

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **19 Elm Street.** Special Exception to permit 24 off-street parking spaces where 48 are required, 0 off-street loading spaces where 1 is required, and a walking distance to off-street parking spaces located on a separate lot of 1,499ft where 1,000ft is required. Zone: BD.
Owner: 19 Elm LLC. Applicant: Benjamin Trachten. (22-39-S)

REPORT: **1613-06**
ADVICE: **Special Exception: Approve**

PRINCIPAL APPLICABLE REGULATIONS

In accordance with Section 63(d)(6) of the Zoning Ordinance, **“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.”**

Accordingly, Section 63(d)(6)(f) of the zoning ordinance requires the Planning Commission’s recommendation regarding **“Adjustments for parking and loading requirements: subsections 29(c); 29(h)(2); 29(i); 45(a)(6)b.; 45(a)(7) of the Zoning Ordinance”**

BACKGROUND

The applicant is requesting a Special Exception to permit 24 off-street parking spaces where 48 are required, 0 off-street loading spaces where 1 is required, and to allow for off-street parking spaces to be located at 270 State Street located 1,499ft away where a maximum distance of 1,000ft is permitted. The project was granted Site Plan Approval by the City Plan Commission on April 15, 2020 for the construction of a 7-story mixed-use development consisting of ground-level commercial space and amenity space, 96 dwelling units, and a rooftop deck. The CPC approval states that there will be 35 underground parking spaces and 6 at-grade spaces on the site with 4 additional spaces being leased out at 205 Orange Street. The proposed changes are due to the applicant proposing minor modifications to the approved Site Plan, so if approved by the BZA the applicant will then have to go back to CPC for administrative approval (minor modifications to an approved Site Plan).

In accordance with Section 29(i) of the Zoning Ordinance, **“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.”** Consequently, the applicant seeks a special exception in the BD Zone.

Accordingly, the Board of Zoning Appeals must take into consideration the Planning Commission’s advisory report as part of the Board of Zoning Appeals decision. The Board of Zoning Appeals seeks guidance as to:

- Whether the special exception for off-street parking will have a significant impact on the surrounding area; and

- Whether the request for special exception is aligned with City's Comprehensive Plan.

THE BOARD OF ZONING APPEALS JULY 12, 2022 PUBLIC HEARING

Attorney Trachten presented the application stating that the original Site Plan Approval granted by the City Plan Commission on April 15, 2020 involved the construction of a 7-story mixed-use development with 35 parking spaces being located underground. It was later determined that this configuration was not feasible and is the reason for the relief being requested at this time. Off-street spaces will be made available at 270 State Street (1,499ft away) and 10 Wall Street (directly abuts to the rear) by way of a long-term lease agreement with the New Haven Parking Authority. Furthermore, the parcel is located in close proximity to the State Street Train Station and other alternative modes of transportation. This area of the city is located a few blocks from the Town Green and is considered a very walkable area of the city.

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

PLANNING CONSIDERATIONS:

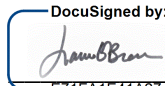
Special Exception Considerations

- Nature of the Proposed Site: The subject 23,622sf parcel currently consists of a single-story commercial building located in downtown two blocks from the State Street train station.
- Resulting Traffic Patterns: The modifications proposed to an already approved Site Plan will have minimal impact on traffic patterns in the area with extensive transit options, it is likely to have a very limited effect on peak parking demand and generated traffic. Several off-street parking garages and surface lots are located immediately adjacent to the property. In addition, on-street, metered parking can meet the short-term parking demand created by the proposed use. Traffic impact on adjacent arterial streets will be insignificant.
- Nature of the Surrounding Area: The surrounding area consists of a mix of office, commercial, residential, and retail uses along both State Street and Court Street. This location is adjacent to other prior residential projects, such as 360 State Street, (500 rental residential units), the Union at 205 Church Street, and the Eli at 227 Church Street.
- The Comprehensive Plan: The recently updated 2015 Comprehensive Plan, Vision 2025, recommends a continued focus on the revitalization of downtown through increased mixed use and residential redevelopment.

FINDINGS AND RECOMMENDATIONS

Based on considerations discussed above, the Commission views the Special Exception is essentially in harmony with the general purpose and intent of the ordinance, the City's Comprehensive Plan and that the public health, safety, and general welfare will be served based on the location of this site and the surrounding infrastructure to support the granting of the special exception. Accordingly, the Commission recommends approval.

ADOPTED: July 20, 2022
Leslie Radcliffe
Chair

ATTEST:  September 1, 2022 | 3:26 P
Laura E. Brown
Executive Director, City Plan Department