

CITY OF NEW HAVEN, CONNECTICUT

CITY PLAN DEPARTMENT | 165 CHURCH STREET, 5TH FLOOR, NEW HAVEN, CT 06510-2010
PHONE 203.946.6378 FAX 203.946.7815

Application for Development Permit

DATA

CHECK BOX ☒ WHERE APPROPRIATE. PRINT OR TYPE INFORMATION IN SPACE PROVIDED.

1. Project Address(es)

19 Elm Street, New Haven, CT

Tax Map-Block-Parcel(s)

224/0292/01800

Nearest Cross Streets:

Elm Street & State Street

THIS BOX IS FOR CITY USE ONLY			
	File #	Fee Paid	Date [mm-dd-yy]
<input type="checkbox"/> Check Here if Fee Exempt.			
<input type="checkbox"/> As-of Right	#	\$	/ /
<input type="checkbox"/> Zoning Relief	#	\$	/ /
<input type="checkbox"/> Development Permit	#	\$	/ /
This includes <input type="checkbox"/> Site Plan Review <input type="checkbox"/> CSPR <input type="checkbox"/> SESC <input type="checkbox"/> IW <input type="checkbox"/> Special Permit			
<input type="checkbox"/> Flood Development Permit	#	\$	/ /
<input type="checkbox"/> Performance Bond	#	\$	/ /
<input type="checkbox"/> Building Permit	#	\$	/ /

2. Property Owner Information & Consent

Name: 19 Elm LLC

Firm: 19 Elm LLC

Street Address: c/o MOD Equities LLC, 129 Church Street

City: New Haven

State: CT

ZIP: 06510

Daytime Phone: (203) 624-0642

☒ Business ☐ Home ☐ Answering Service

☒ Fax: ☐ Cell:

☒ E-Mail: jacob@modequities.com

As OWNER OF THE PROPERTY I hereby authorize this development permit application, and:

1. I consent to necessary and proper inspections of the above property by agents of the City at a reasonable time after an application is made, and
2. I certify that I am familiar with all of the information provided in this application, and
3. I am aware that any permit obtained through deception, inaccurate or misleading information is subject to revocation and penalties, and
4. I certify that this project conforms to zoning or has applied for or been granted zoning relief.

Dated: March 19, 2020

By:

Signature of **PROPERTY OWNER**

3. Applicant Information & Certification

☒ Check here if SAME AS OWNER (Fill in only if **not** same as Owner.)

Name:

Firm:

Street Address:

City:

State:

ZIP:

Daytime Phone:

☐ Business ☐ Home ☐ Answering Service

☐ Fax: ☐ Cell:

☐ E-Mail:

As APPLICANT I am familiar with all of the information provided in this application and aware that any permit obtained through deception, inaccurate or misleading information is subject to revocation and penalties.

Dated:

Signature of **APPLICANT**

4. Authorized Agent Information

☐ Check here if SAME AS OWNER (Fill in only if **not** same as Owner.)

Name: Gregory P. Muccilli

Firm: Shipman & Goodwin LLP

Street Address: 265 Church Street, Suite 1207

City: New Haven

State: CT

ZIP: 06510

Daytime Phone: (203) 836-2806

☒ Business ☐ Home ☐ Answering Service

☒ Fax: (203) 836-2802 ☐ Cell:

☒ E-Mail: gmuccilli@goodwin.com

Check ☐ One: The **AUTHORIZED AGENT** for the attached Development Application is:

☐ Lessee ☒ Attorney ☐ Architect ☐ Engineer ☐ Real Estate Agent ☐ Contractor ☐ Other-Specify

As **AUTHORIZED AGENT** I am familiar with all of the information provided in this application and aware that any permit obtained through deception, inaccurate or misleading information is subject to revocation and penalties.

Dated: March 19, 2020

DocuSigned by:
Gregory P. Muccilli
Signature of **AUTHORIZED AGENT**

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Application for Development Permit WORKSHEET

1. Calculate LOT AREA as defined by the New Haven Zoning Ordinance excluding the following categories:
- Wetlands and Watercourses as defined in Sections 22a-38 15&16) C.G.S. and appearing on New Haven County USDA Soil Conservation Service Soil Survey.
 - State-designated Tidal Wetlands defined and mapped under Sections 22a-29(a)(2) and 22a-30 C.G.S.
 - Any parcel area below the Mean High Water Mark.

