



Burlington City Council Ordinance Committee Meeting

Remote - 5:30 PM

3/2/2022

City Council Ordinance Committee

Wednesday, March 2, 2022

Via Zoom

FINAL MINUTES

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

Staff Present: Kim Sturtevant (Assistant City Attorney), Meagan Tuttle (Director, Office of City Planning), Scott Gustin (Zoning Manager, Department of Permitting and Inspections)

Others in Attendance: Sharon Bushor, Barbara Headrick

Meeting called to order at 5:32 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

i. Public Forum

Sharon Bushor: Here to speak to the communication from the Planning Commission (PC). TDM is very important. Works good downtown because infrastructure there to support TDM, but there are challenges for smaller projects. Believe a policy that needs to be coordinated among smaller projects rather than just imposed. Scramble when removed parking



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from ends of streets (Colchester, South Winooski). Tried to get UVM to help and give spaces but didn't. Do need collaboration and a plan. As read what PC sent, hope willingness to delay until some of these things are worked out. Expect a timeframe worked out so not get lost.

Barbara Headrick: Section 8.3.5, institutional. Table create financial incentive to have TDM. Deletes incentive that caused UVM to have TDM. Want to write language in part 3 that specifically says what the institutions have to do to reduce car usage. Are institutions just pushing their parking on street? Need to make on-street parking less available. Put in a memo to them. There is no consequence in this document. To maintain a TDM, need also to enforce.

Closed public forum at 5:42 PM.

1. Minutes

i. Approval of Minutes of 1/19/22

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

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Mason, Councilor Hightower

1. Committee Discussion/Possible Action

1.

i. B.C.O. – Elimination of Minimum Parking Requirements

Councilor Mason gave a summary of process to date. M. Tuttle referenced the materials including a memo which tries to summarize high points of changes since last version. Highlighted areas show changes suggested since referral to Planning Commission.

Some changes already discussed:

- changed 0 max to 1
 - rounded to whole numbers
 - not extend allowance to release prior parking requirements to Neighborhood and Shared Use parking areas
 - three areas of Article 8 become irrelevant:
1. Sec. 8.1.7 *Non-Conforming Residential Structures*
 2. Much of Sec. 8.1.12 *Limitations, Location, Use of Facilities* including standards for off-site parking, shared parking,



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joint facilities, and parking calculations for single story structured parking

3. Sec. 8.1.15 *Waivers from Parking Requirements/Parking Management*
 - Eliminate minimums also impacts other areas of ordinance so clarify:
1. Sec. 8.3.3 *Institutional Parking Management Plans*
2. Sec. 4.4.5(d)4 regarding parking standards requirement for increase of occupancy beyond 4 unrelated adults

Newer changes from PC discussion:

- substance of parking table, wanted to get hands on the table and reduce but for purposes of this discussion still intact but discussed a few of them-auto uses for example. Other design standards that do put boundaries around size of car lot that could be done.
- clarification that do not include ADA parking in any maximum counts
- discussion on role in districts 5 and 6, in general not apply maximums
- allow existing "excess" parking to remain when change use to lower maximum limit

Councilor Hanson questioned what the memo for TDM was? M. Tuttle referenced the cover memo of the ordinance.

M. Tuttle summarized PC's comments on TDM. PC highly supportive of TDM. Concern applying current TDM options to these parts of the City. Concern codifying standards before we do the study. Concern applying to 5- 10 unit developments. Understand not a lot right now, but more coming and should look at the impact before applying. Also, think should provide different options. For example on a residential property with 5 units might not be effective for an on-site spot car share if there is a City one on the street. Concern that small TDM plans may be burden to enforce and may be better to have a City one.

Councilor Mason asked if the Committee didn't move forward without TDM whether there was still work. M. Tuttle responded that she thought you can look at them as separate questions. Can eliminate parking without changing the TDM requirements.

