

NEW HAVEN CITY PLAN COMMISSION SPECIAL PERMIT

RE: 129 CHURCH STREET. Special Permit for replacement of six antennas with six newer model antennas in the Ninth Square Historic District. (Owner: JMJ Services, Inc.; Applicant: Tim Parks for Verizon Wireless; Agent: Agent: Kenneth Baldwin for Robinson & Cole, LLP)

REPORT: 1525-02

ACTION: Approval with Conditions

Submission: Special Permit Application Packet including SPECIAL PERMIT and DATA forms. NARRATIVE attached. Application fee: \$150. Received November 8, 2016.

- Authorization letter from property owner. Dated October 27, 2016. Received November 8, 2016.
- Application drawings. 6 sheets received November 8, 2016.
 - DE-1: Roof Plan – Proposed. Revision date September 22, 2016.
 - DE-2: West Elevation – Proposed. Revision date September 22, 2016.
 - DE-3: Antenna Mounting Configuration – Existing and Antenna Mounting Configuration – Proposed. Revision date September 22, 2016.
 - DE-4: RRH Mounting Details. Revision date September 22, 2016.
 - DE-5: Structural Specifications. Revision date September 22, 2016.
 - DE-6: Paint Notes. Revision date September 22, 2016.

Previous CPC approvals for 129 Church Street: Special Permit for Rooftop facility (Sprint Spectrum PC, CPC 1360-01, 12/15/04); Special Permit for modifications to rooftop facility (Sprint Nextel Corp., CPC 1438-02, 03/17/10); Special Permit for modifications to existing rooftop facility (Cellco Partnership, CPC 1456-01, 09/21/11); Special Permit for modification of existing rooftop telecommunications facility in a BD-1 Zone (Cellco Partnership, CPC 1477-05, 4/17/13); Special Permit for antenna modifications at an existing telecommunications Facility (Cellco Partnership, CPC 1490-06, 3/19/14); Special Permit for Wireless Communications Equipment in a BD-1 Zone (Infinigy, CPC 1497-02, 9/17/14); Special Permit to replace existing antennas with newer model antennas (Verizon Wireless, CPC 1505-05, 5/20/15).

BACKGROUND

Cellco Partnership d/b/a Verizon Wireless seeks a Special Permit to modify its existing rooftop telecommunications facility at 129 Church Street, which is located on the east side of Church Street near Chapel Street. The existing facility consists of fifteen panel-type antennas mounted to the façade of a mechanical penthouse on the roof of the building. Equipment associated with the antennas is located in a 12' x 20' shelter, also located on the roof of the building.

Verizon intends to modify the existing facility by replacing six of its existing antennas with six newer model antennas. The replacement antennas will be installed in the same locations on the penthouse façade as the existing antennas. Cellco also plans to install six new remote radio heads (RRHs) to the façade of the existing chimney. All replacement antennas, RRHs, and related equipment will be painted to match the building façade. These upgrades are to provide downtown New Haven customers with enhanced wireless voice and data services. This facility was originally approved by the City Plan Commission via CPC report 1456-01, and has been the subject of several modification applications since that time.

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.

PUBLIC HEARING

A public hearing was held on December 21, 2016. A transcript of the hearing, CPC meeting 1525, is available from City Plan Department.

PLANNING CONSIDERATIONS

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 proposed use is consistent with the uses in the BD-1 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 not seem to conflict with or inhibit further development of the planned central business district/ 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 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 on the site.</i></p>

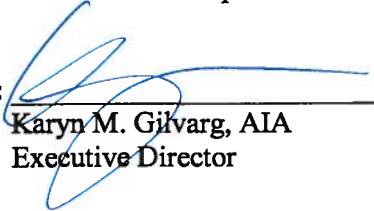
<p>g. <i>Design and architectural compatibility.</i> The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed. Site design and architectural features which contribute to compatibility include, but are 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 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 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>

ACTION

The Commission notes the additional equipment is not mounted on the building façade but on the rooftop and does not interfere with the historic nature of the building façade. Therefore no harm will be done to the character of this contributing structure or the Ninth Square Historic District. For these reasons the Commission approves the proposal with 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.
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: December 21, 2016
Edward Mattison
Chair

ATTEST: 
Karyn M. Gilvarg, AIA
Executive Director