

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE: ZONING ORDINANCE MAP AND TEXT AMENDMENT**, Amend Zoning Ordinance Map (**Grid #2**) and Text Amendment, **200 Brookside Avenue (portion), 60 Brookside Avenue and 49 Brookside Avenue (portion)**, Application and General Plans for Planned Development District (PDD), Designation of 3.3 acres of 200 Brookside Avenue, 60 Brookside Avenue and 18,150 square feet of land located in the northerly portion of 49 Brookside Avenue for the Ribicoff Cottages Development (Executive Director, Special Projects, Housing Authority of New Haven).

### DEPUTY

**REPORT:** 1489-07

**ACTION:** **Ribicoff Cottages Planned Development District, – Approval with Conditions**

### PROJECT SUMMARY

**ADDRESS:** 3.3 acres of 200 Brookside Avenue (MBP 364-1193-00200), 60 Brookside Avenue (MBP 364-1190-00300) and 18,500 SF of land in the northerly portion of 49 Brookside Avenue (portion of MBP 364-1190-00301)

**SITE:** 8.09 Acres.

**EXISTING ZONE:** RM-1

**PROPOSED USE:** 114 Residential Dwelling Unit Planned Development District (Rental and homeownership units, elderly housing, community facilities, reconfigured utility infrastructure, new streets, and dedicated open space.)

**CONSTRUCTION:** Wood frame, Masonry, and Composition Siding.

**PROJECT COST:** \$40.3 million

**FINANCING:** Mixed, including CHFA Low Income Housing Tax Credits, at 4% and/or 9%, Tax exempt bonds, HANH's Moving to Work Funds, and Federal Home Loan Bank.

**DEVELOPER:** The Glendower Group, Inc., Glendower Ribicoff LLC, Glendower Ribicoff Four, LLC (collectively "Glendower").

**ENGINEERING:** Diversified Technology Consultants

**ARCHITECT:** ICON Architects, Boston MA.

**TRAFFIC:** Tighe & Bond, Joseph Balskus

**CITY LEAD:** Livable City Initiative

**CONTACT:** Erik Johnson, Director LCI; Jimmy L. Miller, HANH

**PHONE:** 203-946-8436, 203-498-8800 x 1032 (HANH)

### SUBMISSION

Application and General Plans entitled "Ribicoff Cottages Development", New Haven, CT, plans from IKON Architects dated 2013-07-16 (A-100 thru A-121, A-202 thru A-213), C.002 (dated 2013-09-27), A-100C (dated 2013-12-31) Open Space Plan (dated December 30, 2013), including site layout, landscaping, architectural plans, and elevations along with reduced drawings of the site. Also, a Petition and Project Narrative with attached Land Description, Table of Zoning Deviations, Traffic Impact Statements

by Tighe and Bond Associates dated September 27, 2013 and December 9, 2013, maps of existing zoning for site and proposed zoning for the site, Sanitary Sewer Design Report issued September 24, 2013 and Stormwater Management Plan revised to September 13, 2013, both by Diversified Technology Consultants.

## **BACKGROUND**

The Housing Authority of New Haven along with Glendower, are proposing to completely demolish both portions of the 100 unit existing Ribicoff Cottages (Ribicoff and Ribicoff Extension) complex located at 200 & 60 Brookside Avenue. Existing tenants will be relocated and the complex will be rebuilt. The utility infrastructure will be relocated and rebuilt and new streets will be constructed. 114 new units will be constructed, of which 8 are slated for homeownership. The Commission saw the Cooperation Agreement between the City, Trinity and the Housing Authority at their November 20, 2013 meeting and recommended Approval to Board of Aldermen in CPC 1485-05. (The Cooperation Agreement will be amended to reflect the change in the Developer from Trinity to Glendower as well as any other pertinent changes).

The Ribicoff complex is the northernmost of the assisted housing complexes that were clustered in the West Rock area, and the last to be rebuilt. They were originally developed and constructed in 1951 and 1970 as elderly units, and over time have also accommodated disabled tenants. The Housing Authority of New Haven has been engaged in a systematic rebuild of the area known as the "West Rock Transformation". PDD 119, immediately to the south, contains the Brookside and Rockview developments of 433 new units. The Wilmont at 122 Wilmont Road mixed use building opened and contains elderly units as well as retail space. The two public schools in the area have been comprehensively rebuilt as part of The School Construction Program, and the Parks Department has improved Winslow-Celentano field. The Ribicoff Cottages are almost the last area of the neighborhood awaiting "transformation". (Westville Manor, constructed in the early 1980's is also slated for rebuilding.)

## **PUBLIC HEARING**

*[Text to be added after the hearing, Post Reporting will transcribe the hearing]*

## **PLANNING CONSIDERATIONS**

The proposed new Planned Development District will directly border the previously enacted Brookside and Rockview PDD (#119), and will complement it in style and unit composition and tenure. The West Rock Transformation Plan that the HANH has been engaged in for more than a decade has evolved to include the Wilmont project and Ribicoff Cottages, neither of which was originally included when discussion with residents began concerning HOPE VI applications in the late 1990's. HANH is working with a different development design team from that which rebuilt Rockview and Brookside. The Ribicoff development team includes the Glendower Group, Inc. which successfully developed Eastview Terrace and 122 Wilmont Road. Required information for consideration of this matter including Traffic Impact Statements (TIS) has been provided in the submission narrative, along with supporting documents. Commission consideration will focus on the proposal, the required findings for Section

65.A Planned Development District (PDD) standards of the New Haven Zoning Ordinance, and any concerns expressed at the public hearing.

**Zoning Deviations**

The site is currently zoned RM-1, a low middle density residential zone that permits development at approximately 12 units per acre, and requires significant setbacks from the street, as well as side yards. The petition includes a Zoning Analysis (attached to this report).

**Site and Neighborhood**

The 8.09 acre site is located in the northwest corner of the City. Residential areas of Hamden are located to its immediate north, and also west and east. The HANH complexes at Rockview, Westville Manor and West Rock Park to the west, the new Brookside, two renovated New Haven public schools, Katherine Brennan and Clarence Rogers and the mixed use Wilmont development to the south.

The site is situated to the east of Belden Brook. There is a wetland system associated with this watercourse. Both the brook and the wetlands are not part of the 8.09 acre site. This development does not come within the wetland buffer area. The portions of the site devoted to redevelopment are in the same general location as the existing Ribicoff Cottages, i.e., in the upland area to the east of Belden Brook.

**Demolition**

All previously existing structures on the site will be demolished.

**Traffic, Access and Parking**

*Traffic*

Two traffic impact studies have been submitted by the applicant. Although subject to detailed review by the Department of Transportation, Traffic and Parking, the first report indicates that projected traffic volumes will result in nearly all level of service ratings of "A" for all unsignalized intersections examined while contributing to some decreases in level of service at the Fitch Street/ Wintergreen Avenue signalized intersection. The second report considered the impact of the connection of the new streets in the Development to Woodin Street in Hamden, which the applicant stated at the public hearing it was not pursuing. The study concludes that the additional traffic generated by the Ribicoff Cottages Development will not significantly impact the study area roadway network in New Haven/Hamden. During peak hours there will be an approximate increase of one vehicle every five minutes which the study area intersections can handle.

