

CHECK LIST FOR ALDERMANIC SUBMISSIONS

x	Cover Letter
x	Resolutions/ Orders/ Ordinances
x	Prior Notification Form
x	Fiscal Impact Statement - Should include comprehensive budget
x	Supporting Documentation
x	Disk or E-mailed Cover letter & Order

IN ADDITION IF A GRANT:

	Notice of Intent
	Grant Summary
	Executive Summary (not longer than 5 pages without an explanation)

Date Submitted: February 5, 2026

Meeting Submitted For: February 16, 2026

Regular or Suspension Agenda: Regular
RBU & Kids, LLC

Submitted By: Economic Development Administrator

Title of Legislation:

PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE MAP TO CHANGE THE ZONING DESIGNATION OF 249 LEGION AVENUE FROM BA AND BD-2 TO ENTIRELY BD-2 AND TO INCLUDE IT WITHIN THE DOWNTOWN FOR ALL OVERLAY ZONE

Comments: Legistar File ID:

Coordinator's Signature: _____

Controller's Signature (if grant): _____

Mayor's Office Signature: _____

Call (203) 927-0802 or email aguzhnay@newhavenct.gov with any questions.

PLEASE NOTE CLEARLY IF UC (UNANIMOUS CONSENT) IS REQUESTED

*** SUSPENSION AGENDA ITEMS MUST BE DISCUSSED WITH PRESIDENT OF BOA***

FISCAL IMPACT STATEMENT

DATE: February 5, 2026
 FROM (Dept.): RBU & Kids LLC
 CONTACT: Danielle M. Bercury PHONE 203-772-2600

SUBMISSION ITEM (Title of Legislation):

PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE MAP TO CHANGE THE ZONING DESIGNATION OF 249 LEGION AVENUE FROM BA AND BD2 TO ENTIRELY BD2 AND TO INCLUDE IT WITHIN THE DOWNTOWN FOR ALL OVERLAY ZONE

List Cost: Describe in as much detail as possible both personnel and non-personnel costs; general, capital or special funds; and source of funds currently budgeted for this purpose.

	GENERAL	SPECIAL	BOND	CAPITAL/LINE ITEM/DEPT/ACT/OBJ CODE
A. Personnel	N/A			N/A
1. Initial start up	0		...	
2. One-time	0		...	
3. Annual	N/A		...	
B. Non-personnel	
1. Initial start up	N/A		...	
2. One-time	0		...	
3. Annual	0		...	

List Revenues: Will this item result in any revenues for the City? If Yes, please list amount and type.

NO
 YES

Other Comments: The parcel is in the Strong Market Inclusionary Zoning Overlay Zone. This, combined with being included in the Downtown For All Overlay Zone as entirely within the BD-2 District, would create the opportunity for construction of a Mixed Use and/or affordable housing in the West River neighborhood which would generate building permit fees, increased taxes and jobs.

PRIOR NOTIFICATION FORM

NOTICE OF MATTER TO BE SUBMITTED TO THE BOARD OF ALDERMEN

TO (list applicable alder): Hon. Angel Hubbard

DATE: February 5, 2026

FROM: Department/Office RBU & Kids LLC
Person Danielle M. Bercury Telephone 203-772-2600

This is to inform you that the following matter affecting your ward(s) will be submitted to the Board of Alders.

PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE AND MAP TO CHANGE THE ZONING DESIGNATION OF 249 LEGION AVE FROM SPLIT BD2/BA DISTRICTS TO BD2 AND TO INCLUDE THE PROPERTY WITHIN THE DOWNTOWN FOR ALL OVERLAY ZONE.

Check one if this an appointment to a commission

- Democrat
- Republican
- Unaffiliated/Independent/Other _____

INSTRUCTIONS TO DEPARTMENTS

1. Departments are responsible for sending this form to the alderperson(s) affected by the item.
2. This form must be sent (or delivered) directly to the alderperson(s) **before** it is submitted to the Legislative Services Office for the Board of Aldermen agenda.
3. The date entry must be completed with the date this form was sent the alderperson(s).
4. Copies to: alderperson(s); sponsoring department; attached to submission to Board of Aldermen.



