

**MINUTES FOR MEETING 1600  
A REGULAR MEETING AND PUBLIC HEARING OF THE  
NEW HAVEN CITY PLAN COMMISSION  
Wednesday, February 2, 2022 at 6:00 PM  
WEB-BASED MEETING HOSTED ON ZOOM**

**LINK:**

<https://newhavenct.zoom.us/j/98298328270?pwd=NHIYUE5mZTAwME9nbUpmd0lHNWNzUT09>

**Passcode:** Planning2

^ Item expected to be tabled  
\*Item to be removed from table

**To view meeting materials, visit:**

<https://cityplancommission.newhavenct.gov/pages/february-2-2022-meeting>

Chair Radcliffe called the meeting to order at 6:05pm

**I. ROLL CALL**

Commissioners Present: Chair Leslie Radcliffe, Vice Chair Ed Mattison, Commissioner Ernest Pagan, Commissioner Alder Adam Marchand, Commissioner Carl Goldfield, Ex-officio Commissioner City Engineer Giovanni Zinn.

Staff Present: Executive Director Aicha Woods, Deputy Director of Zoning William Long, Planner Esther Rose-Wilen, Attorney Michael Pinto, and Attorney Roderick Williams.

Chair Radcliffe opened the public hearing at 6:13pm.

**II. PUBLIC HEARING**

**1600-01 REVIEW OF THE INCLUSIONARY ZONING MANUAL**

**Submitted by:** Aicha Woods, Executive Director, City Plan Department

Director Woods introduced the IZ Manual. The City Plan Commission will be the stewards of the manual and will be able to make adjustments when needed. Director Woods summarized the history of the IZ legislation including four public hearings and adoption on January 18<sup>th</sup>, 2022. The Implementation Manual has been developed in parallel to the legislation. Director Woods then shared a presentation giving an overview of the Manual that reviewed each section and the role of the City Plan Commission in the process.

Chair Radcliffe opened the floor for public testimony.

A letter from Attorney Carolyn Kone (131 West Park Avenue, New Haven CT) was entered into the record and shared on Zoom with the Commission and attendees. Attorney Pinto responded to items 1 and 2.

Director Woods clarified that errors in the Definitions identified by Attorney Kone could be corrected before adoption of the Manual.

Attorney Pinto clarified that a requirement for letter of zoning compliance or site bond forms would not trigger the IZ Ordinance and Director Woods said that wording could be adjusted in the Manual to make this clear.

Commissioner Alder Marchand asked for clarification on the appeal process. Attorneys Pinto and Williams provided explanation.

Commissioner Alder Marchand recommends including the appeals process in the Manual or reference to another document that details the process. Commissioner Alder Marchand recommends that Planning Staff bring the IZ application forms to the Commission when they are ready for review.

A letter from Kevin McCarthy (not present at the meeting) was entered into the record and shared on Zoom with the Commission and attendees.

Attorney Pinto clarified that several aspects of the letter had already been covered when City Staff responded to Attorney Kone's letter. Attorney Pinto stated that Staff will ensure that grandfathering language is consistent between the ordinance and the Manual. Director Woods confirms that the Area Median Income is the metric used because it is HUD approved and provides consistency. Director Woods further explained that the 50% AMI level for eligibility was chosen based on using the Area Median Income.

Attorney Pinto addressed the question of whether the language in the ordinance gives the authority to limit rents, referencing the directive at the end of Section 50k which he asserts clearly gives the authority to the CPC to supply the rental pricing numbers (caps) to achieve the objectives of the ordinance.

Attorney Pinto further clarified that the Manual could be further developed as applications go through the process and opportunities for improvement are identified.

No additional members of the public requested the floor for public testimony.

Attorney Williams followed up on the question about the appeals process, recommending that the right to an appeals process be stated in the Manual along with the time period when clarified. Attorney Williams read Section 4 of Article 7 of the Special Act into the record and stated that Corporation Council will look into it further and follow up.

Chair Radcliffe closed the public hearing at 7:25pm.

Commissioner Goldfield expressed concerns about the completeness of the Manual which would create difficulties for Developers.

Chair Radcliffe asked if there were specific items raised that Commissioner Goldfield felt were not addressed sufficiently by City Staff. Commissioner Goldfield identified the concerns about the authority of the CPC as one insufficiently resolved item, such as the authority to cap rents. He recommended that the BoA explicitly authorize the ability to cap rents. He also mentioned the concerns of Attorney Kone that processes are not clear for Developers and the appeals process is not clear.

Commissioner Alder Marchand referenced IZ Ordinance Section 50c(3)(a) as a clear statement of the authority to cap rents by referring to units being "priced at" a certain level. However in Sections (b)-(d) it does not use the word "priced" which he expressed concern about.

Commissioner Mattison stated concerns about the short time limit to review and approve the manual. He suggested proposing technical amendments that would address concerns raised.

Director Woods clarified that the rent caps, which include utilities, come from 30% of income, not 50%. All caps for rent and utilities are included in the Manual and come directly from yearly HUD publications.

Director Woods also mentioned that most Developers have experience with affordable housing and many have experience with Inclusionary Zoning ordinances in other cities.

Commissioner Mattison reiterated concerns about the clarity of the Manual.

Commissioner Alder Marchand clarified that while the Manual clearly lays out HUD rent caps, there is concern that the ordinance language does not grant sufficient authority to cap rents and requests further input from Corporation Council on this issue.

