Via OHS Electronic CON Portal

April 8, 2019

Ms. Michaela Mitchell

State of Connecticut

Office of Health Strategy

450 Capitol Avenue

Hartford, Connecticut 06106

Re: **Certificate of Need Application: Docket Number 18-32231-CON**

**Yale New Haven Hospital**

**Termination of Primary Care Services**

**Fifth Order for Late File**

Dear Ms. Mitchell:

We are in receipt of the Fifth Order from the Office of Health Strategy on the Certificate of Need Application by Yale New Haven Hospital dated March 22, 2019 for the property at 150 Sargent Drive in New Haven.

We have repeated the questions posed by OHS below, with our response following in bold face type.

1. Provide additional details, **inclusive of supportive documentation,** regarding the flood history and flood risk at 150 Sargent Drive, in New Haven, Connecticut. Include the following:

**As discussed in detail below, the building located at 150 Sargent Drive has not been flooded within the past ten (10) years, even during Tropical Storm Irene and Superstorm Sandy.**

**The Long Wharf area of New Haven is a vibrant part of the city that is the subject of significant investment and development. The area currently includes significant businesses, including IKEA, Jordan’s Furniture, Assa Abloy, and the Regional Water Authority, as well as restaurants, a hotel and other commercial ventures. It is also the home to the Long Wharf Theatre. The City of New Haven has plans to expand development in the area and to establish it as a dynamic mixed-use district with new housing, parks, and other commercial development. Information on the City’s Long Wharf Responsible Growth Plan can be found here:** [**https://www.newhavenct.gov/gov/depts/ed/current/long\_wharf.htm**](https://www.newhavenct.gov/gov/depts/ed/current/long_wharf.htm)**. A copy of the Executive Summary of the plan is attached as Exhibit 1. Development of the area is already underway, with the City recently approving the conversion of the historic Pirelli Building into a hotel (the Pirelli Building is located near IKEA, less than a half mile away from 150 Sargent Drive).**

**In late fall of 2018, YNHH engaged Tighe & Bond, an environmental engineering firm, to provide environmental design oversight for the planned interior renovation at 150 Sargent Drive. In the process of its review, Tighe & Bond identified certain floodplain requirements and issued a report to YNHH on October 25, 2018 (copy attached as Exhibit 2). The report resulted in numerous discussions over the next few months with the City of New Haven and the Connecticut DEEP about the building’s categorization on flood hazard maps prepared by The National Flood Insurance Program (NFIP) operated by the Federal Emergency Management Agency (FEMA). These discussions had not yet resulted in a definitive answer about the building’s categorization by late January 2019, when YNHH filed for a permit from the City of New Haven to begin first floor renovations. At that point, YNHH was informed that a floodplain development permit would be required to obtain a building permit, which had not been anticipated by YNHH. This finding by the City stemmed from a misunderstanding about the status of the site on the FEMA flood hazard maps. The maps show an atypical situation where waves regenerate in properties behind the subject parcel due to prevailing winds. The City was unsure if this was truly an atypical situation or if it was a mapping error. As a result, the City requested clarification as to whether the building structure was located in a coastal high hazard area subject to high-velocity wave action (“Coastal AE Zone”) rather than an “AE Zone” that is outside of a high hazard area. This is a key distinction as the building code places more rigorous requirements on buildings located in Coastal AE Zones. Additional discussions took place over the next several weeks, with the Connecticut DEEP finding that the site is outside of the high hazard area and the City confirming this conclusion at a meeting in February 2019. The City then issued a permit for the first phase of renovations in March 2019, which caused the initial two month delay of Phase I construction noted in Fourth Order response. YNHH and the City now have clarity around the required permits and necessary precautions to be taken to flood proof the building in connection with the planned renovations.**

a. Information about whether this location has flooded within the past ten years; particularly during hurricanes Irene (2011) and Sandy (2012). Describe, in detail:

