MEETING NOTICE AND AGENDA

MANSFIELD PLANNING AND ZONING COMMISSION

Monday, April 4, 2016 ▪ 6:45 PM

or upon completion of Inland Wetlands Agency Meeting

Audrey P. Beck Municipal Building ▪ 4 South Eagleville Road ▪ Council Chamber

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
   a. March 21, 2016 – Regular Meeting
4. **Zoning Agent's Report**
5. **Public Hearing**
6. **Old Business**
   a. **Draft Zoning Regulations**
      Memo from Director of Planning
   b. **Zoning Map Amendment Application, 91 & 93 Meadowbrook Lane, PZC File #1338**
      Tabled pending a 5/2/16 Public Hearing
   c. **Special Permit Application, Meadowbrook Gardens, 91 & 93 Meadowbrook Lane, PZC File #1284-3**
      Tabled pending a 5/2/16 Public Hearing, Field Trip set for 4/13/16
   d. **Ad Hoc Committee on Rental Regulations and Enforcement**
   e. **Other**
7. **New Business**
   a. **Request for Interpretation of Lot Frontage Requirements**
      Memo from Director of Planning
   b. **Other**
8. **Reports from Officers and Committees**
   a. Chairman's Report
   b. Regional Planning Commission
   c. Regulatory Review Committee
   d. Planning and Development Director's Report
   e. Other
9. **Communications and Bills**
   a. APA Magazine Article(s)-The 21st Century Comprehensive Plan & Planning Practice
   b. Other
10. **Adjournment**

Charles Ausburger ▪ Binu Chandy ▪ JoAnn Goodwin ▪ Roswell Hall III ▪ Gregory Lewis ▪ Kenneth Rawn ▪ Bonnie Ryan
Vera Stearns Ward ▪ Susan Westa ▪ Paul Aho (A) ▪ Terry Berthelot (A)

DRAFT MINUTES
MANSFIELD PLANNING AND ZONING COMMISSION
Regular Meeting
Monday, March 21, 2016
Council Chamber, Audrey P. Beck Municipal Building

Members present:	J. Goodwin, C. Ausburger, B. Chandy, R. Hall, G. Lewis, K. Rawn, B. Ryan, V. Ward, S. Westa
Alternates present:	P. Aho, T. Berthelot
Staff present:	Linda Painter, Director of Planning and Development Janell Mullen, Assistant Planner/Zoning Enforcement Officer

Chairman Goodwin called the meeting to order at 6:30 p.m.

Approval of Minutes:

a. March 7, 2016- Regular Meeting:
Hall MOVED, Chandy seconded, to approve the 3-7-2016 minutes as presented. MOTION PASSED with all in favor except Goodwin and Westa who disqualified themselves.

b. March 16, 2016-Field Trip Notes:
The Field Trip Notes of 3-16-16 were noted.

Zoning Agent's Report:
Noted.

Public Hearing:
Special Permit Application, Efficiency Unit, 152 Cedar Swamp Road, M. Ricci owner/applicant, PZC File #1339
Chairman Goodwin opened the Public Hearing at 6:35 p.m. Members present were Goodwin, Ausburger, Chandy, Hall, Lewis, Rawn, Ryan, Ward, Westa and Alternates Aho and Berthelot. No Alternates were seated. Linda Painter, Director of Planning and Development, read the Legal Notice as it appeared in The Chronicle on 3/8/16 and 3/16/16 and noted the following communications received: a 3/14/16 memo from Janell Mullen, Assistant Planner/Zoning Enforcement Office; and a 3/17/16 B100a Approval from the Eastern Highlands Health District. Painter noted for the record the notices were sent by the applicant to the abutters within 500 feet and the certified mailing receipts have been submitted to the office for verification.

The applicants/owners, Dustin Ricci and Mark Ricci, who reside at 152 Cedar Swamp Road, were present.

Chairman Goodwin noted there were no questions or comments from the Public or the Commission. Ward MOVED, Rawn seconded, to close the Public Hearing at 6:38 p.m. MOTION PASSED UNANIMOUSLY.

Old Business:

a. **Special Permit Application, Efficiency Unit, 152 Cedar Swamp Road, M. Ricci owner/applicant, PZC File #1339**
Ryan MOVED, Hall seconded, to approve the March 1, 2016 application of Mark Ricci to allow an efficiency dwelling unit at 152 Cedar Swamp Road in an RAR-90 zone, as shown on submitted plans and described in other application submissions and as presented at Public Hearing on March 21, 2016.

Pursuant to Article V, Section B. of the Mansfield Zoning Regulations, the site plan requirements contained in Section B.3.d are hereby waived as there is no proposed expansion of the building and the information is not needed to determine compliance with the zoning regulations.

This approval is granted because the application is not expected to result in any detrimental neighborhood impacts and is considered to be in compliance with Article X, Section L; Article V, Section B; and other provisions of the Mansfield Zoning Regulations, and is granted with the following conditions:

1. This approval has been granted for a one-bedroom efficiency in association with a single-family home having up to three additional bedrooms. Any increase in the number of bedrooms on this property shall necessitate subsequent review and approval from the Eastern Highlands Health District and the Planning and Zoning Commission.

2. This approval is conditioned upon continued compliance with Mansfield's Zoning Regulations for efficiency units, which include owner-occupancy requirements, limitations on the number of residents in an efficiency unit and limitations on the number of unrelated individuals that may live in a dwelling unit pursuant to the definition of Family contained in the Zoning Regulations. These limitations apply regardless of the number of bedrooms present in the home. Pursuant to Article X, Section L.2, the applicant shall submit a notarized affidavit certifying owner occupancy every two years, starting on January 1, 2018.

3. This special permit shall not become valid until filed upon the Land Records by the applicant.

MOTION PASSED UNANIMOUSLY.

b. **Modification Request to a Gravel Permit, 1090 Stafford Road, PZC File #1258**
Goodwin MOVED, Rawn seconded, to the approve the modification to the Special Permit for the gravel removal operation performed by Phil DeSiato from the Green Property located at 1090 Stafford Road.
MOTION PASSED UNANIMOUSLY.

c. **Draft Zoning Regulations**
Painter distributed and explained the draft of the water pipeline overlay map and reviewed the revisions to the Stormwater Regulations that were made after input from Derek Dilaj, Assistant Town Engineer. Revisions to the draft map of the overlay district will be made based on Commission comments. The revised map will be reviewed at the next meeting.

d. **Zoning Map Amendment Application, 91 & 93 Meadowbrook Lane, PZC File #1338**
Item is tabled pending a 5/2/16 Public Hearing.

e. **Special Permit Application, Meadowbrook Gardens, 91 & 93 Meadowbrook Lane, PZC File #1284-3**
Item is tabled pending a 5/2/16 Public Hearing with a Field Trip set for 4/13/16.

New Business:

a. Ad Hoc Committee on Rental Regulations and Enforcement
Chairman Goodwin tabled discussion until the next meeting.

Reports from Officers and Committees:
The Director reviewed her written report.

Communications and Bills:
Noted.

Adjournment:
The Vice Chair declared the meeting adjourned at 7:06 p.m.

Respectfully submitted,

Vera S. Ward, Secretary

Town of Mansfield

Department of Planning and Development

Date: March 31, 2016

To: Planning and Zoning Commission

From: Linda M. Painter, AICP, Director of Planning and Development

Subject: Draft Zoning Regulations: Stormwater Management and Water Service Connections

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Draft Stormwater Regulations

If the Commission has no other suggested changes to the March 17, 2016 draft, staff recommends that a public hearing be scheduled on the draft regulations. The two potential dates for this hearing are May 16th and June 16th. At this time there are no public hearings scheduled either of these dates; however, hearings scheduled for the previous meetings could potentially be continued to these days.

_____ MOVES_____SECONDS, that a public hearing be scheduled for _____ to hear comments on the proposed revisions to the Zoning Regulations related to stormwater management dated March 17, 2016. The draft regulations shall be referred to the Town Attorney, CRCOG, adjacent municipalities, Town Council, Conservation Commission and Four Corners Sewer and Water Advisory Committee for review and comment.

Draft Water Service Connection Regulations

At the March 21st PZC meeting, it was suggested that the proposed Water Pipeline Overlay District map be revised to include lots that did not have frontage on roads with water mains to ensure those lots were subject to the same restrictions should they obtain an easement for the purposes of accessing the water main.

As staff attempted to identify additional parcels to which the district may apply, we were unsure of where to draw the line. In other words, how far from the pipeline should this district apply? As a result of this challenge, we are working on a few alternative approaches that we will present on April 4th for the Commission's consideration.

Draft Alcoholic Liquor and Live/Amplified Music Regulations

Staff reviewed the March 3, 2016 draft with the Town Manager and Resident Trooper. Based on their concerns, it is suggested that the draft Live/Amplified Music regulations be revised to include a process through which occasional live/amplified music associated with residential uses would be reviewed by the Fire Marshal and Resident Trooper to ensure that public safety concerns are addressed and that the police have the authority to shut down events that are causing problems. Staff will present more specific proposals at the April 4th meeting. If the Commission would like to hear from the Manager and Resident Trooper directly, we can ask them to attend a future meeting.

Department of Planning and Development

Date: March 31, 2016

To: Planning and Zoning Commission

From: Linda M. Painter, AICP, Director

Subject: Interpretation of Zoning Regulations
Definition and Application of Frontage Requirements

Background

The IWA has a pending application for a subdivision on Dog Lane (W1561). After reviewing the history of the property, staff has determined that the creation of a second lot constitutes the first cut and therefore does not meet the definition of a subdivision, which is defined as "The division of a tract or parcel of land into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation or agricultural purposes, and includes resubdivision." This determination is based on the fact that the original lot of record existed in 1944, prior to the establishment of zoning and subdivision regulations. Additional land was purchased from the UConn Foundation in 2012 and added to this lot to create the parcel that exists today.

As the property has not been previously divided, splitting the parcel into two lots can be approved through the Zoning Permit process as a lot line revision provided both lots conform to minimum zoning requirements. Based on the definitions and dimensional regulations outlined in this report, staff's initial interpretation of the regulations as applied to the Dog Lane property concluded that, while an unusual configuration, the proposed lots met the minimum requirements for 200 feet of uninterrupted frontage. No Zoning Permit application for a lot line revision has been received or reviewed at this time as the proposed changes are still under review by the IWA. Additionally, it appears that the current proposal may result in alterations to the scenic road which would require a public hearing before the PZC and approval by the Town Council.

Request for Interpretation

As described in the attached memo, the owners of properties located at 128 Dog Lane, 127 Dog Lane, 60 Bundy Lane, and 54 Bundy Lane have requested that the PZC review and issue an official interpretation of the regulations related to minimum required lot frontage. Article 11, Section A of the Regulations requires the Zoning Agent to review any questions regarding interpretation and enforcement of the regulations with the PZC officers, and if necessary, the Planning and Zoning Commission.

Definitions

Article 4 of the Zoning Regulations contains the following rules and definitions:

A. Rules

In the construction of these regulations, the rules and definitions contained in this Article shall be observed and applied, except where the context clearly indicates otherwise.

1. Uses of land, buildings or structures not permitted in the various zoning districts are prohibited.
2. Words in the singular shall include the plural, the plural the singular; and words used in the presence tense shall include the future.
3. The word "shall" is mandatory and not discretionary.
4. The word "may" is permissive.
5. The word "lot" shall include the words "piece" and "parcel".
6. The words "Zone, zoning district" and "district" have the same meaning.
7. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for", "maintained for", and "occupied for"
8. The phrase "these regulations" shall refer to the entire Zoning Regulations.

B. Definitions

For the purpose of these regulations, certain terms and words used herein shall be used, interpreted and defined as set forth in this section.

Any questions that arise regarding the regulatory meaning of other words and terms shall be determined by the Planning and Zoning Commission with reference to the Connecticut General Statutes and the Random House Dictionary of the English Language, unabridged edition, respectively.

* * * * *

38. **Lot, Corner.** A corner lot is a lot whose street lot lines have an interior angle of less than 135 degrees at the intersection of the two lines. A lot abutting on a curved street shall be deemed a corner lot if the tangents to the curve at the points of intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

39. **Lot, Frontage.** The horizontal distance measured long the full length of the front lot line. At existing, proposed or future streetline intersections with a radius, the frontage may be measured along the full length of the front lot line to the point of intersection of the front lot lines extended beyond the radius to their point of intersection.

40. **Lot line.** A property line bounding a lot. For zoning purposes, town boundary lines are not assumed to be lot lines and a Mansfield lot may extend into an adjacent municipality.

* * * * *

42. **Lot line, Front.** A front lot line is the line of a street on which a lot abuts.

43. **Lot line, Rear.** A rear lot line is any lot line, other than another front lot line on another street, which is the farthest lot from the street.

* * * * *

45. **Lot line, Side.** Any lot line not a front lot line or rear lot line, bounding a lot and extending from the street toward the rear in a direction approximately perpendicular or radial to the street.

* * * * *

Dimensional Requirements

Pursuant to the Schedule of Dimensional Requirements in Article 8 of the Zoning Regulations, the minimum required lot frontage in the RAR-90 zone is 200 feet. The following footnotes also apply to minimum lot frontage requirements:

4. Special provisions apply to non-conforming lots of record. See Article VIII, Section B.

6. The minimum lot frontage shall be continuous and uninterrupted along a street line. In residential zones, corner lots situated at the junction of two or more streets shall be required to have the minimum frontage along all abutting streets.

7. Where the front lot line is an arc or the sidelines converge toward the front lot line, the required frontage shall be measured along the front setback line, which shall be parallel to the street line.

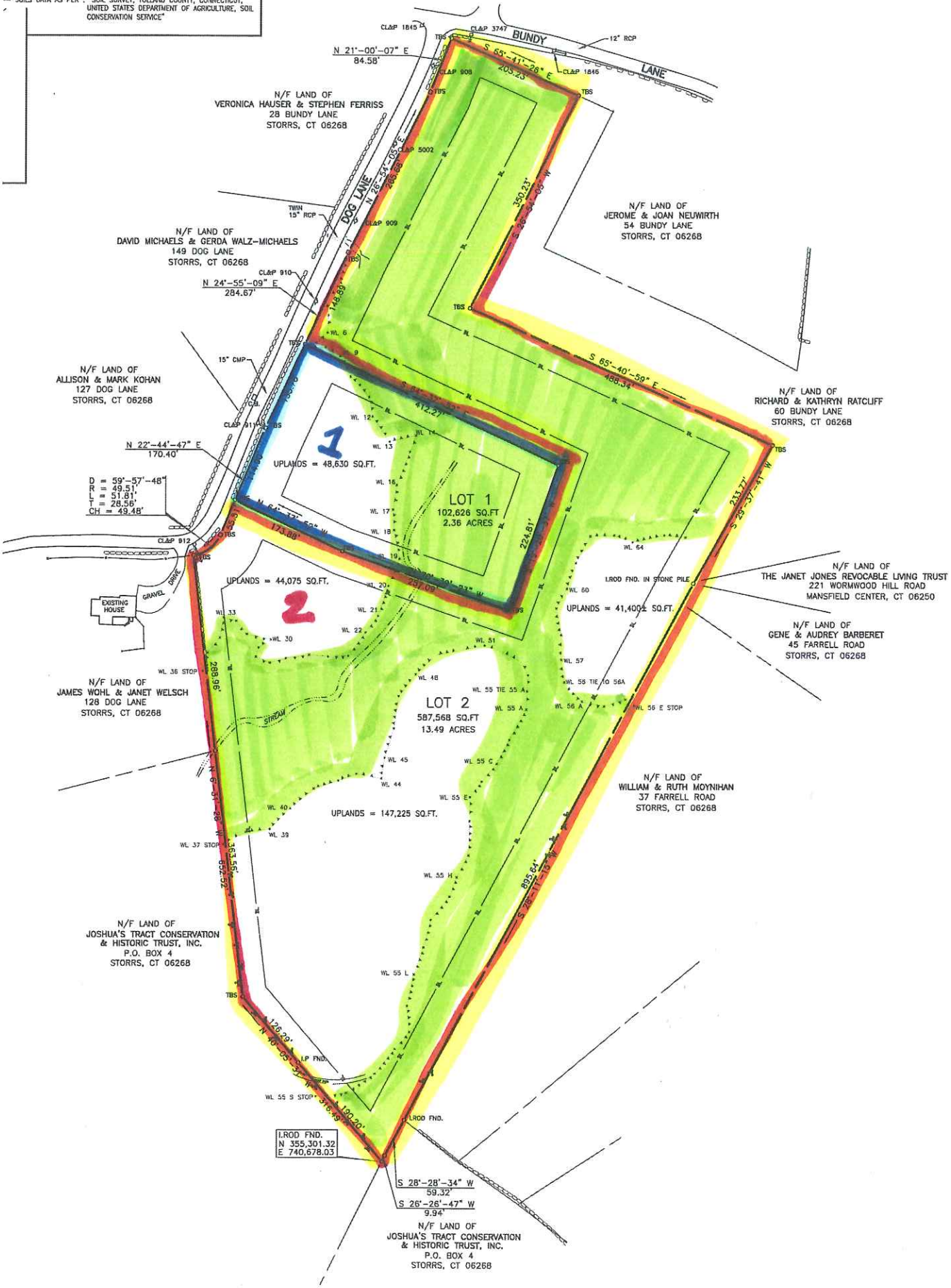
13. Lot frontage requirements for business and residential uses within specified zones may be waived by the Planning and Zoning Commission for private roads, provided special permit approval is obtained (see Article VIII, Section B.3.d)

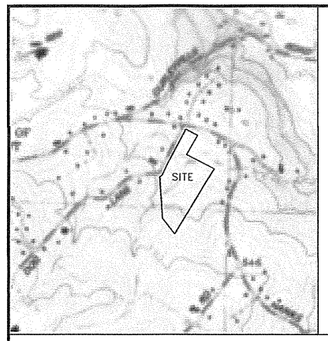
16. Special frontage and setback provisions may apply to subdivision lots and associated building area envelopes approved after February 20, 2002. (See Article VIII, Section B.5 and applicable provisions of Mansfield's Subdivision Regulations.)

Frontage of Proposed Lots

As shown on the attached map, Lot 1 has 250.68 feet of frontage on Dog Lane. Lot 2 wraps around Lot 1 and has frontage on Dog Lane on both sides of Lot 1. The portion of the lot located east of Lot 1 has 414.57 feet of frontage; however, this portion of the lot contains extensive wetlands. The portion of the lot located west of Lot 1 has 107.32 feet of frontage and shares an upland area with Lot 1. The applicant is proposing to locate the house and driveway on the western (uplands) portion of the lot, between Lot 1 and the abutting property at 128 Dog Lane. As the frontage of the western portion of the lot is less than 200 feet, the two proposed houses would be located closer together than other homes on Dog Lane, as most of the lots on Dog Lane have more than 200 feet of frontage.

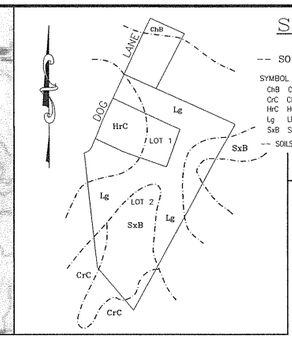
5xB SUTTON VERY STONY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES
— SOILS DATA AS PER : "SOIL SURVEY, TOLLAND COUNTY, CONNECTICUT, UNITED STATES DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE"





LOCATION MAP

SCALE : 1" = 1000'



SOIL MAP

SCALE : 1" = 400'

-- SOILS LEGEND --

SYMBOL	DESCRIPTION
ChB	CHARLTON STONY FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES
CrC	CHARLTON VERY STONY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES
HrC	HOLLIS VERY ROCKY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES
Lg	LEICESTER-RIDGEBURY-WHITMAN VERY STONY COMPLEX
SxB	SUTTON VERY STONY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES

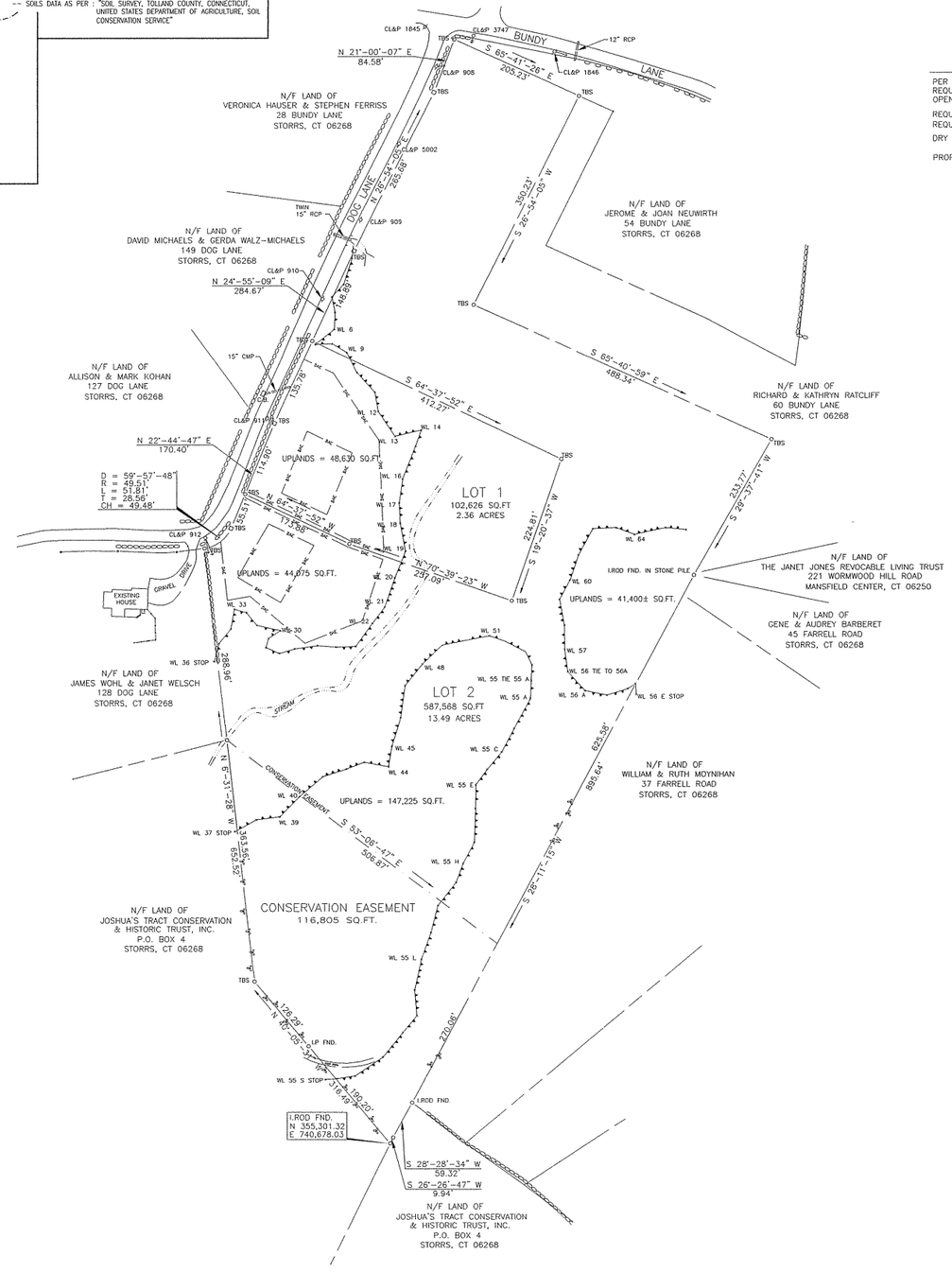
-- SOILS DATA AS PER : "SOIL SURVEY, TOLLAND COUNTY, CONNECTICUT, UNITED STATES DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE"

REFERENCE MADE TO THE FOLLOWING MAPS:

1.) "AS-BUILT PLAN PREPARED FOR WILLIAM ZAVISTOSKI DOG LANE MANSFIELD, CONNECTICUT SCALE: 1" = 20' DATE: JUNE 16, 1998 DRAWN BY: SDK CHECKED BY: SAF SHEET 1 OF 1 FILIP ASSOCIATES 1875 STORRS ROAD, MANSFIELD, CT."

