

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE AMENDMENT AND ZONING ORDINANCE MAP AMENDMENT, AMENDMENT TO PETITION OF ECONOMIC DEVELOPMENT ADMINISTRATOR** (File # OR-2011-0023), Amend **Zoning Ordinance Amendment** to create New Business D-3 Mixed Use Central Business District (“**BD-3 District**”) and **Zoning Ordinance Map Amendment** (11.4 acres in the Route 34 Corridor) to include an Additional 4.4 Acres known as Block bounded by Temple, George, College Streets & Martin Luther King Boulevard including Parcels 241-0204-00100, 241-0204-00200, 241-0204-00201, 241-0204-00300, 241-0204-00400, & 241-0204-00500 (Economic Development Administrator).

REPORT: **1464-03**

ADVICE: **Approval as Amended**

PREVIOUS CPC ACTIONS:

The City Plan Commission heard the original Petition of the Economic Development Administrator and held a public hearing on December 21, 2011. It rendered its favorable advice (with amendments) to the Board of Aldermen via CPC Reports:

REPORT 1459- 11:ZONING ORDINANCE TEXT AMENDMENT, Amend Article I, Section 1 (Definitions); Article II Section 2a and Article V (to create a new Central Business/Mixed Use District - BD-3), Article III, Section 12 (to reflect changes in the definitions of certain medical uses), Article III, Section 18 (to add new live-work lofts), Article III, Section 19 (to prohibit custodial care facilities in the BD-3 District), Article III, Section 29 and Article V, Section 45 (to state the parking/loading requirements for uses in the BD-3 District, to reduce the required parking for health care clinics where there is an overall parking plan and to reduce the number of required parking spaces when there is shared parking in the BD-3 District, and in all districts, to provide for the reduction of the size of parking spaces and the reduction of required parking where carsharing parking spaces are provided), Article V, Section 42 (to add and eliminate certain uses and to provide parking requirements for certain uses), Article V, Section 43 (to provide bulk, yard, setback, open space, common space, and transparent and active use requirements in the BD-3 District), Article V, Section 44 and 44.3 (signage for the BD-3 District)(Economic Development Administrator).

ADVICE: **Approval of Revised Schedule D (attached to that report);**

REPORT 1459-12 ZONING MAP AMENDMENT, Amend Title VI, Volume III of the Code of Ordinances to Change the Zoning Designation of 11.4 acres of property located in the State Route 34 Connector from Business D-Central Business District (BD) to new Central Business/Mixed Use District (BD-3) (Economic Development Administrator).

ADVICE: **Approval**

(See Appendix I for 12/21/11 Public Hearing Notes concerning this item)

BACKGROUND

The Economic Development Administrator is at this time proposing to amend the City of New Haven Zoning Ordinance and Zoning Map in order to change the zoning designation of approximately 15.8 acres of land (of which approximately 11.4 acres are currently vacant) (see attached Schedule A) located in and adjacent to the Route 34 corridor from Business D-Central Business (BD) to a new zoning district to be known as the Central Business/Mixed Use District (BD-3). This current proposal not only incorporates amendments which previously received favorable recommendations by the City Plan Commission for both the New Haven Zoning Ordinance (CPC #1459-11) and Zoning Map (CPC #1459-12) which allow for the creation of a Mixed Use Central Business District consisting of 11.4 acres along the Rte 34 Corridor but which will now also append an additional 4.4 acres of property to the proposed district (see attached Schedule C). Text amendments submitted as part of this current proposal are identical to those reviewed by the City Plan Commission as part of CPC #1459-11 (see attached Schedule D).

The goal of this proposal, as in its previous iteration, is the reconnection of the Medical District and the Hill neighborhoods with the Downtown Business District and Union Station and the State Street Railroad Station. It envisions creating a mixed use neighborhood in the vicinity of the former Route 34 Corridor which is transit oriented, pedestrian and bicycle friendly and which takes advantage of the neighborhood’s proximity to the Medical District (Yale School of Medicine, Yale-New Haven Hospital, and Pfizer). It is anticipated that medical services, life sciences, biotechnology and research and development laboratories will locate in the Project area. In connection with these goals, the Economic Development Administrator has proposed a new mixed use zoning district for this area. This new BD-3 (Central Business/ Mixed Use) District will allow for a wide variety of uses , including newly defined high technology and medical uses, require first floor active uses and primary entrances to face certain streets in the district in order to make the area livable and walkable, mandate open space and common space areas, require stepbacks for tall buildings, and create incentives for reducing single vehicle occupancy use by providing reduced parking requirements for certain uses and when carsharing facilities and shared parking are provided.

