

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **838 Whalley Avenue. Special Exception to permit 0 on-site parking spaces where 9 are required. Zone: BA. Owner: Arlow LLC. Applicant: FIFI, LLC.**

REPORT: 1541-11

ADVICE: Approval

PRINCIPAL APPLICABLE REGULATIONS

Section 29(f) Reduction of Required Parking

The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of *parking spaces* required and/or increase the maximum allowable *walking distance* to such *parking spaces*, but only upon a finding that either particular circumstance or mitigative measures qualify such action. Particular circumstance may include, but not be limited to availability of public parking, proximity to public transit or significant levels of pedestrian access. Mitigative measures may include, but not be limited to van and/or car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph shall be considered as special exceptions under subsection 63(d) of this ordinance.

BACKGROUND

Manjares Fine Foods is seeking a Special Exception to permit 0 parking spaces where 9 parking spaces are required for expanded seating in the southern half of the existing 2,900sf restaurant. Currently, the business operates primarily out of the northern third of the first floor of the building and proposing to expand operations in the middle third of the building to include a bar and additional customer. The entire facility would also have a full Restaurant Liquor Permit seating full liquor service into the southern portion of the premises.

PUBLIC HEARING

The applicant presented the proposal and provided information to support their claim that the desired expansion will not affect the existing parking situation in a negative manner due to a currently pedestrian-based clientele, proximity to nearby parking lots and adjacency to public transportation.

Those that spoke in opposition of the reduced parking requirements are current residents of the building with those in support being of the surrounding area. Three artist/tenants living in the apartments (as well as a student of one of the artists) spoke in opposition to the proposal based on the idea that on-site parking is already an issue at times. Three members of the public spoke in favor of the application; the applicant submitted approximately 38 letters of general support for the application.

PLANNING CONSIDERATIONS

Special Exception Considerations (Parking)

- **Nature of the Proposed Site:** This business currently occupies approximately 2/3 of the ground floor area of a 12,000sf+ three story building located in a central portion of the Westville Village District. Once the site of a bank, the entire property has been redeveloped with two, three story mixed use structures with upper story residential artist use and first floor commercial/retail uses. The corner building has two apartments above a restaurant space. Manjares occupies space in the second building, located directly south of the corner structure and separated from it by a wide driveway. The sales/service area of Manjares is approximately 2,912sf. They are now proposing to expand seating in the southern portion of the space and to construct a bar/cocktail area along with full food service which will result in a spatial integration of the entire business to an extent not currently possible. Applicant has proposed hours of operation as follows:
 1. Sunday-Wednesday 11:00am-10:00pm
 2. Thursday-Saturday 11:00am-12:00am

- **Resulting Traffic Patterns:** While customer numbers may increase somewhat as a result of this particular expansion there is no evidence that existing levels or patterns of traffic will be affected other than possibly later in the evening.
- **Nature of the Surrounding Area:** To the west of the site is a residential neighborhood. To the east and north is a mixed-use BA zone that includes other restaurants; to the south is Edgewood Park. This request can be seen as an attempt offer alcoholic beverages along with food just like the other restaurants. In this respect the proposal fits the nature of the area very well.
- **Proximity of Public Buildings:** The nearest public building is the Mitchell Library on the corner of Harrison St. and Whalley Ave., approximately 1,400 feet to the northwest.
- **The Comprehensive Plan:** The Comprehensive Plan contains language emphasizing the importance of maintaining the economic viability of Commercial Mixed Use areas such as Westville Village. This proposal is in accordance with that advice.

FINDING & ADVICE:

Based on the above considerations it is the recommendation of the Commission that the application meets the criteria of Sections 29(i) of the New Haven Zoning Ordinance and should be approved.

The City Plan Commission recommends that the BZA attach as a condition of approval, the management plan developed by the landlord for addressing resident concerns, especially those surrounding the potential increase in noise levels and maintaining strict hours of operation.

ADOPTED: February 21, 2018
Edward Mattison
Chair

ATTEST: MDL
Michael Piscitelli, AICP
Deputy Economic Development Administrator