

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:** Zoning Ordinance Text Amendment to amend the following sections: (i) Section 1, in order to delete the definition of “Height” and replace it with definitions of “Height, Average”; (ii) Section 43(b) (1) by adding the following to the table: “where a lot in a BD-1 District abuts an RS-1, RS-2, RM-1 or RM-2 Residence District, the maximum permitted FAR is 3.0”; (iii) Section 43(c) by adding the following as subsection (6): “Where a lot in a BD-1 District abuts property in an RS-1, RS-2, RM-1 or RM-2 Residence District, a maximum building or structure height of 70 feet is permitted”; and (iv) Section 45(a)(1)a.1 to provide that the parking requirement for a dwelling unit in the BD-1 District shall be the same as for a dwelling in the RH-2 District (i.e 0.75 space per dwelling unit) Rolan J. Young Smith, Agent; Spinnaker Residential LLC, Applicant.

**REPORT: 1493-02**

**ADVICE: Approval as Amended (See below)**

### BACKGROUND

In addition to proposed map amendments (see CPC# 1493-01) Spinnaker Residential LLC is proposing to amend the text of the City of New Haven Zoning Ordinance by adding language that would allow for a transitional element in terms of both height and mass for BD-1 properties that abut low to medium density residential development and which would explicitly permit a certain level of on-site parking appropriate for high density mixed use in areas of the City with access to public transit.

### PUBLIC HEARING:

*The hearing will be recorded by Post Reporting*

### PLANNING CONSIDERATIONS

The proposed text amendments, while requested along with a companion map amendment proposal (See CPC 1493-01), address a larger issue brought about by recent developments in patterns of land use and development within the City. As the City has come to recognize the importance of high density mixed use with a strong residential component in areas adjacent to both the its traditional center and in areas with accessibility to public transit, so too has the development community become aware of the opportunities afforded by this view. This has led to a move to expand the boundaries of districts that allow for this type of development. In the City of New Haven it is the Central Business/ Residential (BD-1) District that most specifically allows for such development. As the boundaries of the district have expanded (or are proposed to be expanded) they are occasionally located in adjacency to residence districts of lesser density and of a lesser physical scale.

This adjacency appears to be the result when the BD-1 property or district not only has some physical connection to other districts that share many of its bulk and area characteristics but also provides transportation related advantages that can justify the increased density of use. It is the disparity in scale between a BD-1 District and a low to medium density residential area that occurs when such adjacency is permitted, that the applicant is attempting to address with these text amendments. The text amendment also seeks to clarify the definition of “Height” and to add a definition of “Average Height” in Article I. Definitions. The current definition of “Height” is more complex than necessary, proposing alternate methods for determining height, while there is currently no definition of Average Height. The proposed text removes the old “Height” definition and replaces it completely, while adding the new definition of “Average Height” as follows:

**HEIGHT:** The vertical distance from the average elevation of the **finished lot grade** to the highest point of the ceiling of the top **story** of a **building** or **structure** in the case of a flat roof, to the deck line of a mansard roof, and the average height between the eaves and ridge of a gable, hip or gambrel roof.

**HEIGHT, AVERAGE:** The total volume of a **building** or **structure** (enclosed by the outer faces of **building** or **structure** walls, the outer faces of roofs, and the **finished lot grade**), divided by the area of the maximum horizontal cross-section of the **building** or **structure**. **Average height** for a portion of a **building** or **structure** is measured in an equivalent manner as to that portion.

Recognizing that two physical characteristics of the BD-1 that would significantly impact an adjacent residence district are mass and height, the applicant has proposed language that would reduce levels of allowable development on BD-1 properties located adjacent to RM and RS Districts. From a maximum floor to area ratio (FAR) of 6.0 permitted in the district generally, these properties would be limited to a maximum FAR of 3.0. In addition, where no maximum height limits exist in the BD-1 district, such properties adjacent to certain residential districts would be limited to a maximum of 70 feet.

The impact of the proposed amendments upon all existing BD-1 properties has been examined by the applicant. Limiting the reduced FAR to properties in adjacency to the four least permissive Residence Districts would impact approximately ten properties, all in the Chapel West area. Staff analysis of these properties reveals that many are already over the proposed FAR of 3.0. These findings are largely reflected in the applicant's own analysis. Photographs indicate buildings of up to six stories in height. Please see Milone & McBroom report submitted by the applicant, page 24 & 25.

