

Burlington Planning Commission

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Bruce Baker, Vice-Chair
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Jennifer Wallace-Brodeur*

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

**Tuesday, January 14, 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-20-04 Minimum Parking

The Joint Committee will continue its discussion of a proposed amendment related to the minimum requirements for new parking spaces for developments in selected areas of the city. This amendment comes as a result of the Mayor's Housing Summit and subsequent policy reform recommendations. Information related to this item is included in the agenda packet on pages 20-46.

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

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

The Joint Committee will receive a presentation 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.

Staff Recommendation: Ask questions of staff, and provide feedback on additional information that will be helpful to inform further discussion of this topic.

V. Commissioner Items

- a. Additional Joint Committee meeting dates

VI. Minutes & Communications

- a. The minutes of the December 4 and 10, 2019 Joint Committee meetings are enclosed on pages 47-53.
- b. Communications are enclosed in the agenda packet beginning on page 54.

VII. Adjourn

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

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TO: Burlington City Council

FROM: Meagan Tuttle, Principal Planner, City Planning
Chris Burns, Director of Energy Services, BED
Ian Jakus, Housing Projects & Policy Specialist
Scott Gustin, Principal Planner, P&I
David White, Director, City Planning
Todd Rawlings, Housing Program Manager, CEDO



DATE: October 2, 2019
RE: Proposed Housing Summit Policy Reforms

The enclosed memo offers background information to contextualize and address questions shared by the Council regarding each of the proposed housing policy reforms. Additional information about these policies is online at: <https://www.burlingtonvt.gov/BTV-Housing-Policy>

Additionally, the summary report for the June 2019 Housing Summit, including a summary of the participants' feedback and additional resource links can be found online at: <https://www.burlingtonvt.gov/mayor/about-the-housing-summit>.

Improving Energy Efficiency in Rental Housing

Policy Reform Goal

The goal of this reform is to strengthen the City's response to the "split incentive paradigm" and increase energy efficiency in rental housing, which will in turn improve the quality and comfort of rental units, lower tenants' utility costs, and help the city achieve its climate goals by reducing energy utilization and greenhouse gas emissions.

Proposed Reform

In order to achieve this goal, the following housing code reform is proposed:

- Amend the City's existing Time of Sale ordinance (ToS) to require weatherization improvements for rental housing units not only at the time a unit is sold, but as part of the minimum housing code that is enforced by the Department of Permitting & Inspections, which includes inspections of every property on a cycle that ranges from one to five years depending on the performance of the property.
- Utilize the list of applicable weatherization improvements currently found in ToS to apply to rental units with an energy intensity rating of greater than 50,000 BTUs per square foot.
 - Applicable improvements focus on the most cost-effective modern weatherization practices: insulation in exterior walls, open attics, hatches, ceilings, roof cavities, and rooms over unheated basements/exterior spaces; repair of leaks and insulation of heating/cooling ducts and hot water pipes; storm windows, functional weather

stripping on doors, and functional latches on all doors and windows; and sealing large gaps and holes where heated/cooled air easily escapes.

- Modify the cap on the dollar amount of investment in weatherization to a level that, while not unreasonably financially burdensome, is designed to maximize expected energy savings and occupant comfort, be consistent with best practices from other cold climate jurisdictions, eliminate the “cost effectiveness limitation” in the current Time of Sale Ordinance in favor of a more straightforward cost cap that reflects inflation and the real cost of these improvements, while also balancing the cost of required improvements with the amount of expected energy savings and a rational process to accommodate inspections and compliance.

Framing the Burlington Context

- Improving the energy efficiency of existing buildings is considered to be one of the most impactful efforts to implement the City’s Net Zero Energy (NZE) goal.
- Space and water heating are two of the biggest drivers of energy costs in our climate. Of rental units, 95% use natural gas for space heating and 85% do so for hot water. This means the most effective energy efficiency upgrades for existing units are weatherization (air sealing, insulation) and more efficient heating appliances.
- The “split incentive paradigm” occurs when the property owner is responsible for building weatherization and replacing heating/cooling systems but sees no direct benefit for doing so, while the tenant is responsible for paying the utility bill but has no control over weatherization and efficiency improvements. This paradigm impacts approximately 85% of Burlington’s rental units. Combined with a chronic 1-2% vacancy rate, tenants have few alternative options for more efficient units.
- While about 40% of the city’s rental housing units have undergone some weatherization using one of three available incentive programs, ToS only requires these improvements for approximately 90 of the city’s rental units each year. This is compared to approximately 1,000 rental units that are visited annually for minimum housing inspections.

FAQs about this Policy

Why doesn’t this proposal considering licensing, SmartRegs, or other impactful requirements for energy efficiency improvements?

- o We have heard a lot about the need to carefully balance the “carrot” and the “stick” in order to ensure this policy change does not lead to large costs passed on to tenants, or standards so onerous that they result in the loss of housing units (i.e., by revoking a rental license temporarily or long-term). This proposal seeks to find a balance between the significant acceleration/uptake of weatherization improvements in rental housing, and more robust enforcement of these requirements, with those potential unintended consequences.
- o Further, this reform leverages existing policies (ToS) and processes (minimum housing inspections), and does not require a massive investment of new resources to implement.
- o As the City continues to roll out policies and programs to implement the NZE Roadmap, new energy efficiency standards could build off this program.

How do you ensure that the costs of improvements aren't just passed on to tenants?

- o Energy efficiency and weatherization are the wisest dollar spent in terms of impact, but are the hardest to sell from a return-on-investment (ROI) perspective. Yet, we estimate that increasing efficiency of units could result in \$100-\$400 in annual energy savings to tenants, which is particularly important to the 60% of renter households that are cost-burdened.
- o For this reason, the proposal will include a limit on the dollar amount of required improvements so that they may be spread out over time, and to ensure that there is a nexus between the investment and the energy savings to limit the potential cost impact that could be passed on to a tenant.
- o For tenants of permanently affordable units or those who use Section 8 vouchers, there are limits to the costs that tenants pay that would provide protection against rent increases related to energy efficiency improvements.

Encourage Creation of Accessory Dwelling Units

Policy Reform Goal

The goal of this reform is to encourage the creation of Accessory Dwelling Units (ADUs) to support homeowners as they age in place, provide a flexible option to help owners continue afford their homes, and add additional affordable housing options within existing neighborhoods.

Proposed Reform

In order to achieve this goal, the following proposal builds on the recommendations that were presented in the City's 2018 ADU White Paper, which was supported by the Council's CDNR Committee. The proposed zoning reform includes:

- Allow ADUs for all existing and new single family homes in all zoning districts as a permitted use, and no longer require that an ADU be subject to conditional use review by the DRB. Some ADUs may still be subject to design review approval by the DRB.
- No longer require an ADU to have a dedicated parking space.
- Allow the ADU to be up to 30% of the combined finished area of the primary home and ADU, or up to a maximum size of 800 sq.ft., whichever is greater. The alternative maximum size is intended to remove the barrier faced by smaller homes throughout the city.
- Create a process by which the DRB can grant a waiver for an ADU to exceed the lot coverage limits if stormwater impacts are addressed. This waiver process is intended to address the barrier faced by smaller lots throughout the city that are already legally at or over their lot coverage limit.

Framing the Burlington Context

- ADUs have been legal in Burlington since statewide enabling legislation was passed in 2005. However, despite zoning policy reforms in 2008 to make ADUs more permissive, as of July 2019 only 45 ADUs have been legally permitted and ultimately constructed.
- The median single-family home size in Burlington is 1,500 sq.ft.; current zoning would enable up to a 625 sq.ft. ADU size for a home of this size. However, in some areas of the city,

such as Wards 3 and 7, the predominant single-family home size is much smaller, which would likely limit the maximum ADU size to just 400-550 sq.ft.

- Approximately 20% of single-family home lots in the city are less than 6,000 sq.ft., with around 10% that are smaller than 4,000 sq.ft. This means that in many areas of the city where existing single-family lots are near, or in some cases are already over, the 35-40% lot coverage limits, creating an ADU that in any way expands the property's impervious cover would not be permitted.

FAQs about this Policy

If the proposal incentivizes ADUs, how will the City ensure they are not all used as short-term rentals?

- Some ADUs may be used as short-term rentals—owners realize many similar benefits from ADUs and short-term rentals. However, property owners who wish to rent an ADU as a short-term rental will be required to meet the zoning requirements for a short-term rental (see details below). Most specifically, a short-term rental would be subject to conditional use review and would be required to provide a parking space. Further, if an ADU is converted to a short-term rental after it has been used as another form of housing, it would be subject to the requirements of the Housing Replacement Ordinance. Lastly, any ADU that is used as a short-term rental, along with meeting all of the above criteria, will continue to be required to be owner-occupied.

How can we help make creating an ADU more accessible to homeowners?

- Based on a 2017 survey of Burlington ADU owners, the top resources requested were technical assistance and a guide to ADU rules and the permitting process. The City and Homeshare VT received a grant to launch a pilot ADU Technical Assistance Program modeled after, and supported by, the successful ADU program in Brattleboro, VT. The program helps homeowners evaluate whether an ADU is right for them, the feasibility of creating one, and offers assistance on how to begin the process. Through this program, partners are further planning to create a design and assistance guide.
- The change to the permitting requirements will also aid in making an ADU more accessible. Another top reported concern from the 2017 survey was the complexity of the City's permitting process. It is intended that by allowing ADUs as a permitted use, rather than a conditional use, and by not mandating an on-site parking space, fewer applications will go before the DRB, thus reducing complexity, saving applicants time and permitting fees, and potentially narrowing the scope of physical improvements needed to create an ADU.

Creating a Regulatory Framework for Short-Term Rentals

Policy Reform Goal

The goal of this reform is to create a regulatory framework for short-term rentals that includes tiers for different types of rentals, and disincentivizes the most impactful uses in order to protect the city's housing supply. This reform seeks to limit the number of housing units that can be converted to short-term rental uses, and ensure that those conversions contribute to the City's efforts to

preserve and expand permanently affordable housing, while also preserving some flexibility for hosts to use their homes and earn income, as well as recognizing that some supply of short-term rentals benefits the Burlington economy. (See feedback from Housing Summit.)

Proposed Reform

In order to achieve this goal, the following zoning and housing code reforms are proposed:

- Create clear standards for short-term rentals that differentiate between a ‘bedroom(s) within a unit’ and a ‘whole unit’ short-term rental for zoning, rental registration, and minimum housing code requirements.
- Require all hosts of short-term rentals to apply for a zoning permit and register as a rental unit with the Department of Permitting & Inspections, meet minimum maintenance and fire safety standards consistent with those required by the State of Vermont, and remit state and local Rooms & Meals taxes.
- Expand the existing zoning standards for Bed & Breakfast to explicitly recognize ‘bedroom(s) within a unit’ short-term rentals, and continue existing standards as outlined:
 - Property must be the host’s primary residence. In residential zones, up to two rented rooms are permitted, while three or more rented rooms are reviewed under conditional use requirements. In mixed-use zones, up to five rented rooms are permitted.
 - Required to provide one parking space per rented bedroom in residential districts.
- While rental registration is proposed for all short-term rentals, continue the existing exemption from minimum housing inspections for the rental of one or two bedrooms within an owner-occupied home even when those rooms are rented as short-term rentals.
- Create a new ‘Whole Unit Short-Term Rental’ use within the zoning ordinance, that is considered a non-residential use, with applicable standards as outlined:
 - Host (owner or tenant) is required to be a resident of the property/building in which the rental is located. Whole unit rentals are proposed to be a permitted use in mixed-use zones, but a conditional use in residential and institutional zones.
 - Limit the total number of whole-unit rentals within a building, based on the number of units within the building:
 - 1 short-term rental within buildings containing 1-3 units (including ADUs)
 - 2 short-term rentals for buildings with 4-5 units
 - 3 short-term rentals in buildings with 6 or more units
 - Any building with 4+ short term rentals is considered to be a hotel
 - Have an overall limit on the number of short-term rentals on a lot, regardless of the number of buildings.
 - Require a parking space for each short-term rental unit in all zoning districts.
- Continue to apply the Housing Replacement requirements to any housing units converted to a non-residential use (i.e. whole-unit short-term rental). Housing replacement is not required when a new unit is constructed and initially permitted as a short-term rental.

- Continue the existing “temporary” standards in the zoning ordinance, which would exempt short-term rentals from zoning requirements for those rentals leased less than 10 consecutive and 30 total days within any 12-month period.

Framing the Burlington Context

Based on data from the City of Burlington, Host Compliance (HC), AirDNA, and AirBnB the following is intended to provide a snapshot of the short-term rental landscape in Burlington in 2019:

- 410 unique short-term rental listings across many platforms (HC). This represents approximately 2% of all housing units in the city. There was a 25% increase in short-term rentals between 2018-2019 (HC), and the total number doubled from 2016-2019 (AirDNA).
- AirDNA reports 66% of rentals are for the whole housing unit, and that 76% of listings were efficiency, one bedroom, or two-bedroom units.
- Presently, short-term rentals have been handled under the City’s zoning standards as a Bed & Breakfast or a hotel. However, it is estimated that 95% of these units are operating with no zoning permit. Additionally, it is unclear how many of these units have been subject to life safety inspections through the rental registration process.
- In a 2019 press release, AirBnb reported that Burlington was the #1 destination for their guests visiting Vermont in the summer 2019. Per Host Compliance, the average monthly revenue for a short-term rental in Burlington was \$2,700, at an average nightly rate of \$161 per unit; for a short-term rental to earn this amount of revenue, it is estimated to be rented for around 200 nights per year.
- The City collects a 2% Rooms & Meals tax on income from short-term rentals. In 2019, the City’s Housing Replacement fee for a 1-bedroom rental unit was \$7,930.
- AirBnB reported that 63% of Burlington hosts self-identify as women, and 31% self-identify as being 60 and older.

FAQs about this Policy

Why not consider an outright ban on short-term rentals?

- o Many have expressed their support for short-term rentals as a flexible, low-barrier way for hosts to earn income to offset their cost of living, stay in their home, enable them to more efficiently use space within their home, or to find ‘mid-term’ tenants (i.e. to market an available bedroom to a traveling faculty, researcher, etc). This proposal intends to enable these benefits, while limiting the proliferation of entire units as short-term rentals.
- o Others have noted the city-wide economic benefit of short-term rentals in bringing visitors to the city, and the ability for short-term rentals to serve as a more affordable alternative to traditional lodging. This proposal intends to enable some short-term rentals to balance this benefit, while limiting wide-spread impact on long-term housing options.

What impact does this policy have on renters? What benefits?

- o The most significant benefit to renters is reduced competition for rental units by requiring the host to live on the same property as the short-term rental, and by limiting the total number of rentals in each building. This limits the potential for individuals/management companies to operate multiple properties and/or a large number of units within a building for short-term rental purposes which removes those units as long-term housing.

- For short-term rentals that replace a long-term housing unit, a host is required to either create an equivalent unit elsewhere, or pay a Housing Replacement fee. The fee is intended to represent the cost to the Housing Trust Fund to create or preserve a permanently affordable housing unit of equal size. Thus, this fee will generate revenues to expand the capacity of the Housing Trust Fund to offset the loss of the housing unit.

Does this policy benefit only those individuals with the financial means to own a multi-unit property or comply with housing replacement fees?

- Under this proposal, there are two low-barrier options for hosts to realize the economic benefits of short-term rentals within their existing homes without major physical improvements and/or impact fees: by renting as a ‘temporary use’ for fewer than 30 nights per year, or by renting up to two bedrooms within their home. In the former scenario, the City’s zoning requirements would not apply, and in the latter, minimum housing code inspections would not apply. In both scenarios, Housing Replacement fees would not apply.

How will the City enforce the proposed regulations, particularly regarding the occupancy of the host?

- The City anticipates working with a third-party provider to regularly monitor short-term rental listings across platforms, to be compared to the City’s rental registration list. Rental registration is renewed annually, which requires a number of details to be submitted, including the address of the owner. This proposal will further require questions to be answered about any short-term rental use of the property.

How does this proposal compare to other communities’ regulations for short-term rentals?

- Approaches that cities have used to regulate short-term rentals vary widely. Bar Harbor, ME created a permissive framework, simply requiring a registration process that includes standards for the health and safety of guests. Based on the concern about the impact on local housing supply, Portland, ME created a limit on the number of short-term rentals within a building based on the total number of units in a building, and whether the building was owner or renter-occupied. Facing a notorious housing crisis, San Francisco, CA has created a robust set of zoning and building code standards, and established an entire office to enforce these regulations. The State of Vermont requires minimum life safety standards and payment of Rooms and Meals taxes. This proposed approach builds on the State’s requirements, and falls between the Portland, ME and San Francisco, CA models.

Revise Requirements for Creation & Use of Parking Spaces

Policy Reform Goal

The goals of this reform are to reduce a significant factor in the cost to construct, maintain, and lease housing units, therefore increasing the affordability of those housing units; allow more space within new development to be used for creating housing units; recognize the context-sensitive nature of parking and driving behaviors; and support a more robust system of transportation choices that enables the city to meet its Net Zero Energy goals.

Proposed Reform

In order to achieve these goals, the following zoning and impact fee reforms are proposed:

- No longer mandate a specific number of new parking spaces that must be created for developments within certain areas of the city and for certain types of projects, including:
 - Developments located within the downtown, neighborhood mixed-use, and neighborhood activity center zoning districts;
 - Developments located within the first 200 ft. of a property with frontage along a major thoroughfare which connects mixed-use areas of the city and is served by a high-frequency transit route, including North Avenue, Riverside Avenue, Colchester Avenue, Main Street, Pine Street, and Shelburne Road/St. Paul Street.; and
 - Projects that create permanently affordable housing or involve the adaptive reuse of a listed historic building.
- Enable greater sharing of private parking that has already been built, so that it can be used more efficiently through repurposing, sharing with other users, or being made available for public use.
- Maintain a limit on the maximum number of parking spaces that can be built as part of a new development to reduce the oversupply of unused parking spaces, and modernize standards for the size and layout of parking spaces and lots for more efficient design.
- Evaluate how the current Traffic Impact Fee could be used to support the expansion and increased use of alternative modes of transportation (including but not limited to transit, biking, and walking).

Framing the Burlington Context

- Burlington did not begin requiring parking for new development through zoning until the 1970s; up until 1986, developments within the downtown core were exempt from requirements to build a prescribed number of spaces.
- In 2008, three parking districts were established in the zoning ordinance to ensure that the required number of parking spaces was based on the geographic context of the development.
- As part of the *planBTV: Downtown & Waterfront Plan*, a comprehensive evaluation of parking use was conducted which illuminated that 40% of parking in existing private parking lots and garages was vacant most of the time. It is estimated that if these existing parking spaces were utilized more fully, they could support an additional 700+ housing units and 350,000 sq.ft. of commercial space without building any new parking.
- Since 2013, BBA has been working with the City to implement a downtown parking management program to better utilize existing parking resources, and make private parking resources available for public parking needs. In 2019, BBA found that despite the loss of about 500 parking spaces at CityPlace, there are still hundreds of unused parking spaces available to the public even at peak times.
- A single on-site parking space adds 15-20% to the cost of a typical residential unit (~\$200-\$300/mo.) and can cost between \$20,000-50,000 to build.
- About 39% of all Burlington workers don't drive to work; about 15% of all households city-wide, and 25% of households in neighborhoods closest to the downtown, don't have a car. This is the equivalent of almost 2,400 households and about 20% of all renters.

FAQs about this Policy

What has this looked like in other communities that have eliminated their parking minimums?

- Hundreds of communities across the country (and world) have successfully removed these now largely discredited requirements in the last decade, while hundreds more never had them to begin with. Examples include: Buffalo, Ithaca, New York, and Rochester NY; Hartford, Norwich and Stonington CT; Manchester and Dover NH; Bath and Belfast ME, among many others. These communities have taken a range of approaches, from no longer requiring a certain amount of parking in new developments city-wide, to exempting projects in certain locations from new parking requirements.
- Communities that have measured results have found that developments continued to build 40-60% of the parking spaces that the city would have otherwise required.
- A [recent study](#) by the City of Portland, OR found that without a requirement to build new parking spaces, a 32-unit building consisting of permanently affordable and working- and middle-class condominiums was the most profitable form of development in medium density areas of the city. Alternatively, if parking were required, the most profitable form of development on the same lot would be just 10 townhomes, where each unit would cost greater than 2.5 times the price of a unit the condo building. This analysis illuminated that requiring parking would lead to the creation of fewer, and significantly more expensive, housing units.

What are the anticipated positive impacts of this policy change?

- It is important to emphasize that this proposal does not mandate the elimination of existing parking spaces. It simply takes the city out of the business of mandating that a certain number of parking spaces have to be created.
- Development happens slowly over time, and as such, any impacts associated with this change will happen over many years as new developments are created.
- Enabling a project to determine its specific parking needs means that parking spaces will be built in areas of the city and for types of projects where they are needed most, while potentially reducing the number of new spaces built in places, like downtown, where robust alternatives exist, thereby helping facilitate increased use and investment in these systems.
- It is anticipated that this flexibility will reduce a significant barrier that makes the creation of new housing (and any new development) infeasible and/or expensive. This is particularly important for projects creating permanently affordable housing, where the cost of parking is an even larger burden/barrier.

What are the anticipated negative impacts of this change, particularly on the demand for public spaces and the “spillover parking” impacts in nearby neighborhoods?

- The parts of the city where it is proposed that new parking is no longer mandated, are those that have a much lower demand for parking due to a mix of uses, because they are easily reached on foot or by bike, and because they have direct access to one of the city’s high frequency public transit routes.

- In some of these locations, there is also a supply of existing parking that is actively managed to ensure that spaces are being used as efficiently as possible, and where underutilized, could be re-purposed to support the parking needs of new developments.
- The City's Residential Parking Program allows residents to request that on-street parking be prioritized for residents of the street through a permit process, which offers route to manage parking on streets close to these mixed-use areas.

Why doesn't this proposal include a payment-in-lieu option, which would require the payment of a fee in place of building required parking spaces?

- A major goal of this proposal is to remove a significant barrier to the creation of housing and its affordability. If the cost were set appropriately, a payment-in-lieu option may help to reduce this barrier somewhat; however, it is still an unnecessary cost associated with parking that is ultimately not needed. Further, if the payment amount is set too high, it is unlikely to be utilized and would provide no benefit at all.

Increase Dedicated Revenues for the Housing Trust Fund

Policy Reform Goal

The goal of this reform is to increase and restore the level of dedicated funding to support the creation and preservation of permanently affordable housing through the Housing Trust Fund.

Proposed Reform

In order to achieve this goal, the following charter change is proposed:

- Establish a specific and dedicated tax for the Housing Trust Fund at 1 cent per \$100 of assessed property value.
- Structure the fund so that, unlike has happened in the past, the fund is not eroded by inflation over time.

Framing the Burlington Context

- Since its creation in 1990, the Housing Trust Fund (HTF) has been the city's largest source of municipal funding for affordable housing, and has contributed nearly \$5.9M (of nearly \$7.4M in total investment) to support the creation and preservation of 1,686 affordable housing units and 117 beds. These projects have included new multi-family senior housing, adaptive reuse projects, co-ops, transitional housing, and individual residential sites.
- From its creation until 2006, the HTF was funded at a rate of 1 cent per \$100 of assessed property value. From 2006 on, this was reduced to ½ cent per \$100 of assessed value. Currently, this generates \$200,384 annually. From 2016-2019, Mayor Weinberger and the City Council have contributed additional general funds to the HTF for an annual contribution that reflects the previous one-cent funding level.
- In addition to the dedicated tax, other revenue sources that contribute to the fund include inclusionary zoning payments in lieu (there have been no contributions from this source since 2011), general fund discretionary contributions (such as those by the Mayor 2016-2019), and Housing Replacement payments (roughly once every 1-2 years).

FAQ's about this Policy

What is the estimated impact of this proposal on Housing Trust Fund, and cost to taxpayers?

- Under this proposal, it is anticipated that the annual funding to the HTF would increase from \$200,384 to a projected \$494,775 by 2021. The tax impact for the average Burlington homeowner would increase from \$12.41 annually today, to \$23.00 annually in 2020, to a projected \$30.67 by 2021 (see chart below).

What about a larger dedicated tax rate?

- While the City is pursuing this reform, it is also making other policy changes that may result in substantial new revenue streams to the HTF, including new payments from Inclusionary Zoning payments-in-lieu, and by ensuring that certain short-term rentals pay Housing Replacement fees. Housing Replacement fees can range from approximately \$8,000 to more than \$40,000 depending on the type and size of the unit being displaced.
- With the anticipated city-wide reappraisal, the revenue from the dedicated tax alone is projected to rise to nearly a half-million dollars by 2021. A dedicated tax rate of \$0.01 increases funding while balancing the burden on property tax payers. Starting at this level will allow the City and taxpayers to evaluate, in subsequent years, the actual new revenue collected for the fund and the impact to property owners following the reappraisal.

