

**NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT
NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW
NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW**

RE: 98, 100, 110, 120 SOUTH WATER STREET, Special Permit, Coastal Site Plan Review and Site Plan Review for Use as recreational Boating Facility (Yacht Club) and Restaurant in a BC Zone (Owners/Applicants: Pequonnock Yacht Club Inc. and D&A Restaurant Enterprises LLC).

REPORT: 1439-01

ACTION: Approval with Conditions

COASTAL FINDING: Minimal Impact

CONDITIONS OF APPROVAL

1. The Special Permit is granted to the Pequonnock Yacht Club, Inc. for its sole use and is not transferable or assignable without the express approval of the City Plan Commission.
2. The applicant shall record on the City land records an original copy of this Special Permit report (to be provided by the City Plan Department) and shall furnish written evidence that the document has been so recorded (showing volume and page number) to the City Plan Department within 120 days of the date of publication of approval.
3. Comments under **Site Plan Review** on page 5 shall be reviewed with the City Plan Department and resolution reflected on final plans, prior to their circulation for signoff.
4. Boat storage shall not be permitted on 82 South Water Street.
5. Stacking of boats shall not be permitted.
6. Completed Flood Development Permit shall be required to be filed with the Building Official, prior to issuance a building permit.
7. Continuous public access route shall be maintained and clearly delineated across the site, with signage as noted on the approved public access plan.
8. 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 both mylar and digital format [.DWG file based on the State Plane Coordinates (NAD1983)]. Provide version of AutoCAD with submission

Submission: Special Permit application with Narrative revised 3/26/10, Fee of \$120, Development Permit application inc. CSPR component, Fee of \$240, Site Plans for Proposed Restaurant/Clubhouse Change of Use & Parking Layout Plan 03/23/10 rev. 4/14/10 by Criscuolo Engineers , Architectural Plans by Epstein Design LLC 03/26/10.

Previous Actions of the Commission: Special Permit, Site Plan Review and Coastal Site Plan Review for 98, 110, and 120 South Water Street (CPC 1429-09); Special Permit & CSPR for Outdoor Boat Storage at #82 (1411-01, 12/12/07); Approval of existing lots and structures (CPC 1049-08, 12/2/87); SE for Neighborhood Grocery at #98 (CPC 1006-05), Expansion of Neighborhood Convenience Use for restaurant at #98 (CPC 1173-11, 03/16/94). Certificate of Appropriateness granted for previous Special Permit by Historic District Commission.

PROJECT SUMMARY

Project: Conversion of existing marina with boat slips to yacht club and of existing restaurant to restaurant/ clubhouse.
Address: 98, 100, 110, and 120 South Water Street (& 82 South Water Street)
Site Size: 78,112 SF
Zone: BC, CAM, City Point Local Historic District
Financing: Private
Project Cost: not available

Parking: 168 parking spaces (inc. 6 HC); 134 spaces in private ownership (inc. 38 seasonal spaces); 34 through lease agreement with Sound School

Boat slips: 128

Owner: Pequonnock Yacht Club, Inc. (PYC) and D&A Restaurant Enterprises LLC

Applicant: PYC (Len Walker, contact) **Phone:** 203-426-9441

Applicant: D&A (David McCoart, contact) **Phone:** 203-787-3466

Architect: Epstein Design LLC **Phone:** 203-562-7346

Site Engineer: Criscuolo Engineering LLC **Phone:** 203-481-0807

City Lead: City Plan Dept. **Phone:** 203-946-6379

BACKGROUND

Pequonnock Yacht Club Inc. proposes to relocate from Bridgeport to New Haven and has made application for a Special Permit for a marina/yacht club with 128 boat slips at 98, 110, 120 and 100 South Water Street that are located in a Marine Commercial (BC) zone. Special permits are covered under Section 64 (e) of the Zoning Ordinance (see review criteria below). Also submitted is an application for Site Plan Review including Coastal Site Plan Review for the project. The applicant had previously received approval (Special Permit 1429-09) for this facility; however, at that time the proposal was limited to 98, 110 and 120 South Water Street and involved the exterior renovation and conversion of an existing on-site structure to a clubhouse facility. This current application is similar except that it now includes the property located at 100 South Water Street and moves the location of the clubhouse to the second floor of that property, above an existing restaurant. Inclusion of 100 South Water Street into the proposal has also resulted in some changes to the parking plan. Unlike the previous proposal this application does not include any new structures or exterior changes to existing buildings; consequently no application to the Historic District Commission is required.

