

**ZONING ORDINANCE TEXT AMENDMENT FOR GREEN ORDINANCES
AND STANDARDS FOR PUBLIC PLAZAS IN COMMERCIAL
DEVELOPMENTS IN THE BD-3 ZONE.**

WHEREAS, in accordance with the provisions of 1925 Special Act No. 490, Section 5, Article XIII, Sections 2A-2F and Article VII of the Charter of the City of New Haven (the "Charter") and Section 64(d)(1) of the New Haven Zoning Ordinance, the City Plan Department of the City of New Haven, which serves as staff to the New Haven City Plan Commission ("City Plan"), filed with the New Haven City Clerk for transmission to the Board of Alders of the City of New Haven (the "Board of Alders") a Petition (the "Petition") requesting that the Board of Alders adopt text amendments to the Zoning Ordinance with regards to allowable floor area ratio ("FAR") for the BD-3 zone, which is located generally in the area of the former Rte 34 corridor, as the text amendments are more particularly described in Schedule A attached (the "Text Amendments"); and.

WHEREAS, City Plan submitted sufficient plans, information and related supporting materials; and

WHEREAS, pursuant to Article XIII, Section 2E of the Charter, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing; and

WHEREAS, on _____, 2020, the City Plan Commission held a public hearing on the Petition after providing due notice of such hearing in accordance with the provisions of law; and

WHEREAS, on _____, 2020, the City Plan Commission rendered an advisory report to the Board of Alders after considering the factors set forth in Article VII of the Charter and Sections 64(d)(2) of the Zoning Ordinance recommending approval of the Petition, CPC Report No. _____; and

WHEREAS, the Board of Alders finds that the Text Amendments and their provisions are in accordance with the Comprehensive Plan of Development of the City and are consistent with the land uses and the zoning classifications of neighboring parcels and with the standards set forth in Article XIII, Sections 2B through 2E of the Charter; and

WHEREAS, the Board of Alders further finds that after public notice, hearing, and due comment from the public, interested parties, and the various agencies of the City of New Haven, including, without limitation, the Department of Transportation, Traffic and Parking, the Engineering Department, and the Office of Building, Inspection and Enforcement that the Text Amendments meet the objectives set forth in Zoning Ordinance, Article VII, Section 64(d) in that the Text Amendments are responsive to changes that have taken place in the City and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the purposes of zoning and the comprehensive plan of the City of New Haven.

NOW, THEREFORE BE IT ORDAINED by the Board of Alders that the Text Amendments are hereby adopted with the modifications of the existing zoning requirements requested by City Plan as described in Schedule A attached hereto and made a part of this Ordinance, including without limitation the allowable FAR bonuses as indicated in attached Schedule A.

BE IT FURTHER ORDAINED by the Board of Alders that except as amended herein the Zoning Ordinance and the Zoning Map of the City of New Haven shall remain in full force and effect.

BE IT FURTHER ORDAINED that said Text Amendments shall take immediate effect on the day after the date of publication of notice of the adoption of the Zoning Ordinance Text Amendment in accordance with the requirements of Article IV, Section 3 of the Charter.

SCHEDULE A

Amendment to Section 1 – Definitions (to be inserted in existing Section 1 of the Zoning Ordinance in alphabetical order).

ECO ROOF (also known as a green roof, living or vegetated roof). An eco roof is the area atop a roof surface on a building or a parking structure, open to the sky and air, which is surfaced with soil and living plant materials for the purpose of retaining rainwater and absorbing heat from sunlight. An Eco roof is planted over a roofing system with waterproofed membrane and provision for drainage and is created by adding layers of growing medium and plants. Extensive Eco roofs generally have a soil depth of less than six inch. Intensive Eco roofs typically have a soil depth of more than six inches. An Eco roof may be accessible only for maintenance or may be accessible to public. At-grade or partially at grade green spaces over subsurface structures such as tunnels, parking structures, and basements may be considered as an Eco roof for bonuses if constructed and performing in the same manner as an Intensive Eco roof, and approved by the City Plan Commission taking into consideration advice of the City Plan Department and the Department of Engineering, or by the City Plan Department, taking into consideration the advice of the Department of Engineering, where only administrative site plan review is required. Eco roofs must be installed by an accredited Green Roof Professional (GRP).

Amendments to Section 42, Table 3, Subsection Q.

