

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

RE: **781 WHALLEY AVENUE a/k/a 50 FITCH STREET.** Site Plan Review and Coastal Site Plan Review for construction of a mixed-use building with 245 residential units in the BA-2 Zone and Coastal Management Area. (Owner/Applicant: 50 Fitch LLC, Agent: Carolyn Kone).

REPORT: 1611-02

Companion Report: 1611-03 781 WHALLEY AVENUE a/k/a 50 FITCH STREET. Inland Wetlands Review.

**COASTAL SITE PLAN ACTION: APPROVAL WITH CONDITIONS
SITE PLAN 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 July 20, 2027. 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. The name of an individual responsible for monitoring the soil erosion and sediment control plan on a daily basis during the construction period shall be provided to the City Plan Department, prior to City Plan signoff on final Plans.
8. Flood elevation certificate/Flood Development Permit certifying finished floor elevation shall accompany application for building permits.
9. Any proposed work within City right-of-way will require separate permits.
10. Prior to issuance of Building Permit, street address(es) shall be assigned by the City Engineer.
11. 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.

12. Proposed removals of street trees must be coordinated with the Department of Parks, Recreation, and Trees prior to sign-off for building permits.
13. Within 10 business days of City Plan Commission approval, the applicant shall submit a digital (.pdf) and hard copy of the final approved plan set (including all revisions) to the City Plan Department
14. 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.
15. 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).
16. Applicant must work with City's Corporation Counsel to negotiate and record a public access easement along the southern side of Wintergreen Brook and the eastern side of the West River.
17. The set-aside IZ Affordable Units shall be deed-restricted to ensure the units have rent limits and income limits to ensure the units are set aside and occupied as IZ Affordable Units for minimum of ninety-nine (99) years. The deed restriction shall be provided in a form acceptable to the City and recorded on the New Haven Land Records in advance of financial closing, prior to incurrance of any financial debt. The project shall comply with all requirements of the IZ ordinance for the term of the deed restriction.

ADDITIONAL CONDITIONS OF APPROVAL

18. The individual responsible for monitoring the soil erosion and sediment control plan on a daily basis during the demolition and construction period shall provide weekly reports to City Plan on the status of the project and the soil erosion and sediment control measures.

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, CSPR, INCLUSIONARY ZONING, and IW forms. NARRATIVE attached. Application fees: \$410, \$200. Received April 21, 2022.

Received April 21, 2022

- Civil plans, 52 sheets, dated April 21, 2022, revised May 4, 2022, May 12, 2022, July 15, 2022, and July 20, 2022
- Engineering Report, 282 sheets, dated April 21, 2022, revised May 12, 2022 and July 15, 2022
- Traffic Impact Study, 832 sheets, n.d., revised May 12, 2022

Dated and received April 27, 0222

- Memo re meeting with the Fire Marshall, 3 sheets

Dated and received April 28, 0222

- Memo re Accessibility Route to the River Walk, 3 sheets

Dated and received May 9, 0222

- Memo re Public Access, 18 sheets

Received June 1, 2022

- Memo re Inland Wetlands delineation
- Revised Lanscape Drawings
- Tree Removals Plan

Received July 6, 2022

- Revised easement plan, 1 sheet, dated July 6, 2022
- Soil Scientist Report, 37 sheets dated June 30, 2022, revised July 2022, with addendum

- Tree removal and landscape plans, 5 sheets dated July 6, 2022

Received July 15, 2022

- Memo re: Inland Wetlands, 3 sheets
- Proposed Coastal Easement

PROJECT SUMMARY:

Project: 781 Whalley Avenue mixed-use building
Address: 781 Whalley Avenue a/k/a 50 Fitch Street
Site Size: 3.62 acres
Zone: BA-2
Parking: 219 spaces
Owner/Applicant: 50 Fitch LLC
Agent: Carolyn Kone
Site Engineer: Joseph Canas

Phone: 203-981-0123
Phone: 203-772-2600
Phone:

BACKGROUND

Previous CPC Actions:
None.

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA-2 zone.

