



CITY OF BURLINGTON, VERMONT
CITY COUNCIL COMMUNITY DEVELOPMENT &
NEIGHBORHOOD REVITALIZATION COMMITTEE
:/o Community & Economic Development Office
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Councilor Adam Roof, Chair, Ward 8
Councilor Sara Moore, Ward 3
Councilor Karen Paul, Ward 6

Attendance: Chair Adam Roof, Councilors and Committee Members Sara Moore and Karen Paul, CEDO Director Noelle MacKay, CEDO Assistant Director Gillian Nanton, CEDO Housing Programs Manager Todd Rawlings, CEDO Staff Ian Jakus, Director of Code Enforcement William Ward, Code Enforcement Case Manager Patricia Wehman, Assistant City Attorney Kim Sturtevant, Director Planning & Zoning David White, Joe Speidel (UVM), Sandy Wynne, Jonathan Chapple-Sokol, Caryn Long, Ashley Bond, Candace Page

Thursday July 20, 2017
5:30 – 7:00 PM
City Hall Conference Room 12 (CR 12)
Draft Meeting Minutes

Chairman Roof called meeting to order at 5:33 PM.

1. Review Agenda

Councilor Moore made a motion to approve the agenda as is, seconded by Chair Roof.

2. Public Forum

- Candace Page stated that having lived on Henry Street since 1984, the passage of the four-unrelated ordinance saved the street leading to a number of rental units being converted back to home ownership. She does not want to see us take a step back from this.
- Ashley Bond stated that as a Henry St. resident she appreciates the advocacy of her neighbors and that it is necessary for residents to be vigilant. It is important to have the four-unrelated ordinance on the books for those rare cases when things really get bad, even though it is difficult to enforce. She felt her neighborhood is balanced, without too many students.
- Sandy Wynne asked if this CDNR meeting was advertised or just sent to the email list. Said it wasn't on front porch forum and asked for the Committee to restate the objective of the meeting.
- Chair Roof responded he could consider posting the meeting information out on front porch forum in the future. On the subject of four-unrelated ordinance there would be no action taken today or in the future as a result of this meeting only a discussion on zoning and enforcement in regards to quality of life.

3. Approval of Minutes - [6/15/17](#)

- Councilor Moore made a motion to approve the minutes. Chairman Roof seconded.

4. Housing Trust Fund (HTF)

- CEDO Director MacKay explained that the HTF Committee, composed of herself, Chair Roof and Jordan Redell. She explained they met three times last year and that there is a lot of need for the limited funds. The process begins with an allocation, then there is an RFP, and then the committee approves awards. They reviewed the criteria in order to make the regulations more consistent and easier to review as well as making it easier to understand for those receiving the score.
- CEDO Housing Programs Manager Todd Rawlings added that they are sharing more information about the HTF on the website including the deliverables and the outcomes. The new criteria will standardize the information collected to compare apples to apples rather than lots of extraneous information as is typically included. He clarified that the CDNR committee must approve these proposed changes.
- Councilor Moore asked to clarify how the money was allowed to be spent. Could it be used for administrative costs?
- Director MacKay responded yes through the capacity grant component, usually \$5,000 - \$12,000.
- Sandy Wynne asked if there is reporting required for the receipt of the grant money.
- Mr. Rawlings responded that most projects have federal money which has strict reporting requirements. Another example he provided is that organizations may ask for funds for a feasibility study and the HTF receives a copy of the product.
- Jonathan Chapple-Sokol asked if there is a reassessment of the new criteria built into the process.
- Director MacKay responded that the process would be reviewed every year and that the applicants would evaluate the process each year.
- Councilor Moore moved to approve the form and the process change. Councilor Roof seconded.

5. Discussion of Zoning Enforcement and Quality of Life Issues

- Chair Roof again stated that there is no action planned as a result of the discussion and that this is a general conversation about how code enforcement is done.

Part 1. Bill Ward, Director of Code Enforcement, presentation on the four-unrelated ordinance. (See posted presentation; notes are supplemental)

- The main challenge with the four-unrelated ordinance is that it doesn't apply citywide; only in RL and RM zones and the RH zone was added in 2012. This has led to a situation where certain properties are pre-existing non-conforming uses with greater occupancy than is allowed by zoning, making the ordinance particularly difficult to enforce.
- There are different definitions of a bedroom; rental registration form may define a bedroom differently than a real estate listing and potentially the assessor.
- In a case where the number of bedrooms on the rental registration form changes a landlord will be caught, assuming they are honest.
- The required 48 hour notification of a violation allows landlords to address any additional beds before the inspection.
- Violations involve a lengthy process and appeals can take months if they appeal the Development Review Board decision. If they appeal to the state it could a year or more.
- 7 properties had violations in 2017.
- The same issues that the four-unrelated ordinance attempts to address can be had with allowed 4 occupants.

