

Neighborhood Code Joint Committee Meeting

Tuesday, December 19, 2023, 6:30 P.M.

Hybrid Meeting via Zoom and in the Bushor Conference Room

Draft Minutes

Members Present	A. Montroll, A. Friend, E. Malone, M. Gaughan, B. Baker, J. Randall
City Council Present	B. Traverse, J. Shannon, Z. Hightower, S. Carpenter
Staff Present	M. Tuttle, S. Morgan, J. Palazzolo
Public Attendance	Colin Larsen, Sharon Bushor, Evan Gould, Joe Giallanella , Jak Tiano

I. Agenda

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

II. Neighborhood Code: Committee Discussion on Staff Recommendations

2.1. Review NC Topics & Next Steps

- Recommendation from staff (Part 1 – Core Recommendations):
 - Discuss the remaining issues
 - Warn the current body of work (Part 1) for a public hearing
 - Make any other adjustments to Part 1 Core Recommendations
 - Make a recommendation to the City Council
- Recommendation from staff (Part 2):
 - Continue through the Planning Commission to develop recommended amendments for remaining related standards.
- As soon as the new code gets adopted, it becomes effective within 21 days after that action.
- If the committee refers the core recommendations to the Council by the end of January, we are currently looking at either the January 29th or February 12th Council agendas where this could be taken up and presented to the Council.
- Referring some of Part 2 to the Planning Commission's Ordinance Committee (DRB + DAB)

2.2. RL Larger Lot Overlay & RH High Density Bonus Overlays

- Under state statute in Vermont, the HOAs are allowed to make rules about the number of units that are allowed to be developed on lots. Could limit the creation of new units in some areas.
- Better understand HOA rules and restrictions.

Z. Hightower:

- Supports staff recommendation
- Make zoning as simple as possible

A. Friend:

- Supports staff recommendation

J. Randall:

- Supports staff recommendation

M. Guaghan:

- Whether it might be useful in some context for in particular for zones that have a diverse range of parcels where their needs might differ?

M. Tuttle:

- This large lot overlay is actually meant to be more restrictive than the underlying zoning for these large lots where a PUG process is typically more permissive for large lots.

S. Carpenter:

- As we change the zoning, something to understand how those common areas held by those HRAs, are they developable or not developable?
- Supports staff recommendation
- The committee is in agreement with the staff recommendations to remove the large lot overlays and to allow these three areas to be the new RL.

Existing Sec. 4.5.3 RH Density Bonus Overlay

- The committee is in agreement with the staff recommendations

2.3. Commercial Uses Allowed in Residential Areas

J. Randall:

- Supportive of commercial uses expanding throughout neighborhoods as part of the mixed-use, walkable, livable character that you were mentioned by staff.
- Expanding the range of uses, commercial uses allowed in the corridors, but also expanding the corridors to more expanding that designation to more roads, streets throughout the city to expand commercial uses that way.
- Make sure that those designations are available to all neighborhoods throughout the city and not excluding certain areas like in the middle of bold North End on Union Street.
- Making sure that every neighborhood has some sort of access to a place where they can buy food.
- Address the commercial use with the discussion about the corridors in Part 2

M. Tuttle:

- The role of the corridors helping link neighborhoods kind of within and to other mixed-use areas of the city.
- Allowing more flexible commercial uses in the corridors, it would really open up the opportunity for people to live in proximity to those uses.

Z. Hightower:

- Take another look at both the like especially some of the high like the high-density RH and I don't remember what that stands for now and in terms of making some things permitted whether that's like yeah grocery stores or as opposed to having a conditional use.
- In favor of making things a little bit more permissive especially both on the corridors and on the high residential
- Make use conditional on it being like a corner lot or being the first floor.

A. Friend:

- Concerned about making the properties on corridors more valuable because of commercial uses.
- By taking what are essentially largely residential districts now and designating them as corridors and then allowing commercial uses, doesn't that conflict with our prime directive of creating more opportunities for missing middle housing here by making those properties much more valuable?

M. Tuttle:

- commercial uses are kind of hard to make work right now.

- Talking about uses that are still going to be in buildings that have a footprint of 3600 square feet or less in the corridors like these are pretty small spaces that this would allow for some flexibility and mix of introducing some commercial uses into these neighborhoods.

