

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 243 LEGION AVENUE Special Permit for parking facility over 200 spaces for Continuum of Care development. (Owner: City of New Haven, Continuum Centerplan Development LLC; Applicant/Agent: Rolan Young Smith for Berchem, Moses & Devlin).

REPORT: 1492-06
ACTION: Approval

Submission: SP Hearing Application. Fee \$150.00. Received April 17, 2014. Companion application CPC-1492-05 SPR Application Packet including DATA, CSPR, SITE, and NARRATIVE forms.

- Traffic Impact/ OSTA permit applied for by Fuss and O'Neill April 2014

PROJECT SUMMARY:

- **Project:** Overall Mixed Use Development/ Special Permit re Parking
- **Address:** 243 Legion Avenue (portion of, known as Parcel 2)
- **Site Size:** 110,159 Square feet (2.53 acres)
- **Zone:** BD-2 and BA
- **Parking:** On site surface, and structured garage and surface spaces totaling 769 spaces
- **Owner:** City of New Haven
- **Applicant:** Rolan J. Young Smith **Phone:** 203-783-1200
- **Agent:** Rolan J. Young Smith **Phone:** 203-783-1200
- **Site/Civil:** Freeman Companies **Phone:** 860-252-9550
- **Traffic:** Fuss & O'Neill **Phone:** 800-286-2469
- **City Lead:** City Plan Dept. **Phone:** 203-946-6379

BACKGROUND

Previous CPC Actions: CPC 1488-10 (February 19, 2014) Development and Land Disposition Agreement between the City of New Haven and Continuum Centerplan Development LLC. Companion Site Plan Review on this agenda CPC 1492- 05

Current site conditions: The site is currently in use as part of a paved, fenced, surface parking lot administered by Park New Haven and used largely by monthly parkers working at both campuses of Yale New Haven Hospital. It is served by YNHH shuttles.

Proposed Activity: The proposed activity consists of construction of a structured parking garage and related surface spaces, totaling 769 spaces.

PUBLIC HEARING:

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.

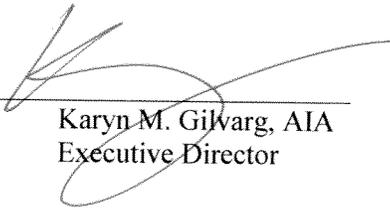
Special Permit Criteria	Comments
<p>a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.</p>	<p><i>The entire block from Dwight Street to Orchard between Legion Ave and Martin Luther King Boulevard is being sold to Continuum Centerplan Development LLC pursuant to a City DLDA in order to create a mixed use development on this block. Structured parking is needed to meet the zoning ordinance requirements and the market demand for spaces generated by the proposed reuses which include: offices for Continuum of Care, Inc., a large pharmacy/convenience store, a hotel and additional retail space. The garage is sized to accommodate parking at the full buildout of the site, along with additional surface spaces.</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>Parking is a permitted use in the BD-2 and the BA zones. The proposed plans comply with NHZO standards.</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 use is in harmony with the Comprehensive Plan's goals re mixed use redevelopment on the old Route 34 corridor. The site (proposed Lot 2) is a portion of a larger block which will be developed by the same applicant to house a new office facility for Continuum of Care, a large pharmacy, retail and office space and a hotel. Structured parking is needed to allow and support this more intense development.</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 site is a disturbed urban site, essentially flat and mostly paved. There are existing trees along Legion and Martin Luther King and few larger trees 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,</p>	<p><i>The proposed structured parking facility would house 763 spaces, and six surface spaces: a few more spaces than the current surface facility. The facility will be built to meet all applicable codes and is subject to Site Plan review. A traffic study and request for review by the Office of State traffic analysis has been submitted for review of traffic</i></p>

transportation or disposal, or similar conditions.	<i>impacts on Route 34.</i>
f. <i>Historic preservation.</i>	N/A
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.	<i>The garage is sited as a trough block structure with its shorter dimension parallel to Legion Ave and Martin Luther King Boulevard. The structure shown is fairly simple and utilitarian. Landscape screen walls are proposed to break down the scale of the structure. The stair towers are transparent glass. Overall structure is 44 feet to the top of the parapet on the top level. There may be an additional lightweight roof structure to house photo-voltaic panels. The surrounding area is a mixture of larger buildings and garages serving the medical district and both hospitals, other civic uses such as Career High School as well as smaller older structures, such as the former Scranton School and housing.</i>
h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.	<i>The parking structure will enable the development of the block as a more active and mixed use area, and help make the area more pedestrian friendly and connect it to the adjacent neighborhoods, which should enhance property values</i>
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.	<i>Traffic Impact Study submitted by Fuss & O'Neill.</i>

CONDITIONS OF APPROVAL:

The Commission finds that the application for a lot or garage of more than 200 parking spaces meets the criteria for a Special Permit under §64 and §46(a) of the New Haven Zoning Ordinance and therefor recommends approval.

ADOPTED: May 21, 2014
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilwarg, AIA
Executive Director