



# **Joint Meeting of Burlington City Council Ordinance Committee and Community Development & Neighborhood Revitalization Committee 12/11/2018**

## **Joint Meeting of Burlington City Council Ordinance Committee and Community Development & Neighborhood Revitalization Committee**

### **Draft Meeting Minutes**

**Tuesday, December 11, 2018**

City Hall

149 Church Street

Contois Auditorium

Burlington, VT

5:30 p.m.

### **CDNR Committee**

City Councilor Brian Pine (BP) (Ward 3) (Chair)

City Councilor Adam Roof (AR) (Ward 8)

City Councilor Karen Paul (KP) (Ward 6)

### **Ordinance Committee**

City Councilor Sharon Bushor (SB) (Ward 1)

City Councilor Jane Knodell (JK) (Central District)

Absent – City Councilor Chip Mason (Ward 5) (Chair)

**City Staff in attendance:** Richard Haesler (RH) Assistant City Attorney, Todd Rawlings (TR) CEDO Housing Program Manager, Ian Jakus CEDO Policy & Projects Specialist



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**Public in attendance:** City Councilor Richard Deane (RD), Erhard Mahnke, Colin Hilliard

Meeting brought to order at 5:42 PM

## 1. **Agenda**

SB moved to approve the agenda, seconded by CM – unanimous approval.

## 1. **Presentation of the recommendations of the Joint Committee**

See attached presentation.

SB commented that as she had suggested in a previous meeting, that the levy for the Housing Trust Fund be included in the charter, because it currently is not, and thus could be taken away.

## 1. **Public hearing**

Erhard Mahnke said that he had comments on behalf of the Vermont Affordable Housing Coalition (VAHC) regarding the density bonus becoming by-right, if it is intended that the lot coverage bonus as well as the # of units is by-right.

BP responded that yes the allowance includes lot coverage in its recommendation to make it by right.

EM said regarding the recent increase of the HUD AMI, one suggestion was to figure out how to smooth large increases from one year to the next to address the increases and decreases. He continued to say that he was not sure the Institutional Zoning District is the best criteria for the IZ exemption for student housing because of its size.

JK responded that the Joint Committee should further discuss the smoothing issue, and the point about the institutional zone.



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EM said that, in regards to the 65% AMI target for IZ rents, 60% of AMI should be considered to address the regional discrepancy.

SB said that she had not agreed with the elimination of parking and how that relates to projects that would make the residents pay for parking and she asked for clarification on this issue.

BP said he thought the cost of parking should be included in the rent calculation where parking is needed by an IZ tenant.

TR said that including the cost of parking separately in the gross rent ensures there is no extra cost for renters of IZ units. He pointed out that this is difficult administratively, because the market rate cost of parking would have to be determined.

SB said that it's not fair to give people a break who have a car, but also not fair to charge extra if they need a car.

EM suggested just prohibiting a charge for parking for an inclusionary unit.

CM said there are competing public policies because if you don't have to pay for parking then that defeats the purpose of charging extra for a parking space as a disincentive for owning a car.

SB said that she would identify this as an unresolved issue to be further examined by the planning commission.

TR suggested that additional research be done on this issue and to do a deeper dive with the planning commission.

SB agreed that the planning commission needs to consider the feasibility of this option.

BP moved on to the issue of the Institutional Zoning District that was not considered until tonight. He pointed out that if a student housing development was built within the Institutional Zone and then became market rate there would be no requirement to enforce IZ retroactively.



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CM said that one option would be to make the student housing rules applicable inside the Institutional Zone. He suggested not making a large change like that at this point, but recommending that the planning commission consider this.

SB suggested that IZ be exempt for on-campus housing, as opposed to in the Institutional Zone.

CM pointed out this would only apply to UVM and pointed out that the boundary of campus changes over time.

SB responded that she was thinking of defining campus as it exists now.

RH said that Champlain College had a memorandum of understanding when they purchased the land from Eagles Landing. He said we need to consider more thoroughly how altering the institutional requirements for IZ would affect the institutions.

Jane Knodell moved on to the discussion about smoothing changes in the HUD AMI, and proposed using a three year average of the AMI.

SB suggested a five year average.

EM said a five year average may set the income too far behind the current incomes.

KP said that a five year average is typical when smoothing in relation to retirement but that maybe three years is better when it comes to housing. She said that three years isn't a true smoothing average. She asked if we could model how this would work based on the past 15 years.

TR said that CEDO can do that analysis and bring that to planning commission. He pointed out that while there was an 11% spike in FY18, the AMI went down in FY17.

The Joint Committee shifted the discussion to the issue of the two proposed maps for designated areas for payment in lieu eligibility: one based on a 80% HUD AMI income limit and the other based on 100% HUD AMI (attached). There was consensus that the map based on an 80% AMI threshold would be preferable, and more reflective of where the need for more inclusionary housing is.



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SB said that the issue of the institutional exemption is tough, and questioned whether they do enough income qualifying internally. She suggested a real effort made to engage the Universities on this issue.

TR asked if regarding the payment in lieu maps of designated areas if the designations should remain defined as 'more inclusive' and 'less inclusive'.

The Joint Committee agreed that while not entirely accurate, the definitions described the general intent as best as could be done.

BP reminded everyone that the next step in this process after bringing these recommendations to City Council is to bring the recommendations to Planning Commission, then it goes back to City Council and then to Ordinance Committee and then back to City Council for final approval.

RH said they have a resolution drafted, and will incorporate any changes from tonight.

CM moved to adjourn the meeting, JK seconded, unanimous approval to adjourn at 7:10 PM.

### **1. Approval of Minutes from November 19 meeting**

AR made a motion to approve the minutes, seconded by JK, unanimous approval.

### **1. Adjournment**

CM made a motion to adjourn, JK seconded, unanimous approval.





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