Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
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www.burlingtonvt.gov/pz

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

Tuesday, January 28, 2020, 6:30 P.M.
Contois Auditorium, City Hall, Burlington

AGENDA

I. Agenda

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

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

Staff will provide additional information in response to the Committee's questions on a proposed framework to regulate Short Term Rentals. This amendment comes as a result of the Mayor's Housing Summit and subsequent policy reform recommendations. Information related to this agenda item is included in the packet on pages 2-21.

Staff Recommendation: Provide feedback on the proposal to inform further discussion of this topic.

IV. Requested CDO Amendment: Bowling Alleys in ELM

The Commission has received a request to consider an amendment to the *Comprehensive Development Ordinance* to allow bowling alleys in the Enterprise-Light Manufacturing District. Information related to this agenda item is included in packet on page 22.

Staff Recommendation: Refer this request to the Planning Commission Ordinance Committee.

V. Commissioner Items

a. Joint Committee meeting Tuesday, February 11 at 6:30pm at the BPD Community Room (1 North Ave)
b. Joint Committee meeting Wednesday, February 19 at 6:30pm at City Hall

VI. Minutes & Communications

a. The minutes of the January 14, 2020 Joint Committee meeting are enclosed on pages 23-27.
b. Communications are enclosed in the agenda packet beginning on page 28.

VII. Adjourn

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

www.burlingtonvt.gov/plan

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

Overview & Background

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

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

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

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

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

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement & Summary

The proposed zoning amendments are aimed at minimizing the potential for adverse impacts to the city's housing stock and to our neighborhoods. They are intended to allow short term rental of bedrooms within a dwelling with minimal burden to the host. More rigorous standards are applied for whole-unit short term rentals so as to limit their proliferation and more significant impacts on our housing stock. In an effort to balance the benefits to hosts with the preservation of our neighborhoods, short term rentals would be allowed wherever residential uses are allowed; however, short term rental hosts must be a resident of the property in all cases. Within the city's residential zones, larger and whole-dwelling short term rentals would be a "conditional use" thereby affording neighbors a public forum to identify and address potential impacts for consideration by the Development Review Board. The proposed standards are intended to be clear, reasonable, and enforceable.

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

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

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

Proposed Amendments

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

ARTICLE 5: CITYWIDE GENERAL REGULATIONS

Parts 1 – 3 *As Written*

PART 4: SPECIAL USE REGULATIONS

Sec. 5.4.1 - 5.4.13 *As written*

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

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

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

(a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;

(b) The host's primary residence shall be within the same building or dwelling unit as the short term rental. The host may be the property owner or tenant; and,

(c) Short term rentals shall register with the city as rental units under Chapter 18: Housing unless exempted under that Chapter.

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

(d) Occupancy of the short term rental shall be by a family as defined in Article 13; and,

(e) The number of short term rentals shall be limited by building and lot as follows:

1. 1 short term rental within a 1 – 3 dwelling unit building.
2. 2 short term rentals within a 4 – 5 dwelling unit building.
3. 3 short term rentals within a 6 or more dwelling unit building.
4. For lots containing 2 or more detached primary structures with a combined total of 6 or more dwelling units, the total number of short term rentals on the lot shall not exceed 3 or 5% of the total number of dwelling units on the lot, whichever is greater, regardless of the number of buildings.

PART 5: PERFORMANCE STANDARDS *As Written*

ARTICLE 8: PARKING

Sec. 8.1.1 - 8.1.7 *As written*

Sec. 8.1.8 Minimum Off-Street Parking Requirements

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

(a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses.

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

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

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

Sec. 8.1.9 - 8.1.15 *As written*

ARTICLE 13: DEFINITIONS

Sec. 13.1.1 Miscellaneous *As written*

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

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

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

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

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

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

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

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

****End Proposed Text Amendments****

Relationship to planBTV

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

Impact on Safe & Affordable Housing

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

Compatibility with Proposed Future Land Use & Density

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

Planned Community Facilities

This amendment is not expected to have an impact on any planned community facilities

Process Overview

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

<table>
<tr><th colspan="5">Planning Commission Process</th></tr>
<tr><td rowspan="2">Draft Amendment prepared by: Staff, based on recommendations referred by City Council</td><td rowspan="2">Joint Committee of Commission & Council Ordinance Cmte
1/14/20, 1/28/20</td><td rowspan="2">Approve for Public Hearing</td><td rowspan="2">Public Hearing</td><td>Approve & forward to Council</td></tr>
<tr><td>Continue discussion</td></tr>
<tr><th colspan="5">City Council Process</th></tr>
<tr><td rowspan="2">First Read & Referral to Ordinance Cmte</td><td rowspan="2">Ordinance Committee discussion</td><td rowspan="2">Ordinance Cmte recommends to Council [as is / with changes]</td><td rowspan="2">Second Read & Public Hearing</td><td>Approval & Adoption</td></tr>
<tr><td>Rejected</td></tr>
</table>

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.															
~~Bed and Breakfast[4, 6]~~	~~N~~	~~N~~	~~N~~	~~N~~	~~CU~~	~~CU~~	~~CU~~	~~CU~~	~~N~~	~~Y~~	~~Y~~	~~Y~~	~~N~~	~~N~~	~~N~~
Short Term Rental – Partial Unit (See Sec. 5.4.14)[4]	N	N	N	N	CU	Y/CU	Y/CU	Y/CU	N	Y	Y	Y	Y	N	N
NON-RESIDENTIAL USES	**UR[21]**	**RCO - A**	**RCO - RG**	**RCO - C**	**I**	**RL/W**	**RM**	**RH**	**DW-PT[16]**	**NMU**	**NAC**	**NAC-RC**	**NAC-CR**	**E-AE**	**E-LM**
Rest of Non-Residential Uses as written.															
Short Term Rental – Whole Unit (See Sec. 5.4.14)	N	N	N	N	CU	CU	CU	CU	N	Y	Y	Y	Y	N	N

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Duplexes may be constructed on lots which meet the minimum lot size specified in Table 4.4.5-1.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. ~~No more than 5 rooms permitted to be let in any district where bed and breakfast is a conditional use.~~ Up to 2 bedrooms permitted to be let in any district where allowed. Between 3 and 5 bedrooms let in any residential district shall be a conditional use. No more than 3 bedrooms ~~permitted to~~ may be let in the RL district. No more than 5 bedrooms may be let in any district.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Small daycare centers and small preschools in the RCO zones shall only be allowed as part of small museums and shall constitute less than 50% of the gross floor area of the museum.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 6 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.

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

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

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

14.3.4-H- Use Type	FD6
Uses not specifically listed in a use table, and that are not similar in nature and impact to a use that is listed, are not permitted.	
RESIDENTIAL - GENERAL	
Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
RESIDENTIAL - SPECIAL	
Assisted Living	P
Boarding House[1]	P
Community House *(Sec.14.6.6.e)*	P
Convalescent /Nursing Home	P
SHORT-TERM ACCOMMODATIONS	
~~Bed and Breakfast[1]~~	~~P~~
Historic Inn *(Sec.14.6.6.c)*	P
Hotel	P
Shelter	P
Short Term Rental - Partial Unit[3] *(Sec.5.4.14)*	P
Short Term Rental - Whole Unit *(Sec.5.4.14)*	P
RETAIL - GENERAL	
ATM	P
Auto/Boat/RV Sales/Rentals[3]	P
Convenience Store	P
Fuel Service Station[2] *(Sec.14.6.6.d)*	CU
General Merchandise/Retail	P

14.3.4-H- Use Type	FD6
RETAIL - OUTDOOR	
Open Air Markets	P
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

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.	
[3] Limitted to 5 bedrooms	

14.3.4-H- Use Type	FD6
Restaurant	P
Restaurant – Take Out	P
MANUFACTURING/ PRODUCTION/ STORAGE	
Dental Lab	P
Food Processing	P
Manufacturing - Light [3]	P
Manufacturing [3]	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research & Development Facility	P
Research Lab	P
Warehouse/Storage [3]	P
Warehouse, Self-Storage [3]	P
EDUCATION & DAY CARE	
Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P

14.3.4-H- Use Type	FD6
School - Secondary	P
School, -Trade, or Professional	P
CIVIC	
Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P
TRANSPORTATION & UTILITIES	
Recycling Center - Small [3] (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus [3]	P
Parking Structure	P

Key	
Permitted Use	P
Conditional Use	CU
END NOTES	

[3] Exterior storage and display not permitted.

14.3.5-H- Use Types

14.3.5-H- Use Types	FD5
Uses not specifically listed, and that are not similar in nature and impact to a use that is listed, are not permitted.	
RESIDENTIAL - GENERAL	
Attached Dwellings	P
Single Detached Dwellings (only pre-existing Buildings originally designed and constructed for such purpose)	P
RESIDENTIAL - SPECIAL	
Assisted Living	P
Boarding House[1]	P
Community House *(Sec.14.6.6.e)*	P
Convalescent /Nursing Home	P
Group Home	P
SHORT-TERM ACCOMMODATIONS	
~~Bed and Breakfast[1]~~	~~P~~
Historic Inn *(Sec.14.6.6.c)*	P
Hotel	P
Shelter	P
Short Term Rental - Partial Unit [3] *(Sec.5.4.14)*	P
Short Term Rental - Whole Unit *(Sec.5.4.14)*	P
RETAIL - GENERAL	
ATM	P
Automobile and RV Sales and Rental [2]	P
Convenience Store	P
Fuel Service Station [2] *(Sec.14.6.6.d)*	CU
General Merchandise/Retail	P
RETAIL - OUTDOOR	
Boat Sales/Rentals	P
Garden Supply Store	P
Open Air Markets	P

14.3.5-H- Use Types	FD5
OFFICE & SERVICE	
Animal Grooming	P
Beauty Salon/Barber Shop/Spa	P
Car Wash	P
Crisis Counseling Center *(Sec. 14.6.6.g)*	P
Dry Cleaning Service	P
Funeral Home	P
Health Club/Studio	P
Laundromat	P
Mental Health Crisis Center	P
Office – General	P
Office – Medical	P
Office – Technical	P
Tailor Shop	P
Vehicle/Boat Repair/Service [2]	P
HOSPITALITY/ ENTERTAINMENT/ RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[1]Must be owner-occupied.

[2] Exterior storage and display not permitted.

[3] Limitted to 5 bedrooms

14.3.5-H- Use Types	FD5
HOSPITALITY/ ENTERTAINMENT/ RECREATION	
Aquarium	P
Art Gallery/Studio	P
Bar, Tavern	P
Billiards, Bowling & Arcade	P
Cafe	P
Cinema	P
Club, Membership	P
Community Center	P
Conference/Convention Center	P
Museum	P
Performing Arts Center	P
Performing Arts Studio	P
Recreational Facility - Indoor	P
Restaurant	P
Restaurant – Take Out	P
MANUFACTURING/ PRODUCTION/ STORAGE	
Boat Storage [2]	P
Dental Lab	P
Food Processing	P
Manufacturing - Light [2]	P
Manufacturing [2]	P
Medical Lab	P
Production Studio	P
Photography Lab	P
Printing Plant	P
Research and Development Facility	P
Research Lab	P
Warehouse/Storage [2]	P
Warehouse, Self-Storage [2]	P

14.3.5-H- Use Types	FD5
EDUCATION & DAY CARE	
Day Care - Adult	P
Daycare - All (Sec. 14.6.6.b)	P
School - Post-Secondary & Community College	P
School - Primary	P
School - Secondary	P
School, -Trade, or Professional	P
CIVIC	
Courthouse	P
Fire Station	P
Library	P
Park	P
Police Station	P
Post Office	P
Worship, Place of	P
TRANSPORTATION & UTILITIES	
Recycling Center - Small [2] (2,000 sf or less)	P
Public Transit Terminal	P
Operations Center – Taxi/Bus [2]	P
Parking Structure	P

Key

Permitted Use	P
Conditional Use	CU

END NOTES

[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:

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

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

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

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

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

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

All other definitions as written.

18-3 – 18-14 Reserved

As written.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT

DIVISION 1. 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. 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.

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

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

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

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

(iv) What is the tax account number?

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

18-16 Inspection required.

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

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

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

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

18-17 – 18-29

As written.

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

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

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

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

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

(Ord. of 10-29-04)

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

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

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

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

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

(Ord. of 10-29-04)

18-30 Fees.

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

Remainder of Sec. 18-30 as written.

18-31 – 18-69

As written.

ARTICLE III. MINIMUM 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.

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.

Redstone

November 6, 2019

Burlington Planning Commission
c/o Department of Planning and Zoning
149 Church Street
Burlington, Vermont 05401

Re: Allowing Bowling Alleys in the Enterprise Zone

Dear Members,

Please accept this letter as a formal request to amend the Comprehensive Use Table that is appended to the Burlington Comprehensive Development Ordinance to allow Bowling Alleys in the Enterprise Zone. I understand that this request was introduced at your October 30 meeting and the issue was referred to the Executive Committee of the Planning Commission for consideration/discussion.

I would like the Committee to be aware that the request comes in connection with my collaboration with BCA to help them make their purchase of 405 Pine Street a reality. BCA is working to fulfill its vision of securing a long-term presence on Pine Street, expanding its space to provide much desired studio and community space.

