

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **191, 197 and 199 Foster Street.** Special Exception and Coastal Site Plan review for a Planned Development Unit for 30 residential dwelling units on a 45,260sf lot. Zone RM-2. Owner: 191 Foster Street NH, LLC. Applicant: Melissa Saint

REPORT: **1545-12**

ADVICE: **Special Exception: Approve with conditions**  
**Coastal Site Plan: Approve with conditions**

### PRINCIPAL APPLICABLE REGULATIONS

#### Section 14- High Middle Density (RM-2) Residence Districts

#### Section 55- Coastal Area Management Districts

#### Section 65 - Planned developments.

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

- (1)In accordance with the comprehensive plans of the city, including all plans for redevelopment and renewal;
- (2)Composed of such uses, and in such proportions, as are most appropriate and necessary for the integrated functioning of the planned development and for the city;
- (3)So designed in its space allocation, orientation, texture, materials, landscaping and other features as to produce an environment of stable and desirable character, complementing the design and values of the surrounding neighborhood, and showing such unusual merit as to reflect credit upon the developer and upon the city; and
- (4)So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in section 15(a)(1)g. of this ordinance.

#### *Section 65. (d)(1)*

Where the proposed modifications of existing zoning concern only the bulk and placement of structures and the size and shape of lots (regulation of lot area, average lot width, distance between buildings, size of courts, yards, gross floor area, building height, and/or building coverage), or involve a reduction of lot area per dwelling unit of no more than 33%, such Application and General Plans shall be filed with the Board of Zoning Appeals and acted upon as a special exception under subsection 63(d) of this ordinance. If such Application and General Plans are approved by the Board of Zoning Appeals, upon specific findings that each of the objectives stated in subsection (a) above will be met, such approval shall be construed to modify provisions contained elsewhere in this ordinance insofar (and only insofar) as specific deletions, additions and changes are made which are related to land and structures in the tract, and the tract shall be designated a **Planned Development Unit** within the existing zoning district.

#### Section 63. (d) Special Exceptions

Statement of purpose. The development and execution of a comprehensive zoning ordinance is based upon the division of the city into districts, within which the use of land and structures and the bulk and location of

structures in relation to the land are substantially uniform. It is recognized, however, that there are certain uses and features which, because of their unique characteristics, cannot be distinctly classified or regulated in a particular district or districts, without consideration, in each case, of the impact of such uses and features upon neighboring uses and the surrounding area, compared with the public need for them at particular locations. Such uses and features are therefore treated as special exceptions.

*Section 63(d)(6)*

In the following types of special exception cases, which involve more than conventional questions of *use* and may have a significant impact on surrounding areas and a substantial relationship to the comprehensive plan of the city, the Board of Zoning Appeals shall, following its hearing, refer the case including all exhibits to the City Plan Commission, which shall submit an advisory report, on such factors as it may deem relevant, to the board within 30 days after receiving all records and documents in the case. This report of the City Plan Commission shall be taken into account in the decision of the Board.

h. Planned development units: subsection 65(d)(1).

**BACKGROUND**

**The 1.04 acre subject assemblage of three properties that that make up this current proposal were part of a Zoning Map Amendment in 2011 that changed the zoning designation of not only these properties but of the entire 2.5 acre block in which they are located from Light Industrial to Medium High Density (RM-2) Residential. In fact it was concern about this set of East Rock properties, which make up almost the entire western side of the block and which includes an industrial structure formerly occupied by Lehman Brothers engraving company that led to the map amendment. The report of the City Plan Commission (CPC 1453-05) at the time of the proposed change read in part:**

*Alderman Elicker and 191 Foster Street LLC propose to change the existing Light Industrial (IL) District zoning designation of the 14 properties that make up the approximately 2.5 acre city block bounded by Canner, Foster, Nicoll and Willow Street to a Middle- High Density Residence (RM-2) District. The subject properties are adjacent to the existing East Rock neighborhood, consisting of both single and multifamily residential properties along with some mixed use, on three of its four sides. It is connected to the remaining 9+ acres of IL property on its southeasterly boundary. This industrial area is in turn bordered by residential development to the north, south and west and by park land to the east.*

*The block itself currently hosts a variety of different uses and structural types. A number of single and multi-family residential structures contain over two dozen dwelling units on less than half of the block area at a level of density very much reflective of traditional urban neighborhoods. The traditional pattern of the block is even further evidenced by the presence of the mixed use structure at 163 Foster Street. Finally, the area's industrial past is evoked by the presence on Foster Street of an approximately 24,000 s.f. factory building, until recently the site of Lehman Brothers engraving company.*

