

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 29 AUDUBON STREET. Site Plan Review for construction of 66 new residential units in a BD zone. (Owner/Applicant: 29 Audubon Street LLC; Agent: Carolyn W. Kone, Esq. of Brenner, Saltzman & Wallman LLP)

REPORT: 1551-05

ACTION: Approval with Conditions

Note: Companion CPC Report 1551-04 for the same site.

Related CPC Actions:

- **CPC 1546-07: ORDER OF THE BOARD OF ALDERS** authorizing the City of New Haven to accept the sum of sixty thousand dollars (\$60,000.00), from 335 Orange Street, LLC, to be dedicated to Capital Pedestrian Improvements, for the “Audubon Square” Development Project at Orange Street and Audubon Street. Approved July 18, 2018.
- **CPC 1525-01: 335 AND 367 ORANGE STREET.** Site Plan Review for construction of 269 apartment units and associated amenities in a BD zone. Approved February 15, 2017.

Submission: SPR Application Packet including DATA, WORKSHEET, SITE, and SESC forms.

NARRATIVE attached. Application fee: \$360. Received October 18, 2018.

- Engineering Report dated October 18, 2018. Received October 18, 2018. Revised October 31, 2018. Received November 1, 2018.
- Photometric Calculations dated October 24, 2018. Received November 1, 2018.
- Application drawings. 13 sheets received October 18, 2018. Revisions received November 1, 2018 and November 8, 2018.
 - Title Sheet dated October 18, 2018. Received October 18, 2018.
 - EX: Existing Conditions. Drawing date October 18, 2018. Received October 18, 2018.
 - LA: Site Plan – Layout and Landscaping. Drawing date October 18, 2018. Received October 18, 2018. Revised November 8, 2018. Received November 8, 2018.
 - GR: Site Plan – Grading. Drawing date October 18, 2018. Received October 18, 2018. Revised November 1, 2018. Received November 1, 2018. Revised November 8, 2018. Received November 8, 2018.
 - UT: Site Plan – Utilities. Drawing date October 18, 2018. Revised November 1, 2018. Received November 1, 2018. Revised November 8, 2018. Received November 8, 2018.
 - RH: Reflective Heat Impact Study. Drawing date October 18, 2018. Received October 18, 2018. Revised November 1, 2018. Received November 1, 2018.
 - SE-1: Sediment and Erosion Control Plan. Drawing date October 18, 2018. Received October 18, 2018. Revised November 1, 2018. Received November 1, 2018. Revised November 8, 2018. Received November 8, 2018.
 - SE-2: Sediment and Erosion Control Specifications and Details. Drawing date October 18, 2018. Received October 18, 2018. Revised November 1, 2018. Received November 1, 2018.
 - SD-1 – SD-4: Site Details. Drawing date October 18, 2018. Received October 18, 2018. Revised November 1, 2018. Received November 1, 2018.
 - SU: Property Survey. Drawing date April 30, 2018. Received October 18, 2018.
 - VH – VH-2: Vehicle Movement Plan. Drawing date October 18, 2018. Revised November 1, 2018. Received November 1, 2018.
- Architectural drawings. 11 sheets dated October 17, 2018 and received October 18, 2018.

BACKGROUND

Per the City of New Haven zoning regulations Sections 42(a)(2) and 64, Clayton Fowler of 29 Audubon Street LLC has applied for a Special Permit (and Site Plan Review: CPC Report 1551-04) to construct dwelling units on the first floor of a proposed six-story building in a BD zone.

Current site conditions: The project site encompasses an area of approximately 36,956 SF (0.85 acres) and is occupied by a paved parking lot with access along Audubon Street. The site is bounded by Audubon Street in the south and parking lots and commercial property in the north, east and west.

Proposed Activity: The proposed activity includes consists of the construction of 66 residential dwelling units in a six-story mixed-use building. Proposed site work includes stormwater management improvements, the construction of a 49-space parking lot, and the installation of new sidewalks, tree wells, street lighting, and new trees along Audubon Street.

PUBLIC HEARING

A public hearing was held on November 14, 2018. A transcript of the hearing, CPC meeting 1551, 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
<p>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.</p>	<p><i>The Development Permit application, including the Site Plan and Special Permit submittals, establish the applicant's eligibility because all Ordinance requirements are met.</i></p>
<p>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.</p>	<p><i>The proposed use complies with all applicable regulations in a BD zone.</i></p>
<p>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.</p>	<p><i>The proposed special permit's use complies with the City's Comprehensive Plan. The proposed residential development has been designed to be compatible with the existing historic homes on Audubon Street as well as the new townhouse units that are in construction across the street from the project site.</i></p>

<p>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.</p>	<p><i>The entire project site is currently an impervious surface parking and there are no natural features on site.</i></p>
<p>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.</p>	<p><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 most likely be generated during construction.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>N/A No historic structures on site</i></p>
<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>Proposed site development and building design is compatible with the surrounding area and the neighborhood.</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 proposed residential development is likely to have a positive impact on property values in the surrounding area, as it will convert a surface parking lot into an active residential use. The property will be further improved by the addition of street trees, street lights and enhanced stormwater management infrastructure.</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 first floor residential use of the development is not expected to adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent to, or nearby 29 Audubon Street. The proposed development includes the construction of a 49-space parking lot on site that will provide adequate parking for the residents of the first floor units.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §42(a)(2) of the New Haven Zoning Ordinance for residential use on the first floor of a proposed mixed-use building are as follows:

- 1. Special Permit must be filed on the land records of the City of New Haven before issuance of building permits. A digital copy of the recorded report shall be provided to staff (.pdf).**

ADOPTED: November 14, 2018
Edward Mattison
Chair

ATTEST: MDL
Michael Piscitelli, AICP
Deputy Economic Development Administrator