Impact to Taxpayer of Housing Trust Fund Rate of One Penny				
	Assessed Value (median)	Currently Paid to Existing HTF/year (1/2 penny)	Proposed/year (after penny increase)	Proposed/year (after penny increase) after City-Wide Reassessment*
Single Family	\$230,000	\$12.42	\$23.00	\$30.67
Rental Building (3+ units)	\$439,100	\$23.71	\$43.91	\$58.55
Commercial Property	\$608,000	\$32.83	\$60.80	\$81.07
Annual HTF Contribution		\$200,384	\$371,081	\$494,775
<i>*assumes a common level of assessment of 75%</i>				
Impact to Taxpayer of Housing Trust Fund Rate of One-Point-Five Pennies				
	Assessed Value (median)	Currently Paid to Existing HTF/year (1/2 penny)	Proposed/year (after 1 1/2 penny increase)	Proposed/year (after 1 1/2 penny increase) after City-Wide Reassessment*
Single Family	\$230,000	\$12.42	\$34.50	\$46.00
Rental Building (3+ units)	\$439,100	\$23.71	\$65.87	\$87.82
Commercial Property	\$608,000	\$32.83	\$91.20	\$121.60
Annual HTF Contribution		\$200,384	\$556,622	\$742,163
<i>*assumes a common level of assessment of 75%</i>				

Resolution Relating to

HOUSING POLICY REFORMS

RESOLUTION 6.05

Sponsor(s): Councilors Mason, L

Dieng, Roof and Paulino

Introduced: 10/07/19

Referred to: _____

Action: adopted as amended

Date: 10/07/19

Signed by Mayor: 10/16/19

CITY OF BURLINGTON

In the year Two Thousand Nineteen

Resolved by the City Council of the City of Burlington, as follows:

1 That WHEREAS, in 2015, the City of Burlington adopted a Housing Action Plan, which recognized th
2 housing availability and affordability has been a key challenge for the City for more than 30 years and
3 proposed 22 strategies to address those challenges; and

4 WHEREAS, the City has implemented many of the strategies proposed in the Housing Action Pla
5 including strategically applying municipal resources to support affordable housing, resulting in the creati
6 215 new permanently affordable homes since 2015 and the preservation of 200 additional permanently
7 affordable homes since 2015, increasing the City's general fund contributions to the Housing Trust Fund
8 to nearly double the Housing Trust Fund between FY16 and FY19, undertaking a comprehensive update t
9 inclusionary zoning ordinance, and creating a grant program in partnership with Vermont Center for
10 Independent Living (VCIL) to assist homeowners with rehabilitation and access modifications to support
11 aging in place; and

12 WHEREAS, these strategies have also focused on reducing chronic homelessness, including
13 implementing a coordinated entry system to streamline access to housing supports and resources for peop
14 experiencing homelessness and providing funding to extend the season of the low-barrier warming shelter
15 through June 15; and

16 WHEREAS, these strategies have also included creating housing for college students and improv
17 quality of life in historic neighborhoods, and while more work needs to be done, specifically by the Unive
18 of Vermont to more fully meet the needs of our community with on-campus student housing, these strateg
19 have included developing the Neighborhood Project Toolkit for near-campus neighborhoods, working wit
20 University of Vermont and Champlain College to create about 600 new beds for students, and formally
21 agreeing with the University of Vermont to work toward a new Memorandum of Understanding regarding
22 additional student housing by June 30, 2020 at the latest, with quarterly updates to the Council on progress
23 being made on this important initiative; and

24 WHEREAS, the City has also continued to strengthen its enforcement efforts, including implemen
25 the "5 star" rating system that allows tenants to see the compliance history of a rental before they sign a lea

26 and indicates the property's compliance with minimum housing standards by way of a 1-5 rating; and **the**
 27 **is committed to increasing awareness of this information and making it more accessible and user-**
 28 **friendly**

29 WHEREAS, early signs suggest that these and other strategies implemented in recent years are
 30 working, such as the finding, from a recent report commissioned by the City of vacancy trends in the
 31 apartment market, that during the years 2006 to 2011 the city had an average vacancy rate of just 0.7 per
 32 and over the past seven years the average vacancy rate more than doubled to 1.5 percent, with recent data
 33 indicating that rental inflation is also slowing; and

34 WHEREAS, a vacancy rate of 1.5 percent is still far below a healthy housing market; and

35 WHEREAS, in his 2019 State of the City address, Mayor Miro Weinberger outlined a plan to add
 36 remaining strategies of the Housing Action Plan and build upon its goals, including to 1) increase energy
 37 efficiency in rental housing, 2) encourage the creation of accessory dwelling units, 3) create a regulatory
 38 framework for short-term rentals, 4) eliminate minimum parking requirements in some areas of the city, a
 39 increase the level of dedicated funding to the Housing Trust Fund; and

40 WHEREAS, changes in policies in these five areas will contribute to structural fixes that will better
 41 support the availability and affordability of housing in Burlington; and

42 WHEREAS, a cross-departmental team of City staff from the Office of City Planning, Community
 43 Economic Development Office, Permitting & Inspections Department, and Burlington Electric Department
 44 have been meeting on a weekly basis through the spring and summer to further research and develop
 45 complementary recommendations in each of these five areas; and

46 WHEREAS, the Administration hosted the BTV Housing Summit on June 11, 2019 and the BTV
 47 Housing Summit – Part 2 on September 4, 2019, to obtain input from residents, stakeholders, and the public
 48 develop and refine the proposals related to this slate of housing policy reforms and future housing policy
 49 work; and

50 WHEREAS, in response to feedback that members of the public shared at these Summits, the Mayor
 51 has also tasked the Community and Economic Development Office to complete a review of tenant protection
 52 and deliver that review and recommendations for additional protections to the City Council by the end of
 53 October; and

54 WHEREAS, many of these policies are complementary to the City's Net Zero Energy goal, which
 55 require the Burlington of 2030 to be one where every building is much more energy efficient and where land
 56 use policies help support less energy use; and

57 WHEREAS, the Administration has asked for the support of the City Council to pursue each of the
58 reforms;

59 NOW, THEREFORE, BE IT RESOLVED that the City Council supports the Administration's goal of
60 pursuing the above referenced housing policy reforms; and

61 BE IT FURTHER RESOLVED that the City Council refers to its Ordinance Committee the following
62 proposal to prepare ordinance amendments that achieves- the stated goals (as well as any related amendments
63 necessary to achieve the identified housing policy reform) relative to the first strategy:

64 1) To increase energy efficiency in rental housing to improve the quality and comfort of rental units and
65 lower tenants' utility costs, address the "split incentive" paradigm, and reduce greenhouse gas
66 emissions by:

67 A) amending the Time of Sale Ordinance, which currently requires energy efficiency
68 improvements through building weatherization to rental housing only at the time a unit is sold, to
69 ensure that these improvements become part of the minimum housing standards for rental
70 units as enforced by the Permitting & Inspections Department, including through regular
71 inspections; and

72 B) applying the list of applicable weatherization improvements from the Time of Sale Ordinance to rental units
73 which includes modern weatherization practices such as insulation in exterior walls, attic
74 spaces, functional weather stripping, and repair of air leaks, as well as others, to all rental units
75 that have an energy intensity rating of greater than 50,000 BTUs per square foot; and

76 C) raising the cap on the dollar amount of investment in weatherization that is currently required
77 by the Time of Sale Ordinance to a level that, while not unreasonably financially burdensome, is
78 designed to maximize expected energy savings and occupant comfort, be consistent with best
79 practices from other cold climate jurisdictions, eliminate the "cost effectiveness limitation" that
80 exists in the Time of Sale Ordinance today in favor of the more straightforward cost cap,
81 rationally accommodate inspections and compliance, reflect the real costs and benefits of the
82 improvements, and rise with inflation; and

83 D) developing a timeline and process for implementation of this policy that is consistent with
84 Burlington's Net Zero Energy Roadmap, and identifying what resources, such as additional
85 staff time or external support, would be necessary to ensure proper compliance on that
86 timeline; and

87 BE IT FURTHER RESOLVED that the City Council additionally refers the following proposals to the
88 Joint Committee of the Planning Commission and the City Council Ordinance Committee to prepare

89 ordinance amendments that achieve the stated goals (as well as any related amendments necessary to achieve
90 the identified housing policy reforms) relative to the second, third, and fourth strategies:

91 2) To encourage the creation of Accessory Dwelling Units (ADUs) to support homeowners aging in
92 place, help homeowners continue to afford their homes, and add affordable housing options within
93 neighborhoods by:

94 A) allowing ADUs for single family homes in all districts as a permitted use;

95 B) eliminating the parking requirement for ADUs;

96 C) allowing ADUs to be up to 30% of the finished area on a lot, or up to a maximum size of 800
97 feet; and

98 D) creating a waiver process for consideration by the DRB for an ADU to exceed lot coverage
99 limits if stormwater impacts are addressed; and

100 3) To create a regulatory framework for short-term rentals that creates tiers for different types of short-
101 term rentals and disincentivizes the most impactful uses, thereby protecting the city's housing
102 supply by limiting the number of housing units that can be converted for short-term rental purposes
103 and ensuring that those conversions are contributing to the city's efforts to preserve and expand
104 permanently affordable housing, while also preserving some flexibility and ability to earn greater
105 income for Burlington homeowners, and recognizing that some supply of short-term rentals
106 benefits the Burlington economy by increasing options for visitors and by differentiating between
107 the rental of bedrooms within a unit (generally permitted) and the rental of the entire unit
108 (conditional use in residential districts) by:

109 A) updating the existing bed and breakfast definitions and standards to include per-bedroom standards for
110 term rentals;

111 B) limiting the number of whole-unit short-term rentals within a building so that any building with
112 four or more short-term rentals is considered a hotel;

113 C) exempting intermittent short-term rentals of less than 10 consecutive days or 30 total days in a
114 year from the requirement to obtain a zoning permit per existing temporary use standards;

115 D) requiring registration with the City in order to apply, monitor, and enforce life safety, nuisance
116 and applicable state standards to all short-term rentals through the City of Burlington's rental
117 registration process and related inspections; and

118 E) ensuring that the city's existing housing replacement standards apply to short-term rentals where
119 the rental replaces an existing housing unit; and

- 120 4) To revise the city's approach to minimum parking requirements, in order to reduce the cost to
 121 construct, maintain, and lease housing units; allow more space for additional housing units; and
 122 support a robust system of transportation alternatives by:
- 123 A) eliminating the requirement for a minimum number of parking spaces for new development
 124 is within the Downtown, Neighborhood Activity Center, and Neighborhood Mixed Use zones
 125 districts and is within the first 200 ft. of a property with frontage on a designated major
 126 thoroughfare, or for projects that involve permanently affordable housing or adaptive reuse of
 127 listed historic building;
- 128 B) releasing permitting requirements for existing parking to enable greater sharing of existing
 129 parking;
- 130 C) revising dimensional requirements so that new parking spaces do not require as much space
 131 and
- 132 **D) revising parking maximums so as to prevent an overbuilding of parking that would**
 133 **undermine the goals of this policy change;**
- 134 **E) creating other possible regulatory mechanisms, including transportation demand**
 135 **management requirements, to ensure additional investment in alternative transportation**
 136 **and**
- 137 BE IT FURTHER RESOLVED that the City Council supports the Administration to further carry
 138 the fourth strategy related to eliminating parking minimums by directing the Office of City Planning to
 139 prepare a proposal to submit to the Council for its consideration by January 1, 2020, that includes
- 140 - the necessary scope of work, budget, and timeline to conduct a study of how traffic impact
 141 can be used to support the expansion and increased use of alternative modes of transportation (including but
 142 not limited to transit, biking, and walking) as part of an effort to update Burlington's current system of impact
 143 fees, and
- 144 - a goal of completing the study and proposing the impact fee changes by October 31, 2020,
 145 ~~an exploration of other possible regulatory mechanisms, including transportation demand~~
 146 ~~management requirements, to ensure additional investment in alternative transportation; and~~
- 147 BE IT FURTHER RESOLVED that the City Council refers to its Charter Change Committee the
 148 following recommendations concerning the fifth strategy:
- 149 5) To increase and restore the level of dedicated funding to support the creation and preservation of
 150 permanently affordable housing through the Housing Trust Fund by:

- 151 A) preparing a charter change to establish a specific and dedicated tax for the Housing Trust Fund
- 152 at one cent per hundred dollars (\$.01 per \$100.00) of assessed property value, with the
- 153 possibility of this tax increasing to one and a half cents per hundred dollars (\$.015 per \$100.00)
- 154 **and two cents per hundred dollars (\$.020 per \$100.00)** of assessed property value;
- 155 B) ensuring the Fund reflects inflation and changes in city-wide assessed values; and
- 156 C) ensuring the ability of the Fund to accept additional funds from other sources, such as
- 157 inclusionary zoning payment-in-lieu fees and housing replacement fees from converting long-term
- 158 term to short-term rentals;
- 159 D) requiring a review of the adequacy of the fund after the new revenue sources have been in place
- 160 for three years; and

161 BE IT FURTHER RESOLVED that upon receipt, the Council refers to its Community Development

162 and Neighborhood Revitalization Committee the review of recommendations regarding renter protections

163 will be delivered by CEDO and the Department of Permitting & Inspections in October, so that the Committee

164 may develop any further changes; and

165 BE IT FURTHER RESOLVED that the Committees are expected to report back to the Council in sufficient

166 sufficient time to allow the Council to finalize any ordinance changes recommended by the Joint Committee

167 (or in the absence of agreement, by the Ordinance Committee) and the City Council Ordinance Committee

168 following public input, in time for the Council to take action at its first meeting of 2020, and if, because of

169 detail involved in these proposals, this timeline proves impossible to meet, the Committees shall complete

170 many of these items as possible within this timeframe and update the Council on the anticipated timeline of

171 the remaining items at its first meeting of 2020; and

172 BE IT FURTHER RESOLVED that the Charter Change Committee will present any recommended

173 change to charter language to the City Council in time for voters to take action at the March 2020 Annual

174 Meeting.

175

* * * * *

DISTRIBUTION:

I hereby certify that this resolution
has been sent to the following
department(s) on

Planning Commission
Ordinance Committee
Mayor's Office
Charter Change Committee

Linda Blanchard, City Attorney's Office

ORIGINAL

RESOLUTION RELATING TO

Housing Policy Reforms

Amended

Adopted by the City Council

October 7, 2019

Clerk

Approved: *[Signature]* October 10, 2019

Mayor

Attest:

[Signature]
Lori Olberg

Licensing, Voting and Records Coordinator

Vol. Page

* * * * *



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

Overview & Background

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

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

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

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

Recommended Amendment Details

Amendment Type

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

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

Relationship to planBTV

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

Proposed Future Land Use & Density

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

Impact on Safe & Affordable Housing

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

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

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

Planning Commission Process				
Draft Amendment prepared by: City Staff, with support of City Council	Presentation to & discussion by Commission & Council Ordinance Cmte 10/30, 11/12, 12/4, 12/10	Approve for Public Hearing	Public Hearing	Approve & forward to Council
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte	Ordinance Committee discussion	Ordinance Cmte recommends to Council (as is / with changes)	Second Read & Public Hearing	Approval & Adoption
				Rejected

ARTICLE 8: PARKING

PART 1: GENERAL REQUIREMENTS

Sec. 8.1.1 Purpose

It is the purpose of this article to:

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

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

Sec. 8.1.2 Applicability

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

Commented [DEW1]: Sec

Sec. 8.1.3 Parking Districts

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

(a) Neighborhood Parking District:

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

(b) Shared Use Parking District:

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

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

(c) Downtown Multimodal Mixed-Use Parking District:

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

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

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

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

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

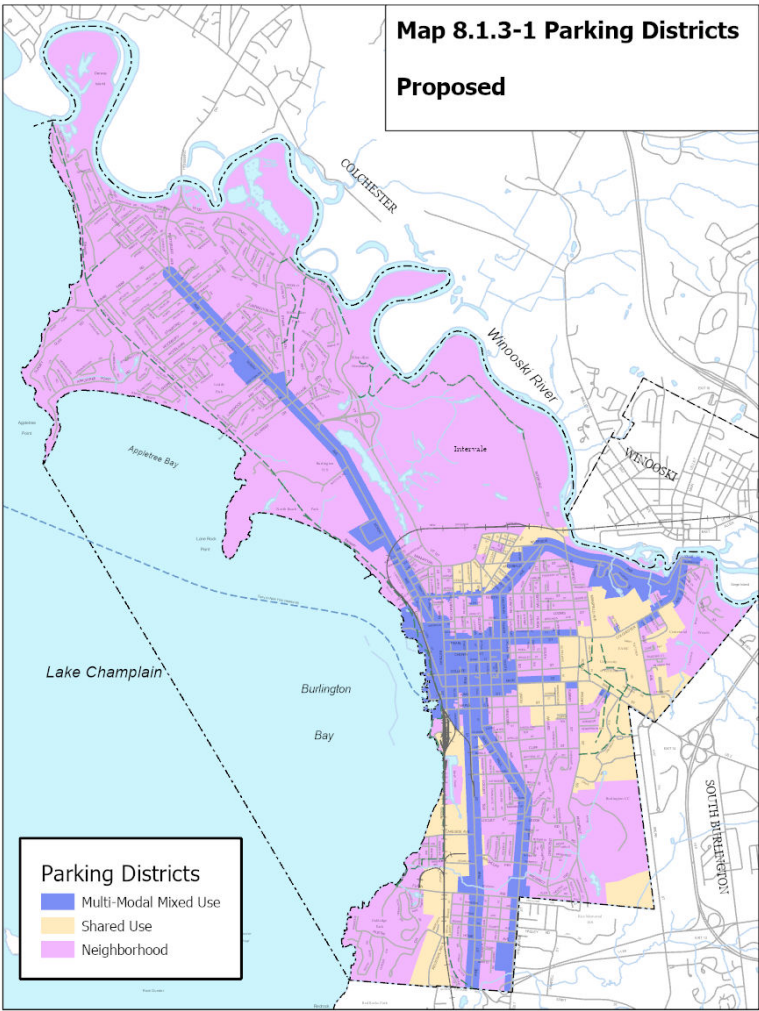
With the exception of public parking provided in exchange for an Article 4 Development Bonus (see Sec 4.4.1 (d) 5 A), minimum on-site parking requirements permitted for any structure and/or use within this Parking District in effect prior to the adoption of this provision shall be hereby withdrawn in order to facilitate a more efficient allocation and management of existing parking resources and the development of land.

Commented [MT2]: Question from Joint Committee:

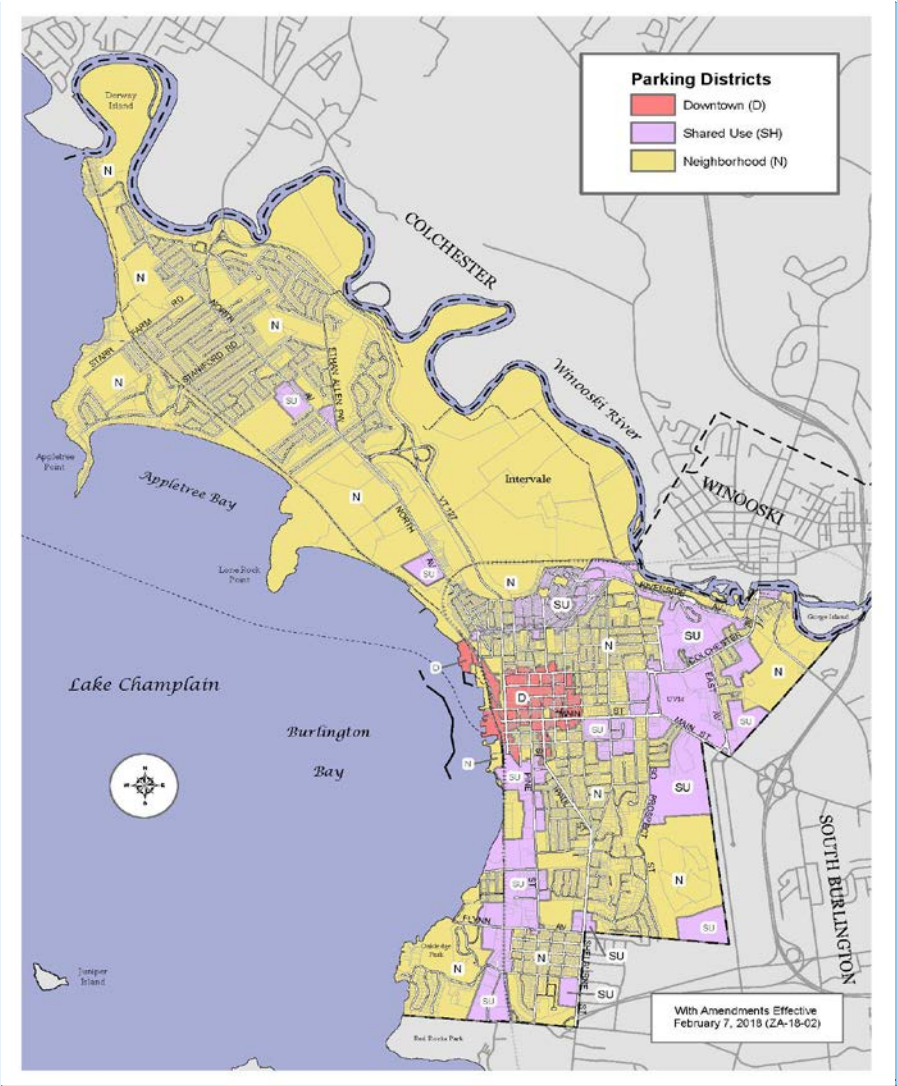
Does this depth make sense when considering properties such as Price Chopper plaza on Shelburne Road.

Commented [DEW3R2]: This property is entirely NAC so the 200-ft depth is not applicable. In other cases, the depth also serves as an incentive to concentrate new development closer to the street where there is better access to the high frequency transit service

Commented [DEW4]: Kim - Does this work?



Commented [DEW5]: Need to refine the corridors so it doesn't capture lots that don't actually have frontage on them.



Commented [MT6]: Eliminate this map.

Map 8.1.3 -1 Parking Districts

Sec. 8.1.4 Existing Structures

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

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

Sec. 8.1.5 Existing Structures - Change or Expansion of Use

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

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

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

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

Commented [DEW7]: No longer applicable

Commented [DEW8]: all permanently affordable units – an expansion of what was recently approved in IZ

Commented [DEW9]: Cross reference to the proposed in ADU amendment

Sec. 8.1.7 Non-conforming Residential Structure

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

Sec. 8.1.8 Minimum Off-Street Parking Requirements

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

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

Commented [DEW10]: Revised to be consistent with Sec. 5.1.1

Article 8: Parking

ZA-20-04 DRAFT: January 14, 2019

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

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
RESIDENTIAL USES	Per Dwelling Unit except as noted		
Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.	2	1	1 0
Single Family detached and Duplex	2	2	1 0
RESIDENTIAL USES - SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0 .40
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0 .50
Boarding House (per two (2) beds)	1	0.75	0 .50
Community House	1	0.75	0 .50
Convalescent Home (per four (4) beds)	1	1	1 0
Dormitory (per two (2) beds)	1	1	1 0
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	1 0
Historic Inn (per room, in addition to single-family residence)	1	0.75	0 .50
Sorority & Fraternity (per two (2) beds)	1	1	1 0
NON-RESIDENTIAL USES	Per 1,000 square feet of gross floor area (gfa) except as noted		
Adult Day Care (per two (2) employees)	1	1	1 0
Agricultural Use	None 0	None 0	None 0
Amusement Arcade	2	1	0
Animal Boarding/Kennel/Shelter	2.5	1.5	1 0
Animal Grooming (per grooming station)	1	1	0
Animal Hospitals/Veterinarian Office	3	2	1 0
Appliance & Furniture Sales/Service	2.5	1	1 0
Aquarium	1.3	1	1 0
Art Gallery/ Studio	3.3	2.5	1 0

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

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

Article 8: Parking

ZA-20-04 DRAFT: January 14, 2019

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

Commented [DEW12]: Added per expired ZA-19-03

Commented [DEW13]: Added per expired ZA-19-03

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

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

Commented [DEW14]: Added per expired ZA-19-03

Commented [DEW15]: Added per expired ZA-19-03

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared Use Districts	Multimodal Mixed-Use Downtown Districts
Wholesale Sales	1.3	1	4
Worship, Place of (per four (4) seats)	1	1	4

Sec. 8.1.9 Maximum On-Site Parking Spaces

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

Table 8.1.9-1 Maximum Off-Street Parking Requirements

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

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

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

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

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

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

Commented [MT16]:

Example of how the min/max works:

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

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

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

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

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

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

A. The applicant requesting the waiver shall also provide:

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

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

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

Sec. 8.1.10 Off-Street Loading Requirements.

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

Sec. 8.1.11 Parking Dimensional Requirements

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

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

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

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

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

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

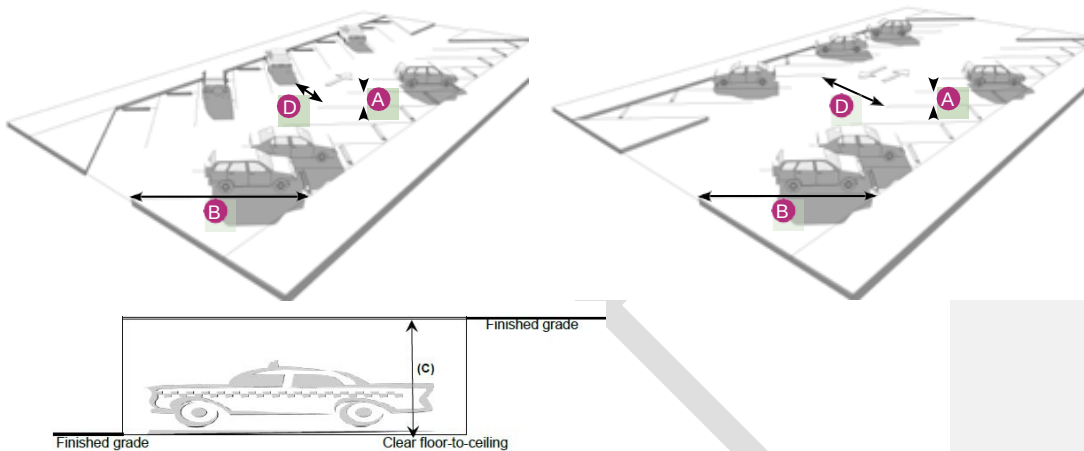


Illustration 8.1.11-A - Parking Dimensions

Sec. 8.1.12 Limitations, Location, Use of Facilities

(a) Off-Site parking facilities:

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

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

Commented [DEW17]: redundant

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

(b) Downtown Street Level Setback:

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

Commented [DEW18]: Superseded by Article 14- the downtown form based code.

(c) Front Yard Parking Restricted:

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

(d) Shared Parking in Neighborhood Parking Districts:

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

Commented [MT19]: Question from Joint Committee: Is this current practice? If not, is it the right standard to use? If it is, then perhaps need to name the "industry publication" that the City accepts.

Commented [DEW20R19]: Shared Parking (#rd Edition), Smith, Mary S., Urban Land Institute. Release in Jan 2020

Such an analysis is conducted outside of/in lieu of any request for a waiver

Commented [DEW21]: revised

(e) Single Story Structures in Shared Use Districts:

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

(f) Joint Use of Facilities:

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

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

(g) Availability of Facilities:

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

(h) Compact Car Parking:

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

Commented [DEW22]: Replaced by footnote #4 in table 8.1.11-1

Sec. 8.1.13 Parking for Disabled Persons

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

Sec. 8.1.14 Stacked and Tandem Parking Restrictions

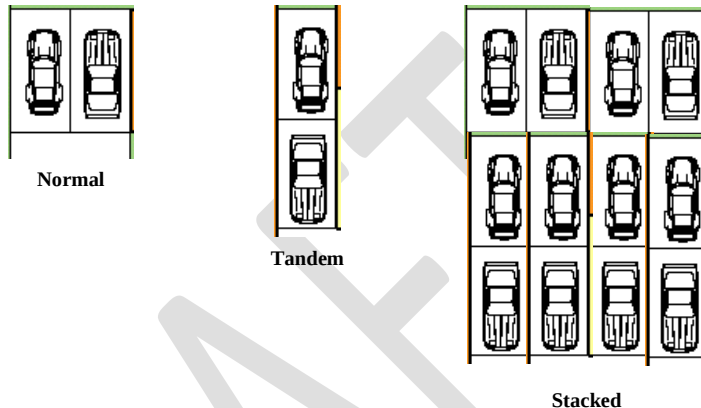
Except as otherwise provided below, all parking facilities in all Parking Districts shall be designed so that each motor vehicle may proceed to and from the parking space provided for it without the moving of any other motor vehicle. The requirements for minimum or maximum spaces continue to apply for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

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

Commented [DEW23]: Note: ADU amendment removes this requirement for SF and ADU

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

Commented [DEW24]: Updated to be consistent with expired ZA-19-03



Sec. 8.1.15 Waivers from Parking Requirements/ Parking Management Plans

(a) Parking Waivers

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

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

Commented [DEW25]: What about for someone who has multiple lots and is looking for a way to share supply across different users?

