

Connecticut Planning & Development, LLC.

Planning Assessment Report

Proposed Zone Change – BA (General Business) and RH-2 (General high Density) to BD-1 (Central Business/Residential)

Restoring Urban Scale Development



Chapel West Special Services District
New Haven, Connecticut

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Findings

The proposed zone change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential) is consistent with general planning policies and the planning policies of the New Haven Comprehensive Plan of Development and Comprehensive Plan of Zoning.

If approved, the proposed amendment will:

- Encourage economic development that meets the local needs and market demand.
- Reduce and eliminate nonconforming conditions related to bulk and area requirements.
- Provide for higher density urban development that is consistent with smart growth and new urbanism principles and the existing character of the neighborhood.
- Enhance the urban character of the Chapel West Special Services District and the surrounding neighborhood.
- Aid in implementing the planning policies and goals set forth in the Chapel West Special Service District Vision and Strategic Plan.

This report recommends that the City Plan Commission and Board of Aldermen approve the proposed zone change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential).

Introduction

This report is prepared and presented to provide a detailed analysis of the proposed zone change to the City of New Haven Zoning Map that will change portions of the BA (General Commercial) and RH-2 (General High Density) in the area of Chapel Street, Howe Street, Park Street, and Dwight Street (See Map) to BD-1 (Central Business/Residential). This report demonstrates that the proposed amendment is consistent with the City of New Haven's comprehensive plan of zoning (the zoning regulations and zoning map), is reasonably related to the police powers established in the City Charter, Article XXXXI Planning and Zoning, is consistent with the City of New Haven Plan of Conservation and Development, will not adversely impact the public health, safety, and welfare, and that this amendment will foster economic development.

The report is presented in six sections. Those six sections are as follows:

- I. Introduction
- II. Analysis of the Proposed Zone Change (BA and RH-2 to BD-1)
- II. Planning Policies and the Impact of the Proposed Amendment
- III. Planning and Zoning Commission Authority and Considerations
- IV. The Existing Area and Suitable Uses
- V. Conclusions and Recommendations

I. Introduction

The Chapel West Special Services District (The District) is a neighborhood area west of New Haven's Central Business District. The District runs along Chapel Street from York Street to Sherman Avenue, Howe Street from George to Elm Street, Dwight Street from Chapel Street to George Street, Park Street from Elm to Crown, York Street from Elm to Crown, Crown Street from Park to Howe, and Orchard Street from Chapel Street to George Street. The area is a municipal taxing district that was established by City Ordinance and State Statute in 1986. The District is governed by a nine member Board of Commissioners elected from the membership who conduct the business of the District.

The District, like any neighborhood, is not static. The District is a living and changing environments that has evolved over time. The District has evolved over time to meet specific market demands (and lack of demand) and consumer preferences. However, markets are forever changing and therefore the District must be able to adjust and best position itself to compete within the changing market place.

The District is an urban neighborhood characterized high density mixed-use development configured in a traditional urban gridiron street layout. The area is dominated by small lots (most less than one acre) and a diversity of building bulk and massing that ranges from single story structures to many multi-story structures in excess of four stories. The neighborhood real estate market has a solid foundation but can be categorized as a soft market that underperforms, as the neighborhood competes within the greater regional market. However, the neighborhood has good bones (urban form) and great location (adjacent to the Central Business District), both providing opportunity for investment and regeneration.

The City of New Haven and the District, in recent years, have been engaged in significant planning activities and strategies for this area. Since 2005, the City of New Haven has been working on a new Chapel/Dwight Renewal and Redevelopment Plan to replace the expired Dwight Redevelopment and Renewal Plan. The new plan will emphasize historic renovations and adaptive reuses rather than acquisition and demolition. It is anticipated that a draft plan will be submitted to the New Haven Redevelopment Agency and the Board of Aldermen for public hearings before the end of 2010. This plan will have the full support of Chapel West and all of the property owners involved. The zone change proposed at this time is a recommended action in the draft plan. District adopted a *Vision and Strategic Plan* in 2006. Both of these documents demonstrate the commitment to and the need for planning in this area and both documents provide strategies for improvements and changes in the District. A critical component to any redevelopment plan or strategy is land use and the regulation of land use through zoning regulations. Therefore, it is important to understand the role land use regulations play in reinvestment and in encouraging or discouraging investment. *All codes and regulations impact market demands and create a regulatory hurdle for development.* Therefore, land use regulations can and do affect the flow of investment into a community and can be a significant tool for creating change and encouraging investment in a neighborhood.

