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TO: Burlington City Council
Mayor Weinberger
FROM: Scott Gustin, Principal Planner & Zoning Division Manager
DATE: **DATE**
RE: Convalescent Homes Parking & Lot Coverage

Overview & Background

At their September 10, 2019 meeting, the Planning Commission considered a zoning amendment request from Birchwood Terrace nursing facility. The zoning amendment request contained two parts:

- Adjust the maximum permissible lot coverage to 44% (same as the IZ allowance).
- Adjust the minimum parking requirement to 1 parking space per 2 patient beds.

The requested lot coverage amendment is simple and was supported by the Planning Commission. Within the RL zone (wherein the facility is located), 35% is the typical lot coverage limit. Developments containing inclusionary housing units benefit from a higher permissible lot coverage of 44%. The Senior Housing bonus of Sec. 4.4.5 (d) 7 A, which Birchwood Terrace qualifies for, affords a 40% permissible lot coverage limit. The amendment would simply make the lot coverage associated with the senior housing bonus the same as that associated with inclusionary zoning (44%).

The requested parking amendment was the subject of debate. Presently, the CDO requires 1 parking space per 4 beds for convalescent (nursing) homes in all parking districts. Birchwood is seeking to double that minimum requirement to 1 space per 2 patient beds. By comparison, hospitals require 2 parking spaces per patient bed in all parking districts. The Birchwood facility contains 144 beds (but is permitted for 160 beds) and is seeking a total of 96 parking spaces. The Planning Commission requested that staff look at four potential alternatives:

- Remove the 125% upper parking limit for convalescent homes.
- Eliminate the minimum parking requirement for convalescent homes (therefore no maximum).
- Adjust the minimum parking requirement for convalescent homes per Birchwood's request or per the hospital standard.
- Do nothing.

Staff and the Commission discussed these options extensively. Ultimately, it was recommended that the minimum parking requirement be amended to be consistent with hospital standards. The Planning Commission expressed a preference that management of on-street parking resources and nearby shared parking opportunities were re-evaluated to meet these parking needs, but also considered the evidence shared by Birchwood regarding the factors leading to increased parking demand for these types of facilities.

The Council Ordinance Committee discussed this amendment during its September 28 meeting. After discussion, the Committee forwarded the amendment back to Council for public hearing without the change to the minimum parking requirements for the convalescent homes. The Committee cited discomfort with 1) the application of this new standard city-wide, and 2) the perspective that the change seems to contradict the recent parking amendments adopted in ZA-20-04. The Committee's preference is for Birchwood to pursue its options under the DRB's waiver process.

Note that lot coverage, even amended as requested, limits the amount of parking that can be provided onsite to 93 spaces.

Sec. 8.1.9, *Maximum Parking Spaces*, limits onsite surface parking to 125% of the minimum parking requirement. There are several exemptions to this standard predicated on the type of parking (i.e. structured, public, carpool, and alternative fuel vehicle) but none related to use. Picking a single use and exempting it from this standard runs counter to equal application of the law for all development in the city and is not good land use policy. Doing so also begs the question: Why not others?

Eliminating the minimum parking requirement for convalescent homes could arguably have the effect of eliminating the 125% maximum parking limitation. However, doing so plainly disregards the well-documented need for onsite parking at such facilities.

Amending the present 1 space to 4 beds minimum parking requirement for convalescent homes to 1 space per 2 beds as requested by Birchwood would result in a minimum requirement of 72 spaces for 144 beds (and a maximum of 90 spaces) or 80 spaces for 160 beds (and a maximum of 100 spaces). The rationale for the requested change is well documented in Birchwood's September 10 submission to the Planning Commission. Importantly, the change in minimum parking requirement to 1 space per 2 beds would not result in a parking nonconformity. A change to the hospital standard of at least 2 spaces per bed would result in a parking nonconformity. There is simply no feasible way to provide 288 or more parking spaces on Birchwood's property.

Leaving the present parking standard of 1 space per 4 beds unchanged could still allow Birchwood to achieve nearly all of its desired parking. Under an amended lot coverage maximum of 44%, Birchwood could apply again to the Development Review Board for a maximum parking waiver. Birchwood has already obtained a maximum parking waiver from the DRB for 75 spaces, limited only by lot coverage. An increase in permissible lot coverage would enable Birchwood to seek another maximum parking waiver for additional parking within the revised lot coverage limit. While possible, the maximum parking waiver involves a discretionary process by the Development Review Board.

Of the four possible alternatives, adjusting the onsite parking minimum requirement to 1 space per 2 beds is the best. The need is well supported by the documentation provided to the Planning Commission on September 10, whereas the rationale for the present standard of 1 space per 4 beds is unknown. This change would retain parking conformity and would avoid the need for a discretionary waiver process before the DRB. At their June 9, 2002 meeting, the Planning Commission moved the proposed amendment along to public hearing with this recommended course of action. As noted at the June 9 meeting, the amendment has been revised to make NAC and NMU changes to make the senior housing lot coverage bonus consistent with the inclusionary bonus in those zones as well.

