

NEW HAVEN CITY PLAN COMMISSION

RE: ORDINANCE BY THE NEW HAVEN BOARD OF ALDERS ESTABLISHING A TEMPORARY TWELVE (12) MONTH MORATORIUM ON THE SUBMISSION AND ACCEPTANCE OF APPLICATIONS FOR SITE PLANS, VARIANCES, SPECIAL EXCEPTIONS, SPECIAL PERMITS, AND REZONING AMENDMENTS WITHIN THE LONG WHARF RESPONSIBLE GROWTH PLAN AREA (“MORATORIUM AREA”); PROVIDING FOR AUTHORITY; LEGISLATIVE FINDINGS OF FACT; DEFINITIONS; MORATORIUM AREA; TEMPORARY MORATORIUM IMPOSED; DURATION OF TEMPORARY MORATORIUM; AND SEVERABILITY.

Submitted by: Laura E. Brown, Executive Director of City Plan

REPORT: 1612-02

ACTION: Approve as amended, with recommendations

BACKGROUND

The City adopted a comprehensive neighborhood growth management redevelopment strategic plan called “The Long Wharf Responsible Growth Plan” in 2019. The purpose of the Long Wharf Responsible Growth Plan was to develop a comprehensive “**strategy for transforming the Long Wharf Area into a series of diverse and dynamic mixed-use districts, each focused on the entirely new public realm**” (Source: The Long Wharf Responsible Growth Plan). This recommendation reinforces the City’s Comprehensive Plan of Development which states that “**Planning for Long Wharf is focused on two central themes: land use and transportation.**” The Long Wharf Responsible Growth Plan also suggests creating a “**Resilient and sustainable community – integrating public infrastructure and open space for coastal protection and storm water management**” and “**Reducing the City’s vulnerability to storm surge and stormwater flooding.**” Accordingly, the City seeks to assess, evaluate and draft zoning that achieves the highest and best use of the land while incorporating associated environmentally sustainable practices without inhibiting growth and development that advances the goals of the Long Wharf Responsible Growth Plan and the City's Comprehensive Plan of Development.

Accordingly, a moratorium is being introduced to reduce the impact of development pressure while the City contemplates and implements strategies to achieve the highest and best use of the land, corresponding zoning and other planning principles within the Long Wharf Responsible Growth Plan Area. Therefore, this moratorium ordinance is intended to provide a pause in the current pace of development within the Long Wharf Responsible Growth Plan Area so that the City can determine and adopt appropriate zoning regulations with the incorporation of sustainable and “green” environmental guidelines and applicable design standards. It also allows for greater public involvement (public meetings) as these regulations are developed in comprehensive manner.

SUGGESTED AMENDMENTS*Categorical Exclusions*

While moratoriums are typically placed on the issuance of building permits, the division of land parcels (i.e., lot splits) and lot reconfiguration (moving or erasing lot lines), the City desires not to totally stifle development or land improvements. Accordingly, this moratorium has "Categorical Exclusions" for

certain building permit activity and lot reconfigurations because these actions are assumed to be aligned with the advancement of the City's Comprehensive Plan of Development and the Long Wharf Responsible Growth Plan. These Categorical Exclusions exempt the following types of activities from the moratorium and allow land improvements to be constructed:

- Existing Pending Applications - applications which are already in the building permit process prior to the adoption of the moratorium.
- Lot Merger Applications - lot mergers typically increase the size of land or a parcel which either brings the total lot size closer to or exceeding the zoning requirement of minimum lot size.
- Operation of a Cannabis Establishments Within Pre-Existing Structures - considering the Board of Alders recently passed the Cannabis Ordinance requiring a Special Permit for these types of establishments in the Long Wharf Responsible Growth Plan Area.
- Development Agreements - it is considered "in the best interest of the city" when the City enters into development agreements and automatically aligned with the Long Wharf Responsible Growth Plan and the City's Comprehensive Plan of Development.
- Matters Exempt from Building Permit Review - these activities are considered "minor" and are not considered to be a detriment or have a significant effect on the human environment or the health, safety and welfare of the neighborhood.
- Matters of Exterior or Site Work that do not require discretionary action- these activities are for as-of-right exterior work and are not considered to be a detriment or have a significant effect on the human environment or the health, safety and welfare of the neighborhood.

Exemptions From the Moratorium

Furthermore, the moratorium allows for equity and flexibility in that it allows exemptions. These exemptions afford an opportunity for any stakeholder to achieve a Building Permit provided that the development proposal or land improvement conforms with both the City's Comprehensive Plan of Development and the Long Wharf Responsible Growth Plan. Accordingly, this provision in the moratorium offers a contingency clause for stakeholders to "opt-out" of the moratorium through a request and approval of the Board of Alders. These "opt-out" or exemption stipulations are for land development proposals and land improvements that are not considered *Categorical Exclusions* but are aligned with and progress both the City's Comprehensive Plan of Development and the Long Wharf Responsible Growth Plan, as determined by the Board of Alders.

