

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE ARTICLE V §§ 42 (USE TABLE), 43, 43.1, 43.3, AND 45 BY ADDING, TRANSIT-ORIENTED DEVELOPMENT DISTRICT PURSUANT TO CONN. GENERAL STATUTES §§ 13b-79o, ET. SEQ., KNOWN AS A TRANSIT ORIENTED COMMUNITY ZONE, TO THE TEXT OF THE NEW HAVEN ZONING ORDINANCE AS A NEW ZONING DISTRICT.

Submitted by: New Haven Parking Authority

REPORT: 1634-03

ADVICE: Unfavorable recommendation

Companion report: 1634-04

BACKGROUND

The New Haven Parking Authority has submitted a Petition for an Ordinance Amendment to the New Haven Zoning Ordinance and a proposed Ordinance for the Board of Aldermen amending the Text of Article V Sections 42.0 (Use Table), 43, 43.1, 43.3, and 45 to establish a TOD District (Transit-Oriented Development) ("TOD") as a new zoning district, known as a Transit Oriented Community Zone ("TOC"), pursuant to Conn. General Statutes §§ 13b-790, et. seq.

The City of New Haven, working through its Economic Development Administration, City Plan Department, and with the New Haven Parking Authority as Station, Parking, and Brokerage Manager of New Haven Union Station, has shared in the development of a plan for the revitalization of the greater Union Station area (the "Union Station Parcel").

Transit-Oriented Development is generally defined as a mixed-use community within an average 2,000-foot walking distance of a transit hub and core commercial area. Such districts mix residential, retail, office, open space, and public uses in a walkable environment, providing convenience for residents, visitors, and employees to travel by foot, bicycle, transit, or car. The TOD concept connects land use and transportation in an integrated development approach.

The State of Connecticut has recognized the importance of such development districts as it continues to upgrade its commuter rail network in response to growth in rail ridership and the need to find alternatives to automobiles. Pursuant to General Statutes § 13b-790, a Transit-Oriented Development as a "the development of residential, commercial and employment centers within one-half mile or walking distance of public transportation facilities, including rail and bus rapid transit and services, that meet transit supportive standards for land uses, built environment densities and walkable environments, in order to facilitate and encourage the use of those services."

This proposed TOC, when fully realized, will increase New Haven's vitality and livability, provide significant new employment and commercial opportunities, and provide overall economic and fiscal benefits to the City. Additionally, this TOC will compliment and support the Hill-to-Downtown Community Plan, approved by the Board of Alders in December 2018, to expand and enhance the walkability and opportunity for mixed-use transit-oriented development.

The proposed TOC at the Union Station Parcel, which is currently underutilized, is designed to facilitate economic growth, to produce less vehicular traffic, and to reduce impact on roads and highways. The proposed TOC will produce a community supported by the Union Station public transit hub, encouraging development of walkable, mixed-use neighborhoods that include residential and commercial uses.

TEXT

The TOC district was added to the use table as its own column (NHZO Article V, Section 42) with the land uses listed therein being recommended as of right, by special permit, by special exception, and prohibited. The full amended Use Table can be viewed in the submission materials.

Bulk, Yard, and Density Regulations were created for the TOC District. In the TOC zone, the maximum permitted FAR of 10.0 can be increased up to 12.0 through incorporation of strategies to improve site sustainability and provision of public plazas. The density bonus is based on the existing chart of sustainability strategies in NHZO Article V Section 43.

Bulk and Yard regulations for the TOC District are aligned with regulations for the City's existing central business districts with some specific requirements tailored to the unique needs of the TOC. NHZO Article V Section 45 on parking requirements is amended to include the follow exceptions for the TOC Zone:

- D. *TOC Exceptions.* To promote public transit and alleviate automobile congestion, parking spaces in the TOC zone are limited and subject to the following standards:
1. There shall be a maximum of eighty-five (85) parking space per one (1) acre of land, regardless of any other development, in the TOD zone, based on the uses of such parcel;
 2. New underground parking spaces in the TOC zone shall be permitted as of right;
 3. Any new above-ground parking spaces in the TOC zone shall be allowed by Special Permit only

PUBLIC HEARING

A public hearing will be held on December 20, 2023. A transcript of the hearing, meeting number 1642, is available from the city plan department.

