

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE TEXT AMENDMENT AND ZONING ORDINANCE MAP AMENDMENT** approving a petition by Chapel Haven Schleifer Center, Inc. for a change of zone from RM-2, High-Middle Density Residential, to establish a Planned Development District on approximately 3.03 acres of land known as 1040 Whalley Avenue (Map 389/Block 1139/Parcel 01300), 34 Emerson Street (Map 405/Block 1138/Parcel 03400), And 38 Emerson Street (Map 405/Block 1138/Parcel 03300). Owner/Applicant: Chapel Haven Schleifer Center, Inc.

REPORT: 1651-09

ADVICE: Approval with recommendations

PROJECT: Chapel Haven. Schleifer Center Planned Development District #XX

Addresses: 1040 Whalley Avenue (Map 389/Block 1139/Parcel 01300), 34 Emerson Street (Map 405/Block 1138/Parcel 03400), And 38 Emerson Street (Map 405/Block 1138/Parcel 03300). As shown in the attached map.

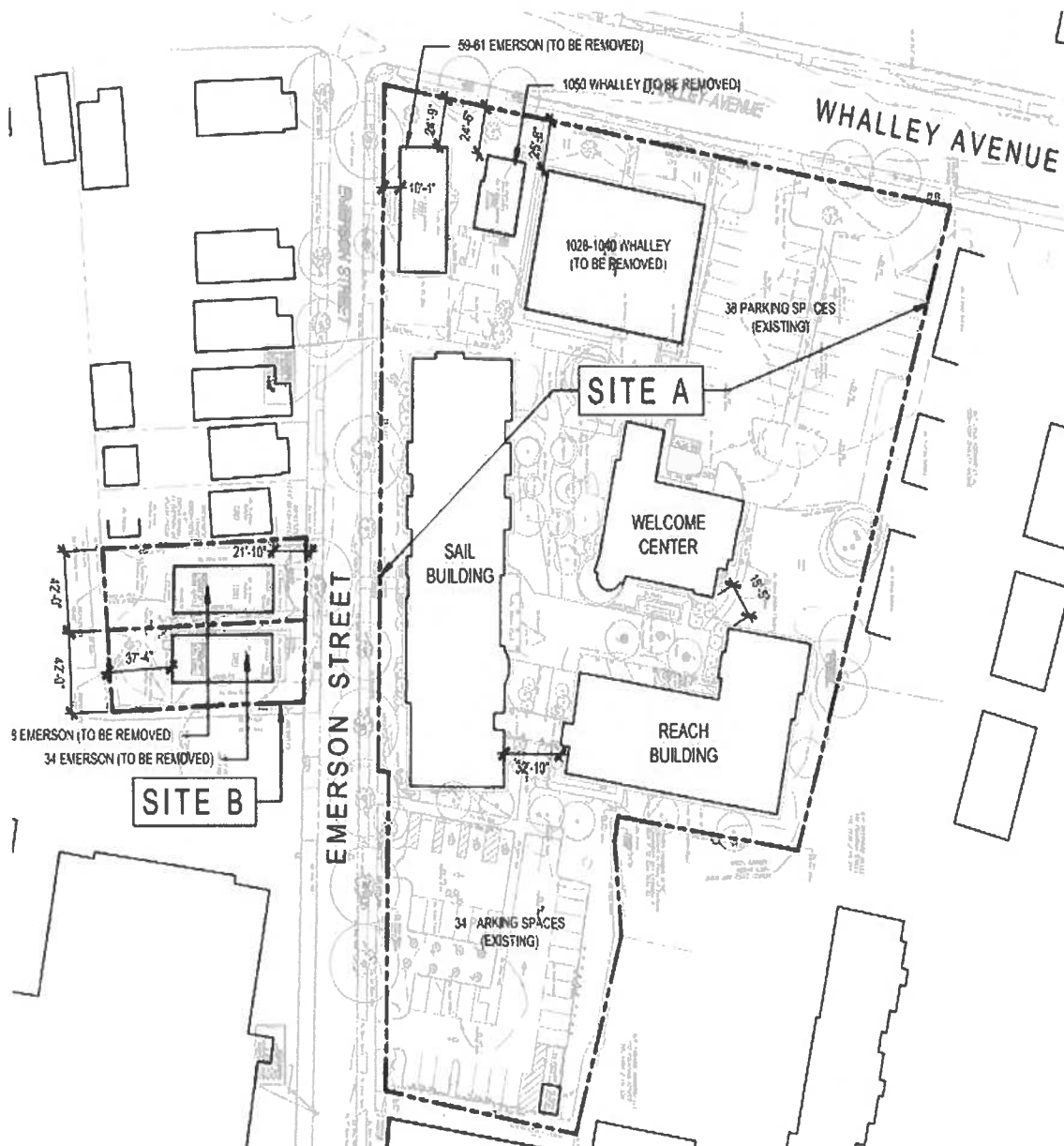
Site Area: 3.03-acres comprised of 1 parcel (Site A) on the Eastern side of Emerson Street between Whalley Avenue and Fountain Street as well as 2 parcels (Site B) along the Western side of Emerson Street.