PUBLIC HEARING

A public hearing was held on June 29, 2022.

Three members of the public spoke in support of the moratorium.

Questions, comments, and concerns raised in Public Testimony include:

- Support for the moratorium
- Potential positive impacts of the moratorium on economic development, land use patterns, coastal resiliency, neighborhood development, neighborhood connectivity, and improved shoreline access
- The importance of the one-year period
- The need for the moratorium exemptions to extend to Planned District Developments General Plans that have been approved by the Commission

- Potential issues with the use of the term “hardship” in moratorium exemptions
- The moratorium as an important step on the part of the City to honor the vision created in collaboration with the public for the Long Wharf Responsible Growth Plan

PLANNING CONSIDERATIONS

In accordance with Title I, Article XIII, Section 2(E) of the New Haven Code of Ordinances states, **“Altering regulations, district. The regulations imposed and the districts created under the provisions of this section may be changed or altered from time to time by Ordinance, but no such change or alteration shall be made until the proposed change shall have been referred to the City Plan Commission for a Public Hearing. Said commission shall, upon receipt from the Board of Alders of such proposed change, give Public Notice and proceed with a hearing in the same manner as is herein provided and shall report to said Board of Alders its recommendations in the matter, within thirty (30) Days after receipt by it of the proposal for a change.”**

Accordingly, the Board of Alders seeks guidance regarding the proposal.

The Board of Alder seeks guidance as to:

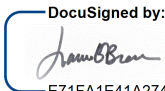
- Whether the proposal is aligned with the City’s Comprehensive Plan.
- Whether the proposal aligns with the articulated goal in the City’s Comprehensive Plan of Development stating, **“Develop new zoning standards to allow the development of the large-scale commercial mixed-use areas proposed in Long Wharf area.”**
- Whether there are **“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;** (Section 64(d)(2)(a) of the Zoning Ordinance)
- **Whether some other method or procedure under the zoning ordinance is more appropriate;** (Section 64(d)(2)(b) of the Zoning Ordinance)
- **In the case of a map change, the size of the area involved.** (Section 64(d)(2)(c) of the Zoning Ordinance)

ADVICE

- This proposal meets the criteria set forth in Section 64(d)(2)(a) of the Zoning Ordinance because the supply of land and its peculiar suitability for various purposes have changed.
- This section of Code refers to the fact the highest and best use of land within the Long Wharf Responsible Growth Plan Area cannot be achieved based on the current zoning.
- It also reinforces the need for the moratorium to afford the City time to determine and adopt appropriate growth implementation strategies.
- The proposal (the moratorium) is aligned with the City’s Comprehensive Plan of Development because it will:
 - Improve the quality of life.
 - **"Help developers expedite planning/zoning approvals of specific projects."** (Long Wharf Responsible Growth Plan)
 - **"Work with existing and new property owners on implementing enabling project improvements"**(Long Wharf Responsible Growth Plan)

- **"Provide public incentives or partnerships that may be needed early on to attract developers"** (Long Wharf Responsible Growth Plan)
- **"Create a detailed plan for the water and waterfront, including operations, activities, and uses that may provide potential revenue sources to the City or State"** (Long Wharf Responsible Growth Plan)
- **"Focus specific planning and redevelopment attention at Long Wharf with the intent to develop a framework for the redevelopment of the intent to develop a framework for the redevelopment of the district into a more mixed, denser urban commercial and coastal district."** (The Comprehensive Plan of Development)
- **"Such planning should help identify the types of uses that could be allowed on Sargent Drive (based on market and site feasibility) and opportunities for shared parking; improve the streetscape; and promote resident connectivity to the waterfront."** (The Comprehensive Plan of Development)
- **"Zoning amendments are recommended in this area based on the plan directives."** (The Comprehensive Plan of Development)
- **"Promote the redevelopment of industrial areas of the city."** (The Comprehensive Plan of Development)
- **"Remediate brownfields and where appropriate, proposed interim uses for such sites."** (The Comprehensive Plan of Development)
- **"Promote sustainable and balanced economic growth."** (The Comprehensive Plan of Development)
- The following recommendations should be considered:
 - That the Board of Alders considers adopting the proposed ordinances changes as attached.
 - That the Board of Alders carefully consider the use of the term "hardship" in the proposed *Exemptions from the Moratorium* section.

ADOPTED: June 29, 2022
 Leslie Radcliffe
 Chair

ATTEST: 
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 Laura E. Brown
 Executive Director, City Plan Department