



DEPARTMENT OF DEVELOPMENT SERVICES – PLANNING DIVISION
*REPORT: Special Permit for an Adult Use Cannabis Retailer at 89 Arch St
for consideration June 14, 2022 – Continued to July 26, 2022*

STAFF UPDATE MEMO

TO: Planning & Zoning Commission
PREPARED BY: Paul Ashworth, Senior Planner
paul.ashworth@hartford.gov

BACKGROUND INFORMATION

On June 14, 2022 the public hearing for a special permit to allow an adult use cannabis retail establishment within the existing nonconforming storefront building at 89 Arch Street was opened. Just prior to the opening of the hearing, the Capital Region Development Authority (CRDA) delivered an opposition letter to the subject request at 89 Arch Street (see Attachment 1). This letter held several positions in opposition to the requested special permit, including that the CRDA holds jurisdiction over the subject property. The question of jurisdiction was determined to require more research. The public hearing was continued to the June 28, 2022 meeting to allow for that research to take place. A clear determination regarding jurisdiction was unable to be made by the June 28 and July 12, meeting dates and the item was subsequently continued to the July 22, 2022 Commission meeting.

KEY APPLICATION TIMELINES

- Application Submission Date: April 25, 2022
- Date Application Accepted as Complete: April 25, 2022
- Application Date of Receipt: May 10, 2022 (sooner of either: date of next regularly scheduled meeting, or 35 days after acceptance of complete application)
- Public Hearing opened on Tuesday, June 14, 2022; Open Hearing Deadline: July 14, 2022.
 - Continued to June 28, 2022.
 - Continued to July 12, 2022.
 - Continued to July 26, 2022 (Applicant consented to extension to this date).
- Close Hearing Deadline: (35 days after opening) Tuesday, July 19, 2022
- CT General Statutes Sec.8-7D allow that the applicant may consent to one or more extensions of time, provided the total extension of all time periods shall not be for longer than 65 days.

ANALYSIS

June 15, 2022 – The City of Hartford Corporation Counsel and the CRDA provided a copy of the Adriaen’s Landing master plan dated 2/21/2000 (Attachment 2). The provided map appears to show the subject property as within the boundary of the master plan, however it is unclear

as to whether this version of the master plan was the version adopted by the state legislature per CGS § 32-654a. In a letter supplied by CRDA dated February 14, 2000 (see Attachment 5), the CRDA attempted to purchase the 89 Arch Street property. The letter states that the property "...must be acquired by the State of Connecticut in order for the development to proceed." The property owner turned down the offer. Per CGS § 32-655b, the master plan was intended to be a living document to be amended from time to time by the Secretary of the State of Connecticut Office of Policy and Management (the OPM). City staff were able to retrieve a copy of the master plan from the February 2010 "Adriaen's Landing & Rentschler Field Annual Report" (Attachment 3). This is the same plan presented by the Applicant during the June 14, 2022 meeting. This updated version of the plan distinctly shows the subject property at 89 Arch Street as excluded.

June 28, 2022 - The CRDA provided an "Amendment to [the] Master Development Plan" dated December, 2018 (Attachment 4) in which a portion of land described as "...located on the south side of Arch Street, between Columbus Boulevard to the east and Prospect Street to the west, in the City of Hartford, now or formerly owned by Collins Brothers, L.L.C. and on which has been operated a tavern and restaurant known as the Arch Street Tavern..." is designated as an addition to the Adriaen's Landing Master Plan. It is clear this amendment brought the privately held Arch Street Tavern parcel into the master plan. While this document did not address the status of the subject property, it does set the precedent that private property owners could opt-in to the master planned development.

June 17, 2022 - Staff sent an email request to the OPM asking for the most recent version of the master plan. On the same day the Undersecretary of OPM Martin Heft forwarded the request to Paul Hinsch, Policy Director of the Bureau of Assets Management within the OPM.

June 23, 2022 – Staff conducted an additional search of land records for covenants or agreements pertaining to private land owners in favor of CRDA.

