



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 - absent  
**Councilor Adam Roof**, Ward 8

Monday, December 14, 2015  
6:00 – 8:00 PM  
Robert Miller Center  
130 Gosse Ct, Burlington

### **Draft Minutes**

1. Review Agenda

*Chair Colburn opened the meeting at 6:08 with review of the agenda and a note that Councilor Ayres was unable to make this meeting due to a conflict with the Board of Finance's agenda item – Burlington College Developer Contract.  
Motion to approve – made by Councilor Roof. Motion approved unanimously.*

2. Public Forum (20 minutes)

**Charles Simpson** – *brought up concerns regarding Eagle's Landing. Because it is Burlington College land, he found out the development pay property taxes at the tax rate, yet it will be priced at market rate; it is considered in the waterfront TIF district but there will be no additional taxes. In addition, University housing is exempt from IZ ordinance.*

3. Approval of Minutes – 11/15 (5 minutes)

*Motion to approve made by Councilor Roof; approval unanimous.*

4. CDBG (10 minutes)

**Marcy Esbjerg** *presented an overview of the CDBG review and selection process; funding amounts and the role played by the CDNR committee. Additional members for the CDBG Advisory Committee were sought. CDNR members were invited to all the CDBG Advisory Board meetings and given a schedule of those meetings. The Notice of Funding Availability was discussed briefly and the timeline explained. The deadline to receive all CDBG*

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contact Marcy Esbjerg at [mesbjerg@burlingtonvt.gov](mailto:mesbjerg@burlingtonvt.gov)

applications is January 14.

## 5. Housing Trust Fund (20 minutes)

**Todd Rawlings** explained the background and purpose of the Housing Trust Fund (HTF) and how it is funded – through property taxes (\$.058 per \$1,000 of assessed value) to preserve or increase affordable housing stock in Burlington; This year the Mayor added \$175K. There has been significant discussion, especially during the Housing Action Plan meetings about restoring to the Housing Trust Fund to the full penny. Todd explained that the HTF Administrative Committee released an RFP in mid-August and received 8 applications but the end of September. In November the committee met and made final grant decisions. Rawlings also mentioned that CEDO has improved the way HTF information is distributed. The past 10 years of HTF funding is now on the CEDO website under Housing/HTF; minutes and agendas are also posted to allow for a more transparent process. The amount from the HTF is greater than \$375K due to a carryover from last year plus interest payment (program income from South Meadow). The next step is BOF approval. Todd noted there is a change in the Administrative Committee; Brian Lowe resigned and Jen Kaulius was added. It was noted that there was a carry forward for next year of \$157,632 because there might be more investment needed. Chair Colburn wanted to share some questions that arose at the HTF Administrative Committee meetings: what is the historical role of the HTF and the future; what is evaluative criteria applied to project applications; how finite do we need to be that the money will create new units as opposed to a strong finish of a project. Chair Colburn suggested the HTF Admin Committee bring in others to understand historical precedent. What is our evaluative criteria going forward? Are there stated target ranges and full amount that can be invested.

**Erhard Mahnke** – noted that the charter change for HTF should have been in the final Housing Action Plan and the City should make that commitment for a full penny in the budget. Erhard would really like to see it on the ballot if it needs to be on the ballot. Chair Colburn and Councilor Roof committed to move that forward and investigate how fast it can be moved forward.

## 6. RFQ – Inclusionary Zoning

Chair Colburn opened this agenda item by noting that a draft was posted for public comment and she first opened the discussion for public comment.

**Ted Wimpey** – offered the following comments and feedback

- What is the appropriate unit threshold to trigger IZ? Good and appropriate.
- Strong opinions on payment in lieu and whether units are produced off-site? That might divide affordable housing advocates
- Looking for diversity scattered around the City of Burlington.
- Should 'g' on perpetuity affordability even be considered?
- Selection process – wants to make sure there is a member of City Council on the internal team.

**John Davis** – private consultant – would normally answer this but won't do that at this time. This is a smart thing to do; you want to be very clear to get a proposal with a product you want. He recommended strengthening the RFP itself – communicate the structure of the proposal and the deliverables. Other comments:

- Evaluate the performance of the ordinance as is and then how can it be tweaked;
- Can a private developer make a profit under this ordinance; how can we tweak ordinance to stimulate development to make a profit;
- State how many comparisons do you want them to do;
- State how many trips to BTV is expected; is travel reimbursable or additional;
- How many drafts will I have to do; when is the process done;
- Ask under qualifications for IZ experience;
- Extraneous information outside of IZ – density bonus as of right; how can in-lieu payments be invested;
- Comment on the budget - \$20K would work if travel is over and above.

