

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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(802) 865-7195 (FAX)
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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Special Meeting Burlington Planning Commission Wednesday, August 26, 2020, 6:30 P.M.

Remote Meeting via Zoom

To Join the Meeting on a Computer

Link: <https://us02web.zoom.us/j/83006482999>

To Join the Meeting on a Phone

Number: +1 312 626 6799 Meeting ID: 830 0648 2999

AGENDA

I. Agenda

II. Public Forum - Time Certain 6:35 p.m.

Public Forum for items not on the agenda. *See pg. 2 of the Agenda Packet for details on how to participate in the public forum for this meeting.*

III. Proposed CDO Amendment: Daycare & Preschool in RCO Districts

The Planning Commission will discuss a proposed amendment to the *Comprehensive Development Ordinance* related to daycares and preschools within the RCO zoning districts. Information related to this item is included in the agenda packet on page 3.

Staff Recommendation: Approve the municipal bylaw amendment report and warn the amendment for public hearing.

IV. Proposed CDO Amendment: Temporary Tents

The Planning Commission will discuss a proposed amendment to the *Comprehensive Development Ordinance* related to applicability of zoning permits and review of temporary tents. Information related to this item is included in the agenda packet on page 9.

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V. Commissioner Items

- a. Upcoming Meetings – likely Joint Meetings with City Council Ordinance Committee, via Zoom
 - i. Tuesday, September 8, 2020 at 6:30 p.m.
 - ii. Tuesday, September 22, 2020 at 6:30 p.m. (possible change to Sept 23)

VI. Minutes & Communications

- a. The minutes of the July 28 and August 11, 2020 meetings are enclosed in the agenda packet on page 15.
- b. Communications submitted in advance of and following the August 11 meeting are enclosed in the agenda packet on page 19.

VII. Adjourn

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov

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Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn't always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the "Raise Hand" feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.



City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7144

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner, City Planning
DATE: August 21, 2020
RE: Proposed CDO Amendment: ZA-21-01 Day Care & Preschool in RCO Districts

Overview & Background

This amendment originates from a request made by the Winooski Valley Parks District (WVPD) on behalf of its tenants, the Ethan Allen Museum and the Forest Preschool. The preschool has operated at the Homestead Barn and WVPD property since 2015. Due to the critical need for childcare in the City and state, the preschool has maintained a waiting list for enrollment. As a result of COVID-19, the preschool is experiencing a significant increase in the demand for space in the program, as well new standards to re-open under modified guidelines for staff and classroom space. While the WVPD has space to expand to meet both the increased need for space at the current enrollment, as well as the preschool's needs under expanded enrollment, the zoning ordinance presently limits this expansion in two ways—by limiting the gross floor area (GFA) of the facility and the enrollment to 20 children.

Presently, the CDO separately defines Small Day Care Center and Large Day Care Center and Small Preschool and Large Preschool. The distinction between large and small facilities in both of these cases is based on the number of children served in a facility—small is limited to 20 children, while large is more than 20 children. A zoning amendment that predates the current 2008 CDO made the distinction between Small and Large Daycares. An amendment to enable a small childcare to operate in conjunction with the facilities at the WVPD property was approved in 2015. These thresholds then informed a series of more recent amendments which established the same distinction between Large and Small Preschools, and a series of other changes related to these uses.

The distinction between large and small facilities is relevant only within the RCO and E-AE zoning districts. Within these districts, Small Day Cares and Small Preschools are allowed as a Conditional Use, but only in conjunction with Small Museums and are limited to 50% of the GFA of the museum. However, neither Large Day Care nor Large Preschool are permitted in these districts. Within all other zoning districts, large and small facilities of both types are treated exactly the same in terms of where they are allowed, any applicable footnotes, and their minimum parking requirements (as proposed by ZA-20-04, which is scheduled for public hearing before the Council).

In order to enable the preschool to respond to its underlying and COVID-19 driven needs for expanded enrollment, the WVPD has requested an amendment to the ordinance to address these limitations. It is staff's recommendation that the CDO be amended to eliminate the distinction between large and small day care and preschool facilities, as there is no material difference between them except for within the RCO and Enterprise-Ag districts, and to remove the 50% GFA limit on their size relative to museums within the RCO districts.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

This amendment proposes to eliminate the distinction between small and large Day Care Centers and small and large Preschools, and to eliminate the gross floor area limitation on these facilities within the RCO zoning districts.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

- 1. Update Sec. 5.4.1 to reflect updated uses**
 - Remove references to small and large day care centers and preschools, and replace with "Day Care Center" and "Preschool."
- 2. Update Table 8.1.8-1 regarding minimum parking for updated uses**
 - Remove references to small and large day care centers and preschools, and replace with "Day Care Center" and "Preschool." Utilize minimum parking standards as proposed by ZA-20-04, which are consistent across all uses.
- 3. Modify definitions in Article 13 to change uses**
 - Revise Small Day Care Center and Large Day Care Center to Day Care Center
 - Revise Small Preschool and Large Preschool to Preschool
- 4. Update Appendix A- Use Table to reflect updated uses, amend Footnote 8 (attached to this memo)**
 - Update the uses within Appendix A to be consistent with the above changes
 - Utilize existing Small Day Care Center provision for new Day Care Center use, and existing Small Preschool provisions for new Preschool use regarding where facilities are permitted or conditional use.
 - Amend Footnote 8 to remove the 50% GFA limit for Daycares and Preschools within the RCO Districts relative to Small Museums

****BEGIN PROPOSED AMENDMENTS****

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Sec. 5.4.1 ~~Small and Large~~ Day Care Centers and ~~Small and Large~~ Preschools

In addition to the provisions of Art 3, Part 5 for conditional uses, and applicable site and design review standards in Art 6, the following additional regulations shall be applicable to an application involving a ~~small~~ day care center or, large day care center, small preschool, ~~or large preschool~~ where such uses are treated as conditional uses pursuant to Appendix A – Use Table:

- (a) No playground equipment shall be located within the front yard;
- (b) [Reserved]
- (c) The site plan review shall insure adequate and safe drop-off and pickup space is provided and that traffic problems are not created;
- (d) Any additions, signage, or site improvements shall be residential in character;
- (e) The facility shall be licensed by the State of Vermont;

- (f) No more than one residential unit may be converted for the creation of a single ~~small~~ day care center, ~~large day care center~~, ~~small preschool~~, or ~~large~~ preschool. Such a conversion shall be exempt from the requirements of **Article 9, Part 2- Housing Replacement**; and,
- (g) The neighborhood is not overburdened with other ~~small~~ day care centers, ~~large day care centers~~, ~~small preschools~~, or ~~large~~ preschools.

Sec. 8.1.8 Minimum Parking Requirements

Parking for all uses and structures shall be provided in accordance with Table 8.1.8-1.

- (a) – (c) As written.

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
<i>**All prior uses As Written**</i>			
Daycare Large (Over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	2 drop-off <u>0</u>
Daycare Small (20 children or less) (per two (2) employees)	<u>1</u>	<u>1</u>	<u>1</u>
School – Preschool Large (over 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 plus 1 per 5 children <u>0</u>
School Preschool Small (up to 20 children) (per two (2) employees)	<u>1</u>	<u>1</u>	<u>1</u>
<i>**All following uses As Written**</i>			

Sec. 13.1.2 Definitions

All other definitions as written.

Day Care Center: (See **Article 5** for specific provisions.)

- (a) **Family Day Care Home:** For the purposes of this ordinance, family day care home shall have the same meaning as that set forth in 24 V.S.A. sec. 4412 (5).
- (b) **Small Day Care Center:** A state licensed daycare facility, ~~serving no more than twenty (20) full-time children in total.~~
- ~~(c) **Large Day Care Center:** A state licensed facility providing day care services for more than twenty (20) full-time children.~~

School: The academic space and accessory uses for the teaching of children or adults.

- (a) **Primary:** elementary school, inclusive of grades K-8.
- (b) **Secondary:** a high school and/or vocational center for attendance after elementary/primary school, granting a high school diploma for levels of education inclusive of grades 9-12.

- (c) **Post-Secondary:** after high school, including colleges, community colleges, universities, or continuing education.
- (d) **Trade or Professional:** a school that offers instruction in skilled trades.
- (e) **Small Preschool:** a school providing educational services for children from 3 years of age until their admission to first grade and that may include kindergarten, ~~serving no more than twenty (20) full-time children in total.~~
- (f) ~~**Large Preschool:** a school providing educational services to children from 3 years of age until their admission to first grade and that may include kindergarten, for more than twenty (20) full-time children in total.~~

****END PROPOSED AMENDMENTS****

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the provision of safe and affordable housing.

Compatibility with Proposed Future Land Use & Density

The proposed amendment removes arbitrary standards limiting the size of a day care or preschool facility in an area of the city where these uses are otherwise permitted as a conditional use. This change is consistent with *planBTV* policy 14.4 which identifies the need to "expand the number and quality of spaces available for, and funding sources to support, child care close to where residents live and work in order to ensure that all Burlington families have access to these services regardless of income or background."

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, resident request	Planning Commission Discussion 8/26/2020	Approve for Public Hearing 8/26/2020	Public Hearing	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council	Second Read & Public Hearing	Approval & Adoption
				Rejected

Excerpt of Appendix A-Use Table for Proposed ZA-21-01

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ⁱ	Neighborhood Mixed Use				Enterprise	
USES	UR	RCO - A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
RESIDENTIAL USES	UR	RCO - A ¹	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
RESIDENTIAL SPECIAL USES	UR	RCO – A	RCO - RG	RCO - C	I	RL/W	RM/W	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
NON-RESIDENTIAL USES	UR ²¹	RCO - A	RCO - RG	RCO - C	I	RL/W	RM	RH	DW-PT ¹⁶	NMU	NAC	NAC-RC	NAC-CR	E-AE	E-LM
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
Daycare – Large (Over 20 children) (see Sec. 5.4.1)	N	N	N	N	CU	CU¹³	CU¹³	CU¹³	N	Y	Y	Y	Y	N	CU^{17,27}
Daycare – Small (up to 20 children) Day Care Center (See Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
Daycare – Family Home	N	N	N	N	Y	Y	Y	Y	N	Y	Y	Y	Y	N	N
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**
School – Preschool Large (over 20 children) (see Sec. 5.4.1)	N	N	N	N	CU	CU¹³	CU¹³	CU¹³	N	Y	Y	Y	Y	N	CU^{17,27}
School – Preschool Small (up to 20 children) (see Sec. 5.4.1)	N	CU ⁸	CU ⁸	CU ⁸	CU	CU ¹³	CU ¹³	CU ¹³	N	Y	Y	Y	Y	CU	CU ^{17,27}
**	**	**	**	**	**	**	**	**	**	**	**	**	**	**	**

Footnotes (1) – (7) As Written.

