

NEW HAVEN CITY PLAN COMMISSION SITE PLAN REVIEW

RE: Site Plan Review for an adaptive reuse and renovation of an existing 8 story mixed use building within the BD1 zone. (Owner/Applicant: 129 Church St LLC.; Agent: Gregory P. Muccilli of Shipman & Goodwin LLP.)

REPORT: 1586-01

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 June,16, 2026. 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. 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.
9. Any milling and repaving of the street shall be completed by the applicant, prior to issuance of Certificate of Occupancy or release of Site Bond in accordance with the Code of General Ordinances, Chapter 27, Article III, Section 27-79(h).
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. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
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. 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).

ADDITIONAL CONDITIONS OF APPROVAL

14. The Commission finds the application meets the requirements for the reflective heat index section 60.3
15. The Commission finds that exterior lighting conditions (Section 60.1) are not applicable to this application
16. The applicant will verify the stormwater is separate from the sanitary sewer (and if not, will separate them)
17. The applicant will undertake all reasonable efforts to work with the City Engineering Department to site a bioswale at the front of the property.

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, NARRATIVE attached.
Application fee: \$360.**

- Application Packet. Received May 20, 2021. Revision received June 4, 2021, including:
 - Transmittal letter from Shipman & Goodwin LLP to the CITY Plan Commission dated May 20, 2021.
 - Application form for Development Permit
 - Letter from New Haven Parking Authority dated April 19, 2021
 - Proposed Drainage Exemption dated May 20, 2021, prepared by Fuller Engineering & Land Surveying, LLC
 - Site Photos of Existing Use
 - Site Development Plan
 - Sanitary Sewer Report dated May 20, 2021, prepared by Fuller Engineering & Land Surveying, LLC
- Architectural drawings. 23 sheets. Received May 20, 2021. Revision received June 4, 2021. Revision received June 8, 2021. Revision received June 15, 2021.
- Civil Set. 3 sheets. Received May 20, 2021. Revision received June 4, 2021.
- Supplemental submission including Transmittal letter from Shipman & Goodwin LLP and photographs. Received June 4, 2021.
- Notice letters dated May 26, 2021. Received June 4, 2021.

PROJECT SUMMARY:

Project: Repurpose and renovate the existing 8-story commercial building into a mixed-use building

Address: 129 Church Street

Site Size: 0.33 Acres

Building size: 106,865 sq ft (Gross area)

Zone: BD1

Parking: No parking provided on site. Parking spaces will be leased.

Owner: 129 Church St LLC

Phone: (203) 624-0642

Applicant: Same as above

Phone:

Agent: Gregory P. Muccilli-Shipman & Goodwin LLC

Phone: (203) 836-2806

Site Engineer: Douglas R. Reich, RL.

Phone: (203) 336-4422

BACKGROUND

Zoning:

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BD1 zone.

Site description/existing conditions: 129 Church Street encompasses an area of approximately 0.33 Acres. It is occupied by an 8 stories commercial building. The building occupies nearly the entire lot. The site is bounded by commercial buildings to the north east and south, and by Church Street to the west.

Proposed activity: Repurpose and renovate the existing 8-story commercial building, built circa 1912, into a mixed-use building with commercial use on the first and second floors, and residential use on the third (3rd) through ninth floors including tenant amenity space (fitness center, a game room, community room, and a lobby/lounge) on the lower level and second floor. The project will include overall 92 residential dwelling units consisting of studio, one and two-bedroom units.

Motor vehicle circulation/parking/traffic: 42 parking spaces will be leased from the New Haven Parking Authority at the 270 State Street Garage for a ten-year period.

Bicycle parking: Secure indoor parking to be located in the lower level of the existing building will be able to accommodate secure indoor parking for at least 12 bicycles.

Trash removal: Rubbish is currently stored behind the existing fire escape located behind the building and in a trash room located within the basement of the existing building, and is removed from the premises three times per week via street 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: 0

Start Date: January, 2022

Completion Date: January-March, 2022.

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 5 acres or less (“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: The building covers almost the entire lot, and thus compliance with Section 60 is not feasible.

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: Not Applicable- There will be no changes to the existing exterior lighting which services the site.

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: The applicant has requested a waiver from meeting RHI standards.

The existing building occupies nearly the entire lot, and as such the total area of non-roof hardscape is 1,685 square feet, equaling eleven and four tenths percent (11.4%).

The applicant suggests that because the building is existing and there will be no exterior work performed at the Site the requirements for Reflective Heat Index plans should be waived.

The applicant seeks a waiver from Section 60.2(C)(3) of the City’s Zoning Ordinance.

Section 60.2(C)(3) of the City’s Zoning Ordinance states **“The requirements of this section may be waived by the commission with jurisdiction based on a showing that the applicant cannot achieve the 50 percent level using reasonable methods but has otherwise maximized the percentage achieved and provided that the applicant cannot reach the equivalent level of reduction using high SRI value material on flat roof surfaces.”**

That the City Plan Commission typically has not provided a waiver of this requirement in the past.

The City Plan Commission should consider whether other concessions can be made so that the applicant meets the requirement.

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:

1,685 SF
842 SF

Shaded (average)	xxx SF
SRI > 29	xxx SF
Cement	xxx SF
Parking striping	xxx SF
StreetBond coating	xxx SF
TOTAL PROPOSED SHADED/HIGH SRI AREA	xxx SF
% SHADED/HIGH SRI PROPOSED	xxx%


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: June 16, 2021
Leslie Radcliffe
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department