Current site conditions: The site includes an existing historic building at #98 South Water Street which was originally Smith Brothers Oyster Growers and later a neighborhood convenience (grocery) and 15 seat restaurant serving a marina (Marine General Oyster Point LLC) and a second building at #110 South Water Street, a barn like structure. A lot to the west at #120 South Water Street is used for boat storage during the off season months and for parking during the boating season. To the east across the Howard Avenue extension is an additional lot at #82 South Water Street (also owned by Pequonnock Yacht Club but not part of this application) with 26 parking spaces and a small building with showers, laundry and restrooms for the boat slips. On the water side of the two sections of property owned by the Pequonnock Yacht Club are a total of 128 boat slips. There is an existing location to launch boats and there are floats where small craft can dock, as well as refuel. There is an underground fuel tank to service the fuel dock. There is an easement through the site to Sage Restaurant (formerly the Charthouse) at 100 South Water Street.

Proposed Activity:

This proposed project is intended to supersede previous approval CPC 1429-09 recorded on June 26, 2009.

The project entails the continued usage of subject properties #98, #110, and #120 South Water Street as a recreational boating facility which will be operated as the Pequonnock Yacht Club ("PYC"). In addition, the property at #100 South Water Street will be purchased by PYC and converted from a commercial public restaurant to a combined private club (upper level) and public commercial restaurant (lower level). A separate liquor permit will exist for each level. PYC is in final purchase and sale negotiations with Dave McCoart of D&A Restaurant Enterprises LLC, the current owner of #100 South Water Street, and this project has his full support.

The second floor of property #100 will be operated as a new private clubhouse for PYC; the first floor will be leased and continue to be operated as a public restaurant. Only interior improvements to this property are to be pursued at this time and will include:

- The development of a common entry foyer to clearly designate PYC and restaurant entrances, and related fire separation of the two uses
- Infilling of the existing opening between the first and second floors
- The addition of new bathrooms for Club members at the second floor level
- Construction of a new bar on the first floor for public restaurant use (2nd floor existing bar remains for Club members only)
- General cleaning and cosmetic maintenance.
- Existing exterior restaurant signage will remain, PYC will add building signage
- General maintenance, pavement patching and re-stripping of paved parking areas.

Included in the lease agreement between PYC and D&A Restaurant Enterprises will be 28 designated parking spaces located in the main lot of #100 South Water Street for use during restaurant operating hours. The lot at #82 South Water Street will be used by the lessee as valet parking/staff parking as required; the restaurant also has a parking lot lease arrangement with the City of New Haven for 26 normal (approx 34 valet) parking spaces at a lot within 300' of the combined property line (see lease copy with application forms).

The existing building located at #98 South Water Street will be used for marina offices and storage and will receive related minor interior improvements to accommodate such use; work will also include general cleaning, painting, and building maintenance of this property. No change to the size or exterior configuration of this property will be made.

The existing building located at #110 South Water Street will be kept in its current condition.

The existing docks, which presently support 128 boat slips, will continue to be used. The yacht club buildings and slips will be for the exclusive use of club members and their guests. Continuous Public Access routes with signage will be maintained across the site based on the current agreement with the City of New Haven. Winter boat storage will continue on the property, as previously approved with a Special Permit granted to the former owner, however no boat storage will be permitted in the lot at 82 South Water Street, and stacking of boats shall not be permitted. The anticipated hours of operation for the clubhouse facility are 9:00 AM - 12:00 AM during the spring, summer and fall months and 12:00 PM -12:00 AM during the winter months. It is also anticipated that a total of 6 employees would be employed by PYC, with 2 employees being on shift at a given time.

SPECIAL PERMIT

Per the City of New Haven Zoning Ordinance regulations Sections 42N. and 46, boat building, repair, service and storage require a Special Permit in the BC zone. Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such *uses* and features upon neighboring *uses* and

the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

Special Permit Criteria	Comments
a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.	The applicant seeks the Special Permit for continued marine use as a yacht club in combination with an existing restaurant as well as outside storage on the property. The applicant proposes reasonable measures to minimize the impact of the change of use and has demonstrated the enhanced efficiency of land based resources inherent in this proposal.
b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.	The development proposal complies with the New Haven Zoning Ordinance. The use of the parcels for a yacht club in conjunction with the existing restaurant use will allow for joint use of parking resources thereby minimizing traffic related impacts on the surrounding neighborhood.
c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.	The City's Comprehensive Plan for the City Point area encourages a neighborhood scale waterfront, traffic calming and pedestrian friendly streets. It discourages industrial and transportation-intensive land uses along South Water Street. This development complies with these objectives.
d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.	The site is an existing waterfront property. The plan maintains current views along the historic building frontages. Storage of boats may obstruct water views during winter months but this activity has been carried on for numerous years on the site.
e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.	No repair or maintenance of boats will occur on the lot unless it is by the boat owners themselves.
f. <i>Historic preservation.</i> Features of historic significance shall not be significantly adversely affected by the granting of any special permit. If the subject property is within or abuts a historic district, the Commission may request a report from the Historic District Commission regarding those features essential to preserve the historical integrity of a building, district, or site or historical significance.	As the plan proposes no new structures or exterior changes to existing buildings, there is no adverse impact upon any historically significant element of the site.
g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access and circulation, building style and height, bulk, scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.	Architectural compatibility is unaffected by the proposal but the integration of site elements, especially parking, for the properties improves considerably both the operational (in terms of circulation) and physical (in terms of a unified program of uses) character of the property.
h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.	Both the continued marine and restaurant uses have strong historical connections to this waterfront area and as such should have a stabilizing effect on property values in the neighborhood.
i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on,	The proposal should not have any measurable additional impact on either the site itself and may actually reduce existing impacts. The physical combination of the restaurant

