

## Burlington Planning Commission

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Vacant, Youth Member



## Burlington Planning Commission

### REGULAR MEETING

**Tuesday, November 26, 2013 - 6:30 P.M.**

Conference Room #12, Ground Floor, City Hall, 149 Church Street

### AGENDA

Note: times given are  
approximate unless  
otherwise noted.

I. **Agenda**

II. **Public Forum** - Time Certain: 6:35 pm

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

III. **Report of the Chair (5 min)** – Yves Bradley, Chair

IV. **Report of the Director (5 min)** – David E. White, Director

V. **Public Hearing: ZA-14-05 & ZA-14-06 (30 min)** – Time Certain 7pm

The Commission will hold a public hearing on the following proposed two amendments to the Comprehensive Development Ordinance:

- **ZA-14-05 – Neighborhood Mixed-Use (NMU) District Boundary Adjustment** - to expand the Neighborhood Mixed Use district boundary along the west side of Bright Street to include 47 Bright Street in order to facilitate re-development.
- **ZA-14-06 – Parking requirements for cafes in Shared Use District** - remove off-street parking requirement for cafes in the Shared Use Parking District.

VI. **Burlington College Master Plan (20 min)**

The Commission will hear a presentation on the newly released Burlington College Master Plan.

VII. **Proposed Amendment – Residential Parking requirements (5 min)**

The Commission will discuss a proposed amendment to the Comprehensive Development Ordinance to expand the Shared Use Parking District and change residential parking requirements to be calculated using # of bedrooms instead of units.

*This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.*

**VIII. Committee Reports (5 min)**

**IX. Commissioner Items (5 min)**

**X. Minutes/Communications (2 min)**

The Commission will review minutes from the November 12, 2013 meeting.

**XI. Adjourn (8:00 p .m.)**

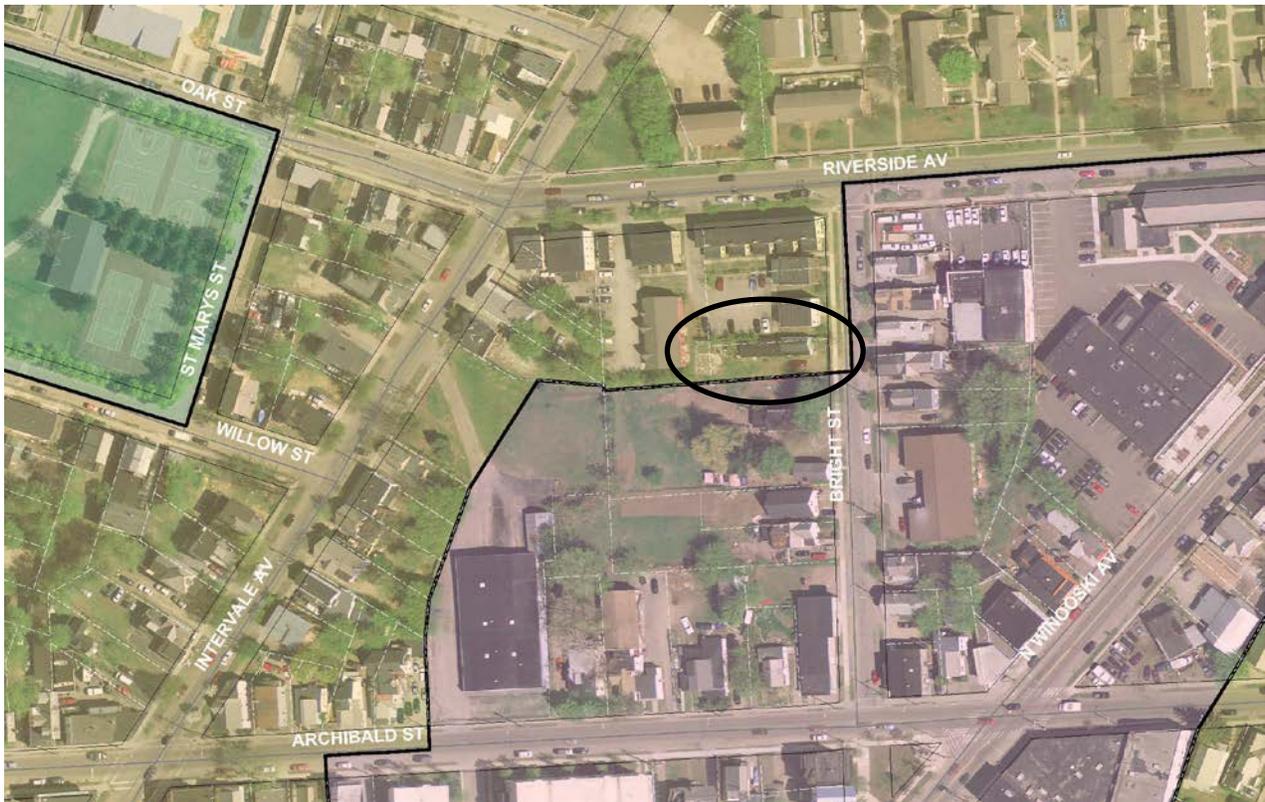
# ***Burlington Comprehensive Development Ordinance***

