



CITY OF BURLINGTON, VERMONT
**CITY COUNCIL COMMUNITY DEVELOPMENT &
NEIGHBORHOOD REVITALIZATION COMMITTEE**
c/o Community & Economic Development Office
City Hall, Room 32 • 149 Church Street • Burlington, VT 05401
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Councilor Selene Colburn, Chair, East District

Councilor Tom Ayres, Ward 7

Councilor Adam Roof, Ward 8

Thursday, March 23, 2017

6:00 – 8:00 PM

City Hall Conference Room 12 (CR 12)

Proposed Draft Agenda

1. Review Agenda
2. Public Forum (15 minutes)
3. Approval of Minutes – 2/17 (5 minutes)
4. Inclusionary Zoning Next Steps Discussion (20 minutes)
5. Inclusionary Zoning Monitoring Policies & Procedures (20 minutes)
6. Plans for April Meeting (10 minutes)



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

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March 22, 2017

To: Community Development & Neighborhood Revitalization Committee
From: Noelle MacKay, CEDO Director; Gillian Nanton, Assistant Director, SHED; Todd Rawlings, Housing Program Manager
Cc: Mayor's Office
Re: **Next Steps for Inclusionary Zoning Review**

This memo outlines the next steps following the release of the evaluation report and presentation by czb, the Consulting Group on January 31st, 2017. The evaluation represents the first detailed review of the City's 26-year-old Inclusionary Zoning (IZ) policy, one of the recommendations contained in the 2016 Housing Action Plan.

CEDO updated the City's existing dedicated IZ [webpage](#) on February 7, 2017 and sent a Front Porch Forum post to gather public comment and feedback. CEDO will be taking comments until we begin to assemble a Working Group in April, 2017 to help assist in prioritizing the recommendations in the report. CEDO is also moving forward with one of the recommendations immediately – developing a monitoring system for applicable projects to ensure compliance with the IZ ordinance. Below is the outline for next steps for both the monitoring system and Working Group.

Monitoring System:

Per the IZ ordinance 9.1.21 Administration: The Housing Trust Fund and its Manager shall monitor activity under this article and shall provide a report no less than every year to the city council, setting forth its findings, conclusions, and recommendations for changes that will render the program more effective. The report described above shall be presented to the city council at a legally warned public hearing." As noted in the report, 'units managed or otherwise controlled by the not-for-profit agencies (approximately 46 percent of all inclusionary units) are routinely monitored by those agencies' but that 'a sufficient long-term monitoring system has never truly developed' for the remainder of the units.

Given this identification of an inadequate system for monitoring IZ units following the initial lease up, Mayor Weinberger directed CEDO staff to immediately create and implement a system to monitor applicable projects. For the January 31st, 2017 CDNR meeting, CEDO provided a [memo](#) and [IZ Monitoring Policies and Procedures](#) that outlines the action steps staff have taken to begin implementing this new monitoring system.

The memo and the IZ Monitoring Policies and Procedures are once again provided as a framework for the March CDNR committee meeting. We will provide a short presentation and then answer any questions and gather comments and suggestions.

Working Group:

CEDO proposes to form of a Working Group of subject-matter experts to take information from the report, as well as any public comments on the report, to review and make recommendations to the Administration and City Council.

The recommended composition of the nine-member IZ Working Group is as follows, along with suggestions for individuals and/or organizations for consideration:

- 1 City Council Members (suggested a member of the CDNR Committee)
- Representative from Planning Commission
- 2 For-Profit Developers
 - Suggestions: Erik Hoekstra, Eric Farrell, or David White
- 2 Not-for-Profit Developers
 - Suggestions: Champlain Housing Trust, Cathedral Square, Committee on Temporary Shelter.
- Affordable Housing Advocate
 - Suggestion John Davis
- CEDO: (Gillian Nanton or Noelle MacKay)
- Planning & Zoning (David White)

CEDO will provide staffing support for the proposed IZWG.

