

## NEW HAVEN CITY PLAN COMMISSION DETAILED PLAN REVIEW

**RE:** 20 & 34 FAIR STREET (MBLU: 225 0532 00700 & 225 0532 00300). Detailed Plan Review for construction of a new 7 story transit oriented, mixed use development within an approved Planned Development Unit (PDU) located in the underlying BA (General Business) Zone, with parking and commercial use at street level and a public plaza. (Owner: Fair Properties, LLC.; Agent: Gregory P. Muccilli of Shipman & Goodwin LLP.; Applicant: 20 Fair LLC.)

**REPORT:** 1594-01

**ACTION:** Approval with Conditions

### CONDITIONS OF APPROVAL

#### STANDARD CONDITIONS OF APPROVAL

1. Pursuant to State Statute, this detailed 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 21, 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 Detailed 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. Comments under **ADDITIONAL CONDITIONS OF APPROVAL** shall be reviewed with the City Plan Department and resolution reflected on final plans, prior to their circulation for signoff.
5. 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.
6. 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.
7. 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.
8. 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.
9. Any proposed work within City right-of-way will require separate permits.
10. Prior to issuance of Building Permit, street address(es) shall be assigned by the City Engineer.

11. 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.
12. Any proposed removals of street trees must be coordinated with the Department of Parks, Recreation, and Trees prior to sign-off for building permits.
13. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
14. 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.
15. 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**

16. Prior to City Plan final sign-off on plans for building permit, the applicant must in consultation with the City Engineer, reconcile any potential drainage issues or ponding associated with proposed “bumpouts” within the right-of-way.

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, and SESC forms.**

**NARRATIVE attached. Application fee: \$540. Received September 21, 2021.**

- Drawing List, 34 Sheets, Submitted September 16, 2021; Revised September 29 and October 8, 2021
- Hard Copy of Planned Development Unit Detailed Plans, Dated September 16, 2021
- Planned Development Unit Application and General Plans Approval Letter issued by the Board of Zoning Appeals on August 10, 2021.
- Stormwater Management Analysis, prepared by Langan Engineers, dated September 16, 2021; Revised September 28 and October 9, 2021
- Geotechnical and Environmental Due Diligence Evaluation, prepared by Haley & Aldrich Inc., dated October 5, 2021, Received October 9, 2021.

#### **PROJECT SUMMARY:**

**Project:** 20 & 34 Fair Street Planned Development Unit Detailed Plans  
**Address:** 20 & 34 FAIR STREET (MBLU: 225 0532 00700 & 225 0532 00300).  
**Site Size:** 1.2 Acres  
**Zone:** The underlying Zone is BA (General Business)  
**Financing:** Private  
**Parking:** 72 parking spaces located in a single-level garage and on site, 4 ADA Accessible 2 loading spaces 37 Bicycle Spaces (6 short term and 31 long term)  
**Owner:** Fair Properties, LLC. **Phone:** 203-777-8172  
**Applicant:** 20 Fair, LLC. **Phone:** 516-551-0221  
**Agent:** Gregory P. Muccilli of Shipman & Goodwin LLP **Phone:** 203-836-2806  
**Site Engineer:** Timothy Onderko of Langan Engineering **Phone:** 203-784-3042  
**Architect:** Walter Ploskon of Niles Bolton Associates **Phone:** 703-836-0915  
**City Lead:** City Plan Department **Phone:** 203-946-6379

## **BACKGROUND**

### **Previous CPC Actions:**

**CPC Report 1589-17** An advisory report to the Board of Zoning Appeals, approving a Special Exception to permit a 186 dwelling Planned Development Unit. Zone: BA

### **Zoning and Previous Board of Zoning Appeal Actions:**

The applicant was granted a Special Exception by the Board of Zoning Appeals for a Planned Development Unit under Section 65 of the New Haven Zoning Ordinance for residential use involving the demolition of the existing structures and construction of 186 dwelling units.

The Planned Development Unit modifies the existing BA Zone by reducing the gross floor area average for residential dwelling units from 1,000 sf to 850 sf, increasing the maximum FAR from 2.0 to 3.0, a reduction in the required off street parking spaces from 186 to 61 residential parking spaces and via variance (granted at the Board of Zoning Appeals meeting dated August 10, 2021), reducing the required amount of open space from 250 sf per residential dwelling unit to 175 sf. A Special Exception was also granted (Board of Zoning Appeals, August 10, 2021) to permit a 186 dwelling unit, Planned Development Unit.

### **Site Description/existing conditions:**

The 53,796sf parcel consists of both 20 Fair Street (45,302 sf) and 34 Fair Street (8,494sf) housing a one story 4,550sf structure (automotive garage) and a 3,440sf (automotive garage) structure respectively. The immediate area is made up primarily of multifamily dwellings and larger apartment buildings with a few mixed-use properties.

### **Proposed Activity:**

The proposed development will occupy property running along the end of Fair Street and to the West of Olive Street. The owner proposes demolition of the existing structures and development of a new, seven-story, transit-oriented mixed-use building with one hundred eighty-five (185) residential dwelling units consisting of seventy-two (85) studio units, seventy-six (65) one bedroom units, eighteen (15) two-bedroom units, ten (10) three-bedroom units and ten (10) four bedroom units, with seventy-two (72) parking spaces being located in a single-level garage and onsite, approximately 6,621 square feet of amenity space for the residents of the development and approximately 1,000 square feet of commercial space. These uses are appropriate and necessary for the integrated functioning of the PDU. Olive Street is in the process of a significant transformation with the development of 44 Olive Street a/k/a 87 Union Street into 299 apartments with approximately 8,000 square feet of retail space, the development of 630 Chapel Street (the former Comcast property) into 230 apartments with approximately 5,600 square feet of retail space across two buildings on either side of Chapel Street, and the development of 78 Olive Street into the Strouse Adler. The proposed development will further the infill development of Olive Street. Additionally the proposed plans meet the site's required open space (applicant was granted a variance by the Board of Zoning Appeals to allow 175 sf per dwelling unit) through on and off site features including; terraces, courtyards, balconies, mezzanine level outdoor spaces and the proposed Fair Street Greenway (a public plaza consisting of approximately 10,650 sf) which will re-introduce a pedestrian connection between Union Street and Olive Street.

