



**TOWN OF WEST HARTFORD PUBLIC HEARING
APRIL 25, 2016
7:25 p.m. Legislative Chamber**

ORDINANCE PERMITTING INCREASED DENSITY IN THE CENTRAL BUSINESS ZONE:

President Slifka: Okay, we're going to call the 7:25 Public Hearing to order. This is on Ordinance Permitting Increased Density in the Central Business Zone. Roll call, please, Ms. Labrot.

Councilors Barnes, Cantor, Casperson, Davidoff, Hall, Kerrigan, Slifka, Wenograd and Williams were present.

President Slifka: Thank you, Ms. Labrot. Okay, we have, obviously, a large crowd for this tonight from what we understand and this is the, I think, the third time the Council has had a Hearing on this and so the presentation that was made on it was made at the initial Hearing and that wasn't nearly as well attended, so we thought for the benefit of those that're here and anyone who might be watching on television, that Mr. Dumais, the Town Planner, is going to do a, a summary of, of the presentation and then we'll continue the Hearing from there. So Mr. Dumais, I'll turn it over to you.

Mr. Dumais: Thank you, Mr. Mayor. For the record, Todd Dumais, Town Planner. For those in the public, this is a modified version of the presentation that the Mayor just referenced but it still touches upon all of the critical issues. We're here to talk about a proposed Ordinance amendment change to our BC Zone. For those of you who know or don't know, our BC Zone is our, one of our two most intensively zoned districts in town, primarily in the West Hartford Center, the image on the lower left over here. This is, you know, what we think of as the Center. Blue Back Square is in this area, two outlined BC-Zoned properties on Farmington Avenue East, and there's also a small pocket of about 20 parcels zoned BC in the center of Elmwood or Elmwood's traditional Center. These areas are important because, as zoned and as our Plan of Conservation and Development indicates, these are the areas of town where the land use is supposed to be the most intense so that way we have a vibrant and vital, the elements of vitality for our Central Business District can be supported. Pedestrian-oriented uses are encouraged at street level to ensure the intensity of these uses. Residents, professional office, and other uses compatible with the retail nature of the CBD are permitted, although if residential, it's recommended on the upper floors. So we're here to talk about a specific amendment to the BC Zone. What we're not here to talk about is a change to the underlying BC Zone itself. So we call that the as-of-right characteristics of the BC Zone. We're specifically here to talk about an amendment to 177-16.6, which is Alteration of Standards in the BC Zone. This amendment would potentially, limit the, permit the ability to apply for and seek approval under the proposed standards that I'll go through in a moment through the use of a Special Development District application approval process. It does not propose any changes to the underlying or as-of-right standards in the BC Zone. Key changes that we're proposing as part of this amendment. Currently, the BC Zone has a permitted floor area ratio. A floor area ratio is the ratio of the total gross floor area of, of a building on a site to its lot area, so that's represented as a ratio. So for

