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None This Week

City Offices Closed in Observance of Martin Luther King Jr. Day

Please note City administrative offices will be **closed** on **Monday, January 15** in observance of the **Martin Luther King Jr.** holiday.

Regular Council Meeting Tuesday, January 16; Lunch Work Session at 11:30 - Lunch Will be Provided

Council will meet in regular work session at **11:30 A.M.** in the **Council Chamber**. Please note the agenda for the lunch work session is included with the regular meeting agenda and may be accessed via the BoardDocs electronic agenda system:

<https://go.boarddocs.com/nc/raleigh/Board.nsf/Public>

The **regular** Council meeting begins at **1:00 P.M.**

Please note there will be a **Closed Session** immediately following the afternoon session of the Council meeting.

Reminder: If there is an item you would like to pull from the consent agenda for discussion, please e-mail mayorstaff@raleighnc.gov by 11 A.M. the day of the meeting.

Public Comment Session - Tuesday, January 16 - 7:00 P.M.

In addition, Council will also meet **Tuesday** for the scheduled public comment session at **7:00 P.M** per the revised meeting agenda.

INFORMATION:

TC-7-22 Co-Living Next Steps

Staff Resource: Keegan McDonald, Planning and Development, 996-4630, keegan.mcdonald@raleighnc.gov

On April 19, 2022, Ben Stevens filed a text change application proposing amendments to the Unified Development Ordinance (UDO) that would insert 'co-living' as a new use within the Group Living use category. The text change was authorized on June 21, 2022, and since that time, staff has worked diligently with the applicant to draft an ordinance that accomplishes their stated goals while appropriately mitigating potential impacts. However, due to a variety of factors, some of these impacts cannot be effectively mitigated. The attached memo details these factors and presents a range of alternatives for the Council's consideration.

(Attachment)

GoRaleigh Service Update

Staff Resource: David Walker, Transportation-Transit, 996-3942, david.walker@raleighnc.gov

GoRaleigh is the City's public transit system. In September 2022 transit service was reduced on several routes due to a bus operator shortage causing GoRaleigh to consistently struggle to operate all trips.

During this time, eleven routes were reduced to hourly service. There was no reduction in the span of service to ensure all riders still had an option to use GoRaleigh service during the reduction. RATP Dev, GoRaleigh's prime contractor has been successful in hiring more bus operators therefore the eleven routes shown below will return to 30-minute frequency during peak hours beginning on January 14th.

Affected routes increasing to 30-minute peak period frequency:

- 3 Glascock
- 7L Carolina Pines
- 10 Longview
- 12 Method
- 18/18S Poole / Barwell
- 23L Millbrook
- 24L North Crosstown
- 26 Edwards Mill
- 27 Blue Ridge
- 36 Creedmoor
- 40X Wake Tech Express

For route schedules and maps please visit: <https://goraleigh.org/news/goraleigh-returns-full-service-january-14-2024>

(No attachment)

Weekly Digest of Special Events

Staff Resource: Sarah Heinsohn, Office of Special Events, 996-2200, sarah.heinsohn@raleighnc.gov

Included with the *Update* materials is the special events digest for the upcoming week.

(Attachment)

To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Justin Rametta, AICP, Planning Manager Keegan McDonald, AICP, Planning Supervisor
Department	Planning and Development
Date	January 12, 2023
Subject	TC-7-22 Co-Living – Next Steps

History and Overview

On April 19, 2022, Ben Stevens filed a text change application proposing amendments to the Unified Development Ordinance (UDO) that would insert ‘co-living’ as a new use within the Group Living use category. The original proposal, authorized by Council on June 21, 2022, would have allowed co-living in all mixed-use districts and in R-6 and R-10 districts. Co-living arrangements are known by many different names and take on a variety of forms, but all generally offer individuals who are unrelated a private living space as well as access to a communal kitchen, bathrooms, and living area(s). The square footage of individual rooms is generally smaller than a typical studio apartment and are typically rental units, offering flexible short or long-term stays.

The UDO contains both ‘Group Living’ and ‘Household Living’ use categories. Most residential uses are classified as Household Living which is defined as the residential occupancy of a dwelling unit by a household. This includes single, two-, and multi-unit living, among others uses. Group Living, however is defined as the “residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents and residents may receive care or training”. This includes such uses as boarding house, congregate care, dormitory/fraternity/sorority, hospice, continuing care retirement community, monastery/covenant, orphanage, and rest homes. One important distinction between ‘Group Living’ and ‘Residential’ use categories is the limitation on residential density within the City’s residential zoning districts. For Residential uses, density is controlled by building type and zoning district, typically expressed as the number of dwelling units permitted per lot or site area. For Group Living uses, density is controlled through specific use standards, usually limiting occupancy to a specific number or ratio.

