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NOTICE

Michael B. Smart City Clerk

1632-09
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NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 109 COURT STREET.

MBLU: 224 0258 02000

Owner/Applicant: 109-113 Court Street Associates, LLC; **Agent:** Bernard Pellegrino, Esq.

Special Permit

Permit residential use on the first floor in a BD-1 Zone

REPORT: 1632-09

ACTION: Approval with Conditions

Previous CPC Actions:

August 19, 2020

1571-07 109 COURT STREET.

Special Permit for residential use on the first floor of an existing building in a BD-1 zone. Applicant: 109-113 Court Street Associates LLC

Submission:

Received May 3, 2023: Cover letter, DATA form, SPECIAL PERMIT form, Narrative attached. Site Plan. Floor Plan. \$350 fee. Certification of abutters noticing received June 8, 2023.

BACKGROUND

Per the City of New Haven zoning regulations Section 42 Table 3 Section A(2), 109-113 Court Street Associates LLC has applied for a Special Permit to allow residential use on the first floor of an existing building in the BD-1 zone.

Current site conditions: The site is approximately 0.17 acres and is currently occupied by a four-story building. The first floor of the building presently contains two commercial/retail units and two residential units. The two residential units were developed after CPC approved the applicant's Special Permit Application in 2020. The site is bounded by surface parking lots in the north and west, mixed-use property in the east, and Court Street in the south. The building is listed in the New Haven Historic Resource Inventory (listing #217) and is a contributing structure to the Ninth Square National Register Historic District.

Proposed Activity: The applicant seeks a special permit to convert the rear portion of a vacant, commercial unit on the first floor of the building into one (1) studio, residential unit.

PUBLIC HEARING

A public hearing was held on July 19, 2023. A transcript of the hearing, CPC meeting #1633, is available from the City Plan Department.

No members of the public gave testimony at the public hearing and no written testimony was received.

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 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 applicant has demonstrated that all relevant ordinance requirements have been met.</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 Future Land Use Map calls for mixed-use development in Downtown. However, in certain areas, generally located near transit on arterials or Downtown, the Commission recommends higher density residential developments. This Special Permit is for a mixed-use development that increases density across from State Street Station. The City has a housing shortage, and an affordable housing crisis. This mixed-use project downtown may contribute additional density downtown.</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 will be no impact on natural features and no changes in exterior aspects that could impact scenic vistas.</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>The building's façade will remain unchanged.</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>No changes are proposed on the exterior of the building. The building's design and architectural compatibility will remain intact.</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 site is not anticipated to have a detrimental effect on surrounding property values.</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 conversion will reduce the non-conforming parking ratios for this property and will be a benefit to the safety and convenience of vehicular and pedestrian circulation on, adjacent to and nearby the site.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 of the New Haven Zoning Ordinance for residential units on the first floor are as follows:

1. **Per NHZO Section 64(e)(2)(f), Features of historic significance shall not be significantly adversely affected by the granting of any special permit. No changes to the façade or other historic features shall be done outside of the scope of work detailed in the application.**
2. **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 special permit report shall be provided to staff (.pdf).**

ADOPTED: July 19, 2023
Adam Marchand
Acting Chair

ATTEST: 
Laura Brown
Executive Director, City Plan Department