



CITY OF WILLIAMSBURG
MEMORANDUM

DATE: May 11, 2009
TO: Mayor and City Council
FROM: William Porter, Jr., Facilitator to Focus Group
SUBJECT: Focus Group Report

The Focus Group was charged to look at the issues associated with the rental of properties near the College of William and Mary. The primary focus was with issues on the three person rule as outline in the letter from Mayor Zeidler dated February 5, 2009. To this end, the Focus Group delved into issues such as:

- Means of improving neighborhood quality of life including property maintenance, nuisance abatement, neighborly good behavior and good will.
- Assessing the demand for off-campus housing and ways for that demand to be feasibly addressed.
- Evaluating existing and proposed City zoning regulations governing the number of unrelated persons in a dwelling unit and other City regulations.
- Identifying appropriate roles and responsibilities for City government, the College as well as owner occupants, renters, landlords and property managers.

The Focus Group was made up of the following stakeholders:

- Michael Fox, College of William and Mary
- Gail McCord, Homeowner
- Tracy Shackelford, Homeowner
- Bill Dell, Homeowner
- Bill Talley, Homeowner
- Nick Fitzgerald, Student
- David Witkowsky, Student
- Doug Pons, Planning Commission
- Greg Granger, Landlord
- Carolyn Murphy, City Staff

The Focus Group worked diligently to develop consensus on these challenging issues. Although it did not reach final consensus on all issues, important information was gathered with some good ideas which could serve the City, the College and the neighborhoods well in the future.

The Focus Group met eleven times between February 16 and May 1 and broke down into two subgroups which worked independently on options. They looked at universities and cities from Newport News, Virginia to Gainesville, Florida. They received background information from the City, the College and Christopher Newport University. The meetings were open to the public and a public comment period was held at each meeting. Public comment was received at every meeting.

While the Focus Group did not reach final consensus, they did concur on the following number of positive steps:

College

- The College stated they will begin planning for a new dorm on campus later in 2009 that will include 200 beds.
- The College is planning a mixed use retail and residential building adjacent to Wawa on Richmond Road. These two projects will increase the number of beds on campus to 80% from the current 75% for undergraduate students.
- The College will support involving the Student Affairs Office by providing a contact number for homeowner complaints if the second attempt to remedy the issue fails.
- The College will review the current alcohol policy on-campus and its impact off-campus.
- The College will work with the City to develop and distribute a brochure for students who live off-campus concerning off-campus housing.

Homeowners

- Homeowners were willing to go above three persons in a dwelling provided there was the capability for enforcement of the number of unrelated persons in a dwelling.
- Homeowners believe there are not adequate tools for enforcement to go above the three person rule at this time to maintain the integrity of their single family neighborhoods.
- Homeowners were willing to address complaints with student behavior with the students first then with the City and College officials.
- Homeowners were willing to support higher densities for certain areas in the City such as what is proposed adjacent to Wawa by the College.

Students

- Students believe that everyone including students should obey and follow City ordinances including nuisance violations.
- The Student Assembly will form an off-campus housing association to help educate students living off-campus and help with the integration of

students and neighbors by having neighborhood events throughout the year.

Landlord

- The landlord concurred with the requirement for a special use permit to exceed three unrelated persons in a dwelling.

City

- The City should continue to work with the College on the issue of off-campus student housing in single family neighborhoods.
- The City should evaluate the use and issuance of administrative permits and special use permits to exceed three unrelated persons in a dwelling.
- The City should evaluate increased density in certain areas of the City to allow for off-campus student housing.
- The City needs to vigorously enforce the exterior maintenance of property to include trash, weeds and exterior maintenance of dwellings. This was one item that was continuously brought up by the homeowners in the group that greatly affects neighborhoods.
- The City will work with the College to develop and distribute a brochure for students who live off-campus concerning off-campus housing.

The areas where the Focus Group could not reach a consensus are:

- The College did not support the creation of an off-campus student housing office that develops and maintains an off-campus housing rental list. The College will not be responsible for notifying students if they are in violation of the three person rule.
- The homeowners did not support any change in the three person rule unless the College was involved with enforcement by maintaining an off-campus student housing database. Homeowners did not support administrative issuance of a permit to allow four unrelated persons in a dwelling. Homeowners thanked the College for the changes they proposed this upcoming year and suggested reevaluating the three person rule in one year to determine if the above mentioned changes proposed by the College positively affect neighborhoods.
- Homeowners were concerned with on-street parking regulations for any increase to the three person rule. Specifically, access for emergency vehicles and overcrowding on certain streets were raised.
- The students concurred with the College and were in favor of the issuance of administrative permits for four unrelated persons in a dwelling.
- The Focus Group concurred that any changes to the three person rule should be done in two phases as outlined in the draft proposal. Any changes to regulations should be reevaluated one year from any adopted changes.

