

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **PETITION TO AMEND THE NEW HAVEN ZONING MAP** (Map # 13) TO CHANGE THE DESIGNATION OF APPROXIMATELY 26.56± ACRES OF LAND LOCATED AT 701 TOWNSEND AVENUE, 709 TOWNSEND AVENUE, 725 TOWNSEND AVENUE, 745 TOWNSEND AVENUE (including M-B-P 024/0920/02700, M-B-P 024/0920/02800, M-B-P 024/0920/02900, M-B-P 024/0920/03000, and M-B-P 024/0920/02701) FROM RS-2 (GENERAL SINGLE-FAMILY) to RS-3 (SPECIAL HERITAGE MIXED USE) ZONING DISTRICT CLASSIFICATION.

Submitted by: Attorney Marjorie Shansky for East Shore Partners, LLC.

REPORT: 1627-01
ADVICE: Approval

COMPANION APPLICATION:
1626-02 **PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE BY ADDING SECTION 12.5, RS-3, SPECIAL HERITAGE MIXED USE ZONING DISTRICT, TO THE TEXT OF THE NEW HAVEN ZONING ORDINANCE AS A NEW ZONING DISTRICT.**

Submitted by: Attorney Marjorie Shansky on behalf of East Shore Partners LLC

BACKGROUND

East Shore Partners, LLC has submitted a petition to rezone 26.56 acres of land on Townsend Avenue to the newly proposed RS-3 Zone (noted above as the companion application). The proposed new RS-3 zone differs in a number of ways from the RS-2 zone, as described below and, according to the applicant's submission, was designed to "offer an opportunity to accommodate goals of historic preservation, agricultural uses and medium density residential uses consistent with the receiving residential neighborhood."

The site is the location of the former Townsend Estate located at 709 Townsend Avenue in New Haven and consisting of 26.56± acres on the east side of New Haven which was formerly owned by the Townsend family for generations. The aggregate subject property consists of the following parcels: 701 Townsend Avenue, 709 Townsend Avenue, 725 Townsend Avenue, 745 Townsend Avenue and a Townsend Avenue parcel M-B-P 024/0929/02701. The main house was built in 1804 and is listed on the National Register of Historic Places. The land has been devoted in part to agricultural uses. These lands represent a significant development/conservation opportunity to engage in historic preservation and appropriate sustainable development that enhances the neighborhood and the City.

The Petition seeks to remap the Subject Parcel to the RS-3 Zoning District from the current zone of RS-2. The proposed text and map amendments represent a response to the availability of land privately held for generations which holds unique development opportunities by its scale and amenity as envisioned by Section 64 of the New Haven Zoning Ordinance.

CURRENT ZONING:

RS-2 Districts: General Single Family. These districts exist for the protection of areas, most of them large in size, that have been and are being developed predominantly for single-family dwellings. Accordingly, the use of land and buildings within such areas is limited to single-family detached dwellings, and to such non-residential uses as generally support and harmonize with a low-density residential area. The non-residential uses permitted in RS-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:

RS-3 Districts: Special Heritage Mixed-Use. These districts exist for the protection of areas of large size that have historically been used to support single-family dwellings and agricultural uses and that are now being developed to combine single-family dwellings, agricultural uses, historic preservation, and limited hospitality uses as well as to further and support the rehabilitation, restoration and/or adaptive reuse of Historic Residential and Accessory Structures as defined herein. Accordingly, the use of land and buildings within such areas is limited to single-family dwellings, multi-family dwellings, agricultural uses, and to such non-residential uses as support and harmonize with a medium-density residential area of historic and cultural significance. The non-residential uses permitted in the RS-3 District, subject to adequate conditions and safeguards, are hereby found and declared to be the only appropriate 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.

ZONING TABLE-Listing some differences in bulk requirements between RS-2 and RS-3.

