

## NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW

**RE:**           **501-585 LONG WHARF DRIVE-** Coastal Site Plan Review to Allow for Residential Use Up to 500 Apartments Located at 501-585 Long Wharf Drive (Including MBLU Nos. 205 0529 00102, 205 0529 00202, 205 0529 00102, 080 0530 00101, and 205 0529 00300) (Owner: Lynn Fusco; Agent: Matthew Ranelli, Shipman & Goodwin, LLP.)

**REPORT:**    **1593-01**  
**ACTION:**    **APPROVE**

### **SUBMISSION**

Submission dated and received September 1, 2021

Planned Development District Amendment and Coastal Site Plan Review Application, received by the Board of Alders; Including: a Cover Letter, Narrative, General Plans, Petition for Planned Development District Modification, DATA, WORKSHEET, SITE, SESC, and CSPR forms. Application Fee: \$1,500.

#### **General Plan Submission:**

Traffic Review Impact Study, dated August 2021, prepared by SLR Consulting

Coastal Resources Assessment, dated August 2021, prepared by SLR Consulting

General Signage Proposal, submitted by Agent, dated September 23, 2021

Zoning Data Table, on Plan Set Title Sheet

Proposed Project and Phasing Timeline, submitted by Owner, dated September 17, 2021

Stormwater Management Report, dated August 2021, prepared by SLR Consulting

Communication and Storm Preparedness Plan, dated August 2021, prepared by SLR Consulting

Notification Letters to South Central Regional Water Authority and State Department of Public Health

Plan Set: 51 Pages Dated August 2021 Prepared by SLR Consulting & CUBE3

Civil Engineering Set includes:

TITLE SHEET, SITE PLAN RENDERING, CONCEPTUAL RENDERING, PROPERTY AND TOPOGRAPHIC SURVEY DATED MAY 19, 2020 PREPARED BY MILONE & MACBROOM, EXEXISTING CONDITIONS AND REMOVAL PLAN, SITE PLAN – LAYOUT, SITE PLAN – LANDSCAPING, SITE PLAN – LIGHTING, SITE PLAN – GRADING, SITE PLAN – UTILITIES, SEDIMENT AND EROSION CONTROL PLAN, SEDIMENT AND EROSION CONTROL SPECIFICATION AND DETAILS, REFLECTIVE HEAT IMPACT STUDY, PHASE - 1 CONSTRUCTION SEQUENCE, SITE DETAILS

Architectural Drawings include:

COVER SHEET, OVERALL PLAN - LOWER LEVEL, BUILDING 1 - LOWER LEVEL, BUILDING 2 - LOWER LEVEL, OVERALL PLAN - TYPICAL GROUND LEVEL, BUILDING 1 - GROUND LEVEL, BUILDING 2 - GROUND LEVEL, OVERALL PLAN - SECOND LEVEL, BUILDING 1 - SECOND LEVEL, BUILDING 2 - SECOND LEVEL, OVERALL PLAN - TYPICAL LEVEL, BUILDING 1 - TYPICAL LEVEL, BUILDING 2 - TYPICAL LEVEL, OVERALL PLAN - THIRTEENTH LEVEL, BUILDING 1 - THIRTEENTH LEVEL, OVERALL PLAN - FIFTEENTH LEVEL, BUILDING 2 - FIFTEENTH LEVEL, OVERALL PLAN - ROOF PLAN, BUILDING 1 - ROOF PLAN, BUILDING 2 - ROOF PLAN, BUILDING 1 - OVERALL ELEVATIONS, BUILDING 1 - OVERALL ELEVATIONS, BUILDING 2 - OVERALL ELEVATIONS, BUILDING 2 - OVERALL ELEVATIONS, BUILDING 1 - OVERALL BUILDING SECTIONS, BUILDING 2 - OVERALL BUILDING SECTION

## PROJECT SUMMARY

**Project:** Fusco Long Wharf Phased Residential Development

**Address:** 501-585 Long Wharf Drive Including MBLU Nos. 205 0529 00102, 205 0529 00202, 205 0529 00102, 080 0530 00101, and 205 0529 00300.

