

November 15, 2016

City of Lawrence City Commissioners

RE: Oread Design Guidelines

Dear Commissioners,

As you know, Paul Werner Architects is employed by various clients who have invested millions of dollars to improve structures in the Oread Neighborhood. Because I feel the Oread Design Guidelines do not address certain important issues, I am not sure my clients are getting the credit they deserve for these substantial investments. These investments have not only improved the structures aesthetically, but they have also made for safer environments for tenants with the installation of fire sprinkler systems and fire alarms.

In regards to the Oread Design Guidelines, I am not sure how they are meant to "encourage" development. More importantly, the Design Guidelines do not address certain important issues that I would like to address below.

There are generally three types of structures located in the Oread Neighborhood.

- 1. Smaller Structures with five bedrooms or less
 - These may be single family, duplexes, or even a small apartment building. The fact that they are five bedrooms, or less, is important because this is how many parking spaces are allowed in parking off the alley.
- 2. Large structures over 4,500 square feet.
 - 4,500 square feet is very important due to the change of parking required, which now only requires one half space per bedroom. Without this decrease, there is no incentive to renovate these large structures, and therefore they would be left to deteriorate.
- 3. Structures that contain more than five bedrooms, but are less than 4,500 square feet.
 - These are the properties that need to be considered in the new Design Guidelines. I
 would not be surprised to find that this type of property describes a majority of the
 structures in the Oread Neighborhood.
 - It is unfortunate that the Design Guidelines do not offer any solutions, or incentives, for this type of structure to be renovated without having to provide additional parking.

- The parking reduction to one half space per bedroom was, for a very short time, applied to structures of 3,500 square feet or larger; instead of 4,500 square feet. This was, in my opinion, a more reasonable size requirement. We would suggest that the 3,500 square feet be reconsidered, and amended back into the Design Guidelines.
- Another solution that should be considered is to only require five parking spots off of the alley, and allow the structures to be renovated, regardless of their size. The reality is the bedrooms are already there. So, as long as we don't increase the occupancy, five parking spaces is most likely an improvement from what currently exists.

I am sure there are other solutions, they just need to be discussed, and then a determination made on what would be appropriate. I would ask you to encourage an addition to the Design Guidelines that includes a solution for the structures that are not currently addressed.

However, it appears the Guidelines will be approved this evening, as they are currently written. My request is that the Commission directs City Staff to offer some solutions to the structures not addressed. This could be in the form of an addendum to the Guidelines, with a possible six month timeframe to complete.

Finally, the irony of this request is found on the cover of the Oread Design Guidelines. There is a photo shown of a renovated house Paul Werner Architects worked on. This renovation would not be allowed under these new guidelines.

Sincerely,

Paul Werner

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The Lawrence Association of Neighborhoods (LAN) continues to enthusiastically support the proposed Design Guidelines and Overlay District for the Oread Neighborhood. This document provides important tools that will help preserve the historic integrity of Oread and enhance the livability of the area for both renters and homeowners. This is an exceptionally well-crafted document.

These guidelines reflect the intention of the **Oread Neighborhood Plan** that specifies areas of varying density as well as addressing the unique characteristics of old town-site plans, which differs from newer city neighborhoods. Sensitive and thoughtful planning tools are important to address these differences and respect the historic and unique nature of the Oread Neighborhood.

Oread zoning was unwisely changed over 40 years ago from low density to the highest density in the city. This has created on-going problems and conflicts among property owners due to the single-family nature of the neighborhood (houses make up 80% of the neighborhood) and high density zoning that does not conform to existing structures or lot sizes.

Density should increase from single family, duplex, triplex, fourplex, and higher multi-dwelling units. No more than 4 unrelated individuals may live in a single dwelling unit (most often a house) in multi-family zoned areas. Rental units require parking standards. It is essential to provide adequate parking in all rental units in the Oread Neighborhood. All rentals units should have the same parking standard (one parking space per BR), including duplexes. Duplexes presently provide 50% less parking than other rentals due to the allowance of stacked parking. Stacked parking is not accessible parking. Oread streets should not become duplex parking lots.

