

December 13, 2009

City of Lawrence Planning Commission and
Planning Department

Re: Boarding House Text Amendment

Members of the Oread Neighborhood Association carefully looked over the pros and cons of congregate living situations and came to the following conclusions. Many of the positive influences of such houses can be applied to any residential structure in the neighborhood. Apartments are an equally viable way to preserve large historic structures, aid in bringing structures up to higher levels of safety through building and fire codes, can improve exteriors of structures and reduce blight, and reflect the historic use of structures that have been used for congregate living in the past. We do not agree that congregate living is the most efficient housing for students as dormitories are far more efficient, that such houses provide walkability any more than any other residential situation (probably what really promotes walkability is not owning a car), that congregate living situations necessarily increase property value, nor are they a better alternative than apartment structures (how?). Certainly boarding houses are better for landlords in that they are less expensive to develop or remodel than apartments, provide for a communal lifestyle, which, in turn, leads to having a single lease versus several leases, and there is a demand for them. In many of the congregate living situations, a bedroom goes for \$500.00 per month, which encourages rehabilitation and upkeep.

Many of the negative impacts can be addressed in a similar fashion. Both duplexes and apartment complexes have been out of character in their neighborhoods, are neglected by landlords, can become central party annexes, and can be unsafe if one way streets, such as Kentucky and Tennessee must be crossed to reach the property. Communal living, in and of itself, is not a problem. Fraternities and sororities have chosen congregate living to perpetuate the environment of the parent organization and to allow seniors, mostly at least 20 if not 21 years old, to live together and be able to drink. The lack of supervision may be a contributor to disruptive congregate living situations of all kinds.

The addition of onsite trash receptacles should help with the trash problem IF either the tenants or the landlord take responsibility to clean up the trash left in the yards and alleys following parties. We commend the city trash collectors for their extra efforts to keep alleys clean in addition to maintaining and emptying dumpsters. We believe that there should be some sort of trash ordinance that requires that trash be picked up within a 48-hour time frame and, if it isn't, the house be cited and fined. But this would not be exclusive to congregate living situations.

Our greatest concern about congregate living situations is that the parking requirements favor houses with bedrooms, a single kitchen and living room over apartments or other living situations. We believe that since this will become a city-wide part of the Lawrence

Development Code, a requirement of one parking place per bedroom would be consistent for all residential living situations, whether in the Oread Neighborhood or another neighborhood. If all the tenants can park off the alley, then none of them are at risk when crossing streets, there is no need to double or tandem park, and the code does not favor one kind of residential structure over another. The current proposed parking not only favors congregate living in general, but specifically favors congregate living situations in which there are 7 or more residents. The only situation which we could support having
A different ratio of parking to residents is one in which a large (over 4,000 square feet) historical structure is being rehabilitated as congregate living. This issue may be most salient in the Oread Neighborhood and would best be addressed in each of the overlay districts proposed.

When there are four or more congregate living situations being served by one block of alley, such as that from Tenth to Eleventh Streets and between Kentucky and Tennessee, parking problems are definitely compounded. There are an abundance of residents, not to mention their family members and guests, who have no place to park. The intersections at Kentucky and 11th and Tennessee and 11th are among the most accident-prone in the city, partly because there is a lot more alley traffic and very poor visibility due to the number of cars parked on both sides of the alley entrances. There are six congregate living situations along that alley. Thus, the distribution of congregate living situations throughout the neighborhood is a crucial issue for everyone else who lives around them. Parking on private property, double parking, tandem parking, all of which result from too few parking spaces for residents, become, at the least, irritants, and potentially dangerous for everyone else who is dependent on these alleys.

Thank you for your time and attention.

Sincerely,

Ellie LeCompte

Owner of 1017, 1019, and 1023 Kentucky

December 14, 2009

Greg Moore, Chairman, and Members of the Lawrence-Douglas County Planning Commission
C/o City Hall, Lawrence, Kansas

RE: ITEM NO. 4 – BOARDING HOUSE TEXT AMENDMENT UPDATE

Thank you for your continued consideration of a text amendment addressing Boarding Houses/ Congregate Living Structures.

