Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

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October 20, 2021

Tyisha Walker-Myers, President
Board of Alders
c/o/ Jamie Stein, Planner
City Plan Department
165 Church Street
New Haven, CT 06510

Re: Proposed Modifications to Existing Planned Development District #53 (PDD #53) and Proposed Zoning Amendment

Dear Alder President Walker-Myers, and Members of the Board:

Thank you for the opportunity to review the proposed modifications and zoning text amendment for the existing PDD#53. Acting as the Commissioner's staff, our office has reviewed the proposed modifications for consistency with the Connecticut Coastal Management Act (CCMA) [CGS Sec. 22a-90 through 22a-112, inclusive].

On May 2, 1984, the New Haven Board of Alders approved a proposal by the applicant, Fusco Development Corporation, to create a Planned Development District (PDD #53) for the Long Wharf area of the City. The size of the PDD#53 is 58.8 acres, and development within PDD#53 was proposed as Office/Commercial/light Industrial/Marina/Industrial uses. The existing PDD #53 does not allow for residential land use in the District.

In September of 2021, the applicant submitted a proposed modification to PDD #53 to allow for residential development within the District of up to 500 apartments, which could house over 1,000 people. This modification may facilitate the construction of two high-rise buildings with commercial uses proposed for the bottom floor at a site owned by the applicant within PPD #53. Parking for the proposed development is to be provided by both the adjacent parking garage (owned by the applicant), and the New Haven Boat House parking lot. The site is directly on the waterfront and public access to the waterfront is proposed in the form of walkways around the proposed structures and along the bulkhead. The bulkheaded parcel is located in a heavily industrial and commercial area with a major highway system located to the north of the site. The property is designated as a Coastal A-Zone by FEMA and is shown as such on the City's current Flood Insurance Rate Maps (FIRMs). (See attachment A)

The Long Wharf Flood Protection March 2017 Final Report prepared for the City of New Haven by GZA Geo Environmental, Inc. describes that the Long Wharf area

> …was significantly impacted during the Hurricane of 1938 and more recently during Hurricanes Irene and Sandy. Most of the District is located within Federal Emergency Management Agency (FEMA) special flood hazard zones. Sea level rise and other effects of climate change will increase the District's coastal flood risk and associated damages, loss, and disruption.

The report also indicates that sea level rise will increase the probability of future flooding in the area:

> The likelihood of experiencing flood elevations exceeding 8 feet NAVD88, currently about the 10-year return period (10% annual exceedance probability per NACCS), will increase to about the 2 to 5-year return period (50% to 20% annual exceedance probability) by the year 2041; a 1 to 5-year return period (100% to 20% annual exceedance probability) by the year 2066.

This finding is further supported by Flood Factor, a model designed to approximate flood risk, which indicates that the Long Wharf area, including Long Wharf Drive has **at least** a 50% chance of flooding in any given year (see attachment B), and local data from the Connecticut Institute for Resilience and Climate Adaptation (CIRCA) at the University of Connecticut that predicts a 50% to 20% chance that some or all of the District will be flooded by storm surge and wave action in any given year.

The CCMA at section 22a-92 (b)(2)(F) of the Connecticut General Statutes (CGS) states that municipalities should "…manage coastal hazard areas so as to ensure that development proceeds in such a manner that hazards to life and property are minimized." Currently, PDD#53 **does not allow for residential development** as a permitted land use for this Planned Development District. The existing restriction currently helps to protect residents and property from increased harm due to impact from flood events and high-wind coastal storms. The applicant has proposed modifications to both PDD#53 to allow for high-density residential land use as a permitted land use for the District where none is currently permitted. The proposed development of the flood-prone District with significant residential density increases, rather than minimizes, the hazards to life and property inconsistent with this policy of the CCMA. The proposed modifications would create a pathway for a large population of residents to live in an area that is exposed to existing impacts from coastal storms and flood events, which will be exacerbated in the future due to climate change. Accordingly, we recommend that the Board of Alders not allow the proposed modifications to PDD #53, as currently proposed.

The extent of coastal hazard exposure within the District is exemplified by the large portion of PDD #53 that is located in a FEMA designated Special Flood Hazard Area, the Coastal AE Zone/Limit of Moderate Wave Action (LiMWA) Area with an elevation of 13. The LiMWA area designation requires that the construction of any structures comply with V-Zone construction standards. Thus, any development within the District would need to meet the VE13 zone construction standards, which indicates a heightened level of risk for building here – especially for residential uses.