BCA has a "once in a lifetime" opportunity to purchase the building it currently occupies at 405 Pine St. In order to secure financing for the purchase, BCA needed an established entity to master lease approximately half of the building. Redstone has agreed to commit to the master lease and is currently seeking compatible businesses to sub-lease the balance of space in the building. This effort has led to the prospect of leasing to a bowling alley use. Unfortunately, bowling alleys are not an allowed use in the Enterprise Zone. This fact is particularly unfortunate in that the use would be a good complement to BCA's use of the building and the Enterprise Zone is one of the few locations within the City where buildings of sufficient size and affordability exist. There is unmet demand for bowling in the Burlington area due to the recent closure of Champlain Lanes. A bowling alley would complement the energy and creativity of the South End while providing an enjoyable outlet for families and workers within the district.

It is worth noting that allowing bowling alleys in the Enterprise Zone would be consistent with many of the goals enumerated in Plan BTV South End. These goals include; supporting a public/private partnership that is motivated to find a way to access natural areas and the bike path near the Barge Canal, allowing for a synergy between two uses that will support artists and at the same time provide opportunity for "serendipity/delight" to occur, and allowing a use that is unlikely to dominate the district at the expense of other desirable uses.

It is my hope that the Planning Commission can help in our efforts to assist BCA by giving prompt consideration to this request. Needless to say, time is of the essence in making this project a reality.

Thank you in advance for your consideration,

Larry Williams

100 Bank Street, Suite 200
P.O. Box 790
Burlington, VT
05402
T: 802.658.7400
F: 802.860.3594
redstonevt.com

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)
www.burlingtonvt.gov/pz

Burlington Joint Planning Commission

Tuesday, January 14 2020, 6:30 P.M.

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

Draft Minutes

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

I. Agenda

Call to Order	Time: 6:32pm
Agenda	Change order of items III and IV, and reopen Public Forum after staff presentation on proposed ZA-20-05.

II. Public Forum

Name	Comment	Commission Action
C Campbell	Request to spend more time on parking to get it right. In particular, simplify the standards for residential districts in order to increase housing units. In RH consider 1 spot per unit for leases of 1yr+ or consider 1 space/ bedroom.	
J Hanson	Parking proposal is a strong starting place, but encourage stronger TDM measures such as requiring a bike fleet or discounted bikeshare membership; increase subsidy for transit passes to 50%.	
J Katz	Getting rid of minimum parking requirement is essential to breaking car culture, and support the TDM requirements.	
P Murphy, CarShare VT	Important to reduce combined housing and transportation cost for residents by increasing subsidy for public transit, and perhaps offering more flexibility in which measures are subsidized based on residents' needs.	
E Redic	Combined tax liability leaves less than half of income, despite having a rental property. Asks how much more tax liability the city will impose, and how many more property rights it will take. The existing amount of publically subsidized housing and requirements on property owners are increasing housing costs, increasing taxes, and perpetuating the cycle. The housing proposals before this committee should not be given any more consideration.	

D Alore	Live-in property owner on St. Paul St, which is on the edge of gentrification. Trying to adapt by renting short-term rentals as well as housing others in need. Property owners need clarity, and need a decision soon.	
C Cook	Support intent for preserving rental housing, but unintended consequences with STR proposal. Have owner-occupied duplex, and cannot rent other unit year-round due to family obligations. Would probably need to sell property if regulation passed as proposed. Suggest "grandmothering" existing units, and allow renting for greater than 10 days at a time to account for travel needs (sabbatical, etc).	
R Danielson	Regulated whole unit short-term rentals benefit travelers and the community at large. 25% of leisure travel uses Airbnb, tourism is 2nd largest industry in Burlington. Money from regulated STRs stays within the community. Recognize need to balance impact on housing stock. Not opposed to a reasonable housing replacement fee, but opposed to requirement that host live on site. Suggest whole unit STR is CU in residential zones with a reasonable fee.	
D Lyons	Has a small 3-bedroom home on same lot that has been rented in a variety of ways, including as STR since 2015. Have highest rental inspection status with DPI, and booked 144 guest nights last year. Hosts are unique, but belong to 2% of landlords who use STRs to support their housing cost. Should maintain safety standards and require zoning permit, but major concern is about housing replacement fees.	
K Aldiss speaking for A Magyar	Most impactful and harmful elements are housing replacement for owner-occupied homes, and requiring change of use to commercial. Concern about change to homestead exemption, city tax rates, mortgage & homeowner insurance status, and required housing replacement fee. Could create a housing crisis for owner-occupied single-family homes. Would be willing to do more than the 2% R&M tax, such as a nightly impact fee.	
M Sherman	Was first Airbnb on Lakeview Terrace, with zoning and building permits, registered as a business, paying all applicable taxes. Now 14 STRs on street and other hosts have not pursued these channels to create their rentals.	
G Kruesi	As a young professional on a single income, having an owner-occupied STR was essential to staying in Burlington, offset cost of taxes. Why regulate parking requirement within condo developments?	
A Stark	Use STR to offset rent to retain a low-income long-term resident in multi-family property; half of own employees use STR to afford housing. Massive and growing income disparity in US and here; some property owners own 500 units alone. According to Airbnb, 52% of hosts are low to moderate income, 48% use STR income to pay for regular expenses, 42% of guest spending is in neighborhoods.	

K Ryan	Rent ~5 nights/mo as a way to upkeep an older house. Question AirDNA data about number of rentals and nightly rates. Concerned about parking requirement, what life safety improvements will be, how this will change Homestead status, and homeowner insurance. Need to define "live-in unit".	

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

No Action		
Motion by:	Second by:	Vote: N/A
Type: Presentation	Presented by: S Gustin	

- S Gustin provided a presentation on the proposed regulatory framework for short-term rentals. The presentation is available online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas

Discussion/Notes:

- Committee members requested additional data on the existing short-term rental units: more detail about who owns them, how many are used to support host housing costs, seasonal variability of rental rates and number of nights rented, where they are located in the city; data about revenue to the City from Rooms & Meals tax, how it is spent, and if it can be broken-down by owner- vs investor units; how STRs impact a property's tax assessment, homestead status.
- Members were interested in more information about nightly impact fees used in other cities.
- Members wanted more information about the Bed & Breakfast requirements today to understand how the short-term rental proposal differs.
- A member asked if there is a way to incentivize hosts to register, rather than just being punitive if they do not.
- A member asked for more information about the granularity of the proposal relative to rooms vs. whole units, and any other distinctions being made.

IV. Proposed CDO Amendment: Minimum Parking Requirements

Action: Approve municipal bylaw amendment report and warn for public hearing		
Motion by: E Lee	Second by: H Roen	Vote: Approved; 6-0 with Y Bradley opposed
Type: Discussion & Action	Presented by: D White	

- D White provided an update to the Commission on elements of the ordinance that had been addressed based on their feedback in December. The presentation is available online: https://www.burlingtonvt.gov/CityPlan/PC/Agendas

Discussion/Notes:

- J Wallace Brodeur asked who is providing the TDM strategies. D White noted that it is per development, and that a site needs to have a TDM coordinator that can be on-site or designated to CATMA.
- S Bushor noted general support for the proposal, but had questions about ADA parking when there is no parking requirement, the reference to on-street parking in the maximum parking waiver standards, and whether there should be a cross reference to the section of the ordinance regarding violations. S Bushor also noted concern about eliminating drop-off space requirement for daycares and preschools and including NAC-Riverside in the area where parking is not required. D White noted ADA requirements are enforced by the building inspector and cross referenced in the ordinance, which detail how many ADA spaces are required. Daycare and preschool parking requirements have been incorporated from an earlier amendment which expired, but there are no minimum parking requirements for any use in the new parking district.

The statement regarding compliance with TDM requirements is already a cross reference. D White further noted there are some opportunities for sharing on Riverside Ave and developers will determine what is needed to be successful in a particular location.

- A Friend asked how 8ft was determined as the width of parking spaces D White noted 8's is for compact space, 9' for regular space, which is not proposed to change in this amendment despite our standards being larger than most. 8' width is min required for ADA accessible space. Main dimension that is changing is the length.
- Y Bradley noted that 6.5' is the average width of a car and does not feel that 8' space is reasonable. B Baker noted that these standards are just minimum requirements, but can be exceeded.
- E Lee argued that ordinance should not be making it easier to use cars in downtown, building infrastructure that supports large vehicle ownership. Observed that before parking was available at the Y, people made other arrangements to get there, but now that parking is available people are driving. Finds it crazy that we subsidize parking but charge for bus passes, and feel that as a community we should be making public transportation free.
- C Mason asked about the origination of the 10 unit threshold for TDM requirements. D White noted a combination of G Bergman and comments from the committee, and that this threshold would have applied to ~85% of new housing units created in last 10 years.
- G Bergman urged the Committee to make additional changes suggested in his communication before warning for a public hearing.
- E Redic feels that policies are made for able-bodied people, and government bureaucrats are making policies that are not realistic for people's needs, choices, lifestyle.
- S Bushor asked if the proposal to require 50% subsidy is workable, and expressed a desire to have developers purchase vehicles for CarShare. D White shared information about how much a 50% discount would be. C Mason noted that the subsidy offered could be uneven if users are able to choose their pass, which could lead to difficulty budgeting for the requirement.
- E Lee asked why affordable units are exempt from the requirement to unbundle. D White noted that it is often related to how the projects are funded and how providers calculate parking costs.
- Y Bradley concerned about adding additional requirements, and believes that these may increase the cost of rent; developers' margins are already really small, and will pass on costs to tenants.
- J Wallace Brodeur noted the cost of vehicle ownership, and that in VT energy costs are largely from transportation. Feels that requiring car ownership to participate in society is an inequitable model, and even if the subsidy cost is passed to tenants, it is likely cheaper than car ownership.
- B Baker concerned about the language about leases for shared parking. D White noted that this is the same language in the parking waiver standards, which enables leasing spaces but limits to a year term that can be renewed.
- Y Bradley requested staff to make a point to reach out to developers and a more diverse audience for additional feedback on the parking proposal.
- K Sturtevant noted she will revise language for how to release existing permit requirements for the version of the ordinance that is warned for public hearing.

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Joint Committee will continue working on Parking & STR proposals at Planning Commission's regularly scheduled meetings on January 28, February 11 and 19, and tentatively March 10		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by : J Wallace Brodeur	Second: B Baker	Vote: Approved Unanimously
- Minutes from Joint Committee meetings on December 4 and 10, 2019 - Communications from public within packet and supplied during the meeting - Notice of issuance of State of Vermont Land Use permit for UVM Recycling & Maintenance Zone project - Notice of Act 250 Application & Public Hearing for 71-unit residential development on Colchester Ave		

VII. Adjourn

Adjournment	Time: 8:50pm	
Motion: A Friend	Second: H Roen	Vote: Approved Unanimously

Meagan Tuttle

From: Andrea Gray <andrea@howardstreetguesthouse.com>
Sent: Tuesday, January 21, 2020 1:45 PM
To: Meagan Tuttle
Subject: airbnb comments

[WARNING]: External Message

Hello Ms. Tuttle,

I have had a guest unit on my property for 22 years. I converted the attic of a detached building (a shop). I went through zoning in 1997, and got approval for the unit to be constructed and to be *used* as a guest unit. I have paid my gross receipts taxes to the city and the state from day one, and my unit undergoes an annual health inspection by the state health department. Check out my website howardstreetguesthouse.com if you would like to see it.

I went to the meeting last Tuesday evening and would like to make some comments.

I don’t object to the profusion of airbnbs, even though I am an old timer. I did object before airbnb started collecting the gross receipts tax, as it was not a level playing field — my place looked expensive because my prices on the site used to include tax. Last year about half my business was generated through my own website and the other half was via airbnb. Every year that ratio increases in airbnb’s favor.

I was impressed by and have first-hand knowledge of the great variety of circumstances that exist for airbnb hosts. Applying blanket regulations as they were proposed would have quite a lot of unintended consequences. I think what we are after is the hosts who buy and rent houses and units with the expressed purpose of renting them as airbnb units. Even knowing this, I don’t think the proportion of regular rental units vs. short-term rental units is enough to make sweeping regulations that affect the small-timers.

The GOOD ideas for regulations are:

1. A data base of of airbnb hosts in the city. I think this could be already available by compiling the information from airbnb as to what owners have units that are paying in the taxes via airbnb. Otherwise, just register Burlington airbnbs. I thought is was interesting that I only knew of the meeting last Tuesday through airbnb, not the city.

2. Minimum housing codes should apply to airbnb units. I have longterm rental units and appreciate the city wanting the public to be safe.

The really BAD ideas are:

1. Replacement housing requirement (or fees). What a can of worms. I don’t think that would apply to my unit (not an apartment — no kitchen, just a kitchenette). Residents are hosting to be able to afford living in Burlington. Keep in mind that even though there are a lot of units, the cream rises to the top. These are well-kept places. I could not have afforded to keep my property as beautifully maintained had I not had the benefit of the income from my guest unit.

2. Special assessments to airbnb-type rental properties. See above — just trying to survive.

Other things to keep in mind:

1. This is basically a 6-month business. November through April is very slow. It is silly to over-regulate something that only happens for half the year.

2. There are at least 3 hotels on the drawing board for Burlington and Winooski. This will all shake out. There may be some effect on the airbnb-type units due to the plethora of lodging choices.

Thank you for listening.

Andrea Gray
Howard Street Guest House

Meagan Tuttle

From: Abbott Stark <abbottstark@gmail.com>
Sent: Thursday, January 16, 2020 2:46 PM
To: Meagan Tuttle
Subject: STR - Public Comment - Abbott Stark

[WARNING]: External Message

Hi Meagan,

I hope this finds you well on this snowy day.

