

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

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

PUBLIC HEARING NOTICE ***Burlington Comprehensive Development Ordinance*** **ZA-20-04 Minimum Parking Requirements**

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, February 11, 2020 beginning at 6:45pm** in the Burlington Police Department Community Room, 1 North Avenue, Burlington, VT. Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the *Burlington CDO* as follows:

- **ZA-20-04:** The purpose of this amendment is establish a new Multi-Modal Mixed Use parking district, to replace the Downtown Parking District, in which there would be no on-site minimum parking requirements for new development. The amendment also eliminates the parking requirement for Affordable Housing, adaptive reuse of a listed historic building, and Accessory Dwelling Units. The proposed amendment further extinguishes parking requirements for existing developments within this district to enable greater flexibility for shared parking, and introduces a transportation demand management requirement for projects larger than 10 housing units or 15,000 sq.ft. GFA. Finally, the amendment lowers the maximum parking limits for all parking districts citywide, and incorporates minimum parking standards for several uses not already incorporated in Article 8.

Geographic areas affected: the proposed amendments are applicable to the following areas:

- **ZA-20-04:** Applicable to mixed-use zoning districts, including the Form Districts 5 and 6; the Downtown Waterfront Public Trust; Neighborhood Activity Center, NAC-Riverside and NAC-Cambrian Rise; and Neighborhood Mixed Use. Further applies to properties with street frontage up to a depth of 200 ft. along North Avenue (Sherman St to Plattsburg Ave), Colchester Ave, Pearl St, N Winooski Ave, Riverside Ave (N Winooski to Colchester), Battery St, Main St, Pine St, St. Paul St, and Shelburne Rd, and to affordable housing, adaptive reuse, and ADUs regardless of zoning district.

List of section headings affected:

- **ZA-20-04:** The proposed amendment affects *Sec 8.1.3 and Map 8.1.3-1 Parking Districts; Sec. 8.1.6; Sec. 8.1.8 and Table 8.1.8-1 Minimum Off-Street Parking Requirements; Sec. 8.1.9 and Table 8.1.9-1 Maximum Off-Street Parking Requirements; Sec. 8.1.10; Sec 8.1.11 and Table 8.1.11-1 Minimum Parking Dimensions; Sections 8.1.12, 8.1.13, 8.1.14, and 8.1.15; and adds a new Sec. 8.1.16 Transportation Demand Management.*

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Office of City Planning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Proposed-Amendments-Before-the-Planning-Commission>

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Meeting of the Burlington Planning Commission with the City Council Ordinance Committee

Tuesday, February 11, 2020, 6:30 P.M.

Community Room, Burlington Police Dept., One North Ave, Burlington

AGENDA

I. Agenda

II. Public Forum- Time Certain 6:30 p.m.

III. Chair's Report

IV. Director's Report

V. Public Hearing: ZA-20-04 Minimum Parking (Time Certain: 6:45pm)

The Planning Commission will hold a public hearing on a proposed amendment to the *Burlington Comprehensive Development Ordinance* related to minimum parking and transportation demand management requirements. Information related to this agenda item is included in the packet.

Staff Recommendation: Make any refinements to proposal and approve amendment to City Council.

VI. Proposed CDO Amendment: Short Term Rentals

The Committee will continue discussion of a proposed amendment to the *Comprehensive Development Ordinance* and Chapter 18 of the *City Code of Ordinances* related to regulation of short-term rentals. Information related to this agenda item is included in packet.

Staff Recommendation: Provide feedback on refinements to this proposal.

VII. Commissioner Items

- a. Joint Committee meeting Wednesday, February 19 at 6:30pm at City Hall
- b. Joint Committee meeting on Tuesday, March 10 at 6:30pm

VIII. Minutes & Communications

- a. The minutes of the January 28, 2020 Joint Committee meeting are enclosed on in the agenda packet.
- b. Communications are enclosed in the agenda packet.

IX. 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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Staff Recommendation: Make any refinements to proposal and approve amendment to City Council.

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- b. Communications are enclosed in the agenda packet beginning on page 52.

IX. Adjourn

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TO: Burlington Planning Commission
City Council Ordinance Committee

FROM: David White, FAICP, Director of Planning

DATE: Wednesday, February 05, 2020

RE: Proposed CDO Amendment ZA-20-04: Minimum Parking Requirements

In your packet for the Feb 11th meeting, you will find a revised version of ZA-20-04 for your consideration.

As we noted at your meeting on Jan 14, the City Attorney's Office has proposed language regarding the treatment of currently permitted parking which has been inserted at lines 69-75. In addition, there are two non-substantive corrections and clarifications at lines 57 and 477-478.

Beyond this, staff is not offering any additional changes to the proposed amendment at this time, but I will note that two of the comments in the packet offer specific additional/alternative proposals.

After the close of the Public Hearing, the Committee should consider any final modifications you would like to make to the proposal, and then take action to:

"Refer the amendment, and the accompanying statutory report, to the City Council for their consideration and adoption."

It is our hope to get this amendment before the City Council for a first reading and work session by the end of February or in early March.

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

Sec. 8.1.1 Purpose

It is the purpose of this article to:

- (a) Ensure there are adequate parking and loading facilities to serve the use or uses of the property;
- (b) Ensure that parking facilities are designed to provide proper circulation, reduce hazards to pedestrians, and protect the users of adjoining properties from nuisance caused by the noise, fumes, and glare of headlights which may result from the operation of vehicles parking off the street;
- (c) Reduce congestion in the streets and contribute to traffic safety; and
- (d) Encourage alternate modes of travel that will reduce dependence upon the single-occupancy automobile.

These regulations are enacted under the provisions of 24 V.S.A. Chapter 117

Sec. 8.1.2 Applicability

No structure shall be erected or altered, or any use changed or established, unless or until the provisions of this Article have been met. No onsite parking shall be required or provided within the Urban Reserve District.

Sec. 8.1.3 Parking Districts

The demand for parking is highly dependent on the context within which a given use or structure is located. Factors such as proximity to other related uses, availability of public transportation, the density of land uses, and the ability to share parking with nearby uses are all factors which influence the demand for individual and dedicated onff-site parking. For the purposes of this Article, the following three (3) Parking Districts as illustrated in Map 8.1.3-1 are hereby created:

(a) Neighborhood Parking District:

This parking district establishes the baseline of parking requirements throughout the city where the demand for onffsite parking is largely dependent on the needs and characteristics of an individual site or land use.

(b) Shared Use Parking District:

This parking district reduces the requirements from the baseline standards recognizing that opportunities exist to share parking demand between related

nearby land uses, and that travel to and between these uses may not be strictly automobile dependent.

(c) Downtown Multimodal Mixed-Use Parking District:

This parking district ~~further reduces~~eliminates the minimum on-site parking requirements ~~from the baseline standards of Sec. 8.1.8~~ recognizing ~~that the opportunity for~~ extensive sharing of parking demand between nearby mixed land uses ~~occurs; that a majority of~~travel to and between proximate land uses ~~is~~ largely independent from an automobile; and that an array of non-vehicular transportation modes, public parking facilities, and frequent transit service greatly reduces the need for independent on-site parking for individual land uses.

This Parking District includes all properties in the following Zoning Districts:

- (a) Downtown Core (FD6)
- (b) Downtown Center (FD5)
- (c) Downtown Waterfront – Public Trust (DW-PT)
- (d) Neighborhood Activity Center (NAC)
- (e) Neighborhood Mixed Use (NMU)
- (f) NAC – Riverside (NAC-R)
- (g) NAC – Cambrian Rise (NAC-CR)

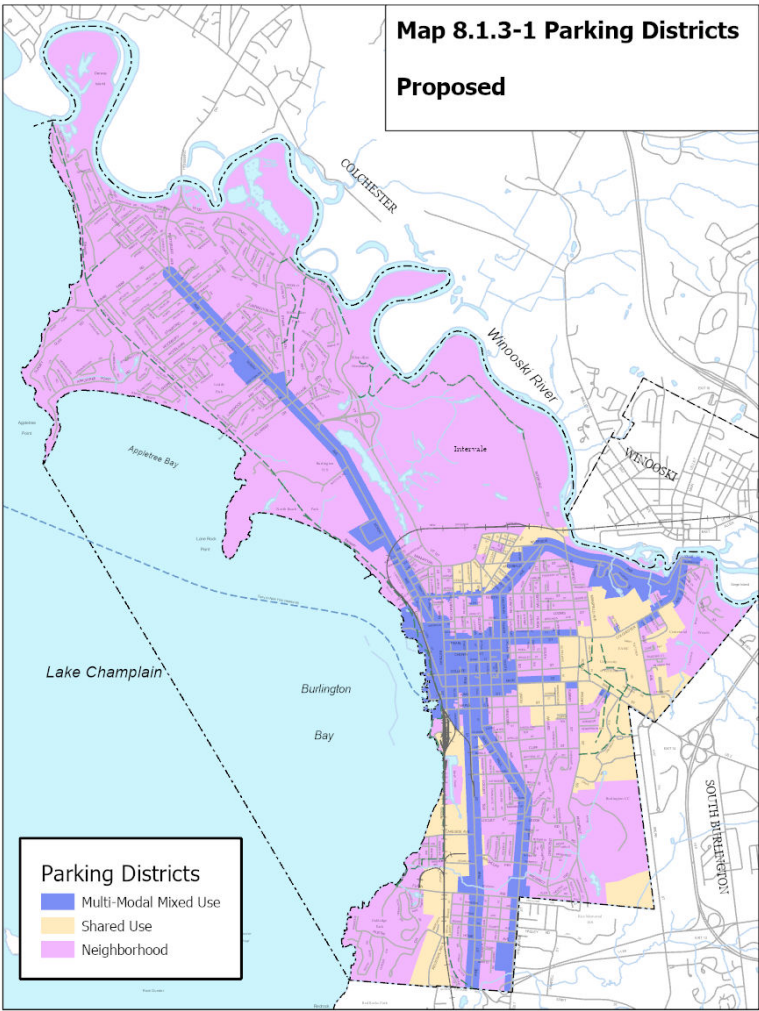
With the exception of those properties subject to Part 3 - Institutional Parking Management Plans, t-his Parking District also includes all properties with street frontage on the following major thoroughfares below to a maximum depth of 200-ft.:

- (a) North Avenue from Battery Park to Plattsburg Avenue
- (b) Colchester Avenue
- (c) Pearl Street
- (d) North Winooski Avenue
- (e) Riverside Avenue from N. Winooski Ave to Colchester Ave
- (f) Battery Street
- (g) Main Street
- (h) Pine Street
- (i) Saint Paul Street
- (j) Shelburne Street

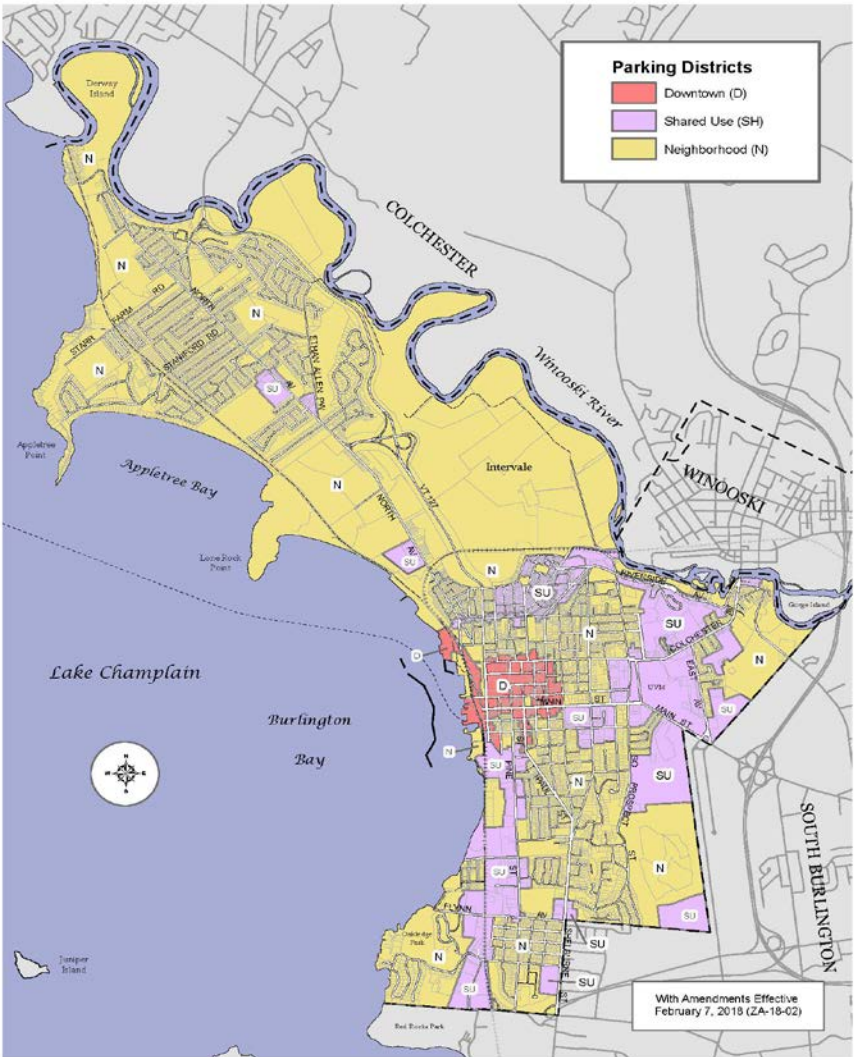
With respect to permits issued with parking requirements in this Parking District prior to the effective date of the amendment to eliminate minimum onsite parking, an administrative permit amendment may be requested to remove the parking requirement based upon the change in regulation. This does not apply to permits containing public parking provided in exchange for an Article 4 Development Bonus (See Sec. 4.4.1(d)(5)(A)). For those permits, the public parking provided shall be maintained.

Commented [DEW1]: Correction per City Attorney

Commented [DEW2]: Revised as per City Attorney



Commented [DEW3]: Need to refine the corridors so it doesn't capture lots that don't actually have frontage on them.



Map 8.1.3 -1 Parking Districts

Sec. 8.1.4 Existing Structures

Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of

use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be reduced below such requirements.

Sec. 8.1.5 Existing Structures - Change or Expansion of Use

Whenever there is an alteration or conversion of a structure or a change or expansion of a use which increases the parking requirements, the total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.15.

Sec. 8.1.6 ~~Existing Structures: Affordable Housing and Historic Buildings Exemption in Downtown District~~

~~Any nonresidential use within a structure lawfully in existence prior to January 1, 2007 in any Downtown Parking District shall be exempt from the requirements of this Article when applying for a change to any other nonresidential use. Regardless of location, the Minimum Off-Street Parking Requirements found under Sec. 8.1.8 below shall not apply to any of the following:~~

- ~~(a) The creation of permanently affordable inclusionary housing units satisfying the applicable provisions of Article 9 Part 1 - Inclusionary Housing (see Sec. 9.1.10 Income Eligibility and Sec. 9.1.11 Calculating Rents and Selling Prices);~~
- ~~(b) The adaptive reuse and/or substantial rehabilitation of a building listed on the State or National Register of Historic Places; and,~~
- ~~(c) The creation of an Accessory Dwelling Unit subject to the provisions of Sec. 5.4.5.~~

Commented [DEW4]: No longer applicable

Commented [DEW5]: **NOTE:** Track cross reference to the proposed in ADU amendment

Sec. 8.1.7 Non-conforming Residential Structure

Where additions or conversions to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Sec. 8.1.8, one (1) parking space shall be provided for each additional room. Single detached dwellings shall be exempt from this requirement.

Sec. 8.1.8 Minimum Off-Street Parking Requirements

~~A minimum number of off-street parking spaces~~ for all uses and structures shall be provided in accordance with Table 8.1.8-1 ~~below~~.

- ~~(a) Where a use is not listed no requirement is designated, and the use is not comparable to any of the listed uses, the minimum parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon a determination that the use is substantially equivalent in use, nature, and impact to a listed use the capacity of the facility and its associated uses.~~

Commented [DEW6]: Revised to be consistent with Sec. 5.1.1

Article 8: Parking

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- (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	±0
Single Family detached and Duplex	2	2	±0
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0-40
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0-50
Boarding House (per two (2) beds)	1	0.75	0-50
Community House	1	0.75	0-50
Convalescent Home (per four (4) beds)	1	1	±0
Dormitory (per two (2) beds)	1	1	±0
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	±0
Historic Inn (per room, in addition to single-family residence)	1	0.75	0-50
Sorority & Fraternity (per two (2) beds)	1	1	±0
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	±0
Agricultural Use	None0	None0	None0
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	±0
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	±0
Appliance & Furniture Sales/Service	2.5	1	±0
Aquarium	1.3	1	±0
Art Gallery/Studio	3.3	2.5	±0

Commented [DEW7]: Added per expired ZA-19-03

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Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Auction Houses	3.3	2.5	10
Automobile & Marine Parts Sales	2.5	1.5	10
Automobile Body Shop	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay0
Automobile Repair/Service	2 plus 1/bay	2 plus 1/bay	2 plus 1/bay0
Automobile Sales – New & Used	2	2	10
Bakery	2.5	2.5	10
Bank, Credit Union	2.5	2	10
Bar/Tavern	4	3	None0
Beauty/Barber Shop (per station/chair)	1	1	None0
Bicycle Sales/Repair	2.5	1	None0
Billiard Parlor (per game table)	1	1	None0
Boat Repair/Service	2	2	10
Boat Sales/Rental	2	2	10
Boat Storage	3	2	10
Bowling Alley (per lane)	3	2	10
Building Material Sales	3.3	2.5	10
Café (per four (4) seats)	1	None0	None0
Camp Ground (per camping space)	1	1	10
Car Wash (stacking spaces per wash bay)	4	4	40
Cemetery	None0	None0	None0
Cinema (per four (4) seats)	1	1	None0
Club, Membership	3.3	2.5	10
Community Center	3.3	2.5	10
Community Garden (per ten (10) plots)	1	1	None0
Conference Center	3	2	10
Contractor Yard (per 1,000 gfa of office space)	2.5	2	20
Convenience Store	3	2	10
Convention Center	n/a	3	20
Courthouse	n/a	3.3	20
Crematory (per FTE employee)	1	1	10
Crisis Counseling Center	4	3	10
Daycare - Home (6 children or less)	None0	None0	1 drop-off0

Article 8: Parking

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Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
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
Daycare - Small (20 children or less) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1
Dental Lab	2	1	None
Distribution Center (per 3,000 gfa)	1	0.75	0.75
Dry Cleaning Plant	1.3	1	1
Dry Cleaning Service	2.5	2	2
Film Studio	3.3	2.5	1
Fire Station (per apparatus)	2	2	1
Food & Beverage Processing	1.3, plus 3 per 1,000 gfa devoted to patron use	1, plus 2 per 1,000 gfa devoted to patron use	1
Fuel Service Station (per employee/shift)	1	1	1
Funeral Home (per four (4) seats)	1	1	1
Garden Supply Store (per 1,000 gfa of retail area.)	3	2	1
General Merchandise/Retail	3	2	None
Grocery Store	3	2	None
Hazardous Waste Collection/Disposal (per two (2) employees on the largest shift)	1	1	n/a
Health Club	3	2	1
Health Studio	2	1	None
Hospitals (per patient bed)	2	2	2
Hostel (per two (2) beds)	0.5	0.5	None
Hotel/Motel (per room)	1	0.75	0.75
Laundromats (per washing machine)	1	1	None
Library	1.3	1	None
Lumber Yard (per 1,000 gfa of retail area.)	3	2	1
Manufacturing-Light	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	1

Commented [DEW8]: Added per expired ZA-19-03

Commented [DEW9]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Manufacturing	1.3, plus 3 per 1,000 gfa devoted to patron use.	1.3, plus 2 per 1,000 gfa devoted to patron use.	10
Marina (per berth)	0.5	0.5	0.50
Medical Lab	2	1	None0
Museum	1.3	1	10
Office - General	2	2	20
Office - Medical, Dental	3	2	10
Office – Technical	2	2	20
Open Air Markets	None0	None0	None0
Operations Center - Taxi (per three (3) employees)	1	1	10
Operations Center - Truck/Bus (per 3,000 gfa)	1	0.75	0.750
Park (per playing area)	5	None0	None0
Parking Garage – Private	None0	None0	None0
Parking Lot – Private	None0	None0	None0
Performing Arts Center (per four (4) seats)	1	1	None0
Performing Arts Studio	1	None0	None0
Pet Store	2.5	1	None0
Pharmacy	3	2	10
Photo Studio	2.5	1	None0
Photography Lab	1	1	None0
Police Station	2.5	2	20
Post Office	1.3	1	10
Post Office - Local	2	2	None0
Printing Plant	1.3	1	10
Printing Shop	2	2	None0
Public Transit Terminal	1 per 200 gfa of public waiting space	1 per 200 gfa of public waiting space	None0
Public Works Yard/Garage	None0	None0	None0
Radio & TV Studio	2	2	20
Rail Equip. Storage & Repair	None0	None0	None0

Article 8: Parking

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Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Recording Studio	1.3	1	1 0
Recreational Facility - Indoor (per four (4) seats)	1	1	0.5 0
Recreational Facility - Outdoor (per playing field)	15	10	None 0
Recreational Facility - Outdoor Commercial	Larger of 1 per 4 seats or 15 per playing field	Larger of 1 per 4 seats or 10 per playing field	1 per 6 seats 0
Recreational Vehicle Sales – New and Used	2	2	1 0
Recycling Center - Large above 2,000 gfa	None 0	None 0	None 0
Recycling Center - Small 2,000 gfa or less	None 0	None 0	None 0
Research Lab	2.5	2	2 0
Restaurant	4	3	None 0
Restaurant – Take-Out	4	3	None 0
Salon/Spa	4	4	2 0
School - Secondary (per Classroom)	7	5	2 0
School - Primary (per Classroom)	1.5	1.5	1.5 0
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 0
School – Preschool Small (up to 20 children) (per two (2) employees)	1 plus 1 drop-off per 5 children	1 plus 1 drop-off per 5 children	1 0
School - Trade/Professional	5	3	1 0
School, - Post-Secondary	2	2	2 0
Solid Waste Facility - Incinerator, Landfill, Transfer Station	None 0	None 0	None 0
Tailor Shop	2	1	None 0
Vehicle Salvage	None 0	None 0	None 0
Warehouse	0.5	0.35	0.35 0
Warehouse - Self Storage Facility	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces	1 per resident manager, plus 1 per 100 leasable storage spaces 0
Warehouse - Retail	3.3	2.5	2.5 0

Commented [DEW10]: Added per expired ZA-19-03

Commented [DEW11]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements

	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Wholesale Sales	1.3	1	±0
Worship, Place of (per four (4) seats)	1	1	±0

Sec. 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in all any parking districts shall not be more than 125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1 below. In no case shall the maximum number of required spaces be less than one (1) per unit of measurement (beds, units, 1000 gross sqft, etc.) for the use.

Table 8.1.9-1 Maximum Off-Street Parking Requirements

Neighborhood District	Shared Use District	Multimodal Mixed-Use District
125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1	100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1

(a) **Exemptions:** The following shall ~~reduce not be included in~~ the maximum number of allowable spaces required by this section:

1. Structured Parking: Spaces provided within the footprint of a structure containing one or more other uses, including rooftop, at-grade, or below grade spaces shall not be counted towards the maximum, provided the floor area dedicated to parking is less than 50% of the total gross floor area of the structure;

2. Public Parking: Spaces provided and available for use by the public shall not be counted towards the maximum. ~~Such spaces shall be available to the public at a minimum of nights and weekends, and be signed or marked accordingly;~~

3. Carpool, Vanpool, and Car-Share Parking: Spaces dedicated for vehicles participating in a carpool, vanpool, or car-share program shall not be counted towards the maximum. Such spaces shall be reserved for such use, and be signed or marked accordingly; and,

4. Alternative Fueled Vehicle Parking. Parking spaces dedicated for vehicles operating on primarily alternative fuels including but not limited to electric, natural gas, and hydrogen shall not be counted towards the maximum. Such spaces shall

Commented [MT12]:

Example of how the min/max works:

Today, a 5,000 sq.ft. Tavern is located in the Shared Use Parking District.

It would be required to have 3 parking spaces per 1,000 sq.ft. at minimum, or at least 15 spaces. Its maximum allowed parking spaces would be 125% of the Neighborhood District requirement of 4 spaces/1,000 sq.ft, or 25 spaces.

Under the proposed changes to the Max Parking table, the new maximum allowed is only 100% of what is required in the Neighborhood Parking District, or 20 spaces (so, 5 fewer).

Alternatively, if that same Tavern were to be located in the Multi-modal Mixed Use District under this proposed ordinance amendment, it would have no minimum requirement to provide parking spaces, and the maximum would be limited to what is required in the Shared Use District- or 15 spaces.

be reserved for such use, and be signed and/or the space painted with the words “Alternative Fueled Vehicles Only.”

5. Waiver of Maximum Parking Limitations. Parking in excess of the maximum parking limitation of this section may be waived by the DRB pursuant to the provisions of Sec 8.1.15 with the following additional requirements:

A. The applicant requesting the waiver shall also provide:

- (i) a peak demand parking study for two similar uses in the area; and,
- (ii) a TDM Plan pursuant to the requirements of Sec. 8.1.16

B. The following additional review criteria shall be addressed regarding how:

- (i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;
- (ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity; and,
- (iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

Sec. 8.1.10 Off-Street Loading Requirements.

Outside of the ~~Downtown Multimodal Mixed-Use~~ Parking District, every structure constructed after the effective date of this ordinance and used for non-residential use shall provide sufficient space for the unloading and loading of vehicles. The adequacy of any proposed loading areas shall be considered as part of the site plan and traffic circulation review. Such loading areas shall have access to a public alley or a public street in such a way to minimize conflicts with the circulation of other vehicles and pedestrians, be screened from public view, and provide safe and effective access to the city’s street network.

Sec. 8.1.11 Parking Dimensional Requirements

The following standards in Table 8.1.11-1 below shall be ~~used~~ applicable in all Parking Districts to ensure safe, adequate, and convenient access and circulation. These standards shall be adhered to except in situations where a lesser standard is deemed necessary by the DRB after consultation with the city engineer due to site topography, location of existing or proposed structures, lot configuration, and/or the need to preserve pervious lot coverage for on-site stormwater management, existing trees, and mature vegetation.

Mechanical access parking shall be exempt from the dimensional requirements of this section.

Article 8: Parking

ZA-20-04 Public Hearing DRAFT: February 11, 2019

Table 8.1.11-1 Minimum Parking Dimensions						
Angle of Parking Space Type	Space Width (A) of Space	Space Length (B) of Space	Vertical Clearance (C) (Stall and Aisle)	Width of Angled Space	Length of Angled Space	Minimum Back-Up Length
Standard Cars						
Parallel Parking	89.0'	2218.0'	7.5'	-	-	-
45° Angle ²	9.0' ¹	2018.0'	7.5'	12.7'	20.5'	15.0'
60° Angle ²	9.0' ¹	2018.0'	7.5'	10.4'	21.8'	18.0'
90° Angle ²	9.0' ¹	2018.0'	7.5'	9.0'	20.0'	24.0'
Compact³ Cars						
Compact spaces must be clearly identified with pavement marking and signage.						
Parallel Parking	8-97.5'	2015.0'	6.8'	-	-	-
45° Angle ²	8.0'	1816.0'	6.8'	11.2'	18.3'	13.0'
60° Angle ²	8.0'	1816.0'	6.8'	9.2'	19.8'	15.0'
90° Angle ²	8.0'	1816.0'	6.8'	8.0'	18.0'	20.0'
Tandem	9.0'	36'	7.5'			
Scooter/Motorcycle	4'	8.0'	6.8'			
Aisle Width (D)						
Aisle width (one-way)	10'-12' 14' for 60° angled spaces 90° angled spaces not permitted		7.5'			
Aisle width (two-way)	20' 23' for 90° angled spaces		7.5'			

¹ The minimum stall width may be reduced to 8.5' for spaces dedicated to residential uses.

² Angled spaces may be either head-in or back-in.

³ The overall proportion of compact spaces may not exceed 50%.

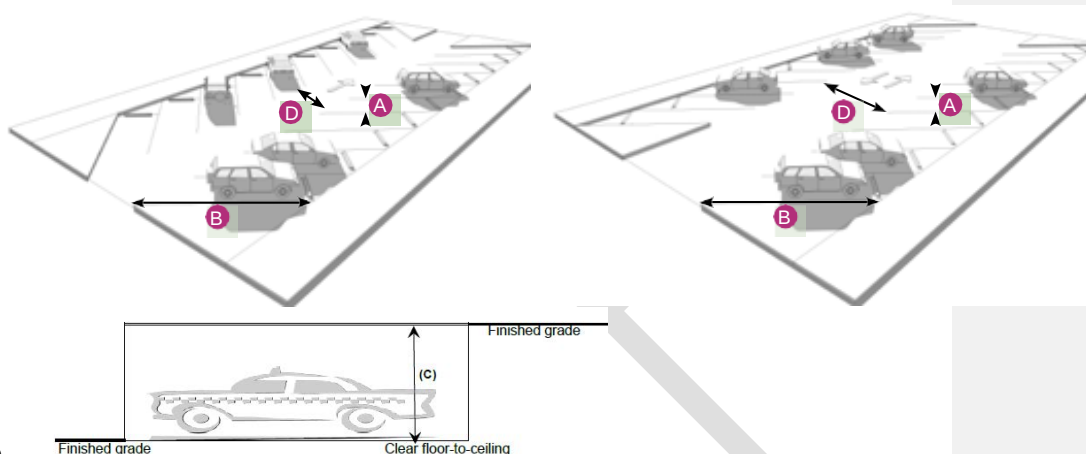


Illustration 8.1.11-A - Parking Dimensions

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

Except for single and two-family dwellings, required parking facilities may be located on another parcel of land. The off-site parking area shall be within the same zoning district as the use it serves or is in a zoning district that allows parking lots or parking garages as primary-Principal uses. Parking that serves any use located outside a residential zoning district shall not be located within a residential zoning district. ~~Off-site parking spaces shall be subject to the site plan design standards of Article 6: Part 2. The maximum parking limitations of Section 8.1.9 apply.~~ Off-site parking facilities shall be as follows:

1. Neighborhood Parking District: No more than 50% of the total required off-street parking from Table 8.1.8-1 shall be provided at a distance greater than 600 feet from the use it is intended to serve. ~~For residential uses, a minimum of 1 space per unit shall be provided on-site.~~
2. Downtown and Shared Use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.
3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. Such off-site parking shall not reduce the

Commented [DEW13]: redundant

required parking for any other use utilizing the property on which it is located unless such shared use is approved by the development review board per Sec. 8.1.15 (b). The right to use the off-site parking to meet the minimum parking requirements of Sec. 8.1.8 must be guaranteed for the duration of the use as evidenced by a deed, ~~or easement, lease, or similar written instrument~~ as approved by the City Attorney and recorded in the Burlington land records. ~~Use of off site parking for parking spaces in excess of the minimum parking requirements of Sec. 8.1.8 may be secured by lease or similar written instrument.~~

(b) Downtown Street Level Setback:

~~In order to maintain an active streetscape, any off-street parking occupying street level frontage in the Downtown Parking District shall be setback from the front property line in order to reserve street level frontage for pedestrian-oriented uses.~~

Commented [DEW14]: Superseded by Article 14- the downtown form based code.