The Oread Neighborhood Association appreciated the opportunity to have three representatives at the stakeholder meeting held to discuss this issue. Although some agreements were reached, we are writing to let you know that Association members have serious concerns with the proposed text amendment.

The staff memo does not reflect comments made at the meeting that many of the “positive impacts” of boarding houses were impacts attributable to any major renovation. ONA is interested in renovation of historic structures in our neighborhood, however we have seen significant renovations for single-family occupancy as well as for apartments and boarding houses. We continue to believe that the development of congregate living structures should not be encouraged through reduced parking requirements. Although the staff memo notes that “it was recognized that boarding houses are not the main contributors to the Oread neighborhood’s parking problems” in fact, in the alley from 10th to 11th Streets between Kentucky and Tennessee, the six boarding houses are greatly contributing to the parking problems in the alley.

We would note that the proposed limits on expansion, reduced parking standards for existing structures, and limits on the size of uncovered decks and patios may make more sense for development in the Oread neighborhood than they do city-wide. Therefore we suggest that Standards (ii) Limits on Expansion, (iii – b.) Parking for conversion of an existing Structure, and (iv) Uncovered decks and patios shall be limited to twenty (20) square feet of area per bedroom, be considered as part of overlay districts in the Oread Neighborhood and not as part of this proposed text amendment. The parking requirement of 1 parking space per bedroom could be reduced for the redevelopment of large historic structures in our neighborhood for both congregate living and apartment use within the overlay districts.

Thank you for your consideration of these suggestions.

Kyle Thompson, President
Oread Neighborhood Association

Fadila Boumaza
1518 East 800 Road
Lawrence, Kansas 66049

December 12, 2009

Planning Commission

Dear Commissioners,

I urge the City Planning Commission to clarify the issues to be resolved, gather facts as opposed to testimonials (most if which are emotional appeals often backed by inaccurate statements) and then craft a solution that involve all individuals concerned. I believe that most of the issues that are recurrently brought forth can be addressed by rules and regulations that are already in place if they were enforced (noise, trash, “infrastructure character”, etc.).

The city has held numerous public hearings during which concerns expressed range from parking issues, noise concerns, littering/trash issues, enlarged structure, boarding house concerns, and desires to have more owner occupied properties, all of which seem to change in priority and seem to reflect the personal interests of individuals presenting their grievances. These grievances are real but so are the current codes and regulations that are in place and if enforced would address the majority of these concerns. The issues outlined are more acute in the Oread neighborhood because of its demographic profile and proximity to campus.

I have reviewed the document submitted to the City Planning Commission and I believe the proposal does not resolve the plethora of issues presented. It focused instead on enlargement of existing properties/boarding houses which have been limited in numbers over the past several years and parking requirements. As shown below, most of the listed negatives outlined in the proposal are not, in my opinion, specific to boarding houses.

1. “Structures have been significantly enlarged and this has been viewed as being out of character with the established pattern of development in the Oread Neighborhood”. It is my understanding that the neighborhood already has many large structures. The only structures that have been enlarged over the past several years have passed a long and detailed review process and have been approved per current city codes. The effect on the environs, scaling, mass, and the character of the additions and alterations to the existing structures are defined by the Secretary of Interiors (See appendix 1). Additionally, the concern about the enlargement of existing structure in the Oread Historic District is thoroughly regulated by Chapter 22 of the City Development code and HRC. We need to rely on published standards not on a few individuals’ preferences and tastes.
2. ”The communal lifestyle can include the potential for houses to turn into large party houses and some homes are leased to members of sororities apparently for

