
REVISED NEW HAVEN CITY PLAN DEPARTMENT ADVISORY REPORT

THIS ADVISORY REPORT HAS BEEN PREPARED IN RESPONSE TO THE REQUIREMENT OF SECTION 63.E.2 OF THE NEW HAVEN ZONING ORDINANCE. FOLLOWING ITS PUBLIC HEARING THE BOARD OF ZONING APPEALS WILL MAKE A DECISION.

RE: **226 Cedar Street.** Use Variance to permit a 5,500 square foot emergency shelter in an existing 15,000 square foot structure. Zone: RM-2. Owner: Society Regionale. Applicant: Columbus House

FILE: **15-92-V**

HEARING: November 10, 2015

ADVICE: Approval with Conditions

PRINCIPAL APPLICABLE REGULATIONS

Section 63.(c)(2) The Board of Zoning Appeals may grant a Use Variance based on three conditions:

1. The zoning regulations allow no reasonable use of the property for reasons peculiar to the property and not applicable to the area as a whole.
2. The use proposed is the minimum variance necessary to allow reasonable use of the property, and
3. The use will not impair the essential character of the area.

Table 1: SUMMARY SCHEDULE OF PERMITTED USES IN RESIDENCE DISTRICTS

An emergency homeless shelter is not a permitted use in an RM-2 zone

BACKGROUND

The applicant seeks a variance to use the second floor of a former social club as an emergency homeless shelter for up to 75 men to be open seven days per week during the period between December 2015 and April 30, 2016 via a short-term lease of the property. Other portions of the building not in use as a shelter will not be occupied during this period. The application includes a site plan of the property, as well as floor plans for the second floor.

PRIOR BZA ACTION None

PLANNING CONSIDERATIONS

The proposed location within an existing non-residential building in an RM-2 zone seems to be consistent with other types of congregate care and supportive housing which are permitted by right or special exception in the zone.

The Board may wish to ask the applicant:

1. What prior experience has the applicant had with operation of emergency shelters at adjacent or comparable locations?
2. What is the scheduled opening and closing date for operation of the facility?
3. What interior renovations are needed to make the facility suitable for use and in compliance with Fire and Building codes?
4. What time will clients be admitted in the evening and what time will they be dismissed in the morning?
5. Will clients be admitted or dismissed from the facility during hours when classes or school activities are taking place at Saint Martin of Porres Academy
6. What procedures will be in place to ensure that clients do not loiter adjacent to the facility prior to opening or after closing?
7. What on-site security protocols will be implemented?

8. What will occur if individuals are found to be in violation of the rules of conduct?
9. What food storage and preparation activity will occur on-site?
10. How will food deliveries be handled?
11. How will other deliveries and waste removal be handled?
12. How will exterior property conditions be enhanced?
13. What provision will be made for snow removal and for effective operation during winter storm emergencies?

FINDING & ADVICE

If the applicant is able to provide adequate response to the above questions (along with any others that the Board may have) it is the determination of Staff that:

1. The existing structure and property cannot be easily utilized for uses not only permitted but also reasonably likely to be located in an RM-2 District and;
2. Given the similarity of the proposed use to other uses that are, under a variety of different circumstances, permitted in the district it may be viewed as the minimum relief required for reasonable use of the property and;
3. If operated properly it will not impair the essential character of the area.

As a result, the Department finds that if adequate response to staff and Board questions is forthcoming, the proposal would be in compliance with the requirements of Section 63.(c)(2) of the New Haven Zoning Ordinance and recommends approval of the application with the following conditions:

1. Hours of Operation: 4 p.m. to 7 a.m seven days a week, November 15 to April 30
2. Staff levels shall be maintained as indicated by the application:
 - a) 3 staff from 4 p.m. – 12 a.m.
 - b) 2 staff from 12 a.m. – 8 a.m.
 - c) Program coordinator on-site 5 days/week

SUBMITTED FOR THE CITY PLAN DEPARTMENT

Thomas Talbot, Deputy Director, Zoning