

Chairman Lemar and Chairman Haskell and other distinguished members of the Transportation Committee my name is Maria Weingarten and **I am testifying against HB 6570.**

My written testimony will outline 14 specific points against as-of-right multi-family development for your review, so I will just highlight a few points here.

The legislation around development of State-owned Metro North parking lots is quite vague and appears to be a placeholder bill. What are the 5 locations? Will the state be permitted to override the local town's P&Z regulations regarding parking, building height, setbacks etc. in development of the state lots? There is no mention of adequate additional on-street or off-street parking near those state-owned parking lots and the potential infrastructure impacts to the downtown as a result of such development. Will the state keep the property tax revenue of those properties? If so, how does that reconcile with the infrastructure costs the towns will incur from the development? If local P&Zs are not consulted in the development, that would be an overreach by the State, as the local P&Zs are the best to determine the correct scale and impact of building on those sites, not the state.

The second part of the bill, which allows State Mandated as of right MARKET VALUE multi-family development or even mixed-use development within a half mile of train stations, will have fully anticipatable adverse impacts. I picture in my mind a few streets in my town that are all single-family right now and imagine the impact of a builder being able to tear down a one family home and building a mixed-use next door with retail, commercial and multiple apartments with no P & Z review – a builder can just go to town hall, get a permit and build as of right.

Let's be crystal clear, as of right development does nothing to make housing more affordable as it is solely focused on exponential growth of market value multi-family housing. This bill only benefits developers that would be incentivized max out property coverage to extract the most profit – and since it is as of right, there is no local P & Z review. This massive change, which is truly just an experiment, is an attempt to deflate property values by flooding the market with excess market rate multi-family supply. Especially during the time of Covid, this is a fool's errand, aggressively being forced upon suburbs by city planners and activists that have little understanding of the specific challenges that face our very unique cities, suburbs and rural communities. One size does not fit all.

The massive, coordinated push this legislative session to force passage of TOD housing proposals is truly unprecedented. It is a false equivalent to equate Transit Oriented Development in our suburban towns to other suburbs when CT does not have a major metropolitan city like Boston (700K), or NYC (8M), or San Francisco (875K) and does not have adequate local public transit. CT towns: Hartford (123K), New Haven (130K), Bridgeport (145K), Stamford (130K) and Norwalk (89K).

What CT truly lacks is a thriving, vibrant, business-friendly climate. Creating TOD in communities that do not have a vibrant commercial and industrial base that can also offer employment along with the proposed housing expansion is misguided.

Pre-Covid, there was great concern over overall lack of attention provided to the New Haven line as the entire Metro North board was comprised of New York Representatives. Even the CT train lines with highest utilization rates ran at a deficit pre-covid – I believe the rate I was quoted was a \$5 loss per rider per trip. Now, due to Covid, fewer commuters are currently using the New Haven line and the trains continue to run on a limited/ holiday or weekend service on the spur lines. The great experiment during Covid has proved that employees can be highly productive in working from home. What capacity will be needed for commuter transit in the future and will Metro North service ever return to the same levels as pre-Covid is anyone's guess. In suburban real estate, we also see a mindset shift from density multi-family properties towards single family homes with enough space to work from home. The increase in purchases in our towns by those leaving the city is a further indication of this.

To be sure, no two towns are alike in their development, but as a rule, local oversight of development is optimal. I would recommend focusing on CARROTS that local P & Zs can use to encourage local development with full consideration of their unique circumstances over a "one size fits all" STICK with many fully anticipatable negative outcomes.

I thank you for listening to my testimony and would welcome any questions.

### **Issues with the bills:**

***Section 1: Identify five transit stations where the associated parking lot is owned by the state, and (2) issue a request for information for the construction of transit-oriented development on such parking lots, provided the same number of parking spaces will be maintained and at least twenty percent of the development will be affordable housing***

### **WHY THIS IS BAD:**

- 1) Sets in motion State Mandated Local Development of multi-family housing on State Parking Lots adjacent to Metro North Stations. Most if not all, Metro North train stations have state owned parking lots. This bill attempts to override local decision making on local multi-family housing development.
- 2) This legislation would require the same number of commuter parking spaces to be provided for transit, with no mention of parking required for the units in the targeted housing development itself.

3) A one size fits all policy on parking does not account for the availability of adequate on-street parking near the targeted state lots for multifamily and mixed use development!

**Section2: Require fifty per cent of the area within a one-half mile radius of a bus rapid transit station or passenger railroad station (A) allow for the creation of as-of-right accessory apartments and residential buildings containing at least four dwelling units or mixed-use buildings that allow dwelling units, and (B) not be subject to mandatory minimum parking requirements.**

### **WHY THIS IS BAD:**

1) There is no affordability tied to as-of-right market rate development. Because of Affordable Housing/8-30g's highly regulated and costly filing and reporting requirements, builders are not incentivized to build affordable units. Builders will only focus on market rate projects and sell at the highest profit margins possible. The towns where exponential market value building occurs will move even further away from meeting 8-30g's 10 % affordable threshold since the number of market value units will by far exceed existing affordable housing development and there is no incentive for builders to develop affordable units.

