

## NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

**RE:** 4 BROWN STREET. Special Permit for conversion of former auto body shop to use as a music recording studio in a BA zone. (Owner/Applicant: Nick Lloyd for Brown Street New Haven, LLC; Agent: James Rotondo for Godfrey Hoffman Associates, LLC)

**REPORT:** 1526-09

**ACTION:** Approval with Conditions (see pg. 3)

**Note:** Companion CPC Report 1526-04 for the same site.

**Previous CPC Actions:** CPC 1524-13, November 16, 2016: BZA referral for Special Exception to permit 0 on-site parking spaces where 6 spaces are required in a BA zone.

**Submission:** SPECIAL PERMIT form. NARRATIVE attached. Application fee: \$150. Received November 17, 2016.

- Special Exception to permit 0 on-site parking spaces where 6 are required, granted December 14, 2016 and recorded December 20, 2016. Received January 3, 2017.
- Application drawings. 7 sheets received November 17, 2016.
  - C-1.0: Site Plan. Drawing date November 17, 2016.
  - C-2.0: Grading, Utility and Erosion & Sedimentation Control Plan Notes & Details. Drawing date November 17, 2016.
  - C-3.0: Details. Drawing date November 17, 2016.
  - A1.0: Ground Floor Plan. Drawing date October 11, 2016.
  - A1.1: Roof Plan. Drawing date October 11, 2016.
  - A2.0-2.1: Elevations. Drawing date October 11, 2016.

### BACKGROUND

Per the City of New Haven zoning regulations Sections 42(I) and 64, Nick Lloyd of Brown Street New Haven, LLC has applied for a Special Permit and Site Plan Review (CPC Report 1526-04) for a music recording studio in a General Business (BA) zone at 4 Brown Street. The music studio will be constructed inside an existing vacant building that previously served as an auto body shop.

**Current site conditions:** The property at 4 Brown Street is an existing, vacant building that fills its entire lot, creating a zero lot line condition. The building has previously been used as an auto repair shop.

**Proposed Activity:** The applicant proposes to convert the 11,622 SF building for use as a music recording studio. The majority of the work will be interior to the building. The only proposed site work is to construct stormwater and sanitary sewer connections to the existing lines in Brown Street through the neighboring property at 6 Brown Street.

**PUBLIC HEARING:** A public hearing was held on February 15, 2017. A transcript of the hearing, CPC meeting 1526, is available from 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
<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 applicant has received zoning relieve to permit 0 on-site parking spaces where 6 are required. The proposed use meets all other zoning standards.</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 use complies with the Comprehensive Plan, which calls for this area to be general-commercial mixed-use.</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 site is fully occupied by the existing building; 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 fumes, odor, dust, erosion, sedimentation, flooding, fire, or glare is expected. No hazardous materials will be used, stored, transported, or disposed of on this site. The proposed use as music recording studio has the potential to generate vibrations and noise, but the studios will be fully insulated to both prevent noise and vibrations escaping from the building as well as entering the studio. The applicant will be working with Walters-Storyk Design Group, which specializes in the design of acoustically-sensitive spaces. Furthermore, the proposed business hours, from 9AM to 3PM and by appointment, are during the work day and not likely to cause a nuisance to neighbors. The applicant and customers must comply with the City's noise ordinance 1422, Section 18-75 of the Code of Ordinances.</i></p>
<p>f. <i>Historic preservation.</i></p>	<p><i>There are no historic structures on site.</i></p>

<p><b>g. Design and architectural compatibility.</b> 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>No changes are proposed to the exterior of the building.</i></p>
<p><b>h. Property values.</b> 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 currently vacant and previously had been used as an auto body shop. Occupying the building and converting its use to a music studio is not anticipated to have a detrimental effect on surrounding property values.</i></p>
<p><b>i. Traffic impact.</b> 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 proposed use is not expected to generate much traffic. The studio will employ two full-time and three part-time employees. Brown Street generally has excess available on-street parking to accommodate both employees and customers.</i></p>

**CONDITIONS OF APPROVAL:**

The conditions of approval of the Special Permit under §64 and §42(I) of the New Haven Zoning Ordinance for a music recording studio in a BA zone are as follows:

1. Written certification from a licensed professional sound engineer (on letterhead with credentials) attesting to having been to the site and compliance of the proposal with industry standards must be submitted to City Plan Department.
2. Condition #1 must be met prior to commencement of use and filing of Special Permit on City of New Haven Land Records.

**ADOPTED:** January 18, 2017  
Edward Mattison  
Chair

**ATTEST:**   
Karyn M. Gilvarg, AIA  
Executive Director