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

Burlington Planning Commission with City Council Ordinance Committee

Tuesday, February 9, 2021, 6:30 P.M.

Remote Meeting via Zoom

To Join the Meeting on a Computer
Link: https://us02web.zoom.us/j/89204085251

To Join the Meeting on a Phone
Number: +1 312 626 6799 **Meeting ID:** 892 0408 5251

AGENDA

I. Agenda

II. Public Forum

See the Agenda Packet for details on how to participate in the public forum for this meeting.

III. Proposed CDO Amendment: Short Term Rentals

The Joint Committee will continue to discuss the draft framework for regulating short-term rentals (STR) in the Burlington *Comprehensive Development Ordinance*, including elements that will be relocated to *Ch. 18 Minimum Housing Standards*.

Information related to this item is included in the agenda packet and online, including:

- Updated staff memo regarding STR amendment and remaining policy questions: p. 3
- Draft CDO (Zoning) Amendment Language: p. 8-12
- Draft Ch. 18 (Housing Code) Amendment Language: p. 13-22

Staff Recommendation: The Committee is requested to provide specific feedback on any further changes to the provisions in either the *CDO* or *Ch. 18*, and direction on how it wishes to move forward with this item.

IV. Commissioner Items

a. Upcoming Meetings: February 23 and March 9, 2021 at 6:30pm

V. Minutes & Communications

a. The minutes of the January 26, 2021 meeting are enclosed in the agenda packet on p. 23.
b. Communications are enclosed in the agenda packet beginning on p. 26.

VI. Adjourn

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

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Guidance for Participating in a Virtual Planning Commission Meeting

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

General Guidance for Public Participation

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

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

How to Join a Virtual Meeting

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

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

How to Participate in a Virtual Meeting

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

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

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

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TO: Burlington Planning Commission & City Council Ordinance Committee
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
Meagan Tuttle, Comprehensive Planner, Office of City Planning
DATE: February 4, 2021
RE: Proposed CDO Amendment ZA-20-05: Short Term Rentals & Ch. 18 Minimum Housing Code amendments

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Overview & Background

This package of amendments resulted from the 2019 Mayor's Housing Summit, and the subsequent Council Resolution in October 2019, which directed a Joint Committee of the Planning Commission & City Council Ordinance Committee to create a regulatory framework for short-term rentals that created tiers and disincentivizes the most impactful uses in order to:

- Limit the number of housing units converted for short-term rental purposes;
- Ensure that conversions contribute to efforts to preserve and expand affordable housing;
- Provide some flexibility for homeowners to earn income; and
- Recognize that some supply of short-term rentals benefits the Burlington economy.

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

In the last several years, there has been significant and growing demand for STR's internationally, and locally. 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 a property. They benefit Burlington's tourism economy and provide guests with a convenient, and often more affordable, place to stay when traveling. They also generate city and state tax revenue via the Rooms & Meals Tax (RMT). Short term rentals, however, do not come without impacts. Some have the effect of removing dwelling units for long-term occupancy, and they 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 neighborhoods.

As the Joint Committee has heard from many of the city's STR hosts, short-term rentals are uniquely flexible and come in a variety of forms—beyond the major distinction between whole unit and partial unit STR's. The same dwelling unit may alternate between long- and short-term rental uses within a relatively short period of time. A dwelling unit may serve as one's primary residence for most of the year, and serve as a short-term rental while the resident is away. A short-term rental may coexist with a number of long-term rentals within a multi-family building. This variability and flexibility needs to be considered within the context of the overarching policy objective: to protect Burlington's limited housing stock, while affording reasonable opportunity to host short-term rentals within the city.

Short Term Rentals in Burlington
Burlington has some 10,000+ rental housing units, representing 60% of all housing units. While the June 2019 Housing Summit reported hopeful trends in a slightly increasing vacancy rate and slight slowing annual rent inflation, the city's housing market remains tight with the long-time rental vacancy rate between 1% and 2%. Short-term rentals have replaced a growing number of dwelling

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units citywide in recent years. According to data provided by HostCompliance, the number of short term rentals within Burlington increased 26% between 2018 and 2019. The average monthly number of short term rentals within city limits between June and September 2020 was 403 listings, representing 357 unique rentals.

As of September 2020, 71% STRs in Burlington are an entire dwelling unit, whereas 29% are partial dwelling units (i.e. bedrooms). This is a change from 67% and 33% respectively in 2019, likely due to COVID-19 concerns. In September 2020, 55% of the city's STR's were in single-family properties and 45% in multi-family properties. The COVID-19 pandemic has had wide-ranging impacts on the STR market globally and locally.

While the total number of unique properties and listings in Burlington has changed little in 2020, the number of active listings has varied this year due travel restrictions and hosts' management decisions. Stories shared by STR hosts and data from other sites, such as AirDNA, suggest that many of these listings may currently be inactive, are being rented as an STR for a longer duration (such as for weeks or months), or are being used as temporary accommodations for people who have relocated due to the pandemic. It will be some time before the long-term impacts of COVID-19 on the local STR market are understood.

Joint Committee work on STR Proposal
The Joint Committee has received information on STRs in the city during meetings spanning more than a year. In response to public and Joint Committee comments, the original draft regulatory framework has been revised in three major ways:

- Revision to STR limits within multi-unit buildings to be less than 50% of units, and a related clarification that exceeding these limits results in a "lodging" use.
- Allow some degree of off-site hosting for STR's within multi-unit buildings.
- Consider an alternative to Housing Replacement fees, such as an additional fee based on STR income. In either scenario, fees will support the City's Housing Trust Fund. This additional fee needs to be determined by the City Council, and likely through a charter change.

The standard for when the host is required to live on or be the owner of the property hosting an STR(s) emerged as one of the most important policy levers in determining how many STRs would be possible within the city. The Committee deliberated this issue on many occasions, specifically with regard to how permissive the policy should be, and what recourse the City had for changing the policy or curtailing STR use if too many housing units became STRs.

As a result, staff provided a proposal for the Joint Committee's consideration to shift much of the regulatory framework from the *Comprehensive Development Ordinance (CDO)* to *Chapter 18: Minimum Housing Standards (Ch.18)* of the City's *Code of Ordinances*. This shift would preserve the ability to implement key policy objectives, but leaves a limited role for zoning regulation of STRs. Specificially, *Ch. 18* can regulate the number of STRs permitted on a property or in a building as well as host-occupancy requirements where applicable. *Ch.18* continues to be the tool to administer life safety standards and the annual rental registration process.

Moving STR standards out of the *CDO* has several benefits, such as avoiding the onerous process of requiring new zoning permits each time a unit switches from long-term and short-term use. But most significantly, it addresses the Committee's feeling that the policy may need to be adjusted in the future, and eliminates the concern that non-conforming STRs would be exempt from such changes. Because standards in *Ch.18* apply at the time of each annual rental registration, any policy changes made since an STR's last permit renewal would be applicable.

Therefore, the limited role for regulating STR's through the CDO include allowing STR's by right and creating a definition that points to the specific STR regulations in Ch. 18. Staff also proposes to condense the definitions for multiple lodging types (not including STRs) into one use/definition.

Decision-making points for February 9 Committee Meeting
Several questions remain to be addressed by the Joint Committee, including:

- When is the property required to be the STR host's primary residence? Under what circumstances, if any, should off-site hosting be allowed? As presently drafted, the standards allow off-site hosting only in multi-family attached dwellings of 3 or more units.
- Should whole unit STR's be allowed at all in buildings with 5 or more units? As presently drafted, 2 STR units are permitted in 5-6 unit buildings and 3 STR units in 7+ unit buildings.
- Should whole unit STR's in multi-family attached apartment buildings be handled differently than in condominium buildings? As presently drafted, there is no distinction; however, some Committee members felt that condominimums, as owner-occupied units, could be handled differently. In effect, anyone could use their dwelling unit as an STR so long as it remains their primary residence. Some further fleshing out is needed in order to account for host as owner versus host as tenant and what those scenarios might look like in rental apartment buildings versus condominimums.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

The proposed regulatory framework is aimed at minimizing the potential for adverse impacts to the city's housing stock, while balancing some flexibility for hosts to operate short term rentals. Together with amendments to Minimum Housing Standards in the City's Code of Ordinances, the proposed amendment is intended to allow the short term rental of bedrooms within a dwelling, and the use of a host's own dwelling occasionally as a short-term rental, with minimal burden to the host. Per-building caps are applied to whole unit short term rentals operated by off-site hosts so as to limit their proliferation. In an effort to balance the benefits to hosts with the preservation of long-term housing stock, short term rentals would generally be allowed wherever residential uses are allowed; however, in most scenarios, hosts must be a resident of the property.

Proposed Amendments

CDO Amendments
With the shift of much of the regulatory framework to *Ch. 18*, only limited changes to the *Burlington Comprehensive Development Ordinance* are now proposed:

1. **Amend *Article 13 Definitions* to define "short term rental", modify "lodging" definitions**
   Define short term rental as a type of dwelling unit and refer to standards in *Ch.18*. Additionally, streamline the definitions of Hotel/Motel and Hostel to a more general "Lodging" definition to reduce redundancy and inconsistencies in how various traditional lodging uses are permitted.

2. **Add STRs as a "special residential use" to *Appendix A- Use Table* and in *Article 14- Downtown Code***
   This will establish that short term rentals are allowed anywhere that residential uses are allowed, and will refer to *Ch. 18* for specific standards.

Ch. 18 Minimum Housing Code Amendments
The attached documents detail the related amendments to *Ch. 18 Minimum Housing Standards*. While *Ch. 18* amendments are not normally the purview of the Planning Commission, they are reviewed by the City Council Ordinance Committee. Further, in this instance, the Joint Committee is recommending *Ch.18* amendments because they resulted from the Committee's charge from the City Council to create a regulatory framework for STRs. These amendments include:

1. **Establish standards for the number and type of STRs permitted in a building, and when the host is required to be the owner/occupant of the property.**
   Sets limits for the number of bedrooms rented in a Partial Unit STR, and limits for the number of Whole Unit STRs permitted in a building based on the number of units in the building. Additionally, requires host occupancy of the unit in which the STR is located except for in limited cases for STRs in multi-unit buildings of 3 or more units.

2. **Establish minimum life safety standards for STRs, and requirements for annual rental registration.**
   Defines a limited set of life safety standards for STRs, and additional information to be provided on rental registration applications for housing units to be used as STRs.

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).

Compatibility with Proposed Future Land Use & Density
The STR proposal is intended to protect existing housing from unlimited conversion to short term rental use. Data shows increasing numbers of short term rentals in recent years, largely at the expense of 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.

Impact on Safe & Affordable Housing
The proposal will have no impact on the intensity or density of future land use. It 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 wherever residential uses are allowed. Per-building caps will prevent wholesale conversion of residential units into short term rentals.

Planned Community Facilities
This amendment has no 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, Joint Cmte, based on City Council referral	**Presentation to & discussion by Joint Committee** 1/14, 1/28, 2/11, 2/19, 8/11, 9/23, 10/28, 11/24, 12/8, 1/12, 2/9	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	Second Read & Public Hearing	Approval & Adoption
				Rejected

Excerpt of Burlington CDO Article 13: Definitions

Note: Proposed additions are noted in red underlined text and deletions are ~~crossed out~~.

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous *As written.*

Sec. 13.1.2 Definitions

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.

All other definitions as written.

~~**Hostel:** A place where travelers may stay for a limited duration, as recognized by the International Hostel Association.~~

~~**Hotel, Inn or Motel**~~ **Lodging:** An establishment providing for a fee ~~three or more~~ temporary guest rooms and customary lodging services (such as onsite staffing at all hours, lobby space, and room service), and subject to the Vermont rooms and meals tax. Lodging may, or may not, be owner occupied. Lodging does not include historic inns or short term rentals (except when per-building short term rental limits noted in Chapter 18: Minimum Housing Standards of the City Code of Ordinances are exceeded).

Short term rental (STR): A dwelling unit that is rented in whole or in part (i.e. renting bedrooms within a unit) to guests for less than thirty (30) consecutive days for overnight stays, pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential			Downtown Mixed Use[i]	Neighborhood Mixed Use				Enterprise	
USES	**UR**	**RCO - A**	**RCO - RG**	**RCO - C**	**I**	**RL/W**	**RM/W**	**RH**	**DW-PT[16]**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**	**E-AE**	**E-LM**
RESIDENTIAL USES	**UR**	**RCO - A[1]**	**RCO - RG**	**RCO - C**	**I**	**RL/W**	**RM/W**	**RH**	**DW-PT[16]**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**	**E-AE**	**E-LM**
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.															
Short Term Rental[33]	N	N	N	N	Y	Y	Y	Y	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.															
~~**Hostel**~~	~~N~~	~~N~~	~~N~~	~~N~~	~~Y~~	~~N~~	~~N~~	~~CU~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~
~~**Hotel, Motel**~~ Lodging	N	N	N	N	CU	N	N	N	(See Sec. 4.4.1 (d) 1)	N	Y	N	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. No more than 3 rooms permitted to be let in the RL 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

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.
33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.

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[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 *(Sec.14.6.6.e)*	P
Convalescent /Nursing Home	P
Short Term Rental *(See Ch.18: Minimum Housing)*	P
SHORT-TERM ACCOMMODATIONS	
Bed and Breakfast[1]	P
Historic Inn *(Sec.14.6.6.c)*	P
~~Hotel~~	~~P~~
Lodging	P
Shelter	P
RETAIL - GENERAL	
ATM	P
Auto/Boat/RV Sales/Rentals[3]	P
Convenience Store	P
Fuel Service Station[2] *(Sec.14.6.6.d)*	CU
General Merchandise/Retail	P
RETAIL - OUTDOOR	
Open Air Markets	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Automobile sales not permitted as an Accessory Use

[3] Exterior storage and display not permitted.

14.3.4-H- Use Type FD6

OFFICE & SERVICE	
Animal Grooming	P
Auto/Boat/RV Service[3] *(Sec.14.6.6.d)*	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center *(Sec. 14.6.6.g)*	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
Restaurant	P
Restaurant – Take Out	P

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 Rental *(See Ch. 18: Minimum Housing)*	P
SHORT-TERM ACCOMMODATIONS	
Bed and Breakfast[1]	~~P~~
Historic Inn *(Sec.14.6.6.c)*	P
~~Hotel~~	~~P~~
Lodging	P
Shelter	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

[1]Must 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:

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

Hotel or motel means an establishment which holds itself out to the public by offering temporary (less than 30 days) sleeping accommodations for compensation ~~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 for thirty (30) consecutive days or more.

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 (STR) shall mean a dwelling unit that is rented for compensation in whole or in part to guests for less than thirty (30) consecutive days for overnight stays. It may be a whole unit short term rental (the entire dwelling unit) or a partial unit short term rental (just bedrooms within the dwelling unit).