**Site Size:** ± 4.3 acres

**Zone:** PDD #53

**Applicant/Owner:** Lynn Fusco, Fusco Harbor Associates LLC.,  
and Fusco Maritime Associates LLC.

(203) 777-7451

**Agent:** Matthew Ranelli, Shipman & Goodwin LLP

(203) 836-2805

**Architect:** Brian P O'Connor, CUBE3

(978) 989-9900

**Engineer:** Milone & MacBroom, Inc., SLR Consulting

(203) 271-1773

**City Lead:** City Plan Department

(203) 946-6379

## PROPOSED ACTIVITY

Modification of an existing Planned Development District (PDD) #53 to allow residential use up to 500 apartments located at 501-585 Long Wharf Drive. The proposed General Plans under review include demolition of the existing commercial building and parking lot and the construction of two new mixed-use buildings of 13 and 15 stories respectively, consisting of up to 500 residential units. Associated parking and open space as well as commercial, retail and entertainment spaces. General Plans also include a pedestrian plaza with sculptures, public seating/gathering spaces and an elevated boardwalk.

The proposed infrastructure will be served by municipal sewer and water. The proposed buildings will be 25' + from the coastal jurisdiction line and will be positioned in the southwest portion of 501 Long Wharf Drive and the northwest portion of 555 Long Wharf Drive. The lower levels of the buildings will be used as open, floodable parking garages and commercial areas with residential on the upper floors (entering at elevation 15'). The buildings will be constructed to resist hydrostatic and hydrodynamic wave loads as well as debris loads. The buildings will be constructed to velocity flood zone standards and will be designed to National Flood Insurance Program (NFIP) and CT Building Code standards.

The proposed work is confined to developed areas. The proposed actions will cut 3,157 cubic yards of material and fill 6,806 cubic yards of material. The purpose of the fill is to raise the buildings and help facilitate pedestrian circulation around the project area. No structural fill is proposed.

## BACKGROUND

**Pending Actions from the City Plan Commission:** A Public Hearing (October 6, 2021) and associated Advisory Report concerning the Petition for a Zoning Ordinance Text Amendment to modify Planned Development District #53 for Residential Use Up to 500 Apartments Located at 501-585 Long Wharf Drive. Reference companion CPC Report 1593-02.

**Pending Action from the City of New Haven Board of Alders Legislative Committee:** A Public Hearing (October 27, 2021) for a Zoning Amendment to Modify Planned Development District #53 and a Coastal Site Plan Review to allow residential use up to 500 apartments located at 501-585 Long Wharf Drive.

**Pending Actions from CT DEEP Land and Water Resources Division:**

Pursuant to the Connecticut Coastal Management Act and the Municipal Coastal Management Review Process, a project site within the coastal boundary which includes a change in zoning map or regulation must be referred to CT DEEP Office of Long Island Sound Programs and the Land and Water Resources Division. The Commission

must allow DEEP 35 days for review and comment before it may ender its decision. This application was referred to CT DEEP on September 20, 2021 as such the 35 day comment period ends October 25, 2021.

**Zoning:**

The underlying zones of PDD#53 include BC (Marine Commercial) and IH (Heavy Industrial). In the existing PDD#53 stated uses include: all uses in the BC zone, fishing uses in conjunction with marina related development, general office, food specialty store, photographic studio, eating and drinking places, home goods and furnishings, gyms, health, fitness and commercial swimming facilities. The proposed use which has facilitated the application to the Board of Alders for PDD modification, is residential.

PDD 53 currently contains limited zoning criteria that were deviations from the underlying IH and BC zoning requirements in place at the time of the PDD creation. The applicant is amending and restating, in their entirety, the zoning deviations for the entire PDD with this application, as follows:

<b>Zoning Data Table</b>	<b>Existing PDD</b>	<b>Propose PDD</b>
Floor Area Ratio	1.0 BC and IH Zones = 2.0	2.58
Dwelling Units Density	not permitted no requirements	410 95 Units/Acre
Maximum Building Coverage	no requirement	21.87% (3 Parcels)
Maximum Height	no requirement	Building 1 ~158' Building 2 ~169'
Min. Lot Area	no requirement	187,330 SF/4.3 Acres
Min. Lot Width	no requirement	515.40 (H-1 & LWDA-4)
Front Yard Setback	no requirement	10'-0"
Rear Yard Setback	no requirement	10'-0"
Side Yard Setback	no requirement	10'-0"
Usable Open Space	no requirement	456.9 SF per unit

At this stage, a detailed site plan review has not been conducted. Site conditions such as motor vehicle circulation, parking, traffic, bicycle parking, signage and trash removal are not fully developed at this General Plan stage of the application. Although the General Plans do include elements of a Site Plan Review's required submissions they have not been advanced in detail or reviewed by the City's full Site Plan Review team.

