

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

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

Burlington Planning Commission

Tuesday, January 12, 2021, 6:45 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, B Baker, H Roen, A Friend, E Lee, J Wallace-Brodeur, Y Bradley, C Mason, Z Hightower, J Hanson
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant, W Ward, P Wehman
Attendance:	Kyle Salonga, Rolf Danielson, Abbott Stark, Cher Campbell, Cindi Wight, Christopher Haessly, Ellis McArdle, Erhard Mahnke, Phil Draper, Bill Gonyaw, Denis O'Brien, Amanda Goossen, Lori Kettler, Rosaire Longe, Deborah Cooper, Julie Marks, Emily Wadhams, Deb Ward Lyons, Amy Magyar, Lucas Jenson, Phil Bair, Sharon Bushor, (one additional phone participant not identified by name)

I. Agenda

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

II. Public Forum

Name	Comment
R Longe	Requesting the Commission consider moving the boundary line for RCO and RL to the west to enable Elks Club to modestly expand lot coverage, and to facilitate a transfer of the remaining property for conservation. Commission requested staff to bring this item to a future meeting for discussion.

III. Proposed CDO Amendment: Short Term Rentals Working Session

Action: No formal action taken.		
Motion:	Second:	Vote:
Staff presented a proposal to the Committee to move the bulk of regulations contemplated for STRs to the Chapter 18, the City's Minimum Housing Code, in order to address some of the Committee's concerns about flexibility, and answered questions about the draft policy.		
Committee Discussion:		
<ul style="list-style-type: none">- Majority of the Committee was supportive of the staff proposal to move the bulk of the short-term rental regulations into Chapter 18, the City's Minimum Housing Code.- Several Committee members wanted to know how the shift would impact several members' intentions to establishing new fees for STRs through a Charter Change. Staff indicated this would have no impact on that separate process.- A Committee member asked about how STRs are enforced under Ch. 18 vs. Zoning. The DPI Director and Housing Division Manager described the rental housing registration, inspection, and enforcement processes. Staff additionally noted that the City will contract with HostCompliance to assist with enforcement.		

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

- It was noted that a potential downside from a host perspective is that there is not permanence to the Ch.18 registration process as there is for a zoning permit (i.e. having a non-conforming status). Many Committee members saw this as a positive, so that any changes to Ch.18 requirements could take effect upon renewal of the annual rental registration.
- Two Committee members shared opposed points of view regarding whether host-residency should be required for STR properties: one felt that it should be required in all scenarios, while the other felt that it should not be required for STRs in buildings of 1 to 4 units.
- The Committee was interested in providing an exemption for STRs rented less than a certain number of days per year (i.e. less than 30 days are exempted in a year does not require a zoning permit), and requested staff explore how this overlaps with state req. for life/safety codes.
- A Committee member suggested that the Committee should reconsider having an overall limit on the number of STRs city-wide.
- Regarding the draft provisions in Table 5.4.14-1, the Committee provided the following input:
 - A few Commissioners felt that owner-occupancy/host-residency should not be required for Single Detached Dwellings. However, the majority of the Committee felt this was an important protection to prevent investment interest in this limited housing supply solely for STR use.
 - The Commission debated allowing STRs in non-owner-occupied/off-site-host for duplexes. While some felt that this should be allowed, the majority of the Committee supported requiring owner-occupancy/host-residency.
 - The Committee discussed whether to allow STRs in buildings with more than 4 units. While many members seemed supportive of preventing STRs in larger multi-unit buildings rented by off-site hosts, there were questions about how this would impact condo buildings and the ability for tenants to rent their own unit. The Committee requested staff to follow up on this issue, considering a way for individual unit occupants to STR their primary residence.

IV. Public Forum

Name	Comment
S Bushor	Ch. 18 direction is very interesting, support where policy is for duplexes and the discussion about 3-4 units.
J Marks	Draw attention to proposal from STR hosts for how to regulate STRs in a way that achieves mutual benefits. Recommend STR allowance based on 2 factors: allowing up to 1 STR regardless of whole or partial and host residency in buildings up to 4 units, and no more than 2 units in any other building. Let HOAs and CCRs determine their process for determining STRs allowed. Make sure STRs are prohibited in units receiving public funding. Require annual registration, plus a \$100/year fee for STR operation for the HTF.
D Lyons	Allow off-site host if they live elsewhere in VT. STR allows personal financial flexibility and ability to afford home, as well as flexible living situations for a range of long and short-term housing situations for guests.
E Mahnke	Ch.18 is an elegant solution, and is consistent with the statewide Rental Housing Advisory Board’s concept. Agree with banning STR in buildings with more than 5 units, and support requiring owner-occupancy for 3-4 units. Suggest to grandfather existing STRs.
A Magyar	Should seriously consider grandfathering existing STRs as suggested by E Mahnke. AirBnb is shocked to hear that City is worried about regulating single-family homes because it is not the market. Buildings and properties in BTV need flexibility.
C Haessly	How is using single-family homes as an STR different than use as student rental housing or commercial or non-profit space? Committee should focus on the larger

	issues of affordability, and dissuade the conversion of single-family homes into anything other than homes. As a renter and STR host, concerned personally won't be able to rent anymore.
--	---

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
<ul style="list-style-type: none"> - Planning Commission's next meeting is Jan. 26, 2021 at 6:30pm and next Joint Committee meeting is February 9, 2021 at 6:30pm. - H Roen attended Conservation Board meeting for the kick-off of the Open Space Protection Plan addendum regarding Nature Based Climate Solutions. 		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: Y Bradley	Vote: Approved Unanimously
<ul style="list-style-type: none"> • Minutes Approved: Dec. 8, 2020 • Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas 		

VII. Adjourn

Adjournment	Time: 9:14 pm	
Motion: J Wallace-Brodeur	Second: H Roen	Vote: Approved Unanimously



Signed: January 27, 2021

Andy Montroll, Chair

Respectfully submitted by:



Meagan Tuttle, Comprehensive Planner