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 Code:

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 zoning ordinance as it exists does not permit the type of density and FAR foreseen in the proposed new TOC zoning district. The existing zoning district BE is only located within this vicinity and is a Wholesale and Distribution zone which no longer aligns with the city's objectives and goals for development. The proposed zone change is consistent with the Comprehensive Plan of Development and will allow for greater reuse and development of the existing parcels within the TOC zone.

b. Whether some other method or procedure under the zoning ordinance is more appropriate; and A PDD (Planned Development District) was considered for the proposed potential development, however, given the lack of definitive plans and a traffic impact study (required submission materials for a PDD) staff felt that developing a new zoning district would have a greater impact on the proposed area and will allow for future implementation elsewhere in the city to allow for greater Transit-Oriented development.

PLANNING CONSIDERATIONS

The TOC district was developed to advance the City's zoning to accommodate transit-oriented development as well as the anticipated development in nearby downtown and the Long Wharf Responsible Growth Plan area, as adopted by the Board of Alders. To this end, this zoning aims to:

- Reduce greenhouse gas emissions by reducing fossil fuel emissions and encouraging multi-modal transportation systems, particularly enhancing the transit, bicycle/ pedestrian and trails network, and promoting transit-oriented developments along major transit corridors are key transportation priorities.
- Build transit-oriented developments with reduced parking requirements and appropriate densities in suitable locations to facilitate further transit use.
- Grow sustainable mixed-use, transit-oriented developments by elevating existing land use standards, wherever appropriate.
- Build a stronger Downtown core by promoting mixed-income, transit-oriented workforce housing developments that help increase economic activity beyond the traditional business hours, promote vibrancy, and attract potential employers to relocate to the city.

REFERRALS

Pursuant to the Connecticut Coastal Management Act and the Municipal Coastal Management Review Process, a project site within the coastal boundary which includes a change in zoning map or regulation must be referred to CT DEEP Office of Long Island Sound Programs and the Land and Water Resources Division.

City staff and members of the NHTA met with DEEP staff on October 4, 2023, to discuss the proposal and needed changes to address flooding provisions. The proposal was revised to include Flood Safety provisions related to building in the Special Flood Hazard Area, including ensuring that residential or mixed-use buildings comply with base flood elevation requirements, dry egress, emergency vehicular access and a Flood Emergency Operations Plan. These align with the recently adopted Flood Provisions for the Mixed-Use zoning district on Long Wharf. DEEP issued a letter received by the City Plan Department on November 15, 2023 stating that due to more than 50% of the proposed area being within the AE11 Special Flood Hazard Area (SFHA), there were concerns regarding increased residential density in this area and the associated need for dry egress but that these issues were adequately addressed by the revisions.

PUBLIC HEARING

The Chair opened the floor for public testimony at 8:30pm. No written testimony was received prior to the meeting however one piece of testimony was received during the meeting. One person testified in favor and two in opposition.

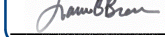
Topics raised in public testimony include:

- Need for additional review of the use table
- Lack of detail on impact to the historic train station
- Impacts on west lot
- Plan should be more cohesive with development across street and to address broader transit issues
- Structural requirements for building adjacent to train tracks
- Need for additional substantial community engagement
- Appropriateness of the TOC in other areas of the city

ADVICE

The Commission moved to provide an unfavorable recommendation to the Board of Alders and recommended that staff engage the public in the development of any additional proposal.

ADOPTED: December 20, 2023
Leslie Radcliffe
Chair

ATTEST:  January 3, 2024 | 10:03 AM EST
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Laura E Brown
Executive Director, City Plan Department