

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **197 DAVENPORT AVENUE.** Special Exceptions for a Restaurant Liquor License and to permit 51 on-site parking spaces where 75 are required. Zone: RM-2. (19-83-S)  
(Owner/Applicant: Pittman Management Company LLC)

REPORT: **1561-12**

ADVICE: **Special Exception: Approval**

### PRINCIPAL APPLICABLE REGULATIONS

**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.

#### **Section 45(a)(1)a. Regulations for parking**

p	Place of assembly, eating or drinking place, funeral home	One per four seats (total capacity)
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### BACKGROUND

The applicant is seeking a use variance to allow for a restaurant which is a use not allowed in a residential district in an existing vacant structure where the last legal use was an Auto Repair Garage. The 30,319sf lot consists of a 5,928sf structure. The proposal would consist of a 300-seat restaurant with 51 off-street parking spaces. The applicant is proposing the continuation and expansion of the brick façade which is located within the front yard setback for historical and aesthetic purposes. Proposed hours of operation are Sunday-Thursday 11:30am-9:30pm and Friday-Saturday 11:30-1:00am with 20 employees.

### SEPTEMBER 17 PUBLIC HEARING

The engineer and architect representing the client presented this application. They explained that environmental studies had been conducted on the site and it was determined that the soil could not be exposed which prohibits demolition of the structure. They indicated that most of the property has been used for surface parking and will continue to do so for the proposed use while providing landscaping and impervious surface improvements on the site. There are also available on-street parking spaces located within proximity. 19 members of the public spoke in support of this application.

### PLANNING CONSIDERATIONS:

#### **Special Exception Considerations**

- Nature of the Proposed Site: The overall site consists of 5 separate parcels with the majority of the 30,319sf site consisting of impervious surface which had been allocated for parking since the existing 5,928 structure was constructed in 1925. The material of the 1-story structure is brick with several large garage bay doors facing Davenport Avenue as well as elevated loading spaces facing Orchard Street.
- Resulting Traffic Patterns: The applicant is providing 51 off-street parking spaces where 75 are required. This number is determined by the number of seats in the restaurant itself. 20 staff parking spaces will be

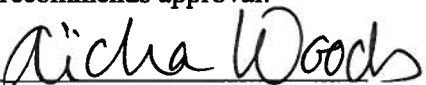
provided off-site at other properties either owned or managed by the applicant along with 4 bicycle lockers provided on site. There are 24 on-street parking spaces located within the immediate vicinity of the sight and therefore while traffic will most certainly increase due to the change from a vacant property to a thriving business, staff feels that these patterns will not have a negative impact on the surrounding area.

- Nature of the Surrounding Area: The area is in an RM-2 (middle-high density residential) and the surrounding properties consist of residential structures ranging from 1 to 3 dwelling units apart from a nursing home (PDU 30) located approximately 325ft away. The majority of the neighboring properties provide off-street parking.
- Proximity to Public Buildings: There are no public buildings located in the immediate vicinity of the subject lot.
- The Comprehensive Plan: There is nothing in this proposal that is substantially at odds with any language found in New Haven 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, and therefore, recommends approval.

**ADOPTED:** September 18, 2019  
Ed Mattison  
Chair

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