



Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Link to join Via zoom: <https://us02web.zoom.us/j/88085123608?pwd=dVh0RFERdi81OUVwczJoN0pYRHk0Zz09> Password: 290184

City Council Ordinance Committee – Wednesday, July 29, 2020,

Via Zoom

MINUTES

Members Present: Councilor Mason (Chair), Councilor Hanson, Councilor Hightower

Staff Present: Kim Sturtevant (Assistant City Attorney), Lisa Jones (City Attorney's Office), David White (Director, Office of City Planning), Meagan Tuttle (Office of City Planning)

Others in Attendance: Gene Bergman, Sharon Bushor, Alexis Monti, Marcie Gallagher, Deb Lyons, Grace Monti, Patrick Murphy,

Meeting called to order at 5:34 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as written.

Motion by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

1. Public Forum

2.01 Public Forum



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Marcie Gallagher indicated support to requiring landlords/developers to provide TDM and her support of alternate modes of transportation. Noting it was important to help reduce the impact on the environment.

Sharon Bushor voiced concern with moving forward with the ordinance as written as it may impact those with disabilities. Indicating an amendment should be added to remedy the issue. Amend table 8.1.8-1 under residential uses, page 6, currently 0, if add asterisk or footnote that 10 -- 50 units would require one onsite ADA space, that would allow someone with a disability to have access. If over 50 units, then require 2. Amendment in that table and then on line 170, Sec. 8.1.10 limitations on facilities—allow on another part of land—include 2 dwelling and ADA. Lastly, in 8.1.13, that section says size of space but doesn't address the need to provide space. 8.1.15 waivers—do not believe can waive ADA requirement, against spirit. Section 8.1.9, line 104, total number of off-street parking spaces should say total number of required off-street spaces. Up to developer if create any space.

Closed public forum at 5:45 PM.

1. Minutes

3.01 Approval of Minutes of 6/10/20

Motion to approve minutes by Councilor Hanson, seconded by Councilor Mason.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

1. Committee Discussion/Possible Action

4.01 Comprehensive Development Ordinance-Minimum Parking Requirements - ZA #20-04

D. White introduced the item, explaining that there are currently 3 districts regarding parking, this takes downtown and expands to include mix use and some of the major transportation corridors and deletes parking requirement. It helps reduce cost and complexity of undertaking new housing development in the city by removing high cost of an item that many don't make use of. Also requires projects over certain size to include TDM. Current proposal for TDM—28 % and add into transportation management.

Councilor Mason noted that the amendment came out of joint committee without an expectation for referral, but at first meeting sent to this committee for amendment to clarify TDM. Asked D. White to share screen and walk through.



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D. White discussed that they were proposing to eliminate the Section 8.1.9 maximum exemption for structured parking. Noting that the exemption was included to try to encourage screening of parking, adding that due to expense not many will include structured parking unless they really need it.

Councilor Hightower asked whether waiver was still included elsewhere in the ordinance. D. White responded that it was.

Councilor Mason asked whether there were other areas that required hiding parking from street view in the ordinance. D. White responded that there were other areas that could be considered.

Councilor Hanson noted that a developer could have the requirement to build 50 on site and then add another 100 spaces structured. Vast majority of negative impacts of overbuilding parking still there. More costly to repurpose structure parking than a surface parking lot. Feel structure parking is as harmful as surface for overbuilding, feel should be limited.

Councilor Mason asked whether with economic regulator if the exemption was needed or indifferent. D. White responded that it was fine to remove as exemption. Noting that depending on where the development is located, it will be different. Agreed that structure is more difficult to repurpose and it was a reasonable argument.

Councilor Mason asked preference to vote on stand alone or put all together. Councilor Hanson indicated he was fine either way.

Councilor Hanson moved to strike lines 111-114. Second by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

D. White identified 3 proposed changes: transit pass offer for free 1st year, then 50% every year thereafter for 10 years. 2nd part new, Carshare membership for free for 1st 2 years, then minimum discount of 50% every year thereafter for 10 years and parking made available at mkt. rate, unbundle, not be available or undercut mkt.

