

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **95 HAMILTON STREET**, Special Exception to permit zero parking spaces where 26 spaces are required for a community youth center.
(Owner/Applicant: Church on the Rock. Agent: John A. Parese).
REPORT: 1438-20
ADVICE: Approval with conditions.

PRINCIPAL APPLICABLE REGULATIONS

Section 63(d)(6)f. Special Exceptions

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 for parking and loading requirements.

SITE CONDITIONS and BACKGROUND

Church on the Rock is requesting a Special Exception to permit zero parking spaces where 26 spaces are required to permit an approximately 9000 s.f. youth center in an existing two story structure of approximately 60,000 s.f. on a 58,370 s.f. property at 95 Hamilton Street. The building currently houses the Church on the Rock and an Easter Seals/Goodwill Rehabilitation Facility. This property is located in a Light Industrial (IL) District.

The church received Special Exceptions for parking in 1999 to allow this property to be used for purposes of worship. They did not, however, request use of the entire building as a church. A portion of the building was to continue to be used by the former tenant and owner of the entire building (Easter Seals/Goodwill) as a rehabilitation center and warehouse. The warehouse area is now being proposed for the youth center. Easter Seals will continue to occupy the second floor of the building.

Site inspection indicated that the existing on-site parking spaces located directly against the south wall of the building are currently reserved for Easter Seals van parking and would presumably be available to youth center traffic. Weekday morning parking lot activity appears to be impacted by the adjacent building supply business at 75 Hamilton Street, as its parking is located next to, and is not separated from, the church lot. There is a 40 foot wide surface easement that runs east to west (20 feet on each property) between this property and 75 Hamilton Street that allows for rights to pass for each of the two properties. The eastern and western termini of this easement each feature a shared curb cut and accessway onto Wallace Street and Hamilton Street respectively.

Prior Special Exceptions:

- Granted Special Exceptions to permit joint use of parking spaces at 75 Hamilton Street, 102 Hamilton Street, 110 Hamilton Street (400 feet walking distance) and 444 Chapel Street

(600 feet walking distance) for 1,140 seat church, May 11, 1999 (BZA File #'s 99-13-S, 99-15-S, 99-16-S, 99-17-S and 99-18-S).

- Granted Special Exception for to allow 75 parking spaces for 150 employees, December 10, 1985 (BZA File # 85-184-S).

PUBLIC HEARING

Attorney John Parese appeared on behalf of the Greater New Haven Help Alliance and the Church on the Rock. He provided the Board with a brief history of the uses on this property over the past ten years, in particular the Church and Easter Seals. Easter Seals recently relocated a 9,000s.f. clothes bundling facility to another location, thereby providing space for the proposed youth center. Attorney Parese addressed variance related issues by referencing the impracticality of an industrial use in this particular building. He also pointed out the complementary relationship of the youth center and the church. In respect to parking he pointed out the availability of off-site parking, the reduction in actual required parking represented by the new use as opposed to the former use and described in some detail the functioning of each use on the property and when its parking need is greatest. He also pointed out that the youth center would meet all the performance standards of an industrial district. Bernard Lombardi, Project Architect, presented the most current version of the site plan. It featured an enclosed lift for handicapped access, two van spaces for pick up and drop off as well as turning radii illustrations that verified the ability of certain sized vehicles to maneuver successfully in the parking lot.

David Streever, BZA Alternate, asked about parking on the adjacent lot.

Pastor Todd Foster of Church on the Rock, responded by claiming that parking was not an issue and that there is always parking available at 95 Hamilton Street.

Victor Fasano, BZA Alternate, asked if staff was satisfied with the site plan.

Deputy Director, Zoning Thomas Talbot stated that the van spaces as shown were not acceptable and that much of the problem with parking in the two lots stemmed from the lack of delineation between the two.

Nine members of the audience registered their support of the application by raising their hands.

Phil Bleich, owner of the property at 75 Hamilton Street, appeared in opposition to the application. He first submitted a set of seven photos illustrating parking conditions on both 75 and 95 Hamilton Street, copies of advertisements for various Church events, and a copy of a New Haven Register article that indicated the possibility of the center as more than just an after school activity. He also submitted two letters in opposition from his tenants, one from a nearby property owner as well as a petition signed by seven individuals. Mr. Bleich's specific concerns included trailer truck access to his tenant's loading dock and parking in the common easement area. He stated that it was not the use but its location which was the problem. He was concerned about expanded hours of operation during the summer and other vacation periods. Finally, he felt this use presented significant difficulty in his ability to keep tenants and make reasonable use of the property.

