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

AJ LaRosa
Caitlin Halpert
Evan Gould
Geoff Hand
Sean McKenzie
Leo Sprinzen
Miles Waite
Marina Campbell, (Alternate)
Chase Taylor, (Alternate)

Development Review Board

Tuesday, October 7, 2025, 5:00 PM

645 Pine Street, Front Conference Room or Remote on Zoom:
Please click the link below to join the webinar:
Zoom: https://us02web.zoom.us/j/83225696227?pwd=SGQ0bTdnS000Wkc3c2J4WWw1dzMxUT09
Webinar ID: 832 2569 6227
Passcode: 969186
Telephone: US +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799

1. Agenda

2. Communications

3. Minutes

4. Consent

4.1.
ZP-25-426; 35 Algird Street (RL, Ward 7) Kathleen Haughey / Behulum Wude
Proposed establishment of coffee roasting home occupation. (Project Manager, Scott Gustin)

5. Public Hearing

5.1.
ZP-25-264; 93 South Winooski Avenue (FD6, Ward 3) Joan Handy / Laura Handy / David Garen
Variance request for proposed installation of six-foot-tall fencing. (Project Manager, Scott Gustin)

6. Certificate of Appropriateness

6.1.
ZP-25-467; 60 Clymer Street (RM, Ward 6) Brian Fisher
Proposed construction of a dormer on east side of existing house. (Project Manager, Mary O'Neil)

6.2.
ZP-25-456; 85 Lakeview Terrace (RM, Ward 2) Jovial King / Peter Kamitses / Kelley DesRoches
Proposed demolition of existing Accessory Dwelling Unit (ADU) to construct a new addition/renovation of existing house. (Project Manager, Mary O'Neil)

6.3.

ZP-25-442; 351 North Avenue (NAC-CR, Ward 7) 375 North Avenue, LLC / Ben Frye
Proposed revision to requirements of the Transportation Demand Management (TDM) plan for Cambrian Rise development. (Project Manager, Scott Gustin)

7. Adjournment

8. Informational and Non-Discrimination Statements

8.1.

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.

The City of Burlington will not tolerate unlawful harassment or discrimination on the basis of political or religious affiliation, race, color, national origin, place of birth, ancestry, age, sex, sexual orientation, gender identity, marital status, veteran status, disability, HIV positive status, crime victim status or genetic information. The City is also committed to providing proper access to services, facilities, and employment opportunities. For accessibility information or alternative formats, please contact Human Resources Department at (802) 540-2505.

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
vacant, Associate Planner
Joseph Cava, Permit Technician
Collin Naheedy, Code Compliance Officer

TO: Development Review Board
FROM: Scott Gustin
DATE: October 7, 2025
RE: ZP-25-426; 35 Algird Street

==========

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

Zone: RL Ward: 7

Owner/Applicant: Behulum Wude

Request: Establish coffee roasting home occupation.

Applicable Regulations:
Article 3 (Applications, Permits, & Project Reviews), Article 5 (Citywide General Regulations)

Background Information:
The applicant is requesting approval to establish a coffee roasting home occupation business. The property is a single detached dwelling unit and is located in a residential zone. The home occupation is subject to conditional use review. No site or exterior building changes are proposed.

Previous zoning actions for this property are noted below.

- 7/6/21, Approval to construct a front porch and modify a side porch
- 7/13/16, Approval to convert 3-season room, construct new entries and back deck, and install fence

Recommendation: **Consent approval** as per, and subject to, the following findings and conditions:

I. Findings
Article 3: Applications, Permits, 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 proposed home occupation is small in scale and will not increase demand on existing or planned public utilities. **(Affirmative finding)**

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

The subject property is located within the Residential Low Intensity zone and is in a neighborhood characterized predominantly by other single detached dwelling units on similarly sized lots. No exterior changes are proposed for the home occupation, and only one resident employee is proposed. There will be little, if any, evidence of the home occupation as perceived from the neighborhood. **(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;*

Coffee roasting activities will take place within the garage. No impacts from noise, dust, heat, or vibrations are anticipated. Roasting coffee beans produces an aroma. As the activity will take place within the enclosed garage, odor impacts outside the building will be limited. **(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;*

Traffic impacts, if any, are expected to be minimal. Just one employee, a resident of the property, will work the home occupation. No commercial vehicle deliveries are anticipated. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

The residence already has rooftop solar panels. No changes are proposed. **(Affirmative finding)**

and,

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

The home occupation will be subject to any applicable city or state requirements. **(Affirmative finding as conditioned)**

Article 5: Citywide General Regulations

Sec. 5.4.6, Home Occupations

Pursuant to the requirements of 24 VSA 4412(4), it is the intent of these regulations to provide for the use of a minor portion of a dwelling unit for a home occupation and to ensure compatibility with other permitted uses and with the residential character of the neighborhood. Such a home occupation must clearly be secondary or incidental to the principal residential use, and so located and conducted that the average neighbor, under normal circumstances, would not otherwise be aware of its existence.

(b) Conditional Use Review:

All home occupations not otherwise eligible for administrative approval above shall require review and approval by the DRB pursuant to the requirements of Art. 3, Part 5. In addition to the conditional use criteria, the following criteria must be met for any home occupation:

1. *A home occupation shall be conducted solely by resident occupants plus no more than one additional full-time equivalent employee in RL districts, and no more than two (2) full-time equivalent employees in other districts. The home occupation shall be conducted entirely within an existing dwelling unit and/or one enclosed accessory structure;*

   The home occupation will be operated solely by one resident occupant. **(Affirmative finding)**

2. *No more than thirty-five per cent (35%) of the floor area of said residence, including accessory structures, up to a maximum of seven hundred fifty (750) square feet, whichever is less, shall be used for such purpose;*

   Except for some administrative activities within the residence, the home occupation will occupy up to 294 sf in the garage; ~12% of the 2,472 total floor area of the dwelling unit. **(Affirmative finding)**

3. *No home occupation shall require alterations, construction or equipment that would change the fire rating of the structure or the fire district in which the structure is located;*

   No construction, equipment or alterations are proposed. **(Affirmative finding)**

4. *There shall be no outside storage of any kind related to the home occupation;*

   No outside storage is proposed. **(Affirmative finding)**

5. *There shall be no exterior evidence of the conduct of a home occupation except for:*

   A. *Occasional garage/lawn/yard type sales (up to twice a year not to exceed two (2) days each);*

      None proposed. **(Affirmative finding)**

      and

   B. *One non-illuminated attached parallel sign that shall not exceed two (2) square feet. No other signs shall be permitted.*

      None proposed. **(Affirmative finding)**

6. *No home occupation may increase vehicular traffic flow or parking by more than one additional vehicle at a time for customers or deliveries. All parking shall be located off-street and shall maintain the required front yard setback;*

   No increase in vehicular traffic flow or parking are proposed. There will be no customer visits or any onsite retail activity. **(Affirmative finding)**

7. *No home occupation shall create sounds, noise, dust, vibration, smell, smoke, heat, humidity, glare, radiation, electrical interference, fire hazard or any other hazard, nuisance or unsightliness which is discernible from any adjacent dwelling unit;*

   See Sec. 3.5.6 (a) 3 above.

8. *The home occupation shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character thereof or adversely affect the uses permitted in the residential district of which it is a part.*

   As proposed, the home occupation will be inconsequential to the residential district in which it is located. **(Affirmative finding)**

9. *Delivery of products and materials related to the home occupation by vehicles other than automobiles shall occur no more than once per day;*

   No commercial vehicle deliveries are proposed. **(Affirmative finding)**

10. *With the exception of one delivery per day, as specified in subparagraph (9), no more than one (1) commercial vehicle shall be allowed on the premises at any one time;*

    See criterion 9 above.

    and

11. *There shall be no sale of goods except for goods fabricated on the premises as part of an approved home occupation.*

    No retail activities will take place onsite. **(Affirmative finding)**

II. Conditions of Approval

1. It is the applicant's responsibility to comply with any applicable city or state requirements related to the proposed coffee roasting business.
2. Standard Conditions 1-15.

Department of Permitting and Inspections
645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188
www.burlingtonvt.gov/dpi

Home Occupation Application Questionnaire

Use this checklist for all applications for a home occupation - See Sec. 5.4.6 of the Zoning Ordinance. This questionnaire is provided to summarize details and is required to accompany a zoning permit application form and required fee (for either administrative approval or conditional use review).

Please note:

1. The specific requirements for home occupations can be found in Section 5.4.6 of the Comprehensive Development Ordinance which is available in its entirety on our website at www.burlingtonvt.gov/PZ
2. A 'Business Personal Property Registration Form' may be required to be submitted to the Assessors Office. This form is available at www.burlingtonvt.gov/assessor/businesses

Name of Business Proposed: Alamura Coffee LLC

Type of Business Proposed: Coffee Roasting

Provide a detailed description of the proposed Home Occupation such as: activities involved; materials and equipment used; quantities of materials and equipment stored on-site; methods of operation; hours of operation.
This may be done on a separate piece of paper and attached.

Please respond to the following:

1. How many persons will be involved or employed in the conduct of the proposed Home Occupation:
   Residents of premises: 1 Others _____ Total Number 1

2. What type of product will be produced, serviced, or repaired in the conduct of your Home Occupation? (For example: repair of clocks or watches, making jewelry, etc.). Explain:
   Coffee Roasting

3. Describe any alterations to the home or premises that might be required to facilitate your Home Occupation:
   No Structural changes or exteranl modification to the property are anticipated and all activities will remain consistent with residential use and neighborhood character.

4. Describe what rooms will be used in the conduct of the Home Occupation and how these rooms will be used. (For example: garage will be used to store supplies; or den will contain desk and file cabinets, etc.). Indicate the gross floor area(s) that will be used in the conduct of the Home Occupation. Indicate the total gross floor areas of your house and include any accessory structure(s) to be used for the Home Occupation, (Ex. Garage).
   Living room or dining area - this space will be used occasionally for administrative tasks.
   Garage- will serve as the main roasting area and will also be used to store equipment and supplies.
   No Customer visits , signage or retail activity will take place at the residence.

5. Describe the mechanical and/or electrical equipment that will be necessary to conduct your business activity:
   Coffee Roasting - A small , electric coffee roasting machine (Behmor 2000AB works with 120 v or 220v) suitable for home use,scale,coffee grinder and coffee bags.

6. Describe how, where and in what amounts the material, supplies and/or equipment related to your Home Occupation will be displayed or stored:
   small coffee roasting machine will be stored in the garage and green coffee beans will be stored in the main house in the office room.

PLEASE TURN OVER

7. Will people come to your home to obtain any product or utilize any service connected with the proposed Home Occupation activity? Yes _____ No x_____
If yes, please explain in detail:
_____
_____

8. Are any signs necessary or proposed relative to the Home Occupation?
Yes _____ No x_____
If yes, you are required to file for a Sign Permit. An application form can be obtained at the Planning and Zoning Department or on our website.

9. If trucks or other equipment will be used in your Home Occupation, where will they be parked or stored?
On the drive way,which can hold up to three SUV cars
_____

10. Will the Home Occupation involve the use of commercial vehicles for delivery of materials to or from the premises? Yes_____No__x__
If yes, please explain:
_____
_____

11. How may parking spaces will be provided for the home occupation? _____
Where will they be located? Indicate parking spaces on a site plan of this property as part of your application submission.

12. Is your proposed Home Occupation in conformance with the conditions, covenants and restrictions pertaining to your property? Yesx_____No___
We suggest checking your deed for conditions, covenants and restrictions.

I have read and understand 'Sec 5.4.6 Home Occupations' under the City of Burlington Comprehensive Development Ordinance and believe that to the best of my knowledge my proposed Home Occupation would not violate any portion of said Ordinance:

Applicant's Signature: _____

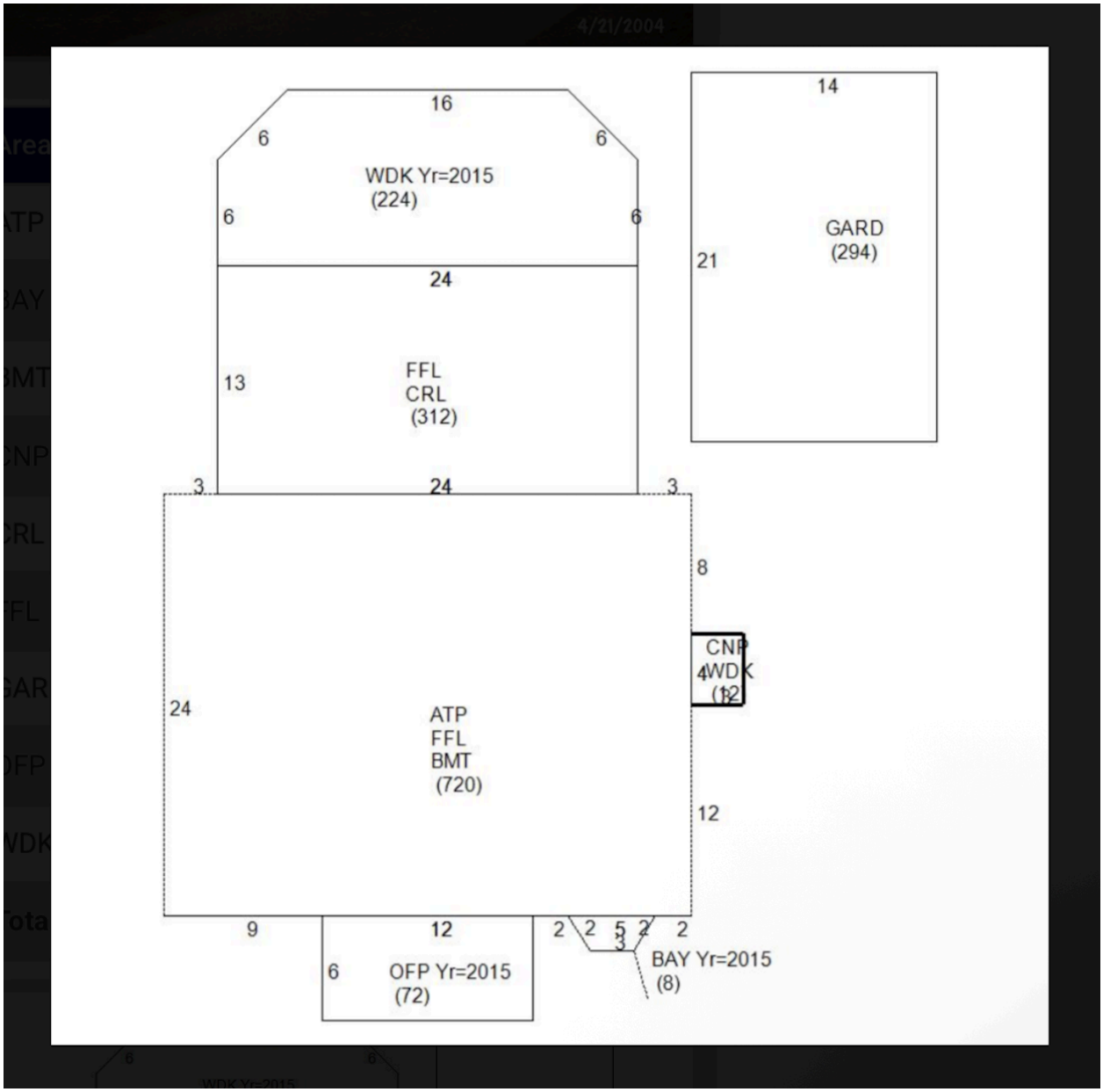
Date: 8/26/25

Property Owner's Signature: _____

Date: 8/26/25

35 Algird st burlington VT 05408

1, Existing garage spaces 294 sq
2, NO - proposed changes along with dimensional information.



