

Burlington Development Review Board

Department of Permitting & Inspections
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BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 17, 2022, 5:00 PM

PUBLIC HEARING NOTICE

Remote Meeting

Zoom: https://us02web.zoom.us/webinar/register/WN_Z6G3P2ykQDqGB4n1cQTdkA

Passcode: 331136

Webinar ID: 865 8579 4606

Telephone: US +1 312 626 6799 or +1 346 248 7799 or +1 669 900 6833 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592

- 1. ZP-22-171; 23 North Champlain Street (RH, Ward 3C) Henry Stark**
Establish a bed and breakfast (short-term rental) within existing duplex; one bedroom in each unit totaling 2 bedrooms (one unit owner occupied). (Project Manager, Mary O'Neil)
- 2. ZP-22-168; 69 Monroe Street (RH, Ward 3C) Matthew Volin & Fiona Lee**
Establish a bed and breakfast (short-term rental) within existing residence. (Project Manager, Mary O'Neil)
- 3. ZP-22-97; 228 Maple Street (RH, Ward 6S) Mark Kuprych**
Establish a bed & breakfast (short-term rental) use within one unit of the existing 8-unit apartment building. Applicant also requests a parking waiver. (Project Manager, Ryan Morrison)
- 4. ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn**
Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. (Project Manager, Scott Gustin)
- 5. ZP-22-200; 38 South Winooski Avenue (FD5, Ward 8E) First Congregational Church / Doug Viehmann**
Two-lot subdivision. No new development included. (Project Manager, Ryan Morrison)

Plans may be viewed upon request by contacting the Department of Permitting & Inspections between the hours of 8:00 a.m. and 4:30 p.m. Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Zoning office is considered public and cannot be kept confidential. This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/dpi/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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Department of Permitting and Inspections

Zoning Division
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Charlene Orton, Permitting and Inspections Administrator
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Permit Administrator



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: May 17, 2022
RE: ZP-22-171, 23 North Champlain 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 Number: ZP-22-171

Zone: RH **Ward:** 3C

Date application accepted: March 20, 2022

Applicant/ Owner: Henry Stark

Request: Establish 2 bedroom bed & breakfast in existing duplex.

Background:

- **Zoning Permit 21-0642CA;** convert single family dwelling to a duplex. Finish basement as part of the conversion. Add 2 egress windows to basement and skylights to roof. Install new doorway for 2nd dwelling unit. Install replacement windows. Replace HVAC. February 2021.
- **Zoning Permit 03-055;** installation of vinyl siding, corner boards, soffits and window trim. August 2002.

Overview: 23 North Champlain Street is a duplex situated on an interior lot, behind 21 North Champlain Street and enjoying a shared access driveway. A permit in 2021 recognized four parking spaces for the duplex. The application requests a change of use to Bed and Breakfast, renting one bedroom in the downstairs unit, and one bedroom in the upstairs unit. The owner would also like to rent his own room while he travels, but will maintain this dwelling as his own residence to satisfy the owner-occupancy requirement.

Recommended motion: Conditional Use approval, per the following Findings and Conditions:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review

Section 3.5.6 (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 each of the following general standards:

- 1. Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

Utilizing one bedroom in each unit to Bed and Breakfast use would not appreciably alter the current impacts of the duplex use. **Affirmative finding.**

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

The property is located within the residential – high density zone. The neighborhood consists of single- and multi-family homes, ranging in scale. The previous zoning permit recognized 4 parking spaces on the interior lot. Residential density will remain unaffected. The property remains in character with the zoning district. **Affirmative finding.**

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

There is nothing within the application that includes a change to the existing residential structure. A Bed and Breakfast approval will provide living space for guests on a short term basis. The less-than-30 day rental is not expected to generate nuisance impacts from noise, odor, dust, or similar. **Affirmative finding.**

- 4. The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

Little, if any, change in traffic is expected. Short term guests will arrive and depart within established timeframes. Guests will be within easy bike or walking distance to the downtown and area attractions. **Affirmative finding.**

- 5. The utilization of renewable energy resources*

Nothing in this application would preclude the use of wind, water, solar, geothermal, or other renewable energy resource. **Affirmative finding.**

6. *Any standards set forth in existing City bylaws and city and state ordinances:*

The bed and breakfast must adhere to applicable life safety standards and provide payment of rooms and meals taxes as per the State of Vermont relative to short term rentals. **Affirmative finding as conditioned.**

(b) Major Impact Review Standards

Not applicable.

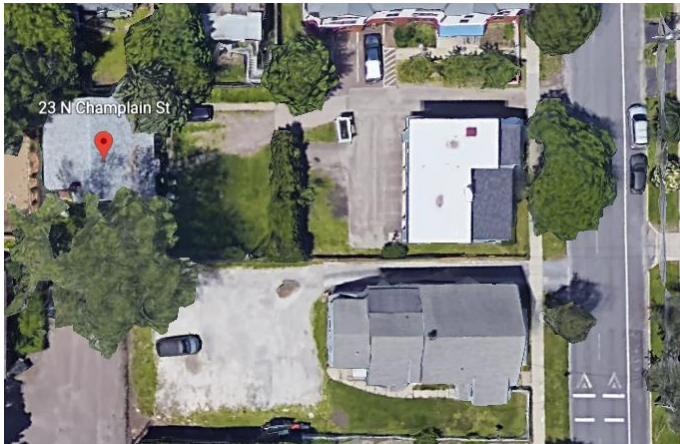
(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) and (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The bed and breakfast is not expected to produce adverse effects in need of mitigation. The site is an inner parcel, situated behind existing development.

Affirmative finding.



2. *Time limits for construction.*

No construction timeline or phasing is included in this proposal. **Affirmative finding.**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.* Guest check-ins will be limited to 7:00 am – 10:00 pm to minimize noise, traffic,

and neighborhood nuisances. **Affirmative finding as conditioned.**

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions;*

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time. **Affirmative finding as conditioned.**

and,

5. *Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

5. 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. Parking is intended to be hidden either behind or underneath structures.

23 North Champlain Street is an existing duplex, on an interior lot behind 21 North Champlain Street. The parking area is existing, although there is no earlier approved site plan to formalize the size of the parking area. No exterior structural changes are included in this application. A previous approval included 4 parking spaces on the lot, behind 21 North Champlain Street.

The application includes a parking plan for 4 spaces meeting the requirement for the change of use: 2 for the owner unit, 1 for the single bedroom second unit to be rented and 1 for the room rented within the owner's unit. A rearranged parking plan allows cars to move independently without valet service.

Affirmative finding.

(b) Dimensional Standards and Density

Table 4.4.5-3 Residential District Dimensional Standards

The last approval (ZP21-0642CA) included a lot coverage at 40.40% on a 5,876 sf lot. This application proposes 37% lot coverage on a revised site plan with lot dimensions confirmed. The RH district allows 80% lot coverage allowance. The parking meets the required 5' minimum setback for the parking area. **Affirmative finding.**

(c) Permitted and Conditional Uses

The "bed and breakfast" (short term rental) use is conditional in the RH zone. Owner occupancy is required, and up to 5 rooms may be let. The applicant has provided evidence that 23 North Champlain Street is his home. Owner occupancy is a prerequisite for consideration of a Bed and Breakfast. The bed and breakfast / short term rental will contain 2 rental bedrooms (with the additional rental of the owner's room while he is out of town) across two units. The owner must maintain 23 North Champlain Street as his primary residence. **Affirmative finding as conditioned.**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Section 8.1.8 Minimum Off-Street Parking Requirements

The property is located within the Neighborhood Parking District. Each unit requires 2 parking spaces. “Bed & Breakfast” uses require 1 parking space per bedroom. For the two units that remain discrete, 4 spaces are required. Two parking spaces are required for the owner’s unit, one parking space for the (single bedroom) second unit and another space for the second bedroom rental for a total of four spaces. There are currently four as approved under ZP21-0642CA. The applicant proposes 4 spaces, arranged to allow independent movement of two of the vehicles.

Affirmative finding.

Article 13: Definitions

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 property owner has confirmed that he lives on-site. **Affirmative finding.**

II. Recommended Conditions of Approval

1. This approval is predicated on continued owner-occupancy of the property for the duration of the short term rental use.
2. Guest check-ins should be limited to 7:00 am – 10:00 pm to minimize noise, traffic, and neighborhood nuisances.
3. The short term rental must adhere to required life safety standards and provide payment of applicable rooms and meals taxes as per the State of Vermont.
4. All guest parking shall be on-site and off-street.
5. Standard permit conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.

23 North Champlain St

Parking Plan – Bed & Breakfast Application

Planning & Zoning Review

Submitted by:

Henry Stark

802-825-6433

abbottstark@gmail.com

3/21/2022

23 N Champlain – Site Plan – Lot Coverage

Lot Size: 5,876 Sq Ft

Lot Coverage:

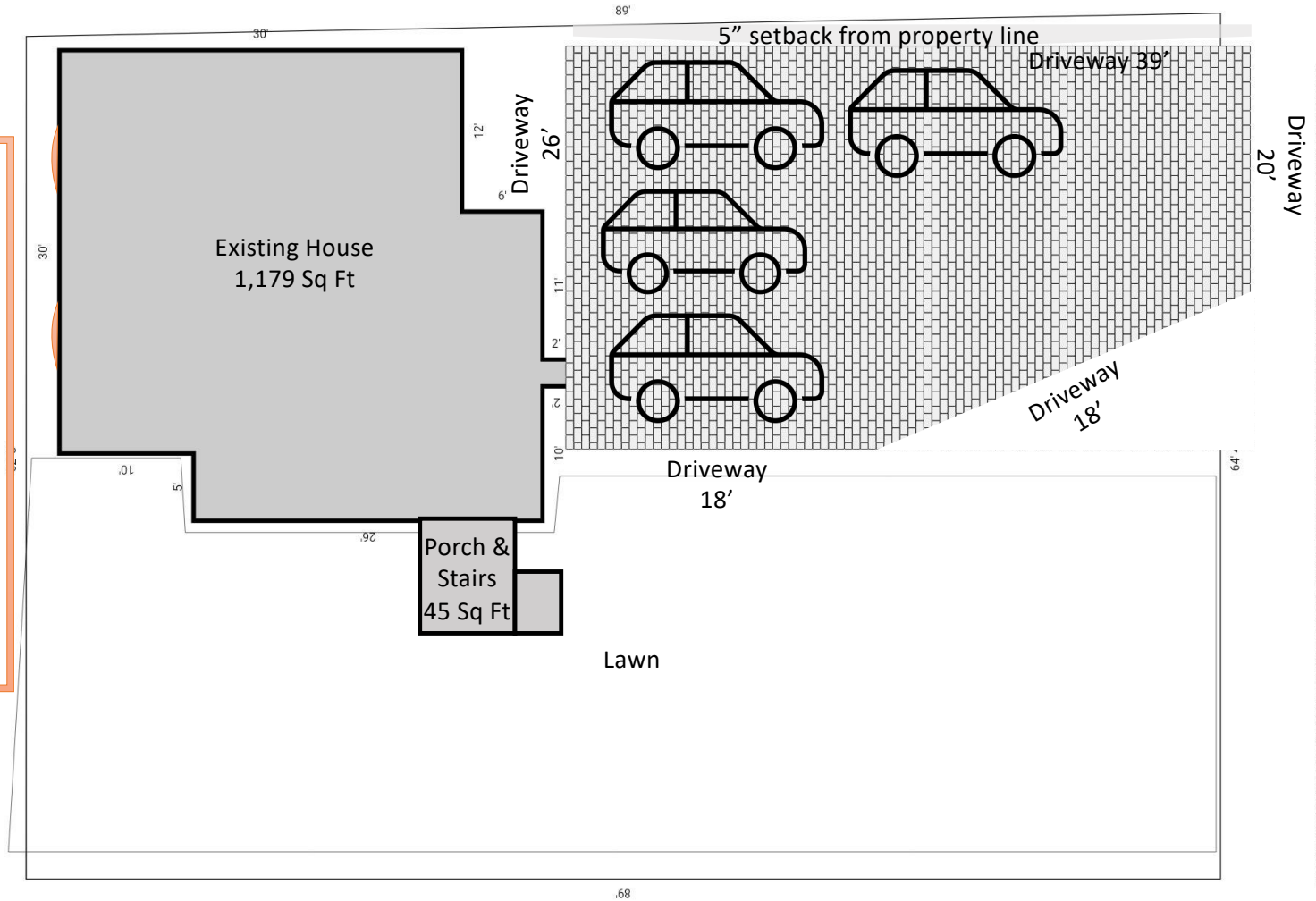
Existing House: 1,179 Sq Ft

Side Porch & Stairs: 45 Sq Ft

Paved/Dirt Driveway

Total Lot Coverage:

**Coverage As Percentage
Coverage**



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Charlene Orton, DPI Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: May 17, 2022
RE: ZP-22-179; 48 Sunset Cliff Road

=====

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Zone: WRL Ward: 4N

Owner/Applicant: Mort & Nurit Zachter / Michael Koch

Request: Construct replacement single family dwelling and associated site improvements (see also ZP-22-12).

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicants are seeking approval to construct a new detached single family dwelling and related site improvements. Demolition of the existing residence was approved under separate zoning permit approved by the Development Review Board on March 22, 2022. Seawall reconstruction was also included in that prior permit.

The Conservation Board reviewed this application April 4, 2022 and recommended approval of the application as presented.

The Design Advisory Board reviewed this application April 26, 2022 and recommended approval subject to the following conditions:

1. In order for the garage to be secondary to the residence, the DAB accepts one of the following modifications:
 - A. Install the garage door flush with the face of the surrounding wall plane, in which case the location of the proposed is acceptable.
 - B. Move the 39' wide center portion of the front façade forward so that it is proud of the garage wall.
 - C. Move the left hand wall of the front façade forward so that it is proud of the garage wall.
2. Recommend to increase the depth of the roof eaves on the front façade to be 24" min.
3. Decrease the width of the driveway to be no wider than 18'-0".
4. At the front patio, use a material that is different and distinct from the driveway.

5. Depict outdoor lighting fixture locations and mechanical equipment per staff comments.

Revised project plans have been submitted to reflect the recommendations of the Design Advisory Board.

Prior zoning permit actions for this property.

- 3/22/22, Approval for seawall reconstruction and home demolition

Recommendation: **Certificate of appropriateness approval** as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability

The new construction triggers applicability of impact fees. Impact fees must be paid on the net new square footage of the new home. If there is no net increase in square footage, then no impact fees are due. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(2) Waterfront Residential Low Density (WRL)

The subject property is located in the WRL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes with consideration given to design review. The replacement single family home is consistent with this purpose.

(Affirmative finding)

(b) Dimensional Standards & Density

Residential density will be just 1 dwelling unit on this 0.71 acre lot.

Lot coverage will be 22%, just slightly higher than the prior 21%. Coverage remains below the permissible 35% maximum.

The proposed home will be set further from the lake and closer to the road than the prior home. The 75' waterfront setback is not met but is compliant via the average waterfront setback of neighboring homes (46' proposed, 33' average). The front yard setback is 155' and is well beyond 50' wherein the average front yard setback of neighboring waterfront properties becomes moot. Compliant 10% side yard setbacks are depicted on the proposed site plan.

The proposed home is ~ 15' tall to its ridgeline (and less than that to the mid-point of the roof rise). Height is well below the 35' limit. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The replacement single family home is a permitted use. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

See Sec. 4.4.5 (b) above relative to the nonconforming waterfront setback.

2. Height

No height bonuses are being sought. **(Not applicable)**

3. Lot Coverage

No lot coverage bonuses are being sought. **(Not applicable)**

4. Accessory Residential Structures and Uses

An accessory patio is proposed on the lake side of the home and complies with the average waterfront setback. A walkway/stepped ramp is proposed to access the lake and is a permitted waterfront setback encroachment. **(Affirmative finding)**

5. Residential Density

The dwelling is limited to occupancy by a family as defined in the Comprehensive Development Ordinance. **(Affirmative finding)**

6. Uses

No neighborhood commercial use is included in this proposal. **(Not applicable)**

7. Residential Development Bonuses

No development bonuses are being sought. **(Not applicable)**

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

The subject property is affected by the Riparian and Littoral Conservation Zone (250' width from the 95.5' lakeshore elevation). This overlay zone limits the clearing of vegetation and new stormwater outfalls. No tree removal is noted on the project plans, and the required "low mow" zone is depicted along the property's shoreline. No new stormwater outfalls are proposed. The required stormwater measures and erosion prevention and sediment control plan have been provided to the city's stormwater program for review and approval. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

(Not applicable)

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to result in creating a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Outdoor lighting fixture specifications have been provided and include a recessed canister fixture (for entries), step light, and landscape accent light. Locations are depicted on plan sheet A110. The fixtures and illumination are acceptable. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

As more than 400 sf of earth disturbance is proposed, a “small project erosion control” form has been provided. As noted above, it has been provided to the city’s stormwater program for review. It has been approved. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The subject property is located along the Lake Champlain shoreline north of Appletree Point. The shoreline is an identified significant natural area. Much of the property is affected by the Natural Resource Protection Overlay District, specifically the riparian and littoral conservation zone, which stretches inland 250’ from the 95.5’ lakeshore elevation. A new low-mow area will be established along the property’s lakefront as required. The Conservation Board voted to recommend approval of the project. **(Affirmative finding)**

(b) Topographical alterations

Much of the lot is flat but drops steeply towards the lakeshore along its western boundary. Existing topographic conditions will remain largely unchanged. **(Affirmative finding)**

(c) Protection of important public views

Distant terminal views of Lake Champlain and the Adirondack mountains will remain essentially unchanged. There are no public views associated with this property. The proposed home is modest in scale, and most mature vegetation will be retained. Its construction will not adversely affect public views from the lake towards shore. **(Affirmative finding)**

(d) Protection of important cultural resources

The property contains no known archaeological resources. Much of the lakeshore is archaeologically sensitive. If, during construction, artifacts are unearthed, it is the applicant’s responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance. **(Affirmative finding as conditioned)**

(e) Supporting the use of alternative energy

There is no indication that the proposed home will utilize alternative energy. Solar energy utilization is encouraged. In any event, the home will not adversely impact the actual or potential use of alternative energies by neighboring properties. **(Affirmative finding)**

(f) Brownfield sites

The subject property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

As required, an erosion prevention and sediment control plan has been provided to the city's stormwater program staff. Stormwater runoff will be largely infiltrated within surrounding green space. The front entrance is sheltered within a small alcove. **(Affirmative finding)**

(h) Building location and orientation

The location of the proposed home will be shifted inland as compared to the existing home, although it will remain in the back half of the property. The new home will have a front door facing inland towards a new walkway connecting to the driveway and garage.

This criterion calls for setting garages behind the longest street facing wall of the residence. The intent is for the garage to have a location secondary to that of the residence. The project plans have been revised to set the face of the garage slightly behind the front plane of the residence's longest street facing wall (option C of the DAB's recommendation). **(Affirmative finding)**

(i) Vehicular access

An existing driveway will continue to serve the property, albeit in reconfigured format to serve the new home. **(Affirmative finding)**

(j) Pedestrian access

This criterion requires that a pedestrian walkway be provided from the front door to the public sidewalk or street. This property is along a private road without sidewalks. No front walkway is proposed. Consistent with past practice in such situations, no front walkway is required. **(Affirmative finding)**

(k) Accessibility for the handicapped

No handicap accessibility is evident or required with this proposal. **(Affirmative finding)**

(l) Parking and circulation

Parking will be provided within the attached garage and the driveway. Circulation and access is provided via the private driveway. Per recommendation of the Design Advisory Board, the driveway has been modified. It has been lessened in width to comply with the 18' width limitation, and the turn-around in front of the residence shows a different crushed stone material than the driveway. It, too, has been narrowed. A more obviously different material than a different size crushed stone as compared to the driveway gravel is recommended to more fully address the DAB's recommendation. Pavers or concrete would suffice. **(Affirmative finding as conditioned)**

(m) Landscaping, fences, and retaining walls

Most existing mature vegetation will be retained. As noted above, a low-mow zone will be established along the property's lakeshore. The proposed landscaping plan depicts a variety of

new plantings to accent the building and its front entrance. Additional plantings are proposed along the side property lines as well. Proposed species are not invasive and appear to be acceptable. **(Affirmative finding)**

(n) Public plazas and open space

No public plaza or open space is included or required in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Existing electric is buried and will remain so as proposed. Utility meter locations are depicted on elevation drawings. They are acceptably located on the side of the proposed home. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed home is shorter, and overall smaller, than the existing home. It is a single story as opposed to two and appears to have a smaller footprint. Massing of the structure is broken up by distinct building components along the front and rear elevations. The hip roof ties the design together. The proposed home has a much more contemporary appearance than the home to be replaced. The scale of the proposed home is compatible with nearby properties. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed home will have a low-slung hip roof. While relatively uncommon for homes in Burlington, this roof style enhances the contemporary appearance of the structure. **(Affirmative finding)**

3. Building Openings

The primary front entrance is clearly articulated and is contained within a sheltered alcove. Fenestration is appropriately scaled and stylistically appropriate for the proposed building design. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing building previously approved for demolition is not listed on the state or national historic register, nor has it been deemed eligible for listing. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As with most other homes along Sunset Cliff Road, the proposed home is set back relatively far from the road. There is little perceptible streetscape in this neighborhood. As noted before, the proposed home incorporates a readily identifiable front entrance facing the street. **(Affirmative finding)**

(e) Quality of materials

The proposed home will be clad in wooden siding and standing seam metal roofing. Aluminum frame windows will be installed throughout. Steel panel cladding will accent the front entry. The materials proposed are of acceptable quality and durability for this new construction. **(Affirmative finding)**

(f) Reduce energy utilization

The proposed building must comply with the current energy efficiency standards of Burlington and the State of Vermont. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

No building- or ground-mounted mechanical equipment is included in the project plans. If any is proposed, it must be depicted and screened. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The proposed building must comply with the city's current egress requirements. Building entries will be illuminated. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As such, the single family dwelling requires 2 parking spaces. The 2 required parking spaces will be provided for within the garage and driveway. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(b) Front Yard Parking Restricted and Residential Driveways

See Sec. 6.2.2. (l).

II. Conditions of Approval

1. If any ground- or building-mounted mechanical equipment is proposed, it must be depicted on project plans and screened.
2. The turn-around / patio in front of the residence should be concrete, pavers, or similar material (as opposed to crushed stone) to differentiate it from the driveway gravel.
3. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the net new square footage of the proposed development. If no net increase in square footage, no impact fees are due.
4. If, during construction, artifacts are unearthed, it is the applicant's responsibility to stop earthwork and to contact the Vermont Division for Historic Preservation for further guidance.
5. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state.
6. Standard permit conditions 1-15.



CIVIL ENGINEERING ASSOCIATES, INC.

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E-Mail: mkoch@cea-vt.com

March 22, 2022

Scott Gustin, AICP, CFM, Principal Planner for Development Review
Permitting & Inspections
645A Pine Street
P.O. Box 849
Burlington, VT 05402-0849

**Re: Zachter - 48 Sunset Cliff Road
Zoning Permit Application**

Dear Mr. Gustin:

Please find enclosed Zoning Permit Application and supporting information for the proposed construction of a replacement single-family residence at 48 Sunset Cliff Road. Concurrently, the applicant is seeking approval for the proposed demolition of the existing single-family residence under ZP-22-12.

The landowners of 48 Sunset Cliff Road, Mort and Nurit Zachter, seek approval for the proposed construction of a single-family residence and related site improvements. The property is located within the Waterfront Residential - Low Density (RL-W) zoning district in addition to the Design Review, RL Larger Lot and Riparian & Littoral Conservation, and Wetland Conservation overlay districts.

Construction of replacement single-family residence:

A 2-bedroom, 2.5-bathroom, single-family residence is proposed in the general vicinity of the existing residence. The proposed residence includes 1,736 square feet of habitable area. The proposed residence is more compliant than the existing residence with respect to the waterfront setback and side yard setbacks. For additional detail, please refer to enclosed architectural plan set, lighting cut sheets, and window and door cut sheets prepared by Birdseye.

The waterfront setback was calculated by averaging the waterfront setback of the existing principal structures within a distance of 150 feet on both sides of 48 Sunset Cliff Road. The waterfront setback of the proposed principal structure is not within the average alignment of the adjoining structures. Please refer to enclosed Sheet C2.0 for additional detail.

Utility connections:

The proposed replacement 2-bedroom single-family residence will connect to the existing underground utility stubs that serve the existing 4-bedroom single-family residence. This application does not propose any increases to existing water or wastewater design flows.

Parking:

The property is located within the Neighborhood Parking District. Based on Table 8.1.8-1, two (2) parking spaces are required for a single-family detached dwelling. The proposed dwelling includes an attached one-car garage. Additional parking is available in the driveway, as depicted on the enclosed site plans.

Seawall (permitted under ZP-22-12):

The average height of the exposed face of the proposed seawall is 4.3 feet. A significant portion of the seawall will be obscured from view by the proposed grading. The proposed grades along the beach, which have been designed to match the existing undulating grades, will lessen a long monotonous unarticulated expanse of concrete and will minimize adverse visual impacts to neighboring properties. Additionally, the two adjacent properties feature existing concrete seawalls, making the proposed concrete seawall aesthetically harmonious within the context of the neighboring properties. The existing adjacent concrete seawalls are shown on pages 1 and 3 of the enclosed Existing Conditions Photos, in addition to Sheet A900. As a result, the proposed grading and seawall meets the intent of Section 6.2.2 (m).

Proposed Low Mow Zone:

Based on the lot coverage for the proposed single-family residence and related site improvements, the required Low Mow Zone is depicted on the enclosed Sheet C2.0. The area of the proposed Low Mow Zone exceeds the 80% requirement in Section 4.5.4.c.4.

Landscaping:

Please refer to enclosed landscape plan, Sheet L000, prepared by Wagner Hodgson, which includes plantings to aid in slope stabilization within the proposed Low Mow Zone.

EPSC & stormwater:

Silt fence will be installed downgradient of the disturbed areas associated with this project. Disturbed areas will be top soiled, seeded, and mulched as soon as reasonably possible. Erosion control matting will be installed on slopes steeper than 3:1. Please refer to enclosed Sheets C3.0 and C3.1 for additional detail. A Standard Project EPSC Plan is being submitted concurrently with this application.

Under the existing conditions, which include a single-family residence, there are approximately 6,520 square feet of impervious surface at 48 Sunset Cliff Road. Based on the proposed conditions for the replacement residence and related impervious areas, the proposed impervious area will be increased by approximately 300 square feet to approximately 6,820 square feet.

A crushed stone dripline infiltration trench is proposed around the perimeter of the residence to control erosive runoff from the rooftop. The voids in the crushed stone of the trench will provide storage and detainment for runoff. Any runoff stored in the trench, which does not infiltrate into the surrounding and underlying soils, will be conveyed to an outfall at the seawall by the foundation drain. This application proposes a net reduction in the number of outfalls on the property. The proposed outfall will discharge on to a stone pad to dissipate energy. The beach at

48 Sunset Cliff is ledge-based, not sand, further reducing the opportunity for erosion. While dripline piping typically daylight to a vegetated surface, it is not recommended for this particular property as introducing additional water behind the seawall will compromise the longevity of the seawall and the stability of the shoreline. Runoff from the driveway will sheet flow over the adjacent lawn. The proposed patio at the rear of the residence will be comprised of a pervious surface. Runoff from the proposed gravel step ramp to the seawall will largely sheet flow through the vegetated surrounding Low Mow Zone.

Wetlands:

The eastern portion of the property is mapped as being located within the Wetland Conservation Overlay District. Dori Barton, Ecologist and Project Manager, of Arrowwood Environmental, visited the site. Based on Ms. Barton's observations, there are no wetlands or wetland buffers overlapping the eastern portion of the property. Please refer to enclosed wetland determination.

We look forward to working with staff and the Development Review Board in facilitating this application. If you should have any questions or require any additional information, please feel free to contact me at 864-2323, ext. 309 or at mkoch@cea-vt.com.

Respectfully,

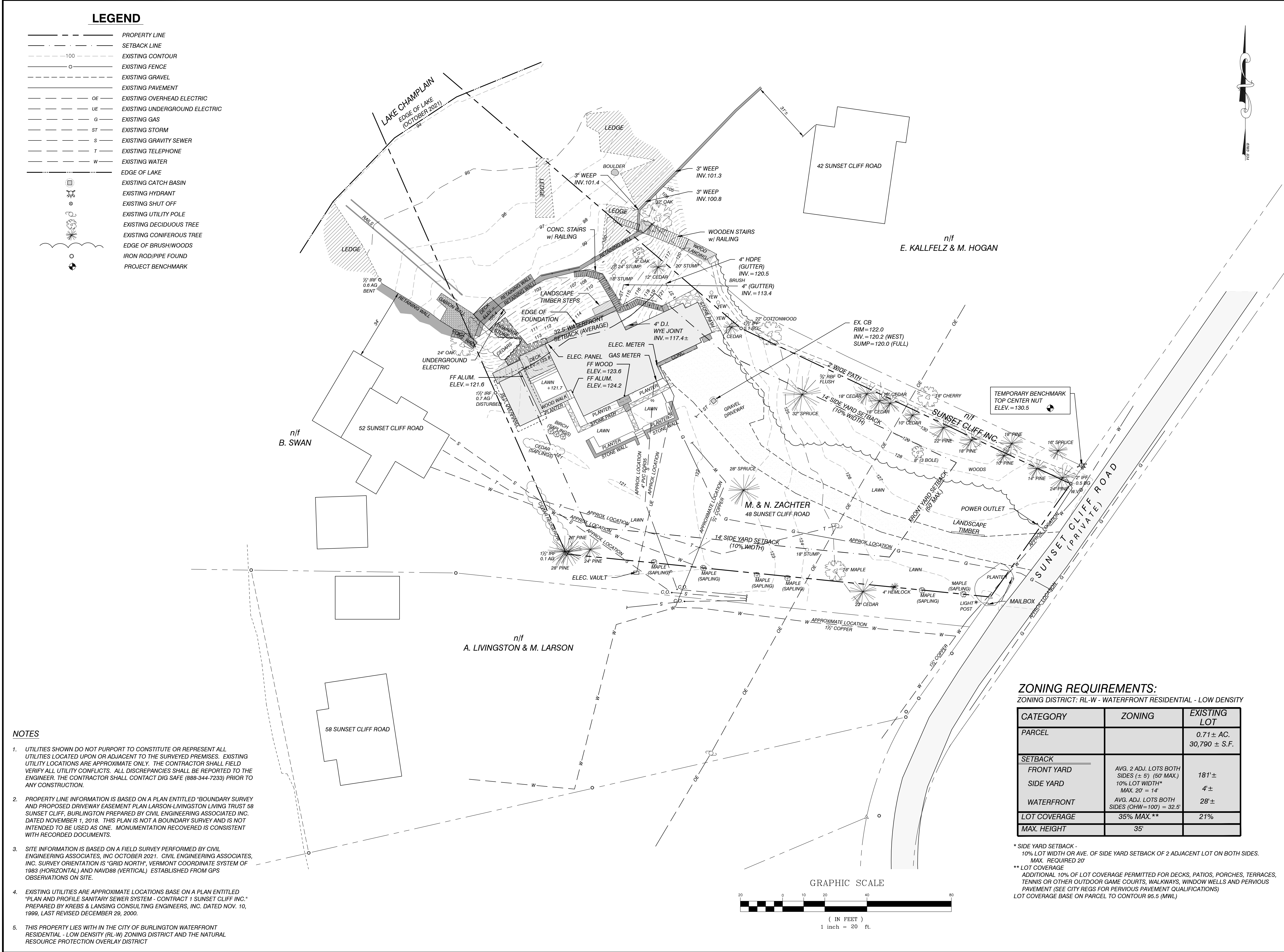


Michael Koch
Staff Engineer

Enclosures: Zoning Permit Application, application fee, Property Owner Consent Form, COA II Preliminary Plat Checklist, wetlands determination, existing conditions photos (both separate PDF and also incorporated into architectural plans on Sheet A900), and an electronic copy of the civil plan set (Sheets C1.0, C2.0, C3.0, C3.1, C4.0, C4.1, C5.0, C5.1, and C5.2), architectural plan set (including landscaping plan), lighting cut sheets, and window and door cut sheets

cc: Birdseye (electronic copies), CEA File 21240

P:\AutoCADD Projects\2021\21240-Birdseye-Sunset Cliff\3-Permitting\1-Local Applications\Replacement Dwelling\Cover Letter.docx



SITE ENGINEER:

CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
P: 802-864-2323 FAX: 802-864-2271 web: www.cea-vt.com

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CHECKED
MCK

APPROVED
JLM

CLIENT:

BIRDSEYE BUILDERS

3104 HUNTINGTON RD.
RICHMOND, VT. 05477

PROJECT:

MORT & NURIT ZACHTER

48 SUNSET CLIFF ROAD
BURLINGTON, VERMONT

BURLINGTON

PROJECT LOCATION

LAKE CHAMPLAIN

APPLETREE BAY

LOCATION MAP

1" = 2000'

DATE	CHECKED	REVISION
02/14/22	JLM	GENERAL REVISIONS
03/16/22	JLM	PERMITS FOR REPLACEMENT RESIDENCE

EXISTING CONDITIONS PLAN

DATE
12/01/2021

SCALE
1" = 20'

PROJ. NO.
21240

DRAWING NUMBER
C1.0

ZONING REQUIREMENTS:
ZONING DISTRICT: RL-W - WATERFRONT RESIDENTIAL - LOW DENSITY

CATEGORY	ZONING	EXISTING LOT
PARCEL		0.71 ± AC. 30,790 ± S.F.
SETBACK		
FRONT YARD	AVG. 2 ADJ. LOTS BOTH SIDES (± 5') (50' MAX.)	181' ±
SIDE YARD	10% LOT WIDTH* MAX. 20' = 14'	4' ±
WATERFRONT	AVG. ADJ. LOTS BOTH SIDES (OHW=100') = 32.5'	28' ±
LOT COVERAGE	35% MAX. **	21%
MAX. HEIGHT	35'	

* SIDE YARD SETBACK - 10% LOT WIDTH OR AVE. OF SIDE YARD SETBACK OF 2 ADJACENT LOT ON BOTH SIDES. MAX. REQUIRED 20'

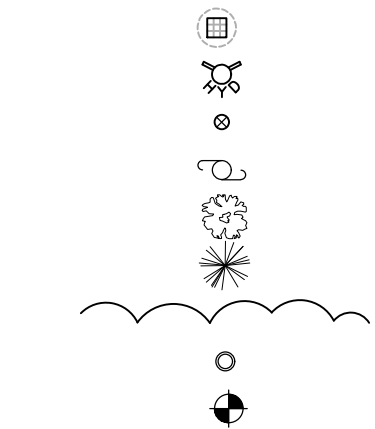
** LOT COVERAGE ADDITIONAL 10% OF LOT COVERAGE PERMITTED FOR DECKS, PATIOS, PORCHES, TERRACES, TENNIS OR OTHER OUTDOOR GAME COURTS, WALKWAYS, WINDOW WELLS AND PERVIOUS PAVEMENT (SEE CITY REGS FOR PERVIOUS PAVEMENT QUALIFICATIONS)
LOT COVERAGE BASE ON PARCEL TO CONTOUR 95.5 (MWL)

GENERAL NOTES

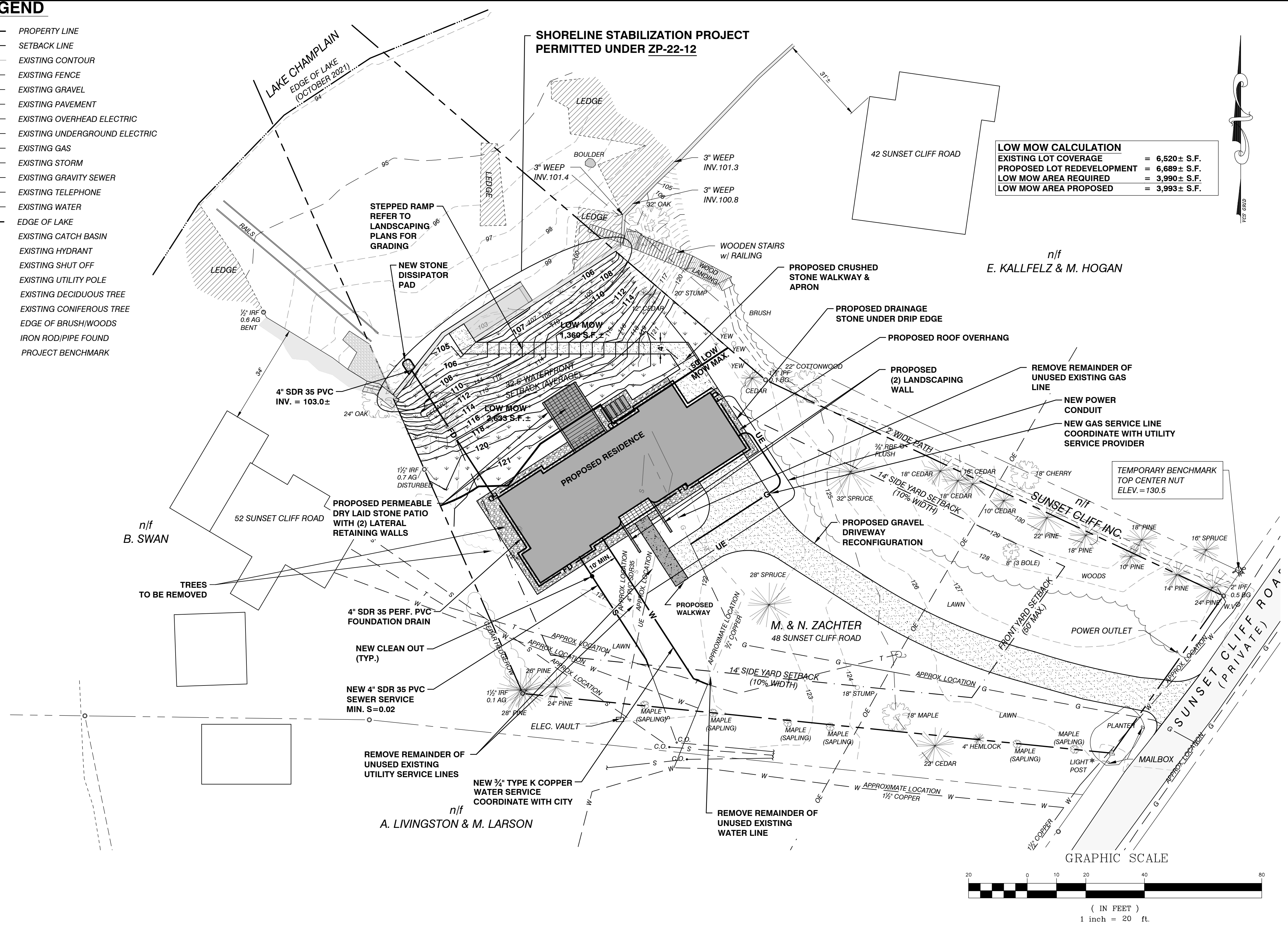
- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION. IN ADDITION, THE CONTRACTOR SHALL HIRE A PRIVATE UTILITY LOCATING FIRM TO LOCATE OWNER OWNED UNDERGROUND UTILITIES PRIOR TO START OF ANY EXCAVATION.
- ALL EXISTING UTILITIES NOT INCORPORATED INTO THE FINAL DESIGN SHALL BE REMOVED OR ABANDONED AS INDICATED ON THE PLANS OR DIRECTED BY THE ENGINEER.
- THE CONTRACTOR SHALL MAINTAIN AS-BUILT PLANS (WITH TIES) FOR ALL UNDERGROUND UTILITIES. THOSE PLANS SHALL BE SUBMITTED TO THE OWNER AT THE COMPLETION OF THE PROJECT.
- THE CONTRACTOR SHALL REPAIR/RESTORE ALL DISTURBED AREAS (ON OR OFF THE SITE) AS A DIRECT OR INDIRECT RESULT OF THE CONSTRUCTION.
- ALL GRASSED AREAS SHALL BE MAINTAINED UNTIL FULL VEGETATION IS ESTABLISHED.
- MAINTAIN ALL TREES OUTSIDE OF CONSTRUCTION LIMITS.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL WORK NECESSARY FOR COMPLETE AND OPERABLE FACILITIES AND UTILITIES.
- THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL ITEMS AND MATERIALS INCORPORATED INTO THE SITE WORK. WORK SHALL NOT BEGIN ON ANY ITEM UNTIL SHOP DRAWING APPROVAL IS GRANTED.
- IN ADDITION TO THE REQUIREMENTS SET IN THESE PLANS AND SPECIFICATIONS, THE CONTRACTOR SHALL COMPLETE THE WORK IN ACCORDANCE WITH ALL PERMIT CONDITIONS AND ANY LOCAL PUBLIC WORKS STANDARDS.
- THE TOLERANCE FOR FINISH GRADES FOR ALL PAVEMENT, WALKWAYS AND LAWN AREAS SHALL BE 0.1 FEET. UNLESS NOTED OTHERWISE, ALL EXISTING MANHOLE COVERS, VALVES, CURB STOPS AND OTHER ITEMS TO REMAIN SHALL BE ADJUSTED TO THE NEW FINISH GRADE.
- ANY DEWATERING NECESSARY FOR THE COMPLETION OF THE SITEWORK SHALL BE CONSIDERED AS PART OF THE CONTRACT AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
- THE CONTRACTOR SHALL COORDINATE ALL WORK WITHIN TOWN ROAD R.O.W. WITH TOWN AUTHORITIES.
- THE CONTRACTOR SHALL INSTALL THE ELECTRICAL, CABLE AND TELEPHONE SERVICES IN ACCORDANCE WITH THE UTILITY COMPANIES REQUIREMENTS.
- EXISTING PAVEMENT AND TREE STUMPS TO BE REMOVED SHALL BE DISPOSED OF AT AN APPROVED OFF-SITE LOCATION. ALL PAVEMENT CUTS SHALL BE MADE WITH A PAVEMENT SAW.
- IF THERE ARE ANY CONFLICTS OR INCONSISTENCIES WITH THE PLANS OR SPECIFICATIONS, THE CONTRACTOR SHALL CONTACT THE ENGINEER FOR VERIFICATION BEFORE WORK CONTINUES ON THE ITEM IN QUESTION.
- PROPERTY LINE INFORMATION IS BASED ON A PLAN ENTITLED "BOUNDARY SURVEY AND PROPOSED DRIVEWAY EASEMENT PLAN LARSON-LIVINGSTON LIVING TRUST 58 SUNSET CLIFF, BURLINGTON PREPARED BY CIVIL ENGINEERING ASSOCIATED INC. DATED NOVEMBER 1, 2018. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
- THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING TESTING AND INSPECTION SERVICES INDICATED IN THE CONTRACT DOCUMENTS, TYPICAL FOR CONCRETE AND SOIL TESTING.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL LAYOUT AND FIELD ENGINEERING REQUIRED FOR COMPLETION OF THE PROJECT. CIVIL ENGINEERING ASSOCIATES WILL PROVIDE AN AUTOCAD FILE WHERE APPLICABLE.
- THE OWNER SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ANY AND ALL SAFETY FENCES OR RAILS ABOVE EXISTING AND PROPOSED WALLS. THE OWNER SHALL VERIFY LOCAL, STATE AND INSURANCE REQUIREMENT GUIDELINES FOR THE INSTALLATION AND VERIFY ANY AND ALL PERMITTING REQUIREMENTS.

LEGEND

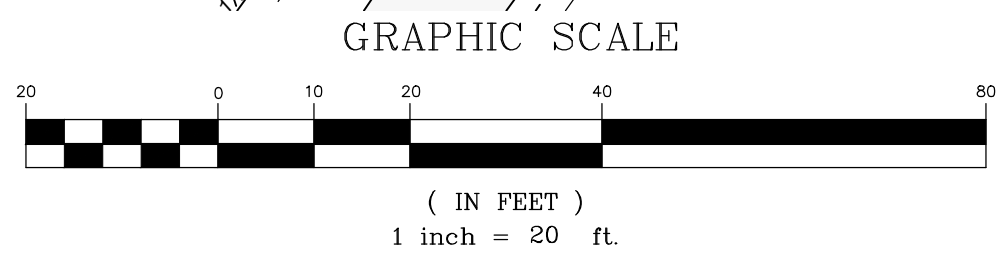
---	PROPERTY LINE
---	SETBACK LINE
---	EXISTING CONTOUR
---	EXISTING FENCE
---	EXISTING GRAVEL
---	EXISTING PAVEMENT
---	EXISTING OVERHEAD ELECTRIC
---	EXISTING UNDERGROUND ELECTRIC
---	EXISTING GAS
---	EXISTING STORM
---	EXISTING GRAVITY SEWER
---	EXISTING TELEPHONE
---	EXISTING WATER
---	EDGE OF LAKE
---	EXISTING CATCH BASIN
---	EXISTING HYDRANT
---	EXISTING SHUT OFF
---	EXISTING UTILITY POLE
---	EXISTING DECIDUOUS TREE
---	EXISTING CONIFEROUS TREE
---	EDGE OF BRUSH/WOODS
---	IRON ROD/PIPE FOUND
---	PROJECT BENCHMARK



SHORELINE STABILIZATION PROJECT
PERMITTED UNDER ZP-22-12



LOW MOW CALCULATION	
EXISTING LOT COVERAGE	= 6,520± S.F.
PROPOSED LOT REDEVELOPMENT	= 6,689± S.F.
LOW MOW AREA REQUIRED	= 3,990± S.F.
LOW MOW AREA PROPOSED	= 3,993± S.F.



ZONING REQUIREMENTS:

ZONING DISTRICT: RL-W - WATERFRONT RESIDENTIAL - LOW DENSITY

CATEGORY	ZONING	EXISTING	PROPOSED
PARCEL		0.71± AC. 30,790 ± S.F.	0.71± AC. 30,790 ± S.F.
SETBACK			
FRONT YARD	AVG. 2 ADJ. LOTS BOTH SIDES (± 5') (50' MAX.)	181'±	155'±
SIDE YARD	10% LOT WIDTH* MAX. 20' = 14'	4'±	25'±
WATERFRONT	AVG. ADJ. LOTS BOTH SIDES (OHW=100') = 32.5'	28'±	46'±
LOT COVERAGE	35% MAX.**	21%	22%
MAX. HEIGHT	35'		

* SIDE YARD SETBACK -
10% LOT WIDTH OR AVE. OF SIDE YARD SETBACK OF 2 ADJACENT LOT ON BOTH SIDES.
MAX. REQUIRED 20'
** LOT COVERAGE
ADDITIONAL 10% OF LOT COVERAGE PERMITTED FOR DECKS, PATIOS, PORCHES, TERRACES, TENNIS OR OTHER OUTDOOR GAME COURTS, WALKWAYS, WINDOW WELLS AND PERVIOUS PAVEMENT (SEE CITY REGS FOR PERVIOUS PAVEMENT QUALIFICATIONS)
LOT COVERAGE BASE ON PARCEL TO CONTOUR 95.5 (MWL)

SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFIELD VIEW LANE, SOUTH BURLINGTON, VT 05403
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BCE

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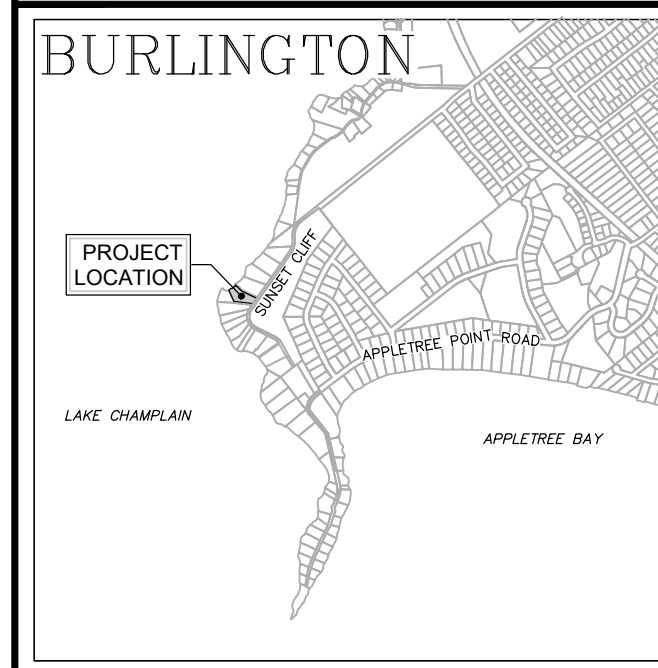
**BIRDSEYE
BUILDERS**

3104 HUNTINGTON RD.
RICHMOND, VT. 05477

PROJECT:

**MORT & NURIT
ZACHTER**

48 SUNSET CLIFF ROAD
BURLINGTON, VERMONT



LOCATION MAP

1" = 2000'

DATE	CHECKED	REVISION
01/28/22	JLM	ADDED SEED NOTES FOR LOW MOW ZONE
02/14/22	JLM	GENERAL REVISIONS
03/18/22	JLM	PERMITS FOR REPLACEMENT RESIDENCE
05/06/22	MLK	UPDATED DRIVEWAY AND BUILDING

**PROPOSED
CONDITIONS
PLAN**

DATE
12/01/2021

SCALE
1" = 20'

PROJ. NO.
21240

DRAWING NUMBER

C2.0

5/9/2022 2:52:22 PM



ZACHTER RESIDENCE

48 SUNSET CLIFF RD
BURLINGTON, VT 05408

2 BED / 2.5 BATH

MAY 17, 2022

FOR ZONING PERMIT



3104 HUNTINGTON ROAD
RICHMOND, VERMONT
802.434.2112
WWW.BIRDSEYEV.T.COM

ZACHTER RESIDENCE
48 SUNSET CLIFF RD
BURLINGTON, VT 05408

SHEET #	TITLE	03.18.22 - PERMIT SET
00. GENERAL		
G000	TITLE SHEET	X
01. CIVIL		
C1.0	EXISTING CONDITIONS SITE PLAN	X
C1.1	PROPOSED CONDITIONS SITE PLAN	X
C1.2	EROSION PREVENTION & SEDIMENT CONTROL PLAN	X
02. LANDSCAPE		
L000	LANDSCAPE PLAN	X
04. ARCHITECTURAL		
A099	CRAWLSPACE PLAN	X
A100	FLOOR PLAN	X
A101	ROOF PLAN	X
A110	EXTERIOR LIGHTING PLAN	X
A200	EXTERIOR ELEVATIONS	X
A201	EXTERIOR ELEVATIONS	X
A220	EXTERIOR WINDOW & DOOR ELEVATIONS	X
A300	BUILDING SECTIONS	X
A320	WALL SECTIONS	X
A900	EXISTING SITE PHOTOS	X
A910	EXTERIOR RENDERINGS	X
A911	EXTERIOR RENDERINGS	X

ARCHITECT

BIRDSEYE

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(o) 802.434.3160

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(e) nate@birdseyevt.com
(o) 802.434.3153
(c) 802.363.3548

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CIVIL ENGINEERING ASSOCIATES, INC.

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(o) 802.864.2323 x309

STRUCTURAL ENGINEER

ENGINEERING VENTURES

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BURLINGTON, VT 05401

(e) chrish@engineeringventures.com
(o) 802.863.6225
(c) 802.343.3547

LANDSCAPE ARCHITECT

WAGNER HODGSON

7 MARBLE AVE
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(e) hkwagner@wagnerhodgson.com
(o) 802.864.0010

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Issue / Revision Log
05.17.2022 PERMIT SET

FOR PERMIT

Title
TITLE SHEET

Sheet Number

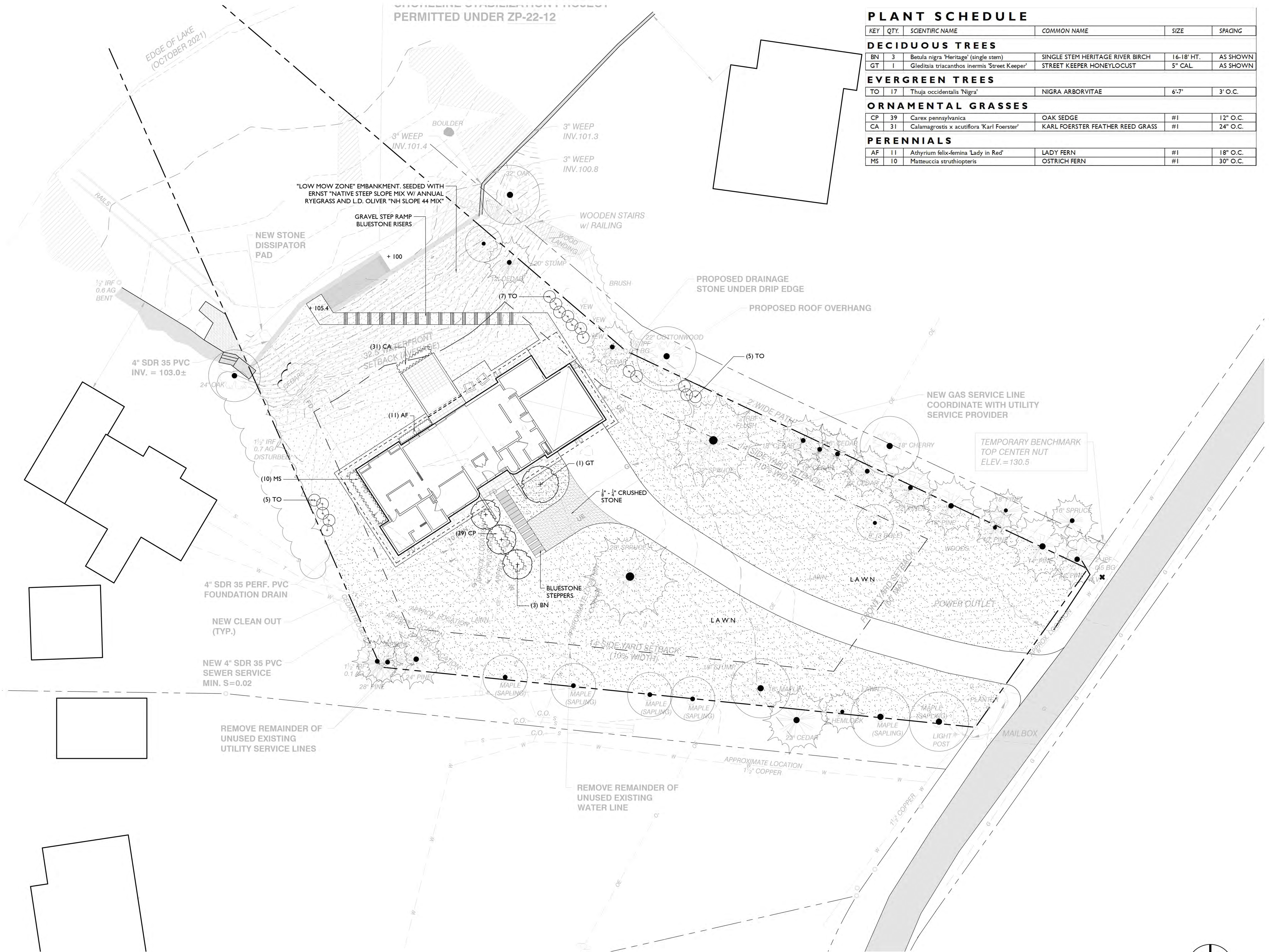
G000

SHEET LIST

CONSULTANT LIST

PLANTING NOTES

- All plant material in the plant schedule shall be nursery grown in accordance with ANSI in accordance with Z.60.1 Standards for measurement of nursery stock.
- All plants shall be guaranteed by the Contractor for a period of one year from date of receipt of Provisional Acceptance of the completed installation by the Owner.
- Replacement plantings will be required prior to Final Acceptance for any plants which are missing, not true to specifications, have died or are unhealthy or uncharacteristic of the species (due to excessive pruning, dieback or other reasons).
- All plant materials shall be selected and tagged at the nursery by Landscape Architect.
- The Landscape Architect's approval is required for any plant material substitutions.
- The Contractor is responsible for immediately notifying the Landscape Architect if any plant quantity discrepancies exist between the planting plan and the plant list.
- All shrubs and trees will be sprayed with the anti-desiccant "Wil-Pruf" (or approved equal) prior to the first Winter (no later than November 30).
- The Landscape Contractor shall have the General Contractor locate all underground utilities in areas to be landscaped prior to commencing any excavation. Adjustments to tree locations will be allowed where utility conflicts are clearly a problem and with prior site approval by Landscape Architect.
- All plant bed, shrub and tree location shall be staked in the field by Contractor for Landscape Architects approval prior to installation.
- Adjustments to plant beds shall be approved by Landscape Architect.
- General Contractor is responsible for all erosion control measures during construction.
- All disturbed areas are to be topsoiled and seeded or sodded, as indicated in the planting plan.
- Mulch shall consist of double-shredded hardwood mulch or approved equal and Contractor is responsible for providing samples of mulch to Landscape Architect. Mulch plant materials as shown on plan and details.
- It is the intent of this contract to avoid any disturbance to existing trees or shrubs on site other than those specifically designated for transplant or removal.
- Liquidated damages for trees damaged by construction operation shall be \$500 per caliper inch. Shrubs shall be \$100 each.
- During construction, and until the end of warranty period, existing trees that are showing signs of stress as determined by the Landscape Architect are to be deep root fertilized, two injections per caliper inch per tree at 18" - 24" depth with Peter's 20/20/20 fertilizer or Landscape Architect approved equal.
- Contractor is responsible for verifying and confirming all plant counts as supplied by the Landscape Architect with field conditions as constructed. Any discrepancies shall be reported to Landscape Architect for approval and direction.
- Tree transplanting shall be performed by a suitable hydraulic tree spade, sized as necessary to perform the work.
- Prior to commencement of any construction, all existing trees to remain shall receive tree protection fence at outer edge of dripline whenever possible.



PLANT SCHEDULE

KEY	QTY.	SCIENTIFIC NAME	COMMON NAME	SIZE	SPACING
DECIDUOUS TREES					
BN	3	Betula nigra 'Heritage' (single stem)	SINGLE STEM HERITAGE RIVER BIRCH	16-18" HT.	AS SHOWN
GT	1	Gleditsia triacanthos inermis 'Street Keeper'	STREET KEEPER HONEYLOCUST	5" CAL.	AS SHOWN
EVERGREEN TREES					
TO	17	Thuja occidentalis 'Nigra'	NIGRA ARBORVITAE	6-7"	3' O.C.
ORNAMENTAL GRASSES					
CP	39	Carex pennsylvanica	OAK SEDGE	#1	12" O.C.
CA	31	Calamagrostis x acutiflora 'Karl Foerster'	KARL FOERSTER FEATHER REED GRASS	#1	24" O.C.
PERENNIALS					
AF	11	Athyrium filix-femina 'Lady in Red'	LADY FERN	#1	18" O.C.
MS	10	Matteuccia struthiopteris	OSTRICH FERN	#1	30" O.C.

BIRDSEYE

3104 HUNTINGTON ROAD
RICHMOND, VERMONT
802.434.2112
WWW.BIRDSEYEVMT.COM

WAGNERHODGSON
LANDSCAPE ARCHITECTURE

VT 802.864.0010 NY 516.567.1791 wagnerhodgson.com
7 Marble Avenue Burlington, VT 05401
430 Warren Street Hudson, NY 12534

ZACHTER RESIDENCE
48 SUNSET CLIFF RD
BURLINGTON, VT 05408

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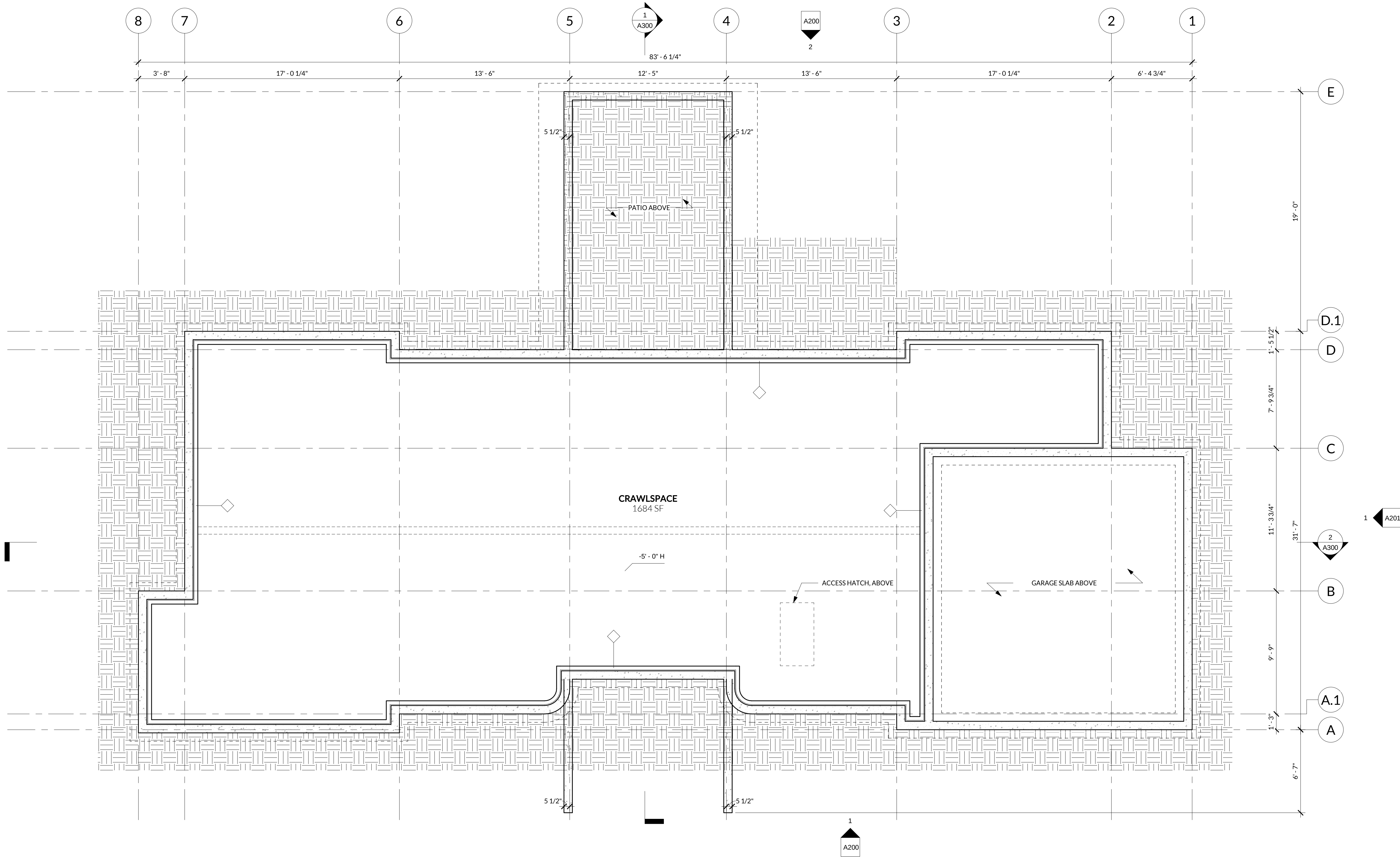
Issue / Revision Log
03/14/2022 PERMIT SET

FOR PERMIT

Title
LANDSCAPE PLAN

Sheet Number

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ZACHTER RESIDENCE
48 SUNSET CLIFF RD
BURLINGTON, VT 05408

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Issue / Revision Log
05.17.2022 PERMIT SET

Title
CRAWLSPACE PLAN

Sheet Number

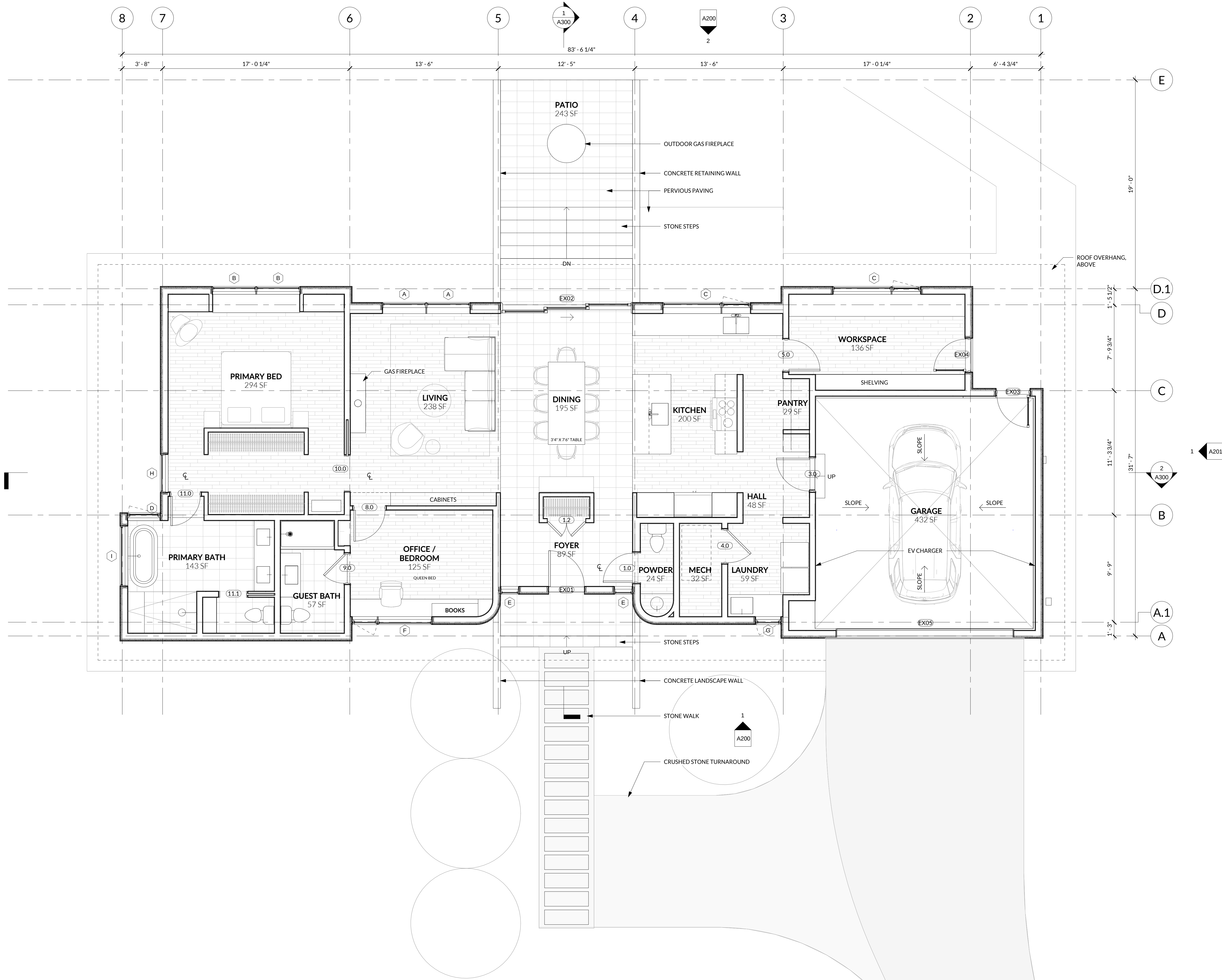
A099

CRAWLSPACE

1/4" = 1'-0"

1	
A200	A099

5/9/2022 2:53:38 PM



3104 HUNTINGTON ROAD
RICHMOND, VERMONT
802.434.2112
WWW.BIRDEYEV.TOM

ZACHTER RESIDENCE

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BURLINGTON, VT 05408

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Issue / Revision Log
05.17.2022 PERMIT SET

