

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 with City Council Ordinance Committee

Tuesday, April 13, 2021, 6:30 P.M.
Remote Meeting via Zoom
Minutes

Members Present	A Montroll, B Baker, Y Bradley, A Friend, E Lee, H Roen, J Wallace Brodeur, C Mason, J Hanson, Z Hightower
Staff Present:	D White, M Tuttle, S Gustin, K Sturtevant, P Wehman, B Ward
Attendance:	J Fish, R Camara, K Van Woert, A Magyar, M Barlow, J Hinsdale, F Lee, K Hackett, J Heller, E Redic, B Redic, L Kettler, L Jenson, M Orleans, K Gauthier, S carpenter, B Foust, D Lyons, J Marks, B Gonyaw, K Casella, K Cavoretto, R Danielson, S Bushor, one additional phone number unidentified

I. Agenda

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

II. Public Forum

Name	Comment
B Redic	City says it is interested in supporting homeownership for people of color, but disappointed about amount of work required to purchase a 3-unit home. Due to lack of paperwork in the City, required to make a significant investment to turn it into a duplex, and most recent concern is that it has been vacant for 60 days, losing the opportunity to maintain it for this purpose. Looking for support from the committee.

III. Proposed CDO Amendment: Short Term Rentals

Action: Amend proposed STR regulations to require owner-occupancy for all unit types.		
Motion: E Lee	Second: A Friend	Failed 2-5. Lee, Friend in favor; Baker, Bradley, Montroll, Roen, Wallace Brodeur oppose.
Action: Amend proposed STR regulations to allow STR in 1 and 2 unit buildings when host does not live on-site if owner has owned property for 3 years.		
Motion: B Baker	Second: H Roen	Passed 4-3. Baker, Bradley, Montroll, Roen in favor; Friend, Lee, Wallace Brodeur oppose.
Action: Approve the Municipal Bylaw Amendment Report and forward proposed CDO and Ch. 18 amendments to Council as amended, with recommendation.		
Motion: Y Bradley	Second: J Wallace Brodeur	Passed 6-1. Lee opposed.
Staff provided an overview of the current proposal for both CDO and Ch. 18 amendments, which are posted online at: https://www.burlingtonvt.gov/CityPlan/PC/Agendas		
The Chair opened the Public Hearing at 6:51pm with the following comments received:		

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.

- E Redic- Disappointed in lack of concern about who is being impacted and harm to the community. Say want affordable housing and safe places to live, but the only way to do that is relieve some of the regulations in place. City is making it difficult to be a landlord, and putting own family and tenants at risk.
- K Casella- Proposed STR regulations are draconian and overreach. Did not do work to document how many STRs have replaced housing units, how owner-occupancy requirement is addressing a problem. 38% of VT STR hosts use STRs as primary income; personally use STR income to pay increasing taxes. Proposal could make homeownership impossible in Burlington, and harm homeowners' livelihood. Ask committee to withdraw the proposal, reconsider impacts, and implement a registration process.
- J Heller- Applaud adoption of clear and understandable regulations; do not think ability to STR should be based on neighbors' relationships.
- J Marks- Request withdraw of proposal until more data and evidence based recommendations to improve living conditions. Proposal is unlikely to improve housing, but will economically impact property owners. Lack of affordability is due to lack of growth, stagnant wages, and cumbersome zoning ordinance. ARPA will bring money for affordable housing in state and S.79 is likely to pass the legislature and have a positive impact on housing and reveal the true nature of STRs. Many whole unit STRs in Burlington were never long-term housing before.
- L Jenson- Withdraw the recommendations because committee is not willing to create a truly progressive policy. Impacts have not been meaningful debated, housing summit report has not been satisfied. Need to know who will benefit vs. be harmed; how the policy will make housing more affordable; and impact on tenants, tax income, and tourism economy. Need to determine the process and benchmarks for evaluating changes to the policy. Concerned about why housing inspections are not required in partial unit STRs renting just 1 or 2 bedrooms.
- A Magyar- How will the city replace the loss of rooms and meals tax, money from tourism economy if STRs are reduced? Pandemic has caused economic ruin but STRs have a role in the recovery. Burlington is a tourist city, and tourism will roar back after the pandemic. STR guests stay longer and spend more than typical visitors, distribute economic impacts outside of downtown, and money stays in local area. STRs are not new; homes and camps have been around, but sharing platforms ensure that taxes are paid. Is the Committee willing to risk not knowing how this will impact the city's economy?
- D Lyons- Eliminate requirement for primary residence for single unit and duplexes. Landlord should be able to permit a building whether they live on site or not. Committee should consider proposal from last month to allow owners of a building for 3+ years to host STR if they don't live on site. It is a balanced approach. Otherwise, should wait to see what S.79 does at the state level.
- Jacob Hinsdale- Concerned about false choice suggested between STR and long-term rentals. STRs require a lot more resources on a day-to-day basis compared to a LTR rental. Don't believe that large landlords will ever convert housing units en masse, partially because there is not enough labor to keep up with the work required. Don't think it will impact overall availability of housing in the city if people can STR another property that they own. Should be more data and reflection about relationship to state level policies.

