

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: **ZONING ORDINANCE TEXT AND MAP AMENDMENT** to modify PDD #49 to include parcels of land known as 88 Munson Street (map 257/block 0356/parcel 02600), 110 Munson Street (map 257/block 0356/parcel 02700) and 116 Munson Street (map 257/block 0356/parcel 02500) (collectively “new Parcel M”), amendment of the general plans for portions of existing Parcel L and Parcel B, dimensional, parking, loading and other deviations from the requirements of PDD #49, the IH zone and the BA zone for new Parcel M and for existing parcels B, C and L, and uses for new Parcel M and additional uses for existing parcels B and C. (Owner/Applicant: Science Park Development Corporation (SPDC), its affiliates and Winchester Holdco LLC, a joint venture of Twining Properties, LLC and LMXD, LLC; Agent: Carolyn W. Kone, Brenner, Saltzman & Wallman LLP)

REPORT: **1626-01**

ADVICE: **Approval with recommendations**

PROJECT: Winchester Works. Science Park Planned Development District #49

Addresses: 88 Munson Street (map 257/block 0356/parcel 02600), 110 Munson Street (map 257/block 0356/parcel 02700) and 116 Munson Street (map 257/block 0356/parcel 02500) As shown in the attached map.

Site Area: ± 45 acres situated in the Dixwell/Newhallville neighborhood comprised of nine parcels along several blocks roughly along Winchester Avenue to the West, Division Street to the North, Prospect and Mansfield Street to the East and a number of parcels south of Munson to Webster Street along the Farmington Canal Greenway.

Site Description:

Existing and Proposed Parcels to be Added

Parcel A 460 Prospect Street is owned by Yale University. Years ago, Parcel A was planned to be a conference center, which was never realized, and, currently, the Parcel is used for open space and community gardens.

Parcel B 300 Mansfield Street, 320 Mansfield Street, 50 Division Street, 375 Winchester Avenue, 395 Winchester Avenue, Winchester Avenue has six lots with three different owners, which are as follows: 1) 300 Mansfield Street and 320 Mansfield Street are owned by the Highville Charter School Inc. and include a former office building converted to a charter school and adjacent parking and recreation areas; 2) The northeastern portion of Parcel B (50 Division Street) is owned by Yale University and includes an office building (Building Two) and a parking lot; 3) The northwestern portion of this property at the corner of Winchester Avenue and Division Street (375 Winchester Avenue) is owned by SPDC and is used as a parking lot for Building 4 on Parcel C; and. 4) Sheffield Avenue Extension on Parcel B will run through properties owned by SPDC and known as 375 Winchester Avenue, 395 Winchester Avenue and Winchester Avenue (Parcel Sp- 1-B-1).

Parcel C 375 Winchester Avenue, 395 Winchester Avenue is owned by SPDC and includes two converted factory buildings; Building 4 (375 Winchester Avenue) and Building 5 (395 Winchester Avenue). These buildings are used for office and lab space for biotech users and for office spaces for non-profits, including the Connecticut Center for Arts & Technology

(“ConnCAT”), the Connecticut Community Arts Revitalization Project (“ConnCORP”) and SPDC’s Literacy and Resource Center.

Parcel D 344 Winchester Avenue In 1994, a new manufacturing facility was constructed by USRAC on Parcel D to replace its facility located on the corner of Winchester Avenue and Munson Street (Parcel L). USRAC used this building until 2006. This building was renovated in 2010 and is used for offices, a data center, a facilities management office, a shop/assembly, and a warehouse for Yale University.

Parcel E (along Division Street) has been developed with housing and is privately owned.

Parcel G 276 Winchester Avenue is owned by Fenix I LLC and includes a chilled water facility and an 1,186-space garage with retail on the ground floor.

Parcel J 150 Munson Street is owned by WE 150 Munson Street and is an office/lab building of over 250,000 square feet.