- this purpose.” Undesired behavior is unfortunately not specific to communal living and I don’t believe that police reports would support this statement.
3. “The communal lifestyles can lend itself to misbehavior by resident – trash, noise, party, trespassing, etc.” The same concerns can expressed for houses with 4 residents as well as apartment complexes. Again, undesired behavior is unfortunately not specific to communal living and I don’t believe that police reports would support this statement. Has anyone performed a study that would show otherwise instead of relying on anecdotal stories again?
 4. “Some boarding houses are operated by neglectful landlords and the structures suffer from lack of maintenance and resident accountability.” Most houses that have been turned into boarding houses were either dilapidated or in the brink of destruction because they were neglected by their owners. The lack of maintenance is most prevalent with smaller houses which lead their tenants to mistreat them further.
 5. “Boarding houses tend to add to an already problematic parking issue, though it was recognized that boarding houses are not the main contributors to the Oread neighborhood’s parking problems.” If this is not an issue then what is the purpose of this bullet? There are rules for parking for all structures and hence the problem is not specific to boarding houses.
 6. “Boarding houses along Tennessee and Kentucky may have an unsafe parking situation by needing to cross these major routes of travel.” Isn’t that true for all houses located on those streets?
 7. “Most, if not all, boarding houses are rental properties and improper care can degrade the character of an area.” Improper care is applicable to many owner occupied houses or non boarding houses as well. Some of the boarding houses were built to restore those neglected properties. This issue is not a boarding house specific issue.

Most of the issues discussed over the past several months can be effectively addressed by current regulations.

- Disorderly/Nuisance House Ordinance (Chapter 14, Article 11)
- Environmental Code (Chapter 9, Article 6)
- Property Maintenance Code (Chapter 5, Article 10)
- Rental Housing Ordinance (Chapter 6, Article 13)
- Sign Ordinance (Chapter 5, Article 18)
- Snow and Ice Removal (Chapter 16, Article 1)
- Walls, Fence and other Structures Ordinance
- Weeds Ordinance (Chapter 18, Article 3)
- Zoning Enforcement (Land Development Code - Chapter 20)

Additionally, the concern about the enlargement of existing structure is thoroughly regulated by Chapter 22 in addition to the reviews performed by the HRC.

As you can see we are not short of regulations. The scope and breath of these codes are broad and all encompassing. What would be the purpose of adding additions rules and restrictions?

I am surprised at the lack of understanding of what it takes to restore a property in terms of design and compatibility issues when I hear various stakeholders referring to property owners as “greedy”, “profit driven”, “inconsiderate”. I think what is inconsiderate to all individuals living in the neighborhood is letting one’s property deteriorate to such extent that rehabilitating the property required an enormous amount of time and effort. I have taken such steps and though my property on 930 Ohio is often referred to as “non fitting the character of the neighborhood”, I believe it contributes to the neighborhood and the community in more ways than many other houses that have not been modified. A great deal of effort was taken to restore the house, ensure the safety of its occupants and be environmentally friendly (See pictures – Appendix 2 – Pictures of exterior and interior). The design, the massing and the scale of the addition is compatible with the character of the neighborhood as defined by the standards issued by the Secretary of Interiors and as per Chapter 22 – City Code (See appendix 3 – Illustrative Design Criteria). The house has fire sprinklers, fire alarm, on demand water heater, dual stage toilets, rain water collection tank, recycled cellulose insulation, recycled pavers for parking and sidewalk, etc.

Limiting expansion for congregate living use to 20% (including restricting future use) will not preserve the character of the neighborhood as non congregate living structures in the same zoning can expand at will. This limitation will in my opinion devalue older, smaller properties at the expense of current owners.

I appreciate the amount of time and consideration the Planning commission is investing to find a solution that addresses the issues and benefits the community. I understand this topic is emotionally charged and complex and because it is emotionally charged and complex, I believe that we should not rush and add additional restrictions/rules that might target symptoms instead of addressing root causes.

Sincerely,

Fadila Boumaza

Appendix 1

Certified Local Government Review

For Certified Local Government Review of projects that involve listed properties, the Historic Resources Commission has typically used the **Secretary of Interior's Standards** to evaluate the proposed project.

