

## NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

**RE:** **PARCEL B 101 COLLEGE STREET.** Special Permit for a construction staging area on Parcel B for 101 College Street LLC. (Owner: City of New Haven; Applicant: 101 College Street LLC; Agent: Carolyn Kone of Brenner, Saltzman & Wallman LLP.)

**REPORT:** **1584-03**

**ACTION:** **Approval With Conditions**

**Submission:** Special Permit Application, Filing Fee and Original Drawing Set **received April 26, 2021.**  
Revisions to Drawing Set **received May 13, 2021.**

### BACKGROUND

The applicant, 101 College Street LLC., seeks a Special Permit pursuant to the City of New Haven Zoning Ordinance Sections 64(e) and 42, Table 3, Paragraph O; Construction & Related Goods & Services, for an off-site construction staging area in excess of 1,000 sq ft on a parcel within the BD-3 Central Business/Mixed Use District. The off-site construction staging area is proposed to be used by the applicant for the temporary storage of soil, materials, construction equipment and construction vehicles in connection with the development of a twelve-story 497,762 gross sq ft mixed use building.

**Current site conditions:** The site, a portion of the former Route 34 State Highway is bounded by College Street, Rev. Martin Luther King, Jr. Boulevard, Church Street, and on the south by South Frontage Road. The site is owned by the City of New Haven and is an integral part of the Downtown Crossing construction project, currently used by CJ Fucci Construction (Downtown Crossing Phase 2) and Manafort Brothers Incorporated (Phase 3), together with various subcontractors. An active slip ramp and construction site access routes are currently in place on Parcel B in association with the Downtown Crossing project. This slip ramp is temporary, however, as part of a commitment to the maintenance and protection of traffic, access is also provided via service drives through the site to and from the 100 College Street Garage, the Air Rights Garage and the loading docks for Yale-New Haven Hospital through the duration of construction activities.

**Proposed Activity:** The Applicant has proposed to utilize a parcel bounded on the west by College Street, on the north by Rev. Martin Luther King, Jr. Boulevard, on the east by Church Street, and on the south by South Frontage Road, known as “Parcel B” on submitted plans, Drawing Exhibit B submitted 05.13.2021. Parcel B is proposed to be used as an off-site construction staging area to store soil removed from the 101 College Street site and as a lay down area for construction materials, equipment and vehicles. The use of Parcel B will be dynamic in nature and will involve two phases. The use by the applicant is subject to cooperation and prior agreement with the City’s Contractor on the access and location of storage and equipment.

The first phase, “Phase 1” beginning June 2021 and lasting through February 2022. “Phase 1” will include the creation of a soil stockpile located on the northeast corner of Parcel B and will consist of 2,000 – no more than 3,000 cubic yards of soil. “Phase 2”, beginning at the end of February 2022 and lasting though June 2022 will include an additional stockpile located to the west and the south of “Phase 1” stockpile. Together, both stockpiles will not exceed 5,000 cubic yards of soil in total. Some of this soil will be used by the City of New Haven in connection with the infield area associated with the

Downtown Crossing project. The remaining soil will be transported off-site. “Phase 2” is expected to be completed by June 2022, and Parcel B is expected to be needed for utilization though completion of the 101 College Street LLC construction, now scheduled for June of 2023.

**PUBLIC HEARING**

This action was heard within the public hearing portion of the May 19, 2021 City Plan Commission Meeting. The meeting was hosted on the Zoom Platform and started at 7PM.

**SPECIAL PERMIT**

Section 64(e) of the New Haven Zoning Ordinance states:

Special permit defined. A land use permitted when the City Plan Commission finds that the standards for the use as contained within this Ordinance have been met. Only those uses designated as needing a special permit in section 42: Use Table and in Table 1: Permitted Uses in Residential Districts may be permitted by special permit.

Section 42, Table 3, Paragraph O; Construction & Related Goods & Services, states that off-site construction staging areas in excess of 1,000 sq ft can be granted via special permit in the BD-3 zone.

Special Permit Criteria	Comments
<p>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.</p>	
<p>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.</p>	<p><i>The proposed temporary off-site construction staging area is allowed by Special Permit in the subject zoning district pursuant to the sections referenced above. The temporary nature of a construction staging area is consistent with the special permits term of use which is 5 years. It is expected that construction related materials and staging activities will be removed at the completion of construction of the building, plaza and landscaped infield area.</i></p>
<p>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.</p>	<p>The proposed use is in accordance with Vision 2025, the City’s Comprehensive Plan of Development, which includes recommendations that multistoried, high-rise buildings suitable for medical research and office use be built on parcels close to Route 34 East (Downtown Crossing). The use of Parcel B as a temporary off-site construction staging area with proper erosion and sedimentation controls will also enable swift and efficient development while being good stewards of the site during construction.</p>

<p>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.</p>	<p>There are no natural features on Parcel B. Parcel B is a portion of former State Route 34.</p>
<p>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.</p>	<p><i>Soil erosion and sedimentation control measures in compliance with City and State regulations will be used to control dust and sedimentation from leaving the site.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>There are no historical features on Parcel B and Parcel B is not located within a local or federal historic district.</i></p>
<p>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.</p>	<p><i>Not applicable to a construction staging site.</i></p>
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p><i>If the aforementioned environmental hazards of air, noise and soil erosion or sedimentation are not properly controlled the use of a site as a construction staging site could have a detrimental effect on surrounding property values.</i></p>
<p>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, 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><i>As the use of this site will be dynamic and at times shared with the City's Downtown Crossing contractor, traffic impacts may arise. There will need to be continued and on-going consideration of traffic and loading patterns through the associated projects' MTP and working group coordination meetings.</i></p>

**CONDITIONS OF APPROVAL:**

The conditions of approval of this Special Permit under Sections 64 and 42 of the City of New Haven Zoning Ordinance:

1. Special Permit must be filed on the land records of the City of New Haven before issuance of building permits. A digital copy of the recorded site plan shall be provided to staff (.pdf).
2. The Special Permit for Parcel B is subject to coordination and agreement between the Applicant and MBI as governed by contractual agreement(s) with the City of New Haven. This coordination shall be done through bi-weekly coordination meetings convened by the City to address any issue which may arise of schedule, logistics and lay down space with the goal of maintaining the schedule and not increasing costs to the City.
3. A non-exclusive easement, allowing Downtown Crossing and the Applicant to utilize Parcel B, will be finalized with agreement by the City of New Haven prior to any use of Parcel B by the applicant.
4. The Special Permit is for the 101 College Street project, is temporary in nature and will run until the substantial completion of construction of the 101 College St. LLC project, at which time the Special Permit will terminate and the construction-related storage and staging activities must be removed from Parcel B.

**ADOPTED:** May 19, 2021  
Leslie Radcliffe  
Chair

**ATTEST:**



Aicha Woods  
Executive Director, City Plan Department