instance, if you had a 10,000 square foot parcel and we had an FAR of 1, you could build 10,000 square feet of building on that parcel. That's where that ratio comes into play. So we're proposing an increase from 1.25 to 1.75. We're proposing an increase in building height from three or four stories to five stories. The BC currently permits a four story height limitation, and if you're doing purely residential, it's limited at three stories. So we're suggesting that could be increased from three or four to five and then there's another exemption for private parking garages from FAR. Each of those above-noted changes would only be available upon application to the Town Council for approval of a Special Development District Plan and further provided that certain criteria are met. Now, I'm gonna go through these criteria because they're very specific and they outline the amount of control that the Town Council would have, even if this Ordinance or a version of this Ordinance were to be passed. Any project that comes in seeking use of any of these standards would still hafta go through a Public Hearing process, community outreach, there would be specific architecture, landscape architecture, specific traffic information and parking information. There'd be a very detailed plan before the Council and for members of the public who are interested in that specific project if one should ever come in utilizing any of these standards. If one does, the Town Council must find adequate parking exists to meet the needs of the proposed development. The Council must find adequate street capacity exists on adjacent streets to accommodate traffic projected to result from any increased intensity of use above what's allowed as-of-right. The Town Council must find appropriate bicycle and pedestrian amenities, such as but not limited to bicycle storage and/or parking benches, pedestrian walkways are provided. Within the BC Zone, the maximum floor area may be increased from 1.25 to 1.75 if the floors above the ground are used for residential purposes. Within the BC Zone, maximum building height for buildings containing residential units on the upper floors may be increased from three to five stories, provided that if the ground level of the building façade is adjacent to a public street right of way, the corresponding fifth story must be set back an additional 15 feet from the façade of the story directly below. The Council may waive this set back requirement in situations where the building otherwise incorporates an alternative architectural design feature, which adequately mitigates the impacts of said height. And lastly, within the BC Zone, the area of the private parking garage, which provides dedicated parking spaces for the use of residential tenants, commercial tenants, and/or their patrons and guests shall not be included in the calculation of maximum floor area ratio, provided that all sides of said garage are enclosed by landscaping, architectural screening, active commercial and/or residential tenant space excepting those portions which require a vehicular pedestrian access. Really quickly, for those that don't know, I just wanna show an example of that upper story setback limit. So I referenced if the fifth story of any proposed building is gonna come in and be used for residential purposes, the image on the left of the street, that represents a 15 foot setback requirement. The idea behind this is any increase in building height would, the, the impact on a pedestrian user of our rights of way, our sidewalks and our streets, that setback would be mitigated because from the ground level, from the user, you wouldn't perceive that fifth story because of the setback. It would fall behind your view shed. So these numbers didn't come out of thin air. We did an existing conditions analysis of the entire BC Zone throughout the Center. There are 67 BC-zoned properties in the Center, about 53 acres in total. Of those 67, I think 63 are actually developed or improved buildings. The rest are vacant or are perhaps park land. Median year built, 1939; median FAR of 0.855, which is about 69 percent of the permitted maximum as-of-right in the zone today; median height is two stories. Approximately 28.5 percent of all the parcels within the Center are currently nonconforming with, like, with respect

to floor area ratio. Additionally, about 39 percent of the remaining parcels could not add any additional square footage because of FAR limitations, so you know, I coined a phrase, these are kind of effectively built out. So to kind of put it, a picture to what we just talked about, this is 1 South Main Street at the corner of South Main and Farmington Avenue. Three story building. Obviously built before modern zoning took place. Its FAR is 2.8, obviously above the 1.25 allowed, so it's considered an existing nonconforming parcel. A different type of parcel that I referenced would be an effectively built out parcel. The Plimpton's building, it sits on about 0.3 acres. Its FAR is slightly over what's currently allowed at about 1.29. If it were to even add a third story on that building, it could not because it's in excess of current FAR allowance. An important thing we touched upon last, last Public Hearing and, and had a continued conversation with our Planning and Zoning Commission is that this type of change is completely consistent with our Plan of Conservation and Development. There is a very quote, "Considering the limited availability of land and the desire to achieve sustainable community growth, future growth should be thought of in terms of appropriate density, mixed land uses, and redevelopment within our existing commercial districts." What have I, I have included here is a map from 1924 of our zoning at the time. That's our first snapshot of zoning in town and then fast-forward to today, you know, 2015 zoning map. What you can see here, all these areas in black and zoned D or E are essentially, we hafta translate them for it but most of the traditional Center Business District as zoned back then. Of course, we didn't call it that. We didn't have FAR limitations. We had substantially different height limitations. Initially, there were none then a three story was adapted and it, and it changed throughout the years. But what I do think is relevant about this image is that for 90 or 92 years there's been relatively little outward expansion of our BC Zone and our Center with the exception of this little block down here, South Main, LaSalle and Ellsworth. There was a little bit of expansion. So it's remained relatively intact and confined within the limits actually established kind of back in 1924. If we wanna see continued growth in the Center as the Plan of Conservation suggests we, we should, we should consider appropriate changes to that zoning in terms of density and I think that's probably what we're here to talk about is what is appropriate in terms of building height and possibly FAR. That kinda concludes my brief summary of the proposed Ordinance change, a review of where we were and I'll be available to answer any questions from the Council or obviously after the members of the public have had an opportunity to speak.