The following standards apply to the proposed alterations:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic material or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historical property and its environment would be unimpaired.

Certificate of Appropriateness Review

In evaluating a request for a Certificate of Appropriateness, Section 22-505 of the Code of the City

of Lawrence indicates that the least stringent standard of evaluation is to be applied to properties in

the environs of a landmark or historic district.

4. The least stringent evaluation is applied to noncontributory properties, and the environs area of a landmark or historic district. There shall be a presumption that a certificate of appropriateness shall be approved in this category unless the proposed construction or demolition would significantly encroach on, damage, or destroy the landmark or historic district. If the Commission denies a certificate of appropriateness in this category, and the owner(s) appeals to the City Commission, the burden to affirm the denial shall be upon the commission, the City or other interested persons.

HRC Packet Information 06/19/2008

Item No. 8: DR-05-51-08 p.3

Section 22-105 of the Code of the City of Lawrence defines environs and specifies that; The environs is not an extension of the boundaries of an historic district or landmark.

For this reason, an application for a certificate of appropriateness for a project within the environs area shall receive the least stringent scrutiny when the Commission applies its Standards for Review as set forth in section 22-505, and there shall be a presumption that the application should be approved.

General Standards

For projects that require a Certificate of Appropriateness, the Historic Resources Commission is required to use the general standards and design criteria listed in the Conservation of Historic Resources Code, Chapter 22, of the City of Lawrence Code.

The following general standards apply to the proposed project:

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object and its environment, or to use a property for its originally intended purpose;

2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible;

6. Deteriorated architectural features shall be repaired rather than replaced, whenever possible. In the event replacement is necessary, the new materials should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conceptual designs or the availability of different architectural elements from other buildings or structures;

Typically, the design criteria in Section 22-506 are used in the review of projects. The design criteria that apply to this project are:

(3) Demolition, Relocation, and Land Surface Change.

(a) Demolition in whole or in part of individual landmarks or any key contributory or contributory structure within an historic district shall not be permitted. Exceptions are allowed only if a structure has been substantially damaged through fire or deterioration, and if there is reasonable proof that it would not be economically or physically feasible to rehabilitate. Other exceptions may be allowed if a structure does not possess the integrity, originality, craftsmanship, age or historical significance to merit preservation. However, demolition of past additions which have not gained historical significance and which have disguised or sheathed original elements or facades are encouraged, as long as the intention is to restore such elements or facades. Demolition under this chapter shall be subject to Ordinance 5810, as amended.

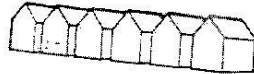
In conducting Certificates of Appropriateness, the Commission has used a standard of review based on the designation of the property or its proximity to the designated property.

Appendix 2

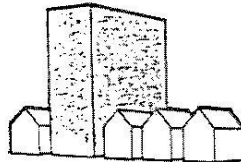
22-506.1 ILLUSTRATIVE DESIGN CRITERIA

HEIGHT

Consider - Relating the overall height of new construction to that of adjacent structures. As a general rule, construct new buildings to a height roughly equal to the average height of existing buildings from the historic period on and across the street.

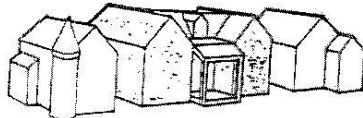


Avoid - New construction that greatly varies in height (too high or too low) from older buildings in the vicinity.

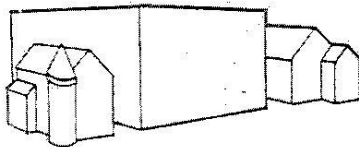


SCALE

Consider - Relating the size and proportions of new structures to the scale of adjacent buildings. Although much larger than its neighbors in terms of square footage, the building shown maintains the same scale and rhythm as the existing buildings.

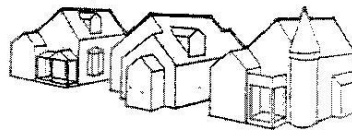


Avoid - Buildings that in height, width, or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape, although it might be appropriate in a different location.

