

**MINUTES FOR MEETING 1649
A REGULAR MEETING AND PUBLIC HEARING OF THE
NEW HAVEN CITY PLAN COMMISSION
Wednesday, April 17, 2024 at 6:00 PM
WEB-BASED MEETING HOSTED ON ZOOM**

To view meeting materials, and recording, visit:

<https://cityplancommission.newhavenct.gov/pages/april-17-2024-cpc-meeting?preview=true>

I. ROLL CALL

Commissioners present: Chair Leslie Radcliffe, Commissioner Joshua Van Hoesen, Vice Chair Ernest Pagan, Commissioner Joy Gary, Commissioner Alder Adam Marchand (joined the meeting at 8:40 pm, after item 1649-12), Commissioner Carl Goldfield (left the meeting at 8:40pm, after item 1649-12) ex-officio Commissioner City Engineer Giovanni Zinn

City staff present: Director Laura Brown, Planner Fatima Cecunjanin, Attorney Roderick Williams, Donnell Hilton, Sandeep Aysola, Anastasia Mixsell

Chair Leslie Radcliffe opened the meeting at 6:06 PM

II. SITE PLAN REVIEW

1649-01 15 COLBY COURT.
MBLU: 437 1275 01300
Owner/Applicant: Art Builders LLC; **Agent:** Benjamin Trachten, Trachten Law Firm LLC

Site Plan Review

Demolition of existing building and construction of a four-unit residential building with parking in the RM-1 zone.

Passed over.

1649-02 297 DIXWELL AVENUE.
MBLU: 221 0412 01000
Owner/Applicant: Nita and Mansi LLC; **Agent:** Benjamin Trachten, Trachten Law Firm

Site Plan Review

Construction of a two-story mixed-use building with three residential units and commercial space on the ground floor, in the BA zone.

Assistant Director of Comprehensive Planning Esther Rose-Wilen introduced the item, provided planning considerations summarized from the staff report, and noted that all site plan review requirements have been met.

Attorney Benjamin Trachten provided additional context for the project. There will be three 1-bedroom apartments with commercial use on the ground floor.

Engineer John Gabel presented the site and civil plans. There is a new stormwater system proposed in the rear of the building which will accommodate the 100-year storm event, and calculations have been provided in the report. There is a trash area in the back with three containers for trash and three for recyclables. Per section 29, the applicant received relief to have 0 parking. There is bike parking in the back with capacity for 8 bikes. There is no exterior lighting proposed other than lighting required by building code. Per section 60.2, the applicant is meeting reflective heat ordinance requirements because there are concrete walkways which makes it compliant with this section.

Attorney Trachten noted that there are also floor plans and elevations included in the application materials.

Engineer John Gabel presented the elevations, showing the access doors, and views from the building from the front, rear, and sides.

Attorney Ben Trachten summarized the construction staging for the project.

Commissioners discussed:

- Whether there will be a basement in the building. Applicant responded that there is a basement that will be used for retail storage.
- Whether there is a planned use for the commercial space. Concern over commercial spaces not being sustainable given recent trends. Applicant responded that this will be a relocation of the package store across the street and that this is as of right. The building and business will also be owner-occupied.

Vice Chair Ernest Pagan moved to approve item 1649-02 at 6:28 PM. 5-0 in favor.

1649-03 708 ORANGE STREET.

MBLU: 221 0412 01000

Owner/Applicant: East Rock Enterprises, LLC **Agent:** Benjamin Trachten, Trachten Law Firm

Site Plan Review:

Conversion of an existing multifamily from eight dwelling units to fourteen dwelling units, in the RM-2 zone.

Assistant Director of Comprehensive Planning Esther Rose-Wilen introduced the item, provided planning considerations summarized from the staff report, and noted that all site plan review requirements have been met.

Attorney Benjamin Trachten provided additional context for the project. The property falls within the Strong Market zone of the Inclusionary Zoning (IZ) ordinance which triggers IZ compliance for 10 or more units. The only IZ bonus being utilized here is reduced parking. Unit 6, located on the first floor, will be the IZ-designated unit. Site work will include a stormwater management system. A construction phasing plan and parking for construction crew will be provided at the building permit stage.

Engineer John Gabel presented the site and civil plans. Roofed bike parking will be located at the rear and front of the building. A 100-year storm event was considered for stormwater management, and roof leaders have been directed to the front. Exterior lighting requirement does not apply, however there are two lights being proposed that meet building code requirements. The walkways and back patio are concrete and meet reflective heat requirements. The trash bins will be screened and located at the back of the building.