Here is my statement from the public comment session at the joint Committee of the Planning Commission and the City Council Ordinance Committee, with regards to Short Term Rentals on Tuesday.

First, I wanted to say thank you for your participation and activity in support of the meeting!

As you and Scott are gathering data, one additional questions arose for us:
- How many Airbnb hosts have multiple units listed? (As it sounded like one concern is that hosts are gobbling-up multiple units and re-renting on Airbnb.) And, related to that:
- How many Airbnb hosts are advertising multiple listings that are actually separate units? For example, at my last house, I would rent out the spare bedroom when we were home and then list the full house for rent on occasion when we were out of town. Technically it created two Airbnb listings for the same property, same residential unit.

Otherwise, here is my public comment:

My name is Abbott Stark and I recently started a business in Burlington and have resided in the City for the past 20 years. Although our business is growing very quickly, and now employ 7 people locally, we still are a startup and nearly half the office does short term rentals of some sort to make ends meet and continue our business.

Our country is in the middle of an economic crisis. The rich are richer than ever and the wealth disparity between the haves and have-nots is at an all-time high. Currently the wealthiest 1 percent of families in the US holds about 40 percent of all wealth and the bottom 90 percent of families holds less than one quarter of all wealth.

According to Airbnb, 52% of hosts are low to moderate income. 53% said that hosting helped them stay in their home and 48% of host income is used to pay for regular household expenses like rent and groceries.

Regulating Airbnbs is also going to hold-back the improving economies of local neighborhoods as the same data also show 42% of guest spending is in the neighborhoods where they stayed.

410 units is a drop in the city's housing bucket. To lend context to that number there some landlords in Burlington who own 500 Units. These Landlords in town who have already gobbled-up all of the available single-family units and chopped them up into apartments that often rent to students, as opposed to long term tenants, greatly impacting neighborhoods.

Short term housing is democratized housing. Many folks, me included have made their careful and fragile financial plans counting on the current short-term housing rules. I have been an Airbnb host for nearly four years, necessitated when my partner lost their job.

Concerned about housing replacement in regard to balance of low-income rentals? I am trying to maintain the low-income residents that I have inherited with my multi-family house on Monroe Street, including a disabled woman and her disabled son who have remained in their apartment in the past 18 years. I could get 50% more for their unit with a conventional income renter. I would have to consider making that gut-wrenching change if I am unable to Airbnb one of my units full-time, as I planned for when I purchased this house. Is there a better way to balance replacement housing?

There are many ways to look at this situation. As we've heard, the Airbnb guest experience for Burlington's precious tourists is prenominal. What if we reframed this issue to propose that hotel rooms be converted back to long term condominium style properties? Hilton & Marriott, with hundreds of rooms citywide, would be much more financially able to bear the burden of new proposed change of use regulations, as opposed to all of the low to middle income hosts who have shared their experience here tonight.

Thank you,
Abbott
802-825-6433

CarShare Vermont

January 14, 2020

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

Members of the Planning Commission and Ordinance Committee,

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

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

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

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

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

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

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

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

Yours sincerely,
Patrick Murphy
Director of Planning & Operations

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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 – Parking Waiver

Date: January 13, 2020

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:

- Section 4.12: Parking, Loading and Service Areas
- Section 6.8: Waivers & Variance Review

The City of Winooski Planning Commission will hold a public hearing on Thursday, February 13, 2020 at 6:30pm to take public comments on the proposed amendments. This hearing will be held in the Claire Burke Council Chambers at the Winooski City Hall, 27 West Allen Street, Winooski, Vermont, 05404.

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 10, 2020.

City of Winooski
Vermont's Opportunity City

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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 13, 2020** beginning at **6:30 p.m.** This hearing will be held at the Winooski City Hall; 27 West Allen Street; Winooski, Vermont 05404 to consider the following:

Amendments to the Unified Land Use and Development Regulations

- Section 4.12: Parking, Loading and Service Areas
- Section 6.8: Waivers & Variance Review

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

Section 4.12 – Provide a mechanism for relief from the minimum parking requirements and provide options to establish minimum parking for uses that are not currently listed. The addition of a parking waiver includes the specific submission requirements to accompany a waiver request.

Section 6.8 – Provide guidance to the Development Review Board on the standards of review for parking waiver requests. This addition also includes actions available to the Development Review Board when considering requests for parking waivers.

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

Section Headings Impacted:

Section 4.12 – Adds a new subpart #2 under subsection C noting that uses not listed under subpart #1 will establish minimum parking requirements through the same process as the parking waiver. This amendment also includes a new subpart #4 which outlines the requirements for submission of a parking waiver. This amendment also renumbers the subparts under 4.12 C.

Section 6.8 – Adds a new subsection C (including relevant subparts) to provide information related to the standard of review for the Development Review Board to consider parking waivers.

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

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Memorandum

To: Planning Commission

From: Eric Vorwald, AICP, Planning and Zoning Manager

RE: Proposed Amendments to the City of Winooski's Unified Land Use and Development Regulations – Parking Waiver

Date: January 13, 2020

This memo provides information related to two proposed amendments to the City of Winooski Unified Land Use and Development Regulations. These amendments specifically impact Section 4.12 and Section 6.8 and both amendments are related to parking waivers.

Background

With the comprehensive update to the City's Unified Land Use and Development Regulations (ULUDR) in 2016, changes were made to multiple sections of the code. The most significant change was the inclusion of Appendix B – Gateway Districts Form Based Code Regulations. Early drafts of Appendix B included specific provisions related to parking in the Gateway District, however those provisions were not included in the final draft. Instead, parking for the Gateway District is regulated through Section 4.12 of the base zoning regulations.

In addition to the amendment adding Appendix B, the 2016 update to the ULUDR made other changes. One notable change included provisions for relief from the minimum parking requirements including options for shared use parking, reductions in lieu of Transportation Demand Management Strategies, and off-site parking options. Another notable change was the elimination of a provision in the parking regulations identifying the minimum parking requirements for uses not listed. Specifically, the 2016 update eliminated the following text:

> *"g. Other – for uses not specified here, the number of required parking spaces shall be determined by application to the Zoning Board of Adjustment."*

While the provisions included in Section 4.12 offer administrative relief from parking minimums, there is currently no option for additional relief from these minimums or, more importantly, there is no mechanism to properly identify parking minimums for uses that are not listed in the following table:

Uses	Base Parking Requirements
Residential in R-A, R-B and R-C districts	2.0 space/dwelling unit, except 1.0 space/accessory unit
Residential – in all other districts	1.0 space/dwelling unit + 0.50 space/3 bedroom or larger dwelling unit + 1 space for every 4 units (calculated at increments of 4)
Commercial (retail, restaurant, etc.)	3.0 spaces/1,000 sq. ft. of gross floor area
Hotel/B&B	1.0 space/room
Theater	0.25 spaces/seat
Industrial	3.0 spaces/1,000 sq. ft. of gross floor area
Office	4.0 spaces/1,000 sq. ft. of gross floor area

The current regulations do not contemplate uses outside of this table, therefore parking may be over estimated for uses not included.

Purpose of Amendments

While there are two amendments being proposed in different sections of the ULUDR, the amendments are directly related, therefore one amendment cannot occur without the other. The purpose of these amendments is twofold. First, the amendment to Section 4.12 includes a waiver option to reduce the minimum parking requirements below what is achievable through administrative options and to provide a mechanism for determining minimum parking requirements for uses that are not listed. The second amendment incorporates standards for the Development Review Board to consider when reviewed parking waiver requests in Section 6.8.

Proposed Amendments

The following text includes excerpts from Section 4.12 and Section 6.8 respectively. Text that appears in red and underlined is proposed to be added. Text that appears with a ~~strikeout~~ is proposed to be deleted.

SECTION 4.12 - PARKING, LOADING AND SERVICE AREAS

A. **Intent**. These parking standards are intended to:

1. Enable people to conveniently park and access a variety of commercial, residential, and civic enterprises in pedestrian friendly environments by encouraging shared parking.

2. Reduce fragmented, uncoordinated, inefficient, reserved single-purpose parking.

3. Avoid adverse parking impacts on neighborhoods adjacent to redevelopment areas.

4. Maximize on-street parking where available.

B. **Applicability.** These parking requirements shall apply only to uses and buildings newly constructed, changed, extended, or restored and shall not apply to those uses and buildings lawfully repaired or improved where no increase in gross floor area or change of use is made. The regulations in this section shall apply to all Zoning Districts except the Downtown Core District; and only Section 4.12.C shall apply to the Gateway Districts.

C. **Minimum Reserved Parking Requirements.**

1. The quantity of parking spaces to be provided in each development proposal shall be determined based on the following requirements. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.

Uses	Base Parking Requirements
Residential in R-A, R-B and R-C districts	2.0 space/dwelling unit, except 1.0 space/accessory unit
Residential – in all other districts	1.0 space/dwelling unit + 0.50 space/3 bedroom or larger dwelling unit + 1 space for every 4 units (calculated at increments of 4)
Commercial (retail, restaurant, etc.)	3.0 spaces/1,000 sq. ft. of gross floor area
Hotel/B&B	1.0 space/room
Theater	0.25 spaces/seat
Industrial	3.0 spaces/1,000 sq. ft. of gross floor area
Office	4.0 spaces/1,000 sq. ft. of gross floor area

2. Uses not listed under Section 4.12 C.1 shall follow the process outlined under Section 4.12 C. 4 to determine the required minimum parking.

3~~2~~. The applicant shall provide a calculation of the parking spaces allocated for each use (including for employees and for customers/clients) and by time period, and any proposed shared use or transportation demand management reductions, and the location of the parking spaces. The required reserved parking spaces may be adjusted, with approval from the DRB or ZA depending on the application requested, as follows:

a. Shared Use: Sites over 10,000 square feet in non-residential gross floor area, may be applicable for shared use of the required reserved parking spaces. No more than 60%

of the required reserved spaces may be shared. Shared use calculations must be submitted and approved by the Applicable Authority.

b. Transportation Demand Management (TDM): Use of TDM strategies may be incorporated for a reduction of no greater than 10% of the required reserved parking spaces. Specific strategies, and the associated single occupancy vehicle trip reductions must be submitted and approved by the Applicable Authority.

c. Location: The applicant shall demonstrate sufficient parking for residents and employees are available and reserved for use on the applicant's site or off-site within 1400 feet from the project site. No more than 20% of the required reserved parking or 10 spaces, whichever is more, shall be allowed off-site. Each application involving the provision of reserved parking spaces off-site shall submit written proof of contractual arrangements with the owner of the lot which guarantees the continuous use of the required parking spaces for the particular use(s) for the duration of the use(s). The off-site parking provision is not permitted for development proposals within the Residential Zoning Districts.

d. Public Parking: The customer or client (non-employee) portion of the minimum parking requirements may be accommodated in the City's public parking inventory upon approval of the Director of Public Works or Downtown Parking Administrator. However, the parking associated with the public parking inventory will not be reserved explicitly for any one business.

4. Waivers. In addition to the administrative reductions listed under subpart 3, waivers to the required minimum number of parking spaces may be granted by the DRB as outlined in Section 6.8. Requests for waivers to the parking requirements shall include:

a. A zoning application for a specific use (or uses) requesting the waiver including:

i. a narrative outlining the reason(s) the waiver should be granted

ii. the specific relief requested

iii. how the requested relief from the minimum parking standards will be managed to accommodate the proposed use(s)

b. A Transportation Demand Management Plan or similar study stamped by a Vermont Licensed Engineer outlining the justification for the waiver.

c. A site plan identifying the location(s) of the proposed parking.

d. Applicable fees for DRB hearings as outlined in Chapter 28 of the Winooski Municipal Code.

e. Other information as deemed necessary for review by the Zoning Administrator or DRB.

5 ~~3~~. Handicapped–Accessible Parking Spaces. Parking spaces for handicapped persons shall be provided for all non-residential uses. The size, number, and location of spaces shall comply with the ADA Accessibility Guidelines. Handicap accessible spaces are required to be eight feet (8'0") wide, with an adjacent access aisle five feet (5'0") wide. One in every eight (8) accessible spaces must have an access aisle eight feet (8'0") wide and must be signed "van accessible". The number of accessible spaces to be provided in each development proposal shall be determined based on the following requirements. When calculating the spaces required, a decimal shall be rounded up to the nearest whole number.

Total parking spaces in lot	1-25	26-50	51-75	76-100	101-150	151-200	201-300	301-400	401-500	501-1000	> 1,000
Number of accessible spaces required in lot	1	2	3	4	5	6	7	8	9	2% of total	20 + 1 per 100 over 1,000

6 ~~4~~. Required Bicycle Parking. Sites and/or projects over 10,000 square feet in land area have the following requirements:

a. For non-residential uses, the Applicant must provide 1 employee bicycle parking rack (2-bike capacity) per 5,000 square feet of non-residential gross floor area and 1 visitor/customer bicycle parking rack (2-bike capacity) per 10,000 square feet of non-residential gross floor area. The employee and visitor racks may be co-located.

b. For residential, the developer must provide 1 tenant bicycle parking rack (2- bike capacity) per 10 units and 1 visitor bicycle parking rack (2-bike capacity) per 25 units. Projects under 10 units shall have no requirement.

c. Bicycle parking facilities shall be visible to intended users. The bicycle parking facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire egress.

* * * * * * * * * * * * *

SECTION 6.8 - WAIVERS & VARIANCE REVIEW

A. **Applications & Review Standards.** The DRB may waive application requirements, and site plan or conditional use review standards under Sections 6.6 and 6.7, that it determines are not relevant to a particular application.