Proposed Amendment

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment
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Purpose Statement

The purpose of this proposed amendment is to better reflect the actual parking needs of convalescent homes in Burlington. The proposed amendment is twofold. In the residential and neighborhood mixed use zones, it will change align the allowable lot coverage associated with the senior housing bonus to be identical to the allowable lot coverage associated with inclusionary housing in residential and neighborhood mixed use zones. The amendment will also change the minimum parking requirement for convalescent homes of 1 space per 4 beds in all parking districts to 1 space per 2 beds in all parking districts.

Proposed Amendments

To achieve the purpose identified above, the proposed amendment affects Table 4.4.5-5, *Senior Housing Bonus*, and ~~Table 8.1.8-1, *Minimum Off-Street Parking Requirements*~~. It also affects Sec. 4.4.2 (d) 3 B.

Relationship to planBTV

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Compatibility with Proposed Future Land Use & Density

This amendment has no impact on proposed future land use. It impacts density only insofar as it increases allowable lot coverage for senior housing facilities to be consistent with that allowed for developments containing inclusionary housing.

Impact on Safe & Affordable Housing

Convalescent homes provide a place to live for some of our most elderly and frail residents. This amendment is intended to better address the ~~parking~~ needs of such facilities – in large part to accommodate the staff necessary to care for, and support, residents in convalescent homes. As such, the amendment will contribute to the functionality of such homes in our community.

Planned Community Facilities

The proposed amendment has no impact on planned community facilities.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

Planning Commission Process				
Draft Amendment prepared by: Staff, based on discussion with the Planning Commission	Presentation to & discussion by Commission 9/10/19, 6/9/20	Approve for Public Hearing 6/9/20	Public Hearing 7/14/20	Approved & forwarded to Council 7/14/20
				Continue discussion
City Council Process				
First Read & Referral to Ordinance Cmte 8/10/2020	Ordinance Cmte discussion 9/28/2020	Ordinance Cmte recommend as modified 9/28/2020	Second Read & Public Hearing	CCOC Recommends Approval & Adoption
				Rejected

Sec. 4.4.2 Neighborhood Mixed Use Districts

(d) District Specific Regulations

3. Development Bonuses/Additional Allowances

A. Inclusionary Housing

As written.

B. Senior Housing

A maximum of an additional 10-feet of building height, and corresponding FAR, may be permitted at the discretion of the DRB in the NAC and NAC-Riverside districts where no less than twenty-five per cent (25%) of the total number of onsite units are reserved for low-moderate income senior households as defined by state or federal guidelines, including no less than ten percent (10%) reserved for low-income households. The total gross floor area dedicated to the senior housing shall be equivalent to the gross floor area resulting from the additional allowance. Increased lot coverage allowance for senior housing in these districts shall be the same as for inclusionary housing (See Sec. 9.1.12).

C. Maximum Bonus

As written.

Sec. 4.4.5 Residential Districts

(d) District Specific Regulations

7. Residential Development Bonuses

A. Senior Housing Bonus

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

- (i) No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);
- (ii) The proposal shall be subject to the design review provisions of Art. 6;
- (iii) A maximum of an additional 10-feet of building height may be permitted in the RH District; and,
- (iv) Lot coverage and residential densities shall not exceed the following:

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density
RL/RL-W	40 44%	20 du/ac
RM	50 48%	40 du/ac
RM-W	60 72%	40 du/ac
RH	80 92%	80 du/ac

Sec. 8.1.8, Minimum Off-Street Parking Requirements

(a) — (c) As written.

Table 8.1.8-1 Minimum Off-Street Parking Requirements			
	Neighborhood Districts	Shared-Use Districts	Downtown Districts
RESIDENTIAL USES¹ As written.	Per Dwelling Unit except as noted		
RESIDENTIAL USES – SPECIAL	Per Dwelling Unit except as noted		
Assisted Living	0.5	0.5	0.4
Bed and Breakfast (per room, in addition to single-family residence)	1	0.75	0.5
Boarding House (per two (2) beds)	1	0.75	0.5
Community House	1	0.75	0.5
Convalescent Home (per four (4) two (2) beds)	1	1	1
Dormitory (per two (2) beds)	1	1	1
Emergency Shelter	0	0	0
Group Home (per two (2) beds)	1	1	1
Historic Inn (per room, in addition to single-family residence)	1	0.75	0.5
Sorority & Fraternity (per two (2) beds)	1	1	1
NON-RESIDENTIAL USES As written.	Per 1,000 square feet of gross floor area (gfa) except as noted		

[End text amendment]