(c) Front Yard Parking Restricted:

Required parking in all residential zoning districts shall not be located in a required front yard setback area abutting a public street, except alleys. This prohibition extends from the edge of the public right-of-way into the required front yard setback for the entire width of the property with the exception of a single access drive no more than eighteen feet (18') or less in width. The provisions of this subsection shall not be applicable during such times as when the winter parking ban pursuant to Section 20-56 of the Code of Ordinances is in effect. Where parking is provided outside the front yard setback, but either partially or entirely between the principle structure and the street, such parking shall be screened to the extent practicable from view from the public street.

(d) Shared Parking in Neighborhood Parking Districts:

In the event that a mix of uses occupy a single structure or parcel of land located in a Neighborhood or Shared Use Parking District, the total requirement for off-street parking shall be the sum for all individual uses unless it can be shown that the peak parking demands are offset and spaces can be shared (for example: retail and residential, or theater and office uses) as evidenced by a shared parking analysis utilizing the most current edition of the Urban Land Institute's Shared Parking Report, the ITE's Shared Parking Guidelines, or other comparable and industry-recognized publications. ~~In such cases the parking required must at least meet the requirements for Shared Use Districts.~~

(e) Single Story Structures in Shared Use Districts:

In the event that a single story structure is proposed to be located in a Shared Use District, the total requirements for off-street parking shall be calculated as for a Neighborhood Parking District. This provision does not apply to single story structures existing and occupied as of the effective date of this ordinance.

(f) Joint Use of Facilities:

The required parking for two (2) or more uses, structures, or parcels may be combined in a single parking facility if it can be shown by the applicant to the

satisfaction of the DRB that the use of the joint facility does not materially overlap with other dedicated parking in such facility, and provided that the proposed use is evidenced by a ~~irrevocable~~ deed, lease, contract, reciprocal easement, or similar written instrument establishing the joint use acceptable to the city attorney.

(g) Availability of Facilities:

Required parking pursuant to this Article shall be available for parking of operable passenger vehicles used by residents, customers and employees only, and shall not be used for the storage or display of vehicles or materials. The distribution of parking spaces for any and all individual uses will be required to be arranged in such a way as to ensure optimal access and use by the patrons of such use(s).

(h) Compact Car Parking:

~~Compact parking spaces may be used in parking structures or lots. Up to fifteen (15%) percent of the total parking spaces in a parking garage may be designated for compact cars. Such spaces shall be signed or the space painted with the words "Compact Car Only."~~

Commented [DEW15]: Replaced by footnote #4 in table 8.1.11-1

Sec. 8.1.13 Parking for Disabled Persons

Parking spaces for disabled persons in all Parking Districts shall comply with current the Americans with Disabilities Act guidelines and shall be at least eight feet (8') wide with an adjacent access aisle at least five feet (5') wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Painting of the paved area for the dedicated parking spaces alone shall not be sufficient as the sole means of identifying these spaces.

Sec. 8.1.14 Stacked and Tandem Parking Restrictions

Except as otherwise provided below, all parking facilities in all Parking Districts shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle. The requirements for minimum or maximum spaces continue to apply for stacked and Tandem parking.

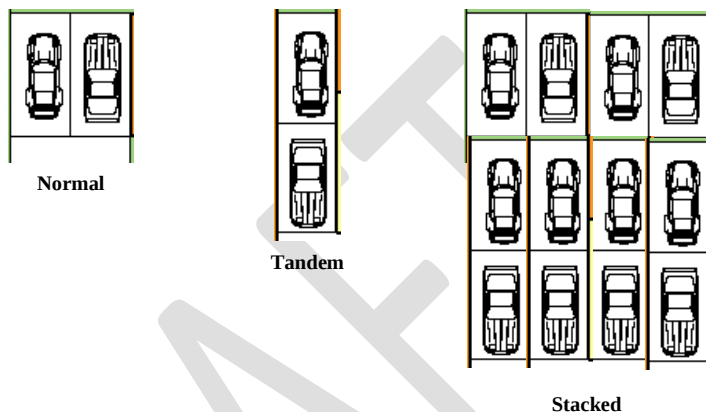
Commented [DEW16]: **NOTE:** Track related proposed changes in ADU amendment

- (a) ~~Stacked or valet parking may be allowed if an attendant is present to move vehicles.~~ If stacked parking is used for required parking spaces, a written guarantee must be filed with the City ensuring that an attendant will always be present when the lot is in operation. The requirements for minimum or maximum spaces continue to apply for stacked parking.

Commented [DEW17]: Note: ADU amendment removes this requirement for SF and ADU

(b) Tandem Parking ~~may~~ shall be allowed for all dwelling units (whether attached or detached). Each dwelling unit may have a pair of tandem parking spaces, however any pair of tandem parking spaces shall not serve more than one dwelling unit single family detached dwelling units, accessory apartments, duplex dwelling units, and Tandem parking shall also be allowed for dedicated employee-only parking where signed as such. In no case shall more than 4 parking spaces (2 pairs) in total be provided in tandem on any one lot.

Commented [DEW18]: Updated to be consistent with expired ZA-19-03



Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

The total number of parking spaces required pursuant to this Article may be ~~reduced~~ modified to the extent that the applicant can demonstrate that the proposed development can be adequately served by a more efficient approach that more effectively satisfies the intent of this Article and the goals of the municipal development plan to reduce dependence on the single-passenger automobile.

Any waiver granted for a residential use shall not exceed fifty percent (50%) of the required number of parking spaces ~~except for the adaptive reuse of a historic building pursuant to Sec. 5.4.8 which may be waived by as much as one hundred percent (100%).~~ Any waiver granted for a non-residential use may be as much as ninety percent (90%) ~~except that a waiver for ground floor retail uses in any Form or Mixed Use district may be as much as one hundred percent (100%).~~ Waivers shall only be granted by the DRB, or by the administrative officer pursuant to the provisions of Sec. 3.2.7 (a)7.

Commented [DEW19]: Superseded by new exemption

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 or Sec. 8.1.9 are not applicable or appropriate for the proposed development, and proposes an alternative

that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

- (1) A calculation of the parking spaces required pursuant to Table 8.1.8-1, and Sec. 8.1.9 regarding parking maximums where applicable.
- (2) A narrative that outlines how the proposed Parking Management Plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.
- (3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:
 - i. Information specifying the proposed number of employees, customers, visitors, clients, shifts, and deliveries;
 - ii. Anticipated parking demand by time of day and/or demand by use;
 - iii. Anticipated parking utilizing shared spaces or dual use based on a shared parking analysis utilizing current industry publications;
 - iv. Availability and frequency of public transit service within a distance of 800-feet.
 - v. A reduction in vehicle ownership in connection with housing occupancy, ownership, or type; and,
 - vi. Any other information established by the administrative officer as may be necessary to understand the current and projected parking demand.
- (4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:
 - i. A telecommuting program;
 - ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
 - iii. Implementation of a car-share program;
 - iv. Development or use of a system using offsite parking and/or shuttles; and,
 - v. Implementation of public transit subscriptions for employees.

(5) An analysis and narrative pursuant to Sec. 8.1.9 regarding waivers of parking maximums where applicable

Prior to any approval by the DRB pursuant to this section, the means by which the Parking Management Plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

(b) Shared Parking for Off-Site Use

Onsite parking spaces may be made available for use by off-site users subject to review and approval of a Parking Management Plan by the DRB.

The A Parking Management Plan for Shared Parking for Off-Site Use must include the following:

1. A calculation of the parking spaces required pursuant to Table 8.1.8-1 and a calculation of those parking spaces to be shared for off-site parking use.
2. Information specifying the actual onsite demand for required parking by day, time of day, and by use and also information specifying when and how much parking would be made available to off-site users.
3. A narrative that outlines how the proposed Parking Management Plan will allow for shared use of required parking spaces with off-site users; how it will enable continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.

The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their ability for onsite users to park due to either:

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.8; and/or,
2. The spaces are to be made available during off-peak hours of the onsite and/or required users.

Parking spaces being made available to off-site users may be made available:

- Either with or without a fee;
- For transient use by the general public; and/or,
- By lease, provided the term of any lease does not exceed one (1) year.

Prior to any approval by the DRB pursuant to this section, the means by which the Parking Management Plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

Sec. 8.1.16 Transportation Demand Management

(a) **Purpose:** This section requires the implementation of Transportation Demand Management strategies for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing vehicle miles traveled (VMT);
- Increasing transit use and non-motorized travel; and,

- Reducing car ownership

(b) Applicability: Transportation Demand Management shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(c)), and involving any one or more of the following:

<u>Dwelling Units</u>	<u>Creation of ten (10) or more dwelling units</u>
<u>Non-residential or Mixed Use Development</u>	<u>A building footprint of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or more of gross floor area.</u>

(c) TDM Requirements: Transportation Demand Management shall include each of the following elements:

a. Outreach and Education:

- i. Designation of a Transportation Coordinator who directly or indirectly shall be responsible for each of the following:

1. Prepare and present informational and educational materials regarding available TDM strategies to all tenants and employees;
2. Organize and host an annual meeting for all tenants and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;
3. Preparation and dissemination of an annual travel survey of all tenants and employees; and,
4. Record-keeping and annual reporting to City of all TDM activities and rates of participation (and parking utilization if applicable) to validate continued compliance with the provisions of this Section.

- b. TDM Strategies: In addition to the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall be made available at a minimum:

- i. A Guaranteed Ride Home benefit offered to all employees whereby transit users, bikers, walkers, vanpoolers, and carpoolers who may face an occasional unforeseen change of plans that prevents them using their typical mode of travel to and from work are reimbursed for the cost of a taxi or ride-share to get them where they need to go.

Such a benefit shall define: who is eligible to participate; what trips are eligible for reimbursement; the maximum number of uses allowed during a certain period, maximum miles within a period, or maximum cost per trip; and procedures for using the benefit.

ii. GMT Transit passes offered to all tenants and employees at a minimum subsidy of 20% as follows:

1. Tenants and/or employees living or working outside Chittenden County must be offered a pass that includes access to inter-regional commuter routes;
2. Tenants and/or employees living and working within Chittenden County may be offered a pass that only includes access to local and intra-regional as applicable.

iii. Where on-site parking is also made available:

1. Conduct parking utilization studies at least annually;
2. With the exception of permanently affordable housing units the cost of parking shall be un-bundled from all residential and non-residential leases and deeds;
3. Where parking spaces are made available to off-site users parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,
4. Priority parking spaces, located in closest proximity to a primary building entrance and/or public street frontage, shall be made available for:
 - a. Handicapped spaces;
 - b. Bicycles, scooters, and motorcycles spaces;
 - c. Car-share where 1 space must be offered for every 20 residential units not to exceed 5 spaces subject to an agreement with a car-share provider; and,
 - d. Carpool and/or Vanpool vehicles where there are more than 20 parking spaces on the site available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays.

c. TDM Agreement:

- i. Commitment to ongoing implementation of the TDM requirements as set forth above;
- ii. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;
- iii. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and

Commented [DEW20]: Added per City Attorney

understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,

- iv. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

(d) Review and Enforcement: The Administrative Officer shall be responsible for determining compliance with the TDM requirements set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

Failure to maintain transportation demand management as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without an approved TDM plan in effect.

The remainder of this Article is unchanged:

- *Part 2 – Bicycle Parking*
- *Part 3 – Institutional Parking Plans*

TO: Burlington Planning Commission
City Council Ordinance Committee
FROM: David White, Director, City Planning, Meagan Tuttle, Principal Planner, City Planning
DATE: December 10, 2019
RE: Proposed CDO Amendment ZA-20-04: Minimum Parking Requirements

Overview & Background

Burlington did not begin requiring parking for new development through zoning until the 1970s, and up until 1986, developments within the downtown core were exempt from requirements to build a prescribed number of spaces. In 2008, three parking districts were established in the zoning ordinance to ensure that the required number of parking spaces was based on the geographic context of the development. As part of the 2013 *planBTV: Downtown & Waterfront Plan*, a comprehensive evaluation of parking use was conducted which illuminated that 40% of parking in existing private parking lots and garages was vacant most of the time. It is estimated that if these existing parking spaces were utilized more fully, they could support an additional 700+ housing units and 350,000 sq.ft. of commercial space without building any new parking. Since 2013, BBA has been working with the City to implement a downtown parking management program to better utilize existing parking resources, and make private parking resources available for public parking needs. In 2019, BBA found that despite the loss of about 500 parking spaces at CityPlace, there are still hundreds of unused parking spaces available to the public even at peak times.

In April 2019, Mayor Weinberger announced a plan to convene a Housing Summit and advance work to bring focus, urgency, and resolution to five key areas of unfinished business from the *Housing Action Plan*. Reforming local zoning to address the cost to construct, maintain, and lease housing units was one of these key areas. The framework for amending the city's zoning ordinances to amend the requirements for minimum on-site parking in certain parts of the city was included in a resolution unanimously supported by the City Council on October 7, 2019. The resolution further called for consideration of Transportation Demand Management measures, a reduction in the maximum amount of parking allowed on-site, and an update to the City's Impact Fees to create a more holistic fund to include alternative transportation capital projects. The resolution referred the Zoning related items from this framework to a Joint Committee of the Planning Commission and City Council's Ordinance Committee.

As such, the enclosed zoning amendments are aimed at reducing a significant factor in the cost to construct, maintain, and lease housing units, therefore increasing the affordability of those housing units. Further, these amendments intend to allow more space within new development to be used for creating housing units, recognize the context-sensitive nature of parking and driving behaviors, and support a more robust system of transportation choices that enables the city to meet its Net Zero Energy goals.

More information about Minimum Parking Requirements in Burlington, and the proposed amendment can be found online at: <https://www.burlingtonvt.gov/mayor/housingpolicy/parking>

Recommended Amendment Details

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Summary

The purpose of this amendment is to establish a new Multi-Modal Mixed Use parking district, in which there would be no on-site minimum parking requirements for new developments. The proposed amendment further extinguishes parking requirements for existing developments within this district to enable greater flexibility for shared-parking, and introduces a transportation demand management requirement for Major Impact projects within this district. The proposed amendment eliminates minimum on-site parking requirements for Affordable Housing, adaptive reuse of a listed historic building, and for Accessory Dwelling Units. Finally, this amendment adds minimum parking requirements for several use types not already covered, and lowers the maximum on-site parking limits for all parking districts citywide.

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).

Proposed Future Land Use & Density

The proposed amendment is intended to support infill and redevelopment that includes new homes within parts of the City that are planned for growth, including mixed use zoning districts, and along major thoroughfares into/out of the city that are served by high frequency public transit lines.

Impact on Safe & Affordable Housing

This proposed amendment furthers the City of Burlington and the State of Vermont's goals to expand the availability of safe and affordable housing. This amendment intends to reduce a requirement of new development that contributes in a significant way to the viability and cost of new development, and to the ongoing cost of renting and maintaining housing.

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: City Staff, with support of City Council	Presentation to & discussion by Commission & Council Ordinance Cmte 10/30, 11/12, 12/4, 12/10, 1/14	Approved for Public Hearing 1/14/20	Public Hearing 2/11/20	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council [as is / with changes]	Second Read & Public Hearing	Approval & Adoption
				Rejected

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

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

PUBLIC HEARING NOTICE ***Burlington Comprehensive Development Ordinance*** **ZA-20-04 Minimum Parking Requirements**

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Tuesday, February 11, 2020 beginning at 6:45pm** in the Burlington Police Department Community Room, 1 North Avenue, Burlington, VT. Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the *Burlington CDO* as follows:

- **ZA-20-04:** The purpose of this amendment is establish a new Multi-Modal Mixed Use parking district, to replace the Downtown Parking District, in which there would be no on-site minimum parking requirements for new development. The amendment also eliminates the parking requirement for Affordable Housing, adaptive reuse of a listed historic building, and Accessory Dwelling Units. The proposed amendment further extinguishes parking requirements for existing developments within this district to enable greater flexibility for shared parking, and introduces a transportation demand management requirement for projects larger than 10 housing units or 15,000 sq.ft. GFA. Finally, the amendment lowers the maximum parking limits for all parking districts citywide, and incorporates minimum parking standards for several uses not already incorporated in Article 8.

Geographic areas affected: the proposed amendments are applicable to the following areas:

- **ZA-20-04:** Applicable to mixed-use zoning districts, including the Form Districts 5 and 6; the Downtown Waterfront Public Trust; Neighborhood Activity Center, NAC-Riverside and NAC-Cambrian Rise; and Neighborhood Mixed Use. Further applies to properties with street frontage up to a depth of 200 ft. along North Avenue (Sherman St to Plattsburg Ave), Colchester Ave, Pearl St, N Winooski Ave, Riverside Ave (N Winooski to Colchester), Battery St, Main St, Pine St, St. Paul St, and Shelburne Rd, and to affordable housing, adaptive reuse, and ADUs regardless of zoning district.

List of section headings affected:

- **ZA-20-04:** The proposed amendment affects *Sec 8.1.3 and Map 8.1.3-1 Parking Districts; Sec. 8.1.6; Sec. 8.1.8 and Table 8.1.8-1 Minimum Off-Street Parking Requirements; Sec. 8.1.9 and Table 8.1.9-1 Maximum Off-Street Parking Requirements; Sec. 8.1.10; Sec 8.1.11 and Table 8.1.11-1 Minimum Parking Dimensions; Sections 8.1.12, 8.1.13, 8.1.14, and 8.1.15; and adds a new Sec. 8.1.16 Transportation Demand Management.*

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Office of City Planning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at <https://www.burlingtonvt.gov/DPI/CDO/Proposed-Amendments-Before-the-Planning-Commission>

TO: Burlington Planning Commission
City Council Ordinance Committee
FROM: Scott Gustin, Principal Planner, DPI
CC: Meagan Tuttle, Comprehensive Planner, City Planning
DATE: January 23, 2020
RE: Proposed CDO Amendment: ZA-20-05 Short Term Rentals

Overview & Background

A short term rental (or STR) is typically a dwelling unit that is rented in whole or in part to guests for 30 days or less for overnight stays. It may be an apartment, a house, or just a bedroom within. AirBnB exemplifies short term rentals.

There is significant and growing demand for STR's. They benefit owners with a source of income that can help subsidize a cost of living that may otherwise be unaffordable. STR's may also encourage investment in the property. They benefit Burlington's tourism economy and provide guests with a convenient place to stay when traveling. They also generate significant tax revenue via the rooms and meals tax.

Short term rentals do not come without impacts. They have the effect of removing dwelling units for long term occupancy and may contribute to rising rental rates and purchase prices. Given the high turn-over of guests, short term rentals may bring about nuisance impacts such as traffic, noise, and trash to our neighborhoods.

Burlington has some 10,000+ rental dwelling units with a vacancy rate that hovers between 1% and 2%. The city's housing market, including rentals and owner-occupied units, is tight, and prices continue to rise. Short term rentals have consumed a growing number of dwellings citywide. According to data provided by Host Compliance, the number of short term rentals within Burlington has increased 26% between 2018 and 2019. The total number of short term rentals within city limits is 410 as of July 2019. Of the total number of short term rentals, 67% are an entire dwelling unit, whereas 33% are partial dwelling units (i.e. bedrooms).

Presently, the city does little to address short term rentals. Payment of rooms and meals tax is required, and a zoning permit as "bed and breakfast" is required; however, few STR's actually have zoning approval. Only 18 are permitted as of July 2019. The city needs to address short term rentals in order to limit adverse effects while expressly enabling a reasonable degree of STR growth in our city.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement & Summary

The proposed zoning amendments are aimed at minimizing the potential for adverse impacts to the city's housing stock and to our neighborhoods. They are intended to allow short term rental of bedrooms within a dwelling with minimal burden to the host. More rigorous standards are applied for whole-unit short term rentals so as to limit their proliferation and more significant impacts on our housing stock. In an effort to balance the benefits to hosts with the preservation

of our neighborhoods, short term rentals would be allowed wherever residential uses are allowed; however, short term rental hosts must be a resident of the property in all cases. Within the city's residential zones, larger and whole-dwelling short term rentals would be a "conditional use" thereby affording neighbors a public forum to identify and address potential impacts for consideration by the Development Review Board. The proposed standards are intended to be clear, reasonable, and enforceable.

- Short term rentals will be expressly enabled and directly addressed as a new "special use."
- The host must be a resident of the building or dwelling unit containing the short term rental.
- Short term rentals comprised of bedrooms within a host-occupied dwelling unit will be permitted in most cases and will utilize existing bed and breakfast bedroom limitations and parking requirements.
- Short term rentals that are comprised of an entire dwelling unit will be a conditional use in the residential and institutional zones. They will have an onsite parking requirement, and a limitation will apply as to the total number allowed within a building and on a property.

Note that use as a temporary short term rental will not require a zoning permit per the existing temporary use standards of the CDO (up to 10 consecutive days and up to 30 total days within 1 year). Conversely, use as a long term rental will also not require a zoning permit (31 or more consecutive days under a single lease or contract).

While outside of the CDO, revisions to Chapter 18: Housing, of the City Code of Ordinances will be made to include short term rentals in the city's rental registration and inspection process. This inclusion will ensure that minimum life safety standards are adhered to.

Proposed Amendments

****Begin Proposed Text Amendments****

ARTICLE 5: CITYWIDE GENERAL REGULATIONS

Parts 1 – 3 *As Written*

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 - 5.4.13 *As written*

Sec. 5.4.14 Short Term Rental (Partial and Whole Unit)

Short term rentals shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new short term rentals shall comply with the following requirements:

- All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;
- The host's primary residence shall be within the same building or dwelling unit as the short term rental. The host may be the property owner or tenant; and,
- Short term rentals shall register with the city as rental units under Chapter 18: Housing unless exempted under that Chapter.

In addition to the above criteria, all whole unit short term rentals shall comply with the

following requirements:

- (d) Occupancy of the short term rental shall be by a family as defined in Article 13; and,
- (e) The number of short term rentals shall be limited by building and lot as follows:
 - 1. 1 short term rental within a 1 – 3 dwelling unit building.
 - 2. 2 short term rentals within a 4 – 5 dwelling unit building.
 - 3. 3 short term rentals within a 6 or more dwelling unit building.
 - 4. For lots containing 2 or more detached primary structures with a combined total of 6 or more dwelling units, the total number of short term rentals on the lot shall not exceed 3 or 5% of the total number of dwelling units on the lot, whichever is greater, regardless of the number of buildings.

PART 5: PERFORMANCE STANDARDS *As Written*

ARTICLE 8: PARKING

Sec. 8.1.1 - 8.1.7 *As written*

Sec. 8.1.8 Minimum Off-Street Parking Requirements

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

- (a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses.
- (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	1
Single Family detached and Duplex	2	2	1
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0.4
Bed and Breakfast (per room, in addition to single family residence)	4	0.75	0.5
Boarding House (per two (2) beds)	1	0.75	0.5
Community House	1	0.75	0.5
Convalescent Home (per four (4) beds)	1	1	1

Dormitory (per two (2) beds)	1	1	1
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	1
Historic Inn (per room, in addition to single-family residence)	1	0.75	0.5
<u>Short Term Rental – Partial Unit (per bedroom, in addition to dwelling unit)</u>	<u>1</u>	<u>0.75</u>	<u>0.5</u>
Sorority & Fraternity (per two (2) beds)	1	1	1
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
** Rest of Non-Residential Uses unchanged**			
<u>Short Term Rental – Whole Unit (per whole short term rental unit)</u>	<u>1</u>	<u>1</u>	<u>1</u>

Sec. 8.1.9 - 8.1.15 *As written*

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous *As written*

Sec. 13.1.2 Definitions. *(All other definitions as written)*

For the purpose of this ordinance certain terms and words are herein defined as follows:

Unless defined to the contrary in Section 4303 of the Vermont Planning and Development Act as amended, or defined otherwise in this section, definitions contained in the building code of the City of Burlington, Sections 8-2 and 13-1 of the Code of Ordinances, as amended, incorporating the currently adopted edition of the American Insurance Association's "National Building Code" and the National Fire Protection Association's "National Fire Code" shall prevail.

Additional definitions specifically pertaining to Art. 14 planBTV: Downtown Code can be found in Sec. 14.8, and shall take precedence without limitation over any duplicative or conflicting definitions of this Article.

~~**Bed and Breakfast:** An owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on premises to guests.~~

Host: A person who operates a whole or partial unit short term rental. The host may be the property owner or tenant.

Short Term Rental – Whole Unit: A dwelling unit that is rented to guests for overnight stays of 30 consecutive days or less and is subject to the Vermont rooms and meals tax. Four (4) or more whole unit short term rentals within a single building becomes a "hotel, inn, or motel" as defined in this Article.

Short Term Rental – Partial Unit: A dwelling unit wherein only bedrooms are rented to guests for overnight stays of 30 consecutive days or less and is subject to the Vermont rooms and meals tax. A morning meal may be provided onsite such as with a traditional bed and breakfast.

****End Proposed Text 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 amendments are intended to protect existing housing from unlimited conversion to short term rental use. Data shows increasing numbers of short term rentals, largely at the expense of our long term housing stock. This increase puts additional pressure on the city's available housing and degree of affordability. The proposed measures will establish parameters for allowing short term rentals while limiting their adverse impacts on the city's housing supply and affordability.

Compatibility with Proposed Future Land Use & Density

The proposed amendments will have no impact on the intensity or density of future land use. They will; however, ensure that future short term rentals are compatible with the residential neighborhoods that so many of them occupy. Short term rentals will be allowed as another one of many uses in the city's mixed use and downtown areas. Conditional use review in our residential areas will ensure compatibility with our existing neighborhoods. Overall limits will prevent wholesale conversion of residential units into short term rentals.

Planned Community Facilities

This amendment is not expected to have an impact on any 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, based on recommendations referred by City Council	Joint Committee of Commission & Council Ordinance Cmte 1/14/20, 1/28/20	Approve for Public Hearing	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 (as is / with changes)	Second Read & Public Hearing	Approval & Adoption
				Rejected

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use ^l	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
As written															
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
Rest of Residential Special Uses as written.															
Bed and Breakfast^{4,-6}	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	N	N	N
Short Term Rental – Partial Unit (See Sec. 5.4.14)⁴	N	N	N	N	CU	Y/CU	Y/CU	Y/CU	N	Y	Y	Y	Y	N	N
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
Rest of Non-Residential Uses as written.															
Short Term Rental – Whole Unit (See Sec. 5.4.14)	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. ~~No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use.~~ Up to 2 bedrooms permitted to be let in any district where allowed. Between 3 and 5 bedrooms let in any residential district shall be a conditional use. No more than 3 bedrooms permitted to may be let in the RL district. No more than 5 bedrooms may be let in any district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare 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.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.

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

Appendix A-Use Table – All Zoning Districts

- 25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
- 26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
- 27. This use is permitted or conditionally permitted on lots south of Home Avenue only when one or more Industrial or Art Production use(s) exists on the lot, and when the combined gross floor area of all uses with this footnote does not exceed 49% of the Gross floor Area on the lot.
- 28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
- 29. Must be fully enclosed within a building.
- 30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
- 31. See special use standards of Sec. 5.4.13, Emergency Shelters.
- 32. Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.

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

14.3.4-H- USE TYPE**FD6**

Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (<i>Sec. 14.6.6.e</i>)	P
Convalescent /Nursing Home	P

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast [†]	P
Historic Inn (<i>Sec. 14.6.6.c</i>)	P
Hotel	P
Shelter	P
Short Term Rental – Partial Unit ³ (<i>Sec. 5.4.14</i>)	P
Short Term Rental – Whole Unit (<i>Sec. 5.4.14</i>)	P

RETAIL - GENERAL

ATM	P
Auto/Boat/RV Sales/Rentals ³	P
Convenience Store	P
Fuel Service Station ² (<i>Sec. 14.6.6.d</i>)	CU
General Merchandise/Retail	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

²Automobile sales not permitted as an Accessory Use

³ Exterior storage and display not permitted.

³ Limited to 5 bedrooms

14.3.4-H- USE TYPE**FD6****RETAIL - OUTDOOR**

Open Air Markets	P
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OFFICE & SERVICE

Animal Grooming	P
Auto/Boat/RV Service ³ (<i>Sec. 14.6.6.d</i>)	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (<i>Sec. 14.6.6.g</i>)	P
Office – General	P
Office – Medical	P
Office – Technical	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Tailor Shop	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Café	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P

14.3.4-H- USE TYPE

FD6

Restaurant	P
Restaurant – Take Out	P
MANUFACTURING/ PRODUCTION/ STORAGE	
Dental Lab	P
Food Processing	P
Manufacturing – Light ³	P
Manufacturing ³	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research & Development Facility	P
Research Lab	P
Warehouse/Storage ³	P
Warehouse, Self-Storage ³	P
EDUCATION & DAY CARE	
Day Care – Adult	P
Daycare – All (Sec. 14.6.6.b)	P
School – Post-Secondary & Community College	P
School – Primary	P

14.3.4-H- USE TYPE

FD6

School – Secondary	P
School, –Trade, or Professional	P
CIVIC	
Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P
TRANSPORTATION & UTILITIES	
Recycling Center – Small ³ (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ³	P
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

³ Exterior storage and display not permitted.