B. **Dimensional Waivers.** The DRB, in association with site plan or conditional use review, or on appeal of a ZA's determination, may reduce minimum district setback requirements (under Table 2.5) or minimum surface water and wetland setbacks (under Section 4.8) in accordance with the Act [§ 4414] and the following requirements.

1. A waiver request, including information regarding the specific circumstances, need and justification for the waiver shall be submitted in writing with the application for site plan or conditional use review.

2. A waiver under this section may be granted by the DRB only as necessary to:

   a. Allow for the reasonable development and use of a pre-existing nonconforming lot under Section 4.9.

   b. Allow for additions or improvements to a pre-existing nonconforming structure under Section 4.9.

   c. Comply with federal or state public health, safety, access and disability standards.

   d. Allow for the siting of renewable energy structures.

3. The minimum required setback distance shall be reduced by no more than 50% under this provision. Variance approval under Section 6.8 shall be required for any further reduction in dimensional requirements.

4. In granting a waiver under this section, the DRB shall find, based upon clear and convincing evidence of a specific need and circumstances that:

   a. No reasonable alternative exists for siting the structure, addition or improvement outside of the required setback area.

   b. The reduced setback is not contrary to public health, safety and welfare, stated objectives and policies of the Winooski Municipal Development Plan, or the intent of these regulations.

   c. The waiver represents the minimum setback reduction necessary to allow for the proposed development.

d. Any potential adverse impacts resulting from reduced setbacks on adjoining properties, surface waters or wetlands shall be mitigated through site design, landscaping and screening, or other accepted mitigation measures.

C. **Parking Waivers**. The DRB, upon application, may grant a waiver to the minimum required parking for land uses as outlined in Section 4.12 C.

1. The DRB shall consider the specific reasons outlined when considering the waiver to the minimum parking requirements including:

   a. Identified need for parking reductions as outlined in the provided parking study

   b. Ability for the proposed development to support the parking needs as indicated on the provided site plan

   c. Potential impacts to surrounding parking facilities including City maintained streets or parking structures

   d. The parking waiver request represents the minimum parking relief necessary to allow for the proposed development to occur

2. Following review of the parking waiver request, the DRB shall take action to:

   a. Approve the parking waiver request as submitted

   b. Approve the parking waiver request with modifications as deemed appropriate

   c. Deny the parking waiver request

* * * * * * * * * * * * *

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 indicates that there is a perception that too much parking is required in the gateways which is limiting development.

Land Use Goal 4 notes that updates to the parking requirements of the Unified Land Use and Development Regulations should be considered. Also, Municipal Infrastructure Goal 9 discusses implementing components of the transportation master plan related to parking, and components of the downtown parking plan (completed in 2017) related to parking management including public assets. These proposed amendments will help further these goals and others of the City of Winooski Master Plan.

Additionally, parking is often identified as an added cost for development that can decrease housing affordability. Based on information from the 2018 U.S. Census Bureau's American Community Survey, approximately 20% of Winooski's renter households have no vehicle and another 50% only have only one vehicle. Providing opportunities for developers to reduce parking needs beyond the administrative adjustments to meet affordable housing goals established in the City's Master Plan can help achieve greater numbers of affordable housing.

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

The City of Winooski is almost completely developed and has access to centralized water and wastewater. This infrastructure has established a pattern of small lots that are underutilized. Redevelopment of these lots is the only mechanism the City has to continue growing. Changes to the ULUDR have supported increased density along the gateways, in the downtown core, and in the central business district. This is also reflected on the City's Future Land Use Map.

Due to the existing parcel configurations, it can be challenging to develop a project that takes advantage of the public infrastructure to maximize density due to the suburban style parking regulations. The waiver option would allow developers to provide additional information to establish parking at a more urban scale, take advantage of public parking facilities, and increase development density.

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

While these amendments would not directly impact any proposed community facilities, there may be an impact to a future parking garage being planned for Downtown Winooski.

Deb W. Lyons Short-Term Rental Statement 1.14.20

Good evening. Thank you for this opportunity to share my thoughts. My name is Deb Lyons and I've lived in my home in the ONE (Ward 1) for 40 years, raised four children here, and I am employed part-time as a teaching educator with both Puppets in Education and the UVM College of Medicine,

I am *also* a landlady. Here's how I fall into the Host Compliance stats for Burlington Airbnbs:

- 63% of hosts are female
- 31% of hosts are over 60 years old (that's me)
- My rental is a "whole-*housing* unit" (as are 66% of hosts)
- With 3 bedrooms (I'm in the 24% of hosts, who do not rent an efficiency, 1, or 2 bedroom)

I have a second, small 1,100 sq. ft. house on my corner lot, which I've rented in a number of ways over the past 15 years: Long-Term, Short-Term, and a combination of both within the same year.

I joined the Airbnb platform in the early fall of 2015. From the beginning, I registered with BTV - and the state - to pay my 2 & 9% Rooms and Meals Tax; long before Airbnb sent money to these entities. I'm glad these payments are made to you automatically now.

My rental unit has the highest inspection rating of 5 years with the Dept. of Permitting and Inspection. I have also held a continuous "Superhost" status of 5 stars, since I started on Airbnb.

Over the past two years I've had 96 guest nights (2018) and 144 guest nights, last year (2019).

I'm not here to pit myself against other Airbnb hosts – If you've met one host, you've met ONE host. *All of us* are unique in our situation and rental offerings. What we have in common is: We belong to the small 2% of landlords *and ladies* who use the Airbnb platform to generate income to help pay our bills, *while supporting* Burlington's tourist economy and tax base. There is a great benefit to having Airbnbs in Burlington!

I agree with efforts to look at how Airbnb rentals fit into the community at large, and I ask this committee, to please consider a positive view of what Airbnbs bring to BTV's vibrancy, and, how you can support small business owners like myself…

…. *As compared to* "disincentivizing" and limiting me from renting my house for short-terms. I am not a big-time landlord - or corporate enterprise – I am your neighbor, who is highly motivated, and responsible in caring for my property.

In my opinion units SHOULD be maintained to the safety standards of Code Enforcement for rentals.

My <u>major</u> concern lies in the recommendations for "replacement fees" to short-term hosts, to help build up the Housing Replacement Fund. I request that you *seriously* consider exempting Short-Term Rentals from these proposed fees.

Since my unit is a 3 bedroom, I would be forced to pay $50 shy of $43,000, for a replacement fee (quote from Todd Rawlings)! This would be on top of my annual $10,000 in property tax (before re-appraisal), the 2% Rooms and Meals tax that I pay, and all the taxes paid through my utility bills on the rental, not to mention, the pending March vote on 1% of property value to go to the Housing Trust Fund.

The proposed replacement fee is frightening.

As I understand it, if I could afford to buy another rental and lease that long-term, then I'd be absolved from the replacement fee. I don't have the money for that!! My short-term rental allows me to stay in my home; pay my mortgage, insurance and taxes; and it supplements income from my two other jobs.

There must be a way to craft policies that work for everyone!

Again, I encourage you to look at Airbnb hosts *in a positive light* – the money that comes into BTV stays in this community. I hire cleaners above the living-wage rate. I hire carpenters, plumbers, electricians and sheetrock workers for projects to upgrade my rental. My guests are tourists who go out to restaurants, breweries, wineries, ski mountains, bike rentals, local landmarks, *and all* that Burlington has to offer – while boosting the economy.

My long-term renters did not live like they were on vacation, spending money around town, when they leased from me.

Please think long and hard about, how some of these policies will negatively impact a small businesswoman like myself.

Please find a balance, that allows me to choose how best-to-run my rental, with reasonable regulations that provide for the safety of all, *without* onerous fees. I'm asking for your help in this regard.

I appreciate your interest, and the opportunity, to be a part of this discussion. Thank you for listening to my concerns.

Deb Ward Lyons
248 North Willard St
BTV
H 802-864-5657
C 240-375-5106

From: "maryann@wellnessvermont.com" <maryann@wellnessvermont.com>
Date: January 16, 2020 at 6:25:51 PM EST
To: "mtuttle@burlingtonvt.com" <mtuttle@burlingtonvt.com>
Subject: STR input

Hello,
We have lived at our Burlington residence for 46 years. I listened to input on Tuesday at City Hall. I plan to attend other meetings dealing with this topic in the future. I did not comment as many of my points would have been repeating those I already heard during the presentation. However there is one or more I did not hear.
Living on the south end of South Union Street my neighborhood is a mix of kept and unkept large multi unit properties interspersed with single family homes. My husband and I have owned a family run business since we purchased it at 27 years old and grew it into a company that still survives to this day, Yankee Medical on North Avenue.
We retired in November two years ago at 71. I created an LLC, started an Airbnb unit that is inspected each year by the city and is insured separately from our homeowners policy. I have paid both city and state room and board taxes from day one.
John and I love Burlington and our neighborhood. Like several of the other presenters I have had continual 5 stars as a Super Host with Airbnb. My property and hospitality represents the best of Burlington to guests as well as STR's.
Since we are now seniors on a fixed income, the $ from STR affords us a way to continually upgrade our property. We have paved and curbed adequate parking and our landscaping and gardens draw many complements by neighbors and those waiting for the bus by our corner.
Without the extra income many of the enhancements that we have made and permitted through the city would not have been possible.
These upgrades will, I'm sure, affect the coming reappraisal and help the cities revenues as much of what we have done with our businesses have, including Airbnb.
This was not mentioned at the meeting so I thought I would add these points to the ongoing discussion.
If you look at the deterioration that some of the grand homes in our neighborhood have experienced since they have been cut up and rented to college students, the many noisy nights as they party, I hardly think that a well run STR is a detriment to how people see our city.
Add to that the fact that it allows my husband and I to Age in Place and pay the sizable taxes that many escape by retiring for six months and a day in friendlier tax free states.
There is much to consider before regulations are put in place that discourage STR's that also include the testimony other citizens expressed very well on Tuesday evening.
Could you please share this with others that are in a position to make decisions on this matter.
Thank you,
Mary Ann Ficociello

Meagan Tuttle

From: Maggie Sherman <maggie@oneofakindbnb.com>
Sent: Saturday, January 18, 2020 10:52 AM
To: Meagan Tuttle
Subject: STR's in Napa, CA, news article

[WARNING]: External Message

Dear Meagan, this link is from my sister who lives in Napa, CA. It has pro's, con's and feedback. Please share this with the committee and confirm, to me, this email came thru with the link.

https://napavalleyregister.com/news/local/napa-valley-wrangles-with-limited-stock-of-airbnbs-vrbos/article_1e23dca5-1179-5853-858b-52d331086672.html#utm_source=napavalleyregister.com&utm_campaign=%2Fnewsletter-templates%2Fnews-alert&utm_medium=PostUp&utm_content=505113b8335a3a658c2de4a01cbfd831727f155a

Regards,

Maggie Sherman
Contessa of Comfort
One Of A Kind Bed & Breakfast
53 Lakeview Terrace
Burlington, VT 05401
802-862-5576
www.oneofakindbnb.com
maggie@oneofakindbnb.com

BTV HOUSING SUMMIT

www.burlingtonvt.gov/btv-housing-policy

Joint Committee Discussion Topics

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

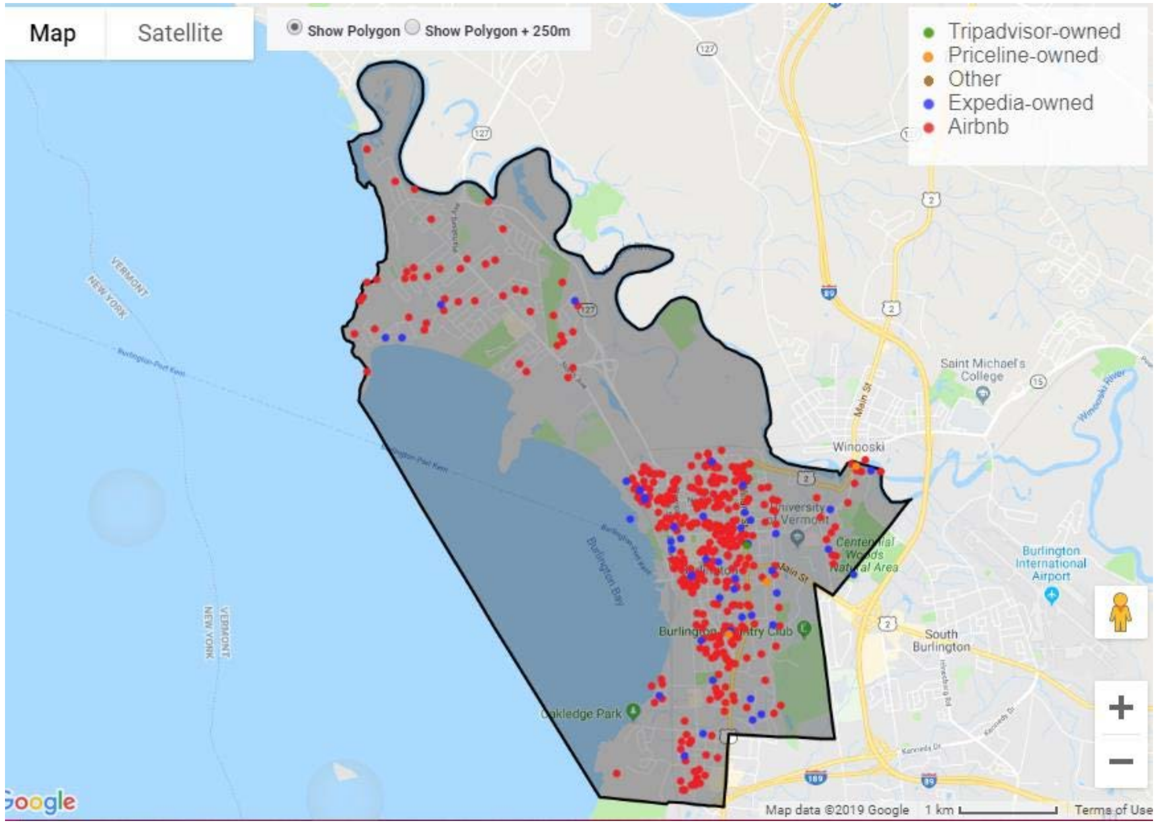
- **What is the overarching policy objective of this proposal?**
- **Is there additional data about STR's in Burlington?**
  Frequency and type of rentals
- **How does this proposal acknowledge "one size does not fit all" concerns?**
  Host status, purpose for renting, unit type, location, required standards,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

