

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 476-500 BLAKE STREET, 881-883 WHALLEY AVENUE, & 20-24 TOUR AVENUE. Special Permit to permit residential use over 5,000 square feet in the BA-2 Zone. (Agent: James H. Segaloff, Esq., Susman, Duffy & Segaloff, PC; Applicant/Owner: 500 Blake Street LLC and 881 Whalley LLC c/o Ocean Management.)

REPORT: 1567-08

ACTION: Approval with Conditions

Note: Companion CPC Report 1567-03 for the same site.

Previous CPC Actions: 1542-06: Map and Text Change Amendment for the BA-2 Zone.

Submission: See Companion Report.

BACKGROUND

Per the City of New Haven zoning regulations Section 43(k)(1) and 64, the applicant has applied for a Special Permit (and Site Plan Review including Coastal Site Plan Review and Wetlands Review: CPC Report 1567-03) to have more than 5000 SF of residential use in the BA-2 Zone. The applicant proposes new construction with a total of 129 dwelling units, and over 7,300 square feet of new commercial space will be built on the rear portion of the Property, along (but set back from) the flood wall bounding the West River. First-floor uses will be limited to areas fronting on Blake Street and Tour Avenue. Along Blake Street, it is intended that the new construction will feature an approximately 3,900-square-foot restaurant and, closer to the river, an approximately 3,400-square-foot retail space expected to house a small market.

Current site conditions: The site is currently used for parking and is impervious.

PUBLIC HEARING

A public hearing was held on May 20, 2020. A recording of the hearing, CPC meeting 1569, is available at <https://cityplancommission.newhavenct.gov/> for the month following the meeting or from the City Plan Department thereafter.

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
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.	
b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations,	<i>The proposed residential use complies with all applicable regulations of the New Haven Zoning Ordinance as shown on</i>

<p>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 plans and supporting materials.</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 Comprehensive Plan of Development, Vision 2025, called for "dense, mixed-use developments with reduced parking requirements" in Westville Village and encouraged the development of a small grocery store in the area. 500 Blake Street was specifically identified as an opportunity for such a development (IV-30).</i></p> <p><i>The Plan for Greenways & Cycling Systems 2004 and the Comprehensive Plan, New Haven Vision 2025, both express that this area is too narrow for safe two-way bicycle passage. The applicant will grant an easement in favor of the City of New Haven for public coastal access. In the easement area, the applicant proposes a pathway adjacent to the floodwall to allow for multi-use passage through the site. It also proposes pocket parks on Blake and Tour—both parks feature areas to picnic and rest without needing to purchase anything.</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 currently underutilized and impervious. This development will bring back additional natural features and provide coastal access to further enjoy them. Street-level views of West Rock will continue to be available from Blake Street and the new outdoor eating area. Furthermore, the existing chainlink fence along the existing boardwalk will be removed, making the boardwalk a more welcoming area for the public to enjoy the views of West Rock and the West River. While the development is anticipated to obstruct views of West Rock from only a small portion of upper Tour Avenue, the applicant is proposing many new ways for the public to enjoy this same view through the Coastal Access Easement.</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>The proposed residential use is residential, and will not feature any detrimental vibrations, fumes, odor, dust, noise, glare, hazardous materials, or other use that would have an adverse impact on nearby properties. Furthermore, the use will not have an adverse flood impact on any nearby properties, as the grading of the site has been designed to maintain flood storage capacity and no work whatsoever is proposed within the regulatory floodway.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>No features of historic significance will be adversely affected by the proposed residential use. While the site is located within the Westville Village National Register Historic District, and includes two contributing buildings of that District at 881 and 883 Whalley, those two buildings are proposed to remain and no changes to them are proposed. The building at 500 Blake</i></p>

	<p><i>Street is a noncontributing building to the Westville Village National Register Historic District10 and its demolition will therefore not have any adverse impact on the National Register Historic District or any contributing building.</i></p>
<p><i>g. 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>Landscaping upgrades and buffering are provided. Site drainage will be improved and infiltration measures will be installed to reduce total amount and rate of runoff. Site access will be improved and the re-aligning of the Blake Street entrance will be an improvement. The proposed residential use's bulk, scale, and orientation are within applicable zoning height limits and its four-story height allows for a smooth transition in height between the two- and three-story developments fronting Whalley Avenue and the five-story Wintergreen at Westville development across the West River. This is complemented by orienting the bulk of the building away from the smaller-scale development along Whalley Avenue, closer to the larger-scale development across the river. The character of the proposed residential use, its exterior materials, and exterior elements are compatible with the surrounding area. The fabric of Westville Village is a collection of buildings heterogeneous in material, age, overall scale, height and width of facades, and materials, and uses. Materials typically are brick or clapboard storefronts with areas of glass, metal, and simple forms. The proposed residential use is consistent with this fabric. Building masses follow the lot lines and path of West River. Street edges are reinforced, with retail space on Blake Street marked with extensive glass. The overall mass of the proposed use is broken into three parts, one brick, one clapboard, and one metal-clad, evocative also of the scale of the existing former mill and factory buildings that are an intrinsic part of the Westville Village fabric behind the commercial precinct of Whalley Avenue. The residential nature of the proposed building is expressed in the fenestration and is enlivened by shallow metal Juliet balconies, which engage with the views of the natural environment of the neighborhood—the West River, West Rock Ridge State Park, and West Rock itself—as a further element of connection. We note that BA-2 is one of the few zoning districts with design standards that the Commission may consider, and we find this proposed development in accord with Section 43(k)(11).</i></p>
<p><i>h. 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</p>	<p><i>The proposed residential use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent to, or near the site. The site's main Blake Street access will be relocated to align with the existing Blake-Valley intersection, minimizing potential traffic conflicts on Blake</i></p>

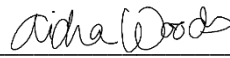
<p>may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p><i>Street, while also minimizing the amount of traffic exiting the site onto Whalley Avenue. Sufficient parking is provided both for the new uses and the existing commercial uses at 881-883 Whalley Avenue, ensuring that the site's parking demand will not overwhelm existing parking facilities. In fact, the proposed development takes advantage of the bicycle parking and carshare parking credits of NHZO Sec. 45(a)(1)(a)(7) and (a)(1)(a)(8), reducing the required parking from 116 parking spaces to 99, reducing traffic impacts by allowing alternative transportation options. These features, combined with the existing walkability of Westville Village and the site's close proximity to several current major transit routes, potential future transit hubs, and existing public parking at the Park New Haven lot at the Whalley-Blake intersection, will provide numerous alternative options for tenants, guests, workers, and commercial customers to the site.</i></p>
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CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 of the New Haven Zoning Ordinance for residential use over 5000 SF 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).**
- 2. The Applicant will negotiate, execute and record on the land records a Coastal Access Easement in favor of the City of New Haven for the area labeled on the site plan documents.**

ADOPTED: May 20, 2020
Edward Mattison
Chair

ATTEST: 
Aïcha Woods
Executive Director, City Plan Department