Specifically, the suggested purpose and goals of the IZ Working Group is to:

- Review the IZ report, specifically Part 3: Choices & Recommendations and prioritize the issues and recommendations from the report, taking public input into account, and deciding on next steps.
- Outline for each of the recommendations, listed under 1) Status quo plus; 2) Fully functional inclusionary zoning and 3) Moving the needle; the pros and cons, financial feasibility, suggested timeline, lead as supporting partners, and other implementation factors.
- Identify any data/information gaps.
- Make a recommendation to the Administration and City Council on any proposed changes to the IZ

Given the current workload of staff, we suggest first meeting would be in September 2017 and with monthly meetings, we estimate recommendations coming the Working Group by April 1, 2018.



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Thursday, March 23, 2017

6:00 – 8:00 PM

City Hall, Conference Room 12

Draft Minutes

Attendance: Chair Selene Colburn, Councilors and Committee Members Adam Roof, CEDO Director Noelle MacKay, CEDO Assistant Director Gillian Nanton, Housing Programs Manager Todd Rawlings, CEDO Staff Ian Jakus, P&Z Director David White, John Caulo (UVM), Joe Speidel (UVM), Michael Monte (CHT), City Councilor Jane Knodell, Ted Wimpey (CVOEO), Caryn Long, Charles Simpson, Eva Sherman, Denali Balser, Gabriel Brunelle, Sandy Wynne, Ibnar Stratibus.

1. Review Agenda

Chair Colburn called the meeting to order at 6:28 PM. Councilor Roof made a motion to approve the agenda, seconded by Chair Colburn.

2. Public Forum (15 minutes)

Caryn Long discussed the Inclusionary Zoning (IZ) report regarding the 5 unit threshold for triggering IZ and whether raising the minimum would be more of a benefit to the developers than the public.

Charles Simpson discussed the need for IZ in the entire region. Further he is in support of increasing the property tax to help meet housing needs.

Sandy Wynne summarized a recent study from Lake Champlain Chamber of Commerce, focused on young professionals. She said it found they didn't want to live downtown, but most said they would like a small house with a small piece of land, and be close to the bus route. Ms. Wynne questioned if that's what builders are actually building in the city.

2. Approval of Minutes

Councilor Roof made a motion to approve the minutes from 2/23/17 and Chair Colburn seconded the motion. The motion was approved unanimously.

3. Inclusionary Zoning Monitoring Policies & Procedures

Todd Rawlings CEDO Housing Programs Manager proposed incorporating IZ monitoring through existing monitoring procedures set up by CEDO for Federal HOME Investment Partnership Program and Community Development Block Grant (CDBG) compliance. He explained the current monitoring for owner occupied properties includes doing site visits (Cathedral Square, CHT, BHA, COTS currently do this), in depth analysis that the tenants are income qualified and that the rent requirements are satisfied. Looking at both for-sale units and rental units there are several hundred units to monitor over the next several years. There may be cases where property owners are unaware of the regulations and some owners may be unresponsive. In these circumstances CEDO will work with the City Attorney's Office to assess those on a case by case basis.

Noelle MacKay, Director of CEDO, discussed the need for increased IZ monitoring efforts, and the steps that CEDO has made in the past few months to assess the needs in this area.

Councilor Roof asked what happens to a family living in an IZ unit who isn't aware of the requirements and may no longer be eligible.

Mr. Rawlings explained the intention is that the applicant qualifies at initial occupancy. Specific units within a project are not specifically identified, so they can move around to reach compliance.

Chair Colburn added that there is a lot about monitoring eligibility in the IZ ordinance on project completion and the section on rental units. She requested more information about how CEDO will work to fulfill the requirements in those sections. She stated that for compliance purposes, income should be verified when the tenancy changes.

Mr. Rawlings explained that in some cases there are multiple subsidies for affordable housing in a project, each with differing income verification requirements. It may not be practical to expect private property owners or managers to do third party income certification.

Michael Monte, Chief Financial Officer at Champlain Housing Trust (CHT), stated they do compliance and suggested that once the monitoring gets going, CEDO should report to the City Council, to understand exactly how the effort is playing out, because it could be very complicated.

Caryn Long asked if this is this going to be like Code Enforcement.

Ms. MacKay responded that monitoring is required, but that it has not been done closely, and this effort will attempt to correct this deficiency. She acknowledged that CHT and other affordable housing providers have staff that focuses on compliance that covers a large portion of the IZ units and noted CEDO has not had the same level of capacity for monitoring. Ms. MacKay confirmed that verification will need to be checked when there's change over in IZ units, and accounting, if eligibility is accommodated elsewhere.

