

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **51 TRUMBULL STREET** Special Exception to permit 0 off-street parking spaces where 35 are required for a school in an existing structure. Zone: RO. (Owner: ACES/ECA. Applicant: Silver Petrucelli & Associates.)
REPORT: **1557-17**
ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 12(b)(1)(f): Minimum parking: One (1) *parking space* for each four seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats, located on the same *lot* or within 300 feet *walking distance*.

Section 45(a)(7) Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of parking or loading spaces required and/or increase the maximum allowable walking distance to such parking spaces, but only upon a finding that such other standards will be adequate. All deviations from normal requirements by means of this paragraph (7) shall be considered as special exceptions under subsection 63(d) of this ordinance, and the Board of Zoning Appeals may impose time limits where it finds that the continued adequacy of such other parking or loading standards cannot be fairly predicted.

Section 63(d) Special Exceptions. 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 exceptions.

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.

f. adjustment for parking and loading requirements: subsections 29(c); 29(h)(2); 29(i); 45(a)(6)b.; 45(a)(7).

BACKGROUND

The applicant is seeking a Special Exception to allow for 0 parking spaces where 35 are required based on the maximum occupancy of the structure. The site is currently being used as the Ely Center of Contemporary Art and will be changing to a school. The maximum occupancy for the building is 139, but the actual count of students will be less than 20. Therefore the relief being asked for is well over the actual need in regard to off-street parking.

MAY 14 PUBLIC HEARING

Aces members (applicant) presented the application and when asked about the condition of approval in the BZA Advisory Report which states, "A legally binding parking agreement must be recorded on the land records and presented to staff pertaining to the spaces allocated at the Audubon Street Garage." The applicant stated that they agreed with this condition. Otherwise no mention of the special exception portion of this application was addressed.

Two members of the public spoke in support of this application.

**PLANNING CONSIDERATIONS:
Special Exception**

- Nature of the Proposed Site: The site is located in a residence-office (RO) residential zoning district just west of the corner at Trumbull Street and Lincoln Street. The 6,651sf structure was built in 1890 and is situated on a 8,176sf lot, currently being used as the Ely Center of Contemporary Art.
- Resulting Traffic Patterns: Since the majority of students will spend the majority of their day at the ECA Audubon Street location with this site being overflow/swing space, and that those students that are not bussed to the location along with staff will have parking available at the Audubon Street Garage, staff sees no major impact to existing traffic patterns.
- Nature of the Surrounding Area: The area directly to the north of the property (abutting the rear) is a general single family (RS-2) residential zoning district, and high-middle density (RM-2) residential to the North-East and North-West. The properties nearby consist of a variety of uses including office, mixed-use, multi-family, and single-family structures.
- The Comprehensive Plan: There is nothing in this application that is substantially at odds with New Haven Vision 2025.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception to be 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 by its approval.

ADOPTED: May 15, 2019
Ed Mattison
Chair

ATTEST: 
Aicha Woods
Director, City Plan Department