

# Memorandum

## City of Lawrence

### Planning & Development Services

**TO:** David L. Corliss, City Manager

**FROM:** Scott McCullough, Director

**Date:** For January 24, 2012 City Commission Agenda

**RE:** Boarding House Text Amendment – TA-6-17-09 – Post Adoption Information

On January 17, 2012 the City Commission considered information related to the text revisions to the Land Development Code which were originally adopted on January 25, 2011 that revised certain development standards, including parking, for Boarding Houses (Congregate Living) and Multi-Dwelling Structures. After taking public comment and reviewing the record, the Commission was prepared to initiate a text amendment to revise the minimum structure size eligible to receive the .5 parking space per bedroom standard. However, clarification on whether attic space was included in the data presented by staff was requested.

The brief answer is that attic space that is accessed by a fixed stairway is included in the Living Area data used to calculate structure size. Such space could be finished, not finished, or used as storage but because it is accessed by a fixed stairway it adds value to a structure from the Appraiser's perspective and is included in the Living Area category of a property record. The data does not indicate whether it is habitable attic space only that it is accessed by a fixed stairway.

#### **Data**

The attached table includes the County Appraiser data used to compile the list of properties potentially eligible to receive the parking standard in question. The properties are "potentially" eligible because using the Appraiser's data is only a starting point for determining whether a property is, in fact, eligible. The data has been presented only to demonstrate the approximate impact of the code revision. During the process of site planning, a design professional, typically an architect, is required to submit floor plans and building data that reflect precise structure measurements.

The data used is as follows:

1. Living Area – this data includes all finished, habitable space as well as attic space that contain a fixed stairway as means of their access. The attic space may or may not be habitable or finished according to the Appraiser's Office and the Appraiser's Office does not necessarily know if the space is habitable. It is included in the data because it adds value to the residence because fixed access

- is provided to potential storage space or space that either is habitable or could be converted to habitable space.
2. Total Basement Area – this data includes total basement area, finished and unfinished, for basements that are at least a height of six feet six inches, measured floor to ceiling. The building code requires habitable area, including habitable area in basements, to contain a floor to ceiling height of at least seven feet.
  3. Enclosed Space, Not Living Area – this data reflects parts of a structure that may be used as habitable space on a seasonal or temporary basis but is not connected to the structure's HVAC system, such as a breezeway, enclosed porch, or sunroom. This data was *not* included in calculating the gross area of a structure in the data provided to the Commission because it is not classified as living area, but such areas are included in calculating total area under the revised code as site plan applications are submitted. These areas are minimal and only add to a structure's size. It would be more efficient to clarify that these areas are included in the calculation if the code is amended.

### **Discussion**

The Commission discussed whether the eligibility requirements should be limited to existing livable versus non-livable space. As the data definitions indicate, it is not possible to know with precise accuracy the amount of livable area in a structure based on Appraiser data alone. It is possible, however, to determine livable and potentially livable space upon application of a Congregate Living or Multi-Dwelling use based on the information submitted and a site inspection of the interior of the structure. Using livable area as a criterion to be eligible for the reduced parking standard is feasible.

The attached map reflects the locations of the properties that appear to be eligible in the Oread Neighborhood to receive the parking standard of .5 spaces per bedroom if the structure size was determined by the sum of the Living Area, Total Basement Area, and Enclosed Space Not Living Area as defined by the Appraiser data. Other locations in the city may also be eligible but have not been studied.

### **Parking Example**

Throughout the process, it was recognized that the former standard of .75 per lawful occupant did not produce enough onsite parking and the standard was revised to 1 space per bedroom except where a larger structure was located on a small lot. However, the outcome of this has not been studied in great detail. The information below is theoretical but may offer additional analysis on the impacts of the code revisions on parking in the Oread.

If we assume, for comparison purposes, that all 423 properties existing in the Oread Neighborhood were site planned for a Congregate Living use and using an average of 8.7 bedrooms per facility and 8.7 occupants per facility (based on averages of actual approved site plans), the following outcomes would occur:

1. Under the former code standard of .75 spaces per lawful occupant, the 423 parcels would yield a requirement for 2,750 parking spaces to be located onsite.

