

**MINUTES FOR MEETING 1597**  
**NEW HAVEN CITY PLAN COMMISSION**  
**Wednesday, December 1, 2021 at 6:00 PM**  
**WEB-BASED MEETING HOSTED ON ZOOM**

**LINK:**

<https://newhavenct.zoom.us/j/98298328270?pwd=NHIYUE5mZTAwME9nbUpmd0lHNWNzUT09>

**Passcode:** Planning2

**To view meeting materials, visit:**

<https://cityplancommission.newhavenct.gov/pages/december-1-2021-meeting>

**Attendance**

**Regular Members Present:**

Leslie Radcliffe (Chair), Edward Mattison (Vice Chair), Adam Marchand (Commissioner, Alder for Ward 23), Carl Goldfield (Commissioner), Giovanni Zinn (ex officio Commissioner, City Engineer)

**Staff Present:**

Aïcha Woods (Executive Director, City Plan), William Long (Deputy Director of Zoning, City Plan), Esther Rose-Wilen (Planner, City Plan), Roderick Williams (Attorney, Corporation Counsel), Michael Pinto (Attorney, Corporation Counsel)

**I. CALL TO ORDER**

Chair Radcliffe called the meeting to order at 6:04 PM.

**SITE PLAN REVIEWS**

**1597-01      10 YORK STREET and 1 PARK STREET** (MBLUs: 279 0150 00100, 279 0150 00200) Site Plan Review for a temporary emergency room building at the Yale New Haven Hospital in the BD-2 zone. (Owner/Applicant: Yale New Haven Hospital; Agents: Amy E. Souchuns Esq. and John W. Knuff, Esq.)

Amy Souchuns and Alex Esdaile presented. Alex Esdaile spoke about the expected surge of severe cold and flu cases expected to peak in the winter creating a need for additional capacity at the hospital. 35 additional patient care areas are proposed in a stand-alone fully functioning temporary care unit, in close proximity to the existing emergency care unit. The unit will be built in the existing West Pavilion car turnaround at the corner of Howard Avenue and Park Street. Amy Souchuns presented the site plans and explained that the site is directly connected to the interior of the present emergency room and is designed to have low acuity patients and walked through the floor plans, renderings, and traffic plan. The North Pavilion turnaround will be used in place of the West Pavilion turnaround and a temporary parking lane is proposed on Park Street to facilitate valet staging. Amy Souchuns explained that no changes to parking are proposed and a letter has been submitted to the BoA requesting certification that no change to the Overall Parking Plan is necessary.

City Engineer Zinn asked about a timeframe, Amy Souchuns responded that the facility is expected to be up for six months. City Engineer Zinn asked for confirmation that no foundations or excavation are proposed, which was confirmed. City Engineer Zinn then asked how utilities would be connected, particularly sanitary. Applicant engineer Carlo Centore responded that a sanitary line would be run through HVAC chafes and tied in temporarily to the garage below. Vice Chair Mattison requested the construction timeline. Amy Souchuns responded that construction would start the following week and take 4-6 weeks. Commissioner Alder Marchand asked how pregnancy delivery patients would be dropped off and enter the hospital. Alex Esdaile responded that the pediatric emergency entrance remains unchanged and that patients that currently use the west pavilion turnaround and valet service will use the north pavilion turnaround and valet and will be directed to the west pavilion once inside.

Commissioner Alder Marchand asked for clarification around the current and proposed use of the proposed temporary parking lane on Park Street. Alex Esdaile explained that the lane is currently “police only” and that the