2.) "PLAN PREPARED FOR AUDREY & GENE BARBERET NO. 45 FARRELL ROAD STORRS, CONN. PLOT PLAN SCALE 1" = 20' DRN. R.M. DATE 7-24-84 TRD. D.C.K. FILE NO. 831137 SHEET NO 1 OF 1" PREPARED BY MEEHAN ASSOCIATES.

3.) "BOUNDARY SURVEY PREPARED FOR UCONN FOUNDATION, INC. DOG LANE & BUNDY LANE STORRS, CONNECTICUT SCALE: 1" = 40' DATE: JANUARY 6, 2012 DATUM ENGINEERING & SURVEYING, LLC 132 CONANTVILLE ROAD, MANSFIELD CENTER, CT. 06250 JOB NO. 211064".



200 100 0 100 300

SCALE : 1" = 100'

TOTAL PARCEL AREA 15.84 ACRES

AREA WITH OVER 15 PERCENT SLOPES – NONE
TOTAL AREA OF WETLANDS – 408,834 SQ.FT.±
PERCENT OF WETLANDS – 59.2%

OPEN SPACE DEDICATION

PER SECTION 13.1.1 – COMMISSION SHALL HAVE THE RIGHT TO REQUIRE UP TO 15% OF THE LAND TO BE SUBDIVIDED DEDICATED AS OPEN SPACE, CONSERVATION, PARK OR PLAYGROUND.

REQUIRED OPEN SPACE = 690,194 SQ.FT. x 15% = 103,529 SQ.FT.
REQUIRED DRY LAND WITHIN OPEN SPACE = 103,529 SQ.FT. x 40.8% = 42,240 SQ.FT.

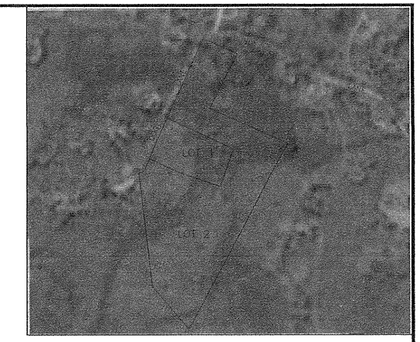
DRY LAND WITHIN PROPOSED CONSERVATION EASEMENT = 82,580 SQ.FT.

PROPOSED CONSERVATION EASEMENT 2.45 ACRES (106,801 SQ.FT.)

ZONING TABLE

	REQUIRED	LOT 1	LOT 2
LOT AREA:	90,000 S.F.	102,626 S.F.	587,568 S.F.
LOT FRONTAGE:	200'	250.68'	606.47'
BUILDABLE AREA:	40,000 S.F.	48,630 S.F.	44,075 S.F.*

*IN AREA OF PROPOSED HOUSE



AERIAL PHOTO

SCALE: 1" = 400'

BOUNDARY NOTES:

1.) STREETLINE ALONG DOG LANE (LOCAL ROAD PER ARTICLE III SECTION G.3 OF THE ZONING REGULATIONS) WAS ESTABLISHED 25 FEET FROM THE CENTERLINE OF THE EXISTING TRAVELLED WAY PER ARTICLE VIII SECTION 9 (HIGHWAY CLEARANCE SETBACKS) OF THE ZONING REGULATIONS.

2.) THE SUBJECT PROPERTY CONTAINS 15.84 ACRES.

NOTES:

1.) ALL PROPOSED LOTS CONTAIN 40,000 SQUARE FEET OF SUITABLE LAND FOR BUILDING AS DEFINED IN ARTICLE VIII, SECTION B.6 OF THE MANSFIELD ZONING REGULATIONS.

2.) UNDERGROUND UTILITIES

A. ALL WIRED UTILITY LINES SERVING STRUCTURES ON NEW LOTS SHALL BE INSTALLED UNDERGROUND. UTILITY LINES SHALL BE INSTALLED IN A SUITABLE CONDUIT SYSTEM UNLESS THE RESPONSIBLE UTILITY COMPANY DETERMINES THAT DIRECT BURIAL IS MORE APPROPRIATE.

B. UPON APPROVAL BY THE RESPONSIBLE UTILITY COMPANY, PLANS SHALL BE SUBMITTED TO DEPICT THE LOCATION OF ALL UNDERGROUND UTILITY EASEMENT AREAS.

3.) PURSUANT TO SUBDIVISION REGULATION PROVISIONS, (PARTICULARLY SECTIONS 7.4a, 7.5, AND 7.6) AND ZONING REGULATION PROVISIONS (PARTICULARLY ARTICLE VIII, SECTION B.5 AND B.6) THIS ACTION SPECIFICALLY APPROVES PROPOSED LOT AREAS AND THE DEPICTED BUILDING ENVELOPES, INCLUDING SETBACK WAIVERS FOR LOTS 1 & 2. UNLESS THE COMMISSION SPECIFICALLY AUTHORIZES REVISIONS, THE DEPICTED BUILDING ENVELOPES SHALL SERVE AS THE SETBACK LINES FOR ALL FUTURE STRUCTURES AND SITE IMPROVEMENTS, PURSUANT TO ARTICLE VIII OF THE ZONING REGULATIONS. THIS REQUIREMENT SHALL BE NOTED ON THE LAND RECORDS.

4.) PROPERTY LINE TO SERVE AS DEVELOPMENT AREA ENVELOPE LINE (DAE) EXCEPT WHERE DENOTED OTHERWISE ON LOTS.

APPROVED BY THE TOWN OF MANSFIELD INLAND WETLAND AGENCY

CHAIRMAN DATE

APPROVED BY THE MANSFIELD PLANNING AND ZONING COMMISSION

CHAIRMAN DATE

APPROVED BY THE DIRECTOR OF HEALTH

DIRECTOR DATE

APPROVED BY THE DIRECTOR OF PUBLIC WORKS

DIRECTOR DATE

--- LEGEND ---

PROPERTY LINE	
ABUTTER'S PROPERTY LINE	
BUILDING AREA ENVELOPE	BAE BAE
DEVELOPMENT AREA ENVELOPE	DAE DAE
EXISTING ROAD	
LIMIT OF WETLANDS	
CONSERVATION EASEMENT	
STONE WALL	
UTILITY POLE	
VIRGINA RAIL FENCE REMAINS	
IRON ROD TO BE SET	T.B.S.
IRON ROD FOUND	I.ROD FND.
MONUMENT TO BE SET	T.B.S.

THE WETLAND SOILS ON THIS SITE WERE IDENTIFIED IN THE FIELD USING THE CRITERIA REQUIRED BY CONNECTICUT P.A. 72-155 AS AMENDED BY CONN. P.A. 73-571, CONN. P.A. 87-338 AND P.A. 87-533. THE BOUNDARIES OF THESE SOILS AND OF IDENTIFIED WATERCOURSES ARE ACCURATELY REPRESENTED ON THIS PLAN.

JOHN P. IANNI DATE

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES – "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A SUBDIVISION MAP BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "A-2". THE PROPOSED PROPERTY LINES BETWEEN LOTS BEING AN ORIGINAL SURVEY. THIS SURVEY AND MAP IS INTENDED TO ENABLE DETERMINATION OF COMPLIANCE OR NON-COMPLIANCE WITH APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

EDWARD PELLETIER, L.S. #14203

ANY ORIGINAL OR DUPLICATE OF THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE. NO OTHER CERTIFICATION OR WARRANTY IS EXPRESSED OR IMPLIED.

BOUNDARY PLAN
FOR
SUBDIVISION
ENTITLED
RAPHAELSON ESTATES

DOG LANE
STORRS, CONNECTICUT

OWNER & SUBDIVIDER
HOWARD A. & ALICE K. RAPHAELSON
119 TIMBER DRIVE
STORRS, CONNECTICUT 06268

SCALE : 1" = 100' DATE: JANUARY 12, 2016

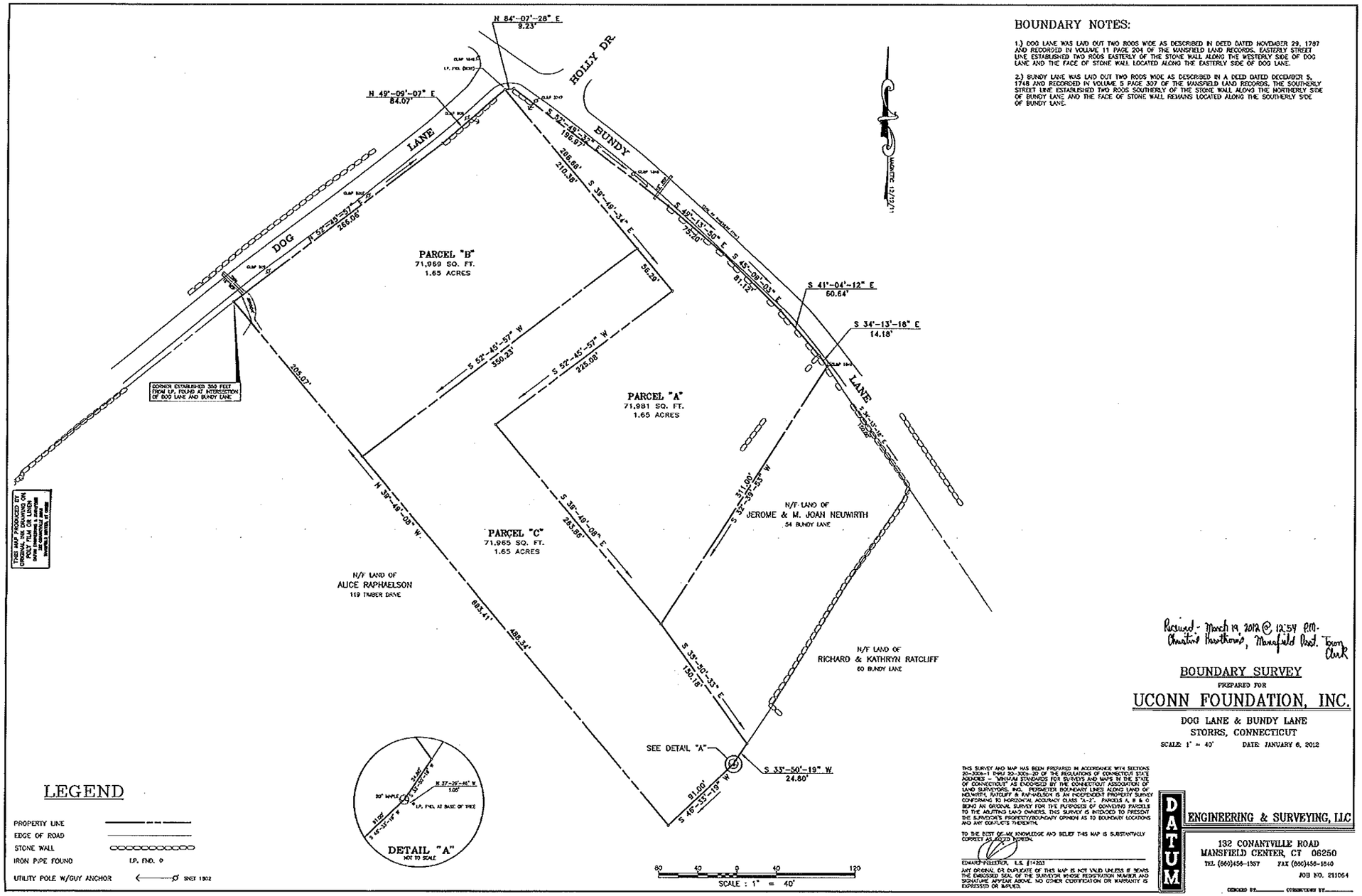
SHEET 1 OF 2

ENGINEERING & SURVEYING, LLC

132 CONANTVILLE ROAD
MANSFIELD CENTER, CT 06250
TEL (860)456-1357 FAX (860)456-1840

JOB NO.: 214044

CHECKED BY:_____ CORRECTIONS BY:_____



THIS MAP PRODUCED BY COMPUTER FROM DATA ON POLY FILM OR LINEN

LEGEND

PROPERTY LINE	
EDGE OF ROAD	
STONE WALL	
IRON PIPE FOUND	I.P. FND. O
UTILITY POLE W/GUY ANCHOR	SNET 1902

BOUNDARY NOTES:

1.) DOG LANE WAS LAID OUT TWO RODS WIDE AS DESCRIBED IN DEED DATED NOVEMBER 29, 1787 AND RECORDED IN VOLUME 11 PAGE 204 OF THE MANSFIELD LAND RECORDS. EASTERLY STREET LINE ESTABLISHED TWO RODS EASTERLY OF THE STONE WALL ALONG THE WESTERLY SIDE OF DOG LANE AND THE FACE OF STONE WALL LOCATED ALONG THE EASTERLY SIDE OF DOG LANE.

2.) BUNDY LANE WAS LAID OUT TWO RODS WIDE AS DESCRIBED IN A DEED DATED DECEMBER 5, 1748 AND RECORDED IN VOLUME 5 PAGE 307 OF THE MANSFIELD LAND RECORDS. THE SOUTHERLY STREET LINE ESTABLISHED TWO RODS SOUTHERLY OF THE STONE WALL ALONG THE NORTHERLY SIDE OF BUNDY LANE AND THE FACE OF STONE WALL REMAINS LOCATED ALONG THE SOUTHERLY SIDE OF BUNDY LANE.

Received - March 19, 2012 @ 12:54 P.M.
Charlotte Hawthorne, Mansfield Town Clerk

BOUNDARY SURVEY

PREPARED FOR

UCONN FOUNDATION, INC.

DOG LANE & BUNDY LANE
STORRS, CONNECTICUT

SCALE: 1" = 40' DATE: JANUARY 6, 2012

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES - "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. PERIMETER BOUNDARY LINES ALONG LAND OF NEUWIRTH, RATCLIFF & RAPHAELSON IS AN INDEPENDENT PROPERTY SURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "A-2". PARCELS A, B & C BEING AN ORIGINAL SURVEY FOR THE PURPOSES OF CONVEYING PARCELS TO THE ABUTTING LAND OWNERS. THIS SURVEY IS INTENDED TO PRESENT THE SURVEYOR'S PROPERTY/BOUNDARY OPINION AS TO BOUNDARY LOCATIONS AND ANY CONFLICTS THEREWITH.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

EDWARD PALLESTRA, L.S. #14203

ANY ORIGINAL OR DUPLICATE OF THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE. NO OTHER CERTIFICATION OR WARRANTY IS EXPRESSED OR IMPLIED.

DATUM ENGINEERING & SURVEYING, LLC
132 CONANTVILLE ROAD
MANSFIELD CENTER, CT 06250
TEL (860)456-1357 FAX (860)456-1640
JOB NO. 211064

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER

DRAWING NUMBER Vol. 39 Pg. 46

To: Planning and Zoning Commission, Town of Mansfield CT

From: James Wohl & Janet Welch (128 Dog Lane), Mark & Allison Kohan (127 Dog Lane), Kathryn and Richard* Ratcliff (60 Bundy Lane), Joan & Jerome Neuwirth (54 Bundy Lane) Abutters to Proposed Raphaelson Estates 2 Lot Subdivision (amended to "free cut line site plan") (Application W1561) (*"verbal" signature. In Australia now.)

CC: Linda Painter, Director, Planning and Development

Date: March 28, 2016

RE: Minimum Frontage Requirement for Lot #2 in IWA Application W1561

We are petitioning the Planning and Zoning Commission (PZC) to review the Zoning Office conclusion that the site plan proposed in application W1561 is in compliance with Mansfield Zoning Regulations. Specifically, the plan proposes that the 200 ft minimum frontage requirement (page 97 of the Zoning Regulations) for Lot #2 is met by an irregularly shaped lot boundary that captures a front lot line greater than 200 ft ~~south~~ NORTHEAST of the adjacent lot # 1. Note 6 on page 98 of the Zoning Regulations further states that the "minimum lot frontage shall be continuous and uninterrupted along a street line" – a requirement that can only be attained by the portion of the front lot line south of adjacent lot # 1 serving as "frontage" for lot #2.

The Zoning Office communicated to the abutters that the site plan meets the frontage requirement as proposed. This interpretation necessitates that the term *frontage* is synonymous with the term *front lot line*. We contend that *frontage* and *front lot line* are distinct and that in common language frontage refers to land, including the street boundary, that exists *in front of a proposed building on a lot* and that application W1561 requires a special exception in order to be approved. In support of our contention:

1. In the Connecticut appellate case, *Michos et al v Planning and Zoning Commission*, the ruling explicitly outlines the common understanding of the word frontage in municipal zoning regulations. "...the term ''frontage'' is, however, well defined, with substantial similarity in a number of dictionaries, each embracing a broad interpretation of the term. See, e.g., Merriam-Webster's Collegiate Dictionary (11th Ed. 2003) (''frontage'' is ''the land between the front of a building and the street''); American Heritage Dictionary of the English Language (4th Ed. 2002) (''frontage'' is ''the land between a building and the street''); Webster's Third New International Dictionary (2002) (''frontage'' is ''the land between the front of a building and the street,'' and ''front yard'' is ''an area in front of a house''); The Random House Dictionary of the English Language (2d Ed. 2001) (''frontage'' is ''the land between a building and the street''). **[*Michos v. Planning & Zoning Commission*, 151 Conn. App. 539 (2014)]**

2. In *Heim v Zoning Board of Appeals, 289 Conn. 709, 715-716, 960 A.2d 1018 (2008)*, the court describes how to reconcile confusing language or multiple interpretations in zoning regulations. "Whenever possible, the language of zoning

regulations will be construed so that no clause is deemed superfluous, void or insignificant. . . . The regulations must be interpreted so as to reconcile their provisions and make them operative so far as possible. . . . When more than one construction is possible, we adopt the one that renders the enactment effective and workable and reject any that might lead to unreasonable or bizarre results.''

3. On page 20 of the Zoning Regulations *front lot line* "is the line of a street on which a lot abuts." Lot Frontage is defined as "The horizontal distance measured along the full length of the front lot line."

4. If, as the applicant and Zoning Office contend, lot #2 of the W1561 site plan meets the intent of the regulations, the 200 ft minimum frontage requirement may be anywhere along the front lot line as long as the 200 ft is continuous and uninterrupted. If so, the term *frontage* in the Zoning Regulations is superfluous and void of meaning and the requirement would more sensibly be stated: *a lot must have a front lot line, of which 200 ft must be continuous and uninterrupted.*

5. Similarly, note # 7 on page 98 of the Zoning Regulations states *Where the front lot line is an arc or the sidelines converge toward the front lot line, the required frontage shall be measured along the front setback line, which shall be parallel to the street line.* This sentence, considering the definitions on page 20 of the Zoning Regulations, only makes sense when *frontage* is understood to mean a horizontal distance attending to the building's spacing on a street. Otherwise, there is no reason both *frontage* and *front lot line* need appear in the same sentence.

6. The Zoning Office could not provide any examples of new construction in the RAR-90 zone where the frontage requirement was met away from the front of a proposed building as depicted in W1561. Thus, Zoning Office approval without requirement of a special exception would be setting a precedent for meeting frontage requirements in RAR-90 zones and lead to bizarre results.

7. The idea that the owner of a house on lot #2 needing to either cross his neighbor's yard or walk through wetlands behind the neighbor's house on lot #1 in order to reach his own property's frontage is intuitively bizarre.

8. Setting such a precedent where frontage does not refer to land in front of a building would have deleterious effect on wetlands areas and vitiate the rural character of the RAR-90 zone that the regulations are designed to promote and protect. For example, a string of houses could be built 70 ft apart (35 ft minimum side setback x 2) on any upland as long as a thin strip of land connects each house lot to a 200 ft stretch of street abutting wetlands anywhere.

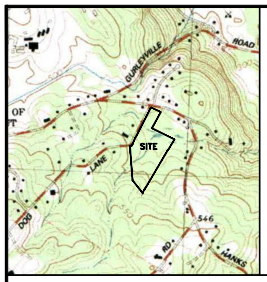
9. In application W1561, ignoring the street spacing attendant to the minimum frontage requirement leads to the crowding of two houses in manner inconsistent with the other lots on Dog Lane and creates two houses, wells, and engineered above-ground septic systems on a 92000 sq ft island of upland surrounded by wetlands. Given the minimum lot area in RAR-90 is 90,000 sq ft, the

compatibility, and therefore appropriate use of this upland parcel is intuitively one lot with one house, well, and septic system. Manipulating the frontage requirement as a means to build two houses on the upland parcel requires incorporating wetlands into both lot areas at the cost of bringing both septic systems in closer proximity to the wetlands than is appropriate for the land. The proximity of the two houses results in incongruity of the street appearance given the spacing of other houses on Dog Lane and will have negative effect on property values of the existing homes. For these reasons, the W1561 proposal is contrary to the purposes of the zoning regulations as outlined in Article I which in part states:

> To protect the character and maintain the stability and property values of residential, business and industrial areas within the Town, including areas and properties of historic value;
>
> To provide for the protection of the physical environment, including air quality, potential surface and ground drinking water supplies, and specific environmentally sensitive areas such as wetlands and watercourses and areas subject to flooding and/or erosion and sedimentation problems;
>
> To encourage the use of aesthetic considerations in designing proposed buildings and site improvements, thereby promoting attractive projects that are compatible with the character of the site and subject neighborhood, and promote the value of properties in the neighborhood and the Town;
>
> To divide the Town into various zones, restricting and regulating therein the location of construction, reconstruction, alteration and use of land, buildings, structures and associated improvements for residence, business and industrial and other uses, with a view toward conserving the value of properties, encouraging a variety of housing and economic development opportunities, and encouraging compatible and appropriate uses of land within the various zones and throughout the town;

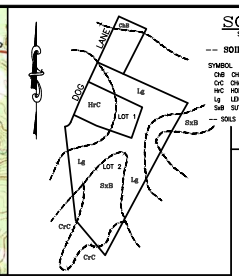
10. If there are legitimate reasons why the frontage requirement should be applied as described in the W1561 lot design, the burden appropriately belongs on the applicant to explain those reasons to a body of officials who have been elected to authorize exceptions to zoning regulations.