Zoning is a relatively new concept and tool in the context of cities. Most cities in the Northeast are much older than zoning, and their core areas developed well before zoning was created. Therefore, the application of zoning in older areas, like the District, has been a different

experience than in younger urban areas and newer suburban areas. Most suburbs grew-up with zoning in place creating a development pattern that was dictated by zoning. Older urban area established their development pattern before zoning. Therefore zoning has been imposed on these older areas. This has made the application of zoning more complex in these older core areas. However, this does not mean that zoning does not work in older areas or that it can't be a meaningful way to create change in older core areas, like the District. The intent of this report is to demonstrate how the proposed zone change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential) in the District can and will be a means of creating positive change in this area, opening up opportunities for a stronger more complete market, and will create an opportunity to better position the area to compete for investment.

II. Analysis of the Proposed Zone Change

The proposed zone change is shown on a map titled “Proposed Zone Change Map from BA and RH-2 to BD-1” prepared by Sakamoto Architects. The area affected by the proposed zone change begins along Chapel Street west of York Street. The proposed BD-1 zoning district is adjacent to existing BD and PDD districts. The proposed BD-1 extends west along Chapel Street to the intersection of Dwight Street, north along Howe Street to the intersection of Edgewood Avenue, south along George Street between Park Street and one parcel west of Howe Street. The zone change area is mostly an existing BA zone but also includes two parcels that front on the west side of Howe Street, south of Chapel Street, that are zoned RH-2.

Why the BD-1 Zoning District?

After reviewing the existing BA zoning district and its limitations related to density (floor area ratio), the BA-1, BD, and BD-1 zoning districts were all reviewed and considered for this area. After completing this comparative analysis the BD-1 zoning district was identified as the best fit for this area and as a means of creating an opportunity for regeneration and investment in the District.

The BA-1, while providing some greater flexibility over the existing BA district is still restrictive in regards to density of development allowed with the FAR of 2.0, the same ratio as the existing BA zoning district. The existing density within the District already exceeds the 2.0 FAR allowed in the BA zone. This higher density has created a neighborhood character that is more urban in nature and this urban neighborhood could benefit from greater urban density. The following table provides properties within the proposed zone change area that are nonconforming in regards to the existing 2.0 FAR.

Table 1. Properties over the 2.0 FAR

Address	Acres	Square Feet	Gross Area	FAR of 2.0
1214 Chapel Street	0.24	10,454	24,323	20,908
1174 Chapel Street	0.06	2,613	6,327	5,226
1157 Chapel Street	0.47	20,473	100,990	40,946
50 Howe Street	0.98	42,688	126,472	85,376

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44 Howe Street	0.64	27,878	94,546	55,756
84 Howe Street	037	16,117	64,260	32,234
80 Howe Street	026	11,325	47,040	22,651
70 Howe Street	0.41	17,859	72,328	35,698

City of New Haven, Online Property Assessment Records

The BD district and the BD-1 district are similar districts and both allow a FAR of 6.0. There are slight differences related to the uses that are allowed in each zone. However, after conducting a comparative analysis of BD and BD-1 zoning districts, it was determined that the BD-1 zoning district was the better fit for this area. There are three reasons for this:

The first is that the BD district historically has been the zoning designation for the Central Business District in New Haven and it should remain the zoning district for the Central Business District. This is clearly expressed in the Zoning Regulations zoning district descriptions. The Regulations state:

Business D District--Central Business. This district comprises the main downtown section of the city, known in planning terms as the Central Business District (CBD). Here are concentrated activities that have primarily a citywide and regional function: large stores offering comparison shopper's goods, specialty stores, business services, banks, offices, theaters, hotels and government buildings. Land use is intensive and this intensity of uses is one of the main determinants of the vitality of the Central Business District. It is the purpose of these regulations to encourage such intensity of use and to exclude activities which have a negative effect upon the proper functioning of the downtown area.

While the District is adjacent to the Central Business District, it is different in form and character and should not be considered the same as the Central Business District through the designation of it as a BD zoning district. The second reason relates to the differences in uses allowed in the BD and BD-1 zoning districts. The BD-1 zoning district is more restrictive related to uses allowed in the district. Most notable is the BD-1 encouragement of high density residential uses and mixed-use development—both being consistent with the general character and opportunities in the District. This is supported in explained in the zoning regulations. The regulations state:

Business D-1 Districts--Central Business/Residential. These districts include appropriate downtown areas which have concentrations of historic structures suitable for both residential and commercial use. This district concentrates residential uses at high density mixed with activities that have both a city-wide and district-wide function: small stores offering comparison shopper's goods, specialty stores, business services, offices and entertainment uses. The use of land is intensive, but respects the historic character of existing historic structures. It is the purpose of these regulations to encourage preservation of existing historic structures, conversion of existing structures to residential use, high intensity of use, and to exclude activities that have a negative effect upon the proper functioning of National Register Historic Districts or of the larger downtown.

The third and last reason relates to historic preservation. The District has a significant number of historic and architecturally significant buildings and the BD-1 zoning district recognizes the importance of historic buildings and the preservation of buildings and character. Therefore, the BD-1 zoning district is a better choice for the District than the BD zoning district.