Site Description:

The existing conditions of the boundary area consist of 6 structures within "Site A" which are 59-61 Emerson Street, 1050 Whalley Avenue, 1028-1040 Whalley Avenue to be removed as part of the development plans as well as the "Sail Building", "Welcome Center" and "Reach Building" which are to remain. "Site B" consists of 2 structures within 34 Emerson Street and 38 Emerson Street which are to be removed as well as part of the development plan. There are two surface parking lots currently provided with the first consisting of 38 off-street parking spaces with access along Whalley Avenue and the second consisting of 34 off-street parking spaces with access along Emerson Street.

The proposal, in addition to the removal of the structures mentioned above consists of the development of a community building located on the Northern portion of "Site A" with the structure providing continuous frontage along Whalley Avenue and the corner of Emerson Street resulting in the removal of the 38-space surface parking area. This portion of the development area will also result in the reconfiguration of the southern parking lot and open space provided, including general site improvements with respect to landscaping and pathways between buildings. "Site B" is to be utilized as a surface parking lot consisting of 20 off-street parking spaces following the removal of the two structures which will be screened from the abutting properties by providing landscaping within a buffer area located between the parking area and the side/rear property lines.

Survey: The drawing set submitted with the application included a survey showing the proposed boundary area of the PDD (provided below).



Existing Zone: RM-2 (High-Middle Density) Residential Zone

Proposed Amendments:

The existing uses, categorized as an educational/institutional use, within the proposed PDD boundary area are permitted as-of-right within the existing RM-2 zone. The proposed "Independent Living Community" use is not contemplated within the uses permitted in a residential zoning district. This application seeks to define and provide this use as-of-right. The proposal seeks to deviate from the existing RM-2 bulk regulations as well requirements set forth in Sections 25, 29, and 60.3 as it pertains to projections, parking, and signage permitted within residential zoning districts overall and specifically within the RM-2 zone.

Proposed Construction:

Construction of a “Community Building” structure to provide care for adults with developmental disabilities is proposed on the Northern portion of “Site A” which includes the demolition of three structures and removal of a 38-space surface parking lot. The demolition of 2 structures within “Site B” is proposed to create a surface parking lot. A drawing showing the buildings and parking areas to be demolished/removed and constructed may be found in the submission materials (Drawing G-001)

Applicant/Owner:

Chapel Haven Schleifer Center, Inc.

Agent: John W. Knuff, Hurwitz Sagarin Slossberg & Knuff, LLC

Architect(s): MBH Architecture

Engineer(s): Tighe & Bond (Civil Engineer & L.A.), Szewczak Kilty & Fluhr (Structural Engineer), Macri Associates Inc. (Mechanical & Plumbing Engineer), Innovative Engineering Services (Electrical & F.P. Engineer)

SUBMISSION

Application for this PDD Submission dated and received May 23, 2024 for the June 3, 2024, Board of Alders meeting Legistar File ID: OR-2024-0016.

Zoning Ordinance Text Amendment and Zoning Ordinance Map Amendment, received by the Board of Alders; including: Transmittal Letter from, John Knuff, Agent/Attorney for Chapel Haven Schleifer Center, Inc.; Petition of Chapel Haven to Establish a Planned Development District (including Exhibit A – Proposed PDD Boundary Map; Exhibit B – Legal Description; Exhibit C – List of Permitted Uses; Exhibit D – Table of Zoning Deviations; Exhibit E – Traffic Study; Exhibit F – Proposed PDD Ordinance; Exhibit G – Proposed Project and Phasin Timeline). Development Plan for the Chapel Haven Schleifer Center Community Building. Application Fee for Zoning Text Amendment: \$1,500.

