

Brian,

Thanks for the heads up. My observations, comments, and concerns follow. The pall cast over the whole process, however, is that the drive for housing development is so strong and ultimately profit driven that it overrides, even bulldozes, a balanced rational analysis. This seems especially evident in the voodoo plan to eliminate parking requirements premised on comparisons with cities having viable and well established mass transit. We are already awash in cars parked in all the wrong places. Even in Manhattan and Brooklyn cars don't park on the sidewalks or drive on them; here it happens every day. The treatment of the student housing issue as if poor city planning is not the reason it has developed and persisted is the other elephant in the room.

#### **PARKING:**

The quote below is pasted from the report but isn't clear:

“– given that City has a long history of building much of the downtown parking required by the minimum parking ordinance – results in wasteful government spending on a highly inefficient parking system”

Is this suggesting that the city builds inefficient parking for private development?

Adequate parking is a responsibility and a necessity in appropriate development. Obviously, excess parking should never be built or required, but that the demand for parking already outstrips the supply in much of the area under consideration is obvious from the egregious violation of maximum lot coverage regulations evident in front and back yard parking. Comparisons with big cities where public transportation is universally available are not relevant to Burlington where the automobile is universally necessary. Only the impoverished and the missionaries for a careless future go careless here.

The responsible course of action is to restore legally mandated green space, respect the lake, and improve and protect water quality first and then assess honestly how much parking we have and

need. We are in no position currently to reduce parking requirements for new development if we care at all about the natural or the physical environment of our city.

### **PERMIT CONCERNS**

Portland and other cities may not be relevant comparisons in little old Burlington. In a democracy we commit ourselves to protecting everyone's rights equally. Suggesting that appeals and resulting delay are by definition unjustified tramples equal rights. The fundamental premise of every zoning ordinance is that private property rights are not absolute but circumscribed by the rights of the community as a whole to a liveable city or town. Eliminating appeal rights means eliminating due process and community values. Thoughtful, responsible, development proposals earn community support.

### **INCLUSIONARY ZONING**

If our mantra is affordable housing, turning away from IZ is problematic and contradictory. If the requirements are unreasonable, they should be modified accordingly, but gravitating toward the lowest common denominator (as represented by surrounding suburbs with no inclusionary zoning) rather than doing the right thing – is not the right thing. Affordable housing and homelessness are national, state, and regional concerns that demand attention in every community and at every level. If other communities are less progressive we need to bring them along, not become less progressive ourselves.

### **BUILDING CODES & PERMIT/APPEAL FEES**

Yes. Where the building code is counterproductive and unjustified, revise it to make sense. How have flawed codes persisted for so long? And where fees are excessive or oppressive (the fee for appealing a decision of the Zoning Administrator is exorbitant and clearly intended to discourage appeals contrary to progressive and democratic principles) these too should be modified to serve the people not the bureaucracy.

## FORM BASED CODE

As a means to a more "walkable urbanism" this initiative may be laudable, but it's the details that matter. As with building codes, zoning regs should make sense and encourage appropriate development that serves the community as a whole. They should not be rigged to clear the way for hasty and ill-considered development. Form based code puts less emphasis on use but clearly both form and use have substantial influence on the quality of the urban environment.

Where infill is appropriate on vacant or underutilized downtown parcels it should be encouraged, but it's not at all clear that form based code as opposed to the current code will be any more effective in this regard. Examples and evidence to the contrary would be welcome if available. In terms of form and design, the trend toward materials cheaper than brick and stone evident in recent development is not a positive trend. The long term costs of failing to invest now in quality materials and design increase exponentially in the future.

## STUDENT HOUSING/GROUP QUARTERS

Yes, the colleges should be taking greater responsibility for housing their students, but so too should the city be taking more responsibility for code enforcement (front and backyard parking, excess lot coverage, adding bedrooms and units without permits, no-more-than-four-unrelated etc) that becomes necessary because the city has condoned the exploitation of students, the creation of student ghettos, the displacement of others from these neighborhoods, and the sub-standard maintenance and management practices evident in many student rentals. The city is not powerless in these matters, but complicit. Re-purposing student rentals at taxpayer expense would not be under consideration had so many housing units not been re-purposed as student rentals due to poor planning, code enforcement, and oversight in the past. That should be acknowledged and corrected.

As for greening the rental housing stock, storm windows or energy efficient (not single-pane glass) is already required, but this requirement is rarely or poorly enforced. Requiring that rental properties be maintained and managed responsibly would make them green. Currently, if

tenants pay for heat many landlords have no compunction if the heat goes out the window. Currently if a property is rundown, the landlord reaps a tax advantage and still collects seven or eight hundred per bedroom. This is college town profiteering and an ostensibly progressive, socially conscious city hall fiddles like Nero. To quote Vonnegut, “so it goes” has gone far too long.

As for college sponsored student housing downtown such as Eagles Nest, we have no precedent or track record, no sense of the upward limits, but 2200 might turn downtown into the Quad. Winooski and Quarry Hill have recently provided substantial student housing and these locales may continue to be preferable to an overwhelming residential student population downtown. The whole idea of a campus is to create a campus community so it makes sense that the university campus be the default location for student housing.

Michael Long