Focus Group Report
May 11, 2009
Page 4

For the record attached is the draft Focus Group proposal which was not adopted. It does, however, contain a detailed proposal which should be helpful in the future.

The Focus Group worked very hard and for many hours and their service to the community is greatly appreciated. They have laid the foundation for improved communications, understanding, and legislative changes that will allow all parties to better understand each other and reach consensus in the future.

Recommendation:

That City Council thanks each member of the Focus Group for their work. Further, that City Council directs the City Manager and requests the Planning Commission to address the specific recommendations listed as "City" above, and report back to City Council.



William C. Porter, Jr.
Facilitator

DRAFT FOCUS GROUP PROPOSAL

We have been asked to study the Williamsburg rental situation near the campus with the goal of improving the situation generally, and particularly to evaluate allowing more than three unrelated individuals to rent single-family dwellings. In fact our purpose was “to conduct a fact finding and discussion with the goal of making consensus recommendations for actions to serve the interests of each party and to improve the Williamsburg community as a whole.”

The Focus Group believes that through a joint effort between the College, City, Landlords, Neighborhood Residents, and Tenants additional rental housing opportunities can be made available while at the same time maintaining the viability of Single-Family Neighborhoods in the City. In this proposal each group plays an important role in making this process work. For instance the City needs to revise ordinances, create a neighborhood relations committee and provide better enforcement from the tools provided in the proposal. The College needs to partner with the City in reaching housing solutions on- and off-campus and helping with the behavior of students that are not responsive to neighborhood complaints. The Neighborhood Residents need to be willing to allow more tenants in a dwelling and to play an important role in helping to resolve neighborhood problems. The Tenants need to abide by regulations and also work to resolve neighborhood problems. The Landlords need be more active in the process because they would be required to receive permits from the City for any increase in occupancy for their properties.

While The Focus Group did not reach a consensus proposal, the following proposal represents the findings of The Focus Group. The Focus Group proposal is presented in two very important and distinctive steps.

STEP ONE

- City Council and the College of William and Mary need to work together to develop long-term solutions for housing students. More on-campus housing needs to be constructed on College property. The City needs to look at zoning regulations and make the necessary changes to allow clustering of off-campus housing to meet the needs of students, and this may require increased residential density for certain areas of the City. Building more student oriented housing on- and off-campus will enable the neighborhoods to return to a higher level of owner occupied homes.
- In the short term, the College and the City must find other solutions to the problem of not being able to provide enough housing on campus to meet student needs.
- The Vice-President of Student Affairs needs to take an active role in student behavior on- and off-campus. The Focus Group has found other

examples in the State and Country such as Christopher Newport University, Gainesville Florida and Georgetown University.

If problems arise with the behavior of student's off-campus the following steps should be taken:

1. Neighbors should first approach tenants and express their concerns, unless such conduct is particularly egregious and in such cases the Williamsburg Police Department should be called.
 2. If talking to the student is not successful, the neighbor should notify the Student Affairs Office, landlord and property management company, if appropriate.
 3. If Williamsburg City Police are called to a specific address and the complaint is valid a copy of the report shall be sent to Campus Police and the Student Affairs Office.
 4. Reports sent to the Campus Police and the Student Affairs Office will allow the Vice-President of Student Affairs to meet with the student(s) and take the appropriate disciplinary action. (As Dr. Hughes, Dean of Student Affairs at Christopher Newport University pointed out; usually a trip to his office takes care of the problem.)
- The College needs to provide the City the total number of students living off-campus in the City of Williamsburg. To understand the problem and to reach a reasonable solution this number needs to be provided.
 - The College needs to develop and maintain an off-campus housing office to perform the following functions:
 1. Keep a database for all students who desire to live off-campus.
 2. Be a clearing house for rental dwellings available in the City to students and the number of individuals who may legally occupy such dwellings. If a dwelling has reached its occupancy as established by City Code, the housing office will notify the student that no further students may reside at that address.
 3. Provide training, brochures and information to educate students about the difference between living on-campus and off-campus. The City and College should work together to create the brochure. A good example is the one developed by the City of Gainesville for the University of Florida.

