AGENDA

T: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Agenda for Thursday, January 10, 2013 RPC Meeting, 5:15pm @ Carmen Anthony Steakhouse; 660 State Street, New Haven, CT 06511

1. Administration

1.1. Minutes of the December 13, 2012 RPC Meeting

2. Statutory Referrals - January Action Items


2.2. Town of Hamden: Proposed Zoning Map Amendments to 2200 Whitney Avenue (R-4 to T-4) and Hightop Circle area (R-4 to R-5). Submitted by: Town of Hamden. Received: December 26, 2012. Public Hearing: January 22, 2013


3. Other Business

3.1. Election of Officers and Executive Committee
MEETING MINUTES

To: Regional Planning Commission
From: Eugene Livshits, Regional Planner
Subject: Minutes for Thursday, December 13, 2012 Meeting

Present: Christopher Traugh, Kevin DiAdamo, Mary Shurtleff, David White, Peggy Rubens-Duhl, Christopher Suggs, Mark Bender, Charles Andres, Peter Goletz, Eugene Livshits

1 Administration

1.1 Minutes of the November 8, 2012 RPC meeting.

Motion to accept the minutes as presented: Mark Bender. Second: Christopher Suggs. Vote: Unanimous. Abstentions: Peter Goletz

2 Statutory Referrals

2.1 City of West Haven: Proposed Zoning Regulation Amendments (Definitions, Table 39.1, Table 39.2, Section 46 - Keeping of Animals, Section 48 Telecommunication Regulation, Section 83 - Enforcement)

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.


2.2 City of Milford: Proposed Zoning Regulation Amendment to Substantial Damage Definition (Article XI, Section 11.2)

By resolution, the RPC has determined that the proposed Zoning Regulation Amendment does not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.


2.3 Town of Branford: Proposed Zoning Regulation Amendments (several sections including non-conforming Structures - Flood Elevation)

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.

Motion to add Town of Clinton Referral to the RPC Agenda: Mark Bender. Second: Mary Shurtleff. Vote: Unanimous.

2.4 Town of Clinton: Proposed Zoning Regulation Amendments to the Flood Hazard Zone

By resolution, the RPC has determined that the proposed Zoning Regulation Amendments do not appear to cause any negative impacts to the towns in the South Central Region nor do there appear to be any negative impacts to the habitat or ecosystem of the Long Island Sound.


3 Other Business

3.1 Nominating Committee

Commission members reviewed the list of Officers and Executive Committee members for 2012. Nominations for next year’s Officers and Executive Committee members

3.3 RPC Annual Dinner

Speakers and locations for the Annual Dinner were finalized.

Selected Speaker: Jamie Caplan (Jamie Caplan Consulting) and Darrin Punchard (AECOM)
Selected Location: Carmen Anthony Steakhouse New Haven, Connecticut

Referral 2.1: Town of Prospect

Subject: Proposed Zoning Regulation Amendments to Bonding Provision in response to Public Act 11-79

Staff Recommendation: The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:
The Town of Prospect has submitted Zoning Regulation Amendments in response to the provisions of Public Act 11-79 (subdivision and site plan bonding) and Public Act 12-182 (address concerns raised on Public Act 11-79). Definitions have been added for the terms “Bond, Erosion and Sediment Control Bond, Certificate of Approval for Acceptance, Certificate of Completion, and Public Improvements.” The definitions for “Maintenance Bond” and “Performance Bond” have been revised. The specific definitions and revisions can be reviewed in the agenda packet.

Section 11.4.6 has been changed to Certificate of Occupancy and states the conditions under which the Certificate of Occupancy can be issued. Section 11.4.7 has been changed to bonding and has been significantly expanded to detail the bonding procedures. In Section 9.7, bonding (site work is to commence during non-growing period of time) can be submitted in the form of a certified check payable only to the Town of Prospect, a certificate of deposit, a money market account, a letter of credit, or a pledge of a federally certified passbook savings or money market account.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
December 13, 2012

Via Electronic Mail

Eugene Livshits (elivshits@scrcog.org)
South Central Council of Governments

Dear Mr. Livshits:

In accordance with Section 8-3b of the Connecticut General Statues please be advised that the Planning and Zoning Commission of the Town of Prospect has scheduled a public hearing on proposed amendments to Prospect's Zoning and Subdivision Regulations in response to the provisions of Public Act 11-79 pertaining to subdivision and site plan bonding, and Public Act 12-182 which addresses concerns raised in Public Act 11-79. Copies of the proposed amendments are enclosed for your review. Please note that scripts in Blue are proposed new additions; scripts in Red are proposed deletions; and, scripts in Black are proposed to remain the same.

The public hearing on the proposed amendments has been scheduled for Wednesday, January 16, 2013 at 7:30 p.m. in the lower level conference room of the Prospect Town Hall located at 36 Center Street, Prospect, CT.

If you have any questions you can contact me at the above number.

Sincerely,

William Donovan
William Donovan
Land Use Inspector
Prospect Zoning Regulations
Revisions to bonding provisions to conform to PA 11-79

DRAFT for Commission Review

NEW

Add definitions:

Bond: A Performance Bond, Maintenance Bond, or Erosion and Sedimentation Control Bond as defined herein which may be in the form of a certified check payable only to the Town of Prospect, a certificate of deposit, a letter of credit or a pledge of a federally insured savings or money market account.

