Operations, to determine if the City could/would pay these costs, to be reimbursed from Bond proceeds for the Block 9 public parking garage. In this regard and subject to the foregoing, Commissioner Mellis made a motion to approve the following expenditures: (i) \$20,000 to demolish the Lee Myles building; (ii) \$30,000 for subsequent environmental remediation at the Lee Myles site; and (iii) \$4,500 for Standard Demolition to secure the areas of loose brick on Café Nueva's east facade, with all expenditures subject to discussions with the City re: putting up the funds and being reimbursed out of the Bond proceeds. The motion was seconded by Commissioner Jewell and carried by unanimous vote.

Commissioner Jewell made a motion to adopt the Administrative & Project FY 2003/04 budgets as presented. The motion was seconded by Commissioner Mellis and carried by unanimous vote.

Fiscal Officer Kilcoyne left the meeting at 6:35PM.

5. Mill River Corridor

- (a) **River House Project Update** – Chairman Osman reported that there had been design meetings with River House to review plans revised in response to concerns raised at the January Commission meeting. River House Principal Paxton Kinol said, "The number one concern of everyone was the main element of the building ... what it was going to look like from the [Mill River] Park and from West Broad Street as we came through. We took the architects back and did some studies of historic towers to try and come up with a tower that would look like it had been there and look like it belonged in the City. In addition, we heard a request from Robin Stein for having commercial space along Broad Street. In response to this, we were able to add commercial space which goes approximately 50% of the length of the road with porches above, keeping all the townhouse stoops in the original plan. We also added, at the request of Zoning, porch stoops along the Hanrahan side of the road." Mr. Kinol continued, "We are using quality materials. For the first three stories, the building is almost entirely brick, with a copper element at the front and a copper roof on the new tower element. The colors have also gotten darker and richer as we found different materials to use elsewhere in the building." Mr. Kinol concluded, "We feel that we have really followed the written plan and guidelines outlined in the Sasaki Plan in following the roads, having the tower element, adding the professional space on the first floor. We've followed the streetscape and gone with the 'new urbanism' type look with the front porch stoops and we've also shrunk the building and pushed it away from Hanrahan Street to allow us to get a 10-foot wide bike path past our site."

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Chairman Osman then asked Land Use Consultant Rick Redniss to briefly review the discussion from the February 10th meeting with URC's Design Consultant Alan Plattus. Mr. Redniss said, "We went through all the different iterations in terms of trying to accomplish what the Plan says, achieving a certain amount of density, the affordability, all the different components outlined here tonight, and the conversation then turned to the courtyard. One of the important issues of the courtyard for residents and for the perception of how this becomes part of the fabric of the community is how do people see that from the outside, how do people see that from the inside, and what are the chances of these surviving and living because there have been different results in residential projects in the area. We talked about sunlight, about the visual access for the community from the street, and since light and air are critical, we asked what would happen if we turned the courtyard south. The way the property is shaped, however, it becomes about 20% narrower and somewhat tunnel-like." Mr. Paxton added, "We were instructed and agreed to design the courtyard facing each of the three directions, excluding north, and to look at the pros and cons of each design plan. We have another meeting set up for February 23rd to review them all together."

Mr. Redniss continued, "In terms of process, we already have our EPB permit. We must get a Zoning permit that the URC gets on referral, and the Pre-Application was filed today (2/11/04)." Counsel for River House Bill Hennessey added, "We expect the Pre-Application process will close within approximately 14 days."

Attorney Goldberg reported that the Agency had received a request from Attorney Hennessey on behalf of his client to remove the River House project parcel (corner of West Broad and Hanrahan Streets) designated in the Mill River Corridor Plan as "to be acquired for assisted (affordable) housing" from the acquisition map. Attorney Goldberg explained that the Mill River Plan calls for convening the Co-Chairs of the Land Use Committee (Patrick White and Harry Day), the Planning Board Chairman (Duane Hill), the Zoning Board Chairman (Phyllis Kapiloff), and the Chairman of the URC to meet in order to determine if this requested amendment is a "substantial or non-substantial change" as defined in the Plan. Attorney Goldberg said, "If the recommendation is made that it is a substantial change, then this recommendation is forwarded to the Urban Redevelopment Commission for a vote by this Board for final determination. Then the URC determines if the proposed Plan amendment is a substantial change and also decides if it wants to approve the amendment. If it approves the Plan change and if it determines it is a substantial change, the next step is for the Commission to send the matter to the Board of Representatives for approval." Chairman Osman said, "It is important to note that it is "the Commission's decision on whether to remove the acquisition site from the map and also the Commission's decision on whether the change is a minor or major one."