J. Shannon:

- Keep it conceptual at this point of kind of are we open to more neighborhood uses.
- Keep it more or less the way it is now, to then go through the process of going through the use table, consolidating, get her getting fewer options to choose work.

E. Malone:

- Encourage more diverse commercial spaces
- Enforce rules for commercial parking in residential areas

B. Traverse:

- Agree with the sentiment that's been expressed by those to allow or and even to expand some of these neighborhood commercial uses.
- Comparing Appendix A and the use table to the proposed language put forward in terms of the exception for neighborhood commercial uses - some confusion and maybe some things that are out of alignment
- Why some commercial uses in the proposed use table in a residential corridor wouldn't similarly be permitted in the high residential neighborhoods as well.
- Language that exists in Article 4 for exception for neighborhood commercial uses – doesn't necessarily feel like there's a need to limit the neighborhood commercial uses just to existing historic buildings.
- Agrees with Zoraya on expanding the use table

S. Carpenter:

- Confused around what would be allowed in the current non historic low residential neighborhood for commercial.

M. Tuttle:

- the neighborhood commercial and that is what allows for those small like cafe, small retail kind of things in the historic buildings within like an RL zoned neighborhood for example. Not recommending changing that.
- In a non-historic building, there is the opportunity to pursue a home-based business.

M. Gaughan:

- Doesn't think the commercial space is going to be much less lucrative than the residential space in this market.
- Sympathetic to the conversations about expanding the commercial area.
- Advocates for staff recommendations
- The committee moves forward with staff recommendations in Part 1
- Include another look at the commercial areas in Part 2

RL District Adjusted Boundary (continued from the previous meeting)

M. Gaughan:

- On the table that they've provided that showed the percent that would be of parcels that are conforming after the changes late. The two ones that stood out, the most obvious were Lakeside, which you've raised the question about, but also the old North and West. If there were any, if, if we should be thinking about that one as well, which I guess would be RM to RH, but that much would be because it's so peculiar in so many ways.

M. Tuttle:

- The main reason why we hadn't suggested any changes there is because in the Old North End, there are actually quite a few properties that are well over the lot coverage

limit in our ordinance today and what would be recommended for RM. Even changing that to RH wouldn't affect that condition.

- We've done a bit of a survey of areas of the old North End to see if changing to RH would make sense. And we've actually found surprising number of properties that have large parking areas that could be repurposed for a building or some kind of back building that could be converted into a residential use that's not being used for that purpose today.
- The committee could maybe look at more in in Part 2 if they wanted.
- The outcome we want to see from this project and getting the % of non-confirming as low as possible so that we can change the code, reflect on what's on the ground and have you have the same rights you know as your neighbor.
- Switching back to RL on The Addition

B. Traverse:

- Have an explanation for constituents as to why some neighborhoods are RM but not others.
- Break off some of the South of downtown neighborhood and recalculate what it is.
- Proposal to Include Hoover/Clymer, Lakeside, the Far North of the new North End and the old East End to RM.

J. Shannon:

- A lot of opportunity to you know expand there when we make the increase from 35 to 45% lot coverage.
- Going to neighborhoods that are at 24%, isn't consistent with what this project is supposed to be about, which is about infill development and not dramatically changing these neighborhoods.

J. Randall:

- Zoning more places RM allows for a greater range of flexibility of housing options.
- Spreading out the opportunities for more housing rather than singling out specific neighborhoods.

S Carpenter:

- Singling out the Far North of the new North End as RM might not translate the same in real life
- Look a little more closely at South Union, South Willard

A. Friend:

- If it's at least 45% in either category that you should consider moving it to RM as opposed to 50%.

Z. Hightower:

- Everything should be up zoned. Old East End is a little bit on the is on the verge both in terms of being next to corridors and in terms of being like largely non-confirming.
- The Committee did not reach a unanimous agreement on all the proposed areas. The general consensus is converting Five Sisters, Hoover, Lakeside, the North Hill and South Union, South Willard to RM, and not moving The Addition or the Far North or Old East End into RM.

Units per Building in RM

A. Montroll:

- Allowing more than 1 building on the lot regardless if the number of units allowed is 4 or 6 per building

B. Baker:

- Having a second building on a lot really opens the door to being able to build on lots which have historic homes on it already.