In Pastor Foster's and Attorney Parese's closing remarks they stated that they had no knowledge of the parking issues described, that the pictures submitted reflected a temporary condition, and that they were willing to cooperate with their neighbors.

SPECIAL EXCEPTION CONSIDERATIONS

The applicant is requesting a Special Exception to reduce the number of required parking spaces on-site. In their application they justify the request on the basis of two considerations. The first has to do with the unique traffic and parking situation created by the proposed use. Because it serves a non adult clientele there is an unusually large amount of drop off and pick up activity and consequently parking needs are minimal. In addition, many children will either walk or be bussed to the site, further evidence of the appropriateness of a reduced on-site parking requirement.

The second consideration has to do with the joint use of parking. The applicant has stated that the different days and hours of operation of the church and the youth center will be such as to allow for a functionally legitimate “joint” condition.

The Transportation Department has requested in its comments to the BZA that the applicant “document the shared parking arrangements. There is considerable demand during normal daytime hours; document peak times for the youth center.”

Special Exception Criteria

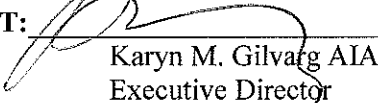
- *Nature of the Proposed Site:* See “Site Conditions and Background” above.
- *Resulting Traffic Patterns:* The proposed facility is located at the intersections of Wallace Street, Hamilton Street and Ives Place. Ives Place is a one way street running east to west. All of these roadways were designed for non residential traffic. Consequently traffic generated by this plan would not have any significant impact on these roadways.
- *Nature of the Surrounding Area:* The current zoning designation for this area is reflective of its actual use and immediate surroundings. While there are some non industrial uses in the area (primarily institutional and entertainment-related) it is still primarily an area characterized by warehouse, wholesale and some light industrial activity. While the non-commercial nature of the proposed use as well as the safety issues implied by its proximity to (and partially shared on-site access with) a busy commercial property do present some significant issues, these are largely offset (especially if addressed properly) by the complementary nature of the youth center to the existing church.
- *Proximity to Public Buildings:* As noted, the youth center would be located in the same building as The Church on the Rock. There do not appear to be any schools at all within the area bound by I-91 to the west and north, the Mill River to the east and I-95 to the south. The nearest school is Conte/West Hills School which is more than 600 feet away.
- *The Comprehensive Plan:* Although this proposed use is not generally permitted in an industrial zoning district it may still in fact have some locational validity in terms of the Comprehensive Plan of Development. If it could be reasonably be considered that this proposal would fall under the category of “Community Services” (albeit of a private rather than a public nature) then it would seem to comply with the directives of that section of the 2008 Comprehensive Plan of Development that requires “In terms of size and scale, new community facilities should be designed to be compatible with the neighborhood and the surrounding environs”.

FINDING

As assertions made by the applicant regarding parking and traffic appear to have merit and to address the requirements of Section 63 on a general level, the Commission recommends conditional approval of this application. Due to the need for more detailed and specific information, however the recommendation is subject to the following conditions:

- 1) Submittal of Site Plan Application to the New Haven City Plan Commission.
- 2) Full Traffic and Parking study by a licensed traffic/transportation professional to be submitted to City Plan Commission as part of Site Plan Application. Study shall include but not be limited to:
 - a) The actual days and hours of operation of the church, Easter Seals and the youth center and the parking needs of each use during joint use periods.
 - b) A parking and on-site circulation system that takes into explicit consideration the conditions and limitations of the 40 foot City easement running east to west between 75 and 95 Hamilton Street, including a clearly defined pick-up and drop off system for the youth center, appropriate lot signage and lot striping.
 - c) Accommodation for access to loading docks at both 75 and 95 Hamilton Street.
 - d) An analysis of the availability of on-street parking. The Traffic, Parking and Transportation Department should be consulted as to the content and proper form of this analysis.
 - e) On-site joint use vehicle trips measurement of each use.
 - f) Handicapped access plan for all existing and proposed uses.
- 3) Verification of previously approved off-site parking agreements per Special Exception #'s 99-13-S, 99-15-S, 99-16-S, 99-17-S and 99-18- S. well as any newly proposed similar agreement on other properties within 300 feet.
- 4) Recommendation to City Plan Commission that Site Plan application to be subject to Public Hearing per Section 64(f)(7)c. of the New Haven Zoning Ordinance

ADOPTED: March 17, 2010
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg AIA
Executive Director