

NEW HAVEN CITY PLAN COMMISSION ADVISORY REPORT

RE: [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 Form-Based District Overlay Zone.

Submitted by: Brenner, Saltzman & Wallman LLP, on behalf of RBU & Kids, LLC

REPORT: 1680-03
ADVICE: Approval

PROJECT ADDRESSES:

- 249 Legion Avenue (MBLU: 315 1287 00101)

APPLICANT/OWNER:

- 249 Legion Avenue - RBU & Kids Real Estate, LLC

SUBMISSION:

This petition for this ordinance amendment submitted February 5, 2026 for the February 16, 2026, Board of Alders meeting. Legistar File ID: OR-2026-0007. The submission included:

- Cover Letter
- Attachment A: Petition for Zoning Map Amendment
- Attachment B: Proposed Ordinance for Zoning Map Amendment
- Attachment C: Existing and Proposed Zoning Maps
- Attachment D: Legal Description of Parcels to be Released Filing Fee

BACKGROUND AND PARCEL HISTORY

The site of the proposed zone change is a roughly 2.36 acre parcel in the West River neighborhood and bounded by Rev. Dr. Martain Luther King Jr. Boulevard to the north, 149 Legion Avenue to the east, Legion Avenue to the south, and Orchard Street to the west. The parcel is in the general business (BA) district with BD-2 zoned parcels to the east and RM-2 zoned parcels to the north and south.

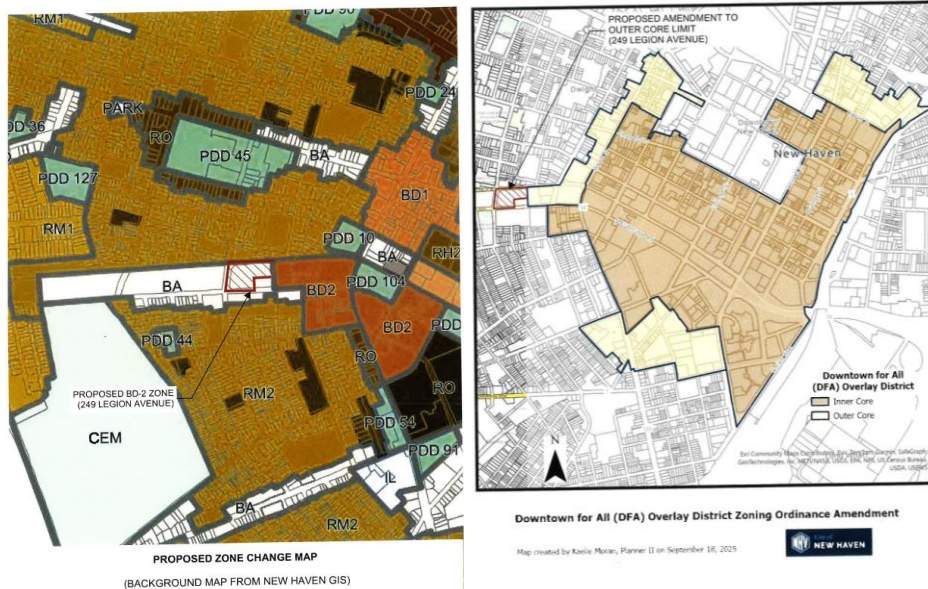


Figure 1. Proposed Zoning Map and Overlay Boundary

Previous CPC Actions at 249 Legion Avenue:

- **CPC 1492-05A2:** Administrative Site Plan Review for changes to entry of Rite Aid
- **CPC 1529-20:** Site Plan Review for changes to approved site plan from restaurant to child day care facility in a BA/BD-2 zones.
- **CPC 1529-20A1:** Administrative Site Plan Review for minor changes to approved site plan for child daycare.

PROPOSED ZONING – BD-2 District— Central Business/Medical District

The applicant proposes to rezone the subject parcel from BA to BD-2.