~~8. —~~8. Small daycare Day Care centers and small preschools in the RCO zones shall only be allowed as part of small museums, ~~and shall constitute less than 50% of the gross floor area of the museum.~~

Footnotes (9) – (32) As Written.

ⁱ For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	Zoning District
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL/W	Residential Low Density, Waterfront Residential Low Density
RM/W	Residential Medium Density, Waterfront Residential Medium Density
RH	Residential High Density
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing



Winooski Valley Park District

**Ethan Allen Homestead
Burlington, Vermont 05408**

Tel: (802) 863-5744 Email: info@wvpd.org www.WVPD.org Fax: (802) 865-0647



Date: 8/14/20
To: Burlington Planning Commission
From: Nick Warner, Executive Director Winooski Valley Park District
Re: Proposed amendment to the Zoning Ordinance

I write on behalf of the Winooski Valley Park District (WVPD) to request that the Burlington Planning Commission consider a change in the Zoning Ordinance. Specifically, we ask you to consider allowing large daycares (or preschools) as a conditional use in the RCO districts, or eliminate the distinction between them. During the review process, any concerns related to enrollment limits can be addressed by zoning staff on a case-by-case basis – potentially using square footage requirements set by Vermont Childcare Licensing Rules as a means for evaluating occupancy limits.

WVPD is a Regional Intermunicipal Corporation and 501c3 nonprofit with seven member towns, 19 conserved properties and over 1,750 acres under management. WVPD owns the Ethan Allen Homestead Park which includes 297 acres of open lands, a renovated barn with the Ethan Allen Museum and Forest Preschool as tenants, the last home of Ethan Allen (part of the museum), a caretaker residence, and WVPD's office/workshop/maintenance garage. The park also hosts numerous community gardens, New Farms for New Americans plots, VNA Community room gardens, and a picnic shelter facility. In addition, a new partnership with the Alnobaiwi (a cultural joining of the five major Vermont indigenous tribes) is creating an Indigenous Heritage Center at the museum.

Since 2015, Forest Preschool has been operating in rooms leased from WVPD in the Ethan Allen Homestead Barn with the entire park utilized as an open air "classroom". As a nature-based educational provider, Forest Preschool directly assists in carrying out WVPD's mission. They are a State-licensed outdoor-focused school with a maximum class size (pre-COVID) of 12 children with 2 or 3 teachers. There are two full time teachers with Education degrees in each classroom, with four of the six staff licensed educators. Rated by the "Step Ahead Recognition System" Forest Preschool as a 4-star program, they offer high quality child care for families with a wide range of incomes.

As a tenant paying rent for the space, Forest Preschool provides important lease income to support WVPD's operations. This is especially important now during the COVID 19 crisis, when our member towns (that provide over 80% of our revenues) are facing fiscal challenges.

Forest Preschool already had a waiting list prior to COVID-19 due to the critical need for childcare, and since re-opening under COVID-19 guidelines, the waiting list has grown exponentially. In addition, new guidelines require fewer people in each classroom, so they need more space just to serve the current headcount. WVPD has additional space ready for this growth, however this would mean exceeding the 20-student cap now in place.

While there are multiple reasons for expanding childcare opportunities, strictly from a regulatory standpoint we feel that it is intuitively correct and defensible to eliminate enrollment limits from the Zoning ordinance and utilize site-specific measures to govern occupancy limits. We would welcome the opportunity to present this case for moving to a different system.

TO: Burlington Planning Commission
FROM: Meagan Tuttle, Comprehensive Planner, City Planning
DATE: August 21, 2020
RE: Proposed CDO Amendment: ZA-21-02 Temporary Tents

Overview & Background

During the COVID-19 State of Emergency, since mid-March of this year, the City has established programs such as the "Making Space" initiative to expand areas of public rights of way available for restaurant and retail recovery to occur safely, and to adhere to social distancing requirements. This effort has included the installation of temporary tents, awnings, tables and chairs, parklets, and other infrastructure to create designated spaces for commercial activity. Many other programs and establishments have moved their activities outdoors into what is considered a safer environment to reduce the risk of COVID-19 transmission. As these activities have taken place within public rights of way, the Burlington CDO has not applied, and a streamlined process for review and approval by the Department of Public Works has been established.

As we move into the fall and winter months, and particularly as we prepare for the anticipated return of in-person classes both in the Burlington School District and the higher education institutions, we expect that temporary outdoor venues will play an even more significant role in the safe and successful operations of commercial and civic establishments. Through the City's COVID-19 Analytics Team, we understand that the Burlington School District, and other childcare and youth programming providers are planning to utilize outdoor spaces as a complement to their indoor facilities and programming. Over the summer, the Permitting & Inspections Department has received zoning permit applications from Burlington City Arts, churches and other establishments in the city seeking to erect tents on private property where the CDO does apply.

As such, this amendment seeks to amend the zoning ordinance to provide additional flexibility in the Temporary Structure Provisions to exempt Tents as defined in Chapter 3 of NFPA 101 from requiring a zoning permit for up to 180 days, contingent upon the Fire Marshal issuance of a temporary tent permit.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The proposed amendment provides for the placement of structural tents for non-residential purposes without review or required zoning permit for up to 180 days, provided that the tent is approved by the Burlington Fire Marshal.

Proposed Amendments

To achieve the goals identified above, the proposed amendment affects the following sections of the *Burlington Comprehensive Development Ordinance*:

1. Amend Sec. 5.1.2 (f) Temporary Structures

- Add an exemption for Tents from review and required permit for up to 180 days within any 12-month period.

****BEGIN PROPOSED AMENDMENTS****

Changes shown (underline to be added, ~~strike out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Sec. 5.1.2 Structures

Except as otherwise provided by law or by this ordinance, no structure in any district shall be created, removed or altered except in conformance with the provisions of this Article and the requirements of the district in which such land or structure is located.

(a) - (e) *As Written*.

(f) Temporary Structures:

The administrative officer may approve a temporary structure that is incidental and accessory to a principal use subject to the following:

No Review or Permit Required	Site Plan Review: Zoning Permit & COA	Review as per Underlying Zoning
A structure placed up to 10 consecutive days or 30 days within any 12-month period at the same location.	A structure placed from 11-31 consecutive days or 31-60 days within any 12 month period at the same location.	A structure placed over 31 consecutive days or more within any 12 month period at the same location, is no longer considered a temporary structure.
Tents used for recreational non-commercial camping purposes.		
<u>Tents as defined in Chapter 3 of NFPA 101 for non-residential purposes, as approved by the Burlington Fire Marshal, placed up to 180 days within any 12-month period at the same location.</u>		

****END PROPOSED AMENDMENTS****

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Impact on Safe & Affordable Housing

The proposed amendment has no impact on the provision of safe and affordable housing.

Compatibility with Proposed Future Land Use & Density

The proposed amendment has no impact on proposed future land use and densities in *planBTV*.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

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Draft Amendment prepared by: Staff, resident request	Planning Commission Discussion 8/26/2020	Approve for Public Hearing 8/26/2020	Public Hearing	Approve & forward to Council
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11.10.5 Air-Supported and Air-Inflated Structures.

11.10.5.1 General. In addition to the general provisions of 11.10.1, the requirements of 11.10.5 shall apply to air-supported and air-inflated structures.

11.10.5.2 Pressurization (Inflation) System. The pressurization system shall consist of one or more operating blower units. The system shall include automatic control of auxiliary blower units to maintain the required operating pressure. Such equipment shall meet the following requirements:

- (1) Blowers shall be powered by continuous-rated motors at the maximum power required.
- (2) Blowers shall have personnel protection, such as inlet screens and belt guards.
- (3) Blower systems shall be weather protected.
- (4) Blower systems shall be equipped with backdraft check dampers.
- (5) Not less than two blower units shall be provided, each of which has capacity to maintain full inflation pressure with normal leakage.
- (6) Blowers shall be designed to be incapable of overpressurization.
- (7) The auxiliary blower unit(s) shall operate automatically if there is any loss of internal pressure or if an operating blower unit becomes inoperative.
- (8) The design inflation pressure and the capacity of each blower system shall be certified by a professional engineer.

11.10.5.3 Standby Power System.

11.10.5.3.1 A fully automatic standby power system shall be provided. The system shall be either an auxiliary engine generator set capable of running the blower system or a supplementary blower unit that is sized for 1 times the normal operating capacity and is powered by an internal combustion engine.

11.10.5.3.2 The standby power system shall be fully automatic to ensure continuous inflation in the event of any failure of the primary power. The system shall be capable of operating continuously for a minimum of 4 hours.

11.10.5.3.3 The sizing and capacity of the standby power system shall be certified by a professional engineer.

11.10.6 Maintenance and Operation.

11.10.6.1 Instructions in both operation and maintenance shall be transmitted to the owner by the manufacturer of the tensioned-membrane, air-supported, or air-inflated structure.

11.10.6.2 Annual inspection and required maintenance of each structure shall be performed to ensure safety conditions. At least biennially, the inspection shall be performed by a professional engineer, registered architect, or individual certified by the manufacturer.