Policy Reform Goals

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

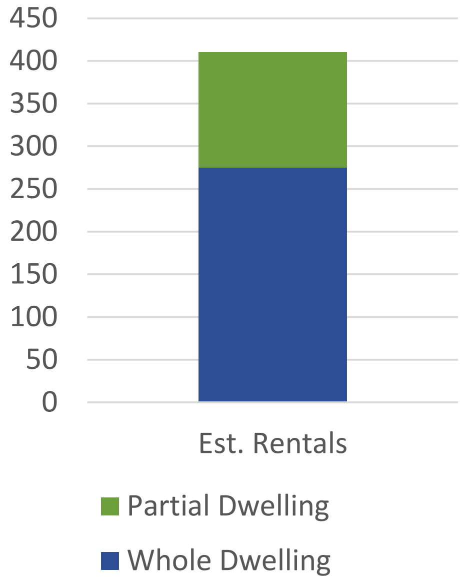
- Expressly enable short term rentals, recognizing tiers for different types of short-term rentals
- Balance the benefits to hosts and guests with impacts to city's long-term housing stock
- Limit the number of housing units that are converted to short-term uses, while preserving flexibility for hosts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

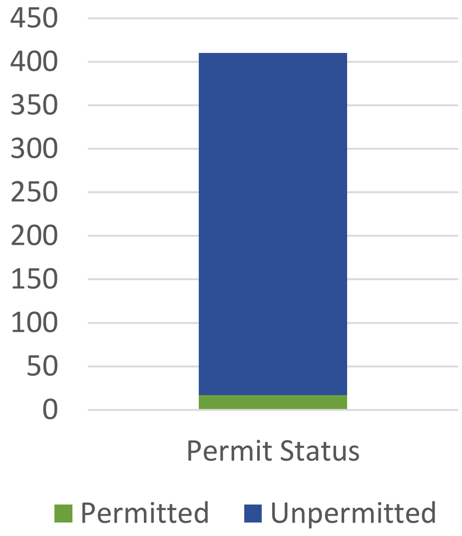
Background on STR's in Burlington



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

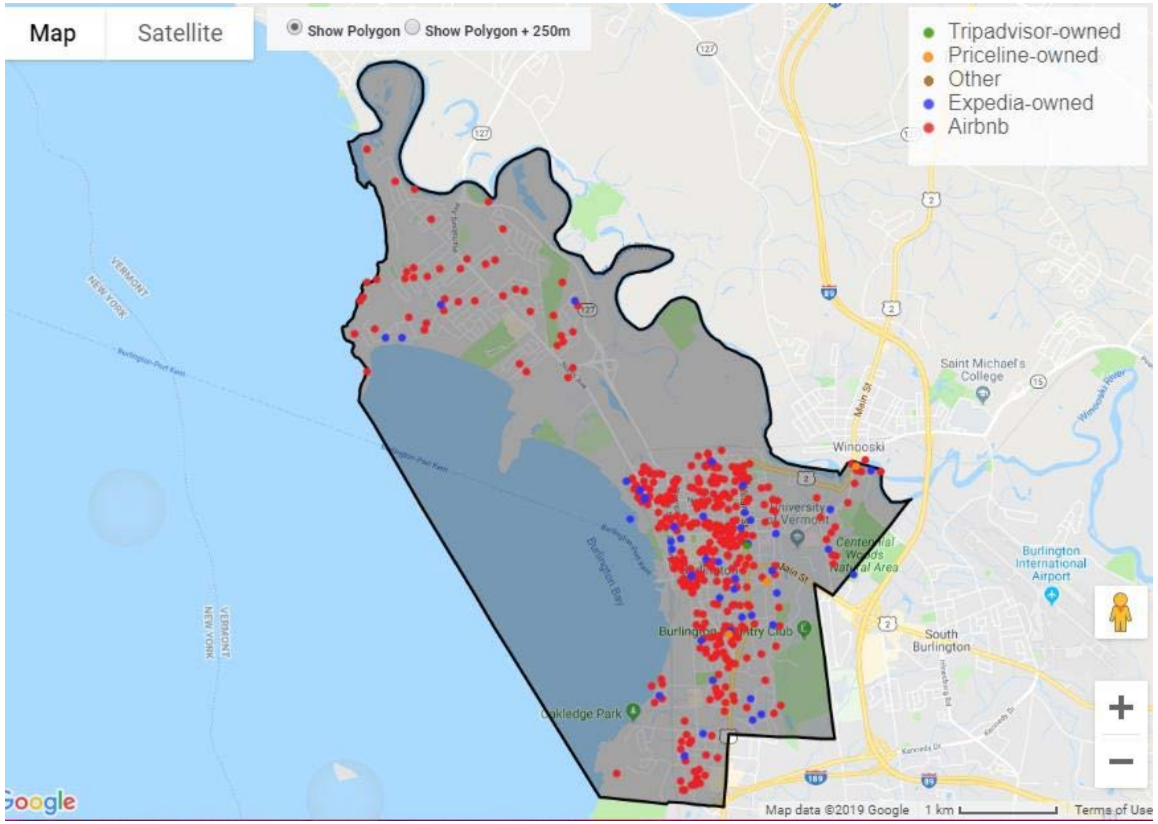
Short-Term Rentals in Burlington Jul 2019

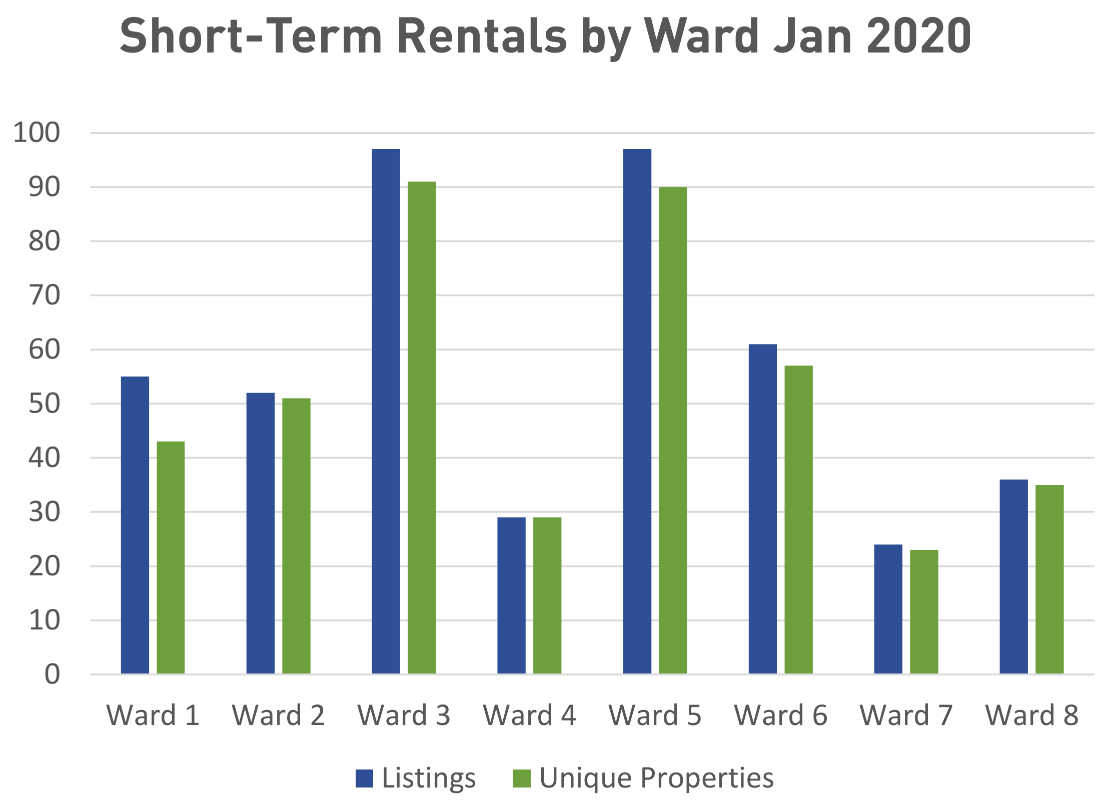




Map and data on number of STR's in Burlington provided by HostCompliance. Data on number of permits issued provided by Department of Permitting & Inspections.

Background on STR's in Burlington



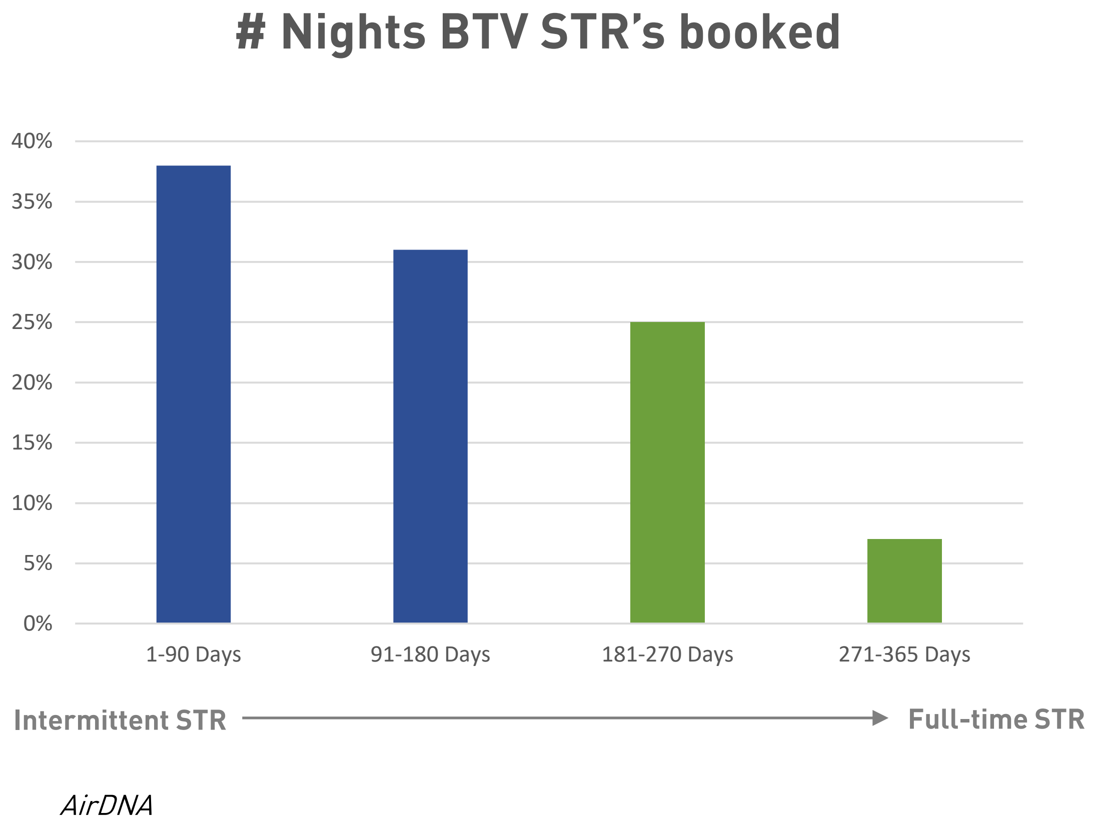


Map and data on number of STR's in Burlington provided by HostCompliance.

Additional Data on STR's

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

- There is some, but not dramatic, seasonal variation in the number of STR's available
  - Range is about 40 units between high and low points
- Approximately 75% of STRs are efficiency, one-bedroom, or two-bedroom units
- Nearly 70% of STRs are booked for less than half of the nights during the year
- In FY2019, the City collected nearly $110,000 that can be attributed to STRs, which equates to approx. $5.3M in host income.



Additional Data on STR's

Additional information regarding hosts (provided by AirBnb):

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

Proposal vs. STR Scenarios

How does this proposal acknowledge "one size does not fit all"?