4/21/2004

Department of Permitting & Inspections
Zoning Division
645 Pine Street
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William Ward, Director
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Joseph Cava, Planning Technician
Collin Naheedy, Code Compliance Officer

TO: Development Review Board
FROM: Scott Gustin
DATE: October 7, 2025
RE: ZP-25-264; 93 South Winooski Avenue

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Zone: FD6 Ward: 3C

Owner/Applicant: Joan Handy / David Garen

Request: Variance request for proposed installation of 6 ft tall fencing.

Applicable Regulations:
Article 12 (Appeals and Variances)

Background Information:
The applicant is seeking a variance from the applicable downtown fence height limitation. Specifically, the applicant is seeking approval to allow a fence of up to 6' tall within the first lot layer of the subject property. Per Sec. 14.6.8 (b), *Site Standards*, of the Comprehensive Development Ordinance, fences downtown within the first lot layer of a property (between the building and the front property line) are limited to 4' in height.

No development is included in this application. If the variance is granted, a separate fence permit application will be required prior to construction. The contemplated fence has changed from chain link around most of the property to a metal picket style along the western property line. A 50' stretch of 6' tall fence is proposed with another 35' of 4' tall fence along the western property line.

Several applications to exceed the downtown fence height limitations have been filed over the past few years. None have been approved, except for those seeking alternative compliance for an extra 20% (8") height.

Previous zoning actions for this property are as follows:
- 5/8/23, Approval to remove canopy and underground tanks
- 12/30/05, Approval to replace canopy signage
- 9/25/92, Approval of an addition and parking waiver
- 4/22/91, Approval of replacement signage

Recommendation: **Variance denial** as per, and subject to, the following findings:

I. Findings
Article 12: Variances and Appeals

Sec. 12.1.1 Variances

(a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that unnecessary hardship is due to such conditions, and not the circumstances or conditions generally created by the provisions of the zoning regulation in the neighborhood or district in which the property is located.

There are no unique physical characteristics of the lot dimensions or topography. It is an approximately rectangular downtown lot that is mostly covered by the building or parking and circulation areas. The property is a corner lot and has frontage on three public streets and, therefore, has three front yards. Nothing about the lot configuration inhibits installation of a compliant fence. **(Adverse finding)**

(b) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning regulation and that the authorization of a variance is, therefore, necessary to enable the reasonable use of property.

There are no physical circumstances or conditions that prevent development of the property in conformity with the zoning code. The three street frontages result in a first lot layer around much of the property; however, as noted above, nothing about the lot configuration precludes installation of a compliant fence. **(Adverse finding)**

(c) The unnecessary hardship has not been created by the applicant.

A fence of compliant height may be permitted. There is no unnecessary hardship precluding it. The applicant; however, would like a 6' tall fence. **(Adverse finding)**

(d) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, substantially or permanently impair the appropriate use or development of adjacent property, reduce access to renewable energy resources, nor be detrimental to the public welfare.

The variance, if authorized, would result in a fence substantially taller than other fences permitted within the first lot layer of downtown properties. That said, it would not alter the essential character of the neighborhood or district within which it is located. **(Affirmative finding)**

(e) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least deviation possible from the zoning regulation and from the plan.

The requested height is 2' taller than otherwise permissible. Alternative compliance would enable a lesser increase in height (up to 20% more than 4') and would be a permissible deviation from the standard regulation. **(Adverse finding)**

(f) The variance, if granted, will not result in the extension of a non-complying situation or allow the initiation of a nonconforming use of land.

The requested variance is significant. Authorizing the excess height would be inconsistent with several downtown fence applications that have been limited to the prescribed height or, with DRB's alternative compliance approval, slightly more. The 6' height would be a nonconformity. The stretch of 4' tall fence immediately north of the proposed 6' tall fence would also conflict with the 3' height limit for roadway intersections. Sec. 5.2.6 (d), *Clear Sight Triangle*, limits fences to just 3' tall for 25' in either direction away from a street corner. **(Adverse finding)**

II. Reasons for Denial

1. Per the adverse findings in Section I above.

Request for panel fence height variance

By applicant:

Joan Handy, owner/manager

Simon's Downtown Quick Stop

93 South Winooski Avenue

Burlington, VT 05401

Description of property

The property comprises a lot approximately 66 feet wide and 145 feet long. Two major structures on the lot are gas pumps, centrally located north and south on the east side, and the store building, which occupies the southwest corner. The lot is largely open on all sides. Parking spaces are provided for store customers, and the open lot allows easy access to the gas pumps from Bank Street and South Winooski Avenue. Pedestrians can walk to the store from almost every direction.

Regulatory provisions applicable

Applicant requested a permit to erect a fence for safety purposes. In reviewing the request, in which a six-foot high fence is desired, an on-site meeting was held between Dave Garen, working on behalf of applicant, and Garrett King, representing the city. Mr. King said he could administratively approve a 42-inch high fence, that a 48-inch high fence might be doable with a waiver, but the requested 6-foot height was not possible without a DRB approved variance, so we proceed with this understanding.

Relief requested

Applicant requests a variance to install a see-through, six-foot high panel fence from the northwest corner of the store building, extending north next to the sidewalk until the last 10-15 feet before the corner.

Unique physical circumstances or conditions

The property is a busy convenience store. The building can be approached from all sides to access the entrance door on the north side. Applicant and store employees can police the lot outside, telling loiterers and those high on drugs, running all over the lot, to leave. The lot belongs to the store, so control of the lot is generally possible. The store cannot control people on the sidewalk, which is public property. Applicant asserts that 90% of people lurking on the sidewalk have been tresspassed from the property for multiple instances of shoplifting and harrassment of customers.

Reasonable use of the property

The store has a reasonable need for its customers not to be harrassed, and to protect customers and employees walking in and out. The focus of lurkers is the entrance of the business. People coming and going are spending money, expected to have money on them, so are therefore a target of aggressive panhandlers. That is why it is important to have a six-foot high fence, to strongly discourage loitering on the sidewalk in that area.

Already tresspassed people walk from the sidewalk to customers pumping gas and demand money. Store employees may catch this occurring and warn the tresspasser off, return to duties inside, and the tresspasser starts again. More aggregious acts are when a customer arrives by car and parks, goes inside, then comes out to find someone trying to get into their car.

Many times, often more than once daily, a car will pull in and park, but no store business takes place. Loiterers approach the car from behind the building and hang out for 10-20 minutes. Such a car might occupy the parking lot for an hour or more until caught and told to move on.

Applicant has not caused this problem

Applicant and store employees have spent countless hours interacting with people tresspassing on the property, laying down the rules, and generally getting trouble-causing people to leave.

The variance will not alter the essential character of the neighborhood

A fence presents a somewhat visual barrier, even a see-through panel fence as is desired. People loitering in the area are also a real barrier to people trying to peacefully

walk by on the sidewalk. It is desired that the fence to be installed match the neighboring fence to the south of the property. The effect of the neighboring six-foot fence appears to be that loitering there has largely stopped. It is expected that with the six-foot high panels starting at the northwest corner of the building and continuing down the rest of the property line, the occupation of the sidewalk will be pointless, and therefore eliminated.

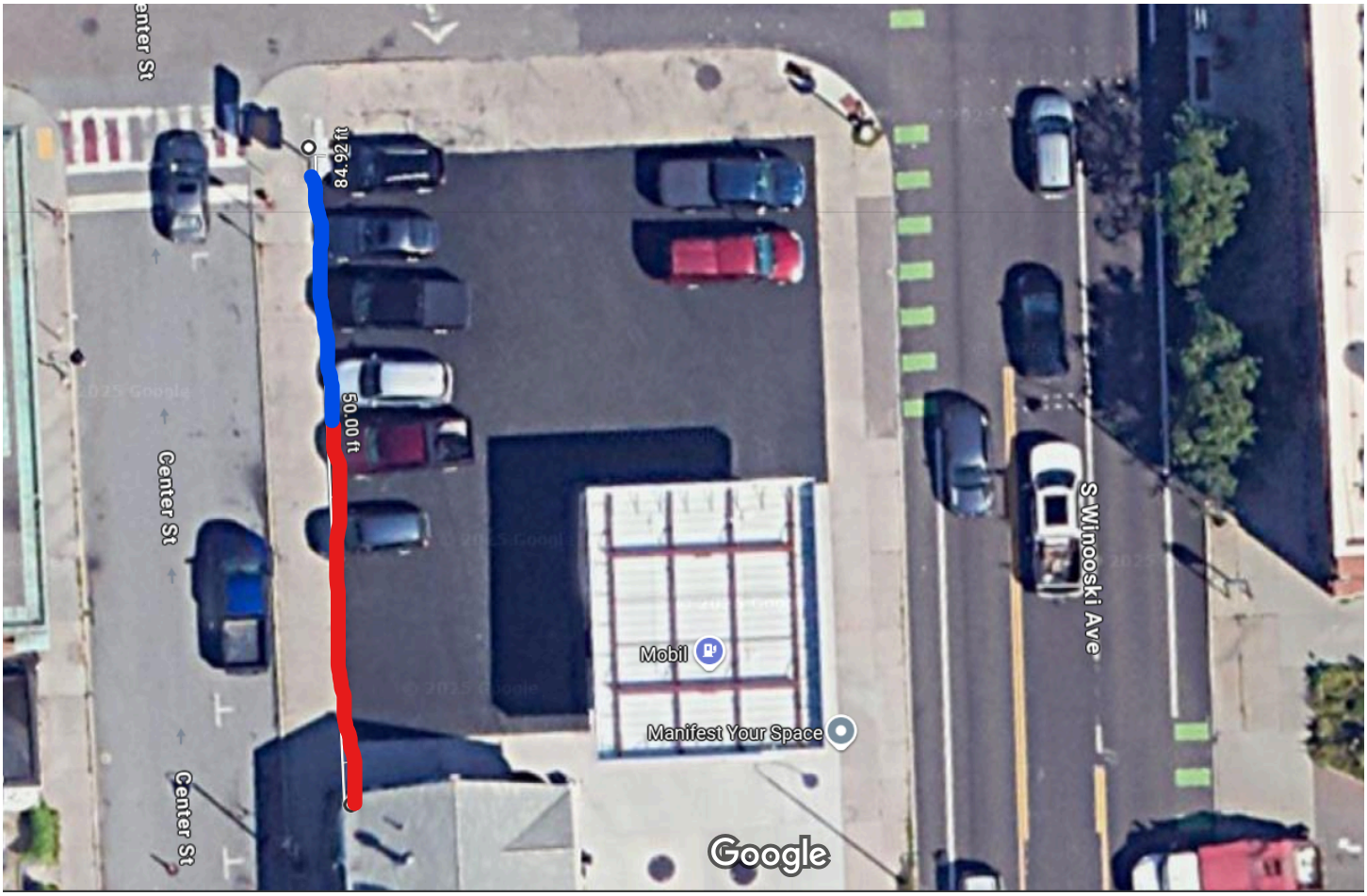
The variance request represents the minimum that will afford relief

The six-foot high panel fence is needed to strongly discourage individuals from harrassing customers and employees near the business entrance and prevent crossing onto the property. 48-inch panels would encourage leaning on the fence with elbows, chatting, hanging out, and other activity not conducive to store business. If it can be leaned on with an elbow, it will be tempting to climb. This barrier is critical to the protection of the business, and six-foot height is needed to adequately address the ongoing problems.

The variance will not result in either the extension of a non-complying situation or allow the initiation of a nonconforming use of land

A fence protecting customers from aggressive loiterers and tresspassed persons does not create a problem but solves one. Applicant did not create the problem of people repeatedly harrassing customers. Applicant's pursuit of the requested fence and the expense of installing it is expected to greatly diminish the problem and restore a large measure of peace and order to a busy convenience store business, and to the nearby area.

