Regular Meeting
Burlington Planning Commission
Tuesday, May 10, 2022, 6:30 P.M.
Remote & Virtual Meeting via Zoom
No In-Person Option Available

To Join the Meeting on a Computer
Link: https://us02web.zoom.us/j/85626575088

To Join the Meeting on a Phone
Number: +1 312 626 6799 Meeting ID: 856 2657 5088

AGENDA

I. Agenda

II. Public Forum See details on pg 3 of packet for participating remotely.

III. Chair’s Report

IV. Director’s Report

V. 248a Waiver – Redstone Water Tower Rehabilitation
The Commission will review a request from AT&T to waive a non-statutory 30-day comment, intervention and hearing request period as determined by the 248a Procedures Order. The request relates to upcoming Department of Public Works rehabilitation to the city’s Redstone Water Tower. AT&T seeks the waiver to facilitate temporary relocation of cellular equipment off of the Redstone Tower onto a nearby temporary ballast tower. Planning Commission and City Council approval are required for the waiver. Materials related to this item are included on page 8 of the agenda packet.

Staff Recommendation: Ask questions and discuss the proposed waiver. Approve a motion granting the waiver.

VI. Proposed CDO Amendment: Burlington High School Zoning
The Commission will review a draft amendment to the Comprehensive Development Ordinance that is responsive to the request by BSD to reconsider the zoning for the BHS campus on Institute Road. Materials related to this item are included on page 12 of the agenda packet.

Staff Recommendation: Ask questions and provide feedback on the draft amendment. Approve warning of public hearing for May 25 meeting.

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. Written comments on items may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401, or at mtuttle@burlingtonvt.gov.
VII. Proposed CDO Amendment: Interim Emergency Shelters
The Commission will continue a discussion of proposed amendment to the Comprehensive Development Ordinance regarding standards for Emergency Shelters in the city. Materials related to this item are included on page 22 of the agenda packet.

**Staff Recommendation:** Ask questions and provide feedback on the draft amendment. If the Commission is satisfied with amendments, it may approve the Municipal Bylaw Amendment Report and warn a Public Hearing.

VIII. Commissioner Items
a. The May 24 Planning Commission meeting is rescheduled to Wednesday, May 25 at 6:30 pm
b. Upcoming Meetings will be hybrid/online unless otherwise noted – May 25, at 6:30 pm
c. Committee Reports - none

IX. Minutes & Communications
a. The minutes of the April 12 meeting are enclosed in the agenda packet on page 4
b. Communications are enclosed in the agenda packet on page 28

X. Adjourn
Guidance for Participating in a Virtual Planning Commission Meeting

As social distancing measures to preserve public health and safety continue to be required to prevent the spread of COVID-19, or are recommended as a standard practice, the Office of City Planning will be supporting the Planning Commission to conduct their meetings online via Zoom. Here is information about how to join a virtual meeting, and what to expect while participating.

General Guidance for Public Participation

Please remember that in this digital meeting environment, meetings are open to the public and anyone may be watching or listening even if you cannot see them. Meetings will be recorded, and both the recording and chat content of the meeting will be maintained as a public record.

Please ensure your display photo and screen name are professional, such as using your first and last name. Please test your audio and video prior to the start of a meeting, and familiarize yourself with how to join a meeting by your chosen method. And finally, please be patient with us. Technology doesn’t always work as planned, and we are all learning how to hold a successful virtual meeting!

How to Join a Virtual Meeting

Zoom allows participation via either computer or telephone. Each agenda for a meeting that will be conducted virtually will include details about how to join via either of these options, including a web address, phone number, Meeting ID, and password.

If you participate via computer, you have the option of seeing Commissioner videos and any presentation materials that may be shared. If you use either a standard phone or cell phone to call in, you will only hear the audio portion of the meeting. If you join via a smartphone, you may have the option to download the Zoom app, which will enable you to see and hear the meeting.

How to Participate in a Virtual Meeting

During meetings, only Planning Commission members and limited staff members will be viewed on video. Members of the public attending a meeting will be muted, except when invited to speak during public forum or a public hearing. Whether members of the public can speak at other times during the meeting is the discretion of the Chair.

If you want to speak during public forum, please take the following steps to assist us in making this process run as smoothly as possible:

- Email staff at mtuttle@burlingtonvt.gov by 5pm on the day before a meeting to indicate your interest in speaking. You do not need to provide your comments. Staff will enable your microphone as your name is called from a list of interested speakers.
- During a meeting, you can use the “Raise Hand” feature, or indicate in a chat message that you wish to speak during public forum. Staff will enable your microphone as your name is called.
- If you are interested in submitting your comments in writing instead of speaking during the meeting, you may do so by 5pm the day before a meeting, they will be forwarded to the Commissioners ahead of the meeting.
Members Present: A Montroll, A Friend, E Lee, Y Bradley, B Baker, M Gaughan
Staff Present: M Tuttle, C. Dillard, B Pine, S. Gustin
Public Attendance: E Farrell, S Bushor, K Devine, M Lang, T Doyle

I. Agenda

<table>
<thead>
<tr>
<th>Call to Order</th>
<th>Time: 6:33pm</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agenda</td>
<td>No change</td>
</tr>
</tbody>
</table>