proposed use is for the valet service to temporarily store cars before moving to a final location, in order to prevent traffic build-up in the turnaround. Director Woods commented that Transportation Traffic and Parking staff had no comments on the application. Commissioner Alder Marchand and City Engineer Zinn commented that any changes to the traffic patterns and parking lane should be cleared with the city before issuance of a building permit. Commissioner Alder Marchand asked if the 35-patient increase in capacity would increase parking demand. Amy Souchuns responded that these patients are already coming to the hospital and also that there is an excess capacity in the Overall Parking Plan of 800 or 900 spaces, and that the annual update to the OPP will be presented to the BoA soon. Commissioner Alder Marchand asked if an increase in staffing was expected because of the facility and Alex Esdaile responded that the facility will allow existing staff to function more efficiently because the facility will be dedicated to low-acuity patients who are currently being cared for in inefficient spaces like hallways. Commissioner Alder Marchand asked if the Hospital planned to conduct a study to see whether a similar facility that is permanent might be needed and Alex Esdaile responded that they are currently not looking past the 180 days for the temporary facility which will match up with the end of respiratory season. Chair Radcliffe asked several clarification questions about the location of different facilities around the building and traffic patterns, which the applicant responded to. Vice Chair Mattison emphasized the importance of a clear plan of communications and signage to direct patients and visitors around the hospital after the proposed changes. Alex Esdaile responded that a strategic marking and communication plan is being created that is both inward and outward facing.

**Commissioner Alder Marchand moved to approve the item with the following conditions and amendments:**

**An additional Condition of Approval stating, “Before issuance of building permits, the applicant will receive certification from the Board of Alders that no amendment to the Overall Parking Plan is necessary.**

**An amendment to the Vehicle Circulation, Parking, and Traffic portion of the staff report adding a sentence stating, “The Commission finds that no amendment to the Overall Parking Plan should be necessary for this project.”**

**4-0 in favor.**

## **MINUTES OF MEETINGS**

Meeting:

- 1596 (November 17, 2021)

Chair Radcliffe moved the Minutes of Meetings section up in the agenda to better manage the time before the public hearing.

**Commissioner Alder Marchand moved to approve the item. 3-1-0 in favor, Commissioner Goldfield abstained.**

## **ADMINISTRATIVE ACTIONS**

- 2022 Meeting Dates

Chair Radcliffe moved the Administrative Actions section up in the agenda to better manage the time before the public hearing.

Vice Chair Mattison requested that second meetings on the first Wednesday of the month be included on the schedule, Deputy Director Long confirmed that these dates were included. Commissioner Alder Marchand asked about the application deadlines and whether they would be included on the schedule. Deputy Director Long confirmed that these dates would be added once meeting dates were approved.

**Commissioner Alder Marchand moved to approve the item. 4-0 in favor.**

## **PUBLIC HEARINGS (starting at 7pm)**

**1597-03**      **ZONING ORDINANCE TEXT AND MAP AMENDMENT** to modify PDD #49 to (a) expand the boundaries of Parcel K to include the entirety of the real property known as 291 Ashmun Street, 309 Ashmun Street, and 178-186 Canal Street (MBLU 282 0348 00202), and (b) to allow for residential use of up to 176 Apartment Units, 88 (or more) parking spaces, and related community/amenity space. (Owner: City of New Haven; Applicant: Yves Joseph, RJDA Ashmun Street LLC; Agent: Rolan Joni Young, McCarter & English, LLP)

Chair Radcliffe informed the public on how to sign up to give testimony during the meeting.

City Attorney Michael Pinto introduced the item and described an issue with several parcels being assigned the same MBLU and address by the City tax assessor's office. Attorney Pinto clarified that the parcel in question for the zoning ordinance text amendment is the parcel clearly identified in the application materials and city staff report and that unique identifiers will be created for the parcel in the future. The applicant's attorney Rolan Joni Young introduced the project as a project initiated in response a City RFP that already has a DLDA authorized and executed by the BoA. The applicant and the City understood that the project would require some zoning changes and determined that the most direct way to achieve these changes would be to amend the PDD #49 to include the entirety of the parcel. The present plan is to construct up to 176 units of residential housing with parking spaces and community amenity space for the residents. The DLDA and a separate tax agreement call for one third of the units to be affordable. The breakdown of affordability is no fewer than 25 of the units will be at 80% or less of area median income (AMI), no fewer than 15 units will be at below 60% of AMI, and then no fewer than 10 units will be made available for people with section 8 vouchers. Senior Project Manager and Engineer Katy Gagnon then walked through the general site plans and rendering. City Engineer Zinn clarified that the applicant would come back to the Commission for Detailed Site Plan Review, which was confirmed. Chair Radcliffe requested clarification on the proposed zoning amendment, which Attorney Pinto provided.