Google Maps

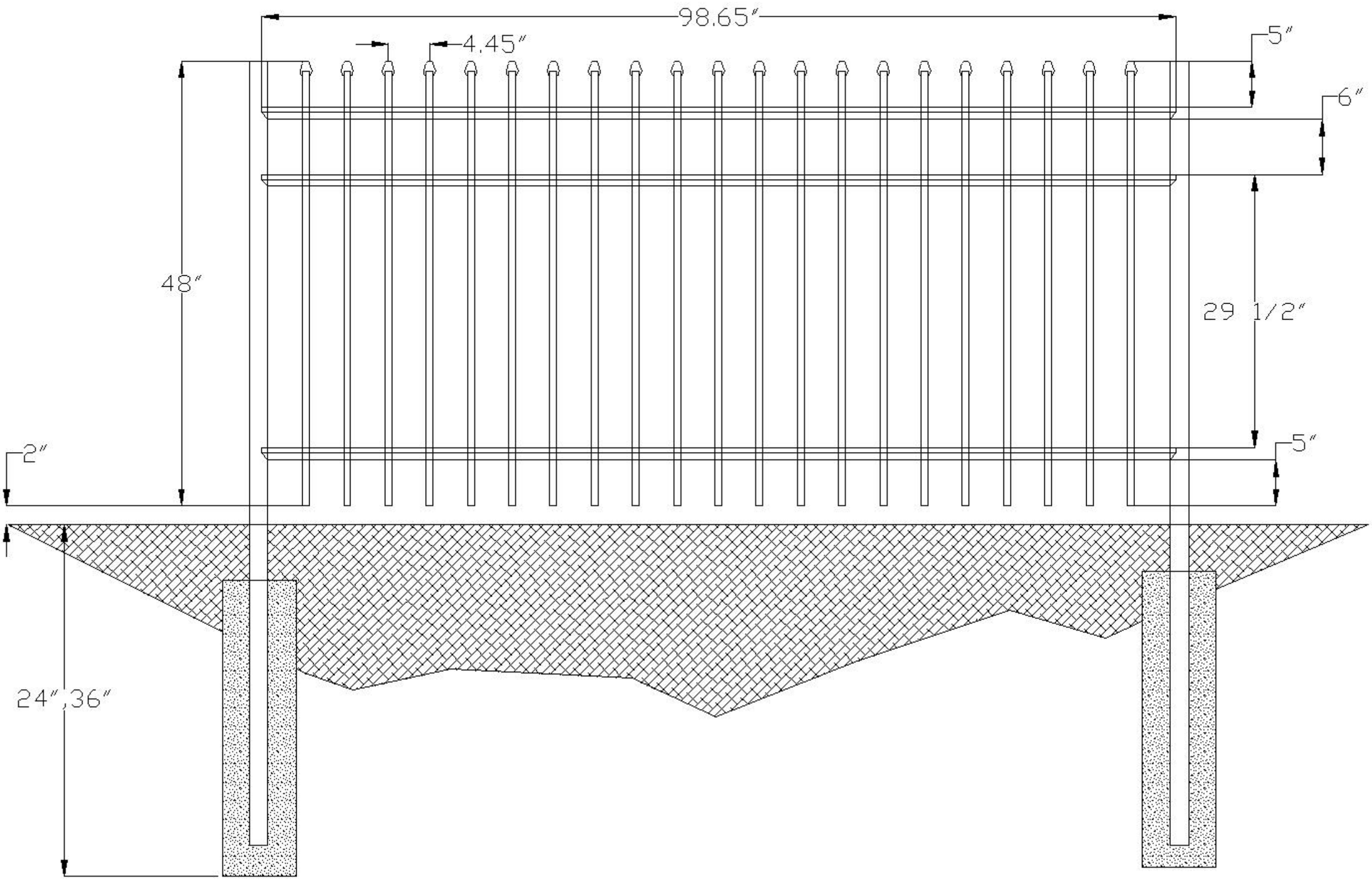


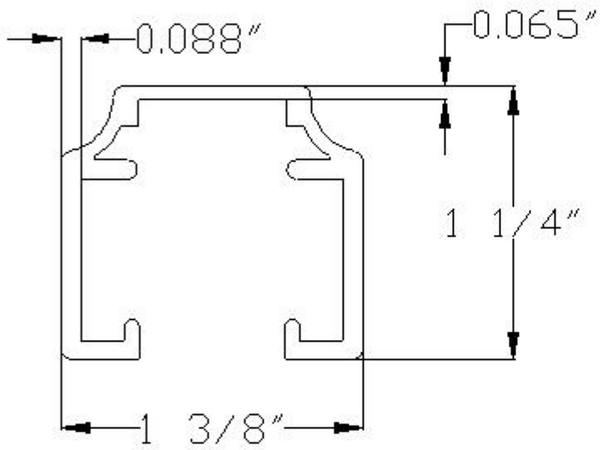
Map data ©2025 , Map data ©2025 20 ft

Measure distance
Total distance: 84.92 ft (25.88 m)

Length of the property line from the NW corner of the store to the north is approximately 85 feet.

Proposal is to use 6 foot high fence panels for first 50 feet from NW corner of store building (red line). Next, transition to 4 foot high fence panels for the remainder of the length (blue line).

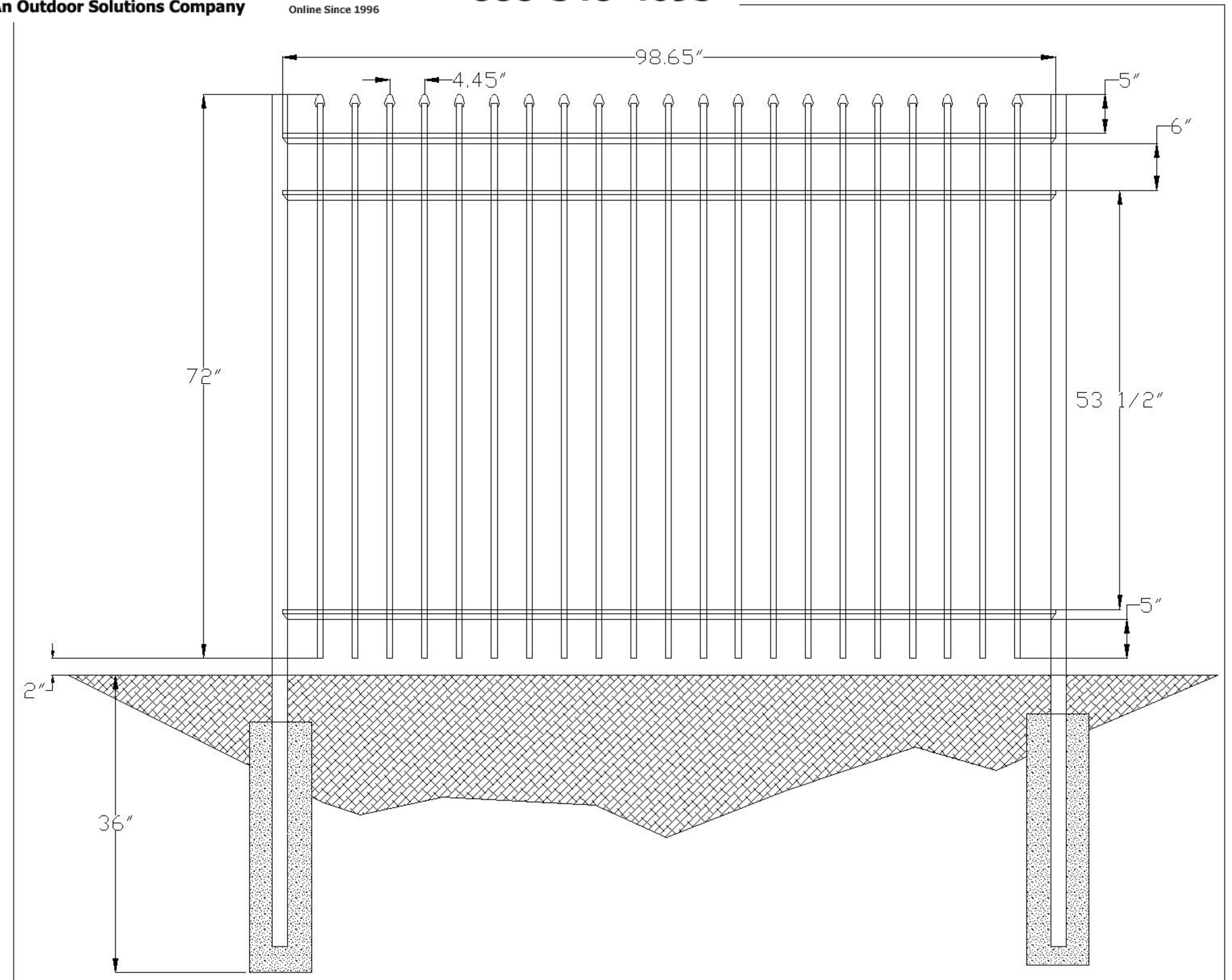


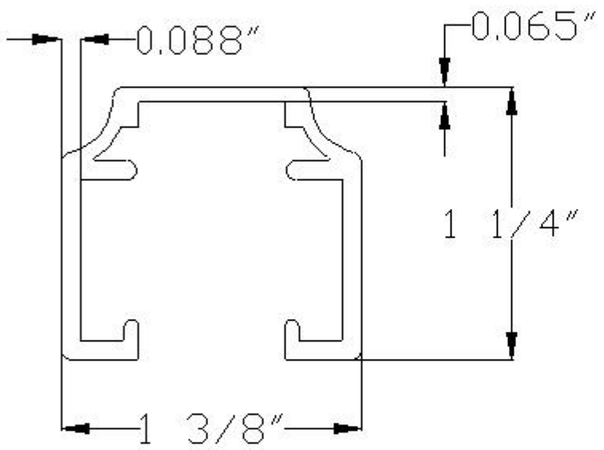


Standard Fence Heights: **48"**		
Pickets		**3/4" sq.x.0.055" Thickness**
Rails	**Topwalls**	**1 3/8"x0.065" Thickness**
	Sidewalls	**1 1/4"x0.088" Thickness**
Posts		**2" sq.x.0.125" Thickness** **2" sq.x.0.080" Thickness**

ONGUARD FENCE SYSTEMS

Commercial Longspur 48" 3 Rail Panel





Standard Fence Heights: **72"**		
Pickets		**3/4" sq.x.0.055" Thickness**
Rails	**Topwalls**	**1 3/8"x0.065" Thickness**
	Sidewalls	**1 1/4"x0.088" Thickness**
Posts		**2" sq.x.0.125" Thickness** **2" sq.x.0.080" Thickness**

ONGUARD FENCE SYSTEMS

Commercial Longspur 72" 3 Rail Panel

Exhibit 1

August 27, 2025 09:20 AM

A little unusual, but the ultimate lurker, an overnight tent with an unknown number of people inside.

Exhibit 2

September 18, 2025 3:40 PM

Neighbor's six-foot panel fence, starting from SW corner of applicant's building, continuing down Center Street.

Exhibit 3

September 18, 2025 3:40 PM

Longer distance view of existing fence.

Exhibit 4

August 13, 2025 1:31 PM

Existing six-foot fence on south side of applicant's lot, north side of neighboring lot, installed by neighbor.

Exhibit 5

August 27, 2025 11:30 AM

A pickup truck that stayed for over a half hour. "You know you have a bicycle leaning against your truck?" "Yup, I know." "Who's is it?" "Not going to say." "You have any reason to be here?" No answer. Was standing in area while someone on the sidewalk kept trying to start a conversation. Finally asked, "Do you know who's bicycle that is?" Sidewalk person said, "No, not me. I don't have anything to do with stealing bicycles."

Exhibit 6

August 27, 2025 11:08 AM

A typical gathering.

Department of Permitting and Inspections
Zoning Division
645 Pine Street
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(802) 865-7195 (FAX)

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: October 7, 2025
RE: 60 Clymer Street ZP-25-467

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

File: ZP-25-467
Location: 60 Clymer Street
Zone: RM **Ward**: 6
Date application accepted: September 2, 2025
Applicant/ Owner: Brian Fisher
Request: Proposed construction of a 12-foot-wide dormer on east side of existing house. (Vertical expansion of a single family home within a required setback.)

Background:

- **Zoning Permit 09-609CA;** install cupola with weathervane on roof. March 2009.
- **Zoning Permit 09-103CA;** rubber membrane on flat roof and metal and pitched roof. August 2008.

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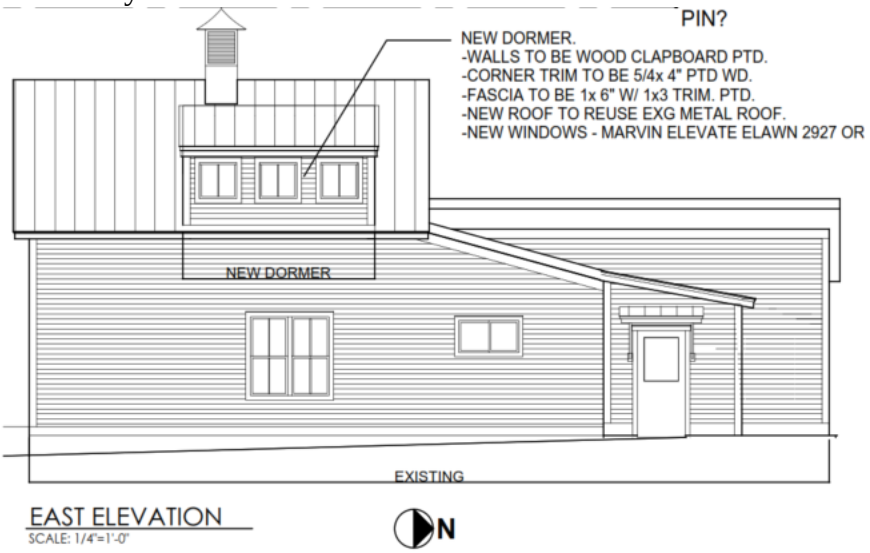
- **Zoning Permit ZP-25-276**: Rear addition to existing building. Application withdrawn July 2025.



Overview:
The applicant has requested construction of a dormer on the east side of his house. As the house sits close to the property line, it is non-conforming to setback. Vertical expansion of a single family home within a required setback mandates review by the DRB.

60 Clymer Street is the last house on a dead-end street, abutting an embankment behind Crescent Terrace. Staff consulted with Burlington's Fire Marshal about the proposal, and he has no safety issues with the plan.