11.10.7 Services.

11.10.7.1 Fired Heaters.

11.10.7.1.1 Only labeled heating devices shall be used.

11.10.7.1.2 Fuel-fired heaters and their installation shall be approved by the authority having jurisdiction.

11.10.7.1.3 Containers for liquefied petroleum gases shall be installed not less than 60 in. (1525 mm) from any temporary membrane structure and shall be in accordance with the provisions of NFPA 58, *Liquefied Petroleum Gas Code*.

11.10.7.1.4 Tanks shall be secured in the upright position and protected from vehicular traffic.

11.10.7.2 Electric Heaters.

11.10.7.2.1 Only labeled heaters shall be permitted.

11.10.7.2.2 Heaters used inside a temporary membrane structure shall be approved.

11.10.7.2.3 Heaters shall be connected to electricity by electric cable that is suitable for outside use and is of sufficient size to handle the electrical load.

11.11 Tents.

11.11.1 General.

11.11.1.1 The provisions of Section 11.1 shall apply.

11.11.1.2 Tents shall be permitted only on a temporary basis.

11.11.1.3 Tents shall be erected to cover not more than 75 percent of the premises, unless otherwise approved by the authority having jurisdiction.

11.11.2 Flame Propagation Performance.

11.11.2.1 All tent fabric shall meet the flame propagation performance criteria contained in Test Method 2 of NFPA 701, *Standard Methods of Fire Tests for Flame Propagation of Textiles and Films*.

11.11.2.2 One of the following shall serve as evidence that the tent fabric materials have the required flame propagation performance:

- (1) The authority having jurisdiction shall require a certificate or other evidence of acceptance by an organization acceptable to the authority having jurisdiction.
- (2) The authority having jurisdiction shall require a report of tests made by other inspection authorities or organizations acceptable to the authority having jurisdiction.

11.11.2.3 Where required by the authority having jurisdiction, confirmatory field tests shall be conducted using test specimens from the original material, which shall have been affixed at the time of manufacture to the exterior of the tent.

11.11.3 Location and Spacing.

11.11.3.1 There shall be a minimum of 10 ft (3050 mm) between stake lines.

11.11.3.2 Adjacent tents shall be spaced to provide an area to be used as a means of emergency egress. Where 10 ft (3050 mm) between stake lines does not meet the requirements for means of egress, the distance necessary for means of egress shall govern.

11.11.3.3 Tents not occupied by the public and not used for the storage of combustible material shall be permitted to be erected less than 10 ft (3050 mm) from other structures where the authority having jurisdiction deems such close spacing to be safe from hazard to the public.

11.11.3.4 Tents, each not exceeding 1200 ft² (112 m²) in finished ground level area and located in fairgrounds or similar open spaces, shall not be required to be separated from each other, provided that safety precautions meet the approval of the authority having jurisdiction.

11.11.3.5 The placement of tents relative to other structures shall be at the discretion of the authority having jurisdiction, with consideration given to occupancy, use, opening, exposure, and other similar factors.



3.3.262 Specification.

3.3.262.1* Design Specification. A building characteristic and other conditions that are under the control of the design team. (SAF-FUN)

3.3.262.2 Input Data Specification. Information required by the verification method. (SAF-FUN)

3.3.263 Staff (Residential Board and Care). Persons who provide personal care services, supervision, or assistance. (SAF-BCF)

3.3.264 Stage. A space within a building used for entertainment and utilizing drops or scenery or other stage effects. (SAF-AXM)

3.3.264.1 Legitimate Stage. A stage with a height greater than 50 ft (15 m) measured from the lowest point on the stage floor to the highest point of the roof or floor deck above. (SAF-AXM)

3.3.264.2 Regular Stage. A stage with a height of 50 ft (15 m) or less measured from the lowest point on the stage floor to the highest point of the roof or floor deck above. (SAF-AXM)

3.3.265* Stair.

3.3.265.1 Aisle Stair. A stair within a seating area of an assembly occupancy that directly serves rows of seats to the side of the stair, including transition stairs that connect to an aisle or a landing. (SAF-AXM)

3.3.265.2 Outside Stair. A stair with not less than one side open to the outer air. (SAF-MEA)

3.3.266 Stakeholder. An individual, or representative of same, having an interest in the successful completion of a project. (SAF-FUN)

3.3.267 Storage Occupancy. See 3.3.190.15.

3.3.268* Stories in Height. The story count starting with the level of exit discharge and ending with the highest occupiable story containing the occupancy considered. (SAF-FUN)

3.3.269* Story. The portion of a building located between the upper surface of a floor and the upper surface of the floor or roof next above. (SAF-FUN)

3.3.269.1 Occupiable Story. A story occupied by people on a regular basis. (SAF-FUN)

3.3.270 Street. A public thoroughfare that has been dedicated for vehicular use by the public and can be used for access by fire department vehicles. (SAF-MEA)

3.3.271* Street Floor. A story or floor level accessible from the street or from outside the building at the finished ground level, with the floor level at the main entrance located not more than three risers above or below the finished ground level, and arranged and utilized to qualify as the main floor. (SAF-MER)

3.3.272* Structure. That which is built or constructed. (SAF-FUN)

3.3.272.1 Air-Inflated Structure. A structure whose shape is maintained by air pressure in cells or tubes forming all or part of the enclosure of the usable area and in which the occupants are not within the pressurized area used to support the structure. (SAF-IND)

3.3.272.2* Air-Supported Structure. A structure where shape is maintained by air pressure and in which occupants are within the elevated pressure area. (SAF-IND)

3.3.272.3 Limited Access Structure. A structure or portion of a structure lacking emergency openings. (SAF-IND)

3.3.272.4 Membrane Structure. A building or portion of a building incorporating an air-inflated, air-supported, tensioned-membrane structure; a membrane roof; or a membrane-covered rigid frame to protect habitable or usable space. (SAF-IND)

3.3.272.5 Multilevel Play Structure. A structure that consists of tubes, slides, crawling areas, and jumping areas that is located within a building and is used for climbing and entertainment, generally by children. (SAF-AXM)

3.3.272.6* Open Structure. A structure that supports equipment and operations not enclosed within building walls. (SAF-IND)

3.3.272.7* Parking Structure. A building, structure, or portion thereof used for the parking, storage, or both, of motor vehicles. [88A, 2015] (SAF-IND)

3.3.272.7.1 Assisted Mechanical Type Parking Structure. A parking structure that uses lifts or other mechanical devices to transport vehicles to the floors of a parking structure, where the vehicles are then parked by a person. [88A, 2015] (SAF-IND)

3.3.272.7.2 Automated Type Parking Structure. A parking structure that uses computer controlled machines to store and retrieve vehicles, without drivers, in multi-level storage racks with no floors. [88A, 2015] (SAF-IND)

3.3.272.7.3 Enclosed Parking Structure. Any parking structure that is not an open parking structure. [88A, 2015] (SAF-IND)

3.3.272.7.4 Open Parking Structure. A parking structure that meets the requirements of 42.8.1.3 (SAF-IND).

3.3.272.7.5 Ramp Type Parking Structure. A parking structure that utilizes sloped floors for vertical vehicle circulation. [88A, 2015] (SAF-IND)

3.3.272.8 Permanent Structure. A building or structure that is intended to remain in place for a period of more than 180 days in any consecutive 12-month period. (SAF-FUN)

3.3.272.9 Temporary Structure. A building or structure not meeting the definition of *permanent structure*. (See also 3.3.272.8, *Permanent Structure*.) (SAF-FUN)

3.3.272.10 Tensioned-Membrane Structure. A membrane structure incorporating a membrane and a structural support system such as arches, columns and cables, or beams wherein the stresses developed in the tensioned membrane interact with those in the structural support so that the entire assembly acts together to resist the applied loads. (SAF-IND)

3.3.272.11* Underground Structure. A structure or portions of a structure in which the floor level is below the level of exit discharge. (SAF-IND)

3.3.272.12 Water-Surrounded Structure. A structure fully surrounded by water. (SAF-IND)

3.3.273 Suite.

3.3.273.1 Guest Suite. An accommodation with two or more contiguous rooms comprising a compartment, with or without doors between such rooms, that provides living, sleeping, sanitary, and storage facilities. (SAF-RES)



3.3.273.2 Non-Patient-Care Suite (Health Care Occupancies). A suite within a health care occupancy that is not intended for sleeping or treating patients. (SAF-HEA)

3.3.273.3 Patient Care Non-Sleeping Suite (Health Care Occupancies). A suite for treating patients with or without patient beds not intended for overnight sleeping. (SAF-HEA)

3.3.273.4 Patient Care Sleeping Suite (Health Care Occupancies). A suite containing one or more patient beds intended for overnight sleeping. (SAF-HEA)

3.3.273.5 Patient Care Suite (Health Care Occupancies). A series of rooms or spaces or a subdivided room separated from the remainder of the building by walls and doors. (SAF-HEA)

3.3.274 System.

3.3.274.1 Elevator Evacuation System. A system, including a vertical series of elevator lobbies and associated elevator lobby doors, an elevator shaft(s), and a machine room(s), that provides protection from fire effects for elevator passengers, people waiting to use elevators, and elevator equipment so that elevators can be used safely for egress. (SAF-MEA)

3.3.274.2 Site-Fabricated Stretch System. A system, fabricated on-site, and intended for acoustical, tackable, or aesthetic purposes, that is comprised of three elements: (1) a frame (constructed of plastic, wood, metal, or other material) used to hold fabric in place, (2) a core material (infill, with the correct properties for the application), and (3) an outside layer, comprised of a textile, fabric, or vinyl, that is stretched taut and held in place by tension or mechanical fasteners via the frame. (SAF-INT)

3.3.275 Technically Infeasible. A change to a building that has little likelihood of being accomplished because the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame, or because other existing physical or site constraints prohibit modification or addition of elements, spaces, or features that are in full and strict compliance with applicable requirements. (SAF-FUN)

