

**NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT**

RE: **410 Ferry Street.** Special Exception to allow for a neighborhood convenience use (bakery/café) within a residential zone. Zone: RM-2. Owner: RBM LLC. Applicant: Esquipulos Bakery LLC. (23-47-S)  
REPORT: **1632-22**  
ADVICE: **Special Exception: Approve**

**PRINCIPAL APPLICABLE REGULATIONS****Section 31 (b):**

Uses provided for. Where provided for in the District Regulations, the supplying of any of the following convenience goods and services, entirely at retail, shall be considered a use which may be permitted by special exception under the conditions of this section 31:

**Section 31 (b)(1):**

Convenience stores, groceries and related goods, including incidental seating for a maximum of six people. No additional parking shall be required for incidental seating.

**Section 31 (b)(2):**

Baked goods, including incidental seating for a maximum of six people.  
No additional parking shall be required for incidental seating.

**Section 63 (d) -** The Board of Zoning Appeals may grant a Special Exception if the proposed use is in accord with the public convenience and welfare, and may attach conditions and safeguards deemed necessary to protect the neighborhood.

**Section 63. (d)(6)**

In the following types of special exception cases, which involve more than conventional questions of use and may have a significant impact on surrounding areas and a substantial relationship to the comprehensive plan of the city, the Board of Zoning Appeals shall, following its hearing, refer the case including all exhibits to the City Plan Commission, which shall submit an advisory report, on such factors as it may deem relevant, to the Board within 30 days after receiving all records and documents in the case. This report of the City Plan Commission shall be taken into account in the decision of the Board.

b. Convenience stores in residence districts: section 31, as provided for in the district regulations.

**BACKGROUND**

The applicant is seeking a special exception to operate as bakery/café within a residential zone known as “Esquipulas Bakery” which will offer hot drinks and baked goods native to Central America. The proposed hours of operation are Monday to Saturday from 6:00am – 7:00pm and Sunday from 6:00am to 5:00pm.

**THE BOARD OF ZONING APPEALS JULY 11, 2023 PUBLIC HEARING**

The applicant presented the application stating that the closest Guatemalan bakery is in Stanford and that this would be a good addition to the neighborhood and city.

No members of the public spoke in favor or in opposition of this application. 1 letter of support was provided.

## **PLANNING CONSIDERATIONS:**

### **Special Exception Considerations:**

- Nature of the Proposed Site: The parcel is located on the corner of Ferry Street and Clay Street with the existing use of the space being residential/commercial. The most recent uses are a convenience store and a notary public office (currently vacant) on the first floor. These types of neighborhood businesses/convenience stores are typically found in residential neighborhood and serve as unique features, establishments, or fixtures within the neighborhood
- Resulting Traffic Patterns: The structure has been utilized as mixed-use with first floor commercial and staff does not anticipate any adverse effects resulting from the establishment of the proposed use. Furthermore, there are no parking requirements for the proposed use and there is ample on-street parking and alternative modes of transportation nearby.
- Nature of the Surrounding Area: The neighborhood consists of residential properties generally ranging from 2-3 family structures with a religious institution located directly across Ferry Street.
- The Comprehensive Plan: The Comprehensive Plan states that we are to “Ensure design compatibility among diverse land uses by encouraging contextual infill developments that keep up with the (preferred) character of the area.” Also that we are to support small businesses as well as continue to promote business retention and attraction.

### **Additional Considerations:**

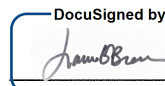
- Such a use is not available in nearby areas which are zoned for business, and that such new use or expansion of an existing use is necessary to serve the immediate neighborhood adequately with convenience goods or services, giving due consideration, among other things, to the character of the neighborhood, the density of development, the shopping habits of neighborhood residents, and the availability of public and private transportation. The clustering of two or more uses of diverse types, rather than scattering of such uses, shall generally be regarded as an advantage, but the existence nearby of a use of the same type as one which is proposed shall require a more extensive showing of necessity for the proposed use. As a general rule, clustering of uses shall not exceed 10,000 square feet of net floor area for all uses in a cluster.
  - The nearest commercial zone (BA-1) is located approximately 500ft away to the south with no commercial uses of the same/similar type located within close proximity. The proposal will provide a much needed service and benefit the character of the neighborhood and the residents within it.
- The net floor area used for sales or other business purposes in any establishment (excluding space used for storage and similar purposes) shall not exceed 1,500 square feet.
  - The space will be less than 1,500 at approximately 816sf.
- In the case of new construction and additions and alterations, the yard requirements and other applicable Building Requirements in the District Regulations shall control.
  - Proposed scope of work will be contained within the existing structure.
- If the City Plan Commission determines that off-street parking is necessary, such parking shall be supplied in the quantity specified by the City Plan Commission, complying with the standards of section 29 of this ordinance.
  - The anticipated clientele will be from residents of the neighborhood which will in all likelihood walk but there is ample on-street parking nearby.
- No business shall be conducted, and no goods, materials or equipment shall be stored, except in a fully enclosed building.
  - All of the above will be conducted within the structure.

- Establishments of the "drive-in" type, offering goods or services directly to customers waiting in parked vehicles, shall not be permitted.  
No drive-in is proposed with this application.
- The exterior presentation and design of storefront(s) shall be submitted as part of the special exception review. The following shall not be allowed on the exterior of a building or grounds: telephones; on-premises or off-premises signs, banners, or temporary advertising materials except those permitted pursuant to section 29(a)(9) [these regulations]; security gates covering window and door openings; and vending machines.  
None of the above is proposed with this application.
- The ground-floor storefront shall consist, at a minimum, 50% non-opaque visible windows.  
The application meets this requirement.
- The establishment shall maintain the property free of trash and debris, shall provide a regular maintenance schedule.  
No maintenance schedule was submitted with the application, however given the size of the space the amount of trash and debris created will be minimal and the owner(s) shall be responsible for property upkeep and maintenance.

**FINDINGS AND RECOMMENDATIONS**

Based on considerations discussed above, the Commission views the Special Exception is essentially in harmony with the general purpose and intent of the ordinance, the City’s Comprehensive Plan and that the public health, safety, and general welfare will be served based on the location of this site and the surrounding infrastructure to support the granting of the special exception. Accordingly, the Commission recommends approval.

**ADOPTED:** July 19, 2023  
Leslie Radcliffe  
Chair

**ATTEST:**  July 28, 2023 | 2:50 PM EDT  
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 Laura E. Brown  
 Executive Director, City Plan Department