**Circulation/Parking/Traffic:** Currently Fair Street is an existing dead-end east-west urban street and will serve as the primary access point to the site. The proposed pedestrian oriented public plaza will prohibit vehicular traffic from continuing along Fair Street and re-introduce a pedestrian connection between Olive and Union Streets. 10 vehicle parking spaces will be positioned along Fair Street just before the start of the proposed pedestrian plaza, adjacent to the bollards separating the driveway and the

greenway. The remaining 62 parking spaces will be contained within the first floor of the building within a one way parking garage. The provided traffic study, prepared by Langan, indicates that there is adequate capacity on the area street network to accommodate the new trips generated by the proposed residential development. The background peak hour traffic volumes used in the study are based on the recent traffic volumes from Langan's Traffic Impact Study for the adjacent Union Fair, 87 Union Street.

**Trash removal:** A trash room for both the retail space and residential space will be located on the first level of the building at the south east corner. These rooms upon directly onto Olive Street. Trash collection and retail loading spaces will be located at the south eastern most portion of the site to allow for garbage removal along Olive Street.

**Signage:** No signage is proposed at this time

**Detailed Plan Review of the Planned Development:**

The Detailed Plans submitted with this application are in accordance with the General Plans submitted to the Board of Zoning Appeals for the July 13, 2021 Public Hearing. The City Plan Department's analysis of the General Plans, documented in the City Plan Commission's Advisory Report CPC 1589-17, holds for the Detailed Plans and is included in abbreviated form herein, staff additions in italics. Pursuant to Section 65(a) of the New Haven Zoning Ordinance, Planned Developments and their associated Detailed Plans must be in accordance with the following objectives.

- (1) In accordance with the comprehensive plans of the city, including all plans for redevelopment and renewal;

*The New Haven Vision 2025 comprehensive plan refers to the fact that there are few opportunities for new development in the city stating that redevelopment is a central strategy in housing and neighborhood development. The plan further recommends the enhancement to the quality of the housing stock and encourages sustainable housing developments along with the provision of high-density, multi-family developments at appropriate locations throughout the city.*

- (2) Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the city;

*The proposed use of the site is largely residential which is permitted in the underlying zone at a density of 1,000sf per dwelling unit. The allowable FAR limits the overall gross floor area of a structure and therefor limits the number of dwelling units permitted as a result. By allowing for an increase in FAR the developer is able to maximize the density of the parcel. The parcel is 1.23 acres in size which is above the required minimum lot area for a residential PDU as well. When taking the proposed deviations as mentioned above into account the proposal is proportionally sound and consistent with the neighboring properties and similarly sized parcels located within the underlying zone.*

- (3) So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the city; and

*The proposed layout of the site shows the structure will take up the majority of the parcel except for the accessway between Union and Olive Streets with parking allocated/enveloped within the first floor of the structure. The landscape improvements and additional public outdoor areas will decrease the amount of impervious surface resulting in a more desirable, inviting overall character.*

- (4) So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in section 15(a)(1)g. of this ordinance.

*The approved Planned Development Unit was granted a Variance by the Board of Zoning Appeals to allow for 175 sf of usable open space per unit where 250 sf is required. This is accomplished by way of a combination of terraces, courtyards, balconies, mezzanines, and the public Fair Street Greenway. The applicant will provide a minimum of 32,375 sf of usable open space on a site that is 1.2 acres in size.*

**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:** 600  
**Start Date:** Fourth quarter of 2022  
**Completion Date:** First quarter of 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 REQUIREMENTS 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 elevation of lights;
- Manufacturer specifications or cut-sheet for each fixture;
- Photometrics.

**STANDARDS**

- Prevent or minimize direct glare and light trespass;
- All parking area lighting shall be full cut-off type fixtures and shall not exceed twenty (20) feet in height from the ground to the highest point of the fixture;
- Up lighting and high pressure sodium light sources are prohibited. Externally lit signs, display building and aesthetic lighting must be lit from the top and shine downward and not sideward or upward. The lighting must be shielded to prevent direct glare and/or light trespass. The lighting must also be, as much as physically possible, contained within the target area;
- All building lighting for security or aesthetics shall be full cut-off or shielded type, not allowing any upward distribution of light. Floodlighting is discouraged, and if used, must be shielded to prevent: (a) disability glare for drivers or pedestrians, (b) light trespass beyond the property line, and (c) light above the horizontal plane;
- Where non-residential development is adjacent to residential property, no direct light source shall be visible at the property line at ground level or above; and
- High pressure sodium and flickering or flashing lights are prohibited.

**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: 12,140 SF  
 50% of non-roof hardscape: 6,070 SF

<b>Shaded (average)</b>	<b>0 SF</b>
<b>SRI &gt; 29</b>	<b>7,733 SF</b>

Cement	4,188 SF
Pavers	3,545 SF
	SF
<b>TOTAL PROPOSED SHADED/HIGH SRI AREA</b>	<b>7,733 SF</b>
<b>% SHADED/HIGH SRI PROPOSED</b>	<b>63.7%</b>

**DETAILED PLAN REVIEW**

Detailed 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.

**ACTION**

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

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

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