3.3.276 Temporary Platform. See 3.3.211.1.

3.3.277 Temporary Structure. See 3.3.272.9.

3.3.278 Tensioned-Membrane Structure. See 3.3.272.10.

3.3.279* Tent. A temporary structure, the covering of which is made of pliable material that achieves its support by mechanical means such as beams, columns, poles, or arches, or by rope or cables, or both. (SAF-IND)

3.3.279.1 Private Party Tent. A tent erected in the yard of a private residence for entertainment, recreation, dining, a reception, or similar function. (SAF-AXM)

3.3.280 Thermal Barrier. See 3.3.31.3.

3.3.281 Tower. An enclosed independent structure or portion of a building with elevated levels for support of equipment or occupied for observation, control, operation, signaling, or similar limited use. (SAF-IND)

3.3.281.1 Air Traffic Control Tower. An enclosed structure or building at airports with elevated levels for support of equipment and occupied for observation, control, operation, and signaling of aircraft in flight and on the ground. (SAF-IND)

3.3.282 Two-Family Dwelling Unit. See 3.3.66.3.

3.3.283 Uncertainty Analysis. See 3.3.17.2.

3.3.284 Underground Structure. See 3.3.272.11.

3.3.285 Verification Method. A procedure or process used to demonstrate or confirm that the proposed design meets the specified criteria. (SAF-FUN)

3.3.286* Vertical Opening. An opening through a floor or roof. (SAF-FIR)

3.3.287 Vomitory. An entrance to a means of egress from an assembly seating area that pierces the seating rows. (SAF-AXM)

3.3.288 Wall.

3.3.288.1 Fire Barrier Wall. A wall, other than a fire wall, that has a fire resistance rating. (SAF-FIR)

3.3.288.2 Proscenium Wall. The wall that separates the stage from the auditorium or house. (SAF-AXM)

3.3.289* Wall or Ceiling Covering. A textile-, paper-, or polymeric-based product designed to be attached to a wall or ceiling surface for decorative or acoustical purposes. (SAF-INT)

3.3.290 Water-Surrounded Structure. See 3.3.272.12.

3.3.291 Weathered-Membrane Material. See 3.3.171.5.

3.3.292 Yard. An open, unoccupied space other than a court, unobstructed from the finished ground level to the sky on the lot on which a building is situated. (SAF-MEA)

Chapter 4 General

4.1* Goals.

4.1.1* Fire. A goal of this *Code* is to provide an environment for the occupants that is reasonably safe from fire by the following means:

- (1)*Protection of occupants not intimate with the initial fire development
- (2) Improvement of the survivability of occupants intimate with the initial fire development

4.1.2* Comparable Emergencies. An additional goal is to provide life safety during emergencies that can be mitigated using methods comparable to those used in case of fire.

4.1.3* Crowd Movement. An additional goal is to provide for reasonably safe emergency crowd movement and, where required, reasonably safe nonemergency crowd movement.

4.2 Objectives.

4.2.1 Occupant Protection. A structure shall be designed, constructed, and maintained to protect occupants who are not intimate with the initial fire development for the time needed to evacuate, relocate, or defend in place.

4.2.2 Structural Integrity. Structural integrity shall be maintained for the time needed to evacuate, relocate, or defend in place occupants who are not intimate with the initial fire development.

4.2.3 Systems Effectiveness. Systems utilized to achieve the goals of Section 4.1 shall be effective in mitigating the hazard or condition for which they are being used, shall be reliable, shall be maintained to the level at which they were designed to operate, and shall remain operational.

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
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www.burlingtonvt.gov/pz

Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Burlington Planning Commission

Tuesday, July 28, 2020, 6:30 P.M.

Remote Meeting

Draft Minutes

Members Present	A Montroll, H Roen, Y Bradley, A Friend, E Lee, B Baker
Staff Present:	M Tuttle, D White, S Gustin, K Sturtevant, D Cahill

I. Agenda

Call to Order	Time: 6:31pm
Agenda	Move item IV to precede item II.

I. Annual Organizational Meeting

Elect officers and appoint members to Committees for FY2021	
Nominations for officers and committees were approved unanimously	
Chair	Andy Montroll
Vice Chair	Bruce Baker
Executive Committee At-Large	Yves Bradley
Clerk	Meagan Tuttle
Long Range Planning Commission	Alex Friend, Harris Roen, Jennifer Wallace-Brodeur, Kienan Christianson (DRB), Ryan Creehan (CB)
Ordinance Committee	Emily Lee, Bruce Baker, Yves Bradley, Ravi Venkataraman (DRB), Matt Bushey (DAB)

II. Public Forum

Name	Comment
S Bushor	Consider whether the Conservation Board should continue to be advisory or more autonomous. Some communities in Texas require vegetation on roofs to help reduce heat islands; Conservation Board recommended this but it was up to the DRB to add conditions to projects like City Place as such.

III. Chair's Report

A Montroll	No report.
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IV. Director's Report

D White	Council Ordinance Committee will meet on 7/29 to discuss proposed parking amendment.
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V. Proposed Addendum to Open Space Protection Plan

Action: Support Conservation Board's work on an Addendum to the Open Space Protection Plan to be approved by Planning Commission for inclusion in planBTV.
--

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-REDACTED

Tuesday, July 28, 2020

Motion: Y Bradley	Second: H Roen	Vote: Approved Unanimously
Presentation by Rebecca Roman and Zoe Richards of the Conservation Board, Scott Gustin of Dept. of Permitting & Inspections, and Dan Cahill of Burlington Parks, Recreation & Waterfront. See slides posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		
Commission discussion:		
- Goal is not to rewrite the Open Space Protection Plan, though it needs a comprehensive update. Addendum will focus on role of natural systems role in climate change. Could use framework of looking at water and land based systems for this addendum, that sets up for the future rewrite. - Consider whether or not current open spaces, natural areas are sufficient to withstand climate change impacts. R Roman reiterated that climate change is the driver, but resiliency is the goal. - S Bushor raised the concern about much Conservation Fund money will be used for the plan and need to retain balance for land conservation. S Gustin estimated plan to be around \$20,000.		

VI. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Next meeting is Tuesday, August 11 at 6:30pm on Zoom. Joint meeting with the Council Ordinance Committee to discuss Short Term Rentals		

VII. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: H Roen	Vote: Approved Unanimously
Minutes Approved: July 14, 2020 Planning Commission Meeting		
Communications Filed:		
- See agenda packet		

VIII. Adjourn

Adjournment		Time: 7:33 pm
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously

Burlington Planning Commission

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Joint Meeting Burlington Planning Commission with City Council Ordinance Committee Tuesday, August 11, 2020, 6:30 P.M. Remote Meeting via Zoom Draft Minutes

Members Present	A Friend, A Montroll, H Roen, J Wallace-Brodeur, B Baker, C Mason, Z Hightower, J Hanson
Staff Present: M Tuttle, S Gustin, K Sturtevant	

I. Agenda

Call to Order	Time: 6:31pm
Agenda	Remove Items V and VI.

II. Public Forum

Name	Comment
	No comments

III. Proposed CDO Amendment: Short Term Rentals

No action		
Motion: N/A	Second: N/A	Vote: N/A
S Gustin & M Tuttle presented background and updated information about Short Term Rentals and the discussions of the Joint Committee from early in 2020. Committee discussion will take place at an upcoming meeting. Slides are available online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		

I. STR Public Forum

Name	Comment
A Magyar	Lots of hosts want to be a part of the solution. Foresee a loophole for Scenario 3, doesn't require host occupancy for bedrooms.
D Lyons	One unit on neighboring property that flexes between family use, STR, long-term rental, and is not owner-occupied. What scenario?
J Marks	COVID highlights need for flexibility in how we regulate this market. How does the Host Compliance know if something is booked vs blocked off? Reconsider the number of nights limit, and allow off-site owner for duplexes.
B Gonyaw	<i>Via chat box, paraphrased by staff:</i> For multi-unit buildings, would Conditional Use require parking if a property already has permit with no on-site parking? Consider STR's with off-site host in RH zoning. STR income from 2 units is very important as off-site hosts, and allows to keep the rent low for long-term tenant in the building. STRs should be seen as part of the solution, and presumption that they are

Tuesday, August 11, 2020

	substantially contributing to the problem is inaccurate. The increase in housing cost has not risen above inflation rate since STR's gained traction. Experience with STR's is that short term rentals have fewer cars than long-term rentals.
A Stark	According to Airbnb, 52% of hosts are low to moderate income, 53% used STR for staying in their home. Nuance discussion is moving in the right direction for personal situation.
E Duany	Host Compliance has limited data, personal property is listed 4 different ways. Regarding parking, understand desire to attach parking to how many people staying in the property, but need to be flexible. What was City RMT tax collection before Airbnb started remitting, and compared to how many rentals are actually being rented. Airbnb has helped business and city benefit from STRs. Designate a certain window of popular dates to exempt the nightly rental limit.
S Bushor	Important to strike a balance, for STRs to augment owner income to stay in Burlington. Think this is on track. Scenario 6 makes sense, support Scenario 5, Scenario 4 should be Conditional Use until know how it works, have concerns about parking for Scenario 3 and how this relates to neighborhood quality of life. Should there be a property management requirement for hosts living off site?
J Sharpe	Hosts are actively managing properties, perhaps more oversight than long-term rentals. STRs represent about 1% housing in the city, and getting into the nuances of scenarios seems unnecessary. Start broader with simple permitting, and then evolve the regulations as we learn more.

II. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Next meeting is Tuesday, August 25 at 6:30pm on Zoom. Joint meeting with the Council Ordinance Committee to discuss Short Term Rentals		

III. Minutes & Communications- Removed from Agenda**IV. Adjourn- Removed from Agenda**

Meagan Tuttle

From: Gretchen Kruesi <gkruesi@gmail.com>
Sent: Saturday, August 08, 2020 10:35 AM
To: Meagan Tuttle
Subject: Comments for Joint Planning Commission Council Ordinance Cmte Meeting

[WARNING]: External Message

Hi Meagan,

I cannot attend the meeting on Tuesday so including some comments below.