Councilor Mason noted it was a supply and demand issue. By removing the minimum, question where people will go. If remove minimum, then replacing with what? M. Tuttle replied that they were connected in many ways. Cars will not immediately go away and parking will not immediately go away.

Councilor Hightower asked the timeframe for the study? M. Tuttle replied that the office will have another planner joining in a couple of weeks. Goal to have someone in place and funding by the end of the physical year.

Councilor Hanson thanked staff for their work on the amendment. Important policy and glad moving forward with this. Main priority to get policy through. Open for different versions but don't want delay of committee turn over. Do have opinions, but want to get over the finish line.





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Councilor Mason inclined to not move forward with TDM pending complete study and then move forward.

Councilor Hanson indicated he wanted to keep some TDM in. Can have debate here or at full Council. Councilor Mason replied that it was not if but when for TDM component. Councilor Hightower indicated that she thinks it makes sense to wait on full fledged TDM, lean to parking changes.

Councilor Mason asked to go line by line.

M. Tuttle walked through the changes. Line 29 clarify for occupancy parking of Art. 4. Policy to make sure not affecting standards of 4 unrelated. Councilor Hanson asked what are we blocking, if want to change but not in district. S. Gustin responded noting in a residential area not just be able to remove without development.

M. Tuttle noted clarification to sec. 8.1.5 that only apply for substantial rehabilitation. Line 133 no longer relevant. Sec. 8.1.8 additional language to clarify relationship with 4 unrelated. Councilor Hightower noted that she didn't see how 8.1.5 doesn't apply. M. Tuttle responded that it was just rewording that parking applies to new uses or new net uses. Councilor Hanson questioned whether it undermined amendment. S. Gustin replied that what it is trying to say is that the standard is not retroactive, applies here forward. M. Tuttle noted that staff can look back and make sure not inadvertently missing opportunity.

M Tuttle page 11, page 169—suggested eliminate because as written not allow inclusionary to have parking. Table 8.1.9-1 changes all 0's to 1's and rounded up. Changes for B&B can't be made yet because zoning will expire. Same for Hotel/Motel and Lodging.

Councilor Mason suggest go through line by line on own and bring back concerns for table.

M. Tuttle referenced line 179, 4 additional exemptions including ADA. Councilor Hanson asked whether there was already a provision that 1st space built be ADA? M. Tuttle responded that ADA spaces based on number of spaces providing in the first instance. Councilor Hanson thought it was written that if one space must be ADA accessible. M. Tuttle replied that it just talks about prioritization for closest spaces. Councilor Hanson then asked if only 1 space then has to be ADA. S. Gustin indicated that they have not had a scenario where just one or two spaces are being proposed, but do follow the requirements for what is proposed. Councilor Mason noted federal/state requirements. Councilor Hanson responded if not the 1st space okay.

M. Tuttle noted that specific reason that PC request this is because by making less spaces, not remove ADA spaces. Councilor Hanson replied it was fine, makes sense.





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M. Tuttle noted that the next exemption parking provided within form district 5 and 6. Councilor Hanson indicated that he did not agree with that exemption. Hear reasoning but don't agree. Councilor Mason agreed with Councilor Hanson, asking what is downside? M. Tuttle responded that she thought the PC felt it was an area to eliminate because area with excess could serve entire downtown district. Councilor Hanson, believe already so much excess, do not need to unlock that. M Tuttle goal not to make excessive but to allow to use. Not likely to be a big incentive to build extra because so expense. Councilor Hightower amendable to striking lines 194 and 195.

M. Tuttle exemption for Institutional Parking in lines 196-197. Instead of using max/min use institutional parking plan for that. Councilor Hanson noted concern about this exemption as eliminating some of the biggest users gut the system. Have other thoughts how to hold accountable for parking. S. Gustin explained that JIPMP is about how institutions meet their supplies/demands. Really about the institutions showing what their needs are and how going to meet it. M. Tuttle added that the plan looks across many parcels differently than other applications. Also covers relationships between institutions and ability to share parking spaces. Give them flexibility to manage system. S. Gustin institutions are very complex. Have table with a number of uses, UVM, hospital, etc. are numerous uses in one. Plan better way to look at. Councilor Hanson get how that makes sense, but need to make sure they play ball with us.

