

## NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

**RE:** 441 CHAPEL STREET 63 HAMILTON STREET, Special Permit for Live-Work Lofts pursuant to Section 18A of the New Haven Zoning Ordinance (Owner/Applicant: Harry David of Chapel Trust. Agent: Wayne Garrick, A.I.A.)

**REPORT:** 1502-09

**ACTION:** Approval with Conditions (see p. 3)

**Submission:** Special Permit Application

**Note:** Companion CPC Report 1502-01 Site Plan Review for the same site.

### **Previous CPC Actions:**

CPC 1457-10: Special permit for live/work loft in an IL zone.

CPC 1448-02: Site Plan for addition of five units within existing five-story former industrial building in a Light Industrial (IL) zone.

CPC 1431A: Addition of two new dwelling units to existing 13 dwelling units.

### **Related BZA Actions:**

11-47-V. Approved. Variance to permit live work loft unit on ground floor.

10-129-V. Approved. Use Variance to permit 5 additional dwelling units.

09-67-V. Approved. Use Variance to permit 5 dwelling units.

05-01-V. Denied. Use Variance to permit 6 additional dwelling units.

03-66-V. Denied. Use Variance to permit 7 additional dwelling units.

96-05-V. Approved. Variance to amend previous approval to allow continued use of business use over a residential use.

94-59-V. Approved. Use Variance to permit 13 dwelling units.

84-107-S. Denied. Special Exception to permit a dance hall.

## **BACKGROUND**

### **Zoning:**

In November 2014, the City Plan Commission, and subsequently the Board of Alders, approved a zoning ordinance text amendment to (i) eliminate the requirement that a live-work loft must be on an upper level of an industrial structure; (ii) delete provisions requiring ground floor commercial/industrial use; (iii) eliminate requirements for three years of marketing efforts to retain commercial or industrial uses before live-work loft units may be considered and that the structures be shown to be of such size and configuration as to make non-residential use unlikely and; (iiii) mandate that live-work loft units be developed consistent with certain residential standards and that open space must be maximized. Due to this change, the Site Plan as separately submitted meets the requirements of the New Haven Zoning Ordinance for the light industrial (IL) zone, subject to approval of this Special Permit for Live-Work Lofts.

**Site Description/existing conditions:** The existing building at the site is a former mill construction warehouse that has been converted to a residential apartment building that varies between two and five stories in height.

**Current site conditions:** The site is occupied by a masonry and timber industrial building which has largely been converted to residential use, and by two paved lots.

**Proposed Activity:** The ground floor was formerly used for commercial/ industrial uses, 2 Live-Work Lofts The applicant proposes conversion of the remaining ground floor space to six Live-Work Lofts under Section 18 A of the New Haven Zoning Ordinance.

**PUBLIC HEARING: February 18, 2015. The Hearing will be recorded by POST reporting.** Applicant has submitted plans and other information indicating that the proposed use will be conducted in a manner consistent with Section 18 of the City of New Haven Zoning Ordinance

**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.

<b>Special Permit Criteria</b>	<b>Comments</b>
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>Applicant has submitted plans and other information indicating that the proposed use will be conducted in a manner consistent with Section 18 of the City of New Haven Zoning Ordinance.</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 is a permitted use in the IL 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 use is in keeping with the Comprehensive Plan's warnings concerning the use of vacant industrial properties for less intensive uses than conventional residential conversions in that a commercial element of use is maintained within the unit. The proposed use is keeping the plans directives regarding retention of historic structures</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	<i>No exterior construction or demolition is planned for the site; therefore no natural features of the site will be disturbed.</i>

wildlife or vegetation habitat.	
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>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.</i>
f. <i>Historic preservation.</i>	<i>Though not located in any historic district the building was noted in a "windshield" survey of the area. The proposed conversion is interior and will not affect the exterior of the building.</i>
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.	<i>See above f.</i>
h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.	<i>As a contributing element in an ongoing effort to establish a strong mixed use environment in Mill River area the proposed use demonstrates potential to have a positive effect on property values within that area.</i>
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.	<i>The addition of 6 units to the building will generate minimal additional traffic. Parking requirements are met on site.</i>

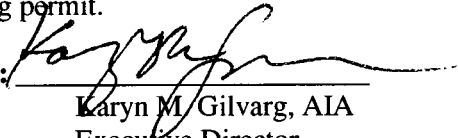
**FINDINGS AND CONDITIONS OF APPROVAL:**

Based on the above considerations it is the determination of the Commission that the application as submitted is in essential compliance with all pertinent portions of both Section 64 and Section

18 of the New Haven Zoning Ordinance and the Special Permit is approved with the following conditions

1. The applicant shall record on the City land records an original copy of this report (to be provided by the City Plan Department) and shall furnish written evidence to the City Plan Department that the document has been so recorded (showing volume and page number), prior to City Plan signoff on final plans for building permit.

**ADOPTED:** February 18, 2015  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director