14.3.5-H- USE TYPES**FD5**

Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.

RESIDENTIAL - GENERAL

Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P

RESIDENTIAL - SPECIAL

Assisted Living	P
Boarding House ¹	P
Community House (Sec. 14.6.6.e)	P
Convalescent /Nursing Home	P
Group Home	P

SHORT-TERM ACCOMMODATIONS

Bed and Breakfast [†]	P
Historic Inn (Sec. 14.6.6.c)	P
Hotel	P
Shelter	P
Short Term Rental – Partial Unit ³ (Sec. 5.4.14)	P
Short Term Rental – Whole Unit (Sec. 5.4.14)	P

RETAIL - GENERAL

ATM	P
Automobile and RV Sales and Rental ²	P
Convenience Store	P
Fuel Service Station ² (Sec. 14.6.6.d)	CU
General Merchandise/Retail	P

RETAIL - OUTDOOR

Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- USE TYPES**FD5****OFFICE & SERVICE**

Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center (Sec. 14.6.6.g)	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service ²	P

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

³ Limited to 5 bedrooms

14.3.5-H- USE TYPES

FD5

HOSPITALITY/ ENTERTAINMENT/ RECREATION

Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Cafe	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P

MANUFACTURING/ PRODUCTION/ STORAGE

Boat Storage ²	P
Dental Lab	P
Food Processing	P
Manufacturing - Light ²	P
Manufacturing ²	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research and Development Facility	P
Research Lab	P
Warehouse/Storage ²	P
Warehouse, Self-Storage ²	P

14.3.5-H- USE TYPES

FD5

EDUCATION & DAY CARE

Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P

CIVIC

Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P

TRANSPORTATION & UTILITIES

Recycling Center - Small ² (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus ²	P
Parking Structure	P

KEY

Permitted Use	P
Conditional Use	CU

END NOTES

¹Must be owner-occupied.

² Exterior storage and display not permitted.

ARTICLE I. IN GENERAL

18-1 Short title.

This chapter shall be known and may be cited as the "Minimum Housing Standards Ordinance of the City of Burlington."

(Rev. Ords. 1962, § 921)

18-2 Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations, shall have the meanings given herein:

Hotel or motel means an establishment which holds itself out to the public by offering temporary sleeping accommodations for consideration. Hotel or motel does not include short term rental.

Occupant shall mean any person including an owner living and sleeping in a dwelling unit or rooming unit.

Rental unit shall mean any structure, a part of which is rented out and occupied as a residence by another, for compensation, including duplex units, so called. Rental unit shall also include short term rental. The portion of any such unit being occupied as a residence by the owner shall be considered a rental unit.

Roominghouse shall mean any dwelling or that part thereof containing one or more rooming units in which space is let to three (3) or more persons. A roominghouse does not include short term rental.

Rooming unit shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes. A rooming unit does not include short term rental.

Short term rental shall mean a dwelling unit that is rented in whole or in part to guests for thirty (30) consecutive days or less for overnight stays. It may be a whole dwelling unit or just bedroom(s) within. Four (4) or more whole dwelling unit short term rentals within a single building becomes a hotel or motel. For the purposes of this Chapter, short term rental shall not include "temporary uses" as defined in the Burlington zoning ordinance. See also Article 13: Definitions of the Comprehensive Development Ordinance (zoning ordinance) for related definitions of short term rentals (whole unit and partial unit).

All other definitions as written.

18-3 – 18-14 Reserved

As written.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY¹

18-15 Registration required.

(a) The owners of all rental units subject to inspection pursuant to Section [18-16](#) shall be required to annually file a registration application and fee with the enforcement agency, which shall be due annually on or before April 1. The owners must complete a rental property information form to be provided by the enforcement agency which contains the following information:

- (1) The address of the property.
- (2) The number of dwelling units~~s~~ at that address.
- (3) The number of rental units at that address.
- (4) The maximum number of residents in each rental unit.
- (5) The number of sleeping rooms in each rental unit.
- (6) The number of families living in each rental unit.
- (7) The number of unrelated adults in each rental unit.
- (8) The number of vehicles owned or used by residents of the premises and the number of parking spaces that are dedicated for the rental units at the property.
- (9) The name, address, phone number, date of birth, drivers license and state and military status (active or not) of the property owner, and if the owner is a corporation, the registered corporate agent and the president of the corporation and his/her name and address, and if the owner is a partnership, the registered partnership agent, and the names and addresses of the general partners.
- (10) The name, address and phone number of any local (within Chittenden County) managing agent. All owners who do not live within Chittenden County are required to designate a managing agent located

in Chittenden County who is empowered to represent the owner in matters concerning compliance with this chapter.

(11) The name, address and phone number of an emergency contact for this property. All properties must have an emergency contact within Chittenden County.

(12) A designated person within the state for service of process for this property. All owners who do not live within Chittenden County are required to designate a managing agent located in Chittenden County for service of process. The name, address, phone number, date of birth, drivers license number and state and military status (active or not) of the designated agent.

(13) State yes or no to the following question: If the number of unrelated adults listed in paragraph (a)(7) above is greater than four (4), do those adults purport to reside in the rental unit as a "functional family" as that term is defined in the Burlington Zoning Ordinance?

(b) Upon purchase or transfer of property containing a rental unit, the purchasers shall file a new registration application and a fifty dollars (\$50.00) fee. The payment of this fee shall cover one (1) or more rental properties being transferred to a new owner on the same date.

(c) Prior to occupancy of any newly constructed rental unit or conversion of use to a rental unit, the owner shall file an application for registration with the agency and pay the required fee which shall be the pro rata portion of the fee due for that year based on the date of registration.

(d) It shall be a violation of the city minimum housing ordinance for an owner of any rental unit within the city to fail to register a rental unit as required by this section.

(e) Property owners shall have a continuing obligation to notify the enforcement agency of any changes in the information required under subsection (a) during the periods between the required filings of the registration applications.

(14) State yes or no to the following question: Does the rental property contain short term rental(s)? If yes:

(i) How many short term rentals are there in the building?

(ii) How many entire dwelling units are short term rentals?

(iii) How many dwelling units let only bedrooms as short term rentals?

(iv) What is the tax account number?

(Ord. of 4-12-93; Ord. of 4-24-95; Ord. of 9-11-00)

18-16 Inspection required.

The enforcement officer or his/her delegate shall make inspections of rental units within the city, including hotel and motel rooms which are regularly let to the same tenant(s) for a period in excess of thirty (30) days, for the purpose of determining whether a violation of this chapter exists.

Excluded from periodic inspection shall be all owner-occupied dwellings containing one (1) or two (2) rooms which are rented out for compensation (including partial unit short term rentals of just one {1} or two {2} bedrooms. See Article 13 of the Comprehensive Development Ordinance for definition of short term rental – partial unit). Also excluded from inspection are university and college dormitories that conduct regular, comprehensive inspection programs and annually certify compliance with the minimum housing standards ordinance to the enforcement agency. Inspections of dwellings and dwelling units other than those that are subject to periodic inspections, or of hospital rooms, hotel and motel rooms or dormitories not subject to periodic inspections as provided for in this section, shall be made only upon complaint or upon request of the owner thereof.

All records, including inspection reports, records of complaints received and investigated, and plan for inspections of rental units, shall be available for public inspection.

(Ord. of 4-12-93; Ord. of 9-11-00)

18-17 – 18-29

As written.

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) The provisions of this subsection do not apply to short term rentals.

(Ord. of 10-29-04)

18-29a Termination of rental housing tenancy; rental housing rent increase.

(a) In any case where there is no written rental agreement, no landlord may terminate a tenancy of rental housing without cause unless at least 90 (ninety) days' advance written notice to the tenant(s) has been provided in situations where the tenancy has been less than two (2) years in duration, nor may any such termination occur without at least one hundred twenty (120) days' advance written notice to the tenant(s) in situations where the tenancy has been for two (2) or more years.

(b) Unless inconsistent with the terms of a written rental agreement, no tenant may terminate a residential tenancy without providing actual notice to the landlord at least two (2) rental periods in advance of the termination date specified in such notice.

(c) No increase in rent for rental housing within the city shall be effectuated without at least 90 (ninety) days' advance written notice to the tenant(s).

(d) Short term rentals are not subject to the standards of this section.

(Ord. of 10-29-04)

18-30 Fees.

(a) *Registration fee.* Pursuant to Section [18-15](#), a registration fee shall be charged to the owner of every rental unit in the city that is subject to periodic inspections. This fee shall be in an amount determined by and dedicated solely to the cost of providing rental housing inspection services, clerical, administrative and mediation support services for the housing board of review and landlord/tenant resource services. Any surplus remaining in this fund at the end of a fiscal year shall remain part of the fund and shall be carried forward to the next fiscal year. This fee shall be reviewed annually by the finance board. The fee shall be in the amount of one hundred ten dollars (\$110.00) per unit per year except for owner occupied dwellings with two (2) or less units, in which case the fee shall be eighty dollars (\$80.00) and except for partial-unit short term rentals, in which case the fee shall be fifty dollars (\$50.00).

Remainder of Sec. 18-30 as written.

18-31 – 18-69

As written.

ARTICLE III. MINIMUM STANDARDS¹

DIVISION 1. GENERALLY

18-70 Compliance with article required.

No person shall occupy as owner/occupant or shall let to another for occupancy any dwelling, roominghouse, dwelling unit or rooming unit which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance

work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section [18-2](#). [See Division 7 for Minimum Standards applicable to short term rentals.](#)

18-71 – 18-120

As written.

DIVISION 7. SHORT TERM RENTAL

18-121 Compliance with article required.

No person shall establish, operate, or host guests in a short term rental which does not comply with the minimum standards as provided by this article, as evidenced by a current certificate of compliance or interim certificate of compliance. All repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of these standards shall be performed and installed in a skilled manner and installed in accordance with the manufacturer's installation instructions in order to allow the performance intended and anticipated by the standards to be achieved and must meet the criteria of the definition of "skilled manner" in Section 18-2.

18-122 Minimum Fire Safety Standards:

(a) Smoke and carbon monoxide alarms are provided per the following:

i.. Photoelectric type smoke alarms are required in the immediate vicinity of sleeping rooms, inside each sleeping room, and on all floor levels including the basement. All newly installed smoke alarms must be hard wired into the buildings electrical system.

ii. Smoke alarms in sleeping rooms of buildings constructed prior to 1994, may be of the 10- year photoelectric lithium powered tamper resistant type.

iii. Outside each sleeping area in the immediate vicinity of the bedrooms. An additional detector shall be installed in each sleeping room that contains a fuel- burning appliance.

iv. Carbon Monoxide alarms installed or replaced in a dwelling after July 1, 2005 must be directly wired to the building electrical service and have a battery backup.

v. Existing single family dwellings and duplexes constructed prior to July 1, 2005 may use plug in style alarm with battery backup or battery power or may be hardwired.

(b) GFI Outlets are provided in the following areas:

i. Bathrooms, garages and accessory buildings having a floor located at or below grade level, not intended as a habitable room and limited to storage. Work areas, outdoors, crawl spaces, unfinished portions or areas of the basement not intended as a habitable room. Kitchen, where the receptacles are installed to serve countertop surfaces and sinks and where the receptacles are installed within 6ft from the top inside edge of the bowl of the sink. Boathouses and bathtubs or shower stalls, where receptacles are installed within 6ft of the outside edge of the bathtub or shower stall and laundry areas.

(c) Every sleeping room is provided with a primary and secondary means of escape. A window meeting rescue and ventilation requirements can satisfy the secondary means of escape.

(d) Heating systems (fuel and wood) have been inspected at least once every two (2) years by a certified fuel service technician.

- (e) Landings, decks, porches and balconies higher than thirty (30) inches from grade are provided with guards and intermediate rails spaced no more than four (4) inches apart.
Stairs must be provided with graspable handrails.

18-123 Minimum General Standards:

- (a) Appliances are operational and in good repair, and hot and cold potable water have been supplied.
- (b) Guest rooms have been serviced and cleaned before each new guest.
- (c) Refuse containers are available and emptied at least once each week or more frequently, if necessary.
- (d) Swimming pools, recreational water facilities, and hot tubs are kept sanitary and in good repair.
- (e) Sewage system and toilets function and are in good repair.
- (f) Toxic cleaning supplies are properly labeled, safely stored and used according to the manufacturer's directions.
- (g) Guest rooms are free of any evidence of insects, rodents, and other pests.

ARTICLE IV. HOUSING DISCRIMINATION

18-200 Purpose.

As written.

18-201 Definitions.

- (a) For the purpose of this article, "adverse housing action" means any of the following:
 - (1) Refusal to rent;
 - (2) Refusal to negotiate a rental;
 - (3) Making a rental unit unavailable;
 - (4) Changing of the terms, conditions, or privileges of a rental including adding or increasing rental charges;
 - (5) Falsely representing that a rental unit is not available for a prospective tenant;
 - (6) Refusal to permit reasonable changes or modifications at other than the landlord's expense to a rental unit in order to render it suitable for occupancy by a handicapped person.
- (b) For the purpose of this article, "rental unit" shall not include:
 - (1) Dormitories or other housing provided by an educational institution including fraternities and sororities;
 - (2) Dwellings which are directly or indirectly assisted or subsidized by a public agency or public monies for the purpose of making housing available for a particular group or classification of persons;
 - (3) Housing provided for pious, charitable, or public purposes;

(4) Dwellings where the available space or facilities are inadequate to house a person and all minors under applicable occupancy standards;

(5) Dwellings which are owner-occupied duplexes-;

(6) Short term rentals.

(c) Notwithstanding the above, no dormitory or other housing provided by an educational institution, including fraternities and sororities, shall take an adverse housing action against any person because of the age, sexual orientation or handicap of the person.

(Ord. of 10-9-84; Ord. of 9-24-90)

18-202 – 18-301

As written.

18-302 Exemptions.

(a) This article shall not be applicable to single-family homes and duplexes.

(b) This article shall not be applicable to properties that meet all of the following requirements:

(1) land tract with ten (10) or fewer housing units;

(2) a deed restriction making at least twenty-five (25) per cent of the housing units affordable to low income tenant households; and

(3) located in United States Census Bureau tract that contains less than fifty (50) per cent home ownership.

(c) This article shall not be applicable to short term rentals.

(Ord. of 3-30-87; Amend. of 1-8-07, eff. 2-14-07)

18-303 – 18-501

As written.

18-502 Applicability.

(a) This article shall be applicable to all rental properties subject to the Minimum Housing Code. In mixed commercial/residential buildings this article shall apply only to the residential portion of the building. This article shall not apply to owner-occupied portions of a multi-unit building.

(b) The following properties shall be exempt from meeting the requirements of this article:

(1) Rental properties not rented between November 1 and March 31 of each year.

(2) New construction subject to and in compliance with the Energy Conservation Ordinance, B.C.O. sections [8-100](#) to [8-104](#)

(3) Hotels, motels, tourist rooming houses, dormitories, hospitals, hospices and nursing homes.

(4) Buildings or apartments where heating costs are paid by owners of the rental properties.

(5) Short term rentals.

(Ord. of 3-24-97)

18-503 – 18-511

As written.

Short Term Rental Scenarios & Proposed Regulatory Framework for PC Discussion February 2020

	Scenario 1: Renting my own home occasionally as an STR		Scenario 2: Renting my own home for several months at a time	Scenario 3: Renting bedroom(s) as STR within the home I live in		Scenario 4: Renting an ADU or ½ of a duplex, I live in the other unit		Scenario 5: Renting a unit(s) in a building with 3+ units, when I live on the property		Scenario 6: Renting more 4+ unit(s) in a building as STRs, <u>and/or</u> I don't live on the property	
Zoning For all scenarios: · Zoning Permit is required if STR rented 10+ consecutive days, or 30+ total days/year · Parking space(s) not required in new parking district per ZA-20-04		1 parking space per rented unit	If rental “term” 30+ days, NOT considered an STR. Renting a housing unit does not require a Zoning Permit.		1 parking space per rented room		1 parking space per rented unit		1 parking space per rented unit		Hotel/Motel
	Permitted Use in: N/A	Conditional Use: In all zoning districts		Permitted Use: - Up to 2 rooms in residential zones - Up to 5 rooms in mixed use zones	Conditional Use: - 3 rooms in RL zones - 3-5 rooms in residential & institutional zones	Permitted Use: N/A	Conditional Use: In all zoning districts	Permitted Use: In mixed use districts Conditional Use: In residential districts	# of STR in Bldg: - 1 STR in Bldgs up to 3 units - 2 STR in Bldgs up to 5 units - 3 STR in Bldgs w/ 6+ units	Permitted Use: In mixed use zoning districts No limit to # of rented units.	Prohibited Use: In residential zoning districts
Rental Duration Host's “primary residence” means that the host lives in/at the unit/property for at least half the year	· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as continues to be host's primary residence		· Individual rental “terms” are more than 30 days	· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as continues to be host's primary residence		· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as host's primary residence		· Individual rental “terms” are less than 30 days · No limit to number of nights rented as STR as long as host's primary residence		· Individual rental “terms” are less than 30 days · No limit to number of nights rented · Not required to be host's primary residence	
Housing Code Requirements	· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18		· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18	· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18 · Owner-occupied homes with 1 or 2 rented rooms are exempt from rental registration & annual housing inspection		· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18		· Register annually as a rental · Meet basic Life Safety Standards in Chapter 18		· “Minimum Housing” and rental registration not applicable because not “residential” · Building code requirements will depend on number of occupants in building	
Taxes & Fees	· NOT required to pay Housing Replacement Fee · Register as a business · Pay Burlington & VT Rooms & Meals Taxes		· NOT required to pay Housing Replacement Fee · Not required to register as a business · Not required to pay Burlington & VT Rooms & Meals Taxes	· NOT required to pay Housing Replacement Fee · Register as a business · Pay Burlington & VT Rooms & Meals Taxes		· Register as a business · Pay Burlington & VT Rooms & Meals Taxes · Housing Replacement Fee if STR is replacing a long-term housing unit · Not required to pay Housing Replacement if building a new unit for use as an STR		· Register as a business · Pay Burlington & VT Rooms & Meals Taxes · Housing Replacement Fee if STR is replacing a long-term housing unit		· Register as a business · Pay Burlington & VT Rooms & Meals Taxes · Housing Replacement Fee if replacing long-term housing unit(s)	
Property Assessment	· Likely assessed as “residential” · Report any rental use to State of VT for Homestead Declaration		· Likely assessed as “residential” · Report any rental use to State of VT Homestead Declaration	· Some configurations may be assessed as “commercial” with 120% commercial value factor · Report any rental use to State of VT for Homestead Declaration		· Likely assessed as “residential” · Report any rental use to State of VT Homestead Declaration		· Some configurations may be assessed as “commercial” with 120% commercial value factor · Report any rental use to State of VT for Homestead Declaration		· Considered “commercial” by Assessor, with 120% commercial value factor · Considered “commercial” for purpose of State of VT Homestead Declaration	

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

Burlington Joint Planning Commission

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

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT

Draft Minutes

Members Present	Planning Commission: A Montroll, B Baker, H Roen, A Friend, E Lee, J Wallace-Brodeur City Council Ordinance Committee: C Mason, S Bushor, A Roof
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant

I. Agenda

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

II. Public Forum

Name	Comment
D Lyons	Support 1 parking space/unit. Housing replacement for STR's is punitive and oppose requiring host residence.
E Hoekstra	Support bowling in ELM. Hoping this is an easy change that doesn't require a study of the ELM zone and all uses.
R Danielson	Why require hosts to live on site? Host platforms mitigate guest behavior. If intended to limit property speculation, may unfairly preclude people operating an STR that rely on it for income. Suggest limit on number of STRs a single operator has, and require hosts to be VT/County residents.
C Campbell	Don't restrict to just 1 STR per 3 unit building. City is doing a good job of building affordable housing, and the STR proposal is too onerous.
W Gonyaw	Rent 2/3 of units to generate money to upgrade the house and subsidize rent for long-term tenant in the building. Need data on how many are owner-occupied. Instead of owner-occupied, consider a below-market unit, cap on total units, and a fee structure that differentiates owner vs non-owner units.
D Aylore	Platforms have an element of safety, which is hard to do with a long-term renter. Concerned about people who can't afford to live in their home; need to know how many are owner-occupied.
C Long	Support requiring STRs to be owner-occupied. Encourage more owner-occupied properties, and support people who live here, not people who have left but want to maintain an investment property.
L Jensen	Don't make this exclusive to Burlington residents by requiring hosts to live on site. STRs not a problem, but an opportunity to be managed. Platforms are free marketing for the City. Allen & Brooks shows that vacancy rate increasing and rental inflation is slowing at the same time that more STRs are coming online. No

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	impact from STRs in BTV. Support a zoning permit and rental housing requirement, collect R&M tax. Opposed to charging housing replacement, host occupancy, and limit to number of units in a building.
ONE Resident	Rent a room in own home, which is booked 90-95% of the time. Support City looking at this issue closely, and requiring owner-occupancy and inspections.
E Hanley	Long-time property owner with 3 STRs managed by a host and her family. Oppose requiring owner to live on site.
Buell Street Resident	Was able to buy a home based on ability to generate income from STR. 1/3 of own guests only able to visit BTV because of lower cost of STRs.
J Marks	Support efforts to maintain reasonable housing stock, but proposal is hasty, without data, and will result in unintended consequences. Delay action until comprehensive research is done. Do not require host occupancy, especially if the host is VT resident. Managing a property that has been in family for decades, but need capital to continue to provide long-term housing and maintain the property.
A Magyar	Should collaborate around strengthening positive impacts from STRs. Support STRs meeting life safety requirements if renting even one day, register so we know how many are happening. Create a separate category for non-host occupied units. Can't find Housing Replacement in draft.
Resident	Loopholes in the proposal: ensure host lives on the property, by setting room rental cap at number of bedrooms minus one. Proliferation of STRs is undermining the original intent of the units themselves. Support a livable City, prioritizing long-term housing, and a level playing field for hospitality.

III. **Proposed CDO Amendment ZA-20-05 Short Term Rentals**

No Action		
Motion by:	Second by:	Vote: N/A
Type: Presentation	Presented by: S Gustin, M Tuttle	
Staff provided a presentation on the proposed regulatory framework for short-term rentals. The presentation is available online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		
Committee Discussion/Notes:		
- Regarding Scenario 1 (renting own home as an STR): There is a difference between year-round STR vs used part of the year as primary residence. What are the objective standards the DRB uses to review these as a Conditional Use? - Regarding Scenario 4 (renting an ADU or part of a duplex): Some committee members felt housing replacement should not be required in this scenario. Some members felt ADU's are about flexibility to stay in homes, and fee would eliminate that flexibility. Also concerned that the unit being used as an STR does not "eliminate a unit" the same way as conversion to a café. Other Committee members expressed that losing long-term housing units is significant, and the Housing Summit attendees expressed concern about impact to housing stock. - Regarding Scenario 6: There is a gap if the property is less than 3 units, operating as an STR without the host on site. - A Committee member encouraged the Commission to take seriously the loss of housing, but acknowledged that the fee upfront is not palatable for some. Committee members suggested the fee be required over time through some other tax/fee system, or by other means such as requiring an affordable unit on a property with an STR. - A Commissioner noted that a concern seems to be buildings with multiple units, asked if there was more data on 3+ unit buildings being converted to STRs.		

Tuesday, January 28, 2020

- Some Committee members noted that people have invested in ambiguous regulations, and asked if a baseline could be set that allows current operators to continue with a light touch, but going forward there are more detailed regulations.
- A Commissioner was concerned that regulations need to allow operators to set up quickly, both for host needs as well as for individuals seeking affordable emergency housing
- Staff noted that two big questions seem to be around multi-unit buildings and requiring host to live on site for future discussions.

Additional Public Comments:

- Need more data on the housing shortage, what size units are missing, whether STRs have made housing availability worse, how many STRs are host-occupied, if there are any quality of life complaints around STR properties.
- Several questions about Housing Replacement fees, including whether they are refundable, why they wouldn't be applied to new construction but to existing units when owners live on site, and whether the fee is proportionate to host income.
- Scenarios don't consider one STR in a 3 unit building when the host lives off site, and what about intermittent use of a unit as both an STR and a long-term housing unit.
- Scenarios 1 through 3 don't seem to have an impact on housing stock.
- How long is a unit used as an STR before it's no longer considered a long term rental.
- Requiring owner-occupancy is better way to regulate.
- If concerned about neighborhood impacts, create a notification letter host must distribute to neighbors with details and contact info.
- Get everyone registered through a low-barrier process and then figure out how to regulate based on actual operations.

IV. Requested CDO Amendment: Bowling Alley in ELM

Action: Refer request to Ordinance Committee		
Motion by: A Friend	Second by: J Wallace Brodeur	Vote: Approved Unanimously
Type: Discussion & Action	Presented by:	

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Joint Committee will continue working on Parking & STR proposals at Planning Commission's regularly scheduled meetings on February 11 and 19, and tentatively March 10		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by : E Lee	Second: A Friend	Vote: Approved Unanimously
Minutes Approved: Joint Committee Meeting on January 14, 2020		
Communications Filed:		
- Written communications enclosed in packet and submitted in advance of 1/28 meeting (posted online) - City of Winooski Notice of Zoning Amendment Public Hearing		

VII. Adjourn

Adjournment		Time: 8:57pm
Motion: E Lee	Second: H Roen	Vote: Approved Unanimously

ACT 250 NOTICE
MINOR APPLICATION #4C0571-7
10 V.S.A. §§ 6001 - 6093

On January 7, 2020, University of Vermont and State Agricultural College, filed application number **4C0571-7** for the construction of a 2,860 sf addition to the north side of Torrey Hall which will contain of a new stair and elevator; interior building renovations; relocation of 13 parking spaces; and the construction of new walkways, landscaping and utilities. The project is located at 27 Colchester Avenue in Burlington, Vermont.

The District 4 Environmental Commission is reviewing this application under Act 250 Rule 51 - Minor Applications. A copy of the application and proposed permit are available for review at the office listed below. The application and a draft permit may also be viewed on the Natural Resources Board's web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering the project number "4C0571-7."

No hearing will be held and a permit may be issued unless, on or before **February 21, 2020**, a person notifies the Commission of an issue or issues requiring the presentation of evidence at a hearing, or the Commission sets the matter for a hearing on its own motion. Any person as defined in 10 V.S.A. § 6085(c)(1) may request a hearing. Any hearing request must be in writing to the address below, must state the criteria or sub-criteria at issue, why a hearing is required and what additional evidence will be presented at the hearing. Any hearing request by an adjoining property owner or other person eligible for party status under 10 V.S.A. § 6085(c)(1)(E) must include a petition for party status under the Act 250 Rules. Prior to submitting a request for a hearing, please contact the district coordinator at the telephone number listed below for more information. Prior to convening a hearing, the Commission must determine that substantive issues requiring a hearing have been raised. Findings of Fact and Conclusions of Law may not be prepared unless the Commission holds a public hearing.

If you feel that any of the District Commission members listed on the attached Certificate of Service under "For Your Information" may have a conflict of interest, or if there is any other reason a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, and by no later than February 21, 2020.

The Applicant has requested a partial waiver of notice to adjoining landowners, pursuant to Act 250 Rule 10(F). The District Commission has granted the waiver request based on the determination that the adjoining landowners whose notice has been waived, reasonably could not be affected by the proposed project and that serving notice on all the adjoining landowners constitutes a significant administrative burden without corresponding public benefit.

If you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

Parties entitled to participate are the Municipality, the Municipal Planning Commission, the Regional Planning Commission, affected state agencies, and adjoining property owners and other persons to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 criteria. Non-party participants may also be allowed under 10 V.S.A. Section 6085(c)(5).

Dated at Essex Junction, Vermont this 31st day of January, 2020.

By: /s/Rachel Lomonaco
Rachel Lomonaco, District #4 Coordinator
111 West Street
Essex Junction, VT 05452
802-879-5658
rachel.lomonaco@vermont.gov



State of Vermont

LAND USE PERMIT AMENDMENT

This is a **PROPOSED** permit; please submit any written comments to Rachel Lomonaco, District #4 Coordinator, 111 West Street, Essex Junction, VT 05452 by **February 21, 2020**.

[AMENDMENT]

CASE NO: 4C0571-7

University of Vermont & State
Agricultural College
16 Colchester Avenue
Burlington, VT 05405

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #4 hereby issues Land Use Permit Amendment #4C0571-7, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 15, Pages 133-134, of the land records of Burlington, Vermont, as the subject of a deed to University of Vermont & State Agricultural College.

This permit specifically authorizes construction of a 2,860 sf addition to the north side of Torrey Hall which will contain of a new stair and elevator; interior building renovations; relocation of 13 parking spaces; and the construction of new walkways, landscaping and utilities (collectively the "Project"). The Project is located on 27 Colchester Avenue in Burlington, Vermont.

Jurisdiction attaches because the Project constitutes a material change to a permitted development or subdivision, and thus requires a permit amendment pursuant to Act 250 Rule 34.

1. The Permittee, and its assigns and successors in interest, is obligated by this permit to complete, operate and maintain the Project as approved by the District Commission in accordance with the following conditions.
2. The Project shall be completed, operated and maintained in accordance with the conditions of this permit, and the permit application, plans, and exhibits on file with the District Environmental Commission and other material representations.