BACKGROUND/EXISTING CONDITIONS

Introduction and PDD History

The proposed PDD boundary area is situated on 3.03-acres bounded by Whalley Avenue and Emerson Street. The area comprises of a single parcel known as 1040 Whalley Avenue which consisted of 1028, 1040, and 1050 Whalley as well as 59, 55, 49, 45, 39, 35, 31, 25, 17, and 13 Emerson Street prior to a lot merger consolidating these into 1 lot and is referred to as “Site A” with “Site B” consisting of 34 and 38 Emerson Street on the opposite side of Emerson Street. Both 34 Emerson and 38 Emerson Street contains a 3-family structure with no off-street parking. 1040 Whalley Avenue contains 6 structures, three of which are currently utilized by the applicant as a Welcome Center which serves as a greeting place for visitors as well as space for administrative offices, support programs, storage and mechanical equipment, the Sail Building which contains program support spaces on a portion of the first floor with the remainder of the four-story structure containing 42 dwelling units in either a 1 or 2-bedroom capacity, and the Reach Building which is primarily used for classroom and program support space on the first floor with 30 dwelling units for students within the remaining three stories. There are also two surface parking lots consisting of 38 off-street spaces (North-Eastern portion of the parcel) and 34 off-street parking spaces (Southern portion of the parcel) located within “Site A”. The redevelopment of the Chapel Haven campus as it exists was granted Site Plan Approval on May 17, 2017 (CPC# 1530-06).

PROPOSED ACTIVITY

The petition seeks changes to the New Haven Zoning Map for the creation of PDD #131 as well as deviations from the existing RM-2 zone with respect to permitted uses, bulk, and dimensional requirements as well as deviations from Sections 25, 29, and 60.3 set forth in the NHZO. These deviations are listed in greater detail below. If a deviation from the requirements of the RM-2 district, and all other relevant sections set forth in the NHZO, is not set forth in Exhibit D, the requirements of the RM-2 district shall apply.

- **All uses permitted in the RM-2 District are to remain with the addition of a use not considered within the NHZO.**
Independent Living Community: A private facility operated by an institution or nonprofit organization for the purpose of providing a community-based supportive housing program for adults with disabilities. Such facilities may include the following:
 - Dormitories, student housing, and other living quarters;
 - Kitchens;
 - Greenhouse, roof garden, or community garden;
 - Special education uses, such as a Transitional/Vocational Services Provider and/or an Approved Private Special Education Program;
 - Café, bakery, convenience store, and/or dog grooming uses associated with educational and/or vocational training programs for individuals with disabilities;
 - Health Practitioner's Office;
 - General, charitable, philanthropic, and other staff or professional offices;
 - Indoor and outdoor recreation facilities and community centers;
 - Assembly hall;
 - Cultural activities not carried on as gainful business, including art galleries and libraries;
 - On or off-site parking lot or parking structure; and
 - Accessory uses customarily incidental to any of the above-referenced uses.
- **Parking and Loading Requirements for the proposed "Independent Living Community" use.**
 - **Off-street parking space(s):** 1 space per 6 beds, plus 1 space per each 4 employees on largest shift, located on the same lot or within 300 feet walking distance.
 - **Off-street loading space(s):** For an Independent Living Community, a minimum of one (1) loading space shall be required.
- **Deviations from Section 14. – RM-2 Districts: High-Middle Density.**
 - **§ 14(a)(1)c. Minimum Lot Area Per Dwelling Unit:** Minimum lot area of 1,000 sq. ft. per dwelling unit.
 - **§ 14(a)(1)d. Maximum Building Coverage:** Total coverage of principal and accessory buildings not to exceed 40% of the lot area.
 - **§ 14(a)(1)e. Maximum Building Height:** Shall not exceed an average height of 50 feet. For purposes of this requirement, average height shall be calculated based on the average of the highest and lowest point of the top story of a building. 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.
 - **§ 14(a)(1)f. Minimum Yards:**
Front: frontage along Whalley Avenue is 17ft, frontage along Emerson Street is 13ft.
Rear: 10ft

