

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** 347 WHALLEY AVENUE. Special Exception to permit 0 on-site parking spaces where 6 on-site parking spaces are required. Zone BA. (Owner: HM Investment Group; Applicant: Nadine Tracy)

**REPORT:** 1560-07

**ADVICE:** Approval with Conditions

### PRINCIPAL APPLICABLE REGULATIONS

**Section 59(d)(1) Whalley Overlay District:** Applications requiring special permit and special exception approval shall be administered by the city plan Commission. The applicable procedures and standards of section 63 shall apply to the processing of special exceptions by the city plan commission, and the applicable procedures and standards of section 64 shall apply to the processing of special permits by the city plan commission

**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 permit 0 off-street parking spaces where 6 spaces are required to allow for additional seating at an existing restaurant (Island Spice). The site contains two structures with the subject one-story structure located to the rear of the property and consisting of 1,276sf. The 6,040sf lot is located on the corner of Whalley Avenue and Winthrop Avenue with no on-site parking.

### PLANNING CONSIDERATIONS

#### Special Exception Considerations

- Nature of the Proposed Site: The site is located on the corner of Whalley Avenue and Winthrop Avenue, with the existing restaurant located in the 1,276sf rear structure and a mixed commercial structure consisting of 3,456sf in the front of the property.
- Resulting Traffic Patterns: According to the applicant the majority of current clientele is from the neighborhood and either walk or take public transportation and the addition of seating doesn't insinuate any change. Staff feels this prediction is accurate and with available on-street parking on both streets, there will be no adverse effect on traffic.
- Nature of the Surrounding Area: Most of the properties nearby consist of mixed-use structures, residential in a variety of densities, and larger commercial properties. The lot is in a General Business District (BA) and abuts a residential (RM-2) district to the North.
- The Comprehensive Plan: The Comprehensive Plan advises this area to be Commercial Mixed Use. This proposal respects that advice.

**FINDING AND ADVICE**

**Special Exception:** Based upon the above analysis staff finds that both Special Exception applications substantially meet the criteria set forth in Section 63(d) of the New Haven Zoning Ordinance and therefore recommends approval with the following conditions:

1. No more than 24 seats are permitted on site.
2. Any permit relating to the sale or consumption of alcohol requires separate permitting.
3. No live music.

**ADOPTED:** August 21, 2019  
Leslie Radcliffe  
Vice Chair

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