

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: **98 OLIVE STREET.** Special Permit for residential use on the first floor of an existing building in a BA zone. (Owner/Applicant: 98 Olive Street LLC c/o Trachten Law Firm LLC; Agent: David Sacco of TPA Design Group)

REPORT: **1571-06**

ACTION: **Approval with Conditions**

Note: Companion CPC Report 1571-04 for the same site.

Submission: SPR and SPECIAL PERMIT Application Packet including DATA, WORKSHEET, SITE, and SESC forms. NARRATIVE attached. Application fee: \$360. Received June 17, 2020.

- *Stormwater Management for Residential Development* dated June 12, 2020. Received June 17, 2020. Revisions received July 1 and July 8, 2020.
- *Reflective Surface Calculations for Residential Development* dated June 18, 2020. Received June 17, 2020.
- Application drawings. 28 sheets received June 17, 2020. Revisions received July 1 and July 8, 2020.

BACKGROUND

Per the City of New Haven zoning regulations Section 64, 98 Olive Street LLC c/o Trachten Law Firm LLC has applied for a Special Permit (and Site Plan Review: CPC Report 1571-04) to allow residential use on the first floor of an existing commercial building in the BA zone. The building is located on the corner of Olive Street and Court Street. The applicant is applying for site plan review and this special permit to convert the entire structure into 15 residential dwelling units.

Current site conditions: The project site is approximately 17,981 SF (0.41 acres) and is located at the southwest corner of Olive and Court Streets. The site is occupied by a two-story commercial masonry building and two surface parking lots.

Proposed Activity: The project consists of the renovation of the existing office building at 98 Olive Street from commercial uses to residential uses and the construction of a new three-story residential building. A new entrance and ground floor lobby will connect the existing building to the proposed addition. A total of 31 residential dwelling units are proposed, including 15 units in the existing building and 16 units in the proposed addition. Additional site work includes exterior lighting, landscaping, and stormwater management improvements.

PUBLIC HEARING

A public hearing was held on August 5, 2020. A recording of the hearing, CPC meeting 1572, is available from the 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
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, 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.	<i>The proposed use is consistent with the uses in the BA zone.</i>
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.	<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. The Plan also promotes historic preservation and the rehabilitation of residential properties. This Special Permit is for a residential development that increases density near the State Street Station. The City has a housing shortage, and an affordable housing crisis. This residential development may contribute additional density downtown.</i>
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.	<i>There will be no impact on natural features and no changes in exterior aspects that could impact scenic vistas.</i>
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.	<i>None. This is an all-residential project with no hazardous or noxious use concerns.</i>
f. Historic preservation.	<i>The applicant is maintaining and preserving the historic character of the existing building.</i>


<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 proposed new construction consists of white brick at the base and along Court Street in order to maintain the texture and scale of the Wooster Square neighborhood.</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 project 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 project is not anticipated to adversely affect the safety and convenience of vehicular and pedestrian circulation in the area.</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. **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: August 19, 2020
Edward Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department