Erosion and Sedimentation Control Bond: Financial assurance in favor of the Town provided by a developer to secure the installation and maintenance of all erosion and sedimentation control measures shown on the Erosion and Sedimentation Control Plan, as required by Town Regulations or the Commission and as reviewed and approved by the Director of Public Works or its agent.

Maintenance Bond: Financial assurance in favor of the Town provided by a developer subsequent to the issuance of a Certificate of Completion by the Director of Public Works or its agent pursuant to Section 11.4.7.h. to secure the maintenance of required public improvements for one year or such shorter length of time as set forth in the Certificate of Completion.

Performance Bond: Financial assurance in favor of the Town provided by a developer to secure completion of all public or other improvements required to be bonded pursuant to a Site Plan or special permit approval ("bonded improvements").

Certificate of Approval for Acceptance: If no maintenance bond has been provided, a certificate, issued by the Director of Public Works or its agent in response to a written request from a developer, stating that the public improvements have been permitted as required during the maintenance period set forth in the Certificate of Completion and are in a condition satisfactory for Town acceptance, or, if a maintenance bond has been provided, stating that the improvements are in a condition satisfactory for Town acceptance subject to the developer's obligation to continue to maintain the improvements for one year or other shorter period of time as listed in the Certificate of Completion.

Certificate of Completion: A certificate, issued by the Director of Public Works or its agent in response to a written request from a developer, stating that the public or other bonded improvements have been completed in accordance with the final approved plans, subject to any required maintenance period.

Maintenance Bond: Financial assurance in favor of the Town provided by a developer subsequent to the issuance of a Certificate of Completion by the Director of Public Works or its agent pursuant to Section 11.4.7.h. to secure the maintenance of required public improvements for one year or such shorter period of time as listed in the Certificate of Completion.

Performance Bond: Financial assurance in favor of the Town provided by a developer to secure completion of all bonded improvements as listed in the Site Plan.
Public Improvements. Any improvements required to modify existing and/or construct proposed streets, sidewalks, and storm water drainage structures, lighting, landscaping, and proposed lot grading in connection with such features, public utilities when constructed within a proposed Town right-of-way including water supply and sanitary sewerage facilities, or other development or installations shown on an approved Site Plan which are proposed for acceptance by the Town of Prospect.
11.4.6 Site Approval Certificate of Occupancy: A Site Approval Certificate shall be issued by the Land Use Inspector once it has been determined that all provisions of the site plan as approved by the Planning & Zoning Commission have been completed. It shall be unlawful to use or permit the use of any building, structure, until a Certificate of Occupancy has been issued. No Certificate of Occupancy shall be issued for any structure approved as part of a Site Plan until the Director of Public Works or its agent has issued a Certificate of Approval for Acceptance for all public improvements. A Certificate of Completion for other bonded improvements, or until a performance and or maintenance bond has been filed in accordance with section 11.4.7 below.

11.4.7 Bonding Security: The Commission may, as a condition of approval of a Site Plan or modified Site Plan, require a financial guarantee in the form of a bond in lieu of the completion of all public and other bonded improvements depicted on an approved Site Plan. Before approval is granted under this section, the Commission may require that the applicant shall file a bond with the Commission in an amount recommended by the Director of Public Works or its agent. Town Engineer and or Land Use Inspector and approved by the Commission as sufficient to guarantee completion of those such items specified by the Commission and in conformity with the provisions of these Regulations and the following procedures:

a. Prior to the commencement of any clearing, excavation, or construction the developer shall file an erosion and sedimentation control bond, if required by the Commission, in form and amount acceptable to the Commission and the Town Attorney. The owner or agent of the owner of property subject to a Site Plan approved by the Commission (for the purposes of this Section 11.4, "developer") shall provide a cost estimate for all required erosion and sedimentation control measures shown on the Erosion and Sedimentation Control Plan for review and approval by the Director of Public Works or its agent, including a contingency factor of twenty percent of the total estimated costs.

b. In lieu of the completion of all approved public improvements prior to issuance of a Certificate of Approval for Acceptance, or completion of other bonded improvements prior to issuance of a Certificate of Completion, the developer may file a financial guarantee in the form of a bond with the Town to ensure the timely and adequate completion of any approved public improvements. A copy of the plan required under Section 11.5 shall be a part of the bond.

c. Bonds shall be in one or more of the following financial instruments/forms, and shall be acceptable to the Commission and Town Attorney and the Commissioner: a certified check payable only to the Town of Prospect, a certificate of deposit, a money market account, a letter of credit, or a pledge of a federally insured or a passbook savings or money market account, which account shall be federally insured. The name of the project owner and the Town of Prospect shall be on the account and a signed withdrawal slip shall be provided. Any such bond shall be subject to the following conditions, as applicable:

1. A letter of credit shall be unconditional and irrevocable and presentable at a banking institution office located in the State of Connecticut.