The reason the Focus Group thinks this is an important step is that College officials, rather than the City, will hold the database with student names and addresses. Having the City maintain this information has been pointed out as a problem by students.

- City Council needs to create a Neighborhood Relations Committee. This Committee should consist of students, college representatives, neighborhood residents and City officials (Police, Code Compliance and Zoning) to help foster a better relationship between the college, students

and neighbors. This Committee is charged with looking for solutions to problems that arise and not just as an avenue to voice displeasure.

STEP TWO

When City Council and the College reach an agreement on the above, the Focus Group recommends the following changes to the Zoning Ordinance:

- The definition of a family should be changed to: “*Family* means two or more persons related by blood, adoption, marriage or guardianship, plus one person unrelated to the family.”
- A section on Maximum Dwelling Unit Occupancy should be added to all zoning districts to detail the maximum occupancy allowed, as follows:
 1. A family, plus one person unrelated to the family;
 2. No more than three unrelated persons;
 3. More than three unrelated persons in a single family detached dwelling if the special criteria listed in the Zoning Ordinance are met (four persons with administrative approval; more than four with a special use permit approved by City Council).
- A Group Home, which is currently in the family definition, should be listed as a separate definition.
- The following definition of bedroom should be added:

“*Bedroom* means any space in the conditioned area of a dwelling unit or accessory structure which is 70 square feet and greater in size and which is located along an exterior wall, but not including the following: hall; bathroom; kitchen; living room (maximum of one per dwelling unit); dining room (in proximity to kitchen, maximum of one per dwelling unit); family room (maximum of one per dwelling unit), laundry room, closet/dressing room opening off of a bedroom. The Zoning Administrator or his/her designee may grant exceptions if a room, by its design, cannot function as a bedroom. Sewing rooms, dens, studios, lofts, game rooms, and any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be bedrooms unless the room is specifically exempted. If a home office, library or similar room is proposed, it may be exempted from being considered a bedroom if there is no closet and at least one of the following is present: a) permanently built-in bookcases, desks and other features that encumber the room in such a way that it cannot be used as a bedroom; b) a minimum four foot opening, without doors, into another room; or c) a half wall (four foot maximum height between the room and another room. A detached building which contains only a half bath will not routinely be considered as having a bedroom unless it is specifically identified and permitted as a non conforming building unit.”

- The rental of four unrelated persons should be approved by the Zoning Administrator if specific criteria are met. The rental to more than four unrelated persons should require a special use permit approved by City Council. The increase in occupancy for more than three should be limited to single-family dwellings only. Lots with more than one dwelling unit are not eligible for an increase in occupancy.
- Approval of four unrelated persons may be administratively approved by the Zoning Administrator if the following criteria is met:
 1. Minimum square footage considerations (to be determined).
 2. A specific time limit for the approval. When the approval expires any renewal must meet Zoning regulations in effect at the time of approval.
 3. One bedroom per person.
 4. One bathroom per two bedrooms.
 5. One parking space per bedroom. Parking permitted shall include on- and off-site spaces. Off-site spaces counted towards parking for the property shall include the street area only in front of the property minus any curb cut.
 6. Upgrading the dwelling to meet current building code requirements concerning safety of the dwelling to allow for the increased occupancy. Permits and inspection by the Code Compliance Division must be approved before a certificate of occupancy is granted for an increase in occupancy.
 7. A site plan indicating the location of parking (on- and off-site) and trash and recycling containers.
 8. A floor plan of the dwelling with the location, names, dimensions and floor area of all rooms.
 9. Enclosing trash and recycling containers by a fence or wall.
 10. A form signed by the Owner that provides a copy of the lease and the names and phone numbers of all occupants. Any change in occupancy will require an amendment to the lease and the amended lease must be supplied to and approved by the Zoning Administrator. The lease needs to state that subleasing is not allowed.
 11. The Zoning Administrator must inspect the property at least one time each year, at the beginning of the lease to insure compliance.
 12. The Owner must distribute a pamphlet provided by the City to each tenant outlining the requirements of the program and a form for each of the occupants to sign indicating that they have read and understand the program and agree to abide by the requirements.
 13. When all conditions are met a certificate of occupancy will be issued for the dwelling.
 14. Provisions for revoking the certificate of occupancy will include repeated violations of the City or state nuisance provisions (including noise and litter), violations of the Virginia Uniform

Statewide Building Code, Virginia Statewide Fire Prevention Code, or the Zoning Ordinance, or more than the approved number of occupants residing in the dwelling, refusal or failure to comply with the requirements of the program, including failure or refusal to allow an inspection as provided in the program.

