



## ***Land Use-Urban Redevelopment Committee – Board of Representatives***

Bradley Bewkes, Chair

Nina Sherwood, Vice Chair

# **Committee Report**

**Date:** Thursday, June 23, 2022  
**Time:** 7:30 p.m.  
**Place:** *This meeting was held remotely.*

The Land Use/Urban Redevelopment Committee met as indicated above. In attendance were Chair Bewkes, Vice Chair Sherwood and Committee Member Reps. Adams, Campbell, de la Cruz, Grunberger, Matheny, Mays, Summerville and Tomas. Also present were President Curtis; Reps. Boeger, Figueroa, Morson, Nabel, Stella, and Walston; Doug Dalena, Corporation Counsel; Ralph Blessing, Land Use Bureau Chief; State Rep. Kimberly Fiorello; and Francis Pickering, WestCOG.

Chair Bewkes called the meeting to order at 7:31 p.m.

<b>Item No.</b>	<b>Description</b>	<b>Committee Action</b>
1. <a href="#">LU31.017</a>	REVIEW: Recent State of Connecticut Legislation Related to State Control Over Local Zoning, Including but not Limited to <a href="#">Public Act 21-29</a> , Previously H.B.6107, and Other Statutes or Proposed Bills Allowing as of Right Accessory Apartments, as of Right Higher Density Development, and Elimination of Single-Family Zoning Including the Process and Ability of Municipal Opt-Outs. 06/08/22 – Submitted by Reps. Bewkes and Sherwood	<b>Report Made &amp; Held 10-0-0</b>

### ***As a Secondary Committee: State & Commerce***

Mr. Blessing noted the following:

- ADUs are not the silver bullet to solve our housing crisis
- Neighboring communities, Greenwich, New Canaan, Darien, Norwalk have had ADU regulations in place for significant time, and it didn't seem to cause a problem, yet the number of ADUs produced was pretty small. Can be useful tool, but not top priority.
- Stamford LU Bureau gets 1-2 questions a week about ADUs in Stamford.
- From an overall planning perspective, ADUs are not the solution for affordable housing, they just don't do a lot.
- Waiting for Zoning Board or administration guidance as to what we should be doing regarding opting out.
- We can make it work with opting out and world won't fall apart if we don't opt out.
- There has not been any advice from the Administration about the Parking regulation opt-out option
- Local over zoning is something given to municipalities by the State through enabling legislation; Section 8-2 is part of that enabling legislation that determines what local communities can do with regard to land use

- Stamford is a special act city, so not everything that applies to other communities applies to Stamford, an example of this is the petition process
- This legislation has two broad categories
  - 1) those items that went into effect immediately when the legislation was passed such as a requirement that board members receive training, an inability to require higher fees per unit for multifamily developments than a single family development; and
  - 2) items with an opt out option such as
    - regulations that set the framework with regard to accessory dwelling units (smaller units attached to the principal unit), for example, a City cannot require people living in ADUs to be related to the people living in the principal building or different height setback standards for the ADU or require more than one parking space for an ADU. This requirement will go into effect on 1/1/2023 unless the Zoning Board and the legislature opt out by a vote of a 2/3 majority.
    - A requirement that local zoning cannot ask for more than one parking space for studio and one bedroom apartments or more than two parking spaces for two and three bedroom apartments

Rep. Fiorello stated the following

- It is up to the City to decide whether or not to opt out of these 2 provisions.
- She serves on Planning and Development Committee in the House.
- After issues of 2020, large contentious fight for many zoning regulations.
- She discussed other legislation which was discussed in the prior sessions, including a drive to disallow one acre single family zoning; a bill to allow up to 15 units per acre in a transportation district; expansion of housing authorities; a fair share bill; beach access pricing; requiring every municipality to have a fair rent commission.
- There was bipartisan opposition to 2129, vote was 84 yea, 59 nay. 13 Democrats voted nay on 2129.
- Opt-out was one of the best parts of the bill.
- No amnesty in this bill for illegal ADUs.
- It makes new ADUs as of right.
- Use of word 'character' has been limited, because it was considered a racist term.
- Connecticut followed Massachusetts model where affordable housing could be built with less oversight. Fair Share constructs - Broadening of legal standing for aggrieved people to push for more affordable housing.
- State passed Fair Rent Commission; Stamford already has one.

Mr. Pickering stated

- Opt outs are interesting because the State has typically given municipalities parameters re: land use with municipalities having the ability to determine how best to implement them. This is a more prescriptive approach.
- There are arguments on both sides as to where this government function should be housed.
- Prior to this act, ADU regulations had been adopted by about 145 municipalities and 25 municipalities and the State had not adopted ADU regulations.
- There has been considerable diversity of these regulations - one is the adoption of the regulations and the other is more restricted, such as requiring a marriage or blood relationship between the resident in an ADU that of the primary dwelling unit. This is not compatible with modern families.
- Existing zoning regulations probably need to be modernized and made more flexible, and 2129 is an attempt by the state to push municipalities into reviewing and revising their regulations.
- It may be good policy, but is more of a reach into the minutia of land use than had previously been seen.
- It is challenging to create a highly specific regulation that works in every environment so WestCOG has not taken a position on the value of public act 2129 although they did contribute commentary which is reflected in the bill.
- WestCOG has been advising members to opt out.
- This is not a reflection on the merits of the value of ADUs, which are an innovative way to increase the diversity, availability and affordability of housing stock.