Title
FLOOR PLAN

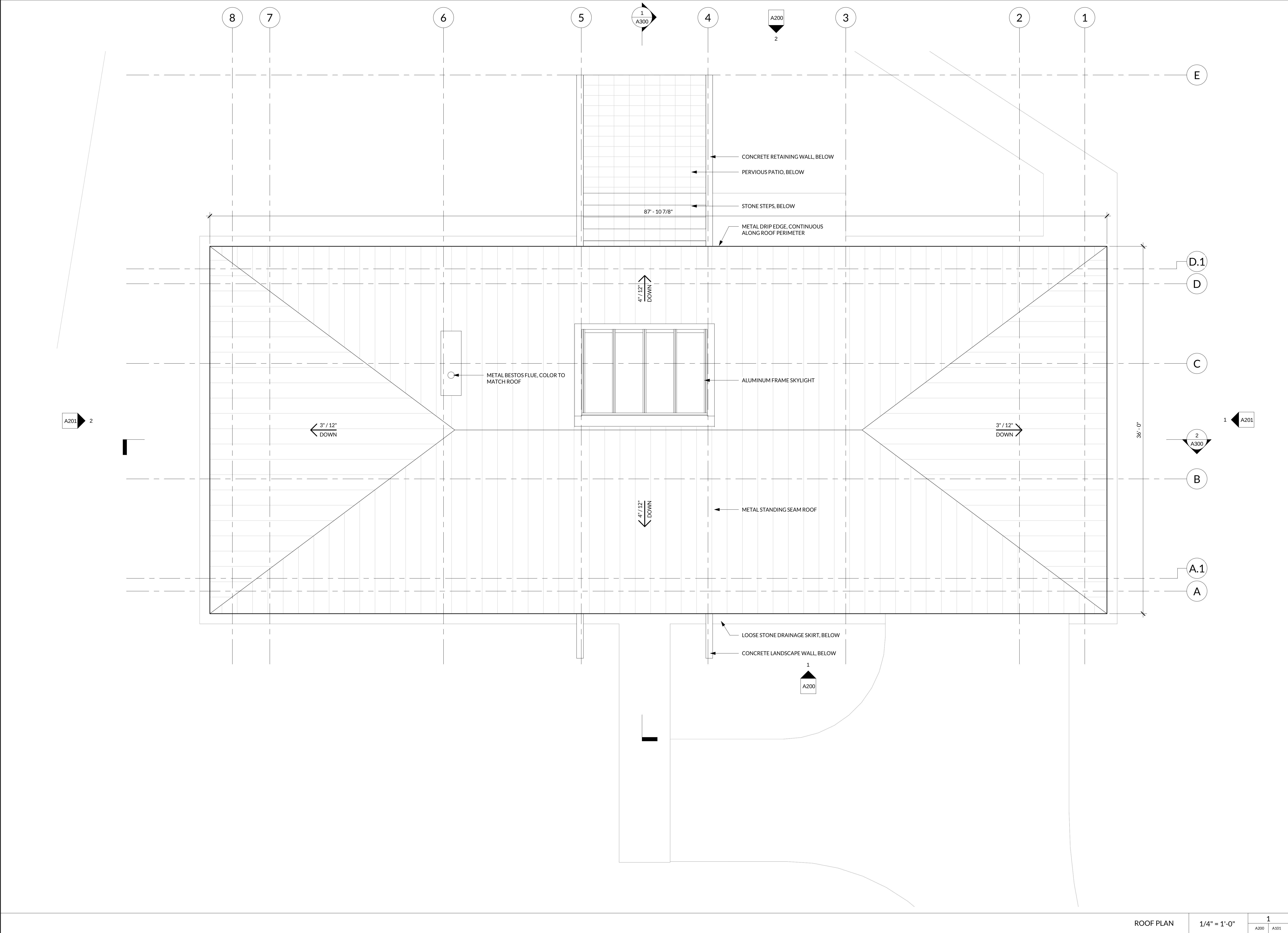
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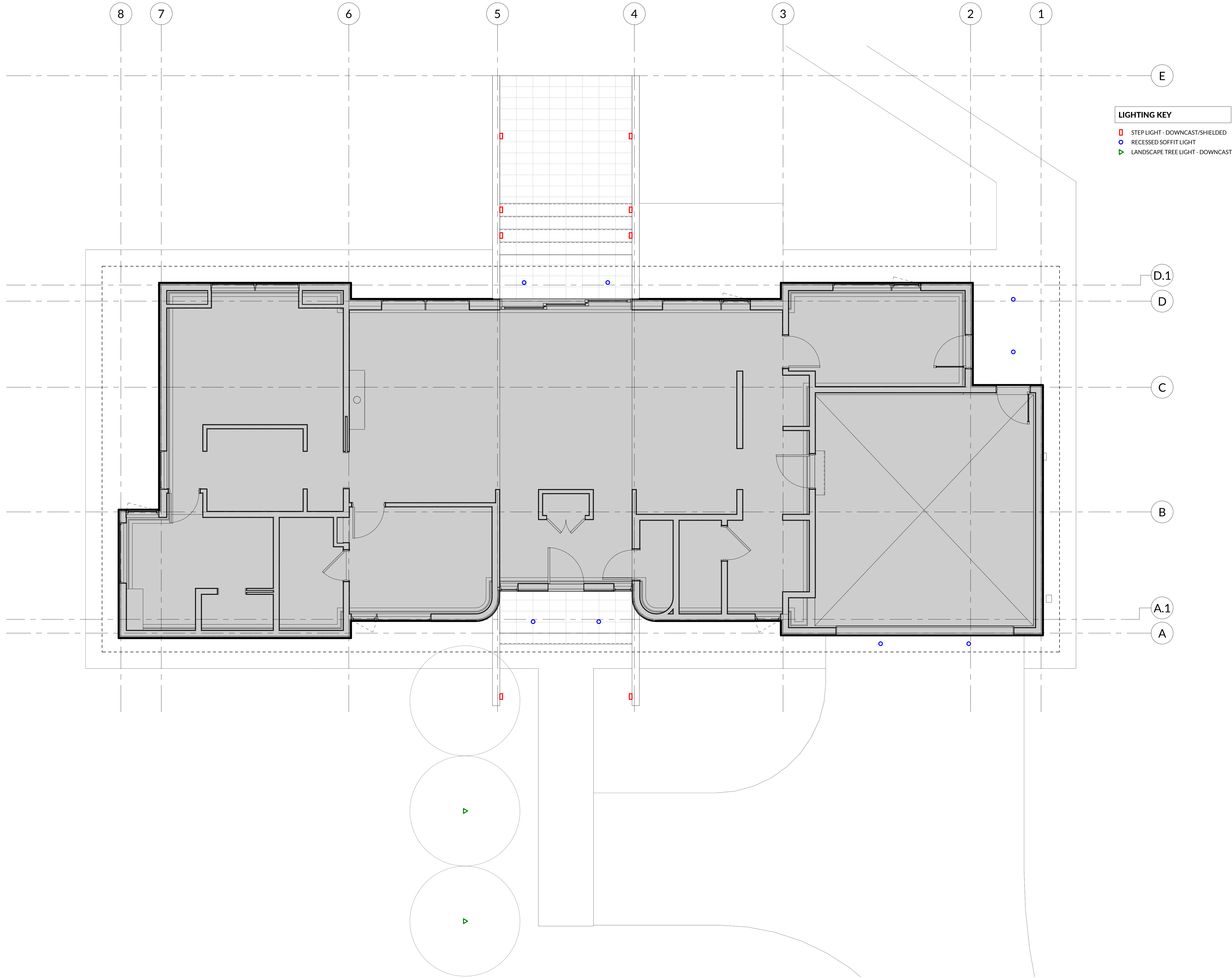
Issue / Revision Log
5.17.2022 PERMIT SET

Sheet Number

A101



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ZACHTER RESIDENCE

48 SUNSET CLIFF RD
BURLINGTON, VT 05408

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Issue / Revision Log
05.17.2022 PERMIT SET

FOR PERMIT

Title
EXTERIOR LIGHTING PLAN

Sheet Number

A110

EXTERIOR LIGHTING PLAN

1/4" = 1'-0"

1
A200 A110

5/9/2022 2:44:38 PM



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802.434.2112
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ZACHTER RESIDENCE

48 SUNSET CLIFF RD
BURLINGTON, VT 05408

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Issue / Revision Log
05.17.2022 PERMIT SET

FOR PERMIT

Title
EXTERIOR ELEVATIONS

Sheet Number

A200

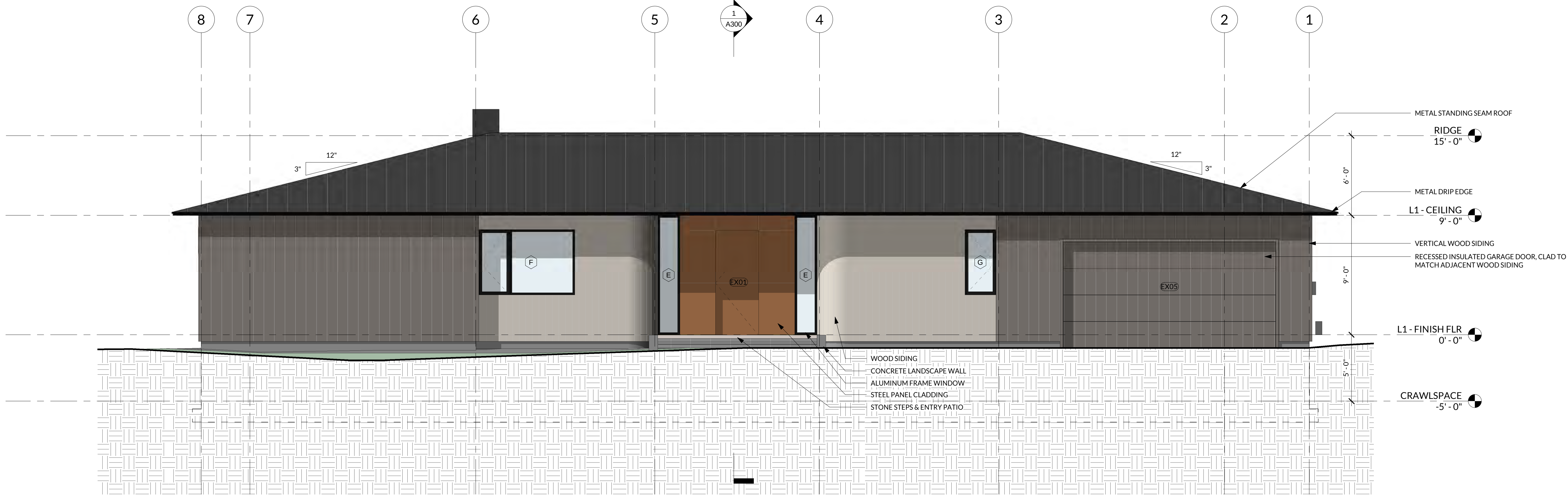


NORTH ELEVATION

1/4" = 1'-0"

2

A099 A200



SOUTH ELEVATION

1/4" = 1'-0"

1

A099 A200

5/9/2022 2:44:37 PM



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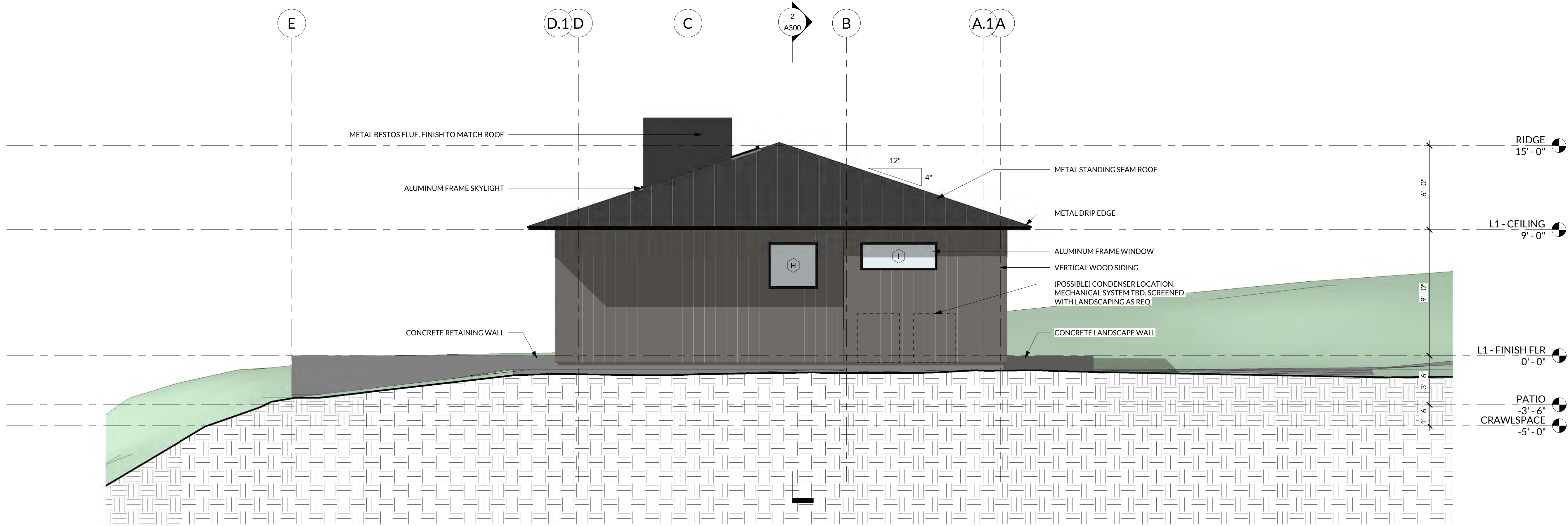
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Title
EXTERIOR ELEVATIONS

Sheet Number

A201

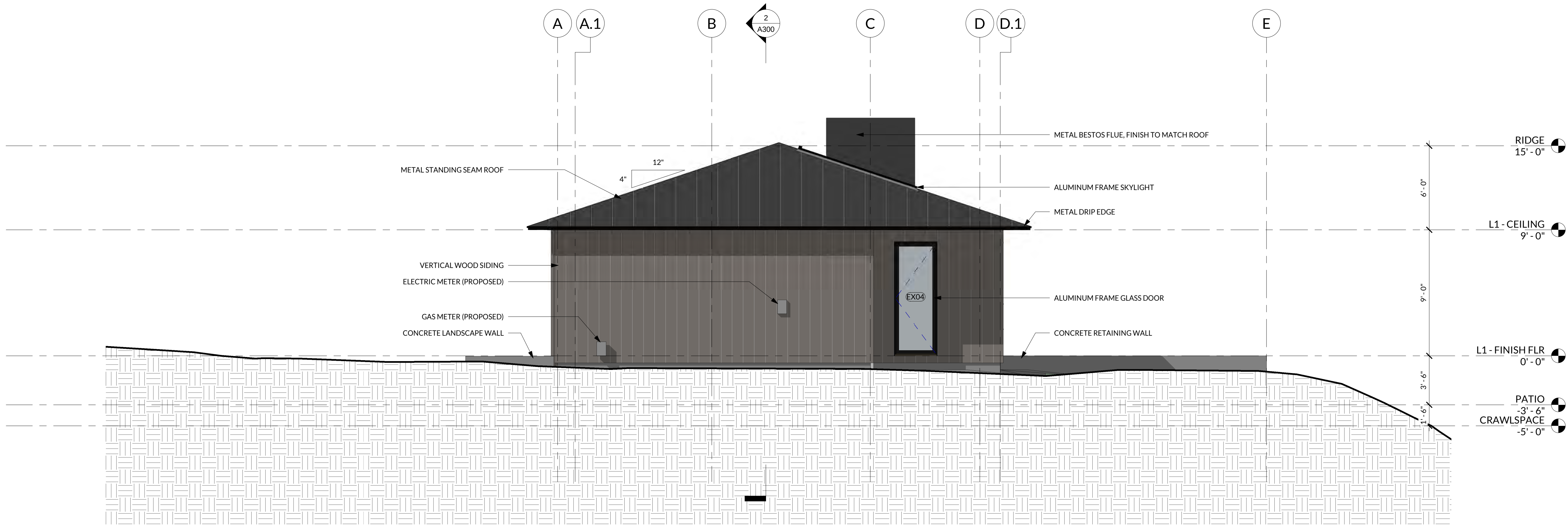


WEST ELEVATION

1/4" = 1'-0"

2

A099 A201

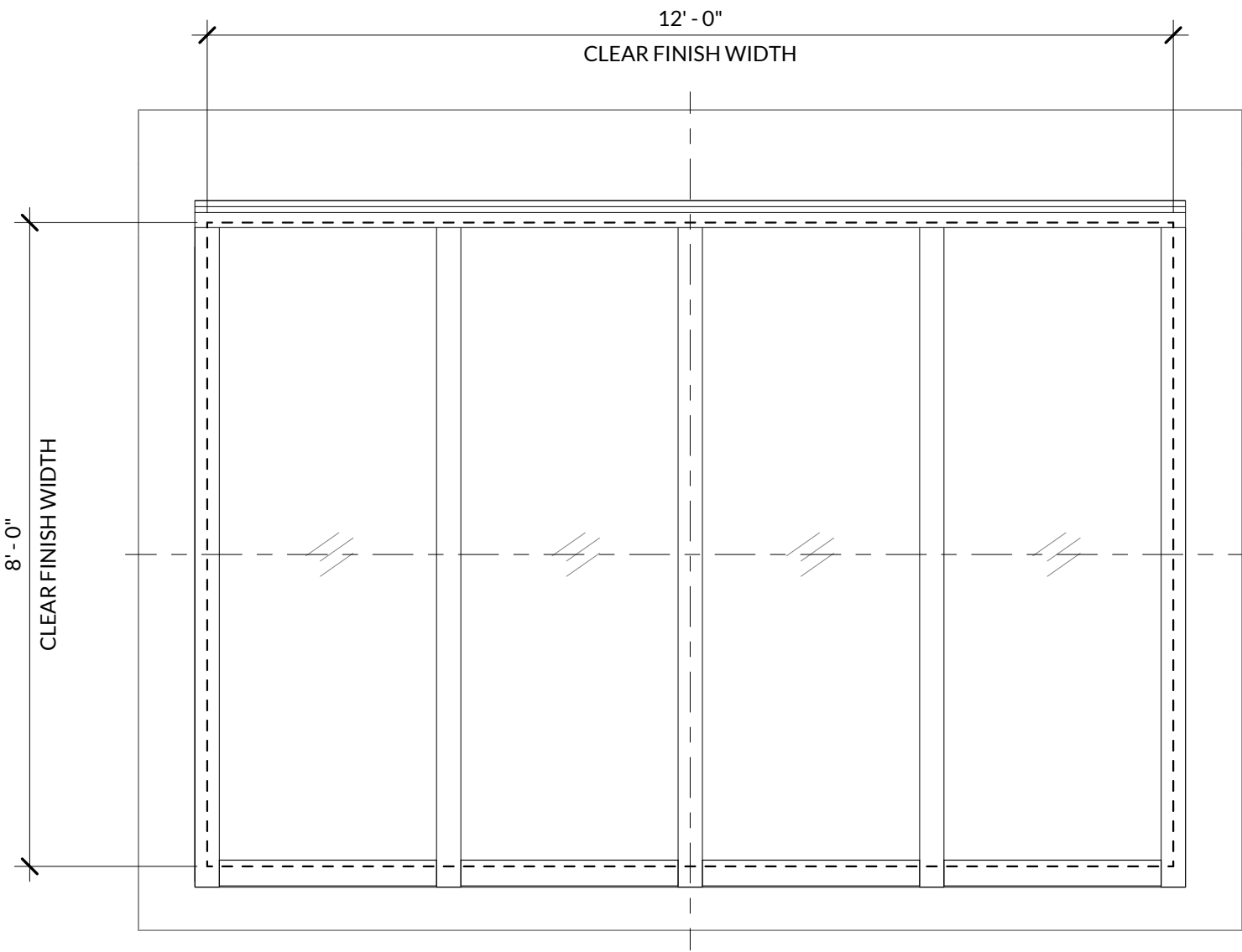


EAST ELEVATION

1/4" = 1'-0"

1

A099 A201



WINDOW & DOOR SPECIFICATIONS

+ BASIS OF DESIGN: FIXED WINDOWS

MANUFACTURER: TBD
PRODUCT: ALUMINUM CLAD WINDOWS
EXTERIOR/INTERIOR FINISH: BLACK
GLAZING: TRIPLE PANE LOW E W/ ARGON, TEMPERED AS REQ. / BLACK PERIMETER SPACER BAR
HARDWARE: NONE

+ BASIS OF DESIGN: OPERATING WINDOWS

MANUFACTURER: TBD
PRODUCT: ALUMINUM CLAD WINDOWS, OUTSWING CASEMENT & AWNING
EXTERIOR/INTERIOR FINISH: BLACK
GLAZING: TRIPLE PANE LOW E W/ ARGON, TEMPERED AS REQ. / BLACK PERIMETER SPACER BAR
HARDWARE: TBD
SCREEN: COLOR MATCH FRAMES W/ CHARCOAL HIGH TRANSPARENCY MESH

+ BASIS OF DESIGN: SLIDING DOORS

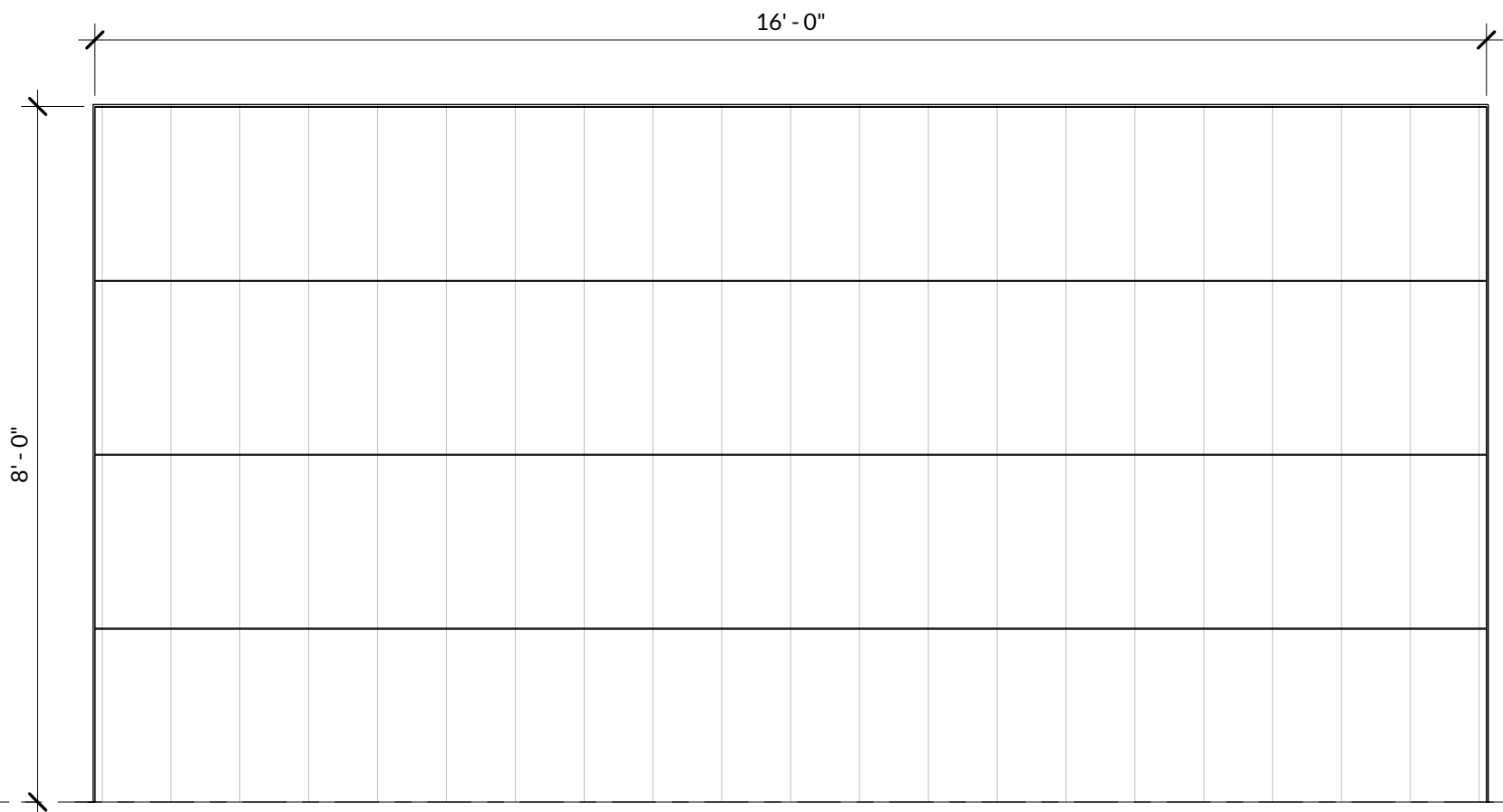
MANUFACTURER: TBD
PRODUCT: ALUMINUM CLAD, LIFT-AND-SLIDE
EXTERIOR/INTERIOR FINISH: BLACK
GLAZING: TRIPLE PANE LOW E W/ ARGON, TEMPERED AS REQ. / BLACK PERIMETER SPACER BAR
SILL: TBD
HARDWARE: TBD
SCREEN: CONCEALED ROLLER SCREEN, COLOR MATCH FRAMES W/ CHARCOAL HIGH TRANSPARENCY MESH

+ BASIS OF DESIGN: SWINGING DOORS

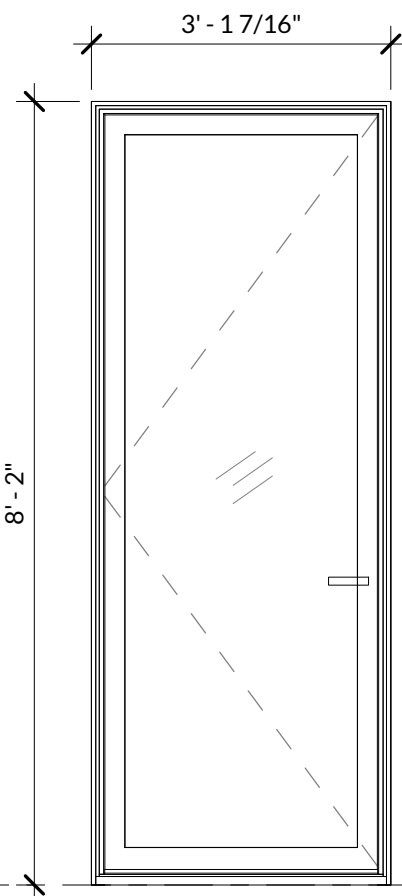
MANUFACTURER: TBD
PRODUCT: WOOD DOORS, INSWING, HINGED
EXTERIOR/INTERIOR FINISH: VARIES - BLACK / CORTEN STEEL
GLAZING: TRIPLE PANE LOW E W/ ARGON, TEMPERED AS REQ. / BLACK PERIMETER SPACER BAR
SILL: TBD
HARDWARE: TBD MULTIPOINT
SCREEN: TBD

SKYLIGHT ELEVATIONS

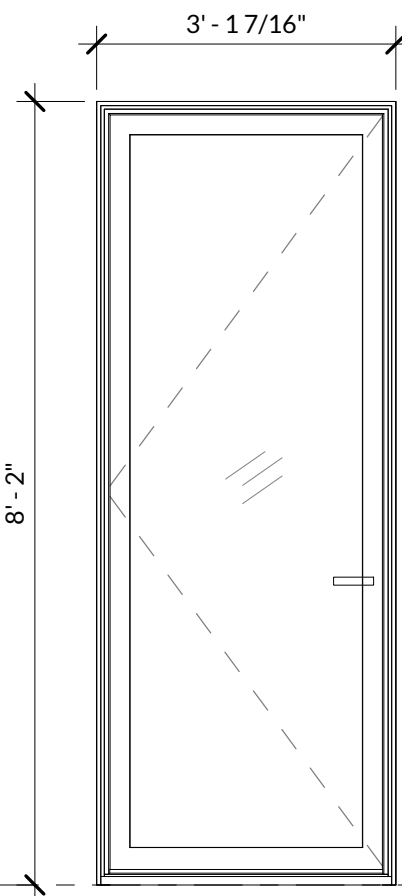
1/2" = 1'-0"



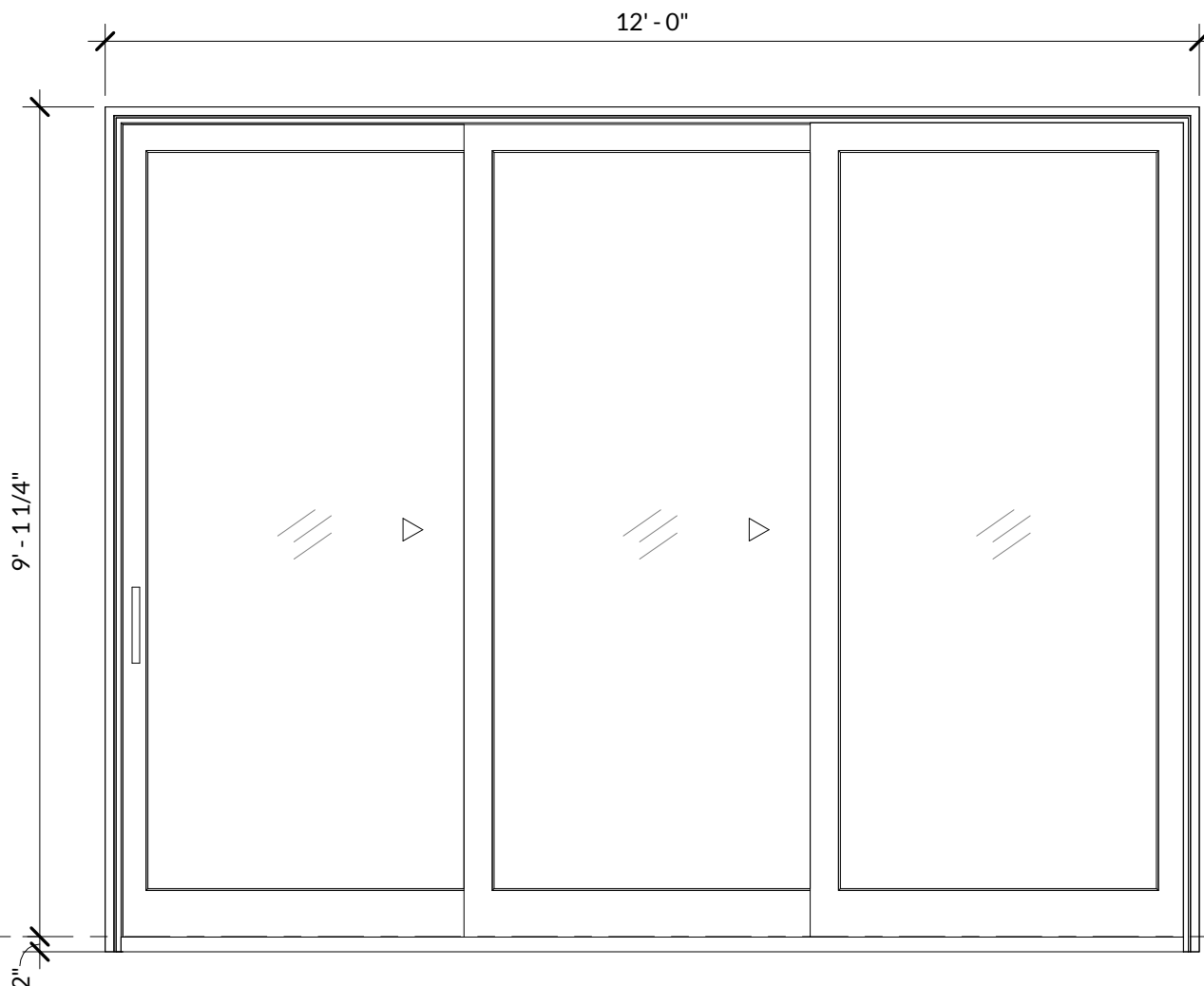
DOOR EX05
INSULATED GARAGE DOOR
CLAD IN WOOD TO MATCH ADJACENT SIDING
QUANTITY: 1



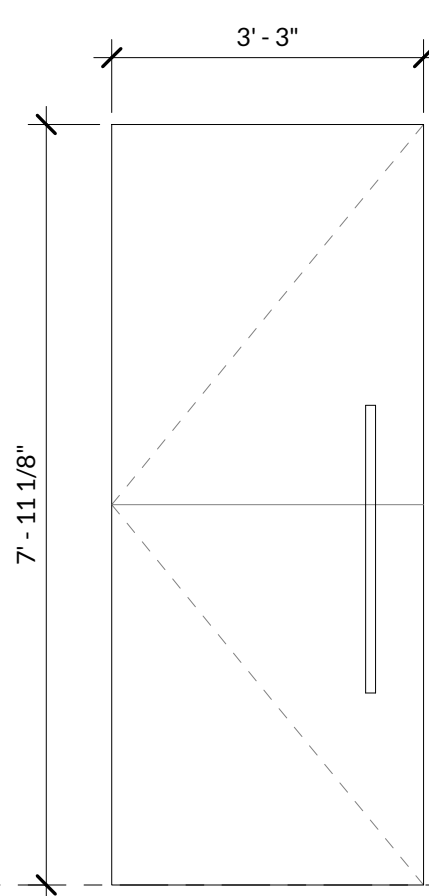
DOOR EX04
INSWING
ALUMINUM FRAME, TRIPLE PANE GLASS
QUANTITY: 1



DOOR EX03
INSWING
ALUMINUM FRAME, TRIPLE PANE GLASS
QUANTITY: 1



DOOR EX02
LIFT-AND-SLIDE
UNI-DIRECTIONAL STACKED
ALUMINUM FRAME, TRIPLE PANE GLASS
QUANTITY: 1

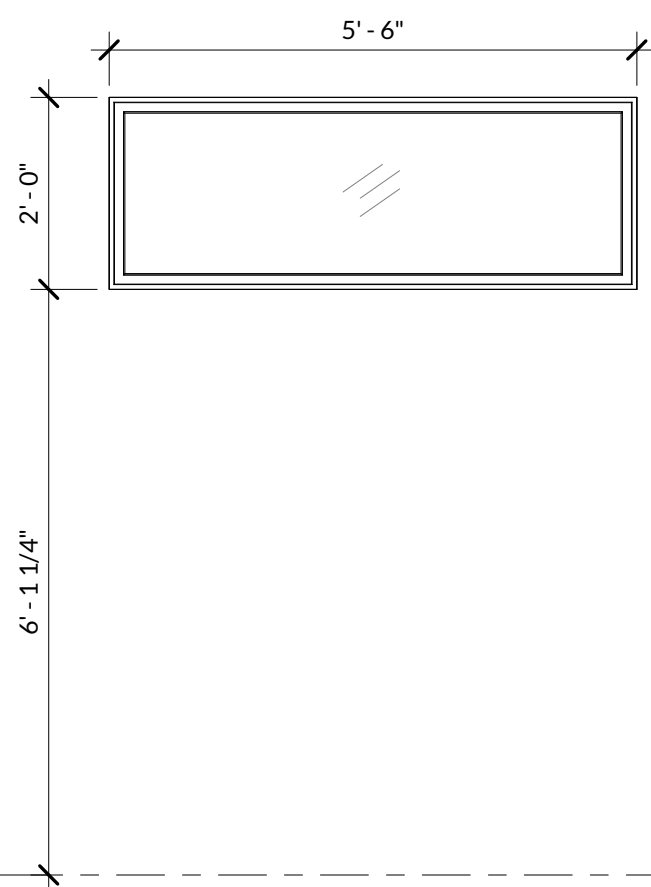


DOOR EX01
INSWING ENTRY
CLAD IN CORTEN STEEL
QUANTITY: 1

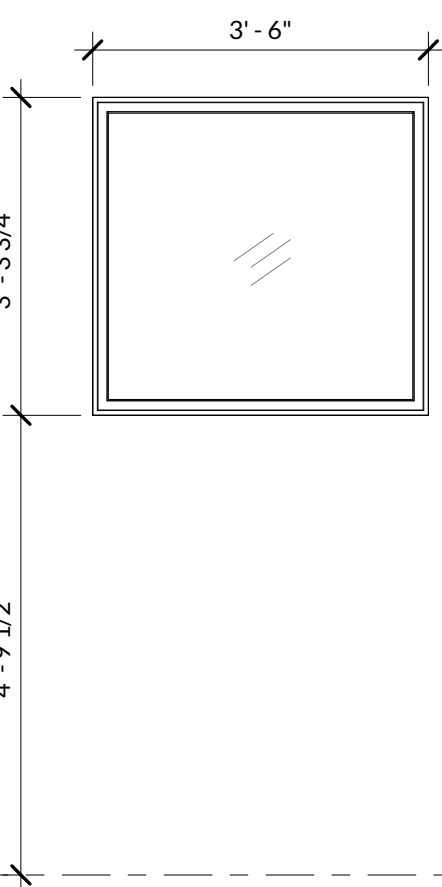
REFERENCE F.F.

DOOR ELEVATIONS

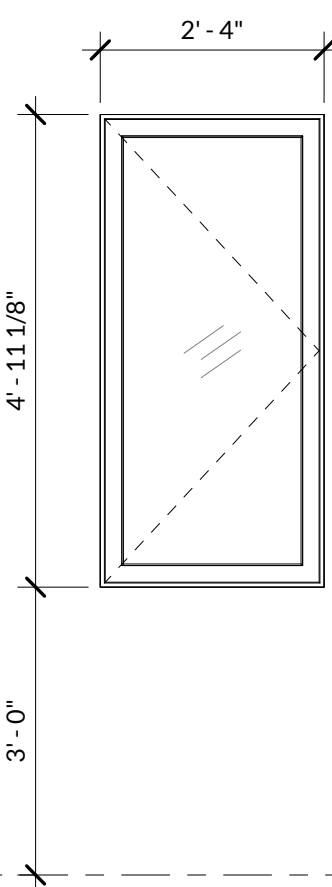
1/2" = 1'-0"



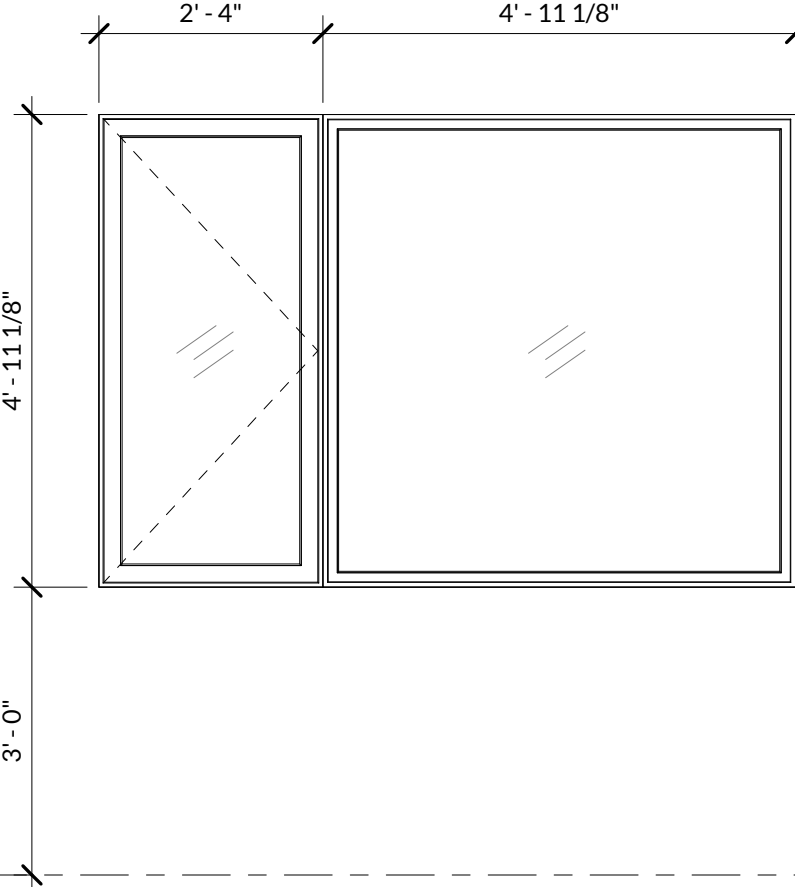
WINDOW TYPE I
FIXED
QUANTITY: 1



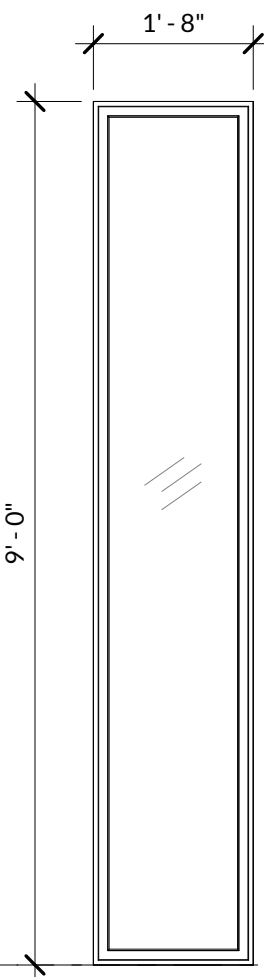
WINDOW TYPE H
FIXED
QUANTITY: 1



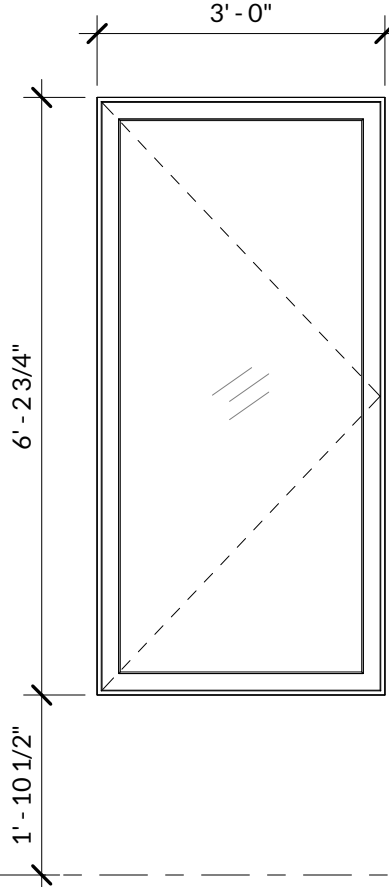
WINDOW TYPE G
OUTSWING CASEMENT
QUANTITY: 1



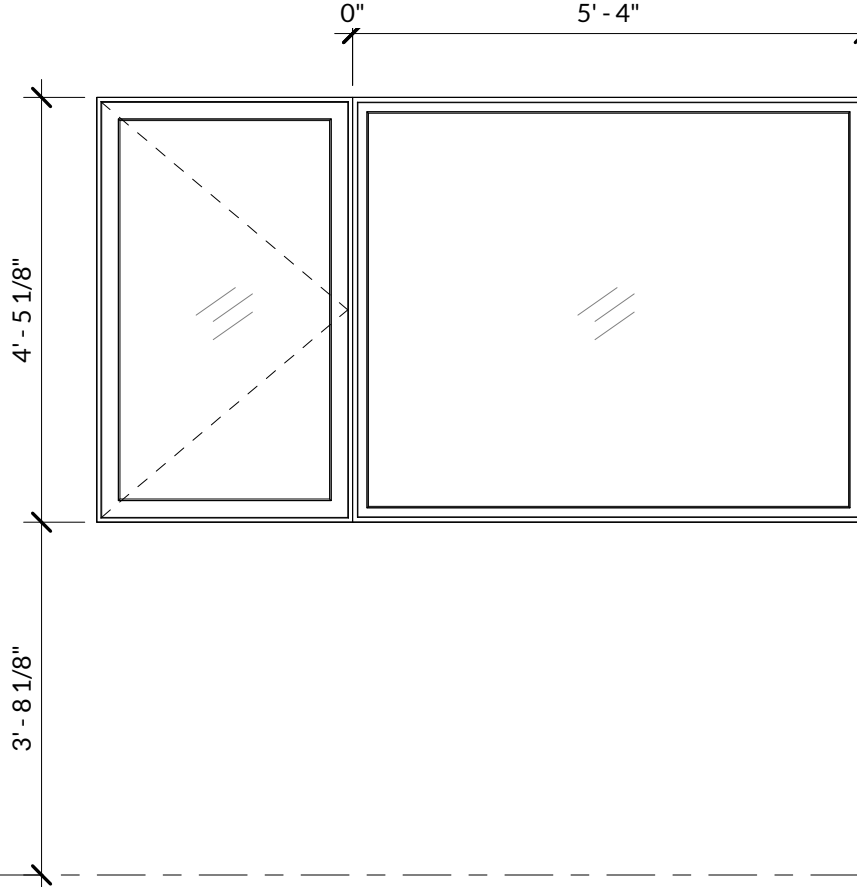
WINDOW TYPE F
FIXED & OUTSWING CASEMENT
QUANTITY: 1



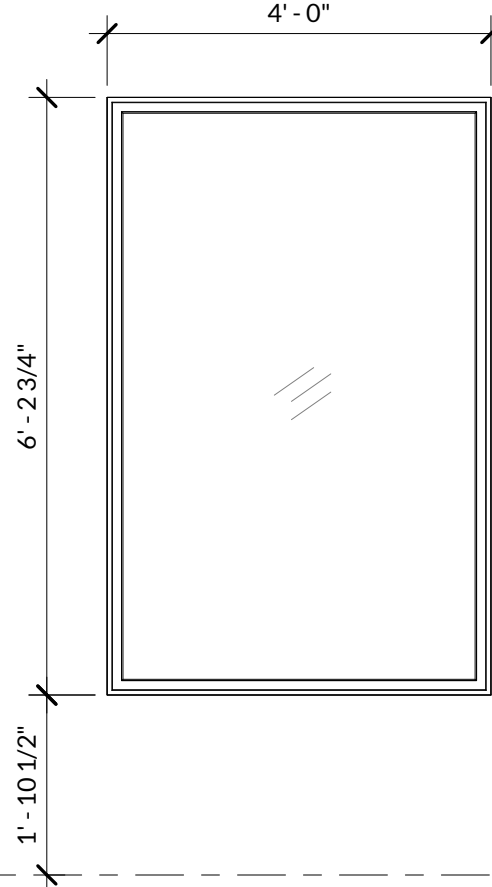
WINDOW TYPE E
FIXED
QUANTITY: 2



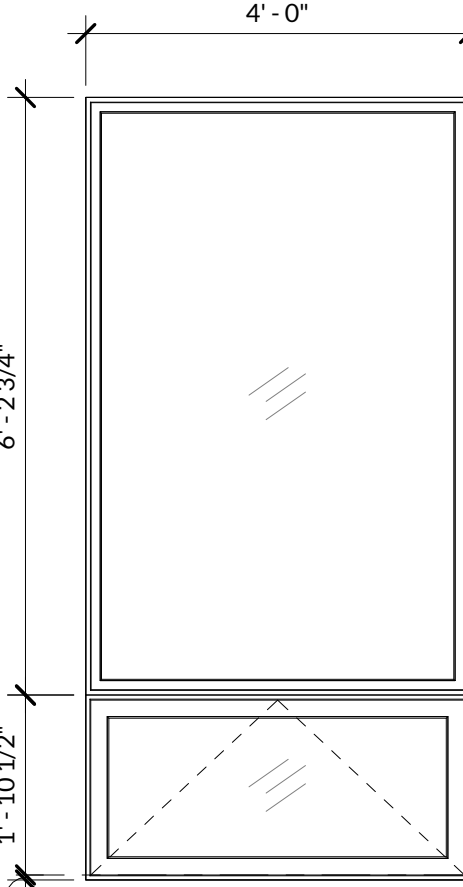
WINDOW TYPE D
OUTSWING CASEMENT
QUANTITY: 1



WINDOW TYPE C
FIXED & OUTSWING CASEMENT
QUANTITY: 2



WINDOW TYPE B
FIXED
QUANTITY: 2



WINDOW TYPE A
FIXED OVER AWNING
QUANTITY: 2

REFERENCE F.F.

WINDOW ELEVATIONS

1/2" = 1'-0"



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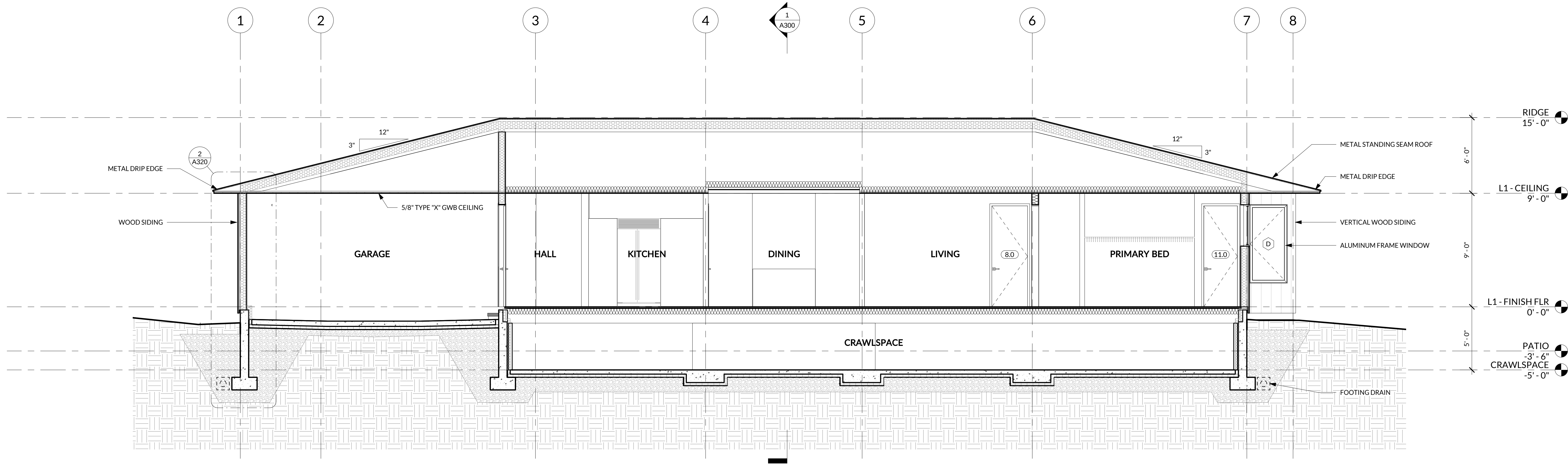
Issue / Revision Log
05.17.2022 PERMIT SET

Title
EXTERIOR WINDOW & DOOR
ELEVATIONS

Sheet Number

A220

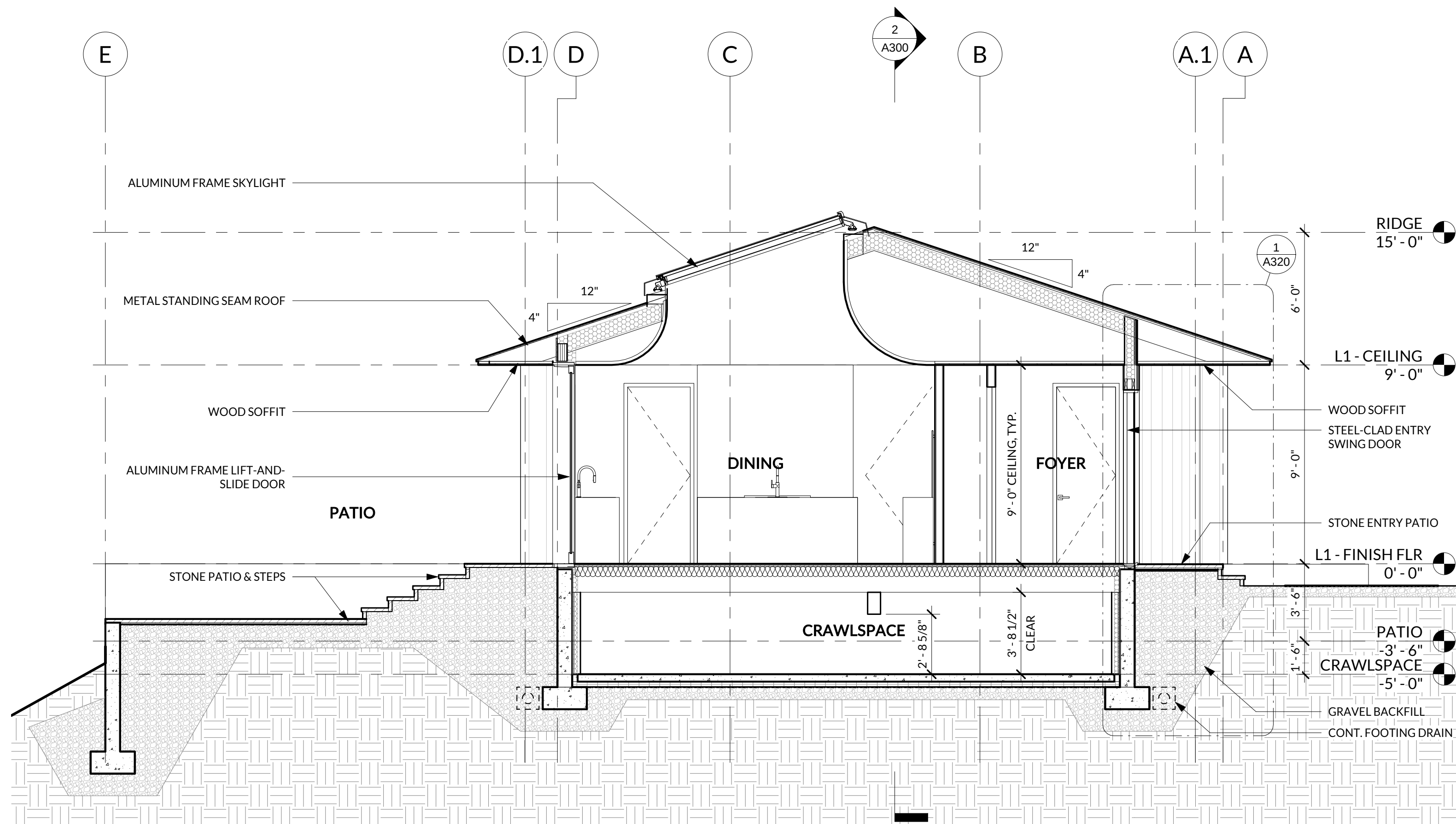
5/9/2022 2:55:16 PM



N/S SECTION "B" @ HALL

1/4" = 1'-0"

2
A099 A300



E/W SECTION "A" @ DINING

1/4" = 1'-0"

1
A099 A300



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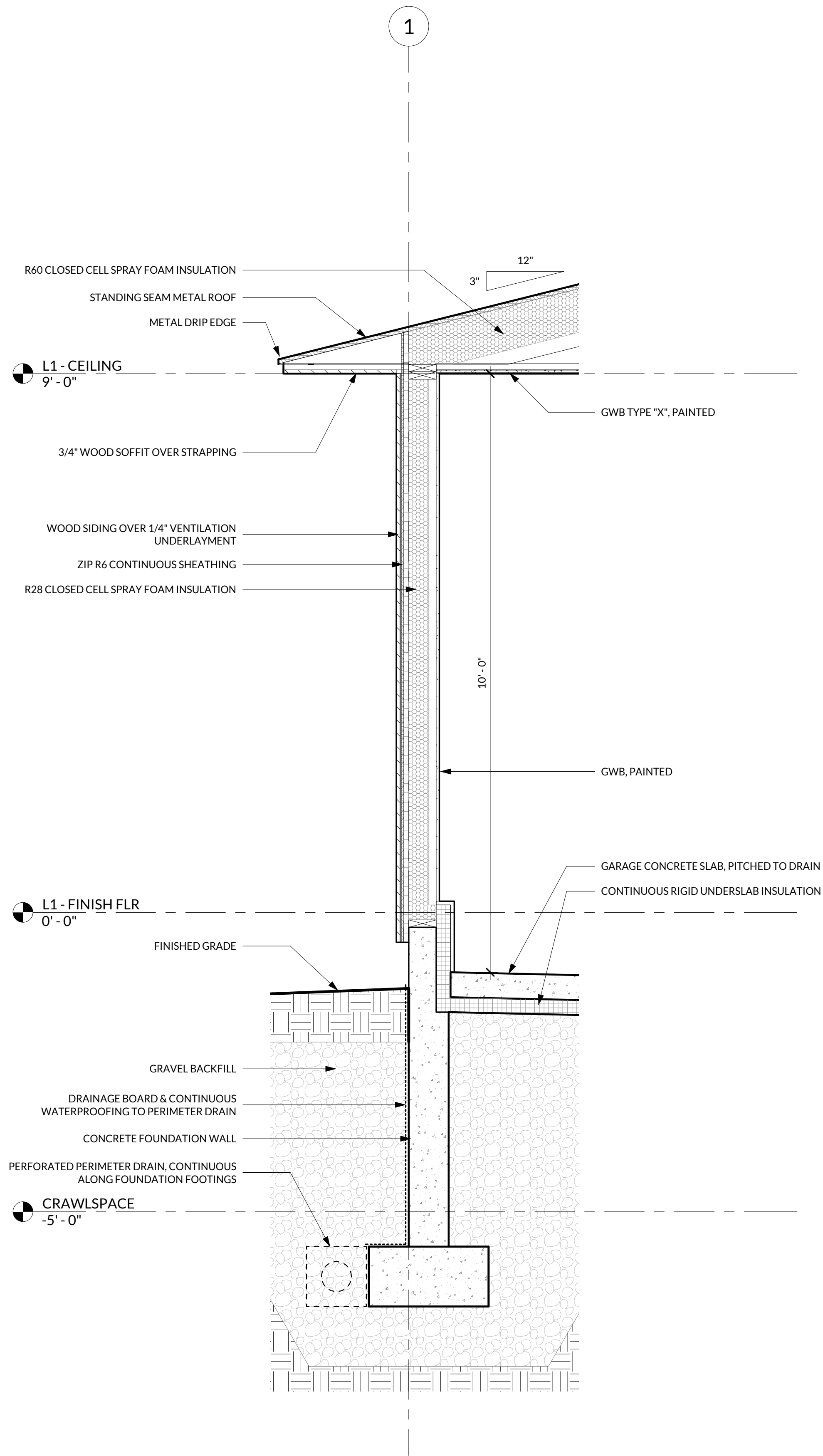
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Title
BUILDING SECTIONS

Sheet Number

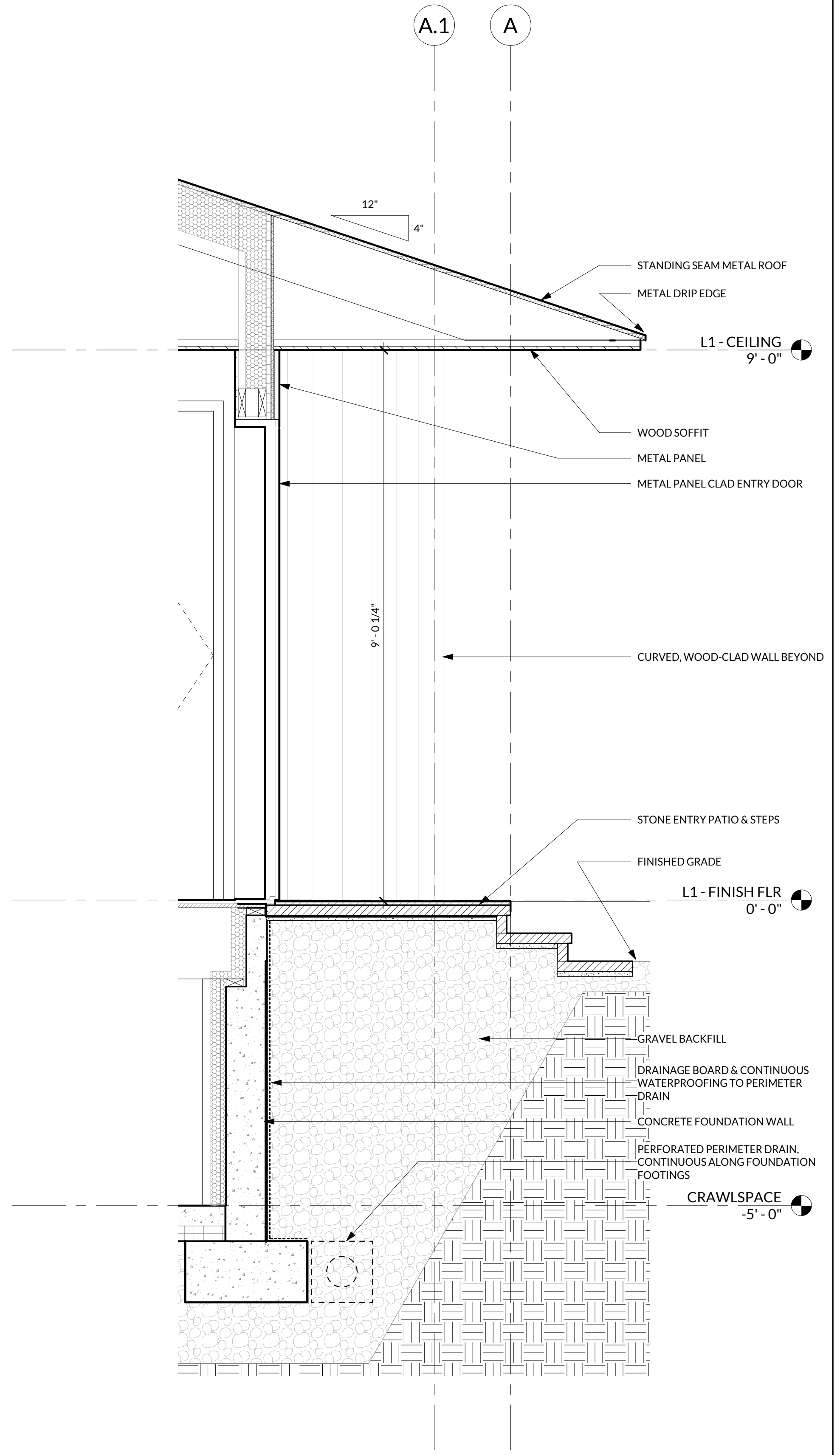
A300



TYPICAL WALL - SECTION "B"

3/4" = 1'-0"

2	
A300	A320



TYPICAL WALL - SECTION "A"

3/4" = 1'-0"

1	
A300	A320



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FOR PERMIT

Title
WALL SECTIONS

Sheet Number

A320

5/9/2022 2:15:34 PM



LOCATION 1 - LOOKING WEST



LOCATION 2 - LOOKING SOUTH



LOCATION 3 - LOOKING SOUTHEAST



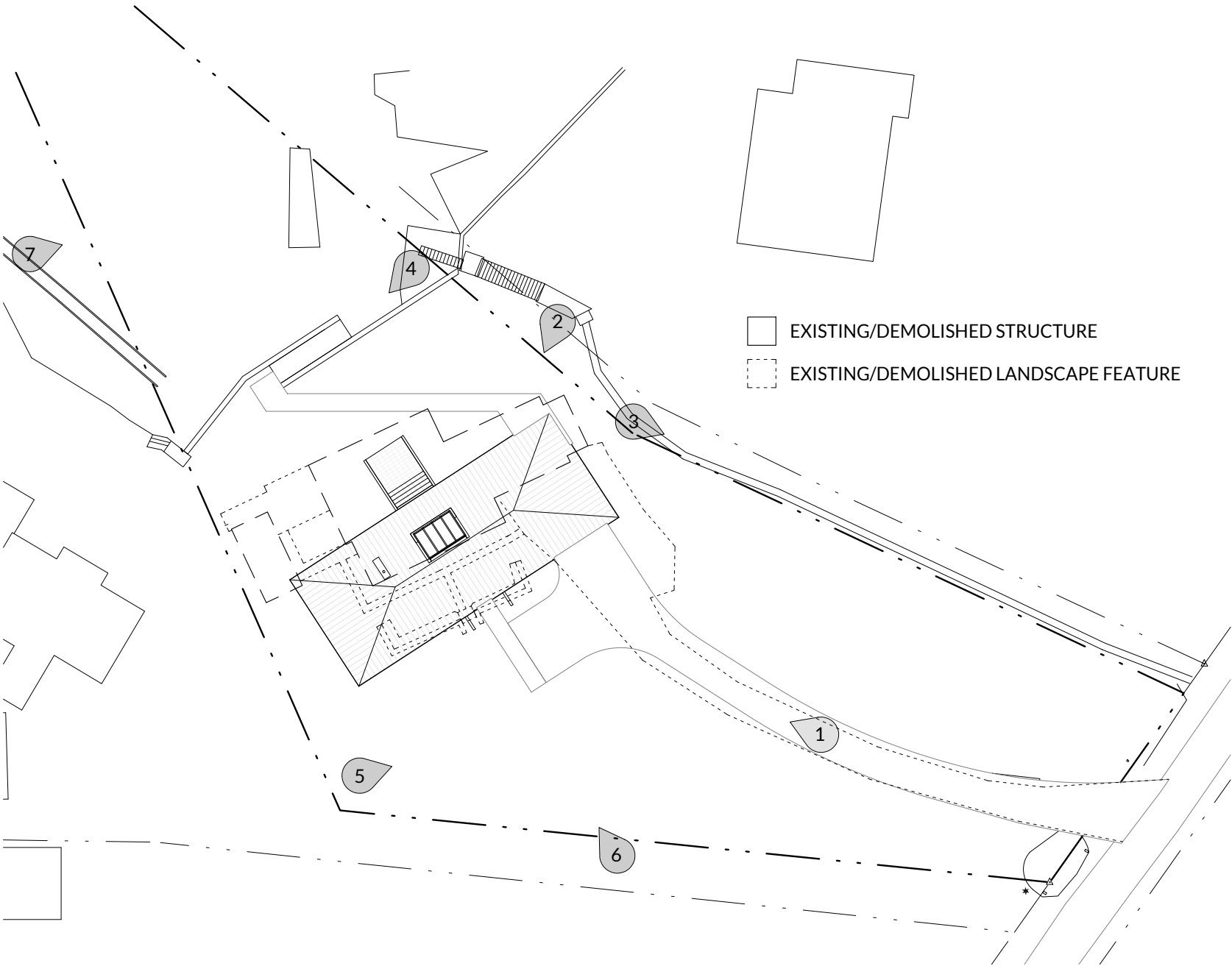
LOCATION 4 - LOOKING SOUTHWEST



LOCATION 5 - LOOKING EAST



LOCATION 6 - LOOKING NORTH



SITE PHOTOGRAPHY KEY



LOCATION 7 - LOOKING NORTHEAST



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Title
EXISTING SITE PHOTOS

Sheet Number

A900



NORTHWEST (LAKE) FACADE - LOOKING SOUTHEAST



SOUTH FACADE - LOOKING WEST FROM DRIVEWAY APPROACH



NORTHEAST CORNER - LOOKING SOUTHWEST FROM PUBLIC STAIR



NORTHWEST (LAKE) FACADE - LOOKING EAST FROM BEACH



SOUTHWEST CORNER - LOOKING NORTH



SOUTH FACADE - LOOKING NORTH FROM NEIGHBOR'S DRIVEWAY

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05.17.2022 PERMIT SET

Title
EXTERIOR RENDERINGS

Sheet Number

5/9/2022 2:57:15 PM



SOUTH (MAIN ENTRY) FACADE - LOOKING NORTHWEST



LAKESIDE AERIAL - LOOKING SOUTHEAST



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Title
EXTERIOR RENDERINGS

Sheet Number

A911

SUPPLEMENTAL DRAWINGS

48 SUNSET CLIFF, Burlington, VT

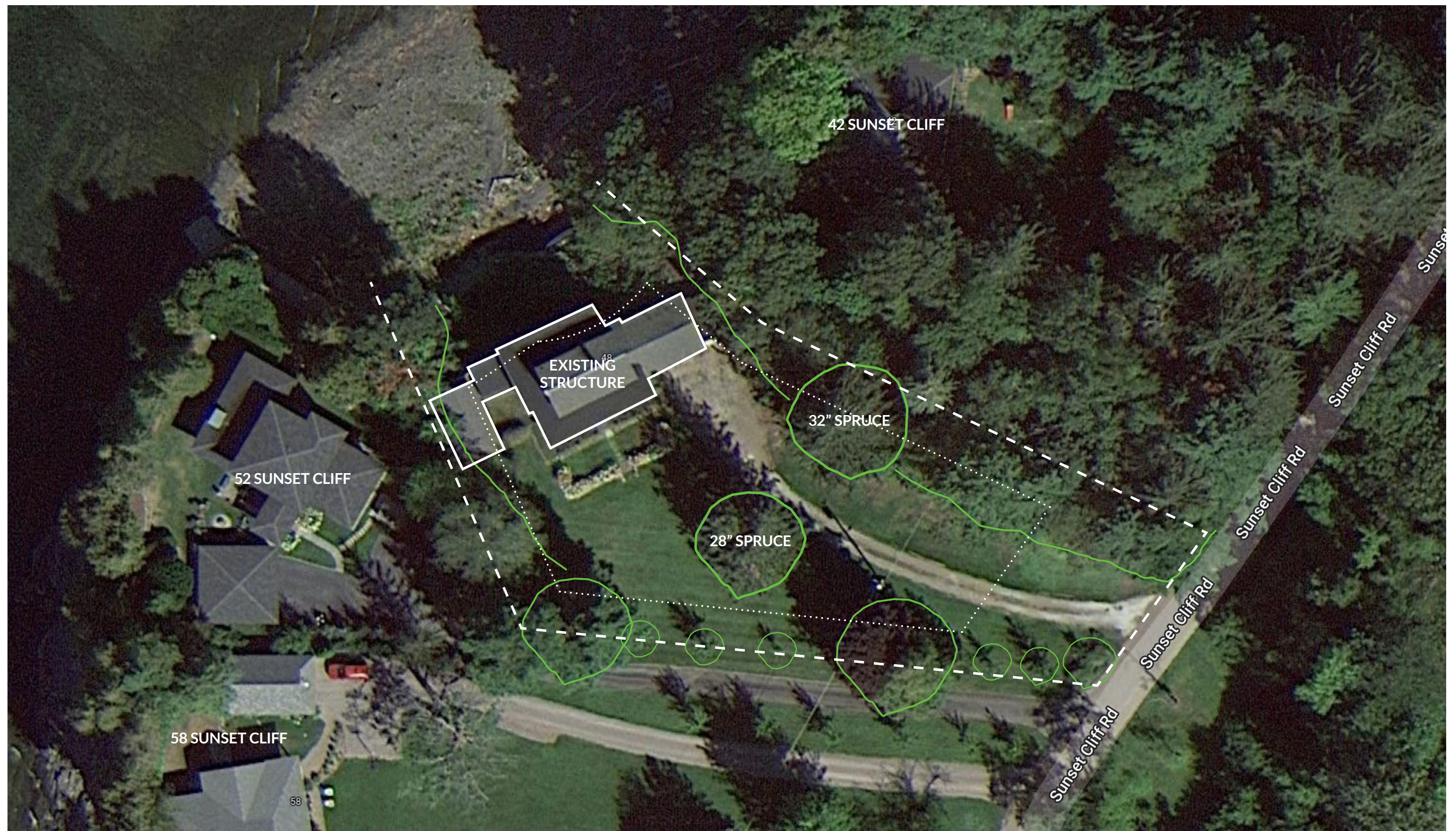
MAY 17, 2022

BIRDSEYE

EXISTING CONDITIONS



NEIGHBORHOOD // Satellite imagery of Sunset Cliff



SITE // Satellite imagery of Sunset Cliff



SITE // Satellite imagery of Sunset Cliff



EXISTING SITE PHOTOS // Driveway looking west



EXISTING SITE PHOTOS // Driveway looking west

BURLINGTON DRB MEETING
48 SUNSET CLIFF



EXISTING SITE PHOTOS // Driveway looking west

PROPOSED RENDERINGS



PROPOSED RENDERINGS // Section looking south



PROPOSED RENDERINGS // Aerial looking west





PROPOSED RENDERINGS // Driveway looking west



PROPOSED RENDERINGS // 52 Sunset Cliff driveway looking northwest

BURLINGTON DRB MEETING
48 SUNSET CLIFF





PROPOSED RENDERINGS // East (main entry) facade



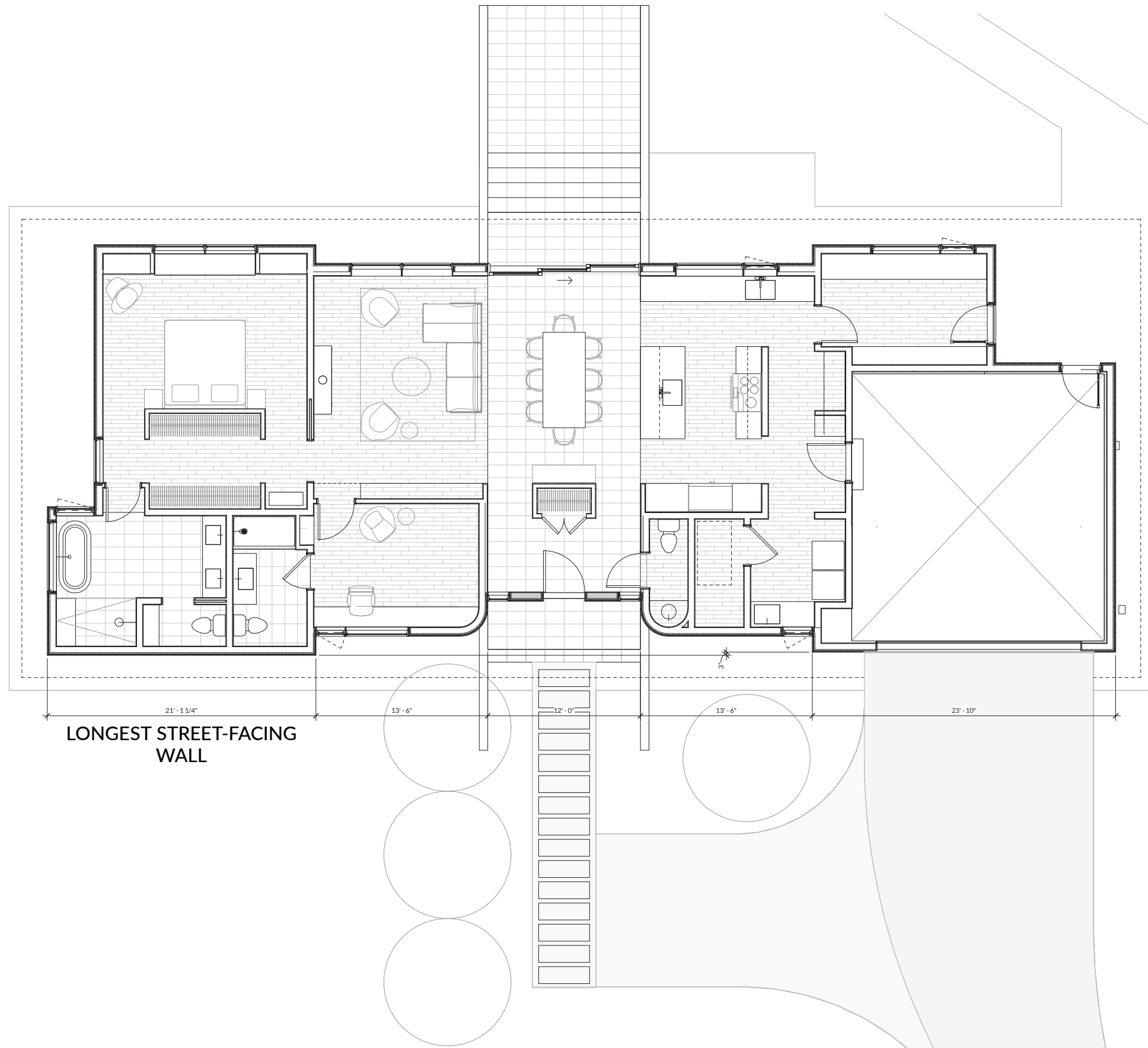
PROPOSED RENDERINGS // East (main entry) facade - without existing spruce tree



PROPOSED RENDERINGS // Main entry

BURLINGTON DRB MEETING
48 SUNSET CLIFF

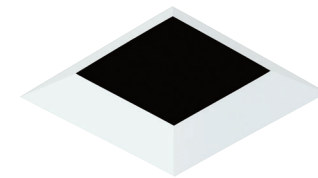




In residential areas, accessory buildings shall be located in such a way so as to be secondary and subordinate in scale and design to the principal structure. A parking structure – either attached or detached – shall be setback from the longest street-facing wall of the principal structure and be deferential yet consistent in character and design. Where a front yard setback is

ELEMENT™ 4" LED

FIXED DOWNLIGHT



SHOWN IN FLANGELESS BEVEL SQUARE

The ELEMENT 4" Next Generation Fixed recessed downlight features a patented high/low lamp positioning which allows the LED to be positioned closer to the aperture for maximum light output and efficiency or higher in the ceiling to minimize glare and flash on the trim. Options include premium Warm Dimming, Tunable White, Xicato and Xicato Artist Series LED modules. Trim options include Flanged or Flangeless and Flangeless Wood Ceiling.

