

Neighborhood Code Joint Committee Meeting

Tuesday, December 12, 2023, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, B. Baker, J. Randall, E. Malone
City Council Present	Z. Hightower, S. Carpenter, B. Traverse, J. Shannon
Staff Present	M. Tuttle, S. Morgan, C. Dillard
Public Attendance	Jak Tiano, Todd DeLuca, Gordon Dragoon, Gabe Arnold, Colin Larsen, Sharon Bushor, Tim, Amelia Fannin, Evan Gould, Joe Giallanella

I. Agenda

Call to Order	Time: 6:30pm
Agenda	1. Move item 3 – PC 2024 schedule to next meeting 2. Move item 2.4 to 2.3

II. Neighborhood Code: Committee Discussion on Staff Recommendations

2.1. Areas proposed for change from RL to RM

J. Randall:

- Advocating for keeping 6 units for RM. Thinking about the possibilities for building out an RL and other places of the city, I think it might lead to some strange situations where RL is like functionally denser than RM. Because if you just have 4 units for RM and you'll have and the only difference between the districts is that lot coverage, then you're just going to have bigger units in RM and not necessarily more units.

A. Friend:

- It seems that the goal is to increase, middle income housing, then we ought to move this area to RM and make it 6 units.
- Concerned that a change in the zoning rules would be taken advantage of by people who have historically, taken advantage of a lot of the college students in this city.

Z. Hightower:

- There are some other problems the city needs to work through on actual compliance, whether that means parking compliance, whether that means not having low quality housing and continue to pack students or other renters into it. I'm supportive of moving this forward and hopefully also finding solutions on the compliance side.
- Preference to RM standards: #1 - 6 units, #2 - 4, #3 - adding another RM level

S. Carpenter:

- Thinking about the four versus 6 large apartments, larger apartments actually may be less compatible for a neighborhood because that's where you sort of try to squeeze a lot of people into a bigger apartment. I think the more you get over 25 in age, effectively, the older you get, the more you're likely to want a single apartment or single opportunity. Maybe more units might be better than less larger units

E. Malone:

- In favor of residential medium for this section and then you know also even thinking about it more in other parts of the town that currently are residential.

M. Tuttle:

- This neighborhood used to be zoned RM Once Upon a time and was changed to RL likely after much of what's in this neighborhood had been built.

B. Traverse:

- West of North Willard here for example is currently zoned as RM. It appears that many of the lots to the West of North or even already well above 60%. So even in moving to 60% lot coverage, it seems that many of the lots there aren't able to grow except perhaps in terms of unit size.
- As you look to the RM district West of North Willard, you see a lot more expansive lot coverage. But then if you looked at a map and I don't know if this is that map that is the number of existing residential units per lot you know some of them appear to have upwards of four or five to 9 units. But again, just very bird's eye view here it appears that most of the lots even less N Willard notwithstanding the expanse of lot coverage are still you know 1–2-unit type building. Can you speak to, my understanding is that right now in RM that you're used to be able to have a multi-family or multi-unit building in excess of three, but then there's a separate standard that limits that to 20 units per acre if I'm not mistaken. Where do you think that actually lands in terms of current picture, the maximum number of units that would be permitted in an average size lot here?
- As you mentioned, they may be able to repurpose outbuildings and items that are on the lot, but they're not going to be able to grow much in terms of footprint. Where they will be able to grow is in terms of potentially permitting additional units within that lot.
- I am hard pressed and those districts that are currently zoned as RM to go back down to 4 units, I think we should stay at six units in in those areas.
- The other areas that are suggesting moving from RL to RM where your initial proposal was that we should keep that at 4 units and make it more about expanding the lot coverage. My sense is that in those areas you're proposing as again shifting from RL to RM newly. They have more opportunity to grow in terms of just the lot coverage and building out to that 60% and adding additional units beyond that I think is what has been causing some potential push back. Maybe considering a 2-level RM district where those areas that are currently zoned as RM would move up to 6 units And those areas that we're proposing moving new sort of new lead from RL to RM that that would be a maximum of four units.
- It would be helpful to have some additional examples of an average lot size in different neighborhoods RL-RM.