We respectfully request the Planning and Zoning Commission to direct the Zoning Office to inform the W1561 applicant that a special exception from the Zoning Board of Appeals is required for approval of the current plan or that an alternative application should be submitted that conforms to the frontage requirement.



LOCATION MAP

SCALE : 1" = 1000'



SOIL MAP

SCALE : 1" = 400'

-- SOILS LEGEND --

SYMBOL	DESCRIPTION
ChB	CHARLTON STONY FINE SANDY LOAM, 3 TO 8 PERCENT SLOPES
CrC	CHARLTON VERY STONY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES
HrC	HOLLIS VERY ROCKY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES
Lg	LEICESTER-RIDGEBURY-WHITMAN VERY STONY COMPLEX
SxB	SUTTON VERY STONY FINE SANDY LOAM, 3 TO 15 PERCENT SLOPES

-- SOILS DATA AS PER : "SOIL SURVEY, TOLLAND COUNTY, CONNECTICUT, UNITED STATES DEPARTMENT OF AGRICULTURE, SOIL CONSERVATION SERVICE"

REFERENCE MADE TO THE FOLLOWING MAPS:

1.) "AS-BUILT PLAN PREPARED FOR WILLIAM ZAVISTOSKI DOG LANE MANSFIELD, CONNECTICUT SCALE: 1" = 20' DATE: JUNE 16, 1998 DRAWN BY: SDK CHECKED BY: SAF SHEET 1 OF 1 FILIP ASSOCIATES 1875 STORRS ROAD, MANSFIELD, CT."

2.) "PLAN PREPARED FOR AUDREY & GENE BARBERET NO. 45 FARRELL ROAD STORRS, CONN. PLOT PLAN SCALE 1" = 20' DRN. R.M. DATE 7-24-84 TRD. D.C.K. FILE NO. 831137 SHEET NO 1 OF 1" PREPARED BY MEEHAN ASSOCIATES.

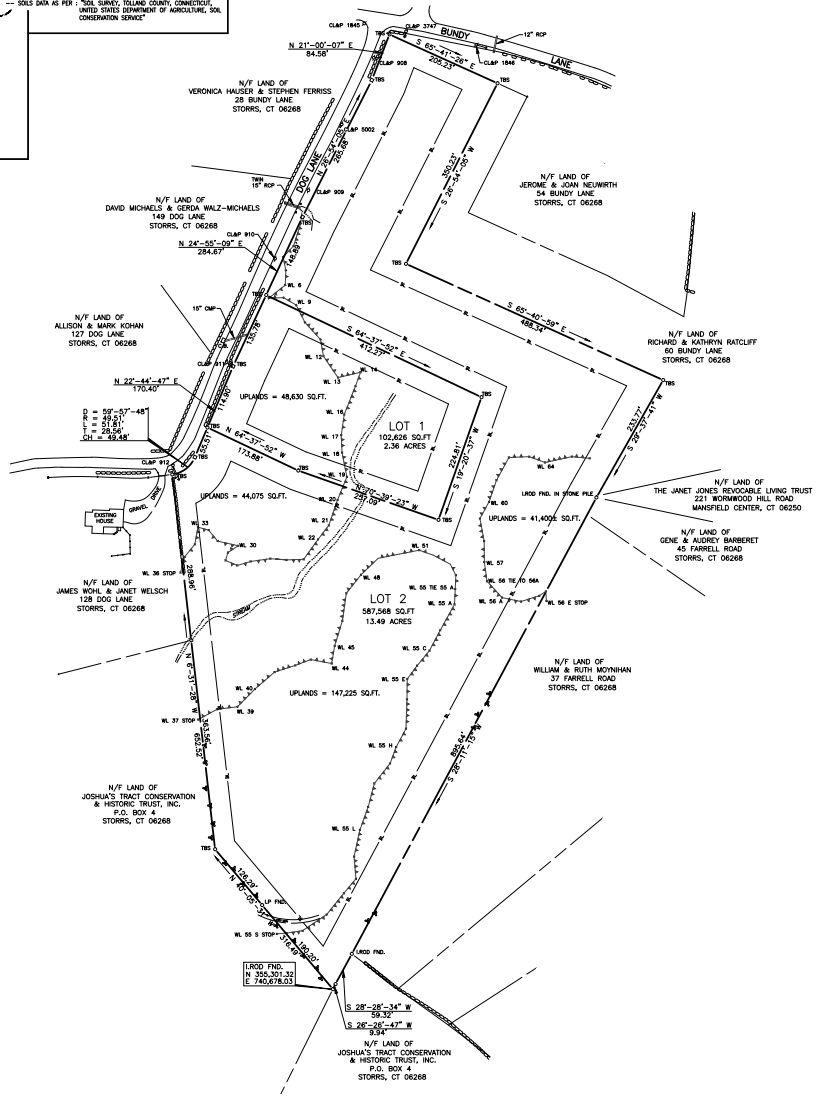
3.) "BOUNDARY SURVEY PREPARED FOR UCONN FOUNDATION, INC. DOG LANE & BUNDY LANE STORRS, CONNECTICUT SCALE: 1" = 40' DATE: JANUARY 6, 2012 DATUM ENGINEERING & SURVEYING, LLC 132 CONANTVILLE ROAD, MANSFIELD CENTER, CT. 06250 JOB NO. 211064".

APPROVED BY THE TOWN OF MANSFIELD INLAND WETLAND AGENCY

CHAIRMAN DATE

--- LEGEND ---

- PROPERTY LINE
- ABUTTER'S PROPERTY LINE
- BUILDING SETBACK LINE
- EXISTING ROAD
- LIMIT OF WETLANDS
- CONSERVATION EASEMENT
- STONE WALL
- UTILITY POLE
- VIRGINA RAIL FENCE REMAINS
- IRON ROD TO BE SET — T.B.S.
- IRON ROD FOUND — I.ROD FND.
- MONUMENT TO BE SET — T.B.S.



THE WETLAND SOILS ON THIS SITE WERE IDENTIFIED IN THE FIELD USING THE CRITERIA REQUIRED BY CONNECTICUT P.A. 72-155 AS AMENDED BY CONN. P.A. 73-571, CONN. P.A. 87-338 AND P.A. 87-533. THE BOUNDARIES OF THESE SOILS AND OF IDENTIFIED WATERCOURSES ARE ACCURATELY REPRESENTED ON THIS PLAN.

JOHN P. IANNI DATE

TOTAL PARCEL AREA 15.84 ACRES

AREA WITH OVER 15 PERCENT SLOPES – NONE
TOTAL AREA OF WETLANDS – 408,834 SQ.FT.±
PERCENT OF WETLANDS – 59.2%

ZONING TABLE

	REQUIRED	LOT 1	LOT 2
LOT AREA:	90,000 S.F.	102,626 S.F.	587,568 S.F.
LOT FRONTAGE:	200'	250.68'	606.47'
MIN. FRONT SETBACK:	60'	60'	60'
MIN. SIDE SETBACK:	35'	35'	35'
MIN. REAR SETBACK:	50'	575'±	560'±
BUILDABLE AREA:	40,000 S.F.	48,630 S.F.	44,075 S.F.*

*IN AREA OF PROPOSED HOUSE

AERIAL PHOTO

SCALE: 1" = 400'

BOUNDARY NOTES:

1.) STREETLINE ALONG DOG LANE (LOCAL ROAD PER ARTICLE III SECTION G.3 OF THE ZONING REGULATIONS) WAS ESTABLISHED 25 FEET FROM THE CENTERLINE OF THE EXISTING TRAVELLED WAY PER ARTICLE VIII SECTION 9 (HIGHWAY CLEARANCE SETBACKS) OF THE ZONING REGULATIONS.

2.) THE SUBJECT PROPERTY CONTAINS 15.84 ACRES.

NOTES:

1.) ALL PROPOSED LOTS CONTAIN 40,000 SQUARE FEET OF SUITABLE LAND FOR BUILDING AS DEFINED IN ARTICLE VIII, SECTION 8.6 OF THE MANSFIELD ZONING REGULATIONS.

2.) UNDERGROUND UTILITIES

A. ALL WIRED UTILITY LINES SERVING STRUCTURES ON NEW LOTS SHALL BE INSTALLED UNDERGROUND. UTILITY LINES SHALL BE INSTALLED IN A SUITABLE CONDUIT SYSTEM UNLESS THE RESPONSIBLE UTILITY COMPANY DETERMINES THAT DIRECT BURIAL IS MORE APPROPRIATE.

B. UPON APPROVAL BY THE RESPONSIBLE UTILITY COMPANY, PLANS SHALL BE SUBMITTED TO DEPICT THE LOCATION OF ALL UNDERGROUND UTILITY EASEMENT AREAS.

3.) PURSUANT TO SUBDIVISION REGULATION PROVISIONS, (PARTICULARLY SECTIONS 7.4a, 7.5, AND 7.6) AND ZONING REGULATION PROVISIONS (PARTICULARLY ARTICLE VIII, SECTION B.5 AND B.6) THIS ACTION SPECIFICALLY APPROVES PROPOSED LOT AREAS AND THE DEPICTED BUILDING ENVELOPES, INCLUDING SETBACK WAIVERS FOR LOTS 1 & 2. UNLESS THE COMMISSION SPECIFICALLY AUTHORIZES REVISIONS, THE DEPICTED BUILDING ENVELOPES SHALL SERVE AS THE SETBACK LINES FOR ALL FUTURE STRUCTURES AND SITE IMPROVEMENTS. PURSUANT TO ARTICLE VIII OF THE ZONING REGULATIONS, THIS REQUIREMENT SHALL BE NOTED ON THE LAND RECORDS.

4.) PROPERTY LINE TO SERVE AS DEVELOPMENT AREA ENVELOPE LINE (DAE) EXCEPT WHERE DENOTED OTHERWISE ON LOTS.

BOUNDARY PLAN

PREPARED FOR

HOWARD & ALICE RAPHAELSON

DOG LANE
STORRS, CONNECTICUT

OWNER & SUBDIVIDER
HOWARD A. & ALICE K. RAPHAELSON
119 TIMBER DRIVE
STORRS, CONNECTICUT 06268

SCALE: 1" = 100' DATE: JANUARY 12, 2016
REVISED: FEB. 10, 2016 (PER EHHD COMMENTS)
REVISED: MARCH 7, 2016 (ADDITIONAL SOIL TESTING)
REVISED: MARCH 16, 2016

THIS SURVEY AND MAP HAS BEEN PREPARED IN ACCORDANCE WITH SECTIONS 20-300b-1 THRU 20-300b-20 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES – "MINIMUM STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ENDORSED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. IT IS A SUBDIVISION MAP BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS "A-2". THE PROPOSED PROPERTY LINES BETWEEN LOTS BEING AN ORIGINAL SURVEY. THIS SURVEY AND MAP IS INTENDED TO ENABLE DETERMINATION OF COMPLIANCE OR NON-COMPLIANCE WITH APPLICABLE MUNICIPAL OR STATUTORY REQUIREMENTS.

TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

EDWARD PELLETIER, L.S. #14203

ANY ORIGINAL OR DUPLICATE OF THIS MAP IS NOT VALID UNLESS IT BEARS THE EMBOSSED SEAL OF THE SURVEYOR WHOSE REGISTRATION NUMBER AND SIGNATURE APPEAR ABOVE. NO OTHER CERTIFICATION OR WARRANTY IS EXPRESSED OR IMPLIED.

SHEET 1 OF 2

DATUM
ENGINEERING & SURVEYING, LLC
132 CONANTVILLE ROAD
MANSFIELD CENTER, CT 06250
TEL (860)456-1357 FAX (860)456-1840

JOB NO.: 214044

CHECKED BY:_____ CORRECTIONS BY:_____

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CHRISTOPHER MICHOS ET AL. *v.* PLANNING AND ZONING COMMISSION OF THE TOWN OF EASTON ET AL.
(AC 35796)

Beach, Sheldon and Pellegrino, Js.

Argued April 17—officially released July 15, 2014

(Appeal from Superior Court, judicial district of Fairfield, Hon. Richard P. Gilardi, judge trial referee.)

Michael T. Bologna, for the appellants (plaintiffs).

Ira W. Bloom, with whom, on the brief, was *Brian A. Lema*, for the appellee (named defendant).

John F. Fallon, for the appellee (defendant New England Prayer Center, Inc.).

Opinion

SHELDON, J. This is an appeal by the plaintiffs, Christopher Michos, Amalia Michos and Colleen Adriani, from judgment of the Superior Court dismissing their appeal from the decision of the defendant Planning and Zoning Commission of the Town of Easton (commission), granting, with conditions, the application for a special permit filed by the defendant New England Prayer Center, Inc. (prayer center) to establish a place of worship and parking area on property adjacent to the plaintiffs' property. On appeal, the plaintiffs claim that the court erred in interpreting the applicable zoning regulations with respect to the location and amount of parking for the prayer center, thereby permitting 80 percent of the proposed parking to be located in front of the prayer center in violation of the regulations. The commission and the prayer center claim that the court correctly determined that the commission acted fairly and with proper motive in interpreting the applicable zoning regulations when granting the prayer center's special permit. For the following reasons, we reverse the judgment of the Superior Court.

The court, in its memorandum of decision, set forth the following facts and procedural history. "On May 18, 2010, the prayer center submitted a special permit application to the commission, seeking to establish a place of worship on land that it leased from the town of Easton. . . . The land is located in an area of town that is zoned for single-family residences. At its meeting of August 23, 2010, the commission approved the prayer center's special permit application subject to eleven special conditions, enunciated in a 'Resolution of Approval.' . . .

"[On appeal to the Superior Court, t]he plaintiffs argue[d] that the prayer center's application failed to comply with the Easton zoning regulations (regulations), specifically § 7.3.4, in that parking for the facility is located in the front yard of the property. The plaintiffs contend[ed] that, at a public hearing held on August 9, 2010, they raised the defect in the application, but that the commission never addressed it and granted the special permit anyway. The plaintiffs urge[d] the court to interpret the phrase 'front yard' in the regulations as meaning the entire area in front of a structure, the phrase's commonly understood ordinary meaning according to any dictionary. The plaintiffs argue[d] that § 5.4.1 of the regulations creates minimum front yards of no less than fifty feet, but that a front yard, in general, can be larger than fifty feet. Thus, they posit[ed] that a front lot setback is what results from the imposition of a minimum front yard, but that 'front yard' is not equivalent to 'front yard setback.' Additionally, the plaintiffs contend[ed] that the commission showed

argument during the public hearing in favor of prohibiting parking in front of the structure, [prayer center's] counsel went out of his way to talk about the potential deleterious environmental effects of placing the parking behind the structure as is required by the [r]egulation.' [The plaintiffs'] state[d] that '[i]n failing to require the [prayer center] to place its parking outside the front yard, as is required by [§] 7.3.4 (A) of the [r]egulations, the defendant [c]ommission went beyond its legal authority and violated its own [r]egulations.'

"The commission filed its trial brief on January 25, 2012. The commission argue[d] that it ha[d] reasonably and consistently interpreted § 7.3.4 (A) of the regulations to mean that once the minimum fifty foot setback is applied, parking beyond the setback is permitted, and that it is entitled to reasonably interpret its own regulation, which it clearly did in this situation. It contend[ed] that this has historically been the interpretation of this regulation for previous religious institutions, allowing for proper balance and compliance with other provisions of the regulations. The commission posit[ed] that there is no definition of 'front yard' in the regulations, and that arguably, the area in front of the proposed structure is not a front yard at all, as the site plan shows the prayer center at an angle to the street with no parking immediately within 50 to 110 feet of the building entrance. Additionally, the commission argue[d] that it must fairly interpret § 7.3.4 (A) so as to not run afoul of the unreasonable burden provisions in the [Federal] Religious Land Use and Institutionalized Persons Act (RLUIPA) [42 U.S.C. § 2000cc et seq.], and that the strict interpretation advocated by the plaintiffs, which would disallow all parking in front of a religious structure, may impose a series of unreasonable burdens on such religious applicants.

"The prayer center also filed its reply brief on January 25, 2012. The prayer center argue[d] that its application for a special permit complied in all respects with the technical requirements of the regulations, and that the commission so found and granted the application. It assert[ed] that a local zoning commission has broad discretion with regard to the interpretation and application of its own regulations, and that if there are two plausible interpretations of a regulation, the court gives deference to the construction of the language adopted by the commission. The prayer center contend[ed] that the commission acted within its legal discretion in interpreting § 7.3.4 (A) and applied the term 'front yard,' in a manner consistent with the provisions of the regulations as a whole, including § 5.4.1 and the rest of § 7.3.4. The prayer center argue[d] that the commission's action should not be overruled simply because the plaintiffs suggest an alternate interpretation of the regulations. It contend[ed] that with regard to this application

ted to preclude totally and absolutely any parking whatsoever on any portion of the property located anywhere in the front of the proposed building is not a rational or reasonable interpretation of the regulation. Additionally, the prayer center posit[ed] that when more than one interpretation of a zoning regulation is possible, restrictions upon the use of land should not be extended by implication, and doubtful language and terms subject to different interpretations should be construed against rather than in favor of restricting the use of property.

"On February 17, 2012, the plaintiffs filed their brief in reply to the defendants. The plaintiffs counter[ed] that the issues in this appeal require only construction of regulatory language, which construction is in the sole province of the court. The plaintiffs contend[ed] that the proper standard of review for the court is a de novo statutory analysis. They maintain[ed] that § 5.4.1 of the regulations establishes minimum front, side and rear yards and simply sets a minimum depth for the yards rather than defining them; rather, the common dictionary meaning of the term 'front yard' should be relied on since the term is not explicitly defined in the regulations and no ambiguity exists. The plaintiffs argue[d] that the notion that the commission has historically relied on prohibiting parking only in the minimum fifty foot setback is immaterial, since it is not in the record, and that RLUIPA is not implicated here because the regulations apply equally to churches, places of worship, museums, art galleries, private schools, private recreation clubs and nursery schools. Additionally, the plaintiffs posit[ed] that prohibition of parking in the front yard yields reasonable results aligned with Easton's town plan.

"The original return of record was filed on September 9, 2011. A supplemental return of record was filed on September 29, 2011. The court held a trial on May 10, 2012. A second supplemental return of record was filed on August 23, 2012." (Citations omitted; footnotes omitted.)

Following the trial in this matter, the court agreed with the plaintiffs that they were aggrieved, had standing to prosecute the appeal, and had timely filed and properly served the appeal. The court ultimately dismissed the appeal because it disagreed with the plaintiffs on "the impact of § 7.3.4 (D) of the regulations on the outcome of th[e] appeal." Specifically, the court reasoned as follows: "The plaintiffs state, in citing § 7.3.4 (D), that [i]n drafting its regulations, the commission itself equates parking in the front yard [§ 7.3.4 (A)] with parking in front of the structure [§ 7.3.4 (D)]. While the court agrees that this is a valid interpretation of § 7.3.4 (A) and (D) read together, the plaintiffs fail to realize what § 7.3.4 (D) allows. . . . [Section] 7.3.4 (D) states, 'Should the layout of the property including the

located in front of the structure, the Commission may permit up to 10 percent of the off-street parking in front of the structure provided that the parking is designed and limited to visitor use and the foregoing standards. Section 7.3.4 (D) explicitly allows parking in front of the structure, ironically the plaintiffs' favored definition of front yard, in some circumstances. Under the rules of statutory construction, the plain meaning of this specific regulation allows parking in front of the structure. As there is no argument addressed to the merits of § 7.3.4 (D), the court does not need to address whether the circumstances enunciated in that regulation are met in this case. Section 7.3.4 (D) plainly allows parking in front of a structure." (Footnotes omitted; internal quotation marks omitted.) This certified appeal followed.

"Resolution of this issue requires us to review the relevant town regulations. Because the interpretation of the regulations presents a question of law, our review is plenary. . . . We also recognize that the zoning regulations are local legislative enactments . . . and, therefore, their interpretation is governed by the same principles that apply to the construction of statutes. . . . Whenever possible, the language of zoning regulations will be construed so that no clause is deemed superfluous, void or insignificant. . . . The regulations must be interpreted so as to reconcile their provisions and make them operative so far as possible. . . . When more than one construction is possible, we adopt the one that renders the enactment effective and workable and reject any that might lead to unreasonable or bizarre results." (Citations omitted; footnote omitted; internal quotation marks omitted.) *Heim* v. *Zoning Board of Appeals*, 289 Conn. 709, 715–16, 960 A.2d 1018 (2008).

In the present case, we will examine the language of the regulation at issue to determine the meaning of "front yard" in § 7.3.4 (A) of the regulations and whether the court properly applied the exception provided for in § 7.3.4 (D) to the facts of this case.[1]

We begin with the text of the regulation. Section 7.3.4 of the regulations provides as follows: "Location of off-street parking shall be determined according to the following standards: (A) No parking shall be permitted in the front yard except for necessary access drives. (B) No parking area shall be located within 50 feet of any property line. (C) All parking areas and access drives shall be located so as not to adversely affect the character of the neighborhood in which the premises are located. (D) Should the layout of the property including the improvements and the parking warrant parking to be located in front of the structure, the Commission may permit up to 10 [percent] of the off-street parking in front of the structure provided that the park-

The key term in § 7.3.4 (A) of the regulations, "front yard," is not defined or explained anywhere in the regulations. In such a situation, General Statutes § 1-1 (a) provides: "In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law, shall be construed and understood accordingly." "If a statute or regulation does not sufficiently define a term, it is appropriate to look to the common understanding of the term as expressed in a dictionary." (Internal quotation marks omitted.) *Heim* v. *Zoning Board of Appeals*, supra, 289 Conn. 717. Although the term "front yard" is not well defined, as the court discovered, the term "frontage" is, however, well defined, with substantial similarity in a number of dictionaries, each embracing a broad interpretation of the term. See, e.g., Merriam-Webster's Collegiate Dictionary (11th Ed. 2003) ("frontage" is "the land between the front of a building and the street"); American Heritage Dictionary of the English Language (4th Ed. 2002) ("frontage" is "the land between a building and the street"); Webster's Third New International Dictionary (2002) ("frontage" is "the land between the front of a building and the street," and "front yard" is "an area in front of a house"); The Random House Dictionary of the English Language (2d Ed. 2001) ("frontage" is "the land between a building and the street"). The common usage of "front yard," therefore, appears to be the area in front of a structure, between the structure and the street.