The concern was that this didn't provide parking for all occupants and that the demand for on-street parking would be exacerbated. Because of this, the standard was increased to 1 space per bedroom.

2. Under the new code and present interpretation for calculating structure size (3,500 sq ft), 340 parcels would need to meet the 1 space/bedroom standard and 83 parcels would need to meet the .5 space/bedroom standard. A total of 3,319 spaces would be required to be located onsite. This is an increase of 569 onsite spaces above that required by the former code for the same number of Congregate Living facilities, which reduces the number of on-street use, but which also addresses the value of recognizing that large structures on small lots are challenged to accommodate all the necessary parking if the structure is to be used to a reasonable intensity.
3. Under the revision under consideration (4,500 sq ft structure), 403 parcels would need to meet the 1 space/bedroom standard and 20 parcels would need to meet the .5 space/bedroom standard. A total of 3,593 spaces would be required to be located onsite. This is an increase of 843 onsite spaces above that required by the former code and 274 onsite spaces above that required by the present interpretation for the same number of Congregate Living facilities.
4. If all parcels were required to meet the 1 space/bedroom standard, 3,680 onsite space would be needed. This would be a difference of 141 spaces from the proposal the commission is considering and 361 spaces from staff's current interpretation.

This information can be presented in table format as follows:

Assumptions - 8.7 bedrooms (needed to calculate new code standards)  
 8.7 occupants (needed to calculate old code standard)

Version of Standard	Number of onsite spaces required
Old Code - .75 spaces per lawful occupant – 423 parcels	2,750
New Code (3,500 sq ft structure) – 1/bedroom (340 parcels) or .5 /bedroom (83 parcels)	3,319
Proposal (4,500 sq ft structure) - 1/bedroom (403 parcels) or .5 /bedroom (20 parcels)	3,539
If all parcels needed to meet the 1/bedroom parking standard (423 parcels)	3,680

This information may be another way to frame and consider the impact on revising the code. It appears the hypothetical difference in impact related to parking in the Oread

Neighborhood between how staff currently interprets the code and the way the Commission is considering changing the code will be 274 spaces at most (3,593 – 3,319). Of course this difference is much less if we change the assumptions to more reasonably recognize that not all 423 properties will convert to the Congregate Living use.

This information is theoretical and meant only to demonstrate that the increase in standard to 1 space/bedroom should be counted in the discussion of the code revision's impact on the Congregate Living use compared to what the former code required. Under this hypothetical scenario, the increase in the number of required onsite spaces reduces the necessity to use on-street spaces. There is a positive effect on the neighborhood with the revised code as it is interpreted today. There would be a greater effect if fewer properties were eligible to use the .5 space/bedroom standard. The discussion appears to be what level of positive effect is desired with the code changes relative to parking impacts in the Oread. The table comparing different structure sizes has been updated to reflect Congregate Living uses approved since the amendment was initiated.

### **Options**

Staff offers the following options for the Commission's consideration.

1. Maintain the current code standard and interpretation recognizing a positive effect on parking in the Oread Neighborhood.
2. Initiate a text amendment to the Land Development Code to revise the minimum amount of area of a structure needed to be eligible for a .5 parking space per bedroom standard from 3,500 square feet to 4,500 square feet. For purposes of calculating the structure's area the following shall be considered to be included and in existence at the time of making application for use of the parking standard:
  - Living Area, including attic space that is accessed by a permanent stairway.
  - Total Basement Area, finished or unfinished and at least 6'-6" in height.
  - Enclosed Space, Not Living Area, i.e. enclosed porches, sunrooms, and breezeways that are seasonal in nature and that may or may not be connected to the structure's HVAC system.