July 8, 2022 – In a phone call Paul Hinsch stated he believed the 89 Arch Street parcel was included in the official Adriaen's Landing Master plan. He further stated that he would email a scanned copy of the official master plan on Monday July 11, 2022.

July 11, 2022 – Paul Hinsch emailed a copy of a map titled "Parcel Plan Adriaen's Landing" dated February 22, 2000, and a copy of a document titled "Amendment to Master Development Plan" dated December 20, 2018. These documents match those provided by the CRDA on June 15, and June 28 of this year. Staff responded requesting clarification on why the provided map is titled Parcel Plan where the CGS specifically reference a Master Development Plan, and why the provided map is dated prior to the adoption of the Adriaen's Landing legislation.

The CRDA responded to Staff's request for clarification to OPM, declaring that the Parcel Plan was not the Master Development Plan, but rather a part of a larger multi-page Master Development Plan.

July 14, 2022 – After coordinating with CRDA, city staff retrieved a copy of the official Adriaen’s Landing Master Development Plan, Vol. 1 & 2 from the CRDA.

July 20, 2022 – City Corporation Counsel received a copy of a December 2000 remediation plan for the Adriaen’s Landing Development.

The Remediation Action Plan was delivered with accompanying maps identified as Figure 2 and Figure 3. Section 4.4 of said plan describes an “Arch Street Retail” component site which the plan asserts is part of the Adriaen’s Landing Site and the overall Adriaen’s Landing Project. The map identified as Figure 2 depicts the Arch Street Retail component consistent with the written description and additionally, Figure 3 includes a similar map with a depiction of the “Boundary of Project.” Both maps depict the subject property located at 89 Arch Street as included in the Adriaen’s Landing project. It should be noted that both figures associated with the Remediation Action plan also show the Arch Street Tavern as excluded.

The Master Development Plan Vol. 1 and Vol. 2 provided by the CRDA on July 14 provides additional insight into jurisdiction while reinforcing an existing question. The Master Development Plan Vol. 1 dated March 3, 2000 defines the Adriaen’s Landing project as follows.

“Strictly defined, Adriaen’s Landing is bordered along Prospect Street to Travelers River Plaza Building in the west down to Columbus Boulevard, Arch Street to the South, State Street to the North and I-91 to the east. Furthermore, the site contains within its boundary portions of Grove Street and Columbus Boulevard.”

The Master Development Plan Vol. 1 also includes several maps depicting different aspects of the Adriaen’s Landing development. These maps all show the subject property at 89 Arch Street as included, however the maps also include the Arch Street Tavern property as included (see fig1). It has been confirmed that the Arch Street Tavern was not a part of the Adriaen’s Landing Master Plan until 2018 (see Attachment 4). If the Arch Street Tavern was shown on the plan but not officially a part of the master plan, it is possible that the 89 Arch Street Parcel was also not officially made a part of the master plan.



Figure 1. Excerpt of Pedestrian Circulation Plan from Master Plan – CCEDA 2000

The Master Development Plan Vol. 2 includes detailed financial, environmental and other feasibility analyses. This document includes the Parcel Plan provided by the CRDA (Attachment 2). Volume 2 also includes information regarding site acquisition plans for the project overall. Sec.6-2 of the Volume confirms that the “current site plan retains the Arch Street Tavern at its current location and will not be acquired by the Adriaen’s Landing development.” The section later details all twenty-one parcels as “the site that has come to be known as Adriaen’s Landing”. Section 6.3.7 confirms that while an offer had been made to purchase the 89 Arch Street property from the owner Mark Yellin, no response has been received and that “it is assumed this property will be acquired by eminent domain.”

The language surrounding Arch Street Tavern’s exclusion suggests that property acquisition was necessary for inclusion in the Master Plan at that stage. The Arch Street Tavern’s eventual inclusion in the plan via a resolution confirms that the plan is a living document, which could be amended and modified. The subject property appears to have neither been acquired, nor included via a separate resolution, however the Master Development Plan Vol. 2 makes clear the CRDA’s intention was always to acquire and include the 89 Arch Street property. Staff was unable to find guidance within the document as to the consideration of a parcel that was intended for inclusion but never acquired.