Brenner, Saltzman & Wallman LLP

Attorneys at Law – Established 1963

Danielle M. Bercury, Esq
dbercury@bswlaw.com

February 5, 2026

Honorable Tyisha Walker-Myers
President
Board of Alders
City of New Haven
165 Church Street
New Haven, CT 06510

Mr. Michael Smart
City/Town Clerk
City of New Haven
200 Orange Street
New Haven, CT 06510

Re: Petition to Amend the New Haven Zoning Ordinance Map to Change the Zoning Designation of 249 Legion Avenue from BA (General Business) and BD-2 (Central Business/Medical) Districts to Entirely BD-2 Central Business/Medical District and to Include it in within the Downtown for All Overlay Zone

Dear President Walker-Myers and Mr. Smart:

On behalf of RBU & Kids, LLC (the “Owner”), we hereby submit to the Honorable Board of Alders a Petition to Rezone 249 Legion Avenue (Map/Block/Lot 315/1287/00101) (the “Property”) from the current split zoning of BA (General Business) and BD-2 (Central Business/Medical) Districts to be entirely located within the BD-2 District and to include the parcel in the Downtown for All Overlay District in order to facilitate the redevelopment of the Property with a multifamily development project. As set forth herein, the Property is currently improved with a day care center and the former Rite-Aid building. The pharmacy chain, unfortunately, declared bankruptcy and the building has sat vacant for some time.

Despite significant efforts by the Owner, the existing retail structure has not attracted a new tenant and the Property is ripe for redevelopment for a larger housing project in line with the goals of the City of New Haven’s Vision 34 and the Downtown for All Overlay District. Additionally, the zoning line runs through the Property creating a split between the lot, with a portion of the land in the BA District and the remainder in the BD-2 District further impairing its redevelopment. By amending the zoning map to have the Property be completely located in the BD-2 District and adding the Downtown for All Overlay District, which currently stops right at



Brenner, Saltzman & Wallman LLP

February 5, 2026

Page 2

the boundary of the Property, a large site can become the home of a residential project that would include affordable housing; a much more desirable outcome than the current situation.

We believe the application complies with the requirements of Section 64(d)(2) of the Zoning Ordinance for a map change and all other requirements for a zoning amendment. as set forth in more detail herein. We respectfully request approval of the attached application.

Very truly yours,

A handwritten signature in blue ink that reads "Danielle M. Bercury".

Danielle M. Bercury

Attachments

cc: Richard Urso

ATTACHMENT A
CITY OF NEW HAVEN
BOARD OF ALDERS

In re Petition of the RBU & Kids Real Estate LLC for a Map Amendment to the Zoning Ordinance to Change the Zoning of Designation of 249 Legion Ave from BA (General Business) and BD-2 (Central Business/Medical) to entirely within the BD-2 Central Business/Medical District and within the Downtown for All Overlay Zone.

PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE MAP TO CHANGE THE DESIGNATION OF 249 LEGION AVENUE FROM BA (GENERAL BUSINESS) AND BD-2 (CENTRAL BUSINESS/MEDICAL) DISTRICTS TO ENTIRELY BD-2 CENTRAL BUSINESS/MEDICAL DISTRICT AND TO INCLUDE IT WITHIN THE DOWNTOWN FOR ALL OVERLAY ZONE

Pursuant to 1925 Special Act No. 490, § 5, Article IV, §§ 3, 4 and 5, Article XIII § 2 of the Charter of the City of New Haven, and § 64(d)(1) of the Zoning Ordinance of the City of New Haven (the "Zoning Ordinance"), Petitioner, RBU & Kids Real Estate, LLC ("Petitioner"), hereby petitions the Board of Alders of the City of New Haven to amend the Zoning Ordinance Map to change the designation of 249 Legion Avenue (Map/Block/Parcel 315/1287/00101) (also referred to as the "Property") from BA and BD-2 to entirely BD-2 Central Business/Medical and to include it within the Outer Core Downtown for All Overlay Zone.

In support of this Petition, Petitioner represents as follows:

1. 249 Legion Avenue is an approximately 2.36 acre parcel currently improved with two buildings. On the west side of the Property is a vacant commercial building which was previously built for, and leased by, a Rite Aid Pharmacy. On the east

side of the parcel is a child daycare facility known as “The Learning Experience” with a business address of 520 Reverend Dr. Martin Luther King Jr. Boulevard. The Property is bounded by Rev. Martin Luther King Jr. Boulevard to the North, Legion Avenue to the South, and Orchard Street to the West. The Property represents a portion of the parcel commonly referred to as the Route 34 Super Block that was the subject of a redevelopment agreement with the City.

