

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 260 CROWN STREET. Special Permit for construction of new residential dwelling units on the ground floor in a BD zone. (Owner/Applicant: Metro 260, LLC; Agent: Gregory P. Muccilli of Shipman & Goodwin LLP)

REPORT: 1555-04

ACTION: Approval with Conditions

Note: Companion CPC Report 1555-01 for the same site.

Previous CPC Actions:

- **CPC 1504-02A:** Administrative Site Plan Review for moving trash dumpster into emergency egress area. Approved May 19, 2016.
- **CPC 1504-02:** Site Plan Review for conversion of vacant space to residential units. Approved April 15, 2015.

Submission: SPR Application Packet including DATA, WORKSHEET, and SITE forms. NARRATIVE attached. Application fee: \$360. Received February 21, 2019.

- Photographs of site. Received February 21, 2019.
- Draft of Ramp and Access Easement dated March 14, 2019. Received March 15, 2019.
- Second modification of easement for ingress/egress to 260 Crown Street. Dated September 4, 2014. Received March 15, 2019.
- Application drawings. 9 sheets received February 21, 2019. Revisions and additional drawings received March 8, 2019.
 - Cover Sheet. Received February 21, 2019.
 - S-1: Survey. Drawing date February 20, 2019. Received February 21, 2019.
 - S-2: Survey – Utilities. Drawing date February 20, 2019. Received February 21, 2019.
 - E-3: Access Easement Map. Drawing date February 26, 2019. Received March 4, 2019.
 - SP1: Site Plan & Zoning Data. Drawing date February 21, 2019. Received February 21, 2019. Revised February 27, 2019. Received March 8, 2019.
 - SP2: H.C. Ramp, Landscaping & Lighting. Drawing date February 21, 2019. Received February 21, 2019. Revised February 27, 2019. Received March 8, 2019.
 - SD1: Sidewalk Details. Drawing date February 21, 2019. Received March 4, 2019. Revised February 27, 2019. Received March 8, 2019.
 - A1: Proposed First Floor Plan. Drawing date February 21, 2019. Received February 21, 2019. Revised February 27, 2019. Received March 8, 2019.
 - A2: Second Floor & Lighting Fixtures. Drawing date February 21, 2019. Received February 21, 2019.
 - A3: Elevations. Drawing date February 21, 2019. Received February 21, 2019. Revised February 27, 2019. Received March 8, 2019.
 - A4: Elevations. Drawing date February 21, 2019. Received February 21, 2019.

BACKGROUND

Per the City of New Haven zoning regulations Sections 42(a)(2) and 64, Metro 260, LLC has applied for a Special Permit (and Site Plan Review: CPC Report 1555-01) to construct dwelling units on the first floor of an existing mixed-use building in a BD zone.

Current site conditions: The project site encompasses an area of approximately 15,832 SF and consists of a two-story brick building that is occupied by 12 residential dwelling units, a parking garage, two restaurants, and a

café. The site is bounded by Crown Street in the north, and commercial and residential mixed-use property in the east, south, and west.

Proposed Activity: The proposed project consists of the conversion of the existing parking structure on the first floor of the building into a restaurant and six (6) residential dwelling units. The applicant also proposes to provide common amenity space and a fitness room for use by tenants on the first floor of the building. The proposed project also includes the removal of the existing garage door along Crown Street, the construction of a new restaurant entry on Crown Street, and the install of a stairway and ramp along the south wall of the building.

PUBLIC HEARING

A public hearing was held on March 20, 2019. A transcript of the hearing, CPC meeting 1555, 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.	<i>The Development Permit application, including the Site Plan and Special Permit submittals, establish the applicant's eligibility because all Ordinance requirements are met.</i>
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 complies with all applicable regulations in a BD 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 proposed special permit's use complies with the City's Comprehensive Plan which encourages commercial and residential mixed use in the area.</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>Landscaping at the site is minimal as the existing building occupies most of the lot. The majority of the existing plantings will remain located along the south wall of the building and others will be relocated.</i>

<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>No hazardous materials will be stored on-site. No vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, or glare is expected. Limited noise will most likely be generated during construction.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>The proposed project will preserve and enhance the historic character of the building through the removal of the existing garage door and the construction of a new, architecturally compatible restaurant entry along Crown Street.</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>Proposed site use and development is compatible with the surrounding area and the 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 proposed use is not anticipated to have a detrimental effect on surrounding property values as the site abuts several existing mixed-use developments.</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 first-floor residential use is not expected to adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. Pedestrians will continue to enter the site via Crown Street. The proposed conversion of the existing parking garage is expected to reduce vehicular traffic on and near the project site.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §42(a)(2) of the New Haven Zoning Ordinance for residential use on the first floor in a BD zone 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: March 20, 2019
Edward Mattison
Chair

ATTEST: MPL
Michael Piscitelli, AICP
Interim Economic Development Administrator