*Access*

Site access is provided by means of a redesigned roadway system that provides a rational and effective internal pattern of access but also provides direct vehicular access between the site and the Brookside neighborhood. All proposed roadways will be built to City standards and incorporated into the City street system upon completion, acceptance and formal inspection by the City Engineer. The proposed road way will incorporate traffic calming design features such as reduced width, speed bumps and round-about intersections as a way of reducing vehicular speed and eliminating traffic signals. Non-vehicular access is provided for by means of bicycle lanes and sidewalks. Internal vehicular access for rental units is provided through the new streets and private streets with parking spaces.

The plan no longer includes a connection to Woodin Street in Hamden, as one alternative, which was part of the original application. The applicant now plans to locate driveways from the homeownership units connecting to Jennings Way. Parking lots (each have approximately 10 spaces) will be constructed in the areas between Augustine Street, Jennings Way and Woodin Street. The Development can operate properly and in accordance with public safety and welfare under this plan.

However, the Commission strongly believes that the street connections to Woodin Street are an integral part of the overall West Rock Revitalization, so that although the streets are stubbed (Jennings Way and Augustine Street) at the northerly terminus, the Commission advises the Board of Alderman and the applicant to continue pursuit of the necessary permits to construct the street connections as soon as possible, in order to end the isolation of the residents in the Ribicoff Cottages. Because of the time constraints with respect to the financing of the development, the Commission approves the plan without the connections in light of the applicant's commitment to continue to pursue the connections. Although the stubs may be used temporarily for parking and other ancillary permitted uses, such parking spaces will not count towards the applicant's required off street parking requirements under the PDD. Based upon all of the foregoing, the proposed ordinance should be amended accordingly.

#### *Parking*

On-site parking is proposed at levels in excess of City requirements for the homeownership units and for the rental elderly and family units at a level that recognizes the practical limitations of providing only one parking space per dwelling unit. A total of 74 spaces are provided for the rental units, some in off-street lots, and some on the private way. Although the General Plans show garages for the homeownership units (and the Table of Zoning Deviations also states that one parking space for each unit shall be located in a garage), the Applicant has indicated that the homeownership units will not include garages and that each homeownership unit will have two parking spaces in the driveway.

#### **Utilities, Trash Disposal and Mail Service**

Details for these elements will be provided at the Detailed Plan and Site Plan submission. All utilities will be underground. Utility infrastructure will be upgraded and relocated as needed.

#### **Site Design, Building Massing, Height, and Unit Design**

The proposal seeks to re-establish a neighborhood with a combination of 114 units including multi-family rental units, elderly units and 8 homeownership units. All units are designed to have doors fronting on public or private streets. Also included in the project is a maintenance building and community amenities in the multi-story building along with elderly units. Residential building types, forms and "architectural vernaculars", or styles, vary. There are at least 5 types of family rental units, with 2 additional variants, a larger multistory building with elderly units, and two story single family homeownership units.

#### **Active Open Space and Amenities**

Common rooms, laundry and outdoor patio are provided adjacent to the elderly building. Areas for community gardens have also been set aside. Existing trees, whenever possible, will be maintained.

#### **Site Development, Sedimentation and Erosion Control**

Details for these elements will be provided at the Detailed Plan and Site Plan submission. The plans do not appear to require extensive alteration of the site topography. The stormwater drainage will tie into the existing storm water management basins to the south of the Development which were constructed during the Brookside Phase 1 development.

#### **Phasing**

The development is divided into 4 lots, largely because of the different financial arrangements for each lot. The rental units will be constructed in the first phase, while the homeownership units will be constructed in a subsequent phase. Although the application indicates that the homeownership units may be a condominium, it now appears likely that the homeownership units will be sold individually. Accordingly, at the time of the Detailed Plans submission, the Developer will be required to submit a subdivision plan.

### **FINDINGS AND ADVICE**

#### **Findings**

When evaluating changes to the zoning map and text of the Zoning Ordinance Section 64.(d)(2)a. of the New Haven Zoning Ordinance requires that the Commission consider "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."

In addition, Section 65.(a) regarding Planned Developments requires certain findings based on specific objective standards that provide evidence that the tracts of land that are the subject of a PDD application "are developed, redeveloped or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this ordinance".

The following represents application of each of the four standards of Section 65.(a) as well as the more general considerations of Section 64.(d)(2)a.) to the Ribicoff Cottages/West Rock proposal. The plan should be:

*(1) In accordance with the comprehensive plans of the city, including all plans for redevelopment and renewal;*

This proposal may be fairly characterized as essentially in harmony with portions of the current 2003 Comprehensive Plan of Development, most particularly those that deal with housing, neighborhoods and the natural environment.

In the recommendations section of the Housing and Neighborhood Planning Chapter (IV C) reference is made to the need to "Encourage the development of dramatically new neighborhood forms as part of revitalization programs at select locations, including West Rock..." Given current conditions on the site, this proposal, with its emphasis on a new street grid with all buildings fronting those streets, traditional building forms, types of

occupancy (rental, elderly and homeownership), and its attention to both inter and intra neighborhood connectivity and accessibility (for both pedestrian and vehicular), and a “greener” and more environmentally sustainable system of storm water and traffic management, can and should be considered a “dramatic” change in neighborhood form. By limiting the proposed area of development to the currently built on portion of the Housing Authority property currently located in RM-1 district and by minimizing impacts to adjacent wetlands and other significant topographic features, the proposal addresses concerns expressed in the Environment Chapter of the Comprehensive Plan. In that section, in reference to the Wintergreen, Belden and Farm Brooks it explicitly states that “Redevelopment of the West Rock public housing developments should take care to preserve and protect these valuable environmental assets...” In addition, the provision of areas for community gardening, common open space and private outdoor space in the form of front porches address Neighborhood Planning chapters of the Comprehensive Plan concerning open space and the plan directive to retain New Haven’s unique “Sense of Place”.

*(2) Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the city;*

As described in the “Planning Considerations” section of this report this proposal makes extensive use of concepts such as a variety of traditional building forms, active open space, designed density and diversity of occupancy in order to facilitate the development of a residential community that is integrated and self-sustaining in terms of its economic and social character. Furthermore, other site-related design features such as an improved roadway network (with dedicated bicycle lanes), and connection to the Brookside neighborhood should help to ensure the successful integration of the entire West Rock neighborhood into the surrounding New Haven neighborhoods and end the physical isolation of this community.

*So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the city;*

The unusual merit of this project is due to its consideration of both the locational and topographic character of the site, along with high quality physical improvements appropriate to the site and the neighborhood, designed in a manner that enables the New Haven Housing Authority to meet the needs of its clients in an efficient and effective manner.

The project design acknowledges the suburban nature of the site as well as that of neighborhoods to the east, west and north in a roadway system that generally maintains an informal grid system but is also sensitive its topographic limitations (and design opportunities). It uses the new roadway system to establish a meaningful connection to those neighborhoods for pedestrian and vehicles. It also respects the integrity of the abutting single family neighborhoods by locating the 8 homeownership units in their vicinity.

