

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 9 TOWER LANE. Special Permit for off-site construction staging area greater than 1,000 SF of total area in a BD-3 zone. (Owner: City of New Haven; Applicant/Agent: Randall Salvatore of RMA Downtown South-Hill North Development Company LLC and RMS Tower Lane LLC)

REPORT: 1557-08

ACTION: Approval with Conditions

Note: Companion CPC Report 1557-07 for the same site.

Previous CPC Actions:

Submission: SPECIAL PERMIT Application Packet. NARRATIVE attached. Application fee: \$250. Received April 18, 2019.

- Stormwater Management Analysis dated April 18, 2019. Received April 18, 2019. Revised May 7, 2019. Received May 10, 2019.
- Trip Generation Assessment Memo dated April 23, 2019. Received May 1, 2019.
- Copy of Recorded Board of Zoning Appeals Permission Letter received May 1, 2019.
- Trip Generation Assessment Memo dated May 1, 2019. Received May 1, 2019.
- Application drawings. 29 sheets received April 18, 2019. Revisions received May 1, 2019 and May 10, 2019.
 - Cover Sheet. Site Plan and Special Permit Submission. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
 - VB101: Boundary and Topographic Survey. Drawing date December 13, 2018. Received April 18, 2019.
 - C1.00: Site Plan. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019. Revised May 10, 2019. Received May 10, 2019.
 - C1.10: Reflective Heat Index Study. Drawing date April 18, 2019. Received April 18, 2019.
 - C1.50: Site Details I. Drawing date April 18, 2019. Received April 18, 2019.
 - C1.51: Site Details II. Drawing date April 18, 2019. Received April 18, 2019.
 - C2.00: Grading and Drainage Plan. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019. Revised May 10, 2019. Received May 10, 2019.
 - C2.50: Drainage Details I. Drawing date April 18, 2019. Received April 18, 2019. Revised May 10, 2019. Received May 10, 2019.
 - C2.51: Drainage Details II. Drawing date April 18, 2019. Received April 18, 2019.
 - C2.52: Drainage Details III. Drawing date April 18, 2019. Received April 18, 2019. Revised May 10, 2019. Received May 10, 2019.
 - C3.00: Site Utility Plan: Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
 - C3.50: Site Utility Details. Drawing date April 18, 2019. Received April 18, 2019.
 - C4.00: Soil Erosion and Sediment Control Plan: Phase I. Drawing date April 18, 2019. Received April 18, 2019.
 - C4.01: Soil Erosion and Sediment Control Plan: Phase II. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
 - C4.50: Soil Erosion and Sediment Control Details I. Drawing date April 18, 2019. Received April 18, 2019.
 - C4.51: Soil Erosion and Sediment Control Detail II. Drawing date April 18, 2019. Received April 18, 2019.
 - L1.00: Landscape Plan. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
 - L2.00: Landscape Notes and Details. Drawing date April 18, 2019. Received April 18, 2019. L3.00: Lighting Plan. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
 - L3.01: Lighting Plan. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
 - L4.00: Landscapes Notes and Details. Drawing date April 18, 2019. Received April 18, 2019.

- o A.01: Cover. Drawing date April 18, 2019. Received April 18, 2019.
- o A.02: Illustration Site Plan. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
- o A.03: Building Floor Plans. Drawing date April 18, 2019. Received April 18, 2019. Revised May 1, 2019. Received May 1, 2019.
- o A.04: Building Floor Plans. Drawing date April 18, 2019. Received April 18, 2019.
- o A.05: Building Sections. Drawing date April 18, 2019. Received April 18, 2019.
- o A.06: Building Elevations. Drawing date April 18, 2019. Received April 18, 2019.
- o A.07: Building Elevations. Drawing date April 18, 2019. Received April 18, 2019.
- o A.08: Material Board. Drawing date April 18, 2019. Received April 18, 2019.

BACKGROUND

Per the City of New Haven zoning regulations Sections 42 and 64, Randall Salvatore of RMS Downtown South-Hill North Development LLC has applied for a Special Permit for an off-site construction staging area greater than 1,000 SF of total area in a BD-3 zone (per Section 42, Table 3, Section O).

Current site conditions:

The project site encompasses an area of approximately 55,258 SF (1.27 acres) and consists of a 100+ car surface parking lot. The site is bounded by Tower Lane in the north and east, a parking lot in the south, and Church Street South in the west.

Proposed activity:

The application proposes to construct a six-story mixed-use building with 223 residential dwelling units on the existing parking lot on 9 Tower Lane. Prior to the construction of the proposed six-story building (CPC Report 1557-07), the applicant proposes to use the site at 9 Tower Lane for storing construction materials and contractor parking for the construction of a 90 residential unit building at 216 Congress Avenue (approved by the CPC March 28, 2018) and a 104 residential unit building at 246 Lafayette Street (approved by the CPC March 29, 2018).

PUBLIC HEARING

A public hearing was held on May 15, 2019. A transcript of the hearing, CPC meeting 1557, 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><i>The Development Permit application, including the Site Plan and Special Permit application submittals, establish the applicant's eligibility because all Ordinance requirements are met.</i></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 New Haven Zoning Ordinance does not contain any specific standards for a construction staging area other than the Special Permit standards in Section 64.</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 proposed use is consistent with the City of New Haven's Hill-to-Downtown Community Plan and New Haven Vision 2025, which encourages residential mixed-use development in the area.</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 are currently no natural features on the site.</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>There are no anticipated hazards from residential use of the property. No hazardous materials will be stored on-site. No vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, or glare is expected. Limited noise will be generated during construction and staging.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>N/A</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>The construction staging area will be compatible with the surrounding area. Vehicle trips to and from the site will be reduced from the current use. The entire parcel will be fenced in and materials stored on site will be covered as required. Site design and architectural features will not be involved in the use of the 9 Tower Lane site as a temporary construction staging 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 temporary use of the site as a construction staging area will not have a detrimental effect on the property values in the surrounding area.</i></p>

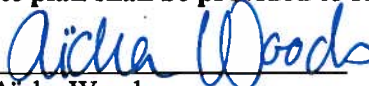
<p>i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any 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 applicant has conducted and submitted a trip generation assessment that claims that the proposed use of the parcel located at 9 Tower Lane as a temporary construction staging area will result in fewer vehicle trips to the site than are currently occurring. The proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent to, or nearby the site.</i></p>
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CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §42 of the New Haven Zoning Ordinance for off-site construction staging areas greater than 1,000 SF of total area 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: May 15, 2019
Edward Mattison
Chair

ATTEST: 
Aicha Woods
Director, City Plan Department