The only other provision in the regulations that specifically mentions "front yard" is § 5.4.1, which sets forth the "minimum front yard" requirements as follows: "The minimum front yard shall measure no less than 50 feet at any point when measured perpendicularly to the street line, but in no case shall the structure be less than 75 feet from the center line of the paved surface of any street. The minimum side and rear yards shall measure no less than 40 feet when measured perpendicularly to the respective yard lines." In the present case, the parking for the prayer center was granted by a special permit, and thus is controlled by article 7 of the regulations, which relates to all matters pertaining to special permits, and more specifically, § 7.3.4, which concerns off-street parking, and thus § 5.4.1 does not control the outcome of this case. The defendants urge this court to interpret "front yard," as that term is used in § 5.4.1, to conclude that the proposed parking for the prayer center is actually located entirely outside of the front yard, and thus that the court properly dismissed the plaintiffs' appeal. Section 5.4.1, however, defines the term "minimum front yard"—a term that is not found anywhere in § 7.3.4, and therefore § 5.4.1

"We always must construe a regulation in light of its purpose. See *West Hartford Interfaith Coalition* v. *Town Council*, 228 Conn. 498, 508, 636 A.2d 1342 (1994) ([a] statute . . . should not be interpreted to thwart its purpose . . .)." (Internal quotation marks omitted.) *Heim* v. *Zoning Board of Appeals*, supra, 289 Conn. 718. The purpose of § 7.3.4 (A) through (C) of the regulations is to impose restrictions on the location and design of parking pursuant to special permits, whereas § 7.3.4 (D), sets forth a conditional exception to the restrictions in subsections (A) through (C). Although the court agreed with the plaintiffs that § 7.3.4 (A), in particular, expressly prohibits parking in the front yard, it concluded, notwithstanding, to the contrary, that § 7.3.4 (D), created an unconditional exception that allows for such parking. The court quoted the language of § 7.3.4 (D) in its analysis, but failed to take into consideration the plain language of the phrase, "up to 10 [percent] of the off-street parking," by concluding that the mere existence of this section permits parking in the front yard without any consideration as to the amount of parking that was proposed to be in the front yard of the prayer center. The court concluded that "[u]nder the rules of statutory construction, the plain meaning of [§ 7.3.4 (D)] allows parking in front of the structure. . . . Section 7.3.4 (D) plainly allows parking in front of a structure." (Footnote omitted.) The court then declined to "address whether the circumstances enunciated in that regulation are met in this case," because no party raised an argument as to the applicability of § 7.3.4 (D) in its briefs. The court clearly failed to give fair import to the terms of the conditional exception in § 7.3.4 (D) by extending it beyond the regulation's narrow language and purpose. Given the text, meaning, and purpose of § 7.3.4 of the regulations, we conclude that the proposed parking for the prayer center would violate the regulations. Accordingly, we conclude that the court erred in dismissing the plaintiffs' appeal by concluding, without considering the conditional exceptions set forth therein, that § 7.3.4 (D) permits the proposed parking in the front yard of the property.

The judgment is reversed and the case is remanded for further proceedings consistent with this opinion.

In this opinion the other judges concurred.

[1] We acknowledge that General Statutes § 1-2z requires a threshold determination of whether the regulation is ambiguous. In both their brief and at oral argument, the plaintiffs claimed that the language of § 7.3.4 (A), that "no parking shall be permitted in the front yard," is clear and unambiguous text. We agree. Although the regulations do not explicitly define the term "front yard," the court agreed with the plaintiffs' reading of § 7.3.4 (A) and (D), that "[i]n drafting its regulations, the commission itself equate[d] parking 'in the front' yard' [§ 7.3.4 (A)] with parking 'in front of the structure' [§ 7.3.4 (D)]."

Town of Mansfield

Department of Planning and Development

Date:	March 31, 2016
To:	Planning and Zoning Commission
From:	Linda M. Painter, AICP, Director of Planning and Development
Subject:	Director's Report

If there are any other items or questions, I will address them at the April 4th meeting.

Agriculture

- *Mansfield Grown.* The new *Mansfield Grown* brochure should be available in May.

- *Community Supported Agriculture.* Mansfield now has 2 new CSAs this year, bringing our total to 5.

Housing

- *Ad Hoc Committee on Rental Housing Regulation and Enforcement.* The next meeting of the Ad Hoc committee is scheduled for **April 13th at 5:30 p.m. Buchanan Center**. Commission members are welcome to attend and participate in discussion.

Infrastructure and Transportation

- *Draft Environmental Assessment (EA) & Environmental Impact Evaluation (EIE) for Obstruction Removal - Windham Airport.* The Connecticut Airport Authority (CAA) held a public information meeting on March 29, 2016 to present the EA/EIE related to tree removal to reduce airspace obstructions in the vicinity of Windham Airport. The EA/EIE evaluates three alternatives:
    - *No Action.* Under this alternative, nothing would be done to reduce obstructions and as such would not be acceptable to the FAA.
    - *Full Obstruction Removal.* This alternative would achieve the maximum reduction in obstructions and include tree removal in the Clearview Drive/Conantville Road area of Mansfield as well as installation of lighted beacons in Mansfield. This alternative has the most significant impact on natural resources and **is not** the preferred option.
    - *Modified Obstruction Removal.* This alternative includes removal of trees on and adjacent to the airport property, including full clearing of trees adjacent to the reservoir in the Runway 9 (east/west runway) approach and selective clearing of trees north of the Runway 9 approach along the eastern edge of the reservoir/river.

The draft EA/EIE is available at http://windhamairport.caa-analysis.com/project-documents/.

Open Space

- *Bicentennial Pond/Schoolhouse Brook Park Universal Trail.* The Town has been awarded a $253,47 DEEP Recreational Trails grant to assist in building a universal access trail around Bicentennial Pond.

Workshop/Training Opportunities

- *Center for Land Use Education and Research (CLEAR).* CLEAR is offering an advanced training session on Saturday, March 26th at the Middlesex County Extension Office in Haddam from 8:30 am to 3:00 pm. The following topics will be covered: Bias, Predisposition and Conflicts; Implementing and Enforcing Land Use Decisions; and Running a Meeting and Making the Decision. Please contact Jessie Richard as soon as possible if you would like to attend this workshop so that she can complete your registration.
- *CLEAR Webinar: The State of Low Impact Development (LID) in Connecticut.* CLEAR is hosting a webinar on Tuesday, April 5th from 2 pm to 3 pm on policies, drivers and barriers to LID in Connecticut. Contact Jessie for more information on how to register.
- *CLEAR Webinar: The Bears are Back.* CLEAR is hosting a webinar on Thursday, May 5th from 2 pm to 3 pm on Black Bear movement and behavior in Connecticut. Contact Jessie for more information on how to register.

ZONING FOCUS GROUP MEETING

Special Meeting

Wednesday, March 16, 2016 | 8:30 A.M.

Conference Room B
Audrey P. Beck Municipal Building
4 South Eagleville Road

DRAFT Minutes

I. **Call to order**- The meeting was called to order at 8:30 a.m. The following were present: Booth, Pelletier (Zoning Focus Group members), Painter, Kaufman, and Mullen.

II. **Minutes of Match 7, 2015 meeting**- They were reviewed by the group and approved by consensus.

III. Review of Draft Modifications to Existing Regulations

Alison Hilding's comments submitted on 3/16/2016 (attached) were handed out to the members and reviewed.

A. *Alcohol*--Painter distributed draft regulations that are based on direction received from the Commission.

Booth suggested that neighbors would want at least 100 ft setback from residents. Mullen questions the legality of this since people with smaller lots would have less area to work in.

IV. Public Comment-None

V. Next Steps/Meeting Date-Next meeting has not been scheduled, but will be once substantial progress has been made on multifamily development.

VI. **Adjourn**- Meeting adjourned at 8:57 pm.

Jennifer S. Kaufman

From: Alison Hilding <aahilding@gmail.com>
Sent: Wednesday, March 16, 2016 8:30 AM
To: Jennifer S. Kaufman
Subject: storm water regs

Jennifer,

I am planning to come this morning but just in case my driver does not show up I would like the following comments included in the record in response to the staff's remarks that were made at the last meeting regarding my 3/7/16 email on the storm water regs, and more specifically the proposed concept of "a menu of choices" without specificity in performance standards with regard to the geography in which these take place, ie steep slopes, flat land, rocky soil, high water table, or shallow to bedrock:

Too many choices may appear good but without specific guidance on what these really mean, the choices are meaningless. Having choice is good but having choices that are undefined is not good. What are the precise meanings of each stromwater choice? How should each choice be applied and under what circumstances? Where on the property should each choice be applied and under what circumstances? Without specificity, these choices assume an understanding about the principles of stormwater mgt that does not exist within the general public or construction worker. To make this section work, the town planner needs to provide more details of when and where these choices make sense. For example, sheet flow of stormwater is a great idea to avoid erosion but will not work on steep slopes. Similarly, detention and retention ponds will be extremely challenging to implement on flat land with a high groundwater table.

Perhaps a storm water booklet that gives guidance on how to implement these options would be beneficial if they are all personal selections as of right under the zoning permit process. Guidance in matters such as what percent of the disturbed property needs to adhere to these options, can they have, for example, five different options, and under what conditions specific options can be employed should be clarified. Furthermore, are there scenarios where one or more options would not work on a site? For example are there certain soil conditions, slopes, surface bedrock where some of these options would not be appropriate. Likewise, how much of the disturbed area would require a storm water solution? Similarly a detention basin might be an appropriate action in an area of relatively flat land and a high ground water table. If the options are a matter of right, how do we know that implementation of the selected option will be effective?

Thank you.

Alison

ZONING FOCUS GROUP MEETING

Special Meeting

Monday, March 7, 2016 | 9:30 A.M.

Conference Room B
Audrey P. Beck Municipal Building
4 South Eagleville Road

DRAFT Minutes

I. **Call to order**- The meeting was called to order at 9:30 a.m. The following were present: Booth, Pelletier (Zoning Focus Group members), Painter, Kaufman, Mullen, Dilaj (Staff), and Betty Wassmundt (member of the public).

II. **Minutes of May 18, 2015 meeting**- Approval of the minutes was tabled until a quorum there was a quorum of the Zoning Focus Group was present.

III. **Status of the Zoning Focus Group Rewrite.** Painter distributed the "Proposed Process for Rewrite of Mansfield's Zoning and Subdivision Regulations," which will be presented to the Planning and Zoning Commission for their approval tonight. Members agreed that this would be a suitable approach to tackle the rewrite. Painter stated that the Town was in the process of closing out the grant with HUD. As part of this process, HUD was given a draft rewrite of the zoning regulations, with an understanding that the Town will submit the final zoning regulations to HUD when complete. This will allow for thorough review by the PZC, advisory committees and the public.

IV. Review of Draft Modifications to Existing Regulations
Alison Hilding's comments submitted on 3/7/2016 (attached) were handed out to the members and reviewed.

A. *Stormwater Management*-This section of the regulations was drafted by Milone and MacBroom and edited by Mansfield's Assistant Town Engineer, Derek Dilaj, who reviewed the regulations for the group. Painter pointed out that these regulations are based on NOAA Atlas 14 rainfall data, which is the most recent rainall data available. In general, the group agreed that these regulations were thorough and well written. Pelletier was concerned that the regulations made the 2004 CT Stormwater Quality Manual a requirement when this manual is really just a guidance document. Kaufman and Dilaj suggested that the Stormwater Management Plan should be consistent with a generally accepted industry standard. The group reviewed Alison Hilding's comments. The terms Hilding pointed out can be defined in the regulations. The requirements outlined in section 5-small scale projects is meant to offer up a menu of suggestions. Staff will work to clarify this section.

B. *Water Service Connections/Water Pipeline Overlay District*-Painter described the overlay district as essentially a "belt and suspenders" to current regulations as the underlying zoning continues to control the use and density of development. The use of the overlay zone was identified as part of early discussions on the proposed CWC water main as a way to discourage induced growth along the pipeline. Locations for the initial application of the overlay district were identified based on potential for development/redevelopment. For example, areas where there are existing water mains with large undeveloped lots were seen as having a higher potential for development and therefore a higher need for protection than areas that have already been subdivided and developed with single-family homes on relatively small lots.

   In addition to the overlay district, separate regulations have been drafted to address conditions applied as part of the DEEP Diversion Permit for the CWC project. These standards apply to properties that would be served by CWC.

   The group was in general agreement with these draft regulations

C. *Alcoholic Liquor and Live/Amplified Music Regulations*-Painter distributed draft regulations that are based on direction received from the Commission. There will be a brief follow-up meeting on Wednesday, March 16th at 8:30 am to finalize comments from the group.

V. Public Comment-None

VI. Next Steps/Meeting Date-Next meeting is tentatively scheduled for March 16 at 8:30 am.

VII. **Adjourn**- Meeting adjourned at 11:00 am.

Jennifer S. Kaufman

From: Alison Hilding <aahilding@gmail.com>
Sent: Monday, March 07, 2016 7:33 AM
To: Jennifer S. Kaufman
Subject: Today's Zoning Focus Group Meeting

Dear Jennifer,

I regret that I will not be able to attend this morning's meeting. I fell and have a concussion. I am very limited in what I can do while I am recovering from this injury. .

Regarding the material that will be discussed today concerning storm water regulations I submit my initial comments below and I ask that you please share them with the group this morning:

The proposed regulations need a better set of definitions including defining the word 1) disturbance, 2) retention basins, 3) detention basins, 4) sheet flow, 5) etc. In addition, there are a number of sections that are too vague (e.g., "incorporate vegetative measures where appropriate - what does that mean and when would it apply?) or appear inconsistent (e.g., why is the 1 year storm mentioned under Section 4b but omitted under section 4c?). Section 4d is not clearly written and should be totally revised so that its purpose and intent is understood. What does that section attempt to do? Under Section 5 (small scale projects), the ideas are listed as a potpourri of approaches with no clear understanding of which will be accepted and under what conditions. If this section is a requirement as a matter of right under a zoning permit process, it will require much more clarity for businessmen interested in knowing what is expected of their projects.

In summary, while the regulations for projects that require a site plan or subdivision plan are relatively straight forward, those for the zoning permit process are not acceptable from a common sense perspective. There are too many choices for a developer of a small scale project who normally would only require a zoning permit. This process transforms the zoning permit into a complex process with a high degree of dependency on the town's professional staff to complete the process. This would be unacceptable to the business community. To pass the "straight face" test, this section needs to identify the expected approaches for every project and not overwhelm applicants with a grab bag of choices.

The proposed regulations must also address potential conflicts between the DEEP stormwater regulations and the DOT Drainage Manual and these proposed zoning regulations. It is inevitable that conflicts will emerge and the regulations need to indicate what where conflicts exist, these regulations supersede those of DEEP and DOT with respect to stormwater management plans. If that is not the approach the town wishes to take, then it needs to clarify what portions of the DEEP stormwater regulations and DOT Drainage manual are relevant.

It is my intention to review the proposed regulations further and submit additional comments. I would very much appreciate it if you would please make available to me the audio recording of today's meeting.

Thank you for this opportunity to comment.

Please confirm that you have received this communication.

With appreciation,

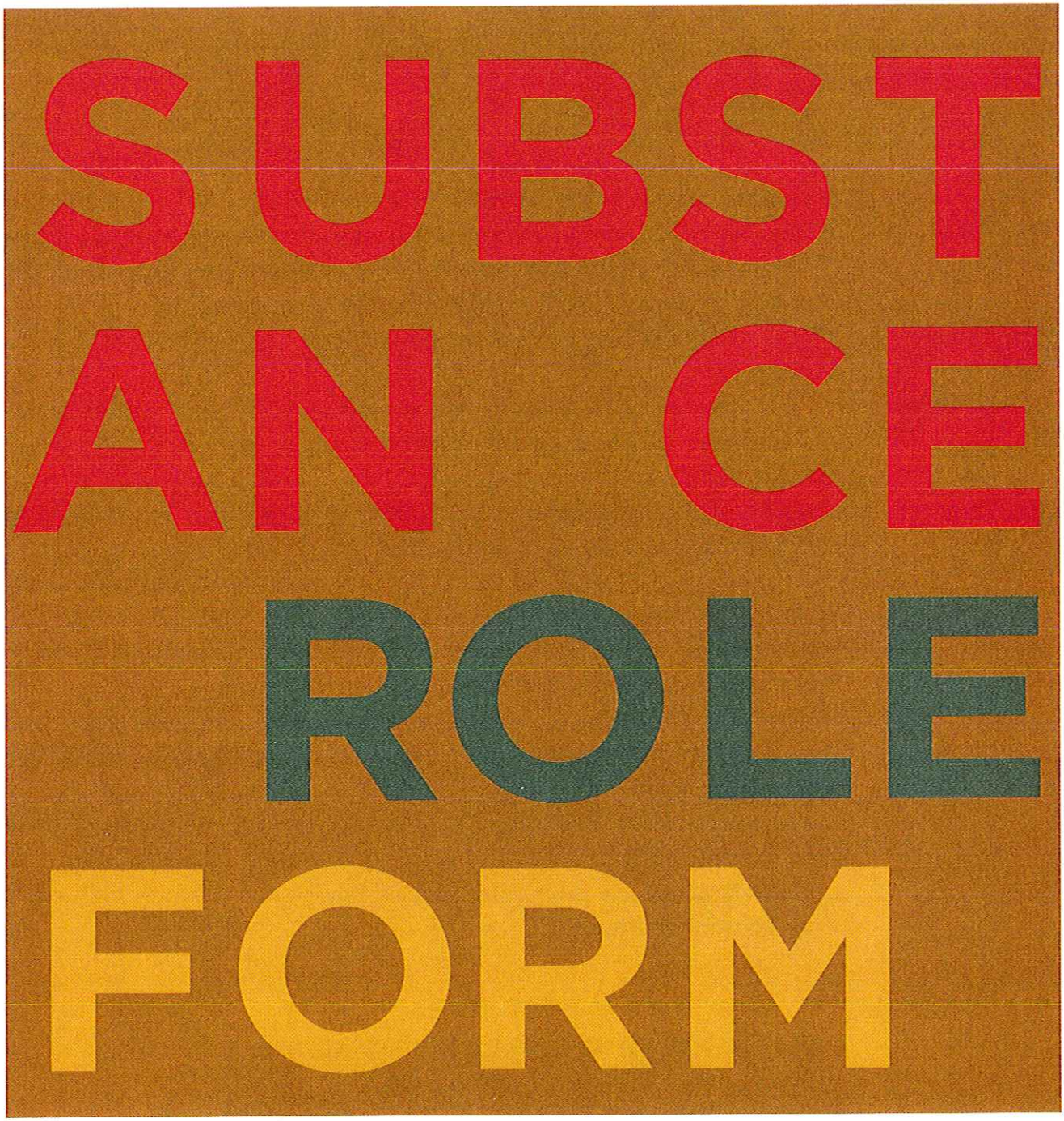
Alison Hilding

SUBSTANCE
16–21
Comp plans are addressing new challenges more creatively than ever before, say **Ben Herman** and **Darcie White**.

ROLE
22–27
Silvia Vargas and **Nancy O'Neill** explore comp plans' expanding influence. **David Rouse**'s sidebar looks at standards for sustainable outcomes.

FORM
28–31
Say goodbye to three-ring binders on a shelf. Plans today are living documents. **Ryan Holeywell** tells us what's next.

THE 21ST CENTURY COMPREHENSIVE PLAN



SUBST
AN CE

By
BEN HERMAN,
FAICP,
and
DARCIE WHITE,
AICP

IT'S BEEN A LITTLE OVER FIVE YEARS since the start of APA's Sustaining Places Initiative (see sidebar on p. 26). In that time, a significant number of new or updated comprehensive plans have been completed that continue to define the framework for the 21st century plan. The content of many of these plans is a departure from plans that came before them.

First, they cover new topics: sustainability, social equity, energy, climate change, and adaptation are all front and center, and land use and transportation are much better integrated. They also employ a more creative structure based on themes and big ideas, rather than the more traditional organization by elements such as housing, land use, environment, or transportation. Not all do, of course—Raleigh and Seattle are examples of forward-thinking communities that retained an element-based structure in their recent plans, but they did so in a manner that addresses 21st century challenges and opportunities.

Finally, comprehensive plans of today are far more results-focused than ever before, with more emphasis on setting desired outcomes and tracking progress.

As we move into the early decades of a new century, planners and their communities are crafting a new generation of comp plans and updates that will be shaped by several key trends that will help drive their content and focus.

Evolving challenges and opportunities

While comprehensive plans will continue to address traditional planning topics, they are also tackling new and evolving challenges:

- Equity, health, and income disparity
- Meeting the needs of changing populations
- Climate adaptation and mitigation, as well as planning for energy needs of the future
- Resilience and the dynamic and unpredictable pace of change

Increasingly, these challenges are being addressed through the lenses of sustainability and resilience, rather than as stand-alone issues. Although resilience has been characterized by many as the "next generation" of sustainability, a 2015 Post Carbon Institute publication entitled *Six Foundations for Community Resilience* suggests that one way of looking at sustainability and resilience is as two different frameworks for achieving the same goal: organizing how we interact with the world around us and with each other in ways that can continue indefinitely.

Take Seattle's *2035 Comprehensive Plan* update (2035.seattle.gov), slated for adoption in 2016. It is structured around four core values that guide the goals and policies in the plan: Race and Social Equity, Environmental Stewardship, Economic Opportunity and Security, and Community. Longmont, Colorado's draft policy framework (www.EnvisionLongmont.com), also slated for adoption this year, is organized around six guiding principles that address responsible stewardship of resources (environmental, historic, financial), community health and adaptability, and access to services and opportunities, among others.

Both plans not only take on big issues like the environment and equity, but use them as framing concepts. Sustainability and resilience are interwoven throughout. "After experiencing the devastation of the floods in 2013," says Erin Fosdick, AICP, a senior planner with the city of Longmont, "we began to understand that community resiliency is a critical component to consider. Using the framework of the comprehensive plan, we've been able to expand these conversations, for example, by helping people understand that we're talking about more than environmental quality, hazard mitigation, and disaster preparedness. We are truly looking at the big picture—how all the interrelated things covered in our plan, including sustainability and resiliency, move us closer to our desired vision."

A key opportunity associated with this approach is the ability to generate discussion at the local level about what it means

Community members see themselves as plan stakeholders when they know they are part of a greater whole.

6 Foundations for Community Resilience

NUMEROUS RESILIENCE FRAMEWORKS and tools for building community resilience are available, but no single approach will likely work for all communities. For its part, The Post Carbon Institute identifies six foundations as essential—no matter where or how resilience-building efforts are undertaken, or which challenges are of most concern locally. The foundations support building community resilience.

1 **PEOPLE.** The power to envision the future of the community and build its resilience resides with community members.

