

ATTACHMENT A

**CITY OF NEW HAVEN
BOARD OF ALDERS**

In re Petition of Lost in New Haven, Inc. for a Text Amendment to Section 42, Table 3. Use Table, Paragraph V of the New Haven Zoning Ordinance to Permit Cultural Activities Not Carried on as a Gainful Business, including Art Galleries, Libraries, and Museums, To Be Designated As-of-Right in the Light Industrial (IL) District.

PETITION FOR A TEXT AMENDMENT TO SECTION 42, TABLE 3. USE TABLE, PARAGRAPH V OF THE NEW HAVEN ZONING ORDINANCE TO PERMIT CULTURAL ACTIVITIES NOT CARRIED ON AS A GAINFUL BUSINESS, INCLUDING ART GALERIES, LIBRARIES, AND MUSEUMS, TO BE DESIGNATED AS-OF-RIGHT IN THE LIGHT INDUSTRIAL (IL) DISTRICT

Pursuant to 1925 Special Act No. 490, § 5, Article IV, §§ 3, 4 and 5, Article XIII § 2 of the Charter of the City of New Haven, and § 64(d)(1) of the Zoning Ordinance of the City of New Haven (the "Zoning Ordinance"), Petitioner, Lost in New Haven, Inc. ("Petitioner"), hereby petitions the Board of Alders of the City of New Haven to amend the New Haven Zoning Ordinance, Article V, Section 42 to change the designation of "Cultural activities not carried on as a gainful business, including art galleries, libraries and museums" ("Cultural uses") in the Light Industrial (IL) Zone under Table 3 Use Table from "X – Not Permitted" to "R – As-of-Right" as set forth in Schedule A attached hereto.

In support of this Petition, Petitioner represents as follows:

1. Lost in New Haven, Inc. ("Lost in New Haven" or "Petitioner") is a 501(c)(3) corporation that owns a parcel of land located at 80 Hamilton Street (the "80

Hamilton Street Property”). Petitioner operates the Lost in New Haven Museum (“Lost in New Haven” or the “Museum”) at the 80 Hamilton Street Property.

2. The Museum houses a collection of over 20,000 objects, maps, photographs and other memorabilia that document New Haven’s 400 year plus industrial, cultural and artistic history. The Lost in New Haven Museum is open to the public for visitation and tours and partners with schools and community organizations to host educational programs and musical cultural events.

3. The 80 Hamilton Street Property is located in the Light Industrial (IL) zoning district. Museum use is not permitted in the IL zoning district. In 2021, the New Haven Board of Zoning Appeals granted a use variance to permit Petitioner to operate the Lost in New Haven Museum at the 80 Hamilton Street Property in a vacant building that had formerly housed an industrial use. In granting the use variance, the Board of Zoning Appeals noted that the building was “perfect for what [was] proposed” because it had high ceilings, strong concrete floors, was of sufficient size, and had a loading dock.

4. The Petitioner wishes to expand the Museum to house additional objects, provide for administrative spaces (offices and a conference room) and storage space for its collections, and create a library, a classroom, additional exhibit space, and a gallery for temporary exhibitions, including space for local artists to show their work. The Petitioner would like to expand the Museum to the second floor of the 80 Hamilton Street Property and to an adjacent property at 60 Hamilton Street (the “60 Hamilton Street Property”) that is also located in the IL District.

5. Petitioner is seeking this amendment of the text of the Zoning Ordinance in order to permit the expansion of the Museum described above. Permitting museum use in the IL District as-of-right will create certainty for Petitioner, its donors and its funders.

6. The text amendment that the Petitioner is seeking furthers the goals and strategies of Vision 2034, the City's Comprehensive Plan of Development (the "Plan" or "Vision 2034") as follows:

a. Section 2.8 (Arts and Culture) of the *New Haven Today* Chapter of the Plan states that "New Haven has a dynamic and diverse arts and cultural scene that is integral to the city's identity and economic vitality. . . . Contributing to New Haven's culture are ... museums and galleries... libraries...." Approving the requested text amendment and consequently the expansion of the Museum and the ability of other museums, galleries and libraries to locate in the IL District supports the City's dynamic and diverse cultural scene.

b. Additionally, the requested text amendment furthers Goal 1 of The *Arts & Cultural Identity* Chapter of Vision 2034, which is to "increase support for and promotion of arts and culture in New Haven." Vision 2034 writes, "Strong arts and culture initiatives improve quality of life, contribute to mental well-being, and create opportunities for education and workforce development." Allowing cultural institutions in an additional zoning district, i.e. the IL District, increases the promotion of arts and culture in New Haven and furthers these goals..

c. The text amendment that the Petitioner is requesting additionally furthers Goal 2 of the *Arts & Cultural Identity* Chapter of Vision 2034, which is to "[e]xpand access to education, training and employment opportunities in arts and culture." Strategy 2.3 proposes to [b]uild and support partnerships with local institutions and performance venues as a means of connecting New Haven's residents with the City's cultural resources." Allowing cultural activities in an additional zoning district, the IL district, allows more opportunities for New

Haven's residents to connect with such institutions.