Variations in Use Between the BA and BD-1 Zoning Districts

With any zone change application it is important to consider the changes related uses—which uses are and are not allowed and how uses are allowed. Since the proposed zone change is mostly (all but two RH-2 parcels) from BA to BD-1, a detailed analysis of the change, as it relates to use, was conducted. The following table provides a side-by-side comparison of the differences in uses between the BA and BD-1 zoning districts.

Table 2. Differences in Uses – BA and BD-1

Sec.	Use	BA	BD-1
A.	Uses Of Same Type As Those Permitted In Residence Districts:		
	2. In any RM-2 District.	R	X
	3. In any RH-2 District.	X	R
B.	Transient Lodging		
	Rooming, boarding or lodging house.	R	X
	Motel.	R	X
C.	Sale of Food, Drink & Pharmaceuticals		
	Driving school.	R	X
E.	Eating, Drinking Places & Entertainment		
	Establishment selling or serving alcoholic beverages for immediate consumption on or off premises, including entertainment accessory thereto.	SE	R
	With Liquor Service.	X	SE
	No Liquor Service.	X	SE
F.	Vending Machines		
	Vending machine selling food or personal articles or services, so placed that it is not beyond any street or building line, not within any required yard, and does not interfere with pedestrian or vehicular traffic.	R	SE
H.	Personal Goods		
	Gun shops and accessory goods sales including ammunition, subject to § 42.4 zoning ordinance.	X	SE
I.	Home Goods and Furnishings		
	Farm & garden supplies, includes greenhouse, nursery.	R	X
L.	Amusements		
	Auto racing club.	SE	X
	Drive-in theater.	SE	X
	Fair, carnival.	SE	X
	Miniature golf, golf driving range.	SE	X
	State sponsored off-track betting facilities and teletrak facilities, teletheater or other legalized wagering systems, facilities & services.	X	SE
	Trampoline center.	SE	X
M.	Automotive		
	Car wash (a/k/a auto laundry).	SE	X
	2. Repair of such vehicles, including full body paint spraying and all body and fender work.	SE	X
	3. Rental of such vehicles with inventory. Inventory within structure shall be permitted by special exception.	R	X
	4. Sale of such vehicles with inventory when used, where incidental to operation of a gas station or repair garage, and where no more than 5 used vehicles for sale are kept on premises at one time.	SE	X

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O.	Construction & Related Goods & Services		
	Construction Staging Area: Less than 1,000 SF total area.	R	SP
Q.	Business & Miscellaneous Personal & Public Services		
	Poster, Bulletin or Spectacular.	R	X
	Ambulance service.	R	X
	Cold storage facility renting only individual lockers for home customer storage of food. (For other cold storage facilities, see § 42(s), Heavy Commercial).	R	X
	Commercial kennel or other establishment, where the care, breeding or sale of animals is the principal purpose of the enterprise, with no animals to be located within 500' of any residentially zoned property.	SE	X
	Delivery service establishment, vehicles limited to 1 ton capacity (Also see § 42(s) Heavy Commercial).	R	X
	General and special hospitals, outpatient clinics and public health centers.	R	SE
	Internal building cleaning, window cleaning.	R	SE
	News distribution enterprise.	R	X
	Printing, engraving, or other reproduction services, limited to 2,000 square feet net floor area.	R	SE
	Regional out-patient clinics; regional public health centers.	X	R
	Veterinarian (excluding establishment where care, breeding or sale of animals is the enterprise's main purpose) with all facilities within fully enclosed building(s).	R	X

The analysis and the table above reveal that a total of 21 uses allowed in the BA zoning district are not permitted in the BD-1 zoning district, while only 6 uses not permitted in BA zoning district are allowed in the BD-1 zoning district and each of these uses requires a special exception or special permit. In addition, the table reveals that five uses permitted as-of-right in the BA zoning district require a special exception or special permit in the BD-1 zoning district. Therefore, from a use perspective, the BD-1 zoning district is a more restrictive zoning district than the BA zoning district as it relates to use. In addition, through the special exception and special permit processes required for many uses within the BD-1 zoning district, the City Plan Commission and Board of Aldermen have greater control over uses and proposed development applications than in the BA zoning district.

Variations in Bulk and Area Requirements Between the BA and BD-1 Zoning Districts

With any zone change application it is important to consider the changes related to bulk and area requirements—what are the differences in height, yards, lot size, and density of development and are the requirements appropriate for the area? Since the proposed zone change is mostly (all but two RH-2 parcels) from BA to BD-1, a detailed analysis of the change, as it relates to the bulk and area requirements, was conducted. The following provides a summary comparison of the differences in bulk and area requirements between the BA and BD-1 zoning districts.

- The **maximum building height** requirements are the same in all business and industrial districts. The regulations state, “Except as provided in subsection 43(c)(2) and (3), there shall be no direct limit on building height in any business or industrial district.” There are some specific requirements related to the BC and BD-2, but they do not apply to this application. Therefore, there is no change in maximum building height requirements between the BA and BD-1 zoning districts.