Commented [DEW26]: Superseded by new exemption

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

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

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

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

(b) Shared Parking for Off-Site Use

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

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

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

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

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

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

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

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

Sec. 8.1.16 Transportation Demand Management

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

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

- Reducing car ownership

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

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

Commented [DEW28]: revised

Commented [DEW27]: Does not apply to affordable housing and Historic properties adaptive re-use exempted projects

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

a. Outreach and Education:

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

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

Commented [DEW29]: revised

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

Commented [DEW30]: added

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

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

Commented [DEW31]: added

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

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

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

1. Conduct parking utilization studies at least annually;
2. With the exception of permanently affordable housing units the cost of parking shall be un-bundled from all residential and non-residential leases and deeds;
3. Where parking spaces are made available to off-site users parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,
4. Priority parking spaces, located in closest proximity to a primary building entrance and/or public street frontage, shall be made available for:

- a. Handicapped spaces;
- b. Bicycles, scooters, and motorcycles spaces;
- c. Car-share where 1 space must be offered for every 20 residential units not to exceed 5 spaces subject to an agreement with a car-share provider; and,
- d. Carpool and/or Vanpool vehicles where there are more than 20 parking spaces on the site available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool use before 9:00 AM on weekdays.

c. TDM Agreement;

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

Commented [DEW32]: FYI, Current GMT pass rates:

LINK Express - \$150/mo
Local Commuter - \$75/mo
Local Route - \$40/mo

Commented [DEW33]: Too low? CATMA members get 25% by purchasing in bulk

Commented [MT34]: Joint Committee recommended removing another item that was here that would have limited permits to 1-month duration. There was a concern about forcing a relationship between landlords and employees for commercial tenants.

Commented [DEW35]: added

Commented [DEW36]: Non too?

Commented [DEW37]: A 2010 US survey found that each carshare vehicle reduced 9 to 13 personal vehicles.

There are typically 10-20 members per vehicle

Commented [DEW38]: Understanding the provider could decline the offer (for larger project in particular)

Commented [DEW39]: Modeled on similar requirements in Cambridge MA and Portland OR

Commented [DEW40]: Joint Committee had a mixed response to this idea. Some felt it was simply a way to ensure acknowledgement that street parking conditions can change, while others felt that it seemed to suggest that there is otherwise a right to utilize street parking that doesn't exist.

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

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

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

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

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

The remainder of this Article is unchanged:

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

Gene Bergman's Dec. 10, 2019 Testimony to the Joint Committee on CDO amendments to Parking Requirements & TDM with subsequently added comments.

1. **The joining of TDM to the Major Impact Development threshold** means that it only covers large developments: for the downtown 50 units of residential and 50k sf for commercial/office & mixed use. See Art. 3, § 3.5.2 (b) (Major Impact Review thresholds); Art. 8, § 8.1.16 (b) (proposed ordinance lines 402-406, pp.8-20) (threshold for TDM applicability); Art. 8, § 8.1.3 (c) (proposed ordinance lines 39-74, p. 8-2) (Multimodal Parking District).

Commented [DEW1]: Reduced to 10 units or more...

This means that the proposal is not ambitious enough to meet the crisis of climate change.

There is a large reduction of parking costs for all sorts of uses, residential and non-residential, that we've historically known have parking needs. There is going to be a lot of parking that we won't be requiring even though we know there will be a lot of transportation, including parking, needs. We need TDM for more than the large numbers required for the downtown and neighborhood major impact review.

Look at the requirements in Art. 8, § 8.1.8 (proposed ordinance pp. 8-5—8-11). The transportation related needs that we have identified in the purposes stated in § 8.1.16 (proposed ordinance lines 393-401, p. 8-19) still exist for small developments. Therefore, the threshold to require TDM should be lowered.

I have a proposal at the end of this written testimony.

2. The recording keeping requirement in the outreach and education section, § 8.1.16 (c)(a)(3), should more clearly state that it also includes the info on the info on the annual meeting and the materials prepped (i.e., survey). The existing language does not make it totally clear that this is required because arguably the required meeting is not a strategy and attendance therein may not necessarily fall under the term "participation rates". See Art. 8, § 8.1.16 (c)(a)(2), (3) (proposed ordinance lines 411-429, p.8-20).
3. Regarding the "guaranteed ride home", I think it should either be defined in the ordinance or referred to the zoning administrator to create the definition. It is a term of art, as indicated by the quotation marks around it but there is no definition. See Art. 8, § 8.1.16 (c)(b)(i). The guaranteed ride home concept

Commented [DEW2]: done

can include or exclude a number of things and it would be important to create a “floor” to require a base line service. See Go Vermont for a description of its program: <https://www.connectingcommuters.org/programs/guaranteed-ride-home-benefit/>.

Commented [DEW3]: done

4. TDM should always include bike facilities, not just if parking is built. See Art. 8, § 8.1.16 (c)(b) (proposed ordinance lines 430-461, pp. 8-20 – 8-21 (bike facilities not required where on-site parking is not developed)). I understand that there is an independent CDO requirement for bike facilities but that is not referenced here and for clarity and ease of use the TDM section should cross reference that part. See Art. 8, Part 2, Bicycle Parking (existing ordinance pp. 8-16 – 8-21).

Commented [DEW4]: done

Also, in the existing ordinance while the bike parking requirements come into effect for new development and changes in land use, the requirements are not triggered by changes in a structure that are less than a 25% increase or decrease of the gross floor area, seating capacity, or number of dwelling units. It seems that for TDM required in the downtown and the transit corridors of the Multimodal Parking District we should consider eliminating this threshold because of the need to maximize bike parking facilities to the greatest extent possible. This can be done by referencing Art. 8, Part 2 in the TDM section but adding that for purposes of the TDM requirements the bike parking requirement applies to all changes to a structure that require a zoning permit.

5. “Priority parking” should be defined to make it clearer to the average person who is navigating this ordinance. See § 8.1.16 (c)(b)(4) (proposed ordinance line 450, p. 8-21).
6. The car share and carpool thresholds (20 residential units for carshare and 20 parking spaces for non-residential uses) are too high and should be reduced. Carshare should be an element for non-residential uses, which as proposed it is not. See § 8.1.16 (c)(b)(4)(c) and (d) (proposed ordinance lines 454- 461, p. 8-21)
7. I support the agreement requirement and think it makes the requirements transparent, putting all on notice about what it is expected. See § 8.1.16 (c)(c) (proposed ordinance lines 462 – 476, p. 8-21).
8. I would like to see even more required from the largest developments. Cambridge includes free shuttle buses, transit infrastructure like bus shelters, showers and lockers, joining a Transportation Management Agency, and incentives for walking or biking. If the TDM applicability threshold is lowered,

Commented [DEW5]: done

then the Major Impact Development threshold could form a bright line for where more is required.

9. On the release of prior parking requirements, if these spaces are to be redeveloped, we want and need TDM made a requirement for the new development to make the parking and auto needs as low as possible. This is why reducing the threshold is so important. See proposed ordinance lines 68 - 73, p. 8-2.
10. The Planning Commission asked for suggestions as to:
 - a. What the proper threshold would be for the TDM requirement?

The Major Impact Development threshold for the Residential Median Density-Residential High Density districts is the appropriate threshold to make TDM requirements applicable because these districts are where we want new housing and are also most prone to redevelopment, in-fill, and walkability. **The standard in those districts is 10 or more dwelling units, 10 or more lots created, and a development footprint of 8,000 s.f. or the creation of 15,000 s.f. of gross floor area.** This means not simply stating that TDM is required of all projects submit to Major Impact Review, as we do in the proposal thus far. I would leave the TDM threshold for the residential low density and RCO districts where they are under Major Impact Review. See § 3.5.2 (b) (existing ordinance pp. 3-28 – 3-29).

Commented [DEW6]: done, but one standard citywide

- b. What options could there be for owners of multiple properties?

Perhaps for purposes of TDM an association of owners could be created that would qualify for treatment under the Institutional Parking Plan ordinances. See Art. 8, Part 3 (existing ordinances). If this were to be considered, there would have to be provisions to ensure long term compliance and the ability of the City to monitor and impose requirements when the composition of associations changes.

Burlington Planning Commission

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

Burlington Joint Planning Commission

Tuesday, December 4, 2019, 6:30 P.M.

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

Draft Minutes

Members Present	Planning Commission: A Montroll, A Friend, H Roen, E Lee, Y Bradley, B Baker City Council: C Mason
Members Absent	Planning Commission: Y Bradley; City Council: A Roof, S Bushor
Staff Present	M Tuttle, D White, S Durmick

I. Agenda

Call to Order	Time: 6:36
Agenda	No changes to the agenda

II. Public Forum

Name	Comment	Commission Action
Amy Magyar	Consider allowing Accessory Dwelling Units (ADUs) on duplex properties, and clarify the language re: change of use. DPW needs to understand how to interpret the language so it is consistent with the intent and help the public be successful in ADU creation.	
Sandy Thibault	Came to offer CATMA as a resource and to engage around the conversation of minimum parking requirements, particularly Transportation Demand Management (TDM)	
Cheryl Campbell	Unable to change the use of a 3-car garage on property in a high-density zone due to setbacks and other regulations. Seeking an ordinance change to make renovation more feasible.	

III. Proposed CDO Amendment: ZA-20-04 Minimum Parking Requirements

Discussed proposed amendment and provided direction to staff to inform revisions to the draft		
Motion by: NA	Second by: NA	Vote: NA
Type: Discussion	Presented by: D White	
Discussion/Notes:) D White presented proposed ordinance language based on previous Committee discussions, which can be found online: https://www.burlingtonvt.gov/PZ/PC/Agendas) A Friend noted that the language in <i>Table 8.1.9-1 Maximum Off-Street Parking Requirements</i> is difficult to understand. M Tuttle responded that staff could think about how to reword the table or include examples to clarify its meaning.) C Mason asked if the numbers in <i>Table 8.1.8-1</i> are based on staff assessment of higher vs. lower demand. D White responded that the numbers originate from a Parking Manual produced by		

Wednesday, December 4, 2019

the Institute of Transportation Engineers, yet are inherently inaccurate because they come from too small of a sample size. However, other than changing the requirements for the Mixed Use Multimodal district, and introducing a few new uses, there are no recommended changes to these ratios.

- J E Lee inquired about proposed *Map 8.1.3-1* where there are "islands" surrounded by areas where no parking is required. D White responded that the parking districts are based on mixed-use zoning districts and frontage on major thoroughfares in *planBTV*, with small residential pockets surrounded by these districts (i.e. S. Champlain b/w King & Maple).
- J A Montroll expressed concern over "current industry publications" for demonstrating shared parking because publications may not use uniform methodologies/viewpoints. B Baker noted that currently the DRB is free to make a decision on proposed sharing. C Mason asked if this is a change from current practice, and if so what is gained. D White noted the intent was to use the publication to enable staff's administrative approval of shared parking plans, but maintain the DRB process for relief. It was noted that there may need to be a reference to the DRB process to ensure that this is clear.
- J H Roen asked why there are just two TDM strategies within the proposal when there are many available. D White replied that the two strategies included are required because they have the most return on investment due to the geographic location of this new parking district, but that applicants are able to utilize additional strategies if they wish.
- J J Wallace-Brodeur asked if the ordinance would allow employers to continue to provide free parking to employees. B Baker noted that as written, this suggests that parking would be leased directly from the landlord. A Montroll and C Mason that ordinance should not create a relationship between the property owner and the tenants' employees, but rather allow tenant(s) (an employer) to decide how to allocate passes. Based on discussion, D White noted the clause would be eliminated from the draft ordinance.
- J J Wallace-Brodeur asked an agreement would require a developer to acknowledge they have no legal claim to on-street parking spaces, since this is already true. D White responded that the intent is to ensure the applicant is fully aware that they have no legal claim to public parking and that conditions could change. B Baker expressed concern that stating this, despite the fact that it is already the law, is an argument for removing on-street parking and discourages an open and public dialogue. E Lee felt that this simply acknowledges a developer should not make assumptions about availability of public parking when planning their parking needs.

IV. Commissioner Items

Action: N/A		
Motion by: NA	Second by: NA	Vote: NA
Type:	Presented by: NA	
Discussion/Notes:		
J Next Joint Committee Meeting on Tuesday, December 10 th at 6:30p in Contois		
J E Lee proposed a working session for the Planning Commission to get all of their city emails back up and running.		

V. Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second by: H Roen	Vote: Approved Unanimously
Type: Action	Presented by: A Montroll	
Approved Minutes:		
Joint Committee Meeting on November 12, 2019		

*Wednesday, December 4, 2019***Communications Filed:**

-) Memo from CarShare regarding to the proposed parking reforms
-) Email from Caryn Long regarding changes to parking requirements
-) Email from Michael Long regarding the elimination of minimum parking requirements

VI. Adjourn

Adjournment		Time: 8:21pm
Motion: E Lee	Second: A Friend	Vote: Approved Unanimously

DRAFT

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Burlington Joint Planning Commission

Tuesday, December 4, 2019, 6:30 P.M.

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

Draft Minutes

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

I. Agenda

Call to Order	Time: 6:35
Agenda	No changes to the agenda

II. Public Forum

Name	Comment	Commission Action
Sophie Quest	Incredibly difficult for daughter to permit an ADU. Paid to build an extra parking space because it was required, but it has yet to be used. Supports efforts to make the ADU process simpler.	
Ruby Perry	Explained how her family made an effort to reach out and educate their neighbors and build community while in the process of building an ADU.	
Andrew Simon	Spoke in favor of ZA-20-03. Noted that the permitting process took significantly longer than the building process, partly because of struggling with the City to comply with the parking requirements. Recommended a book called <i>Backdoor Revolution</i> on the topic of ADUs	
Missa Aloisi	As an architect, has worked on 4 ADU projects in Burlington which were all age-in-place scenarios, the largest was 600 square feet, and most of the others did move forward because they could not meet the lot coverage limit.	
Tammie Brownell	Would like to transform a deteriorating greenhouse into an ADU for the purpose of aging-in-place. Expressed that ADUs build communities, preserve structures which would otherwise be torn down because of they generate additional income. Currently has room for 2 cars, but would need 3 spaces to meet how the ordinance is currently written. Concerned that Burlington is losing its workforce because	o

	workers can't find a place to live; believe that ADUs could be part of the solution to this problem.	
Michael Long	Remarked that a standard parking space generates around 4,000 gallons of runoff per year in Burlington. Would like the City to recognize that new development will generate more traffic and demand for parking; eliminating all parking requirements would be irresponsible because it does not deal with the City's transportation needs. Supports maintaining the owner-occupied requirement for ADUs.	
Carolyn Bates	Advocated for tiny homes for many years, and encouraged the Commission to do all that they can to make ADUs an easy and viable option for property owners. Suggested that they bring in tiny home building experts so they can have modular units designed.	
David Perches	Commented that the across the board 30% ADU size restriction is concerning.	
Laurie M.	Excited about the possibility of building an ADU, and hopes that the proposed changes will help with the process.	
Amy Magyar	Thanked the committee and staff for the consideration and care taken to move this ordinance forward with public input. Applauded staff for working to put together a document to make it easier to build ADUs in Burlington.	

III. Public Hearing: Proposed CDO Amendment ZA-20-02 Accessory Uses & Structures

Action: Approve municipal bylaw amendment report and forward to Council		
Motion by: A Friend	Second by: E Lee	Vote: Approved Unanimously
Type: Discussion/Action	Presented by: S Gustin	
Discussion/Notes:		
S Gustin summarized the changes made by the proposed amendment which include cleaning up how the terms accessory, primary, principal are used throughout the zoning ordinance.		
B Baker opened the public hearing.		
- S Bushor raised the concern that the size of a garage is tied to the number of bedrooms per dwelling, meaning that a 5-bedroom house can have a 5-car garage. She suggested that the Commission consider tightening this limitation to decrease the permitted size of a garage. - D White noted that this amendment removes duplication between the form-based code and other sections of the ordinance. In order to streamline, need to additionally ensure that whenever the terms "structure(s)" or "building(s)" appear, the terms are used together. Will make these additional edits to the ordinance before it is referred to Council.		
B Baker closed the public hearing.		

IV. Public Hearing: Proposed CDO Amendment ZA-20-03 Accessory Dwelling Units

Action: Approve municipal bylaw amendment report and forward to Council		
Motion by: J Wallace	Second by: H Roen	Vote: Approved Unanimously
Type: Discussion/Action	Presented by: M Tuttle	
Discussion/Notes: M Tuttle presented the changes made to the proposed CDO Amendment ZA-20-03, which enable ADU's as a permitted use for single-family homes in all zoning districts, create an alternative maximum size, provide a lot coverage waiver provision when stormwater is managed, and eliminates the parking requirement and enables stacked parking.		

B Baker opened the Public Hearing:

- Kirby Dunn, HomeShare VT: Working to develop stand-alone designs to be used by homeowners as a starting point for developing an ADU. Passing of this ordinance will allow Homeshare to provide more technical assistance and support to Burlington residents. Hopes no changes are made to the owner occupancy requirement at this time.
- Missa Aloisi ranked parking as the number one barrier to building ADUs followed by size. Multiple projects she could not accept because of issues related to parking. Sweet spot for ADU size is around 600 sq.ft, because it is what clients can afford. Increasing ADU size to 800 sq.ft. will not necessarily mean that all ADUs will be built larger, but will rather allow flexibility in situations where it makes sense.
- H Roen asked for clarification that the owner occupancy requirement is still intact in the ordinance. M Tuttle confirmed that the amendment warned for public hearing maintains the owner occupancy requirement.
- J Wallace Brodeur commented that she appreciates the Mayor's communication regarding owner occupancy as an impediment to building more housing, but concerned that Committee has not heard from the public about this barrier. Maintaining the requirement is a prudent move in maintaining the character of Burlington neighborhoods, and could be revisited if it does prove to be a barrier.
- S Bushor noted that Ward 1 constituents she connected with were not comfortable with removing the owner occupancy requirement. She agreed that they should keep the owner occupancy requirement for now, and can revisit it later on if deemed necessary
- A Roof felt the debate about the requirement is about whether ADUs are just about supporting families and aging in place, or also about increasing the number of rental units in Burlington. Lack of this requirement will affect all neighborhoods differently depending upon their composition, and did not feel that this was the time to further the debate. Worth discussing the staff point about a waiver of the requirement for circumstances (sabbatical, military, etc.).
- E Lee stated that taking away the owner-occupancy requirement would cause tremendous pushback on this amendment, further delay its passing through City Council, and negatively affect the composition of certain neighborhoods near the institutions.
- B Baker asked if the Councilors preferred to vote regarding their support for the amendment. C Mason said that they are all supportive of moving forward but a vote would not be necessary.

B Baker closed the public hearing.

V. Proposed CDO Amendment: ZA-20-04 Minimum Parking

Action: No action		
Motion by: NA	Second by: NA	Vote:
Type: Discussion	Presented by: D White	
Discussion/Notes:		
• S Bushor asked if all of the Neighborhood Activity Centers have adequate parking. D White does not know the status of parking utilization, but confirmed that all have mixed-use developments adjacent to public transit, which should lower the parking demand. • S Bushor asked about how the lack of parking would affect Colchester Ave, and expressed concern about the removal of parking for tenants. D White responded that minimum parking requirements would not apply to properties fronting the corridor, except the institutions, because the corridor is served by relatively high frequency public transit. • E Lee noted that if the City charged for on-street spaces in residential areas, it would bring in millions of dollars in revenue which could be invested in the public transportation system. • E Lee asked if someone could join CATMA to meet the TDM requirements, and what the cost would be. D White responded that this is possible, but cannot be required. M Tuttle added that		

Tuesday, December 10, 2019

the expense depends on the size of the business or project, and that residential members of CATMA is fairly new.

- B Baker commented that 50,000 sq.ft. could very well handle a TDM requirement, whereas nine units may be a greater challenge to implement. But 50,000 sq.ft. sounds too high and nine units sounds too low.
- Jack Hanson noted that he does not own a car, but is essentially paying a tax for parking because parking is built into the cost of rent in his 10-unit apartment complex.
- Gene Bergman observed that one size does not fit all for TDM; different categories and requirements are needed. Noted that much of the language in the ordinance needs to be clarified so that it would be easier for the public to understand and expressed that the carshare and carpooling thresholds are too high.
- A Friend offered increasing the TDM triggers for residential-low density major impact projects from five to 10 units, but lowering the triggers for larger projects in mixed-use areas. Jack Hanson replied that he supports lower triggers everywhere.
- B Baker suggested allowing more flexibility for those with multiple smaller projects for managing their lots through some kind of parking management mechanism. M Tuttle replied that this is an idea they could look further into at the next meeting

VI. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Next Planning Commission meeting is on Tuesday, January 7th as a joint meeting with DRB, DAB, Conservation Board. - Next Joint Committee meeting is on Tuesday, January 14th		

VII. Communications

Action: Accepted the communications.		
Motion by : E Lee	Second: A Friend	Vote: Approved Unanimously
- Memo from Erhard Mahnke in relation to Accessory Dwelling Units - Memo from Mayor Miro Weinberger in relation to owner-occupancy requirements for ADUs - ADU Concept draft design from HomeShare VT - Memo from AARP VT, BBA, and HomeShare VT in relation to ADUs		

VIII. Adjourn

Adjournment	Time: 8:35	
Motion: A Friend	Second: E Lee	Vote: Approved Unanimously

Meagan Tuttle

From: Amy Gonyaw <amygonyaw@gmail.com>
Sent: Thursday, December 12, 2019 7:51 AM
To: Meagan Tuttle
Cc: Brian Pine
Subject: Fwd: Short Term Housing Proposal Feedback

Hi Meagan-

Would you make sure my email (below) makes it into the packet for the council meeting in January when short term rentals will be discussed?

Thank you
Amy

There are two aspects of the current short-term rental proposal that concern me: requiring a host to live in the multi-unit in which they have a short-term rental and requiring a change of use rather than simply requiring a short-term rental to register with the City.

I agree with regulating short term rentals. Please regulate them by limiting the number of short-term rentals an individual can have **and** the number allowed in multiunit buildings. **This makes sense.** We don't want companies coming in and starting up many Airbnb's- a real concern. If you limit the number that one person can have you will keep large landlords and outside prospectors from running many short-term rentals. This will keep more rentals on the long-term market and let many small property owners supplement their income with short term rentals.

Here is my situation for you to judge my short-term rentals:

I live 10 miles out of town, have one 3-unit property that was my residence before I met my husband and started a family a few years ago. I use the income from two short-term rentals (I understand that as the proposal is written I would need to remove one short term rental, I am fine with this) to support my family, improve the property (in the past two years: new roof, full interior and exterior paint job, heat pumps) and to provide my elderly tenant in the third unit an affordable apartment. My property is in the high density residential district, in the southern part of the block defined by King, Pine, S. Champlain and Main Streets, arguably appropriate to be added to the downtown district (half of the block is downtown district with more proposed to be added by the Council). My guests park their car in the leased parking spot I provide and spend their time walking around the City. My Airbnb has never received a complaint including from the neighbors.

I work for the Dept. of Health in Burlington and think every day about how to regulate in favor of the health and wellbeing of Vermonters, while being mindful of how our policies might produce unintended consequences. I am concerned about the motivations and unintended consequences of the current short-term rental proposal. I am afraid the proposal in its current state will 1) limit the increasing growth and vibrancy of Burlington 2) have no impact on increasing the affordability of Burlington 3) hurt one group of people in favor of another (those who live in their multiunit) to little advantage.

Below are my thought in relation to some City Council concerns which were relayed to me by Brian Pine in an email exchange earlier this week:

Absentee operation of a short-term rentals:

Short term rental platforms have a rating system completed by host and guest. I use Airbnb. Hosts are removed from renting Airbnb if they get too many 3 star ratings. Guests can also be removed from Airbnb. I can block a guest from returning. I am a Superhost on Airbnb, I maintain the highest rating, a 5 star rating. I do this through monitoring my building daily and carefully reading all of my reviews. I maintain the 5 star reviews by offering an exceptionally clean and safe property. If it weren't the guests would leave me bad reviews and my Airbnb would quickly end. Communities have existing avenues to address nuisances if short term rentals become problematic: Burlington has a Noise Ordinance with fines and short-term rental complaints can be registered with the City like other complaints. I have found that short term rental guests are extremely considerate and respectful. Please consider, how many complaints the City of Burlington has received around short term rentals and how many around college students?!

Transient population:

My long-term tenant who lives below my Airbnb by far prefers the Airbnb guests to the long-term renters I had before. The Airbnb guests are quieter and cleaner. The long-term renters who used to be there were a curse for her: they caused pest problems because they weren't clean, were loud and threw cigarette butts on the ground. The Airbnb is cleaned every day and the guests are exceptionally thoughtful. The guests care about the reviews that will be left and know that if they cause damage Airbnb will seek reparation. Because my building is in the High Density Residential zone it is well suited to short term rentals; it is in a busy section of town, my rental is not noticed by the neighbors.

Loss of long-term housing:

We all know that we need more affordable housing in Burlington. This has been a constant problem long before short term rentals came on the scene. Let's increase jobs and salaries in Burlington and address other sources of poverty. Let's not limit the tourist money coming in that is increasing jobs and salaries which intern will reduce poverty. 1) Please change the ordinance to allow for more building! Let's grow the city, not squash a means of making secondary income that benefits the economy of the City. 2) UVM has 12,000 students and only 5800 housing spots on campus. Just think, if UVM were required to house all of their students, 6200 bedrooms could be returned Burlington along with removing student ghettos. If you are worried about transient populations harmful to Burlington communities look no farther. 3) Why not allow short term rentals in multi units smaller than 6 as is in the proposal, with only a certain number allowed to be short term. Limit the overall number of short-term rentals one host can have. If the host does not live in the building, require that one of the units be rented at below market value (you define it, I know you have this information on what people can afford). This mirrors the requirement of some new apartment buildings to have a certain percent affordable housing. This would instantly produce affordable housing for Burlington.

Parking:

South Burlington just eliminated minimum parking requirements as they found they had excess parking. Burlington's study produced similar findings. In Burlington, parking is used to restrict

use even when the desired use has little to do with parking. For the sake of moving away from an archaic ordinance please seriously consider not using parking to restrict short term rentals. You could ask short term rentals to lease parking spots- this is doable in Burlington because there are plenty of garage spots. Ask short-term rentals to register with the City, do not require a change of use. **Change of use is currently tightly tied to the outdated parking requirements.**

Meagan Tuttle wrote to me on the topic of requiring a change of use of short-term rentals:

“However, if the property is a neighborhood parking district, the non-conformity could be extended to the STR, but not back again, because the parking requirement is 2 per unit. Once a non-conforming use is abandoned, it cannot be reverted to.”

The parking requirements for change of use don’t make sense. Especially when the committee is simultaneously considering reducing parking requirements downtown.

My building does not have parking. I lease two parking spots from a nearby private garage for the short-term rentals. If the committee were to require a change of use rather than just a registry for short-term rentals I would have to shut mine down simply due to parking. I strongly question if the location of my short-term rental is harming the city because it doesn’t have parking. This seems to be the point for the committee to decide because change of use effectively deals with parking. Guests come with 1 car when they stay in my 3-bedroom apartment. In the past when I rented it EACH of 3 tenants had a car that they parked on the street. I ask you to pause and consider this carefully.

Allowing developers to build downtown without adding parking while tying short term rentals to parking requirements doesn’t make sense and is profoundly unfair. The discussion should be do we need more parking or not? Since you are allowing developers to build with out adding it seems you believe we don’t need more. So don’t overly burden short term rentals with parking requirements while handing developers a gift of no parking requirements- This is the kind of favoritism that upsets the public against the City.

To recap my major points: Fears around absentee short-term rental hosts (hosts that don’t live in their short-term rental) are unwarranted. I no longer live in my multiunit but need to tend to it carefully to keep it successful. Tying short term rentals to increased parking requirements doesn’t make sense because when people travel they don’t bring multiple cars; when they live in a multi bedroom apartment long term they DO keep a multiple cars- one per bedroom. Logically, long term rentals should have more parking required, not less. In addition, there are plenty of private garage parking spots to lease.