M. Tuttle:

- The Old North End is one of the oldest neighborhoods in the city in terms of the physical buildings, and at one point that neighborhood was also zoned RH. Both of those neighborhoods have sort of gone backward in terms of what was allowed in them over time. We did look at a little bit at the neighborhood, the old north and West of this area of Willard St. and particularly looked at that issue of lot coverage. The thing about those areas is that lot coverage is already significantly beyond the 60% limit, which means in a lot of cases, unlike this neighborhood, some of that lot coverage can be repurposed. And so that was one of the things that we were looking at. a lot of those properties are going to be in a place where there's just not physically anywhere for them to expand or there are existing outbuildings maybe that aren't currently used for residences that could be converted to buildings, driveways that could be replaced with buildings etcetera and having non-conforming lot coverage as long as that not that lot coverage is getting more expansive, we'll still give property with that neighborhood flexibility. I think the difference here is that a lot of these properties sort of teeter on the edge and expanding anything will be much harder on this side of Willard
- Across the board it probably varies a bit from property to property. In some cases I would say in RM it's lot coverage that's a limiting factor, in some places it might be density, in other places it could be both. It it's hard to say like what one issue is the biggest limiting issue, but we did look for example at kind of what lot size you would need today in order to get up to 4 or 6 units in RM and think that in general the standards that we're proposing will be more permissive than what the density movement would have been passed.

M. Gaughan:

- Advocating for 6 units, but some of these deeper lots that we have like in the South end, you know you have the potential to add 24 people in a in a neighborhood on a on a single lot and that's a lot particularly with the no with the with the parking minimums going away. I think 6 units is still a good number, but I think that should be purpose built in the primary structure and contained to that alone and kind of

that 6 units might be best staying with the parcel itself. I don't have a comment on sort of having an RM that's 4 units versus 6 units, but I just I think as a general feeling I think 6 units total is appropriate.

J. Shannon:

- In the discussion about having 6 units vs 4: in some ways it doesn't really make a difference because the units, if you have a certain capacity for the volume of the of the buildings, that's going to determine how many people live there and there's a lot of opportunity to create something new under this. The developer can create something that maximizes their income, whether that is 6 or that is that is 4.

M. Tuttle:

- When we made the recommendation for you for four units, we were taking into account a lot of different things, but we were also trying to make sure that the neighborhood code was nimble. We do know, and this question has come up, that at 4 units, especially if a property has four units within a building, it would not trigger our inclusionary requirements, which can be really complex at a project of this scale. I think that there's also a threshold in our transportation demand management ordinance that's different if you're under 5 units or over 5 units.

A. Montroll:

- Going forward with the area being RM with 6 units (a question remains still just exactly how we'll be defining those 6 units, you know, in if it's in multiple buildings).
- As we go through some of the other areas, we may refine that more and we'll see what it's like in other neighborhoods as well.

Proposed Change from RL to RM or RM to RH: Maple St to Shelburne Rd

M. Gaughan:

- Apply PUD on deep lots in residential districts?

M. Tuttle:

- In RL today, it cannot on many of these lots that we're talking about, you cannot use the PUD until you get to A2 acre lot or larger.
- In RM it is a tool that can be utilized, but I would say the reason for using it I think would depend on what the underlying zoning would allow. Under today's rules in RM, somebody might be interested in using the PUD standards because we don't allow more than one primary structure on a lot.

J. Randall:

- I think there's a larger point to be made about like the massing of the buildings along S Union St. and other streets.

M. Tuttle:

- We have looked at things like these larger lots being really suitable for things like cottage courts because you really need a lot of land in order to implement a cottage court. And I would guess that this kind of area east of Willard St. moving up the hill would be like an area where you would see a lot of the lots that could be large enough to facilitate that.
- I think similar to the conversation that we had about the addition this neighborhood; it depends on what your ultimate goals are for the outcome. I think that there can be flexibility added to this neighborhood as RL and potentially more flexibility added to this neighborhood through RM. It's not one of our highest priority if it's to change from RL to RM.

S. Carpenter:

- These are big, a lot of big old beautiful houses, expensive homes. And going from where they are now to RL will be a big change for a lot of folks going from that, even more to RM.

A. Friend:

- Agrees with S. Carpenter's point.

E. Malone:

- The mix of different sized homes with different units, with some commercial and like churches, I think it's like a pretty special spot.
- In favor of shifting to RM

J. Randall:

- Agrees with E. Malone - the bus route that goes here and also just support the idea that being more flexibility is a good thing here and sort of what the spirit of this project is about for me.
- In favor of having flexibility - the changes that we're proposing here are just what's possible on a given parcel and it doesn't necessarily mean that the majority of parcels in this area are going to change at a rapid rate.