- Housing reduced by 54%
- Patented high/low lamp positioning
- 2-step standard
- Standard dimming (down to 1%)
- Trim Reflector options
- Solite Soft Focus lens option
- Flangeless Wood Ceiling option

LUMEN MULTIPLIER (CRI/CCT)

CCT	80 CRI MULTIPLIER	90 CRI MULTIPLIER
2700K	0.95	0.80
3000K	1.00	0.85
3500K	1.05	0.90

Lumen output will vary by CCT and CRI.
See photometric charts for output information.

SPECIFICATIONS

	STATIC WHITE			XICATO		WARM DIM		TUNABLE WHITE	
	MAX OUTPUT	HIGH OUTPUT	LOW OUTPUT	STANDARD SERIES	ARTIST SERIES	HIGH OUTPUT	LOW OUTPUT	HIGH OUTPUT (5000K)	HIGH OUTPUT (4000K)
DELIVERED LUMENS	4000/3400	2900/2465	1800/1450	1575	1856	2374	1300	2157	1900
WATTS	35	29	17	19	26	31	17	28	28
EFFICACY	112/96	100/85	106/85	81	71	76	76	72	69
CRI	80+/90+			80+	95+	90+			
CBCP	10° - 19,414 (low output) 18° - 8,192 25° - 6,907 40° - 4,517 60° - 3,209			21° - 8,345 43° - 3,644 60° - 1,964	21° - 8,471 43° - 4,022 60° - 2,237	18° - N/A 25° - N/A 40° - 2,381 60° - N/A			
CCT	2700K, 3000K, or 3500K			2700K, 3000K, or 3500K ³		3000K - 1800K		5000K - 2700K	4000K - 1800K
COLOR CONSISTENCY	2-step			1 X 2-step		3-step		2-step	
VOLTAGE	120V or 277V								
DIMMING ¹	Standard reverse-phase, forward-phase, TRIAC, and 0-10V dimming (down to 1%) Lutron Hi-lume EcoSystem (down to 0.1%) Lutron Hi-lume 2-wire (down to 1%) eldoLED 0-10V or Dali (down to 0.1%)							eldoLED 0-10V or Dali (down to 0.1%)	
POWER SUPPLY	Constant current driver with +.9 power factor and +80% efficiency								
OPTICS	Field changeable: 10°, 18°, 25°, 40°, or 60° TIR			Field changeable: 21°, 43°, or 60° Reflector		Field changeable: 18°, 25°, 40°, or 60° TIR			
ADJUSTABILITY	High/low positioning, 45° collar rotation								
CEILING APPEARANCE	Flanged, Flangeless, or Flangeless in Wood Ceiling								
CEILING THICKNESS	Flanged: Up to 2-1/2" Flangeless: No ceiling thickness limitations Flangeless in Wood Ceiling: 1/2" to 2" Note: Thicker ceilings impact light cutoff								
CEILING APERTURE	4-1/2" ceiling cutout								
HOUSING	IC Airtight, Non-IC Airtight, IC suitable up to R60 spray foam insulation. Sauna/Steam-room use available only with combination of H Shower trim, LO Low Output housing, and I IC housing rating.								
CONSTRUCTION	Housing: Heavy-Gauge, Cold-Rolled Steel Trim: Die-Cast Aluminum								
FINISH	Housing: Black Powder Coat Trim: Antique Bronze, Black, Satin Nickel, White (paintable)								
GENERAL LISTINGS	ETL listed. Damp listed. Shower version Wet listed.								
CALIFORNIA TITLE 24	Registered CEC Appliance Database. Can be used to comply with CEC 2019 Title 24 Part 6 (JA8-2016, JA8-2019) (for 90 CRI versions).								
L70	50,000 hours min								
WARRANTY ²	5 years								

Data in chart reflect 3000K/80 CRI values unless noted.

Custom Output/Custom RAL/Custom CCT available, Contact Quotes Department

Ordering grids available on page 2.

Accepts two optical controls and an optional trim-mounted lens.

¹See ELEMENT-Lighting.com for dimmer compatibility. LH High Output and LV Max Output Standard Phase dimming down to 5% min.

²Visit ELEMENT-Lighting.com for specific warranty limitations and details.

³3500K Xicato module not available for Artist series.

ELEMENT™ 4" LED

FIXED DOWNLIGHT

ORDERING GRIDS

HOUSING

PRODUCT	CEILING APPEARANCE	OUTPUT	CRI/CCT	BEAM SPREAD	FUNCTION	HOUSING RATING	DRIVER	VOLTAGE
E4R ELEMENT 4" ROUND	L FLANGELESS F FLANGED	-LV MAX OUTPUT, 35W ²	827 80 CRI, 2700K, 2-STEP 830 80 CRI, 3000K, 2-STEP	10 10° ⁶ 18 18°	D DOWNLIGHT	I IC AIRTIGHT N NON-IC AIRTIGHT	INTEGRATED DRIVERS 120V/277V UNIVERSAL PHASE/0-10V 1% (LEAVE BLANK) ⁷	120 VOLT (LEAVE BLANK)
E4S ELEMENT 4" SQUARE	WC WOOD CEILING ¹	-LH HIGH OUTPUT, 29W ³ -LO LOW OUTPUT, 17W ⁴	835 80 CRI, 3500K, 2-STEP 927 90 CRI, 2700K, 2-STEP 930 90 CRI, 3000K, 2-STEP 935 90 CRI, 3500K, 2-STEP WD 90 CRI, 3000-1800K, WARM DIM, 3-STEP TW52 90 CRI, 5000K-2700K, TUNABLE WHITE, 2-STEP ⁵ TW41 90 CRI, 4000K-1800K, TUNABLE WHITE, 2-STEP ⁵	25 25° 40 40° 60 60°			-ELDO ELDOLED 0.1% 0-10V LINEAR -ELDOA ELDOLED 0.1% 0-10V LOGARITHMIC -ELDD ELDOLED 0.1% DALI -ELTO ELDOLED TUNABLE WHITE 0.1% 0-10V LINEAR ⁵ -ELTD ELDOLED TUNABLE WHITE 0.1% DALI ⁵ -HLECO LUTRON HI-LUME 0.1% ECOSYSTEM ⁸	-277 277 VOLT
		-X XICATO, HIGH OUTPUT, 25W ⁹	I27 80 CRI, 2700K, 1X2-STEP, XICATO I30 80 CRI, 3000K, 1X2-STEP, XICATO I35 80 CRI, 3500K, 1X2-STEP, XICATO A27 95 CRI, 2700K, 1X2-STEP, XICATO ARTIST A30 95 CRI, 3000K, 1X2-STEP, XICATO ARTIST	21 21° XICATO 43 43° XICATO 60 60° XICATO			INTEGRATED DRIVERS 120V -HL2W LUTRON HI-LUME 1% 2-WIRE ³	

Trims are required and must be ordered separately.

¹WC - Wood Ceiling option accommodates Flangeless trims only.

²LV - Max Output not available in I IC Housing, with HL Lutron drivers, WD Warm Dim or TW Tunable White. Standard Phase dimming down to 5% min. LV available for wet application (not rated for Sauna/Steam-room).

³LH - High Output HL2W Lutron driver not available in I IC Housing. Standard Phase dimming down to 5% min. LH available for wet application (not rated for Sauna/Steam-room).

⁴LO - Sauna/Steam-room use available only with combination of H Shower Trim, LO Low Output and I IC Housing.

⁵TW52, TW41 - Tunable White only available in LH High Output, only available with ELTO (0-10V, linear), or ELTD (DALI). I IC Housing output is 15% less than N Non-IC Housing Output.

For 0-10V logarithmic dimming consult Quotes Department.

⁶IO - Available LO Low Output only, 10° Beam Spread has a unique LED module not available with Warm Dim or Tunable White. Changing optics to 18°, 25°, 40°, or 60° will require a new LED module.

⁷Universal dimming is reverse-phase, forward-phase, and TRIAC.

⁸HLECO - Lutron has put their entire 0.1% ECO drivers on indefinite hold which impacts all -HLECO item numbers. Please consult factory for alternatives. This does not impact -HL2W.

⁹X - XICATO housings utilize dedicated Standard Phase, 0-10V, 120V and 277V drivers. If ordering Xicato with Standard Drivers (non-Lutron or eldoLED), at the end of the item number please specify:

-**010** for 0-10V 120V, **-277** for Phase 277V or **-010-277** for 0-10V 277. For example: E3RLF-XA2743DI-**010** or E3RLF-XA2743DI-**277** or E3RLF-XA2743DI-**010-277**.

TRIM

PRODUCT	CEILING APPEARANCE	STYLE	APERTURE	FINISH
E4R ELEMENT 4" ROUND	L FLANGELESS	B BEVEL	-O NO LENS	Z ANTIQUE BRONZE
E4S ELEMENT 4" SQUARE	F FLANGED	F FLAT	-H SHOWER ¹	B BLACK
	F15 FLANGED 1.1"-1.5" CEILING THICKNESS		-L LENSED	S SATIN NICKEL
	F20 FLANGED 1.6"-2.0" CEILING THICKNESS			W WHITE
	F25 FLANGED 2.1"-2.5" CEILING THICKNESS			

¹H - Sauna/Steam-room use available only with combination of H Shower Trim, LO Low Output and I IC Housing.

LENSES / LOUVERS¹

PRODUCT	
140MR16SF	SOLITE SOFT FOCUS LENS
140MR16SB	SANDBLASTED LENS
140MR16LL	LINEAR SPREAD LENS
140MR16DF	DIFFUSER SPREAD LENS
140UVMR16	CLEAR GLASS LENS
EL2RHCBK	EGGCRATE/HEXCELL LOUVER

¹For additional lenses, louvers, optical controls and accessories, reference ELEMENT-lighting.com/Products/Accessories. ELEMENT allows up to two Lenses or Louvers per fixture.

PREMIUM LENS HOLDER

PRODUCT	LENSES
240E3LENSHLDR	1 ONE LENS 2 TWO LENSES

240E3LENSHLDR

The premium, threaded lens holder provides more secure mounting of additional lenses as compared to the standard lens holder that ships with each fixture.

REPLACEMENT OPTICS

PRODUCT	BEAM SPREAD
353E4LEDCOPT	18 18° 25 25° 40 40° 60 60°

353E4LEDCOPT

REPLACEMENT REFLECTORS¹

PRODUCT	BEAM SPREAD
352LEDXREF	21 21° 43 43° 60 60°

352LEDXREF

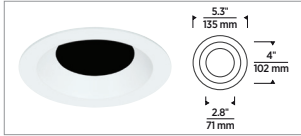
¹For use with Xicato modules only.

ELEMENT™ 4" LED

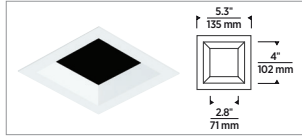
FIXED DOWNLIGHT

TRIMS

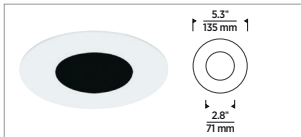
FLANGED



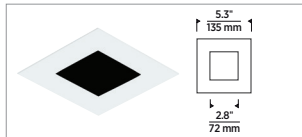
ROUND BEVEL



SQUARE BEVEL

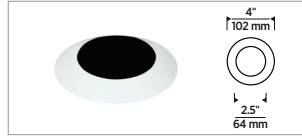


ROUND FLAT

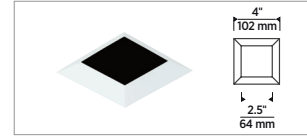


SQUARE FLAT

FLANGELESS



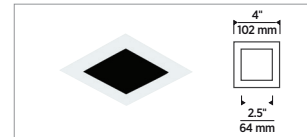
ROUND BEVEL



SQUARE BEVEL



ROUND FLAT



SQUARE FLAT

FINISH



ANTIQUE BRONZE



BLACK



SATIN NICKEL

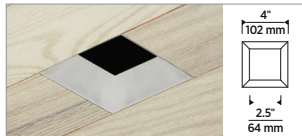


WHITE (PAINTABLE)

FLANGELESS IN WOOD CEILING



ROUND BEVEL (ANTIQUE BRONZE)



SQUARE BEVEL (SATIN NICKEL)



ROUND FLAT (ANTIQUE BRONZE)



SQUARE FLAT (SATIN NICKEL)

LENS OPTION



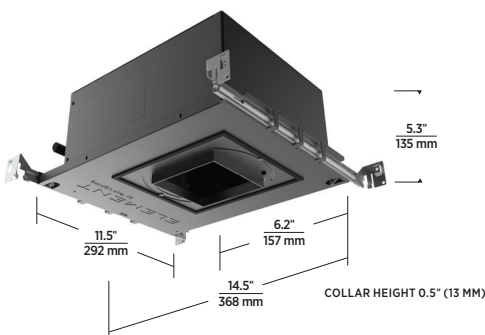
SHOWN WITH AND WITHOUT A LENS (SQUARE FLANGED BEVEL)



SHOWN WITH AND WITHOUT A LENS (ROUND FLANGELESS BEVEL)

See installation instruction sheet on techlighting.com.

HOUSING



IC AIRTIGHT / NON-IC AIRTIGHT

ELEMENT™ 4" LED

FIXED DOWNLIGHT

ELEMENT Specular Reflectors reduce glare while creating a clean, quiet ceiling appearance. Available finishes include Anodized Gold for a decorative accent or Anodized Black for an ultimate quiet ceiling aesthetic. These beautiful trim accessories have been specifically designed to minimize any effect on light performance, color and output. Specular Reflectors are available for both Adjustable and Fixed downlights, and are compatible with ELEMENT 4" trims and housings.

- Can be easily installed or removed
- Mounts to existing trim
- Compatible with Fixed and Adjustable Housings
- Finish Options: Anodized Gold (G) or Anodized Black (B)

SPECIFICATIONS

COMPATIBLE TRIMS	NON-SLOTTED (FOR FIXED)
 4" round, flanged, bevel	 E4TREFNS2 (B, G)
 4" round, flanged, flat	 E4TREFNS1 (B, G)
 4" round, flangeless, bevel	 E4TREFNS2 (B, G)
 4" round, flangeless, flat	 E4TREFNS1 (B, G)
 4" square, flanged, bevel	 E4TREFNS6 (B, G)

Only compatible with ELEMENT 4" LED series.

May require lamp to be placed in High position.

Not available for ELEMENT 4" Square Flat trims or Square Flangeless Bevel trims.

Not compatible with lensed trims.

[†]Non-slotted Reflectors may be used in Adjustable Housings with the lamp assembly placed in the 0° tilt position.

ORDERING GRID

E4 TRIM MOUNTED REFLECTORS[†]

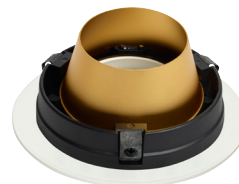
PRODUCT	STYLE	FINISH
E4TREF	NS1 NON-SLOTTED	B ANODIZED BLACK
	NS2 NON-SLOTTED	G ANODIZED GOLD
	NS6 NON-SLOTTED	

E4TREF

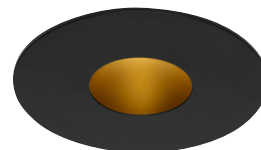
[†]Not compatible with lensed trims.



SHOWN IN ANODIZED BLACK
(REFLECTOR ONLY)



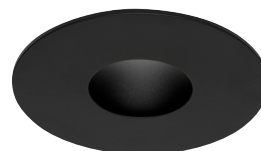
SHOWN IN ANODIZED GOLD
(TRIM MOUNTED)



SHOWN IN ANODIZED GOLD
(BELOW CEILING VIEW)



SHOWN IN ANODIZED GOLD
(BELOW CEILING VIEW)



SHOWN IN ANODIZED BLACK
(BELOW CEILING VIEW)

ELEMENT™ 4" LED

FIXED DOWNLIGHT

PHOTOMETRICS

Description: 4" LED Module
18° Beam - 0° Tilt,
90 CRI, 3000K

Model: E4 Citizen LED

Input Power (Watts): 32.9

Input Power Factor: 0.99

Absolute Luminous
Flux (Lumens): 2494

Lumen Efficacy
(Lumens per Watt): 76

Output difference between CCTs - 5%, CRIs - 15%.

Description: 4" LED Module
25° Beam - 0° Tilt,
90 CRI, 3000K

Model: E4 Citizen LEDt

Input Power (Watts): 32.7

Input Power Factor: 0.98

Absolute Luminous
Flux (Lumens): 2456

Lumen Efficacy
(Lumens per Watt): 75

Description: 4" LED Module
40° Beam - 0° Tilt,
90 CRI, 3000K

Model: E4 Citizen LED

Input Power (Watts): 32.8

Input Power Factor: 0.98

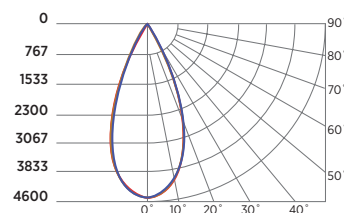
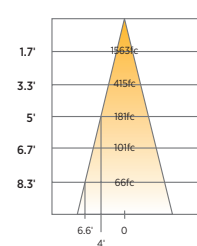
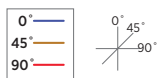
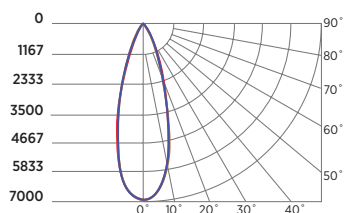
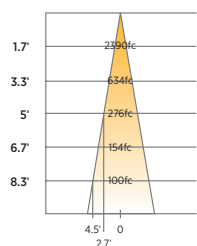
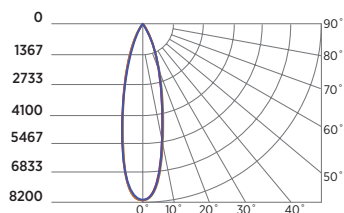
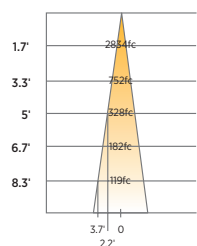
Absolute Luminous
Flux (Lumens): 2584

Lumen Efficacy
(Lumens per Watt): 79

ANGLE	0°	45°	90°
0°	8192	8192	8192
5°	7438	7514	7532
10°	5277	5300	5297
15°	3190	3214	3209
20°	1898	1908	1900
25°	1066	1077	1064
30°	610	626	608
35°	319	386	325
40°	161	249	162
45°	94	145	94
50°	62	77	63
55°	37	49	37
60°	25	30	25
65°	12	16	13
70°	1	7	2
75°	0	0	0
80°	0	0	0
85°	0	0	0
90°	0	0	0

ANGLE	0°	45°	90°
0°	6907	6907	6907
5°	6578	6568	6565
10°	5455	5476	5467
15°	3575	3584	3595
20°	1856	1910	1947
25°	997	1040	1057
30°	623	654	660
35°	330	433	358
40°	153	276	165
45°	88	149	96
50°	57	73	61
55°	32	44	35
60°	19	25	21
65°	8	12	9
70°	0	4	1
75°	0	0	0
80°	0	0	0
85°	0	0	0
90°	0	0	0

ANGLE	0°	45°	90°
0°	4517	4517	4517
5°	4385	4393	4402
10°	4053	4071	4076
15°	3498	3518	3534
20°	2595	2648	2698
25°	1635	1620	1598
30°	860	850	804
35°	374	429	396
40°	179	224	190
45°	101	123	107
50°	60	75	64
55°	31	47	32
60°	19	26	20
65°	7	12	8
70°	1	3	1
75°	0	0	0
80°	0	0	0
85°	0	0	0
90°	0	0	0



ELEMENT™ 4" LED

FIXED DOWNLIGHT

PHOTOMETRICS

Description: 4" LED Module
60° Beam - 0° Tilt,
80 CRI, 3000K

Model: E4 Citizen LED

Input Power (Watts): 30.7

Input Power Factor: 0.98

Absolute Luminous

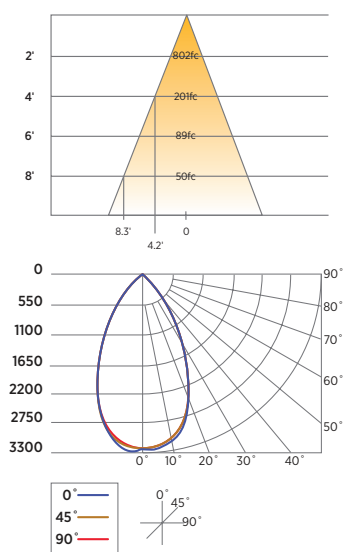
Flux (Lumens): 3178

Lumen Efficacy

(Lumens per Watt): 103.4

Output difference between CCTs - 5%, CRIs - 15%.

ANGLE	0°	45°	90°
0°	3209	3209	3209
5°	3215	3152	3158
10°	3103	3067	3068
15°	2869	2852	2881
20°	2428	2393	2468
25°	1881	1814	1930
30°	1398	1324	1441
35°	982	939	1038
40°	597	603	681
45°	334	359	393
50°	186	202	210
55°	89	118	98
60°	46	74	50
65°	25	38	27
70°	6	15	7
75°	4	4	4
80°	3	3	3
85°	1	1	1
90°	0	0	0



ELEMENT™ 4" LED

FIXED DOWNLIGHT

PROJECT INFORMATION

JOB NAME AND INFORMATION

FIXTURE TYPE AND QUANTITY

NOTES

The Ikon outdoor step light features a minimized rectangular aperture that aims illumination downward to light stairs with minimal glare. Ideal for wayfinding and added safety after dark. Available in two finishes, Black and Bronze.

- **Selectable CCT (2700K/3000K)**
- **120V or 12V**
- **Outstanding protection against the elements:**
 - Wet Listed IP66 Rated
 - Stainless Steel Mounting Hardware
 - Powder Coat Finishes

SPECIFICATIONS

DELIVERED LUMENS	202 (2700K)
WATTS	12.2
VOLTAGE	12V (Transformer sold separately) or 120V
DIMMING	12V ELV, MLV and Triac. 120V not dimmable
LIGHT DISTRIBUTION	Symmetric
OPTICS	Not applicable
MOUNTING OPTIONS	Step: 2x4 junction box
CCT	2700K/3000K Selectable
CRI	90+
COLOR BINNING	3 Step
BUG RATING	B0-U3-G1
DARK SKY	Compliant
WET LISTED	IP66
GENERAL LISTING	ETL
CALIFORNIA TITLE 24	Can be used to comply with CEC 2019 Title 24 Part 6 for outdoor use. Registration with CEC Appliance Database not required.
START TEMP	-30°C
FIELD SERVICEABLE LED	No
CONSTRUCTION	Aluminum
HARDWARE	Stainless Steel
FINISH	Powder Coat
LED LIFETIME	L70; >60,000 Hours
WARRANTY*	5 Years
WEIGHT	1 lb.

* Visit techlighting.com for specific warranty limitations and details.



IKON OUTDOOR WALL/STEP LIGHT
shown in black



IKON OUTDOOR WALL/STEP LIGHT
shown in bronze

12V AC TRANSFORMERS*

(OUTDOOR RATED, ORDERED SEPARATELY)

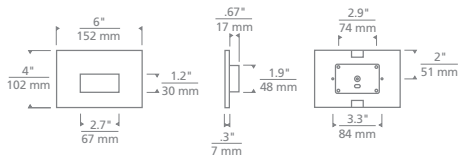
ITEM	DESCRIPTION	HOUSING	DIMMING
7000T150T	MAGNETIC, 150W, 120V	STAINLESS STEEL	MAGNETIC
7000T300T	MAGNETIC, 300W, 120V	STAINLESS STEEL	MAGNETIC

*WE DO NOT RECOMMEND USING GREATER THAN 70% OF THE MAXIMUM WATTAGE SPECIFIED FOR THE LOW VOLTAGE TRANSFORMER DUE TO INRUSH CURRENT REQUIREMENTS.

ORDERING INFORMATION

PRODUCT	CRI/CCT	FINISH	VOLTAGE
7000SIKN	92730 90 CRI 2700K/3000K SELECTABLE	B BLACK Z BRONZE	12 12V* 120 120V

*REQUIRES 12V REMOTE TRANSFORMER



Ikon Outdoor Wall/Step Light

PROJECT INFO

FIXTURE TYPE & QUANTITY	JOB NAME & INFO	NOTES

DATE:	PROJECT:	TYPE:
-------	----------	-------

CATALOG NUMBER LOGIC:



**Designed for use with LED transformer. Requires magnetic low voltage dimmer.*

***The 360SL cost is already included in the price of UPM, UPM dual, and Power Canopy.*

CATALOG NUMBER LOGIC

Example: B - MN - LED - e68 - SP - WHP - 12 - 11 - A - 360SL

MATERIAL

(Blank) - Aluminum B - Brass

SERIES

MN - Micro Nite Star

SOURCE

LED - with Integral Dimming Driver (25W min. load when dimmed)*

LED TYPE

e67 - 7W LED/2700K e69 - 7W LED/4000K

e68 - 7W LED/3000K e75 - 7W LED/Amber

OPTICS

SP - Spot (17°) MFL - Medium Flood (25°) FL - Flood (30°)

FINISH (See page 2 for full-color swatches)

Standard Finishes (BZP, BZW, BLP, BLW, WHP, WHW, SAP, VER)

Premium Finish (ABP, AMG, AQW, BCM, BGE, BPP, CAP, CMG, CRI, CRM, HUG, MDS, NBP, OCP, RMG, SDS, SMG, TXF, WCP, WIR)

Also available in RAL Finishes

Brass Finishes (MAC, POL, MIT)

LENS TYPE

12 - Soft Focus 13 - Rectilinear

SHIELDING

11 - Honeycomb Baffle

CAP STYLE

A - 45°

B - 90°

C - Flush Lens

D - 45° Less Weephole (Interior use only)

E - 90° Less Weephole (Interior use only)

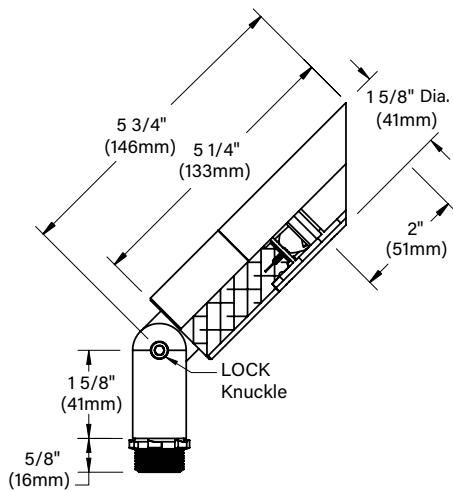
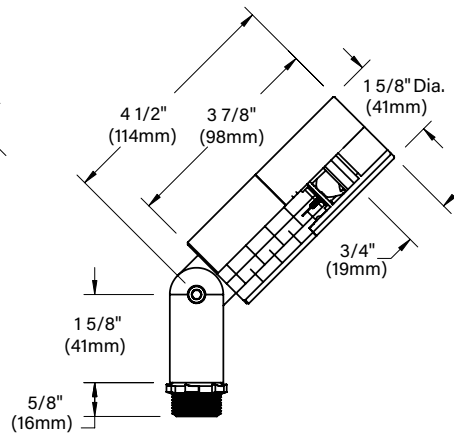
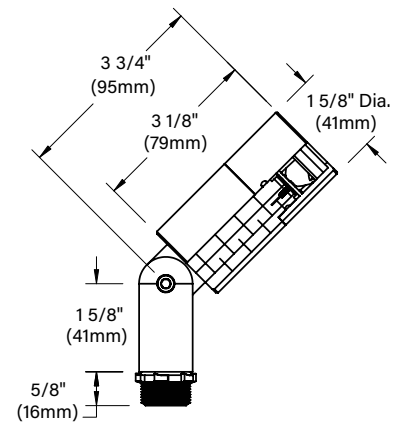
OPTIONS

360SL - Knuckle Mounting System**

DATE:

PROJECT:

TYPE:

**"A/D" CAP****"B/E" CAP****"C" CAP****STANDARD FINISHES**

[Click Here](#) to view larger, full-color swatches of all available finishes on our website.

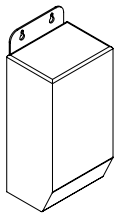
PREMIUM FINISHES**B-K LIGHTING****MADE IN THE USA**559.438.5800 | INFO@BKLIGHTING.COM | BKLIGHTING.COM

MICRO NITE STAR LED

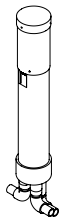
IP66 RATED

DATE:	PROJECT:	TYPE:
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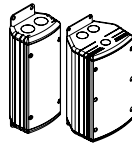
Accessories (Configure separately)



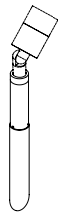
TR Series



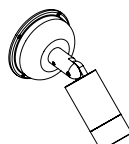
Power Pipe



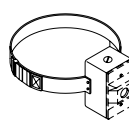
UPMRM



Power Pipe



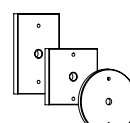
Power Canopy



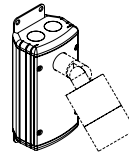
Tree Strap



Stems



Canopies



UPM

SPECIFICATIONS

ELECTRICAL	WATTAGE	7W LED
	WIRING	XLPE, 18GA,150C, 600V, rated and certified to UL3321.
	REMOTE TRANSFORMER	For use with 12VAC remote transformer or magnetic transformers only. B-K Lighting cannot guarantee performance with third party manufacturers' transformers.
PHYSICAL	MATERIALS	Furnished in copper-free aluminum (6061-T6) or brass (360).
	BODY	Unibody design with enclosed, water-proof wireway and integral heat sink is fully machined from solid billet.
	KNUCKLE	LOCK Knuckle is integral to the body and features an interior taper machined from solid billet and a second, reverse angle taper allowing full 180° vertical adjustment without the use of aim-limiting serrated teeth. High temperature, silicone 'O' Ring provides water-tight seal and compressive resistance to maintain fixture position. Design withstands 73 lbs. static load prior to movement for optical alignment with a 1/2" pipe thread for mounting. Optional 360SL provides biaxial source control with 360° horizontal rotation in addition to vertical adjustment.
	CAP	Fully machined and accommodates two (2) lens or louver media.
	LENS	Shock-resistant, tempered glass lens is factory adhered to fixture cap and provides hermetically sealed optical compartment.
	LED	Integrated solid state system and modular design with electrical disconnects allow for easy field upgrade and maintenance. High power, forward throw source complies with ANSI C78.377 binning requirements and exceeds ENERGY STAR® lumen maintenance requirements. LM-80 certified components. Integral, constant current driver. 12VAC/VDC input. 50/60Hz. Proprietary input control scheme achieves power factor correction and eliminates inrush current (limited to <250mA non-dimming). Output, overvoltage, open-circuit, and short circuit protected. Conforms to Safety Std. C22.2 No. 250.13-12.
	DIMMING	Line voltage dimmable via magnetic low voltage dimmer with dedicated neutral conductor. Remote magnetic transformer with LED loads should be loaded to 25% of the transformer VA (watts) rated value.
	OPTICS	Interchangeable OPTIKIT modules permit optical field changes. Color-code: Narrow Spot (NSP) = red; Spot (SP) = green; Medium Flood (MFL) = yellow; Wide Flood (WFL) = blue.
	HARDWARE	Tamper-resistant, stainless steel hardware. LOCK aiming screw is black oxide treated for additional corrosion resistance.
	FINISH	StarGuard, our 15-stage chromate-free process cleans and conversion coats aluminum components prior to application of Class 'A' TGIC polyester powder coating and is RoHS compliant. Powder coat or metal finish options available for brass material.
	WARRANTY	5-year limited warranty.
	CERTIFICATION & LISTING	ITL tested to IESNA LM-79. UL Listed. Certified to CAN/CSA/ANSI Standards. RoHS compliant. Suitable for indoor or outdoor use, in wet locations, and for installation within 4' of the ground. IP66 Rated. Made in the USA with sustainable processes.



RoHS



B-K LIGHTING

MADE IN THE USA

559.438.5800 | INFO@BKLIGHTING.COM | BKLIGHTING.COM

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01/15/2020 SKU-737
SUB000927

LAMP & DRIVER DATA (e67, e68, e69, e75)

DATE:

PROJECT:

TYPE:

DRIVER DATA

Input Volts	InRush Current	Operating	Dimmable	Operation Ambient Temperature
12VAC/DC 50/60Hz	<250mA (non-dimmed)	500mA	Magnetic Low Voltage Dimmer	-22°F-194°F (-30°C - 90°C)

LM79 DATA

BK No.	CCT (Typ.)	CRI (Typ.)	Input Watts (Typ.)
e67	2700K	80	7
	2700K	80	7
	2700K	80	7
e68	3000K	80	7
	3000K	80	7
	3000K	80	7
e69	4000K	80	7
	4000K	80	7
	4000K	80	7
e75	Amber (590nm)	~	7

L70 DATA

Minimum Rated Life (hrs.) 70% of initial lumens (L ₇₀)
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000
50,000

OPTICAL DATA

Angle	CBCP	Delivered Lumens
17°	3632	459
25°	1708	435
30°	1337	438
17°	3871	489
25°	1821	464
30°	1425	467
17°	3991	504
25°	1877	478
30°	1469	481
~	~	~

OPTICS

Optic	Angle
SP - Spot	17°
MFL - Medium Flood	25°
FL - Flood	30°

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MADE IN THE USA

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04/22/2020
SUB-2583-00



Awning and Picture windows in Ebony

ULTIMATE AWNING

A top-hinged alternative or complement to a casement window, the Ultimate Awning window is designed for performance and quality. With industry-leading sizes, the Ultimate Awning can be used on its own as a convenient option for hard to reach areas like over a sink or counter, or as a complement to adjacent windows, allowing fresh air access.



**ULTIMATE AWNING
WITH FOLDING HANDLE IN SATIN NICKEL**



**ULTIMATE AWNING PUSH OUT
WITH PUSH OUT HANDLE IN OIL RUBBED BRONZE**

Ultimate Awning

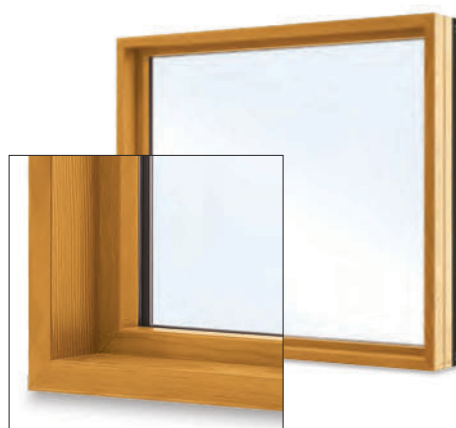
ENERGY DATA	U-FACTOR	SHGC	VT	ENERGY STAR
Insulated Glass - Low E3 - Argon - SDLN < 1"	0.29	0.17	0.40	NC, SC, S
Insulated Glass - Low E3 - Argon - SDLS < 1"	0.29	0.17	0.40	NC, SC, S
Insulated Glass - Low E3 - Argon	0.29	0.19	0.44	NC, SC, S
Insulated Glass - Low E2 - Argon - SDLN < 1"	0.30	0.26	0.44	NC
Insulated Glass - Low E2 - Argon - SDLS < 1"	0.30	0.26	0.44	NC
Insulated Glass - Low E2 - Argon	0.30	0.29	0.49	NC
Insulated Glass - Low E2 - Air - SDLN < 1"	0.33	0.26	0.44	
Insulated Glass - Low E2 - Air - SDLS < 1"	0.33	0.26	0.44	
Insulated Glass - Low E2 - Air	0.33	0.29	0.49	
Insulated Glass - Low E1 - Argon - SDLN < 1"	0.30	0.43	0.49	N
Insulated Glass - Low E1 - Argon - SDLS < 1"	0.30	0.43	0.49	N
Insulated Glass - Low E1 - Argon	0.30	0.47	0.54	N
Tri-Pane Glass - Low E2 / Low E1 - Argon	0.23	0.26	0.43	N, NC
Tri-Pane Glass - Low E2 / Low E1 - Argon - SDLN < 1"	0.23	0.24	0.39	N, NC, SC, S



Picture and Awning windows in White painted interior finish

ULTIMATE PICTURE

The Ultimate Picture window offers a classic style in a non-operable window, bringing natural light into a room or highlighting an unobstructed outdoor view. Durable and energy efficient, it can be sized to match accompanying double hung, single hung, or casement windows. An aluminum-clad exterior provides durability and flexible finish options, or an all-wood option is ideal for historic renovation projects where a wood exterior is needed to match original architectural details.



DIRECT GLAZE PICTURE WINDOW



IN-SASH PICTURE WINDOW

DIRECT GLAZE

Direct glaze refers to a window with no sash. The glass is glazed directly into the frame and is stationary.

IN-SASH

In-sash windows are non-operable, and they can match the profiles of windows with operable sashes.

Ultimate Casement Picture

ENERGY DATA	U-FACTOR	SHGC	VT	ENERGY STAR
Insulated Glass - Low E3 - Argon - SDLN < 1"	0.27	0.20	0.46	N, NC, SC, S
Insulated Glass - Low E3 - Argon - SDLS < 1"	0.27	0.20	0.46	N, NC, SC, S
Insulated Glass - Low E3 - Argon	0.27	0.22	0.51	N, NC, SC, S
Insulated Glass - Low E1 - Argon - SDLN < 1"	0.29	0.47	0.55	N
Insulated Glass - Low E1 - Argon - SDLS < 1"	0.29	0.47	0.55	N
Insulated Glass - Low E1 - Argon	0.29	0.53	0.62	N
Insulated Glass - Low E2 - Argon - SDLN < 1"	0.28	0.29	0.50	NC
Insulated Glass - Low E2 - Argon - SDLS < 1"	0.28	0.29	0.50	NC
Insulated Glass - Low E2 - Argon	0.28	0.32	0.56	N, NC
Insulated Glass - Low E2 - Air - SDLN < 1"	0.32	0.29	0.50	
Insulated Glass - Low E2 - Air - SDLS < 1"	0.32	0.29	0.50	
Insulated Glass - Low E2 - Air	0.32	0.33	0.56	
Insulated Glass - Low E2 - Argon - SDLN < 1"	0.28	0.30	0.51	NC
Insulated Glass - Low E2 - Argon - SDLS < 1"	0.28	0.30	0.51	NC
Insulated Glass - Low E2 - Argon	0.28	0.33	0.57	N, NC
Insulated Glass - Low E2 - Air - SDLN < 1"	0.31	0.30	0.51	
Insulated Glass - Low E2 - Air - SDLS < 1"	0.31	0.30	0.51	
Insulated Glass - Low E2 - Air	0.31	0.33	0.57	
Insulated Glass - Low E1 - Argon - SDLN < 1"	0.29	0.49	0.56	N
Insulated Glass - Low E1 - Argon - SDLS < 1"	0.29	0.49	0.56	N
Insulated Glass - Low E1 - Argon	0.29	0.55	0.63	N
Insulated Glass - Low E3 - Argon	0.28	0.22	0.50	NC, SC, S
Insulated Glass - Low E3 - Argon - SDLS < 1"	0.28	0.20	0.45	NC, SC, S
Insulated Glass - Low E3 - Argon - SDLN < 1"	0.28	0.20	0.45	NC, SC, S
Tri-Pane Glass - Low E2 / Low E1 - Argon	0.21	0.30	0.50	N, NC
Tri-Pane Glass - Low E2 / Low E1 - Argon - SDLN < 1"	0.21	0.27	0.45	N, NC



Casement windows with Matte Black hardware

ULTIMATE CASEMENT

The Ultimate Casement window is offered in some of the largest sizes in the industry, with a secure multi-point lock, durable hardware that ensures smooth operation, and Marvin's exclusive Wash Mode for easy cleaning—even on upper floors. With many design options, including round top shapes, the Ultimate Casement window flexes to fit your vision and can be sized to complement the most expansive views.



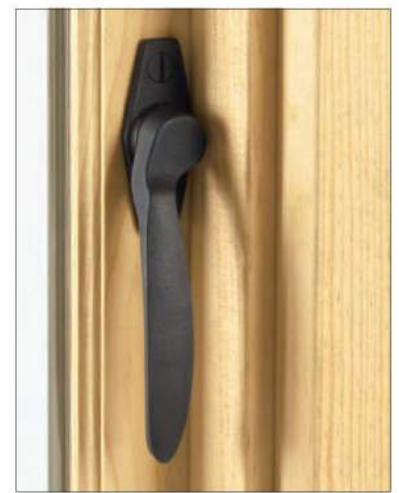
**ULTIMATE CASEMENT INTERIOR
WITH FOLDING HANDLE**



**ULTIMATE CASEMENT EXTERIOR
WITH FOLDING HANDLE**



ULTIMATE CASEMENT PUSH OUT INTERIOR WITH PUSH OUT HANDLE



THIS PRODUCT IS CE CERTIFIED
(ULTIMATE CASEMENT NARROW FRAME - CLAD ONLY)

Ultimate Casement

ENERGY DATA	U-FACTOR	SHGC	VT	ENERGY STAR
Insulated Glass - Low E1 - Argon - SDLS < 1"	0.30	0.43	0.49	N
Insulated Glass - Low E2 - Air - SDLS < 1"	0.32	0.26	0.44	
Insulated Glass - Low E3 - Argon - SDLN < 1"	0.29	0.17	0.40	NC, SC, S
Insulated Glass - Low E3 - Argon - SDLS < 1"	0.29	0.17	0.40	NC, SC, S
Insulated Glass - Low E3 - Argon	0.29	0.19	0.44	NC, SC, S
Insulated Glass - Low E2 - Argon - SDLN < 1"	0.30	0.26	0.44	NC
Insulated Glass - Low E2 - Argon - SDLS < 1"	0.30	0.26	0.44	NC
Insulated Glass - Low E2 - Argon	0.30	0.29	0.49	NC
Insulated Glass - Low E2 - Air - SDLN < 1"	0.32	0.26	0.44	
Insulated Glass - Low E2 - Air	0.32	0.29	0.49	
Insulated Glass - Low E1 - Argon - SDLN < 1"	0.30	0.43	0.49	N
Insulated Glass - Low E1 - Argon	0.30	0.47	0.54	N
Tri-Pane Glass - Low E2 / Low E1 - Argon	0.23	0.26	0.43	N, NC
Tri-Pane Glass - Low E2 / Low E1 - Argon - SDLN < 1"	0.23	0.24	0.39	N, NC, SC, S



Lift and Slide door with custom stain

ULTIMATE LIFT AND SLIDE DOOR

With openings up to 48 feet wide and 12 feet high, now you can add acres to your floor plan. Available with pocket panels that slide into the wall, completely disappearing from view, or stacked panels that slide and stack perfectly within the door frame for a seamless transition from outside to inside. Both are available with exclusive flush mount handles and exterior finger pulls that virtually disappear when not in use.



INTERIOR



HARDWARE OPTIONS

Available with exclusive flush mount hardware, interior finger pull, and optional exterior finger pull.



POCKET AND **STACKED OPERATION**

When open, panels either stack neatly or slide into the wall cavity. They glide on the inconspicuous $\frac{3}{16}$ inch high exposed track.

GLASS + GLAZING



Awning and Picture windows and Outswing French door

**DUAL PANE GLAZING**

Our standard glazing is dual pane: two panes of glass with Low E coatings and insulated with argon gas. Compared to a single glass pane, dual pane glass cuts energy costs significantly because of low emissivity coating and the gas filled insulating space between the glass layers.

**TRIPLE PANE GLAZING**

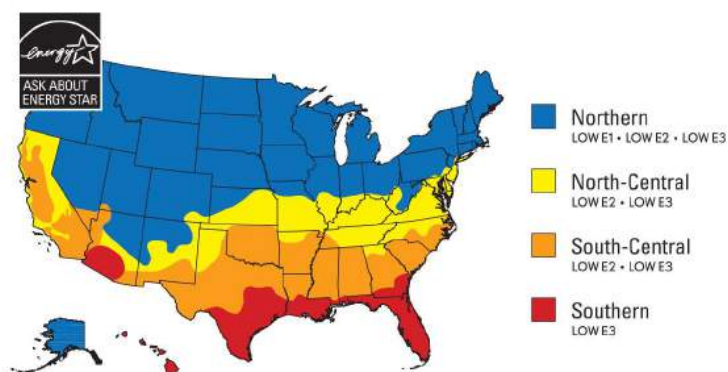
Triple pane glazing consists of three panes of glass with Low E coatings applied to the surface. Two glass spaces are insulated with argon gas between the panes. Available in products where glazing thickness can be wider than $\frac{3}{4}$ inch.

GLASS + GLAZING

The thermal and structural properties of wood combined with the right glazing make Marvin wood and clad-wood products an optimal choice for energy efficiency. We offer thousands of window and door options with two or three panes of glass and a range of glazing options to meet the performance challenges of any climate.

GLASS COATINGS

Low E coatings are microscopically thin, essentially invisible coatings on the glass surface that help manage the amount of light and heat conducted through a window pane or reflected away from it, reducing a home's dependence on heat and air conditioning. The national ENERGY STAR® program recognizes products that meet strict energy-efficiency guidelines to suit climates in different areas of the country, and Marvin offers products to meet climate and code requirements in every region.



LOW E1

Low E1 coating is a good choice when you want maximum solar heat gain and radiant heating properties. This type of coating is generally used in Northern climates where heating is prioritized over cooling. You'll reap maximum benefits when windows with this type of coating are positioned to receive direct sun exposure.

LOW E2

The most common Low E coating since it works well across most geographic regions and climates. Low E2 with two metallic coatings balances less solar heat gain and improved radiant heating properties.

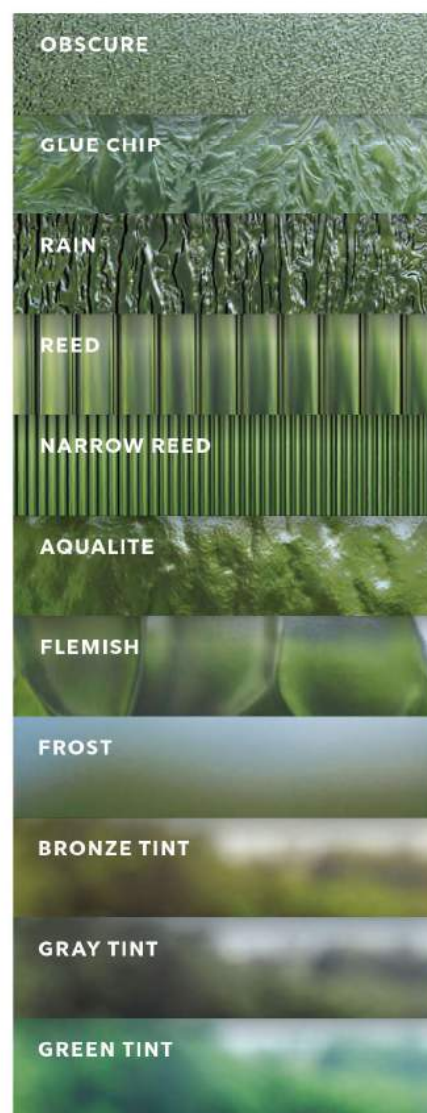
LOW E3

Used in applications where solar heat gain may be a concern, low E3 coating uses multiple metallic layers for radiant properties similar to Low E2. This type of coating is most commonly used in Southern, sunny climates where cooling is prioritized over heating.

SPECIALTY GLASS

Our specialty options include glass for unique project needs like sound abatement (STC/OITC), high altitudes, Sea Turtle Conservation Codes, and California fire zones. We also offer laminated glass on certain products that's designed specifically for hurricane zones.

A variety of decorative glass options are available to meet the unique needs of each project. Laminated glass is also available in clear, bronze, gray, or green with tinted interlayers.



WOOD SPECIES

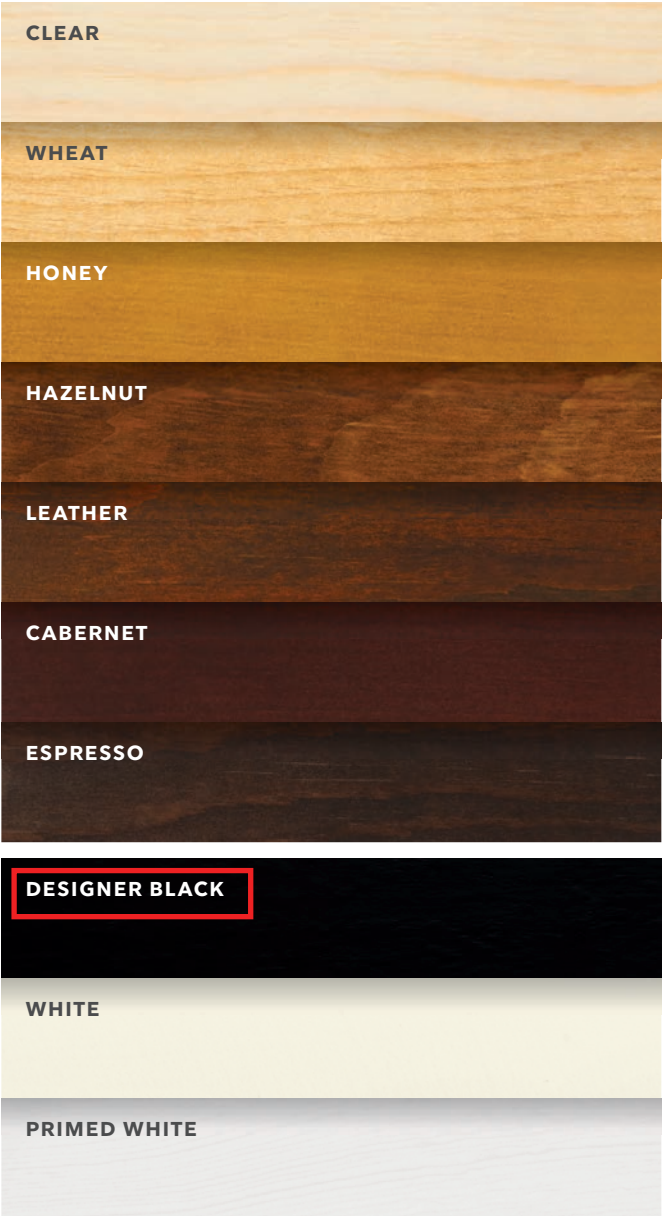
Offering a rich, warm look, many custom options, and design versatility, wood is a premium choice. Wood can be used on both the interior and exterior of a window or door. As a lower maintenance option, wood can also be used on only the interior with an extruded aluminum cladding exterior. Marvin offers both options, leading the industry in sourcing, processing, and utilizing high quality wood.



Wood Bi-Fold door in Mahogany

STAIN + PAINT

When compared to painting or staining on the job site, factory-stained finishes offer consistent quality and performance resulting from our expertise with wood as a material and years of perfecting our staining process. Painting on the job site or scheduling off-site finishing is an extra step that takes time and coordination. Choose our painted interior finish option on any Marvin windows and doors with a wood or clad exterior for a factory-painted option that arrives ready to install.



* Stain colors shown on Pine. To see more about finishes visit [Marvin.com](https://www.marvin.com).

EXTERIOR FINISH OPTIONS

STONE WHITE

COCONUT CREAM

SIERRA WHITE

CASHMERE

PEBBLE GRAY

HAMPTON SAGE

CADET GRAY

CLAY

CASCADE BLUE

SUEDE

GUNMETAL

WINEBERRY

BRONZE

BAHAMA BROWN

EVERGREEN

EBONY

BRIGHT SILVER (PEARLESCENT)

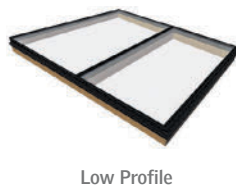
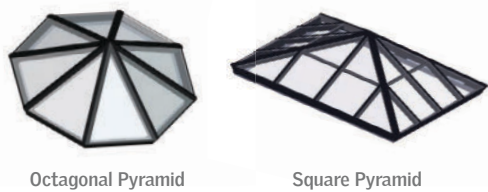
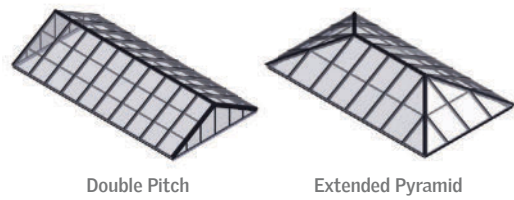
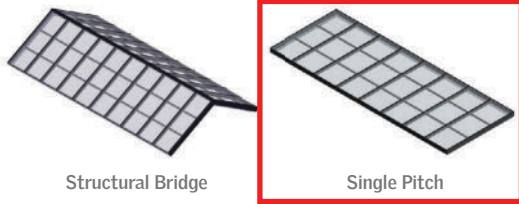
COPPER (PEARLESCENT)

LIBERTY BRONZE (PEARLESCENT)

CUSTOM COLOR: ANY COLOR YOU WANT

Architectural Skylights

Pyramid Systems and Pitched Roof Applications



Pyramid Systems and Pitched Roof Applications

- Create spectacular daylighting applications with unlimited design capabilities
- Lightweight, metal-framed skylights capable of spanning up to 40 feet wide
- Insulated glass panels help control heat gain and loss in all types of weather
- Available in a wide variety of high-performance glass and finish options



Architectural Skylights

Modular Skylights



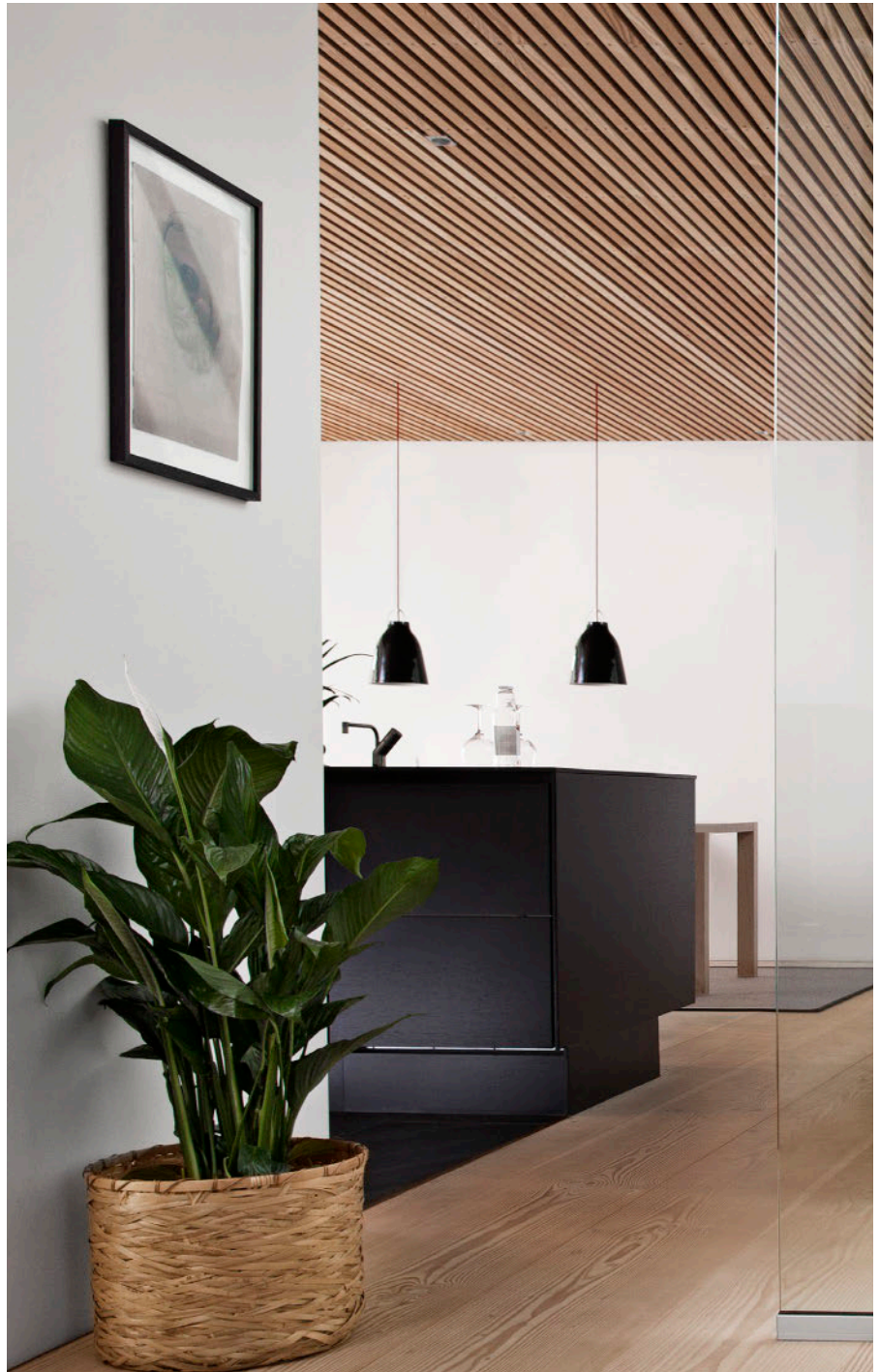
Venting
Module 5-25°



Fixed
Module 5-25°

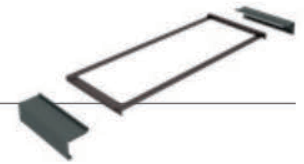
Modular Skylights

- Complete system made of multiple skylights with a self-supporting structural system that does not require rafters or beams for support
- Prefabricated components ensure a quality build, 100% water tightness, and fast, easy installation
- Available in a variety of configurations with both venting and fixed modular skylights
- Includes electronic control system with wind and rain sensor



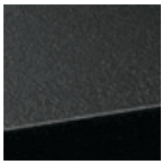


Product	Material	Surface	Colour	RAL	Granite
Cladding	Aluminium (1.5 mm)	Scratch resistant powder lacquer	Noir 2100 Sable	Granite 60	
Flashing	Aluminium (1 mm)	PVdf lacquer	NCS standard colour: S 7500-N	RAL 7043	gloss 30



Cladding and flashing – exterior colours

Standard colours



Cladding
Dark grey

Material: Aluminium (1.5 mm)
Surface: Scratch resistant powder lacquer
Colour: Noir 2100 Sable (Granite 60)



Flashing
Grey

Material: Aluminium (1 mm)
Surface: PVdf lacquer
Colour: NCS standard colour: S 7500-N (RAL 7043), gloss 30

Semi-standard colours (Available at additional cost)



Cladding
White

Material: Aluminium (1.5 mm)
Surface: Scratch resistant powder lacquer
Colour: AA10F Sable (Granite 01)



Flashing
White

Material: Aluminium (1 mm)
Surface: PVdf lacquer
Colour: RAL 9010, gloss 30



Cladding
Light grey

Material: Aluminium (1.5 mm)
Surface: Scratch resistant powder lacquer
Colour: Gris 400 Sable (Granite 20)



Flashing
Light grey

Material: Aluminium (1 mm)
Surface: PVdf lacquer
Colour: RAL 7037, gloss 30



Cladding
Dark grey

Not a semi-standard colour
Same as our standard colour cladding



Flashing
Dark grey

Material: Aluminium (1 mm)
Surface: PVdf lacquer
Colour: RAL 7021, gloss 30



Cladding
Black

Material: Aluminium (1.5 mm)
Surface: Scratch resistant powder lacquer
Colour: Noire 900 Sable (Granite 80)



Flashing
Black

Material: Aluminium (1 mm)
Surface: PVdf lacquer
Colour: RAL 9005, gloss 30

Special colours



Special colours

All other colours can be ordered at additional cost.
Contact our sales team for more details.

51 Elmwood Avenue Project Narrative

This is a Conditional Use Application for an Emergency Shelter.

Project Scope

The City is proposing to site a Temporary Emergency Shelter Community at the Elmwood Avenue Parking Lot. This Emergency Shelter Community is a response to the current, immediate, need to provide shelter to the City's most vulnerable residents and was identified as an action item in the [Mayor's December 2021 Action Plan to Ensure Housing as a Human Right](#). You can learn more about the City's efforts to address homelessness [here](#) and find answers to FAQs about the Emergency Shelter Community [here](#). This site was selected due to its ease of access to municipal water, sewer and power and ease of access to transportation and other services and amenities.

This is a temporary project where all structures are designed and manufactured to be relocated to alternate sites as needed. The Public Works Commission and the City Council have approved the use of the Elmwood Ave parking lot for up to 36 months. CEDO has been tasked with bringing this project to fruition.

The project will consist of:

- 25-30 individual shelters that will have heating, cooling and electricity;
- Turn-key prefabricated bathroom facility with six full (shower, toilet, sink) bathrooms (Bathhouse) connected to municipal water and sewer;
- Turn-key, prefabricated Community Resource Center (CRC) with a full kitchen two bathrooms for guests, a staff bathroom, and two offices connected to municipal water and sewer.
- Screened and gated trash facility.
- Solar panels on the bathrooms and CRC (funding dependent)
- Outdoor community space such as designated smoking areas, picnic tables, shade, and gardening opportunities.

Work on the site will include:

- Connection of the CRC and Bathhouse to municipal water and sewer
- Trenching for bringing electricity to each shelter pod and the Bathhouse and CRC
- Helical piles for placing the prefabricated Bathhouse and CRC structures
- A new fence (with gates) along the east side of the site
- Repair as needed and additional privacy screening of the existing chain link fence at the north, south and west sides of the site
- Painting on the asphalt to clearly mark the emergency access lane and provide placemaking on the site

Construction

All structures on the site are designed to be prefabricated and mobile. The two larger structures, CRC and Bathhouse, will be prefabricated by KBS Builders to meet high energy efficiency standards and all state and local building codes and be delivered to the site. These buildings will have a mix of vinyl board and batten and clapboard siding, vinyl windows and fiberglass doors. The CRC roof will be asphalt

shingles and the Bathhouse roof will be rubber membrane. Both structures will include site-built decks with ramps for accessibility.

The shelter pods are being procured from two companies: [Pallet Shelter](#) and [Up End This](#). The Pallet Shelters will arrive to the site packed flat and will “constructed” on site by a team from the company. Pallet Shelters are constructed of Fiberglass Reinforced Panels (FRP) on aluminum framing. Up End This shelters will be delivered to the site full constructed. These shelters are constructed of corrugated metal with painted steel doors.

All shelters will be served by electricity.

Size and height

The CRC is 1,430 sf with a maximum height of 15 feet.

The bathhouse is 435 square feet with a maximum height of 10 feet.

Each shelter is 64 square feet with a maximum height of 10 feet.

Setbacks

The two primary structures on the site, CRC and Bathhouse, meet the front and rear yard setbacks required in the district. With a maximum height of 15 feet both the CRC and Bathhouse will meet the 5 foot setback.

Shelter pods are accessory structures less than 15 feet high and are no less than 5 feet from the side and rear property lines.

Parking and Traffic Generation

The site currently operates as a municipal parking lot with 70 parking spaces. All parking spaces are leased during business hours Monday through Friday and the parking spaces are available for public parking in the evenings and on the weekends. Given the current use of the site as a large municipal parking lot the proposed Temporary Emergency Shelter will generate significantly less traffic to the site. The site currently includes 70 nonconforming parking spaces. We propose to keep six of the nonconforming spaces at the southeast corner of the site for staff.

Nuisance Impacts

The proposed project will not generate any increased odor, dust, heat or vibrations. The proposed project will have noise impacts similar to a multifamily housing development. The site has been designed to provide outdoor public gathering spaces in the center of the site to reduce impacts of noise on neighboring properties.

Lighting

The existing parking lot site lights will remain in place. The Community Resource Center and the Bathhouse will have an exterior wall-mounted downlight at each entry. The Up End This shelters will each have an exterior downlight at each entry. All exterior lights will conform with IESNA standards.