Target housing means any dwelling constructed prior to 1978, except any zero (0) bedroom dwelling or any dwelling located in multiple-unit buildings or projects reserved for the exclusive use of the elderly or persons

with disabilities, unless a child six (6) years of age or younger resides in or is expected to reside in that dwelling. "Target housing" does not include units in a hotel, motel, or other lodging, including condominiums that are rented for transient occupancy for less than thirty (30) days ~~or less~~.

All other definitions as written.

18-3 – 18-14 Reserved

As written.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. GENERALLY[1]

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. Additional requirements pertaining only to short term rentals are listed in subsection (f).

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 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.

(f) In addition to registration requirements for all rental units noted in (a) – (e) above, all short term rentals subject to inspection pursuant to Sec. 18-16 shall be subject to the standards of Table 18-15-1 below:

Table 18-15-1 Short Term Rental Types, Limits, and Standards			
Whole Unit STRs			
Building Type	**Dwelling Units in Building**	**STR Limit in Building**	**Host's Primary Residence**
Single Detached Dwelling Single Detached Dwelling with an Accessory Dwelling Unit (attached or detached),	1	1 Whole Unit	Required
Duplex	2	1 Whole Unit	Required
Attached Dwellings-Multifamily {and condominiums that the host lives in?}	3-4 (above this size, no STRs allowed?)	1 Whole Unit	Not Required
	5-6	2 Whole Units	Not Required
	7+	3 Whole Units	Not Required
On lots containing 2 or more detached primary structures/buildings, the STR limits are applicable to each building, based on the number of dwelling units in each building. *Buildings exceeding these limits are a Lodging use, and subject to applicable standards in the Comprehensive Development Ordinance.*			
Partial Unit STRs			
	STR Limit on Property	**Host Primary Residence**	
Rooms within a Dwelling Unit	5 Rooms	Required	

(1) Additional information to be included in the rental property information form provided by the enforcement agency:

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

- Number of whole unit short term rentals?

- Number of partial unit short term rentals?

(ii) Will the short term rental(s) be rented for more than 183 days per year?

(iii) 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 or more, 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). 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)

18-30 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 STANDARDS[1]

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.
(h) Provision of fire extinguishers as required by NFPA and Burlington Fire Department.
(i) Instructions for occupants regarding:
  i. Location and use of fire extinguishers
  ii. Emergency egress routes
  iii. 24 hour/7 days per week emergency contact information
  iv. Emergency shut-off of heating systems and fuel burning appliances.
(j) Current rental registration certificate posted inside and clearly visible to occupants.

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.

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
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(802) 865-7144 (TTY)
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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Burlington Planning Commission

Tuesday, January 26, 2021, 6:30 P.M.

Remote Meeting via Zoom

Draft Minutes

Members Present	E Lee, A Montroll, H Roen, A Friend, J Wallace-Brodeur, Y Bradley
Staff Present	D White, M Tuttle, S Gustin, M O'Neil, K Sturtevant
Attendance	Cindi Wight (BPRW), Dan Cahill (BPRW), Rosaire Longe (Elks), A Magyar, S Bushor, A Stark, D Lyons

I. Agenda

Call to Order	Time: 6:33pm
Agenda	Add new item IX to update Commission on 2020 VT Legislative changes.

II. Chair Report

A Montroll	No report, thank you for participating virtually.

III. Director's Report

D White	Planning staff continue to support city's COVID-19 research and data, and manage a team of contact tracers. FY22 budget process is starting. Applied to the CCRPC for the FY22 UPWP for funding for Impact Fee Study. Intern started this month, will be documenting residential development patterns specifically related to 2, 3, 4 unit buildings. Supporting project reviews by DPI and Airport.

IV. Public Forum

Name(s)	Comment
A Magyar	First rule of governing is do no harm. Changes to STR contemplated has potential to make sweeping changes, and we do not know what the impact is. Please consider an option for non-owner occupant hosts as a conditional use.
S Bushor	Regarding shoreline buffer amendment, glad to see consistency with state standards. Concerned about lakeshore erosion and have further questions about the proposed change to setbacks, which seems to conflict with other parts of the ordinance.

V. Proposed CDO Amendment: Adaptive Reuse Definition

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: A Friend	Second by: J Wallace-Brodeur	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M O'Neil	
Discussion & Notes: • Proposal is largely a housekeeping item to more accurately reflect the federal standards for adaptive reuse.		

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

VI. Proposed CDO Amendment: Parking Garage Illumination Standard

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: A Friend	Second by: H Roen	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M O'Neil	

Discussion & Notes:

- The lighting standards referenced in the CDO have changed, not only edition, but in some cases replacements of actual standards.
- A Commissioner asked if the language intended to limit lighting levels to minimum required by lighting standards. Staff clarified that this was the intent.
- A Commissioner requested that the Commission consider lighting standards, specifically spillover beyond property lines and exposed light fixtures. Staff noted there is also an interest in updating this section of the ordinance. The Chair requested this to be on the list of topics to review at an Executive Committee meeting.

VII. Proposed CDO Amendment: R-L Boundary at 925 North Ave.

Action: Approve Municipal Bylaw Amendment report and warn for public hearing.		
Motion by: J Wallace-Brodeur	Second by: E Lee	Vote: Approved unanimously
Type: Discussion, Action	Presented by: M Tuttle	

Discussion & Notes:

- Requested change to the zoning boundary between RCO and R-L by the Elks to enable future use and flexibility for portion of the lot developed closest to North Avenue, while continuing to conserve the area adjacent to Rock Point and Arms Park.
- A Commissioner asked if this amendment was being contemplated in exchange for the sale of the conserved portion of the property. BPRW Director and Elks Trustee indicated that City and Elks have long discussed options for purchase or easement, but that the zoning request is not predicated on this. Planning staff further indicated that request is independent of discussion about ownership of the remaining conserved land, and is intended to facilitate development closer to North Ave, while preserving natural areas.
- Commissioners expressed support for the conservation of the open space on the property, as well as the community benefits from the Elks continued use of its building.

VIII. Proposed CDO Amendment: Shoreline Property Setbacks & Buffer

Action: Approve Municipal Bylaw Amendment report and warn for public hearing, with amendments to add a 50' limit on required no-mow zone and clarification of "no-mow".		
Motion by: E Lee	Second by: J Wallace-Brodeur	Vote: Approved unanimously
Type: Discussion, Action	Presented by: S Gustin	

Discussion/Notes:

- Initiated by the Conservation Board. A maximum setback is proposed to help preclude situations where setback based on neighboring properties causes situations where new development is pushed closer to the lakeshore than existing developments. Also proposes to improve conditions along the lakeshore for developments over a certain threshold by creating a no-mow zone along the lakeshore of a size equivalent to the area of development.
- Staff recommended to add an upper limit on a width of a no-mow zone of 50' within proposed text for Sec.4.5.4 (c) 4.1. This is specifically relevant for narrow, deep lots with frontage, where it is conceivable that a significant portion of the open space could be no-mow, which is not the intent.
- Commissioners requested that no-mow be further defined, specifically to ensure invasive species and seasonal vegetation management is enabled.

DRAFT

IX. 2020 VT Legislative Session Updates

Action: None required		
Motion by:	Second by:	Vote:
Type: Discussion	Presented by: M Tuttle, S Gustin, D White, K Sturtevant	

Discussion & Notes:

- As a result of statutory changes in Act 179, updates are required to the Burlington CDO, including:
  - Removing bedroom and occupant limits for ADUs, and increasing the maximum size to 900 sq.ft. (from 800 sq.ft.).
  - Small adjustments to existing small lot provisions regarding connections to water and sewer.
  - Staff provided options for how to incorporate the change to conditional use review standards. Commission requested review by the Ordinance Committee and generally expressed that terms like "character of the area" can be problematic and should be clarified.
- Staff noted that the Act 164, the "Retail Cannabis" bill, is prompting a ballot question in March. Details about how cannabis establishments will function will be subject of state-wide rulemaking and licensing. Staff will follow the process over the next year, so it is unclear whether it will impact the CDO. Staff perspective is that cannabis establishments shouldn't be regulated differently than other uses of the same type within the zoning ordinance. Some Commissioners concurred that cannabis businesses don't necessarily require a separate use category.

X. Commissioner Items

Executive	No Report
Ordinance	No Report
Long Range	No Report

Next Meeting is Feb 9, 6:30pm as Joint Committee Meeting with Council Ordinance Committee. Commissioners asked about the timeline for discussion of STR amendments and how to inform property owners about when changes/enforcement go into effect. The Chair noted his intention for Committee discussion to focus on the details of the language, and staff reminded the Commission about the proposed grace period before active enforcement of any new requirements would begin.

XI. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: A Friend	Second by: H Roen	Vote: Approved unanimously

Minutes Filed: January 12, 2021
Communications Filed:

- None

XII. Adjourn

Adjournment	Time: 8:07 pm	
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously

DRAFT

Zoom Chat Transcript
Joint Committee Meeting
January 12, 2021

From Denis OBrien to All panelists : So no open discussion on Short Term Rentals? I thought the open discussion up front was for OTHER issues

From Bill Ward to All panelists : Bill Ward here Meagan if you upgrade me to panelist for the STR item

From Abbott Stark to All panelists : What if anything 5+ unit buildings requires owner occupancy?

From Jamie Sharpe to Everyone : Can tenants register a unit they are renting with the city? I don't understand how tenants would be able to be hosts.

From Bill Gonyaw to All panelists : Meagan Tuttle provided this to me last month: 17% of burlington's housing units are in 3 or 4 unit buildings.

From Bill Gonyaw to All panelists : I can share the email if that would help.

From Abbott Stark to All panelists : Perhaps increase the limit of "Whole Unit STR Limit in Building" for 3-4 "Dwelling Units in Building" from 1 to 2... Meaning that up to 2 units could be STR in a 4 unit building. That would address Andy's story.

From Lucas Jenson to All panelists : Can you please explain how a duplex rental is different than a 3-4 unit? Why would you require owner occupancy be required in a duplewx rental but not in a 3-4 unit??

From Abbott Stark to All panelists : The Vermont house is Condos. So they would be treated like single family houses.

From Lori Kettler to All panelists : I don't think that insurance policies would cover properties where owners allow renters to rent their unit on Airbnb, so you would have hosts and renters and guests uncovered, which I don't think you want?

Meagan Tuttle

From: Julie Marks <jlmarks722@gmail.com>
Sent: Tuesday, January 12, 2021 9:11 PM
To: Meagan Tuttle
Cc: Scott Gustin; Andrew Montroll
Subject: Stricter STR Host Recommendation

[WARNING]: External Message, please be cautious.

Burlington Land Use Code	STR** Allowance	Burlington Zoning District	
		Mixed Use, High & Medium Density Residential	Low Density Residential
Residential* - R1, R2, R3, R4 Single Family, ADUs, Duplex, Triplex, 4-Unit Multi-Family House	1 STR per lot	Permitted	Conditional
	2 STRs per lot	Conditional	Prohibited
Commercial & All Other Residential Codes Apartment Buildings, Condominiums, Townhouses	Per HOAs	Conditional	Prohibited

Hi all,

Above is a suggested revision to the table put forward by the STR host coalition. This is what I originally suggested to the group. I encourage this type of approach to provide equity among property owners.

Thank you again for your consideration of my scenario and time on this issue! I really hope to keep operating for years to come!

Best,
Julie

--
Julie Marks
206.446.9572

Meagan Tuttle

From: Laurie kotorman <laurieinvt@yahoo.com>
Sent: Saturday, January 16, 2021 5:36 PM
To: Scott Gustin
Cc: Meagan Tuttle
Subject: Re: STR comment

[WARNING]: External Message, please be cautious.

Hello Scott and Meagan,

I have a standing zoom meeting from 7-9 on Tuesday pm, so I have been unable to attend the majority of the STR meetings, but have been trying to keep up
with the emails. I am also a member of the STR coalition.

I want to continue as an STR host, not as a Bed & Breakfast owner. I just learned from the coalition that it appears the Committee is done discussions. I am very distressed and disappointed with the current decision on duplex vs. triplex. It feels unreasonable to me that because I own a duplex, and not a triplex, I will need to be an owner occupied host. I have tenants who happily co host, and I've hosted off site since 2013 without any problems. I live 5 minutes away. I know I am not the only host affected by this. I truly hope the committee will look at this with greater respect to the owners who are struggling to keep a property and own duplexes. I strongly believe the duplex owners along with triplex owners should have equal rights to host off site.

I appreciate your thoughts and consideration,
Laurie and Mark Kotorman

Laurie Kotorman
laurieinvt@yahoo.com
Burlington, VT
www.mybpilatesvt.com
802-318-8388 cell
802-985-5848 home office

On Thursday, January 14, 2021, 1:39:43 PM EST, Scott Gustin <sgustin@burlingtonvt.gov> wrote:

Good afternoon Laurie (is that right?),
If I understand correctly, a single family home had a short term rental purpose-built within it. If so, that would be handled as a "bed & breakfast" under the standards that have been in effect for years and continue presently. That's typically permissible with Development Review Board approval of a zoning permit, but it is predicated on owner-occupancy of the property. I can't quite tell from the note below whether that's the case. Correct that if no housing unit was replaced, then the housing replacement fee would not be applicable.
Let me know if you'd like to discuss further.
Scott

Scott Gustin, AICP, CFM
Principal Planner & Asst. Administrative Officer
Dept. of Permitting & Inspections

645 Pine Street
Burlington, VT 05401
(802) 865-7189

-----Original Message-----
From: Olivia LaVecchia
Sent: Wednesday, January 13, 2021 2:40 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>; Scott Gustin <SGustin@burlingtonvt.gov>
Subject: FW: Form submission from: Feedback form

I'll keep forwarding any of these forms that come in! Olivia

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

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

-----Original Message-----
From: City of Burlington, Vermont <noreply@burlingtonvt.gov>
Sent: Tuesday, January 12, 2021 5:42 PM
To: Olivia LaVecchia <olavecchia@burlingtonvt.gov>
Subject: Form submission from: Feedback form

Submitted on Tuesday, January 12, 2021 - 17:41 Submitted by anonymous user: 64.94.215.164 Submitted values are:

Did you attend the Housing Summit workshop in June? : No Share your comments: I am a host with a tenant that co-hosts a STR duplex. The house was originally a SF home, we created the unit for STR and have been doing so since we created the STR. I think I understand that I would not be subject to the housing replacement fee, as the unit was never a LTR, and was created as a STR. This was aprox 3 years ago when no permits were required for STR's. Just want to make sure I'm clear and correct on this.
Your email address: laurieinvt@yahoo.com

The results of this submission may be viewed at:
https://www.burlingtonvt.gov/node/6735/submission/21744

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.