2 **SYSTEMS THINKING.** Systems thinking is essential for understanding the complex, interrelated crises now unfolding and what they mean for our similarly complex communities.

3 **ADAPTABILITY.** A community that adapts to change is resilient. But because communities and the challenges we face are dynamic, adaptation is an ongoing process.

4 **TRANSFORMABILITY.** Some challenges are so big that it's not possible for the community to simply adapt; fundamental, transformative changes may be necessary.

5 **SUSTAINABILITY.** Community resilience is not sustainable if it serves only us, and only at this point in time; it needs to work for other communities, future generations, and the ecosystems on which we all depend.

6 **COURAGE.** As individuals and as a community, we need courage to confront challenging issues and take responsibility for our collective future.

SOURCE: *SIX FOUNDATIONS FOR BUILDING COMMUNITY RESILIENCE*, POST CARBON INSTITUTE 2015; SIXFOUNDATIONS.ORG.

"BLOCK PARTY" BY ERIC ALLIX ROGERS, FLICKR (CC-BY-NC-SA)

to be a sustainable and resilient community, and the importance of strengthening cross-linkages between the two as part of the planning process. A sustainable community is resilient and a resilient community is sustainable. This interdependence shows up in overlapping goals, policies, and metrics being addressed in today's comprehensive plans, which seek to:

FOSTER inclusivity and equity through attention to issues of cultural and racial diversity, affordability, gentrification, and homelessness.

ADAPT to a changing climate by planning for development and infrastructure that can withstand major disruptions due to flooding, wildfire, sea-level rise, or other catastrophic events without failure of critical systems.

REDUCE greenhouse gas emissions through expanded use of renewable energy, reduced reliance on single occupant automobiles, and mitigation of the urban heat island effect.

MINIMIZE future risk to people and property.

PROMOTE emergency preparedness, reducing impacts from future crises on populations, infrastructure, and institutions.

ENCOURAGE community health and wellness and improve health outcomes (e.g., rates of disease and obesity) through expanded access to health and human services, healthy food, and opportunities to lead active lifestyles.

PROVIDE a range of housing options to meet the needs of all ages, income levels, and abilities, including strategies to address affordable housing and homelessness.

IMPROVE access to services by aligning future housing, employment, and services with investments in multimodal transportation systems.

PROTECT the natural environment by preserving important resource areas.

ENHANCE food security through preservation of agricultural lands and expanded support for local and regional food production, sales, and processing.

FOSTER economic diversification at a local and regional scale.

PROMOTE a culture of transparency, accountability, and fiscal sustainability by aligning plan policies with budgets and capital investment plans.

While this shift toward a more integrated approach is being driven in part by increased awareness at all levels, it also gets a big boost from initiatives such as the Rockefeller Foundation's 100 Resilient Cities Network, which is focused on helping communities become more resilient to the physical, social, and economic challenges of the 21st century. Also influential is the Compact of Mayors, a coalition of the leaders of 452 cities who have pledged to reduce and prepare for the impacts of climate change.

Both of these efforts, and others, are compelling elected officials to publicly commit to taking action to address new and emerging challenges. The role of the comprehensive plan in establishing a policy foundation for these actions is being defined right now, as the next generation of plans begins to take shape.

Boulder, Colorado, known for its innovative planning practices and its landmark approach to growth management, is in the process of preparing an update to the *Boulder Valley Comprehensive Plan*. At the same time, the city is preparing a resilience assessment and strategy, with help from the 100 Resilient Cities initiative. The resilience strategy will be fully integrated with the plan update, which is expected to be complete in 2016. The update will build on the legacy of the plan that has been in place since the 1980s, but is adding several areas of enhanced focus, including climate, energy, and resilience; housing/jobs balance and the need for middle income housing; and urban form.

Boulder and other communities at the forefront of working to reduce climate impacts—Portland, Oregon, is another notable example—have had sustainability or climate action plans in place for many years. As a result, their recent comprehensive plan updates look to align policies and recommended actions between targeted resiliency and climate initiatives and their comprehensive plans, and continue to seek new and innovative ways to become more sustainable and resilient.

The vast majority of communities, however, do not have sustainability or climate action plans in place. Newly initiated plan update processes coupled

GLOBAL IMPACT OF THE COMPACT OF MAYORS

Cities are where some of the most effective and immediate climate actions take place. In the U.S. 122 cities have signed on; there are 452 worldwide.

WATCH:

tinyurl.com/jupxvrh

VIDEO

'We are truly looking at the big picture—how all the interrelated things covered in our plan, including sustainability and resiliency, move us closer to our desired vision.'

— ERIN FOSDICK, AICP, SENIOR PLANNER, LONGMONT, COLORADO

with the desire to advance the community's understanding of 21st century issues related to sustainability and resilience will provide new opportunities to address these policy choices and new models will continue to emerge.

One of the most important considerations for these emerging models will be their ability to withstand political change over time. The most effective plans and policies are ones that have—and maintain—broad support. It is important to recognize that establishing an aggressive greenhouse gas reduction, affordable housing, or other kind of target may not be realistic in all communities today—or in the future. As such, planners must be prepared to discuss a range of possible approaches to advance local sustainability and resilience initiatives and to help make the case as to why they are important.

Accountability and measurement

Effective planning can be defined as the transformation of knowledge into action. With the axiom that "what gets measured gets done" in mind, cutting-edge plans can make this transformation possible by defining their community's desired outcomes and linking them to measureable metrics that assess the results of plan policies and implementation.

These kinds of plans make it clear how the community's planning vision will be defined, measured, and acted upon. That helps planners, decision makers, and stakeholders understand more clearly the effectiveness of action strategies so that they can adapt and revise them to meet adopted goals.

Imagine Austin, the Austin, Texas, comprehensive plan (austintexas.gov), adopted in 2012, links policies, goals, metrics, and actions in its chapter on Implementation and Measuring Success. The city charter requires that the planning commission and staff provide an annual report to city council about the implementation of the comprehensive plan, including metrics to track progress.

Similarly, the 2013 Norfolk, Virginia, comprehensive plan, plaNorfolk2030, (norfolk.gov) contains 11 elements, each of which highlights key issues facing the community, along with goals, desired outcomes, and metrics and actions for each. "Because we're measuring progress all the time, it's really resulted in the plan being more of a living document," says George M. Homewood, AICP, the city's planning director. "We've changed some of the initial metrics to reflect the reality of the community, and to help better inform us about the effectiveness of the actions in the plan. This approach has been a real game-changer for us not only in terms of the plan's effectiveness, but also the level of participation by other city departments."

Continuous improvement

Traditionally, a comprehensive plan is revisited every five years or so and generally left untouched in the interim. In today's planning environment, the plan is never really "done," as communities need to remain nimble to be able to respond to ever-changing circumstances. Also, with an increasing focus on implementation and measuring progress, many communities are continually evaluating the effectiveness of strategies and adjusting them as needed.

Since the adoption of *Imagine Austin*, city staff members have focused on strategic implementation efforts, with eight priority programs providing the structure and direction needed to implement the plan. Each priority program has a lead department, cross-disciplinary team, community partners, and a work plan that is reviewed and revised on an annual basis.

In Fort Collins, Colorado, following the adoption of its last major plan update in 2011, known as *Plan Fort Collins*, (fcgov.com/planfortcollins) the city made major changes to its organizational structure by combining economic health, environmental services, and social sustainability departments under one umbrella—the Sustainability Services Area. The city has just completed strategic action plans for each of the three departments to implement key initiatives of its comprehensive plan.

LAND-USE CHANGE REQUEST SITES

Using this interactive map, see what may be in store for the major update to the *Boulder Valley Comprehensive Plan*.

EXPLORE:

tinyurl.com/zq975lv

MAP

'Because we're measuring progress all the time, it's really resulted in the plan being more of a living document. We've changed some of the initial metrics to reflect the reality of the community, and to help better inform us about the effectiveness of the actions in the plan. This approach has been a real game-changer for us not only in terms of the plan's effectiveness, but also the level of participation by other city departments.'

—GEORGE M. HOMEWOOD, AICP, PLANNING DIRECTOR, NORFOLK, VIRGINIA

Place-based design

While incorporating design into comp plans is not a new idea, what is changing is an increased focus on plans that make areas more livable, more vibrant, and more people-oriented. Particularly as planners are increasingly being asked to manage change through increased density and urbanization, plans will need to provide more clarity about the desired future form and shape of their community. New technologies help. They illustrate desired patterns, at varying scales—from the structure and form of the entire city to that of its districts, neighborhoods, and corridors.

One trend in comprehensive plans that has gained momentum over the past few years is the concept of form-based or place-based land-use plans. Place-based planning is a way to shape the future of the city by concentrating on the look, feel, form, and character of places instead of conventional categories of land use.

Portland, Oregon's draft comprehensive plan update (portlandoregon.gov/bps/68411), slated for adoption early in 2016, includes an Urban Design Framework diagram that identifies centers and corridors (areas that are expected to grow and change) within the city's physical context. The framework supports the evolution of the city by illustrating the linkages and relationships between various elements of the built and natural environment through a network of place types: centers, corridors, transit station areas, city greenways, urban habitat corridors, and employment areas. It also identifies a set of "pattern areas"—broad geographies that are defined by existing patterns of natural and built features, such as the central city, neighborhoods, and inner-ring districts, and provides basic urban design characteristics and comparisons for different types of centers, corridors, and other features.

A sustainable community is RESILIENT and a resilient community is SUSTAINABLE.

A City's Form Matters

Portland, Oregon's Urban Design Framework shows how the Vision and Guiding Principles in the *2035 Comprehensive Plan* are reflected in the location and form of future change. It brings urban design objectives to the ground and details how the city will achieve them.

CENTERS
Places with concentrations of commercial and community services, housing, gathering places, and transit. Centers provide services to surrounding neighborhoods and are a focus of housing and job growth.

CORRIDORS
Major city streets with new growth offer critical multimodal connections to centers, commercial services, jobs, and housing options.

TRANSIT STATION AREAS
Station areas along high-capacity transit lines connect people to important areas of residential, employment, and urban development.

CITY GREENWAYS
A system of distinctive pedestrian-and bicycle-friendly streets and trails, enhanced by tree canopy and stormwater facilities that expand transportation and recreational opportunities across the city.

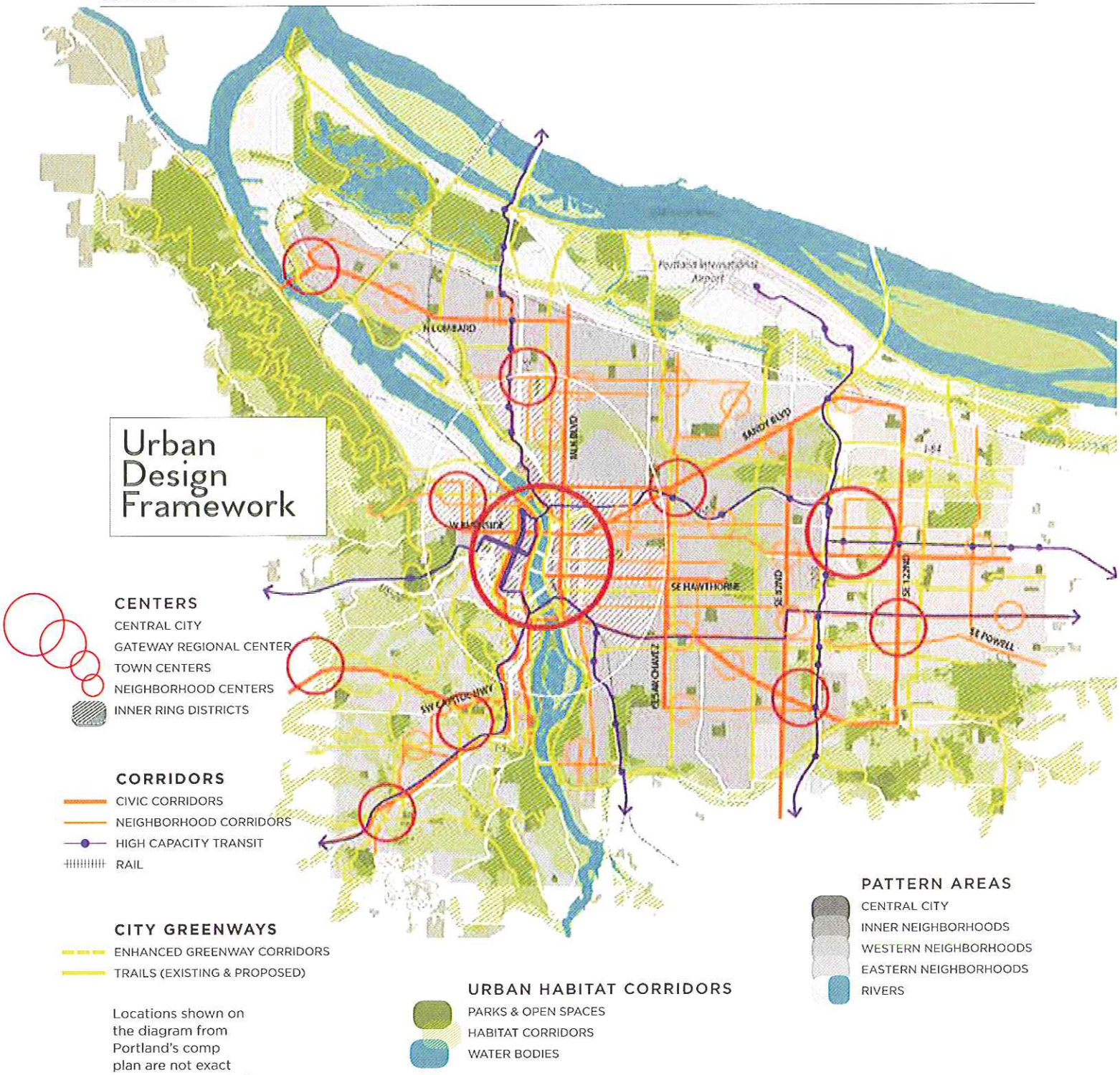
URBAN HABITAT CORRIDORS
A system of natural and built areas that provide safe, healthy places for residents and migratory fish and wildlife species that live in and move through the city.

EMPLOYMENT AREAS
Diverse and growing areas of employment host a variety of business sectors in different parts of the city.

PATTERN AREAS
Portland's broad geographies are defined by existing patterns of natural and built features.

SOURCE: PORTLAND'S *2035 COMPREHENSIVE PLAN* RECOMMENDED DRAFT, AUGUST 2015

COURTESY PORTLAND BUREAU OF PLANNING AND SUSTAINABILITY



Locations shown on the diagram from Portland's comp plan are not exact boundaries. Detailed boundaries for centers, corridors, habitat areas, and all other items shown on the map will be defined in supporting plans or through future planning projects.

What's next?

The current generation of plans is breaking new ground in addressing the goals of the Sustaining Places Initiative to help communities of all sizes achieve sustainable outcomes. Looking to the future, new challenges—global economic shifts, energy innovations, and emerging transportation technologies such as driverless vehicles and autonomous delivery systems—will need to be addressed in community plans. The comprehensive plan will continue to evolve and will have an increasingly important role as the central unifying document for communities to address the challenges and opportunities of the 21st century. ■

Ben Herman is a senior consultant with Clarion Associates, a national planning firm based in Denver. He served on APA's Sustaining Places Task Force and Plan Standards Working Group. Darcie White is a director with Clarion Associates. Her practice focuses primarily on comprehensive planning.

ROLE

By SILVIA VARGAS, AICP, LEED AP, and NANCY O'NEILL, AICP, LEED GA

UNTIL ABOUT THE MIDDLE OF THE LAST DECADE, the role of the comprehensive plan was still seen primarily as managing community growth through land-use policy. But that's changing, with a whole new generation of plans taking on much more expansive and influential roles.

Following the global recession, budget cuts, the increasing need for cities to operate efficiently, and an upward tick in partnership development, the function of the comprehensive plan changed in significant ways. Indeed, cities, counties, and regions are now not only using comprehensive plans for new purposes, they are also increasingly recognizing the intrinsic value of the planning process itself. And as always, cities continue to use plans to respond to shifting demographics and preferences that dictate where people and jobs want to locate.

So what is the role of the comprehensive plan of the 21st century? Several trends are helping to redefine this evolving document.

PIECING THE PUZZLE TOGETHER

Today's comp plans are more than high-level policy documents, often tackling issues at multiple scales simultaneously. This new generation of plans is bringing various types of community plans together.

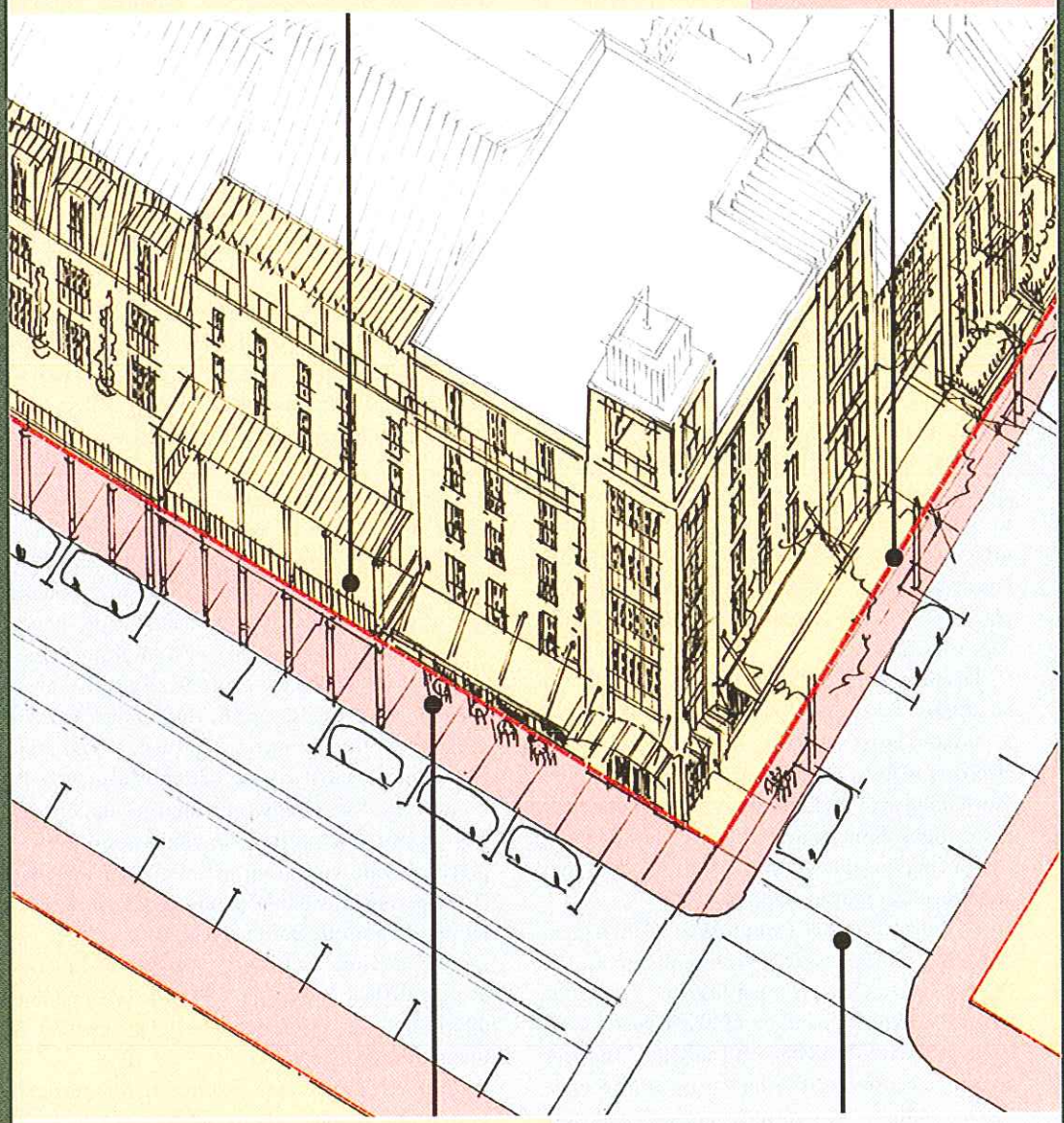
That is just what the recently adopted *PlanLafayette* (tinyurl.com/pqajj3v) does. One of the smallest parishes in Louisiana, Lafayette has experienced robust economic growth over the last two decades, and

Downtown Action Plan

Lafayette's plan for its center city, part of its comprehensive plan effort, focuses on the character of public spaces. Additionally, three small area plans model urban, suburban, and rural areas.

BUILDING INTERFACE
The interface of the building at the end frontage line, particularly on the ground-level facade and the surface treatment of its setback (if any). Also takes into account the ratio of building height to street width to create a sense of enclosure for the outdoor room.

FRONTAGE LINE
Front and side (on corner parcels) property lines interfacing with the public right-of-way.



PUBLIC FRONTAGE
Consists of a pedestrian walkway (sidewalk) nearest to the frontage line, and the furnishing zone between the walkway and the curb.

THE THOROUGHFARE
The area between the curbs consisting of driving lanes, bicycle lanes, parking lanes, and medians.

SOURCE: DEVELOPMENT + DESIGN CENTER, DOWNTOWN DEVELOPMENT AUTHORITY, LAFAYETTE DOWNTOWN ACTION PLAN

'The overall comprehensive plan vision is necessarily complemented with an incremental, targeted, and more detailed effort on the ground. The synergy of this effort involves neighborhoods, businesses, and public agencies that can deliver projects that the community can see and say, "We want more of that."'

—CATHIE GILBERT, PLANNING MANAGER, COMPREHENSIVE PLAN OFFICE, LAFAYETTE, LOUISIANA

has attracted many new residents, students, and visitors to the community. But most of the growth has occurred in the areas surrounding the city core, and these areas are growing faster than the city.

This is one of the reasons why *PlanLafayette* includes a Downtown Action Plan that examines questions about development and public space character in the core of the city. The action plan asks, "What do we need to do to draw attractive, convenient new residential development and amenities to downtown?" and "How can we create better, more vibrant public spaces for people to enjoy throughout downtown?"

Also folded into the *PlanLafayette* process was the development of three small area plans that provide a planning model for urban, suburban, and rural parts of Lafayette Parish. Priorities set by the community during the plan's visioning stage served as the foundation for these smaller-scale plans, which are given the weight of policy by being integrated into the comprehensive plan.

The *Seattle Comprehensive Plan* (and ongoing *Seattle 2035* update) (2035.seattle.gov) takes a different multiscale planning approach. That plan includes an Urban Village Strategy that identifies specific areas where growth can be concentrated to "build on successful aspects of the city's existing urban character" and a Neighborhood Planning element that incorporates 33 neighborhood-tailored plans to "make the Comprehensive Plan relevant at a local level."

