

Burlington Planning Commission

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Burlington Planning Commission Minutes

Tuesday, November 10, 2015 - 6:30 pm,

PC Present: L. Buffinton, H. Roen, J. Wallace-Brodeur, Y. Bradley, A. Montroll, E. Lee

Absent: B Baker

Staff: D. White, M. Tuttle, S. Gustin, E. Tillotson

I. Public Forum

Y Bradley: Opened the public forum, 6:30 pm.

Charles Simpson: Mr. Simpson discussed his analysis of the SoHo experience. He explained that industrial space was undervalued and both the landlords and the city exploited the living arrangements. The artists living there created a ground movement for a certification system whereby the artists would be obligated to go to a board and give bona fides. The artists became displaced as the area built up and the artists/owners aged; SoHo became an artist community in eyes of realtors. In the long term, this arrangement didn't work even with legalization and artists' certification. He suggests it will be same in Burlington, it won't work.

Max Tracy, Ward 2 City Councilor: Mr. Tracy was present to reaffirm the City Council vote not to include housing in the Enterprise Zone in planBTV South End. He noted that the process has been fraught with conflict but expressed value in the process which has identified concepts which recognize the uniqueness of the South End. He respects the Planning Commission process and thanks everybody for listening.

Mr. Boss, resident of Ward 5: Mr. Boss reiterated the statements by Mr. Simpson and Mr. Tracy. He stated that the people have spoken, they've said "no," and the Planning Commission can't ignore it. He also expressed concern about environmental impact in the South End and he doesn't believe the Mayor is thinking about the public good.

Ibnar Avilix: Mr. Avilix suggested that it would be good to work with housing proponents to explore options. He stated that it may work, but still felt that we should keep housing out of the Enterprise Zone. He felt this conversation should occur as part of a bigger public forum, not in Room 12. Mr. Avilix shared a facetious analogy to build housing above citizenry hall (City Hall) for all of the Councilors and staff to live in because work/live housing is attractive. He asked that these conversations be separated.

Public Forum closed at 6:42 pm.

II. Report of the Chair:

Y Bradley: Mr. Bradley acknowledged the number of emails circulating in response to the housing proposal shared by several Commissioners. He stated that he hopes the message to people who are here to speak is that the Commission is paying attention.

III. Report of the Director:

D White: Mr. White had nothing new to report.

IV. Agenda:

Stands as presented.

As approved by the Burlington Planning Commission on November 24, 2015.

V. Proposed CDO Amendment: Low Impact Design

Scott Gustin, Senior Planner, presented the Ordinance Committee's recommended change to the Low Impact Development (LID) ordinance. Mr. Gustin indicated that the ordinance has been a long time coming, and resulted in a single provision which allows a 10% coverage bonus when a property owner includes pervious paving on site. The ordinance committee expanded this from residential zones to all zones in the City.

H Roen: 10% of lot coverage?

S Gustin: It is similar to an allowance in residential for open amenities.

A Montroll: Believes the proposal is well intentioned but doesn't work at all. It is significantly different than the Ordinance Committee recommendation which included the RL and RM zones. It would increase the coverage up to an additional 10%. The Ordinance Committee intended to include pervious pavement within the amenities list. Now there will be an extra 10% option in RL and RM.

S Gustin: That is not the intention, the proposal is not meant to be cumulative.

A Montroll: Doesn't believe the language is clear on this, doesn't believe it translates well to other districts. There is the potential that RH could get up to 100% coverage with this language. The RCO zone wanted 5% coverage, which would become 15%. Part of the goal is to incorporate better stormwater management and it doesn't seem to do that. It doesn't require existing impervious material removal. Last thing, giving zoning rights of approval to the Stormwater Administrator doesn't seem appropriate. The proposal is well intentioned, but there are problems with the current form.

S Gustin: The intent is not to be cumulative, and this can easily be corrected. RCO at 5% coverage is a parks amendment which was modified a few years ago and did increase the coverage limits based on their request. The language and options are easily remedied.

Y Bradley: Suggests some tweaks to the amendment.