Commissioner Goldfield asked about the timeline for adopting the Manual and what the consequences would be if the IZ Ordinance was amended by the BoA so that the Manual is sufficiently authorized by the Ordinance.

Attorney Pinto discussed the implications if the IZ Ordinance went back to the BoA for amendments.

Director Woods reminded the Commission that the purpose of the meeting was not to revisit the language of the Ordinance which had already been before many people over many months before being passed, including legal experts and many members of the public who gave testimony on the urgent need to take steps on affordable housing. It is definitely important to get it right, but it is also normal that improvements be made over time based on experience with implementation. Planning Staff will make corrections to the Manual text as suggested by the Public Testimony shared, and Corporation Council can further research some of the legal questions raised.

Chair Radcliffe reiterated the concerns brought up by other Commissioners and the importance of addressing them before adoption of the Manual.

Commissioner Goldfield distinguished between two types of concerns raised. There are some amendments to the Manual language that can be easily addressed. The other concern is that the ordinance does not grant sufficient authority for the Manual to set rent caps which is not as easily addressed and creates a serious concern about adopting the Manual without these legal issues resolved and asked what next steps would be to resolve this.

Commissioner Alder Marchand suggested Corporation Council further research issues raised and reconvene the following week at a Special Meeting to discuss.

Commissioner Mattison stated that there is a lot of money at stake for developers and so the City should definitely expect legal action be taken in response to any weaknesses in the ordinance.

Commissioner Alder Marchand thanked the Commissioners and City Staff for their hard work on Inclusionary Zoning and reiterated his recommendation to take no action and reconvene the following week.

Chair Radcliffe asked for confirmation that a Special Meeting could be held on February 9<sup>th</sup>.

Director Woods clarified that it would be possible to hold a meeting the following week and that City Staff would look into both the legal and more minor phrasing issues raised.

Commissioner Mattison thanked Director Woods for the *stupendous* work she did on the IZ Ordinance and for keeping it moving where other municipalities fail to take action, and that she has made an enormous difference to the City with her work.

**Commissioner Alder Marchand moved that the Commission continue its deliberation on the matter on February 9<sup>th</sup>, 2022 at 6pm. 5-0 in favor.**

### **III. MINUTES OF MEETINGS**

Meeting:

- Meeting #1599 (January 19, 2022)

**Com Alder Marchand moved to approve. 5-0 in favor.**

Commissioner Alder Marchand reminded the Commission that February 16<sup>th</sup> is the Annual Meeting when elections for Chair and Vice Chair will be held and thanked Director Woods for her leadership as Director of City Plan. Chair Radcliffe thanked Director Woods for her leadership as Director of City Plan.

**Commissioner Alder Marchand moved to adjourn. 5-0 in favor. Meeting adjourned at 8:24pm.**

#### **NOTE:**

**Next Special Meeting of the City Plan Commission:**

**Wednesday, February 9, 2022 at 6pm.**

Next Regular Meeting of the City Plan Commission:

Wednesday, February 16, 2022 at 6:00 PM (Submission deadline: January 20, 2022 by 12:00 PM)

#### **NOTE:**

The City Plan Commission agenda is available on the City website one week before the meeting date. Written testimony should be submitted to City Plan staff 24 hours in advance of each public meeting. Draft agendas will continue to be shared with the CPC distribution list via email and posted on this webpage and the City Plan Department website one week before each public meeting. Final agendas will be posted on the commission webpage and on the City Plan Department website 24 hours in advance of each public meeting. Updates will occur to the web agenda as necessary. Official agenda is filed with the City Clerk at least 24 hours before the meeting time.

#### **NOTE:**

Since the meeting is remote, participation by a quorum of members is expressly prohibited at the physical location will not be present however any member of the public may request, in writing, a physical location and “any electronic equipment necessary” to attend the meeting in real time no later than twenty-four (24) hours prior to the meeting. Said individual shall have the “same opportunities to provide comment or otherwise participate” in the meeting as would be afforded if the meeting was held in person with the following exception: Under law, if such person loses the ability to participate because of an interruption, failure or degradation of such person’s connection to the meeting by electronic equipment the committee is not required to adjourn or postpone the meeting.

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### **WEB-BASED PUBLIC HEARINGS & NEW DEPARTMENT PROTOCOL**

#### **What the public needs to know:**

- Regular and Special meetings of the City Plan Commission will take place via Zoom
- Written testimony should be submitted to City Plan staff 24 hours in advance of each public meeting:

#### **How to testify? Three ways**

1. Write a letter: Address it to the 'City Plan Commission'. Include your name and address for the record. Email it to city staff 24 hours prior to the meeting: [CPC@newhavenct.gov](mailto:CPC@newhavenct.gov)

2. Submit it online: Fill in the survey in the link below 24 hours prior to the meeting: <https://arcg.is/18Samv>

3. Speak live on Zoom: When the Chair opens the public hearing, click the 'raise your hand' button or email [CPC@newhavenct.gov](mailto:CPC@newhavenct.gov) to request to speak. When it is your turn, we will promote you to a 'panelist' status. We look forward to hearing from you!

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- Final agendas will be posted on the commission webpage and on the City Plan Department website 24 hours in advance of each public meeting

### **HOW TO JOIN THIS WEB-BASED PUBLIC MEETING:**

**1. Click this link:**

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Passcode: 778417606

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