

**Amended Analysis of Public Act 25-1
Multifamily & Mixed Use Parking**

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(For 6/11/26 Continuation of Public Hearing on Application #26-2 ZRA)

Section 18-(d)-(9) of PA25-1 provides:

"18-(d)-(9) " ... Zoning regulations ... shall not require a minimum number of off-street motor vehicle parking spaces for any residential development except as provided in section 19 of this act."

The "*except as provided in section 19*" provision means that, for multifamily developments of more than 16 units, and for multifamily developments of 16 or fewer units in a Conservation and Traffic Mitigation District, the zoning regulations can require a minimum number of off-street parking spaces.

The problem is that the amount of parking required in the parking table at the bottom of page 15 & top of page 16 for multifamily developments of more than 16 units, and the parking required for multifamily developments near the top of page 16 for 16 or fewer units, are too low and constitute a risk to public health and safety.

Section 19-(a) of PA25-1 provides:

"(a) Except as provided in subsections (b) and (d) of this section, no ... planning and zoning commission shall reject an application for any residential development solely on the basis that such development fails to conform with any requirement for off-street motor vehicle parking spaces UNLESS such ... commission finds that a lack of such parking spaces will have a specific adverse impact on public health and safety that cannot be mitigated through approval conditions that have no substantial adverse impact on the viability of such development."

The "*UNLESS*" exception means that, in *certain situations*, the Commission has the authority and obligation to deny an application if it finds that a proposed parking amount would constitute a health and safety risk.

§19-(a) does not require a "justification" by experts for the Commission to deny an application when it finds that a lack of parking constitutes a risk to public health and safety. Under the Act, all that is necessary is a properly worded "FINDING" motion and a vote by the Commission.

The top of page 16 of the parking table provides that, for multifamily developments of 16 or fewer units in a conservation and traffic mitigation district, to reject a lower parking needs assessment number in a parking needs assessment, the Commission must substantiate a finding that a lack of parking will have an adverse impact on public health and safety.

However, this requirement is not supported by the Act. The Act does not allow the Commission to "find" that the number of parking spaces in a parking needs assessment constitutes a health and safety risk.

As such, the proposed regulations should (a) remove the "justification" requirement when the Commission denies an application based on a finding that insufficient on-site parking constitutes a risk to public health and safety, and (b) remove the provision that the Commission has the authority to substantiate that the amount of parking in a parking needs assessment can have a specific adverse impact on public health and safety.

Section 19-(b) of PA25-1 provides:

"(b) A municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains more than sixteen dwelling units, ... provided any such municipality SHALL allow the proposed developer of such development to submit to the ... planning and zoning Commission a parking needs assessment that conforms with the requirements of subsection (c) of this section. Such ... Commission SHALL condition the approval of such development on the construction of off-street parking spaces not exceeding: (1) One such space for each studio or one-bedroom dwelling and two such spaces for each dwelling unit with two or more bedrooms, OR (2) the number of such spaces recommended for the development by the parking needs assessment submitted pursuant to this section, whichever results in the least required number of off-street parking spaces."

The "... may require a minimum number of off-street motor vehicle parking spaces" provision in §19-(b) gives the Commission the authority to specify any number of parking spaces it wishes for multifamily developments of more than 16 units.

The problem is that only 1 space per studio or 1-bedroom unit and 2 spaces per 2 or more-bedroom unit is proposed at the bottom of page 15 and the top of page 16 in the proposed parking table for multifamily developments over 16 units, which the Applicant and the Commission know is not sufficient in Ledyard to avoid health and safety risks. This is because Ledyard is a rural bedroom community with no public transportation, no public parking lots, and a high percentage of residents and families with multiple vehicles. To help ensure adequate parking, as suggested in the flowchart, the Commission should require at least 1.5 spaces per studio or 1-bedroom unit and 2.5 spaces per 2- or more-bedroom unit.

There will be no need for an Applicant to submit a parking needs assessment if the regulations require a reasonable amount of parking.

