

Chapel/Dwight/Whalley Redevelopment and Renewal Plan DRAFT

ADOPTED: XXX

(draft as of March2018)

**New Haven Redevelopment Agency
Chapel/Dwight/Whalley Redevelopment and Renewal Plan**

Table of Contents

PREFACE	3
CHAPTER I. RENEWAL AND REDEVELOPMENT AREA DEFINED	4
CHAPTER II. LAND TO BE ACQUIRED	
CHAPTER III. PROPOSED LAND USE, CIRCULATION PATTERN, AND PUBLIC UTILITIES	7
CHAPTER IV. LAND USE CONTROLS, REGULATIONS AND STANDARDS ON LAND TO BE MADE AVAILABLE FOR REDEVELOPMENT	9
CHAPTER V. GENERAL OBJECTIVES, STANDARDS AND CONTROLS FOR REHABILITATION	13
CHAPTER VI. RELATIONSHIP OF PLAN TO DEFINE LOCAL OBJECTIVES	23
CHAPTER VII. OBLIGATIONS OF REDEVELOPERS	27
CHAPTER VIII. PREVENTION OF SPECULATION	

27

CHAPTER IX. ZONING

28

**CHAPTER X. DESCRIPTION OF REDEVELOPMENT AREA AND
STRUCTURE CONDITIONS**

28

CHAPTER XI. DISPLACEMENT OF FAMILIES AND INDIVIDUALS

29

**CHAPTER XII. FINANCIAL AND OTHER ASPECTS OF REDEVELOPMENT
AND RENEWAL**

30

CHAPTER XIII. PROVISION FOR MODIFICATION AND TERMINATION

30

**CHAPTER XIV. PROVISIONS TO MEET STATE OR LOCAL
REQUIREMENTS**

31

PREFACE

The City of New Haven, acting by and through the New Haven Redevelopment Agency, has undertaken a comprehensive development program in order to take an active role in the elimination of blight and promotion of renewal and reuse in its neighborhoods. Through effective partnerships, the City can free itself of blighting influences, create an environment that will stimulate economic growth and promote the welfare of its citizens, and strengthen local communities through a combination of redevelopment and rehabilitation. The Chapel/Dwight/Whalley Redevelopment and Renewal Plan is an important part of the City's effort to achieve these goals.

Chapel/Dwight/Whalley is a moderate to middle income high to medium-density residential and commercial neighborhood, which has been threatened by a variety of blighting conditions. The redevelopment plan area centers on Chapel Street and Whalley Avenue. Between these two major arterials is the Dwight neighborhood consisting of predominately multifamily historical structures, most in good condition with a scattering of blighted properties and small commercial uses throughout. Dwight is home to several schools and small social services office uses. Chapel Street is a two lane one way street that serves as one of the primary mixed use arterial streets from the New Haven downtown area to Westville. Chapel Street carries high volumes of through traffic as well as local traffic to existing high density uses such as Yale University and the Yale Hospital - St. Raphael campus. The Chapel Street corridor between York Street and Sherman Avenue is densely developed with institutional, retail, service, and other commercial and multi-unit residential properties. Whalley Avenue is an extremely high volume east-west arterial connecting downtown with suburbs to the west. It is highly developed with commercial uses yet has many deteriorating, vacant or underutilized properties for a variety of reasons. Recovery or stabilization of this area is important because it has potential to serve as one of the primary retail streets in New Haven. The residential streets surrounding the plan area corridor between George Street and Whalley Avenue contain a combination of blighted boarded up structures and some of the finest historically renovated properties in New Haven. The density of residential units in this area is higher than that of other RM-2 zoned areas in the city. A large portion of the plan area is zoned for the highest density downtown uses. As a result, the parking available for the combination of uses is insufficient in some locations. Despite the apparent strength of the retail core of the plan area there are several vacant lots and boarded up properties that inhibit investment and retail trade in the area.

The Chapel/Dwight/Whalley Renewal and Redevelopment Plan will substantially remedy these conditions. It is recognized that it is in the public interest to take the steps proposed in this Plan in order to ensure a sound and healthy future for the area.

Action prescribed by this Plan includes renovation or historic restoration as the first choice for any blighted structure and as a last resort, clearance of the most deteriorated and blighted structures, or transfer of these properties to redevelopers who wish to renovate, restore, and reuse them according to the standards of this plan. Harmful and incompatible uses that have infringed upon the residential sections of the neighborhood may be eliminated, and designated properties would be rehabilitated. The initiatives outlined in this Plan combine public support, private initiative, and local community efforts to strengthen the Chapel/Dwight/Whalley neighborhood. The City can restore the neighborhoods to productive use in conformance to a publicly approved plan. By eliminating the most blighting influences, creating or assembling sites for new commercial and residential uses, housing and community facilities, while improving the quality of existing housing and public facilities, the goals of the City's comprehensive renewal program will be brought significantly closer to realization.

CHAPEL/DWIGHT/WHALLEY RENEWAL AND REDEVELOPMENT PLAN

The Renewal and Redevelopment Plan for the Chapel/Dwight/Whalley Project consists of ___ pages of text with supporting schedules and maps.

CHAPTER I. RENEWAL AND REDEVELOPMENT AREA DEFINED

The Project Area is shown on the map entitled Property Map, and includes all of the area within the following boundaries:

Beginning at the intersection of the westerly boundary with the northerly boundary of the Whalley Avenue Special Services District, thence in an easterly direction along the northerly boundary of the Whalley Avenue Special Services District, _____ feet more or less, to the midline of Sherman Avenue, thence southerly along the midline of Sherman Avenue, _____ feet more or less, to the intersection with the midline of George Street, thence easterly along the midline of George Street to the intersection with the midline of York Street, thence northerly along the westerly right of way line of York Street, _____ feet more or less, to the northerly right of way line of Chapel Street, thence westerly, _____ feet more or less, along the northerly right-of-way line of Chapel Street to the easterly right-of-way line of Park Street, thence northerly, _____ feet more or less, to the southerly right-of-way line of Elm Street, thence westerly, _____ feet more or less, along the southerly right-of-way line of Elm Street, to the midline of Howe Street, thence northerly to the northerly boundary of the Whalley Avenue Special Services District, thence westerly to the westerly boundary of the Whalley Avenue Special Services District, thence southerly to the point of origin. (NOTE: TO BE REVISED IF NEEDED AFTER MAP IS DRAWN)

(NOTE: Measurements can be added or deleted—they are not required)

CHAPTER II. LAND TO BE ACQUIRED

Section 201 - Identification

The City of New Haven, acting by and through the New Haven Redevelopment Agency, will acquire properties necessary to eliminate substandard, unhealthful, unsanitary, unsafe, deteriorated, deteriorating, slum or blighted conditions thereon or to prevent the recurrence of such conditions in the area, or to increase density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public welfare, or to otherwise remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities, or essential to complete an adequate unit of development.

Priority is to be given to properties for which the redevelopment proposal is restoration of existing structures or infill of underutilized land. The City may enter into Acquisition and Disposition Agreement contracts with developers to acquire property to be conveyed to the redeveloper where the redeveloper may provide all or some of the funds necessary in advance for the City to complete the acquisition.

- A. Such properties will be acquired, by eminent domain where necessary, as follows:
 - i. Any properties designated for acquisition on Map entitled, Property Map. At this time, no properties are designated for acquisition. Properties to be acquired shall be

added only by amendment to the Property Map. Any such amendment shall follow the same approval process as the adoption of this original Plan. Amendments to any part of this Plan may be submitted to the Board of Aldermen simultaneously with any Land Acquisition and Disposition Agreement and /or Development Agreement with the City of New Haven.