The Planning Department has put together an impressive document that will be of great benefit to the Oread Neighborhood and the City. The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment. Ideas of new urbanism will be apparent when both renters and homeowners live in a well-planned environment that considers the design and livability of the area.

Sincerely, Candice Davis, LAN Chair and Oread Resident As Chair of the Lawrence Association of Neighborhoods (LAN) I would like to remind you of the process that has taken place to develop the Design Guidelines and the Oread Overlay District.

The decision to create these guidelines through adoption of neighborhood overlay districts was a major recommendation of the revised Oread Neighborhood Plan, studied in 2008 and 2009, and adopted by the city commission in January, 2010.

The guideline process began after a \$50,000 planning grant was awarded the city in May 2011 to help preserve and stabilize the historic Oread Neighborhood. In February of 2012 consultants from Urban Development Services, from Austin, Texas, were hired to work to assist city staff in examining possible issues to be included in an overlay

The first presentation meeting by the consultants was in <u>February 2012</u>, followed by five other open stakeholder meetings and workshops, <u>4-13-12</u>, <u>4-14-12</u>, <u>5-3-12</u>, <u>8-2-12</u>, <u>8-28-12</u>. The last August meeting was open for public comment following a presentation by the consultants to the city commission.

A sub-committee was then formed by city planning staff. It consisted of two members of the planning commission, and two members of the historic resources commission, and city staff. Its charge was to review a draft set of recommendations, and create a document to be reviewed by the full HRC and planning commission and ultimately to this city commission. This subcommittee met over a dozen times in 2013. Preliminary work on a draft plan was understood to have been accomplished. Few meetings occurred in 2014 and in 2015. Five years have now gone by and we have yet to achieve a final approved document.

The overlay districts should follow the guidelines of the Oread Neighborhood Plan which took two years to develop and included all stakeholders in the neighborhood. At this point in time our lower density portion of the neighborhood is being threaten by combining lots and building structures not in keeping with our neighborhood plan. The overlay district was intended to help protect Oread's lower density zoned area (duplex) as well as protect the historic integrity of the entire neighborhood.

The Lawrence Association of Neighborhoods would like to see the Design Guidelines and the Overlay district finally approved for review by the City Commission. This effort has gone through an extensive public process. LAN looks forward to the conclusion of this process. Protection of our historic city neighborhoods is extremely important.

Thank you for your thoughtful consideration, Candice Davis LAN Chair



Dear Planning Commission,

6-13-16

The Lawrence Association of Neighborhoods (LAN) continues to enthusiastically support the proposed Design Guidelines and Overlay District for the Oread Neighborhood. This document provides important tools that will help preserve the historic integrity of Oread and enhance the livability of the area for both renters and homeowners. This is an exceptionally well-crafted document.

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Sincerely, Candice Davis, LAN Chair and Oread Resident

Lynann L. Chance and John R. Haase 1945 East 845 Road Lecompton, Kansas 66050 (785) 887-6501

RECEIVED

JUN 14 2016

City County Planning Office Lawrence, Kansas

June 8, 2016

Lawrence – Douglas County Metropolitan Planning Commission Lawrence Historic Resources Commission 6 East Sixth Street P.O. Box 708 Lawrence, Kansas 66044

RE: Proposed Rezoning of 303 West Eleventh Street, Lawrence, Kansas

Dear Commission Members:

While we applaud your objective to stabilize the Oread Neighborhood, the impact on our property appears to be unnecessary, arbitrary, and disproportionate with respect to the recommendation for other commercial properties. **We respectfully request the property maintain its current commercial zoning.**

This property is on the fringe of the overlay district. It is adjacent to heavily trafficked streets controlled by two signalized intersections.

Similarly positioned commercial properties are being allowed to maintain their commercial zoning.

In 1987 a concrete block structure was replaced by the existing building that was designed to meld with the neighborhood. This would not have been possible if the proposed zoning was in place.

