

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **PETITION FOR ZONING ORDINANCE MAP AMENDMENT** to change the zoning designation of approximately 0.46 acres known as 19 Clinton Avenue (MBLU 160-0761-02200, PID 7509) and an unnumbered parcel on Perkins Street (MBLU 160-0761-02101, PID 7508) from RM-1 (Low-Middle Density Residence) to BA-1 (Neighborhood Center Mixed Use Business).

Submitted by: Pennrose, LLC

REPORT: 1630-03
ADVICE: Approval

BACKGROUND

A Zoning Map Amendment is proposed for two parcels zoned RM-1 on Clinton Avenue and Perkins Street. The total approximate area of the property is 0.46+/- acres. The City of New Haven currently owns the property, along with the abutting parcel known as 69 Grand Avenue, which is improved with a two-story building that housed the Horace Strong School. Constructed in 1915, the Strong School Building was used as a public elementary school for nearly a century from 1916 to 2010. Both parcels comprising the property served the Strong School when it was still in use. The unnumbered parcel on Perkins Street (MBLU: 160 0761 02101) is improved with a vacant, one-story extension of the Strong School building. The 19 Clinton Avenue parcel is improved with a paved parking lot and a playscape. The three parcels have continuously operated as one campus, however, this campus is split-zoned. 69 Grand Avenue is zoned BA-1 while 19 Clinton Avenue and the Perkins Street parcel are zoned RM-1.

Since the Strong School closed in 2010 it has been vacant, and the city has worked to identify partners to redevelop the parcels. In May 2022 the city issued a Request for Proposals to redevelop the property and in October 2022 Pennrose's proposal was selected. Pennrose currently has a memorandum of understanding with the City related to its intended acquisition and development of the three parcels and is finalizing a Development and Land Disposition Agreement with the city.

CURRENT ZONING:

NHZO Article III, Section 13. *RM-1 Districts: Low-Middle Density.* These districts exist for the protection of areas that have been and are being developed predominantly for low-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 12 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-1 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 for 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-1	BA-1-Neighborhood Center Mixed Use
FAR	N/A	2.0
Building height maximum	Either 35 feet or 3 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 20ft 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-1 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-1 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.

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 April 19, 2023. A transcript of the hearing, meeting #1630, is available from the City Plan Department. Eighteen items of public testimony were received in advance of the meeting, all in support of the item.

Topics raised in public testimony included:

- Support for the petition
- Appreciation for the developer's community outreach
- Need for the redevelopment of the vacant Strong School
- Alignment with the goal stated in the Comprehensive Plan to revitalize Grand Avenue

- Support for bringing the three parcels of the Strong School Campus into the same zoning district
- Proximity of the proposed business district to public open space
- Facilitation of historic preservation
- Proximity to public transit (bus route)

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

The subject parcels are 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 April 5, 2023, 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.

PLANNING CONSIDERATIONS

The City Plan Department has been working closely with Livable City Initiative, the Economic Development Administration, and community members in Fair Haven on the redevelopment of the Strong School campus for many years. Planning Staff worked closely with the applicant to determine that a Zoning Map Amendment was the best approach to achieve planning goals for this key corner of Grand Avenue. As noted in the background section of this report, the three parcels have long been used as one ‘campus’ and bringing them all into the BA-1 Zone, which was designed to support neighborhood-scale, pedestrian-oriented development, is a logical step in supporting redevelopment.

The proposed Zoning Map Amendment supports many goals of the City’s Comprehensive Plan, including:

New Haven Vision, 2025, p. IV-12:

“Support the provision of affordable, workforce (middle income) housing within the City. To that end, explore the feasibility of incentivizing developers who provide workforce housing through reduced parking, where appropriate, and other incentives.”

New Haven Vision, 2025, p. xx-iii:

“Build mixed-use developments along all of the city’s commercial corridors, as indicated within the future land use map, through necessary zoning amendments.”

New Haven Vision, 2025, p. IV-13:

“Identify historic structures that can be successfully used to meet the City’s affordable housing goals. Low-income housing and historic rehabilitation tax credits can be combined when historic structures are rehabilitated for affordable housing.”

New Haven Vision, 2025, p. IV-26:

“Continue to focus on revitalization efforts on Grand Avenue to promote vibrancy and strengthen local economy within this commercial corridor.”

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-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.

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 responds to changes that have taken place in Fair Haven, along the Grand Avenue corridor, and on the Strong School ‘campus,’ and changes in patterns of construction and land use in the city, including the great need for affordable housing and denser residential development. The Planning Considerations section of this report discusses the strong alignment with the City’s Comprehensive Plan.

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

The applicant has worked closely with Planning Staff to determine that a zoning map amendment is appropriate for this location.

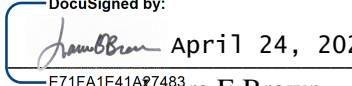
c. In the case of a map change, the size of the area involved. As a general policy, the City Plan Commission shall not consider favorably any petition which would result in a total contiguous area (separated only by streets, and excluding the area of streets) of less than two acres in the case of a residence 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 subject parcels are adjacent to the existing BA-1 zone along Grand Avenue and will result in a 0.46 acre increase to the BA-1 zoning district which is over 40 acres.

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: April 19, 2023
Leslie Radcliffe
Chair

ATTEST:  April 24, 2023 | 9:31 AM EDT
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Laura E Brown
Executive Director, City Plan Department