## ***PROPOSED ZA-14-05 – Neighborhood Mixed Use District Expansion***

*As warned by the Planning Commission for public hearing on November 26, 2013*

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance is to expand the Neighborhood Mixed Use district boundary along the west side of Bright Street to include 47 Bright Street in order to facilitate re-development.



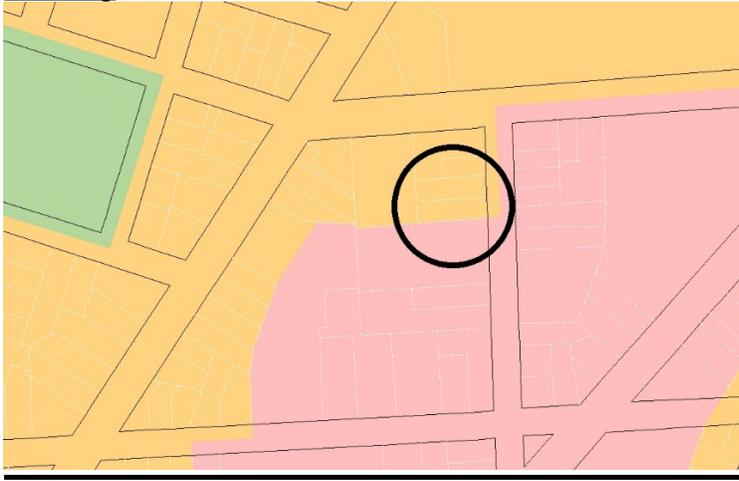
## Maps to be amended

4.3.1-1 Base Zoning Districts

4.4.2-1 Neighborhood Mixed Use Districts

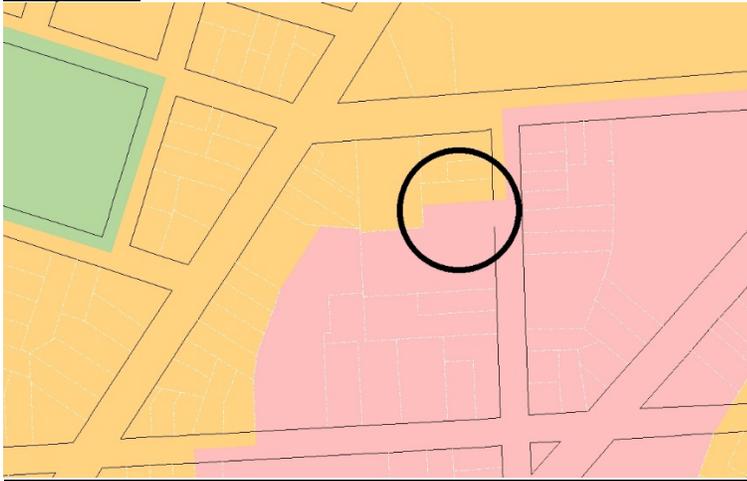
4.4.5-1 Residential Zoning Districts

Existing:



Residential – Medium Density

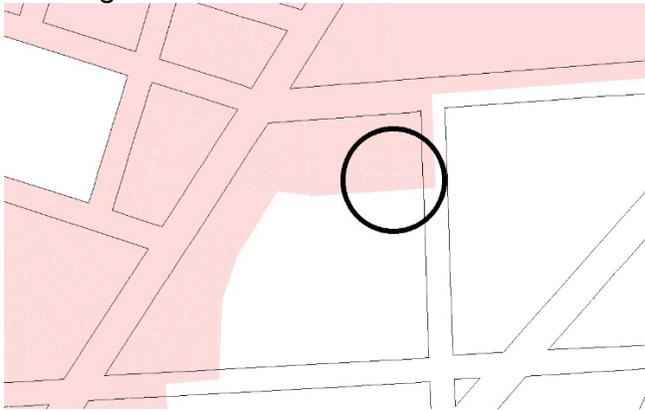
Proposed:



Neighborhood Mixed Use

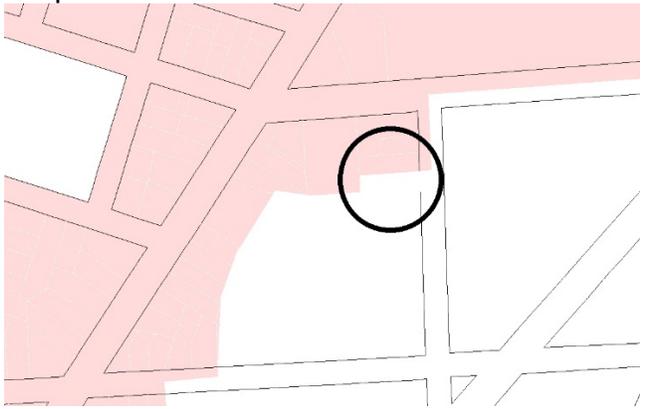
### 8.1.3-1 Parking Districts

Existing:



Neighborhood Parking District

Proposed:



Shared Use Parking District

## ***Burlington Comprehensive Development Ordinance***

### **PROPOSED ZA-14-06 – Removal of parking requirement for cafes in Shared Use District**

*As warned by the Planning Commission for public hearing on November 26, 2013*

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This proposed amendment to the Comprehensive Development Ordinance is to remove off-street parking requirement for cafes in the Shared Use Parking District.

<b>Table 8.1.8-1 Minimum Off-Street Parking Requirements</b>			
	<b>Neighborhood Districts</b>	<b>Shared Use Districts</b>	<b>Downtown Districts</b>
*****	*****	*****	*****
<b>NON-RESIDENTIAL USES</b>	<b>Per 1,000 square feet of gross floor area (gfa) except as noted</b>		
*****	*****	*****	*****
Café (per four (4) seats)	1	<del>1</del> <u>None</u>	None
*****	*****	*****	*****

Balance of Table 8.1.8-1 As written.

# ***Burlington Comprehensive Development Ordinance***

## ***PROPOSED: ZA-14-07-Residential Parking Standards***

*As proposed by PC OC on September 5, 2013*

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: Change parking requirements calculations for residential uses, basing the calculation on the number of bedrooms instead of units. The change is intended to increase the affordability of housing units by reducing the required parking requirements in downtown and the shared parking districts, as well as incentivizing the creation of smaller units.