In short, yes regulate short term rentals, but not with such a heavy hand as to cut out people like me. I would be one person with one Airbnb working hard to keep my Superhost rating by keeping guests and my neighbors happy as I do now.

Thank you for considering these points.

I will attend the council meeting in January.

[WARNING]: This message has originated from an External Source. Please use proper judgment and caution when opening attachments, clicking links, or responding to this email.

Meagan Tuttle

From: Chip Mason
Sent: Sunday, December 01, 2019 7:05 PM
To: Gretchen Kruesi
Cc: Meagan Tuttle
Subject: Re: Air BnB Regulations

Gretchen,

I am non the committee discussing but at this time the proposed changes will come out of the planning commission. I will forward your comments to Meagan Tuttle and also give you a heads up when the public hearing on Airbnb are scheduled. To my knowledge they have not.

Best,

Chip Mason

Sent from my iPhone

On Oct 29, 2019, at 1:17 PM, Gretchen Kruesi <gkruesi@gmail.com> wrote:

Hi Chip,

I heard from a neighbor who attended an NPA meeting that the city is considering adding additional ordinances around short term rentals and you are the person overseeing that process. If that is not the case and I should submit my comments below please let me know.

Thanks!

Gretchen

I don't know what is rumor and from what I've heard but what I was told that all Air BnB's will need to get a permit, require 2 parking spaces for homeowners and an additional 2 spaces for each room rented and that banning short term rentals is a possibility.

If there is a better format for sharing my opinion please let me know. I own my townhouse and rent out my guest room on Air BnB. It is my full-time residence and rent the guest bedroom on average 10-12 nights a month. As a 30 something with one income who very much wanted to stay in Vermont (specifically Burlington), there is no way I could afford to buy my home without Air BnB. I understand the squeeze on affordable housing but I do think there is a difference between homes that are full-time Air BnB's vs. those that live there full time and rent a spare room. Additionally, my neighborhood (South Meadows condo Association - I am a market rate owner) has private roads. I would find it inappropriate to require additional parking when the city doesn't even plow our streets. And I live in a 3 bedroom with 1 car - why would I need additional

parking when even when I have guests (only part-time) I'm using fewer parking resources than my neighbors (again not sure what is a rumor).

I wanted to know (1) is there someplace online I can review the proposed changes (2) will the public be able to add their opinion before the city council.

If you want 30 somethings to be able to stay and purchase homes in Burlington, stay in Burlington, and continue to pay property taxes in Burlington it requires some hustle. I would be forced to leave if I am not able to continue to rent my guest room on Air BnB.

Gretchen

--

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

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

From: [Chip Mason](#)
To: [Maggie Sherman](#)
Cc: [Brian Pine](#)
Subject: Re: short term rental issue
Date: Sunday, December 01, 2019 7:10:01 PM

Maggie,

The proposed regulations to be discussed by a joint committee of which I am a member (not the chair) are as follows:

<https://www.burlingtonvt.gov/mayor/housingpolicy/str>

Please feel free to share any comments with me and Meagan Tuttle, mtuttle@burlingtonvt.gov. The committee has not yet taken up the proposed changes.

Best.

Sent from my iPhone

On Nov 13, 2019, at 2:43 PM, Maggie Sherman <maggie@oneofakindbnb.com> wrote:

[WARNING]: External Message

Hi Chip, I trust this finds you well.

I went to the Mayor's public gathering at the Bagel Bakery today and was given your name as head of the Ordinance Committee.

My concern is the ballooning short term rentals now on Lakeview Terrace. There are now twelve Airbnb's on my side (the lake side) of the street.

I am a registered and licensed Bed and Breakfast. I was the first on the street to establish myself. I went through all the proper city channels to do so. I have been in business for fifteen years. From the past two years, my gross receipts are down 30%.

The main issue I have with these instant short term rentals is lack of fairness to me as a small business owner.

It is my understanding city planning and zoning is a way to help protect the city's small business owners (like myself) from external larger entities coming in to undercut.

I would appreciate my voice being heard. I do not feel the city has my best

interests, as a small business owner, as a concern.

Sincerely,
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

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

Meagan Tuttle

From: Maggie Sherman <maggie@oneofakindbnb.com>
Sent: Tuesday, December 03, 2019 9:54 AM
To: Meagan Tuttle
Cc: Chip Mason; Brian Pine
Subject: Re: short term rental issue

Hi Meagan, Thank you for responding to the comment form I submitted.

I reiterate on my comment about the age/gender stats that Airbnb posts of women over 60 are the majority who offer rooms through their format.

These stats are in keeping with the National marketing stats that have been posted since I researched the market prior to establishing my business in 2004. Renting rooms has long been a way for older women to supplement their income. The present day short term rental platforms have made an “instant” opportunity for those who are reticent to go through the proper channels to establish a business. This is contrary to and in competition with those of us who have gone through the proper channels to establish registered and licensed businesses with both the city and the state.

Again, I am hoping the city will do diligence in protecting the small legitimate business owners, like myself, from the encroaching corporate business models of the national short term rental formats at hand. This could be done by limiting their numbers within neighborhoods or by establishing districts for these kind of short term rentals. After all, this is what planning and zoning guidelines are about... a way to preserve and protect community where neighbor knows neighbor.

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

On Dec 3, 2019, at 9:24 AM, Meagan Tuttle <mtuttle@burlingtonvt.gov> wrote:

Hello Maggie,

Thank you for forwarding on your comments. I will include your email below for the Committee members when they begin to take up this issue, and will add your email to the list of people I notify when this topic will be on an agenda.

Best,
Meagan

Meagan Tuttle

From: Matt & Leda <tallandsmall@gmail.com>
Sent: Sunday, November 10, 2019 2:30 PM
To: Bruce D. Baker; Yves Bradley; Alexander Friend; Emily Annick Lee; Andrew Montroll; Harris Roen; jwallacebrodeaur@burlingtonvt.gov; Meagan Tuttle
Subject: Feedback on Short-term Rental Policy

[WARNING]: External Message

Greetings from Chipata, Zambia in Southern Africa...

I submitted the following feedback to the city and they suggested that I contact the committee members (lucky you). I wanted the city to reflect on my family's particular reasons for being an AirBnB host..., which doesn't meet the profiles that are reflected in the public stereotypes... We are a family who lives in both Burlington and Southern Africa (where I work for now), and live in Burlington four months of the year. The flexibility of AirBnB allows us to be grounded in Burlington.

What AirBnB means to me and my family.

Why we use AirBnB: Burlington Vermont is our home, but my work for one of Burlington's largest employers (Tetra Tech ARD) means that we have lived in Southern Africa for 8-9 months out of the year for five of the past six years. When we used to rent our house out for the full year, we'd come back for the summer or winter holidays and have to stay in friends' houses. Our kids would ask, "why we couldn't stay in our house, in their neighborhood" and connect with their friends during the summer. I can't think of any other mechanism beyond AirBnB, where we would have the flexibility to stay in our own house, when we are in Burlington.

Our house has our things, pictures / lives in it and we like sharing with visitors, who often remark and find common ground with our guests. The guests keep our house looking good and functioning well. If the yard is not nice or something doesn't work they tell us. Renters are fine, but can, "let the yard go," or break stuff and keep quiet. I find that AirBNB keeps us motivated to be good neighbors and to keep the house in top shape, more than our first experience of years with renters. This is good for the neighborhood. I know the houses in our neighborhood that are rentals and they are falling apart.

Who do we rent to? (in the past few months)

- Families who want to cook, or who have kids and appreciate the toys, and atmosphere of our home,
- People who have kids going through trouble at university and need to stay for a while (on AirBnB they can negotiate prices to find something that works for both of us),
- Friends looking for a reunion and want to stay close together,
- A family in the neighborhood who have just had a baby and whose family would like to help out for a few weeks at a time,
- New arrivals to town with family who need a place for a few weeks while they find something,
- People who travel with dogs,
- Two local BTV companies who bring in new employees for a staff meeting and can't afford to pay \$150 a night per person in a hotel.

Each of these groups is uniquely served by AirBnB. Yes, there are hotels and long-stay apartments, but they are more expensive and don't let you get to know a town in the same way. At least half of the people who stay with us are former or future Burlington residents and they don't want to experience a city they love (or want to fall in love with) from a hotel.

Economics: We generally use AirBnB from September to May (and come home a few times in between when i'm in Burlington for work). September and October and May are great months and we can be fully booked, but we can go whole months without a single guest in the winter. So a month of \$2700 is fine (I do not believe that this is an "average" for anyone in the low months), but it has to try and up for months where we may not have anyone. This past October... the highest month, we "made" \$70 over our operating costs, in November we will lose \$300 and December we will "lose" \$800 over our operating costs.

As far as costing people out of town, I think it is important to recognize that property taxes in Burlington are quite high and represent 40% of our total cost of home ownership. We lose money each year on our AirBnB / house, but have decided that it is worth it, so that our kids have a place to call home for a few months a year and for when we return. You may wish to link any new taxes/costs that are proposed in the policy to be linked to people or organizations' tax returns on the property. My fear is that you will be pushing for this sector to professionalize (and cut costs), which could push us small participants out of the market.

I could ramble quite a bit more, and am happy to if anyone is interested in understanding our family's particular predicament.

In reading the policy, I had some concerns:

I don't quite understand the position on the theory that restricting AirBnB will create reduced competition for rental units by requiring the host to live on the same property as the short-term rental.

1. I rent when I am not on my property (that's why I rent out the house). Short-term rental is crucial to allow my family to stay in Burlington. (I may be missing something here).

2. I don't see how this is going to reduce competition for rental houses in the segment of the market where I live in the South End. My mortgage and taxes for a two bedroom, 1,000 sq foot house add up to \$2100 a month. I just want to cover my costs until we return to Burlington, yet I've had a hard time finding people who are willing to pay for rentals that meet my break even costs (and certainly my time constraints - i.e. only want to rent for 9 months out of the year).

3. Finally, I think it a bit strange that we would put ourselves between Portland, Maine and San Francisco. Portland has a half a million people in the greater urban area and of course San Francisco Bay Area has 7 million people.

Really happy to discuss with anyone on these elements and why we do AirBnB and what we think it contributes to the larger community.

My email is tallandsmall@gmail.com

Thanks!

Meagan Tuttle

From: Linda Murphy
Sent: Monday, September 23, 2019 12:34 PM
To: Olivia LaVecchia; Meagan Tuttle
Subject: FW: Ongoing Airbnb Discussions

FYI,
Linda

From: Rolf Danielson <rolf@fairpoint.net>
Sent: Friday, September 20, 2019 4:10 PM
To: Linda Murphy <lmurphy@burlingtonvt.gov>
Subject: Re: Ongoing Airbnb Discussions

[WARNING]: External Message

Hi Linda,

When we spoke to the mayor last Thursday at the NPA meeting we asked if he'd be interested in hearing our input on short term rentals in Burlington. I was hoping you could pass this along.

My interest is in design. Airbnb has given me the opportunity to share this passion with people from around the world, retaining a five star rating with the guests that I've hosted. I've been able to offer visitors to Burlington an unique experience different from a large hotel; an experience that I equate to that which the local craft breweries offer similar (often the same) visitors to Burlington. This individualized experience I feel fits in well with the Vermont, as well as the Burlington, brand.

I agree that it is time to look into how Airbnb can fit into Burlington zoning. The fact is the internet has brought about a revolution in the economy. Individuals are now able to compete with large corporations. As I can see, the benefits are twofold with Airbnb. Not only are guests offered a more individualized experience, but hosts, those individuals that may assist hosts, and proprietors of local industries such as restaurants and breweries benefit from the additional revenue, revenue that is more likely to stay within the community rather than going to outside investors of large corporations.

I've heard some of the concerns over allowing this industry to be present in Burlington. Many of these concerns I feel are fabrications. One aspect that has made Airbnb so successful is their review system. It works and directly addresses concern over both guests and hosts acting inappropriately.

I can testify that noise from guests has not been an issue. Airbnb guests are overwhelmingly considerate, partly because they see themselves as guests and behave as such, and partly because they are concerned about getting a bad review. In the time that I've been a host I have not received a complaint from a neighbor. Where I have received a noise complaint from a neighbor was in renting long term to a group of recent college graduates prior to switching to Airbnb. What has worked for me is having strict quiet hours, a policy that I would recommend all short term rental hosts have in place in order to host in Burlington.

Airbnb hosts are highly motivated and accountable to maintain sanitary conditions. I can also pass on a review I received from a guest relating to health concerns: "cleaner than the Hilton". If I don't maintain very clean

conditions I will quickly receive reviews that would reflect this, my ratings would drop, affecting my ability to rent. Additionally, my rentals are maintained to the safety standards of Burlington Code Enforcement for rentals.

Affordable housing is a concern, a community concern that effects all of us. I acknowledge your strides towards addressing this. You know as well as I do that what is needed is more housing and that the number one issue limiting the development of more housing is need for reasonable zoning laws. Bottom line is that Burlington needs to build more housing in order to grow and increase the financial health of the city. It would be short sighted to significantly restrict Airbnbs in Burlington. Any regulations on Airbnb would be a drop in the bucket towards addressing affordable housing. Over regulation on the other hand would limit the individuals I mentioned above's ability to afford their own home. Airbnb rentals increase tourism which is a boost to the Burlington economy. On the other hand, increasing student housing on campus would relieve the cost of housing in Burlington along with addressing noise concerns, enhance city living for others and, potentially, help UVM address the substance use among students through supporting an on campus student culture that shifts the culture from substance use.

With this all said I do see a need to establish some form of zoning within Burlington to regulate Airbnb. Once again I'd be very interested in being part of the continued discussions and would appreciate knowing about further opportunities to weigh in,

Rolf

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



State of Vermont

LAND USE PERMIT AMENDMENT

CASE NO: 4C1186-3

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

LAWS/REGULATIONS INVOLVED

10 V.S.A. §§ 6001 - 6093 (Act 250)

District Environmental Commission #4 hereby issues Land Use Permit Amendment #4C1186-3, pursuant to the authority vested in it by 10 V.S.A. §§ 6001-6093. This permit amendment applies to the lands identified in Book 56, Page 177 and Book 46, Page 126, of the land records of Burlington, Vermont, as the subject of deeds to University of Vermont and State Agricultural College.

This permit specifically authorizes improvements to UVM's Recycling and Maintenance Zone including (1) construction of two salt storage sheds; (2) relocation of two existing salt brine tanks and addition of one larger brine tank; (3) relocation of a stormwater catchbasin; (4) removal of two existing sheds and construction of a new 10ft x 35ft shed; (5) construction of a fence and gated access; (6) installation of two Conex storage containers; and (7) removal and relocation of existing waste blocks (collectively the "Project"). One existing salt storage shed, and one existing brine tank will remain unaltered. The Project is located near Centennial Field at 0 University Road in Burlington, Vermont.

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

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

The approved plans are:

Sheet EX-1 - "Existing Conditions Plan," dated 9/13/19 (Exhibit #016);

Sheet SP-1 - "Site Plan," dated 9/13/19 (Exhibit #017);

Sheet SP-2 - "Erosion Prevention & Sediment Control Site Plan - Preconstruction," dated 9/13/19, last revised 11/5/19 (Exhibit #018a);

Sheet SP-3 - "Erosion Prevention & Sediment Control Site Plan - Stabilization Plan," dated 9/13/19, last revised 11/5/19 (Exhibit #019a);

Sheet CD-1 - "Civil Details," dated 9/13/19 (Exhibit #020);

Sheet CD-2 - "Civil Details," dated 9/13/19, last revised 11/5/19 (Exhibit #021a);

Sheet S-1 - "Salt Storage Sheds," dated 8/19/19 (Exhibit #022); and

Sheet PM-1 - "Site Photometric," dated 8/15/19 (Exhibit #023).

3. All conditions of Land Use Permit #4C1186 and amendments are in full force and effect except as further amended herein.
4. The Permittee shall comply with all of the conditions of the following Agency of Natural Resources Permit:
 - a. Individual Stormwater Discharge Permit #3627-INDC.13 issued on October 22, 2019 by the ANR Watershed Management Division.
5. Any nonmaterial changes to the permit listed in the preceding condition shall be automatically incorporated herein upon issuance by the Agency of Natural Resources.
6. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
7. A copy of this permit and plans shall be on the site at all times throughout the construction process.
8. No change shall be made to the design, operation or use of this Project without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
9. No further subdivision, alteration, and/or development on the tracts of land approved herein shall be permitted without a permit amendment issued by the District Commission or a jurisdictional opinion from the District Coordinator that a permit is not required.
10. Pursuant to 10 V.S.A. § 8005(c), the District Commission may at any time require that the permit holder file an affidavit certifying that the project is in compliance with the terms of this permit.
11. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and their successors and assigns.
12. Site work and construction traffic hours will be limited to 7:00AM to 6:00PM Monday through Friday, 8:00AM to 4:30PM Saturday and Sunday. No construction is authorized on State or Federal Holidays. Tractor trailers and dump trucks may only access and egress the site during non-peak hours.
13. The buildings approved herein are not approved for any manufacturing use or the on-site disposal of any process wastes. The Permittee shall apply and receive amended approval from the District Commission for any change in the use of the buildings which involves the storage or handling of any regulated substances or the generation of hazardous wastes.

14. No floor drains shall be installed without first obtaining a permit or submitting other necessary documentation, as required by the Vermont Department of Environmental Conservation.
15. The Permittee shall apply and maintain water and/or other agents approved by the Watershed Management Division in the Project's Erosion Prevention and Control Plan on all roadways or disturbed areas within the Project during construction and until pavement and/or vegetation is fully established to control dust.
16. Immediately upon initial grading or excavation, a stabilized construction entrance must be installed and maintained as shown on Exhibits #018a and 021a. At a minimum, this entrance must be constructed and maintained in accordance with the specifications as described in the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006). No further clearing or construction may occur until the stabilized construction entrance is complete.
17. At a minimum, the Permittee shall comply with the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
18. The Permittee shall comply with Exhibits #013, 014, 018a, 019a, 020 and 021a for erosion prevention and sediment control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion prevention and sediment control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas.
19. All mulch, siltation dams, water bars and other temporary devices shall be installed immediately upon grading and shall be maintained until all roads are permanently surfaced and all permanent vegetation is established on all slopes and disturbed areas. Topsoil stockpiles shall have the exposed earth completely mulched and have siltation checks around the base.
20. All areas of disturbance must have temporary or permanent stabilization within 14 days of the initial disturbance. After this time, any disturbance in the area must be stabilized at the end of each workday. The following exceptions apply: i) Stabilization is not required if work is to continue in the area within the next 24 hours and there is no precipitation forecast for the next 24 hours. ii) Stabilization is not required if the work is occurring in a self-contained excavation (i.e. no outlet) with a depth of 2 feet or greater (e.g. house foundation excavation, utility trenches).
21. All disturbed areas of the site shall be stabilized, seeded and mulched immediately upon completion of final grading. All disturbed areas not involved in winter construction shall be mulched and seeded before October 15. Between the periods of October 15 to April 15, all earth disturbing work shall conform with the "Requirements for Winter Construction" standards and specifications of the Department of Environmental Conservation's *Low Risk Site Handbook for Erosion Prevention and Sediment Control* (2006).
22. The Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the

Permittee from compliance with 10 V.S.A. (§§ 1250-1284) Chapter 47, Vermont's Water Pollution Control Law.

23. The Permittee shall maintain an undisturbed, naturally vegetated riparian zone along the Centennial Brook and the tributaries to the Centennial Brook. The riparian zone shall be measured inland, perpendicular to, and horizontally 50 feet from the top of bank and extend to the water's edge at base flow conditions. The term "undisturbed" means no activities that may cause or contribute to ground or vegetation disturbance, or soil compaction, including but not limited to construction; earth-moving activities; storage of materials; tree trimming or canopy removal; tree, shrub or groundcover removal; plowing or disposal of snow; grazing, brush-hogging and mowing.
24. The Permittee shall implement the *Best Management Practices: Recycling and Maintenance Zone Facility* for the management of salt, salted sand and brine. Exhibit #028. At all times, the Permittee shall provide prompt clean-up of spilled salt, salted sand and brine.
25. Prior to any site work, the Permittee shall install and maintain temporary fencing along the tree line to be retained.
26. The installation of exterior light fixtures is limited to those approved in Exhibit #023 and shall be mounted no higher than 20 feet above grade level. All exterior lighting shall be installed or shielded in such a manner as to conceal light sources and reflector surfaces from view beyond the perimeter of the area to be illuminated.
27. The Permittee shall not erect exterior signage without prior written approval from the District Coordinator or the Commission, whichever is appropriate under the Act 250 Rules. Signage includes banners, flags, and other advertising displays, excepting temporary real estate marketing signs and temporary Grand Opening signs.
28. Should the City at any time agree to accept any private utilities being then operated by the Permittee and/or assigns and successors in interest, the Permittee and/or assigns and successors in interest shall be responsible to improve the same to City specifications and shall deed all lands involved with said improvements to the City. Such improvements may require a land use permit amendment.
29. At the completion of the Project, and prior to the use of the Project, the Permittee shall certify by affidavit that the Project has been constructed in accordance with this permit pursuant to Act 250 Rule 32(A).
30. The Permittee shall provide each prospective purchaser of any interest in this Project a copy of the Land Use Permit Amendment before any written contract of sale is entered into.
31. The Permittee shall reference the requirements and conditions imposed by Land Use Permit 4C1186-3 in all deeds of conveyance and leases.
32. Pursuant to 10 V.S.A. § 6090(b)(1) this permit amendment is hereby issued for an indefinite term, as long as there is compliance with the conditions herein. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance

if the Permittee has not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. § 6091(b).

33. All site work and construction shall be completed in accordance with the approved plans by **October 1, 2022**, unless an extension of this date is approved in writing by the Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
34. The Permittee shall file a Certificate of Actual Construction Costs, on forms available from the Natural Resources Board, pursuant to 10 V.S.A. § 6083a(g) within one month after construction has been substantially completed or two years from the date of this permit, whichever shall occur first. Application for extension of time for good cause shown may be made to the District Commission. If actual construction costs exceed the original estimate, a supplemental fee based on actual construction costs must be paid at the time of certification in accordance with the fee schedule in effect at the time of application. Upon request, the Permittee shall provide all documents or other information necessary to substantiate the certification. Pursuant to existing law, failure to file the certification or pay any supplemental fee due constitutes grounds for permit revocation. The certificate of actual construction costs and any supplemental fee (by check payable to the "State of Vermont") shall be mailed to: Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201; Attention: Certification.
35. Failure to comply with any condition herein may be grounds for permit revocation pursuant to 10 V.S.A. sec. 6027(g).

Dated at Essex Junction, Vermont, this 26th day of December 2019.

By /s/Thomas A. Little, Chair
Thomas A. Little, Chair
District #4 Commission

Members participating in this decision:
Monique Gilbert
Kate Purcell

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

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

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

Page 6
Land Use Permit #4C1186-3

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

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

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Exhibit List

Application #	4C1186-3 (12/23/19)
Applicant(s)	The University of Vermont and State Agricultural College
Landowner(s)	Same as Applicant
Project Town(s):	Burlington



Natural Resources
Board

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
000		000 Exhibit List	
001	10/28/19	001 Act 250 Application Cover Letter	Applicant
002	10/28/19	002 Act 250 Application	Applicant
002a	12/23/19	002a Act 250 Application Page 2 Amended	Applicant
003	10/28/19	003 Schedule G - Signed	Applicant
004	10/28/19	004 Act 250 Application - Signed Pages	Applicant
005	10/28/19	005 Schedule A - Signed	Applicant
006	10/28/19	006 Schedule E - Adjoiner Information	Applicant
006a	10/29/19	006a Supplemental Adjoining Landowners	NRB
007	10/28/19	007 Application Project Narrative	Applicant
008	10/28/19	008 Project Location Plan	Applicant
009	10/28/19	009 Project Site Map	Applicant
010	10/28/19	010 City of Burlington Zoning Permit #20-0315CA	Applicant
011	10/28/19	011 Land Use Permit #4C1186, amendments and JO's	Applicant
012	10/28/19	012 NRCS Soils Maps	Applicant
013	10/28/19	013 City of Burlington EPSC Permit approval	Applicant
014	10/28/19	014 ANR Discharge Permit Number: 3627-INDC.13	Applicant
015	10/28/19	015 Existing Conditions Photographs	Applicant
016	10/28/19	016 Sheet EX-1 Existing Conditions Plan	Applicant
017	10/28/19	017 Sheet SP-1 Site Plan	Applicant
018	10/28/19	018 Sheet SP-2 Erosion Prevention & Sediment Control Site Plan Preconstruction	Applicant

No.	Date Received (Office Use Only)	Document Name/Description	Submitted By (Office Use Only)
018a	12/23/19	018a SP-2 Erosion Prevention & Sediment Control Site Plan Preconstruction (Rev. 11/5/19)	Applicant
019	10/28/19	019 SP-3 Erosion Prevention & Sediment Control Site Plan Stabilization Plan	Applicant
019a	12/23/19	019a SP-3 Erosion Prevention & Sediment Control Site Plan Stabilization Plan (Rev. 11/5/19)	Applicant
020	10/28/19	020 Sheet CD-1 Civil Details	Applicant
021	10/28/19	021 Sheet CD-2 Civil Details	Applicant
021a	12/23/19	021a Sheet CD-2 Civil Details (Rev. 11/5/19)	Applicant
022	10/28/19	022 Sheet S-1 Salt Storage Sheds	Applicant
023	10/28/19	023 Sheet PM-1 Site Photometric Plan	Applicant
024	10/28/19	024 Recycling Shed Elevations	Applicant
025	11/25/19	025 ANR Entry of Appearance and Comment Letter (11/25/19)	Applicant
026	12/23/19	026 Email by Kevin Anderson, ANR re Revisions to Best Management Practices Document (12/19/19)	ANR
027	12/23/19	027 Memo to R. Lomonaco, Dist. Coordinator re Follow-Up Info. (12/23/19)	Applicant
028	12/23/19	028 Best Management Practices	Applicant
029		029	
030		030	
031		031	
032		032	
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040		040	
041		041	
042		042	
043		043	
044		044	
045		045	

CERTIFICATE OF SERVICE

I hereby certify on this 26th day of December, 2019, a copy of the foregoing ACT 250 LAND USE PERMIT #4C1186-3, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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

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

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

Amy Bovee, Ass't City Clerk
Chair, City Council/Chair, City Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
burlingtontownclerk@burlingtonvt.gov
lolberg@burlingtonvt.gov
abovee@burlingtonvt.gov

Chair, City Council/Chair, City Planning Commission
City of South Burlington
575 Dorset Street
South Burlington, VT 05403
dkinville@sburl.com

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

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
ANR.Act250@vermont.gov

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

Craig Keller/Jeff Ramsey/Christopher Clow
VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
AOT.Act250@vermont.gov

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

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

FOR YOUR INFORMATION

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

Sharon Bushor
sbushor@burlingtonvt.gov

Dated at Essex Junction, Vermont, this 26th day of December, 2019.



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

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\UVM\4C1186\4C1186-3\Published Documents\District Commission Documents\4C1186-3 COS minor notice.docx

**ACT 250 NOTICE
APPLICATION 4C1320 AND HEARING
10 V.S.A. §§ 6001 - 6093**

On May 29, 2019, Colchester Avenue Housing, LLC, filed application **4C1320** for a Project described as the construction of a 71-unit residential apartment building with surface and underground parking on 3 adjoining lots. The Project is located at 72, 80 and 94 Colchester Avenue, in Burlington, Vermont. This application was deemed to be complete on December 23, 2019, after the receipt of supplemental evidence. This Project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A. § 6086(a).

