



## ***Land Use-Urban Redevelopment Committee – Board of Representatives***

Virgil de la Cruz, Co-Chair

Bradley Michelson, Co-Chair

# **Committee Report**

**Date:** Monday, November 25, 2019

**Time:** 7:00 p.m.

**Place:** Legislative Chambers, 4th Floor Government Center, 888 Washington Boulevard, Stamford, CT

The Land Use-Urban Redevelopment Committee met as indicated above. In attendance were Co-Chairs Michelson and de la Cruz and Committee Member Reps. Cottrell, Graziosi, Lee, Lion, Sherwood and Summerville. There is one vacancy on the Committee. Also present were Reps. Adams, McMullen, Miller, Patterson and Zelinsky; Cynthia Anger, Assistant Corporation Counsel; Ralph Blessing, Land Use Bureau Chief; Jim Travers, Transportation, Traffic and Parking Bureau Chief; and Jean Perry Phillip, Pullman & Comley.

Co-Chair Michelson called the meeting to order at 7:22 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LU30.032</a>	<p>RESOLUTION <u>and approval of public hearing and referral to Planning Board; Authorizing the Initiating the Process of Acquisition by Negotiation or Eminent Domain of Rights of Way for the Washington Blvd and Pulaski Street Widening Project.</u></p> <p>10/10/19 – Submitted by Bureau Chief Travers 10/30/19 – Held by Committee 4-1-1</p>	<b>FAILED 4-4-0</b>

Co-Chair Michelson noted that if this item is approved by the Board for a public hearing, the property owners will be able to speak at the next meeting as invited guests. He noted that the description of the proposed resolution on the agenda has been changed to clarify its meaning.

Mr. Travers stated that:

- The planning for this road improvement started in 2003
- In 2009, there was a property acquisition around Pulaski and Washington for a future widening; a portion was widened
- At community meetings, community members have expressed concerns about traffic to Mr. Travers
- There is a significant congestion problem at Greenwich and Pulaski, as a result, the City is putting in a roundabout; this will only move the chokepoint further down unless further widening is done
- There is a timeliness to getting this project done before work has started on the new train station garage which will further cause congestion in the area
- These problems were identified 10 years ago, as noted in the proposal from 2010
- The Charter Communications C of O presented an opportunity to get the road improvements identified 10 years ago accomplished
- The roundabout, circulator, and widening are all part of a \$5 million investment; without this project, the City won't see the full value of its investment

- There have been 70 motor vehicle accidents in this project area in the last 3 years; this improvement will hopefully reduce the number of accidents
- The City is requesting the authority to enter into negotiations with the property owners to acquire the properties needed for this project

The Committee discussed this item with the invited guests. Items noted included the following:

- The proposal includes 5 foot bike lanes on Washington and Pulaski
- This might encourage additional traffic on Pulaski, but will bring relief to current users
- The TT& P Department would have to look at whether elimination of the bike lines would eliminate the need to acquire 21 Pulaski
  - This would lead to an inconsistency in the roadway
  - This would be inconsistent with the 2014 Complete Streets Ordinance approved by the Board of Representatives
- This is an attempt to take long term visions and turn them into short term plans; the City will also be working on improvements on Davenport Street
- There are many parts to this project; during the construction of the roundabout, temporary roadways will have to be built to allow traffic to flow
- The Zoning Board Certificate from 2019 provides [on p. 9] that “Prior to issuance of a Certificate of Occupancy for Building 2, Property Owner shall have completed at its cost the widening of Washington Boulevard between the entrance of the Gateway Garage and Pulaski Street, including a bike lane, and the widening of Pulaski Street east of the property line of 21 Pulaski Street to Washington Boulevard, according to the City's specifications and as outlined in the Proposal Estimate, dated April 8, 2019 and Concept Plan (CON-01), dated December 2018, both prepared by Fuss & O'Neill, for road widening of Washington Blvd. and Pulaski St. (NW corner of Washington Blvd. and Pulaski St.)” Why does this not include 21 Pulaski or the street west of 21 Pulaski?
- The provision for the widening to include 21 Pulaski and the property west of it is in the following paragraph; the original plan was broken up into phases because only the property east of 21 Pulaski was controlled by the City or the Applicant
- The Zoning Board could not put a condition on the developer to widen roadways using property controlled by neither the developer nor the City
- At the time of the Zoning Board approval, the Zoning Board was aware of the proposed purchase of 340 Washington Boulevard; the front of 340 Washington will become the southbound moving lane; the remainder will be part of the parking deck
- The developer purchased 340 Washington because it was needed as part of the development; the developer does not need 21 Pulaski
- The garage is already built and there is a limit to how many spaces the developer can build
- What is the City going to do with the remainder of 21 Pulaski? To the west of 21 Pulaski is the garage entrance and to the east is the loading dock
- The City cannot make a private developer purchase property for a public purpose
- At the time of the ZB certification, the acquisition of 21 Pulaski was an unknown
- The entire property of 21 Pulaski needs to be taken because the front of the house would be taken; the property line would go through the house
- Eminent domain is a very strong tool
- The need to fix these traffic problems has been raised at community meetings and NRZ meetings
- The City has the majority of this right of way and believes this is the best decision for the City

Committee members discussed the eminent domain process with the invited guests. Points noted included:

