

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 133 HAMILTON STREET. Special Permit for the conversion of existing structure of at least 50,000 SF into dwelling units in an IL zone. (Owner/Applicant: Alex Dzyuba for Taom Heritage New Haven, LLC; Agent Stephen Benben of Triton Environmental, Inc.)

REPORT: 1547-07

ACTION: Approval with Conditions

Note: Companion CPC Report 1547-02 for the same site.

Previous CPC Actions:

- **CPC 1278-16:** Acceptance of grant from HUD in an amount not to exceed \$490,000 for the cleanup and site preparation of the property to accommodate expansion of the Palmieri Food Products plant. Recommended Approval September 22, 1999.
- **CPC 1518-02:** RESOLUTION OF THE BOARD OF ALDERS Authorizing the City to apply for and accept a grant from CT DECD for \$200,000 to support environmental investigation to support redevelopment of clock factory property. Recommended Approval on September 17, 2018.
- **CPC 1521-07:** RESOLUTION OF THE BOARD OF ALDERS Authorizing the City to apply for and accept a grant from DECD not to exceed \$100,000 to continue environmental investigation to support the redevelopment of the clock factory property at 133 Hamilton Street. Recommended Approval on August 21, 2016.
- **CPC 1541-03:** ORDER OF THE BOARD OF ALDERS Approving the execution of a tax abatement agreement between the City of New Haven and Taom Heritage New Haven, LLC, for property located at 133 Hamilton Street to be used as affordable housing in accordance with Section 8-215 of the Connecticut General Statutes. Recommended Approval on February 21, 2018.
- **CPC 1541-04:** ORDER OF THE BOARD OF ALDERS Approving a grant of an amount not to exceed \$400,000 to Taom Heritage New Haven, LLC, for environmental cleanup of the property located at 133 Hamilton Street to accommodate low income artist housing. Recommended Approval on February 21, 2018.

Submission: SPECIAL PERMIT Application Packet including DATA form. Application fee: \$250.

Received July 24, 2018.

- Stormwater Management Plan dated July 19, 2018. Received July 19, 2018. Revised September 19, 2018. Received September 19, 2018.
- Responses to comments letter dated September 6, 2018. Received September 7, 2018.
- Application drawings. 13 sheets received on July 19, 2018. Revisions received August 3, 2018. Revisions and 2 additional sheets received September 7, 2018 and September 19, 2018.
 - Title Sheet. Received July 19, 2018.
 - EX-1: Existing Conditions Plan. Drawing date July 19, 2018. Received July 19, 2018. Revised September 19, 2018. Received September 19, 2018.
 - SP-1: Site Layout Plan. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - GP-1: Grading Plan. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - UP-1: Utility Plan. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.

- SE-1: Soil Erosion and Sediment Control Plan. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - SE-2: Soil Erosion and Sediment Control Notes & Details. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - LS-1: Landscaping Plan. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - LP-1: Lighting Plan. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - RP-1: Reflective Heat Impact Plan. Drawing date August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - CP-1: Common Areas Plan. Drawing date August 31, 2018. Received September 7, 2018. Revised September 19, 2018. Received September 19, 2018.
 - DN-1 – DN-4: Notes and Details. Drawing date July 19, 2018. Received July 19, 2018. Revised August 3, 2018. Received August 3, 2018. Revised September 19, 2018. Received September 19, 2018.
- Architectural drawings. 62 sheets received July 19, 2018.

BACKGROUND

Per the City of New Haven zoning regulations Sections 42(a)(3) and 64, Alex Dzyuba of Taom Heritage New Haven, LLC has applied for a Special Permit (and Site Plan Review including Coastal Site Plan Review: CPC Report 1547-02) for dwelling units in an existing structure of at least 50,000 SF gross floor area and no less than two stories in height built prior to 1963, at a maximum density of 1 unit per 1,000 SF gross floor area in an IL zone at 133 Hamilton Street.

Current site conditions: The project site encompasses an area of approximately 85,149 SF (1.93 acres) and consists of a partially occupied building with three wings that range from three- to four-stories and a parking area. The site, which was formerly occupied by the New Haven Clock Company Factory, is bounded by commercial/industrial property in the north, Wallace Street in the east, St. John Street in the south, and Hamilton Street in the west.

Proposed Activity: The applicant proposes to convert the approximately 145,090 SF building into 130 residential units that will include one- to three-bedroom units. The proposed project includes interior hazardous material abatement and a variety of site remedial actions, such as targeted soil removal and the installation of engineered controls (ECs) in order to cap additional impacted soils in to place. Additional site work will include stormwater drainage improvements, landscaping, and the development of an at-grade parking lot.

PUBLIC HEARING

A public hearing was held on September 20, 2018. The meeting minutes and a recording of the hearing, CPC meeting 1548, is available from the City Plan Department.

SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the *use* of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform. It is recognized, however, that there are certain *uses* and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact

of such *uses* and features upon neighboring *uses* and the surrounding area, compared with the public need for them at particular locations. Such *uses* and features are therefore treated as special permits.

Special Permit Criteria	Comments
a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.	<i>The Development Permit application, including the Site Plan, Coastal Site Plan, and Special Permit application submittals, establish the applicant's eligibility because all Ordinance requirements are met.</i>
b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.	<i>The property complies with all applicable regulations and will undergo a near total renovation as part of its proposed conversion to residential use. All alterations and upgrades will comply with City and State requirements.</i>
c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.	<i>The proposed special permit's use complies with the City's Comprehensive Plan and will prevent an under-utilized and highly contaminated site from being abandoned.</i>
d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.	<i>There is currently a minimal amount of vegetation on the property. The proposed project includes the planting of several trees and shrubs around the periphery of the parking areas and building and the installation of a green lawn on the site.</i>
e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.	<i>No hazardous materials will be stored on-site. No vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, or glare is expected. Limited noise will be generated during construction of the lot. Remedial actions will take place to safely conduct hazardous materials abatement in the interior of the building and remove contaminated materials from the site, including targeted soil removal and the installation of engineering controls in order to cap additional impacted soils in place. Site remediation will be conducted under the terms of Connecticut's Brownfields Remediation and Revitalization Program (BRRP) overseen by DEEP. The applicant has indicated that the regulatory approval of remedial actions are currently being sought through CT DEEP and the US EPA.</i>
f. <i>Historic preservation.</i>	<i>The existing building is listed in the National register of Historic Plans. Exterior restoration will be conducted in accordance with State Historic Preservation Office guidelines. The building exterior appearance, size, design, proportions, and profiles will remain largely the same. The applicant has indicated that the proposed rehabilitation of the building has been reviewed and approved by the Connecticut State Historic Preservation Office.</i>

<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>	<p><i>The exterior of the building will remain largely unchanged. The property will be improved by the addition of trees, shrubs, green lawn, and enhanced stormwater management infrastructure.</i></p>
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p><i>The residential use of the building is likely to have a positive impact on property values in the surrounding area, as it will convert a mostly vacant building into an active residential use.</i></p>
<p>i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p><i>The proposed residential use of the property is not expected to adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby 133 Hamilton Street. Traffic will enter the site via Hamilton Street and Wallace Street and exit the site via Wallace Street.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §42(a)(3) of the New Haven Zoning Ordinance for residential use in an IL zone are as follows:

- 1. Special Permit must be filed on the land records of the City of New Haven before issuance of building permits.**

ADOPTED: September 20, 2018
Edward Mattison
Chair

ATTEST: MP.L.
Michael Piscitelli, AICP
Deputy Economic Development Administrator