Meagan Tuttle

From: Matt & Leda <tallandsmall@gmail.com>
Sent: Sunday, January 17, 2021 6:54 AM
To: Meagan Tuttle
Subject: Feedback for Planning Commission on STR

[WARNING]: External Message, please be cautious.

Dear Megan – Thanks for passing this on to the Commission for public record.

Dear Burlington Planning Commission,
I am writing this (and a subsequent message) because I am a former AirBnb host. Since I am no longer hosting, I feel that I can write this from the perspective of a host, but also not have fear of being targeted in anyway. I can see how many of those currently participating in / relying on the sharing economy feel somewhat targeted for trying to make ends meet, and fearful that a part of their livelihood will be regulated away from them.

As I reflect on the prospects of being pushed out of the option of hosting on AirBnb, I started to think about the types of people and circumstances that brought them to Burlington. Here are the 24 people who stayed at our place over the course of the last year we hosted, their feedback and why what we offered was relatively unique. It also reminded me that we paid our neighbor's son to help look after the house (in addition to professional cleaning / support host we hired – a family of a local musician who just moved to Vermont and were trying to make ends meet), and that our neighbors had a new baby and had friends and family staying in our house during the time.

Some people needed to grieve together, or see each other after years for small reunions, others just wanted to cook a thanksgiving dinner for their kids at college. Others needed a place that would allow pets, and still others were testing the waters to see if they wanted to move to Burlington (or deciding where to live when they had started a new job in town). A few needed to have six people together, but couldn't afford $150 and so requested discounts (try that at Holiday Inn).

When something was broke, we fixed it; if folks needed something, we ensured they go it. AirBnB at its bests is a self-regulating community!

All of this happened outside of the three months that my wife and kids were living in the house and the one month that I was able to take vacation with them. I will miss interacting with this microcosm of people (if I had another life / job, I would probably be in hosting / hospitality). I understand that all the hosts are not as nice as we are (perhaps 😊); and that some people in our neighborhood might object, if they were aware of the short-term rental (in the same way that I object to people keeping a boat in front of their house or parking on the street year round and not in their driveway; or the neighbor down the road whose roof is practically caving in due to neglect). But our direct neighbors are supportive and have been friends over the year, and understand our situation!

Anyways, have a look at the types of people who come through, their feedback and what we won't be able to offer in the future!

Interest?	Would they stay in hotel?	Would they stay in Traditional BnB	Feedback	Unique features we were able to offer

Hello, I am interested in booking at Christmas time, Thurs Dec 26th for at least 4 or 5 nights. Is there really a piano, for my husband, a pingpong table for my son, and a highchair for my granddaughter? The place looks perfect for the 7 of us..3 couples and 1 baby. Is the queen bed in the common area in the basement (does it offer some privacy?). Looking forward to hearing from you. Do you anticipate being busy at Christmas? How soon should I book?	No	No	Overall rating – 5 stars Great place for families! Nice location. Spacious. Clean.	Space for people with kids and entertainment.
Hi, my wife, two daughters and I are excited to come to Burlington just before Christmas, when we will then head to our brother and sister-in-laws place in Waltham, MA for the holidays. We have vacationed in Burlington for a week in August for each of the past 3 years and thought it was time to visit in the winter (my wife wants to move there, but I have my doubts about the weather). Your place looks great, and the fact that we love to play ping pong and foosball sealed the deal. We live near Annapolis, Maryland. I work in Washington, D.C. as a lobbyist for seniors, originally from New York. Looking forward to meeting you.	Maybe	Maybe		Testing out whether they want to move to Burlington.
Matt - looking for to spending Thanksgiving	Maybe	Maybe	Five Stars Public review	Spending time with their kids

week with our student at Champlain.			Updated home in a very convenient and safe location. Feels warm and inviting. All settled in & everything looks great. We really like your home. Modern touches yet still maintains the original feel.	
Hi! My daughter goes to Champlain College. She will be going on a study trip to Jordan over Thanksgiving, and I would like to come make her a Thanksgiving dinner. Your kitchen looks perfect, but I am just checking to make sure that is okay with you!	No	No	So close to grocery stores and schools. Really convenient location for an Air BnB.	Spending time with their kids and cooking a home meal.
Hi Matt! My family and I are traveling to Vermont for the first time. Can't wait to stay at your place.	Maybe	Maybe	This home is fantastic! Great location. Close to the city and many local	Families particularly with small kids are reluctant to travel and stay in hotels.
Hi Matt- We are on our way to Vermont from a variety of places to get together for a remembrance event for our sister who recently passed away. Your home looks like a nice spot for us to easily get around from.	No	No	Spacious home in a small neighborhood. Easy access to downtown, a variety of brewerie	Grieving family that wants to be together, not in separate rooms, but in a common space.
Hiya, it would be my partner, our son and I. Plus my 2 best friends from college. My friends live in Western mass and rec coming to Burlington for leaf peeping! I'm excited to maybe make it to Montreal as well, thanks for the tip. My son and I came it without my partner last year but she wanted to come this time.	No	No	Very cozy and comfortable for kid	Again family and people who want to be with one another in a common area.

Last time we just hungout in Northampton, excited to venture out this year.				
Hi Matt! My husband and I are bringing two other couples with us to celebrate our sister-in-laws 50th birthday! We are looking forward to being so close to the lake and the breweries.	Maybe	Maybe	Would definitely stay here again! Matt & company are very responsive to communication. The house was clean and in a great location. We had 6 adults (3 couples) and had plenty of room. The extra half bath in the basement was helpful. We loved the location - we were in town to visit local breweries - we ended up at 7 different ones in 4 days. (Fun!) We didn't eat at the house much at all, other than snacks and morning coffee. (We were very grateful for the coffee maker!) We brought an HDMI cable with us and plugged it into the TV to stream from our laptop - worked great. October was a beautiful time of year to go - what beautiful scenery! Our favorite breakfast places were the Swingin' Pinwheel and Mirabelles. We had great pizza at Queen City (walking distance) and also loved Prohibition Pig, which is a bit of a drive, but totally worth it. Our favorite brewery was Burlington Beer Company, but also enjoyed all the others: Fiddlehead, Foam, Four Quarters, Frost, Alchemist (if you're going to Pro Pig, might as well go to Alchemist! :)) and Zero Gravity (walking distance). Thank you, Matt!	Location (there are no other hotels close to us) and people being together.
Hello Matt, We are 5 college friends who gather every fall for a reunion weekend. We pick a different destination every year and this year is Burlington. I grew up in	No	No	Fantastic location for exploring Burlington. Matt was extremely prompt with all communications and we really appreciated being able to check in early. House was very clean and we appreciated the	Being together!

the Lake Sunapee region of NH and my friends are all originally from Michigan . I look forward to showing them New England!			thoughtful touches of the coffee/tea station and shampoo etc in shower. We would definitely stay again if in Burlington!	
Hello - Do you have availability 9/27 to 9/29? Those dates appear available on the calendar but won't accept check-out date of 9/29 (so I was forced to enter 9/30). We stayed at your place once before & loved it! Booked under either my name or Bob Osmond. Thank you	No	No	This is a lovely, spacious home with plenty of room to spread out. And the outside property is great with a good-sized yard & picnic table. House is located in a very nice residential neighborhood of Burlington but walkable to many good restaurants & some of the city's favorite breweries. Check out the Great Northern & Pizza 44, and the neighboring breweries, within 5-10 minutes walking distance & Lake Champlain chocolate factory store.	Able to offer a discounted price that they asked for.
I am interested in staying at your beautiful house for a check-in of September 20 and a check-out of September 23. Myself and a few friends are setting up an informal 10 year college reunion (we went to Champlain College). My husband and I have three rentals on Airbnb in Berlin, NH and are in the process of setting up a fourth (my husband is listed on the host and I am the co-host). My husband is also a superhost. Please let me know if you are able to reduce your nightly rate at all for these three nights. We were ideally looking to have 2+	No	No	Myself and five others stayed at Matt's place for a girls weekend. The location was great, as it was in a quiet neighborhood away from the busy area of Burlington but it was a quick ride to downtown Burlington. There was plenty of room for all of us and having only one full bathroom did not cause any issues with six girls getting ready due to the half bath and the several large mirrors throughout the house. The house is very unique, has a lot of interesting artwork, and definitely feels lived in. Although there appeared to be a lot of personal items in the house, nothing was in our way at all. Matt was quick to respond to any questions that I had. I would definitely stay at Matt's place again for a future trip.	Offering a discounted price and reunion.

bathrooms for this long weekend, but I think we would be able to make 1.5 bathrooms work if the price is lower than the 2 bathroom options we are looking at. I would make sure that everything is left very tidy, as I know how important cleanliness is for guests. There would be 6 or 7 of us total.				
Hi there Matt, your house looks great! I will be visiting Burlington for a few days to visit my brother and his family. I'll be travelling with my mom and my two sons (2.5 yrs and 7 months), and just looking for a place with a bit of space for all of us to have some family time and enjoy Burlington. I hope your place is available, it looks great. Thanks, Emily	No	No	This was the perfect spot for me, my mother, and my two young children (ages 9 months, and almost 3yrs). So many toys to keep them occupied and huge space in the basement, sunroom, and backyard area for playing. Lots of fantastic children's books too. The whole house felt very clean and safe for children. And there were two high chairs! We brought a travel crib and just put pillows around the bed for the bigger boy. Great location with park right across the street with several play ground areas. Kitchen was great, had all that we needed. The hosts were super responsive when we requested to check in early and check our late (thank you!). Highly recommend this house, and I'd love to stay there again. Thank you!	Family Space.
Hello Matt! We are are a family of three from Portland, Oregon coming to Burlington for a cousin's wedding. We are looking forward to exploring Burlington and any tips you have are much appreciated! We all love the outdoors and great food and beer. FYI: I really appreciated the	No	No	Burlington is a small town so it doesn't take long to get around but we really enjoyed the Southside location - near the Saturday farmer's market, some beautiful parks, and cool little shops. The house was more than enough space for our small family and was very comfortable and welcoming. We loved Burlington and would	Social interaction, fair wages.

commitment to fair wages that you shared on your site - in fact, that was the final element that prompted me to book. Looking forward to it!			definitely stay at Matt's place again.	
My husband and 3 daughter will be visiting Burlington to see our youngest daughter who plays soccer for University of New Hampshire play in a two day tournament. We're an easy going family! Our girls our 33,27,24 We are surprising our youngest who has no clue we're going to all be there Lord willing.	No	No	Enjoyed our stay. Near downtown, drive took 3 min. We walked to "The spot" to eat one morning. Close to grocery store shopping and lake Champlain. Oak ledge park is very close also If we're ever in the area again we would definitely stay at their place the beds were very comfortable and even though they didn't have air conditioning, with the fans.. all we needed to stay comfortable. Jill	College Family
Hello Matt, We are looking forward to coming to Burlington. We will be dropping off our daughter at UVM for her first year. Also want to check out the bike path that we missed the last time we were up in Burlington.	No	No	Great location for our trip to Burlington. Loved the neighborhood. Quick 6 min walk to Lake Champlain chocolate factory. Quick, short bike ride to the beginning of the bike path along the lake. Very close to the Shaw's grocery store. Water pressure was great in shower. Beds that we used were comfy. 4 th bed is really meant for a child. The only thing I struggled with was being able to cook. If you are visiting and like exploring all the restaurants then this place will work for you. If you like to cook while traveling then this kitchen may not meet your expectations. They could use a variety of frying pans. I had one small/medium pan to work with. I couldn't find a colander to use or a pasta pot. I couldn't find any large bowls for salad. I struggled	They didn't love our kitchen, so we purchased some new items and made immediate fixes.

			to get the cooktop heating elements to work. Sent a message to the owner who responded quickly with a suggestion. Hopefully, the cooktop issue is resolved. We decided to go out for breakfast on our last day there. Overall a good place to stay based on its location. We liked it, just the kitchen didn't work for us.	
Hi, My wife and two children are driving up from DC, stopping in the Capital District of NY, then really looking forward to a few days in VT. I spent a lot of time in Burlington in the 90s so I'm excited to get back.	Maybe	Maybe	Great little house convenient to everything Burlington has to offer in a quiet neighborhood but steps to great restaurants and breweries. Has all you need to enjoy Burlington.	Experience the Burlington they remember from living here.
My name is Jill and I am running the Vermont City Marathon 5/26/19 and am interested in renting your home for that weekend 5/24-5/27. I filtered if you allow dogs but wanted to make sure before I book. Her name is Ellie (Eleanor) and she is a sweet and goofy yellow lab"ish" that LOVES people, other dogs, and cats. Also, is the home near Battery Park? I look forward to hearing from you. Sincerely, Jill	No	No		Marathon overflow and pets!
In town to pick daughter up from UVM!	Maybe	Maybe		Family at university
Just joined a new company in South Burlington. Looking for some temporary housing until I find a permanent place to live.	No	No	Was a very pleasant stay.	Exploring Burlington for long-term move.
I'm a friend of your neighbors, Rob Fish and	No	No		Friends of our Neighbors.

Sam Donalds. A few friends and I will be visiting them and are interested in renting your house from March 22 -, March 24th. Rob just let me know he already reached out to you to ask if we can stay for just the 2 nights (instead of the required 3), that you have approved this and we are waiting for the approval of your caretaker. Just wanted to say thank you for accommodating this request and hoping it works out! Best, Chiara				
We are traveling to Burlington for a family member's wedding (she lives quite close to this listing, according to the Airbnb map!) We're looking forward to being so close to the action, our son is 7 and is excited to play in snow!	Maybe	Maybe	Wonderful family-friendly home filled with games and toys and giant playroom downstairs. Great location, close to a park with a big sledding hill and ice rinks, and a quick drive to downtown. Short walk to breweries, wine shops/bars and restaurants.	Looking for a family place to stay
Hello Matt, we can't wait to spend 3 nights in your home. There will be myself plus 3 guests staying at your place. We are visiting Burlington as a place to anchor for a weekend of skiing. 2 of our friends will be flying in from Pittsburgh so the proximity to the airport is perfect. Our plan is to ski Stowe and Sugarbush unless you have a pro tip for a better place within an hour from the city. Please feel free to give	No	No		Reunion

me a call if you'd like to chat over the phone.				
Hi there - me and six other friends from Philadelphia are looking to stay at your place while skiing and visiting breweries. I hope you'll have us!	No	No	Matt's house is situated a bit south of Burlington's city center, but definitely walkable to it (weather-permitting). There are also a couple breweries nearby that are fun to visit. The house itself is great. There are plenty of bedrooms and the shower still had hot water, even after everyone in our group showered. Everything was clean and there were no issues with the check-in. Matt's house is a great value for anyone staying in Burlington or in northern Vermont in general.	Reunion – looking for value.
My fiance Tia and I are touring musicians and we're coming to Vermont to record our album at Lane Gibson Studios in Charlotte. We have our service dog Cassidy with us and we're also bringing a bass player and a cinematographer. We're looking at checking in late after a day of driving from Arkon OH on Sunday January 6th and checking out on Saturday January 12th. Your house looks like a perfect place for us to come home and crash after being in the studio for 8-10 hours each day the 7th-11th. Any chance we can work with you on the price of the stay? I saw one of your interests was live music so I thought I would at least ask! I've included relevant links and bio info below for you to check us out if you want.	No	No	We had a great stay at Matt's place! We hope to come back and stay next time we're in Burlington.	Supporting folks with lower prices who are struggling but doing work in town. Pets !