The approved plans are:

Sheet C-1.0 - "Overall Site Plan – Phase I," dated 11/1/19 (Exhibit #024);

Sheet SP-1.0 – "Overall Site Plan – Phase II," dated 11/1/19 (Exhibit #025);

Sheet C-1.1 – "Site & Utility Plan," dated 11/5/19 (Exhibit #026);

Sheet C-2.0 – "Existing Conditions," dated 10/21/19 (Exhibit #027);

- Sheet C-3.0 – “Civil Site Demolition Plan,” dated 10/21/19 (Exhibit #028);
- Sheet C-4.0 – “Erosion Prevention & Sediment Control Plan Preconstruction,” dated 10/21/19 (Exhibit #029);
- Sheet C-4.1 – “Erosion Prevention & Sediment Control Plan Summer 2020,” dated 10/21/19 (Exhibit #030);
- Sheet C-4.2 – “Erosion Prevention & Sediment Control Stabilization Plan,” dated 10/21/19 (Exhibit #031);
- Sheet C-6.1 – “Civil Details,” dated 10/21/19 (Exhibit #032);
- Sheet C-6.2 – “Civil Details,” dated 10/18/19 (Exhibit #033);
- Sheet L-1.0 – “Landscape Plan,” dated 1/2/20 (Exhibit #034);
- Sheet A-1.0 – “Site Plan & 1st Floor Plan Proposed,” dated 12/30/19 (Exhibit #035);
- Sheet A-2.0 – “Roof Plans Existing and Proposed,” dated 9/16/19 (Exhibit #036);
- Sheet X-3.0 – “North Elevation Existing Conditions,” dated 9/16/19 (Exhibit #037);
- Sheet X-3.1 – “East Elevation Existing Conditions,” dated 9/16/19 (Exhibit #038);
- Sheet X-3.2 – “South Elevation Existing Conditions,” dated 9/16/19 (Exhibit #039);
- Sheet X-3.3 – “West Elevation Existing Conditions,” dated 9/16/19 (Exhibit #040);
- Sheet A-3.0 – “North Elevation Proposed,” dated 9/16/19 (Exhibit #041);
- Sheet A-3.1 – “East Elevation Proposed,” dated 9/16/19 (Exhibit #042);
- Sheet A-3.2 – “South Elevation Proposed,” dated 9/16/19 (Exhibit #043);
- Sheet A-3.3 – “West Elevation Proposed,” dated 9/16/19 (Exhibit #044);
- Sheet A-4.0 – “Birdseye Entrance Rendering Proposed,” dated 9/16/19 (Exhibit #045);
- Sheet A-4.1 – “West Elevation Rendering Proposed,” dated 9/16/19 (Exhibit #046);
- Sheet A-4.2 – “Northwest Elevation Rendering Proposed,” dated 9/16/19 (Exhibit #047);
- Sheet A-4.3 – “East Elevation Rendering Proposed,” dated 9/16/19 (Exhibit #048);
- Sheet A-5.0 – “Building Section A-A,” dated 9/16/19 (Exhibit #049);
- Sheet A-5.1 – “Building Section B-B,” dated 9/16/19 (Exhibit #050);
- Sheet A-5.2 – “Building Section C-C,” dated 9/16/19 (Exhibit #051); and
- Sheet A-5.3 – “Building Section D-D,” dated 9/16/19 (Exhibit #052).
3. All conditions of Land Use Permit #4C0571 and amendments are in full force and effect except as further amended herein.
 4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permits:
 - a. Wastewater System and Potable Water Supply Permit #WW-4-5223 issued on June 5, 2019 by the ANR Drinking Water and Groundwater Protection Division;

- b. Wastewater System and Potable Water Supply Permit #WW-4-5223-1 issued on December 30, 2019 by the ANR Drinking Water and Groundwater Protection Division;
 - c. Individual Stormwater Construction Permit #3627-INC.14 issued on December 16, 2019 by the ANR Watershed Management Division; and
 - d. Individual Stormwater Discharge Permit #3627-INDS.7 issued on May 13, 2019 by the ANR Watershed Management Division.
5. Any nonmaterial changes to the permits listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation or use of this Project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
9. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
12. Site work and construction traffic hours will be limited to 7:00AM to 6:00PM Monday through Friday, 8:00AM to 4:30PM Saturday and Sunday. No construction is authorized on State or Federal Holidays. Tractor trailers and dump trucks may only access and egress the site during non-peak hours.
13. The building approved herein is not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittee shall apply and receive amended approval from the District Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.
14. The Permittee and all subsequent owners or lessees shall install and maintain only low-flow plumbing fixtures in any buildings. Any failed water conservation measures shall be promptly replaced with products of equal or better performance.
15. The Permittee shall implement the Construction Site Waste Reduction Plan included in Exhibit #019.

16. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division on all roadways or disturbed areas within the Project during construction and until pavement and/or vegetation is fully established to control dust.
17. Immediately upon initial clearing, grading or excavation, a stabilized construction entrance must be installed and maintained as shown on Exhibit #029, 030 and 031. At a minimum, this entrance must be constructed and maintained in accordance with the specifications as described in the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006). No further clearing or construction may occur until the stabilized construction entrance is complete.
18. The Permittee shall comply with Exhibits #014, 029, 030, 031 and 033 for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas.
19. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
20. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).
21. All disturbed areas of the site shall be stabilized, seeded and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
22. In addition to conformance with all erosion prevention and sediment control conditions, the Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.
23. Prior to any site work, the Permittee shall install and maintain temporary fencing around the trees to be retained. Exhibit #028.
24. Any extracted stumps shall be disposed of at a state-certified stump and inert waste disposal facility, so as to prevent groundwater pollution.

25. The Permittee and all assigns and successors in interest shall continually maintain the landscaping as approved in Exhibit #034 by replacing any dead or diseased plantings within the season or as soon as possible after the ground thaws, whichever is sooner.
26. The installation of new exterior light fixtures is limited to downlit recessed lights at the new ADA entrance and downlit lighting along the new entrance ramp handrail and shall be mounted no higher than 15 feet above grade level. Exhibits #053 and 054. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
27. The Permittee is authorized to install one non-illuminated sign as depicted on Exhibit #041. The Permittee shall not erect additional exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
28. Prior to construction of the Project, the Permittee shall retain a qualified historic preservation consultant, as defined in 36 CFR Part 61 to complete a Historic Research Documentation Package ("HRDP") for Founders Hall in accordance with the VDHP's *Photographic Documentation Standards for Historic Properties*. A copy of the documentation shall be provided to VDHP and to the Commission.
29. Pursuant to 30 V.S.A. § 53, the energy design and construction shall comply with Vermont's Commercial Building Energy Standards ("CBES") and the CBES Stretch Guidelines in accordance with the NRB Criterion 9(F) Procedure effective at the time of construction. (More information on this update can be found at:
http://publicservice.vermont.gov/energy_efficiency/cbes
<http://nrb.vermont.gov/sites/nrb/files/documents/9fprocedure.pdf>
<http://nrb.vermont.gov/sites/nrb/files/documents/cbesstretch.pdf>
30. The installation and/or use of electric resistance space heat is specifically prohibited without prior written approval from the District Environmental Commission.
31. The Permittee, upon completion of the construction of each commercial building and prior to use or occupancy, shall submit to the District Commission a copy of the certification submitted to the Public Service Department as described under 30 V.S.A. § 53(d).
32. Should the City at any time agree to accept any private utilities being then operated by the Permittee and/or assigns and successors in interest, the Permittee and/or assigns and successors in interest shall be responsible to improve the same to City specifications and shall deed all lands involved with said improvements to the City. Such improvements may require a land use permit amendment.
33. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
34. The Permittee shall reference the requirements and conditions imposed by Land Use Permit #4C0571-7 in all deeds of conveyance and leases.
35. Pursuant to 10 V.S.A. § 6090(b)(1) this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding

any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).

36. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2023**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
37. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
38. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated at Essex Junction, Vermont, this day of February 2020.

By _____
Thomas A. Little, Chair
District #4 Commission

Members participating in
this decision:
Monique Gilbert
Kate Purcell

Any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Act 250 Rule 31(A).

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings. The appellant must file with the Notice of Appeal the relevant entry fee required by 32 V.S.A. § 1431.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

Decisions on minor applications may be appealed only if a hearing was held by the district commission. Please note that there are certain limitations on the right to appeal, including appeals from Administrative Amendments and interlocutory appeals. See 10 V.S.A. § 8504(k), 3 V.S.A. § 815, and Vermont Rule of Appellate Procedure 5.

For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 951-1740. The Court's mailing address is: Vermont Superior Court, Environmental Division, 32 Cherry Street, 2nd Floor, Suite 303, Burlington, VT 05401.

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\UVM\4C0571\4C0571-7\Published Documents\District Commission Documents\4C0571-7 draft permit.docx

DRAFT

CERTIFICATE OF SERVICE

I hereby certify on this 31st day of January 2020, a copy of the foregoing ACT 250 NOTICE OF MINOR APPLICATION #4C0571-7, 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.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

University of Vermont and State Agricultural College
c/o Lisa Kingsbury, Assoc. Director of Planning
UVM Campus Planning, Design and Construction
16 Colchester Ave.
Burlington, VT 05405
lisa.kingsbury@uvm.edu

Gail Henderson-King
White + Burke
PO Box 1007
Burlington, VT 05402-1007
ghendersonking@whiteandburke.com

Amy Bovee, Ass't City Clerk
Chair, City Council/Chair, City Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
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
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

Barry Murphy/Vt. Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov
psd.vtdps@vermont.gov

Craig Keller/Jeff Ramsey/C. Clow
VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
aot.act250@vermont.gov

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

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov
james.duggan@vermont.gov
accd.projectreview@vermont.gov

FOR YOUR INFORMATION

District #4 Environmental Commission
Thomas Little, Chair
Monique Gilbert/Kate Purcell
111 West Street
Essex Junction, VT 05452

NRCS, District Conservationist
Natural Resources Conservation Service
68 Catamount Park, Ste. B
Middlebury, VT 05753
marybeth.whitten@vt.usda.gov

Winooski NRCD Office
617 Comstock Road, Suite 1
Berlin, VT 05602
whiterivernrcd@gmail.com

Ethan Tapper, County Forester/FPR
John Gobeille/Toni Mikula
ANR/Dept. of Fish & Wildlife
111 West Street
Essex Junction, VT 05452
ethan.tapper@vermont.gov
john.gobeille@vermont.gov
toni.mikula@vermont.gov

Seven Days/Classified Ad Section
255 South Champlain Street, PO Box 1164
Burlington, VT 05402
classifieds@sevendaysvt.com

Green Mountain Power Corporation
c/o Kim Jones
163 Acorn Lane
Colchester, VT 05446
kim.jones@greenmountainpower.com

Vermont Gas Systems
PO Box 467
Burlington, VT 05402
efficiency@vermontgas.com

Efficiency Vermont
128 Lakeside Ave., Suite 401
Burlington, VT 05401
pics@veic.org

Michael Barsotti, Water Quality Director
Champlain Water District
403 Queen City Park Road
South Burlington, VT 05403
mike.barsotti@champlainwater.org

ADJOINING LANDOWNERS

Available via:
<https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0571-7/Application%20Documents/006a%20Schedule%20E%20Adjainers%20Updated.UVM%20Torrey%20Hall%20Addition.1.23.2020.pdf>

Dated at Essex Junction, Vermont, this 31st day of January, 2020.



Natural Resources Board Technician
879-5614
christine.commo@vermont.gov

Gene Bergman's Jan. 14, 2020 Testimony to the Joint Committee on TDM

1. I want to thank the Planning staff for making the change to the threshold for TDM (line 406 – 409). I believe it matches the need and the opportunity we have before us.
2. The changes to the record keeping provision (line 423 -426) and definition of the Guaranteed Ride Home (lines 427 – 439), as requested, clarifies these requirements as well.
3. I have said at these meetings that we have to be bold in all these provisions. The GMT transit pass requirement (line 441) does not match this need. Indeed, CATMA members can get 25% subsidies if they buy them in bulk. The elimination of parking frees up significant funds for developers at the onset of the development and is a continuous savings throughout the life of the development (no maintenance, no monitoring, no enforcement, etc.) but the transportation needs of residents and business occupants are not lessened. This is why I believe that to make the subsidy meaningful the minimum subsidy should be 50%.
4. The reference to the Bicycle Parking requirements is good. However, I previously pointed out an issue with those requirements: the bike parking requirements are not triggered by changes in a structure that are less than a 25% increase or decrease of the gross floor area, seating capacity, or number of dwelling units. As my previous note stated, for TDM required in the downtown and transit corridors we should eliminate this threshold in order to maximize bike parking facilities. This can be done by stating that “for purposes of this TDM requirement, bicycle requirements apply to all changes to a structure that require a zoning permit.” See lines 427-428.
5. Bicycle fleets should be required to be part of these TDM requirements. I'd recommend 1 bike/10 units or a 25% discount with an existing bike sharing service being offered in the city. This should be added to the required strategies regardless of parking being available on-site by creating a new (iii) at line 448 and moving down and renumbering the existing (iii) to (iv.)
6. With regard to the unbundling of parking, there seems to be no good reason not to unbundle parking for affordable housing. If there is not a good reason, this should be changed. See line 450.
7. The requirement for car-share and carpool is not clear: are they required or not? See lines 462-470. I believe car-share should be required and that more incentives are needed for car-share and suggest a subsidy of 25%, similar to what CATMA gives for the GMT subsidies.

January 14, 2020

Re: Comments on Proposed Housing Reforms/Minimum Parking Requirements & TDM

Members of the Planning Commission and Ordinance Committee,

We write to follow up on prior comments offered last year in support of the Joint Committee's work to eliminate minimum and lower maximum parking requirements in what is proposed as a new Multimodal Mixed-Use District, and to introduce transportation demand management requirements for certain projects within that zone.

While we understand that the committee's primary goal with these reforms is to remove barriers to increasing the supply of housing, we also see new requirements around transportation demand management as working towards the important priority of housing affordability. By unbundling the cost of parking from rent (whether through separate pricing or simply not building it) and providing subsidized transportation benefits (transit passes, guaranteed ride home, carshare/bikeshare memberships etc) in lieu of new parking spaces, renters are more likely to experience a reduction in combined housing and transportation costs than if these reforms addressed parking requirements alone.

First, we support the most recent changes to the applicability of Section 8.1.16 Transportation Demand Management. We find that these proposed thresholds for projects subject to *Major Impact Review* are likely too high in any case to have sufficient impact. This would have also seemingly excluded a number of institutions and facilities which would otherwise qualify but had likewise been excluded from the *Major Impact Review* process: public and private schools, state or community-owned institutions, public and private hospitals, etc. because of exemptions in the ordinance connecting its definition to state statute.

Second, we would argue that the TDM measures should be more robust and flexible than currently proposed. The minimum 20% subsidy for local public transit passes is low--\$5 -\$15/month per resident/tenant may not meaningfully help to manage parking demand, while 50% would more likely encourage people to incorporate transit into their travel options. However, routes and frequency of service could change in ways that make transit less reliable. Or, policymakers could see the benefit of making public transit more accessible and providing it for free. Developers/landlords should still be responsible for contributions to demand management notwithstanding changes to any one program. If a different option were available to tenants/employees in lieu of transit passes that would



better manage transportation demand, perhaps the ordinance should make that possible with a minimum of 3 or more measures chosen from a list of acceptable options. In that vein, we think that beyond existing bicycle parking requirements, there ought to be greater emphasis on enhanced bicycle facilities (covered parking, for example) and access to bikes (through subsidized bikesharing) that further supports cycling as a viable mode.

Lastly, and unsurprisingly, we think that the requirements for carsharing should be strengthened. Where parking is proposed, we hope that priority spaces would be provided for carsharing generally. “Priority spaces” should be clearly defined. (For consistency, this section should also reference the definition of carsharing in Appendix C: Traffic Regulations.) However, as noted previously, the success of a carshare vehicle/location (and therefore the TDM measure itself) depends less on the ratio of vehicles to units than it does the neighborhood in which it is located and the number of active members using it. The presence of vehicles plays a role, inducing more demand by making access more convenient and consistent, but it helps to have financial encouragement for residents to actually use our service in lieu of owning a car or second car. Therefore we encourage subsidized carshare memberships to also be included in the mix of proposed TDM measures, more directly connecting residents' transportation behaviors to the end goal of fewer cars and car trips.

CarShare Vermont is keenly aware of how transportation needs and behaviors can change with everything from the seasons to life changes. The TDM measures required should be flexible enough to meet those needs not just from year to year, but month to month. Carsharing in fall and winter might give way to bikesharing in the spring and summer, in combination with transit and guaranteed rides home throughout. Just as there is no one answer to solve our housing affordability crisis, there is no one answer to solve the transportation portion of our climate crisis. Carsharing is just one option, when taken with many others--transit, bike and pedestrian trips--to help reduce combined housing and transportation costs for residents while also reducing the costs to our community and planet from added vehicles, VMT, and emissions.

Thanks again for your continued work on these issues, and the opportunity to provide our feedback. Please feel free to reach out with any follow up questions.

Yours sincerely,

Patrick Murphy

Director of Planning & Operations



January 31, 2020

Re: Follow-up on TDM requirements

Members of the Planning Commission and Ordinance Committee,

After some more thought, the TDM section of changes to minimum parking requirements could be further simplified to require a monthly “minimum transportation subsidy” per tenant (max of two per housing unit) or employee. Similar to CarShare Vermont’s agreement with CATMA to help manage parking demand on and around the campuses of Champlain College and the University of Vermont, eligibility for the subsidy would be tied to whether a tenant or employee holds a parking pass--ensuring an important and measurable impact for the program. A fixed amount of \$70, for example, with annual increases pinned to a price index, could provide a predictable expense for developers and employers in creating a financial *pro forma*, while meaningfully making various transportation options more accessible/affordable for tenants and workers.

If the guaranteed ride home (GRH) guidelines are to be the same as what CATMA provides the hill institutions, there is a financial responsibility of up to \$1200/year per tenant for that program alone (\$150 max per ride for 8 rides per year).¹ The nature of program--to be used when exceptional circumstances arise--is such that its expense is unpredictable. For the transit passes (as currently written), there would be between \$96 and \$336/year per tenant (20% of \$40/mo and \$140/mo). Together, the two measures could theoretically exceed \$1500 annually, even though only a small fraction of the GRH participants actually use it (fewer than 3%), with the monthly cost being quite variable with usage. A \$70 monthly transportation subsidy/stipend with built-in increases allows a developer or employer to easily account for a consistent and expected expense, while helping to minimize the time to administer the program.

¹ CATMA. Joint Institutional Parking Management Plan (2019). Page 16.
<https://www.burlingtonvt.gov/sites/default/files/Agendas/SupportingDocuments/CATMA%20JIPMP%20-%20DRAFT%20-%20190307.pdf>



Most importantly, a \$70 monthly transportation subsidy would ensure that at least some of the savings from developers avoiding parking requirements goes directly towards reducing overall housing and transportation costs by providing tenants with flexibility and choice. If \$70 of monthly transportation subsidy is available for any program, one tenant might put it all towards most of a GMT local commuter pass (\$75). Another might use it for some combination of bikesharing (\$15/mo Greenride membership), carsharing (\$5-15/mo CarShare Vermont membership), and a guaranteed ride home. These might also shift from month to month--to some extent--depending on changing needs, the seasons, etc. October and March might cover bike tire changes or a tuneup (\$60 at Old Spokes Home), or monthly bikesharing might continue for half a year but shift to carsharing for the other half.

Where do these funds and numbers come from? Developer savings from avoided built parking, and/or revenue from unbundling parking costs from rent should provide more than enough funding to cover these monthly subsidies, and would help to ensure that at least some of these savings/funds reduce overall monthly living costs for tenants. Transportation expert Todd Littman of the Victoria Transport Policy Institute included a table of built parking costs in his April 2018 report *Parking Pricing Implementation Guidelines*. For parking built in areas analogous to Burlington's density and land values, the estimated annualized costs of construction and maintenance exceed \$1900, with monthly costs ranging from **\$199 - \$361**.² I have attached an excel spreadsheet which shows the assumptions and calculations used to arrive at those figures. Interested parties can also use a parking cost calculator adapted for this proposal to better understand how it might impact various development scenarios.

As can be seen after multiple analyses, a monthly transportation subsidy of \$70 per tenant would fairly split these avoided costs while still encouraging more housing rather than parking spaces to actually be built. Looking more closely at the local market for parking, a monthly 5-day pass at the College or Lake

² Littman, Todd. *Parking Pricing Implementation Guidelines*. (2018) Page 9.
<https://www.vtpi.org/parkpricing.pdf> These calculations are based on 2002 dollar values and likely underestimate the true cost of a surface parking space (and certainly that for structured parking).



St garages costs **\$80** (\$96 for a 6-day pass).³ A monthly business parking pass for the Perkins Pier lot is **\$70**, and the nearby garage is **\$90**.⁴ If downtown employers offering free parking to employees were to take advantage of shedding previously required spaces, an equitable parking cash-out benefit would be at least \$70-96 to those who instead walk, bike, bus, or carpooled to work. As a side note, as one of the major employers downtown, the city itself ought to be willing to lead this shift away from the idea of “free” parking, by implementing a parking cash-out policy for all employees.

We encourage committee members to offer and support the attached amendment or some version of it at the February 11th public hearing to reflect these suggestions, in order to make the ordinance requirements fairer and more effective--providing more predictability for developers and employers, and more flexibility for tenants and workers--for the purpose of better managing transportation demand and improving housing affordability throughout the city of Burlington.

Yours sincerely,

Patrick Ó. Murphy
Director of Planning and Operations

³ ParkBurlington, Municipal Garage Rates: <https://parkburlington.com/downtown-parking/parking-rates/>

⁴Parking Passes for Burlington Parks, Recreation, Waterfront <https://enjoyburlington.com/resources/pricing-fees/>, and personal communication with Main St. Landing.



Proposed Amendment to Minimum Parking and TDM Requirements

After “b. TDM Strategies: In addition to the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall be made available at a minimum:”

Strike lines 431-448:

“i. A Guaranteed Ride Home benefit offered to all employees whereby transit users, bikers, walkers, vanpoolers, and carpoolers who may face an occasional unforeseen change of plans that prevents them using their typical mode of travel to and from work are reimbursed for the cost of a taxi or ride-share to get them where they need to go.

Such a benefit shall define: who is eligible to participate; what trips are eligible for reimbursement; the maximum number of uses allowed during a certain period, maximum miles within a period, or maximum cost per trip; and procedures for using the benefit.

ii. GMT Transit passes offered to all tenants and employees at a minimum subsidy of 20% as follows:

1. Tenants and/or employees living or working outside Chittenden County must be offered a pass that includes access to inter-regional commuter routes;
2. Tenants and/or employees living and working within Chittenden County may be offered a pass that only includes access to local and intra-regional as applicable.”

And replace with:

“i. A minimum sustainable transportation subsidy of no less than \$70 shall be credited on a monthly basis to any tenant (up to two tenants per dwelling unit) or employee who has not held a



parking pass in the preceding month. The minimum sustainable transportation subsidy amount shall be adjusted annually consistent with the U.S. Consumer Price Index.”

On line 449, delete: “iii.” and replace with “ii.” to read “ii. Where on-site parking is also made available...”





Andy Montroll, Burlington Planning Commission Chair
Burlington Planning Commission
149 Church St.
Burlington, VT 05401

February 6, 2020

Dear Mr. Montroll,

On behalf of Green Mountain Transit (GMT), we are pleased to express our support for Zoning Amendment 20-04, Minimum Parking Requirements, to the Burlington Comprehensive Development Ordinance.

The proposed Multimodal Mixed-Use District furthers transit-oriented design as it closely aligns with existing and planned future compact mixed-use development that is within close proximity to the Downtown Transit Center, as well as numerous other bus stops on core routes that provide access for both local and regional travel. In addition, the implementation of Transportation Demand Management strategies for certain residential and non-residential development supports opportunities for more sustainable usage of multi-modal travel and will have a direct correlation to increased ridership on GMT routes.

The proposed zoning amendment highlights the city's commitment towards a more diverse transportation network that prioritizes public transit, biking, walking, and many other innovative forms of alternative transportation. It is GMT's mission to promote and operate safe, convenient, accessible, innovative and sustainable public transportation services in the northwest and central Vermont region that reduce congestion and pollution, encourage transit-oriented development and enhance the quality of life for all. The zoning amendment helps GMT further that mission, and we look forward to partnering with the city on future transportation initiatives.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Moore'.

Jon Moore
Interim General Manager

Meagan Tuttle

From: Rolf Danielson <rlfdnlsn@gmail.com>
Sent: Saturday, February 01, 2020 2:21 PM
To: Meagan Tuttle
Subject: STR discussions

[WARNING]: External Message

Hi Meagan,

Again, thank you for the opportunity to speak, could you along what I spoke about last Tuesday.

Hi, my name is Rolf Danielson.

Tonight I wanted to bring up the question why is the city of Burlington looking to require STR hosts to live on the property as their primary residence. I can think of a few possible reasons why the city might be looking to require this and I wanted to debunk one of those possible reasons and raise concerns about the others.

The first possible reason is that the city has concerns over STRs impacting a neighborhood negatively by guests acting inappropriately. I can assure you that this is not the case. It is in fact contrary to my experience. Guests are overwhelmingly conscientious of their environment not only because they view themselves as guests and act as such, but also because the review systems on STR platforms keep them accountable. In the 5 years that I have been an Airbnb host I haven't received a single complaint from a neighbor. In the event that there might be an issue it can be addressed through the use of smart home devices that will alert me if noise reaches a certain level. Airbnb in particular takes noise complaints seriously and will back me if an issue occurs over noise or other inappropriate behavior by a guest.

The other possible reasons why Burlington may want hosts to live on the property is that it wants to limit outside investors from purchasing rental properties and turning them into STRs, and that the city may want to limit the number of STRs one individual may operate. Although I understand the potential reasons for these I have two concerns.

Insisting that an individual live on the property may unfairly preclude some individuals from operating an STR. In my case my fiancé and I are looking to expand our family and would one day hope to move into a house that could better accommodate us. In such a case under the current proposal we would be precluded from operating a whole unit STR in Burlington. I could imagine other cases where an individual with a new or existing disability might require specific needs that a property with an STR might not offer, or a circumstance where an aging individual might want to move in with their children. In both instances they may rely on the income that an STR offers that they would be forced to relinquish.

The other concern is that the current proposal unfairly benefits larger landowners with properties with more units by allowing them to operate more whole unit STRs.

In closing I do not feel that STRs negatively impact a neighborhood. In contrary they are usually better maintained, in most cases have less cars and produce less noise than a typical college rental. I also feel that all individuals no matter their circumstance should be allowed the opportunity to be an STR host.

Thank you.

Rolf Danielson

Meagan Tuttle

From: Amy Magyar <takeaimer@yahoo.com>
Sent: Tuesday, January 28, 2020 10:32 PM
To: Andrew Montroll; Meagan Tuttle; Scott Gustin; David E. White
Cc: Alexander Friend; Bruce D. Baker; Emily Annick Lee; Harris Roen; jwallacebrodeaur@burlingtonvt.gov; Yves Bradley; Chip Mason; Sharon Bushor; Adam Roof; Mayor's Office
Subject: Thank you for all your extra time and attention tonight (Joint Planning Meeting on STRs) - 1.28.20

[WARNING]: External Message

Andy, Meagan, Scott, David, and to the rest of the Joint Committee and City Council Members,

The job you have to sort out the short term rental ordinance is FAR from easy...it is emotional, complicated, scenario heavy, and thick in opinions. And sadly, most of our community has no idea the pre-work and time commitment you all have invested in getting us a revised ordinance and to this point.

But those of us who attended tonight's meeting - we noticed. You let us stay longer, you allowed us to ask follow up questions, and everyone was so open to hearing our thoughts, ideas, challenges, etc. It was a wonderful example of collaboration.

Meagan, Scott, and David worked so hard to get us information and follow up answers on what was asked two weeks prior, and that PPT on different scenarios - priceless...you know you nailed it in a presentation when folks say, "when will that be up online?" And you did nail it. It was clear and super easy to understand. **Well done.**

We may not all be in agreement as we leave the meeting tonight about what is most important to look at next - there are so many things to consider, but we will get there. The one thing we ALL left with was, **respect** - respect for you giving us your extra time and attention tonight AND the thankless job you all have taken on getting us to this point.

Thank you,

AM
56 Howard Street

(I know not all of the committee members may see their BTV gov emails addresses often and/or I may have missed someone's email, so please do be sure that they know our hats are off to them!!!)

Meagan Tuttle

From: Meagan Tuttle
Sent: Wednesday, January 29, 2020 3:19 PM
To: Dan Kirk
Cc: Scott Gustin
Subject: RE: 1/28 Joint Committee- Short Term Rentals

Hi Dan,

Thanks for writing again. I'll pass along these comments as the Committee continues their discussion, as well my response because I think that it will help illustrate a common occurrence that they've heard from others, too.

I have posted [the slides that we shared at the meeting last night](#) that provide context for how the proposal would impact various types of short-term rental scenarios. The scenario you describe—if you're renting the unit *you live in* when you're not there—would fit under Scenario 1 that we describe in the slides. I hope you'll find all around that the proposed framework is not seeking to extinguish your ability to do what you've described below.

An additional note that is important to speak to, is that there is not a proposal to limit people renting to 30 nights per year. I know that local hosts received a communication from Airbnb initially that suggested that, but the 30-day limit was either misinterpreted or misrepresented. In fact, the way our zoning ordinance works says that anything that is happening for less than 30 days out of the year is exempt from needing a zoning permit at all. In the slides, we have clarified in the Scenarios outlined that the proposal does not intend to limit the number of nights a host rents per year at all.

Meagan

Meagan Tuttle, AICP

Principal Planner, Comprehensive Planning
City of Burlington | Office of City Planning
www.burlingtonvt.gov/plan

From: Dan Kirk <danieljkirk@gmail.com>
Sent: Wednesday, January 29, 2020 7:15 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Re: 1/28 Joint Committee- Short Term Rentals

[WARNING]: External Message

Hi Meagan,

I am realizing I missed the submission for the Committee! However, I had a conversation last night over dinner that helped clarify my thoughts on this potential change in Burlington.

As context: I own and occupy a two-unit house in the ONE. I rent out the downstairs unit as a long term rental. I often travel or visit my folks on weekends and rent my own unit out on AirBnB for what are typically one-night stays.