Should the proposed rezoning occur, we will regard it as a real estate "taking" and proceed accordingly. The property value will be diminished by approximately \$500K. We will seek to recover these damages and petition to have the property revalued and reclassified for property tax purposes. The cost to the community will be substantial; the gain will be of no consequence.

Thank you for your consideration.

Lynann L. Chance and John R. Haase

LAW OFFICES

BARBER EMERSON, L.C.

1211 MASSACHUSETTS STREET
POST OFFICE BOX 667

LAWRENCE, KANSAS 66044

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RICHARD A. BARBER

JOHN A. EMERSON
BYRON E. SPRINGER
RICHARD L. ZINN
CALVIN J. KARLIN
JANE M. ELDREDGE
MARK A. ANDERSEN*
TERRENCE J. CAMPBELL*
MATTHEW S. GOUGH*

*ADMITTED IN KANSAS AND MISSOURI

Matthew S. Gough Email: mgough@barberemerson.com

March 21, 2016

VIA E-MAIL ONLY

Mr. Scott McCullough, Director Planning and Development Services City Hall, 6 E. 6th Street Lawrence, KS 66044

Re: Draft Oread Neighborhood Design Guidelines (the "Guidelines")

Dear Scott:

I have been engaged by multiple rental property owners in the Oread Neighborhood. Each of them have complied with the current Land Development Code (the "Code") to make improvements to their properties. Much has been written in the Oread Neighborhood Plan (the "Plan") and in the Guidelines about the need to preserve the aesthetic and feel of the neighborhood's historic roots. However, nothing has been written about the wholesale creation of legal non-conformities these Guidelines appear to cause overnight because of the Guidelines' limited parking options for Duplexes. If the Guidelines truly exist to "[e]ncourage quality development which protects investment and helps attract other quality developers," and "[r]educe tensions related to development/redevelopment within the neighborhood" (Guidelines, p. 4) the Guidelines need to expressly accommodate recently and lawfully updated multi-family structures. The applicability of the Guidelines must also be expressly limited to the scope of the "project" being initiated, must integrate with the Code, and must be fair, particularly regarding parking and repairs necessitated by Acts of God.

The Historic Resources Commission ("HRC") and the Planning Commission should adopt and insert the following clarifications and revisions to the Guidelines:

1. The Guidelines shall be limited in applicability to the scope of the "project" being proposed.

If an applicant files a building permit to replace a rotted or broken window, the Guidelines should only apply to the review and comment on that window, not all the windows. If an owner desires to replace the siding of a property, the Guidelines should apply only to the siding (and work directly related thereto, such as trim board replacement), not the front porch. The Guidelines must apply to the same extent as the work being proposed, and not more. City

Staff indicates verbally that this is the intent of the Guidelines, but an express reference is necessary to codify that intent.

2. The Guidelines' parking requirements should only apply when and to the same extent that the parking regulations of the Code are triggered under Section 20-901, et seq.; provided, however, in the case of a structure that was site planned under the Code (i.e., after 2006), that structure's existing parking configuration should be de facto permitted if there is no proposed increase in occupancy.

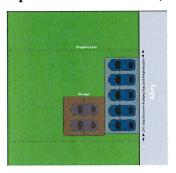
Today, the Code generally permits stacked parking on Duplexes, and owners in the neighborhood have relied upon that configuration to lawfully make significant improvements and obtain occupancy permits greater than what the Guideline's limited parking configurations would allow. *See*, Guidelines, p. 61-62. **Adoption of the Guidelines may create non-conformities on a large scale basis.** There would be no greater disincentive to updating, renovating and repairing properties in the Oread Neighborhood than the prospect of losing available off-street parking and, thus, losing permitted occupancy. Rental properties derive their value from the income they may create, and an reduction in occupancy may significantly reduce fair market value (and the tax base). The trigger for parking compliance under the Guidelines must, *at a minimum*, be identical to those under the Code.