Councilor Hightower asked about language of in perpetuity, concern too strong.

Councilor Mason noted that it was a good segway to discuss current level of review. Noting that Planning was going to do a study of TDM city wide, understand that may not be happening on same timeline now due to COVID. D. White responded that there were 2 parts, one capital improvements and then city wide transportation study, both on hold due to



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COVID/city budget.

Councilor Mason noted the discussion of “offered” versus “provided.” Councilor Hanson responded that GMT offers & CATMA works with swipe card that allow to get on bus for free. Developer only gets charged on actual utilization. Carshare does not have something equivalent so worded differently—developer should not have to pay for something not used. Councilor Mason questioned “offered” versus “made available”. Both tenant and employee offered? Councilor Hanson responded that it pairs well with unbundling, three parts to burden free-- park and cash out; alternatives, transit for free and access when need. An assurance for those that haven’t lived car free. Three part to shift behavior. Developer can help subsidize, but get over initial hurdle.

Councilor Hightower questioned, given current infrastructure, the logic of making it an “and” and asked whether the “provided” of GMT passes for 50% work the same way? Councilor Hanson responded that yes, GMT can bill developer monthly and see what cards are used. Councilor Mason questioned whether it applies regardless of whether paying for a parking space. Councilor Hanson responded yes, available to everyone noting that it being free may make it more enticing to try out.

Councilor Mason noted that no one from the developer side was on phone, and asked whether this had been shared. Councilor Hanson responded that this iteration had not, it was from today. Did talk with Eric Farrell recently, already provides 1st year free for Carshare.

Councilor Mason noted that he didn’t know what cost is to be able to say that this is a reasonable concession for what we are giving. D. White responded that he could give a ballpark—providing 2 TDM measures, between \$25-\$50 per month based on market rate. Idea behind transit pass only paying for use. Car \$5 for share a little, \$15 for share a lot at last check.

Councilor Hightower questioned the 10 year addition. D. White responded that it was an attempt to try to channel conversation of concern with in perpetuity—realizing the concern may be for whole section—your call. Councilor Hanson indicated that he viewed it as a bridge policy to more robust policy city wide with impact and more TDM. Think capping it at 10 years fine. Hope in next 10 years get more comprehensive policies. Councilor Mason asked Councilor Hightower whether she was comfortable with 10 years or want more.

Councilor Hightower referred to line 370, and asked how many years annually and then what cadence makes sense thereafter. D. White responded that need to do with a lot of frequency upfront then over time, believe will be able to cover cost in a certain way. Annually for 10 years, then not required. Councilor Hightower asked about the comparison to parking study. D. White replied it was to go out and look at a certain time. Councilor Hightower questioned the cost. D. White responded that it was not much if have a manager that can go out and count on a given night. Councilor Hanson agreed it was pretty easy to do. Indicating he was a little bit ambivalent as will have more in place in 10 years, but should be in perpetuity as looking at UVM, can make progress for 10 years but if do not make steps continuously than can stop making progress. Do see as important, but if cap at 10 years then okay. Councilor Hightower noted that she didn’t feel it



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will change that much later on. Also concern for high bar especially if have smaller developer. Not sure when big thing will come. Rather be comprehensive than put a lot of requirements on many developers. Torn on how Sec. b reacts with other sections.

Councilor Mason asked whether there was a concern on applicability as relate to parking requirements. Councilor Hightower responded yes, given don't know when will come, concern limit to only 10 or more units, fighting for b, as don't see why any harder for a developer with 6 units versus 10. Don't agree not apply to all development. Councilor Mason noted his understanding that administrative cost with undertaking all of this, so larger units, have someone could deal with it. Enforcement concerns. Councilor Hightower responded that some TDM would be onerous for some smaller developers, but some wouldn't be. Not applicable for all exist, but new.

