

## NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

**RE:**           **ZONING ORDINANCE MAP AMENDMENT, Change Zone of Block Bounded by CANNER, FOSTER, NICOLL AND WILLOW STREETS** from IL (Light Industrial) to RM-2 (High-Middle Density Residential) for Lots 1-4, 6, 8, and 10-17 in Block 441 of Assessor's Map #197 (Alderman Elicker for 191 Foster Street, LLC et al).

**REPORT:**    1453-05

**ADVICE:**    Approval

### BACKGROUND

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.

### PUBLIC HEARING

Thomas Talbot, Deputy Director of Zoning, introduced the zone change stating the purpose of the amendment was to allow for future residential use of the property. He pointed out the zone change had to stand on its own and was not dependent upon a particular development project. Fernando Pastor noted his Foster Street Group LLC, had recently purchased the former printing company site with the intent of transforming it into housing with some commercial uses. Alen Juskevics, 277 Willow Street, added neighbors would not support another industrial use coming into the site which could happen by right now. Alderman Elicker, Alderman for the Ward, supported the change because the current condition of the former industrial use had been derelict for some time, 60% of the block was already residential and changing it to RM-2 would bring most of the block into compliance and would bring more security to residents living in the neighborhood. The developer had attended two community management team meetings, and Mr. Elicker said he had heard no negative comments about the proposed change.

Richard Miller questioned whether an industrial use could come into the neighborhood following the zone change. Mr. Talbot said this was a legal question which had to do with whether or not the use had been abandoned.

Mr. Smith then took speakers from the sign up sheet.

Michael Bradford, 9 Canner Street, said he and his wife supported the change. He was happy to see the derelict factory be transformed.

Ann Shear, 204 Foster Street, said she had not heard of the neighborhood meetings but was in favor of the changes. She asked whether commercial uses would be allowed if the zone were changed and what the off street parking requirement would be. Mr. Talbot replied some commercial uses, namely neighborhood convenience uses, could be permitted but by special exception only. All the uses in the district had off street parking requirements as did the residential uses.

Ms. Ford introduced for the record a letter which had been received from Anstress Farwell, Urban Design League, in support of the zone change.

### PLANNING CONSIDERATIONS

Review of this proposed zone change involves analysis on three different levels. The initial set of concerns regarding this proposed change has to do with the nature of the block itself. In this particular case two things are immediately apparent. First of all, nearly half the existing area is already being used for residential purposes. That this remains the case even after at least a half century of a Light Industrial zoning designation attests to the idea it is probably the highest and best use of the property anyway. Secondly the industrial building is currently problematic in that it is not designed for or located in a manner that would allow the Commission to reasonably assume that it could continue to be used for any contemporary light industrial operation. Residential conversion, on the other hand may allow for reuse of at least portions of the building for multifamily residential dwelling units. It may also facilitate a much more physically connective and functionally integrated block (i.e., limited curb cuts, interior pedestrian circulation and common open space).

It should be noted that it is important with an application such as this, where an applicant is proposing to change the zoning designation of properties over which they have no control or authority, to make sure that the proposal have no untoward effect on those properties. In this case the proposed amendment would actually bring at least six properties into compliance with current zoning regulations in terms of use. Owners of smaller lots within the block will no longer face a situation where few uses permitted in the zone can reasonably be located on their properties.

Next, it should be clear that the proposal is in harmony with and provides benefit to both the actual zone in which these properties will be located as well as to the surrounding neighborhood. In this case inspection of both the Zoning Map and the neighborhood itself indicate the merit of the application. Moving the RM-2 boundary one block to the southeast along Canner and Willow may not seem particularly significant to the neighborhood until the following are taken into consideration:

1. Elimination of the industrial use on this block will create a much clearer physical delineation between residential and industrial areas in this neighborhood. Clear industrial/residential use boundaries are generally seen as signs of neighborhood stability, while uncertainty as to possible future re-use of older industrial facilities located in (as the building at 191 Foster Street ) existing residential neighborhoods can lead to hesitation on the part of both potential homebuyers and the development community in general to commit to the neighborhood.
2. The proposed Zoning Map change should, by virtue of the properties involved, contribute in a meaningful way to both an enhanced level of diversity of housing type in the area (represented by the factory) as well as to the preservation of relatively sustainable (in terms of density) multi-family housing.
3. Amending the map as proposed will ensure that levels of traffic, noise, pollution and general activity previously associated with this industrial facility will no longer be a neighborhood issue.
4. Increased residential use within the area should increase not only the need for the type of neighborhood services already found in the vicinity of this proposal but also opportunities for those who provide those services. Also, as need increases, the range of such uses should broaden, enhancing the overall livability of the area.

Finally, there should be some positive relationship between this proposal and the goals and recommendations of the Comprehensive Plan of Development. The Recommendations section of The Housing and Neighborhood Planning chapter of the Plan does call for the City to "Encourage the conversion of vacant and/deteriorated multi-unit structures to appropriate densities for the surrounding area" and although not exactly in line with this recommendation the application does represent the initial step in the conversion of an existing structure to multi-unit residential use.

