



Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Please click this link to join Via zoom: <https://us02web.zoom.us/j/83894681613?pwd=UGt2THRRay9nZlBRamhyelFrRzhPQT09> Passcode: 895647

City Council Ordinance Committee – Monday September 28, 2020,

Via Zoom

DRAFT MINUTES

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

Staff Present: Kim Sturtevant (Assistant City Attorney), Lisa Jones (City Attorney's Office), Eileen Blackwood (City Attorney), David White (Director, Office of City Planning), Meagan Tuttle (Office of City Planning), Scott Gustin (Department of Permitting and Inspections)

Others in Attendance: Sharon Bushor, Jim Langan

Meeting called to order at 5:09 PM.

1. Agenda

1.01 Motion to adopt/amend agenda

Motion to adopt agenda as amended as follows: note additional written material added on 9/28/20 re Item 4.01 Trespass on City Property from James Diaz, ACLU of Vt.

Motion by Councilor Hightower, seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Hightower (Councilor Mason not present for vote)

1. Public Forum

i. Public Forum

No speakers.



Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Please click this link to join Via zoom: <https://us02web.zoom.us/j/83894681613?pwd=UGt2THRRay9nZlBRamhyelFrRzhPQT09> Passcode: 895647

Closed public forum at 5:12 PM.

1. Minutes

i. Approval of Minutes of 7/29/20

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

Final Resolution: Motion Passes

Yes: Councilor Hanson, Councilor Hightower (Councilor Mason not present for vote)

1. Committee Discussion/Possible Action

4.01 Trespass on City Property

Eileen Blackwood introduced the item indicating that under state trespass law, the owner of property has to issue a trespass notice if they trespass someone. Trying to set that up here while also trying to incorporate the settlement of a lawsuit. Received communication from ACLU attorney J. Diaz that they are okay with current version. Revisions from last version include: idea that the length of the trespass reflect the severity, addition of physically to definition of harm, maximum of 1 year, and added subsection (g)—enforcement language to prevent someone from immediately going to jail unless really necessary.

Councilor Hightower questioned if there was any standard for “reasonable period” or reason not put in standard? Attorney Blackwood replied that the idea is for police to give citation and ask to leave—what is reasonable may depend on circumstances, what is happening at moment. Generally, courts use “reasonable” all the time as a standard. Gives jury time to indicate what “reasonable” is.

Councilor Mason arrives.

Motion by Councilor Hanson to approve the amendment as amended and refer back to the full City Council for 2nd read with the recommendation of approval. Seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.



Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Please click this link to join Via zoom: <https://us02web.zoom.us/j/83894681613?pwd=UGt2THRRay9nZlBRamhyelFrRzhPQT09> Passcode: 895647

4.02 Comprehensive Development Ordinance—ZA #20-07 Front Yard Parking.

Scott Gustin described that the Front Yard Parking restriction had been in the City's zoning regulations since 1994. He indicated that they had done different scenarios and that the current scenario makes it clear that in residential zoning district, parking is to the side or rear. He also noted that it takes driveway standards out of Article 6 and put it in Article 8.

Councilor Mason questioned that the relocated lines were not new? Scott Gustin replied that, that was correct.

Councilor Hanson questioned whether the changes were substantive or just to make it clearer. Scott Gustin replied that it was to make it clearer, no policy change, trying to make the wording supporting the policy clear.

Councilor Hightower noted that she had already seen the amendment and gave thanks to staff for their persistence.

Motion by Councilor Hightower to approve amendment and refer back to the full City Council for 2nd read and public hearing with the recommendation of approval. Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

4.03 Comprehensive Development Ordinance—ZA #20-08 Convalescent Home Lot Coverage & Parking

Scott Gustin introduced the proposed amendment noting the history of Birchwood's issue with parking on-site and lot coverage. Lot coverage adjustment for senior housing in residential zones. Parking 1 per 4 beds. Maximum parking waiver through DRB. Able to produce 1 space per 2 beds. Also looked at hospital standard, but would have parking non-conformity. Allow to be conforming.

Councilor Mason inquired to why now and why go opposite in one location when trying to reduce parking in general in city? Scott Gustin replied that it was really just neighborhood and shared districts. Trying to reduce, but then get request. Looked at regional data. David White added that there was a lot of evidence of spill over in neighborhood.

