



Charlotte City Council
Transportation & Planning Committee
Meeting Summary for October 21, 2013

COMMITTEE AGENDA TOPICS

- I. **Subject:** **Parking and Housing Near Colleges and Universities**
Action: For information only
- II. **Subject:** **Future Topics Discussion**
Action: For information only

COMMITTEE INFORMATION

Present: David Howard, John Autry, Mayor Kinsey
Time: 1:30 pm – 3:00 pm

ATTACHMENTS

Handouts
Agenda

DISCUSSION HIGHLIGHTS

Committee chair Howard called the meeting to order at 1:36 and asked everyone in the room to introduce themselves.

I. **Parking and Housing Near Colleges and Universities**

Howard: The only subject matter is something we've talked about for a while. We're still not sure if we divided out the parking and housing issues, but today we're talking about housing. Ruffin would you set this up?

Hall: This is a follow up from a previous discussion and an update on the process. No action by the Committee is required.

Campbell: Thank you all for taking this very important subject matter onto your agenda. We have Michelle Jones and David Johnson from CMPD who will do a dual presentation for you. They will indicate to you that staff will not be recommending that we proceed with any type of regulatory response to the rent by the room for student housing, and secondly they will talk about

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an alternative that will be recommended to address colleges and universities regarding the rent by the room issue, and lastly we will talk about a process moving forward with regards to some of the parking challenges that we have near major colleges and universities. With that, I will turn it over to Michelle.

Ms. Jones began the presentation with slide 2. (see attached slide presentation)

Howard: I want to discuss the legal part first, then talk to the police about the safety part (see slide 5).

Ms. Hagler-Gray (City Attorney's Office) presented the legal perspective starting with slide 7.

Howard: Do we treat a bedroom as a unit as in dwelling units per acre (see slide 7)?

Ms. Hagler-Gray: No. The apartment is a dwelling unit.

Ms. Hagler-Gray continued with slide 8.

Campbell: I would like to clarify in terms of a conditional rezoning process. Legal has advised us not to negotiate with the petitioner on whether it should be rented or owned.

Ms. Hagler-Gray: Right. We would want it to be offered and agreed upon by the petitioner. Enforcement of leasing arrangements is beyond our scope of duties. We don't have a mechanism to know how someone is going to lease the individual dwelling units within a multi-family building.

Ms. Hagler-Gray continued the presentation with slide 9.

Campbell: It's important to point out that this program is transferrable to other colleges or major universities. Focus has been on UNCC because of the density of the area, and it was brought to our attention by police.

Ms. Jones resumed the presentation with slide 10.

Howard: I appreciate the work the University area has done with the police department, but the crux of my issue has always been the safety and the legality. Also, once it sets a precedent, I don't understand how we stop it from proliferating all over the City. There is a lot of confusion for me about how we enforce any other type of multi-family restriction if anything goes for multi-family dwellings. I worry about safety. Also, how do you control any issues that may come up while universities figure out how to strategically place students?

Kinsey: What's the difference between this and my granddaughter and my son renting rooms in their apartment and house to others while they were in college? Is the difference that they themselves interviewed their renters?

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Howard: The difference in this situation is these folks don't choose who they live with; they just return home to find strangers living with them. You can tell I'm not a fan.

Campbell: Our challenge has been how we find out if they are renting by the room. We don't have a way through the permitting process, and we cannot find a community that is regulating this arrangement. We are finding the business case for this type of rental structure is really associated with students. That's driving this arrangement of renting by the room, because you have a definitive time that you know you'll have tenants, and generally you are probably sure you'll get the rent. That's the business case.

Ms. Hagler-Gray: The University can screen in their dormitories, but the challenge comes with private property owners and the limitation we have to impact their private property rights. Also, they have challenges as private property owners to limit housing to students only under the Fair Housing Act. The difference is we are talking about developments that are catering to students, but they are not dormitories and they are not university owned, so we have limitations about the types of restrictions we can put on them as private developers.

Howard: Did you find that crime was different in the University area as compared to other areas?

Lt. Johnson: We did, which is why we brought this matter to the floor in the first place.

Howard: Debra (Campbell), did you have some insight that you wanted to share with us?

Campbell: One of the things I got from Mr. Szymanski (Greater Charlotte Apartment Association) is that it's also not very affordable for households of more than one person. These rooms are not cheap. What are they averaging?

