

Burlington Planning Commission

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

Burlington Planning Commission Thursday, February 16, 2023, 6:30 P.M. Hybrid Meeting via Zoom and in the Bushor Conference Room Draft Minutes

Members Present	A. Montroll, J. Randall, A. Friend, E. Lee, M. Gaughan B. Traverse, M. Brandt
Staff Present	M. Tuttle, C. Dillard, S. Morgan
Public Attendance	S. Bushor, B. Pine

I. Agenda

Call to Order	Time: 6:30pm
Agenda	No changes.

II. Public Forum

Name(s)	Comment
S. Bushor	<p>Understands the rationale of the IZ amendment, but still feels the threshold allowing exception is too low. Its 15.5%, feels it should be 17%. Acknowledges that though it's a burden for developers and that it does impact market rate units, we still need to be thoughtful.</p> <p>Wants to also address Floor Area Ratio. "The FAR of IZ existing is no less than 90% of the market, but once again that can be deviated from if you have IZ units that are greater than 15.5%" – is glad that the square footage is there for various bedrooms. Feels that people are protected by having that guaranteed amount of living space. In the background information when you read through, there is discussion about the need for units of greater size that could have 4+ Bedrooms and talking about student housing. In the past, there has been caution about turning downtown over to colleges, and is worried about allowing student housing downtown. Doesn't want Burlington to become a bedroom community. There are more and more housing units, less and less retail. Her current job brings her into and around communities, and some of what is being stated about bedrooms is that there are a fair number of families with more than 2 children living in units. There appears to be a disconnect between waiting lists and the families in complexes in Burlington. We're dependent on information we're given, but there is a disconnect. Wants to provide housing for families and people in need, but doesn't feel like this meets that.</p>

III. Chair's Report

A. Montroll	N/A
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IV. Public Hearing: Proposed CDO Amendment: ZA-23-02 Inclusionary Zoning

Action: Take action and refer to city council for consideration with amendments from staff and accompanied report

Motion: E. Lee

Seconded by: J. Randall

Vote: Unanimous

C. Dillard: This amendment proposes to amend the IZ standards by creating an alternative compliance path in the creation of bedroom mix and unit size for IZ units. Specifically, it creates a ratio wherein if the gross floor area of the IZ units is greater than the percent of IZ units required for that project, it can alter the bedroom mix and the unit size. Bedroom mix today is essentially tied 1:1 with the market rate units in a project and unit size is essentially set to at least 90% of the size on average of the market rate units in a project. Staff has a few minor revisions they suggest, almost technical in nature:

1. Delete line 8 in public hearing draft – language is not necessary and may be confusing to applicants and staff
2. Add “at least” to table 9.1.8-1: IZ Zoning Percentages – clarifies that projects may¹ provide IZ units in number exceeding the minimum standard

Public hearing is open but there are no other attendees outside of S. Bushor

Commission Discussion

M. Tuttle: Wants to acknowledge that staff has spoken with Michael Montey from CHT and want to acknowledge that there is a waiting list for larger units, but they also expressed that different projects in different locations within Chittenden County have different needs and in some cases like projects in the heart of downtown they might actually have a greater demand for smaller units. Mix of bedrooms may vary from project to project, and CHT is trying to meet demand across the county, but ultimately this can still offer some flexibility for them to meet certain kinds of site specific needs as they come up. Brings up that within other areas of ordinance, the units that are identified as IZ units can move around. By offering this greater level of flexibility for what the ultimate mix of unit sizes and bedroom mixes look like in a project, it may be that certain units of certain bedroom sizes are occupied as IZ units today, but they could float or move into a different unit mix in the future if those needs change.

B. Pine (CEDO): One of the hardest things to monitor from an IZ perspective is when you go to ask for the documentation that the units are both affordable to and initially occupied by households of a certain income level and there is the floating nature of the ordinance. It's challenging because if you had a mix that was based on the formula the way the ordinance prescribes it, and there's some floating and mixing of where folks are, you then have to tell them that they have to correct that. It gets difficult because needs change.

B. Pine: In response to S. Bushor's public comment, the percentage is set that low because it's really the exception that anyone goes above the minimum required amount. So as soon as they do, by definition, it includes a nonprofit affordable housing provider. So that's a way of doing that without singling out a type of ownership.

M. Tuttle: I do think the other piece of setting it at 15.5% was intentional to ensure that at least that amount of space is being set aside, whereas today if someone were bringing a project online that was purely complying with our ordinance, because the units only have to be 90% of the size of the market rate units, it's possible that today a project may have less than 15% of the gross floor area dedicated to these units and still comply. So in some ways this is pushing for a little bit more of the building area to be dedicated to those units.