**Erhard** – expressed concern that the RFP be preconstructed to say IZ isn't working. He reminded the group on what were the goals to begin with, since he was one of the initial authors. The goal was inclusion and not stimulation of new development. Additional comments on the RFP:

- What is the threshold – definitely a valuable thing to look at;
- Good to examine payment in lieu;
- Off-site is not a good option;
- How to invest funds – already in the HTF;
- Don't look at whether IZ units should have perpetual affordability, that should be off the table;
- Internal subsidization of IZ development was supposed to happen via density bonuses – why has that not happened, it should be rephrased in the RFP for a correct analysis;
- For developments with a higher market rate there is a tier system- has that been used, does it need to be continued.
- Why should a consultant come in and use the term/definition of workforce housing? That should be a community definition.
- Look at what is in the pipeline not just what has been developed in the past.

**Bonnie Acker** – look at IZ in a broader context – same sex marriage, kids safe, etc.

**Charles Simpson** – For the payment in lieu, he asked what is that amount and should it cover the market value for the percent of the whole project.

**Councilor Knodell** expressed her primary concern was the RFP seemed to lean towards the impact of IZ on production of units; however she reiterated that the goal of IZ is for inclusion as a community and not just about production. She asked if there has been negative externalities of units – economics of IZ – is that why we haven't seen more units. The IZ ordinance is about economic inclusion in housing and we don't want to change the goals; we have not agreed to change the goals.

**Ted Wimpey** – make it clear about the travel costs so we can cast the net widely for consultants. Also look at it to see if IZ has somehow prohibited development of rental housing;

**Erhard** – Will we require consultant to make a presentation to a public body?

**John Davis** – asks about the back end – stewardship of housing – not just renter or owner too;

**Councilor comments** –

**Chair Colburn** – spoke on the intent in ordinance, housing opportunities for all citizens to make sure housing meets the needs of all income groups, not about production of affordable housing. The ordinance is also about housing supply around the City and to promote health,

safety of citizens. Chair Colburn said the RFP should first evaluate the stated intent of the ordinance.

- Item 2 of scope of work;
- Evaluation should be added up front; intro paragraph
- Last sentence might need to be changed or removed from intro paragraph
- #5 – why do we need so many questions- maybe too prescriptive;
- Payment in-lieu; thresholds; student housing all should be examined;
- Support removing in perpetuity from RFP all together;
- Questions on the selection process – CDNR wants to play a role in the selection of the consultant and review the proposal; also suggested engaging beneficiaries of affordable housing along with developers.

**Councilor Roof** – notes the inception of inclusionary zoning ordinance in 1989 coincides with his birthday! He said it is important to ensure the RFP does not cast an assumption. There are still a lot of questions about what IZ has already done. Is \$20K our budget – what are our limitations? What is our community definition of workforce housing? What about the cost/profitability close by in other communities?

**Chair Colburn** – Since there was substantive feedback, she has requested that the committee see the next draft of the RFP and committed to meet in early January. The RFP doesn't need to include the exact language but the CDNR committee would like to be a part of the selection of the consultant. She will circulate a memo on the meeting feedback.

**Marcy Esbjerg** – summed up some of the comments saying that adding evaluation of the IZ as part of the RFP, simplifying number 5 were distinct recommendations. She also said that she thought she heard that we don't want a focus on production but she cautioned that we don't ignore IZ as a tool for producing affordable housing.

**Councilor Knodell** – doesn't want the Admin to own the process. It is important to have a city councilor on the selection process and specifically a member of CDNR to sit on the selection committee.

## 7. Next Meeting dates:

Proposed Wednesday 20<sup>th</sup> – 5:30 – check with Tom and City calendar and standing meetings  
Motion to adjourn was made by Councilor Roof at 7:43PM. The motion was unanimous.

*Respectfully submitted,*

Marcy Esbjerg  
Assistant Director  
Community, Housing and Opportunity Programs