

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 470 JAMES STREET. Special Permit for outdoor area of assembly in an IL zone. (Owner/Applicant: David Salinas of District NHV LLC; Agent: Ron Bomengen of Fuss & O'Neill)
REPORT: 1518-06
ACTION: Approve

Note: Companion CPC Reports 1518-03 and 1518-05 for the same site.

Previous CPC Actions:

- **CPC 1513-10**, December 16, 2015: Order of the Board of Alders approving the acquisition by the City of New Haven of 470 James Street from the State of Connecticut and disposition of the same to District NHV, LLC pursuant to the terms and conditions of a Development and Land Disposition Agreement to be entered into between the City of New Haven and District NHV, LLC.
- **CPC 1515-02**, February 17, 2016: Site Plan Review and Coastal Site Plan Review for partial demolition of existing building and removal of polluted soils.

Submission: SPR application packet including DATA, WORKSHEET, SITE, SESC, CSPR, and SPECIAL PERMIT forms. NARRATIVE attached. Application fee: \$570 (including Special Permit fees). Received April 18, 2016.

- NDDB State Listed Special Review Request and Preliminary Assessment. Received April 18, 2016.
- Traffic Impact Study, dated April 2016. Received April 18, 2016.
- Stormwater Management Report dated April 15, 2016, received April 18, 2016. Revisions dated May 16, 2016, received May 16, 2016. Additional revisions dated June 3, 2016, received June 7, 2016.
- Project summary letter, dated April 15, 2016. Received April 18, 2016. Revised to address staff comments, May 16, 2016. Received May 16, 2016.
- Abutters mailing list client charge back report, dated May 9, 2016. Received May 19, 2016.
- Response to Transportation, Traffic, and Parking comments. Received June 8, 2016.
- Heat reduction narrative. Received June 10, 2016.
- Application drawings. 42 revised sheets received May 16, 2016. Revised sheets received June 7, 2016.

Other relevant information:

- Letter from Deputy Economic Development Administrator to applicant summarizing City's design review comments. Dated May 23, 2016.
- Response to design review comments dated May 23, 2016. Dated June 10, 2016.

BACKGROUND

Per the City of New Haven zoning regulations Sections 42 and 64, David Salinas of District NHV, LLC has applied for a Special Permit for an outdoor area of assembly in an IL zone (for separate Site Plan Review and Coastal Site Plan Review, see CPC Report 1518-03). District NHV, LLC is the owner of the 9.13 acre site at 470 James Street. The site is bounded by the Mill River to the west, the I-91 North Exit 5 ramp to the north, James Street to the east, and Humphrey Street and railroad tracks to the south. The site is currently vacant, however it was used by the Connecticut Department of Transportation as a bus maintenance facility until 2010. In early 2016, the Board of Alders approved a Development and Land Disposition Agreement to accept

ownership of the property from the State of Connecticut Department of Transportation and transfer it to District NHV for the purposes of developing the property. District NHV had previously won a competitive RFP to acquire the site from the City by proposing a mixed-use development, including an outdoor amphitheater and providing public access to the Mill River via a riverfront trail and kayak launch.

Current site conditions: The site is nearly 100 percent impervious with little to no stormwater management quality controls. There are three stormwater direct discharges into the Mill River currently coming from the site. The site currently includes a vacant 195,000 SF building, but approval for partial razing of this building was granted in February 2016 via CPC report 1515-02.

Proposed Activity: The proposed development includes the renovation of an existing 100,000+ SF building to convert it to a multi-use building that includes leasable office space of many sizes as well as a fitness gym. A 6,600 SF new construction restaurant is also proposed on site to be located adjacent to the existing smoke stack. The three existing stormwater discharges into the river will be replaced with two new ones that include a rip rap apron. Along with a trail running along the Mill River that will eventually be a part of a Mill River trail system, an additional planned amenity for the site is an outdoor amphitheater with a 400 SF stage and 250-person capacity. Section 42(L) of the City's Zoning Ordinance requires a Special Permit for outdoor areas of assembly in an IL zone. In order to support this development, the applicant is proposing a 287-space surface parking lot to serve the office, gym, restaurant, and other uses to be located on the site.

PUBLIC HEARING

A public hearing was held on May 19, 2016 and continued to June 15, 2016. Transcripts of the hearings, 1518 and 1519, are available from 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 proposed use complies with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Section 45(a)(1), parking and loading, permits the construction of over 200 parking spaces by Special Permit, with the exception of NHZO Section 60.2, Reflective Heat Impact, for which the applicants have been granted a waiver.</i></p>

Special Permit Criteria	Comments
<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 proposed use complies with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance, with the exception of NHZO Section 60.2, Reflective Heat Impact, for which the applicants have been granted a waiver. Section 45(a)(1), parking and loading, permits the construction of over 200 parking spaces by Special Permit.</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 located along the northern limits of the Mill River District. A planning study completed for the Mill River District in 2013 suggested multi-use developments for locations throughout the Mill River District. This development will produce a unique and functional campus that is in line with the recommendations of the planning study. The 2015 Comprehensive Plan does call for this parcel to be an industrial use. However, the proposed use of the site, including the 287-space parking lot, would not be expected to cause a nuisance or be nuisanced by any neighboring industrial properties</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>Given the long-standing industrial use of the site, there are very few trees within the site itself. The entire site will be improved by greatly reducing the amount of impervious surface from its previous use as well as greatly increase the total number of plantings and vegetative cover. A pedestrian path will be constructed along the edge of the Mill River and invasive species will be removed, providing scenic vistas.</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>The proposed use does 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 as the site's proposed used is not industrial or manufacturing in nature..</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>There are no historic structures on site.</i></p>

Special Permit Criteria	Comments
<p><i>g. 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 operational and physical characteristics of the Special Permit are compatible with the surrounding area and neighborhood. The previous industrial use of the site left it nearly 100% impervious with little to no landscape. The proposed redevelopment of the site and building will greatly change the characteristics of its previous use and attract visitors with its site features that includes walking paths, a restaurant, a fitness gym, and an amphitheater.</i></p>
<p><i>h. 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 use and site design shall not have a detrimental effect on property values in the surrounding area as it will bring in new businesses and new jobs for local residents.</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 submitted a traffic impact study to support its Special Permit application. Expected site-generated traffic data was calculated using empirical data from the Institute of Transportation Engineers (ITE) publication Trip Generation, 9th edition, 2012.</i></p> <p><i>The City's Transportation, Traffic, and Parking Department has reviewed the traffic impact study submitted by the applicant and has determined that this applicant may need to go to the State Traffic Authority for review.</i></p>

CONDITIONS OF APPROVAL:

None.

ADOPTED: June 15, 2016
Adam Marchand
Acting Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director