Based on this information, the Commission affirms the idea that buildings of more than 3.0 FAR or (most especially) maximum height of 70ft are not appropriate in immediate adjacency to any single family residence district or multi-family district with maximum building heights of no more than 45feet, and that any consideration of further expansion of BD-1 Districts into areas of the City adjacent to the four Residence Districts at issue would be highly problematic without the proposed mass and height related mitigative language in the Zoning Ordinance.

The Text Amendment to Section 45 intends to reduce the parking requirement for the BD-1 District which is currently one off street parking space per each residence unit, or one half of a space for each elderly unit. The proposed Text Amendment strikes the relevant sentence, and adds a reference to BD-1 in the preceding sentence. The Commission concurs with the removal of the sentence, but for clarification recommends adding the following:

*“Dwellings in the BD-1 District shall have, for each **dwelling unit**, 0.75 parking space (i.e. three parking spaces for each four **dwelling units**), except that only 0.33 parking space (i.e. one **parking space** for each three elderly dwelling units) shall be required for each **dwelling unit** for the elderly. “*

Delete the proposed addition of BD-1 to the previous sentence.

The Commission believes that the reduction in parking standard is warranted for the BD-1 zone and is consistent with trends in reduction for demand for residential parking seen in central New Haven and elsewhere in central cities with transit and vibrant mixed used neighborhoods.

## FINDINGS

### **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 each class of buildings or structures on BD-1 properties adjacent to RS-1, RS-2, RM-1 or RM-2 Districts, (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 of BD-1 Districts and adjacent Residence Districts and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

### **Section 64(d)(2) of the New Haven Zoning Ordinance requires that the City Plan Commission take into consideration in evaluating any amendment to the Zoning Ordinance:**

*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;*

The applicant has demonstrated to the Commission that current regulations do not take into consideration the significant building height and mass differential between BD-1 Districts (with a permitted FAR of 6.0 and building heights of possibly more than 10 stories) and RS-1, RS-2, RM-1 and RM-2 Residence Districts. Both the newly proposed Map Amendment as well as currently existing conditions on the Map suggest that adjacency of a BD-1 District to these Residence Districts can only be made appropriate by means of transitional standards that are such that the BD-1 properties can be developed at a mass, density and variety of use that ensures their viability without substantially impacting the adjacent residential areas either in terms of form or level of activity. The proposed text amendments, with reduced FAR standards and a maximum building height limit, will allow for the creation of transitional sub districts with structural elements of a mass and height still substantially greater than that of less dense Residence Districts but less than in other portions of the BD-1 District. In effect it allows for the introduction of BD-1 high density mixed use development into areas adjacent to residential neighborhoods with minimized impact upon those neighborhoods.

*b. Whether some other method or procedure under the zoning ordinance is more appropriate;* the alternatives to the proposed text change would consist of the following:

1. Do nothing. Allow BD-1 development adjacent to Residence Districts.
2. Ensure that BD-1 Districts do not abut Residence Districts.
3. Create a new district to provide a transitional between the BD-1 Districts and Residence

The Commission has been provided with evidence of the significance of the need to mitigate the impact of BD-1 level density upon adjacent residential neighborhoods. It has also been presented with evidence of the idea that a reduced FAR and limitations on maximum height on certain BD-1 properties can result in fairly dense development in a form which can have minimal impact upon nearby residences. Finally, it is evident that this particular situation is

sufficiently rare as to not rise to a level of need for a new zoning district and that if such a district were to be created it would largely reflect the standards of this current proposal.

*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.*

See Report 1493-01

**RECOMMENDATIONS**

Based on all of the above it is the determination of the Commission that the text 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 with addition of language to Section **45(a)(1)a**, in the appropriate place, as follows:

**“Dwellings in the BD-1 District shall have, for each dwelling unit, 0.75 parking space (i.e. three parking spaces for each four dwelling units), except that only 0.33 parking space (i.e. one parking space for each three elderly dwelling units) shall be required for each dwelling unit for the elderly. “**

Do not add “and BD-1 “ in the previous sentence.

**ADOPTED:** May 28, 2014  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director