- i. Such properties designated for acquisition on Map entitled, Property Map, which are not made to conform to the rehabilitation standards and objectives of this Plan as set forth in Chapter V, or which are necessary to achieve proper land use or to eliminate incompatible, detrimental or noxious uses, in accordance with the objectives, standards, and controls of this Plan; and
- i. Such other interests in real property including but not limited to easements, private rights-of-way and non-conforming uses under the Zoning Ordinance, which are necessary to meet the objectives, standards and controls of this Plan.
- i. No property may be acquired under this plan until added to the Property Map by amendment to this plan. Amendments shall follow the same public hearing process used in enacting this plan. The Redevelopment Agency will not add properties to the Property Map for projects that are within the jurisdictional boundary /service area of the Whalley SSD, Chapel SSD, or GDDC, that have not been approved in advance by the Whalley Avenue Special Services District, the Chapel West Special Services District, or the Greater Dwight Development Corporation, each acting formally through their respective Board of Directors.
- i. Any plan of development for any portion of the Chapel/Dwight/Whalley Redevelopment Plan area published by the Whalley Avenue Special Services District, the Chapel West Special Services District, or the Greater Dwight Development Corporation, as these plans may currently exist or be amended from time to time, shall be considered as objectives of this plan.

A. B. Community Approval of Acquisitions by Eminent Domain

The acquisition or rental of real property by purchase, lease, exchange, gift, or eminent domain by the redevelopment agency pursuant to C.G.S. § 8-128 may not proceed without the approval of the following entities in the following manner:

- i. All acquisition or rental proposals require the approval either of the Greater Dwight Development Corporation, the Whalley Avenue Special Services District, or the Chapel West Special Services District depending on the location of the parcel.
- i. The Redevelopment Agency shall refer each proposal for development of property that lies within the boundaries of the Dwight Management Team to the Dwight Community Management Team (DCMT), which may submit an advisory report, on such factors as it may deem relevant, to the agency within 60 days after receiving all records and documents in the proposal. This report of the DCMT shall be taken into account in the decision of the Redevelopment Agency.
- i. Any acquisition or rental proposal that targets real property located within the

boundaries of the Chapel West Special Services District (CWSSD), as defined by Sec. 35-7 of the Code of Ordinances, also requires the approval of CWSSD.

- i. Any acquisition or rental proposal that targets real property located within the boundaries of the Whalley Avenue Special Services District (WASSD), as defined by Sec. 33-7 of the Code, also requires the approval of WASSD.
- i. Any other acquisition or rental proposal which is not within the Whalley or Chapel District requires the approval of the Greater Dwight Development Corporation.
- i. The entities above will receive proposals in writing via mail or e-mail.
- i. The entities above will give approval or disapproval or advisory report as the case may be, by written notice to the Redevelopment Agency via mail or e-mail within 60 days of receipt of the proposal.
- i. If an entity fails to give such notice within 60 days of receipt of the proposal, the proposal will be deemed approved.
- i. A notice will be deemed given when (a) delivered in person, (b) upon confirmation of receipt when transmitted by fax or by e-mail, (c) upon receipt after dispatch by registered or certified mail, postage prepaid, or (d) on the next business day if transmitted by national overnight courier (with confirmation of delivery).

Section 203 - Use or Disposition of Acquired Properties

Properties acquired by the City of New Haven under this Plan may be cleared and/or sold or leased for redevelopment, renewal or rehabilitation or may be retained by the City for public use or for rehabilitation and subsequent disposition. The emphasis will remain on restoration rather than clearance.

CHAPTER III. PROPOSED LAND USE, CIRCULATION PATTERN, AND PUBLIC UTILITIES

Section 301 - Land Use

A. General

The land uses proposed under this Plan are set forth in chapter IV and shown on Map entitled Proposed Land Use. A number of properties in the project area presently do not conform to the proposed land use map. Some of these properties, despite their non-conforming use, do not at present have a blighting influence on the area, and they may remain under the Plan subject to the provisions of Chapter V. Others do have a detrimental effect upon the area, but it is expected that economic forces in the private real estate market, guided by zoning and urban renewal, may replace some of these properties by conforming uses within the not too distant future. Still others of these non-conforming properties, however, will have to be acquired pursuant to Chapter II of this Plan in order to achieve the objectives of this Plan. All properties, which are not so replaced or so acquired, will be subject to the provisions of Chapter V of this Plan.

Any sale or lease of land in the project area or any retention of land by the City will be subject to the controls and restrictions described in Chapter IV, below. Remaining structures, structures acquired and sold for rehabilitation, and structures acquired and retained for rehabilitation and subsequent disposition, if any, will be subject to the standards for rehabilitation in Chapter V, below.

In no case shall any of the area designated for clearance and redevelopment be used for the construction of transient housing.

At this time future proposed land uses are those specified on the City of New Haven Zoning Ordinance or those specified on the map entitled Proposed Zoning.

B. Interim Uses

The Redevelopment Agency may devote property acquired under the provisions of this Plan to temporary use prior to the time such land is needed for redevelopment when such temporary use is for parking, relocation purposes, recreation, or other uses approved by the Redevelopment Agency, and is in accordance with such standards, controls, and regulations as the agency may deem appropriate, and does not delay completion of the Chapel/Dwight Renewal and Redevelopment Plan.

Section 302 – Circulation Pattern

A. General

Streets to be closed, new streets to be constructed, and streets to be retained, denials of through traffic accesses and any other street changes are shown on Map entitled Tentative Right-of-Way Changes. The Redevelopment Agency may, with the approval of the City Engineer, the City Plan Department, and the Department of Traffic, Transportation and Parking, make any modifications to this Map and to this Section 302 which are consistent with the purposes and intent of this Plan, where such modifications are necessary to improve circulation, reduce traffic hazards or congestion or improve land use, and where they do not have an adverse effect upon vehicular or pedestrian traffic. Such modifications shall be deemed to be included in and a part of this Plan.

B. Street Closings

There are no street closings in the current plan.

C. New Streets

As part of the Chapel/Dwight/Whalley Project the Redevelopment agency shall construct such new streets as it finds to be necessary to serve reuse

parcels upon approval of the Board of Aldermen. Any new streets to be constructed by the Redevelopment Agency would require approval by the Board of Aldermen via amendment to the plan.

D. Street Widenings

No street widenings are contemplated as part of the Chapel/Dwight/Whalley Project.

E. Streets to be retained

All other streets in the Project Area will be retained and improved as necessary.

F. Sewer Easements to be retained

Sewer easements will be retained in the streetbeds of closed streets where necessary to achieve the objectives of this Plan.

Section 303 – Public Utilities

Adjustments in the layout of water, gas, electric and telephone service will be made by the utilities concerned. The facilities for these utilities will follow street lines, except where the Redevelopment Agency shall specify otherwise.

Easements, if any, for utility purposes in the streets to be closed are shown on Map No. 5, Tentative Right-of-Way Changes. The City or Agency may require that utility services be located underground or consolidated in overhead aerial cables.

Sanitary and storm sewers planned to be constructed in the Project Area are municipal projects being done under the auspices of the City of New Haven. These improvements are not being constructed under the auspices of or as a requirement of this plan. Utility relocations needed as a result of the storm and sanitary sewage projects are subject to the direction of the City Engineer. Utility companies required to relocate facilities shall not be entitled to the 50% cost sharing by the Redevelopment Agency.