The design of the neighborhood itself is of unusual merit in that it provides the diversity of form, architectural style, and housing opportunity necessary for the creation of a stable neighborhood. In addition, amenities such as the community center and the community

gardens are intended to enhance the community experience, while pedestrian walkways and bicycle lanes, in providing a level of non-vehicular circulation, create efficiencies of time and physical resources and increased opportunities for social interaction and exercise.

*So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in section 15(a)(1)g. of this ordinance.*

This qualitative objective has been met. Actual calculated usable open space values include a minimum of 1,151 sq. ft. per family rental units, 3,124 sq. ft. per homeownership unit and 1,047 sq. ft. per elderly unit.

In addition this proposal is subject to the provisions of Connecticut General Statute 8-2m which states as follows:

**Sec. 8-2m. Floating and overlay zones and flexible zoning districts.** The zoning authority of any municipality that (1) was incorporated in 1784, (2) has a mayor and board of alderman form of government, and (3) exercises zoning power pursuant to a special act, may provide for floating and overlay zones and flexible zoning districts, including, but not limited to, planned development districts, planned development units, special design districts and planned area developments. The regulations shall establish standards for such zones and districts. Flexible zoning districts established under such regulations shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located and shall not establish in a residential zone a zone that is less restrictive with respect to uses than the underlying zone of the flexible zoning district. Such regulations shall not authorize the expansion of a pre-existing, nonconforming use. Notwithstanding the provisions of this section, no planned development district shall be approved which would permit a use or authorize the expansion of a pre-existing nonconforming use where the underlying zone is a residential zone.

The Commission has previously requested advice of counsel as to the appropriate interpretation of this statute, and the requirements it imposes on various actions which the City may take. (See Appendix C. Letter to K. Gilvarg from Robinson and Cole, July 16, 2008). Based upon the advice received, to comply with Conn. Gen. Stat. § 8-2m, there are three potential limitations placed upon the enactment of new planned development districts:

1. The flexible zoning districts established under such regulations shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located.

The Commission finds that the proposed planned development district is designed for the betterment of the City and the neighborhood in which it is located, substantially for the reasons stated in the Findings 1 through 3 above.

Specifically, the proposal is in essential harmony with relevant portions of the current 2003 Comprehensive Plan of Development, most particularly those that deal with housing, neighborhoods and the natural environment, and is driven by and designed in close response to elements of the comprehensive plan.

This proposal places emphasis on diversity of building form, types of occupancy (rental, elderly and homeownership), and pays special attention to both inter and intra neighborhood connectivity and accessibility (of both pedestrian and vehicular nature), and a “greener” and more environmentally sustainable system of storm water and traffic management. This represents a dramatic change in neighborhood form, which the Commission finds is for the betterment of the City and the neighborhood.

The provision of common open space, community gardens, and walkways throughout satisfy goals found in both the Environment and Neighborhood Planning Chapters of the comprehensive plan concerning open space. The varied traditional forms of the buildings address the plan directive to retain New Haven’s unique “Sense of Place. The Commission finds that this is for the betterment of the City and the neighborhood.

The proposal makes a variety of building design and forms, active open space, designed density and diversity of occupancy to facilitate the development of a residential community that is fully integrated and self-sustaining in terms of its economic and social character. Other site-related design features such as an improved roadway network (with dedicated bicycle lanes), and a direct connection to the Brookside neighborhoods should help to ensure the successful integration of the entire Ribicoff Cottages/West Rock neighborhood into the surrounding New Haven and Hamden neighborhoods and end the physical isolation of this community. The Commission finds that this is for the betterment of the City and the neighborhood.

The project design acknowledges the suburban nature of the site as well as that of neighborhoods to the east west and north in a roadway system that while maintaining a sort of informal grid system is also sensitive to its topographic limitations (and design opportunities). It uses a new roadway system to establish a meaningful connection to those neighborhoods as well as to provide an improved level of connectivity to Brookside. It also respects the integrity of the abutting single family neighborhoods by locating the 8 homeownership units in their general vicinity. The Commission finds that this is for the betterment of the City and the neighborhood.

The design of the neighborhood itself is of unusual merit in that it provides the diversity of form, architectural style, and housing opportunity necessary for the creation of a stable neighborhood. In addition, amenities such as the community center and the community gardens are intended to enhance the community experience, while pedestrian walkways and bicycle lanes, in providing a level of non-vehicular circulation, create not only efficiencies of time and physical resources but also increased opportunities for social interaction and exercise. The Commission finds that this is for the betterment of the City and the neighborhood.

Accordingly, based on the foregoing, the Commission finds that the requirements of this provision of Conn. Gen. Stat. § 8-2m are satisfied, and it is appropriate to approve the proposal.



2. The flexible zoning districts shall not establish in a residential zone a zone that is less restrictive with respect to uses than the underlying zone of the flexible zoning district.

Attached to this Report is a document detailing the differences between the characteristics of the existing RM-1 zoning district and the proposed Ribicoff PDD zoning district. (Appendix B) The uses allowed in both the existing and proposed districts are identical. Accordingly, the proposed zoning district is not less restrictive than the existing zoning district.

Further, the dimensional requirements of the existing and proposed districts do not create a district that is less restrictive than the underlying district. There are some criteria as to which the existing district may be viewed as imposing a stricter zoning regime than the proposed zoning district. For example, lot area per dwelling unit, building coverage and required yards are in some instances less restrictive in the proposed zoning district in that they allow smaller lots to serve buildings which cover a greater portion of the lot. However, the proposed zoning district requires a far greater proportion of the property be set aside for open space. In essence, the proposed zoning district trades a greater density of buildings in a smaller area for a greater amount of undeveloped and open spaces. The Commission finds that on balance, this allocation of development density is not less restrictive than the existing zoning district. The Commission reiterates that it does not believe that the term "underlying zone" as used in Conn. Gen. Stat. § 8-2m has any application to this proposal. As such, the Commission has compared the proposed district to the existing district in an attempt to meet the spirit of the statute rather than the inapplicable language of the statute.

3. No planned development district shall be approved which would permit a use or authorize the expansion of a pre-existing nonconforming use where the underlying zone is a residential zone.

Although the existing zoning district is a residential zone, the proposal is for new development to replace a development which will be demolished. Upon approval of the new zoning district proposed by this Application, the new development will be in full compliance with the zoning regulations. As such, there is not only no existing nonconforming use to consider, but there is also no expansion of any such use, nor any proposed non-conformities. This requirement is therefore not applicable to this application. The Commission again reiterates that it does not believe that the term "underlying zone" as used in Conn. Gen. Stat. § 8-2m has any application to this proposal. As such, the Commission has compared the proposed district to the existing district in an attempt to meet the spirit of the statute rather than the inapplicable language of the statute.

Review of the statutory language indicates that this plan as proposed is in full compliance. No uses are proposed that are not permitted in an RM-1 District, there are no existing nonconforming uses on the site to expand, and there would not be, upon approval of this proposal, an "underlying residential zone" on this property.

The Commission also notes for the record additional findings as described in the applicant's submitted narrative Petition and draft Order.

### **Recommendations**

Based on the preceding considerations the proposed Ribicoff Cottages Planned Development District and development is found to be in accord with the Comprehensive Plan of the City of New Haven as the Future Land Use element of the New Haven Plan of Development designates and the New Haven Municipal Coastal Plan designates the area residential (R).