Type of Unit

Renting room(s) within a house or apartment

Renting an entire house or apartment(s)

Applicable Regulations & Standards

Zoning

Property Tax Assessment

Length of rental period; total days/year

Minimum Housing

Fees & Taxes

Proposal: Rooms within a Unit

Proposed Zoning Policy:

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

Other Regulatory Considerations:

- Allow tenants as hosts, with owner/association permission

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

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

Proposal: Whole Unit Rentals

Proposed Zoning Policy:

- Create new "whole unit short term rental" definition, considered a non-residential use
- Property where the STR is located must be the host's primary residence(does <u>not</u> mean host has to be on-site at time of guest occupancy)
- Permitted in mixed-use zones, Conditional Use in residential zones
- Limit # of rentals based on size of building:
  - 1 STR in bldgs. with 1-3 units (including ADUs)
  - 2 STR in bldgs. with 4-5 units
  - 3 STR in bldgs. with 6+ units
  - Buildings with 4+ STR considered a Hotel
  - Upper limit of 3 or 5% of total dwelling units on a property, whichever is greater
- One parking space per rented unit in residential districts

Other Regulatory Considerations:

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

Scenario 1

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

Zoning:

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

Rental Duration:

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

Taxes & Fees:

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

Why wouldn't this scenario require housing replacement fees?

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

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

Scenario 1

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

Zoning:

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

Rental Duration:

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

Taxes & Fees:

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

Minimum Housing Requirements

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

Property Assessment

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

Scenario 2

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

Zoning:

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

Minimum Housing Requirements

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

Rental Duration:

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

Property Assessment

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

Taxes & Fees:

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

Scenario 3

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

Zoning:

- **Use:** Partial Unit STR (Bed & Breakfast)
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year

- **Permitted Use:**
  - Up to 5 rented rooms downtown/mixed use zones
  - Up to 2 rented rooms in residential zones

- **Conditional Use**
  - 3-5 rooms in residential & institutional zones
  - 3 room limit in RL zoning district

- 1 parking space per rented bedroom in a residential area

Rental Duration:

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

How is this different than existing Bed & Breakfast standards?

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

- Makes it easier to create 1 & 2 room STRs

- Name of use and definition are expanded to explicitly recognize STR's and traditional B&B's.

- Presently, B&B's must be owner-occupied. These standards allow for host's primary residence (may be owner or tenant).

Scenario 3

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

Zoning:

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

Rental Duration:

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

Taxes & Fees:

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

Minimum Housing Requirements

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

Property Assessment

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

Scenario 4

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

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

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

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

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

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

Scenario 4

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

Taxes & Fees:

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

Property Assessment

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

Why do some scenarios require Housing Replacement Fee?

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

How much are the Fees?

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

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

Scenario 5

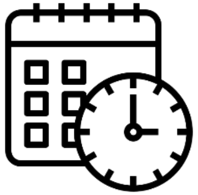
"I own a building with 3+ units, and want to rent some of the units as short-term rentals. I live in one of the units."

Zoning:

- **Use:** Whole Unit STR
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year

- Permitted Use in downtown and mixed use districts
- Conditional Use and 1 parking space/unit in residential areas

- Number of STR units based on size of building:
  - 1 STR in building up to 3 units
  - 2 STRs in building up to 5 units
  - 3 STRs in building w/ 6+ units
  - *4+ STRs becomes "Scenario 6"- Hotel/Motel*



Rental Duration:

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

Taxes & Fees:

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

Minimum Housing Requirements

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

Property Assessment

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

Scenario 6

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

Zoning:

- **Use:** Hotel/Motel
- **Zoning Permit Required:** if rented for more than 10 consecutive days, or 30 total days within a year

- Permitted Use in downtown and mixed use districts
- **Not Permitted in residential areas**

- **No limit** to the number of rented units

Rental Duration:

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

Taxes & Fees:

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

Code Requirements

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

Property Assessment

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

Existing STRs without Zoning Permits

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

- **Nonconforming status is predicated on a use/structure:**
  - being legal and/or permitted at the time it started or was created
  - the standards for what is legal changes after the use/structure was permitted

- **While the tools were imperfect, short term rentals have always required a zoning permit:**
  - Bed & Breakfast standards
  - Hotel/motel standards

- **Short term rentals that have received a zoning permit under the present standards will be considered legal nonconformities**

Implementing Zoning Requirements

In considering a transition to this regulatory framework:

- **One Year Grace Period before active zoning enforcement of STR's begins**
  - Operators who apply for permits will not be subject to zoning violations, apply penalty-free
  - Applicable Housing Replacement Fees apply

- **Create a User Guide/FAQ's**
  - Similar to content of this presentation (zoning, codes, taxation, assessment, etc)

- **Establish contract with HostCompliance for monitoring/enforcement**

Residency Standards

- **Owner-occupancy**
  - The property owner lives onsite
- **Primary residence of the host**
  - Enables tenants to operate an STR within the property containing their primary residence
- **Domicile as defined in VT statute**
  - Alternative standard that enables flexibility to account for extended leaves such as military service or sabattical

From: Martha Dallas <martoxki@gmail.com>
Sent: Monday, January 27, 2020 8:45 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: short-term rental thoughts

Hi Meghan,
I plan to attend the meeting Tues eve 1/28 at Contois to discuss ordinance updates for short-term rentals.

I'm a Burlington homeowner in the ONE. Last March, I began renting out a room in our home on Airbnb. This decision and action came in the wake of a job loss (and a career end for me; I love Burlington and was not going to move for a job).

I decided to start working for myself in 2019 and the supplemental Airbnb income has been an absolutely essential income stream in the life of myself and my partner.

The way I look at it, we are putting our house to work, and we plan to do this for probably a few more years, or until the work required to keep a clean and comfortable space for guests isn't worth the extra revenue it generates. Hopefully by then, the income from my small business will be high enough that we won't need to do short-term rental anymore. Likely then, we'll look for a housemate instead.

I always greet our guests in person and we are always here at night when we have guests. We are have been superhosts since July.

I support having spaces be inspected for health and safety of guests.

I also support the proposal that hosts be in/on the property when it's rented; that hosts live there and rentals are not "unattended" by hosts.

Some other notes and observations from my experience:
- Most guests fall into a number of categories, including:

- stopover to break up the drive between Canadian cities and Boston or New York
- visiting, picking up, or dropping off kids in college
- UVM Medical Center residency interviews
- attending workshops or trainings in Burlington
- early flight out of BTV; need a place to stay the night before
- vacation: exploring Burlington, leaf-peeping, skiing, outdoorsy folks coming off the trail or ending a bike trip
- apartment-hunting; preparing for a move to, or new job in, Burlington.

The majority of our guests stay 1-2 nights.

On our end, while we did this for the revenue, the unanticipated additional plusses have included:

- with very rare exception, guests are great folks: friendly, respectful, and considerate. I have more faith in humanity, now. Truly!
- SO many interesting people doing interesting things!
- We've grown accustomed to hosting guests in our home. Quickly, strangers become known to us and it feels good to give to the sharing economy by sharing our home, which we love and care for, with other people.

Again, I'll be at the meeting tomorrow night and will try to introduce myself to you if time permits. Happy to speak with you more about this if you'd like. My cell: [*deleted*].

Thanks so much,
Martha Dallas
51 Blodgett St., Burlington

From: Lucas Jenson <lucasjenson@hotmail.com>
Sent: Sunday, January 26, 2020 8:14 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Re: 1/28 Joint Committee- Short Term Rentals

Thank you for sending this to me. I will be attending the meeting.

In reading through all your materials I am unable to find a clear explanation of the requirement for why I would need to be a resident of the property I would be hosting a short term rental in? What is the intended requirement of this outcome? This would preclude me from participating and is the biggest issue I have with the proposal (along with the replacement housing fee).

I also feel like these regulations are based entirely on assumptions. I'm not seeing any fact based supporting evidence showing that the issue you are trying to address even exists. The numbers are so small and basically insignificant. Of the 410 STRs, 1/3rd of them are rooms in people's houses (not actual housing units). Of the remaining 274, I suspect a good number of them are peoples houses that they vacate when they have guests (not replacement of a rental unit)... so maybe we're talking about 200 or so rental units that may have been transferred from full time rentals... out of 10,000. That number is so small it would be a pretty easy effort to do a survey of all of them to better understand their situation and get some facts. Has this been done?

As I ponder these regulations I feel like you are in effect trying to shut down all STRs in Burlington like they're some sort of evil presence wading into the city. STRs are good for Burlington - they are good for the local economy (I am certain that the economic benefit of the people that stay in a particular STR over a year spend far more on goods and services than a long term renter... tourism is so important here) and they can also be good for landlords encouraging them to further invest in the city.

AirBnB and other STR apps are changing the way people travel. I feel it's important that Burlington supports this evolution rather than trying to limit it to the extent that it may be shut down. The city should enforce the zoning requirements already in place and add the minimum housing inspections for public safety and I suspect that will be enough to limit the growth of STRs and keep them in check.

I will be looking for answers to these and other questions at the meeting but would appreciate any responses you may have in advance.

Thank you,

- Lucas Jenson

From: Billie Jean <billiejeanvintagevt@gmail.com>
Sent: Friday, January 24, 2020 3:03 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Discussion on short term rentals

Hi Megan,
I am writing to ask for your help to keep the proposed regulation on Airbnb from passing.

I am a small business owner here in Burlington and absolutely love the small knit community that I get to work with. That being said my small business wasn't generating enough income, so the idea of an airbnb came to me to make my shop even more of a destination for out of state guests. After over a month of preparing and spending lots of time and money on said airbnb we were finally able to open this past September, so as you can imagine this regulation has come as a bit of a shock to me as I have just barely started this endeavor.

Airbnb's only makeup 2% of the housing in Burlington and helps in my ways. As I stated before it has been a huge help for me as well as the local cleaning people I hire to help me with day to day tasks at the airbnb. I have found a way to do what I love and live in a place that I love and that I grew up in. Passing this regulation would hurt mostly young Vermonters, which as we all know, are the people we are trying to keep in our state.

I hope you will consider this when making your decision.

Best,
Meghan Jean Mello
--
Billie Jean Vintage
152 Battery Street
Burlington, VT 05401
802-860-6152

From: Gail Rafferty <gailraff8890@gmail.com>
Sent: Friday, January 24, 2020 9:48 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>; Joan Shannon <jshannon@burlingtonvt.gov>; Karen Paul <kpaul@burlingtonvt.gov>
Subject: Short Term rentals

Good morning Meagan,
I attended the meeting of the Joint Committee on January 14th when proposed changes to short-term rentals was on the agenda. I would like to add my thoughts to this discussion.

As Burlington homeowners who hope to remain as such going forward in to retirement we have calculated AirBnB income (for our whole house) as a primary supplemental income to make that possible. I completely understand the city having an interest in shaping policies to insure against the loss of long-term rental units to short-term rentals. And requiring safety inspections makes sense as well.

But when it gets down to seemingly arbitrary decisions about length of stays, or number of rooms, or parking spaces for owner-occupied dwellings, the logic starts to fall apart for me.

For one, requiring a parking space per room rented out, (if I am understanding the proposed regulation accurately) for a whole unit rental like our house, which has three bedrooms, seems absurd. We have never had a group come with more than two cars and often they come with one - families with children usually. (In our case we have a driveway and also live on a permit parking street, so all parking is already regulated/limited.) But, in any case, the city would never pass a regulation limiting the number of cars able to come visit a house for a weekend, or a month, or whatever. . .homeowners are allowed to have guests come and bring cars that park in legal parking places.

Limiting the number of nights per year, or number of rooms allowed in residential zones, and creating a ceiling above which conditional use permits are required also seems arbitrary to me. Where is the data that says under 30 nights per year, or only two bedrooms in a unit does or does not impact neighborhoods? As above, my point is that if these were non-paying guests in a neighborhood, coming for long or short stays, the city has no opinion or stake in that, and obviously should not. We have a noise ordinance, we have disorderly conduct laws, and for streets that are congested we have permit parking, which we residents are paying for. Those address impact on a neighborhood, and should. But if some homeowner leaves for Florida for 4 months and has their rowdy unlikeable Uncle Bob come stay, and he has a ton of friends who have annoying cars, and there is alot of coming and going, well. . . that is perhaps tough on the neighbors, but is not a situation the city will ever regulate. (And if it were a short-term rental, with built-in house rules, and public reviews on-line, there would be more accountability/recourse, and Uncle Bob as a paying guest would not be asked back.)

So, to me, there are assumptions built in about the impact STR's have on a neighborhood that are false, or at the very least ignore equivalencies with perfectly allowable home-maker decisions that the city would never presume to regulate.

So, some of this must have to do with the fact that money is changing hands. But with the city collecting the rooms/occupancy tax, and income taxes being paid to the state, I can't see how this is not a positive thing all around. Safety inspections, sure. Keeping long-term rentals in place in our tough rental market - sure. But layers of arbitrary regulation for conscientious home-owners who are simply trying to stay in their homes long-term seems unnecessary.

Thanks for your time,
Gail Rafferty
--
Please note that my new email address is gailraff8890@gmail.com

-----Original Message-----
Submitted on Monday, January 27, 2020 - 16:06
Submitted by anonymous user: 65.183.150.32 Submitted values are:
Did you attend the Housing Summit workshop in June? : No

Share your comments:
Dear City Counsilor,

I am writing to ask for your help to keep the proposed regulations on Airbnb from passing. It is my belief that, while the bill is aimed to ease the housing crisis in Burlington, Airbnb's make up only 2% of the housing in Burlington and this bill will do more harm to many of the residents who live here and make their living from airbnb, and the lower income tourists who visit, than it will to ease this housing crisis. It is a bill that benefits the wealthy (it is my opinion that if you are able to afford a multi-unit home in this city, you are more well off than I could ever imagine myself being), and hurts many of the working class people who call Burlington home.