Councilor Mason noted that he has not seen a JIPMP. Councilor Hightower not seen one either, but worry about what staff says as far as number of different uses. Consider maximums based on uses as part of the plan. S. Gustin most of these institutions are within core campus overlays and there is a prohibition that can build more parking in core campus overlays separate from this process. M. Tuttle noted JIPMP gets reviewed by PC and then reviewed and approved by DRB. Focus last few years by PC is not to have them build more parking but better.

Councilor Mason asked about process to move forward with Trinity and then what is submitted in relation to parking? M. Tuttle responded that it was based upon projects within 5 year plan. S. Gustin noted that if project does not come in with 5 year then need to show how within framework and include within next JIPMP. Councilor Mason noted he was confused. M. Tuttle responded that it was reasonable to clarify in lines 196-197 that if come in with project not contemplated then max applies.

M. Tuttle continued:

- Line 198 is standard for moving between existing and change in use.
- Line 204 no longer need as adjusted in table.
- Line 205 no longer needed.
- Line 222 want to ensure by loosening not making defacto parking lots in City.
- Line 271 standards for asking for waivers not needed as not requiring minimums.
- Line 377 typo correction.
- PC not make any changes within text because issued recommendations in separate memo. If agree then eliminate proposed additions between lines 370 to 380.

Councilor Hanson way to do through City wide TDM, study may take a while and there is not certainty. Talking about in between time, not comfortable in between time. What are compromises? Unbundling? M. Tuttle responded it was not.



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Councilor Hanson not support getting rid of any, but willing to discuss some if advances the amendment. Councilor Mason question keeping in, not in conflict with other policy desires. Appreciate want something now, but what is downside of following staff and PC suggestion to wait until study done. Councilor Hanson asked if we do move forward with TDM in the future are we able to make deal with future developers, can we make them deal with or getting a free pass for 2 years? M. Tuttle responded that the PC felt very strongly want to look at other ways for TDM. Look to other parts of City ordinances for TDM. Also, question of whether put it to the City. Councilor Hanson concerned with removal of private developer burden being shifted to City and hope to catch up later.

Councilor Mason asked for a reality check, how many 5-10 units expect in next couple of years? Appreciate gift, but may support building them. M. Tuttle responded that anticipate change in zoning ordinances to take a year to 18 months. 5-10 units small. S. Gustin noted that there was maybe 3 or 4 in the past year of that size.

Councilor Hightower asked if new TDM likelihood shared between new, old and City. M. Tuttle responded that she understood the question but look at options to do that through study. Councilor Hanson clarify not saying change from 5 to 10, they are suggesting take away for all? M. Tuttle responded yes for neighborhood and sharing use districts. Councilor Hanson replied that it makes more permissive than multi-model, not make sense. M. Tuttle noted that probably realistically talking about small developments in those areas. Councilor Hightower asked about change to over 10 or more? M. Tuttle responded yes, could just say for all over 10 or greater than certain square footage. Councilor Mason sees could be compromise. Councilor Hanson open to that. Unbundling (not allow shift into rent) simple and very important. Can we just require that across the board for any new development? M. Tuttle asked if saying unbundling at any scale? Councilor Hanson replied yes. M. Tuttle not have issue with extending to any scale. Need to move things around in TDM. Line 410-411 unbundling would be moved to another section to apply to all sections in City. Councilor Mason asked for clarification—across board greater than 10 for new and unbundling for new/substantial development. S. Gustin noted across board—not wrapping head around how looks. M. Tuttle added when providing parking. S. Gustin noted single family providing driveway. Councilor Mason replied that single family not make sense. Councilor Hightower noted it can be a rental. Councilor Hanson responded that we can say 2 or more units. M. Tuttle noted that staff can look at other communities that have unbundled and how handled. Councilor Mason mentioned if can rent to someone with \$200 for car versus not, will rent to person that has to pay \$200. Hard time envisioning someone building duplex without. Councilor Hanson responded that he wanted to get to those as well. Councilor Hightower responded get bill, already getting rid of minimums so not sure where getting at.