Landscaping

Landscaping on the site will be limited to surface applied paint to existing pavement and planters/raised beds.

Stormwater & Erosion Control

The site is currently entirely pervious surface with a stormwater system in place. The existing stormwater system will be kept in place. Making water/sewer connections and trenching for electrical service will create more than 400sf of disturbance so we will apply for an Erosion Prevention Sediment Control (EPSC) Permit ensuring that existing catch basins are protected during trenching.

Water & Wastewater

The CRC and bathhouse will be connected to the municipal water and sewer system. The City's Division of Water Resources is designing the connection to the municipal system and has determined there is adequate capacity.

Lot Coverage

There will be no net new impervious surfaces.

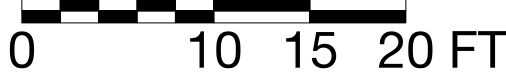
Days and Hours of Operation

The Emergency Shelter Community will operate 24 hours a day with on-site staffing at all times. The Community Resource Center will operate, open to the public, seven days a week between the hours of 9am to 4pm.

ZONING ANALYSIS		
RESIDENTIAL HIGH DENSITY - (RH)		
SETBACK	REQUIREMENT	PROPOSED
FRONT YARD SETBACK -	AVG OF 2 ADJ. LOTS (0')	5' AT COMMUNITY RESOURCE BUILDING
	0' AT SOUTH ABUTTER	
	6' AT NORTH ABUTTER	
	AVERAGE = ~3'	
SIDE YARD SETBACK -	10% OR AVG OF 2 ADJ. LOTS	5' AT COMMUNITY RESOURCE BUILDING
	0' AT SOUTH ABUTTER	7.5' AT PODS
	15' AT NORTH ABUTTER	
	AVERAGE = ~7.5'	
REAR YARD SETBACK -	25% OF LOT DEPTH	7.5' AT PODS - ACCESSORY STRUCTURES
	SOUTH LOT LINE = 206'-7"	
	NORTH LOT LINE = 211'-8"	
	AVERAGE = 209'	
	25% OF 209' = 52'-3"	



SITE PLAN
Scale: 1" = 10'-0"



51 ELMWOOD AVENUE
BURLINGTON , VERMONT

Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6893

DATE: 05.06.2022
DRAWN: SJB

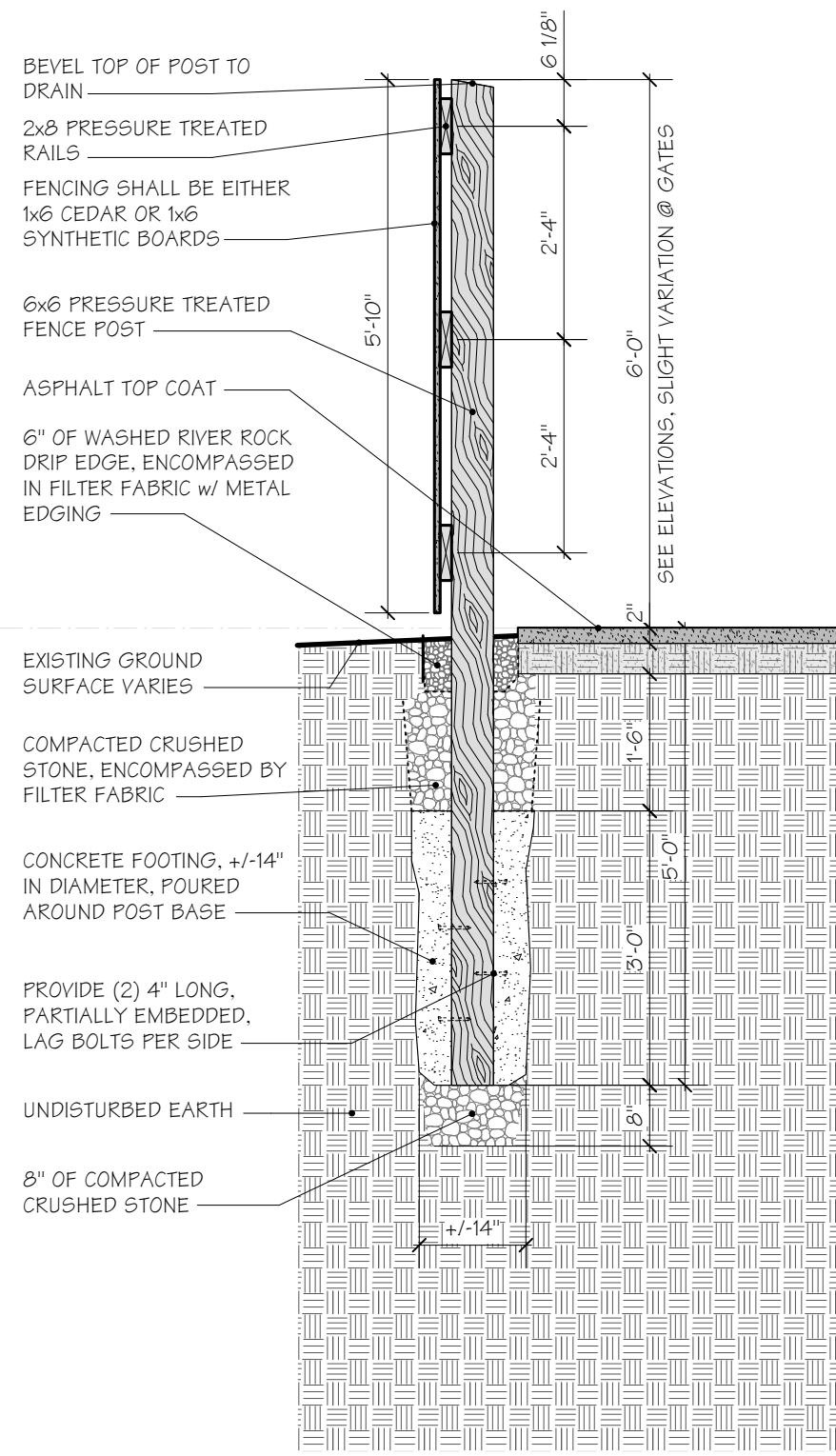
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A Professional Corporation



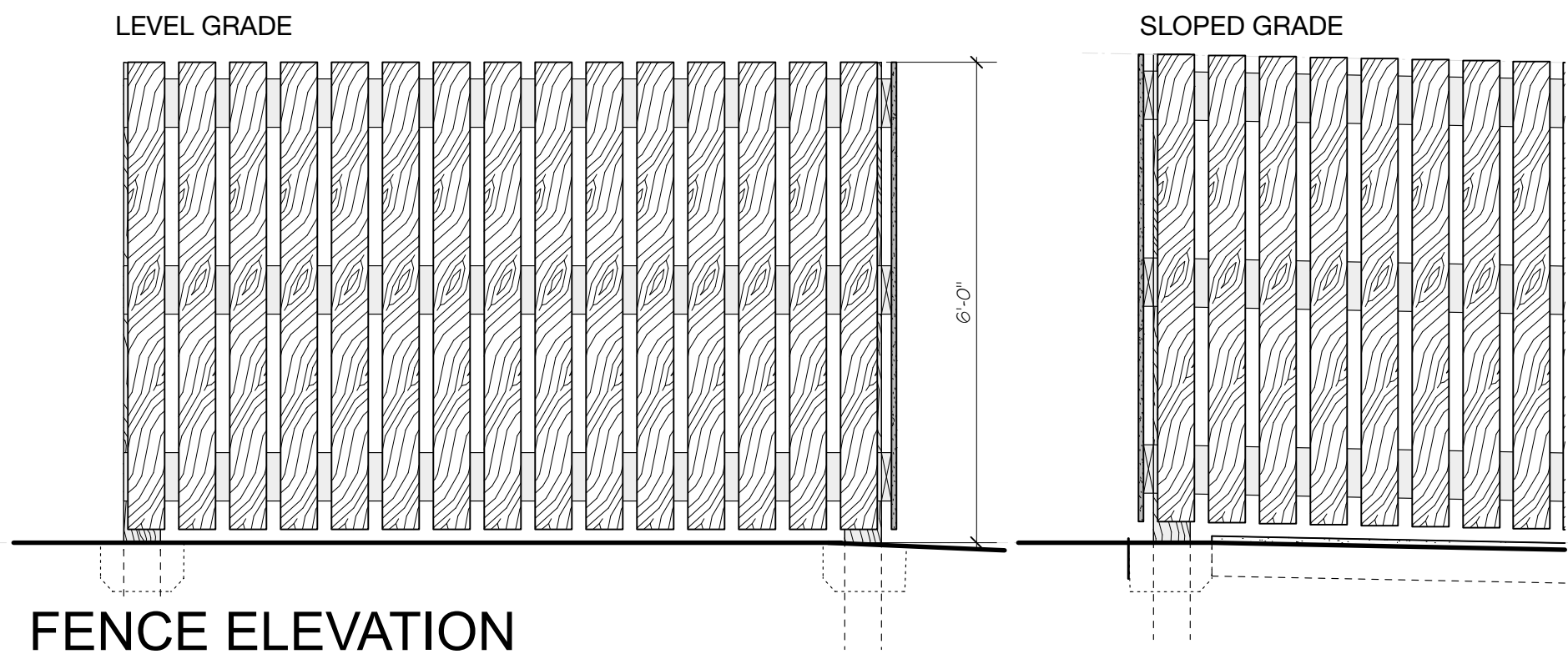
WOOD FENCE

WOOD FENCE, AVAILABLE BY LOCAL FENCE COMPANY TO MATCH OR BE SIMILAR TO DETAIL ON RIGHT. MATERIALS SHALL BE CEDAR BOARDS WITH PRESSURE TREATED POSTS. BASE DETAIL TO BE CONFIRMED BY OWNER/CONTRACTOR BASED ON EXISTING SITE CONDITIONS AND DESIRED STRENGTH. HEIGHT TO MATCH EXISTING CHAIN LINK FENCE.



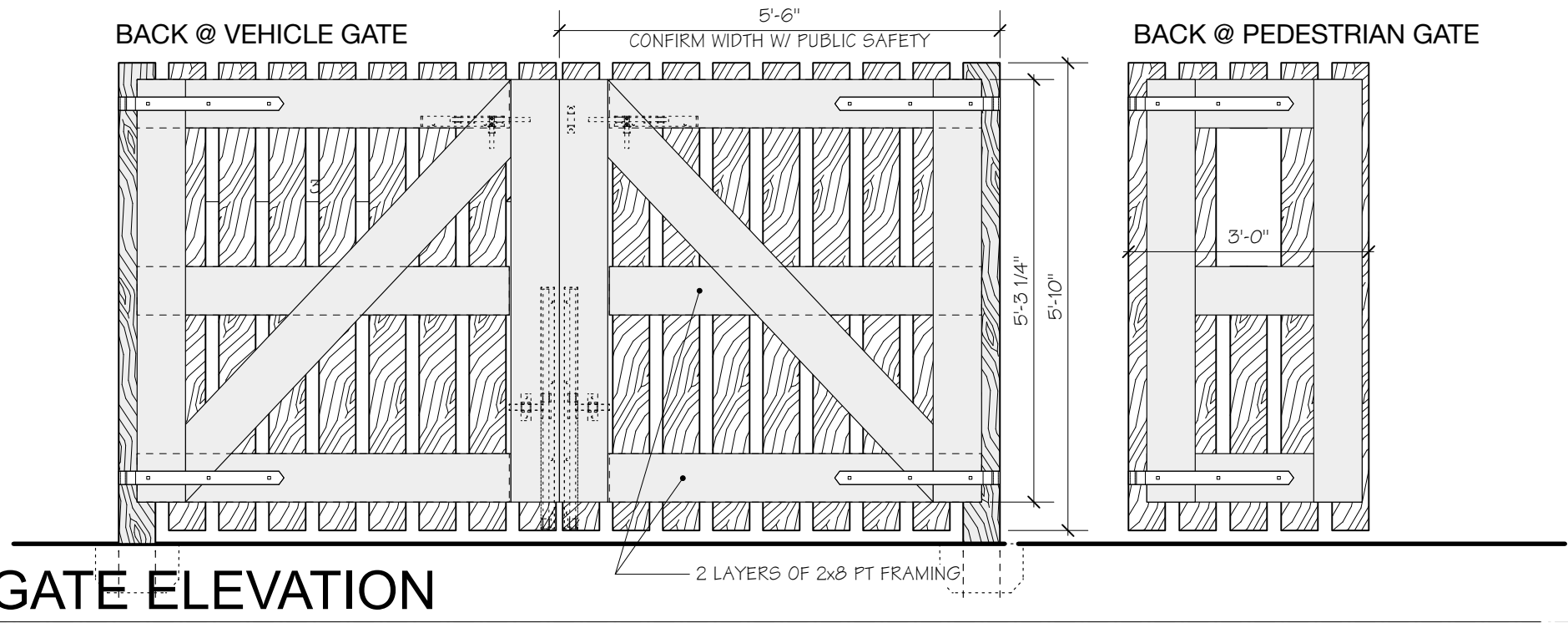
WOOD POST DETAIL

Scale: 1/2" = 1'-0"



FENCE ELEVATION

Scale: 1/2" = 1'-0"



GATE ELEVATION

Scale: 1/2" = 1'-0"

WOOD FINISH:
*NATURAL

GATE HARDWARE (PER PAIR):

QTY #	PRODUCT	DESCRIPTION
	8312-54SP	24" BPPCG CENTRAL EYE DOUBLE STRAP*
#	8801-08P	8" LONG BPPCG THREADED ADJUSTABLE PIN
#	5000-36SP	36" LONG BPPCG CANE BOLT W/ LOCKING RETAINER
#	5000-12SP	12" LONG BPPCG SLIDE BOLT W/ LATCH & SURFACE KEEP

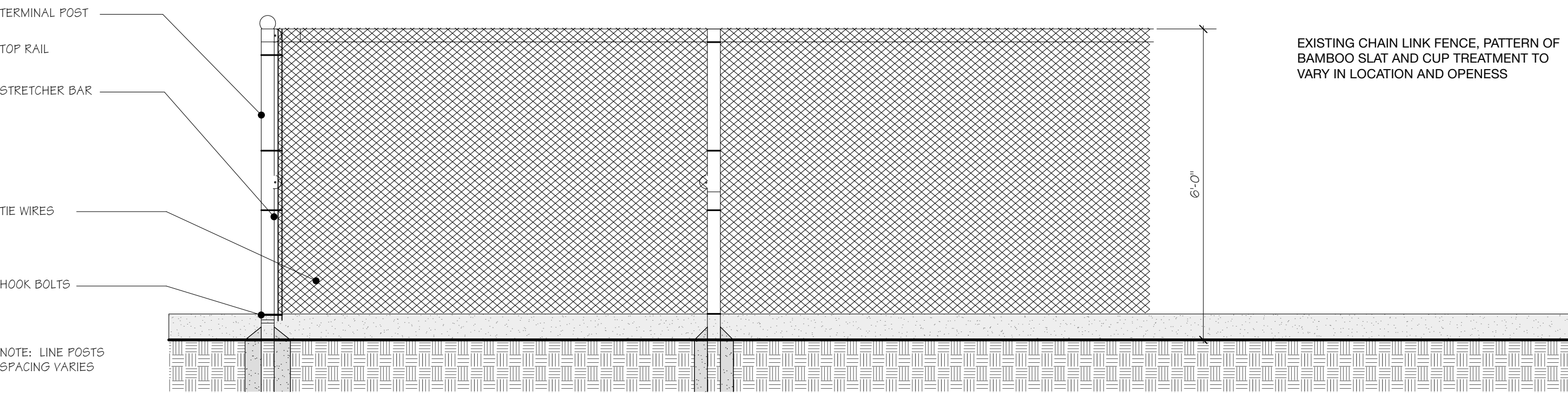
*IT MAY BE POSSIBLE TO USE SMALLER STRAPS (ESP. FOR BOTTOM HINGE), IF DETERMINED BY FENCE/GATE BUILDER.

GATES

NATURAL CEDAR GATES TO MATCH THE FENCE. VEHICULAR GATES TO BE OPERATED BY ON SITE STAFF OR EMERGENCY PERSONNEL ONLY VIA KNOX BOX KEY.

CHAIN FENCE

EXISTING METAL CHAIN LINK FENCE @ 6FT TALL TO BE FIT UP WITH NATURAL BAMBOO FENCING AND DECORATIVE CUP PATTERN. OPENNESS TO REGULATE TRANSPARENCY AND SECURITY WITH INTEGRATED VISUAL ART.



CHAIN DETAIL

Scale: 1/2" = 1'-0"

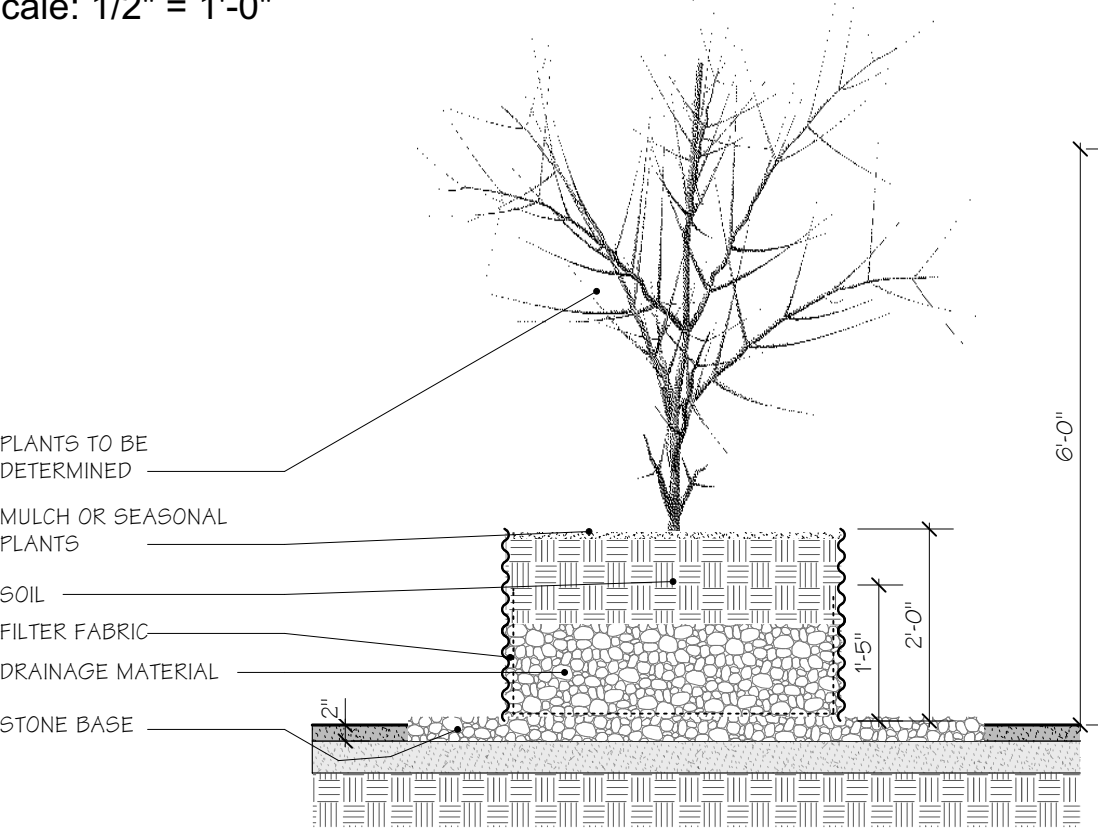
EXISTING CHAIN LINK FENCE, PATTERN OF BAMBOO SLAT AND CUP TREATMENT TO VARY IN LOCATION AND OPENESS

EXAMPLE OF 'CUP' COLORS AVAILABLE



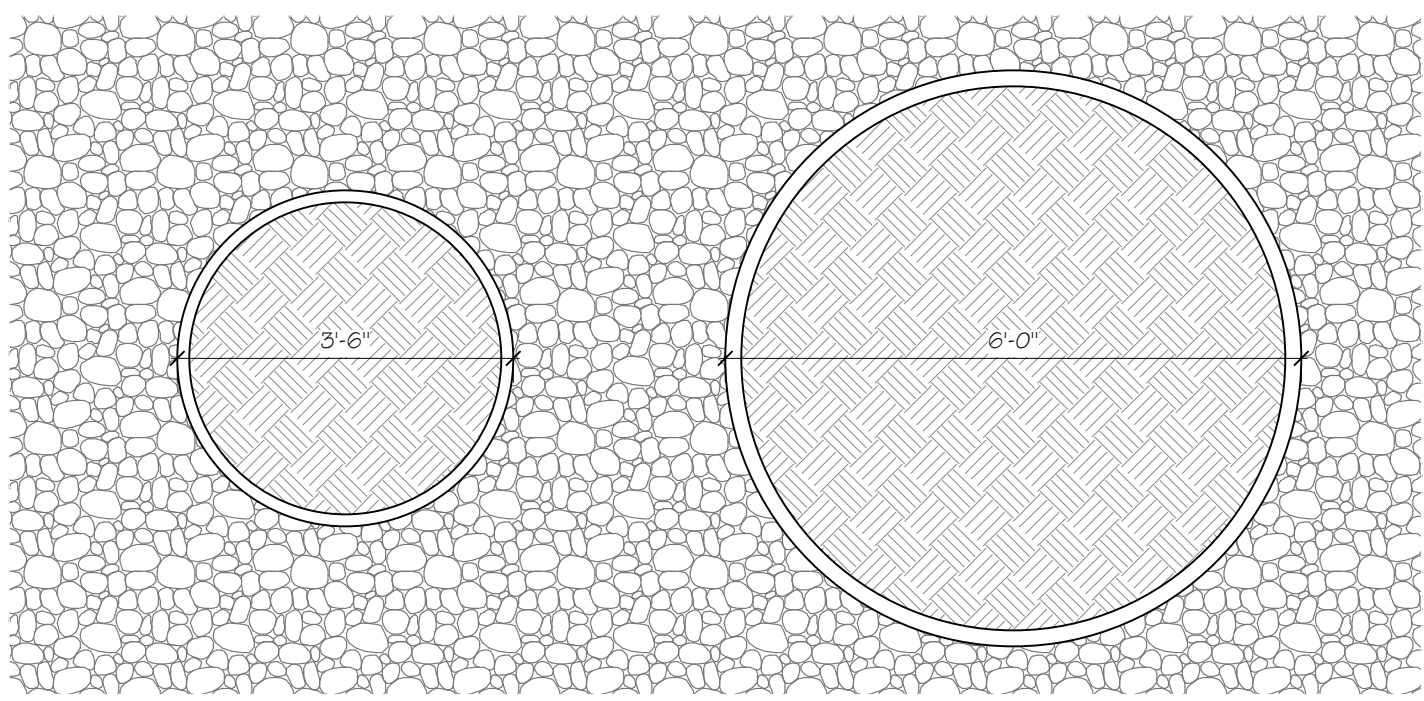
PLANTER

OLLE OR VEGO GALVANIZED RAISED GARDEN BED W/ DRAINAGE PLACED ON EXISTING ASPHALT WITH CRUSHED STONE OR PEBBLES AT BASE & SURROUND. REFER TO PLANS FOR QUANTITY AND LOCATIONS. VEGETATION MAY INCLUDE FLOWERING TREES WITH SPACE AT THE PERIMETER FOR ADDITIONAL SEASONAL ANNUALS OR VEGETABLES.



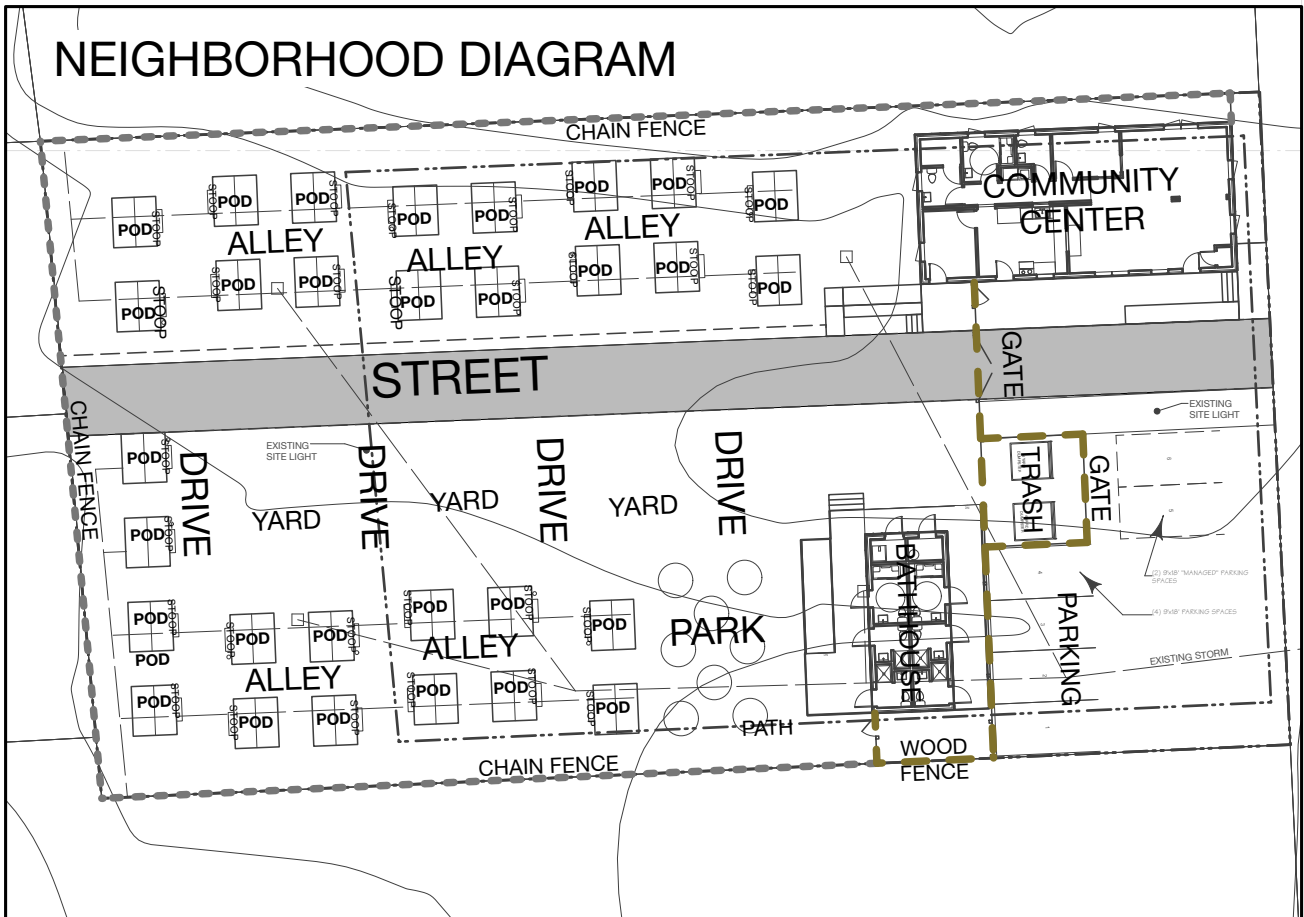
PLANTER DETAIL

Scale: 1/2" = 1'-0"



PLANTER PLAN

Scale: 1/2" = 1'-0"



43 ELMWOOD AVENUE

BURLINGTON , VERMONT

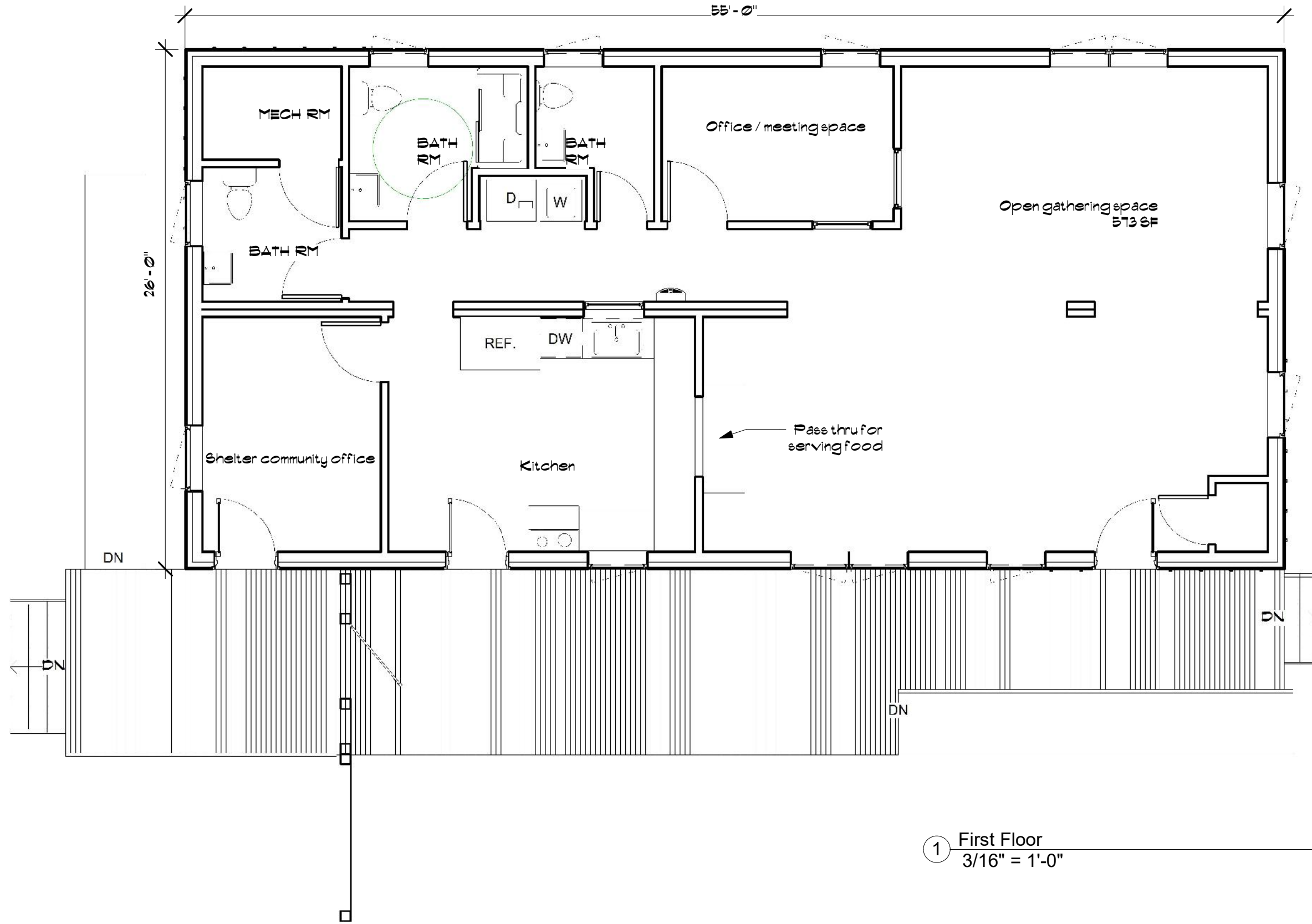
Duncan
Wisniewski
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 05.05.2022
DRAWN: SJB

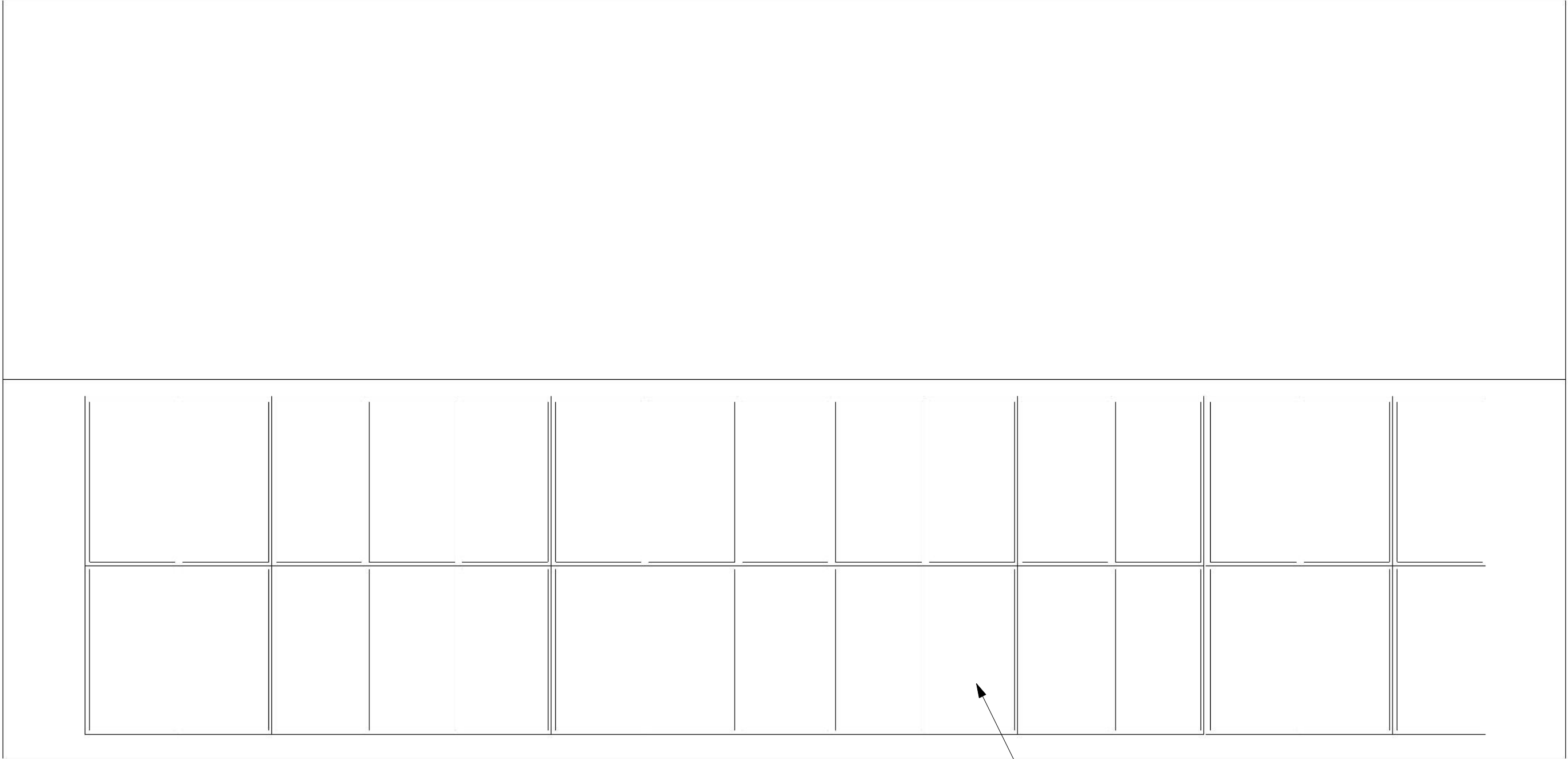
L2.1

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation



① First Floor
3/16" = 1'-0"

 pili-maharam architects 53 falls rd shelburne vt 05482 802 735 1286 www.pillmaharam.com	Project Name Community Resource Center	Client Name Community Works	First Floor Plan
	Project number 22005.01		
	Date 03-07-22		
	Drawn by DAP		
Checked by		Checker	Scale 3/16" = 1'-0"



① Roof Plan
1/4" = 1'-0"

pill-maharam architects

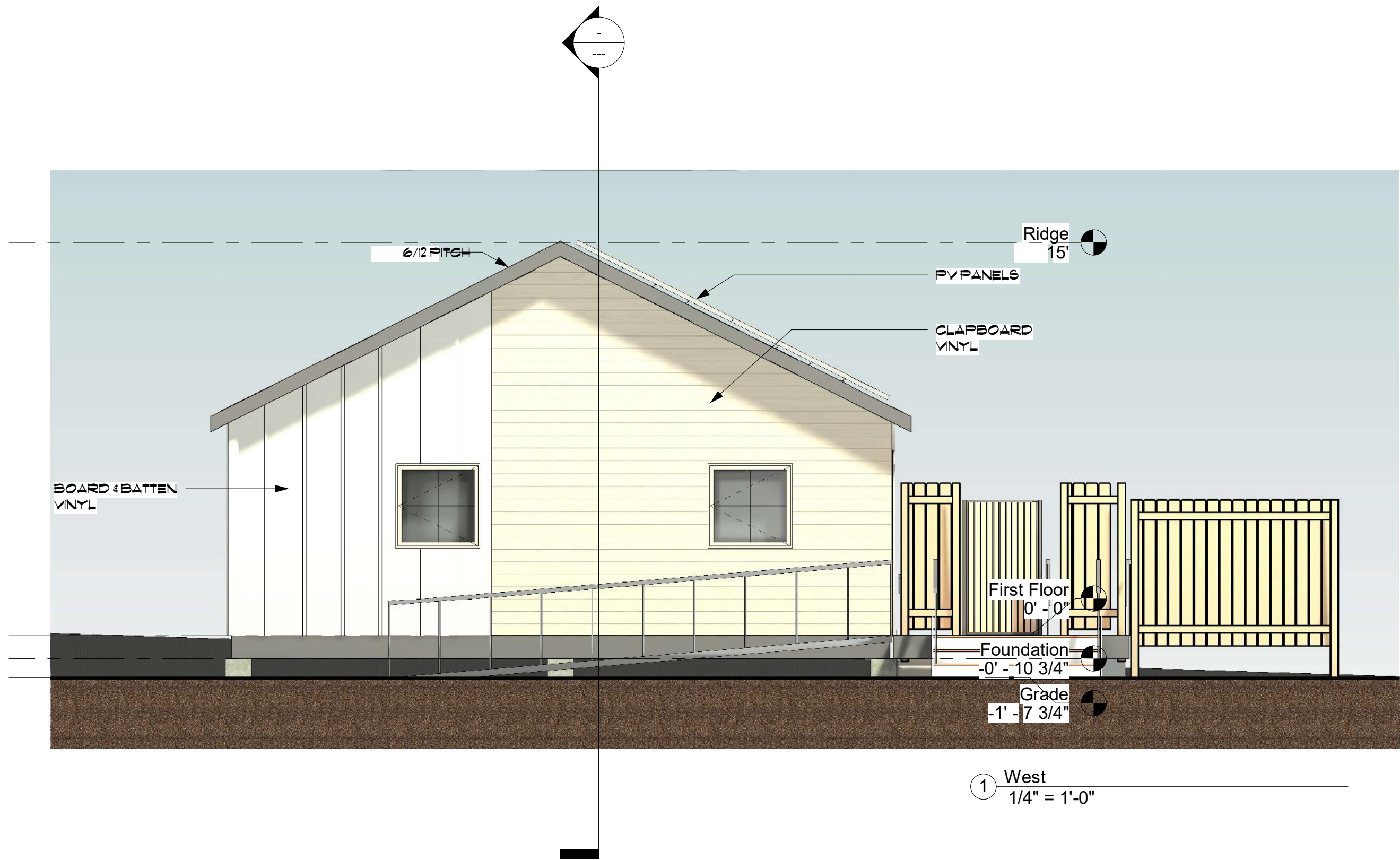
PMa

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shelburne vt 05482
802 735 1286
www.pillmaharam.com

Community Resource
Center

Community
Works

Roof Plan		
Project number	22005.01	A1.2
Date	03-07-22	
Drawn by	DAP	
Checked by	Checker	Scale 1/4"=1'-0"



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802 735 1286
www.pillmaharam.com

**Community Resource
Center**

**Community
Works**

West Elevation

Project number 22005.01
Date 03-07-22
Drawn by DAP
Checked by Checker

A4.1

Scale 1/4" = 1'-0"



① South
1/4" = 1'-0"

pill-maharam architects

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802.735.1286
www.pillmaharam.com

**Community Resource
Center**

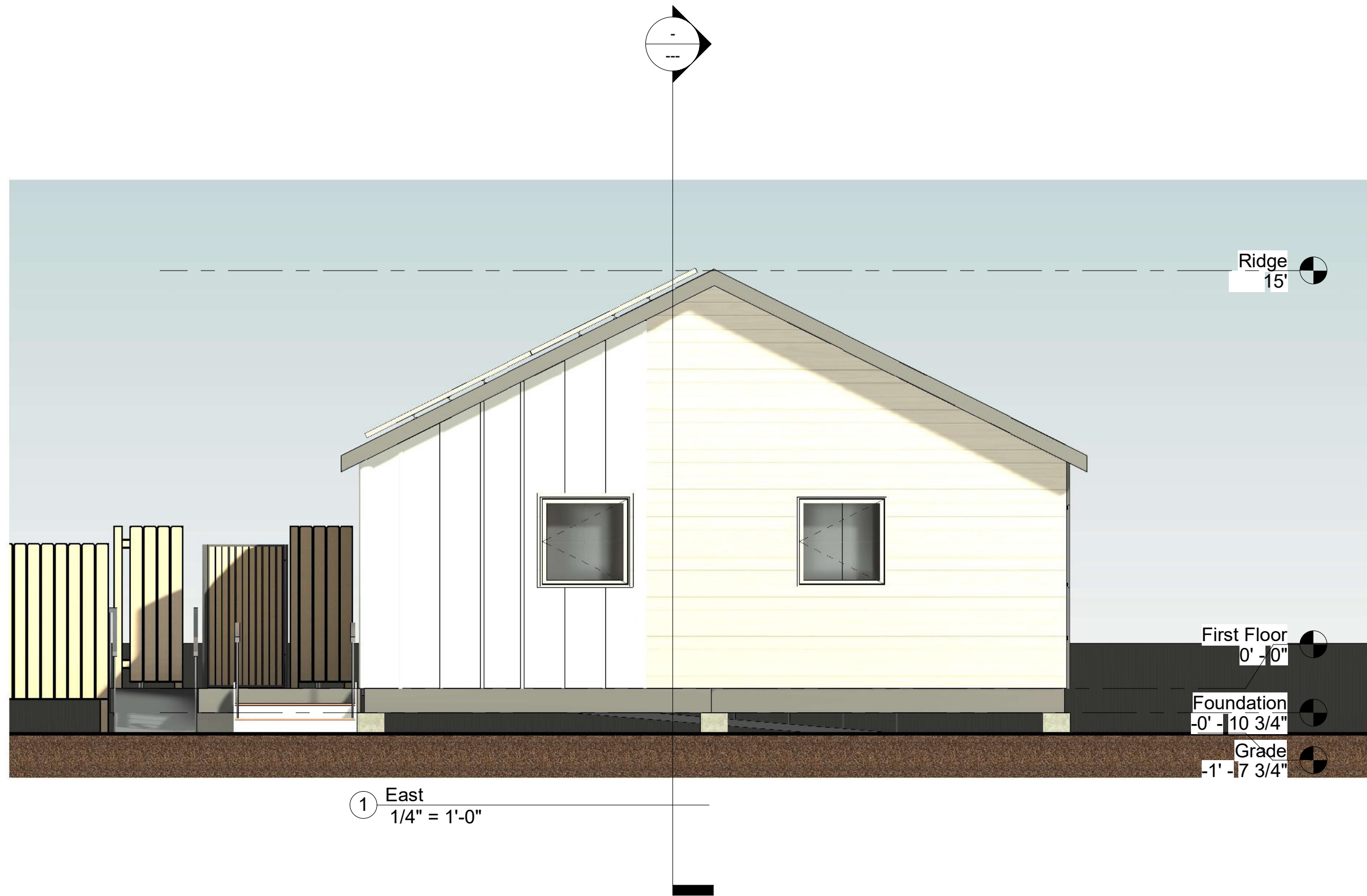
**Community
Works**

South Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.2

Scale 1/4" = 1'-0"



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**Community Resource
Center**

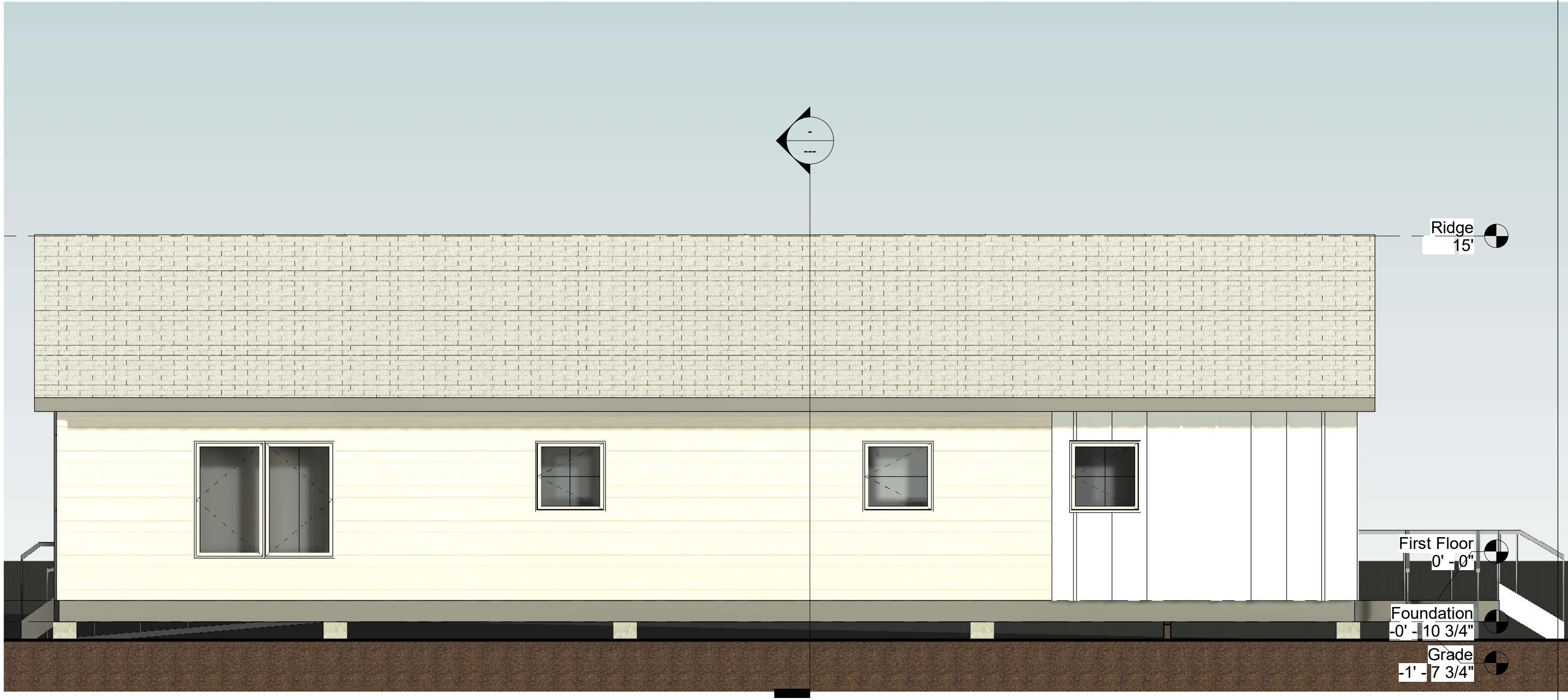
**Community
Works**

East Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.3

Scale 1/4" = 1'-0"



1 North
1/4" = 1'-0"

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**Community Resource
Center**

**Community
Works**

North Elevation

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A4.4

Scale 1/4" = 1'-0"



① 3D SW



② 3D SE

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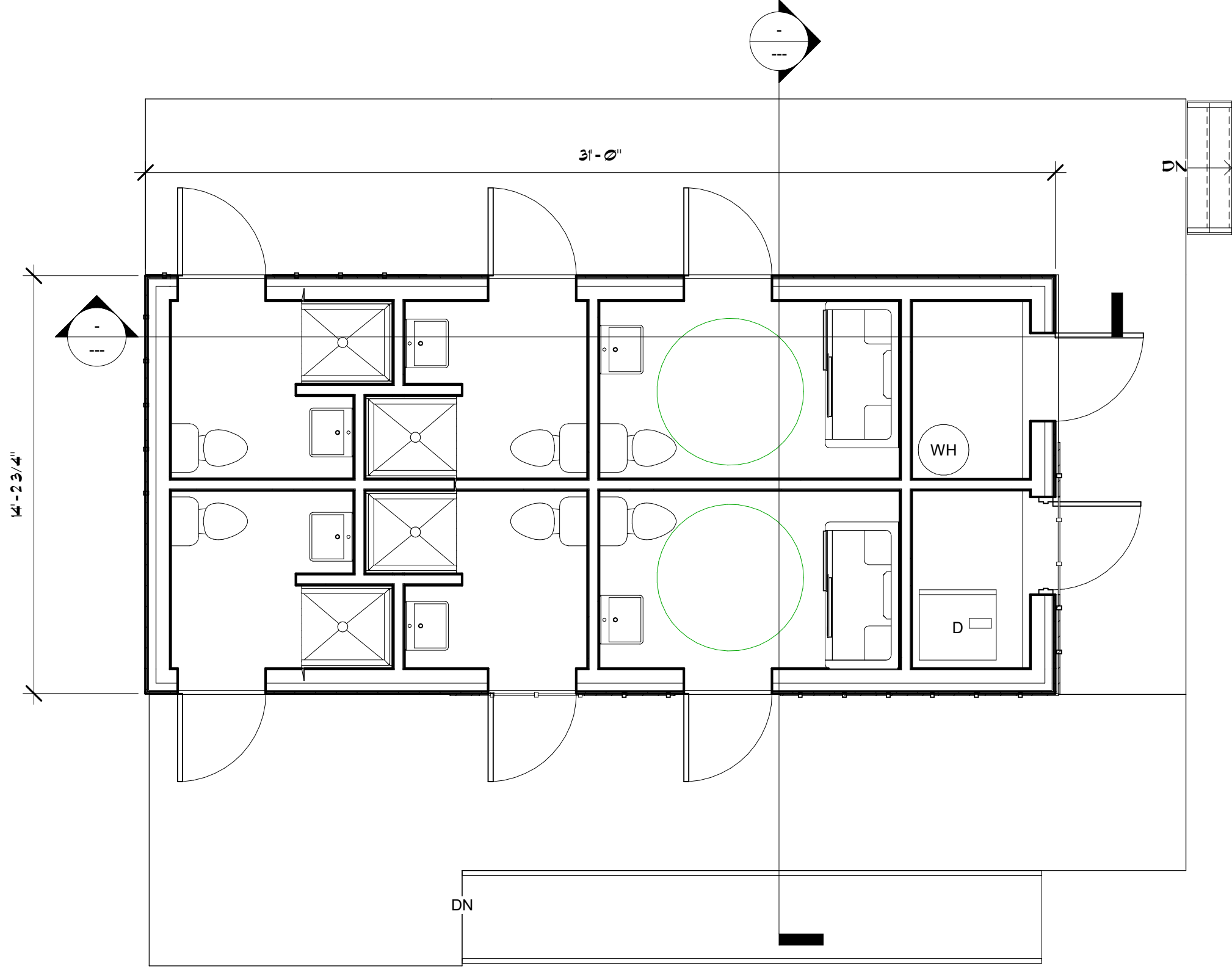
**Community Resource
Center**

**Community
Works**

Perspectives

Project number	22005.01
Date	03-07-22
Drawn by	DAP
Checked by	Checker

A18.1	
	Scale



1 First Floor
1/4" = 1'-0"

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PMa

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shelburne vt 05482
802 735 1286
www.pillmaharam.com

Project Name

Bathroom Facility

Client Name

Community Works

First Floor Plan

Project number 22005.01

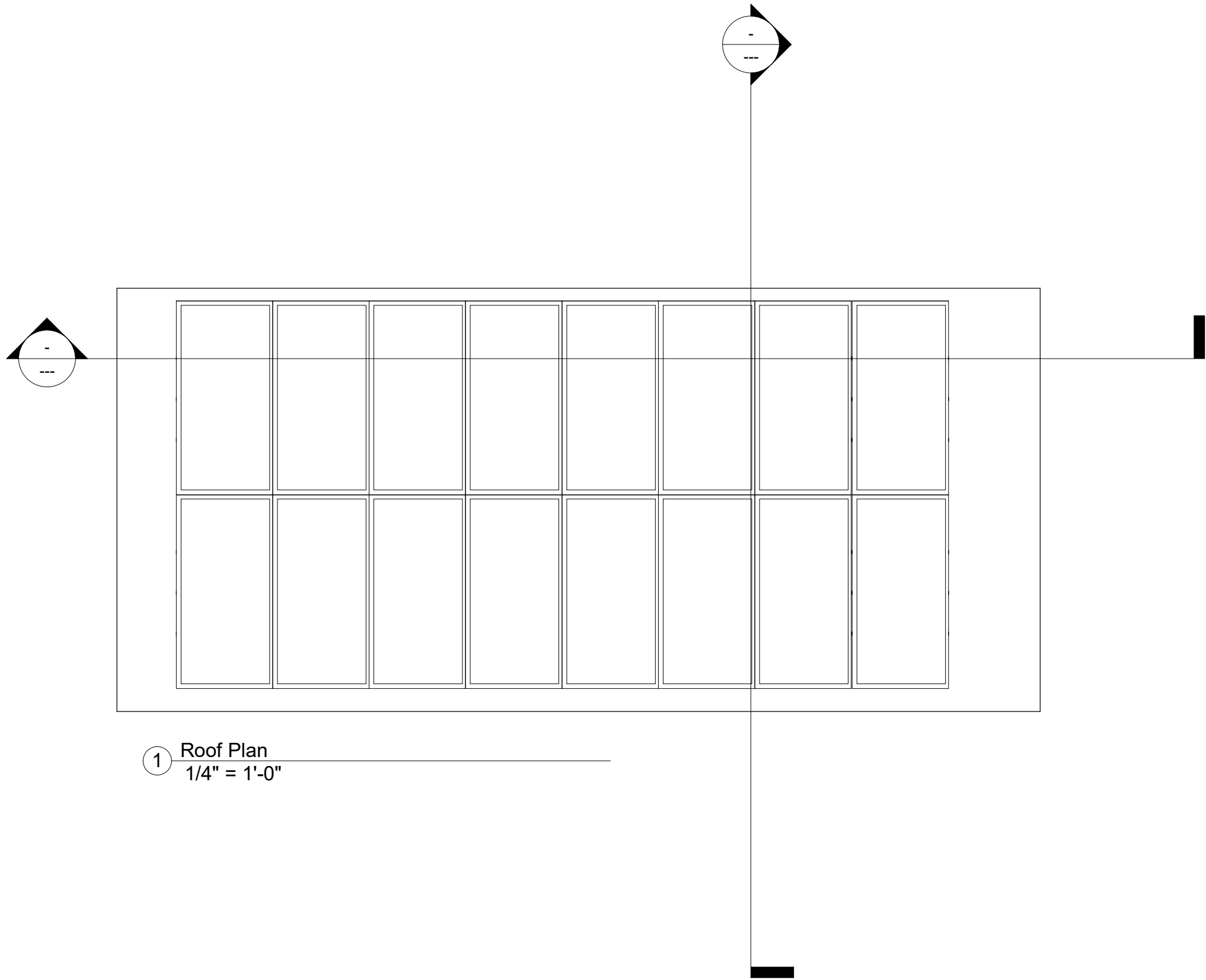
Date 03-23-22

Drawn by DAP

Checked by Checker

A1.1

Scale 1/4" = 1'-0"



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53 falls rd
shelburne vt 05482
802 735 1286
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PMa

Bathroom Facility

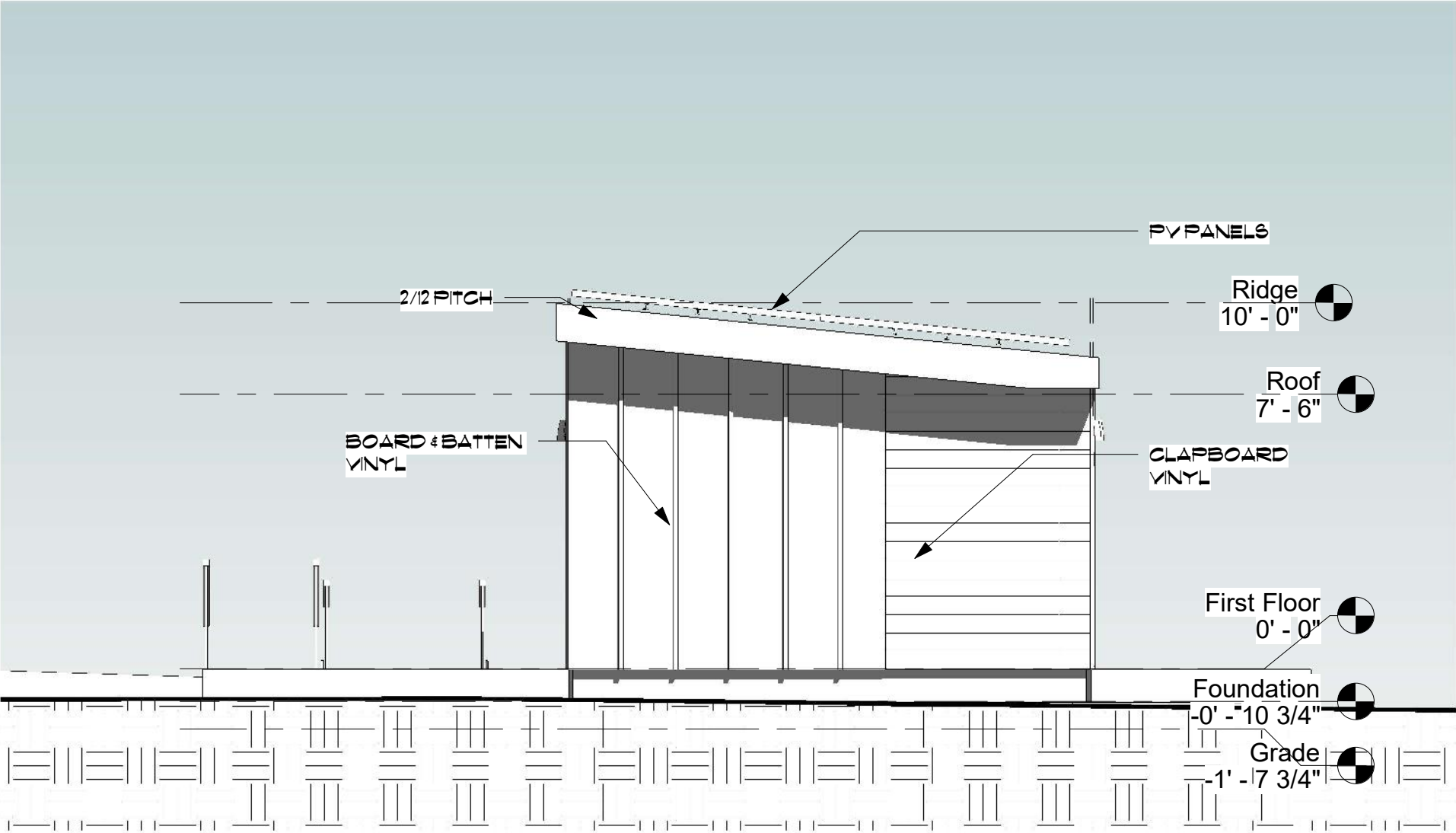
**Community
Works**

Roof Plan

Project number	22005.01
Date	03-23-22
Drawn by	DAP
Checked by	Checker

A1.2

Scale 1/4" = 1'-0"



1 West
1/4" = 1'-0"

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PMa

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shelburne vt 05482
802.735.1286
www.pillmaharam.com

Bathroom Facility

Community
Works

West Elevation

Project number	22005.01
Date	03-23-22
Drawn by	DAP
Checked by	Checker

A4.1

Scale 1/4" = 1'-0"



1 South
1/4" = 1'-0"

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PMa

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802.735.1286
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Bathroom Facility

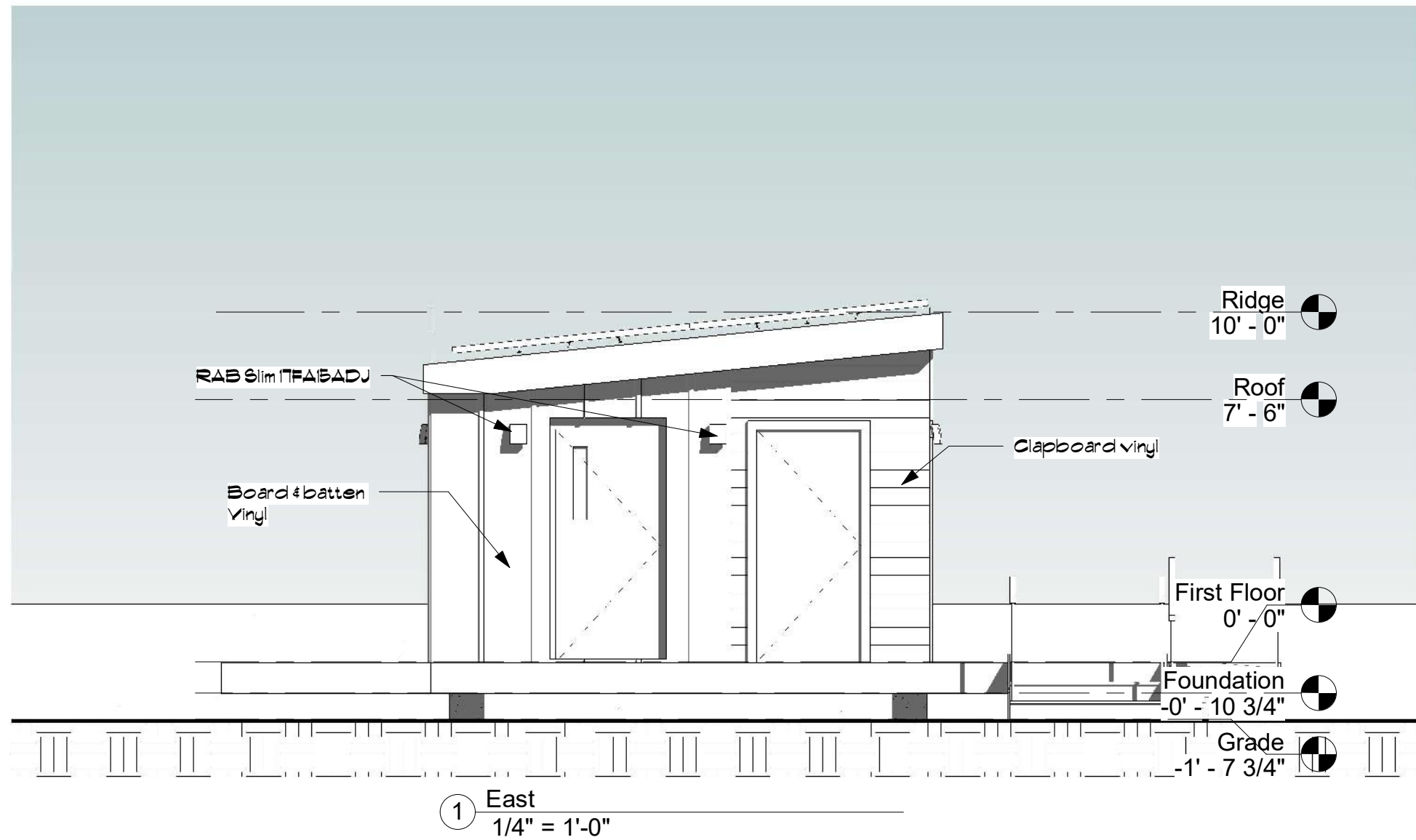
**Community
Works**

South Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.2

Scale 1/4" = 1'-0"



pill-maharam architects

PMa

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shelburne vt 05482
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www.pillmaharam.com

Bathroom Facility

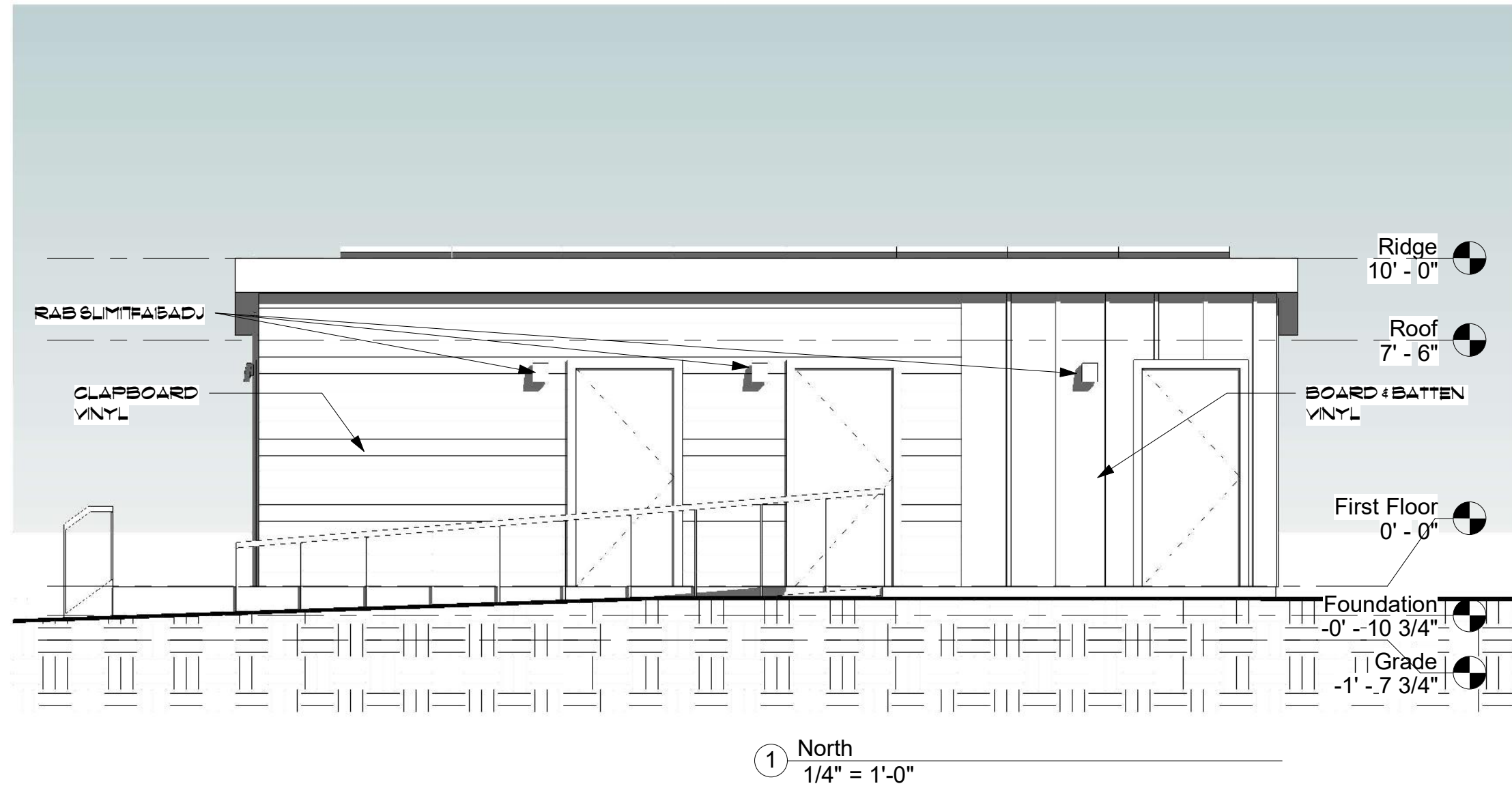
**Community
Works**

East Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.3

Scale 1/4" = 1'-0"



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PMa
 53 falls rd
 shelburne vt 05482
 802.735.1286
 www.pillmaharam.com

Bathroom Facility

**Community
Works**

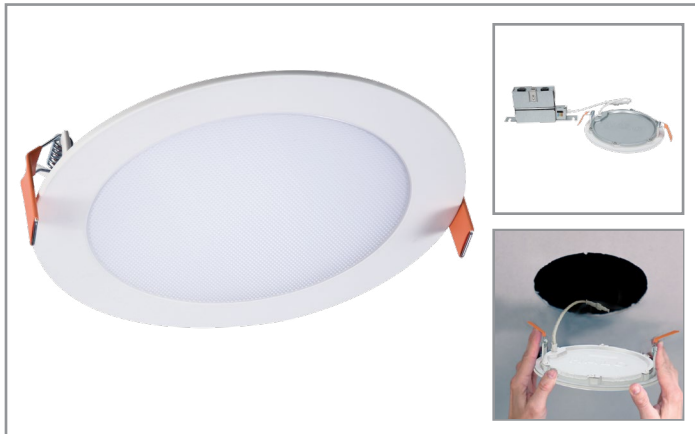
North Elevation

Project number	22005.01
Date	05-06-22
Drawn by	DAP
Checked by	Checker

A4.4

Scale 1/4" = 1'-0"

Project		Catalog #		Type	
Prepared by		Notes		Date	



HALO

HLB6

6" LED Lens Downlight with Remote Driver / Junction Box

Typical Applications

Residential

Interactive Menu

- Order Information page 2
- Photometric Data page 2
- Control Solutions
- Connected Systems
- Product Warranty

Product Certification



Refer to ENERGY STAR® Certified Products List.
Can be used to comply with California Title 24 High Efficacy requirements.
Certified to California Appliance Efficiency Database under JA8.

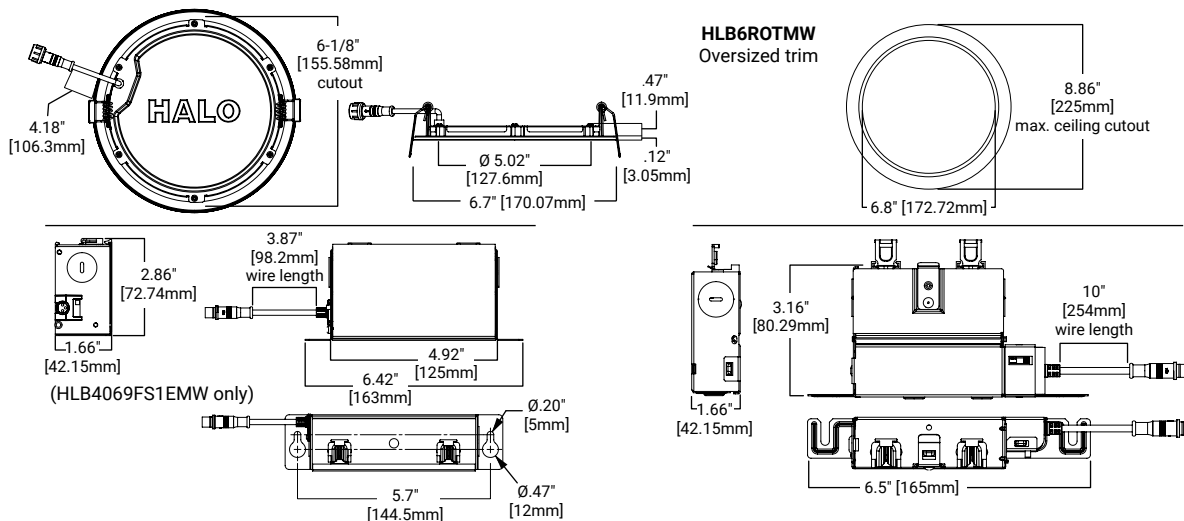
Product Features



Top Product Features

- Direct mount (does not require recessed housing or junction box)
- Delivers up to 1,150 lumens; Achieves L70 at 50,000 hours in IC and non-IC applications
- 2700K, 3000K, 3500K, 4000K and 5000K field selectable CCT; 3000K and 4000K fixed CCT
- 90 CRI (min), R9 50 and color accuracy within 4 SDCM
- Wet location listed for showers and protected ceilings; Available in 120V or 120-277V

Dimensional and Mounting Details



Order Information

SAMPLE ORDER NUMBER: **HLB6099FS1EMWR**

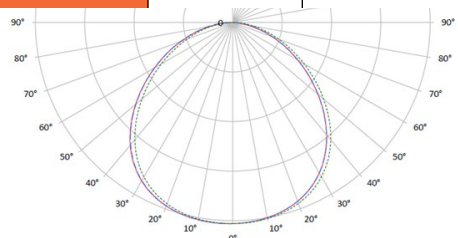
Models	Lumens	CRI / CCT	Driver	Finish	Packaging
HLB6 = 6-Inch LED lens downlight with remote driver / junction box	09 = 900 lumens (nominal)	930 = 90 CRI minimum, 3000K CCT 940 = 90 CRI minimum, 4000K CCT 9FS = 90 CRI minimum, field selectable 2700K, 3000K, 3500K, 4000K or 5000K CCT	1E = 120V 60Hz, LE & TE phase cut 5% dimming E010 = 120-277V, 0-10V 5% dimming ⁽¹⁾	MW = matte white flange	R = recyclable 4-color unit carton suitable for point of purchase merchandising display
Notes	Notes	Notes	Notes (1) E010 driver is only available in FS color temperature.	Notes	Notes

Accessories

Accessories	
HL6RSMF = 6" round and square mounting frame HLB6ROTMW = 6" round oversized trim, matte white Designer Trims HLB6RTRMMW = 6" round decorative overlay, matte white HLB6RTRMSN = 6" round decorative overlay, satin nickel HLB6RTRMTBZ = 6" round decorative overlay, tuscan bronze	Extension Cable Dedicated Driver/Jbox HLB06EC ~ 6 ft. extension cable HLB12EC ~ 12 ft. extension cable HLB20EC ~ 20 ft. extension cable Extension Cable selectTable Driver/Jbox HLB06FSEC ~ 6 ft. extension cable HLB12FSEC ~ 12 ft. extension cable HLB20FSEC ~ 20 ft. extension cable

Photometric Data

HLB6099FS1EMWR-3000K		
Luminaire lumens		1061
Input watts		16
LER (LPW)		66.3
Spacing Criteria	0-180	1.31
	90-270	1.31
	Diagonal	1.41
Beam angle (degrees)		112.2
Field angle (degrees)		161.3
Zonal lumen	Lumens	% Lumens
0-30	294	27.7
0-40	486	45.8
0-60	851	80.2
0-90	1061	100

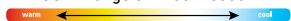


* Tested in accordance with IES LM63. Field results may vary.

Color Metric Summary - 3000K

TM-30-15	Rf = 90.9
	Rg = 100.7
CRI/CIE	Ra = 94.1
	R9 = 68.5

CCT - Range of 2700K- 5000K



Product Specifications

PRODUCT SPECIFICATIONS	
Lumens	1061
Watts	14.2
Lumens Per Watt (Efficacy)	74.7
Color Accuracy (CRI)	92
Light Color (CCT)	3000K
Correlated Color Temperature (CCT)	
2700K	3000K
4500K	6500K

HLB4 4-inch	CCT	Lumens	Power (W)	LPW
Fixed CCT	3000K	992.3	13.6	73.4
	4000K	1057.7	13.6	78.0
Field Selectable CCT	2700K	1037.3	16.0	64.8
	3000K	1061.0	16.0	66.3
	3500K	1078.9	16.0	67.4
	4000K	1094.9	16.0	68.4
	5000K	1103.4	16.0	69.0

Energy Data

Lumens	900 Series
Input Voltage	120V
Input Current	132 (mA)
Input Power	16.0 (W)
Efficiency	66 (LPW)
Inrush (A)	2.1 A @ 14mS
THD	≤ 20%
PF	≥ 0.90
T Ambient	-30° - +40°C
Sound Rating	≤ 22 dba

Product Specifications

Housing

- Die-cast aluminum mounting frame with integral flange provides passive thermal cooling
- Achieves L70 at 50,000 hours in IC and non-IC applications
- High impact diffuse lens provides shielding to the light guide minimizing pixilation

Gasket

- Closed cell gasket achieves restrictive airflow and wet location listing without additional gaskets or caulking

Optics

- Precision acrylic light guide organizes source flux into wide distribution with 1.4 spacing criteria, useful for general area illumination

LED Array

- Plurality of mid power LED's provides a uniform source with high efficiency and long life
- 90 CRI minimum; R9 greater than 50 provides high color rendering
- Fixed 3000K and 4000K CCT color temperatures; color accuracy within 3 SDCM
- Optional field selectable color temperature, select 2700K, 3000K, 3500K, 4000K or 5000K CCT; color accuracy within 4 SDCM
- Meets ENERGY STAR® color angular uniformity requirements; Deviation is less than 0.006 u' v'

Remote Driver/Junction Box

- Pre-galvanized steel driver/junction box with captive hinged junction box cover
- Listed for six #12 AWG 90° C splice conductors: two in, two out plus two ground
- Two 1/2" conduit pry-outs
- Two Slide-N-Side™ non-metallic (NM) wire traps allows wiring outside the box
- Accepts NM cable types: 14-2, 14-3, 12-2, 12-3 (U.S.) and 14-2, 14-3, 12-2 (Canadian)
- Three 4-port push wire nuts with clear caps for quick and reliable mains voltage connections
- Integral mounting holes facilitate direct mounting to building structure or mounting frame

Driver

- Available in 120V or 120-277V, providing noise free operation
- Continuous flicker-free dimming down to 5% with select dimmers
- Plenum rated inline electrical quick connect provides low voltage connection to fixture fitting, CMP/FT6 rated

Installation

- Can be installed in 1/2" to 1-1/4" thick ceilings
- Cutout utilizes standard round hole saw sizes; cutout template provided
- Heat treated springs hold fixture fitting securely in the ceiling eliminating light leak
- Housing is less than 1/2" thick and can span a 2" nominal framing member
- Can be removed from below the ceiling for service or replacement

Optical Mounting Frame

- Pre-galvanized steel mounting frame locates fixture fittings during electrical rough-in and provides cutout guidance for drywall contractor
- Provides attachment of remote driver/junction box

Compliance

- cULus Certified type IC suitable for direct contact with air permeable insulation
- Not recommended for use in direct contact with spray foam insulation (reference NEMA LSD57-2013)
- Wet location listed and IP44 ingress protection
- Airtight per ASTM-E283-04
- Suitable for use in clothes closets when installed in accordance with the NEC 410.16 spacing requirements
- EMI/RFI emissions per FCC 47CFR Part 15 consumer limits
- Contains no mercury or lead and RoHS compliant
- Photometric testing in accordance with IES LM-79-08
- Lumen maintenance projections in accordance with IES LM-80-08 and TM-21-11
- State of California Title 24 high efficacy
- LED compliance under JA8, reference Modernized Appliance Efficiency Database System (MAEDBS) for 2016 JA8 High Efficacy Lighting
- ENERGY STAR® certified (reference "Certified Light Fixtures" database)

Warranty

- Five-year limited warranty



Color: Bronze

Weight: 3.0 lbs

Project:

Type:

Prepared By:

Date:

Driver Info

Type	Constant Current
120V	0.13A
208V	0.07A
240V	0.06A
277V	0.05A
Input Watts	14.2/14/14.2W

LED Info

Watts	15W
Color Temp	3000K/4000K/5000K
Color Accuracy	70 CRI
L70 Lifespan	100,000 Hours
Lumens	1761/1904/1852
Efficacy	124/136.2/130.3 lm/W

Technical Specifications**Field Adjustability****Field Adjustable:**

Color temperature selectable by 3000K, 4000K and 5000K

Compliance**UL Listed:**

Suitable for wet locations

IESNA LM-79 & IESNA LM-80 Testing:

RAB LED luminaires and LED components have been tested by an independent laboratory in accordance with IESNA LM-79 and LM-80.

DLC Listed:

This product is listed by Design Lights Consortium (DLC) as an ultra-efficient premium product that qualifies for the highest tier of rebates from DLC Member Utilities. Designed to meet DLC 5.1 requirements.
DLC Product Code: PL0MVJOV62Q3

Performance**Lifespan:**

100,000-Hour LED lifespan based on IES LM-80 results and TM-21 calculations

LED Characteristics**LEDs:**

Long-life, high-efficiency, surface-mount LEDs

Electrical**Driver:**

Constant Current, Class 2, 120-277V, 50/60 Hz, 120V: 0.13A, 208V: 0.07A, 240V: 0.06A, 277V: 0.05A

Dimming Driver:

Driver includes dimming control wiring for 0-10V dimming systems. Requires separate 0-10V DC dimming circuit. Dims down to 10%.

Photocell:

120-277V Integrated button photocell included. Photocell is compatible with 120V-277V.

Note:

All values are typical (tolerance +/- 10%)

Construction**IP Rating:**

Ingress protection rating of IP65 for dust and water

Cold Weather Starting:

Minimum starting temperature is -40°C (-40°F)

Maximum Ambient Temperature:

Suitable for use in up to 50°C (122°F)

Housing:

Precision die-cast aluminum housing and door frame

Technical Specifications (continued)

Construction

Lens:

Polycarbonate lens

Mounting:

Hinged wiring access and conduit entries on the back, sides, top and bottom make installation a snap

Cut Off:

Adjustable from 0° (full cutoff) to 90°. 7 settings at 15° each.

Finish:

Formulated for high durability and long-lasting color

Green Technology:

Mercury and UV free. RoHS-compliant components.

Other

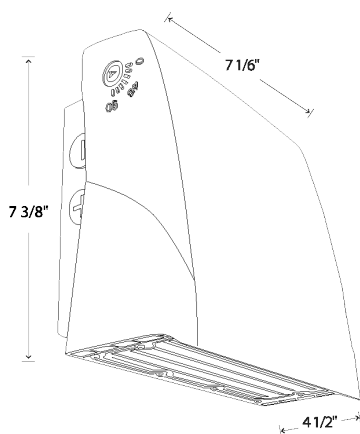
5 Yr Limited Warranty:

The RAB 5-year, limited warranty covers light output, driver performance and paint finish. RAB's warranty is subject to all terms and conditions found at rablighting.com/warranty.

Buy American Act Compliance:

RAB values USA manufacturing! Upon request, RAB may be able to manufacture this product to be compliant with the Buy American Act (BAA). Please contact customer service to request a quote for the product to be made BAA compliant.

Dimensions



Features

- Selectable CCT
- Adjustable cutoff
- Integrated photocell
- 0-10V dimming standard

Ordering Matrix

Family	Wattage	Style
SLIM17FA	15	ADJ
15 = 15W ADJ = Angle Adjustable 30 = 30W		

311 North Ave
Burlington, Vermont

Google

Street View - Oct 2021

Google

Image capture: Oct 2021 © 2022 Google United States Terms Privacy Report a problem

Type here to search

Wind

10:36 AM
11/30/2022

From: vanacari <vanacari@mail.com>
Sent: Wednesday, April 20, 2022 3:06 PM
To: Mary O'Neil <MCOneil@burlingtonvt.gov>
Subject: Let me try again

[WARNING]: This email was sent from someone outside of the City of Burlington.

Hi again,
Let me try again to explain where I am coming from and what I would like the rezoning board to consider.

Let this serve as my official submission to the Zoning Board regarding the rezoning of 51 Elmwood Ave. from a parking lot to a 30+ pod, low barrier homeless shelter.

I live in McKenzie House, a low income apartment building for Burlington's senior and disabled citizen. The address is 53 Elmwood Ave. and our property abuts the proposed site for the homeless shelter. I have lived here for 5 years and in that time I have seen a marked increase in crime in our area coupled with a substantial decrease in our police force.

Within the last 12 months McKenzie House residents have experienced the assault/mugging of one of our older female residents in our parking lot, finding a female "shooting up" in our trash shed, finding used "sharps" in our yard, a clearly disturbed man laying in our yard, our cars in our parking lot being "checked out" on a nightly basis, and most recently, a man and a woman sneaking into our "secure " building and sleeping in our closet. The BPD have not been particularly interested nor helpful.

CEDO is now requesting to rezone a city owned property to allow 60+ homeless people into our neighborhood. This shelter is constructed specifically for folks that cannot it will not comply with the rules necessary to live anywhere else. The low barrier nature of this shelter will allow for active drug and alcohol users and folks with an untreated mental illness to live there. It is unclear whether folks on the Sexual Predatory list will be allowed to live there as has been no information regarding who, exactly, will be managing this shelter.

We are a very vulnerable population and the population targeted for the low barrier, shelter is frequently opportunistic. There is the very real possibility that we could be easily victimized.

I am not unfeeling toward the plight of the homeless but I think the location of this shelter is fraught with problems. The city should reconsider the other 9 sites it originally looked at and choose another site that would not put Burlington's most vulnerable citizens in harm's way.

Thank you,
T. Richmond

From: Jeff Nick <jeff@jeffnick.com>
Sent: Monday, April 25, 2022 10:58 AM
To: Meagan Tuttle <mtuttle@burlingtonvt.gov>
Cc: Kara Alnasrawi <kalnasrawi@burlingtonvt.gov>; Andrew Montroll (amontroll@aol.com) <amontroll@aol.com>; Mark Bouchette (mark.homeport@gmail.com) <mark.homeport@gmail.com>
Subject: Pod zoning

[WARNING]: This email was sent from someone outside of the City of Burlington.

Meagan,

Good morning.

As you may be aware the Church Street Marketplace Commission voted 9-0 vote last month to oppose the location of the POD community on Elmwood Ave.. While the commission supports the concept, this particular location, on ½ acre of pavement without any green space, within a dense residential neighborhood, and one block north of the Marketplace is arguably a terrible location for a myriad of reasons. Plan BTV points out that the concentration of social services creates situations that become unmanageable and the existence of drug dealing, and purveyors of alcohol make downtown a poor housing choice for those with substance abuse problems (see pages 52 and 53 in the link below). For a city that prides itself on following their planning principles I find it shocking that we would ignore the guidance set forth on Plan BTV. There are many better locations within the city and on the bus line for this type of housing.

Additionally, the city's comprehensive plan and retail study also point out the problems associated with the high concentration of social services and calls for significant police resources to deal with the impacts. (see below)

See pages 52-53

https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/planBTV_MasterPlan_A_PPROVED_061013_LowRes.pdf

See section 1.7 Social Services (page 12)

https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/Final%20Burlington%20Retail%20Study%20PPT%20Report%28TM%2010.25.11%29.pdf

Many merchants and visitors are very nervous that negative behaviors such as drunk and disorderly conduct and shoplifting will only worsen on the Marketplace. While CEDO has ensured us that the PODs will be well managed there is nothing to compel the residents of the PODs to abide by all the city ordinances and laws while on the Marketplace and City Hall Park. Couple this reality with the city's depleted police force and we have a recipe for a disastrous outcome. We have also found evidence that other POD communities around the country have been located away from neighborhoods and well as shopping districts. There is an obvious reason for this.

In the event this idea moves forward it is our hope that the Planning Commission puts forth permit conditions that put strict controls and consequences in place that require residents to follow the Marketplace rules of behavior. The Marketplace Commission is also asking to be part of a robust review process moving forward.

Post pandemic we need to give office workers and shoppers a reason to feel comfortable when returning downtown both for work and pleasure. This idea, if implemented on Elmwood Ave., will have the exact opposite effect. We hope the Planning Commission gives serious consideration to the many negative consequences and behaviors that will manifest themselves on Church Street and beyond if this becomes a reality.

I would ask that you please forward the concerns of the Marketplace Commission to the Planning Commission.

Thank you.

Jeff Nick
Church Street Marketplace Commission, Chair
29 Church Street
Burlington, VT 05401
802-876-6923
jeff@jeffnick.com



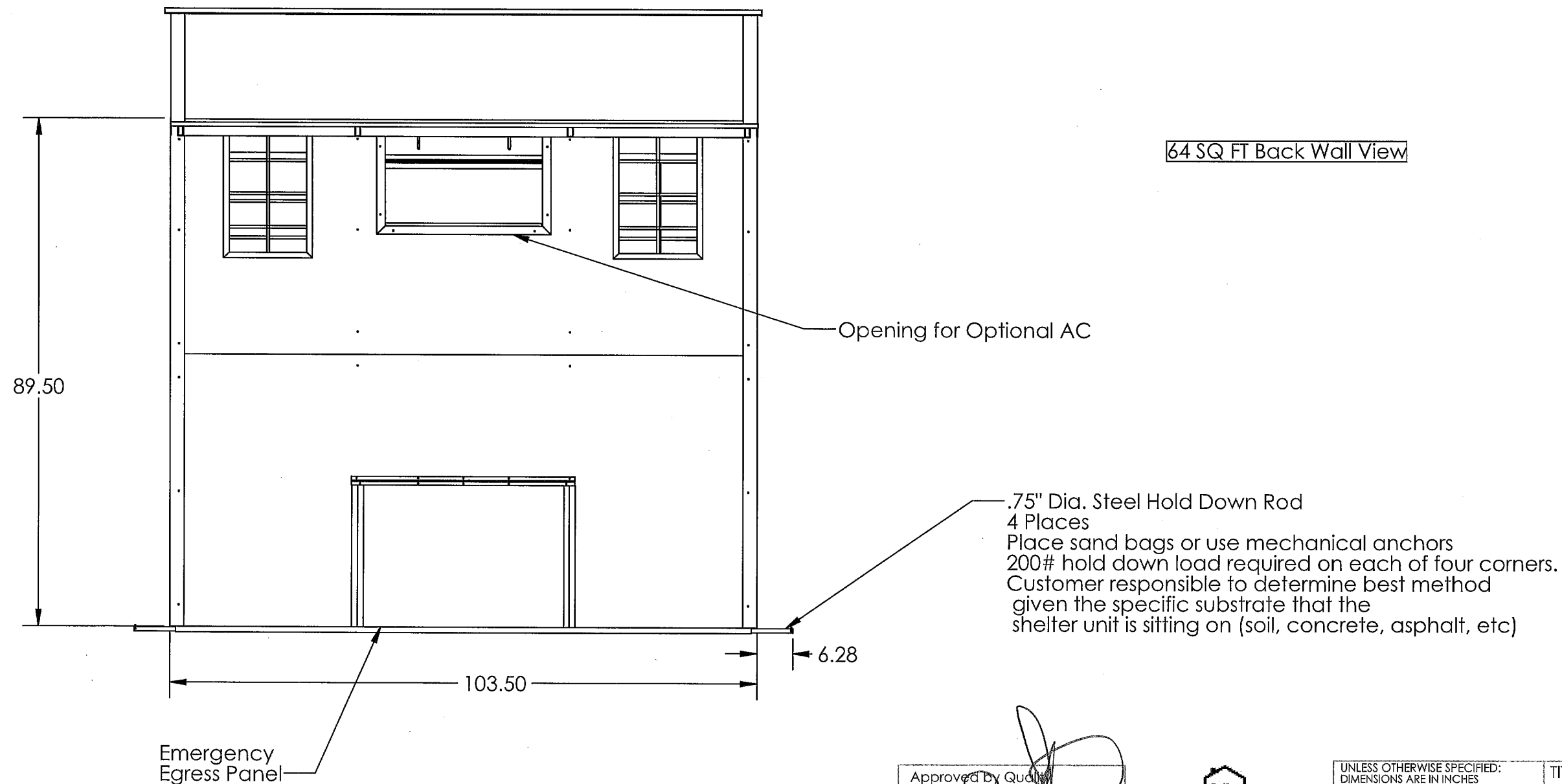
CH BED

SECURELY LA



EMERGENCY EXIT - KEEP CLEAR

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



Approved by Quality	
Signature	
Date	9-1-20
Approved by Production	
Signature	
Date	9-1-20

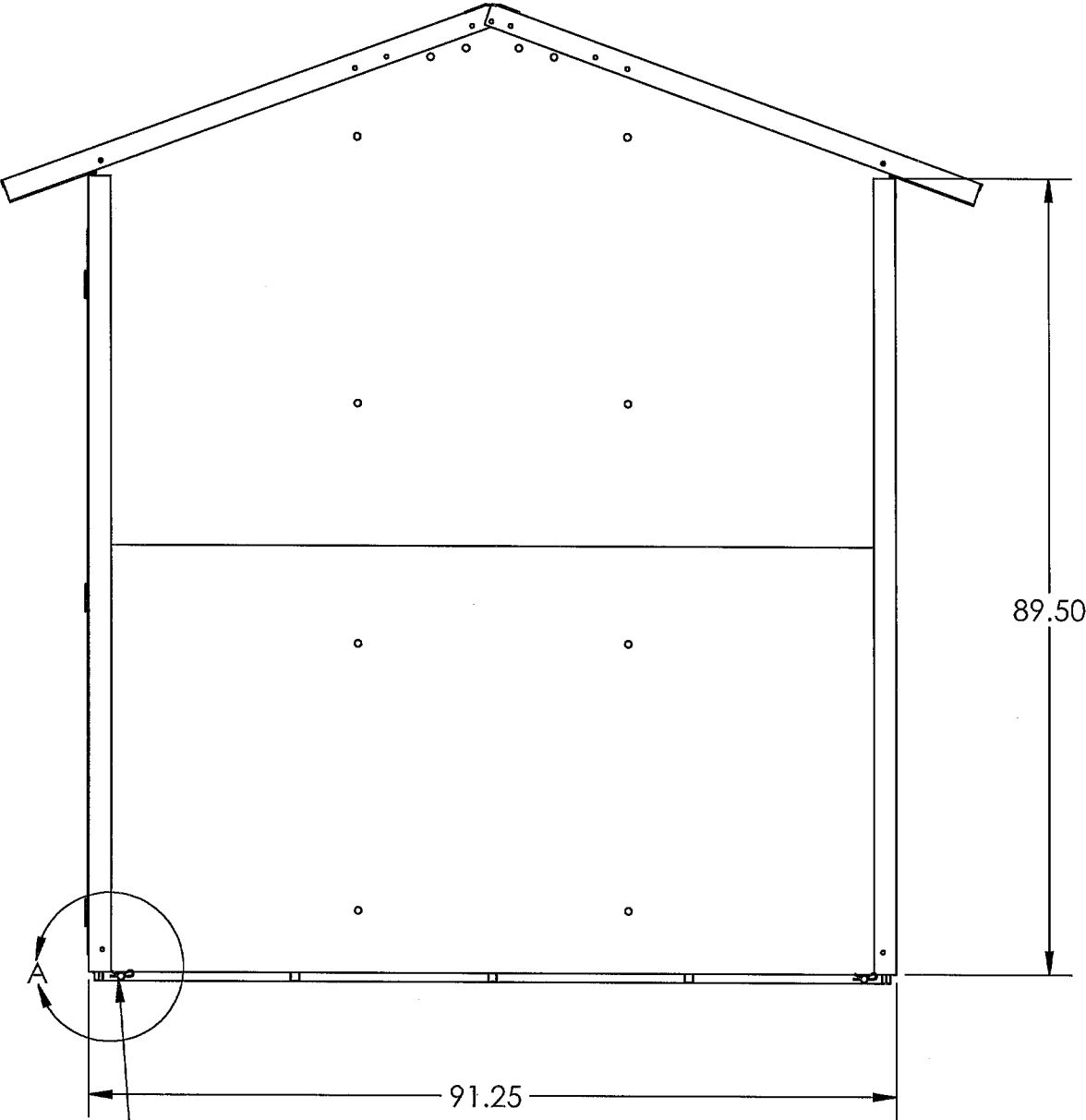


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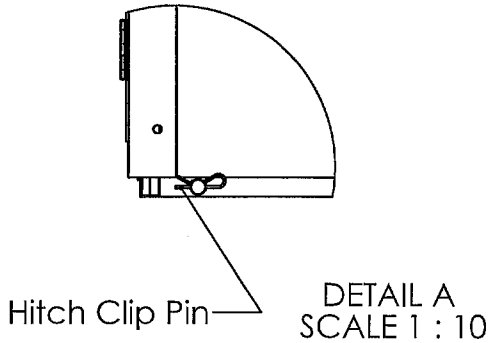
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DRAWN BY	Don Bender
DATE	9-2-2020

TITLE: 64 SQ FT Pallet Shelter Back Wall View	
Part Number 10368	REV A
WEIGHT:	SHEET 1 OF 1

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



64 SQ FT End Wall View



.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)

Approved by Quality
Signature <i>[Signature]</i>
Date <i>9-1-20</i>
Approved by Production
Signature <i>[Signature]</i>
Date <i>9-1-20</i>

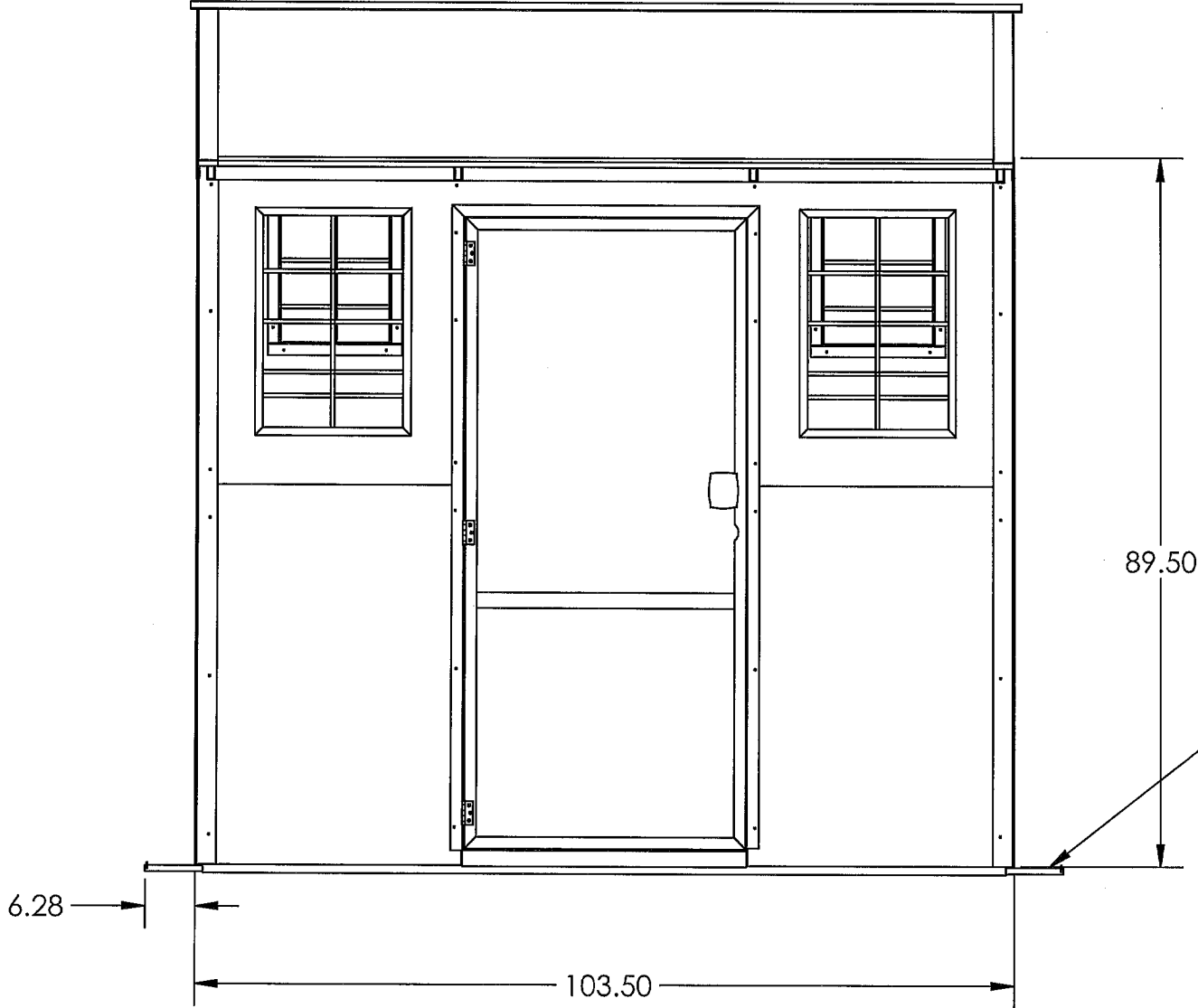


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UNLESS OTHERWISE SPECIFIED:
DIMENSIONS ARE IN INCHES
TOLERANCES:
FRACTIONAL: ±1/32
ANGULAR: MACH ±1° BEND ±1°
TWO PLACE DECIMAL: ±.03
THREE PLACE DECIMAL: ±.01
DO NOT SCALE DRAWING

TITLE: 64 SQ FT Pallet Shelter End Wall View	
DRAWN BY Don Bender	Part Number 10368
DATE 9-1-2020	REV A
WEIGHT:	SHEET 1 OF 1

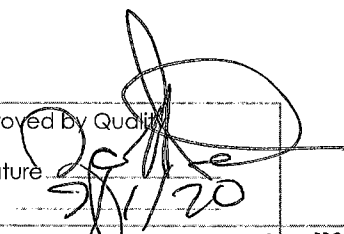
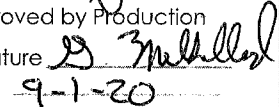
REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



64 SQ FT Front View

.75" Dia. Steel Hold Down Rod
4 Places
Place sand bags or use mechanical anchors
200# hold down load required on each of four corners.
Customer responsible to determine best method
given the specific substrate that the
shelter unit is sitting on (soil, concrete, asphalt, etc)

From bottom of base frame to
door freshhold it is 2-7/8"

Approved by Quality	
Signature	
Date	9-1-20
Approved by Production	
Signature	
Date	9-1-20



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TOLERANCES:
FRACTIONAL $\pm 1/32$
ANGULAR: MACH $\pm 1^\circ$ BEND $\pm 1^\circ$
TWO PLACE DECIMAL: $\pm .03$
THREE PLACE DECIMAL: $\pm .01$
DO NOT SCALE DRAWING

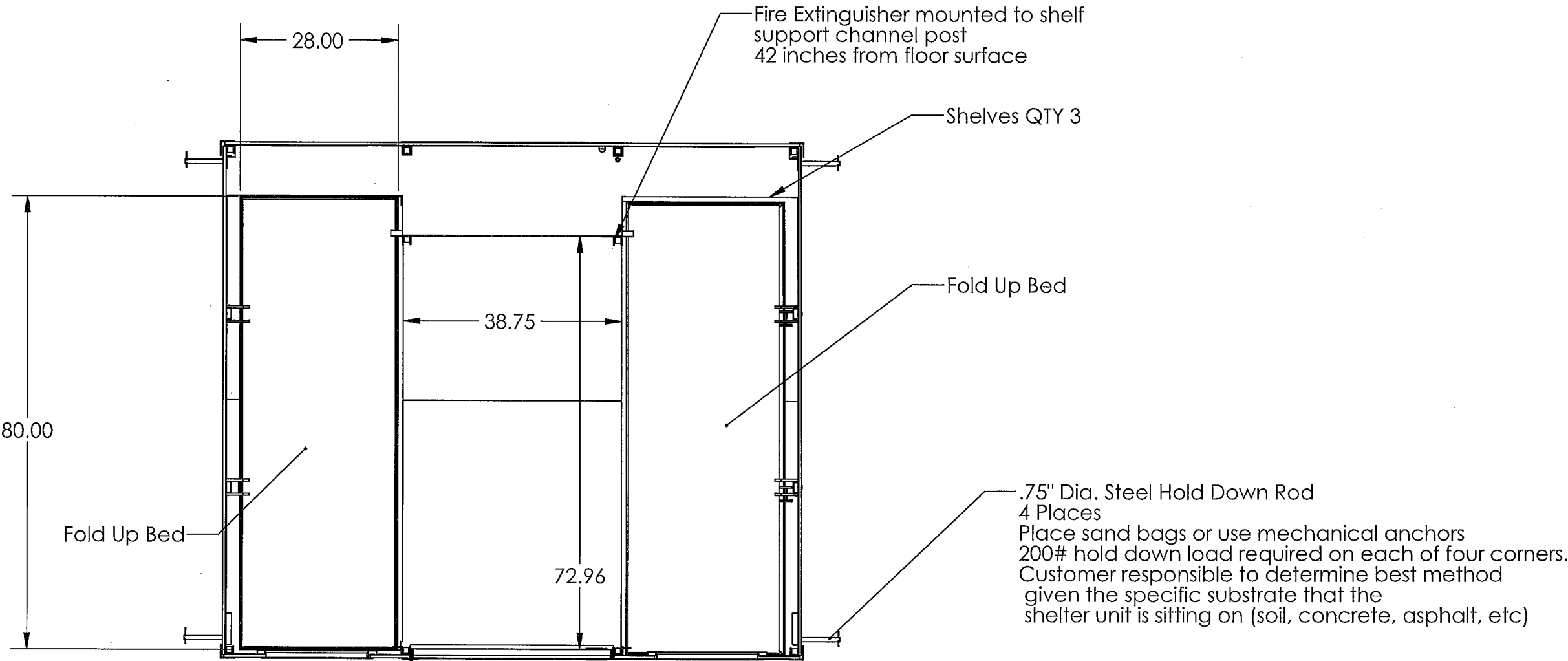
TITLE:
64 SQFT Pallet Shelter
Front View

DRAWN BY Don Bender
DATE 9-1-2020

Part Number
10368

REV
A

REVISIONS			
ZONE	REV.	DESCRIPTION	DATE
	A	Original Release	9/1/2020



Approved by Quality
 Signature *[Signature]*
 Date *9-1-20*

Approved by Production
 Signature *[Signature]*
 Date *9-1-20*



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 TWO PLACE DECIMAL: $\pm .03$
 THREE PLACE DECIMAL: $\pm .01$
 DO NOT SCALE DRAWING

TITLE: 64 SQ FT Pallet Shelter Plan View	
Part Number 10368	REV A
WEIGHT:	SHEET 1 OF 1



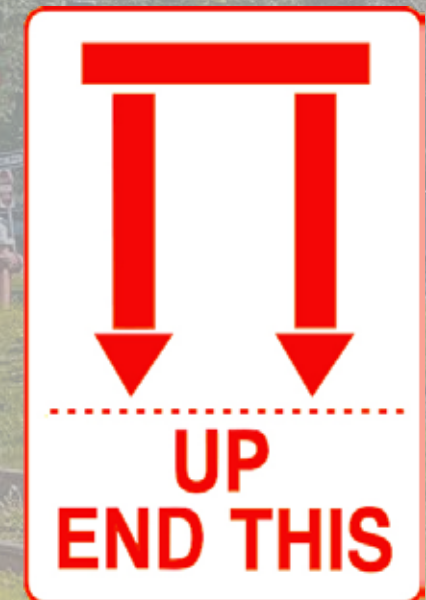
Find Your Orbit

www.upendthis.com



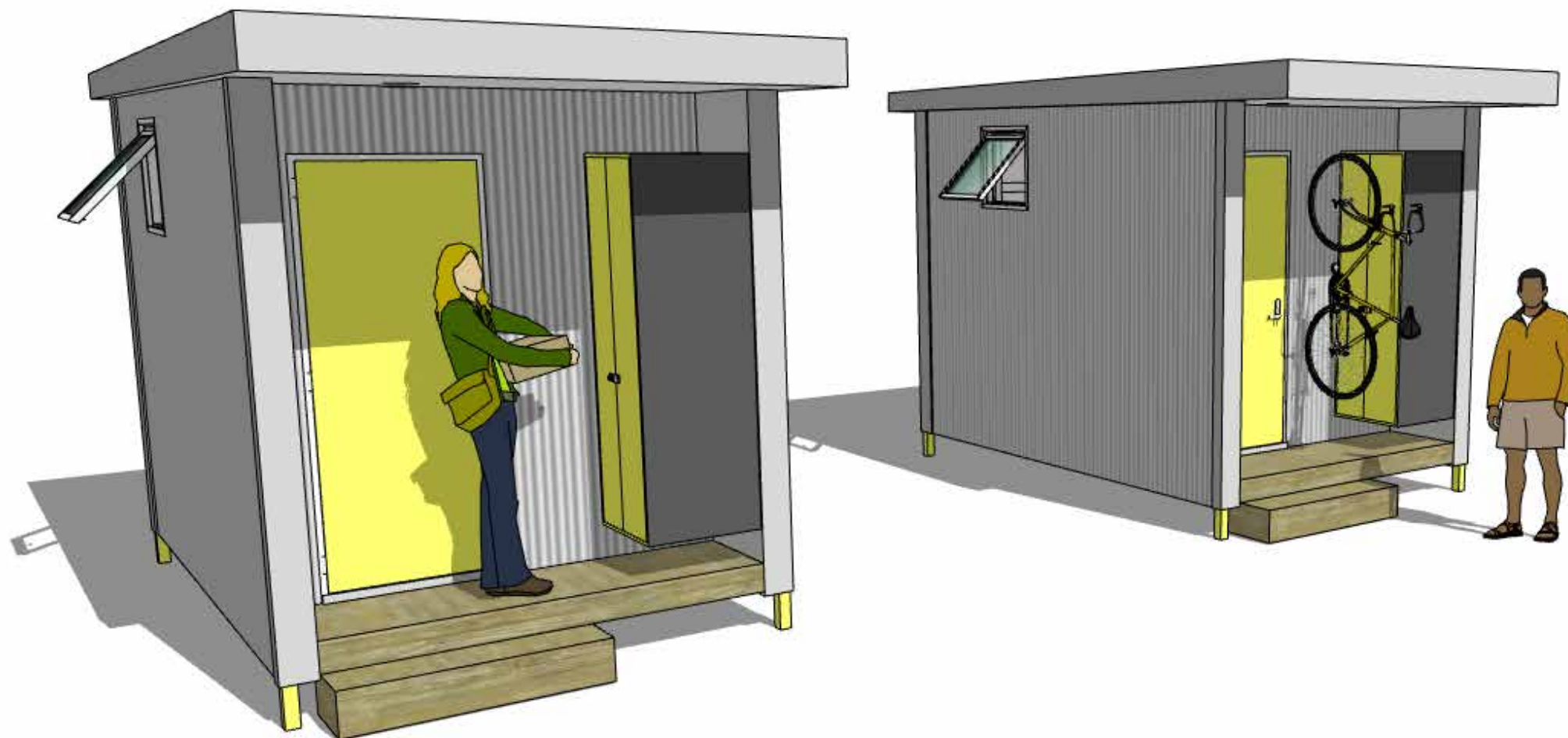
SATELLITE

BY



City of Burlington

Shelter Pods



2022 Shelter Pods

Our Shelter Pods is a quality space with a light and airy interior and solid environmental controls to provide: fresh air year round, warmth in the winter and a comfortable temperature when the mercury rises.

Our Shelter Pods are designed to provide the City of Burlington with a quality work of relocatable architecture that will endure the elements year after year and remain flexible to adapt to changes in use over the products lifespan.



Shelter Pod Exterior Specifications

Dimensions

- 64 Square Feet
- Overall 15' - 0" x 8' - 6" x 10' - 0" (L x W x H)
- Integral Legs telescope 4" to 18"
- Weight 5800lbs (estimated)

Accessibility

- 32" all steel door with commercial locking door handle
- Integral 24" x 84" covered stoop
- Step 16" x 48" x 8"

Envelope

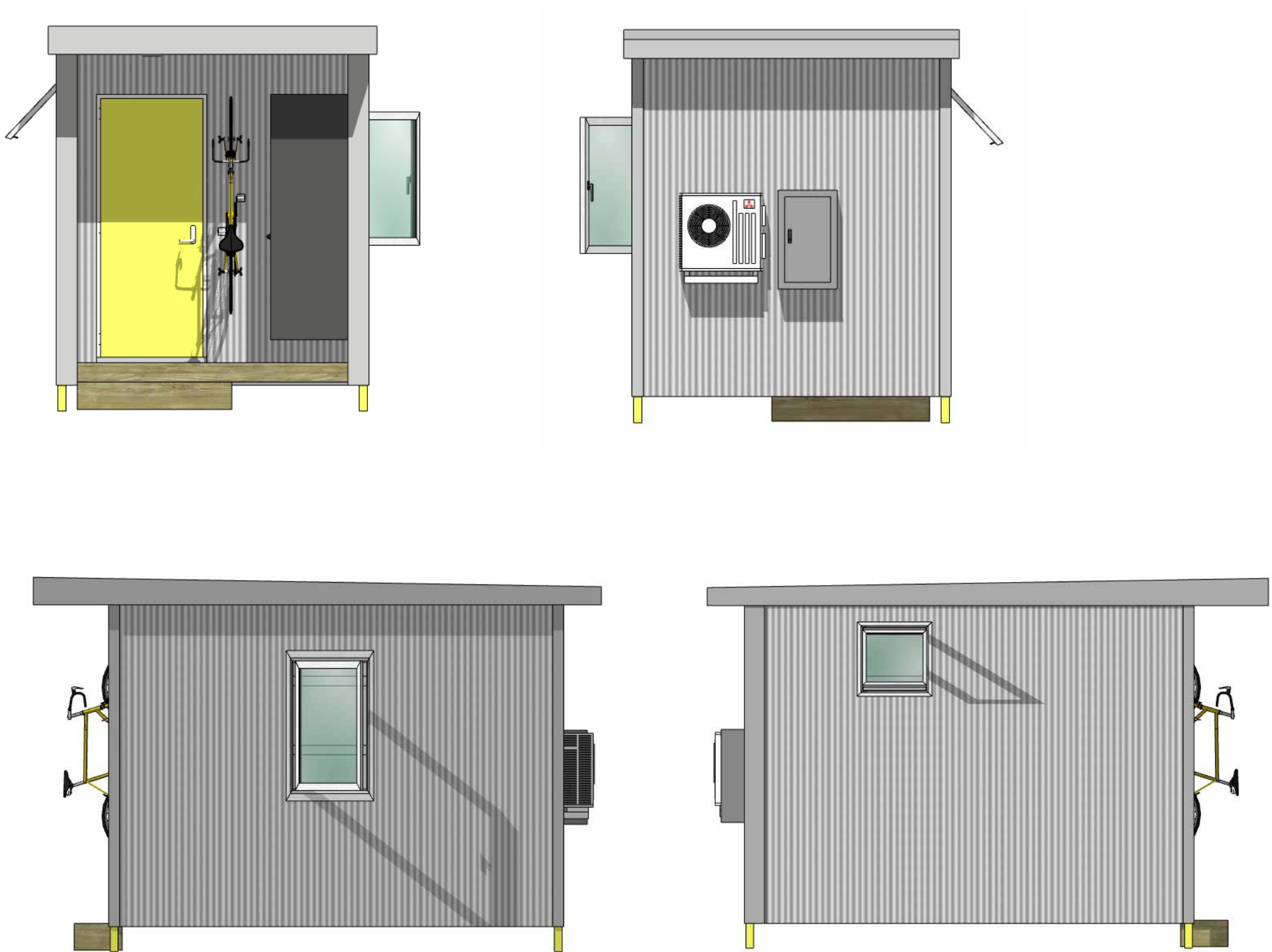
- Exterior siding: Corrugated Metal
- Exterior Corners: Painted Steel
- Roof Material: Corrugated Metal
- R Values: Floor (R-22) Walls (R-22) Ceiling (R30)
- 24" x 24" operable awning window
- 28" x 48" operable casement window (egress rated)
- Roof meets 40psf snow load

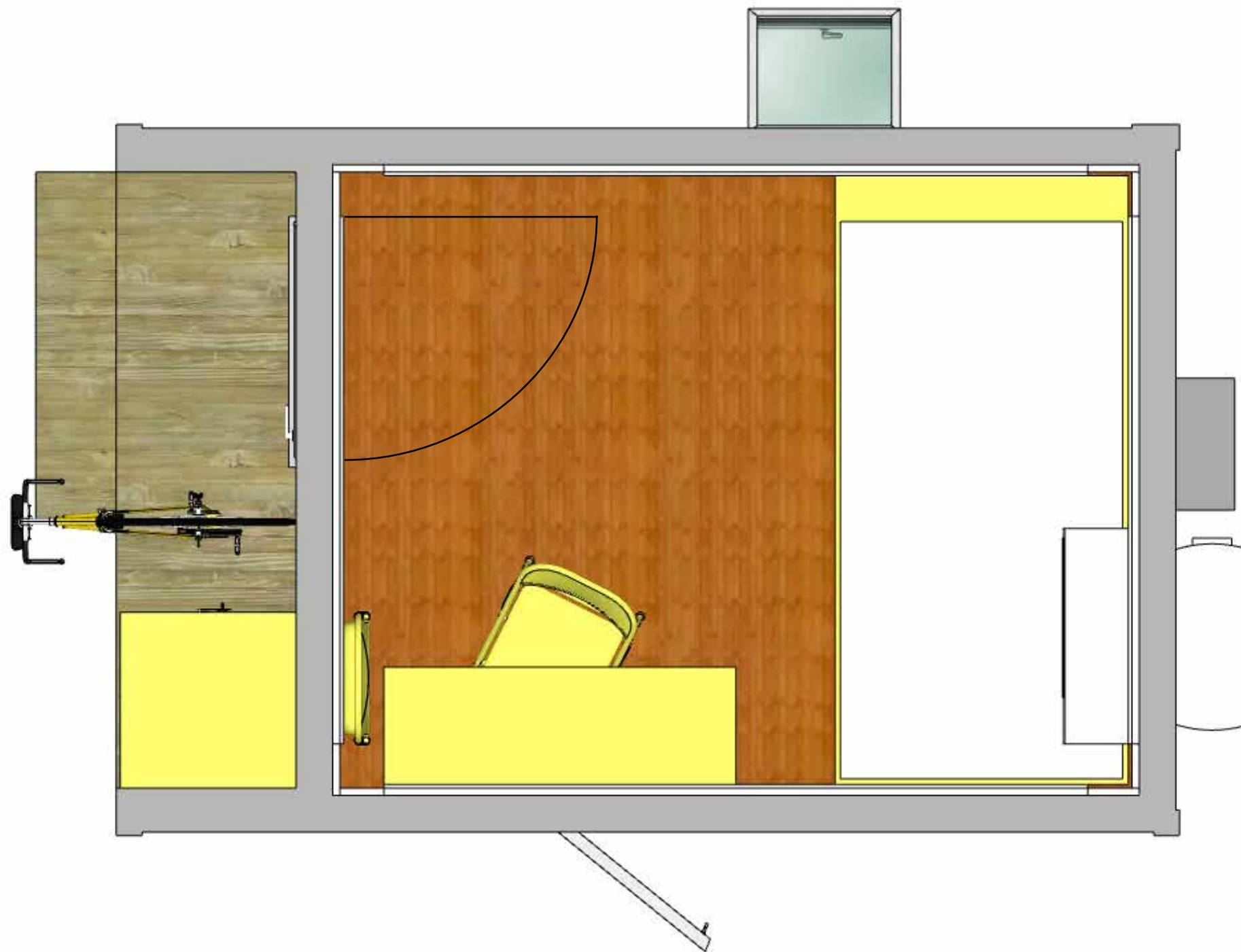
Power and Lighting

- 30 amp panel with 25' RV power cord
- (x4) 20 amp electrical outlets
- Exterior LED light at Entry Door, switch at door
- Interior LED overhead light fixture, switch at door

Environmental Controls

- 9000 BTU Mini Split heating and AC
- 15 amp Heat Recovery Ventilator
- Hardwired Smoke Detector





Shelter Pod Interior Specifications

Flooring

Resilient and sustainable cork flooring

Walls

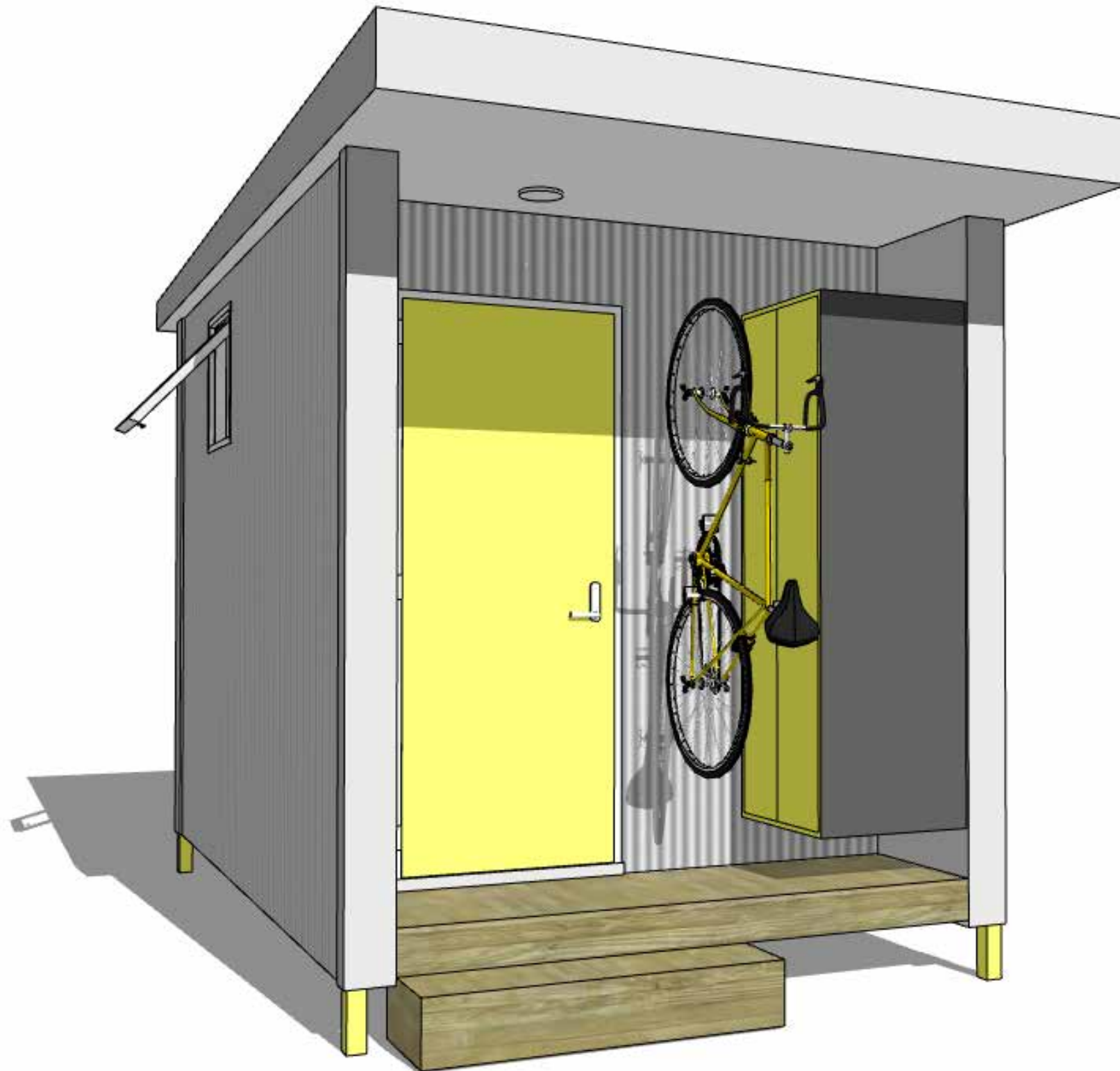
1/2" Poplar plywood with satin white finish
Integral cleat system for easy installation and repositioning of CRATE options

Ceiling

1/2" Poplar plywood with satin white finish

Dimensions

Ceiling Height 8' - 0"
Width 7' - 2"
Length 9' - 2"



Accessories Included

Our furniture options are called CRATEs. They are modular in nature and work directly with our innovative and integrated wall cleat system. All CRATEs are made of high quality furniture grade plywood. Parts are made using the CNC router and assembled with precision. A high gloss paint finish is on all surfaces.

Shelter Pods are equipped with:

(x1) CRATE Beds

6" Twin Mattresses fit our bed frames (not included). The frames attach to our wall cleat system with four adjustable wall brackets. The beds have a 400lb weight capacity.

(x1) CRATE Locker XL

This Locker is 24" x 24" x 70". A large cabinate with two full length doors with padlock clasp. Outside face of Locker has a chalkboard finish that is magnetic.

(x1) CRATE Desk

The Desk is 48" x 16" x 8". It has two interior shelves for books and papers. An integral outlet built in that plugs into the wall outlet of the module. This outlet has one USB port and two 15 amp outlets. This Desk is designed to be a bench if installed lower on the wall or a shelf if installed higher. It has a 350lb weight capacity.

(x1) CRATE Cleat for hanging two folding chairs

This simple Cleat is rated for 350lbs and in this module will hold two metal folding chair when not in use (chairs not included). It can also easily handle the weight of a large backpack.

(x1) Bicycle Wall Mount with locking loop

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Planning & Zoning Clerk
Ted Miles, Zoning Specialist
Charlene Orton, Permitting & Inspections Administrator



MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: May 17, 2022
RE: 228 Maple Street; ZP22-97; Establish a bed and breakfast (short term rental) use within one unit of the existing 8-unit apartment building.

The applicant has requested deferral of this hearing to a date uncertain to address additional application requirements: site plan and parking waiver narrative.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Zoning Clerk
Ted Miles, Code Compliance Officer
Charlene Orton, DPI Administrator



TO: Development Review Board
FROM: Ryan Morrison
DATE: May 17, 2022
RE: ZP-22-200; 38 South Winooski Avenue

=====

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: FD5 Ward: 8E

Owner/Representative: First Congregational Church / Doug Viehmann

Request: Combined preliminary & final plat review of a 2-lot subdivision; no proposed development.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 5 (Citywide General Regulations), Article 10 (Subdivision Review), Article 14 (Plan BTV Downtown Code)

Background Information:

The applicant is seeking combined preliminary and final plat approval to subdivide an existing lot into two lots. The 100,623 sq ft property contains the First Congregational Church of Burlington (ca. 1842) and the Ronald McDonald House (ca. 1877), and is located at the southeast corner of the South Winooski Ave / Pearl Street intersection. The property has frontage on South Winooski Avenue, Pearl Street, Buell Street, and Orchard Terrace. The proposed subdivision will place the First Congregational Church on Lot 1 and the Ronald McDonald House on Lot 2. No new development is proposed. While part of the same property, the Ronald McDonald House has used 16 South Winooski Avenue as its mailing address.

As required, the proposal has been forwarded to the City Engineer's office, to the Burlington Fire Marshal, to the Director of the Parks & Recreation Department, to Burlington Electric, and to the Burlington School District. No comments have been received. Should comments be received prior to DRB action, they will be considered as necessary.

Previous zoning actions for 38 South Winooski Avenue (church) are noted below.

- **Zoning Permit;** install chain link fencing. Approved April 1976.
- **Zoning Permit;** install temporary weather entrance. Approved September 1976
- **Zoning Permit;** extend chain link fencing. Approved November 1979.
- **Zoning Permit 82-465;** put a pitched roof on the classroom. Approved October 1982.
- **Zoning Permit 85-519;** new handicap ramp. Approved November 1985.

- **Zoning Permit 93-062**; install freestanding sign. Approved August 1992.
- **Zoning Permit 93-064**; install roof over handicap ramp. Approved August 1992.
- **Zoning Permit 93-444**; reroof church with rubber material. Approved May 1993.
- **Zoning Permit 02-034**; install exterior lighting. Approved July 2001.
- **Zoning Permit 06-091CA**; amend a condition requiring dumpster screening. Approved September 2005.
- **Non-Applicability of Zoning Permit 08-495NA**; bell tower repairs. Approved January 2008.
- **Non-Applicability of Zoning Permit 08-882NA**; window restorations. Approved June 2008.
- **Non-Applicability of Zoning Permit 08-883NA**; in-kind replacement of steps and windows. Approved June 2008.
- **Non-Applicability of Zoning Permit 09-926NA**; install temporary ramp. Approved June 2009.
- **Zoning Permit 09-593CA**; building addition and site improvements. Approved May 2009.
- **Non-Applicability of Zoning Permit 12-0965NA**; replacement steps. Approved April 2012.
- **Zoning Permit 16-0123FC**; replacement fence. Approved July 2015.
- **Zoning Permit 20-0106FC**; install new fencing. Approved July 2019.

Previous zoning actions for 16 South Winooski Avenue (Ronald McDonald House) are noted below:

- **Zoning Permit 82-343**; add new parking spaces. Approved November 1982.
- **Zoning Permit 83-213**; enclose south side porch and add 4 additional parking spaces. Approved May 1983.
- **Zoning Permit 85-414**; install freestanding sign. Approved September 1985.
- **Zoning Permit 86-297**; install storage shed. Approved July 1986.
- **Zoning Permit 89-562**; enclose porch. Approved December 1989.
- **Zoning Permit 95-193**; install exterior light fixture. Approved November 1994.
- **Zoning Permit 96-090**; expand office in basement. Approved August 1995.
- **Zoning Permit 04-360**; building addition. Approved March 2004.
- **Zoning Permit 06-676CA**; replacement signage lighting. Approved May 2006.
- **Zoning Permit 07-578CA**; new freestanding sign lighting. Approved April 2007.
- **Zoning Permit 08-805CA**; install security lighting. Approved May 2008.
- **Zoning Permit 16-0625CA**; install new sign lighting. Approved November 2015.

- **Non-Applicability of Zoning Permit 18-0470NA;** temporary banner signage. Approved November 2017.
- **Non-Applicability of Zoning Permit 18-1107NA;** temporary banner signage. Approved May 2018.

Recommendation: **Consent Approval** as per, and subject to, the findings and conditions below:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Sec. 5.2.2, Required Frontage of Access

The existing lot has 462.88 ft of frontage on South Winooski Avenue, 209.74 ft of frontage on Pearl Street, 210.13 ft of frontage on Buell Street, and 60 ft of frontage on Orchard Terrace. After the subdivision, Lot 1 (1.40 acres) will have 275.88 ft of frontage on South Winooski Avenue, 210.13 ft of frontage on Buell Street, and 60 ft of frontage on Orchard Terrace. Lot 2 (0.91 acres) will have 187 ft of frontage on South Winooski Avenue and 209.74 ft of frontage on Pearl Street.

Affirmative finding

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 14.3.5 below.

Sec. 5.2.4, Buildable Area Calculation

Not applicable. This does not include properties in the FD5 zoning district.

Sec. 5.2.5, Setbacks

See Sec. 14.3.5 below.

Sec. 5.2.6, Building Height Limits

Not applicable. No new development is proposed.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 14.3.5 below.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **Affirmative finding**

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Not applicable.

Sec. 5.5.4, Tree Removal

Not applicable.

Article 10: Subdivision Review

Sec. 10.1.7, Combined Preliminary and Final Plat

For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.

In such cases, the submission requirements for final subdivision plats pursuant to Sec. 10.1.9 shall be met at the time of application, and decisions by the DRB shall be based on the project's conformance with the review criteria for both preliminary (Sec. 10.1.8(d)) and final plats (Sec. 10.1.9(d)).

The proposed subdivision is for two lots and thus qualifies to be considered in a combined hearing.

Affirmative finding

Sec. 10.1.9, Final Plat Review

(a) Final Plat and Construction Detail Submission Requirements

6. Final Plat Specifications

This criterion requires that the final plat plan be drawn at a scale of 1" = 40', and be on sheets sized 24" x 36" with one inch margins on three sides and a two inch margin on the side to be bound. The final plat plan will need to meet these requirements. **Affirmative finding as conditioned**

(d) Review Criteria

1. The requirements of the underlying zoning district(s) and all applicable overlay district(s) as set forth in Article 4

Not applicable. The dimensional and density requirements typically assigned under Article 4 do not apply to the subject property. The subject property is zoned FD5, as created by the Form Based Code in November, 2017. This criterion will comply with Article 14. **Affirmative finding**

3. The requirements of Article 5 with regard to Special Uses and Performance Standards as applicable

See Article 5 of these findings.

4. The land division and site development principles and design standards in Article 6.

See Article 6 of these findings.

Sec. 10.1.11, Recording of Final Plats

(a) Certifications and Endorsement

Prior to recording the mylar plat plan, all of the required endorsement blocks must be depicted on the plan itself and signed by the appropriate individuals. **Affirmative finding as conditioned**

Article 14: Plan BTV Downtown Code

Not applicable.

II. Conditions of Approval

1. Per **Section 2.7.8, Withhold Permit**, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit.
2. **Within 180 days of the date of final approval**, the subdivision plat mylar, with all applicable endorsement signatures, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the final plat approval.
3. **Prior to filing the mylar** in the city land records, the subdivision plat shall be revised to reflect the following:
 - a. Label the First Congregational Church lot as 'Lot 1', and label the Ronald McDonald lot as 'Lot 2'.
 - b. Sheet size of 24" x 36" with one-inch margins on three sides and a two-inch margin on the side to be bound.
 - c. Obtain signatures for all certifications and endorsements required under Sec. 10.1.11 (a) of the Comprehensive Development Ordinance. These signature blocks shall be included on the final plat plan.
4. No new construction is included in this subdivision approval.
5. Standard permit conditions 1-15.

March 24, 2022

Planning Department
City Of Burlington Vermont
City Hall
Church Street
Burlington, Vermont 05401

RE: Request for Subdivision.

Planning Department,

The First Congregational Church of Burlington, United Church of Christ, located at 38 South Winooski Avenue has arranged to sell the former Manse to the Ronald McDonald House who have been renting the property for the past 40 years. The sale includes the building and land as shown on the attached Preliminary plat.

The parties are:

Seller: First Congregational Church of Burlington, Vermont, United Church of Christ
38 South Winooski Avenue
Burlington, Vermont 05401
President: Paul Hobbs (paulh@engineeringventures.com)

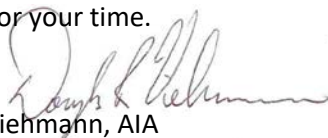
Buyer: Ronald McDonald House Charities Of Burlington, Vermont, Inc.
16 S Winooski Ave,
Burlington, VT 05401
Director: Kristine Bickford (kristine@rmhcv.org)

We request review and approval for subdividing the existing lot into two parcels. The existing buildings, walkways and driveways will remain unchanged. A separate agreement for use of the portion of the driveway used as exiting by the First Congregational church will be made between the parties.

The Final Plat drawing will be submitted to you as soon as we have a scheduled hearing date.

The proposed subdivision's conformance with planning and zoning criteria is addressed in the following pages.

Thank you for your time.


Douglas R Viehmann, AIA

Subdivision Criteria

Article 4 Zoning Maps and Districts:

Downtown Center FD-5 Zone, Downtown Transition North Mixed use District:

(a) Purpose: *To enhance the vibrant urban center with a variety of high density building types that provide locally and regionally serving office, retail, service, hospitality, entertainment, and Civic functions, as well as a wide variety of urban housing choices. This district reinforces and extends the walkable nature of the adjacent downtown core with shallow front setbacks and active street frontages, and provides a transition between larger and smaller scale Buildings in adjacent districts.*

The property is located in the FD-5 zone. The existing church building, outbuilding and associated parking will be situated on Lot 1. The existing Ronald McDonald House and associated parking will be situated on Lot 2. These lots will continue to provide green space adjacent to the city core and a landmark vista looking east along Cherry Street.

(b) Dimensional Standards and Density

Existing lot size: 2.31 acres

Frontage; S. Winooski - 462.88', Pearl St. - 209.74', Buell St. - 210.13', Orchard Terrace - 60.00'.

Proposed Lot 1: 1.40 acres

Frontage; South Winooski - 275.88', Buell Street - 210.13', Orchard Terrace - 60.00'.

Proposed Lot 2: 0.91 acres

Frontage; South Winooski - 187.00', Pearl Street - 209.74'.

Setbacks; No change proposed.

a) Zero foot side setback proposed at new lot line between lots 1 and 2 for garden storage shed. This building is shared by both parties. An agreement to continue this shared use is part of the sale.

b) Setback to residential use of 15' is not in compliance between the church buildings and two properties on Orchard terrace. This existing condition will remain unchanged.

Lot coverage; is allowed to be 100%. After subdivision, lot coverage will be closer to 50% as is existing.

Building heights; Both existing buildings are three stories and will remain unchanged.

Permitted and conditional uses.

Existing uses are in conformance with FD-5 criteria: Lot 1 = Place of Worship; Lot 2 = Community House.

Municipal infrastructure capacities; No changes proposed

Building changes; No Changes Proposed

Downtown Parking District; *Any structure or land use lawfully in existence prior to the adoption of this ordinance shall not be subject to the requirements of this Article as long as the kind or extent of use is not changed, and provided further that any parking facilities now serving such structures shall not in the future be reduced below such requirements.*

No Changes Proposed.

Vehicular Access; Lot 1, The First Congregational Church, will have an agreement with Lot 2, Ronald McDonald House, to use the north drive as an exit in order to continue the one way traffic on site that keeps exiting cars midway in the block between Pearl and Cherry streets.

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. I.

The existing Community House on Lot 2 shall remain unchanged at this time.

Sec 6.1.2 (c) Arrangement of lots: *The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title. Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent feasible.*

The proposed lot line is approximately perpendicular to South Winooski Ave.