2. Any bond shall be subject to specific provisions required by the Town Attorney, as authorized by law.
d. The developer shall provide a cost estimate for all required public and other bonded improvements for approval by the Director of Public Works or its agent. Such estimate shall be current as of the date of the bond filing and shall include a contingency factor of ten percent of the total estimated construction installation costs. Such estimate shall include costs to remediate or repair existing site conditions, if required to complete the bonded improvements, as determined necessary by the Director of Public Works or its agent.

e. For any phased development of a Site Plan, no construction or installation approved for any phase shall commence until all construction and installation of public and other bonded improvements required for the previous phase have been issued a Certificate of Completion by the Director of Public Works or its agent, or a bond for such public improvements has been filed in accordance with these Regulations.

f. An unconditional and irrevocable letter of credit that may be presented at a banking institution office located in the State of Connecticut.

g. For any Site Plan including the development of public improvements to be accepted by the Town, a maintenance bond shall be provided to assure that such improvements are properly installed and functioning for a maintenance period of one year from the date that the Town accepts such improvements, or for such of the Certificate of Completion, or shorter period as indicated on the Certificate of Completion, as provided below.

h. Maintenance bonds shall be in an amount equal to ten percent of the performance bond. If no performance bond was provided, the developer shall provide evidence of the cost of construction of the public improvements, satisfactory to the Director of Public Works or its agent, and the maintenance bond shall be equal to ten percent of such costs.

i. When required public or other bonded improvements are completed according to the approved Site Plan, the developer may submit a written request to the Director of Public Works or its agent for a “Certificate of Completion” indicating that the improvements have been completed in accordance with the approved Site Plan, subject to any required maintenance period. Unless otherwise indicated in the Certificate of Completion, if a maintenance bond has not been provided, public improvements must be properly installed and functioning for a maintenance period of one year from the date of the Certificate of Completion to ensure that they perform as expected and designed. After expiration of the required maintenance period, the developer may submit a written request to the Director of Public Works or its agent for a Certificate of Approval for Acceptance indicating that the public improvements have performed as required during the maintenance period and are in a condition satisfactory for Town acceptance. If a maintenance bond is provided, the developer may submit a request for a Certificate of Approval for Acceptance at the same time as a request for a Certificate of Completion or any time thereafter, and the maintenance period shall begin to run upon Town acceptance of the public improvements. The maintenance bond covering such public improvements shall not be released until expiration of the one-year maintenance period or shorter period specified in the Certificate of Completion.

j. The developer shall keep and maintain all public improvements until they are accepted by the Town and throughout any required maintenance period. Prior to Town acceptance, such maintenance shall include, but not necessarily be limited to day-to-day maintenance such as removal of ice, snow, and debris and cleaning of stormwater drainage structures, as well as repair of all failures in workmanship and materials.
After Town acceptance, the developer shall not be responsible for day-to-day maintenance, but shall be responsible for repair of all failures in workmanship and materials for the duration of the maintenance period.

1. A partial or full release of any bond filed under this Section shall be approved, or a written explanation of additional modifications required shall be provided within sixty-five days of a request for release submitted by the developer, which sixty-five day period commences on the date of the next regularly scheduled meeting of the Commission immediately following the day of submission to the Commission or its agent or thirty-five (35) days after such submission, whichever is sooner. Any such request shall include, as applicable, the as-built drawings required by the Prospect Standards for Road Plans, Design and Construction of Streets and Design and Construction of Drainage Facilities, certification of soil stability by a certified soil scientist, and certification of survival of any required landscaping by a licensed landscape architect. Such release shall be approved by the Commission if the Director of Public Works or its agent provides a Certificate of Completion or Certificate of Approval for Acceptance, as applicable. No more than two (2) partial releases of any portion of any bond shall be approved by the Commission.

12.2 Standards for Granting a Special Permit

In considering applications the Commission shall require compliance with the following:

12.2.1 That traffic circulation within the site and the amount, location and access to parking is adequate, and adequate sight distance is provided for all proposed and existing driveways;

12.2.2 That the road network, to include intersections, impacted by the proposed development will be capable of satisfactorily handling the increase traffic generated by such use;

12.2.3 That the 1) basic design of the proposed use(s) or buildings; 2) relationship between the buildings and the land; and 3) overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residences or other property;

12.2.4 The Commission may attach conditions to an approval of a Special Permit or Site Plan in conjunction with a Special Permit to ensure compliance with the above standards, and

12.2.5 Every application for Special Permit shall require a public hearing.

Section 9.7 Bonding

If site work is to commence during a non-growing period of time, bonding is to be submitted at the time of approval in the form of a certified check payable to the Town of Prospect, a certificate of deposit, a money market account, a letter of credit or a pledge of a federally insured passbook savings or money market account. Each bond or letter of credit in the amount recommended by the Land Use Inspector. A cash bond shall not be released until a licensed landscape professional certifies that the installation of landscaping material meets the approved plans in terms of quantities, sizes, and methods of installation.
Referral 2.2: Town of Hamden

Subject: Proposed Zoning Map Amendments to 2200 Whitney Avenue (R-4 to T-4) and Hightop Circle area (R-4 to R-5)

Staff Recommendation:
The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:

The Town of Hamden has proposed two Zoning Map Amendments. The first amendment is a Zone Change for 2200 Whitney Avenue from R-4 to T-4. The property was inadvertently zoned R-4 during the January 2010 Zoning Map Amendment, which created a non-conforming use on the property (prior to the 2010 amendment it was zoned CDD-1). The existing approved use is a medical office building (prohibited in the R-4 zone). The T-4 zone permits medical office buildings.