The applicant will now connect five driveways from the homeownership units to Jennings Way. Parking lots will be constructed in the areas between new Augustine Street, Jennings Way and o Wooding Street.

The General Plans for the PDD demonstrate appropriate use of the property in terms of its treatment of form, circulation, and open space while providing much needed housing opportunities to a broad range of residents. The Commission finds that the proposal is in accordance with the objectives of Section(s) 65.A. and 64(d) (2) a.

Submission of detailed plans for review and approval, in accordance with text recommendations and conditions of approval and Section 65.E requirements will assure the project continues to meet requisite design standards.

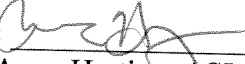
It is the opinion of the City Plan Commission that the Ribicoff Cottage Development General Plan fully complies with the standards of Section 65.E of the Zoning Ordinance, and that the resulting development would have a positive effect on the economic health and quality of life within neighborhood and the City. The Commission therefore approves the Application and General Plans for PDD designation with the following conditions:

### **CONDITIONS OF APPROVAL**

1. A maximum of 114 dwelling units (106 rental, 8 homeownership) shall be permitted.
2. This report and the Application and General Plan text shall be recorded on the Land Records of the City of New Haven within 60 days of publication of Board of Aldermen approval for the PDD designation to be considered in effect. A certified copy of the recording on the Land Records shall be delivered to the City Plan Department.
3. Verification of a contractual arrangement by the submitting professional design team (architect, engineer(s) and landscape architect) shall be furnished to the Commission at the time of Detailed Plan submission for each project component.
4. The Commission shall be given prior notice of any change in development principals, and any change in the approved submitting professional design team shall require prior Commission approval.
5. Any required Federal or State permits for traffic improvements or storm water discharge shall be secured prior to issuance of any permit for new construction.

6. All necessary on or off site utility improvements are required to be completed at developer cost from its funds or by City Agreement, and to the satisfaction of the City Engineer.
7. Detailed plans shall be submitted within 18 months of the effective date of PDD designation, for the first phase (rental units) and Wilmont 36 months for the second phase (homeownership units) unless the Commission grants an extension upon written request of the Developer, who shall state a basis for the delay. If no Detailed Plans are submitted and no extension requested, the zoning of the tract shall revert to the RM-1 (Low-Middle Density Residential) designation.

**ADOPTED:** February 19, 2014  
Edward Mattison  
Chair

**ATTEST:**   
Anne Hartjen, ASLA, PLA  
Senior Project Manager

**APPENDIX A  
DETAILED PLAN SUBMISSION REQUIREMENTS**

***Detailed Utilities and Service Plan***, in accord with text, with:

Water Service, as approved by the South Central Regional Water Authority and the City Engineer.

Fire Apparatus access and fire hydrant locations, as approved by Fire Department, City Engineer.

Storm and Sanitary treatment, including flow calculations, as approved by Water Pollution Control Authority, City Engineer.

Electric Service, including transformer and meter placement, as approved by United Illuminating.

Gas Service, including meter placement, as approved by Southern Connecticut Gas Company.

Telephone and Cable Service, including any equipment and wiring on the exterior of buildings, as approved by SNET and Comcast, or other providers.

Drive layouts and grades (including topo, cut and fill), as approved by the Department of Traffic and Parking and City Engineer.

Trash Disposal Plan, in accord with State mandated separation and recycling requirements, as approved by Department of Public Works.

Mail Service Plan, showing location and design of mail boxes, as approved by US Postal Service.

Snow Removal and Storage Plan.

***Schedule of required roadway and ramp improvements.***

***Schedule of right-of-way donations, new public streets, signalization and intersection improvements on and off site related to the project.***

***Soil Erosion and Sediment Control Plan***, in conformance with State of Connecticut standards and New Haven Zoning Ordinance and Regulations. The Developer shall submit a certified estimate of the cost of completion of project site work (e.g., landscape, walks, lighting, public access amenities) and the Commission may, as an SESC plan element, require a passbook bond, escrow or other acceptable guarantee for up to 150% of the estimated cost of completion of said elements as a performance guarantee.

***Detailed Building Plans***, including rendered elevations fully depicting the architectural character of the project, its materials, and its relationship to surrounding properties.

***Master Signage Program.*** A design handbook shall be a required element of the Detailed Plan submission.

***Operations Plan***, detailing methodology, days and times of demolition and blasting, if any, and notification procedures to affected parties.

***Traffic Operations Plan***, detailing street closures, alternate routes, signage, lighting and other operational measures to minimize local traffic disruptions shall be a required element of the Detailed Plan submission.

***Phasing Plan***, with sub-phases of project and detailed construction schedule for each project phase including any fill, excavation or temporary earth materials storage on any other portion of the site not included within the boundaries of the phased area.

**Revised Appendix B**

**Zoning Analysis: Ribicoff Cottages Redevelopment**

REV 02/20/2014

Program: Demo 100 Existing Units; Construct 114 Units of New Housing (50 Family; 56 Elderly; 8 Homeownership)

Zone classification: **RM-1 Low-Middle Density**

	<b>Required</b>	<b>Proposed</b>
<b>Total Tract Area</b>	Greater Than 1 Acre	8.09 Acres (352,236 sf)
<b>Usable Open Space</b>	Open Space= 21,500 sf	141,177 sf
Family	250 per DU (50)= 12,500 sf	1,151 sf/DU= 57,574 sf
Elderly Units	125 per elderly unit (56)= 7,000 sf	1,047 sf/DU= 58,611 sf
Homeownership	250 per DU (8)= 2,000 sf	3,124 sf/DU= 24,992sf
<b>Private Open Space</b>	75% of Units	84% of Units
<b>Uses</b>	Single, Two, Multi-Family, Garden, Community Center (by Special Exception)	Single-Family, Multi-Family, Garden, Community Center
<b>Parking</b>		
Homeownership	1 space per DU (8 DU)= 8	16 spaces (2 per DU)
Family Units	1 space per DU (50 DU)= 50	<b>33 spaces</b>
Senior Units	0.5 space per DU (56 DU)= 28	<b>21 spaces</b>

**Zoning Analysis: Ribicoff Cottages Redevelopment- Lot 1**

REV 2/20/2014

Program: Demo 100 Existing Units; Construct 114 Units of New Housing (50 Family; 56 Senior; 8 Homeownership)

**Table of Zoning Modifications from RM-1 District for Ribicoff Cottages Planned Development District**

<b>Lot Area</b>	<b>Total Lot Area</b>	<b>95,136</b>
	Parking Lots/Private Way	20,320
	<b>Housing Site</b>	<b>74,816</b>
	Building Footprints	21,968

