

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT**RE: 81, 83, 85, and 87 WOOLSEY STREET.**

MBLUs: 173 0746 01100, 173 0746 01200, 173 0746 01300, 173 0746 01400

Owner/Applicant: Fair Haven Community Health Clinic, Inc, 87 Woolsey Street LLC; **Agent:** M. Miles**Petition for Zoning Ordinance Map Amendment**

Change the Zoning Designation of 81, 83, 85 and 87 Woolsey Street from RM-2 to BA-1.

REPORT: 1618-07**ADVICE:** Approval with concerns**BACKGROUND**

Fair Haven Community Health Clinic, Inc and 87 Woolsey Street LLC propose to change the Zoning Designation of 81, 83, 85 and 87 Woolsey Street from RM-2 (High-Middle Density Residence) to BA-1 (Neighborhood Center Mixed Use Business), increasing the size of the BA-1 corridor from 28.4 acres to 28.8 acres. This Zoning Map Amendment is proposed to facilitate expansion of the Fair Haven Community Health Clinic, located on Grand Avenue, with existing surface parking at 81 Woolsey Street. A Notice of Federal Interest (NOFI) applies to the properties included in this petition as well as three parcels on Grand Avenue. On September 1, 2021, the Federal Health Resources and Services Administration awarded Grant No. C8ECS44742-01-00 to the Fair Haven Community Health Clinic, Inc. The grant provides Federal funds for the expansion and improvement of the clinic and parking lot, with the Woolsey Street parcels designated for parking use. If the current or any future property owner wishes to change the use of the parcels covered by the NOFI, permission must be granted by the Federal Government.

An application has been filed with the City Plan Commission by this same Applicant, to convert the 81, 83, 85 and 87 Woolsey Street lots into a surface parking lot for the Clinic building on Grand Avenue. It is Planning Staff's understanding that should the Zoning Map Amendment be passed, the lot would be expanded by 10 parking spaces in the future, which would be permitted as-of-right.

CURRENT ZONING:

NHZO Article III, Section 14 - RM-2 Districts

RM-2 Districts: High-Middle Density. These districts exist for the protection of areas that have been and are being developed predominantly for high-middle density dwellings of various types. Accordingly, the use of land and **buildings** within these areas is limited in general to dwellings at a density of about 22 dwelling units per acre, and to such non-residential uses as generally support and harmonize with a middle density area. The non-residential uses permitted in RM-2 Districts, subject to adequate conditions and safeguards, are hereby found and declared to be the only appropriate such uses for such areas. It is hereby found and declared, further, that these regulations are necessary to the protection of these areas and that their protection is essential to the maintenance of a balanced community of sound residential areas of diverse types.

PROPOSED ZONING:

NHZO Article V, Section 41- Description and purpose of business and industrial districts

Business A-1 Districts—Neighborhood Center Mixed Use. These districts serve as the commercial heart of their neighborhood, are of modest scale and pedestrian orientation, and seek to preserve and restore the historic architecture and urban pattern of the city. The emphasis is on neighborhood goods and services rather than comparison shopping, with a preference for smaller pedestrian-oriented, storefront retail, dining, and other appropriate uses. They are intended as mixed-use districts with a mixture of ground floor retail, small offices, and upper story residential dwellings. Buildings are oriented to the street, parking requirements are reduced and parking maximums established to encourage walkability and community over automotive-related sprawl. New development is required by form requirements and design guidelines to conform to the neighborhood context,

to improve the retail character of the street as a neighborhood center, and to promote the health, safety and well being of residents by reducing sources of public nuisance and encouraging physical activity and community interaction and involvement.

ZONING TABLE-Listing some differences in bulk requirements between RM-2 and BA-1.

	RM-2	BA-1-Neighborhood Center Mixed Use
FAR	N/A	2.0
Building height maximum	Either 45 feet or 4 stories	45 feet (minimum 2 stories and 25 feet)
Usable Open Space/Maximum building coverage	Total coverage of principal and accessory buildings not to exceed 30% of lot area.	No minimum required
Common amenity space	N/A	No minimum required
Parking	1 space per D.U.	1 space per D.U.
Minimum yards	Front: min 17ft Rear: min 25ft Side: one at least 8ft, one at least 10ft (8ft for corner lots)	Front: max 10ft Rear: min 10ft Side: none required

Comparison of Permitted Uses

Uses permitted as-of-right in the RM-2 zone include residential use, home occupations and family daycares, some home-based office uses, religious institutions, schools and universities, cultural activities, agriculture, parks, public utilities, and healthcare uses. Uses permitted by Special Exception in the RM-2 Zone include fraternities and sororities, certain types of group homes, transition parking, temporary uses, recreation facilities, railroad and other rights-of-way, convenience stores, group daycare homes, and front yard parking.

The BA-1 zone also permits residential use, with a Special Permit required for residential use on the ground floor. Many additional commercial uses are permitted as-of-right in the BA-1 zone (for a full list, reference NHZO Article V, Section 42). A number of uses that may be less common for a Neighborhood Center Mixed Use District, or that have the potential to create a nuisance for the surrounding area, are permitted only by Special Exception or by Special Permit, including all proposed uses of greater than 5,000 net square feet, whether located in new or existing structures, in order to ensure that such relatively large proposals are compatible with and meet the general criteria and standards of the BA-1 Zone. There are also a series of Design Guidelines that apply to the BA-1 Zone. A surface parking lot in the BA-1 Zone would not be limited in size by front yard setbacks.

