

City of New Haven

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Meeting Minutes

Tuesday, April 2, 2024

6:00 PM

Meeting can be viewed on Board of Alders YouTube.

Aldermanic Chambers

Legislation Committee

(Board of Alders Notice New Haven) The Legislation Committee of the Board of Alders will meet “in-person” on Tuesday, April 2, 2024, at 6:00 p.m. in the Board of Alders Chamber located at 165 Church Street, 2nd Floor; New Haven, CT to hear and act on the following items:

- 1) [OR-2023-0024](#) ZONING ORDINANCE AMENDMENT OF THE CITY OF NEW HAVEN CHANGING ARTICLE V §§ 42 (USE TABLE), 43, 43.1, 43.3, AND 45 BY ADDING A TRANSIT-ORIENTED DEVELOPMENT DISTRICT, KNOWN AS A TRANSIT-ORIENTED COMMUNITY ZONE, TO THE TEXT OF THE NEW HAVEN ZONING ORDINANCE AS A NEW ZONING DISTRICT.
- 2) [OR-2023-0025](#) ZONING MAP AMENDMENT OF THE CITY OF NEW HAVEN ZONING MAP (MAPS #16 AND #12) TO CHANGE THE DESIGNATION OF APPROXIMATELY 7.33± ACRES OF LAND LOCATED AT 170 UNION AVENUE (M-B-P 237/1300/00200) FROM B-E (WHOLESALE AND DISTRIBUTION) TO A TRANSIT-ORIENTED DEVELOPMENT ZONING DISTRICT CLASSIFICATION, KNOWN AS A TRANSIT-ORIENTED COMMUNITY ZONE.
- 3) [OR-2023-0047](#) PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE TEXT OF SECTION 22: ACCESSORY DWELLING UNITS INCLUDING REMOVING THE OWNER OCCUPANCY REQUIREMENT, ALLOWING DETACHED AND ATTACHED ADUS OUTSIDE OF THE EXISTING BUILDING ENVELOPE, ELIMINATING THE MINIMUM LOT SIZE REQUIREMENT AND AMENDING SETBACK REQUIREMENTS FOR ADUS

For Committee Action Only

- 4) [OR-2023-0042](#) ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO OR-2023-0021, TITLE IV OF THE CITY OF NEW HAVEN'S CODE OF ORDINANCES TO BRING FLOOD DAMAGE PREVENTION ORDINANCE INTO COMPLIANCE WITH THE UNIFORM BUILDING CODE FOR THE STATE OF CONNECTICUT.

Per Order: Hon. Ellen Cupo, Chair

Attest: Hon. Michael Smart, City/Town Clerk

These items are on file and available in the Office of the City Clerk located at 200 Orange Street, Room 202, New Haven, Connecticut 06510.

For accessibility related accommodations, please call (203) 946 7651 (V) or (203) 946 8582 (TTY/TDD).

Public comment/testimony may also be submitted via email to publictestimony@newhavenct.gov before 2:00 pm on the day of the meeting.

This meeting may be viewed on the New Haven Board of Alders YouTube page.

Minutes

Alder Richard Furlow, Vice-Chair, called the public hearing to order at 6:10 p.m.

Present were Alders Richard Furlow, Vice-Chair; Jeanette L. Morrison; Adam J. Marchand; E. Rodriguez, Eli Sabin, and Carmen Rodriguez.

Non-committee members in attendance were Alders Tyisha Walker-Myers and Caroline Tanbee Smith.

1. ZONING ORDINANCE AMENDMENT OF THE CITY OF NEW HAVEN CHANGING ARTICLE V §§ 42 (USE TABLE), 43, 43.1, AND 45 BY ADDING A TRANSIT ORIENTED DEVELOPMENT DISTRICT, KNOWN AS A TRANSIT ORIENTED COMMUNITY ZONE, TO THE TEXT OF THE NEW HAVEN ZONING ORDINANCE AS A NEW ZONING DISTRICT.

PUBLIC TESTIMONY

Presenters:

Douglas Hausladen, Executive Director for the New Haven Parking Authority;
Laura E. Brown, Director of City Plan;
Karin Patriquin, AIA, LEED, AP, CPHC, Fitwell, Architect, President of Patriquinarchitects;
Nate Hougrand, Deputy Director of Zoning;
Clifford A. Merin, Attorney at Cohen and Wolf, PC; and
Michael Pinto, Corporation Counsel presented this item.

A copy of the presentation is on file in the Office of Legislative Services.

Director Brown reviewed the zoning changes, what a transit-oriented community is, and why this zone is needed in New Haven. Discussed how more than 10 units and not less than 5% of the total dwelling units would be affordable units.