S Gustin: The amendment is an incentive to create and encourage pervious areas city-wide.

L Buffinton: In RL and RM or more zones?

A Montroll: City wide doesn't work in RH or the city parks.

E Lee: Agrees with A Montroll, she likes to see greenery.

Y Bradley: RL and RM was what the committee wanted originally. Staff should make the revisions to reflect this, and bring it back to the Commission to review.

VI. Proposed CDO Amendment: Off Site Parking

S Gustin: The Ordinance Committee did not come to consensus on this proposal and decided to move it to the Planning Commission for feedback. The existing ordinance has an allowance for off-site parking. The purpose of the proposal is to create more efficient shared parking standards. Presently off-site parking must be in parking lots which are restricted to ELM and Downtown zoning districts. Residential zoning districts are where this would be the most applicable. Section 8.1.12 opens the door to residential uses; Section 8.1.9 provides maximum parking provisions.

A Montroll: The Ordinance Committee was not able to come to consensus. Sharing of parking in residential zones, what does and does not get counted?

S Gustin: For example, a single family home requires two parking spaces; if a property has the capacity for other parking, it can be provided, but the applying property, which needs additional spaces, can only have 125% of required parking between on-site and off-site parking resources.

H Roen: Is proximity to property addressed?

As approved by the Burlington Planning Commission on November 24, 2015.

S Gustin: Existing ordinance language addresses that.

A Montroll: If there is no requirement, nothing easily stops other people from parking in a lot.

L Buffinton: These are different issues, addressing within 600 feet. If lot coverage is available, it is a win/win situation. Perhaps simplify some of the language in 8.1.12.

S Gustin: It is restricted to properties contained with the same zone and with same type of use.

A Montroll: The committee needs guidance.

J Wallace-Brodeur: What is the maximum parking limit of people being served? There is a need to have a limit on additional space.

E Lee: It seems that the ordinance should require screening for parking areas.

J Wallace-Brodeur: Suggests that we keep working on the proposal and is ok with aesthetics suggestion. This is worth working on.

E Lee: Suggests that in order to employ this amendment, any additional parking has to be up to current guidelines, no grandfathering.

Y Bradley: There are two ways to look at this: unscrupulous landlords will collude to use parking, but there will also be good intentioned participants. How to incentivize, not penalize, is the question since we do want to incentivize.

A Montroll: Asked for updated suggestions for the Ordinance Committee. All Commissioners agreed.

VII. Proposed CDO Amendment: City Market , South End

Y Bradley: A Montroll will chair this item, as Mr. Bradley has a declared conflict of interest.

A Montroll: Might we have staff recommendations?

D White: Staff suggestion provided in a memo in the agenda. The suggestion is that groceries larger than 10,000 sq.ft. up to a maximum number, such as 30,000 sq.ft. be allowed in a portion of the Enterprise Zone.

J Tashiro, City Market General Manager: Mr. Tashiro addressed the Commission with several questions. First, the intent of City Market is to have a 25,000 sq.ft. ground floor footprint, with a mezzanine level. Would the size limitation of 30,000 sq.ft. allow for this level? Does the ordinance committee believe that this could be approved by their December 3rd meeting? City Market has a tight timeline. City Market staff offers help in any way needed; the project is making good progress.

J Wallace-Brodeur: Can we do this by December 8th?

A Montroll: Yes, we can warn this.

D White: The ordinance change is quite simple; it is just a change in the use table.

A Montroll: Are we creating a new definition of medium grocery by this change?

D White: It can be done with just with a footnote.

L Buffinton: Is concerned with the content, but supportive of City Market. If this is specifically between Flynn and Home Avenues, is this spot zoning? Is this logical?

D White: There are areas where it does and doesn't make sense, and this should be part of the conversation during planBTV South End plan regarding the character of the area and what works in various locations.

L Buffinton: This seems very doable, suggests the draft language be ready for the next meeting.

D White: It can be ready at the next available meeting.

A Montroll: Is that a motion?

As approved by the Burlington Planning Commission on November 24, 2015.