If the proposed development were to receive any State or Federal funding, the residential component of the proposed buildings will need to be elevated to the 500-year Flood level plus two feet of freeboard pursuant to CGS Sections 25-68b through 25-68h. This flood certification requirement reinforces the policy of CGS Section 22a-92(a)(5) which seeks to "minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards." Given the enhanced exposure to coastal flood hazards represented by the proposed development, it is easy to anticipate substantial demand for public expenditures for disaster relief and reconstruction to benefit the District, funds that are already straining to address the needs of existing structures across the State. Further, given our knowledge of flooding in this area, the Board in its decision-making should account for the City's and developer's financial obligations for funding to assist future residents of this District that are impacted by flooding, in lieu of relying on federal or state funds that should more appropriately be targeted to assist those that did not knowingly intensify residential development in a flood prone area.

Regarding the potential for future shoreline armoring, the approval of additional flood and erosion control structures within the District would be precluded by the CCMA. CGS Section 22a-92(b)(2)(F) promotes nonstructural solutions to flood and erosion problems, and allows structural solutions only under the following limited circumstances:

1. such flood or erosion control structure is necessary and unavoidable **AND**
2. the structure is used to protect

   a. commercial and residential structures and substantial appurtenances that are attached or integral thereto, **constructed as of January 1, 1995**,
   b. cemetery or burial grounds,
   c. infrastructural facilities, or
   d. water dependent uses, **AND**
3. there is no feasible, less environmentally damaging alternative **AND**
4. all reasonable mitigation measures and techniques are implemented to minimize adverse environmental impacts.

CGS Section 22a-92(e) defines "feasible, less environmentally damaging alternative" to include relocation of an existing inhabited structure to a landward location.

Therefore, additional future shoreline flood and erosion controls such as those proposed in the Long Wharf Flood Protection March 2017 Final Report prepared by GZA GeoEnvironmental, Inc. to protect newly proposed commercial and residential development on this parcel would not be consistent with the CCMA. The proposals contained in the final report reflect existing conditions, not residential development, and were commissioned in response to known flood hazards and storm damage, as well as the potential for the Long Wharf area to experience future impacts related to climate change.

The Plan, as submitted within the PDD and CSP modification application package, provides no details as to how or where the city will relocate such a large group of residents from this specific location during a hazard event. Various storm sizes are included in the plan, but no timing on when to evacuate people and vehicles, and where they will go, is provided with specific implementation details. The Long Wharf Flood Protection March 2017 Final Report notes that local and state roadways within the Long Wharf District are vulnerable to coastal flooding, and the 500-year storm return period, used as the risk level for assessing infrastructure vulnerability, results in loss of the use of Long Wharf Drive from Sargent Drive to Chapel Street, as well as the Long Wharf Drive and Canal Dock Road I-95 underpasses. Since Long Wharf Drive leading to the subject parcel will itself be partially flooded, there appears to be no way to provide dry access to 500 residential units on the property during such flooding and storm events. The lack of specific details as to the management of evacuation processes in response to flooding and other hazards is especially concerning with respect to such high-density residential development as currently proposed.

Data developed specifically for Connecticut by the Connecticut Institute for Climate Resilience and Adaptation (CIRCA) at the University of Connecticut shows that sea level in Connecticut could rise as much as 20 inches by the year 2050 in flat, low-lying areas of the coast. In addition, as part of its Resilient Connecticut project, CIRCA has also identified Zones of Shared Risk (ZSR) within the Long Wharf area. These ZSRs are regions that face common flood, wind, or heat-related challenges, and are either already experiencing these factors or will likely experience them because of climate change. The Long Wharf area is shown on Attachment C to be a Zone of Shared Risk for all three factors.

The proposed PDD modification does not take into consideration sea level rise and modeled impacts from such an environmental factor. Sea level rise further exacerbates our concerns regarding the inability to provide dry access at all times for the residents of the proposed development, and assurance that buildings are constructed to withstand impacts from flooding events. The proper design elevation for structures within the District should go beyond current V-Zone requirements to address projected future sea level rise elevation needs. Since the proposed buildings are presumed to have a useful life that extends well beyond 2050, it is unwise to not take this factor into consideration.

Based upon all of the forgoing comments and our review of the applicant's materials, along with City of New Haven planning documents, residential development in this already flood-prone area where such development is not currently allowed does not reflect sound coastal management objectives and should be prohibited, not encouraged.