*This map amendment is proposed primarily due to the applicant's desire to "adaptively re-use" the existing factory for residential (and possibly commercial) purposes. The expanded area of the request (in other words, for the entire block) is based on the idea that all of the other properties in the block are already being used for residential purposes and that the continuance of such use is to the benefit of the applicant and their plans for 191 Foster Street.*

The applicant is requesting that the New Haven Board of Zoning Appeals grant a Special Exception and a Coastal Site for a Planned Development Unit under Section 65 of the New Haven Zoning Ordinance for residential involving rehabilitation and expansion of the existing industrial structure for 24 two bedroom dwelling units and for 6 three bedroom row house type residential dwelling units on both the Lehman Brothers site (191 Foster Street) as well as two properties (197 and 199 Foster Street) located to the north of that site. As noted the proposed development will

occupy property running along the entire east side of Foster Street between Canner Street and Willow Street with the exception of the mixed use property located at 163 Foster Street at the south end of the block. The immediate area is made up primarily of multifamily dwellings and some larger apartment buildings along with a few single family and mixed use properties.

## **PLANNING CONSIDERATIONS**

### **Project Construction**

#### ***Existing Industrial Structure***

As noted part of this proposal involves rehabilitation of and additions to the existing 24,000 sf structure currently occupying the property at 191 Foster Street. The northerly portion of the building will retain two full stories with a partial third floor to be used as common amenity space; the one story southernmost portion of the structure will be removed and replaced by ground level parking and three upper stories of dwelling units reaching a maximum height of 52 feet. This new addition will involve minor increases in front and side yards but will move the rear line substantially further from the rear yards of abutting Nicoll Street properties. On the other hand, an elevator storage area will come to within ten feet of the front property line; proposed wall height of 44ft along the southern boundary of the property requires a 22ft side yard where only 10ft is provided. There will be three first floor apartments, nine second floor apartments and six apartments on both the third and fourth floor. Plans show 21 first floor parking spaces for 24 dwelling units. Applicant has submitted no information concerning building materials or finishes.

#### ***New Townhouses***

The properties at 197 and 199 Foster Street are proposed as the location of six attached three story, three bedroom townhouses. They will extend along Foster Street to within five feet of the Canner Street street line where about 7ft would normally be required. Each townhouse has a front staircase that extends to as little as 8ft from the front property line where 12ft are required. One conforming parking space (see below) is shown in each townhouse; a nearby detached garage shows parking for three additional vehicles. No particular materials or finishes for the exterior of the building have been shown on submitted plans.

### **Traffic and Parking**

The submitted plan indicates a total of 36 onsite parking spaces for 30 dwelling units. This includes 21 ground level spaces underneath the rehabilitated industrial structure, three spaces in a detached garage to the north of this building and presumably twelve spaces located underneath the six townhouse units. In fact the stacking of spaces shown under these units is not permitted in the New Haven Zoning Ordinance. Each space must have direct access to the street. Consequently each garage in this building contains only one parking space and total on-site parking would be 30 spaces. All of these spaces are accessed by two Foster Street curb cuts.

**The traffic study submitted to the Board late last month has been reviewed and evaluated by the Office of Traffic, Transportation and Parking. The Commission Staff is in agreement with the determination that the proposed project will not have significant impact upon neighborhood traffic levels and that bicycle parking needs to be shown on the plan. (See TTP comments)**

### **Zoning Ordinance Modifications Requested**

The properties are located in a Middle High Density (RM-2) Residence District. RM-2 Districts permit, among other uses, residential dwelling units at a density of 1 dwelling unit per 2000sf of lot area, although Section 65 of the New Haven Zoning Ordinance does permit a Planned Development District with as little as 1500sf of lot area per dwelling unit as is the case with this current application.

Other standards of RM-2 Districts found in Section 14 of the New Haven Zoning Ordinance are as follows:

a. Maximum Lot Coverage

Section 14(a)(1)d. limits maximum building coverage to 50% in an RM-2 District. The applicant is apparently claiming that the proposal covers 46% of the site but is requesting a maximum of 50%.

b. Front Yards

Section 14(a)(1)f. requires a minimum front yard of seventeen feet, except that where 75% or more of the entire street frontage (in feet) on the same side of the street, between the two nearest intersecting streets has been developed with buildings with front yards smaller than seventeen feet, the required front yard may be the same as the yard presently followed by existing buildings.