INTERPRETATION OF USE TABLE

R:	Permitted as of right
SE:	Permitted only by special exception under § 63 (d) of this ordinance
SP:	Permitted only by special permit under § 64 (e) of this ordinance
X:	Not permitted

[illegible]

Amendments to Sections 43(b)

Section 43. – Bulk, yard and density regulations for business and industrial districts. [To be integrated into the existing Section 43.][Changes are underlined and deletions are crossed out]

(a) *Definitions.*

FLOOR AREA RATIO (FAR): The ratio of the **gross floor area** to the **principal building** or **principal buildings** on a **lot** to the total **lot area**. In calculating FAR, the **gross floor area** of a parking structure shall not be included.

(b) *Maximum FAR.*

(1) The maximum **FAR** permitted in the district(s) specified shall not exceed the following:

FAR	Zoning District
2.0	BA, BA-1, BB, BC and IM
3.0	IL, <u>CGD***</u>
4.0	IH
6.0	BD, BD-1**, BD-2*, BD-3**** and BE
	<p>*Where a lot in a BD-2 District abuts a residence district along a rear or side lot line, the maximum permitted FAR is 2.5.</p> <p>** Where a lot in a BD-1 District abuts an RS-1, RS-2, RM-1 or RM-2 Residence District, the maximum permitted FAR is 3.0.</p> <p>*** In the CGD, the maximum permitted FAR can be increased to 4.5 by utilizing strategies to improve site sustainability. See section 43(b)(2).</p> <p>**** <u>In the BD-3, the maximum permitted FAR for sites where the primary use is commercial (non-residential) can be increased to 8 by utilizing strategies to improve site sustainability and/or by providing public plazas subject to the requirements of section 43.1)</u></p>

(2) *FAR Bonuses in CGD and BD-3*

(i) *Purpose.* Because these corridors have great development potential and the capacity for larger buildings and commercial enterprises, they are eligible for FAR bonuses. However, because larger buildings have a greater environmental impact and because the City of New Haven prioritizes sustainability and resiliency measures, the FAR bonus is available to those projects that mitigate these impacts with sustainability measures in the table below.

(ii) In the CGD, the maximum permitted FAR can be increased up to 4.5 through incorporation of strategies to improve site sustainability. Developments in the CGD District may implement any strategies in the chart below in Sections 1-4 and 6. The following sustainability strategies can be converted into points, with each point worth a 0.1 increase in FAR. A memo detailing what strategies are employed shall be included in the site plan submission.

(iii) In the BD-3, the maximum permitted FAR can be increased up to 8.0 for all sites where the primary use is commercial (non-residential). The following sustainability strategies (except 6a.) and provision of public plazas can be converted into points, with each point worth a 0.2 increase in FAR. A memo detailing what strategies are employed shall be included in the site plan submission.

<u>Sustainability Strategies</u>		<u>Points</u>
1. Leadership in Energy and Environmental Design (LEED) Scorecard <u>or other equivalent, nationally recognized rating system.</u> Other nationally recognized rating systems may be accepted at the discretion of the Director of City Plan.		
1.a	Scorecard indicating LEED Certification rating <u>or equivalency to a LEED Certification rating</u> signed by a LEED accredited professional.	1
1.b	Scorecard indicating LEED Silver rating <u>or equivalency to a LEED Silver rating</u> signed by a LEED accredited professional.	2
1.c	Scorecard indicating LEED Gold rating <u>or equivalency to a LEED Gold rating</u> signed by a LEED accredited professional.	3
1.d	Scorecard indicating LEED Platinum rating <u>or equivalency to a LEED Platinum rating</u> signed by a LEED accredited professional.	4
2. On-Site Energy Generation		
2.a	At least 25% of energy use is generated from on-site renewable sources.	1
2.b	At least 50% of energy use is generated from on-site renewable sources.	2
2.c	75% or more of energy use is generated from on-site renewable sources.	3
2.d	The site has net zero energy impact.	4
3. Rainwater		
All vegetation used in strategies 3a-3c must use at least 50% Native Plants.		
The Zoning Administrator can update payment-in-lieu options as needed to remain consistent with Green Infrastructure construction costs.		
3.a	<i>Retention</i>	
3.a-1	Retaining 10%-30% of anticipated runoff generated by the 10-year 24-hour storm, as defined by NOAA.	1
3.a-2	Retaining 30%-60% of anticipated runoff generated by 10-year 24-hour storm, as defined by NOAA.	2
3.a-3	Retaining more than 60% of anticipated runoff generated by the 10-year 24-hour storm, as defined by NOAA.	3
3.b	<i>Green Stormwater Infrastructure</i>	

