

NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

RE: 117 & 129 WHALLEY AVENUE, 12 DICKERMAN STREET, DICKERMAN STREET, AND 34 & 36 SPERRY STREET.
MBLUs: 295 0301 03300; 295 0301 03400; 295 0301 02500; 295 0301 02701; 295 0301 02800; 295 0301 02700
Owner/Applicant: St. Luke's Development Corporation; **Agent:** Anika Singh Lemar

Site Plan Review

Construction of a new building with ground floor commercial space and common amenity space and 55 residential units in the Commercial Gateway District and RM-2 Zone.

REPORT: 1629-03

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 March 15, 2028. 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. Any proposed work within City right-of-way will require separate permits.
8. Prior to applying for Building Permit, street address(es) shall be assigned by the City Engineer.
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. 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. 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.

13. 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).

ADDITIONAL CONDITIONS OF APPROVAL

1. The applicant shall merge all lots through the appropriate legal instruments and file updated survey on the land records and inform the Tax Assessor of the same. Applicant shall provide City Plan with proof of such recording on the land records prior to issuance of building permit.
2. Applicant shall record an easement at 107 Whalley Avenue as a walkway in perpetuity, in a form found acceptable by the City's Corporation Counsel, prior to issuance of a building permit.

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, AND SESC forms. NARRATIVE attached. Application fee: \$410. Received February 16, 2023

Received February 16, 2023

- Cover letter, 1 sheet, dated February 14, 2023
- 16 Dickerman Street easement, 8 sheets, dated July 29, 2019
- Amendment to 16 Dickerman Street easement, 5 sheets, dated September 10, 2019
- 107 Whalley Avenue (St. Luke's) easement letter, 1 sheet, dated October 18, 2022
- Architectural drawings, 10 sheets, dated February 13, 2023
- Civil plans, 17 sheets, dated February 8, 2023, revised February 27, 2023 and March 9, 2023
- Stormwater management report, 118 sheets, dated February 8, 2023
- Site plan narrative, 2 sheets, n.d.

PROJECT SUMMARY:

Project: 129 Whalley Avenue Mixed-use Development

Address: 117 & 129 WHALLEY AVENUE, 12 DICKERMAN STREET, DICKERMAN STREET, AND 34 & 36 SPERRY STREET.

MBLUs: 295 0301 03300; 295 0301 03400; 295 0301 02500; 295 0301 02701; 295 0301 02800; 295 0301 02700.

Site Size: 0.95 acres

Building size: 76,756 SF

Zone: CGD, RM-2

Parking: 33 spaces

Owner/Applicant: St. Luke's Development Corporation **Phone:** 203-606-6317

Development Partner: The Glendower Group

Agent: Anika Sign Lemar **Phone:** 203-432-4800

Site Engineer: Civill **Phone:** 203-266-0778

BACKGROUND

Previous CPC Actions:

6/21/2017 1532-16 10 and 12 DICKERMAN Street, 34 and 36 SPERRY Street, 117, 125, and 129 WHALLEY Avenue. RESOLUTION OF THE BOARD OF ALDERS Authorizing the City to apply for and accept an environmental remediation grant from the Connecticut Department of Economic and Community Development (DECD) not to exceed \$492,200 Applicant: Economic Development Administrator. Developer: St. Luke's

4/20/2016 1517-08 10 and 12 DICKERMAN Street, 34 and 36 SPERRY Street, 117, 125, and 129 WHALLEY Avenue. Special Exception to allow 36 on-site parking spaces where 58 are required. Applicant: Samuel Andoh

3/19/2014 1490-05 10 and 12 DICKERMAN Street, 34 and 36 SPERRY Street, 117, 125, and 129 WHALLEY Avenue. SPR for new mixed use development. Applicant: Samuel Andoh for SLDC

8/29/2007 1407-01 129 WHALLEY Avenue. Certificate of Approval of Location (CAL) for Used Car Dealer and General Repair. Applicant: Amity Car & Truck Repair III LLC

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the Commercial Gateway District and RM-2 zones.

Site description/existing conditions:

The project area is made up of six lots: two on Whalley Avenue, two on Dickerman Street, and two on Sperry Street. The site is bound by Whalley Avenue to the south, Dickerman Street to the north, and Sperry Street to the east. St. Luke's Episcopal Church is located to the east of the Whalley Avenue lots. West on Whalley Avenue are commercial lots. To the west of the lots on Dickerman Street are lots with multifamily housing. Several buildings on the project lots have been previously demolished. Two one-story, commercial brick buildings on the Whalley Avenue lots remain. The remainder of the Whalley Avenue lots are bituminous pavement. The Sperry and Dickerman Street lots are unpaved and vacant.