### **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.

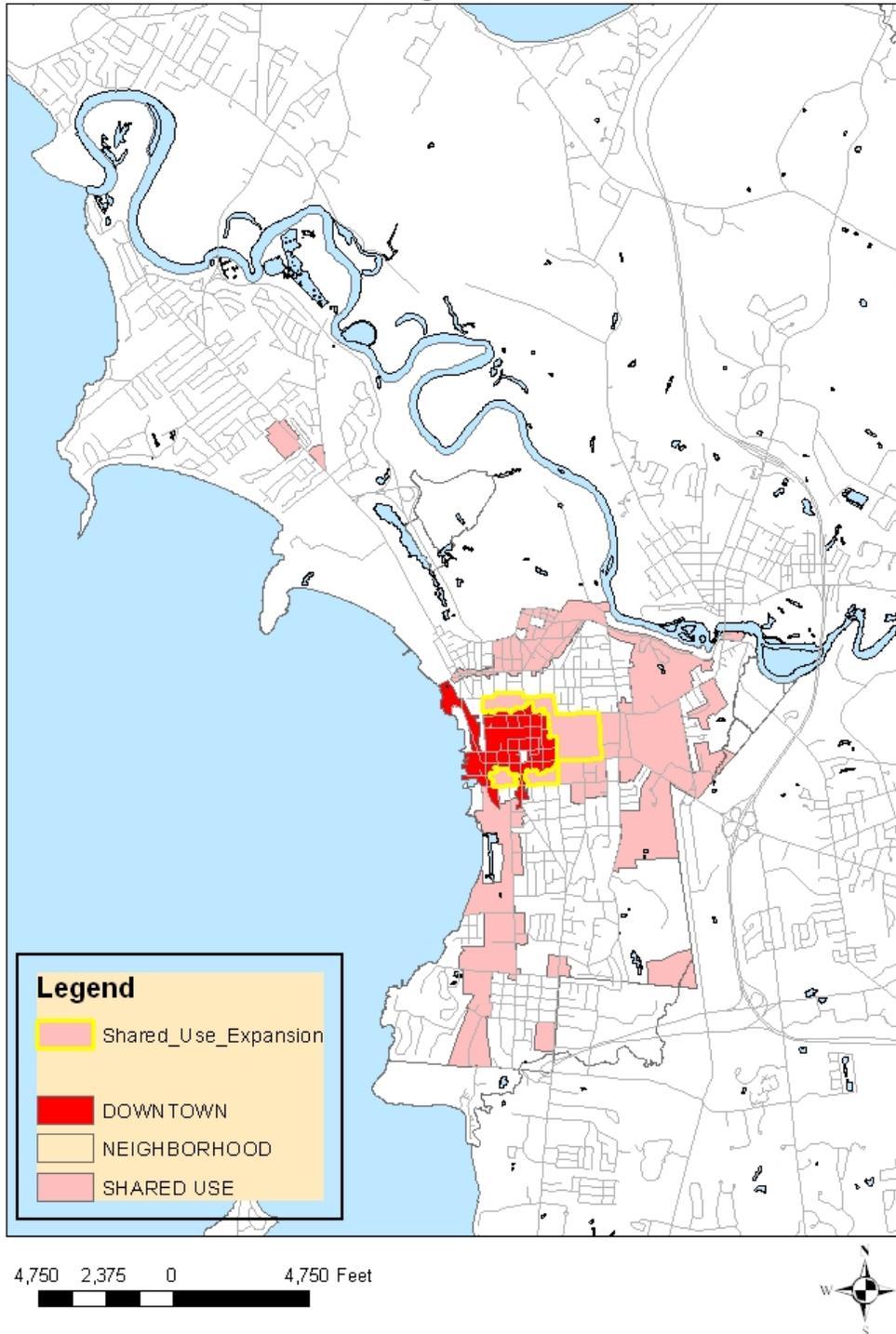
#### **(b) Shared Use Parking District:**

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 Parking District:**

This parking district further reduces the requirements from the baseline standards recognizing that extensive sharing of parking demand between nearby land uses occurs; that a majority of travel to and between land uses is independent from an automobile; and that an array of public parking facilities and frequent transit service greatly reduces the need for independent parking for individual land uses.

# Burlington Comprehensive Development Ordinance Parking Districts



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. In the event that the kind or extent of use is changed, current parking requirements shall apply if the change results in a greater parking requirement than existing.

### **Sec. 8.1.8 Minimum Off-Street Parking Requirements**

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

- (a) Where no requirement is designated and the use is not comparable to any of the listed uses, parking requirements shall be determined by the DRB upon recommendation by the administrative officer based upon the capacity of the facility and its associated uses.
- (b) When the calculation yields a fractional number of required spaces, the number of spaces shall be rounded to the nearest whole number.

