



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

8/13/2015

City Council Ordinance Committee

Thursday, August 13, 2015

MINUTES

Attendance

Committee: Councilors Max Tracy (MT), Sharon Bushor (SB), & Chip Mason (CM) (chair).

Other City personnel: William Ward (WW) (Dir. Code Enforcement/Health Officer), Scott Gustin (SG) (PZ), David Casey (Board of Health Commissioner)

Staff: Sr. Asst. City Attorney Gene Bergman (GB)

Public: John Caulo (JC) (Champlain College), Lani Ravin (LR) (UVM)

CM convened the meeting at 5:36 pm

1. **Agenda:** SB moved the agenda, noting the addition of information sent by CE Dir. Ward today on urban agriculture (proposed sections 17-13 & 17-14 on fees and registration & 17-31 on impoundment), 2d by MT. The proposed agenda passed unanimously.
1. **Minutes of 7/20/15:** SB moved and MT seconded the approval of the 7/20/15 minutes, and it passed unanimously.
1. **Public Forum: None**
1. **Ordinance Discussion**

4.01 Comprehensive Development Ordinance – Inclusionary Zoning Exemption for Institutional Housing, ZA # 15-03

GB passed on PZ Dir. David E White's comments that the expectation is that the institutions will offer off-campus housing with the same financial support as they do for on-campus housing, that students in need should have the same



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opportunity to live in institutional housing off campus as they do on campus and that this can be made explicit if the committee wants that.

SB said minutes reflect the desire to have UVM and Champlain come and she's happy they did.

John Caulo (JC), of Champlain College, said that the existing ordinance should be extended to the entire city. CM noted that it was not true for Eagles Landing and JC said that was true and the college had to be creative. More than 15% of Champlain students meet the income threshold for inclusionary zoning and they get housing through a lottery and regardless of where they live the college meets the threshold to house lower income students. SB sees the inclusionary housing requirement differently, that you have to provide 15% affordable units in a development. JC said that a memo from CEDO on the Eagles Landing said that they meet the inclusionary law. JC asked that if the college is exempt on campus, why not everywhere.

CM noted that the City has a policy that there should be affordable housing and the question is, why should the exemption be extended?

Lani Ravin (LR) said that this amendment would enable the university to build off campus student housing and having the exemption would be good for the city and the university. Looking at each student tenant's income goes beyond what she thought the ordinance amendment was intended to do and she doesn't think the university would support it if it did require it to look at student financial need. Financial aid for each student should be a separate matter that should not apply here.

SB said that she feels she has an obligation to have affordable housing built and that if the institutions build housing off campus then they should have affordable housing as part of the obligation. This amendment is to create an exemption from what is required. One of the motivators to students moving off campus is affordability and she wants to address this. There could be units that are affordable built in to a development.

LR said the institutions have a calculator to say what the cost of college is based on the family income. The family's income is part of the package that the institution gives.

CM doesn't see how the current requirement is hard to meet. JC said that is not how housing is allocated. LR said at UVM you have a building with different options for students to choose from and the cost is appropriate to that type of housing. CM asked what would preclude the institutions from deciding to build housing downtown that would be high cost.

JC said that students are different than everyone else; the benefit for building outside the institutional district is that there is less competition for housing in the community. He believes the requirements on Eagles Landing were unreasonable and



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wherever the institutions build should be supported.

MT said that it would not be hard to factor in income; that student housing choices are made based on income; that a range of student housing should be supported; that student housing built in the community means that other housing that is required to meet Inclusionary Zoning won't be built; that the institutions could build high price housing and it would still mean that lower income students would be going elsewhere.

LR said she sees what MT is saying but if a student is very price conscious, they might need to live in a less desirous property. When UVM builds housing, it is a complicated matter. The proposal lifts a barrier and that is great and a new financial requirement is something she cannot comment on.

CM noted that this is not part of a larger discussion on bringing student housing downtown and he feels uncomfortable pushing this through without that discussion. SB agreed. MT agrees and that with this amendment we are incentivizing students living in the downtown core. SB said she's not sure it will lead to students moving out of the neighborhoods; that Inclusionary Zoning allows lower income people the chance to live where they may not be able to; that the institutions may not have spoken with the affordable housing advocates to discuss what is possible and it would have great value to do so; at this time she does not want this to open the door to student housing downtown; and she is not ready to move this.

JC said that Eagles Landing was not an easy thing to get permitted and this won't open the flood gates to more student housing downtown. Champlain College did speak with the affordable housing folks and they agree that it meets the goals of the Inclusionary Zoning. He's read the housing report and this change is in line with that.

LR said that developers have a different approach than the institutions and the university gives a financial aid package that is much more than just housing—including tuition and work/study.

Scott Gustin (SG) said the amendment was proposed by PZ to deal with Eagles Landing contortions and that Champlain did comply with inclusionary zoning. The amendment was not introduced to encourage downtown student housing. It was supported by CEDO's housing expert.

SB agrees with CM and that it doesn't have to do with Eagles Landing but the future and she does not feel it was vetted enough for her; that it is very different than housing developed on campus; that if we have student housing is downtown, then why not have it be like other housing; that it deserves more explanation and she is not convinced the law as is cannot be met.

CM questioned what the committee should do. SB suggested a chair's report to the council and a PZ staff report explaining the process and the questions raised by the committee and asked for guidance from councilors.



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JC gave memos related to Eagles Landing to explain further.

Action: CM moved to postpone until he and SG can work up more information, SB seconded. The motion unanimously passed.

4.02 Health-Humane Treatment of Livestock, Ordinance Sections 17-11 through 17-72.

WW passed out more materials. He proposes a start date for the registration in 2016 and a 2 year fee and application period.

CM asked for a high level summary for MT's benefit. He noted that many animals included are not in the city now and he asked if we want to allow them. SB said she liked the info; wanted people to have a license to have these animals but that people in town have chickens and rabbits and so she would like to roll it out slowly. WW is supportive of a cautious approach. He noted that some communities limit the number of permits.

CM said there are options. He suggested picking rabbits and chickens because they are prevalent and regulating them and have a section on those animals are not allowed.

SB said there is a link to the slaughtering ordinance and thinks the smaller animals would be most appropriate and this is a reason to limit the scope.

MT feels that the risk for other animals being raised and kept is small. MT had to leave (7 pm).

SB wants to understand the fee proposal and why it varies per the type of animal. Is there a registration requirement under the threshold? WW said no. CM asked for an explanation for the fee itself.

Action: CM moved to have GB redraft the ordinance to limit the scope to rabbits, chickens, sheep and goats; to add the prohibited animals in 17-72 as GB asked it be modified; to prohibit roosters; have a threshold for the requirement for netting and rodent proof fencing for chickens of more than 4 chickens; and to integrate the registration, fee and impoundment sections as proposed by WW but as modified above; SB seconded. The motion passed unanimously (2-0).

4.03 Health-Regulation of the Slaughter of Livestock and Poultry, Ordinance Section 17-10.

Action: SB moved to postpone discussion until the humane treatment ordinance is taken up. CM seconded. The motion passed 2-0.

- 1. The next meeting was set for 5:30 pm on Thursday, 9/17/15 to discuss the revised Urban Agriculture ordinances & the Peddlers ordinance with Thursday, 9/24 at 5:30 pm set to finalize or take up other matters.**

Adjournment: CM adjourned the meeting at 7:30 pm.





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