Proposed activity:

The Whalley Avenue Development Project will include the demolition of the commercial structures located at 117-125 and 129 Whalley Avenue and construction of a new building over ground floor commercial space and common amenity space for tenants, including a gym and a community room. The floor area of the principal building will be 76,756 square feet. There will be 55 units: 20 1-bedrooms, 30 2-bedrooms, and 5 3-bedrooms. In addition to the commercial space, as depicted on the drawings, there will be usable open space and common amenity space. The project will also include the construction of a parking lot at 10-12 Dickerman Street and 34-36 Sperry Street. Pedestrian access between the Whalley Avenue lots where the building will be located, and the parking on Dickerman Street and Sperry, will be provided through an easement on 107 Whalley Avenue, with St. Luke's Episcopal Church. In the northeast corner of the north parking lot, a community garden area for residents is proposed, with access from the parking lot and from Sperry Street. A playground area will be provided through an easement on 16 Dickerman Street, at the rear of the 16 Dickerman Street lot, adjacent to the development's south parking lot.

Motor vehicle circulation/parking/traffic:

Two surface parking lots are proposed. These lots are not connected for vehicles but are connected via an accessible pedestrian path across an easement located on 107 Whalley Avenue.

The northeast lot contains 24 parking spaces. This lot has a one-way entrance off on Dickerman Street and entrance/exit on Sperry Street: there is one-way circulation through the north section of the lot and two-way circulation in the east section.

The second parking lot is located to the rear (north) of the proposed building. This lot contains 8 parking spaces including 2 accessible parking spaces as well as 2 loading spaces. The lot is accessed through a two-way driveway off Whalley Avenue. There is one-way circulation within this lot around a center median.

The total of 32 spaces accommodate the four spaces required for the commercial uses, and ~0.5 parking spaces per dwelling unit.

Planning Staff note that one of the goals of the Commercial Gateway District is to, "encourage the development of safe, efficient, user-friendly pedestrian, bike and transit systems." Instead of a parking requirement in the CGD there is a parking *maximum* of one space per dwelling unit. This project does not exceed the maximum, and provides robust onsite pedestrian pathways, as well as ample bicycle parking as described below.

Bicycle parking: 36 long-term, indoor bicycle parking spaces and 11 temporary bicycle parking spaces are proposed.

Trash removal: A dumpster is located in the northeast parking lot. A trash hauler will enter the lot to pick up and remove refuse. Residents have trash room on each floor of the building. Building staff will take the trash out to the dumpster.

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: 3,205 CY

Start Date: TBD

Completion Date: 6 months after start

Responsible Party for Site Monitoring:

Brian Baker, Civil
203-266-0778
brian@civill.com

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 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: 24,582 SF
50% of non-roof hardscape: 12,291 SF

Shaded (average)	-
SRI > 29	12,626 SF
Cement	7,527 SF
Parking striping	-
StreetBond coating	5,099 SF
TOTAL PROPOSED SHADED/HIGH SRI AREA	12,626 SF
% SHADED/HIGH SRI PROPOSED	51.4%

Sec. 50. Inclusionary Zoning: EXEMPT PER NHZO SECTION 50(c)2(c)-Subject to a restricted housing agreement. Note: The project is in the Strong Market area which would require 2.75 units to be affordable at 50% AMI or below. The project exceeds this by providing 44 affordable units consistent with the requirements of the Low-Income Housing Tax Credit program.

Project Timetable: August 2023-August 2024

PLANNING CONSIDERATIONS

This project is the first major development (and second overall development) proposed since the Whalley Avenue Commercial Gateway District (CDG) overlay was passed in January 2020. The Commission recently approved a smaller development at 8 Whalley Avenue. Planning Staff see the project as being well-aligned with the goals of the CGD based on the density of residential units, active commercial first-floor, quality resident amenity and open space, and affordability component. This project will consist of 55 units, with 11 market rate units and 44 affordable units consistent with the requirements of the Low-Income Housing Tax Credit program. Per NHZO Section 41, “The purpose of the Commercial Gateway District is to encourage the development of a complementary mixture of appropriately intensive commercial and higher-density residential land uses that serve as strong gateways to Downtown. CGDs are intended to be pedestrian-friendly, livable, urban neighborhoods that link to Downtown and provide a transition to surrounding lower-density residential uses.”

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: March 15, 2023
Leslie Radcliffe
Chair

ATTEST:



Laura E Brown
Executive Director, City Plan Department