<b>Table 8.1.8-1 Minimum Off-Street Parking Requirements</b>		
	<b>Neighborhood Districts</b>	<b>Shared Use Districts</b>
<b>RESIDENTIAL USES</b>	<b>Per Dwelling Unit except as noted</b>	
<del>Multi-unit attached dwelling units, studio units or 1-bedroom dwelling unit.</del>	<u>2</u>	<u>4</u>
<del>Single Family detached and Duplex</del>	<u>2</u>	<u>2</u>
<u>Studio/1 Bedroom</u>	<u>1</u>	<u>0.33</u>
<u>2 Bedrooms</u>	<u>2</u>	<u>1</u>
<u>3 Bedrooms</u>	<u>2</u>	<u>1.5</u>
<u>4 Bedrooms</u>	<u>2</u>	<u>2</u>
<u>5+ Bedrooms<sup>1</sup></u>	<u>2</u>	<u>3 + 1 per additional bedroom &gt;5</u>
<b>RESIDENTIAL USES - SPECIAL</b>	<b>Per Dwelling Unit except as noted</b>	

<sup>1</sup> 1 parking space per additional bedroom shall not apply to an affordable housing unit or a dwelling unit occupied by a family as either are defined in Article 13: Definitions.

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## Burlington Planning Commission Minutes

**Tuesday, November 12, 2013 - 6:30 pm**

**PC Present:** B. Baker, L. Buffinton, A. Montroll, E. Lee, H. Roen, J. Wallace-Brodeur

**Absent:** Y. Bradley

**Staff:** D. White, S. Thibault, E. Tillotson

### **I. Agenda 6:35**

The vice chair suggest that Item VI, downtown parking initiative, will move to before the public hearing if possible.

### **II. Public Forum**

B. Baker: – Opened the public forum at 6:35 pm.

B. Baker: – Closed the public forum at 6:36 pm.

### **III. Report of the Chair**

No report.

### **IV. Report of the Director**

The director presented the following report:

- The office has been very busy during the first quarter of the year. We have generated 75% of the projected annual budget for the department in the first quarter of the year and the number of permits processed is higher than in past years. He meant to include in the packet two reports which he prepared for the Mayor and City Council, the budget review report and development activity report.
- There are lots of planning activities going on at present.

### **V. Public Hearing: MDP-14-01**

S. Thibault: Tonight we are looking for recommended approval for the Climate Action Plan, the Open Space Protection Plan and five chapters of the Municipal Development Plan (MDP). The Climate Action Plan process started in 2008 with the preparation of the first GHG emissions inventory; the second was prepared in 2010, and the next one should be prepared in the winter for the year 2013. The process included an inventory, citizen groups participation, and generated strategies that are now included in the plan. Thirty nine (39) strategies that evolved as a result of the process are now included in the Climate Action Plan as a result. The Planning Commission had already sent this to the City Council for approval but they were not able to act in a timely manner so it is necessary to start the adoption process again. It is now ready to go. The Open Space Protection Plan, same process. Both plans are adopted as references to the MDP, also five chapters have been updated so that there are no conflicts, and the introduction and demographic information have been updated.

*As approved by the Burlington Planning Commission on, 2013.*

The packet includes one page of comments from the Regional Planning Commission. Comments were mostly minor and have been checked. She has spoken with Mary Sullivan at BED so some comments have been updated in the energy chapter.

L. Buffinton: Minor edits have been or will be fixed?

S. Thibault: Some have been but all will be made before the document goes to the City Council.

Josh Schlossberg, editor of World Biomass Monitor. In April 2012, he was in touch with the city about the emissions inventory concerning the current footprint of emissions in the City and how to reduce emissions. He is in touch with numerous people in the ecology community. This plan needs to consider the biomass emissions from the McNeil biomass generation plant and he has continued to correspond with the City about this. Jen Green agreed this should be addressed. Perhaps some kind of sidebar which would acknowledge the emissions in Burlington could be included. The 2007 emissions statement has conflicting information. Science currently needs to have the carbon emissions accounted for. It is unclear if /when this information would be included in the Climate Action Plan. The lack of total information, which should include the EPA's valuation of emissions, is a disservice to Burlingtonians who do care about the City.

