

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ORDER OF THE BOARD OF ALDERS** Authorizing the City of New Haven to abandon or discontinue a part of Waterfront Street north of Forbes Avenue. (Jesse Langer of Updike, Kelly & Spellacy, P.C.)

REPORT: 1555-07

ADVICE: Approval with Conditions

BACKGROUND

Waterfront Street at the Quinnipiac River lies within the area of the City under the purview of the Port Authority and its Strategic Land Use Plan. This stub of Waterfront is no longer in active City use as the area has undergone a complete transformation in recent years as the Quinnipiac River Bridge (The Pearl Harbor Memorial Bridge) project realigned the highway above it (I-95). This section of Waterfront Street is not accessible because it is bordered by Safety-Kleen, the State, and the water. This facility lies in the floodplain. The current and proposed use is for used motor oil and antifreeze storage and transfer.

PLANNING CONSIDERATIONS

New Haven Vision 2025, Executive Summary, xxiii: In the Near Term (1-3 years), “Preserve environmentally sensitive areas through the aggressive enforcement of coastal and wetlands regulations and establishing a systematic policy of compliance with environmental regulations as administered by the City and CT DEEP.”

New Haven Vision 2025, Executive Summary, liv: *New Policies/Targets Recommended.* “Implement coastal resiliency improvements for businesses/properties located in V and VE flood zones.... Implement flood proofing and context-sensitive coastal resiliency measures along the coast, incorporating structural measures where necessary, and pursuing zoning amendments based on the future land use map of the city.”

New Haven Vision 2025, Land Use, III-11: *Environmentally Sensitive Areas.* “Continue to protect salt marshes, tidal wetlands, inland wetlands, and other riparian assets from inappropriate development through the aggressive enforcement of wetlands, soil erosion and sediment control, and coastal district regulations.... Reduce non-point source pollution of New Haven’s rivers.”

New Haven Vision 2025, Environment, VII-17: *Planning Considerations.* “These assets are compromised by adverse environmental impacts including air and water pollution and inappropriate use of coastal area land, as well as the spatial constraints largely derived from railroad and highway rights-of-way.... To mitigate the range of adverse impacts associated with the highway, the City must be proactive with regard to environmental protection, contextual design, construction operations, and land preservation.”

ANALYSIS

The remnant stub of Waterfront Street as referenced in this order is only one of two remaining waterfront parcels (the other being a sub-parcel of East Shore Park) within the designated Port area with direct waterfront access that remains in City ownership; all other waterfront parcels are privately-owned and controlled. The subject parcel is also mapped as both FEMA Flood Map category VE and AE zones – the highest and most hazardous flood zones in the city with the lowest base flood elevations.

Section 55 of the City’s Zoning Ordinance (Coastal Management District) in conjunction the Connecticut Coastal Management Act (CCMA) governs the permitting of uses in coastal areas. Both statutes defer to true water-

dependent uses and public access on parcels directly adjacent to water resources (in this case the Quinnipiac River.) The Comprehensive Plan demands strict adherence to these regulations and land use policy that is context-sensitive, flood resilient, and preservation-focused.

The applicant states that this is a water-dependent use. However, the operations are not water-dependent; Safety-Kleen relies on the waterfront for multi-modal access to the site, namely barges. The operations themselves are not water-dependent. Further, the proposed use for this portion of Waterfront street is parking for the adjacent business; this use and any development in a high hazard flood zone is contrary to best practices. The applicant states that this additional parking will support a reduction in vehicular traffic. However, the applicant presents a separate application for Site Plan Review on their existing property with more than the required parking available. Using the additional parcel for additional parking spaces is contrary to the stated intent of reduced vehicular traffic.

The applicant presents (in Section IV, 4th paragraph) in the "Addendum to Petition of Safety-Kleen Systems, Inc." that the Waterfront Street parcel might store emergency response services boat and boom for easy access to the water in the case of a spill. This service is currently located in Seymour, CT and must be dispatched to an emergency by truck. Only this proposed use would be water-dependent.


In accordance with the Comprehensive Plan, the City may at some future date desire to increase public access to the waterfront in this area.

ADVICE

The Commission recommends approval of this Order, with the following conditions:

- The Board of Alders should inquire further as to the use of the parcel. The parcel must be prioritized for water-dependent uses above vehicular parking. Use of the parcel for a water-dependent use such as the emergency response services is in line with the goals of the Comprehensive Plan whereas additional parking is not.
- The applicant should agree to refrain from building additional permanent structures on the subject parcel.
- The applicant should agree to limit use of the rail spur to its corporate family only and that it will not pursue any expansion of that rail spur onto adjoining properties.
- The City of New Haven should receive the same public access rights as those provided to the Port Authority.
- The City of New Haven should be granted a right-of-first-refusal in the event of a sale.
- The City of New Haven and the WPCA should be granted utility easements over and across the subject parcel.

ADOPTED: September 18, 2019
Ed Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department