

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE TEXT AMENDMENT** to modify Planned Development District #53 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) (Applicant/Owner: Lynn Fusco, Fusco Harbor Associates LLC and Fusco Maritime Associates LLC.; Agent: Matthew Ranelli, Shipman & Goodwin, LLP.)

Report: 1593-02
Advice: APPROVE

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 Area: ± 4.3 acres situated along Long Wharf Drive between the Canal Dock Boathouse and the Maritime Center

Existing Zone: PDD #53

Proposed Amendment: Modify existing Planned Development District (PDD) #53 to allow residential use up to 500 apartments located at 501-585 Long Wharf Drive.

Proposed Construction: Proposed General Plans include 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 public pedestrian plaza with sculptures, public seating/gathering spaces and an elevated boardwalk.

Applicant/Owner: Lynn Fusco, Fusco Harbor Associates LLC., and Fusco Maritime Associates LLC.
Agent: Matthew Ranelli, Shipman & Goodwin LLP
Architect: Brian P O'Connor, CUBE3
Engineer: Milone & MacBroom, Inc., SLR Consulting

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 for Zoning Text Amendment: \$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 SECTIONS

BACKGROUND/EXISTING CONDITIONS

Introduction and PDD History: As part of the Long Wharf Renewal and Redevelopment Plan, the City of New Haven first conceived of a development around Long Wharf in the early 1980's. In 1983, the City developed a Municipal Coastal Program, including a coastal management-related Master Plan and proposed zoning amendments, for the City's coastal area including Long Wharf. A large site was offered through an RFP process, and Fusco Development Corporation was selected as the preferred developer. A Development Agreement and Land Disposition Agreement (LDA) created a planned development program for the parcels to be developed by Fusco, to be called "The Maritime Center".

In May of 1984, the Board of Alders approved the Long Wharf Planned Development District (PDD) #53 (CPC Report 960-01). The purpose of the PDD was to re-develop the former industrial area and re-claim the waterfront along New Haven Harbor and historic Long Wharf, which had been cut off from Downtown New Haven by the rail yards (beginning in the 1840s) and the construction of I-95 on new landfill in the 1950s. The development was envisioned to feature retail, commercial uses and restaurants, a hotel, and a marina and harborside plaza-walkway system that would reinvigorate New Haven's waterfront – with full development to be complete by 1994. With the Department of Environmental Protection's concurrence, the City Plan Commission approved a coastal site plan review for the proposed activity within the coastal management zone.

The Long Wharf Maritime Center has not been developed to the maximum build-out envisioned by the PDD. While the entire district was intended for a variety of uses ranging from hotels to retail to restaurants, to date, the first Phases of the PDD including high rise office space, structured and surface parking, first floor retail and food service, and a single free-standing full service restaurant were constructed in three buildings and two connected parking structures along with a public waterfront walkway. The entire district was designed "to attract people to the City of New Haven and to the function of its harbor and waterfront."

PROPOSED ACTIVITY

The proposed modification of the existing Planned Development District (PDD) #53 (The Long Wharf Planned Development District) does not expand the boundaries of the PDD but expands the uses to allow residential use (up to 500 apartments) at 501-585 Long Wharf Drive.

General Plans which accompany the PDD modification include 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 public pedestrian plaza with sculptures, public seating/gathering spaces and an elevated boardwalk.

COASTAL SITE PLAN REVIEW

A concurrent application for Coastal Site Plan Review (CSPR) is separately addressed in companion CPC Report 1593-01. In summary, the Commission found the zone change to be consistent with the Long Wharf Responsible Growth Plan and to be 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. As pointed out by DEEP in their Coastal Site Plan Review and Zoning Amendment comments and further detailed in the companion CPC report for Coastal Site Plan Review (1593-01) the proposed zone change is consistent with the Connecticut Coastal Management Act (CCMA).

As each Detailed Site Plan Review submission will become the basis for a building permit, the CCMA requires submission of a separate, additional CSPR application. At that time, the Commission will again be required to address the coastal resource implications of the detailed plans, as well as mitigation measures to minimize possible environmental damages during construction.

PARKING, LOADING AND TRAFFIC

A Traffic Review Impact Study, conducted by SLR Consulting, has been submitted as part of the overall application and is under review by the Department of Transportation, Traffic and Parking (TTP's review of the study will be reported to the Board or Alders prior to final vote on the proposed PDD amendment).

PROPOSED USES – DEVIATIONS FROM UNDERLYING ZONING REQUIREMENTS

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, hotels and commercial swimming facilities. The proposed use change in this application to the Board of Alders for PDD zone 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:

<u>Zoning Data Table</u>	<u>Existing PDD</u>	<u>Propose PDD</u>
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

PLANNING CONSIDERATIONS

The City of New Haven's Long Wharf Responsible Growth 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. The Plan also calls for the development of five new walkable, mixed use neighborhoods including a residential "harbor district" located in the area of PDD 53.

The original CPC Report 960-01 (yr.1984) reasons the approval of the PDD 53 application and general plans with the following objectives. These hold true for the Amendment and General Plans set forth in this application.

"Construction of the development will create a unique complex of high architectural quality which complements the City and waterfront."