2. Petitioner wishes to rezone the Property so that it is entirely located within the BD-2 zone, as it is currently split between the boundaries of the BA and BD-2 Districts¹. The Petitioner also seeks to include the parcel within the Downtown for All Overlay Zone which borders, but does not currently include, the parcel. Petitioner seeks these amendments to redevelop the western portion of the Property where the empty Rite-Aid building is located. 249 Legion Avenue is currently within the Strong Market Inclusionary Overlay Zone and these amendments to the ordinance map would allow for a redevelopment of the site that will provide a substantial opportunity to develop affordable housing with a potential mixed use, street-level retail element, as suggested in the § 41 description of BD-2.

3. Vision 2034 lists as a high priority implementing *Great Places to Live*, Strategy 2.1, which encourages and prioritizes opportunities that take measures to support infill residential development, expansions, and redevelopment. Permitting 249 Legion Avenue to be wholly within the BD-2 and Downtown For All Outer Core Overlay Zone would create increased opportunities to build significant affordable and mixed-use residential infill and redevelopment. 249 Legion Avenue is also within the Strong Market Inclusionary Overlay Zone,

¹ Although the zoning map indicates that the Property is located in the BA District, the Property is, in fact, split between the BA and BD-2 Districts. See attached survey for actual zoning designation

meaning any new residential development will also meet Vision 2034's High Priority of prioritizing housing units at or below 30% Area Median Income in development of mixed income housing. *Great Places to Live*, Strategy 1.2. Finally, the retail pharmacy building has been vacant for an extended period without a tenant, making its necessary redevelopment into multifamily residential in accordance with the general aspirations of *Great Places to Live*, Section 4.

4. Because the Property is split between two zoning districts, the western side of the parcel is subject to a dramatically lower Floor-Area Ratio (FAR) than it is in the eastern portion of the site which is currently part of the BD-2 district as is the remainder of the "Super Block".

5. In contrast, a completely BD-2 zoning designation will facilitate the redevelopment of the west side of the parcel allowing for multifamily housing or a mixed-use development. The Outer Core of the Downtown for All Overlay District being extended by one parcel to include 249 Legion Avenue will further increase the FAR and minimum average dwelling unit size, providing a further increase to the West River housing stock.

6. The inclusion of the entirety of the Property into both BD-2 and Downtown For All districts is appropriate, as it currently abuts both and it is good planning for the entire site to be located within the same zoning district. The Property is currently partially zoned BD-2 and The Outer Core of the Downtown for All Overlay District literally stops right at the property line for 249 Legion Avenue. Petitioner seeks only to include the entirety of its 2.36 acre parcel in the BD-2 district with the overlay district that would most support a housing redevelopment.

7. This request for a map amendment complies with the requirements for a zoning amendment under § 64(d)(2) of the Zoning Ordinance. The map amendment is needed because the entire block was originally part of a subsequently completed Development and Land Disposition Agreement, however since then, the major commercial tenant has left and, despite years of effort by the Petitioner, the building remains vacant. The split in districts is unnecessary and the increased FAR and decreased average dwelling unit size would provide greater opportunity for affordable housing or mixed-use development with commercial and residential uses.

8. Additionally, in compliance with § 64(d)(2) of the Zoning Ordinance, no negative effect of a map change on the surrounding area is anticipated. The surrounding area, to a large extent, is zoned BD-2, and, if left with its current zoning designation, the vacant retail structure could cause safety issues and a potential blight pending redevelopment. Further, because the parcel is subject to the Strong Market Inclusionary Overlay Zone, any future residential redevelopment of the site will require at least five percent of the dwelling units to be set aside as affordable to those making 50% of AMI or below.

9. Similarly, the Downtown for All Overlay Zone ends at the parcel which abuts 249 Legion Avenue to the east located on the same "Super Block." Extending the Overlay Zone one parcel west to include 249 Legion Avenue will carry out the purpose and spirit of § 59, to "Incentivize new and higher density construction in areas with existing transit infrastructure" to increase "housing opportunities, drive down costs, and increase Downtown Vibrancy." This large, underutilized parcel is ideal for these purposes. With increased FAR maximums and dwelling unit density, these amendments will allow 249 Legion Avenue to provide a substantial number of new affordable units to

the West River housing stock in a location which is walkable to Downtown and is within walking distance to Bus stops served by the 246, 254, 255, and 261 bus lines.