- The **maximum building coverage** requirements are the same in all business and industrial districts. The regulations state, “There shall be no direct limit on building coverage in any business or industrial district...” Therefore, there is no change in maximum building coverage requirements between the BA and BD-1 zoning districts.
- The **maximum size of courts** required in all business and industrial districts are the same. The regulations state, “The horizontal distance between facing walls of any court in any business or industrial district shall not be less than five feet where neither facing wall has an average height greater than 20 feet, and not less than one foot for each four feet of average height of the two facing walls averaged together where either facing wall has an average height greater than 20 feet.” Therefore, there is no change in the maximum size of courts required between the BA and BD-1 zoning districts.
- The **minimum yards** required in all business and industrial districts are similar, except for in the BD-1 zoning district. The regulations state, “There shall be no minimum yard requirements in the BD-1 District.” Therefore, the most significant change between the BA and BD-1 zoning districts is that there are no yard requirements in the BD-1 zoning district. While this may appear to be drastic change from the BA to the BD-1, in the context of the neighborhood and existing development patterns it is not. The existing place of buildings within the District includes many buildings that built out to the property lines, most notably the front property line.
- The structures within required yards required in all business and industrial districts are similar, except for in the BD-1 zoning district. The regulations state, “There shall be no minimum yard requirements in the BD-1 District. The following rules shall apply to yards provided under § 43(e)(1) above or required under § 43(f)(2) and 43(f)(3) above.” Therefore, since the required yards do not apply to the BD-1 zoning district, the structures within required yard provisions do not apply in the BD-1.

III. Planning Policies and the Impact of the Proposed Zone Change

When considering a proposed zone change the City Plan Commission and Board of Aldermen should consider if the map amendment is consistent with the policies established in local, regional, and state planning documents. While these planning documents are advisory and not binding on the Commission’s or Aldermen’s action related to the proposed zone change, they provide guidance and a general plan for the future of the community. The following is an analysis of the proposed amendment and its consistency or inconsistency with existing local, regional, and state planning and zoning policies.

New Haven Comprehensive Plan of Zoning: The State of Connecticut defines the Comprehensive Plan of Zoning to be the zoning regulations and zoning map as a collective document that sets forth the community’s future development plan. Said plan provides property owners with a reasonable expectation for the present and future use of land within given districts. While communities evolve and change over time, the City Plan Commission and Board of Aldermen must have the ability to accommodate change through amendments to the Comprehensive Plan of Zoning. Such changes should be reasonable in nature and should not drastically change the character of an existing district or neighborhood or be contrary to the

reasonable expectations of property owners. The proposed zone change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential) is a reasonable change to the Comprehensive Plan of Zoning. The proposed zone change will still allow for similar uses and density of development. This is not a drastic change in policy or development patterns for this area of the city. For example, a change from BA (General Commercial) to industrial or residential may be seen as a drastic or unreasonable change, but that is not the case with a change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential).

Chapel West Special Service District Vision and Strategic Plan: The Chapel West Special Service District Vision and Strategic Plan provides a vision for the District and a comprehensive strategy for upgrading the District. The proposed zoning change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential) is consistent with the general recommendation of the plan. More specific, the proposed zone change is consistent with the plan findings and recommendation related to the existing building massing and density of development within the District.

New Haven Comprehensive Plan of Development: The Comprehensive Plan of Development “is the guiding land use policy of the City of New Haven. The plan is prepared and approved as New Haven’s Comprehensive Plan, in accordance with the CGS, Section 295-302, *An Act Creating a City Plan Commission in the City of New Haven*. In addition, the plan is prepared in a manner consistent with Connecticut General Statutes (CGS) Section 8.23.” The Comprehensive Plan of Development was adopted in 2003 and is an advisory policy document that allows a community to plan for future growth, development, and conservation and how it will meet the ever changing needs of the community over time. The Comprehensive Plan of Development should be considered when administering land use proposals including zoning map amendments. A review of the Comprehensive Plan of Development reveals that this proposed zone change is consistent with the general policies of the Plan. While the Plan was not very specific in regards to this specific area, the zone change is consistent with the general policies and objectives related to economic development, neighborhoods, and providing mixed-use development in this general area.

Regional Plan of Conservation and Development: The Regional Plan of Conservation and Development 2008 (developed by South Central Regional Council of Governments), like the local Plan of Conservation and Development, is an advisory document of regional planning policies. The Regional Plan of Conservation and Development has a limited scope and does not tend to play a significant role in the land use application process at the municipal level of government. However, recent trends in planning policy emphasize the importance for local boards that are reviewing planning policies and local developments to consider the regional Plan of Conservation and Development. A review of the Regional Plan of Conservation and Development reveals that this proposed zone change is consistent with the general planning policies of the Regional Plan of Conservation and Development. In addition, the proposed zone change is not inconsistent with any of the main policy areas and recommendations of the Regional Plan of Conservation and Development.