Pending PDD zone modification approval, a Detailed Site Plan Review will assess the application's submission requirements in relation to New Haven Zoning Ordinance; Sec. 58 Soil Erosion and Sediment Control, Sec. 60 Stormwater Management, Sec. 60.1 Exterior Lighting and Sec. 60.2 Reflective Heat Impact.

**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.

As detailed in the Coastal Site Plan Review application materials (specifically the Coastal Resources Assessment, dated August 2021, prepared by SLR Consulting) Characteristics and Condition of Coastal Resources at or Adjacent to the site as well as the general site description are as follows:

**General Site Description:** The site consists of three parcels owned by Fusco Maritime Associates LLC., 501 and 555 Long Wharf Drive as well as an unnumbered parcel (MBLU 205 0529 00201 Long Wharf Drive). The site is bordered by Long Wharf Drive to the north, the Ceccarelli Hursh Group – Ameriprise Financial to the east, the New Haven Canal Dock Boathouse to the west and New Haven Harbor to the South. The southern and western portions of the property are bounded by a seawall with approximately 700 linear feet of frontage along the New Haven Harbor.

Currently, one commercial building is located in the southwest portion of the project site. The building, associated parking lot and other impervious surface comprise 2.96 acres (69%) of the 4.3 acre site. 1.46 acres are maintained lawn and the remainder of the site is occupied by the New Haven Harbor. The primary soil type within the project area is Udorthent, or Human Transport Fill Material (HTM) per the US Dept of Agriculture Natural Resources Conservation Service (USDA NRCS) web soil survey mapping. No work is proposed within the Harbor and all work will be located in the previously developed, upland area.

The project site is located entirely within the FEMA Special Flood Hazard Area (FEMA Map 09009C0441J, effective 07/08/2013). The majority of the upland site is located within Zone AE (elevation 13'), the eastern portion of the seawall is within a Zone VE (elevation 16') and the western portion of the seawall is within Zone VE (elevation 13'). The coastal jurisdiction line, at elevation 4.6' NAVD, is located at the face of the seawall.

As detailed in the application's Coastal Resources Assessment Letter, provided by SLR Consulting, dated August 2021, the following coastal resources are on or adjacent to the site; General Coastal Resources Coastal Hazard Area, Coastal Waters, Estuarine Embayments, Nearshore Waters and Offshore Waters and Developed Shorefront. SLR Consulting evaluated the character of the existing coastal resources and the potential impacts on said resources within the context of the proposed General Plans. The concluded that they extent and nature of the coastal resources will not be "physically modified" by the proposed activities. Furthermore, the Coastal Resources Assessment Letter describes the proposed project as "designed to maintain protected interests identified within the Connecticut Coastal Management Act". Claiming that, " given that direct activities are proposed within existing developed areas and indirect activities are managed in the long term by stormwater design and a flood contingency plan, the proposed project may be constructed in a manner so as not to adversely affect coastal resources."

The Coastal Use and Activity Policies and Standards applicable to this proposed activity are detailed below. Staff comments are in italics.

**General Development – CGS 22a-92(a)(1), 22a-92(a)(2), 22a-92(a)(9):**

22a-92(a)(1) To ensure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth; (2) To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477; (9) To coordinate planning and regulatory activities of public agencies at all levels of government to ensure maximum protection of coastal resources while minimizing conflicts and disruption of economic development;

*The proposed residential use and General Plans of this project are proposed in a manner that is consistent with the capability of the land and water resources to support development, preservation and use without significantly disrupting the natural environment or sound economic growth.*

**Water Dependent Uses – CGS 22a-92(a)(3) and 22a-92(b)(1)(A) and definition CGS 22a-93(16):**

22a-92(a)(3) To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters;

22a-92(b)(1)(A) To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas;

Definition CGS 22a-93(16) “Water-dependent uses” means those uses and facilities which require direct access to, or location in, marine or tidal waters and which therefore cannot be located inland, including but not limited to: Marinas, recreational and commercial fishing and boating facilities, finfish and shellfish processing plants, waterfront dock and port facilities, shipyards and boat building facilities, water-based recreational uses, navigation aides, basins and channels, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or process water which cannot reasonably be located or operated at an inland site and uses which provide general public access to marine or tidal waters;

*Through preserving the public harbor walkway and establishing a destination for the public, the proposed actions are critical for the implementation of the Long Wharf Responsible Growth Plan and place priority on water dependent uses, pursuant to definition CGS 22a-93(16).*

**NOTE:** This application was a mandatory referral to CT DEEP Land and Water Resources Division and the CT National Flood Insurance Program Coordinator for review due to the associated zoning amendment. As of the initial, scheduled public hearing date regarding this proposal, their comments had not been received. In an email communication with the Reviewer, a formal request was made to keep this public hearing item open until comments are received. Comments from DEEP, received October 20, 2021, centered on CGS 22a-92(b)(2)(F), detailed below.