The proposed co-living use does not fit into any existing group living use due, in part, to the limitations imposed by the definition and application of specific terms in the UDO-

namely, 'household' and 'dwelling unit'. The term 'dwelling unit' is utilized in the residential building type definitions to delineate the number of dwelling units allowed in each building type (i.e., a detached house is a building constructed to accommodate 1 dwelling unit on a single lot). Zoning districts also control for density by prescribing minimum lot area or site area per dwelling unit (or in the case of R-1, a maximum number of dwelling units per acre). A 'household', however, is defined as follows [emphasis added]:

One or more persons occupying a dwelling unit, provided that unless all members are related by blood, marriage or adoption, no household shall contain more than 4 unrelated persons. A household may include 5 or fewer foster children placed in a family foster home licensed by the State of North Carolina.

In contrast, Co-Living refers to a group of people who reside in a space specifically designed to be shared; most co-living arrangements are designed with the intent of having more than 4 unrelated individuals cohabitating in a residence. The limit on the number of unrelated persons in a household imposed by the UDO precludes a co-living scenario.

Identified Challenges

Since authorization, staff has worked diligently with the applicant to draft an ordinance that accomplishes their stated goals while appropriately mitigating potential impacts. However, due to a variety of factors, some of these impacts cannot be effectively mitigated.

Increased Density and Related Impacts

The proposed co-living use would facilitate higher residential densities in the R-6 and R-10 districts by allowing more than 4 unrelated individuals to cohabit within what is otherwise a single dwelling.

In Residential Districts, many of these structures could potentially be constructed under the North Carolina Residential Code for One- and Two-Family Structures. State Law precludes municipalities from regulating building design elements for these structures including exterior building color; type or style of exterior cladding material; style or materials of roof structures or porches; exterior nonstructural architectural ornamentation; location or architectural styling of windows and doors, including garage doors; the number and types of rooms; and the interior layout of rooms, except in select circumstances such as in Local Historic Districts. State Law also precludes the imposition of a minimum floor area. Taken in combination, these restrictions limit the city from imposing use standards that may generate a more attractive and acceptable product. The City can however limit the total number of occupants, but this is challenging to enforce in real time and could still lead to many people occupying a relatively small structure.

Higher residential densities have numerous impacts at a local (i.e., parking availability, traffic, noise considerations, existing neighborhood form and characteristics, etc.) and citywide scale (i.e. potentially positive impact on housing affordability, urban labor markets, and infrastructure costs).

Overlap with Supportive Housing and Group Living Uses

In compliance with the Americans with Disabilities Act (ADA), and to provide persons with disabilities with the opportunity to live in a normal residential environment, state law requires cities accommodate Family Care Homes (aka Supportive Housing) in all residential zoning districts. Family Care Homes allow for more than four unrelated persons with a disability to occupy a single dwelling.

State law defines person with a disability as the following:

Any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of such an impairment; or (iii) is regarded as having such an impairment. The following definitions apply in this subdivision:

a. Physical or mental impairment. – Any of the following:

- 1. Any physiological disorder or abnormal condition, cosmetic disfigurement, or anatomical loss, caused by bodily injury, birth defect, or illness, affecting a body system, including, but not limited to, neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine.*
- 2. Any mental or psychological disorder such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.*

"Physical or mental impairment" excludes (i) sexual preferences; (ii) active alcoholism or drug addiction or abuse; and (iii) any disorder, condition, or disfigurement which is temporary in nature, lasting six months or fewer, and leaving no residual impairment. A disorder, condition, or disfigurement that is episodic or in remission is a physical or G.S. 168A-3 Page 2 mental impairment if it would substantially limit a major life activity when active.

- b. Major life activities. – Functions, including, but not limited to, caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, eating, sleeping, lifting, bending, standing, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive*

functions.