Summary

Typically, jurisdiction between CRDA and the City of Hartford lies with whether a property is owned by CRDA or privately held, the Adriaen's Landing Master Development Plan, notwithstanding. At the request of the Commission, staff reviewed the documentation and conducted additional searches of the land records for encumbrances. Staff were unable to clearly determine the jurisdictional status of the 89 Arch Street property. According to the Applicant, the estate of the Seller of the property "lacks institutional memory about what happened" [circa 2000]. In this regard, staff defer to the Corporation Counsel’s determination in this matter.

ATTACHMENTS

1. CRDA Letter of Opposition dated June 14, 2022
2. Adriaen’s Landing Parcel Plan dated February 2000
3. Adriaen’s Landing Master Plan dated February 2010
4. Amendment to Master Plan dated December 2018
5. Notice to Mark Yellin dated February 14, 2000
6. Email from Tony Lazzaro (CRDA) dated July 11, 2022
7. Remedial Action Plan dated December, 2000
8. Pedestrian Circulation Plan from Adriaen’s Landing Master Development Plan Vol. 1

REVIEWED AND EDITED BY,

Aimee Chambers, Director

Attachment 1 – CRDA Letter of Opposition dated June 14, 2022



100 Columbus Boulevard
Suite 500
Hartford, CT 06103-2819
Tel (860) 527-0100
Fax (860) 527-0133
www.crdact.net

June 14, 2022

City of Hartford Planning & Zoning Commission
c/o Aimee Chambers, AICP
Planning Director
City of Hartford
260 Constitution Plaza – 1st Floor
Hartford, CT 06103
Aimee.Chambers@Hartford.gov

Re: Special Permit Application for 89 Arch Street

Dear Commissioners:

CAPITAL REGION DEVELOPMENT AUTHORITY
Testimony – Special Application for Proposed Adult Use Cannabis Retailer

My name is Anthony L. Lazzaro Jr., I am the Deputy Director and General Counsel for state of Connecticut quasi-public state agency known as the Capital Region Development Authority (“CRDA”). CRDA was formed with the express purpose to stimulate investment in Hartford, including the creation of family-oriented entertainment, amongst other things.

As you are likely aware, CRDA is responsible for the development of the Adriaen’s Landing project, including the so-called Front Street District. Over the past 20 years, CRDA has been responsible for the construction and operation of the Connecticut Convention Center, six downtown parking facilities, the construction of the Connecticut Science Center, the creation of over 3,000 residential units in the City of Hartford and we currently operate the XL Center, the Connecticut Regional Market, and Pratt & Whitney Stadium at Rentschler Field.

I am here tonight because CRDA opposes the application now before you for the Special Permit Application for a Proposed Adult Use Cannabis Retailer at 89 Arch Street.

On May 2, 2000, the General Assembly enacted and the Governor signed *An Act Implementing the Master Plan for the Adriaen's Landing Project*. The Master Plan includes the thirty-three (33) acre mixed use housing, retail, entertainment district known as Adriaen's Landing site. CRDA and State of Connecticut were charged with the development of the Site in accordance with the Master Plan and Chapters 558x and 558z of the Connecticut General States. Pursuant to the aforementioned authority, the State parties are responsible for the design and development of the overall project, including the property in question located at 89 Arch Street which is situated within the Site. Within the limits of the Adriaen's Landing site, the State parties are responsible for determining the proper mix of family-oriented entertainment, retail, and housing as well as the related zoning requirements. Accordingly, the proper jurisdiction for Adriaen's Landing use and zoning rests with the state parties.

I would also like to discuss the Application before you based on its merits as well.

In order to fulfill its mission to create family-oriented entertainment and incentivize private investment within the District, CRDA invested \$700 Million and developed partnerships with HB Nitkin (the Master Developer of the District), the Travelers, the Hartford Marriott Downtown, the University of Connecticut, and the Connecticut Science Center as well as the many tenants at Adriaen's Landing. As a result, CRDA was able to leverage hundreds of millions of dollars of private investment into the state development. CRDA and its partners have all executed a series of agreements and reciprocal covenant agreements that expressly prohibit "head shops" and the sale of cannabis, as well as pawnshops, check-cashing operations, businesses that sell firearms and/or pornographic material or any activity that violates State or federal law.