The second amendment is to the Hightop Circle area and the map amendment zone change would be from R-4 to R-5. The sites were originally zoned R-5 and were inadvertently rezoned R-4 during the 2010 Zoning Map Amendment. This caused the properties to be non-conforming and rezoning the properties back to R-5 would correct the error.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
December 21, 2012

Carl Amento, Executive Director
South Central Regional Council of Governments
127 Washington Ave. 4th Floor West
North Haven, CT 06473-1715

Dear Mr. Amento,

Enclosed is the Proposed Zoning Map Amendments 12-737-4-12-131. The Public Hearing date for this application is January 22, 2013.

Please address any comments to the Hamden Planning Office, Attention Town Planner.

Sincerely yours,

[Signature]

Stacy Sheehan
Administrative Assistant to Boards and Commissions

Enclosures
Reason for Proposed Change

The January 1, 2010 town-wide amendment of the Zoning Map inadvertently changed the property's zone from CDD-1 to R-4. Under the new Zoning Regulations the existing approved use, a medical office building, is no longer allowed in an R-4 zone. Thus the use is currently non-conforming. The property should have been changed to T-4, like the neighboring property, which also houses a medical office building. T-4 zones may have office buildings.
**Reason for Proposed Change**

Prior to the major overhaul of the Zoning Regulations and Zoning Map, effective January 1, 2010, the 115 plus parcels in question were zoned R-5. They were re-zoned R-4, possibly because some of them faced other properties zoned R-4. Most of them, however, fronted properties zoned R-5. The lots were created and homes built based on the requirements for the R-5 zone. As a result, many of the lots are now non-conforming and the side yards may be non-conforming as well. The condominium units are also non-conforming but were previously non-conforming as R-5 properties. Restoring the area to its R-5 designation will restore as much conformity as is reasonably possible.
ATTACHMENT B

Maps

1. Current Zoning
2. Proposed Area to be Rezoned (back to) R-5
3. Four Maps Showing the Properties, with Addresses, Dimensions and Areas
Referral 2.3: City of New Haven

Subject: Proposed Zoning Regulation Amendments pertaining to the BD-1 District

Staff Recommendation:
The proposed Zoning Regulation Amendments do not appear to cause any negative inter-municipal impacts to the towns in the South Central Region nor do there appear to be any impacts to the habitat or ecosystem of the Long Island Sound.

Background:
The City of New Haven has submitted proposed Zoning Regulation Amendments pertaining to the BD-1 District. The proposed amendments clarify the bulk, yard, and other requirements for residential construction, provide open and common space requirements for residential and mixed use buildings, allow for compact parking spaces (up to 30% of the required parking spaces), and specify that mixed use buildings are permitted uses in the BD-1 District. The open and common space requirements that were previously adopted by the Board of Aldermen for the BD-3 District would now be applicable to the BD-1 District as part of these amendments. These requirements call for 50 square feet of open space per dwelling unit and an additional 50 square feet of common space for residential and mixed use buildings with six or more units.

Although the BD-1 District is not within 500 feet of the municipal border, a change made to a condition in the legend of Table 3 (Use Table) applies to all zoning districts. Below is the original text followed by the revised text.

Original Text
In case of conflict, the District Regulations shall prevail.

Revised Text
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text shall prevail.

Communication: In researching this proposal, I notified the adjacent municipalities in the South Central Region.
December 20, 2012

Eugene Livshits  
Regional Planner  
South Central Regional Council of Governments  
127 Washington Avenue, 4th Floor West  
North Haven, CT 06473

Dear Mr. Livshits:

I write pursuant to Sec. 8-7d(f) of the Connecticut General Statutes to inform you that the following item was received by the Board of Aldermen sitting as the Zoning Commission for the City of New Haven:

"From the Director of City Plan submitting a zoning ordinance text amendment regarding the General Business/Residential (BD-1) Districts to clarify the bulk, yard, and other requirements for residential construction to provide open and common space requirements for residential and mixed use buildings, to permit compact car parking spaces, and to clarify that mixed use buildings are permitted in the BD-1 Districts."

Enclosed for your convenience is a copy of this proposal.

Sincerely,

Albert Lucas, Director  
Office of Legislative Services

AL/cp
In re Petition of the Executive Director of the City of New Haven City Plan Department for Amendments to the Text of the Zoning Ordinance Concerning the General Business/Residential (“BD-1”) Districts to Clarify the Bulk, Yard and Other Requirements for Residential Construction, to Provide New Open and Common Space Standards for Residential and Mixed Use Buildings, to Permit Compact Parking Spaces, and to Clarify that Mixed Use Buildings are Permitted in the BD-1 Districts

PETITION FOR AMENDMENTS TO THE TEXT OF THE NEW HAVEN ZONING ORDINANCE CONCERNING THE GENERAL BUSINESS/RESIDENTIAL (“BD-1”) DISTRICTS TO CLARIFY THE BULK, YARD AND OTHER REQUIREMENTS FOR RESIDENTIAL CONSTRUCTION, TO PROVIDE OPEN AND COMMON SPACE REQUIREMENTS FOR RESIDENTIAL AND MIXED USE BUILDINGS, TO PERMIT COMPACT CAR PARKING SPACES, AND TO CLARIFY THAT MIXED USE BUILDINGS ARE PERMITTED IN THE BD-1 DISTRICTS