	RS-2	RS-3
Residential Uses	Single-family detached dwellings. There shall be only one principal structure on a lot.	Single-family and two-family dwellings on individual lots or within a common interest ownership or planned community with private internal public or private roadways (individual lot lines shall not be required).
Minimum Lot Area Per Dwelling Unit	Only single-family structures are permitted.	4,000 sq. ft. except 3,000 sq. ft. in the case of an efficiency unit and 2,250 sq. ft. in the case of an elderly housing unit
Maximum building coverage	Total coverage of principal and accessory buildings not to exceed 30% of lot area.	Total coverage of principal and accessory buildings not to exceed 50% of lot area.
Maximum Building Height	Such height shall not exceed either three stories or an average height of 35 feet, provided that no point on a side or rear building wall shall be so located that it is closer to a side or rear lot line than one foot for each two feet that such point is above the average finished lot grade along such side or rear building wall.	Such height shall not exceed either three stories or an average height of 40 feet, provided that no point on a side or rear building wall shall be so located that it is closer to a side or rear lot line than one foot for each two feet that such point is above the average finished lot grade along such side or rear building wall.
Minimum yards	Front: 25ft Rear: 25 ft Side: one at least 8ft, one at least 12ft (8ft for corner lots)	Front: 20ft from edge of road (private or public) Rear: 15ft Side: 6ft

Comparison of Permitted Uses

Permitted non-residential uses in the RS-2 Zone include the following:

As of right:

- a. Parks and other facilities for passive recreation, and public playgrounds.
- b. Reservoirs, dams, public utility substations and pumping stations, telephone exchanges, police stations, fire stations and post offices, with no industrial activities or outside storage.
- c. Agriculture, including tilling of the soil and orchards, but excluding the keeping of livestock and commercial greenhouses and nurseries except for the keeping of hens per section 34 of this ordinance. No substance producing odor or dust shall be stored within 200 feet of any **lot line** unless completely enclosed.
- d. **Religious institutions**, including parish houses, rectories, convents, and other facilities normally incidental to places of worship but excluding funeral homes and cemeteries.
Minimum parking: One (1) **parking space** for each eight seats in the largest place of assembly of such institution, based upon the maximum occupancy of both fixed and movable seats, located on the same **lot** or within 300 feet **walking distance**.
- e. Cultural activities not carried on as a gainful business, including art galleries, libraries and museums.
Minimum parking: One **parking space** for each three employees, plus one **parking space** for each four seats in each place of assembly based upon the maximum occupancy of both fixed and movable seats, plus one **parking space** for each 1,000 square feet of **gross floor area** excluding any place of assembly, located on the same lot or within 300 feet **walking distance**.
- f. Public and private elementary and secondary schools meeting all requirements of the compulsory education laws of the State of Connecticut, and adult education facilities connected with such schools, including **dormitories** connected with such schools but excluding fraternities and sororities. Noise, odors, lights, smoke, dirt, and all other possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.
Minimum parking: One (1) **parking space** for each four seats in each place of assembly commonly having events open to the public, based upon the maximum occupancy of both fixed and movable seats, located on the same **lot** or within 300 feet **walking distance**.
- g. Public and private colleges and universities, including **dormitories** connected with such institutions but excluding: fraternities and sororities, trade/or business schools and colleges, and schools and colleges operated as commercial enterprises. Noise, odors, lights, smoke, dirt, electrical disturbance, radioactive particles and rays, and all other possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets beyond the boundaries of such college or university.
Minimum parking: One **parking space** for each two full-time faculty members or the equivalent (two part-time members equaling one full-time member), plus one **parking space** for each three employees, plus one **parking space** for each three non-resident students, plus one **parking space** for each six beds if residents are allowed to keep automobiles, plus one **parking space** for each eight seats in each place of assembly (other than classrooms) commonly having one-half or more of its attendance made up of students (and otherwise having one **parking space** for each four seats) based on the maximum occupancy of both fixed and movable seats, located on the same lot or within 300 feet **walking distance**.
- h. General and special inpatient hospitals, and health care clinics; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all possible disturbing aspects connected with the operation of such **uses** shall be enclosed, screened or otherwise controlled to the extent that the operation of any such **use** shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.
Minimum parking: One **parking space** for each four patient beds (excluding bassinets), plus one **parking space** for each staff or visiting doctor (based on the average number of such doctors at the hospital or health care clinic at peak times), plus one **parking space** for each four employees in the largest shift including nurses; plus, in the case of health care clinics, a number of **parking spaces** for patients equal to twice the number

of *parking spaces* required for doctors; all of which *parking spaces* are to be located on the same *lot* or within 300 feet *walking distance* except in the BD-3 District.

- i. Family daycare home.

Where permitted by special exception under sub-section 63(d) of this ordinance:

- a. Temporary *uses* and *structures* such as rental offices, booths for charitable purposes and parking for special events, with a time limit of not more than six months.
- b. Recreation facilities and athletic clubs; and community centers and clubs drawing a substantial number of users from the immediate neighborhood in which they are located; excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions. Noise, odors, lights, *signs* and all other possible disturbing aspects connected with the operation of such *uses* shall be enclosed, screened or otherwise controlled to the extent that the operation of any such *use* shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.
Minimum parking: One *parking space* for each four persons present at such facilities when they are filled to capacity, located on the same *lot* or within 300 feet *walking distance*.
- c. Railroad and other rights-of-way.
- d. Establishments providing convenience goods and services, as described and regulated by section 31 of this ordinance.
- e. Group daycare home.

Permitted non-residential uses in the RS-3 Zone include the above uses for the RS-2 with the following **inclusions:**

As of right:

- a. Home Occupations customarily and traditionally conducted in a dwelling unit as an incidental use, provided no such home occupation shall involve:
 1. Any employee not resident in the dwelling unit;
 2. Storage of a stock in trade or sale of commodities on the premises;
 3. Use of more than 25% of the net floor area of the dwelling unit, or any space outside the dwelling unit
 4. External evidence of the use other than signs permitted by section 27;
 5. Emission of offensive smoke, dirt, dust, vibration, odor, light, heat, glare, noise, electrical disturbance, or radioactive particles or rays.
- b. Parks and other facilities for passive recreation, and public playgrounds. Parks and other facilities for passive recreation as provided for in Residential Districts.
- c. Agriculture, including tilling of the soil and orchards, but excluding the keeping of livestock and commercial greenhouses and nurseries except for the keeping of hens per section 34 of this ordinance. No substance producing odor or dust shall be stored within 200 feet of any lot line unless completely enclosed. Accessory uses shall include but not be limited to events of limited duration that are open to the general public including harvest festivals and similar activities. See Section 12.5 b. (2) (c) below for agricultural and non-agricultural accessory uses permitted by special exception.

Where permitted by special exception under sub-section 63(d) of this ordinance:

- a. Temporary uses and structures such as rental offices, booths for charitable purposes and parking for special events, with a time limit of not more than six months. Temporary uses and structures such as rental offices, tents for weddings and other celebrations and assemblies, booths for charitable purposes and parking for special events.
- e. Group daycare home.
- f. Event facility in a Historic Residential or Accessory Structure hosting meetings, social events including, without limitation, weddings, banquets, workshops, corporate gatherings, education or training and similar gatherings. Events may be held outdoors on the grounds of the Historic Residential Structure between March and November.

g. Non-Agricultural Accessory Uses complementing agricultural activities including a tasting room, a gift shop, Restaurant, including seasonal outdoor seating and the retail sale of wine and wine-related products shall be accessory uses permitted by special exception.

Permitted non-residential uses in the RS-3 Zone include the above uses for the RS-2 with the following **exclusions:**

As of right:

h. General and special inpatient hospitals, and health care clinics; excluding private offices for doctors, convalescent homes, rest homes, nursing homes, sanitariums, homes for the aged and handicapped, and orphanages. Noise, odors, electrical disturbance, radioactive particles and rays, and all possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

Where by special exception under sub-section 63(d) of this ordinance:

b. Recreation facilities and athletic clubs; and community centers and clubs drawing a substantial number of users from the immediate neighborhood in which they are located; excluding residential accommodations and any activity carried on as a gainful business other than incidental concessions. Noise, odors, lights, signs and all other possible disturbing aspects connected with the operation of such uses shall be enclosed, screened or otherwise controlled to the extent that the operation of any such use shall not unduly interfere with the use and enjoyment of properties or streets in the surrounding area.

c. Railroad and other rights-of-way.

d. Establishments providing convenience goods and services, as described and regulated by section 31 of this ordinance.