I am hopeful that there is some leniency for folks who rent out their *primary* residence on AirBnB. I can imagine people who travel a lot for work, or want to go camping every weekend in the summer, or have a partner who lives in a different area, or any other number of scenarios. Those folks should be able to: a) optimize their own dwelling to maximize their economic viability in Burlington. (I work 2-3 jobs in order to own this place) and b) provide tourism opportunities to people visiting Burlington. I think that how people want to use *their own* home is entirely up to them, so long as they are truly residents and it is their true primary residence. If their home is otherwise unused in their sporadic or planned absence, Burlington benefits from its use as a short-term rental.

To add a zoning requirement or a tax to folks using their own homes where they have declared primary residency would only stifle their opportunity that benefits both them and the city. Further, it creates greater viability to be a homeowner if you are able to take advantage of the wonderful tourist draw that Burlington provides. If I am able to vacate my house for every Saturday night per year and rent out my house, I could likely gross around \$5000+. That is real money I can use to pay my mortgage or to put in upgrades in my house to strengthen the Burlington housing stock.

There are issues beyond this consideration with large, aggregated properties in the hands of few in Burlington who do not put in quality upgrades or maintenance to the housing they offer. Aiming policy at that could create, too, a sweeping positive change for higher quality and more affordable housing in Burlington for these holders of great housing stock could be an effective complementary effort to this AirBnB / STR effort. Putting limitations on a primary residence scenario like I have outlined above would only penalize someone trying to optimize their situation.

I understand there are other scenarios of vacant homes being purely AirBnB'd, and I welcome the adjustment of policy around those.

I also understand that people are innovative and have more access to technological innovation than ever. If someone can't rent their house on AirBnB, they may end up putting it on Craigslist, getting paid through Venmo, (or a new avenue may pop up) and creating a situation that isn't taxed or protected by the security measures and insurance of a robust platform like AirBnB. I see this as dangerous.

I do want ours to be a city with stable and affordable housing. I hope the scenario I wrote through in this email creates a new 'category' for hosts. I would love to keep sharing Burlington with folks visiting for ~one night per weekend and a few nights while I travel here and there, making a little extra money that I can store away for roof repairs or upgrades to the home. Limiting my potential to 30 nights feels a bit strict and unreasonable for my scenario. I think 100 days (essentially 2 nights per week) for a category like mine makes sense.

Thanks!!

Dan

On Thu, Jan 23, 2020 at 5:30 PM Meagan Tuttle <mtuttle@burlingtonvt.gov> wrote:

Hello,

This message is to inform you that the Planning Commission and City Council Ordinance Committee will meet on **Tuesday, January 28 at 6:30pm in Contois Auditorium, City Hall**. The agenda includes a continued discussion of a regulatory framework for short-term rentals. This amendment is part of a package of zoning-related policy reforms that emerged from the City's 2019 Housing Summit.

The agenda and other posted materials for the meeting can be found online, [here](#).

Additional information about the Housing Summit policy reforms is available online, [here](#).

If you wish to submit written testimony for the Commission regarding this issue, you can submit it to me for distribution to the committee.

Thank you,

Meagan

Meagan Tuttle, AICP

PRINCIPAL PLANNER, Office of City Planning

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802-885-7144

123 Church St. 3rd floor
Burlington, VT 05401

THE CITY OF BURLINGTON

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.

Submitted on Tuesday, January 28, 2020 - 11:54

Submitted by anonymous user

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

Share your comments:

My name is Dave and I am writing to express my concerns about the proposed short term rental regulations. I have been an airbnb host for the past 4 years and it is how I make a living here in Burlington.

I was born in Burlington and have lived here for 34 years. It is my goal to continue to live in this city, where my family also lives, and to one day buy a home here. Before running my airbnbs (of which I have 2), I had numerous low paying jobs ranging from taxi driver, to bartender. None of the jobs I have been able to get in Burlington have set me up to be able to realize my dream of being a homeowner, and without a college degree, I do not foresee finding work in the future that would be able to make up for the loss I would have from losing my job as an airbnb host. This is not a "fun" way for me to earn a few extra dollars to offset my cost of living, but a full time career that I take great pride in.

In the last 4 years I have been able to start a savings account for the home I hope to one day own, and I am also able to help support my parents who require having their disability paychecks supplemented in order to keep the home they bought here in Burlington over 40 years ago. This job has also helped me support my community in other ways, such as hiring a friend to help clean and maintain the properties, paying higher taxes to the city with the income I earn, and providing a clean and safe environment for tourists to come, stay, and spend money at the numerous small businesses within Burlington.

I am on board with many of the regulations that are being proposed, as I am also a resident and renter in the city and value the need for affordable rentals within the city. However, because I cannot afford to live in the other units provided in the multi-unit homes where my airbnbs are located, these regulations pose a significant threat to my livelihood. There must be a way to enforce regulations on airbnb while protecting the residents of Burlington who have already invested their entire savings and time into creating an airbnb in order to be able to earn a living wage. I know there is a way to change the regulations to protect me and others who have risked everything to start our businesses, or an addendum that would allow those of us already in business to continue, while diswading others who have not yet invested time and money into airbnb from starting new ones. By protecting the residents of this community who depend on airbnb for a living, and have already spent significant time and money to make that happen, you would be saving jobs and would be ensuring that we wouldn't have to leave Burlington in order to support ourselves.

These new regulations mean that I would lose everything that I have worked to hard to build, and I know that if this is true for me, that it also must be true for countless others who are just trying to get by in this very special and expensive city. I hope that by voicing my concerns that I will be able to save my business from being destroyed, as I do not know what I will do without my airbnb business.

-Dave

Your email address: [left blank]

**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.

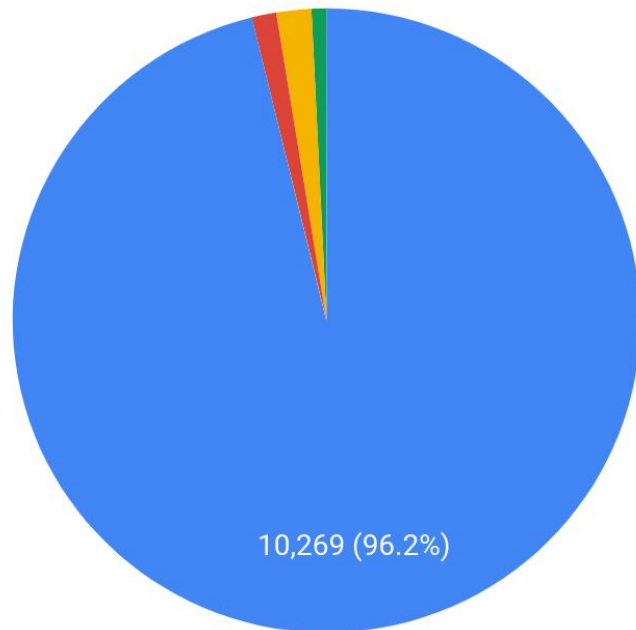
How are these developments somehow not part of the problem? There are new premium priced apartments or standard hotel rooms in the hundreds going up without the City batting an eye.

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 206% to 100%? 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

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**

Messages Regarding Short Term Rentals

From: Martha Dallas <martoxki@gmail.com>
Sent: Friday, February 07, 2020 11:09 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Re: Joint Mtg Agenda 2/11- Parking & Short-Term Rentals

Meagan,
Thank you for your ongoing good work on the STR needs and concerns.

I own and occupy my home where I rent out one room on Airbnb, so the current proposal would not negatively affect me. I think it's reasonable and I support it.

However, I have some thoughts to add to the conversation:

There is heavy debate around on-site owners/hosts vs. not on-site. The crux of this **seems** to be about the possibility of noise and neighborhood disruption because no one is there to keep an eye on things and ensure neighborhood-friendly behavior of guests.

If those who own STRs but don't live on site want to continue to be able to offer short-term renting, what proposals do they have (or would they be willing to have the city require and enforce) to make sure their guests don't create unreasonable disruption in our residential neighborhoods?

Also, on Airbnb, guest-host relationships and reputations are built in a key way on reviews. How can someone residing off-site write a fair, honest, and informed review of their guests when they may never meet them, or observe how they "roll" as guests? Without this direct observation and interaction, how can the integrity of the guest-host experience be honored? What do hosts do in this case? (It's truly puzzling to me as someone who greets my guests and shares my home with them).

I hope you can pass these questions along and inject them into your thinking and dialogue as I'll not be able to attend on Tuesday.

Many thanks,
Martha Dallas

From: Paul O'Brian <obrian1@hotmail.com>
Sent: Monday, February 10, 2020 6:48 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Short Term Rental Statement

Hello Ms. Tuttle,

I'd like to submit this statement for tomorrow night's meeting relating to the short term rentals ordinance and amendments. I feel that if the Committee agrees to move the proposal forward, it would be reasonable to ask for a grace period for at least until the end of 2020 so that homeowners may make the necessary preparations (financially, logistically and personally) to meet the requirements rather than approach the situation with unnecessary haste and without

proper time to prepare. I see no impending crisis or immediate need for the ordinance to achieve a compelling state interest. In balancing the interests at issue, I feel a reasonable amount of time should be granted to homeowners who will be suffering economic loss should the ordinance pass in order for them to make the appropriate arrangements and for the City to create a clear system in which to provide guidance for the regulations. Many homeowners and guests with reservations will be impacted by this ordinance should it be enacted and time is necessary to provide notice and make arrangements. Most homeowners who have short term rentals are taking reservations months in advance and correspondingly guests are making those reservations months in advance. I urge you to take this reality into consideration when discussing any potential effective date.

Thank you,

Paul O'Brian

From: June L <laisja2@gmail.com>

Sent: Tuesday, February 11, 2020 8:25 AM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: Comments on Airbnb Short Term Rentals

I would like to provide some comments regarding Airbnb and what it has done for me.

I was a consultant for IBM. I traveled all the time, was seldom home. My husband and both worked out of town and would only be on weekends. My husband died tragically. As a result of his death, I developed PTSD and eventually had a breakdown and was out of work on disability. I knew I could not return to my highly stressful job. I needed to make enough money to make my mortgage payment. Jobs in my field are highly stressful and sitting at a desk was a big issue for me. I could have received long term disability from social security for life. I chose to turn my rental into a airbnb rental during the summer month and a 3-9 month longer term rental during the winter. Renting the apartment for summer nets me enough income to carry during the winter months when I greatly reduce the rent. My typical winter rentals are traveling nurses or people moving to Vermont who only need a 3-6 month rental. Losing this income would greatly affect me and my ability to meet my mortgage payments. I do a lot small jobs/projects to earn income, but returning to work full time to make the required income necessary to meet my mortgage payment would not be possible for me. Nor do I ever want to receive long term disability to survive. I am capable of working without stress. I do meet all the zoning requirements for renting a property in Burlington, all code requirements, posting of lead paint notices, yearly rental fees are paid.

I am not sure that I understand the change that is being proposed, but I would like to have input.

Thanks for your time, I would be happy to provide any additional information.

June Lais
123 Lakeview Terrace
Burlington, VT 05401

From: Martha Dallas <martoxki@gmail.com>
Sent: Tuesday, February 11, 2020 8:34 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: STR conversations as BTV works on ordinances

Dear Meagan,

I am an Airbnb host, renting one room in my ONE home. I've emailed you with my STR thoughts once or twice. I attended and spoke at the meeting at Contois a week or two ago.

I don't know if I can make it to the meeting tonight at the police department, hence this email.

I attended a meeting on Saturday at the invitation of Deb Lyons, about STRs. There were about 10 STR hosts there, and the main themes voiced by those present included fear that BTV may exclude from its ordinance STRs where the host is not a resident, and displeasure at the amounts of the housing replacement fees.

Neither of these concerns did I share, so I felt a little misled by the invite, and certainly in the minority of opinion-holders, as I think the ordinance at this stage is thoughtfully crafted.

I can see how these folks feel threatened, but I got the sense that none of them attended the two summits last year, which I did, so unfortunately their voices were not heard in the early crafting stages.

My concern, and why I'm writing you, is that they are a new, small, but vocal group and I have no idea how many of the 400ish BTV hosts they represent. There was some diversity of renting/hosting situations among them, but I was the only one renting a room in my home. They were all STR'ing one or more whole units (or want to be doing this) and two or three of them are landlords with a number of LTR properties.

I don't echo their concerns; they are not speaking for me as a host, however I felt that one thing they want makes pretty good sense, which is for all STRs in Burlington to be registered for the purpose of robust data collection.

Thanks for your good work.

Respectfully,
Martha Dallas

From: Mark Kuprych <markkuprych@gmail.com>
Sent: Tuesday, February 11, 2020 3:46 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Short Term Residence/ABnB Zoning Point of View

Please share this direct experience regarding short term housing feedback with members of the council:

As a resident of Burlington for 26 years, I chose to purchase a 4 unit building downtown to both live in and supplement my then full-time-job's income. This puts me in what I think is an important category; independent landlords who live in their own buildings. I strongly believe the level of service and oversight that live-in landlords can provide is important to the fabric of the

community. Burlington's smaller multi-unit dwellings are the very ones that independent owners can afford to purchase, improve and manage.

I wish to convey that short-term rental options are IMPORTANT TOOLS in a landlord's tool belt to better manage occupancy. My property includes one 4 bedroom unit that was always problematic, attracting primarily students and too often, more than the four occupants defined in the lease would wind up in there (boy/girlfriend syndrome). 5 unrelated people is (or was) prohibited by existing city ordinance. A very simple reconfiguration of this unit has allowed me to continue long-term leasing this apartment in a slightly smaller configuration, while offering additional bedroom+bath to the traveling/short term community as an ABnB nightly rental.

It's important also to point out: the City receives even more income out of this improved configuration; ABnB bedrooms generates City room and lodging taxes -paid by guests- automatically into the city's coffers. This important additional city income is ON TOP OF taxes already levied and amounts to a third level of taxation on the same square footage, adding to quarterly property tax and the annual "Landlord Inspection" fee we pay on rental units.

I cannot stress enough how this simple configuration has improved the management of my entire operation. My multi bedroom unit still allows me to attract and retain quality full-time tenants. Reduced noise levels inside the entire building have significantly improved the quality of life for the other 3 apartments. The added income from my small ABnB operation has allowed me to complete many more physical improvements faster on the structure. I have been able to add more to my IRA and also increase my financial support to local organizations like my church and the Intervale Community Farm. My rentals are my sole income source. As a single, 63 yo apartment owner/operator, the extra ABnB income is allowing me to live in place and afford medical insurance. I feel confident I can retire-in-place and maintain my connections with my community.

I wish you success in your efforts to strike the right balance between short term and long term housing needs and the parking needs for these variations. Each property and building is unique. One-size-fits-all controls will affect peoples livelihoods and ability to contribute to Burlington's economy. I am in a central downtown location; In my experience only 50% of my travelers bring a car, so that aspect should be considered in the evaluation of parking rules.

I must personally add: I absolutely love meeting people from all over the world, recommending them to events and restaurants downtown and sharing my pride of my adopted city. My small ABnB gets 96% 5-star reviews and I am truly Burlington's greatest ambassador!!! I remain amazed at how many people come to visit BTV ; my ABnB has no kitchen so guests are buying three meals a day in our food and restaurant industry. ABnB plays an important role in the employment of all those workers as well. When travelers learn in downtown restaurants that BTV grows 8% of it's vegetables and fruits organically on the Intervale, 1/4 mile from their bed, they go home and think, "Maybe we can do this in our city, too." So you see, if we are really to be a progressive city, there is more to this than meets the eye. Lastly I hope you don't lump all landlords and property owners into the money-grubbing category that renters automatically seem to associate us with.

Sincerely,
Mark Kuprych

Please note my new email address and chg your address book: markkuprych@gmail.com

From: Alexander Friend <afriend@burlingtonvt.gov>

Sent: Tuesday, February 11, 2020 5:09 PM

To: Andy Montroll <andym@montrolllaw.com>; Bruce Baker <bbaker@cdbesq.com>; Emily Lee (gmail) <emilyannicklee@gmail.com>; Emily Lee (Work) <emily_lee@ml.com>; Harris Roen (Primary) <harris@roen.net>; Jennifer Wallace-Brodeur (Staff Contact) <jwallace-brodeur@veic.org>; Yves Bradley <ybradley@vermontrealestate.com>; Chip Mason <cmason@burlingtonvt.gov>; Sharon Bushor <sbushor@burlingtonvt.gov>; Adam Roof <ARoof@burlingtonvt.gov>

Cc: Andrew Montroll <amontroll@burlingtonvt.gov>; Bruce D. Baker <Bdbaker@burlingtonvt.gov>; David E. White <DEWhite@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Harris Roen <hroen@burlingtonvt.gov>; Jennifer Wallace-Brodeur <jwallacebrodeur@burlingtonvt.gov>; Meagan Tuttle <mtuttle@burlingtonvt.gov>; Yves Bradley <ybradley@burlingtonvt.gov>

Subject: Short Term Rentals--my thoughts for tonight's meeting, Feb. 11

Commissioners and councilors, I am out of town and cannot be at tonight's joint meeting of the Planning Commission + City Council Ordinance Committee, and I hope this reaches you in time. My thoughts about regulating short-term rentals:

We still have a housing crisis, and I think we need to do everything we can to create more housing, including limiting the future conversion of long-term rentals to short-term ones. The vacancy rate is 1.5% to 2%. Out of the 10,000 rental units in Burlington, 400 STR units is 4% of the rental market. Of course we don't know where the 400 STRs in Burlington came from, or how many of those whole-unit STRs were previously short-term rentals. But STRs grew 25% in the past year, and I think we should expect to see continued growth in 2020. Twenty-five percent of our residents live in poverty, according to the Census Bureau.

I think the emphasis should be imposing the most regulation on operators of multi-unit buildings. I am in favor of regulation to curb the wholesale conversion of long-term rentals to STRs by: Discouraging property owners from converting multiple units within a building, and by imposing the housing replacement fee on new conversions. I also am in favor of requiring owner occupancy.

I do not want to hurt homeowners who use AirBnB etc. to stay in their homes, and I recognize that this is a dynamic market and housing option that has benefits for many people, including property owners and visitors.

Sincerely,
Alex Friend

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.

My name is Kent Cassella. I've been a Burlington resident and property owner for more than 40 years & I live in my duplex in the NNE. I apologize in advance but 2 minutes will not be enough time for me to let you know the impact that Scenario 4 would have on be me.

In 2014 I had a tenant of many years that fell into arrears. It was a drug issue and I attempted to be helpful. Fortunately, before I resorted to eviction, I received a call from the tenant one winter day when he informed me he had left. I lost 3.5 months rent. BED and Vt Gas had their losses too. But I did save the surprisingly high costs of litigation.

After considerable work on my apartment I decided to explore AirBnb & STR. I have been an AirBnb Superhost since my first review from AirBnb in late 2016.

My rental unit is registered & pay annual fee. I pay VT Gas \$130 every 2 years to inspect my gas heat. The city inspects my rental every 5 years and I meet or exceed all requirements. I've never had any issues with inspection.

I'm licensed with the state for Meals & Rooms and paid the appropriate taxes well before the agreement with AirBnb was made to collect them.

My first STR was actually a LTR. For 3 months I rented to a traveling nurse who was terrific.

My first short term AirBnb guests were folks running in the marathon. I have met some amazing people from all over the states and the world that are all vetted through AirBnb.

I have ample parking and my neighbors have no issues. I am not a part of any neighborhood associations.

I provide tourist info/brochures for Burlington and the surrounding areas and have been known to offer suggestions.

My guests are parents attending graduations and weddings, vacationers that are cycling, hiking, listening to Discover Jazz or Grace Potter, touring breweries, vineyards, sailing, skiing, exploring restaurants, Farmer's markets, downtown BTV and, of course, Ben & Jerry's.

I don't provide any kind of meal service but I do stock a few items: Keurig Coffee, locally made muffins, Maple sugar candy & Lake Champlain Chocolate on the pillows.

My reviews are overwhelmingly 5 star:

Pam...July 2017 'Kent is an amazing host. He's offers some awesome suggestions'

Jonathon....June 2016 'Fantastic host. He stocked the kitchen with staples and left maple candy for us. Highly recommended.

Benjamin....November 2019...'Fantastic place to stay and explore BTV'

The list goes on.

As AirBnb hosts, we are often the first impression visitors have of our city. I make every effort to make an excellent impression.

Economically I believe the city enjoys enormous benefits. Not only am I purchasing local products for my guests comfort, but they ask about bike rentals, restaurants, shopping areas, boat tours, beaches and music venues. They are spending money! Tourist dollars.

In addition to the 11% taxes collected and paid to the state and Burlington ...I pay estimated taxes to the fed and the state.

STR's offer an affordable option for folks that are not in the position to spend a weekend at Hotel VT, the Hilton or one of the Marriotts at rates that exceed \$200-300 per night. My place is affordable..let's call it affordable guest/tourist housing. Perhaps you should insist that the Hotels offer a certain number of affordable rooms.....Hotel VT for \$75/night.

Along with helping the local economy, revenue from AirBnb has permitted me, and I am sure other hosts, to remain in Burlington, in their homes and pay the ever increasing costs of living in one of the countries more expensive cities & states.

I believe that BTV should encourage STR's. These rental units have been inspected and registered, they are maintained regularly by owners because every time there is a turn over we inspect and correct any needed repairs. We need to maintain high standards to keep high ratings and remain occupied.

I believe there should be some oversight and, yes, perhaps BTV should dip into the proverbial cookie jar for some additional revenue....perhaps a few percentage points could be paid to the city.....But to make STR's jump through

all sorts of hoops, to be forced to become a Commercial property...that changes everything. This long term housing replacement fee, \$7930 is draconian.....it is off the charts! I never thought I'd be in a situation where the 'progressive' city of BTV is dictating to me what I can and cannot do with my home, a duplex, and punishing me for renting short term or not renting at all.

When I bought my home in 1992 there were no addendum's to my purchase that said I MUST rent the attached apartment. I rented it to help with my mortgage and I rent now to help with my taxes, which have more than tripled since 1993. What impact will this proposal have on resale? Has that been discussed? What if the next owners want to have the apartment available for family visits, as I do oftentimes? Will they be penalized for not renting? Is it actually legal to dictate to a home owner, a duplex owner (not a land baron) that they MUST rent or pay the price?

Is Burlington going to start to monitor Garage Sales and their impact on neighborhood parking and retail stores? Are folks going to need permits to park cars & post signs. Will we need to be registered as commercial property to conduct a yard sale and have it inspected?

I find it invasive that the city wants to dictate how I rent my apartment and for how long. I have ONE rental unit – I'm not operating a monopoly. And you propose a fee of \$7930 annually?

My apartment is approved for rental..it is registered, meets the requirements the city has set and all fees are paid. The city is making more money on these STR's than they would if they were LTR.

This proposal is not 'progressive'...this is an aggressive overreach by the city. Establishing some of these regulations will reduce the number of STR's, yes, and BTV will loose that tourist and tax revenue.

We need to find a compromise. I don't believe AirBnb hosts are getting rich..I believe many of us have decided to do this so that we can remain in our homes and, as in my case, supplement my retirement income so that I can afford to stay in my home.

Is there not enough development in town? There are 780 units at the orphanage, 40+ on the bluff by COTS and the new development on Colchester Ave. We are small fish trying to survive here in town. Let's take a step back and why don't you invite us into a more intimate setting so that you can actually get a first hand understanding of how and why the AirBnb

community of hosts are doing this. AirBnb is a tremendous asset to the city and should be applauded. I welcome you to come to my sometimes STR and sometimes LTR and take a tour. It happens to be a much better short term rental than a long term, just because of it's lay out. You can then see for yourselves what the benefits are having the STR option for your resident hosts, and for tourists and prospective new residents of Burlington

Thank you.

Date: February 11, 2020

To: Andy Montroll
Burlington Planning Commission, Chair
Burlington City Hall
149 Church Street
Burlington, VT 05401

And To: David E. White, Meagan Tuttle, Scott Gustin, Alexander Friend, Bruce Baker, Emily Annick Lee, Harris Roen, Jennifer Wallace Brodeaur, Yves Bradley, Chip Mason, Sharon Bushor, Adam Roof and Mayor Miro Weinberger

From: BTV-STR Host Coalition

Re.: Proposals and Ordinances relating to Short-Term Rentals in BTV

Dear Joint Planning Commission and City Council Ordinance Committee Members, Planning Commission Staff and Mayor Weinberger,

We, a diverse group of Short-Term Rental (STR) hosts calling ourselves the BTV-STR Host Coalition, are writing to you tonight to first thank you for your openness and ongoing discussion, questions, and hard work toward navigating the complicated dynamics before you: Housing; Vacancy Rates; Short-Term Rentals; Long-Term Rentals (LTR); Positive and Negative Neighborhood Impact; Proposals, Ordinances and Fees. We believe these influences, their realities and their intersections are not an easily solved problem.

We also believe that the time, thoughtful listening, honest pondering, and transparency you have offered so far are admirable qualities in this process of discernment. There is so much to consider in the decisions being asked of you! As a number of STR hosts have already shared, there are both common themes and unique situations among this group of individuals.

We propose that one item we all can agree on is the importance of collecting current and relevant data and research in relation to these issues. With data comes clarity to help in the decisions and proposals before you, decisions that will have far reaching impact on many individuals and sectors of Burlington's community.

As such, with respect, we suggest the committee pause at this point in the process and consider **Step One: Data Collection**, before approving any ordinances, proposals and fees relating to Short-Term Rentals. In essence, place a moratorium on current proposals and ordinances until further research has been completed.

Step ONE: Data Collection

1. Collect Raw Data: Register all active Airbnb Hosts this year (2020) by a date TBD – as soon as the city has the capacity and infrastructure to register Short-Term Rental (STR) hosts.
2. Consider collecting a STR registration fee for this process: \$50 for each STR unit (both bedrooms in a home and stand-alone whole unit rental), to cover administration costs for this process. For example, if someone rents 1, 2 or 3 bedrooms in their home as a STR, they would pay \$50 to register. If someone rents a Whole-Unit as a STR, they would pay \$50 to register.
3. The initial emphasis of this Short-Term Rental designation *would not* require host residency, *would not* trigger any parking or inspection requirements, and *would not* change a host's zoning designation from residence to commercial. Hosts *would not* get in trouble to register with the city! *This will help ensure that you obtain much needed information from all STR hosts.*
4. Ask city planning staff to work with a small group of STR hosts to discuss what kind of information would be helpful to proceed in this decision-making process. What questions on the registration form could be used to collect information directly? For example: Name of property owner and host name if different? What kind of STR unit do you rent? Whole-Unit? Bedroom(s) in a house? How many units? Are you a current resident, past resident or non-resident of this property?
5. Discuss additional information that hosts could self-report. For example: Host Age? Gender? Size of house? Is parking provided? How many guests on average (min. to max)? Who are your guests? How many nights per year do you rent on STR platforms? Have you ever rented long-term? Do you rent both Long-Term and Short-Term units? Are you inspected as a LTR? Do you already pay the Minimum Housing Annual Fee as a LTR? What platforms do you list your STR on? Airbnb, VRBO, Home Away, Flip Key, Sabbatical Homes? Craigslist? How do you engage with neighbors around STR/LTR?

6. To ensure Host Compliance of this suggested registration: Explore a process that impacts those who don't register by submitting only compliant registered hosts to Airbnb for platform exposure. I.E. Those hosts who do not register will no longer be listed on Airbnb (as happened in Boston).

NOTE: The vast majority of BTV STR hosts utilize Airbnb; only a few hosts also list on other sites. Also, Airbnb corporate IS working with hosts and communities/municipalities to find win-win solutions to the various concerns raised across the US.

7. Collect additional data on the consequences to STR hosts being required to change their designation from residential to commercial. List the implications that will result from this change. How does this affect both hosts and the city?

We the undersigned believe these steps will provide for a comprehensive collection of data, that can then be fully analyzed as ground work to continue the process of proposals and ordinances relating to Short-Term Rentals. We believe all involved will be appreciative of the breadth and depth of information collected, which will result in a fully-informed community moving forward.

Respectfully submitted,

BTV-STR Host Coalition

Messages Regarding Minimum Parking Requirements

From: Jack Hanson <jhanson@burlingtonvt.gov>

Sent: Monday, February 10, 2020 4:11 PM

To: David E. White <DEWhite@burlingtonvt.gov>; Meagan Tuttle <mtuttle@burlingtonvt.gov>; Sharon Bushor <sbushor@burlingtonvt.gov>; Adam Roof <ARoof@burlingtonvt.gov>; Chip Mason <cmason@burlingtonvt.gov>; jwallacebrodeaur@burlingtonvt.gov; Harris Roen <hroen@burlingtonvt.gov>; Andrew Montroll <amontroll@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Alexander Friend <afriend@burlingtonvt.gov>; Yves Bradley <ybradley@burlingtonvt.gov>; Bruce D. Baker <Bdbaker@burlingtonvt.gov>

Cc: Gene Bergman <genebergman26@gmail.com>; Patrick Murphy <patrick@carsharevt.org>

Subject: Minimum Parking Reqts and TDM

Hi all,

Thank you all for your hard work thus far on this important ordinance change. I believe we are very close to achieving a significant positive policy change.

I'm writing in advance of tomorrow's meeting to express my strong support of the proposal by CarShare Vermont to replace the Guaranteed Ride Home and transit subsidy offerings for all residents with a flexible transportation stipend of \$70/month (with a cap of 2 per unit) to those residents not utilizing on-site parking. This subsidy will meaningfully and flexibly support tenants in their transportation needs.

This amount will be much more predictable for developers than the current offerings, will still fall far below the cost of providing parking to those tenants (ensuring developer savings), and will help ensure that developer savings are passed on to tenants directly. Furthermore, this stipend, in combination with the decoupling of the cost of leasing a parking space, will help incentivize people to adopt more sustainable transportation methods.

I urge you to amend the proposal in accordance with this change.

Thanks all,

Jack

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.