LOT AREA CALCULATION WORKSHEET

ZONING LOT AREA = TAX PARCEL AREA MINUS STEP 1 TOTAL

STEP 1 Add Items A. through C. below:

STEP 2: Subtract STEP 1 TOTAL from Tax Parcel

Area:

A. Tidal Wetlands ----- 0 SF

B. Area below Mean High Water Mark ----- 0 SF

C. Inland Wetlands & Watercourses ----- 0 SF

= STEP 1 TOTAL 0 SF

TAX PARCEL AREA: 23,847 SF

MINUS STEP 1 TOTAL: 0 SF

ZONING LOT AREA: 23,847 SF

2. ZONING TABLE (Fill in below and include on submission drawing cover sheet or site plan)

RESIDENTIAL PROJECTS

ZONING DISTRICT: BD Not Applicable = <input checked="" type="checkbox"/>	Standard[Permitted or Required]	Proposed[or Allowed by BZA]
1. ZONING LOT AREA [Calculate Above] <input type="checkbox"/>	5,400 Sq. Ft.	23,847 Sq. Ft.
2. NUMBER OF DWELLING UNITS <input checked="" type="checkbox"/>	Units	96 Units
3. LOT AREA PER DWELLING UNIT <input checked="" type="checkbox"/>	Sq. Ft./DU	248.41 Sq. Ft./DU (23,847/96)
4. IMPERVIOUS SURFACE <input checked="" type="checkbox"/>	Sq. Ft. %	22,138 Sq. Ft. (92.8%)
5. FRONT YARD <input checked="" type="checkbox"/>	0 Feet	0 Feet
6. SIDE YARDS <input checked="" type="checkbox"/>	0 Feet and 0 Feet	15.5 Feet and 10.5 Feet
7. REAR YARD <input checked="" type="checkbox"/>	0 Feet	11.5 Feet
8. BUILDING HEIGHT <input checked="" type="checkbox"/>	0 Feet	83 Feet, 4 Inches
9. PARKING <input type="checkbox"/>	44 Spaces	44 Spaces (41 on-site; 3 leased)

COMMERCIAL OR INDUSTRIAL PROJECTS

ZONING DISTRICT: BD Not Applicable = <input checked="" type="checkbox"/>	Standard[Permitted or Required]	Proposed[or Allowed by BZA]
1. ZONING LOT AREA [Calculate Above]	Sq. Ft.	Sq. Ft.
2. TOTAL FLOOR AREA (ALL FLOORS): <input checked="" type="checkbox"/>	Sq. Ft.	Sq. Ft.
3. FLOOR AREA RATIO (FAR = B/A) <input checked="" type="checkbox"/>	FAR	FAR
4. IMPERVIOUS SURFACE <input checked="" type="checkbox"/>	Sq. Ft. %	Sq. Ft. %
5. PARKING <input checked="" type="checkbox"/>	Spaces	Spaces
6. LOADING <input checked="" type="checkbox"/>	Spaces	Spaces

3. MATERIAL (SOIL, ROCK OR FILL) TO BE MOVED, REMOVED OR ADDED

CALCULATE MATERIAL TO BE MOVED, REMOVED OR ADDED (Calculate below - Enter sizes in feet).

Length x Width x Depth = Cubic Feet ÷ 27 = Cubic Yards

☐ No ☐ Yes MATERIAL TO BE MOVED: _____ x _____ x _____ = _____ ÷ 27 = _____

☐ No ☐ Yes MATERIAL TO BE ADDED: _____ x _____ x _____ = _____ ÷ 27 = _____

☐ No ☒ Yes MATERIAL TO REMOVED: _____ x _____ x _____ = _____ ÷ 27 = 5,643

TOTAL MATERIAL TO BE MOVED, REMOVED OR ADDED = 5,643

REGRADEING OF SITE

☐ No ☒ Yes Are more than 800 cubic yards soil, rock or fill to be MOVED, REMOVED OR ADDED?

☐ No ☒ Yes Is more than 30% of the lot area proposed to be REGRADED by more than 2 feet? (do following calculation).

REGRADED AREA IN SQUARE FEET 15,600 ÷ TOTAL LOT AREA 23,847 IN SQUARE FEET = 65.4 PER CENT

[Area to be re-graded by more than 2 feet divided by Total Lot Area equals Percentage of Lot to be re-graded]

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Application for Development Permit: Site Plan Review

SITE

A NARRATIVE IS REQUIRED

NARRATIVE: A description of the proposed project in sufficient detail to determine that it complies with the New Haven Zoning Ordinance and State of Connecticut Soil Erosion and Sediment Control Standards. (Attach NARRATIVE or include it on the submitted SITE PLAN).

1. State the purpose and intended use of the project.

See attached Exhibit A.

2. Describe the structure(s) and construction activities.

See attached Exhibit B.

3. State the construction Start and End Dates/Provide a Construction Staging Plan/If phased provide Time Estimates for Each Phase.