**Policies Concerning Coastal Land and Water Resources within the Coastal Boundary – CGS 22a-92(b)(2)**

22a-92(b)(2)(F) to manage coastal hazard areas so as to ensure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect commercial and residential structures and substantial appurtenances that are attached or integral thereto, constructed as of January 1, 1995, infrastructural facilities or water dependent uses;

*It is the recommendation of the Commission that the proposed use and General Plans are aligned with the vision put forth in the City of New Haven's Comprehensive Plan, specifically the Long Wharf Responsible Growth Plan, "The Plan". The Plan proposes a comprehensive strategy for transforming the Long Wharf Area into a series of diverse and walkable mixed-use districts, each focused on an entirely new public realm. The Plan addresses the area's resilience against future climate-change induced weather events and sea level rise; needed infrastructure improvements to support new development; and the anticipated costs and revenues associated with the proposed development. Additionally, it is the finding of the Commission that the proposal is actionable pursuant to CT State Building Code, New Haven's Flood Damage Prevention Ordinance and FEMA guidance for residential construction in a Special Flood Hazard Area.*

<b>Coastal Program Criteria</b>	<b>Comments</b>
1. Potential adverse impacts on coastal resources and mitigation of such impacts as defined in CGS 22a-93(15)	<i>Potential adverse impacts on the identified coastal resources and water-dependent uses, listed above, have been reviewed. The proposed actions and uses are designed to be in harmony with the Connecticut Coastal Management Act as described in Connecticut General Statutes (CGS) Section 22a-90 through 22a-112. As detailed in the Applicant's Coastal Resources Assessment Letter, dated August 2021, potential adverse impacts are not anticipated.</i>
2. Potential beneficial impacts	
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	<i>The project is located entirely within a Special Flood Hazard Area, however, the proposed buildings will be designed in accordance with FEMA guidance, New Haven's Building Code and the Flood Damage Prevention Ordinance. Potential adverse impacts to coastal resources are addressed with stormwater management and flood contingency planning in the long term as well as sedimentation and erosion control during construction.</i>
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	<i>No. There are no proposed replacements of water-dependent uses with non-water dependent uses.</i>
5. Have efforts been made to preserve opportunities for future water-dependent development?	<i>The proposed project is consistent with Long Wharf Responsible Growth Plan objectives and promotes water dependent activity through the maintenance of coastal resource conditions and functions.</i>
6. Is public access provided to the adjacent waterbody or watercourse?	<i>Yes, the public Harbor Walk will remain and continue to provide visual access to the New Haven Harbor.</i>
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)?	<i>The General Plans do not include a shoreline flood and erosion control structure.</i>
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'.	<i>The General Plans do not include work below the Coastal Jurisdiction Line/New Haven Coastal Jurisdiction Line (elevation 4.6')</i>

**PROJECT TIMETABLE**

Pending a PDD Amendment in Winter of 2021, the applicant anticipates commencing the design phase in early 2022 with a Detailed Site Plan application sometime in Summer of 2022. Construction of Phase 1 (Building 1) is

estimated to take 19 months, as referenced in the Construction Sequence sheet (PH-1) of the Plan Set submission dated August 2021. Provided New Haven rental market factors and financing remain favorable, the applicant assumes the start of construction on Phase 2 (Building 2) to begin on or around the completion of Phase 1. It is estimated that the total project duration 36 months from Fall of 2022 to Fall of 2025.

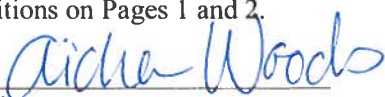
**COASTAL FINDING**

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.

**ACTION**

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

**ADOPTED:** October 20, 2021  
Leslie Radcliffe  
Chair

**ATTEST:**   
Aicha Woods  
Executive Director, City Plan Department

**ADOPTED:** October 20, 2021

**ATTEST:**   
James Turcio  
Building Official