The District -

Pursuant to Hartford Zoning Regulations § 1.3.4, when reviewing Special Permit Applications the commission must consider the following elements (c) does the use comport with the purposes of the district in which it is located; (g) is it compatible with adjacent properties; (m) does it provide pedestrian amenities; and (n) does it comply fully with the code. Based upon the existing State restricted uses, the answer to the above question is "no". It is implausible for the Applicant to claim a cannabis retail shop is compatible and consistent with the Adriaen's Landing district when every business within the district, including the State of Connecticut, has taken affirmative steps to prohibit a cannabis retail shop from locating to the district.

In discussing my testimony here tonight with our district neighbors, the president of Connecticut Science Center, Matt Fleury, stated that "a cannabis retailer is not consistent with a children's Science Center and its related restaurants on Front Street". Adriaen's Landing was designed as a welcoming destination for families visiting the Science Center.

The Convention Center does a large amount of business with children's groups such as the New England Regional High School Volleyball Tournament, children's Irish Step Dancing conventions, regional high school cheerleader competitions, proms, graduations, as well as numerous religious organizations. Again, Adriaen's Landing was designed as a destination for these young families. CRDA and Waterford Venue Services jointly manage the Convention Center and provide tourism services for the City of Hartford. We do not agree the cannabis retail shop will increase tourism, but rather make it more difficult to attract business to the Convention Center. We have already experienced negative feedback from a prospective convention planner.

The University of Connecticut is located 395 feet from the proposed dispensary. Many of their students are 18, 19, and 20 years old. Moreover, the University regularly operates Youth Programs in the summer for middle and high school students. Again, this represents an inconsistent use for a cannabis retail shop.

Historically, Spotlight movie theater provides free movie matinees (Shrek, the Incredibles, etc.) for children during the summer months. They can also purchase a popcorn and a bottle of water for \$1 each. This is one more example of the existing character of Adriaen's Landing.

Lastly, I would also like to address the Applicant's submission.

Parking – The Applicant represents that the majority of his visitor parking will be in the Front Street South Garage (the "Garage"); CRDA disagrees with this representation. The Garage was built with Federal funds and Revenue Bonds, CRDA is prohibited from using the Garage to support illegal activity, whether it be Federal, State, or municipal. Additionally, the use of the Garage is contractually restricted via the Adriaen's Landing Development Agreement with HB Nitkin and prohibits the sale of monthly parking passes, including to the dispensaries staff. Since CRDA believes the use of the garage is prohibited by federal law, CRDA will not be issuing value cards for patrons of the Applicant as reported in his application. Lastly, the Applicant's hours of operation do not correspond to the hours of operation of the Garage. The Garage will be closed to the public for large block of time during the Applicant's proposed hours of operation. I would submit that the Applicant has failed to file a proper parking plan for evaluation.

Garbage – Another item that the Applicant fails to address is a trash storage and a removal plan. Due to the limited size of the parcel, the Applicant does not have the means to store trash on the exterior of the premises. Section 3.3.10 of the Hartford Zoning Regulations specifically lists "waste disposal plans" as a possible item for consideration.

Sidewalks – The Applicant has provided that it will queue overflow visitors on the sidewalk on Columbus Boulevard. The area identified in the Application is under the custody and control of CRDA; we are responsible for snow removal, maintenance and repair, as well as the insuring of the identified sidewalks. The sidewalk's use is restricted from the queueing and loitering of visitors. Therefore, the Applicants has not identified an acceptable queueing location.

Egress – As Mr. Ashworth addressed in his report, this is a non-conforming lot. One of the items that the Applicant has not addressed is the existence of only one means of egress to the front of his building. The Applicant does not have an easement across the CRDA property required to use the remaining side door to the building to access the sidewalk. Furthermore, CRDA will be returning the patio and pathway to its original use, that is, a grassed embankment to support its various underground infrastructure.