I hope you're having a great day!				

Meagan Tuttle

From: Matt & Leda <tallandsmall@gmail.com>
Sent: Sunday, January 17, 2021 7:02 AM
To: Meagan Tuttle
Subject: Reflections on Burlington STR (part 2)

[WARNING]: External Message, please be cautious.

Dear Megan -
Thank you for also sharing this letter for the Planning Commission to consider. The decisions as far as I understand them have saddened me, so I've taken some time to reflect this weekend, on how these decisions distance me from a community with whom I thought (and sometimes continue to think) share certain values of inclusivity and rights, so long as you are not directly hurting others.

Dear Planning Commission,
Thank you for the time in considering Short Term Rental planning issues. I just wanted to express my disappointment that I do not feel that the interests that I represent have made their way through into the final proposals. I may be wrong, as I know you take much more time than I do to consider these proposals. From my current understanding, I will no longer be able to consider using AirBnB in Burlington (even though I haven't in a few years).

It is ironic to me and saddening that the city of Burlington is pushing some people from participating in a sharing economy that welcomes people into our neighborhoods and one that helps to make space used efficiently. I think the good intentions are there from the planning commission. However, these regulations restrict peoples' choice to live their lives in the way that they see fit that don't physically hurt others. Our decisions as hosts may alter neighbors in some ways, but so too has the arrival New Americans, building of low income housing, arrival of college students in the city (all things I support). A restriction on how owners welcomes others into their houses seems out of line and character with the ethos of the city, and will push this business into South Burlington, Colchester, Shelburne etc..

As a (former) host, I felt pride in getting 5 stars from a visitor reflective both of my house, my efforts, my community, and the city as a whole. If I got four stars or any feedback, I would use it to improve. People have loved my house, and location (as you will find in a complementary message).

The current draft regulations that require me to occupy my home (at least that is how I read it) push me out of being eligible. As I've written to you before, we bought a house in Burlington in 2010, my job on Church Street has shipped me and my family to Africa and DC for 8-11 months of the year. AirBnb was the only thing that allowed us the flexibility to return for holidays and extended periods in the summer (allowing my kids to feel like they had a home), and to allow us the flexibility to let work colleagues who are relocating to town stay for a few weeks or month while they get settled. It allowed us the ability to stay based in Vermont, while maintaining a Pied a Terre. Burlington is a city of people who move, who have experiences outside of Vermont and bring them back to the community. We have rented the house at times for years, when we knew we would be away; and we've also done AirBnb.

I consider myself a voice for a large group of people who consider Vermont (and hopefully Burlington) home. And we all need our own creative ways to be able to live here. While my family considers Burlington home, we do not have the luxury living in Vermont year round. I know a great many families of my age (~40), who lived in Vermont in their 20s and ultimately were forced to leave for employment opportunities. During that time, they often returned back for extended vacations. After 7-15 years out of the city, many have returned. I have a close friend on Foster Street; and another

Summit Ridge, and another on Cochester Court, and another at Crescent Beach. Our other friends are choosing to leave for Shelburne, Colchester and South Burlington because of the "better" schools and other quality of life issues, that they do not feel Burlington is focusing on.

There is another selection of people who have seasonal houses in Burlington, which may or may not be considered "owner occupied." What percentage of our housing stock is seasonal…? I don't know, but my colleagues on the lake estimate that around 50% of the lake houses are empty. Why not allow / even encourage them to do short-term rentals. How does the city plan to benefit from leaf season, Jazz week, marathon week, UVM reunions, Graduation, Matriculation when hotels are full? The alternative is that South Burlington will build more hotels and absorb those who Burlington has priced out. Does Burlington just want property tax, or do they want our neighborhoods to be used, and vibrant, and supporting businesses in the area?

Limiting and restricting AirBnb feels like a move to keep people out of the city rather than encouraging them to learn and explore and experience the city. The only other option for long-stay that I know of in Burlington if someone comes in for a few weeks in the Extended Stay in Shelburne – It is not the same, and frankly has pushed people coming into the city for work to choose to live in Shelburne / Williston and further afield.

After over a year of debate and trying to look at the evidence, I just can't see how the AirBnb experience (particularly for people like me who I feel are being told that we can no longer participate).

1. **Competes with hotels or traditional BnBs.** People like airBnbs because you can cook and feel like home, you can bring dogs and children, and you have a yard. It is a different experience.
2. **Competes with traditional rentals or city housing stock.** Most of us have our own needs that a year long lease doesn't meet. Or we have our reasons to want to have a place to stay that we don't need to use every day, whether it is for retirement or for elderly parents who we are preparing for, or even for our kids to go to college, or because there are times of the year where we want to be in Vermont. If the city would like to push me to sell my house (which is what this really feels like) to make room for someone else, I would like to be told directly.

I don't think I've hurt anyone, individually or on the aggregate in being an AirBnb host; rather the opposite. Burlington's approach is not going to reduce the number of people looking to come to town to do AirBnB, it is just going to send those people and their interests in the city to our neighbors.

I'm sure I could write more and better elaborate on my disappointment with the way that Burlington is dealing with a new part of the sharing economy and how it affects a community of people (AirBnb hosts) who believe in community. It just saddens me and feel like the city is retrenching itself and not adapting to urban inclusivity.
Thanks for hearing my thoughts, and perhaps considering them in your decisions.
Matt

1.12.21
Public Forum STR Joint Planning Commission/Ordinance Committee

Once again, I appreciate your time and commitment to listening to my (and other homeowners') concerns and questions. I will be brief and wish to address the concept that off-site hosts should "not be allowed in any circumstances." This idea, as reflected in the current matrix scenarios, is a construct of the suggestions that have been placed before you for the past year. Over the last 12 months, it has also been suggested that there are other boxes you could add to this grid!

It is within your power, ***you can allow*** (with reasonable limits), one homeowner, to operate one property, as an off-site host. In other words: Allow STRs in a single, duplex, ADU and even triplex building where the ***host lives in another VT location***.

Renting my single, stand-alone building in a variety of ways allows me to STAY IN MY HOME, and make ends meet. My STR is my livelihood! I work three jobs to keep my home. I will be 65 years old in April and I'm *not* in any position to retire and collect Social Security. My STR is my lifeline to maintaining my homestead of 38 years.

In addition, it allows me the flexibility to rent and support others in a variety of ways. My rental has housed:

- my children during the pandemic;
- long-term renters;
- Bernie campaign workers;
- family members recovering from major surgery;
- homeless individuals with mental health challenges;
- short-term renters;
- and even my former husband through our separation.

The full picture is this: My rental is a house of many different scenarios, meeting many different family and community needs. I have lived in BTV for 45 years. *This is "home" to me and my children.* Please find a way to "Grandfather" the *very few of us* who are small-property-landlords, and allow STRs to operate in Burlington with an off-site owner.

You are in a position to find a compromise with both STR owners and tenant needs; I support you in finding this path!

Deb Ward Lyons
248 North Willard St
Burlington, VT 05401

From Mary Ann and John Ficociello

In 2014 my husband and I were looking at retirement. We purchased our house in Burlington as a young couple in our mid-twenties back in 1973. We wanted to stay in our home and "Age in Place" unlike some of our friends seeking a more tax friendly and warmer place to live in retirement.

Both of us were raised by immigrant parents, mine in Winooski and John on a farm in East Brookfield, MA. Both of us had large families and both of us received academic scholarships to college. The other similarity is we both have entrepreneurial blood.

After selling our family business at 71, I actively decided the best way to stay a Burlington resident and continue to live in the home we had for most of our 53-year marriage was to use part of our property to host guests looking to visit family, drop off students or find a neighborhood experience in Burlington.

This year with Covid-19, we assisted an elderly couple quarantine during a 3 month stay and seek out cancer treatment here at the hospital that they could not receive in Brooklyn during the pandemic. We helped a quarantined grandmother from CT visit a new grandchild. We have many stories, but for John and I it gave us some way we could contribute, while we needed to be very diligent ourselves because of our age and my husband's COPD.

The income we receive helps us with the rising costs of staying in our home as expenses continue to rise in Burlington and we no longer are working.

I hope the changes to STR's in Burlington allow us to continue doing so on our property.

Thank you,

Mary Ann Ficociello

City of Winooski
Vermont's Opportunity City

27 West Allen Street
Winooski, Vermont 05404
802 655 6410
winooskivt.gov

Memorandum

To: The City of Burlington Planning Director
The City of South Burlington Planning Director
The Town of Colchester Planning Director
The Chittenden County Regional Planning Commission
The Vermont Department of Housing and Community Development

From: Eric Vorwald, AICP
Planning and Zoning Manager

RE: Proposed Amendments to the City of Winooski's Unified Land Use and Development Regulations – Articles I, II, and IX; and Section 5.1

DATE: February 01, 2021

Enclosed with this memo, please find proposed amendments to the City of Winooski's Unified Land Use and Development Regulations. The amendments relate specifically to:

- Article I - Authority & Purpose
- Article II - Zoning Districts
- Article IX - Definitions
- Section 5.1 - Accessory Dwelling

These amendments also create a new Section 2.16 to address properties in multiple zoning districts.

The City of Winooski Planning Commission will hold a public hearing on Thursday, February 25, 2021 at 6:30pm to take public comments on the proposed amendments. This hearing will be held by electronic means only via Zoom Webinar. Use **https://zoom.us/s/94260618811** to join by computer or **646.558.8656** to join by telephone (toll charges may apply). If prompted, the webinar ID for this meeting is **942 6061 8811.**

Please ensure this information is provided to the chair of your Planning Commission. Comments related to these amendments should be submitted in writing to me by the close of business on Monday, February 22, 2021.

City of Winooski
Vermont's Opportunity City

27 West Allen Street
Winooski, Vermont 05404
802 655 6410
winooskivt.gov

PUBLIC HEARING NOTICE
AMENDMENTS TO THE CITY OF WINOOSKI
UNIFIED LAND USE AND DEVELOPMENT REGULATIONS

In accordance with 24 V.S.A §4441 and §4444, the City of Winooski Planning Commission will hold a public hearing on **Thursday**, **February 25, 2021** beginning at **6:30 p.m.** This hearing will be held by electronic means only using Zoom Webinar. Use **https://zoom.us/s/94260618811** to join by computer or **646.558.8656** to join by telephone (toll charges may apply). If prompted, the webinar ID for this meeting is **942 6061 8811.**

Amendments to the Unified Land Use and Development Regulations

- Article I - Authority & Purpose
- Article II - Zoning Districts
- Article IX - Definitions
- Section 5.1 - Accessory Dwelling

Statement of Purpose: The purpose of these amendments are as follows:

Article I – Provide clarification regarding the applicability of these regulations and consistency with terminology throughout the regulations.

Article II – Provide clarification on interpretation of zoning district boundaries (Section 2.1) and uses (Section 2.3); and provides updates to the use table (Section 2.4) and dimensional standards (Section 2.5). Also adds a new section (Section 2.16) to regulate properties in multiple zoning districts.

Article IX – Provide clarification on several definitions and adds new definitions for terms that are not clearly defined elsewhere.

Section 5.1 – Updates the regulations for accessory dwelling units for consistency with statutory changes as outlined in Act 179 of 2020.

Geographic Area Affected: the proposed amendments will apply to the entirety of the City of Winooski.

Section Headings Impacted:

Article I – Clarifies terminology for consistency with definitions in Section 1.3. B. and F.; and adds a new subsection G to Section 1.3 to clarify application of the regulations.

Article II – Adds language to Section 2.1 regarding the interpretation of zoning district boundaries. Section 2.3 D. is amended to provide clarity related to uses not included in the use

table or otherwise defined in the regulations. Section 2.4 is updated to add uses to existing zoning districts, renumber footnotes, and provide consistency with terms utilized in the regulations. Section 2.5 is updated to align dimensional requirements for building lots with existing lot dimensions. Adds Section 2.16 as a new section to provide regulations for properties with multiple zoning districts.

Article IX – Adds new terms that do not currently exist and clarifies existing terms for consistency with regulations.

Section 5.1 – Amendments are provided to align the regulation of accessory dwelling units with statutory changes as enacted in the 2020 legislative session through Act 179.

The **full text** of these amendments is available at the Winooski City Hall, 27 West Allen Street, during normal business hours or by contacting Eric Vorwald, AICP, City of Winooski Planning & Zoning Manager by calling 802.655.6410 or evorwald@winooskivt.gov.

City of Winooski
Vermont's Opportunity City

27 West Allen Street
Winooski, Vermont 05404
802 655 6410
winooskivt.gov

Memorandum

TO: Planning Commission

FROM: Eric Vorwald, AICP
Planning & Zoning Manager

RE: **Report on Proposed Amendments to the City's Unified Land Use and Development Regulations including Articles I, II, and IX; and Section 5.1**

DATE: February 01, 2021

This memo provides information related to proposed amendments to the City of Winooski Unified Land Use and Development Regulations. These amendments specifically impact the following articles and sections:

- Article I - Authority & Purpose
- Article II - Zoning Districts
- Article IX - Definitions
- Section 5.1 - Accessory Dwelling

These amendments also create a new Section 2.16 to address properties in multiple zoning districts.

Background

In 2016, the City undertook a comprehensive update to the Unified Land Use and Development Regulations (ULUDR). This was the first comprehensive update in over 20 years. Among other changes, this update included a new Appendix B, which provides regulations for the Gateway Zoning Districts through the form-based code. While these changes improved the regulations, staff has identified several areas where additional clarity or amendments could improve the interpretation of the regulations. Additionally, several conflicts exist that need to be clarified. With this in mind, staff has been reviewing each section of the ULUDR and proposing amendments to the Planning Commission for their consideration.

Purpose of Amendments

These amendments are being proposed to provide clarity for interpretation of the regulations, and to align the ULUDR with statutory changes that have been enacted by the Vermont Legislature. Specific legislative changes are incorporated into Section 5.1 regarding the regulation of accessory dwelling units. This includes changes and additions to the definitions (Article IX) and the use table (Section 2.4).

