

Burlington Planning Commission

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Andy Montroll, Chair
Bruce Baker, Vice-Chair
Yves Bradley
Alexander Friend
Michael Gaughan
Emily Lee
Brynne Martin

Burlington Planning Commission

Tuesday, June 14, 2022, 6:30 P.M.

Remote Meeting via Zoom and Sharon Bushor Conference Room

Minutes

Members Present	A Montroll, B. Baker, A Friend, E Lee, M Gaughan, B. Martin, Y. Bradley
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	D. Call, B. Kuhl, L. Hillman, S. Bushor, A. Twombly, K. Devine, B. Butani, J. Weith, T. Richmond, C. Seigal, J. Nick, E. Langfeld, C. Felker, L. Ravin, S. Tibault

I. Agenda

Call to Order	Time: 6:33pm
Agenda	PC will consider Agenda item VIII prior to item VII.

II. Public Forum

Name(s)	Comment
D. Call	Spoke in support of temporary shelters in the Downtown area as unhoused residents should have easy access to services. He lives across the street from the proposed Elmwood Ave location and is comfortable with unhoused people living on his street.
B. Kuhl	A Mckenzie House resident spoke in opposition of the Elmwood Ave location for a temporary shelter as many Mackenzie House residents are disabled. She is very concerned about cigarette smoke from the shelter pods.

III. Chair's Report

A. Montroll	No report.
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IV. Director's Report

M. Tuttle	There will be a virtual public meeting about the Rezoning of Trinity Campus on June 23 at 6pm. There will be an in person and virtual public meeting about the South End Innovation District.
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V. Public Hearing: Proposed ZA-22-03 Steep Slopes

Action: Approve ZA-22-03 and refer City Council with a recommendation to adopt the resolution.		
Motion by: B. Baker	Second by: A. Friend	Vote: 6-0
Type: Motion to Pass	Presented by: M. Tuttle	
Introduction: <ul style="list-style-type: none">This amendment identifies gaps in the provisions surrounding development on or near steep slopes. It identifies a 50-foot buffer between a proposed development and the top of the slope.		

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It also states that a geotechnical study is required on proposed developments on near steep slopes to determine the slope's stability.

The chair held a public hearing with the following public comments:

- B. Butani suggested that developer applicants may be able to circumvent the standards by finding an engineer who would attest to a site's safety from the risk of landslide.
- S. Bushor stated that she had hoped the proposed amendment would apply stricter standards.
- L. Hillman, from UVM, asked a question as to how the new overlay would impact existing buildings.

Commissioner discussion:

- Trinity Campus at UVM will largely not be affected by this Zoning Amendment as the proposed developments are outside the steep slopes area.
- This proposed Zoning Amendment is not applicable to existing buildings.
- The Engineer who performs the study must be certified in geotechnical studies. The proposed amendment includes standards that the geotechnical study must satisfy when submitting a permitting inspection. If there is reason to question the study, the City will hire an outside engineer to review the materials.
- E. Lee received clarification that the hired engineer stamps the drawing and is therefore liable for any hazards.

VI. Public Hearing: Proposed ZA-22-05 Burlington High School Zoning

Action: Approve ZA-22-05 and refer to City Council with the recommendation to adopt the resolution.		
Motion by: M. Gaughan	Second by: A. Friend	Vote: 6-0
Type: Move to Council and adopt report	Presented by: M Tuttle	
<p>Introduction:</p> <p>The amendment will rezone the property from Recreation and Green Space Conservation District to an Institutional District and creates an overlay district that identifies allowable uses and additional standards for development.</p> <p>The chair held a public hearing with the following public comments:</p> <ul style="list-style-type: none"> • J. Weith spoke representing the applicant team attesting to the support of the Burlington School District. • S. Bushor spoke in favor of the amendment, but questioned whether the setback was large enough. Also questioned the inclusion of recycling center and museum in the list of permitted uses. <p>Commissioner discussion:</p> <ul style="list-style-type: none"> • The 20 foot setback is larger than the current Recreation District setback of 15 feet. M. Tuttle provided Cambrian Rise as an example of a similar setback. • A. Friend stated that he is not opposed to recycling and museum as permitted uses. He also asked a question as to how the city will measure the setback on North Avenue. • The property boundary on North Ave is the back of the sidewalk for this high school. 		

VII. Public Hearing: Proposed ZA-22-06 Transitional Shelter

Action: Provide an opportunity for public comment but wait for Commissioner discussion until next meeting.		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: M Tuttle	
<p>Introduction:</p> <p>This amendment provides an additional tier for emergency shelter within the City limits, called "interim emergency facilities." These will be urgently deployed and time limited, with allowances for certain</p>		

locations, and under certain circumstances. A pre-application neighborhood meeting and a managing operator are needed as part of the application process.