Parcel K 291 Ashmun Street, 309 Ashmun Street and 176-178 Canal Street was recently acquired by a private developer. On February 16, 2022, the New Haven City Plan Commission granted Site Plan and Detailed Plans approval for a mixed-use building containing 176 apartments, up to 3,000 sf of commercial space on the first floor, parking, and community/amenity space.

Parcel L 275 Winchester Avenue, 315 Winchester Avenue and 270 Mansfield Street The southwestern portion of 275 Winchester Avenue, known as the Western Courtyard, has been redeveloped with a 134,000 square foot office/laboratory building (115 Munson Street), currently known as Winchester Works. The building is comprised of two of the former Winchester factory buildings and a connecting glass atrium. 115 Munson Street is ground leased by an SPDC affiliate to an affiliate of the Developer. To the west of the Winchester Works Building and also located on 275 Winchester Avenue, six of the former Winchester factory buildings have been renovated into 158 loft style apartments known as Winchester Lofts. Winchester Works and Winchester Lofts, which make up 53% of buildings on Parcel L, have been built to the exacting standards required for Historic Tax Credits. To the north of the Winchester Works and Winchester Lofts, property known as 315 Winchester Avenue has been used as a parking lot for Winchester Lofts, Winchester Works and Buildings 4 and 5 (395 and 375 Winchester Avenue on Parcel C).

Proposed
Parcel M

This is an 77,970 sf (1.7899 acre) site that is comprised of three legal parcels located at 88 Munson Street (M/B/P 257-0356-02600 (portion)), 110 Munson Street (M/B/P 257-0356-02700) and 116 Munson Street (M/B/P 257-0356- 02500). Parcel M is bordered on the north by Munson Street.

Legal description of Proposed Parcel M

Beginning at a point marking the intersection of the southerly street Line of Munson street and the northwesterly corner of #116 Munson Street;
Thence running southeasterly along the southerly line of Munson street and the northerly line of #116, #110, and Tract J, in all, South 85° 39'40" East, a distance of 310.18 feet to a point;
Thence running southwesterly along the easterly line of Tract J,
South 03°24'49" Wes, a distance of 159.71 feet to a point;

Thence running in a westerly direction through Tract J a distance of 82 +- feet to a point;
Thence running in a southerly direction through Tract J a distance of 80 +- feet to a point;
Thence running southwesterly along the southerly line of Tract J the following 4 courses;
South 84° 30'09" West, a distance of 200+- feet to a point;
North 21° 07'00" West, a distance of 30.00 feet to a point;
South 88° 22'39" West, a distance of 63.00 feet to a point;
South 85°04'09" West, a distance of 87.00 feet to a point in the Easterly street line of Winchester Avenue;
Thence running northwesterly along the Easterly line of Winchester Avenue and Tract J,
North 18°37'21" West, a distance of 38.00 feet to a point the Southeasterly corner of #235-#237 Winchester Avenue;
Thence running northeasterly along the southerly line of #235-#237 Winchester Avenue, in common with the Westerly line of Tract J, North 88°13'19" East, a distance of 38.00 feet to a point at the Southeasterly corner of #235-#237 Winchester Avenue;
Thence running Northwesterly along the Easterly line of #235-#237 Winchester avenue, in common with the Westerly line of Tract J, North 03°14'21" West,
A distance of 45.00 feet to a point at the northeasterly corner of #235-#237 Winchester Avenue and in the southern line of #241-#245 Winchester Avenue;
Thence running Southeasterly along the Southerly line of #241-#245 Winchester avenue, in common with the Westerly line of tract J, South 88° 38'41" East,
A distance of 10.00 feet to a point at the Southeasterly corner of #241-#245 Winchester avenue and the southwest corner of #116 Munson Street;
Thence running Northeasterly along the Westerly line of #116 Munson Street, the Easterly line of #241-#245 Winchester Avenue and the Easterly Line of #122-#124 Munson Street, in all, the following 3 courses:
North 03°34'27" East a distance of 41.98 feet to a point;
South 88°45'46" East a distance of 0.49 feet to a point;
North 04°19'32" East a distance of 135.07 feet to a point, said point being the point and place of beginning of the herein described Parcel M;

Survey: No survey was provided in the application. The following Parcel and Use Map provides an approximate location of the Parcels. Additional Maps of the General Plans for PDD #49 may be found in the Petition submission in Appendix 6.

Applicant/Owner:

Science Park Development Corporation (SPDC), its affiliates and Winchester Holdco LLC, a joint venture of Twining Properties, LLC and LMXD, LLC

Agent: Carolyn W. Kone, Brenner, Saltzman & Wallman LLP

Architect(s): TBD

Engineer: Fuss and O'Neil Engineering

SUBMISSION

Application for this PDD Submission dated and received November 22, 2022 for the December 5 2022, Board of Alders meeting Legistar File ID: OR-2022-0034.

Zoning Ordinance Text Amendment and Zoning Ordinance Map Amendment, received by the Board of Alders; including: Transmittal Letter from, David Silverstone, Science Park Development Corporation, Alexander Twining, Winhcester Holdco, LLC., LMXD Investor LLC; Petition to Amend Science Park Planned Development District, PDD #49 to add New Parcel M, to amend the general plans for Parcels L and B and for additional permitted uses and dimensional, bulk and parking variances (including Appendix 1 – Table A Showing Proposed Land uses in Planned Development; Appendix 2 - Legal Description of New Parcel M; Appendix 3 – Letter from the Department of Health; Appendix 4 – Traffic Study; Appendix 5 – Table of Deviations from PDD #49 Controls and the Zoning Ordinance; Appendix 6 – General Plans; Appendix 7 – Proposed Ordinance) DATA, and WORKSHEET forms. Revisions received 1/28/23 Redlined Appendix 1, Redlined Appendix 5, Redlined Appendix 7. Application Fee for Zoning Text Amendment: \$1,500.

BACKGROUND/EXISTING CONDITIONS**Introduction and PDD History**

PDD #49 — commonly known as Science Park — is situated on 45 acres generally bounded by Division Street, Mansfield Street, Munson Street, and the Farmington Canal Line in the Newhallville neighborhood. The district comprises most of the former Winchester Repeating Arms Factory and includes numerous multi-story industrial buildings, many of which have been redeveloped or are in process of redevelopment for new multi-tenant mixed use. Since PDD #49 was adopted in 1983 it has been amended on various occasions to change the permitted uses, to increase the number and location of land parcels to be regulated, and to change the zoning specifications pertinent to PDD #49 as a whole. The most recent amendment (1608-08, May 18, 2022) involved three minor modifications impacting Parcels B and L 1) permitting the Developer's affiliate to reopen the historic Sheffield Avenue Extension, a privately constructed street that will be publicly accessible running north to south from Division Street to Munson Street, 2) eliminating the condition requiring the State historic Preservation Office (SHPO and National Park Service (NPS) approval before demolition of buildings at 270 Mansfield Street and 3) eliminating some traffic improvements previously required at 65% buildout on Parcel L. These changes were submitted simultaneously with Plan and Detailed Plans approval to an affiliate of the Developer to construct a mixed-use building on 315 Winchester Avenue which will contain approximately 285 units, 12,000 square feet of retail, a public plaza a 196-space parking lot and two private streets (1608-02, May 18, 2022)

PROPOSED ACTIVITY

The petition seeks changes to the geographic scope of PDD #49 as well as amendments to the use table, parking, dimensional and bulk requirements to enable the following activities.