Side: 8ft

- **Deviations from Section 25. – Structures within required yards utility meter, transformer, or similar device placement:**
 - § 25(a): No wall of a building shall extend beyond the outer face of a building foundation wall into a required yard for more than 3 feet.
 - § 25(b): A pergola, canopy, or similar overhang may project from a building into a required yard provided such projection is set back at least one foot from any lot line. All other projections from a building may extend five feet into a required yard.
- **Deviations from Section 29. – Parking:**
 - § 29(j): No Special Exception is required for joint use of parking spaces between an Independent Living Community and any other use permitted in the PDD.
 - § 29(d): A site shall provide two short-term bicycle spaces for the first ten required or proposed parking spaces and one additional short-term bicycle space for each additional ten required or proposed motor vehicle parking spaces or fraction thereof.
 - § 29(c): Parking spaces are allowed within a required front yard so long as such spaces are suitably screened from view by a fence, wall, or evergreen planting at least five feet in height.
- **Deviations from Section 60.3. – Signs:**
 - § 60.3(e): One (1) monument sign shall be permitted as of right in connection with an Independent Living Community use. Such monument sign shall not exceed 32 square feet in area and shall not exceed 5 feet in height.
External light sources intended to illuminate such monument sign must be full shielded and placed close to, and directed upon, the sign face.
 - § 60.3(f)(5): Notwithstanding the other provisions of Section 60.3, a monument sign permitted in connection with an Independent Living Community may be located within a required front yard, provided that such sign is located at least 3 feet from any lot line and does not block any sight lines.

PARKING, LOADING AND TRAFFIC

A Traffic Assessment, conducted by Tighe & Bond, has been submitted as part of the overall application and is under review by the Department of Transportation, Traffic and Parking. The Traffic Study is included in the Petition in Exhibit E, page 28.

PUBLIC HEARING

A Public Hearing was held by the City Plan Commission on June 26, 2024. A transcript of the hearing, meeting #1651, will be available from the City Plan Department.

Prior to the meeting, the Commission did not receive any letters of opposition or support fit the item.

One member of the public gave testimony on the item.

Topics raised in public testimony include:

- Concerns related to the proposed PDD in relation to the last sentence of CGS Sec. 8-2m, the Megna Amendment: “Notwithstanding the provisions of this section, no planned development district shall be approved which would permit a use or authorize the expansion of a pre-existing nonconforming use where the underlying zone is a residential zone.”

PLANNING CONSIDERATIONS

The City of New Haven’s Vision 2025 Comprehensive plan emphasizes the need for reinvestment in the Westville neighborhood specifically along Whalley Avenue to promote dense, mixed-use developments with

reduced parking requirements. The Comprehensive plan additionally advocates for “diverse housing stock suitable for all abilities, ages, and income” with the proposal seeking to provide additional housing for individuals with developmental disabilities by constructing the Community Building and continuing redevelopment of the existing campus.

NEW HAVEN COMPREHENSIVE PLAN: SUBMISSION MEETS REQUIREMENTS

New Haven Vision 2025, Section IV: Housing & Neighborhood Planning Goals addressed by this project include:

Promoting the revitalization of residential areas clustered around significant public spaces.

Encouraging the development of dramatically new neighborhood forms as part of revitalization programs

Strategic and targeted planning efforts are recommended to allow for the consolidation of vacant and underutilized sites, sliver lots, and/or non-conforming lots to create sizable opportunity sites for development; improving existing traffic and street network around these sites; and promoting development through partnerships with local non-profits and other city agencies.

Planning that promotes better integration with the adjacent residential neighborhoods is encouraged.

NEW HAVEN ZONING ORDINANCE: SUBMISSION MEETS REQUIREMENTS

Where the proposed modifications to an existing PDD concern more than the bulk and placement of structures and the size and shape of lots, the applicant is required to submit the Application and General Plans to the Board of Aldermen who will act upon the application as a proposed amendment to the zoning ordinance in accordance with Section 65(d)(2) of the New Haven Zoning Ordinance:

- (2) In any other case, the Application and General Plans shall be filed with the Board of Aldermen and acted upon as a proposed amendment to this ordinance. If such application and General Plans are approved by the Board of Alders, following a favorable recommendation by the City Plan Commission and after an advisory report from the Department of Traffic and Parking regarding the traffic impact study, upon specific findings that each of the objectives stated in subsection 65(a) above will be met, such approval shall be construed to amend this ordinance insofar (and only insofar) as specific deletions, additions and changes are made which are related to the land and structures in the tract, and the tract shall be designated as a separate Planned Development District provided that the requirements of subsection 65(e) below are met.

