

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE TEXT AND MAP AMENDMENT** to Establish a new Zone known as Neighborhood Center-Mixed Use (BA-1); Change Zone of Properties along **GRAND AVENUE BETWEEN JAMES AND PERKINS STREETS** from General Business (BA) to BA-1; Change Zone of certain adjoining properties on **BLATCHLEY and CLINTON AVENUES, and JAMES, EXCHANGE, FERRY, POPLAR, ATWATER, BRIGHT and PEARL STREETS** from BA, RM-1 and RM-2 to BA-1 (Alderpersons Sturgis-Pascale, J. Rodriguez and Castro).

REPORT: 1436-01

ADVICE: Approval

BACKGROUND

Over the last several months, the Grand Avenue Village Association and City staff have worked together to develop land use regulations intended to revitalize the Grand Avenue commercial corridor. This effort was undertaken in recognition of the importance not only of the corridor itself but also of the critical relationship of the corridor to the surrounding neighborhood. The proposed text and map amendments to the New Haven Zoning Ordinance presented here are primarily intended as a means by which to enhance and affirm this relationship at a level and to an extent that existing zoning regulations do not.

Currently, a wide variety of commercial areas in New Haven (including the Grand Avenue Corridor) are all subject to the same General Business (BA) regulations. While most have some relationship to nearby residential areas, the Grand Avenue commercial corridor is, and traditionally has been, the "heart" of Fair Haven. The purpose of these proposed amendments is to enable the City to first define the limits a commercial corridor with deep connections to adjacent residential areas and to then provide it with the specialized regulatory tools necessary to ensure the continued health and vitality of the entire neighborhood.

EXISTING CONDITIONS

The existing Grand Avenue Corridor extends east to west along Grand Avenue from James Street to Perkins Street and is located within a General Business (BA) District. The existing district boundaries, for the most part, do not extend any further north or south off of Grand Avenue than properties with actual frontage on the Avenue, even at intersecting streets. The one exception to this condition is found at the intersection of Ferry Street and Grand Avenue. Here the BA district runs south to Exchange Street on the west side of Ferry Street while extending nearly to River Street on the east side of the street. It is at this confluence of east/west and north/south commercial zoning that the economic heart of Fair Haven is situated.

The corridor 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, and primarily located at the eastern and western boundaries of the corridor. Institutional uses such as Fair Haven Middle School and the Columbus Family Academy as well as a number of religious uses continue to maintain a strong presence on Grand Avenue, contributing significantly to the street's relationship with the surrounding residential areas.

For all the life and vitality that these uses bring to the corridor 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 the Grand Avenue Corridor. The map and text amendments, for the most part, propose to make contemporary use of these traditional land use concepts that have been for so long a primary operational characteristic of this street.

MAP

The proposed boundaries of the BA-1 district closely reflect, but are not identical to, the existing BA district limits. While there are five small parcels (totaling less than one acre in area) that are currently residentially zoned (RM-1 and RM-2) proposed for inclusion in the district it is important to note that four of them are part of larger properties, the bulk of each located in the existing BA district. These inclusions are proposed in recognition of the idea that it is rarely appropriate to bisect a property by means of a zoning district boundary line.

The district is composed of approximately 110 properties consisting of over 31 acres in area located along almost three-quarters of a mile of Grand Avenue from Perkins to James Street. Although consideration was given to extending the district north and south from Grand Avenue along a number of cross streets it was determined that only Ferry Street had any real existing commercial presence and that the focus of the district should be on maximizing activity within the existing commercial areas before allowing for expansion of the district

TEXT

The proposed language distinguishes between a General Business District and a Neighborhood Center in terms of both use and form. While the two zones will have many uses in common, certain uses permitted in BA districts that had little direct relationship to the surrounding neighborhood such as motels, hotels, gun repair, drug paraphernalia centers, outdoor amusements such as miniature golf, large construction staging areas and auto dealers are not permitted in Neighborhood Centers. Uses that operate in opposition to the principal of a pedestrian oriented environment such as drive-through facilities of any kind are also not permitted. Also, a number of uses permitted by right in a General Business district continue to be permitted in the Neighborhood Center but are subject to a higher standard of review. These Special Permit/Exception uses include convenience stores, barber shops, package stores, hospitals, large parking lots as well as any use of over 5,000 square feet in area.

Promotion of the Neighborhood Center also involves the introduction of uses either not permitted or restricted in a General Business District. The most important of these has to do with upper story residential uses. It will be much simpler and easier to locate residential dwellings above first floor commercial uses than it is in an existing BA district. Other newly introduced uses include gyms fitness clubs, indoor ATM's, and live-work loft residences.

The physical form of the district is regulated in a number of new and different ways. In order to maintain and restore the traditional two to four story height of buildings on the street new buildings must be at least two but no more than four stories in height. Building up to the street is highly encouraged, first floor facades are required to be glassed, solid security gates are prohibited and landscaping, fencing, and screening standards are established. Also, a full range of design **guidelines** will be incorporated in the Ordinance.

Another form related change in the proposal involves on site parking requirements. 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.

As a whole, the proposed text and map amendments should contribute directly to meeting the needs of the Grand Avenue Corridor as well as the greater Fair Haven area. Of additional significance is the idea that these proposed concepts can be extended to other neighborhood commercial areas of the City and used to improve their functional relationships with surrounding residential areas.