**The 150 Sargent Drive location has not flooded in the past ten (10) years. Although there were two significant storms during that period – Tropical Storm Irene (2011) and Superstorm Sandy (2012) – each of which affected the Long Wharf Harbor area, the site was unaffected by flood waters and access to the site was maintained during both storm events.**

**There was no flooding during Tropical Storm Irene, which impacted the Connecticut coast on August 28, 2011. The storm produced damaging winds, coastal flooding and a storm surge that affected portions of the Long Wharf area in New Haven. The peak storm surge in the area during Tropical Storm Irene was recorded at Elevation 7.93 (NAVD 88) at the Sargent Drive/Long Wharf area. The first floor elevation of 150 Sargent Drive is 11.86 (NAVD88), which is above the peak storm surge elevation of Tropical Storm Irene.**

**There was also no flooding during Superstorm Sandy, which impacted the New Haven area on October 29 – 30, 2012. The storm brought a storm surge and coastal flooding that affected major portions of the coastal New Haven area, including the 150 Sargent Drive parking area which experienced “ponding” (i.e., pooling of water in certain areas). The peak storm surge was recorded at Elevation 9.13 (NAVD 88) at New Haven Harbor. The first floor elevation of 150 Sargent Drive is 11.86 (NAVD88), which is above the peak storm surge elevation of Superstorm Sandy.**

**FEMA Elevation Certificates for the existing 150 Sargent Drive building are attached as Exhibit 3.**

1. *any* flood-related damage to 150 Sargent Drive;

**There have been no flood-related damages at 150 Sargent Drive. As noted above, peak storm surges during Tropical Storm Irene and Superstorm Sandy were below the first floor elevation at 150 Sargent Drive; accordingly, there was no grade level flood damage to 150 Sargent Drive from either storm.[[1]](#footnote-1)**

1. the cost of remediation and repair(s) for the damage described in i above; and

**No remediation or repairs were necessary, as floodwaters did not enter the building, therefore no cost was incurred.**

1. whether there were service disruptions and if so, the duration of those disruptions.

**During the last ten (10) years, YNHH has never had to close the site, nor were there any service disruptions due to flooding.**

**During each of the significant storms (Irene and Sandy), the parking lot at 150 Sargent Drive experienced some ponding but not to an extent that the site could not be accessed. During Superstorm Sandy, some adjacent roadways were flooded; however, because the site has multiple access points (it can be accessed from Sargent Drive and also from Church Street), access was still available from the north and northwest (via Union Avenue and Church Street).**

b. A copy of the 2018 report issued by Tighe and Bond regarding flood vulnerability at this location.

**A copy of the October 25, 2018 report is attached as Exhibit 2.**

c. Documentation regarding discussions with the State Department of Energy and Environmental Protection and the City of New Haven regarding:

1. any recommended and/or actual changes regarding the implementation of the proposal since the filing of the CON application;

**Please see attached Exhibit 4 for series of e-mails between Tighe & Bond and Diane Ifkovic of Connecticut DEEP, who is the State National Flood Insurance coordinator, regarding the type of Special Flood Hazard Area the building is in. As noted above, there was some initial misunderstanding over the flood zone status of the site. Ms. Ifkovic confirmed that the building is not in a coastal high hazard zone as determined by the NFIP Regulations in 44 CFR 60.3, and is not required to comply with the coastal high hazard zone provisions of the building code. The City acknowledged this finding at a meeting with YNHH on February 26, 2019, and issued a permit for the first floor renovations on March 7, 2019 (see Exhibit 5).**

**Based on the review by Tighe & Bond and the subsequent discussions with Connecticut DEEP and the City of New Haven, the scope of required flood-proofing of the site has been confirmed. YNHH has engaged an architect to implement appropriate flood-proofing, which will include installation of a fluid-applied waterproofing membrane to an elevation of 13.86 NAVD88, which is in excess of the required flood-proofing to 12 NAVD88, as well as installation of flood barrier doors, elevation of the entrance vestibule floor, and installation of insulated flood vents.**

1. the required permits to implement the proposal; and

**Because the site is within a 1% annual chance floodplain, the proposed improvements will require a Floodplain Development Permit from the City. Additionally, because the site is within the coastal boundary, a Coastal Site Plan Application is also required to be submitted to the City. As noted above, YNHH was not aware of these additional permitting requirements until earlier this year and its original timeline for renovations of the 150 Sargent Drive site had not included time for the additional permitting process. As noted in our response to OHS’s order dated March 18, 2019, the timeline for the overall project has been revised to an anticipated transition date in late summer 2020.**

1. the permit application schedule.