Lt. Johnson: Some of them are affordable, which is where we see problems. The price of the room goes down due to competition, but newer rooms are \$800-\$1000 per month just for a room, a bathroom and a shared common area. The ones that are less expensive go for \$300-\$400 per month, and that's typically where we see problems.

Howard: My problem is that in some areas (it's not just a University area thing) when rent rates continually go down, we end up buying hotels again.

Autry: Does this kind of action have any bearing on, for instance, a facility that caters to men who are in recovery?

Lt. Johnson: The CMPD shares your concerns, which is why we are here.

Lt. Johnson continued the presentation with slide 11.

Howard: Have you developed the inspection checklist yet (see slide 14)?

Lt. Johnson: Yes, we have.

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Howard: Will the University or CMPD do the actual physical inspection?

Lt. Johnson: It will be collaborative. We will only require that 5% of the property be inspected. It will be random sampling. We'll go through some of those standards in another slide.

Lt. Johnson continued the presentation with slide 15.

Howard: So, you are saying the Niner Choice Program will only group students together in units (see slide 16)?

Lt. Johnson: It means within an apartment; not the whole property.

Howard: Would Fair Housing stop them from choosing a student over a non-student?

Ms. Hagler-Gray: There is some case law that says as long as there is a relationship with the University, that gets them passed the Fair Housing issues.

Lt. Johnson: Case law says that student status is an approved qualifier under Fair Housing.

Howard: You have student and non-student units. Can you say one can treat a unit different because it has students in it?

Ms. Hagler-Gray: I think the Fair Housing issue starts when someone says, "No, we won't rent to you because you are not a student." The issue is not to limit it only to students and that's not what it is here. My understanding is, students will be grouped together, but there can be non-students that live in the development.

Howard: If a young man (for instance) wanted to pick where he wanted to live, could he?

Lt. Johnson: As it stands now, if two females agree to a co-ed situation, then yes, that's how it currently works. I think the greater fair housing concern is that the rent by the bedroom structure is prohibitive to families. If a family has to rent four bedrooms versus an apartment, the extra cost that goes along with that is the greater fair housing issue than separating the students.

Lt. Johnson continued the presentation with slide 17.

Howard: I still have an issue with the density per acre concern. Does the number of people allowed in a unit change?

Campbell: No.

Lt. Johnson continued the presentation with slide 17.

Howard: Can someone speak on behalf of the University?

Lt. Johnson: Yes.

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Howard: If a property drops off your list all together, is there some way to communicate that, and what's the University's responsibility?

Jeff Baker (UNCC Chief of Police): We're going to heavily disclaim liability.

We're saying we've inspected 5% of the buildings. We don't necessarily know what's going on with the other 95%. We're going to maintain a list, but we're not going to maintain an affiliation with the folks. We're not saying that we're recommending these places, only offering information to parents to be assessed along with all the other information that they need to assess when they're choosing to send their kids to a particular apartment complex. The information will include accessibility, transportation, and all other stuff that you think about that's not included in the Niner Choice Program. If someone dropped off the website, their name would be crossed off and they would no longer show up as a Niner Choice Gold or Green Standard site, but we're not necessarily going to know which students are in which apartment complexes. Having a targeted communication to parents or to students probably isn't all that practical.

Betty Doster (UNCC): We're proud of how safe the campus is. We are doing all we can to extend that beyond our campus. We can't get to the liability or zoning issue, but we can certainly try to promote this program to try to enhance safety. We have examples already as to how it's changed behavior.

Howard: You guys can go forward without City Council. I would like to know what happens to get someone kicked off the list between inspections.

Lt. Johnson: There will be a complaint system in place.

Lt. Johnson continued the presentation with slide 19, and Ms. Jones took over with slide 20.

Howard: Can I ask that we proactively share this information with the other colleges?

Lt. Johnson: Those colleges and universities already refer their students to this website for housing.

Howard: Thank you for the program even though I'm not a fan of rent by the room.

Howard: This was more about how many units are appropriate regarding parking, right? If we go out five years I don't think we'll address the issue.

Campbell: We have developments that are requesting urban zoning classifications, but then they want to do suburban type parking requirements. The issue of parking is a major issue for our community that we're going to have to address.

Ms. Jones resumed the presentation with slide 24.

Howard: Do you anticipate the University asking for TOD development on campus?

Jones: Not on campus, but adjacent to campus.

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Ms. Jones concluded the presentation.

II. Future Topics Discussion

Hall: NCDOT and City staff will discuss noise wall discussions on October 31. We could reschedule the Committee meeting but it's timely and Louis Mitchell can be here. You can cancel the November 11 meeting. Future topics will be on the Committee's docket for the next group (see attachment).

