

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

Remote Meeting via Zoom

Minutes

Members Present	A Montroll, H Roen, A Friend, E Lee, J Wallace-Brodeur, B Baker, C Mason, Z Hightower, J Hanson
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant, W Ward, P Wehman
Attendance:	D Deen, K Ferravanti, M Bean, P Rockholz, R Sheppard, E Morrow, Participant "12345", L Kettler, D Lane, D Hanley, E Hanley, E Redic, W Cormac, H Ott, B Cooke, J Sharpe, E McArdle, C Vanzandt, B Smith, R Danielson, C Haessly, H Cluse, A Stark, M Klein, R Handy Holmes, S Hamilton, J Vandette, M Barger, D Ward Lyons, B Gonyaw, B Yanovsky, J Marks, B Kiss, E Beaudry, M Harasiuk, L Jensen, K McVeigh, A Magyar, S Gerrish, M Masters, D Culkins, D Sheppard, "Amy", S Jones, D Kirk, S Bushor, three additional participants identified by phone number only

I. Agenda

Call to Order	Time: 6:38pm
Agenda	No Changes

II. Public Forum

Name	Comment
E Redic	Landlords trying to find a compromise with the Committee is a mistake. Committee should consider why they believe they have more rights to private property than the owners.

III. Proposed CDO Amendment: Short Term Rentals

Action: Approve Municipal Bylaw Amendment report and warn a public hearing on proposed CDO Amendments, and accept comment on Ch. 18 elements during public hearing.		
Motion: J Wallace Brodeur	Second: E Lee	Vote: Approved Unanimously (vote by Commissioners only)
Committee discussion of proposed CDO and Ch. 18 amendments, which are posted online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		
<ul style="list-style-type: none">Staff provided brief update on minor tweaks to the language based on last meeting, and answered questions about proposed STR Bill H.200 and regulatory takings related to primary residency requirements.A Montroll proposed a modification to allow for an off-site STR host in single unit and duplex dwellings if the owner has owned the property for 3 years. Intent is to enable current hosts to continue, allow the city to know how many people will take advantage of this approach, and to modify the rules later be more restrictive if needed.		

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- Some Committee members supported the concept as a middle ground and because it is responsive to public comment and current STR scenarios. It was noted however, that hosts must be aware that under Ch. 18 it would not guarantee right to STR in perpetuity due to annual registration process.
- Other Committee members continued to support regulations that are more restrictive of off-site hosting because proposal would not completely curb speculation and reduce the number of units used for STRs, and were concerned that there would be tremendous push-back to revising the regulations later if needed.
- Staff answered questions from Commissioners related to previous topics including process for imposing new STR fees, why a city-wide STR cap or a limit on nights rented were not recommended, and questions about the Ch 18 permitting process.
- E Lee recommend that the Council consider a year or more grace period after adoption of new rules before proactive enforcement takes place for STRs that will not be able to be continued.
- H Roen felt that the Committee will have failed if it doesn't address existing STRs by people who are trying to get by, and indicated that either the Committee or the Council must consider a solution before adopting a policy.

IV. Public Forum on STRs

Name	Comment
K McVeigh	Tenant renting an STR as a way to earn a living, put life savings into an apartment with landlord and it is main way of earning money to live above the poverty line for the first time. Allow existing STRs to continue while preventing new ones.
E Beaudry	Eliminating non-owner occupied STRs will put people out of business. Guests would not visit Burlington without STRs, and don't want to stay in homes with people's personal belongings. This impacts community, hosts and small businesses.
E Hanley	Like idea for non-owner-occupied duplexes because has owned property for 30 years and lived there for 5. New generation wants STR for travel, benefit the city's economy and creates jobs.
D Lyons	Disappointed Committee cannot find balance between small property owners and tenants in the city. Will continue to advocate for small non-owner-occupied properties, and appreciate Commissioner bringing a "both, and" suggestion. Councilors need to compromise.
J Marks	Reading for L Kotorman: Purchased a property that is now a duplex to support retirement. Hosting has kept rent low for long term tenants, helped afford taxes and make investment in property. Proposal feels like penalty for choosing not to be a larger investor with more units. May need to sell property because cannot make the debt service as a long-term rental.
E Morrow	Applicant on Ethan Allen Parkway successfully turned a single-family home into a hotel, and now proposing to add additional units as STRs. As Chair of the DAB, the Committee needs to clarify what a hotel is, and whether it can be a single building or multiple. Regarding STR regulations, new homeowners should be treated the same as longer-term homeowners.
E McArdle	Makes no sense to allow non-owner occupied STRs for 3-4 units, but not single unit and duplex. Hosts have come to meetings for a year and have suffered great emotional distress. Extremely disappointed by some members' use of taxes as disincentives, and the treatment of all landlords the same as large property owners.
J Sharpe	Some Committee members have Airbnbs, and find it inappropriate that those circumstances are being allowed, but not those of hosts coming to these meetings. Not being sympathetic to hosts is also detrimental to tourism.
C Haessly	Renter that hosts and concerned that would not be allowed to continue to STR. Renters should be allowed to rent their own unit, plus be allowed to rent one or

	two other units in the city. Committee needs to find a middle ground. Currently in a pandemic, and need to consider how people need to comply with health and safety requirements.
S Bushor	Disappointed about the legal opinion about allowing existing STR hosts to continue, and agonize over the STR hosts who will be negatively impacted. Want to protect the housing stock, long term renters, and single family homes, but concerned about how this will impact people who live close to the edge. Don't understand why no STRs are allowed in buildings of more than 5 units.
L Jenson	Report shared with the Committee regarding impact of STRs on housing costs. Rapid rise in housing cost not substantially driven by STRs and strict regulations on STRs are unlikely to resolve affordability crisis. Suggests that the foundation for the regulation in Burlington is false. Parties and nuisance issues are not unique to STRs. STRs are not something a host does overnight and takes back as they are time consuming and expensive. A lot of hosts are doing so because taxes are so high already, so idea of more taxes is very hard. Concerned that no safety inspection is required for partial unit STRs in owner occupied property.
A Stark	Like 3 year ownership idea to address comments the Committee has heard. Have heard a lot of concern about the "haves" (including small time landlords) and "have nots", but think there are other housing supply solutions the Committee could take that would be more impactful. Quoted report on STR impact on housing affordability. No data that tighter regulations will help low income tenants, so Committee shouldn't consider this vote a panacea for alleviating inequity in city.

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
<ul style="list-style-type: none"> - Planning Commission's next meeting is Mar. 23, 2021 at 6:30pm - E Lee: Reiterate public comment that Committee should look at hotel definition - B Baker: Agree with comments that there are other housing policies that have greater impact than STR regulations, including historic materials, additions to historic buildings, not allowing housing in the South End Enterprise district. 		

VI. 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: February 23, 2021 • Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas 		

VII. Adjourn

Adjournment		Time: 8:44pm
Motion: H Roen	Second: E Lee	Vote: Approved Unanimously



Signed: April 15, 2021

Andy Montroll, Chair

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Megan Tuttle". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Megan Tuttle, Comprehensive Planner