As the proposed regulations now stand, only those who own multi-unit homes in Burlington will be able to continue to operate their airbnbs. One of the regulations is that the owners of the airbnb's must also reside on the premises. This leads me to think that the image the state has of the airbnb's it will be shutting down, are ones operated by real estate moguls who are buying up tons of property and operating airbnb businesses on a large scale. While this is partly true (and I stand firmly against this type of airbnb operation), the state is ignoring (or not aware) of another population of people involved in the airbnb business. There are dozens of us, myself included, who run a modest 1 or 2 airbnbs to make a living, but who do not own these properties. Dozens more make a living cleaning them.

In order to paint a better picture of the type of person these regulations will be hurting, I'd like to briefly tell you a little about myself and my involvement in Airbnb. I am a 32 year old, educated and driven woman, who calls Burlington my home. I have struggled my entire adult life to find employment and to rise above the poverty line. I lived in central VT for a few years but could not seem to find a job I liked or that would pay me enough to live comfortably. I moved to Burlington to try to change that. I worked numerous service jobs and lived in a run down apartment with 2 roommates. I had imagined that by 30 I would be working in my field of interest and be able to live in an apartment all my own, but that was not the reality. Not until I ventured into the airbnb business. I made an agreement with 2 different landlords to manage their apartments as airbnbs for them, in 1 bedrooms that were completely run down (most of their rentals are still long term rentals for college students and residents). I took what little savings I had managed to acquire over the years and took the huge risk to invest ALL of it into fixing up, painting, and furnishing these apartments. It was a scary and exciting move, but it paid off. Within the year I was able to cut my service industry schedule down to part time and begin to pursue my dream of operating my own small business as a textile maker. I was also able to employ a few of my friends (one of whom is a single mother without a college degree) to clean my airbnbs. My life as it stands now is wonderful. I am able to live alone in my own apartment; I make enough (though not a ton) to not live paycheck to paycheck; and while my business is not in the black, it is starting to be less in the red. All of the money I make from my airbnbs goes directly back into the city: I pay taxes on the airbnbs and am able support local businesses instead of the Walmart in Williston. I also have a list of local businesses in my airbnbs that I encourage my guests to eat and shop at. With these new proposed regulations in place, I will be out of business. The thought of diving back down past the poverty line, having to give up on my small business, and lose my housing is devastating. I do not know what I will do, but the thought of leaving my home in VT is a real possibility and one that I dread. I know others are thinking of doing the same. Right now, to stay in one of my airbnb's costs roughly $70 a night. Because of this, many folks who would not be able to afford to stay at Hotel Vermont, or similar downtown hotels, are able to come to our city and experience all that we have to offer. Many of these folks take planes and public transportation to get here, making a stay at one of the cheaper hotels in South Burlington impossible. The majority of my guests range in age between 20-40, and I believe it's important that Burlington be accessible to everyone, and that young people get a chance to have a positive and affordable experience here. These proposed regulations will be cutting out the airbnb competition, making the supply so much smaller than the demand. I foresee the nightly price for airbnb's skyrocketing and cutting out a large group of potential tourists.

Vermont has a real problem keeping and attracting young people to live in the state, but airbnb is (though not exclusively) a young person's game. Many of us are able to not only live in Burlington because of our airbnb businesses, but we are able to support our community with the dollars we earn, and pursue our passions and dreams. Many more young or lower/middle class people want to come and visit Burlington (and spend their money here), but will be unable to because they simply won't be able to afford it. The businesses that count on this type of tourism will also suffer, and there are real Burlington residents who own and work at these businesses.

It is my belief that everything I have just mentioned: from the type of airbnb employee these regulations will hurt, to the slump in tourism and how that will affect the city and it's residents, has been overlooked in an attempt to create regulations that will stop real estate investors from operating large scale airbnb businesses. Because of this, it is clear to me that there hasn't been enough thought or research behind these regulations and they should not be able to pass into law. There are other ways to regulate airbnb that will keep these real estate investors from taking over the city, without hurting all of the hardworking "little guys" that airbnb employs. I trust the state to look into it further, but a suggestion would be to limit the # of airbnb's any one person can operate. This levels the playing field to allow people from all different economic backgrounds to run their airbnb's, without the risk of airbnb growing and taking up more than 2% of the housing market.

Please let me know if you can help me in any way, or guide me towards somewhere (perhaps a meeting) or someone who will listen.

-A Concerned Resident
Your email address: [blank]

From: Lori <zimmer_mim2000@yahoo.com>
Sent: Tuesday, January 28, 2020 11:03 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Cc: Lori Kettler <zimmer_mim2000@yahoo.com>
Subject: Comments on proposed STR regulation

Dear Committee members: *(Note from staff: highlighted statements original in author's email)*

I own, live, and work in a house that was converted to a duplex prior to the time that I purchased it approximately twelve years ago. My home is located in the Old North End on lower North St. I have been an Airbnb host since April 2018 and I am a "superhost," meaning that I meet certain criteria and I go to great lengths to make sure that guests have a great experience in Burlington. I am a single, 60-yr.-old woman, and I use the money from my Airbnb rental to help pay the mortgage and property taxes, maintain the property, and save for retirement.

I believe that the City has a legitimate public safety concern that supports registration and inspection of STRs. However, I see no basis to regulate STRs more strictly than long-term rentals in this respect, and with regard to the other requirements under consideration such as the onerous housing replacement fee and the parking requirements, I think that the City is obligated to grandfather-in existing STRs for the reason stated below.

I, and I suspect most Airbnb hosts, did not make the decision to convert from the traditional long-term rental to STR overnight. I did my due diligence, and it was a months-long process that also involved the expenditure of significant resources. I researched Airbnb, I researched the STR market in Burlington, I contacted the relevant local and state regulatory agencies to inquire about what regulation I might be subject to (none, and there was no mention of any concern about STRs at the time), I contacted my insurance company, which refused to insure STRs and so I had to do additional research and switch companies (as an aside, I suspect that there are many hosts who are unknowingly operating without coverage under their existing policies), I inquired with neighbors and other hosts in the area, etc. After all of this research and other work, I made the decision to move from the traditional 1-year lease to Airbnb. I then spent several thousand dollars to equip and decorate the apartment. Here is the link to my apartment: Central Lair - Apartments for Rent in Burlington, Vermont, United States

In other words, this was a well-thought-out financial decision that was based in large part on the fact that at time that I made the decision Airbnb was already strongly established in Burlington yet there was no hint of any concerns about STRs from the City. If the City now chooses to regulate STRs, some of the proposals under consideration will not only impact my income, they will devalue my property on the market. For this reason, it is my opinion that the City is obligated to grandfather-in existing STRs, especially with regard to the provisions of the proposed regulations that do not relate to public safety.

If, for example, the City were to require me to pay the Housing Replacement Fee, which I understand was almost $8,000 for a one-bedroom unit in 2019, it would create a significant hardship for me. That fee represents approximately one half of my average yearly gross income from the apartment. It simply would not be fair to impose that fee on hosts who made the decision to enter the STR market, some of us at significant expense, at a time when STRs were already well-established in Burlington and the City had not expressed any intention to regulate them.

My apartment is perfect for tourists, but not appealing to responsible long-term tenants. Airbnb guests love the apartment because it's walking distance to the lake and to Church St. as well as stylishly decorated and well appointed, but most tenants don't want to live long-term on lower North St. in a 400 square-foot apartment.
As a result, I had a lot of difficulty finding tenants who were respectful of the property (and me). I rented the apartment with a traditional one-year lease for nine years. I had 13 sets of tenants and there was only one tenant for whom I would have renewed the lease. In those nine years, despite my extensive

experience as a landlord and access to a variety of screening tools, I had a hoarder, an alcoholic, a couple who set the apartment on fire (and likely would have died from smoke inhalation if I had not been home to rouse them from their drunken stupor), holes punched in walls, theft, a tenant who made comments of a sexual nature about me, tenants who unbeknownst to me at the time signed the lease with the intent of breaking it within two or three months, tenants who unlawfully used the security deposit as last month's rent and left me without any practical recourse to be reimbursed for damages, exorbitant cleaning fees because the apartment was not cared for by tenants, etc. Long-term rental of my apartment is simply not a workable option for me.

I greet my guests in person and I always ask why they chose an Airbnb rental for their visit. More often than not, the response is that hotel prices were out of their reach. In other words, had there not been a more reasonable alternative to a hotel, they might not have chosen Burlington as the destination for their vacation. Most of my guests are here just for a weekend, and 99.9% of my guests patronize restaurants rather than prepare meals in the apartment. It's a win-win arrangement for tourists and thus for Burlington businesses, and for residents like me who need the additional income that a STR rental unit can provide.

Thank you for your consideration.

Sincerely,
Lori Kettler

From: Eric Hanley <ehanleyvt@gmail.com>
Sent: Tuesday, January 28, 2020 3:38 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Framework for short term Rentals

[WARNING]: External Message

I am very concerned about the short term framework for rentals in Burlington.

If I am reading the proposed reform ,you must be an owner occupied Host to have an AirBB in the city of Burlington.
I am shocked that the city wold consider such a proposal,I have an Air B&B in Downtown ,that pays all Meals and Rooms taxes on every rental,I also have a 1 Bedroom long term renter in the Building that understands about the 3 Bedroom downstairs is being used as a Air B&B.
So does that mean I can no longer use my 3 bedroom ,that I just put over $10,000.00 in furniture and upgrades as a short term rental?
I have in the past had a hard time renting this place as a long term rental ,so the best use for me is to rent it as a Air B&B,I have been successful with the Air B&B with no complaints from my other tenant in the building or any other neighbors.
Please email me back or call me if I am reading the proposal incorrectly.
Thank You.
I will be at the meeting tonight.
1-802 363-5588

Eric Hanley
ehanleyvt@gmail.com

From: Maggie Sherman <maggie@oneofakindbnb.com>
Sent: Tuesday, January 28, 2020 3:39 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Re: 1/28 Joint Committee- Short Term Rentals

Please share my written, detailed testimony.

Letter to city about STR

I operate a state and city licensed and registered bed and breakfast on Lakeview Terrace, and since 2004 have complied with all local and state requirements. I was granted a conditional use permit after paying fees and completing an extensive review process, which included offering my neighbors notice and an opportunity for input. As a result, my neighbors weren't caught by surprise when people starting staying at my B&B, and the process made sure my business venture would not damage my neighborhood. For example, I was required to provide adequate parking for guests, and meet health and safety codes.

But according to the city's analysis, I am one of the exclusive 5% of short-term rental hosts actually complying with these important regulations. I strongly support what the City is attempting with its study of new regulations for short term rentals, and have some suggestions based on my own experiences as a small business owner, as well as what I've seen happening in other cities where short-term rental explosion is crippling rental housing availability. Even worse, conversion of properties to unchecked short-term rental can destroy the sense of community that comes from neighborhoods filled with residents, be they employed, retired, or students.

I love welcoming tourists to my B&B so they can enjoy Burlington, but I value community and my neighbors most of all.

AirBnB and HomeAway, now owned by Expedia, are massive international corporations. They have built their brands and capital value by using homeowners and landlords who rent out their homes and rooms without consideration of local and state zoning ordinances, or the impact on longer-term rental stock and neighborhood livability. The significant financial returns available for homeowners and landlords, with minimal operating costs to them, are perverting the original intent of "renting out Junior's room while he's away at college" (the Airbnb original platform). Now, conversion of apartments and homes to exclusively short-term rental poses a real threat to our city's livability. To see what unchecked proliferation can do, one only need visit cities like New York or Montreal, or places like Florence, Italy where it is reported that 20% of the housing stock is listed on Airbnb. Burlington also offers tourists unique character and beauty, but we should not become a theme park for tourists.

Moreover, for those of who are among the 5% of short-term rental businesses spending money and time complying with state and local regulations, the playing field is far, far from level.

While I, generally, support the concepts proposed, these are my comments and suggestions.

1. **I support expansion of existing zoning standards for Bed and Breakfast to explicity recognize "bedroom(s) within a unit" short-term rentals, and to require hosts in this category to meet all requirements set out in the city's notice.**

I believe, however, that as written there is are significant "loopholes" that could result in unintended negative consequences.

- It must be stated explicitly that only property owners, and not tenants or lessees, would be eligible for a permit. A renter should not be allowed to "sublet" for a short-term rental. While smart landlords may already prohibit this in a lease, enforcement is difficult, and so it's important to tie off this loose end
- If this category is truly to allow only a "bedroom within a unit," then there must be requirement that a permitted property contain at least two bedrooms, and that the total number of rented rooms allowed must be the total number of bedrooms minus one. Why? The proposal requires the property to be the host's primary residence, but does not prohibit the host from renting out the entire property. Therefore, you have to make sure the residential owner is not renting out their own bedroom (as well as any others). For example, if a host who rents out a 1BR home rents the only bedroom, that's a "whole Unit" rental. One way to ensure this category does not allow Whole Unit rental, (in addition to including an explicit prohibition) is to require the property to have a minimum of 2BR, and set a cap for STR to "the total BR minus one." (EG: A 3-BR house could have 3 minus 1, or 2BR in STR.).
- Something in the regulation must limit the total number of BR available for STR, to stop an owner from carving up a house into multiple rooms, effectively becoming a boarding house..
- Rental of the entire property/building must be explicitly prohibited. (Free-standing cottages or carriage barns separate from a main house would not be prohibited). The point is: this category cannot be allowed a loophole to turn into "Whole Unit Rentals."