Remember that "conditions of approval," such as the "... *SHALL condition the approval* ..." provision in §19-(b), [by forcing the Commission to accept a parking needs assessment that reduces amount of parking to a level that creates a risk to public health and safety] conflicts with the statutory requirement that conditions of approval can only be imposed to protect public health and safety if, and only if, the use requires a special permit. All multifamily developments should require a special permit.

If reasonable parking requirements are included in the regulations for multifamily and mixed-use developments, optional parking needs assessments and optional conservation and traffic mitigation districts will not be necessary.

Section 19-(c) of PA25-1 provides:

"(c) A parking needs assessment submitted pursuant to subsection (b) of this section shall be paid for by the proposed developer and shall include an analysis of (1) available existing public and private parking that may be used by residents of the proposed development, (2) public transportation options that may be used by residents of the proposed development that mitigate the need for off-street parking, (3) projected future needs for off-street parking for such proposed development, and (4) any relevant local traffic, parking or safety study."

As shown in §19-(c), a parking needs assessment is not required to specify a specific number of parking spaces. If a parking needs assessment is submitted that does not specify a specific amount of parking, the amount of parking that the Commission must approve under §19-(b) is one space for each studio or one-bedroom dwelling and two spaces for each dwelling unit with two or more bedrooms. However, as noted above, such parking in Ledyard would constitute a public health and safety risk, which means that such a parking needs assessment would not be submitted.

If a parking needs assessment specifies a specific number of parking spaces, that number must also be approved by the Commission, which must be equal to or fewer than one space for each studio or one-bedroom dwelling and equal to or fewer than two spaces for each dwelling unit with two or more bedrooms, which constitutes a health and safety risk. This would also be a problem.

However, it is also a non-issue because a parking needs assessment cannot avoid the fact, due to Ledyard's suburban and rural nature, lack of safe on-street parking, narrow roads, lack of public transit, few sidewalks, and the number of adults with one or more vehicles, that it is virtually impossible for a parking needs assessment to support a material reduction in the

amount of required on-site parking. As noted above, such parking in Ledyard would again constitute a public health and safety risk, which means that such a parking needs assessment would not be submitted.

Section 19-(d) of PA25-1 provides:

§19-(d) "Notwithstanding the provisions of this section, any municipality ... may adopt not more than two conservation and traffic mitigation districts in which the municipality may require a minimum number of off-street motor vehicle parking spaces for a residential development that contains fewer than sixteen dwelling units, provided (1) no such district shall be larger than four per cent of a municipality's land area, (2) a municipality shall submit a property description of any such district adopted by the municipality to the Secretary of the Office of Policy and Management upon the adoption of such district, (3) any such zones may be contiguous, and (4) the municipality shall allow the proposed developer of such development to submit to the ... planning and zoning commission a parking needs assessment that conforms with the requirements of subsection (c) of this section.

If a parking needs assessment is submitted ..., such ... Commission shall condition the approval of such development on the construction of off-street parking spaces not exceeding one such space for each studio or one-bedroom dwelling and two such spaces for each dwelling unit with two or more bedrooms, or the number of such spaces recommended for the development by the parking needs assessment ..., whichever results in the least required number of off-street parking spaces."

Note that §19-(d) does not apply to developments of more than 16 units.

It also provides little or no benefit for developments of fewer than 16 units because the "UNLESS" exception in §19-(a) means that the Commission, for developments of 16 or fewer units that are not in a conservation and traffic mitigation district, has the authority to deny an application by finding that a proposed amount of parking will constitute a health and safety risk.

If the amount of required parking at the top of the parking table on page 16 for developments of 16 or fewer units is reasonable, a conservation and traffic mitigation district is not helpful because the Applicant will always propose sufficient parking to avoid triggering a denial decision based on a finding of insufficient parking that constitutes a health and safety risk. The Applicant, for the same reason, will never submit a parking needs assessment.

As such, if the regulations require sufficient parking for developments of 16 or fewer units (and for more than 16 units), the Town will not need Conservation and Traffic Mitigation Districts, and an Applicant will not need to submit a parking needs assessment. [See flowchart]