A public hearing is scheduled for Thursday February 6, 2020 at the Essex Junction District Office of the Agency of Natural Resources, 111 West Street, Essex Junction, Vermont. **A site visit will be held before the hearing at 9:00 AM at the site**, starting in the parking lot located at 80 Colchester Avenue in Burlington, Vermont. The hearing will commence after the conclusion of the site visit, but not earlier than 9:30 AM.

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

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

If you plan on participating in the hearing on behalf of a group or organization, please bring: 1) a written description of the organization, its purposes, and the nature of its membership (10 V.S.A. § 6085(c)(2)(B)); 2) documentation that prior to the date of the hearing, you were duly authorized to speak for the organization; and 3) a position articulated by the organization with respect to the project's impacts under specific Act 250 Criteria.

If you would like further information regarding participation in this hearing, please contact the State Coordinator at the address below before the date of the first hearing or prehearing. If you have a disability for which you need accommodation in order to participate in the public hearing, please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

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

This application can be viewed online by visiting the Act 250 website (<http://nrb.vermont.gov>), clicking on "Act 250 Database" and entering the application number above (4C1320).

Dated at Essex Junction, Vermont this 24th day of December 2019.



By: _____

Aaron Brondyke, State Coordinator
111 West Street, Essex Junction, VT 05452
802-595-2735
aaron.brondyke@vermont.gov

Y:\NRB\Essex\DISTRICTS\DIST4\PROJECTS\4C1251-4C1500\4C1320\Published Documents\District Commission Documents\4C1320 major notice.docx

CERTIFICATE OF SERVICE

I hereby certify on this 24th day of December 2019, a copy of the foregoing ACT 250 APPLICATION & HEARING NOTICE #4C1320 was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

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

Colchester Avenue Housing, LLC
c/o FJ von Turkovich
One National Life Drive, M230
Montpelier, VT 05604
fvonturkovich@fvtlaw.com

Abby Dery/Karina Dailey
Trudell Consulting Engineers
478 Blair Park Road
Williston, VT 05495
abigail.dery@tcevt.com
karina.dailey@tcevt.com

Chair, Selectboard/Chair, Planning Commission
City of Burlington
149 Church Street
Burlington, VT 05401
burlingtontownclerk@burlingtonvt.gov
abovee@burlingtonvt.gov

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

Elizabeth Lord, Land Use Attorney/Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

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

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

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

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

FOR YOUR INFORMATION

District #4 Environmental Commission
Parker Riehle, Vice Chair
Monique Gilbert/Kate Purcell
111 West Street
Essex Junction, VT 05452

Linda Bullard/Department of Libraries
109 State Street
Montpelier, VT 05609-0601
linda.bullard@vermont.gov

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

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

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

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

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

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

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

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

ADJOINING LANDOWNERS

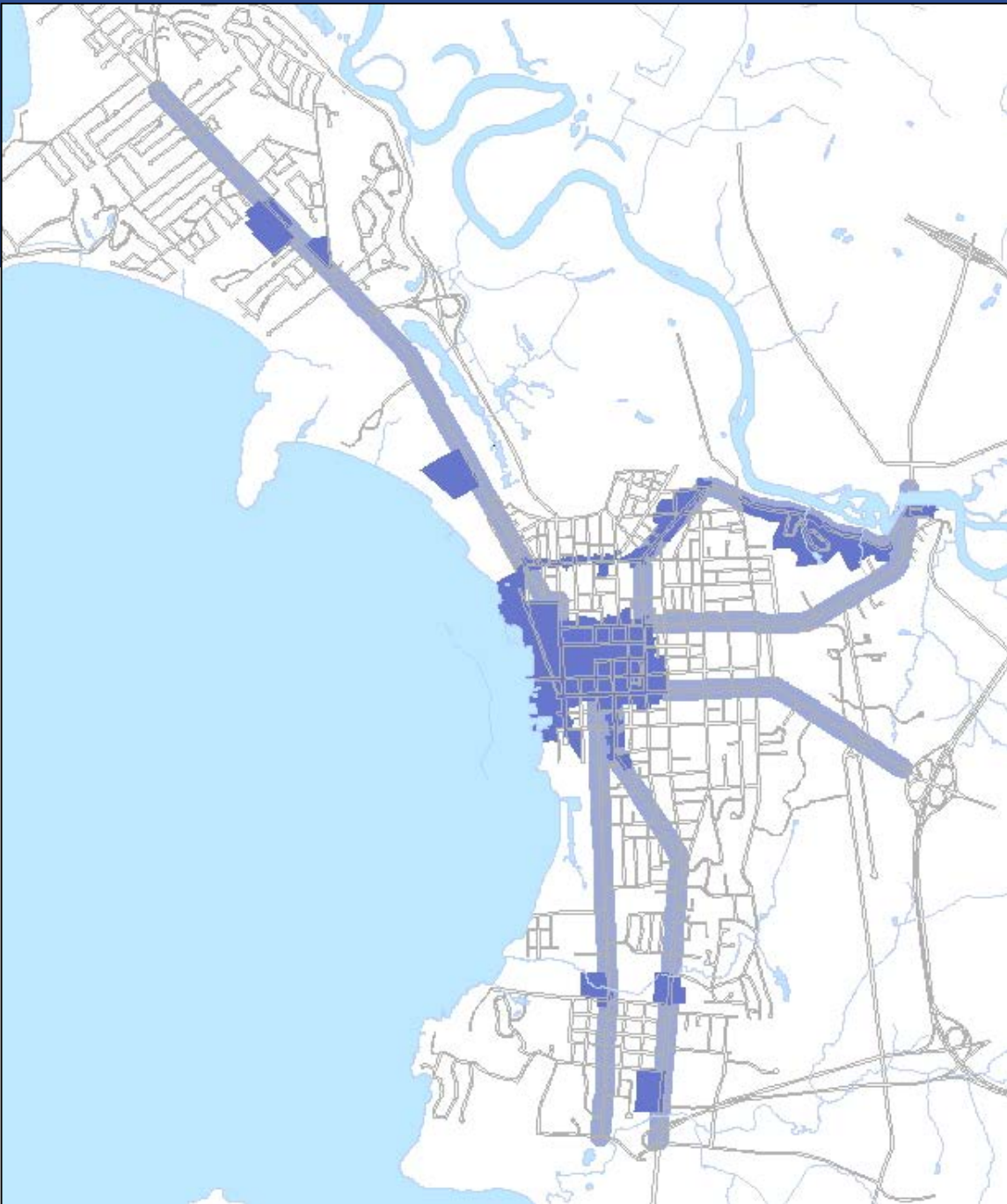
Available via:

<https://anrweb.vt.gov/PubDocs/ANR/Planning/4C1320/Application%20Documents/002%20Act%20250%20Application.pdf>

Dated at Essex Junction, Vermont, this 24th day of December, 2019.



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



Minimum Parking Requirements

What are we proposing?



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

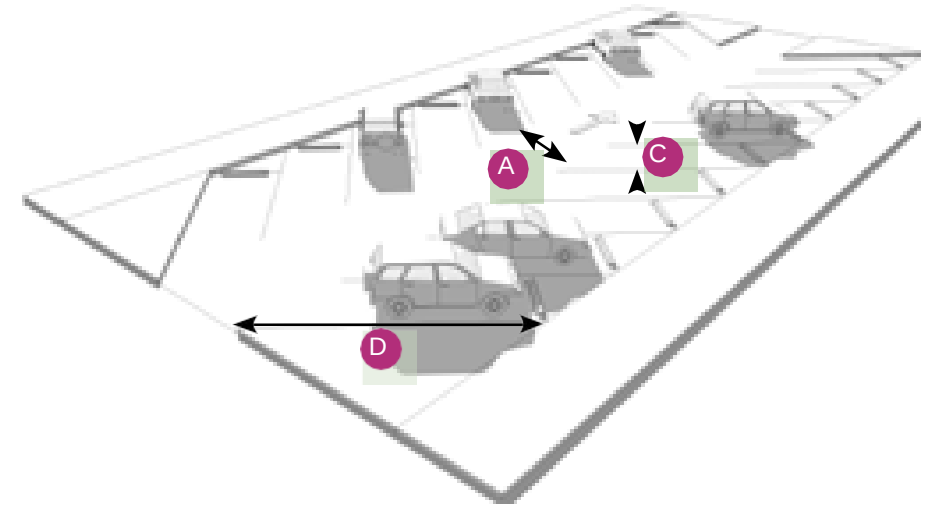
Minimum Parking Requirements

What are we proposing?



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

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

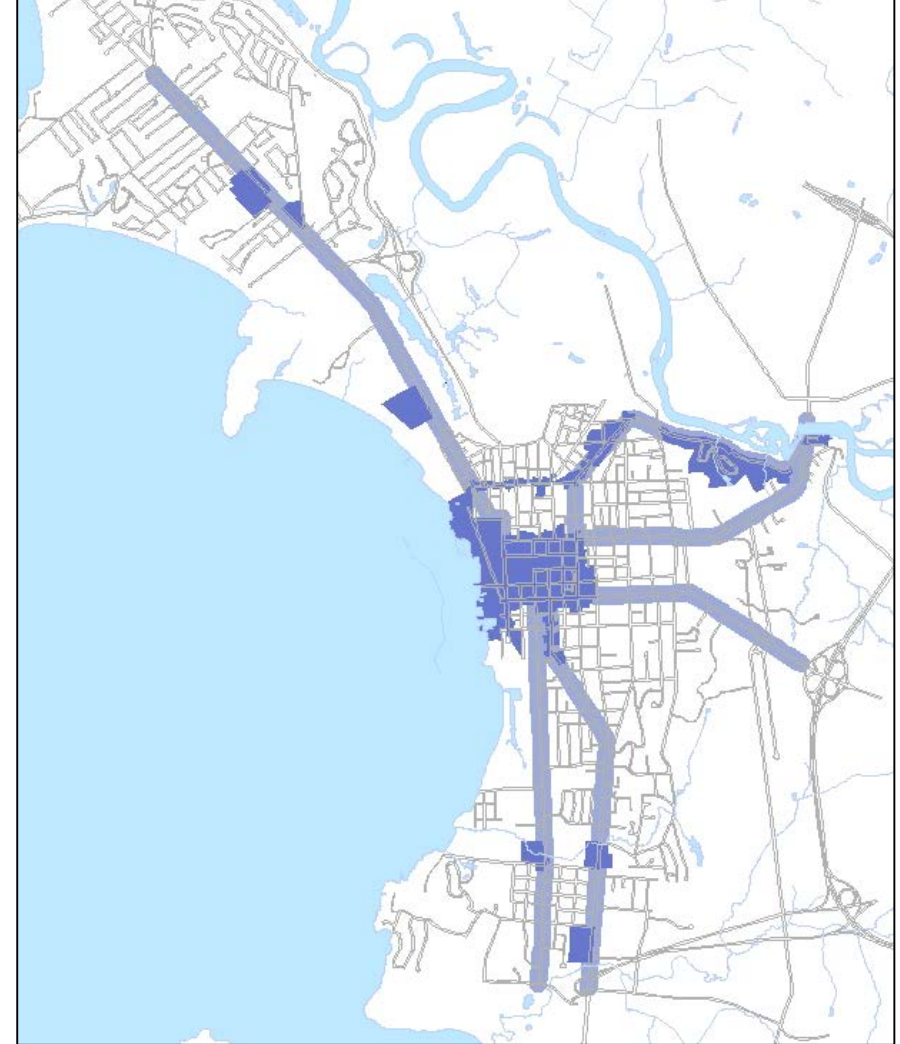


Minimum Parking Requirements

What are we proposing?



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



Minimum Parking Requirements

What are we proposing?



6. Require development of a Transportation Demand Management Plan: (con't)

- A TDM Plan is required to include:
 - **Outreach and Education**
 - Designated Transportation Coordinator
 - Informational materials and annual meeting and survey
 - Record-keeping of participation and annual reporting
 - **TDM available to all tenants and employees:**
 - A guaranteed ride home program;
 - Transit passes offered at a minimum subsidy of 20%
 - **Manage On-site Parking**
 - Annual utilization study of on-site parking
 - Leases to off-site users limited to 1-yr renewable term
 - Unbundled parking cost from lease or deed (optional for affordable housing)
 - Priority spaces for car-share, van/car-pool, bikes & scooters, and handicapped
 - **TDM Plan Agreement**
 - To implement the TDM Plan as approved, and to ongoing monitoring;
 - Acknowledge no claim to the ongoing availability of on-street public parking;
 - Acknowledge the risk of enforcement and penalties for non-compliance; and,
 - To notify subsequent owners and tenants of their obligations

Minimum Parking Requirements

What are we proposing?

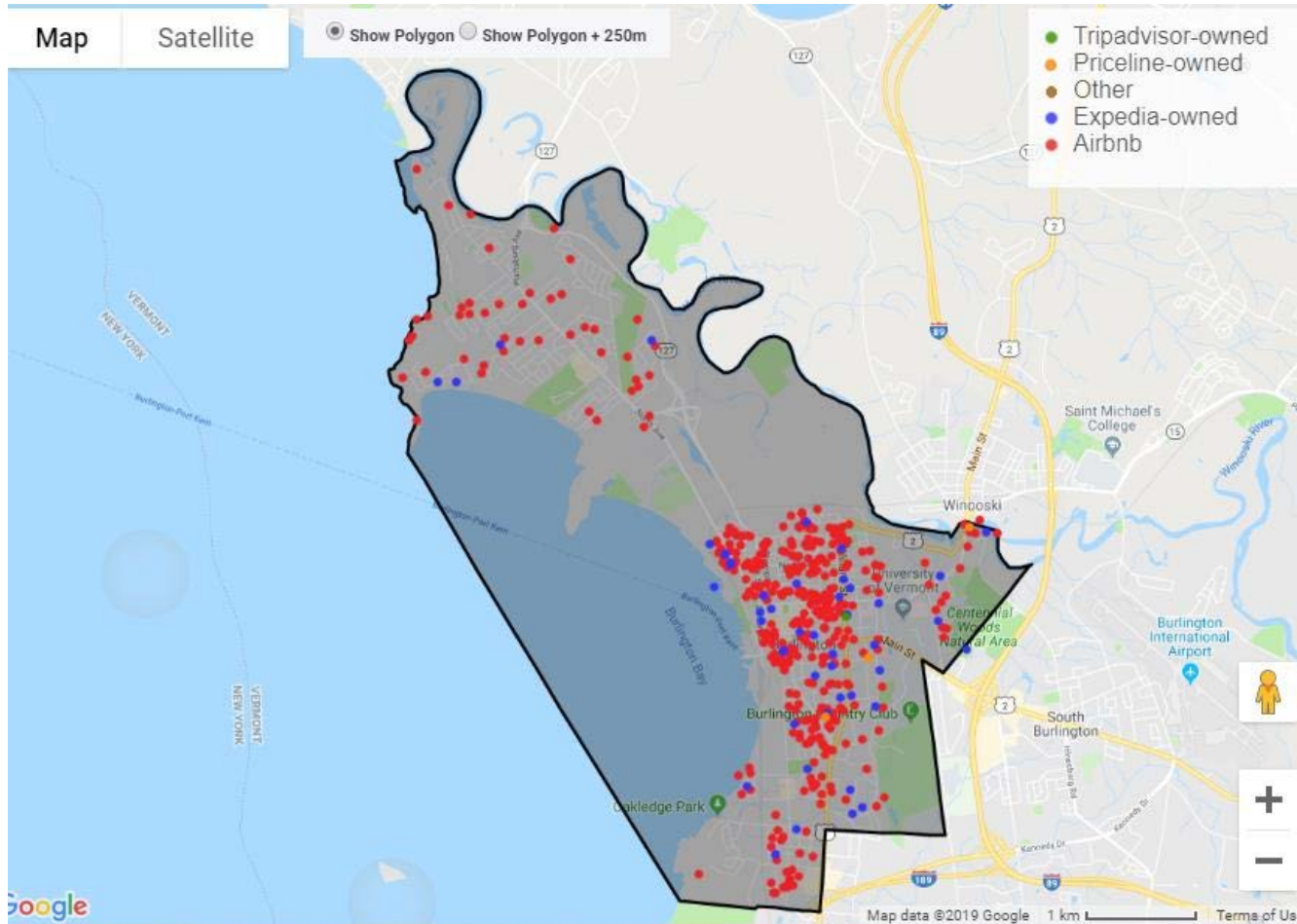


6. Require development of a Transportation Demand Management Plan: (con't)
 - **Review, Approval & Enforcement**
 - Review & Approval by the Administrative Officer
 - Develop TDM information and guidelines for applicant to follow
 - Ongoing compliance included as a condition of any discretionary or administrative permit required; posting of a bond or other performance guarantee may be required to ensure implementation and compliance
 - No zoning permit or certificate of occupancy may be granted without an approved TDM plan in effect pursuant to Se. 2.7.8.

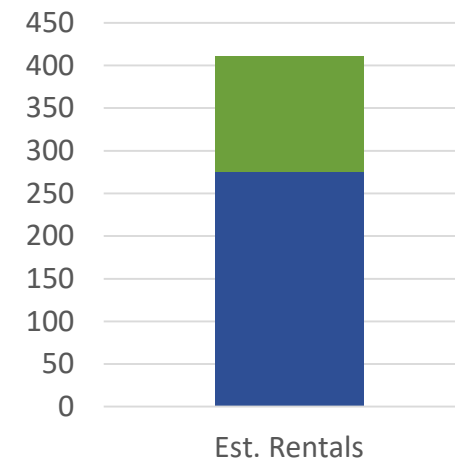
SHORT TERM RENTALS



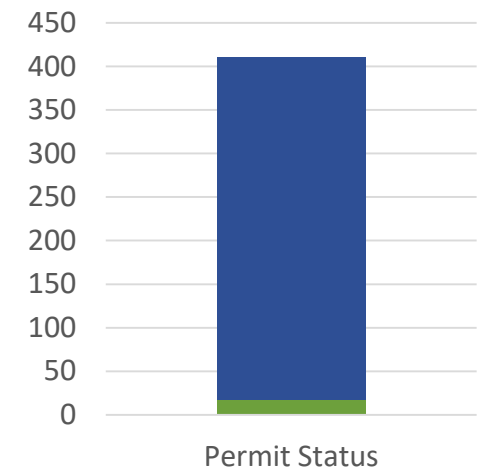
Background on STRs in Burlington



Short-Term Rentals in Burlington 2019

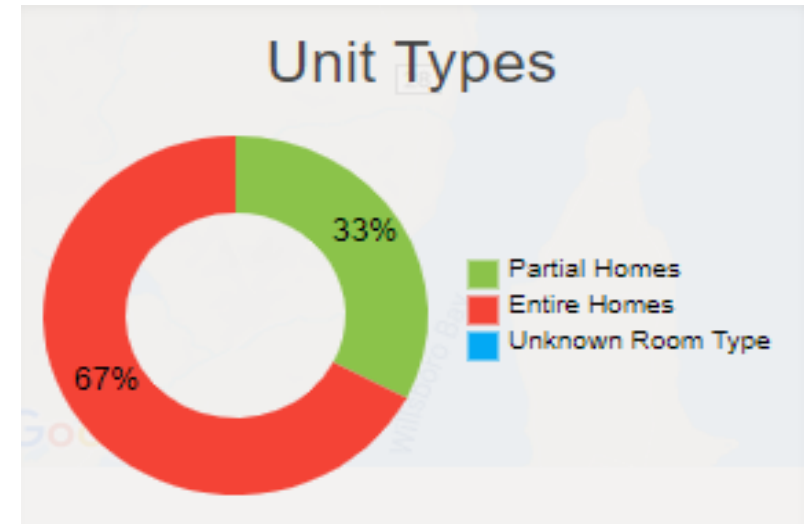
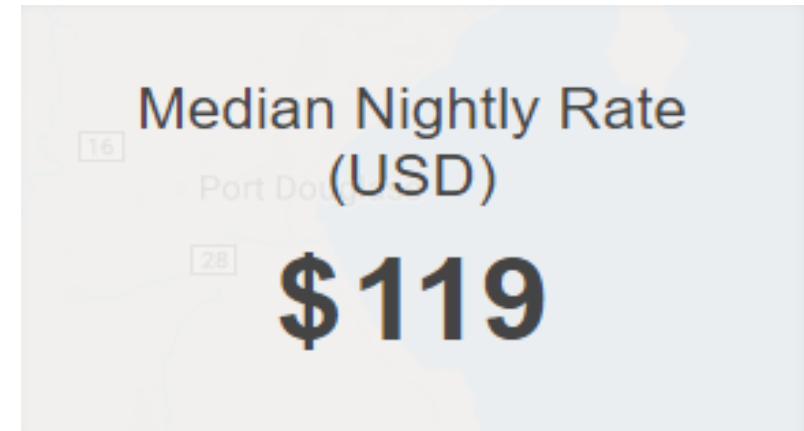
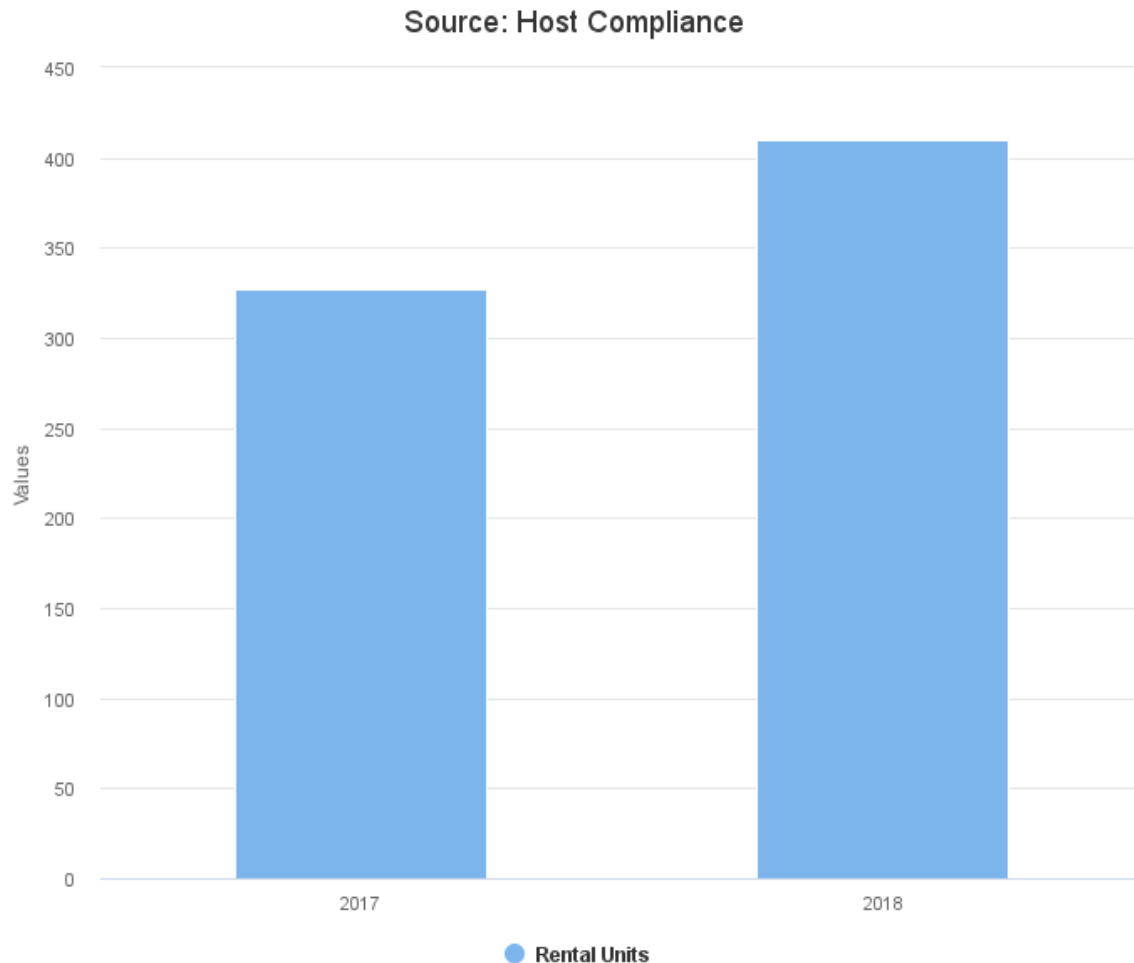


■ Partial Dwelling
■ Whole Dwelling



■ Permitted ■ Unpermitted

Background on STRs in Burlington



Housing Summit 2019

What We Heard:

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



Existing Regulations

What is in place already?

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

This is not a zoning permit. This is a

NOTICE

of
ZONING PERMIT
REQUEST

ADDRESS: _____
DESCRIPTION: _____

APPLICANT: _____
DEVELOPMENT REVIEW BOARD DATE: _____

For more information
contact

City of Burlington
Permitting & Inspections

645 Pine Street,
Burlington VT

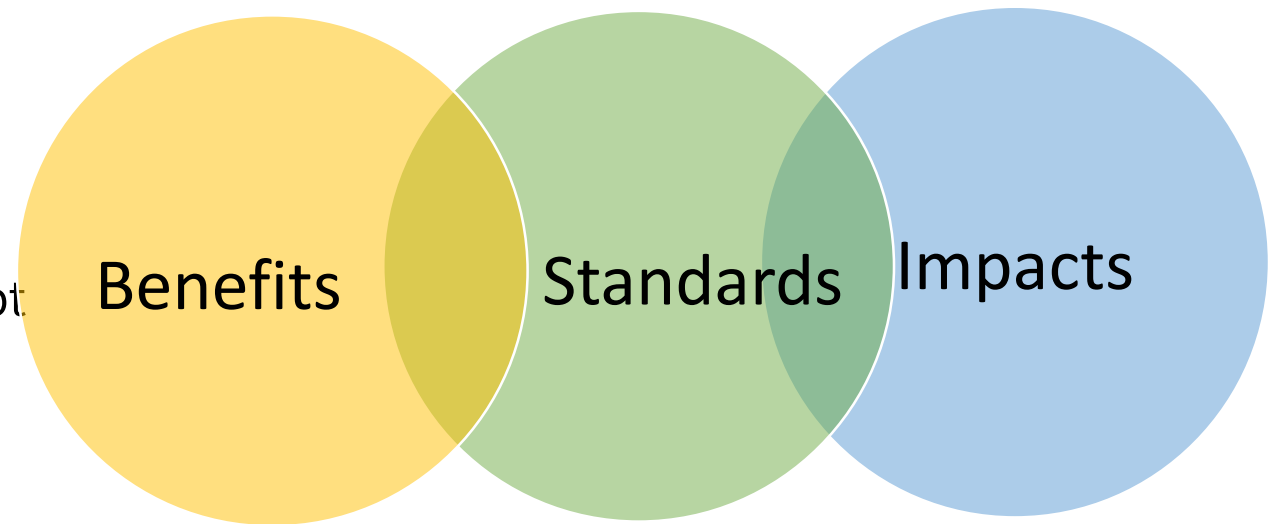
TEL: 802-865-7188
WWW.BURLINGTONVT.GOV/PZ

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

Proposed Framework

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

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



Rooms within a Unit

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

Proposed Zoning Policy:

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

Other Regulatory Considerations:

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

Whole Unit Rentals

Proposed Zoning Policy:

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

Other Regulatory Considerations:

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

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

From: Mediha Goretic <meda67pd@gmail.com>

Sent: Saturday, January 11, 2020 10:16 AM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: the meeting on 14th

[WARNING]: External Message

Hi Kelly,

I am unable to attend the meeting on 14th, but I would like to point that in addition to the proposal statement, "Implementing new regulations for short-term rentals (like Airbnb) that help us reduce impacts on long-term housing availability and neighborhoods, while balancing the economic benefit for Burlingtonians who are hosts;" all Airbnb guests also contribute to the entire Vermont economy, while they are spending on food in local restaurants, food markets, Farmers Markets, then on taxi services, shopping, various entertainment and much more. Please consider that hosts make some spendings/investments into their spaces to create comfort and attract guests, provide labor for cleaning, pay higher utility costs, and act as free marketers for Burlington's attractions, etc. I am a single parent of two, and I appreciate very much this opportunity to gain some additional income which is necessity for me to sustain my home and helps me to pay my mortgage.

