

NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

RE: CONGRESS AVENUE AND DAVENPORT AVENUE. Site Plan Review for construction of a 194-unit residential building in the BA zone. (Owners: Clark-Son Company Incorporated, Paragon Construction Company & PK&R LLC, Herbert Mandelker and Robert J Rawden, 326 Davenport Realty LLC, Adam Y Scheps; Applicant: Catalina Buffalo Holdings LLC; Agent: Carolyn Kone)

REPORT: 1616-02

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 October 19, 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 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. 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. Any proposed work within City right-of-way will require separate permits.
9. Prior to issuance of Building Permit, street address(es) shall be assigned by the City Engineer.
10. 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.
11. Any proposed removals of street trees must be coordinated with the Department of Parks, Recreation, and Trees prior to sign-off for building permits.
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. 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. As-built Survey 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).
15. 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 incurrence of any financial debt. The project shall comply with all requirements of the IZ ordinance for the term of the deed restriction.

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, INCLUSIONARY ZONING WORKSHEET, SESC forms. NARRATIVE attached. Application fee: \$410. Received August 18, 2022.

- Civil Plans, 26 sheets, dated August 12, 2022, revised August 31, 2022 and October 14, 2022
- Architectural Plans, 12 sheets, dated March 10, 2020
- Stormwater Management Narrative, 107 sheets, dated August 12, 2022
- Traffic Impact and Multi-Modal Transport Safety Study, 114 sheets, dated August 2022
- Renderings, 3 sheets, received August 31, 2022

PROJECT SUMMARY:

Project: West River Development

Addresses, MBLUs, Owners:

859 Congress Avenue	310 0127 03400	Clark-Son Company Incorporated	203-787-6746
865 Congress Avenue	310 0127 03500	Paragon Construction Company & PK&R LLC	203-624-0009
879 Congress Avenue	310 0137 03600	Herbert Mandelker and Robert J Rawden	203-777-6813
326 Davenport Avenue	310 0127 01300	326 Davenport Realty LLC	203-877-2688
354 Davenport Avenue	310 0127 01000	Clark-Son Company Incorporated	203-787-6746
370 Davenport Avenue	310 0127 00900	Paragon Construction Company & PK&R LLC	203-624-0009
380 Davenport Avenue	310 0127 00800	Herbert Mandelker and Robert J Rawden	203-777-6813
384 Davenport Avenue	310 0127 00700	Herbert Mandelker and Robert J Rawden	203-777-6813
348 Davenport Avenue	310 0127 01200	Adam Y Scheps	203-877-2688

Site Size: 86,616 SF

Building size: 188,150 SF

Zone: BA

Parking: 137 Spaces

Applicant: Catalina Buffalo Holdings, LLC

Phone: 860-996-4650

Agent: Carolyn Kone

Phone: 203-772-2600

Site Engineer: Brian Pratt, Fuss & O'Neil

BACKGROUND

Previous CPC Actions:

None.

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA zone with IZ Incentives used as described.

IZ Incentives Used

Density Bonus, FAR Bonus, Waived Parking Minimums

Density of 969 SF per Dwelling Unit
FAR of 2.17
137 Parking Spaces

Site description/existing conditions:

The site is composed of 8 contiguous parcels with 9 addresses and MBLUs, located between Davenport Avenue and Congress Avenue. Currently the site contains six old industrial buildings and two multi-family residential buildings. The majority of the site is paved.

Proposed activity:

- Demolition of the existing eight buildings
- Construction of a 188,150 SF, five-story residential building with 194 dwelling units on the upper floors and ground floor parking, amenity, and utility space.

Motor vehicle circulation/parking/traffic:

137 parking spaces are proposed including 5 ADA Van spaces, and 34 compact spaces. Two loading spaces are proposed, located close to an elevator. Parking is located on the first floor of the building and two outdoor surface parking lots. Vehicles can enter the parking through two, two-way curb cuts on Davenport Avenue or a one-way entrance on Congress Avenue. Vehicles can exit the lots through the two curb cuts on Davenport Avenue or a one-way exit on Congress Avenue. There are two-way and one-way circulation sections of the lot, which will be marked and signed accordingly.

Traffic Impact and Multi-Modal Transport Safety Study was submitted with the application. Comments from the Transportation, Traffic, and Parking Department (TTP) on restricting traffic flow at some curb cuts were addressed in plan revisions and TTP had no outstanding concerns.

Bicycle parking:

30 bicycle spaces are proposed, with 5-6 spaces located outside and the remaining spaces located in a bicycle storage room on the first floor of the building.

Trash removal:

The building will have trash chutes that deposit into receptacles located in two trash rooms on the first floor. The receptacles from the north west east room will be rolled over to the trash room to the west, adjacent to the loading spaces, for pickup.

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: 7,600 CY
Start Date: Spring 2023 Completion Date: Spring 2025

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 WPCA 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.*

Note: Light levels shown slightly above 0.2 footcandles on the photometric plan are the result of street lighting requested by the CoNH Department of Transportation, Traffic, and Parking and are not due to site lighting.

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:
50% of non-roof hardscape:

12,026 SF
6,013 SF

Shaded (average)	923 SF
SRI > 29	6,556 SF
Cement/ StreetBond coating	6,556 SF

Parking striping	-
TOTAL PROPOSED SHADED/HIGH SRI AREA	7,479 SF
% SHADED/HIGH SRI PROPOSED	62%

**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	73	#: 69 %94.6	#: 4 %5.4	7, 1	4	n/a
1-bedroom units	88	#: 84 %95.4	#: 4 %4.4	8, 1	4	n/a
2 or more bedroom units	33	#: 31 %93.9	#: 2 %6	3, 1	2	n/a
Total	194	#: 184 %:94.8	#: 10 %5.2	18, 3	10	n/a

	ZONING INCENTIVES		
	Required in the BA Zone	Permitted through IZ	Proposed
Parking	194 spaces	0 spaces	137 spaces
FAR	2.0	2.5	2.17
Density	1,000 SF/D.U.	600 SF/D.U.	969 SF/D.U.

Project Timetable:

Late Spring 2023 to Early Spring 2025

Planning Considerations

While this proposed project meets the requirements of the City's zoning code, neighbors in the area have expressed substantial concerns about this application. There have been two public meetings about the proposed development organized by the Alder and the Community Management Team and these were attended by City Staff to better understand community concerns. Concerns expressed include: displacement of residents in buildings proposed to be demolished, the small percentage of affordable units in the development compared to the

demonstrated need for affordable housing in the neighborhood, lack of affordability in unit pricing, the lack of larger multi-bedroom units that would serve families, building design concerns, interest in public access to amenity spaces, traffic generation, and the significant increase in density compared to the existing buildings on the block. Planning staff agree with residents that concerns raised should be considered and, with all our development partners, encourage a strong sense of inclusive growth. Planning Staff encourage the Applicant to continue working with residents, elected officials, and City staff to develop the project to mitigate these concerns and create a development that will be compatible with the form and needs of the neighborhood.


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.

SITE PLAN ACTION

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

ADOPTED: October 19, 2022
Leslie Radcliffe
Chair

ATTEST: 

Laura Brown
Executive Director, City Plan Department