

From: Pultz, John [mailto:pultz@ku.edu]
Sent: Sunday, August 23, 2009 5:16 PM
To: Lynne Zollner
Cc: Earle, Susan E; Lori Parker; Denny Ewert (Brown)
Subject: RE: 928 Ohio Street

Lynne,

Do you have anything to do with the PC meeting this week that will discuss the boarding house provisions? Is it still possible to have input on the decision? I doubt that I'll be able to appear at the meeting. Is there time for a letter?

Perhaps this will count.

I write as a rare owner-occupant family in the Oread neighborhood and someone living across from two boarding houses that are inappropriate for this block. Most boarding houses shown on the page map attached to the agenda are on the one-way streets (Tennessee and Kentucky) or through streets, like Mississippi. Ohio is a two-way street, and the block with these boarding houses at 928 and 90 also has four owner-occupied houses (including mine with 3 children) and one house that rents to a young professional couple. Other houses are divided between group houses, with students, and houses divided into apartments, which include among their tenants non-student working professionals in their 30s and 40s. Approval of boarding houses for this block seems a slap in the face to the families here who have worked for years to maintain their properties. My wife and I are in the process of using state tax credits for work on historical structures to make improvements to our house, but at the same time are unsure that we can stay in the block if the "student ghetto" is allowed to move farther north on Ohio into this block, producing noise, trash, parking congestion, and other problems (just this past Thursday, we came out in the morning to find that someone's car had hit and destroyed the door to our garage on the alley). If the city wishes to keep families in Oread, the current policy of boarding houses must end.

The additions to 928 Ohio (planned) and 930 Ohio (completed) are doubling the capacity of these houses, making them monstrosities out of keeping with the neighborhood.

Because of the tremendous capital investment in boarding houses (in the case of the above examples with 8 bedrooms, 8.5 baths, and, I believe, 2 kitchens each), it seems unlikely that they will be easily converted back to single-family use (as has been the case with 936 Ohio) should real estate market shift. (Isn't anyone concerned that a glut will result the construction of great numbers of student rentals at 23rd and Inverness and at 31st and Ousdahl? What will happen with these boarding houses?)

Rather than boarding houses, large historic structures can be broken up into apartments. This would be better for the neighborhood. Apartments would not require the boarding house category. Apartments would not produce the large concentration of students (8 to 12) in a single unit, which is often the source of noisy parties. Apartments would attract a greater variety of tenants, including graduate students, young professionals, young couples, single parents, etc.; such tenants are unlikely to be attracted to boarding houses but would be less likely to become nuisances to the neighborhood.

I support Option 1 provided by staff and Option 4 as second choice.

John Pultz (and Susan Earle)
937 Ohio Street
Lawrence, Kansas 66044
785 843-3403

August 23, 2009

Planning Commissioners
City of Lawrence

Greetings:

This letter is in response to the Planning Staff Report on a Boarding House text amendment for the Planning Commission Agenda of August 24, 2009.

The Oread Neighborhood Association (ONA) Board is *opposed* to the Boarding House designation.

The staff report states, “The land use allows for the potential to reach higher densities close to campuses and is a vehicle to maintain historic and other structures in an economic way.” We agree that the maintenance of our historic structures *must* be encouraged. However, our neighborhood plan identifies *owner occupancy* as a key strategy to fight blight in the Oread. The very nature of the occupancy of Boarding Houses close to the K.U. campus is a *major* deterrent for owner occupants, present and potential.

Commonly in apartment buildings or divided houses, the occupants of all units do not all socialize together. Parties tend to be limited to one or two apartments, and tenants exercise an amount of social control over other tenants.

In the Boarding House a group of 4, 6, 8, 12, or more, friends join together to rent a house. These large groups of renters paying relatively large total rents frequently socialize through gigantic parties, with people and noise spilling out from the house, yard, porches, decks, and sometimes rooftops as well. In addition to noise, as these parties typically include mass consumption of alcohol by of-age and under-age young adults, behaviors often include public urination, shouting of profanity, and “disposing of” large quantities of bottles, cans, cups, and cigarette trash in nearby yards.

If the Boarding House designation continues, the ONA Board believes the standards *must* be changed.

For clarity, the terminology of Boarding House must be changed. Definitions of “boarding house” clarify that such houses include meals as well as lodging for the tenants. Comments are made that homes in our neighborhood had been used as boarding houses in the past. However in the late nineteenth and early twentieth centuries, “boarding” was a measure for the owner-occupant to maintain possession of her/his family home by adding income from tenants who were provided with food as well as a sleeping space. The current Boarding House designation used by Planning describes homes with large numbers of unrelated occupants, without food service for the group.

The Oread Neighborhood Association believes strongly that the parking standards for boarding houses must be no less than 1 per lawful occupant.

The current Boarding House parking standards require 1.5 spaces provided per 2 lawful occupants. In the 21st century, each tenant in these large groups generally has a car, and some tenants have additional vehicles. (We had a student neighbor who parked his SUV and boat in his lot on occasion.) With more vehicles than legal off-street parking, more cars are parked on nearby streets, as well as in yards, and in neighbor’s parking spaces. This is exacerbated during parties.

If the Boarding House designation is a tool for historic preservation, the ONA Board believes the only candidates would be historic structures of 4,000 or more square feet (not including basements and attics.) We do not believe that boarding houses should be allowed in structures less than 4000 square feet. And

we do *not* support the expansion of historic housing stock to convert originally single family homes into Boarding Houses.

We believe that every Boarding House must have screened on-site trash collection sufficient for the number of legal occupants.

The Oread Neighborhood Association (ONA) Board is *opposed* to the Boarding House designation.