In summary, while the BA-1 is more restrictive than other Business Zoning designations in the city, designed to protect neighborhood character and geared toward small business districts of a neighborhood scale, it allows many additional commercial uses as-of-right. The BA-1 Zone also has bulk requirements designed for a business corridor of active storefronts with minimal front yards.

PUBLIC HEARING

A Public Hearing was held on October 19, 2022.

Topics raised in Public Testimony included:

- The need for parking for the clinic
- Support for the petition
- Questions about impact on Woolsey Street
- Whether precedent would be set for project-motivated zoning and/or spot zoning
- Concerns with front yard parking
- Community engagement that was done with the neighbors including getting input on different options

- Need for housing in the neighborhood
- Impact on property values on the street
- The importance of ensuring the surface parking lot is used instead of street parking
- The extensive community engagement conducted, and receptiveness to the community
- Parking demand management strategies at the clinic
- Conformance with the Comprehensive Plan

CONSISTENCY WITH THE POLICIES AND STANDARDS OF THE CONNECTICUT COASTAL MANAGEMENT ACT

87 Woolsey Street is located in the Coastal Management Area. Zoning text and map amendments that impact parcels in the Coastal Management Area are mandatory referrals to the Connecticut Department of Energy and Environmental Protection (DEEP). In a letter dated October 7, 2022, CT DEEP, Land and Water Resources Division staff stated that they find the proposed zoning map amendment to be consistent with the Connecticut Coastal Management Act.

TITLE 1, ARTICLE XIII, SECTION 2 OF THE CHARTER OF THE CITY OF NEW HAVEN

The City Plan Commission must find that, based on submitted information the proposed map amendment complies with Title 1, Article XIII, Section 2 of the Charter of the City of New Haven in that it is (i) uniform for each class of buildings or structures, (ii) made in accordance with the comprehensive plan, (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements, and (iv) made with reasonable consideration as to the character of the proposed BA-1 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.

See comments on (ii) and (iv) under section 'a' below.

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

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

a. Errors in the existing ordinance, changes that have taken place in the city and in patterns of construction and land use, the supply of land and its peculiar suitability for various purposes, the effect of a map change on the surrounding area, the purposes of zoning and the comprehensive plan of the City of New Haven;

Woolsey Street is a medium-density residential street composed primarily of multi-family houses. Vision 2025, the City's Comprehensive Plan, calls for medium-density residential (RM-2) land use in this area, with no expansion of the Grand Avenue commercial corridor (BA-1) into this residential area. Vision 2025 also calls for rehabilitation of existing housing stock in Fair Haven, revitalization of residential areas near significant green spaces such as Criscuolo Park, and emphasizes the need for affordable, high-quality housing. Should the map change be granted, many commercial uses would be allowed as-of-right on Woolsey Street and the applicable bulk requirements would be those of the BA-1 zone, potentially allowing for a significant disruption of the residential block. However, it is likely that the Fair Haven Community Health Clinic will be present in this location and using these parcels for parking for a long time and the City Plan Commission has determined that a map change is appropriate for these parcels.

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

The City Plan Commission has determined that a map change is appropriate for these parcels. Another procedure to achieve the applicant's goals for the parcels, would be an application to the Board of Zoning Appeals for a Special Exception to permit front yard parking.

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.

Should the Zoning Map Amendment occur, the BA-1 district would increase from ~28.4 acres to a total contiguous area of ~28.8 acres.

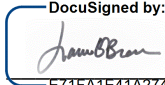
PLANNING CONSIDERATIONS

Community Health Clinics are important to our community, working to address health inequities, particularly in low-income and immigrant communities and the expansion of these services by Fair Haven Community Health Clinic will likely have tangible impacts on nearby residents. In their deliberations, the City Plan Commissioners noted the great need for additional parking for the clinic, community support for the petition, and the fact that the zoning change would create a contiguous expansion of the existing BA-1 Zone. The City Plan Commission acknowledges that rezoning four parcels in the middle of a medium-density residential street could create significant disruption and nuisance for the neighborhood in the future, should the use as a surface parking lot be changed. However, given the Fair Haven Community Health Clinic’s long-term plans for the site and the Notice of Federal Interest that requires Federal approve for a change of use of the parcels, the Commission believes a Zoning Map Amendment is appropriate.

FINDINGS AND ADVICE

Based on all of the above it is the recommendation of the Commission that the proposed map amendment is in compliance with the standards and requirements of Title 1, Article XIII, Section 2 of the Charter of the City of New Haven and Section 62(d)(2) of the New Haven Zoning Ordinance and should be approved. The Commission recommends that the Board of Alders consider fully all the points in this report, including some concerns raised.

ADOPTED: October 19, 2022
Leslie Radcliffe
Chair

ATTEST:  October 28, 2022 | 1:00 PM EDT
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Laura E Brown
Executive Director, City Plan Department