Additional accommodation needs to be expressly made for those structures which have undergone site plan review since the adoption of the Code. If an eight bedroom Duplex has eight site-planned parking spaces, the Guidelines should not punish that property in the future by reducing parking, when a "project" does not increase occupancy. Adopting this accommodation does not increase density or parking in the neighborhood, and helps avoid the undesirable result of non-conforming status for the most recently updated properties. Imagine the potential hardship created by taking parking away from these properties (especially if taken involuntarily because of a fire or tornado) after having undergone the time consuming and expensive task of bringing them into compliance with the Code. Consider also the extreme disincentive to undertake "projects" that reduce parking.

3. Legal non-conforming uses, structures and lots must be afforded the same protections from the implementation of the Guidelines as they are from the implementation of the Code.

Article 15 of the Code acknowledges the existence of legal non-conforming uses, structures and lots, and the limitations and opportunities associated therewith. To the extent they are not protected by paragraph 2, above, owners who find themselves with non-conforming uses, structures, or lots (upon application of the Guidelines) deserve express protections regarding the perpetuation of those legal non-conformities. In this regard, whatever opportunities exist under the Code to renovate, expand, or rebuild those non-conformities should likewise exist under the Guidelines.

4. The parking configuration depicted below should be re-inserted in the Guidelines because it is not "double-stacking." This design should be an option in appropriate circumstances, determined on a case-by-case basis.



It is unfair to completely eliminate today the possibility of allowing a Duplex more than five parking spaces in the future, especially for those properties that have been redeveloped since the adoption of the Code in 2006. The most recent draft of the Guidelines permit two limited configurations that effectively limit parking to five spaces on any Detached Dwelling or Duplex, and eliminates the only seven-car option. The above configuration, which permits a two car garage and five outside spaces, should be re-inserted because (aesthetically, at least) it's not "double-stacking" if a garage door separates the cars. On a "case-by-case" basis, that configuration may be appropriate in the future.

¹The Guidelines accomplish the wholesale reduction of off-street parking without ever expressly saying that double stacking is prohibited or that no more than five spaces will be approved under the Guidelines. An outcome this significant should be achieved via a base zoning district amendment or by express text amendment to the Code, rather than being buried on pages 61-62 of the Guidelines, where they are unlikely to draw much attention.

5. When there is no alley behind a Lot, and when a property can accommodate parking on an existing driveway, parking should continue to be permitted in the driveway if a "project" does not increase occupancy.

It may be practically impossible to provide for parking behind the front facade of a structure. The requirement on page 61 of the Guidelines (Section B4.b.ii) should be revised to "should" instead of "shall" in the case of "projects" that do not increase occupancy. The stricter requirement for rear parking should be limited to "projects" that propose to increase occupancy, and only to the extent of such increased occupancy.

6. When the "project" commences as a result of a casualty event (e.g., wind, fire, or hail) and when the "project" is financed by insurance proceeds, the implementation of the Guidelines should be reasonably applied to accommodate the availability of such proceeds.

The Guidelines regularly call for the use of specialty building materials or designs that appear to be more expensive (labor and materials) than what may otherwise be permitted under the Building Code. For example, the Guidelines' list of six permitted types of roofing material (Guidelines, p. 65) are likely more expensive than the "basic" 3-tab asphalt shingles being used on virtually all new construction (and roof replacements) in Lawrence. Front porch foundations must be supported by 16" x 16" columns and the space between the foundation columns must be infilled with wood siding, lattice, brick or stone. If an owner is unable to secure insurance proceeds to fully comply with the Guidelines, the Staff should have flexibility to accommodate the owner's budget, at least with respect to properties that are not in a historic district.

7. The mere replacement of roofing materials should not trigger the Guidelines' requirements for specialty roofing materials.

Although the City's website indicates that the replacement of roofing materials are exempt from the City's building permit requirements,² the Code section referenced on that web page (*See* Section 5-144) does not appear to contain the same exemption. If, in fact, one needs a building permit to replace roofing materials (thereby triggering the applicability of the Guidelines), the mandatory use of "special" roofing materials in the Oread Neighborhood may create a disincentive to make ordinary and necessary roof repairs and replacements. If no permit is required, the Guidelines would not apply to the roof replacement anyway.