3.b-1	Green stormwater infrastructure is used to capture 30% - 60% of runoff retained in Section 3.a	1
3.b-2	Green stormwater infrastructure is used to capture over 60% of runoff retained in Section 3.a	2
3.c	<i>Ecoroofs <u>as defined in Section 1.</u></i>	
3.c-1	30-60% of roof area is an ecoroof.	1
3.c-2	60% or greater of roof area is an ecoroof.	2
3.d	<i>Payment-in-lieu</i>	
3.d-1	For sites where the retention or infiltration strategies enumerated in Sections 3.a – 3.c above are not feasible, a one-time payment <u>may be made</u> in-lieu of <u>satisfying such strategies at a rate of</u> \$6 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	1
3.d-2	For sites where the retention or infiltration strategies enumerated in Sections 3.a – 3.c above are not feasible, a one-time payment <u>may be made</u> in-lieu of <u>satisfying such strategies at a rate of</u> \$9 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	2
3.d-3	For sites where the retention or infiltration strategies enumerated in Sections 3.a – 3.c above are not feasible, a one-time payment <u>may be made</u> in-lieu of <u>satisfying such strategies at a rate of</u> \$12 per cubic foot of runoff generated by the proposed structure and site during a 1-year, 6-hour storm as defined by NOAA.	3
4. Building Reuse		
The following strategies are mutually exclusive. To be met to the satisfaction of the Director of City Plan.		
4.a	Exterior design of new development is compatible with adjacent neighborhood fabric, built more than 50 years ago, including the use of similar window and door sizes, cladding materials, bays, and other primary structure elements, as approved by the Director of City Plan As part of the applicant's site plan application, the applicant shall provide a report or demonstrated by a design preservation professional <u>demonstrating compliance with this strategy.</u>	1
4.b	At least 75% of street facing B building facades, from structures built more than 50 years ago are restored and integrated into the new development, in accordance with the standards recommended by the Secretary of the Interior Standards for <u>the</u> Treatment of Historic Properties.	2
4.c	Existing building shell(s) constructed more than 50 years ago is restored and retained for a redevelopment , in accordance with the standards recommended by the Secretary of the Interior Standards for <u>the</u> Treatment of Historic Properties.	3
<u>5. Public Plazas designed in accordance with Section 43.1.</u>		
5a.	<u>Public plazas totaling between 3,000 to 5,499 gross square feet.</u>	<u>1</u>

5b.	<u>Public plazas totaling between 5500 to 7,499 gross square feet.</u>	<u>2</u>
5c.	<u>Public plazas totaling between 7500 to 9,999 gross square feet.</u>	<u>3</u>
5d.	<u>Public plazas totaling between 10,000 to 15,000 gross square feet.</u>	<u>4</u>
5e.	<u>Public plazas in excess of 15,000 gross square feet.</u>	<u>5</u>
6. Other		
6.a	<u>In CGD only,</u> outdoor space is dedicated to food production to the satisfaction of the Director of City Plan (e.g. community gardens in Privately Owned Public Space 43(l)(4)).	1
6.b	Construct primary structures out of Mass Timber or other engineered timber systems.	5
6.c	To continue to encourage sustainable innovation, other sustainability initiatives may be considered, and points assigned by Department staff and approved by the Commission.	TBD
6d c	<u>Public Plaza that meets SITES certification or equivalent can qualify for additional FAR points at .5 of the points assigned to the equivalent LEED certification rating set forth in subsections 1a-1d above.</u>	<u>Varies</u>

Amendment to Section 43(g)(4)

43(g) Yard Regulations. The following requirements shall apply in all business or industrial districts except for BD, BD-1, BD-3, and CGD Districts (see subsection 43(g)(4) and 43(g)(5)), the BA-1 District (see subsection 43(l)), the BA-2 District (see subsection 43(l)), and except where a business or industrial district abuts a residence district (see § 47). These requirements shall apply to both principal and accessory buildings.

