

Burlington Planning Commission

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*Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Julia Randall*

Neighborhood Code Joint Committee

Tuesday, October 4, 2023, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

PC Members Present	A. Montroll, B. Baker, M. Gaughan, J. Randall, E. Lee, A. Friend, Y. Bradley
City Council Present	J. Shannon, S. Carpenter, B. Traverse
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	S. Bushor, E. Gould, C. Morrison, M. Arnolds, D. Castrigano, J. Tiano, C. Esquivel, Ryan

I. Agenda

Call to Order	Time: 6:30pm
Agenda	No changes.

II. Committee Member Introductions

III. Public Forum

Name(s)	Comment
S. Bushor	1. Appreciative of the communications regarding the series of meetings with AARP and scheduled meetings with NPAs. It was very well done. 2. Glad to see the joint meetings with an expanded groups of people, but concerned about the pace of processing bigger items. More time and careful consideration is needed to have the discussion to get it done and to do it right, and to roll out this next phase of zoning.
E. Gould	1. The lack of mixed-use zoning in a lot of neighborhoods in the city. Especially as we look at some of these missing middle housing townhouses, the seven dwelling units per acre across the city and much of the zoning is extraordinarily low. "I would like to see is at least a density equivalent to residential medium across the board. The fact that we have large lot overlays where some properties require 10,000 square feet lots in a city that's supposed to be dense and then those areas are subsidized. Looking at the urban three data that's in the presentation, sometimes those areas produce four times less revenue per acre than the old North End and eight times less than downtown. And then I'd like to see, especially as we kind of consider townhouses citywide removal of setbacks side and front at least to enable kind of more active streets."
C. Morrison	Building portable opportunities for home ownership - "I wanted to take this opportunity to do some sample calculations in the new North End to determine basically what costs we would actually be looking at if we were a developer to

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	purchase and do the tear down and infill development. I took a sample of 663R1 homes in the new North End. The appraised value average was 288,000 dollars, \$288,300. Keep in mind that the appraised value is not the same as the purchase price. This is a rough estimate, but I assumed a 50% higher purchase price. Our cost as a developer to acquire a build of a lot is around 430k. I'm not including demo and permitting costs in this to simplify. I consulted with a local construction company and they quoted me based on the multifamily unit, but \$300.00 per square foot on the low end to build. To build a quadplex for our acquisition costs and then our new build is 1.6 million that's 400K per unit at a break-even point. The 80% area median income for Chittenden County, which is the measure for housing affordability that's used by the the state housing agency is \$92,560.00. The affordable measure for a home price is 315,000. That's the affordable goal that if we want to encourage home ownership we should be trying to hit. If we only do 4 plexes, we're not going to hit that. And remember that estimate I gave does not include the profit margins for the developer, the HOA cost or the property taxes for the new residents. So we're assuming like a nonprofit housing developer. If we go up to an 8 flex, the cost would per unit would still only be about \$354,000. That's also not affordable. If we want to approach the affordability range, we would have to go up to a 20 unit building, and then we get to \$321,000. This would I guess qualify as a mid-rise, which is outside of the purview what the neighborhood code has been described as up to this point. This would also represent based on a typical lot size basically a six fold increase in the density per acreage that is currently allowed in the residential low density district. It would bring it more in line with the residential high density district. I did this calculation because I wanted to show what kind of changes we would actually be talking about if we wanted to create housing that would be per unit at a reasonable level for the median Chittenden County home buyer. This is kind of how deep we are in the hole here in Burlington from my perspective. When we talk about housing that a Vermonter can afford in the short to medium term, the neighborhood code would require a much more comprehensive, in my view of zoning than what's being proposed. My point is that even building 8 plexes in my neighborhood won't make them affordable to own. Everything that's on the table now is basically an order of magnitude below what would be necessary to have even a moderate chance of creating affordable housing in the next 5 to 10 years."
M. Arnolds	"I wanted to ask you to prioritize housing affordability over status quo zoning. It would be easy for everyone here to do the bare minimum required by Act 47 and only legalize small missing middle types like college courts and 4 plexes. However, larger missing middle types like apartments under 20 units are critically important to splitting the high cost of urban land between multiple families, thus any of laying more affordable housing types. I'd ask you to remember the city stated climate and transportation demand management goals would call for denser development near job centers to reduce VMT, and to reduce heating bills with shared walls and ceilings. I hope that you keep in mind some of what you've heard from engagement from people during the SEIT engagement process where many of even the most reform hesitant voices spoke in favor of human scaled 6 story apartment buildings. Now isn't the time to prioritize aesthetic concerns over allowing sufficient housing. Please do everything in your power to allow the region to return to a 5% rental vacancy