Will there be a recorded version so I can view it later?

Thanks,

Gretchen

Thank you to the Committee for their continued work on STRs and for listening to various hosts on feedback regarding the variety of scenarios of STRs - not just whole unit and partial unit.

I have spoken before but will summarize my situation.

I own a 3 bedroom townhouse, I am the only person living here and rent one bedroom on Air Bnb part-time. Many of my friends and colleagues have chosen to purchase homes outside Burlington due to costs - particularly the high home costs and property taxes. When I was finally able to buy my first home many encouraged me to look at the surrounding towns for better pricing. Without Air BnB, I could not have stayed in Burlington - it is the community I'm deeply rooted in and didn't want to leave like so many others in my age/income bracket.

Air BnB gives me the ability to afford my home on one income and continue to advance my financial stability. While also allowing the flexibility for friends and family to visit and the flexibility for life changes.

This became even more clear to me during the COVID pandemic. I chose to close mine early - before the state required it. And while I've been able to make it work it has been a hustle. Now with life setting into a "new normal", I am fortunate to have found a repeat guest within Vermont for the time being to ensure my safety, be a good community partner to help stop the spread of COVID and still allow some income from my STR.

Having just gone through the permitting process (with a parking waiver) I want to thank the Department of Permitting and Inspections. They were incredibly helpful and informative. While the process took a bit of time due to the pandemic they did a top-notch job. It, however, is still a fair amount of regulatory work - especially for a part-time 1 bedroom STR that I live in full time.

Meagan Tuttle

From: Olivia LaVecchia
Sent: Tuesday, August 11, 2020 4:00 PM
To: Meagan Tuttle; Scott Gustin
Subject: FW: Form submission from: Feedback form

--

Olivia LaVecchia
(802) 734-0617
Pronouns: she/her

Communications & Projects Coordinator
Office of Mayor Miro Weinberger
City Hall | 149 Church Street
Burlington, VT 05401
burlingtonvt.gov/Mayor

-----Original Message-----

From: City of Burlington, Vermont <noreply@burlingtonvt.gov>
Sent: Tuesday, August 11, 2020 3:56 PM
To: Olivia LaVecchia <olavecchia@burlingtonvt.gov>
Subject: Form submission from: Feedback form

Submitted on Tuesday, August 11, 2020 - 15:56 Submitted by anonymous user: 75.69.34.46 Submitted values are:

Did you attend the Housing Summit workshop in June? : No Share your comments:

The proposed regulation that requires landlords to live on the premises if they want to engage in short-term rentals is completely unfair and will hurt many property owners who are already struggling and lived on a fixed income.

Any landlord should have a right to flexibly rent out their property without a long-term commitment if they want to. The city shouldn't try to fix its housing shortage by limiting this freedom and charging residents \$7900 because they want or need this flexibility.

The city of Burlington has caused this housing shortage by not building almost any new housing over the last 30 years and it should fix this problem by building more housing, not penalizing current property owners with burdensome restrictions and thousands of dollars in fees.

Your email address: mjacobsrealty@gmail.com

The results of this submission may be viewed at:
<https://www.burlingtonvt.gov/node/6735/submission/18626>

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

I am pleased to see the removal of the additional parking requirement when renting one-bedroom in your home. While I now have my permit and waiver, removing the hurdles for a low use STR such as mine, is common sense and removes unneeded regulatory barriers for those in the future.

Thank you again for the work and listening. I look forward to attending meetings in the future.

Gretchen Kruesi
10 Baird Street
Burlington, VT

--

Gretchen Kruesi
cell: 406-570-8586
email: gkruesi@gmail.com

Meagan Tuttle

From: Ericka Redic <erickaredic@gmail.com>
Sent: Wednesday, August 05, 2020 8:21 PM
To: Meagan Tuttle
Subject: Short-Term Rentals

[WARNING]: External Message

Hello Ms. Tuttle,

I am vehemently opposed to any short-term rental changes, fees, taxes or anything of the like, where the government can impose penalties on homeowners for using their home/property in the manner they chose.

Burlington and Vermont leadership have made decisions that have made almost our entire economy dependent on travel and tourism. You don't then get to turn around and say the only people who can take advantage of that economy are wealthy hotel and resort owners. Not only is this unfair it is unconstitutional.

I reject the premise set forth by the City of Burlington that somehow the affordability crisis in Burlington is because of property owners utilizing apps like AirBnB. It is irresponsible of the City to lay the blame for its policies on anyone other than themselves.

Sincerely,
Ericka Redic
512.348.4119
251 Staniford Rd

July 29, 2020

Stephanie H. Monaghan
District Coordinator
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452

**RE: Lakeside Ovens, LLC, 32 Lakeside Avenue, Burlington, VT.
Act 250 Land Use Permit #4C1316-1.**

Dear Ms. Monaghan,

Thank you for the opportunity to provide comments on the proposed demolition and new construction of a office building involving Lakeside Ovens, LLC at 32 Lakeside Avenue, Burlington, Vermont. (VDHP #CH18-116) This letter is in response to consultation with the applicant and materials submitted for the Land Use Permit application #4C1316-1.

The Vermont Division for Historic Preservation (VDHP) is reviewing this proposed undertaking for purposes of Criterion 8 of Act 250. Project review consists of evaluating the project's potential impacts to historic buildings and structures, historic districts, historic landscapes and settings, and known or potential archeological resources. The purpose of VDHP's review under Act 250 is to provide the Environmental District Commission with the information necessary for them to make a positive finding under the "historic sites" aspect of Criterion 8.

It is VDHP's understanding that the project consists of the demolition of an existing two-story office building and replacement with a 14,450 GSF three-story office building on the existing foundations and associated site improvements.

VDHP has considered the project's effects on historic structures, districts, and landscapes. The existing 2-story office building, known as Building 32, is historically associated with the Blodgett Ovens complex. At their meeting on June 18, 2020, the Vermont Advisory Council on Historic Preservation (ACHP) reviewed information about the history, significance, and integrity



of 32 Lakeside Avenue, Burlington. Based on the information presented at the meeting, the ACHP determined that the property does meet the State Register Criteria for Evaluation as a contributing resource to the Blodgett Oven complex, and therefore it is eligible for listing in the State Register of Historic Places. As such, the property does meet the definition of a “historic site” for the purposes of Act 250.

The demolition of Building 32 does constitute an adverse effect due to the loss of a building that contributes to the historic Blodgett Oven Complex. This building served as the administrative offices for the facility and while significant is not the primary historic resource. Documentation of this building and the site as a whole has been completed during previous studies and it is VDHPs opinion that no further documentation is needed to mitigate the loss of the building. Additionally, the applicant is currently rehabilitating primary historic resource of Building 50, the first of the Blodgett factory buildings at this site and has worked closely with VDHP to design that rehabilitation to meet the Secretary of the Interior’s “*Standards for Rehabilitation*”. Therefore, while the loss of Building 32 is adverse the historic qualities of the Blodgett Ovens complex will still be able to be appreciated by the public.

To the south of the proposed project is the Lakeside Development which was constructed by the Queen City Cotton Company for employee housing. This Development is listed in the State Register of Historic Places. VDHP has review the proposed new construction plans for the potential to indirectly effect the surrounding historic buildings. The proposed building will maintain the current building footprint and will be 1 story taller than the existing. The applicant has gone through multiple design alternatives and the current proposal has minimized the massing and height from previous designs. It is VDHPs opinion that the new building will not overwhelm or detract from the historic qualities of the adjacent historic sites.

VDHP has also reviewed the project's effect on archaeological sites and archaeologically sensitive areas. Previous site visits to the property and review of the current project plans indicate that the proposed project area has been subject to substantial prior disturbance and is unlikely to contain any intact archaeological sites.

While the project will create adverse effects due to the removal of a contributing historic resource, in this particular case it is the opinion of VDHP that the adverse effects have been appropriately mitigated. Therefore, based on the information provided and above considerations,



July 29, 2020
Lakeside Ovens LLC, Burlington, Vermont
LUP 4C1316-1
Page 3 of 3

it is our opinion and recommendation to the District #4 Environmental Commission that the project as proposed will have **No Undue Adverse Effect** on historic sites.

Thank you for your cooperation in protecting Vermont's irreplaceable historic and archeological heritage. R. Scott Dillon and Elizabeth Peebles reviewed this project and prepared this letter. I concur with the findings and conclusions described above.

Sincerely,
VERMONT DIVISION FOR HISTORIC PRESERVATION

E-SIGNED by Laura Trieschmann
on 2020-07-29 19:53:41 GMT

Laura V. Trieschmann
State Historic Preservation Officer



CERTIFICATE OF SERVICE

I, Elizabeth Peebles, hereby certify that I sent a copy of the foregoing Division for Historic Preservation Comment Letter on ACT 250 Application #4C1316-1, (Lakeside Ovens, LLC), was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by electronic mail, to the following with email addresses on this 29th day of July, 2020.

District #4 Environmental Commission
111 West Street
Essex Junction, VT 05452
stephanie.monaghan@vermont.gov
nrb.act250essex@vermont.gov

Lakeside Ovens, LLC
c/o Russ Scully, Scully Interactive
688 Pine Street
Burlington, VT 05401
russ@hulalakeside.com

John Caulo
LandPlan, c/o John Caulo
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Steve Smith, Architect
steve@sasarchitects.com

Amy Bovee, Assistant City Clerk
Chair, City Council/Chair, City Planning Commission
City of Burlington
149 Church Street
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abovee@burlingtonvt.gov

Chittenden County Regional Planning Commission c/o
Charlie Baker, Exec. Dir.
Regina Mahony, Planning Program Manager
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpcvt.org

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
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One National Life Drive, Drawer 33
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AOT.Act250@vermont.gov

Vt. Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov

Dated at Montpelier, Vermont this 29th day of July, 2020

BY: Elizabeth Peebles

Elizabeth Peebles
Historic Resources Specialist
Vermont Division for Historic Preservation

Meagan Tuttle

From: Jamie Sharpe <jsharpevt@gmail.com>
Sent: Tuesday, August 11, 2020 8:06 PM
To: Meagan Tuttle
Subject: Short Term Rentals
Attachments: Short Term Rentals.pdf

[WARNING]: External Message

Hi Meagan

Thank you for emailing us about tonights city council meeting so that we were able to participate.