Pursuant to 1925 Special Act No. 490, § 5, the Charter of the City of New Haven, § 184 and Section 64(d)(1) of the Zoning Ordinance, City of New Haven (the “Zoning Ordinance”), Petitioner, Karyn M. Gilvarg, AIA, the Executive Director of the City of New Haven City Plan Department with offices at 165 Church Street, New Haven, CT (“Petitioner”) hereby petitions the Board of Aldermen of the City of New Haven to amend the Zoning Ordinance to: (i) clarify the bulk, yard and other requirements for residential construction in the BD-1 Districts; (ii) provide that the open and common space requirements for residential and mixed use buildings in the new BD-3 District shall
apply to the BD-1 Districts; (iii) permit compact car parking spaces in the BD-1 Districts; and (iv) clarify that mixed use buildings are permitted in the BD-1 Districts.

In support of this Petition, Petitioner represents as follows:

1. The Petitioner is the Executive Director of the New Haven City Plan Department.

2. The City Plan Department serves as staff to the City Plan Commission.

3. Pursuant to the New Haven Zoning Ordinance Section 64(a), the City Plan Commission and its staff are required to carry on a continuous review of the effectiveness and appropriateness of the New Haven Zoning Ordinance and recommend such changes as they see fit.

4. The New Haven Zoning Map includes four General Business-Residential Districts ("BD-1 Districts"). The original BD-1 District was established in 1988 and was enacted by the Board of Aldermen to enable the Ninth Square Redevelopment Project. This project rehabilitated a number of historic buildings and built new infill residential and mixed use buildings.

5. Subsequently, an area bounded by Chapel Street, College Street, High Street and Crown Street plus the southeast corner of Chapel and College Streets (the Taft Apartments and two buildings on Chapel Street) were rezoned BD-1. A third BD-1 District was adopted for the block bounded by York Street, George Street, High Street and Crown Street to permit townhouse development on that site. Finally last year, at the request of certain members of the Board of Aldermen, the Board of Aldermen rezoned a number of properties in the Chapel/West area from the BA District to the BD-1 District. The Ordinance text amendment adopted by the Board of Aldermen in connection with
this 2011 map amendment noted the “distinct role” of the BD-1 Districts “in maintaining a strong residential presence in portions of the City’s Central Business Districts” and that the “Chapel Street Special Services District and the City Plan Department are committed to the improvement of the manner in which Central Business/Residential Districts are regulated.”

6. One of the purposes of the BD-1 Districts, as set forth in Section 41 of the Zoning Ordinance, is to “concentrate[] residential uses at high density mixed with activities that have both a city-wide and district-wide function: small stores offering comparison shopper’s goods, specialty stores, business services, offices and entertainment uses. The use of land is intensive, but respects the historic character of existing structures.”

7. When the BD-1 District was originally adopted in 1988, Section 42A of the Zoning Ordinance (the Use Table) was also amended to provide that in the BD-1 Districts, uses permitted in the General High Density RH-2 Residential District would be permitted and that “[i]rrespective of use, whether a dwelling or business, the building, bulk, yard and other zoning regulations applicable to the appropriate Business District as herein set forth” would govern.

8. Subsequently, Section 42A was changed on several occasions so that Section 42A now contains general language that the standards of the residential districts apply to new residential construction in all of the business districts (with the exception of the new BD-3 district pursuant to the recent amendments of the Zoning Ordinance).

9. Notwithstanding these changes to Section 42A, Section 43 of the Zoning Ordinance, entitled “Bulk and yard regulations for business and industrial districts,” still
provides that the bulk and yard regulations for business and industrial districts in that section apply to all uses in the BD-1 District” (emphasis added).

10. Because of this ambiguity and conflict in the Zoning Ordinance, over the past several years, a number of dense residential/mixed use projects in the BD-1 Districts, particularly in the Ninth Square neighborhood, have requested and required extensive zoning relief from the New Haven Board of Zoning Appeals from the residential standards of the RH-2 District. For example, a project to create 65 residential units at 26-36 and 44 Crown Street required variances from the side and rear yard, private useable open space, building coverage, and gross floor area requirements of the RH-2 zone. Similarly, Liberty Community Services, which is located at 204-210 State Street, required variances for building coverage, floor area ratio (“FAR”), usable open space, and maximum number of units for its supportive housing project. Other residential and mixed use projects in the Ninth Square BD-1 District have required FAR and/or open space variances (Centerpointe apartments (852-870 Chapel and 99-109 Church Street), 360 State Street, 804 Chapel Street, 813 Chapel Street, 116 Court Street, 841 Chapel Street, and 831 Chapel Street). Most recently a proposed 144 mixed use apartment project on the corner of Chapel and Howe Streets in the Chapel West BD-1 District was granted nine variances from the residential standards of the RH-2 District by the Board of Zoning Appeals.

11. There are also a number of properties, which are slated for development in the BD-1 Districts, particularly in the Ninth Square neighborhood, including surface parking lots and vacant parcels, such as the parcel on lower Chapel Street which runs to Center Street (where the fire took place) and the parcel on George Street between South
Orange Street and State Street. These properties may not be able to be developed at an appropriate level of mixed use or residential density without receiving extensive relief from the yard, coverage, FAR, and usable open space requirements of the RH-2 District.

12. Additionally, under the current Zoning Ordinance (Section 67(C)(1) and (5)), an existing residential structure in a BD-1 District which does not conform to the RH-2 bulk, yard and other requirements may not be able to be expanded, and, if destroyed by fire or otherwise to the extent of more than 50% of its replacement value, may not be able to be rebuilt in its current configuration (which can also affect its ability to obtain financing).

13. Moreover, the proposed text amendments carry out the purposes of the BD-1 District to promote dense mixed use and residential development, continue the mixed use environment in the Ninth Square and the other areas of the City where BD-1 Districts are mapped, promote pedestrian activity on streets in these districts, and create lively neighborhoods. In contrast, a requirement that residential construction in the BD-1 comply with the residential bulk and area standards, including the open space requirements of 250 square feet per dwelling unit, promotes “tower in the park” type of residential development, which is not compatible with a pedestrian friendly streetscape.

14. Petitioner also requests that the Zoning Ordinance be amended to apply the new BD-3 regulations (Section 43i(1)b. and c.) recently adopted by the Board of Aldermen concerning open and common spaces to residential and mixed use buildings in the BD-1 Districts. The new BD-3 regulations define open space to include a wide variety of spaces devoted to recreation (Article I and Section 1) and require 50 square feet of open space per dwelling unit and an additional 50 square feet of common space,
such as bicycle rooms, gyms, and recreational rooms, business centers etc., for residential and mixed use buildings with six or more units. If a building is located proximate to a public space, such as a public park, these requirements are reduced. These regulations are appropriate for the BD-1 Districts, which are also intended to promote dense mixed use developments.

15. This Petition also requests that the Zoning Ordinance be amended to permit 30% of required parking spaces to be compact spaces (7.5’ x 15’) as is permitted in the new BD-3 District and in at least one of the planned development districts (Science Park). This provision encourages denser building development and is reflective of the type of cars many downtown parkers drive.

16. Finally, Petitioner requests that the Zoning Ordinance be amended to specifically permit mixed use buildings, which is consistent with the description of the BD-1 Districts.

17. As required by § 182 of the City of New Haven Charter, the proposed Zoning Ordinance text amendments are in accordance with the Comprehensive Plan of Development for the City of New Haven as such amendments will encourage intensive mixed use. As also required by § 182, these amendments are designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for transportation and other public requirements, reflect the character of the BD-1 zoning districts and their peculiar suitability for the uses to be allowed in such districts, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.
18. As required by § 181 of the City of New Haven Charter, the proposed amendments are uniform for each class of buildings or structures throughout the BD-1 districts.

WHEREFORE, Petitioner requests that the Board of Aldermen approve the amendments to the Zoning Ordinance set forth in Schedule A.

Respectfully submitted,

By:______________________________

Karyn M. Gilvarg, AIA
Executive Director of the City of New Haven City
Plan Department
SCHEDULE A

PROPOSED TEXT AMENDMENTS TO THE BD-1 DISTRICTS
ADDITIONS ARE UNDERLINED
DELETIONS ARE CROSSED OUT

Section 42. Use regulations for business and industrial districts.

The following table describes the uses permitted in each business or industrial district.

In any case where a use is not specifically referred to by the following table, its status under this section shall be determined by the zoning enforcement officer, by reference to a clearly analogous use or uses that are specifically referred to by the table. When the status of a use has been so determined by the zoning enforcement officer, such determination shall thereafter have general applicability to all uses of the same type. For uses that are not specified and are not clearly analogous to uses specifically referred to in the following table, an application must be made either for an amendment to the zoning ordinance or for a use variance with the Board of Zoning Appeals.

Accessory uses customarily incidental to uses in the table are permitted in connection with such uses. Such accessory uses may include residences of caretakers and other such persons who must live in the area for the convenience of business or industry, and their dependents.

Matters closely related to use are regulated by:

(1) Bulk and yards............. § 43 and § 47
(2) Signs . . . § 44
(3) Parking and loading . . . § 45
(4) Automotive and drive-in establishments . . . § 45
(5) Outdoor activities and storage . . . § 46
(6) Performance standards . . . § 48

ZONING DISTRICT ABBREVIATIONS

<table>
<thead>
<tr>
<th>BA:</th>
<th>General Business</th>
</tr>
</thead>
<tbody>
<tr>
<td>BA-1:</td>
<td>Neighborhood Center Mixed Use</td>
</tr>
<tr>
<td>BB:</td>
<td>Automotive Sales</td>
</tr>
<tr>
<td>BC:</td>
<td>Marine Commercial</td>
</tr>
<tr>
<td>BD:</td>
<td>Central Business</td>
</tr>
</tbody>
</table>
### 12/11/12 Version

| BD-1:       | Central Business/Residential |
| BD-2:       | Central/Business/Medical     |
| BD-3:       | Central Business/Mixed-Use   |
| BE:         | Wholesale and Distribution  |
| IL:         | Light Industry               |
| IM:         | Light Industry/Marine        |
| IH:         | Heavy Industry               |

**INTERPRETATION OF USE TABLE**

| R:           | Permitted as of right         |
| SE:          | Permitted only by special exception under § 63(d) of this ordinance |
| SP:          | Permitted only by special permit under § 64(e) of this ordinance |
| X:           | Not permitted                 |

| Parking:     | Key letters refer to Parking Standards in § 45(a)(1)a. |
| Loading:     | Key letters refer to Loading Standards in § 45(a)(1)b. |
### TABLE 3. USE TABLE

**Key:** R – Permitted As-of-Right  SP – Special Permit  SE – Special Exception  X – Not Permitted  
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text District Regulations shall prevail.

