

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE TEXT AND MAP AMENDMENT.** Petition for Zoning Ordinance Text Amendment establishing a village center mixed used zoning district (BA-2) and zoning map amendment to change the zoning designation of properties in Westville Village from General Business (BA) to Village Center Mixed Use (BA-2). (City Plan)

REPORT: 1542-06

ADVICE: Approval

BACKGROUND

Over the last several months, the Westville Village Renaissance Alliance, working in association with Yale Community & Economic Development Clinic and concerned citizens of Westville, and with assistance from New Haven City Plan Department staff, have worked to develop land use regulations intended to redefine and revitalize the Westville Village area. The proposed text and map amendments to the New Haven Zoning Ordinance that make up this proposal are primarily intended to not only preserve the existing village-type character of the area but also provide opportunities for future development that will ensure the future health and vitality of not only the proposed district but also that of the surrounding residential neighborhood.

The proposed map change for Westville Village involves a change from its existing General Business (BA) District designation to that of the village-specific designation of Village Center Mixed Use (BA-2) District. This proposal is based largely upon the idea that this area is not effectively regulated as a BA District given its unique historic pattern of village development. Furthermore, while closely modeled on the existing Neighborhood Center Mixed Use (BA-1) District currently in effect along much of Grand Avenue (and the city's first step in recognizing that certain General Business Districts are of such unique character that they require a different level of regulation), proposed text amendments reflect the fact that Westville Village significantly differs from Grand Avenue, mostly in terms of its physical form. The BA-1 District is very linear in character; Westville Village on the other hand, is a highly compact, pre-automotive village development.

EXISTING CONDITIONS

The existing Westville Village BA District extends southeast to northwest along Whalley Avenue from Jewell Street to approximately half the distance between Blake and Harrison Streets. It extends back an approximate average of 500ft to the northeast of Whalley Avenue from Jewell Street to northwest of Blake Street; on the south-eastern side of Whalley the BA District extends back from Whalley Avenue an average of less than 200ft between West Rock Avenue and Phillip Street. It encompasses approximately 63 properties on a total of 27.5 acres of which all but less than 2 acres fall within the Coastal Area Management District.

The existing area is characterized by a relatively diverse yet compatible mixed use street façade, most prominently on Whalley Avenue but also onto Blake Street. This type of diversity, given the actual history of the district, appears to lend itself to the degree of authenticity that is an essential element of character in any village that has a close connection to early industrial activities, particularly those related directly to the river. The Whalley Avenue and Blake Street building lines are consistently situated at or in immediate adjacency to the street line with the exception of four automotive use related businesses located at the southeast end of the district. There are considerable variations in respect to mass and construction material in the district (largely due to the presence of a number of structures previously devoted to industrial use; building height however is consistently measured between one and three stories.

In terms of current uses in the district, it is clear that it is mixed in a manner more typically associated with a village form of development as opposed to a more linear type of neighborhood mixed use area. There is a significant residential presence in the center of the district on Tour Avenue and West Rock Avenue. There are any number of small to medium sized retail, office, service, and restaurant establishments located on the ground floor of existing structures. There is a significant arts-based presence in the district. Upper floor occupancy appears to be primarily but not completely devoted to residential use.

The village contains a multitude and variety of freestanding commercial uses of all types, both neighborhood related and otherwise. There are also a number of structures devoted strictly to residential use, of both single and multi-family nature, located primarily in the virtual heart of the village. For all the life and vitality that these uses bring to the village however, none truly define the character of the area as does the small to medium size two to three story mixed use structure. Typically incorporating first floor commercial uses with residences above they represent a building and use form that is not only historically resonant but which has gained contemporary credibility as an efficient and sustainable form of neighborhood development. The levels of density and the diversity of commercial (both neighborhood and regionally oriented) and residential uses characteristic of this type of land use arrangement are clearly the basis for what is currently working best in Westville Village. The map and text amendments, for the most part, propose to make contemporary use of these traditional land use concepts that have served the area well for over a century.

PLANNING CONSIDERATIONS

MAP

The proposed boundaries of the BA-2 district are identical to the existing Westville Village BA District limits. The district is composed of approximately 63 properties on over 27 acres located along Whalley Avenue for a distance of about 2000ft from Fitch Street to north of Blake Street. Although consideration was given to extending the district north along both Blake Street and Fitch Street it was determined that the focus of the initial proposal should be on maximizing activity within the existing village area before allowing for any expansion of the district.

TEXT

As mentioned earlier in this report, the new text language distinguishes between not only the existing General Business (BA) District and a Village District (BA-2) but also between Neighborhood Center (BA-1) and Village District in terms of both use and form. In respect to use, over 60 of the proposed permitted uses for this new district are currently permitted in the same form in both BA and BA-1 districts. A number of uses permitted by right in a General Business district will, again as in the BA-1 District, continue to be permitted in the Village District but are subject to a higher standard of review. These Special Permit/Exception uses include commercial schools, package stores, hospitals, smaller commercial parking lots as well as any use of over 5,000 square feet in area. On the other hand, there are close to two dozen uses that, as in the BA-1 District, will no longer be permitted in Westville Village. These include rooming and boarding houses, motor vehicle related uses, gun repair, drive through eating establishments, outdoor recreation establishments, large parking lots, poster signs and commercial kennels. In addition, there are two uses, barber shops and dance schools, currently permitted by right in the BA District but which require a Special Exception in the BA-1 District. They will remain as permitted by right uses in the BA-2 District.

