

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** **ZONING ORDINANCE TEXT AND MAP AMENDMENT** to create a new Commercial Gateway District. (Submitted by: Aïcha Woods, Executive Director of the City Plan Department)

**REPORT:** 1558-06

**ADVICE:** Approval, as appended hereto, with references to CGD – Dixwell Avenue struck.

### BACKGROUND

In 2015, shortly before the Comprehensive Plan (Vision 2025) was written, the City of New Haven Department of Economic Development hired Burnes Consulting to perform a feasibility study of 5 key neighborhood commercial districts. The New Haven Main Streets Study was a robust public process. The results were the first step toward a zoning update for 3 of those corridors—Grand Avenue, Whalley Avenue, and Dixwell Avenue.

The Comprehensive Plan, Vision 2025, specifically charges the City Plan Department with the task of updating the zoning in these corridors, stating that in 3 years from adoption, there should be "...distinct identity for the city's neighborhood commercial corridors through the amendment of current zoning standards to better define the type, nature, and intensity of uses allowed..." and to build "...transit-oriented developments with reduced parking requirements and appropriate densities in suitable locations to facilitate further transit use."

The draft appended to this report is a result of continued collaboration with community members from all three of the subject corridors. (A list of public out-reach before this application and log of all community participation since the first public hearing were submitted into the public record.) It is better legislation as a result. These corridors have different cultural aspects, architectural styles, and development patterns. However, they share the same challenges as identified in the New Haven Main Street Study. Outdated zoning creates barriers to the commercial viability of these corridors. The zoning code was written in 1963—an era that prioritized the car over pedestrians, the separation of uses over mixed-use, and sprawl of the urban footprint. New Haven can do better for its commercial corridors. This is the first zoning update of its kind in New Haven to create design standards, sustainability goals, and right-sized parking requirements. It creates maximum flexibility for the types of uses that can coexist on the corridor. It takes a broad view with enough flexibility to apply to all three corridors without treating them identically. This zoning update:

- Creates 21st-century zoning to address the needs of the community today; provides the most opportunities for local entrepreneurs to reuse existing vacant spaces and housing opportunities;
- Requires affordable housing in accordance with Task Force Recommendations;
- Creates flexible and predictable requirements and bulk-area standards informed by the community members who live on each corridor;
- Removes barriers that prevent the use of vacant store fronts and empty lots; promotes local business and street level activation;
- Retains and strengthens zoning incentives that promote "green" buildings and the productive use of vacant lots and commercial spaces; and
- Right-sizes the parking requirements, which are a proven barrier to affordable housing and local entrepreneurship.

## **PUBLIC HEARING**

City staff introduced this item at the City Plan Commission meeting on September 18, 2019. A robust public hearing process occurred the same night. This Commission held that public hearing open until the October 16, 2019 meeting so that City Staff could continue to have community meetings, accept public testimony and draft comments, and revise the draft as needed. At the October meeting, the item was removed from the table for additional discussion. At the meeting on November 20, 2019, the public hearing continued and was closed before the Commission voted.

## **PLANNING CONSIDERATIONS**

### Considerations under the Charter of the City of New Haven

Section(s) 181 and 182 of the Charter of the City of New Haven requires the following finding:

The City Plan Commission finds that the proposed text amendments comply with Sections 181 and 182 of the Charter of the City of New Haven in that they are (i) uniform for all properties in the city, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements, and (iv) made with reasonable consideration as to the character and quality of life in all portions of the city and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

### Considerations under the Comprehensive Plan

New Haven Vision 2025, Housing & Neighborhood Planning, Section IV-8: *Planning Considerations*. The city's most stable neighborhoods, in general, are pedestrian-oriented, aesthetically pleasing and environmentally sound. This contextual urban environment is among the city's most important assets and must be stewarded against inappropriate infill, conversions, encroachments, and other potentially deleterious/ nuisance influences.

*This text amendment will spur more vibrant, walkable commercial areas by creating flexibility in the permitted uses; incentivizing sustainability; increasing density; and introducing inclusionary zoning principles and affordable housing incentives. It will enhance each corridor by implementing design guidelines, preservation elements and promoting privately-owned public realm improvements and right-sizing parking requirements to focus on development around public transit hubs.*

New Haven Vision 2025, Executive Summary, Land Use, page xxiii: *Build... ..Developments compatible with the character of the surrounding area through the preparation, adoption, and implementation of a city-wide design guidelines manual. ...Mixed-use developments along all of the city's commercial corridors, as indicated within the future land use map, through necessary zoning amendments. ...Distinct identity for the city's neighborhood commercial corridors through the amendment of current zoning standards to better define the type, nature, and intensity of uses allowed and by incorporating form-based standards. ...Transit-oriented developments with reduced parking requirements and appropriate densities in suitable locations to facilitate further transit use.*

*This zoning update was borne out of a feasibility study and public engagement process launched in 2014 and was codified in the comprehensive plan in 2015. We have a civic duty and responsibility to the community to update these corridors to “Mixed-Use Commercial” zone as envisioned by the comprehensive plan. It has been suggested that the zoning updates should be done separately for each corridor—this will create an unruly zoning code that is difficult to administer. New Haven already has more zones than is typical for a City of its size. Responsible zoning takes a broader view and builds in the flexibility needed for all the corridors to thrive while maintaining their unique identities.*

#### Considerations under the Zoning Ordinance

The Commission is charged with taking into account the various factors favoring or disfavoring a change in accordance with the Zoning Ordinance, Section 64(d)(2) as follows:

- a. Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;

*Current patterns of land use have moved away from the segregation of uses and toward mixed-use developments. Studies show that minimum parking requirements are more harmful to cities than they are helpful—they are a barrier to local business development. Form based code is the future of 21<sup>st</sup> century zoning, and this draft has elements of form-based code such as design guidelines, setback requirements, and bulk area requirements that create predictability and flexibility. In the draft appended hereto, City Staff revised the draft ordinance to reflect the unique design requests of each corridor while still comprehensively amending the zoning for all of them together.*

- b. Whether some other method or procedure under the zoning ordinance is more appropriate; and  
*At this time, there is no other method for bringing about the restored commercial vibrancy that the community has demanded in these corridors. There are three separate subzones in this corridor that lend themselves to additional corridor-specific regulations. This update sets the general framework that will prepare these corridors for the future.*

- c. In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than two acres in the case of a residence district, less than one acre in the case of a Business District, or less than four acres in the case of an Industrial District.

*The area to be zoned “CGD” under this amendment is much larger than the required threshold.*


#### **FINDINGS**

The proposed ordinance complies with all the above planning considerations and the charter of the City of New Haven. Because of community concerns with regard to displacement in the Dixwell Community, references to CGD – Dixwell Avenue should be struck. The Commission understand that a community led zoning proposal will follow.

**RECOMMENDATIONS**

Based on all the above, it is the determination of the Commission that the text and map amendments are in full compliance with the standards and requirements of Section(s) 181 and 182 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved, as appended to this Advisory Report. However, the Commission recommends to the Board of Alders that references to CGD – Dixwell Avenue be struck.

**ADOPTED:** November 20, 2019  
Edward Mattison  
Chair

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