CURRENT MODIFICATION OF THE PETITION OF THE ECONOMIC DEVELOPMENT ADMINISTRATOR:

The parcels (totaling 4.4 acres) to be added to the original map amendment are as follows:

Address	MBP	Owner
40 Temple Street	241-0204-00500	Temple St Associates II
200 George Street	241-0204-00400	Temple St Associates II
230 George Street	241-0204-00200	Temple St Associates II
230 George Street	241-0204-00201	City of New Haven
123 College Street	241-0204-00100	WE 135 College LLC
218 George Street	241-0204-00300	United Illuminating Co

The decision of the Economic Development Administrator to extend the physical boundaries of the proposed BD-3 District subsequent to the City Plan Commission's December Public Hearing was based on a series of events set in motion by the request of an owner of properties which abutted the originally proposed BD-3 District to include these properties in the new district. These properties are currently used for medically related offices and accessory uses, as well as retail. Later, a second property owner on the same block, with medical and educational tenants, agreed to have their properties included so that the block (including City owned property) bounded by College, George, Temple Streets and Martin Luther King Boulevard would be included in the new district in its entirety. The revised map amendment is shown as Schedule C of this revised petition.

EXISTING ZONING (BD) CONSIDERATIONS

The subject properties are located at the eastern end and north of what is known as the Route 34 Corridor. The Route 34 corridor is an existing State highway. All the subject properties are currently zoned BD (Central Business District) (see attached Schedule B). The zoning districts proximate to the proposed BD-3 District are BD districts, PDD#28, PDD #15, BA, and RO districts. In the BD District both range and density of use are relatively restrictive and existing regulation, designed primarily for a Central Business District, lacks the flexibility required for the connective function which is intended as the defining feature of this new district. For example, permitted uses in BD Districts do not adequately reflect the current settings in which medical services are being provided in the City and do not include a number of current technological and research uses which the City hopes to attract to the Route 34 corridor and elsewhere in the City. In the BD district laboratory use is limited to 2,000 square feet. Also, in the BD district, rear yards are required and side yards may be required for commercial buildings. For residential buildings located in the BD zone, the dimensional (bulk and yard) and open space requirements for residential zoning districts apply. All of these restrictions are either modified or eliminated in the BD-3 District.

PLANNING CONSIDERATIONS

Uses – Section 42 Use Table

Non-Residential

In order to create a mixed use neighborhood, the proposed BD-3 District will include many of the uses permitted in the BD District. It does exclude, however, a number of uses permitted in the BD District, such as inpatient hospitals, which are more appropriately located in other districts specifically designed for these uses, as well as other uses permitted in the BD zone which are not compatible with a pedestrian based mixed use urban neighborhood such as motels, funeral homes, drive in food establishments, automotive parts stores, pawn shops, check cashing establishments, automotive repair shops, custodial care facilities, used car sales, and similar uses.

In order to take advantage of the proximity of the new BD-3 District to the nearby medical district and attract outpatient medical uses and research laboratories to the district, the proposed text amendments will allow research and testing laboratories with no floor area limit, in contrast to BD Districts which limit the size of such facilities to 2,000 square feet. Additionally, under the proposed text amendments, new high technology uses have been added to the Use Table. These new uses, which are defined in Article 1, Section 1, include high technology uses, such as research and development laboratories associated with biological and biomedical services and other technologies, high technology equipment design and fabrication and high technology services as permitted under federal and state law. These new uses will generally be permitted by right not only in the proposed BD-3 District but in many other business and industrial districts as well.

Under the proposed text amendments, all medical related uses have been consolidated in the Use Table under a new medical use category (Category "U"). A number of medical services have been added to the zoning ordinance to reflect the wide array of medical services offered in the City and to clarify where such uses are permitted. The prior undefined term "medical practitioner" in the use table has been replaced by the new term "health practitioner's office" which includes the offices of a wide array of practitioners, including physicians, chiropractors, dentists, psychologists, social workers, etc. (See Article I, Section 1). These offices are permitted as of right in the new BD-3 district and in the business districts where medical practitioners' offices are currently allowed.

The proposed text amendments also delete the current undefined terms "outpatient clinic", "public health clinic", "regional outpatient clinic" and "regional public health clinic" in the Use Table (Section 42). A new term "health care clinic", which is defined (See Article I, Section 1), includes a wide array of health clinics, such as outpatient hospital clinic, dialysis centers, physical therapy offices, walk-in clinics, family planning clinics, etc. Health Care Clinics are permitted as of right in the BA, BD, BD-2 and BD-3 districts and by special exception in the BA-1 and BD-1 districts. Additional new medical uses also include home health care agencies, outpatient surgical facilities, ambulatory surgical centers, and recovery care centers. Nursing homes, rest homes and residential care homes, which are currently referenced in the residential district regulations, have been added to the Use Table and are permitted as of right in the BA, BD-2 and BD-3 districts, by special permit in the BA-1 district and by special exception in the BD-1 District. Currently, convalescent homes, rest homes and nursing homes are permitted by special permit in the BC district and as of right in the BA, BA-1, BB, BD, BD-1 and the BD-2 districts, because they are uses that are allowed in certain residential districts.

