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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: March 6, 2013
RE: ZP 13-0731CU 204 South Willard Street

Note: These are staff comments only. Decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP 13-0731CU
Location: 204 South Willard Street
Zone: Institutional **Ward**: 6
Date application accepted: February 6, 2013
Applicant/ Owner: Linda Wolf
Request: Add a fourth guest bedroom to existing 3 bedroom Bed-and-Breakfast; request approval of revised parking management plan and one off-site parking space with lease agreement to meet increased parking requirement.

Background:

- **Zoning Permit 12-0042CU**; Change of use from single family to 3 guest room bed and breakfast. One space parking waiver requested. Valet service to be provided as parking management plan. (One space waiver approved for the parking requirement for the owner. Parking requirement for guests shall remain in place.) Approved August 2011. Conditions met November 2011. See information below. *
- **Zoning Permit 99-478;** Installation of a picket style fence with gate across the driveway of the existing single family home. Approved May, 1999.
- **Non-applicability of zoning permit requirements;** remove and replace front porch floor, posts, failings, maintain and repair only. October 1996.
- **Zoning Permit 87-468;** Construct a 144 sq. ft. single story kitchen addition to existing house. Approved August 1987.

Overview: 204 South Willard Street was constructed in 1881 for L. A. Walker, owner of a Burlington building stone business. It has been permitted as a three guest room Bed and Breakfast, with three on-site parking spaces and a one-space parking waiver for the owner's parking requirement. The structure, and its c. 1915 garage, is within the **South Willard Street Historic District**.

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*At the August 22, 2011 Deliberative Session, the board voted to **approve** the Conditional Use application for a change-of-use from single family home to (3 guest room) Bed and Breakfast pending compliance with the following conditions:

I. **Conditions of Approval:**

1. Bed and Breakfast is required to be owner-occupied. Documentation shall be presented to this board, as a copy of a recorded deed that definitively determines that an owner resides in the premises.
2. **A one-space parking waiver is included within this approval.** This one-space waiver pertains to the parking requirement for the owner; parking requirement for the guests shall remain in place.
3. The board finds a discrepancy between allowable rooms (Appendix A, Use Table, Bed and Breakfast, footnote #2 and Article 13, Definitions, Bed and Breakfast.) The board finds room for consideration of a greater number of rooms than allowed by Definitions (3), and **will consider approval of 4 guest bedrooms if required parking is provided.** Acknowledging the one space parking waiver, four bedrooms require 4 spaces on the site; 3 bedrooms will require 3 parking spaces on the site. The owner is responsible for providing a revised site plan to this board to assure adequate parking, turning radii, and lot coverage not to exceed existing coverage. Parking that requires backing out onto the street will not meet the requirement for adequacy of circulation and parking. This plan shall be accurately dimensioned to indicate compliance with the required parking layout and related clearances as well as lot coverage. Further, there needs to be sufficient space to allow cars to turn around on the property and not to back onto Willard Street.
4. Off-site parking may be considered, if limited per restrictions of the ordinance.
5. The proposal, as submitted, does not meet the dimensional details or adequacy of parking as required by the Comprehensive Development Ordinance.
6. The revised site / parking plan shall be subject to review and approval by this board **prior to release of the zoning permit.**
7. Standard Permit Conditions 1-18.

A first submission attempt was made **August 29, 2011**, with a "Parking Management Plan" to meet the conditions of approval. (The decision date was August 30, 2011, with a 30 day appeal period.) On **September 26, 2011** the applicant's representative submitted a re-measured existing site plan and a proposed site plan to meet the board's request. The DRB voted on **October 11, 2011** to **deny** the submitted parking proposal as meeting the conditions of approval. The applicant submitted another parking management plan **October 19, 2011**, however staff found this plan to be insufficient due to inadequacy of required back-up space for parking (24' required by ordinance, Table 8.1.11-1.)