**Applications are scheduled to be submitted to the City by April 18, 2019 for review at the May 15, 2019 City Plan Commission meeting.**

d. The estimated impact on the patient population and the Federally Qualified Health Centers ("FQHCs") should flooding impede access to the proposed location; and

**Based on the experience of the past ten (10) years (described above), YNHH and the FQHCs do not anticipate that flooding will impede access to the proposed location. It is standard practice of both YNHH and the FQHCs to notify patients and reschedule appointments in the event of weather-related closures (e.g., as a result of snowstorms). In doing so, patient and employee safety is paramount and specific circumstances are evaluated to determine whether sites will be closed and for how long. Patients are rescheduled or redirected based on acuity. Because care to be provided at 150 Sargent Drive consists of outpatient, ambulatory services, rescheduling can be managed without any adverse impact on patients.**

e. A mitigation plan to maintain access to primary care services for the patient population during a flood event.

**As noted above, the building has not historically been impacted by flooding, even during significant storms such as Tropical Storm Irene and Superstorm Sandy. Any future risk will be mitigated by flood-proofing the building, re-paving the parking lot and undertaking the other renovations recommended by the architect. In the event that any roadways are flooded, there are alternate routes for access: in addition to access via Sargent Drive, the site is also accessible from the north and northwest via Union Avenue and Church Street. In addition, because the source of the flood risk in the area is coastal in nature (as opposed to riverine flash flooding events), there is typically a few days advance warning with major coastal storms, which will enable the facility staff to prepare in advance. Because coastal flooding dissipates with the tide, flooding of roads in the area is typically short-term. As noted above, if there are any weather-related emergencies that require that the site be closed, patients will be notified and rescheduled or redirected.**

2. Provide a list of all transportation vendors the Applicant considered for the provision of ADA compliant transportation services for 150 Sargent Drive, and the measures taken to assess each vendor's capacity to serve the target population.

**As noted at the hearing and in previous filings, YNHH has evaluated the transportation needs of the patients of the current Primary Care Centers (PCCs) and has considered ways to ensure that transportation is not a barrier to access. YNHH conducted a statistically-significant sample survey of over 2,500 current PCC patients and determined that approximately two-thirds relied on private vehicles to travel to their appointments and would benefit from the ease of access and free parking at the new site. Of the patients who do not use private vehicles, approximately 10% indicated they walk to appointments, 15% indicated that they use public transportation, and 5% indicated they used a Medical Taxi or other medical transportation.**

**Patients who currently use Medical Taxis or other medical transportation will be able to utilize those services to access 150 Sargent Drive. YNHH has, therefore, focused its efforts on ensuring that access will not be limited for those who use public transportation and/or who walk to their appointments. In its evaluation, it has considered the needs of the patient population, including those who require specialized transportation services. YNHH considered various options:**

1. **Public Transit. YNHH reviewed CT Transit, and evaluated bus routes from the New Haven neighborhoods in which the majority of patients who receive services at the YNHH PCCs live, with special focus on the neighborhoods where the largest concentration of patients not using private vehicles reside. All CT Transit buses have wheelchair lifts or ramps for access by persons with disabilities. Buses can also “kneel” to lower the first step height. According to the CT Transit website: “Most types of mobility devices (wheelchairs, 3-wheel scooters, and walkers) can be accommodated on the buses.” Senior citizens (65+) and those with a qualifying disability can travel for a reduced fare at any time on CT Transit and all other bus systems operating under contract to the CTDOT.**
2. **Ride Sharing. After review of the bus routes identified that there are some routes that would require more than one transfer, YNHH considered ride-sharing options. One of the vendors we are planning to use for ride sharing has a specialized program called UberASSIST.**