Sandy Wynne asked how do we define what an owner is, is it anyone on the deed?

David White Director Planning and Zoning responded that there is a specific definition in the zoning ordinance and that CEDO could partner with Code Enforcement and the City Attorney's Office to address violations.

Mr. Rawlings added on the rental monitoring aspect, the point is initially to confirm occupancy of the original residents, not to find out what the tenant is earning but that the tenant is still living there, and if not we need to ask the property owner to get the documentation, so initially it is just confirming occupancy.

Councilor Roof made a motion to request to hear back from CEDO staff on the IZ reporting program in one year. The motion was seconded by Chair Colburn and thus approved unanimously.

4. Inclusionary Zoning Next Steps Discussion

Ms. MacKay spoke regarding Chair Colburn's final CDNR meeting, and that CEDO staff appreciates the passion she has brought as a City Councilor and looks forward to her serving the state and praised her compassion and knowledge.

Ms. MacKay outlined the recommendations for the IZ Working Group, describing that the group should be tasked with prioritizing the recommendations including an outline for each recommendation, what the status quo is, feasibility, timeline, and what the pros and cons are. The group should identify any data information gaps and make recommendations to the Administration and City Council. The recommended composition of the nine-member IZ Working Group is as follows, along with suggestions for individuals and/or organizations for consideration. The suggestions are based on specific technical knowledge or perspectives those representatives would bring. Any recommendations from the group would need to go through additional public process. Each working group would be open for public comments.

- 1 City Council Members (suggested a member of the CDNR Committee)
- Representative from Planning Commission
- 2 For-Profit Developers
 - Suggestions: Erik Hoekstra, Eric Farrell, or David White
- 2 Not-for-Profit Developers

- Suggestions: Champlain Housing Trust, Cathedral Square, Committee on Temporary Shelter.
- Affordable Housing Advocate
 - Suggestion John Davis
- CEDO: (Gillian Nanton or Noelle MacKay)
- Planning & Zoning (David White)

Councilor Roof asked what happens after the completion report and for clarification on who they're doing the work for and suggested we should include a member from the Ordinance Committee.

Ms. MacKay responded that recommendations should go to the Administration and City Council, this will not be all in the form of ordinance changes. That P&Z is included because they work regularly on ordinances that will be required for implementation. In terms of timeline she explained the group would really commence its work in the fall of this year, due to ongoing projects, and then deliver its recommendation in spring 2018. She suggested comments on the IZ evaluation should be taken at least until the end of April.

Chair Colburn stated she would like a resolution which includes the composition of the Working Group to be prepared for the approval of City Council which ultimately will lead to the constitution of the Working Group. Councilor Roof agreed.

Chair Colburn stated the Housing Action Plan provided a good model for a public process and that input was reflected in the final plan. Chair Colburn agreed that CHT needs to be at the table but that the final decisions resides with the Council President. She supported John Davis being included. She suggested Vermont Affordable Housing Coalition, or someone with a broader view, or tenant organizations, be included. She acknowledged that we don't want to skew the group in any one direction, and don't want to skew toward affordable housing advocates.

Ms. Mackay responded that the Coalition would provide a broader view of the issue but was concerned about coordinating the number of people on the Working Group.

Councilor Roof suggested there may be a councilor who serves on both the Ordinance Committee and the CDNR Committee.

Chair Colburn suggested instead of requiring a CDNR member on the IZ Working Group, the group could just report back to CDNR. Chair Colburn stated that this meeting should provide real clarity for the next Council.

Council President Knodell agreed that this should go to the City Council and that it be left open regarding which City Councilor would participate.

Chair Colburn agreed that as long as there are some communications along the way with CDNR it can be left open.

Councilor Roof stated it will be subject to the next City Council, keeping it to one City Councilor and include regular reports to CDNR throughout the process rather than specify which councilor it would be.

Ms. MacKay suggested that the number of for profit and/or non-profit developer representation be reduced.