S. Thibault: Page 7 speaks to the issue, the result of a two year old discussion. In 2013, the City will use new protocol which will include emissions from the McNeil plant.

L. Buffinton: Has one concern, the summary said emissions are down which didn't include the McNeil Plant emissions which is misleading to the public.

J. Wallace-Brodeur: BED doesn't know what its emissions are?

S. Thibault: BED has had conversations with .J Schlossberg, there is disagreement.

J. Schlossberg: There many elements to consider. BED does know its emissions; the question is how to account for it. The Rubenstein School at UVM, there is a growing consensus that biomass is not carbon neutral; he recommends that Burlington acknowledge the inaccurate data. Jen Green suggested a side bar or notation that enlightens the information, makes it more accurate.

J. Wallace-Brodeur: Point well taken. Are we using this data as a baseline? This may confuse the status and doesn't get to the point if McNeil is reducing their emissions.

H. Roen: To simplify the issue, carbon emissions do come from burning wood although there is not as much emissions as if burning oil or coal. And for the next update this will be tracked.

E. Lee: There seems to be no harm in including this information, perhaps as a footnote.

L. Buffinton: Makes the motion that the Planning Commission proposes to acknowledge the McNeil emissions in some fashion and clarify that it is wood based carbon emission.

D. White: This is just a clarification; the City Council will have two public hearings.

S. Fortier: Wishes to address an area in the land use chapter acknowledging that student housing has increased with collaboration with the City.

S. Thibault: Could she be more specific?

S. Fortier: UVM has built 1200 beds in last ten years.

E. Lee: So how does that work with the enrollment increase? The statement needs to be quantified with data.

S. Fortier: In general though, that section does not acknowledge at all the effort to add beds.

**On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously recommended approval of MDP-14-01 and sent to City Council for adoption, with amendments to the Climate Action Plan and including the technical changes provided by the Regional Planning Commission.**

*As approved by the Burlington Planning Commission on , 2013.*

## **VI. Downtown Parking Initiative**

Chapin Spencer and Nate Wildfire are present asking for endorsement from the Commission. They are presently participating in the parking summit which will formally convene tomorrow.

C. Spencer: Is very glad to be here in his new position as new director of DPW. The proposed resolution purpose is to start a dialogue about parking. As in planBTV there are lots of ideas about parking which requires an in depth conversation. Next week he will go to the City Council and he would like an endorsement from the Planning Commission prior to meeting with City Council. This is an exciting partnership politically for the City with the object being really looking at how we plan for the future. We can't have a frustrating parking system for downtown.

N. Wildfire: He has worked at CEDO about eleven months during which his primary task was listening to the business community. Parking was one of the first things to come up as it was in Pittsburgh where he has spent the last five years focusing on parking. In Burlington, his first contact was with the Burlington Business Association. It is necessary to step outside of city government to examine how parking system might work better. Visitors, daily commuters, special events, all present needs for special conditions and opportunities. The first impression people have of the City is when they come downtown to use the parking garage or public parking spaces. He is grateful that Chapin is his ally since DPW controls downtown parking. There is a tremendous amount of private parking space downtown. The challenge is that there is not much money in the system to support improvements and a significant amount of capital is needed to bring conditions up to snuff. The second challenge is on any given day about 50% of parking spaces are vacant and that is because the public can't find them. Sometimes nighttime employees park on location or close to location which limits spaces for the public. He is trying very hard to look at the system, to see what new technology for parking practices would work. He has two goals, improving the customer experience and revenue needs to remain neutral or grow. There are challenges and he would be mis-stating if he said he knows the solutions. There is need for data gathering, communication, sitting down with businesses. Tomorrow is the kickoff of the parking summit. Jeffrey Tumlin, a national parking expert will be here to speak and there will be two days of meetings. He is here to ask the Commission to give support to the process. He believes that what exists now is not working.

D. White: PlanBTV laid out the vision and now is the time to be doing the heavy lifting. Nate and Chapin bring great experience and are the key to making this project work.

A. Montroll: He is very glad to see this happening, something needs to result from the adoption of planBTV, both short term and long term. He supports this action, it is way overdue.