As stated in Article V, Section 41 of the New Haven Zoning Ordinance, the BD-2 Zoning districts *“Includes appropriate areas in and around the city's hospitals and medical centers having high density medical institutional uses including hospitals, clinical, laboratory or bioscience research space, patient care medical offices, and supportive accessory uses, with pedestrian-friendly ground floor retail uses in some buildings. The district allows intensive use of land for such uses subject to site plan approval to further the city's policy of encouraging dense development of institutional uses within concentrated areas in and around the Central Business District while maintaining a human-scale streetscape. It is the purpose of these regulations to allow such intensity of hospital, medical, research and medical institutional uses in combination with street-level retail uses encouraging pedestrian connections between the medical areas and adjacent neighborhoods and business districts, and to exclude uses which are incompatible with or would have a negative effect upon the functioning of hospital, medical and research and medical institutional uses.”*

Zoning Table – Comparison of Bulk, Yard, Density, and Parking Regulations

This table demonstrates the differences between the existing BA zone and the proposed BD-2 zone.

| Standard | BA Existing Zoning | BD-2 Proposed Zoning |
|--|---|---|
| Maximum Gross Floor Area (Floor Area Ratio – FAR) | 2.0 | 6.0 ¹ |
| Maximum Building Height | No direct limit on building height | Shall not exceed 200 feet with provision ² |
| Maximum Building Coverage | No direct limit on building coverage | No direct limit on building coverage |
| Minimum Front Yard | No front yard requirement | No front yard requirement |
| Minimum Side Yard | None, with exceptions ² | None, with exceptions ³ |
| Minimum Rear Yard | 10 ft for a building wall having an average height of 30 ft or less 1 ft for each 3 ft of average height for a building wall having an average height of more than 30 feet | 10 ft for a building wall having an average height of 30 ft or less 1 ft for each 3 ft of average height for a building wall having an average height of more than 30 feet |
| Minimum Usable Open Space per Dwelling Unit | No minimum | 50 sq ft with provision ⁴ |
| Minimum Common Amenity Space per Dwelling Unit | No minimum | 50 sq ft |

Notes

1. Where a lot in a BD-2 District abuts a residence district along a rear or side lot line, the maximum permitted **FAR** is 2.5.
2. With regard to **maximum building height** a building shall be entitled ten feet of additional height if such building is registered as a Leadership in Energy and Environmental Design (LEED)-certified building for new commercial construction and major renovation projects, as established by the United States Green Building Council, or an equivalent standard, and the owner or applicant certifies its good faith intent to achieve such standard.
3. Except that in any case where a **side yard** is actually provided such side yard shall be required to be not less than five feet for a building wall having an average height of 20 feet or less, and not less than one foot for each four feet of average height for a building wall having an average height of more than 20 feet. (Section 43(h)(2)).
4. If any point on the lot upon which the mixed-use building or the residential principal building is situated is located within a 1,000-foot radius of publicly accessible usable open space, then a minimum of 25 square feet of **usable open space** per dwelling unit shall be required.

PUBLIC HEARING

A Public Hearing was held by the City Plan Commission on March 18, 2026. A transcript of the hearing, meeting #1680, is available from the City Plan Department.

No members of the public spoke in favor or opposition to the item. No written testimony was received at the time of the hearing. The commission asked if alders from the wards in and around the site were contacted regarding this item. Attorney Danielle Bercury responded that efforts have been made to make contact, but formal discussion has yet to happen. She stated that they will reach out to President Walk-Meyers and Alder Hubbard about this proposal.

PLANNING CONSIDERATIONS**REZONE TO BD-2**

Staff find the rezoning of the subject parcel from BA to BD-2 to be appropriate for this section of the city. The rezoning anticipates future redevelopment for a mixed-use project including existing and proposed ground floor retail. The BA zone, while similar to BD-2 in the allowed uses and yard requirements, is less permissive in terms of the allowed bulk of structures. Rezoning would offer greater flexibility in the scale of a development by increasing the base Floor Area Ratio (FAR) from 2.0 to 6.0. While the BD-2 district was not originally imagined for high-density residential use, the adjacent residential areas to the north, and the development of The Suites at Yale and the Cambria Hotel east of this lot indicate that the zone may be more suitable and appropriate for accommodating needed non-medical uses such as lodging and housing.