²See: https://www.lawrenceks.org/assets/pds/devservices/bsd/ds bsd permit exemptions.pdf

The Guidelines, as revised and clarified above, help establish predictability for those who voluntarily and deliberately undertake a "project" in the neighborhood (whether large or small), while avoiding unfair or uncertain outcomes for those who find themselves confronted with the Guidelines involuntarily following an insured casualty loss. Express language providing assurances regarding the applicability of new parking guidelines is essential to maintain investor (and lender) confidence, and does not increase density in the neighborhood.

Some proponents of the Guidelines (as currently drafted) may view them as an opportunity to reduce density by eliminating off-street parking. However, taking the stated goals of the Guidelines and the Plan at face value, we must not adopt Guidelines that achieve that end on a wholesale basis. To do so may stifle investment, reinforce the status quo, and lead to the neighborhood's decline over time. I do not believe the majority of owners in the neighborhood truly understand the impact of the Guidelines' parking configurations. Duplex owners would be more vocal if the effect of the Guidelines' were made more obvious. The revisions discussed above help achieve the goal of making the Guidelines understandable, functional, and fair, and they merit your sincere consideration.

Very truly yours,

BARBER EMERSON, L.C.

Matthew J. Hough

Matthew S. Gough

MSG:plh

cc: Lawrence-Douglas County Metropolitan Planning Commission (via e-mail only) Historic Resources Commission (via e-mail only) The Lawrence Association of Neighborhood (LAN) supports the Oread Guidelines and Overlay District with the exception of any allowed stacked parking.

The **Design Guidelines and Overlay District** are important tools that can help preserve the historic integrity of the Oread Neighborhood. They should reflect the intention of the **Oread Neighborhood Plan**, which specifies areas of varying density. Single-family units (houses) make up 80% of the neighborhood. Oread zoning was changed over 40 years ago from low density to the highest density in the city. This has created problems and conflicts among property owners due to the single-family nature of the neighborhood and high density zoning that does not conform to existing structures or lot sizes.

Density should increase incrementally from duplex, triplex, fourplex, and higher multi-dwelling units. Problems have arisen because duplex parking codes allow stacked (tandem) parking. The Planning Commission is presently reviewing parking codes. Stacked parking allows an increase in the number of occupants without providing adequate access and regress for vehicles. Additional logistical problems are created when located off of narrow allies versus wide city streets.

Current city parking codes for dwelling units require:

Single-family-lowest density zoning (usually houses, family living, can stack cars in driveways).

Duplex –lowest density zoning in multi-family (can stack cars, may not be family-living).

Triplex – one parking space per BR (no stacked parking).

Fourplex- one parking space per BR (no stacked parking).

Larger multi-dwelling units - one parking space per BR plus one space per 10 units for visitors and guests (no stacked parking).

Duplex, triplex, fourplex indicate the number of units on a lot (4 unrelated individuals can live in one unit in multi-zoned areas, 3 unrelated in one unit in single-family zoned areas). The number of BR's is determined by the number of parking spaces that can be provided on each lot. Stacked parking could increase the number of BR's by as much as 50%. When stacking vehicles: <u>Today</u>'s Duplex=2 units =4 BRs each side =8BRs <u>Past</u> Duplex=2units=2BRs each side=4BRs

Four BR duplexes that allow stacked parking are attractive to developers as they increase profits. Four BR duplexes "game" duplex regulations. These are not family-units but rather small apartment complexes, appealing to investors, but problems for lower density neighborhoods. Without adequate parking, duplex occupants crowd neighborhood streets when they avoid stacking their vehicles and use on-street parking spaces.

The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment. Stacked parking should not be allowed.