Additional amendments are proposed to support specific changes to state statute and to ensure consistency in the regulations. In addition, a new section (Section 2.16) is being proposed to address properties that have multiple zoning districts.

Proposed Amendments

The following pages include the text of Articles I, II, and IX; and Section 5.1 including proposed changes. Proposed additional text is shown in red and underlined. Text that appears with a ~~strikeout~~ is proposed to be deleted. If specific sections are not included, no changes are being proposed in these sections.

ARTICLE I – AUTHORITY AND PURPOSE

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SECTION 1.3 - APPLICATION AND INTERPRETATION

A These regulations, and their administration and enforcement, are subject to all provisions of the Act as may be amended from time to time.

B. No ~~land~~ subdivision or land development as defined in Article IX of these regulations, shall commence in the City of Winooski except in conformance with these regulations. ~~Land subdivision~~ Subdivision or land development not specifically authorized under these regulations, unless exempted under the Act, is prohibited.

C. These regulations are not intended to repeal, annul, or in any way impair any previously issued permit or approval. All ~~land~~ subdivisions, uses, and structures legally in existence as of the effective date of these regulations are allowed to continue. Changes or alterations to pre-existing subdivisions, structures, or uses must meet all applicable requirements of these regulations, including requirements for nonconforming lots, uses and structures.

D. Where these regulations impose a greater restriction on the use of land or a structure than is required by any other statute, ordinance, rule, or regulation, these regulations shall apply.

F. Additional municipal, state or federal permits may be required beyond those identified in these regulations. It is the applicant's responsibility to secure all required municipal, state and federal permits prior to commencing ~~land~~ subdivision and land development.

G. Unless specifically included, these regulations shall only apply to building lots within the City. Any project proposed in or above the City right-of-way shall require permitting and be reviewed and approved by the Department of Public Works for any applicable standards that may apply. This review, approval, and permitting may include consultation with other City departments, including the City Council.

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ARTICLE II - ZONING DISTRICTS

SECTION 2.1 - ZONING MAP

The official zoning map, 'City of Winooski Zoning Map' is hereby adopted as part of these Regulations and is on file with the City Clerk. The Zoning Map shall be amended in accordance with the Act [§ 4441, § 4442 and § 4444]. Any uncertainty as to the location of a district, overlay, or flood hazard area boundary line on the zoning map, including zoning boundary errors identified through the surveying of lot or property boundaries, shall be determined by the Zoning Administrator (ZA) with rights of appeal to the Development Review Board (DRB).

SECTION 2.2 - LIST OF ZONING DISTRICTS

The City of Winooski Zoning Map and these Regulations divide the City into the following districts:

A. Residential A, 'R-A' ~~(formally referred to as R-1-A)~~
B. Residential B, 'R-B' ~~(formally referred to as R-1-B)~~
C. Residential C, 'R-C' ~~(formally referred to as R-2)~~
D. Central Business District, 'C-1'
E. General Commercial, 'C-2'
F. Downtown Core, 'DC'
G. Gateway, 'G'
H. Industrial, 'I'
I. Public, 'P'
J. Flood Hazard Area, 'FHA'

SECTION 2.3 - APPLICABILITY

A. Development of lots may only be permissible based on the uses and dimensional criteria defined in this Article, and in accordance with the review procedures defined in this regulation and all applicable local, state and federal ordinances and regulations.

B. All lots created after the effective date of these regulations that are intended for development must meet minimum applicable frontage requirements along public road rights-of-way, and area and yard dimensional requirements for the district(s) in which they are located unless modified or waived by the DRB for planned unit development under Section 6.3, or under Section 6.8.

C. For the Gateway Districts, no lot intended for development shall be so reduced that development cannot be established in accordance with the Building Form Standards in Part 4 of Appendix B of these regulations.

D. Any proposed USE not ~~specifically permitted or prohibited in this Ordinance~~ identified in the use table of Section 2.4, described in Article IX or otherwise regulated in this Ordinance ~~may~~ shall be reviewed through the ~~considered as a~~ Conditional Use process by the DRB ~~and reviewed~~ in accordance with Section 6.7 of these regulations.

SECTION 2.4 - LAND USE TABLE

LAND USE	Residential A **R-A**[~~2~~1]	Residential B **R-B**[~~2~~1]	Residential C **R-C**[~~3~~2]	Central Business District **C-1**	General Commercial **C-2**	Downtown Core **DC**	Gateway Urban General & Storefront[~~1~~3]	Gateway Townhouse Small Apartment/ Detached Residential[~~1~~3]	Industrial **I**	Public **P**
RESIDENTIAL USES										
Single ~~Family~~ Unit Dwelling	P	P	P				See Part 4 of the Form-Based Code	See Part 4 of the Form-Based Code		
Accessory Dwelling Unit[4]	P	P	P							
Two ~~Family~~ Unit Dwelling (attached)		P	P		CU					
Detached Cottage	CU	CU	CU							
Multi-~~Family~~ Unit (3+ units)[5]				P[~~4~~]	CU	P				
Assisted Living & Residential Care Homes				P	CU	P	P	P		
Bed-and-Breakfast (B&B)		CU	CU	P	CU	P	P	P		
Family Child Care Home	P	P	P	P	P	P	P	P		
Group Home[6]	P/CU[~~5~~]	P/CU[~~5~~]	P/CU[~~5~~]	P/CU[~~5~~]	P/CU[~~5~~]	P/CU[~~5~~]	P/CU[~~5~~]	P/CU[~~5~~]		
Home Occupation	P	P	P	P	P	P	P	P		
COMMERCIAL USES										
Adult Establishment									CU	
Alcohol Manufacturing Facility				CU	CU	CU	P		P	
Animal Care & Boarding									P	
Bar				CU		~~CU~~P	P			
Brew Pub				CU	CU	~~CU~~P	P		CU	
Industry				CU	P				P	
Laboratory				CU					P	
Lodging Establishment				P	CU	P	P			
Office				P	P	P	P		CU	
Personal Service Establishment				P	P	P	P			
Retail Sales				P	P	P	P		CU	
Retail Sales, Neighborhood Commercial		CU	CU					P		
Recreation & Entertainment, Commercial				P	CU	P	P		CU	
Restaurant				P	P	P	P			
Restaurant, Café	CU	CU	CU					~~CU~~P	CU	
Restaurant with Drive-thru							P			
Vehicle Repair & Sales				CU			P		P	

LAND USE	Residential A **R-A**[~~2~~1]	Residential B **R-B**[~~2~~1]	Residential C **R-C**[~~3~~2]	Central Business District **C-1**	General Commercial **C-2**	Downtown Core **DC**	Gateway Urban General & Storefront[~~1~~3]	Gateway Townhouse Small Apartment/ Detached Residential[~~4~~ 3]	Industrial **I**	Public **P**
CIVIC & PUBLIC USES										
Association, Fraternal Organization, Social Club				P	CU	P	P		P	
Crematorium							P		P	
Cultural Facility				P	CU	P	P			P
Daycare Facility	CU	CU	CU	P	~~CU~~P	P	P	P	P	P
Education Facility	CU	CU	CU	P	~~CU~~P	P	P	P	P	P
Funeral Home				P	P	P	P			
Healthcare Facility				P	CU	P	P			
Recreation & Entertainment, Non-Commercial	P	P	P	P	CU	P	P	P	CU	P
Religious Facility	P	P	P	P	P	P	P	P	P	
OTHER										
Accessory Structure[~~7~~6]	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P
~~Accessory~~ Supporting Use[~~8~~6]	CU	CU	CU	~~CU~~P	~~CU~~P	~~CU~~P	~~CU~~P	CU	CU	CU

Notes:

~~2~~1. Maximum dwelling units per lot in R-A and R-B shall be 2 total dwelling units no matter how it is configured in the allowable use types as listed above (i.e. Two Family Dwelling in R-B only, Single Family Dwelling and Accessory Dwelling, or Single Family Dwelling and Detached Cottage).

~~3~~2. Maximum dwelling units per lot in R-C shall be 3 total dwelling units no matter how it is configured (i.e. Two Family Dwelling and a Detached Cottage, or Single Family Dwelling and Accessory Dwelling and Detached Cottage).

~~1~~3. Some of the FBC permitted uses are subject to specific Development and Performance Standards in Section 804 of the code in Appendix B.

4. One accessory dwelling consistent with Section 5.1 is permitted per lot.

~~4~~5. Maximum density for Multi-family housing in C1 is 60 units/acre.

~~5~~6. If a group home locates within 1,000' of another group home it shall be subject to Conditional Use review and approval.

7. One accessory structure not to exceed 100 square feet per lot is exempt under Section 6.13, otherwise all applicable dimensional standards in Section 2.5 shall apply.

~~6~~8. ~~Accessory~~ Supporting Use shall be limited to "uses" ~~or structures~~ such as administrative offices or services that relate to the "primary" use of the site/parcel and shall be operated (solely) by the property owner or owner representative for the purpose of providing services to the site. Supporting Uses may be incorporated into an existing structure or in a standalone structure provided the dimensional requirements of Section 2.5 are met.

SECTION 2.5 - DIMENSIONAL REQUIREMENTS TABLE

		Residential A **R-A**	Residential B **R-B**	Residential C **R-C**	Central Business District **C-1**	General Commercial **C-2**	Downtown Core **DC**	Gateway Districts	Industrial **I**	Public **P**
Parcel	Lot Size (Minimum Square Feet)	10,000	7,500	7,500	3,000	7,500	NA	**See Appendix B**	20,000	NA
	Frontage (Minimum Feet)	75	75	~~75~~50	50	75	NA		100	NA
	Lot Depth (Minimum Feet)	100	100	60	60	60	NA		60	NA
	Lot Coverage (Maximum %)	40	50	50	100[1]	80	NA		70	50
Primary Structure	Front Setback (Minimum Feet)	20	10	10	0	0	NA		10	10
	Rear Setback (Minimum Feet)	15	15	15	0	0	NA		10	15
	Side Setback (Minimum Feet)	15	10	10	0	0	NA		10	10
	Building Height (Maximum Feet)	35	35	35	60	35	**See Appendix C**		35	35
Accessory Structure	Front Setback (Minimum Feet)	10	10	10	NA	NA	NA			10
	Rear Setback (Minimum Feet)	5	5	5	NA	NA	NA			5
	Side Setback (Minimum Feet)	5	5	5	NA	NA	NA			5
	Building Height (Maximum Feet)	35	35	35	NA	NA	**See Appendix C**			35

Notes:

1. Conditional upon attainment of all necessary State and City stormwater management approvals.

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SECTION 2.16 – LOTS IN MULTIPLE ZONING DISTRICTS

A. Purpose. Each lot in the City of Winooski is intended to be governed by one zoning district. Through lot line adjustments, including mergers or subdivisions, circumstances may arise where one lot has multiple zoning districts. This section is intended to provide guidance in instances where development is proposed on a lot with multiple zoning districts.

B. Applicability. This section shall apply to all lots or properties within the City of Winooski.

C. Specific land development standards for each zoning district, including uses identified in Section 2.4, dimensional standards identified in Section 2.5, and any other applicable standards that are outlined in these regulations, including the appendices, will apply to the corresponding zoning district on the lot.

D. Any development proposal for a lot with multiple zoning districts shall require site plan approval from the Development Review Board and meet the requirements of Section 6.6 regardless of the proposed use(s). Other information may also be required depending on the specific request being proposed.

E. Review by the Development Review Board will be solely for the purpose of site plan approval including any specific conditions deemed appropriate, unless conditional use approval, waivers, or variances are also being requested as outlined in Section 6.7 or Section 6.8.

F. Owners of lots with multiple zoning districts may request a change in zoning as outlined in Section 1.4.

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ARTICLE IX - DEFINITIONS

Accessory Dwelling: ~~An accessory dwelling is an independent efficiency or one-bedroom~~ A distinct dwelling unit that is located within or appurtenant to an owner-occupied single-unit dwelling, and ~~that~~ is clearly subordinate to that dwelling. An accessory dwelling has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. Accessory dwellings are regulated under Section 5.1.

Deck: An above ground outdoor living space that is open to the sky, but may be temporarily covered by an awning or partially covered by a pergola. When attached to the primary structure, a deck will be considered part of the primary structure and subject to the dimensional standards of Table 2.5.

Dwelling, Multi-Unit ~~(or Multi-family)~~: A building or structure or portion thereof containing three or more dwelling units.

Dwelling, Single-Unit ~~(or Single Family Dwelling)~~: A detached building or structure containing only one dwelling unit.

Dwelling, Two-Unit ~~(or Two Family Dwelling)~~: A detached building or structure containing only two dwelling units.

Dwelling Unit: A building or entirely self-contained portion thereof contain complete house-keeping facilities for only one ~~family~~household, and having no enclosed space other than vestibules, entrances, or other hallways, in common with any other dwelling unit. A boarding house, rooming house, convalescent home, fraternity or sorority house, hotel, inn, lodging, nursing, or other similar home or similar structure shall not be deemed to constitute a dwelling unit.

Owner: The person or persons holding legal title to the property as recorded in the City's Land Records. In the event a trust, estate, or other ownership interest holds title, the controlling person or persons of said entity shall be considered the owner.

Owner-Occupied: Where owner occupancy is required by these regulations it shall mean maintaining principal residency at a property or premise year-round.

Patio: A patio is an improved at-grade living space that is open to the sky.

Supporting Use: A use that is clearly subordinate to the primary use on a lot. A supporting use may be considered on a conditional basis by the DRB if the use is not otherwise permitted in the zoning district where it is proposed and the property is in conformance (or could be made conforming) with these regulations.

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ARTICLE V – SPECIFIC USE STANDARDS

SECTION 5.1 - ACCESSORY DWELLING

A. Accessory dwelling units are a permitted use in all districts where single-unit detached dwellings are permitted. An accessory dwelling unit is~~ an efficiency or one-bedroom apartment that is part of or detached~~a distinct unit that is located within or appurtenant to ~~from~~ a single-unit dwelling on an owner-occupied ~~dwelling~~lot.~~, and~~ An accessory dwelling unit is clearly subordinate to a single-unit dwelling and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation, provided there is compliance with all the following:

1. The property has a sufficient wastewater allocation;

2. The accessory unit does not exceed thirty (30) percent of the total habitable floor area of the single-unit dwelling or 900 square feet, whichever is greater; and,

3. Setback, coverage, and off-street parking requirements specified in the bylaws are met.

B. A Zoning Permit is required for any accessory dwelling unit. ~~In addition, it shall require Conditional Use approval if it involves or requires any of the following:~~

~~1. Construction of an addition or new accessory structure;~~

~~2. An increase in the building height or habitable floor area of the existing dwelling; or~~

~~3. An increase in the dimensions of the parking area.~~

C. At time of sale or transfer of title the accessory residential use shall continue provided that one of the dwelling units is and remains owner-occupied.