While there is no specific reference to this type of proposal in the Plan of Development it can be argued that it is in fact largely in harmony with the overall intent of the plan. As a block that contains all of the primary land use elements of the traditional urban blue collar environment it can be seen as a microcosm of that largely self contained and symbiotic work /life/shop environment. Unfortunately, this block, in its present state, is illustrative of the obsolescence of this model. Although in many ways it represents a nearly ideal level of sustainability it no longer reflects economic reality. Conventional industrial uses (even of the lighter

variety) are simply not likely to occupy space in buildings built for very different (and now largely nonexistent) industrial needs. In addition, neighborhood attitudes concerning industrial uses in residential areas are not always as tolerant (or accepting) as in the past.

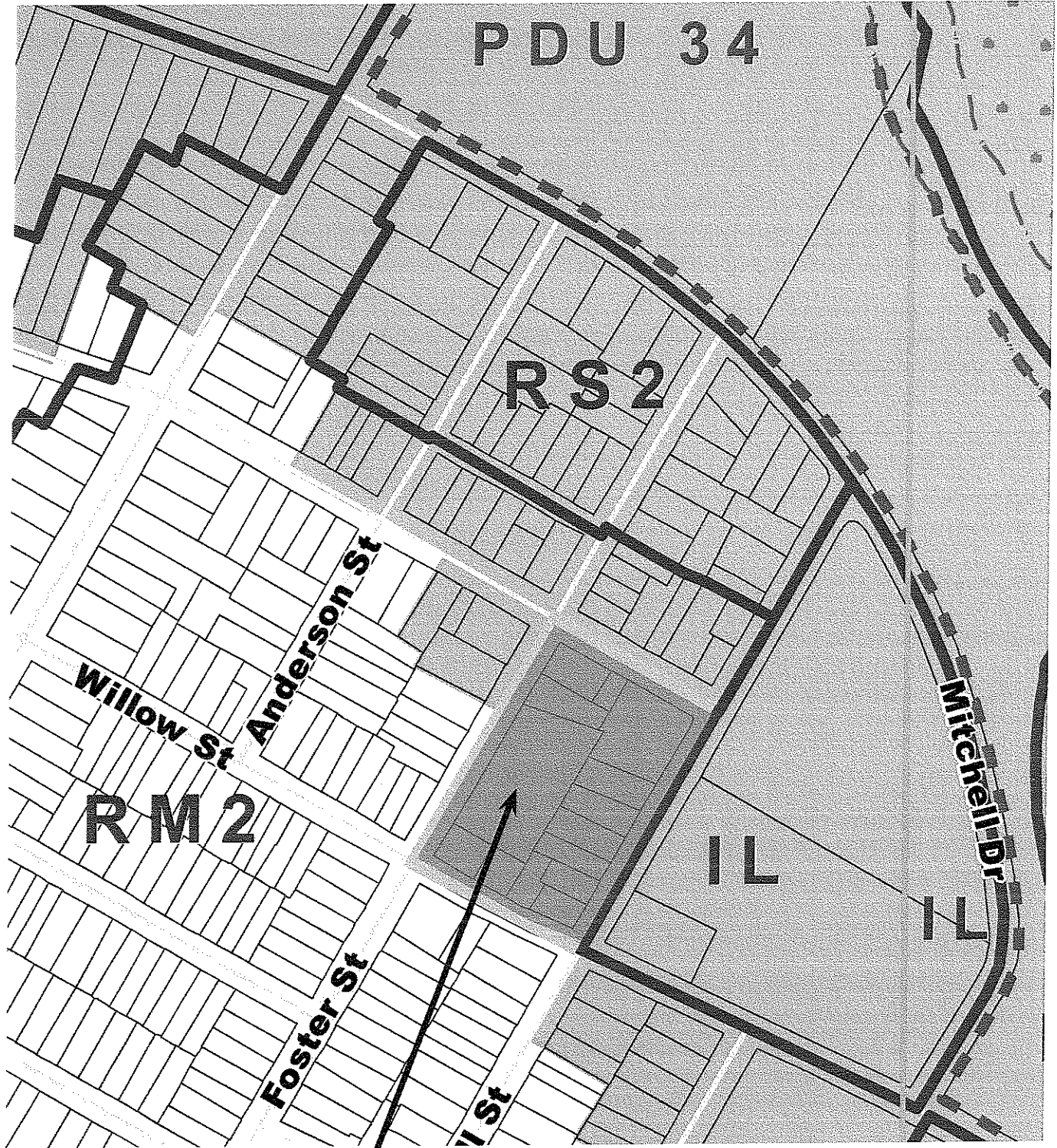
The more contemporary model represented by this proposal makes use of outdated industrial structures located in or adjacent to established residential neighborhoods for residential purposes and using the increase in overall density as a means of not just providing a broader range of residential uses but also as a way of, in a sense, leveraging an increased mixed use component within the neighborhood. As noted above, as the need for neighborhood convenience uses increases, a broader scope of services is likely to result, contributing significantly to the overall quality of life in the neighborhood.