The proposed BA-2 District will also involve the introduction or prohibition of certain uses currently either permitted or prohibited in both BA and BA-1 Districts, along with a new regulatory approach to residential use. Examples of newly permitted uses would include small research testing laboratories and other high technology uses, commercial bakeries, live work loft units in new structures and cat cafes. Prohibited uses include vending machine operators, check cashing establishments, pawn shops, funeral homes, poultry markets and convenience stores. Regulation of residential uses will be somewhat unique to the new district in that first floor residential development along Whalley Avenue will require a Special Permit; in all other portions of the district first floor residential use will be permitted by right.

The physical form of the district is regulated in a number of ways similar to the BA-1 District. Physical development is restricted by height (50ft maximum as opposed to 45ft in the BA-1) rather than floor to area ratio as in other nonresidential areas of the city. There is also a minimum building height of 25ft. This minimum/maximum approach is reinforced in language that seeks to maintain the traditional form of the area by requiring new buildings to be at least two but no more than four stories in height. Additionally, the Village District incorporates BA-1 language minimizing bulk and area requirements as well as doorway/entrance

requirements, first floor window and security gate standards and provisions related to landscaping, fencing and screening.

Finally, there are on-site site parking requirements. Once again largely reflective of existing BA-1 language and working from the principal that creation of a district that increases the potential for multiple uses (work, shop, live, eat) by an individual reduces the overall need for off-street parking in the district, parking requirements, especially for small commercial uses, have been reduced significantly. Also, a maximum parking allowance would reduce the potential for empty parking lots and a provision for shared parking in mixed use buildings should facilitate efficient use of parking resources. Of particular note are two items not reflective of current BA-1 standards. The onsite parking requirement has been reduced from one space per residential dwelling to ½ space per dwelling unit. Also, where the BA-1 regulations require that any parking used to meet on on-site requirement must be located no more than 300ft from the subject property, this proposal would allow for a maximum distance of 650ft.

As a whole, the proposed text and map amendments should contribute directly to meeting the needs of the Westville Village District as well as the greater Westville area.

PUBLIC HEARING

A public hearing was held on March 29, 2018. Transcripts of the hearing are available at the City Plan Department.

FINDINGS

In terms of the New Haven Vision 2025 and the impact of this proposal upon the city as a whole, there are a number of references to the type and form of use that is proposed. In the Proposed Land Use section of the Plan Summary portion of the plan neighborhood mixed-use is described as “desirable for pedestrians and functional for neighborhood services, storefront retail and office activity.” Also, in the Neighborhood Commercial District portion of the Economic Development chapter of the plan, smaller commercial districts are described as “an integral component to the quality of life in New Haven.” Of particular relevance to this application is the reference in that same section to the idea that “the success of neighborhood business district depends on the mix of uses, properly operated, in order to generate sufficient customer traffic.” The intent of this proposal is clearly in accordance with all three of these ideas. Of additional significance for the Commission is its increasing awareness that a set of core regulatory concepts be can be easily extended (with the appropriate level of differentiation that each would require) to other neighborhood commercial areas of the City and used to improve their functional relationships with not only their surrounding residential areas but also with each other.

A second level of analysis is concerned with the relationship of the subject properties to the surrounding residential neighborhood. By providing for increased levels of building density and reduced levels of parking, the proposed amendments will allow for more economic activity within the district. This should, in turn, provide the surrounding residential areas with access to both a wider variety of retail, restaurant and service uses as well as for more choices within each use category. Increased activity in the district may also lead to the development of public transportation opportunities that do not currently exist, or at least to the enhancement of those that currently do. Finally, increased economic activity in the district should lead to more employment opportunities in the district which would be within walking distance of the adjacent residential areas.

The most basic set of concerns regarding this proposed change has to do with the nature of the properties themselves. In this particular case, it can be stated that each of the properties in the proposed district are of sufficient size and shape so as to be utilized for many if not all BA-2 uses. What is most important to recognize, however is that the proposed regulations, with their emphasis upon both intensification and diversification of uses, are intended to codify the very processes that have kept this area economically viable for well over a century.

SECTION 64(d)(2)c OF THE NEW HAVEN ZONING ORDINANCE

Section 64(d)(2) requires that the City Plan Commission take into consideration in evaluating any amendment to the Zoning Ordinance Text and/or Zoning Map:

a. Errors in the existing ordinance, 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 effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;

As indicated, these proposed changes are clearly appropriate in view of changes that have taken place in Westville Village

b. Whether some other method or procedure under the zoning ordinance is more appropriate; and

As above, examination of recent land-use history in this area clearly indicates the appropriateness of the present course of action.

c. In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than two acres in the case of a residence district, less than one acre in the case of a Business District, or less than four acres in the case of an Industrial District.

The proposed Change will result in a 27 acre BA-2 District.

SECTIONS(S) 181 and 182 OF THE CHARTER OF THE CITY OF NEW HAVEN

The City Plan Commission finds that, based on submitted information the proposed map and text amendments comply with Sections 181 and 182 of the Charter of the City of New Haven in that they are (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements, and (iv) made with reasonable consideration as to the character of the proposed BA-2 District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City

ADVICE

The Commission finds that the proposed zoning map and text amendments are consistent with the Comprehensive Plan of Development and are appropriate given the character of both the surrounding neighborhood and the subject properties themselves; and a need to ensure the continued viability of the existing neighborhood business district. The Commission further finds the proposed amendments serve a substantial government interest, are in the public interest and promote the health, safety and general welfare of the community without unreasonable limits on land use and that the proposed map and text amendments are in full compliance with the standards and requirements of Section(s) 181 and 182 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved.

ADOPTED: March 28, 2018
Edward Mattison
Chair

ATTEST: MPL
Michael Piscitelli, AICP
Deputy Economic Development Administrator