<p>adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p>and clubhouse may lead to more boaters availing themselves of the on site restaurant as opposed to driving off-site. In addition most of the heavy commercial traffic associated with heavy marine repair will no longer be a factor in the neighborhood or on the site. Additionally, the City owned parcel to the east, in daytime school use for the Sound School during the academic year, may be informally available for overflow parking.</p>
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PUBLIC HEARING (see Minutes of Meeting 1439):

Thomas Talbot, Deputy Director, Zoning, made the presentation, describing how the proposal maximized use of existing facilities by the two entities while also improving parking layout and circulation on the site from the previous special permit granted in June 2009, superseded by this application. Jim Zahn and Eric Epstein representing the Pequonnock Yacht Club noted there were 250 club members only 60% of whom would be using parking spaces at any one time during the summer. David McCoart, of Sage Restaurant, noted seats on the restaurant were reduced from 225 to 125 and therefore the overall traffic impact on the neighborhood would be less. Five speakers plus Alderwoman Dolores Colon spoke in favor of the project, each commending the yacht club for being good neighbors and for originating the current plan.

SITE PLAN REVIEW

Other than a reconfiguration of the existing parking lots, minimal site work will be performed on the site as part of this project. Existing dumpster location, underground fuel tanks, boat launch, and lighting fixtures will remain. While parking spaces are shown striped for capacity on the site plan, only spaces on paved surfaces (inc. HC spaces) will be striped.

Site Plan comments by Site Plan Review Team:

- *Revise Plan lot area figures to include 100 South Water Street*
- *Replace two driveway aprons with standard City driveway apron (commercial)*
- *Design for PYC building signage shall be submitted to City Plan Department for review and approval*
- *Consider adding trees and/or other salt tolerant plant materials on site*

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.

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

Coastal waters/Navigable waters: The property is located adjacent to New Haven Harbor which is navigable and is accessible to Long Island Sound.

Flood Hazard Area: The site at 98,100, 110, and 120 South Water Street ranges in ground elevation from approximately 6.5' near the bulkhead to 9.5' at the back of sidewalk. As shown on FIRM Map 090084-0004C dated May 2,1983 all of the property is located in either Flood Zone A6, which lies within the areas of 100-year flood and where the base flood elevation has been determined at either elevation 11 or 12, or Flood Zone V7 which lies within the areas of the 100-year coastal flood and where the base flood elevation is 14.

Potential Adverse Impacts on Coastal Resources and Mitigation of Such Impacts: Based on previous approvals, this proposal represents virtually no new impact to the existing water view of residential property owners on the north side of South Water Street. No new construction or impervious surface is to be added.

Public Access: A public access plan has been submitted showing the boardwalk which connects to the Harbor Landing Walkway to the west, along this property frontage to a point where one would walk back out to South Water Street along the sidewalk, across the Howard Street extension and then back out to a boardwalk along #82 South Water and connecting to points east along the Sound School. The proposal is consistent with the New Haven Coastal Program. The public access route shall be clearly delineated and marked in sections where it is not on a boardwalk along the waterfront.

PLANNING CONSIDERATIONS

Previous concerns regarding parking arrangements between the prospective operators of the yacht club and the restaurant at 100 South Water Street are no longer germane given the incorporation of the properties into a single development area. Staff concerns regarding the most effective use of available parking on the site have been addressed in the revised site plan dated 04/14/10 submitted to the City Plan Department and which will be made part of the final plan submission package.

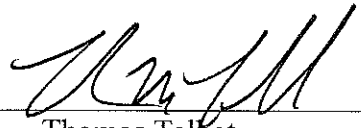
COASTAL FINDING

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 both coastal resources and future water-dependent activities. It therefore approves the Coastal Site Plan.

SPECIAL PERMIT

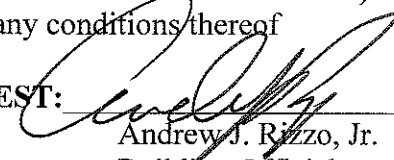
The Special Permit is hereby granted with the Conditions on Page 1.

ADOPTED: April 21, 2009
Edward Mattison
Chair

ATTEST: 
Thomas Talbot
Deputy Director, Zoning

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

DATE ADOPTED: 4/26/10

ATTEST: 
Andrew J. Rizzo, Jr.
Building Official