Site description/existing conditions:

The site is located at the corner of Whalley Avenue and Fitch Street in the Westville neighborhood. The site is currently occupied by two buildings. One of the buildings fronts Whalley Avenue and is vacant. The second building is a two-story masonry structure with frontage on Fitch Street with a mix of commercial uses and a large surface parking lot. The site is bound on the west from the West River and to the north by Wintergreen Brook and there are associated wetlands along the northwestern portion of the site. **Proposed activity:**

The applicant proposes to construct a 357,312 SF mixed-use building that will contain 245 dwelling units. The building will have a mix of three-bedroom townhouses, studios, and one, two, and three-bedroom apartments. Ten percent of the units (not including the townhouses) will be accessible, with accessible units distributed among unit type. Additionally, in accordance with Section 50-Inclusionary Zoning, 5 percent of the units will be 'IZ Affordable Units' as defined by Section 50.

The building will also include a 2,300 SF retail space on the ground floor fronting Whalley Avenue and Fitch Street and a parking garage located at the ground level with 203 spaces. The building will also include a variety of amenity spaces for tenants.

The applicant also proposes an accessible Riverwalk Trail along Wintergreen Brook and the West River, accessible to the public via an entrance off Fitch Street.

Motor vehicle circulation/parking/traffic:

Parking and deliveries will be accommodated on-site with a 203-space parking garage which will be integrated with the building structure and on a 16 parking space lot. Loading and unloading operations for deliveries will occur in a covered truck dock inside the parking garage. Vehicular access to and from the property will be at the vicinity of the existing curb cut on Fitch Street. There will be two-way vehicle circulation within the garage.

Bicycle parking: 74 bicycle parking spaces will be provided, 60 interior in a bicycle storage room and 14 exterior spaces. This quantity exceeds zoning requirements.

Trash removal: Trash for both the dwelling units and the commercial space will be collected in trash chutes, which will discharge into a dedicated trash room with roll-out receptacles. Receptacles will be wheeled out into the loading area at the northeast corner of the parcel and emptied into the trash-hauling vehicle at the scheduled pickup time.

Signage: No new signage proposed at this time. All signage must meet zoning ordinance requirements.

Sec. 58 Soil Erosion and Sedimentation 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: 3,850 CY

Start Date: Spring 2023

Completion Date: Summer 2024

Once a contractor is chosen, an individual will be named as the individual responsible for monitoring soil erosion and sediment control measures on a daily basis, and that name provided to the City Plan Department prior to signoff of final plans for permits.

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 both the demolition and 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*.

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 SUBMISSION

- 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

- In general, all exterior light sources must be directed downward. The lighting must also be, as much as physically possible, contained within the target area;
- Parking Lot and Security Lighting.* All outdoor light fixtures within a parking lot, vehicular circulation area, or pedestrian area must be of a Full Cutoff or Fully-Shielded type;
- Architectural Lighting.* Lighting for building facades and Indirectly Illuminated Signs is permitted subject to the following: (a) Uplighting does not exceed 900 lumens & (b) Upward aimed light is Fully-Shielded and fully-confined from projecting into the sky, eaves, roofs, or overhangs. The light must be fully confined within the vertical surface of the wall being illuminated;
- Unshielded Lighting.* Floodlighting is discouraged, and if used, must be shown that the type of fixture proposed is not objectionable because it (a) prevents Glare for drivers and pedestrians and light above a horizontal plane, and (b) mitigates light trespass beyond the property line. Unshielded, motion activated lighting will not be triggered off the property on which the fixture is located and must go off within five minutes of activation. Unshielded lighting creating Glare or Light Trespass is required to be re-aimed and/or fitted with a shield device to block the Glare;
- Lighting Curfew.* On all parking fields, including surface lots, parking decks and top levels of parking garages which contain a minimum of four light poles, the lighting must be reduced by at least 50 percent of full operational levels within 30 minutes after the close of business. Because certain minimum lighting levels are recommended for safety and security, parking field lighting does not need to be reduced to less than an average .2 footcandles as measured horizontally at the surface on which the light pole is mounted in accordance with Illuminating Engineer Society (IES) Standards; and
- Height.* Exterior Lighting must not exceed 20 feet in height from the point on the ground directly below the fixture to the highest point on the fixture. Lighting mounted higher than 20 feet may be permitted through the site plan review process, either by Staff or the Commission, as applicable, depending on the site conditions;
- Maximum Light Levels at the Property Line.*
 - a. *The maximum light level at any point on the property line cannot exceed: .1 footcandles within or adjacent to a property with a residential use or .2 footcandles when adjacent to properties with other uses. Where the adjacent property is a residential use or mixed-use and the first floor is not residential, the maximum light levels at the property line cannot exceed .2 footcandles;*