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Consistency with the Winooski Master Plan

The following information is provided to address the requirements of 24 V.S.A. §4441 regarding consistency of the proposed amendments to the City of Winooski Master Plan, adopted March 2019. Specifically, statute requires municipalities to consider three parts when reviewing proposals for new or amended bylaws. These considerations include:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*

   The City updated their Master Plan in 2019. The master plan includes multiple components that discuss housing options and affordability, and protection of existing stable neighborhoods. Amendments to Section 5.1 will align with state statute thereby furthering affordable housing goals. Also, the proposed changes increase development options for properties located along the gateways, where development is encouraged, and includes opportunities to expand the locations of day care and education facilities (through changes to the use table). These changes are intended to increase the locations where daycares can be developed. Expanding options for childcare has been identified in the Master Plan as a need throughout the City.

2. *Is compatible with the proposed future land uses and densities of the municipal plan.*

   The future land use map included in the Master Plan identifies development density along the corridors, while limiting development in the residentially zoned areas. The proposed changes maintain this development pattern and density. While several uses are being added to the residential zoning districts, they are being included as conditional uses which will require review and approval by the Development Review Board. This review will help ensure compatibility with the future land use and density in these locations. Otherwise, the proposed amendments will remain consistent with the future land uses and densities identified in the Master Plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.*

   No adverse impacts to planned community facilities have been identified as a result of the proposed amendments.

ACT 250 NOTICE
APPLICATION 4C1301-3
SITE VISIT AND PREHEARING CONFERENCE
10 V.S.A. §§ 6001 - 6111

On November 30, 2020, BC Community Housing, LLC, PO Box 1335, Burlington, VT 05402 filed application number 4C1301-3 for the following **revisions to the Cambrian Rise Development: (a) increasing the maximum number of units for the Cambrian Rise Development from 739 to 770; (b) converting one level of understory parking in Building C to residential units for a total of 125 units; (c) altering Building M by adding an additional floor for a total of six floors, increasing the building footprint for a total of 117 units, adding a second level of understory parking, expanding the surface parking, revised landscaping, and façade changes; (d) adding an additional floor to Building P for a total of five floors, with no increase in units; and (e) adding an additional floor to Building Q/R for a total of six floors, with no increase in units. The project is located at 311-375 North Avenue in Burlington, Vermont.** This Project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A. § 6086(a).

Pursuant to Act 250 Rules 16 and 20, the Commission is convening an online prehearing conference. A prehearing conference, in summary, has narrow goals and is designed to identify the parties and the issues. The prehearing conference will be followed by the issuance of a Prehearing Conference Report and Order ("PHCRO"), which will prescribe any informational filing requirements, preliminary party status rulings, and the scheduling of a merits hearing at a later date.

Note to Prospective Parties: Pursuant to Vermont statute and Act 250 Rules, any person seeking to participate as a party to this proceeding **MUST** make such a party status request "on or before the first prehearing conference." Accordingly, all prospective parties are obligated to log in or call into the prehearing conference scheduled below, or to file a written party status petition in advance to the Commission at NRB.Act250Essex@vermont.gov. **Failure to timely appear on the prehearing conference call or video conference call, or to timely file a written request by the date of the prehearing conference, thereafter, bars a person from participating as a party in the proceeding, and any such person will thereafter lack legal standing to appeal any decision on this matter made by the District Commission. Due to the coronavirus (COVID-19) State of Emergency, all prospective parties are asked to supply an email address, a street address, and a mailing address to the District Commission by email (NRB.Act250Essex@vermont.gov) for receiving service of notices on the proceedings.**

A Prehearing Conference is hereby scheduled to convene:

Date:	**Friday, February 5, 2021**
In-Person Site Visit:	**8:30 AM at 375 North Avenue, Burlington, VT 05401**
Virtual Prehearing Conference:	**10:00 AM via Microsoft Teams (see below)**

Site Visit Instructions: All site visit participants shall be required to observe the following protocol prior to, and during the site visit:

a. Prior to the site visit, all potential attendees **must confirm in writing, which may be via email** to the District Coordinator (rachel.lomonaco@vermont.gov), that they will abide by this protocol.

b. No more than 25 people may attend the site visit.

c. If any portion of the site visit will be conducted inside, all occupancy limits established by the Agency of Commerce and Community Development must be followed even if that results in a limit of less than 25 people. *See* https://accd.vermont.gov/content/maximum-retail-occupant-load-during-covid-19 (last visited June 10, 2020).

d. No one may attend the site visit who has displayed any of the symptoms of COVID-19 recognized by the Vermont Department of Health. No earlier than 24 hours prior to the appointment, all attendees must take their own temperatures to determine whether they have a temperature of 100.4 degrees Fahrenheit or greater. If requested, attendees must submit to a temperature test with a no-contact thermometer.

e. No one may attend the site visit if they have had contact with a person diagnosed with COVID-19 unless they have self-quarantined for 14 days following such contact or 7 days followed by a negative COVID-19 test.

f. No one may attend the site visit if they must travel from any location from which visitors to Vermont are required to self-quarantine unless they have self-quarantined for either 14 days or 7 days followed by a negative COVID-19 test. A map of such locations can be found at the Agency of Commerce and Community Development's website. *See* https://accd.vermont.gov/covid-19/restart/cross-state-travel (last visited August 19, 2020)

g. Everyone attending the site visit must observe strict social distancing of six feet.

h. Everyone attending the site visit must wear face coverings over their nose and mouth when in the presence of others.

i. Everyone attending the site visit must have access to either a hand washing station, consisting of soap and water, or hand sanitizer.

j. Everyone attending the site visit must have completed a VOSHA-approved and employer-sponsored training program regarding COVID-19. Additional information about VOSHA-approved training may be found on the Vermont Agency of Commerce and Community Development's website. See https://accd.vermont.gov/covid-19/business/restart (last visited May 21, 2020).

k. No more than three people shall occupy any single vehicle traveling to or from the site visit.

l. Everyone attending the site visit must refrain from touching communal objects, including but not limited to site plans, unless they are cleaned and disinfected between each touch.

Virtual Prehearing Conference Instructions: Due to the coronavirus (COVID-19), this prehearing conference will be conducted **remotely** via **Microsoft Teams video conferencing software**. **To receive a Microsoft Teams invitation via email, please e-mail the District Coordinator (rachel.lomonaco@vermont.gov) by no later than Friday January 29, 2021, at 4:30 PM.** If you are unable to participate using the Microsoft Teams platform, you may still call in to the conference with the following information:

- **Dial:** 802-828-7667
- **Enter Conference ID:** 749 244 154#

Prehearing Conference Preliminary Agenda:

1. 9:45 AM: Conference line will be available to dial in by phone or sign in via Microsoft Teams.
2. 10:00 AM: Call to order by the Chair.
3. Attendance.
4. Applicant to provide brief overview of the application.
5. Preliminary party status and friends of the commission determinations.
6. Summary of preliminary issues and criteria involved.
7. Identify evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing by any party.
8. Discuss schedule for future proceedings.
9. Recess.

The following persons or organizations may participate in the hearing for this project:

1. **Statutory parties**: The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.
2. **Adjoining property owners and others** may participate as parties to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 Criteria.
3. **Non-party participants:** The District Commission, on its own motion or by petition, may allow others to participate in the hearing as Friends of the Commission without being accorded party status.

Due to the coronavirus (COVID-19) State of Emergency, and the complications associated with live hearings, parties may waive their right to a live hearing, and instead agree to a process that allows for pre-filing written cross examination and rebuttal documents.

If you plan on participating in the prehearing conference on behalf of a group or organization, please submit the following to NRB.Act250Essex@vermont.gov: 1) a written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B)); 2) documentation that prior to the date of the prehearing conference, you were duly authorized to speak for the organization; and 3) documentation that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

If you would like further information regarding participation in this prehearing conference, please contact the District Coordinator (rachel.lomonaco@vermont.gov) by no later than Friday, January 29, 2021, at 4:30 PM. 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.

The members sitting on the District Commission for this project are Thomas A. Little, Parker Riehle and Monique Gilbert. If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason why a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, and by no later than prior to the date of the prehearing conference.

A copy of the application and plans for this project are available for review online at the Natural Resources Board web site (http://nrb.vermont.gov) by clicking on "Act 250 Database" and entering project number 4C1301-3.

Dated this 12th day of January, 2021.

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

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CERTIFICATE OF SERVICE

I hereby certify on this 12th day of January 2021, a copy of the foregoing ACT 250 APPLICATION NOTICE/PREHEARING CONFERENCE/SITE VISIT #4C1301-3, 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

BC Community Housing, LLC
PO Box 1335
Burlington, VT 05402
efarrell@farrellpropertiesvt.com
senright@farrellpropertiesvt.com

351-375 North Avenue Homeowner's Association, LLC
PO Box 1335
Burlington, VT 05402
efarrell@farrellpropertiesvt.com

Alain Youkel
ayoukel@youkel.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/ANR
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/Christopher 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
Parker Riehle/Monique Gilbert
111 West Street
Essex Junction, VT 05452

Department of Libraries
109 State Street
Montpelier, VT 05609-0601

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/4C1301-3/Application%20Documents/002b%20Act250_4C1301_Amend_App_REV_12.18.2020%20(1).pdf

Dated at Essex Junction, Vermont, this 12th day of January, 2021.

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

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\4C1251-4C1500\4C1301\4C1301-3\Published Documents\District Commission Documents\4C1301-3 cos.docx

STATE OF VERMONT
AGENCY OF NATURAL RESOURCES
OFFICE OF PLANNING

RE: BC COMMUNITY HOUSING, LLC	)	DISTRICT ENVIRONMENTAL
	)	COMMISSION # 4
	)	
	)	APPLICATION # 4C1301-3
	)	
	)	February 4, 2021

ENTRY OF APPEARANCE

Please enter the appearance of the Agency of Natural Resources ("Agency"), State of Vermont, by and through its staff, Jennifer Mojo, in the above-captioned matter.

COMMENTS

Criteria 1B, 2, and 3 – Waste Disposal and Water Supplies

Laura Ranker, Analyst with the Agency's Drinking Water and Groundwater Protection Division reviewed the project for impacts to public water systems and source protection areas. The project falls within the source protection area for the Burlington Department of Public Works Water Division, WSID #5043, specifically in zone three for the surface water source intake, N030. The applicant and Commission should be advised of the project's location within the Source Protection Area (SPA). SPAs are areas through which contaminants released to the land surface or subsurface would be reasonably likely to move toward, and reach, a public drinking water source.

Due to the sensitivity of Source Protection Areas to impacts from potential sources of contamination and to protect public water sources near the Project, the Agency respectfully requests the District Commission include the following condition in any land use permit it issues for the project. The condition would ensure accidental spills of toxic substances (e.g., petroleum products) are promptly reported to the Agency and water system operators.

> *If a spill or release of any toxic substance occurs within a source protection area (SPA), the Permittees or their representative must immediately report the event to the Vermont Department of Environmental Conservation Spills Program and the SPA water system owners or operators. The Spills Program can be reached during regular office hours at 802-828-1138 or via the 24-hour hotline at 800-641-5005. Any person reporting a release must speak directly with a Spills Program representative and cannot report by email, text, or other written form of communication. The person reporting a release*

must provide water system identification number VT0005053 to the Spills Program. The Permit Holder shall provide instructions, with contact phone numbers, for reporting a toxic substance release to all contractors for the Project and those instructions must be displayed on site.

Respectfully submitted,
State of Vermont
Agency of Natural Resources

By:

/s/Jennifer Mojo

Jennifer Mojo
Senior Planner
ANR Office of Planning
802-923-6647

E-Notification CERTIFICATE OF SERVICE FILE # 4C1301-3

I hereby certify that I, Jennifer Mojo, Senior Planner, for the Agency of Natural Resources Office of Planning, sent a copy of the foregoing **Agency Comments and Entry of Appearance** dated February 4, 2021, regarding File # 4C1301-3 by U.S. mail, postage prepaid, to the individuals without email addresses and by electronic mail to those with email addresses as indicated:

BC Community Housing, LLC
PO Box 1335
Burlington, VT 05402
efarrell@farrellpropertiesvt.com
senright@farrellpropertiesvt.com

351-375 North Avenue Homeowner's Association, LLC
PO Box 1335
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Alain Youkel
ayoukel@youkel.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

Jennifer Mojo
ANR
1 National Life Drive, Davis 2
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anr.act250@vermont.gov
jennifer.mojo@vermont.gov

Barry Murphy/Vt. Dept. of Public Service
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psd.vtdps@vermont.gov

Craig Keller/Jeff Ramsey/Christopher Clow
VTrans Policy, Planning & Research Bureau Barre City Place
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aot.act250@vermont.gov

Vt. Agency of Agriculture, Food & Markets
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Division for Historic Preservation
National Life Building, Drawer 20 Montpelier, VT 05620
scott.dillon@vermont.gov;
james.duggan@vermont.gov
accd.projectreview@vermont.gov

/s/Jennifer Mojo
Jennifer Mojo, Senior Planner
Office of Planning

VERMONT

State of Vermont *Agency of Transportation*

Policy, Planning & Intermodal Development Division
Policy, Planning and Research Bureau
Development Review & Permitting Services Section
Barre City Place, 219 N. Main St., 4th Floor
Barre, Vermont 05641
vtrans.vermont.gov

[phone] 802-522-4901
[ttd] 800-253-0191

February 4, 2021

Rachel Lomonaco
District #4 Coordinator
Natural Resources Board
111 West Street
Essex Junction, Vermont 05452

Subject: BC Community Housing, LLC

#4C1301-3

Dear Ms. Lomonaco:

Enclosed for filing is a comment letter from VTrans concerning the above referenced matter.

If you have any further questions about this matter, please call me at (802) 522-4901.

Sincerely,

Christopher G. Clow, PE
Transportation Engineer

Enclosure

cc: Certificate of Service

VTrans Working to Get You There Vermont Agency of Transportation

STATE OF VERMONT
DISTRICT ENVIRONMENTAL COMMISSION #4

RE: BC Community Housing, LLC
4C1301-3

ENTRY OF APPEARANCE
STATUTORY PARTY

Please enter the appearance of the State of Vermont, Agency of Transportation ("VTrans") in the above-entitled matter as a statutory party pursuant to 10 V.S.A. §6085(c)(1)(D). VTrans hereby requests that the following representatives of the Agency be added to the Certificate of Service and that all correspondence and documents filed in this matter be served upon those representatives:

Christopher Clow
Transportation Engineer
Vermont Agency of Transportation
Development Review and Permitting Services
Barre City Place, 219 N. Main St.
Barre, VT 05641
(802) 522-4901
christopher.clow@vermont.gov

Additionally, VTrans has the following initial comments in conjunction with this matter:

CRITERIA 5: TRAFFIC

1. Please see attached VTrans Comment letter dated February 4, 2021.

Dated at Montpelier, Vermont this 4th day of February 2021.