The final category of new non-residential use included in the proposed district (as well as in some other similar districts) is one that permits both conference centers and convention centers. Based upon the potentially significant impact of these uses upon surrounding areas in terms of traffic, noise, etc. it is the recommendation of the Commission that unlike most other uses proposed for the BD-3 District, a Special Permit from the City Plan Commission be required for both in BD, BD-2 and BD-3 Districts and for

Conference Centers only in Marine Commercial (BC) Districts. This recommendation is reflected in the amended Schedule D submitted to the Board along with this report.

Residential

Residential uses in the district are subject to new regulatory language that will facilitate the creation of a truly mixed-use environment within the district. Of the most significance is the removal of the existing requirement that in all nonresidential districts any new residential construction must comply with residential bulk and area standards. It is now subject to the much less onerous standards of nonresidential development in the district. Also, as noted below, parking requirements in this district have been reduced by half as compared to anywhere else in the City where multifamily residential development is permitted. Finally, live work units (currently permitted only in pre-1963 industrial and commercial space) will now be permitted in new structures and in buildings built after 1963 in the new BD-3 District by special permit so as to provide yet another form of mixed use development.

Bulk, Yard, Open Space, Primary Entrance, and Signage Requirements for the BD-3 District

In order to create a densely developed neighborhood in the BD-3 District, the floor area ratio is proposed to be 6.0 (as in all other BD Districts) and there will be no maximum sizes of courts for nonresidential buildings (residential and mixed use buildings must have a minimum court size of 20' for buildings not exceeding 30' tall and one foot for each four feet in height for taller buildings). There are no yard requirements in the BD-3 District, but 15' of land must be provided between a building and the curb of a street for sidewalks, street lights, etc., and where a residential or mixed use building has windows facing a nonresidential building, 10' of land must separate the buildings.

In order to make the streets in the new BD-3 district pedestrian friendly, a 15' stepback is required if a building exceeds 100 feet in height and has frontage on College, Temple, Church, or Orange Streets. Additionally, buildings facing these streets must have their principal entrances (as defined in Article 1, Section 1) facing such streets. Transparent and active uses, such as retail stores and restaurants, are required on the ground floors of mixed use and nonresidential buildings fronting these streets or Martin Luther King Boulevard or Legion Avenue/South Frontage Road.

In the BD-3 District, open space, which will now be defined under the text amendment to include a wide variety of spaces devoted to recreation (Article 1, Section 1), must be provided for both nonresidential buildings in excess of 10,000 square feet and residential and mixed use buildings. Nonresidential buildings must provide 25 square feet of open space per 1,000 square feet and residential/ mixed use buildings must provide 50 square feet of open space per dwelling unit. If a building is located proximate to a public space, such as a public park, these requirements are reduced. Also, in the BD-3 District, mixed use buildings and residential buildings must provide 50' square feet of common space per dwelling unit which can include additional open space, common rooms, such as bicycle rooms, gyms, etc. or individual storage space.

The total area of signs in the BD-3 District for a building may not exceed four square feet for each foot of length of the front building wall, and there may be no flashing signs.

Parking and Loading

The proposed text amendments provide incentives to encourage transportation systems other than owner occupied vehicles and to discourage underutilization of required parking facilities. In all zoning districts, where carsharing spaces are provided (e.g. zip cars), 50% of such spaces may be compact spaces as defined in text amendments, and in a 50 car or smaller lot/garage, for each carsharing space provided, two spaces may be subtracted from the number of required spaces up to a five percent reduction in the number of required spaces. In a larger lot, for each carsharing space provided, five spaces may be subtracted from the number of required spaces up to 10% of the required spaces.

In the BD-3 District, the parking requirements for residential use have been reduced to one-half space/dwelling unit. Additionally, live-work units and assisted living facilities will require one-half space/unit. The only commercial uses that require parking in this district are health care clinics, which will require three spaces for each 1,000 gross square feet, and nursing homes and recovery care centers, each of which will require one space/bed. Moreover, in the proposed BD-3 district, the walking distance between a required parking space and a use has been increased to 1000'. Additionally, in the BD-3 District, one-half of the parking requirements for the residential portion of a mixed used building can be used to satisfy the nonresidential parking requirements of the building, if approved by the Department of Transportation, Traffic and Parking. If a nonresidential building makes its parking available to the public, then its parking requirements may be reduced by 15%. Additionally, in this new district, two or more uses or structures which use a parking facility at alternate times can each reduce their parking requirements by 25%, if they enter into an agreement that is approved by the Department of Transportation, Traffic and Parking. Also, in the BD-3 district, 30% of required spaces may be compact car spaces (7.5' x 15'). Finally, the text amendments propose to create a uniform size for all non compact parking spaces of 9' x 18'.

Map

As described, there have been two major phases involved in the process of determining the proposed boundary of the BD-3 District. Initially consideration for inclusion into a new district was limited to a very specific portion of the existing Rte. 34 Corridor. There were at least three planning related reasons for this. First of all its location at the southeastern end of the corridor indicated obvious potential as the initial phase of a unique transit - oriented development that could extend all the way west to Grasso Boulevard. Also, its location between Downtown, the Medical District, Yale University and Union Station strongly suggested the need for an emphasis on developmental connectivity over and above that attainable in any existing zoning district. Finally, the fact that the subject property was vacant and consequently lacking any on-site form or use based context appeared to represent an opportunity to create context, strongly implying the need for a new district.

