

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **843 WHALLEY AVENUE** Special Exception to allow 19 off-street parking spaces where 23 are required. Zone: BA-2. (19-59-S) (Owner: Atlantic Holdings, LLC & Citadel Holdings, LLC. Applicant: James Segaloff.)
REPORT: **1558-18**
ADVICE: **Special Exception: Approval**

PRINCIPAL APPLICABLE REGULATIONS

Section 45(a)(1)a.1.A.3. Parking and Loading requirements. In the BA-1 and BA-2 zone, nonresidential uses of greater than 2,000 square feet gross floor area—Two spaces per 1,000 square feet.

Section 29(i)(7) Reduction of Required Parking

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 particular circumstances that may include the availability of public parking, proximity to public transit or significant levels of pedestrian access.

Section 45(a)(7) - The 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 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 carpooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph (7) shall be considered as special exceptions under subsection 63 (d) of this ordinance

Section 63 (d) - The Board of Zoning Appeals may grant a *Special Exception* if the proposed use is in accord with the public convenience and welfare, and may attach conditions and safeguards deemed necessary to protect the neighborhood.

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 of parking and loading requirements: §29.(c); §29.(h)2; §29 (i) §45.(a) (6.) b; §45.(a)7.

BACKGROUND

The applicant is requesting a Special Exception to reduce the number of parking spaces. The office space totals 11,770 SF of floor area, requiring 23 parking spaces by ordinance.

JUNE 11 PUBLIC HEARING

The attorney representing the client (Caleb Hammel) presented this application. He explained that this project originally received approval by the CPC as a Special Permit but only included the first floor. The area in question is now extending into a portion of the second floor which in turn increases the parking requirement. There are no additional spaces to accommodate this change but this is a walkable area of the city and is near municipal parking lots with extra bicycle parking available on site.

No members of the public spoke in either support or opposition of this application.

PLANNING CONSIDERATIONS:


Special Exception Considerations

- Nature of the Proposed Site: The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures on it are in accord with the public convenience and welfare, as no exterior changes to the existing building and site are proposed as part of this application and overall development has been approved by the City Plan Commission.
- Resulting Traffic Patterns: The resulting traffic patterns and adequacy of proposed off-street parking and loading are in accord with the public convenience and welfare, and no changes to the approved traffic circulation are being requested. The availability of pedestrian access, public parking, and public transit ensure that the reduced parking requirement will still be adequate for this use at this site.
- Nature of the Surrounding Area: The nature of the surrounding area and the extent to which the proposal might impair its present and future development is in accord with the public convenience and welfare, as a minor four-space reduction in required parking, particularly in light of the available pedestrian access, public parking, and public transit will have minimal impact on the nature of the surrounding area and will not impair its present or future development.
- Proximity to Public Buildings: This minor parking reduction will not have an impact on nearby residences, churches, schools, public buildings, and other places of public gathering, as the available pedestrian access, public parking, and public transit will mitigate the effects of the parking reduction.
- The Comprehensive Plan: As recognized in the City Plan Commission's approval of a special permit for the overall development, the City's comprehensive plan encourages neighborhood commercial mixed use in this area, which this use will strength and which this parking reduction will not affect.

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, and therefore, recommends approval.

ADOPTED: June 19, 2019
Ed Mattison
Chair

ATTEST: 
Aicha Woods
Executive Director, City Plan Department

*in behalf
of AW*