From: Joshua katz <jkatz615@gmail.com>

Sent: Monday, February 10, 2020 8:16 PM

To: David E. White <DEWhite@burlingtonvt.gov>; Meagan Tuttle <mtuttle@burlingtonvt.gov>; Sharon Bushor <sbushor@burlingtonvt.gov>; Adam Roof <ARoof@burlingtonvt.gov>; Chip Mason <cmason@burlingtonvt.gov>; jwallacebrodeaur@burlingtonvt.gov; Harris Roen <hroen@burlingtonvt.gov>; Andrew Montroll <amontroll@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Alexander Friend <afriend@burlingtonvt.gov>; Yves Bradley <ybradley@burlingtonvt.gov>; Bruce D. Baker <Bdbaker@burlingtonvt.gov>

Subject: Minimum Parking Requirements and TDM

Members of the Planning and Ordinance Committee,

My name is Josh Katz. I am a Ward 2 resident, intern for Sustainable Transportation Vermont, and have voiced my support for Minimum Parking Requirements at many of the committee meetings regarding this policy.

I am writing you to once again voice my support to eliminate Minimum Parking Requirements and to beyond that support the proposals brought by Car Share Vermont. It does not go far enough to simply eliminate the requirements, but we must do all we can to encourage people to use more sustainable modes of transportation. TDM measures have been tremendously successful at institutions like UVM to encourage sustainable transportation with single occupancy commuting much lower than the state average of above 80%.

Carshare's proposed plan of giving \$70 monthly subsidies should quell some of the committee's concerns about the difficulty for developers of calculating the amount being given out into the budget. \$70 per month is a more than fair amount given the evidence provided by Car Share Vermont.

I also urge the committee to keep in mind the high expensive of creating and maintaining parking for developers as this monthly subsidy would be much less. Those receiving the monthly subsidy are the very people who are allowing developers to save money on not building parking – because they are the ones not using parking.

I have recently published an article on Minimum Parking Requirements for Sustainable Transportation Vermont so if you are curious to learn more about the harms of the policy I have added the link to the email.

Thank you for taking the time to read my comments,

Josh Katz

[Stop Requiring Parking](#)

From: [Liz Curry](#)
To: [David E. White](#)
Subject: Fwd: ZA-20-04 Minimum Parking Requirements
Date: Wednesday, February 05, 2020 9:20:08 PM

[WARNING]: External Message

Liz Curry
Burlington, VT

----- Forwarded message -----

From: **Liz Curry** <curryliz21@gmail.com>
Date: Wed, Feb 5, 2020 at 9:12 PM
Subject: ZA-20-04 Minimum Parking Requirements
To: <bdbaker@burlingtonvt.gov>, <afriend@burlingtonvt.gov>, <amontroll@burlingtonvt.gov>, <jwallacebrodeaur@burlingtonvt.gov>, <hroen@burlingtonvt.gov>, <elee@burlingtonvt.gov>
Cc: <dwhite@burlingtonvt.gov>, <pfreeman@burlingtonvt.gov>, Brian Pine <BPine@burlingtonvt.gov>

Dear Planning Commissioners,

I cannot attend your Feb. 11th meeting because I have a school board meeting that night, but want to send my thoughts about the proposed zoning code changes for Minimum Parking Requirements (staff and my city councilors copied). I applaud the staff and you all for moving this initiative forward.

I also applaud and encourage you to adopt the intention to "update the City's impact fees to create a more holistic fund to include alternative transportation capital projects." I am curious about the proposed language to implement this impact fee adjustment.

As you know, zoning codes and ordinances can either enhance or restrict private property profits and values. In this case, clearly reducing minimum parking requirements enhances the developers' opportunities for profit. By allowing developers to opt out of constructing the heretofore required number of parking spaces, the general public (through the City ordinance) is allowing developers to reduce total development costs and thereby earn a higher ROI from the development.

With the stated policy goals of reducing parking requirements including the furthering of the City's net zero energy goals by increasing transportation

choices, I urge the Commission to create a funding mechanism to actually increase transportation options, and establish a "transit trust fund."

The impact fee could be structured in such a way that all of at least 50% of the savings realized from not constructing a parking space is paid to the transit trust fund, **unless** the developer is permitted to build, and actually builds an additional affordable housing unit that exceeds current density allowances and inclusionary zoning requirements (e.g. bonus unit would be granted for foregoing parking spaces but if the developer does not build the bonus unit, the industry standard cost [or at least 50% of the cost] of each foregone parking space would be paid to the City's transit trust fund).

By creating a transit trust fund funded by reduced parking impact fees (they are really bonuses in the developer's pocket), we could either create an alternative to the property tax for our transit authority assessment, or the new impact fee could be used for capital costs (since impact fees can only be used for capital) which would free up member property tax assessment revenue (which is flexible money) for operations.

This approach would actually provide a funding mechanism behind the stated policy goal of creating more transportation choices. The transit trust fund could also be funded by other mechanisms in the future, such as municipal authority to charge car registration fees or to require all car-owners to purchase an annual permit (like dog licenses). The benefit of establishing a transit trust fund with this initial funding mechanism of parking space waivers is that it formalizes a mechanism to implement current and future transit policy solutions to the climate crisis.

I believe there is broad support among you for this path, as recommended by staff, and I appreciate your progressive thinking on this matter. If I did not have a school board meeting I would attend the Committee meeting personally to share these sentiments.

Thank you very much for taking the time to read and consider my comments.

Liz

Liz Curry
Burlington, VT

Proposed Amendment to Minimum Parking and TDM Requirements

After “b. TDM Strategies: In addition to the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall be made available at a minimum:”

Strike lines 431-448:

“i. A Guaranteed Ride Home benefit offered to all employees whereby transit users, bikers, walkers, vanpoolers, and carpoolers who may face an occasional unforeseen change of plans that prevents them using their typical mode of travel to and from work are reimbursed for the cost of a taxi or ride-share to get them where they need to go.

Such a benefit shall define: who is eligible to participate; what trips are eligible for reimbursement; the maximum number of uses allowed during a certain period, maximum miles within a period, or maximum cost per trip; and procedures for using the benefit.

ii. GMT Transit passes offered to all tenants and employees at a minimum subsidy of 20% as follows:

1. Tenants and/or employees living or working outside Chittenden County must be offered a pass that includes access to inter-regional commuter routes;
2. Tenants and/or employees living and working within Chittenden County may be offered a pass that only includes access to local and intra-regional as applicable.”

And replace with:

“i. A minimum sustainable transportation subsidy of no less than \$70 shall be credited on a monthly basis to any tenant (up to two tenants per dwelling unit) or employee who has not held a parking pass in the preceding month. The minimum sustainable transportation subsidy amount shall be adjusted annually consistent with the U.S. Consumer Price Index.”

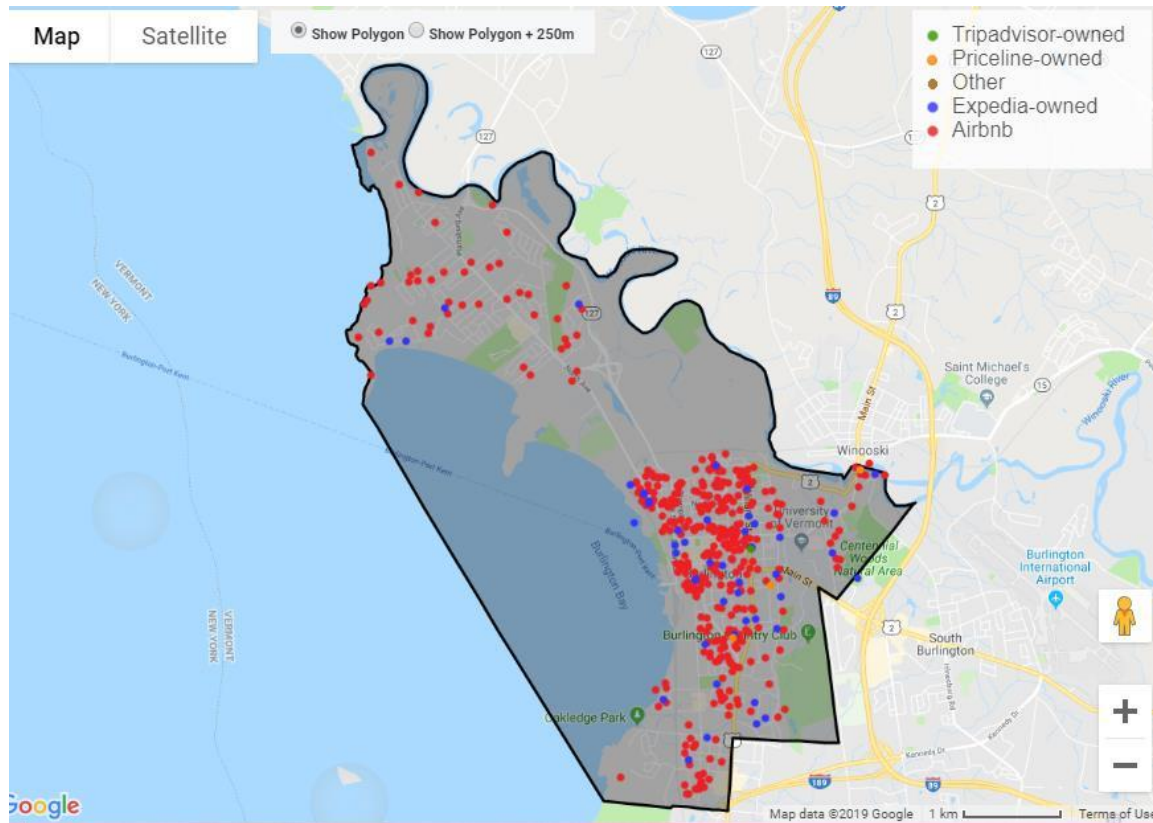
On line 449, delete: “iii.” and replace with “ii.” to read “ii. Where on-site parking is also made available...”



BTV HOUSING SUMMIT

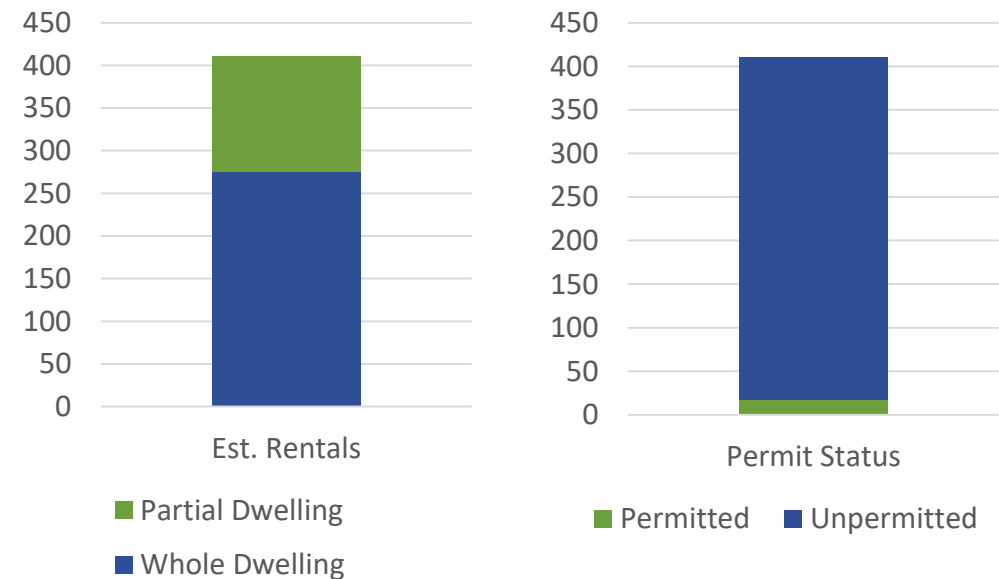
www.burlingtonvt.gov/btv-housing-policy

Background on STR's in Burlington



Short-term rentals are dwelling units rented in whole or part to guests for stays of 30 days or less.

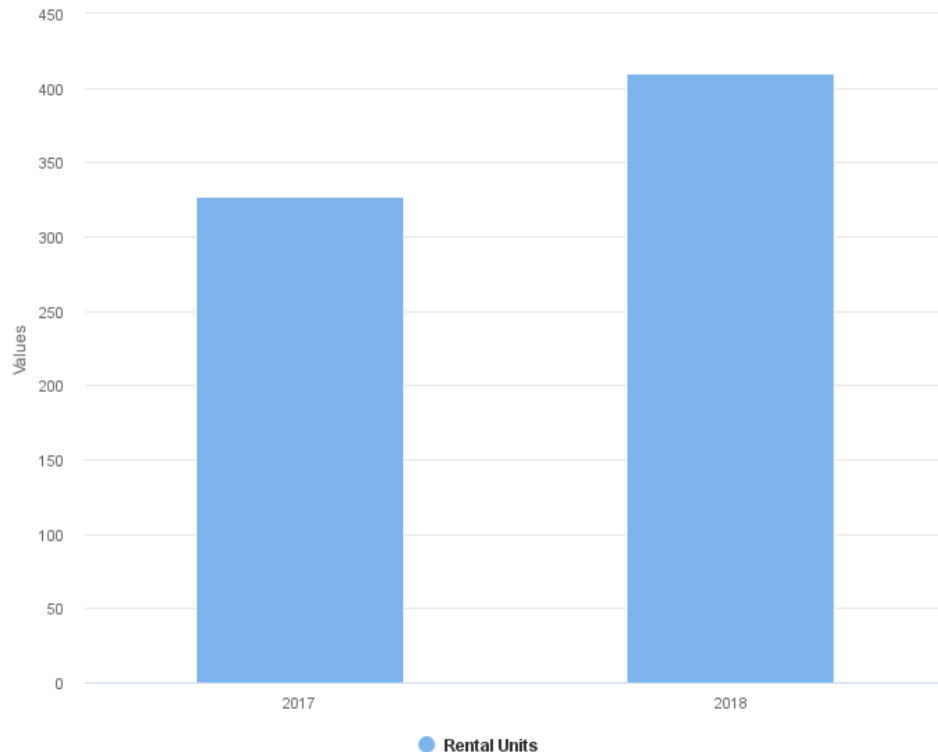
Short-Term Rentals in Burlington 2019



Map and data on number of STR's in Burlington provided by HostCompliance. Data on number of permits issued provided by Department of Permitting & Inspections.

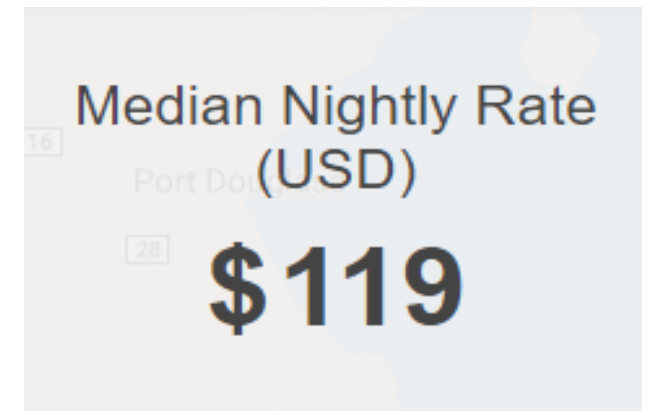
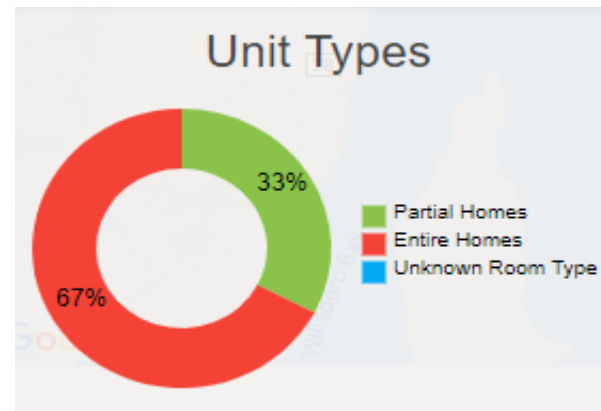
Background on STR's in Burlington

STR Growth in Burlington 2017-2018



According to a report by AirBnB:

- Burlington was # destination for guests in VT in summer 2019
- Average monthly revenue for a STR in Burlington is \$2,700.



Data in charts/graphics provided by HostCompliance.

Housing Summit 2019

What We Heard:

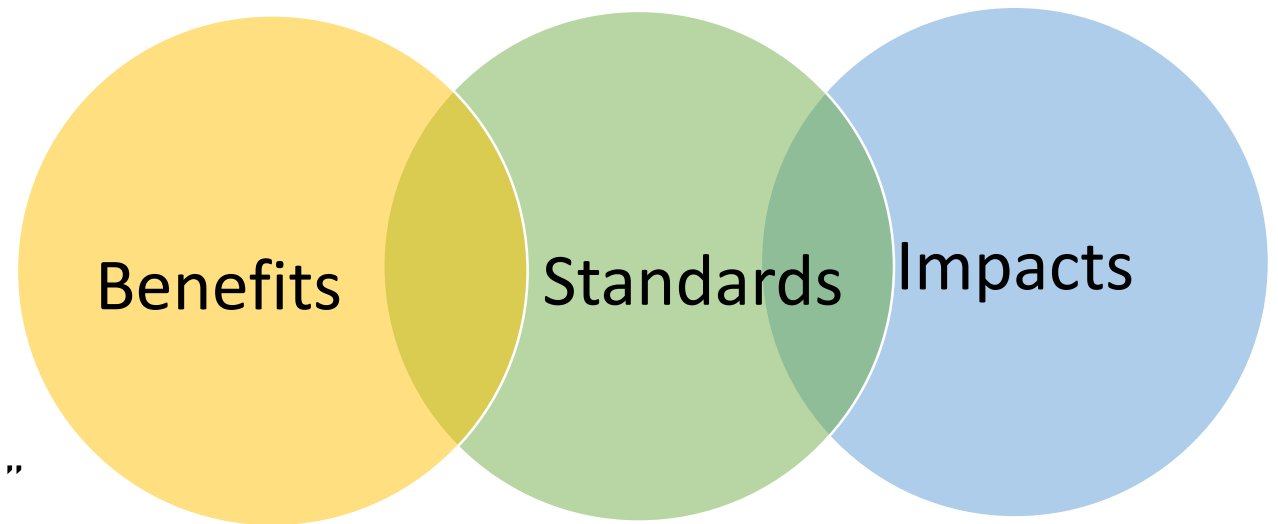
- Establish standards for STR's (zoning & minimum housing).
- Encourage or require owner-occupancy.
- Encourage partial unit STR's rather than whole unit.
- Different standards for different types and areas – not one size fits all.
- Consider ways to limit number & location.
- Consider neighborhood impacts.
- Consider ways STR's might support affordable housing.



Proposed Framework

We've have heard a lot of very different opinions; key is to find balance between a legal pathway for these rentals, while limiting the burden on the city's housing stock.

- Consider Zoning, Rental Registration & Minimum Housing Code requirements
- Distinguish between whole-unit and rooms-within-a-unit STR's
- Require annual rental registration for STR's
- Require minimum housing inspection, except for some situations
- Continue to apply "Housing Replacement" and "Temporary Use" standards



Proposal: Rooms within a Unit

Policy intends to limit the number of housing units converted to STR, ensure that those conversions contribute to efforts to preserve & expand affordable housing, while allowing some flexibility for hosts to earn income and benefits to Burlington economy.

Proposed Zoning Policy:

- Revise “bed & breakfast” definition to recognize this type of STR
- Property must be host’s primary residence
- In residential zones, up to 2 rented rooms are permitted, 3+ are Conditional Use
- In mixed-use zones, up to 5 rented rooms permitted
- One parking space per rented bedroom in residential districts

Other Regulatory Considerations:

- Allow tenants as hosts, with owner/association permission
- All units required to register as a business (pay applicable taxes), and register annually as a rental
- Continue existing minimum housing inspection exemption for rental of one or two rooms within an owner-occupied home

Proposal: Whole Unit Rentals

Proposed Zoning Policy:

- Create new “whole unit short term rental” definition, considered a non-residential use
- Property where the STR is located must be the host’s primary residence
- Permitted in mixed-use zones, Conditional Use in residential zones
- Limit # of rentals based on size of building:
 - 1 STR in bldgs. with 1-3 units (including ADUs)
 - 2 STR in bldgs. with 4-5 units
 - 3 STR in bldgs. with 6+ units
 - Buildings with 4+ STR considered a Hotel
 - Upper limit of 3 or 5% of total dwelling units on a property, whichever is greater
- One parking space per rented unit in residential districts

Other Regulatory Considerations:

- Allow tenants as hosts, with owner/association permission
- All units required to register as a business (pay applicable taxes), and register annually as a rental
- Require minimum housing inspection
- Continue to apply Housing Replacement to housing units converted to STRs; exempt from requirement if unit is originally created & permitted as an STR

Existing Regulations

What is in place already that remains unchanged in this proposal?

- City & State rooms & meals tax required of hosts (some platforms remit on behalf of hosts)
- Zoning standards for Bed & Breakfast (to which permitted short-term rentals have complied)
- Zoning has “temporary use” provisions, which exempt from permitting requirements
- Zoning requirements for housing replacement, when housing is converted to commercial use

This is not a zoning permit. This is a

NOTICE

of
**ZONING PERMIT
REQUEST**

ADDRESS: _____
DESCRIPTION: _____

APPLICANT: _____
DEVELOPMENT REVIEW BOARD DATE: _____

For more information
contact

City of Burlington
Permitting & Inspections

645 Pine Street,
Burlington VT

TEL: 802-865-7188
WWW.BURLINGTONVT.GOV/PZ

This notice shall be displayed on the subject premises and shall be clearly visible from a public way. Notice shall be displayed at the time of application and shall not be removed until after the appeal expiration date, and the permit has been picked up.

Joint Committee Discussion Topics

The Committee and public shared the following questions/issues for discussion in January:

- **What is the overarching policy objective of this proposal?**
- **Is there additional data about STR's in Burlington?**
Frequency and type of rentals
- **How does this proposal acknowledge “one size does not fit all” concerns?**
Host status, purpose for renting, unit type, location, required standards, etc.
- **What are the impacts of “change of use” for a property with an STR?**
From perspectives of zoning, property assessment, taxation, homeowner's insurance, etc.
- **Why require Housing Replacement Fees?**
What is the amount and purpose of this fee, are there alternatives, can existing STR's be “grandfathered”?

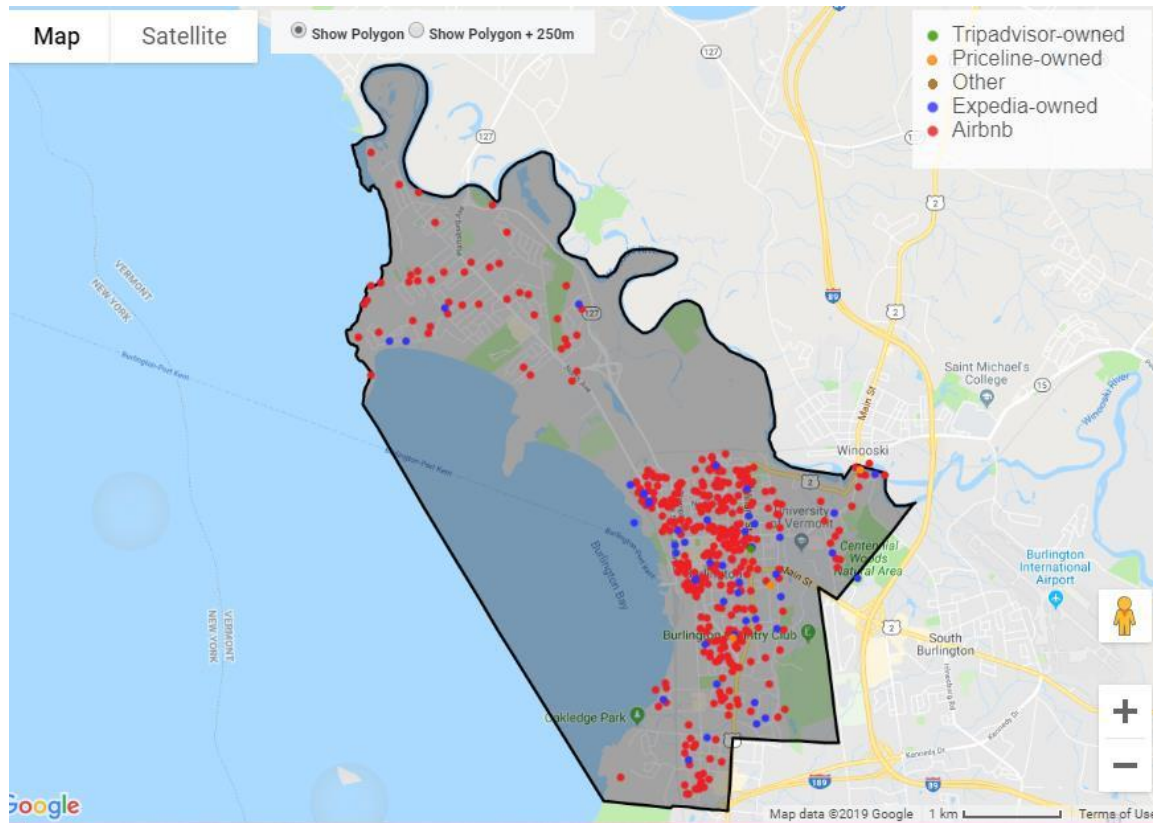
Policy Reform Goals

Based on the 2019 Housing Summit work, short-term rental regulations should:

- Expressly enable short term rentals, recognizing tiers for different types of short-term rentals
- Balance the benefits to hosts and guests with impacts to city's long-term housing stock
- Limit the number of housing units that are converted to short-term uses, while preserving flexibility for hosts to use their homes to earn income
- Ensure that conversion of housing units to short-term rentals contribute to the City's efforts to preserve and expand permanently affordable housing

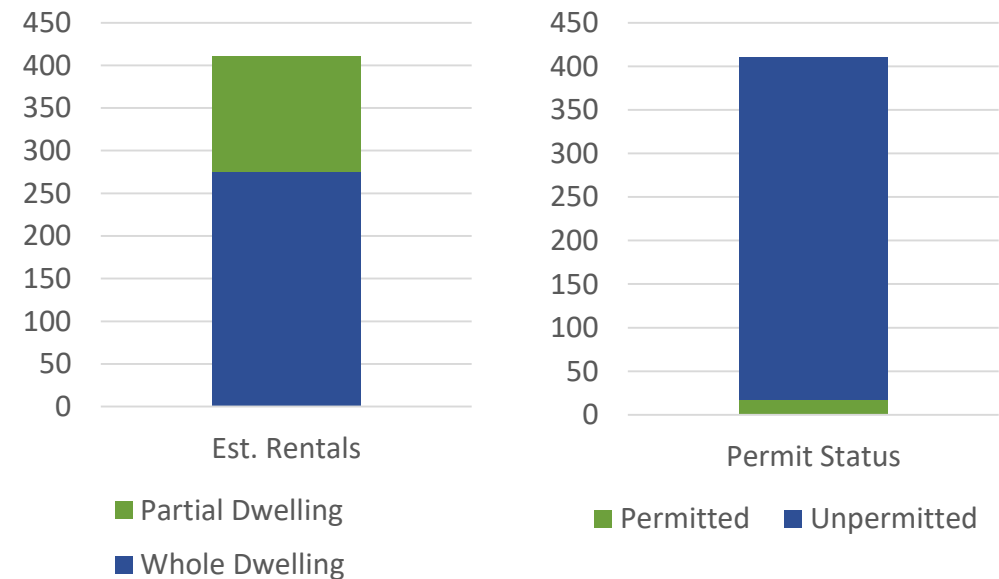


Background on STR's in Burlington



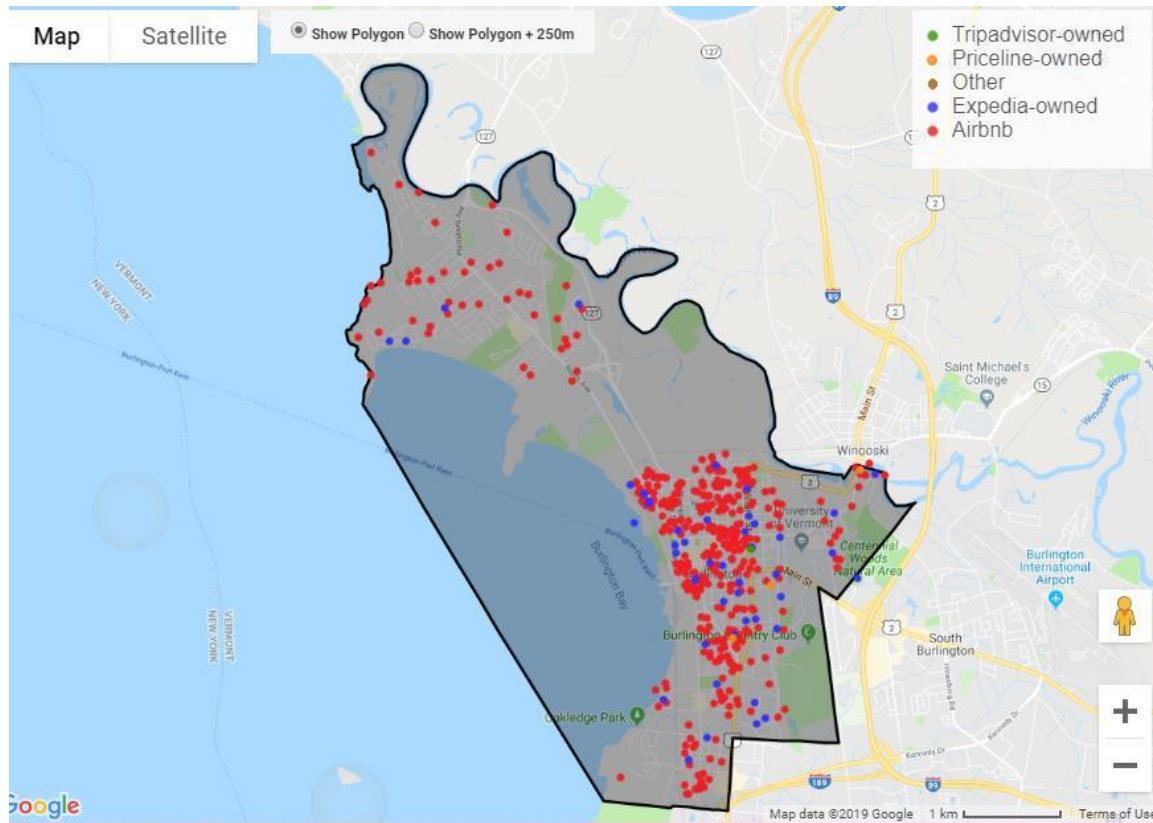
Short-term rentals are dwelling units rented in whole or part to guests for stays of 30 days or less.