A. Friend:

- Allowing flexibility for what works on a specific lot

- Supportive of having 6-unit primary building, and 4-unit secondary unit

J. Randall:

- Allowing flexibility for what works on a specific lot
- A maximum is not a mandate
- One concern is with inclusionary zoning kicking in and being a deterrent to somebody who wants to build a 6 plex.

M. Gaughan:

- Concern about having 2 6-unit buildings on one lot
- Keeping the primary building at 6 units per building, and limit the secondary building unit number.
- The lived experience needs to be thought about.

S. Carpenter:

- Agrees with Andy and Michael

J. Pallazolo:

- When you look at the potential allowable square footage in that secondary building and then divide it by the 6 potential units, you're starting to really skirt with really tiny, tiny units that are actually starting to touch what other cities limit the minimum size for units. Wanted to make sure that we were allowing for units that could accommodate all types of families and all types of living conditions.

B. Traverse:

- Agree with other committee members in terms of allowing folks the flexibility to have multiple buildings on the lot.
- In terms of going up to 6 units, I also favor maintaining that flexibility.

J. Shannon:

- Build smaller units if there is market for that.

Z. Hightower:

- Agrees with Ben.
- The committee agreed on having 6 unit primary building and 4 unit secondary building.

III. **Public Forum**

Gordon Dragoon	• Supports Ben's proposal though would prefer to go further • Up zoning the entirety of Burlington to RM
Evan Gould	• On The Addition question, thinks it's a little confusing data wise as to why the addition as a whole is included when the discussion was to up zone RM north of Home Ave. • Consider a little bit more of the mixed neighborhood commercial use typology
Colin Larsen	• When we're talking about maintaining historical development patterns in this neighborhood, we're talking about shutting out low-income people from living there.
Sharon Bushor	• Mixed-use on the corridors • The issue of parking spaces • The speed of decision making • Having more buildings, units would incentivize owners to maximize their lot • Concerned about splitting the work in Part 1 and Part 2 • Do big group meetings in the new North End and Center City and the hill section, the South end bringing people together to see what's being proposed, not just the formal public hearing at the City Council.

Jak Tiano	• Low impact neighborhood commerce has a huge number of benefits. There's a need for new smaller businesses to make up the gaps inside Burlington itself, both to replace the jobs lost and subsidy revenue making. • Being able to incubate and expand a home-based neighborhood business is also a fantastic way to help a property owner be more financially capable of redeveloping their own property and to give more options when penciling out financial viability of new construction. • Increased neighborhood commerce also creates paths towards natural, incremental urban succession in sparse single-family neighborhoods. • A mature neighborhood commerce environment can be even be the key to reducing car ownership since commutes since commutes to job centers can be more easily served by transit and the daily areas are where are where cars become a necessity. • The current proposal doesn't go far enough. Should be more permissive on uses and focus more on the size and scale of an establishment to set boundaries. It would be a huge missed opportunity if an unconditional expanded use table did not come to every residential zone. • Trying to micromanage a city and how it should work and how it should grow and where that should specifically happen is what creates a lot of these edge cases and exceptions in the 1st place.
Timothy Stevens	• Agrees with Jak's comments • Having mixed-use across the entire city allows the city to sort of figure out where those mixed uses are going to work and where they're not going to work. • Advocate for up zoning the entire city anywhere from residential low or residential medium. • Pointed the inequality of neighborhoods considered for zoning
Dan Castrigano	• Echoes what Jak said to have commercial uses citywide • The solutions proposed here do not match the scale of the housing crisis.
Joe Giallanella	• Supports Sharon Bushor's comments • Thanks M. Tuttle and S. Morgan for bringing an updated map and data • Use the data consistently across neighborhoods

IV. Warn Planning Commission Public Hearing

Action: Warn the draft amendment for hearing with the municipal bylaw amendment report		
Motion by: A. Friend	Second by: J. Randall	Approved: unanimous

V. Planning Commission 2024 Meeting Schedule

Action: Approve as presented		
Motion by: A. Friend	Second by: M. Gaughan	Approved: unanimous

VI. Minutes & Communications

Action: Review and accept the 12/19 minutes and communications
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Motion by: A. Friend	Second by: E. Malone	Approved: unanimous
Correct Zoraya's comment about landlond in the 12/19 minutes		

VII. Adjournment

Action: Adjourn	Time: 10:05 p.m.	
Motion: J. Randall	Second: B. Baker	Vote: unanimous

DRAFT