The DRB ultimate approved a plan that utilized the precedent of a previously approved parking management plan for a three-bedroom Bed and Breakfast on Lakeview Terrace. That DRB approval approved **stacked parking** in **ZP 08-517CU, 53 Lakeview Terrace** (date of approval May, 2008.) In that decision, the DRB noted, in Condition #4 that *"This approval includes stacked parking per Sec. 8.1.14 of the Ordinance. An attendant shall always be present and able to move vehicles when the parking lot is in operation."*

In that zoning approval example, 53 Lakeview Terrace had applied for a third guest bedroom for an existing two guest room Bed and Breakfast.

The parking management plan required for ZP 12-0042CU was accepted by the DRB **November 11, 2011** with three existing parking spaces (stacked, with owner providing around the clock valet parking) and a one-space parking waiver applicable toward the owner's parking requirement only.

The decision did reflect the potential acceptability of a fourth guest room if parking were identified. (Noted in Condition #3, ZP 12-0042CU.) Off-site parking would be considered, if limited per restriction of the ordinance (Condition #4.)

Recommendation: **Denial**, per the following findings:

I. Findings

Appendix A – Use Table

Residential Special uses, Bed and Breakfast is a Conditional Use in the Institutional Zone. Footnote 4 indicates that not more than 5 bedrooms are to be let in any district where bed and breakfast is a conditional use. The project site is within the Institutional Zoning District, where Bed and Breakfasts are a Conditional Use. The applicant proposes 4 bedrooms which complies with footnote 4. **Affirmative finding.**

Footnote 6 notes that the Bed and Breakfast must be owner occupied. The applicant asserts this is her residence. **Affirmative finding as conditioned.**

Article 3: Applications, Permits, and Project Reviews

Sec. 3.5.6 Review Criteria

The application and supporting documentation submitted for proposed development involving Conditional Use and/or Major Impact Review, including the plans contained therein, shall indicate how the proposed use and associated development will comply with the review criteria specified below:

(a) Conditional Use Review Standards: *Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on the following general standards:*

1. *The capacity of existing or planned community facilities;*

   No adverse impact is anticipated to existing or planned community facilities with the proposed addition of a single guest bedroom. **Affirmative finding.**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

   This is an area of very large stately homes on a tree-lined street. The addition of a single guest bedroom in the existing Bed and Breakfast, with no exterior alterations, would not predictably change the character of the area. **Affirmative finding.**

3. *Traffic on roads and highways in the vicinity evaluated in terms of increased demand for parking, travel during peak commuter hours, safety, contributing to congestion, as opposed to complementing the flow of traffic and/or parking needs; if not in a commercial district, the impact of customer traffic and deliveries must be evaluated;*

   The applicant has requested an additional guest room, for a total of 4. The submission materials indicate that 40% of their guests arrive in Burlington by air, and this site by taxi. The remaining guests arrive by vehicle, for which two of the existing driveway spaces are dedicated. An additional, off-site parking (leased) space is offered, to be located at the Cherry St. parking garage. The applicants offer as part of the their parking management plan to ferry guests back and forth to that parking facility. Undoubtedly these extra trips for the fourth guest will add somewhat to traffic congestion, however on this state highway (Route 7), it may be considered negligible.

   Affirmative finding.

4. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

   Any deficiencies would be noted herein.

5. *The utilization of renewable energy resources;*

   No part of this request prevents the use of alternative methods of energy, whether they are wind, water, solar, or air based. **Affirmative finding.**

   and,

In addition to the General Standards specified above, the DRB;

6. *shall consider the cumulative impact of the proposed use. For purposes of residential construction, if an area is zoned for housing and a lot can accommodate the density, the cumulative impact of housing shall be considered negligible;*

   This is a very large residential structure in close proximity to the hospital, universities, and downtown. The proposal is to use an existing bedroom, which could be expected to serve the same use as it was intended. To let one additional guest room, with conditioned approval of an off-site parking space *in close proximity* with guaranteed valet service, suggests no negative impact. The distance, however, to the proposed leased space reduces the likelihood of its use, spurring additional parking issues on-site; or will increase the required trip-ends made necessary by the conditioned valet service. The distance to the leased space does not support convenience of the proposal, nor suggest future success of this arrangement. **Adverse finding.**

