

**Burlington Planning Commission
Ordinance Committee**

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Alexander Friend
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Burlington Planning Commission

Ordinance Committee

Special Meeting

Wednesday, June 5, 2019 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

AGENDA

1. Discussion of draft changes to Sec. 9.1.6, *Exemptions*, and Sec. 9.1.9, *Percentage of Inclusionary Units*, as they pertain to institutional student housing and inclusionary zoning standards.
2. Adjournment

Next Regularly Scheduled Meeting – July 11, 2019

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Sec. 9.1.6 Exemptions

Exempt from the requirements of this article are:

- (a) ~~On-campus projects that are located within an Institutional (I) zoning district that are developed by an educational institution for the exclusive residential use and occupancy by that institution's students;~~
- (b) Those dwelling units in a covered project that are produced as "replacement units," pursuant to Article 9, Part 2 and which do not produce any net new units; and,
- (c) Projects created using the Senior Housing Development Bonus pursuant to the provisions of Article 4.

Commented [SG1]: Sharon Bushor comment. Reflects the intent, but could be construed as a policy change from the literal interpretation of present wording.

Sec. 9.1.9 Percentage of Inclusionary Units

~~Except as provided for below for institutional student housing projects outside of an Institutional (I) zoning district, A~~all covered projects shall meet the percentage requirements for inclusionary units as specified above, calculated as follows:

Using the units/acre allowed for a covered project (i.e. 46 in the RH, 24 in the RM or 5.5 in the RL), the total number of units proposed is multiplied by the required percentage of Inclusionary units (15%, 20% or 25%, depending on the rent/selling price of the units). ~~When the calculation yields a fractional number of required inclusionary units, the number of units shall be rounded up to the nearest whole number if the fractional number is .50 or greater, and down to the nearest whole number if the fractional number is .49 or less.~~

(Example: a moderately-priced, multi-family housing development with no commercial space on a one-acre lot in the RH would be able to provide 46 units on-site. Of those, $46 \times .15$ (15%) = 6.9 (rounded up to 7) units of a total of 46 must be inclusionary units. If the applicant can only provide 20 of such moderately priced units on the site, 15% of the 20 units, i.e. $20 \text{ units} \times .15 = 3 \text{ units}$ shall be Inclusionary units).

~~Student housing projects outside of the Institutional (I) zoning district for the exclusive residential use and occupancy by that institution's students shall meet the percentage requirements for inclusionary units by documenting that 15% or more of the undergraduate student body eligible for occupancy of the project falls under 65% Area Median Income on a yearly basis. An annual report shall be filed with the Manager of the Housing Trust Fund demonstrating that the undergraduate student population continues to meet the 15% inclusionary requirement and also including the percentage of residents within the project qualifying under the standards for inclusionary housing. In cases where the 15% inclusionary requirement cannot be met, the percentage requirements for inclusionary units shall be met as noted above. A written covenant between the educational institution and the City shall be executed guaranteeing that, in the event that the institutional student housing project ceases to be used as such, the percentage requirements for inclusionary units shall be met as noted above.~~

Excerpt of DRAFT 5/28/19 Planning Commission minutes pertaining to inclusionary zoning standards for institutional student housing.

Action: Approve the municipal bylaw amendment report and warn for a public hearing, with changes		
Motion by: E Lee	Second by: B Baker	Vote: Approved Unanimously
Type: Discussion, Action	Presented by: S Gustin, T Rawlings, M Tuttle	
Discussion/Notes:		
• S Gustin: Regarding how IZ applies to institutions' housing, on-campus housing in the I zone is exempt. 194 St Paul St is only student-housing project off-campus. During permitting question was how to deal with this fundamentally different housing type. DRB approved project based on population of students eligible to occupy IZ units, with annual verification. Joint Committee forwarded the recommendation that this be the standard. Staff feels its easier to exempt institutions' housing completely, or apply the normal IZ standards. There are limitations with income qualification. • S Bushor: Concern that institutions don't want to have a conversation about making housing more affordable on-campus, so off-campus is the place to have this discussion. • T Rawlings: There may be competing public policy goals here: we want Institutions to house their students to take burden off city's housing stock. If we require IZ for institutions, what message does that send. Per many of the tax credit programs, full time students aren't allowed to benefit from units created by the funding. • M Tuttle: also included "co-living" in applicability section to recognize the multi-family version of boarding house per a different amendment.		
Commissioner comments:		
• Would like more information about how institutions verify income, provide housing assistance to students. Complex because for students, don't look at their income alone, but include other sources such as financial aid, family support. Not sure that tuition and room & board bills make it explicitly clear what level of support is for housing, vs being a whole package. How does off-campus institution-managed housing get reflected in bills and award packages? • Challenge is institutions' housing is charged by the bed vs by the unit while conversely IZ income is based on collective income of the household, not the individual(s). In institutional housing, rent stays fixed with grants or other funding offered to subsidize; in private housing, the cost of the housing unit itself fluctuates. • Concern about students from low-income families and without familial support. Often use award packages to find off-campus housing options that may be of poor quality. This provision notes that the student body qualifies for IZ housing, but does nothing to ensure they receive assistance. • Can HTF manager look at FAFSA, or identify if the student is claimed as a dependent to determine if the family's income via the tax return applies in qualifying them? • Concern that this will create an incentive for private developers to build housing to lease to institutions with no obligation to meet IZ requirements. • If want students to benefit from this ordinance, it will be complex—need to know more about how the student is income-qualified, if and how the rent is restricted.		

- Removed the provisions for calculating student housing and co-living, warned the rest of the amendment including changes discussed in previous meetings for public hearing. Student housing topic should be studied further, and co-living can be inserted if the Commission wishes to take up that amendment in the future.

DRAFT

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Burlington Planning Commission
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Wednesday, June 5, 2019 @ 5:15 PM

Planning & Zoning Conference Room, Ground Floor, City Hall

Attendance

- **Committee Members:** Alexander Friend (AF), Leo Sprinzen (LS), Austin Hart (AH)
- **Absent:** Andy Montroll (AM), Bruce Baker (BB)
- **Public:** Lani Ravin, Shelly Navari
- **Staff:** Scott Gustin, Mary O'Neil (Planning & Zoning), Todd Rawlings (CEDO)

1. Discussion of draft changes to Sec. 9.1.6, *Exemptions*, and Sec. 9.1.9, *Percentage of Inclusionary Units*, as they pertain to institutional student housing and inclusionary zoning standards.

Committee members and others present discussed the present draft language and the possible alternatives of exemption and of applying the standard inclusionary zoning requirement to off-campus student housing. Ms. Ravin noted the economics of what happens when room costs are tweaked and how it may cascade down to reduce the number and amount of financial aid awards. Ms. Navari noted the privacy issues surrounding student financial status and aid.

Ultimately, committee members agreed to an inclusionary standard based on the overall student body so long as housing decisions made by the institutions are "blind" to the students' financial status. Refer to full Planning Commission.

2. Adjournment

The Committee adjourned at 6:20 PM.