Once again, we thank you for the opportunity to review and comment on the proposed zoning modifications for PDD #53. We hope these comments are helpful to the Board of Alders as you consider the proposed changes to PDD #53. We appreciate the ongoing and productive dialog with City staff on this matter and should the Board of Alders adopt the zone change, we will continue to be engaged and available for consultation.

Should you have any questions regarding this letter, please feel free to contact Karen Michaels of my staff at (860) 424-3779 or by email at karen.michaels@ct.gov.

Sincerely,

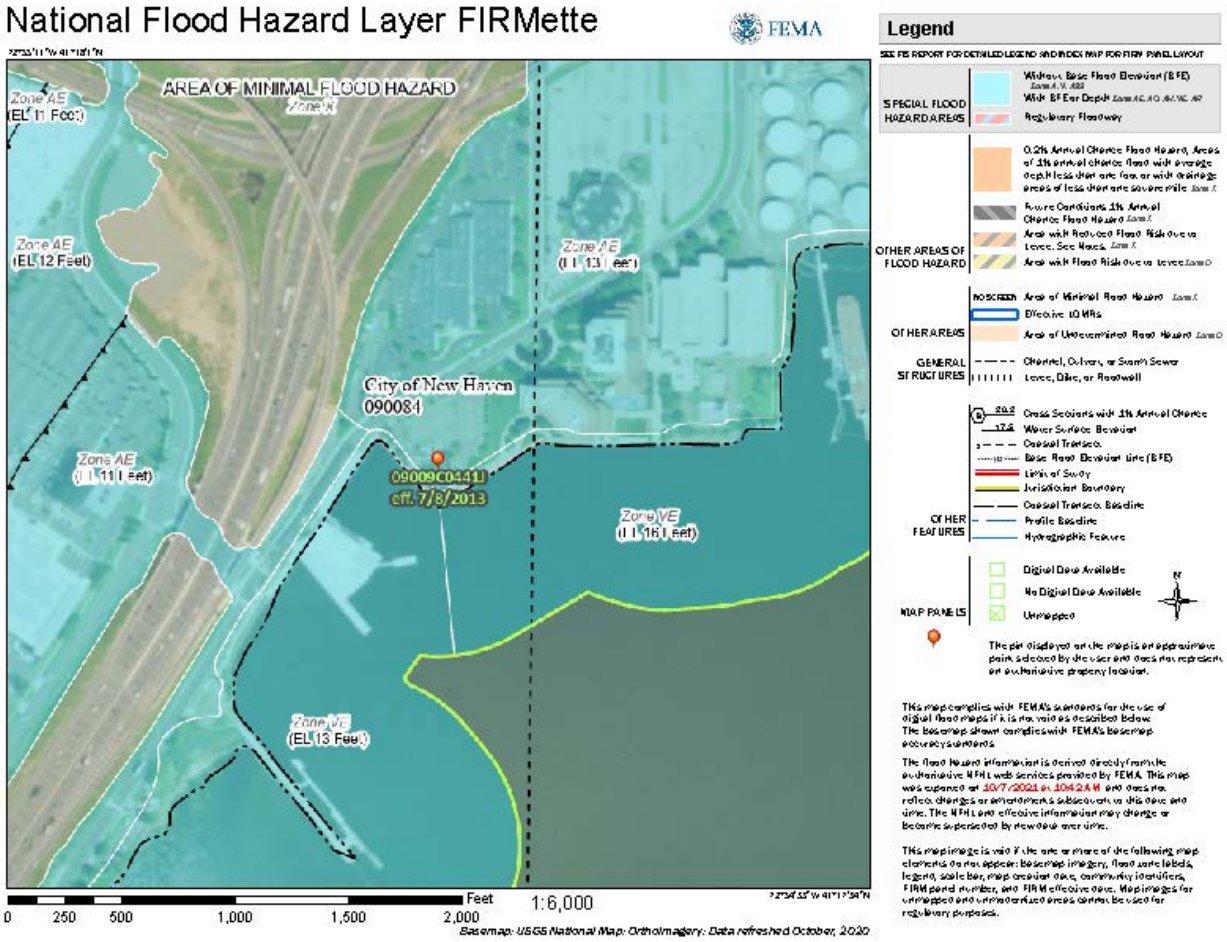
Brian P. Thompson, Director
Land and Water Resources Division

BPT/kam

Attachments

cc: New Haven Coastal File
Aicha Woods, Director, City Plan Department
Jamie Stein, Planner, City Plan Department
Matthew Ranelli, Shipman and Goodwin, LLP