10. As stated above, the map amendment being sought in this petition furthers the purposes of the City's Comprehensive Plan of Development as required by § 64(d)(2) of the Zoning Ordinance and Article XIII, §2C of the City Charter. Moreover, other zoning districts have been considered for 249 Legion Avenue, as required by § 63(d)(2) of the Zoning Ordinance, including a new Planned Development District and the Low Middle Density district, but are not appropriate when existing nearby and applicable districts are more than adequate for 249 Legion's redevelopment goals. Finally, the size of the area involved in this Petition is 2.36 acres, which is in excess of the minimum required acreage for a zoning map amendment under § 64(d)(2)(c) of the Zoning Ordinance.

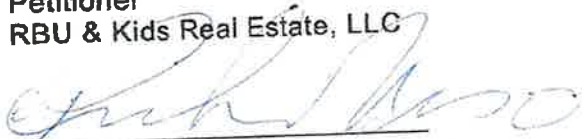
7. As also required by Article XIII § 2C of the City of New Haven Charter, this Amendment is designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for transportation and other public requirements, reflect the character of the applicable zoning district and its peculiar suitability for the uses to be allowed in such district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City.

8. As additionally required by Article XIII § 2B of the City of New Haven Charter, the proposed Amendment is uniform for each class of buildings or structures throughout the BD-2 District.

WHEREFORE, Petitioner requests that the Board of Alders amend the Zoning Map in the manner set forth in Attachment C.

Respectfully submitted

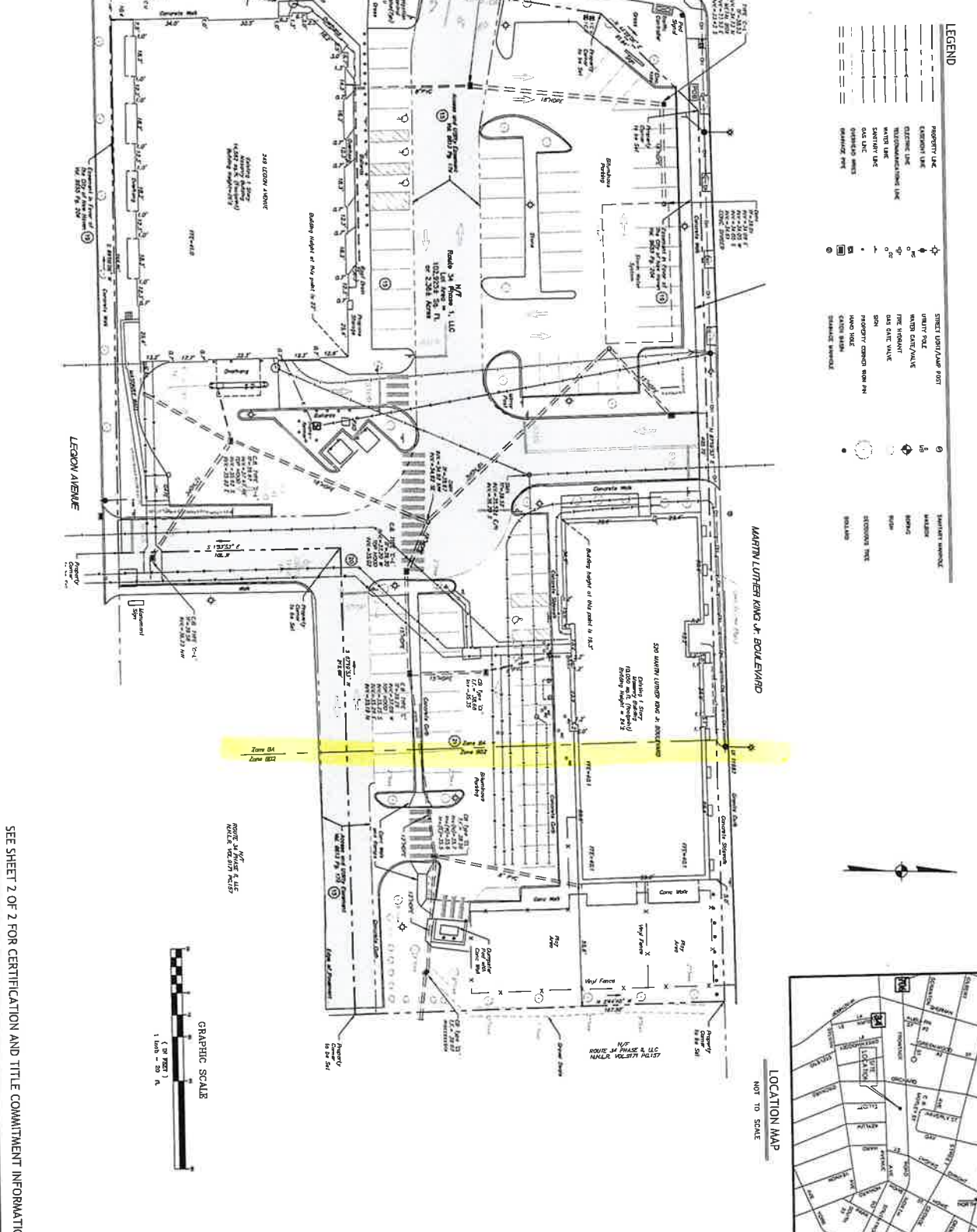
Petitioner
RBU & Kids Real Estate, LLC



Name: RICHARD ARSO

Title: PARTNER.

SEE SHEET 2 OF 2 FOR CERTIFICATION AND TITLE COMMITMENT INFORMATION



LEGEND

PROPERTY LINE	STREET LIGHT/LAMP POST	START/END POINT
EASEMENT LINE	UTILITY POLE	ABUTMENT
ELECTRIC LINE	WATER GATE/VALVE	MANHOLE
WATER LINE	FIRE HYDRANT	POLE
SEWER/STORMWATER LINE	GAS GATE/VALVE	POLE
WATER LAKE	SEWER	SECONDARY POLE
SEWER LAKE	PROPERTY CORNER MARK PIN	WELLHEAD
GAS LAKE	LAND MARK	BOUNDARY POINT
OVERHEAD WIRE	CORNER MARK	
BOUNDARY POINT		



249 LEGION AVENUE
 &
 520 MARTIN LUTHER KING JR. BOULEVARD
 NEW HAVEN, CONNECTICUT, 06519

FREEMAN
 ENGINEERS, ARCHITECTS & LANDSCAPE ARCHITECTS
 1000 MAIN STREET, SUITE 200
 NEW HAVEN, CT 06510
 TEL: 203-762-1000
 FAX: 203-762-1001
 WWW.FREEMAN-CT.COM

PROJECT NO. 2017-001
 SHEET NO. 1/2
 DATE: 08/15/2017
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 TITLE: [Title]

AL-1
 SHEET NUMBER 1 OF 2

ATTACHMENT B

ZONING ORDINANCE MAP AMENDMENT APPROVING A CHANGE IN THE ZONING DESIGNATION OF 249 LEGION AVENUE FROM BA (GENERAL BUSINESS) AND BD-2 (CENTRAL/BUSINESS/MEDICAL) DISTRICTS TO ENTIRELY BD-2 CENTRAL/BUSINESS/MEDICAL DISTRICT AND TO INCLUDE IT WITHIN THE DOWNTOWN FOR ALL OVERLAY ZONE

WHEREAS, pursuant to 1925 Special Act No. 490 §5, Article XIII §2 of the Charter of the City of New Haven, and § 64(d)(1) of the Zoning Ordinance, City of New Haven (the "Zoning Ordinance"), the Petitioner RBU & Kids Real Estate LLC filed with the New Haven City Clerk for transmission to the Board of Alders a Petition requesting that the Board of Alders amend the New Haven Zoning Ordinance Map to indicate that 249 Legion Avenue located in the West River section of New Haven, which property is currently located in the BA (General Business) and BD-2 (Central Business/Medical) be wholly designated on such Map as being located in the BD-2 Central Business/Medical District (the "BD-2 District") and to include 249 Legion Avenue in the Downtown For All Overlay Zone; and

WHEREAS, on _____, 2026 pursuant to the City of New Haven Charter and the Zoning Ordinance, the Board of Alders referred the Petition to the New Haven City Plan Commission for a public hearing and for their advice; and

