

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 129 CHURCH STREET. Special Permit for relocation and reconfiguration of 6 existing antennas and the installation of 3 new remote radio heads. (Owner: 129 Church Street LLC; Applicant: Tim Parks for Verizon Wireless; Agent: Kenneth Baldwin of Robinson & Cole LLP)

REPORT: 1543-08

ACTION: Approval with Conditions

Previous CPC Actions:

- CPC 1305-08: Authorization for awnings over city sidewalk. Approved May 20, 2001.
- CPC 1360-01: Special Permit for rooftop wireless telecommunications facility in a BD-1 zone. Approved December 15, 2004.
- CPC 1438-02: Special Permit for addition to existing rooftop telecommunications facility. Approved March 17, 2010.
- CPC 1456-01: Special Permit for modifications to existing rooftop telecommunications facility in a BD-1 zone. Approved September 21, 2011.
- CPC 1477-05: Special Permit for modification of existing rooftop telecommunications facility in BD-1 zone. Approved April 17, 2013.
- CPC 1490-06: Special Permit for an antenna modification at an existing telecommunications facility. Approved March 19, 2014.
- CPC 1497-02: Special Permit for wireless communication equipment in a BD-1 zone. Approved September 17, 2014.
- CPC 1505-05: Special Permit to replace existing antennas with newer model antennas. Approved May 20, 2015.
- CPC 1525-02: Special Permit for replacement of six antennas with six newer model antennas in the Ninth Square Historic District. Approved December 21, 2016.

Submission: Special Permit Application Packet including SPECIAL PERMIT and DATA forms.

NARRATIVE attached. Application fee: \$150. Received March 5, 2018.

- Authorization letter from property owner. Dated February 20, 2018. Received March 5, 2018.
- Application drawings. 4 sheets received March 5, 2018.
 - DE-1: Roof Plan. Drawing date October 25, 2017. Received March 5, 2018.
 - DE-2: West Elevation. Drawing date October 25, 2017. Received March 5, 2018.
 - DE-3: Antenna Configurations. Drawing date October 25, 2017. Received March 5, 2018.
 - DE-4: Antenna Plan & Mounting Details. Drawing date October 25, 2017. Received March 5, 2018.

BACKGROUND

Per the City of New Haven zoning regulations Sections 49 and 64, Tim Parks for Cellco Partnership d/b/a Verizon Wireless ("Cellco") has applied for a Special Permit to modify the existing rooftop telecommunications facility at 129 Church Street. This facility was originally approved by the City Plan Commission in 2004, CPC Report No. 1360-01, and has been subject of several modification applications over the last several years. Due to the building's location within the Ninth Square National Register Historic District and the fact that it is a contributing building within the District, rooftop telecommunications installations are permitted by Special Permit in accord with Section 49(d)(3). Cellco also has a telecommunications installation on the rooftop of 780 State Street and 89-91 Shelton Avenue.

Current site conditions: The existing facility consists of fifteen (15) panel-type antennas attached to the façade of a mechanical penthouse on the roof of the building. Equipment associated with these antennas is located inside a 12' x 20' shelter, which is also located on the roof of the building.

Proposed Activity: The proposed modifications involve the relocation and reconfiguration of six (6) existing antennas on the penthouse façade and the installation of three (3) new remote radio heads ("RRHs") adjacent to the existing RRHs. The new RRHs and related equipment will be painted to match the building façade. These upgrades are intended to provide downtown New Haven customers with enhanced wireless voice and data services.

PUBLIC HEARING

A public hearing was held on April 18, 2018. A transcript of the hearing, CPC meeting 1543, is available from the City Plan Department.

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
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.	<i>The Special Permit application establishes the applicant's eligibility because all Ordinance requirements are met.</i>
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.	<i>The proposed use is consistent with the uses in the BD-1 zone.</i>
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.	<i>The proposed antennas are not an active use and do not seem to conflict with or inhibit further development of the planned central business district/ residential use of the area.</i>

<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>The site is fully occupied by the building on which the antennas will sit; no natural features are present.</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>No hazardous materials will be stored on-site. No vibrations, fumes, odor, dust, erosion, sedimentation, flooding, fire, noise, glare is expected. Once installed, the antenna will not generate any traffic or storage requirements.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>The antennas will be placed on a building within the Ninth Square Historic District. However, due to the building's height, placement of the equipment in the central area of the rooftop away from the green, and the use of paint to match the building façade, very little visual impact is anticipated from the street. There will be no visible changes from the existing antennas and RRH's on the site.</i></p>
<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the 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><i>Due to the building's height, placement of the equipment in the central area of the rooftop away from the green, and the use of paint to match the building façade, very little visual impact is anticipated from the street. There will be no visible changes from the existing antennas and RRH's on the site.</i></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 antennas are replacing existing antennas or and installed RRH's adjacent to existing RRH's that have been on-site for at least a decade; there should be no impact to property values due to this.</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 antennas will not generate any additional traffic.</i></p>

CONDITIONS OF APPROVAL:

The conditions of approval of the Special Permit under §64 and §49 of the New Haven Zoning Ordinance for regulation of wireless communications are as follows:

1. An original signed copy of this decision/report shall be recorded on the City's Land Records. Proof of such recording (volume and page number) shall be provided to the City Plan Department, prior to issuance of permit for installation.
2. Cellco (or its successor) shall submit to the Zoning Administrator annually during the month of January an affidavit that the facility is in active use as a wireless site and shall certify that such use will continue for the coming calendar year.
3. If this wireless site becomes inactive for six consecutive months in any calendar year or part of any calendar year, the service facility owner shall remove it. This removal shall occur within ninety days of the end of such six-month period. Upon removal, the site shall be restored to its previous appearance.

ADOPTED: April 18, 2018
Leslie Radcliffe
Vice Chair

ATTEST: MPL
Michael Piscitelli, AICP
Deputy Economic Development Administrator