Likewise, the 2015 comprehensive plan for Southlake, Texas, *Southlake 2030* (cityofsouthlake.com/index.aspx?NID=524), contains fine-grain elements such as a Public Art Master Plan and a Wayfinding Sign System Plan, which identifies key destinations throughout the city, recommends sign design concepts, identifies potential sign locations, and provides a priority installation list.

"I think that this two-pronged planning approach is critical, especially in communities that do not have a long planning history," says Cathie Gilbert, planning manager of the newly formed Comprehensive Plan Office in Lafayette. "The overall comprehensive plan vision is necessarily complemented with an incremental, targeted, and more detailed effort on the ground. The synergy of this effort involves neighborhoods, businesses, and public agencies that can deliver projects that the community can see and say, 'We want more of that.'"

Local governments are also leveraging planning processes to identify interface points between the comprehensive plan and other existing or ongoing planning efforts like mobility plans and parks and recreation master plans. In these cases, the role of the comprehensive plan is to integrate those separate efforts into a cohesive, interconnected framework of policies and actions.

In the recent preparation of *Plan Houston* (planhouston.org)—Houston's first citywide planning framework, which was approved just last year—nearly 150 independent plans, visions, and studies were reviewed and evaluated for alignment with the city's vision, goals, and strategies. *CONNECT Our Future* (connectourfuture.org), a planning framework for guiding growth and investment in the bistate, 14-county region surrounding Charlotte, North Carolina, incorporates and coordinates dozens of studies prepared by eight different work groups.

And the ongoing *Imagine Boston 2030* (imagine.boston.gov) process assumes a similar role: It seeks to reconcile a number of major planning efforts, ranging from the City's Climate Action Plan to a High School Redesign initiative. The list goes on.

Momentum for movement

These days, citizens are more hands-on in the planning process and are more invested in its outcomes. Dwindling municipal budgets are making the public take a greater interest in understanding how money is being spent, and in keeping local governments accountable for producing concrete results that align with the comprehensive plan. This, in turn, is leading to plans that are increasingly action- and project-oriented, as well as more performance-focused.

Back to *Plan Houston*. Its implementation will rely on two mechanisms: An annual work plan—prepared with input from the mayor, city council, city departments, and the public—will identify major project priorities for each budget year, assign responsibilities, and set project schedules. And a series of performance indicators will track progress and inform both policy making and the preparation of the annual work plan.

In South Lake, Texas, a Strategic Management System(cityofsouthlake.com/DocumentCenter/View/4573), adapted from business and industry's "Balanced Scorecard" tool, governs and monitors the activities of the city and helps to maintain alignment with its comprehensive plan. The SMS guides the way the city does business and helps determine

how time and resources are invested. Finally, it gives the city a framework for demonstrating results in a measurable way through the publication of an easy-to-read annual "dashboard report."

"Our Planning Department has expanded its traditional role by linking its comprehensive plan to the city's strategic management system," says Ken Baker, AICP, planning director for the city of South Lake. The associated measurement tools ensure timeliness and accountability, he adds.

Tracking and demonstrating progress also helps maintain planning momentum after adoption. Planners know that the hard work really begins once the plan is adopted—but keeping up the pace, excitement, and engagement that drove the planning process can be a challenge. Tools such as Houston's annual work program and South Lake's dashboard report, tied to the cities' comp plans, are essential in showcasing incremental success and keeping those plans fresh and at the forefront of the public's mind.

There are other tools for monitoring, coordinating, and communicating progress on plan implementation. The need has grown in recent years as it becomes more urgent for planners to deal with rapid change and engage the public in creative ways.

- The Lafayette Consolidated Government honors its comprehensive plan (and identifies next steps) annually during PlanLafayette Week. Stakeholders host events and national planning experts are frequent guest speakers.

- Austin's interdepartmental work groups meet once a year to establish priorities and assess progress vis-a-vis the performance metrics established in *Imagine Austin*. The city also hosts an educational speaker series for residents, a practice it began during the planning process.

- In addition to preparing an annual progress report, the Washington, D.C. Office of Planning has developed a database to track completion of action items from the *District of Columbia Comprehensive Plan* (planning.dc.gov/page/comprehensive-plan) and to coordinate more efficiently with other agencies involved in plan implementation.

- Philadelphia issues online annual reports on its plan, *Philadelphia 2035* (phila2035.org), but those reports also can be distributed as calendars for the upcoming year: an original way to inform and keep reminding the public of what has been done and what is coming up. "The [planning] commission staff is very interested in not only completing district plans but seeing to their implementation, working closely with various organizations and city agencies to see recommendations come to fruition. The calendar allows the city to mark progress of all district plans and present a status update that keeps the public interested and engaged," says Eleanor Sharpe, deputy executive director of the Philadelphia Planning Commission.

> 'The [planning] commission staff is very interested in not only completing District Plans but seeing to their implementation, working closely with various organizations and city agencies to see recommendations come to fruition.'
>
> —ELEANOR SHARPE, DEPUTY EXECUTIVE DIRECTOR, PHILADELPHIA PLANNING COMMISSION

Nexus to budgeting

Increasingly, the new generation of comp plans are helping communities do fiscal planning, driving the development of capital improvement plans and municipal budgets. That function helps everyone understand the return on investment of both public and private projects and prioritize spending.

The Philadelphia City Planning Commission coordinates the development of a six-year capital program and budget. Philadelphia's Planning Commission is fairly unique in that it is chartered to prepare and recommend an annual capital program and budget.

That process typically entails considerable interagency coordination and partnership with the city's Budget Office and other operating agencies, with the end result ensuring that public investments are consistent with the physical development goals of the comprehensive plan, notes John Haak, AICP, director of Planning Policy and Analysis. The district plans contained in *Philadelphia 2035* play a key role in prioritizing those expenditures.

In Raleigh, North Carolina, the *2030 Comprehensive Plan* (www.raleighnc.gov/cp) requires major

A NEW STANDARD FOR COMPREHENSIVE PLANS *By* David Rouse, AICP

APA launched the Sustaining Places initiative in 2010 to define the role of planning in addressing the sustainability of human settlement. This initiative has focused on the role of the local comprehensive plan as the leading policy document and tool to help communities of all sizes achieve sustainable outcomes.

One major result is the Comprehensive Plan Standards for Sustaining Places. The standards draw on research of best practices from leading contemporary plans and the testing of the draft standards with pilot communities, providing a framework for advancing sustainability through the processes, substance, and outcomes of comprehensive plans.

The standards, outlined and explained in *Sustaining Places: Best Practices for Comprehensive Plans* (PAS 578), consist of interrelated components, each supported by a set of best practices.

PRINCIPLES. Normative statements of intent that underlie a comprehensive plan's overall strategy and provide substantive direction for integrating sustainability into the plan: Livable Built Environment, Harmony with Nature, Resilient Economy, Interwoven Equity, Healthy Community, Responsible Regionalism.

PROCESSES. Planning activities that take place during the preparation of a comprehensive plan and define how it will be implemented: Authentic Participation and Accountable Implementation.

ATTRIBUTES. Plan-making design standards that shape the contents and format of comprehensive plans: Consistent Content and Coordinated Characteristics.

BEST PRACTICES. Planning action tools employed by communities to activate the desired principles, processes, and attributes of their comprehensive plans. There are 85 in all, such as planning for the provision and protection of green infrastructure (Harmony with Nature principle); establishing implementation indicators, benchmarks, and targets (Accountable Implementation process); and using plan formats that go beyond paper (Coordinated Characteristics attribute).

"Memphis and Shelby County have benefited from using the standards as a guide for the regional plan," says John Zeanah, AICP, program manager for the *Mid-South Regional Greenprint & Sustainability Plan*. That Tennessee region was one of 10 pilot communities where the standards were tested and refined. "[They] have been a valuable tool for project planners to evaluate how effectively the vision addresses sustainability best practices," he says.

What's next

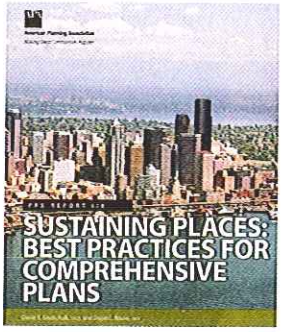
Building on the experience and success of the pilot communities, the APA board in September 2015 approved the establishment of a voluntary program to recognize exemplary plans that meet the standards, successfully integrating sustainability into their comprehensive plans.

A one-year pilot of the Comprehensive Plan Standards Recognition Program is under way. Watch for details—and see how your community can participate—at planning.org/sustainingplaces/compplanstandards.

David Rouse is APA's director of research. He was a member of APA's Sustaining Places Task Force and coauthored *Sustaining Places: Best Practices for Comprehensive Plans*.

PILOT COMMUNITIES

Auburn, Washington
Foxborough, Massachusetts
Goshen, Indiana
Memphis/Shelby County, Tennessee
New Hanover County, North Carolina
Oklahoma City, Oklahoma
Rock Island, Illinois
Seattle
Savona, New York
Wheeling, West Virginia



RESOURCES

FROM APA
Comprehensive Plan Standards for Sustaining Places: planning.org/sustainingplaces/compplanstandards

Sustaining Places: The Role of the Comprehensive Plan (PAS Report 567, 2012): planning.org/store/product/?ProductCode=BOOK_P567

Sustaining Places: Best Practices for Comprehensive Plans (PAS Report 578, 2015) planning.org/store/product/?ProductCode=BOOK_P578

capital projects "not tied to immediate life safety or capacity deficiencies" to undergo ROI analysis. Analysis of a project's return on investment is an important element of the city's CIP criteria.

Wichita-Sedgwick County in Kansas makes clear the connection between the comprehensive plan and the budget: Its

new plan is explicitly framed as a Community Investments Plan (tinyurl.com/arpe8zy)—"a policy framework to guide future public investments in municipal buildings and infrastructure" in an era of diminishing revenues and increasing fiscal constraints. The plan introduces a trilevel evaluation process to facilitate decision making on new, upgrade, or replacement projects that includes detailed project analysis; project selection and funding; and capital improvement programming.

The Government Finance Officers Association acknowledges the role of comprehensive plans in capital improvement planning and recommends, among other things, that:

- Plans should provide a vision for capital project plans and investments.
- Local governments should make capital project investment decisions consistent with their comprehensive plans.
- Local finance officers should be part of the comprehensive planning process from the onset, to ensure a balance between aspirations and fiscal realities.

Local governments also use the comprehensive plan process to kick-start projects and engage community members as partners in implementation. Shrinking or stagnant fiscal budgets, combined with increasing service costs, mean that communities need those partnerships more than ever.

When concerns about obsolescence and disinvestment in Lafayette's older neighborhoods and commercial corridors emerged as one of the community's top priorities during the planning process, the Lafayette Consolidated Government launched Project Front Yard to bring together individuals, businesses, government, and media partners in promoting community beautification through education. The project takes its lead from more than 40 action items—some individual, some collective—spelled out in *PlanLafayette*, including litter removal programs, river cleanup days, education initiatives, public art programs, and gateway revitalization and improved streetscape efforts.

In its first year, Project Front Yard attracted local and regional business partners, including over $1 million in in-kind media coverage from 14 local media outlets, which has helped to mobilize the community to participate in tree planting, litter collection, and storm drain cleanup events. Since it was adopted, the program has even picked up regional momentum, gaining adoption in neighboring Acadia, Iberia, and St. Martin Parishes.

Platform for dialogue and building trust

Finally, local governments are increasingly appreciating the usefulness of the planning process as a backdrop for open, honest conversations about difficult community issues. These conversations help launch good relationships that can lead to more systematic consultations, continued beyond plan adoption. In Lafayette, the city-parish commitment to ongoing community engagement and visible, on-the-ground-improvements is helping to build trust.

Communities are also recognizing the need to involve broader audiences in the planning process to ensure equitable and full representation of the issues, as well as to strengthen the credibility of the process and get buy-in for adoption and implementation. For Portland, Oregon's *2035 Comprehensive Plan* (portlandoregon.gov/bps/57352) process, staff set up neighborhood "drop-in" sessions for residents to come learn, at their convenience, how plan changes might affect them. A Comp Plan Helpline fields call from citizens, and the plan's mobile- and tablet-friendly Map App, which allows users to see proposed land-use and zoning designations and details about transportation projects on a parcel-by-parcel basis, has been viewed more than 120,000 times.

Open communication in an iterative planning process has become especially critical in building trust with the community, especially to show process participants how their input is used and assimilated at each step. Portland staff used a database to track comments received on each draft plan product. The database is updated after each public outreach event. The compiled public input and comments is made available to the public and advisory committees on an ongoing basis, while the staff briefs commissions and officials on how the project responds to public feedback. Planners are now getting ready to roll out an interactive, searchable version of the database using GIS, which will allow the public to review comments on specific sites or areas of the city. ■

Silvia E. Vargas is a senior associate at WRT, and Nancy O'Neill is an associate there. Alyssa Garcia, a WRT intern and a graduate student at the University of Pennsylvania in City and Regional Planning, provided research assistance.

'Our Planning Department has expanded its traditional role by linking its comprehensive plan to the city's strategic management system.'

—KEN BAKER, AICP, PLANNING DIRECTOR, SOUTH LAKE, TEXAS

FORM

By RYAN HOLEYWELL

FOR YEARS, COMPREHENSIVE PLANS—whether they're produced by municipalities, regional organizations, or other entities—have had a pretty standard format: They're placed in a three-ring binder that sits on the shelf. An identical PDF will usually appear on a government website.

Today, for better or worse, that's still the standard. But in a few places, planners are taking a different approach.

Take Charlotte, North Carolina. When officials there won federal funding to develop a regional growth plan, they knew they had to do something different from the status quo if they wanted their work to be relevant.

"We didn't want just a paper copy of something," says Michelle Nance, AICP, planning director of the Centralina Council of Governments, which represents the greater Charlotte area. "A PDF is static. It just didn't seem right for us, with the variety of communities we've come to represent."

When CCOG set about developing an ambitious new growth plan—spanning 14 counties across two states—it took a different approach: the plan, which debuted in March 2015, is entirely digital, living online at connectourfuture.org.

Visitors can examine regional priorities like "improve air quality" or "increase transportation choices," then drill down to learn more about

the strategies the region is implementing to achieve them. The site also has a dashboard where visitors can see the area's progress on a slew of different metrics using data pulled into an easy-to-understand graphic interface.

The hope is that the format will make it easier for different constituencies to focus on their specific priorities. "Because each of our communities is very different, we knew we wanted it to be interactive," Nance says. "It had to be relevant to so many different types of users."

A new movement

Across the country, planning departments are starting to rethink the way they present their work, realizing that cumbersome PDFs may be alienating their communities.

"This is definitely something I've been thinking a ton about over the last few years," says Manisha Gadia Bewtra, AICP, analytical services manager with the Metropolitan Area Planning Council, which serves the Boston area. "Why are we doing things in a way that doesn't help people consume information?"

Bewtra and a growing number of other planners are increasingly frustrated with the limitations of old-school PDF and paper documents. Her organization recently helped develop a plan for downtown Lynn, Massachusetts (dtl.mapc.org/What_We_Learned/Downtown_Planning.html) which had no print component whatsoever. The move initially required officials to embrace a new way of thinking, but ultimately, it made for an easier, more coherent presentation of information, Bewtra says.

"One thing I'd say to planners," she says, "is that they shouldn't be afraid to do experimentation."

Ease of use

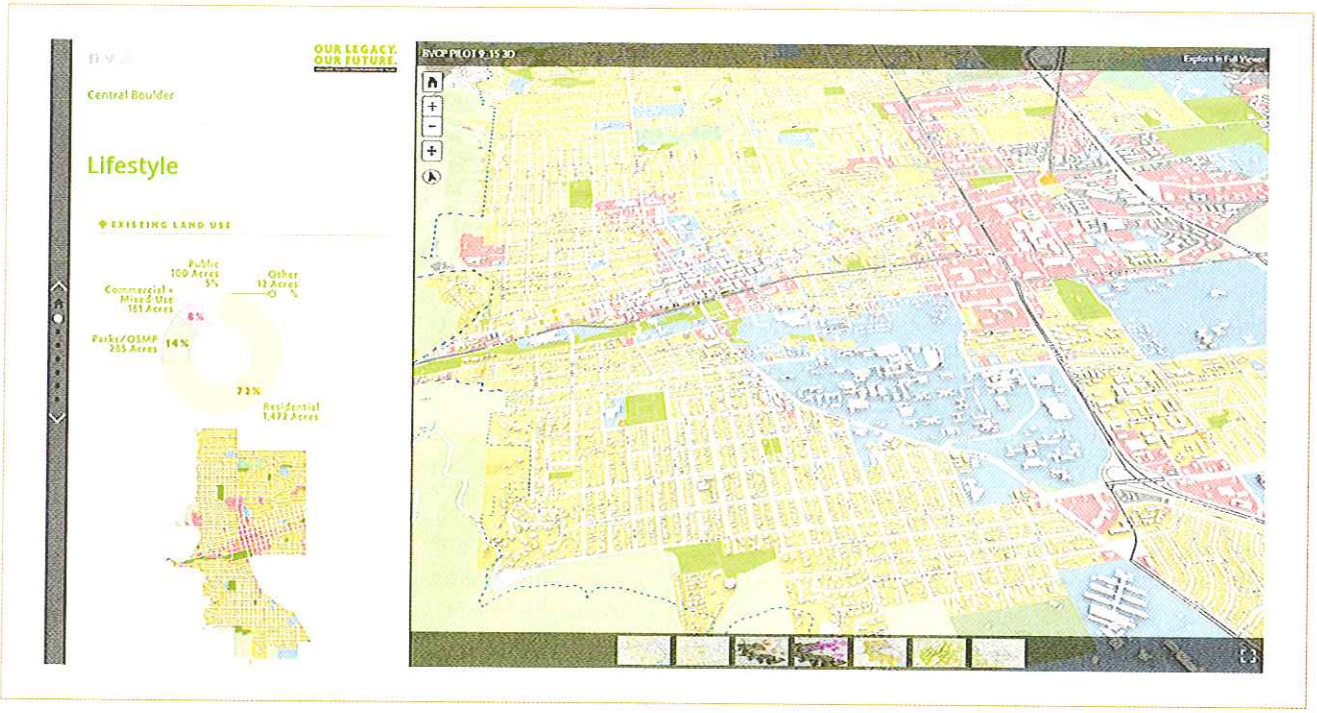
Communities switching to digital plans see several benefits. For starters: It's good public relations. PDFs come off as dated. A smartly designed website, meanwhile, can provide help with branding. Web-based plans can also be more accessible to the public, since they're most likely to be discovered through Internet searches (generally, information within a PDF is hard to find unless you know where that file is located). "If something's not on the web," Bewtra asks rhetorically, "does it really exist?"

A digital plan can be easier to navigate, says program planner Geoff Butler, AICP, of Oklahoma City. He also believes that his city's council members and planning commission members—who all have tab-

> 'One thing I'd say to planners is that they shouldn't be afraid to do experimentation.'
>
> —MANISHA GADIA BEWTRA, AICP, ANALYTICAL SERVICES MANAGER, METROPOLITAN AREA PLANNING COUNCIL, BOSTON

Planokc.org
Oklahoma City's new comprehensive plan homes in on seven big ideas. The website was designed with help from Sasaki Associates.

SCREENSHOT VIA OKLAHOMA CITY, PLANOKC.ORG



GIS software firm Esri is experimenting with creating 3-D models of cities that can be displayed online within communities' comprehensive plans. This is a screenshot of its template for Boulder, Colorado.

lets—are more likely to regularly use his city's new comprehensive plan if they don't have to carry it around in a cumbersome binder. "You can do two clicks and see what the city's doing about transit and all the initiatives around it," Butler says. "It's a big, thick document if you go through the printed version." *Planokc* (planokc.org), the city's first comp plan since 1977, was approved last July.

Navigability and portability not only help elected and appointed officials stay informed themselves, but is also a great outreach tool. So, when Joe Constituent asks what the city is doing about transit, an official can just pull out his or her phone, click on the "transit" icon, and show him.

> 'What I see in the future for the comprehensive plan . . . is live data feeds that can be used in your planning efforts.'
>
> —SHANNON MCELVANEY, GLOBAL COMMUNITY DEVELOPMENT MANAGER, ESRI

Next generation tools

But where the movement is really poised to shake things up is by giving developers, planners, and citizens access to next-generation tools.

"We want to move away from the comprehensive plan as a static PDF," says Shannon McElvaney, global community development manager at GIS software company Esri. "What I see in the future for the comprehensive plan . . . is live data feeds that can be used in your planning efforts."

In Boulder, for example, Esri has created 3-D representations of city plans that could be included in its comprehensive plan, which is currently being updated. "It's been really well received by the public," McElvaney says. "Anybody doing planning and development can look at the context of where they're building."

Esri is also experimenting with how to more dynamically represent form-based codes that may appear in general plans and other documents. Those visualizations could be accessed from any web browser.

And in Houston, the city's first-ever comprehensive plan (planhouston.org) includes a tool that allows visitors to input an address or draw a polygon on a map and see all the existing plans—produced by the city or other entities—that include that location. So far the tool contains more than 200 plans.

Making the switch

Communities that embrace the new method frequently tout their ability to continuously update a plan so that residents can see progress or so that plans can be tweaked more quickly.

"Given the constant development pressure the city is under, it gives us the ability to respond more quickly to development issues," says Vince Papsidero Jr., FAICP, planning director in Dublin, Ohio, which is among the communities taking this next-genera-

IMAGE COURTESY ESRI

tion, digital focus to its comprehensive plan update.

In Houston, the plan is online, along with an annual implementation document (which was set to go live last month), that outlines how, exactly, Houston will achieve its goals. Residents will also be able to view various indicators. "We want to remain flexible," says Jennifer Ostlind, AICP, deputy assistant director of Houston's planning department. "We know priorities change. We have a framework. So in that sense, a website is much easier to update regularly."

Yet the ease of updates comes with an obligation to keep the web-based content fresh.

"It requires a big commitment," notes Jeff Reichman, principal at January Advisors, a consulting firm that helped with the digital presentation of Houston's new plan. "Any time you set up a new website, you're committing to keeping it up to date. People don't want to see old information."

A study released last year by Planetizen found that 53 percent of the planning department websites they looked at had been visibly updated in the last 30 days. At the other end of the spectrum, 18 percent hadn't posted new information in six months.

Reichman can't say exactly how often cities should update the information on their plan's webpage, but it's important to keep it fresh by communicating community members' input and highlight planning department work related to the plan.

Reichman and his team also had to coordinate closely with Houston's IT staff on how to present the plan. The city planning staff wanted the digital plan to look different from that of other city-produced webpages to convey the idea that it was something new. That meant a whole different set of procedures to build and maintain the site.

But others say creating and maintaining an online plan doesn't have to be a cumbersome process. "This is something the average planner with a little bit of web design training can undertake," says Bewtra, the Boston planner. "Obviously people understand there are things you can do with a large budget . . . but you can do quite a bit with a lean budget as well."