The subsequent inclusion of the properties that necessitate this amended petition, while originating from a property owner, is also based upon two of the land use planning ideas mentioned in the previous paragraph. It is close enough to the Rte. 34 Corridor to be successfully incorporated into a successful transit oriented development corridor. Of at least equal consideration is the idea that adding this block to the original proposal provides some physical depth to the proposed district (north to south) that will allow for a more gradual and subtle connection between the different areas of the City mentioned in the previous paragraph.

Public Hearing: See Appendix II for April 18, 2012 Hearing Notes.

FINDINGS

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

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;

The applicant has demonstrated to the Commission that the properties at issue, due primarily to their location, have the potential to play a very unique functional role in the City's overall plan of development, one that recommends itself to the creation of a new zoning district. Located in close proximity to areas of relatively high density of commercial, residential, medical, institutional and transportation related uses, the creation of the BD-3 District serves as both a buffer between many of those uses in existing surrounding areas while at the same time creating a district where they can exist together in a fully integrative manner. Furthermore this proposal, with its introduction of contemporary use categories and more sustainable approaches to issues such as parking, mixed uses and overall density, represents an appropriate response to "changes that have taken place in the City".

b. Whether some other method or procedure under the zoning ordinance is more appropriate;
The scope of both the physical area and degree of regulatory change required clearly indicate the appropriateness of an application to The Board of Aldermen for a Zoning Map Amendment.

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 lot area of the current proposal is over 15 acres and is clearly large enough for the successful implementation of any or all types of development permitted in the district. In addition it should be noted that by virtue of its inclusive and highly flexible character could easily be expanded in the future.

In addition to the above required findings the Commission recognizes that the proposed map and text changes create the proper regulatory framework necessary for:

1. The development of the subject properties as a transit-oriented district designed to maximize access to and use of public transportation resources, both rail and bus, not only along the corridor but also in connection to similar resources throughout much of the rest of the City, and;

2. Enhancement of the connective relationship between the medical district, downtown and Yale University through the reconnection of streets across the corridor and the requirement that an active, visible first floor commercial presence be established and maintained on those streets, and;
3. The creation of an essentially new mixed-use urban neighborhood providing for a broad range of uses, both nonresidential and residential, in a physical manner intended to maximize the complementary potential of a mixed use environment while at the same time minimizing conflict between disparate uses.

The Commission also recognizes the validity of process that has resulted in the current proposal. Originating with the elimination of uses currently permitted in BD Districts which are not conducive to the creation of a fully realized mixed-use environment, it then moved to a carefully considered process of including new uses (including uses and definitions of use entirely new to the City) selected to best achieve a genuinely functional mixed-use environment and best retain its connective relationship with surrounding areas. Finally, it involved the development of bulk and area requirements (including parking), form based standards that provide a structural means by which to maximize the benefits of a mixed use neighborhood and to, again, reflect its connective character. It is the view of the Commission that the result of this process is a map and set of regulations that will result not only in the creation of a fully functional mixed use district area but which will have measureable positive impact upon surrounding districts.

In consequence of the above, the following finding is made in accordance with Section(s) 181 and 182 of the Charter of the City of New Haven:

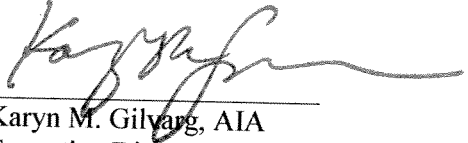
The City Plan Commission finds that the proposed map and text amendments comply with Sections 181 and 182 of the Charter of the City of New Haven in that they are (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion 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 BD-3 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.

RECOMMENDATIONS

Based on all of the above it is the recommendation of the Commission that the proposed map and text amendments (revised Schedule D attached) 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: April 18, 2012
Edward Mattison
Chair

ATTEST:


Karyn M. Gilvarg, AIA
Executive Director

Appendix I

12/21/11 City Plan Commission Public Hearing Notes

Karyn Gilvarg, City Plan Director, noted that what was before the Commission this evening was a zone map change to BD-3 and accompanying text which set forth the regulations for the new BD-3 zone. The Commission was charged with constant review of the effectiveness of the zoning ordinance and the comprehensive plan adopted in 2003 had identified some issues along the Route 34 urban boulevard which should be addressed. The Mayor in 2005 had stressed in his framework for future growth a number of areas where the City could grow by infilling such areas as surface parking lots and converting them to more productive development. The City's Route 34 project which came out of the Mayor's priorities was known as Downtown Crossing, a project to convert the north and south bound Frontage Roads to more street-like arterials and also creating development sites between them. The City had pursued federal grants and had been fortunate to receive a USDOT TIGER II grant. She noted the corridor created between the frontage roads was essentially a Transit Oriented Development (TOD), a critical area of the city where development could be oriented towards the fastest growing employment areas in the New Haven economy, health care, medical research and hi tech sectors. The text change set out a zone which would allow those sectors to grow while allowing other uses to be mixed in.

