

May 7, 2024

My name is Ben Trachten and I am a real estate lawyer with an office address of 679 State Street New Haven, Ct 06511 and I am a resident of New Haven at 80 Woodside Terrace in Westville for 40 years (on and off). I'm speaking in support of the new phases of the accessory dwelling unit ordinance amendment before you.

Through representation of clients at the Board of Zoning Appeals and City Plan Commission I get a lot of approvals for apartments in existing structures. You can call them accessory dwelling units but at the end of the day, they are just normal apartments with no difference in compliance with applicable state and federal codes and requirements. My work is typically for non-owner occupants. Sometimes for bigger landlords. But often, for New Haven residents of all colors and incomes who own a multi-family or two. I know you have concerns about the owner occupancy requirement being lifted and I believe it won't make a difference at all. Investors who want a single additional dwelling unit will not convert all their garages into additional dwelling units. They will convert very few. Converting basements, 3<sup>rd</sup> floors and garages has been discussed by me with a broad range of mega-landlords and I only have two clients utilizing the strategy with a few applications to BZA each month. The cost to install required utilities and bring a garage into compliance with the building code, typically doesn't justify the investment given the rent from a single unit. The requirement written into this Phase 2 and 3 that a Special Exception be obtained where more than 4 dwelling units will exist on a property is an additional safeguard baked into the ordinance amendment before you.

If anything, investors are aware of the financial returns when they spend their money. As you saw with the original iteration of the ADU ordinance, none were created. Its mostly because of costs. I have spoken with dozens of single family and multi family owner occupied homeowners and none of them were able to make an ADU work financially.

Some of my favorite projects over the last few years were garage and basement apartments. I've been dragged out to see the finished product by my clients, and they are all new, code compliant housing options that didn't exist. Some were previously illegal units that the new owners inherited and made legal after full OBIE permitting, construction and inspection. Basement and garage apartments are particularly desirable to tenants. I've shown examples of how aesthetically pleasing these turn out to the BZA on numerous occasions to eliminate the stigma that is attached to basements and garages.

You saw a presentation from staff at a prior meeting about ADUS. My take on that presentation is that some of the information in it was hopeful at best. Item 1 stated

“Increase affordable housing choice especially for residents of all income levels including very low-income residents”. This won’t happen. ADU’s won’t be “affordable” to very low income folks through a PLUS 1 system. They are simply too expensive to build.

Item 2 states “provide housing that responds to changing family needs, smaller households, and increasing housing costs”. This is absolutely true except for the housing costs; this will do very little to alleviate higher rents”.

Item 3 states “create new housing while respecting the scale and fabric of neighborhood patterns of development”.

This is somewhat accurate but to the extent that there will be bigger garage and addition apartments, its nothing like the conflict that the Inclusionary Zoning ordinance will cause.

Item 4 states that the change will support more efficient use of housing stock and this is absolutely true. Filling garages with people is preferable to junk and cars. People can rent a storage locker for their junk and manage their vehicle use appropriately in a driveway.

Item 5 states that this ordinance amendment offers environmentally friendly housing with less average space per person and smaller associated carbon footprints. I think this is a stretch but I’m not qualified to blab about carbon footprints and space per person. The City housing code and state building code determine minimum unit size. The market will determine if a 240SF -360SF apartment is desirable and at what price, these square footages being a typical size I see for residential garages.

Item 6 states “create small contractor work force opportunities. This is true. Our mega landlords, homeowners, and everyone in between will be looking to smaller local contractors to do these projects. They already do. They’ve cultivated their own workforce from within New Haven and its surrounding towns. Its not going to be money flowing out of state to get these built.

Item 7 states “bring illegal rental units into compliance”. This ordinance, if nothing else, is a pathway to legalize existing illegal apartments in basements and garages, many of which likely pre-date the zoning ordinance. Through poor record keeping and cycles of staff turnover, these apartments fall through the cracks. Just this facet of the ordinance alone justifies your “yes” vote. By legalizing these types of units without zoning relief, you are providing a direct path to safe and secure housing without burdening LCI with enforcement, relocation costs and expense. Owners will pull permits (whether owner occupants or not) and will have inspections by the building department. This will positively impact home values and tax collection when these units are properly reflected in assessment records.