State Plan of Conservation and Development: The State Plan of Conservation and Development (2005 – 2010), like the regional and local Plans of Conservation and Development, is an advisory document of statewide planning policies. The State Plan of Conservation and

Development also has a limited scope and does not tend to play a significant role in the land use application process at the municipal level of government. However, recent trends in planning policy emphasize the importance for local planning boards to consider the state Plan of Conservation and Development. Associated with the State Plan is the Locational Guide Map that categorizes all land in the state into a series of land use categories. The State uses these land use designations to determine the suitability for funding local public infrastructure projects and other State grants to municipalities. The proposed zone change is located in a land use category designated as “Regional Center.” These are areas that the State recognizes as locations where commercial, mixed-use and high density development should be encouraged. Therefore, the proposed zone change is consistent with the State Plan of Conservation and Development.

IV. Planning and Zoning Authority and Considerations

The City of New Haven is a Special Act (Special law 1925) community and derives its zoning authority from the City Charter, Article XXXXI Planning and Zoning. The City Plan Commission is vested with “all the powers and duties conferred upon a zoning commission for the city of New Haven by Special Law 1925 (pp. 1006--1010).” In regards to an application amending the Zoning Ordinance and/or Zoning Map, the City Plan Commission authority is governed by Section 180 (Referral of zoning ordinances, resolutions to planning commission) of the Charter. Section 180 states:

Every ordinance or resolution of the board of aldermen relating to the location and use of any street, bridge, boulevard, esplanade, square, park, playground, playfield, aviation field, parking space, public building, the facilities or terminals of any public utility, or the establishment or change in the boundaries of or regulations concerning zoning, shall be at once referred to the city planning commission and final action shall not be taken on any such ordinance or resolution until the commission shall have reported thereon, provided that the board of aldermen may establish by ordinance a period of not less than sixty days within which the commission shall file its report with the city clerk and if no report is filed within such period the approval of the commission shall be presumed.

The Zoning Authority in the City of New Haven is the Board of Aldermen. Such authority is provided by Section 181. (Zoning authority of board of aldermen) of the Charter. Section 181 states:

The board of aldermen of the City of New Haven is authorized, by ordinance, to regulate the height and bulk of structures to be erected and to limit the use of lot areas; the minimum areas or dimensions of rear, side and front yards or outer and inner courts and other open spaces within and surrounding any structure; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to classify, regulate and restrict the location of trades and industries and the location of structures designed for special uses; to divide the City of New Haven into districts of such number, shape and areas as may be best suited to carry out the provisions of this act. Regulations may be imposed in each district specifying the uses that shall be excluded or subjected to reasonable requirements of a special nature and designating the uses for which buildings may not be erected or altered. The regulations shall be uniform

for each class of buildings or structures throughout any district. Regulations in one or more districts may differ from those in another district. Such regulations may provide that a board of appeals may determine and vary their application in harmony with their general purpose and intent and in accordance with general or specific rules therein contained.

Section 182 (Zoning regulations to conform to comprehensive plan; purposes; factors considered) of the Charter provides for a comprehensive plan of zoning. Section 182 states:

Such regulations shall be made in accordance with a comprehensive plan and shall be designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements. Such regulations shall be made with reasonable consideration, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

Section 183 (Procedure for adopting zoning regulations; enforcement) of the Charter provides for the manner in which the Zoning Ordinance and Map shall be adopted. Section 183 states:

The city plan commission shall recommend the boundaries of districts and appropriate regulations and restrictions to be enforced herein. Such commission shall make a tentative report and hold a hearing thereon. Notice of such hearing shall be given in accordance with state law. Such meeting may be adjourned from time to time. Within thirty days after the final adjournment of such hearing, the commission shall make a report to the board of aldermen of the city and submit a proposed ordinance in accordance with the provisions of this section. Such proposed ordinance may be, by said board of aldermen, referred to the commission for further consideration...

Section 184 (Altering regulations, district) of the Charter provides the manner in which the Zoning Ordinance and Map may be amended. Section 184 states:

The regulations imposed and the districts created under the provisions of this section may be changed or altered from time to time by ordinance, but no such change or alteration shall be made until the proposed change shall have been referred to the city plan commission for a hearing. Said commission shall, upon receipt from the board of aldermen of such proposed change, give notice and proceed with a hearing in the same manner as is herein provided and shall report to said board of aldermen its recommendations in the matter, within thirty days after receipt by it of the proposal for a change. Thereafter the board of aldermen may, by ordinance adopted in the usual manner, make the proposed change...

When considering any zoning amendment to the regulations or a zoning designation change to the zoning map, the City Plan Commission and Board of Alderman need to understand the

general intent of the zoning regulations. The Charter states, “Such regulations shall be made with reasonable consideration, as to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.” This is probably the most important statement that a planning and zoning commission needs to consider when hearing a zone change application.