Recommended motion: Consent approval, per the following Findings and Conditions:

I. Findings

Article 4: Zoning Maps and Districts
(b) Dimensional Standards

Table 4.4.5-1
Side yard setbacks are 10% of lot width or avg. of side setback of 2 adjacent lots on both sides.
60 Clymer Street has a street frontage of 50', requiring a side yard setback of 5'. Averaging setbacks would not achieve the desired result.
The attached plan, which illustrates the required setback, shows a proposal to construct the dormer partially within the required side yard setback. Such consideration is permissable per Section 5.3.5 Nonconforming Structures (below.)

<u>Article 5: Citywide General Regulations</u>
Section 5.2.4 (b) Steep Slopes
Although the easterly part of the property abuts an embankment and falls within the Steep Slopes Overlay District, no ground disturbance is included in the plan.
Not applicable.

Part 3: Non Conformities
Section 5.3.5 Nonconforming Structures
Section 5.3.5 (a) Changes and Modifications
Any change or modification to a nonconforming structure, other than to full conformity under this Ordinance, shall only be allowed subject to the following:
1. Such a change or modification may reduce the degree of nonconformity and shall not increase the nonconformity except as provided below.
Within Residential Districts, and subject to Development Review Board approval, existing nonconforming single family homes and community centers (existing enclosed spaces only) that project into side and/or rear yard setbacks may be vertically expanded so long as the expansion does not encroach further into the setback than the existing structure. Such expansion shall be of the existing nonconformity (i.e. setback) and shall:

i. .Be subject to conformance with all other dimensional requirements (i.e. height, lot coverage, density and intensity of development;;
ii. Not have an undue adverse impact on adjoining properties or any public interest that would be protected by maintaining the existing setbacks,; and
iii. Be compatible with the character and scale of surrounding structures.

2. Such change or modification shall not create any new nonconformity; and
3. Such a change or modification shall be subject to review and approval under the Design Review provisions of Article 3, Part 4.

60 Clymer Street is an existing single family home. The existing non-conformity is to setback. 60 Clymer Street was constructed prior to adoption of Zoning Regulations (c.1900), and setbacks present a pre-existing non-conformity. No new nonconformity is proposed; dimensional

standards shall remain as present otherwise. No identified undue adverse impacts to adjoining properties are anticipated.
Affirmative finding with DRB concurrence.

II. Conditions of Approval

1. Standard Permit Conditions 1-15.

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CLYMER STREET

DRIVEWAY
288 SF

GARAGE
176 SF

60 CLYMER STREET	
PROPERTY :	5,500 SF
ZONE	RM
ALLOWABLE COVERAGE:	55% (+10%) = 65% or 3025 + 550 = 3575 SF
PROPOSED COVERAGE:	40% (2,213 SF)
SETBACKS:	
SIDE:	5' (10%)
REAR:	15'
FRONT:	N/A

BULKHEAD
26 SF

ENTRY
STOOP/STAIRS/
SIDEWALK
66 SF

HOUSE
1275 SF

SHED
8'x12'
96 SF

ENTRY
STOOP/
STAIRS/
WALK
156 SF

NEW DORMER
12'-0" WIDE

SETBACK -10% PROPERTY WIDTH= 5'

PIN?

60 CLYMER STREET

SCALE: 1/8"=1'-0"

N

NOTES:

1-HOUSE FOOTPRINT BASED ON PROPERTY DATABASE/ASSESSORS CARD

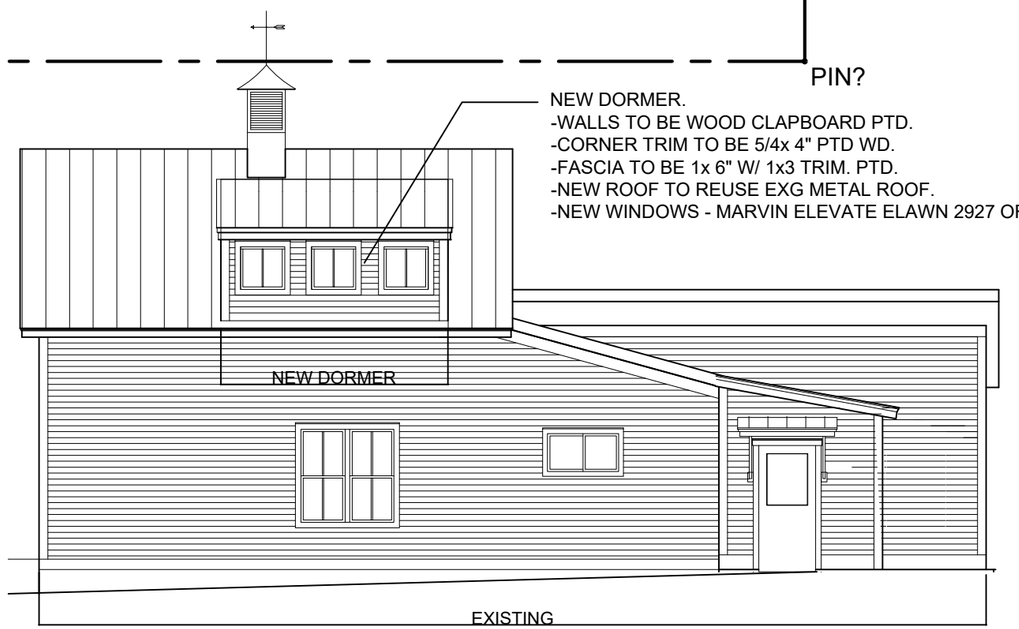
2- PER SECTION 5.3.4 (A)2. NONCONFORMING RESIDENTIAL USE: A CHANGE OR EXPANSION OF A NON-CONFORMING RESIDENTIAL USE MAY BE ALLOWED SUBJECT TO CONDITIONAL USE APPROVAL PURSUANT TO THE PROVISIONS OF ARTICLE 3, PART 5 BY THE DRB PROVIDED:

A. SUCH AN EXPANSION DOES NOT ADD ANY ADDITIONAL DWELLING UNITS EXCEPT AS MAY BE PERMITTED FOR RESIDENTIAL CONVERSION BONUSES APPROVED PER THE PROVISIONS ARTICLE 5: CITYWIDE GENERAL REGULATIONS ARTICLE LAST UPDATED: NOVEMBER 27, 2024 COMPREHENSIVE DEVELOPMENT ORDINANCE P. 5- 22 CITY OF BURLINGTON, VT OF SEC. 4.4.5(D)(1), THIS HISTORIC BUILDING REHABILITATION BONUS UNDER SEC. 5.4.8 (E) AND FOR ACCESSORY DWELLING UNITS PER THE PROVISIONS OF SEC. 5.4.5;

B. SUCH AN EXPANSION DOES NOT INCREASE THE DEGREE OF NON-CONFORMITY OF ANY NON-CONFORMING STRUCTURE; AND,

C. IN SUCH CASES WHERE THE NON-CONFORMING RESIDENTIAL USE IS LOCATED IN A ZONING DISTRICT WHERE RESIDENTIAL USES ARE GENERALLY PERMITTED, EXPANSION OF A NON-CONFORMING RESIDENTIAL USE INTO AN EXISTING AND PREVIOUSLY UNINHABITED ATTIC OR BASEMENT WITHIN THE PRINCIPLE STRUCTURE MAY BE PERMITTED SUBJECT TO ADMINISTRATIVE REVIEW PROVIDED NO ADDITIONAL DWELLING UNITS ARE CREATED, EXCEPT FOR ACCESSORY DWELLING UNITS PER SEC. 5.4.5.

SOUTHEAST ELEVATION



EAST ELEVATION

SCALE: 1/4"=1'-0"

N

8.20.25

BRIAN FISHER
60 CLYMER STREET
BURLINGTON VT
802.355.7538

ZONING PERMIT SUBMITTAL

Department of Permitting and Inspections
Zoning Division
645 Pine Street
Burlington, VT 05401
https://www.burlingtonvt.gov/439/Zoning-Division
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Vacant, Associate Planner
Collin Naheedy, Zoning Compliance Officer
Joseph Cava, Planning Technician

MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: October 7, 2025
RE: ZP-25-456; 85 Lakeview Terrace

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As the project area was determined to fall within the Steep Slopes Overlay District, the applicant team needed additional time to prepare an engineering response to the Standards of Section 5.2.4 (b). This project has therefore been rescheduled for the **October 21, 2025** DRB agenda.

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Department of Permitting & Inspections
Zoning Division
645 Pine Street
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William Ward, Director
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
vacant, Associate Planner
Joseph Cava, Permit Technician
Collin Naheedy, Code Compliance Officer

TO: Development Review Board
FROM: Scott Gustin
DATE: October 7, 2025
RE: ZP-25-442; 351 North Avenue

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Zone: NAC-CR Ward: 4N

Owner/Applicant: 375 North Avenue, LLC / Ben Frye

Request: Proposed revision to the requirements of the Transportation Demand Management (TDM) plan for Cambrian Rise.

Applicable Regulations:
Article 8 (Parking)

Background Information:
The applicant is requesting approval to amend the Transportation Demand Management (TDM) plan for Cambrian Rise. The TDM standards in effect at the time of the most current project approval (ZP-22-32, approved 4/15/22) have changed, and the applicant is looking to align with the current TDM standards (adopted 1/25/23). Two key changes are proposed for the project's TDM plan: 1) Exempt the affordable housing from most of the TDM standards, and 2) Implement the TDM plan for a period of 7 years, rather than 10.

Previous zoning actions for this property (Permitting addresses vary from 329, 351, 351-375 and 375 North Avenue):

- **Zoning Permit ZP-25-226:** As-Built changes to Building C, Sunset House
- **Zoning Permit ZPF-24-84**: Install black aluminum fencing
- **Zoning Permit ZP-24-450:** Reapplication for ZP-22-399
- **Zoning Permit ZP-24-360:** Modify Building H into two buildings
- **Zoning Permit ZP-24-256:** Construct recreation path and related site work (expired)
- **Zoning Permit ZP-24-226:** Install retaining walls
- **Zoning permit ZP-22-582:** Add temporary parking east of Liberty House.
- **Zoning permit ZP-22-399:** Dissolve lots 8, 9, & 10 into one lot.
- **Zoning permit ZP-22-363:** Install garage and person doors within a garage.

- **Zoning permit ZP-22-31:** Amend PUD to increase dwelling unit count from 770 to 950 with related site and building changes.
- **Zoning Permit ZP-21-235:** Re-apply for 18-0791CA.
- **Zoning Permit 20-0683CA:** Changes to proposed Building C, convert parking to residential space (no increase in units), decrease non-residential space by 3,000 sf. February 2020.
- **Zoning Permit 19-0021CA/MA:** Amendment to original project increasing the overall unit count to 770. Redesign of Building M, adding additional stories to buildings M, P, Q, & R. Add building volume to B & G. Minor changes to plaza dimensions. October 2018.
- **Zoning Permit 18-0721CA:** Relocation of proposed path on SW side of building to align with existing opening on west elevation and small path leading from main path to vicinity of electrical transformer; modified paths near entry until adjacent buildings are complete; temporary black coated chain link construction fence surrounding west and south boundaries of building landscaping; new low stone wall. March 2018.
- **Zoning Permit 18-0791CA**; Revisions to Buildings B & G, with additional floor added to Building B. No change to total units in project; revisions to design of buildings and proposed transportation hub; revision to road phasing plan. May 2018.
- **Zoning Permit 18-0028AP**; Appeal of administrative decision relative to Impact Fees for orphanage renovation (zoning permit 16-0007CA/MA). DRB upholds staff decision, August 2017.
- **Zoning Permit 17-1307CA**; temporary fence and path for temporary dog park for residents of 375 North Avenue. June 2017.
- **Zoning Permit 17-0853CA**; Request for amendment of ZP17-0623CA/MA; Condition of approval #13 limiting construction days and times and Condition #3 addressing 10-year performance bond for construction. May 2017.
- **Zoning Permit 17-0716CA**; Replace two small windows on north and south gable ends located at the west elevation of former Orphanage building with one larger window in each gable end at the west elevation. January 2017.
- **Zoning Permit 17-0623CA/MA**; Proposed development consisting of 11 buildings containing 739 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,092 parking spaces. March 2017.
- **Zoning Permit 17-0376CA**; install new windows within new openings on western building elevation. September 2016.
- **Zoning Permit 17-0252SP**; second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. October 2016.
- **Zoning Permit 17-0010CA**; Revisions to west chapel elevation (amendment to zoning permit 16-0007CA / MA). Openings for windows restored or added. July 2016.
- **Zoning Permit 16-1487CA**; Change to top floor, add veranda on roof. Amendment to zoning permit 16-0007CA/MA. July 2016.

- **Zoning Permit 16-0622CA**; Request change of materials for existing slate roof to standing seam copper on the former St. Joseph's Orphanage. Former address 351 North Avenue. January 2016.
- **Zoning Permit 16-1183SP;** Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.
- **Zoning Permit 16-0007CA/MA**; Approval to convert building into 63 apartments and related site improvements. Approved September 2015; amended February 2016. June 2016.
- **Zoning Permit 15-0702LL**; Lot line adjustment with 329 North Avenue. Approved December 2014. [Plat recorded 1/16/2015; Plat file 509C.]
- **Zoning Permit 14-1286CA**; Installation of CCTA bus shelter on Burlington College property. Approved June 2014.
- **Zoning Permit 12-0706SN**; replace existing non-conforming freestanding sign with new freestanding sign for Burlington College – Main Campus. Approved March, 2012.
- **Zoning Permit 12-0121CA**; Install rooftop air handler, five ac units, bike racks, and remove walls from garage. Approved August 11, 2011.
- **Zoning Permit 11-0282CU**; convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 2010.
- **Zoning Permit 09-526CA**; Demolish single car garage. Approved February 2009.
- Non-applicability of zoning permit requirements; continued use of existing group home. June 1998.
- **Zoning Permit 92-096 / COA 092-016**; Removal of existing wooden cross with installation of fiberglass statuary of St. Mary on top of Diocese building. Overall height to be 104' with exterior illumination to surround statue. Approved September 1991.
- Notice of selective landscape removal on west. No change in grade of site or drainage of runoff water. December 1991.
- **Zoning Permit 79-352;** install septic tank and seepage bed. July 1979.
- **Zoning Permit 77-03**; renovation of existing structure "St. Josephs Child Center" into office space and three apartments for Bishop and two priests. Approved January 1977.
- **Zoning Permit 77-628**; Convert St. Joseph's Child Center into office building, three apartments and three guests' rooms. Remove some windows and brick up openings. Install new windows. Erect 28'6" x 30' addition and 32' x 66' addition. December 1976.