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	rate and to return our homelessness rates to 2018 levels instead of one of the worst in the nation. Let's broadly legalize housing in Burlington."
D. Castrigano	"I agree with what Evan and Michael and Collin said so far. I just wanted to hammer home the climate perspective. Today was 86 degrees Fahrenheit, smashing the old record from 1891 by 4 degrees, which was 82 degrees. If you didn't see the news, 11,000 Libyan lives were swept into the Mediterranean Sea from catastrophic flooding. The month of September is 1.8 degrees Celsius hotter than before we started burning fossil fuels. We haven't crossed the official Paris Agreement of 1/5 yet. At the current rate it's going to happen in 2027, and if that's not at the forefront of your thinking please make it so. I would argue that this body has the most power to end the fossil fuel industry which is what we have to do as soon as possible to end the fossil fuel industry is to stop running fossil fuels because the two biggest sources of pollution are from cars and from buildings or from ground transportation for buildings. We need dense mixed-use walkable likeable neighborhoods however much up zoning we're going to do, do more.
J. Tiano	"I want to speak mostly about the areas of importance concern to me on this project, but want to 1st recognize and congratulate the city for even being here in this road, acknowledging the change needs to happen in our residential zoning codes. My concerns largely fall under the umbrella of this initiative not going far enough. The specific concerns are: 1. Enabling some form of mixed-use in all residential neighborhood. I know that the fire that we're trying to extinguish right now is the housing crisis, but neighborhood level commerce is an important consideration for the types of buildings that make sense in the neighborhood and is a key factor in how a neighborhood retains and grows its wealth and maintains a sense of public safety. Localized commerce like grocery stores, cafes, restaurants, dentist office salons, bookstores, etcetera. Also a major opportunity to shift our transportation mode share for many trips to walking, which again improves public health and safety and makes an impact on our climate goals. Segregating housing for commerce is a failed idea that should be left in the 20th century and this project should absolutely take steps to fix this. 2. Organized compatibility for small scale developers. The budget scale of each individual project is going to be a lot smaller than projects that will be going up in places like the SEID, and so the threat of regulatory groups and challenges and complicated TRV processes can sync a \$1 million project much more easily than it can do to a \$200 million project. Not to say that we shouldn't have regulations, but that when crafting the ordinance language it should be permissive, easy to understand, and enforceable in a straightforward way. 3. The building types that can actually be built in this economic environment. Construction is very expensive right now due to high material labor and financing costs. I'm worried that the typologies that have been talked about for the grid codes so far, specifically buildings at or below the size of townhouse, are just not going to make economics to build except as a handful of luxury new constructions. I'm not opposed to some luxury development and all new housing will relieve some pressure on the market, but the scale of housing that we need to get on a course towards long-term market stability needs to be made explicit. I really do hope that there will be opportunities throughout this process for me and others to have longer, deeper criteria, conversations and decision makers about how the details might play out, especially with a very pro housing incumbent administration on the way out in Burlington.

C. Esquivel	"I appreciate what you're doing. The only thing that I would like to address is that we need more density. I don't know if there's a density cap in this project, but I think we should aim for higher if there is any cap. I would like to address mixed-use development. We all should have access to pharmacies, to grocery stores, to corner stores, to restaurants right in the same neighborhood where we live."
Ryan	"My primary angle looking at this and for being here tonight is the reduction of car dependency across Burlington. 1. Significantly up zone single family neighborhoods. I think we should be looking at townhomes as really the minimum of viable density needed not only from an affordability perspective but also from a livability perspective. We can allow North Ave to become a much denser transit oriented mixed-use corridor."

IV. Purpose & Scope of Neighborhood Code Committee

G. Marchiliman	Director of AARP Vermont. "We're here really to speak directly to the missing middle issue. There are significant benefits to this large housing type, especially when considering increased demand for housing, particularly for older adults. The issue for us is that there's a real mismatch between the housing that's available and then what people want and need. Vermont is the second oldest state in the nation, and frankly, about 1/3 of Vermont households will be 65 or over by 2025. By allowing for the construction of some smaller, friendlier homes, we can respond to changing demographics and the housing needs of Burlingtonians. We just want to say that we support the Burlington Neighborhood Code project effort because it builds on existing neighborhood character while creating the ability to meet the needs of current and future households by diversifying our housing stock. And we look forward to this continued collaboration with the city moving forward." ➤ Presentation by the Planning team. B. Baker: "One reaction I had is question about fractional related to fractional ownership. It was created in the 80s and I don't think it works." M. Tuttle: "What Bruce is referring to is an ordinance that requires a fee to be paid if a housing unit is converted to a condo. If you're converting to a condo, there's some requirement for providing assistance to tenants that we're living in rental housing that's being condomized and maybe some rules about offering right of first refusal to tenants, things like that." J. Randall: "During public engagement events, an 8+ unit building sticker was available for people to choose from, that I wanted to see included in the presentation. We should be talking about mid-rise apartment buildings as part of this missing middle conversation and neighborhood code update." M. Gaughan: "The staff here did incredible work in the South end and I think that will continue over time." E. Malone: "Thank you for the public comments guys, appreciate your math and you bringing the Climate Act and travel on how we're thinking about you know supporting people that build denser." J. Shannon: "from public comments is the idea that people being concerned about being in a neighborhood of renters, but there's another issue there, which is that we become a community of landlords and ranchers. To be cognizant of how do we get at it and even if it goes into the construction zone, what are those barriers"
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to home ownership because home ownership can get it can exist in any in any housing style. There's more equity in a community where everybody has a piece of ownership in that community of something that that they can afford."