Properties in Oread Neighborhood that meet Minimum Lot Area and Minimum Gross Floor Area Criteria to Qualify for Alternate Parking Space Standard

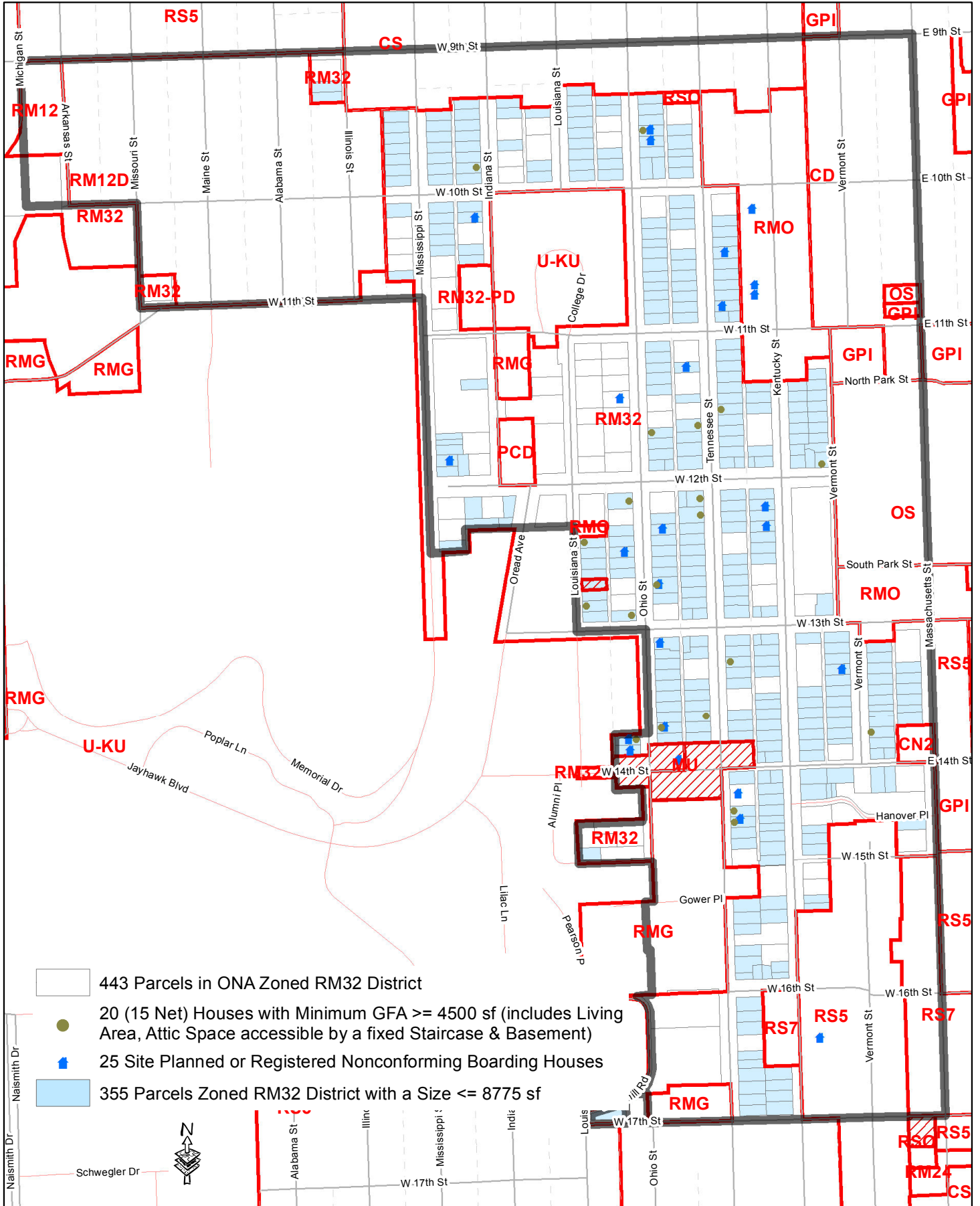
Parcel ID	Property Address	Living Area <sup>1</sup>	Total Basement Area (TBA) <sup>2</sup>	Finished Basement Area	Partial Finished Basement Area	Enclosed Space Not Living Area <sup>3</sup>	GFA w/o TBA	GFA with TBA
067-36-0-10-32-013.00-0	941 INDIANA ST	3592	1250	0	0	0	3592	4842
079-31-0-20-23-006.00-0	928 OHIO ST	3146	1573	1573	0	0	3146	4719
079-31-0-30-09-008.00-0	1132 OHIO ST	3594	1788	0	0	0	3594	5382
079-31-0-30-09-016.00-0	1131 TENNESSEE ST	3196	1414	750	0	0	3196	4610
079-31-0-30-10-008.00-0	1126 TENNESSEE ST	4150	1634	0	0	168	4318	5784
079-31-0-30-11-011.00-0	200 W 12TH ST	3536	1595	0	0	0	3536	5131
079-31-0-30-23-001.00-0	1201 TENNESSEE ST	4360	1368	1085	0	0	4360	5728
079-31-0-30-23-010.00-0	1232 OHIO ST	3310	1200	0	0	0	3310	4510
079-31-0-30-23-023.00-0	1209 TENNESSEE ST	3229	1298	0	0	300	3529	4527
079-31-0-30-24-001.00-0	1201 OHIO ST	3086	1507	0	0	81	3167	4593
079-31-0-30-24-004.00-0	1216 LOUISIANA ST	3306	1344	512	0	32	3338	4650
079-31-0-30-24-010.00-0	1242 LOUISIANA ST	3871	1512	0	0	0	3871	5383
079-31-0-30-24-012.00-0	1247 OHIO ST	4257	875	774	0	0	4257	5132
079-31-0-30-25-008.00-0	1339 OHIO ST	4295	1556	1400	0	48	4343	5851
079-31-0-30-26-010.00-0	1334 OHIO ST	4200	1140	870	0	0	4200	5340
079-31-0-30-26-017.00-0	1325 TENNESSEE ST	4210	1334	0	0	272	4482	5544
079-31-0-30-27-004.00-0	1310 TENNESSEE ST	3457	1340	0	0	0	3457	4797
079-31-0-30-29-010.00-0	1336 VERMONT ST	3407	1402	0	0	0	3407	4809
079-31-0-30-35-005.00-0	1414 TENNESSEE ST	3277	1431	650	0	0	3277	4708
079-31-0-30-35-006.00-0	1416 TENNESSEE ST	3696	1344	1188	0	0	3696	5040

