

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, February 9, 2021, 6:30 P.M.

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, H Roen, A Friend, E Lee, J Wallace-Brodeur, C Mason, Z Hightower, J Hanson
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant, W Ward, P Wehman
Attendance:	E McArdle, W Gonyaw, L Jenson, S Bushor, J Marks, D Ward Lyons, E Hanley, D Hanley, A Magyar, M Kuprych, J Caulo, E Mahnke, A Stark, (one additional phone number not identified by name)

I. Agenda

Call to Order	Time: 6:35pm
Agenda	No Changes

II. Public Forum

Name	Comment
E McArdle	Urge Committee to get this right. STRs don't impact 99% of housing stock. Should focus on other housing problems, such as student housing. Policy goes after 'little guy,' hurt tenants, and force small landlords to sell property. Use own STR to supplement long-term tenant's income. STR in a small multi-unit building was the only way to make homeownership work in BTW. Lack of large landlords and tenants in this conversation demonstrates STRs are not a threat. Perception of STR hosts is that city wants to penalize property owners, and feel this issue is related to the greater political movement in the city. Feel many policies proposed on Town Meeting ballot will destroy city, force out little guys, increase the wealth gap. Does Committee understand unintended consequences of this proposal?
E Hanley	Concerned that the proposal still requires a host on-site for duplexes. Feel this enables bigger landlords to stay in business, while putting out the 'little guy'.
D Hanley	Have worked hard to manage property to provide for children and retirement. But have had trouble renting duplex, needed STR to make money and pay taxes. Have invested a lot in furnishing property, and have used it to support a lot of people during COVID. Many benefits offered by STRs. As a realtor, a lot of property owners are thinking of selling because of trends in the city.
D Lyons	Encourage Committee to enable all currently active STRs to be grandfathered in all residential zoning districts as long as they're registered, inspected and current on taxes. Cap them at 500 STRs and allow off-site hosting in all buildings. Could no longer afford the 20% of long-term renters who did not maintain my property. STRs are not occupying an abundance of housing, and many are now inactive due to COVID. Seems there is a way to balance benefits with impacts.

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.

S Bushor	Unclear about addition of "less than 30 days" to the definition of hotel in Ch. 18 due to extended stay and state program for emergency housing for homeless individuals. Unclear where condominiums fall in Table 18-15-1, and see individually owned condos more like a single dwelling unit. As a Committee member, didn't want to harm small investment property owners. In communication about nonconformities, unclear how STRs currently permitted will be treated.
L Jensen	Current apartment is rented more or less than 30 days from time to time. Appreciate seeing duplex and ADUs not being treated the same, but cannot understand why 2 unit and 3 unit buildings are treated differently with regard to host residency. Hosts have been unsuccessful in encouraging data collection that helps base policy in reality. Urge Committee to consider data after the policy implementation—how many STRs will be put out of business, what is loss of RMT, impacts on properties and rents by loss of host income, and impact on housing crisis in BTV (rents, vacancy rate, cost to buy).
A Magyar	Support D Lyons statement. Goal is to keep number of STRs down, but not reduce the number currently existing, which is what COVID has done. Grandfather non-compliant hosts, but allow hosts to continue to stay in and use homes. Housing advocate has spoken in favor of grandfathering STRs, which says a lot.
E Mahnke	STRs do have an impact on BTV housing market. 5% vacancy rate is considered a balanced housing market, and 2.5% of housing units being returned to long-term rentals could be significant to bring housing supply and demand more in sync. Suggested grandfathering existing STRs not because it's ideal, but as an idea to thread the needle for small landlords using STR for income while preventing further conversion. However, was operating under the assumption that STRs currently operating were unregulated and therefore legal.

III. Proposed CDO Amendment: Short Term Rentals

Action: No action.		
Motion:	Second:	Vote:
<ul style="list-style-type: none"> • Staff provided a communication and background on the difference between zoning violations and legal preexisting non-conforming uses, and answered questions about how STRs have been permitted under existing standards. A Councilor expressed unease about potentially granting amnesty to zoning violations, while also using Ch. 18 to regulate STRs which doesn't allow legally non-conforming status to future STRs. • Staff also clarified that non-conformities apply to the CDO, but not Ch. 18, and that anyone with an existing zoning permit for an STR today would benefit from legal non-conforming status. • A Committee member asked about the benefit of locating STR standards in minimum housing code instead of zoning if the committee advances a less restrictive policy. Staff and Commissioners clarified that the CDO isn't the best mechanism for regulating some of the details associated with STRs and that enforcement isn't as straightforward. Ch. 18 also provides flexibility to make the policy more or less permissive overtime. The Committee agreed that it wanted to continue to move forward with utilizing Ch. 18 for regulating some of the STR standards. • Staff also outlined how the draft STR policy is now divided between the CDO (zoning) and Ch. 18 (Minimum Housing Standards) based on the last meeting. • The Committee reviewed the proposed changes to the CDO, including to Article 13, Appendix A, and Article 14. In response to a Commissioner question, staff indicated that Appendix A permits or prohibits STRs where housing is permitted or prohibited, but then regulates the extent of how an STR can operate under Ch. 18. Committee agreed with proposed changes to the CDO with an additional reference to "subject to Rooms & Meals" tax as part of the STR definition. 		

Tuesday, February 9, 2021

- | |
|---|
| <ul style="list-style-type: none"> Following a discussion about the per-building limit on number of STRs in Ch.18, the Committee directed staff to add a provision that allows a host to STR a dwelling unit that is their primary residence, regardless of the number of units in a building and regardless of whether the host is a tenant or owner. |
|---|

IV. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
- Planning Commission's next meeting is Feb. 23, 2021 at 6:30pm and next Joint Committee meeting is March 9, 2021 at 6:30pm.		

V. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: H Roen	Vote: Approved Unanimously
<ul style="list-style-type: none"> Minutes Approved: January 26, 2021 Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas 		

VI. Adjourn

Adjournment	Time: 8:32pm	
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously



Signed: February 24, 2021

Andy Montroll, Chair

Respectfully submitted by:



Megan Tuttle, Comprehensive Planner