

TO: Joan Shannon, City Council President
Burlington City Councilors
Mayor Miro Weinberger

FROM: Yves Bradley, Chair, Burlington Planning Commission

DATE: August 8, 2013

RE: **Annual Report of the Burlington Planning Commission,
Fiscal Year 2013 (July 1, 2012 – June 30, 2013)**

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The Burlington Planning Commission facilitates the optimal and sustainable development of Burlington's built and natural environment by engaging the community in long-range, comprehensive City-wide land use planning; advising the Mayor and City Council on matters pertaining to land use planning and development in general; reviewing and developing land development ordinances for approval by the City Council; providing oversight of the Department of Planning and Zoning (DPZ); providing comments and feedback, as necessary, to the Chittenden County Regional Planning Commission and the Chittenden County Metropolitan Planning Organization; and other functions set forth in 24 V.S.A. §4325.

The Planning Commission is composed of seven Commissioners appointed to staggered terms of four years and, intermittently since 2005, at least one non-voting Youth Commissioner. Full Commission meetings are held at least twice monthly and usually last for 1.5 to 2 hours, although meetings lasting as long as 2.5 hours do occur. Each Commissioner also attends at least one monthly 90-minute committee meeting. The Commission currently has three standing committees: Executive, Long-Range Planning, and Ordinance. Additionally, Planning Commissioners engage in continuing education and attend planning-related workshops, seminars, and conferences; due to funding constraints, such activities are usually undertaken as Commissioners' personal schedules and budgets allow.

Commission Efforts

planBTV – Downtown & Waterfront Master Plan - The Commission, along with Department Staff, continued its efforts on planBTV. An initial draft plan was released in July 2012 with two and one-half months of public review and comment, both online and in-person. Six hundred comments were provided by members of the public, including organizations, and then the comments were reviewed by both Department Staff and the Commission for incorporation into the final draft of planBTV. The Commission approved the final draft of PlanBTV on March 12, 2013 and forwarded it to the City Council for its review and consideration. The City Council thereafter adopted PlanBTV on June 10, 2013. Development of a form-based code to implement planBTV's vision has begun and is currently underway.

Historic Building Materials - This topic includes addressing how Burlington should treat properties listed on an historic register as opposed to those that are only eligible for such listing, reconciling standards for historic preservation with standards for life safety, and maintaining the City's historic character while recognizing the economic burden which certain historic preservation standards places upon lower-income Burlingtonians. The Commission is overall not interested in differentiating between those buildings actually listed on the State or National Historic Register and those which have historic value but have not yet been researched and listed (the definition of "eligible"). In short, it wishes to loosen restrictions upon buildings in both of those categories.

The Commission does believe in providing a measure of protection, however, to such buildings. This protection could focus upon architectural design standards (such as retaining and respecting traditional mass, scale, spatial relationships, orientation, and major architectural features) rather than upon materials used. Staff had proposed in Fall 2011 that an expansion of the Design Review District to additional neighborhoods could help achieve this objective. The Commission, however, decided against initiating any such expansion absent a request from residents of those neighborhoods.

At its May 22, 2012 and June 12, 2012 meetings, the Commission finally reached a consensus on how to implement the concept of providing a measure of protection to eligible and listed properties without imposing onerous burdens upon property owners. Rejecting a proposed approach from Staff that failure of the historic material on such structures should be the threshold before replacement is allowed, the Commission thought instead that the applicants should be the ones to decide when they want to replace rather than repair, and if they want to replace then they have a variety of choices from a preapproved list of substitute materials, which has been existence for some time and constantly evolves as new substitute materials are developed and tested. Fundamentally, the Commission is interested in usage of materials which are safe, functional and at least look historic. In an excellent memo received from Planning Staff and discussed at the Commission's October 11, 2011 meeting, the Commission was very pleased to analyze and discuss the materials on this list and believes that many cost-effective and tested substitute materials are already allowed for use and over time more can be expected to be added.

The Commission believes the approach which it favors will rightly place the decision-making power in the hands of the applicants and allow applicants sufficient freedom to maintain their properties as they wish while also respecting the character of the structure. In the Commission's opinion, it is the architectural features of such structures which are most important and which are the fundamental elements which it would be desirable to maintain.

The Commission is also sensitive to life safety needs. Regarding fire safety issues, the Commission is intrigued by the fact that adding sprinklers to a building obviates the need for egress windows and can also add habitable space to a building. Regarding lead paint issues, while the Commission would not support an exemption of the Burlington Lead Paint Program (or any other applicant) from the development review process, it would be interested in exploring means of perhaps expediting applications if the need arises. Currently, however, the Lead Paint Program is submitting applications which are complete at time of submission and this in itself allows Planning Staff to review and issue necessary permits much more speedily. In rejecting failure of an historic material as a threshold for replacement, the Commission was also thinking that to have such a standard would potentially be a step backward in how replacement of lead paint-impregnated windows is currently addressed. At present, such windows may be replaced even though, technically, they have not failed. They just have to be replaced with a window that is consistent with the character and design of the window which is being replaced. The Commission supports this approach and wishes for the decision-making power on whether and when such a window will be replaced to rest with the applicant.

One of the goals in addressing this topic is to provide clarity and predictability about the process involved for applicants. The Commission definitely believes this is an area for improvement. The current process is meant to be collaborative in practice but this is not as clearly articulated beforehand as it could be. While the Commission believes development review Staff in the Department has a valuable perspective to share with applicants, the Commission wants applicants to feel free to make up their own

minds from the choices available to them. Efforts are already underway to prepare information sheets for applicants which provide such perspectives but make it clear that the decision is the applicant's.

The Commission is now finalizing a policy to be implemented through amendments to the Comprehensive Development Ordinance (CDO).

Environment. Community. Opportunity. Sustainability. (ECOS) Regional Plan - The Commission reviewed the initial draft ECOS Regional Plan as prepared by the Chittenden County Regional Planning Commission (CCRPC) and provided input for the creation of the final draft. The ECOS Regional Plan was adopted by the CCRPC in June 2013.

Open Space Protection Plan Update - The Commission has taken part in the update of the Open Space Protection Plan, which is being prepared by the Conservation Board, by providing comments to the consultants and Department Staff.

Parking Discussion with Public Works Commission - Both the Planning and Public Works Commissions met in the spring 2013 to discuss on-street and off-street parking within the City of Burlington. Challenges and opportunities for improvements of the on-street parking program were discussed as well as opportunities for changes to the off-street parking requirements governed by zoning.

Climate Action Plan - The Commission has reviewed the updated version of the Climate Action Plan to be incorporated into the Municipal Development Plan (MDP) and the updated version of the MDP's Energy Chapter as well, and will soon begin the approval process with the warning of a public hearing.

Municipal Planning Grant Application - The Commission reviewed the Legacy Project Municipal Planning Grant application for the completion of the update of the Legacy Plan. The project was not funded.

Urban Agriculture Task Force Report - The Commission heard a presentation from the Urban Agriculture Task Force on recommendations from their analysis and report and provided comments. Staff is currently working with on a new set of zoning regulations that will begin to implement some of the recommendations included in the UATF report.

Go for Gold Blueprint - The Commission heard a presentation by Local Motion on the Go for Gold Blueprint and provided comments.

Compact Mixed-Use Development - The Commission heard a presentation by Local Motion on their recent work concerning Compact Mixed-Use Development in the City.

Institutional District Zoning Change Request - The Commission reviewed a request to change all permitted uses to conditional uses in the Institutional District. After due consideration, the Commission declined to initiate any amendments to the CDO in this regard.

Form-Based Code Discussion - The Commission began detailed discussion of form-based codes, what they are, how they work, in preparation for the next phase of implementing planBTV as adopted by the City.

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Eco-District - Portland, Oregon visit - The Commission heard a presentation from Department Staff on the City's participation in the Eco-District Incubator that took place in Portland, Oregon at the end of May.

Municipal Planning Grant Application - The Commission reviewed the Legacy Project Municipal Planning Grant application for the completion of the update of the Legacy Plan.

Zoning Amendments - The Commission has proposed many different zoning amendments over the past year, which includes the following:

ZA-12-08 – Electronic Message Displays (Adopted by City Council on November 26, 2012) –

The Commission reviewed changes made to ZA-12-08 by the City Council and provided comments as it thought was needed.

ZA-13-01 – Residential Occupancy Limits in the High-Density Residential (RH) District (Adopted by City Council on November 26, 2012) - The Commission reviewed, discussed and commented upon the Council Ordinance Committee recommendation of expanding the four unrelated adults' limitation to the Residential High-Density (RH) District. It then held a Public Hearing and forwarded its recommendation to the City Council for its review and consideration.

ZA-13-02 - Lot Line Adjustments – Vestigial Alleyways (With City Council for adoption) - This proposed amendment to the CDO addresses vestigial alleyways found in parts of the city and affords them the abbreviated approval process for lot line adjustments rather than that for subdivisions.

ZA-13-03 - Residential Parking Standards (With City Council for adoption) - This proposed amendment to the CDO changes parking requirement calculations for residential uses in the city, basing the calculation on the number of bedrooms instead of units. The proposed amendment is intended to increase the affordability of housing units by reducing the required parking requirements in the downtown and shared parking districts, as well as incentivizing the creation of smaller units.

ZA-13-04 – Garage Size and Orientation (With City Council for adoption) - This proposed amendment to the CDO modifies the limitations regarding the size of garages in order to accommodate smaller buildings and narrower lots.

ZA-13-05 – Nonconforming Structures Demolition (With City Council for adoption) - This proposed amendment to the CDO aims to allow retention of existing setback nonconformity for replacement of demolished buildings.

ZA-13-06 - Downtown Parking (With City Council for adoption) – This proposed amendment to the CDO eliminates off-street parking requirements throughout the entire Downtown Parking District. The proposed amendment is designed to increase the affordability of development, reduce the creation of unnecessary and underutilized parking, and encourage greater flexibility to find more creative and effective parking and transportation solutions by eliminating the required minimum off-street parking requirements in downtown.

ZA-13-07 - 50% Residential Limitation in Downtown (With City Council for adoption) - This proposed amendment to the CDO eliminates the 50% limitation for residential uses in the Downtown (D) and

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Downtown Waterfront (DW) districts. The proposed amendment is intended to increase the potential for housing development in the core of the city as well as the affordability of such development.

ZA-13-08 – Residential Side/Rear Yard Setback Encroachments (With City Council for adoption) - This proposed amendment to the CDO allows for a pre-existing encroachment into a side or rear yard residential district setback to be expanded vertically (up) provided it does not increase the horizontal encroachment and the height does not exceed the height of the pre-existing structure. The second part of this amendment also allows for an alternative calculation of required residential side yard setbacks based upon the average of neighboring properties.

ZA-13-09 – Community Centers (With City Council for adoption) - This proposed amendment to the CDO restores “community centers” as a permitted use in the High-Density Residential districts.

ZA-13-10 – Accessory Dwelling Units (With City Council for adoption) - This proposed amendment to the CDO encourages the creation of accessory dwelling units by reducing the required on-site parking, clarifying their treatment with respect to density calculations, and incorporating a deed restriction to facilitate compliance.

ZA-13-11 - Adaptive Reuse and Residential Bonuses (With City Council for adoption) - This proposed amendment to the CDO is intended to improve both consistency with allowances for Inclusionary Housing and the utility of current development bonuses in residential districts that encourage the conversion of non-conforming uses to permitted residential uses.

ZA-13-12 – Historic Building Materials - The proposed amendment to the CDO is to provide more flexibility for the replacement of materials on historic properties, in accordance with the Commission’s stated policy goals.

Thank you for your attention to these matters and please feel free to contact me with any questions. The Commission looks forward to our continued collaboration and progress on these and other matters facing the City.

Yves Bradley-Chair

Bruce Baker-Vice chair

Andy Montroll

Jennifer Wallace-Brodeur

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