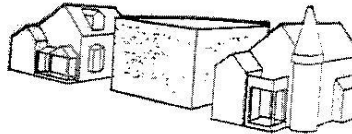


MASSING

Consider - Breaking up uninteresting boxlike forms into smaller, varied masses such as are common on most buildings from the historic period. Variety of form and massing are elements essential to the character of the streetscape in historic districts.



Avoid - Single, monolithic forms that are not relieved by variations in massing. Boxlike facades and forms are intrusive when placed in a streetscape of older buildings that have varied massing and facade articulation.



DIRECTIONAL EXPRESSION

Consider - Relating the vertical, horizontal, or nondirectional facade character of new buildings to the predominant directional expression of nearby buildings. Horizontal buildings can be made to relate to the more vertical adjacent structures by breaking the facade into smaller masses that conform to the primary expression of the streetscape.

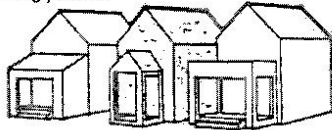


Avoid - Strongly horizontal or vertical facade expressions unless compatible with the character of structures in the immediate area. The new building shown does not relate well to either its neighbors or to the rhythm of the streetscape because of its unbroken horizontal facade.

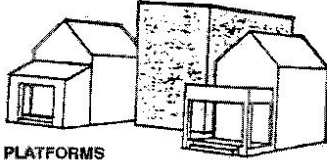


SETBACK

Consider - Maintaining the historic facade lines of streetscapes by locating front walls of new buildings in the same plane as the facades of adjacent buildings. If exceptions are made, buildings should be set back into the lot rather than closer to the street. If existing setbacks vary, new buildings should conform to historic siting patterns.

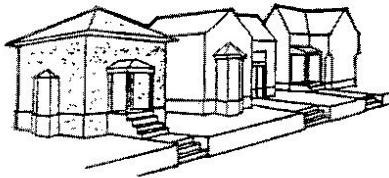


Avoid - Violating the existing setback pattern by placing new buildings in front of or behind the historic facade line. Avoid placing buildings at odd angles to the street, unless in an area where diverse siting already exists, even if proper setback is maintained.

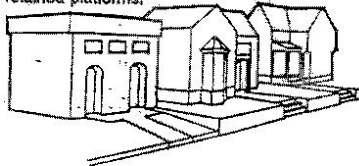


PLATFORMS

Consider - The use of a raised platform is a traditional siting characteristic of some of the older buildings in Lawrence. This visual "pedestal" is created by retaining walls and stepped entries.

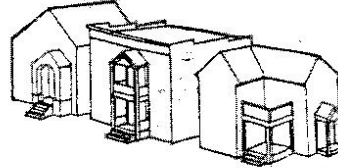


Avoid - Bringing walls of new buildings straight out of the ground without a sense of platform, i.e., without maintaining the same entry height as neighboring buildings. Such structures seem squat, visually incomplete, and do not relate well to their elevated neighbors. Also avoid leveling off terraced slopes or removing retained platforms.

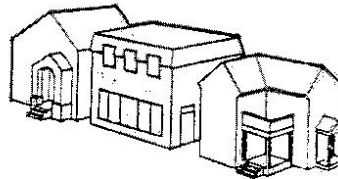


SENSE OF ENTRY

Consider - Articulating the main entrances to the building with covered porches, porticos, and other pronounced architectural forms. Entries were historically raised a few steps above the grade of the property and were a prominent visual feature of the street elevation of the building.

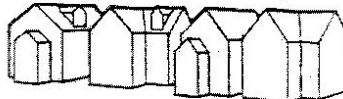


Avoid - Facades with no strong sense of entry. Side entries or entries not defined by a porch or similar transitional element result in an incompatible "flat" first-floor facade.