The Chair closed the Public Hearing at 7:31pm, with Committee discussion to follow:

- At request of Committee members, A Montroll reintroduced proposal to allow people that have owned a property for 3+ years to STR even if they do not live at the property.
- Some Committee members supported this idea as a way to reach compromise, to avoid putting existing STR hosts out of business, but to stem property speculation and with little impact on existing rental housing stock. Generally, these members felt this provided flexibility for people to STR to afford to stay in their home or keep up their properties.

- Other Committee members were concerned this would create an incentive not to convert a housing unit back to long-term, resulting in a loss of workforce housing, and concerns that it was benefitting property owners who have already been able to invest in the market while excluding new property owners. Some committee members suggested a willingness to loosen the rules in other ways, but did not support this approach.
- Some committee members noted that waiting is not an option, both due to the post-pandemic potential to see an increase in STRs, as well as a concern that state-level policy may not address Burlington specific issues.
- A Committee member noted that it is disingenuous to say people are going to lose “their” home, because the proposal allows people to STR their own home. Having a second property is a significant investment. It was noted by several committee members that precluding STRs in some properties does not preclude the opportunity to make money from long-term renting.
- Some Commissioners noted that the committee has only heard from hosts, but not the people who are looking for housing in the city, including the 60% of households that are renter-occupied, and that the Committee has the responsibility to consider everyone.
- At the conclusion of the discussion, a motion to require owner-occupancy for all STR scenarios failed, and a motion to enable off-site hosting for 1 and 2 unit properties that have been owned for 3+ years passed. It was clarified that this is a recommendation to send to the City Council, but that the Council will ultimately have the authority to amend or adopt the proposed regulations.

IV. Reapprove Municipal Bylaw Amendment Report ZA-21-06

Action: Reapprove Municipal Bylaw Amendment Report and forward to Council for adoption.		
Motion: A Friend	Second: E Lee	Vote: Approved Unanimously
At the recommendation of staff, Council Ordinance Committee modified the proposed amendment to replace term “no-mow” with “low-mow”. Commissioners supported the amendment as being accurate to the intent of the definition.		

V. Commissioner Items

Action: N/A		
Motion: NA	Second: NA	Vote: NA
<ul style="list-style-type: none"> • H Roen noted he will not be seeking reappointment at the end of the term in June, will focus on work with Renewable Energy Vermont. • B Baker noted continued concerns about how zoning presents a barrier to the next generation of homeownership in Burlington, including that duplexes aren’t allowed in some of the existing zoning districts. • E Lee requested an update to the rental housing code to include on the permit checklist the requirement for recycling totters for all rental buildings, and the requirement to have a physical barrier that defines parking areas. 		

VI. Minutes & Communications

Action: Approved the minutes and accepted the communications		
Motion by: A Friend	Second: J Wallace Brodeur	Vote: Approved Unanimously
<ul style="list-style-type: none"> • Minutes Approved: March 9, 2021 • Communications filed enclosed in agenda packet, and additional communications posted online at https://www.burlingtonvt.gov/CityPlan/PC/Agendas 		

VII. Adjourn

Adjournment		Time: 8:49
Motion: H Roen	Second: J Wallace Brodeur	Vote: Approved Unanimously



Andy Montroll, Chair

Signed: April 27, 2021

Respectfully submitted by:



Megan Tuttle, Comprehensive Planner