II. Public Forum

<table>
<thead>
<tr>
<th>Name(s)</th>
<th>Comment</th>
</tr>
</thead>
<tbody>
<tr>
<td>M Lang</td>
<td>Rezoning of BHS; concerned that an institutional zone is not appropriate because it is a department of the City. Offered a suggestion of a mixed-use zone.</td>
</tr>
<tr>
<td>S Bushor</td>
<td>Shared concern of parking ordinance, the DRB will receive it. C Mason had asked that the language be changed from DRB will “receive” it to DRB will “adopt” or “approve.”</td>
</tr>
<tr>
<td>K Devine</td>
<td>Executive Director of Burlington Business Association. Concerned about an administrative amendment for shelter pod community. Other cities that have implemented these communities show extensive paperwork. Portland OR had two-year process. Asking for Commission to consider requiring similar length and style of paperwork, including input from other organizations/individuals/departments, as part of the administrative amendment.</td>
</tr>
</tbody>
</table>

III. Chair’s Report

A Montroll: No report.

IV. Director’s Report

M Tuttle: New City Council meeting last night. Reintroduction of short-term rental. Proposed a recent version of zoning and minimum housing ordinance amendments. Asked for that to be referred to CC ordinance committee. Anticipating that BHS zoning discussion will come back to Planning Commission in May. Design team has proposed 5 plans to the School Board and will weigh in later this month. City Council has requested to approve municipal bylaw amendment report and warn public hearing. The Interim Emergency Shelter Pod amendment was not specifically mentioned in the Housing Action Plan, but was a cross-departmental effort to ensure the success of the shelter pod community.
Welcoming a new planner, Sarah Morgan, in May. Previous experience in environmental justice. M Tuttle will be out of the office April 27-May 6 for the National Planning Conference. Enterprise Zoning update: C Dillard is exploring whether South End zoning can accommodate housing.

V. Proposed CDO Amendment ZA-22-07: Maximum Parking & TDM

<table>
<thead>
<tr>
<th>Motion by: Michael</th>
<th>Second by: Emily</th>
<th>Vote: 6-0</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type: Discussion</td>
<td>Presented by: M Tuttle, C Dillard, S. Gustin</td>
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</tbody>
</table>

Commissioner discussion:
- Took recommended changes on how TDM is integrated to the City Council Ordinance Committee in March. Accepted most of the changes, but disagreed on a few points: remove parking exemptions within the form districts, felt that it was counter to the purpose of setting max limits on parking, defer expansion of TDM requirements into other parking districts, not comfortable but recommended a two-tier structure of TDM requirements. Expanding requirement to meet all of the aspects of TDM to any development over 10 units. Offer a lower threshold for projects between 5-9 units where they are only required to unbundle parking. Asked for a greater weight to be given to Joint Institutional Parking Plan—a plan must be approved by the DRB and lack of a plan will be considered a zoning violation.
- Found additional places in our Ordinance that address parking. Articles 4 and 5 contain language that could be deleted. Replacing “requirements” with “standards.” 5.3.6 Non-conforming lots. Put in place to prohibit expansion of buildings that don’t have required minimum parking.
- S Gustin recommended removing the last two sentences of 5.3.6
- M Gaughan asked whether City Council Ordinance Committee recommended that parking maximums be placed back into the Institutional Parking Plan.
- They recommended that projects that could be considered for parking exemption have a plan.
- When holding the public hearing, the Commission is asked to make technical corrections and weigh in with input for City Council to consider.
- B Baker asked whether moving forward will affect existing permits.
- M Tuttle and S Gustin will coordinate to inform projects of this proposed change.

VI. Proposed CDO Amendment: Interim Emergency Shelters

<table>
<thead>
<tr>
<th>Motion by:</th>
<th>Second by:</th>
<th>Vote: N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type: Discussion</td>
<td>Presented by: M Tuttle, B Pine</td>
<td></td>
</tr>
</tbody>
</table>