<table>
<thead>
<tr>
<th>Use</th>
<th>BA</th>
<th>BA-1</th>
<th>BB</th>
<th>BC</th>
<th>BD</th>
<th>BD-1</th>
<th>BD-2</th>
<th>BD-3</th>
<th>BE</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
<th>Parking (5)</th>
<th>Loading (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Uses Of Same Type As Those Permitted In Residence Districts:</strong></td>
<td></td>
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<tr>
<td>IN THE DISTRICTS INDICATED, THERE ARE PERMITTED AS OF RIGHT ALL OF</td>
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<tr>
<td>THE SAME USES AS THOSE WHICH ARE PERMITTED, WHETHER AS OF RIGHT OR</td>
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<tr>
<td>BY SPECIAL EXCEPTION, IN CERTAIN RESIDENCE DISTRICTS WITH THE</td>
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<tr>
<td>EXCEPTION OF NURSING HOMES, CONVALESCENT HOMES AND REST HOMES, AS</td>
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<td>FOLLOWS:</td>
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<tr>
<td>1. In any RM-1 District.</td>
<td>X</td>
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<td>X</td>
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<td>X</td>
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</tr>
<tr>
<td>2. In any RM-2 District.</td>
<td>R</td>
<td>R(1)</td>
<td>R</td>
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<td>X</td>
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<tr>
<td>3. In any RH-2 District.</td>
<td>X</td>
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<td>X</td>
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</tbody>
</table>

In the BD-3 District, Table 3 shall govern whether nonresidential use shall be permitted in the BD-3 District, where there is a conflict between Table 3 and the RH-2 District regulations regarding nonresidential uses.

IF SUCH USES ARE NOT DWELLINGS, they shall be subject to the bulk and yard and sign regulations of the Business or Industrial District in which they are located, and to the parking requirements of the appropriate Residence District (except that no parking for such uses shall be required in the Business D, Business D-1 and Business D-2 Districts as provided in § 45) and except that in the BD-1 and BD-3 Districts, all uses shall be subject to the parking, loading, bulk, yard, and sign regulations set forth in §§ 43, 44 and 45 for such uses in the BD-1 and BD-3 Districts and not to any residential Residence District regulations regarding such items.
# TABLE 3. USE TABLE

**Key:** R – Permitted As-of-Right  SP – Special Permit  SE – Special Exception  X – Not Permitted  
In case of conflict between this Table 3 and the text of the Zoning Ordinance, the text District Regulations shall prevail.

<table>
<thead>
<tr>
<th>Use</th>
<th>BA</th>
<th>BA-1</th>
<th>BB</th>
<th>BC</th>
<th>BD</th>
<th>BD-1</th>
<th>BD-2</th>
<th>BD-3</th>
<th>BE</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
<th>Parking (5)</th>
<th>Loading (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>uses</td>
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</tbody>
</table>
| For New Construction Only  
Except for the BD-1 and the BD-3 Districts, IF SUCH USES ARE DWELLINGS they shall be subject to the building requirements, parking standards, and all other appropriate Residence District regulations. Such regulations shall apply even though the building contains another use or uses in addition to a dwelling unit or units. In the BD-1 and BD-3 Districts, the building, bulk, yard, and sign requirements and parking standards set forth in §§ 43, 44 and 45 for the BD-1 and BD-3 Districts shall apply to all uses. | (5) |      |    |    |    |      |      |      |    |    |    |    |             |             |
| Convenience Goods and Services as defined in § 31 shall not be included in this § 42(a) |    |      |    |    |    |      |      |      |    |    |    |    |             |             |
| 4. Custodial-care facilities (See § 49). | SE | SE | X | X | SE | SE |      | X | X | X | X | X |             |             |
| For New Construction Only: | (5) |      |    |    |    |      |      |      |    |    |    |    |             |             |
### TABLE 3. USE TABLE

Key: R – Permitted As-of-Right  SP – Special Permit  SE – Special Exception  X – Not Permitted  
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<table>
<thead>
<tr>
<th>Use</th>
<th>BA</th>
<th>BA-1</th>
<th>BB</th>
<th>BC</th>
<th>BD</th>
<th>BD-1</th>
<th>BD-2</th>
<th>BD-3</th>
<th>BE</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
<th>Parking</th>
<th>Loading</th>
</tr>
</thead>
<tbody>
<tr>
<td>Except for the BD-1 and the BD-3 Districts, if such uses are dwellings they shall be subject to the building requirements, parking standards, and all other applicable residence District regulations. Such regulations shall apply even though the building contains another use or uses in addition to a dwelling unit or units. In the BD-1 and BD-3 Districts, the building, bulk, yard, and sign requirements and parking standards set forth in §§ 43, 44 and 45 for the BD-1 and BD-3 Districts shall apply to all uses. For Adaptive Reuse of Structures Built Prior to 1963, provided the first floor remains in commercial use. Irrespective of use, whether dwelling or business, the building, bulk and yard regulations applicable to the appropriate Business or Industrial District shall govern.</td>
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</tr>
<tr>
<td>Convenience Goods and Services as defined in § 31 shall not be included in this § 42(a)</td>
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</tr>
<tr>
<td>A.2 Residential</td>
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<td></td>
</tr>
<tr>
<td>4. Custodial care facilities (See § 19).</td>
<td>SE</td>
<td>SE</td>
<td>X</td>
<td>X</td>
<td>SE</td>
<td>SE</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Mixed-Use residential uses (See definition)</td>
<td>X</td>
<td>R</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>R</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Live-Work Loft Residential Conversions Pursuant To Article III Section 18A</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
<td>SP</td>
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<td>SP</td>
<td>SP</td>
<td>SP</td>
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</tr>
<tr>
<td>7. Live-Work Unit – (Post 1963 and new structures) (See definition)</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>SP</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8. Assisted Living (see definition), Elderly and</td>
<td>R</td>
<td>R</td>
<td>X</td>
<td>X</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>R</td>
<td>X</td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