CRDA has signed various agreements that require us to oppose the placement of a headshop/cannabis retail shop at Adriaen's Landing and we will take all steps necessary to comply with these agreements. CRDA does not oppose cannabis legalization or the placement of dispensaries in Hartford; however, we cannot support its approval at Adriaen's Landing.

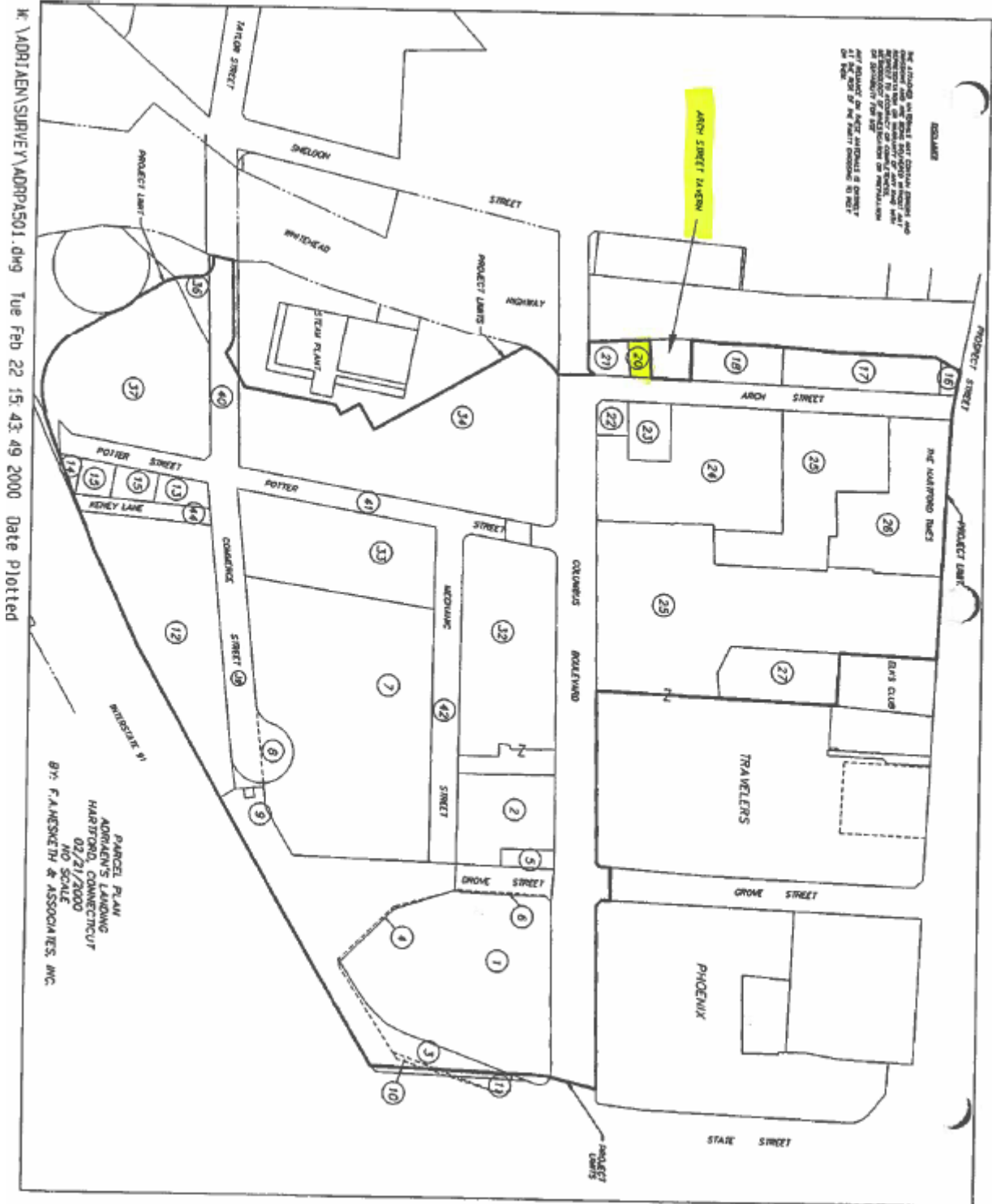
Connecticut General Statutes § 32-606(e) requires all state and municipal agencies, departments, boards, and commissions to cooperate with CRDA in carrying out its purposes and powers. Accordingly, I am respectfully asking this municipal commission to deny the application presented before you tonight.