Construction work is anticipated to commence upon site plan approval, with major construction to be completed by Spring, 2021. Construction is anticipated to be completed in eight stages (sedimentation and erosion controls, utility disconnection, demolition, excavation, building construction, subsurface drainage and utilities, pavements, and landscaping.

4. List any Federal or State Permits required and their status. Furnish copy of permits issued or applications filed.

CHECK ☒ HERE IF NONE ✓

5. Provide Board of Zoning Appeals Decision Letter(s) if zoning relief has been secured. Plan must be in compliance with the New Haven Zoning Ordinance to receive Site Plan approval.

SITE PLAN SUBMISSION: REFER TO "SITE PLAN GUIDELINES" AT CITYOFNEWHAVEN.COM

SURVEY

1. ✓ A-2 Survey of property boundary, right-of-way, street, building and/or setback lines, easement lines.
2. ☐ A-2 Survey *not* required. Staff has determined this project is: ☐ Exempt ☐ Unregulated ☐ Minor Application.
3. ☐ Show Coastal Management District Boundary, coastal resources, Flood Zones, inland wetlands, watercourses, (soil types if pertinent).

SITE PLAN DATA Use checklist below, Site Plan Standards in NHZO Section 64(f) and SESC REGULATIONS as a guide to provide required data.

4. ✓ **SITE PLAN** [1" = 20' or larger is preferred] with north arrow, scale, date prepared, and name of preparer.
5. ✓ General Location Map at a scale of 1 inch = 600 feet, with North Arrow.
6. ✓ Buildings and improvements on abutting parcels within 50 feet of the property lines
7. ✓ Names of abutting Property Owners.
8. ✓ Driveways, aprons, sidewalks, curbs, walkways, parking layout, loading facilities, and utilities (NHZO Section 60-2).
9. ✓ Provide applicable standard City details.
10. ✓ Existing and proposed topographical contours where slope is **LESS THAN 15%**, show at **2 FOOT** intervals.
11. ✓ Existing and proposed topographical contours where slope is **15% OR MORE**, show at **5 FOOT** intervals.
12. ✓ Proposed site alterations including cleared, excavated, filled or graded areas.
13. ✓ Edge of wooded areas; Existing trees with diameters of 8+", and changes proposed, including protection measures.
14. ✓ Proposed landscaping keyed to a plant list. Include size and planting detail.
15. ✓ Sanitary sewage disposal, water supply lines, other utilities on or serving the site.
16. ✓ Proposed building plans and elevations.
17. ✓ New property lines & improvements: signs, fences, walls, dumpsters, outdoor storage area, lighting (NHZO Section 60.1).
18. ✓ Zoning Table showing permitted and proposed; include zoning relief case #, date & granted relief.

ENGINEERING DATA. Please provide the following data using the checklist as a guide.

19. ✓ Storm Drainage details including roof leaders
20. ✓ Existing and proposed grades and construction materials.
21. ✓ Support Data and Drainage Calculations to show adequacy of pipe sizes, flow, slope, invert and top of grate connections, in compliance with NHZO Section 60 regarding Stormwater Management Plans.

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Application for Development Permit: Soil Erosion and Sediment Control Review **SESC**

Please fill out **DATA**, **WORKSHEET**, and **SITE SECTIONS** in addition to the following items:

SITE PLAN

On a Scaled Site Plan prepared by a Connecticut Registered Architect, Landscape Architect, Civil Engineer, or Licensed Soil Scientist, show the following:

- ✓ Construction details for proposed SESC measures and stormwater management facilities in accord with standard city details.
- ✓ Location and design details for all proposed SESC measures and storm water management facilities over the period of construction.

SOIL EROSION AND SEDIMENT CONTROL DATA

Print or type information in space provided, or Check ☒ appropriate box below if information is not filled in on this form.

- ✓ Shown on SITE PLAN, or
- ☐ Described in SEPARATE ATTACHMENT.

1. Describe proposed Soil Erosion & Sediment Control Measures.

Soil erosion and sediment control details and narratives for construction periods are provided in the site plans and are consistent with the 2002 Guidelines for Soil Erosion and Sedimentation Control (CTDEEP Bulletin 34) and City of New Haven requirements. The measures include sedimentation fencing and strawbales, with additional measures kept onsite as precautionary.

2. Schedule of Grading and Construction activities. Include start and stop dates and duration of activity.

Soil erosion and sediment control measures will be installed and inspected prior to starting any site clearing or earth work.
Contractor schedule TBD.

3. Describe the Sequence for Final Stabilization of the site.

Following installation of hardscape surfaces, all landscaping features will be installed. Erosion and sedimentation control measures will be removed after final inspection and approval by the Owner's representative.