Thomas Talbot, Deputy Director, Zoning, noted the boundaries of the proposed rezoning were Martin Luther King Boulevard to the north, South Frontage Road to the south, Air Rights Garage to the west and South Orange Street to the east. The area was approximately 11.4 acres and had no buildings. To create the new zone, he had reviewed the uses in the BD zone, and had eliminated some incompatible uses (such as automotive parts stores, pawn shops, etc.). Also removed were inpatient hospitals which would be limited to the BD-2 zone.

Mr. Talbot reiterated the bullet points he had shared with the Commission several months ago:

The BD zone allowed a FAR of 6, and the proposed BD-3 zone would maintain that ratio while incorporating new uses. The medical uses in the ordinance had been revamped and updated incorporating high technology uses. There was a residential component as well for new buildings in the BD-3 zone which did not have the usual BD setback requirements, and lowered the parking requirement to ½ space per dwelling unit, thus allowing for higher density. Definitions of conference center and convention center had been added. Laboratories had been separated into distinct types where formerly they had been lumped together. Bulk and area standards had been modified, open space and common space requirements added and parking requirements modified with provisions added to reduce requirements due to carsharing or shared parking.

Mr. Talbot was speaking from a revised Schedule D dated December 21, 2011, updated from the initial submission to the Board of Aldermen.

He further explained that live-work lofts would be permitted in the BD-3 zone by Special Permit.

Commissioners further questioned the various laboratory categorizations and definition of street. Mr. Talbot said labs were regulated under federal law. Also, the definition of street had been added merely due to the fact that one did not currently exist in the Zoning Ordinance.

Mr. Elicker asked about the difference between Conference Centers (up to 500, with lodging accessory) and Convention Centers (300 and up).

Mr. Mattison asked why not require a Special Exception or Special Permit for convention centers.

Mr. Talbot noted these both would require site plan review.

Ms. Gilvarg noted there were other standards in the Zoning Ordinance which would trigger scrutiny and possibly need for relief from the Board of Zoning Appeals. A Special Permit also required a public hearing and was based upon particular standards found in the Zoning Ordinance.

Mr. Elicker said the proposed ordinance was a great proposal, but would propose that convention centers be eliminated from BD, BD-2 and by special permit in BD-3.

Mr. Mattison then asked if anyone wished to speak on the zoning amendments.

Kelly Murphy, Economic Development Administrator, noted a scenario where there might be a medical use with a conference center. She asked whether it was the size of a conference or convention center that was a concern.

Mr. Elicker said the Special Permit would consider size and other elements of a proposal.

Mr. Mattison agreed he would make a convention center by special permit.

Mr. Elicker offered a compromise amendment, to make both conference centers and convention centers by Special Permit in BD, BD-2 and BD-3 zones. In the BC zone conference centers only (and not convention centers) would be permitted by Special Permit. All of the Commissioners agreed to incorporate this change in their recommendation.

Attorney Carolyn Kone raised the issue of an assembly hall within an office building and asked whether the definition of convention center did not include an assembly hall.

Ms. Gilvarg noted an assembly hall accessory to an office use would not fall under either newly proposed primary use.

As there was no further testimony Mr. Mattison closed the hearing at 7:58 PM.

Appendix II

4/18/12 City Plan Commission Public Hearing Notes

Karyn Gilvarg introduced the item, noting the primary reason for the submission of the amendment had been to address the request of a property owner in an adjacent block who wished to be included in the zone change. Six additional parcels were included in the block to be added. Mr. Talbot summarized the bullet points he had reviewed at the December 21, 2012 hearing. Kelly Murphy, Economic Development Director, noted local property owners inspired by the proposed change wanted to be included in the new zone.

Speakers in favor were as follows:

Vicky Bozzuto, 2 Mansfield Grove Rd., East Haven, Gateway Community College
Ginny Kozlowski, Regional Economic Xcelleration (letter submitted)
Bruno Bagetta, 66 Hampshire Court, Meriden, speaking for Anne Worcester, Market
New Haven (letter submitted)
Florestine Taylor, 100 York Street
Tony Resigno, 7 Beech Lane, North Haven, Greater New Haven Chamber of Commerce
Lynn Smith, 84 Front Street
Tom Coriglio, Wallingford, UI
Winfield Davis, Town Green Special Services District
Ann Haynes, 23 Court Street, Economic Development Corporation
Doug Hansladen, Ward 7 Alderman
Sheila Masterson, 561 Whalley Avenue, Whalley Avenue Special Services District (letter
submitted)
Antoine Scott, 184 Willis Street
Paul Pescatello, 300 George Street, CARE
Wesley Oliver, 53 Cherry Ann Street, Hamden
Matt Ranelli Esquire who gave a presentation on the pros of including the Temple
Medical Center block within the zone. He introduced Ilene Smith of MNI and Dr.
Zomback, a podiatrist who also had a related shoe business within the building.
Additional letters in favor were received from C.A. White, Omni Hotels & Resorts
Anstress Farwell, 129 Church Street, Urban Design League, spoke to the UDL's public
safety and environmental concerns about the Downtown Crossing project. While they
supported the removal of the highway and the making of more room for laboratory space,
they were concerned about the lack of requirements for buffers when adjacent to
residential districts, about the definition of arterials versus cross streets, and also about
parking. She noted this was an opportunity to develop from based code and get it right.