Recommendation: **Denial** as per, and subject to, the following findings:

I. Findings
Article 8: Parking
Sec. 8.1.16, Transportation Demand Management
(b) Applicability

Zoning permit ZP-22-32 was a project-wide amendment that increased total dwelling unit count from 770 to 950 units. Significantly, it also included a project-wide maximum parking waiver that allowed the applicant to exceed the applicable parking maximum by 216 spaces. Both the increase in dwelling unit count (an increase of more than 10) and the maximum parking waiver triggered the requirement for a project-wide TDM plan. ZP-22-32 included a TDM for the entire project, inclusive of affordable and market rate housing.

The proposed TDM plan asserts that two of the completed buildings that contain affordable housing, Laurentide and Juniper House, are exempt from the TDM requirements because they predate adoption of the TDM standards in the Comprehensive Development Ordinance (CDO). The proposed TDM plan also asserts that part of so-called Building H, just beginning construction, will also be largely exempt due to its inclusion of affordable housing.

The current TDM standards in the CDO do exempt affordable housing projects from most TDM requirements. Just outreach and education and the TDM agreement are required. See Table 8.1.16-1 below.

Table 8.1.16-1 Transportation Demand Management Program Required

	Applicable Projects	**Affordable Projects**	**Small Projects**
Project Type	• Creation of 10 or more dwelling units • A non-residential or Mixed Use development with a building footprint of eight thousand (8,000) sq.ft. or more; or the creation of fifteen thousand (15,000) sq.ft. or more of gross floor area	Projects involving one or more "Applicable Projects" and that also contain at least 75% of dwelling units meeting or exceeding the affordability criteria of Article 9, Inclusionary & Replacement Housing, or housing rented to tenants receiving federal or state rental assistance	Creation of five (5) to nine (9) dwelling units
Applicable TDM Sections	All provisions of Sec. 8.1.16 (c)	Sec. 8.1.16 (c) 1. and Sec. 8.1.16 (c) 4. only	Sec. 8.1.16 (c) 3. b. only

Cambrian Rise was most recently approved as a 950 dwelling unit planned unit development (PUD), inclusive of required affordable housing. As noted above, the PUD also includes a project-wide maximum parking waiver predicated, in part, on implementation of an approved TDM plan. Laurentide, Juniper House, and Building H are included within the PUD, provide much of its required affordable housing, and benefit from the maximum parking waiver. The affordable project exemption for TDM standards pertains to individual projects that include at least 75% affordable housing, such as the COTS project at 278 Main Street. The affordable housing components of Cambrian Rise are not stand-alone projects and do not qualify for any exemption from the TMD standards. **(Adverse finding)**

(c) Transportation Demand Management Program
The applicant has provided a revised transportation demand management plan for consideration.

a. Outreach and Education:

Cambrian Rise continues to be managed by Farrell Properties. As originally approved, this entity will serve as the Transportation Coordinator in collaboration with CATMA. In that role, Farrell Properties will coordinate with CATMA to prepare and disseminate materials as to TDM strategies and resources available to residents and employees. The Transportation Coordinator will also be responsible for record keeping and annual reporting to the city as required by this criterion.

The revised TDM plan separates Champlain Housing Trust and Evernorth Vermont from the rest of Cambrian Rise, as the providers of the project's required affordable housing, and notes that they will establish and maintain their own relationship with CATMA. As noted above, the affordable housing with Cambrian Rise is part of the overall project and meets the project's inclusionary housing requirement. The TDM plan must be inclusive of the entire development.

The revised TDM plan notes that Farrell Properties' relationship with CATMA will last a least 7 years after the next certificate of occupancy is issued. There is no provision in either the prior or current TDM standards to limit ongoing outreach and education to 7 years. This provision remains effective for the life of the project. **(Adverse finding)**

b. TDM Strategies:

The currently approved TDM plan relies significantly on services provided by CATMA, a local transportation management association. The TDM plan includes the following strategies:

- Subsidized GMT passes and bike share membership.
- Locate one Carshare VT vehicle within the development and offer all residents a year of free membership. (Presently, there are two Carshare VT vehicles onsite, but there is no membership subsidy).
- A GMT bus stop is located within the development.
- Construction of pathway connections to the Burlington Greenway (bike path) and North Avenue (the Greenway connection has not been constructed).

As approved, these strategies are to be provided for a period of 10 years following issuance of a certificate of occupancy for the next project phase that is completed. This 10-year period started July 29, 2024.

The proposed TDM plan is similar, but does not note any continuing subsidy for carshare or GMT bus passes. As approved, only one year of carshare memberships was required. That year has passed, and according to Carshare VT, the required free memberships were not provided. The proposed TDM plan notes an intent to provide another (3rd) carshare vehicle onsite and to provide infrastructure and locations for carshare vehicles as the development builds out. What infrastructure includes is unclear. Bus pass subsidies are not noted in the proposed TDM plan but must continue for the 10-year duration of the approved TDM plan. Bikeshare memberships continue with a different provider. The proposed TDM plan seeks to provide these strategies for a period of 7 years. There is nothing in the prior or current TDM standards that enable a 7 year period. As approved, the standard was at least 10 years. The current TDM standards require ongoing implementation of the strategies. **(Adverse finding)**

c. Parking Management:
Proposed parking management is largely unchanged, except that a 7-year reporting period is requested versus the originally permitted 10-year reporting period. The current TDM standards allow for a 7-year period for annual parking utilization studies to assess the effectiveness of the TDM plan. The reporting period starts concurrently with the TDM strategy implementation period.

As required, the cost of parking is un-bundled from all residential leases and deeds, except for permanently affordable housing units. There is no dedicated commercial parking.

Priority parking spaces are provided. Motorcycle parking will be provided within the central garage. ADA and carshare parking spaces are noted on the project site plans. The maximum of 5 carshare spaces are proposed. Lacking any dedicated commercial parking, no carpool or vanpool spaces are required. **(Affirmative finding)**

d. TDM Agreement:
A new TDM agreement is referred to in the proposed plan, but is not actually provided. One can be provided in the event that the revised TDM plan is approved. **(Affirmative finding if conditioned)**

II. Reasons for Denial

1. Per the adverse findings above.

Cambrian Rise Transportation Demand Management Plan

Revised – 8/12/2025

Overview

The Cambrian Rise Development is located in a transitional neighborhood between Burlington's Old North End and the New North End, roughly one mile from the downtown core. The goal of Farrell Properties is to create a multi-modal neighborhood that disincentivizes car ownership and offers incentives and resources for people seeking to reduce car use. The distance from the downtown core presents a challenge to the goal of reducing car ownership, however the proximity of the Burlington Greenway and the existing bus route on North Avenue present excellent opportunities for encouraging reduced vehicle use. Farrell Properties has committed to several strategies that will take advantage of these opportunities. This aligns well with the City's land use and transportation goals, and the Transportation Demand Management (TDM) requirements. These goals, requirements, and the project's proposal for meeting these goals at Cambrian Rise are documented below:

Section 8.1.16 Transportation Demand Management

(a.) Purpose

To advance the goals of the City's land use and transportation plans, and promote public health, safety, welfare, and protection of the environment by:

- Reducing parking demand
- Reducing Car Ownership
- Reducing vehicle miles travel and congestion
- Increase transit use and non-motorized travel

(b.) Applicability

Cambrian Rise is subject to the Transportation Demand Management Plan requirement because the site is zoned as multi-modal mixed-use and created more than 10 dwelling units. Buildings constructed prior to the December 16, 2020 adoption of the TDM program within the amended Burlington CDO are not subject to the TDM requirement, although.....Further, per the subsequent amendment to the CDO's TDM requirements on January 31, 2023, buildings that qualify as "affordable projects" (i.e. "projects that involve one or more applicable projects and that also contain at least 75% of dwelling units meeting or exceeding the affordability criteria....") are *only* required to adhere to section 8.1.16(c)1 and Sec. 8.1.16 (c) 4 (Outreach and Education and TDM Agreement) and are therefore exempt from Sec. 8.1.16 (c)2 and Sec. 8.1.16 (c)3 (TDM Strategies and Parking Management, respectively). Further note that although Buildings K and L (Laurentide, Juniper) are exempt due to their completion date and Building H is partially exempt due to its satisfaction of the definition of an Affordable Project, their residents will be able to take advantage of many of the TDM amenities available to the Cambrian Rise overall site. This will include the ability to participate in Bike/Car Share programming, generous bike parking, connections with the Burlington Greenway, and improved bike lane/bus accessibility.

(c.) Transportation Demand Management (TDM) Program

To address the TDM requirements of Section 8.1.16 of the Burlington Comprehensive Development Ordinance (dated December 16, 2020) the Cambrian Rise project offers the following strategies:

a. Outreach and Education
    i. Farrell Properties will act as the Transportation Coordinator for the Cambrian Rise Project. Cambrian Rise is a member of the Chittenden Area Transportation Management Association (CATMA). CATMA will facilitate and coordinate with Farrell Properties and the management teams of other properties located at Cambrian Rise. They will maintain their membership for a minimum of 7 years after the next certificate of occupancy is issued, and work with them to coordinate the following activities:
        1. Prepare educational materials regarding TDM strategies
        2. Organize an annual meeting for, and open to all Cambrian Rise tenants and employees. Hosted at Cambrian Rise.
            a. Present prepared educational materials
            b. Facilitate discussion on opportunities for increased use and participation.
        3. Annual travel survey prepared for and disseminated to all tenants and employees.
        4. Ongoing record keeping and annual reporting to the City of Burlington summarizing TDM offerings, including:
            a. Discounts available
            b. On-site resources available
            c. Owner vs. tenant and employee responsibilities
            d. Rate of participation including parking utilization
    ii. As non-profit entities providing affordable housing, Champlain Housing Trust and Evernorth Vermont will establish and maintain their own relationship with CATMA and coordinate the satisfaction of their unique requirements.

b. TDM Strategies

Cambrian Rise has been a member of CATMA, a Transportation Management Association, since 2016. Cambrian Rise has and will continue to work with CATMA to provide ongoing TDM strategies and will maintain their membership for at least 7 years. The following are portions of the memorandum of understanding between Farrell Properties and CATMA that specifically relate to the Cambrian Rise development:

CATMA administers and monitors programs and services for Cambrian Rise as listed below:

- Strategy development for enhancing transportation options and amenities
- Access to discounted Green Mountain Transit passes
- Access to Commuter Impact Tool and data collection
- Enhancement and implementation of a comprehensive transportation education, marketing and awareness program (via newsletters, communications, informational kiosk, website, events, and bike safety workshops)
- Commuter Prize Drawings
- Support in planning and implementing TDM measures in furtherance of request for parking waivers, traffic impact mitigation fee reductions, etc.
- Carpool and vanpool program support
- Surveys and analyses to track and measure progress

- Recommendations and support with attaining current and future goals

Goals and Performance Metrics:

Goals	Performance Measure
Goal 1 Enhance and implement the transportation amenities and services available to residents at Cambrian Rise	• Increase the transportation options available for residents • Increase residents' access to transportation options. • Improve existing transportation services and amenities to better serve residents *Resource – CATMA Survey Data*
Goal 2 Reduce residents' demand for parking, use of single occupancy vehicles and traffic impact	• Decrease total demand of parking among tenants • Decrease total SOV commutes *Resource – CATMA Survey Data, Online Impact Data, Requests of parking space (Farrell Properties)*
Goal 3 Increase residents' use of sustainable commute modes	• Increase number of residents utilizing sustainable commute modes • Decrease in SOV commutes • Decrease in use of on-site parking *Resource – CATMA Survey Data, Online Impact Data, Farrell Properties data collections*
Goal 4 Improve residents' awareness of available transportation options and benefits	• Increase residents' knowledge and awareness of commute options, resources, and benefits *Resource – CATMA Survey Data*

In addition to the above, all residents and employees at Cambrian Rise have access to a commuter membership with CATMA. Through this program they can take advantage of incentives and services that influence knowledge and usage of sustainable transportation. These programs are free to residents and tenants as part of the Cambrian Rise developer membership and include the following:

- CATMA Commuter Solutions Platform: Access to digital app that enables residents to earn rewards, enter drawings, search and coordinate carpools, access Guaranteed Ride Home, plan commutes and trips, calculate their cost savings/carbon footprint reduction.
- Carpool Matching Program: Assists in finding compatible carpool buddies through the CATMA carpool matching app.
- Commute Planning: Provides support for personal trip planning via phone, email, or app.
- Bikeshare Discount: Discounted Bikeshare per trip or designated hub location.
- Guaranteed ride home. Commuters are eligible for a free taxi home in the case of an emergency.

In addition to and in coordination with Cambrian Rise's membership in CATMA, Cambrian Rise has, and will continue to make significant investments in elements to further promote walkability and alternative modes of transportation, including:

1. Public Transit
    a. A GMT bus stop is located on-site. Upgrades to this bus stop are planned and awaiting

intersection improvements with North Avenue and include a dedicated bus pull-off.