   7. in considering a request relating to a greater number of unrelated individuals residing in a dwelling unit within the RL, RL-W, RM and RM-W districts than is allowed as a permitted use, in addition to the criteria set forth in Subsection (a) hereof, no conditional use permit may be granted unless all facilities within the dwelling unit, including bathroom and kitchen facilities are accessible to the occupants without passing through any bedroom. Additionally, each room proposed to be occupied as a bedroom must contain at least one hundred twenty (120) square feet. There must also be a parking area located on the premises at a location other than the front yard containing a minimum of one hundred eighty (180) square feet for each proposed adult of

the dwelling unit in excess of the number of occupants allowed as a permitted use. All other green space standards must be observed.

Not applicable.

8. may control the location and number of vehicular access points to the property, including the erection of parking barriers.

The existing vehicular access point/driveway is proposed to be utilized without alteration.

Affirmative finding.

9. may limit the number, location and size of signs.

Signage is not included within this proposal. Any signs will require a separate sign permit. **Affirmative finding as conditioned.**

10. may require suitable mitigation measures, including landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The applicant will be required to provide assurance of valet parking, and continued maintenance of a parking lease agreement for the duration of the use. **Affirmative finding if approved and conditioned.**

11. may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.

No construction is proposed. **Not applicable.**

12. may specify hours of operation and/or construction to reduce the impact on surrounding properties.

By its very nature, a B & B may offer round' the clock service. Hours of operation are anticipated to reflect that. Consideration of limiting check-in times is encouraged to limit any late night noise to neighbors. No construction is included within this request. **Affirmative finding.**

13. may require that any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions.

This is a statutory requirement. Appendix A limits guest bedrooms to 5, however any further expansion is likely to be discouraged due to the present insufficiency of on-site parking and the requirement for sustained parking valet support to manage the four proposed guest bedrooms, if approved. **Affirmative finding as conditioned.**

14. may consider performance standards, should the proposed use merit such review.

This is at the discretion of the Development Review Board.

15. may attach such additional reasonable conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.
This, too, is at the discretion of the Development Review Board.

Article 4: Maps and Districts
Sec. 4.4.4 Institutional District
Bed and Breakfast is a conditional use within this zoning district. No site changes are proposed. Not applicable.

Article 5: Citywide General Regulations
Part 5: Performance Standards
Sec. 5.5.1 Nuisance Regulations
Frequent trip ends and late-night arrivals have the potential to present a noise or traffic problem on South Willard Street. It is the burden of the applicant to assure that parking management and guest arrivals/departures do not present a nuisance for neighboring property owners.
Affirmative finding as conditioned.

Article 8: Parking
Sec. 8.1.5 Existing Structures – Change or Expansion of Use
Whenever there is an alteration or conversion of a structure or a change or expansion of a use which increases the parking requirements, the total additional parking requirements for the alteration, conversion, change, or expansion shall be provided in accordance with the requirements of this Article. A waiver may be requested pursuant to the provisions of Sec. 8.1.15.
A one space parking waiver was accepted under ZP 12-00042CU. The applicant wishes to revise the parking management plan previously submitted. See Sec. 8.1.15, below.

Table 8.1.8-1 notes that a Bed and Breakfast (per room, in addition to the single family residence parking requirement) requires .75 parking spaces per room in the Shared Use Parking District. So the parking requirement will be **2 parking spaces for the single family residence** + .75 x 4 rooms, or **3 parking spaces for the B & B**, for a total of **5 required parking spaces.** The previously submitted site plan illustrates the capacity for one parking space in the garage and two tandem parking spaces. The board granted a one-space parking waiver for the residents/owners requirement under ZP 12-0042CU. (The one-parking-space waiver is strictly intended to apply to the owner's parking requirement, and remains with the property for as long as the Bed and Breakfast is operated.) At that decision, the DRB noted the potential for approval for a fourth guest bedroom if an appropriate off-site parking space was identified. The applicant has revised the parking management plan to request consideration of one off-site leased parking space to accommodate the fourth guest bedroom. This space has been identified at the Cherry Street parking garage. See Section 8.1.12 for companion information. No supporting information on the proposed lease arrangement has been submitted as of the writing of this report.
Adverse finding as proposed due to distance of the leased space.

Sec. 8.1.12 Limitation, Location, Use of Facilities
(a) Off-Site parking facilities:

2. Downtown and Shared Use Parking Districts
Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Sec. 8.1.15 approved by the DRB.
3. The distance from the off-site parking to the associated use shall be measured in walking distance along a sidewalk or other pedestrian path separated from street traffic from the nearest parking space to the principle pedestrian entrance to the building housing the use. The right to use the off-site parking must be guaranteed for the duration of the use as evidenced by a deed, lease, easement, or similar written instrument as may be approved by the city attorney.

The distance between the Cherry Street Parking Garage and 204 South Willard Street can be measured two ways:

1. 4688' planar, measured north to Buell, west onto Cherry St. to garage entrance.
2. 4358' planar; north to Main, west to Pine Street, north to the garage entrance.

Neither of these measurements falls within the 1000' limitation, above. See Sec. 8.1.15, Parking Management Plan. **Adverse finding.**

Sec. 8.1.14 Stacked and Tandem Parking Restrictions
Stacked parking was approved under ZP 12-0042CU for the three bedroom Bed and Breakfast. This parking arrangement will be maintained, with continued valet service to move vehicles as necessary. **Affirmative finding as conditioned for the three on-site parking space.**

Sec. 8.1.15 Waivers from Parking Requirements/Parking Management Plans
The applicant has requested approval of one off-site (leased) parking space from the parking requirement of 5 parking spaces for the site. Currently there is a one-space parking waiver applicable toward the owner's parking requirement. The applicant has offered valet parking service to accommodate the 3 existing parking spaces on-site.
There is not change to the number of employees. Information has been submitted that indicates 40% of the guests arrive from the airport by taxi.
The DRB indicated within the previous decision that an additional (fourth) guest bedroom could be considered if another parking space was identified. The applicant proposes continuous valet services, and a lease with the city's Cherry Street Parking garage for a parking space (see supporting information.) This space remains significantly outside the 1000' limitation of Sec. 8.1.12; however that section does allow flexibility based upon approval by the DRB of a parking management plan.

As the applicant has developed a system of valet parking to accommodate the stacked parking within the driveway, coupled with an owner's off-site parking space, it may be possible to extend consideration for another off-site leased space conditioned upon continuance of that parking lease for the duration of the (bed and breakfast) use. A primary submission included the intention of a parking space at Court House Plaza, but the management company could not assure the availability of that space, and offered a lease termination notice not longer than 30 days. (90 days has been the typical lease accepted.) A parking lease agreement would need to be provided to the City confirming the arrangement, if the DRB accepts the Cherry Street parking garage lease arrangement.

The distance suggested for the proposed parking leased space, however, warrants attentive examination as to its functional workability. The distance is too great to feel confident that guests will readily walk to their vehicles, particularly at night. The site at 204 South Willard itself is strained to provide any more parking. South Willard Street has open (non-resident) on-street parking, with 2 spaces in front of this building. However on-street parking is not readily acceptable as meeting a parking requirement for an expanded conditional use.
Despite the encouragement offered by the DRB in the previous decision, a fourth bedroom can be considered with an acceptable, renewable off-site lease agreement for one parking space. The proposed space at the Cherry Street parking garage, close to a mile away from the Bed and Breakfast, is therefore at an unacceptable distance to meet this requirement. **Adverse finding.**

Table 8.2.5-1, Bicycle Parking Requirements
Temporary Lodging (Hotel, motel, bed and breakfast) require 1 per 20 rooms/sites for long term spaces, and 2/20 rooms for short term spaces. This request does not rise to the threshold to require bicycle parking, although it might be a welcome consideration for guests and is encouraged. **Affirmative finding.**

Article 13: Definitions
Zoning Amendment 12-01, adopted October 17, 2011 modified the "Bed and Breakfast" definition in Article 13, eliminating the three bedroom cap:

Bed and Breakfast: *An owner-occupied residence, or portion thereof, in which short-term lodging rooms are rented and where only a morning meal is provided on-premises to guests.*

The applicant has proposed 4 rooms to let in the proposed Bed and Breakfast. Owner occupancy remains a requirement. **Affirmative finding as conditioned.**

Owner: Any person, firm, partnership, association, joint venture, corporation or other entity or combination of entities who alone, jointly or severally with others hold(s) legal or equitable title to any property.
Per the ordinance, the owner (who must be listed on the deed) is required to be a resident of the Bed and Breakfast. **Affirmative finding as conditioned.**

Owner Occupied: Where owner occupancy is required by this ordinance, owner occupancy shall mean occupancy of premises by an owner for at least 50% of the year.
As a Bed and Breakfast, an owner, whose name is on the title, is required to live on the premises at least 6 months of the year.
Affirmative finding as conditioned.

II. If considered for approval, recommended conditions:

1. Bed and Breakfast is required to be owner-occupied.
2. A one-space parking waiver was included within ZP 12-0042CU. That one-space waiver pertains to the parking requirement for the owner; parking requirement for the guests shall remain in place.
3. Valet service shall continue to be provided, per the approval of ZP 12-0042CU, and to accommodate the parking management plan submitted herein.

4. **Prior to release of the zoning permit**, a lease shall be submitted identifying one off-site parking space required to accommodate the fourth guest bedroom. This lease shall meet the approval of the City Attorney, and be required to be automatically renewable. Termination notice shall be not less than 90 days. If a notice of termination is received by the applicant, the applicant shall be required to identify another parking space appropriate to meet the requirement for the fourth guest bedroom, with notification to the Planning and Zoning Office of that lease location. **Failure to provide parking shall result in voiding this approval for a fourth guest bedroom.**
8. It is the burden of the applicant to assure that parking management and guest arrivals/departures do not present a nuisance for neighboring property owners.
9. Standard Permit Conditions 1-18.

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DEPARTMENT OF
PLANNING & ZONING

Parking Management Plan for Made INN Vermont @204 A Chic Boutique B&B in Burlington

Pursuant to article 8.1.15, we are submitting for your evaluation the following amended Parking Management Plan:

The subject property is listed on the National Register of Historic Places, it is located at 204 S. Willard Street. It is a non-conforming lot of under ¼ of an acre.

This proposed project is a four bedroom B&B. The current owner, Linda Wolf, lives in the home and operates the business. The name of the B&B is "Made INN Vermont @ 204."

Any staffing help the owner may need in the future will be provided with free local transportation passes.

There are two existing parking spaces on the lot plus the garage. A single parking space waiver, attributed solely to the owners second space, has already been approved by the board. The owner's space is the garage.

Parking spaces will be assigned to guests at check in to assure each car parks in the appropriate space to allow for maximum backing and turning capabilities. The owner will provide "valet" services.

In order to fulfill the requirements needed to procure an additional bedroom in our 3 bedroom B&B, we are seeking to obtain permission to park one car at a private parking lot downtown, outside of the permissible distance. Please see the

attached letter to confirm this arrangement with Champlain Parking Company. (Withdrawn 2/25/13)

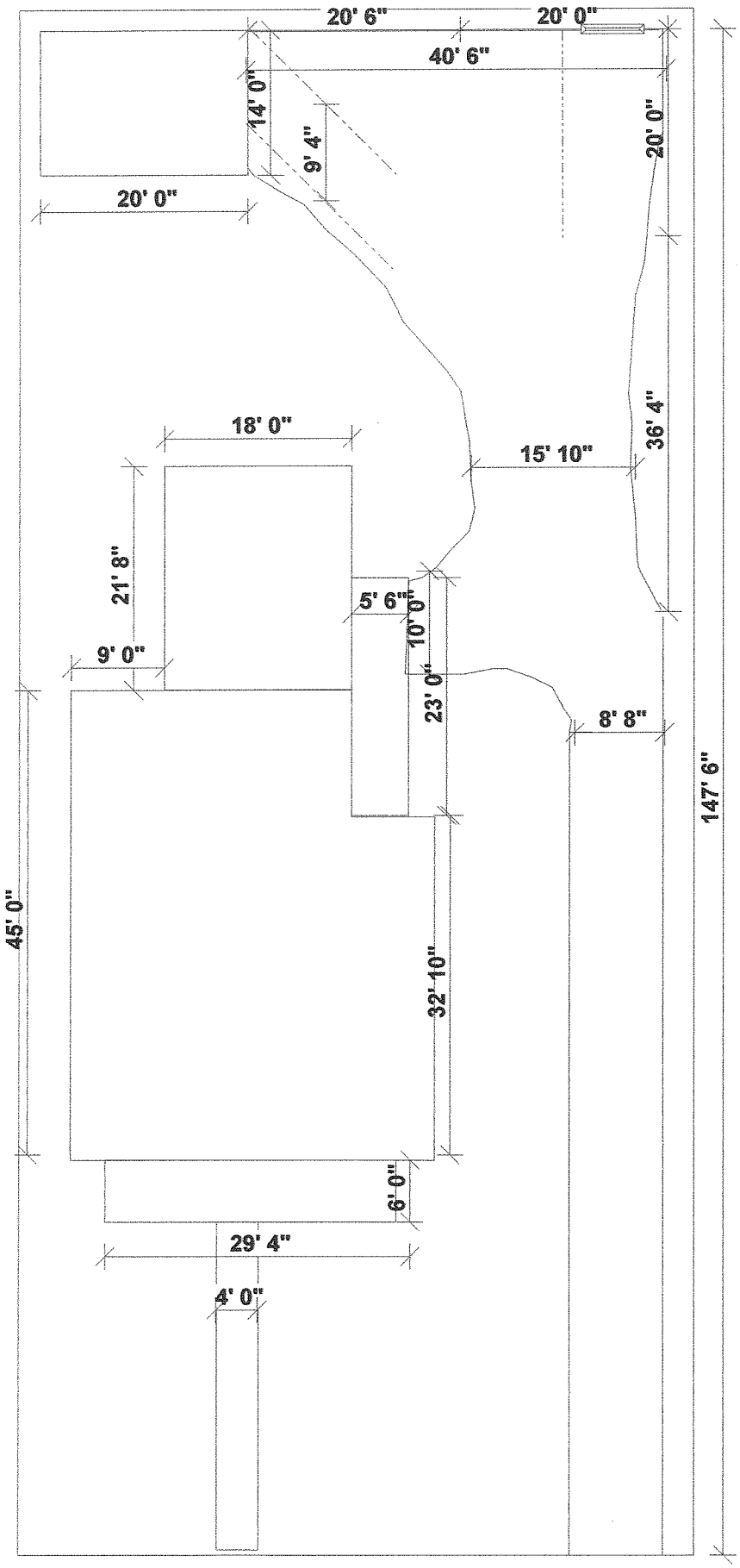
We currently offer a valet service to move cars on our property, and we wish to extend this service to include parking one car off-site in the private lot.

We are very sensitive to our neighbors desires to keep this street quite and residential, and do not wish to cause any disruption by increasing the parking demands. Instead, we look to partner with a small, local business, and help support an under-utilized parking resource in Burlington (as mentioned in the attached letter) while stimulating local the local economy.

Additional Narrative, Please Note:

On the weekends (when we receive most of our business) there are many on-street parking spots available, as traffic from Champlain College is practically non-existent.

Although we realize this is not grounds for an additional spot (as parking designated by the city can change at will), we find it important to mention that parking is readily available, on the street, during our most busy times and thus an additional bedroom will not hinder the availability of residents to park and maneuver on their street.

We have been tracking guest records, and have determined that almost 40% of our guests travel by plane (and then taxi to our door), as well as other mass transit.

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