Respectively submitted,

By: Christopher Clow
Transportation Engineer
Agency of Transportation
219 N. Main Street
Barre, VT 05641

VERMONT

State of Vermont
Division of Policy, Planning and Intermodal Development
Barre City Place, 219 N. Main St.
Barre, VT 05641
www.vtrans.vermont.gov

[phone] 802-522-4901
[ttd] 800-253-0191

Agency of Transportation

February 4, 2021

Rachel Lomonaco
District 4 Coordinator
Natural Resources Board
111 West Street
Essex Junction, Vermont 05452

Re: 41301-3 BC Community Housing, LLC - Burlington

Dear Ms. Lomonaco:

VTrans has reviewed the proposed permit application as well as the RSG Traffic Memo (Exhibit 019, RSG, October 16, 2018) and offers the comments below.

The proposed project consists of amendments to buildings C, M, P, Q, and R of the Cambrian Rise development. According to the RSG traffic memo, the proposed project is expected to generate 13 additional net external trips per hour (vph) during the AM peak hour and 18 additional net vehicles during the PM peak hour. VTrans concurs with external net trip generation from the RSG memo and has no concerns with this improvement relative to the impact of the project on traffic congestion, safety, or access for pedestrians, cyclists, and transit.

Act 145 Transportation Impact Fee
The proposed redevelopment is located approximately 1.4 miles from the Champlain Parkway project and 2.4 miles from the Burlington Roundabout that are both included on the VTrans Capital Program (Project numbers MEGC M 5000(1) and HES 5000(18) respectively). Based on the volume distributions to these projects that were used in the previous 4C1301 permit, VTrans estimates that 2PM vehicles will be utilizing the Champlain Parkway and no PM vehicles would be utilizing the Burlington roundabout.

VTrans recommends payment of a transportation impact fee for the Champlain Parkway project pursuant to Act 145 (2014) – Transportation Impact Fees. Act 145 allows a District Commission to require payment of a transportation impact fee for a capital transportation improvement that is "…necessary to mitigate the transportation impacts of a proposed development or subdivision or that benefit the proposed development or subdivision" (10 VSA §6104). The Champlain Parkway project will address congestion and safety issues resulting in improved access that will benefit the proposed development. For more information regarding the Act 145 Transportation Impact Fee as well as an online map showing current Act 145 projects within the state, please visit: http://vtrans.vermont.gov/planning/development-review-services

Because the proposed project is within an official Neighborhood Development Area, the fee should be reduced by 50%. The Cambrian Rise project also introduced traffic demand management (TDM) efforts with the construction of new sidewalks, multi-use paths, and bus stops. Act 145 allows for the reduction in transportation impact fees to account for Transportation Demand Management (TDM) programs offered by an applicant (10 VSA § 6106 (b)(5). VTrans recommends an additional reduction of 20% from the Act 145 fee based on these TDM strategies. The combination of the Neighborhood Development Area and TDM discounts combine to form a 70% total discount from the Act 145 base fee. **The newly adjusted fee based on this reduction is ($2,069/PM peak hour trip x 2 trips x 30%) = $1,241.40.** Payment to VTrans would be due after the land use permit is issued and prior to the start of construction. The check should be sent to the following address:

State of Vermont Agency of Transportation
Development Review and Permitting Services Section
Barre City Place, 219 N. Main Street
Barre, VT 05641
Attn: Christopher Clow

Please contact me with any questions or comments at 802-522-4901 or christopher.clow@vermont.gov

Sincerely,

Christopher G. Clow, PE
Transportation Engineer

Attachment
cc: Certificate of Service

CERTIFICATE OF SERVICE #4C1301-3

I, Christopher Clow, of the Agency of Transportation hereby certify that on February 4, 2021, I sent a comment letter to the District #4 Environmental Commission concerning the applicant BC Community Housing, LLC, 4C1301-3 by U.S. Mail, postage prepaid or by email to the following:

BC Community Housing, LLC
PO Box 1335
Burlington, VT 05402
efarrell@farrellpropertiesvt.com
senright@farrellpropertiesvt.com

351-375 North Avenue Homeowners Assoc., LLC
PO Box 1335
Burlington, VT 05402
efarrell@farrellpropertiesvt.com

Alain Youkel
ayoukel@youkel.com

Amy Bovee, Asst. City Clerk
Chair, City Council/Chair, City Planning Commission
City of Burlington
149 Church St.
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

Agency of Natural Resources
One National Life Drive, Davis 2
Montpelier, VT 05602-3901
ANR.Act250@vermont.gov

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/Christopher Clow
VTrans Policy, Planning, and Research Bureau
Barre City Place, 219 N. Main St.
Barre, VT 5641
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Vt. Agency of Agriculture, Food, and Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
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Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov
james.duggan@vermont.gov
ACCD.ProjectReview@vermont.gov

Dated at Montpelier, Vermont this 4th day of February 2021.

Christopher G. Clow, PE
Vermont Agency of Transportation

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

www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
Meagan Tuttle, Comprehensive Planner, Office of City Planning
DATE: February 8, 2021
RE: Non-conformities and zoning violations

Some members of the public, STR hosts, and a few Joint Committee members have expressed an interest in enabling existing, but unpermitted STR's to continue, despite the outcome of the Committee's decisions about the policy going forward. While it may appear to be a solution that balances competing policy interests, there are a few layers to this concept that are important to outline for the Committee:

- It conflates zoning violations and legal nonconformities, which are not afforded the same legal benefits, and
- Legal nonconformities are regulated by zoning, not the Minimum Housing Code.

Basics of Nonconformities vs. Violations

As a foundation for this discussion, it is important to revisit the difference between legal nonconformities and violations. Within the **context of zoning,** land uses, structures, or lots are either:

- **conforming** to the requirements and standards of the zoning ordinance currently in effect, sometimes referred to as "legal"; or
- **legally nonconforming,** meeting a previous requirement or standard that has since been changed sometimes referred to as "pre-existing legal nonconformity"; or
- or **in violation** for operating in a way that is consistent with the standards currently in effect but without a valid zoning permit, or operating in a way that is inconsistent with the standards of the zoning ordinance and for which a nonconformity does not apply. This is sometimes referred to as "illegal".

In zoning, a legally nonconforming use, structure, or lot is allowed to continue or be altered (24 VSA 4412 (7) within limits set forth in the *Comprehensive Development Ordinance (CDO)*. However, it is a central premise of land use law that over time nonconformities should be eliminated such that all uses, structures or lots within a community become conforming to the requirements and standards of the zoning ordinance. Additionally:

- Legally nonconforming status is predicated on a use, structure or lot being legal at the time it first began, and that it has continued uninterrupted since that time.
- VT statute does not enable a community to force a nonconformity to come into compliance within a specified period of time (known as "amortization"), so as a result a nonconformity may continue in perpetuity as long as it continues uninterrupted.

Regulating STRs To-Date

Another important piece of background is how STRs have been regulated in Burlington to-date.

Most Short term rentals (STRs) presently operating in Burlington are doing so without a zoning permit. Some of those STRs are operating in a way that is inconsistent with the present standards and would not be able to get a zoning permit. Therefore, they are **not operating legally, and as a result do not have a basis for being granted legal nonconforming status.**

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 the City Planning department or 711 if you are hearing or speech impaired.

STRs are currently regulated in the *CDO* as either a "bed and breakfast" (owner-occupied STRs) or a "hotel/motel" (non owner-occupied STRs). Where a use is not specified in Appendix A, the *CDO* provides that the administrative officer apply a "best fit" approach. Such is the case with STR's. While not a perfect reflection of STRs, this has been the practice since we first became aware of STRs operating in Burlington and it has been upheld by the DRB.

- Over the past 5 years, 29 STRs have been cited with notices of zoning violation (NOV) or warning letters, most of which have been resolved via issuance of a zoning permit by the DRB under the bed and breakfast standards.
- At least one non owner-occupied STR was issued an NOV for operating a hotel/motel without a zoning permit. That NOV was appealed to and upheld by the DRB.

Allowing existing, unpermitted short term rentals

Based on this background:

- To allow unpermitted STR's to continue to operate as-is is not a matter of considering them to be a legally "nonconforming use". To do so would instead require amnesty—or the creation of a specific regulation that permits by-right all of the STRs presently operating in Burlington.
- Granting amnesty is inconsistent with fair and equal treatment for STRs citywide. It disregards those STRs that have obtained zoning permits to-date—either as was required or as a result of an enforcement action—and precludes future STRs from being operated in the same way after the amnesty period.
- Granting amnesty creates a precedent for zoning violations to be cured through "forgiveness" rather than compliance with the standards, which is inconsistent with how zoning violations are resolved in all other circumstances.
- If we were to grant amnesty to currently operating unpermitted STRs, how do we justify it? Further, how would we do it, and how would we know specifically which STRs are affected? At what date would amnesty be established, and over what period of time would amnesty be granted?

Additionally, underlying this issue is a key question about what the Committee sees as the policy goal behind enabling Illegal STRs to continue.

The interest in enabling existing, unpermitted STRs to continue, regardless of the policy outcome, is inconsistent with the Committee's earlier reservations about the protections afforded to legal nonconformities. Specifically, the Committee was concerned about recommending a more permissive STR policy because the rights afforded to non-conforming uses aren't flexible enough to pare back (or amortize) the number of STRs if the community deems them to be too widespread. This essentially boils down to giving amnesty to zoning violations, while simultaneously precluding a path to legal non-conformities for STRs that may be established legally in the future.

Chapter 18's Minimum Housing Standards vs. CDO's Zoning Standards

Finally, the above noted concern about the inability to amortize zoning permits was a major factor in the staff's recommendation for the Committee to consider using the Minimum Housing Code as the tool for regulating STRs. Staff was instructed at the last meeting to revise the existing STR proposal to move the bulk of the standards into the Minimum Housing Code.

The legally non-conforming provisions afforded to STR's under zoning do not apply to rental registrations issued under the Minimum Housing Code. Therefore, if the Committee remains committed to this approach, there is not a mechanism for enabling either illegal STRs or legal non-conformities under Ch. 18.

Meagan Tuttle

From: Lori <zimmer_mim2000@yahoo.com>
Sent: Monday, February 08, 2021 8:14 PM
To: Meagan Tuttle
Cc: Lori Kettler
Subject: Comments for Feb. 9 Meeting of Joint Committee of the Planning Commission and City Council Ordinance Committee

[WARNING]: External Message, please be cautious.

Dear Committee members:

I'm a Super Host with Airbnb, and I am permitted under the current zoning regulations. I'd like to offer a few points for your consideration.

I was disturbed by a comment by one of the committee members at the last meeting who referred in passing to current STR hosts as "gaming the system" - I think that's the phrase she used. With regard to "gaming the system" and **grandfathering**, I think it's fundamentally unfair for the city to have expected people who were in the LTR market to understand that converting to an STR required them to be permitted as a B&B. When I converted 3 years ago, to my knowledge there was not one word on any of the City's web sites about STRs much less that they needed to be permitted as B&Bs. I don't think that most people would have considered themselves to be a B&B and to need anything more than they needed as a LTR. My point is that if the City was so concerned about the proliferation of STRs, why did they not have any information about them on their websites to inform property owners and try to bring people into compliance until they began the process that is underway now? The average homeowner doesn't know how to navigate a zoning code much less understand it, yet now the City wants to punish existing hosts for not figuring that out on their own. I think it was reasonable for people to have assumed, especially with no express language about STRs on the web sites or in the code, that they were OK. In some cases, prospective hosts were told by City officials that STRs were unregulated and so no action was required beyond that for LTRs, or that only payment of Rooms and Meals Tax was required (the advice was inconsistent). For these reasons, I think it's unjust for the City to dismiss the option to grandfather-in existing non-compliant STR properties.

I've been following both this issue and the efforts by the City to prohibit "no cause" non-renewal of leases and associated restrictions on landlords, and I want to mention that it seems to me that **the City is working at cross-purposes**. The proposed "no-cause" ballot item is so restrictive of landlords' property rights that I think the City will drive people out of the rental market completely or into the arms of Airbnb and similar platforms, which is exactly what the City does not want to do based on the current efforts underway to restrict STRs. I for one would never return to LTR if such an ordinance is enacted. I mention this because I think the Committee needs to consider the impact of other efforts by the City Council and take a more global approach to the stated goal of preserving a sufficient number of LTRs.

Relatedly, I want to mention that I have lived on lower North St. for almost 14 years. I am the only owner-occupier on my block and until last summer the vast majority of the rental units were low-income Section 8 rentals and there were never any students on the block. This year, at least four of the units are now occupied by students, and those are just the units that I am aware of. My point is that at least two landlords on my block have made the decision recently that **it is more lucrative to rent to students than to low-income permanent residents**. As with the proposed "no cause" ordinance, the City needs to think about how to incentivize landlords in ways that encourage uses that the City desires rather than drive landlords in the other direction with archaic restrictions, and the issue of student housing needs to be addressed with UVM in a meaningful way since the impact of students on the lack of affordable housing in the City surely impacts it more than STRs.

Thank you for your consideration.

Lori Kettler
65 North St.

February 9, 2021
To: Joint Committee of Planning Commission and City Council Ordinance Committee
From: Deb Ward Lyons
Re.: STRs

Dear Committee Members,

I'm writing again to promote the idea of "grandfathering" STRs into existence in Burlington's registration and zoning process. When I started my Airbnb in 2015 it was for a variety of reasons: 1. Past tenants had caused great damage and cost to my rental; 2. The need for housing flexibility for family members; and 3. A desire to renovate and furnish my building for travelers who would maintain the property with regard. In truth, 80% of my long-term tenants DID respect the property, but with 20% not, I could no longer take that loss in time and money. I do not have additional rental properties to help absorb the cost of repairs, as well as the lost of income from unpaid rent and long-drawn-out court fees.

When I set up a business account at City Hall to pay my monthly 2% city tax, I asked about Airbnb rental rules and was told as long as I had my building inspected (I've maintained a 5-year rating), and paid my Rooms and Meals Tax on the income generated, then I was fine… until the city figured out what to do with Airbnb's.

Time has passed, and here we are today. You're figuring it out.

Depending on who's numbers you use, entire-unit STRs (253) make up only 3%, or even 2%, of the rental housing stock in BTV (Scott G. and Host Compliance: 10,000+ rentals, 357 unique STR rentals of which 71% are entire units; Allen, Brooks & Minor lists 10,679 rentals in Burlington in 2020).