2. Cars
    a. Two CarShare Vermont vehicles are currently located at Cambrian Rise. Originally, CarShare vehicles would not be possible without financial subsidies provided by Cambrian Rise. Currently these vehicles receive substantial use and no longer require a subsidy. Due to the high demand, Cambrian Rise is currently working with CarShare Vermont to add another vehicle to the site, and will continue to assess the need for additional CarShare vehicles and provide infrastructure and locations for future CarShare vehicles as the development proceeds.
3. Bikes
    a. Residents are eligible for a free e-bike share membership through Burlington Segways (d/b/a Burlington e-bikes). Cambrian Rise is working closely with Burlington e-bikes to facilitate their local grassroots, e-bike program and encourage resident usage of their services.
    b. A Burlington e-bike hub location is hosted on site, proximate to the transportation hub. This hub has the capacity for 20 +/- electric assist bikes. Depending on the needs of Burlington e-bikes, Cambrian Rise has committed to remaining flexible with regards to providing additional hub capacity and/or locations. The Transportation Coordinator will work with Burlington e-bikes to ensure appropriate racks are installed and maintained as more buildings come online and creates demand for this resource.
    c. Short-term bike parking is provided proximate to all major building entries in accordance with the zoning requirements, additional short-term bike parking is provided at the transportation hub, boardwalk, and central green.
    d. Long-term bike parking storage areas are provided inside each building, and often greatly exceed the minimum zoning requirements. Overall, more than double the required number of long- term bike parking spaces are provided. Most buildings include bike maintenance facilities, including indoor wash and repair stations to support bike ownership and ease of use.
    e. Significant streetscape improvements along North Avenue will include a dedicated and protected southbound bike lane.
    f. Cambrian Rise will construct a multi-use recreation path to connect between North Avenue and the Burlington Greenway. Portions of the pathway are already constructed along built portions of Cambrian Way. Farrell Properties is currently coordinating with BPRW and CEDO to plan for the full build-out of the Rec Path.

4. Pedestrian Accessibility
    a. An ADA, publicly accessible route is planned to connect from North Avenue, through the development, and to the Burlington Greenway. This pathway will utilize portions of the new multi-use recreation path as well as an elevator and stair tower, and internal ramps and walks.
    b. A multi-use recreation path is located along the south portion of Cambrian Way ("South Road").
    c. A signalized pedestrian crossing is planned for the intersection of North Ave. and "South Road".

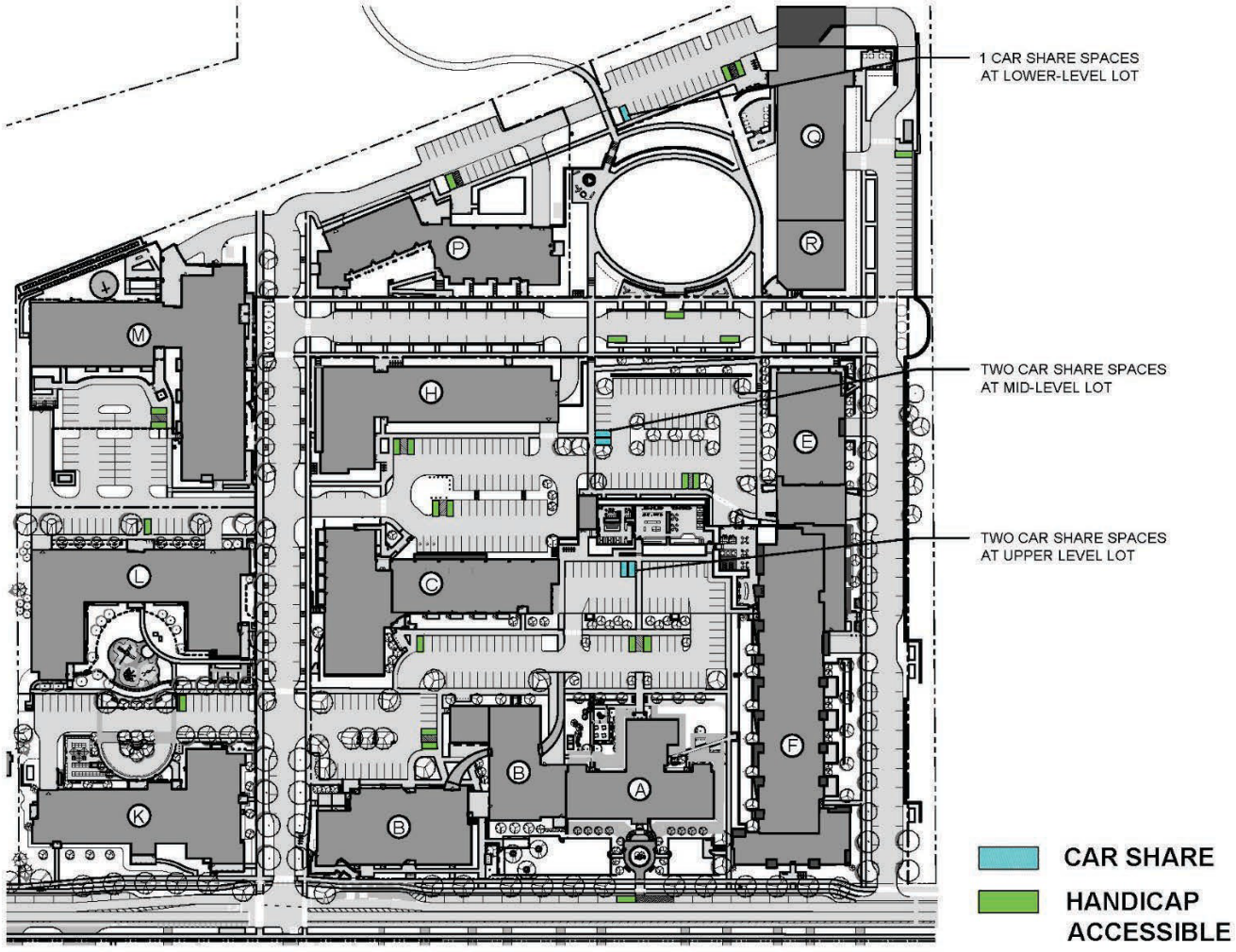
While TDM strategies required by the Burlington Zoning Ordinance are limited, Cambrian Rise has implemented a far more integrated approach which includes significant financial investments in physical improvements and subsidies. At completion, it is anticipated that Cambrian Rise will have provided over $2,000,000

in assuring transportation options and amenities to support sustainable transportation alternatives.

c. Parking management
    i. In conjunction with CATMA, the Transportation Coordinator will ensure a parking utilization study is performed at least once annually for 7 years from the receipt of Certificate of Occupancy for the sitewide permit.
    ii. Except for permanently affordable housing units, all residential parking is, and will continue to be "un-bundled" from residential leases and deeds. No dedicated commercial parking is proposed but will instead utilize shared parking during daytime hours.
    iii. No parking spaces will be made available to off-site users.
    iv. Priority Parking (see Appendix A)
        1. As the development proceeds, a minimum of five spaces will be made available for CarShare Vermont. Per CarShare request, Cambrian Rise has remained flexible with regards to their space location. Hence actual CarShare spaces may not be in the exact locations shown in Appendix A.
        2. Handicapped spaces and short-term bicycle parking spaces will be located proximate to every major building entrance.
        3. Motorcycle parking will be provided in the central garage, proximate to entries.
        4. Carpool and Vanpool spaces are not required on site (less than 20 spaces are planned for non-residential use). The transportation coordinator will re-evaluate the demand for this use annually, and if appropriate, offer this use for consideration during the annual TDM meeting.
d. TDM Agreement (See Appendix B)

Cambrian Rise

APPENDIX A



*Car Share locations subject to move as requested by CarShare Vermont. Common reasons for relocation include improving centralization and visibility.

WALL CONSULTANT GROUP

Date: 31 December 2024

To: Eric Farrell, Farrell Properties

From: Corey Mack, PE, PTOE, Consultant Transportation Engineer

Subject: Cambrian Rise Trip Generation Review
Updated Land Use Development Program

WCG has reviewed the proposed change to the land use development program at Cambrian Rise in Burlington, VT. We have compared the latest development program and trip generation estimate to the originally permitted condition (December 2016) and most recent development program (April 2019) trip generation estimates. This memo documents the trip generation estimate, adjustments, and summarizes the changes.

In summary:

- The proposed land use development program at Cambrian Rise includes several changes, including a reduction in office space, removal of the convenience store, reduction in the hotel use, increase in residential use, and other minor modifications.
- The current proposed land use development program results in an overall estimated external primary vehicle trip generation of 385 trip ends in the AM peak hour and 346 trip ends in the PM peak hour.
- The originally permitted development program from December 2016 estimated a total external trip generation of 381 trips and 425 trips in the AM and PM peak hours, respectively.
- The proposed land use development program results in an estimated 4 additional external primary vehicle trips in the AM peak hour and 79 fewer external primary vehicle trips in the PM peak hour compared to the originally permitted land use development program from December 2016.
- This change in new external primary vehicle trip generation is expected to result in no significant difference in the AM peak hour evaluation, and improve traffic operations and reduce transportation impacts in the PM peak hour compared to the originally evaluated and permitted land use development program from December 2016.
- With fewer PM peak hour trips, the updated Act 145 transportation impact fee is estimated to be reduced by 18.5% to $27,336.

BACKGROUND

Cambrian Rise is a mixed-use development located near 351 North Avenue in Burlington VT. The project is permitted under Act 250 land use permit 4C1301 with multiple amendments. The most recent Act 250 Jurisdictional Opinion stated that further changes to the Cambrian Rise

development are exempt from Act 250 review provided the project maintains the definition of a “priority housing project”.

The City of Burlington Planning and Zoning department has most recently reviewed a traffic supplement dated April 18, 2019. That most recent traffic supplement from April 18, 2019 included an increase in the number of housing units to 950 (including the 65 units at Liberty House), a reduction in the office and retail space, an increase in restaurant space, and other minor changes to the land use development program. In all permitting applications, Building A “Liberty House” consisting of 65 units of mid-rise residential housing, is considered an existing property under separate permitting.

The evolution of the land use development program and the resulting estimated primary external vehicle trip generation is documented in Table 1.

TABLE 1: SUMMARY OF LAND USE DEVELOPMENT PROGRAMS AND ESTIMATED PRIMARY EXTERNAL VEHICLE TRIP GENERATION FROM FORMER AND CURRENT CAMBRIAN RISE LAND USE DEVELOPMENT PROGRAMS

ITE LUC	Description	Units	*December 2016 4C1301*	*October 2018 4C1301-3*	*April 2019*	**January 2025 Current**
221	Mid-Rise Apartment	DUs	*673*	*705*	*815*	**959**
252	Senior Adult Housing (Attached)	DUs	*	*	*70*	**70**
311	All-Suites Hotel	Rooms	*42*	*50*	*79*	**34**
311	Hotel (VIC)	Rooms	-	*40*	-	**-**
540	Junior/Community College	SF	*16,500*	-	-	**-**
565	Daycare Center	SF	*4,025*	*3,000*	*3,000*	**-**
710	General Office Building	SF	*22,541*	*60,250*	*64,900*	**-**
712	Small Office Building	SF	-	-	-	**2,457**
760	R&D Office (VIC)	SF	-	*40,000*	-	**-**
822	Retail (e.g.Shopping Center)	SF	-	*4,350*	*900*	**1,300**
826	Specialty Retail	SF	*2,675*	-	-	**-**
851	Convenience Market	SF	-	*2,000*	*2,000*	**-**
932	High-Turnover (Sit-Down) Restaurant	SF	*2,650*	*3,000*	*8,000*	**2,750**
Total External Primary Vehicle Trip Generation:						
		AM Peak Hour	*381*	*394*	*380***	**385**
		PM Peak Hour	*425*	*443*	*399***	**346**
		Daily	*4620*	*5057*	*5635*	**4190**

** Previous land use development programs included senior housing, however the land use was included within LUC 221 and not specifically broken out as a distinct generator of traffic prior to the current traffic supplement*
*** Not explicitly calculated in the April 2019 Memo; estimated as Table 6 subtract Table 3*

VEHICLE TRIP GENERATION ESTIMATE

To estimate the total primary external vehicle trips of the proposed site, the following methodology was applied:

A. Estimate the base trip generation by evaluating the single-use trip generation for each land use code per ITE Trip Generation Manual, 11th Edition trip generation rates.[1]

B. Estimate internally captured trips using NCHRP Report 684 Methodology.

C. Estimate pass-by and primary trips by applying appropriate Trip Generation Handbook, 3rd Edition pass-by rates to external trips (the base trips from step A subtracting the internal trips from step B).

D. Estimate the effect of transportation demand management (TDM) by applying a TDM factor to the primary external trips estimated in step C, per VTrans guidance.

E. Estimate primary external vehicle trips as primary external trips estimated in step c subtracting the TDM trips estimated in step D.

A. Base Trip Generation

Base vehicle trips are the total estimated vehicle trips prior to any reductions associated with internal capture, pass-by, or transportation demand management (TDM) features. Base trip generation from the current development program has been estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition. The resulting base trip generation estimates are summarized by land use code (ITE LUC) in Table 2.

TABLE 2: BASE TRIP GENERATION OF THE PROPOSED CAMBRIAN RISE DEVELOPMENT PROGRAM

				AM Peak		PM Peak	
ITE LUC	Description	Units/size		enter	exit	enter	exit
221	Multifamily Housing (Mid-Rise)	959	units	94	316	228	146
252	Senior Adult Housing - Attached	70	units	5	9	10	8
311	Hotel	34	rooms	6	6	6	6
712	Small Office Building	2,457	s.f.	3	1	2	3
822	Strip Retail Plaza (<40k)	1,300	s.f.	4	3	9	9
932	High-Turnover (Sit-Down) Restaurant	2,750	s.f.	15	12	15	10
		sub-total		127	347	270	182
		total		474		452	

B. Internally Captured Trips

Because of the complementary nature of the proposed land uses on the Cambrian Rise site, some trips are made between the on-site uses. This capture of trips internal to the site has the

[1] 11th Edition was released in September 2021. Previous trip generation estimation utilized data from the ITE Trip Generation Manual, 10th edition, or earlier.

net effect of reducing vehicle trip generation between the overall development site and the external street system (compared to the total number of trips generated by comparable land uses developed individually on stand-alone sites). For these internally captured trips, the origin, destination, and travel path are all within the site.

