

# Burlington Planning Commission

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Andy Montroll, Chair  
Bruce Baker, Vice-Chair  
Yves Bradley  
Alexander Friend  
Emily Lee  
Harris Roen  
Jennifer Wallace-Brodeur

## Burlington Planning Commission

Tuesday, December 8, 2020, 6:45 P.M.

Remote Meeting via Zoom

### Minutes

Members Present	A Montroll, B Baker, H Roen, E Lee, J Wallace-Brodeur, C Mason, Z Hightower
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant
Attendance:	Amy Magyar, Julie Marks, Rose, Dan Goossen, Abbott Stark, Cheri Campbell, Kent Cassella, Paul O Brien, Ellis McArdle, Rolf Danielson, Erhard Mahnke, Deb Ward Lyons, Sarah Carpenter, Lucas Jensen, Kelli Varela, Michael Monte, Amy Rothman, Chris Haessly, William Gonyaw

#### **I. Agenda**

Call to Order	Time: 6:49pm
Agenda	No Changes

#### **II. Conflicts of Interest**

The Planning Commission Chair, City Attorney, and Commissioner Lee spoke to Planning Commission policies regarding conflicts of interest and a complaint by members of the public regarding Commissioner Lee's use of AirBnB. Commissioner Lee stated she has previously disclosed her use of the platform to find roommates for her home.

#### **III. Public Forum**

Name	Comment
No Comments	

#### **IV. Proposed CDO Amendment: Short Term Rentals**

Action: No action		
Motion:	Second:	Vote:
Staff updated the committee on changes to the proposal and answered questions from prior meetings. Slides are posted at: <a href="https://www.burlingtonvt.gov/CityPlan/PC/Agendas">https://www.burlingtonvt.gov/CityPlan/PC/Agendas</a>		
Public Comments:		
- E McArdle: Committee is missing the data needed to inform intelligent policy. Zoom has been detrimental to Committee hearing the hosts, making them invisible. Committee members need to be part of the discussions through the entire meetings. Host Coalition perceives some committee members have eliminated compromises from previous discussions. City is scapegoating STRS; city housing problems are about affordability, not availability, and banning STRs will not help affordability. STRs are a win-win, and assertion otherwise is an uninformed narrative; there are no problems and therefore no need to prevent future issues. Mom-and-pop property owners stand to lose.		
- J Marks: Frustrated with how policy recommendations have reverted back to where they started, unprepared committee members. Changing approach to policy could impact job and		

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management of a family property. STR a studio apt in a 3-unit building part of the year that is a long-term rental or for family the other half of the year. STR enables to afford management of historic home, maintain high quality housing. Committee doesn't have comprehensive data on benefits of STRs such as tax revenue, visitors, subsidizing upkeep of homes or rents for tenants, and other stories shared about guests. STRs are not the cause of a 50-year housing problem. Data is incomplete or misleading; delay action until a comprehensive cost-benefit analysis. Only scenario worth preventing: entire buildings as STRs and STRs in properties that receive public funding. AirBnb has new option for offering units for free to people in need of emergency housing. Don't create policy that limits opportunity for creative housing solutions, upsets hosts who provide high-quality housing.