Ms. Patriquin reviewed the Union Station Zoning Study completed in 2021 by the Union Station Partnership. Reviewed multiple uses for this area including residential and hotels with the objective of aligning zoning with the needs of the working groups at the Union Station Partnership and community.

Director Hausladen reviewed how the special zone encourages TOC development; includes Union Station, adjacent East & West Lots and Garage; facilitates economic growth; reduces vehicular traffic; creates community green space; encourages mixed-use; complements the Hill-to-Downtown Community Plan; and supports future development. Reviewed other train station expansions including D.C. Union Station and Philadelphia 30th Street Station.

Discussed the maximum FAR (density), which will allow 10.0 for the new TOC district and reviewed the FAR precedents in New Haven. Spoke of the importance of 20' setbacks to allow a

minimum of unobstructed land to provide for sidewalks, streetlights, and landscaped areas.

Reviewed the parking requirements, which will allow 85 parking spaces per acre as-of-right with additional parking more than the 85 spaces per acre allowed by special permit only.

Ms. Patriquin reviewed how the existing flood provisions would affect the development of the area. Although it is outside the purview of the zoning study, the requirement to get up to the flood plain by constructing a podium makes the concept of one plot and one developer a more feasible solution.

In response to Alder Marchand, Ms. Patriquin reviewed how a combination of codes including state law that is incorporated into the IBC, which applies to nationwide, was utilized for planning this zone. Attorney Pinto reviewed how the primary responsibility falls to the city building official. Director Hausladen discussed how it depends on the developer and whether it is leased. Ms. Patriquin spoke about how the project must align with ANSI/ASHRAE (American National Standards Institute/American Society of Heating, Refrigerating and Air-Conditioning Engineers) standards. Attorney Pinto and Director Hausladen reviewed how it would go through site plan. Director Hausladen discussed how if the property needs to be leased, it will need to come back to the Board of Alders.

In response to Alder E. Rodriguez, Director Hausladen reviewed how the TOC would look and visualized how it would meet the needs of the surrounding community.

In response to Alder Sabin, Director Hausladen and Director Brown reviewed how it would not be an issue getting the minimum setback by combining public right-of-way with private property. Discussed how it would help meet the community space requirements.

In response to Alder Marchand, Attorney Pinto reviewed how 85 parking spaces per acre, which means the East Lot could have as-of-right 150 spaces, since it is over 1 acre. Director Hausladen discussed how they are hoping developers will come to the Union Station Partnership to use the Union Station parking garage. Reviewed how there is not a minimum number of parking spaces. Confirmed there is not a requirement of electric vehicle charging stations, as they are going to let the market determine what type of chargers are needed: Level I, II, or III. Discussed how if it was short term parking, they would require Level III chargers, but they are going to let the developer decide.

Attorney Pinto discussed how this zone doubles the number of residential units allowed and reviewed the use table layout. Attorney Merin reviewed how conference center uses would be separate. Director Hausladen discussed how traffic for hotels and conference centers differs with conference centers receiving more concentrated traffic, whereas hotel traffic is more spread out throughout the day, making hotels more appropriate for this area than a conference center.

Through the Chair, Alder Marchand requested a more robust definition of an event center and government building or facility, and especially how an event center differs from a conference center.

Director Brown reviewed how the use table has been updated to include the mixed-use zone, and this TOC zone has been updated to mirror the mixed-use zone.

Attorney Merin reviewed the use table and how the mixed-use zone affected those changes that were applied to the TOC zone.

In response to Alder Morrison, Attorney Pinto discussed how the TOC allows more units but does not limit the size of the units to 500 square feet. It just allows more units. Gave the example of how in other zones, 1,000 square feet would allow one unit, whereas 1,000 square feet in this zone would allow two units.

In response to Alder Furlow, Attorney Pinto discussed how in other zones a 100,000 square foot building, only be allowed 100 units, but the TOC would allow 200 units. However, the units can be larger than 500 square feet.

In response to Alder C. Rodriguez, Director Hausladen reviewed how a partnership with three current developments in New Haven has provided insight into what type of retail spaces, community spaces, theater spaces, etc. would best serve this area.

COMMITTEE ACTION

Alder Marchand moved item # 1, seconded by Alder Morrison. Alder Marchand moved to amend by substitution, seconded by Alder Sabin. All the Alders spoke in favor of the amendment, and the motion to amend by substitution passed. Alder Marchand moved to amend to change as-of-right (R) to special permit (SP) for residential, hotels with less than 12 or fewer guest rooms, and hotels with 13 or more guest rooms. All the Alders spoke in favor of the amendment, and the motion to amend by substitution passed. Alder Marchand moved to amend to change as-of-right (R) to special permit (SP) for assisted living housing, seconded by Alder C. Rodriguez. All the Alders spoke in favor of the amendment, and the motion to amend by substitution passed. All the Alders spoke in favor of the item, as amended. The motion was unanimously approved, and the item passed, as amended.