We believe that all residents of the Oread Neighborhood deserve a high quality of life. We believe that our neighborhood, and preservation of the historic structures in our neighborhood is essential to a high quality of life for all Lawrence residents.

We are deeply concerned that existing standards for Boarding Houses threaten all remaining historic structures in our neighborhood. The current standards result in financial incentives for Boarding Houses, with large numbers of tenants per structure, with parking and trash removal being “provided” at the expense of nearby residents. We believe Boarding Houses drive away nearby owner occupants, increase blight, and hasten the deterioration of the Oread Neighborhood.

Respectfully,

Kyle Thompson
President
Oread Neighborhood Association

P.S. My family lives at 1041 Tennessee. In the years since the home to the south, 1045 Tennessee, transitioned from a family residence to a student rental with up to six tenants, we have experienced all of the problems mentioned in this letter, and more, including this weekend.

I came home after work on Saturday night. There was a stranger’s car in my space behind our home. I went to the house next door, where a giant party was in progress, and asked them to move the car. No one did. With no legal parking on the block, I parked illegally, went next door a second time to warn that I would arrange for the car to be towed. I waited 5 minutes and then called the police. An officer arrived and called a tow company, but the car was moved after the officer left and before the tow truck arrived.

About 12:30 a.m. that same night, I called those neighbors to lower the noise level. They moved to the yard on the other side of the house. At 3:30 a.m. I called about noise from the “Congregate Living” house across the street.

It doesn’t have to be like this in our neighborhood. And you have the opportunity to make it better.

Boarding Houses, Duplexes and Parking in the Oread

<u>Address</u>	<u># of Occupants</u>	<u># and Configuration of Parking Spaces</u>
**1138 Mississippi	8	3
**1140 Mississippi	7	0
** 928 Ohio	8	See attachment
930 Ohio	8	5
1212 Ohio (In planning)	6	5
1232 Ohio	9	8
1300 Ohio	7	6
**1334 Ohio	12	5
**1339 Ohio	12	5 (8 w/tandem)
**1341 Ohio	8	5
**1414 W. 14th St.	8	See attachment
**1008 Tennessee	9	5
**1020 Tennessee	9	6
1042 Tennessee	5	5
1109 Tennessee	6	5
**1416 Tennessee	10	5
1005 Kentucky	6	5
1037 Kentucky	6	5
**1313 Vermont	6	3

** Note that these Boarding Houses do not have 1.5 parking spaces for every two occupants. Eleven of these nineteen is out of compliance with code.

There are houses which have received variances to allow them not to be in compliance with the code. There may be others. Those that are known are:

1033 Kentucky 10 5.5 (handicap space)
This is not a boarding house. This is a cooperative and should not be listed as a boarding house. The residents are supervised and part of their fees are for meals which are prepared and eaten as a group daily.

1121 Ohio 11 0
This house has historical significance and over 4,000 square feet. A variance was obtained as there is no alley for off-street parking to allow all residents to park on the street. This is the only way such a large house of historical importance can be kept intact and managed.

1005 Indiana 8 0
This house was gutted by fire and allowed to rebuild according to the previous agreement.

Parking the number of cars that are owned in the Oread is one of the most serious problems for the neighborhood. During the day, surrounding the university, cars of students and faculty are parked bumper-to-bumper to avoid buying a parking pass. In the evening, residents come home and many must park on the street for lack of adequate alley parking. Boarding homes only compound the already existing parking/car issue.

In the total Oread Neighborhood, there are an estimated 1270 structures. The estimated total number of on-street parking spaces is 1075. That means there are 1.1 on-street parking spaces per structure. In the whole neighborhood, there are only seven blocks total which allow parking on both sides of the street. These blocks include all of Alabama Street, all of Illinois Street (each of which has 1 ½ blocks), two blocks of Ohio Street, and two blocks of Vermont. All but one of the Boarding Houses (1109 Tennessee) on Tennessee and Kentucky are on the opposite side of the street where cars are allowed to park. This means that some of the occupants and presumably all guests will have to cross Tennessee and Kentucky, probably not at a crosswalk, to get to the house. This is a dangerous situation for occupants, their guests and drivers along these arterial streets, especially at night.

The bulk of the Boarding Houses are on Ohio between 12th and 14th, and on Tennessee and Kentucky between 10th and 11th. This clumped distribution of Boarding Houses to other residential uses challenges a neighborhood which has historically been mixed use and mixed density. Boarding Houses cannot easily be returned to single family dwellings nor to houses where four unrelated people live together. The re-configuration to single bedrooms with a single living area and single kitchen with always more than four bedrooms will tend to stay in that configuration.

Because of the limited parking in the Oread, the desire for mixed density and mixed usage, I strongly urge the Planning Commission to reserve Boarding House and 8-bedroom Duplex use only in the approximately 15 historical structures in the Oread Neighborhood which have 4,000 square feet or more. Because these structures are scattered around the neighborhood, the mixed use and mixed density is not challenged and, at the same time, houses with historical significance can be maintained through a large group living situation.

Three core goals of the Oread Neighborhood Association are:

- 1) Preserve and rehabilitate historic houses
- 2) Promote mixed use and mixed density in the neighborhood in general, with high density dwellings closer to the campus and the new hotel
- 3) Reduce the number of cars

Toward meeting these goals, I believe that Boarding Houses should only be allowed in those historic structures with 4,000 square feet or more. I would also strongly support that **every resident in the neighborhood** has **one off-street parking space (no tandem parking at all)** to allow for student, faculty, guest, and tourist parking.

Thank you for your time.

Sincerely,

Ellie LeCompte
Oread Neighborhood Association Member