Ordinary utility relocations required by the City of New Haven for city projects which are not part of any redevelopment project or property transaction will not entitle any utility company to 50% cost sharing simply by virtue of being located within the redevelopment plan area.

**CHAPTER IV. LAND USE CONTROLS, REGULATIONS AND STANDARDS
ON LAND TO BE MADE AVAILABLE FOR REDEVELOPMENT**

Section 401 - Applicability

The provisions of this Chapter shall apply to all land to be made available for redevelopment within the Project Area.

Furthermore, in any case where the Redevelopment Agency disposes of land to an owner of another property in the project area, which other property is not to be

acquired, an agreement shall be executed between the Redevelopment Agency and such property owner whereby the property not to be acquired is also subjected to the applicable provisions of the Plan.

In addition to the controls of the Plan herein set forth, the provisions of the City of New Haven Zoning Ordinance which became effective January 1, 1963, as amended (herein referred to variously as the "Zoning Ordinance" and as the "New Haven Zoning Ordinance"), will be applicable. In all cases, the more restrictive control governs.

Section 402 - Restrictions on Uses of Land

A. General Restrictions

No covenant, agreement, lease, conveyance, or other instrument shall be effected or executed by the City of New Haven, or by the purchasers or lessees from it (or by any successors in interest to such purchasers or lessees), by which land or improvements in the Project Area are restriction as to sale, lease, rental, use or occupancy upon the basis of race, color, creed or national origin.

Neither the City of New Haven nor any of its assigns nor any purchasers or lessees from it nor any successors in interest to any such purchasers or lessees shall discriminate upon the basis of race, color, creed, or national origin in the sale, lease, or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part thereof, in the Project Area.

Furthermore, no covenant, agreement, lese, conveyance or other instrument shall be effected or executed by the City of New Haven, or by the purchasers or lessees from it (or any successors in interest in such purchasers or lessees), whereby land in the project area to be used for residential purposes is restricted in occupancy to persons who have or do not have children in their household (except that occupancy by children may be restricted in the case of housing specifically designed for elderly persons).

B. Restrictions in Disposition Contracts

The foregoing restrictions shall be implemented by appropriate covenants or other provisions in disposal instruments.

Section 403 - General Controls for Redevelopment of Real Property

The basic standards and controls for the redevelopment of real property shall be the provisions of this Plan and of the New Haven Zoning Ordinance and all other applicable laws, codes and ordinances as they exist or may exist, and shall be amended. In all cases, the more restrictive control governs.

A. Design Review

The specific proposals for the development of these parcels will be evaluated by the New Haven Redevelopment Agency as to the manner in which they achieve the objectives of this Plan. In order to achieve high quality, lasting site and building

design, the New Haven Redevelopment Agency shall further seek advisory design and site plan review by the City Plan Commission prior to a disposition.

B. Landscaping

All open areas shall be attractively landscaped. Existing mature and healthy trees shall be preserved wherever possible. New and rehabilitated structures shall have, at a minimum, one (1) shade tree (minimum 3" caliper) in the front yard and/or tree belt). All off-street parking areas shall be paved and appropriately screened and/or landscaped. There shall be no fencing between the street line and building line of any redevelopment parcel except than a decorative fence, exclusive of any chain link, no more than 3.5 feet in height may be allowed.

C. Signs

The placement of signs for advertising purposes shall be restricted to the installation of non-flashing signs identifying the establishment and nature of its products. Such signs must be integrated with the overall design of the structure and not adversely affect the overall aesthetic qualities of the design. The design, placement and-number of signs must be approved by the Redevelopment Agency which shall request the written opinion of the City Plan Commission before certifying its approval.

D. Plan Submission

The redevelopers will be required to submit to the Redevelopment Agency, for approval, preliminary plans, outline specifications and elevations. In addition, the redeveloper shall submit site and building plans in accordance with the City Plan Commission's Site Plan Review Guidelines.

- i. For residential development, these plans, specifications, and elevations must be sufficient in scope and detail to demonstrate the design, architectural concepts, typical unit plans, room distribution and size of rooms and dwelling units, location and adequacy of recreation space, type of landscaping, and parking proposals for proposed developments.
- i. For commercial development, these plans, specifications, and elevations must be sufficient in scope and detail to demonstrate the design, architectural concepts, typical unit plans, room distribution and intensity of uses, parking and loading facilities, and landscaping, and sign proposals for the proposed development.
- i. For public and institutional development, these plans, specifications and elevations must be sufficient in scope and details to demonstrate the design, architectural concepts, room distribution and size, provision of recreational and special educational facilities, location of play areas, and parking, off-street loading and landscaping proposals for the proposed development.
- a) As a general rule off-street parking for public and institutional development must be provided at the rate of one space for each four persons present when the facilities are filled to capacity. Standards for individual specific uses are set forth in the New Haven Zoning Ordinance. This general rule may be waived by an action of the

Board of Zoning Appeals or City Plan Commission.

- a) Final plans and specifications must be submitted to the Redevelopment Agency for approval to ensure conformance with the preliminary submission.
- a) The Redevelopment Agency shall request the written opinion of the City Plan Commission before approving any submission required by this Section.

Section 404 - Specific Controls, Regulations and Standards for Redevelopment of Real Property

404b. Specific Standards and Controls for Residential Development

- A. Density – All parcels devoted to residential reuse shall be developed to a density permitted by the Zoning Ordinance, except as noted below.

MBP	Acquisition Parcel Bold = Proposed Acquisition Regular = City-Owned	Land Area (s.f.)	Zoning	Proposed Use	Reuse Parcel(s)	Reuse Parcel Land Area (s.f.)	Max. # of Units

- A. Parking – Off-street parking or garage space shall be provided in a ratio as required by the Zoning Ordinance or any special exception thereto. Adequate parking must also be provided to serve accessory non-residential uses that may be included in residential developments.
 - i. Off-street parking shall be paved. Where practicable, accessory garages shall be located in stand-alone structures in the rear yard. Where not practicable, the garage shall be placed at or to the rear of the prevailing building line and no closer to the street line than the front entrance.
 - i. Proposals and plans for off-street parking and garage space must be submitted to the Redevelopment Agency for approval as provided in Section 403(c) above.
- A. Recreational Space – Proposals for such active or passive recreation areas as are necessary or appropriate to the development of these parcels shall be subject to the approval of the Redevelopment Agency as provided in Section 403(c), above. In granting or withholding approval, consideration will be given to the types of housing proposed, site design, neighborhood facilities, including the new school and playgrounds, and other pertinent factors.
- A. Site and Building Design – New residential construction need not be designed in accordance with the prevailing streetscape. Respecting the setback, height, style, placement of structures and site features of the adjacent and surrounding properties is a design review function of the Redevelopment Agency with advice from the City

Plan Commission. New construction shall reflect a continuity of treatment as follows:

- i. Maintain the building mass and scale of the adjacent buildings unless it is determined that the future massing of a street is to be increased over time.
- ii. Maintain a consistent setback
- iii. Maintain cornice and transition lines in buildings of the same height
- iv. Maintain length and width of buildings to either side, except to accommodate a driveway
- v. Maintain porch and entrance features of adjacent/ surrounding property.
- vi. Extend horizontal lines of fenestration.
- vii. NOTE: It should be noted that any future amendments to the Zoning Ordinance or neighborhood plans which are intended to permit much higher density in the future than currently exists in a given area reflect the public intention to alter existing streetscapes, scale, and massing of structures and thereby obviates the requirement to follow many of these design guidelines.

A. Energy Efficiency – New residential construction shall be designed to meet the current Energy Star HERS performance standard. Prior to receipt of a certificate of occupancy, the redeveloper shall have the structure tested and certified.