- **Expansion of PDD #49 to include new Parcel M** - The Petition seeks to add the “Tract J Parking Lot” an approximate two-acre 199 space parking lot located at 88, 110 and 116 Munson Street to PDD #49. If added to the Science Park PDD, this parcel will be known as New Parcel M. The Tract J Parking Lot is located across Munson Street from the Science Park PDD and provides parking for the employees at the Winchester Works building (formerly known as the Higher One building). The Tract J Parking Lot is currently located in the BA (General Business) zone that does not allow lab/biotech use. The Applicants plan to either build on the successes of the lab/biotech offices across the street at Winchester Works (115 Munson Street), in Science Park’s Buildings 4 and 5 and in the City; by developing a lab/office building on New Parcel M or construct a mixed-use residential building on Parcel M, depending on the market demand.
- **Amend General Plans for Parcel L to permit the demolition of the dilapidated structures of the eastern side of Parcel L, the “Eastern Courtyard” and permit construction of a new building;** The approved General Plans for the Eastern Courtyard contemplated the rehabilitation of the former Winchester Factory buildings on this site, However, when environmental studies were done of the six concrete buildings that were to be renovated, it was discovered that oil from the Winchester manufacturing processes had seeped into the floors, walls and columns of the buildings. The Connecticut Department of Health determined that the oil, which included a highly toxic compound, would pose an unacceptable risk to any future occupants of the buildings. A letter and images from the Department of Health is attached in the Petition in Appendix 3, page 57. The remaining three buildings in the Eastern Courtyard which do not contain this toxic oil are structurally unsound. Accordingly, this Petition contemplates the demolition of the Eastern Courtyard buildings. In their place, the Applicants intend to construct a mixed-use building over a parking structure. The residential component of the building, as will any residential building in PDD #49, set aside 20% of the apartments for families whose income is at 50% AMI, provided that Low Income Tax Credits are available for these units.
- **Amend the General Plans for Parcel B to permit replacement of the parking lot at the corner of Division Street and Winchester Avenue** with a new building. Currently there is a parking lot at this location. This building may be a mixed-use residential and retail building or an office lab above a parking deck.
- **Amend the Dimensional, Bulk, and Parking Deviations for Parcels B, C, L & M** to reduce the need for surface parking lots and loading spaces. Currently these requirements for Parcel L are dictated by the underlying zone, IH Heavy Industrial, and new Parcel M is currently zoned BA, General Business.
- **Addition of Uses to the Use Table for PDD #49 to set forth uses for New Parcel M and permit residential and retail uses on Parcels B and C.** Proposed amendments to the Use Table are provided in Petition in Redlined Amended Appendix 1, attached. When Parcel L was added in 2010 economic conditions and anticipated future uses could not be fully envisioned on all of these Parcels. The amendments add residential and retail uses on Parcels B, C & M.

PARKING, LOADING AND TRAFFIC

A Traffic Assessment, conducted by Fuss & O’Neill, has been submitted as part of the overall application and is under review by the Department of Transportation, Traffic and Parking. The Traffic Study is included in the Petition in Appendix 6, page 69. The Transportation, Traffic, and Parking Department reviewed the Traffic Study and had no outstanding questions or concerns.

PROPOSED USES – DEVIATIONS FROM UNDERLYING ZONING REQUIREMENTS

Proposed deviations from controls and IH/BA zoning requirements for Parcels B,C, L, & M are provided in Petition in Redlined Revised Appendix 5 Revised Table of Deviations from the PDD #49 controls, the IH zone requirements, and the BA requirements (with respect to Parcel M) being requested for Parcels B, C, L, and M, as applicable, page 322, and attached. Note that PDD #49 provides that where zoning

requirements are not modified by PDD #49, with the exception of provisions relating to use of property, all other requirements of the IH, and the IL Districts, with respect to Parcels J and K, will apply. With respect to Parcel M, if a deviation from the requirements of the BA district is not set forth in Appendix 5, the requirements of the BA district, other than use, shall apply.

PUBLIC HEARING

A Public Hearing was held by the City Plan Commission on February 1, 2023. A transcript of the hearing, meeting #1626, will be available from the City Plan Department.

One item of written testimony was submitted into the record prior to the meeting, expressing concerns with the proposal.

Seven members of the public gave testimony during the meeting.