In the context of the proposed zoning map amendment to change an area designated BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential), the City Plan Commission and Board of Aldermen should consider the “suitability” of the “particular uses” permitted in the BD-1. The following section discusses the general area and demonstrates that this proposed zone change area is best suited for BD-1 (Central Business/Residential) zoning designation.

V. The Existing Area and Suitable Uses and Density

Neighborhoods and cities are not static. They are living, changing environments that evolve over time. How they evolve is dependent on many factors. Some of these factors include market conditions, relative location within the greater market, consumer preferences, and land use regulations. As a neighborhood evolves over time, land use regulations, and more specifically, zoning regulations must adjust to the changing times and market demands. Planning is about seeking a vision for the future and trying to predict conditions and demands of the future—with the risk of being wrong. Therefore, planning must be fluid, not rigid, and plans and regulations must be able to adjust to changing conditions.

The Chapel West Special Service District is one of these neighborhoods that developed and evolved over time to specific needs, but today is challenged to find its role or niche within the greater local and regional market. The intent of this section of this report is to provide a contextual understanding of the neighborhood, its strengths, modern planning trends, and the suitability of the zone proposed zone change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential).

Figure 1. Existing High-Density Development



Existing Neighborhood Conditions

The eastern portion of the District, centered at the intersection of Chapel and Howe Streets is generally a commercial area (zoned BA-General Commercial) that abuts the downtown (BD-Central Business District) and a variety of Planned Development Districts (PDD), Planned Development Units (PDU), and RH-2 and RM-2 Residential Districts. Land uses in the eastern District are predominately high density commercial, retail, residential, and institutional (Yale). Many of the buildings in the area have higher floor area ratios than the 2.0 FAR allowed in the existing BA zoning district, and the overall massing of buildings is similar to that of the adjacent areas of downtown BD zoning district. These properties with existing FAR's over 2.0 are non-conforming with regards to density, bulk, yards, and parking. The small lot sizes of the few vacant parcels in this area of the District face significant challenges related to redevelopment due to the restrictive bulk and area requirements in the existing BA zoning district. In addition, there is limited opportunity to expand or replace existing buildings for the same reasons. While the zoning regulations do provide some relief mechanism—variances and exceptions—utilizing such mechanisms property-by-property and project-by-project is not in line with sound planning principles and the recommendation in the Chapel West Vision and Strategic Plan which calls for a comprehensive and unified approach to regenerating the District. Therefore, the proposed zone change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential) provides a uniform approach and zoning designation that is more consistent with the existing development patterns and more appropriate for the area in regards to urban density and character of the neighborhood.

Figure 2. Existing High-Density Development



Building from Strength

The strength of the District and this neighborhood area is its location and traditional urban form. In regards to location, the District and the eastern portion of the District are located adjacent to the downtown neighborhood and a number of Yale facilities. The downtown neighborhood has experienced a dramatic and successful resurgence in recent years. This regeneration has resulted in more retail, entertainment, and arts related business and facilities and has created a greater demand for both commercial and residential uses. The downtown neighborhood has become a successful urban center that provides a live, work, and play environment. In addition, Yale in recent years has grown and increased its investment into facilities throughout the downtown neighborhood and surrounding areas. This had added to the overall success of the downtown and the upgrading of many properties and areas.

The proximity of the Chapel West Special Service District to both the downtown neighborhood and a number of Yale facilities provides a locational advantage to the District. In addition, the high density of development and traditional urban neighborhood character of the District create a unique opportunity for the District to build on the strength of its location and the successful regeneration of downtown. More important, the urban form of the neighborhood, the commercial district along Chapel Street and the surrounding high density residential development provides a perfect opportunity to create a thriving urban neighborhood.

Figure 3. Examples of Compatible Higher Density Mixed Use Designs



Modern Planning Approaches

Recent trends in planning and specific approaches to planning have focused on the strategies to reduce suburban sprawl and redevelopment of urban places. Smart Growth principles for reducing sprawl and New Urbanism principles for urban design are being utilized to create more traditional urban neighborhoods. Smart Growth typically focuses on steering or encouraging new growth and development into existing areas, often urban centers and urban neighborhoods that have existing infrastructure to support development. The District, based on its urban core location and existing infrastructure, fits the criteria for smart growth principles. (See Table 3 Below)