M. Tuttle indicated that staff can look at those questions, good questions haven't looked at.

Councilor Hanson indicated that he did not want to force someone to pay when not have it. If someone want to live there and not have car and reject it then can they do it. Councilor Mason responded, not a protected class, renting unit and space. Councilor Hanson replied that it is good to show and not hide. Think make sense to look at what other municipalities have done. Councilor Mason agree to look at other. Councilor Hightower—see how to put minimum and then if unbundle may be a longer fix. Councilor Hanson proposed for compromise for 5-10 units then only TDM is unbundling for all or just those two districts. Greater than 10 all apply. Multimodal area is more walkable. M. Tuttle replied that it may be cleanest to have standard in all three for enforcement.

M. Tuttle explained they changed all references from tenants to residents and corrected a typo. In Sec. 8.3.3 JIPMP, first goal was to recapture standards that section used to refer to. Prior 8.1.15 gone so look at to make sure that which wasn't specifically called out was put in here. Also, look at what kind of date need to be provided. Last pieces of changes no



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longer looking at minimum number of parking spaces to move forward. Lines 459 to rest of documents.

Councilor Mason questioned whether B. Headrick comments were to this memo or prior. M. Tuttle responded that they were to this version. Councilor Mason question whether this is entire universe where parking management plans are discussed? M. Tuttle responded yes.

Councilor Hanson noted that he thinks we are all on the same page. Agree with B. Headrick and some of the things S. Bushor said. Believe we can put in more teeth and more than every 5 years. Made progress the first decade but less the second decade. Need to make sure moving commuters and not to nearby streets. M. Tuttle responded with a couple of thoughts, plan approved for 5 years and annual report under the plan. Had opportunity to see transparency if submit every year so that is just started. Main reason approval up to 5 years because of changes of developments so a little hesitant to shorten timeframe as it takes time to implement and would cut into what trying to do. Goals want to see reduction. If interest in hitting more targets than seem like something to look at during study. Otherwise, if just insert need this, than may be arbitrary. Specific ideas in mind of what teeth look like? Councilor Hanson responded that he needed to think about that. If parking on street then should be some consequence. S. Gustin indicated that consequence is not further development because plan doesn't get approved. Councilor Hanson concern that developer would come say all the right things and then get stamp of approval but then in three years not meet it. S. Gustin responded that it is forward looking but depends on success of what happened before. Councilor Hanson replied that he didn't know if time and place to adjust but do think we should look at it. Councilor Mason noted that we do not have benchmarks, have strategies, not sure how conversation fits in at this point. Also if annual reviews what is DRB reviewing? Just an analysis. Not sure how prove it. Not sure where to take this. Councilor Hanson replied that he wanted to hear staff's thoughts. Want to strengthen it, not want to weaken it. M. Tuttle noted main mechanism use today if demand higher than need more parking or strengthen plan. Agree that plan more effective if have specific benchmark but not sure how to put in now. When put in enforcement mechanisms need to have specific goals, metrics. Study could help clarify what metric should be for TDM and JIPMP but feel if put in today may be a bit arbitrary. Councilor Hanson responded that to him it is the drive alone number for commuters. Champlain down. UVM down before 2010 but now more flat. That would be way to determine if change. Commuter employees and students.

Councilor Mason asked if staff can distribute most recent JIPMP. Want to take a closer look at memo and comments. Any other directions to staff or CA office? Any other questions or follow-up?

1. Any Other Business

Next meetings: March 10, 2022

Items:

-continue parking minimum

-CA referral for police commission

1. Adjournment



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The meeting was adjourned at 7:45 pm

