

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **48-50 WHITNEY AVENUE** Special Exception to permit 5 parking spaces located more than 1,000ft from the property for 10 additional dwelling units. Zone: BD.
(Owner/Applicant: Toto, LLC.)

REPORT: **1554-20**

ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

Section 45(a)(1)(4): In order to be credited to the quantity of parking spaces required for a use, any parking space not on the same lot as such use shall be within 1,000 feet walking distance of such use, except that in the BA and BA-1 Districts such spaces must be within 300 feet of the subject lot. In the BA-2 District, such spaces must be within 650 feet walking distance of the subject lot. All such arrangements shall comply with paragraph 45(a)(5) below.

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 requesting a Special Exception to permit 5 off-street parking spaces located more than 1,000ft from the property for an additional 10 dwelling units. The current 2-story structure consists of two commercial spaces on the ground floor and two dwelling units on the second floor totaling in 6,416sf on a 3,802sf parcel. The application proposes to add a third and fourth floor with 4 new dwelling units on both along with an additional 2 new dwelling units on the second floor. The third and fourth floor each consist of 3,150sf bringing the overall gross floor area to 12,716sf. The 5 parking spaces being provided (.5 spaces per dwelling) are to be located at the Orange and Trumbull Parking Lot.

FEBRUARY 19 PUBLIC HEARING

Attorney Yolen, representing the applicant, stated that the area is very foot-oriented and that, while there are several parking areas within 1,000ft of the property, none of them had any spaces available. Therefor the applicant, instead of asking for an adjustment in the number of spaces provided, is seeking an adjustment in the

distance in which parking will be provided at the Orange/Trumbull Parking Lot which is located approximately 1,300ft away. No members of the public spoke either in support or opposition of this proposal.

PLANNING CONSIDERATIONS:

Special Exception

- Nature of the Proposed Site: The site is located on Whitney Avenue, roughly halfway between Trumbull Street and Grove Street, and directly across from Audubon Street.
- Resulting Traffic Patterns: The requested adjustment isn't asking for a decrease in the parking requirements like most parking related special exceptions and instead are providing the number of spaces a distance further away that would otherwise not be allowed. Therefore, even with an increase in density at the site, traffic will not be negatively affected.
- Nature of the Surrounding Area: Most of the properties nearby consist of mixed-use structures, residential in a variety of densities, and Institution based uses with Yale owning a large quantity of nearby sites.
- The Comprehensive Plan: The proposal is in harmony with advice of the Comprehensive Plan in respect to its enhancement of a mixed-use environment within the center of the city.

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: February 20, 2019
Edward Mattison
Chair

ATTEST: MPL.
Michael Piscitelli, AICP
Interim Economic Development Administrator