Sincerely,

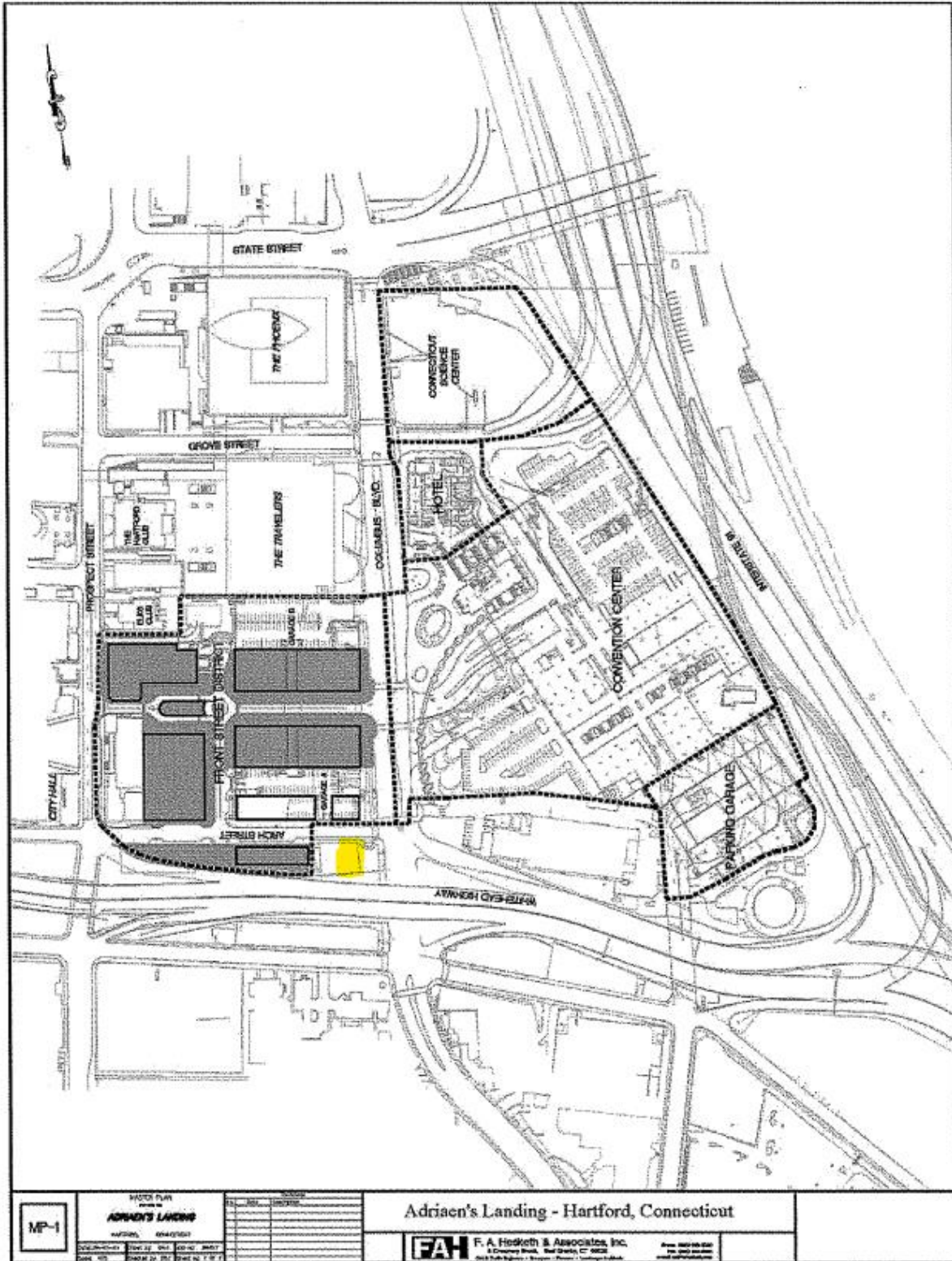
A handwritten signature in blue ink that reads "Anthony L. Lazzaro Jr". The signature is written in a cursive style with a large, stylized "J" at the end.

