

Chris Ledoux (Eastport)
Testimony before the Planning Commission
Hearing, February 5, 2009
Public Review Draft of the Annapolis
Comprehensive Plan

The Comprehensive Plan Addresses the Housing Supply. There is No Need to Build Rental Apartments in Existing Single-Family Houses

The Comprehensive Plan projects an annual population growth rate of 0.5% over the next 20 years.¹ The Plan estimates that the City's current 2007 population is 36,603 persons.² Based on this data, on average, the City projects the City's population to grow by 183 new persons per year. This may under-report growth; however, as the growth percentage is calculated using the 2000 census population figure as the baseline. The growth rate is likely higher. The Comprehensive Plan projects the City's population to grow to 42,600 in 2030³, an increase of approximately 6,000 persons over nearly twenty years, from its estimate of the 2007 population of 36,603.⁴ This equates to an approximate 0.8% annual growth rate.

Nevertheless, using the Plan's population estimates, the Plan projects 2,608 new single-family dwelling units will be needed over the next 20 years to absorb 6,000 new persons (the Comprehensive Plan estimates 2.3 persons per average household).⁵ Therefore, according to the Plan, the City will need 131 new housing units per year.

To meet this demand, the Comprehensive Plan reports that there are 471 dwelling units already "in the Pipeline".⁶ This alone represents a 3 ½ year supply. There are also 284 potential dwelling units anticipated in previously annexed areas – another 2 year supply.⁷ Beyond that, the Comprehensive Plan expects between 1,570 and 2,570 new housing units from its recommended redevelopment of the Opportunity Areas.⁸ This would represent a 12 to 20 year supply alone.

Thus, it is not clear why the Comprehensive Plan then calls for further increases to the City's housing supply by calling for the City to abandon single-family dwelling residential districts and allow single-family houses to be expanded and/or converted to

¹ See Annapolis Comprehensive Plan, Public Review Draft, p.61, Figure 5-4 (Dec. 2008) (hereinafter "Draft Plan").

² See Draft Plan, page 60, adopting the estimate of the Maryland Department of Planning's 2007 estimate of the City population.

³ See Draft Plan, p.61, Figure 5-4.

⁴ See Draft Plan, page 60.

⁵ See Draft Plan, pp. 9, 60.

⁶ See Draft Plan, p.60, Figure 5-2.

⁷ Report of the Annexation Workgroup, p. 13, Exhibit 2 (2005).

⁸ See Draft Plan, p.61, Figure 5-4.

add rentable second residences (*e.g.*, apartments or backyard cottages).⁹ This could nearly double the number of homes and families on lots where there are currently only single-family houses.

In Eastport alone, the Comprehensive Plan's proposal could add as many as between 169 to 441 new housing units, and increase Eastport's population by 389 to 1,015 persons. *See Exhibit A* attached (an analysis of the impact on Eastport). The proposal is likely to have similar negative impacts in other Wards and throughout the City.

The Comprehensive Plan's proposal is not warranted based on housing demand projections. Given that the Plan already addresses supply meeting demand without doubling-up single-family houses, there is no net benefit to the proposal when weighed against the societal costs of overcrowding, increased traffic, infrastructure burden, parking capacity, and likely impairment to the general quality of life in our City.

#

⁹ Draft Plan, Chapter 8 – Housing, pp. 105-106, Policy Rec. 1.3 (December 2008).

EXHIBIT A

The Draft Comprehensive Plan Proposes to Add 169 to 441 New Families and Housing Units and 389 to 1,015 New Residents to Eastport

Background

Living space in accessory structures is currently permitted in Eastport. There is no prohibition *per se* to building a home office, loft, or spare bedroom and bathroom above a garage, or even a small cottage, potter's shed, or pool house in the backyard. People using and living in such spaces, however, must be part of the same family that resides in the principal house. The residential districts in Eastport (R2NC and R2) are zoned "single-family". Apart from short-term guests, unrelated persons are not allowed. Renting is also not allowed.

The Draft Comprehensive Plan

What the Draft Comprehensive Plan proposes two changes:

- 1) owner-occupied "single-family" houses be expanded and/or converted to "two-family" by adding second residences (*e.g.*, new mother-in-law apartments, granny flats, above-garage apartments, in-home apartments, and small cottages)¹⁰; and
- 2) these second residences would be allowed to be rented-out.