Commissioner Jewell asked, "If it's a major as opposed to a minor Plan change, does it also require a public hearing?" Attorney Goldberg responded, "Not in accordance with the Plan. However, that doesn't mean that the Board of Representatives won't decide that it wants to hold a public hearing." Commissioner Mellis asked, "If we change the Plan in anticipation of your project (River House), and it doesn't come to fruition, how does that affect the change we have made?"

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Attorney Goldberg responded, "What Mr. Hennessey and I have discussed is that any Plan change, whether it is minor or major, would be held in escrow and if the project didn't go forward after a certain period of time, the escrow agent would be required to return the document thereby negating the change." Chairman Osman reported that following discussion of the issues at the February 3rd meeting of the Board Chairmen, with Harry Parsons attending in place of Phyllis Kapiloff, the vote was three in favor and one opposed to making the change requested by River House "a major one." He continued, "The majority have expressed their opinion and I have to respect this and bring it before you but, in the final analysis, their opinion is only an opinion. Your opinion and your vote are what carry the weight and determine the outcome."

Attorney Hennessey noted that if the Plan amendment is found to be a substantial change, his client hopes to be before the Board of Representatives at its April 7th meeting. He said, "This means that a lot of things have to happen very quickly. We will be filing applications 'in parallel' trying to make up time, because the developers want to be in the ground by July of this year."

Vice Chairman Nixon said, "We have a number of times over the past several years discussed the relative merits of having affordable housing along with market rates as opposed to stand-alone projects. I think this is an important change to make and I am glad they (River House) presented us with the opportunity because it's a chance to take action that will say we really believe that affordables should be included with market rates as opposed to doing it the other way. And, since it's our call, I see the change as a non-substantial one." River House Principal Seth Weinstein said, for the record, "I think it's important to note that we are not considering a 'buy-out' option – our affordable units (12%) will be included on-site in our project."

Commissioner Mellis asked if the Board's action in determining if the Plan change was substantial or non-substantial would be precedent setting. Attorney Goldberg responded, "I think each situation as it comes up is unique. However, if you decide that it's not substantial, in the future if somebody from one of the other parcels that is to be acquired comes in and says I'd like to have my property removed, I think it is binding on this Board." Commissioner Jewell said, "If you make a decision on the conservative side, then as the history of the park unfolds, it's possible to loosen up. It's easier to loosen up your requirements than it is to be liberal on the first one and try to tighten up later." Attorney Goldberg responded, "Then the question is what is conservative? I would tell you that conservative is retaining the authority. By calling it a substantial Plan change, I think you're being liberal in ceding authority to the Board of Representatives. Once you've done that, you've created an expectation at the level of the Board of Representatives that the next time a Plan amendment comes by, it's major and they get to see it."

The Chairman asked for comments from the Commission. Attorney Hennessey asked to "frame the issues" first. Attorney Goldberg responded, "One issue was an interpretation that I was already making at Staff level. We have a land use category in the Plan that says assisted housing and defines what assisted housing means. They made a suggestion that this is assisted housing. We've already determined, at a Staff level, that this is assisted housing. I

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think everybody agrees and it's a non-issue. The real issue is the one we've all been discussing the last two months and that is whether removal of the property from this acquisition map is a substantial or non-substantial change."

Attorney Hennessey quoted from the Mill River Corridor Project Plan (*Chapter 10, Section 1001, Modification*): "For the purposes of this Plan, a Substantial Change shall include without limitation (i) a proposal to add (or exchange) one or more parcels to be acquired for any purpose, which parcels are not so identified in this Project Plan as approved."

Commissioner Mellis said, "I think it's a substantial change. You have to look at and try to understand the intent and purpose of the acquisition area ... and redefining or changing that intent in any way cannot be deemed non-substantial." It was again noted that the three to one vote by the Committee Co-Chairs with the majority seeing it as a substantial change had to be given serious consideration.

Commissioner Jewell said, "When you first put the topic on the table, it seemed to me right away to be a substantial change. Yet the project is very attractive, the timing on it is very appealing, and to get some movement whether it is inside the Mill River Corridor or not is highly desirable. But we worked a long time to get the Mill River Plan through and it wasn't totally non-controversial. This is our first chance to take an action that alters the Plan and, for the long term benefit of the Plan, I would prefer to be a little bit conservative because, to me, it sounds like a substantial change ... and I think the consequences of trying to do the short-cut may be potentially worse than slowing down the project, much as I'd like to see the project break ground in July."

Attorney Goldberg said, "First of all, you have two questions before you. One, is the change substantial or non-substantial and two, do you want to approve this project. In the context of whether or not you're approving a Plan amendment, that is where I would suggest you put the limitations you've been discussing; i.e., timeframes, commitment letters, financing, etc." It was the strong sense of the Board that the project be approved.