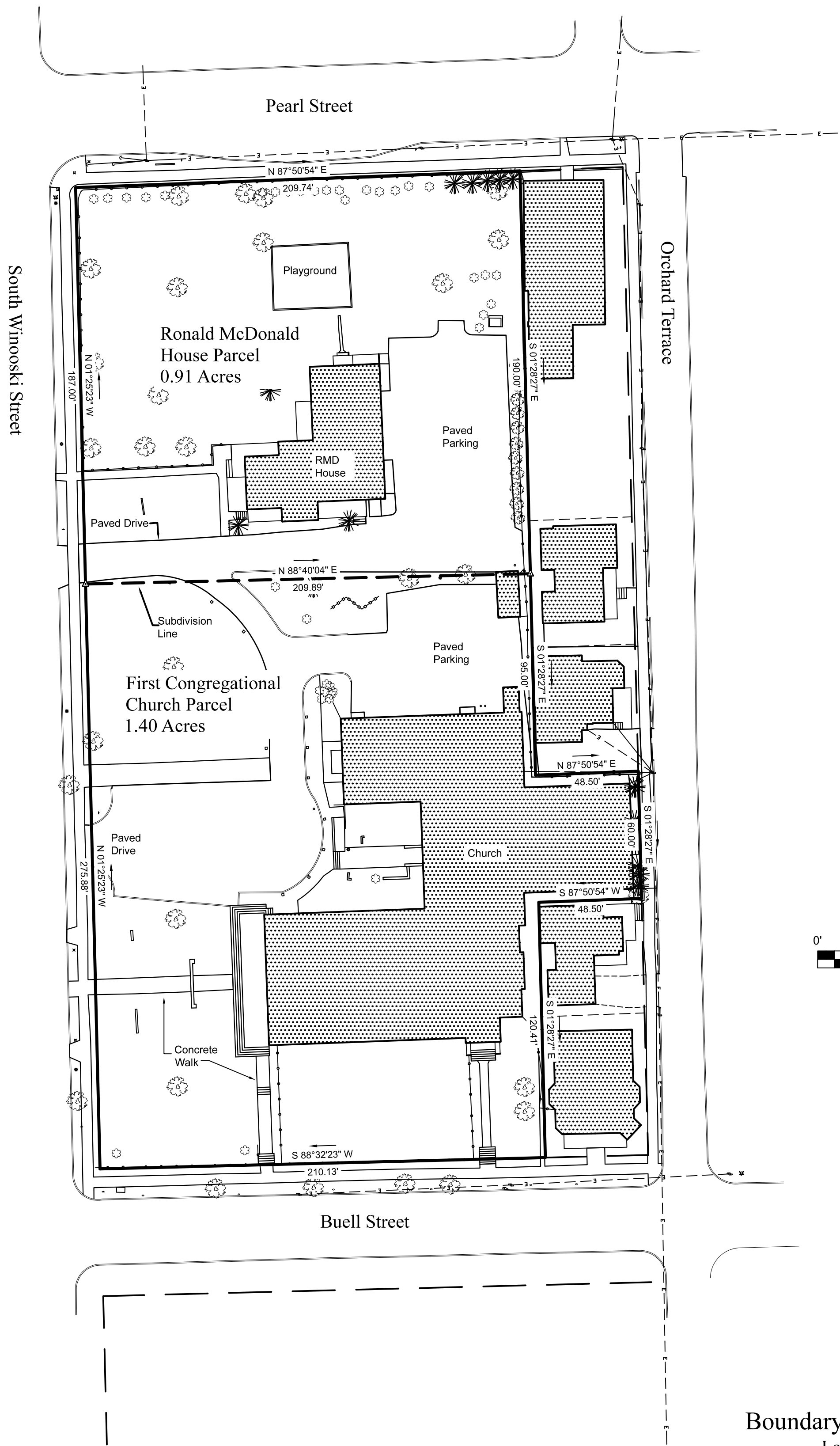
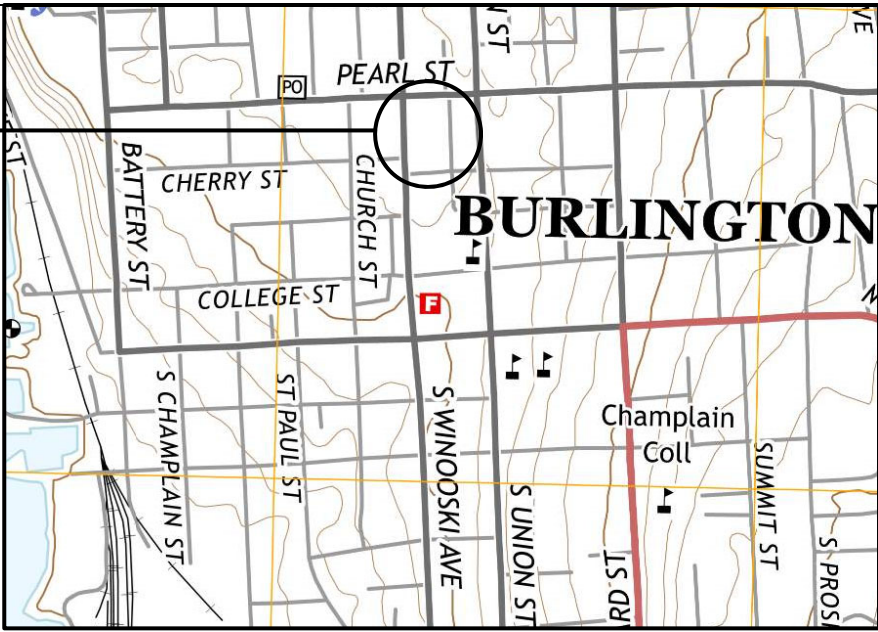
Sec 6.2.2 (d) Protection of Important Cultural Resources: *Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill.*

Existing buildings date back to 1842. No changes to existing buildings proposed at this time.

Article 10: Subdivision Review; *For subdivisions that will create fewer than five (5) lots or dwelling units, and are not otherwise subject to consideration under Major Impact Review pursuant to the provisions of Article 3, Part 5 or Planned Unit Development pursuant to the provisions of Article 11, the applicant may request, and the DRB may authorize the hearings on preliminary and final subdivision plats to be combined into a single public hearing.*

The Proposed subdivision is for two lots and thus qualifies for a combined hearing.

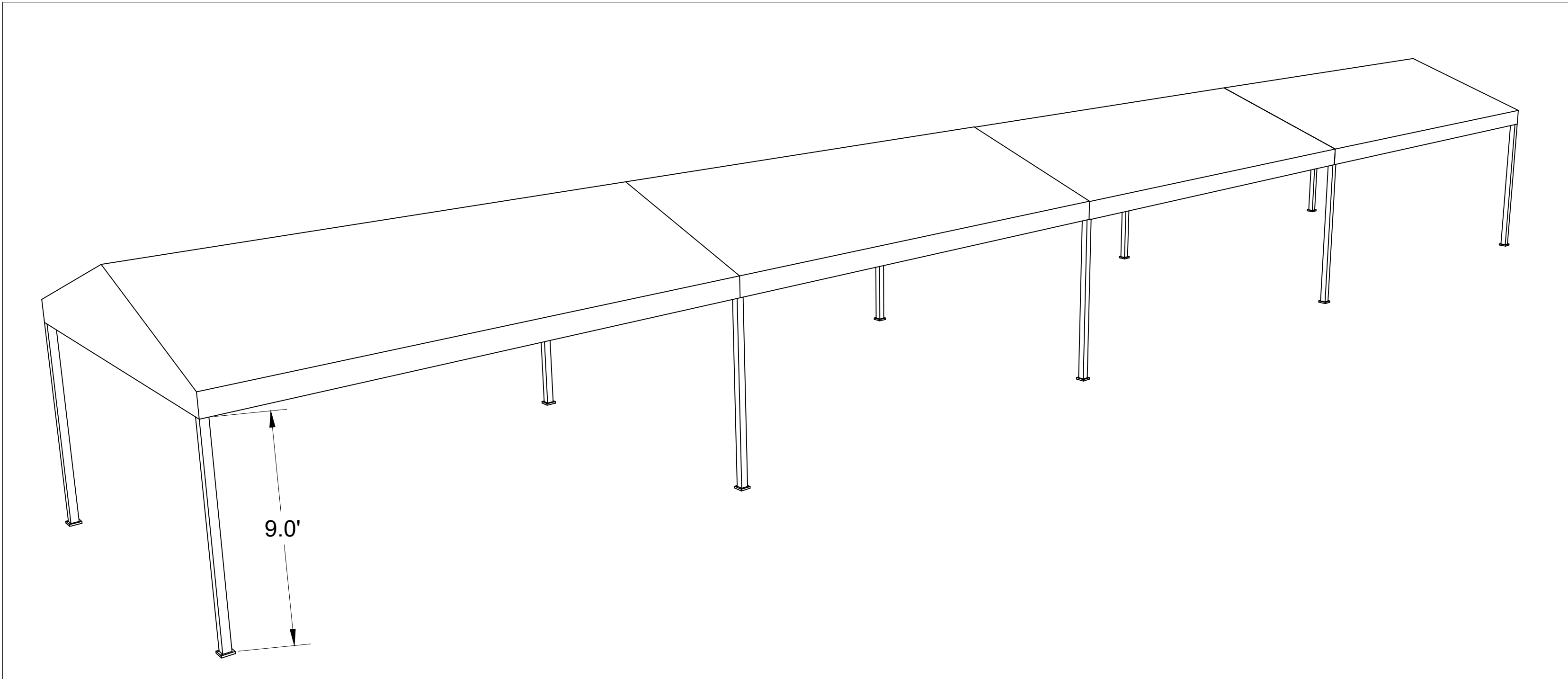
Respectfully submitted;
Douglas R. Viehmann, AIA



Boundary Subdivision
Lands Of
First Congregational Church of Burlington VT
38 South Winooski Ave,
Burlington, Vermont

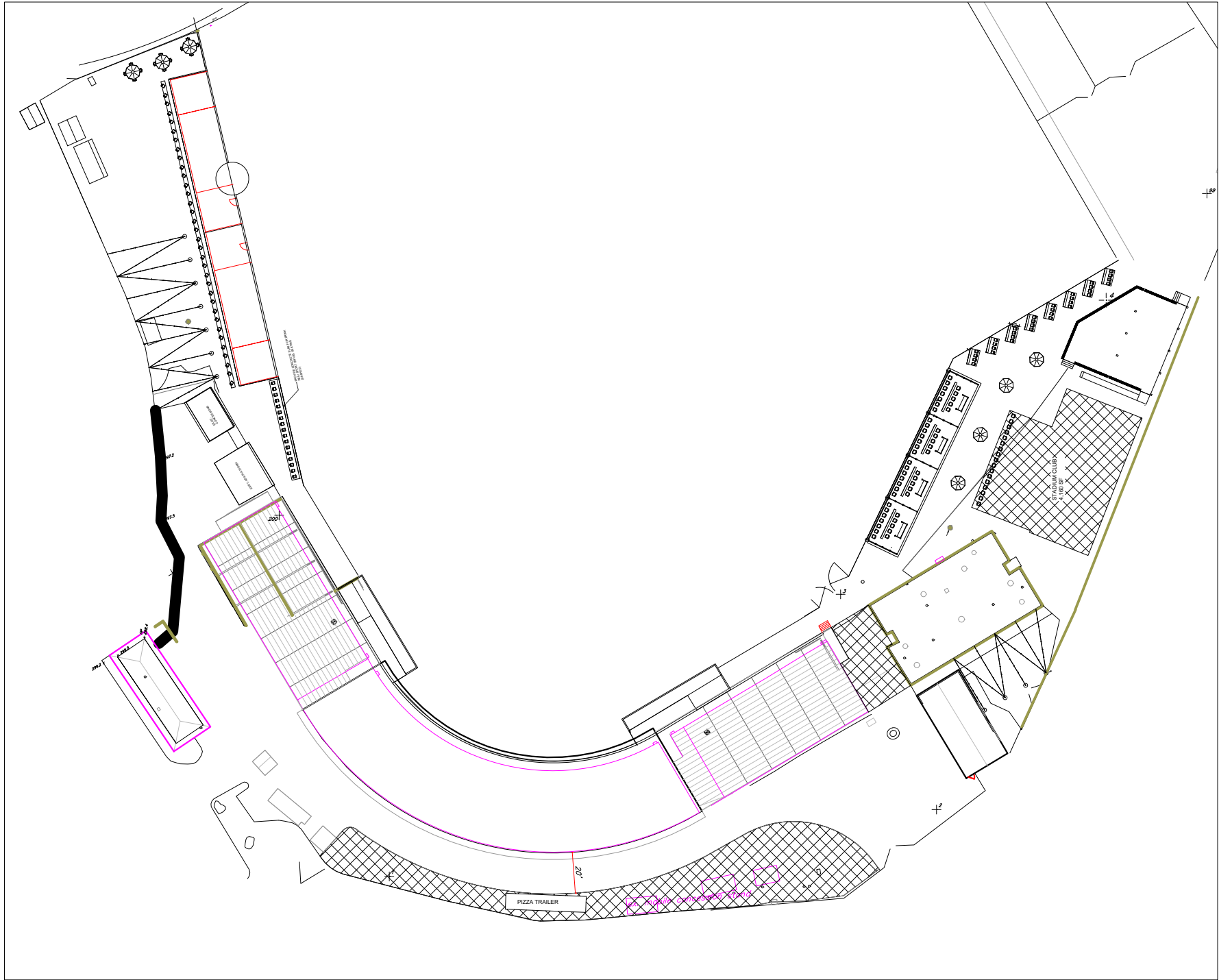
LATITUDES Land Surveying
129B Spruce Street, Burlington, VT
latitudeslandsurveying.com

Date
3/2/2022
Scale
1"=40'
Project
#20110

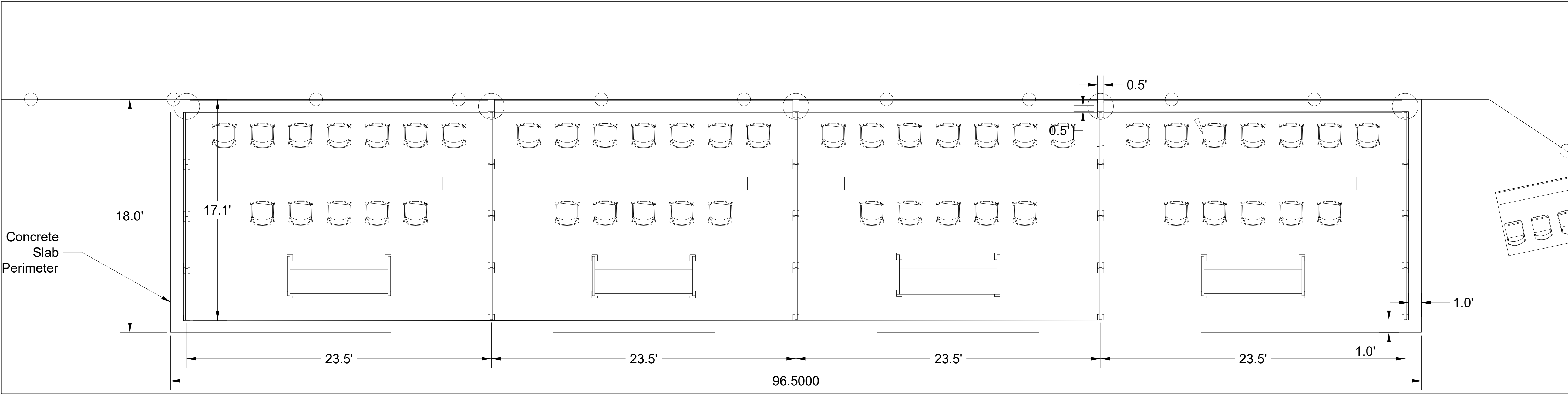


Proposed Awning/Tent Layout

Not to Scale



Project Location



Loge Box/Furniture Layout

$\frac{1}{4}"=1'-0"$



3104 HUNTINGTON ROAD
RICHMOND, VERMONT
802.434.2112

BURLINGTON,
VERMONT

VERMONT LAKE MONSTERS
Spring 2022 Renovations

ISSUE / REVISION LOG:
1/27/2022

TITLE:
Loge Box
Awning -
Draft

PHASE:

SCALE:

(UNLESS OTHERWISE NOTED)

SHEET NUMBER:

BE-6

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

William Ward, Director
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Ryan Morrison, Associate Planner
Joseph Cava, Planning Technician
Celeste Crowley, Zoning Clerk
Ted Miles, Code Compliance Officer
Charlene Orton, DPI Administrator



TO: Development Review Board
FROM: Ryan Morrison
DATE: May 17, 2022
RE: ZP-22-196; 98 University Road

=====

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: I Ward: 1E

Owner/Representative: University of Vermont / Derick Read

Request: Install a permanent canopy roof over a section of the existing right field seating at Centennial Field. The area under the canopy covered seats will be converted to concrete and a 6' wide pervious walk will be installed along the backside of the covered area. An area of pavement behind the grandstands will be restored to vegetation.

Applicable Regulations:

Article 2 (Administrative Mechanisms), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards)

Background Information:

The applicant is seeking to install a permanent canopy roof over a section of the existing right field seating at Centennial Field. The area under the canopy covered seats will be converted to concrete and a 6' wide pervious walk will be installed along the backside of the covered area. An area of pavement behind the grandstands will be restored to vegetation.

Previous zoning actions for the property are as follows.

- 5/6/94, Approval to replace outfield fence
- 10/28/94, Approval for concourse and concession stand improvements
- 11/17/94, Approval for stadium-wide renovations
- 6/2/99, Approval to install walk-in cooler
- 5/31/11, Approval to install temporary lockers
- 5/14/12, Approval to install replacement stadium light poles
- 10/1/12, Approval to install replacement and new fencing
- 10/9/12, Approval to expand size of existing dugouts
- 10/16/12, Approval to install replacement seats throughout
- 5/10/13, Approval to construct concrete deck behind home plate for additional seating
- 5/31/13, Approval to install ADA compliant ramp
- 8/27/13, Approval to install replacement seating
- 12/24/13, Approval to expand ticket office

- 10/10/14, Approval to remove concession stand and install 2 food trailers
- 11/10/14, Approval to install additional chain link fencing
- 10/22/15, Approval to construct a small retail enclosure
- 4/8/16, Approval to install additional fencing
- 5/20/16, Approval to replace a window with a door
- 8/2/17, Approval for the temporary use of trailer for office and storage space
- 10/24/17, Approval for additional fencing
- 2/27/18, Approval to install protective netting and associated poles
- 5/6/19, Approval to install a batting cage
- 5/7/21, Approval to add seating along right and left field fences, add an outdoor deck for table seating, and replace an existing concessions stand.

Recommendation: **Consent Approval** as per, and subject to, the findings and conditions below:

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989. A condition pertaining to this standard was placed on zoning permit ZP18-0712CA for a previous zoning permit – which was addressed. However, as of the date of staff report preparation, ZP18-0712CA remains open – meaning any new zoning permits cannot be approved until all zoning permits issued after July 13, 1989 are closed. Should ZP18-0712CA be closed by the DRB meeting date of May 17, 2022, then this permit can be approved. If it is not, then the DRB can choose to continue this application to a later meeting date, or deny the application. **(No finding possible)**

Article 4: Zoning Maps & Districts

Sec. 4.4.4, Institutional District:

(a) Purpose

The Institutional zone is intended primarily to support the city’s major educational and health care institutions. In addition, the district is intended to support a broad range of related uses reflecting the resident institutions’ roles as regional educational, health care, cultural, and research centers. The proposed canopy and ground work around and above existing seating is associated with the university’s ball park (Centennial Field). **(Affirmative finding)**

(b) Dimensional Standards & Density

Maximum lot coverage allowance is 40%. Based on previous zoning permits, the existing lot coverage totals 34.82%. The current proposal will result in 34.9% lot coverage. No other changes to the site, or setbacks will occur. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The long existing baseball stadium, or *Recreational Facility – Outdoor Commercial* use, is a conditional use under today’s standards. No change in use, or new use, is proposed. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

Not applicable.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

Not applicable.

Sec. 5.2.6, Building Height Limits

Not applicable.

Sec. 5.2.7, Density and Intensity of Development Calculations

Not applicable.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Not applicable.

Sec. 5.5.3, Stormwater and Erosion Control

Because ground disturbance will exceed 400 sf, an approved Erosion Prevention and Sediment Control plan will be required. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The proposed work will occur within the existing Centennial Field facility. No natural features will be affected. **(Affirmative finding)**

(b) Topographical Alterations:

No topographical alterations are proposed. Not applicable.

(c) Protection of Important Public Views:

There are no protected public views from this site. Not applicable.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

There is nothing within the application to preclude the use of wind, water, geothermal, solar or other alternative energies. **(Affirmative finding)**

(f) Brownfield Sites:

None identified. Not applicable.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

The applicant will need to obtain approval of an Erosion Prevention and Sediment Control plan prior to the release of this zoning permit. The proposal specifically involves shelter for an open seating area, and stormwater mitigating measures such as infiltration trenches will be included.

(Affirmative finding)

(h) Building Location and Orientation:

The proposed canopy is within the Centennial Field facility, well out of view from neighboring properties and streets. **(Affirmative finding)**

(i) Vehicular Access:

Vehicular access will remain the same as existing – directly off University Road. **(Affirmative finding)**

(j) Pedestrian Access:

Pedestrian access to and within the facility will remain as existing. **(Affirmative finding)**

(k) Accessibility for the Handicapped:

No changes to existing handicap access is proposed. **(Affirmative finding)**

(l) Parking and Circulation:

The proposal is simply to add a concrete base for existing seating and to add a canopy roof. No additional seating is proposed, therefore no additional parking is required. **(Affirmative finding)**

(m) Landscaping and Fences:

Not applicable.

(n) Public Plazas and Open Space:

Not applicable.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Not applicable. This proposal does not include new lighting.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

Not applicable.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The massing, height, and scale of the canopy roof will be significantly less than the surrounding stadium stands. (Affirmative finding)

2. Roofs and Rooflines

Not applicable.

3. Building Openings

Not applicable.

(b) Protection of important architectural resources

Not applicable.

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

Not applicable.

(e) Quality of materials

The canopy roof will be of a typical awning/tent material designed to function as shelter from the elements. (Affirmative finding)

(f) Reduce energy utilization

Not applicable.

(g) Make advertising features complimentary to the site

No advertising is included in this proposal. Not applicable.

(h) Integrate infrastructure into the building design

Not applicable

(i) Make spaces safe and secure

The open-air canopy roof will not create any sort of obstruction in case of emergency.

(Affirmative finding)

II. Conditions of Approval

1. **Prior to the release of the zoning permit**, the applicant shall submit an Erosion Prevention and Sediment Control plan to the Stormwater Program Manager for review and approval.
2. Standard permit conditions 1-15.

Department of Permitting & Inspections

Zoning Division
645 Pine Street
Burlington, VT 05401
Telephone: (802) 865-7188

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Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Joseph Cava, Permit Technician
Ted Miles, Code Compliance Officer
Charlene Orton, Permitting & Inspections Administrator



TO: Development Review Board
FROM: Scott Gustin
DATE: May 17, 2022
RE: ZP-22-199; 51 Elmwood Avenue

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Zone: RH Ward: 3C

Owner/Applicant: Burlington DPW / Samantha Dunn

Request: Establish a temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse.

Applicable Regulations:

Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

Background Information:

The applicant is requesting approval to establish a temporary emergency shelter on an existing nonconforming municipal parking lot. The requested duration is 3 years. The parking lot will remain in place, and the proposed structures will be placed upon it with limited earthwork for utility installations and connections. Additional fencing, outdoor lighting, and raised planters are also proposed. Emergency shelters are a conditional use in the Residential – High Density zone wherein the project is located. A related community center is included and will serve occupants of the shelter but will also be open to the public.

As a municipally owned and operated facility the application for this emergency shelter is subject to only limited zoning review per 24 VSA, Sec. 4413, *Limitations on municipal bylaws*. The development may be reviewed only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements.

There are no previous zoning actions for this property.

Recommendation: Conditional use and certificate of appropriateness approval as per, and subject to, the following findings and conditions.

I. Findings

Article 3: Applications, Permits, and Project Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability & Sec. 3.3.3, Exemptions & Waivers

The proposed emergency shelter does not contain any new dwelling units, but is it categorized as a special residential use. Occupants of the shelter will stay there rent free. As such, it qualifies for an exemption from impact fees per Sec. 3.3.3.

The community resource center, even though temporary, does not qualify for an exemption from impact fees. Those will be due prior to issuance of a certificate of occupancy. **(Affirmative finding as conditioned)**

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (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 each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The property will be served by municipal utilities. Electrical service is present, and water and wastewater service will be installed. Sufficient water and sewer service are available. While the use is temporary, a State of Vermont wastewater permit will be required. A wastewater capacity letter from the Department of Public Works will be required for issuance of the wastewater permit. **(Affirmative finding as conditioned)**

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;*

The property is located within the Residential – High Density zone. This zone is intended primarily for high density residential development in the form of attached multi-family buildings. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The temporary emergency shelter fits within the residential context of the RH zone.

(Affirmative finding)

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed emergency shelter will be limited to 35 individuals (30 pods, including 5 pods that will allow 2 people if there are couples who request being together) and onsite staff. With continuous onsite staff, the shelter is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with commercial uses. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit*

availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;

No traffic analysis has been provided or is required for this application. The anticipated occupants of the emergency shelter are not expected to generate any traffic impacts. Staff will park onsite on a small number of parking spaces. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

Depending on available funding, solar panels will be installed on the rooftops of the community resource center and/or the bathhouse. **(Affirmative finding)**

and,

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

It is the applicant's responsibility to comply with other applicable city and state bylaws and ordinances.

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The emergency shelter is similar to a multi-family residential development. As opposed to dwelling units, the facility will have 30 individual shelter pods and a related community center and a bathhouse. The emergency shelter will have onsite staff to manage it 24/7. All of the buildings are fully enclosed. Shared outdoor space is located in the center of the site to lessen potential noise impacts to neighboring properties. Trash and recycling units will be enclosed behind screening. **(Affirmative finding)**

2. *Time limits for construction.*

All of the buildings are pre-fabricated and will take relatively little time to install. Standard zoning permit time limits will apply – 1 year to start construction and 2 more to complete (total of 3 years). In this case, the emergency shelter will cease operation after 3 years. **(Affirmative finding)**

3. *Hours of operation and/or construction to reduce the impacts on surrounding properties.*

The emergency shelter will operate 24 hours per day, 7 days per week for up to 3 years. The related community center will operate, open to the public, 7 days per week from 9:00 AM – 4:00 PM. These hours are within the permissible hours of 5:30 AM – 11:00 PM for community centers.

Hours of construction are not noted. Within residential areas, hours of construction are typically limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays. **(Affirmative finding as conditioned)**

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

As noted previously, the subject property is located within the Residential – High Density zone. This zone is intended primarily for high density residential development in the form of attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The temporary emergency shelter fits within the residential context of the RH zone. Community centers are permitted in the RH zone and serve as an ancillary amenity to the surrounding neighborhoods. **(Affirmative finding)**

(b) Dimensional Standards & Density

There is no residential density per se. See Sec. 5.4.13 for residential density equivalent for emergency shelters.

Lot coverage is nonconforming at 100%. No change in lot coverage is proposed, although some green space will be introduced to the site with planters.

The front yard setback is based on the average of neighboring properties. In this case, a 5’ front yard setback is proposed and is based on an average of 3.’ Note that the average provided is for just the two adjacent properties. The average is based on 4 properties, the two to the north and the two to the south in this case. All of the buildings look to be close to the street, but the average needs to be recalculated based on the 4 properties. As all of the proposed buildings are 15’ tall or less, 5’ minimum side and rear yard setbacks are required. The site plan reflects these required side and rear minimum setbacks.

The community resource center is 15’ tall and the rest of the buildings are just 10’ tall. These heights are well below the 35’ height limit. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

An emergency shelter is a conditional use in the RH zone. The related community center is a permitted use. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Section 5.4.13 Emergency Shelters

Emergency shelters shall be subject to the site and design review standards in Art 6.

In addition to conditional use standards where applicable, proposals for all new emergency shelters shall comply with the following requirements:

- (a) All dimensional standards for the underlying zoning per the requirements of Art. 4 shall be applicable;*

See Sec. 4.4.5 above.

- (b) Density within the residential zones shall be per the residential density standards of Article 4. For the purposes of density calculation for emergency shelters, every four (4) beds shall count as one (1) dwelling unit;*

The 30 pods contain 30-35 beds. Assuming a maximum of 35 beds, that equates to 9 dwelling units on this ~ ½ acre property. With a limit of 40 units per acre, the equivalent of 9 units is acceptable. **(Affirmative finding)**

- (c) Density within the neighborhood mixed use zones shall be limited to fifty (50) beds, and there is no density limit in the downtown or downtown transition zones;*

(Not applicable)

- (d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;*

This standard will be a condition of approval. The applicant is aware of this criterion.

(Affirmative finding as conditioned)

- (e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds; and,*

Up to four onsite staff will be present, including 1 or 2 overnight staff. One overnight staff will be present until or unless the number of individuals in the shelter pods exceeds 25. At that point, 2 overnight staff would be present. **(Affirmative finding)**

- (f) *An emergency shelter may be the primary use of a property, or it may be accessory to another primary use on a property.*

In this case, the emergency shelter will be the primary (albeit temporary) use of the property. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

The emergency shelter is anticipated to have impacts similar to multi-family housing. Design and management measures, such as enclosed buildings, centralized community spaces, and 24/7 onsite staffing will lessen potential noise and related impacts. Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

Existing pole lights will remain. New outdoor lighting consists of canister and wall-pack fixtures that will illuminate building entries. The proposed fixtures will provide illumination with acceptable low output lamps. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

An erosion prevention and sediment control plan is required for the utility earthwork associated with this project. Review by the city's Water Resources staff is underway. Approval of the erosion prevention and sediment control plan is required prior to construction. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

There are no important natural features within the project area. The site is entirely a paved parking lot. **(Affirmative finding)**

(b) Topographical alterations

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Protection of important cultural resources

Not applicable per 24 VSA, Sec. 4413.

(e) Supporting the use of alternative energy

Not applicable per 24 VSA, Sec. 4413.

(f) Brownfield sites

Not applicable per 24 VSA, Sec. 4413.

(g) Provide for nature's events

Not applicable per 24 VSA, Sec. 4413. The city's stormwater standards under Chapter 26 continue to apply.

(h) Building location and orientation

Not applicable per 24 VSA, Sec. 4413.

(i) Vehicular access

Not applicable per 24 VSA, Sec. 4413.

(j) Pedestrian access

Not applicable per 24 VSA, Sec. 4413.

(k) Accessibility for the handicapped

Not applicable per 24 VSA, Sec. 4413. Accessibility requirements under the City's building code continue to apply.

(l) Parking and circulation

The property is presently nonconforming as a large parking lot. The parking lot will remain largely as is with the modular buildings installed on top. A small section of the parking lot in the southeast corner will remain available for parking. These parking spaces are located behind the front yard setback and to the side of the community resource center building. The spaces can be accessed directly from the street. The parking spaces are in close proximity to the community resource center and access into the site. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

A number of planters will be installed to introduce as least some green space into this temporary facility. Several are located amongst the shelter pods, and a cluster is proposed between the pods and the bathhouse. A relatively large planter will be installed to provide some green space along the front of the community resource center.

The site is presently fenced on three sides with chain link. This fencing will be repaired where needed, and bamboo screening slats will be installed. A new wooden privacy fence with gates is proposed along the front of the property and around the trash and recycling receptacles.

(Affirmative finding)

(n) Public plazas and open space

Shared outdoor space will be located within the center of the site. It will be proximate to the shelter pods and relatively far from adjoining residential properties. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new ground-mounted mechanical equipment is proposed. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The most prominent building onsite, the community resource center, approximates a residence in appearance. It is residential in scale with basic massing and relatively low height. Other buildings onsite are behind fencing and not as apparent from the street. The bathhouse reads as an outbuilding of smaller scale with simple form and massing. All of the shelter pods read as miniature cottages with typically residential characteristics like pitched roofs, front doorways, and windows. **(Affirmative finding)**

2. Roofs and Rooflines

Not applicable per 24 VSA, Sec. 4413.

3. Building Openings

Not applicable per 24 VSA, Sec. 4413.

(b) Protection of important architectural resources

Not applicable per 24 VSA, Sec. 4413.

(c) Protection of important public views

Not applicable per 24 VSA, Sec. 4413.

(d) Provide an active and inviting street edge

Not applicable per 24 VSA, Sec. 4413.

(e) Quality of materials

Not applicable per 24 VSA, Sec. 4413.

(f) Reduce energy utilization

Not applicable per 24 VSA, Sec. 4413.

(g) Make advertising features complimentary to the site

No new exterior signs are included in this proposal. **(Not applicable)**

(h) Integrate infrastructure into the building design

No new rooftop mechanical equipment is proposed. The project plans depict interior mechanical spaces for the community resource center and bathhouse. **(Affirmative finding)**

(i) Make spaces safe and secure

The proposed building must provide adequate egress as required by the building code. Entries will be illuminated. A central emergency access aisle will be provided into the site. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The emergency shelter has no minimum onsite parking requirement. The ~1,400 sf community center requires 5 parking spaces (3.3 spaces per 1,000 sf). A total of 6 parking spaces will be provided onsite. **(Affirmative finding)**

Sec. 8.2.4, Bicycle Parking Requirements

There is no bicycle parking requirement for the emergency shelter. The community resource center is required to have 2 short term bike parking spaces. It is not large enough to require long term spaces. The project plans do not depict an outdoor bike rack. One is required and should be placed near the primary entrance to the community resource center. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, the following items shall be addressed, subject to staff review and approval:
 - a. A wastewater capacity letter from the Dept. of Public Works shall be obtained;
 - b. The front yard setback shall be recalculated based on the 4 neighboring properties (2 on each side), and, if need be, the location of the community resource center adjusted to be compliant;
 - c. A bicycle rack for at least 2 bikes shall be installed near the primary entrance to the community resource center; and,
 - d. The erosion prevention and sediment control plan shall be reviewed and approved by city stormwater staff.
2. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Permitting & Inspections Department the impact fee as calculated by staff based on the net new square footage of the proposed community center building.
3. This zoning permit approval is valid for 3 years, and the site must be returned to its current state or to another approved use immediately following that. Extension of this time will require review and approval by the Development Review Board per Sec. 3.2.9, *Zoning Permits*, (d) *Time Limits on Zoning Permits*.
4. Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available.
5. Hours of construction shall be limited to M-F 7:00 am to 5:30 pm, with Saturday hours restricted to interior work. No work on Sundays.
6. Any new utility lines must be buried.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required.
8. Standard permit conditions 1-15.

Email received 5.16.2022 re: 51 Elmwood Avenue

Hi Mary,

Thank you for letting me know of our options! David was able to supply a written statement (below). May you please post this to the DRB website as part of the DRB's review?

"I, David Call, of 60 Elmwood Avenue Burlington, VT, support the pod housing shelter for the unhoused residents. We have to give them home, they are part of our population. We cannot pass the buck every time something is difficult. Nothing will ever be 100% in our society, but this is a good-faith contract. Please do not cancel this permit request."

David Call, 5/16/22

[REDACTED]

Please let me know if you need anything else.

Thanks!

Bridget

Bridget O'Keefe (she/her)
Community Engagement Office Coordinator
City of Burlington | Community and Economic Development Office
(802) 865-7144
149 Church Street, Room 32
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May 16, 2022

E-MAIL

Burlington Development Review Board
P.O. Box 849
Burlington, VT 05402-0849

Re: In re 51 Elmwood Avenue, ZP-22-199

Dear Members of the Board:

Preliminary Statement

The City needs to ensure that all members of our community are supported and their well-being is taken into consideration. In attempting to help one vulnerable group, the City must not inadvertently harm other vulnerable groups who are struggling to survive and grow. McKenzie House has made strides to help low income families and their children have a safe, affordable, and nurturing environment where they can reach for their hopes and dreams. While the City's attempt to address homelessness is admirable and much-needed, the question is how this goal can be achieved while taking into consideration the needs of all members of the community.

The City's proposal will harm the residents of the McKenzie House and McKenzie House Families and their community. The declarations that residents are providing to the Development Review Board include voices from mothers and children, the disabled, and elderly residents. A mother is concerned that her young son will suffer from active drug users outside his bedroom window. (Exhibit 1.) A disabled elderly person worries that the stress of living next to the Shelter Pod development as well as the cigarette and marijuana smoke will hurt her health and exacerbate her conditions. (Exhibit 2.) Older residents who have experience in the social services field know the problems that drug addiction poses to those who live next to them. (Exhibits 3 and 4.) These residents face noise, cigarette and marijuana smoke, personal violence, property crimes, and stress from the proposed development.

To their credit, these residents of McKenzie House are also concerned for others in their community. They worry about others who live at McKenzie House that struggle with drug addiction issues or post-traumatic stress disorder. (Exhibits 3 and 4.) They worry about the children that will walk to school by the Shelter Pod development. One of the key risks factors to

becoming addicted to drugs is the environment around the vulnerable population. Mennis, J., Stahler, G. J., & Mason, M. J. (2016). Risky Substance Use Environments and Addiction: A New Frontier for Environmental Justice Research. *International journal of environmental research and public health*, 13(6), 607. <https://doi.org/10.3390/ijerph13060607>. The City's proposal increases the risks for relapse for people in recovery and heightens the risk that new people will become addicted.

The residents also fear that they and other residents will be victims of both violent crime and property crime. The likely population for the proposed Shelter Pod community has residents that pose a significant health and safety risk for those surrounding them.¹ In responding to the conditions at the former Sears Lane encampment, the representatives of the City swore under oath that the residents of that encampment were engaged in risky behaviors, including the use of illegal firearms by a convicted felon, "extensive methamphetamine distribution," and "threats" by an individual armed with an air rifle. (See Opposition to Plaintiff's Request for Emergency Relief at 5-6, attached as Exhibit 5; Affidavit of Acting Chief of Police Jon Murad ¶¶ 5-6, attached as Exhibit 6; Affidavit of Chief Engineer for the Burlington Fire Department Steven A. Locke ¶ 4; attached as Exhibit 7. The individual arrested for methamphetamine distribution "was part of a larger network using the Sears Lane site." Murad Aff. ¶ 5. The Police Department also had evidence of stolen bicycles and a process to strip them for parts. *Id.* ¶ 6. They have also found multiple stolen vehicles at the Sears Lane encampment. *Id.* ¶ 7.

"As a result of the threat [from the air rifle,] the City's fire and ambulance services have requested a police escort every time they go to the site." Locke Aff. ¶ 4. Unfortunately, the residents of McKenzie House and McKenzie House Families do not have the access that the Fire Department has to the Burlington Police Department. They cannot call for a police escort every time they walk to school or go outside to play.

The lack of a clear plan from the City makes all of these concerns much worse. McKenzie House residents who have experience in social services know that working with this population requires a clear plan. Exhibit 3 ¶ 7; Exhibit 4 ¶ 7. The City has not informed the residents of this neighborhood what the plan is. The City admits that it has not determined who the social service provider is who will run this facility. Lilly St. Angelo, "City Struggles to Find Management."

¹ In the Frequently Asked Questions Regarding the Burlington Shelter Community and Community Resource Center, which is incorporated by reference into the City's application for a zoning permit at page 7, the City acknowledges that the Shelter Pod community is being built to replace the Sears Lane encampment.(available at <https://www.burlingtonvt.gov/sites/default/files/tiles/Condensed%20FAQ%20for%20Shelter%20Village%20and%20Community%20Resource%20Center%20-%20Copy%20%281%29.pdf>, Question #9.)

Burlington Free Press, May 16, 2022, A1.” The City has only very recently provided a “Draft Emergency Shelter Community Values & Guidelines Agreement” and provided no information about who will be responsible for enforcing these guidelines. The guidelines confirm that the City is constructing a low barrier or “wet shelter” as there is no requirement that a resident not be currently intoxicated.

The draft guidelines do not make the nuisances any less likely. Barring certain behaviors on the property will only push the behaviors out into surrounding areas. For example, if someone is addicted to substances and cannot use these substances in the shelter, they will seek the closest place that they can to satisfy their addiction. That closest place is the McKenzie House and McKenzie House Families.

While it is most concerned about its residents, McKenzie House itself faces significant adverse effects. The United States Department of Housing and Urban Development inspects the property around McKenzie House. Its inspection scores can be influenced by activity surrounding its property. In fact, the maintenance of the City owned parking lot has had an initial negative impact on the inspection scores it has received. In addition, the presence of the Shelter Pod community is likely to increase the maintenance costs associated with maintaining the property.

We have set forth below a legal analysis under Burlington’s zoning regulations, but we ask that the members of the Development Review Board use their common sense to realize that this is not the right location for this project.

Background

McKenzie House Associates, LLC (“McKenzie House”) is the owner of a low-income housing development located at 43 Elwood Avenue (the “McKenzie Property”), immediately adjacent to 51 Elwood Avenue (the “City Property”) where the City of Burlington is proposing to “[e]stablish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse” (the “Project”). McKenzie House provides Section 8 housing through the federal government housing program. According to the Conditional Use Application ZP-22-199 (the “Application”) for the Project, the City proposes that “Use of [the] Property” is to be a “Community Center,” however the narrative for the Project refers to the Project as an “Emergency Shelter.”

The City Property is located within the Residential High Density (RH) zoning district, and, according to the City of Burlington Property Database, the City Property is 24,125 square feet in size, or 0.55 acres in size. In the Residential High Density (RH) zoning district, an “Emergency Shelter”, is a “Conditional Use” and “Community Center” is permitted, with the caveat that the

“[p]ermitted hours of operation” are from “5:30 a.m. to 11:00 p.m.” Exhibit A, Use Table. However, a “Mobile Home Park” is not a permitted use under the Burlington Comprehensive Development Ordinance, effective January 30, 2008, as most recently amended February 22, 2022 (the “CDO”).

Discussion

The Project does not comply with the CDO for several reasons:

I. THE PROJECT DOES NOT COMPLY WITH THE APPLICABLE RESTRICTION FOR COMMUNITY CENTERS.

The Application characterizes the Project as a “Community Center,” which is only permitted in the Residential High Density (RH) zoning district during the hours between “5:30 a.m. to 11:00 p.m.” However, the Application states that:

The Emergency Shelter Community will operate *24 hours a day* with on-site staffing at all times. The Community Resource Center will operate, open to the public, seven days a week between the hours of 9am to 4pm

Emphasis added.

Because the Application expressly acknowledges that the Community Center will violate the hours set forth in the CDO, the Project cannot be permitted.

II. THE PROJECT DOES NOT COMPLY WITH THE REQUIREMENTS FOR EMERGENCY SHELTERS AS SET FORTH IN THE CDO.

Section 5.4.13 requires that Emergency Shelters comply with the following requirements:

(d) Overnight stays by any individual are limited to 180 consecutive days. An extension of up to 60 days may be provided if no alternative housing is available;

(e) There shall be onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds. . .

Burlington Development Review Board

May 16, 2022

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The Project does not meet these standards. First, in regard to 5.4.14(d), the Application states that the Project has been approved by City officials for as long as 36 months. This, on its face, plainly violates the requirements that “[o]vernight stays by any individual are limited to 180 consecutive days” even with the one 60 day extension.

Second, the City has provided no evidence that there will be an “onsite management by qualified adults during all hours of operation with at least 1 management person for every 25 beds.” Therefore, the Project does not comply with the special standards for Emergency Shelters.

III. THE PROJECT DOES NOT COMPLY WITH THE CONDITIONAL USE STANDARDS FOR EMERGENCY SHELTER.

Section 3.5.6(a) states that approval of a project “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 each of the following general standards,” including

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;

3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;

...

6. Any standards or factors set forth in existing City bylaws and City and state ordinances

Regarding 3.5.6(a)(2), the Project will result in an undue adverse effect to the character of the area. Section 4.5 of the CDO provides that “[t]he Residential Districts are intended to control development in residential districts in order to create a *safe, livable, and pedestrian friendly environment*. They are also intended to create an *inviting streetscape for residents and visitors*.” Emphasis added.

The Project, however, will not create safe, livable and pedestrian friendly environment. In fact, as described above, representatives of the City swore under oath that the residents of that encampment were engaged in a number of unsafe, risky behaviors, including the use of illegal

firearms by a convicted felon, “extensive methamphetamine distribution,” and “threats” by an individual armed with an air rifle. (See Opposition to Plaintiff’s Request for Emergency Relief at 5-6, attached as Exhibit 5; Affidavit of Acting Chief of Police Jon Murad ¶¶ 5-6, attached as Exhibit 6; Affidavit of Chief Engineer for the Burlington Fire Department Steven A. Locke ¶ 4; attached as Exhibit 7. The individual arrested for methamphetamine distribution was “was part of a larger network using the Sears Lane site.” Murad Aff. ¶ 5. The Police Department also had evidence of stolen bicycles and a process to strip them for parts. *Id.* ¶ 6. They have also found multiple stolen vehicles at the Sears Lane encampment. *Id.* ¶ 7.

“As a result of the threat [from the air rifle,] the City’s fire and ambulance services have requested a police escort every time they go to the site.” Locke Aff. ¶ 4. Unfortunately, the residents of McKenzie House and McKenzie House Families do not have the access that the Fire Department has to the Burlington Police Department. They cannot call for a police escort every time they walk to school or go outside to play. Therefore, the long list of safety issues violates the requirement for providing a safe environment in the CDO.

In addition, from aesthetic perspective, the Shelter Pods would create an undue adverse perspective. “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. Parking is intended to be hidden either behind or underneath structures.” Emphasis added. The Shelter Pods are, in several aspects, the exact opposite of what is intended in the Residential High Density (RH) district. Where the CDO calls for “large buildings”, the Project is proposing exceedingly small structures. Where the CDO is calling for multi-family residential development, the Project presents several individual housing units.

Although the Shelter Pods do not fit neatly into any one use (as defined in the CDO), they, at least in appearance, most closely resemble single-family dwellings or mobile homes. Notably, both mobile homes and single-family dwellings (with a few exceptions) are prohibited in this zoning district.

In connection with 3.5.6(a)(3), the Project will result in an undue adverse effect to nuisance impacts including noise greater than typically generated by other permitted uses in the same zoning district. Consistent with this description, the CDO prohibits noisier residential uses, such as dormitories and fraternities/sororities in this zoning district. As documented by the Application, which notes that the Project would constitute “will operate 24 hours a day,” the Project will result in an undue adverse effect to nuisance impacts including noise greater than typically generated by other permitted uses in the same zoning district. The Project will also result in unfavorable odors from cigarette and marijuana smoke. Threats of violence and creating a drug distribution network in the neighborhood are nuisances that are not allowed under the zoning regulations.

Burlington Development Review Board

May 16, 2022

Page 7

IV. THE PROJECT MUST BE ANALYZED UNDER THE MAJOR IMPACT REVIEW STANDARDS, WHICH, TO DATE, HAVE NOT BEEN ADDRESSED.

Pursuant to Section 3.5.2(b) of the CDO, “Major Impact Review shall be required for the approval of all development involving . . . “[c]reation of twenty-five (25) or more dwelling units” in the Residential High Density (RH) zoning district.

The City has largely failed to address the standard for Major Impact Review. Section 3.5.6(b) provides at least 12 different standards. (*See, e.g.*, demonstrating that the Project “[n]ot place an unreasonable burden on the City’s ability to provide municipal services” or “Be in substantial conformance with the City’s municipal development plan and all incorporated plans”).

The evidence in the record shows that the City cannot meet these standards. For example, the evidence provided by the McKenzie House shows that there will be an unreasonable burden on the City’s ability to provide educational services. *See* Section 3.5.6(b)(6). The City fails to address this factor entirely. The McKenzie House evidence also shows that the application creates “unsafe conditions” on the “streets” and “bikeways.” Section 3.5.6(b)(5). The City again makes no effort to address this criteria. In fact, the City makes no effort to address most of the criteria. The City should comply with its own zoning regulations.

V. UPON THE END OF THE PROJECT, THE CITY PROPERTY WILL BE PERMITTED NON-CONFORMING USE.

Currently, the City Property is used as a parking lot, which is a prohibited use pursuant to the CDO use table. Therefore, the City Property is a “Nonconforming Use,” defined as “[a]n existing use of land or building that does not conform to the current use or density regulations for the district in which such use of land or building exists as set forth in Appendix A - Use Table.”

Pursuant to Section 5.3.4.(b), “[a] nonconforming use shall not be re-established if such use has been discontinued for any reason for a period of one (1) year or longer.”

The Application states that the Project may be used for as many as 36 months. If the City Property ceases being used as a parking lot for more than twelve (12) months, the City Property will not be in compliance with the CDO if it reverts to becoming a parking lot again, because the Nonconforming Use, which currently is allowed, will be “discontinued” as a matter of law. Therefore, if and when the City Property ceases being used for the Project, it could likely not resume its existing use as a parking lot.

Burlington Development Review Board

May 16, 2022

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Matthew B. Byrne', with a stylized flourish at the end.

Matthew B. Byrne

Exhibit 1

7. I am also concerned that the shelter pod development out at night. It will limit our ability to take our dog for a walk. have to limit the times that we can go out, including not going impact our ability to move around our neighborhood. We will 6. The presence of the Shelter Pod development will also

active drug use when it is right next door. not be able to keep him away from all of the negative effects of have to keep his window shut at all times. Unfortunately, I will cigarette or marijuana smoke will have on him. We will now drug use occurring. I am also concerned about the effect that 5. I do not want my son to look out his window and see lose some of the independence that he gained.

take extra precautions to make sure he is not a victim and he will giving him more independence in his routine. I will now have to routine for getting to and from school. We had made progress in 4. The presence of a shelter will also affect his current routine and affect his learning.

go to school. Noise from a 24 hour shelter will disrupt his to bed around 8:30 or 9:00 p.m. because he has to be up early to development generates will wake my son up. He currently goes quiet neighborhood. I am concerned that the noise that the that is going to be right next door to our home. We live in a 3. I am extremely worried and nervous about the proposal development.

lot where the City proposes to build the Shelter Pod shelter. My son's bed room window looks out onto the parking in the apartment that is closest to the proposed Shelter Pod 2. I am the mother of a wonderful 12 year old boy. We live 1. I am a resident of McKenzie House Families.

I, Chelsea Dugan, state:

DECLARATION OF CHELSEA DUGAN

51 ELMWOOD AVENUE)

ZP-22-199)

IN RE:)

BURLINGTON DEVELOPMENT REVIEW BOARD

will impact the ability of our extended family to visit. My sister is handicapped. She currently uses the parking lot when she comes to visit with her two kids. The shelter pod development will make her visits more difficult and less safe.

8. I also fear the effects that the shelter pod development will have on my neighbors. I know that there are other families with children in the neighborhood. Some of the younger kids walk to school. There are also high school students that walk to the high school that is downtown.

9. There was been no outreach from the city about this development. I have contacted the mayor about my concerns and have not heard back. I have not heard what plans the city has for supervising this development.


Chelsea Duggan

Exhibit 2

BURLINGTON DEVELOPMENT REVIEW BOARD

IN RE:)
) ZP-22-199
51 ELMWOOD AVENUE)

DECLARATION OF BARI KUHL

I, Bari Kuhl, state:

1. I am a resident of McKenzie House.
2. I have an Autoimmune Condition, called MCAS or Mast Cell Activation Syndrome. I am unable to eat many foods and stress exacerbates the condition. I also have Multiple Chemical Sensitivities, which, here in Vermont is considered a Disability. All of this is what will make life more stressful and miserable than usual for me if the Pod Village is placed here.
3. There will undoubtedly be cigarette and pot smoke produced by the inhabitants. If only a part of them smoke at once, the smell will make me really sick, exacerbate my condition, and give me a migraine. It will no doubt last for as long as they are there and awake. I have trouble now even when people pass by outside or smoke near the building, it comes into my window, even though I am on the 3rd floor. I even get smoke sometimes from people across the street.
4. I quite often have to close my window in the warmer months. With the Pods, I will most likely never be able to open it, and walking outside or sitting outside on the grounds here, will be impossible. I will have to hold my nose until I get away.
5. I am also concerned about Covid. I steer clear of crowds. But the Village will be one huge crowd living there. What if someone gets Covid and it spreads. It will be on my doorstep, which it has not been so far. I'm 74 yrs old. This worries me terribly already. Once I contract a virus, and they are not even Covid, it stays for weeks, even months, seeming to be gone, but then it reappears. I get worn down by it and vulnerable to another virus.
6. I know there are others who live at McKenzie House who have other disabilities. People who use wheelchairs are

particularly vulnerable to being victimized. People with Post Traumatic Stress Disorder or who have prior drug and alcohol abuse may be trigger by the people who live in the Pods.

7. Noise. I covet quiet. I cannot handle noise of any kind. There is no way 30+ people are going to be quiet, unless they are Monks (wish they were). The residents there will hangout mostly outside of the Pods unless the weather is bad. They will be talking all the time, sometimes shouting, perhaps even fighting and arguing. Sound carries just as much as smoke. It will be like having a large party right next door, 24/7, 365 days/yr. I personally, will have to wear ear plugs. I am ultra-sensitive to noise. There most likely will also be music played. I don't expect these people to be respectful of us, their neighbors, or any of our other neighbors. Thankfully, and gratefully, we now have a very quiet neighborhood, and I think I can say we all cherish it and don't want it to change.

8. Crowds. When I go food shopping I walk about 3 or 4 blocks to City Market. There are very few people that I encounter along the way. If this goes through, I will have to fight my way through bunches of people, bad enough, but made worse by the fact that I will not feel comfortable being around them. I am from NYC, the Bronx, to be exact, and even there, I never had crowds of people in whatever neighborhood I was living in.

9. This Pod Village is going to destroy our neighborhood, which is a lovely, quiet place with nice, respectful people. This Pod Village belongs in a non-residential area, with space around it. What is planned is basically going to be a Ghetto that is dropped into our lovely cohesive neighborhood. There is no thought being given to how it fits in or the synergy of it all. It will be intrusive and vulgar for us all.

10. Crime and drugs. I, and most of the women and even men, living here, are prime targets for muggers. Old and unable to fight back or run. I, myself, have almost been mugged several times, in this area, and the Pods aren't even here yet. I, also worry about drug use. The inhabitants can easily take drugs before they enter the property, or what's to stop them from doing it inside their pods?! I don't think there will be searches, unfortunately. Undoubtedly, they will come onto our property to drug up, or bum cigarettes, or who knows what. It's going to be hell. It's asking for big trouble. They will be able to drink...I am in shock by this! Put this in the backyard of the Planners of this, and let's see how long it takes before they are freaking out. This

whole thing is beyond belief!!

11. If the Planners want this to be successful, they need to place this in a non-residential area. They used Madison, WI, as an example of these pods, but they are failing to understand why that works. It's on the outskirts of town, near an industrial park, with greenery and more space between the pods.

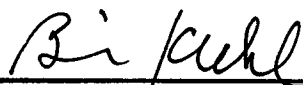
12. We, here, at McKenzie house, are Low-income Seniors, who have modest wishes for our remaining days of life. We ask only for Peace and Quiet, a Clean Environment around us that is Not Toxic or Polluted by Cigarette and Pot Smoke, and Safety and Security, in and around our dwelling. Our Landlord has worked hard to provide all these things for us. BUT, your proposal to inject a Pod Village, side by our side, as close as two peas in a pod, threatens to upend all of their efforts. Everything just mentioned, Peace and Quiet, a Clean and Non Toxic Environment, and Safety and Security will be jeopardized and lost if you install your Pod Village.

13. ALL YOU WILL BE DOING, IS CREATING ANOTHER PROBLEM FOR OUR LOVELY AND QUIET NEIGHBORHOOD, WHICH INCLUDES US...SENIORS AND DISABLED! ARE WE NOT ENTITLED TO HAVE SURROUNDINGS THAT WE CHERISH, AFTER WORKING HARD ALL OF OUR LIVES?!

14. We Seniors and Disabled, here, at McKenzie House implore you, to install your idea someplace else, so we can keep the small, modest comforts we have, for the few years that we have left. ARE YOU SO CRUEL, AND HEARTLESS, THAT YOU WOULD DENY THIS SMALL WISH TO US SENIORS AND DISABLED?! Would you do this to your own Grandmother?! PLEASE DON'T SOLVE YOUR PROBLEM ON THE BACKS OF SENIORS AND DISABLED!!

15. Please leave us our hard won peace and quiet!!

16. Sitting outside here, last night, listening to the birds and the quiet, my neighbor said, "You won't hear the birds anymore, you know, when the Pod Village is here. The birds will go elsewhere." ...Sunday, May 8, 2022



Bari Kuhl

Exhibit 3

BURLINGTON DEVELOPMENT REVIEW BOARD

IN RE:)
) ZP-22-199
51 ELMWOOD AVENUE)

DECLARATION OF GAIL WELCH

I, Gail Welch, state:

1. I am a resident of McKenzie House. I have been a resident for the past five years.
2. I have worked in human services for 40 years. I have worked with people with mental illness and people with physical and developmental disabilities. I have worked in a variety of different settings including child care, hospice, and community mental health counseling.
3. I understand that the population for this project will include people with addiction problems, mental health issues, or both.
4. I am concerned about the safety and quality of life issues that the City's proposal raises. The City has been unable to answer the question of whether individuals with chronic sexually predator behavior will be allowed into the shelter pod community.
5. The McKenzie House properties at 43 Elmwood Ave. provides housing for seniors, and people with disabilities as well as families with children. Three vulnerable groups.
6. I am concerned that the residents of the pod village who have mental health and or addiction issues or a history of criminal behavior may attempt to take advantage of the vulnerable populations at McKenzie House and McKenzie House Families. Property crime is also a concern.

7. I attended a meeting in April 2022 where the project was discussed. The City had no answers about whether curfews would exist. It also could not answer questions about who was going to manage the property and who would staff the property. Based on my experience, these sorts of details must be worked out in advance if the project is going to have any chance of success.

8. Based on my experience with the Phoenix House, which used to operate nearby, I know that noise and smoke from gatherings affects residents at McKenzie House. The Phoenix house residents would have conversation that were sometimes normal and sometimes animated. These conversations were noisy. With the amount of residents with the shelter pods projected at 30 to 35, the fact that they will be allowed to enter the shelter pods intoxicated, and the potential for fights or arguments, there is a strong likelihood that residents of McKenzie House will encounter loud and disruptive noise. The smoke is worrying because we have residents who have allergy issues. The Phoenix House had approximately 6 people living there. The density of population from the shelter pods is only going to make these type of problems more intense.

9. Based on my experience in the human services field, I am also concerned for children who live at McKenzie House Families and in the area. I am concerned that they could be at risk with active drug users living next door to them. I am concerned that they will see and hear dangerous behaviors like drug use or physical violence. I am also concerned that they will experience physical violence.

10. In addition to the children at McKenzie House Families, there are many students who live in the neighborhood. They often go out on a Friday or Saturday night. I have seen or heard them walk up Elmwood Avenue on their way home at 1 or 2 a.m. Sometimes they are compromised by alcohol. I know this by hearing them and observing them from my apartment. They would be an easy marks to be robbed or worse given their vulnerable state.

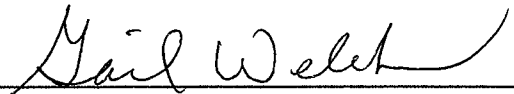

Gail Welch

Exhibit 4

BURLINGTON DEVELOPMENT REVIEW BOARD

IN RE:)
) ZP-22-199
51 ELMWOOD AVENUE)

DECLARATION OF TRUDY RICHMOND

I, Trudy Richmond, state:

1. I live at McKenzie House. I have been a resident for the past five years. It is a low income apartment building in Burlington with an address of 43 Elmwood Avenue. The property abuts the proposed site for the proposed shelter pod community at 51 Elmwood Avenue.
2. I am a retired mental health professional. I have worked in a number of places including in Jacksonville, Florida in emergency psychiatry in the crisis stabilization unit. In my line of work, I have worked with people with drug addiction and mental health issues.
3. I have concerns about the suitability of any wet shelter in this particular location. I also have concerns about the lack of preparation and details for the implementation of the wet shelter.
4. The area surrounding McKenzie House has already seen an increase in crime in the area. Within the last 12 months, McKenzie House residents have experienced the assault/mugging of one of our older female residents in the parking lot. There was female “shooting up” in our trash shed. “Sharps” have been found in our yard. Cars in our parking lot have been “checked out” by strange individuals.
5. While the details coming from the City are sparse, it appears that the City will construct this shelter for folks that cannot or will not comply with rules necessary to live

anywhere else. The low barrier nature of this shelter will allow for active drug and alcohol uses and folks with untreated mental illness to live there.

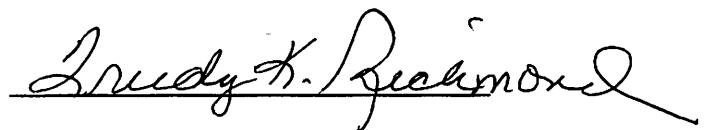
6. The City has been unwilling to answer whether habitual sexual offenders will be allowed to live there.

7. Despite my repeated requests to Brian Pine and the Mayor, no one has been able to tell us who will actually be managing the property or the needs of its residents. Nor is there any plan for managing the property or its residents. The lack of a publicly available plan raises serious concerns about the City's ability to succeed in this venture.

8. As I understand it, there has been no study of the impacts of the low barrier shelter and day station on the neighborhood surrounding McKenzie House. I also recently learned that an additional 100 people are expected to visit the day station each day.

9. The people at McKenzie House are a very vulnerable population. The population that is likely to live in the low barrier shelter is frequently opportunistic. There is a very real possibility that the people at McKenzie House will be victimized.

10. I am not unfeeling toward the plight of the homeless but I think the location of this shelter is fraught with problems. The city should reconsider the other 9 sites it originally looked at and choose another site that would not put Burlington's most vulnerable citizens in harm's way.



Trudy Richmond

Exhibit 5

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION
DOCKET NO. 21-CV-03247

GRUNDY, ALEXUS AND)
BARREDA, GREY,)
Plaintiffs,)
)
v.)
)
CITY OF BURLINGTON, VT,)
Defendant.)

**OPPOSITION TO PLAINTIFF'S
REQUEST FOR EMERGENCY RELIEF**

NOW COMES the City of Burlington ("City"), by and through its attorneys, the Office of City Attorney and Corporation Counsel, and hereby submits the following Opposition to Plaintiff's Request for Emergency Relief in the above-captioned matter for the Honorable Court's consideration.

BACKGROUND

1. The City of Burlington's Sheltering on Public Lands Policy

The City takes houselessness, public health, and public safety seriously. In November of 2020, the City adopted a policy for sheltering on public lands. This policy was drafted in consultation from the Vermont ACLU and seeks to balance each of these areas of concern. The policy entitled "City of Burlington Sheltering on Public Lands: Outreach and Removal Policy and Procedures," (hereinafter the "Policy") sets forth procedures for sheltering on public lands in the City of Burlington and the removal of individuals found sheltering in areas or under circumstances where such sheltering can or should not continue. *See City's Exhibits*

A. It is important to note that the Policy, while of general applicability, does not outlaw encampments on public lands or penalize individuals found camping on any public land.

Instead, it provides a series of standards and guidelines intended to address how the City will address such individuals when they are found. Just as the policy does not criminalize or penalize emergency sheltering on public lands, it is also not a permit or permission. It recognizes that circumstances may require individuals to shelter on public lands, and provides guidelines to connect those individuals with social services and, if necessary, to remove them from specific areas. Even if removed, an individual is not prohibited from finding other public land and is not fined or otherwise given punitive measures for the act of emergency sheltering.

The policy has three substantive and relevant sections regarding the removal of individuals that are found sheltering on public lands within the City.

The procedure for individuals encamped in areas where camping is specifically prohibited is found in Section II of the policy. Under this section, the City agrees to send its Community Affairs Liaison and a uniformed officer to the site to provide information about available resources and notice that camping in the area is prohibited and the warning that if they continue camping beyond a specified date that tickets, no trespass orders, and legal process will follow.

For areas where camping is not specifically prohibited, Section III, B. applies. In such cases, there has to be a determination by a City Department that one of eight criteria have occurred and warrant the removal of the individuals and the encampment. These criteria include the following:

- a. Risks to health or safety related to living conditions;
- b. Risks to the site's ecology;

- c. The nature, quantity, and location of any structures on the site, as structures generally will be removed from public property, although temporary tents or lean-tos that are kept in good condition may not require removal;
- d. The amount and nature of the possessions or materials on the site, such as trash, furniture, or large numbers of bags may warrant removal;
- e. Interference with the ability of others to use the property;
- f. Inconsistency with the intended public use of the site;
- g. Repeated or serious legal or criminal violations at the site; and
- h. Other severe or pervasive issues may warrant removal.

Defendant's Exhibit A at 3.

Following this determination by the City Department, the City is instructed to give notice of the intent to remove, the basis for the removal, and a list of transitional resources. This initial notice allows three business days for individuals to appeal the determination of removal to the Mayor. If the Mayor agrees with the basis for the removal, a second notice is given stating a date certain for removal. The policy then focuses on providing the individuals with contact with the City's Community Affairs Liaison and to make efforts to connect the individuals with social services.

Regardless of whether camping is or is not prohibited, Section III, C, allows the City to act to remove encampments on an expedited basis where there are emergency or exigent circumstances. The terms "emergency and exigent" are not defined by the policy. Instead, the policy directs the City Attorney's Office to be consulted and advise "whether the circumstances can warrant consideration of an emergency or exigent removal." *Id.* at 4. The decision is, if possible, reviewed and approved by the Mayor. Again, the City is directed to

take all efforts to connect individuals with social services through City's Community Affairs Liaison to the extent possible.

The remainder of the policy deals with the storage of personal items left behind by individuals following removal. These include a commitment to store personal items for up to 30 days following removal but re-states the City's right to dispose of trash, hazardous materials, and unusable items. It is the City's understanding that this section of the policy is not being challenged, and the City has taken actions in furtherance of this policy, including the rental of storage containers to be located at the Sears Lane site to provide storage for personal items.

2. The Specific Facts of the Present Removal

Sears Lane is located in the south end of the City and lies between Pine Street and the residential neighborhood known as Lakeside. The property is owned by the City of Burlington. Historically, individuals have sheltered and formed encampments at Sears Lane for a number of years. The City in response has periodically removed these individuals and the materials left behind. The current encampment at Sears Lane began this summer as a number of individuals began sheltering at the site and constructing shelters that range from tents and tarps to a multi-story structure with salvaged French doors and a woodstove. None of the encampments are permitted by the City and none of the encampments have basic services such as water and sewer. There are no utilities at the site, but certain individuals run generators or snake extension cords to outlets found at other properties.

The City has sought for the last few months to arrive at a sustainable solution for Sears Lane. The encampments are not safe or sanitary and would not be permitted on private

property anywhere in the City. The City has provided limited septic service in the form of rented port-a-toilets.

On October 13, 2021, two incidents changed the City's approach to Sears Lane. First, the Burlington Police executed a search warrant on the site and found evidence of extensive methamphetamine distribution at the site. The Police also found several firearms, which were in the possession of a convicted felon in derogation of federal law.

Second, the Burlington Fire Department received a call and arrived at the site with first responders. They were then confronted by an individual with a rifle who threatened them. The first responders were able to safely leave the scene, but the individual with the rifle, which turned out to be an air rifle, was arrested. It is the City's understanding that this individual was released and has returned to the site. As a result of the threat, the City's fire and ambulance services have requested a police escort every time they go to the site. These additional steps means that the time to respond to an emergency call will be delayed with the potential for substantial delays if the limited on-duty police are engaged in another call. When time matters, the loss of these immediate emergency services means that it is significantly more dangerous to be on the site.

In addition to these two incidents, the City found, prior to issuing the October 14, 2021 Notice of Removal (*Defendant's Exhibit B*), the following had occurred¹:

- 1) The Burlington Fire Department found evidence of several unpermitted and unsafe, structures, at least one of which was multi-story.
- 2) The Burlington Fire Department found evidence of extensive use of portable generators running on a near-continuous basis as well as unapproved heating sources

¹ The City is prepared to support these facts through testimony and has prepared witnesses from the Burlington Fire and Police Departments for Thursday's proposed hearing to testify to each of these incidents.

Such use is not allowed and presents a significant fire and carbon monoxide danger.

The evidence indicates that these generators are being used for heat, lights, and other temporary utilities that will only see more demand in the coming days.

- 3) The Burlington Fire Department came to the opinion that the site is a tinder box with the multiple gas powered mini-generators running continuously in poorly-vented and haphazardly-constructed sites. There is an immediate threat to public health from these devices, which only grow with each day.
- 4) The Burlington Police believe that the evidence shows that the individual arrested for distribution was part of a larger network using the Sears Lane site. The investigation is on-going and involves other individuals staying at or using the Sears Lane site.
- 5) The Burlington Police also found evidence that as yet unidentified individuals are using the Sears Lane site for processing stolen bicycles.
- 6) The Burlington Police and other Police Departments from the surrounding communities have found or received reports of multiple stolen vehicles being taken to the Sears Lane site.

While any one of these factors is sufficient to constitute an emergency or exigent circumstance, the City Attorney's Office determined that the warrant, arrest, and evidence of extensive criminal coupled with the threats to City employees and first responders constituted an emergency and exigent circumstances under Section III, C of the City's policy. The Mayor concurred with this conclusion and directed the City to issue a Notice of Removal on October 14th that notified individuals sheltering at the site that they had until the close of business on October 19th to remove from the property. (*Def. Ex. B.*) This notice gave the individuals at the site three business days. On Monday, October 18, the Mayor agreed to extend this

removal, based on feedback, cooperation from individuals at the site and logistical challenges for post-removal storage facilities. The Mayor issued a second notice on October 18, 2021 extending the removal date to Tuesday, October 26, 2021. (*Def. Ex. C.*) Both notices were delivered to individuals at the site and posted throughout the site.

These removal actions were accompanied by work with the City's Community Affairs Liaison who began visiting the site on a daily basis starting on October 14, 2021 to connect individuals with transition and housing resources, including motel vouchers. The City also partnered with several non-profit and community organizations to facilitate these transitions. (*Def. Ex. D, Mayor's Press Release Summarizing Transitional Efforts and Partnerships*) To date, over ten individuals at the site have elected to leave and accept housing through these programs. The Community Liaison Officer continues to visit the site and work with individuals at the site to connect them to these services.

The City recognizes that the decision to close the encampment has a substantial impact on the lives of a number of individuals. To that end, the City will continue to act consistently with the policy, seeking to connect individuals with social services and providing storage for personal items post-removal. The City has secured several storage containers that will be brought to the site for City staff to work with individuals to catalog and store items on site during the 30 days following the notice of removal. The City will allow individuals onto the Sears Lane site during day-time hours over the 30-day post-removal period to remove larger structures or items affixed to the land. The City is partnering with the Champlain Valley Office of Economic Opportunity (CVOEO) to offer a variety of transitional services from housing to transportation. (*Def. Ex. E, CVOEO Flyer for Sears Lane.*) The City has already provided dumpsters, equipment, and staff to support the disposal of abandoned items, trash,

hazardous materials, and any unusable items only as identified by the campers. The Vermont Department of Children and Family Services (DCF) has pledged emergency funding to provide direct assistance to individuals at Sears Lane in their transition to other housing.

