

NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW
NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

RE: 882 WHALLEY AVENUE. Site Plan and Coastal Site Plan Review for the construction of a three-story building, 22 residential units, and a restaurant in a BA zone. (Owner: 882 Whalley Ave, LLC; Agent: Leon Mularski of TMG Architects, LLC)

REPORT: 1544-01

ACTION: Approval with Conditions

STANDARD CONDITIONS OF APPROVAL

1. Pursuant to State Statute, this site plan and soil erosion and sediment control plan approval is valid for a period of five (5) years following the date of decision, until May 16, 2023. Upon petition of the applicant, the Commission may, at its discretion, grant extensions totaling no more than an additional five (5) years to complete all work connected to the original approval.
2. The applicant shall record on the City land records an original copy of this Site Plan Review report (to be provided by the City Plan Department) and shall furnish written evidence to the City Plan Department that the document has been so recorded (showing volume and page number), prior to City Plan signoff for building permits. A digital copy of the recorded site plan shall be provided to staff (.pdf).
3. Upon approval by the City Plan Commission, provide compiled digital copies of all application materials, including drawing sets and reports, to staff for filing (.pdf files) prior to City Plan signoff for building permits.
4. Signoff on final plans by the Greater New Haven Water Pollution Control Authority; City Engineer; Department of Transportation, Traffic, and Parking; City Plan Department; and Fire Marshal in that order shall be obtained prior to initiation of site work or issuance of building permit.
5. A site bond will be required in conformity with Connecticut General Statutes Section 8-3(g). Bond, or other such financial instrument, shall be provided to the City Plan Department, in an amount equal to the estimated cost of implementation of erosion and sediment controls, plus 10 percent, prior to City Plan final sign-off on plans for building permit.
6. As authorized by CGS Sec. 22a-107 an additional bond is required to secure compliance with all conditions of approval relating to the coastal site plan. The bond amount is to be determined based on consultation with City Plan staff.
7. Any proposed work within City right-of-way will require separate permits.
8. Any sidewalks or curbs on the perimeter of the project deemed to be in damaged condition shall be replaced or repaired in accord with City of New Haven standard details.
9. Species and locations of proposed street trees must be coordinated with the Urban Resources Initiative (URI) and proposed removals of street trees must be coordinated with the Department of Parks, Recreation, and Trees prior to sign-off for building permits.
10. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
11. Following completion of construction, any catch basins in the public right-of-way impacted by the project shall be cleaned, prior to issuance of Certificate of Occupancy.
12. As-built site plan shall be filed with City Plan Department, with a copy to the City Engineer, prior to issuance of Certificate of Occupancy. Site Plan shall be submitted in mylar and digital form (.pdf).

ADDITIONAL CONDITIONS OF APPROVAL

13. Applicant shall submit an exterior lighting plan to the City Plan Department prior to initiation of site work or issuance of building permit.
14. Provide one set of bound, conformed drawings to the City Plan Department prior to building permits.

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and CSPR forms.
Application fee: \$270. Received April 13, 2018.**

- Stormwater Management Report dated January 12, 2018. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018. Revised May 11, 2018; received May 14, 2018.
- Easement. Received May 7, 2018.
- Application drawings. 12 sheets received April 13, 2018. Revisions and 2 additional sheets received May 7, 2018.
 - C-1: Existing Conditions. Drawing date December 18, 2017. Received April 13, 2018.
 - C-2: Proposed Site/Zoning Plan and Parking Layout. Drawing date December 18, 2017. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018.
 - C-3: Proposed Drainage and Grading Plan. Drawing date December 18, 2017. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018.
 - C-4: Erosion and Sediment Control Notes and Details. Drawing date December 18, 2017. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018.
 - C-5: Drainage Notes and Details. Drawing date December 18, 2017. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018.
 - C-6: Site Details. Drawing date December 18, 2017. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018.
 - C-7: Site Details. Drawing date December 18, 2017. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018.
 - C-8: Site Details. Drawing date December 18, 2017. Received April 13, 2018. Revised May 3, 2018. Received May 7, 2018.
 - A-1: First Floor Plan. Drawing date March 21, 2018. Received April 13, 2018.
 - A-2: Second Floor Plan. Drawing date March 21, 2018. Received April 13, 2018.
 - A-3: Third Floor Plan. Drawing date March 21, 2018. Received April 13, 2018.
 - A-4: Elevations. Drawing date March 21, 2018. Received April 13, 2018.
 - S-1: Site Plan. Drawing date May 4, 2018. Received May 7, 2018.
 - RHI-1: Reflective Heat Impact Study. Drawing date May 4, 2018. Received May 7, 2018.

PROJECT SUMMARY:

Project: Restaurant and 22 residential units

Address: 882 Whalley Avenue

Site Size: 12,317 SF (0.28 acres)

Building Size: 23,934 SF

Zone: BA (General Business)

Financing: Private

Parking: 10 on-site parking spaces (including 1 HC space) and 22 off-site shared parking spaces

Owner/Applicant: 882 Whalley Avenue, LLC **Phone:** (203) 691-1960

Agent: Leon Mularski of TMG Architects, LLC **Phone:** (860) 554-3371

Architect: TMG Architects, LLC **Phone:** (860) 554-3371

BACKGROUND

Previous CPC Actions:

- **CPC 1027-06:** Special Exception for 20 parking spaces where 41 are required to permit Restaurant Expansion in a BA zone. Denied November 3, 1986.
- **CPC 1541-12:** Variance to permit a side yard of 0ft where 11ft are required, Special Exceptions to permit 10 on-site parking spaces and 14 off-site shared parking spaces where 60 spaces are required, and to permit a Full Restaurant Liquor License and Coastal Site Plan Review for a 23,934 SF structure with a 180-seat restaurant and 22 dwelling units. Zone: BA. Approved February 21, 2018.

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA zone, with the zoning relief granted. On April 10, 2018, the applicant was granted Board of Zoning Appeals Permission/Approval for a variance to permit a side yard of 0ft where 11ft are required, Special Exceptions to permit 10 on-site parking spaces and 14 off-site shared parking spaces where 60 spaces are required and to permit a Full Restaurant Liquor License and Coastal Site Plan Review for a 23,934 SF structure with a 180-seat restaurant and 22 dwelling units in a BA District.

Site description/existing conditions:

The project site encompasses a lot area of approximately 12,317 SF (0.28 acres) and consists of a parking lot and an empty unpaved area. The site, which formerly housed Delaney's Restaurant and Tap Room, is bounded by retail properties and Whalley Avenue in the north and west, Central Avenue in the east, and Fountain Street in the south.

Proposed activity:

The applicant proposes to construct a three-story 23,934 SF building with a restaurant and 22 residential units. The first floor of the building will contain a parking garage, an elevator and lobby area, and a restaurant. The second and third floors will include one- and two-bedroom apartments. The applicant also proposes to improve and implement new stormwater management infrastructure on site and plant trees along Center Street and Whalley Avenue.

Motor vehicle circulation/parking/traffic:

Ten (10) parking spaces, including 1 handicap accessible space, will be provided in a garage on the first floor of the building, adjacent to the restaurant space. Another 22 parking spaces will be provided off-site in a nearby shared parking lot.

Bicycle parking:

The applicant proposes to install three bike racks in the covered parking area. Each rack will accommodate four bicycles.

Trash removal:

Two dumpsters will be installed within a fenced enclosure located along the western portion of the building. The dumpster will be removed from the site via a driveway easement.

Signage:

None proposed.

Sec. 58 Soil Erosion and Sediment Control:

Class A (minimal impact)

Class B (significant impact)

Class C (significant public effect, hearing required)

Cubic Yards (cy) of soil to be moved, removed or added: 2,143 CY

Start Date: May 2018

Completion Date: March 2019

Responsible Party for Site Monitoring: Lior Israel of Lior Excavating

This individual is responsible for monitoring the site to assure there is no soil or runoff entering City catch basins or the storm sewer system. Other responsibilities include:

- monitoring soil erosion and sediment control measures on a daily basis;
- assuring there is no dust gravitation off site by controlling dust generated by vehicles and equipment and by soil stockpiles during the construction phases;

- determining the appropriate response, should unforeseen erosion or sedimentation problems arise; and
- ensuring that SESC measures are properly installed, maintained and inspected according to the SESC Plan.

Should soil erosion problems develop (either by wind or water) following issuance of permits for site work, the named party is responsible for notifying the City Engineer within twenty-four hours of any such situation with a plan for immediate corrective action.

All SESC measures are required to be designed and constructed in accordance with the latest Standards and Specifications of the *Connecticut Guidelines for Soil Erosion and Sediment Control*.

Sec. 60 Stormwater Management Plan: SUBMISSION MEETS REQUIREMENTS

REQUIRED DOCUMENTATION

- Soil characteristics of site;
- Location of closest surface water bodies and depth to groundwater;
- DEEP ground and surface water classification of water bodies;
- Identification of water bodies that do not meet DEEP water quality standards;
- Proposed operations and maintenance manual and schedule;
- Location and description of all proposed BMPs;
- Calculations for stormwater runoff rates, suspended solids removal rates, and soil infiltration rates;
- Hydrologic study of pre-development conditions commensurate with conditions.

STANDARDS

- Direct channeling of untreated surface water runoff into adjacent ground and surface waters shall be prohibited;
- No net increase in the peak rate or total volume of stormwater runoff from the site, to the maximum extent possible, shall result from the proposed activity;
- Design and planning for the site development shall provide for minimal disturbance of pre-development natural hydrologic conditions, and shall reproduce such conditions after completion of the proposed activity, to the maximum extent feasible;
- Pollutants shall be controlled at their source to the maximum extent feasible in order to contain and minimize contamination;
- Stormwater management systems shall be designed and maintained to manage site runoff in order to reduce surface and groundwater pollution, prevent flooding, and control peak discharges and provide pollution treatment;
- Stormwater management systems shall be designed to collect, retain, and treat the first inch of rain on-site, so as to trap floating material, oil and litter;
- On-site infiltration and on-site storage of stormwater shall be employed to the maximum extent feasible;
- Post-development runoff rates and volumes shall not exceed pre-development rates and volumes for various storm events. Stormwater runoff rates and volumes shall be controlled by infiltration and on-site detention systems designed by a professional engineer licensed in the state of Connecticut except where detaining such flow will affect upstream flow rates under various storm conditions;
- Stormwater treatment systems shall be employed where necessary to ensure that the average annual loadings of total suspended solids (TSS) following the completion of the proposed activity at the site are no greater than such loadings prior to the proposed activity. Alternately, stormwater treatment systems shall remove 80 percent TSS from the site on an average annual basis; and
- Use of available BMPs to minimize or mitigate the volume, rate, and impact of stormwater to ground or surface waters.

Sec. 60.1 Exterior Lighting: Not applicable

Sec. 60.2 Reflective Heat Impact: SUBMISSION MEETS REQUIREMENTS STANDARDS

- 50% of all on-site non-roof hardscape or paved areas will be either:
 - shaded AND/OR
 - constructed of a material with a solar reflectance index of at least 29.

TOTAL SF of non-roof hardscape: 2,161 SF
50% of non-roof hardscape: 1,080 SF

Shaded (average)	1,086 SF
SRI > 29	368 SF
CIP Concrete	6,214 SF
TOTAL PROPOSED SHADED/HIGH SRI AREA	1,454 SF
% SHADED/HIGH SRI PROPOSED	67%

COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Applications for development on waterfront parcels shall additionally consider protection of the shoreline where there is erosion or the development is likely to cause erosion; degree of water dependency; preservation of significant natural vistas and points or avenues of views of the waterfront; provision of meaningful public access; and insurance of outstanding quality of design and construction to produce an environment that enhances its waterfront location.

The Commission will also consider whether the proposed application is consistent with the City's Municipal Coastal Program.

Characteristics and Condition of Coastal Resources at or Adjacent to the site:

Shorelands: The site is within the coastal boundary on a previously developed non-waterfront or waterfront-adjacent site consisting of paved parking lots and grassy areas. It is located more than 400 feet from the West River.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	The proposed development will increase the amount of impervious area on the site and will, therefore, increase the volume and peak rate of runoff generated during a storm event. The potential adverse impacts from the additional impervious surfaces will be mitigated through the use of an improved stormwater infiltration system and related pollution-control amenities. See Stormwater Management Report for additional information.

2. Potential beneficial impacts	The project includes the construction of a new stormwater management system that is designed to capture run-off through the 25-year storm event. As a result, more stormwater runoff will be captured on site and there will be less runoff into the West River.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	No. Site is not appropriate for water-dependent uses.
5. Have efforts been made to preserve opportunities for future water-dependent development?	Site is not appropriate for water-dependent uses.
6. Is public access provided to the adjacent waterbody or watercourse?	No. Site is not directly adjacent to a waterbody or watercourses.
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No.
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6'.	No.

Project Timetable: Construction is expected to begin in May 2018 and be complete by March 2019.

SITE PLAN REVIEW

Plans have been reviewed by the Site Plan Review team with representatives from the Departments of City Plan, City Engineer, Building, Disabilities Services and Transportation, Traffic and Parking and have been found to meet the requirements of City ordinances, regulations, and standard details.

COASTAL FINDING:

Taking into consideration all of the above information, the City Plan Commission finds the proposed activity consistent with all applicable goals and policies in Section 22a-92 of the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse effects on coastal resources. The Commission therefore makes a finding of no impact on coastal resources and approval for a coastal permit to be issued.

ACTION

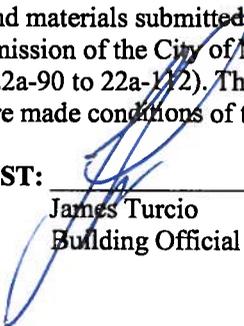
The City Plan Commission approves the submitted Site Plans subject to conditions on Page 1.

ADOPTED: May 16, 2018
Edward Mattison
Chair

ATTEST: 
Michael Piscitelli, AICP
Deputy Economic Development Administrator

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted administratively without hearing by the City Plan Commission of the City of New Haven in accordance with the Connecticut Coastal Management Act (CGS, Sections 22a-90 to 22a-112). The Building Official hereby receives the above written findings and any conditions thereof are made conditions of the Building Permit.

ADOPTED: May 16, 2018

ATTEST: 
James Turcio
Building Official