1. Includes attic area with a fixed stairway.
2. Must have a clear head height over 6'-6" to be considered a basement.
3. Space that is not directly conditioned. This area does not contribute to the structure size in staff's analysis.

DISCLAIMER NOTICE

The map is provided "as is" without warranty or any representation of accuracy, timeliness or completeness. The burden for determining accuracy, completeness, timeliness, merchantability and fitness for or the appropriateness for use rests solely on the requester. The City of Lawrence makes no warranties, express or implied, as to the use of the map. There are no implied warranties of merchantability or fitness for a particular purpose. The requester acknowledges and accepts the limitations of the map, including the fact that the map is dynamic and is in a constant state of maintenance, correction and update.

Date: 1/19/2012



- 443 Parcels in ONA Zoned RM32 District
- 20 (15 Net) Houses with Minimum GFA >= 4500 sf (includes Living Area, Attic Space accessible by a fixed Staircase & Basement)
- 25 Site Planned or Registered Nonconforming Boarding Houses
- 355 Parcels Zoned RM32 District with a Size <= 8775 sf

Revised to reflect approved Congregate Living facilities since TA was initiated.

	<b>Number</b>	<b>% of Total Development Parcels in RM32 District in Oread</b>
Total Development Parcels in RM32 Dist. in Oread Neighborhood	443	100% of parcels
Current Total No. of Congregate Living Structures in Oread (site planned or nonconforming)	<del>20</del> <u>25</u>	4.5% <u>5.6%</u>
Parcels ≤ 8,775 sq. ft.	355	80%
Structures ≥ 3,500 sq. ft. including basement eligible for .5 parking	89 (83 net)	20% ( <u>18.7% net</u> )
Structures ≥ 3,500 sq. ft. excluding basement eligible for .5 parking	13	3%
Structures ≥ 4,000 sq. ft. including basement eligible for .5 parking	41	9%
Structures ≥ 4,000 sq. ft. excluding basement eligible for .5 parking	6	1.4%
Structures ≥ 4,500 sq. ft. including basement eligible for .5 parking	20 ( <u>15 net</u> )	4.5% ( <u>3.4% net</u> )
Structures ≥ 4,500 sq. ft. excluding basement eligible for .5 parking	0	0%
Structures ≥ 5,000 sq. ft. including basement eligible for .5 parking	10	2.3%
Structures ≥ 5,000 sq. ft. excluding basement eligible for .5 parking	0	0%