Howard: Are you going to be here on the 31st?

Hall: Probably not.

Howard: I want to publicly say, thank you, Ruffin. Thank you for your leadership and helping us shape things. You will be sorely missed. Good luck in Raleigh.

The meeting adjourned at 2:30.



Parking and Housing Surrounding Colleges and Universities

TRANSPORTATION AND PLANNING COMMITTEE

October 21, 2013

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Purpose Statement

Through a stakeholder process including interdepartmental staff, neighborhood leaders, University representatives, and the Police department, Planning staff will study the issues surrounding rent by the room development and work to develop regulations to minimize the impacts of student housing and parking.

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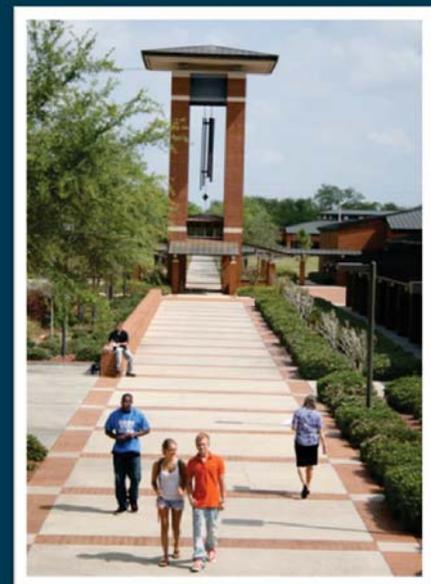
HOUSING GOAL: Allow housing choices while protecting the safety of student residents.

PARKING GOAL: Promote an environment surrounding Universities that enhances pedestrian mobility and reduces the need for additional parking and automobile trips.

Rent By Bedroom Multifamily Housing

- **Charlotte-Mecklenburg Police Department:** Concerned with crime in developments identified as leasing bedrooms near UNC Charlotte and other universities.
- **City Council:** Requested study of apartment complexes functioning as leasing or renting by the room.
- **Zoning Administrator interpretation:** Rent-by-bedroom not allowed
 - Basis for interpretation: Use not listed or defined in the Zoning Ordinance
- **City Attorney's Interpretation:** Renting apartments by the bedroom does not change the nature of the overall use as a multifamily dwelling

- **October 2012** – Kicked off Citizen Advisory Group and study of rent-by-bedroom development
- **November – December** – Held series of Citizen Advisory Group meetings to gather feedback
- **January 2013** – Process was put on hold to study legal issues brought forth by Citizen Advisory Group
- **July/August 2013** – Staff met with area Colleges and Universities
- **September 2013** – Staff presented recommendation to Citizen Advisory Group



No

- **Dormitory** – A building for use by unrelated residents who are enrolled in, affiliated with or employed by the same educational, religious, or health institution.
- **Boarding House** – A single-family dwelling unit with assigned rooms for boarders with a permanent resident landlord.
- **Commercial Rooming House** – A building containing up to 10 rooming units designed for occupancy as separate living quarters, but not necessarily containing cooking and sanitary facilities.

Yes

- **Multi-family Dwelling** – “[m]ore than four dwelling units. . .placed one on top of another or side by side and sharing common walls or common floors and ceilings.”

- **Regulation of Ownership through Zoning**

A municipality does not have the authority to control the manner in which property is owned, but may only regulate the “use” of property through zoning. Graham Court Associates v. Town Council of the Town of Chapel Hill, 53 N.C. App. 543, 281 S.E.2d 418 (1981).

A rent-by-bedroom leasing arrangement controls the manner in which the property is owned or possessed and is beyond the scope of zoning

- **National Fair Housing Regulation**

The Fair Housing Act, 42 U.S.C. 3601 et seq., prohibits discrimination by providers of housing, such as landlords and real estate companies as well as other entities, such as municipalities, banks or other lending institutions and homeowners insurance companies whose discriminatory practices make housing unavailable to persons because of:

- race or color
- religion
- sex
- national origin
- **familial status**, or
- disability.

Planning Department – Will not proceed with a zoning text amendment for rent by bedroom development, but will provide strategies to deal with parking and transportation concerns.

Police Department – Working with UNC Charlotte and apartment managers to implement Niner Choice program for multifamily developments surrounding UNC Charlotte and program is designed to be used by colleges and universities city-wide.