Commissioner discussion:
- M Tuttle provided a background on Mayor Weinberger’s Housing Action Plan.
- Provide 80 new homes to accommodate Burlington’s homeless population
- City Council has already embraced $3 million investment from ARPA for ending homelessness, plus $1-2 million for permanently affordable housing
- Fully fund the Housing Trust Fund, about $550k per year
- Staff time and salary for Special Assistant to End Homelessness—Sarah Russell started at CEDO on April 11.
- Strengthen Coordinated Entry System. Keeps track of individuals and provides services, support, and resources for stable housing.
- Invest in 30 shelter pods
• A zoning amendment is not required to move forward with Elmwood Ave location, but could be important in setting up other emergency locations in the future. Current zoning standards may not be nimble enough.
• The City’s goal is to create permanent affordable housing, but there may be future needs to increase sheltered beds in a quick manner.
• The zoning amendment could help with other types of projects that need to switch use or be built for a specific purpose but for a temporary timeframe, like utilizing motels for shelter or for natural/human-induced disasters.
• Currently, emergency shelters are allowed in residential areas as a conditional use, in neighborhood mixed use districts as a conditional use, and in downtown form districts as a permitted use.
• Proposed amendment expands to also include enterprise and RCO-RG zones.
• Currently, emergency shelters receive permits in perpetuity.
• Proposed amendment structures so that permit is valid for 1 year and can be renewed twice in 1 year increments. To exist permanently, the site must seek a new permit. The site also must be returned to pre-permit condition.
• Modeled partly after the Urban Reserve zone. Permits are temporary until the community decides what to do.
• Currently, emergency shelters require 24/7 onsite management with a staff to resident ratio of 1:25 and adhere to the city-wide general conditional use standards, many of which don’t necessarily apply to an emergency shelter.
• Proposed amendment keeps onsite management ratio the same but also requires submission of an approved operations plan.
• CEDO has been in conversation with State of Vermont’s Office of Economic Opportunity—if they provide funding every step of the process and operations plan will be reviewed by them. Continuum of Care, regional entity that oversees federal funding on homelessness, can be another avenue for independent reviews of operation plans.
• Proposed amendment offers appeal opportunity. 15 day appeal period heard by the DRB.
• B Baker asked whether proposed interim emergency shelter could exist on property other than city-owned. M Tuttle responded yes, but it would need to be under an operational agreement with the City.
• A Friend suggested that at a neighborhood public meeting it should be made clear that the City has accompanying plans for permanent affordable housing and that shelter communities are only for temporary, emergency use and not a long-term solution.
• CEDO has met with several constituents and stakeholders for feedback. It was decided internally with the City that asking for feedback or neighborhood votes on the shelter pod community was not a good idea.
• A Commissioner asked how many shelters are needed. B Pine responded that this community is planned for 30 pods. Not intended to be the beginning of multiple shelters across the City.
• Shelter pods are not intended for families—rather individuals or couples.
• A Commissioner raised the concern that low-barrier shelters are not successful.
• Operational management that is appropriately funded and staffed will be in place before residents are placed.
• B Pine offered that a six-month review with residents, neighbors, and nearby business owners would be a good idea.
• A Commissioner raised the question of how success will be measured for these sites.
• A Commissioner asked why the Interim period is 3 years, rather than 1 year.
• M Tuttle responded that there are some zones where a 1-year period would not offer a path forward for permanent zoning.
• A Commissioner raised the concern that offering an easier process for Interim shelters will reduce the pressure to build permanent affordable housing.
• Many of the questions from potential partners surrounding shelter pod operational management are around funding and staff.
• M Tuttle raised the concern that the zoning level may be too broad to offer clear minimum standards on certain criteria as that may be site-specific.
• A Commissioner proposed that CEDO come back with more concrete plans on accountability and review.
• A Commissioner asked whether there is precedence in the Zoning Ordinance that could be up for expiration. M Tuttle responded that there is a precedence for allowing sites in Zoning to sunset—most recently in the concept of short-term rentals.
• A Montroll offered that some projects could have an automatic call-back time where they need to be presented for review to City Council in 1- or 2-year periods.
• A Commissioner asked whether parks could be removed from possible Interim shelters sites. M Tuttle responded that yes it could.

VII. Commissioner Items
• Next meeting is April 26 at 6:30pm
• Bill Truex, a primary architect of Church Street Marketplace, recently passed away.

VIII. Minutes and Communications
Action: Approve the minutes and accept the communications

Motion by: A Friend  Second by: B. Baker  Approved Unanimously
Minutes Approved: March 22, 2022
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas

IX. Adjourn
Adjournment  Time: 8:03 pm

Motion: Y Bradley  Second: M Gaughan  Vote: Approved Unanimously
MEMORANDUM

TO: City of Burlington, Planning Commission

FROM: Chapin Spencer, Director of Public Works

CC: Jenna Olson, Water Policy & Programs Manager
    Steve Roy, Senior Water Resources Engineer

DATE: May 10, 2022

SUBJECT: Authorization to sign the attached 248a waiver in relation to the City’s impending rehabilitation project of the Redstone Water Tower.

REQUEST

The Water Resources Division of the Department of Public Works seeks Planning Commission authorization of a waiver of the non-statutory 30-day comment/intervention/hearing request period in the 248a Procedures Order. AT&T is seeking this waiver to advance temporary relocation of their cellular equipment off of the City’s Redstone Water Tower to a temporary ballast tower nearby.

EXECUTIVE SUMMARY

The Water Resources Division is continuing its generational reinvestment into critical infrastructure – with rehabilitation of the City’s Redstone Tank planned for 2022. As part of this work, AT&T is seeking approval from the Vermont Public Utility Commission to install a temporary ballast tower facility adjacent to the City’s existing elevated water tank on the Redstone campus. Water Resources is actively working to finalize a schedule for critical rehabilitation work on the Redstone Tank for the Summer of 2022. AT&T’s temporary tower is needed to hold cellular equipment currently mounted on the water tank, which must be moved to accommodate rehabilitation work. This waiver, if approved, will expedite the process for setting up the temporary tower and enable the City’s water tower repair project to proceed unimpeded.

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Department Contact:
If you have any questions, please Jenna Olson, Water Policy & Programs Manager at jolson@burlingtonvt.gov or (802) 735-4319.