I Avilix: Looking forward to City Market in this location; however, also like the antique shop and other funky shops which are already present. It appears that the grocery store takes over these with existing businesses that contribute to the character of the South End. Look at the possibility of setting the new building behind existing buildings to maintain them. Mixed use needs to be in the conversation.

A Montroll: The design review process will still happen; the ordinance change does not automatically give the go ahead.

I Avilix: Changing the zoning will make removal of the existing businesses possible.

J Tashiro: City Market is working with existing tenants to solve the problem, retain the culture.

A Radcliff: Why wasn't the large size grocery store allowed in the current zoning?

D White: It was an attempt to balance different uses.

A Radcliff: Wasn't there something about manufacturing that precluded larger groceries?

D White: A previous interested grocery store had on-site food production but not raw manufacturing; it was basically retail, which didn't meet the ordinance requirements.

A motion was made by A Montroll to approve this amendment and forward it to City Council for public hearing, with a second by L Buffinton. Y Bradley abstained, all others approved.

PlanBTV South End Master Plan

Y Bradley: Housing is the element the Planning Commission needs to discuss. An artist in residence program proposal has been distributed by J Wallace-Brodeur, L Buffinton and E Lee.

J Wallace-Brodeur: Looking at the broader plan, affordability in the artist district is the issue. The Commission has a limited number of tools to work with to preserve or protect that possibility. Understand the politics and recognize that it is a hot button issue, but it is important that the Planning Commission acts as an independent entity and examines the big picture. It seems short-sighted to totally take housing out of the tool box. The tool can be used to preserve what is working and what people like about the district. Everything we like about the South End is on private property, so the housing piece is one of the few tools that the Commission has to work with.

L Buffinton: Support the arts community and see the economic pressures; very worried about permanently affordable artist housing right now. If handled very precisely, as was the Rose Street Artist Coop in the Old North End, and managed very tightly by Champlain Housing Trust, it can be successful. Want to allow the opportunity of housing for artists who fit the income criteria. The Rose Street Coop is very successful and some people are looking at expanding on Pine Street. This type of arrangement has been successful around the country. It responds to the pent up demand and it has a very limited focus, with a very narrow group which would be eligible. Disclosed her employment in affordable housing.

E Lee: Finds it interesting that all support City Market, which is buying an older building to develop space and believes this will continue to happen. Right now if privately held buildings were sold, there is no way to hold them as affordable. The proposal will allow permanent art spaces. There are examples of this all over the country. Peoples' concerns are real, but we owe it to the commenters to hear their voices and ask that they come to the table so we can discuss this. Our only agenda is to support the arts in the Enterprise Zone. Maybe a very specific tool could be devised to address these issues of permanence and affordability.

L Buffinton: Permanently affordable properties would be one of the tools.

Mr. Boss: Cooperatives are the way to go.

L Buffinton: The Rose Street Coop has very strict requirements. The property has to be permanently affordable

E Lee: Would like to refer this issue to the Long Range Planning Committee.

As approved by the Burlington Planning Commission on November 24, 2015.

Y Bradley: Let's have discussion among the Commissioners.

H Roen: I don't support this, but I appreciate the effort. I did agree with this concept early on, but we can't be tone deaf to the community.

A Montroll: Is happy to have this go to the LRPC. It should be separate from the planBTV South End discussion. We appreciate the desire to protect the artist studios, which is the goal for all of us. Housing will be a distraction in the South End plan, but should be pursued separately. Not in support housing in the Enterprise Zone, but perhaps other areas of South End. The time is not now.

Y Bradley: Agrees that the Commission has heard very loudly and clearly that housing discussion is not desirable now. Housing in the Enterprise Zone versus the remainder of the South End can be a conversation in the future. We presently have different positions among the Commission, but it should be discussed.

L Buffinton: The issue is dead for now, but it is important to be open-minded to look at the future. Current inclusionary zoning is not enough to help the artists. Worried that there will be increased commercial pressures in this area.

E Lee: There already is a lot of pressure, and don't know of any other tools to support the artists.

H Roen: One tool is not to allow housing in the Enterprise Zone.

E Lee: The artists' spaces are in jeopardy.