Jim Langan, Esq. represents Birchwood and indicated that Birchwood has implemented quite a number of programs to reduce car use by staff. Part of it to control staff needs. It is a 24 hour facility, so not always able to have all programs



Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Please click this link to join Via zoom: <https://us02web.zoom.us/j/83894681613?pwd=UGt2THRRay9nZlBRamhyelFrRzhPQT09> Passcode: 895647

available. Over years, increase mandate staffing levels. Not just staff parking, but visitors.

Meagan Tuttle noted the difficulty to set specific parking standards in the ordinance because of other factors. The Planning Commission recommended the amendment, but did acknowledge concern of moving in a different direction. They specifically raised better use of on-street parking.

Councilor Mason expressed concern of conflict with trying to decrease parking spaces.

Councilor Hightower noted concerns with parking, better with discretionary waiver at DRB.

Councilor Hanson indicated that minimum parking requirements should be eliminated city wide. He disagreed that it should increase. If there are situations that want to build above maximum, they can apply for it. Won't support raising minimums. Won't support raising maximums, important to prevent overbuilding. If compelling case then can apply for waiver. In terms of lot coverage, want to be making policy broadly. Scott Gustin replied that it was applicable more broadly, inclusionary increase lot coverage, makes sense as akin to inclusionary.

Councilor Hanson noted competing policies. Councilor Mason noted the use was important within City.

Scott Gustin noted the threshold review level of 400 sq. ft. of disturbance that was reviewed in most recent applications. David White added that the stormwater was reviewed.

Motion by Councilor Hightower to approve the amendment without anything past line 60 and refer it back to the full City Council for 2nd read and public hearing with the recommendation of approval. Seconded by Councilor Mason.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

4.04 Comprehensive Development Ordinance—ZA #20-09 311 North Ave., Parks Lot Coverage, WRM Height Exemption

Meagan Tuttle introduced the amendment, noting that it arose when city acquired land that was part of Cambrian rise. Land to be part of parks, rezone RCO-Conservation. By rezoning, put into table which establishes maximum lot coverage.





Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Please click this link to join Via zoom: <https://us02web.zoom.us/j/83894681613?pwd=UGt2THRRay9nZlBRamhyelFrRzhPQT09> Passcode: 895647

Appropriate standard. New city parkland. Other clean up added. When adopted FBC in 2017 rezone all park and public facilities from RCO to new Civic standard. Lot coverage depends on lot coverage for civic spaces. Did not go back and take out items from table when passed FBC, this will clean that up. Also eliminates height overlay as now only sliver left. Sliver on properties on Depot St., only few and if want development height would want it up on North Street. Given limit, made sense to remove.

Councilor Mason identified that two of the clean-up items have nothing to do with Cambrian Rise, noting confusion, asking what is envisioned, why 10 %? Meagan Tuttle replied that originally they suggested 15%, but looking at what is there and working with parks current proposal around 4%, if put in around 6%, good to give a little flexibility—how arrived at 10%. Limiting without really restricting. Councilor Mason noted that he didn't think anything is developable because of the grade? Meagan Tuttle responded that one parcel was. Also indicated that she didn't think that the removal of overlay had an impact. Noting she hadn't heard any concerns about removing it.

Councilor Hanson noted that the memo says 15%. Meagan Tuttle responded that it was left over from prior draft and that she will correct the memo.

Motion by Councilor Hightower to approve amendment and refer back to the full City Council for 2nd read and public hearing with the recommendation of approval. Seconded by Councilor Hanson.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hanson, Councilor Hightower.

1. Any Other Business

Pending:

- Leaf blowers, Sec. 21-14
- Discussion re: Landlord Licensing
- BCO Sec. 18-113 Parking Plan required
- Energy Efficiency in Rental Housing Discussion
- Oct. 2020-- Decarbonization and Electrification of Buildings

Next mtg. October 13th at 5:00 pm.





Burlington City Council Ordinance Committee - The meeting will be entirely Remote with Virtual Access: Please click this link to join Via zoom: <https://us02web.zoom.us/j/83894681613?pwd=UGt2THRRay9nZlBRamhyelFrRzhPQT09> Passcode: 895647

1. Adjournment

Motion to Adjourn by Councilor Hanson, seconded by Councilor Hightower.

Final Resolution: Motion Passes

Yes: Councilor Mason, Councilor Hightower, Councilor Hanson

The meeting was adjourned at 6:15 pm.