<b>Building Requirements</b>	<b>Required/Allowed by Zoning</b>	<b>Proposed</b>
<b>Uses</b>	Single, Two, Multi-Family, Garden	Multi-Family, Garden
<b>Minimum Lot Area</b>	6,000 SF	95,136
<b>Minimum Average Lot Width</b>	50 feet	n/a
<b>Minimum Lot Area per DU</b>	3500 SF/DU Family 46 x 3,500 = 161,000 SF Family	<b>46 x 2,068 = 95,136</b>
<b>Maximum Building Coverage</b>	30%	29%
<b>Maximum Building Height</b>	Three stories or 35 ft average height	Three stories, 30 ft max. average height
<b>Minimum Yards</b>		
Front	20 feet	<b>15 feet</b>
<b>Parking</b>		
Screening Family Units	5' tall fence around parking lots 1 space per DU (46 DU)= 46	<b>No Screening 33 spaces</b>
<b>Bike Parking</b>		
Short-term	2 per first 10 parking spaces, 1 per each subsequent 10= 4	
Long-term	10%= 1 90%= 3	1 space 3 spaces

**Zoning Analysis: Ribicoff Cottages Redevelopment- Lot 2**

REV 2/20/2014

Program: Demo 100 Existing Units; Construct 114 Units of New Housing (50 Family; 56 Senior; 8 Homeownership)

**Table of Zoning Modifications from RM-1 District for Ribicoff Cottages Planned Development District**

<b>Lot Area</b>	<b>Total Lot Area</b>	<b>75,578</b>
	Parking Lots/Private Way	7,563
	<b>Housing Site</b>	<b>68,015</b>
	Building Footprints	26,362

<b>Building Requirements</b>	<b>Required/Allowed by Zoning</b>	<b>Proposed</b>
<b>Uses</b>	Single, Two, Multi-Family, Garden	Multi-Family, Garden
<b>Accessory Uses, Other Lots</b>	None	Community Center serves Lots 1, 2, 3 and 4
<b>Minimum Lot Area</b>	6,000 SF	75,578
<b>Minimum Average Lot Width</b>	50 feet	n/a
<b>Minimum Lot Area per DU</b>	3,500 SF/DU Family; 1750 SF/DU Senior 4 x 3,500 = 14,000 SF Family 41 x 1,750 = 71,750 SF Senior Total: Total: 85,750 sf	4 x 1680 = 6,720 (Family) 41 x 1680 = 68,880 (Senior) 75,578
<b>Maximum Building Coverage</b>	30%	35%
<b>Maximum Building Height</b>	Three stories or 35 ft average height	Three stories, 30 ft max. average height
<b>Minimum Yards</b>		
Front	20 feet	15 feet
<b>Parking</b>		
Screening	5' tall fence around parking lots	<b>No Screening</b>
Front Yard Parking	None	<b>4 spaces</b>
Family Units	1 space per DU (4 DU)= 4	
Senior Units	0.5 space per senior DU (41 DU)= 21 Total= 25	<b>18 spaces</b>
<b>Bike Parking</b>		
Short-term	2 per first 10 parking spaces, 1 per each subsequent 10= 3 10%= 1	1 space
Long-term	90%= 2	2 spaces

Zoning Analysis: Ribicoff Cottages Redevelopment- Lot 3

REV 2/20/2014

Program: Demo 100 Existing Units; Construct 114 Units of New Housing (50 Family; 56 Senior; 8 Homeownership)

Table of Zoning Modifications from RM-1 District for Ribicoff Cottages Planned Development District

Lot Area	<b>Total Lot Area</b>	<b>37,690</b>
	Parking Lots/Private Way	3,481
	<b>Housing Site</b>	<b>34,209</b>
	Building Footprints	11,930

<b>Building Requirements</b>		
<b>Uses</b>	Single, Two, Multi-Family, Garden	Multi-Family, Garden
<b>Accessory Uses, Other Lots</b>	None	Maintenance Building serves Lots 1, 2, 3, & 4
<b>Minimum Lot Area</b>	6,000 SF	37,690
<b>Minimum Average Lot Width</b>	50 feet	465 feet
<b>Minimum Lot Area per DU</b>	1,750 SF/DU Senior 15 x 1,750 = 26,250 SF Senior	37,690
<b>Maximum Building Coverage</b>	30%	<b>32%</b>
<b>Maximum Building Height</b>	Three stories or 35 ft average height	One story, 15 ft max. average height
<b>Minimum Yards</b>		
Front	20 feet	25 feet
Side	1 @ 8 feet; 1 @ 12 feet	15 feet
Rear	25 feet	25 feet
<b>Parking</b>		
Screening	5' tall fence around parking lots	<b>No Screening</b>
Front Yark Parking	None	<b>1 Space</b>
Senior Units	0.5 space per DU (10 DU)= 5	<b>3 spaces</b>
<b>Bike Parking</b>		
	2 per first 10 parking spaces, 1 per each subsequent 10= 2	
Short-term	10%= 1	1 space
Long-term	90%= 1	1 space



**Substituted Zoning Analysis: Ribicoff Cottages Redevelopment- Lot 4 (8 Subdivided Lots)**

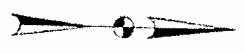
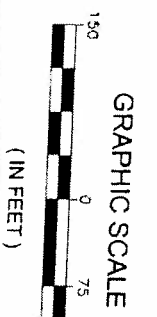
**REV 02/20/2014**

**Program: Demo 100 Existing Units; Construct 114 Units of New Housing (50 Family; 56 Senior; 8 Homeownership)**

**Table of Zoning Modifications from RM-1 District for Ribicoff Cottages Planned Development District**

<b>Lot Area</b>	<b>Total site Area</b>	<b>35,239</b>
	Driveways	2,183
	<b>Housing Site</b>	<b>33,056</b>
	Building Footprints	8,064

<b>Building Requirements</b>	<b>Required/Allowed by Zoning</b>	<b>Proposed</b>
<b>Uses</b>	Single, Two, Multi-Family, Garden	Single Family
<b>Minimum Lot Area</b>	6,000 SF	<b>3,600 SF</b>
<b>Minimum Average Lot Width</b>	50 feet	50 feet minimum
<b>Minimum Lot Area per DU</b>	3,500 SF/DU Family	3,500 SF/ DU
<b>Maximum Building Coverage</b>	30%	30% maximum
<b>Maximum Building Height</b>	Three stories or 35 ft average height	Two stories, 26 ft max. average height
<b>Minimum Yards</b>		
Front	20 feet	<b>15 feet</b>
Side	1 @ 8 feet; 1 @ 12 feet	1 @ 8 feet; 1 @ 12 feet min.
Rear	25 feet	<b>15 feet</b>
<b>Parking</b>		
Family Units	1 space per DU (8 DU)= 8	16 (2 per DU)



MAP OF EXISTING ZONING FOR SITE

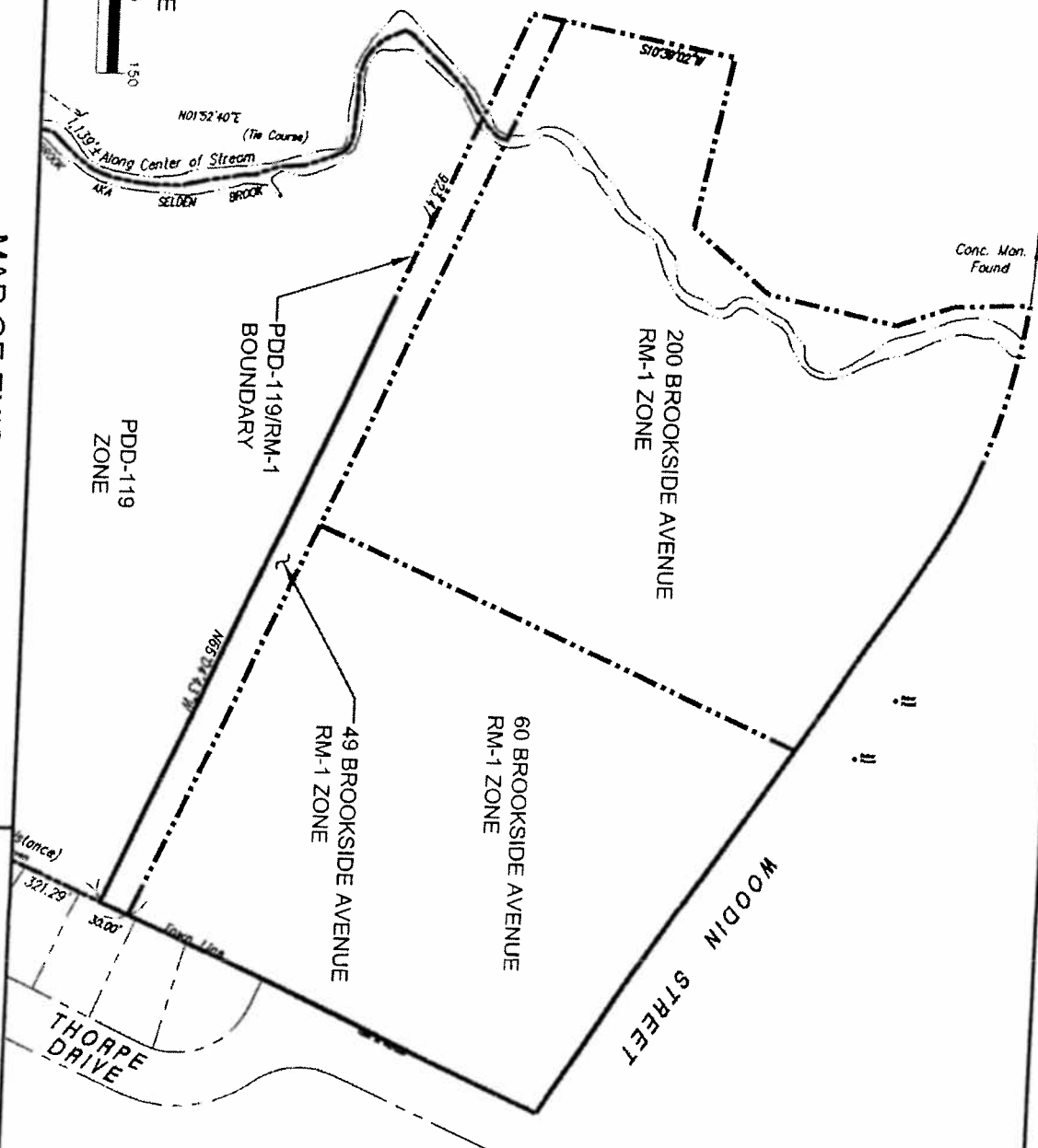


FIGURE Z-1

DTG PROJECT NUMBER: 12-258-106

DTG DRAWING FILE: ...EXR\PRD0768901\Rev 0-26-13.DWG

SCALE: 1"=100'

DATE: 12/20/13

DRAWN BY: JAE  
CHECKED BY: JAE



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 2000 W. 11th Street, Suite 1100, Ft. Collins, CO 80526  
 970.226.8800 Fax: 970.226.8820

DTC PROJECT NUMBER: 12-258-106

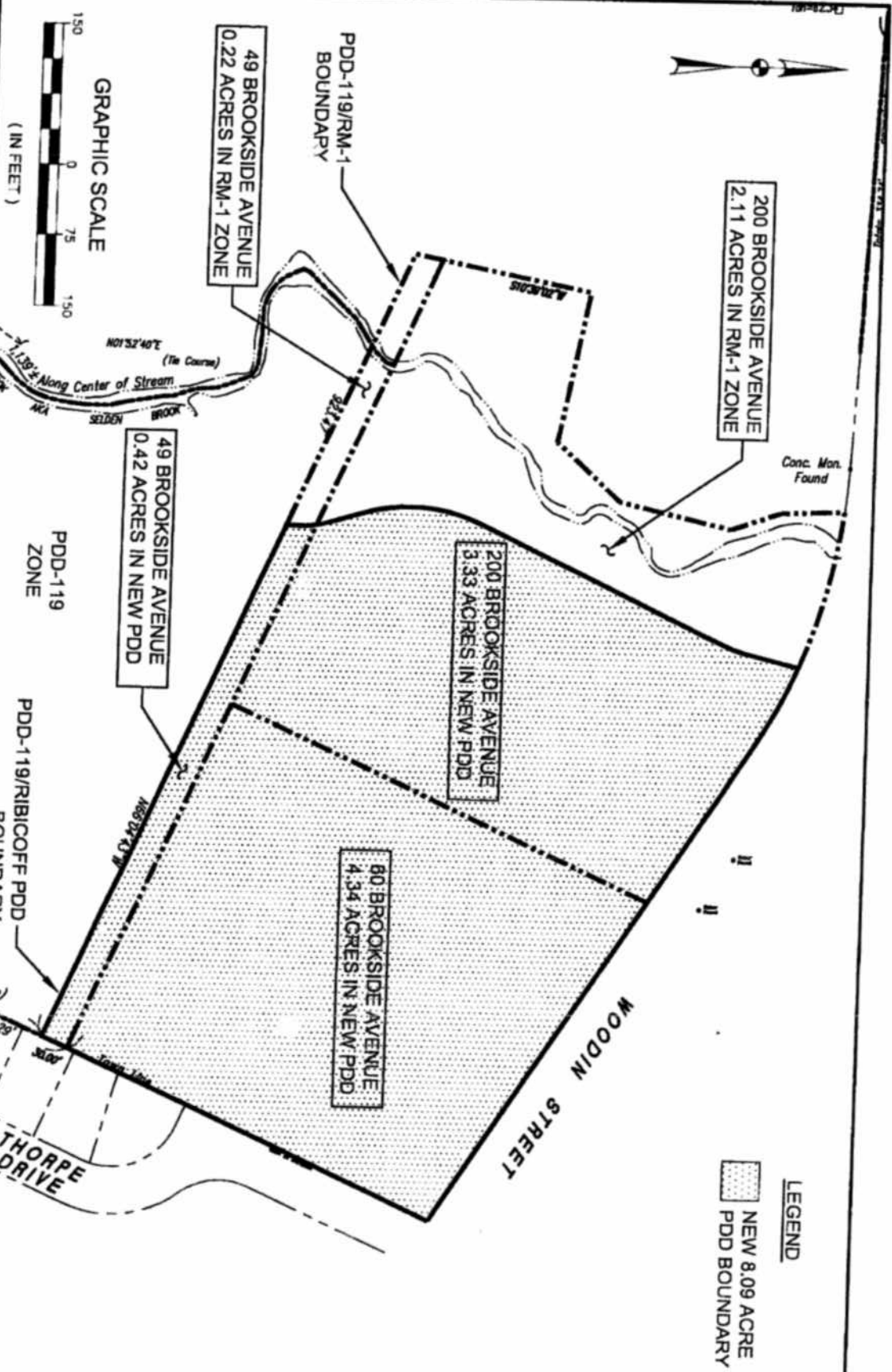
DTC DRAWING FILE: ...EXPP00769901Raw 12-24-13\_DTC