- The process is designed to be as fair as possible to all of the stakeholders, including the property owners and the municipality
- The City is required to negotiate in good faith to purchase a property prior to exercising eminent domain
- If properties cannot be acquired for a reasonable price or at all by negotiation and there is a significant public benefit, the City may have to acquire the properties by eminent domain
- These properties are not being acquired for economic development; they are being acquired for a straightforward road widening
- The City must get 2 independent appraisals; the property owner may appeal a purchase price the owner is unhappy with
- The property owner and tenants would also receive relocation benefits
- The property owner would be encouraged to get an appraisal during the negotiation
- The goal is to find a sweet spot that protects both the owner and the City
- The appraisal looks at the highest and best use of the property and the maximum value for that use

The Committee continued to discuss this item with the invited guests. Items noted (including opinions expressed by Board members) included the following:

- The City would not be able to keep the \$1.1MM from Charter if the eminent domain is not approved and the City does not acquire the property; this was negotiated in good faith on the assumption that the City would acquire the property
- If BLT had not acquired 340 Washington during the process, the City would be seeking to acquire 340 Washington as well
- The goal of the City and the ZB was to get as much as possible from the applicant
- The roadway improvements are for the benefit of the City
- If this resolution does not get approved, the City will not be able to negotiate for the purchase of 21 Pulaski. This is the acquisition mechanism
- If the City or applicant had owned 21 Pulaski, widening of the entire street would have been the condition
- The process culminates in Board approval after the Director of Administration's report
- The property owner can also challenge the price in court
- There is concern about the property owners' ability to pay for a lawyer if eminent domain is used and their funds are held by the court
- The process begins with brand new appraisals at highest and best use which are paid for by the City; the assessment does not come into play
- Under some circumstances, remediation costs would enter into account, but not usually for residential properties
- Property owners may want a friendly eminent domain, for example, if there is a tax benefit
- A traffic report was done as part of the proposal; Charter will benefit from the road widening, but so will the residents of Waterside and the South End
- Relocation benefits are available for both the owner and the tenants, including a 90 day relocation period, rent, moving costs, closing costs, and advisory services for clean, safe, suitable replacement housing
- Eminent domain doesn't address the human factor of a resident who doesn't want to move
- The City could go forward with the other parts of the project, (not including this widening), but would not see the full benefit of its \$5 million investment; it would just move the congestion to a different area
- The proposal would add 1 travel lane and 10' for bike lanes

- The [Complete Streets ordinance](#) passed by the Board in 2014 requires streets that provide access to all users; providing access to all addresses road congestion; the Glenbrook Neighborhood Association has been happy with the bike lanes installed
- Consistent road widths prevent accidents; there have been 70 vehicular accidents in the project area in the last 3 years
- The Board could still abandon the project after the appraisal is completed by the Director of Administration
- This would not make the bridge a choke point
- This is the starting point for negotiations, not for eminent domain
- The legislative goal is benefits to the most people; the Board is responsible to the entire City
- Eminent domain is the equivalent to bringing a knife to negotiations
- The ZB Certificate references the conceptual plan and the cost estimate in 3 phases; Charter will have to pay even if the estimate changes
- 21 Pulaski is on the National Registry of Historic Places; could the house be moved at a lower cost?
- The City can do whatever it wants with the property once it owns it, subject to Board approval
- The applicant will be increasing traffic and therefore should be paying for it
- This piece of property is not worth it for the City to own, because it will not be for public use
- If the resolution isn't approved, the applicant would probably buy the property and the City could purchase a sliver from them for the road widening
- Where the road is too narrow for bike lanes, e.g. the Pulaski St. Bridge, the City would use sharrows
- One of the goals of this project is to create a safer intersection
- The bike lanes on Hope Street are part of a complete system; bike commuters can ride to the train station safely because it is a complete path; incomplete paths are less likely to be used; bike lanes reduce traffic
- This is an engineering problem that needs to be solved and 1000s of people will be impacted
- The City is required to negotiate in good faith; the appraisals are based on independent facts which are verifiable; the property owner is encouraged to bring forward all facts to help the City reach a fair price
- A private developer cannot be forced to purchase a property
- The City should have specific plans prior to starting the process
- What is the cost of moving the house back
- The developer probably has a vested interest in the street widening and no interest in keeping the house and so the developer will probably purchase the property and the street widening will occur
- The Board should hear from the homeowner as to what the homeowner wants
- The proper process is for the City to come to the Board prior to beginning negotiations
- The problem of traffic in this area has been going on for 15 years; the various pieces were started 10 years ago
- Community members complain about the time needed to get from the area to the train station
- It is responsible to taxpayers to use City funds judiciously
- The negotiations must happen first and the Board should balance this resolution against the interests of 1000s of peoples
- The developer did express an interest in buying the property 10 years ago
- The next step would be to conduct a public hearing at which the committee could hear from the property owners, BLT and Charter

- There are many future opportunities to stop this process
- Under C8-60-7, the Board would be able to reject, increase or modify the recommendation from the Director of Administration

A motion to approve this resolution was made, seconded and failed by a vote of 4-4-0 (Reps. de la Cruz, Michelson, Lee and Lion in favor; Reps. Cottrell, Graziosi, Sherwood and Summerville opposed).

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| 2. <a href="#">LU30.035</a> | APPROVAL; Agreement with Buckurst Fish & Jacquemat, Inc.; RFP 776 City-Wide Parking Plan.<br>11/05/19 – Submitted by Mayor Martin<br>___/___/19 – To be Considered by Board of Finance | <b>HELD</b>       |
| 3. <a href="#">LU30.034</a> | REVIEW; Presentation and Impact of Changes Planned for City's Zoning Regulations.<br>11/04/19 – Submitted by Rep. de la Cruz   | <b>HELD 7-0-1</b> |

Co-Chair Michelson adjourned the meeting at 10:47 p.m.

Respectfully submitted,  
Bradley Michelson, Co-Chair

This meeting is on [video](#).