CRITERIA FOR A PDD:

- (a) *Objectives.* The provisions of this section are to be applied in instances where tracts of land of considerable size are developed, redeveloped, or renewed as integrated and harmonious units, and where the overall design of such units is so outstanding as to warrant modification of the standards contained elsewhere in this ordinance. A planned development, to be eligible under this section, must be:

STANDARDS

- ☒ (1) In accordance with the comprehensive plans of the city, including all plans for redevelopment and renewal;
- ☒ (2) Composed of such **uses**, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the city;
- ☒ (3) So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the city; and

- ☒ (4) So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in section 15(a)(1)g. of this ordinance. See Appendix #6 Drawing #5 in the submission.

CHARTER OF THE CITY OF NEW HAVEN: SUBMISSION MEETS REQUIREMENTS
CRITERIA FOR ZONING AMENDMENTS:

ARTICLE XIII. HISTORIC AND SPECIAL ACT PROVISION OF THE CHARTER

SEC. 2 PLANNING AND ZONING:

- (B.) *Zoning authority of Board of Alders.* The Board of Alders is authorized, by Ordinance, to regulate the height and bulk of structures to be erected and to limit the use of lot areas; the minimum areas or dimensions of rear, side and front yards or outer and inner courts and other open spaces within and surrounding any structure; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to classify, regulate and restrict the location of trades and industries and the location of structures designed for special uses; to divide the City of New Haven into districts of such number, shape and areas as may be best suited to carry out the provisions of this act.

STANDARDS

- ☒ (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 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.

- (C.) *Zoning regulations to conform to comprehensive plan; purposes; factors considered.* Such regulations shall be made:

STANDARDS

- ☒ (i) in accordance with a comprehensive plan and shall be designed to lessen congestion in streets;
☒ (ii) to secure safety from fire, panic and other dangers;
☒ (iii) to promote health and the general welfare;
☒ (iv) to provide adequate light and air;
☒ (v) to prevent the overcrowding of land;
☒ (vi) to avoid undue concentration of population;
☒ (vii) to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements
☒ (viii) with reasonable consideration, as to the character of the district and its peculiar suitability for particular uses and;
☒ (ix) with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality

CONNECTICUT GENERAL STATUTES: SUBMISSION MEETS REQUIREMENTS

STATE CRITERIA FOR FLOATING ZONES:

CHAPTER 24. ZONING

SEC. 8-2M FLOATING AND OVERLAY ZONES AND FLEXIBLE ZONING DISTRICTS:

The zoning authority of any municipality that (1) was incorporated in 1784, (2) has a mayor and board of alderman form of government, and (3) exercises zoning power pursuant to a special act, may provide for floating and overlay zones and flexible zoning districts, including, but not limited to, planned development districts, planned development units, special design districts and planned area developments. The regulations shall establish standards for such zones and districts. Flexible zoning districts established under such regulations:

- ☒ (i) shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located;
- ☒ (ii) shall not establish a residential zone that is less restrictive with respect to uses than the "underlying zone" of the flexible zoning district;
- ☒ (iii) shall not authorize a use or expansion of a pre-existing, nonconforming use where the underlying zone is a residential zone

RECOMMENDATIONS

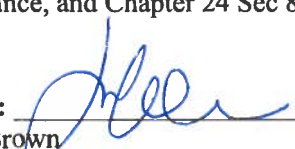
The City Plan Commission recommends that the Board of Alders approve the creation of the proposed PDD 131 and Map Amendment as the proposal will allow for Chapel Haven to continue to provide residential and educational services to the community and allow for the further expansion of services and development of the site further increasing activity and integration of Chapel Haven along this section of Whalley Avenue and the Westville community as a whole.

The City Plan Commission also recommends the Board of Alders give careful attention to the technical and legal questions raised during the City Plan Commission meeting.

FINDINGS AND ADVICE

Based on the information above, it is the recommendation of the Commission that the zoning ordinance text and map amendment is in compliance with the standards and requirements of Article XIII Sec. 2 of the Charter of the City of New Haven, Sec. 65 of the New Haven Zoning Ordinance, and Chapter 24 Sec 8-2m of the Connecticut General Statutes and should be approved.

ADOPTED: June 26, 2024
Leslie Radcliffe
Chair

ATTEST: 
Laura E Brown
Executive Director, City Plan Department