M. Gaughan:

- The additional lot coverage flexibility is not necessarily going to result in more units, it could just also be bigger houses for folks that can afford to do so and might have otherwise felt like they couldn't expand the size of their footprint.
- In favor of going to RM
- In the reconceived RM, there should be a per parcel unit Max of 6 units, which is just for I suppose discussion purposes is something I think we're kind of ambiguous on that point.
- As we try to do this, we might need more flexibility for less than an acre on the PUD side.

A. Friend:

- It's important that this broad effort that we're undertaking here should be equitable in terms of distributing up zoning areas of the city not based on what the assessed value of the properties. We shouldn't just be foisted on the less expensive properties.

Proposing changing from RM to RH that's just South of Maple Street (area that includes Bob and Mill and a couple of properties east and West of the intersection at the at Maple and Pine St.)

- All in favor of the proposed changes

80 Austin Dr. – an existing just under two-acre parcel that currently has residential units on it. It's in the Enterprise District zone though, and is not permitted to have housing. – bring into the RL zone; good candidate for PUD location in the future as well

- All in favor of the proposed changes

Property near the bend in North Avenue. one of the first lot on the east side of the street near the river that is in fully in the conservation zoning district that applies to the river corridor. there's a sort of flat portion of the lot closest to the street that could be a location where a small unit like an ADU or something could be located and is currently prohibited due to the location in the district or in the conservation district. Change that lot to be in the RL zone.

- Would require slope stability
- All in favor of the proposed changes
- The staff to look at other areas as well

III. Public Forum

Jak Tiano	• commercial use has the potential to be one of the most consequential things that we do in terms of neighborhood resilience and long-term development as part of the neighborhood code. • frustrated with how much the conversation tends to revolve around keeping things the way that they are. • to actually equitably equalize these changes would be to give the neighborhoods with the lowest zone the most up zoning. • Focus on the big changes rather than get caught in the small details
Sharon Bushor	• Raised the issue of spot zoning • What a zoning change will look like to go from RL to RM with a new criteria. • What the maximum number of units will be. • The current proposal different than what was originally put forward. • Understanding what the boundaries are as different sections are discussed.

	Bring the approved changes to the neighborhoods (not NPA's)
Colin Larsen	- Going from 6-4 units per building to 6-4 per lot would mean that in the RL zone a quadplex would have to be a demo. Due to the additional costs of doing that, it would produce a high barrier to getting a quad plex - Owner occupancy vs rental – the Netherland 2022 law - what we have on the ground now cannot be the future of Burlington - we should not be looking to that as a goal.
Todd DeLuca	Repeal the Inclusionary Zoning or make it voluntary or make it a partial repeal but raising the limited to 10 units instead of five and then at least the people of Burlington would be able to build a six-unit apartment.
Gordon Dragoon	- Agrees with Jak about commercial use. A mixed-use neighborhood is one of the best ways to achieve a walkable and resilient community, and needing to walk 20 minutes or longer to walk to a grocery store isn't viable for those that are aging in place or those with limited time. - Supports up zoning - Agrees with Colin about the disappointment in pushback
Gabe Arnold	Why the addition was really singled out for the up zoning and not some of the other neighborhoods that are around here? Why the Birchcliffe or the Lakeside neighborhood weren't considered?
Tim	- Advocates for up zoning - S Union is a great place to see more infill housing
Amelia Fannin	Spread the opportunity for density over more areas rather than single out a certain area
Evan Gould	- Evenly distributing the up zoning: changing the large lot overlay to still require the S 100 footprint of five to use per acre, some minimum lot size of 8500. Just turning it into RL like the rest of the RL is both the simplest approach and I think the most equitable. - Considering more broadly than just the residential corridors where it's currently proposed.
Joe Giallanella	- I want to laud your comment tonight about inclusive zoning efforts and being equitable across the board and hope that that persists. - In future sessions the Commission can continue to consider their changes with the most up to date and recent information including: updated maps including the South End connector, and the South End Innovation District

IV. **Minutes**

Action: Approve the 12/5 minutes		
Motion by: J. Randall	Second by: E. Malone	Approved: unanimous

V. **Communications**

Action: Review and accept the communications		
Motion by: J. Randall	Second by: E. Malone	Approved: unanimous

VI. **Adjournment**

Action: Adjourn	Time: 9:10 p.m.
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Motion: J. Randall	Second: E. Malone	Vote: unanimous
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