4. Outline the Operations and Daily Maintenance Program.

All erosion and sedimentation control measures will be inspected daily following prolonged rainfall. Any problems will be addressed promptly.

5. Contingency Provisions. Describe your procedures if unforeseen erosion or sedimentation problems arise.

Erosion and sedimentation control issues will be inspected by Owner's representative and additional measures taken as needed.

6. Individual Responsible for Monitoring SESC Control Measures

Name **TO BE DETERMINED**

Firm

Street Address

City State ZIP

Daytime Phone: _____

☐ Business ☐ Home ☐ Answering Service

☐ Fax: _____ ☐ Cell: _____

☐ E-Mail: _____

Nighttime/Emergency: _____

7. On Site Monitor of SESC Control Measure Installation and Maintenance (Day to Day Monitor)

Name **TO BE DETERMINED**

Firm

Street Address

City State ZIP

License # _____

Daytime Phone: _____

☐ Business ☐ Home ☐ Answering Service

☐ Fax: _____ ☐ Cell: _____

☐ E-Mail: _____

Nighttime/Emergency: _____

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Application for Development Permit: Coastal Site Plan Review CSPR

Use a check ☒ to note items completed. Print or type information in space provided, or attach.

1. General Information.

If this project is within the Coastal Management District, please furnish material required in the SITE section of the application forms and the following additional information:

- A. ☐ General Project Area Map locating Coastal Resources on or adjacent to the site, as defined in §22a-93(7), C.G.S.
B. ☐ List the type and extent of vegetation, animal habitats and plant types at or adjacent to the site.

- C. ☐ Yes ☐ No Does this project affect the view to or from this site of coastal resources?
D. ☐ Yes ☐ No Is this Parcel in a Flood Zone? If yes, fill in the **Flood Zone(s)** _____ and **Community-Panel Number 009** _____
(IF YES, A FLOOD ELEVATION CERTIFICATE WILL BE REQUIRED AS PART OF THE BUILDING PERMIT APPLICATION).
E. ☐ Yes ☐ No Is this a previously developed urban site *REMOTE* from the waterfront?

2. Coastal Resources Impact. Review lists below, check each item which is on or adjacent to the site.

- | Yes | No | COASTAL RESOURCES | Yes | No | OTHER FEATURES |
|-----------------------------|--------------------------|--|-----------------------------|--------------------------|---------------------------------|
| A. <input type="checkbox"/> | <input type="checkbox"/> | Coastal Bluffs or Escarpments | 1. <input type="checkbox"/> | <input type="checkbox"/> | Navigable Waters |
| B. <input type="checkbox"/> | <input type="checkbox"/> | Rocky Shorefronts | 2. <input type="checkbox"/> | <input type="checkbox"/> | Historical Structure or Feature |
| C. <input type="checkbox"/> | <input type="checkbox"/> | Beaches and Dunes | 3. <input type="checkbox"/> | <input type="checkbox"/> | Scenic Feature |
| D. <input type="checkbox"/> | <input type="checkbox"/> | Intertidal Flats | 4. <input type="checkbox"/> | <input type="checkbox"/> | Archeological Feature |
| E. <input type="checkbox"/> | <input type="checkbox"/> | Tidal Wetlands | 5. <input type="checkbox"/> | <input type="checkbox"/> | Recreational Feature |
| F. <input type="checkbox"/> | <input type="checkbox"/> | Freshwater Wetlands & Watercourses | 6. <input type="checkbox"/> | <input type="checkbox"/> | Other (Please Describe below): |
| G. <input type="checkbox"/> | <input type="checkbox"/> | Estuarine Embayments | | | |
| H. <input type="checkbox"/> | <input type="checkbox"/> | Coastal Flood Hazard Area (Flood Zone) | | | |
| I. <input type="checkbox"/> | <input type="checkbox"/> | Nearshore Waters | | | |
| J. <input type="checkbox"/> | <input type="checkbox"/> | Offshore Waters | | | |
| K. <input type="checkbox"/> | <input type="checkbox"/> | Shorelands | | | |
| L. <input type="checkbox"/> | <input type="checkbox"/> | Shellfish Concentration Areas | | | |
| M. <input type="checkbox"/> | <input type="checkbox"/> | Developed Shorefront | | | |
| N. <input type="checkbox"/> | <input type="checkbox"/> | Island | | | |

For CSPR Goals and Policies, See Connecticut General Statutes §22a-92, C.G.S.

