

Burlington Planning Commission

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To: Burlington City Council

From: Burlington Planning Commission

Date: June 28, 2022

RE: Commission recommendations on proposed ZA-22-07

The City Council referred proposed *ZA-22-07: Maximum Parking & TDM* to the Commission to prepare the Municipal Bylaw Amendment Report and hold a public hearing per 24 VSA 4441 (g). This process limits the Commission's role to making any needed technical corrections and offering its recommendation or opinion. The Report and the ordinance, as it was referred to the Commission, are attached. This memo outlines the Commission's recommendations for further changes to the draft ordinance before Council adoption.

Commission recommendations

The Commission's February 2022 memo outlined a number of concerns with the broadly expanded applicability of the Transportation Demand Management (TDM) requirements contained in a prior version of this proposal. The Commission appreciates the changes made by the Council Ordinance Committee to create two tiers of TDM requirements based on the overall size of new developments. However, the Commission has continuing concerns about the proposed changes and wishes to reiterate its recommendation that the TDM study inform the best approaches, scale and context for expanded TDM requirements in the city. If the Council includes these changes in the amendment, the Commission recommends additional language in lines 486-487 that specifies the unbundling of parking costs occurs at the time of an initial lease or deed offering.

Additionally, during the public hearing the Commission received comments from UVM and CATMA regarding the proposed changes to the Joint Institutional Parking Management Plan (JIPMP) requirements. Among other requests, the organizations noted that the inability to receive zoning permits or Certificates of Occupancy (CO's) could have an unintended consequence for projects which have no bearing on parking. Additionally, the organizations have asked for clarification on the process for submitting an amendment to an approved Plan and have proposed a process for short plan extensions.

These changes are not technical in nature—they ultimately impact how stringent the Council wishes the proposed Plan approval requirements to be—and therefore have not been incorporated into the language of the proposed amendment. The Commission agrees with some of the changes requested by the organizations, and offers the following recommendations, highlighted in yellow.

- The scope of the JIPMP has never captured small projects (such as routine maintenance, sidewalk improvements, or art installation). The focus has been on developments that will impact the institutions' parking demand and supply. With regard to the first request, the Commission recommends the Council further amend lines 577-578 to read:

"Pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted **for projects which will impact the supply of or demand for** parking without an approved or amended plan. **Projects such as routine maintenance, repair, equipment installation, walkways, landscaping, installation of public art, and the like are exempt from this requirement so long as they do not result in a change of use, habitable area, or parking facilities upon which a plan's supply and demand calculations are based."**

- To provide further clarity on Plan amendments for projects not included in an approved Plan, the Commission recommends the Council amend lines 582-588 to read:

“(b) Any development proposed by a post-secondary educational or medical institution within the Institutional district that is ~~found not to be consistent~~ not included and addressed within an approved Institutional Parking Plan shall only be approved pursuant to the underlying parking requirements of Parts 1 and 2 of this Article ~~and upon approval of an amendment to an approved plan, and~~

In addition to application requirements specified in Article 3 and this Part, the Institution(s) shall submit an amendment to an approved plan that addresses how the development is consistent with or modifies supply and demand calculations and applicable TDM strategies contained in the approved Plan. Amendments may be in the form of an addendum that addresses any relevant sections of an approved Plan. The amendment shall be approved by either the administrative officer or DRB based on the underlying application type. Such developments shall be reflected in subsequent annual reports submitted to the administrative officer, and in future plan updates.

- To provide a process for extending the applicability of an approved plan, the Commission recommends the Council amend lines 568-569 to read:

“Such a plan, if approved by the DRB, shall be applicable for a period not to exceed five (5) years, and may be amended as necessary pursuant to the requirements of this Part. The DRB may approve one extension of up to six (6) months so long as the extension is requested prior to the Plan’s expiration.”