ATTACHMENTS
A. Draft 248a Waiver
B. Plan sheet showing proposed temporary structure

MOTION
The Department of Public Works, Water Resources Division respectfully requests Planning Commission approve the following motion:

To waive the 30-day notice and intervention period and opportunity to formally comment on AT&T d/b/a New Cingular Wireless PCS, LLC’s application to the Vermont Public Utility Commission for a Certificate of Public Good in connection with the construction of a temporary cellular tower on City-owned property during the repair period for the Redstone Water Tank and to authorize the Mayor to execute a waiver on behalf of the Planning Commission to such effect, subject to review by the City Attorney’s Office.

Thank you for your continued support.
STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Petition of New Cingular Wireless PCS, LLC pursuant to 30 V.S.A. § 248a requesting a Certificate of Public Good for installation of a temporary telecommunications facility in Burlington, Vermont

**WAIVER OF 30-DAY COMMENT AND INTERVENTION PERIOD**

TO: William J. Dodge, Esq.
Downs Rachlin Martin PLLC
199 Main Street
Burlington, VT 0540-0190
Email: wdodge@drm.com

I acknowledge the receipt of your request that the City of Burlington Planning Commission, waive the 30-day Comment and Intervention Period in the above-captioned matter which would otherwise be required pursuant 30 V.S.A. § 248a and the Public Utility Commission’s Procedures Order. I have also received an advance copy of the 248a Petition for the Project, and a means by which I can sign and return this form to you electronically or by email.

The undersigned agrees to waive the 30-day Comment and Intervention Period so that the Public Utility Commission may proceed with its review of the Petitioner’s application for a Certificate of Public Good without delay. As communicated, the purpose of this waiver is for the Petitioner to obtain a Certificate of Public Good with sufficient time for the City of Burlington Department of Public Works to commence critical maintenance work on the water tank at the UVM Redstone campus on or before July 1, 2022.

Dated at Burlington, Vermont this __ day of ________, 2022.

CITY OF BURLINGTON PLANNING COMMISSION

By: _____________________________
Duly Authorized Representative

1 Sixth Amended Order Implementing Standards and Procedures for Issuance of a Certificate of Public Good for Communications Facilities Pursuant to 30 V.S.A. §248a, PUC Case No. 18-2940-INV, 09/21/2018, § IV, at 8.

2 See PUC Rule 2.107 (allowing for waivers “to prevent unnecessary hardship or delay, in order to prevent injustice of for other good cause….”).
TO: Burlington Planning Commission
FROM: Meagan Tuttle, AICP, Director
DATE: May 2, 2022
RE: Proposed CDO Amendment ZA-22-05: Burlington High School Zoning

Overview & Background
For nearly 30 years, the site of Burlington High School (BHS) has operated as a non-conforming use, in a non-conforming building, on a non-conforming site. The campus on Institute Road is located in the RCO-RC zoning district, as it has been since the 1973 zoning rewrite. However, where previous zoning ordinances allowed public and semi-public buildings within the RCO districts, the 1994 zoning rewrite introduced a Use Table which identified schools as an unpermitted use in this district. Despite these limitations, the site’s non-conforming status and some limitations on local zoning for schools in state statute have allowed the school to function and serve the community in this location.

Planning for the high school campus has been under way for about a decade. BHS has been operating in an interim location downtown since March 2021. In late 2021, the BSD School Board selected the “Institute Road – North” site from a list of potential redevelopment sites, and the District has indicated its intent to reopen a school at this site by 2025.

While Institute Road has been the site of the high school for 50 years, the District’s preliminary site assessments and concept planning have indicated that the current non-conformities and statutory exemptions that the site enjoys will limit the development a modern high school and technical center going forward; solutions to resolve these conflicts are imperative. The proposed amendments seek recognize and embrace how the campus has served the community and enable it to evolve to meet the needs of the next generation of Burlington students. This is achieved by allowing the high school as a permitted use at this location and by establishing site-based standards for its development.

Proposed Amendment

<table>
<thead>
<tr>
<th>Amendment Type</th>
<th>Text Amendment</th>
<th>Map Amendment</th>
<th>Text &amp; Map Amendment</th>
</tr>
</thead>
</table>

**Purpose Statement**
The purpose of this amendment is to rezone the Burlington High School site on Institute Road from RCO-RC to Institutional and to establish a Burlington High School Campus Overlay zone which allows public schools as a permitted use and identifies development provisions for the campus.

**Proposed Amendments**
The following amendments to the Burlington Comprehensive Development Ordinance are included in this proposal:

- **Rezone the BHS Campus at 52 Institute Road from RCO-RC to Institutional and apply new overlay district “Burlington High School”**
  
  Update maps 4.3.1-1 Base Zoning Districts, 4.4.6-1 Recreation Conservation Open Space Districts, 4.4.4-1 Institutional Districts, and 4.5.2-1 Institutional Core Campus Overlays to

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rezone the property that spans both sides of Institute Road. Establish the Burlington High School Overlay district for these properties.

- Establish allowable uses and dimensional standards for development for the new “Burlington High School” overlay district

Establish a new Sec. 4.5.2 (h) and new Map 4.5.2-8 for this site, which articulates site-specific standards for lot coverage, setbacks, building height, permitted and conditional uses, and other standards for development of the site that accommodate a modern high school facility and related functions and activities.

