

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 335 AND 367 ORANGE STREET. Special Permit for construction of a 648-space parking garage and 68 surface parking spaces in a BD zone.
(Owner/Applicant: Clay Fowler for 335 Orange Street, LLC; Agent: Carolyn Kone for Brenner, Saltzman, & Wallman, LLP)

REPORT: 1525-03

ACTION: Approval

Note: Companion CPC Report 1525-01 for Site Plan Review for the same site.

Previous CPC Actions: CPC 888-03, September 16, 1981: Land Disposition Agreement for office addition and parking; CPC 1209-12, July 17, 1996: SESC application for demolition of structure and expansion of existing 236-space parking lot to 400 spaces.

Submission: SPR Application Packet including SPECIAL PERMIT, DATA, and WORKSHEET forms. NARRATIVE attached. Narrative updated 16 Dec 2016. Application fee: \$150. Received November 17, 2016. Additional \$90 received Dec 27, 2016 to cover costs of re-scheduling Special Permit (standard fee).

- Traffic Impact and Parking Study, dated November 18, 2016, received November 18, 2016. Revisions dated December 8, 2016, received December 8, 2016. Revisions dated December 16, 2016, received December 19, 2016. Revisions dated January 6, 2017, received January 9, 2017.
- Engineering Report, dated November 18, 2016, received November 18, 2016. Revisions dated December 6, 2016, received December 8, 2016. Revised December 16, 2016 and received December 19, 2016.
- Vehicle turning exhibit, dated December 5, 2016. Received December 8, 2016.
- Garage sightline exhibit, dated November 30, 2016. Received December 8, 2016.
- Civil plans (sheets UT and LA) for Site Plan Review signed by City of New Haven Fire Marshal on December 6, 2016. Received December 8, 2016.
- Water Quality Volume Computation dated December 6, 2016 and received Dec 13, 2016. (This memo was later subsumed into the updated SWM/Engineering Report.)
- Email from Ricardo Ceballos at Greater New Haven Water Pollution Control Authority (GNHWPCA) re: development's impact to the adjacent combined sewer system, dated December 6, 2016. Received December 8, 2016.
- Preliminary Geotechnical Report by GeoDesign Incorporated dated February 17, 2016 and received December 20, 2016.
- Letter from GeoDesign, Inc. re: soil infiltration, dated December 8, 2016. Received December 8, 2016.
- Letter from GeoDesign regarding Boring Hole Permeability Testing dated December 16, 2016 and received December 19, 2016.
- Memo (letter) from Cindy Baumann of CDM Smith. Engineering Peer Review. Dated and received December 2, 2016.
- Response to Traffic Impact and Parking Study comments of December 2, 2016 (CDM SMITH Memo), dated December 8, 2016. Received December 8, 2016.
- Response to Engineering Report comments of December 2, 2016 (CDM SMITH Memo), dated December 8, 2016. Received December 8, 2016.
- Response to City Comments. Dated and received December 20, 2016.
- Memo from CNH TTP Dated December 12, 2016 and disseminated December 13, 2016.
- Response to TTP Memo (dated Dec 12, 2016) with comments. Dated December 16, 2016 and received December 19, 2016.