Niner Choice Program

UNC Charlotte Dean of Students Office
UNC Charlotte Police and Public Safety
Charlotte-Mecklenburg Police Department



Advantages

- Directly addresses crime issues
- Joint partnership (Charlotte-Mecklenburg Police, UNC Charlotte Police and Public Safety, UNC Charlotte Dean of Students office)
- Designed for all students (graduate, undergraduate, part-time, etc.)
- Legal issues not applicable because of voluntary nature of program
- Adaptable to other area Universities

Goals

- Enhance security measures for University Area off campus properties.
- Improve relationships and communication between off campus properties, the University and Charlotte-Mecklenburg Police Department.
- Help students and their families make informed housing decisions.



Program Overview

- **Voluntary** for single family and multi-family communities
- Yearly inspections by taskforce
- Required standards
 - Security features
 - Managers business practices



Two Standards Levels

- Green Standard - property has met the minimum standard for safety and security
- Gold Standard - property has met an even higher standard for safety and security



Green Standard – Multi-family

Business Practices

- Group students together in units or buildings
- Property managers attend meetings (quarterly) and training
- Can't exceed police crime threshold per rental ordinance
- Drug & Crime Free Addendum
- Criminal History Screening of all tenants

Security Features

- Landscaping
- Adequate lighting
- Three inch screws for strike plates
- Higher grade locks
- Secondary lock on sliding glass doors
- Bedrooms, units and buildings labeled

Gold Standard

Security Features

- Solid core doors
- Emergency phones
- Self closing & locking front doors
- On-site security
- Video surveillance
- Gated entry & fencing
- Reinforced strike plates
- Lock & door reinforcers



Program Specifics

- Official start date: August 2014
- UNC Charlotte will have contracts with participating properties.
 - **Incentives include:** *website advertising, marketing, yard signs, housing fairs, etc.*
- Inspections
 - At least 5% of total units (multi-family homes) will be inspected yearly to ensure standards are met.
 - Complaint system

Test Case

49 North *(formerly University Club Apartments)*

- Issue:
 - In February 2013 they were removed from the UNC Charlotte advertising webpage based on their high crime rate.
- Response:
 - They've since invested over \$2 million in renovations, hired CMPD off duty, revised their lease, installed a gate and cameras, replaced front and rear doors and maintained constant contact with CMPD.
- Result:
 - First 6 months of 2013, 49 North reduced their crime by 35% and went from #1 to #9 in Part 1 crimes.

Recommendations

Niner Choice program

- Adaptable to other colleges and universities
- UNC Charlotte and Charlotte-Mecklenburg Police Department taking a leadership position to address this issue





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Goal: Promote an environment surrounding universities that enhances pedestrian mobility and reduces the need for additional parking and automobile trips.

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Short-Term – 1-3 years

- Development Incentives.
- Explore zoning strategies for parking requirements.
- Assess additional needs for on-street parking.
- Encourage use of rideshare and personal car loan services (Ride Post, Relay Rides, Sidecar).
- Continue implementation or develop neighborhood parking restriction programs as needed.

Mid-Term – 5 years

- Blue Line Extension construction complete 2017.
- Explore sites for off-site parking/storage near universities.
- Expand Car Share services off-campus.
- Assess the needs for additional infrastructure in areas near major universities (sidewalks, bike lanes, crosswalks, pedestrian lights).
- Promote Mixed Use Development District and Transit-Oriented Development zoning within one mile of campuses.
- Offer U-pass (affordable semester long transit passes for students).
- Extend Charlotte Area Transit System shuttle service times and routes off-campus (where available) .

Long-Term - 5+ years

- Work with both Charlotte Department of Transportation and North Carolina Department of Transportation to improve pedestrian access to universities and reduce pedestrian barriers along state and local roads.

Next Steps

- Charlotte-Mecklenburg Police Department and UNC Charlotte implement Niner Choice Program
- Explore implementation with other colleges and universities
- Continue to work with citizen advisory group on parking and transportation issues – November/December
- Update full City Council – Tentative November 18th Zoning Meeting
- Recommendation to Transportation & Planning Committee - Early 2014



CITY OF CHARLOTTE

Questions?



