

## NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

**RE:**           **267 ORANGE STREET.** Special Permit to allow for first floor residential use in combination with existing upper story residential use in an existing BD Zone.  
(Owner/Applicant: 267 Orange, LLC.; Agent: Benjamin Trachten, Trachten Law Firm, LLC.)

**REPORT:**    **1583-02**

**ACTION:**    **Approval with Conditions**

**Submission: SPECIAL PERMIT Application Packet including DATA and SPECIAL PERMIT forms. NARRATIVE attached. Application fee: \$250. Received March 18, 2021**

- Application drawings. 7 sheets received March 18, 2021.
  - Location Map received March 18, 2021.
  - Existing Floor Plans received March 18, 2021.

### BACKGROUND

Per the City of New Haven zoning regulations Section 64, 267 Orange, LLC has applied for a Special first-floor residential use in combination with existing upper story residential use in an existing BD Zone. The applicant intends to convert the existing 3 unit mixed use property into a 2-family residential apartment structure (one unit at the basement and first floor and the second unit at the second and third floor).

**Current site conditions:** The site is approximately 0.07 acres and is currently occupied by a 3.5-story building. The first floor of the building contains office space and a conference room. The second, third and fourth floors contain three dwelling units (one on each floor). The site is bounded by Orange Street to the north-west, a surface parking lot to the north-east, a surface parking lot in the east-south, and a mixed-use property (265 Orange Street) in the south-west.

**Proposed Activity:** The applicant seeks a special permit to allow for first floor residential use in combination with existing upper-story residential use in an existing BD Zone.

### PUBLIC HEARING

The Public Hearing on this item took place Wednesday April 21, 2021 at 7PM via the Zoom Platform

### SPECIAL PERMIT

Section 64 of the New Haven Zoning Ordinance states:

*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 permits.

Special Permit Criteria	Comments
<p>a. <i>Burden of proof.</i> A special permit shall not be considered an entitlement, and shall be granted by the Commission only after the applicant has demonstrated to the satisfaction of the Commission that all ordinance requirements are met.</p>	
<p>b. <i>Ordinance compliance.</i> The proposed use shall comply with all applicable regulations, including any specific standards for the proposed use as set forth in this ordinance. Any accessory use to a special permit must receive express authorization from the commission.</p>	<p><i>The proposed use is consistent with the uses in the BD zone.</i></p>
<p>c. <i>Comprehensive Plan of Conservation and Development.</i> The Commission shall determine if the proposed special permit's use and improvements comply with the City's development plans.</p>	<p><i>In general, the Future Land Use Map calls for mixed-use development in Downtown. This site is in a "Downtown Commercial Mixed Use" area defined by the Comprehensive Plan of Conservation and Development as follows:</i></p> <p><i>" In areas within Downtown or closer to the edge of Downtown, the Commission encourages high-density, mixed-use environments generally with pedestrian-level retail/restaurant type uses, residential, and predominantly multi-floor office/commercial space." (New Haven Vision 2025, III-16)</i></p> <p><i>The plan eliminates only one dwelling unit and promotes historic preservation and the rehabilitation of a residential property.</i></p>
<p>d. <i>Natural features.</i> Special permits must preserve trees and other natural site features to the greatest extent possible so as to minimize their impact upon surrounding properties and the district, and must not have an adverse impact on significant scenic vistas or on significant wildlife or vegetation habitat.</p>	<p><i>There will be no impact on natural features and no changes in exterior aspects that could impact scenic vistas.</i></p>
<p>e. <i>Hazard protection.</i> The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties as a result of vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare, hazardous material use, storage, transportation or disposal, or similar conditions.</p>	<p><i>None. This is a mixed-use project with no hazardous or noxious use concerns.</i></p>
<p>f. Historic preservation.</p>	<p><i>The building's façade will remain unchanged.</i></p>
<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the</p>	<p><i>No changes are proposed on the exterior of the building. The building's design and architectural compatibility will remain intact.</i></p>


<p>surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access, and circulation, building style and height, bulk scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors.</p>	
<p>h. <i>Property values.</i> The use and site design shall not have a detrimental effect on the property values in the surrounding area.</p>	<p><i>The site is not anticipated to have a detrimental effect on surrounding property values.</i></p>
<p>i. <i>Traffic impact.</i> The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation on, adjacent or nearby the site. The Commission may require a traffic impact study be submitted to it by the applicant for any special permit use of land. The study shall consider traffic patterns and adequacy of proposed off-street parking and loading resulting from the proposed development.</p>	<p><i>The plan will not adversely affect traffic patterns or parking.</i></p>

**CONDITIONS OF APPROVAL:**

The conditions of approval of the Special Permit under §64 of the New Haven Zoning Ordinance for residential units on the first floor are as follows:

1. **Special Permit must be filed on the land records of the City of New Haven before issuance of building permits.**

**ADOPTED:** April 21, 2021  
Leslie Radcliffe  
Chair

**ATTEST:**   
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Aicha Woods  
Executive Director, City Plan Department