Note: A full accounting of the hearing may be found in the transcript and Minutes of Meeting 1464.

..title

**ZONING ORDINANCE AMENDMENT AND ZONING ORDINANCE MAP AMENDMENT
APPROVING ADOPTION OF A NEW BUSINESS D-3 MIXED USE CENTRAL BUSINESS
DISTRICT ("BD-3 DISTRICT") AND OTHER AMENDMENTS AND AMENDING THE ZONING
MAP (GRID NUMBERS 11 AND 12) TO CHANGE THE DESIGNATION OF 15.8 ACRES OF
LAND (PARCELS #241-0204-00100, #241-0204-00200, #241-0204-00201, #241-0204-
00300, #241-0204-00400 AND #241-0204-00500) LOCATED IN THE STATE ROUTE 34
CORRIDOR AND ADJACENT PROPERTIES FROM BUSINESS D-CENTRAL BUSINESS
DISTRICT TO BD-3 DISTRICT**

..body

WHEREAS, on October 3, 2011, pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), the Economic Development Administrator of the City of New Haven filed with the New Haven City Clerk for transmission to the Board of Aldermen a petition requesting that the Board of Aldermen create a new zoning district to be known as Business D-3 – Mixed Use/Central Business ("BD-3 District") and to amend the New Haven Zoning Ordinance Map ("Grid Sections 11 and 12), to indicate that 11.40 acres of property located in the State Route 34 Connector, which property is currently located in the Business D-Central Business District (the "BD District"), be designated on such maps as being located in the new BD-3 District (the "Original Petition"); and

WHEREAS, on October 24, 2011, the City of New Haven Charter, pursuant to Section 184 of the Board of Aldermen referred the Original Petition to the New Haven City Plan Commission for a public hearing;

WHEREAS, on December 21, 2011, the City Plan Commission rendered an advisory report to the Board of Aldermen after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending approval of the Original Petition, CPC Report Nos. 1459-11 and 1459-12;

WHEREAS, on March 19, 2012, pursuant to the aforementioned Special Act & Charter of the City of New Haven the Economic Development Administrator submitted an amendment to the aforementioned Original Petition adding several adjacent properties at Temple and George Streets to the BD-3 Map Amendment (the "Amended Petition"); and

WHEREAS, on _____, pursuant to Section 184 of the City of New Haven Charter, the Board of Aldermen referred the Amended Petition to the New Haven City Plan Commission for a public hearing; and

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

WHEREAS, on _____, the City Plan Commission rendered an advisory report to the Board of Aldermen after considering the factors set forth in Section 64(d)(2) of the Zoning Ordinance recommending _____ of the Amended Petition, City Plan Commission Report No. _____ and City Plan Commission Report No. _____; and

WHEREAS, on _____, the Legislation Committee of the Board of Aldermen after due notice held a public hearing on the Amended Petition; and

WHEREAS, the Board of Aldermen finds that the map and text amendments to the Zoning Ordinance requested in the Amended Petition are in accordance with the comprehensive plan of development for the City of New Haven as such amendments will encourage intensive mixed use development as in other existing BD Zoning Districts and will connect the City's business districts with each other; and

WHEREAS, the Board of Aldermen further finds that the map and text amendments to the Zoning Ordinance requested in the Amended Petition are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and

air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect the character of the applicable zoning districts and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Aldermen further finds that the map and text amendments to the Zoning Ordinance requested in the Amended Petition are uniform for each class of buildings or structures throughout the BD-3 district and any zoning district to which such amendments will apply.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen of the City of New Haven that the text amendments to the Zoning Ordinance set forth in the Amended Petition of the Economic Development Administrator are hereby granted and that the Zoning Ordinance shall be amended in the manner set forth in Schedule D attached hereto which schedule is incorporated by reference;

BE IT FURTHER ORDAINED that the Amended Petition of the Economic Development Administrator for amendments to the Zoning Map (Grid Sections 11 and 12) is granted and the Zoning Map (Grid Sections 11 and 12) shall be amended to designate the property described in Schedule A attached hereto as being located in the BD-3 District.

SCHEDULE A

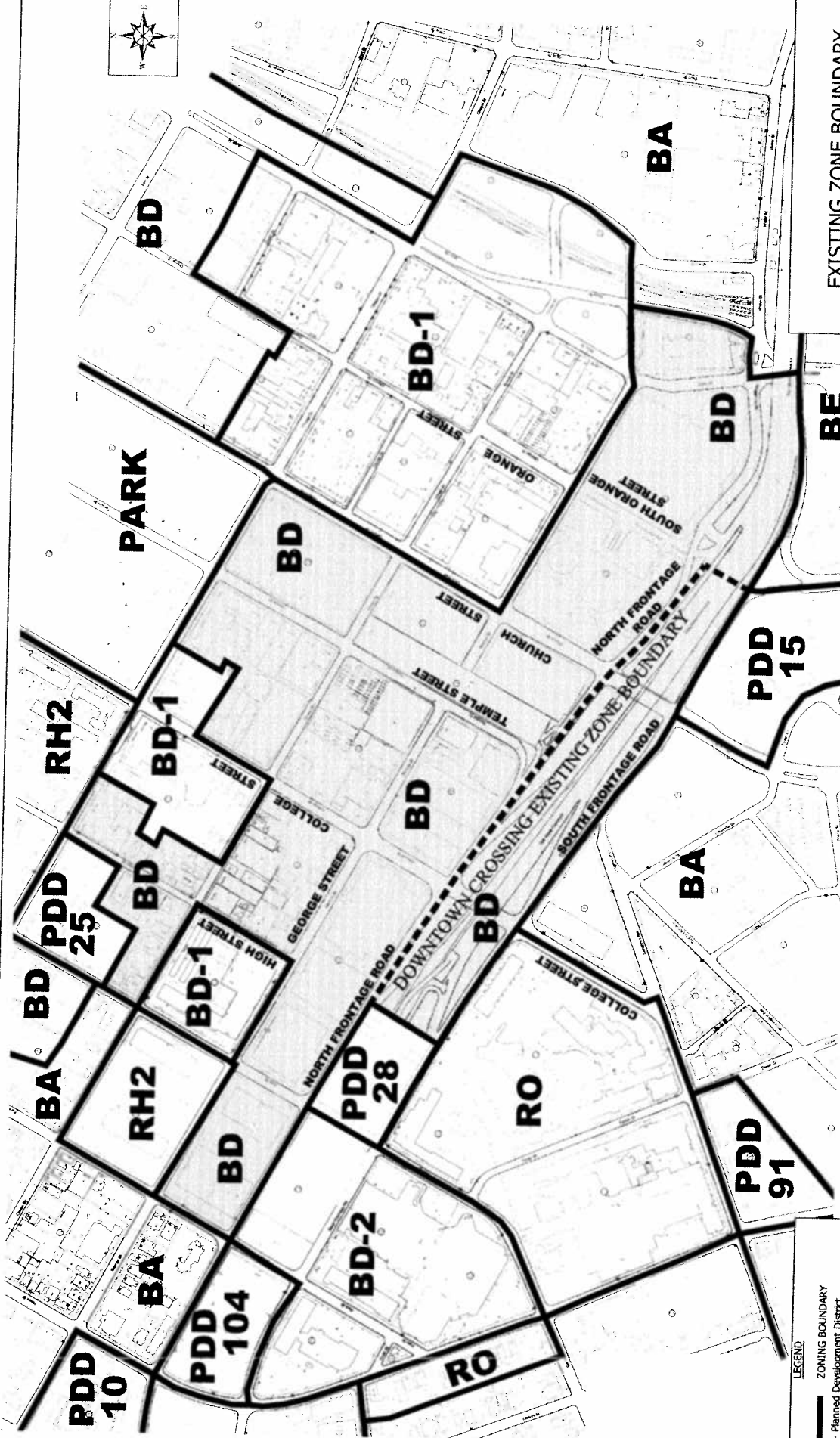
A CERTAIN PARCEL OF LAND CONSISTING OF APPROXIMATELY 15.81 ACRES LOCATED IN THE CITY OF NEW HAVEN, STATE OF CONNECTICUT AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PDD 28 ZONE AND THE CENTER OF MARTIN LUTHER KING BOULEVARD RUNNING EAST TO THE INTERSECTION OF COLLEGE STREET AND MARTIN LUTHER KING BOULEVARD. THENCE RUNNING NORTH TO THE CENTER OF THE INTERSECTION OF COLLEGE STREET AND GEORGE STREET, THENCE RUNNING EAST ALONG THE CENTER OF GEORGE STREET TO THE CENTER OF THE INTERSECTION OF TEMPLE STREET AND GEORGE STREET, THENCE RUNNING SOUTH WEST ALONG THE CENTER OF TEMPLE STREET TO THE INTERSECTION WITH MARTIN LUTHER KING BOULEVARD, THENCE EAST TO THE CENTER OF THE INTERSECTION WITH SOUTH ORANGE STREET TO A POINT IN THE CENTER OF THE INTERSECTION WITH SOUTH FRONTAGE ROAD. ZONE THEN TURNS TO THE NORTHWEST IN THE CENTER OF SOUTH FRONTAGE ROAD TO THE EASTERLY PROPERTY LINE OF PDD 28 AND CONTINUES NORTH ALONG TO EASTERLY PROPERTY LINE OF PDD 28.

SCHEDULE B

[MAP OF EXISTING ZONE BOUNDARY]

AVAILABLE PDF



EXISTING ZONE BOUNDARY
NEW HAVEN, CONNECTICUT



LEGEND

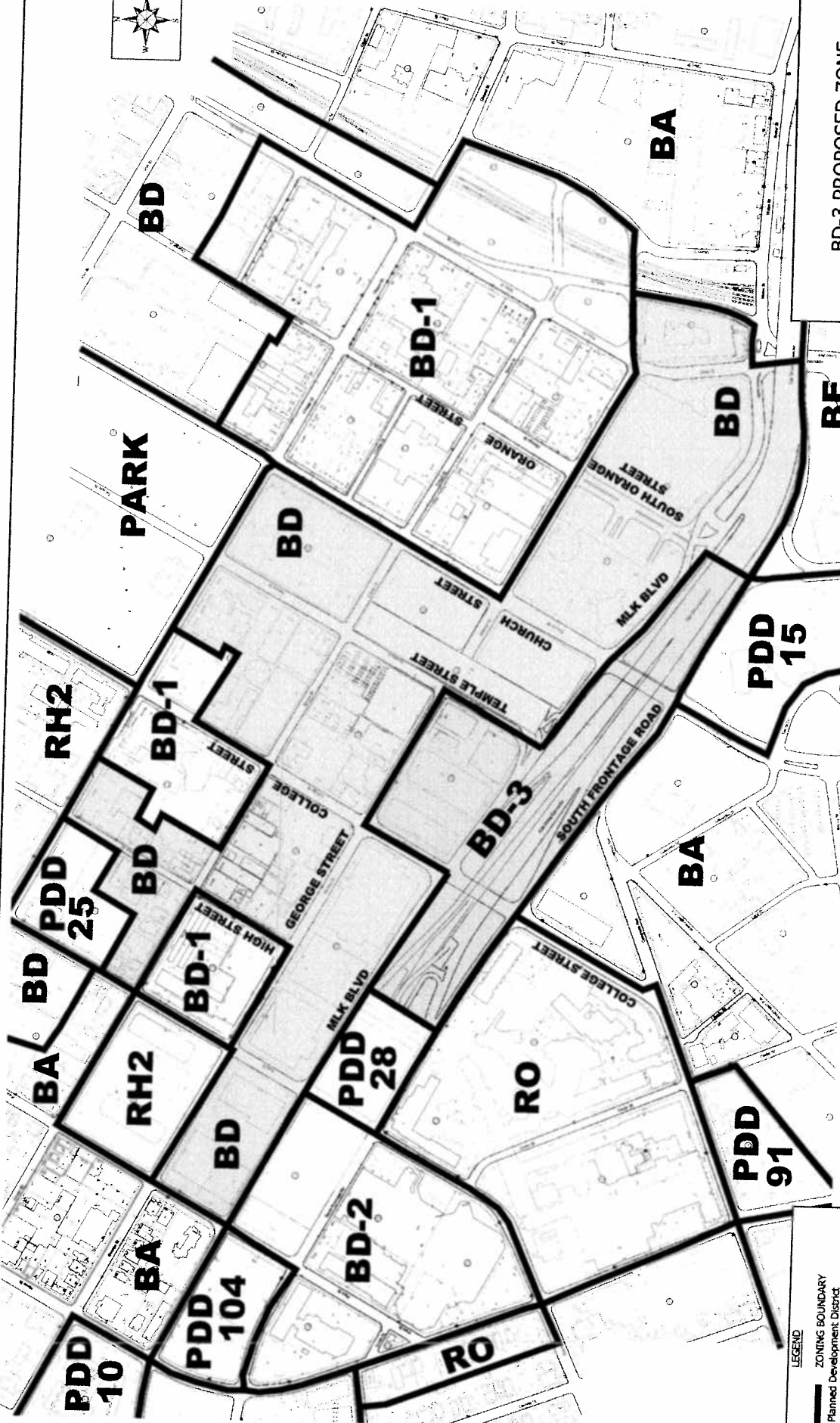
ZONING BOUNDARY

- PDD - Planned Development District
- RH2 - General High Density Residential District
- RO - Residence-Office
- BA - General Business
- BD - Central Business
- BD-1 - Central Business/Residential
- BD-2 - Central Business/Medical
- BE - Wholesale and Distribution

SCHEDULE C

[MAP OF BD-3 PROPOSED ZONE]

AVAILABLE PDF



BD-3 PROPOSED ZONE
NEW HAVEN, CONNECTICUT



FUSS & O'NEILL
AN ARCHITECTURAL FIRM
MANUFACTURING, CONNECTICUT 06460
1974-2011, INC.

LEGEND

- ZONING BOUNDARY**
- PDD - Planned Development District
- RH2 - General High Density Residential District
- RO - Residence-Office
- BA - General Business
- BD - General Business
- BD-1 - Central Business/Residential
- BD-2 - Central Business/Residential
- BE - Wholesale and Distribution