

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **20-34 FAIR STREET.** Special Exception to permit a 186 dwelling Planned Development Unit. Zone: BA. Owner: Fair Properties, LLC. Applicant: 20 Fair LLC. (21-71-S)
REPORT: **1589-17**
ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 65 - Planned developments.

(a) Objectives. The provisions of this section are to be applied in instances where tracts of land of considerable size are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this ordinance. A planned development, to be eligible under this section, must be:

- (1) In accordance with the comprehensive plans of the city, including all plans for redevelopment and renewal;
- (2) Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the city;
- (3) So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the city; and
- (4) So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in section 15(a)(1)g. of this ordinance.

Section 65. (d)(1)

Where the proposed modifications of existing zoning concern only the bulk and placement of structures and the size and shape of lots (regulation of lot area, average lot width, distance between buildings, size of courts, yards, gross floor area, building height, and/or building coverage), or involve a reduction of lot area per dwelling unit of no more than 33%, such Application and General Plans shall be filed with the Board of Zoning Appeals and acted upon as a special exception under subsection 63(d) of this ordinance. If such Application and General Plans are approved by the Board of Zoning Appeals, upon specific findings that each of the objectives stated in subsection (a) above will be met, such approval shall be construed to modify provisions contained elsewhere in this ordinance insofar (and only insofar) as specific deletions, additions and changes are made which are related to land and structures in the tract, and the tract shall be designated a Planned Development Unit within the existing zoning district.

Section 63 (d) - The Board of Zoning Appeals may grant a Special Exception if the proposed use is in accord with the public convenience and welfare, and may attach conditions and safeguards deemed necessary to protect the neighborhood.

Section 63. (d)(6)

In the following types of special exception cases, which involve more than conventional questions of use and may have a significant impact on surrounding areas and a substantial relationship to the comprehensive plan of the city, the Board of Zoning Appeals shall, following its hearing, refer the case including all exhibits to the City Plan Commission, which shall submit an advisory report, on such factors as it may deem relevant, to the Board within 30 days after receiving all records and documents in the case. This report of the City Plan Commission shall be taken into account in the decision of the Board.

h. Planned development units: subsection 65(d)(1).

BACKGROUND

The 53,796sf parcel consists of both 20 Fair Street (45,302sf) and 34 Fair Street (8,494sf) consisting of a one story 4,550sf structure (automotive garage) and a 3,440sf (automotive garage) structure respectively.

The applicant is requesting that the New Haven Board of Zoning Appeals grant a Special Exception for a Planned Development Unit under Section 65 of the New Haven Zoning Ordinance for residential use involving the demolition of the existing structures and construction of 186 dwelling units. The proposed development will occupy property running along the end of Fair Street and to the West of Olive Street. The immediate area is made up primarily of multifamily dwellings and larger apartment buildings along with a few mixed-use properties.

JULY 13 PUBLIC HEARING

Attorney Muccilli, Darren Seid, and project architects presented the item stating that the site is currently being utilized mostly as surface parking with 2 commercial structures. The site is proposed to be designed with pedestrian access in mind with a plaza and pedestrian access greenway with the owner being responsible for maintenance and upkeep in perpetuity. Attorney Muccilli went on to describe the proposed site and deviations from the current zoning district highlighted below. The proposed development will be primarily residential and will be appropriate and consistent with the surrounding area. This proposal will reintroduce the connection between Fair Street and Olive Street by way of the greenway (public easement). The applicant plans on meeting with the various community management teams prior to Site Plan Review if granted.

Two members of the public spoke in favor including the Alder, six members of the public spoke in opposition of this application. Four letters of support were provided to City Plan staff prior to the hearing.

PLANNING CONSIDERATIONS:

Project Construction

Existing Residential Structure

As noted, this proposal involves the demolition of the existing structures currently occupying the properties at 20 and 34 Fair Street. The existing parcels consist entirely of impervious surface with access at the end of Fair Street.

Proposed Residential Structure

The proposal seeks the construction of a new seven-story 157,895sf, mixed-use structure with a 1,106sf portion dedicated to retail space 6,709sf dedicated to common amenity space, 29,371sf dedicated to parking/utility space, 8,686sf dedicated to courtyards, and 150,080sf dedicated to residential space. 61 off-street parking spaces and 2 off-street loading spaces will be provided on the ground floor of the structure where 186 and 2 respectively are required.

Traffic and Parking

The submitted plan indicates a total of 61 onsite parking spaces and 2 off-street loading spaces will be provided as mentioned above with access along both Fair Street (2-way) and Olive Street (1-way). The proposal will accommodate indoor storage for 33 bicycle spaces and additional outdoor storage for at least 5 bicycles.

A traffic study has not been submitted at this time.

Zoning Ordinance Modifications Requested

The properties are located in a General Business (BA) District. BA Districts permit, among other uses, residential dwelling units at a density of 1 dwelling unit per 1000sf of gross floor area.