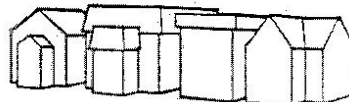


ROOF SHAPES

Consider - Relating the roof forms of the new buildings to those found in the area. Although not entirely necessary, duplication of the existing or traditional roof shapes, pitches, and materials on new construction is one way of making new structures more visually compatible.

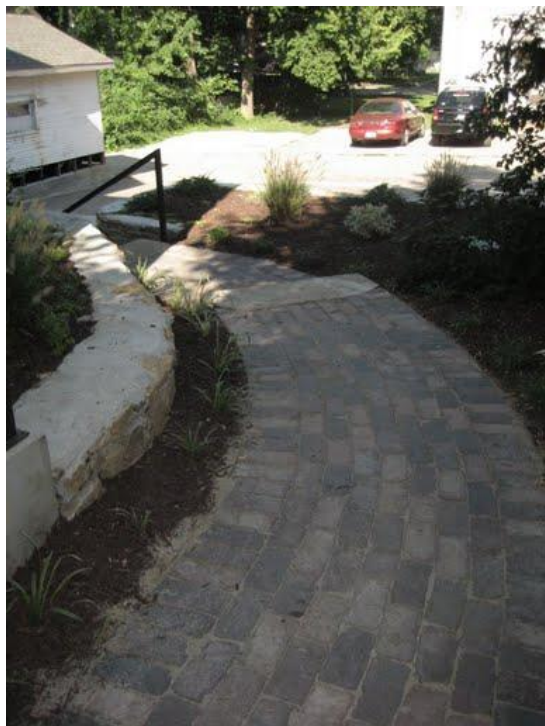


Avoid - Introducing roof shapes, pitches, or materials not traditionally used in the area.



Appendix 3













rain water collection tank





City of Lawrence

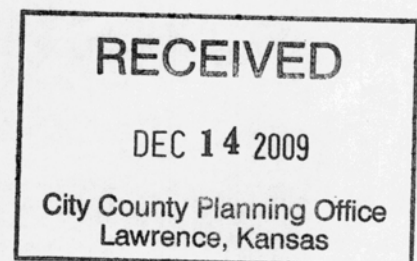
The Sunset Hills Neighborhood Association supports the Oread Neighborhood Association in its efforts to make certain that proposed changes in Boarding House rules, or other potential changes that could impact neighborhood densities and negatively impact the value of single family residences.

Owner-occupied residences typically provide the greatest stability, commitment and personal investment in a neighborhood. Certainly there is a place, and value, for higher density zoning. In our neighborhood, we have high and medium density zoning with Meadowbrook and adjacent multi-family zoning. We are fortunate in that, for the most part, we have good neighbors and the areas are pretty well defined.

In the Oread neighborhood, their situation is different because of their proximity to campus and the conversion of many single family residences into multiple occupancy. What that means, of course, is that the appeal for single family occupancy is much more fragile. It is imperative, in our opinion that everything possible is done to protect, enhance and encourage single family occupancy where it presently exists. Nothing should be allowed that will intensify existing development that is not in a well-defined higher occupancy area. We don't encourage denying anyone the ability to do what is presently permitted... we absolutely believe, however, that changes should not be made to allow a higher density, increased traffic, increased pressure on existing parking or anything else that will have a negative impact on existing single family and owner-occupied residences.

Thank you for your consideration and we very much hope you will support the integrity and value of single family occupancy in the Oread Neighborhood!