E. Lee: Will neighborhood parking be addressed at the same time? There is a relationship between parking and stresses.

N. Wildfire: It will be connected in some way. If you think of the project as a bull's eye, the downtown zone is the center of the bulls' eye from which the focus changes as you move out from the center, but are all interconnected. People are going to use the parking in the garage overnight and long term.

N. Wildfire: Parking is an emotional subject and that has to be taken into consideration.

C. Spencer: The district to be examined has been chosen based on planBTV. There is language about working with the NPAs to encourage resident dialogue. There will be a resident parking study, it being a subject that warrants a whole look at that, and both will be scrutinized.

L. Buffinton: She is very supportive and believes that it is important to look at the design aspect as well. Signage is an issue, and how is it possible to minimize service parking lots.

N. Wildfire: Parking lots, in some ways, are going away. There is concern that we have a huge latent ability in our downtown and if not considered there could be huge costs in building unneeded parking. Newly created parking could also consume a space where we could have a more dense downtown. There is need to carefully consider existing surface parking lots, which should be the main focus now.

L. Buffinton: And waterfront parking could be redesigned.

*As approved by the Burlington Planning Commission on , 2013.*

N. Wildfire: That area has had a recent significant reduction of 150 parking spaces.

H. Roen: This is great, a well-crafted resolution, it increases public transport.

N. Wildfire: That kind of thinking is what we want. He would be glad to meet and exchange more ideas.

C. Spencer: The partnership with the business community is essential, all entities must be working on the same page.

N Wildfire: Due diligence is to use what parking we have now more thoughtfully

**On a motion by A. Montroll, seconded by J. Wallace-Brodeur, the Commission unanimously voted to support the requested endorsement to the City Council.**

## **VII. Proposed Amendment – Residential Parking Requirements**

D. White: As background, this amendment was proposed about a year ago. The objective is to change the requirement calculations. Today, zoning has a bias that supports very large housing units. Parking is associated with dwelling unit but now the desire is to disassociate the two. The whole purpose is to create change in neighborhoods to support smaller units, both appealable and affordable, which might see some conversion in the residential areas to something else. The result is an amendment which makes the RH zone part of shared parking district, thereby creating a disincentive as units get larger.

L. Buffinton: The chart wording is confusing, it should include the number of units.

D. White: The exception to dwelling units is stated in the table.

A. Montroll: Does this address five or more bedrooms?

D. White: That is not actually in the existing ordinance.

S. Thibault: The previous version of this is with the ordinance committee.

B. Baker: It should have a cross reference for clarity.

E. Lee: What about existing non-conforming parking spaces? There are lots of hideous examples.

S. Gustin: Bianchi existing non-conforming parking spaces cannot count as legitimate parking.

E. Lee: When adding new units do you look at whole building or just the single unit?

S. Gustin: All parking is considered.

E. Lee: The City has a parking crisis, nobody will say there is extra parking. Every student has a car and she would like more data on this before supporting the amendment.

D. White: Ultimately the building code will define the size of a living space. The student housing equation, parking demand is off the chart. Building codes have demands.

A. Montroll: Housing inspections should take care of this.

D. White: This is a life safety issue and safety issues are probably not being met. The residential parking study will examine how we define and then manage the parking resources, ie: parking spaces on streets, number of properties, number of units and will not address private parking.

J. Wallace-Brodeur: Will that include guest parking passes? Yes

B. Baker: If a lot is repurposed, is that a violation?

S. Gustin: No

E. Lee: She sees a lot of cars parking on non-parking spaces. In her neighborhood people drive over the sidewalk and park on steps, she saw it happen today. The City needs to protect the greenspace.

H. Roen: He sees this as a positive way to address the issue.

B. Baker: It provides incentive for small units.

*As approved by the Burlington Planning Commission on , 2013.*

A. Montroll: It will encourage smaller units in neighborhood units.

B. Baker: There is a huge undersupply of one and two bedroom units.

A. Montroll: This will drive development toward smaller units. It appears that the focus is on parking issues. Four one bedroom units would need four parking spaces. One unit with four bedrooms only requires two parking spaces. One parking space per bedroom would not penalize. If a single family dwelling unit, the requirement could be refined.