A. Off-street Parking – The redeveloper must demonstrate to the Redevelopment Agency that off-street parking space provided will be adequate to meet the needs of employees, customers, and the operation of business uses proposed. In lieu of such demonstration and approval, off-street parking must be provided in accordance with the Zoning Ordinance.

A. Off-street Loading – All loading berths must be entirely clear of street right-of-way lines. Centralized loading berths may be permitted. The redeveloper must demonstrate to the Redevelopment Agency that the loading berths to be provided will be adequate to meet the requirements of the business uses proposed.

In lieu of such demonstration and approval, one loading berth shall be provided for each 2,000 to 20,000 square feet of gross floor area and one berth for each additional 30,000 square feet or portion thereof, except that if a centralized loading area is provided there shall be a minimum of one loading berth for every 20,000 square feet or portion thereof.

A. Sign Control – Only non-flashing business signs shall be permitted. Signs shall be integrated with the overall design of the structures and shall not adversely affect the overall aesthetic qualities of the design. The design, placement, and number of signs must be approved by the Redevelopment Agency, which shall request the written opinion of the City Plan Commission before certifying its approval.

CHAPTER V. GENERAL OBJECTIVES, STANDARDS AND CONTROLS FOR REHABILITATION

Section 501 - General objectives of Non-Residential Rehabilitation

A. Planning and Design Objectives

Non-residential traffic generators shall provide adequate off-street loading-facilities. Such generators outside of the central business district shall also provide adequate off-street parking facilities.

- i. Uses shall provide for the control of noxious by-products of their operations.
- i. The physical character of the buildings to remain shall be aesthetically satisfactory and architecturally consistent with buildings in the immediate vicinity in order to eliminate deteriorating or blighting influences and to encourage the stability of the area, maintenance of property and proper land use.
- i. Buildings which are historically or architecturally significant shall, wherever feasible, be maintained to preserve their significant characteristics. All plans for the exterior rehabilitation or modification of non-residential buildings determined by the New Haven Redevelopment Agency and the City Plan Department to be historically or architecturally significant shall be submitted to the Agency for approval. The Redevelopment Agency shall request the written opinion of the City Plan Department on all such plans. Consideration will be given if zoning relief would be required in cases where meeting the strict requirements of the Zoning Ordinance would make a restoration impossible.
- i. All open areas shall be attractively landscaped in order to enhance the character of the area.
- i. Buildings shall be structurally and mechanically sound.
- i. Signs shall be integrated with the overall structural appearance and must not adversely affect the general character or appearance of the area.
- i. An appropriate landscaped or architectural screen must be placed and maintained between the nonresidential uses and any adjoining residential uses in adjoining residential zones. Mixed-use developments shall be appropriately landscaped.

Section 502 - Standards for Non-Residential Rehabilitation

A. Applicability of Standards

All structures and buildings in the Project Area, devoted in whole or in part to non-residential use, which are not to be acquired by the City shall be subject to the standards set forth in Section 502, paragraphs b. through i., and shall be made to conform to the standards of the New Haven Housing Code, the New Haven Building, Plumbing, and Electrical Codes, the New Haven Air Pollution Ordinance, the New Haven Zoning Ordinance, the Redevelopment and Renewal Plan for this Project area, and all other applicable codes, ordinances and laws, as they exist or shall be amended or adopted, certain provisions of which are generally set forth in Section 502, paragraphs b. through i. Failure to set forth herein below any provisions of any such code, ordinance or law shall not be deemed to make such provision inapplicable.

B. Fire Safety

- i. Fire Walls - All partitions and floor assemblies' within structures shall qualify for fire ratings as required by the Connecticut State Building Code (the "Code") unless the Building Inspector determines a higher standard to be necessary for safety.
- i. Sprinklers - A system of automatic sprinklers shall be installed in all structures devoted to manufacturing uses, and in all basements and storage areas of 2,500 square feet or more in all structures devoted to commercial use.
- i. Egress - Each floor shall have at least two means of egress where required by the Code, located as far apart from each other as feasible. At least one of these means of egress shall lead directly to the outside. There shall be no point in the building more than 100 feet from an exit or stairway leading to an exit, unless such distance may be decreased by the use of sprinklers as allowed by the Code. Basements shall have an exit direct to the outside at a location readily accessible on the ground from a street or public space with direct access to a street. The Redevelopment Agency may modify or vary this requirement upon finding that due to special limiting factors, such as the location of a structure on a lot or in relation to adjacent structures, direct access to the outside cannot feasibly be provided.
- i. Vertical openings - Stairways, elevator shafts and other vertical openings above the second floor shall be enclosed with a fire retardant material having a one-hour fire rating.
- i. Heating - The basic heating unit shall be properly vented and shall be enclosed by walls and a floor assembly in accordance with the Code.

C. Off-Street Loading and Park

- i. Off-street Loading - Sufficient off-street loading shall be provided in accordance with the Zoning Ordinance. Each of the berths shall be of sufficient size to accommodate all vehicles between the building and the street right-of-way line. The Redevelopment Agency may modify this requirement if a physical limitation makes it infeasible to provide such a facility provided on-street loading will be allowed only at such times as will minimize interference with traffic.
- i. Parking - Off-street parking shall be provided in accordance with the requirements of the New Haven Zoning Ordinance. The Redevelopment Agency may modify or vary this requirement with regard to existing development upon finding that (a) sufficient parking spaces, either public or private are available within a reasonable distance of the individual structure, (b) sufficient on-street parking is available and is not a blighting influence in the area, or (c) due to special limiting factors, such as topography or location of the structure on the lot or in relation to adjacent structures, off-street parking cannot physically be provided on the site. The standards set forth in the New Haven Zoning Ordinance apply if there is an expansion of the existing use or a change in type of the existing use.

D. Structural and Facility Standards

- i. Maintenance - Every foundation, floor, wall, ceiling, roof, window, exterior door and basement hatchway shall be reasonably weather-tight, waterproof and rodent proof, shall be kept in good repair and, where appropriate, shall be kept in sound working condition. All decayed, broken, or missing members shall be replaced with new materials of a quality and design equal to the original.
- i. Stairs - Every inside and outside stair and every appurtenance thereto shall be maintained and kept in sound condition and good repair. All worn stepping shall be replaced with new stepping of the same size and design.
- i. Plumbing - Every plumbing fixture and waste and water pipe shall be properly installed and/or maintained in good sanitary working condition, free from defects, leaks and obstructions.
- i. Electrical - Every common hallway and stairway shall be adequately lighted. All common hallway and stairway lighting in multi-tenant structures will be connected to its own meter, commonly known as a house meter. The electrical inspector for the City of New Haven may order necessary repairs or replacement of the electrical system up to the standards of the City of New Haven Electrical Code whenever he finds that the existing system is hazardous to occupants, employees or the general public.
- i. Floor Loads - All buildings shall have floors capable of supporting a live load as specified in the Code or an actual design load acceptable by normal engineering standards where heavier machinery is involved. The Redevelopment Agency may modify or vary this requirement with regard to existing buildings upon finding that the existing floors are capable of supporting such loads as they may be subjected to by-use.

E. Sign Control

Signs on non-residential properties remaining under this Plan shall be restricted to non-flashing signs identifying the establishment and the nature of its products. Such signs must be integrated with the overall appearance of the structure and must not adversely affect the general character or appearance of the area. Designs of new signs must be submitted to the New Haven Redevelopment Agency for review of design and compliance with Plan standards. The Redevelopment Agency shall request the opinion of City Plan Department on all such designs.