Anthony L. Lazzaro Jr
Deputy Director & Legal Counsel

Attachment 2 – Adriaen’s Landing Master Plan dated February 2000



Attachment 3 – Adriaen’s Landing Master Plan dated February 2010



Attachment 4 – Amendment to Master Plan dated December 2018

AMENDMENT TO MASTER DEVELOPMENT PLAN

WHEREAS, on March 3, 2000, the Governor of the State of Connecticut filed with the General Assembly of the State of Connecticut, the “Master Development Plan for Adriaen’s Landing and Stadium at Rentschler Field” (the “Master Development Plan”); and

WHEREAS, the Master Development Plan may be modified by the Secretary of the Office of Policy and Management of the State of Connecticut (the “Secretary”) pursuant to and in accordance with Section 32-655b of the Connecticut General Statutes (the “Authorizing Legislation”); and

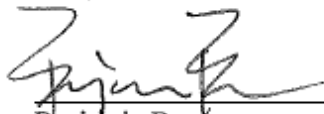
WHEREAS, the Secretary has determined that, due to unforeseen conditions or circumstances, the Master Development Plan should be modified to expand the area designated in the Master Development Plan for the mixed-use development known as Adriaen’s Landing (the “Adriaen’s Landing Site”); and

WHEREAS, the Secretary has determined that the modification of the Master Development Plan contemplated hereby will not result in a material change in the purpose or character of the stadium facility, the related parking facilities or the convention center, as contemplated by the Authorizing Legislation.

THEREFORE, the undersigned, Secretary, in accordance with the Authorizing Legislation, hereby modifies the Master Development Plan as follows:

The Adriaen’s Landing Site shall be expanded to include the parcel or parcels adjacent to the current Adriaen’s Landing Site and located on the south side of Arch Street, between Columbus Boulevard to the east and Prospect Street to the west, in the City of Hartford, now or formerly owned by Collins Brothers, L.L.C. and on which has been operated a tavern and restaurant known as the Arch Street Tavern (the “Additional Parcel”). The Additional Parcel shall constitute a portion of the Adriaen’s Landing Site designated for housing, retail and entertainment uses.

Submitted as of this 20th day of December, 2018.



Benjamin Barnes
Secretary, Office of Policy and Management

CHEFA

CONNECTICUT HEALTH and EDUCATIONAL
FACILITIES AUTHORITY



February 14, 2000

Mr. Mark C. Yellin
628 Farmington Avenue
Farmington, CT 06032

RE: Acquisition of 89 Arch Street, Hartford, CT

Dear Mr. Yellin:

Please be advised the above property is located on the development parcel known as Adriaen's Landing.

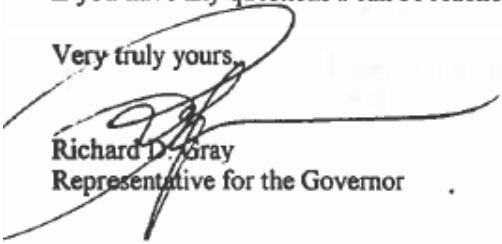
Given its location, this property, as well as many others on the site, must be acquired by the State of Connecticut in order for the development to proceed. As you are aware, the State commissioned two appraisals on this property which now have been completed. I have enclosed copies of both appraisals for your review.

At this time I am authorized to extend an offer to purchase the land and improvements on this property in the amount of \$150,000, the higher of the two appraisals.

This offer is contingent upon the final approval of the Adriaen's Landing project by the Connecticut State Legislature and the execution of the appropriate legal documents.

If you have any questions I can be reached at 860-520-4001 ext. 310.

