

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **45 DIXWELL AVENUE** Special Exception to allow 4 on-site parking spaces where 14 on-site parking spaces are required. Zone: RM-2. (Owner: 'R Kids, Inc.; Applicant: Randi Rubin Rodriguez)  
REPORT: **1551-07**  
ADVICE: **Special Exception: Approve**

### PRINCIPAL APPLICABLE REGULATIONS

**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

R Kids, Inc. requested and was granted a Use Variance to permit a Family Service Center in addition to a building coverage variance to permit 35% where 30% is allowed and front and side yard variances to permit 0' setbacks where 17' and 8' are required in order to construct the currently existing single story facility in April of 2001 (see above). The site is located at the southern end of Dixwell Avenue within an RM-2 District within the Newhallville neighborhood.

They are now proposing a largely second story addition (approximately 4,600sf) with a smaller third story 1200sf storage area this existing building, The second floor addition includes various types of program space and a 1,000sf roof garden. This proposed addition will actually cantilever off the north elevation of the existing structure approximately 15ft. This second level extension over a proposed parking area and along with an addition in the open space area on the southern edge of the lot make up the additional coverage requested; side and front yard requested would allow for vertical expansion of existing walls constructed based on 2001 relief.

Additionally, the applicant is requesting a Special Exception to reduce the number of existing onsite parking spaces from 12 to 4 where the building would now require 14 spaces. In addition to the 4 on-site

spaces 4 additional spaces will be available within 300ft of this property, thereby lowering required/ requested differential from 10 to 6 parking spaces.

This portion of Dixwell Avenue, while residentially zoned, is characterized by a mixture of uses and structural density more commonly found in the type of neighborhood commercial district in which this particular use would in all likelihood be permitted.

**PLANNING CONSIDERATIONS:**

**Special Exception**

Nature of the Proposed Site: The proposal is for a largely second story addition (approximately 4,600sf) with a smaller third story 1200sf storage area to the existing 4,500sf building on a 13,000sf lot. Although located in a Residence District building and lot size are more in character with commercial properties to the south/southeast.

Resulting Traffic Patterns: The proposed parking should adequately serve the needs of staff. Clients will have access to limited on-site parking; it is anticipated that a significant level of pedestrian/ client traffic along with readily available public transit from all four cardinal directions should minimize the need for required levels of on-site parking.

Nature of the Surrounding Area: This property is located in an area that could be described as highly transitional. Residential neighborhoods are located primarily to the north, east and west (primarily of a medium density in a variety of structural configurations) while areas of mid to higher density nonresidential use (Broadway, Elm Street and lower Whalley Avenue) are to the south.

Proximity of Dwellings, Churches, Schools, and Public Buildings: There are at least two churches on Dixwell Avenue located within approximately 1000ft of this property; the Goffe Street firehouse is about 600 feet away and the Wexler/Grant School is approximately 1300ft to the north. No impact on any of these uses is anticipated with the proposed action.

Consistency with the Comprehensive Plan of the City of New Haven: The availability of neighborhood social service programs is a critical element identified in the City's most recent comprehensive plan update, 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:** November 14, 2018  
Edward Mattison  
Chair

**ATTEST:** MPL  
Michael Piscitelli, AICP  
Deputy Economic Development Administrator