For EACH BOX CHECKED YES above, ATTACH THE FOLLOWING INFORMATION:

- Describe the character and condition of EACH coastal resource or other feature checked above.
- Identify and describe potential adverse or beneficial impacts of the project on the condition, character and value of EACH resource checked above.
- Describe any measures to mitigate adverse impacts described.
- Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA).
- After installation of reasonable measures:
 - a. Describe any remaining adverse impacts.
 - b. Explain why the impacts were not mitigated.
 - c. State why the Commission should find the impacts acceptable.
 - d. Explain how the proposed project is consistent with coastal goals and policies in §22a-92, C.G.S. (CCMA).

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COASTAL SITE PLAN REVIEW: WATERFRONT SUPPLEMENT

CSPR

STOP HERE: COMPLETE THIS SECTION only IF THIS IS A WATERFRONT SITE

Check ☒ YES or ☒ NO for each question listed. Print or type information in space provided, or attach extra sheet.

READ THE STATEMENT BELOW AND THEN ANSWER THE FOLLOWING QUESTIONS.

WATER DEPENDENT USES are defined in Chapter 444, §22a-93 of the Connecticut General Statutes as:
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 boatbuilding facilities, water-based recreational uses, navigation aids, basins and channels, industrial uses dependent upon waterborne 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.

Yes No

1. ☐ ☐ Are the proposed use or uses water dependent as defined above?
2. ☐ ☐ Is the site located on a navigable water body?
3. ☐ ☐ Will the project preclude development of water dependent uses as defined above on or adjacent to this site in the future?
IF YES, DESCRIBE.

...Yes No

4. ☐ ☐ Have efforts been made to preserve opportunities for future water dependent development?
IF YES, DESCRIBE.

...Yes No

5. ☐ ☐ Is public access provided to the adjacent waterbody or watercourse?
IF NO, DESCRIBE WHY NOT.

...Yes No

6. ☐ ☐ 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)?
IF YES, DESCRIBE.

...Yes No

7. ☐ ☐ 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' (referenced to NAVD88).
.....IF YES, DESCRIBE.

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Application for Development Permit: Inland Wetlands Review

IW

Inland Wetlands & Watercourse Data Print or type information in space provided, or attach.
For projects within 50 feet of an Inland Wetland or Watercourse provide a Scaled Site Plan at 1" = 20' or larger scale showing existing and proposed conditions (as described in SITE section) in relation to wetlands and watercourses. Delineation of regulated wetlands, watercourses and soil types by a CERTIFIED SOIL SCIENTIST is required, along with the information below:

1. Describe what activity/alteration is proposed within the wetland and/or watercourse.
- _____
- _____
- _____
2. Wetlands/Watercourse area proposed to be permanently altered: _____ Linear Feet
- Wetlands: _____ acres Open Water Body: _____ acres Stream: _____ linear feet
- Area of Wetlands and/or Watercourses proposed to be restored, enhanced or created: _____ acres
3. Describe existing and proposed activities within 50 feet of an Inland Wetland or Watercourse (the upland or buffer area).
- _____
- _____
- _____
4. Upland Area proposed to be altered: _____ acres
5. Attach Soil Science Report and Wetlands and Watercourses Report by a CERTIFIED SOIL SCIENTIST.
6. List any Federal and/or State Permits issued or required and their status for work on this property.
- _____
- _____
- _____

Name of Certified Soil Scientist (or other Licensed Professional) preparing this Application Section			
Name		Daytime Phone: _____	
Firm		<input type="checkbox"/> Business <input type="checkbox"/> Home <input type="checkbox"/> Answering Service	
Street Address		<input type="checkbox"/> Fax: _____ <input type="checkbox"/> Cell: _____	
City	State	ZIP	
License # _____			

INSTRUCTIONS FOR INLAND WETLANDS REVIEW

Fill out DATA, SUMMARY, NARRATIVE, SESC and SITE sections with this INLAND WETLANDS Section.

1. Consult the **City of New Haven Inland Wetlands and Watercourses Regulations** to prepare this supplement. They are available on line at cityofnewhaven.com.
2. For **Class B Applications** the City Plan Commission may elect to schedule a Public Hearing.
3. For **Class C Applications** a Public Hearing is required.
4. **APPLICANT is required to send NOTICE** to abutters and property owners within 200 feet of the subject property for **Class B and C Applications** not less than 7 days prior to the City Plan meeting date and provide copy of notice and mailing list.

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Worksheet

SITE BOND

PROJECTS THAT REQUIRE A FINANCIAL GUARANTEE or BOND. Site Bonds are generally required for SESC measures, performance and site restoration for all projects with a site budget of \$5,000 or more as a condition of Site Plan Review [City projects do not require a bond].