- (1) *Front yards:* There shall be no front yard required in any business or industrial district.
- (2) *Side yards:* There shall be no **side yard** required in any business or industrial district, except that in any case where a **side yard** is actually provided such **side yard** shall be required to be not less than five feet for a **building** wall having an **average height** of 20 feet or less, and not less than one foot for each four feet of **average height** for a **building** wall having an **average height** of more than 20 feet.
- (3) *Rear yards:* There shall be a **rear yard** in all business and industrial districts of not less than ten feet for a **building** wall having an **average height** of 30 feet or less and not less than one foot for each three feet of **average height** for a **building** wall having an **average height** of more than 30 feet.
- (4) There shall be no minimum yard requirements in the BD, BD-1 or the BD-3 Districts except that in the BD-3 District there shall be a minimum of 15 feet of unobstructed land from the ground up on which no structures shall be located between the outer face of a building foundation wall at grade of a principal building that fronts on a street and the curb of such street in order to provide for sidewalks, streetlights and

landscaped areas between the sidewalk and the curb, provided, however, that overhead pedestrian walkways and the footings, foundations, piers, and/or supports for such walkways may be located in the above described 15 foot area. Additionally, in the BD-3 District, when a mixed use or a residential principal building which is four stories or less, contains one or more windows that face a nonresidential building on the same lot, there shall be a minimum of ten feet of unobstructed land from the ground up between the nonresidential building and the residential principal building or mixed use building. If such residential principal building or such mixed use building faces a nonresidential building on an adjacent lot or faces an adjacent vacant lot, then there shall be a minimum ten-foot side or rear yard (as the case may be) on the lot on which such residential principal building or mixed use building is located facing the adjacent lot.

Creation of Section 43.1 Under the Zoning Ordinance:

Section 43. 1 Design Standards for Public Plazas in the BD-3 Zone (04-20-2020)

43.1-01 - Purpose

Public plazas are privately operated open areas on a Lot intended for public use and enjoyment. Public plazas are intended to serve the following specific purposes:

- a. to serve a variety of users of the public plaza;
- b. to provide spaces for solitary users while at the same time providing opportunities for social interaction;
- c. to provide safe spaces, with maximum visibility from the Street and adjacent Buildings and with multiple avenues for ingress and egress;
- d. to mitigate the impact of Urban Heat Island by incorporating planting;
- e. to maintain the use of the public plaza as publicly accessible space throughout the life of the Building for which a bonus FAR is provided due to the inclusion of a public plaza on the Lot on which the Building is located; and
- f. to ensure that the provision of a FAR bonus for a Building due to the inclusion of a public plaza on the Lot on which the Building is located is based upon consistently applied standards.

43.1-02 - Definitions

Corner public plaza: A "corner public plaza" is a public plaza that is located on an intersection of two or more Streets.

Through block public plaza A "through block public plaza" is a public plaza or portion of a public plaza that connects two Streets at mid-block.

43.1-03 - Area dimensions

A public plaza shall contain an area of not less than 3,000 square feet. In no case, shall spaces between existing Buildings on a Lot qualify as public plazas for purposes calculating a zoning bonus. Only the areas of a public plaza that meets the Standards shall count towards qualifying area for purposes of calculating a zoning bonus.

43.1-04 - Orientation

The orientation of the public plaza shall maximize access to sunlight and air. A primary frontage of the public plaza shall be south facing where possible and adequate shade shall be provided for user comfort. Prevailing wind patterns and down drafts shall be considered with adequate protections for user comfort.

43.1-05 - Requirements for major portions of public plazas

All contiguous public plaza areas meeting these standards for public plazas on one Lot shall be considered one public plaza, as follows:

- a. The major portion of a public plaza is the largest area of the public plaza and the area of primary use.
- b. Major portions shall be generally regular in shape, easily and directly accessible from adjoining Buildings and public spaces, and continuously visible from within all portions of the public plaza.
- c. The major portion of a public plaza shall have a minimum average width and depth of 40 feet.
- d. Where a public plaza has an irregular shape, minor portions of the public plaza shall be directly adjacent to the major portion and have a minimum depth of 15 feet.

43.1-06 - Regulations for through block public plazas

Through block plazas shall meet the following standards:

- a. Through block public plazas shall be treated as two public plazas separated at a line drawn within 25 feet of the midblock line.
- b. Where any Building wall or walls adjoin a through block public plaza or a through block portion of a public plaza and where such wall or walls exceed 120 feet in aggregate length, a minimum 10 foot setback at a height between 60 and 90 feet is required for the full length of the Building wall.

- c. Through block public plazas shall contain a circulation path at least 10 feet in width, connecting the two Streets on which the public plaza fronts.

43.1-07 – Paving

The paving of the public plaza shall be of non-skid durable materials that are decorative and compatible in color and pattern with other design features of the public plaza. To reduce urban heat island:

- a. Paving materials shall be of high-reflective material and/or pervious pavers or vegetated pavers.
- b. Urban landscape, trees and vegetation shall be used to reduce direct sunlight on pavement surfaces.