Thank you!

Meda

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

From: City of Burlington, Vermont <noreply@burlingtonvt.gov>

Sent: Sunday, January 12, 2020 12:06 PM

To: Olivia LaVecchia <olavecchia@burlingtonvt.gov>

Subject: Form submission from: Feedback form

Submitted on Sunday, January 12, 2020 - 12:06 Submitted by anonymous user: 65.183.150.253

Submitted values are:

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

Share your comments:

As an older woman, living with my daughter, I know she needs to pay for a tiny house addition to her home by renting it out regularly. The 30 day/year is definitely not enough money, Actually, renting it out yearly is still not enough money to pay for the mortgage that she acquired when building this addition. It is somewhat confusing. She has a permit for ADU and a permit for AirB&B. I wonder if she will be grandfathered in with this. In these days of no pensions, having this addition may enable her to stop working some day.

Your email address: quests600@gmail.com

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

From: Lucas Jenson <lucasjenson@hotmail.com>

Sent: Monday, January 13, 2020 9:24 AM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: Short term rentals

[WARNING]: External Message

Hello,

I am writing to express my strong disapproval of the proposed short term rental regulations in Burlington. We own 4 houses in Burlington that have 17 rental units. We have owned these buildings for many years. We work very hard and have invested a lot of money in our units to provide housing to those wishing to live in Burlington. We do not live in Burlington ourselves, but have paid a very large amount of taxes on these properties over the years without being able to vote in local elections. The requirement that we would need to purchase an additional housing unit if we wanted to participate in the short term rental market is an additional tax on landlords - taxation without representation. The city is also making a significant amount of money on the taxes collected on short term rentals.

I also do not agree with the requirement that you have to have residence in the building in which you are hosting a short term rental. I understand that the city does not want conglomerate short term rental agents, but there must be a better way to achieve this. Perhaps a limit on registered units per registrant?

I do not have issue with the requirement that short term rentals are registered and subject to the same life safety regulations as long term rentals per minimum housing. This is a good thing.

Please do not lose sight of the fact that short term rentals are an important part of the tourist economy in Burlington. Owners of these rentals not only provide affordable housing options for visitors, but they also act as tour guides providing recommendations of places to visit, eat at, etc. Placing such limits on short term rentals runs the risk of giving Burlington a reputation as non AirBnB friendly, and could significantly affect visits... and the economy in Burlington. In my experience, many of the people who use short term rentals only look to AirBnB for options. If the options aren't there, they won't book and visit.

With the desire to protect long term housing units, there continues to be many multi unit buildings being built and planned in the city. The fact that the city is proposing to collect replacement housing funds for those wishing to establish short term rentals frankly makes me angry.

PLEASE consider a more reasonable approach to dealing with short term rentals in Burlington. Unfortunately I am not able to attend the Tuesday meeting, so I am disappointed to not express these concerns in person.

Thank you,

- Lucas Jenson
(802)734-1571

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

From: City of Burlington, Vermont <noreply@burlingtonvt.gov>

Sent: Saturday, January 11, 2020 5:23 AM

To: Olivia LaVecchia <olavecchia@burlingtonvt.gov>

Subject: Form submission from: Feedback form

Submitted on Saturday, January 11, 2020 - 05:22 Submitted by anonymous user:

2600:1002:b01d:25bc:a8e2:6f2d:94d9:fe35

Submitted values are:

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

Share your comments:

Was not aware of the meeting

We have been hosts for 7 years and rent out to just one party at a time, we live in our home. We are retired and the income helps with the cost of taxes and maintenance. We have paid room and meals tax from day one. We have had no issues or problems With neighbors or with the amazing guests we have hosted.

Margarette Karson

Your email address: margk47@gmail.com

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

From: City of Burlington, Vermont <noreply@burlingtonvt.gov>

Sent: Friday, January 10, 2020 7:39 PM

To: Olivia LaVecchia <olavecchia@burlingtonvt.gov>

Subject: Form submission from: Feedback form

Submitted on Friday, January 10, 2020 - 19:39 Submitted by anonymous user:

2601:190:4202:b140:e8ff:acf3:7dcb:ed1

Submitted values are:

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

Share your comments:

I am a property owner in Burlington. We own a duplex which we purchased as a possible retirement home, and investment property. We converted it from a single family home into a duplex in order to: 1) allow reasonable rents in one of the apartments despite sky high taxes 2) Short term rental the 2nd unit, non owner occupied, unit, with our tenants in the front apt as acting "co-hosts". This allows us to keep excellent long term tenants, which we feel act as a deterrent to problems with short term rentals. If we are not able to use the back unit as short term rental, we would have to a) sell the property b) kick out the front tenants and become owner occupied to be able to use the back unit as short term rental, which is a ridiculous option. We have a relatively low mortgage, but because of the high taxes, the property does NOT cash flow unless we are able to do short term rentals. This is true for many landlords in the area. I agree keeping a limit on how many short term rentals one property can support, but requiring OWNER OCCUPIED is a HUGE mistake and will put many landlords in a very bad situation. We have been collecting and submitting the room and meals tax way before Airbnb/Home Away collected

for the state, and meet all required safety regulations. All fellow hosts I know are very concerned with being compliant with all regulations, but need to have the ability to market their properties as short term rentals in order to be able to meet their expenses. PLEASE consider the needs of human landlords who must upkeep, manage, pay fees, taxes, insurance and mortgages. There are many housing units springing up all over, but affordability more than availability is the REAL problem, as far as I can see. I would love to be at the Jan. 14th meeting, but I will be out of town.

Thanks for considering my viewpoint.

A concerned, caring, landlord and short term rental host

Your email address: laurieinvtt@yahoo.com

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

From: City of Burlington, Vermont <noreply@burlingtonvt.gov>

Sent: Friday, January 10, 2020 6:36 PM

To: Olivia LaVecchia <olavecchia@burlingtonvt.gov>

Subject: Form submission from: Feedback form

Submitted on Friday, January 10, 2020 - 18:35 Submitted by anonymous user: 69.5.116.9 Submitted values are:

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

Share your comments:

I was hoping to come to the Jan. 14 meeting but just realized I have a work commitment that night, so here are my comments.

I support this proposal as someone who has been an Airbnb host in the past, and as a taxpayer and community member. I applaud the proposed permission for people to rent out bedrooms in the homes they occupy. This was how I hosted when I did. The income mattered to me; I also enjoyed helping visitors learn about our city and state.

I also applaud the proposed restrictions on short-term rental of entire units for several reasons:

- * First, I know a lot of people who struggle to find affordable housing in metro Burlington. It's the right thing to put the needs of people who live and work here above the profit motive of converting long-term rentals to short-term ones.

- * As a taxpayer I know we maintain a Housing Trust Fund that goes to help expand the stock of affordable housing. It would be illogical to keep putting money to that purpose and *not* restrict this STR use, which is reducing that stock.

- * The unrestricted short-term rental of entire apts/homes can also degrade quality of life for neighbors. For instance, a friend of mine owns a condo and his adjoining neighbor rents hers out on Airbnb. He has experienced loud noise and other inconsiderate behavior from her guests, and he has no real recourse.

For all of those reasons thank you for addressing this issue!

Your email address: curry.julia@gmail.com

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

From: City of Burlington, Vermont <noreply@burlingtonvt.gov>

Sent: Friday, January 10, 2020 6:13 PM

To: Olivia LaVecchia <olavecchia@burlingtonvt.gov>

Subject: Form submission from: Feedback form

Submitted on Friday, January 10, 2020 - 18:13 Submitted by anonymous user: 69.5.116.9 Submitted values are:

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

Share your comments:

I support the proposal, this is a detail-level question.

One bullet states, "While rental registration is proposed for all short-term rentals, continue the existing exemption from minimum housing inspections for the rental of one or two bedrooms within an owner-occupied home even when those rooms are rented as short-term rentals."

My question: Other parts of the proposal refer to a host (owner or tenant of the property). Is there a specific reason why this bullet refers only to owner-occupied homes, rather than host-occupied? It seems exclusionary and out of synch with the sense of the rest.

Your email address: curry.julia@gmail.com

From: Kara Greenblott <kgreenblott@aol.com>

Sent: Monday, January 13, 2020 8:49 PM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: testimony regarding airbnb / short term rentals in Burlington

To whom it may concern

My strong feeling is that airbnb owners should not have to be regulated in the same way that rentals are, particularly for those that live in their home and rent out one or two rooms in their house. For me, this is crucial income that allows me to pay my mortgage on time, and does not take away from housing availability for burlington renters as I would not rent this room out for longer than weekends.

I also feel that if registration is necessary, a fee should not be attached and owners should not be subject to regulations like having to hard-wire smoke alarms and make window sills 'lead' proof the way that I have heard that rentals do. Homeowners using airbnb for one or two rooms in their house may not be able to afford these extra costs, which are often exorbitant for owners who are only using airbnb for weekend visitors and not long term renters.

I also think that in general air bnb should be promoted by the city, instead of penalized with fees as they are significantly adding to the burlington tourist economy. Many of our visitors have told me that without airbnb they could not afford to travel to places like burlington for a weekend as hotels prices are exorbitant. I myself feel exactly the same way. As a visitor and user of airbnb in other towns (around Vermont and New England), i have finally been able to travel on weekends since i CAN afford accomodation at airbnb rates. I never used to travel as i couldn't afford hotels and don't like the feeling of run down motels which charge about the same price as a nice airbnb home.

I hope that all possible will be done to keep airbnb owners regulations and fees to an absolute minimum and to promote this vital aspect of burlington's economy.

Thank you for considering my comments.

Warm regards,

Kara Greenblott

From: Chris Rivers <criversvt@gmail.com>

Sent: Monday, January 13, 2020 8:48 PM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: Joint Committee of the Planning Commission/City Council Ordinance Committee

Greetings,

As an owner and airbnb host I'd like to offer a brief opinion. I don't feel that short term hosts who are using a room in their home for airbnb should have to register with the city nor be limited to 30 days a year unless an additional unit is provided as a replacement. I am renting a single room in my home - there is zero impact on available rentals in the area.

Proposed regulations requiring hosts of short-term rentals to apply for zoning permits and register as a rental unit with the Dept. of Permitting and Inspections is too impactful and designed to either dissuade hosts or needlessly collect funds from folks who are helping to maintain their homes while contributing to the vibrant tourism of our great city.

Please continue to refine this proposal and spend more energy on the more important task of preserving and expanding permanently affordable housing.

Thank you,

Chris Rivers

Burlington

From: Paul O'Brian <obrian1@hotmail.com>

Sent: Tuesday, January 14, 2020 4:36 PM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>; Chip Mason <chip.mason.btv@gmail.com>

Subject: Short Term Rental Testimony

Good Afternoon

I'd like to submit the following for consideration at the tonights Joint Committee of the Planning Commission and the City Council Ordinance Committee and as testimony for the record in the discussion for the proposed regulations on short term rentals in the City.

Dear Burlington City Council

I'd like to make a statement for the record and for your consideration as you ponder and discuss the proposal on short term rentals in the City of Burlington.

I believe there is value to the community in having the ability for people of all walks of life (residents, families, relatives, travelers, students, short term workers, commuters, educators, tourists, prospective newcomers, etc. etc.) to have the option to live and experience Burlington in a real-life, organic and affordable way. Short term rentals are a way to provide that experience for those families and individuals who are looking for a different type of accommodation and experience than that offered by traditional hotels, motels and Bed & Breakfasts. Not only do these short term rentals provide that authentic experience in an affordable manner but they also provide a tax revenue to the City and jobs for the local economy and neighbors while meeting the growing demands of the tourism industry in Burlington. This is a sustainable resource for our community, our growing tourism and does not require further commercial development of hotels. Short term rentals also provide income and flexibility for families who own these homes and spaces who may not otherwise be able to afford that home or may have schedules that require them to be away from Burlington for short or extended periods of time. I believe that it is fundamentally unfair, and infringement upon property rights and unreasonable to remove that source of income and flexibility for families that may rely upon that income and need that flexibility due to personal or professional obligations that may require them to be temporarily away from the City or need extra income renting rooms out yet still desire to have and own their home in Burlington. Taking away that means of income will place an undue hardship upon not only my family but others in Burlington as well and for no justifiable basis. Taking this approach as a solution to a perceived housing crisis in Burlington is ill-advised and has not been proven as an effective means to satisfy housing demands. Building more residential and affordable housing is the answer, not taking away from families who own these homes and who rely on this short term approach to meet their personal financial needs and situations. I urge you to research alternative and proven methods to providing affordable housing in Burlington. There has been an issue with affordable housing in Burlington long before short term rentals were in existence and without truly examining the cause of the problem, I fear that taking aim at homeowners who are trying to pay their mortgage by renting out rooms or the whole unit while they are away is unjustified. The policy within the proposal places the burden of solving the housing issue on the backs of residents that own their homes and have saved to buy those homes. This should not be the approach. The policy benefits those that have the financial means to own a multi unit property or who can afford a housing replacement fee of over \$7000. These are families that are renting out their home because they are trying to make ends meet. They don't have the means to solve a housing crisis. They are trying to pay their mortgage in a City with rising tax rates and property values. The options the policy identifies are certainly not low-barrier options to our citizens. And certainly a cap of fewer than 30 nights is unreasonable and unachievable given the statistics that the City has offered. At the very least that cap should be increased to 120 as most City's with such ordinances have. Additionally, the City's rationale offers no concrete or statistical evidence that this approach is a proven one to achieve the goals outlined in the proposal. In fact, the City has anticipated that a third-party will be necessary to provide compliance and monitoring for the very situation it will create. More regulations and bureaucracy is not what this City needs and this proposal will create just that and place another tax burden on our taxpayers.

We own our home, love our neighborhood. We want the flexibility to rent out rooms in our home or our entire house if we are temporarily away for professional reasons. We should not be forced into selling a home that we love and having the flexibility to rent out a room or our house at any given time taken away. Taking that away is not the solution to the City's problem and there is no evidence that this approach has worked in any of the cities cited as a reference in the proposal's FAQs. It is our home. Please ask yourself if you would want that to happen to your family? Please take your time with this proposal and move forward in a planned and thoughtful manner giving homeowners time to make arrangements if necessary and the City to truly consider the proposal. Our livelihood and home depends upon that fundamental right of property ownership.

I look forward to seeing and hearing more dialog from the Council on this matter.

Thank you

Paul O'Brian, Esq.

802-318-8269

Thank you for the opportunity to speak today before this committee. My name is Rolf Danielson and I've been an Airbnb host, as well as a superhost, for 5 years, retaining a 5 star rating for those 5 years. From the very beginning I've paid the meals and rooms tax both to the state and to the city of Burlington. I never missed a payment understanding that those tax dollars go directly back into the community.

This evening I'd like to talk about why regulated whole unit short term rentals deserve a place in our community. I'd like to talk about how a regulated short term rental presence not only benefits guests and hosts but also benefits the Burlington community at large.

Today's travelers are looking for unique experiences. A recent study by Morgan Stanley showed that the number one reason after price why Airbnb travelers use the service was for the "authentic experience." These travelers are looking for something different than the traditional "cookie cutter" hotel or motel. They are looking for thoughtfully designed spaces; they are looking for a "craft" experience. These are the same travelers who come to Burlington to experience local beer, local cheese, and all of the other local foods of which Vermont as well as Burlington is ever increasingly known for. Many of today's travelers are looking to experience Burlington in a way that they couldn't if they were to stay at a Hilton, a Marriott, or a Holiday Inn. The same Morgan Stanley study showed that 25% of leisure travelers used Airbnb in 2017 up from 12% in 2015 showing a steady increase in use as more and more individuals became aware of the benefits of the service.

For this reason I feel that it is beneficial to the Burlington community at large to incorporate short term rentals into the framework of our city. On a recent trip with my fiancé rather than choosing the city we wanted to stay in we chose the region we wanted to visit. We then looked at Airbnb's in the region and chose the city based off of the Airbnb we liked. I feel that today's travelers are increasingly choosing similarly. They will choose a city or a town with the accommodation they like. Tourism is the second largest industry in Burlington. Many local businesses rely on this industry to be profitable. It is imperative for Burlington to remain relevant by offering travelers the option of short term rentals lest they choose another town in the region (such as Stowe) and spend their money at the local establishments there.

Another reason why I feel that it's important to have a healthy regulated short term presence in Burlington is that unlike traditional hotels with large outside investors the money generated from short term rentals generally stays in the community.

With this all said I do recognize that there is a cost to doing short term rentals when a room or a unit is taken off of the housing market. I recognize that the task at hand is in finding the balance between the cost and the aforementioned benefits of short term rentals. For this reason I do not oppose a reasonable fee for removing a housing unit off of the market because it benefits the community at large by placing those funds into an affordable housing trust, and that it might limit operating a short term rental to only those individuals who are serious about offering a quality experience.

I oppose making it mandatory for an individual to live in the building as I see it unnecessary for a successful operation of a short term rental and that it unfairly precludes some individuals from

entering or remaining in the market. For instance a couple (or individual) may be forced to decide not to start a family or to have additional children if it meant losing their income from being a host because their expanding family couldn't fit into an apartment or an individual with an existing or new disability couldn't manage to be in an apartment.

What I suggest is to make whole unit short term rentals a conditional use in residential zones and impose a reasonable impact fee that doesn't unfairly benefit wealthy investors with the expectation that these regulations would be revisited in the future to see if they are working and need to be broadened or tightened.

As a footnote I wanted to mention that I attended a round table meeting put forth by the Vermont State Senate at the Holiday Inn last week on affordable housing. The talk focused around lack of new housing development as the main cause for the high cost of housing. The reason given for lack of new development was onerous zoning laws. The reason why I mention this is to help the conversation focus on a win win situation that benefits our whole community.

I sometimes feel that hosts are unfairly grouped in with large land owners and investors. From the other hosts I've met I can confidently say that we are not the "big fish", we are typically middle income individuals and families looking to afford a living in the Burlington. As a fellow host mentioned short term rental's did not create the housing shortage in Vermont. If all of the short term rentals were put back into the housing market it seems unlikely that that would drastically change the cost of housing in Burlington. It would though, drastically alter our individual ability to afford a living for ourselves and for our families in the community.

As a side note why not require UVM, the largest landowner in Burlington, to take responsibility for the community and their student body by moving undergraduate housing on campus. This would increase housing stock downtown and vicinity, have a positive impact on our neighborhoods by reducing noise from parties, and help monitor prevalent substance abuse.

Again thank you for the opportunity to weigh in on this matter.

Benefits of Short Term Rentals (STR)

- STRs do not impact their neighborhood negatively
 - STRs are often better maintained than many rentals (in particular college rentals)
 - STR guests are conscious of their environment producing less noise disturbance than a typical college rental
 - STR guests often travel together in a single car whereas roommates often individually own their own cars
- Travelers are increasingly desiring the authentic experience that STRs offer, that a traditional hotel or motel doesn't offer
 - STRs fit in with the Vermont brand
- Money generated from short term rentals stays in the community unlike large hotel chains which typically have outside investors
- STRs allow hosts to afford living in the community whether or not the STR is their primary residence

Suggestions

- Place a cap on the number of whole unit STRs one individual can operate to 3 units in residential zones (Why should larger landowners be able to profit more off of whole unit STRs just because their building has more units?)
- Whole unit STRs in mixed use zones should be treated as hotels
- Allow for non primary residence whole unit STRs to include individuals with circumstances where apartment living doesn't make sense, i.e. growing families, a disability
- Establish an impact fee with a different fee for:
 - primary residence STRs
 - non primary residence STRs
- Place a citywide cap on the number of whole unit STRs in residential zones (it doesn't make sense to cap mixed use zones, as hotels and motels are not precluded from listing their rooms on Airbnb)
 - revisit cap annually to see if it should be expanded

I applaud the city's interest in preserving the rental housing stock in Burlington, and that you balance this with other important city goals.

First, the city has been committed to doing what it can to maintain the character and sense of community in our residential neighborhoods. Like many hosts, I am an active community member and do what I can to foster community.

Secondly, the city has committed to taking measures so that residents can age in place. Again, like many hosts, the rental income from my short term rental is important to me because it makes it possible for me to maintain the property well, and it will make it possible for me to continue to live here.

The requirement that hosts must make a property their primary residence is a very effective way to prevent the proliferation of short term rentals.

I ask that you consider 2 amendments to the existing proposal:

1. Modify the existing "temporary" standards in the zoning ordinance, which would exempt short-term rentals from zoning requirements for those rentals leased less than 45 days within any 12-month period.
2. "Grandmother" existing short term rentals.

Unintended consequences

I bought my house on East Avenue based on the premise that I could rent the downstairs apartment when I'm not using it for visiting family.

I can not rent the apartment on a long term because I need to have it available at times when my disabled brother and other family members visit.

If you pass this amendment, I will almost certainly have to sell my house and move, rather than age in place.

It's quite likely that my house will be bought by an investor who will not live here, and will not be the active community member that I am.

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

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

“Win-Win” Regulation Suggestions for Short Term Rentals Within the City of Burlington; How STR’s can be part of the solution to the housing shortage.

Authored by Amy Magyar, 1.13.20

Introduction

The purpose of this document is to share the research and best practices of Short-Term Rental ordinances and regulations that I have found throughout the US as the city of Burlington looks at its own current regulations. The idea is to provide facts to how some of cities, the size and/or the feel of Burlington have managed their STR ordinances. A firm believer in not always needing to re-invent the wheel, unless 100% required, I am hoping that the information I have put together is helpful to the joint committee overseeing these potential new regulations and will offer some suggestions that may provide a “win-win” solution to common STR issues. In addition, I included my own experience with why I needed to become a STR host and its impact to the community and economy.

What to Expect

To the best of my understanding, my statements, and the research I have shared in this document is accurate and up to date. This document is designed to share not only my story, but also some current data not included in the city’s summary of STR’s. In addition there is a section that includes an ordinance review based on the best practices of municipalities across the country, the potential impact of change of use from “residential” to “non-residential,” using STR’s to fuel the solution to affordable housing issues without the “housing replacement regulation for residents that have never been rentals, and finally, a best practice summary of 9 US cities who have recently altered their STR ordinances.

My Story

As a current Short Term Rental host and a resident of the city of Burlington, I want to be **part** of the solution for lack of housing in Vermont...Short Term Rental Platforms didn't create the housing issue in VT, but I am aware that for every house that a host lives in, and chooses to rent out on a weekend basis, may take away from the chance to rent that space out full time. My home is my home. And I choose to share it with guests as a way to supplement my income so that I can afford my home. I want to be sure that you understand, just because I rent out my house, it does not mean that I want to leave my house and rent it full time.

Short Term Rentals are a strong economic engine that many locals and businesses have benefitted from throughout the country, but recently, here in BTV. STR’s should be regulated and incentivized to maximize the positive impact it does and can further have for the city. For a city who depends on part of its success on tourism, to turn its back on the future of the industry will only show the rest of the world that we are not a viable place to invest.

Visitors come to this city to experience the “Vermont Community” - that is why they want to stay in the neighborhoods. Many travelers express the joy of staying in the local community, to experience the fabric and flavor of the city. These guests should be given the right to choose where they want to stay based on their needs (a unit that allows animals, an entire family to stay in one space, a full kitchen, a backyard to play in, etc.) or in some cases, a chance to “test out” living in Burlington (visiting parents and their potential UVM students as they do the college tours.) We as hosts are representatives for this city and our communities. We should be given the

opportunity to do so and earn a living. As you know, it gives a homeowner a chance to generate some income to help them stay in their home, but not give up their home 100% all the time.

I didn't choose to be a Short-Term Rental host, but it happened naturally when, like so many women my age, I lost the ability to make their mortgage payment. When my partner of 8 years left, half of my mortgage left. But it was actually more than half as he covered all of the utilities. So, the chance of having a roommate come into my home and share it with me and pay roughly \$1,400 for a "shared" space was most improbable. That left me one choice. Find a way to rent out my home for a few nights each month to cover the monetary loss without losing my chance to live in my own home most of the time. I love my house. It is an act of love to steward an 1883 residence. And it isn't getting any easier as the house ages – costly repairs and my taxes are what I am willing to pay to stay in this home. But I often do so at a loss, not a gain in revenue.

It turns out, I am in need of affordable housing myself – just because I own a house doesn't mean I can afford it. My life circumstances changed since I bought the house. And that has led me to try and find a way to save my house. I have found a way to take care of my needs for that housing by short term renting. By doing that, I am not in need of support from my city or state. But I know I will be judged for not offering my house to those in need – not everyone "in need" lives on the streets.

The Who Behind the Hosts

What struck me recently was the Airbnb data that the city of Burlington shared that, the average short-term rental host is 63% female, and 31% of those female self-identify as being 60 and older. I think back to the days when one of the ways a woman who was single or widowed was able to keep her house was to rent rooms to those coming and going from their town. It turns out, even hundreds of years later, renting out rooms in one's house is a common way for women, often aging to stay in their homes.

"Attempts to reduce boarding house availability had a gendered impact, as boarding houses were typically operated or managed by women "matrons"; closing boarding houses reduced this opportunity for women to make a living from operating these houses." Groth, Paul. *Living Downtown: The History of Residential Hotels in the United States*. Chapter Eight – From Scattered Opinion to Centralized Policy. Berkeley: University of California Press, 1994. <http://ark.cdlib.org/ark:/13030/ft6j49p0wf/>

What would happen to myself and the women who rely on STR's for income if the regulations are too restrictive? It may mean they (me) will need to sell their (our) homes and leave...perhaps the state in my case, because I cannot live here without the STR income. I become part a part of the statistic of those leaving because of lack of affordable housing. Something to consider when we consider the regulation changes to the STR ordinances.

Affordable and Work-Force Housing

Going back to being "part of the solution" of the housing challenges in Burlington - I am not sure what the solution is exactly to fix all of the reasons we have a shortage in the city, what I do know is if it means I share a small portion of my STR earnings to the housing funds/trusts/etc. or another creative way, I'm game...I am childless but I pay my taxes to the schools because that is my duty as a resident of BTM. In this document, I will share "best practices" of cities from around the country who have ensured that having STR's in their cities is a "win-win." One example that you'll see is a nightly "tax" where the funds, outside of the city taxes we pay through the STR platforms, is generated and then shared with the city to provide a financial stream for new affordable and work-force housing.

As I mentioned, the lack of affordable housing didn't just happen because of the growth in vacation rentals. The way to address the affordability issues is to allow for higher density, however, with parking regulations and

severely restrictive code standards, some members of the Burlington community refuse to allow for this increase in density to happen...we heard it loud and clear this week in the state's public roundtable on housing - density is not a figurative four letter word.