In summary, the RS-2 zone provides very limited opportunities for the types of uses proposed, specifically involving event facilities. Additionally, residential uses in the RS-2 are confined to single-family structures whereas the proposal seeks to allow for multi-dwelling residential structures at a density greater than the RS-2, but less than the RM-1.

PUBLIC HEARING

A Public Hearing will be held on the item at the City Plan Commission meeting on February 15, 2023. A transcript of the hearing, CPC Meeting #1627, will be available from the City Plan Department.

Thirty-four items of written testimony were submitted into the record prior to the meeting. Eight items expressed opposition with the proposal and 26 in support.

Ten members of the public gave testimony during the meeting.

Topics raised in public testimony include:

- Concerns about historic preservation
- Concerns to wetlands and species therein as a result of future development
- Concerns with infrastructure and stormwater management as a result of future development
- Support for the proposal as it balances preservation and development
- Concerns about public outreach about the project
- Allowing multi-family housing preserves green spaces
- Questioning as to if the proposal is considered spot zoning

PLANNING CONSIDERATIONS

The proposed amendment seeks to rezone 26.56 acres on land on Townsend Avenue to the proposed RS-3 zoning district. As noted in CPC Report #1626-02, this district serves as a transitional residential zoning district between the RS-2 (General Single-Family) and the RM-1 (Low-Middle Density) zoning district with respect to the density allowed in a principal structure located on a single parcel as well as expanding on and eliminating some of the allowable non-residential uses. The goal of the proposed map amendment is to support agricultural uses, historic preservation, and limited hospitality uses as well as to further and support the rehabilitation, restoration and/or adaptive reuse of the Historic Residential and Accessory Structures on the subject parcels.

Vision 2025, the Comprehensive Plan of Development, highlights the need for housing, economic development, and preservation of historic resources, all of which will be supported by rezoning these parcels. The Comprehensive Plan also highlights the importance of “grow[ing] opportunities for promoting commercial and non-profit agriculture through amendments to the local land use regulations that help mitigate the urban heat island effect, as well as promote community cohesion.” (Vision 2025 p47) This includes supporting agricultural uses, greenspace and uses that are adjacent to and may complement but do not adversely impact nearby residential uses. City Staff met with the applicant on several occasions in which alternative approaches were discussed such as the possibility of establishing a Planned Development District (PDD) or seeking relief by way of bulk/use variances. These options were ultimately dismissed as there were several issues that would have presented greater obstacles in achieving the proposed goal than creating the RS-3 zone as presented. Furthermore, city staff determined that this zone could have larger implications with the intent being that the RS-3 zone could be established elsewhere within the city.

SECTIONS(S) 181 and 182 OF THE CHARTER OF THE CITY OF NEW HAVEN

The City Plan Commission finds that, based on submitted information the proposed map amendment comply with Sections 181 and 182 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 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.

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;

The proposed Zoning Map Amendment is consistent with patterns of land-use for this area and will have a positive impact on the surrounding area by supporting historic preservation, community cohesion, and remaining compatible with the adjacent RS-2 zones. The proposed Zoning Map Amendment is consistent with the Comprehensive Plan of the City of New Haven which calls for supporting historic preservation, increased supply of housing, and enabling agricultural uses.

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

The Commission agrees that a Zoning Map Amendment is the most appropriate method to achieve objectives for this parcel.

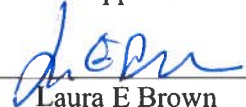
c. *In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than two acres in the case of a 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 proposed change will result in a ~26.56-acre RS-3 zoning district adjacent to the RS-2 zone and PDD 48.

FINDINGS AND ADVICE

Based on the above it is the recommendation of the Commission that the proposed map amendment is 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: February 15, 2023
Leslie Radcliffe
Chair

ATTEST: 

Laura E Brown
Executive Director, City Plan Department