The chair held a public hearing with the following public comments:

- T. Richmond, a Mckenzie House resident, spoke in opposition to the Emergency Shelter proposal on Elmwood Avenue. She feels that the DRB should review these plans, rather than be administratively approved.
- S. Bushor spoke in favor of the move to create a more temporary arrangement, particularly a limit of 1 year. She asks who the "Agency" is as referenced in the amendment. She asks if the City will need to amend the operational plan as proposed by an individual. She asks if a design that is approved temporarily would need major revision in order to be made a permanent establishment.
- A. Twombly spoke that he feels the public was being excluded from this process and that there is not support in the community for this proposal.
- C. Seigal spoke to say that she is a neighbor in the Elmwood Avenue vicinity and has been told that this zoning amendment would not impact the proposal affect the Elmwood Avenue proposal. She would like clarification on how this zoning amendment affects the current public process and DRB process for the Elmwood Avenue location.
- M Tuttle clarified that the Elmwood Avenue proposal is in process with the DRB and that this proposed zoning amendment would apply to any future applications.
- J. Nick, Chair of the Church Street Marketplace, spoke in opposition to the proposed amendment and states that it poses a risk to the community and prime commercial districts. He says that planBTV states no new homeless services should be implemented Downtown and he encourages the Commission to review the municipal plan. He states that the Marketplace has not been advised of any new rules on residents' behavior. He suggests that the City should bring in experts to advise the city.
- K. Devine, Executive Director of the Burlington Business Association, stated that she has spoken to 75 business owners and that each one has no problem with the idea of an emergency pod shelter. She shared that other business owners are concerned that other areas of the housing crisis are not being addressed. She believes that there should be more than one community meeting prior to implementation. She asks a question regarding 13.1.2 – Other Supportive Services and whether supportive services, like the existing Community Resource Center, would be permitted in the event of pod shelters being implemented.
- E. Langfeldt, representing O'Brien Brothers, spoke in opposition to the proposed emergency shelter proposal at Elmwood Avenue. Regarding this proposed amendment, he opposes administrative approval for this kind of use.
- C. Felker spoke in opposition to the shelter pods and said that communications from CEDO have been disappointing. He states that no management facility has offered to manage the proposed Elmwood Avenue location and that agencies that could manage the facility are all understaffed. He states that he believes CEDO does not have a system in place to enforce its rules.

Commissioner Discussion:

- Will conclude at the next Planning Commission meeting.

VIII. Public Hearing: Proposed ZA-22-07 Maximum Parking & TDM

Action: Ask Planning Department staff to create a memo outlining the Planning Commission's comments and technical amendments and refer to City Council for review.

Motion by: n/a	Second by: n/a	Vote: n/a
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Type: Move to Council and adopt report	Presented by: M Tuttle
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Introduction:

This amendment will replace minimum parking requirements with maximum parking limits, expand existing exemptions to maximum parking limits, expand transportation demand management (TDM) program requirements City-wide with two different tiers, strengthen the reporting of TDM.

Public Comment

- L. Hillman, representing UVM, stating that the university frequently performs projects that do not require parking. She asked if they will need to amend the JIP.
- L. Ravin, representing UVM, stated that the JIP is able to enforce itself. She stated that there are frequently yearly revisions that have to be made. She also stated that if the applicant has to amend the JIP every year or every 5 years, the university and City review staff will be overburdened. Lani stated that reducing a need for parking is difficult without improving transit service, which she feels is inadequate in serving the community and University. Lani discussed the impacts of the pandemic, particularly telework, on parking.
- Sandy, representing CATMA, spoke about annual reporting to the JIP and stated that annual content updates have been improved. Sandy requested clarification on what is required of an amendment. She restated a previous question about small projects that require a need for 1-5 new parking spaces and whether they will require an update to the JIP. She stated that the current JIP ends in January 2023 and she asked how this amendment will affect the timeline for the next JIP.

Commissioner Discussion:

- M. Tuttle stated that it would be reasonable to carve out small projects that have no net change in the number of parking spaces that would be required of the University and that such projects should have no impact to the regulating JIP.
- M. Gaughan clarified that the JIP is supposed to divorce the University campuses from minimum parking requirements.
- Y. Bradley stated that this amendment has not been properly vetted and states that the amendment will have a massive impact on the city and its partners.
- Institutions can bring forward an addendum if their plan is outside the standards of this amendment.
- M. Gaughan stated that he would like the TDM aspects of the amendment be separated from the maximum limit standards.
- M. Gaughan asked what the solution will be to deal with landlords finding backdoor ways to raise rents given that parking costs are to be separated from rental costs. He clarifies his point by stating that he is not concerned about new construction, but only existing developments with 1-10 units.
- M. Tuttle stated that the City does ask from TDM managers for information on how rental rates are being generated, but stated that the City does not have a mechanism to control the separate prices.
- E. Lee states that she believes rent will always be as high as much as the market will bear and that parsing out the parking will not raise rents. Rent control could be the only way to regulate both rent prices and parking prices.
- B. Baker agrees with E. Lee and says that absent a rent control regulation, rent will be as high as possible.
- A. Montroll asked Planning Department staff to draft a memo that will accompany the Commission's referral. The memo will include comments and technical amendments.

IX. Minutes and Communications

Action: Approve the minutes and accept the communications

Tuesday, June 14, 2022

Motion by: A. Friend	Second by: M. Gaughan	Approved Unanimously
Minutes Approved: May 25		
Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas		

X. Adjourn

Adjournment	Time: 8:20pm	
Motion: B. Baker	Second: A. Friend	Vote: Approved Unanimously