Chair Radcliffe opened the Public Hearing at 7:02pm.

Crystal Gooding, 26 Woodland Street, asked for clarity about the proposed zoning amendments and the location of the parcel. She then expressed that the proposed building seems really massive for that plot of land.

Chair Radcliffe closed the public hearing at 7:28pm.

Attorney Pinto responded to the public testimony that while the proposed building is five stories, it is a step down from the 25 Science Park building that sits across the street. Commissioner Alder Marchand asked City staff to explain why the open space requirement was not checked off in the staff report. Planner Rose-Wilen clarified that the applicant currently does not specific square feet of open space in their plans, so it is included as a recommended condition of approval in the report. Commissioner Alder Marchand then clarified the exact proposed zoning changes for the group. Attorney Joni Young added that there was already city support for these changes based on the executed DLDA by the BoA and the original RPF for developing the site which called for a minimum of 150 residential units. Chair Radcliffe requested information for the public on the next opportunity to give public testimony. Commissioner Alder Marchand explained that the appropriate committee of the BoA would be holding a public hearing which will be noticed and held on zoom on December 15<sup>th</sup>. Applicant Yves Joseph added that there would be community input meetings to discuss options for aesthetic design and architecture held in the subsequent months in collaboration with the Alderperson for the neighborhood. Deputy Director Long confirmed that the recommendation letter about the parcel identifiers was included in the staff report as a recommended condition of approval. Engineer Zinn added that the applicant will have to come to Engineering as well to get the new parcel number formally assigned an address.

**Commissioner Alder Marchand moved to recommend approval of the item to the Board of Alders. 4-0 in favor.**

**1597-04**      **AMENDMENT TO ARTICLE VIII, SECTION 64 OF THE ZONING ORDINANCE** to add language requiring site plans include additional information about any historic structures present on the site.

Deputy Director Long introduced the item and clarified that the proposal is to include identification of any historic structures as part of the site plan contents for site plan review applications. He added that the city's

Corporation Council had determined that the CPC is currently exercising its full authority regarding historic preservation. Attorney Williams added that the CPC acts in an administrative capacity when considering site plan applications to determine conformity with the zoning ordinance and there is nothing in the zoning in the ordinance or in a site plan review currently that has any relation to the historic status of the property. So the proposed amendment would be adding information that wouldn't necessarily inform the decision of the Commission on conformity with the zoning ordinances. Attorney Pinto further elaborated on this point referencing other site plan review requirements such as a stormwater report which trigger a clear series of steps to determine whether they meet the relevant ordinance, whereas with identification of a historic resource there's no authority in the zoning ordinance to make any further determination/action so it could create some confusion.

Chair Radcliffe opened the public hearing at 8:16pm.

Susan Godshall, 675 Townsend Avenue, New Haven Preservation Trust Board of Directors, gave the following testimony:

The staff report states that "...the Planning Commission does not have the authority to review, assess and/or evaluate historic resources during site plan review because of the administrative nature of the site plan process. Therefore, no discretionary action (historic resource evaluation) can occur." However, the proposed language does not ask the Commission to take discretionary action of any kind. It is a simple disclosure requirement for the applicant. Whether an affected property is in a historic district is a check-off item, a yes or no fact in the developer's package. We point out that there are already half a dozen similar disclosure items in the existing site plan review requirements, such as whether or not there has been application for access to state highways or for DEP Coastal Permits where state permits are required. It is twisting the proposed language to turn the disclosure request into a responsibility of the Commission. In short, the Preservation Trust feels that the staff's discussion of discretionary action is a misreading of the proposal.