43.1-08 - Access and Circulation

- a) At least 30 percent of public plaza Street frontage shall be free of obstructions
- b) The level of a public plaza, inclusive of major and minor portions, shall be at the average elevation of the level of the curb of adjacent Street frontage
- c) Clear sightlines shall be maintained into main areas of the public plaza from adjacent sidewalks.
- d) Notwithstanding the foregoing, If the grade of the public plaza is different from the grade of an adjacent Street, there must be a visible means of access from the adjacent Street onto the public plaza as well as signage, artwork, planted walls or other visual cues that connect the adjacent Street to the public plaza.
- e) Where the elevation of the public plaza is more than four feet above or below the curb level of an adjoining Street, access to the public plaza shall be provided by ADA compliant stairs, via a through block connection (a connection between two Streets) or via a publicly accessible arcade or enclosed passage that is open to public and ADA accessible.
- f) Circulation paths within public plazas shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the public plaza at a minimum width of five (5) feet. At least one circulation path should be at an average eight (8) in width.

43.1-09 - Permitted obstructions

Public plazas shall be open to the sky and unobstructed except for the following features:

- a) Equipment and appurtenances normally found in public parks and playgrounds: water features, art; seating; trees, planters, planting beds, arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights, public restrooms; permitted temporary exhibitions; permitted canopies ; permitted freestanding signs; play equipment; kiosks and open-air cafes; stages.
- b) No obstructions shall impede sightlines in the public plaza so as to create a public safety issue.
- c) Permitted obstructions may occupy a maximum percentage of the area of a public plaza, as follows:
For public plazas less than 10,000 square feet in area: 40 percent
For public plazas 10,000 square feet or more in area: 50 percent
- d) The area of permitted obstructions shall be measured by outside dimensions at ground level. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions are exempt.
- e) Trees planted flush-to-grade in accordance with the provisions of Section 43.1-13b (Planting and Trees) and tree canopies as well as raised planted areas that are bounded by seating do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.
- f) The following are prohibited in public plazas: garage entrances, driveways, parking spaces, passenger drop offs, loading berths, exhaust vents, mechanical equipment and building trash storage facilities. Vents may be permitted in adjacent walls if they are more than 15' above the level of plaza with visual and auditory mitigation. Vents in public plazas must be concealed from view by planting or other features.

43.1-10 - Hours of access

All public plazas shall always be accessible to the public, except for anticipated temporarily closures for maintenance of the public plaza or for public safety as documented by the applicant.

43.1-11 - Standards of accessibility for persons with disabilities

All public plazas shall conform to applicable laws pertaining to access for persons with disabilities regardless of whether the Building associated with the public plaza is existing or new.

43.1-12 – Kiosks, Food Carts and Open-Air Cafes

Kiosks, food carts and open-air cafes may be placed within a public plaza which are licensed in accordance with City regulations. Such features shall be treated as permitted obstructions.

43.1-13 - Amenities

All public plazas shall provide amenities, as listed below. All required amenities shall be considered permitted obstructions within the public plaza.

43.1-13a - Seating

Standards for seating within public plazas are intended to facilitate the provision of abundant, comfortable and accessible seating throughout the public plaza, to provide a broad variety of seating types and configurations; to accommodate individual users engaged in solitary activities as well as groups engaged in social activities; to provide comfortable and safe seating surfaces; to incorporate, to the maximum extent possible, a combination of fixed benches, moveable chairs, seating with backs, seat walls and ledges, and seating steps; as follows: A minimum of one (1) linear foot of seating shall be provided for each seventy-five (75) square feet of public plaza area. Moveable seats can be credited as (2) linear feet.

43.1-13b – Planting and Trees

The provisions of this Section are intended to facilitate a combination of landscaping elements in order to provide comfort, shade and textural variety.