15. If the Zoning Administrator receives a complaint regarding the number of occupants residing on the property, the Zoning Administrator will investigate. If the Zoning Administrator deems the complaint to be valid, the Zoning Administrator will provide notice to the occupants 24 hours prior to conducting any inspection. The Zoning Administrator will provide notice by posting on the front door of the dwelling. The Zoning Administrator will take reasonable steps to notify the owner or agent prior to inspection. The occupants and owner or agent will allow the inspection. If the Zoning Administrator determines that more than the approved number of occupants occupy the property, the Zoning Administrator will revoke the certificate of occupancy and the property will again be subject to three unrelated individual limitation.
 16. Any person or agent, whose certificate of occupancy has been revoked for the reasons listed above, subsequently will not be eligible to participate in the program for the subject dwelling for a period of four years. If the owner sells the property to an unrelated third party or legal entity in which the owner has no interest, the new owner may participate in the program if he or she chooses.
 17. Appeals from the decision of the Zoning Administrator will be heard by the Board of Zoning Appeals.
- Criteria for approval for more than four unrelated persons require a special use permit approved by City Council and must include the following: (evaluate a limited number per street or neighborhood).
 1. Minimum square footage considerations (to be determined).
 2. A specific time limit for the approval. When the approval expires any renewal must meet Zoning regulations in effect at the time of approval.
 3. One bedroom per person.
 4. One bathroom per two bedrooms.
 5. One parking space per bedroom. Parking permitted shall include on- and off-site spaces. Off-site spaces counted towards parking for the property shall include the street area only in front of the property minus any curb cut.
 6. Upgrading the dwelling to meet current building code requirements concerning safety of the dwelling to allow for the increased occupancy. Permits and inspection by the Code Compliance Division must be approved before a certificate of occupancy is granted for an increase in occupancy.

7. A site plan indicating the location of parking (on- and off-site) and trash and recycling containers.
8. A floor plan of the dwelling with the location, names, dimensions and floor area of all rooms.
9. Enclosing trash and recycling containers by a fence or wall.
10. A form signed by the Owner that provides a copy of the lease and the names and phone numbers of all occupants. Any change in occupancy will require an amendment to the lease and the amended lease must be supplied to and approved by the Zoning Administrator. The lease needs to state that subleasing is not allowed.
11. The Zoning Administrator must to inspect the property at least one time each year, at the beginning of the lease to insure compliance.
12. The Owner must distribute a pamphlet provided by the City to each tenant outlining the requirements of the program and a form for each of the occupants to sign indicating that they have read and understand the program and agree to abide by the requirements.
13. When all conditions are met a certificate of occupancy will be issued for the dwelling.
14. Provisions for revoking the certificate of occupancy will include repeated violations of the City or state nuisance provisions (including noise and litter), violations of the Virginia Uniform Statewide Building Code, Virginia Statewide Fire Prevention Code, or the Zoning Ordinance, or more than the approved number of occupants residing in the dwelling, refusal or failure to comply with the requirements of the program, including failure or refusal to allow an inspection as provided in the program.
15. If the Zoning Administrator receives a complaint regarding the number of occupants residing on the property, the Zoning Administrator will investigate. If the Zoning Administrator deems the complaint to be valid, the Zoning Administrator will provide notice to the occupants 24 hours prior to conducting any inspection. The Zoning Administrator will provide notice by posting on the front door of the dwelling. The Zoning Administrator will take reasonable steps to notify the owner or agent prior to inspection. The occupants and owner or agent will allow the inspection. If the Zoning Administrator determines that more than the approved number of occupants occupy the property, the Zoning Administrator will revoke the certificate of occupancy and the property will again be subject to three unrelated individual limitation.
16. Any person or agent, whose certificate of occupancy has been revoked for the reasons listed above, subsequently will not be eligible to participate in the program for the subject dwelling for a period of four years. If the owner sells the property to an unrelated third party or legal entity in which the owner has no interest, the new owner may participate in the program if he or she chooses.

17. Special Use Permits standards as stated in Section 21-42 of the Zoning Ordinance are taken into account when reviewed by City Council.
18. Appeals from the decision of City Council (special use permit) will be heard by the Circuit Court.