Ex Officio Giovanni Zinn had questions about the stormwater management system which were addressed by the applicant.

Chair Radcliffe requested to see the floor plans and hear further explanation of FAR and how the units will fit into the existing building. Chair Radcliffe also wanted to know what the average square footage of each unit type is.

Engineer Gabel presented the floor plans and Attorney Trachten spoke to FAR and the approximate square footage of each unit type. Mr. Trachten also noted that the IZ density bonus is not being used and that units meet FAR requirements.

Vice Chair Ernest Pagan moved to approve item 1649-03 at 6:43 PM. 5-0 in favor.

1649-04 **169 EAST STREET.**
MBLU: 203 0547 00201
Owner: Foundry Square, LLC; **Applicant/Agent:** Benjamin Trachten, Trachten Law Firm

Flood Damage Prevention Ordinance Variance

To convert the subject structure into a cannabis retailer and maintain the foundation and electrical panels below the Base Flood Elevation.

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record.

Planner Fatima Cecunjanin provided the following planning considerations:

- In September 2023, the applicant was approved for adult use cannabis at this location. It was later flagged that a portion of the parking lot sits in the Special Flood Hazard Area in Zone AE which triggers the FDPO.
- The AE Zone, according to FEMA, is an area subject to inundation by the 1% annual chance flood event, where the base flood elevation (or elevation of surface water resulting from a flood) has been determined at 12'.
- Per the New Haven Zoning Ordinance Section 56 (g) and the City of New Haven Flood Damage Prevention Ordinance, Section 6.5, the applicant is seeking flood damage prevention variances to move forward with converting a portion of the existing building into a cannabis retailer.
- these variances include maintaining building mechanicals and utilities in the basement, below the base flood elevation plus two, and generally other standards within the FDPO relating to substantial improvements, which are listed in the staff report.

- City Plan discovered that this building is in the Historic Resource Inventory, which allows the CPC to grant variances for reconstruction, rehab or restoration of historic structures in the special flood hazard area.
- City staff are recommending approval of the requested variances with the two conditions:
 - o The applicant shall either move all building utility connections stipulated in Section 5.3.2.3.2 of the FDP Ordinance to above the BFE +2, OR the applicant shall dry-flood-proof the basement before issuance of Certificate of Occupancy or Certificate of Approval with dry proofing plans submitted with the Building Permit application.
 - o At the time of application for a building permit, a FEMA Elevation Certificate shall be filed with the building official.

Attorney Benjamin Trachten provided additional context for this application including changes to the FDPO that were made soon after the Special Permit for this application was approved which caused this project to trigger FDPO requirements. Mr. Trachten showed pictures of the utilities that the FDPO requires to be relocated to above BFE +2. Trachten also summarized the hardship, which is also detailed in the application, including the unique location of the site and the fact that the SFHA just touches a portion of the lot.

Kebra Smith-Bolden, the developer of the adult use cannabis retailer, spoke about promoting community wellness, as well as the ideal location of this building for a cannabis retailer. Smith-Bolden also emphasized that strict enforcement of this ordinance would make it nearly impossible to open the cannabis retailer.

Commissioners discussed:

- Concern over the electrical panels staying in the basement and question as to oversight of this approval. Attorney Trachten assured the commissioners that there is oversight from multiple authorities, including FEMA, City Plan, and the Building Official, over dry flood proofing procedures.
- Support for the dry flood proofing of the basement to protect utilities.

Commissioner Joshua Van Hoesen moved to approve item 1649-04 at 7:09 PM. 5-0 in favor.

**^1649-05 165, 223, 243, 285, 301 PROSPECT STREET; 320, 340, 360 EDWARDS STREET;
180, 256, 260 WHITNEY AVENUE; 21 SACHEM STREET.
YALE SCIENCE HILL PARKING LOT.**

MBLUs: 245 0363 00100; 245 0363 00200; 245 0363 00201; 245 0363 00300; 245 0363 00400; 245 0363 00500; 245 0363 00501; 245 0363 00600; 245 0363 00800; 245 0363 00900; 245 0363 01100; 245 0363 01200; 245 0363 01201; 245 0363 01300

Owner/Applicant: Yale University; **Agent:** Stephen Brown, Yale University

Site Plan Review

For the construction of a new parking structure, installation of additional portions of a geothermal system, demolition of certain existing structures including the Pierson-Sage Parking Garage and the Wright Lab West and Wright Lab Connector portions of Wright Laboratory, and associated site improvements on a portion of Yale University's Science Hill block, in the RH-2 Zone (includes PDU 105). (Block bounded by Prospect Street, Edwards Street, Whitney Avenue and Sachem Street).

