

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 175 HUMPHREY STREET. Special Permit to install antennas within a stealth chimney enclosure on the roof of a retail/residential building in an RM-2 zone. (Owner: 175 Humphrey Street, LLC; Applicant: Sam Simons of T-Mobile Northeast, LLC; Agent: Mark Appleby of Northeast Site Solutions)

REPORT: 1521-05

ACTION: Approval with Conditions (see pg. 3)

Previous CPC Actions:

CPC 1252-05, August 25, 1998: BZA referral for Coastal Site Plan Review, Use Variance, and Special Exceptions to permit 7 front yard parking spaces in 34 space lot where 43 spaces are required to allow eating, drinking, and live entertainment establishment to expand from 90 to 169 seats (add patio, cigar room and two service bars), and to allow a 10' high fence where 8' is allowed, in an RM-2 zone – RECOMMENDED DENIAL OF PARKING REDUCTION

CPC 1258-06, November 4, 1998: BZA referral for CSPR and Variances to expand existing restaurant to 124 seats and permit outdoor rear patio without amplified sound

CPC 1266-06, March 17, 1999: SPR for 1,500 SF addition.

CPC 1447-13, December 15, 2010: SE for 0 addition parking spaces where 4 are required; SE to expand existing restaurant and lot coverage variance in an RM-2 zone

Submission: Submission: Special Permit Application Packet including DATA and SPECIAL PERMIT forms. Application fee: \$150. Received July 21, 2016.

- Authorization letter from property owner. Dated March 17, 2015. Received April 16, 2015.
- Application drawings. 6 sheets received March July 21, 2016.
 - T-1: Title Sheet. Revision date July 15, 2016.
 - GN-1: General Notes. Revision date July 15, 2016.
 - C-1: Plot Plan. Revision date July 15, 2016.
 - A-1: Roof Plan & Equipment Plan. Revision date July 15, 2016.
 - A-2: Elevations. Revision date July 15, 2016.
 - A-3: Equipment Details. Revision date July 15, 2016.

BACKGROUND

Per the City of New Haven zoning regulations Sections 49 and 64, Sam Simons of T-Mobile Northeast, LLC has applied for a Special Permit to install antennas within a stealth chimney enclosure on the roof of a retail/residential building.

Current site conditions: The site is currently nearly fully developed, with buildings and a parking lot. The building in the southeast corner of the site fronts both Humphrey Street and East Street and contains three levels of residential apartments above a ground restaurant.

Proposed Activity: The applicant proposes to add a capacity location within a chimney enclosure on the building's roof in order to help with the data load from surrounding telecommunications facilities.

PUBLIC HEARING

A public hearing was held on August 24, 2016. A transcript of the hearing is stored in City Plan Department files.

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 |
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| <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><i>The Special Permit application establishes the applicant's eligibility because all Ordinance requirements are met.</i></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 RM-2 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>The proposed antenna is not an active use and does seem to conflict with or inhibit further development of the planned medium-density residential use of the area.</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>The only natural features of the site are a street tree in the City's right-of-way and some trees in the northwest corner of the site adjacent to the I-91 embankment. Neither of these trees will be affected by the antenna installation.</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> |

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| <p>f. <i>Historic preservation.</i></p> | <p><i>There are no historic structures on 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>The only visible change to the site will be the addition of a ten-foot tall chimney on the roof, which the antenna will be constructed inside of. The chimney will be painted to match the existing brick color and texture of the building.</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 addition of the chimney and antenna is not expected to have any impact upon 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 antenna will not generate any additional traffic.</i></p> |

ACTION

The Commission notes the proposed antenna will be installed within a chimney on the rooftop, and will not be visible. There are no anticipated impacts to neighboring properties. For these reasons the Commission approves the proposal with the following conditions:

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.

ADOPTED: August 24, 2016
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director