WHEREAS, on _____, the City Plan Commission following its public hearing rendered an advisory report to the Board of Alders after considering the factors set forth in § 64(d)(2) of the Zoning Ordinance recommending _____ of the Petition, City Plan Commission Report No. _____

_____ ; and

WHEREAS, following the public hearing of the Board of Alders Legislation Committee on _____, the Committee issued a _____ report; and

WHEREAS, the Board of Alders finds that the Map Amendment to the Zoning Ordinance requested in the Petition is in accordance with the Comprehensive Plan of Development and the Comprehensive Plan for the City of New Haven as such Amendment will facilitate conformity in the parcel which is split between two zoning districts and offers an opportunity to develop affordable housing; and

WHEREAS, the Board of Alders further finds that the Map Amendment to the Zoning Ordinance requested in the Petition is designed to lessen congestion in the streets, secure safety, promote health and the general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentrations of population, provide adequate provisions for all forms of transportation and other public requirements, reflect the character of the applicable zoning district and its peculiar suitability for the uses to be allowed in such district, conserve the value of existing buildings, and encourage the most appropriate use of land in the City; and

WHEREAS, the Board of Alders further finds that the Map Amendment to the Zoning Ordinance requested in the Petition is uniform for each class of buildings or structures within the BD-2 district.

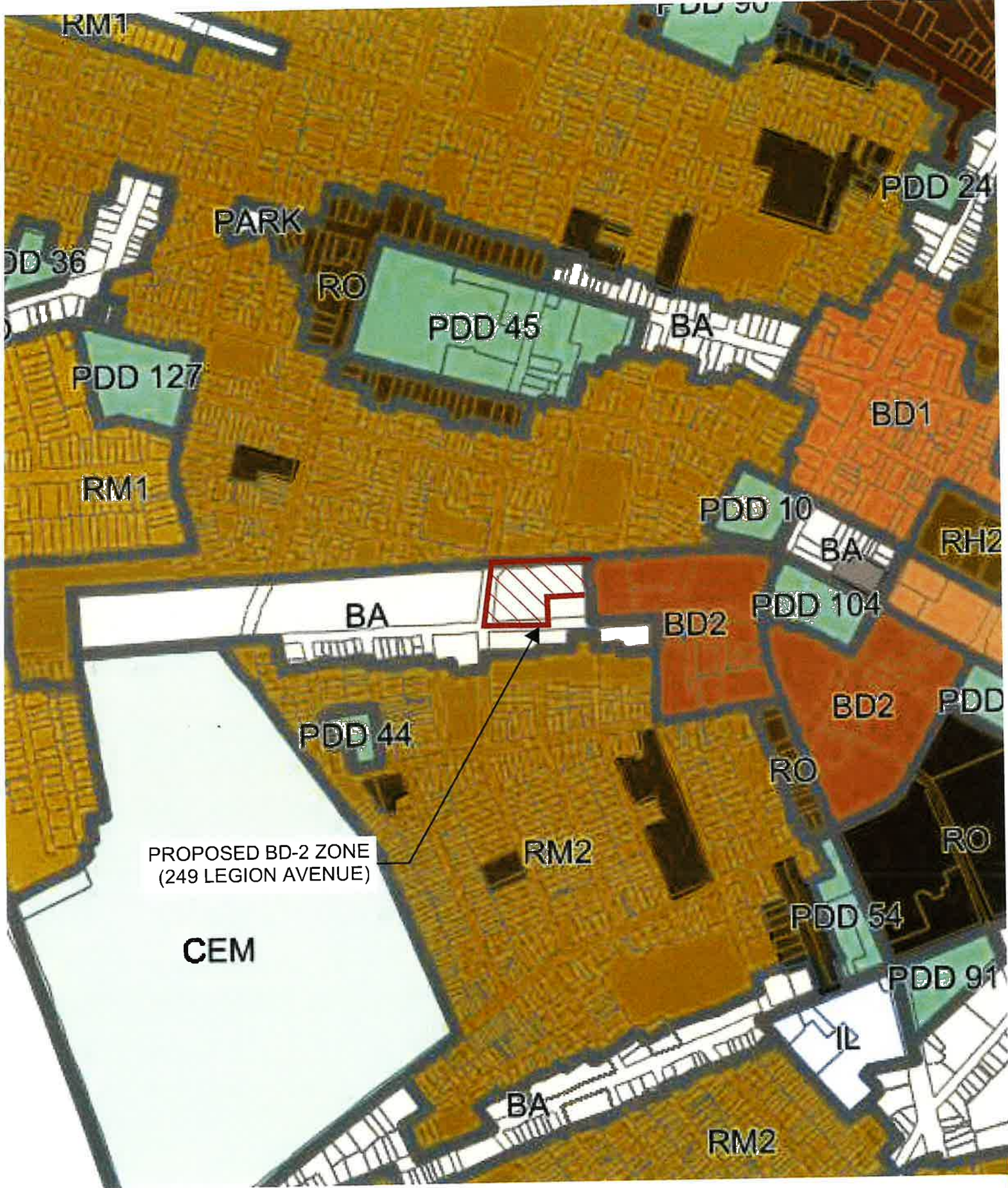
NOW THEREFORE BE IT ORDAINED by the Board of Alders of the City of New Haven that the Petition of RBU & Kids Real Estate LLC for an Amendment to the

Zoning Map to designate 249 Legion Avenue from Split BA and BD-2 to entirely BD-2 Central Business/Medical District and within the Downtown for All Overlay Zone is granted and the Zoning Map shall be amended to designate 249 Legion Avenue as being located in the BD-2 District and within the Downtown for All Overlay Zone. This Ordinance shall be effective on the day after the date of publication of notice of the adoption of this Ordinance Map Amendment.

Signed

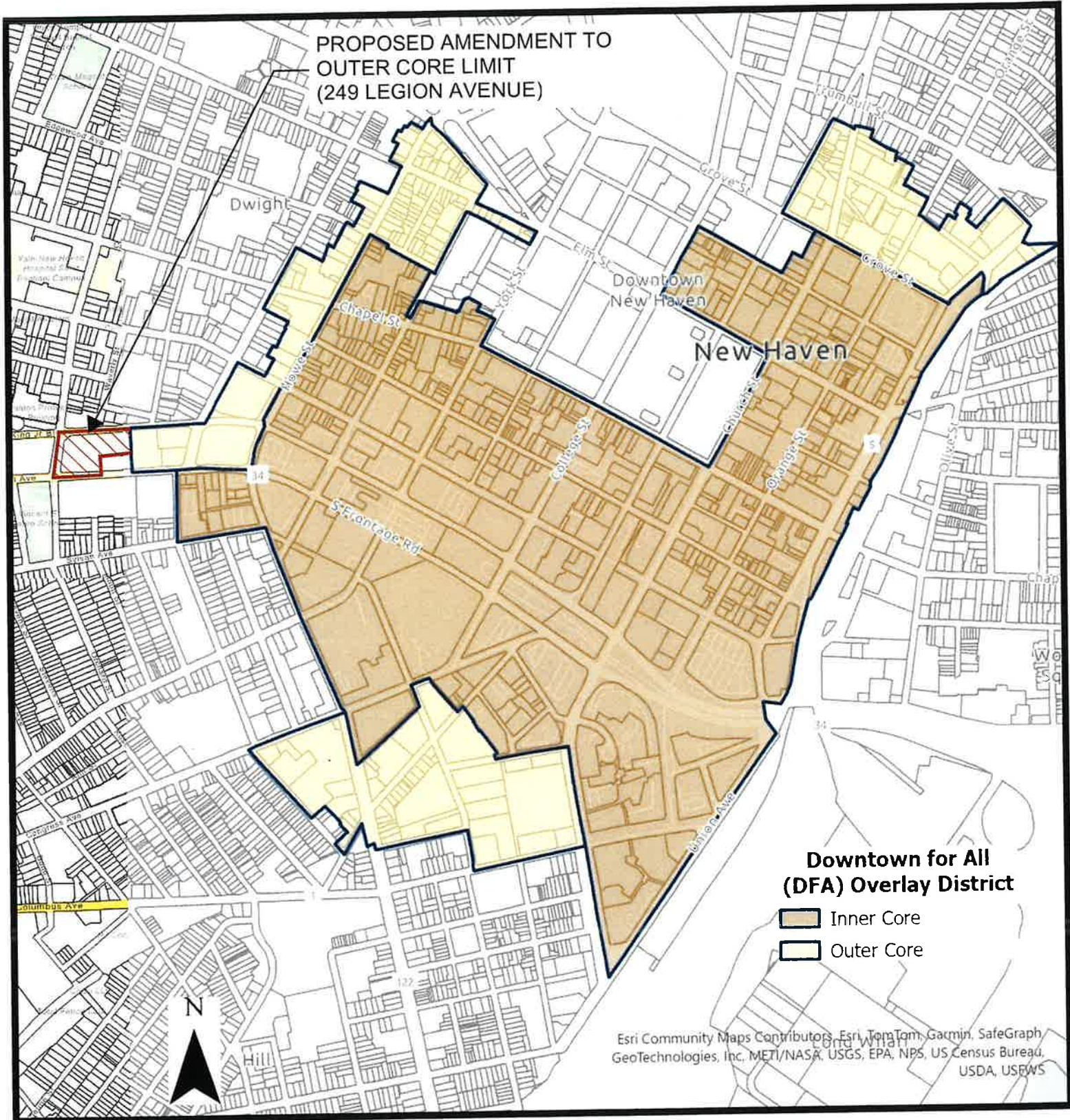
Date

12S3028.DOC



PROPOSED ZONE CHANGE MAP

(BACKGROUND MAP FROM NEW HAVEN GIS)



Downtown for All (DFA) Overlay District Zoning Ordinance Amendment

Map created by Kaelie Moran, Planner II on September 18, 2025



PROPERTY TO BE ZONED BD-2 AND DOWNTOWN FOR ALL OVERLAY DISTRICT

EXHIBIT "A" LEGAL DESCRIPTION

Being a certain parcel of land located in the City of New Haven, State of Connecticut and is more particularly shown on a map entitled: "LOT DIVISION PLAN PREPARED FOR CONTINUUM CENTERPLAN DEVELOPMENT LLC MARTIN LUTHER KING JR. BOULEVARD, LEGION AVENUE, ORCHARD & DWIGHT STREETS, NEW HAVEN, CONNECTICUT" Scale 1"=40' Dated 04/15/2014 by Freeman Companies, LLC. The said parcel is described as follows:

Beginning at the northwesterly corner of the herein described parcel, said point is located on the southerly side of Martin Luther King Jr. Boulevard and the easterly side of Orchard Street;

Thence running along the southerly street line of Martin Luther King Jr. Boulevard N87 degrees 19 minutes 53 seconds E, a distance of 405.70 feet to a point;