Sincerely, Candice Davis

Oread Resident, Lawrence Association of Neighborhoods Chair

From: Sheila Stogsdill

Sent: Monday, February 29, 2016 10:12 AM

To: Bruce Liese (bruce@kansascitysailing.com); Bryan Culver (bcculver@gmail.com); David Clay Britton

(clay.britton@yahoo.com); Eric Struckhoff (eric.c.struckhoff@gmail.com); Jim Carpenter (jecarpenter15@gmail.com); Jim

Denney (denney1@sunflower.com); Julia Butler; Patrick Kelly (Pkelly@usd497.org); Pennie von Achen; Rob Sands

Cc: Scott McCullough; Lynne Zollner; Jeff Crick; Denny Ewert; (djbrown806@gmail.com); Diane Stoddard

Subject: FW: duplex tandem parking in core neighborhoods

Commissioners -

Please see the photos and message below from Dennis Brown.

This property is located in the 900 block of Maine in the proposed Urban Conservation Overlay - Oread Design Guidelines District 1 (Low Density) that is on your agenda March 21st.

Sheila M. Stogsdill, Planning Administrator - sstogsdill@lawrenceks.org
Planning & Development Services Department | www.lawrenceks.org/pds
City Hall, 6 E. 6th Street
P.O. Box 708, Lawrence, KS 66044-0708
office (785) 832-3157 | fax (785) 832-3160

From: Dennis Brown [mailto:djbrown806@gmail.com]

Sent: Sunday, February 28, 2016 3:51 PM

To: Sheila Stogsdill

Subject: Fwd: duplex tandem parking in core neighborhoods

Sheila, can you or Scott send this to Planning Commissioners?

----- Forwarded message -----

From: **Dennis Brown** < <u>djbrown806@gmail.com</u>>

Date: Sun, Feb 28, 2016 at 1:48 PM

Subject: Fwd: duplex tandem parking in core neighborhoods

To: Lynne Zollner < lzollner@lawrenceks.org >

Lynne, can you send this to HRC Commissioners?

----- Forwarded message -----

From: **Dennis Brown** < djbrown806@gmail.com>

Date: Sun, Feb 28, 2016 at 1:46 PM

Subject: duplex tandem parking in core neighborhoods To: Diane Stoddard <<u>dstoddard@lawrenceks.org</u>>

Diane, can you send this to City Commissioners? Feel free to post it on the City site.

Commissioners: I am attaching photos of what happens to older housing stock when its area is zoned for duplex up to four bedrooms a side and allows four space wide tandem parking to achieve the eight spaces required. Maximum density and profit is incentivized and preservation of old housing stock is a joke.

At the joint meeting of the HRC and PC a week and a half ago, there was much discussion about approving parking guidelines in the overlay plan that would not allow tandem parking in new duplex applications. This cannot happen fast enough for what is left of the Oread Neighborhood. The pictured property is in the 900 block of Maine.

Dennis J Brown LPA President





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Density should increase incrementally from duplex, triplex, fourplex, and higher multi-dwelling units. Problems have arisen because duplex parking codes allow stacked (tandem) parking. The Planning Commission is presently reviewing parking codes. Stacked parking allows an increase in the number of occupants without providing adequate access and regress for vehicles. Additional logistical problems are created when located off of narrow allies versus wide city streets.

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Desirable property development that will increase profits is now the 4 BR duplex that allows stacked parking. Four BR duplexes "game" duplex regulations. The two BR family-oriented units of the past have now become small apartment complexes, appealing to investors, but problems for neighborhoods. Duplex occupants crowd neighborhood streets when they avoid stacking their vehicles and instead use on-street parking spaces.

Duplexes have become higher density, non-family, units in what should be lower density zoned areas. Parking is an effective tool to control density. Why should a duplex be allowed a parking advantage over other multi-zoned units? Stacked parking leads to an increase in density without providing adequate parking, thus incentivizing building large duplexes in lower density zoned areas.

The Design Guidelines and the Overlay District will help promote increased stability and vitality in historic Oread by encouraging responsible development and redevelopment.

Sincerely, Candice Davis Oread Neighborhood Resident Chair, Lawrence Association of Neighborhoods