Following further discussion, Commissioner Jewell made a motion that the Board find that removing the River House project acquisition site (corner of West Broad & Hanrahan Streets) is a substantial Plan change. Commissioner Mellis seconded the motion. There was further discussion on the motion on the floor. The question was called and the motion was carried with two in favor (Jewell & Mellis), one opposed (Nixon) and one abstention (Osman).

Following a discussion on proposed escrow conditions, Commissioner Jewell made a motion to authorize approval of the Plan change for submission of a draft resolution to the Board of Representatives subject to the URC's holding the proposed Plan change in escrow until the following conditions be satisfied: (i) that a building permit be issued; (ii) that a financing commitment be in place, with proof of a draw down request of 65%; (iii) that a contractor be engaged, and (iv) that the site be demolished. The motion was seconded by Commissioner Mellis. There was further discussion on the motion. The question was called and the motion was passed by unanimous vote.

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Vice Chairman Nixon made a motion to confirm Staff's opinion that the River House project as presented, with 12% affordability on site, is assisted housing in compliance with the land use category in the Mill River Corridor Project Plan. The motion was seconded by Commissioner Jewell and carried unanimously.

Mr. Weinstein asked, "What is the procedure now?" Attorney Goldberg responded, "We will prepare a draft resolution setting out that, on this date, the URC (i) authorized a substantial Plan change; (ii) that the URC approved the Plan change (spelling out what it is); and (iii) that the Plan change is not effective until the Board of Representatives acts on it. The draft resolution will likely go to the Steering Committee in March, and then to the Land Use Committee, which will have a meeting and/or a public hearing. If approved, the Committee will then refer the Plan change back to the Board of Representatives for a vote in either April or May.

At 8:40PM, the Chairman called for a brief recess. The meeting was resumed at 8:50PM.

5. Mill River Corridor

(b) **Corridor Extension to Scalzi Park** - Executive Director Papp reported that he had been asked by Board of Representatives President David Martin to discuss the potential of extending the Mill River Corridor up to Scalzi Park. He presented alternatives including either using the land including the three schools or extending the pathway/bicycle path just along the river. Following discussion, Staff was instructed to develop the concept further; to meet with Project Director Milton Puryear and Land Use Bureau Chief Robin Stein to discuss and define the purpose of the Plan and the proposed extension, and to subsequently refer the issue to the Mill River Sub-Committee (Commissioners Nixon & Mellis) for further study.

6. Southeast Quadrant

(b) **Status, Parking Garage** – Executive Director Papp reported that the Robotic Parking Garage is no longer being considered since Cor-Jen and the City both preferred a "conventional" garage at this time. It was noted that the current schedule to proceed with the garage and the preliminary cost estimates need to be revised.

Attorney Goldberg noted that Director of Administration Ben Barnes has suggested incorporating the garage bond requirements into the Mayor's capital budget. Revised projections and cost estimates will be submitted on or before February 20, 2004.

Executive Director Papp also reported that two firms, Desman Associates and LZA Associates, had responded to the Request for Proposals for the parking garage design/build professional services. After a brief review, it was the sense of the Board that both firms be asked to make a presentation to the Commission. Further, the Executive Director was asked to clarify information under the "Contract Administration Phase" in writing prior to the presentation at a time/date to be determined.

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Chairman Osman asked that a large red banner saying "Consumer Friendly" be hung in the URC Conference Room for the meeting.

Parking Garage Sub-Committee member Jim Nixon, the Chairman and the Executive Director have scheduled a visit to Norwalk's newly opened public garage on Monday, February 23rd at 12:30PM.

(a) **Status, Park Square West** – Attorney Goldberg is finalizing the amended Land Disposition Agreement with Corcoran Jennison. The final document will be reviewed with the Commission in Executive Session at a Special Meeting early in March.

(d) **Status, Litigation** – At 9:30PM, Vice Chairman Nixon made a motion to go into Executive Session for the specific purpose of discussing pending litigation. The motion was seconded by Commissioner Mellis and carried unanimously. Attorney Goldberg participated in the discussion. No motions were made and no votes were taken. At 9:40PM, Commissioner Jewell made a motion to return to Open Session. The motion was seconded and carried unanimously.

8. Agency Administration/Committee Reports

Action on the remaining Committee reports was tabled.

9. Old Business

None.

10. New Business

None.


11. Adjournment

The Regular Meeting for Thursday, March 11, 2004 is canceled.

A Special Meeting to review the LDA in Executive Session has tentatively been scheduled for Friday, March 12th at 10:00AM. The alternate date is Monday, March 15th at 10:00AM.

There being no further business before the Board, Vice Chairman Nixon made a motion to adjourn. The motion was carried by unanimous vote and the meeting was adjourned at 9:52PM.

Respectfully submitted,


Joel P. Mellis
Secretary/Treasurer