Internally captured trips have been estimated using the recommended methodology in the ITE Trip Generation Handbook[2] and are shown in Table 3. Internal capture trips are estimated prior to splitting site generated trips into pass-by and non-pass-by trips or estimating the effect of TDM strategies.

TABLE 3: ESTIMATED INTERNALLY CAPTURED TRIPS

				AM Peak		PM Peak	
ITE LUC	Description	Units/size		enter	exit	enter	exit
221	Multifamily Housing (Mid-Rise)	959	units	0	4	4	5
252	Senior Adult Housing - Attached	70	units	0	0	0	0
311	Hotel	34	rooms	0	1	2	1
712	Small Office Building	2,457	s.f.	0	0	1	1
822	Strip Retail Plaza (<40k)	1,300	s.f.	1	0	6	5
932	High-Turnover (Sit-Down) Restaurant	2,750	s.f.	4	0	6	7
		sub-total		5	5	19	19
		total		10		38	

Total external trips are estimated by subtracting the internally generated trips shown in Table 3 from the base vehicle trips estimated in Table 2. The resulting total external trips are shown in Table 4.

TABLE 4: ESTIMATED TOTAL EXTERNAL TRIPS

				AM Peak		PM Peak	
ITE LUC	Description	Units/size		enter	exit	enter	exit
221	Multifamily Housing (Mid-Rise)	959	units	94	312	224	141
252	Senior Adult Housing - Attached	70	units	5	9	10	8
311	Hotel	34	rooms	6	5	4	5
712	Small Office Building	2,457	s.f.	3	1	1	2
822	Strip Retail Plaza (<40k)	1,300	s.f.	3	3	3	4
932	High-Turnover (Sit-Down) Restaurant	2,750	s.f.	11	12	9	3
		sub-total		122	342	251	163
		total		464		414	

C. Pass-By and Primary Trips

The estimated external trips may be separated into primary trips and pass-by trips. Pass-by trips result in a change in turning traffic at project intersections, but do not add traffic to the adjacent street network. As defined by the ITE Trip Generation Handbook:

[2] NCHRP Report 684 - Enhancing Internal Trip Capture Estimation for Mixed-Use Developments

"A pass-by trip is made as an intermediate stop on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street…"

Pass-by trips are estimated using the average pass-by rates surveyed by ITE for that land use. These trips are anticipated in addition to the primary trips. In this case, only the retail store and restaurant are expected to attract pass-by trips, estimated in Table 5.

TABLE 5: ESTIMATED PASS-BY TRIPS

				AM Peak		PM Peak	
ITE LUC	Description	Units/size		enter	exit	enter	exit
221	Multifamily Housing (Mid-Rise)	959	units				
252	Senior Adult Housing - Attached	70	units				
311	Hotel	34	rooms				
712	Small Office Building	2,457	s.f.				
822	Strip Retail Plaza (<40k)	1,300	s.f.	1	1	1	1
932	High-Turnover (Sit-Down) Restaurant	2,750	s.f.	5	5	4	1
		sub-total		6	6	5	2
		total		12		7	

All non-pass-by trips are estimated to be primary external trips. Primary external trips are made for the specific purpose of visiting the generating site. The estimated primary external trips are shown in Table 6.

TABLE 6: ESTIMATED EXTERNAL PRIMARY TRIPS

				AM Peak		PM Peak	
ITE LUC	Description	Units/size		enter	exit	enter	exit
221	Multifamily Housing (Mid-Rise)	959	units	94	312	224	141
252	Senior Adult Housing - Attached	70	units	5	9	10	8
311	Hotel	34	rooms	6	5	4	5
712	Small Office Building	2,457	s.f.	3	1	1	2
822	Strip Retail Plaza (<40k)	1,300	s.f.	2	2	2	3
932	High-Turnover (Sit-Down) Restaurant	2,750	s.f.	6	7	5	2
		sub-total		116	336	246	161
		total		452		407	

D. Effect of Transportation Demand Management

While the Trip Generation Handbook recommends calculating walk, bike, and transit trips prior to splitting trips into pass-by and non-pass-by trips[3], the VTrans TDM Guidance states "TDM reductions should be applied… after the pass-by factors have been applied". Based on a combination of physical, operational, and organizational TDM strategies, coupled with the mixed-use / moderate transit designation, substantial existing and proposed walk and bike infrastructure, and urban location, the site qualifies for the maximum 15% TDM adjustment

[3] ITE Trip Generation Handbook, 3rd Edition, page 95

suggested in the VTrans TDM Guidance. The 15% adjustment applied to primary (non-pass-by) external trips estimates the multimodal / TDM mitigated trips, as shown in Table 7.

TABLE 7: ESTIMATED MULTIMODAL / TDM MITIGATED TRIPS

				AM Peak		PM Peak	
ITE LUC	Description	Units/size		enter	exit	enter	exit
221	Multifamily Housing (Mid-Rise)	959	units	14	47	34	21
252	Senior Adult Housing - Attached	70	units	1	1	2	1
311	Hotel	34	rooms	1	1	1	1
712	Small Office Building	2,457	s.f.	0	0	0	0
822	Strip Retail Plaza (<40k)	1,300	s.f.	0	0	0	0
932	High-Turnover (Sit-Down) Restaurant	2,750	s.f.	1	1	1	0
		sub-total		17	50	38	23
		total		67		61	

E. Net External Primary Vehicle Trips

The external primary vehicle trip total, or the expected number of new vehicle trips entering and exiting the development, is estimated as the total primary external trips shown in Table 6 subtracting the multimodal trips estimated in Table 7. The resulting estimated external primary vehicle trips are shown in Table 8.

TABLE 8: ESTIMATED NET EXTERNAL PRIMARY VEHICLE TRIPS FOR THE PROPOSED CAMBRIAN RISE DEVELOPMENT PROGRAM

					AM Peak		PM Peak	
ITE LUC	Description		Units/size		enter	exit	enter	exit
221	Multifamily Housing (Mid-Rise)		959	units	80	265	190	120
252	Senior Adult Housing - Attached		70	units	4	8	8	7
311	Hotel		34	rooms	5	4	3	4
712	Small Office Building		2,457	s.f.	3	1	1	2
822	Strip Retail Plaza (<40k)		1,300	s.f.	2	2	2	3
0		0	0	0	0	0	0	0
932	High-Turnover (Sit-Down) Restaurant		2,750	s.f.	5	6	4	2
			sub-total		99	286	208	138
			total		385		346	

Compared to the originally permitted development program from December 2016 under land use permit 4C1301, the net effect of the updated development program is an additional 4 primary external vehicle trips generated in the AM peak hour, and 79 fewer primary external vehicle trips generated in the PM peak hour. The total daily external primary vehicle trip generation is estimated to be 4,190 trips per day, a decrease of 430 trips per day compared to the originally permitted development program from December 2016.

TABLE 9: SUMMARY OF ESTIMATED PEAK HOUR TRIP GENERATION

Step		AM Peak Hour	PM Peak Hour
A.	**Base Trip Generation**	474	452
B.	**Internally Captured Trips**	10	38
C.	**Pass-By Trips**	12	7
C.2	**Primary Trips (A-B-C)**	452	407
D.	**Multimodal / TDM Trips (C.2 x 15%)**	67	61
E.	**External Primary Vehicle Trips (C.2-D)**	385	346
	Originally Permitted Trips in 4C1301 (From traffic report dated 12/28/16)	381	425
	Net Change in External Primary Vehicle Trips (current trips compared to originally permitted trips)	+4	-79

The proposed development program also removes higher trip generating land uses, such as the office space and convenience market, and replaces this floor area with residential housing. Generally, residential housing generates fewer peak hour trips per square foot compared to retail or office land uses. At the same time, with fewer non-residential land uses, the opportunity for travel efficiencies such as internal capture and pass-by trip making is reduced compared to previous land use development programs. The net result is a negligible change in estimated trip generation in the AM peak hour, and a substantial reduction in new external primary vehicle trip generation in the PM peak hour compared to previously permitted and approved conditions.

With a negligible change in the number of AM peak hour trips and fewer PM peak hour trips, the originally evaluated congestion and operations analyses are likely to remain acceptable or improved compared to the original TIA from December 2016 and subsequent amended trip generation assessments.

The Act 145 Transportation Impact Fee assessed to the project is based on the number of new PM peak hour trips generated by the proposed project. A reduction of 79 trips, or -18.5% reduction in trips, would result in a commensurate reduction in the Act 145 impact fee imposed by land use permit (LUP) 4C1301. LUP 4C1301 assessed an Act 145 fee of $33,541; the revised Act 145 impact fee would $27,336.

CONCLUSIONS

The methodology to calculate internally captured trips, primary and pass-by trips, and TDM trips has been updated to be consistent with the current development program and latest guidance by VTrans, the ITE Trip Generation Manual, 11th Edition, and the ITE Trip Generation Handbook, 3rd Edition.

Under the updated methodology, the current development program results in a net change in external vehicle trips of +4 trips / -79 trips in the AM / PM peak hours compared to the originally

approved December 2016 land use development program. This reduction in new external primary vehicle trip generation in the PM peak hour is expected to improve traffic operations and reduce transportation impacts compared to the originally evaluated and permitted land use development program from December 2016.

With fewer PM peak hour trips, the updated Act 145 transportation impact fee is estimated to be reduced by 18.5% to $27,336.

Department of Permitting and Inspections
645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188
www.burlingtonvt.gov/dpi

Zoning Permit Application – Owner's Signature & Consent

For use when the applicant is acting on behalf of the property owner.

PROJECT LOCATION ADDRESS: 351 North Avenue

PROPERTY OWNER*: _____ *If condominium unit, written approval from the Association is also required	**APPLICANT:** Benjamin Frye
POSTAL ADDRESS: PO Box 1335	POSTAL ADDRESS: PO Box 1335
CITY, ST, ZIP: Burlington, VT 05402	CITY, ST, ZIP: Burlington, VT, 05402
DAY PHONE: 802-861-3000	DAY PHONE: 802-565-0582
EMAIL: efarrell@farrellproperties vt.com	EMAIL: benjamin.frye12@gmail.com
SIGNATURE: Eric Farrell	**SIGNATURE:** Ben Frye

Property owner signature authorizes the applicant (if noted) to act on owner's behalf for all matters pertaining to this zoning permit application. Signature also consents to the proposed work and to inspection by city zoning staff to close out the zoning permit upon project completion.

Description of Proposed Project: Seeking a zoning determination regarding TDM Requirements on behalf of non-profit organizations with a presence within the Cambrian Rise development.

Cambrian Rise Transportation Demand Management Plan

Last Revised – 3/29/2022

Overview

The Cambrian Rise Development is located in a transitional neighborhood between the Old North End and the New North End, roughly one mile from the downtown core. The goal of Farrell Properties is to create a multi-modal neighborhood that disincentivizes car ownership and offers incentives and resources for people seeking to reduce car use. The distance from the downtown core presents a challenge to the goal of reducing car ownership, however the proximity to the Burlington Greenway and the existing Bus route on North Avenue presents great opportunities for encouraging reduced vehicle use. Farrell Properties has committed to several strategies that will take advantage of these opportunities. This aligns well with the City's land use and transportation goals, and the Transportation Demand Management (TDM) requirements. These goals, requirements, as well as the project's proposal for meeting these goals at Cambrian Rise are documented below:

Section 8.1.16 Transportation Demand Management

(a.) Purpose

To advance the goals of the City's land use and transportation plans, and promote public health, safety, welfare, and protection of the environment by:

- Reducing parking demand
- Reducing car ownership
- Reducing vehicle miles traveled and congestion
- Increase transit use and non-motorized travel

(b.) Applicability

Cambrian Rise is subject to the Transportation Demand Management Plan Requirement because the site is zoned as multi-modal mixed-use and creates more than 10 dwelling units.

(c.) Transportation Demand Management (TDM) Program

In order to address the TDM requirements of Section 8.1.16 of the Burlington Comprehensive Development ordinance (dated December 16, 2020), The Cambrian Rise Project offers the following strategies:

a. Outreach and Education

i. Farrell Properties will act as the Transportation Coordinator for the Cambrian Rise Project. Cambrian Rise is a member of Chittenden Area Transportation Management Association (CATMA). They will maintain their membership for a minimum of 10 years after the next certificate of occupancy is issued, and work with them to coordinate the following activities:

1. Prepare education materials regarding TDM strategies
2. Annual meeting organized for and open to all tenants and employees
   - Present prepared educational materials
   - Facilitate discussion on opportunities for increased use and participation
3. Annual travel survey of prepared for and disseminated to all tenants and a employees
4. On-going record keeping and annual report to the city of all TDM offerings, including:
   - Discounts available
   - On-site resources available

- Owner vs. Tenant and employee responsibilities
- Rate of participation including parking utilization

b. TDM Strategies

Cambrian Rise has been a member of CATMA, a Transportation Management Association, since 2016. Cambrian Rise has and will continue to work with CATMA to provide ongoing TDM strategies and will maintain their membership for at least 10 years. The following are portions of the memorandum of understanding between Farrell Properties and CATMA:

CATMA administers and monitors programs and services for Cambrian Rise as listed below:

- Strategy development for enhancing transportation options and amenities
- Access to discounted Green Mountain Transit passes
- Access to Commuter Impact Tool and data collection
- Enhancement and implementation of a comprehensive transportation education, marketing and awareness program (via newsletters, communications, informational kiosk, website, events and bike safety workshop)
- Commuter Prize Drawings
- Support in planning and implementing TDM measures in furtherance of requests for parking waivers, traffic impact mitigation fee reductions, etc.
- Carpool and Vanpool program support
- Surveys and analyses to track and measure progress towards goals
- Recommendations and support with attaining current and future goals

Goals and performance metrics:

Goals	Performance Measure
Goal 1 Enhance and implement the transportation amenities and services available to residents at Cambrian Rise	• Increase the transportation options available for residents • Increase residents' access to transportation options. • Improve existing transportation services and amenities to better serve residents *Resource – CATMA Survey Data*
Goal 2 Reduce residents' demand for parking, use of single occupancy vehicles and traffic impact	• Decrease total demand of parking among tenants • Decrease total SOV commutes *Resource – CATMA Survey Data, Online Impact Data, Requests of parking space (Farrell Properties)*
Goal 3 Increase residents' use of sustainable commute modes	• Increase number of residents utilizing sustainable commute modes • Decrease in SOV commutes • Decrease in use of on-site parking *Resource – CATMA Survey Data, Online Impact Data, Farrell Properties data collections*
Goal 4 Improve residents' awareness of available transportation options and benefits	• Increase residents' knowledge and awareness of commute options, resources, and benefits *Resource – CATMA Survey Data*

All residents and Cambrian Rise have access to a commuter membership with CATMA.

