

## **NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT**

**RE:** **1083 WHALLEY AVENUE.** Special Permit for residential use on the first floor in a BA zone.  
(Applicant/Owner: The Property Link LLC; Agent: John Gable of Connecticut Consulting Engineers, LLC)

**REPORT:** **1581-03**

**ACTION:** **Approval with Conditions**

**Note:** Companion CPC Report 1580-01 for the same site.

**Submission: SPECIAL PERMIT Application Packet including DATA sheet. Application fee: \$250. Received January 21, 2021.**

- Stormwater Management Plan dated December 8, 2020. Received December 11, 2020. Revisions received January 11 and January 18, 2021.
- Exterior Lighting Cut Sheets received December 11, 2020.
- Architectural drawings. 26 sheets received December 11, 2020.
- Civil drawings. 6 sheets received December 11, 2020. Revisions received January 11 and January 18, 2021.

### **BACKGROUND**

Per the City of New Haven zoning regulations Section 64, The Property Link LLC has applied for a Special Permit (and Site Plan Review: CPC Report 1580-01) to allow residential use on the first floor of an existing mixed-use building in the BA zone. The applicant is applying for site plan review for the construction of a total of 14 residential dwelling units on site (that will include the renovation of the existing building and the construction of a new detached residential building). The applicant is seeking a special permit to convert the first floor of the existing building into four (4) residential dwelling units.

**Current site conditions:** The project site encompasses an area of approximately 14,473 SF (0.34 acres) and is occupied by a two-story 6,513 GSF mixed use building and a paved parking area. The site is bounded by the West River and a wooded area in the north, commercial property in the west, Whalley Avenue in the south, and mixed-use property in the east.

**Proposed Activity:** The proposed project consists of the interior renovation of the existing building with additions to the north, south, and east; and the construction of a new detached building north of the existing building. The existing building will consist of 11 residential dwelling units the new detached building will include three (3) residential units (townhouses). Additional site work includes stormwater management and exterior lighting improvements and new concrete walks, grassed/lawn areas, and parking stalls.

### **PUBLIC HEARING**

A public hearing was held on February 17, 2021. A recording of the hearing, CPC meeting 1581, 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 Neighborhood Commercial Mixed Use development surrounding the project site. However, in certain areas, generally located near transit on arterials, the Commission recommends higher density residential developments. This Special Permit is for a residential development that increases density along an arterial road. The City has a housing shortage, and an affordable housing crisis. The proposed project may contribute additional density in the Amity neighborhood.</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 renovations and new construction will be compatible with the surrounding area.</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:** February 17, 2021  
Ed Mattison  
Chair

**ATTEST:**           Aicha Woods            
Aicha Woods  
Executive Director, City Plan Department