

DRAFT: Compiled Data on Properties and Zoning Relief to Inform Zoning Overhaul Affordability Discussion

November 25, 2019, From Stephanie Hirsch

The following is information regarding zoning relief requests to inform the discussion of adding an affordability requirement to newly created two-unit properties. It's my understanding that these units could come into existence in the following ways:

- A new two-family gets built on a vacant lot or after a demolition of another structure;
- A single family adds one unit to its structure;
- A single family adds a backyard cottage; or
- A second unit gets added as part of a three-unit construction, which is either a new construction or the addition of two units to a single family.

To better understand the possibility of each of these occurrences, I used Assessing records that are shared via the City's Socrata portal and the past six months of posted Planning and Zoning Board Agendas. The data can be viewed here: https://docs.google.com/spreadsheets/d/10bv6Y_cptuE2ADIJ2oO4xCqe9tZgn9bBWGwq_lzWkDE/edit?usp=sharing

In the Zoning Relief summary, the fields I have tried to capture are: Summary Description, Detailed Description, Community Benefits (excluding market-rate housing), Max Units, Owner Occupant, Address Owner, Agent, and 1st Hearing Date. I made a judgement call as to community benefits provided by a project, highlighting mainly the addition of IZ units, commercial space, or a neighborhood amenity such as a park. Some potential problems with my data summary are:

- I recorded the Planning and Zoning Board agenda items by copying them manually from the agendas – I may have made errors in that process. I am going to request that the data be made publicly available in the data portal in a spreadsheet format, if that's possible.
- I wasn't sure how to verify for certain whether or not a property is owner occupied at the time of the application for zoning relief, so in some cases, I probably made the wrong assignment using the zoning relief application and assessing records.
- I used information about cases as they appeared on the agenda as proposed by the owner, and the outcome of the request is not included.
- I haven't yet had a chance to meet with Dan Bartman to check some of my assumptions, such as what is considered a "cottage" single family.

How many single families could add a second unit? According to Assessing data, there are 2,342 singles. However, in the new proposed zoning, single families of the "cottage" style are not permitted to add a unit or backyard cottage. Excluding "cottage" and "mansard" properties, there are 1,743 singles that could add a unit.

How common is it that owner occupants want to add a second unit in order to house family? A concern raised in a recent Council discussion has been that single family owner occupants may want to add a unit to house family. The Administration has said that zoning decisions cannot be based on who occupies the property, but only based on the property itself. (That said, this summary of regulation of accessory dwelling units references quite a few municipalities that use owner occupancy or "family" connections of the ADU occupant to regulate: <https://ma-smartgrowth.org/wp-content/uploads/2019/01/ADU-MSG-Pioneer-paper-2018.pdf>)

Looking at the agendas of the Planning and Zoning Boards from June through November, below is information about requests for zoning relief by owner occupant status (to the best of my ability to judge).

The most common type of owner-occupant zoning relief requests (63%) are for minor renovations, such as requests for dormers, decks, stair cases, and additions. Among single families, there were four requests by owner-occupants for the addition of one unit.

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Zoning Relief Requests by Owner Occupant Status, June through November 2019			
Units Requested	Owner Occupied?		Total
	N	Y	
2	3	4	7
3	6	6	12
4	1	2	3
5	5	3	8
6	1		1
10+	6	0	2
Major renovation	1	4	5
Minor renovation	15	32	47
Total	38	51	89

The larger projects being carried out by owner occupants seem to include ones that appear similar to other development projects, rather than primarily as adding space to house family, though Ward councilors and planning staff familiar with the projects would know more about them.

The table to the right shows detailed information on the projects carried out by owner occupants.

Also note, in looking at the data, between 2014 and 2018, there were a considerable number (I count 21, but could be wrong) of owners who converted from two families to single families. I did not check to see if these people were owner occupants or not.

What is my concern about not adding an affordability requirement to the one-to-two conversions?

Under the old zoning, many projects did not have any community benefit requirements. In this compilation of data, I summarize how many properties sought approval for projects based on the maximum units they hoped to have. So, as summarized below, there were seven owners seeking two units, 11 owners seeking three units, and 10 owners seeking four or five units, (29 requests in total) all without making any community benefit contribution. One four-unit project added one inclusionary housing unit. For most projects where the developer/owner sought to add a unit, they also carried out a major expansion requiring zoning relief and also requested parking relief.

Owner Occupant Zoning Relief Requests, June through November 2019	
Type of Request	Count
One to two units	4
convert existing backyard cottage to two floors of living space	1
2nd principal structure, two one-families	1
1-to-2 units and major addition	2
Two to three units	6
2nd principal structure, with one single family and one two-family	1
3rd unit in basement	1
extra unit after fire	1
2-to-3, with additional story	1
2-to-3 and major addition	2
Three to four units	2
3-to-4 and major addition	2
Addition of two+ units	3
Second principal structure, with addition of 3 units	1
3-to-5 and major addition	2
Major renovation	4
major addition	3
2-to-1	1
Minor renovation	32
addition	3
deck	4
deck and stairs	1
dormer	9
finish attic	1
finish basement	1
pavement materials	1
porch	4
stairs	1
small addition	1
deck and dormer	1
dormer and addition	2
dormer and stairs	1
handical parking spot	1
roof and dormers	1
All Requests	51

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In the new zoning, the three+ units will require a contribution. I believe this will cause some developers to seek to build two-unit projects so as to avoid the contribution.

At the same time, the new potential to add a second unit will be a new draw for developers to the single families. So, as I understand it, it'll be both HARDER for them to build three+ units without helping with affordable housing, and EASIER for them to expand a single family. As developers focus on adding units to single families, I believe it will inflate the cost of single families and create more luxury infill development.

Count of Properties by Maximum Units and Community Benefits		
Max Units	Community Benefits (excluding market-rate housing)	# Properties
2	none	7
3	none	11
4	none	2
	1 IZ unit	1
5	none	8
6	IZ units, commercial	1
10	IZ units	2
17	1 IZ unit	1
24	IZ units	1
39	IZ units	1
75	IZ units	1
38	IZ units, new park	1
94	IZ units, new park, commercial	1
26	IZ units, commercial	1
52	IZ units, commercial	1
Total		41

Some additional information about zoning relief requests.

By Ward: For the projects requesting the addition of units, 60% of the requested projects were located in Wards 1 or 2.

By Agent: More often than for the smaller projects, larger projects requesting zoning relief had an agent listed, and more than 50% had one of three of the most commonly-used agents

Unit Addition Zoning Relief by Ward		
Ward	Count	% of Total
1	12	29%
2	13	31%
3	3	7%
4	5	12%
5	6	14%
6	2	5%
7	1	2%
Total	42	100%

Unit Addition Zoning Relief by Agent		
Agent Listed	Count	% of Total
Dash	8	19%
DiGirolamo	10	24%
N/A	18	43%
O'Donovan	4	10%
Quinn	1	2%
Grand Total	42	100%