The Applicant requests front yard modification for a 5ft front yard along Canner Street, front steps for townhouses of as little as 8ft of front yard and an elevator storage area addition to the existing structure that comes within 10ft of Foster Street.

c. Rear Yards

Section 14 (a)(1)f. requires a minimum rear yard of 25 feet.

The Applicant requests a modification of the rear yards to allow a new covered stairway located 5ft from the rear property line attached to the existing structure.

d. Side Yard to Wall Height Ratio

The regulations specify that no point on a side or rear building wall shall be located so that it is closer to a side or rear lot line than one foot for each two feet that such point is above the average finished lot grade along such side or rear building wall. South end of property shows new construction of 44ft in height 10ft from the property line where a maximum height of no more than 20ft of building height is normally permitted

## **PUBLIC HEARINGS**

**April 10, 2018**

**Attorney Miguel Almodovar, Architect Wayne Garrick and Engineer David Sacco presented the application. They described the conversion of and additions to the existing structure as well as the new townhouse structure they explained in detail how the plan complied with PDU regulations and explained how they believed that the project was appropriate for the site and the neighborhood. They discussed the exterior treatments of both buildings and how they were neighborhood appropriate. They addressed coastal-related issues, in particular more technical elements such as stormwater management.**

**One nearby resident asked questions about hours of construction; the owner of the property located to the direct south of the site at issue expressed concern about the elimination of certain sightlines as a result of this proposed construction.**

**June 12, 2018**

**Attorney presented information from the required traffic study to the Board. His assertion that the level of traffic resulting from this project would not substantially alter traffic patterns in the neighborhood and that the availability onsite parking should result in little impact on street parking availability.**

**There were no public questions or comments.**

## **PDU STANDARDS**

Section 65 sets forth the standards for a Planned Development Unit. The application for the Project relates to required standards in the following manner:

- a. The Planned Development must be in accordance with the comprehensive plans of the City, including all plans for redevelopment and renewal

The PDU is in accordance with the New Haven Vision 2025 effective December 1, 2015 (the "Comprehensive Plan"). The East Rock and Cedar Hill section of the Housing and Neighborhood Planning portion of the Comprehensive Plan referred in part to the "promotion of residential and mixed use developments at relatively higher densities at appropriate locations". This proposal would result in residential at a density in excess over that normally permitted by about 1/3<sup>rd</sup>. It should be noted, however, that current regulations aside, the proposed density of this site is not particularly higher than that of the surrounding area. The Commission also notes that while the proposal does not in fact have a mixed use component in this particular case it is preferable that the site is entirely residential given not only the local nature of the Foster Street but also the idea that it can serve to enhance the economic viability of existing small retail and service establishments already in the neighborhood.

- b. The Planned Development Must be Composed of Such Uses and in Such Proportions as are Appropriate and Necessary for the Integrated Functioning of the Planned Development and for the City

The proposed PDU is composed exclusively of residential uses and ancillary space for tenant amenities. These uses are appropriate and necessary for the integrated functioning of the PDU as well. As discussed above, the residence-only focus of the PDU is appropriate for the particular parcels comprising the property. The combined area of the three parcels is a little over one acre, which is well above the half acre minimum lot area required for a completely residential PDU.

- c. The Planned Development Must be so Designed in its Space Allocation, Orientation, Texture, Materials, Landscaping and Other Features as to Produce an Environment of Stable and Desirable Character, Complementing the Design of the Surrounding Neighborhood, and Showing Such Unusual Merit as to Reflect Credit Upon the Developer and Upon the City

The PDU is designed to produce a residential development of desirable character which would allow rehabilitation and new construction of a structure that will continue to substantially evoke ((if only in terms of mass) the traditional and historic arrangement of medium high density housing surrounding industrial structures. In addition the applicant proposes attached townhouses that also relate to neighborhood building typology. The result is, in the Commission's view, a largely successful attempt to provide a significant measure of structural and design diversity within this one block area that rather counterintuitively results in an effect of integration and harmony organically created over a period of time rather than as a single project approved and constructed at the same time. This time/sequence related illusion also reinforces a sense of reduced scale not possible with a project with a more unified design plan. Finally, the Commission recognizes the importance of the idea that, as noted above, the existing structure will, except in terms of mass and form, make little reference to its industrial past.