F. Noxious Uses

No non-residential property within the Project Area shall be used in a noxious manner. The criteria for determining noxious uses shall include but not be limited to the following:

- i. The emission of smoke, fumes, odors or other objectionable by-products.
- i. Excessive noise.

- i. Generation of excessive truck traffic.
- i. Effects adverse to the general character of the area or to immediately adjacent uses.

G. Physical Character

The physical character and appearance of all non-residential properties shall be harmonious with buildings in the surrounding area. Such properties shall be physically improved when necessary to eliminate detrimental or blighting influences upon the surrounding area.

H. Miscellaneous

No building within the Project area shall be so substandard, deteriorated, deteriorating, blighted, blighting, dilapidated, decayed, unsanitary, dangerous, unsafe, damaged, or vermin-infested or in such other condition that it is inimical to the health or safety or welfare of the occupants or of the residents of the neighborhood or of the general public. No uses within the area shall be incompatible with the character of the area. The specific standards to be applied shall be those contained in the Housing Code of the City of New Haven, the Building, Plumbing, and Electrical Codes of the City of New Haven, the New Haven Zoning Ordinance, the New Haven Air Pollution Ordinance, the Renewal and Redevelopment Plan for this Project Area, and all other applicable codes, ordinances, and laws, as they exist or shall be amended or adopted.

Section 503 - Controls for Non-Residential Property

All properties and buildings devoted in whole or in part to non-residential use which are not to be acquired by the City are to be maintained at or brought to a level which meets satisfactory standards and objectives as specified in Sections 501 and 502 for the rehabilitation of non-residential property.

Any property or buildings devoted in whole or in part to non-residential use which is not maintained at or brought to said standards may be acquired by the City as provided in sections 201(b), 201(c), and 507 of this Plan.

Any remaining non-residential use which does not conform to the uses established in the Plan shall be governed either by the controls of the Zoning Ordinance prescribed for non-conforming uses or by the following provisions, whichever are more stringent. No non-conforming use which is abandoned, destroyed or discontinued for a period of nine consecutive months, or for a total of 18 months during any three-year period, in the case of a use in a structure; or ninety consecutive days, or for a total of six months during any one-year period; in the case of a use of land, shall be re-established; except that if the structure housing said use is destroyed by any means out of the control of the owner to an extent of fifty percent or less of its replacement value, excluding the value of land, the cost of preparation of land and the value of any foundation adaptable to a conforming use at the time of destruction, said use may be re-established if reconstruction of the structure is commenced within one year and completed within an additional year.

Furthermore, the cost of ordinary repairs and replacement of materials in any period of 12 consecutive months shall not exceed 20% of the current replacement value of the structure, exclusive of the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming uses.

Under no circumstances shall any land, building or facility devoted to a non-conforming use under this Plan be extended or expanded or changed to accommodate a different non-conforming use, except upon a finding by the Agency which shall request the opinion of the City Plan Commission that the new non-conforming use shall have a lesser impact on the surrounding area than the old one.

Section 504 - General objectives of Residential Rehabilitation

A. Planning and Design

Planning and design objectives must be attained in order to eliminate deteriorating or blighting influences, to encourage the maintenance of properties within the area, and to ensure the stability of the area.

To achieve this:

- i. Buildings must be structurally and mechanically sound.
- i. The physical character of the building shall be aesthetically satisfactory and architecturally consistent with the surrounding area. All open areas should be attractively landscaped in order to enhance the character of the area.
- i. Buildings which are historically or architecturally significant shall, wherever feasible, be maintained to preserve their significant characteristics. All plans for the exterior rehabilitation or modification of residential buildings determined by the New Haven Redevelopment Agency and the City Plan Department to be historically or architecturally significant shall be submitted to the Agency for approval. The Redevelopment Agency shall request the written opinion of the City Plan Department on all such plans.

B. Health Objectives

Sanitary objectives must be attained in order to eliminate conditions which cause disease or which are otherwise detrimental to the health, safety and welfare of the community.

To achieve this:

- i. All facilities necessary for adequate heat, lighting, plumbing and sanitation must be properly installed and maintained in good working condition.
- i. Structural and environmental conditions necessary for the provision of adequate space for occupants, and for healthy living conditions must be maintained.

C. Safety Objectives

Safety objectives must be achieved to prevent unsafe conditions causing injury to persons or damage to adjacent buildings.

To achieve this:

- i. Potential fire hazards must be eliminated.
- i. Unsafe yard conditions must be eliminated.
- i. The exterior and interior of structures and buildings and all facilities must provide maximum safety.
- i. Satisfactory means of egress must be provided.

Section 505 - Standards for Residential Rehabilitation

A. Applicability-of Standards

All structures and buildings in the Project Area devoted in whole or in part to residential uses which are not to be acquired by the City shall be rehabilitated by their owners and shall conform to the standards of the State of Connecticut Building Code, the New Haven Housing Code, the New Haven Pollution ordinance, and the New Haven Zoning ordinance, the Redevelopment and Renewal Plan for the Project Area, and all other codes, ordinances, and laws, as they exist or shall be amended, certain provisions of which are generally set forth in Section 403, paragraphs b through g herein. Failure to set forth herein below any provision of such code, ordinance, or law shall not be deemed to make such provision inapplicable.

B. Facility Standards

- i. Heat - Every dwelling and dwelling unit shall be supplied with heating facilities capable of consistently providing not less than 68 degrees F temperature within each room throughout the year. All heating and heat regulating equipment shall be safe from fire hazards and shall be maintained in proper working condition. Every dwelling unit shall have installed and in proper operating condition a means of regulating temperature within the unit.
- i. Electrical - All habitable rooms and other appropriate spaces in each dwelling and dwelling unit shall be provided with electrical service by a system of wire and equipment to safely supply adequate electrical energy-for operation of lighting and appliances.
- i. Unsafe or hazardous electrical wiring and equipment shall be replaced. All common halls, stairways, and outside areas normally used after dark in multiple dwellings shall be adequately and safely lighted.
- i. Plumbing - All water lines shall provide adequate pressure. All waste lines shall be properly vented and connected to sanitary sewer systems.

- i. Hot Water - Every dwelling unit shall be provided with water heating facilities properly installed, connected, and maintained in safe operating condition, and capable of providing an adequate supply of hot water to the bathroom and kitchen facilities.
- i. Kitchen - Every dwelling unit shall contain space for dry and refrigerated food storage, utensil storage, and for a stove or other cooking facilities. Every dwelling unit shall be provided with an installed kitchen sink of adequate size in good working condition with a drain board and counter top work space. Floors in sink area shall be covered with non-absorptive material properly installed which renders them impervious to water and moisture.
 - a. Every kitchen area shall be provided with separate electrical circuits of sufficient capacity to carry adequate current for simultaneous operation of electrical appliances.
- i. Bath Facilities - Every dwelling and dwelling unit shall contain a bathroom containing a flush water closet, sink, and tub or shower fixtures in good working order, comfortably arranged. Floors shall be covered with non-absorptive material such as tile, linoleum, vinyl product, or other waterproof material properly installed which renders them impervious to water and moisture. Wall space for a medicine cabinet, mirror, and towel bars shall be provided. Each bathroom shall contain at least one electrical convenience outlet.
- i. Storage Space - Every dwelling and dwelling unit shall contain- adequate space or facilities for storage of clothing and personal goods, directly accessible from each bedroom.