BOND AMOUNT. The Site Plan Review report will state the BOND AMOUNT or a percent of an estimate of site work cost. At the time of project review the Site Plan Review team may recommend a draft amount. To aid staff in determining the Bond Amount, please determine the CLASS of your project, check the appropriate box and fill in the guideline below.

CLASS 1 - RESIDENTIAL PROJECT

Average Slope	Cost per Dwelling Unit	x	# DU's	= \$
<input type="checkbox"/> Less than 5% -----	\$2500 -----	x	_____	= \$ _____
<input type="checkbox"/> 5-10% -----	\$5000 -----	x	_____	= \$ _____
<input type="checkbox"/> More than 10% -----	The Site Plan Review Team will individually assess sites with extraordinary conditions.			

CLASS 2 - COMMERCIAL, INDUSTRIAL OR MIXED USE PROJECT

Average Slope	% Overall Project Budget	Project Cost	= Bond Estimate
<input checked="" type="checkbox"/> 3% or Less -----	2% Bond -----	\$ _____	= \$ _____
<input type="checkbox"/> Moderate, 3 to 8% -----	3% to 4% Bond -----	\$ _____	= \$ _____
<input type="checkbox"/> More than 10% -----	5% to 8% Bond -----	\$ _____	= \$ _____

CLASS 3 - SITE WORK ONLY PROJECT

Average Slope	Percent of Site Cost	Project Cost	= Bond Estimate
<input type="checkbox"/> Less than 5% -----	120% -----	\$ _____	= \$ _____
<input type="checkbox"/> 5-10% -----	120% to 150% -----	\$ _____	= \$ _____
<input type="checkbox"/> More than 10% -----	150% -----	\$ _____	= \$ _____

BOND ESTIMATE

The SITE PLAN REVIEW TEAM has reviewed the submitted materials and **RECOMMENDS A BOND AMOUNT OF:** \$ _____

The Site Plan Review Team will individually assess sites with extraordinary conditions.

The Site Plan Review Team may increase the Bond Estimate from 120% to 150% of your Estimate in the Table above if, in their opinion, extraordinary oversight is necessary based on past experience with a developer. Applicant may appeal that determination by asking the City Plan Commission to review the proposed amount.

BOND INFORMATION

BOND FORMAT. Bonds shall be presented on the attached form prescribed by Corporation Counsel, with the Bond Company's completed form, including Power of Attorney attached. The Bond Form shall contain a brief description of the contracted work to be performed, including the City Plan Report number.

BOND STORAGE. The City Plan Department shall maintain the Bonds by CPC file #. Cash bonds shall be forwarded to the Office of the City Treasurer for deposit in an escrow account.

BOND HOLDING PERIOD. Bonds in a form acceptable to Corporation Counsel shall be on file with the City Plan Department prior to issuance of a Building Permit or initiation of site work. Placement of Soil Erosion and Sediment Control measures is considered the first step of a Building Permit. Bonds will be held for the duration of site work and construction activity and for a period following project completion to assure that slopes are stable and that vegetation and stabilization measures are established. As a general rule site restoration and soil erosion and sediment control bonds will not be released until a growing season has passed, or a minimum of one year following issuance of a permanent Certificate of Occupancy for a building project. The Site Plan Review Team shall determine whether partial release of a Bond is warranted on a case by case basis.

BOND RELEASE PROCESS. Written request for Bond Release to the City Plan Department is required. The Site Plan Review Team will review the request, inspect the site, and concur to authorize partial or full release of a Bond, or defer release until site work has been completed in accord with approved plans. City Plan Department authorized staff must sign the Bond Release Form prior to release of a Bond.

City of New Haven, Connecticut

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SITE BOND FORM

This is an AGREEMENT for a PERFORMANCE BOND for completion of SITE WORK as required by the CITY PLAN COMMISSION [CPC] in CPC REPORT # _____-_____, dated _____, 20____, attached to this BOND FORM.

PRINCIPAL INFORMATION

Name _____

Firm _____

Street Address _____

City _____ State _____ ZIP _____

Daytime Phone: _____

☐ Business ☐ Home ☐ Answering Service

☐ Fax: _____ ☐ Cell: _____

☐ E-Mail: _____

BONDING COMPANY INFORMATION

Local Contact Name _____

Firm _____

Street Address _____

City _____ State _____ ZIP _____

Daytime Phone: _____

☐ Business ☐ Home ☐ Answering Service

☐ Fax: _____ ☐ Cell: _____

☐ E-Mail: _____

are bound to in the sum of \$ _____ (\$ _____,00)
lawful money of the United States of America for the payment of which sum of money to be made, we bind
ourselves, heirs, executors, administrators, successors and assigns, jointly and severally, by this instrument;

The Principal has entered into a written contract, dated _____ day of _____, 20____, with the
_____ for work to be performed at _____, New Haven, Connecticut, as
described in the foregoing contract and articles of agreement, as described in the application and City Plan Commission
Site Plan Review Report _____-____ with the plans and documents submitted with the application, and in response to
the conditions of approval.

