

REVISED NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: 423 DIXWELL AVENUE. Special Exception to permit 3 on-site parking spaces where 11 spaces are required for a Custodial Care Facility. Zone: RM-2. (18-63-S)
(Owner/Applicant: James Walker)

REPORT: 1550-05

ADVICE: Approval

BACKGROUND

Although located directly on Dixwell Avenue (on the north corner of Dixwell Avenue and Argyle Street) this property is located in a Medium – High Density (RM-2) Residence District. This application covers all three stories of this building. First floor uses include office and recreational space; the two top floors are devoted to sleeping rooms and common bath, kitchen and living area with rooms accommodating between two and three residents.

The applicant is proposing a Special Exception to allow three on-site parking spaces where 11 spaces are required for a 34-resident Custodial Care Facility.. Section 19 of the New Haven Zoning Ordinance defines Custodial Care Facilities as those that: *“provide(s) custodial care and treatment in a protective living environment for persons accused or convicted of a misdemeanor or a non-violent felony and residing voluntarily or by court placement, including, without limitation, correctional and post correctional facilities, halfway houses, transitional housing, juvenile detention facilities and temporary detention facilities, such as alternative to incarceration programs approved by the Chief Court Administrator in accord with the Connecticut General Statutes Sec. 53a-39a. This provision is not intended to address disabled individuals pursuant to the Fair Housing Act.”*

Prior Action:

CPC (1525-06): Special Exception to permit 4 on-site parking spaces where 11 spaces are required for a Custodial Care Facility. Zone: RM-2. Owner/Applicant: James Walker

Approved on December 21, 2016

BZA (16-78-V, 16-79-S): Special Exceptions for a Custodial Care Facility and to permit 4 on-site parking spaces where 11 spaces are required; Variances to permit 34 residents where a maximum of 6 residents is allowed, lot area of 5277sf where a minimum of 5400sf is required, lot area per resident of 160sf where 705sf of lot area per resident is required, location approximately 1200 ft. from the nearest existing Custodial Care Facility where a minimum distance of 1500ft is required, and exterior usable open space of 1575sf where 3400sf is required for Custodial Care Facility

Approved with conditions (Maximum of 17 residents, 1 per room): 3/21/2017

PUBLIC HEARING

At the October 9, 2018 meeting of the Board of Zoning Appeals, James Walker, CEO of Believe in Me Empowerment Corporation presented the application. Mr. Walker noted that there have been no security incidents serving their current resident population which is substantially composed of individuals in post-incarceration mental health, substance-related recovery programs, and those battling homelessness. With the change in operation to a Custodial Care Facility, he indicated that 24-hour staffing will be provided on each floor accompanied by a house/floor manager in contrast with the more limited support staffing currently available as well as the implementation of security cameras. With the staffing on floors two and three, the number of bedrooms would be reduced by one per floor in order to accommodate the staff. Mr. Walker also reviewed traffic impacts of the proposed change and observed that there will be little to no vehicle traffic with the majority of those that live at and visit the site using alternative means of travel.

A current employee of Believe in Me Empowerment Corporation spoke in support of the application.

PLANNING CONSIDERATIONS

Special Exception Considerations

Under the New Haven Zoning Ordinance (Section 45(a)(7)), the Board of Zoning Appeals has the power to lessen the requirements of the Ordinance as to the number of parking spaces required upon a finding of that either particular circumstances or mitigative measures support such reduction. Particular circumstances may include the availability of public parking, proximity to public transit or significant levels of pedestrian access. A staff report accompanying the Board of Zoning Appeals application (BZA #18-53-S) contains the following information relative to these considerations:

While this proposed use at its proposed density has a Zoning Ordinance obligation to provide 11 onsite parking spaces, practically speaking is not likely to generate a level of traffic and/or parking demand over and above what site currently can provide for. A virtually "carless" clientele combined with minimal staff needs along with access to public transportation indicate little need for on-site parking over and above what is currently provided, regardless of the current on-street parking situation in the immediate area.

FINDING AND ADVICE:

The Commission has reviewed the summary of the public hearing and the information of the BZA staff report and finds the request satisfies the Special Exception requirements of Section 63(d) and finds the application as proposed in accord with the public convenience and welfare and recommends approval.

ADOPTED: October 23, 2018
Edward Mattison
Chair

ATTEST: MDL
Michael Piscitelli, AICP
Deputy Economic Development Administrator