C. Structural Maintenance Standards

- i. Each structure containing a dwelling unit shall have direct access to a public street.
- i. Each dwelling unit within a structure shall be provided with two safe and unobstructed means of egress.
- i. Adequate daylight and ventilation must be provided for each habitable room; each room shall have at least one window which can easily be opened; and each bathroom or lavatory shall be ventilated properly either by a window or an approved mechanical ventilator.
- i. All inside and outside stairways, rails, and porches shall be safely constructed and kept in good repair.
- i. All walls, ceilings, woodwork, doors and windows shall be kept clean and free of flaking or peeling paint; and all rain water shall be drained so that every dwelling unit shall be kept free of dampness. Toxic, lead-based, or other harmful paints or finishes applied to the interior of dwellings shall be removed, covered, or otherwise rendered harmless.
- i. All exterior wood surfaces shall be protected from the elements and against decay by

paint or other protective coatings. Siding which is decaying, deteriorating, hazardous, or which otherwise produces a blighting or deteriorating effect upon the surrounding area shall be repaired, and if necessary, replaced with siding which is compatible with provisions of this chapter. Where installation of new siding is not accomplished, exterior surfaces shall be appropriately repaired, cleaned and painted.

D. Space and Use Standards

- i. Every dwelling unit shall contain at least 150 square feet for the first inhabitant and at least 100 square feet for each additional inhabitant, to prevent overcrowding.
- i. Every sleeping room within a dwelling unit shall contain at least 70 square feet for the first inhabitant and at least 50 square feet for each additional inhabitant.
- i. In each dwelling unit of three or more rooms in a tenement house (as defined in Section 19-342 of the General Statutes of the State of Connecticut), access to each living room and bedroom and to at least one bathroom shall be had without passing through any bedroom.
- i. Access to all parts of a dwelling unit shall be possible without passing through a public hall.
- i. Every basement used as a legal dwelling unit or habitable room shall be free from dampness and shall provide adequate window space located entirely above ground level.
- i. Accessory buildings and yards
- i. Yards and driveways shall be graded to afford good drainage, and shall be suitably landscaped or paved.
- i. Accessory buildings such as garages, sheds, storage buildings, or commercial structures shall, as appropriate, be subject to the same objectives and standards which apply to residential and non-residential properties in this chapter.

E. General Sanitary Standards

- i. Every dwelling and dwelling unit shall be provided with a sufficient number of garbage and rubbish disposal containers to serve adequately the inhabitants of the units. Containers shall be watertight and shall be equipped with tight fitting lids.
- i. Every structure and yard shall be kept free of rodents, insects, and other vermin, and of accumulation of rubbish or other materials in which harborage or infestation may occur.
- i. All basement and cellar windows shall be equipped with snug-fitting screens to prevent entry of rodents and vermin.

F. Off-Street Parking

- i. Parking shall conform to the requirements of the Zoning Ordinance

- i. The Redevelopment Agency may modify or vary this requirement upon finding that sufficient on-street parking is available and is not a blighting influence in the area and upon finding that due to special limiting factors, such as topography or location of structures on a lot or in relation to adjacent structures, off-street parking cannot physically be provided on the site and is available within a reasonable distance of the site.

G. Miscellaneous

- i. No signs except those which serve to identify the particular structure or property or indicate its street address or to indicate that such structure or property is for sale or rent or to identify professional offices located therein or signs of a similar nature may be placed on wholly or predominantly residential structures or properties. Such signs shall be restricted to non-flashing signs and except for signs indicating that such property is for sale or for rent, must be integrated into the overall structural appearance to be achieved through rehabilitation, and must not adversely affect the general character or appearance of the area.
- i. No building within the rehabilitation area shall be substandard, deteriorated, blighted, dilapidated, decayed, unsanitary, dangerous, unsafe, damaged, deteriorating, or vermin-infested or in such other condition so that it is inimical to the health or safety or welfare of the occupants or of the residents of the neighborhood or of the general public. No uses within the area shall be incompatible with the residential character of the neighborhood. The specific standards to be applied shall be those contained in the State of Connecticut Building Code, the Housing Code of the City of New Haven, the New Haven Zoning Ordinance, the Renewal and Redevelopment Plan for this Project Area, and all other applicable codes, ordinances, and laws, as they exist or shall be amended or adopted.

Section 506 - Controls for Residential Property

All properties and buildings devoted in whole or in part to residential use which are not to be acquired by the City are to be maintained at or brought to a level which achieves a decent standard of safe and sanitary housing for the people residing in them. All such properties and buildings shall meet the standards and objectives specified in Sections 504 and 505 for the rehabilitation of residential property.

Any property or building devoted in whole or in part to residential use which is not maintained at or brought to said standards may be acquired by the City as provided in Sections 201(b), 201(c) and 507 of this Plan.

Section 507 - Enforcement of Objectives, Standards and Controls

A. Inspection and Notice,

- i. Whenever it has been found on inspection that a residential or non-residential property or structure does not meet the objectives, standards, and controls of Chapter V of this Plan, the Redevelopment Agency shall within 60 days after the inspection, give notice of such non-compliance to the owner and to any person or

persons other than the owner whom the Redevelopment Agency may find to be responsible therefor.

- i. Such notice shall be in writing, addressed to the owner and to such other responsible person or persons at their last known address and shall be sent by certified or registered mail.
- i. Such notice shall state why it is being issued, shall specify the respects in which the property fails to meet the objectives, standards and controls of the Plan and shall specify what work is required to bring the property into compliance. Such notice may also set a 'proposed schedule for beginning and completing each part of the work, provided that the time allowed for the performance of any act required is not unreasonable.

B. Acquisition by the City

If, at the end of one year after such notification, satisfactory compliance with the standards and objectives of Chapter V has not been achieved, the City may acquire the property, by eminent domain if necessary. However, the property may be acquired at any time before one year with the consent of the owner.

CHAPTER VI. RELATIONSHIP OF PLAN TO DEFINE LOCAL OBJECTIVES

Section 601 – Relationship to the General Plan

The General Plan for the City of New Haven first prepared by Gilbert and Olmstead in 1910, has been revised and updated through the Master Plan of 1942, the Short Approach Plan of 1953, and the adoption of a comprehensive series of Guide Plans in 1957. The Chapel/Dwight/Whalley Renewal and Redevelopment Plan represents the details development of the planning concepts and proposals for this area outlined in the Middle Ground Program. The objectives of the Chapel/Dwight/Whalley Plan are consistent with the objectives developed in the City's general planning contained in the City's latest approved Workable Program.

The current comprehensive plan of the City of New Haven is hereby included by reference. Because the City of New haven Zoning Ordinance, and each susequent amendment has been declared to be in accordance with the Connecticut Plan of Conservation and Development, and the New Haven Zoning Ordinance constitutes the Future Land Use Plan of the Chapel/Dwight/Whalley Redevelopment and Renewal Plan, the Chapel/Dwight Whalley Redevelopment and Renewal Plan is in accordance with the Connecticut Conservation and Development Plan.

The first objective of the Chapel/Dwight/Whalley Renewal and Redevelopment Plan is to strengthen the predominantly commercial and institutional character of the Chapel Street and Whalley Avenue corridors by upgrading and reusing all vacant and/or dilapidated structures in the area, attracting new uses or redevelopment to these sites compatible and complimentary to the strong existing uses. Creation of new parking spaces to be jointly used by the residential and commercial uses in the

Project Area without removal of any existing structures is a prime focus.

The second objective of the Chapel/Dwight/Whalley Redevelopment and Renewal Plan is to strengthen the predominantly medium to high density residential character of the area by improving the quality of housing and public facilities in the area and by upgrading the residential environment through renovation of any existing housing stock, creation of new market rate housing where possible, and by facilitating the creation of a substantial number of new shared parking spaces on land or easements acquired by the Redevelopment Agency to be disposed of for residential parking purposes.

