

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **843-845 WHALLEY AVENUE.** Special Exception to allow for 19 off-street parking spaces where 25 spaces are required. Zone: BA-2. (19-105-S) (Owner/Applicant: Children's Community Programs of Connecticut, Inc.)

REPORT: **1564-11**

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. Parking and Loading Requirements.**

### BACKGROUND

The applicant is seeking a Special Exception to allow for 19 off-street parking spaces where 24 are required for 12,595sf of office space. As noted below in the zoning history portion of this report, the subject lot was approved for the same number of parking spaces in July of this year for 11,770sf of office space. The reason for this application is because there was an increase of square footage dedicated to office use that subsequently increased the number of required parking spaces from 23 to 24.

### NOVEMBER 12 PUBLIC HEARING

The attorney (Caleb Hamel) representing the applicant presented the application stating that this had already received approval earlier in the year for a nearly identical application. The difference and reason for having to re-apply is because that during the construction phase a rear portion of the structure is being demolished and with the addition of a stairwell, the applicant decided to increase the amount of office space and therefor per the NHZO parking standards (done by square footage) an additional parking space is required.

One member of the public spoke in support of this application.

### PLANNING CONSIDERATIONS:

#### Special Exception Considerations

Section 63(d) of the New Haven Zoning Ordinance review in relation to the applicable criteria of this section results in the following comments:

- **Nature of the Proposed Site:** The nature of the proposed site, including its size and shape and the proposed size, shape and arrangement of structures on it are in accord with the public convenience and welfare, as no exterior changes to the existing building and site are proposed as part of this application and overall development has been approved by the City Plan Commission.
- **Resulting Traffic Patterns:** The resulting traffic patterns and adequacy of proposed off-street parking and loading are in accord with the public convenience and welfare, and no changes to the approved traffic

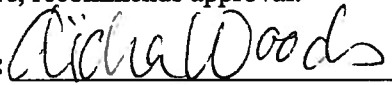
circulation are being requested. The availability of pedestrian access, public parking, and public transit ensure that the reduced parking requirement will still be adequate for this use at this site.

- Nature of the Surrounding Area: The nature of the surrounding area and the extent to which the proposal might impair its present and future development is in accord with the public convenience and welfare, as a minor five-space reduction in required parking, particularly in light of the available pedestrian access, public parking, and public transit will have minimal impact on the nature of the surrounding area and will not impair its present or future development.
- Proximity to Public Buildings: This minor parking reduction will not have an impact on nearby residences, churches, schools, public buildings, and other places of public gathering, as the available pedestrian access, public parking, and public transit will mitigate the effects of the parking reduction.
- The Comprehensive Plan: As recognized in the City Plan Commission's approval of a special permit for the overall development, the City's comprehensive plan encourages neighborhood commercial mixed use in this area, which this use will strength and which this parking reduction will not affect.

#### **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:** December 18, 2019  
Ed Mattison  
Chair

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