

## NEW HAVEN CITY PLAN DEPARTMENT ADVISORY REPORT

RE: **316 & 340 DIXWELL AVENUE & 783 ORCHARD STREET.** Special Exception to allow for 32 off-street parking spaces where 69 are required for the development of 69 dwelling units. Zone: BA/RM-2. (20-22-S) (Owner: Dixwell Housing Associates; Applicant: David Cleghorn)

REPORT: **1568-07**

ADVICE: **Special Exception: Approve**

### PRINCIPAL APPLICABLE REGULATIONS

**SPECIAL EXCEPTION:** 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 14(a)(1)(g):** *Minimum parking:* One parking space per dwelling unit (except that only one parking space shall be required for each two elderly housing units ) located either on the same lot as the principal building or within 300 feet walking distance of an outside entrance to the dwelling unit to which such parking space is assigned, and conforming to section 29 and the remainder of the General Provisions for Residence Districts in Article IV.

**Section 63. (d)(6):** *Referrals to City Plan Commission:* 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 applying for this zoning relief in an effort to construct a new, four-story, 69-unit residential development across the V-shaped site. The proposed development meets the State's affordable housing standards and would be accessible to local residents of the City. The applicant proposes a sustainable building type constructed of mass timber, making it not only affordable but also sustainable to the environment. The applicant applies for zoning relief that permits a parking ration of ~.5 spaces per dwelling unit and requests a greater Floor Area Ratio than would otherwise be permitted, meaning this site is denser than allowed under current zoning regulations.

### APRIL 14 PUBLIC HEARING

Attorney Bernie Pellegrino together with partners Jeff Spiritos (of Spiritos Properties LLC) and Darrell Brooks (of Beula Land Development Corp.), and David Cleghorn and Andrew Ruff (of HELP USA) presented the application stating that the project developers sited the buildings along the property lines and located parking to the interior of the site to comply with the purpose and intent of the ordinance. The unique V-shape of the subject property makes it hard to comply with both the spirit of the ordinance and the parking requirements simultaneously. The applicants showed a map of public transit and City-owned parking lots showing ample alternatives in the vicinity of the site. They also provide surplus bicycle parking than is required by ordinance. Applicants stated that the project is largely affordable to those with an income at or below 50% of AMI and their market research suggests that their residents will own less cars than the ordinance requires.

10 members of the public submitted written testimony in favor of the application. 6 members of the public spoke in favor of this application. One member of the public spoke in opposition to this application. One additional member of the community posted comments in the Zoom chat during the public hearing, stating that was in favor of the project but was concerned that the applicant did not perform its due diligence to assess parking needs for its residents. One member of the Board of Zoning Appeals suggested that the applicant should perform a traffic impact assessment as part of its application to the City Plan Commission for site plan review should it receive its variance relief.

## PLANNING CONSIDERATIONS


### Special Exception Considerations for the requested reduction in required parking:

- Nature of the Proposed Site: The site is 39,811 sq. ft. It is an oddly shaped lot on which the applicant proposes 2 structures connected by drives and green space. In an effort to comply with the Comprehensive Plan of the City of New Haven and the vision under the Commercial Gateway District zoning proposal, the applicant sited the buildings close to the streets with the parking to the rear or center of the structures. There are driveways entering off both Dixwell Avenue and Orchard Street.
- Resulting Traffic Patterns: This proposal will see an increase in density at the subject lot. However, because of the site's proximity to alternative modes of transportation and the provided bicycle parking, staff feels there will be no adverse to effects to current/future traffic patterns. The applicant's experience of this type of development suggests that the residents are not likely to own as many cars as the zoning otherwise requires.
- Nature of the Surrounding Area: This property is located at the top of the Business District that runs along the corridor. To the north, it becomes more residential, and to the south, it there is denser development close to the street. Staff feel that the applicant has submitted an appropriate transitional development that ties into the nature of the surrounding area.

## 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. Therefore, the Commission recommends approval.

**ADOPTED:** April 15, 2020  
Edward Mattison  
Chair

**ATTEST:**   
Aicha Woods  
Executive Director, City Plan Department