SCALE: 1"=150'  
 DATE: 12/20/13

DRAWN BY: JAB  
 CHECKED BY: JAB

# MAP OF THE PROPOSED ZONING FOR THE SITE

FIGURE Z-2



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July 16, 2008

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CITY PLAN DEPT.  
185 CHURCH ST.  
NEW HAVEN, CT 06510

Karyn M. Gilvarg, AIA  
Executive Director  
New Haven City Plan Department  
165 Church Street  
New Haven, CT 06510

Re: **Opinion Regarding Selected Issues of Planned Development Districts  
Under Section 65 of the New Haven Zoning Ordinance and Section 8-2m of  
the Connecticut General Statutes**

Dear Ms. Gilvarg:

On March 31, 2008, you requested an opinion from the New Haven Corporation Counsel regarding the impact of Public Act 06-128, codified as Conn. Gen. Stat. § 8-2m, on Section 65 of the New Haven Zoning Ordinance. The New Haven Corporation Counsel has referred your request to us as New Haven special counsel so that we may render advice. Specifically, you asked:

- (1) Is the language of Public Act 06-128 binding on the City, given the time of its passage, prior to the Connecticut Supreme Court decision in *Campion v. Board of Aldermen*, 278 Conn. 500 (2006), and given the content of that decision?
- (2) Was Public Act 06-128 enacted in conformance with Section 2-14 of the Connecticut General Statutes?

Additionally, during our conversations, you requested advice on a third question:

- (3) Whether new zoning regulations concerning planned development districts must incorporate any language contained in or based upon Public Act 06-128.

This opinion is limited to addressing only these three questions, and is based on statutory construction and a review of case law that may shed light on these questions. However, this opinion is not meant to be an exhaustive analysis of the validity of General Statutes § 8-2m. No opinion is offered concerning the validity of Section 65 of the New Haven Zoning Ordinance or of any regulations concerning planned development districts in New Haven. Further this opinion does not offer any



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advice concerning the validity of the specific planned development district addressed in *Campion*.

In rendering this limited opinion, we have reviewed the following statutes and ordinances (the "Laws"):

1. Public Acts 06-128, § 2 and 06-196, § 290, collectively codified as General Statutes § 8-2m; and
2. General Statutes § 2-14.
3. City of New Haven Zoning Ordinances § 65.

Except as noted below, the conclusions stated herein are based solely on the above reviews and are limited solely to the application of the Laws to the City of New Haven (the "City") as of the date of this opinion.

## I. Applicability of General Statutes § 8-2m to the City

In *Campion*, the Connecticut Supreme Court held that planned development districts, such as those enacted by the City in response to an application from a private property owner, are authorized by the special act empowering the City to create zoning districts. See An Act Amending an Act Creating Zoning Districts In the City of New Haven; 19 Spec. Acts 1006, No. 490 (1925) (the "1925 Special Act"). Shortly after the Court's decision in *Campion* was released, the General Assembly enacted Public Act 06-128, Section 2 of which was later codified as § 8-2m, and which provides that:

The zoning authority of any municipality that (1) was incorporated in 1784, (2) has a mayor and board of alderman form of government, and (3) exercises zoning power pursuant to a special act, may provide for floating and overlay zones and flexible zoning districts, including, but not limited to, planned development districts, planned development units, special design districts and planned area developments. The regulations shall establish standards for such zones and districts. Flexible zoning districts established under such regulations shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located and shall not establish in a residential zone a zone that is less restrictive with respect to uses than the underlying zone of the flexible zoning district.



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Such regulations shall not authorize the expansion of a pre-existing, nonconforming use. Notwithstanding the provisions of this section, no planned development district shall be approved which would permit a use or authorize the expansion of a pre-existing nonconforming use where the underlying zone is a residential zone.

The language of § 8-2m on its face indicates that it is targeted to a limited number of municipalities in the State, in that it specifically applies only to municipalities that (1) were incorporated in 1784, (2) have a mayor and board of aldermen form of government, and (3) exercise zoning pursuant to a special act. Conn. Gen. Stat. § 8-2m. Our research indicated that only one Connecticut municipality satisfies all three criteria: the City of New Haven. See State of Connecticut, Register and Manual, at 366, 511, 374-627 (2007).

Statutory interpretation is governed by Conn. Gen. Stat. § 1-2z. "The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered." Conn. Gen. Stat. § 1-2z. When a statute is not plain and unambiguous, interpretive guidance may be found in the legislative history and circumstances surrounding its enactment, the legislative policy it was designed to implement, and in the relationship to existing legislation and common law principles governing the same general subject matter. *Department of Transportation v. White Oak Corp.*, 287 Conn. 1 (2008).

One could interpret this statutory provision as intended to apply to the City, even though the City is not identified by name. Assuming, for the sake of argument, that the language of General Statutes § 8-2m is not plain and unambiguous, the legislative history of Public Act 06-128 § 2 is clear that the General Assembly intended it to apply to the City. When presenting the amendment that became § 8-2m, Senator Looney explained that the provision "deals with a situation in the City of New Haven, reacting to a decision last year and the State Appellate Court concerning the issue of planned development districts." Conn. Sen. April 28, 2006 (test. of Sen. Looney). Senator Harp likewise indicated that the statute addresses "a big issue in New Haven, and I believe that this amendment clarifies what the City of New Haven can do" regarding planned development districts. Conn. Sen. April 28, 2006 (test. of Sen. Harp). Similarly, on the House floor, Representative Megna also indicated that the statute "clarifies the use of overlay zones within the City of New



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Haven." Conn. House May 2, 2006 (test. of Rep. Megna). In further discussion, Representative Miller specified that the amendment arose because of opposition where a "restaurant was located into a nonconforming zone, and it continued to expand into a residential neighborhood...and I think this [statute] is one way to preserve that residential area, the New Haven area around the waterway." Conn. House May 2, 2006 (Test. of Rep. Miller).

Because the legislature is empowered to enact statutes, a statute is valid and binding unless invalidated by a court of competent jurisdiction as unconstitutional, which the courts will not do unless the statute is invalid beyond a reasonable doubt. *Sweetman v. State Elections Enforcement Comm'n*, 249 Conn. 296, 320 (1999) (citations omitted). Accordingly, based on the plain language and legislative history of § 8-2m, the statute applies to the City, unless and until it is repealed or rendered invalid by court decision.

## II. Relationship of *Campion* to § 8-2m

Public Act 06-128 was signed into law by the Governor on June 2, 2006. The language of the Public Act itself specifically stated that Section 2 (which was codified as § 8-2m) carried with it an effective date of October 1, 2006. See P.A. 06-128; LCO No. 5039. However, Public Act 06-196, § 290, signed by the Governor on June 7, 2006, stated that "Section 2 of public act 06-128 shall take effect from passage." See P.A. 06-196. As such, § 8-2m is effective from June 2, 2006.