- **“Business D-2 Districts—Central Business/Medical.** This district Includes appropriate areas in and around the city's hospitals and medical centers having high density medical institutional uses including hospitals, clinical, laboratory or bioscience research space, patient care medical offices, and supportive accessory uses, with **pedestrian-friendly ground floor retail uses in some buildings.** The district allows intensive use of land for such uses subject to site plan approval to further the city's policy of encouraging dense development of institutional uses within concentrated areas in and around the Central Business District while maintaining a human-scale streetscape. It is the purpose of these regulations to allow such intensity of hospital, medical, research and medical

institutional uses in combination with **street-level retail uses encouraging pedestrian connections between the medical areas and adjacent neighborhoods and business districts**, and to exclude uses which are incompatible with or would have a negative effect upon the functioning of hospital, medical and research and medical institutional uses.”

DOWNTOWN FOR ALL OVERLAY ZONE

The parcel is appropriate for inclusion into the Downtown for All Overlay due to the overlay’s prioritization of higher density residential construction, and the density allowances it offers. 249 Legion Avenue is within the “High-Density Mixed Use” area of the Vision 2034 Future Land Use Map, which supports this change as the area is envisioned for higher density residential and mixed-use development. The DFA Overlay aligns with this goal by easing unit requirements and prioritizing greater residential density. **NOTE: Because the DFA Overlay is currently being appealed related to the boundary of the adopted overlay district, expansion of the DFA at this time is not recommended until that appeal has been settled, even if this proposal indicates consistency with the overlay’s goals.**

- DFA Overlay “**Purpose:** The purpose of the creation of this Overlay District is to address challenges associated with the housing supply shortage and affordability in New Haven by reducing regulatory barriers to development in the Downtown. Limitations presented by Zoning including FAR limits, density, open space and amenity requirements create regulatory hurdles that restrict development. Incentivizing new and higher density construction in areas with existing transit infrastructure will increase housing opportunities, drive down costs, and increase Downtown vibrancy.”

COMPREHENSIVE PLAN CONSISTENCY

Given the goals of this rezoning, staff find the proposal to be consistent with the Vision 2034 Comprehensive Plan. The rezoning particularly aligns with the Great Places to Live focus area of the plan, which include the following goals:

- **Goal 1: Increase the number of deeply affordable housing units.**
 - **Strategy 1.2:** Prioritize the development of housing units affordable to households at or below 30% of Area Median Income (AMI) in development of mixed-income housing.
- **Goal 2: Increase housing supply.**
 - **Strategy 2.1:** Identify opportunities for and take measures to support infill residential development, expansions, and redevelopment.
 - **Strategy 2.2:** Amend ordinances and policies to better support housing development
- **Goal 4: Transform empty and run-down properties into affordable housing and other community resources.**
 - **Strategy 4.3:** Strengthen partnerships with housing developers and community organizations for property rehabilitation.
- **Goal 5: Support place-based programs, policies, and improvements that align with the unique assets and goals of each neighborhood and residents' quality of life.**
 - **Strategy 5.4:** Support mixed-use development and ensure that such development is sensitive to the neighborhood.

Lastly, as stated above, rezoning this property for residential and mixed-use development is in line with the Future Land Use Map of Vision 2034 (p. 183-185) which highlights this area as a future “High-Density Mixed-Use” area:

- **“High-Density Mixed-Use:** These areas, including New Haven's downtown and Science Park, are vibrant, high- density areas that function as the City's central business district, cultural hub, and institutional centers. These areas feature a **mix of office, retail, civic, and entertainment uses, along with high-density residential development, including residential and mixed-use buildings.** They are well-served by a robust transportation network, including local and regional transit, access to larger public spaces, and pedestrian and bike-friendly streets, making these areas the most accessible and connected parts of the City.”

FINDINGS AND ADVICE

Based on the above it is the recommendation of the Commission that the proposed map amendment is in full compliance with the standards and requirements of Section(s) 181 and 182 of the Charter of the City of New Haven and Section 64(d)(2) of the New Haven Zoning Ordinance and should be **Approved**.

ADOPTED: March 18, 2026
Ernest Pagan
Chair

ATTEST: _____
DocuSigned by:
Laura E. Brown
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Laura E Brown
Executive Director, Plan Department