Would you be able to add this attachment to the next meeting as I don't believe the new members have seen it?

Thanks again,
Jamie Sharpe

Begin forwarded message:

From: Ellis McArdle <emcardl1@gmail.com>
Subject: Short Term Rentals
Date: February 4, 2020 at 10:03:49 AM EST
To: mtuttle@burlingtonvt.gov
Cc: Jamie Sharpe <jsharpevt@gmail.com>

Reflection & Suggestion of Short Term Regulatory Proposals

As our letter to the City and research of the housing climate indicate, short term rentals are being improperly persecuted as detrimental to the well-being of the community.

Significant and dramatic amendments to the City's original regulatory framework for STRs is needed and this follow up serves to highlight our strong suggestions regarding this much needed shift in thinking by the City.

Original Proposals We Strongly Oppose:

1) Primary Residence Requirement in a Residential Zone.

There is no sense to be made from this part of the regulatory proposals and we believe strongly it should be removed from the framework.

This is plainly an arbitrary way for the city to try and limit STRs period. Long term rentals have never had this requirement. STRs are already closely monitored, often times daily, when cleaning the unit between guests.

There is virtually no monitoring whatsoever of long term rentals.

Our property is by far one of the best cared for and maintained properties on the street. It is not an exaggeration to assume guests would not return if our short term rental was anything less than pristine. We take great pride in the care of our property as this is our livelihood be it a primary residence or not.

We know there are others in a similar situation that purchased a property as an investment and stepping stone to a single family home. We paid an astronomical price for the property planning and largely relying on the income from the STRs to offset our mortgage.

We view this particular regulation as an anchor drowning us and preventing us from ever buying a single family home to start a family let alone affording our current mortgage.

2) Number of STRs Allowed in a Multi Unit Building

The 1 STR limit maximum for a 3 unit home should be erased.

This is especially needed if a single unit home would be allowed to rent out two separate bedrooms.

We could justify and understand new permit requirements once you are over a certain number of STRs per building such as 4 or more but limiting to just 1 for a 3 unit home is too suffocating and would be a detriment to our community and hosts.

3) Housing Replacement Cost

These figures being floated out there for housing replacement costs are simply disturbing, outrageous and we think quite embarrassing for the City to even suggest such figures.

You are implying that someone who owns a property in Burlington must be wealthy enough to potentially afford upwards of \$42,000 in replacement costs. This is irrational and well above and beyond the ability of most people to pay. We are positive other hosts feel this way as well.

We currently already pay over \$11,000 in taxes, 11% rooms and meals tax and income tax on our earnings. If this is enacted the city is going to be wasting even more money trying to enforce this and make it impossible for the “small guy” like us to be able to keep our property and stay in Burlington.

The City doesn't even suggest refunding these costs if an owner decides to reconvert a STR back to a long term rental.

Suggested Proposal:

1) STR should have very similar regulations to long term rentals regarding:

- Annual Permitting
- Required Safety Inspections

2) Parking Requirements

- (1 space per bedroom) – even this is more than what is required of long term rentals

3) Up to 3 STR Allowed per Property in Residential Zone. No more than 6 STR Units per property owner.

**** No Housing Replacement Cost**

***** No Primary Residence Requirement**

**Burlington City Hall
149 Church Street
Burlington, Vt**

Dear City Council of Burlington Members and Planning Commission,

Let us start off by first thanking the City for the discussion on January 28th at City Hall. Bringing transparency to possible decisions to be made on this issue of short term rentals or how we will refer to in this letter as “STRs”, is truly appreciated.

As we mentioned at the meeting, we are a young couple incapable of affording our mortgage without a STR, as are many hosts in the area. The proposed regulations by the Planning commission could quite literally derail our very livelihood and cause us extreme financial harm, distress, and emotional trauma. I know many other hosts fear the same. We will very possibly need to sell our house if these proposed regulations go into effect.

We have spent a great deal of time writing this letter as well as conducting our own research on this topic. Thus, your thorough, full, and detailed focus would be extremely appreciated as we believe it can shine light on a dark cloud facing all hosts at this moment in early 2020.

We respectfully ask the powers that be regarding decisions to be made on this topic, do so with the utmost clarity and care for the entire community and carefully weigh the cost-benefit analysis (CBA) of any potential scenario and outcome.

There are three main questions to ask here:

1. Is available and affordable housing in Burlington truly becoming an increasingly negative, dire, and worsening situation for the community right now in 2020?
2. If so, are short term rentals a major contributing factor behind this housing market?
3. If the proposed regulations for short term rentals go into effect, will the intended positive impact for the community truly outweigh the negative impact on the community?

This letter will address all of these questions while trying to bring clear and strong perspective to the issue of short term rentals.

Part I: “Housing Crisis”

We along with many others take objection with this term, “housing crisis”, with regards to how it is being represented and applied. The connotation behind the term is that 2020 is a “tipping point” and that available and affordable housing will only get worse at a rapid rate if STRs continue operating in their current capacity without further regulation.

STRs seem to be an easy target and convenient scapegoat when the City, hoteliers and premium priced apartment developers are considerably more to blame as we will closely examine.

First, let’s look at the numbers (by Allen and Brooks):

- **Apartment Growth**
 - Average annual 5 year apartment growth rate (new units built) = 529 units in Chittenden County
 - 645 new units built in 2019, three times the average annual growth from 2000–2009. 215 of these units were in Burlington alone.
 - 2019 was the second highest apartment growth rate on record.
 - *CityPlace Burlington is not included in these figures of which an additional 318 apartments are projected to be built over the next three years.*
- **Vacancy Rates**
 - 2018–2019 vacancy rates have climbed from 1.7% to 2.2% in Chittenden County
 - It is important to note that when this survey was completed, 69% of new units were not yet finished thus WERE NOT INCLUDED in the vacancy figures for 2019. Had they been included this vacancy number would likely have been significantly higher than 2.2%
 - 2018–2019 vacancy rates increased 1.6% to 1.8% in Burlington and Winooski
- **Rent Inflation (average rent increase from prior year):**
 - 2015 : 2.9%
 - 2016 : 2.6%
 - 2017 : 2.1%
 - 2018 : 2.1%
 - 2019 : 1.7%

*It is critical to note that these rates were actually LOWER than CPI (inflation) itself....this is stunning considering we have lived in a world of negligible inflation for the better part of a decade.

All facts I'm sure the City already knows.

Please read the Allen and Brooks report for yourself. For the sake of transparency, we don't want to be accused of "cherry picking" data thus we urge everyone to read the report and see what conclusions you draw on your own.

The following numbers are from census operator ESRI:

BURLINGTON RENTER OCCUPIED HOUSING UNITS

2010: 9,566

2019: 10,679

11.6% growth

BURLINGTON POPULATION

2010: 42,417

2019: 43,936

3.6% growth

These numbers show that new apartment construction has been more than three times greater than population growth.

"The Chittenden County apartment market is moving into a period of greater balance between apartment supply and renter demand, which is a healthy trend for the market as well as for the overall economy. Vacancy levels have begun to rise, but remain well below national averages. Demand remains strong among tenants and investors alike; however, we expect minimal upward pressure on rental rates and sale prices as the market stabilizes."

"Property managers and investors have reported increasingly competitive market conditions, especially over the last six months. Tenants have become more selective, and are reluctant to sign a lease immediately."

*June 2019 Survey, Allen and Brooks

If STRs were truly becoming a major concern, we would not see any of the numbers here trending as they are. We would see incremental increases in rent over time. We are seeing the exact opposite. The rate of rent increases over the past several years clearly indicates an increasingly renter friendly market with significantly more inventory than in years past.

However if the issue here is “affordable” more so than “available” housing then the City has negatively contributed to this more so than the average Joe STR host by an exponential margin.

The City has largely never turned away from developers of hotels or apartment complexes. Projects in the hundreds of millions get approved for construction including eight new hotels scheduled for construction in the area.

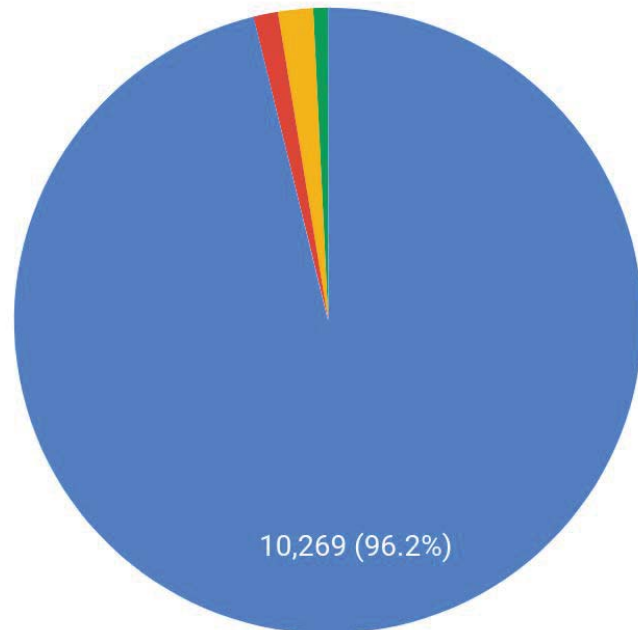
How are these developments somehow not part of the problem? There are new premium priced apartments or standard hotel rooms in the hundreds going up without the City batting an eye.

If this “housing crisis” was as serious as many are claiming, perhaps the City wouldn’t continue to approve new hotel developments and instead incentive developers to focus on scaling affordable housing. This is not being done at nearly the level it needs to be.

