

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

NEW HAVEN CITY PLAN COMMISSION COASTAL SITE PLAN REVIEW

RE: **222 SARGENT DRIVE**, Use Variance and Coastal Area Management Permit for a 950 sf building expansion and access ramp for an existing, nonconforming theater in a Wholesale/ Business (BE) District. (Owner: New Haven Food Terminal, Inc; Applicant: Jameson Gilpatrick BZA 11-55-V; 11-06-CAM).

REPORT: 1456-08
ADVICE: Approval with Condition
CSPR FINDING: No Impact

SITE CONDITIONS and BACKGROUND

The applicant is proposing a 950 s.f. building addition along with associated exterior pedestrian accommodations (i.e., stairs and ramps) for the existing Long Wharf Theater. This existing nonconforming use (live theatre) was originally allowed by the BZA in this location in 1965 and has been allowed to expand by the BZA on a number of subsequent occasions (see below). The proposed building expansion is intended to enhance accessory elements of the theater, specifically the lobby adjacent to the Main Stage. Theater seating capacity in neither the Mainstage nor Stage 2 areas will change as a result of this proposal.

Prior BZA Actions:

- 65-45-V. Use Variance to permit temporary theater.- **granted**
- 74-110-V Use Variance to permit the continuation of a temporary theater.-**granted**
- 76-108-V Use Variance to permit the continuation and expansion of a temporary theater.-**granted**
- 79-112-V Use Variance to permit the sale of liquor in the Stage 2 unit of the theater.-**granted**
- 87-27-V Use Variance to permit a permanent, expanded theater.-**granted**
- 99-70-V Variance for 40ft high ground sign.-**granted**

PLANNING CONSIDERATIONS

During the September 15th Board of Zoning Appeals public hearing attorney Anika Lemar presented the applications. She noted that the theater opened in the early 1960's and was part of an Urban Renewal program. Ms. Lemar was accompanied by Architect Rick Wies who submitted and described amended site plans showing 7 relocated handicap spaces that will allow free flow access to the proposed handicap ramp. Mr. Wies further noted there are 2 properties between the theater and the nearest water body therefore there is no coastal impact.

As noted the applicant is applying for a Use Variance for a 950 s.f. building expansion and access ramp for an existing, nonconforming theater in a Wholesale/ Business (BE) District. Specifics and details of the proposal are found in the application form along with a narrative describing in detail previous BZA actions (see above). Staff's primary concern with the physical elements of the proposal is that approximately 8-9 parking spaces currently located in front of the area of the proposed improvements will be eliminated. Although the theater (and indeed the entire property) will remain compliant in terms of the amount of on-site parking, staff is concerned about the fact that some of the parking to be eliminated is handicapped accessible. These relocated spaces should be shown on a site plan.

Of more immediate concern, however is the proposed expansion of a non-conforming use. Section 63.C.2. of the New Haven Zoning Ordinance lists specific criteria for the approval of such a request. They are each addressed by the applicant in the submitted narrative. Generally speaking, staff would cite previous findings of hardship and exceptional difficulty, the idea that the proposed use has less of an impact on the property than many uses actually permitted on the property, and its apparent contribution to the character of the property and the area in recommending approval of this proposal.

In fact staff's only real question concerning this application is why a use that in the applicant's words is clearly "compatible and complementary" is repeatedly subjected, by virtue of its nonconforming status, to process that has little relevance to the practical issues involved. It is difficult to research and review this proposal without coming to the conclusion that theaters should be a permitted use in BE Districts.

However, this property falls within the Coastal Area Management district. Section 55(b)(3) of the zoning regulations mandates that the Coastal application be referred to the City Plan Commission for a written report.

COASTAL SITE PLAN REVIEW

The Commission's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

COASTAL PLANNING CONSIDERATIONS

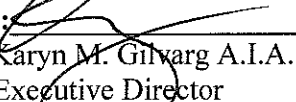
Because the site is within 1000' of the Quinnipiac River, a Coastal Site Plan Review is required. No coastal resources exist at or adjacent to this warehouse complex which is in flood Zone X on FIRM # 09009C0441H-December 17, 2010. The Commission anticipates no adverse impacts on coastal resources.