Sunset Hills Neighborhood Association
Janne Grees, President



League of Women Voters of Lawrence-Douglas County

P.O. Box 1072, Lawrence, Kansas 66044

December 13, 2009

RECEIVED

DEC 14 2009

City County Planning Office
Lawrence, Kansas

Mr. Greg Moore, Chairman
Members
Lawrence-Douglas County Planning Commission
City Hall
Lawrence, Kansas 66044

RE: ITEM 4: BOARDING HOUSE TEXT AMENDMENT UPDATE – TA-6-17-09

Dear Chairman Moore and Planning Commissioners:

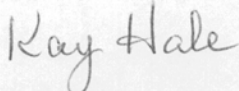
Boarding houses have been distinguished from other multiple family dwellings in that they are single-family dwelling structures with one kitchen that allow more unrelated adults as occupants than only the limiting four unrelated adults per single dwelling. The October Staff Report contained the best version of the Text Amendment (TA) to the Boarding House provisions. This October text amendment (TA) changed the term "Boarding House" to "Congregate Living," and required a site plan for all Congregate Living houses up to six occupants. Most importantly, more occupants than six required a Special Use Permit that included arrangements for an on-site manager or owner-occupant to serve as manager of each congregate living house. The October proposed TA required parking space for one car per occupant, open decks were limited to 15 square feet (sf) per occupant, and no houses were allowed to expand beyond 20%.

The new December version of the Boarding House TA takes out many of the previous reform measures and reverts the Boarding House to a "Congregate Living" definition that is almost as unregulated as the existing situation. The new December TA regulations don't require anything other than a site plan, and all of the other October TA restrictions have been eliminated except for the 20% physical expansion of the house. Open decks can be as large as 20 square feet (sf) per occupant. Required parking is four spaces per six occupants with 0.5 car space per additional occupant.

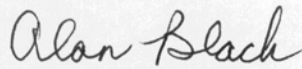
The complaints of Boarding Houses being party houses, having inadequate parking, and other serious problems aren't really addressed in the new regulations, which would have been better restricted with the October version of the text amendment, especially the requirement for a Special Use Permit and house managers for more than 6 occupants. We urge that the Planning Commission return to the October version of the Boarding House text amendment.

Thank you for considering our letter.

Sincerely yours,



Kay Hale
Co-president



Alan Black, Chairman
Land Use Committee

From: Paul Werner [mailto:paulw@paulwernerarchitects.com]

Sent: Saturday, December 12, 2009 11:27 AM

To: Scott McCullough; kthompson@sunflower.com; candicedavis@sunflower.com; tersch@sunflower.com; 'Jon davis'; jeff@hatfieldappraisals.com; 'Rob Farha'; aaronpaden@mac.com; maf@sunflower.com

Cc: 'Bradley R. Finkeldei'; Sheila Stogsdill; ksingleton@kcsdv.org; 'Rasmussen, Stanley L NWK'

Subject: RE: Boarding House - Code Standards meeting

Scott.. I think this works for my clients.... Couple of notes:

I would like to see some added language to protect the properties recently completely and which have received parking variances from excessive damage.. something that would allow them to be rebuilt without going through the BZA process again... I relies that is different than we approach other non-conforming uses.

I think you may want to discuss eliminating boarding houses from RM12 and RM15... that would allow some sections of Oread – and other areas- to be rezoned to a less dense zoning classification – and would eliminate the boarding house use.

Those are my thoughts.

Paul

Paul Werner

Paul Werner Architects

123 W 8th, Suite B2

Lawrence, Kansas 66044

(785) 832-0804

(785) 832-0890 fax

From: Scott McCullough [mailto:smccullough@ci.lawrence.ks.us]

Sent: Wednesday, December 09, 2009 11:48 AM

To: Scott McCullough; kthompson@sunflower.com; candicedavis@sunflower.com; tersch@sunflower.com; Jon davis; jeff@hatfieldappraisals.com; Rob Farha; Paul Werner; aaronpaden@mac.com; maf@sunflower.com

Cc: Bradley R. Finkeldei; Sheila Stogsdill; ksingleton@kcsdv.org; Rasmussen, Stanley L NWK

Subject: RE: Boarding House - Code Standards meeting

Thank you all for your time last week in discussing boarding houses. The attached memo and text revisions will be posted to the PC's agenda for next Wednesday's consideration. The PC meets at 6:30 in the City Commission chambers on Wednesday, December 16. Please let me know if you have any questions.

Scott McCullough

832-3154