2. ZONING MAP AMENDMENT OF THE CITY OF NEW HAVEN ZONING MAP (MAPS #16 AND #12) TO CHANGE THE DESIGNATION OF APPROXIMATELY 7.33± ACRES OF LAND LOCATED AT 170 UNION AVENUE (M B P 237/1300/00200) FROM B E (WHOLESALE AND DISTRIBUTION) TO A TRANSIT ORIENTED DEVELOPMENT ZONING DISTRICT CLASSIFICATION, KNOWN AS A TRANSIT ORIENTED COMMUNITY ZONE.

PUBLIC TESTIMONY

Presenters:

Douglas Hausladen, Executive Director for the New Haven Parking Authority;

Laura E. Brown, Director of City Plan;

Clifford A. Merin, Attorney at Cohen and Wolf, PC; and

Michael Pinto, Corporation Counsel presented this item.

Director Hausladen presented this item and discussed how this is the map amendment to change the designation of approximately 7.33 acres of land located at 170 Union Avenue to a transit-oriented development.

Attorney Merin confirmed they are requesting this item be amended to include the flood provisions in Section 43.3.

Anstress Farwell, 59 Elm Street, spoke in opposition to moving forward with the TOC at this time due to needing additional public input and additional consideration giving to coordinating with other major developments in the area. A copy of the written testimony is on file in the Office of Legislative Services.

Fernando Pastor, 89 Murray Hill Street, Hamden, spoke about how this project looks at the area as separate lots and encourages the development to be more ambitious to provide conformity between the entire zone.

COMMITTEE ACTION

Alder Marchand moved item # 2, seconded by Alder Marchand. Alder Marchand moved to amend by substitution, seconded by Alder Sabin. All the Alders spoke in favor of the amendment, and the motion to amend by substitution passed. All the Alders spoke in favor of the item, as amended. The motion was unanimously approved, and the item passed, as amended.

3. PETITION TO AMEND THE NEW HAVEN ZONING ORDINANCE TEXT OF SECTION 22: ACCESSORY DWELLING UNITS INCLUDING REMOVING THE OWNER OCCUPANCY REQUIREMENT, ALLOWING DETACHED AND ATTACHED ADUS OUTSIDE OF THE EXISTING BUILDING ENVELOPE, ELIMINATING THE MINIMUM LOT SIZE REQUIREMENT AND AMENDING SETBACK REQUIREMENTS FOR ADUS.

PUBLIC TESTIMONY

Presenters:

Michael Piscitelli, Economic Development Administrator;
Laura E. Brown, Director of City Plan;
Michael Pinto, Corporation Counsel;
Gretchen Knauff, Director of Person with Disabilities; and
Nathanial Hougrand, Deputy Director of Zoning

A copy of the presentation is on file in the Office of Legislative Services.

Director Brown presented this item. Reviewed what ADUs look like, especially in New England including interior ADUs: attics and basements; attached ADUs: additions; detached ADUs: stand

alone. Discussed the potential impacts of ADUs, which includes: increase affordable housing choices for residents of all income levels; provide housing that responds to changing family needs, smaller households, and increasing housing costs; provide accessible housing for seniors and persons with disabilities; create new housing units; support efficient use of existing housing stock and infrastructure; offer environmentally friendly housing choices; create small contractor workforce opportunities; and bring illegal rental units into compliance.

Reviewed ADUs permitted under the current ordinance include allowing interior ADUs within existing structure in the attic/basement and detached ADUs through conversion of an existing garage/carriage house or new construction within existing building dimensions. Owner occupancy required. With +1 density as of right with a minimum lot size = 4,000 square feet and no additional parking required. Variances may still be required from the Board of Zoning Appeals.

Status of the current ADU ordinance include 11 ADUs permitted with relief with only 1 ADU constructed. It has resulted in no new housing units being built as-of-right. Owner occupancy, design restrictions, and regulatory processes are documented barriers to new housing creation through ADUs.

The proposed ordinance implements Phases 2 & 3, which would allow detached and attached ADUs outside of the existing building envelope as of right; eliminate the minimum lot size requirement for ADUs; align setback requirements with "accessory buildings," which is a 5 ft setback from side and rear lot lines; height cannot exceed that of the existing principal structure; once established a parcel cannot be divided into such a way that the ADU would become a stand-alone structure on a lot; require ground level ADUs to be Type B compliant for accessibility; and remove owner occupancy requirement.

Eliminating this requirement would make an additional 4,258 parcels under 4,000 sq ft eligible to create ADUs, if they meet all other dimensional requirements. Eligible parcels represent 18% of the 23,370 parcels in RS and RM zones.