M. Tuttle: "Around the time that we were working on the zoning reforms, there was also a partnership between CEDO and Home Share Vermont that actually created that kind of technical assistance program. We're working on kind of reestablishing some capacity to work with them to see if something like that's possible. And we are definitely thinking about whether there's a lot of money that's been flowing at the state level to try to address some of these challenges. There are new state programs that are geared at things like how to develop more small developer capacity across the state, producing resources like that. We'll also look at you know how can we tap into some of those things as potential supportive resources for implementation."

B. Baker: "I would also say that there's some places that are covered that force the person applying to pay for that analysis up front rather than say put it in as a permit condition, identify the issue to them and let them know about it, but let them get the schematic DRB approval."

M. Gaughan: "I think for me the 2 purposes are: 1. Home ownership opportunities and 2. Making the code reflect what's on the ground because 40% of the land mass doesn't reflect what is actually allowed."

M. Tuttle: "One of the specific focus groups that we are hoping to have within the next week or so is to talk to some folks that are involved in real estate and specifically think about some of the proposals that we're going to introduce to you if those if there's a market for those things and want to make sure that these will be grounded in reality."

B. Traverse: "1. The presentation was excellent. 2. Are you able to provide sort of further clarity as to what we may be able to expect, particularly along the city's main corridors, to the extent that would be designated as medium density versus low density?"

M. Tuttle: "One of the things that we are still working on ahead of giving you the presentation in two weeks is the exact approach that we want to recommend for the corridors. The map that you saw did illustrate those corridors as RM, but I think there is the potential that we could take a completely different approach and create a specific corridor, residential, zoning district. What we have been talking about is regardless of the approach, we do want to allow for larger building footprints. I think it will be fully within the discussion of this committee to talk about whether you want to allow for more units in a building as well. I think another discussion point for you all to work through is how you want to approach the conversation about commercial uses, neighborhood commercial uses. We could take the approach of looking at our neighborhood commercial standards and thinking about whether there are a handful of uses, or you could be a little bit more flexible about what types of uses we were not originally anticipating, proposing sweeping changes to commercial uses on those corridors, in part just to help us tackle a manageable amount of work."

M. Gaughan: "As your impression that the mass you're contemplating could accommodate sort of what's being discussed here is I guess like hate to 15 units, 20 units, something like that?"

M. Tuttle: "It's something we can definitely make sure it's true before we present them to you. But definitely thinking larger footprints, potentially even taller building heights along the corridors than what we allow in other residential."

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	districts. I don't think it's unreasonable to think that those buildings could start to approach you know 8-10 maybe even slightly more." A. Friend: "I'm also interested in hearing about larger building types, six or eight story buildings, keeping in mind that North Avenue is just one corridor we have to make sure that we can fit all the people in transportation in there." M. Gaughan: "if we need to set an agenda where we're looking at major commercial corridors and what is an appropriate level of density, I think that as a separate work project would be appropriate." S. Carpenter: "I think Michael made a good point about looking at what's on the ground now. North Avenue is not a small density zone and it actually would in my opinion improve the profile of not having to have things maybe going up and then you know softer down behind." M. Tuttle: "We're meeting again in 2 weeks. What to expect for that meeting – 1. We're going to start to dive more specifically into the proposed zoning recommendations. 2. We also are anticipating having the architect that we've been working with to help us kind of test and develop these standards here with us in person. 3. We're going to be meeting up in Contois for our meeting on October 17th at 6:30 and would welcome as many of you as can and would like to join us in person for that meeting. 4. We're aspiring to get you some ordinance language for the next meeting, but if not at that meeting, at the very next one where we can actually start to pretty quickly translate these concepts into actual ordinance language so we can review them side by side as we go. We're anticipating sort of breaking this up and looking at the big picture recommendations first at next meeting and then using a follow up meeting to start to talk about a lot of the related things that will need to make this all work.
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V. Adjourn

Adjournment	Time: 8:00	
Motion: M. Gaughan	Second: J. Randall	Vote: Unanimous