

**NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW**  
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**RE:** 169 and 149 Derby Avenue. MBLUs: 338 0208 01200; 338 0208 01300. Site Plan Review and Coastal Site Plan Review to construct a new building with 64 residential units, including residential use on the ground floor, in the BA and RM-2 Zones and the Coastal Management Area. (Owner: 149 Derby Avenue, LLC; Applicant: Monarch Apartment Homes, LLC; Agent: Lewis Brown)

**REPORT:** 1621-02

**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 November 16, 2027. 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. 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.
8. Any proposed work within City right-of-way will require separate permits.
9. Prior to applying for Building Permit, street address(es) shall be assigned by the City Engineer.
10. 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.
11. Proposed removals of street trees must be coordinated with the Department of Parks, Recreation, and Trees prior to sign-off for building permits.
12. Filing (with City Plan) and implementation of a Storm Drainage Maintenance Plan and Inspection Schedule is required.
13. 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.
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).

**Submission: SPR Application Packet including DATA, WORKSHEET, SITE, SESC, and CSPR forms. NARRATIVE attached. Application fee: \$610. Received October 20, 2022.**

Received October 20, 2022:

- Site Plans, 21 sheets, dated October 20, 2022, revised November 1, 2022, November 10, 2022, and November 16, 2022
- Traffic Impact Study, 191 sheets, dated October 14, 2022, revised November 8, 2022

Received October 23, 2022

- Stormwater Report, 133 sheets, dated October 23, 2022, revised November 10, 2022 and November 15, 2022

Received November 1, 2022

- Inclusionary Zoning worksheet, 1 sheet, n.d.
- Response to comments, 5 sheets, dated November 1, 2022

Received November 4, 2022

- Project Description, 2 sheets, dated November 2, 2022

Received November 8, 2022

- Documentation on the former Whitmore Avenue, 3 sheets, dated November 7, 2022
- Certification of Abutters Noticing (for Special Permit hearing), 6 sheets, dated November 8, 2022

#### **PROJECT SUMMARY:**

**Project:** Construction of a new building with 64 residential units

**Address:** 169 and 149 Derby Avenue

**MBLUs:** 338 0208 01200; 338 0208 01300

**Site Size:** 64,286 SF

**Zone:** BA and RM-2 Zones

**Parking:** 66 Spaces

**Owner:** 149 Derby Avenue, LLC

**Phone:** 203-915-9839

**Applicant:** Monarch Apartment Homes, LLC

**Phone:**

**Agent:** Lewis Brown

**Phone:** 860-916-2335

**Architect:** Crosskey Architects

**Phone:**

**Site Engineer:** Myles G. Simon

**City Lead:** City Plan Department

**Phone:** 203-946-6379

#### **BACKGROUND**

##### **Previous CPC Actions:**

CPC 1338-03: 6/17/2003 1338-03 149 DERBY Avenue. Site Plan Review inc. CSPR for 12,750 sf addition.

Applicant: New England Linen Supply

CPC 1322-23: 7/17/2002 1322-23 149 DERBY Avenue. Special exception for 47 parking spaces where 65 are required for addition to linen supply firm. Applicant: NE Linen Supply Co. Inc.

**Zoning:**

The Site Plan as submitted meets the requirements of the New Haven Zoning Ordinance for the BA and RM-2 Zones.

**Site description/existing conditions:**

The 1.67 acre site includes two parcels: 149 Derby Avenue and 169 Derby Avenue. 149 Derby Avenue is zoned RM-2 to the north and BA to the south. 169 Derby Avenue is zoned BA. The site is bordered by residential to the north, west, and east, with Derby Avenue and Ellsworth Avenue to the south. To the northwest of the site there is a discontinued street 'former Whitmore Avenue' that was discontinued by the Board of Alders in 1988. The site is currently occupied by a ~43,430SF structure made up of interconnected buildings, additions, and garages. While the structure was originally built in the early 1900s, it has been substantially altered and is not listed in any Historic Resource Inventories. The remainder of the site is bituminous pavement, with trees and vegetation bordering the northern paved parking area.

The site is located ~1,000 feet from the West River. Edgewood Park is located less than 350 feet from the site. Barnard School is located across Derby Avenue from the site.

**Proposed activity:**

The proposed development plan for the site is to demolish the existing structures, remediate the environmental issues with the site, and construct a four-story building consisting of 64 apartment homes with amenity space and a surface parking lot. The rents will be set at levels affordable to residents earning at or below 80% AMI.