Most of these units are at affordable rents but are impossible to track because they aren't reflected in any records. When they're discovered, owners come to me to get them legitimated through a very lengthy and precarious zoning process. I ask for relief like " a variance to permit residential use in an accessory structure within the side and rear setback" way too often. Its really easy to explain, but it's the kind of phrase that this ordinance will help eliminate in most cases.

I, again, speak in support as an attorney and a resident. Thank you

Ben Trachten

### **Accessory Dwelling Unit (ADU) Zoning Updates: Purpose and Intent**

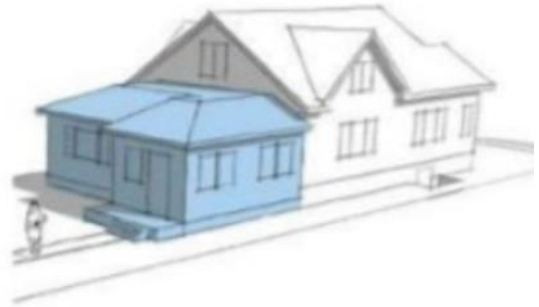
- Increase affordable housing choices especially for residents of all income levels including very low-income residents.
- Provide housing that responds to changing family needs, smaller households, and increasing housing costs, and
- Provide accessible housing for seniors and persons with disabilities.
- Create new housing units while respecting the scale of historic fabric and neighborhood patterns of development.
- Support more efficient use of existing housing stock and infrastructure,
- Offer environmentally friendly housing choices with less average space per person and smaller associated carbon footprints;
- Create small contractor work force opportunities
- Bring "illegal" rental units into compliance



Interior ADU: Attic or  
Basement



Attached ADU: Addition



Detached ADU: Stand Alone



# ADU Types-Phase 2 & 3

Interior: ADU located within the existing structure (attic/basement)  
 +1 as of right for density  
 Variance for bulk changes required

Attached: ADU in addition to primary structure as of right with dimensional guidelines

Detached: Either by way of conversion of an existing garage/carriage house, or new construction with dimensional guidelines + 1 as of right density

**No owner occupancy required**  
**No additional parking**



Within the same envelope of an existing primary structure\*

Interior ADU: Attic or Basement



Attached ADU: Addition



Detached ADU: Stand Alone



Attached to existing primary structure as of right with dimensional guidelines

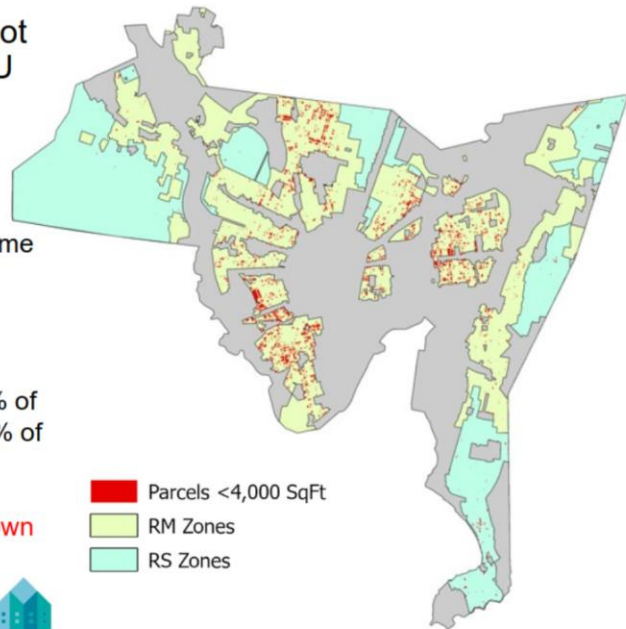
Allow new detached ADUs as of right with dimensional guidelines

## Impact of Elimination of Minimum Lot Size on Eligibility of Parcels for ADU Construction

An additional 4,258 parcels in RM and RS zones under 4,000 square feet would become eligible to create ADUs (18% of 23,370 parcels) if the proposal meets all other dimensional requirements

This includes 449 parcels in RS zones: (6% of 7,136) and 3,809 parcels in RM zones (24% of 16,234)

Parcels that would become eligible are shown on the map in red.



- Parcels <4,000 SqFt
- RM Zones
- RS Zones