Councilor Mason noted reluctance to pull out bits and pieces on the fly. Councilor Hightower indicated that she understood, but noted that she didn't see it being picked up anytime soon. D. White responded that originally started at major impact, then lowered it. Certain economy of scale to all of these. Underlying conversation was affordability and increase of housing. Councilor Hightower indicated her understanding, noting that getting rid of parking helps that. Feel smaller projects are more likely to take advantage of no parking. D. White agreed, but noted \$50/per person over year, may be rent reduction, or cost of program.

Councilor Hightower indicated that she didn't agree with 1 GMT pass. All new construction do GMT or car share in first year and then everything else stays the same. Something under 10 not small, still think 6 or 8 large. Councilor Hanson responded that there were a number of debates over what the number should be, want to keep as low as possible, he asked whether unbundling applies to under 10 units. D. White responded no, certain one in district. Councilor Hanson agreed with including more basic such as unbundling or transit passes. Know a lot of negotiation that led to the 10, it was at 25. D. White noted that each one of these things add more cost to project, concern when keep adding. From construction standpoint, some apply to different parts of ordinance so would need to redraft, will take time. None of this, even current proposal, have heard what development community has to say nor Mayor.

Councilor Mason asked whether the TDM program with multiple programs, here picking and choosing, have to be an amendment here. D. White responded that yes, this is where it is. There are other things that may be more broadly in rest of ordinance that may be able to do separate.

Councilor Hightower noted her overall concern that it lays out quite a few administrative requirements, like to see more of a graduated approach.

Councilor Mason asked about ten or more new or renovate? D. White responded it is the creation of 10 or more, conversion = create, rehab not.

Councilor Mason noted difficulty to put in CDO rather than other regulations. The more get away from the joint committee



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work, then feel need to go back to that process. Inordinate amount of time by PC with expectation for questions then. Feel should go back to joint if we are going further away. If want to relook, should give guidance and then go back to joint to discuss. Councilor Hightower indicated that would be her preference, noting that she is okay with having another meeting about it. Councilor Hanson indicated he was eager to vote on the amendment, that the amendment came out of a long process with a lot of common ground.

Councilor Mason identified 2 paths: 1) consider amendments, or 2) send back to planning for amend then send to Joint committee. Own view, not perfect, but prepared to send back to full council. Councilor Hanson indicated that he was hesitant to reopen the joint committee process. A lot of tugs and pulls of different directions. Not confident would get to a better place if we reopen process at this point.

Councilor Mason—suggest Councilor Hanson’s 21-38, replace 362-375 in current amendment. Councilor Hanson move, Councilor Mason second.

Councilor Mason propose insert 10 year in line 35 of amended language. Councilor Hanson 2nd amendment to amendment.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

Patrick Murphy: Appreciate Councilor Hightower’s concerns, having worked on it for past year, not perfect, but if world was perfect, wouldn’t be on zoom talking about parking requirements. Can at least capture some of new development in meantime. Arrived at 10 from higher proposed. Recognizes impacts. Makes sense to link. Understand and agree every landlord and developer should be doing something. Hope lead to a more expansive process for citywide TDM plan. Would like to see more years up front for public transit for free 2 to 3 years. Provide incentive for GMT to change/provide routes/service. Should be a longer period of predictability to happen. If need trade off than rather see lower horizon than 10 years, maybe down to 8 if have 1st 3 years for free transit. Can be done for reasonable cost. Appreciate your work.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

Councilor Mason raised the ADA questions. D. White responded that Meagan Tuttle spoke with Sharon Bushor most recently but recall conversation for ADA and parking. Not number required, number based on how many built. If build none, than none required. Possible not require any, highly unlikely that no spaces get built, but developing on a narrow tight area, but then wouldn’t be ADA spaces either. Councilor Mason asked if no ADA space then would it still be an ADA site. D. White responded yes, still must meet ADA requirements, but wouldn’t have ADA parking space.



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Councilor Hanson noted that he thinks it makes sense and appreciate concern being raised. Public transportation accessible to many more than driving a vehicle. Fact providing transit more friendly than providing parking to people with disabilities. If build no parking, then a developer couldn't make decision make space available for those that don't have cars. Don't know how helpful it is if prevent project going up in first place.