The Plan calls for the clearance, as a last resort, of the most deteriorated and substandard structures in the area; the removal of certain blighting and incompatible industrial and commercial uses from residential areas and the prevention of further encroachment of such uses into residential areas; the provision of new housing and community facilities, including schools, recreation space and off-street parking; and improvement of neighborhood shopping facilities. Rehabilitation of residential and commercial properties to remain will be carried out according to the provisions of this Plan.

Section 602 – Relationship to Appropriate Land Uses

The Chapel/Dwight/Whalley corridor is predominately retail, commercial, institutional and medical services along the Chapel Street spine with high density residential surrounding, intermixed with a higher proportion of commercial and institutional uses denser than most mixed use areas of New Haven. It functions much as the downtown does in the areas where residential is mixed with commercial. Whalley Avenue currently functions as a retail and automotive service strip with a slightly lower density than Chapel Street but has good potential to arrest decline by operating at a much higher density because of its benefits of extreme width and extremely high traffic volumes and large trade area.

Under the provisions of this Plan, land use patterns will be substantially retained and strengthened with higher density uses where feasible. Mixed use will be encouraged while at the same time quiet residential enclaves within the Project Area will be preserved.

Acquisition of dilapidated, blighted, or non-conforming properties and conveyance of these properties to redevelopers for restoration to use in accordance with this Plan will preserve and protect all existing uses and arrest the decline of the Plan area.

Spot clearance, as shown on the Property Map, will augment the land use controls and rehabilitation actions to strengthen and improve the remainder of the area. Areas not planned for clearance will be upgraded through rehabilitation of residential and commercial properties in accordance with the controls and objectives of Chapter V of this Plan. No acquisitions are currently shown. Any future acquisitions would require amendment of this plan (Property Map) with approval by the Agency and Board of Aldermen.

Section 603 – Relationship to Improvement of Traffic

No major traffic improvements are proposed by the Agency at this time. Improved parking and loading arrangements will prevent congestion and traffic hazards at specific project locations. The City of New Haven may independently propose certain changes to one way streets, bicycle friendly projects, and traffic calming measures on local streets.

Section 604 – Relationship to the Improvement of Public Transportation

Several bus lines currently service the Chapel/Dwight/Whalley area, running along the major streets – Chapel, Sherman, Whalley and Elm. No changes in the pattern of public transportation are contemplated under this Plan.

Section 605 – Relationship to the Improvement of Public Utilities

Section 606 – Recreational and Community Facilities

The Plan currently includes no provision for construction of a new school. Expansion of the Montessori School operations on Edgewood Avenue is contemplated.

Small parks or recreation areas may be provided on appropriate sites in those areas of the project in which selected properties are being cleared to remove deteriorated structures or blighting influences.

Section 607 – Relationship of the Workable Program of the City of New Haven

Adoption and execution of the Chapel/Dwight/Whalley Renewal and Redevelopment Plan will achieve the objectives of the Workable Program for the City of New Haven for this area. The basic objective of the Workable Program is the elimination of slums and blight through a comprehensive program of public and private actions. Clearance of blighted and blighting conditions and the provision of new low and moderate-income housing and new improved public facilities, when combined with the rehabilitation of the remaining properties will achieve this objective in the Chapel/Dwight/Whalley area.

The Chapel/Dwight/Whalley Project Area is currently represented by three organizations that are recognized by the Redevelopment Agency as the spokespersons for the Redevelopment Plan Area because they are governed by Boards of Directors elected either under city ordinance by the property owners in the plan area or by citizens of the plan area as defined in their incorporation documents. These organizations are the Whalley Avenue Special Services District, the Chapel West Special Services District, and The Greater Dwight Development Corporation. Each of these organizations has and continues to create a future development plan, under different formats or titles. It is the intention of the New Haven Redevelopment Agency that these neighborhood plans, with their proposed future land uses, proposed future zoning, and proposed development standards shall be incorporated by reference into the Chapel/Dwight/Whalley Redevelopment Plan as they may be amended from time to time by these entities.

Section 608 - Relationship with Local Organizations

No property may be acquired under this plan until added to the Property Map by amendment to this Plan. Amendments shall follow the same public hearing process used in enacting this plan. The Redevelopment Agency will not add properties to the Property Map for projects that are within the jurisdictional boundary /service area of the Whalley SSD, Chapel SSD, or GDDC, that have not been approved in advance by the Whalley Avenue Special Services District, the Chapel West Special Services District, or the Greater Dwight Development Corporation, each acting formally through their respective Board of Directors.

CHAPTER VII. OBLIGATIONS OF REDEVELOPERS

Section 701 - Plan Controls

The following controls on redevelopment are hereby imposed and shall apply notwithstanding the provision of any zoning or building ordinance or other regulations now or hereinafter in force, and shall be implemented by appropriate covenants or other provisions in disposition instruments.

- a. The redeveloper and his successors or assigns shall devote such land to the uses specified in this Plan for such area and shall not devote such land to any other uses.
- a. The redeveloper shall begin and complete the development of such land for the uses required in this Plan within a reasonable time, to be specified in the disposition instrument.
- a. c. In the case of a residential development which, in accordance with the Plan, is to be devoted to low or moderate incoming housing, the redeveloper shall ensure that such housing is available at a sales price or a rental that low and moderate-income persons and families can afford.

CHAPTER VIII. PREVENTION OF SPECULATION

Section 801 - Obligation to Build

The Redeveloper will be obliged, under the terms of the disposition instrument, to carry out certain specified improvements in accordance with this Redevelopment and Renewal Plan.

Section 802 - Disposition of Property by Redeveloper

Until the improvements are completed the redeveloper will not be permitted to dispose of the property or of his interest in the property except upon such terms as the Redevelopment Agency may impose.

The Redeveloper may dispose of all or any part of his interest in the Project Area upon the completion by the redeveloper of all the improvements, rebuilding and redevelopment work required, and the disposition instrument may contain a

provision to this effect.

CHAPTER IX. ZONING

Section 901 - General

Existing Zoning, shows the zoning within the project boundaries as set forth in the New Haven Zoning Ordinance, as amended to date. This is a City map. It is not included in this Plan

Section 902 - Proposed Re-Zoning

Map entitled Proposed Zoning, reflects certain proposed changes in the New Haven Zoning Ordinance intended to strengthen and promote additional development, at higher densities and broader uses in selected areas of the Whalley, Chapel and Dwight neighborhood. The Zoning Ordinance as it will be affected by the proposed re-zoning within the project boundaries, as shown on Map entitled Proposed Zoning will be applicable except as provided in Section 903.

Section 903 - Conflict between Zoning Ordinance and the Plan

In certain instances, this Plan sets forth more restrictive controls than contained in the Zoning Ordinance, in which case, the Plan controls shall apply. In the event any controls of the Zoning Ordinance are more restrictive than those of the Plan, the Zoning Ordinance shall control.

Without limiting the generality of the foregoing, any modification of the reuse provisions of this Plan which is neither prohibited by nor inconsistent with the Zoning Ordinance shall be considered a modification which does not substantially change the redevelopment plan as previously approved and will not therefore require amendment to this Plan

Section 904 - Planned Development Areas

The Redevelopment Agency may permit development at such higher densities and with such lesser setbacks as may be approved by the Board of Aldermen, City Plan Commission, or the Board of Zoning Appeals under Section 65 of the New Haven Zoning Ordinance.