Topics raised in public testimony included:

- Support for the proposed amendments
- Support for redeveloping the area and dilapidated buildings
- Creation of new jobs and economic growth
- Support for mixed-use development
- Making the area a destination instead of a “pass-through” area
- Questions about the allocation of funds for historic preservation and concerns about the quantity and destination of committed funds
- Concerns about gentrification of the area
- Concerns about economic benefits not coming to residents of Dixwell and Newhallville
- Concerns about negative long-term impacts on the surrounding neighborhoods
- Support for the commitment to hire local contractors
- What community notification had been conducted
- Whether a traffic study had been submitted
- Affordability component and whether these units will go to the local community
- Green space and sustainability considerations
- Historic facades
- Zoning “slivers” created by the new Parcel M
- Potential for a lab building adjacent to small scale residential based on proposed uses for Parcel M
- Importance of careful selection of retail establishments
- Concerns about the methodology of the traffic study

PLANNING CONSIDERATIONS

The City of New Haven’s Vision 2025 Comprehensive plan emphasizes the need for reinvestment in the Newhallville and Dixwell neighborhoods, with particular emphasis on “better integration of Science Park with the adjacent residential neighborhoods,” and “the development of dramatically new neighborhood forms.” The original CPC Report 877-12 (yr.1981) reasons the approval of the Planned Development District #49 application and general plans with the following objectives.

- “The Commission believes it is important to move into an implementation phase to ensure redevelopment of this area in a manner which will generate a high level of economic and employment activity on this site.”
- “It is anticipated that the improvements will look both to complementing development of the Science Park, and to exploiting improvements carried out as a part of the Science Park as a basis for neighborhood betterment.”

Changes in social and economic conditions as well as ongoing input from residents over the 41 years since this PDD was created have necessitated shifts in proposed land uses on these parcels. Staff reviewed proposed amendments and worked with the Applicant to ensure they remain consistent with the current community vision for the area. This included ensuring the proposed new Parcel M and future uses consider potential impacts on the adjacent residences at 115 Munson Street. (particularly the rear yard). Staff also raised concerns about the proposed elimination of the special permit requirement for parking structures over 200 spaces, elimination of some loading areas, and proposed FAR that was not aligned with the FAR in the underlying zone. The Applicant amended the proposed Table of Deviations and Uses to address these concerns.

NEW HAVEN COMPREHENSIVE PLAN: SUBMISSION MEETS REQUIREMENTS

New Haven Vision 2025, Section IV: Housing & Neighborhood Planning Goals addressed by this project include:

Promoting the revitalization of residential areas clustered around significant public spaces, including Trowbridge Square (potential local historic district), Jocelyn Square, Criscuolo Park, and job centers, including **Science Park**, SCSU, River Street, and Mill River.

Encouraging the development of dramatically new neighborhood forms as part of revitalization programs at select locations, including Farnam Courts, Belle Dock, **Science Park**, Long Wharf, Mill River, and Church Street South.

Strategic and targeted planning efforts are recommended within **Dixwell and Newhallville** neighborhoods such as: **consolidation of vacant and underutilized sites, sliver lots, and/or non-conforming lots to create sizable opportunity sites for development**; improving existing traffic and street network around these sites; and promoting development through partnerships with local non-profits and other city agencies.

Planning that promotes **better integration of Science Park with the adjacent residential neighborhoods** is encouraged. Vacant former convenience stores may be amortized to promote residential development on these sites.

Partnering with regional planning agency to promote housing policies aimed at fair, equitable, and decentralized distribution of government-assisted **affordable housing within the region**.

NEW HAVEN ZONING ORDINANCE: SUBMISSION MEETS REQUIREMENTS

Where the proposed modifications to an existing PDD concern more than the bulk and placement of structures and the size and shape of lots, the applicant is required to submit the Application and General Plans to the Board of Aldermen who will act upon the application as a proposed amendment to the zoning ordinance in accordance with Section 65(d)(2) of the New Haven Zoning Ordinance:

- (2) In any other case, the Application and General Plans shall be filed with the Board of Aldermen and acted upon as a proposed amendment to this ordinance. If such application and General Plans are approved by the Board of Alders, following a favorable recommendation by the City Plan Commission and after an advisory report from the Department of Traffic and Parking regarding the traffic impact study, upon specific findings that each of the objectives stated in subsection 65(a) above will be met, such approval shall be construed to amend this ordinance insofar (and only insofar) as specific deletions, additions and changes are made which are related to the land and

structures in the tract, and the tract shall be designated as a separate Planned Development District provided that the requirements of subsection 65(e) below are met.