Passed over.

III. PUBLIC HEARINGS (Begin at 7pm)

^1649-06 **165, 223, 243, 285, 301 PROSPECT STREET; 320, 340, 360 EDWARDS STREET; 180, 256, 260 WHITNEY AVENUE; 21 SACHEM STREET. YALE SCIENCE HILL PARKING LOT.**
MBLUs: 245 0363 00100; 245 0363 00200; 245 0363 00201; 245 0363 00300; 245 0363 00400; 245 0363 00500; 245 0363 00501; 245 0363 00600; 245 0363 00800; 245 0363 00900; 245 0363 01100; 245 0363 01200; 245 0363 01201; 245 0363 01300
Owner/Applicant: Yale University; **Agent:** Stephen Brown, Yale University

Class C Soil Erosion and Sediment Control Review

For the construction of a new parking structure, installation of additional portions of a geothermal system, demolition of certain existing structures including the Pierson-Sage Parking Garage and the Wright Lab West and Wright Lab Connector portions of Wright Laboratory, and associated site improvements on a portion of Yale University's Science Hill block, in the RH-2 Zone (includes PDU 105). (Block bounded by Prospect Street, Edwards Street, Whitney Avenue and Schem Street).

Passed over.

1649-07 **PETITION TO AMEND THE NEW HAVEN ZONING MAP** to Change the Zoning Designation of 48 Grant Street #1 from IL (Light Industrial) to RM2 (Residential) 48 Grant Street #1; Map 273, Block 0019, Lot 01001

Submitted by: Atlantic Capital Investments LLC.

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record and provided planning considerations for this zoning map amendment.

The applicant, CEO of Atlantic Capital Investments, Allen McCollum, provided additional context for the zone change.

Assistant Director Rose-Wilen described the use table for the IL and RM-2 zones and how they differ. Assistant Director Rose-Wilen also noted that no written testimony was submitted.

Chair Radcliffe opened the public hearing at 7:20 PM.

Public Testimony:

- Attorney Benjamin Trachten spoke in support of the application and the benefit to the community the zone change and resulting housing will have.

The applicant and owner provided closing remarks and stated that something will be able to be developed if the zone change is approved.

Chair Radcliffe closed the public hearing at 7:26pm.

Commissioners discussed:

- Support for the zone change
- Support for the creation of additional housing that this zone change would allow
- Support for this area in the Hill neighborhood being revitalized

Commissioner Joshua Van Hoesen moved item 1649-07 with a favorable recommendation at 7:30pm. 5-0 in favor.

IV. PROPERTY ACQUISITION AND DISPOSITION REFERRALS

1649-08 **21 HAVEN STREET.-Esther**
MBLU: 174 0747 00500

Disposition of sliver lot at 21 Haven Street to adjacent owner occupant. The property will be used as driveway and side-yard area.

Submitted by: Evan Trachten, LCI

Commissioner Joshua Van Hoesen moved to recommend approval of item 1649-08 at 7:35 PM. 5-0 in favor.

1649-09 **54 GREENWOOD STREET.-Fatima**
MBLUS: 314 0155 01800

Disposition of a sliver lot to a local non-profit to be utilized as a side-yard area.

Submitted by: Evan Trachten, LCI

Vice Chair Ernest Pagan moved to recommend approval of item 1649-09 at 7:42 PM. 5-0 in favor.

1649-10 **400 LEGION AVENUE.-Fatima**
MBLUS: 314 0155 01500

Disposition of a sliver lot to a non-profit to be utilized as a side-yard area.

Submitted by: Evan Trachten, LCI

Vice Chair Ernest Pagan moved to recommend approval of item 1649-10 at 7:45 PM. 5-0 in favor.

V. BOARD OF ALDERS REFERRALS

1649-12 **ORDINANCE OF THE NEW HAVEN BOARD OF ALDERS** establishing the use of Automated Traffic Enforcement Safety Devices in the City of New Haven pursuant to the authority granted in Public Act 23-116, an Act implementing the recommendations of the Vision Zero Council.

Submitted by: Sandeep Aysola, Director of Transportation, Traffic and Parking.

This item was moved up on the agenda.

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record.