- a) At least 15 percent of the area of a public plaza shall be comprised of planting beds with a minimum plan dimension of two feet, exclusive of any bounding walls.
- b) All public plazas shall provide a minimum of four trees with a minimum of 3-inch diameter at breast height (DBH).
- c) For a public plaza greater than 10,000 square feet in area, additional trees that measures at least 3 inches DBH or multi-stemmed equivalents must be provided for each additional 1,200 square feet of public plaza area.
- d) For all public plazas, at least 50 percent of required trees shall be planted flush-to-grade or planted at grade within planting beds with no raised curbs or railings. Trees planted flush-to-grade shall be surrounded by a porous surface (such as grating or open-joint paving) that allows water to penetrate into the soil for 75 square feet around trunk.
- e) Planting beds shall have a soil depth of at least 18 inches for grass or other ground cover, three feet for trees and shrubs. Any planting bed containing required trees shall have a continuous area of at least 75 square feet for each tree exclusive of bounding walls. Each tree should have access to 1000 cubic feet (cf) of soil. If trees are planted in a continuous planting bed, a minimum of 600 cf of soil per tree should be allocated.
- f) All plantings shall be appropriate to local climate and conditions with a 90% survival rate expectancy in first 2 years. Native species shall be prioritized in plant selections.
- g) Planted areas on the roof of a subsurface structure may qualify as ECO roofs (see ECO roof definition). The requirements for soil depth and heights of planting beds above

subsurface structures shall not apply if planting depths are not achievable due to structural or similar constraints and an alternative design such as intensive eco-roof application is provided.

- h) Street trees are required to be planted at minimum 30' on center in the sidewalk area adjacent to a Lot on which a Building is located which has received a FAR bonus due to the presence of a public plaza on the Lot. Street trees are required to be approved by the City Tree Warden through the Site Plan Review process.

43.1-14 - Lighting and electrical power

Public plazas shall be illuminated to provide for safe use and enjoyment of all areas of the public plaza. Steps and other changes in elevation and areas under tree canopies and permitted canopies within the public plaza shall be adequately lit. Electrical service shall be provided for public programming. All lighting sources that illuminate the public plaza and are mounted on or located within the Buildings adjacent to the public plaza on the Lot on which the public plaza is located shall be shielded from direct view. In addition, all lighting within the public plaza area shall be shielded to minimize any adverse effect on surrounding residences. All lighting must be Dark Sky Friendly to reduce light pollution.

43.1-15 - Litter and recycling receptacles

Litter and recycling receptacle shall be provided in adequate numbers in accordance with use and programming of the public plaza.

43.1-16 - Bicycle parking

In addition to the requirements for bicycle parking in Section 45 for the Building on the Lot on which the public plaza is located, public plazas greater than 10,000 square feet in size must provide parking for at least eight (8) bicycles. Bike racks must be provided directly adjacent to the sidewalk that borders a public plaza and conform with any applicable City standards.

43.1-17- Additional amenities

Public plazas between 5,000 and 10,000 square feet in area must provide one of the following additional amenities and public plazas greater than 10,000 square feet in area must provide at least three of the following additional amenities. All additional amenities shall be considered permitted obstructions within the public plaza.

- (a) Artwork. The applicant shall consult with City's Director of Arts, Culture and Tourism with respect to the selection of artwork prior to submitting its Site Plan application.
- (b) Moveable tables and chairs
- (c) Water features.
- (d) Children's play area in accordance with relevant safety standards.
- (e) Game tables and associated seating; or
- (f) Food service, including: food service in a retail space directly accessible from the major portion of the public plaza; or an open-air cafe or kiosk. Public plazas greater than 10,000 square feet in area must include a food service as one of the three additional required amenities.
- (g)

43.1-18 Mandatory Allocation of Frontages for Permitted Uses

At least 50 percent of the total frontage of all new Building walls fronting on a public plaza shall contain active uses on the ground floor level of the Building wall fronting the public plaza. All such uses shall include and comply with the following:

- (a) A public entrance that is directly accessible from the major portion of the public plaza;
- (b) A minimum depth of 15 feet, measured perpendicular to the wall adjoining the public plaza;
- (c) Continuation of the occupancy of such frontage for the life of the Building that has received a FAR bonus due to the presence of the public plaza on the Lot on which the Building is located (but not necessarily the same active use); and
- (d) For all new Building walls fronting on the major and minor portions of the public plaza, such Building walls shall be treated with clear, un-tinted transparent material for 50 percent of the Building wall fronting on the public plaza to a minimum height of 14 feet above the public plaza. Any non-transparent area of a new or existing Building wall fronting on the major or minor portion of a public plaza shall be treated with a decorative element or material or shall be screened with planting to a minimum height of 14 feet above the public plaza.

43.1-19 – Maintenance

The public plaza, including, but not limited to, the permitted obstructions pursuant to Section 43.1-09, shall be maintained including litter control, management of pigeons and rodents, maintenance of required lighting levels, and the care and replacement of furnishings and vegetation and trees within the Lot as well as snow and ice removal, as needed.