- Memo (letter) from Cindy Baumann of CDM Smith. Engineering Peer Review. Dated December 23, 2016, received and disseminated January 3, 2017.
- Response to CDM Smith comments of December 23, 2016 dated January 6, 2017. Received January 9, 2017.
- Application drawings, Volume 1. 21 sheets received November 21, 2016. Revisions received December 8, 2016. Revised December 16, 2016. Received December 19, 2016. Revisions Dated and Received December 20, 2016. Revisions Dated and Received December 20, 2016. Revisions Dated and Received January 11, 2017.
 - Title sheet. Revision date December 6, 2016. Revised December 16, 2016. Received December 19, 2016.
 - SU: Property/Topographic Survey. Drawing date December 1, 2015.
 - EX: Existing Signage Plan. Drawing date November 17, 2016.
 - LA: Site Plan – Layout. Revision date December 6, 2016.
 - RH: Reflective Heat Impact Study. Revision date December 6, 2016.
 - GR: Site Plan – Grading. Revision date December 6, 2016.
 - UT: Site Plan – Utilities. Revision date December 6, 2016.
 - SE-1: Sediment and Erosion Control Plan. Revision date December 6, 2016.
 - SE-2: Sediment and Erosion Control Notes and Details. Revision date December 6, 2016.
 - SD-1 – SD-4: Site Details. Revision date December 6, 2016.
 - SPL-1.0: Landscape Site Plan. Revision date December 6, 2016.
 - SPL-2.0 – SPL-2.2: Area Enlargements. Revision date December 6, 2016.
 - SPL-3.0: Landscape Lighting Plan. Revision date December 6, 2016.
 - SPL-4.0 – SPL-4.2: Landscape Details. Revision date December 6, 2016.
- Application drawings, Volume 2. 19 sheets dated November 17, 2016 and received November 21, 2016. Revisions Received December 20, 2016. Revisions Dated and Received December 20, 2016. Revisions Dated and Received January 11, 2017.
 - A0.00 Title Sheet. Drawing date November 17, 2016.
 - A0.30 Zoning/Building Analysis. Drawing date November 17, 2016.
 - A0.40 Setback Diagram. Drawing date November 17, 2016.
 - A0.50 Construction Staging Plan. Drawing date November 17, 2016.
 - A1.00 Basement Floor Plan. Drawing date November 17, 2016.
 - A1.01 – A1.07: Levels 1 through 7 Floor Plans. Drawing date November 17, 2016.
 - A1.08: Roof Plan. Drawing date November 17, 2016.
 - A2.01 – A2.03 Building Elevations. Drawing date November 17, 2016.
 - A3.01: Building Sections. Drawing date November 17, 2016.
 - A9.03 – A9.05. Renderings. Drawing date November 17, 2016.

BACKGROUND

Per the City of New Haven zoning regulations Sections 42, 45, and 64, Clay Fowler of 335 Orange Street, LLC has applied for a Special Permit (and Site Plan Review: CPC Report 1525-01) for construction of more than 200 parking spaces in conjunction with the construction of a 269-unit apartment building at 335 and 367 Orange Street. The site is currently developed and within the City's downtown and the Central Business (BD) zone.

Current site conditions: The project site is composed of a parcel, 335 Orange Street and 367 Orange Street, which comprises the majority of the city block bounded by Audubon Street to the north, Orange Street to the west, Grove Street to the south and State Street to the east. Another 0.45-acre parcel in this block that is not part of this project, 630 State Street, is occupied by Trinity Baptist Church and is surrounded by the project site on three sides. The entirety of the project site is currently used as a 378-space surface parking lot for Frontier Communications employees and visitors. Frontier is located at 310 Orange Street, kitty-corner to the project site.

The applicant acquired the site in early 2016. As part of the purchase agreement, the applicant agreed to provide up to 525 parking spaces for Frontier employees and visitors. The required residential parking (202 spaces) and part of the required Frontier spaces will be provided on the project site; the balance of the Frontier spaces will be provided in a lot across the street.

Proposed Activity: The proposed project, to be called Audubon Square, will be constructed in phases. This application is for the first phase only. In this phase, the applicant proposes to construct 269 units of market-rate rental apartments along with related amenities. The main building will span the length of Audubon Street, as well as the northern portions of Orange Street and State Street. In addition to apartment units, there will be an approximately 4,000 SF ground-floor retail area on the corner of Orange and Audubon Streets, including a space designated for an outdoor retail/restaurant space.

A private drive will bisect the project site, running from an existing curb cut on Audubon Street, under the second floor of a portion of the building, to an existing curb cut on Grove Street. The portion of the building to the west of the private road will wrap a 648-space, 165,000 SF garage, which will contain one level of below-ground parking and eight levels of above-ground parking.

Sixty-two existing parking spaces along Grove Street will be maintained, and six new spaces and a loading area created along the private drive.