Director of Transportation, Traffic and Parking (TTP) Sandeep Aysola presented the item. Director Aysola described what ATESD is and the enabling legislation for the ordinance. It catches people going 10 mph over the speed limit and anyone passing through a red-light. Ordinance mirrors the state statute word for word. OSTA provided guidance from a technical perspective. Devices can only be installed at traffic intersections and school zones. Equity- statute limits amount of cameras per census tract. In equity neighborhoods, there can be only one or two devices per size of census tract. There was a public hearing on April 16th. There is a hearing process similar to traffic stops. Described site selection for devices and equity considerations.

Commissioners discussed:

- Concern about equity
- Concern over the technology not being able to cite unregistered vehicles. Director Aysola clarified that this is an issue currently, even without this technology.
- Question as to whether the devices are able to record its surroundings. Director Aysola confirmed the state statute languages, which states that the devices can only be used for speed and red light camera enforcement.
- Question as to what happens if a person is cited but does not pay the \$50 fine. Director Aysola said that there is no escalation of fees associated with this legislation, meaning that the fine does not double or triple if not paid on time. If the fine is not paid within 30 days, the violator can be brought to civil judgement.
- Concern about there not being strict enough enforcement for the violations, and that violators will not be brought to court over a \$50 fine.
- Question as to whether a picture is taken of unregistered cars that speed or run a red light. Director Aysola confirmed that a picture is taken of unregistered cars, and kept for 30 days.

Commissioner Carl Goldfield moved to recommend approval of item 1649-12 at 8:38pm. 5-0 in favor.

1649-14 Request for Amendment of Central/Science Campus Overall Parking Plan.

Submitted by: Yale University

This item was moved up on the agenda.

Attorney Joseph Hammer presented the item. This is to amend the overall parking plan.

Commissioners discussed:

- Question as to whether the amendment is to reduce the number of spaces from the OPP
- To what extent has univ thought of future demand in light of wfh phenomenon? Stephen Brown answered- yale has considered this- in 2022, the utilization rate was 80%; numbers assume that rate. Number has gone down from the 80%
- 175 net reduction in parking spots
- Concern that there is not a more significant parking reduction given wfh and hybrid

Alder marchand noted that he will have the opportunity to vote on this again. He recommends to add the recommendation that BOA considers wfh issue.

Commissioner Joshua Van Hoesen moved to recommend approval of item 1649-14 at 8:56 PM. 5-0 in favor.

1649-13 RESOLUTION OF THE BOARD OF ALDERS OF THE CITY OF NEW HAVEN approving the Parks & Public Works Department to apply for and accept up to \$200,000 from the Connecticut Department of Energy and Environmental Protection Urban Forest Equity Grant Program.

Submitted by: Annie Mixsell, Tree System Coordinator

This item was moved up on the agenda.

Annie Mixsell, the City's Tree System Coordinator presented the item. Mixsell explained that this is a match waiver grant. The money will be used for environmental justice communities and to fund a full-time special fund technician job. The duties of the technician would be plant health care, watering and mulching. Mixsell met with URI and members of parks friend group. The grant will also reinstate the youth at work program's summer and school year session and grant money will be allocated to the supervisor and youth stewarding the forest program.

Commissioner Joshua Van Hoesen moved to recommend approval of item 1649-13 at 9:02 PM. 5-0 in favor.

1649-11 RESOLUTION OF THE NEW HAVEN BOARD OF ALDERS authorizing the City of New Haven to apply for and accept a grant from the Connecticut Department of Economic and Community Development in the amount of \$516,400 and to partner with Lost in New Haven Inc. to support environmental remediation of the property located at 80 Hamilton Street for development of a museum.

Submitted by: Economic Development Administration

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record and provided planning considerations from the staff report.

Vice Chair Ernest Pagan moved to recommend approval of item 1649-11 at 9:06 PM. 5-0 in favor.

VI. BOARD OF ZONING APPEALS REFERRALS-Nate

1649-15 12 FERRY STREET
MBLU: 084 0994 01600
Owner: East Ferry Street, LLC. **Applicant:** Benjamin Trachten

Coastal Site Plan Review

For the construction of a structure consisting of 7 dwelling units. Zone: RM-2. BZA file 24-37-CAM.

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record.

Planner Donnell Hilton presented the item. Noted that applicant will be using IZ which allows them to increase density and reduce parking requirements. Planner Hilton described the BZA public

hearing where there was no opposition to application. L shaped parcel on Ferry St. The lot provides 1 parking space. This site is in the CAM area but remote from the water and is not along the coastline. The site is about 150 feet from Quinnipiac River. TTP indicated no impacts to traffic or parking patterns.