- In one case the landlord had 8 occupants on a lease and then just made the building into a duplex within the allotted 7 day period to avoid the violation.

Comments part 1. (Chair Roof stated that given the time restraints for Mr. Ward, the public could ask questions of him now)

- Caryn Long stated that various owners have claimed they didn't know about the four-unrelated ordinance. Also that the City continues to support these land lords by allowing additional parking. She cited two specific problem properties.
- Mr. Ward explained that often what ends up happening is that when these folks get caught the landlords get attorneys. This prevents code enforcement from talking directly to the landlord. Mr. Ward said he had rarely seen someone get caught and not get an attorney. He also highlighted the need to close out all code violation investigations otherwise it will not be recorded for future property owners.
- Chair Roof said he was surprised there were only 7 complaints this calendar year. His perception was that it was much higher. He asked how many investigations are sourced from complaints versus police/fire.
- Mr. Ward responded that about 50% come from those two sources. In the case of a complaint they must take affidavits from the neighbors attesting to the violation and that often there are a variety of associated violations that accompany these cases.
- Sandy Wynn stated that realtors misrepresent properties and look past violations. Realtors need enforcement folks to interact with them and unless they live here in the City they don't take it seriously. She thought it would be helpful for realtors and the community at large to hear from the Mayor and the administration regarding enforcement of the four-unrelated ordinance. She asked if the complaints were public. She also asked who has access to the MLS real estate database that could be used to cross check the number of bedrooms listed with the allowed number for that property.
- Mr. Ward responded that the code enforcement data is public record and available upon request. Also that the assessor's office has access to MLS.
- Chair Roof asked what the mitigating forces are in these issues.
- City Attorney Kim Sturtevant responded that the big issue are claims that properties are grandfathered in and do not need to conform under current zoning. Often times in litigation an owner can provide enough paperwork to show they're grandfathered in from before 2000. It is common for the legal process to take a year or more.

Part 2. Director of Planning and Zoning David White: Presentation on zoning, quality of life and reinvestment (See posted presentation; notes are supplemental)

- Current zoning creates a tremendous amount of non-conformity:
 - 73% of homes in the RL zone are too small for a duplex. 43% are smaller than the minimum lot size.
 - Most RM lots can only support 2.5 units – there are a lot of parcels that have more than that and thus they're non-conforming.
 - Currently a 3 story building would require a quarter acre lot.
- RM and RL districts allow single family reconversion on properties where that was the original use.
- Institutional zone is not subject to four-unrelated.
- There are added restrictions due to historic districts.
- There has not been a significant number of zoning permits issued in these neighborhoods, meaning there has not been much change recently.
- It has been a long standing development policy to see intensification of residential uses.

- Zoning and economics incentivize the retention of larger dwelling units.
- Zoning does not reflect what exists on the ground and this serves to perpetuate the status quo. The perpetuation of non-conformities, and the four unrelated ordinance deters owners from reducing the number of tenants because they lose value.

Comments part 2:

- Ashley Bond asked how rezoning of residential areas is determined and if the rules tend to remain the same.
 - Mr. White responded that it all goes back to the municipal development plan that the City Council approves based on priorities and objectives therein, and must be reflective of the overall pattern of land use.
 - Joe Speidel asked what else could be done to create more density in a smart way.
 - Mr. White offered that tweaking zoning will be necessary and Accessory Dwelling Units can increase density while promoting owner occupancy. Through the 'Neighborhood Project' effort there will be potential to target enforcement efforts and come up with innovative solutions.
 - Councilor Paul offered one example, that parking not be included in rent, dis-incentivizing it's over use.
 - Caryn Long stated she would like to talk about revitalization and turn the neighborhood back to resemble how it was 40 years ago.
 - Candace Page stated that increased density raises the specter of Isham St. and that no single families would like to live there. A goal should be to think about how we can revitalize those neighborhoods. She suggested a single unit with 8 students, could become a duplex for two families.
 - Chair Roof said that the 'Neighborhood Project' was included in the Housing Action Plan to determine how we can bend the curve in the near student neighborhoods and that increasing owner occupancy is a goal. The City is engaging in this because the four-unrelated ordinance is not an effective policy to solve the structural issues but only to protect from the truly bad violations.
 - Caryn Long added a cautionary note, that when four-unrelated is enforced it is a deterrent, and she disagrees with David, that these properties need a lot of money to rehab. She warned to be careful to not perpetuate the past and understand what the market is doing now, including the new units coming online.
- Chair Roof made a motion to close the meeting, seconded by Councilor Moore at 7:13 PM.

6. Plans for August Meeting

- Chair Roof explained that they are not scheduling an August meeting as of now.