Resident: Are we talking new buildings or repurposed buildings? Repurposing could work.

A Radcliff: Appreciate the consideration, but presently the focus of discussion is on studio space. It doesn't make sense that the Enterprise District is so small, and other residential zones are close. Heard stories about the Rose Street Coop from the early occupants that they didn't like living where they are working and eventually wanted to live somewhere else. The live/work situation is not that desirable to artists, not necessarily a good fit. Research shows that live/work spaces tend to revert to just living space. It could be helpful to dig back to find the early thinking about the zoning restrictions which exist in the Enterprise Zone.

Simpson: The Commission should keep their eye on the ball, which is affordable incubator space. Housing seems to be only a funding mechanism.

A Radcliff: Are historic credits available for repurposing buildings?

D White: Yes but the property needs to be income producing to qualify.

A Radcliff: One basic way to deal with the affordability issue is to find a large available space and someone to manage the space and rent it out to artists. Small spaces are most needed by artists.

Y Bradley: One way to preserve those artist's spaces is making connections with the owners of older buildings, to suggest that the artists would like the opportunity to purchase if a property became available. The sale of any of those industrial spaces on Pine Street would be a huge impact on the area. It is good that other artists have come together to look at the possibilities.

I Avilix: 339 Pine Street is owned by the City.

J Wallace-Brodeur: Yes, but a lot of the remainder is private. Housing is the only tool we seem to have when dealing with private properties. We are trying to accomplish a lot in the South End plan. If housing is not supported, we will not keep beating a dead horse, but we do need to continue to look at all possibilities.

L Buffinton: The first little bit of housing that we need to wrap up that approach is consideration of housing on the periphery of Enterprise Zone.

A Radcliff: Maybe stories could be added to existing residential buildings, like Jackson Terrace.

Y Bradley: The current Innovation Center building added a fourth floor in 1920s.

As approved by the Burlington Planning Commission on November 24, 2015.

D White: The issue with some of the buildings on the periphery is that the zoning does not permit the density at which those buildings were originally constructed, so expansion isn't possible without a zoning change.

Y Bradley: There seems to be consensus that we do not move forward with the artist in residence program, but that we continue the housing conversation in the future.

A Radcliff: It is important to reinforce that what kind of housing, what level of affordable housing is needed. If we know what we need, we should only be building that.

Y Bradley: Right now it's extraordinarily difficult to make a housing project work in Burlington due to the cost associated with the process and land, and the inclusionary requirement makes it almost impossible. Some housing non-profits have access to funds to do affordable development that private developers do not.

D White: It's necessary to have to have housing across the spectrum. We are not creating enough market rate housing to provide inclusionary housing.

Y Bradley: It is very hard to make it work. Inclusionary housing provision, while well-intentioned, has not worked very well. Do those members of the public in attendance feel as if you have been heard?

Public Response: Yes.

VIII. 2016 Meeting Calendar

D White: Presented the proposed meeting schedule for 2016. Needs Commission approval.

A motion was made by J Wallace-Brodeur to approve and seconded by L Buffinton. All in favor.

IX. Committee Reports:

Ordinance Committee – The meeting was attended by a packed house. The Fletcher Place rezoning was discussed as were potential changes in the Institutional Zone where it is necessary to look at the big picture. The Burlington Town Center committee meeting is Thursday.

LRPC – Will meet soon.

Executive Committee – No report.

Joint FBC (form based code) Committee – Has been meeting routinely and hope to have their work done in December.

X. Commissioner Items

H Roen: Attended the Parks Commission meeting where plans for Oakledge Park were discussed. He was impressed with the proposed potential changes/improvements to address the ecology of the Park.

XI. Minutes/Communications

On a motion by J Wallace-Brodeur, seconded by L Buffinton, the Commission unanimously moved to accept the minutes with one correction.

Correction: remove the statement by L Buffinton at the top of page 4.

Adjourn

A motion was made by Y Bradley and seconded by E Lee to adjourn the meeting at 8.32pm; the vote was unanimous.



Y Bradley, Chair

December 10, 2015

Date



E Tillotson, recording secretary