J. Wallace-Brodeur: In a neighborhood of lower density, the nature of the zoning districts will define parking need.

L. Buffinton: The financial incentive is for four bedrooms in shared use which only requires two parking spaces.

J. Wallace-Brodeur: There are conflicting policy issues, the goal needs to be to incentivize the type of units that will diversify neighborhoods. It does not address the parking issue.

E. Lee: It would endorse more one bedroom units in her neighborhood and encourage only one bedroom units, not four, resulting in a loss of families and diversity. More units are needed, don't want to see that happen to existing housing stock which should be used for families. There are not a lot of single family homes left.

D. White: It makes trouble when zoning tries to prevent something from happening, and it is better to support the desired action. Market incentives right now are not creating what we want.

A. Montroll: The Commission may have more work to do, shared use parking is a modest incentive for small units. There are other levers beyond parking to provide incentives.

L. Buffinton: We want to encourage people to have studio apartments in existing single family dwellings.

B. Baker: Do we have consensus?

J. Wallace-Brodeur: She would like to move forward.

E. Lee: This action also expands the shared use district creating a big change in her neighborhood.

D. White: The amendment will allow off site options for parking.

J. Wallace-Brodeur: She is not really in favor of discussing it with no solutions offered. Are there other strategies? Or another configuration of the chart to incentivize other types of units. She would like a more comprehensive look at other policy changes.

D. White: The reaction is a fear and/or assumption that units could be filled with more students, but something different needs to be tried since this isn't working.

J. Wallace-Brodeur: She doesn't want to slow this process down and does support the amendment.

L. Buffinton: Could we request that staff look at what other towns have done?

D. White: Yes.

A. Montroll: One thing we should look at soon is the RH zoning district because that is where issues come up often. Single family dwellings are still needed in Burlington. RH zone has come up as an issue time and time again. There might be a mismatch here, the first issue being that single family homes are not allowed in the RH zone.

L. Buffinton: Makes the motion to allow single family homes and accessory units in this district in buildings constructed before a certain date.

A. Montroll: This is only one piece of the mismatch. The ordinance is driving different policies than we are articulating. It is a mistake to do too much until we can look at it holistically.

**On a motion by J. Wallace-Brodeur, seconded by L. Buffinton, E. Lee opposing, the Commission sent the requested amendment to the City Council for action.**

*As approved by the Burlington Planning Commission on , 2013.*

**VIII. Committee Reports**

Long Range Planning Committee - has not met.

Executive Committee - met last week.

Ordinance Committee – also met last week. Off-site parking proposal was discussed and a slightly different proposal was endorsed.

**Commissioner Items**

H. Roen: Has had a long discussion with Jess Hyman who represents Friends of Burlington Gardens. She is frustrated that nothing in the Urban Agriculture Plan is moving forward. He explained that Urban Ag is not being neglected but that there is a lot on the Commission's and staff's plate.

D. White: He has encouraged The Friends of Burlington Gardens to be a squeaky wheel.

A. Montroll: A highlight at the NNECAPA meeting is that the Regional Planning Commission recently adopted and was awarded second place in the NE Region with their ECOS project. It seems that another plan (planBTV) took first place. Regional Planning Commission is now starting to look at what's next and are in the early stages of recommending that they focus on Vermont population loss, particularly the younger adult population. The Regional Planning Commission will start focusing on making the region attractive to young adults. This is critically important for population growth. Also, it appears that high tech opportunities are flourishing with a number of different groups but there is no real coordination. Chittenden County appears to be getting ready to be a real high tech center in the north east. The Regional Planning Commission is also looking for regional approach to solving drug problems.

**IX. Minutes/Communications**

**On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously approved the minutes of October 22, 2013 as amended.**

**X. Adjourn**

**On a motion by A. Montroll, seconded by L. Buffinton, the Commission unanimously adjourned at 8:50 pm.**

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B Baker, Vice Chair

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Date

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E. Tillotson, recording secretary

*As approved by the Burlington Planning Commission on , 2013.*