Considering STRs as a form of revenue streams for hosts in the area, I want to point out that jobs such as maids, Uber and Lyft drivers, airport workers, festival workers, small local businesses such as restaurants, coffee shops, grocery stores, bakeries, art galleries, restaurants, you name it, have a positive impact from the increased overall guests, and increased neighborhood traffic that has resulted from STR's.

Not only do businesses benefit from having people stay in their neighborhood - we have an increase in tourists coming here as our lodging typically books out for the City Marathon, Graduation Weekends, Brewfest - more lodging equates to more people coming which also help the above listed jobs and businesses. Instead of seeing the opportunity to use the industry to help build a robust affordable housing inventory, it seems that some members of the community would prefer to restrict it for the sake of not understanding how we can be part of the solution.

Severely limiting STR's in Burlington is not going to create additional affordable housing units. As a matter of fact, it could have the opposite effect or worse.

Many owners of the city's STR's are residents who have invested much of their net worth into their unit(s). They live here, work here and contribute to making Burlington the great city it is. Many of these people invested in STR's by mortgaging their properties with the expectation of repaying the loans with profits generated by the rentals and would lose the investment if the income were to suddenly stop or become limited.

Please don't ignore the needs of a few for the disgruntled anger of many who don't know how Short-Term Rentals support working families like mine, who are convinced that their rising rent is the fault of vacation rentals.

A few more facts before I make suggestions include:

- 92% of Airbnb hosts say they recommend restaurants and cafes to guests.
- 56% of Airbnb hosts say they recommend cultural activities such as museums, festivals and historical sites.
- 55% of Airbnb hosts say hosting has helped them afford their homes.
- 41% of guests on average say their spending occurs in the neighborhood where they stay.

Unlike other business models that siphon the money they generate out of communities. Short Term Rentals actively directly benefits the community's hosts call home. I personally drive sales to Great Harvest Bakery, Dedalus, Great Northern, Speeder and Earl's, and local artisans like Terry Zigmund and they have felt the impact of me as a host.

- The Vermont Short Term Rental Legislative report and the Department of Health shared that STR's described seniors as "the fastest growing segment" of their hosting population, "using home sharing as a way to 'age in place.'"
- Fewer than 3% of all Airbnb listings in VT are rented for more than 180 days a year. 88% of Airbnb hosts in VT rent a single property/unit with only 8% renting two properties/units.

Department of Tourism and Marketing shared that "the implementation of regulation for short term rental arrangements in VT does run the risk of adversely impacting Vermont's tourism industry."

As Burlington is considering its STR regulations, I want you to know that I am all for regulating and fire/life safety ordinances to keep my home and my guests safe, but I am afraid with some of the "change of use" regulations the

city is suggesting, it will crush the tourists who travel to our little state to have a "VT experience" (direct quote from one of my recent guests.)

Ordinance Best Practice Suggestions Compared to the City's Suggested STR Framework

I appreciate the city's planning team have done their own research on other city's STR ordinances, but I'd like to be bold to expand what they shared by including a few more cities and their practices to the framework. Some of these "best practices" come from city ordinances around the country that have proven to be solid win-win options for the city, the guests, the neighborhoods, and the hosts of STR's. And these cities share common "Burlington-like features" whether that be size or type of destination/historic tourism. I have compared our current draft ordinance with the best practices – my notes are in **orange**, embedded into the actual proposed regulatory framework.

1. Creating a Regulatory Framework for Short-Term Rentals

Policy Reform Goal

The goal of this reform is to create a regulatory framework for short-term rentals that includes tiers for different types of rentals, and disincentivizes the most impactful uses in order to protect the city's housing supply. This reform seeks to limit the number of housing units that can be converted to short-term rental uses, and ensure that those conversions contribute to the City's efforts to preserve and expand permanently affordable housing, while also preserving some flexibility for hosts to use their homes and earn income, as well as recognizing that some supply of short-term rentals benefits the Burlington economy. (See feedback from Housing Summit.)

Proposed Reform

In order to achieve this goal, the following zoning and housing code reforms are proposed:

- Create clear standards for short-term rentals that differentiate between a 'bedroom(s) within a unit' and a 'whole unit' short-term rental for zoning, rental registration, and minimum housing code requirements. **Wonderful, we celebrate this as STR hosts, but please note that most of the cities cited in the "best practices" section of this document do not change use from "residential" to "non-residential", but more require a permit or license. In the cases where cities require changing to a STR zoning designation, they do not follow the "non-residential" full time rental zoning regulations but a specific STR designation.**
- Require all hosts of short-term rentals to apply for a zoning permit and register as a rental unit with the Department of Permitting & Inspections, meet minimum maintenance and fire safety standards consistent with those required by the State of Vermont, and remit state and local Rooms & Meals taxes. **I'd like to suggest that indeed, STR's apply for a zoning permit and register, but not as a rental unit due to the fact the residential property will have to follow stringent rental code and requirements including fire escapes. Of the best practices shared, all of them require the STR to be registered, or licensed, but none of them require a change of use into a rental. Changing into a Short-Term Rental with specific STR fire and safety regulations makes sense, but to require residential homes to go through the rigors of a rental complex seems cost prohibitive and again, reinforces that STR's are not the same as Full Time Rentals and are often a host's place of residence. Please see best practices as some of the permitting steps, requirements, and fire safety standards.**

In terms of the Room & Meal Taxes, platforms like Airbnb pay the city these taxes automatically and will continue to do so, only if the STR hosts use the platforms like Airbnb, VRBO, and

FlipKey. So perhaps the ordinance should require STR hosts to use platforms that automatically collect the Room & Meal Taxes.

- Expand the existing zoning standards for Bed & Breakfast to explicitly recognize 'bedroom(s) within a unit' short-term rentals, and continue existing standards as outlined:
 - Property must be the host's primary residence. In residential zones, up to two rented rooms are permitted, while three or more rented rooms are reviewed under conditional use requirements. In mixed-use zones, up to five rented rooms are permitted. In terms of the host's primary residence, most cities do not require the host to be home during the stay, but in the case of "owner occupied STR's," they need to live in the home at least 180 days out of the year. See best practices for variations on the "primary residence" including living on the property vs. the residence.
 - Required to provide one parking space per rented bedroom in residential districts. This suggests the one parking space per bedroom is in addition to the minimum two car requirement for low, medium, and high residential zones and is incredibly restrictive to most units in the city. In many cases, a two-bedrooms within a unit would require a total of 4 parking spots minimum for the host. The cities cited in "best practices" allow for "current" car requirements to satisfy parking needs and even in some cases, on street parking. Something to note: Short Terms Rentals like VRBO and Airbnb do not require parking as part of being a host property – that is up to the host to decide if they are going to offer parking or not – I do not believe the city should dictate whether the host offers parking or not.
- While rental registration is proposed for all short-term rentals, continue the existing exemption from minimum housing inspections for the rental of one or two bedrooms within an owner-occupied home even when those rooms are rented as short-term rentals. I actually completely disagree, safety comes first. The minimum should be that basic safety standards should be required for the safety of hosts and guests (smoke/carbon monoxide detectors and fire property for unit. To reduce the impact of the city to inspect these, hosts could be required to fill out an affidavit that they are indeed, meeting safety standards. This requirement will minimally impact the STR only renting for under 30 days. See best practices for some of those affidavit suggestions.
- Create a new 'Whole Unit Short-Term Rental' use within the zoning ordinance, that is considered a non-residential use, with applicable standards as outlined:
 - Host (owner or tenant) is required to be a resident of the property/building in which the rental is located. (Defining resident will be important – as shown in some of the STR best practices, resident in some cases means that the owner live on the property at least 90 to 180 days of the year (depending on the city) which allows for those who may go on sabbatical, be called into military service, etc. As the data shows, most Airbnb's are rented short term for less than 180 days a year.) Whole unit rentals are proposed to be a permitted use in mixed-use zones, but a conditional use in residential and institutional zones. Living in between a mixed zone one block south and one block north, the fact that I am a medium density zone, I actually disagree that conditional use should go across the board for all residential zones as our residential districts are so varied in the city of Burlington. Having attended almost all of the meetings on Accessory Dwelling Units during the joint zoning committee meeting and researching many of the ordinances throughout the city on parking, building code, etc., it becomes clearer and clearer to me that some of the issues and fears around ADUs and any ordinance changes seem to be

how they may change the nature of certain areas, specifically low-density residential zones. And yet, low density zones couldn't be more different than the other zones in Burlington, yet they are often treated the same.

Living on Howard Street, I live in what could be called an urban village in the sense that it looks vastly different than it did 50 years ago thanks to some GREAT economic changes that the city has gone through to attract businesses and development – it has mixed use, housing, office space, and a vibrant retail business. What was once considered the suburbs of downtown Burlington is now really, downtown Burlington.

However, what I see is that there is a huge difference between where I live and the low-density residential district south of me. I bring this up because I would like to request the chance for the city council and the planning and zoning joint committee to consider what would happen if, among the many housing summit issues, ADUs, STRs, and Parking opportunities, that we look at changing how we look at the zoning in the city – specifically keeping low density areas of Burlington, as-is, but opening up and staying flexible to what the other zones, specifically high and medium density look like regulation wise. I think it would be an incredible solution to many of the issues raised during the fall meetings on ADU's, and in this case, on STR's.

By keeping the regulations as is in the low-density areas of Burlington for STR's, but creating flexibility in the other zones, we ensure that the feel of those neighborhoods is maintained, but not punish the areas that have grown and are more densely populated.

Whether we look at ADU's, Short Term Rentals, Long Term Rentals and Parking regulations, there is a benefit to treating the low-density areas differently than the medium, high, mixed, core, and industrial areas.

Currently mixed, core and industrial are treated differently ordinance wise than low residential. Yet medium and high are treated like low residential – much more restrictive, creating many more hurdles to increasing the housing stock in Burlington.

I wonder if it is time for the city to look at the amazing growth that has been developed and allow the other zones in the city to be what they have been built up to be, more densely populated zones than residential.

○ Limit the total number of whole-unit rentals within a building, based on the number of units within the building:

- 1 short-term rental within buildings containing 1-3 units (including ADUs)
- 2 short-term rentals for buildings with 4-5 units
- 3 short-term rentals in buildings with 6 or more units
- Any building with 4+ short term rentals is considered to be a hotel
- Have an overall limit on the number of short-term rentals on a lot, regardless of the number of buildings.

Require a parking space for each short-term rental unit in all zoning districts. (In addition to the two-car parking minimum requirement for residential houses in the low,

medium, and high-density areas is too restrictive. As mentioned above in the “bedrooms” within a unit, the best practices cities cited allow for “current” car requirements to satisfy parking needs due to the fact that most STRs only use one car, maximum, two cars for the unit. Which exist, especially as the host will not be staying in the unit during the STR stay opening up the parking to the guests. Again, something to note: Short Terms Rentals like VRBO and Airbnb do not require parking as part of being a host – the city should not dictate whether the host offers parking or not.

And if the change of use from “residential” to “non-residential” changes the parking requirements for two cars per bedroom for the unit, a 2-bedroom house would need a total of 6 parking spots for a home that sleeps 4. That not only seems excessive, it seems irresponsible to encourage more car pollution. As 26% of my guest fly in and Uber to my home and around town (or walk), 63% of my guests bring one car, and the other 11% bring 2 cars, a two-car driveway/parking area satisfies all of the guests (and the neighborhood’s needs.)

- Continue to apply the Housing Replacement requirements to any housing units converted to a non-residential use (i.e. whole-unit short-term rental). (If this is for full time rental units that are converted into STR’s, it makes sense and supports the city’s housing replacement responsibility. However, if this is for a unit that has never been rented before, this is too restrictive. If the idea is to support housing replacement, I’d like to introduce the “nightly impact fee” used by cities such as New Orleans, Seattle, Nashville, Portland, Boston, and Plymouth. This helps hosts be a part of the housing solution.) Housing replacement is not required when a new unit is constructed and initially permitted as a short-term rental. By stating this section, then the city is setting themselves up for developers coming in to build a whole unit STR without any penalties that the homeowners who have lived in their homes for years but decided to change them into STR’s for extra income will feel. This just doesn’t make sense. A homeowner who wants to become a STR host does not mean that they want to rent the home full time, but instead, stay as a resident in the home and rent it occasionally...they are not taking away from the current housing pool if they have **never** been part of the housing pool that can be rented.
- Continue the existing “temporary” standards in the zoning ordinance, which would exempt short-term rentals from zoning requirements for those rentals leased less than 10 consecutive and 30 total days within any 12-month period. I actually completely disagree here again, safety comes first. The minimum should be that basic safety standards should be required for the safety of hosts and guests (smoke/carbon monoxide detectors and fire property for unit. To reduce the impact of the city to inspect these, hosts could be required to fill out an affidavit that they are indeed, meeting safety standards. This requirement will minimally impact the STR only renting for under 30 days. See best practices for some of those affidavit suggestions.

Framing the Burlington Context

Based on data from the City of Burlington, Host Compliance (HC), AirDNA, and Airbnb the following is intended to provide a snapshot of the short-term rental landscape in Burlington in 2019:

- 410 unique short-term rental listings across many platforms (HC). This represents approximately 2% of all housing units in the city. There was a 25% increase in short-term rentals between 2018-2019 (HC), and the total number doubled from 2016-2019 (AirDNA).
- AirDNA reports 66% of rentals are for the whole housing unit, and that 76% of listings were efficiency, one bedroom, or two-bedroom units.

- Presently, short-term rentals have been handled under the City's zoning standards as a Bed & Breakfast or a hotel. However, it is estimated that 95% of these units are operating with no zoning permit. Additionally, it is unclear how many of these units have been subject to life safety inspections through the rental registration process. **When talking to other STR hosts, often, the reason they offer is the parking extreme parking regulations their home would have to have – none of the hosts fought the basic fire and life safety standards.**
- In a 2019 press release, Airbnb reported that Burlington was the #1 destination for their guests visiting Vermont in the summer 2019. Per Host Compliance, the average monthly revenue for a short-term rental in Burlington was \$2,700, at an average nightly rate of \$161 per unit; for a short-term rental to earn this amount of revenue, it is estimated to be rented for around 200 nights per year.
- The City collects a 2% Rooms & Meals tax on income from short-term rentals. In 2019, the City's Housing Replacement fee for a 1-bedroom rental unit was \$7,930.
- Airbnb reported that 63% of Burlington hosts self-identify as women, and 31% self-identify as being 60 and older.

I have truncated the rest of the ordinance framework so as to not make this a 30-page document. To see the entire ordinance framework, please see the following link:

[https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/files/BGLKQE525721/\\$file/20191007%20Housing%20policy%20initiatives_Council%20memo_Final.pdf](https://go.boarddocs.com/vt/burlingtonvt/Board.nsf/files/BGLKQE525721/$file/20191007%20Housing%20policy%20initiatives_Council%20memo_Final.pdf)

Impact of Change of Use from “Residential” to “Non-Residential”

Again, I am all for creating a new category of zoning that would make residences used for STR's into “Short Term Rental Residences” but not a change of use to “non-residential-rental” due to the limitations that would be a severely impact that ability to become a STR. Tax consideration and other code and insurance issues could happen with changing the use from residential to non-residential.

Those issues include:

- Homeowners could face major problems with their mortgages. Many lenders require “owner occupancy” and for the home to be used primarily as a “single-family home.” In the worst-case scenario, a “non-residential” designation could lead a lender to “call the note,” meaning the full loan would be due immediately. There's a chance that this could even impact a home that is a main residence. Consider, for instance, soldiers who list their homes as STR's while they're deployed.
- Necessitating the need for sprinkler systems and additional codes and ordinances for non-residential dwellings, even though the home will be used mostly as a residential home when not in STR use.
- Utilities bills could change. Once a home is converted to non-residential utilities providers could consider charging those properties commercial rates.
- Homeowners might need to buy different insurance. Most homeowners pay homeowner's insurance. But if an STR is a non-residential property, the insurance needed to protect it could change.
- More paperwork could be required, and it could mean a larger tax bill. Non-residential property owners must submit an annual Business Personal Property Tax (BPPT) declaration form that lists business equipment associated with the business. While the city and county no longer collect the BPPT, the

assessor is still required to gather the information and value it for school districts, fire districts, the library district and the like.

- Stripping STR rights could rise to the level of a “regulatory taking.”

An STR host who seeks to resist the impact of a new regulation may do so by arguing that the city action is a type of interference with property rights that is called a regulatory taking. Based on an applicable U.S. Supreme Court jurisprudence defining this legal principle, analyzing an important Texas case that applies this standard to STR prohibitions by the Village of Tiki Island, and assessing what the likely impact will be for litigants.

The following was shared from a 2017 White Paper from the SMU Law Review titled, “*Re-zoning the Sharing Economy: Municipal Authority to Regulate Short-Term Rentals of Real Property*” authored by Cory Scanlon.

“Regulatory taking” is a term of art that should be distinguished from a normal taking. The Fifth Amendment’s Takings Clause, and similar state constitutional provisions, usually involve applying eminent domain, which is the legal principle allowing a public entity to seize private lands for a public purpose if it pays the private owner “just compensation.” This form of taking involves government physically entering, occupying, reforming, or destroying property. When a physical taking happens, making a determination that government has taken the land and calculating its value is relatively straightforward. However, the government may also impose restrictions that, while not a “physical invasion” for public use, interfere with the property owner’s rights in the land to such an extent that a regulatory taking occurs, and justice demands that the property owner be compensated.

The Supreme Court further clarified that there are two distinct categories where there may be an instance of regulatory taking in Lucas v. S.C. Coastal Council. The first is where government regulation causes the property owner to suffer a physical incursion into the property, “no matter how minute,” and the second is where the property owner is denied “all economically beneficial or productive use of land.” This second category has been interpreted to mean that the owner suffers a total loss in using the land, akin to a complete public seizure, and not a minor loss in value. Finally, the Court reiterated the principle that if a regulation does not have a substantial relation to a legitimate state interest, then the regulation is a taking. But since Lucas, overturning a regulation of private property under the rational relation test has been more appropriately cast as a Due Process question rather than a Takings question by the Supreme Court in Lingle v. Chevron U.S.A., Inc. In her majority opinion, Justice O’Connor explained that: Instead of addressing a challenged regulation’s effect on private property, the “substantially advances” inquiry probes the regulation’s underlying validity. But such an inquiry is logically prior to and distinct from the question whether a regulation effects a taking, for the Takings Clause presupposes that the government has acted in pursuit of a valid public purpose.

However, using the “substantially advances” test in establishing a taking remains viable under Texas law because the Supreme Court of Texas has not yet abrogated that standard in the wake of Lingle. Any municipal regulations seeking to curtail STR use in residential zones do not involve a taking in the traditional sense because they do not involve the government physically seizing a homeowner’s property for a public purpose; thus, takings claims against STR ordinances will necessarily be of the regulatory variety. Practically speaking, if a court deems an STR ordinance to be a taking, the ordinance will probably be amended and STR hosts will be allowed to continue with their activities because the city could not realistically compensate them all adequately given the proliferation of STR use.

Zoning ordinances are presumed valid as long as they are substantially related to the “public health, safety, morals, or general welfare” of the communities they regulate. In the context of STR regulations, cities have asserted several justifications in either prohibiting STR use or implementing a permitting scheme. Cities claim that tougher regulations are necessary to deal with nuisances, such as loud parties, associated with some STR guests —this has also been referred to as the nebulous “neighborhood character” justification. Other policy arguments include the

preservation of affordable housing, safety of residences and guests alike, and the generation of transient occupancy tax revenue. The policy arguments with the strongest legal force, interestingly, appear to be preservation of neighborhood character and tax generation whereas the other policy arguments have had less legal or empirical force.

But the consensus appears to be that any number of factors might affect the availability of affordable housing in a city, as even the National League of Cities conceded, and, therefore, more research is needed to determine what, if any, impact there is.

*The result of the Austin litigation will likely set a trend for how many other cities will seek to regulate STR's going forward because it will show how far a city could be allowed to go concerning this evolving area of the law. Essentially, the lawsuit can be boiled down to two issues. The first issue is whether the ordinance is an unconstitutional taking because it deprives certain homeowners of all beneficial use of their land. This is the claim brought by the Texas Attorney General and has the most relation to the zoning powers discussed *infra*. The second issue is whether the ordinance exceeds the limits of the Due Process Clause and goes beyond being a pure zoning regulation by attempting to closely circumscribe certain categories of personal conduct.⁷⁵ As to the first issue, this comment will argue that the municipality can regulate STR's under its traditional zoning powers by setting occupancy caps and by preventing commercial activity in residential zones."*

In addition, the city of Boston also recently saw legal ramifications from their STR ordinances that states:

- *By December 1, 2019, all short-term rental listings will be required to display a city-formatted registration number, or the listings will be removed. Airbnb also agreed to share data about listings with the city, including the listing's URL, registration number, host ID, information, and zip code. However, in May 2019, just four months after the new law took effect, a federal judge [temporarily blocked Boston from imposing parts of the ordinance](#). The judge declared that the city can't ban a short-term rental service because it posted listings in violation of the ordinance. He also concluded that the city couldn't force Airbnb to report how many days a week rental units are occupied.*

I apologize for the legal language, but felt it was important to share these cases and the potential for litigation when it comes to the city regulating beyond what is constitutional.

Using STR's to Fuel the Solution to Affordable Housing Issues

As I mentioned a million pages ago, I think it is important to understand that the hosts of STR's that are residents of their properties are citizens of the communities they live in and we are get rated on our homes and the communities we live in. I know that for many of us, the housing shortage is important to us as residents. And I firmly believe we can be part of the solution as hosts in we considered the following option.

As STR hosts, we pay a Meal & Room tax to the city that is automatically taken out of our revenue earned on platforms like Airbnb and VRBO. Last year, I paid over \$5k in taxes to the city and am happy to continue to pay those taxes. This is revenue that would not have been generated and given to the city had I not been a STR host.

What happens to that revenue? My hope is it goes to support the city and its operations. But what if there was a way to impact the housing challenges we have in the city. I think if we consider a **"nightly impact fee"** that cities like Seattle, New Orleans, Portland, and Boston require in their STR registrations, that money can go towards the city of Burlington's ability to incentivize the building of affordable or work-force housing units.

The key benefits of the nightly impact fee policy include:

- they are straightforward to implement and enforce,

- applicable to all operators,
- and easy to adjust.

The fee applies evenly to all STR units regardless of location, which limits the ability of operators to find loopholes to avoid the fee. In some cities, the kind of STR may dictate the fee amount, but I think that helps with owner occupied vs. commercial, non-owner-occupied properties delineate from each other. Additionally, the fee level itself can be adjusted in the future, as appropriate.

As an example, New Orleans has the following regulation for nightly impact fee:

- **Nightly Impact Fee:** a fixed fee charged for each night of STR occupancy. This fee is currently charged at a rate of \$1 per occupied night and goes towards the Neighborhood Housing Investment Fund. The City has proposed an increase in fees to levels of \$5, \$8, or \$10 per occupied night.

HR&A Advisors, Inc. is an industry leading consulting firm providing services in real estate, economic development, and program design & implementation. HR&A was hired by the city of New Orleans to make the following suggestion: The City should apply a \$5 nightly fee for residential STR's and a \$10 nightly fee for commercial STR's. The proposed \$5 and \$10 fee would be one of the largest STR impact fees dedicated to affordable housing in the nation. Together, a \$10 commercial fee and a \$5 residential fee would generate \$6.7 million annually.

See chart below for current existing Nightly Impact Fee Cities:

A. Precedent STR Policies

PRECEDENT STR POLICIES

City	Impact Fee	STR Tax	Hotel Tax	Tax Parity?	Taxes or fees supporting housing issues
Seattle, WA	\$8-14 per nightly stay	17.10%	17.10%	Yes	\$8 – 14 nightly impact fee
Portland, OR	\$4 per nightly stay	13.50%	13.50%	Yes	6% STR tax plus \$4 nightly impact fee
Nashville, TN	\$2.50 per nightly stay	14.50%	14.50%	Yes	--
New Orleans, LA	\$1 per nightly stay	15.20%	15.20%	Yes (pending)	\$1 nightly impact fee
Boston, MA	2.75%	12.20%	12.20%	Yes	0.50% STR tax
Plymouth, MA	3.00%	11.70%	11.70%	Yes	1.05% STR tax
Crested Butte, CO	--	18.40%	18.40%	Yes	5.00% STR tax
San Antonio, TX	--	16.75%	16.75%	Yes	--
Cincinnati, OH	--	16.75%	16.75%	Yes	6.00% STR tax
Austin, TX	--	15.00%	15.00%	Yes	--
Charleston, SC	--	14.00%	9.00%	No	--
Los Angeles, CA	--	14.00%	14.00%	Yes	--
San Francisco, CA	--	14.00%	14.00%	Yes	--
Santa Monica, CA	--	14.00%	14.00%	Yes	--
Taos, NM	--	13.50%	13.50%	Yes	\$100 registration fee
Savannah, GA	--	13.00%	13.00%	Yes	--
Mashpee, MA	--	11.70%	11.70%	Yes	4.28% STR tax
San Diego, CA	--	10.50%	10.50%	Yes	--

Source: Urban Focus research of policies by jurisdiction

The city of Burlington could also issue bonds based on revenues generated by STR's to make immediate windfalls of capital available to build more affordable housing... without (I might add) putting any additional strain on the city's tight budget. The benefits of such a program would be innumerable to the city, in terms of jobs, sales tax receipts, crime reduction and other areas.

The current suggested fee for the city of Burlington registration for STR's of any size is \$50. Most of the cities that are listed below as "best in practice" range from \$100 to \$300 a year. Increasing the fees per yearly registration

will impact the STR host, but once the operational cost the city to manage the listing and licensing (\$50), perhaps the rest of the fee could again, go towards the city's affordable housing bucket. For the hosts that are reading this, please know that I am not trying to take money out of your pockets, but instead, help us be an example of how we can be a powerful part of the community and the housing shortage.

Replacement Housing Requirement

I'd like to touch again on the "Replacement Housing" requirement that the framework referenced. If this requirement is for full time rental units that are converted into STR's, it makes sense and supports the city's housing replacement responsibility.

However, if this is for a unit that has never been rented before, this is too restrictive. If the idea is to support housing replacement, I'd like to introduce the "nightly impact fee" used by cities such as New Orleans, Seattle, Nashville, Portland, Boston, and Plymouth. This helps hosts be a part of the housing solution.)

Housing replacement is not required when a new unit is constructed and initially permitted as a short-term rental. By stating this section, then the city is setting themselves up for developers coming in to build a whole unit STR without any penalties that the homeowners who have lived in their homes for years but decided to change them into STR's for extra income will feel. This just doesn't make sense. A homeowner who wants to become a STR host does not mean that they want to rent the home full time, but instead, stay as a resident in the home and rent it occasionally...they are not taking away from the current housing pool if they have never been part of the housing pool that can be rented.

"Airbnb also made the program available earlier in October for victims of the Saddleridge Fire in the San Fernando Valley. The company said since launching the initiative in the wake of Hurricane Sandy in 2012, it has secured lodging for more than 30,000 people worldwide."



And one last note, platforms like Airbnb have actually come to the rescue of housing crises in areas that have had natural disasters, refugee influx, or other temporary housing needs. The Airbnb community is a strong source of support for those that need housing...we are not here to take away housing – we are here to earn money from the homes we have invested in...many of us to ensure we can afford to keep the home.