**FINDINGS and ADVICE:**

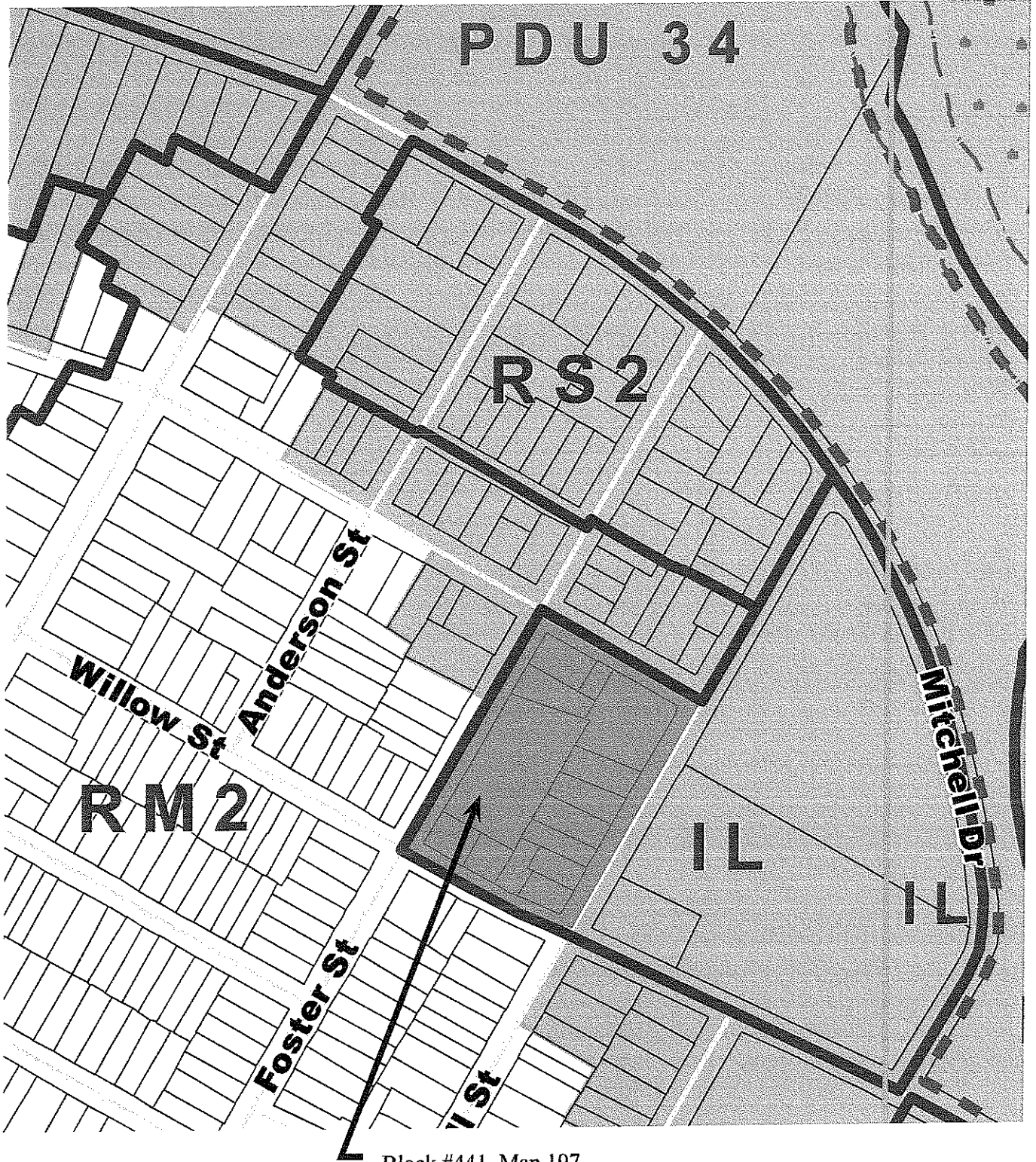
Based on a review information found in the applicant's submission and in this report the Commission finds that the proposed zoning map amendment represents the highest and best use of the properties at issue, is entirely appropriate given the character of the surrounding neighborhood, that it is consistent with the Comprehensive Plan of Development, and that it is a completely appropriate response to economy-driven changes in land use patterns in traditional urban neighborhoods. The Commission further finds the proposed amendment serves a substantial government interest, is in the public interest and promotes the health, safety and general welfare of the community without unreasonable limits on land use and therefore recommends approval.

**ADOPTED:** June 15, 2011  
Roy Smith, Jr.  
Vice Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director



Block #441, Map 197  
Proposed Zoning RM-2  
(High-Middle Density Residential )



Block #441, Map 197  
Currently zoned IL  
(Light Industrial)