

## NEW HAVEN CITY PLAN COMMISSION ACTION

**RE:** 87 UNION STREET, Special Permit for recording (Artistic Development) Studio in a BA Zone (Owner: Al Gordon; Applicant: Nick Lloyd).  
**REPORT:** 1437-01  
**ACTION:** Approve with Conditions

### BACKGROUND

Mr. Lloyd (dba Firehouse 12 Records) seeks a Special Permit to allow a music studio in a BA zone. Other uses at this address include an office and a painting studio. Other uses on the property include warehouse and electrical supply facilities.

**Section 64(e). Special Permits.** 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 a special permit.

### PLANNING CONSIDERATIONS

The 2,840 square foot music studio is part of a larger space (approximately 8,000 square feet) for Firehouse 12 Records. The business will not have more than two employees and the painting studio is for personal use only. The music will be utilized as a recording and practice performance space. There will be no public performances in the studio.

They are showing ten dedicated parking spaces in the existing parking lot devoted to this use. Given the uses and arrangement of the interior space, required parking spaces would not exceed that number.

The floor plan submitted shows a 2840 square foot studio, about 500 square feet of personal painting and framing space, and about 3500 square feet of office and office related uses. The plan as submitted does not describe the methods by which the studio space will be soundproofed.

**Public Hearing:** Thomas Talbot, Deputy Director, Zoning, introduced the application, noted it was not clear what type of activities would take place within the studio although there were some references on the plan to soundproofing in a portion of the building. He reviewed the standards to be considered for a Special Permit. Architect Adam Hopfner noted his client was well versed in acoustic concerns. The design called for specifications in the walls to meet an STC 55 rating.

Mr. Mattison noted a letter from a licensed sound engineer would be required. Mr. Hopfner said he could provide such, and read into the record a statement of support from the owner of the studio, Nick Lloyd, who was also the chief sound engineer of Firehouse 112 at 112 Crown Street. Mr. Lloyd stated the recording studio provided a level of sound attenuation of STC 55. Mr. Hopfner said they had also consulted with John Stork of Walter Stork Design Group, acoustical engineer, from New York.

Ms. Gilvarg asked if Mr. Lloyd was a licensed professional engineer. Mr. Hopfner believed that he was. Commissioner Elicker suggested the certification should be from a third party. Mr. Talbot said provided Mr. Lloyd was licensed, his certification should be acceptable. Mr. Hopfner said he would provide the appropriate letter for the record. There were no other speakers either in favor or opposed.

### **Special Permit Standards:**

- *Comprehensive Plan of Conservation and Development.* The proposed use and improvements comply with the City's development plans. The proposal is within the scope of the recommendations of the Comprehensive Plan for this zone.
- *Natural features.* Special permits must preserve trees and other natural site features to the greatest extent possible. There are no natural features impacted by this application.
- *Hazard protection.* The proposed use shall not have a detrimental impact upon the use or peaceable enjoyment of abutting or nearby properties. Being a music studio, the noise level at nearby properties

(especially late at night) is of paramount concern. The application form specifically states “Studio to achieve acoustic isolation of STC-55”. In addition, stated hours of operation will be 9am to 5pm weekdays.

- Historic preservation. *Features of historic significance shall not be significantly adversely affected by the granting of any special permit.* There are no historic features on this building.
- Design and architectural compatibility. *The operational and physical characteristics of the special permit shall be compatible with the surrounding area and the neighborhood in which it is proposed.* No changes are proposed to the building.
- Property values. *The use and site design shall not have a detrimental effect on the property values in the surrounding area.* It is reasonable to surmise that if sound levels are negligible outside the building and traffic generation minimal, the value of nearby residential properties would not be negatively impacted.
- Traffic Impact. *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 number of clients per day is minimal therefore it is unlikely that traffic will be impacted.
- Burden of proof. *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.* The regulations require an applicant to demonstrate a proposed use meets or exceeds the minimum standards set forth in the ordinance. The application appears to indicate that the facility will be sufficiently soundproofed. In addition, while the site has no off-street parking, given the specialized nature and small size of the use it is prudent and reasonable to surmise that local. Also, it is reasonable to require a formal written certification of a professional sound engineer attesting to the compliance of this proposed studio with general industry standards prior to the legal commencement of business.

## ACTION

Based on the above considerations it is the determination of the Commission that this application may be approved with the following conditions:

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:** February 17, 2010  
Edward Mattison  
Chair

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