President Slifka: We'll, I'll go around the table and see if anybody, for those that're here and may not have seen a prior Hearing, the Council did spend a substantial amount of time asking questions at that time, so we don't want you to think that any silence at this point is from lack of interest or anything. We just don't wanna go over everything again. We'd rather hear from you guys but one thing maybe I'd ask you to, to revisit, Mr. Dumais, is from the initial Hearing and some feedback we got then to all the way through today, we've had a, obviously a number of residents contacted about this and a lot of it has been in response to sort of the headline that, well, the Council considering raising heights to five or six stories and absent any other information, you can see how that might be a little bit alarming. Can you address the real limitations of that within what you've proposed?

Mr. Dumais: Sure. I think first and foremost, the Council's considering an amendment that would permit someone to bring an application forward. So this change, if it were to be approved, would not allow anyone to go out and build anything as-of-right, so we'd be locked into what we

have today. Only if someone wants to utilize one of these standards and if they can meet the criteria that the Council must find could they then come back in and potentially get a, up to a five story building that was mixed use with ground floor commercial and residential on the upper floors approved if the Council goes through a series of significant findings to make sure that that proposed development's compatible with adjacent land uses. The traffic, it's not gonna negatively impact traffic or parking and that it adequately provides for parking for that new development.

President Slifka: I, I believe during, and correct me if I'm wrong, but I believe during the first Hearing when we covered this, this topic, that you indicated that, you know, it's, I don't wanna put words in your mouth, but that, well, there's only so many properties that really could go up to five or six and more likely, you know, they're gonna go up by one story from what they have and so that kinda took the, the, I'd say the level of concern down but it made it look a lot more modest...

Mr. Dumais: Sure.

President Slifka: ...I guess from what the headline said and so if I'm right, could you, could you cover that again?

Mr. Dumais: Yeah. Mr. Mayor, I think that's a fair statement. When you look at the requirements to be able to provide for new parking for any development, we're suggesting you hafta do that through construction of a garage either below grade or above grade. To be able to build a garage, you're gonna lose a lot of efficiency and eat up a lot of your real estate. A parking garage, a single parking space under our standards requires 400 square feet of area to fit one parking space in so if you multiply that by the number of spaces required to accommodate any type of use, there's a significant square footage requirement to build a garage, which means you hafta have a significantly sized in dimension parcel to really effectively be able to take advantage of that. So as you could see in this map here, it might be hard to see, but the Center is comprised of many smaller-sized parcels that weren't likely unless they were assembled with other parcels and merged together to be able to accommodate any significant redevelopment without, you know, providing for parking. So I think the, the net effect is there's just probably a handful of parcels that would be able to utilize these standards and come in and, and make a finding that, you know, they could provide that adequate parking as required.

President Slifka: And just one more point on that. So the, I think the first time around I didn't, I didn't mean it this way but I'll say it again that so but worst case scenario if you're, you know, sort of if you're somebody who doesn't like this or you're really concerned about it and what you think might occur notwithstanding what, with the limitations that you, you stated for the record, that there could come a time when, if you went straight down Farmington Avenue between LaSalle and Main, that it would all be six stories, that, I believe, again, in your testimony the first time around was, well, the only way that could occur is if somebody assembled all the properties and knocked the buildings down and then started again and, and got the garages underneath, etc. And that would be looked at most likely askance by the, by the members of the Council and the Council would have the opportunity to say no to something like that because it would come to us through a Special Development District application, right?

Mr. Dumais: Correct. A series of Webster Bank-type buildings, you know, worst case scenario and that's actually even an extreme exaggeration. Because they're under the Special Development District approval process, unlike an as-of-right development, we have complete control over architecture, design, and form. We have an excellent Design Review Advisory Committee that we really, if you ask any developer, they ask for the highest quality architecture, materials, form, and function of a building prior to it even being submitted as an application. So the Webster Bank building, not that there's anything wrong with that, but its architecture is kind of a little bit dated and that went through, a what we call an as-of-right development as did Town Center across the street. You know, our newer buildings that have utilized the Special Development District approval, 24 North Main, 11 South Main, you can see those buildings generally have that same character as the traditional buildings in the Center that I think we all know and love.

President Slifka: Okay. I'm gonna stop now. Thank you for that. Anybody else have anything you wanna cover? Mr. Williams.

Councilor Williams: Thank you, Mr. Mayor. Mr. Dumais, I, I have a question that occurred to me. So we have current, you know, full regulations in place right now. What's your understanding as to the policy of reasons that the Town adopted those and why they are in place as they are currently?

