

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 418 STATE STREET. Special Permit for residential use on the first floor of an existing building in a BD-1 zone. (Owner: 105 Court St. LLC. Applicant: Gregory Muccilli, Esq., Shipman & Goodwin LLP)

REPORT: 1563-09

ACTION: Approval with Conditions

Note: Companion CPC Report 1563-05 for the same site.

Previous CPC Actions:

- CPC 1529-09: Site Plan Review for conversion of commercial space to 18 residential dwelling units on the third and fourth floor of an existing building in a BD-1 zone. Approved April 20, 2017.

Submission: SPR Application Packet including DATA, WORKSHEET and SITE forms. NARRATIVE attached. Application fee: \$360. Received October 17, 2019.

- Site Photo of Existing Use. Received October 17, 2019.
- Atlantic Consulting & Engineering Structural Report dated November 13, 2019. Received November 21, 2019.
- Cirrus Structural Engineering Report dated June 20, 2019. Received November 21, 2019.
- Letter from New Haven Parking Authority dated November 18, 2019. Received November 21, 2019.
- Letter from John's Refuse & Recycling, LLC dated November 19, 2019. Received November 21, 2019.
- Application drawings. 18 sheets received October 17, 2019. Revisions received November 21, 2019.
 - Z-001: Zoning Sheet & Project Information.
 - Z-002: Site Survey.
 - Z-003: Bioswale Details.
 - A-101.00: Site Development Plan.
 - A-100 – A-104: Existing Floor Plans.
 - A-105 – A-109: Proposed Floor Plans.
 - A-200 – A-203: Proposed North Elevations.
 - A-204: Proposed Building Section.

BACKGROUND

Per the City of New Haven zoning regulations Section 64, MOD Equities LLC has applied for a Special Permit (and Site Plan Review: CPC Report 1563-05) to allow residential use on the first floor of an existing building in the BD-1 zone. The building is located on the corner of State Street and Court Street (and former home to the The Regal Beagle and New Haven Legal Assistance Association, Inc.). The applicant is applying for site plan review and this special permit to convert the entire structure to approximately 38 residential apartments.

Current site conditions: The site is currently occupied by a zero lot-line building. The building is a historic 4- story structure with commercial space on the first floor and residential space above.

Proposed Activity: The proposed activity consists of approximately 34,192 SF of building renovation. The building will be comprised of 38 one- and two-bedroom units. The building will also feature 975 SF of open space and 1,950 SF of common amenity space—the basement includes recreation space, bicycle storage, and restrooms, and the rooftop includes an amenity space.

PUBLIC HEARING

A public hearing was held on December 18, 2019. A transcript of the hearing, CPC meeting 1564, 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
<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>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 BD-1 zone.</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. The Plan also promotes of historic preservation and the rehabilitation of residential properties. 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. This project will also use historic tax credits to rehabilitate and preserve this building.</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. In fact, the addition of a rooftop terrace will allow for additional means of enjoying the views from the property.</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>None. This is an all-residential project with no hazardous or noxious use concerns.</i></p>
<p>f. Historic preservation.</p>	<p><i>This project will endeavor to use historic tax credits to rehabilitate and preserve this building.</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, except for the rooftop recreation area. The location of the recreation area and the pitch of the roof will prevent it from impacting the architectural integrity of the building. The applicant is otherwise maintaining and preserving the historic character of the building.</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>This is a zero lot-line building, and therefore, does not contribute negatively to traffic concerns. The applicant has a parking requirement for tenants and will lease those parking spaces from a neighboring property. The residential units will be a less intense use than the existing commercial use and will create less traffic throughout the day.</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: December 18, 2019
Edward Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department