Making the ground level ADUs Type B compliant for accessibility would help address the needs of people with disabilities. Twenty-six percent of the population of Connecticut has a disability but existing housing often does not meet their needs. Type B units provide structural details that allow a person with a disability to make modifications to improve accessibility including: wider doorways, blocking in bathroom walls, and clear floor space to allow for turning or maneuvering a wheelchair, providing lower counter heights, property toilet clearances, and shower value reaches.

Adding an ADU that results in less than three dwelling units in an owner-occupied property would require no rental inspection. However, a property not owner-occupied would require a Residential Rental Business License.

The short-term rentals of ADUs would not be regulated because New Haven currently does not regulate short-term rentals.

ADUs will not be deed restricted and are not a substitute for deeply affordable housing. As they are often smaller than other rental properties, rents may be lower. ADUs stand to slow local rent growth by producing housing supply. Renters moving into accessory dwelling units will move out of other naturally affordable housing, opening up these units.

In response to Alder Morrison, Director Brown reviewed how the city is contemplating ways to assist homeowners to build ADUs. Administrator Piscitelli discussed how they are reviewing how to establish a program that would help homeowners build ADUs. Reviewed how they are looking at the costs of running utilities, construction, and current interest rates to establish a program to help moderate income homeowners build ADUs.

In response to Alder Marchand, Director Brown discussed how ADUs could increase property values due to increasing economic value of the property or may decrease value of adjacent properties due to spill over effects related to causes such as noise.

In response to Alder Sabin, Deputy Director Hougrand discussed restrictions regarding building ADUs including only +1 allowed and height restrictions. This ordinance allows a minimum of 400 square feet with a maximum of 1,200 square feet.

In response to Alder C. Rodriguez, Deputy Director Hougrand reviewed how ADUs are allowed in RS-1, RS-2, RM-1, and RM-2 zones. Administrator Piscitelli reviewed how issues with ADU complaints would be addressed by various city departments including police and LCI. Director Brown discussed how they have created an interdepartmental working group to help address residents' concerns, which meets once a week and facilitates communication across departments. Confirmed the city, as presented, does not have the ability to regulate the rents charged by ADU owners.

In response to Alder Morrison, Director Brown discussed how removing these barriers will not cause a lot of ADU construction. Reviewed how there are multiple barriers including permitting, costs, etc. Spoke of the importance of investing in communal green spaces. Deputy Director spoke about how removing the lot restrictions allowed more fairness in allowing ADUs to be constructed.

In response to Alder E. Rodriguez, Director Brown discussed how the additional income generated by an ADU can help owners maintain and cover the cost of homeownership. Reviewed how the proposed ordinance does not preempt parking but allows ADUs to be constructed with no additional parking, so relief does not need to be requested.

In response to Alder Sabin, Attorney Pinto reviewed how the lot coverage would affect the construction of new ADUs and discussed how homes built on lots smaller than 4,000 tend to be smaller and not have as much lot coverage, allowing room for ADU.

Kelly Blanchat, 45 Glen Road, spoke in opposition of the proposed ADU ordinance. A copy of the written testimony is on file in the Office of Legislative Services.

Michael Waters, 26 Burns Street, spoke in opposition of the proposed ADU ordinance as written regarding historical structures. Request language be added to protect historical properties.

Fernando Pastor, 89 Murray Hill Street, Hamden, reviewed the limitations on current ADU construction including the costs of running utilities, lot coverage limitations, and affordability. Spoke of the importance of allowing short-term rentals.

COMMITTEE ACTION

No committee action.

4. ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS TO OR 2023 0021, TITLE IV OF THE CITY OF NEW HAVEN'S CODE OF ORDINANCES TO BRING FLOOD DAMAGE PREVENTION ORDINANCE INTO COMPLIANCE WITH THE UNIFORM BUILDING CODE FOR THE STATE OF CONNECTICUT.

PUBLIC TESTIMONY

No public testimony.

COMMITTEE ACTION

Alder Marchand moved to give item # 3 leave to withdraw, seconded by Alder Morrison. All the Alders spoke in favor of giving this item leave to withdraw. The motion was unanimously approved, and the item passed.

Alder Marchand moved to close the public hearing, seconded by Alder Morrison. The motion was unanimously approved at 9:36 p.m.

Alder Marchand moved to adjourn, seconded by Alder Sabin. The motion was unanimously approved.

Adjourn: 10:00 p.m.

A recording of this meeting can be viewed on the Board of Alders' YouTube channel here: <https://youtube.com/@boardofalders8363>.

Respectfully submitted,
Misty Maza, J.D., Legislative Aide II