Attachment A:
Firmette and LiMWA Delineation

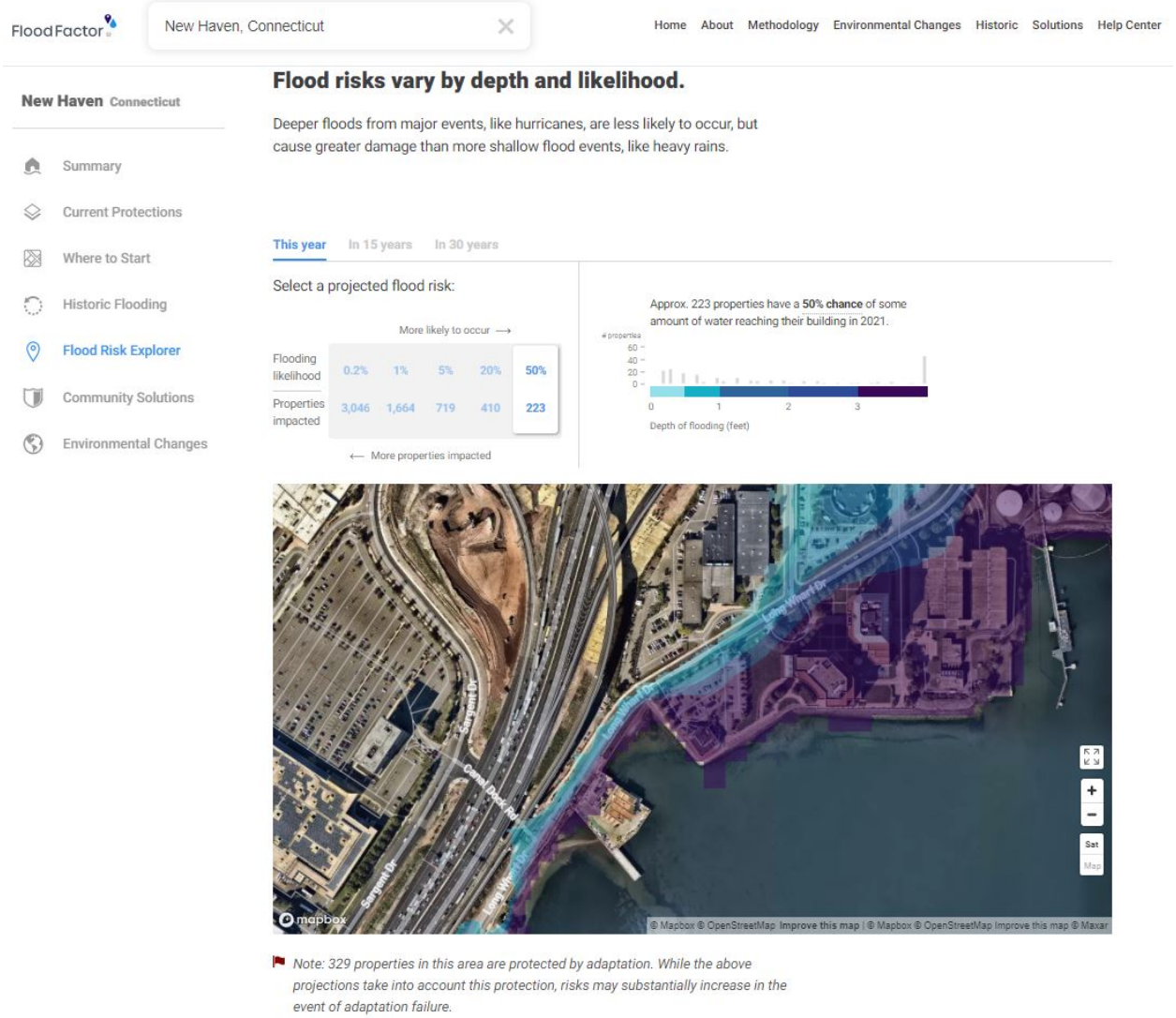


10/7/2021 Connecticut Shoreline 100 year Event with SLR (2016 LIDAR)

https://lisicos.uconn.edu/SLR/ 1/1

Attachment B:

Flood Factor Information – Long Wharf Drive, New Haven CT



Note: 329 properties in this area are protected by adaptation. While the above projections take into account this protection, risks may substantially increase in the event of adaptation failure.

Attachment C:
CIRCA Zone of Shared Risk Information
Long Wharf Drive, New Haven CT