Chair Colburn responded that we get a really monolithic viewpoint from both of those sectors. Erik Hoekstra has been the only developer and it is only his point of view. CHT is so unique that the group might need another non-profit. She suggested the Affordable Housing Coalition or The Homebuilders.

Mr. White stated that it is important to include smaller developers.

Chair Colburn agreed that having someone that is building at a different scale is important, so she maintained that they grow the size of the working group to 10 and added that the Working Group can bring in witnesses for testimony.

Mr. Monte submitted that if CHT were chosen they would represent other non-profit developers such as Cathedral Square and would bring that perspective.

Ms. MacKay also observed that CEDO would include other perspectives as well, such as the Affordable Housing Coalition.

Chair Colburn stated that the purpose and goals of the Working Group as itemized are very closely tied to the report. She said the Working Group should be empowered to come forward with their own recommendations based on their technical work.

Ms. MacKay acknowledged this and said she would add another bullet point to the memo covering that point.

President Knodell asked who would be the chair of the Working Group and to confirm that CEDO will staff it.

Chair Colburn responded that CEDO will staff the Working Group and it should be allowed to elect the chair because of the workload issue for that position. She requested to add language to the memo saying that the group will elect a chair.

5. Plans for April Meeting

Chair Colburn reviewed some open issues that the CDNR Committee has been working on (see attached memo). She commented that while housing has been a very important focus for CDNR, there is more potential to expand purview to other economic development issues. She reviewed the memo and noted that in regards to the Housing Trust Fund (HTF) there's room for more feedback on the HTF and a representative

should report to this committee. She suggested the CDNR Committee should have a bigger role in that body.

Caryn Long suggested there should be a focus on neighborhood revitalization, regarding the conditions of the housing. She strongly feels that when people are renting out the housing, and turning into large multi-units it is bad for the neighborhood. Preserving homes and neighborhoods that we have is important.

Ibnar Stratibus stated that he knows other homes with more than 4 unrelated people without any issues.

Chair Colburn referenced the 'Neighborhood Project', and the fact that Preservation Burlington advocated for the study, and made it a condition from the litigation of Eagle's Landing student housing project. The study specifically looks at the preservation issue in student neighborhoods. Noted there will also be a role with NPA's.

Gillian Nanton Assistant Director of Sustainability, Housing, and Economic Development followed up that the RFP for the Neighborhood Project was issued on Monday March 20, 2017 and the deadline for responses is April 28. She expected that in May the team of consultants will be selected.

Ms. MacKay added that in regards to aging housing stock that CEDO has hired a staff member for rehabbing homes with CDBG funds. Along with the Lead program this should help to address that. Also Burlington Electric Department has a weatherization program.

Chair Colburn stated she hopes that Bill Ward from Code Enforcement will come to present to the CDNR Committee on changes in enforcement.

Charles Simpson asked if there is a system of rooming house licensing. If they had a relationship to the landlord that could be subject to additional code enforcement?

Mr. White responded that minimum housing rules apply to all individual units.

Sandy Wynne asked if the City addressed Air BnB.

Mr. White said no, but added that the city officially treats them as a Bed and Breakfast for which permits are required. Further the rooms and meals tax are paid which the state collects.

Councilor Roof requested to add Councilor Colburn's memo to the minutes. The meeting was adjourned at 7:44 PM.

Attachment 1
Submitted by Chair Colburn

Ongoing CDNR issues

Quality of life

- Enforcement of the four-unrelated ordinance
- Evolving strategies for noise reduction (calling landlords, targeting problem houses, UVM-funded foot patrols, etc.)
- Off-campus housing tracking and disciplinary actions by higher education institutions

Housing policy

- Updates and review of the Housing Action Plan (HAP) and its implementation
- Specific actions mandated for CDNR input or action by the HAP: establish targets for different household types (I.3), inclusionary zoning review and revision (I.4), consider continued assistance for home-sharing (I.6), create a neighborhood stabilization program (III.3), strengthen housing first (IV.1), review accessory dwelling units (V.2)
- Allocation of Housing Trust Fund and role of Housing Trust Fund via CDNR Chair representation

Homelessness

- Micro-housing & homelessness
- Encampments (enforcement, related ordinances, etc.)
- 100,000 homes and Housing First policies