Short-Term Rentals in Burlington Jul 2019

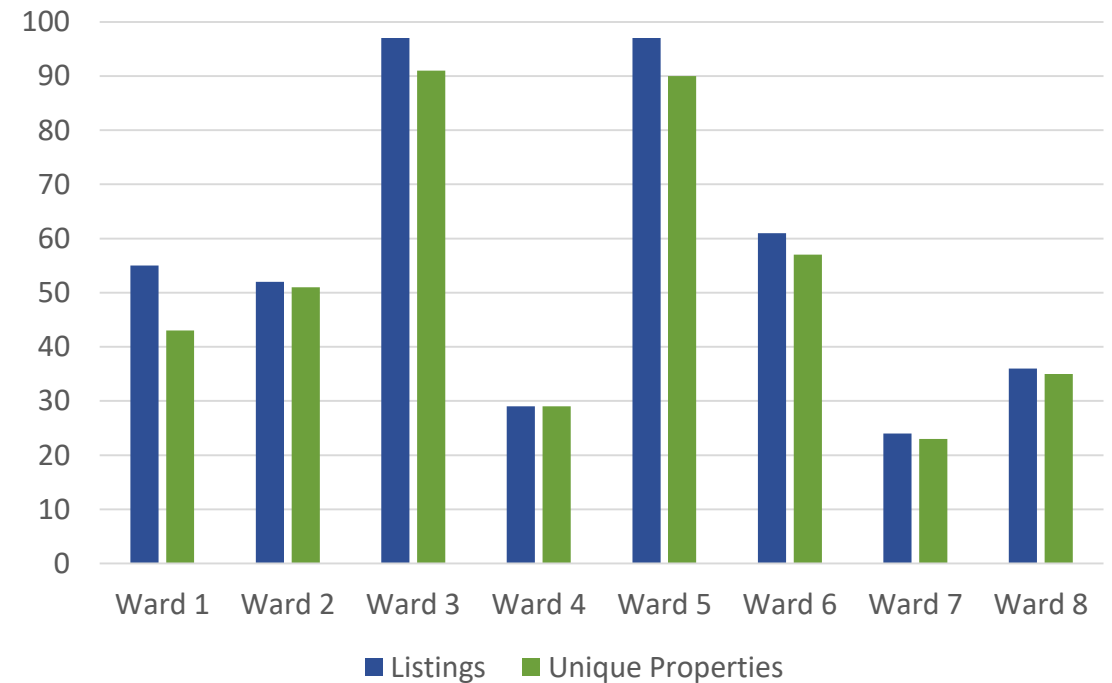


Map and data on number of STR's in Burlington provided by HostCompliance. Data on number of permits issued provided by Department of Permitting & Inspections.

Background on STR's in Burlington



Short-Term Rentals by Ward Jan 2020



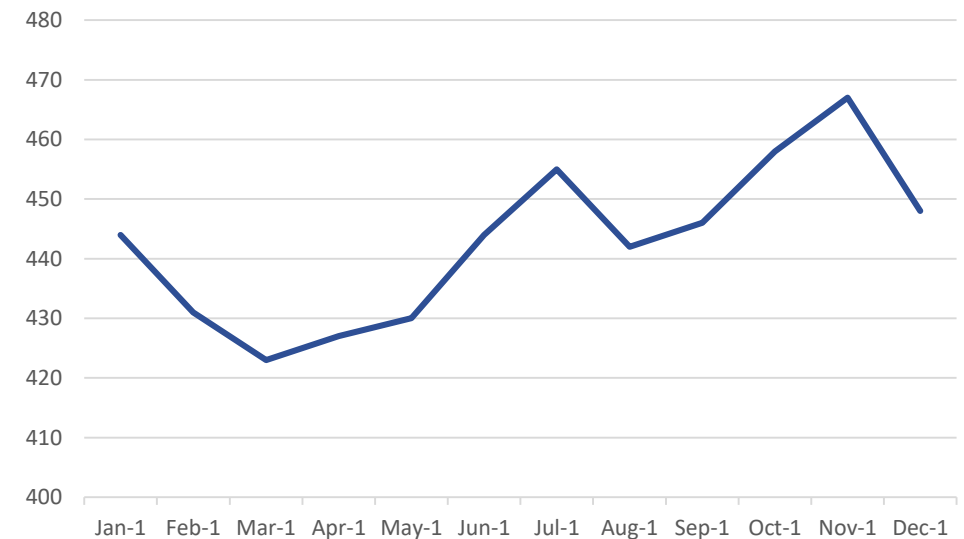
Map and data on number of STR's in Burlington provided by HostCompliance.

Additional Data on STR's

Additional stats regarding the number, type, and frequency of short-term rentals in Burlington:

- 25% increase in number of STRs 2018-2019; number has doubled 2016-2019.
- There is some, but not dramatic, seasonal variation in the number of STR's available
 - Range is about 40 listings between high and low points

Number of Short-Term Listings, BTV 2019



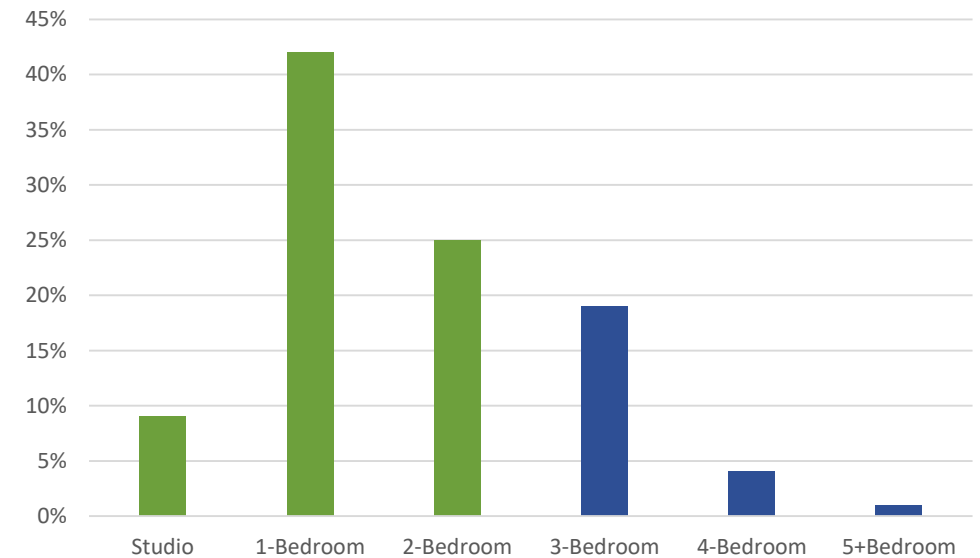
AirDNA

Additional Data on STR's

Additional stats regarding the number, type, and frequency of short-term rentals in Burlington:

- There is some, but not dramatic, seasonal variation in the number of STR's available
 - Range is about 40 listings between high and low points
- Approximately 75% of STRs are efficiency, one-bedroom, or two-bedroom units

Number of Bedrooms in STR

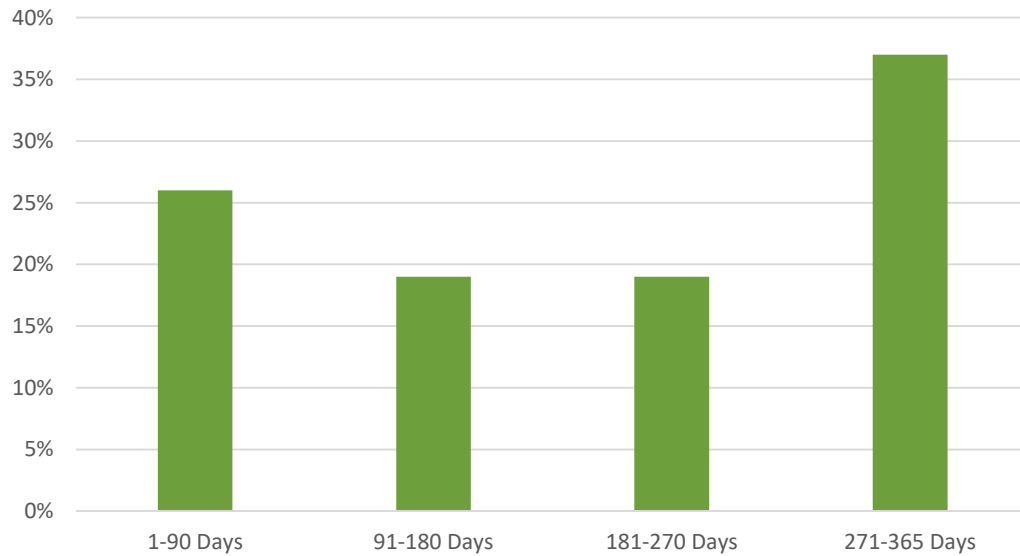


AirDNA

Additional Data on STR's

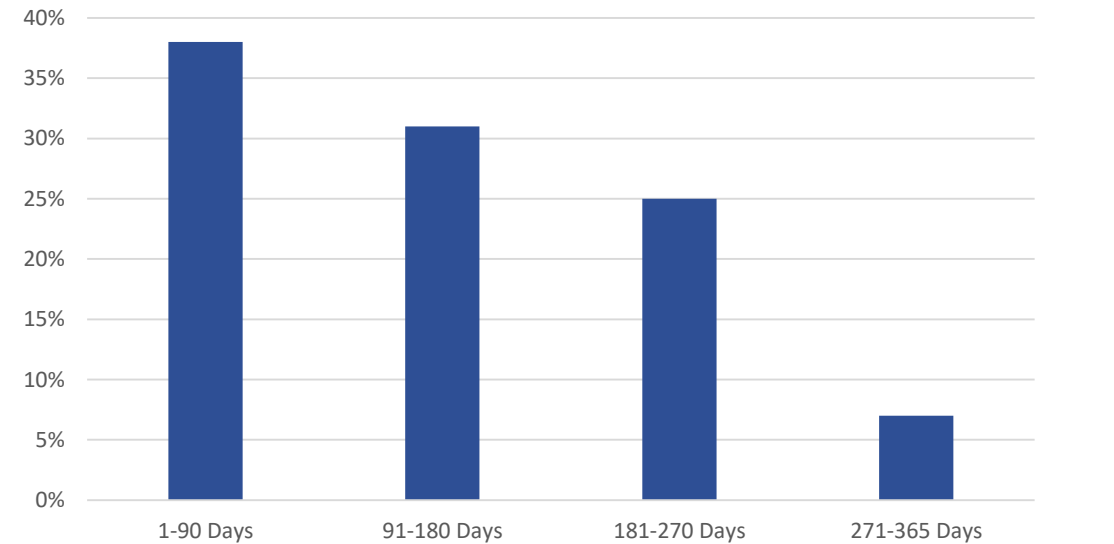
Additional stats regarding the number, type, and frequency of short-term rentals in Burlington:

Nights BTV STR's listed "available"



AirDNA

Nights BTV STR's booked



Intermittent STR  Full-time STR

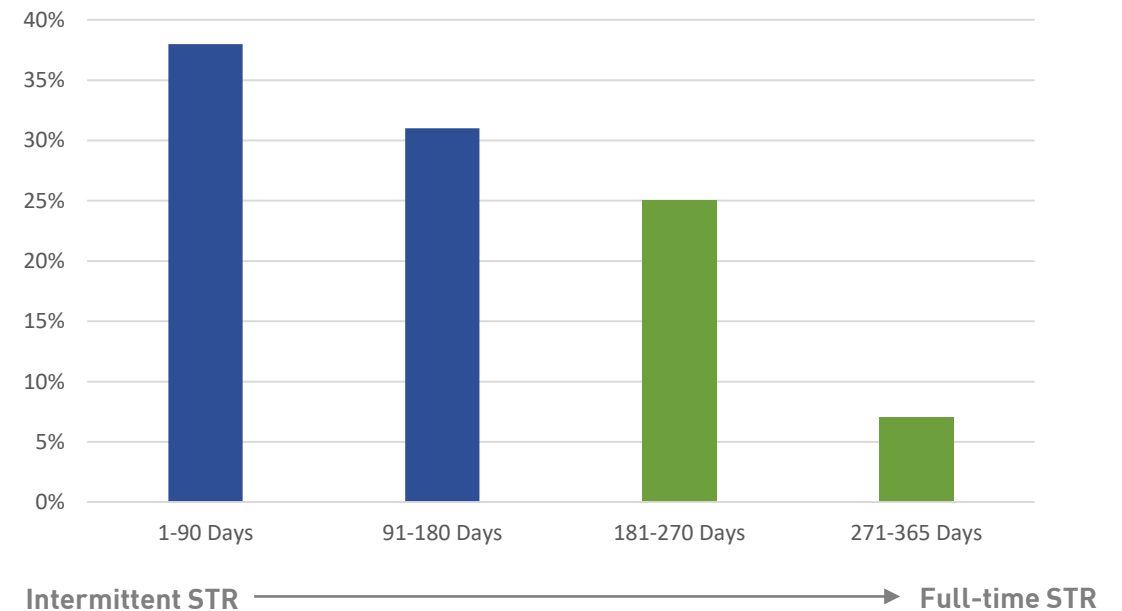
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Additional Data on STR's

Additional stats regarding the number, type, and frequency of short-term rentals in Burlington:

- There is some, but not dramatic, seasonal variation in the number of STR's available
 - Range is about 40 units between high and low points
- Approximately 75% of STRs are efficiency, one-bedroom, or two-bedroom units
- Nearly 70% of STRs are booked for less than half of the nights during the year
- In FY2019, City collected ~\$121,000 in Rooms & Meals taxes attributable to STRs, for ~\$6.05M in host income. This is 12.4% of R&M Tax collected in 2019.

Nights BTV STR's booked



AirDNA

Additional Data on STR's

Additional information regarding hosts (provided by AirBnb):

- 63% of Burlington hosts self-identify as women
- 31% self-identify as 60+ years of age
- 55% of hosts reported that hosting has helped them afford their home
- From Memorial – Labor Day 2019, 35,000+ guests in Chittenden County
- During same time period, \$20.4M in host income in Vermont, with \$5.1M in Chittenden County

Proposal vs. STR Scenarios

How does this proposal acknowledge “one size does not fit all”?

Type of Unit

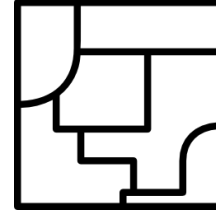


Renting room(s)
within a house or
apartment



Renting an entire
house or
apartment(s)

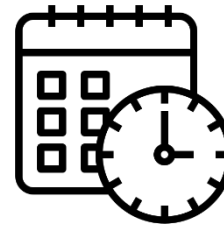
Applicable Regulations & Standards



Zoning



Property Tax Assessment



Length of rental period;
total days/year



Minimum Housing



Fees & Taxes

Proposal: Rooms within a Unit



Proposed Zoning Policy:

- Revise “bed & breakfast” definition to recognize this type of STR
- Property must be host’s primary residence (does not mean host has to be on-site at time of guest occupancy)
- In residential zones, up to 2 rented rooms are permitted, 3+ are Conditional Use
- In mixed-use zones, up to 5 rented rooms permitted
- One parking space per rented bedroom in residential districts

Other Regulatory Considerations:

- Allow tenants as hosts, with owner/association permission

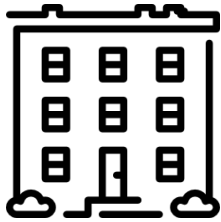


All units required to register as a business (pay applicable taxes), and register annually as a rental



Continue existing minimum housing inspection exemption for rental of one or two rooms within an owner-occupied home

Proposal: Whole Unit Rentals



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- Create new “whole unit short term rental” definition, considered a non-residential use
- Property where the STR is located must be the host’s primary residence (does not mean host has to be on-site at time of guest occupancy)
- Permitted in mixed-use zones, Conditional Use in residential zones
- Limit # of rentals based on size of building:
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 - 3 STR in bldgs. with 6+ units
 - Buildings with 4+ STR considered a Hotel
 - Upper limit of 3 or 5% of total dwelling units on a property, whichever is greater
- One parking space per rented unit in residential districts

Other Regulatory Considerations:

- Allow tenants as hosts, with owner/association permission



Require minimum housing inspection



All units required to register as a business (pay applicable taxes), and register annually as a rental



Housing Replacement applies to housing units converted to STRs; exempt from requirement if unit is originally created & permitted as an STR

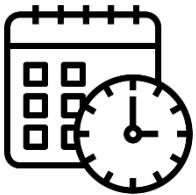
Scenario 1

“I want to rent my entire home as a short-term rental for part(s) of the year, but it will still be my primary residence.”



Zoning:

- **Use:** Whole Unit STR
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year
- Conditional Use and 1 parking space in residential area



Rental Duration:

- **“Primary Residence”** means that the host lives within the property at least half of the year
- **Rental Terms are “short-term”** meaning the lease period is less than 30 days at a time
- Unlimited number of nights rented as an STR



Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- **Not required to pay Housing Replacement Fees**

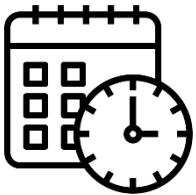
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Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- **Not required to pay Housing Replacement Fees**

Why wouldn't this scenario require housing replacement fees?

The City's ordinance requires housing replacement when a dwelling unit is converted to a commercial use, except in some cases:

- **Conversion of your own residence**
- Conversions that happen for less than a year
- Conversion of a unit that has been rented for 2x the fair market rate for the last two years
- Loss due to natural disaster
- Conversion of a dwelling unit on the ground floor of a building in a mixed use/downtown zone

Scenario 1

“I want to rent my entire home as a short-term rental for part(s) of the year, but it will still be my primary residence.”



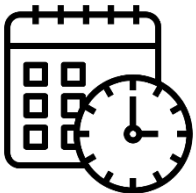
Zoning:

- **Use:** Whole Unit STR
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year
- Conditional Use and 1 parking space in residential area



Minimum Housing Requirements

- Register as a rental
- Basic Life Safety Standards (in Article 18)



Rental Duration:

- **“Primary Residence”** means that the host lives within the property at least half of the year
- **Rental Terms are “short-term”** meaning the lease period is less than 30 days at a time
- Unlimited number of nights rented as an STR



Property Assessment

- Burlington Assessor likely continue to assess as “residential”
- Regardless of local assessment, must report *any* rental use to State of VT for Homestead Declaration



Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- **Not required to pay Housing Replacement Fees**

Scenario 2

“I go away for the [winter/summer/sabbatical] and use [AirBnb] to find a tenant to rent my home while I’m gone. It will still be my primary residence.”



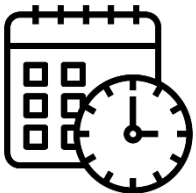
Zoning:

- **Not considered a Short Term Rental**
- **Zoning Permit Required: No**



Minimum Housing Requirements

- Register as a rental
- Basic Life Safety Standards (in Article 18)



Rental Duration:

- **“Primary Residence”** means that the host lives within the property at least half of the year
- **Rental Terms is longer than 30 days, and therefore not considered a “short-term” rental**



Property Assessment

- Burlington Assessor continue to assess as “residential”
- Regardless of local assessment, must report *any* rental use to State of VT for Homestead Declaration



Taxes & Fees:

- **Not required to pay Housing Replacement Fees**
- **Not required to pay Rooms & Meals taxes**

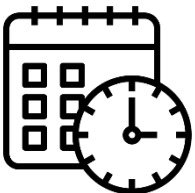
Scenario 3

“I want to rent bedrooms as short-term rentals within my home.”



Zoning:

- **Use:** Partial Unit STR (Bed & Breakfast)
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year
- **Permitted Use:**
 - Up to 5 rented rooms downtown/mixed use zones
 - Up to 2 rented rooms in residential zones
- **Conditional Use**
 - 3-5 rooms in residential & institutional zones
 - 3 room limit in RL zoning district
- 1 parking space per rented bedroom in a residential area



Rental Duration:

- Must be **host's "Primary Residence"**
- **Rental Terms are "short-term"** (less than 30 days)
- Unlimited number of nights rented as an STR

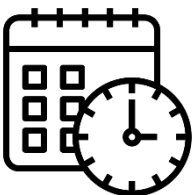
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- **Conditional Use**
 - 3-5 rooms in residential & institutional zones
 - 3 room limit in RL zoning district
- 1 parking space per rented bedroom in a residential area



Rental Duration:

- Must be **host's "Primary Residence"**
- **Rental Terms are "short-term"** (less than 30 days)
- Unlimited number of nights rented as an STR

How is this different than existing Bed & Breakfast standards?

These standards are nearly identical to existing Bed & Breakfast standards, except:

- Makes it easier to create 1 & 2 room STRs
- Name of use and definition are expanded to explicitly recognize STR's and traditional B&B's.
- Presently, B&B's must be owner-occupied. These standards allow for host's primary residence (may be owner or tenant).

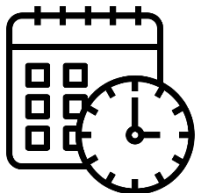
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Zoning:

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 - Up to 2 rented rooms in residential zones
- **Conditional Use**
 - 3-5 rooms in residential & institutional zones
 - 3 room limit in RL zoning district
- 1 parking space per rented bedroom in a residential area



Rental Duration:

- Must be **host's "Primary Residence"**
- **Rental Terms are "short-term"** (less than 30 days)
- Unlimited number of nights rented as an STR



Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- **Not required to pay Housing Replacement Fees**



Minimum Housing Requirements

- Register as a rental
- **Owner-Occupied properties renting 1 or 2 bedrooms are except** from rental registration and annual inspection
- All types have to meet basic Life Safety Standards



Property Assessment

- Independent of zoning, some scenarios may be considered "commercial" by Assessor and subject to 120% commercial assessment factor
- Regardless of local assessment, must report *any* rental use to State of VT for Homestead Declaration

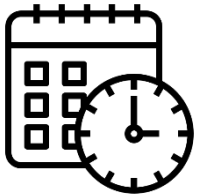
Scenario 4

“I own a duplex/single-family home with an ADU. I want to live in one unit and use the other as a short-term rental.”



Zoning:

- **Use:** Whole Unit STR
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year
- Conditional use and 1 parking space per unit in a residential area



Rental Duration:

- Must be **host's "Primary Residence"**
- **Rental Terms are "short-term"** (less than 30 days)
- Unlimited number of nights rented as an STR



Minimum Housing Requirements

- Register as a rental
- Basic Life Safety Standards (in Article 18)



Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- **Housing Replacement Fees:**
 - If the unit being used as an STR **was long-term housing, housing replacement fee would apply**
 - If a new housing unit is **created for the STR use, housing replacement would not apply**



Property Assessment

- Burlington Assessor likely continue to assess as "residential"
- Regardless of local assessment, must report *any* rental use to State of VT for Homestead Declaration

Scenario 4

“I own a duplex/single-family home with an ADU. I want to live in one unit and use the other as a short-term rental.”



Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- **Housing Replacement Fees:**
 - If the unit being used as an STR **was long-term housing, housing replacement fee would apply**
 - If a new housing unit is **created for the STR use, housing replacement would not apply**



Property Assessment

- Burlington Assessor likely continue to assess as “residential”
- Regardless of local assessment, must report *any* rental use to State of VT for Homestead Declaration

Why do some scenarios require Housing Replacement Fee?

- Housing Replacement Ordinance is intended to prevent the loss of long-term and affordable housing.
- When a new unit is created, and originally permitted as an STR, there is no “loss” of unit.

How much are the Fees?

Fees are set each year based on the cost of subsidizing an affordable housing unit of a similar configuration. In 2019 these rates were:

- Studio: \$1,700
- 1 Bedroom: \$7,930
- 2 Bedroom: \$19,015
- 3 Bedroom: \$42,950

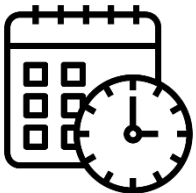
Scenario 5

“I own a building with 3+ units, and want to rent some of the units as short-term rentals. I live in one of the units.”



Zoning:

- **Use:** Whole Unit STR
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year
- Permitted Use in downtown and mixed use districts
- Conditional Use and 1 parking space/unit in residential areas
- Number of STR units based on size of building:
 - 1 STR in building up to 3 units
 - 2 STRs in building up to 5 units
 - 3 STRs in building w/ 6+ units
 - *4+ STRs becomes “Scenario 6”- Hotel/Motel*



Rental Duration:

- Must be **host’s “Primary Residence”**
- **Rental Terms are “short-term”** (less than 30 days)
- Unlimited number of nights rented as an STR



Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- Pay **Housing Replacement Fees** for units used as STRs



Minimum Housing Requirements

- Register rented units
- Basic Life Safety Standards (in Article 18)



Property Assessment

- Independent of zoning, some scenarios may be considered “commercial” by Assessor and subject to 120% commercial assessment factor
- Regardless of local assessment, must report *any* rental use to State of VT for Homestead Declaration

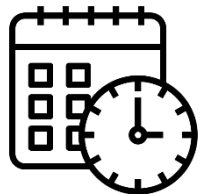
Scenario 6

“I own a building with 3+ units, and want to rent the units as short-term rentals. I do not live in the building.”



Zoning:

- **Use:** Hotel/Motel
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year
- Permitted Use in downtown and mixed use districts
- **Not Permitted in residential areas**
- **No limit** to the number of rented units



Rental Duration:

- Not required to be host's "Primary Residence"
- **Rental Terms are "short-term"** (less than 30 days)
- Unlimited number of nights rented as an STR



Taxes & Fees:

- Register as a business and pay both Burlington & State of Vermont **Rooms & Meals taxes**
- Pay **Housing Replacement Fees** for each unit used as STRs that was previously long-term housing



Code Requirements

- "Minimum housing" and rental registration no longer applicable because not considered residential
- Building code standards depend on number of occupants



Property Assessment

- Considered "commercial" by Assessor and subject to 120% commercial assessment factor
- Considered commercial for purposes of State of VT for Homestead Declaration

Joint Committee Discussion Topics

The Committee and public shared the following questions/issues for discussion at the Joint Committee's 1/28 meeting:

- **Why require a property to be a Host's Primary Residence?**

What is the primary purpose of this requirement, and should it apply in all scenarios?

- **Why require Housing Replacement Fees?**

What is the amount and purpose of this fee, are there alternatives?

- **How does a new policy get implemented?**

Is it possible to register existing STR's as-is, "grandfather" them, or ensure a grace period for enforcement?

Residency Requirement for STR

What is the primary objective for requiring host-residency?

- **Limiting the conversion of properties from long-term housing to 100% short-term rental use**
- Enable flexibility for residents to use their own homes to generate income
- May be some benefit from a neighborhood impact perspective, but not primary driver

Residency Standards:

Owner-occupied

- The property owner lives onsite for at least half of the year

Primary residence of the host

- Enables either an owner or a tenant to operate an STR within their home or on the property containing their primary residence (meaning they live there at least half the year)

“Domicile” as defined in VT statutes

- Alternative standard that enables flexibility to account for extended leaves such as military service or sabbatical

Residency Requirement for STR

Considerations for Discussion:

- Despite some positive progress, **BTV's apartment vacancy rate continues to be less than 2%.**
 - 1.6% in July 2019, compared to 2.5% in Chittenden County
 - 60% of new housing growth in 2019 was in suburban Chittenden County
- **75% of STRs in Burlington are studio, one and two bedroom units.**
 - Allen & Brooks 2019 report indicated 25-34 yr old & 65+ renters are largest projected population growth.
- Census Tracts 3, 4, 5 and 10 make up the bulk of the **downtown, Old North End, and portions of Wards 5 and 8** immediately around downtown. In these areas:
 - 48% of Burlington's STR's
 - STRs represent 2.5-3% of housing stock*
 - 61% of the households are renters
 - Census Tracts have lowest median household income
- STRs can be **both generate income for hosts** to afford homes as well as **create additional demand for existing housing units**

**Represents all STRs, including Partial Unit and Whole Unit.*

Residency Requirement for STR

Considerations for Discussion:

- Proposed framework requires Host Primary Residence in most situations
- A small number of STR's have been permitted to-date as hotel/motel with off-site host
- Hotel/motel is not a permitted use in residential zones

Current Proposed Framework:

Host Residency:

- Owner- Occupied STRs: Allowed
- Tenant- Occupied STRs: Allowed
- Off-Site Host STRs: Prohibited unless a hotel/motel

For Units that have Host Residency:

- Partial Unit STRs may be rented any amount of time
- An STR unit in a Duplex or ADU, or within a property with 3+ units may be rented any amount of time
- A Single-Family home rented as an STR requires that host live on site at least ½ the year (to maintain host's primary residence)

Residency Requirement for STR

Considerations for Discussion:

- **Are there some scenarios wherein an off-site host would be acceptable?**
(i.e. a single-family/duplex vs. a unit in a multi-family building)

Example Off-Site Host Approach:

In Residential & Institutional Zones

- Single Family Home: Prohibit
- ADU or Duplex: Prohibit
- 3+ Units: Allow as Conditional Use, retain limit on # of units in a building

In Downtown & Mixed Use Zones

- Could operate simply as “lodging” in downtown, NAC, NAC-CR zones
- Conditional Use in NAC-R & NMU zones
- Need to resolve relationship between hotel and STR’s

Housing Replacement Alternatives

Considerations for Discussion:

- **Purpose of Housing Replacement is to support Housing Trust Fund, and creation/preservation of affordable housing in the city**
- **Flexible nature of an STR means a unit can be STR & long-term housing in the same year.**
Turning a housing unit into an STR is not the same as physical change to a café, for example
- **Housing Replacement may remove the incentive for an owner to reconvert a unit to long-term housing due to need to recoup upfront cost.**
- **Some have suggested as an alternative a special registration fee or tax (annual or on-going) related to duration of actual STR use**
*Supporting housing affordability still important given many STRs are utilizing existing housing units.
2% Rooms & Meals Tax in FY2019 generated \$121,000 from \$6+ Million in host income*

Existing STRs without Zoning Permits

Can the City allow existing STR's that do not have a zoning permit to be granted a nonconforming status and continue (i.e. 'grandfather' the units)?