The staff has created a potential issue— namely, historic resource evaluation— that is not raised by the proposed text. Site plan review requirements in Section 64 are clearly amended from time to time; they did not get from (a) to (dd) without text changes. Recent additions occurred in 2019. We suggest that this item be treated in the same manner as all those previous amendments. Analysis of the Commission's discretionary authority is not relevant. This is the key fact for your consideration: since other provisions of the Zoning Ordinance do require applicants to identify properties located in historic districts, it is inconsistent and illogical that Site Plan Reviews, one of the most frequently used planning procedures, do not include such a requirement. At present, with no disclosure of historic designation, the Commission does not have full appreciation of the impact of a developer's plans on City assets and resources. We have seen several instances where omission of National Register listings in application materials led to unfortunate results, including demolition of contributing structures. Asking developers to call out whether properties in their site are located in historic districts would be a service to the public and a step toward transparency. Without such disclosure, the Commission lacks awareness of properties with architectural and cultural importance.

Chair Radcliff then asked for clarification on what the intention of the proposal was and the staff report was shared on the zoom screen.

Vice Chair Mattison shared that in the past applications had come before CPC where demolition of a historic building was proposed and the Commissioners were unaware, and while the CPC might not have the authority to take any action, having the historic structures identified on the site plan could help inform others who have the authority to take action.

Susan Godshall, 675 Townsend Avenue, New Haven Preservation Trust, clarified that what was being proposed was a simple disclosure of information, and then the public or the Historic District Commission or the appropriate group could look into it further, but the CPC would not be required to evaluate anything.

Commissioner Goldfield asked whether there were specific examples of historic buildings being destroyed that motivated the proposal. Susan Godshall responded that there were several examples and referenced the convent and rectory at Sacred Heart which are being demolished and said it could have been resolved with a simple call out of yes/no whether there were historic buildings on the site. Commissioner Goldfield asked whether the CPC would have been able to stop the demolition as part of the site plan review process, or

whether there was a failure somewhere else in the process. Engineer Zinn elaborated on this asking is the CPC is statutorily allowed to consider whether a property, the building that's to be demolished, on a site plan review is historic. Susan Godshall clarified that the proposed amendment calls for identification, not consideration. Engineer Zinn referenced her earlier comments about the demolition of the Sacred Heart convent and rectory that implied that the outcome of the CPC action would have been different if the building had been identified as historic in site plan review. Susan Godshall clarified that she was not implying to predict what could have happened or might have happened in past CPC meetings, but was just saying that there was a lack of information before the CPC and the CPC was not well served. Deputy Director Long added that city staff are in full support of historic preservation, but made their recommendation in the staff report based on the need for further clarity on what the outcome would be from such a disclosure.

Anstress Farwell, 37 Wooster Place, New Haven Urban Design League stated that the the proposed amendment was a good start but should also include disclosure of properties on the Historic Resource Inventory list. She added that she was aware of many instances of historic buildings being demolished and spoke to the importance of these resources and their benefits in the city.

Oliver Gaffney, 10 Lenox Street, on behalf of the Quinnipiac East Community Management Team, spoke in support of the proposal, highlighting the importance of public participation and keeping residents informed of proposed changes to their neighborhoods.

Patricia Kane, 731 Quinnipiac Avenue, spoke in support of the application highlighting the importance of public participation and keeping residents informed of proposed changes to their neighborhoods with sufficient advanced notice.

Chair Radcliff redirected the conversation away from deliberation toward clarification questions and the public hearing.

Anstress Farwell, 37 Wooster Place, recommended to the Commission that either the application be moved forward to the BoA with no recommendation from the CPC or that the public hearing be tabled and resumed at the next CPC meeting, but that it was important to keep the proposal moving forward.

Chair Radcliffe closed the public hearing at 8:45pm.