- b. Color. Because blue light brightens the night sky more than any other color of light, lighting must have a color temperature of no more than 3000 Kelvins. Exterior Lighting that has warmer light spectrums are preferred;
- c. The Staff or the Commission, as applicable, may determine that certain light fixtures are exempt from these requirements of this Section because they do not adversely affect an adjacent property owner or the night sky or because they are necessary for the functioning of the use.

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: 21,208 SF
 50% of non-roof hardscape: 10,543SF

Shaded (average)	8,330SF
SRI > 29	12,623 SF
Cement	12,623SF
Parking striping	
StreetBond coating	
TOTAL PROPOSED SHADED/HIGH SRI AREA	20,952SF
% SHADED/HIGH SRI PROPOSED	99%

Note: Calculations were done excluding concrete public sidewalk on site. When proposed onsite public sidewalk is included, 99% of the site is shaded or SRI>29.

Sec. 50. Inclusionary Zoning: SUBMISSION MEETS REQUIREMENTS REQUIRED SUBMISSION

- Inclusionary Zoning Worksheet

STANDARDS

- In the Strong Market of the IZO, Applicable Developments shall set aside not less than five percent (5%) of the total number of dwelling units as IZ Affordable Units
- All IZ Affordable Units must be constructed and maintained in a manner consistent with market-rate units provided as part of the Inclusionary Development.
- IZ Affordable Units must be evenly distributed throughout the Inclusionary Development, including across project phases.
- IZ Affordable Units must be a mix of unit types and sizes that matches the overall mix of unit types and sizes in the Inclusionary Development.
- IZ Affordable Units must have comparable finishes and access to amenities to Market-Rate Units in the Inclusionary Development.
- All Applicable Developments must be reviewed and approved by the City Plan Commission as part of Site Plan Review or Detailed Site Plan Review in accordance with Section 64 and Section 50(f).
- Proposed Floor Area Ratio, Gross Floor Area per Dwelling Unit, and Parking Spaces are permitted as of right in the Zone or are permitted through IZ Zoning Incentives in accordance with Section § 50(d).

SECTION B IZ AFFORDABLE UNIT CLASSIFICATION								
Unit or Dwelling Type	All Units (#)	Market Rate Units (# and % of total Market Rate Units)		IZ Units (# and % of total IZ units)		Accessible Units (# market rate, # IZ)	IZ Affordable Unit Set-Aside (#)	
							50% of AMI	Voucher priority units
Studio units	88	#:83	94.32%	#: 5	5.68 %	8/1	5	0
1-bedroom units	80	#:76	95%	#: 4	5%	7/1	4	0

2 or more bedroom units	77	#:73	94.89%	#: 4	5.19%	7/1	4	0
Total	245	#:232	94.69 %:	#: 13	5.31%	25/3	13	0

ZONING INCENTIVES		
	Required in BA-2	Proposed
Parking	128 spaces	219 spaces
Density	1,000 SF/D.U.	1,108 SF/D.U.

Project Timetable:

Summer 2023 to Summer 2024

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 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:

General Resource

The coastal waters of the State, their natural resources, related marine and wildlife habitat and adjacent shorelands, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem.

Developed Shorefronts

Developed shorefronts are those harbor areas which have been highly engineered and developed resulting in the functional impairment or substantial alteration of their natural physiographic features or systems [Connecticut General Statutes (CGS) section 22a-93(7)(I)]. They are areas that are intensely developed, generally with bulkheads, seawalls, revetments, or other hard structures that were usually constructed many years ago.