See requirements of appropriate dwelling Residential District for Parking and Loading Standards:

- See Section 18A(a)(3)
- 1 space/unit
- ½ space unit
- y

35
### TABLE 3. USE TABLE

**Key:** R – Permitted As-of-Right  SP – Special Permit  SE – Special Exception  X – Not Permitted  
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<table>
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<th>BA-1</th>
<th>BB</th>
<th>BC</th>
<th>BD</th>
<th>BD-1</th>
<th>BD-2</th>
<th>BD-3</th>
<th>BE</th>
<th>IL</th>
<th>IM</th>
<th>IH</th>
<th>Parking (5)</th>
<th>Loading (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Disabled Housing</td>
<td></td>
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<td></td>
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<td></td>
</tr>
</tbody>
</table>

**Notes:**

1. Nonresidential Uses Only
2. The open space requirements for the BD-1 and BD-3 Districts shall be those set forth in § 43(i)(1) and not those set forth in § 16(a)(1)g.
3. (Exempt)
4. In the Marine Commercial District (BC) a marina, yacht club with ten or less slips is allowed as-of-right. A marina, yacht club with over ten slips requires a special permit.
5. Parking/Loading Requirements are governed by Section 45 for the Business D-1 and Business D-3 Districts.
Section 43. Bulk and yard regulations for business and industrial districts.

(i) Additional Requirements for the BD-1 and BD-3 Districts

(1) Open Space/Common Space

a. In the BD-3 District, for all nonresidential buildings in excess of 10,000 square feet of gross floor area, a minimum of 25 square feet of open space per 1,000 square feet of gross floor area up to a maximum of 10,000 square feet of open space shall be provided on the same lot on which the nonresidential building is located. In the event that any point on such lot is located within a 1000’ foot radius of publicly accessible open space, then a minimum of 13 square feet of open space per 1000 square feet of gross floor area shall be required on such lot up to a maximum of 10,000 square feet of open space.

b. In the BD-1 and BD-3 Districts, for all mixed use buildings and residential principal buildings, a minimum of 50 square feet per dwelling unit of open space shall be provided on the same lot on which such building is located. In the event that any point on the lot upon which the mixed use building or the residential principal building is situated is located within a 1000’ foot radius of publicly accessible open space, then a minimum of 25 square feet of open space per dwelling unit shall be required.

c. In the BD-1 and BD-3 Districts, Mixed use buildings with six or more dwelling units and residential principal buildings with six or more dwelling units shall provide 50 square feet of common space per dwelling unit in addition, to the open space required under subsection 43(i)(1)b above. Common Space may include (i) open space in addition to that which is required to be provided under Subsection 43(i)(1)b. above, (ii) interior space that is available to all of the residents of the mixed use building or the residential principal building, such as bicycle rooms, business centers, gyms, laundry rooms, common restrooms, lobbies, party rooms, indoor pools, shared overnight guest quarters, theaters, libraries, game rooms, common recreational/function rooms, and (iii) storage space not located within a dwelling unit but which is assigned to an individual dwelling unit.

Section 45. Regulations for parking, loading, automotive and drive-in establishments.

(a) Parking and loading

(1)a.6. In order to be credited to the quantity of spaces required, each parking space shall have an area of not less than nine feet by 18 feet in the
case of self-service parking, or eight feet by 18 feet in the case of garage or attendant parking, exclusive of adequate driveways and aisles. Notwithstanding the foregoing, in the Business D-1 and D-3 Districts, 30% of required parking spaces may be compact parking spaces. No area shall be credited as a parking space which is in any part also credited or used as a loading space.
Memorandum

TO: Regional Planning Commission

FROM: Nominating Committee:

DATE: January 10, 2013

SUBJECT: Nominations for Officers and Executive Committee Members

The Regional Planning Commission Nominating Committee has nominated the following members as Officers and Executive Committee Members for your consideration. Please note that the proposed Officers also serve on the Executive Committee.

Chairman: Christopher Traugh
Vice Chairman: Kevin DiAdamo
Secretary: Mary Shurtleff

Executive Committee:
Christopher Traugh
Kevin DiAdamo
Mary Shurtleff
Charles Andres
Peggy Rubens-Duhl
Mark Bender
Christopher Suggs