- **Nonconforming status is predicated on a use/structure:**
 - being legal and/or permitted at the time it started or was created
 - the standards for what is legal changes after the use/structure was permitted
- **While the tools were imperfect, short term rentals have always required a zoning permit:**
 - Bed & Breakfast standards
 - Hotel/motel standards
- **Short term rentals that have received a zoning permit under the present standards will be considered legal nonconformities**

Implementing Zoning Requirements

In considering a transition to this regulatory framework:

- **One Year Grace Period before active zoning enforcement of STR's begins**
 - Operators who apply for permits will not be subject to zoning violations, apply penalty-free
 - Other Applicable Fees apply (i.e. Rental Registration, Housing Replacement, etc)
- **Create a User Guide/FAQ's**
 - Similar to content of these presentations (zoning, codes, taxation, assessment, etc)
- **Establish contract with HostCompliance for monitoring/enforcement**

Minimum Parking Requirements

What are we proposing?



1. Creates a "Mixed Use Multimodal Parking District" (formerly "Downtown") with no minimum on-site parking requirements:
 - Downtown & Waterfront
 - Neighborhood Activity Centers & Mixed Use
 - The first 200-ft of depth of properties with frontage on major thoroughfares
2. Enables an Administrative Permit to modify on-site parking requirements of existing development within this Parking District to reflect this change.
3. Exempts the following from providing on-site parking regardless of where they are located:
 - Permanently affordable housing units
 - Rehabilitation of a listed historic building
 - Accessory Dwelling Units



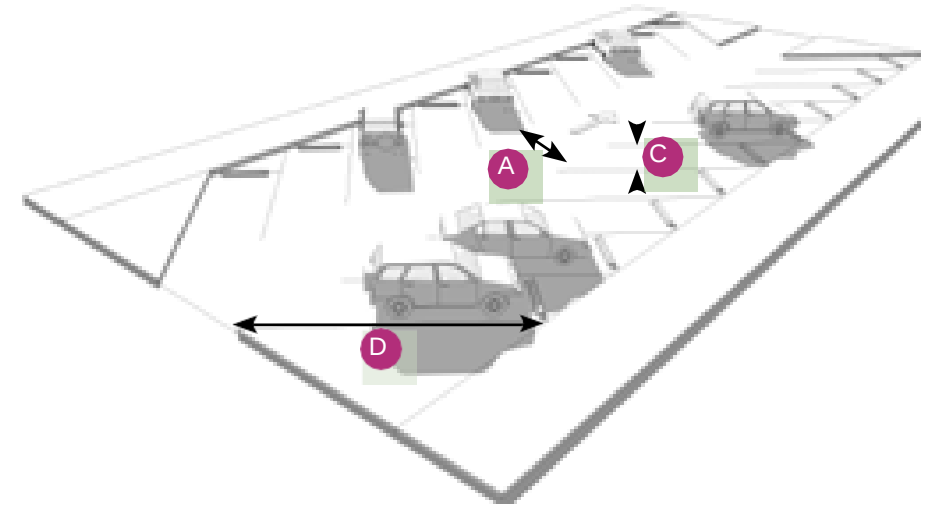
Minimum Parking Requirements

What are we proposing?



4. Modernize the dimensional standards for parking spaces
 - Eliminate additional back-up length
 - Narrow parallel spaces to 8'
 - Allow for narrower spaces for dedicated residential use
 - Shorten spaces by ~2-5'
 - Widen aisle width ~2-4'
 - Add vertical clearance minimum of 7'5"
 - Add dimensions for tandem, scooter and motorcycle spaces
 - Increase proportion of compact spaces to 50%

5. Lower the Maximum On-Site Parking Requirements
 - "Mixed Use Multimodal Parking District" – 100% of Shared Use Parking District
 - Shared Use Parking District – 100% of Neighborhood Parking District
 - Neighborhood Parking District – 125% of Neighborhood Parking District

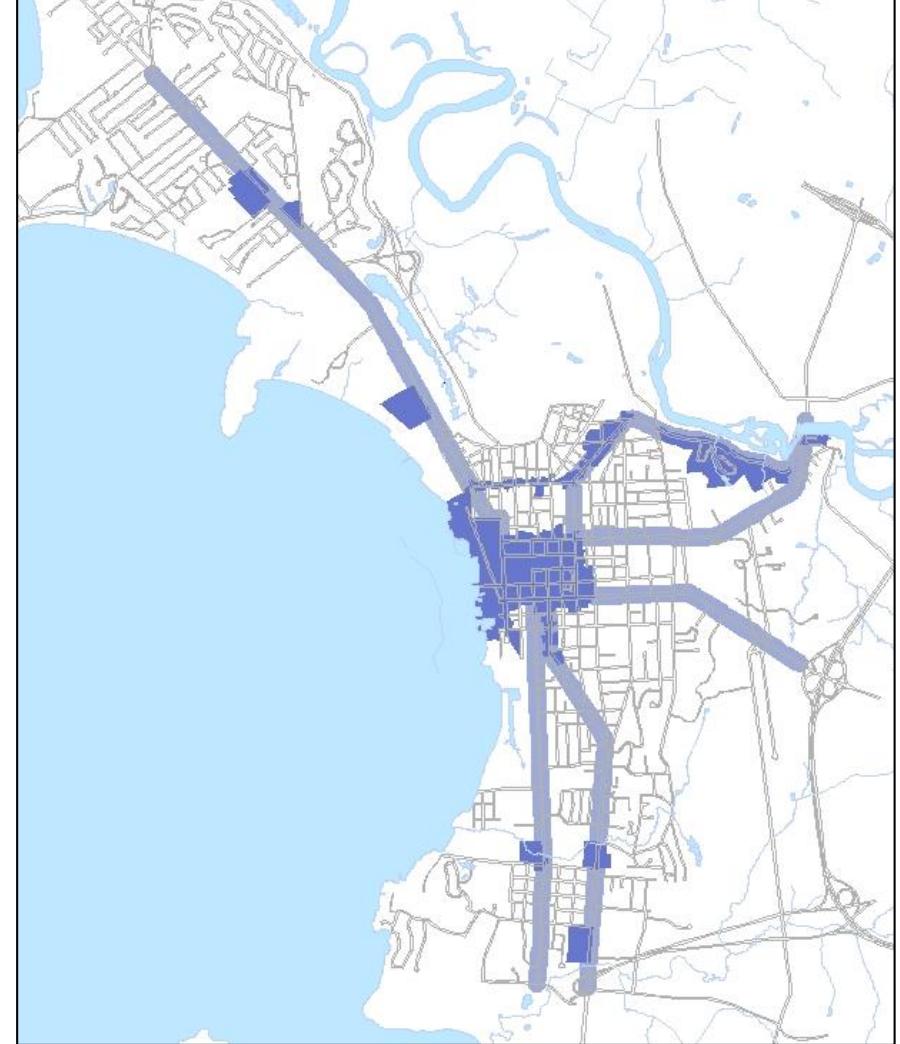


Minimum Parking Requirements

What are we proposing?



6. Require Transportation Demand Management for all new development:
 1. Within the “Mixed Use Multimodal Parking District”;
 2. And that:
 - **Creates ten (10) or more dwelling units; and/or,**
 - **Creates a building footprint of eight thousand (8,000) s.f. or more, or the creation of fifteen thousand (15,000) s.f. or more of gross floor area**



Minimum Parking Requirements

What are we proposing?



6. Require Transportation Demand Management (TDM): (con't)
 - TDM measures are required to include:
 - **Outreach and Education**
 - Designated Transportation Coordinator
 - Informational materials and annual meeting and survey
 - Record-keeping of participation and annual reporting
 - **Benefits available to all tenants and employees:**
 - A guaranteed ride home program;
 - Transit passes offered at a minimum subsidy of 20%
 - **Manage On-site Parking (*if built*)**
 - Annual utilization study of on-site parking
 - Leases to off-site users limited to 1-yr renewable term
 - Unbundled parking cost from lease or deed (optional for affordable housing)
 - Priority spaces for car-share, van/car-pool, bikes & scooters, and handicapped

Minimum Parking Requirements

What are we proposing?



6. Require development of a Transportation Demand Management Plan: (con't)
 - **TDM Agreement**
 - To implement the TDM measures as approved, and to ongoing monitoring;
 - Acknowledge no claim to the ongoing availability of on-street public parking;
 - Acknowledge the risk of enforcement and penalties for non-compliance; and,
 - To notify subsequent owners and tenants of their obligations
 - **Review, Approval & Enforcement**
 - Review & Approval by the Administrative Officer
 - DPI to develop TDM information and guidelines for applicant to follow
 - Ongoing compliance included as a condition of any discretionary or administrative permit; posting of a bond or other performance guarantee may be required to ensure implementation and compliance
 - No zoning permit or certificate of occupancy may be granted without an approved TDM agreement in effect pursuant to Se. 2.7.8.

Minimum Parking Requirements



2 Proposed Amendments from comments...

Amendment #1

- Increase transit subsidy from 20% to 50%
- Require bike parking for any change to an existing development*
- Add a required bike share with a 25% subsidy (or require 1 bike/10 units)
- Add a required car share with a 25% subsidy

Amendment #2

- replace specific TDM requirements with a "minimum transportation subsidy/stipend" of \$70/month for every employee and tenant (max 2 per unit) who do not have a parking pass.

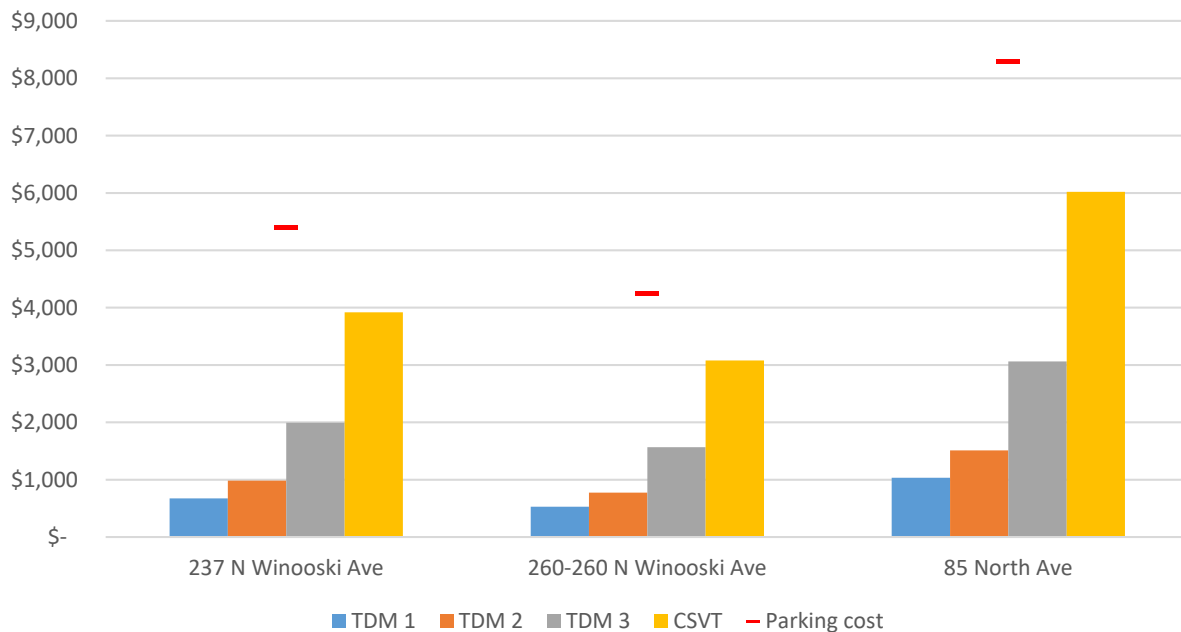
*25% change is the current trigger

Minimum Parking Requirements

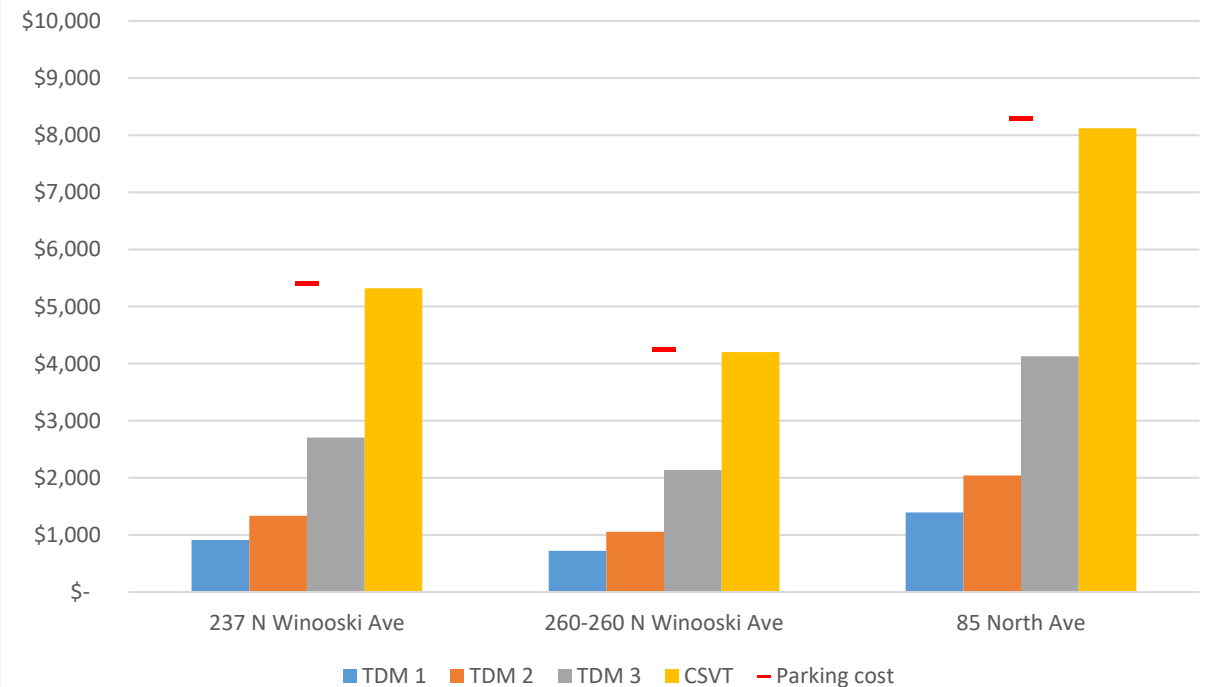
Proposed Amendments – Cost Comparison



Monthly Cost of Parking vs TDM



Monthly Cost of Parking vs TDM - w/ new units



*assumes 25% of the parking is built, and new units added of 700 sqft

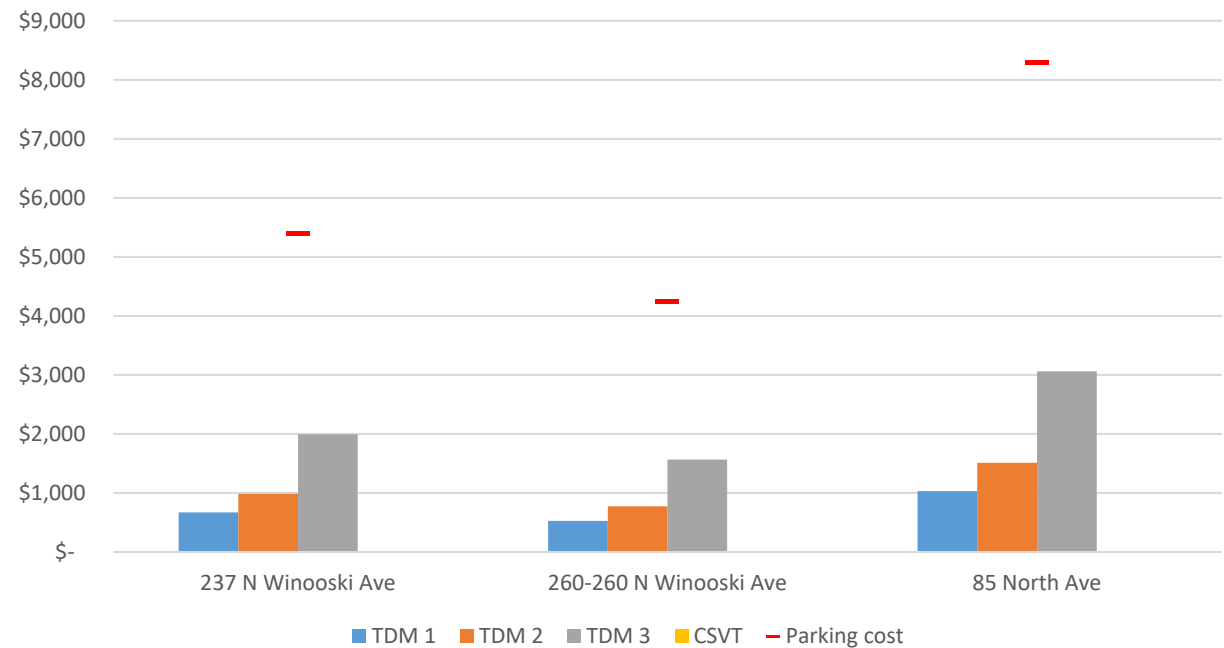
Assumes all units get equal access to any TDM program

Minimum Parking Requirements

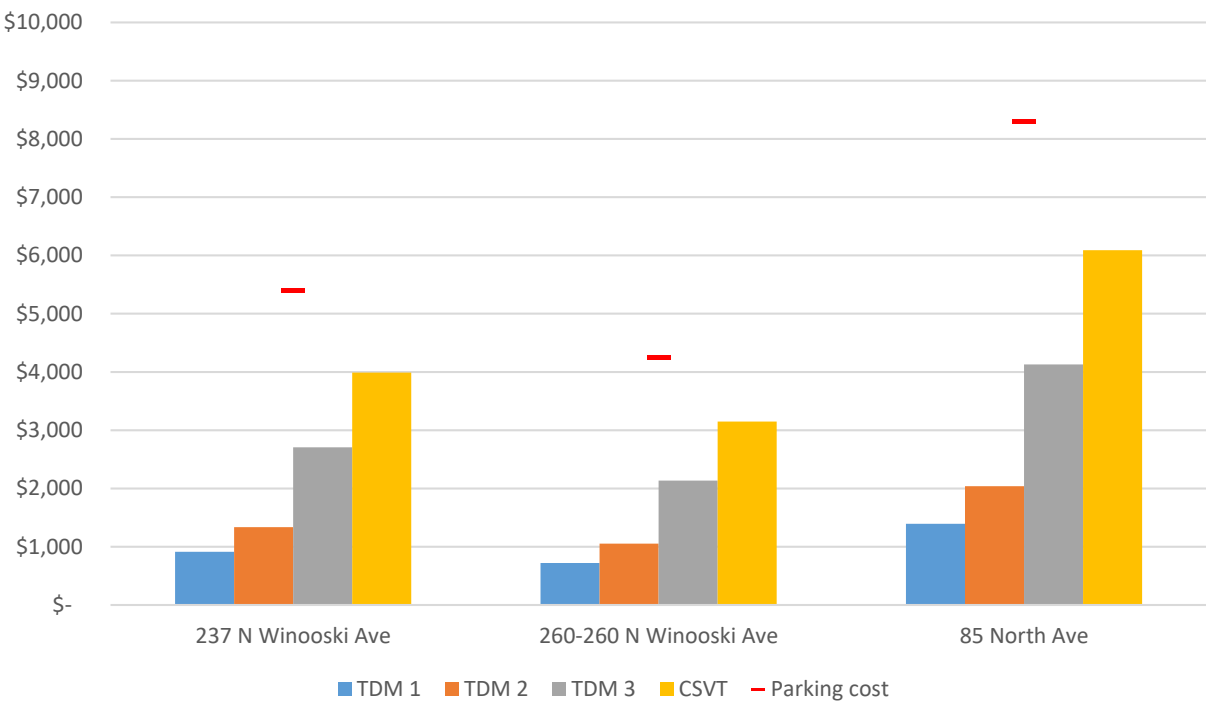


Proposed Amendments – Cost Comparison

Monthly Cost of Parking vs TDM



Monthly Cost of Parking vs TDM - w/ new units



*assumes 25% of the parking is built, and new units added of 700 sqft

Limits CSVT “stipend” to only those units w/o parking

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

Burlington Joint Planning Commission with City Council Ordinance Committee

Tuesday, February 11 2020, 6:30 P.M.

Burlington Police Department, One North Ave. Burlington, VT

Minutes

Members Present	Planning Commission: A Montroll, B Baker, H Roen, E Lee City Council Ordinance Committee: C Mason, S Bushor
Staff Present: D White, M Tuttle, S Gustin, K Sturtevant	

I. Agenda

Call to Order	Time: 6:35pm
Agenda	No change.

II. Public Forum

Name	Comment
C Campbell	Include RH in the areas without parking requirement; it is a silo that needs to be considered separately from RM and RL areas.
J Sharpe	Call to attention letter shared ahead of the meeting posted in agenda packet.
A Magyar	Applied for permit for ADU, thanked committee for addressing these barriers to make this possible.

III. Chair's Report

A Montroll	No Report
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IV. Director's Report

D White	Dept. head report will be in next agenda; will be out of office Week of Feb 17. M Tuttle reported ADU Public Hearing & Adoption by Council expected on Feb 18.
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V. Public Hearing: ZA-20-04 Minimum Parking

Commission held public hearing; approved motion to refer back to staff to amend parking map to include College St (Union to Williams) and incorporate TDM requirement that reflects CarShare proposal.		
Motion by: E Lee	Second by: B Baker	Vote: Approved Unanimously
Type: Public Hearing, Action		Presented by: D White
D White Presented overview of the proposed minimum parking amendment. Slides posted online here: https://www.burlingtonvt.gov/CityPlan/PC/Agendas .		
The chair opened the public hearing at 6:49pm and closed it at 7:14pm, with the following Public Comments submitted:		

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.

- P Murphy, CarShare Vermont: Propose an amendment to the TDM requirements—a more flexible benefit for users, more predictable cost to developers by requiring a \$70/mo subsidy for persons without a parking pass. A more equitable benefit by including those that may choose to use transportation forms other than transit.
 - S Bushor asked if P. Murphy if cost assumptions were discussed with a developer and wondered about whether tying benefit to forfeiture of parking pass would incent people to drive. P Murphy responded that proposal hadn't been discussed with developers; proposed offering the benefit 2x per household, so 2-person household could have one car and one subsidy.
- J Hanson: Strongly support CarShare VT proposal as more effective, predictable, easier to administer, cheaper alternative than what has been proposed to date. Building new housing without parking will still have an impact; this helps ensure that developers manage some impact regardless of what mode of transportation is used. Takes savings from not building parking and passes it to tenant who is enabling the developers' savings by not having a car.
- A Bunsen: Support the proposed amendment due to climate emergency. City's 2030 Net Zero Energy Roadmap calls for net reduction in VMT and this is a real step in that direction.
- G Bergman: Strongly support eliminating the parking minimums along with and depending upon a strong TDM program. Support the CarShare approach because it will be more equitable and build the alternative transportation system we need.
- E Hanley: How long do property owners have to provide the incentives? Is there a limit to the number of guaranteed rides home (GRH)? Why couldn't property owners become a CATMA member and extend the benefits to tenants?
 - D White noted that CATMA and GoVermont! offer this service with no ride limit, no additional charge to property owner based on rides used. National utilization rate for GRH programs only 1%. Owner could join CATMA to comply with proposal, but not mandated.
- T Liamis: If these incentives have to be offered in perpetuity, why would anyone build anything?
- J Katz: Savings to developers by not building parking is the mechanisms that funds this. Support CarShare proposal; quells many of the committee's concerns about fixed costs for developers.
- M Kuprych: Is this required for all new development? Is there an escape clause built in as transportation costs and demands evolve, and how will this impact salability of properties under this requirement?

Committee Discussion:

- B Baker: How does the 200-ft requirement apply to a PUD or an assembly of lots with an agreement to share parking? D White noted it would apply if it were a merged lot.
- S Bushor: Concerned about Colchester Avenue not being downtown as is stated in the purpose. Concerned that someone could build a SF home without a driveway, or have an easier path to build an STR without a parking requirement, which would be detrimental to Ward 1. Concerned that this would prevent the adaptive reuse of properties in the future.
- C Mason: concern that Council won't support eliminating parking requirements for affordable housing, as it didn't get traction in the IZ Reform amendment. Concerned that CarShare proposal isn't tied to a reimbursement to verify that alternative methods are being utilized.
- E Lee: Hole in the bucket policy bucket is free parking, parking cheaper than \$70/mo. Issue isn't lack of parking, it's that there are too many cars; as long as car ownership is subsidized this problem will continue. Propose to extend the new parking district to include College St from Union to Williams, for flexibility to manage the YMCA transportation, and support CarShare proposal.
 - D White noted the corridors proposed were identified in planBTV as areas for growth, high frequency transit, and mix of uses.

- M Tuttle recommended the Commission look at zoning districts or entire areas that are appropriate to add to the district, such as all of RH, rather than individual streets.
- C Mason noted concern about adding individual streets as there are constituents on S. Champlain asking for the same change as E Lee recommended for College Street. E Lee agreed that need to look at RH holistically because it is always an outlier, but doesn't feel it would have support at this time.
- S Bushor noted her concern about including all of RH as it would permit more STRs without a parking requirement.
- D White presented data comparing costs of proposed and suggested alternative TDM approaches. Key to this proposal is to remove the parking requirement to encourage more affordable housing and create more units instead of using space for cars. In order for TDM to be utilized by a developer/owner, it needs to be a cheaper alternative than building parking.
- E Lee expressed that this analysis showed proposal has merit, but perhaps amount of subsidy needs more study.
- H Roen expressed concerns that the subsidy as proposed won't actually incent use of alternatives or directly encourage transit use. Possible to offer dollar amount or a specific mode subsidy?
- B Baker requested more information about the factors used to compare costs of TDM to parking
- A Montroll asked staff to update the draft ordinance to incorporate the CarShare concept with a recommendation on the dollar amount for the subsidy for further discussion.

VI. Proposed CDO Amendment ZA-20-05 Short Term Rentals

No Action

Motion by:

Second by:

Vote: N/A

Type: Presentation

Presented by: S Gustin, M Tuttle

S Gustin and M Tuttle presented additional data and information for discussion regarding host-residency and housing replacement. Slides posted online here:

<https://www.burlingtonvt.gov/CityPlan/PC/Agendas>.

Public Comment:

- L Jensen: Questioned staff data regarding housing units built since 2010 and asked if City knows how many long-term housing units have been converted to short-term housing units? M Tuttle noted vast majority aren't permitted, so unknown at what time the STR use started. S Gustin noted that of those permitted, only about 2 were new units created as STRs.
- T Liamis- Lack of housing in Burlington is a result of how hard it is to get a permit cost of fees in Burlington. Using STR to support the cost of long-term tenants.
- M Kuprych- Hosts are waiting for clarity about permitting before registering. Use STR to support maintaining the building, experience for long term tenants, and to live and age in place personally. Support owner or host on site. STR tenants treat properties better, renters are supporting city economy and employees, showcasing the city's uniqueness. STR not the enemy.
- J Sharpe- Only 0.8% of the STRs are 2-bed units. While City says host could get a permit, there are barriers for people who live off-site and would have to pay housing replacement. What is the cost to the city of HostCompliance?
- E Hanley- Have units that struggle to retain long-term tenants. Don't understand what benefit there is to require host on site. Employing people to be hosts as their jobs.
- D Lyons, K Cassella, L Jensen- speaking for "BTV STR Host Coalition." Propose no more work until more data collection. Should require City to work with group of STR hosts to determine what registration looks like, what data could be collected from hosts. Use model like Boston in which City only submits compliant hosts to Airbnb for listing. Need to consider impact of zoning conversion from residential to commercial.

Tuesday, February 11, 2020

- J Marks: Based on long-term low vacancy rate, one would assume no correlation between vacancy rate and growth of STRs. Many in attendance are the small landlords; if STRs aren't available, how will they provide long-term housing? City shouldn't reinvent the wheel, but research what other cities have done. Need more data before policy develops.
- A Magyar: Support data first, and shared story about how renters supported local business.
- E McArdle: Thousands of units being built in the city, and problem is city not doing anything about luxury housing developers and hotels.
- S Offenhartz: is there a correlation between the cost of owning property and the spike in STRs?

Committee Discussion:

- S Bushor: Don't want to end STRs, not saying STR hosts are bad. Understand this is a lucrative way for people to age in place. Not just looking at present, but also impact on vacancy rate, finding balance between STR and long-term housing.
- C Mason took exception to statement that City is doing nothing about housing, reminding attendees that STR is one of many policies currently under consideration, and Council just spent over a year revising Inclusionary Zoning requirements.
- B Baker- a lot of the housing demand is by 25-34 year olds who wish to buy property but can't, which is consistent with national trends.
- A Montroll indicated next meeting will begin with a Commission work session, with public comment to follow at the end.

VII. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Joint Committee will continue working STR proposals at Planning Commission's regularly scheduled meetings on February 19 and tentatively March 10 - M Tuttle updated that PC Ordinance Cmte meeting was rescheduled to Feb 20.		

VIII. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by : E Lee	Second: H Roen	Vote: Approved Unanimously
Minutes Approved: Joint Committee Meeting on January 28, 2020		
Communications Filed:		
- Written communications enclosed in packet, submitted in advance of meeting (posted online) - Additional Communications submitted by P Murphy and D Lyons during meeting		

IX. Adjourn

Adjournment		Time: 8:57pm	
Motion: E Lee	Second: H Roen	Vote: Approved Unanimously	



Signed: February 21, 2020

Andy Montroll, Chair

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Meagan", with a stylized flourish extending to the right.

Meagan Tuttle, Comprehensive Planner