

**NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW
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RE: 36 FOUNTAIN STREET. Site Plan and Coastal Site Plan Review for the conversion of a former bank into a restaurant in a RM-1 and BA-2 zone. (Owner/Applicant: Central Fountain Group LLC; Agent: Ben Trachten of Trachten Law Firm LLC)

REPORT: 1561-03

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 September 18, 2024. 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 report 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 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. Construction Operations Plan/Site Logistics Plan, including any traffic lane/sidewalk closures, temporary walkways, detours, signage, haul routes to & from site, and construction worker parking plan shall be submitted to the Department of Transportation, Traffic and Parking for review and approval to prior to City Plan signoff on final plans for building permit.
6. 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.
7. 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 and Engineering staff.
8. Any proposed work within City right-of-way will require separate permits.
9. 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.
10. Any proposed removals of street trees must be coordinated with the Department of Parks, Recreation, and Trees prior to sign-off for building permits.
11. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
12. 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.
13. 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).

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and CSPR forms. NARRATIVE attached. Application fee: \$360. Received August 22, 2019.

- Stormwater Management Plan dated August 20, 2019. Received August 22, 2019. Revised plan received September 5, September 16, and September 17, 2019.
- Lighting Specifications. Received August 22, 2019.
- CTDOT Drainage Connection Memo dated September 4, 2019. Received September 5, 2019.
- Application drawings. 6 sheets received August 22, 2019. Revisions received September 5, 2019.
 - Property Survey & Topographic Survey. Drawing date October 9, 2017. Received August 22, 2019.
 - Site Plan/Landscape Plan. Drawing date August 21, 2019. Received August 22, 2019.
 - Grading/Erosion Plan. Drawing date August 21, 2019. Received August 22, 2019.
 - Detail Sheet. Drawing date August 21, 2019. Received August 22, 2019.
 - Lighting Calculation. Drawing date August 15, 2019. Received August 22, 2019.
 - A-200: Proposed Building Elevations. Drawing date January 13, 2017. Received August 22, 2019.

PROJECT SUMMARY:

Project: Restaurant Conversion
Address: 36 Fountain Street a/k/a 614 Central Avenue
Site Size: 14,446 sq. ft.
Zone: RM-1 and BA-2
Parking: 6 parking spaces provided
Owner: Central Fountain Group LLC **Phone:** 203-213-9009
Applicant: Same as above
Agent: Ben Trachten, Esq. **Phone:** 203-865-0101
Site Engineer: Connecticut Consulting Engineers L.L.C.

BACKGROUND

Previous CPC Actions: No previous actions have been taken.

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA-2 and RM-1 zones, with the zoning relief granted. The applicant received approval for a Special Exception to permit a restaurant liquor permit in an expanded 212 seat restaurant in a BA District on October 24, 2017. That relief was granted an extension until November 2, 2019.

Site description/existing conditions: This is a corner lot (fronting on Fountain Street) that was home to a former bank. There is parking to the rear that is accessible from Central Avenue and a drive-thru teller window along the side of the building with an exit on Fountain Street.

Proposed activity: The proposed activity is to convert the use of the building from a bank to a restaurant. There will be an additional structure to house mechanicals and appliances built on the rear of the building that impacts the layout of the parking spaces. There is a steep slope around the parking area; the applicant has already constructed a retaining wall.

Motor vehicle circulation/parking/traffic: The curb cut on Fountain Street will be eliminated. Parking will remain in the rear of the building.

Bicycle parking: 2 bicycle racks for 4 bicycles will be provided by the entrance on Fountain Street.

Trash removal: Trash is located at the rear of the building. It will be picked up during off-hours when the parking lot is empty.

Signage: All signage must be the requirements of the zoning ordinance.

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: 228 cy

Start Date: August 2019 Completion Date: October 2019

Responsible Party for Site Monitoring: John Pereira, Pereira & Sons Construction, Inc.

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 phase;
- 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*.

Note: Because the project is between 1 and 5 acres ("small construction"), the applicant is not required to obtain a General Permit for the Discharge of Stormwater and Dewatering Wastewaters from Construction from CT DEEP as long as the applicant has adhered to the erosion and sediment control regulations of the municipality in which the construction activity, in this case, the City of New Haven.

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: SUBMISSION MEETS REQUIREMENTS

REQUIRED DOCUMENTATION

- Lighting Plan with location of all fixtures, type of fixture and mounting height of lights;
- Manufacturer specifications or cut-sheet for each fixture;
- Photometrics.

STANDARDS

- Prevent or minimize direct glare and light trespass;
- All parking area lighting shall be full cut-off type fixtures and shall not exceed twenty (20) feet in height from the ground to the highest point of the fixture;
- Up lighting and high pressure sodium light sources are prohibited. Externally lit signs, display building, and aesthetic lighting must be lit from the top and shine downward and not sideward or upward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area;
- All building lighting for security or aesthetics shall be full cut-off or shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent: (a) disability glare for drivers or pedestrians, (b) light trespass beyond the property line, and (c) light above the horizontal plane;
- Where non-residential development is adjacent to residential property, no direct light source shall be visible at the property line at ground level or above; and
- High pressure sodium and flickering or flashing lights are prohibited.

Sec. 60.2 Reflective Heat Impact: NOT APPLICABLE

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 Area identified on the site plan as the entirety of the site of 36 Fountain Street.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	None.
2. Potential beneficial impacts	The water quality treatment of the storm water runoff is designed to treat the "first flush" of storm water runoff.
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.
5. Have efforts been made to preserve opportunities for future water-dependent development?	No.
6. Is public access provided to the adjacent waterbody or watercourse?	No.
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: August 2019 – October 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

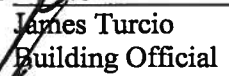
The City Plan Commission approves the submitted Site Plans subject to conditions on Pages 1 and 2.

ADOPTED: September 18, 2019
Edward Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department

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: September 18, 2019

ATTEST: 
James Turcio
Building Official