The applicant proposes to repave the half of the former Whitmore Avenue right of way adjacent to their site and upgrade striping, as well as installing a concrete walkway along the edge of the building and striping eight parallel parking spaces. Both the applicant and the other property owner adjacent to the former road will continue to maintain right-of-way access over the former road, for entrance and egress from their sites, with 11-foot-minimum drive aisles.

**Motor vehicle circulation/parking/traffic:**

The surface parking lot will be accessed by two, two-way curb cuts: one off the former Whitmore Avenue paper street, and the other accessed from Ellsworth Avenue. The lot will contain 66 parking spaces including 3 accessible van spaces. Two-way circulation is proposed throughout the lot.

A Traffic Impact Study conducted by Freeman Companies was provided. The study concludes that "the proposed project is projected to generate about 20 and 28 new vehicular trips during the weekday AM and PM commuter peak hours. Capacity analyses were performed at the surrounding roadway network to evaluate levels of service. Based on this investigation and analysis, the proposed residential development is not anticipated to have a significant impact on traffic conditions..."

Traffic Engineers from the Department of Transportation, Traffic, and Parking reviewed the traffic impact study and agreed with its conclusions. While the 'level of service' at the intersection of Derby Avenue and Ella T Grasso Boulevard is currently rated 'D-approaching unstable flow,' the proposed development is not anticipated to significantly worsen the condition.

**Bicycle parking:**

An interior bicycle room is proposed with capacity for 36 bicycles. Two bicycle racks for short-term bicycle parking are proposed on site.

**Trash removal:**

Residents will deposit trash in a trash chute which will lead to a trash room. Building staff will take trash out to a dumpster located at the northeast corner of the parking lot. A trash hauling vehicle will enter the lot to empty the dumpster.



- 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: 32,717 SF  
50% of non-roof hardscape: 16,359 SF

<b>Shaded (average)</b>	<b>9,602 SF</b>
<b>SRI &gt; 29</b>	<b>8,972 SF</b>
Cement	8,972 SF
Parking striping	-
StreetBond coating	-
<b>TOTAL PROPOSED SHADED/HIGH SRI AREA</b>	<b>18,574 SF</b>
<b>% SHADED/HIGH SRI PROPOSED</b>	<b>56.8%</b>

**Sec. 50. Inclusionary Zoning: DOES NOT APPLY** (Under 75 units, outside of Core and Strong Market Areas)

**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.

**Characteristics and Condition of Coastal Resources at or Adjacent to the site:**

This is a previously developed site remote from the waterfront. No coastal resources have been identified at this site.

<b>Coastal Program Criteria</b>	<b>Comments</b>
1. Potential adverse impacts on coastal resources and mitigation of such impacts	Potential adverse impacts include runoff and soil/sediment erosion during the demolition and construction phases. The Soil Erosion and Sediment Control Plan should mitigate this impact.

2. Potential beneficial impacts	Stormwater management measures proposed will improve the quality and reduce the discharge rate of runoff from the site to the West River. As a result, the project has the potential to substantially reduce runoff to combined sewers in Derby Avenue and Ellsworth Avenue.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None identified.
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	N/A not a waterfront site.
5. Have efforts been made to preserve opportunities for future water-dependent development?	N/A not a waterfront site.
6. Is public access provided to the adjacent waterbody or watercourse?	N/A not a waterfront site.
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)?	No.
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'.	No.

**Project Timetable:** Spring 2023 to Summer 2024

**PLANNING CONSIDERATIONS**

This project proposes 64 new affordable units for the West River neighborhood at a prominent location with access to Route 34, Ella T Grasso Boulevard, and walkable and bikeable access to Edgewood Park and Barnard School. The current commercial use is surrounded by medium-density residential and the history of uses on the site have created environmental contamination with proximity to residential areas and the West River, which the Applicant proposes to remediate. Planning Staff find that this is an appropriate redevelopment of the site that will have a positive impact on the neighborhood and provide much needed affordable housing for residents of New Haven.

**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.

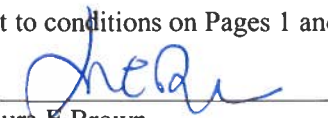
**COASTAL FINDING:**

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:** November 16, 2022  
Leslie Radcliffe  
Chair

**ATTEST:**   
Laura E Brown  
Executive Director, City Plan Department

Coastal Site Plan Review, based upon the application and materials submitted by the applicant, was conducted administratively without hearing by the City Plan Commission of the City of New Haven in accordance with the Connecticut Coastal Management Act (CGS, Sections 22a-90 to 22a-112). The Building Official hereby receives the above written findings and any conditions thereof are made conditions of the Building Permit.

**ADOPTED:** November 16, 2022

**ATTEST:** \_\_\_\_\_

James Turcio  
Building Official