The proposed development is seeking certain changes to the underlying BA zoning as follows:

- Reduce the required gross floor area per dwelling unit from 1,000sf per unit to 850sf per unit
- Increase the maximum FAR from 2.0 to 3.0
- Reduce the required off-street parking spaces from 186 to 61.
 - a. Gross Floor Area per Dwelling Unit

Section 43 Use Table A(1): Gross Floor area per dwelling unit: Dwelling units in multi-family dwellings located above first stories of structures at a maximum density of one unit per 1000 sq. ft. of gross floor area of entire building and limited to gross floor areas as defined in the New Haven Zoning Ordinance. Except that properties subject to Development or Land Disposition Agreements involving the City of New Haven shall not be subject to the above density limitation.

The applicant is seeking a reduction of the required gross floor area per dwelling unit from 1,000sf per unit to 850sf per unit. **Section 65(d)(1) of the Zoning Ordinance allows for a maximum reduction of lot area per dwelling unit of 33%. In a BA District, density is determined based on Gross Floor Area not lot area and is therefor calculated differently.**

- b. Maximum FAR

Section 43(b)(1)f. permits a maximum FAR of 2.0.

The Applicant requests a FAR modification to allow for an FAR of 3.0

- c Off-Street Parking Requirement

Section 45 (a)(1)c. One-half per dwelling unit, except for one per dwelling unit in BA and BA-1 Districts.

The Applicant requests a reduction in the required off-street parking from 186 to 61.

PDU STANDARDS

Section 65 sets forth the standards for a Planned Development Unit. The application for the Project relates to required standards in the following manner: Staff comments concerning the applicant, information are in italics

- a. The Planned Development must be in accordance with the comprehensive plans of the City, including all plans for redevelopment and renewal

Applicant believes that the proposed development will help to advance many of the objectives outlined in New Haven's Vision 2025 Plan, including:

- Providing a new access connection from Downtown to Wooster Square through the extension of "Fair Street", and in addition direct connectivity to the neighborhood from the Downtown is encouraged through the proposed extension of Fair Street to connect Olive Street.
- Enhancing the quality of the existing housing stock;
- Encouraging mixed-use environments along State Street;
- Connecting housing and transportation given the proximity of the subject property to

mass transit and the State Street Station;

- Providing high-density, mixed-use environments with pedestrian-level uses, and predominantly multi-floor residential space; and
- Increasing the economic and tax base.

In addition, the proposed development will help advance many of the objectives outlined in the unadopted Wooster Square Planning Study, including:

- Connecting Downtown to Wooster Square through the extension of Fair Street to Olive Street;
- Future development opportunities for transit-oriented development;
- The need for pedestrian safety; and
- The presence of neighborhood retail and walkable connections to Downtown New Haven

The New Haven Vision 2025 comprehensive plan refers to the fact that there are few opportunities for new development in the city stating that redevelopment is a central strategy in housing and neighborhood development. The plan further recommends the enhancement to the quality of the housing stock and encourages sustainable housing developments along with the provision of high-density, multi-family developments at appropriate locations through out the city. In regards to housing quality the plan offers the following; "Ensure that all housing within the city meets or exceeds the quality standards established within the City's Housing and Building Code."

b. The Planned Development Must be Composed of Such Uses and in Such Proportions as are Appropriate and Necessary for the Integrated Functioning of the Planned Development and for the City

The subject property is currently underutilized and primarily used for surface parking.

The proposed development is primarily composed of residential uses and ancillary space by creating a new, seven-story, transit-oriented mixed-use building with one hundred eighty-six (186) residential dwelling units consisting of seventy-two (72) studio units, seventy-six (76) onebedroom units, eighteen (18) two-bedroom units, ten (10) three-bedroom units and ten (10) fourbedroom units, with sixty-one (61) parking spaces being located in a single-level garage and onsite, approximately 6,621 square feet of amenity space for the residents of the development and

approximately 1,000 square feet of commercial space. These uses are appropriate and necessary for the integrated functioning of the PDU. Olive Street is in the process of a significant transformation with the development of 44 Olive Street a/k/a 87 Union Street into 299 apartments with approximately 8,000 square feet of retail space, the development of 630 Chapel Street (the former Comcast property) into 230 apartments with approximately 5,600 square feet of retail space across two buildings on either side of Chapel Street, and the development of 78 Olive Street into the Strouse Adler. The proposed development will further the infill development of Olive Street.

The primarily-residential focus of the PDU is appropriate for the particular parcels comprising the subject property given the combined area of the two parcels is approximately 1.21 acres, which satisfies the tract-size requirements of the PDU for this type of development. Additionally, given the irregular shape of the combined lots, the primarily residential nature of Olive Street in light of the above-referenced developments and the pedestrian-friendly completion of Fair Street re-introducing a connection between Union Street and Olive Street, the subject property is better suited to residential development than its current use of surface parking or other commercial development. Applicant's design will blend together indoor and outdoor space to create a community feel, with a pedestrian-friendly greenway connecting the remainder of Fair Street to Olive Street which will feature stamped concrete and greenspace designed by a landscape architect.