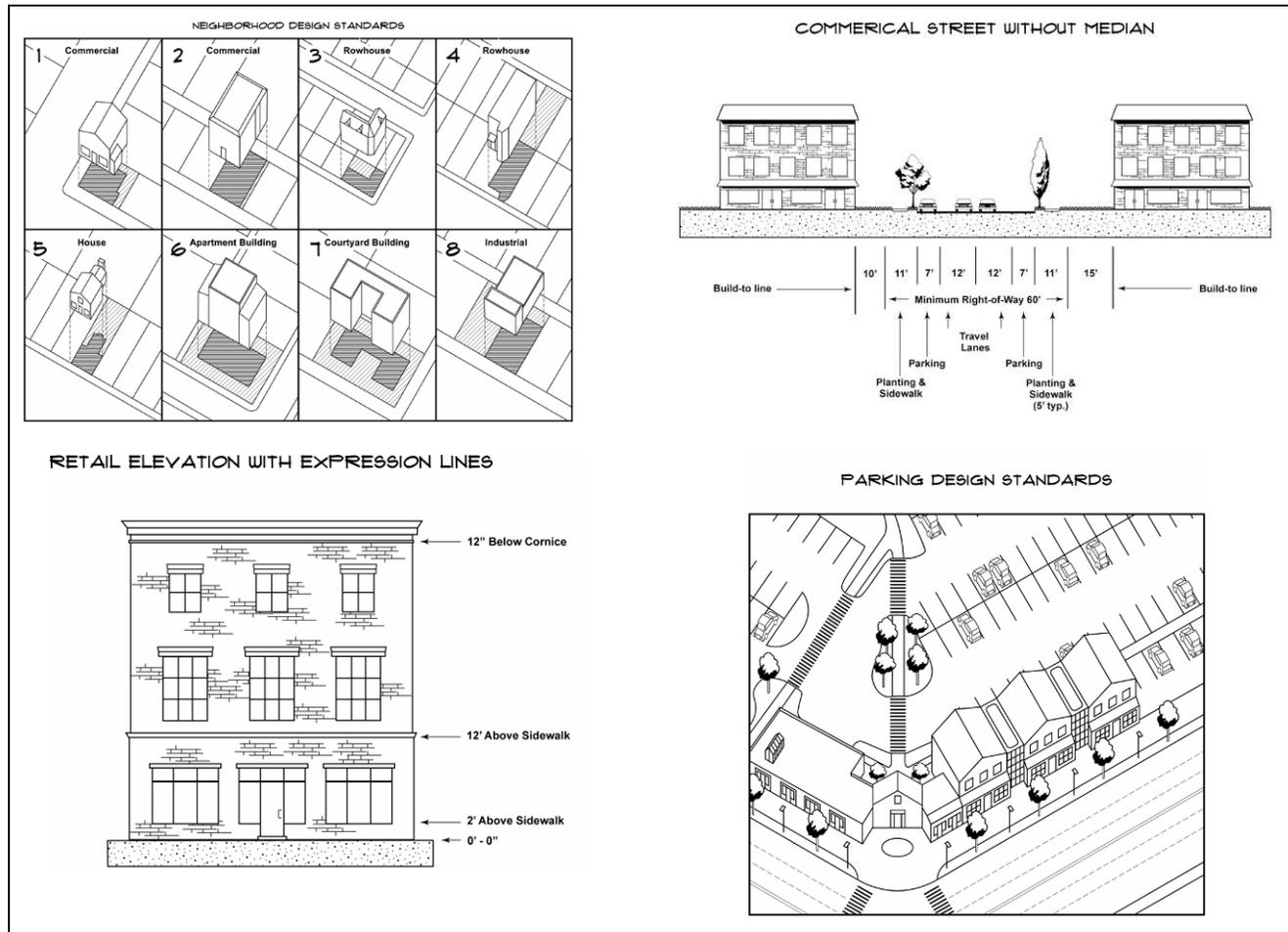
The existing urban form of the District neighborhood—the gridiron street pattern, building massing and density, and building locations at or near the front property line—provides an existing neighborhood that is similar to and generally consistent with new urbanism design principles. More important the existing urban form and the new urbanism design principles, are similar to the proposed BD-1 zoning district with its the high density FAR, flexible bulk and area requirement—including no required yards. Therefore, the existing neighborhood character fits well with design standards of the BD-1 and the new-urbanism design principles. (See Table 3 Below)

Table 3. Smart Growth and New Urbanism

Smart Growth Principles	New Urbanism Principles
<ul style="list-style-type: none">• Create Range of Housing Opportunities and Choices.• Create Walkable Neighborhoods. • Encourage Community and Stakeholder Collaboration.• Foster Distinctive, Attractive Communities with a Strong Sense of Place.• Make Development Decisions Predictable, Fair and Cost Effective.• Mix Land Uses. • Preserve Open Space, Farmland, Natural Beauty and Critical Environmental Areas.• Provide a Variety of Transportation Choices.• Strengthen and Direct Development Towards Existing Communities.	<ul style="list-style-type: none">• All planning should be in the form of complete and integrated communities.• Community size should be designed so housing, jobs, and daily needs, and activities are within easy walking distance.• Activities should be located near transit stops. • Diversity of housing types. • Businesses should be located within communities to provide range of jobs.• Location of community should be part of a regional transportation framework.• Community should have a central focus. • Open space, parks, and greens.• Communities should protect wildlife and agricultural areas.• Protect natural resources.