Councilor Mason indicated that he appreciated it being brought to their attention, but didn't see it different than already presented. Believe limited impact as will provide parking.

Sharon Bushor agreed that public transit was more useful for ADA, but over years have had to help people with parking spaces. Believe if amendment is successful then will have effect of making housing inaccessible for some. Not surprised, have had conversation before, not totally new, felt worth raising it. Disappointed in the committees opinion, but appreciate the committee taking it into consideration.

Councilor Hightower raised a question regarding maximums 8.1.9 lines 102 a lot of max 0 or none—intended uses not allowed to have any parking. D. white responded that one use is emergency use, all zeros multi, for which max is calculated on min in shared use district. Councilor Hightower replied that she felt all are problematic as waivers are all number based. Multimodal has to use shared use. D. White noted is would have applied previously for some. Could add something where max zero, than can have one space.

Councilor Mason questioned whether there would be an issue with allowing one space. D. White referenced Sec. 8.1.15, not differentiate waiver from min and max. Simplest way to add 1 space. If okay with no parking then okay. Councilor Hanson indicated that he was okay with no ability for a space. Councilor Hightower indicated she didn't like inability to get a space. Okay with waiver or 1 space. Councilor Mason noted that he didn't think the waiver language works, talk about reduction not waiver to add. Councilor Hightower noted there are waivers to increase max. D. White suggested if it was the direction they wanted to go, on page 14, line 125, waiver of max could say that where no parking spaces are otherwise required then one can be provided. Add language for one parking space. Councilor Hightower suggested line where requirement may be waived by the DRB by 1 parking spot or pursuant to the provisions of Sec 8.1.15.

Councilor Mason moved to add "or a request for one space where none would otherwise be permitted," to line 126. Second by Councilor Hightower.

Deb Lyons spoke regarding ADA accessibility, that she knows 2 people with physical challenges that use wheel chairs with vehicles that are accessible. Both work—would be very difficult if they had to park down the street. Don't take public transportation, doesn't work for them. Sorry. With the challenges they have would make their life even more difficult.

Councilor Mason went back to vote on motion re adding language to line 126.

Final Resolution: Motion Passes



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Yes: Councilor Mason and Councilor Hightower, No: Councilor Hanson

Motion by Councilor Hanson to send underlying amendment back to the full Council as amended for 2nd reading and public hearing with a recommendation for approval, second by Councilor Hightower.

Councilor Hanson indicated his appreciation for concern for ADA, requiring space would not prevent it from being built, open to language to that effect. Not sure if can happen now or can do on Council floor. Would defer to D. White on that. Councilor Hightower question the priority for parking spaces? D. White responded that if you build one space it has to be accessible. Priority for others have to do with proximity. As for process, changes can happen at Council floor but changes go to PC and once warned for public hearing changes would need a new public hearing.

Councilor Hanson commented that a new developer, making decision to exclude person who has a car, on other side exclude those not with car; either way exclude someone, not sure best. D. White responded that, subject to approval from DPW or Public Works Commission, can petition that have on-street handicap space. Councilor Mason indicated that he appreciated the concerns, but it limits the potential development of non-developable lots.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

Councilor Hightower raised a concern about all other new development in Section 8.1.16 and potential applicability to smaller projects. She moved that the Planning Staff and Commission consider a revision to Sec. 8.1.16 that would make some of the required TDM elements applicable to all forms of development while leaving others only applicable to larger projects. Councilor Hanson seconded the motion.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower

1. Any Other Business

Councilor Mason noted the joint meeting with the PC on Aug. 11 and asked D. White and M. Tuttle about sharing information ahead if possible. He also noted that the Committee will hold off on scheduling another Ordinance Committee mtg. until after STR.



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Next meeting to be set by email.

1. Adjournment

Motion to Adjourn by Councilor Hanson, seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hightower, Councilor Hanson

The meeting was adjourned at 7:52 pm.