LEGAL STANDARD

Plaintiffs' present emergency motion is made under Rule 65(a), which allows the Court to issue a temporary restraining order "only if it clearly appears from specific facts shown by affidavit or by the verified complaint that immediate and irreparable injury, loss, damage will result to the applicant before the adverse party or that party's attorney can be heard in opposition." V.R.C.P. 65(a). Given that the Court has already denied the Plaintiffs' initial motion, the Court's allowance for the City to file a response moves this from an ex parte hearing to something more than an ex parte order and something less than the full preliminary injunction hearing scheduled for Thursday, October 28, 2021. See Rule 65, rpt n. (indicating that there are three types of preliminary injunctions; ex parte temporary restraining orders, preliminary injunctions, and permanent injunctions). Notwithstanding the notice and opportunity to respond, the Court should treat this motion the same as it would a temporary injunction motion. See 11C Wright & Miller, Fed. Prac. & Proc. § 2951 (3d ed. 2021) ("When the opposing party actually receives notice of the application for a restraining order, the procedure that is followed does not differ functionally from that on an application for a preliminary injunction and the proceeding is not subject to any special requirements.")

The factors for a temporary restraining order mirror those of a preliminary injunction. *Id.* It should only be granted if the applicant can demonstrate a legal right to the relief sought, that he or she is in need of immediate relief to stop an irreparable injury or the destruction of disputed property, and that the private harm alleged outweighs the public need for the City to

act. *Id.*; see also *Committee to Save the Bishop's House, Inc. v. Medical Center Hospital of Vermont, Inc.*, 137 Vt. 142, 147–48 (1979) (reversal of preliminary injunction is appropriate where the applicant has not provided legally sufficient cause). As the Vermont Supreme Court has articulated the elements of a preliminary injunction:

“A preliminary injunction is an extraordinary remedy never awarded as of right.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24, 129 S.Ct. 365, 172 L.Ed.2d 249 (2008). In each instance, we “must balance the competing claims of injury and must consider the effect on each party of the granting or withholding of the requested relief.” *Id.* (quotation omitted). The movant bears the burden of establishing that the relevant factors call for imposition of a preliminary injunction. *Id.* at 20, 129 S.Ct. 365. The trial court here rightly identified the main factors guiding its review under Vermont law: (1) the threat of irreparable harm to the movant; (2) the potential harm to the other parties; (3) the likelihood of success on the merits; and (4) the public interest.³ *In re J.G.*, 160 Vt. at 255 n.2, 627 A.2d at 365 n.2.

Taylor v. town of Cabot, 2017 VT 92, ¶ 19. For the reasons articulated in the next section, the Plaintiffs in the present action are not entitled to a temporary restraining order or a preliminary injunction.

ARGUMENT

1. Plaintiffs Are Not Tenants and Are Not Being Evicted

As a preliminary matter, Plaintiffs use the term “eviction,” which is not appropriate to the current situation. Plaintiffs are not tenants, and the City is not a landlord. Plaintiffs are individuals who have unilaterally chosen to seek shelter at the City’s Sears Lane property.

The City has not provided a residential unit, signed an agreement, or provided them with any habitation at the site. It has simply permitted the encampment. As such, the current encampment is exempt from the Vermont Residential Rental Act under 9 V.S.A. § 4452 (7), which excludes “transient residence in a campground.” This term is defined to encompass “any property used for seasonal or short-term vacation or recreational purposes on which are located cabins, tents, or lean-tos, or campsites designed for temporary set-up of portable or mobile camping, recreational, or travel dwelling units, including tents, campers, and recreational vehicles such as motor homes, travel trailers, truck campers, and van campers.” 9 V.S.A. § 4452(7). In this case, the Plaintiffs have set up their shelters on the Sears Lane property as temporary and seasonal shelter. Plaintiffs have no claim to either a rental relationship or property ownership. Instead, the Sears Lane property should be viewed under 9 V.S.A. § 4410, which allows for the immediate removal of individuals from a camping area when there is evidence that any of the rules or laws of the site have been violated.

The difference with a distinction here is that the exclusions from the Residential Rental Act are types of occupancy that do not include a grant of occupancy and possession. Unlike the tenant who occupies and possesses an apartment or rental house, the Plaintiffs have no right to possess or occupy the City’s land. The City has provided no rental habitation. There has been no consideration, and the Plaintiffs have no right to occupy the property as a matter of right.

2. The City Has Complied with Its Policy

While 9 V.S.A. § 4410 would govern the nature of the City’s removal, the City has agreed to a more generous policy allowing for removal of individuals with notice. As the facts above demonstrate, the City has complied with Section III, C of the policy. Following

the finding of emergency and exigent circumstances, the City made a finding and acted in accord with the terms seeking to expedite the removal of individuals from the unsafe circumstances while taking the transitional and humanitarian considerations into account. The resulting balance was in full compliance with Section III, C, and the Policy leaves determination of compliance solely up to the City.

To the extent that the Court finds that the facts or circumstances do not fit the meaning of emergency or exigent despite the Policy's grant to the City Attorney to make that determination, the facts show that the City has complied with Section III, B of the policy. Specifically, the City has provided an initial notice and three business days for residents to object as called for in Section II, B, 3. The Mayor has confirmed the basis for removal, which fit under the bases for removal, specifically categories of Section III, B of the policy, including: (a) risks to health and safety related to living conditions; (c) nature and quantity of structures; (d) amount and nature of possessions; (e) interference with other's ability to use the property; (f) inconsistent with the public use of the site; (g) repeated and serious legal and criminal violations at the site; and (h) other severe and pervasive issues as called for in Sections II, B 1, 3, and 4. Further, the City has issued a second notice and extended the time of removal as called for in Section II, B 5.

3. The City Has Provided Social Service Connections to Individuals

As demonstrated by the facts above, the City has provided multiple social services to the individuals at the site. It has also arranged for storage of all personal items that individuals may leave behind or be unable to remove. These protections are consistent with the policy and protect the Plaintiff's property from destructions.

4. Plaintiffs Have No Legal Interest in Remaining on the Property.

Plaintiffs' filing cites to no legal basis for remaining at the Sears Lane property. As argued above, there is no property interest or right that has been given to Plaintiffs. They are transient occupants, and as such, the City retains the right to remove them from the property. Plaintiffs cannot claim a legal basis for their nebulous claim of "due process." Moreover, Plaintiffs' alleged injuries by removal can be remedied by a judgment on the merits. The present action by the City does not prevent Plaintiffs from seeking shelter on other public lands. To the extent that they must leave property behind, the City has committed to storing the personal property in conformance with the City's policy. As Plaintiffs do not have a specific right to occupy or possess this specific parcel of City property, their general interest or right to seek shelter on public land will continue.

5. *The City Has a Powerful Interest in Public Safety and Public Health*

The City's action in this situation were not taken lightly or without cause, the information of a substantial drug dealing operation, and the threats to EMT and Fire first responders are intolerable on public lands. The situation at the site is unsafe and a threat to public health and safety. These are the primary interests for a local municipality. See 24 V.S.A. §§ 2001–2299k (outlining the general and specific police powers of a municipality to protect public health and public safety). The City has a significant interest in protecting individuals from such threats and ensuring that public lands do not degrade public health and public safety. To that end, the City has sought to end the encampment at Sears Lane. It is also why the City has worked with the individuals to help individuals transition to safe and stable housing and services.

In comparison, Plaintiffs' interests are in staying at this specific site for which they have no legal right. Removing them does not end their right to seek emergency shelter on

public lands, it only ends it at this particular site. Nothing in Vermont or federal law requires the City to preserve such a specific and unsupported interest.

CONCLUSION

For the foregoing reasons, the City requests that the Court deny the amended motion for temporary restraining order as a matter of fact and law.

Dated in Burlington, Vermont this 25th day of October, 2021.

CITY OF BURLINGTON

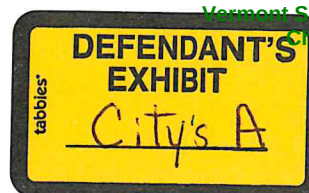
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CITY OF BURLINGTON

SHELTERING ON PUBLIC LANDS: OUTREACH AND REMOVAL POLICY AND PROCEDURES

Section I – Purpose:

The City of Burlington is committed to supporting and maintaining a safe public environment for all residents and visitors of Burlington, both those who live in hard-wall-shelters and those who do not. To those ends, the City will take steps to ensure that individuals without hard-wall-shelters are provided with information on available resources and are given the assistance necessary to go through the Coordinated Entry process. The City also has an affirmative commitment to support the dignity of all people, including those without hard-wall shelters.

The City will try to ensure that individuals are not permitted to camp or set up residences in areas where camping is prohibited under Burlington's Code of Ordinances or that are otherwise permanently posted, such as in the Urban Reserve. However, generally, an encampment that is on public property and not in a prohibited area and that does not present exigent circumstances will only be noticed for removal if certain criteria are met and outreach efforts are made consistent with the following policy and procedures.

Section II – Procedures for Areas Where Camping is Specifically Prohibited:

1. If the City learns of or receives a report of an active encampment on public property in a part of the City where camping is specifically prohibited through Burlington's Code of Ordinances or permanent posting, the Community Affairs Liaison (for purposes of this policy, the term "Community Affairs Liaison" means the Community Affairs Liaison, their designee, or any City employee with appropriate training), and usually a uniformed police officer, shall attempt to make outreach to the encampment to provide information on available resources and written notice that camping in that area is prohibited and that if they continue camping in the specifically prohibited area beyond a specified date they may face ticketing, no trespass orders, other legal action, and removal of any remaining items not found to be refuse or hazardous.
2. The notice shall also briefly state the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how and when they may be reclaimed, and the Community Affairs Liaison's contact information. The notice shall also provide contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, and information on other available community resources.
3. The Community Affairs Liaison shall ensure that each camping individual has been referred via receipt of the CCHA Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment.
4. If there is no individual at the site with whom to speak, the Community Affairs Liaison shall post or securely place the written notice as described above in #1 on or near any items. If

possible, the notice should be provided to campers in person. The Community Affairs Liaison will take and file photographs demonstrating where and when the notices were posted.

5. If the campers have not left or removed their property by the date/time specified, they may be ticketed if they have violated an ordinance, and/or they may receive a notice of trespass if one is warranted. The City will dispose of any trash and remove any property left at the site. City staff will ensure the Community Affairs Liaison has attempted outreach and notice before enforcing the no-camping rules in these areas.

Section III – Procedures for Areas Where Camping is not Specifically Prohibited:

Sub-Section A – Outreach:

1. If the City learns of or receives a report of an active encampment in a part of the City where camping is not specifically prohibited, the Community Affairs Liaison, or designee, shall attempt to make outreach to the encampment to provide contact information for the Community Affairs Liaison, contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, and information on other available resources. . Generally, an appropriate City employee shall accompany the Community Affairs Liaison on this initial outreach attempt, and the use of a uniformed police officer should be limited.
2. If people are present during this initial outreach attempt, then appropriate social services agencies should be called and, if possible, immediately come to the encampment to provide additional information on available resources. The Community Affairs Liaison shall make sure that each camping individual has been referred via receipt of the CCHA Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment
3. The Community Affairs Liaison should note where the encampment is located.
4. If no one is present during this initial outreach, then the Community Affairs Liaison should leave the Community Affairs Liaison's contact information, contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, information about other available resources, and make additional outreach attempts as necessary. If people are present during a subsequent outreach attempt, then appropriate social services agencies should be called and, where possible, immediately come to the encampment to provide additional information on what resources are available.
5. The BPD, Community and Economic Development Office (CEDO) and appropriate social services agencies will make every effort to consult and make sure all appropriate social service organizations have been contacted, social service providers have visited the encampment to assist where possible, the individual(s) have been referred via receipt of the Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment, and efforts have been made to implement the City's Housing First Policy. The process described in Sub-Section A will happen whether or not the City believes that removal may be necessary.

Sub-Section B – Removal Criteria and Procedures:

1. If a City department determines that there is a reason to remove the items of individuals camping on public land based on one of the following criteria, that department should contact the City Attorney's Office for an initial review. The criteria that serve as a basis for removal are as follows:
 - a. Risks to health or safety related to living conditions;
 - b. Risks to the site's ecology;
 - c. The nature, quantity, and location of any structures on the site, as structures generally will be removed from public property, although temporary tents or lean-tos that are kept in good condition may not require removal;
 - d. The amount or nature of possessions or materials on the site, such as trash, furniture, or large numbers of bags, may warrant removal;
 - e. Interference with the ability of others to use the property;
 - f. Inconsistency with the intended public use of the site;
 - g. Repeated or serious legal or criminal violations at the site; and
 - h. Other severe or pervasive issues that may warrant removal.
2. The City Attorney's Office will first identify the property owner. If the encampment is not on City property, then the BPD should contact the property owner and provide assistance as needed. If the City Attorney's Office determines that the encampment is on City property, then the involved City department shall write a brief narrative describing the situation and reason(s) for removal in conjunction with other relevant City departments and the City Attorney's Office. If appropriate, the City department(s) should collect and preserve photographic documentation necessary to support the determination of need for removal.
3. If the City Attorney advises that the items may be removed under the circumstances and in accordance with this policy, and the removal is not an emergency, the Community Affairs Liaison shall provide or post an initial notice at the site notifying the campers that the City is considering removing their items from the site and the reasons therefor, that the decision will be made within the next three workdays, and that they should contact the Community Affairs Liaison with any questions about or objections to the removal. The initial notice shall advise the campers of the reasons for the potential removal, with at least a sentence describing the reasons for the removal with reasonable particularity. Before that notice is posted, the department requesting removal will ensure that the Mayor's Office has received a copy of the narrative justifying removal and the initial notice and will notify any other City department that may be affected by the potential removal. The Community Affairs Liaison will communicate with the Mayor's Office if any questions or objections are received within the three-workday initial posting period.
4. If no objection is received within the three work days, or the Mayor determines that removal is warranted despite an objection, the Mayor shall make a determination, based on the narrative requesting removal and advice from the City Attorney, BPD, and other departments, whether to proceed with removal, and the Mayor's Office shall notify the requesting department of the Mayor's decision.

5. Once the Mayor decides that an encampment can be removed from City property, the Community Affairs Liaison shall provide the encampment with a written notice to remove property by a specified date/time that explains that the City will remove any property remaining in the area on that specific date/time. The specified date/time shall, absent exigent circumstances or emergency, allow people a reasonable time to move, at least seven calendar days. The notice shall also briefly state the reasons for the removal, the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how they may be reclaimed, the hours and days of the week when items may be reclaimed, and the Community Affairs Liaison's contact information. The notice will be posted or securely placed on or near any campsite or items. If possible, the notice should be provided to campers in person. The Community Affairs Liaison will take photographs demonstrating where and when the notices were posted.
6. If the following steps have not been taken prior to posting of the notice, the BPD and CEDO shall solicit assistance from social service organizations to seek voluntary movement from those camping on the site prior to the date/time for removal. This assistance should include:
 - a. Sending the Community Affairs Liaison (or designee) and appropriate social services agencies to engage with the campers.
 - b. Confirming that relevant social service organizations are aware and engaged, and that opportunities for housing are offered if available. Ensuring that social services workers are available to work with campers to remove and, if possible, transport their items.
7. Before posting the notice, DPW and/or Parks shall confirm that there will be sufficient personnel and equipment necessary for the removal on the date/time included in the notice.

Sub-Section C. Emergencies or Exigent Circumstances

1. If a requesting department seeks immediate removal because of an emergency or exigent circumstances, the City Attorney's Office shall be consulted and shall advise whether the circumstances can warrant consideration of an emergency or exigent removal. Circumstances that may warrant emergency or exigent removal include, but are not limited to, any immediate health, safety, or ecological concern where significant harm has occurred or is likely to occur if the items are not removed immediately, or a current situation where the encampment is inhibiting the construction of a permitted project,
2. In an emergency or exigent circumstances, attempts should be made to receive direction from the Mayor's Office ahead of time, but if Mayor's Office direction cannot be received, the property may be moved to another location and trash, hazardous material, and unusable items may be discarded. Notice of the move shall be posted at the location for at least seven days after the move. If taken into storage, the notice of removal shall briefly state the reasons for the removal, the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how and when they may be reclaimed, and the Community Affairs Liaison's contact information. The notice will be posted or securely placed on or near any campsite or items. If posting of a notice before

removal is not possible, a post-removal notice with the information above shall be posted at the location for at least seven days after the removal.

Section IV – Removed Property

1. When the City removes an encampment, it will discard any item that reasonably appears, to the City employees conducting the removal, to be trash, presents a health or safety hazard, or will become a hazard during storage (for example, wet bedding materials).
2. Items that are not trash or hazardous will be tagged with the date, location of the removal, and any other available information related to the item owner. Such items include but are not limited to: radios, audio and video equipment, phones, bed rolls, tents, sleeping bags, tarps, canvas, mats, blankets, pillows, medication, personal papers, photographs, books, backpacks or other storage containers, clothing, towels, shoes, toiletries, clocks, bicycles, and eye glasses.
3. City employees may consolidate those items at the site for pick-up by the owner according to prior arrangement or will move them to a storage location for a period of thirty (30) days. Items not claimed within 30 days will be discarded.
4. The City will maintain a log or photos of removed items, catalogued by tag number, date, and location of removal.

Section V – Recovery of Stored Property:

1. People inquiring about lost, removed, or collected items should be referred to the Community Affairs Liaison.
2. The Community Affairs Liaison will work with people seeking to recover their items from City storage to arrange for delivery or pickup within a reasonable amount of time. If the person expresses an emergent health or safety need to recover their items, the Community Affairs Liaison will facilitate the recovery of their items as soon as possible.
3. To recover property, the person must describe the items with particularity. No identification is required to recover items, but a record of removed items will indicate who recovered the items.

Section VI - Limitations of Policy:

This policy is intended to address encampments where individuals without hard-wall-shelters are or recently have been living or sleeping. If a City employee discovers items on public property and there is no evidence that a person without hard-wall-shelter is currently or recently has been living or sleeping at that location, this policy shall not apply. Similarly, this policy does not address City policies on related topics such as trespasses on public land or regular removal of trash from public parks consistent with this policy.

EMERGENCY AND EXIGENT NOTICE TO LEAVE AND REMOVE POSSESSIONS

The City of Burlington has decided to disband campsites in this area because the serious and repeated public safety issues that have arisen around criminal activity including, but not limited to controlled substances and distribution, illegal fire arms, threats to first responders and others in the area. The City also has decided to disband campsites in this area because of the substantial public health issues including, the erection of multi-level unpermitted structures, and continuous or frequent running of generators.

YOU MUST STOP CAMPING AND STORING BELONGINGS IN THIS AREA BY 5PM, OCTOBER 19, 2021.

CITY OF BURLINGTON EMPLOYEES WILL COLLECT AND STORE ANY ITEMS, INCLUDING CAMPING EQUIPMENT, LEFT ON THE PROPERTY AT THAT TIME AND SHALL HOLD THEM FOR 30 DAYS AT A CITY LOCATION TO BE DETERMINED. TRASH, HAZARDOUS MATERIAL, AND UNUSABLE ITEMS WILL BE DISCARDED AT THAT TIME.

FOLLOWING THE EXPIRATION OF THE 30 DAYS, THE CITY WILL DISPOSE OF ANY ITEMS, INCLUDING CAMPING EQUIPMENT, THAT REMAIN AFTER THAT TIME.

IF YOU DO NOT STOP CAMPING OR IF YOU RETURN TO CAMP AT THIS SPOT AFTER IT IS CLEANED UP, THE CITY MAY PURSUE LEGAL ACTION AGAINST YOU.

If you have questions or concerns, please contact the Community Affairs Liaison, Burlington Police Department (1 North Ave.), (802) 540-2393, Monday to Friday, 8:30 am to 5 pm.

Community Resources

Housing/Financial Assistance:

- CVOEO -255 South Champlain St – 660-3454
- Economic Services -119 Pearl St -1-800 479-6151

Shelter Options:

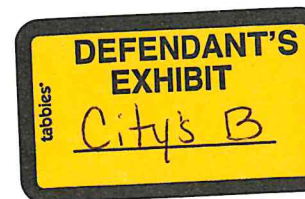
- COTS - 864-2613 ext 115
- A New Place – 862-9879
- Safe Harbor Clinic – 860-4310

Medical/Dental Assistance:

- Safe Harbor Clinic – 860-4310

Food/Shower/Laundry:

- See reverse schedule



<u>MEALS</u>	Breakfast, public welcome	Lunch, (daystation, for homeless only)	Dinner, Public Welcome
Monday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00 Wellness Co-op 1:30-2:30	Salv. Army, 5-6 PM
Tuesday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Wednesday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM Wellness Co-op 5:00-5:45
Thursday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Friday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Saturday	1 st Congregational, 8:00 – 9:00 “small potatoes”	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Sunday	Food shelf 10-11	Daystation, 12:30-1:00	Red Door, 5 – 6. (UVM School Y Food Shelf, 4:30–7:00)

And this monthly offering: **3rd Saturday at 6:00, New Moon Café, Cherry Street**, watch for dates, they some change, depending on holidays.

Food Shelf: 228 N. Winooski Ave. (intersection with N. Union)
Salvation Army: 64 Main St. (corner of S. Champlain)

Daystation: 95 North Ave, 862-5418
First Congregational: 38 S. Winooski Ave

Showers	Pathways Community Room, 279 N. Winooski Ave.	Daystation, 95 North Ave	Red-Door Church, 21 Buell Street	Safe Harbor 184 S. Winooski Ave.
Paperwork	sign-in required.	Signin required;	None; must communicate with staff before visit.	Check in with receptionist
For use of	Any one in need.	Homeless/ Marginally housed, only	Anyone needing a shower	Burlington Homeless Only;
Seasonality	Year-round hot shower	Year-round hot shower	Year round, hot shower	Year Round, Hot shower.
Amenities	Bring your own towel and soap, 20 minute limit.	Offers towel and soap, 15 minute limit	Offers towel and soap	Offers towel and soap, 15 minute limit
Monday	12:00 – 3:30	9:00 – 3:00	By Appointment only; Hours for calling and for showering are 9-11:30; try to plan for next day use. (802) 862-1151	8:30 – 4:00
Tuesday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00
Wednesday	12:00 – 5:30	9:00 – 3:00		8:30 – 4:00
Thursday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00
Friday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00

Laundry

COTS Daystation

 With intake; Monday – Friday, generally from 10 am until about 3 pm.

**REVISED AND EXTENDED NOTICE TO LEAVE AND REMOVE
POSSESSIONS**

Effective: October 18, 2021

The City of Burlington has decided to disband campsites in this area because the serious and repeated public safety issues that have arisen around criminal activity including, but not limited to controlled substances and distribution, illegal fire arms, threats to first responders and others in the area. The City also has decided to disband campsites in this area because of the substantial public health issues including, the erection of multi-level unpermitted structures, a continuous or frequent running of generators.

**YOU MUST STOP CAMPING AND STORING BELONGINGS IN THIS AREA BY 9 AM
TUESDAY OCTOBER 26, 2021.**

(Please note, this new date supersedes any prior notices or dates to leave)

CITY OF BURLINGTON EMPLOYEES WILL COLLECT AND STORE ANY ITEMS, INCLUDING CAMPING EQUIPMENT, LEFT ON THE PROPERTY AT THAT TIME AND SHALL HOLD THEM FOR 30 DAYS AT THE SEARS LANE PROPERTY IN STORAGE CONTAINERS. TRASH, HAZARDOUS MATERIAL, AND UNUSABLE ITEMS WILL BE DISCARDED AT THAT TIME.

FOLLOWING THE EXPIRATION OF THE 30 DAYS, THE CITY WILL DISPOSE OF ANY ITEMS, INCLUDING CAMPING EQUIPMENT, THAT REMAIN AFTER THAT TIME.

***A meeting to discuss the storage and removal of items will occur at the Sears Lane property
on Thursday, October 21, 2021 with city staff.***

IF YOU DO NOT STOP CAMPING OR IF YOU RETURN TO CAMP AT THIS SPOT AFTER IT IS CLEANED UP, THE CITY MAY PURSUE LEGAL ACTION AGAINST YOU.

If you have questions or concerns, please contact the Community Affairs Liaison, Burlington Police Department (1 North Ave.), (802) 540-2393, Monday to Friday, 8:30 am to 5 pm.

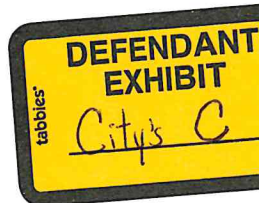
Community Resources

Housing/Financial Assistance:

- **CVOEO -255 South Champlain St – 660-3454**
- **Economic Services -119 Pearl St -1-800 479-6151**

Shelter Options:

- **COTS - 864-2613 ext 115**



- **A New Place – 862-9879**
- **Safe Harbor Clinic – 860-4310**

Medical/Dental Assistance:

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Food/Shower/Laundry:

- **See reverse schedule**

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Friday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00

Laundry	COTS Daystation	With intake; Monday – Friday, generally from 10 am until about 3 pm.
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Visit the [Burlington COVID-19 Resource and Recovery Center \(/resources\)](/resources)

العربية (/covid-19/translated) | ASL (/covid-19/asl) | Bosanski (/covid-19/translated) | မြန်မာစာ (/covid-19/translated) | 中文 (/covid-19/translated) | Español (/covid-19/translated) | Français (/covid-19/translated) | Karen (/covid-19/translated) | Kirundi (/covid-19/translated) | Maay Maay (/covid-19/translated) | नेपाली (/covid-19/translated) | Soomaali (/covid-19/translated) | Swahili (/covid-19/translated) | Tiếng Việt (/covid-19/translated)

Mayor Weinberger Announces Next Steps Regarding Sears Lane Encampment

Mayor Weinberger Announces Next Steps Regarding Sears Lane Encampment

Burlington, VT – Today, Mayor Weinberger announced next steps toward ending the unsafe living conditions at the Sears Lane encampment, and expanding short- and mid-term housing services in Burlington during this period of acute housing shortage.

Dangerous incidents at the site have included police and federal law enforcement partners [executing a search warrant \(/Press/search-warrant-sears-lane\)](/Press/search-warrant-sears-lane) following a month-long narcotics investigation and a camper [pointing an assault-style airsoft gun \(/Press/simple-assault\)](/Press/simple-assault) (a replica pellet gun) at Burlington Fire personnel who were responding to a medical call. The Fire Department has also determined that some of the structures that have been erected illegally on the site pose a significant fire risk to occupants and other campers on the site. Following those incidents, Mayor Weinberger directed Burlington Police to issue a notice to leave and remove possessions by October 19 in accordance with the City of Burlington's policy regarding sheltering on public lands. The City's policy regarding sheltering on public lands was created in later 2019, following a long period of engagement with local advocates and the ACLU.

"I believe that homelessness in Burlington should be brief, and rare and my Administration has worked hard for many years to expand resources and services for the individuals living in chronic homelessness. For the past year these efforts have included an attempt to establish first a tiny home community and then a managed campsite at Sears Lane," said Mayor Miro Weinberger. "Unfortunately, these efforts have not been supported by key partners and now, the encampment has become an immediate concern where significant harm has occurred and is likely to occur if the site continues."

protect the health and safety of the campers, neighbors, and our first responders we must close the encampment. However, we will not stop fighting to bring needed support and resources to members of our community who are housing insecure."

After work through the weekend and further engagement with campers at Sears Lane, the Vermont Department of Children and Families, and various local social service providers the City is announcing a number of updates:

- Since Thursday, many campers at the site have been working with the City in good faith to leave the encampment and some have requested an extension for leaving the site beyond October 25.
- The City will store the belongings of campers for up to 30 days by bringing storage containers to the site. These containers will be on-site no later than October 25.
- In response to these requests and the updated support plan, the Mayor has extended the deadline for campers to comply with this notice until October 26.
- At the City's request, the Vermont Department of Children and Family Services (DCF) has pledged emergency funding to provide direct assistance to Sears Lane residents in their transition to permanent housing. DCF is committed to working with the City, local nonprofits, and the Chittenden Homelessness Alliance to ensure that people who have been living at Sears Lane are supported in accessing a range of alternative housing options to meet their needs.
- DCF has confirmed that the Champlain Valley Office of Economic Opportunity (CVOEO) will provide direct street outreach services to the Sears Lane encampment. CVOEO is offering campers housing assistance, transportation, and other housing assistance. CVOEO and the City's recently expanded Community Service Liaison team will work with Sears Lane clients to ensure a safe transition.
- On Thursday, October 21, City staff and community partners will meet with campers to discuss resource connection, explain the City's storage policy, and identify trash and abandoned items for removal.
- On Friday, October 22, the Department of Public Works and Department of Parks, Recreation, and Waterfront will be on-site to assist with the disposal and removal of items identified as abandoned or trash only.

Background

The City and key partners have dramatically expanded homeless services on Mayor Weinberger's watch with key initiatives including:

- Opening the City's first low-barrier winter warming shelter in 2014, and the continuation of this program until 2020 when it was expanded to be a [year-round facility \(/Press/anew-place-clo-on-purchase-of-champlain-inn-and-announces-plan-to-offer-temporary-low\)](#).
- The launch of the region's first "coordinated entry system" to better support individuals experiencing homelessness.
- The conversion of North Beach into a low-barrier, COVID-safe facility first with RVs and then with tents through the spring and summer of 2020.

While last week's issues created an immediate concern for the City and for the safety and health of individuals in the area, the site has had a number of growing concerns that the City has sought to manage through expanded management at the site. Prior to the most recent incidents of criminal activity, the team had also been working to protect public health and safety and to find a way for the City-owned land and Sears Lane to help address community housing needs. These efforts included:

- In October 2020, the City partnered with ANEW Place to secure grant funding from the Vermont Housing Conservation Board to build tiny homes at Sears Lane. The VHCB voted 5-3 against funding the City's plan.
- In September 2021, after months of consultations with non-profit service providers, the City released a request for proposals seeking a non-profit partner to actively manage the site as a barrier campground. No local service providers responded to that request.

At the Mayor's direction, the City of Burlington's Community Economic Development (CEDO) is continuing to explore ways in which City properties can play a role in addressing the current, and housing crisis.

###

Press Release Date:

10/18/2021

City Department:

Mayor's Office

THE CITY
OF BURLINGTON



City Hall
149 Church Street
Burlington, VT 05401
Hours: M-F 8am-4:30pm



(802) 865-7000



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[Employee Directory \(/employee-directory\)](/employee-directory)
(</contactus>)

[Terms of Use \(/terms\)](/terms)

[Privacy Policy \(/privacy\)](/privacy)

[Contact Us](#)



CVOEO Can Offer You Assistance with:

If you choose to leave
Sears Lane, CVOEO
can try to help you.
Please contact us!

Adam - 802-829-5379

Taylor - 802-233-8946

Todd - 802-238-9100

01 HOTELS (ANYWHERE!)

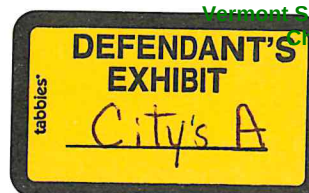
02 TRANSPORTATION (ANYWHE

03 TRAILERS/CAMPERS

04 HOUSING (NO LEASE NEEDED

05 LOT RENT/FAMILY SUPPORT

**If you have ideas about where you might go next, let us know.
We can be flexible. We want to get you where you want to go**



CITY OF BURLINGTON

SHELTERING ON PUBLIC LANDS: OUTREACH AND REMOVAL POLICY AND PROCEDURES

Section I – Purpose:

The City of Burlington is committed to supporting and maintaining a safe public environment for all residents and visitors of Burlington, both those who live in hard-wall-shelters and those who do not. To those ends, the City will take steps to ensure that individuals without hard-wall-shelters are provided with information on available resources and are given the assistance necessary to go through the Coordinated Entry process. The City also has an affirmative commitment to support the dignity of all people, including those without hard-wall shelters.

The City will try to ensure that individuals are not permitted to camp or set up residences in areas where camping is prohibited under Burlington's Code of Ordinances or that are otherwise permanently posted, such as in the Urban Reserve. However, generally, an encampment that is on public property and not in a prohibited area and that does not present exigent circumstances will only be noticed for removal if certain criteria are met and outreach efforts are made consistent with the following policy and procedures.

Section II – Procedures for Areas Where Camping is Specifically Prohibited:

1. If the City learns of or receives a report of an active encampment on public property in a part of the City where camping is specifically prohibited through Burlington's Code of Ordinances or permanent posting, the Community Affairs Liaison (for purposes of this policy, the term "Community Affairs Liaison" means the Community Affairs Liaison, their designee, or any City employee with appropriate training), and usually a uniformed police officer, shall attempt to make outreach to the encampment to provide information on available resources and written notice that camping in that area is prohibited and that if they continue camping in the specifically prohibited area beyond a specified date they may face ticketing, no trespass orders, other legal action, and removal of any remaining items not found to be refuse or hazardous.
2. The notice shall also briefly state the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how and when they may be reclaimed, and the Community Affairs Liaison's contact information. The notice shall also provide contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, and information on other available community resources.
3. The Community Affairs Liaison shall ensure that each camping individual has been referred via receipt of the CCHA Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment.
4. If there is no individual at the site with whom to speak, the Community Affairs Liaison shall post or securely place the written notice as described above in #1 on or near any items. If

possible, the notice should be provided to campers in person. The Community Affairs Liaison will take and file photographs demonstrating where and when the notices were posted.

5. If the campers have not left or removed their property by the date/time specified, they may be ticketed if they have violated an ordinance, and/or they may receive a notice of trespass if one is warranted. The City will dispose of any trash and remove any property left at the site. City staff will ensure the Community Affairs Liaison has attempted outreach and notice before enforcing the no-camping rules in these areas.

Section III – Procedures for Areas Where Camping is not Specifically Prohibited:

Sub-Section A – Outreach:

1. If the City learns of or receives a report of an active encampment in a part of the City where camping is not specifically prohibited, the Community Affairs Liaison, or designee, shall attempt to make outreach to the encampment to provide contact information for the Community Affairs Liaison, contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, and information on other available resources. . Generally, an appropriate City employee shall accompany the Community Affairs Liaison on this initial outreach attempt, and the use of a uniformed police officer should be limited.
2. If people are present during this initial outreach attempt, then appropriate social services agencies should be called and, if possible, immediately come to the encampment to provide additional information on available resources. The Community Affairs Liaison shall make sure that each camping individual has been referred via receipt of the CCHA Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment
3. The Community Affairs Liaison should note where the encampment is located.
4. If no one is present during this initial outreach, then the Community Affairs Liaison should leave the Community Affairs Liaison's contact information, contact information for local social service organizations serving unsheltered residents, the Coordinated Entry Screening Form with instructions, information about other available resources, and make additional outreach attempts as necessary. If people are present during a subsequent outreach attempt, then appropriate social services agencies should be called and, where possible, immediately come to the encampment to provide additional information on what resources are available.
5. The BPD, Community and Economic Development Office (CEDO) and appropriate social services agencies will make every effort to consult and make sure all appropriate social service organizations have been contacted, social service providers have visited the encampment to assist where possible, the individual(s) have been referred via receipt of the Coordinated Entry Screening Form or begun the Coordinated Entry process, including the completion of the Coordinated Entry assessment, and efforts have been made to implement the City's Housing First Policy. The process described in Sub-Section A will happen whether or not the City believes that removal may be necessary.

Sub-Section B – Removal Criteria and Procedures:

1. If a City department determines that there is a reason to remove the items of individuals camping on public land based on one of the following criteria, that department should contact the City Attorney's Office for an initial review. The criteria that serve as a basis for removal are as follows:
 - a. Risks to health or safety related to living conditions;
 - b. Risks to the site's ecology;
 - c. The nature, quantity, and location of any structures on the site, as structures generally will be removed from public property, although temporary tents or lean-tos that are kept in good condition may not require removal;
 - d. The amount or nature of possessions or materials on the site, such as trash, furniture, or large numbers of bags, may warrant removal;
 - e. Interference with the ability of others to use the property;
 - f. Inconsistency with the intended public use of the site;
 - g. Repeated or serious legal or criminal violations at the site; and
 - h. Other severe or pervasive issues that may warrant removal.
2. The City Attorney's Office will first identify the property owner. If the encampment is not on City property, then the BPD should contact the property owner and provide assistance as needed. If the City Attorney's Office determines that the encampment is on City property, then the involved City department shall write a brief narrative describing the situation and reason(s) for removal in conjunction with other relevant City departments and the City Attorney's Office. If appropriate, the City department(s) should collect and preserve photographic documentation necessary to support the determination of need for removal.
3. If the City Attorney advises that the items may be removed under the circumstances and in accordance with this policy, and the removal is not an emergency, the Community Affairs Liaison shall provide or post an initial notice at the site notifying the campers that the City is considering removing their items from the site and the reasons therefor, that the decision will be made within the next three workdays, and that they should contact the Community Affairs Liaison with any questions about or objections to the removal. The initial notice shall advise the campers of the reasons for the potential removal, with at least a sentence describing the reasons for the removal with reasonable particularity. Before that notice is posted, the department requesting removal will ensure that the Mayor's Office has received a copy of the narrative justifying removal and the initial notice and will notify any other City department that may be affected by the potential removal. The Community Affairs Liaison will communicate with the Mayor's Office if any questions or objections are received within the three-workday initial posting period.
4. If no objection is received within the three work days, or the Mayor determines that removal is warranted despite an objection, the Mayor shall make a determination, based on the narrative requesting removal and advice from the City Attorney, BPD, and other departments, whether to proceed with removal, and the Mayor's Office shall notify the requesting department of the Mayor's decision.

5. Once the Mayor decides that an encampment can be removed from City property, the Community Affairs Liaison shall provide the encampment with a written notice to remove property by a specified date/time that explains that the City will remove any property remaining in the area on that specific date/time. The specified date/time shall, absent exigent circumstances or emergency, allow people a reasonable time to move, at least seven calendar days. The notice shall also briefly state the reasons for the removal, the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how they may be reclaimed, the hours and days of the week when items may be reclaimed, and the Community Affairs Liaison's contact information. The notice will be posted or securely placed on or near any campsite or items. If possible, the notice should be provided to campers in person. The Community Affairs Liaison will take photographs demonstrating where and when the notices were posted.
6. If the following steps have not been taken prior to posting of the notice, the BPD and CEDO shall solicit assistance from social service organizations to seek voluntary movement from those camping on the site prior to the date/time for removal. This assistance should include:
 - a. Sending the Community Affairs Liaison (or designee) and appropriate social services agencies to engage with the campers.
 - b. Confirming that relevant social service organizations are aware and engaged, and that opportunities for housing are offered if available. Ensuring that social services workers are available to work with campers to remove and, if possible, transport their items.
7. Before posting the notice, DPW and/or Parks shall confirm that there will be sufficient personnel and equipment necessary for the removal on the date/time included in the notice.

Sub-Section C. Emergencies or Exigent Circumstances

1. If a requesting department seeks immediate removal because of an emergency or exigent circumstances, the City Attorney's Office shall be consulted and shall advise whether the circumstances can warrant consideration of an emergency or exigent removal. Circumstances that may warrant emergency or exigent removal include, but are not limited to, any immediate health, safety, or ecological concern where significant harm has occurred or is likely to occur if the items are not removed immediately, or a current situation where the encampment is inhibiting the construction of a permitted project,
2. In an emergency or exigent circumstances, attempts should be made to receive direction from the Mayor's Office ahead of time, but if Mayor's Office direction cannot be received, the property may be moved to another location and trash, hazardous material, and unusable items may be discarded. Notice of the move shall be posted at the location for at least seven days after the move. If taken into storage, the notice of removal shall briefly state the reasons for the removal, the agency responsible for the clean-up, that remaining items will be stored for at least thirty days and if unclaimed within that time will be disposed of, the location and address where the collected items will be stored and how and when they may be reclaimed, and the Community Affairs Liaison's contact information. The notice will be posted or securely placed on or near any campsite or items. If posting of a notice before

removal is not possible, a post-removal notice with the information above shall be posted at the location for at least seven days after the removal.

Section IV – Removed Property

1. When the City removes an encampment, it will discard any item that reasonably appears, to the City employees conducting the removal, to be trash, presents a health or safety hazard, or will become a hazard during storage (for example, wet bedding materials).
2. Items that are not trash or hazardous will be tagged with the date, location of the removal, and any other available information related to the item owner. Such items include but are not limited to: radios, audio and video equipment, phones, bed rolls, tents, sleeping bags, tarps, canvas, mats, blankets, pillows, medication, personal papers, photographs, books, backpacks or other storage containers, clothing, towels, shoes, toiletries, clocks, bicycles, and eye glasses.
3. City employees may consolidate those items at the site for pick-up by the owner according to prior arrangement or will move them to a storage location for a period of thirty (30) days. Items not claimed within 30 days will be discarded.
4. The City will maintain a log or photos of removed items, catalogued by tag number, date, and location of removal.

Section V – Recovery of Stored Property:

1. People inquiring about lost, removed, or collected items should be referred to the Community Affairs Liaison.
2. The Community Affairs Liaison will work with people seeking to recover their items from City storage to arrange for delivery or pickup within a reasonable amount of time. If the person expresses an emergent health or safety need to recover their items, the Community Affairs Liaison will facilitate the recovery of their items as soon as possible.
3. To recover property, the person must describe the items with particularity. No identification is required to recover items, but a record of removed items will indicate who recovered the items.

Section VI - Limitations of Policy:

This policy is intended to address encampments where individuals without hard-wall-shelters are or recently have been living or sleeping. If a City employee discovers items on public property and there is no evidence that a person without hard-wall-shelter is currently or recently has been living or sleeping at that location, this policy shall not apply. Similarly, this policy does not address City policies on related topics such as trespasses on public land or regular removal of trash from public parks consistent with this policy.

EMERGENCY AND EXIGENT NOTICE TO LEAVE AND REMOVE POSSESSIONS

The City of Burlington has decided to disband campsites in this area because the serious and repeated public safety issues that have arisen around criminal activity including, but not limited to controlled substances and distribution, illegal fire arms, threats to first responders and others in the area. The City also has decided to disband campsites in this area because of the substantial public health issues including, the erection of multi-level unpermitted structures, and continuous or frequent running of generators.

YOU MUST STOP CAMPING AND STORING BELONGINGS IN THIS AREA BY 5PM, OCTOBER 19, 2021.

CITY OF BURLINGTON EMPLOYEES WILL COLLECT AND STORE ANY ITEMS, INCLUDING CAMPING EQUIPMENT, LEFT ON THE PROPERTY AT THAT TIME AND SHALL HOLD THEM FOR 30 DAYS AT A CITY LOCATION TO BE DETERMINED. TRASH, HAZARDOUS MATERIAL, AND UNUSABLE ITEMS WILL BE DISCARDED AT THAT TIME.

FOLLOWING THE EXPIRATION OF THE 30 DAYS, THE CITY WILL DISPOSE OF ANY ITEMS, INCLUDING CAMPING EQUIPMENT, THAT REMAIN AFTER THAT TIME.

IF YOU DO NOT STOP CAMPING OR IF YOU RETURN TO CAMP AT THIS SPOT AFTER IT IS CLEANED UP, THE CITY MAY PURSUE LEGAL ACTION AGAINST YOU.

If you have questions or concerns, please contact the Community Affairs Liaison, Burlington Police Department (1 North Ave.), (802) 540-2393, Monday to Friday, 8:30 am to 5 pm.

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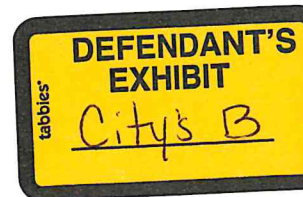
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Food/Shower/Laundry:

- See reverse schedule



<u>MEALS</u>	Breakfast, public welcome	Lunch, (daystation, for homeless only)	Dinner, Public Welcome
Monday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00 Wellness Co-op 1:30-2:30	Salv. Army, 5-6 PM
Tuesday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Wednesday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM Wellness Co-op 5:00-5:45
Thursday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Friday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Saturday	1 st Congregational, 8:00 – 9:00 “small potatoes”	Daystation, 12:30-1:00	Salv. Army, 5-6 PM
Sunday	Food shelf 10-11	Daystation, 12:30-1:00	Red Door, 5 – 6. (UVM School Y Food Shelf, 4:30–7:00)

And this monthly offering: **3rd Saturday at 6:00, New Moon Café, Cherry Street**, watch for dates, they some change, depending on holidays.

Food Shelf: 228 N. Winooski Ave. (intersection with N. Union)
Salvation Army: 64 Main St. (corner of S. Champlain)

Daystation: 95 North Ave, 862-5418
First Congregational: 38 S. Winooski Ave

Showers	Pathways Community Room, 279 N. Winooski Ave.	Daystation, 95 North Ave	Red-Door Church, 21 Buell Street	Safe Harbor 184 S. Winooski Ave.
Paperwork	sign-in required.	Signin required;	None; must communicate with staff before visit.	Check in with receptionist
For use of	Any one in need.	Homeless/ Marginally housed, only	Anyone needing a shower	Burlington Homeless Only;
Seasonality	Year-round hot shower	Year-round hot shower	Year round, hot shower	Year Round, Hot shower.
Amenities	Bring your own towel and soap, 20 minute limit.	Offers towel and soap, 15 minute limit	Offers towel and soap	Offers towel and soap, 15 minute limit
Monday	12:00 – 3:30	9:00 – 3:00	By Appointment only; Hours for calling and for showering are 9-11:30; try to plan for next day use. (802) 862-1151	8:30 – 4:00
Tuesday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00
Wednesday	12:00 – 5:30	9:00 – 3:00		8:30 – 4:00
Thursday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00
Friday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00

Laundry

COTS Daystation

 With intake; Monday – Friday, generally from 10 am until about 3 pm.

**REVISED AND EXTENDED NOTICE TO LEAVE AND REMOVE
POSSESSIONS**

Effective: October 18, 2021

The City of Burlington has decided to disband campsites in this area because the serious and repeated public safety issues that have arisen around criminal activity including, but not limited to controlled substances and distribution, illegal fire arms, threats to first responders and others in the area. The City also has decided to disband campsites in this area because of the substantial public health issues including, the erection of multi-level unpermitted structures, a continuous or frequent running of generators.

**YOU MUST STOP CAMPING AND STORING BELONGINGS IN THIS AREA BY 9 AM
TUESDAY OCTOBER 26, 2021.**

(Please note, this new date supersedes any prior notices or dates to leave)

CITY OF BURLINGTON EMPLOYEES WILL COLLECT AND STORE ANY ITEMS, INCLUDING CAMPING EQUIPMENT, LEFT ON THE PROPERTY AT THAT TIME AND SHALL HOLD THEM FOR 30 DAYS AT THE SEARS LANE PROPERTY IN STORAGE CONTAINERS. TRASH, HAZARDOUS MATERIAL, AND UNUSABLE ITEMS WILL BE DISCARDED AT THAT TIME.

FOLLOWING THE EXPIRATION OF THE 30 DAYS, THE CITY WILL DISPOSE OF ANY ITEMS, INCLUDING CAMPING EQUIPMENT, THAT REMAIN AFTER THAT TIME.

***A meeting to discuss the storage and removal of items will occur at the Sears Lane property
on Thursday, October 21, 2021 with city staff.***

IF YOU DO NOT STOP CAMPING OR IF YOU RETURN TO CAMP AT THIS SPOT AFTER IT IS CLEANED UP, THE CITY MAY PURSUE LEGAL ACTION AGAINST YOU.

If you have questions or concerns, please contact the Community Affairs Liaison, Burlington Police Department (1 North Ave.), (802) 540-2393, Monday to Friday, 8:30 am to 5 pm.

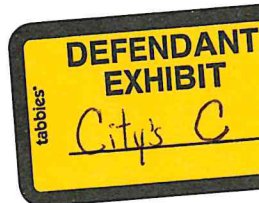
Community Resources

Housing/Financial Assistance:

- **CVOEO -255 South Champlain St – 660-3454**
- **Economic Services -119 Pearl St -1-800 479-6151**

Shelter Options:

- **COTS - 864-2613 ext 115**



- **A New Place – 862-9879**
- **Safe Harbor Clinic – 860-4310**

Medical/Dental Assistance:

- **Safe Harbor Clinic – 860-4310**

Food/Shower/Laundry:

- **See reverse schedule**

MEALS	Breakfast, public welcome	Lunch, (daystation, for homeless only)	Dinner, Public Welcome
Monday	Food shelf 6:30 – 9:30	Daystation, 12:30-1:00 Wellness Co-op 1:30-2:30	Salv. Army, 5-6 PM
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Paperwork	sign-in required.	Signin required;	None; must communicate with staff before visit.	Check in with receptionist
For use of	Any one in need.	Homeless/ Marginally housed, only	Anyone needing a shower	Burlington Home Only;
Seasonality	Year-round hot shower	Year-round hot shower	Year round, hot shower	Year Round, Hot shower.
Amenities	Bring your own towel and soap, 20 minute limit.	Offers towel and soap, 15 minute limit	Offers towel and soap	Offers towel and soap, 15 minute
Monday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00

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Thursday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00
Friday	12:00 – 3:30	9:00 – 3:00		8:30 – 4:00

Laundry	COTS Daystation	With intake; Monday – Friday, generally from 10 am until about 3 pm.
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Visit the [Burlington COVID-19 Resource and Recovery Center \(/resources\)](/resources)

العربية (/covid-19/translated) | ASL (/covid-19/asl) | Bosanski (/covid-19/translated) | မြန်မာစာ (/covid-19/translated) | 中文 (/covid-19/translated) | Español (/covid-19/translated) | Français (/covid-19/translated) | Karen (/covid-19/translated) | Kirundi (/covid-19/translated) | Maay Maay (/covid-19/translated) | नेपाली (/covid-19/translated) | Soomaali (/covid-19/translated) | Swahili (/covid-19/translated) | Tiếng Việt (/covid-19/translated)

Mayor Weinberger Announces Next Steps Regarding Sears Lane Encampment

Mayor Weinberger Announces Next Steps Regarding Sears Lane Encampment

Burlington, VT – Today, Mayor Weinberger announced next steps toward ending the unsafe living conditions at the Sears Lane encampment, and expanding short- and mid-term housing services in Burlington during this period of acute housing shortage.

Dangerous incidents at the site have included police and federal law enforcement partners [executing a search warrant \(/Press/search-warrant-sears-lane\)](/Press/search-warrant-sears-lane) following a month-long narcotics investigation and a camper [pointing an assault-style airsoft gun \(/Press/simple-assault\)](/Press/simple-assault) (a replica pellet gun) at Burlington Fire personnel who were responding to a medical call. The Fire Department has also determined that some of the structures that have been erected illegally on the site pose a significant fire risk to occupants and other campers on the site. Following those incidents, Mayor Weinberger directed Burlington Police to issue a notice to leave and remove possessions by October 19 in accordance with the City of Burlington's policy regarding sheltering on public lands. The City's policy regarding sheltering on public lands was created in later 2019, following a long period of engagement with local advocates and the ACLU.

"I believe that homelessness in Burlington should be brief, and rare and my Administration has worked hard for many years to expand resources and services for the individuals living in chronic homelessness. For the past year these efforts have included an attempt to establish first a tiny home community and then a managed campsite at Sears Lane," said Mayor Miro Weinberger. "Unfortunately, these efforts have not been supported by key partners and now, the encampment has become an immediate concern where significant harm has occurred and is likely to occur if the site continues."

protect the health and safety of the campers, neighbors, and our first responders we must close the encampment. However, we will not stop fighting to bring needed support and resources to members of our community who are housing insecure."

After work through the weekend and further engagement with campers at Sears Lane, the Vermont Department of Children and Families, and various local social service providers the City is announcing a number of updates:

- Since Thursday, many campers at the site have been working with the City in good faith to leave the encampment and some have requested an extension for leaving the site beyond October 25.
- The City will store the belongings of campers for up to 30 days by bringing storage containers to the site. These containers will be on-site no later than October 25.
- In response to these requests and the updated support plan, the Mayor has extended the deadline for campers to comply with this notice until October 26.
- At the City's request, the Vermont Department of Children and Family Services (DCF) has pledged emergency funding to provide direct assistance to Sears Lane residents in their transition to other housing. DCF is committed to working with the City, local nonprofits, and the Chittenden Homelessness Alliance to ensure that people who have been living at Sears Lane are supported in accessing a range of alternative housing options to meet their needs.
- DCF has confirmed that the Champlain Valley Office of Economic Opportunity (CVOEO) will provide direct street outreach services to the Sears Lane encampment. CVOEO is offering campers housing assistance, transportation, and other housing assistance. CVOEO and the City's recently expanded Community Service Liaison team will work with Sears Lane clients to ensure a safe transition.
- On Thursday, October 21, City staff and community partners will meet with campers to discuss resource connection, explain the City's storage policy, and identify trash and abandoned items for removal.
- On Friday, October 22, the Department of Public Works and Department of Parks, Recreation, and Waterfront will be on-site to assist with the disposal and removal of items identified as abandoned or trash only.

Background

The City and key partners have dramatically expanded homeless services on Mayor Weinberger's watch with key initiatives including:

- Opening the City's first low-barrier winter warming shelter in 2014, and the continuation of this program until 2020 when it was expanded to be a [year-round facility \(/Press/anew-place-clo-on-purchase-of-champlain-inn-and-announces-plan-to-offer-temporary-low\)](#).
- The launch of the region's first "coordinated entry system" to better support individuals experiencing homelessness.
- The conversion of North Beach into a low-barrier, COVID-safe facility first with RVs and then with tents through the spring and summer of 2020.

While last week's issues created an immediate concern for the City and for the safety and health of individuals in the area, the site has had a number of growing concerns that the City has sought to address through expanded management at the site. Prior to the most recent incidents of criminal activity, the team had also been working to protect public health and safety and to find a way for the City-owned land and Sears Lane to help address community housing needs. These efforts included:

- In October 2020, the City partnered with ANEW Place to secure grant funding from the Vermont Housing Conservation Board to build tiny homes at Sears Lane. The VHCB voted 5-3 against funding the City's plan.
- In September 2021, after months of consultations with non-profit service providers, the City released a request for proposals seeking a non-profit partner to actively manage the site as a barrier campground. No local service providers responded to that request.

At the Mayor's direction, the City of Burlington's Community Economic Development (CEDO) is continuing to explore ways in which City properties can play a role in addressing the current, and housing crisis.

###

Press Release Date:

10/18/2021

City Department:

Mayor's Office

THE CITY
OF BURLINGTON



City Hall
149 Church Street
Burlington, VT 05401
Hours: M-F 8am-4:30pm



(802) 865-7000



Email Us ([/ContactUs](#))



([/facebook](#))



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(</contactus>)

[Terms of Use \(/terms\)](/terms)

[Privacy Policy \(/privacy\)](/privacy)

[Contact Us](#)



CVOEO Can Offer You Assistance with:

If you choose to leave
Sears Lane, CVOEO
can try to help you.
Please contact us!

Adam - 802-829-5379

Taylor - 802-233-8946

Todd - 802-238-9100

01 HOTELS (ANYWHERE!)

02 TRANSPORTATION (ANYWHE

03 TRAILERS/CAMPERS

04 HOUSING (NO LEASE NEEDED

05 LOT RENT/FAMILY SUPPORT

**If you have ideas about where you might go next, let us know.
We can be flexible. We want to get you where you want to go**

Exhibit 6

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION
DOCKET NO. 21-CV-03247

GRUNDY, ALEXUS AND)
BARREDA, GREY,)
Plaintiffs,)
)
v.)
)
CITY OF BURLINGTON, VT,)
Defendant.)

AFFIDAVIT OF JON MURAD

I, Jon Murad, being first duly sworn, depose and say:

1. I am the Acting Chief of Police for the City of Burlington, Vermont. I have worked as a Burlington Police Officer for three years.
2. In my capacity as the Acting Chief of Police, I am aware of the City of Burlington's Sheltering on Public Lands Policy adopted in November of 2020.
3. I am also aware of the encampment on Sears Lane.
4. On October 13, 2021, my Department executed a search warrant on the site and found evidence of extensive methamphetamine distribution at the site as well as several firearms, which were in the possession of a convicted felon in derogation of federal law.
5. It is our belief that the individual arrested for distribution was part of a larger network using the Sears Lane site. The investigation is on-going and involves other individuals staying at or using the Sears Lane site.

6. My Department and other Police Departments from the surrounding communities have recovered stolen bicycles at the Sears Lane site and have observed evidence of numerous bicycles being dismantled.
7. My Department and other Police Departments from the surrounding communities have received reports of or found multiple stolen vehicles at the Sears Lane site.
8. The foregoing is true to the best of my knowledge and belief.

DATED at Burlington, Vermont, this 25th day of October, 2021.

ATTEST:

 #337

Jon Murad, Acting Chief of Police
City of Burlington, Vermont

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, Vermont this 25th day of October, 2021 personally appeared Jon Murad and acknowledged that the above Affidavit executed by him is true and accurate to the best of his knowledge and belief.

Before me:  #251

Notary Public
Commission Expires:
Commission #: _____

Exhibit 7

STATE OF VERMONT

SUPERIOR COURT
CHITTENDEN UNIT

CIVIL DIVISION
DOCKET NO. 21-CV-03247

GRUNDY, ALEXUS AND
BARREDA, GREY,
Plaintiffs,

v.

CITY OF BURLINGTON, VT,
Defendant.

)
)
)
)
)
)
)
)

AFFIDAVIT OF STEVEN A. LOCKE

I, Steven A. Locke, being first duly sworn, depose and say:

1. I am the Chief Engineer for the Burlington Fire Department for the City of Burlington, Vermont. I have held this position since February 2016 and have been a professional Firefighter for a total of 29 years.
2. In my capacity as the Chief Engineer for the Burlington Fire Department, I am aware of the City of Burlington's Sheltering on Public Lands Policy adopted in November of 2020.
3. I am also aware of the encampment on Sears Lane.
4. On October 13, 2021, my Department received a call and arrived at the Sears Lane site with first responders. They were then confronted by an individual with a rifle who threatened them. The first responders were able to safely leave the scene, but the individual with the rifle, which turned out to be an air rifle, was arrested. It is my understanding that this individual was released and has returned to the site. As a result of the threat, the City's fire and

ambulance services have requested a police escort every time they go to the site. These additional steps means that the time to respond to an emergency call will be delayed with the potential for substantial delays if the limited on-duty police are engaged in another call. When time matters, the loss of these immediate emergency services means that it is significantly more dangerous to be on the site.

5. My Department has also found evidence of several unpermitted and unsafe structures at the site, at least one of which was multi-story.
6. My Department also found evidence of extensive use of portable generators running on a near-continuous basis as well as unapproved heating sources. Such use is not allowed and presents a significant fire and carbon monoxide danger. The evidence indicates that these generators are being used for heat, lights, and other temporary utilities that will only see more demand in the coming days.
7. My Department came to the opinion that the site is a tinder box with the multiple gas powered mini-generators running continuously in poorly-vented and haphazardly-constructed sites. There is an immediate threat to public health from these devices, which only grow with each day.
8. The foregoing is true to the best of my knowledge and belief.

DATED at Burlington, Vermont, this 25th day of October, 2021.

ATTEST:



Steven A. Locke, Chief Engineer,
Burlington Fire Department

STATE OF VERMONT
COUNTY OF CHITTENDEN, SS.

At Burlington, Vermont this 25th day of October, 2021 personally appeared Steven A. Locke and acknowledged that the above Affidavit executed by him is true and accurate to the best of his knowledge and belief.

Before me: Thomas Musup
Notary Public
Commission Expires: 1/31/23
Commission #: 157.0013711



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

149 CHURCH STREET • ROOM 32 • CITY HALL • BURLINGTON, VT 05401
(802) 865-7144 • (802) 865-7024 (FAX)
www.burlingtonvt.gov/cedo

To: Public Works Commission

From: Brian Pine, CEDO Director
Samantha Dunn, Asst. Director for Community Works, CEDO

Date: March 7, 2022

Subject: Temporary Decommissioning of Elmwood Avenue Parking Lot & Proposed Parking Agreement

Background

The number of people experiencing houselessness and housing insecurity continues to be almost triple those pre-pandemic, and access to emergency housing is restricted from the levels available during the Winter of 2021. On December 16th, 2021, Mayor Weinberger released an action plan to fulfill the promise of housing as a human right. The ten-point plan included a number of initiatives including the creation of a new low-barrier shelter pod community in Burlington. In response, CEDO was tasked with developing an in-depth plan to procure shelter pods and associated infrastructure, find a suitable location within the City, and engage a trusted community partner to manage the project and ensure the delivery of social services.

The shelter module approach has proven effective in acting as a bridge to permanent housing in cities across the United States and is a time and cost-effective tool for sheltering the most vulnerable in the near future. The proposed shelter modules range in size from 60sf to 120sf and are designed to provide heat and electricity (no plumbing), a place to sleep and space to store belongings. Some modules are designed to accommodate a single person while others could accommodate partners and pets. On February the City Council approved an allocation of \$2.975M in ARPA funds for addressing the acute homelessness crisis in Burlington; this allocation included \$1.47M for the construction and operation for a new low barrier emergency shelter pod community with services. Contracts for the shelter pods have been signed and they are in production.

After analyzing ten potential sites, the Elmwood Avenue Parking lot has been identified as the location that will best meet the needs of the project because of its proximity to transportation, services and amenities and its ease of connection to municipal power, water and sewer. The City is proposing is proposing to use the parking lot for up to 36 months to serve as a location for this emergency shelter.

CEDO has been working directly with DPW to understand the current use and condition of the Elmwood Avenue parking lot where there are currently 70 permitted parking spaces for use Monday through Friday for \$55 per month. DPW has verified that the Lakeview and College Street Garage has the capacity to house the current permit holders at the Elmwood Avenue Lot. As a courtesy, we would like to request that the current Elmwood Avenue permit holders a reduced rate at the Lakeview and College Street Garage of \$55 per month.

Because DPW anticipates moving the lessors from Elmwood Ave to the Lakeview and College Street Garage, no loss of revenue is expected.

Attachments

Attachment A: Appendix C, Section 18 Draft Changes: The temporary decommissioning of the Elmwood Avenue Lot

Attachment B: Appendix C, Section 19 Draft Changes: Special Rate for Elmwood Avenue Lot permit holders at Lakeview/College Street/Westlake Facility

Attachment C: Draft Parking Agreement

Motions

1. To authorize and adopt the proposed changes outlined in Attachment A to Appendix C, Chapter 18, which would temporarily decommission 51 Elmwood Avenue ("Elmwood Avenue Lot" the city-owned lot on the west side of Elmwood Avenue near the intersection of Grant St) as a designated parking lot within the City of Burlington for the period inclusive of May 1, 2022 to April 30, 2025, conditioned upon the City Council's designation of the property as the location for temporary, emergency shelter from May 1, 2022 to April 30, 2025; and
2. To authorize and adopt the proposed changes outlined in Attachment B to Appendix C, Section 19 of the Burlington Code of Ordinances, which would allow the Department of Public Works to enter into parking agreements with current Elmwood Ave parking lot permit holders at a reduced rate of \$55 dollars per month for use of the Lakeview and College Street Garage beginning May 1, 2022 and ending April 30, 2025, conditioned upon the City Council's designation of the property as the location for temporary, emergency shelter from May 1, 2022 to April 30, 2025.

CITY OF BURLINGTON

In the Year Two Thousand Twenty Two

A Regulation in Relation to

Rules and Regulations of the Traffic Commission—
Section 18, Parking facility designations—
Temporarily suspending use of 51 Elmwood Avenue (Elmwood Lot) as a parking lot within the City of Burlington.

Sponsor(s): Department of Public Works

Action: _____

Date: _____

Attestation of Adoption: _____

[STAFF SPONSOR]

Published: _____

Effective: _____

It is hereby Ordained by the Public Works Commission of the City of Burlington as follows:

1 That Appendix C, Rules and Regulations of the Traffic Commission, Section 18: Parking
2 facility designations, of the Code of Ordinances of the City of Burlington is hereby amended as
3 follows:

4 **Section 18: Parking facility designations.**

5 **(a) As written.**

6 (b) Leased lot locations:

7 **(b)(1)** The city-owned lot on the west side of Elmwood Avenue near the intersection of Grant
8 Street, known as the Elmwood lot.*

9 **(b)(2)-(5) As written.**

10

11 *The designated use of the Elmwood lot is hereby suspended until April 30, 2025, at which
12 time such suspension will cease to exist.

13

14 ** Material stricken out deleted.

15 *** Material underlined added.

16

17 JP/hm: BCO Appx.C, Ch. 19, Sec.(b)&(c)
18 03/16/2022

CITY OF BURLINGTON

In the Year Two Thousand Twenty Two

A Regulation in Relation to

Rules and Regulations of the Traffic Commission—
Section 19, Parking Rates—
Special Rate for Former Elmwood Avenue Lot Monthly Permit Holders at the College Street/Lakeview/Westlake Parking Garage Facility

Sponsor(s): Department of Public Works

Action: _____

Date: _____

Attestation of Adoption:

[STAFF SPONSOR]

Published: _____

Effective: _____

It is hereby Ordained by the Public Works Commission of the City of Burlington as follows:

- 1 That Appendix C, Rules and Regulations of the Traffic Commission, Section 19: Parking rates,
2 of the Code of Ordinances of the City of Burlington is hereby amended as follows:

3 **Section 19: Parking Rates**

4 **(a) As written.**

5 **(b)(1)-(b)(7) As written.**

6 **(b)(8) College Street/Lakeview/Westlake Parking Garage Facility.**

7 **(b)(8)a.-b. As written.**

8

9 **(b)(8)c. Monthly Permit Rates.** Eighty dollars (\$80.00) for a five (5) day per week monthly
10 permit; the five (5) days per week shall be Monday through Friday (“standard work-week
11 permit”). Ninety-six dollars (\$96.00) for a seven (7) day per week monthly permit (“standard
12 calendar-week permit”). Twenty dollars (\$20.00) for a five (5) day per week monthly permit
13 for city employees when paid for by a City of Burlington department. Zero dollars (\$0.00) for a
14 restaurant/retail/service worker seven (7) day per week monthly permit with eligibility
15 determined by the department of public works within policy approved by the public works
16 commission. Fifty-Five dollars (\$55.00) for a five (5) day per week monthly permit for
17 individuals who held valid monthly parking permits at the Elmwood Lot as of April 30, 2022,
18 for the period inclusive of May 1, 2022 through April 30, 2025, after which such rate will
19 increase to the standard work-week permit rate. The director of the department of public works
20 or his or her designee may prorate monthly parking permit fees at times of sale and termination.

21 **(b)(9)-(16) As written.**

A Regulation in Relation to Special Rate for Former Elmwood Avenue Lot Monthly Permit Holders at the College Street/Lakeview/Westlake Parking Garage Facility

(c) The rate of charge for parking in leased lots shall be as follows, and those vehicles without a vehicle tag displayed in the proper position will be removed by wrecker at the owners' expense:

Location Rates

- (1) Elmwood Avenue and Grant Street:
Per month \$55.00*
- (2) Main Street adjacent to the metered parking lot located on the N.E. corner Main and Winooski:
Per month 60.00

**This rate shall be suspended and not chargeable for the period inclusive of May 1, 2022 through April 30, 2025.*

(d)-(f) As written.

** Material stricken out deleted.

*** Material underlined added.

Questions re: proposed Elmwood lot for shelter pod shanty town on PWC agenda for Wed.

From: [Solveig Overby](#)

Sent: Tuesday, March 15, 2022 4:32 PM

To: Brian Pine; [Samantha Dunn](#)

Brian,

I am not persuaded that the location will be attractive to the population CEDO plans to move there. The effort is well intentioned but I don't think it will meet the needs that CEDO hopes it will.

I'm disappointed that this proposal has not been vetted by the intended population expected to move there for up to three years. The homeless services agencies should have been able to assist the City in that effort. That CEDO didn't ask them to do that is problematic.

This proposal might look good on paper but in reality it doesn't do any better than the homeless options that have been provided for decades. It merely kicks the can down the road. What's needed is more SROs like St. Josephs on Elmwood. Why has no one been planning for developing this sort of housing? Because these are not profitable to developers and no one wants them located on their street. That's pretty clear from my perspective.

Agencies serving homeless folks have been in the business for years. They have not been successful in finding ways to house the % of the population that just don't function well within our standard social expectations, for a variety of reasons. Perhaps these well-meaning agencies don't want to face the unfortunate fact that what they offer does not work or feel safe for many people living on the street.

Sadly, CEDO is taking the same path, expecting a different result. I suggest you ask the homeless services agencies to help you collect information from homeless folks about where the Pods should be located and what services they need co-located with them: bathrooms and showers, laundry facilities, community kitchen, etc. Do it right.

Solveig

From: Brian Pine

Sent: Tuesday, March 15, 2022 3:42 PM

To: Solveig Overby; Samantha Dunn

Subject: RE: Question re: proposed Elmwood lot for shelter pod shanty town on PWC agenda for Wed.

Hi Solveig:

Your point about who has been consulted about the location is well taken. We are facing constraints in terms of time pressure and staff capacity to undertake this type of outreach. The location options are limited by many factors and we weighed those against the need to move rapidly. Given the fact that the State motel voucher program is coming to an end and most congregate shelters are not re-opening, the

need is so acute that location becomes somewhat less important. We focused on city-owned sites with easy access to all of the utilities and to services needed by residents.

None of the housing or homeless service agencies have expressed concerns about the location being unattractive to those experiencing homelessness. We consider them to be subject matter experts who know the population and their needs.

I wanted to add that one former Sears Lane resident recently asked Councilor Tracy how to get on the list for living here, and Rita Markley said that at least 2 residents expressed interest.

Thanks,

Brian

RE: Question re: proposed Elmwood lot for shelter pod shanty town on PWC agenda for Wed.

[Solveig Overby](#)

Sent: Tuesday, March 15, 2022 3:16 PM

To: Brian Pine; [Samantha Dunn](#)

Brian,

I'm concerned by your answers to my first two questions. They sound like well-intentioned housed people deciding how unhoused people should want to live without actually consulting them. This happens too frequently.