Commissioners discussed:

- Distance to water

Commissioner Joshua Van Hoesen moved to recommend approval of item 1649-15 at 9:11 PM. 5-0 in favor.

1649-16 **51 MALTBY PLACE**
MBLU: 172 0752 03100
Owner: Ramon Gonzalez. **Applicant:** Benjamin Trachten

Coastal Site Plan Review and Special Exception

Special Exception to permit 0 off-street parking spaces where 1 is required. Coastal Site Plan review for the creation of an additional dwelling unit in an existing 2-family structure. Zone: RM-2. BZA files 24-28-S, 24-29-CAM.

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record.

Planner Donnell presented the item and described the public hearing at the BZA meeting. The owner lives in the abutting property. The site is remote from waterfront, at approximately 1,000 feet from the Mill River and no impacts to water courses are anticipated. TTP reports no impacts to traffic or parking patterns.

Commissioners discussed:

- No discussion

Commissioner Joshua Van Hoesen moved to recommend approval of item 1649-16 at 9:15 PM. 5-0 in favor.

1649-17 **63 HAMILTON STREET**
MBLU: 202 0554 00700
Owner: Wooster Lofts LLC. **Applicant:** Benjamin Trachten

Coastal Site Plan Review and Special Exception

Special Exception to allow 0 loading spaces where 1 is required. Coastal Site Plan review for the construction of a structure consisting of up to 64 residential dwelling units. Zone: IL. BZA fileS 24-31-S, 24-32-CAM.

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record.

Planner Donnell presented the item and described the public hearing at the BZA meeting. The site is an underutilized vacant lot in IL zone. The site is in the coastal zone but remote from water at around 500 feet from the Mill River and is fully paved. At the BZA meeting, the applicant stated

that the lot currently serves no purpose and would be better utilized by affordable units using IZ. TTP indicated no impacts to traffic or parking patterns, though they are still in planning stages so their full report is yet to be completed.

Commissioners discussed:

- Question as to whether it falls into IZ zone or is it opt-in? Assistant Director Rose-Wilen confirmed that this is located in the Strong Area therefore any development with over 10 units must comply with IZ. IZ does not cover loading spaces or bike parking.

Assistant Director Rose-Wilen noted that this will need to come before CPC in the future for SPR

Commissioner Alder Adam Marchand moved to recommend approval of item 1649-17 at 9:28 PM. 5-0 in favor.

1649-18 100 ATWATER STREET
MBLU: 161 0784 00800
Owner: DVASH CT LLC. **Applicant:** Benjamin Trachten

Special Exception

Special Exception to permit 0 off-street parking spaces where 1 is required to allow for an additional dwelling unit within an existing 2-family structure. Zone: RM-2. BZA file 24-33-S

Assistant Director of Comprehensive Planning Esther Rose-Wilen read the item into the record.

Planner Donnell presented the item and described the public hearing at the BZA meeting. TTP reports no impacts to traffic or parking patterns. There was no opposition from the public to this application.

Commissioners discussed:

- Question as to whether there is off street parking in area. Planner Hilton confirmed there is off-street parking in the vicinity.

Commissioner Joshua Van Hoesen moved to recommend approval of item 1649-18 at 9:32 PM. 5-0 in favor.

VII. ADMINISTRATIVE APPROVALS

1608-02A2 WINCHESTER GREEN (PDD 49)
MBLUs: 256 0393 00102; 256 0393 00107; 256 0393 00106; 256 0393 00100; 256 0393 00103; 256 0393 00105; 256 0393 00104.
Owner/Applicant: SPDC TRACT A, LLC; SPDC TRACT E, LLC; Science Park Development Corporation, SPDC TRACT D, LLC; **Agent:** Carolyn Kone

Administrative Site Plan Review

Minor modifications to an approved site plan in PDD 49.

VIII. MINUTES OF MEETINGS

Meeting:

- Meeting #1647, February 21, 2024

Commissioner Joshua Van Hoesen moved to approve the minutes for meeting #1647 at 9:34 PM.

- Meeting #1648, March 20, 2024

Commissioner Alder Adam Marchand moved to approve the minutes for meeting #1648 at 9:37 PM.

Commissioner Alder Adam Marchand moved to adjourn at 9:37 PM.

NOTE:

Next Regular Meeting of the City Plan Commission:

Wednesday, May 15, 2024 at 6:00 PM (Submission deadline: April 18, 2024 by 12:00 PM)

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