Fears of Short-Term Rental Culture vs. Residential Neighborhood Culture

One of the things that I am delighted to see, (although cautious that it may come in the STR conversation) is the fact that the city appears to want to re-regulate STR's due to the impact on the housing stock in the city, but not due issues of noise, party houses, and waste management.

I do know that in low residences, some home owners are concerned with how STR's may change the fabric of the neighborhood – concerned about a "transient" population, most don't realize when asked, that both parties, host and guests are reviewed by platforms they belong to, and are much more keen in making sure that the neighborhood is not impacted by the guests' stay.

The host gets rated on the unit, but also the surrounding area. It is in the host's best interest to make sure that the neighborhood is safe, clean, and well maintained. Often, neighbors of STR's share that full time renters who

were formerly on the property are often more of an issue than the STR guests when a property has been changed over. Platforms like Airbnb and VRBO support hosts more than the city or state laws' support full time rental owners should there be a "squatter" issue. In addition, most platforms offer up to \$1M of insurance per stay to protect the hosts' property. Again, the idea is to make sure that the home and the host are supported, and as a benefit, the neighborhood. Perhaps this is another reason to consider having a registered STR on one of the STR platforms that exist as a requirement for the city.

As I mentioned in the Ordinance Framework suggestions, I live in between a mixed zone one block south and one block north but my home is in a medium density zone. As stated before, I actually disagree that conditional use should go across the board for all residential zones as our residential districts are so varied in the city of Burlington. Having attended almost all of the meetings on Accessory Dwelling Units during the joint zoning committee meeting and researching many of the ordinances throughout the city on parking, building code, etc., it becomes clearer and clearer to me that some of the issues and fears around ADUs and any ordinance changes seem to be how they may change the nature of certain areas, specifically low-density residential zones. And yet, low density zones couldn't be more different than the other zones in Burlington, yet they are often treated the same.

Living on Howard Street, I live in what could be called an urban village in the sense that it looks vastly different than it did 50 years ago thanks to some GREAT economic changes that the city has gone through to attract businesses and development – it has mixed use, housing, office space, and a vibrant retail business. What was once considered the suburbs of downtown Burlington is now really, downtown Burlington.

However, what I see is that there is a huge difference between where I live and the low-density residential district south of me. I bring this up because I would like to request the chance for the city council and the planning and zoning joint committee to consider what would happen if, among the many housing summit issues, ADUs, STRs, and Parking opportunities, that we look at changing how we look at the zoning in the city – specifically keeping low density areas of Burlington, as-is, but opening up and staying flexible to what the other zones, specifically high and medium density look like regulation wise. I think it would be an incredible solution to many of the issues raised during the fall meetings on ADU's, and in this case, on STR's.

By keeping the regulations as is in the low-density areas of Burlington for STR's, but creating flexibility in the other zones, we ensure that the feel of those neighborhoods is maintained, but not punish the areas that have grown and are more densely populated.

Whether we look at ADU's, Short Term Rentals, Long Term Rentals and Parking regulations, there is a benefit to treating the low-density areas differently than the medium, high, mixed, core, and industrial areas.

Currently mixed, core and industrial are treated differently ordinance wise than low residential. Yet medium and high are treated like low residential – much more restrictive, creating many more hurdles to increasing the housing stock in Burlington.

I wonder if it is time for the city to look at the amazing growth that has been developed and allow the other zones in the city to be what they have been built up to be, more densely populated zones than residential.

One last mention, New Orleans and a few other cities have "caps" to the number of STR's allowed in a zone or ward. For Burlington, perhaps it is worth looking at low residential areas, which most likely has a larger fear of losing their neighborhood feel, as places that a cap would ensure the fabric of a residential neighborhood is maintained. Or put caps on the number of non-owner occupied STRs within residential areas. There are ways like this that we can all protect the feel of the city AND the neighborhoods and keep Developers from changing what we cherish.

Summary

Thank you for the opportunity to add my voice to the solution and running the risk of acting as Jerry McGuire and his manifesto (in the movie by that name) that forces us to think outside the box, or as Kevin Dorn, South Burlington City Manager says, “when you want to make omelets, you need to break some eggs.” I think we can crack some “eggs” and am hopeful that if all collaborate and stay open, flexible, and not allow fear to be the driver to our solution, we will absolutely find a “win-win” for everyone involved in the STR situation. Let’s learn from the cities that are more similar to us than not when it comes to STR best practices!

-Amy Magyar,
Proud Resident of Burlington

Enclosed: Addendum of Best Practices Attached on Page 15 to 22

Addendum:

Best Practices: Short Term Rental Cities With “Burlington-like” Populations and/or Destination Tourism

Bethesda, MD (63k residents – cost of living is 17% higher than BTM)

More than 1,200 trees grace the streets of Bethesda, a community whose downtown is designated an Arts & Entertainment District by the state of Maryland. Bethesda is a bedroom community of Washington, D.C. and considered one of the wealthiest and highly educated cities in America.

Only primary residents of a home can list the property for rent; accessory apartments can't be listed as short-term rentals. When the owner or authorized resident is absent, the maximum rental days per calendar year is limited to 120. **There is no limit if the owner or authorized resident is present.**

“This law will allow our residents to participate in the growing ‘Airbnb’ economy while ensuring that we have limits to protect our neighborhoods and sense of community,” council President Hans Riemer said in a statement Monday.

A short-term residential rental is unit/room in a single-family home, apartment or condominium that is available for rent for less than 30 consecutive days through online sites such as Airbnb, Flipkey, Home Away and VRBO (Vacation Rental By Owner). The dwelling unit used as a short-term residential rental must be the property owner's or owner authorized resident's primary residence. All short-term residential rentals must be licensed through Montgomery County Health and Human Services.

Residences can be rented out for a maximum of 120 days in a calendar year if the property owner is absent. This would allow people who go on a long summer vacation or travel to a winter house to rent their home out while they're away, according to Council member Sidney Katz, who put forth an amendment extending the period from 90 to 120 days. The limit on the number of days in a calendar year is also a check to prevent homes from becoming hotels throughout the year.

The maximum number of adult (18 years and older) overnight guests per short-term rental is six and the maximum number of adults per bedroom is two. The measure aims to prevent short-term rentals from becoming overcrowded or enabling large parties to take place.

Property owners must apply for a license to use their homes as short-term rentals with the county's Department of Health and Human Services, which also regulates hotels in the county.

To obtain a license, owners must notify immediate neighbors and their homeowners'/ condo association, if there are any, that they plan to rent out their home or unit. The property owner must have paid all relevant taxes and comply with zoning restrictions and must keep a record of the guests who stay there. The licenses are issued for one year and require an application to be renewed. The Department of Health and Human Services will set the license fee based on its costs to issue licenses and enforce the regulations.

Property owners have to post their license number on Airbnb or other short-term rental websites along with their listing to rent their home or a room in their home. This will help with enforcement, according to county officials, because Health and Human Services employees can flag listings that failed to obtain a license. Riemer said Airbnb agreed to include a field for the license number on listings that owners fill out on the website. The county plans to enforce the regulations if complaints are filed against specific properties.

Are there parking requirements?

Each rental contract requires one off-street parking space unless the online listing indicates that vehicle parking is prohibited.

How does one obtain a short-term residential rental license?

To obtain a license, owners must notify immediate neighbors and their homeowners'/condominium association, if there are any, that they plan to rent out their home or unit. The property must have paid all relevant taxes and comply with zoning restrictions and must keep a record of the guests who stay there. Licenses are issued for one year and require an application to be renewed. Once a license is issued, property owners are required to post their license number on Airbnb or other short-term rental websites along with their listing to rent their home or a room in their home.

Property owners who rent their property, or part of their property, for short-term lodging must also pay the County's Room Rental-Transient Tax, through the Department of Finance, Division of Treasury, a requirement that went into effect July 1, 2017.

https://www.montgomerycountymd.gov/council/resources/files/lms/bill/2016/Enacted/pdf/3162_1003_Enacted_10122017.pdf

No change of use...license and registration only.

Bend, OR (94k residents – cost of living is 10% lower than BTV)

Bend is a small city on the Deschutes River, in Oregon. West are the lakes and peaks of the Cascade Mountains, with ski resorts and multi-use trails.

Short term rental activity is defined by the City of Bend as rental periods of 29 days or fewer per tenant. All short-term rental activity is regulated by the City of Bend through the Short-Term Rental program. Information is available online at www.bendoregon.gov/shorttermrentals.

The parking regulations may differ depending upon the type of land use permit you are applying for.

- For a whole-house Type-II short term rental, you must be able to accommodate the number of parking spaces that matches the number of bedrooms in the home. So, a 2-bedroom home would need to have 2 parking spaces, but not in addition to the 2 required for the home. 50% of the parking may be located on-street, but the street frontage of the home must accommodate the on-street parking space.
- For an owner-occupied Type-I room rental, you will need to accommodate parking for the amount of rooms being rented (up to 2), plus an additional space for yourself as the owner.

No change of use...license and registration only.

Boulder, CO (107k residents – cost of living is 2% lower than BTV)

Boulder is a city at the foothills of the Rocky Mountains, in northern Colorado. To the west, the trail-lined Flatirons are craggy rock formations overlooking the city. Downtown's pedestrian Pearl Street Mall includes art galleries, cafes, restaurants and boutiques. The University of Colorado Boulder campus is home to the Fiske Planetarium and the Museum of Natural History, with zoology and anthropology exhibits.

Short-term rentals are properties in the city that are rented for less than 30 days at a time. To apply for or renew a rental housing license, submit a completed Rental Housing License Application and fees payable to City of Boulder. All rental licensing forms can be found within the Applications & Forms Database.

The requirements exclude dwellings owned by the federal government, the state, or any of their agencies or political subdivisions and facilities licensed by the state as health care facilities; also excluding permanently affordable units.

Additional requirements to qualify for a short-term rental include:

The rental property must be the owner's principal residence; principal residence is defined as the dwelling unit in which a person resides for more than one half of the year.

The name on the license must be the same as the name on the deed for the property, the owner must be a natural person, trust, or a nonprofit organization.

The owner must verify that the number and location of smoke and carbon monoxide detectors meets the requirements outlined in the application packet.

The owner must follow the city's occupancy limits outlined in the application packet.

Once issued, a Short-Term Rental Annual Affidavit and fee must be submitted by the issuance anniversary date to maintain your Short-Term Rental License. If the Annual Affidavit to certify principal residency is not completed, the license will be revoked.

Are there limitations on the number of days a property can be rented in a year? There is no limit on the number of days that a residence can be rented in a year. An accessory unit may only be rented for up to 120 days in a year (less than 30 days at a time).

One parking space per bedroom – not in addition to, but total for the property.

Licensing Fees

Fees payable to City of Boulder. Total fees for a new short-term rental license are \$130.

The short-term rental application fee is \$105 for a four-year license. A one-time business license fee of \$25 is also required; this fee is not required if renewing your license. An annual fee of \$20 is required with the Short-Term Annual Affidavit Form.

No change of use – just registration and licensing.

https://www-static.bouldercolorado.gov/docs/Short_Term_Rental_License_Application_Packet_6.15.17_FINAL-1-201706211431.pdf?_ga=2.53760942.78951364.1509611389-1958732046.1509611389

Asheville, NC (91k residents – cost of living is 17% lower than BTM)

Asheville is a city in western North Carolina's Blue Ridge Mountains. It's known for a vibrant arts scene and historic architecture, including the dome-topped Basilica of Saint Lawrence. The vast 19th-century Biltmore estate displays artwork by masters like Renoir. The Downtown Art District is filled with galleries and museums, and in the nearby River Arts District, former factory buildings house artists' studios.

The general parking requirements for the City depend on several things: type of dwelling or overall building use and zoning district. Asheville does not have specific parking requirements geared toward Homestays or STVRs...parking is driven by use type and zoning.

Those zoning ordinances show that for Single-family homes...IF 2 bedrooms or less = 1 space minimum and 2 space maximum...IF 2 or more bedrooms = 2 space min and 3 space max. No additional off-street parking is required for a homestay.

No change of use – just registration and licensing

Nantucket and Cape Cod (State of Mass Regulations) – cost of living is 9% higher than BTV)

Nantucket, a tiny, isolated island off Cape Cod, Massachusetts, is a summer destination with dune-backed beaches. It's marked by unpainted cedar-shingled buildings, many surrounded by manicured privets. The wharves and cobblestoned streets of the Town of Nantucket are lined with restaurants, high-end boutiques and steepled churches.

In December 2018, the Massachusetts legislature passed, and Governor Charlie Baker signed, a bill to regulate and tax short-term rentals in Massachusetts. This law extends the room occupancy tax that was levied on hotel stays to short-term rentals, creates regulations regarding short-term rentals, and explicitly grants powers to local city and town governments regarding short-term rentals throughout Massachusetts.

The new law expands the state's hotel and motel tax to include the short-term rental of homes (condominiums, single family, multifamily, etc.). Massachusetts is one of the last states to adopt this type of tax. The tax applies to all rentals for a period of 31 days or less, regardless of whether the rental is for recreational, personal, or business use. The new law only applies to short-term rentals, meaning ordinary tenancies, such as an annual lease or a tenancy-at-will, are not covered by this bill.

“Short-term rental”, an owner-occupied, tenant-occupied or non-owner occupied property including, but not limited to, an apartment, house, cottage, condominium or a furnished accommodation that is not a hotel, motel, lodging house or bed and breakfast establishment, where: (i) at least 1 room or unit is rented to an occupant or sub-occupant; and (ii) all accommodations are reserved in advance; provided, however, that a private owner-occupied property shall be considered a single unit if leased or rented as such.

An operator shall maintain liability insurance of not less than \$1,000,000 to cover each short-term rental, unless such short-term rental is offered through a hosting platform that maintains equal or greater coverage. Such coverage shall defend and indemnify the operator and any tenants or owners in the building for bodily injury and property damage arising from the short-term rental.

Registration – no change of use.

No additional parking required.

Savannah, Georgia (146k residents – cost of living is 10% lower than BTV)

Savannah, a coastal Georgia city, is separated from South Carolina by the Savannah River. It's known for manicured parks, horse-drawn carriages and antebellum architecture. Its historic district is filled with cobblestoned squares and parks such as Forsyth Park shaded by oak trees covered with Spanish moss. At the center of this picturesque district is the landmark, Gothic-Revival Cathedral of Saint John the Baptist.

Short-term vacation rental means an accommodation for transient guests where, in exchange for compensation, a residential dwelling unit is provided for lodging for a period of time not to exceed 30 consecutive days. Short term rental certificate required. No change of use.

4 or more bedrooms require a parking plan (4 and under does not require any additional parking spots.)

Adjacent Neighbors Notification Requirement
Annual fee of \$300 (renewal \$150)
No change of use – just registration and licesning.

See Savannah STR Rental Agreement as an example of what could be included in the city of Burlington regulations:

SHORT-TERM VACATION RENTAL (STVR) EXEMPLAR RENTAL AGREEMENT

As part of the application, property owners must submit a copy of an exemplar agreement which is executed between the property owner and occupant(s).

Welcome to Savannah! Vacation Rentals in Savannah is committed to providing you with the very best experience. In addition, we work closely with our neighbors to ensure the quality of life that residents and visitors both expect. Enclosed is information regarding neighborhood policies and local laws and regulations. Please keep in mind that violations of any of these rules can lead to fines or even eviction without refund. We know that you'll do your part to be a great neighbor in Savannah!

Please be mindful of the City of Savannah Noise Ordinance. As you are staying in a residential area, we would like to remind you to observe neighborhood quiet times between the hours of 9pm – 8am. Please remember that sound carries very well throughout Savannah, most especially in courtyards, porches, patios, and verandas.

Guests must not exceed the listed occupancy of each property.

Guests must not exceed the maximum parking allotted to each property. Guests must park only in designated parking places. Please be mindful of street sweeping zones and parking meters throughout the city.

Savannah does have leash laws and leashes are required for any pet taken off property. Pet waste must be cleaned up immediately.

While "to-go" cups are legal in parts of the city, public intoxication is unlawful and may result in heavy fines and/or incarceration.

Savannah has very strict litter laws. Please be sure that all litter, trash, and cigarette butts are placed in waste receptacles. Help keep Savannah beautiful!

Household trash and recycling must be placed in City of Savannah collection carts specific to the property. Trash bags and recycling may not be left outside of the collection carts, left on porches, or left in lanes.

Laundry and towels must not be hung to dry on any exterior portion of the property, including, porch rails, fences, gates, or banisters.

Helpful Hints for your Stay in Savannah: 9-1-1 is the phone number for emergency services in the city. Savannah is a walking city and our architecture and squares are best enjoyed on foot. Please remember to only cross streets in designated crosswalks. And, as in most cities, jaywalking is punishable by a fine. Obey all pedestrian signals and signage.

Bicycles are a great mode of transportation in Savannah; however, bicycles are prohibited in squares, parks, and sidewalks throughout Savannah.

If you happen to be locked out of your property, please contact your rental agent. Neighbors and surrounding businesses do not have spare keys to the property.

Per-Ward Cap

As of September 29, 2017, a 20% per-ward cap is applicable to:

- Non-owner-occupied parcels in the Historic District located in the Conservation and Residential zoning districts. Owner-occupied properties are exempt from the per-ward cap.
- Non-owner-occupied parcels in the Victorian District located in the I-R, 2-R and 3-R zoning districts.

Owner-occupied properties are exempt from the per-ward cap.

INSTRUCTIONS

The "Adjacent Neighbor(s) Notification," herein referred to as "notification" requirement, as outlined in the Short Term Vacation Rental (STVR) Ordinance, Sec. 8-10015(a), requires the property owner/STVR applicant or the property owner's rental agent, to notify adjacent neighbor(s), to the left and/or to the right, that a STVR application has been submitted to the City requesting operation of a proposed STVR. Copies of the documentation showing that notification was made is required at the time of submission of a STVR application through the STVR application process and prior to the issuance of an initial STVR certificate

Notification must include the information outlined below and must be provided in writing and addressed to the property owner(s). You can locate adjacent property owner information on the SAGIS website at <http://www.sagis.org/Home/Map>.

Each adjacent property owner should sign acknowledging that they were provided with notification of this short term vacation rental use, when notification is provided in-person/hand-delivery; OR

Notification can be via certified mail, return receipt requested, and the City would need a copy of the document/letter that you provided to the adjacent property owner(s); and copies of completed certified mail receipts.

Notification in writing and addressed to the property owner(s) must provide:

- (1) Street address of the proposed short-term vacation rental;
- (2) Location of any on-site parking for short-term vacation rental occupants;
- (3) Provide maximum occupancy - Calculate the maximum occupancy as follows: 1-2 bedrooms, **maximum occupancy is always 4**; for 3 or more bedrooms, multiply number of bedrooms times 2 = # **maximum occupancy**
- (4) Copy of the short-term vacation exemplar rental agreement;
- (5) Name of property owner; and
- (6) Name of rental agent and contact information. When property owner is the rental agent, must provide property owner(s) contact information.

Charleston, SC (131k residents – cost of living is 5% lower than BTV)

Charleston, the South Carolina port city founded in 1670, is defined by its cobblestone streets, horse-drawn carriages and pastel antebellum houses, particularly in the elegant French Quarter and Battery districts. The Battery promenade and Waterfront Park both overlook Charleston Harbor, while Fort Sumter, a federal stronghold where the first shots of the Civil War rang out, lies across the water.

Phasing Out Unpermitted Operations Practices

In order to provide time for Owners and Operators of Vacation Rentals that were unpermitted prior to the Effective Date to come into compliance with this section and to provide reasonable return on such investment or reservation commitments as may have been made prior to enactment of this section, Owners and Operators who can demonstrate that a Vacation Rental use was established and operating on the subject property prior to the Effective Date may be continued for a limited period of time following the Effective Date as set forth below:

a. For Homestay and Limited Short-Term Rental uses, the Operator shall comply with Chapter 7.110.050 – Phasing Out Unpermitted Operations.

b. For Commercial Short-Term Rental uses: i. The Owner has sixty (60) days from the Effective Date to register with the Resource Management Agency and file an Intent to Apply form. ii. The Owner has six (6) months from the Effective Date to provide evidence of prior operating status and to make an application for all permits, licenses, certificates or other entitlements required by County regulation. iii.

The Owner may establish a Vacation Rental as “prior operating” by providing evidence to the satisfaction of the Resource Management Agency that documents that it was operating as a Vacation Rental and completed at least one (1) contract in each of three (3) of the five (5) years preceding April 1, 2019, and can provide evidence.

Ordinance amending Title 20 re: vacation rentals Draft 2019.04.19 Page 14 of 19 reservation for a Vacation Rental entered into prior to April 1, 2019 for Vacation Rental of the unit on or after April 1, 2019. iv. The Owner must provide a copy of Transient Occupancy Tax Certificate issued by the County. v. If the above requirements (i) through (iv) are met, the Owner will be allowed to continue to operate as a Vacation Rental for up to one (1) year from the Effective Date, or until County takes action on applications for all required permits, licenses, and entitlements made pursuant to this Section and Section 7.02.060 and Chapter 7.110 of the Monterey County Code, whichever is later. vi. If any of the required permits, licenses, and entitlements made are denied by the County one (1) year plus one (1) day or later from the Effective Date, the rental operation must cease within 30 days of receiving writing notice from the County of such denial.

Nothing in this Section prohibits the County from taking enforcement action, which may lead to shutting down a Vacation Rental operation, during the Phasing Out period if an immediate or imminent threat to life, health or safety exists.

San Antonio, TX (1.49M residents – cost of living is 17% lower than BTV)

The new regulations require short-term rental operators to register with San Antonio and pay a \$100 fee. Hosts are also required to pay a \$100 renewal fee every three years. The city estimates it will receive \$320,000 in fee-related revenue over the next four years.

The ordinance also limits how many “type 2” short-term rentals can exist within a certain area. Type 2 properties are rented out for short terms without the owner present. Only one type 2 rental is allowed in a multifamily development with fewer than eight units. In larger multifamily buildings and on residential blocks, type 2 rentals are

limited to 12.5 percent of housing. Once the density limits are reached, prospective short-term rental operators can ask for an exception from the Board of Adjustments.

Short-term rental operators are required to collect San Antonio hotel occupancy taxes from guests and pay them to the city. San Antonio short-term rental hosts are also required to pay state and county lodging taxes.

Life safety

(1) Short Term Rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances

(2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the short-term rental on each floor.

(3) Smoke and CO2 detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances. Every sleeping area shall have at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances

An evacuation plan shall be posted conspicuously in each permitted sleeping area.

Parking 1 space per property – not in addition to.

Register with the city – no change of use

Properties with city housing incentives not eligible for permit

In 2016, a lawsuit was filed against Austin's short-term rental law by the Center for the American Future, a legal arm of the Texas Public Policy Foundation, representing short-term rental owners. The legal challenge has received the support of Texas Attorney General Ken Paxton and is winding its way through the courts. The Texas Supreme Court ruled in favor of a Texas homeowner whose homeowners association tried to restrict his short-term rental activity. The decision may have wider ramifications in the controversy over Texas short-term rentals.

<https://docsonline.sanantonio.gov/DSDUploads/DSDAcademySTRFinal.pdf>

Boston, MA (Far from close to BTV in terms of size, they do however have ordinances that protect both the city, the residents, and the hosts that are a strong win-win for all.

Limited share: "I plan to list part of my primary residence for rent. I will be present in the unit during each and every rental." Limited Share Units have a private bedroom or shared space in an owner-operator's primary residence. The owner would be present during the rental. The fee for this type of unit is \$25 per year. Occupancy is limited to three guest bedrooms or six guests, whichever is fewer.

Home share: "I plan to list my primary residence for rent. I will not be present in the unit during some or all of the rental." Home Share Units have a whole unit available for a short-term rental at the primary residence of an owner-operator. The fee is \$200 per year. Occupancy is limited to five bedrooms or 10 guests, whichever is fewer.

Owner-adjacent: "I plan to rent a full unit in the same two-or three- unit property as my primary residential unit." Owner-Adjacent Units are within owner-occupied two- or three-family buildings. In this situation, the owner lists a single secondary unit as a short-term rental. The fee is \$200 per year.

In order for units to be considered for STRs the following must be true:

Not be restricted by affordability covenants:

A unit that you want to use for a short-term rental must not be designated as:

- below market rate or income restricted
- subject to affordability covenants, or
- subject to rental assistance under local, state, or federal law.

Be in compliance with related Housing laws and codes

The unit must not be the subject of three or more violations — within a six-month period, starting January 1, 2019 — of any City ordinance or state law relating to:

- the Short-term Rental ordinance itself
- excessive noise
- improper disposal of trash, or
- disorderly conduct or other similar conduct (this includes violations of the state Sanitary, Building and Fire Code).
- The unit must not be located within a "**Problem Property**." It also can't be located within a property owned by a Problem Property owner. These are defined in the City of Boston Code of Ordinances, Chapter 9-13.1 and Chapter 16-57.2.
- If a property contains **rental units aside from short-term rental units**, the property must be renewed and up-to-date in the City's (long-term) Rental Registry. This is explained in the City of Boston Code of Ordinances, Chapter 9-1.3.
- If at any point you violate one of the laws and codes mentioned here, **your short-term rental license will be suspended**. The suspension will last for as long as the violation exists.

There also can't be any outstanding violations on the unit of the types mentioned above.

Be owner occupied.

Limited Share and **Home Share units** must be an owner-operator's primary residence. An **Owner-Adjacent unit** needs to be located within the same property as an owner-operator's primary residence.

To be considered a primary residence, an owner needs to live in the property for at least nine months out of a 12-month period. When requested, you must be able to demonstrate:

- that you lived at the property for nine of the past 12 months, or
- that you plan to live in the property for nine of the next 12 months.

Primary Residence Evidence

You will need to be able to provide Inspections Services with at least two of these items:

- Proof of residential exemption
- Utility bill
- Voter registration
- Motor vehicle registration
- Deed
- Driver's license or state-issued identification

Be located in a two- or three-family dwelling (owner-adjacent units only)

- **Owner-Adjacent** units must be located in a two-family or three-family home.
- You may register the unit you live in as a **Home Share** or **Limited Share** unit and **one additional unit** as an Owner-Adjacent unit.

Be classified as residential use

A unit must be within a property classified as **residential use**. This excludes hotels, motels, executive suites, and other non-residential uses. A unit must also not be part of:

- a congregate living complex
- elderly housing
- a group residence
- a homeless shelter
- an orphanage

- a temporary dwelling structure, or
- transitional housing.

Host Responsibilities

You must **include the registration number** issued by Inspectional Services on any listing offering a unit as a short-term rental. After Inspectional Services has reviewed your application and you have paid for your registration, you must get a business certificate through the City Clerk's office.

You must renew your short-term rental license each year. Licenses do not transfer with the sale of the unit. You must post a sign inside the unit that lets occupants know the location of **fire extinguishers, fire exits, and pull fire alarms**.

You may only offer one **whole** unit at a time. In other words, if you have a home share **and** an owner-adjacent unit at your property, you cannot be away from the property and rent both at the same time.

You must notify abutters that a unit has been registered as a short-term rental unit. You need to do this within 30 days of being issued a short-term rental license. An abutter is defined as any residential dwelling within 300 feet of the short-term rental unit.

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

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

Burlington Joint Planning Commission

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

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

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.	

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

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 2 nd 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.	

Tuesday, January 14, 2020

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".	
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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



Andy Montroll, Chair

Signed: February 4, 2020

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner