

February 6, 2020

Aaron Brondyke
State Coordinator
111 West Street
Essex Junction, VT 05452

RE: Colchester Avenue Housing, LLC; Burlington; #4C1320

Dear Mr. Brondyke:

The Chittenden County Regional Planning Commission's Staff and Executive Committee have reviewed this Act 250 application for a Project described as the construction of a 71-unit residential apartment building with surface and underground parking on 3 adjoining lots. The project is located at 72, 80 and 94 Colchester Avenue, in Burlington, Vermont. The City of Burlington's Development Review Board has approved the project. **We offer the following comments:**

The project is located within the Center Planning Area as defined in the Chittenden County Regional Plan, entitled the *2018 Chittenden County ECOS Plan*. We find this project to be consistent with the Planning Areas for the following reasons:

1. The Center Planning Area is identified in the Plan as an area planned for growth, and therefore this project helps implement Strategy #2 of the Plan, which calls for 80% of new development in the areas planned for growth.
2. The project is served by municipal water and sewer, is located on bus lines and is within walking distance to many services/jobs.
3. The density and uses are consistent with the local regulations, as evidenced by the Burlington DRB's approval of the project.

Therefore, we find this project to be in conformance with the Planning Areas of the *2018 Chittenden County Regional Plan*.

Additionally, we find that this project complies with Criterion 9(L), as it is a residential project.

The Traffic Impact & Parking Assessment dated 4/11/2017 conducted by Trudell Consulting Engineers with assistance from RSG was reviewed. We concur with the overall findings of the study and do not have any concerns regarding the Project's anticipated traffic impacts.

Due to the detailed level of development review in most Chittenden County municipalities and the environmental permit reviews at the Department of Environmental Conservation, CCRPC will give specific attention in its Act 250 reviews to the type of use and the Planning Areas section of the *2018 Chittenden County ECOS Plan*. While there are many other topics covered in the *2018 Chittenden County ECOS Plan*, there has been significant analysis at the Regional level regarding transportation impacts. The CCRPC will also focus its attention on transportation, where appropriate, in accordance with the Metropolitan Transportation Plan, which is within the *2018 Chittenden County ECOS Plan*.

These comments are based on information currently available; we may have additional comments as the process continues. Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Charlie Z Baker". The signature is written in a cursive style with a large, stylized 'C' and 'B'.

Charlie Baker
Executive Director

Cc: CCRPC Board
Certificate of Service

Comments on Short Term Rentals

From: Kathleen Ryan <kr.la@burlingtontelecom.net>
Sent: Sunday, February 16, 2020 7:23 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: RE: to planning commission -STR

Hi Megan,

Thanks for your thorough reply.

On the State registration, it is actually for tax purposes (see attached.) We are required to put the resignation # on our airbnb page and also post it in the room. The State has not written any regs for health or life safety as of yet!!! I only mentioned this registration in case some some efficiency could be had out of the State and local efforts but I understand that zoning a different concern.

Thanks for sending the matrix. I think I understand it. Only one response to the PC so far.

For myself and I think for most people who host in their home, having two bedrooms available does not mean that you a hosting two separate parties. Some parties of two want separate bedrooms and some are happy to share the room with two twin beds. I offer both choices but never two different parties. The guests who book both two bedrooms arrive in one car. Some guests fly forgo the car rental and Uber to my house, never needing a parking space at all. I think this is really the typical situation for in-home hosts with two bedrooms.

It would be a deal breaker for me if I had to have two extra spaces plus my own car. One advantage of my location is, once the guests have parked their car, they can walk everywhere. And what a shame if this regulation means we are paving more of Burlington we don't need to pave.

Thanks for your work on this ordinance. I do think it will result in keeping Burlington a community of residents vs mini hotels.

Kathleen

From: lynn bundy <lynnsbundy@yahoo.com>
Sent: Tuesday, February 18, 2020 2:42 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Impact Tax for short term rentals

[WARNING]: External Message

February 15, 2020

Good Morning,

Ms Tuttle,

I am writing to you concerning the City Council's desire to implement an additional tax called the "Impact Tax" for citizens with short-term rentals.

As I learn about various bills and regulations that the City Council has voted to enact (past and present), in my opinion, the Council is not looking at the whole picture, short and long term, of the economy or health and welfare of the citizens of Burlington and the State. Laws and regulations seem to give tenants, tourists and students more rights than the Citizens, and there is a refusal to revisit what actions actually need to happen to have a happy and healthy economy. It appears that the Council has a hidden agenda for another way of generating revenue for tourism and the University, leaving behind an unhealthy economy for its Citizens. I ask you, do you believe this is legal or even moral?

The effect this bill will have on me and my family is extreme. We did the math of how much we would have to charge short-term renters and it would result in an increase of over 100%. When we asked a current short-term renter, a traveling nurse, if he would pay \$1,850. monthly for one room, he said NO. We asked him if he thought any of the other traveling nurses would pay it, he said NO. I can imagine what just a couple of the effects would be:

1. The current shortage of nurses in this area would increase due to the lack of affordable, short-term housing
2. The economy, health and welfare of the communities and the State would be at more risk

A tax of this nature only compounds the financial burden that we are currently experiencing due to zoning issues that are being heard by the Vermont Superior/Environment Court. The costs associated are very high. In addition, we are unable to sell the house until these issues are resolved. In the meantime, we are forced to rent out two rooms to visiting nurses as without that income, we would go bankrupt. Many other people, like Grandma down the street, rent out to help pay their taxes, food, etc.

I do not agree to accept or vote for this "Impact Tax" nor will I negotiate to a smaller amount. I do not believe that the "Impact Tax" will solve or have positive outcomes for Burlington's housing affordability.

I have several questions I would liked to have answered.

1. What is the real motivation for this tax?
2. Is the "Impact Tax" being voted on separately from other issues or will others issues be included with the "Impact Tax"? If so, what will bundle be called?
3. When is the voting taking place?
4. Who else can I send this letter to?

I look forward to hearing back from you.

Lynn Bundy,
a tax payer and long time resident
512-318-3018

From: Philippa Owens <philippa.b.owens@gmail.com>
Sent: Tuesday, February 18, 2020 8:18 PM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Subject: Short term rentals

Hi there,

I am writing in regard to the new regulations being proposed around short term rentals, i.e. AirBNB. I can certainly understand the city wanting to make sure that people are not living far afield and profiting off of having many short term rental properties, as this would be of concern to the overall housing shortage, and so regulations to require homeowners to live in the building they rent out on AirBNB makes sense. I think there might also be a bit about making sure these rentals are certified with the city, also makes sense to me.

What does not make sense to me are the other ways in which us small time hosts are being penalized and disincentivised (only one rental apartment per building, steep fees). Hosting has allowed me to work part time and stay home with my 2 year old children part time. Hosting has allowed us to invest in fixing up the property (a grungy small triplex) in the first place. We are a young family just trying to get by in an expensive city and make a good life for our kids.

If the concern is really about the housing shortage, then I'd ask you, why are there two new hotels about to be built in Burlington? Why do wealthy investors get to profit off of this market, but not us? (The old YMCA, and CityPlace both have proposed hotels going in). Honestly, in this whole conversation, that is the most upsetting part to me that feels like it really gives the advantage to people who don't need it. The people with the most money get to make the most money.

Thank you for your consideration,

Philippa Owens

From: Maggie Sherman <maggie@oneofakindbnb.com>
Sent: Wednesday, February 19, 2020 4:32 PM

To: Meagan Tuttle <mtuttle@burlingtonvt.gov>

Subject: More to add about STR's

Dear Meagan, Please add/forward my comments to the committee pondering this issue.
Please confirm receipt of this email.

Follow-up to STR presentations

While much is being made about first time home owners, investment building owners and long time homeowners not surviving without STR, I question how could they afford home/building ownership to begin with?

Banks have a stringent vetting system to make sure there is ample income to pay the mortgage, taxes and insurance. If someone is able to purchase a home or property only with the expectation of expected STR revenue, doesn't that mean STR will have to operate in perpetuity to maintain ownership? Does that mean the property becomes a permanent STR? What does that do to Burlington's efforts to build more rental stock and home ownership?

I was able to finance needed structural improvements on my single-family home because of the success I was having as a licensed and registered Bed and Breakfast. That happened due to my own business acumen, hard work, and marketing skills. I was not supported/subsidized by a multi-national corporation sending me clients in return for me performing illegal practices by defying local Planning and Zoning to set up business.

Also, if some homeowners who are using these corporate platforms are providing food, the State of Vermont Dept. of Health requires a specific license and requirements for cooked food prep, which as a legal business, I have obtained. The STR platforms don't vet for those licenses either.

How will the city honor/protect/ distinguish those of us who have played by the rules, built our businesses legally and with our own business savvy, from those who simply sign onto a multinational listing service? The additional review and logging services needed to keep track of "informal" STRs (versus licensed, permitted B and B businesses such as mine) should bear that new cost to the city.

Finally, to protect the integrity and livability of our neighborhoods, there should be a capacity limit in neighborhoods or streets so entire sections of town are not overrun with non-residents. After all, isn't that the purpose and goal of Planning and Zoning?

Sincerely,

Maggie Sherman

Contessa of Comfort

One Of A Kind Bed & Breakfast

53 Lakeview Terrace

Burlington, VT 05401

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is to improve lives
and communities by
bringing Vermonters
together to share homes.**

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Kathy Johnson

Aaron Retherford

Joyce Touchette

TO: Burlington Planning Commission Members & City Councilors

FROM: Kirby Dunn, Executive Director, HomeShare Vermont

RE: Short-Term Rental Regulations

DATE: 2/19/20

I strongly support the work of the Planning Commission and City Council in looking at the effect of short-term rentals on the overall housing market. As a city we need to preserve the existing stock of housing that we have.

Burlington has a long history of preserving existing housing, including:

- The Housing Replacement Ordinance which came about initially to address the loss of housing when downtown building owners were converting apartments into offices. If this ordinance has not passed, our City could look very different today as businesses, institutions and colleges encroached on our neighborhoods.
- Similarly, the City supported the protection of rental housing from Conversion to Condominiums which was threatening to displace and price out renters from our City.

Burlington can't afford to reduce the availability of housing for the residents of our City. The data provided by the Planning Department Staff showed that there were 410 short term rentals in the City as of July 2019, and of these 275 or 2/3rds were entire housing units, not someone just renting out a bedroom. No one can argue that taking 275 housing units out of the housing market doesn't have repercussions for the affordability and availability of housing for City residents. Tens of millions of dollars of public and private funds have gone into preserving or creating housing in this City. We need to protect that investment. This wholesale removal of units from the housing market to the vacation rental market is a growing trend locally and in hot housing markets across the country, one that worsens the housing crisis while making wealth for a few.

Of these 410 short-term rentals, less than 20 were registered with the City? The time has come to address short-term rentals head on and decide what we want our City to look like and who can afford to live here. Without the regulation of short-term rentals, we will continue to lose much need housing and see rents and home prices rise faster than incomes.

In addition, as a strong supporter of the ADU zoning changes which just passed, I would hate to see most of those new units, which received generous zoning and parking changes, turn into short-term rentals. With the passage of the ADU ordinance, the short-term housing regulations must follow suit so that today's gains don't become tomorrow's losses.



United Way of
Northwest Vermont

Comments on Parking

From: Joshua katz <jkatz615@gmail.com>

Sent: Wednesday, February 19, 2020 2:36 PM

To: David E. White <DEWhite@burlingtonvt.gov>; Meagan Tuttle <mtuttle@burlingtonvt.gov>; Sharon Bushor <sbushor@burlingtonvt.gov>; Adam Roof <ARoof@burlingtonvt.gov>; Chip Mason <cmason@burlingtonvt.gov>; jwallacebrodeaur@burlingtonvt.gov; Harris Roen <hroen@burlingtonvt.gov>; Andrew Montroll <amontroll@burlingtonvt.gov>; Emily Annick Lee <elee@burlingtonvt.gov>; Alexander Friend <afriend@burlingtonvt.gov>; Yves Bradley <ybradley@burlingtonvt.gov>; Bruce D. Baker <Bdbaker@burlingtonvt.gov>

Subject: Minimum Parking Requirements

Members of the Planning and Ordinance Committee,

My name is Josh Katz. I am a Ward 2 resident, intern for Sustainable Transportation Vermont, and have voiced my support for Minimum Parking Requirements at many of the committee meetings regarding this policy.

I am writing once again to voice my support to eliminate the Minimum Parking Requirements and to support the proposal brought by Car Share Vermont. The idea of giving a \$70 monthly transit subsidy and \$50 monthly subsidy for CATMA members will be crucial in helping to push people away from cars and along with reducing the other negative effects of excess parking.

I am writing to you as I will be unable to attend the meeting tonight, but I hope you consider my support in your decision.

I hope you will pass this policy will pass the committee tonight and be moved to the city council.

Thank you for taking the time to read my comments,

Josh Katz

[Stop Requiring Parking](#)



February 19, 2020

Re: Follow-up on TDM requirements

Members of the Planning Commission and Ordinance Committee,

A number of good questions were raised last week which I hope to speak to in these written comments before tonight's meeting.

Councilor Bushor asked about whether structuring the monthly transportation subsidy in a way that is tied to parking permits provides enough flexibility to encourage car owners to also reduce their vehicle miles traveled. As I said last week, there is some flexibility, in that a household which shares one vehicle can also receive and share a TDM subsidy. And because the stipend would be on a monthly basis, this does allow for behavioral shifts and eligibility changes mid-year. I do think, though, that the parking pass status provides a clear, measurable impact for the TDM program. It is also true that one of the most reliable predictors of vehicle miles traveled is vehicle ownership--owning a vehicle induces more travel because of perceived sunk costs. The more we can work towards lower vehicle ownership, the more we can make the gains in lower VMT and emissions more permanent.

Councilor Mason raised an important question about how a TDM subsidy might apply in various employment scenarios where the employer has not or will not provide parking. The absence of an employee parking pass is not necessarily as an effective criterion as it is in the residential context. Longer-term, the city must tackle the thorny issue of pricing public parking appropriately, and reforming the residential parking program to fully account for what is essentially the private use of public space. However, to address this issue in the near-term, we would propose that a TDM subsidy only apply to residential development. For commercial developments, there should likewise be flexibility in creating a transportation demand management plan which suits the particulars of a business. We would propose that at least three measures from the approved list already in the ordinance (under parking management plans for parking waivers) be implemented by a developer/employer and written into the proposed TDM Agreement. This distinction ensures that the housing affordability goals for the proposed reform do not



lead toward unintended consequences that sacrifice the environmental, transportation and urban design benefits we are also seeking. We've included suggested language below for your consideration.

I've not yet had an opportunity to meet with Director White on his analysis of the TDM subsidy cost comparisons, but will address some of what he has shown in his charts. The first set of charts in your packet assumes that all tenants would be eligible to receive a monthly transportation stipend, but as proposed, this scenario would only occur if no parking were built at all, or no residents took advantage of the parking built. This is unlikely to happen, particularly in the multi-modal corridors outside of the downtown. Director White's examples were all Redstone developments located in the lower land value areas of the proposed multi-modal, mixed-use district, where parking costs are thus lower than sites downtown. In this way, they represent the opportunities least ripe for cost-savings from unbuilt parking when factoring in a TDM subsidy. The charts clearly show that despite this, providing a \$70 monthly TDM subsidy is still quite competitive with providing the parking currently required. In scenarios developed for the downtown (or even for two of these three developments highlighted which use structured parking underneath the building), a predictable monthly TDM subsidy is even more competitive. The question for the Planning Commission and ultimately the City Council becomes what subsidy level do members think strikes the right balance in all cases. We are certainly open to that discussion, and hope we can be helpful to it.

Lastly, Commissioners had questions about various assumptions in our analyses that deserve a response:

First, there was the question about whether developers would really see any savings at all, as many already charge for parking and could reasonably expect to do so in future projects to cover the costs to build and maintain it. However, as the parking cost calculator developed by transportation expert Todd Litman shows, the true costs of parking are actually much higher than what is charged now in Burlington (and most of the country). For example, Redstone already (partially) unbundles its parking and charges \$50 for a monthly parking permit, even though the cost to acquire, construct, and maintain the spaces could be nearly four times that amount. The calculators that I sent in a prior communication do not rely on any assumptions around parking price for the tenant. It provides information for individual analyses about breakeven points and what level of parking revenue is generated in different scenarios.

Second, there was the suggestion that we may have incorrectly assumed that all the parking space now



provided or foregone in the future is, in fact, buildable. There are issues of setbacks and other zoning requirements which could preclude the use of all the space. This question is somewhat related to the first, as it seeks to understand what the true cost of parking really is. The calculator sent out in prior communications includes all of these assumptions and allows users to modify them for their own purposes and analyses, but I'll explain how we arrive at parking costs here. Parking consists of the obvious construction and maintenance costs, but also the land acquisition costs. The latter is the best way to account for the opportunity costs of minimum parking requirements--a developer could avoid buying the extra land necessary, or could build more income-generating units instead. In either case, the variable of setbacks and other zoning requirements is constant and accounted for in the price of land. The parking costs are not determined by a simple 1:1 square foot conversion of parking space to housing, but rather by what opportunity exists to build on-site, which is governed both by the area required for parking *and* the other city zoning regulations that impact how much housing can be built with such an area.

I hope this helps clarify some issues raised last week, and I'm happy to discuss further. Thanks again for your work on this.

All the best,

Patrick Ó. Murphy



Proposed Amendment to Minimum Parking and TDM Requirements

After “b. TDM Strategies: In addition to the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall be made available at a minimum:”

Strike lines 431-448:

“i. A Guaranteed Ride Home benefit offered to all employees whereby transit users, bikers, walkers, vanpoolers, and carpoolers who may face an occasional unforeseen change of plans that prevents them using their typical mode of travel to and from work are reimbursed for the cost of a taxi or ride-share to get them where they need to go.

Such a benefit shall define: who is eligible to participate; what trips are eligible for reimbursement; the maximum number of uses allowed during a certain period, maximum miles within a period, or maximum cost per trip; and procedures for using the benefit.

ii. GMT Transit passes offered to all tenants and employees at a minimum subsidy of 20% as follows:

1. Tenants and/or employees living or working outside Chittenden County must be offered a pass that includes access to inter-regional commuter routes;
2. Tenants and/or employees living and working within Chittenden County may be offered a pass that only includes access to local and intra-regional as applicable.”

And replace with:

“i. For residential development, a minimum sustainable transportation subsidy of no less than \$___ shall be credited on a monthly basis to any tenant (up to two tenants per dwelling unit) who has not held a parking pass in the preceding month. The minimum sustainable transportation subsidy amount shall be adjusted annually consistent with the U.S. Consumer Price Index.

ii. For commercial development, a minimum of three strategies outlined in Section 8.1.5 (a)(4) shall be implemented and included in its Transportation Demand Management Agreement.”

(change in bold)

Section 8.1.5 (a)(4) references the following lines (352 - 361):

“(4) Such a plan shall identify strategies that the applicant will use to reduce or manage the demand for parking into the future which may include but are not limited to:

- i. A telecommuting program;
- ii. Participation in a Transportation Management Association including methods to increase the use of mass transit, car pool, van pool, or non-auto modes of travel;
- iii. Implementation of a car-share program;
- iv. Development or use of a system using offsite parking and/or shuttles; and,
- v. Implementation of public transit subscriptions for employees.”