**UberASSIST is a program that has been successfully implemented in other parts of the country and provides extra assistance for patients with special transportation needs, including those with disabilities, seniors, and pregnant women. Drivers are required to take an online course and drive a vehicle that can accommodate an assistive device, such as a folding wheelchair or collapsible scooter. YNHH and UberASSIST are working through the terms of their contract and anticipate that it will be finalized several months prior to the transition of services to 150 Sargent Drive. Uber has informed YNHH that UberASSIST has been implemented in fifteen cities across the United States and that it is confident that it will be able to implement the program in Greater New Haven area in time for the transition of services to 150 Sargent Drive.**

1. **Specialized Transportation Providers. As noted above, approximately 5% of the current PCC patients utilize a Medical Taxi or other medical transportation to access primary care services. It is anticipated that those patients will continue to use these services without change. For patients who do not currently utilize such services and who need services beyond scope of UberASSIST, YNHH has reviewed the following options:**

* **Veyo, the State of Connecticut’s contracted provider of transportation services for Medicaid beneficiaries.**
* **The Greater New Haven Transit District (GNHTD) and the Milford Transit District (MTD), which provide transportation services in the region for individuals with disabilities, seniors and veterans. GNHTD and MTD are regional providers in Greater New Haven of ADA-compliant transportation services under Connecticut’s complementary ADA paratransit service. Patients who meet the ADA definition of disability may apply for access to the service on a temporary, conditional or unconditional basis (e.g. those whose disability always prevents them from using public buses need only apply and be certified once for access on all future trips).**
* **Coordinated Transportation Solutions (CTS), which offers specialized transportation services throughout Connecticut. CTS contracts with three transportation providers operating in and around New Haven, all of which are ADA-compliant and include lift-equipped Handivans, and vehicles with ramps that accommodate powered wheelchairs and scooters.**
  + **Section 5310 grantees in the greater New Haven area. Section 5310 is a federal grant program intended to improve mobility for seniors and individuals with disabilities by removing barriers to transportation service and expanding transportation mobility options. The Transit Manager of the Bureau of Public Transportation, Connecticut Department of Transportation provided information on Section 5310 grantees in the area that provide medical transportation, including:**
    - **The Kennedy Center,**
    - **Marrakech, Inc.,**
    - **The Mary Wade Home, and**
    - **East Shore Regional Adult Day Center dba Orchard House Medical Adult Day Center.**
* **Other non-profits in and around New Haven that offer medical transportation services for specific populations: cancer patients, ALS patients, HIV and AIDs patients, individuals receiving HUSKY D or Military Support Program services, and patients with MS, among others.**

1. **Other. For the small number of patients who do not meet eligibility requirements for Veyo, GNHTD or MTD or the other providers noted above, and who require greater assistance than is provided by the UberASSIST program, YNHH has initiated conversations with MTD and discussed the basic terms of an agreement in principle for MTD to be our safety net transportation provider for this population. MTD has confirmed that it has the capacity to meet the needs of those patients with disabilities who need transportation to 150 Sargent Drive.**

**The combination of ample free parking, public transportation that is ADA-compliant, the ride-sharing program including Uber ASSIST, and the services of Veyo, medical taxis and other specialized modes of transportation noted above will ensure that there are not barriers to access at 150 Sargent Drive.**

**Respectfully submitted,**



**Jeryl Topalian**

**Director, Strategy and Regulatory Planning**

**Yale New Haven Health**

**cc: Cynthia Sparer, Sr. VP Operations, YNHHS**

**Jennifer Willcox, VP Legal Services, YNHHS**

1. During one storm, there was some water infiltration due to a poor roof seam, but that has been corrected and did not relate at all to the floodplain. [↑](#footnote-ref-1)