CHAPTER X. DESCRIPTION OF REDEVELOPMENT AREA AND STRUCTURE CONDITIONS

There are currently no outstanding applications for governmental funding which require the compilation of this data. This section will be left blank at this time.

CHAPTER XI. DISPLACEMENT OF FAMILIES AND INDIVIDUALS

Section 1101 - General

The relocation program of the Redevelopment Agency is more fully set forth in the Relocation Program which is available for public inspection at the offices of the Redevelopment Agency.

All relocation activity will be conducted in accordance with the federal Uniform Acquisition and Relocation Act. Relocation on a large scale is not anticipated under this plan. In the event a relocation is necessary, the cost will be incorporated into any approved project budget.

Section 1103 - Temporary Relocation

The Redevelopment Agency anticipates no need for temporary relocation of displaced families and individuals. If temporary relocation is needed in individual cases, the temporary housing shall meet the standards of the Housing Code.

Section 1104 - Availability of Relocation housing

A. Criteria for Eligibility

Availability of sufficient suitable living accommodations will be determined by categorizing families and individuals according to income and family size to determine eligibility or ineligibility for Federal, State and privately-assisted low and moderate income housing and housing programs. For these purposes, families and individuals are grouped into three categories, based on the Redevelopment Agency's experience with relocation in all projects.

B. Rental and Purchase Price

The New Haven Redevelopment Agency makes every effort to relocate all persons in housing that they can afford. The standard that is followed as a guide in determining ability to pay rent is 25% of adjusted income for rent, including utilities. The standard for determining a family's ability to purchase housing under Section 235 is that the monthly gross housing expense should not exceed 30% of monthly net effective income. For conventional home purchase a standard of 2 times annual gross income is used. These ratios conform to the accepted standards set forth by the Department of Housing and Urban Development.

C. Location

All of the housing resources that may be necessary are within the corporate limits of New Haven and are no more than five miles from the redevelopment and renewal area. This is deemed to be within a reasonable distance of the area from which families and individuals are displaced.

CHAPTER XII. FINANCIAL AND OTHER ASPECTS OF REDEVELOPMENT AND RENEWAL

Section 1201 - Local Assumption of Certain Costs

Any and all project costs will be determined in advance of award of an Acquisition and Disposition Agreement to a selected redeveloper and subject to contractual agreement. Development Agreements with the City as well as the Agency may be required. Developers may not assume that any city or other governmental subsidy for a project proposal is being offered under this Plan

Section 1202 - Non-Cash Grants

The City of New Haven may provide non-cash grants-in-aid, including schools, community facilities, and other site improvements, as required. Some public improvements may be included in a project proposal as a design element and may be at the expense of the redeveloper.

Section 1203 - Cash Grants

The City of New Haven may provide cash grants-in-aid, if necessary, in an amount sufficient to meet any required local share of the cost of the program. Under the provisions of Chapter 130 and 133 of the General Statutes, the State of Connecticut may provide financial assistance to the City to carry out the program.

CHAPTER XIII. PROVISION FOR MODIFICATION AND TERMINATION

Section 1301 - Modification

In accordance with the General Statutes of the State of Connecticut, this Redevelopment and Renewal Plan may be modified at any time by the Redevelopment Agency, provided, if modified after the lease or sale of real property in the redevelopment and renewal project area, the modification must be consented to by the redeveloper or redevelopers of such real property or his successor or their successors in interest as are affected by the proposed modification. Where the proposed modification will substantially change this Redevelopment and Renewal Plan as previously approved by the Board of Aldermen, the modification must similarly be approved by the Board of Aldermen.

Section 1302 - Termination

This Redevelopment and Renewal Plan and/or any modification hereof shall be in full force and effect for a period of ten (10) years from the date of first approval of this Plan by the Board of Aldermen of the City of New Haven. The termination of this Redevelopment and Renewal Plan under this provision shall not affect the provisions of Section 402a hereof.

CHAPTER XIV. PROVISIONS TO MEET STATE OR LOCAL REQUIREMENTS

Section 1401 - Redevelopment Plan

Section 8-125 of the General Statutes provides that: "a redevelopment plan shall include: (1) a description of the redevelopment area and the condition, type and use

of structures therein; (2) the location and extent of the land uses proposed for and within the area, such as housing, recreation, business, industry, schools, civic activities, open spaces or other categories of public and private uses; (3) location and extent of streets and other public utilities, facilities and works within the area; (4) schedules showing the number of families displaced by the proposed improvement, the method of temporary relocation of such families, the availability of suitable living accommodations at prices and rentals within the financial reach of such families and located within a reasonable distance from which they are displaced; (5) present and proposed zoning regulations in the redevelopment area; (6) any other details including financial aspects of redevelopment which, in the judgement of the redevelopment agency authorized herein, is necessary to give it adequate information." This Plan includes all the foregoing.

Section 1402 - Renewal Plan

Section 8-142 of the General Statutes provides that "any urban renewal project undertaken pursuant to Section 8-841 shall be undertaken in accordance with an urban renewal plan for the area of the project. As used in this part, an urban renewal plan means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvement and rehabilitation as may be proposed to be carried out in the area of the urban renewal project, zoning and planning changes, if any, land uses, maximum densities, building requirements and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities and other public improvements." This Plan conforms to these requirements.

Section 1403 - Other Local Requirements

A. Issuance of Building Permits

No Permit or Certificate of Occupancy for the construction, alteration, repair or modification of any building or structure in the Chapel/Dwight/Whalley Renewal and Redevelopment Area, insofar as the work included in the permit may be covered by the controls and requirements of this Plan, shall be issued by the Building Inspector of the city of New Haven without the written opinions of the Redevelopment Agency concerning whether the proposed construction, alteration, repair or modification meets the requirements of and is in accordance with the provisions of this Plan. A Permit or Certificate Issued without such written opinion shall be invalid and of no force and effect.

A. Issuance of Demolition Permits

The permit for demolition of any building or structure in the Chapel/Dwight Renewal and Redevelopment Area shall not be issued by the Building Inspector of the City of New Haven without the written opinion of the Redevelopment Agency. The Building Inspector shall deny any application for a demolition permit where he determines that the building or structure is structurally sound and the Redevelopment Agency determines (1) that the proposed reuse of the property upon which the building or structure is located does not conform to the objectives of the Plan or (2) that the retention of the existing building or structure would better serve the objectives of the Plan.

A. Zoning Variance

No zoning variances or special exceptions shall be issued by the Board of Zoning Appeals of the City of New Haven for any property in the Chapel/Dwight/Whalley Redevelopment and Renewal Area unless the applicant for such variance or special exception or the Board itself has obtained the written opinion of the Redevelopment Agency concerning its effect on the achievement of the objectives of the Plan, and any such variance or special exception issued without such an opinion having been obtained shall be invalid and of no force and effect.

A. Non-discrimination Policy with Respect to Disposal of Land for Redevelopment

The Redeveloper shall comply with all State and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, religion, color or national origin in the sale, lease or occupancy of property in the project area. This provision shall be made a covenant running with the land in all land disposition instruments, and shall be binding upon the redeveloper and every successor in interest to such property.

A. Residential Redevelopment Plans

Any Redevelopment Plan submitted to the Redevelopment Agency to be adopted by amendment to this Plan which consists primarily of residential use shall require the approval of the City of New Haven Housing Authority.

Section 1404 - Severability

In the event that any phrase, clause, sentence, paragraph, provision or section of this Plan is held to be illegal, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court, such illegality or unconstitutionality shall not affect the validity of any of the remaining parts of this Plan.