Potential pitfalls

Still, roadblocks can arise. Bewtra says there's a risk that the type of visually appealing widgets used to provide live updates within a plan could become defunct or face glitches over time. Stakeholders need to clearly decide who's responsible for website upkeep.

She also notes an even broader concern: the risk that the web just feels more ephemeral than print. "You can't anticipate completely how information will be viewed in the coming years," she says. In other words, planners need to figure out how to archive and maintain their web-based plans for posterity.

Case in point: The last time Boulder updated its general plan, it presented the information online with lots of hyperlinks and searchable functionality. But when the city later revamped its entire website, much of that work vanished. "That's one of the challenges you find with things being fully embedded," says Lesli Ellis, AICP CEP, Boulder's comprehensive planning manager. "If you make changes to your system, you have to have update the plan too."

Reichman said one easy way to avoid this is to give the plan its own website that's separate from the rest of the city website. *Plan Houston*'s website is supported by the same staff that maintains the city's website, "but it's not folded into the same Internet behemoth," Reichman says, which may protect it from any wholesale changes that occur to the city's website in the future.

Print lives on

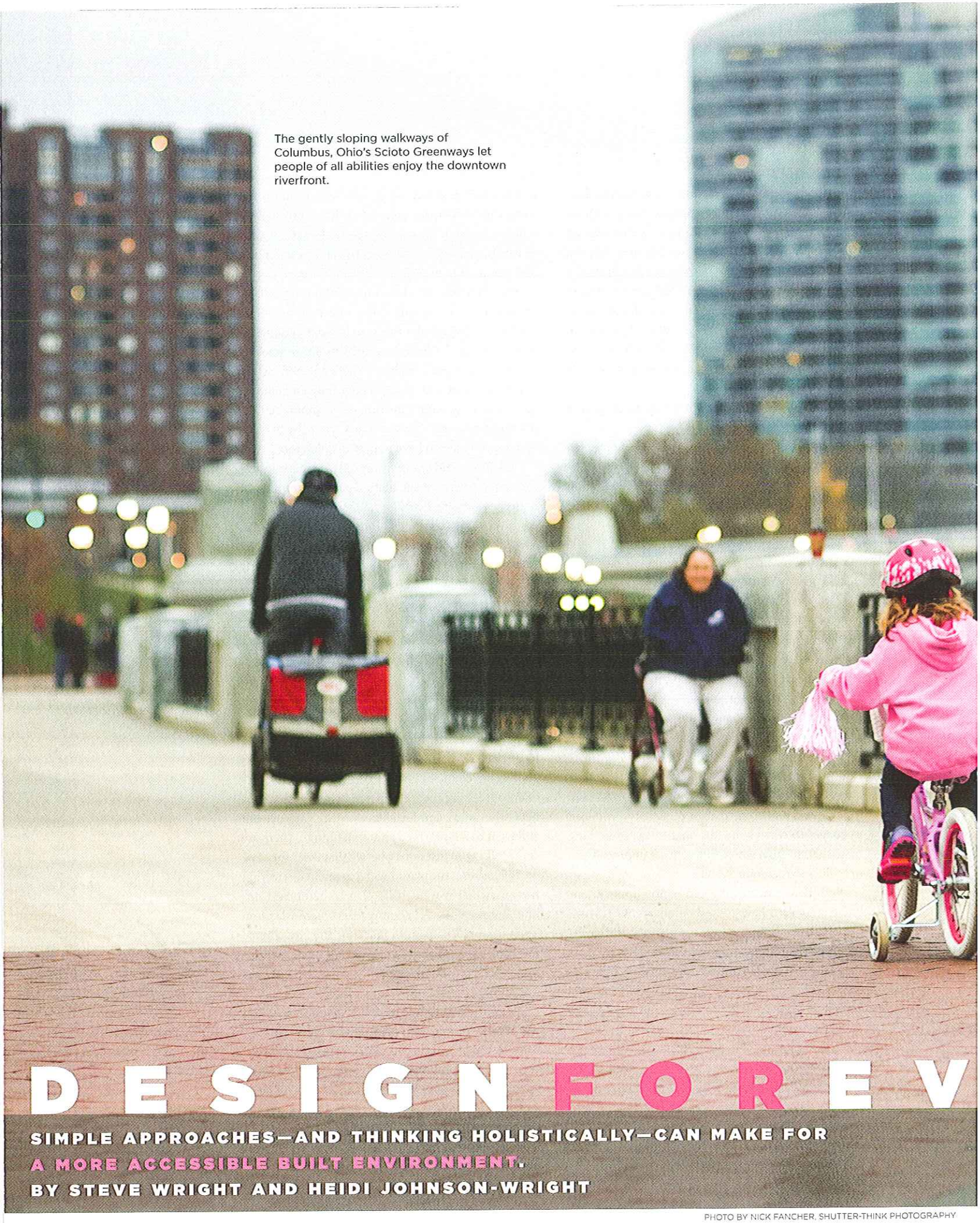
Despite the shift to online presentations, print documents aren't dead quite yet.

The Centralina COG, for example, is among several planning departments that developed a magazine-style document to share with stakeholders and local elected leaders who "like to show it off," says Nance, the council's planning director. Those types of resources are also useful for community members who aren't comfortable with the Internet but still want to be informed about planning. "There are some folks who just don't operate that way," she says.

In Houston, the planning department knew from the onset that it wanted its plan to be housed online. But the city staff soon realized there wasn't an exact legal mechanism in place for the city council to approve a website. It had to develop a more traditional PDF as well, simply so the council could have a document to vote on.

And in Oklahoma City, even though the vision was always to have the plan appear on a dynamic website, the process began with creating a traditional print document as a way to help planners think about how to organize it. "It's distinct," says Butler of a physical document or a static PDF. "You know the beginning and the end and you can send it through the planning commission and city council."

Ryan Holeywell is senior editor for Rice University's *Kinder Institute for Urban Research*.



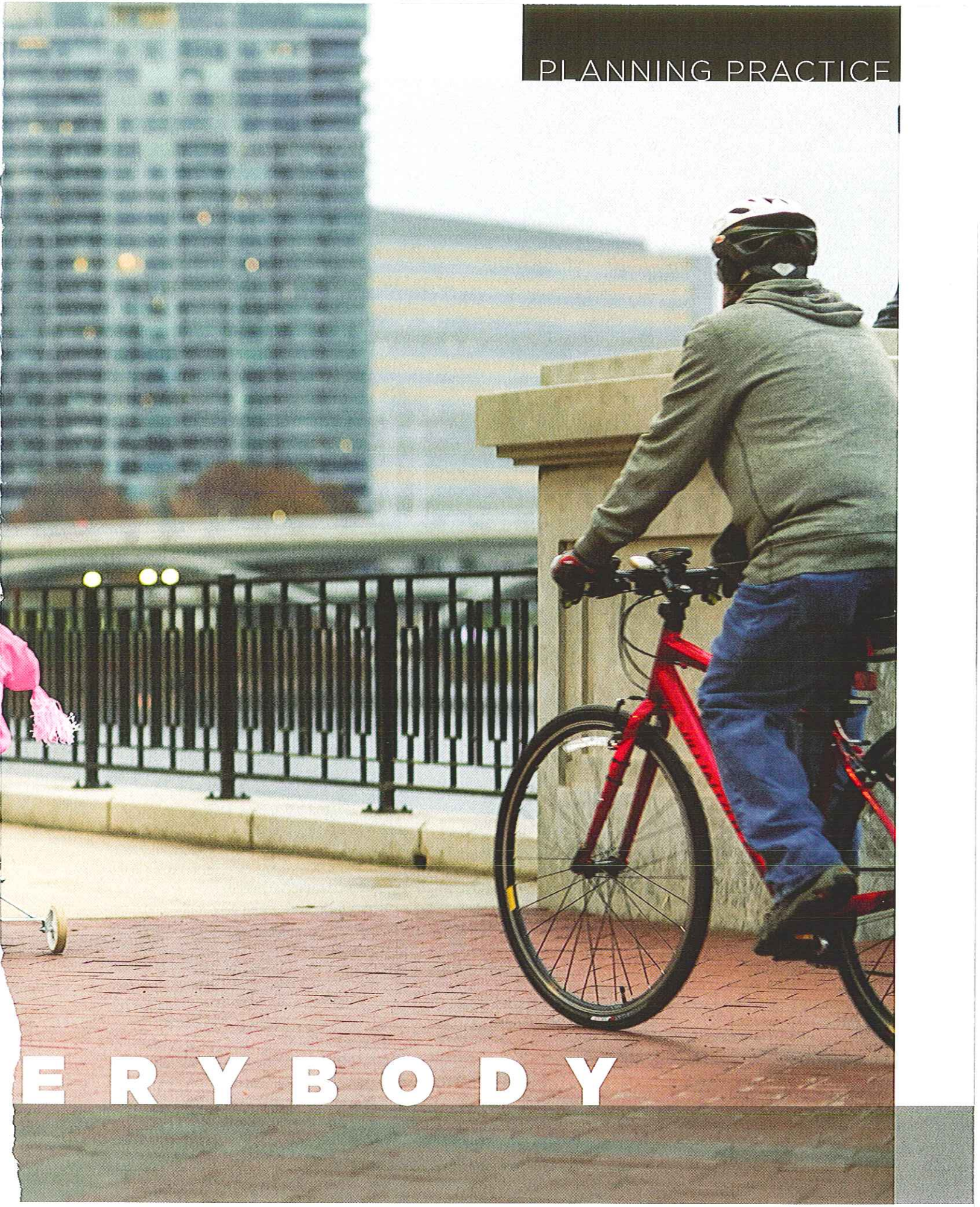
The gently sloping walkways of Columbus, Ohio's Scioto Greenways let people of all abilities enjoy the downtown riverfront.

DESIGN FOR EV

SIMPLE APPROACHES—AND THINKING HOLISTICALLY—CAN MAKE FOR A MORE ACCESSIBLE BUILT ENVIRONMENT.

BY STEVE WRIGHT AND HEIDI JOHNSON-WRIGHT

PHOTO BY NICK FANCHER, SHUTTER-THINK PHOTOGRAPHY



ERYBODY

All public areas of the 9/11 Memorial are accessible, including the exhibitions, cafe, auditorium, and classrooms. The memorial's name parapets are designed so that a seated person or a person of shorter stature has the same view as someone seeing the inner memorial from a higher vantage point.

Whether it's a corridor plan for two blocks in small-town USA or a blockbuster master plan worthy of a national award, planners have to design for all users of the public realm. Yet planning for people with disabilities seems to flummox even the best of urban designers.

Add in the challenges of planning in harmony with historic buildings, difficult topography, waterfront access, or the severe geometry of modernist architecture, and some planners think the answer is to seek a waiver to release them from what they view as the constraints of serving wheelchair users and folks with other disabilities.

UNIVERSAL DESIGN is not about designing separate but equal spaces but about DESIGN EQUALITY. Projects that comply with the letter rather than the spirit of the law mean missed opportunities to design for everyone.

The Americans with Disabilities Act, which celebrated its 25th anniversary last year, is federal civil rights legislation. As such, there is no "grandfathering" of inaccessible public buildings, plazas, or streetscapes. The ADA is not a building or zoning code, so it cannot be waived.

Despite good intentions, planners and architects tend to design for the mythical five-foot-10, 175-pound, nondisabled male. Accessibility features—seen as a necessary evil—are tacked on at the end to meet ADA requirements.

Rather than obsessing on door widths and ramp slopes in a vacuum, designing projects for everyone from the start simply makes more sense. Universal design is not about designing separate but equal spaces but about design equality. Projects that comply with the letter rather than the spirit of the law mean missed opportunities to design for everyone.

Experts in the field—planners, architects, disability consultants, and educators around the nation—agree that the best approach to serving people with mobility, visual, hearing, and other disabilities is to apply universal design principles to redevelopment districts, complete streets, plazas, parks, buildings, and more.

The late architect and planner Ronald L. Mace, founder of the Center for Universal Design at North

COURTESY PWP LANDSCAPE ARCHITECTURE

Carolina State University, coined the term universal design. He defined it as "the design of products and environments to be usable by all people, to the greatest extent possible, without the need for adaptation or specialized design."

Clearly, universal design doesn't describe a built environment filled with wheelchair ramps, rusting outdoor lifts, ungainly retrofitted entrances, or costly building additions or alterations. Done right, UD is incorporated from day one and takes advantage of topography, grading, wide sidewalks, intuitive design, and inclusive mobility.

Remaking the WTC

Rick Bell, FAIA, is executive director of design and construction excellence for the city of New York's Department of Design and Construction. Before that, he was the executive director of AIA New York, where he championed design for all and design to encourage fitness and healthy living.

Bell, a strong advocate for universal design, was instrumental in finding ways to incorporate UD into the rebuilding of the World Trade Center site, earning him a Barrier-Free America Award from the Paralyzed Veterans of America. As a volunteer appointee, he worked with the Lower Manhattan Development Corporation and served on the committee that wrote the program for the National September 11 Memorial & Museum.

"Along with colleagues at New York New Visions, I had the opportunity to push for universal design on the reenvisioning of the WTC site and the surrounding blocks in Lower Manhattan," Bell says. "It was not only the memorial quadrant that was being transformed, but everything that was radiating from it. The new transit stations, office structures, and cultural facilities were a big part of the discussion of connectivity and accessibility, as were the sidewalks and streetscape from Fulton Street to the Battery."

> Rick Bell of New York's Department of Design and Construction believes that great universal design is done so seamlessly that people who are not in a wheelchair, using a walker, or pushing a stroller don't even realize that UD was the goal. It's about making mobility so effortless and invisible that users don't perceive the design's intent.

Quick to add that the credit for the overall design for the 9/11 memorial goes to Michael Arad and Peter Walker, Bell notes that the famous 16-acre site came with major challenges. Among them: "It has a significant slope, partly because it's adjacent to the river," he says. "That slope can be a design problem. You think back to the old WTC, it was a raised podium. It read as an acropolis. There was a natural propensity for a lot of architects to do that kind of design," he says, of grandiose designs that frequently segregate disabled people from main entrances, forcing them to access the building via lifts that are often broken or hidden elevators.

"Arad [and] landscape architect Peter Walker overcame the slope of the site. They graded and designed it in a way that requires no ramps or steps. No matter where you enter the site, you don't have to use stairs. So it's equally accessible to everybody."

Bell believes that great universal design is done so seamlessly that people who are not in a wheelchair, using a walker, or pushing a stroller don't even realize that UD was the goal. It's about making mobility so effortless and invisible that users don't perceive the design's intent.

A great example is the subterranean memorial museum where artifacts from 9/11 are displayed; it was an underground parking garage in the original World Trade Center. "The circulation is based on a series of independent galleries connected by a 'ribbon' or organizing ramp without the need of separate elevators or lifts to descend to bedrock," Bell says. "Someone in a wheelchair—and everyone else—can experience the artifacts in a continuum."

Bell particularly advocates UD with brand-new projects. Working with a clean slate makes creating

Cambridge's Storefront Improvement Program

Historic Cambridge, Massachusetts, offers technical assistance and grants to help pay for the cost of commercial exterior renovations—if owners remove barriers to accessibility at the same time.

The Old Cambridge Baptist Church, built in 1867, had a temporary ramp (left) that was far too steep to accommodate wheelchair users or be ADA compliant. The new universal design-embracing ramp not only provides access, it also matches the historic stone facade and provides signage for the Jose Mateo Ballet Theatre, which rents space in the church.

COURTESY CAMBRIDGE COMMUNITY DEVELOPMENT DEPARTMENT

Columbus's Scioto Greenways project replaced tall concrete retaining walls and artificial dams with a natural river's edge accessible to all. Its gently sloped, wide walkways move people on foot, by wheelchair, and on bikes a vertical distance of 23 feet to the Scioto River.

RANDALL LEE SCHIEBER PHOTOGRAPHY, MKSK

nondiscernible transitions easier, and an inclusive main access route facilitates mobility for everyone.

Cambridge gets out ahead

Michael Muehe, ADA coordinator for the city of Cambridge, Massachusetts, and executive director of the Cambridge Commission for Persons with Disabilities, faces the challenge of explaining and promoting universal design to planners, architects, elected officials, and stakeholders every day.

"People get hung up on the numbers game," says Muehe. "They obsess on 4.9 percent versus five percent. So, I try to put aside the numbers and present universal design as a concept."

The focus, says Muehe, should be "how would we design from scratch for the maximum number of people, because UD makes design about more than just people with disabilities. It's about design as a holistic, unified whole." But often, working from scratch isn't an option. Cambridge has several initiatives that help.

Take Cambridge's Storefront Improvement Program. It provides technical and financial assistance to commercial property owners or tenants seeking to renovate or restore building exteriors, with the goal of improving the appearance of independent businesses and enhancing the city's commercial districts. The funding comes from a 50–50 matching grant program.

Other cities have such programs but this one comes with a twist: It requires business owners to remove barriers to accessibility that are readily achievable. So, the clothing boutique or barbershop seeking new awnings and updated windows also ramps a step at an entrance or installs an automatic door opener.

"We've modified the program because, in some cases, the entire $25,000 grant was eaten up by the access updates," says Muehe. The program now sweetens the access match to 90–10 while keeping the aesthetic update grant match at 50–50."

The city strongly encourages the installation of automatic door openers because—true to UD's principle of equitable use—the mechanisms are helpful to everyone, like folks carrying an armload of packages or pushing a baby stroller. "Once people realize the benefit, they're open to it," he says.

Cambridge has also found a way to honor its American colonial roots while remaining disability-friendly. The city has developed a sidewalk design with a smooth concrete pathway flanked by lines of wire-cut brick. The approach is a nod to the cobblestone Colonial heritage but its smooth surface accommodates people of all mobility needs.

It's part of Cambridge's Five Year Sidewalk and Street Reconstruction Program, which is aimed at creating complete streets. Pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities can safely move along and cross a complete street. It's this type of design that will allow graying baby boomers to age in place, or as Muehe puts it, "age in community."

And don't forget about the power of technology. Patricia Barrett Malik, PhD, interim director of the Division of Disability Resources and Educational Services at the University of Illinois, says that existing technology can be incorporated into universal design to improve the built environment.

"(Closed-captioning) was developed for a narrow use. But now it is in use everywhere: in restaurants and bars, [and] to stream Spanish or another language—there are so many global uses beyond the first design," Malik says.

We need to think about how technology can help individuals with disabilities be more independent in their home environment. "Wi-Fi was created for mass market communications, but it can control so much more in a home," she says. "Smart homes can employ Wi-Fi to allow a person, by means of a tiny tablet, to put the blinds up and down, to adjust lighting, and to control appliances."

Making public spaces truly public

MKSK—a landscape architecture, urban design, and planning firm based in Columbus, Ohio—has integrated universal design in its own hometown with its Scioto Greenways project. The greenways replaced a stagnant, channelized river—cut off from humans by two stories of cement walls—with a restored natural river and 33 acres of new waterfront park in downtown Columbus.

A vertical elevation difference of 23 feet separates the city street from the river below. The entire 33-acre greenway is now accessible via a series of 10-foot-wide pathways that do not exceed a five percent grade. Prior to this, the Scioto River could only be reached via steep staircases that were impossible to access by wheelchair users or people who use walkers or crutches.

The future approach to Brickell Station along Miami's Underline will provide marked lanes to accommodate bikers, pedestrians, and wheelchair users.

© JAMES CORNER FIELD OPERATIONS, COURTESY FRIENDS OF THE UNDERLINE

Scioto Greenways—designed by MKSK, sponsored by the Columbus Downtown Development Corporation with civil engineering by Stantec—opened at the end of 2015. Previously, Columbus blocked off streets near the river to host warm-weather festivals, but later this year, the barrier-free greenway will provide nearly 20 acres of lawn to host the hundreds of thousands who attend waterfront events.

"The best design solutions integrate accessibility into the design so it is imperceptible to the user," says Tim Schmalenberger, MKSK's principal and co-founder. "The primary access experience should be simple and intuitively the same for all users."

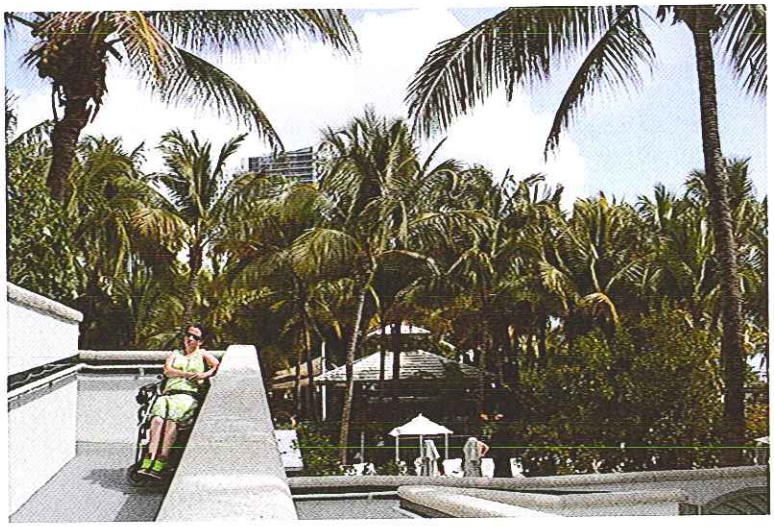
James Corner Field Operations, the New York-based landscape architecture and urban planning studio that is best known as the project lead for the High Line in Manhattan, has heavily incorporated universal design into the Underline in Miami. The Underline's vision is to transform 10 miles of land below Miami's MetroRail into an iconic linear park, world-class urban trail, and living art destination.

The Underline master plan was released in fall 2015 and it is projected to be completed by 2022. The

> 'The best design solutions integrate accessibility into the design so it is imperceptible to the user.'
>
> — TIM SCHMALENBERGER, PRINCIPAL, MKSK

Manhattan's High Line at the 11th Avenue Bridge, a few blocks from one of the path's five elevators. A ramp at 34th Street provides direct access from the street.

famous High Line, which gets more than five million visitors per year, features five elevators and one ramp to provide wheelchair access to its 1.5-mile elevated path and greenway. Universal design advocates have lauded the High Line for its gentle slopes and inclusive design that provides access to its features while it winds from the Meatpacking District to Hudson Yards and Hell's Kitchen.



This ramp traverses more than one story in height from Miami Beach's barrier-free public beach access path to the pool bar and restaurant deck at the Ritz Carlton.

Miami's Underline will feature dedicated pedestrian and bicycle paths throughout the corridor. "The key criteria for the design of these two primary components are to provide a safe environment for users navigating the trail at different speeds and physical abilities," says Isabel Castilla, lead designer for the Underline and a senior associate at James Corner Field Operations.