The proposed change to the BD-1 (Central Business/Residential) zoning district provides an opportunity for the City of New Haven to promote smart growth and new urbanism strategies in the District. Allowing higher density development, encouraging mixed uses, and promoting historic preservation will promote smart growth at the local, citywide, and regional scale. For example, create opportunities for greater investment and development in a core area will strengthen the core and reduce demand (pressure) on outlying undeveloped areas. In addition, the higher density allowed in the BD-1 district, its flexible bulk and area requirements, and its encouragement of mixed and residential uses will allow for the redevelopment of this already urban area into more traditional urban neighborhood as promoted by new urbanism principles.

Figure 2. Potential for Form-Based Design



VI. Conclusion and Recommendations

As a result of this extensive review and analysis of the proposed zone change from BA (General Commercial) and RH-2 (General High Density) to BD-1 (Central Business/Residential), the related planning documents and policies, and the review of other documents and maps, it is evident that this proposed zone change is consistent with the general planning policies established by the New Haven City Plan Commission. The 2003 Comprehensive Plan of Development identifies the need to promote economic development and to provide community scale commercial and residential development to support its downtown and urban neighborhoods. The change to the BD-1 (Central Business/Residential) in the eastern portion of the District adjacent will accomplish this.

The proposed zone change is also consistent with modern planning approaches (smart growth and new-urbanism) and the existing urban development pattern of the District. From a zoning perspective, the change to BD-1 (Central Business/Residential) will also resolve a large number of nonconforming issues with properties in the area. Most important, the zone change will

provide greater economic opportunity for the redevelopment and upgrading of properties within the District. Last, the location of the District, adjacent to the downtown neighborhood, provides existing economic strength and success to build from.

It is recommended that the City Plan Commission and Board of Aldermen maintain and continue their efforts to encourage economic and community development and approve this proposed zone change to BD-1 (Central Business/Residential).

Respectfully Submitted,



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[This Planning Report was prepared by Donald J. Poland, AICP of Connecticut Planning and Development, LLC. The findings and recommendations presented here are based on sound planning principles and the professional expertise of Mr. Poland. The information and opinions expressed in this report are specific to the proposed application and should not be interpreted to apply to any other applications, locations, and/or projects.]

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PLANNER AND URBAN GEOGRAPHER
PROFESSIONAL BIOGRAPHY

Mr. Poland is a professional planner and urban geographer with over sixteen years' experience in land use planning, neighborhood redevelopment, and executive level management. He has worked in public, private, and non-profit sectors as a municipal planning director, planning consultant, and as executive director of a non-profit neighborhood reinvestment corporation.

Mr. Poland founded Connecticut Planning and Development, LLC. in 2004 and expanded the business into a full-time consulting practice in 2008. Connecticut Planning and Development, LLC clients include private developers, government agencies, and non-profit organizations. Recent projects include post-Katrina planning, land use, and redevelopment strategies in St. Bernard Parish, Louisiana: HUD NSP-2 application services for Venango County, Pennsylvania: and land use administration review services for the Town of Salisbury, Connecticut.

Mr. Poland previously held the position of Director of Planning and Development for the Town of East Windsor. As Director, he reorganized the planning, zoning, wetlands, building, and economic development departments into one agency, facilitated the creation of the Town's Plan of Conservation & Development and drafted a comprehensive rewrite of the zoning regulations.

As a dedicated professional and leader, Mr. Poland is President of the CT Chapter of the American Planning Association (CCAPA) and past Chairman of the CCAPA Government Relations Committee. Mr. Poland is a founding member, Secretary, and Executive Director for the Connecticut Partnership for Balanced Growth. He also serves on the Board of Trustees for the CT Trust for Historic Preservation and is a public member and Governor appointee on the State Board of Examiners for Professional Engineers and Land Surveyors.

Mr. Poland has established himself as a leader in planning and public policy. As Government Relations Chair for CCAPA he assisted the Legislature's Planning and Development Committee with bill screening and drafting legislation. Mr. Poland worked on APA's development of a smart growth policy guide and was a member of the National Delegates Assembly that adopted the APA Smart Growth Policy Guide.

Mr. Poland earned a Bachelor of Arts degree, majoring in both Geography and Psychology, from Central Connecticut State University and studied at the University of Bolton in Bolton, England. He earned a Master of Science degree in Geography, concentrating in Planning, from CCSU and is a certified member of the American Institute of Certified Planners. He is currently working on his PhD in urban geography at University College London, London, England.

Mr. Poland, as an adjunct lecturer, teaches an introduction to geography and urban geography at Manchester Community College. Mr. Poland also teaches an introduction to planning at CCSU and urban and regional planning at UCONN. He was awarded the Connecticut Homebuilders 2003 Outstanding Land Use Official Award and was recognized by the Hartford Business Journal as one of Hartford's Forty Under Forty business and community leaders. Mr. Poland is a licensed private pilot and lives in the city of Hartford.

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