

**June 7, 2017**

**To: Members of the New Haven City Plan Commission**

**From: Anstress Farwell, President**

**Re: Proposed Amendment to Zoning Section 63.D(6) “Community Impacts”**

The League is very concerned that the Proposed Amendment to Sec 63.D(6) has been put before the City Plan Commission by the Board of Alders (BOA) in a rushed manner without the benefit of collaboration with City of New Haven staff or members of the public. Customary public dialog via the Community Management Teams has not been pursued by the proponents of the draft legislation. The Proposed Amendment has not been discussed by the Traffic and Parking Working Group set up by the BOA after the recent hearings on the Over-All Parking Plans. There is no new project currently moving through the development pipeline that this amendment could impact in an effective or practical way. In light of the lack of public outreach and the lack of clear application for the Proposed Amendment, there is no reason to rush anything, especially a marginal piece of legislation which does nothing to better organize transportation planning and development in the city.

Four specific aspects of the Proposed Legislation need to be highlighted:

1. A proposal is made to **eliminate higher levels of approvals for some special exceptions related to parking and loading docks**. While there is some real need to improve the process, this Amendment relates to a fragment of the various policies and regulations of these planning issues. What is needed is a more thorough and unambiguous reworking of the application process. The City of Cambridge, Massachusetts, has a traffic and parking application process for small projects, which would provide a good model for the BOA and City to consider, before submitting new legislation or holding a public hearing on the topic. See: <http://www.cambridgema.gov/CDD/Transportation/fordevelopers/ptdm>
2. The legislation creates a **new category of “High Impact Special Exceptions”** which apply only to college and university uses, and would go to the BOA for review and deliberation. The legislation does not include review of other large impact projects, such as hospitals, or major residential, corporate, or commercial developments. These uses can have similar impacts on a community, and excluding them is illogical, and in all likelihood, discriminatory and contrary to law.
3. A new advisory role for the BOA is established, which would change the BZA rules on the number of votes needed to pass an item, depending on whether a BOA resolution

on the application was supportive or not supportive. This commingling of the BOA and BZA process is likely to be in violation current State and local law.

4. The zoning proposal also makes certain convenience stores, accessory retail space, and accessory professional offices subject to "High Impact Special Assessments." With the rushed nature of this proposal, it is unlikely that the owners of such entities know about this draft proposal. Furthermore, it is unclear which projects might be subject to these proposed regulations, or why they would be subject to them, especially when some large-scale developments -- such as major commercial or housing projects or institutional projects other than universities and colleges -- are not included. Perhaps this inconsistency is another artifact of the hasty emergence of this legislation. Whatever the causes of the inconsistencies of the Proposed Amendments, these inconsistencies in application, and the lack of clearly defined performance goals could make the use of the Proposed Amendments difficult at best and arbitrary at worse.

**Recommendation:** The League asks that the City Plan Commission advise the Board of Alders that in light of the proposed legislation being: 1). *premature and extraordinarily and inappropriately* rushed; 2). potentially in violation of current State and local law; 3). piecemeal in its approach to an area of planning which needs wholistic change; and 4). insubstantial as an improvement to current regulations; that the proposed legislation be either tabled or withdrawn from consideration, and that the Board of Alders continue to work with the Transportation and Parking Working Group and community at large on more thorough and substantial ways to establish concrete goals for transportation and parking outcomes city-wide, and to rebuild the regulatory process and establish new public finance tools, such as a Transportation Authority, to meet these goals.

*Andrews Forwell*