A. Montroll calls for commissioner comments or concerns.

M. Brandt: Sharon also addressed the amount of retail space

¹ note: there was a typo in the presentation, change “pay” to “may”

M. Tuttle: The IZ amendment itself doesn't have much of an impact on what we're thinking or what is ultimately happening with the creation of new commercial space in downtown or anywhere in Burlington. We do know this has been a big part of our conversation about the South End amendment that's moving along for the Council's consideration. We're hearing that there are a lot of concerns about the demand for creating more commercial space and it's something we've been trying to work through in the context of that zoning amendment. We're trying to require that some, even if it's just a small portion of new buildings, is dedicated to non-residential uses. We're trying not to ask too much more than what commercial brokers can actually fill or ultimately what the market needs. Trying to be careful about finding that balance between wanting that as part of mixed-use neighborhoods in BTV without demanding too much.

B. Pine: Wants to note that the issue of balance of retail or non-residential in our core downtown is very much something we're thinking about right now in city government because of the loss of 110,000 square feet of office potentially (if the state of VT does sell 108 Cherry Street). There's no guarantee that remains office or commercial, and we're trying to work with them to find a solution that, to preserve those jobs in our downtown, it's a major challenge to the fact that retail has shifted way before the pandemic had begun. Now with the pandemic resulting in remote work, there's a real lack of demand for office. It's a challenge for every city dealing with this.

J. Randall: Agrees with the technical changes. Thinks it's important to make sure they're aligning with the intent. In response to S. Bushor's comments, the proposed changes are designed to be adaptable to those changing circumstances. What B. Pine just said about the difficulty in administering floating standards right now also underscores that. Feels like these standards encourage that adaptability as there's different demand for different units going forward.

M. Tuttle: You'll remember that in the first version of this amendment, we were actually trying to add language that addressed both the allowance for units that have fewer bedrooms as well as for units that might have more bedrooms in the case where maybe a market rate project is only providing 1 bedroom, but someone wants to provide several larger units. Through our discussion we determined that the language we have provides that flexibility on both sides and that we didn't need to be redundant about also allowing larger bedrooms or larger units as well.

E. Lee makes motion to refer to city council for consideration with amendments from staff and accompanied report. J. Randall seconded motion.

B. Traverse asks procedural question: As these are his first joint Ordinance Committee-Planning Commission meetings since joining the council, wants to ask whether or not there is any separate action that those from the ordinance committee are supposed to take? Do they join the vote here?

A. Montroll: Believes there is no separate action. The Ordinance Committee's role in the joint meeting is so members can hear perspectives, so when it goes to the council they're more up to speed and the process can move quicker.

M. Tuttle: In past meetings, there was something that previous Ordinance Committees had decided that they were not necessarily going to take action as part of these meetings. Agrees with A. Montroll that if either of the councilors that are here have questions or thoughts, please share before PC moves this along formally.

K. Sturtevant: Agrees with what A. Montroll and M. Tuttle. Because of the way the statute sets the pathway of the zoning amendment, there isn't a vote for the ordinance committee.

A. Montroll asks for any opposition to the vote, the vote passes unanimously.

V. Commissioner Items

Action: n/a		
Motion by: n/a	Second by: n/a	Vote: n/a
Type: n/a	Presented by: n/a	

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VI. Directors Report

<p>M. Tuttle</p>	<p>Will not be at next PC meeting (Feb 28th). Charles and Sarah will help take care of everything planned for that meeting’s agenda. We are going to be bringing an amendment that the PC Ordinance Committee has previously discussed and should be a pretty straightforward amendment for your consideration and hopefully warning for a public hearing, so that is our plan to round out this month. We previously shared that we’re looking ahead to a couple of bigger items for your meetings in March, including holding space for the presentation of the Joint Institutional Parking Management Plan by CATMA and the Hill Institution.</p> <p>As far as other amendments that PC has worked on, we have a big night next week where City Council will be hearing about the Trinity Campus amendment (Tuesday, Feb 21st), and staff anticipates presenting that to them and asking for referral to Ordinance Committee. Also anticipating referring this item on that was discussed tonight for their consideration of warning for public hearing. At their meeting two weeks ago, C. Dillard and M. Tuttle presented the SEID amendment to them along with the memo of recommendations. Looking forward to scheduling a time with the counselors that are here tonight to take that up and talk about it in more detail.</p>
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VII. Minutes and Communications

Action: Approve the minutes and accept the communications		
Motion by: J. Randall	Second by: A. Friend	Approved: Unanimously
Minutes Approved: January 24 th Communications Accepted: in the agenda packet and posted at https://www.burlingtonvt.gov/CityPlan/PC/Agendas J. Randall: The minutes are really good. S. Morgan: Thank you!		

VIII. Adjourn

Adjournment	Time: 7:10 pm
Motion: A. Friend	Second: J. Randall
Vote: Approved Unanimously	