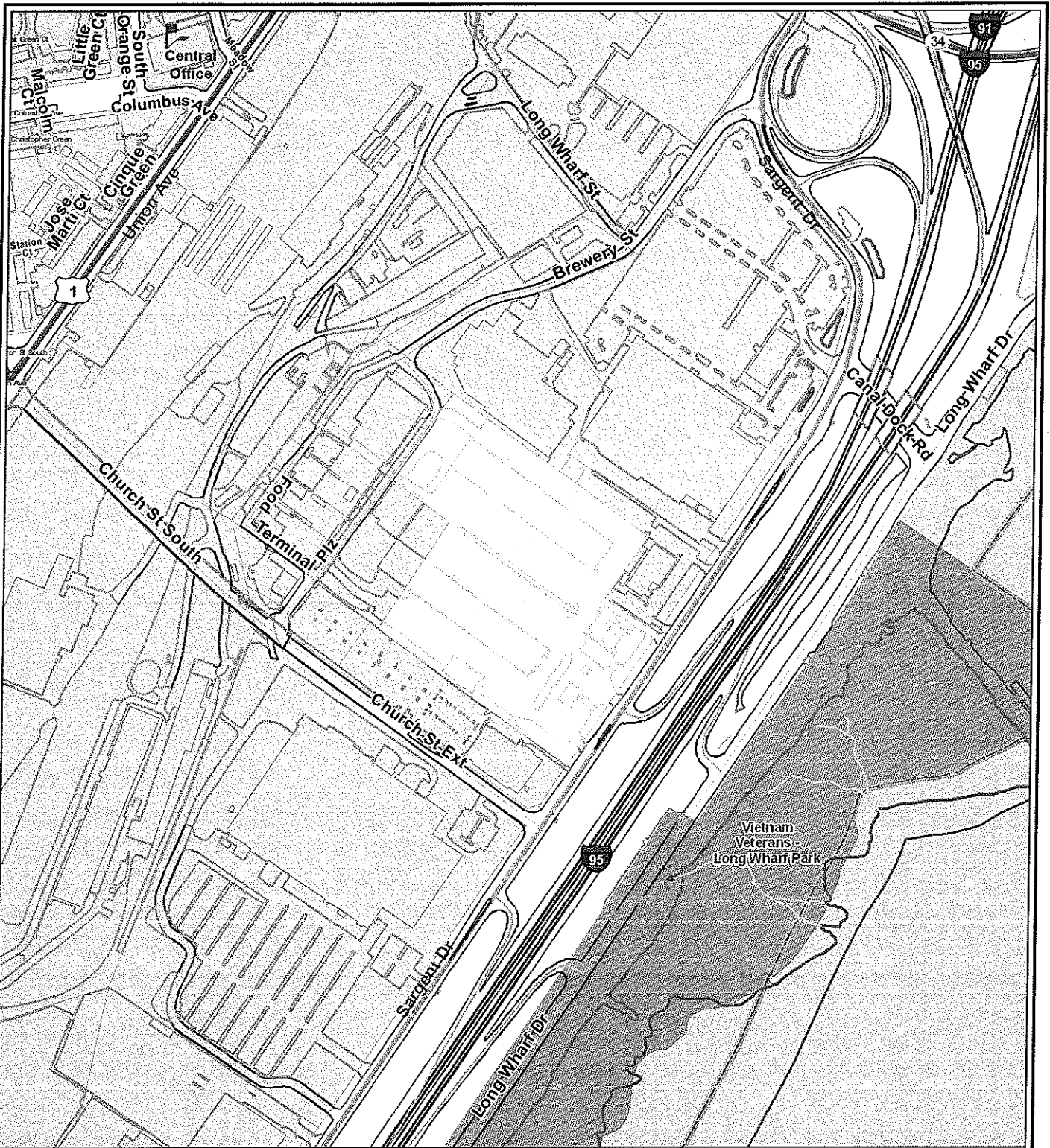
FINDINGS AND CONDITIONS


Based upon the above determinations it is the recommendation of the Department that the Use Variance be approved with condition:

1. A site plan application shall be submitted to the City Plan Commission in accord with section 64.E for detailed site plan review and approval prior to issuance of a building permit.

ADOPTED: September 21, 2011
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg A.I.A.
Executive Director




 City of New Haven, Connecticut
 John DeStefano Jr., Mayor


 New Haven
 2003

200 Sargent Drive

Produced by the
 Office of Information Technology
 Geographic Data Viewer

- Waterway
- Lake - Pond
- River
- Shoreline
- Stream
- Wetland
- Parcel
- City Boundary Line
- Schools
- Administration
- Food Service
- Private School
- Public School
- Fire Station
- Police Station
- PD Headquarters
- Substation
- Health Centers
- Hospital
- Library

- Railroad
- Railroad Track
- Abandoned Railroad Track
- Airport Runway
- Parcel Line_2005

- Parks
- Park
- Triangle
- Golf Course
- Land Trust Preserves
- Airport boundary
- Shoreline

This map is intended for illustrative and Community-Based Planning processes. Every reasonable effort has been made to assure the accuracy of the map and data provided; nevertheless, some information may not be accurate. The City of New Haven assumes no responsibility arising from the use of this information.

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Scale: 1" = 475 ft

Created: September 12, 2011





NO PARKING

STAIRS