- D Lyons: Gaps in the data need to be filled before the committee can act on this policy. Concerned about prohibition on STR in non-owner occupied property. Portland, ME allows off-site hosts with cap on STRs city-wide. Consider this kind of approach, and use just a registration process to get more data on STRs, and properties they're located in, before creating regulations.
- C Haessly: Have good, but not complete data. Need to consider the economic multiplier of STRs before moving forward with a proposal. Proposal is needlessly complex; consider regulating bedrooms instead of units.
- S Bushor: Started committee work thinking that STRs needed to be owner occupied, for consistency with ADU policy, but changed mind for multi-unit properties. Not convinced as to why committee thinks multi-unit properties need to be owner-occupied. Wonder if the policy should only allow up to 2 STRs in multi-unit buildings. Feel data is incomplete, but also know there are many STRs from working as a census enumerator and concerned that they might not come forward for registration-only process. Concerned about having a date certain to revisit a policy; may not get reviewed in a timely fashion.
- M Monte: Perhaps consider limit to the number of STRs in city or allow existing STRs. There is a lack of supply both affordable and market rate. State economists, VHFA estimate increase in households in County in excess in expected growth in housing units. STRs have some impact overall by taking housing out of the long-term housing market. Number of housing policies in city to limit conversion of rental housing to commercial use or even to homeownership/condos; regulating STRs is about the same thing. If King St. revitalization effort had not happened, the neighborhood likely would have been bedroom of downtown.
- L Jenson: Lack of understanding of city's STR market and who hosts are is challenging the discussion about policy. STRs have been a lifeline to keep up buildings, not raise rents, contribute to tourism economy. Feel like host stories that have been shared have been forgotten. Don't know how many STRs put out of business if this passes, don't know how much RMT lost, what impact it will have on availability and affordability of housing in the City. Won't fix housing crisis but will hurt hosts.
- A Magyar: Incredible that decisions are being made without data. Suggest getting everyone registered to get data on who's out there. AirBnb can shut hosts down if the city tells them to. Can't imagine buying a car sight unseen, without Carfax, just being told to have faith. Hosts will register and help with the data collection.
- P Obrien: STR is personal, not commercial operations, and hosts rely on income. Not sure what the motivation is if there is no data to show STRs are implicated in housing crisis. Disingenuous to say solving a problem and helping affordable housing, when this is taking away people's income. Affordable housing has been a problem that is the responsibility of the city. To make an informed decision need data analysis, and to explore benefits to the city that would be lost, outside the context of affordable housing.
- R Danielson: Tourism is one of the largest industries in VT, and STRs have revolutionized an industry to allow more competition and keep lodging money local. STRs have benefits to the city, requiring owner-occupancy excludes people and does not factor reasons why people might

need to move off their property. Burlington needs affordable housing, opinion is that this is best done through the Housing Trust Fund. Leverage a fee on STRs to benefit both hosts and affordable housing.

- E Mahnke: Sympathize with concerns about loss of income because it is expensive to live in city. STRs would not necessarily provide additional supply for very low income renters, but housing market is constrained at all income levels. Housing market is in balance at a 5% rental vacancy rate. City's constrained market causes problems for affordable housing, and also for middle income, and loss of a few units at a time has an impact on local market. If units that are STR's were back on the market, along with currently vacancy rate, market starts to reach equilibrium. Allow a path forward for those currently operating, set a limit city-wide. It is legitimate to regulate a public good, and affordable housing is a public good just like economic benefits that hosts have advocated. UVM student housing has also been a long-standing problem that city is also pursuing, and constant struggle. Large impact fee won't have intended impact, a tax or fee to support HTF is more appropriate.
- Amanda: Disheartening to see that work over months may not be considered. Will have an impact on families trying to make a living in the state, who are invested personally and deeply in properties. Want to use property for STR in a way that has no impact on number of long-term rentals. Think a cap on number overall could go a long way.

Committee Discussion:

- Chair expressed that the Committee's process has been iterative, but no formal votes have been taken. Acknowledged that it can be complicated or frustrating, but also how the Committee's process often works; thanked participants for comments and asked for patience. Chair intends to dedicate large part of the next meeting to full committee discussion focusing on specific changes to the language of the draft ordinance, hearing from public at the close of the meeting or the beginning of the one after.
- A Commissioner expressed thanks for public comment over time, along with surprise at the suggestion that the committee isn't listening and concern about unaccepting tone toward elected city councilors who are new to the committee.

**V. Commissioner Items**

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Planning Commission's next meeting is January 12, 2021.		

**VI. Minutes & Communications**

Action: Approved the minutes and accepted the communications		
Motion by: J Wallace Brodeur	Second: B Baker	Vote: Approved Unanimously
<ul style="list-style-type: none"> <li>• Minutes Approved: November 24, 2020</li> <li>• Communications filed enclosed in agenda packet, and additional communications posted online on 12/8.</li> </ul>		

**VII. Adjourn**

Adjournment		Time: 8:34 pm
Motion: J Wallace-Brodeur	Second: E Lee	Vote: Approved Unanimously



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Andy Montroll, Chair

Signed: January 13, 2021

Respectfully submitted by:



Megan Tuttle, Comprehensive Planner