



BURLINGTON CITY COUNCIL ORDINANCE COMMITTEE

7/16/2015

City Council Ordinance Committee

Wednesday, July 16, 2015

MINUTES

Attendance

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

Other City personnel: Scott Gustin (PZ Sr. Planner) (SG)

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

Public: Martha Lang

CM convened the meeting at 5:05 pm

1. **Agenda:** MT moved & SB 2d the proposed agenda which passed unanimously.
1. **Minutes of 7/1/15:** SB moved and MT 2d the minutes, which were adopted on a vote of 3-0 with a change of "installation" to "installer" on page 1 SB 1st paragraph in 4.01.
1. **Public Forum:** Martha Lang expressed concerns about what is happening in the institutional zone by UVM and the Hospital. She raised the issues regarding the process that the institutions are using in their redevelopment project at the DRB and the testimony of Ken Lerner at the DRB. SB and SG expressed their understandings of the process. CM explained that a change to an overlay district would require a zoning change. Martha Lang is concerned that any change would be fast tracked and that the committee would not be consulted. The committee expressed that fast tracking is very unusual and now that they know they will be on watch.
1. **Ordinance Discussion**

4.01 Comprehensive Development Ordinance – Conditional Use; Inclusionary and Replacement Housing; Planned Unit Development ZA # 15-02





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SG explained that this trims down the triggers for conditional use review in the ordinance. It removes Conditional Use requirements for a number of things that are not actually conditional uses like for inclusionary housing and said if the policy is to have the DRB review those uses, then it can be said so in the ordinance without it being a conditional use process. The changes reshuffle major impacts and residential occupancy limits to other areas of the ordinance.

CM asked if it was controversial and what the reason for it was. SG said it was to eliminate redundancies and streamline the ordinance and the system. MT asked if it would lower the number of inclusionary units required and SG said no. MT said he liked the beefing up of some of the transportation provisions.

SB, on page 3, deletion of 3 and the addition of 4, asked about the deletion of lines 46 and 47 because she believes the requirement in those lines is important. SG said it was not moved but it is to be addressed by the new 4 and in the home occupation criteria in that provision and that her concern about commercial activities in the residential zone is taken care of elsewhere in the ordinance. SB asked SG to provide the home occupation citation to her and he agreed.

SB asked why lines 222-223 were removed. SG said that the replacement of units should not have to be approved by the DRB. SB asked who in the City will approve that. SG said PZ, DPW and CEDO will review. CM said this is a change in procedure and SG agreed. SB asked what would trigger DRB review. SG said the development of a lot of units will trigger it. CM noted that the words "in addition to all other applicable requirements" in line 219 is the reference that references the potential applicability of DRB review.

Action: SB asked for greater clarity and SG said this amendment is drafted to say that Housing Replacement in and of itself does not trigger DRB review. SB said she'd like that clarity in the ordinance. MT agreed as did CM. CM asked that SG and GB craft language amending line 219 that says that. The committee unanimously approved this amendment.

SB asked about the deletion of lines 242-253. SG said under the present regulations the only way to require inclusionary units is to define it as planned unit development. That is why there are "minor" and "major" PUDs. SB asked if the addition of line 254 et seq is how it is dealt with and SG said yes.

SB asked if anyone from the public spoke about it. SG said he didn't know. SB said it is big and hard to follow and SG agreed; he said he would find out who spoke at the PC.

Action: On SB motion and MT's 2d, ZA # 15-02 as amended (line 219) was unanimously referred back to the council as amended for the warning and holding of a public hearing in the time required by law and for second reading with a recommendation to adopt as amended.





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4.02 Comprehensive Development Ordinance re Inclusionary Zoning Exemption for Institutional Housing ZA # 15-03

SG explained that this addresses the circumstance where student housing is built outside of the institutional zone. If that housing is transferred to a private non-student housing owner the inclusionary zoning requirement would apply. SG said this is consistent with the Housing Action Plan being proposed.

SB does not agree with giving the exemption to begin with. Students need affordable housing and not having it is what drives them off campus. SB would like the institutions to provide affordable units on university or college land and she doesn't want to give the exemption.

CM asked how the institutions could effectuate that on top of financial aid. SB wants to see a sliding scale of affordability. CM looks at that as saying they need to give more financial aid. SB said she isn't looking at it as a transfer of money to attend but a reduction of rent. There has to be a way to have the affordability piece for the institutions but doesn't know what it would look like.

MT agrees with that piece and also sees other neighborhood issues, like manifesting the problem and imbalances with students in the neighborhoods. SB said if the institutions create housing downtown there needs to be an affordability piece to it too in order to have it affordable to low income students. MT said he agrees this is important.

CM said he doesn't have enough information on how that'd work to move that forward. SB noted that financial aid doesn't factor in the cost of where the student actually lives. CM said he isn't prepared to act on SB's idea and asked for an institutional representative to come in to discuss SB's idea. The committee expressed a consensus that the ordinance to require inclusionary housing if student housing becomes non-student housing as proposed works but there is not consensus over SB's idea. CM asked SG to contact the institutions to have them address the committee on this issue.

Action: CM proposed to postpone until SG can get someone from the institutions to discuss SB's idea on the institutions providing affordable units. SB moved that and MT 2d, and it passed unanimously.

4.03 Comprehensive Development Ordinance –Community Gardens Impact Fee Incentive and Off-Site Improvements Impact Fee Inclusion ZA # 15-07

SG explained that this replaces a prior urban agriculture proposal and is intended to incentive community gardens. This was written with input from Parks and the Burlington Area Community Gardens and the PC was unanimous. CM asked where the 2 year provision came from and SG said it is consistent with other standards for construction of public improvements. SB said the 2 year period is too short and said she thought 5 years was more appropriate.



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Action: SB moved to change 2 years to 5 years on line 36. MT 2d. The committee unanimously approved.

Action: On SB's motion and MT's 2d, ZA # 15-07 as amended was unanimously referred back to the council for the warning and holding of a public hearing in the time required by law and for second reading with a recommendation to adopt as amended.

1. **Any other business: Next Meetings & Items to Review:** CM reminded the committee of the meeting on 7/20 related to taxis

1. **Adjournment:** CM adjourned the meeting at 6:15 pm.