[Begin proposed text amendments]

Deleted language is crossed out and new language is underlined in red.

Sec. 4.4.4 Institutional District

(a) Purpose:

The Institutional District (I) as illustrated in Map 4.4.4-1 allows for an increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city’s major public and higher educational and health care institutions within their respective institutional missions. New development is intended to be sensitive the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods.

This district is intended to support a broad range of related uses reflecting the resident institution’s roles as either regional educational, health care, cultural and research centers or municipal educational facilities. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential and open space areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

(b) Dimensional Standards and Density:

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

<table>
<thead>
<tr>
<th>Districts</th>
<th>Max. Intensity</th>
<th>Max. Lot Coverage</th>
<th>Building Setbacks (feet)</th>
<th>Max. Height (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Institutional</td>
<td>20 du/ac (24 du/acre with inclusionary req.)</td>
<td>40% (48% with inclusionary req.)</td>
<td>Minimum: 15-feet</td>
<td>35'</td>
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<tr>
<td></td>
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<td></td>
<td>10% of lot width</td>
<td></td>
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<td>Min: 5-ft</td>
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<td>Max required: 20-feet</td>
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<td></td>
<td>25% of lot depth</td>
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<td>Min: 20-feet</td>
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<td></td>
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<td></td>
<td>Max required: 75-feet</td>
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</tbody>
</table>

1 – Measurement of and exceptions to coverage, setback and height standards are found in Art 5.
The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Institutional district shall be as defined in Appendix A – Use Table and as modified by provisions of the Institutional Core Campus Overlays in Sec. 4.5.2 where applicable.

Sec. 4.5.2 Institutional Core Campus Overlay Districts

(a) **Purpose** As written

(b) **Areas Covered.**

The Institutional Core Campus Overlays as delineated on Map 4.5.2-1, and are further described as follows:

1 to 5: as written

6. Burlington High School Campus (BHS) is intended to provide for increased development scale and intensity than would typically be found in the adjoining and underlying districts to facilitate the long-term use of this site as the city’s public high school, and a hub of educational and athletic uses and other district services. Buildings are designed with architectural detailing to provide visual interest and create an enjoyable human-scale experience, both within its internal circulation and in relation to the surrounding neighborhood, with the majority of parking to be located behind, to the side, within or underneath structures particularly with respect to frontage along North Avenue. Development should reflect the district’s core educational values in both design and quality.

(c) – (g) As written

(h) **District Specific Regulations: Burlington High School Campus (BHS)**

1. **Lot Coverage**
   
   Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC-BHS District. Lot coverage shall not exceed 60%.

2. **Setbacks**
   
   A minimum 20 ft. front yard setback shall be applicable along North Avenue, and a 20 ft. minimum front yard setback along Institute Road. A minimum side setback of 10 ft. and minimum rear setback of 20 ft. shall apply only along the perimeter of the ICC-BHS District.

3. **Building Height**
   
   Building height shall be measured under the provisions of Art. 5. Building height Within the ICC-BHS shall not exceed:
   
   - 60 ft. for buildings or portions of buildings within 100 ft. from the property line along North Avenue
   - 80 ft. for buildings or portions of buildings more than 100 ft. from the property line along North Avenue
4. Uses

Within the ICC-BHS School- Post-Secondary & Community College, School-Secondary, School-Primary, School-Preschool (see Sec. 5.4.1), and School- Trade or Professional are permitted. When part of the education program associated with a School use, the following uses shall be permitted:

<table>
<thead>
<tr>
<th>Permitted Uses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Automobile Body Shop</td>
</tr>
<tr>
<td>Automobile/Vehicle Repair</td>
</tr>
<tr>
<td>Cafe</td>
</tr>
<tr>
<td>Community Center</td>
</tr>
<tr>
<td>Community Garden</td>
</tr>
<tr>
<td>Conference Center</td>
</tr>
<tr>
<td>Composting</td>
</tr>
<tr>
<td>Daycare (See Sec. 6.4.1)</td>
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<tr>
<td>Health Club</td>
</tr>
<tr>
<td>Library</td>
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<tr>
<td></td>
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</tbody>
</table>

Commented [MT2]: This is a modified range of uses that is generally more limited than the underlying Institutional Zone, and the standard would limit to being in conjunction with school uses.
5. Parking
For purposes of determining the maximum number of parking spaces as outlined in Section 8.1.9, the applicable Parking District shall be the district in which the majority of the building footprint resides.

[End proposed text amendments]

Relationship to planBTV
This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

<table>
<thead>
<tr>
<th>Theme:</th>
<th>Dynamic</th>
<th>Distinctive</th>
<th>Inclusive</th>
<th>Connected</th>
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</thead>
<tbody>
<tr>
<td>Land Use:</td>
<td>Conserve</td>
<td>Sustain</td>
<td>Grow</td>
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</tr>
</tbody>
</table>

Compatibility with Proposed Future Land Use & Density
The proposed amendment recognizes and embraces the scope and scale of the Burlington High School facilities on Institute Road, and will enable much needed redevelopment of a new high school on this site along with other associated and complimentary uses. This site is not only the home of the BHS campus since the 1960’s, but also sits on North Avenue which is identified in planBTV, the City Municipal Development Plan, as a “Major Thoroughfare.” North Avenue provides important connectivity between the city’s New North End neighborhoods and the Downtown, and the plan identifies opportunities for transit-supportive mixed-use development.

Impact on Safe & Affordable Housing
The proposed amendment has no impact on housing safety and affordability; there is no housing currently located on these properties.

Planned Community Facilities
The proposed amendment has an important impact on the ability of the Burlington School District to be able to redevelop a new high school on the current BHS Campus. Burlington High School’s campus on Institute Road is currently located in a RCO-RC zoning district, and the existing site contains many nonconformities which presents significant challenges to the reconfiguration of a school in this location. With the recent decision by the Burlington School Board to select the “Institute Road – North” site from a list of potential redevelopment sites, the need to resolve this zoning conflict is imperative.
**Process Overview**

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

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<tr>
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</tbody>
</table>
Recreation, Conservation, Open Space Districts Map

Districts:
- RCO - Agriculture
- RCO - Conservation
- RCO - Recreation/Greenspace

Change from RCO to I
Institutional Base Districts

\[\begin{array}{c}
\text{Institutional Core Campus Overlay Districts} \\
\text{Champlain College} \\
\text{UVM Central Campus} \\
\text{UVM Medical Center} \\
\text{UVM South of Main Street} \\
\text{ICC-UVMT} \\
\end{array}\]

Proposed: ICC-BHS Campus
Overview & Background

In the December 2021, Mayor Weinberger announced the "10 Point Housing Action Plan" to serve as a roadmap with two main goals: to double the rate of housing production within the city over the next 5 years and end chronic homelessness in Burlington. The action plan includes a number of financial investments, resources expansion, and zoning policy changes to achieve these goals. While the zoning amendments identified in the action plan did not include changes to emergency shelters, the Community & Economic Development Office’s work to implement one of the key initiatives related to homelessness has identified a number of limitations to the city’s existing Emergency Shelter standards.

As a result of the Covid-19 pandemic, there has been a significant increase in the number of people experiencing homelessness in Burlington. It is anticipated that there will be a further increase in the number of people without access to shelter when and if the state’s general assistance emergency housing program restricts eligibility for and access to hotel rooms for people experiencing homelessness in the coming months. CEDO has identified a need to increase the City’s low- and no-barrier shelter capacity, which is an important tool for filling gaps in the Coordinated Entry/Continuum of Care system. In order to address a small part of this need, the action plan includes an initiative to invest in approximately 30 shelter pods and related infrastructure to create a new low-barrier facility for 2022. More information about this initiative is available on CEDO’s website.

These pods are envisioned to be similar to Seattle, WA Thin House Villages, and other models that have been used successfully in other cities as a bridge to permanent housing, and as a cost- and time-effective way to provide shelter for the most vulnerable quickly. Unlike traditional emergency shelters, these models include a collection of temporary facilities to provide safe, durable shelter for a limited time. These facilities include individual shelters pods ranging from 60-120 sq.ft. with heat and electricity, but not plumbing, and space for sleeping and storing personal items; shared bathroom facilities in the form of either existing on-site facilities or portable or custom modules; and on-site services for property management and coordinated social services for guests.

This amendment seeks to incorporate provisions and a permitting process that corresponds with both the level of urgency and level of investment associated with a range of emergency shelter models that can be deployed in the city. The enclosed amendment is modeled from aspects of the zoning policies that enabled Seattle’s Tiny House Villages, by establishing permitting and regulatory tiers for emergency shelters based on the permanence of the facilities and the duration of their operation. While this amendment originated from discussion about the rapid deployment of interim models of emergency shelter enabled in the city, its applicability is not limited to CEDO’s current efforts to establish a shelter site at the city-owned Elmwood Avenue lot. Separately, CEDO continues to work to identify details for the location, management, and services provided for the proposed shelter site, including pursing a zoning permit under existing standards for Emergency Shelters.

In previous discussions, the Commission has provided feedback on aspects of this proposed amendment: requirements for neighborhood notice, operational standards for interim facilities, mechanisms for temporary permit issuance, and districts where interim facilities would be permitted.
The proposed language enclosed has been modified to address these points. Additional Commission questions for further discussion at the May 10 meeting include:

- Is it possible to shorten the applicable timeframe for a temporary permit to one year maximum, with subsequent renewal meeting the permanent facility standards?
- Is it possible to sunset the applicable zoning regulations entirely, or to set a date certain for review to ensure that new interim facility standards are working as intended?

**Proposed Amendment**

<table>
<thead>
<tr>
<th>Amendment Type</th>
<th>Text Amendment</th>
<th>Map Amendment</th>
<th>Text &amp; Map Amendment</th>
</tr>
</thead>
</table>

**Purpose Statement**

To amend the definition of and standards for Emergency Shelters to allow for managed temporary shelter facilities as an additional form of shelter for people experiencing homelessness.

**Proposed Amendments**

The following amendments to the Burlington Comprehensive Development Ordinance are included in this proposal:

1. **Amend definition of Emergency Shelter to accommodate interim facilities**
   
   Updates the definition to include a broader range of potential facility types, and remove references to standards that are duplicative of Sec. 5.4.13.

2. **Create two tiers for emergency facilities within Sec. 5.4.13 Emergency Shelter and specifies that interim shelter facilities are permitted in most districts**
   
   Establishes standards for Interim Facilities in Sec. 5.4.13, which are intended to be temporary shelter facilities operating with fewer regulatory standards, but for a maximum of 3 years with an annual renewal required. Maintains existing Emergency Shelter standards from Sec. 5.4.13 as standards for Permanent Facilities. Additionally, amends footnotes applicable to Emergency Shelters in Appendix A- Use Table to refer to interim facility provisions in Sec. 5.4.13.

3. **Authorizes the administrative officer to review applications for Interim Facilities**
   
   As temporary facilities, limited to operation on City-owned property or in coordination with the City, and with fewer applicable standards to review, Interim Emergency Shelters are included in Sec. 3.2.7 (a), which authorizes the administrative officer to review and approve certain COA Level II applications.

"Begin proposed amendments**

**Section 13.1.2 Definitions**

**Emergency Shelter:** A managed overnight shelter structure, or an interim arrangement of temporary facilities including tents, modular “pods,” vehicles, and the like, for sleeping and other supportive services, for homeless persons, that is limited to temporary occupancy, typically 180 consecutive nights or less, by a homeless person experiencing homelessness. Provide shelter only overnight.

**Sec. 5.4.13 Emergency Shelters**

Emergency shelters shall be subject to the following:
<table>
<thead>
<tr>
<th>Standard</th>
<th>Interim Facilities</th>
<th>Permanent Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location</td>
<td>Permitted Use in all zoning districts except UR, DW-PT, and RCO-A and RCO-C districts. Must be property owned or controlled by the City of Burlington, or on private property with an operating agreement with the City of Burlington for an interim shelter. Permitted in the RCO-RG district only where Campground facilities are present on the property. Permitted for up to one year, and may be renewed annually per 5.4.13 (a). Duration beyond 3 years must receive a new permit that complies with all requirements of a permanent facility.</td>
<td>Conditional Use in districts which permit housing uses generally (See Appendix A)</td>
</tr>
<tr>
<td>Use</td>
<td>May be the primary use of a property, or it may be accessory to another primary use on a property.</td>
<td></td>
</tr>
</tbody>
</table>
| Site Standards| • Minimum site area of 5,000 sq.ft.  
• Screening shall be installed along all site boundaries, including those fronting on a public street  
• Exempt from Article 8 standards | • All dimensional standards for the underlying zoning per requirements of Article 4 shall be applicable  
• Design review standards of Article 6 as applicable |
| Density       | • Limited to fifty (50) guests | • Within residential zones, per the residential density limits of Article 4. For the purposes of density calculations, every four (4) beds shall count as one (1) dwelling unit.  
• Within neighborhood mixed use zones, limited to fifty (50) beds  
• Within FD5 and FD6, no density limit |
<p>| Notice        | Shall be required to hold a Pre-application Neighborhood Meeting per Sec.3.2.1 (d) | As required per Conditional Use review |
| Occupancy     | Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available. |                                                                                      |</p>
<table>
<thead>
<tr>
<th>Management</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds/persons.</strong></td>
</tr>
<tr>
<td><strong>Prior to application, AGENCY must approve an operations plan that addresses all criteria in Sec. 5.4.13 (b)</strong></td>
</tr>
</tbody>
</table>

(a) Any permit issued for an interim facility shall include a prescribed duration of not more than one year, after which the authority and all related permits shall expire. A permit reapplication for up to an additional year may be made prior to expiration, and may be approved upon a review pursuant to this section. No interim facility permit shall remain in effect for more than three (3) years total. A site containing an interim facility shall be restored to its prior use and/or condition upon expiration of the permit. An interim facility may continue beyond three years only upon application for and approval as a permanent facility.

(b) An operations plan for an interim facility must be submitted at the time of application or reapplication, and shall address all of the following:

1. **Staffing**
2. **Support services provided**
3. **Guest's rights and responsibilities**
4. **Site and guest security**
5. **Public health procedures**
6. **Community relations, including a schedule for community check-in meetings, between any permit reapplications, to discuss how the site is working and identify any possible changes to site management to address challenges and opportunities that arise.**

Site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:

(a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable.

(b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit.

(c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones.

(d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available.

(e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds, and,

(f) An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.

---

**Commented [MT3]:** CEDO is verifying with funding and regulatory partners as to an alternative agency that can approve this operations plan.