PUBLIC HEARING: A public hearing was held on February 15, 2017. A transcript of the hearing, CPC meeting 1527, is available from 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 applicant has submitted an application and supporting data that demonstrate compliance with Section 64(e) and all other pertinent sections of the New Haven Zoning Ordinance.</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 parking facilities comply with all applicable portions of the Zoning Ordinance. The proposed development requires 202 parking spaces; 716 are provided. On-site and off-site parking structures and lots are allowable uses in the BD zone. The applicant will comply with all requirements concerning the provision of handicapped van and car spaces and all regulations regarding the required sizes of parking spaces and aisles.</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 parking facilities are in accordance with the Comprehensive Plan, which discourages stand-alone surface parking lots. The proposed project will initially eliminate most of the surface parking on the site, reducing the existing 378-space surface lot to a 68-space surface lot. The Plan also recommends encouraging medium-to-long-term opportunities to build appropriately-sized mixed-use parking facilities, which the proposed garage will be. It will be completely wrapped by a building that will contain apartments, amenities, and retail space. The Plan also recommends that shared parking options should be allowed for new development proposed in high-density areas. A portion of the lot will be utilized by employees and visitors of Frontier Communications across Orange Street.</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>There are no existing natural features on this 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>There are no known existing or anticipated hazards on this project site.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>There are no features of historic significance, and the project site is not located within an historic district.</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>The garage will be completely wrapped by the surrounding building and will not be visible from the street or from anywhere on site. The surrounding building has been designed to be architecturally compatible with the neighborhood, including townhouse structures on the Audubon Street side of the building. The project site will include landscaping and lighting, as well as public spaces and a private street that will be publically accessible and break up the massing of the block.</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 parking facilities are proposed as part of a market-rate, mixed-use project that is expected to increase surrounding property values.</i></p>

i. *Traffic impact.* 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.

The applicant conducted a traffic and parking study that considers traffic patterns near the site and the adequacy of off-street parking. The study concludes that the surrounding roadway system can support the project with some minor signal timing adjustments, the proposed number of total parking spaces are adequate for the development, and that there are no significant safety concerns at the project site driveways or existing roadway systems. The City's Transportation, Traffic, and Parking Department has recommended a number of additional off-site improvements to ameliorate the effects of additional traffic on surrounding infrastructure. It is anticipated that the Office of the State Traffic Administration (OSTA) will determine that no major traffic generator certificate will be required for the project.

The City and the applicant have discussed improvements in the public right of way that will enhance pedestrian and vehicle safety in the area, as shown conceptually on drawing IN by Milone and McBroom dated January 11, 2017. The intersection at Audubon and Orange will be upgraded similar to the intersection at Whitney and Audubon. Improvements will include design and installation of RRFB's (Rectangular Rapid Flashing Beacons), bumpouts and a raised intersection, and upgrade of all pedestrian ramps (4 corners) to current ADA standards. The intersection at State and Audubon will include installation of video detection at the signalized intersection. All pedestrian ramps will be replaced and upgraded to current ADA standards with international-type crosswalks installed. The intersection of State and Olive Streets will be upgraded including all pedestrian ramps to current ADA standards and installation of international-type crosswalks. A cost sharing arrangement between the City and the applicant is being worked on.

The intersection of Orange and Grove Streets will be coordinated with the redesign anticipated under the Farmington Canal project, not with this project. Those improvements will likely include installation of pedestrian bumpouts at the northbound approach (Orange Street) on east and west sides of the street and installation of pedestrian bumpouts at the eastbound approach (Grove Street), on north and south side of street. Pedestrian ramps will be rebuilt to current ADA standards and with installation of international-type crosswalks. The bikeway will transition from below-grade to on-street at this intersection.

APPROVAL:

The Special Permit for 335 and 367 Orange Street for a parking facility of over 200 spaces is hereby approved pursuant to §42, 45, and 64 of the New Haven Zoning Ordinance, as the criteria have been met as detailed above and at the public hearing.

ADOPTED: February 15, 2017
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director