Thence running S2 degrees 44 minutes 40 seconds E, a distance of 167.50 feet to a point;

Thence running S87 degrees 19 minutes 53 seconds W, a distance of 212.68 feet to a point;

Thence running S1 degree 53 minutes 53 seconds E, to the northerly street line of Legion Avenue, a distance of 101.31 feet to a point;

Thence running along the northerly street line of Legion Avenue S88 degrees 06 minutes 06 seconds W, to the easterly street line of Orchard Street, a distance of 266.81 feet to a point;

Thence running along the easterly street line of Orchard Street N32 degrees 04 minutes 04 seconds W, a distance of 19.10 feet to a point;

Thence running along the easterly street line of Orchard Street N8 degrees 01 minutes 29 seconds E, a distance of 210.00 feet to a point;

Thence running along the easterly street line of Orchard Street N44 degrees 22 minutes 06 seconds E, a distance of 61.94 feet to the point and place of beginning.

HOLD TO LIGHT TO VIEW TRUE WATERMARK IN PAPER HEAT SENSITIVE RED LOCK DISAPPEARS WHEN HEATED

68929

Brenner, Saltzman & Wallman LLP

271 Whitney Avenue
New Haven, CT 06511
203-772-2600

ATTORNEYS AT LAW



51-7011/2111



Date
02/04/2026

Check Amount
\$1,500.00

Pay ** ONE THOUSAND FIVE HUNDRED AND 00/100 DOLLARS**

To
The
Order
TREASURER, CITY OF NEW HAVEN



AUTHORIZED SIGNATURE

⑈068929⑈ ⑆211170114⑆ 2201091638⑈

Brenner, Saltzman & Wallman LLP

68929

Check Date	Client	Matter	Description	Amount
<u>Inv. Date</u>	<u>Inv. No.</u>	<u>Vendor</u>		
02/04/26	09013	001	TREASURER, CITY OF NEW HAVEN	1,500.00
02/04/26	09013/001	TREASURE		

Total this stub 1,500.00