Mr. Dumais: Sure. Generally speaking, you know, we'd hafta go back to probably 1967. Don't quote me on the year but I think the late 60s was the last comprehensive zoning rewrite in which we actually adopted what I would call our modern zoning standards, which included FAR. Generally speaking, they control the bulk mass and, and size of a building. It's not an, you know, 100 percent effective tool 'cause it doesn't control architecture but they try to control how large of a building you can build relative to its lot area. So at the time that 1.25 was seen as the appropriate number. Preceding that, it was lower. It was bumped up to 1.25. As you can there're, you know, over 30 percent, roughly 30 percent of the parcels that grossly exceed that or slightly do. In the late 80s and then again in the early 2000s, this same approach was taken for the Central Business District high density or intensity zone, which is what most people consider Blue Back Square, so just east of the traditional Center and there, there was an amendment that permitted that 1.25, which still exists as, as-of-right but you could request up to a 4 FAR and that's how Blue Back Square was essentially developed, utilizing that alteration of standards. They also permitted up to six stories in height in that zone. We're suggesting something that's much less intense than an increase to 4 FAR or up to six stories.

Councilor Williams: That's great but I guess what I'm getting at is do you have an understanding, I mean, obviously you weren't here at the time but you know, why did we cap the height of the buildings at the certain heights? Do you know? Is it, was it aesthetics? Was it a concern for foot traffic? I have no idea but do we have an understanding of that?

Mr. Dumais: No, we'd hafta go back and see what the reasoning was.

Councilor Williams: Okay.

Mr. Dumais: I mean, generally, you try to cap it at what could be achieved by, you know, developing a site and also controlling for what the Town's Plan of Conservation and Development. Back then, I don't know what that said if we even had one in place. In '60, probably in the 60s but preceding that, we certainly didn't even before then. We'd hafta really go back and see what the vision for the town was back then to get an idea of how the zoning, which is our tool to implement our Plan or our vision, was utilized.

Councilor Williams: Okay, thank you.

President Slifka: Thank you, Mr. Williams. Mrs. Casperson.

Councilor Casperson: Thank you. Mr. Dumais, I just have a quick question. When we're looking at the setback, you said for the fifth floor only residential would be set back? If we were doing commercial, would that not be set back for the fifth floor?

Mr. Dumais: Yeah, what we're proposing is if the building fronts street frontage that any, and it's utilizing any of these alteration of standards that any of the levels above the first floor but particularly the fifth floor must be set back that 15 feet and that would be restricted to residential.

Councilor Casperson: I just, oh, restricted to residential?

Mr. Dumais: Yes. The uses are restricted to residential to get up to, to the fifth story.

Councilor Casperson: Great, thank you.

President Slifka: Okay. Anyone else? Okay. With that then, let's, unless you have something further, Mr. Dumais, let's, we'll go to the sign-up sheet.

Mr. Dumais: Yeah. I, I had a map that didn't appear but maybe I could bring it up 'because the question may come up from the public so if you just bear with me for one moment...

Mr. Van Winkle: While he's talking, you know, the, there's been talk about adding a third story to a building. Building codes make that really hard to do. You just can't add a story to a building. These buildings were built under codes that couldn't support that third story that require all sorts of different things to occur today. So in order to take a two story building and put a third story on it, you more than likely would hafta tear that building down in order to do that. It makes the economics of the, the, the idea of a development for a third story, fourth story, even a fifth story not work well as you lose your building, your rent, you're shut down for a while and then you gotta build a sizeable underground garage underneath your building. So it's not likely that we're gonna see a lotta people go, oh, this is great. Where we have, might have some empty space in the Center, potentially there is something there but it would hafta be something you could get a yield out of it to be able to make this kind of investment, so it's unlikely we'd see a whole lot of new development based on what we're talking about here. It is an effort to eliminate the nonconforming uses and to allow what we're seeing today is a demand to live in a more urbanized place. There's a very strong demand in, across the nation for empty nesters and younger people both, looking to live in a place where you can walk out the door and enjoy the amenities of a more urbanized place, which West Hartford has.

President Slifka: Mr. Dumais.

Mr. Dumais: So this map and I apologize, I didn't have the most up-to-date version when I covered this slide. This map here shows the BC Zone in our traditional Center. All the areas in