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Transportation & Planning Committee
Monday, October 21, 2013
1:30 – 3:00 p.m.
Charlotte-Mecklenburg Government Center
Room 280

Committee Members: David Howard, Chair
Michael Barnes, Vice Chair
John Autry
Warren Cooksey
Patsy Kinsey, Mayor

Staff Resource: Ruffin Hall, Assistant City Manager

AGENDA

- I. **Parking and Housing Near Colleges and Universities** – 60 minutes
Staff Resource: Michelle Jones, Planning
Staff will provide a project status update with recommendations and a path forward.
Action: For information only

- II. **Future Topics Discussion** – 15 minutes
Attachment: 1. Future Topics List.doc

Attachment: CTAG 2013 Annual Report

Next Scheduled Meeting: October 31 – 12:00 p.m. (*Staff recommends cancelling the November 11 meeting depending on the future topics discussion.*)

2013 Projected T&P Committee Agenda Items

October 21 at 1:30

- Housing and Parking Near Colleges and Universities (For information Only)
- Remaining future topics discussion

October 31 at 12:00

- TBD

November 11 at 3:30 (**Cancellation Pending Committee Decision**)

Future topics

- Comprehensive Transportation Plan
- Metropolitan Transportation Plan Recommendations
- Prosperity Hucks Area Plan
- BLE Station Area Plan
- Red line
- Interchange Improvements at I-77 near 5th and Trade



MEMORANDUM

OFFICE OF THE CITY CLERK

DATE: September 10, 2013
TO: Mayor and City Council
FROM: Citizens Transit Advisory Group
SUBJECT: 2013 Annual Report

The 13-member Citizens Transit Advisory Group (CTAG) operates under the Metropolitan Transit Commission (MTC) Transit Governance Interlocal agreement. Members are appointed for two-year terms as follows: one co-chair appointed by Mecklenburg County; one co-chair appointed by Charlotte Mayor, City of Charlotte; two appointed by Charlotte City Council; two appointed by Mecklenburg County Board of Commissioners; one appointed by board of Education; one appointed by each of the six town in Mecklenburg County (Pineville, Mint Hill, Cornelius, Matthews, Davidson, Huntersville). No publicly elected office holder may serve on CTAG.

All members are required to attend at least 65% of the regular and special meetings held in any one calendar year with no excused absences. In order to be eligible for reappointment, the member must have attended at least 75% of the regular scheduled meetings during the term. Any member who fails to attend any three consecutive regular committee meetings shall be removed for the committee.

Current Members

Members are appointed to two-year terms and any term limits shall be in the discretion of the member's appointing authority.

Members	Appointed by	Term Expires
Hugh Wrigley, Co-Chair	Appointed by Charlotte Mayor	6/30/2015
Mary Barker, Co-Chair	Appointed by Commissioner	6/30/2012
Frank Krestschmer, II	City of Charlotte	6/30/2015
Rob Watson	Mecklenburg County	6/30/2015
Matt Covington	Mecklenburg County	6/30/2015
Katherine (Kate) Payerle	City of Charlotte	6/30/2015
Vacant	Town of Davidson	
Christy Kluesner	Charlotte Mecklenburg Schools	6/30/2015



Todd Steiss	Town of Huntersville	6/30/2014
George Sottilo	Town of Matthews	6/30/2014
Jane Dunne (new appointee)	Town of Mint Hill	6/30/2015
Vacant	Town of Cornelius	
Vacant	Town of Pineville	

CTAG is an advisory board to the MTC. The MTC members are Mayors and managers from the municipal and county elected bodies that are party to the Transit Governance Interlocal Agreement. The Rules of Procedure now state that the Citizens Transit Advisory Group (CTAG) shall be assigned the following responsibilities up to and until such time the MTC shall review the CTAG mission in accordance with Section V.A. of the Interlocal Agreement.

- a. Annual review, comment and make recommendations with respect to the Transit Program and budget;
- b. Review, comment and make recommendations on proposed transit policies presented to the MTC for approval;
- c. Review, comment and make recommendations on Corridor rapid transit alignments and technology plans recommendations coming out of preliminary engineering and environmental studies;
- d. Engage in proactive efforts to seek and provide insights on community attitudes towards transit plans and system performance;
- e. Annual review and comment on market research results;
- f. Provide input and advice on increasing community awareness of transit-oriented land use planning and its relationship to the implementation of transit investments; and
- g. Engage in proactive efforts to increase awareness within the community and key stake-holders on the total value of investing in transit.

In fiscal year 2013, CTAG discussed submitting recommendations to the Metropolitan Transit Commission. CTAG received an overview of the proposed FY2014-FY2015 Transit Operating Budget and the FY2014-2018 Capital Investment Plan; updates on the MTC policies and procedures; presentations on safety and security; risk management; debt financing on current projects and project updates.