CRITERIA FOR A PDD:

- (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:

STANDARDS

- (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. See Appendix #6 Drawing #5 in the submission.

CHARTER OF THE CITY OF NEW HAVEN: SUBMISSION MEETS REQUIREMENTS

CRITERIA FOR ZONING AMENDMENTS:

ARTICLE XIII. HISTORIC AND SPECIAL ACT PROVISION OF THE CHARTER

SEC. 2 PLANNING AND ZONING:

- (B.) *Zoning authority of Board of Alders.* The Board of Alders is authorized, by Ordinance, to regulate the height and bulk of structures to be erected and to limit the use of lot areas; the minimum areas or dimensions of rear, side and front yards or outer and inner courts and other open spaces within and surrounding any structure; the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes; to classify, regulate and restrict the location of trades and industries and the location of structures designed for special uses; to divide the City of New Haven into districts of such number, shape and areas as may be best suited to carry out the provisions of this act.

STANDARDS

- (i) uniform for each class of buildings or structures;
- (ii) made in accordance with the comprehensive plan;
- (iii) designed to lessen congestion in the streets, secure safety from fire, panic and other dangers, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate the adequate provisions for transportation, water, sewerage, parks and other public requirements; and
- (iv) made with reasonable consideration as to the character of the proposed District and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

- (C.) *Zoning regulations to conform to comprehensive plan; purposes; factors considered.* Such regulations shall be made:

STANDARDS

- (i) in accordance with a comprehensive plan and shall be designed to lessen congestion in streets;
- (ii) to secure safety from fire, panic and other dangers;
- (iii) to promote health and the general welfare;
- (iv) to provide adequate light and air;
- (v) to prevent the overcrowding of land;
- (vi) to avoid undue concentration of population;
- (vii) to facilitate the adequate provisions for transportation, water, sewerage, schools, parks and other public requirements
- (viii) with reasonable consideration, as to the character of the district and its peculiar suitability for particular uses and;
- (ix) with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality

CONNECTICUT GENERAL STATUTES: SUBMISSION MEETS REQUIREMENTS**STATE CRITERIA FOR FLOATING ZONES:**

CHAPTER 24. ZONING

SEC. 8-2M FLOATING AND OVERLAY ZONES AND FLEXIBLE ZONING DISTRICTS:

The zoning authority of any municipality that (1) was incorporated in 1784, (2) has a mayor and board of alderman form of government, and (3) exercises zoning power pursuant to a special act, may provide for floating and overlay zones and flexible zoning districts, including, but not limited to, planned development districts, planned development units, special design districts and planned area developments. The regulations shall establish standards for such zones and districts. Flexible zoning districts established under such regulations:

- (i) shall be designed for the betterment of the municipality and the floating and overlay zones and neighborhood in which they are located;
- (ii) shall not establish a residential zone that is less restrictive with respect to uses than the “underlying zone” of the flexible zoning district;
- (iii) shall not authorize a use or expansion of a pre-existing, nonconforming use where the underlying zone is a residential zone

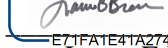
RECOMMENDATIONS

The City Plan Commission recommends that the Board of Alders approve the PDD Text and Map Amendment, with the additional recommendation that that the BOA carefully consider the issue of a biomedical research facility being situated as close to housing as it could be on Parcel M.

FINDINGS AND ADVICE

Based on the information above, it is the recommendation of the Commission that the zoning ordinance text and map amendment is in compliance with the standards and requirements of Article XIII Sec. 2 of the Charter of the City of New Haven, Sec. 65 of the New Haven Zoning Ordinance, and Chapter 24 Sec 8-2m of the Connecticut General Statutes and should be approved.

ADOPTED: February 1, 2023
Leslie Radcliffe
Chair

ATTEST:  February 7, 2023 | 9:34 AM ES
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Laura E Brown
Executive Director, City Plan Department