"The General Plans for the PDD show a carefully designed approach to maximize use of the waterfront site to create an open, attractive, carefully landscaped, high density environment with meaningful public access to the waterfront."

NEW HAVEN COMPREHENSIVE PLAN: SUBMISSION MEETS REQUIREMENTS

The Long Wharf Responsible Growth Plan, 2018 (formally adopted by the Board of Alders as part of the New Haven Vision 2025 Comprehensive Plan) pg. 11: The Plan characterizes the Long Wharf area as underutilized and recommends "denser development of new residential and commercial uses." The Plan also calls for the development of five new walkable, mixed use neighborhoods including a residential "harbor district" located in the area of PDD 53.

New Haven Vision 2025, Section IV: Housing & Neighborhood Planning, Identifies the Long Wharf /Belle Dock Commercial Area as a neighborhood planning opportunity to create community-focused amenities at the harbor and re-establish community access to the waterfront.

NEW HAVEN ZONING ORDINANCE: SUBMISSION MEETS REQUIREMENTS

Where the proposed modifications to an existing PDD concern more than the bulk and placement of structures and the size and shape of lots, the applicant is required to submit the Application and General Plans to the Board of Aldermen who will act upon the application as a proposed amendment to the zoning ordinance in accordance with Section 65(d)(2) of the New Haven Zoning Ordinance:

- (2) In any other case, the Application and General Plans shall be filed with the Board of Aldermen and acted upon as a proposed amendment to this ordinance. If such application and General Plans are approved by the Board of Alders, following a favorable recommendation by the City Plan Commission and after an advisory report from the Department of Traffic and Parking regarding the traffic impact study, upon specific findings that each of the objectives stated in subsection 65(a) above will be met, such approval shall be construed to amend this ordinance insofar (and only insofar) as specific deletions, additions and changes are made which are related to the land and structures in the tract, and the tract shall be designated as a separate Planned Development District provided that the requirements of subsection 65(e) below are met.

CRITERIA FOR A PDD:

- (a) *Objectives.* The provisions of this section are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this ordinance. A planned development, to be eligible under this section, must be:

STANDARDS

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

CHARTER OF THE CITY OF NEW HAVEN: SUBMISSION MEETS REQUIREMENTS

CRITERIA FOR ZONING AMENDMENTS:

ARTICLE XIII. HISTORIC AND SPECIAL ACT PROVISION OF THE CHARTER

SEC. 2 PLANNING AND ZONING:

- (B.) *Zoning authority of Board of Alders.* The Board of Alders is authorized, by Ordinance, to regulate the height and bulk of structures to be erected and to limit the use of lot areas; the minimum areas or dimensions of rear, side and front yards or outer and inner courts and other open spaces within and surrounding any structure; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to classify, regulate and restrict the location of trades and industries and the location of structures designed for special uses; to divide the City of New Haven into districts of such number, shape and areas as may be best suited to carry out the provisions of this act.

STANDARDS

- ☒ (i) uniform for each class of buildings or structures;
- ☒ (ii) made in accordance with the comprehensive plan;
- ☒ (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements; and
- ☒ (iv) made with reasonable consideration as to the character of the proposed District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

- (C.) *Zoning regulations to conform to comprehensive plan; purposes; factors considered.* Such regulations shall be made:

STANDARDS

- ☒ (i) in accordance with a comprehensive plan and shall be designed to lessen congestion in streets;
- ☒ (ii) to secure safety from fire, panic and other dangers;
- ☒ (iii) to promote health and the general welfare;
- ☒ (iv) to provide adequate light and air;
- ☒ (v) to prevent the overcrowding of land;
- ☒ (vi) to avoid undue concentration of population;
- ☒ (vii) to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements
- ☒ (viii) with reasonable consideration, as to the character of the district and its peculiar suitability for particular uses and;
- ☒ (ix) with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality

CONNECTICUT GENERAL STATUTES: SUBMISSION MEETS REQUIREMENTS

STATE CRITERIA FOR FLOATING ZONES:

CHAPTER 24. ZONING

SEC. 8-2M FLOATING AND OVERLAY ZONES AND FLEXIBLE ZONING DISTRICTS:

The zoning authority of any municipality that (1) was incorporated in 1784, (2) has a mayor and board of alderman form of government, and (3) exercises zoning power pursuant to a special act, may provide for floating and overlay zones and flexible zoning districts, including, but not limited to, planned development districts, planned development units, special design districts and planned area developments. The regulations shall establish standards for such zones and districts. Flexible zoning districts established under such regulations:

- ☒ (i) shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located;
- ☒ (ii) shall not establish a residential zone that is less restrictive with respect to uses than the "underlying zone" of the flexible zoning district;
- ☒ (iii) shall not authorize a use or expansion of a pre-existing, nonconforming use where the underlying zone is a residential zone

RECOMMENDATIONS

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.

FINDINGS AND ADVICE

Based on the information above, it is the recommendation of the Commission that the zoning ordinance text amendment is in compliance with the standards and requirements of Article XIII Sec. 2 of the Charter of the City of New Haven, Sec. 65 of the New Haven Zoning Ordinance, and Chapter 24 Sec 8-2m of the Connecticut General Statutes and should be approved.

ADOPTED: October 20, 2021
Leslie Radcliffe
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department