Long Term Rentals / Short Term Rentals

Total Rental Dwellings in Burlington 10,679

- Long Term Rentals 10,269 (96.2%)
- STR Shared Unit 135 (1.3%)
- STR Entire Dwelling Studio/1 Bedroom 192 (1.8%)
- STR Entire Dwelling 2+Bedrooms 82 (0.8%)



This ratio is roughly **39 to 1** (10,679 to 274)

The city referenced 410 STRs, this includes private rooms, not “entire dwelling” which is where the focus should be centered here

Of the 274 “entire dwelling” STRs, 70% or 192 are Studio or 1 Bedroom

This means that approximately only 82 STRs are 2 Bedroom or greater **which is where the greatest demand for affordable housing lies. Many families need larger and cheaper housing.**

Yet we are now facing aggressive plans to suppress us, “the little guy”, STR area host who are struggling to pay a mortgage because of “percentage growth” of STRs being a whopping 25% and 100% since 2016?

Percentage growth for STRs can be deceiving when apartment growth conveniently is left out of the equation.

How does STR growth compare to apartment growth?

Burlington Short Term Rental Unit Total 2016-2019 (Including “private rooms” - figures for “entire place” rentals not available)

**Quoted from the City of Burlington*

2016:205

2019:410

Total: 410

Growth:100%

Apartment Construction (Chittenden County) 2016-2019:

2016: 689

2017: 362

2018: 415

2019: 645

Total: 2,111

Growth: 206%

If Burlington accounts for a conservative estimate of 25% of total construction since 2016, then approximately 527 new units were built in Burlington from 2016-2019.

Projected Apartment Construction 2020-2021

2020: 304

2021: 580

- **Of the total apartment construction from 2019-2021, approximately 35% will be in Burlington alone.**
- **1,519 new units projected to be built from 2019-2021 in Chittenden County**
- **532, approximately, will be in Burlington**

The city is not fully representing the facts when they imply dangerous STR growth since 2016 of 100%. Do they mention apartment construction has been more than twice that of STRs over the same period of 2016 to 2020? They do not.

In Burlington by 2021, as a best ESTIMATE, there likely will be approximately 1,059 more apartments than there were in 2016.

Hotel figures are not made public but please note apartment construction numbers above quite obviously DO NOT INCLUDE new hotel rooms over the same period.

Thus the large projected totals of area apartment construction PLUS new hotel rooms relative to STRs over the next several years can only be left to our imaginations.

In summary, an increase in apartment growth and vacancy rates combined with a decline in rent inflation in Burlington and Chittenden County does not add up to an existential threat to the community or “tipping point” here in 2020 regarding housing.

Furthermore the implication of STRs being a driving force behind any housing issues is clearly being misrepresented when the other forces that be, described above, are proven to have much greater responsibility for any possible destabilization of the Burlington housing market.

Part II: Intended Outcome vs Likely Result, How the Negative Consequences Outweigh Positive Intentions

The cities of San Francisco and New York both enacted strict laws regulating STRs because large real estate investors were beginning to cause a crisis and the risks were too large to ignore. We support regulating in that regard because these areas were seeing de facto hotels run under the Airbnb or VRBO umbrella. Rents were becoming even more astronomical than they were prior.

Burlington is seeing absolutely nothing of the sort (proven above) and should be viewed as such: A polar opposite situation to how the rich hosts with dozens, hundreds, or even thousands of units in New York or San Francisco were affecting their local housing markets.

We pay \$11,000+ in property taxes. As stated, we can't pay our mortgage without STRs thus neither could many new property owners in the city. The only people who are doing exceedingly well are the property owners who've owned for decades.

The STR rooms and meals tax for every booking in the city equates to substantial and much needed revenue for the City. Additionally, the City makes money when STR guests spend their money when they are here in town via the city sales tax.

Which leads us to another critical element to properly understand: People stay in Burlington in many cases because of the STRs they find available. Many guests would likely not come or they'd spend less time and money here if STRs weren't as available to them.

Here are what some of our past guests had to say about this issue:

"Hi! We absolutely visited Burlington because of the AirBNB options. We most likely would not have stayed if our only option was to overspend on a downtown hotel. We like the opportunity to stay in a more home-like setting in different parts of a town or city than a downtown hotel void of character. We also often decide to stay in a part of town BECAUSE of the Airbnb we find/really like." Ashley from Worcester, MA (Stayed 2 nights in Nov, 2019)

"It breaks my heart hearing that the town of Burlington is considering banning or limiting Airbnb and other short term rentals. Any time I have travelled, both at home and abroad, I have always leaned towards Airbnb as my go to for affordable, unique, and comfortable stays. I would hate to see the following listing or any other in Burlington get pushed out of the way, while some "generic" hotel pops up. There would definitely be a lower likelihood for me to return to Burlington if I knew that I would end up in a hotel. It also goes without saying that anyone who owns a home and decides to list it with Airbnb or any other short term rental platform, should be granted permission to do so, as it remains the private property of that individual and not that of the town or city." Daphne Toronto, Canada (Stayed 1 night in Aug, 2019)

"I obviously cannot speak to the specific numbers you are citing, but I can speak to the Airbnb experience that appeals so much to my wife and I. In the last several years we have become empty-nesters, and finally have the time and resources to do some of the traveling around the US (Denver CO, Ithaca NY, Burlington VT, Naples FL, New York City NY, Davenport IA, Sonoma CA, Gulfport, MS) and around the world (Canmore, Canada and Cape Town, South Africa) that we have always wanted to do. We have stayed or are planning to stay at Airbnb's in all those locations. We love the fact that an Airbnb gives us more privacy and allows us to become more immersed in the neighborhood and culture of where we are staying than a hotel would. We also often travel with other friends or family; anywhere from one to three other couples. Airbnb's offer much better solutions for being able to hang out in the evenings in a common gathering place without worry of interference from other guests. Finally, we enjoy being able to stay exactly where we want to. Often, our goal is to walk the area we are visiting, and many times there are no hotels in the immediate area; especially hotels that fit our budget. But we are almost always able to

find an Airbnb that allows us to stay close to the action where we want to be so that we can walk and take in the area up close.” Mark Carmel, IN (Stayed 2 nights in Sept. 2019)

“My husband and I would not have considered a romantic weekend away to Burlington without an airbnb option. I am shocked that Burlington would consider limiting Airbnb rentals. As a Vermont resident, I continue to hear about the importance of ongoing revenue from vacationers coming to the state. Airbnb has made that easier than ever and has made the allure even greater through personalized service and comfortable atmospheres, with options that fit for everyone's budget and needs. Hotels are not able to even come close with their offerings.” Stephanie Braintree, VT (Stayed 2 Nights Nov. 2019)

“I would stay with you or other Airbnb's because it's a better experience for my wife and me and also it supports the local community – puts money in the hands of the actual people. I recommend Burlington public servants work with the public, including Airbnb hosts, to find innovative solutions that would bring needed funds to both the city and its residents without cashing in on nature/land.” David Las Vegas, NV (Stayed 2 nights in Dec, 2019)

“My wife and I were definitely planning to visit Burlington again. I hate hotels because of the extra cost. You are forced to valet a car or pay for self parking, no kitchen to make your own food. If short term rentals are banned in Burlington I would just find another township nearby that allows them, or visit another area entirely. Long story short, hotels suck.” David Chicago, IL (Stayed 1 night in Sept, 2019)

“Airbnbs in burly have been a huge life and time saver. Especially for extended stays where you don't wanna spend money on restaurants everyday. There are no extended stay places with kitchens besides air BNB. The ability to also use air BNB for business extended stays <month is helpful. Burlington just wants to take away housing so they can make it college rentals. Air bnb is needed to facilitate the "Vermont" idea Burlington craves. Having to stay at some hotel instead of a cozy apartment for a vacation is anti-vermont” Joe from Arlington, VA (Stayed 5 nights in Jan. 2020)

“We were in Burlington for only one night and wanted to be within walking distance to downtown, but did not want a traditional hotel experience. This sweet place remains one of the very best things we liked about our short Burlington experience. It would be unfortunate for the city if this type of opportunity were no longer available.” Russ Saint Paul, MN (Stayed 1 Night May, 2019)

This is obviously a small sample size of people's feelings toward STRs, however we believe it's well founded to be able to apply this mentality toward a much broader guest base for STRs.

With the testimonials above, you can see many people wouldn't come to the area or would spend far less time if they couldn't stay downtown. This becomes an obvious economic issue for the City when people begin to spend less time here or possibly

cease to come at all. A larger ripple effect for the local and state economy as a whole potentially looms with stricter regulations and therefore potentially fewer visitors.

These opinions and emotions above clearly show what people want and Burlington has always been a place “for the people”.

In addition, Cityplace Burlington thus far has been nothing short of disastrous for the City and community as a whole. It’s well documented that many local businesses have seen less foot traffic and declining sales because of this delay in construction. Burlington at this juncture needs all the visitors and foot traffic it can get, especially with a giant hole in the ground on Church Street eroding business as we speak.

If people spend less time in Burlington here are some safe projections:

- *The city loses with less tax revenue.*
- *The businesses lose with less foot traffic and declining sales.*
- *The average host loses with less money in their pocket*
- *The guest loses because they aren’t able to find as many readily available STRs in the city*

Who really wins here? Hotel Vermont, Brookfield Asset Management or Hilton Garden? We can guarantee you it certainly isn’t the poor family in need of affordable housing. Please tell us how anyone else benefits more so than a very rich cohort of the City.

Once again, building more premium priced apartments and hotel rooms doesn’t help the City with their housing needs. Yet somehow the tiny percentage of STRs relative to long term rentals run by hard working and modest tax abiding citizens are a bigger threat than the behemoth hotel and real estate developers. This is what is being heavily implied by the City with these proposals.

The following is perhaps one of the most vital parts to understand in all of this as to why the City believes STRs are a major threat:

As the Allen and Brooks report indicates, renters are favoring new or renovated units of which new apartment construction often and largely fits into a premium pricing category.