- d. So arranged as to provide a minimum of 250 square feet of usable open space per dwelling unit on the tract, except 125 square feet in the case of elderly housing units, subject to the specific minimum standards enumerated in Section 15(a)(1)g. of this ordinance

The proposed development would have 30 residential dwelling units. At 250 square feet of usable open space per dwelling unit, regulations require a total of 7,500 square feet of usable open space. As the development will include not less than 10,000 square feet of usable open space, it will be in compliance with this standard

- e. Size of the Tract

For a residential only Planned Development Unit the tract must be between ½ and two acres. Section 65(b)(1). In this instance, the Tract is 1.04 acres and thus satisfies this criterion for a PDU.

### PDU FINDINGS AND RECOMMENDATIONS

The above findings indicate that the proposed application represents a solid example of how urban residential space can be developed in such a manner as to not merely incorporate structural elements of the past present and future in a development proposal but to do so in a way that creates a space that is respectful of neighborhood scale and character. The manner in which the project is not only respectful of existing structures but which goes to considerable effort to maintain a public view of the structures should also be noted. Its open space circulation and parking plans minimize the visual impact of the automobile on the property; the presence of only two curb cuts maintains a considerable amount of on-street parking. It is upon this basis that the Commission recommends approval of the Planned Development District with the following condition:

1. **Work on existing structure (including new additions) shall be substantially complete (ie, issuance of a certificate of occupancy) before construction of new townhouses commences.**

### COASTAL SITE PLAN REVIEW

The Board's Coastal Site Plan Review, in accordance with Section 55.C of the New Haven Zoning Ordinance shall consider the characteristics of the site, including location and condition of any coastal resources; shall consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities; follow the goals and policies of the Connecticut Coastal Management Act, as amended, and identify conflicts between the proposed use and any goal or policy of the Act.

Applications for development on waterfront parcels shall additionally consider protection of the shoreline where there is erosion or the development is likely to cause erosion; degree of water dependency; preservation of significant natural vistas and points or avenues of views of the waterfront; provision of meaningful public access; and insurance of outstanding quality of design and construction to produce an environment that enhances its waterfront location.

#### Characteristics and Condition of Coastal Resources at or Adjacent to the site:

**Coastal Flood Hazard Area (Flood Zone):** The property is within Flood Zone X Areas determined to be outside of the 0.2% annual chance (100-year) floodplain. Map# 09009C0429J (July 8, 2013).

**Nearshore Waters:** The site is approximately 450ft to the southwest of the West River.

**Shorelands:** the site is within the coastal boundary on a previously developed non-waterfront or waterfront-adjacent site consisting of paved parking lot and grassy areas.

Coastal Program Criteria	Comments
1. Potential adverse impacts on coastal resources and mitigation of such impacts	None
2. Potential beneficial impacts	The project includes the construction of a stormwater management system that is designed to capture all run-off through the 100-year storm event. As a result, more stormwater runoff will be captured on site and there will be less and higher-quality runoff into the City stormwater system and the Mill River.

3. Identify any conflicts between the proposed activity and any goal or policy in the §22a-92, C.G.S. (CCMA)	None
4. Will the project preclude development of water dependent uses on or adjacent to this site in the future?	Not waterfront
5. Have efforts been made to preserve opportunities for future water-dependent development?	Not waterfront
6. Is public access provided to the adjacent waterbody or watercourse?	Not waterfront
7. Does this project include a shoreline flood and erosion control structure (i.e. breakwater, bulkhead, groin, jetty, revetment, riprap, seawall, placement of barriers to the flow of flood waters or movement of sediment along the shoreline)?	No
8. Does this project include work below the Coastal Jurisdiction Line (i.e. location of topographical elevation of the highest predictable tide from 1983 to 2001)? New Haven CJL elevation is 4.6'.	No

**Sec. 60 Stormwater Management Plan:**

The applicant submitted a Stormwater Management Plan as part of this application. This plan indicates that the proposal will result in .68 acres of impervious surface on a 1.04 acre property. Applicant is proposing an onsite underground detention structure that will direct limited outflows any outflows into the city stormwater system in Foster Street. Stormwater calculations and modeling in conjunction with proposed mitigative measures appear to sufficiently address projected post construction stormwater volumes.

**CAM FINDINGS AND RECOMMENDATIONS**

Taking into consideration all of the above information the Commission finds that the proposed activity as shown on plans and in submitted reports appears to be consistent with the Connecticut Coastal Management Act and incorporates as conditions or modifications all reasonable measures which would mitigate the adverse effects on coastal resources and recommends approval.

**ADOPTED:** June 20, 2018  
Edward Mattison  
Chair

**ATTEST:**   
Michael Piscitelli, AICP  
Deputy Economic Development Administrator