The proposed use of the site is largely residential which is permitted in the underlying zone at a density of 1,000sf per dwelling unit. The allowable FAR limits the overall gross floor area of a structure and therefor limits the number of dwelling units permitted as a result. By allowing for an increase in FAR the developer is able to maximize the density of the parcel. The parcel is 1.23 acres in size which is above the required minimum lot area for a residential PDU as well. When taking the proposed deviations as mentioned above into account the proposal is proportionally sound and consistent with the neighboring properties and similarly sized parcels located within the underlying zone.

c. The Planned Development Must be so Designed in its Space Allocation, Orientation, Texture, Materials, Landscaping and Other Features as to Produce an Environment of Stable and Desirable Character, Complementing the Design of the Surrounding Neighborhood, and Showing Such Unusual Merit as to Reflect Credit Upon the Developer and Upon the City

Applicant's proposal for a new, transit-oriented, mixed-use development relative to other large-scale residential developments currently under construction on Olive Street is most appropriate and necessary for the integrated functioning of the planned development and for the City. The space allocation, orientation, texture, materials, landscaping and other features are designed to produce an environment of stable and desirable character by improving a currently underutilized site consisting mostly of surface parking, complementing the design and values of the surrounding neighborhood -- particularly the residential developments on Olive Street already underway as discussed above and the residential uses across Olive Street in the RM-2 Zone -- and, once complete, will show unusual merit as to reflect credit upon Applicant, the design team and upon the City by creating a new residential development completing Fair Street and re-introducing the Union Street and Olive Street intersection that had long been privately held.

The extension of Fair Street to Olive Street is designed with pedestrian access in mind, and will feature stamped concrete and greenspace designed by a landscape architect, including planters, trees, a plaza which will be open to the public with a variety of seating options and a pedestrian-friendly greenway trail. Applicant is excited to bridge together Union Street and Olive Street, providing a walkable connection between Downtown and Wooster Square. Residents from all throughout New Haven will enjoy convenient walking access to all of Downtown amenities as well as the New Haven State Street Station and the Wooster Square neighborhood.

The proposed development will continue the City's efforts to increase foot traffic in the area and bridge the gap between downtown and the Wooster Square neighborhood. The subject property is adjacent to the heart of Wooster Square and its fantastic restaurants as well as many professional services, restaurants, shops and other social gathering spaces.

The proposed layout of the site shows the structure will take up the majority of the parcel except for the accessway between Fair and Olive Streets with parking allocated on the first floor of the structure as mentioned above. The landscape improvements and additional outdoor areas will decrease the amount of impervious surface resulting in a more desirable, inviting overall character.

d. So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in Section 15(a)(1)g. of this ordinance

Applicant seeks a variance to permit a minimum of 175 square feet of usable open space per dwelling unit on the tract where a minimum of 250 square feet of usable open space per dwelling unit on the tract is required. Neither the underlying BA Zone nor the RM-2

Zone located across Olive Street have any requirement with respect to usable open space; however, the Section 65(a)(4) of the Ordinance imposes one of the most demanding requirements in the Ordinance by requiring 250 square feet of usable open space per dwelling unit with respect to a Planned Development Unit.

With the terraces, courtyards, balconies, mezzanine level outdoor spaces and greenway, Applicant is providing approximately 33,000 square feet of usable open space, or approximately 0.75 acres of usable open space on a site that is only 1.21 acres in size. The proposed development will continue the City's efforts to increase foot traffic in the area and bridge the gap between downtown and the Wooster Square neighborhood. In addition, the subject property is one block from Wooster Memorial Park and the Union Street Parkway, only a few blocks from Wooster Square Park, and is a short walk to the New Haven Green, all of which contain publicly-available usable open space. There is plentiful usable open space at both the subject property and in the immediate area for enjoyment by the residents of the development.

The proposed site plan does not meet this standard and therefor the applicant is seeking relief by way of a Variance (see below) to allow for 175sf of usable open space per unit where 250sf is required. This is accomplished by way of a combination of terraces, courtyards, balconies, mezzanines, and greenway spaces. While the required amount is not met, the applicant is providing approximately 33,000sf or .75 acres of usable open space which staff feels is an adequate amount of space being provided while still allowing for the maximum development/utilization of the property.

e. Size of the Tract

Per Section 65(b)(1) of the Zoning Ordinance a residential-only Planned Development Unit tract area must be between ½ and two acres. *In this instance, the Tract is 1.23 acres and thus satisfies this criterion for a PDU.*

Sec. 60 Stormwater Management Plan:


A Stormwater Management Plan was not submitted as part of this application.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception is essentially in harmony with the general purpose and intent of the ordinance and that the public health, safety, and general welfare will be served, and substantial justice done. Accordingly, the Commission recommends the BZA considers:

- Any/all open space issues which may arise from this proposal.
- Any/all traffic and parking issues which may arise from this proposal.

ADOPTED: July 21, 2021
Leslie Radcliffe
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department