Very truly yours,


Richard D. Gray
Representative for the Governor

10 Columbus Boulevard • Hartford, CT 06106-1976
Phone (860) 520-4700 • Fax (860) 520-4706

Attachment 6 – Email from Tony Lazzaro (CRDA) dated July 11, 2022

Paul Ashworth

From: Anthony Lazzaro <alazzaro@crdact.net>
Sent: Monday, July 11, 2022 7:14 PM
To: Paul Ashworth; Chambers, Aimee
Cc: Rifkin, Howard; Michael W. Freimuth
Subject: Adriaen's Landing site
Attachments: Adriaen's Landing Site Map {06-14-22}.pdf; Adriaen's Landing Site Map Key {06-14-22}.pdf

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Please contact the helpdesk at 860-757-9411 if you have any questions.

Hello Paul,

As a follow-up to my voicemail, I understand the City has several questions regarding the Adriaen's Landing site that were posed to OPM.

I have taken the liberty of providing answers directly to City for use in your report.

The map of Adriaen's Landing that you requested is contained within the Master Development Plan, which was filed by the Governor with the General Assembly on March 3, 2000. On May 2, 2000, the General Assembly enacted and the Governor signed Public Act 00-140, an *Act Implementing the Master Development Plan for the Adriaen's Landing Project and the Stadium at Rentschler Field Project*, validating the formal Master Development Plan and the Adriaen's Landing site map. The approved Adriaen's Landing site map was plotted on February 22, 2000 and was assembled as part the Master Development Plan, which was ultimately filed with the General Assembly on March 3, 2000. CRDA has three official copies of the Master Development Plan in its possession. Except as provided above, there are no additional known copies of the official Master Development Plan and the approved Adriaen's Landing site map.

With respect to the disclaimer, the language referencing "errors and omissions" and "accuracy of completeness" are with respect to lots sizes and exact boundaries. It is not meant to be a disclaimer as to whether an actual parcel is contained within the site or not. The list of parcel ownership clearly provides that the Yellin *Parcel 20* is within the Adriaen's Landing site. Again, this is not the type of "error or omission" contemplated by the disclaimer.

The Adriaen's Landing site has not been amended to extricate *Parcel 20* at 89 Arch Street from the site.

The Master Development Plan referenced in C.G.S. § 32-651 is much more than a map; it is a whole plan of development. The MD Plan includes a breakdown of the various parcels contained within the Adriaen's Landing site – See map and list of parcel ownership attached hereto.

The map in the 2010 financial report shows 89 Arch Street as excluded is titled "Master Plan"; however, 2010 map is a "sub-map" of the Adriaen's Landing site used for convenience purposes (See below).

The E/R/R Developer, HB Nitkin, was only given the right to develop the E/R/R District, a sub-district within the Adriaen's Landing site; consequently, a lesser map was created as it related to HB Nitkin's rights only. The definition of the Master Development Plan contained in the HB Nitkin Development Agreement is as follows: "Master Development Plan means the Master Development Plan filed by the Governor with the General Assembly on March 3, 2000, as same may be modified by the Secretary pursuant to Section 35 of the Public Act 00-140, **to the extent relating to the E/R/R District.**"

The map contained in the OPM Financial Report was not designed to replace or modify the existing actual Adriaen's Landing site map approved by the General Assembly, it was merely an exhibit to that certain Development Agreement with HB Nitkin for the E/R/R District, again, which is a sub-district within the broader Adriaen's Landing site.

When OPM and CRDA produced the annual reports, which were meant to be for public relations purposes, we utilized the colorized map of the Master Development Plan as relating to the E/R/R District rather than the dull black and white map of the Adriaen's Landing site contained in the approved Master Development Plan.

If you have any questions, you can reach me at (860) 655-0850.

Anthony L. Lazzaro Jr., Esq.
Deputy Director & General Counsel
Capital Region Development Authority
100 Columbus Boulevard, Suite 500
Hartford, CT 06103-2819
(860) 493-2905

Attachment 7 – Remedial Action Plan dated December, 2000



Attachment 8 – Pedestrian Circulation Plan from Adriaen’s Landing Master Development
Plan Vol. 1