43.1-20 – Programming

Opportunities and permissions for pop-up seasonal events, temporary art installations, performances, educational events on the public plaza shall be provided in consultation with the City, the City's Art, Culture and Tourism Director and any applicable Special Services District.

Access to power for public programming on the public plaza will be provided.. A schedule of events shall be publicly available.

43.1-21- Compliance

As part of its Site Plan application, an applicant seeking a FAR bonus based upon the provision of a public plaza shall include a site plan indicating the area and dimensions of the proposed public plaza, the location of all existing Buildings and Structures occupying the Lot; all proposed Buildings and Structures, computations of proposed FAR, including bonus FAR, and detailed plans prepared by a registered landscape architect, including but not limited to a furnishing plan, a planting plan, a signage plan, a lighting/photometric plan, and sections and elevations of the public plaza.

**CITY OF NEW HAVEN
BOARD OF ALDERS**

In re: Petition of the City Plan Department	:
City of New Haven for Zoning Ordinance Text	:
Amendments for the Business D-3 –Central Business:	:
District/Mixed-Use Districts -Green Ordinances	:
And Standards for Public Plazas in Commercial	:
Developments :	:
	:

**PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE TEXT FOR
THE BD-3 DISTRICT: CENTRAL BUSINESS/MIXED-USE DISTRICTS – GREEN
ORDINANCES AND STANDARDS FOR PUBLIC PLAZAS IN COMMERCIAL
DEVELOPMENTS**

Pursuant to 1925 Special Act No. 490, Sec. 5, Article VII and Article XIII Sections 2.A through 2.E. of the Charter of the City of New Haven (the “Charter”), and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), Petitioner, the City Plan Department of the City of New Haven ("Petitioner"), hereby petitions the Board of Alders of the City of New Haven to amend the Zoning Ordinance Text for the Business D-3 - Mixed-Use/Central Business District as set forth in the attached Schedule A to provide for Green Ordinances and Standards for Public Plazas in Commercial (non residential) Buildings.

In support of this Petition, Petitioner represents as follows:

1. The City of New Haven (the “City”) has experienced a significant growth in the number of biosciences and medical research companies located in the City, which number in the New Haven area totaled between 40-50 in 2019.
2. Because of the growth of the life sciences sector in New Haven and the lack of existing laboratory space in the City, there is a critical need for new laboratory space for existing biotechnology companies in New Haven which desire to expand and for start-up biosciences

ventures or established companies located in other municipalities which wish to relocate to New Haven.

3. The growth of research laboratories in the City provides new jobs and tax revenues for the City.

4. Research laboratories, unlike standard office buildings, require large unobstructed floor areas around the core (elevators, bathrooms, corridors, etc.) of the building in order for researchers to conduct their work as well as significant room between floors to house the specialized mechanical, air circulation and exhaust systems necessary for laboratory buildings. Accordingly, laboratory buildings can need to be larger than the floor area ratio (“FAR”) of 6 which the BD-3 District would permit.

5. Larger buildings, however, also can have greater environmental impacts than smaller buildings.

6. The proposed text amendments allow commercial buildings in the BD-3 District to have FARs up to 8 by means of a bonus point system under which FAR bonus points are added to the allowable FAR for the adoption of strategies to improve site sustainability and/or for the provision of privately owned and maintained public spaces (Public Plazas) which meet specified design standards.

7. As required by Article VII Section 3L and Article XIII Section 2 of the Charter, the proposed Zoning Ordinance text amendments are in accord with the Comprehensive Plan of Development and the Comprehensive Plan of the City of New Haven, as such amendments will encourage the development of needed laboratory space in the City while at the same time promoting sustainable development and places of public gathering and recreation and communication among workers in the City. As also required by Article VII Section 3L and

Article XIII Section 2 of the Charter, these amendments are designed to secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, provide adequate provisions for other requirements, reflect the character of the BD-3 zone and its peculiar suitability for the uses to be allowed in this district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

8. As required by the Charter, the proposed Amendments are uniform for each class of buildings or structures within the BD-3 District.

WHEREFORE, Petitioner requests that the Board of Alders approve the text Amendment to the Zoning Ordinance for the BD-3 District set forth in Schedule A and adopt the proposed ordinance submitted with this Petition.

