

## 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*

*Eamon Dunn, Youth Member*



## Burlington Planning Commission Tuesday, October 10, 2017, 6:30 P.M. Conference Room 12, City Hall, 149 Church Street Minutes

*Note: times given are approximate unless otherwise noted.*

Commissioners Present: A Montroll, B Baker, Y Bradley, J Wallace-Brodeur, H Roen

Commissioners Absent: E Lee, A Friend, E Dunn

Staff Present: D White, M Tuttle, A Wade

### **I. Agenda**

The meeting was called to order at 6:33pm with no changes to the agenda.

### **II. Public Forum**

No members of the public spoke.

### **III. Report of the Chair**

There was no report of the Chair.

### **IV. Report of the Director**

D. White: Attended a presentation by a non-profit looking at energy issues for the City of Montpelier. Similar to *planBTV* process with lots of ideas on how to think outside the box. There are ideas from this process that the Commission might be interested in. Last week was the first meeting of permit reform advisory committee; committee will begin evaluating options for implementing the report's main recommendations. Meagan, Jay, Scott, Mary, and David attended a training on the 'Lean Process' on how to be more efficient and eliminate waste. This was useful in thinking about how to use tools more efficiently, to reduce cumbersome tasks, cost of processes. Last week, the Planning and Zoning Office was closed to clean the office, clear space, and organize files. City Council warned *planBTV Downtown Code* for public hearing on October 16<sup>th</sup>, but it is likely to be postponed to November 13<sup>th</sup>. Department will continue to administer the code as proposed. Other items on the agenda are the development agreement for Burlington City Place and Burlington Telecom finalists.

### **V. Public Hearing: ZA-18-02 Rezone St. Joseph's School NMU**

M Tuttle: Proposed amendment pertains to rezoning the southern half of the former St. Joseph's school site between North Street and Allen Street from R-M to NMU.

A Demetrowitz, CHT: Appreciate the Commission's consideration of zoning change. Present split zoning offers challenges to site planning for the future of the building. Helpful to have the site zoned one district; NMU makes sense to reflect the historic use of what the property has been.

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The Commission unanimously approved a motion by Y Bradley, seconded by H Roen, to approve the municipal bylaw amendment report and forward the amendment to Council.

## **VI. Public Hearing: ZA-18-03 Article 8 Food & Beverage Processing**

M Tuttle: Accompanies an amendment earlier this year to add new food and beverage processing use and eliminate several existing uses. Updates Article 8 to establish parking standards for food and beverage processing.

No members of the public provided comment on this proposed amendment.

The Commission unanimously approved a motion by Y Bradley, seconded by J Wallace-Brodeur to approve the municipal bylaw amendment report and forward the amendment to Council.

## **VII. Public Hearing: ZA-18-04 Density Calculations**

S Gustin: This strikes reference to rounding when calculating density, which was a hold-over from a previous amendment.

L Murphy: Have experience applying the density calculation in the past. This is not a technical correction, but a substantive policy choice on whether to have a hard line for the calculation. Currently the calculation acts as a blunt instrument with harsh results and outcomes, and can affect people's ability to develop units. There are situations where a single square foot can make a difference. Encourage more analysis to address if this is the right method, providing an example of a court case which hinged on the methodology.

S Gustin: This amendment is not seeking to change density calculation. The rounding language is from an old method; the current CDO states you start with whole unit count.

L Murphy: How many units are allowed with .10 of a unit and no rounding? Carrying through a defined decimal point may change the calculation since there is always some number left over.

H Roen: Understand you can start with a whole number, but after doing the math may not end with a whole number.

S Gustin: Density limit can give extra unit if setbacks are met.

Y Bradley: The general policy in the City concerning density is to incrementally increase in neighborhoods within character. This calculation might be counter to this policy.

B Baker: Going lot by lot, you will find parking is a limiting factor and usually results in fewer units than permitted density. If we can go up, maybe this would be a good thing.

S Gustin: This will affect RM, RH, and Institutional zones.

Y Bradley: Those are the areas where we want to see growth. Advocate sending back to staff to revisit.

A Montroll: If not a technical problem, it's better this goes to the Ordinance Committee.

The Commission unanimously approved a motion by J Wallace-Broudeur, seconded by B Baker, to refer the amendment to the Ordinance Committee for consideration.

## **VIII. Inclusionary Zoning Report & Working Group Update**

D. White: Last winter, the City released an evaluation of the inclusionary zoning requirements, reviewing the purpose and goals since the adoption in 1990, and providing a series of recommendations for changes we may want to consider. Council formed a working group comprised of city staff, non-profit and for profit developers to review the recommendations. One element the report looks at is whether or not housing production, and affordable housing units in particular, have kept pace with population growth. Found that we would have needed an additional 2,500 units since 1990 to keep pace.

A Montroll: Given that the City is primarily built out, wouldn't you expect this—with more developing in the neighboring communities?

D. White: To some degree. But the question is what can we do to generate more housing with more inclusionary units in the City? Within the last calendar year, we have permitted more than a 1000 units, but historically, there hasn't been a lot of housing over time. The question is why and if the inclusionary requirement is a factor. Need to review the ordinance and identify ways to meet objectives for affordable housing.