However, we can also say confidently the majority of STRs would also fit under this premium pricing category as well if they were rented out full time.

A STR that is commanding \$200 a night because of the location would also command top dollar on the full time rental market. So any argument that the majority of STRs are somehow hampering the lower rent market is a flawed one.

Of the 10,679 units in Burlington, are 82 STRs of particular concern for the wellbeing of the city due to the need for larger housing? As described above these 82 STRs would likely be on the higher end of rent pricing anyway if they were rented full time.

Furthermore, over the next several years, growth in apartment construction will likely continue to far exceed growth in STRs.

By limiting STRs more harm would be done than any positive that could be had from this. The economic numbers are difficult to state and project at this juncture but I'm sure the city has certainly and closely examined the numbers and potential revenue lost.

Burlington is not Portland, Maine or San Francisco or New York City- we are our own unique community and we need to treat it as such.

Hotels can fight it all they want but the sharing economy is the future and there is no better example of this than current platforms for short term rentals. Why have these new companies done so well over the past five years? Because it is clearly what the people needed in their lives that was missing for too long.

We have always deemed Burlington to be ahead of the curve and progressive in nature. Don't force our City to be left behind and stuck in the past.

Move bravely into the future and lead the charge by making decisions for what is best for the entire community of Burlington.

Sincerely,

Ellis McArdle and Jamie Sharpe

Meagan Tuttle

From: Laurie kotorman <laurieinv@yahoo.com>
Sent: Tuesday, August 11, 2020 6:38 PM
To: Meagan Tuttle
Subject: STR meeting

[WARNING]: External Message

Hello Megan,

I am at the zoom meeting, but would like to express these thoughts through written word:

As a STR host for 7 years, I am very interested in being "heard".

First, I don't see a option for owners with a duplex, one long term rental, one short term rental.

We are not wealthy investors, but average hard working people trying to make ends meet. We initially started doing STR to be able to pay our property taxes, and to keep our rent reasonable for our long term tenants. Additional fees beyond the room and meals tax would be a hardship for us, and we feel very strongly any add'l housing trust taxes should be shared by ALL landlords, not just STR's.

Sincerely,

Laurie and Mark Kotorman

Submitted on Tuesday, August 11, 2020 - 20:12

Your email address: dbaston@gmail.com

Did you attend the Housing Summit workshop in June? : No

Share your comments:

These seem like sensible reforms. Would love to hear an update on their status. Our neighborhood just lost an affordably-priced single-family house to foreign AirBnB owners. Hoping we can reverse this trend.

July 29, 2020

Stephanie H. Monaghan
District Coordinator
District 4 Environmental Commission
111 West Street
Essex Junction, VT 05452

**RE: Lakeside Ovens, LLC, 32 Lakeside Avenue, Burlington, VT.
Act 250 Land Use Permit #4C1316-1.**

Dear Ms. Monaghan,

Thank you for the opportunity to provide comments on the proposed demolition and new construction of a office building involving Lakeside Ovens, LLC at 32 Lakeside Avenue, Burlington, Vermont. (VDHP #CH18-116) This letter is in response to consultation with the applicant and materials submitted for the Land Use Permit application #4C1316-1.

The Vermont Division for Historic Preservation (VDHP) is reviewing this proposed undertaking for purposes of Criterion 8 of Act 250. Project review consists of evaluating the project's potential impacts to historic buildings and structures, historic districts, historic landscapes and settings, and known or potential archeological resources. The purpose of VDHP's review under Act 250 is to provide the Environmental District Commission with the information necessary for them to make a positive finding under the "historic sites" aspect of Criterion 8.

It is VDHP's understanding that the project consists of the demolition of an existing two-story office building and replacement with a 14,450 GSF three-story office building on the existing foundations and associated site improvements.

VDHP has considered the project's effects on historic structures, districts, and landscapes. The existing 2-story office building, known as Building 32, is historically associated with the Blodgett Ovens complex. At their meeting on June 18, 2020, the Vermont Advisory Council on Historic Preservation (ACHP) reviewed information about the history, significance, and integrity



of 32 Lakeside Avenue, Burlington. Based on the information presented at the meeting, the ACHP determined that the property does meet the State Register Criteria for Evaluation as a contributing resource to the Blodgett Oven complex, and therefore it is eligible for listing in the State Register of Historic Places. As such, the property does meet the definition of a “historic site” for the purposes of Act 250.

The demolition of Building 32 does constitute an adverse effect due to the loss of a building that contributes to the historic Blodgett Oven Complex. This building served as the administrative offices for the facility and while significant is not the primary historic resource. Documentation of this building and the site as a whole has been completed during previous studies and it is VDHPs opinion that no further documentation is needed to mitigate the loss of the building. Additionally, the applicant is currently rehabilitating primary historic resource of Building 50, the first of the Blodgett factory buildings at this site and has worked closely with VDHP to design that rehabilitation to meet the Secretary of the Interior’s “*Standards for Rehabilitation*”. Therefore, while the loss of Building 32 is adverse the historic qualities of the Blodgett Ovens complex will still be able to be appreciated by the public.

To the south of the proposed project is the Lakeside Development which was constructed by the Queen City Cotton Company for employee housing. This Development is listed in the State Register of Historic Places. VDHP has review the proposed new construction plans for the potential to indirectly effect the surrounding historic buildings. The proposed building will maintain the current building footprint and will be 1 story taller than the existing. The applicant has gone through multiple design alternatives and the current proposal has minimized the massing and height from previous designs. It is VDHPs opinion that the new building will not overwhelm or detract from the historic qualities of the adjacent historic sites.

VDHP has also reviewed the project's effect on archaeological sites and archaeologically sensitive areas. Previous site visits to the property and review of the current project plans indicate that the proposed project area has been subject to substantial prior disturbance and is unlikely to contain any intact archaeological sites.

While the project will create adverse effects due to the removal of a contributing historic resource, in this particular case it is the opinion of VDHP that the adverse effects have been appropriately mitigated. Therefore, based on the information provided and above considerations,



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Lakeside Ovens LLC, Burlington, Vermont
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it is our opinion and recommendation to the District #4 Environmental Commission that the project as proposed will have **No Undue Adverse Effect** on historic sites.

Thank you for your cooperation in protecting Vermont's irreplaceable historic and archeological heritage. R. Scott Dillon and Elizabeth Peebles reviewed this project and prepared this letter. I concur with the findings and conclusions described above.

Sincerely,
VERMONT DIVISION FOR HISTORIC PRESERVATION

E-SIGNED by Laura Trieschmann
on 2020-07-29 19:53:41 GMT

Laura V. Trieschmann
State Historic Preservation Officer



CERTIFICATE OF SERVICE

I, Elizabeth Peebles, hereby certify that I sent a copy of the foregoing Division for Historic Preservation Comment Letter on ACT 250 Application #4C1316-1, (Lakeside Ovens, LLC), was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by electronic mail, to the following with email addresses on this 29th day of July, 2020.

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Steve Smith, Architect
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Amy Bovee, Assistant City Clerk
Chair, City Council/Chair, City Planning Commission
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Chittenden County Regional Planning Commission c/o
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Regina Mahony, Planning Program Manager
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Vt. Agency of Agriculture, Food & Markets
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Dated at Montpelier, Vermont this 29th day of July, 2020

BY: Elizabeth Peebles

Elizabeth Peebles
Historic Resources Specialist
Vermont Division for Historic Preservation

CERTIFICATE OF SERVICE #4C1320

At the Natural Resource Board's request, this is to certify to the below listed statutory parties that supplemental information for the Act 250 application #4C1320 (Colchester Avenue Housing, LLC), has been submitted electronically to the FTP site as of August 14, 2020. Notification was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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FOR YOUR INFORMATION

District 4 Environmental Commission
Parker Riehle, Vice Chair
Monique Gilbert/Kate Purcell
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CERTIFICATE OF SERVICE

#4C1320

Page 2

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<ftp://ftp.anr.state.vt.us/4C1320%20Supplemental%20Information%202020%200814/>

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Burlington Planning Commission

Wednesday, August 26, 2020, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	A Montroll, A Friend, E Lee, J Wallace-Brodeur, H Roen, Y Bradley, B Baker
Staff Present:	D White, M Tuttle, K Sturtevant

I. Agenda

Call to Order	Time: 6:32pm
Agenda	No change

II. Public Forum

Name	Comment
S Bushor	Should have a limit on number of children for daycare, shows concern about conservation area. Will there be other small museums and what would their impacts be.

III. Proposed CDO Amendment: Daycare & Preschool in RCO Districts

Action: Approve the municipal bylaw amendment report and warn the amendment for public hearing.		
Motion: E Lee	Second: Y Bradley	Vote: Approved Unanimously
M Tuttle and Nick Warner from the Winooski Valley Parks District described the nature of the requested zoning amendment. Details are online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		
Commission discussion:		
- Add language to indicate that the museum is the principal use to Footnote 8		

IV. Proposed CDO Amendment: Temporary Tents

Action: Approve the municipal bylaw amendment report and warn the amendment for public hearing.		
Motion: H Roen	Second: J Wallace Brodeur	Vote: Approved Unanimously
M Tuttle described that this amendment has emerged in part due to COVID-19 measures implemented to enable civic organizations and businesses to operate in a safer format. It also aligns the zoning ordinance with the requirements for a permit for a non-sleeping tent from the Fire Marshal. Details are online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Next meeting is Tuesday, September 8 at 6:30pm on Zoom. Joint meeting with the Council Ordinance Committee to discuss Short Term Rentals		
- September 22 meeting will be moved to September 23 at 6:30pm on Zoom		

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: J Wallace Brodeur	Vote: Approved Unanimously
Minutes Approved: July 28 and August 11, 2020 Planning Commission Meetings		
Communications Filed:		
- See agenda packet		

VII. Adjourn

Adjournment	Time: 7:05 pm	
Motion: J Wallace Brodeur	Second: E Lee	Vote: Approved Unanimously



Signed: October 2, 2020

Andy Montroll, Chair

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner