

January 17, 2012

RE: Item 5 on City Commission Agenda for January 17, 2012: Regarding Congregate Residences

Dear Mayor Cromwell,

I would like to start out by once again apologizing for the late notice. We will do a better job of following these items on the Planning Commission agenda. According to the last correspondence I was aware of, the consensus was that staff was not recommending a change in their interpretation. To be fair, I may have missed something in the meantime but I do find it curious that there were no comments at the Planning Commission from any of the owners of these properties.

I am sure you will hear a lot of discussion (again), so I will keep my comments brief.

Here is a little background information on projects we have worked on since 2003:

- All, except the first one, have FEWER bedrooms than it did before we started construction
- ALL have MORE parking spaces than they did before we renovated the structure.
- All have a SPRINKLER SYSTEM, a FIRE ALARM, and are SAFE.
- All represent a SUBSTANTIAL INVESTMENT in the Oread Neighborhood.

We can discuss for hours if this is about parking, about owner occupied structures, or the Oread Neighborhood in general, and apparently we would wind up back here again. I would ask you to consider the following during your discussion.

Since the “new” regulations have been in effect, we have only applied for three new site plan approvals. Not one of these projects has included an addition, which shows that this compromise does in fact save the existing structures. On that note, I would urge you to leave the recently approved regulations alone.

If you decide to change the determination of staff, I would urge you to reword the terms and allow for “finished basements” to be included in the 3,500 square feet, as well as code approved 3<sup>rd</sup> floors, versus attics. There are strict guidelines in the building code which determine when a basement or an attic meets the definition of “habitable” space; that is what should guide this determination. An attic with a 4’ ceiling is NOT what is being included. An attic with an 8’ ceiling should be allowable space.

In addition, I think that it is important to put a date on when these regulations are “changing”. I think it is VASTLY unfair to allow a project to go forward under certain regulations, to change them a year later, and IF by chance there is some catastrophe that were to damage more than 60% of the structure, the owner would not have the right to build it back. All these owners have asked for, the ones that have done this legally, is to be protected as we move forward.

On a bigger picture item what really concerns me, which is not really being discussed, is what about the legal or illegal non-conforming structures in the Oread Neighborhood that are being used as Congregate Residences. We can debate if they are legal or illegal later, but I think that the bigger issue is safety.

I have discussed this with several property owners and I believe there is some room to provide additional improvements to the property and to the area, and to make these non-conforming structures safe.

I would propose the following:

- Property owners have to register their non-conforming structures with the city and document the current number of bedrooms.
  - 5-bedroom structures would not be allowed; these would be limited to 4 people.
  - This opportunity would apply to existing 6-bedroom structures and above.

(In my opinion, 5-bedroom boarding houses are not the best use of the property, and certainly do not fall into the category of “saving the bigger structures”. In my proposal, the 5<sup>th</sup> bedroom would essentially be surrendered and the structure would become a single family home; subject to four unrelated occupants. The structures with 6 bedrooms and above would have the chance to become compliant.)

- The property owner would immediately install a monitored fire alarm. The alarm must be completed by August of 2012.
- The property owner would have four years to site plan and sprinkle the structure. This must be completed by August of 2016.
- The site plan process would involve providing as much parking as the property allows, and coordinating trash dumpsters in the alleys.

Obviously, this is too big of an item to resolve tonight, but I think it is time to get it out on the table for discussion. Please feel free to contact me for more information.

Sincerely,



Paul Werner



## Lawrence Association of Neighborhoods

*Neighborhoods Working Together*

Dear City Staff and City commissioners;

11-9-11 & 1-13-12

The majority of members of the Lawrence Association of Neighborhoods (LAN) have voted in favor of supporting the Oread Residents Association (ORA) in their efforts to correct the square footage of single dwelling units that qualify for a parking exception as per the amendment passed on 1-25-11. LAN voted in support of this in November 2011 and again in January 2012. We believe that the parking exception stated in the present amendment nullifies that standard parking requirement of one parking space per bedroom that both the Planning Commission and the City Commission supported. The original amendment was intended to provide a uniform parking standard for all multi-dwelling units.

The exception of 3,500 sq ft, including unfinished basements, does not reflect an exceptional size house in the Oread Neighborhood. Most of the present congregate living units are 3,500 sq ft or larger. Given this consideration, nearly all congregate living units qualify for reduced parking. This is even less than the original boarding house parking standard of .75. Parking problems will only increase if this exception remains in place.

LAN believes that the 1-25-11 amendment can achieve its goal and benefit the Oread Neighborhood and the City by changing the interpretation of the size of structures that qualify for a parking exception to NOT include unfinished basements or attics.

Thank you for your continuing efforts to assure responsible planning,

Gwen Klingenberg,  
LAN President

## REASONS TO ALTER THE INTERPRETATION FOR AN EXCEPTION TO THE PARKING STANDARD FOR THE BOARDING HOUSE / CONGREGATE AMENDMENT 1-25-11

Dear City Staff and City Commissioners,

1-17-12

For over two years the City worked to formulate a boarding house/congregate living amendment that would provide a uniform parking standard of one parking space per bedroom for all multi-family rental units in the city. This was supported by the Planning Commission and the City Commission. An “exception” of .5 spaces per BR to the standard of one space per BR was also granted in a footnoted portion of the code for structures greater than 3,500 sq feet and on a property 8,775 square feet in size or less. Serious problems were discovered, based on recent data from the appraisers’s office that reveals the potential impact of the “exception. The “exception” of .5 parking spaces per BR has, by default, negated the use of the one space per BR standard.

- Average size of present congregate living units is **3,365** sq ft.
- Average size house in Oread including basements is **3,104** sq ft.
- Boarding houses/congregate living units currently comprise 5.6% of units in Oread. More than 4 unrelated individuals live in a unit. (8 -10 is a common number).
- The .5 “exception” for parking applies to units that are **3,500** sq ft or greater and includes counting unfinished basements and attics. **20%** of structures in the Oread Neighborhood qualify for this “exception”.
- Congregate living units will not need to follow the standard of one parking space per BR. The “exception” size is suitable and desirable to investor interests.
- This “exception” establishes a high incentive for redevelopment of congregate rental units and apartments. Other types of living units will have less opportunity to flourish and **parking problems will substantially increase**. The neighborhood has serious parking problems. Planning standards should address this problem, not make it worse.
- **This amendment now provides an even lower parking standard than the prior .75 standard for boarding houses.** This was not the intention of the Oread residents who initiated this effort to update the boarding house code 3 years ago.
- An “exception” was to consider special circumstances and sizes of structures that were **unusually large** and would warrant special parking consideration, a very modest percent.

**This most recent request asks that the interpretation for an “exception” to the parking standard not count unfinished basements or attics. Appropriate “exceptions” or modifications to the parking standard could be easily identified in future planning of the Oread overlay district maps. This corrected interpretation for a parking exception needs to be in place as soon as possible to limit the expansion of boarding houses/congregate living units in the months ahead and to provide a clear direction to investors and residents.**

Thank you for your consideration, Candice Davis, Oread Residents Association

(For Planning Commission meeting 11-14-11)

## CONSIDERATIONS/REASONS TO ALTER THE 1-25-11 AMENDMENT

Dear City Staff and Planning Commissioners,

For over two years the City worked to formulate a boarding house/congregate living amendment that would provide a uniform parking standard of one parking space per bedroom for all multi-family rental units in the city. This was supported by both the Planning Commission and the City Commission. An “exception” of .5 spaces per BR to the standard of one space per BR was also granted in a footnoted portion of the code for structures greater than 3,500 sq feet and on a property 8,775 square feet in size or less. Serious problems have since been discovered, based on recent data, as to the size unit that qualifies for an “exception”. The “exception” of .5 parking spaces per BR has, by default, negated the use of the standard.

- Average size of present congregate living units is **3,365** sq ft.
- Average size house in Oread including basements is **3,104** sq ft.
- Boarding houses/congregate living units currently comprise 5.6% of units in Oread. More than 4 unrelated individuals live in a unit. (8 -10 is a common number).
- The .5 “exception” for parking applies to units that are **3,500** sq ft or greater and includes unfinished basements and attics. By considering unfinished spaces, units that are 2,500 sq ft of upper level finished space also qualify. **20%** of structures in the Oread Neighborhood qualify for this “exception”.
- Congregate living units will not need to follow the standard of one parking space per BR. The “exception” size is suitable and desirable to investor interests.
- This “exception” establishes a high incentive for redevelopment of congregate rental units and apartments. Other types of living units will have less opportunity to flourish and **parking problems will substantially increase**. The neighborhood has serious parking problems. Planning standards should address this problem, not make it worse.
- **This amendment now provides an even lower parking standard than the prior .75 standard for boarding house/congregate units.** This was not the intention of the Oread residents who initiated this effort to update the boarding house code 2-1/2 years ago.
- An “exception” was to consider special circumstances and sizes of structures that were **unusually large** and would warrant special parking consideration, a modest percent.

**This most recent amendment request asks that the interpretation for an “exception” to the parking standard not count unfinished basements or attics. Appropriate “exceptions” to the parking standard could be easily identified in future planning of the Oread overlay district maps.**

Thank you for your consideration, Oread Residents Association



## Lawrence Association of Neighborhoods

*Neighborhoods Working Together*

Dear Chair and Planning Commissioners;

11-14-11

The members of the Lawrence Association of Neighborhoods (LAN) have voted in favor of supporting the Oread Residents Association (ORA) in their efforts to correct the square footage of single dwelling units that qualify for a parking exception as per the amendment passed on 1-25-11. We believe that the parking exception stated in the present amendment nullifies that standard parking requirement of one parking space per bedroom that both the Planning Commission and the City Commission supported. The original amendment was intended to provide a uniform parking standard for all multi-dwelling units.

The exception of 3,500 sq ft, including unfinished basements and attics, does not reflect an exceptional size house in the Oread Neighborhood. Most of the present congregate living units are 3,500 sq ft or larger. Given this consideration, nearly all congregate living units qualify for reduced parking. This is even less than the original boarding house parking standard of .75. Parking problems will only increase if this exception remains in place.

LAN believes that the 1-25-11 amendment can achieve its goal and benefit the Oread Neighborhood and the City by changing the interpretation of the size of structures that qualify for a parking exception to NOT include unfinished basements or attics.

Thank you for your continuing efforts to assure responsible planning,

Gwen Klingenberg,  
Lawrence Association of Neighborhoods, - President

10 November 2011

Chairman Hird and members of the Lawrence-Douglas County Planning Commission:

I appreciate all the attention you have given to planning for the Oread Neighborhood over the past two years, and especially this current review of the parking standards.

Residents of the neighborhood raised concerns about the lower requirement of .75 parking spaces per bedroom for boarding houses compared to the requirement of 1 space per bedroom for apartments. The "congregate living" amendment creates a uniform parking standard of 1 space per bedroom, but the exception and the interpretation to include unfinished basement and attic space goes much farther than many of us had imagined when "exceptionally large structures" were given lower parking standards.

The square footage number for the exception was proposed without information as to how many properties in the neighborhood would qualify. An interpretation has been made by staff that unfinished basements and attics should be included when determining if a structure is 3,500 sq. ft. or greater. With data provided by the Douglas County Appraiser's office, we have learned that planning staff now estimate that 89 structures, 20% of the properties in the RM -32 zoning district, qualify for the parking exception.

This "exception" establishes a significant incentive to redevelop properties without providing adequate parking. Rather than improving the situation, the standard of .5 spaces per bedroom is lower than the prior .75 spaces per bedroom that the original request was proposed to address. The parking impact will not be felt equally throughout the neighborhood – substantial parking pressure will be added to just one block on the west side of the 1000 block of Tennessee where nine out of eleven properties fit the exception. And although there is a restriction for expansion of congregate living structures, there is no such restriction for the expansion of apartment buildings that qualify for the exception.

I am very interested in working on ways to encourage the retention of the larger historic properties in our neighborhood, and I hope that we can find a way to do that without discouraging the renovation of existing smaller properties, or larger properties that are on two lots. I hope that you agree that the determination of gross square footage of a structure for the exception should not include unfinished basements or attics or that the size of a structure qualifying for an exception should be increased, as well as considering the standard of .75 parking spaces for the exception. I believe that exceptions to the parking standards would be more appropriately identified in future planning for the proposed overlay districts when the location and number of structures and mitigation of parking concerns could be addressed.

Thank you for your thoughtful consideration.

marci francisco  
1101 Ohio  
Lawrence, KS 66044



## Lawrence Association of Neighborhoods

*Neighborhoods Working Together*

Dear City Staff and City commissioners;

10-4-11

The members of the Lawrence Association of Neighborhoods have voted in favor of supporting the Oread Residents Association in their efforts to correct the square footage of single dwelling units that qualify for a parking exception as per the amendment passed on 1-25-11. We believe that the parking "exception" stated in the present amendment nullifies that standard parking requirement of one parking space per bedroom that both the Planning Commission and the City Commission supported. The original amendment was intended to provide a uniform parking standard for all multi-dwelling units. Reduced parking standards favor one type of unit over another by increasing the opportunity for financial gain. The "exception" of 3,500 sq ft, including unfinished basements, does not reflect an exceptional size house in the Oread Neighborhood. In fact most of the present congregate living units are 3,500 sq ft or larger. Given this consideration, nearly all congregate living units qualify for reduced parking. This is even less than the original boarding house parking standard of .75.

LAN believes that the 1-25-11 amendment can achieve its goal and benefit the Oread Neighborhood and the city by changing the interpretation of the size of structures that qualify for a parking exception to NOT include basements or attics. LAN supports the data and analysis presented by the planning staff and believes that 3% is a reasonable number to be considered for a parking exception. Thank you for your continuing efforts to assure fair and responsible planning.

Thank you for your consideration,

Gwendolyn L. Klingenberg  
Lawrence Association of Neighborhoods - President

4 October 2011

Mayor Cromwell and Commissioners Amyx, Carter, Dever and Schumm:

I very much appreciate your once again addressing the issue of parking standards and this chance to share with you my understanding of the issue.

When parking standards were first adopted, a likely assumption was that students near campus who had meals provided where they lived would have less need for a car; lower parking requirements were adopted for fraternities, sororities, and boarding houses. Recently (12 years ago?) developers became aware of the opportunity to use these lower parking standards and began converting older properties into so-called boarding houses. Although these houses provided for group living, they did not have organized meal programs; most residents in these houses need transportation to access food and are likely to own cars.

The "boarding" houses (mainly due to frequent loud parties) attracted attention in the neighborhood. There was concern that lower parking standards for the boarding houses (.75 parking spaces per bedroom) created an incentive to convert and enlarge properties to that over apartment use which required 1 parking space per bedroom, and neighbors questioned why this should be the case.

Residents of the neighborhood asked the commission to consider changes to the parking requirements; it didn't make sense to have different parking standards for boarding houses than for apartments – without providing food there isn't an argument for a lesser need for parking - and it didn't make sense to have lower parking requirements allow for expansion of properties in a neighborhood that was developed without adequate parking. Those issues have been addressed.

There was agreement that there should be exceptions to redevelop very large older structures on small lots for both congregate living and for apartments, but this is where the misunderstandings occurred. Although it was requested and would have been a part of reasonable planning, the changes were proposed without information about the number and location of properties that would be eligible. No information was given as to why the exception should have a parking standard not of .75 but be further reduced to .5.

There was also agreement when the new Oread Neighborhood Plan was adopted that there were areas in the neighborhood that could be considered for higher density development. The exception allows for parking requirements to create greater density scattered throughout the neighborhood, not focused on the areas that were targeted. Of particular concern is the block of Tennessee between 10<sup>th</sup> and 11<sup>th</sup> Streets, an area designated for medium density where nine structures on the west side of Tennessee Street and five on the east side qualify for the exception and there is on-street parking only on one side of the street. How will the parking in this block be accommodated?

One commissioner has said that this is not the long-term solution, and that we need may change standards in overlay districts. In this case, maintaining the current staff interpretation may create non-conforming properties. I hope that you either ask the planning commission to create a new text amendment with a higher size for exceptions or direct staff to interpret the code in a manner to exclude existing unfinished basements and attics. Thank you once again for your help in maintaining a great Oread neighborhood.

marci francisco

Dear City Commissioners and City staff,

10-3-2011

On 6-7-2011 a second Congregate Living Amendment was proposed to correct errors in the Congregate Living Amendment of 1-25-2011 passed by the Lawrence City Commission. The 1-25-2011 amendment established a parking standard for congregate living of one parking space per bedroom. This standard conforms with parking standards for all other rental units, honors the Oread Neighborhood Plan and was also supported by the Planning Commission. ***Parking exceptions*** to the standard of one space per bedroom, however, are now viewed as problematic after a study of the impact of such an *exception*. Data, previously not available from the County Appraisers Office, was recently analyzed by the planning department. That new information now makes it possible to make effective and accurate planning decisions that reflect the intention of the original amendment.

The parking code *exception* of .5 spaces per bedroom was intended to be used for exceptionally large structures that make up a very small percentage of neighborhood dwelling units. The present Congregate Living/Boarding House Amendment passed on 1-25-2011 states that dwelling units that are 3,500sq feet or greater, including unfinished living space can qualify for a .5 parking *exception*. This translates to include units that are 2,500sq feet when counting unfinished dwelling areas. Adding an additional 1,000sq feet of unfinished living space to the stated dwelling unit size allows 20% of the dwelling units in the Oread Neighborhood to qualify for a parking *exception* (1 in 5 units). The selected numbers of sq ft that could qualify for an *exception* to the standard is in fact about the average size of most congregate living units, thus making the standard parking requirement essentially null and void. The resulting unintended negative consequences, especially concerning parking, place an additional burden on the Oread Neighborhood. The ORA would like to see this corrected to honor the standard parking code that conforms with all other rental parking code standards.

The ORA supports staff option # 3 that suggests an interpretation of the code that does **NOT** include basements or attics in the calculation of the size of a structure. We adamantly support the parking standard of one parking space per BR but would support a 3% consideration for exceptions to that standard.

Thank you for your time and thoughtful consideration,  
Candice Davis, ORA Representative

Date: Oct. 2, 2011

To: City Commissioners

From: Linda Haskins

Oread Neighborhood Resident

Re: First Agenda item for Oct. 4, 2011 City Commission Meeting (Consider land use information related to recently adopted code amendments for Congregate Living and Multi-Dwelling Structures)

Dear City Commissioners,

As a resident and homeowner in the Oread Neighborhood for the past 30 years, I am concerned about parking problems that will occur by allowing boarding houses (congregate living structures) under the current text amendment to have exceptions from parking requirements of 1 space per bedroom to .5 if the houses are 3,500 sq. ft. including basements and attics. I favor the third option that Scott McCullough presented in his Sept. 19<sup>th</sup> staff memo to David Corliss:

Direct staff to interpret the code in a manner that does not include basements or attics when calculating the size of a structure. (administrative direction – would not require a text amendment process)

This would allow nearly 8% of all structures in the RM32 district of Oread Neighborhood to be boarding houses/congregate living structures (this includes those already converted to boarding houses and those that would be eligible in the future). This is a reasonable percentage considering the already dense population of the neighborhood.

The purpose of a parking exception was to help preserve large houses on small lots in the Oread Neighborhood. Boarding houses/congregate living units are not the only way to preserve large structures. Many houses have been rehabbed to accommodate a variety of styles of living needs.

Thank you for your consideration, Linda Haskins

## AMENDMENT DISCUSSION 9-9-2011

On 6-7-11 a Congregate Living Amendment was proposed to honor the agreed upon parking code requirement (1-25-11) of one parking space per bedroom for Congregate Living/Boarding Houses. The 1-25-11 code conforms with parking requirements for all other rental units, honors the Oread Neighborhood Plan and was supported by the Planning Commission and the City Commission. *Parking exceptions* to the standard of one space per bedroom, however, are now viewed as problematic after a study of the impact of such an *exception*. Accurate data from the County Appraisers Office in 8-2011 and recently analyzed by the planning department is reflected in the following commentary:

The parking code *exception* of .5 spaces per bedroom should only be granted to a small percentage of dwelling units as it is the *exception* to the rule of one space per bedroom. The present Congregate Living/Boarding House Amendment passed on 1-25-2011 states that dwelling units that are 3,500sq feet or greater, including unfinished living space can qualify for a .5 parking *exception*. This translates to include units that are 2,500sq feet when counting unfinished dwelling areas. Adding an additional 1,000sq feet of unfinished living space to the stated dwelling unit size allows 20% of the dwelling units in the Oread Neighborhood to qualify for a parking *exception* (1 in 5 units). The average size of a single dwelling unit in Oread, RM32, is 2,171 square feet. Houses qualifying for an *exception* would only be slightly larger than an average size house. Most existing congregate living units are 3,500 sq ft or greater, making the *exception* now the rule. The additional parking required on the street will be untenable and unfair to existing residents.

**The amendment for congregate living should read: Dwelling units built before 1950 that are identified as being greater than 3,500 gross sq feet NOT counting unfinished living areas (basements, attics, crawl spaces or porches), on lots 8,775 sq or less, 6 months from the date of this ordinance according to the records in the Douglas County Appraisers Office, and that are being renovated for congregate living or multi-family dwelling, shall provide parking at the overall rate of .5 parking spaces per 1 bedroom plus .5 spaces for every 10 ft of lot width beyond 50 ft.**

**Dwelling units that qualify for parking *exceptions* within the Oread Neighborhood should be identified in the Oread Neighborhood Overlay District Map. Additional *exceptions* that demonstrate special and unique circumstances may be noted in the overlay district study process.      *Oread Residents Association***