Chair Radcliffe asked for the Commissioners' opinion on whether the public hearing should be resumed at the next CPC meeting. Commissioner Alder Marchand expressed that it should not because the proposal would need considerable revisions in order to accomplish its intended purpose. Commissioners Mattison and Goldfield agreed.

Chair Radcliffe reopened the public hearing at 8:47pm to allow Susan Godshall o make an additional comment.

Susan Godshall, 675 Townsend Avenue, stated that information is better than no information and that the proposal is starting small, it is one incremental step just to disclose whether historic properties are affected. It could take longer for more significant changes to happen at the state level but this proposal takes the first small step on requiring disclosure of the presence of historic structures.

Chair Radcliffe closed the public hearing at 8:48pm.

Commissioner Alder Marchand reiterated concerns about the proposal not creating a meaningful opportunity for the public to engage or criteria the CPC could act on. Commissioner Goldfield expressed the concern that the amendment could open up the city to lawsuits. Vice Chair Mattison expressed support of transparency and informing the public on historic structures but also that the proposal could go further. Chair Radcliffe commented that in cases of CPC site plan review where historic buildings were present on the project site, she was aware of them but also that it was not a consideration of the CPC. She also mentioned that the local, state, and national historic districts and registries are publicly available so residents have the ability to look into it themselves for site plan applications on the CPC agenda.

**Commissioner Alder Marchand moved to recommend “No Action” to the Board of Alders with the following addition to the last paragraph of the staff report:**

**“This Commission hears the cry of residents to protect historic resources, however, this Commission believes this proposal falls short of the intention to create a meaningful opportunity for residents and others to engage in the process to do so. This Commission recommends that the Board of Alders encourage the proponents to do further work with staff to improve this proposal so that it both meets the intended goals, but also respects the law and the rights of property owners.”**

**4-0 approved.**

### **BOARD OF ALDER REFERRALS**

**1597-02            AMENDMENT TO ARTICLE XIV OF THE CODE OF GENERAL ORDINANCES**  
concerning residential rental business licenses and transparency of ownership.

LCI Director Arlevia Samuel introduced the item, explaining the need to bring transparency to the LLCs who own a large portion of the multifamily units and rental housing throughout the city and have proven challenging to get in touch with, in emergency situations, for inspections, and in circumstances of blight. The amendment would require the name of a “natural person” on the residential license and application with their contact information. Attorney Pinto and Economic Development Administrator Michael Piscitelli elaborated on the importance of the amendment in order to protect tenants in the city and the significant strides already taken by LCI. Commissioner Goldfield commented on the need to make the language proposed for the ordinance amendment more precise in order to ensure that loopholes are being fully closed so that the desired affect is achieved. Vice Chair Mattison spoke to his experience and knowledge of the issue, highlighting that it is a long-term issue that the city has been trying to address with a history of challenges in enforceability. Economic Development Administrator Piscitelli commented that this amendment is one of many strategies being put into place to build best practices in the city. Commissioner Alder Marchand supported Commissioner Goldfield’s call for more precise, specific language with enforceability in mind. Chair Radcliffe spoke in support of the amendment, citing her knowledge of her LCI Neighborhood Specialist’s challenges in contacting some property owners and also agreed with the other Commissioners about tightening up the language of the amendment. She then ask what percentage of property owners are currently in compliance with the residential rental business licensing and Director Samuel responded that it was around 75% compliant. Attorney Pinto expressed gratitude for the feedback and his intention to redraft the language of the amendment to remove any ambiguity. Vice Chair Mattison recommend that city staff also look at what other cities have done to see whether there are any best practices that could inform New Haven’s strategy.

**Commissioner Alder Marchand moved to recommend approval of the item to the Board of Alders with the following addition to the last paragraph of the staff report:**

**“This Commission is very concerned about enforceability and encourages the board to consider best practices from other jurisdictions.”**

**Approved 4-0.**

**Vice Chair Mattison moved to adjourn the meeting. Approved 4-0.**

The meeting adjourned at 9:38 pm.