**Commented [MT4]:** While the ordinance contains thresholds under which zoning permits are not required at all (i.e. 10 or 30 days) – for “temporary” uses, structures, or signs, etc.—this section is modeled after how permits are issued within the Urban Reserve district. This provides specific standards regarding duration of a permit and its expiration, similar to permits issued in the UR.
Sec. 3.2.7 Administrative Review and Approval

Pursuant to the provisions of 24 V.S.A. Section 4464(c), this section provides for the administrative review and approval of new development and amendments to previously approved development

(a) Administrative Authority:

The administrative officer is hereby authorized to undertake the review and approval of those applicable applications subject to the planBTV: Downtown Code under Sec. 14.7.1 e) i and all of the following types of applications:

1. Basic;
2. Awning;
3. Fence;
4. Sign;
5. COA Level I; and,

In addition, the administrative officer is hereby authorized to undertake the review and approval of certain COA Level II applications subject to the following thresholds and conditions:

7. Granting of parking waivers for up to ten spaces in the NMU zones where there is a change of use from one non-residential use to another wholly within an existing building;
8. Waivers for residential parking in tandem situations where there is one space behind one other, usually in a driveway;
9. Additions to single family houses in a design control district located 200-feet or more from the lakeshore and that are 50% or less of the existing gross floor area of the principal structure;
10. Simple renovations in design control districts such as door and window changes, re-roofing, enclosing porches, adding a shed or garage, and additions no greater than 500 square feet in size that otherwise comply with all applicable dimensional standards of Art. 4 and the development review criteria of Art. 6;
11. Compliance with conditions of approval as specified in a written decision of the DRB; and,
12. Minor amendments to development applications previously approved by the DRB where the proposed amendment otherwise qualifies for administrative review as a COA Level I application or under the planBTV: Downtown Code under Sec. 14.7.1 e) i and will not substantively alter any findings of fact or DRB decision and related conditions of approval.

12.13. Emergency Shelters-Interim Facilities, where all provisions of Sec. 5.4.13 are met.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

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<td>Sustain</td>
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Compatibility with Proposed Future Land Use & Density
In some limited cases, the proposal enables interim emergency shelters where permanent shelters would otherwise not be permitted. This amendment is intended to provide for a flexible, rapidly deployed, and temporary solution to expanding available low- and no-barrier beds within the emergency shelter system to address acute shortages.

Impact on Safe & Affordable Housing
planBTV: Comprehensive Plan identifies the need to strengthen the city’s approach to homelessness, including by providing more short-term and emergency housing opportunities, while also expanding access to permanent housing and wrap-around services. This proposal provides flexibility for interim shelters to be utilized when the community experiences acute demand for shelter that is beyond the capacity in other shelter facilities. While not a replacement for permanent affordable housing, these shelters may act as a bridge to other forms of housing.

Planned Community Facilities
This amendment facilitates the implementation of cost-effective and time-effective solutions to acute housing shortages on an as-needed basis. While current efforts to locate a shelter pod community as identified in the Mayor’s 2021 Housing Plan is underway, this amendment is more likely to address future or alternative sites.

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From: Jeff Nick <jeff@jeffnick.com>
Sent: Monday, April 25, 2022 10:58 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Cc: Kara Alnasrawi <kalnasrawi@burlingtonvt.gov>; Andrew Montroll (amontroll@aol.com) <amontroll@aol.com>; Mark Bouchette (mark.homeport@gmail.com) <mark.homeport@gmail.com>
Subject: Pod zoning

[ WARNING ]: This email was sent from someone outside of the City of Burlington.

Meagan,

Good morning.

As you may be aware the Church Street Marketplace Commission voted 9-0 vote last month to oppose the location of the POD community on Elmwood Ave.. While the commission supports the concept, this particular location, on ½ acre of pavement without any green space, within a dense residential neighborhood, and one block north of the Marketplace is arguably a terrible location for a myriad of reasons. Plan BTV points out that the concentration of social services creates situations that become unmanageable and the existence of drug dealing, and purveyors of alcohol make downtown a poor housing choice for those with substance abuse problems (see pages 52 and 53 in the link below). For a city that prides itself on following their planning principles I find it shocking that we would ignore the guidance set forth on Plan BTV. There are many better locations within the city and on the bus line for this type of housing.

Additionally, the city’s comprehensive plan and retail study also point out the problems associated with the high concentration of social services and calls for significant police resources to deal with the impacts. (see below)

See pages 52-53

See section 1.7 Social Services (page 12)

Many merchants and visitors are very nervous that negative behaviors such as drunk and disorderly conduct and shoplifting will only worsen on the Marketplace. While CEDO has ensured us that the PODs will be well managed there is nothing to compel the residents of the PODs to abide by all the city ordinances and laws while on the Marketplace and City Hall Park. Couple this reality with the city’s depleted police force and we have a recipe for a disastrous outcome. We have also found evidence that other POD communities around the country have been located away from neighborhoods and well as shopping districts. There is an obvious reason for this.

In the event this idea moves forward it is our hope that the Planning Commission puts forth permit conditions that put strict controls and consequences in place that require residents to follow the Marketplace rules of behavior. The Marketplace Commission is also asking to be part of a robust review process moving forward.
Post pandemic we need to give office workers and shoppers a reason to feel comfortable when returning downtown both for work and pleasure. This idea, if implemented on Elmwood Ave., will have the exact opposite effect. We hope the Planning Commission gives serious consideration to the many negative consequences and behaviors that will manifest themselves on Church Street and beyond if this becomes a reality.

I would ask that you please forward the concerns of the Marketplace Commission to the Planning Commission.

Thank you.

Jeff Nick
Church Street Marketplace Commission, Chair
29 Church Street
Burlington, VT 05401
802-876-6923
jeff@jeffnick.com