d. Goal 3 of the *Arts & Cultural Identity* Chapter of Vision 2034 is to “[s]upport the development of accessible and affordable space for arts and culture across the City.” Vision 2034 writes that “few [arts and cultural] spaces exist in New Haven’s neighborhoods” outside of Downtown and that “[p]roviding space that is available to a wider audience is important to improving access to opportunities in the arts and to improving equity in arts and culture.” Allowing cultural institutions in the IL zone where rents and acquisition costs will be less than in Downtown expands the availability of suitable places for museums, libraries and art galleries and creates more opportunities for City residents to have access to cultural activities.

e. Strategy 3.2, which is intended to implement Goal 3 of the *Arts & Cultural Identity* Chapter of Vision 2034, states “Repurpose vacant and underutilized space for community use.” This strategy notes that “[t]here is vacant and underutilized space located across the City that could be used or converted for use for local artists. This includes vacant and underutilized office and industrial space, institutional space and retail space.” The *Economic Opportunity for All* Chapter of Vision 2034, Section 3.4 similarly recognizes the need to support the reuse of former industrial sites. Amending the Ordinance to permit Cultural uses as-of-right in Light Industrial Districts furthers this strategy, because it permits underutilized industrial spaces in the IL District, such as the 80 Hamilton Street Property and the 60 Hamilton Street Property, which are not suitable for modern manufacturing or warehousing, to be used for cultural uses.

f. Allowing museum use in the IL zone, particularly permitting the Lost in

New Haven Museum to be an as-of-right use in the IL District, directly furthers Strategy 5.5 of *the Arts & Cultural Identity* Chapter of Vision 2034, which is to “[d]ocument and tell New Haven’s story from diverse and multicultural perspectives.” The mission of Lost in New Haven is to accomplish this exact strategy, which the text amendment will allow it to expand.

g. Additionally, Vision 2034 recognizes the critical role that zoning plays in accomplishing its goals and furthering its strategies. See Strategy 3.3 which implements Goal 3 of the *Economic Opportunity for All* Chapter of Vision 2034 and which states that the City’s strategy is to “[u]pdate the New Haven Zoning Ordinance to ensure that locations are available for emerging industries and business types that mitigate adverse impacts and support neighborhood development” and Strategy 4.4 which implements Goal 4 of this Chapter which is to “Review and update the New Haven Zoning Ordinance and policies to better support neighborhood commercial development”. Adopting the text amendment requested in this Petition is consistent with these zoning strategies.

7. Permitting museum use in the IL Zone is also in harmony with the Comprehensive Plan (the Zoning Ordinance) as found by the Board of Zoning Appeals. In its 2021 Decision granting a use variance to permit the Museum to operate at the 80 Hamilton Street Property, the Board of Zoning Appeals stated that the Lost in New Haven Museum use was in harmony with the Zoning Ordinance because there are other institutional, nonindustrial uses in the IL zone, such as vocational training, music and dancing schools, and various recreational uses, such as restaurants and amusement centers. In addition, stores selling or renting antiques and secondhand goods, and health clubs/gyms

are all permitted as-of-right in the IL District, notwithstanding the fact that they are nonindustrial uses. Permitting Cultural uses as-of-right, similar to these other uses, is therefore consistent with the zoning scheme for the IL Zone.

8. In addition, as shown on Schedule A, Cultural activities are permitted as-of-right (or in the case of the Marine Business (BC) District by Special Permit) in all of the business zones except for the Business E (Wholesale and Distribution) zone and in all of the Residence Zones except for the RS-1 District. Permitting Cultural activities in the IL District, which allows many of the same nonindustrial uses that are permitted in the business districts, is therefore in accordance with the overall Zoning Ordinance scheme.

9. This request for an ordinance text amendment complies with the requirements for a zoning amendment under § 64(d)(2) of the Zoning Ordinance. The text amendment is needed because changes have taken place in the City, which are that many of the City's industrial buildings are no longer appropriate for modern manufacturing and warehouse uses, are vacant and are suitable for repurposing for museums and other cultural uses. Additionally, as stated above, there is currently a recognized need for museums and cultural/artistic uses in neighborhoods outside of the Downtown area.

10. Additionally, in compliance with § 64(d)(2) of the Zoning Ordinance, no other alternative method or procedure under the Zoning Ordinance is more appropriate. This text amendment will allow appropriate and reasonably priced space to be made available for cultural activities, will encourage the repurposing of vacant industrial buildings and should stimulate the location of cultural activities in neighborhoods outside of Downtown.

11. As stated extensively above, the text amendment being sought in this Petition furthers the purposes of the City's Comprehensive Plan of Development, Vision 2034, as required by § 64(d)(2) of the Zoning Ordinance and Article XIII, §2C of the City Charter.

12. As also required by Article XIII § 2C of the City of New Haven Charter, this Text Amendment is designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for transportation and other public requirements, reflect the character of the applicable zoning district and its peculiar suitability for the uses to be allowed in such district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

13. As additionally required by Article XIII § 2B of the City of New Haven Charter, the proposed Text Amendment is uniform for each class of buildings or structures throughout the IL District.

WHEREFORE, Petitioner requests that the Board of Alders amend the Zoning Ordinance in the manner set forth in Schedule A.

Respectfully submitted

Petitioner,
Lost in New Haven, Inc.

Cynthia Bannon:
Managing Director: