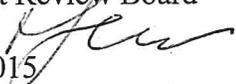


Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Ken Lerner 
DATE: January 6, 2015
RE: 15-0675CU, 298 College 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.

Zone: RH Ward: 2
Date application accepted: December 5, 2014
Applicant/Owner: Champlain Valley Office of Economic Opportunity (CVOEO)/Champlain College
Request: Conditional use to change the use of 3,275 sq. ft. of an existing membership club in order to establish a 31 bedroom seasonal Community House.

Background:

The existing building was constructed in 1980 and included the demolition of a structure that it replaced. The site is a through block fronting on both College and Bradley streets. It contains a large parking area on Bradley Street. While the building has frontage and address on College, access is from the parking lot. The building is a brick structure that really has no relationship in design or siting to other neighboring structures. It has been use in the recent past as a membership club. The current request is only for use of this structure with no changes to the building or site.



Other than the 1980 permit for the demolition and construction of the building there are only zoning permits for minor building modifications and signs on file.

Recommendation: Approval, per the following findings and conditions:

I. Findings

ARTICLE 3: APPLICATIONS AND REVIEWS

Part 3, Impact fees

As new residential use, the project is subject to the payment of residential impact fees less the impact fee value for the existing use (categorized as “other”) based on the square footage. However, as all of the units are affordable to individuals earning less than 50% of median income, the project is eligible for a full 100% waiver of residential impact fees as per *Sec. 3.3.3(c), Exemptions and Waivers* for affordable housing. **(Affirmative finding)**

Part 5, Conditional Use & Major Impact Review:

Note that given the size of the project it is not subject to Major Impact Review, but only to the standard Conditional Use criteria.

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

The establishment of the community house in this developed neighborhood in an existing building will have a small net increase in demand on community facilities. The building may require a state wastewater permit based on the new use. Impact fees to mitigate any impacts on facilities based on the new square footage of the residential use are required. **(Affirmative finding as conditioned)**

2. The character of the area affected;

The property is located within the Residential High Density zone. The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. A community house is allowable as a conditional use in this zone. The immediate area reflects the district with multi-family and single family residences mainly on the Bradley Street side. There are some residential uses as well as office uses in the vicinity, notably with an office on each side, east & west, of the site. **(Affirmative finding)**

3. Traffic on roads and highways in the vicinity;

Traffic patterns will slightly change, adding a few vehicles accessing the on-site parking lot associated with the community house use. **(Affirmative finding)**

4. Bylaws then in effect;

As proposed and conditioned, the application can be found compliant with applicable bylaws. **(Affirmative finding as conditioned)**

5. Utilization of renewable energy resources;

Nothing within the application will prohibit the use of alternative or renewable energy resources. No new exterior construction is proposed. **(Affirmative finding)**

6. *Cumulative impacts of the proposed use;*

As a housing facility to provide shelter for homeless individuals, this provides a housing resource that will be seasonally available. Community houses are required by ordinance, based on occupancy, to locate a minimum distance from each other thereby limiting any potential for an adverse cumulative impact. **(Affirmative 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, RM-W and RH districts.* **(Not Applicable for a Community House)**

8. *may control the location and number of vehicular access points to the property, including the erection of parking barriers.* No change to the large parking lot that is onsite is proposed. **(Not Applicable)**

9. *may limit the number, location and size of signs.* No signage is proposed. Any signage would require a separate 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.* There are no specific measures needed as there are no changes to the existing site. In addition there will be at least two staff members present on site at all times. **(Affirmative finding)**

11. *may specify a time limit for construction, alteration or enlargement of a structure to house a conditional use.* And 12. *may specify hours of operation and/or construction to reduce the impact on surrounding properties.* Construction is limited and addressed in the standard permit conditions of approval. The operation will be from 6:00 pm to 7:00 am every night of the week when in operation, which is from January to April 30. Doors will close at 10 PM with quiet times from 10 PM weeknights and 11 PM on weekends. **(Affirmative finding as conditioned)**

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 requirement under the CDO. **(Affirmative finding as conditioned)**

14. *may consider performance standards, should the proposed use merit such review.* This is at the discretion of the DRB although given the residential use and the presence of the onsite caretakers none are necessary. **(Affirmative finding)**

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.* Approval of the building inspector and the conditions of approval herein are reasonable requirements that will provide the necessary safeguards. **(Affirmative finding as conditioned)**

ARTICLE 5: CITYWIDE GENERAL REGULATIONS

Sec. 5.4.4 Community House Community houses shall be considered a conditional use in any residential district and subject to all applicable provisions of Art 3, Part 5, and the site and design review standards in Art 6. In addition to conditional use standards, proposals for new community houses shall also comply with the following requirements:

- (a) Density shall not exceed 1 person per two hundred (200) square feet of gross floor area;
- (b) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable; and,
- (c) The minimum distance (lot line to lot line) between any two community houses shall not exceed the following:

<i>Total Occupancy (beds)</i>	<i>Distance (feet)</i>
<i>6 or less</i>	<i>0</i>
<i>7 – 12</i>	<i>500</i>
<i>13 – 20</i>	<i>1,000</i>
<i>21 or more</i>	<i>1,500</i>

The proposed community house is requesting 35 beds, thus the minimum distance applicable is 1500 sq. ft. In reviewing existing community houses with the property boundaries buffered, the distances from the proposal indicate that there are three existing community houses which are less than 1500 feet minimum distance for a community house sized as proposed. However, except as noted below, as all existing approved community houses are more than 1000 ft. from the subject site, the proposed community house can be approved but with a maximum of 20 occupied beds. Note that the Ronald MacDonald House is just within the 1000 feet, but this facility existed well before the community house definition was adopted and thus was never approved as a community house or was any specific determination made as to its use. **(Affirmative finding as conditioned)**

ARTICLE 8: PARKING

Minimum off-street parking requirements are based on Table 8.1.8-1. The community house is located in a Neighborhood District and thus requires 1 space per dwelling unit. Using the 1 housing unit = 4 “rooming unit” equivalency calculation from the Article 13 definition of “rooming unit”, the following parking requirements apply to the proposal:

- The proposed 35 beds require 9 spaces;
- The conditioned 20 beds require 5 spaces.

There are 58 parking spaces that exist on site that adequately can accommodate the required parking for the number of beds proposed or as conditioned for 20 beds. **(Affirmative finding)**

Part 2: Bicycle Parking

Table 8.2.5-1 Bicycle Parking Requirements

Bike parking is required at 1 per 20 rooms (long-term parking) and 2/20 rooms for short term. Information is needed to determine if sufficient bike parking has been provided as required. **(Affirmative finding as conditioned)**

ARTICLE 13 DEFINITIONS

Community House: *A community house is a residential dwelling unit where individuals are not handicapped as per the Federal Fair Housing Act but where, due to the particular needs of the resident individuals, a joint living arrangement is necessitated and where the individuals are under sponsorship or care of a public, nonprofit, or for profit agency where the sponsor or caretaker provides, or arranges for, the provision of varying degrees of personal supervision and/or care in a residential environment, such as a halfway house, a personal care residence, a community transitional facility, or any other such facility that provides such services. The following are not considered community houses: group homes, fraternities, sororities, dormitories, convents, communes, apartments, boarding and rooming houses, tourist homes, and hotels and motels. See Article 5 for specific provisions.*

The project is being proposed to operate as a community house as defined herein.

II. Conditions of Approval

1. The proposed community house shall be limited to a maximum occupancy of 20 beds.
2. Any signs will require a separate permit.
3. Bicycle parking spaces as required shall be indicated for both long-term and short term, and are subject to review and approval by staff.
4. If required the building shall obtain a state wastewater permit based on the new use.
5. Standard Permit Conditions 1-15.

Champlain Valley Office of Economic Opportunity
Burlington Warming Shelter
Operational Plan

RECEIVED
DEC - 8, 2014

Rationale:

DEPARTMENT OF
PLANNING & ZONING

The state of Vermont has been spending 2 Million Dollars on hotel rooms for the homeless every year for the past two years in the Chittenden County region. There is a less than .5 vacancy rate in housing in the Burlington area. There is a desperate need for affordable and subsidized housing. Funding from hotel stays if appropriated to permanent housing would begin to address the housing need. There needs to be a safe and comfortable alternative to hotel rooms giving true service to those in need in a transitional phase. A low barrier shelter does not exist in the region. A temporary, well planned Warming Shelter could meet these needs.

1) Applicant Name, Address, Telephone

Champlain Valley Office of Economic Opportunity (CVOEO)

PO Box 1603

Burlington, VT 05402

802-862-2771 Ext. 740

Owner of Property

Champlain College

2) Contact Person, Telephone and Email

CVOEO - Jan F. Demers, 802-862-2771 Ext. 740, jdemers@cvoeo.org

Champlain College – Marvin Williams

3) Name of Shelter and Shelter Address

Burlington Warming Shelter – Ethan Allen Club

298 College Street

Burlington, VT 05401

4) Shelter Contact Person, Telephone & Email

Jan F. Demers, 802-862-2771 Ext. 740, jdemers@cvoeo.org

5) The request for funding will support the following emergency shelter capacity:

of emergency shelter beds: 35

Months of the year the shelter will be open: 4 months – January 15, 2015 – April 30, 2015

Hours the shelter will be open: 6 p.m. through 7 a.m.

CVOEO is one of five Community Action Agencies in the State of Vermont. We provide emergency, stabilization and out of poverty programs for individuals and families who have low to moderate income. CVOEO has nine distinct programs covering Addison, Chittenden and Franklin Grand Isle Counties. CVOEO has been operating continuously since 1965. We have strong multifaceted programs within our nine departments. There are 12 Board Members who represent three sectors of society: Public (Elected Officials), Private (Business and specific areas of expertise) and Community (the voice of those we serve). Staffing for this endeavor will include a Full Time Shelter Director and Volunteer Coordinator and several Part-time Case Managers for occasional nigh-time relief responsibilities.

CVOEO's Board of the Directors has governance authority. CVOEO's administration has day-to-day decision making authority. CVOEO has a well-established Housing Assistance Program. The mission of CVOEO is to address fundamental issues of economic, social, and racial justice and works with people to achieve economic independence. Our vision is: Bridging gaps, building futures. This vision meshes

perfectly with providing temporary emergency housing for the homeless as permanent housing solutions are put into place.

Proposed plan

Location: - Residential - High Density

Safe, comfortable open space at the 298 Ethan Allen Club on College Street in Burlington

- Square footage - 3,275
- There are three distinct spaces all within visual sight of each other. The room for cots has three sections divided by two low walls which all have visual access for staff and volunteers. There is space for 35 cots
- There is an open area as you first enter the space for check-in. Couches, comfortable chairs and a television equipped with a VCR is located in this area. The person(s) at the desk can see the sleeping rooms and the entrance to the bathrooms from this location.
- There are two separate bathrooms for women and men. The women's room has a large outer room.

Opening date: January 15, 2015

Closing date: April 30, 2015

Open every night of the week

Hours of operation: 6:00 p.m. to 7:00 a.m.

Doors close: 10:00 p.m.

Quiet time: 10:00 p.m. on week nights; 11:00 on Weekends

Staffing: Job descriptions available

- Center Director
- Volunteer Coordinator
- Mental Health Clinician
- 2 Volunteers at all times - possibly two shifts through the night
- Clean up crew to clean up and wipe down cots in the morning

Laundry service: Provided through the University of Vermont Medical Center - Pick up at 7 a.m. each day

Security:

- Locked doors
- Placement of desk and staff for visual review
- While doors are open an every ½ hour sweep around the building and in the bathrooms
- (not confirmed yet) A drop in each night by Champlain College Security and Burlington Police Department
- Log to be kept from shift to shift
- Shelter rules posted in prominent places throughout the building

Training for staff:

- Rapid Assessment training for substance abuse and mental health
- De-escalation training
- Blood borne pathogen training
- Orientation to services
-

Shelter rules: provided

Groups consulted:

COTS - Rita Markley

Charter House - Middlebury - Doug Sinclair

Kris Lukens - CVOEO DVI Shelter

Pam Favreau - Former COTS Family Shelter Director

Neighbors of the Ethan Allen Club

Ward One Neighborhood Planning Assembly

Champlain College



298 College St

Hungerford Terrace

© 2014 Google

Imagery Date: 5/19/2012 44°28'39.89" N 73°

RECEIVED

DEC - 8 2014

DEPARTMENT OF
PLANNING & ZONING





Google earth

feet
meters

20
6