I will read through the other material you provided from the downtown business owners/managers questions.

My fourth question seems to have been missed.

Q4. Was there consideration of splitting the Shelter Pods up into different locations?

(Answer was located in Q&A with downtown business owners and managers)

Solveig

From: Brian Pine

Sent: Tuesday, March 15, 2022 2:36 PM

To: Solveig Overby; Samantha Dunn

Subject: RE: Question re: proposed Elmwood lot for shelter pod shanty town on PWC agenda for Wed.

Hi Solveig,

Your questions will be addressed first and then, I will share the other replies below that were discussed in a meeting with downtown business owners/managers:

Q1: Can you tell me which homeless services agencies were involved in the selection of the proposed location? Can you give me the names of a couple of the folks you worked with on this proposal so I can

check in with them before the Wednesday meeting? We have been in consultation with all pertinent City department and with multiple organizations that comprise the Chittenden County Homeless Alliance. While we did not involve homeless service organizations in the City's site selection process, many have expressed support for the location and have already heard interest from among their clients.

Q2: Can you tell me how many of the homeless people whose "shantys" were removed from the Sears Lane encampment and other homeless folks have been consulted about this new proposed location? We have not consulted with residents of the former Sears Lane encampment but at least one has expressed interest in living in a shelter pod at the proposed location.

Q3: Where are the other nine locations that were considered for location of the shelter pods?

These sites were all considered by City staff: (description of locations added)

305 Flynn Ave – church at the corner of Flynn and Pine St.

195 Flynn Ave - Across the railroad tracks from City Market South End store

220 Main Street – municipal parking lot at Main and S. Winooski (location of underground ravine sewer)

345 Pine Street – former Vermont Transit property where Farmer's Market is held-

51 Elmwood Ave – unclear where this location is

585 Pine / Electric Ave- Burlington Electric Dept. parking lot

70 Pearl Street – municipal parking lot behind old Bove's restaurant and Dunkin Donuts

901 North Ave – church parking lot at intersection of North Ave. and 127

BHS Parking Lot

Sears Lane

Community Meeting Model:

The development of this project will be guided by best practices from other communities across the country. By bringing together a community group around the site we can lower barriers, fear and conflict, and humanize our responses, as a community. This community meeting model operates at a number of other shelter sites around the country. It brings together stakeholders; site guests, staff and volunteers, community members, neighbors, faith groups, local businesses, local gov etc. By meeting and discussing questions or issues on site and identifying opportunities to collaborate the connections built help to reduce tensions, suspicion and conflict. We hope that our partners on Church Street agree to contribute to support this model.

Initial Shelter Pod questions from downtown business owners/managers:

1. What are the benefits of a the proposed location?

The CRC and Shelter Village are being co-located for efficiency of service provision and access. Many other services that the community experiencing homelessness need to access are located in our downtown. Our transport hub is downtown. This is a central site, city owned, accessible, and close to services.

2. Why is this location chosen and not using several sites?

After analyzing ten potential sites, the Elmwood Avenue Parking lot was identified as the location that will best meet the needs of the project because of its proximity to transportation, services and

amenities and its ease of connection to municipal power, water and sewer. There would be increased capital and operational costs of creating pod communities at more than one location.

3. “What behaviors might be discouraged or prohibited?” This is a low barrier emergency shelter. The definition of Low Barrier varies but essentially means that requirements for entry are limited or minimal. Focused on Harm Reduction, a low barrier shelter encourages participants to move closer to services and seek resources by removing obstacles to access. Folks are welcomed, barriers that may exist at other sites are removed. This does not mean that there are no limits on behaviors. There is an expectation that our community members obey the law and behave in a manner that is non-threatening and respectful. Illegal activity will be prohibited, as will weapons. The site operations will include written standards to meet needs of special populations, expectations of guests will be clearly communicated and easily accessible to guests and all staff and volunteers should receive training in trauma informed care.

4. What are grounds for being removed? – The site will be managed with operational policies and procedures that include formal processes for voluntary and involuntary discharge, and a required appeals process. These will comply with statewide standards for Emergency Shelter, be client centered, and recognize the rights of the individuals affected.

5. May guests consume alcohol and cannabis on the premises? The site proposed is for a low barrier shelter. Illegal activity is prohibited. There might be restrictions on outdoor activity (open container law etc).

6. How will hard drug use be handled? Illegal activity is prohibited on the site. Services will be available to all community members and the site will operate on harm reduction principles. Narcan will be available and staff trained on use.

7. What is the criteria for living there? Following statewide emergency shelter guidelines the prioritization might be as follows:

- a. Literally Homeless (Category 1) - Unsheltered
 - b. Literally Homeless (Category 1) – Staying in a motel not paid for by self, including those fleeing domestic or sexual violence
 - c. Literally Homeless (Category 1) – Staying in a place other than a motel, including those fleeing domestic or sexual violence
 - d. Imminently Homeless (Category 2) – Including those fleeing domestic or sexual violence
- Intake will be coordinated with other shelters, economic services and 211 to emphasize ease of access for those seeking emergency shelter.

8. What does a "managed site" involve?

The site will be managed by an operating partner organization. The site will be operated in accordance with statewide guidelines for Emergency Shelter. Operating partner will be responsible for overall site management and physical services. Other partner organization will contribute to human and social services for guests.

9. Will the CRC be co-located with the pods? Yes.

10. Timeline for Opening – July 1st is target date and this aligns with expected changes to the GA Emergency Shelter program that are expected to make hundreds of individuals ineligible for the program.

11. How can you assure us this will be well managed? The site will be managed and operated in accordance with statewide guidelines for Emergency Shelter. In addition actively pursuing a partnership with organizations experienced with similar operations, we are hoping for acceptance and partnership

from the wider community. We look forward to working with all stakeholders since we all have a part to play in supporting these vulnerable community members to stabilize their lives and return to safe and secure housing. We hope that we can rely on this generous business community to contribute their time and ideas to support this community wide effort.

Thanks and we can certainly discuss these issues further if you would like to talk by phone.

Brian

Brian Pine
CEDO Director
Community & Economic Development Office
City Hall, 149 Church St., Room 32
Burlington, VT 05401
(802) 578-6953
www.burlingtonvt.gov/cedo

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act. CEDO (including the Community Justice Center), as part of the City of Burlington, is bound by the Vermont Public Records Act. There are exemptions to this Act for certain personal and confidential information, and we will take steps to protect your privacy. If you have any questions, please ask us.

-----Original Message-----

From: Solveig Overby <soverby@burlingtonvt.gov>
Sent: Monday, March 14, 2022 5:40 PM
To: Brian Pine <bpine@burlingtonvt.gov>; Samantha Dunn <sdunn@burlingtonvt.gov>
Subject: RE: Question re: proposed Elmwood lot for shelter pod shanty town on PWC agenda for Wed.

Brian,

OK. Thanks.

Solveig

From: Brian Pine
Sent: Monday, March 14, 2022 5:01 PM
To: Solveig Overby; Samantha Dunn
Subject: RE: Question re: proposed Elmwood lot for shelter pod shanty town on PWC agenda for Wed.

Hi Solveig,

We got both of your emails regarding the location of the shelter pods. I will circle back with you as soon

as possible but no later than tomorrow mid-morning.

Thanks,

Brian Pine
CEDO Director
Community & Economic Development Office
City Hall, 149 Church St., Room 32
Burlington, VT 05401
(802) 578-6953
www.burlingtonvt.gov/cedo

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act. CEDO (including the Community Justice Center), as part of the City of Burlington, is bound by the Vermont Public Records Act. There are exemptions to this Act for certain personal and confidential information, and we will take steps to protect your privacy. If you have any questions, please ask us.

-----Original Message-----

From: Solveig Overby <soverby@burlingtonvt.gov>

Sent: Monday, March 14, 2022 4:02 PM

To: Brian Pine <bpine@burlingtonvt.gov>; Samantha Dunn <sdunn@burlingtonvt.gov>

Subject: Question re: proposed Elmwood lot for shelter pod shanty town on PWC agenda for Wed.

Brian or Samantha,

I'm reviewing Agenda item 6, the proposal to site the 30 Shelter Pods in the Elmwood Ave parking lot. I have some questions.

Can you tell me which homeless services agencies were involved in the selection of the proposed location? Can you give me the names of a couple of the folks you worked with on this proposal so I can check in with them before the Wednesday meeting?

Can you tell me how many of the homeless people whose shantys were removed from the Sear's Lane encampment and other homeless folks have been consulted about this new proposed location?

I'd like to confirm that the intended residents have weighed in and would choose to move to this parking lot location if it's constructed there.

Solveig

Please note that this communication and any response to it will be maintained as a public record and may be subject to disclosure under the Vermont Public Records Act.

5/12/2022 Ward 2/3 NPA Resolution 1:

"The Wards 2 & 3 Neighborhood Planning Assembly endorses the establishment of a temporary Shelter Pod Village and Community Resource Center on Elwood Avenue to support community members who are experiencing homelessness and we encourage the city to take proactive efforts to keep abutting neighbors informed about development plans and activities at the site."

Introduced by Jess Hyman, Ward 3

Recommendation to vote "No" on the Pod Village Resolution.

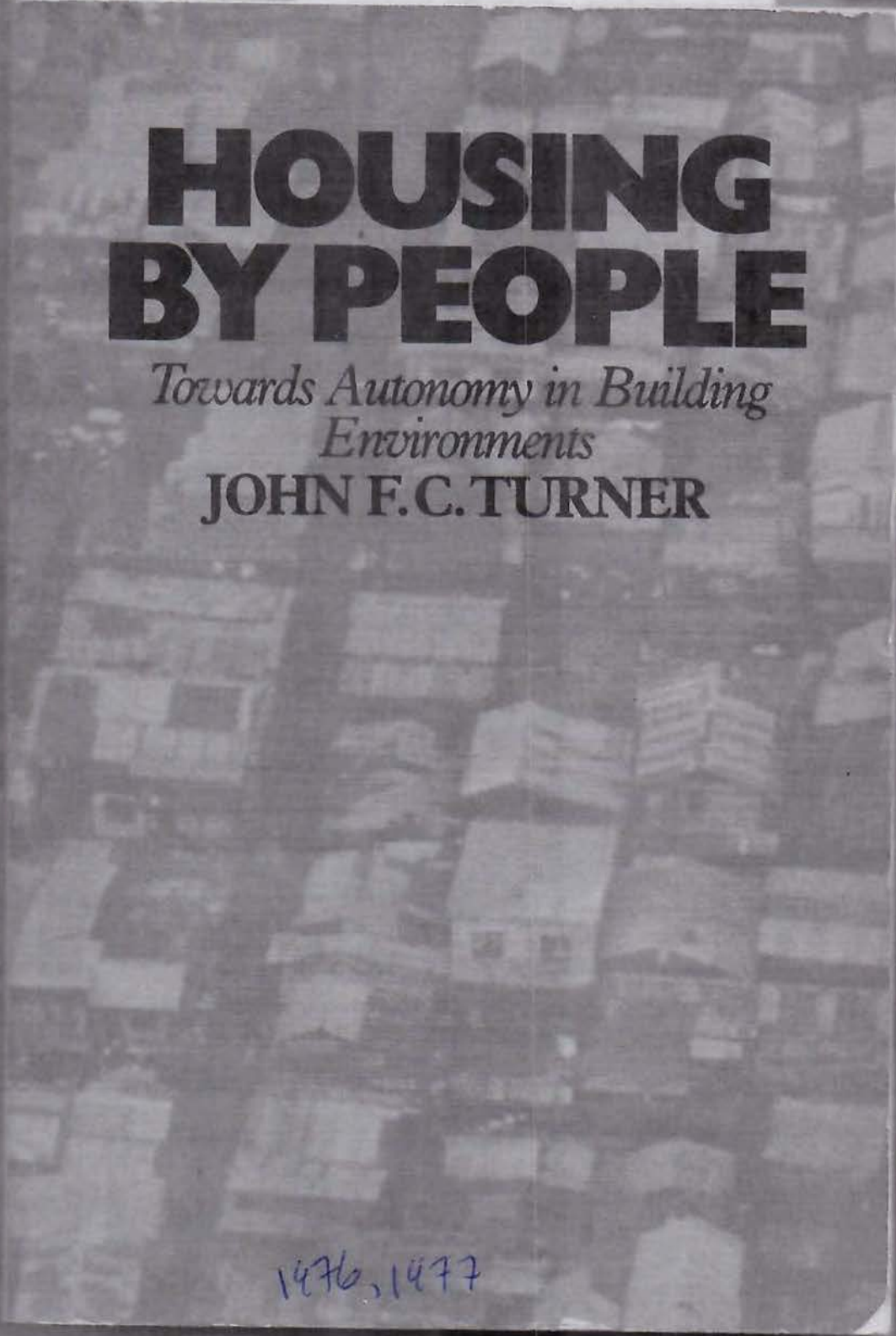
From Solveig Overby, soverby@burlingtonvt.gov

I recognize that the pod village plan which is the subject of the Resolution 1, was made by well-meaning, housed people.

However, I voted against the proposal at the March 16th Public Works Commission meeting for lack of details upon which to make a decision. The public is still coming up short on the details. I will be voting "No" on this NPA resolution for the following reasons:

- 1) The plan is expensive and perpetuates dependency of the houseless population on social service agencies.
- 2) There was no consultation with the homeless population or in particular, the Sears Lane residents whose homes were demolished prior to the Elmwood lot plan being chosen. Housed people have decided what houseless people should have for housing.
- 3) The plan denies houseless residents the dignity of making choices for meeting their housing needs and preferences. There is no opportunity for, or credit given, for being resourceful in managing one's housing with limited resources.
- 4) No budget has been provided to the public showing the projected costs for construction and operation of the pod village for three years
- 5) No social service agency has agreed to manage the facility
- 6) No document specifying the state regulations which govern the management of low-barrier shelters has been provided to the public

My opinions are informed by the works of John F.C. Turner, in particular, his books, Housing By People, and Freedom to Build where Turner says, "where dwellers are in control, their homes are better and cheaper than those built through government programs or large corporations."



HOUSING BY PEOPLE

*Towards Autonomy in Building
Environments*

JOHN F.C. TURNER

1976, 1977

\$3.95

John Turner's book is about housing, but it is also about the basic things in people's lives, the forces that control them and what people themselves are able to control. As Colin Ward says in his Preface, Turner is "something much rarer than a housing expert: he is a philosopher of housing, seeking answers to questions which are so fundamental that they seldom get asked."

Similar in many ways to the works of Ivan Illich and E. F. Schumacher, *Housing by People* also expresses the belief that networks of people can take hold of their own surroundings and order them intelligently without experts to decide what they need. Turner shows that in housing a most basic part of our daily environment has escaped our grasp. Using examples from underdeveloped as well as developed countries, he describes the kind of housing that has been imposed upon people by their governments and sets it against what individual communities can achieve when allowed to help determine the housing they will have. He argues convincingly that housing policies need not be dictated by central governments but can be put under local control. This is not to say that housing must be left to free enterprise or that modern technology should be abandoned; Turner maintains that local communities can be given access to national resources for meeting their own needs.

John F. C. Turner is now an independent consultant on low-income housing policies and teaches architecture in London. For many years, he was at the Harvard/MIT Joint Center for Urban Studies and was a lecturer at MIT.

Also available in a Pantheon hardcover edition

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TURNER & FICHTER

freedom to build

freedom to build

edited by

JOHN F.C. TURNER & ROBERT FICHTER

From their worldwide experience
the authors show that
where dwellers are in control,
their homes are better
and cheaper than those built
through government programs
or large corporations

Macmillan

1972

\$8.95

Who will decide how basic life needs are to be satisfied? Government agencies? Giant corporations? Or people themselves? These questions have been asked in the fields of education and health care. Today they are being asked with a special urgency in the field of housing as well.

As Robert Fichter writes in the Preface: "This is a book concerned with the activity called housing. From a variety of perspectives, the authors examine the participation or lack of participation of dwellers themselves in that activity. Their conclusions . . . are that as dwellers lose control over their living environments, shelter becomes a commodity of decreasing value to the individual and often an inordinate expense to society."

The authors, experienced in various fields and in many countries of the world, expose the wastefulness of institutionalized housing and show, by contrast, how self-fulfilling and productive the housing process can be when the user is in control.

The answer to the universal dissatisfaction with mass housing (and to the literal bankruptcy of many public housing projects in the U.S.) is provided by individuals, community groups, and other grassroots organizations which have brought back dwellers' traditional freedom to sponsor, build, or simply to manage their own homes. Housing is a paradigm of *all* human activities. Some approaches to housing are models of how those activities can be perverted. But when the user is in control, those activities can begin to achieve their natural expression.

William Grindley shows how 160,000 U.S. families, of all income levels, annually build their own homes, saving $\frac{1}{3}$ the construction costs of equivalent commercially built homes. Richard Spohn details legislation to support and extend the network of locally

(Continued on back flap)

Housing By People

John F. C. Turner 1976, 1977

has gone, and continues to go abroad to pay for oil and investment profits to big city financiers. On the other hand, most of the money spent on the far cheaper, pleasing, adaptable and convenient houses has gone and continues to go to small builders and artisans, and far less money goes to financiers and manufacturers of imported high-energy materials and equipment. Thanks to the freedom which the locally controlled system has given to the people to decide and even to build for themselves, the demand for local labour is maintained and the benefits stay with those who have exercised their own imagination and initiative, skills and responsibility.

3. THE VALUE OF HOUSING

What it does versus what it is

In the first two chapters I argued that the construction and maintenance of adequate housing, at prices people and society can afford, depends on the investment of resources which households themselves control. This argument has been based, in part, on the observation that the willingness of people to invest their energy and initiative and their savings or other material resources depends on the satisfactions they experience or expect as a result.

For large organizations to provide adequate housing, they must standardize procedures and products in order to operate economically. By necessity this conflicts with the local and personal variety of housing priorities which this chapter examines. It will explain how it is that the larger the organization and the more centralized management becomes the more frequent and the greater the mismatches are bound to be between people's housing priorities and the housing they get. As the mismatches increase, so does the users' dissatisfaction. As a result, their investment of local and personal resources decreases and other resources must be found as substitutes. These are generally heavy equipment and complex technologies suitable for centralized organization which they further reinforce. As these demand high proportions of scarce and increasingly costly resources, such as fossil-fuelled technologies and highly paid bureaucracies, financial inflation is inevitable. Any further streamlining of centrally administered housing systems to reduce costs only exacerbates what is becoming a vicious cycle where only the very wealthy or a heavily subsidized minority can expect to be adequately housed.

This and the next two chapters deal with the questions of values and standards, the economies and costs they help to determine, the demands and structure of authority that both generate society's values and economies and that are reinforced by them. These issues and problems are illustrated by the experience of ordinary people in common situations. Similar cases can be found in most contemporary urban contexts and I could have used examples from Ahmedabad or Boston. But the Mexican studies are more detailed and have been selected more rigorously, as well as being from a context that is neither exceptionally rich nor very poor. The case studies are from work-in-progress by Tomasz Sudra at MIT at the time of writing. This work is part of a long-term programme of research we initiated together in 1971.

Twenty-five in-depth case studies of moderate and lower-income households in metropolitan Mexico have been methodically selected from surveys to represent the common range of social situations and physical environments. Some of the poorest dwellings, materially speaking, were clearly the best, socially speaking, and some, but not all of the highest standard dwellings, were the most socially oppressive. One is shown in Fig. 19. The shack was occupied by a young car painter temporarily supporting his wife and small children as a ragpicker. The house (Fig. 20) was occupied by a sick and semi-employed mason, his underemployed wife and their student son. The shack was a highly supportive environment for the car painter's family, while the house was an excessively oppressive environment for the others. This apparent paradox, created by false values and confused language, is a very common one, especially in the majority of low-income countries as well as, and perhaps increasingly, in countries like Britain.



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Fig. 19. The provisional shack of a car painter's family temporarily dependent on rag-picking in a garbage dump in Mexico City. Being rent-free and close to work, urban facilities and relatives, this materially very poor dwelling actually maximizes the family's opportunities for betterment.



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Fig. 20. The modern standard house of a semi-employed mason, his unemployed wife and their student son. This materially high-standard dwelling, isolating the family from its sources of livelihood and demanding over half its income for the (subsidized) rent-purchase and utility payments, minimizes opportunities for betterment.

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The supportive shack

There had been a series of unusually wet seasons in Mexico so that paint drying took too long and the turn-over was too small for the car painter to make a living. In order to keep going, the family had moved in with a *comadre* (God-mother) who gave his family the use of her backyard and the facilities of her own house for as long as they needed it. The *comadre* was a *pepenadora*, or rag-picker, who had been allocated a new house when the shanty town by the dump, in which she and her neighbours and fellow rag-pickers previously lived, was eradicated by the public authorities. As a leader among the *pepenadores*, the *comadre* was able to give the car painter access to the dump from which he was able to make a fair living. The car painter was earning about 900 pesos, or approximately 20 per cent more than the absolute minimum for subsistence – just a little more than what is subsequently referred to as a *subsistence income*.¹

¹In the sense used in this essay, a person, family, or household (living in a cash economy) has a *subsistence income* when they must spend between 80 and 90 per cent on food and fuel alone if they are to eat well enough to keep themselves in good health. Close observations in Peru, corroborated by evidence from Mexico and other contexts, suggests that the poorest can often avoid payment for other essentials. Housing can be free through squatting or doubling up with friends or relatives (as in the case described in this chapter) and the journey to work may be made on foot. In many cases, the official 'minimum wage' is roughly the equivalent of a subsistence income for a family of median size in rapidly urbanizing countries (two or three adults and three or four children). As this version of a subsistence income is cross-culturally applicable to urban economies it is a convenient unit of income measurement permitting comparisons between totally different contexts without complicated and often misleading calculations of monetary exchange rates. A growing body of empirical evidence also suggest that there are some widely applicable generalizations with regard to multiples of the subsistence income unit. In Indian, North and East African, as well as South and Central American contexts the income threshold between those who can and cannot afford housing to approved official minimum standards (remarkably similar in remarkably dissimilar countries) appears to be between four and five times the subsistence level as I have defined it. It takes about twice as much (8 to 10 times subsistence) to pay for a standard of living similar to that enjoyed by median income families in highly industrialized and urbanized countries.

Thanks to its rent-free accommodation, the family has a small surplus for saving toward its anticipated move, perhaps towards the purchase of a plot of land and the construction of its own permanent dwelling. The family pays its share of the utilities – its shack is supplied with electricity from the *comadre's* house, and it uses the running water, washing, bathing and toilet facilities. In the relatively mild climate of Mexico City the poorly insulated shack is not too great a hardship as long as the roof keeps the rain out – which it does adequately thanks to the use of plastic and other materials culled from the dump. Together with the use of the enclosed and private backyard, the family has plenty of personal space for its domestic life. It is well located, both for work and social activities. There are shops and schools for the three children in the immediate vicinity, so little or no money has to be spent on transportation. Its security of tenure is invested in the *compadrazgo* (God-parent/God-child) relationship between the car painter and the owner-occupier of the property. As long as this relationship holds, the car-painter's family is secure, and it is rare that such relationships are broken.

The car painter's family is young. It is also optimistic about its future prospects and the couple are confident and self-respecting. Barring accidents and major depressions in the national economy – both of which are quite possible, of course, and are bound to be sources of anxiety – it is very likely that the family will greatly improve its social and economic condition in the course of the car painter's working lifetime.

Being young, healthy and motivated by expectations of future achievements, the car painter household's priorities are well matched by the housing services they have. They therefore need to maximize opportunities for the realization of the family's hopes and expectations, and they make the best use of their surplus – in this case to save as much of their income as possible in order to be able to take

advantage of opportunities as they arise. A very common opportunity could be a steady job that would justify investment in a permanent home. This in turn, would provide a substantial degree of security against risks of accident, economic depression or political upheavals. The family's present strategy, therefore, is to minimize housing expenditure. In order to do so, the family must be within walking distance of the earners' places of work and to other essential services. The physical quality of the shelter is secondary and almost anything will do as long as the health of the family is not unduly threatened, especially by contaminated water or exposure to damp and cold. As the family is on the look-out for new job opportunities, which may be in any part of the city or even in other cities, it must be free to move at short notice. Meanwhile, of course, continuity of tenure is important.

All these conditions are met by the car painter's shack. While the family would undoubtedly enjoy a higher standard dwelling this is relatively unimportant. In fact the car painter declined the *comadre's* offer of a room within her house as he did not want to risk damaging their relationship. This materially very poor dwelling was extremely well located for the family at that time; the form of tenancy was ideal, giving them security without commitment and the freedom to move at short notice; and the shelter itself provided all the essentials at minimum cost. The shack was, therefore, an admirable support for their actual situation and a vehicle for the realization of their expectations.

The oppressive house

The mason's modern standard house is disastrously unsatisfactory. Previously resident in a shanty town not far from their present site on the edge of the city, this family had been instrumental in pressing for rehousing when the existence of the shanty town was threatened by the

government authorities. Before relocation in the Vicente Guerrero public housing project (Fig. 20) the family supported itself from a small shop serving tourists and from the elderly husband's irregular employment as a semi-skilled mason. The family had a low income but with low housing and transportation expenditures, it was able to eat reasonably well and maintain a fair level of health. Their reported income during the period immediately before the move was about three times the subsistence minimum.

This family now lives in a vastly improved modern house, equipped with basic modern services and conveniences. However, this 'improvement' is endangering the lives of the family members, and in human and economic terms has led to a dangerous deterioration of their condition. Incredibly, the family is required to spend 55 per cent of its total income to meet the rent-purchase and utility payments. On top of this, the working members must pay another 5 per cent for public transportation to work – a total of at least 60 per cent of a reduced income on housing services alone. *Before* the family was spending 5 per cent of a larger income on their housing and journeys to work combined, and they could both eat well and save a proportion of their total income. *Now*, or at the time of the interviews in 1973, it is hard to see how they can survive as long as they maintain their rent-purchase and utility payments. If the assessment of subsistence living costs are approximately correct, this family is now forced to cut down its minimum food budget by about 60 per cent.

This family's situation would not be quite so bad if, in addition to the dramatic rise of their expenditure, they had not also suffered a substantial reduction of their income through the loss of the vending business which is forbidden in their new location. This double loss is typical of 'housing improvement' programmes for low and very low-income people. In spite of the anxieties created by overspending (sometimes on household goods which they feel are

appropriate to their new surrounds) or the risks of eviction for rent arrears, people appreciate the comforts of higher standard homes. An unpublished study of rehoused squatters in Rio de Janeiro ² confirms the common-sense expectation that people like comfort. In the Brazilian case some households that had given up paying rents that they could not afford were actually improving their flats. Laying down a parquet floor, for example, is a way of consolidating *de facto* tenure and a defence against eviction.

But it also confirms that the price paid is often disproportionately high and that much damage is done by dislocating people, by disrupting their economies, and by greatly reducing their social and economic security – far more than by allowing them to remain in materially poor surroundings.

Of course there is a danger that these facts can be used as an argument for laissez-faire. But they can also be used to argue for major changes of government housing and urban development policy. Changes in these conventional redevelopment programmes that appear beneficial but which, by evading the vital issues of building land and housing finance, are in fact instruments of oppression widening the gap between the poor and the rich.

The semi-retired mason's household is an elderly one, in contrast to that of the young car painter's. The mason and his wife were respectively 55 and 54 years old and had one son of 15. Their expectations for the future were low – at best the family could hope to maintain itself at a tolerable, if very low level. The husband was ill and unable to work at the time of the interview. The son was likely to split off and the elderly couple could not rely on their child for much support. Their main priority, therefore, was security. At their previous location in the shanty town – and like the

² Barney Rush, *From Favela to Conjunto: The Experience of Squatters Removed to Low-Cost Housing in Rio de Janeiro, Brazil*, Unpublished Paper, Harvard University, 1974

car-painter's family in their present location – the household optimized its budget by minimizing its housing expenditure. In its present (1973) housing situation however, the household is being forced to maximize its housing expenditures – not minimize them. Its budget is not a function of the household's priorities but, rather, of external conditions which are imposing an economic behaviour contrary to the members' interests.

In their previous situation there was a positive match between their priorities and their housing services. The family's housing priorities were naturally for security of tenure and access to their sources of livelihood. As events proved with the clearance of their shanty home, they did not have secure tenure, but they did have immediate access to their main source of income – their stall selling to tourists. The mason had good public transport connections to areas where there was work. The family was also able to economize on housing as they lived rent free and had only to pay for electricity. They were therefore able to maintain their rudimentary but tolerable shack in order. They were able to feed and clothe themselves reasonably well, and most importantly, they could save for security in their old age.

In their present situation they have lost nearly all these advantages and they acquired others of secondary importance. They lost access to a major source of income and as events proved, were unable to maintain the absurdly high level of housing expenditure. This had a two-edged effect: not only were they less secure in their tenure than before, but they were also unable to provide for their approaching old age; and, of course, their food and clothing needs were sacrificed for the benefits of their greatly improved shelter. Whether the family was more comfortable or not, with the anxiety and hunger that they certainly experienced as soon as their savings were used up, is a not-so-open question.³

The issue of housing value

If the usefulness of housing for its principal users, the occupiers, is independently variable from the material standards of the goods and services provided as the case studies and other sources show, then conventional measures of housing value can be grossly misleading. As long as it is erroneously assumed that a house of materially higher standard is necessarily a better house, then housing problems will be mis-stated in terms of the number of 'sub-standard' units 'needed' – that is, the difference between the number of households and the number of standard or above standard units occupied at acceptable densities in a given area and period. So long as these assumptions continue, it follows that the solution of such 'problems' is the replacement of sub-standard by standard or above-standard units. The evidence quoted above shows that 'solutions' of this kind can greatly increase the problems suffered by their intended beneficiaries. And this is an increasingly common observation in all contexts from Britain to Brazil where major 'slum clearance' and 'rehousing' schemes have been carried out.

This confusion and consequent error can only be avoided by recognizing the different meanings of 'housing' and 'value' and by using them properly. Market values are, of course, different from human values.

In English the word 'housing' means both the stock of dwelling units (a noun) and the process by which that stock is created and maintained (a verb).⁴ It is entirely reasonable to speak about the market value of houses. It is

³Since the interviews with this family in 1973, the subsidy on cornmeal, the staple diet of the poor, has been withdrawn and the price of *tortillas* and bread doubled overnight. This family is no longer living in Unidad Vicente Guerrero – hopefully they were able to sub-let and re-establish themselves in a situation similar to the one they were moved from with the illicit proceeds.

⁴John F. C. Turner, *Housing as a Verb*, in *Freedom to Build*, op. cit.

also entirely reasonable to speak about the human and social values of housing action, or housing processes. But it is absurd to mix these sets of terms and their meanings. As the cases show, the performance of housing, ie what it *does* for people is not described by housing standards, ie what it *is*, materially speaking. Yet this linguistic inability to separate process from product and social value from market value is evident in both commercial and bureaucratic language.

Social and institutional processes have many more or less quantifiable aspects; but, considered as understandable wholes, they are only partly quantifiable. Monetary or market values cannot be placed on them. And it is a disturbing sign of the decay of language and values in the modern world that official housing, building and planning terminology universally confuses the meanings of housing and of housing value.

It seems that all national and international housing and planning agencies mis-state housing problems by applying quantitative measures to non- or only partly quantifiable realities. Only in an impossible world of limitless resources and perfect justice – where people could have their cake and eat it too – could there be a coincidence of material and human values. For the present we must accept that as long as there are unsatisfied desires for material goods and services people must choose *between* the cakes they can afford to eat. So long as this fact of life remains, and as long as people's priorities vary, the usefulness of things will vary independently of their material standard or monetary value.

The vast majority of officials and professionals keep recommending the destruction of people's homes in order to solve those same people's 'housing problems' by providing them with alternatives either they or society cannot afford. In a world of grossly maldistributed resources and injustice, this is a huge, but very black joke.

Such stupidities are inevitable as long as those who perpetuate them have confused their values and lost their common sense of life's wholeness.

Housing problems restated

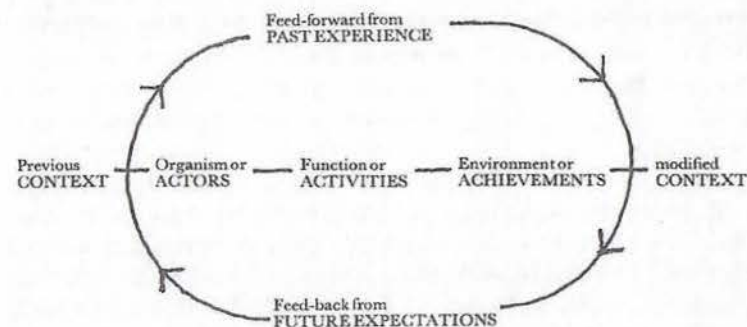
Georges Bernanos wrote that there is no greater evil than a problem mis-stated. Problems cannot be properly stated, however, unless the underlying issues are understood. All the evidence presented in this book is to show that housing problems can be restated in the light of human values that must be placed on housing processes. Together, they provide entirely reasonable interpretations and indicate actions that are both feasible and desirable for all concerned with well-being.

The real questions are those of human suffering and pollution, as they are directly associated with dwellings, their provision, and their management. Quantitative methods cannot describe the relationships between things, people and nature – which is just where experience and human values lie. They may be essential for determining resource allocation, and as aids in identifying complex systems and their components, but quantitative methods can only indicate, not measure, non-quantifiable components – the human realities of housing. Only by standing Lord Kelvin's dictum on its head can one make sense of it: nothing of real value is measurable.

Questions about the consequences of housing in people's lives can only be asked in words that describe processes and relationships. Housing must, therefore, be used as a verb rather than as a noun – as a process that subsumes products. Real values are those that lie in the relationships *between* the elements of housing action – between the actors, their activities and their achievements.

I use an adaptation of Patrick Geddes' (1877) and Bertalanffy's (1948) general systems models as basic descriptors of any particular housing process in its context

– as a subsystem of the larger system or systems of which it can be seen as a part. Any subject matter of value must have three elements: people, the things they do, and the relationships between the two. Or, as Geddes expressed it: *organism – function – environment* (where function is the relationship and both organism and environment are acting on each other). In the simplest useful terms, any specific housing process can be described as the interaction of the people (or *actors*) and their products (or *achievements*) through the medium of their roles and responsibilities (or *activities*.) As any such process must take place in a larger context in which the actors live (and have a multiplicity of other and independently variable relationships), and in which their achievements exist, there are three other elements: the pre-existent *context*, the subsequently *modified context*, and the direct relationships between them which bypass the particular process. Bertalanffy's simplified general systems model recognizes these direct relationships or feed-backs (and feed-forwards). In housing these are the actors' future *expectations* from their past *experience*. Following Bertalanffy, these basic terms can be conveniently arranged thus (Fig. 21).



On the understanding that the actors' or decisionmakers' will and their reasons are functions of their past experience and future expectations, the model may be stated as the following composite question: *Under what circumstances, will who do what, why and with what consequences?*

Fig. 21. A simplified model for the housing process based on Geddes and Bertalanffy.

It should be noted, however, that time does not flow from left to right so much as from the bottom up. Although there is a temporal sequence from existing to modified context, the three elements of the subject coexist and contextual modifications occur the moment an action is conceived.

Housing problems only arise when housing processes, that is housing goods and services and the ways and means by which they are provided, cease to be vehicles for the fulfilment of their users' lives and hopes. As the cases described above show, this may have nothing to do with the relative material standard of dwellings. To be of any positive and constructive use, housing problems must be restated in terms that indicate burdens or barriers created by housing procedures, goods and services; or in terms of waste resulting from the failure to use available resources, or the misuse and non-use of resources.

Values, measurement and indicators

'To undertake to measure the immeasurable is absurd and constitutes but an elaborate method of moving from preconceived notions to foregone conclusions.'⁵

Those who agree with Schumacher and reject the preconceived notions on which statistically defined 'housing problems' are based, and who therefore reject the conventionally foregone conclusion that houses of higher material standard are necessarily better than those with lower ones, must find an appropriate way of stating the problem.

The notion of quantifiable measures for human use values must be replaced by matching individual needs with housing – that is, procedures, goods, and services. As pointed out above, and as experienced by everyone who has to make a personal housing decision, the vital matches have to do with location and access to people and places, with tenancy and transferability, and with privacy and comfort.

⁵ E. F. Schumacher, *Small is Beautiful*, Blond & Briggs, London, 1974

Only the last item can be easily quantified and then the information can be grossly misleading, as already shown. Even if it were possible to quantify all these factors, it would be a useless exercise because one's priorities vary, often considerably and very rapidly, as one's situation changes. The quantities of houses, or forms of tenure, or even locations, tell us very little about the problems that households actually experience. If one already has a clear idea of the pattern of priorities in a given situation then, of course, these facts can be valuable *indicators*. They can point to the values of specific sets of housing procedures, goods and services, but they will not describe or measure them.

The obvious fact that use values cannot be quantified worries those who assume that housing can only be satisfactorily supplied by large-scale organizations. The immeasurability of use values is not in the least perturbing to the conventional capitalist. His value system can only admit the existence of market values in the sphere of commercial production, distribution and consumption. If what is good for General Motors is good for the country, then it must also be good for the citizen. The conventional socialist, on the other hand, has always been perturbed by the conflict of use and market values – and the more he or she clings to a faith in large organizations (and centralizing technologies) the greater the conflict becomes. On the other hand those who do not believe that large organizations can supply all people with personal goods and services, those who have neither a capitalistic nor an authoritarian outlook, need find no conflict or paradox. Material quantities and market values can be useful, even essential, *indicators* of use value, or of harmonies and tensions between supply and demand. But this principle can only be of use to those who see that the role of central administrations must be limited to ensuring personal and local access to essential resources – such as, in the case of housing, appropriate technologies, land and credit.

The real problem

In other words, to state the problem of housing (or of any other personal and necessarily local service) depends on who needs the statement and what it is used for.

If housing is treated as a mass-produced consumer product, human use values must be substituted for material values. Whether these are capitalistic market values or state socialist productivity values is immaterial. Both inevitably inhibit the investment of personal and local resources on which the housing supply itself ultimately depends – as explained in the first two chapters. However sensitive individuals in such heteronomous systems may be, they are locked into positions in which this contradiction is inescapable. But if housing problem statements are needed by planners and administrators of non-authoritarian and genuinely socialist societies, then their purposes are quite different. There is no inherent contradiction between the planners, needs and those of the people they serve.

As already pointed out and as will be explained more fully later, in a democratic and genuinely socialist context planning and administration are legislative processes limited to actions essential to establish and maintain an equitable distribution of resources. For centrally administered heteronomous societies, the quantitative information needed for such distribution is extremely complex, but in the case of non-authoritarian societies, the quantitative information needed is quite different and far simpler. All that the latter's central planners need to know is the pent-up demand for *resources* and large-scale *infrastructure* (public utilities and community facilities) which cannot be provided at local levels. Instead of needing to know how many houses are or will be demanded in a given place and time or for a given social sector the planners and administrators need only know the approximate quantities of building materials, tools and labour, land and credit that will be required. So long as the rules within

which building, management and maintenance take place ensure tolerable economy and justice, the local forms of these elements can be left to the people and the local entrepreneurs that serve them.

It is an unproven assertion that the problems which people actually suffer from – distortions of their household economies, social and geographic dislocations, insecurities of tenure or immobility, and discomfort and the lack of privacy – can be indicated by ratios and proportions of quantifiable factors. It is more of a working hypothesis, derived from my own studies in Peru in the sixties, and those Tomasz Sudra and I have been carrying out in Mexico for the past few years. We have tentatively concluded that two sets of factors are needed: a financially quantifiable set, and another which cannot be given monetary values with any consistency or comparability.

Monetary factors

On the financial side, the significant factors are: personal household *income* in relation to the *price* paid (for rent or amortization and other running costs); the *cost* to the suppliers of the services provided (of land, buildings and their servicing), and the *assets* owned by the occupants. In a 'planned economy' there is supposed to be no such thing as 'market value' or assets in the form of 'equity' – the share of that value accruing to the owner-occupiers after paying off mortgages or other liens. But, in most cases, there is a market in personal property, including houses – whether officially recognized or not.

The car-painter family's supportive shack shows a positive balance (Fig. 22b); the negligible price paid (a small contribution to his *comadre* as a share of utilities) is a positive imbalance with the household income – indicating, of course, a cost and possible imbalance for someone else, in this case, the *comadre* whose yard the shack is occupying

Comparative Evaluations

The windmill diagrams show the balances and trade-offs, and the imbalances and stresses between the principal housing values in the case histories used to illustrate the argument.

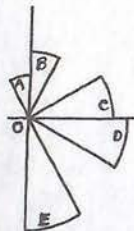
One set (22b-f) shows the patterns of monetary values and the other (23b-f) shows the non-monetary value patterns. By separating these accounts and by highlighting the ratios and proportions of key values, the arbitrariness and distortions of conventional cost/benefit analysis are reduced.

Each sail represents a value scaled in 5 intervals, from a very low value (A) to a very high value (E) through low (B), moderate (C), and high (D). Although these are given quantitative measures they are only approximate in most cases. The most significant information is in the patterns and especially in the matches and mismatches between the actual supply (shown solid) and the households' needs, priorities, or expectations (shown in outline).

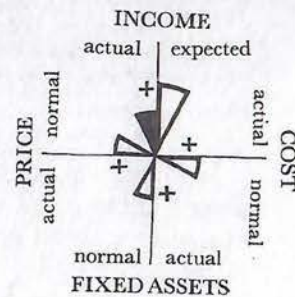
Positive, negative and mixed values of these mismatches are indicated by the corresponding signs. Mixed (+) values indicate positive for one sector and negative for another or others. Summary explanations are given in the captions.

Fig. 22a/23a

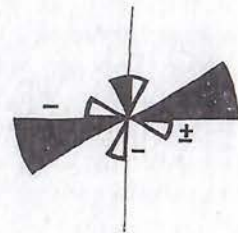
- O = Zero
- A = Very low
- B = Low
- C = Moderate
- D = High
- E = Very high



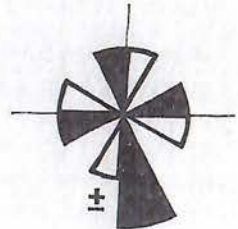
22b: The car painter minimizes costs by living temporarily in a shack in order to maximize savings and future opportunities to realize expectations. The lack of fixed assets ensures mobility and is therefore positive in this case.



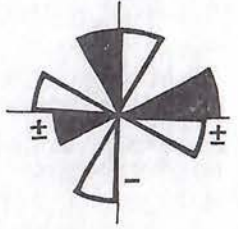
22c: The mason relocated from a squatter settlement to a project suffers the consequences of an extreme mismatch of price and cost with income. There is no compensation in the form of equity although, as he and his wife are elderly, the security of a fixed asset is important.



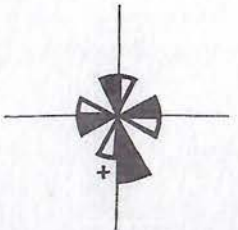
22d: The factory worker in the progressively developing unauthorized settlement has a balanced housing economy with the advantage of disproportionately high assets. This reflection of inflated land prices is a cost to society as a whole.



22e: The employee in the same project as the mason (22c) enjoys highly subsidized housing for which he is able to pay the economic price, unlike his neighbour. He benefits at society's expense. The lack of equity is temporary and relatively unimportant as income is relatively high and secure.



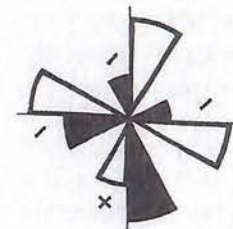
22f: The vendor, Mama Elena, has a well matched housing economy with exceptionally high assets like the factory worker (22d). As the land is squatted its value is less distorted by inflated market values.



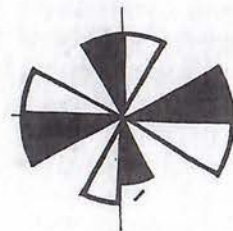
Non-Monetary Accounts



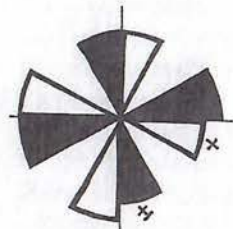
23b: The car painter maximizes access to sources of social and economic support at the expense of comfort and security of tenure. Priorities are well matched. The poverty of the shack is partially compensated by access to utilities.



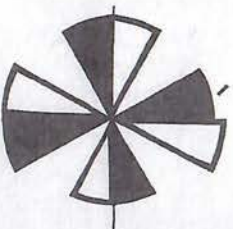
23c: The mason suffers from extreme mismatches on this side as well as in the monetary account. The family's highest priorities are unmet while their lowest is greatly exceeded.



23d: The factory worker has a very well balanced housing performance. The highest priorities for social access and secure tenure are met and the only imbalance, a somewhat lower than desirable standard, is temporary.



23e: The employee has a well matched housing performance with positive mismatches for the family for shelter and tenure. The former is at society's expense as shown in 22e.



23f: The vendor, Mama Elena, has a well matched housing performance in which all priorities are met with the partial exception of security of tenure. This will be consolidated when the present de facto tenure is legalized.

22a Key to Monetary Accounts

INCOME: average total household in multiples of subsistence minimum (S) from below 1½S to above 10S. A subsistence income is that which leaves about 15% margin after purchase of minimum food and fuel.

PRICE: rent or amortization, property taxes, utilities and maintenance paid by household. As % of income from below 5% to over 30%.

COST: construction or replacement cost to supplier whether owner-occupier, developer or landlord. From less than one year's household income to over 5 years' income.

FIXED ASSETS: equity owned by household or key money obtainable. From less than 1 year's income to over 5 years' income.

23a. Key to Non-monetary Accounts

SOCIAL ACCESS: dwelling location as a function of proximity to people on whom the household is dependent for social support. From next door to over 1 day's return journey.

ECONOMIC ACCESS: dwelling location as a function of proximity to sources of the household's income. From the same street to over 2 hours' commute by public transport.

PHYSICAL STANDARDS: space, construction and equipment standards from unsheltered and unserviced to modern minimum standards.

TENURE SECURITY: the duration of the household's option for continuous residence. From less than 1 month to more than a lifetime.

rent-free. The cost of erecting the shack was also negligible, so price and cost are in balance – no-one gains or loses. There is no market value as the car-painter cannot sell the shack to anyone (and would hardly get any cash from the sale of the materials even, given the proximity of the garbage dump from whence they came) so there is no equity or assets. One might read a negative imbalance between the household's income and the lack of housing equity; but, in fact, the household is saving in cash and has therefore transferred its potential equity to its savings account. If we knew how much they had stashed away we could indicate that – but this information is rarely available, for obvious reasons.

The unemployed mason family's oppressive house shows an extremely negative balance (Fig. 22c) they pay a price out of all proportion to their income. Even so, there is still a positive imbalance in the occupants' favour between the price (rent-purchase) they pay and the cost to the government for providing the house and its services, indicating a relatively high cost in public subsidies on top of the high cost to the family itself. The family has no equity, as virtually all their payments are for interest in the early years of the mortgage, and they are not free to sell on the open market and cannot transfer.

Non-monetary factors

Equally positive and negative balances are shown up when the non-monetary account is assembled (Fig. 23). This is made up of factors indicating relative *accessibility* (both geographic and social); relative *security* of tenure (both continuity and transferability); and relative physical *standards* (both for the dwelling and its surrounding). It should be noted that the conventional measure of housing problems – the physical standard of the building and its equipment – is but one of eight factors observed and analyzed in this account.

Of course these factors are difficult to quantify, but Sudra and I maintain that it can be done, and done more easily than in the orthodox methods of surveying housing conditions, through the proper selection of a small sample of case studies.

From the above descriptions it is clear that in the car-painter's supportive shack, the accessibility, tenancy, and comfort levels provided match the household's priorities admirably (Fig. 23b). The family has excellent access to their sources of livelihood and the people and services on which its domestic life depends; its insecure tenure suits its temporary status, and the relatively low physical standards are matched by a relatively low priority in this respect.

The mason's family's house, however, is largely negative in the non-monetary as well as in the financial account (Fig. 23c): the project is very poorly located in relation to workplaces, and is poorly equipped with community facilities. The family has also been separated from many of its former neighbours. Its tenancy is extremely insecure as the family cannot maintain the excessively high payments for long, and they cannot legally transfer or exchange it for a viable alternative. They enjoy the increased comfort, but they are paying with their personal health – for their greatly improved physical conditions cost so much of their income that they cannot properly feed and clothe themselves – in spite of the substantial public subsidy.

The problems people actually experience, personally or collectively, are those revealed by these imbalances: poor value for money, financial and social insecurity, isolation and dislocation, and, of course, the bodily and mental hardships of poor physical conditions and lack of privacy.

How much people suffer from such imbalances depends, however, on their actual situations and future expectations. As the examples show, people's priorities vary as widely as their incomes and future outlooks vary. It should now be obvious that no conceivable authority could possibly

anticipate the immense variety of household situations, priorities and specific housing needs. The huge efforts and sums spent on surveying housing conditions without reference to people's situations and priorities and without any clear understanding of the housing process, has done, and can only continue to do, a great deal of harm. It is not too much to say that these generally well-intentioned surveys and analyses have merely aided and abetted the destruction of urban communities, painfully built up by generations of people.

There is then, an argument for the redefinition of housing problems as functions of mismatches between people's socio-economic and cultural situations and their housing processes and products; and as functions of the waste, misuse, or non-use of resources available for housing. If this argument is accepted, then major re-orientations of policy must follow. If housing problems are not to be stated in terms of standard unit deficits, housing solutions can no longer be proposed in terms of unit production or productivity. Instead monetarily quantitative housing policy goals will have to be formulated in terms of redressing imbalances between incomes and prices, prices and costs, and costs and incomes. In non-monetary terms, policy goals will have to be reorientated towards the elimination of residential dislocation, insecurity of tenure, and housing-related psychosomatic disease.

4. HOUSING ECONOMIES

Resourcefulness versus productivity

In the last chapter I discussed the paradox of the car painter's shack made from scrap materials and the mason's minimum standard modern housing project unit. While the shack suited the needs of the car painter's family, the modern minimum unit was extremely oppressive for the mason's family. Despite all the mason's modern conveniences, the very poor shanty was clearly a better dwelling. This is the paradox in low-income housing of use-values versus material values. This chapter continues the discussion, using two case studies – a factory worker and a government employee – obtained by Tomasz Sudra in the course of our work in Mexico.

The case of the car painter and the mason is not a special one. The lower-income factory worker's owner-built dwelling (Fig. 24), in an unauthorized 'progressive development' (Fig. 25), is worth a great deal more to his family than the middle-income government employee's project unit is to his. The latter's house is of the same type and in the same housing project Unidad Vicente Guerrero as the mason's home (Fig. 20). And, as the following analysis will show, in a few years' time, the poorer man's house will be worth considerably more than the other's.

Our study of 25 representative cases in metropolitan Mexico revealed that the value of the larger dwellings of the lower-income group averaged more than those built by the higher income renters, whose incomes were up to three times larger than the lower income group. The contrast between rents paid by above median and below median income tenants is even more startling: low-income

Subject: Public Comment against, Project ZP-22-199 – 51 Elmwood Lot Pod Village

Scott,

I saw your name on this project, the Elmwood parking lot pod village, so I'm sending these materials to you, with a cc to Board members, for posting with the other materials on this project. I see it's on the Development Review Board agenda for tomorrow night, May 17.

I discovered when looking at the documents filed for the hearing tomorrow that few public comments about the project are included.

As a Public Works Commissioner, at the March 16, 2022 PWC meeting, I voted against the choice of the Elmwood lot for this pod village. On May 12, 2022 I spoke at the Ward 2/3 NPA against endorsing the project. Please include this message and the attached documents as part of the Board's record for consideration on this project.

In communications with CEDO Director Pine in preparation for the 3/16 PWC meeting, I was shocked to learn that no homeless folks had been consulted about the plan for the Elmwood lot pods, nor had any of the social service agencies. I was particularly concerned that none of the Sears Lane residents had been involved in how to replace the housing they had lost, or where the pods could most beneficially be located.

I'm attaching the scant information the Public Works Commission received in March upon which it was expected to vote on the Elmwood lot project. Also attached is a copy of my communications with Director Pine seeking information prior to that March 16 PWC meeting and his response that no homeless people had been consulted nor had social service agencies.

I'm including my comments made at the 5/12/2022 NPA meeting, along with a section from the John F.C. Turner book I refer to in my NPA comments, which partially informs my opinion about this project.

I acknowledge this plan has been made by well-meaning people. But they are frankly, well-meaning housed people deciding how unhoused people should live. The fact that no bicycle facilities were included other than the two spaces required by the DRB reveals just one blind-spot caused by excluding from the decision-making, the very people expected to live there. The lack of planning for winter usage is another blind spot. Are pod residents all supposed to fit into the 573 square foot Community Center with the other folks also seeking services there, to socialize in the winter?

Houseless people make choices about their housing based on their preferences and their resources. We can benefit them best by listening to their choices and providing resources to help them achieve housing that works for them. This plan perpetuates dependency on social services.

The project, sadly, will be a costly, short-term experiment. It will also be dangerous for pod residents, neighbors and other residents of the Old North End who regularly pass down Elmwood Avenue to get to the downtown. The 9-0 vote by the Church Street Marketplace Commission against using the Elmwood lot location for a pod village should be heeded. After this three-year, million-dollar experiment, I predict that Burlington will be in the same place it is now regarding homelessness.

Solveig Overby

23 North Champlain Street
Email request to defer hearing, received 5.17.2022

Hi Joseph and Mary,

I am sorry to say that I have had a change to my trip for work and I am now going to be on a plane during this meeting.

Would it be possible to postpone until a future DRB date?

Thank you,
Henry Stark
802-825-6433

Email 5.17.2022 from Trudy Richmond

Good morning,

Please add this to the growing list of public comments/submissions to the DRB agenda for tonight's meeting regarding Pod Village.

After reading through the comments section of the agenda for tonight's DRB meeting where the Pod Village project will be discussed, I was struck a statement made by Brian Pine in response to an email sent by Solvieg. In it he clearly stated,

"...the need is so acute that location becomes somewhat less important..."

I really want the Board members to see this statement and not have it get lost in all of the comment submissions.

While the location of Pod Village might not be important to Mr. Pine, it is exceedingly important to this Burlington neighborhood and the majority of its residents as well as the people he is attempting to house there.

To my knowledge, no survey was ever done to determine if the neighborhood residents and/or the potential "guests" of Pod Village thought the Elmwood Ave. location was a suitable option. This decision was basically done in a vacuum driven by a windfall of money and the idea that they needed to do something, anything, and to get this done at break neck speed. This is never the way to have a successful project and as such, is almost surely, doomed to fail from the outset. This is a waste of precious resources.

Trudy K. Richmond

Burlington Development Review Board

Department of Permitting & Inspections
645 Pine Street
Burlington, VT 05401
www.burlingtonvt.gov/DPI/DRB
Telephone: (802) 865-7188
Fax: (802) 863-0466

Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 17, 2022, 5:00 PM

AGENDA

Remote Meeting

Zoom: https://us02web.zoom.us/webinar/register/WN_Z6G3P2ykQDqGB4n1cQTdkA

Webinar ID: 865 8579 4606

Passcode: 331136

Telephone: US +1 312 626 6799 or +1 346 248 7799 or +1 669 900 6833 or +1 929 205 6099 or +1 253 215 8782 or +1 301 715 8592

- I. **Agenda**
- II. **Communications**
- III. **Minutes**
- IV. **Consent**

1. ZP-22-196; 98 University Road (I, Ward 1E) UVM State Agricultural College / Derick Reed

Install a permanent canopy roof over a section of the existing right field seating at Centennial Field. The area under the canopy-covered seats will be converted to concrete and a 6' wide pervious walk will be installed along the backside of the covered area. An area of pavement behind the grandstands will be restored to vegetation. (Project Manager, Ryan Morrison)

Approved

2. ZP-22-200; 38 South Winooski Avenue (FD5, Ward 8E) First Congregational Church / Doug Viehmann

Two-lot subdivision. No new development included. (Project Manager, Ryan Morrison)

Approved

V. Public Hearing

1. ZP-22-171; 23 North Champlain Street (RH, Ward 3C) Henry Stark

Establish a bed and breakfast (short-term rental) within existing duplex; one bedroom in each unit totaling 2 bedrooms (one unit owner occupied). (Project Manager, Mary O'Neil)

Deferred until June 7, 2022

2. ZP-22-97; 228 Maple Street (RH, Ward 6S) Mark Kuprych

Establish a bed & breakfast (short-term rental) use within one unit of the existing 8-unit apartment building. Applicant also requests a parking waiver. (Project Manager, Ryan Morrison)

Deferred until a date to be determined

3. ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Zoning Division at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Printed on 100% Recycled Paper

Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. (Project Manager, Scott Gustin)

Continued public hearing until July 5, 2022 (rescheduled to June 21, 2022)

VI. Certificate of Appropriateness

1. ZP-22-179; 48 Sunset Cliff Road (RL-W, Ward 4N) Mort Zachter & Nurit Zachter / Michael Koch

Construct single-family dwelling. (Project Manager, Scott Gustin)

Approved

VII. Other Business

VIII. Adjournment

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Burlington Development Review Board

Department of Permitting & Inspections
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Burlington, VT 05401
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Telephone: (802) 865-7188
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Brad Rabinowitz
AJ LaRosa
Geoff Hand
Brooks McArthur
Caitlin Halpert
Chase Taylor
Leo Sprinzen
Sean McKenzie, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday, May 17, 2022, 5:00 PM

Minutes

Board Members Present: All members were remote. Brad Rabinowitz, AJ LaRosa, Geoff Hand, Brooks McArthur, Leo Sprinzen, and Sean McKenzie

Board Members Absent: Caitlin Halpert and Chase Taylor

Staff Members Present: All members, but one, were remote. Scott Gustin, Mary O'Neil, Ryan Morrison (In-Person), and Joseph Cava

- I. Agenda
- II. Communications
- III. Minutes
- IV. Consent

1. **ZP-22-196; 98 University Road (I, Ward 1E) UVM State Agricultural College / Derick Reed**
Install a permanent canopy roof over a section of the existing right field seating at Centennial Field. The area under the canopy-covered seats will be converted to concrete and a 6' wide pervious walk will be installed along the backside of the covered area. An area of pavement behind the grandstands will be restored to vegetation. (Project Manager, Ryan Morrison)
Derick Reed, C. J. Knudson: Sworn in.

Brad Rabinowitz: Anyone who objects to this being a consent item?

Leo Sprinzen: Motioned to approve and adopt staff recommendations, Brooks McArthur 2nd. Vote 6-0. Motion carries.

2. **ZP-22-200; 38 South Winooski Avenue (FD5, Ward 8E) First Congregational Church / Doug Viehmann**
Two-lot subdivision. No new development included. (Project Manager, Ryan Morrison)
Doug Viehmann, Kristine Bickford: Sworn in.

Brad Rabinowitz: Are you okay with how this was recommended for approval?

Doug Viehmann: Yes

AJ LaRosa: Motioned to approve and adopt staff recommendations, Leo Sprinzen 2nd. Brooks McArthur recused himself. Vote 5-0. Motion carries.

V. Public Hearing

1. **ZP-22-171; 23 North Champlain Street (RH, Ward 3C) Henry Stark**

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Establish a bed and breakfast (short-term rental) within existing duplex; one bedroom in each unit totaling 2 bedrooms (one unit owner occupied). (Project Manager, Mary O'Neil)

Brad Rabinowitz: We've been asked to move this to a date certain, is this correct?

Mary O'Neil: Yes

AJ LaRosa: Motioned to defer to the June 21st DRB meeting, Geoff Hand 2nd. Vote 6-0. Motion carries.

2. ZP-22-97; 228 Maple Street (RH, Ward 6S) Mark Kuprych

Establish a bed & breakfast (short-term rental) use within one unit of the existing 8-unit apartment building. Applicant also requests a parking waiver. (Project Manager, Ryan Morrison)

Mark Kuprych: Sworn in.

Geoff Hand: Motioned to move to a date to be determined. AJ LaRosa 2nd. All in Favor 6-0 for approval. Motion carried.

3. ZP-22-199; 51 Elmwood Avenue (RH, Ward 3C) City DPW / Samantha Dunn

Establish temporary emergency shelter including 30 shelter pods, community resource center, and bathhouse. (Project Manager, Scott Gustin)

Samantha Dunn, CEDO, Brian Pine, CEDO, Sam Beal, Duncan Wisniewski Architects, Marcella Gange, CEDO, and Sarah Russell, CEDO: Sworn in.

Brad Rabinowitz: This project is subject to limited municipal review per VSA Statute §4413.

Samantha Dunn: This project is important to understand that housing is a human right, with an emphasis on housing for everyone. The project is for temporary/emergency housing for 36 months.

Brian Pine: The action plan was laid out with the initiative to end homelessness in the City of Burlington by 2025. 30 pods with a combined capacity of 78 individuals is the start to a comprehensive approach for creating more affordable housing in the City of Burlington.

Sam Beal: This shelter community will be another neighborhood in a collection of diverse City neighborhoods. Many factors were considered including grid formation patterns, traffic flow, and offsets for privacy. Other beautification design considerations include green spaces and upgrading the existing chainlike fence with a six-foot privacy fence and security gate for protection.

Samantha Dunn: These prefabricated shelter pods are also being designed for future use beyond the shelter community including farm stands or storage.

Brad Rabinowitz: Can you talk about lighting?

Sam Beal: There are two existing lights on the existing parking lot with other lights planned for the shelter pods, community resource center, and bath house.

Brad Rabinowitz: Will the lights be operation on a 24/7 basis?

Samantha Dunn: The lights will operate as they currently exist.

Brad Rabinowitz: Questions from the board?

Leo Sprinzen: How will residents be chosen?

Sarah Russell: We have been working with local outreach to identify those that are unsheltered and using the guidelines set by the State of Vermont.

Marcella Gange: It is important to correlate the States guidelines with the goal of the project to end homelessness.

Brad Rabinowitz: What are the limitations on when the community resource center is open?

Samantha Dunn: The resource center will be open between 9:00 AM and 4:00 to the general public, but will stay in continuous operation for residents of the shelter community.

Brad Rabinowitz: Is fencing a part of the lot or part of the proposed project?

Sam Beal: Chain link is not an attractive fencing material and considerations for alternative fencing materials with artwork is to heighten public perception of the shelter community.

Brad Rabinowitz: How are the pods heated?

Sam Beal: The pods will be heated and cooled with electricity which isn't ideal, but this is also a budgetary constraint.

Samantha Dunn: Electricity will ensure this project leaves a carbon free footprint.

Sean McKenzie: Do the project plans depict access for emergency vehicles?

Samantha Dunn: Yes, we have been working fire and emergency services on this.

Sean McKenzie: What is the method for snow removal?

Sam Beal: Snow will be carted away in dump trucks.

Leo Sprinzen: What are the chances of this shelter outliving its time frame of 36 months?

Brian Pine: Significant reinvestments are in the way for permanent affordable housing measures in the City of Burlington.

AJ LaRosa: If approved, would this facility be temporary, or would it outlive the 36 months?

Scott Gustin: Conditional approval is for 36 months. Any extension would require board approval.

Brad Rabinowitz: Public Comment

Eric Lafayette, Wanda Hines, Matt Byrne, Byrne, Gravel and Shea – representing McKenzie House residents, Mollie Flanagan, Michelle Borbas, Alexander Trombley, on behalf of Cooper Siegel, Joe Magee, Christopher Haessly, on behalf of Wards 2-3, Bari Kuhl, McKenzie House resident, Tucker Wright, Lacey Smith, Bill Jones, McKenzie House resident, and Bob Duncan: Sworn in.

Eric Lafayette: As a property manager across the street, I am concerned about the impact of these buildings and other issues like drugs and alcohol on the premises. These shelter pods are being made an exception to the residential zoning status and building codes of the area. It is disappointing that the city chose this location of multi-generational families with a use that is not conforming.

Wanda Hines: We and the City are no stranger to homelessness. As a member of the Joint Urban Ministry Project (JUMP), we closely examine the relationship we have with those around us. There will be risk and discomfort, but we at JUMP support what this project could do for the city in a controlled and sustaining environment.

Matt Byrne: VSA. Section §4413 is creating a broad interpretation of what is and is not allowed. Declarations from the members of McKenzie House are concerned how the facility will impact the quality of life for neighbors and residents in the area. The Mayor and City Council are in a difficult position regarding this project.

AJ LaRosa: Can you elaborate on a case study of VSA Section §4413?

Matt Byrne: These are the City of Burlington's regulations, which are stepping beyond the limitations of VSA Section §4413.

Scott Gustin: Limitations are addressed under Article 6 and the project classifies as a conditional use.

Mollie Flanagan: In our recent meeting of the Neighborhood Planning Assemblies (NPA), we put forward a resolution in support of the shelter pods which received overwhelming support.

Michelle Borbas: How are we going to ensure this site and its facilities stay clean? There are numerous examples in the City of Burlington of areas that are trashed and unkept. The circumstances that lead to homelessness stem beyond hard times and raises awareness to mental health issues.

Alexander Trombley: This is a failure of urban planning when compared to other shelter communities across the US.

Joe Magee: I am the City Counselor for Ward 3, and I am speaking for the representative for Ward 2 as well, and this is a great opportunity base upon other successes in Aurora, CO and Boston, MA. 54% of residents in the shelter communities showed potential for job placement and securement of essential documents like driver's licenses. In Burlington, we are also seeing an increase in homeless encampments and implementing it now provides security for the winter months.

Christopher Haessly: This is a step up from the shelter at Sears Lane, but I am unsure of the implementation of this project. A lot of the opinions being expressed tonight are NIMBYism. As part of the steering committee people who pushed the approval of this project had more input from city positions, than those of ordinary life.

Bari Kuhl: I live in McKenzie house, and the project staff have not addressed the concerns of the neighbors surrounding the project. Our landlord has worked hard to protect us, but the pod shelters will jeopardize the safety and security of surrounding residents. A lot of people living in McKenzie house are elderly with underlying health conditions that are exacerbated by the stress caused by the implementation of the pod village. I worry about COVID and what will happen if it passes from the pod village to surrounding neighbors.

Tucker Wright: This concept is good, but I have been unimpressed by the way CEDO has been moving forward in regard to the concern of the community members. The project has not been forthright with the conditions outlined and how they will manage it if they are unable to fulfill promises made during the conception of this project. This process is shameful and CEDO should be held accountable by permitting standards.

Lacey Smith: I am a social worker with the City of Burlington and there is no capacity for addressing homelessness between one year and multiple years. No other issue can be addressed if there isn't a collective impact between the community and people living and working within the pod shelters. We will be working at the community center on a daily basis, and we will also be available to the community to foster healthy relationships.

Bill Jones: I live in the McKenzie House, and I have gone through homelessness myself. I don't see or hear what people who are fortunate to have a home or access to resources to know what it is like to feel the way these people are feeling.

Brad Rabinowitz: We need to keep the discussion to the issue at hand.

Bill Jones: I am asking this rhetorically, what will this do, not just to the people living in the neighborhood, but the people being relocated to this area? These people deserve honor and respect.

Bob Duncan: I only want to say you, CEDO, have a difficult challenge moving forward. I think we know we are in a crisis situation because it is tackling homelessness and the wants of the greater community. I've worked most of my career in affordable housing and I've seen people against projects like this that are in favor in the end because they had a well written plan to incorporate and implement such a venture. It is important to change areas of the plan where necessary.

Brooks McArthur: I see additional hands waiting to speak. (On Zoom)

Brad Rabinowitz: I am open to suggestions on moving forward in public comments.

AJ LaRosa: I'd like to hear more about VSA Section §4413. I would recommend we continue this given the amount of public participation.

Mary O'Neil: Our next available DRB date is July 5, 2022.

Brad Rabinowitz: I don't intend on deliberating on this either and we should continue this as efficiently and effectively as possible.

Brooks McArthur: I recommend we have the City's attorney's office weigh in on this before the next DRB meeting in July.

AJ LaRosa: Motioned to continue this to the July 5th DRB meeting. Brooks 2nd. Geoff recused himself. Voted 5-0 for approval. Motion carried.

VI. Certificate of Appropriateness

1. ZP-22-179; 48 Sunset Cliff Road (RL-W, Ward 4N) Mort Zachter & Nurit Zachter / Michael Koch

Construct single-family dwelling. (Project Manager, Scott Gustin)
Mort Zachter, Jeff Kamuda, Michael Koch: Sworn in.

Brad Rabinowitz: Can you give us a brief presentation?

Michael Koch: We gave a presentation to the DRB for Phase I to demolish the previously existing single-family residence to construct a new single family residence during Phase II of the project. This project was reviewed and granted approval from the City Stormwater and Conservation Board.

Jeff Kamuda: All the lots along sunset cliff are long narrow lots, most being shielded from the road by vegetation. In addition to replacing the previous residence, the project team are using the existing constraints including the vegetation, driveway direction, and lakefront access.

Brad Rabinowitz: I appreciate that the footprint is smaller. Any questions from the board? None being heard.

Mort Zachter: It feels ironic given our application compared to the previous application for a homeless shelter.

VII. Other Business

None

VIII. Adjournment

Hearing closed at 7:09 PM.



Bradford L. Rabinowitz, Chair of Development Review Board

June 29, 2022

Date



6-16-22

Joseph H. Cava, Permitting & Inspections Permit Technician

Date

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