

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **882 Whalley Avenue and 33 Fountain Street.** Special Exception to permit 10 on-site parking spaces and 14 off-site shared parking spaces where 60 spaces are required. Coastal Site Plan Review for a 23,934sf structure with a 180-seat restaurant and 22 dwelling units. Zone: BA.
Owner/ Applicant: 882 Whalley Avenue, LLC

REPORT: 1541-12

ADVICE: Approval

PRINCIPAL APPLICABLE REGULATIONS

Section 29(i) Reduction of Required Parking

The Board of Zoning Appeals shall have the power to lessen the requirements of this ordinance as to the number of *parking 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 car pooling, public parking validation programs, flexible work schedules or other transportation demand management measures. All deviations from normal requirements by means of this paragraph shall be considered as special exceptions under subsection 63(d) of this ordinance.

Section 55 Coastal Management District

BACKGROUND

The proposal is for an approximately 24,000sf three story structure on a 12,317sf property located at the intersection of Fountain Street, Central Avenue and Whalley Avenue. Located in the heart of Westville Village on property formerly the site of Delaney's Taproom and Restaurant the structure includes a 5,500sf, 180 seat ground floor restaurant with a full Liquor Permit and a ten-space parking area, both of which are covered by two additional stories containing a total of 22 one and two-bedroom dwelling units. In addition to onsite parking, the application references an existing parking related easement for this property on the adjoining Webster Bank property at 894 Whalley Avenue. The actual language in the filed easement states that the use of the 14 bank parking spaces is "*limited for such times as will result in no interference with the banking operations...*"

PUBLIC HEARING

The applicant as well as the site architect and engineer presented the proposal and provided evidence in support of their claim that the proposed reduction in on-site parking would have no negative impact upon the surrounding area and that the proposal would have no discernible impact upon coastal resources. Five residents spoke in favor of the development, none spoke against.

PLANNING CONSIDERATIONS

Special Exception Considerations (Parking)

- **Nature of the Proposed Site:** The site is located in the center of the Westville Village commercial district. The proposal requires a total of 60 on-site parking spaces (Revisions recently submitted to the Board of Alders would reduce the requirement to less than 25 spaces). Access to on-site parking located at surface level under two stories of residential use would be accessed by an entrance only driveway on Fountain Street. Site egress would be directly onto the Webster Bank parking lot and back out onto Fountain Streets via the bank's rear driveway. Access from both Fountain Street and Whalley Avenue into the bank parking lot would be through the existing driveways connecting the properties to those streets. An existing curb cut onto the property from Central Avenue will be eliminated.

- **Resulting Traffic Patterns:** While this proposed restaurant will add to the level and type of traffic generated in this area it likely that the increased levels are most likely to take place during evening and weekend hours when Webster Bank parking is available. The number of bicycle parking spaces proposed may also expand the distance from the property that would require a potential customer to make use of a motor vehicle. Adjacency to public transportation is also a mitigating factor. Based on these considerations it is therefore unlikely, in the opinion of staff, that this application will have a significant traffic/parking related impact in this area.
- **Nature of the Surrounding Area:** This site is located in the commercial center of the Westville Village. This location, with reasonable but less than immediate proximity to a residential clientele located primarily to the south and west may help to maximize the level of a pedestrian clientele while avoiding unacceptable levels of on- street customer parking in those adjacent residential areas.
- **The Comprehensive Plan:** The proposal is in essential compliance with the Comprehensive Plan of Development.

Coastal Site Plan Review

Coastal Flood Hazard Area (Flood Zone): The property is within Flood Zone X Areas determined to be outside of the 0.2% annual chance (100-year) floodplain. Map# 09009C0429J (July 8, 2013).

Nearshore Waters: The site is approximately 450ft to the southwest of the West River.

Shorelands: the site is within the coastal boundary on a previously developed non-waterfront or waterfront-adjacent site consisting of paved parking lot and grassy areas.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	None
2. Potential beneficial impacts	The project includes the construction of a stormwater management system that is designed to capture all run-off through the 100-year storm event. As a result, more stormwater runoff will be captured on site and there will be less and higher-quality runoff into the West River.
3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	Not waterfront
5. Have efforts been made to preserve opportunities for future water-dependent development?	Not waterfront
6. Is public access provided to the adjacent waterbody or watercourse?	Not waterfront
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6'.	No

Sec. 60 Stormwater Management Plan:

The applicant submitted a Stormwater Management Plan as part of this application. This plan indicates that the proposal will result in an entirely impervious site consisting of paved parking and structure. Applicant is proposing an onsite underground detention structure that will direct any outflows into the city stormwater system in Fountain Street. Staff does note that peak modeling for a five year storm event was not included in the report.

Taking into consideration all of the above information and pending submission of 5 year modeling information described in the previous sentence, the Commission finds that the proposed activity as shown on plans and in submitted reports appears to be consistent with the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse effects on coastal resources

FINDING & ADVICE:

Based on the above considerations it is the recommendation of the Commission that the application meets the criteria of Sections 29(i) and 55 of the New Haven Zoning Ordinance and should be approved.

ADOPTED: February 21, 2018
Edward Mattison
Chair

ATTEST: MDL
Michael Piscitelli, AICP
Deputy Economic Development Administrator