The Supreme Court officially released its decision in *Campion* on June 6, 2006. The *Campion* decision itself makes no mention of Public Act 06-128, Public Act 06-196, or § 8-2m. Similarly, none of the briefs presented to the Court make any reference to those legislative enactments. There is no evidence to suggest that the Court was even aware of the statute before releasing its decision.

Instead, the narrow issue presented in *Campion* was whether planned development districts were authorized pursuant to the 1925 Special Act governing zoning in the City. Section 1 of the 1925 Special Act provides the board of aldermen with the broad power to "divide the city of New Haven into districts of such number, shape and area as may be best suited to carry out the provisions of [the] act..." 1925 Special Act § 1; *Campion, supra*, 278 Conn. at 514. The court concluded that the creation of planned development districts was no different than the creation of any other new zoning district. *Id.* As such, because the 1925 Special Act authorized the City to create new zones, and to alter zones previously created, the creation of planned development districts was authorized by the 1925 Special Act. *Id.* at 515.



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While *Campion* holds that the City may create planned development districts under the 1925 Special Act, General Statutes § 8-2m contains language which details the circumstances under which planned development districts and similar flexible zoning districts may (or may not) be enacted.

As noted, this opinion does not address whether the enactment of § 8-2m has any effect on the specific land use applications at stake in *Campion* itself. In that context, the relationship between the effective date of § 8-2m and the issuance of the decision in *Campion* may be important, but that issue is beyond the scope of this opinion.

For purposes of this opinion, however, the timeline is quite simple. On its face, the legislative framework from which the City derives its zoning authority was altered as of June 2, 2006, the revised effective date of § 8-2m. Enactments of planned development districts and zoning regulations concerning planned development districts which occur subsequent to that date are subject to the provisions of § 8-2m.

### **III. The General Assembly's Compliance with CGS § 2-14 in adoption of Public Act 06-128**

Based on our discussions with you, it is our understanding that you no longer require a response to this question. Accordingly, this opinion does not address this issue.

### **IV. Requirements for zoning regulations**

You have also asked whether General Statutes § 8-2m mandates the inclusion of any special language in zoning regulations adopted to cover planned development districts or similar flexible zoning tools. By its terms, the first sentence of § 8-2m confers authority to enact planned development districts and similar flexible zoning tools, an authority which *Campion* established had already existed under the 1925 Special Act. However, the subsequent clauses of § 8-2m provide what are, in effect, limitations on that authority. These limitations can be divided into two categories: (a) requirements for zoning regulations which related to such districts, and (b) requirements for decisions to enact an individual flexible district. Each category will be addressed in turn.





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## (a) Requirements for zoning regulations

There are two clauses of § 8-2m which relate to the zoning regulations themselves.

- The regulations shall establish standards for such zones and districts.
- Such regulations shall not authorize the expansion of a pre-existing, nonconforming use.

The language of the first clause imposes a mandatory requirement that any regulations concerning flexible districts contain standards for such zones and districts. The statute does not contain any definition of the term "standards". There is no language in the statute itself or in the legislative history which provides guidance as to what exactly these "standards" must include.

However, in *Campion*, the plaintiffs argued that the City's current zoning regulations, set forth in Section 65, lacked standards for planned development districts. The Court responded: "Section 65 of the New Haven zoning ordinance does not lack adequate standards and is not impermissibly vague." *Campion, supra*, 278 Conn. at 525. While we can not provide any opinion as to whether a particular set of regulations are in compliance with § 8-2m without a detailed review of the regulations themselves, the holding in *Campion* will guide a review of the standards included in new regulations. This holding suggests that standards similar to those contained in Section 65 at the time *Campion* was litigated should continue to be sufficient, so long as the requirements of General Statutes § 8-2m as noted in here are adhered to.

The second clause of § 8-2m also prohibits regulations which authorize the expansion of a pre-existing nonconforming use. Again, absent a review of the specific regulations at issue, we can not opine as to whether a particular set of regulations are in compliance with § 8-2m. However, § 8-2m does prohibit the inclusion of language in such regulations which would authorize the expansion of such nonconforming uses.

## (b) Requirements for adoption of flexible districts

There are two clauses of § 8-2m which relate to the process by which a new, specific planned development district may be adopted.



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- Flexible zoning districts established under such regulations shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located and shall not establish in a residential zone a zone that is less restrictive with respect to uses than the underlying zone of the flexible zoning district.
- Notwithstanding the provisions of this section, no planned development district shall be approved which would permit a use or authorize the expansion of a pre-existing nonconforming use where the underlying zone is a residential zone.

Each of these clauses focuses on the uses which could be authorized pursuant to a flexible district, and the first clause provides some general language about the purpose of the adoption of flexible districts.

These clauses are problematic in their interpretation and application, particularly since the terms on which they rely are not defined. For example, the concept of a "less restrictive" zone can vary depending on the intent of the proposed user. A "residential zone" can range from a zone that permits residential uses as its principal permitted uses to an industrial zone which happens to permit congregate housing. While the term "underlying zone" presumably refers to the zoning district in which the land is located at the time of the application, the creation of a planned development district creates a new zoning district, and as such, there is no "underlying zone" after adoption. Finally, the term "expansion" is not defined with any specificity.

It is clear to us, however, that any review of the application of these clauses will need to be conducted on a case by case basis, and conclusions may be drawn only as the specific facts are presented and determined for a given application. The City will need to exercise caution in applying § 8-2m to a specific application, and prior to making any decision, will need to ensure that the administrative record is adequate and complete and supports the decision which is made.

## V. Summary and Opinion

In conclusion, our opinion is the following:

- (1) General Statutes § 8-2m (Public Act 06-128) is a general law which applies to the City; governs its regulations adopted on or after June 2, 2006 unless and



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until future legislative or judicial actions amend, repeal, or invalidate the statute in whole or in part; requires that zoning regulations adopted concerning planned development districts may not authorize the expansion of a non-conforming use; and requires that such regulations must contain standards.

(2) On and after June 2, 2006, whenever the City adopts flexible districts, they must be designed for the betterment of the municipality and the floating and overlay zones and neighborhoods in which they are located and shall not establish in a residential zone a zone that is less restrictive with respect to uses than the underlying zone of the flexible zoning district. Also, no planned development district may be approved which would permit a use or authorize the expansion of a preexisting nonconforming use where the underlying zone is a residential zone.


This opinion is rendered as of the date hereof, and we disclaim any undertaking to advise you hereafter of developments hereafter occurring or coming to our attention, whether or not the same would (if now existing and known to us) cause any change or modification herein.

The above opinion is limited solely to the matters expressly set forth above. No other opinions are intended, nor should any be inferred. Further, we do not opine herein as to the laws of any jurisdiction other than those of the State of Connecticut.

This opinion is provided in connection with a request for opinion made by the Executive Director of the New Haven City Plan Department, and may not be relied upon or quoted or otherwise used by anyone other than the New Haven City Plan Department, the New Haven City Plan Commission, or the New Haven Board of Aldermen, nor delivered to any other person, without our express prior written consent.

Very truly yours,

ROBINSON & COLE LLP

By   
Brian R. Smith,  
A partner of the firm