Respectfully submitted
City Plan Department of the City of New Haven



Dated: 4/20/2020

Aicha S. Woods
Executive Director



NEW HAVEN CITY PLAN DEPARTMENT

165 CHURCH STREET, 5th FL., NEW HAVEN, CT 06510

TEL (203) 946-6378

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April 20, 2020

Honorable Tyisha Walker-Myers, President
Michael B Smart, City Clerk
Board of Alders of the City of New Haven
165 Church Street
New Haven, CT 06510

**RE: PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE TEXT FOR
THE BD-3 DISTRICT: CENTRAL BUSINESS/MIXED-USE DISTRICTS – GREEN
ORDINANCES AND STANDARDS FOR PUBLIC PLAZAS IN COMMERCIAL
DEVELOPMENTS**

Dear President Walker-Myers and Mr. Michael Smart;

The City Plan Department of the City of New Haven is pleased to present you and the honorable members of the Board of Alders with this Petition/Application to create a text amendment to the BD3 zoning district. If approved, the text amendment will encourage sustainable building standards and the creation of urban public space in accordance with consistent design standards. These measures will be incentivised by a potential increases in allowable Floor-Area-Ratio (FAR) from 6 to 8 in the BD3 zone.

The BD3 zone, created specifically to encourage the development of the City's commercial Life Science and Biotech sector, will benefit from these new zoning incentives. Commercial Lab buildings in particular have larger floor plates than other types of buildings and will benefit from the potential of increased size based on higher allowable FAR potential.

This Zoning text amendment will provide two main pathways for achieving an FAR bonus in the BD3 Zone. The first is through incentives to use Green Building practices and to mitigate storm water impacts. The incentives offered build on existing zoning language but amplify the impact, as is appropriate for a larger scale of development. The second pathway is through the provision of Privately Owned Open Space (POPS)-Urban Plazas that have clear design guidelines. The proposed language for the POPs guidelines is built off of models that have been time tested and replicated in cities around the country,

This update builds on previous zoning text amendment to BD3 and scales up the innovations of the recently adopted Gateway Commercial District zoning. This text amendment will encourage well maintained and welcoming public space amenities that will serve the residents of the city as well as the new building occupants. It will encourage the preservation of open public space as the BD-3 continues to develop as the City's high density urban/commercial core. Finally as this zone becomes more walkable and bikeable with the implementation of Phase II and Phase III of Downtown Crossing project the new Urban Plazas will be accessible and well used by many.

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Through the implementation of the Downtown Crossing, the development of 101 College and the development potential of other sites in the BD-3 zone, the former Rte 34 Corridor is under going a transformation that will provide new jobs, commercial vitality and realize the promise of new transit oriented development and a reconnected City first envisioned in the the Hill to Downtown Plan.

Taking pause to consider the potential economic impacts of the current COVID-19 health crisis, this proposed zoning change will reduce barriers to thoughtfully considered and impactful growth in one of New Haven's key economic sectors and districts.

It is with great pleasure that I offer this zoning update for consideration, and our department looks forward to presenting this Application to you and the Board of Alders.

Very truly yours,

Aicha Woods, Executive Director

CC: Albert Lucas, Director of Legislative Services

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CHECK LIST FOR ALDERMANIC SUBMISSIONS

<input checked="" type="checkbox"/>	Cover Letter
<input checked="" type="checkbox"/>	Resolutions/ Orders/ Ordinances
<input checked="" type="checkbox"/>	Prior Notification Form
<input checked="" type="checkbox"/>	Fiscal Impact Statement - Should include comprehensive budget
<input checked="" type="checkbox"/>	Supporting Documentation (if applicable)
<input checked="" type="checkbox"/>	Disk or E-mailed Cover letter & Order

IN ADDITION IF A GRANT:

<input type="checkbox"/>	Notice of Intent
<input type="checkbox"/>	Grant Summary
<input type="checkbox"/>	Executive Summary (not longer than 5 pages without an explanation)

Date Submitted: April 23, 2020

Meeting Submitted For: May 4, 2020

Regular or Suspension Agenda: Regular

Submitted By: City Plan Department

Title of Legislation:

**PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE TEXT FOR
THE BD-3 DISTRICT: CENTRAL BUSINESS/MIXED-USE DISTRICTS – GREEN
ORDINANCES AND STANDARDS FOR PUBLIC PLAZAS IN COMMERCIAL
DEVELOPMENTS**

Comments: _____

Coordinator's Signature: M. Piscitelli 

Controller's Signature (if grant): _____

Mayor's Office Signature: _____