- c. *Has a record of such an impairment. – Has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits major life activities.*
- d. *Is regarded as having an impairment. – Any of the following:*
 - 1. *Has a physical or mental impairment that does not substantially limit major life activities but that is treated as constituting such a limitation.*
 - 2. *Has a physical or mental impairment that substantially limits major life activities because of the attitudes of others.*
 - 3. *Has none of the impairments defined in sub-subdivision a. of this subdivision but is treated as having such an impairment.*

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as (i) medication, medical supplies, equipment, or appliances, low-vision devices, which do not include ordinary eyeglasses or contact lenses, prosthetics, including limbs and devices, hearing aids and cochlear implants or other implantable hearing devices, mobility devices, or oxygen therapy equipment and supplies; (ii) use of assistive technology; (iii) reasonable accommodations or auxiliary aids or services; or (iv) learned behavioral or adaptive neurological modifications.

While these uses must be permitted, cities can limit their occupancy to no more than 6 unrelated persons and can impose a maximum spacing standard of ½ mile between Family Care Homes. Currently, Raleigh allows up to 12 unrelated persons and imposes a minimum spacing of 1,125 feet.

Under the applicant’s proposal, it would be challenging to distinguish Co-Living from a Family Care Home, jeopardizing the City’s ability to regulate the latter as it does today.

Next Steps

If the Council wishes to move forward given these constraints, staff recommends two options that could be pursued individually or in tandem:

Option 1 - Permit Co-Living but only within mixed-use districts.

Mixed-use districts already do not impose density caps, thus there is no real limitation on the number of people that can occupy a structure. Adding a co-living use would simply allow for shared eating, sanitation and living facilities instead of requiring more self-contained dwelling units.

Option 2 – Change the definition of household

Increasing the number of unrelated people allowed within a dwelling unit would allow for small-scale co-living arrangements. Other jurisdictions, including Durham, have pursued a similar policy.

Option 3 – Explicitly address co-living opportunities through the Comprehensive Plan development process

Co-living options are much more likely than traditional “missing middle” housing options to be accessible to low-to-moderate income residents. As such, a full public education and engagement campaign to assess and receive feedback on all aspects of this issue may be appropriate for the Comprehensive Plan

Following receipt of this memo, staff will wait on further direction before proceeding with either of the identified options.

Weekly Events Digest

Friday, January 12 – Thursday, January 18

City of Raleigh Office of Special Events
specialevents@raleighnc.gov | 919-996-2200 | raleighnc.gov/special-events-office

Permitted Special Events

[Triangle Martin Luther King, Jr. Memorial March](#)

Fayetteville Street District & Capital District

Monday, January 15

Event Time: 10:00am - 12:00pm

Associated Road Closures: Edenton Street between Salisbury Street and Wilmington Street will be closed from 10:00am until 12:00pm. Roads will be closed from 10:50am until 12:00pm for the march. Note that all cross-streets one block in each direction will be detoured during the event, and see below for turn-by-turn details:

- Start at Edenton Street between Salisbury Street and Wilmington Street
- Left onto Salisbury Street
- Left onto Morgan Street
- Right onto Fayetteville Street
- Cross Lenoir Street
- Cross through performing arts center parking lots
- Cross South Street for disassembly in performing arts center plaza

Other Upcoming Events

[MLK Day Celebrations](#)

Friday, January 12 – Monday, January 15

Various locations citywide

[Dan Tyminski Band – PineCone](#)

Friday, January 12

Fletcher Opera Theater

[Debussy La Mer – NC Symphony](#)

Friday, January 12 & Saturday, January 13

Meymandi Concert Hall

[Pittsburgh Penguins vs. Carolina Hurricanes](#)

Saturday, January 13

PNC Arena

[City of Oaks Challenge](#)

Saturday, January 13 – Monday, January 15

Raleigh Convention Center

[Sound Bath Meditation](#)

Sunday, January 14

Dorothea Dix Park, The Chapel

[Los Angeles Kings vs. Carolina Hurricanes](#)

Monday, January 15

PNC Arena

[THE RINK presented by UNC Health](#)

Through Monday, January 15
Red Hat Amphitheater

[Wake Forest vs. NC State](#)

Tuesday, January 16
PNC Arena

Public Resources

[Event Feedback Form](#): Tell us what you think about Raleigh events! We welcome feedback and encourage you to provide comments or concerns about any events regulated by the Office of Special Events. We will use this helpful information in future planning.

[Road Closure and Road Race Map](#): A resource providing current information on street closures in Raleigh.

[Online Events Calendar](#): View all currently scheduled events that impact city streets, public plazas, and Dorothea Dix Park.