PUBLIC HEARING

Thomas Talbot, Deputy Director, Zoning, made the presentation, reviewing the streetscape of the area, and looking at use and form. He noted some by right uses had been eliminated such as motels and drug paraphernalia sales and some would be permitted by special permit including uses over 5,000 square feet. Parking requirements had been reduced in this new neighborhood center zone. Only five properties which

were not fronting on Grand Avenue had been added to the new zone, primarily because they were part of other parcels.

When questioned about how many existing uses were rendered non-conforming, and how many existing uses would be subjected to special permits if altering their operations. Mr. Talbot replied such uses as automotive related uses would be rendered non conforming, and uses over 5,000 square feet would require a special permit.

Alders Joseph Rodriguez, Migdalia Castro, and Stephanie Bauer spoke in favor of the change, as did Frank Alvarado of SAMA, property owners Angelo Reyes and Alejandro DeFrutos.

Also prospective tenant and CEO of First Community Bank, William Placke, supported the proposal, as did Gabriella Campos-Mattheson.

PLANNING CONSIDERATIONS

In terms of the Comprehensive Plan of Development, 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.

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.

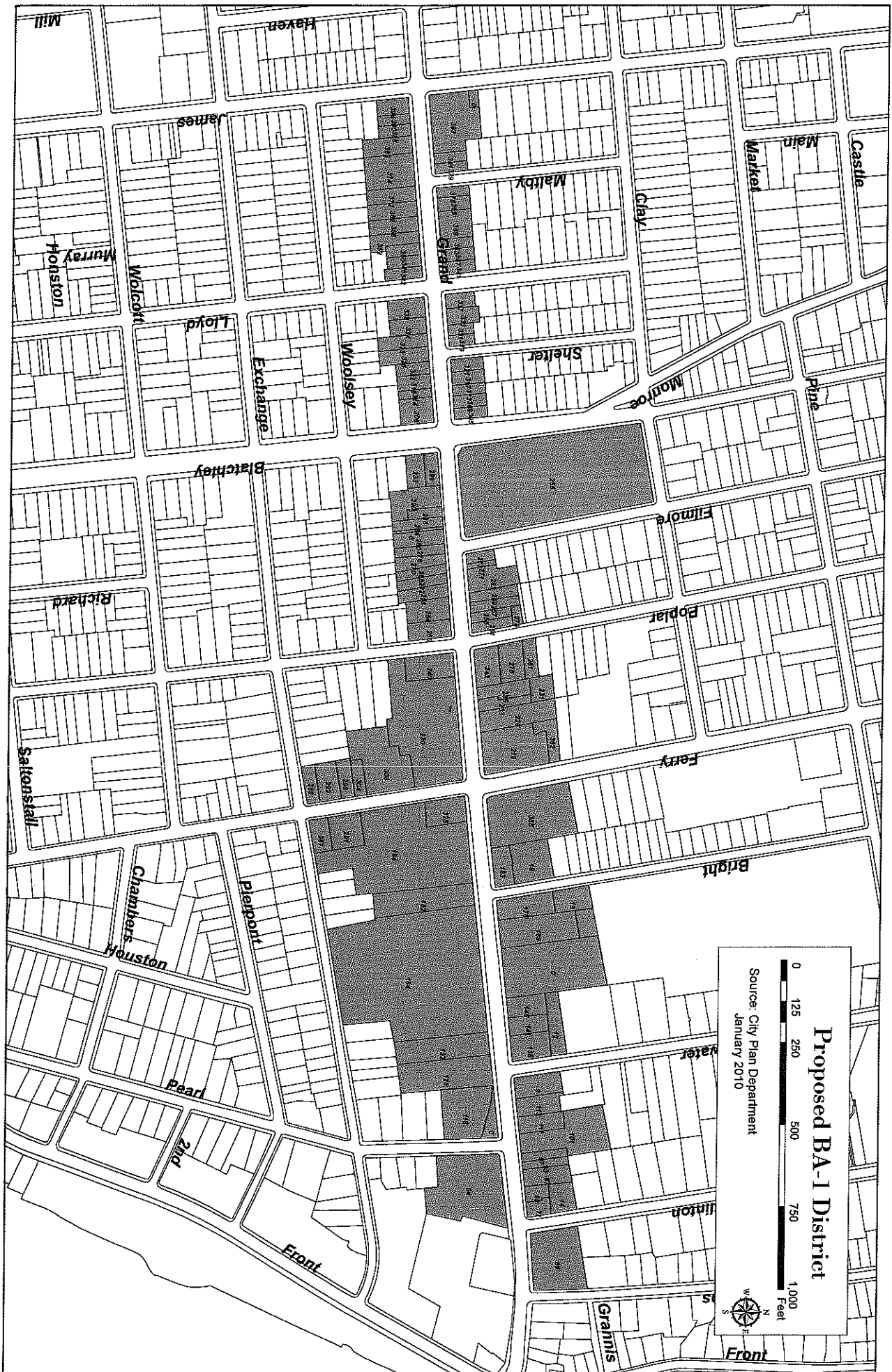
The most basic set of concerns regarding this proposed change has to do with the nature of the properties themselves. In this particular case it can be stated that each of the properties in the proposed district are of sufficient size and shape so as to be utilized for many if not all BA-1 uses. What 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.

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 therefore recommends approval.

ADOPTED: January 20, 2010
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director



Proposed BA-1 District

0 125 250 500 750 1,000
Feet

Source: City Plan Department
January 2010