Now the conditions of this obligation are that if the PRINCIPAL shall in all respects perform the contract, and shall pay
all sums of money due or to become due, for any labor, materials, apparatus, fixtures or equipment furnished for the purpose
of constructing the work provided in the contract, and shall remove and replace any defects in workmanship or materials
that may be apparent or may develop within a period of one (1) year from the date of FINAL ACCEPTANCE, then this
obligation shall be void; otherwise it shall remain in full force. For the purpose of the PERFORMANCE BOND, the
FINAL ACCEPTANCE shall be the date of issuance of the Certificate of Occupancy or Certification of Project Completion
by the City Of New Haven.

And the surety, for value received, stipulates that no change to the terms of the contract or to the work to be performed
under it or the specifications accompanying it shall in any way affect its obligation on this Bond, and it waives notice of
any such change to the terms of the contract or to the work or to the specifications.

In witness, we have set our hands and seals on _____, 20____.

_____, Principal (Type in Name of Individual: _____)

WITNESS:

_____, (If Individual or Firm) _____, (Title)

Attest:

_____, (If Corporation)

Attest:

_____, (Surety Firm) _____, (Title)

CITY OF NEW HAVEN, CONNECTICUT

CITY PLAN DEPARTMENT | 165 CHURCH STREET, 5TH FLOOR, NEW HAVEN, CT 06510-2010
PHONE 203.946.6378 FAX 203.946.7815

ACKNOWLEDGMENT OF SURETY COMPANY

STATE OF _____)

CPC BOND # _____ - _____

COUNTY OF _____)

CITY OF _____)

On this ____ day of _____, 20__, before me personally came _____ to me known to be person named in the above instrument and who after being by me duly sworn, did depose and say she/he resides in _____, that she/he is the _____ of the corporation described in which is executed the above instrument; that she/he knows the seal of said corporation that the seal affixed to said instrument is such corporate seal, that it was so affixed pursuant to a resolution of the board of directors of said corporation, and that she/he signed her/his name by like order.

Notary Public

My Commission Expires: _____, 20__

[The Surety Company must append statement of its financial condition and a copy of the resolution authorizing the execution of the bonds by officers of the company, and the power-of-attorney of the surety company's attorney-in-fact, authorized to act within the State of Connecticut.]

The foregoing bond and sureties are hereby approved.

Dated New Haven, Connecticut _____, 20__.

- _____
☐ Corporation Counsel
☐ Deputy Corporation Counsel
☐ Assistant Corporation Counsel

- _____
☐ Controller
☐ Deputy Controller

Exhibit A

PURPOSE AND INTENDED USE OF THE PROJECT

MOD Equities LLC (“MOD”), proposes to demolish the existing one-story structure and replace it with a new, six-story transit-oriented, mixed-use development at the real property commonly known as 19 Elm Street, all located on approximately 0.54 acres on the northern side of Elm Street between Orange Street and State Street (the “Property”). The new building, once complete, will contain ground level commercial space, including office and tenant amenity space, and five floors of residential apartments for a total of 96 residential dwelling units with additional rooftop deck above. The Property is currently vacant. Moreover, continuing as a one-story building would underutilize the Property which is located within the Business D District – Central Business (“BD”). The BD zone is intended for intensive uses, including mixed-use projects that provide density and pedestrian traffic to activate the sidewalks and surrounding area.

The Property is located two blocks from the New Haven Green, and two blocks from the State Street Station. It is a short walk to the downtown restaurant and entertainment district. The proposed development will continue the City’s efforts to activate the Elm Street sidewalk and increase foot traffic in the area and bridge the gap between downtown and the deceptively close Wooster Square neighborhood. There have been a number of recent developments that have increased the use of the general area along Elm Street, including the relatively new mixed-use development located at 205 Church Street. The Property is within convenient walking distance of City Hall, restaurants and entertainment venues located along Audubon Street, Orange Street and in the Ninth Square, and many downtown attractions as well as many professional services, restaurants, shops and other social gathering spaces. The Property is located within a short walk of Pitkin Plaza, Millennium Plaza and Federal Plaza, all of which provide publicly-available usable open space. The proposed mixed-use building will invite pedestrian traffic further down Elm Street and toward State Street. Residents will also be within walking distance of many downtown attractions such as Yale University, Gateway Community College, the Yale Center for British Art, the Yale University Art Gallery, the Schubert Theater, the Yale Repertory Theatre, University Theatre, Iseman Theater, College Street Music Hall, as well as many professional services, restaurants, shops and other social gathering spaces.