The Underline will replace an underutilized, not universally accessible paved trail known as the M-Path. The existing M-Path is hampered by dozens of street crossings that are very dangerous for wheelchair users, children, and slow-walking pedestrians. Field Operations' plan will increase safety and improve visibility at intersection crossings, meeting the needs of people with visual, hearing, cognitive, and other impairments, as well as mobility difficulties, says Castilla.

"Bold graphics on the path and columns will not only reinforce the Underline as a recognizable place but will be easily accessible due to the simplicity of their iconography, large scale, and bold colors," she says.

Susan Goltsman is a founding partner and principal of MIG, a Berkeley-based firm that takes a holistic approach to urban and architectural design.

BOTTOM PHOTO BY STEVE WRIGHT; TOP PHOTO © IWAN BAAN, 2014

Yanaguana Garden—named for the Payaya Indian village that eventually became San Antonio—is a 4.1-acre playground in the Hemisfair redevelopment. Designed for people of all ages and abilities, the playground was created with the input of a cognitive development specialist who studies how children learn to play.

PHOTO BY GARY BOYD

MIG's projects embrace inclusivity and encourage community and stakeholder interaction, Goltsman says. Goltsman created the Accessibility Checklist, an evaluation system for buildings and outdoor settings, in 1992.

"Diversity and inclusivity are essential to good design," she says. "Healthy human habitats should enable more than one way to get from point A to point B." One of MIG's recent projects that reflects its design philosophy is San Antonio's Hemisfair.

Hemisfair began as HemisFair '68, christened by Lady Bird Johnson as the site of the 1968 World's Fair. In the name of urban renewal, a downtown neighborhood was demolished to make way for the fair. Since then, the site has been home to a convention center, federal courthouse, cultural institutions, pavilions, and gardens.

Through 2020, the site is being redeveloped as a vibrant, walkable urban district of parks, homes, businesses, and 18.5 acres of parkland. Residential units of various types, densities, and heights are part of the mix, as is mixed-income housing.

Its planned infrastructure improvements will significantly increase the amount of connected and usable public space downtown. Reintroducing complete streets to the district allows for better access and connectivity to park areas from surrounding neighborhoods, and accessibility for all including walkers, bikers, and wheelers.

Goltsman measures inclusive design through the human interaction it generates. She points to Hemisfair as a shining example. "Are people spending time there? Are they taking their family there? Are they playing there? Barbecuing there? Relaxing there?" They certainly are, she says. "Bottom line: does the space work for people or not?"

In the last U.S. Census, nearly one in five Americans reported a disability that impacts their daily lives. That means universal design is not an outlier concept created to avoid ADA lawsuits.

It is an essential and basic planning tool that serves more than 60 million end users of zoning codes, complete streets guides, corridor studies, and other master plans. And, when it's well designed, integrating universal design into the public realm is not only a seamless experience for disabled users, it benefits everybody. ■

Steve Wright is an award-winning journalist and the communications manager for PlusUrbia Design, a Miami-based urban design firm. Heidi Johnson-Wright is an attorney specializing in ADA issues. She has used a wheelchair for mobility for more than 40 years. Visit their blogs at urbantravelandaccessibility.blogspot.com and earthboundtomboy.blogspot.com.

RESOURCES

Center for Universal Design: ncsu.edu/ncsu/design/cud.

Cambridge Commission for Persons with Disabilities: cambridgema.gov/DHSP/programs foradults/ccpd.

The Accessibility Checklist: An Evaluation System for Building and Outdoor Settings: tinyurl.com/zsu8w8p.

THE EFFORTS TO MAKE A SUBURBAN AREA OF CHARLESTON MORE COMPACT EXEMPLIFY THE NEEDS, CHALLENGES, AND PITFALLS.

By JOHN H. TIBBETTS

DENSITY

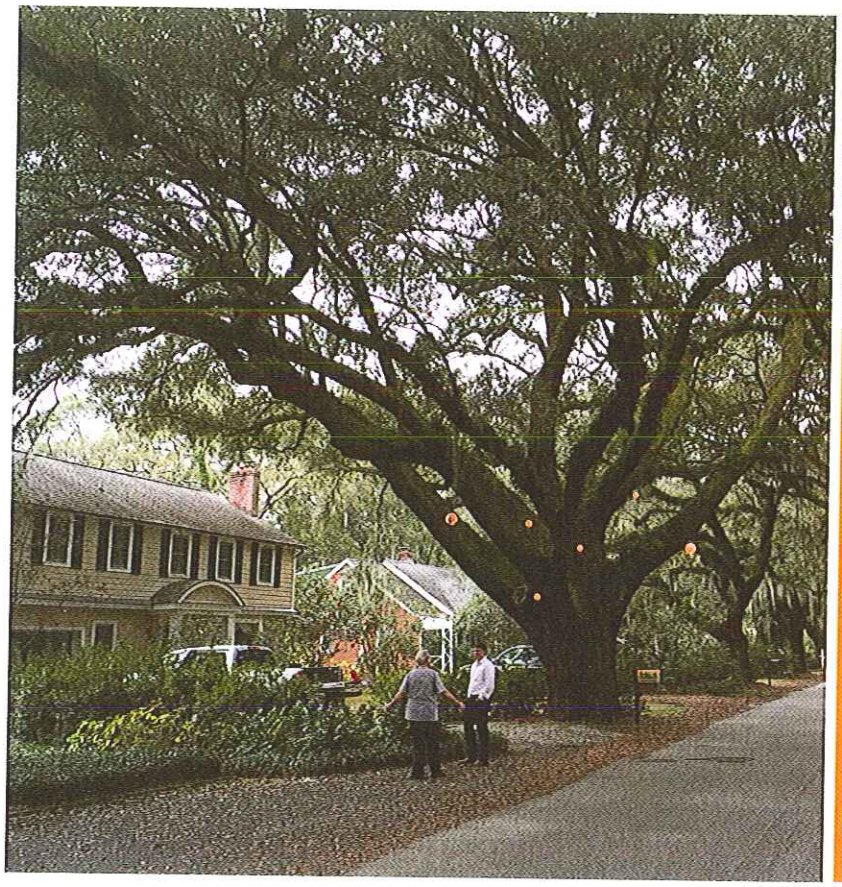
At dusk, men in business casual and women in little black dresses are sipping wine and chatting over the beat of a cover band that transforms raucous rock anthems into tasteful ballads. It's the grand opening of The Standard, a 280-unit, four-story luxury apartment complex on James Island across the Ashley River from Charleston, South Carolina. The Standard boasts a yoga studio, an outdoor saltwater pool, and an open-air courtyard for parties like this one on a mild evening in November.

Lindsey Martin, who works remotely for a New York-based executive-search firm, moved from Manhattan to The Standard in October. "We're just a few miles from everything—from the beach and downtown," says Martin. "And we have a good mix of young professionals here who like to do things together." She likes living in a big apartment complex on a leafy sea island that's a $7 Uber ride from downtown Charleston's nightlife. "It's the best of both worlds."

Although much of James Island is part of the city of Charleston, its development style is decidedly suburban. The Standard site is within city limits on six acres of a 22-acre, formerly wooded parcel along four-lane Maybank Highway, which intersects with Folly Road, the island's major commercial artery. In addition to The Standard's 280 units, a second apartment complex with 320 units and an assisted-living facility with 160 units are in the planning pipeline for the rest of the Maybank parcel.

Not everyone is pleased with the new development, however. The island's already crowded road and bridge infrastructure can't accommodate added traffic from many hundreds of residents in a new high-density development, says Susan Milliken, founder of Save James Island, a grassroots advocacy group. "We think it's outrageous, and it's a bad plan for James Island," she says.

Local activists are fighting density in suburban



Lindsey Martin, a resident of The Standard, likes living in a big apartment complex on a leafy sea island that's a $7 Uber ride from downtown Charleston's nightlife. 'We're just a few miles from everything—from the beach and downtown. And we have a good mix of young professionals here who like to do things together. It's the best of both worlds.'

Some James Island residents say that The Standard, four stories tall with 280 units, doesn't fit with their island's green, suburban vibe—which feels a world apart from Charleston despite being within the city limits.

PHOTO ON LEFT BY JOHN H. TIBBETTS; PHOTO ON RIGHT COURTESY WOODFIELD INVESTMENTS

places like James Island that for reasons of history or geography have sustained a small-town or low-key atmosphere, even though they aren't far from urban cores. Many growing cities and metro areas want to fill in these suburban areas with walkable, mixed use developments. Their goal is to make public transit far more efficient, provide affordable housing and shopping alternatives, and appeal to influxes of young workers.

The Charleston metro's population, now estimated at 700,000, is forecast to grow to one million by the year 2028. This boom would drive up housing costs that are already too high, business leaders say. Now the region needs "higher density development where appropriate to help manage growth, decrease traffic, and provide more affordable housing options," notes an October 2015 report by the Charleston Metro Chamber of Commerce and the Charleston Regional Development Alliance.

Densifying some suburban areas could reduce pressures of sprawl at the metro edges and slow losses of rural land to development. If metro areas could be planned regionally, then perhaps suburban residents might see the wisdom of increasing density and improving transit in their communities.

Local activists, however, aren't buying it. "We understand the problem of sprawl," says Milliken. "We understand that the city wants to take cars off the road. But that goal is not being achieved. We have these multistory complexes without any financial support or future funding for public transit." She rejects the notion of accepting quality-of-life sacrifices that in her view would have questionable benefits for the city.

For generations, South Carolina's wide and fertile sea islands were accessible only by boat. In 1899, James Island's first permanent bridge was built to the mainland. After World War II, developers purchased remnants of the island's antebellum plantations and built tract-home subdivisions. Some wealthy families constructed mansions along its waterways with grand views, and the city of Charleston annexed large stretches of the island in the 1960s.

Still, the island remained a quiet bedroom community with a single drawbridge across the Atlantic Intracoastal Waterway, which continues to open for recreational craft and barge traffic several times a day. Development accelerated in 1993 when a new bridge, the James Island Connector, provided the first direct commuter link to Charleston's peninsular downtown.

The island of 35 square miles is now divided among three jurisdictions: the city of Charleston, unincorporated Charleston County, and the town of James Island, which was incorporated in 1992 after a long annexation battle with the city.

James Island still has tracts of developable land in its farther reaches where narrow roads wind through dense woods. Many locals wish they could keep those places untouched. Still, that seems unlikely considering the metro area's population boom.

"James Island may want to remain suburban, but it is right over the bridge to Charleston, one of the world's great cities, and people are going to want to live there," says Mike Schwarz, a partner with Woodfield Investments, LLC, the real estate company that developed The Standard. "The choice is put in these higher densities [in key areas], or have development spread all over the island."

Affordable housing and density

Battles over density in the suburbs are nothing new. Prosperous suburbanites have long used "zoning ordinances, environmental regulations, and other means to resist continued change, to control the appearance and character of their neighborhoods, and to stop densities from rising," notes historian Robert Bruegmann in his 2006 book, *Sprawl: A Compact History*.

But more density is coming to suburbs because younger people aren't as interested in the suburbia of their parents. They are delaying marriage and childbirth and seeking out walkable neighborhoods with access to transit. They are less concerned with finding good schools and having large backyards than their older counterparts were at the same age, notes a 2015 study by the Demographics Research Group at the University of Virginia. Housing demand and rents, meanwhile, continue to escalate in many metro areas that attract educated millennials.

Well-off professionals who live in historic downtowns and glossy suburbs are often wary of proposed high-density developments in their midst. And these density clashes are intensifying in metro areas, including San Francisco; Portland, Oregon; Seattle; Chicago; and Washington, D.C. Perth and Melbourne in Australia have seen similar challenges.

"You see this tension in the San Francisco area where wealthier people want to protect their neighborhoods while other people are calling for lower housing costs and more construction because housing demand is so high," says Luke J. Juday, a research analyst who authored the University of Virginia study.

The San Francisco Bay Area Renters' Federation is using an unusual measure to pressure the tony suburb of Lafayette, east of Oakland, to build more rental housing. Last September Lafayette's city council severely downsized a 315-unit apartment complex proposal to 44 single-family homes, and the developer agreed to the downsizing.

Now the renters' group is launching an effort called Sue the Suburbs, and the first target appears to be Lafayette. A lawsuit, which has yet to be filed, would argue that the Lafayette council's decision violates California's Housing Accountability Act, which stipulates that jurisdictions are not allowed to reject housing development proposals that meet existing zoning requirements.

Sonja Trauss, who founded SFBARF in 2014, says that many developers prefer striking deals with localities instead of fighting zoning cases in court. A suit, she hopes, would lead to tighter enforcement of the law and additional housing opportunities in communities throughout California.

Over the past few decades, Trauss argues, the NIMBY movement has "opposed creation of any new housing capacity" and protects existing home values at the expense of a younger generation that can't afford rising housing prices. She is helping to organize a new movement called San Francisco Yes In My Backyard, which had its first party congress in December. Activists in Austin, Texas, and New York City have also embraced the YIMBY movement.

An ordinance that fell short

A petition signed by 1,100 James Island residents was delivered in early November 2015 to the Charleston city council, calling for a revisit of the 2011 "gathering-place" ordinance that steered The Standard and other building projects there.

This ordinance was intended to encourage the development of a few mixed use districts in suburban areas of the city at major intersections or along commercial streets. The districts would have higher density housing, shopping or office space, new public-transit options, and signalized crosswalks for busy intersections. Each district would include connective infrastructure as a grid-like street system that links directly to surrounding neighborhoods. District residents would be able to walk, bike, or use buses for some daily trips instead of driving cars.

But instead of becoming a mixed use district, the Maybank gathering place where The Standard is located will be almost exclusively residential.

"The city offered all these different uses in the ordinance, thinking that developers would take advantage of those uses," says Hank Hofford, a principal of Bennett Hofford Construction Company, which is developing the assisted-living center in the James Island gathering place. "The city did not have enough controls to incorporate all the different uses that they wanted to include. The market timing and borrowing were right for high-density apartments [and not commercial uses.] The city instead should have required a formula such as 20 to 30 percent that would be commercial." (The assisted-living center was far along in the city's planning pipeline and would not be affected by potential changes to the gathering-place ordinance.)

Short-term market forces alone shouldn't define the island's development, says Kathleen Wilson, a Charleston city council member and James Island resident who is leading opposition to the Maybank project. "Apartment complexes are very hot right now. Financing for apartments is available for developers, and in the scope of development it is quick and easy and lucrative. But that should not take place at the expense of island residents."

Even Mike Schwarz, whose company developed The Standard, was surprised that a second apartment complex was being planned for the Maybank district. "More apartments were not what the city promised James Island residents who are already dealing with traffic and lack of infrastructure. The gathering place's objective was to provide a little walkable village" that includes commercial uses as well as residential units.

But community activists scoff at the notion that residents of luxury apartments would walk locally for many errands or use public transit.

"The idea to stop sprawl and concentrate people so they can walk to work or to the library—that's nirvana pie-in-the-sky," says Margaret Fabri, a James Island-based attorney.

Close-in suburban areas, however, need nodes of density to accommodate rapid population growth and transit, according to Jacob Lindsey, Charleston's planning director.

"If you want transit, you need to have a walkable district with total overall density of 30 units per acre," he says. That is the density of the Maybank district. The typical density in a James Island residential area is three to four units an acre.

Transit, though, remains spotty at best at the Maybank gathering place. A Charleston Regional Area Transit Authority bus to downtown Charleston stops near The Standard five times a day, but only between 9 a.m. and 3 p.m.

"In an ideal world, you would plan higher density and transit at the same time," says Lindsey. "But we have a transit system that is underfunded and moves slowly in terms of process. We are working with CARTA at this location to find innovative solutions such

as microtransit or on-demand transit services, which are privately provided and may help us move faster and more nimbly. "

To critics, the Maybank gathering place is coming together in a disjointed, confusing way. The district still lacks pedestrian and traffic connections to adjacent development, although connections are required by city ordinance. "There are certain elements of the gathering place, such as connectivity, which are really important," says Lindsey. "But I don't think anybody at the city thinks that would happen overnight."

In rapidly growing, sprawling Mount Pleasant, which lies across the Cooper River from downtown Charleston, a mixed use, multistory district with apartments and commercial space called The Boulevard opened in 2013 on a major thoroughfare. It received blistering criticism from some quarters.

Neighborhood activists complained that the development was out of character with the rest of low-density Mount Pleasant, which since the 1970s has grown from a sleepy coastal town to the fourth-largest municipality in the state.

Some of The Boulevard's aesthetics were not the best choices for the site, says Katie Zimmerman, a program director with the Coastal Conservation League, a nonprofit organization that works with local planners and community activists on land-use issues. "The Boulevard is almost perfect in its function as a mixed use village center, and that is what is so sad about this," she says.

"Folks can walk wherever they want to go. But it is big and very close to the street, and many people hate it. It could have been staggered so it would not be so imposing. The new urbanists really fight to have development close to the street so that it's inviting to pedestrians. That concept is wonderful, but in practice it's not viewed as wonderful in a place like Mt. Pleasant," Zimmerman adds.

Examples like that certainly don't help sell locals on density. "People in the Charleston area are assuming that all density is bad because of some poor implementations of density. We need to get out in front of that, and provide the elements, aesthetic and functional, that we want in these places," she says.

The next time a gathering-place development is proposed, planners could provide incentives for developers to enhance transit and connective ingredients for a new district, says Zimmerman. "The city could create almost a concurrency option. If CARTA isn't functional at the site, the developer could be required to come up with a private shuttle. If the city required *x* amount of signalized pedestrian crosswalks and a grid-like street network connected to adjacent properties, then the developer could increase density by *x* number of units."

Now, a moratorium

About two dozen residents of James Island crowded the gallery of Charleston City Council on November 10, 2015, to vent their frustration over the scale of the gathering place on Maybank Highway.

About a dozen people spoke against the project, most complaining that it would increase traffic. Then Mayor Joseph P. Riley Jr. addressed the room in his courtly tenor, offering a brief history of what Charleston has tried to achieve on James Island and other suburbanizing areas.

In the early 2000s, Charleston was the first municipality in the state to create a comprehensive plan and a unified ordinance that included an urban growth boundary. Beyond the growth boundary, land use was zoned primarily as agricultural/conservation. Most of these rural areas were annexed into the city in the 1990s. Inside the growth boundary, most land use was zoned at suburban densities. Charleston County also created an urban growth boundary, which nearly mirrored the city's.

"We protected the rural parts of the city with the urban growth boundary," Riley said. "We also recommended that gathering places would allow dense development [in selected places in the city] that would promote live/work [opportunities] and rational infrastructure services. The concept was sound and it is still sound." He acknowledges that the gathering-place ordinance should be improved to "realize its original intent."

Lindsey, the planning director, told the council that he would create an advisory group to review the gathering-place ordinance and how it could be amended. The council voted unanimously in favor of a moratorium on processing applications and permits for the city's gathering-place zoning until January 27, 2016 (when it was extended until March 11). A second Charleston site zoned as a gathering place in the suburban West Ashley area has already been put on hold.

After the vote, the James Islanders were obviously jubilant as they left the council chamber. They had not yet heard that Atlanta-based Core Property Capital, developer of the second apartment complex at the Maybank site, had already filed an application with the city's Design Review Board the day before—on November 9.

Because the application arrived before the moratorium deadline, that project may still move forward. Any additional application submittals would not be allowed due to the moratorium.

Over four decades, Mayor Riley established an international reputation for leadership in preserving the city's walkable neighborhoods, creating lively public spaces, enhancing historic business districts, and conserving open space. He retired in January 2016 when his 10th term expired.

John Tecklenburg, a businessman, won in a runoff election in November with a "quality-of-life" message addressing voter concerns about gathering-place zoning, increased traffic, and rapid development. Tecklenburg carried James Island's vote in the runoff against Leon Stavrinakis, a state legislator.

That new leadership makes the future of the ordinance—and the status of the second apartment complex at the Maybank site—harder to predict.

CCL's Katie Zimmerman knows what she would like to see on James Island. "People remember how James Island used to be," she says. "They have this nostalgia about their community when it was rural, but now it is suburban. They say, 'We are proud of our single-family homes, proud that we have beautiful lawns.' Nostalgia is great, and a sense of place is great, but you have to move forward.

"James Island has already changed and will continue to change. When you have an area that is set up only to use your car, you're going to use your car, and you will have traffic problems. It's important to have certain nodes [of density] that are traditionally less intrusive on the roadways. These nodes won't encourage everyone to suddenly get on a bike and never use a car again, but they will certainly take certain trips off the road and help prevent traffic congestion from getting even worse." ■

John H. Tibbetts is a freelance writer in Charleston, South Carolina.

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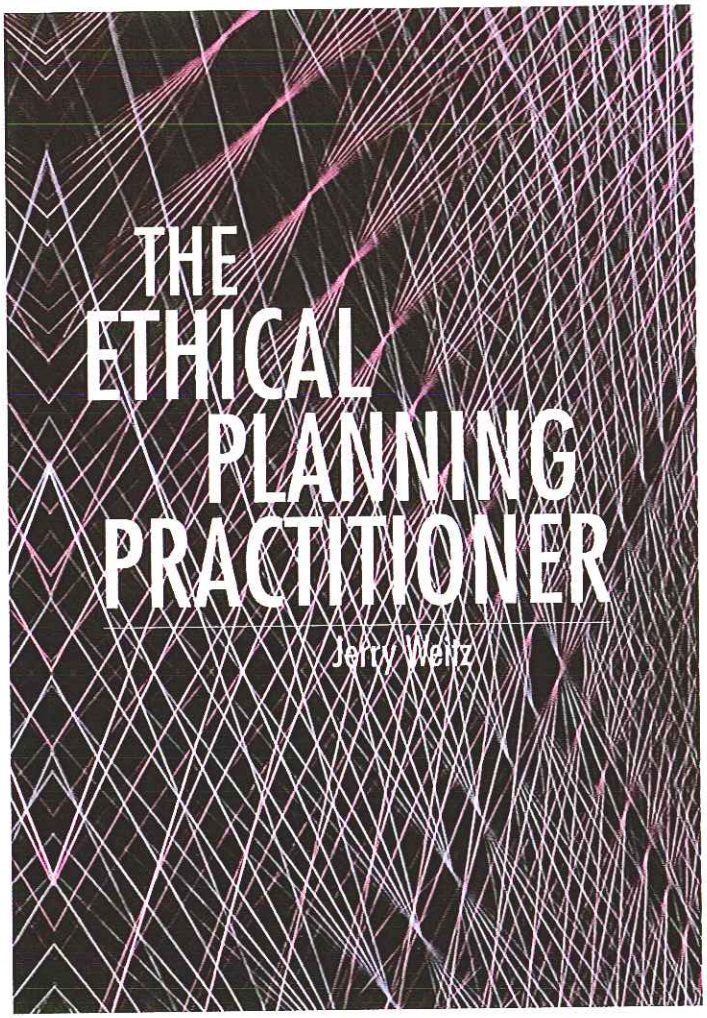

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