B Baker: First suggestion by the consultant was to raise the threshold. We agree with this, but haven't agreed on the number. Large developments may take many years to do the project and are the way developers spread cost over units. This is more difficult in projects of 6-10 units.

D. White: Need to understand the various factors that go into this.

Y Bradley: Find it interesting in the discussion of the give and get between city and developers; specifically regarding the offer of incentives to offset costs of creating affordable housing, but where density bonuses are rarely utilized.

D White: Other issue is the parking requirement that's attached to development.

B Baker: Burlington has suburban parking requirements.

J Wallace-Brodeur: Is "the unpredictable development review process" referring to opposition?

D White: It is saying that maybe developers don't reach as high to develop what they can, rather develop what people won't oppose.

Y Bradley: Not just about "inclusionary units" but also about affordable housing for families and young people.

D White: We refer to this as "the missing middle." Report also discusses that the payment in-lieu is difficult; every site is different and needs some flexibility and options to meet requirements. Recommend the Commission members to read if not already and follow the committee's discussion on this.

B Baker: The process is positive. Have a strong chair who allowed good debate overall. Feel that something will get done.

J Wallace-Brodeur: The goal of the committee is to bring forward recommendations to whom?

D White: Ultimately to the Council CDNR Committee, but any zoning changes will come to Planning Commission. CEDO has established a webpage about this linked in the agenda.

HRoen: Heard an excellent segment on NPR pertaining to the national level on affordable housing not keeping up.

## **IX. The Neighborhood Project Update**

M Tuttle: P&Z staff are working jointly with CEDO a project from the Housing Action Plan that will address quality of life issues in historic and near-campus neighborhoods. This is meant to compliment a housing strategy were more student housing is made available on campus or in university-sponsored housing. If that is successful, will need to address the impact on the housing stock and its availability for other residents. Working with consultants, NPAs, and neighbors east of downtown. Will be holding a public workshop on November 30<sup>th</sup> in Contois Auditorium for members of the public and residents to come to evaluate potential strategies and other stakeholders on which of those strategies are viable.

## **X. Committee Reports**

No committee reports.

## **XI. Commissioner Items**

Y Bradley: Developers are upset with LEED requirements; feel that the concerns are justified. LEED requirements are costly and not the best standard for efficiency. These are major developers who feel the ramifications have not been thought through.

D. White: It has been a challenge from beginning with the push for green standards and how to come to consensus as to where it falls. Draft ordinance includes options besides LEED, and gives the Planning Commission the ability to create more. There was significant discussion about how big, either 25,000 or 50,000 square feet. It will be an ongoing discussion that Council will have to hear and decide where their consensus lies. I do not know if there is the willingness within the City to come up with our own green building program, since to effectively implement it may take some time.

Y Bradley: Important to note that people developing new buildings are trying to keeping cost as low as possible to keep tenants' rents low, utilizing energy efficiency measures because that's what leases units.

J Wallace-Brodeur: What is the role of BED in this? They run quality efficient programs and may need to have a stronger role as consultants to projects.

D. White: Spoke with BED about the policy, and informed us that 90% of projects do consult them. Developers have said they want more predictable outcomes when working with BED. Efficiency VT programs are well laid out, helps the developer understand what they are getting. But this is an ongoing discussion.

J Wallace-Brodeur: We should be offering predictable services for people who rely on the services being offered.

D. White: Some have a comfort with LEED, and gold in particular, as a national standard. There's a real reluctance to rely on local standard and mechanisms.

B Baker: Do not think people know what goes into LEED standards.

D White: The requirements include where projects are being built, where materials are recycled, air quality, water consumptions, public transportation, but not all of these things provide a tangible benefit to the developer and the customer. Chris Burns at BED suggests focusing what you are trying to create-- green buildings or high performance buildings.

J Wallace-Brodeur: We're trying to define what's important to the community. If something is missing, we should address this. With LEED, we're not getting to the root of what we want and how buildings will perform. It doesn't seem people have confidence in this standard. Perhaps this could be more transparent if we decide as a community.

A Montroll: Joint Committee recognized some of these issues and provided the ability to have other standards. If there is the desire, the City Council can take out this section or add something.

Y Bradley: Resistance is not about energy efficiency or high performance, but about LEED gold as a specific metric.

A Montroll: Only need to meet one of the standards- LEED is one option.

J Wallace-Brodeur: Doubt people advocating for LEED gold know what it really is.

A Montroll: Joint committee was able to build consensus around this. The real question will be when it goes before City Council.

J Wallace-Brodeur: It may be helpful to identify the way the ordinance already addresses this concept and some of the goals of LEED, so that the requirement for high performance can be more refined.

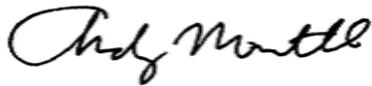
D. White: The question is what we are getting by using these standards, what are other requirements, what are the substantive benefits and whether this is worth the cost.

**XII. Minutes & Communications**

The Commission unanimously approved a motion by B Baker, seconded by H Roen, to approve the minutes of September 26, 2017 meeting.

**XIII. Adjourn**

The Commission unanimously approved a motion by Y Bradley, seconded by B Baker, to adjourn the meeting at 7:40pm.



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Andy Montrell, Chair

Signed: November 14, 2017



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Submitted by: Meagan Tuttle, Comprehensive Planner