The CCMA Manual states “If a particular site is not physically suited to intensive waterdependent use, the provision of uses providing public access should be required as a critical component of any development or redevelopment effort.” Public access to the waterfront is proposed in this application through a Coastal Access Easement.

The CCMA Manual further states that “During redevelopment efforts, proper stormwater management measures should be implemented to control on-site and off-site impacts. During construction, of particular concern are impacts resulting from soil erosion, sedimentation and stormwater runoff. The proposed development plans include a phased sediment and erosion control plan to stage the proposed construction, and to provide temporary control measures as well as sediment traps to reduce sediment transport from the site. The project stormwater management system is an improvement over the existing system, and includes catch basins with sumps, and gross particle separators.

Furthermore, the proposed development is consistent with guidance to maintain or enhance public access to and along developed shorefront areas where compatible with the nature of the existing or proposed use. The project has been designed in a manner such that the proposed residential facility will provide an attractive area along the water for public enjoyment of the shorefront.

Finally, the project is consistent in that meets the goal of “Reuse and redevelop built-up or vacant shorefront in preference to development of previously undeveloped shorefront.”

Freshwater Wetlands/Watercourse

"Freshwater Wetlands and Watercourses" means "wetlands" and "watercourses" as defined by CGS section 22a-38 and CGS section 22a-93(7)(F). Freshwater wetlands were identified along the riparian corridor associated with the West River, Wintergreen Brook and Beaver Brook.

See Companion Report 1611-03 781 Whalley Avenue Inland Wetlands for a full analysis of impact on the wetlands and watercourse. The Commission has made a Class ‘C’ Inland Wetland Finding of “No Significant Impact.”

Shorelands

Shorelands are those land areas within the coastal boundary exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills, and drumlins [Connecticut General Statutes (CGS) section 22a-93(7)(M)].

The proposed redevelopment plan keeps development within the existing footprint of disturbed areas, includes a detailed sediment and erosion control plan divided into three phases to minimize sediment transport from the site, enhances the existing vegetative buffer by removing invasive species, and limits the riparian corridor to passive recreational uses. Therefore, the project proposal is consistent with the CCMA goals of limiting soil disturbance, maintaining and enhancing vegetative buffers, replanting of disturbed areas, adoption of a robust sediment and erosion control plan, and minimization of development on steep slopes.


Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	Potential adverse impacts from demolition and construction activities. Mitigation includes the proper installation and maintenance of sediment and erosion controls which will provide protection from transport of sediments to the watercourses. Best Management Practices (BMPs) are included in the development for stormwater treatment. Catch basins will have sumps that will improve stormwater sediment capture, and a gross particle separator will be added to enhance sediment and oil capture.
2. Potential beneficial impacts	Improved stormwater management on site reducing contaminants entering the West River and Wintergreen Brook. Improved public access to the waterfront.

3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None identified.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	While the project will preclude water-dependent uses on the site in the future, the West River is neither tidal nor navigable at this location, so water-dependent uses are limited. Additionally, public access is provided including an accessible walking trail with seating and viewpoints.
5. Have efforts been made to preserve opportunities for future water-dependent development?	Efforts have not been made to preserve opportunities for future water-dependent development, however as noted above, opportunities for water-dependent uses are limited at this location and public access is provided, and could be further enhanced in the future on the non-developed portion of the site along the West River and Wintergreen Brook.
6. Is public access provided to the adjacent waterbody or watercourse?	Yes. Public access along Wintergreen Brook and the West River is proposed through a public, ADA accessible trail beginning at Fitch Street and Wintergreen Brook and extending past the intersection of Wintergreen Brook with the West River and along the West River, as shown on the Coastal Access Easement Plan.
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)?	Yes Riprap in the outfall area and plantings of native species along the length of the riverfront are proposed to stabilize the embankment
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.

ACTION

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

ADOPTED: July 20, 2022
 Leslie Radcliffe
 Chair

ATTEST: 
 Laura E Brown
 Executive Director, City Plan Department

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.

ADOPTED: July 20, 2022

ATTEST: 
 James Turcio
 Building Official