This is not an abundance of housing that is taken from the 10,000+ rentals, for short-term-renting use. As stated in Scott's overview, many STR listings are now inactive because of the pandemic (some have actually been sold), or are renting for longer durations (weeks and months at a time). Still, this is not Long-Term Renting, which is what this committee is concerned with. But you have also come to understand the benefits that STRs bring to both the city and to hosts. It seems there is a way to balance both needs.

As such, I ask that you "grandfather" all the currently active STRs into compliance, with the expectation that they are registered, inspected and current in their R&M tax payments. And since some are interested in a cap on STRs for the purpose of preserving the long-term housing stock, I suggest you cap STRs at 5% of the total housing units in the city.

I also ask that you allow off-site hosting in ALL short-term rental units, stand-alone buildings to quad-plex, with a reasonable limit of one STR per owner. Lastly, that this "grandfathering" is allowed across all residential districts in Burlington.

"Grandfathering" IS an option, and it's one that would meet the needs of this committee while acknowledging the property owners who have been pleading with you for over a year to allow them a path to still maintain their livelihood.

Thank you for this consideration.

Cambrian Rise

February 4th, 2021

In view of the February 5th site visit to Cambrian Rise, I wanted to share with you what our idea is for this spectacular property. I have attached an artist's rendering of our vision in hopes that as we look out over the February-in-Vermont landscape we can imagine the community we are planning.

Thank you.

Eric

Eric F. Farrell
efarrell@farrellpropertiesvt.com

Farrell Properties is excited to announce the relocation of its office to Cambrian Rise!
Mailing address: PO Box 1335, Burlington VT 05402 (has not changed)
New physical address: 351 North Avenue, # 218, Burlington VT 05401

P: 802-861-3000 x112
F: 802-861-3003
C: 802-343-7055

"Prosperity means a healthy, peaceful life with good relationships, and enough resources to be able to be a blessing to others."

LINCOLN BROWN ILLUSTRATION

CHITTENDEN COUNTY RPC
Communities Planning Together

110 West Canal Street, Suite 202
Winooski, VT 05404-2109
802-846-4490
www.ccrpcvt.org

February 9, 2021

Rachel Lomonaco
District #4 Coordinator
111 West Street
Essex Junction, VT 05452

RE: BC Community Housing, LLC; Burlington; Application #4C1301-3

Dear Ms. Lomonaco,

The Chittenden County Regional Planning Commission's (CCRPC) Staff and Executive Committee have reviewed this Act 250 amendment application for:

a. Increasing the maximum number of units for the Cambrian Rise Development from 739 to 770;
b. Converting one level of understory parking in Building C to residential units for a total of 125 units;
c. Altering Building M by adding an additional floor for a total of six floors, increasing the building footprint for a total of 117 units, adding a second level of understory parking, expanding the surface parking, revised landscaping, and façade changes;
d. Adding an additional floor to Building P for a total of five floors, with no increase in units; and
e. Adding an additional floor to Building Q/R for a total of six floors, with no increase in units.

The proposed project is located at 311-375 North Avenue in Burlington, Vermont. The City of Burlington's Development Review Board has approved the project.

CCRPC offers the following comments on the proposed project:

The project is located within the Metro Planning Area as defined in the Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan.* We find this project to be consistent with the Planning Areas for the following reasons:

1. The Metro Planning Area is identified in the Plan as an area planned for growth, and therefore this project helps implement Strategy #2 of the Plan, which calls for 80% of new development in the areas planned for growth.
2. The project is proposed in a state-designated Neighborhood Development Area, is served by municipal water and sewer, and is served by a GMT transit route.
3. The density and uses are consistent with the local regulations.

Therefore, we find this project to be in conformance with the Planning Areas of the *2018 Chittenden County ECOS Plan*.

CCRPC staff have reviewed the memo dated October 16, 2018 from RSG. We previously reviewed and commented on the Traffic Impact Assessment (TIA) dated 12/21/2016. The memo

accounts for minor increases in trip generation from the original TIA. We concur with the memo's conclusions and have no new concerns regarding traffic impacts.

Due to the detailed level of development review in most Chittenden County municipalities, and the environmental permit reviews at the Vermont Department of Environmental Conservation, CCRPC focuses its Act 250 reviews on the type of proposed land use and the Planning Areas section of the *2018 Chittenden County ECOS Plan*. The CCRPC also focuses its review on transportation-related issues, where appropriate, in accordance with the Metropolitan Transportation Plan, which is within the *2018 Chittenden County ECOS Plan.*

These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me should you have any questions.

Sincerely,

Charlie Baker
Executive Director

Cc: CCRPC Board
Certificate of Service

CERTIFICATE OF SERVICE

I hereby certify on this 9th day of February, 2021, a copy of the foregoing letter concerning Act 250 Land Use Permit Application #4C1301-3 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:

BC Community Housing, LLC
c/o Eric Farrell and Sonya Enright
PO Box 1335
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efarrell@farrellpropertiesvt.com
senright@farrellpropertiesvt.com

351-375 North Avenue
Homeowner's Association, LLC
PO Box 1335
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efarrell@farrellpropertiesvt.com

Alain Youkel
ayoukel@youkel.com

Amy Bovee, Ass't City Clerk
Chair, City Council/Chair, City
Planning Commission
City of Burlington
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Elizabeth Lord, Land Use
Attorney/Jennifer Mojo
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Barry Murphy/Vt. Dept. of Public
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Craig Keller/Jeff
Ramsey/Christopher Clow

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

Dated at Winooski, Vermont, this 9th day of February, 2021.

Law Office of James A. Dumont, Esq., P.C.

15 Main St., P.O. Box 229, Bristol VT 05443
802-453-7011; Cell: 802-349-7342; fax 802-505-6290
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James A. Dumont, Esq. Caroline F. Engvall, Legal Assistant

February 8, 2021

Thomas A. Little, Esq.
Chair
District 4 Environmental Commission
NRB.Act250Essex@Vermont.gov

Aaron Brondyke, State Coordinator
aaron.brondyke@vermont.gov

Re: Burton Corporation Applications 4C0174-6; 4C0358-3

Dear Chairman Little and Coordinator Brondyke:

I enclose my Entry of Appearance on behalf of parties Smith, Waters, Turner, Logan, de Terra, Goodman, Landauer, Bratt, O'Neill, Walrath, Herrick, Ellis, and Copp. A Certificate of Service also is being filed.

In reviewing this file as I prepared to enter my appearance, it became apparent to me that each of my clients needs to submit testimony to confirm, or prove, their status as interested parties. Their names will each be listed in the list of witnesses that is to be submitted by Wednesday. They will each testify.

The prehearing conference order does not address use of prefiled written testimony. If my thirteen clients provide oral direct testimony about their standing, that will occupy much if not all of the scheduled first day of hearing. Instead, each of my clients will submit prefiled written testimony. Pursuant to Board Rule 17, the prefiled testimony will be filed and served on or before March 3, 2021. Of course, each witness will available (by internet access) for cross-examination, or questions by the Commission, during the hearing.

Although neither a Commission order nor consent is required, I have discussed this with Jonathan Rose, Esq., on behalf of the Burton Corporation. Attorney Rose has authorized me to state that the Burton Corporation does not object to the filing of written prefiled testimony by my clients. If the Commission, or any parties, have any concerns or objections, of course please let me know.

Sincerely,

Jim
James A. Dumont, Esq.

District 4 Environmental Commission

Re: Burton Corporation Applications 4C0174-6; 4C0358-3

ENTRY OF APPEARANCE

James A. Dumont, Esq. enters his appearance on behalf Lawrence (Laurie) Smith, Laura Waters, Michael Turner, Luc Logan, Diane de Terra, Doug Goodman, Almy Landauer, Wendy Bratt, Sharon O'Neill, Dana Walrath, Stephanie Herrick, Janice Ellis, and Wendy Copp in the above-captioned case.

Date: February 8, 2021

/s/James A. Dumont_

James A. Dumont, Esq.
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Bristol, VT 05443
(802) 453-7011
dumont@gmavt.net

District 4 Environmental Commission

Re: Burton Corporation Applications 4C0174-6; 4C0358-3

CERTIFICATE OF SERVICE

I certify that I have today delivered an Entry of Appearance and a Letter to District 4 Environmental Commission to all other parties to this case as follows:

- By Electronic Mail

The name and address of the party to whom the mail was addressed or personal delivery was made are as follows:

The Burton Corporation
c/o JustinWorthley, Mike Fialko-Casey, Eric Bergstrom
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Agency of Agriculture, Food & Markets
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Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
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james.duggan@vermont.gov
ACCD.ProjectReview@vermont.gov

Dated: 2/8/2021

/s/ Caroline Engvall
Caroline Engvall
Assistant to Counsel,
James A. Dumont, Esq.
dumont@gmavt.net

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Burlington, VT 05401
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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Emily Lee
Harris Roen
Jennifer Wallace-Brodeur

Burlington Planning Commission

Tuesday, February 9, 2021, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, H Roen, A Friend, E Lee, J Wallace-Brodeur, C Mason, Z Hightower, J Hanson
Staff Present: D White, M Tuttle, S Gustin, K Sturtevant, W Ward, P Wehman	
Attendance: E McArdle, W Gonyaw, L Jenson, S Bushor, J Marks, D Ward Lyons, E Hanley, D Hanley, A Magyar, M Kuprych, J Caulo, E Mahnke, A Stark, (one additional phone number not identified by name)	

I. Agenda

Call to Order	Time: 6:35pm
Agenda	No Changes

II. Public Forum

Name	Comment
E McArdle	Urge Committee to get this right. STRs don't impact 99% of housing stock. Should focus on other housing problems, such as student housing. Policy goes after 'little guy,' hurt tenants, and force small landlords to sell property. Use own STR to supplement long-term tenant's income. STR in a small multi-unit building was the only way to make homeownership work in BTV. Lack of large landlords and tenants in this conversation demonstrates STRs are not a threat. Perception of STR hosts is that city wants to penalize property owners, and feel this issue is related to the greater political movement in the city. Feel many policies proposed on Town Meeting ballot will destroy city, force out little guys, increase the wealth gap. Does Committee understand unintended consequences of this proposal?
E Hanley	Concerned that the proposal still requires a host on-site for duplexes. Feel this enables bigger landlords to stay in business, while putting out the 'little guy'.
D Hanley	Have worked hard to manage property to provide for children and retirement. But have had trouble renting duplex, needed STR to make money and pay taxes. Have invested a lot in furnishing property, and have used it to support a lot of people during COVID. Many benefits offered by STRs. As a realtor, a lot of property owners are thinking of selling because of trends in the city.
D Lyons	Encourage Committee to enable all currently active STRs to be grandfathered in all residential zoning districts as long as they're registered, inspected and current on taxes. Cap them at 500 STRs and allow off-site hosting in all buildings. Could no longer afford the 20% of long-term renters who did not maintain my property. STRs are not occupying an abundance of housing, and many are now inactive due to COVID. Seems there is a way to balance benefits with impacts.

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.

S Bushor	Unclear about addition of "less than 30 days" to the definition of hotel in Ch. 18 due to extended stay and state program for emergency housing for homeless individuals. Unclear where condominiums fall in Table 18-15-1, and see individually owned condos more like a single dwelling unit. As a Committee member, didn't want to harm small investment property owners. In communication about nonconformities, unclear how STRs currently permitted will be treated.
L Jensen	Current apartment is rented more or less than 30 days from time to time. Appreciate seeing duplex and ADUs not being treated the same, but cannot understand why 2 unit and 3 unit buildings are treated differently with regard to host residency. Hosts have been unsuccessful in encouraging data collection that helps base policy in reality. Urge Committee to consider data after the policy implementation—how many STRs will be put out of business, what is loss of RMT, impacts on properties and rents by loss of host income, and impact on housing crisis in BTV (rents, vacancy rate, cost to buy).
A Magyar	Support D Lyons statement. Goal is to keep number of STRs down, but not reduce the number currently existing, which is what COVID has done. Grandfather non-compliant hosts, but allow hosts to continue to stay in and use homes. Housing advocate has spoken in favor of grandfathering STRs, which says a lot.
E Mahnke	STRs do have an impact on BTV housing market. 5% vacancy rate is considered a balanced housing market, and 2.5% of housing units being returned to long-term rentals could be significant to bring housing supply and demand more in sync. Suggested grandfathering existing STRs not because it's ideal, but as an idea to thread the needle for small landlords using STR for income while preventing further conversion. However, was operating under the assumption that STRs currently operating were unregulated and therefore legal.

III. Proposed CDO Amendment: Short Term Rentals

Action: No action.		
Motion:	Second:	Vote:

- Staff provided a communication and background on the difference between zoning violations and legal preexisting non-conforming uses, and answered questions about how STRs have been permitted under existing standards. A Councilor expressed unease about potentially granting amnesty to zoning violations, while also using Ch. 18 to regulate STRs which doesn't allow legally non-conforming status to future STRs.
- Staff also clarified that non-conformities apply to the CDO, but not Ch. 18, and that anyone with an existing zoning permit for an STR today would benefit from legal non-conforming status.
- A Committee member asked about the benefit of locating STR standards in minimum housing code instead of zoning if the committee advances a less restrictive policy. Staff and Commissioners clarified that the CDO isn't the best mechanism for regulating some of the details associated with STRs and that enforcement isn't as straightforward. Ch. 18 also provides flexibility to make the policy more or less permissive overtime. The Committee agreed that it wanted to continue to move forward with utilizing Ch. 18 for regulating some of the STR standards.
- Staff also outlined how the draft STR policy is now divided between the CDO (zoning) and Ch. 18 (Minimum Housing Standards) based on the last meeting.
- The Committee reviewed the proposed changes to the CDO, including to Article 13, Appendix A, and Article 14. In response to a Commissioner question, staff indicated that Appendix A permits or prohibits STRs where housing is permitted or prohibited, but then regulates the extent of how an STR can operate under Ch. 18. Committee agreed with proposed changes to the CDO with an additional reference to "subject to Rooms & Meals" tax as part of the STR definition.

• Following a discussion about the per-building limit on number of STRs in Ch.18, the Committee directed staff to add a provision that allows a host to STR a dwelling unit that is their primary residence, regardless of the number of units in a building and regardless of whether the host is a tenant or owner.

IV. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Planning Commission's next meeting is Feb. 23, 2021 at 6:30pm and next Joint Committee meeting is March 9, 2021 at 6:30pm.		

V. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: H Roen	Vote: Approved Unanimously
• Minutes Approved: January 26, 2021 • Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

VI. Adjourn

Adjournment	Time: 8:32pm	
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously

Signed: February 24, 2021

Andy Montroll, Chair

Respectfully submitted by:

Meagan Tuttle, Comprehensive Planner