The Draft Comprehensive Plan proposes:

*The City should work with neighborhoods to allow "mother-in-law apartments" or "granny flats" in owner-occupied houses in residential districts where the community finds them acceptable. These above-garage apartments, in-home apartments, or small cottages that serve as a second residence on a property can provide added income to the homeowner and provide a small affordable housing unit. Regulation of such "accessory dwelling units" would be necessary, and would need to address size of the accessory unit, provision of parking, and permitting process and enforcement.*¹¹

¹⁰ The proposal would only allow for "owner-occupied" houses to be expanded to "two-family" but not absentee-owner or investor-owned. The rationale for this distinction is not clear. If the proposed public policy is to increase small affordable housing units, it seems investors would have more incentive to maximize a property's rental income and increase the number of rental units thereby achieving the Plan's objective. There may also be constitutional problems with treating owners differently.

¹¹ Annapolis Comprehensive Plan, Public Review Draft, Chapter 8 – Housing, Policy Rec. 1.3 (December 2008).

Potential Impact in Eastport

The minimum lot size necessary to support two-family dwellings on a single lot, as set forth in the more-intensive R3 residential zoning district is – 7,200 s.f.¹² Currently, there is no minimum established for more intensive two-family dwellings on a single lot in the R2NC (Eastport) and the R2 (the rest of Ward 8) single-family residential districts because they are not currently permitted (existing are grandfathered).¹³ However, if the R3’s 7,200 s.f. minimum lot size requirement were applied to Eastport:

- 212 out of 598 total improved lots are large enough to support two families.
- Of the 212 potential two-family lots, 38 are investor-owned and 174 are owner-occupied.
- Of the 174 owner-occupied potential two-family lots, 169 are currently single-family. The others are and currently support grandfathered two-family or multi-family dwellings.¹⁴
- Accordingly, 169 single-family houses in Eastport would be eligible for a rentable “second residence”.¹⁵

Allowing one additional family/housing unit for rent (*e.g.*, granny-flat, mother-in-law apartment, divided house, apartment over garage, *etc.*) per current single-family house could potentially add at least 169 new families and housing units to Eastport.¹⁶ Using the Comprehensive Plan’s own estimate of 2.3 persons per family, the plan’s proposal could potentially add 389 new residents to Eastport.

The density impact of the 169 potential new families and housing units are geographically intensified on the following streets: Adams Street; Bay Ridge Avenue; Boucher Avenue; Burnside Street; Chesapeake Avenue; Chester Avenue; Creek View; Eastern Avenue; Fifth Street; First Street; Fourth Street; Horn Point Road; Kelly Court; Riverview Avenue; Severn Avenue; Second Street; Sixth Street; State Street; and Washington Street.

¹² Annapolis City Code, Section 21.50.060.

¹³ The minimum lot size for a single family detached dwelling in Eastport is 5,400 s.f. City Code Section 21.50.050, Bulk Regulation Table.

¹⁴ Of the 38 investor-owned properties, only 1 is single-family.

¹⁵ Analysis based correlations using Eastport Civic Association’s (ECA’s) 2003 study of two-family and multi-family rental properties in Overlay and Ward 8; ECA’s 2005 Ward 8 property lot and house size database; the Department of Neighborhood and Environmental Program’s list of rental properties for Rental District 4; and data obtained from the Maryland Department of Assessments and Taxation.

¹⁶ This statement is qualified with “at least” 169 new families and housing units because 49 of these currently single-family lots have the potential to add even more and develop into multi-family (3 or more families) due to their lot size.

The streets most impacted with the highest concentrations of 10 or more potential new family units per street are: Chesapeake Avenue (41); Burnside Street (17); State Street (17); Chester Avenue (15); Eastern Avenue (13); Sixth Street (13); Adams Street (10); and Washington Street (10).

Of course, if the Comprehensive Plan proposes allowing second family housing units be added to *any* owner-occupied single-family home regardless of lot size and regardless of whether the lot can support the density burden, then the number of rentable residences would increase.¹⁷ As many as 441 new families and housing units – and 1,015 new residents – could potentially be added throughout all parts of Eastport.¹⁸

¹⁷ The minimum lot size for a “single-family” house in Eastport today is 5,400 s.f. whereas the minimum size for a two-family property in the very-intensive R4 residential zoning district is 4,800 s.f. Annapolis City Code Sections 21.50.050 and 21.50.100. If the R4 minimum was applied to Eastport, nearly all “single family” lots would be eligible for rentable “second residences”.

¹⁸ 441 of the total 598 lots in Eastport are owner-occupied single-family dwellings. The rest are investor-owned.