If there is a more elegant, specific, air-tight way to make sure that this category expressly forbids "whole unit rental," or conversion of a single family home to a boarding house of multiple "bedrooms" available for short-term rentals, please do so. **That should be the goal of this category.**

2. **I support the creation of a Whole Unit Short Term Rental regulation to halt the wholesale conversion of long-term rental properties to short-term cash cows for landlords.**

This particular category represents the greatest threat to our city's livability and available of housing. Thus, it's critically important to take great care to avoid loopholes. The staggering financial rewards of evading or escaping the intended regulation means the regulations must be explicit and tight as possible.

- As with the Bedroom Within a Unit proposal, there appears to be a loophole that would allow a host to rent their own apartment within a building, evading the intended requirement of host residency. Specifically, 1 short term rental is allowed within a building containing 1-3 units. Meaning, if a building has one unit, that unit can be rented. Where is the owner staying? I propose that only buildings with 2 or more units be allowed permits, and in buildings with 2-3 units, 1 short term rental be allowed. The owner must <u>**occupy**</u> one of the units.
- I point out that even with my suggested change, the owner of a duplex (two units) could occupy one unit and completely convert the second unit to short-term rentals, removing it from long-term rental stock. Is this your intention? How many buildings of this kind are there, and what would be the impact of this? Would the Housing Replacement requires apply? Would this not also drive up the sale price for duplex properties, making them even more valuable as income producing properties, while taking them out of the housing market for workers, students, retirees, and other citizens?
- One of the major threats to housing stock in this "whole unit rental" category is the proliferation of entrepreneurs who buy multiple apartment buildings for conversion to short-term rentals. (Google, for example, "Sonder," a company throughout North American buying condos and apartment buildings and converting them to short-term rentals. That's only one example) Please make sure that however these regulations are finalized there is no loophole allowing this. I'm concerned, for example, that your description says "Host (owner <u>***or tenant***</u>) is required to be a resident of the property/building in which rental is located." (My emphasis). Does that mean a Host owner of several buildings may delegate host duties to <u>tenants</u> in several buildings that could be permitted for STR?
- This language would appear to allow Host proliferation, as well as tenants renting out their own whole units. Tenants must be prohibited from whole unit rentals in this category. How could the city possible monitor a tenant being a resident, when whole unit STR would be permitted?
- The proposal allows "conditional use" permitting for this category even in residential zones. By allowing more houses in residentially zoned areas of the city to become income-producing, the regulations will drive up the cost to future homeowners. The past couple of years I have seen Real estate agents advertising homes for sale as having "great potential for Airbnb rental income..

Loopholes and unintended consequences that promote conversions and proliferation of STR makes home ownership as well as rental, harder.

In summary, I would note that part of the problem is that your draft proposal states conflicting goals. You are trying to both protect the incomes of STR hosts while keeping housing affordable for longterm home ownership and long term rental.

While it's understandable to try to achieve both goals, as you develop these regulations, please consider the weight you will be giving to each of the conflicting goals: Will you tip the scales to financial pressures for STR, or take the harder position of protecting Long term Homeownership and rental availability? Consider this: How many times have you heard a tourist in Burlington say "I couldn't find a place to stay in Burlington?" but how many times have you heard an employee, a student, a new family say "I couldn't find a place to live in Burlington."

If there are people who want to come here for job, or to create a business, to become a tax paying citizen, and they can't get housing because the balance is tipped to making money for tourism, then the balance will always be tipped to tourism, and not to quality of life, affordability, and long term economic development. Will Burlington be a liveable city, or a Tourist-able city?

I would like Burlington to remain a liveable city that supports small business owners, like myself, by maintaining a level playing field in the hospitality industry as the Department of Planning and Zoning was intended to do.

Sincerely,
Maggie Sherman
Maggie Sherman
Contessa of Comfort
One Of A Kind Bed & Breakfast
53 Lakeview Terrace
Burlington, VT 05401
802-862-5576
www.oneofakindbnb.com
maggie@oneofakindbnb.com

Denis & Isela O'Brien

STR's - Airbnb and Your Neighbors

Why we rent – Most homeowners rent for a few reasons: Primarily is revenue and people also rent to facilitate a need in the community. That need for many, is to have friends over to enjoy Burlington and the Burlington Hotels are way overpriced. The South Burlington options, controlled by just a few companies, are priced high as well and require transportation. The community benefits from airbnb and the stories are many of our own neighbors, renting from us and others to house their extended families for life events. This promotes neighborhoods.

What we do with the money – Virtually all the money we make goes into the house. For us, a long needed roof and paint job were the result. We now are upgrading bathroom, electric and hoping for new windows in the Spring. We are able to meet our savings and mortgage goals all the while improving the house and the neighborhood. MOST FOLKS DO THE SAME. Many folks work their whole lives and have their home as their investment. For many, this is the ONLY WAY WE CAN UPGRADE AND IMPROVE OUR HOMES.

Who Benefits – We do, our neighbors and the City as a whole. Also when we upgrade our home we hire a local contractor and they also benefit. The hotels and other big companies do not always contribute to our neighborhoods, nor do they hire local contractors that are *truly local* and that also contribute to the community as a whole.

Why Hotels are not happy – They cannot charge their inflated rates and can't go too low either as they have overhead that comes with proportionally larger businesses. Truth is the Burlington hotels are $130 to $500 a night, so how can folks have a family reunion or wedding with a situation like that? With the cheaper hotels in another City, we suggest that the revenue for the folks renting in STR's are HELPING the City in a much bigger way than the public may know. That information is public information and the public will soon know more. PLEASE CONSIDER THAT when discussing new rules AGAINST the little guy.

Why Slumlords are not happy – They have controlled everything for years….Now they cry for inspections and restrictions for airbnb owners. These corporate or large owners, with 3 or more units or buildings, would be subject to the hard inspections, not a Mom and Pop situation where folks are simply trying to survive in a low income, High Tax State like Vermont.

Inspections grace period - Let's have a reasonable amount of time for people to be up to code. I mean, obviously smoke monoxide detectors and quality electric are important, but ease up on the exit signs, parking rules and such for a period of time and let our neighbors come into compliance. I propose a voluntary inspection and then 6 months to be in compliance.

802-658-6262 14 Hale Court Burlington, VT 05408

Denis & Isela O'Brien

Lighten up on the parking – Regulations about bedrooms vs. parking spaces should not be the issue that binds the rules. In fact the City has gone out of its way to remove parking places and decrease the use of automobiles. To that end, let's look at how we can help our citizens meet their needs and use the home to lessen the burden on them. This then offers them a path to improvements and upgrades that are not defined by tight regulations.

Don't zone us out of use based on residential versus mixed use – The truth is the citizens renting are your neighbors and the revenue GOES TO THE CITY and STATE. Some complainers in neighborhoods will want their neighborhoods to be pure and STR free. Truth is, absentee landlords own buildings all over Burlington, including single family homes. They are NOT concerned with Rent rates, families, or folks upgrading their homes.

Up to 2 homes should not be restricted – Many of us have our homes as our big investment. We move in, raise our kids, hopefully pay off or down the mortgage and then sell our home for a profit and use that money to escape to a lower tax situation, unfortunately usually in another, lower tax State. We love our City but we need help, school budgets drive higher property taxes too, and we need this revenue source to help us. Two homes or less SHOULD not be subject to the most stringent regulations, specifically when owner lives in Burlington. Folks often buy house next door or down the street, they should be celebrated not penalized.

STAND ALONE vs Owner occupied – Absentee landlords have say a 7 unit building in Burlington that they NEVER watch or take care of the noise or appearance. How is that good? The vast majority of owner occupied or 2 home STR rental folks are just regular neighbors trying to make it all work. Even with 2 houses, a City resident with a connection to his neighborhood will enhance the home and be concerned with the neighbors far more than an absentee slumlord.

Will it encourage affordable housing – Yes it does and will. The truth is, the big landlords are finally feeling the heat. The for rent signs are up and they have to upgrade and improve their shoddy buildings. Some property owners have obviously gone out of their way to upgrade and improve their buildings. The ability to have some options for short term rentals allows folks to visit Burlington, perhaps decide to stay. It also allows our local businesses that employ us to benefit as they are gaining revenue and increasing the tax revenue for Burlington, NOT South Burlington, Colchester or other communities housing the cheap hotels. This encourages BETTER housing and better rates for all our citizens.

Annual Registration – For three or more STR units, folks should register and be subject to full B & B codes. Two units or less should have a less stringent and more friendly approach to helping out our own citizens. Large airbnb companies should have to file a registration for a renting license.

802-658-6262 14 Hale Court Burlington, VT 05408

January 28, 2020

Dear Members of the Burlington Planning Commission,

I would like to start by saying that I generally support the city's overarching objective to maintain a reasonable housing stock in Burlington. I have been a renter in Burlington. I have worked on housing issues in Burlington as an employee of COTS. I understand the issues and am also concerned.

However, I believe this response to the Short-Term Rental marketplace is being done in haste. I fear policy is being proposed without comprehensive data and analysis of data gaps. I fear that without strong data a problem cannot be accurately identified and defined, and that without adequate research, proposed actions may result in unexpected consequences for unintended parties. It is therefore my first request that you delay this action until comprehensive research can be completed and vetted data can be disclosed to the public. I see little evidence that this issue poses such urgency as to warrant exemption from the approach of evidence-based policy-making.

However, if a delay in action is denied, I would also like the record to show my second request is an amendment to the currently proposed regulations on Short-Term Rentals—and offer yet another example of a circumstance that feels overlooked by this action.

In short, my second request is to remove the requirement that a "host" claim primary residency at the same address as a whole-unit STR. Why must a host live in the property they rent short term—especially if the host lives nearby and personally manages the STR?

Under the current draft, all local, small-scale landlords and second homeowners in Burlington would be excluded from participating in the Short-Term Rental market—a market that has made small-scale land-lording viable for many Vermonters and has turned otherwise seasonally vacant homes into tax-generators for the City of Burlington.

In my case, I am currently pending ownership of an 1810 single family home on Elmwood Avenue that's recently been converted (by the books!) into 3-apartments. I current manage the property and am attempting to buy it, but I live in Jericho.

This property on Elmwood Ave has been in my family for 30 years—since I was 4. It was dad's office space. It was mom and brother's home after my parents divorced. And my home when I first was transitioning back to Vermont as an adult.

Three years ago, my elderly mother, felt she could no longer age comfortably in Burlington and moved out of state. However, she maintained ownership of the Burlington property in order to allow my younger brother who was still living there, and at the time, struggling with a medical condition that prevented him from working or finishing school, to stay in his home. Last year, my brother's health improved enough to enable him to relocate to a gentler climate and supportive community out of state. But with deep ties to this community, my mother and brother still return to Burlington every year and stay in part of this home.

This property on Elmwood Ave has 3 apartments and I currently offer 2 as long-term rentals. The third, however, is my family's. We sleep there. It houses our belongings. It may very well become home for my brother again once he finishes school. But until then, what my family needs is flexibility for that 3rd unit. As a landlord, what I will need in order to continue to provide high quality rental housing in this 200-year-old house is capital. Without STR income from the third unit, I will not be able to afford the extremely costly home improvements that historic houses require—houses with slate roofs, stone foundations, drafty single pane windows, and uninsulated plaster walls. I have a strong personal interest in keeping this property safe, sound, and re-sellable, but I fear your policies as written will make it very difficult for me to care for this property in a way that would most benefit our community. Long term tenants depreciate a property quickly. Short term rentals can help off-set and correct that depreciation.

Please consider the possibility that your data is incomplete and therefore as a City, your proposed policies may not be fully informed. I ask that you delay action, or, at least revise the proposed regulations to allow local, small-scale landlords to participate in the STR market so that we too can continue to be a part of the housing solution in Burlington.

Sincerely,
Julia L. Marks

Property Manager and soon owner of 42 Elmwood Ave, Burlington, VT.

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Burlington Joint Planning Commission

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

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

Minutes

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

I. Agenda

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

II. Public Forum

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

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

III. <u>Proposed CDO Amendment ZA-20-05 Short Term Rentals</u>

No Action		
Motion by:	Second by:	Vote: N/A
Type: Presentation	Presented by: S Gustin, M Tuttle	

- Staff provided a presentation on the proposed regulatory framework for short-term rentals. The presentation is available online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas

Committee Discussion/Notes:

- Regarding Scenario 1 (renting own home as an STR): There is a difference between year-round STR vs used part of the year as primary residence. What are the objective standards the DRB uses to review these as a Conditional Use?
- Regarding Scenario 4 (renting an ADU or part of a duplex): Some committee members felt housing replacement should not be required in this scenario. Some members felt ADU's are about flexibility to stay in homes, and fee would eliminate that flexibility. Also concerned that the unit being used as an STR does not "eliminate a unit" the same way as conversion to a café. Other Committee members expressed that losing long-term housing units is significant, and the Housing Summit attendees expressed concern about impact to housing stock.
- Regarding Scenario 6: There is a gap if the property is less than 3 units, operating as an STR without the host on site.
- A Committee member encouraged the Commission to take seriously the loss of housing, but acknowledged that the fee upfront is not palatable for some. Committee members suggested the fee be required over time through some other tax/fee system, or by other means such as requiring an affordable unit on a property with an STR.
- A Commissioner noted that a concern seems to be buildings with multiple units, asked if there was more data on 3+ unit buildings being converted to STRs.

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

Additional Public Comments:

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

IV. Requested CDO Amendment: Bowling Alley in ELM

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

V. Commissioner Items

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

VI. Minutes & Communications

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

VII. Adjourn

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

Signed: February 12, 2020

Andy Montroll, Chair

Respectfully submitted by:

Meagan Tuttle, Comprehensive Planner