2) As-of-right multifamily development takes away local decision making by town leaders that are directly accountable to the residents of that community. By eliminating public hearings, those most directly impacted by projects no longer have a voice. Those that have the most factual, evidenced based information on direct environmental and other impacts to the neighboring properties, like water runoff issues, no longer have a voice.

3) As-of-right market value multifamily development prohibits local P & Z from addressing any infrastructure impacts resulting from an individual project on neighbors or the towns. Currently P&Z Commissions can impose conditions on approval. In other states, like MA, recent Transit Oriented Development legislation allows towns to impose fees to address these very real impacts. Why would our state's legislation not permit local P&Z to set conditions?

4) Advocates of market rate multifamily development say that these laws will come at no cost to the state, but there is a very real cost to the impacted towns with exponential market value development. Flooding the market with new inventory will result in greater infrastructure demands. Those infrastructure costs do not increase in a straight line, but can instead step up, like when you need to build a new fire station, buy a new fire truck, expand existing sewer systems once capacity is exceeded. The very real infrastructure impacts will be passed onto residents through higher mill rates and local property taxes, making towns less affordable to both renters and homeowners in the community.

5) Unfettered as-of-right market value multifamily development will encourage builders to max out the property coverage on each lot, resulting in greater stormwater runoff, or other potential environmental impacts and overwhelm neighboring properties, the towns' existing drainage systems and wastewater treatment.

6) As-of-right market value development puts preservation of historical homes, usually built-in downtown areas, at risk of being torn down and replaced by multi-family homes, forever changing the landscape of towns.

7) Exponentially increasing housing stock with unrestricted market rate as-of-right multifamily development, especially in higher cost areas, like Fairfield County, will not drop home prices enough to create "affordable" workforce housing even as supply is greatly expanded. Builders can go into town hall, pull a permit to tear down a single-family home on a lot and replace it with 4 or more units BY RIGHT - no public hearing, no conditions, no planning & zoning review before development.

Tearing down one single family costing a developer \$1 million, will likely result in building 4+ new units selling at \$750K or more each.

8) The greatest barrier to affordability in all of Fairfield County is high land cost due to proximity to New York. WESTCOG.org reported that the greatest need for affordable housing is at the lowest end of the market and that is much harder to meet in higher property value towns that are closer to NYC. The affordable housing crisis in CT is really due to the lack of good employment opportunities in CT and poor economic and business public policy. Lack of good jobs means there is lower income and less residents can afford to buy or rent existing market value homes in the region.

9) Trying to compare transit-oriented development in MA suburbs to CT is a false equivalent. The State of CT lacks cities with a larger population like NYC and Boston. CT lacks adequate local public transit (bus and subway service) and the infrequency of Metro North train service does not support transit-oriented development. Suburban residents will continue to need vehicles for transportation. In a recent study, 95% of commuters on the New Canaan branch commuted to NYC for work. Few, if any, local residents can use Metro North as a mode of transport between nearby towns. If they did, like most other commuters, they would need a place to park (See Section 1, point #2 above). Most neighboring towns don't even have any public transit. Metro North is also very expensive per ride. The smaller suburban populations cannot expand local public transit due to a lack of demand.

10) CT suburbs with small populations and lack of adequate infrastructure and limited local public transportation, do not meet the criteria for transit-oriented development. Adequate, affordable goods and services do not exist in most suburban downtowns. Public schools are often not located near downtowns or transit. Most residents of suburbs require a car for their daily routines. CT's larger cities in contrast do have the existing local transit, commuter transit and infrastructure in place and should continue towards local transit-oriented development. ONE SIZE DOES NOT FIT ALL!

11) Many suburban towns were settled over a century ago. The local roads are often not wide enough to allow for on-street parking with two-way traffic. Forcing cars to park on-street will make the roads and sidewalks more dangerous for pedestrians and cyclists, cause unwanted congestion and forever impact the landscape of the towns. Eliminating parking requirements results in overbuilding and residents will not be able to find parking in downtowns to support shopping locally. This has a negative impact on local commercial businesses.

13) Allowing for mixed use development (retail, commercial, industrial, office and residential) in what is otherwise a single-family residential neighborhood, overrides local zoning and will impact property values and will forever change the landscape of the communities.

14) Younger residents prefer to live in urban communities, not suburbs. What will be the market demand on transit and housing post-Covid? Will people still commute as often to work? Do suburbs need state mandated TOD development? Will suburban buyers and renters even prefer more single-family housing to work from home instead of density multifamily market rate development? Why not focus on revitalizing CT cities instead?

**The greatest challenge for CT is increasing the vitality of our state by bringing back industry, new jobs and higher paying salaries through business-friendly public policy. Transit oriented development should be focused on revitalizing all of our cities, where housing stock and adequate public transportation and infrastructure already exists.**

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