

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 846 CONGRESS AVENUE. MBLU: 310 0092 00200. Special Permit for residential use on the ground floor in a BA Zone. (Owner/Applicant: 848-850 Congress LLC; Agent: B. Trachten)
REPORT: 1611-04
ACTION: Approval with Conditions

Previous CPC Actions:
None.

Submission: SP Application Packet including DATA AND SPECIAL PERMIT forms. Application fee: \$350.

Received May 19, 2022.

- Narrative, 8 sheets, n.d.
- Survey, 1 sheet, dated October 10, 2021
- Floor plans, 3 sheets, n.d.

Received May 31, 2022.

- Location map, 1 sheet, dated May 31, 2022

BACKGROUND

Per the City of New Haven zoning regulations Sections 42A2 and 64, Agent Benjamin Trachten of Trachten Law Firm LLC has applied for a Special Permit on behalf of 848-850 Congress LLC for conversion to first floor residential use on the ground floor of the existing building at 846 Congress Avenue, which is located in the BA Zone.

Current site conditions: The 3,900 SF site contains an existing, mixed-use building with parking to the rear of the building.

Proposed Activity: Conversion of the ground floor commercial space to a ~850 SF residential, 2-bedroom unit.

PUBLIC HEARING

A public hearing was held on June 15, 2022. No members of the Public gave testimony.

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 |
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| <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 demonstrated that 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 is consistent with the uses in the BA zone and the surrounding area which has a mixture of residential and other uses.</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 City's plan calls for mixed-use, transit-oriented development of the area.</i></p> <p><i>The application narrative adds that the project "will add more housing choice in a time when a shortage of such housing exists."</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>No alterations of natural features are proposed.</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>As residential use is proposed, no detrimental impacts are anticipated.</i></p> |
| <p>f. <i>Historic preservation.</i></p> | <p><i>No existing historic structures or historic features on site. One minor alteration to the building façade is proposed as described below.</i></p> |

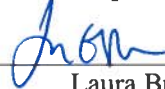
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| <p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features 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 only exterior alteration proposed to the existing building will be a reduction in the amount of plate glass at the street entrance on Congress Avenue to create a more private living space.</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 changes of use are not anticipated to have a detrimental effect on surrounding property values.</i></p> <p><i>The application narrative states, "This application will not have any detrimental impact on the property values and could positively impact values by eliminating neighborhood convenience uses that have historically been responsible for criminal activity."</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>Traffic impact is not implicated through this application as the prior commercial use carried an equal or greater parking requirement than a single unit of residential. Therefore, a reduction in traffic impact is anticipated.</i></p> |

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §42A2 of the New Haven Zoning Ordinance for residential units on the first floor in a BA 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. A digital copy of the recorded site plan shall be provided to staff (.pdf).**

ADOPTED: June 15, 2022
Leslie Radcliffe
Chair

ATTEST: 
Laura Brown
Executive Director, City Plan Department