MOD believes that most of its residents will desire to walk, bike or use the train station. As noted herein, the Property is a perfect location for this type of commuting considering its proximity to the New Haven State Street Station, mass transit, and walking distance to nearly everything that New Haven has to offer. The Property has a Walk Score of 95, which makes it a walker’s paradise, truly providing a great walking and biking experience.

Exhibit B

STRUCTURE AND CONSTRUCTION ACTIVITIES

MOD's proposal for the Property creates a desirable residential development in keeping with the future goals for the neighborhood while activating the sidewalks by locating a commercial tenant at street level. Plans include excavating the Property to provide 35 underground parking spaces with six additional parking spaces at grade, constructing six floors, the first of which is to provide office and tenant amenity space at street level, and residential dwelling units located on floors two through consisting of studios, one-bedroom and two-bedroom units. Approximately 3,252 square feet of usable open space will be provided in the form of a rooftop deck with covered trellis and common space for residents to congregate. In addition, residents will benefit from approximately 4,902 square feet of common amenity space which will consist of approximately 1,733 square feet of excess usable open space on the rooftop deck and 3,169 square feet of amenities which will include a gym, community room, study rooms, break-out rooms and lobbies.

Forty-eight on-site parking spaces are required, thus with 41 on-site parking spaces provided and taking into account the permitted reductions in parking requirements due to added bicycle storage, MOD is currently in negotiations to lease three parking space from the New Haven Parking Authority. Of the six parking spaces at grade, three will be covered by the overhang of the building, and three will be open to the sky. Secure indoor and outdoor storage for not less than 20 bicycles will be provided. Two loading spaces will be provided.

As such, demolishing the vacant, existing single-floor structure and constructing a new, mixed-use, transit-oriented development with on-site parking is in harmony with the general purpose and intent of the Zoning Ordinance of the City of New Haven, Connecticut (the "Ordinance"). Further, adding 96 residential dwelling units to one of the most commercialized areas of the City will intensify the area and increase foot traffic and commerce among the several local restaurant and entertainment establishments consistent with the purpose of the Ordinance. The proper functioning of the downtown area is as a commercial nexus for the City. This building, once completed and rented, will serve to increase commerce and create a more vibrant downtown area.

Additionally, the promotion of mixed-use residential developments enhances the value of residential dwelling units in the downtown area furthers the general purpose of the Ordinance. Residential housing in New Haven's downtown area is chief amongst desirable locations given the proximity to commercial establishments, restaurants, art galleries, institutions of higher education and other such places of assembly. This trend appears to only be increasing. As a result, further residential development will serve to promote and enhance the vibrancy and vitality of the downtown area. Accordingly, such, this proposed development is in harmony with the general purpose and intent of the Ordinance.

A. Site and Storm Water Considerations.

Soil erosion and sediment control measures for the project are in accordance with the “Connecticut Guidelines for Soil Erosion and Sediment Control”, CT DEEP Bulletin 34 and printed on the plans submitted herewith. All measures will be inspected weekly by the construction manager. Any issues will be reported to the engineer and additional measures taken as needed to prevent soil erosion and sedimentation of the adjacent roadways and drainage structures.

Where necessary, sidewalks and curb cuts will be improved to conform to City of New Haven Engineering Department Construction Standards. New tree wells conforming to City standards will be installed along the sidewalks fronting Elm Street.

Roof and terrace drainage, as well as storm drainage from the parking area, will be collected and conveyed through a proposed network of catch basins and storm sewers for the site. The proposed drainage network will discharge to a detention / retention system on site for treatment prior to discharging to the existing municipal storm sewer in Elm Street. Stormwater modeling indicates that peak flows under proposed conditions will be slightly lower than existing conditions. Sanitary sewer laterals will serve the building and gravity discharge to an existing sanitary sewer main in Elm Street. The storm and sanitary sewers are separated in this area of New Haven.

B. Grading.

The proposed grading is largely consistent with existing grades with no cuts or fills occurring in excess of two feet. Grading at all property boundaries will be blended into existing grades.

C. Lighting and Roof Reflectivity.

Exterior lighting will satisfy the City's exterior lighting requirements to maximize the effectiveness of site lighting, enhance public safety and welfare and conserve energy, preventing or minimizing direct glare and light trespass (per Section 60.1 of the Ordinance). White or light colored roofing and other non-roof hardscape will be utilized so as to minimize urban heat island effect caused by dark surfaces and reduce roof reflectivity (per Section 60.2 of the Ordinance).