- These regulations may not be necessary in a city that already has extensive regulations for multifamily housing because it would not increase the stock of affordable housing, or in places where the ADU might be used for vacation rentals, etc.
- These communities might be able to craft regulations that will support the goals of 2129 but do a better job.
- Since the impact of the regulations may not be felt immediately, WestCOG is recommending that municipalities opt out but adopt exactly the same standards that are under State law.
- An opt-out requires a justification for the decision.
- A municipality that opts out should have a game plan in order to promote housing affordability and housing choice.

Mr. Dalena stated

- that there is nothing in the bill that limits the speech of members of the public or reference to what people speaking at a public hearing or otherwise communicating with their elected or appointed representatives can say about character.
- The bill contains the ability to make decisions based on character if it is tied to architectural design features in a neighborhood or things like that physical side characteristics.
- The regulations may not be applied to deny a land use application or similar applications, on the basis of a districts character unless such character expert is expressly articulated in such regulations by clear and explicit physical standards for site work and structures.
- You may not use income level of any applicant or end user other than age or disability. The bill does contain height and landscaping requirements as to ADUs, which must match up the principal residence on the lot.
- Stamford already has a fair rent commission.

Committee members discussed this statute with the invited guests. Items discussed included:

- Stamford can have its own, exactly the same regulations, and maintain local control over the process, and ADU's could even be more fit towards our needs, otherwise, if we don't opt out, we automatically allow the state legislation to kick in.
- There is no reason why local zoning regulations can't be put forward that are exactly the same as the State regulations, and we can opt out at the same time. This would just be more of a process. We could then adjust the regulations as needed moving forward as opposed to relying on the State to make changes to 2129.
- Essentially, this gets rid of single-family zoning, now allowing every residential district to become at least two family.
- ADUs increase the value of property, and the City taxes the property more, at the higher value. This can make the housing stock more expensive, and thus more difficult for new homebuyers to enter our market.
- If we are trying to solve for affordable housing, then all ADUs should be designated for low income families.
- Municipalities may have to designate a specific area that allow ADUs if they don't opt out, but it is unclear.
- Homes will become more expensive to buy because not only are you buying a home, you are essentially buying a business.
- People can't build wealth as easily if they can't own a home and have to rent.
- ADUs would allow family members to remain in a small apartment without having to leave
- This would allow seniors to remain in their homes
- The state is trying to address concerns about lack of diversity in the state
- There is already an enforcement problem in the City
- The Zoning Board would have to hold a public hearing and affirmatively opt-out before the Board of Representatives would be able to act

- For one bedrooms and studios the City's parking requirements are a little more than one; parking requirements are based on transit access; Mr. Blessing does not have concerns about the parking requirements in the statute
- It is not clear under the Statute whether an ADU is allowed on every single family lot as of right or only in specified districts; this would need to be evaluated by the Law Department. An ADU could not go on a lot where it would not meet the basic requirements regarding size and height, etc. ; building code, fire code, etc. rules would still apply
- Chair Bewkes requested a legal opinion regarding the effect of this legislation on Stamford as to ADUs
- The State should not be permitted to tell the City how to regulate housing
- This would likely not automatically make illegal dwellings legal (this is different than a legal non-conforming dwelling, which preexisted the zoning)
- An ADU would not be permitted in an industrial zoning district and would still be able to be served by a septic unit. It could not create an additional environmental impact
- This is a way for seniors to stay in their homes, such as by moving into a detached garage and renting out the rest of the home
- The State has given municipalities the authority to enact zoning and enacts statutes such as this one to ensure zoning is done fairly because the premise is that zoning has been used as a way to discriminate against certain communities, especially people of color and low income communities
- The City could determine to have no zoning rules
- ADUs are naturally occurring affordable housing, because they are smaller; this does not preempt a short-term rental law that would preempt Air B&B
- ADUs increase the diversity of housing stock; there has been no study of their impact on diversity of populations; the trend of housing in urban areas is toward diversity; a housing economist would be able to answer questions regarding the economic benefits of ADUs
- Section 830-G does not work because of the lawsuits going on, which results in very little affordable housing being built
- Life safety codes (fire, building) would take precedence over the Zoning regulations
- Exclusionary zoning makes properties more expensive, so that people of certain income levels could not afford to live there, by making lots very large or excessive parking requirements, or requiring sprinklers for a building that doesn't require sprinklers
- This legislation doesn't make anything legal – there needs to be a building permit, inspection by the Fire Marshal, etc...
- This might provide an incentive to legalize an illegal ADU
- This would probably increase property values and raise taxes; people with currently illegal units still pay taxes on them
- There is a risk to residents in illegal apartments; the City had increased enforcement efforts before COVID and will be restarting that now
- There will be more data available when the ERP comes online
- The State will be updating the building code to include an optional appendix which provides for tiny houses
- This law is only one piece of the affordable housing puzzle
- Some of the articles cited in Rep. Ley's email discuss the economics of affordable housing

A motion to hold Item No. 1 was made, seconded and approved by unanimous voice vote (Reps. Bewkes, Sherwood, Adams, Campbell, de la Cruz, Grunberger, Matheny, Mays, Summerville and Tomas in favor).

2. LU31.018            REVIEW: Recent Transit Oriented Development            **Held 10-0-0**  
                                 Legislation and Measures Proposed or Passed By  
                                 the City of Stamford and State of Connecticut.  
                                 06/08/22 – Submitted by Reps. Bewkes and  
                                 Sherwood

***As a Secondary Committee: State & Commerce***

A motion to hold Item No. 2 was made, seconded and approved by unanimous voice vote (Reps. Bewkes, Sherwood, Adams, Campbell, de la Cruz, Grunberger, Matheny, Mays, Summerville and Tomas in favor).

Chair Bewkes adjourned the meeting at 10:58 p.m.

Respectfully submitted,  
Bradley Bewkes, Chair

This meeting is on [video](#).