In addition to and in coordination with Cambrian Rise's membership in CATMA, Cambrian Rise has and will continue to make significant investments in elements to further promote walkability, and alternate modes of transportation, including:

i. Public Transit
- A GMT bus stop is located on-site.
- A new climate-controlled transportation HUB has been constructed at the intersection of Cambrian Way and North Avenue. Use of the transportation HUB is awaiting intersection improvements with North Avenue, planned for 2022, and includes a dedicated bus pull-off. The HUB is equipped to support live display screens with bus routes and schedules.
- All residents have access to discounted GMT passes **(minimum discount 25%)** through Cambrian Rise's membership with CATMA.

ii. Cars
- One CarShare Vermont vehicle is currently located at Cambrian Rise. This CarShare vehicle would not be possible without financial subsidies provided by Cambrian Rise. Cambrian Rise will work with CarShare Vermont to assess the need for additional CarShare vehicles.
- All new tenants at Farrell Properties are offered a free of charge one-year membership with CarShare Vermont. (note: one-year memberships with CarShare have been an amenity provided to tenants, prior to Burlington's TDM requirements.)

iii. Bikes
- Residents are eligible for a subsidized [GreenRide] Bikeshare membership through Cambrian Rise's CATMA membership **(typ. annual plan $99.99, CATMA member plan $69.99)**.
- A GreenRide hub location is hosted on site, proximate to the transportation hub, with the capacity for 8 electric assist bikes and an electric kiosk. The Transportation Coordinator will work with GreenRide to ensure appropriate racks are installed and maintained as more buildings come online and creates demand for this resource.
- Short-term parking is provided proximate to all major building entries in accordance with the zoning requirements, additional short-term bike parking is provided at the transportation hub, boardwalk, and central green.
- Long-term parking storage areas are provided inside each building, and often greatly exceed the minimum zoning requirements. Overall, more than double the required number of long-term bike parking spaces are provided. Most buildings include bike maintenance facilities, including indoor wash and repair stations to support bike ownership and ease of use.
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- Cambrian Rise will construct a multi-use recreation path to connect between North Avenue and the Burlington Greenway. Portions of the pathway are already constructed along built portions of Cambrian Way. The client is currently finalizing construction documents in coordination with BPRW for the full build-out of the Rec Path, with construction anticipated in 2022-2023.

iv. Pedestrian Accessibility

- An ADA, publicly accessible route is planned to connect from North Avenue, through the development, and to the Burlington Greenway. This pathway will utilize portions of the new multi-use recreation path as well as a elevator and stair tower, and internal ramps and walks.
- A multi-use recreation path is located along the south portion of Cambrian Way ("South Road").
- A signalized pedestrian crossing is planned for the intersection of North Ave. and "South Road".

While TDM strategies required by the Burlington Zoning Ordinance are limited to discounted GMT and CarShare memberships, Cambrian Rise has implemented a far more integrated approach which includes significant financial investments in physical improvements and subsidies. At completion, it is anticipated that Cambrian Rise will have provided approximately $2,000,000 in assuring transportation options and amenities to support sustainable transportation alternatives.

c. Parking Management

i. The Transportation Coordinator will ensure a parking utilization study is performed at least once annually for 10 years from receipt of Certificate of Occupancy.

ii. Except for permanently affordable housing units, all residential parking is and will be 'un-bundled' from residential leases and deeds. No dedicated commercial parking is proposed but will utilize shared parking during day-time hours.

iii. No parking spaces will be made available to off-site users.

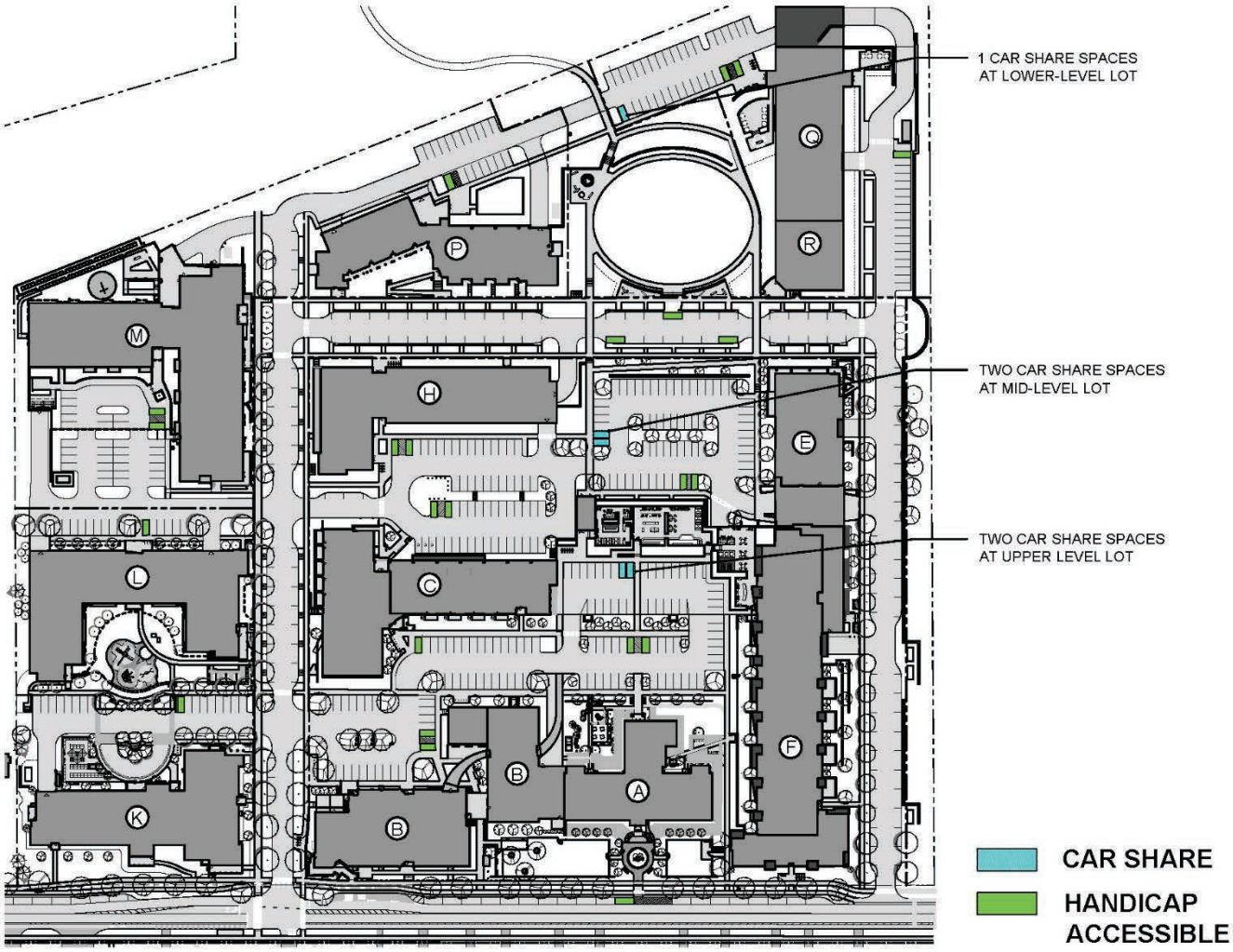
iv. Priority parking (see Appendix A)

1. Five spaces will be made available for Car-share Vermont, or other car sharing services.
2. Handicapped spaces and short-term bicycles parking spaces will be located proximate to every major building entrance
3. Motorcycles parking will be provided in the central garage proximate to entries.
4. Carpool and Vanpool spaces are not required on site (less than 20 spaces are planned for non-residential use). The transportation coordinator will re-evaluate the demand for this annually and if appropriate, offer this as a consideration during the annual TDM meeting.

d. TDM Agreement (see Appendix B)

Cambrian Rise

APPENDIX A



Department of Permitting and Inspections
645 Pine Street
Burlington, VT 05401-8415
Phone: (802) 865-7188
www.burlingtonvt.gov/dpi

Transportation Demand Management Plan

Use this form for all applications for zoning permits for projects located in Burlington's Multimodal Mixed Use Parking District and including the creation of 10 or more dwelling units, a building footprint of 8,000 sf or more, or the creation of 15,000 sf or more gross floor area.

A TDM plan shall address each of the following items (see Sec. 8.1.16 (c) Transportation Demand Management (TDM) Program, of the Comprehensive Development Ordinance for details).

I. Outreach and Education

II. TDM Strategies

III. Parking Management

TDM Agreement

- Commitment to ongoing implementation of the TDM requirements I, II, & III as set forth above;
- Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;
- Acknowledgement that failure to maintain transportation demand management as required above is a violation of the Comprehensive Development Ordinance, and understanding that, pursuant to Sec. 2.7.8 of the CDO, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,
- Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

Property Owner: Ethan Bauer

Applicant: BC Community Housing, LLC

Number of vehicle parking spaces: 1,345 Number of bicycle parking spaces: 1,106

Zoning Permit Number: _____

Date: 13 December 2021

To: Eric Farrell, Farrell Properties

From: Corey Mack, PE

Subject: Cambrian Rise Trip Generation Review
Updated Land Use Program: Burlington Planning and Zoning

WCG has reviewed the proposed change to the land use development program at Cambrian Rise in Burlington, VT. We have compared the latest development program and trip generation estimate to the originally permitted condition (December 2016) and most recent development program (April 2019) trip generation estimates. This memo documents the trip generation estimate, adjustments, and summarizes the changes.

In summary:

- The proposed land use development program at Cambrian Rise includes several changes, including a reduction in office space, removal of the convenience store, addition of a neighborhood grocery store, and other minor modifications.
- The current proposed land use development program results in an overall estimated external primary vehicle trip generation of 362 trip ends in the AM peak hour and 348 trip ends in the PM peak hour.
- The originally permitted development program from December 2016 estimated a total external trip generation of 381 trips and 425 trips in the AM and PM peak hours, respectively.
- The proposed land use development program results in an estimated 19 fewer external primary vehicle trips in the AM peak hour and 77 fewer external primary vehicle trips in the PM peak hour compared to the originally permitted land use development program from December 2016.
- This reduction in new external primary vehicle trip generation is expected to improve traffic operations and reduce transportation impacts compared to the originally evaluated and permitted land use development program from December 2016.

BACKGROUND

Cambrian Rise is a mixed-use development located near 351 North Avenue in Burlington VT. The project is permitted under Act 250 land use permit 4C1301 with four amendments. The City of Burlington Planning and Zoning department has most recently reviewed a traffic supplement dated April 18, 2019. That most recent traffic supplement from April 18, 2019 included an increase in the number of housing units to 950 (including the 65 units at Liberty House), a reduction in the office and retail space, an increase in restaurant space, and other minor changes to the land use development program. In all permitting applications, Building A “Liberty

House" consisting of 65 units of mid-rise residential housing, is considered an existing property under separate permitting.

The evolution of the land use development program and the resulting estimated primary external vehicle trip generation is documented in Table 1.

TABLE 1: SUMMARY OF LAND USE DEVELOPMENT PROGRAMS AND ESTIMATED PRIMARY EXTERNAL VEHICLE TRIP GENERATION FROM FORMER AND CURRENT CAMBRIAN RISE LAND USE DEVELOPMENT PROGRAMS

ITE LUC	Description	Units	*December 2016 4C1301*	*October 2018 4C1301-3*	*April 2019*	**December 2021 Current**
221	Mid-Rise Apartment	DUs	*673*	*705*	*815*	**815**
252	Senior Adult Housing (Attached)	DUs	*	*	*70*	**70**
311	All-Suites Hotel	Rooms	*42*	*50*	*79*	**64**
311	Hotel (VIC)	Rooms	-	*40*	-	**-**
540	Junior/Community College	SF	*16,500*	-	-	**-**
565	Daycare Center	SF	*4,025*	*3,000*	*3,000*	**-**
710	General Office Building	SF	*22,541*	*60,250*	*64,900*	**13,400**
760	R&D Office (VIC)	SF	-	*40,000*	-	**-**
820	Retail (e.g.Shopping Center)	SF	-	*4,350*	*900*	**1,300**
826	Specialty Retail	SF	*2,675*	-	-	**-**
850	Grocery Store	SF	-	-	-	**5,000**
851	Convenience Market	SF	-	*2,000*	*2,000*	**-**
932	High-Turnover (Sit-Down) Restaurant	SF	*2,650*	*3,000*	*8,000*	**5,000**
Total External Primary Vehicle Trip Generation:						
		AM Peak Hour	*381*	*394*	*380***	**362**
		PM Peak Hour	*425*	*443*	*399***	**348**
		Daily (including pass-by trips)	*4620*	*5057*	*5635*	**4742**

**Previous land use development programs included senior housing, however the land use was included within LUC 221 and not specifically broken out as a distinct generator of traffic prior to the current traffic supplement*
*** Not explicitly calculated in the April 2019 Memo; estimated as Table 6 subtract Table 3*

VEHICLE TRIP GENERATION ESTIMATE

To estimate the total primary external vehicle trips of the proposed site, the following methodology was applied:

A. Estimate the base trip generation by evaluating the single-use trip generation for each land use code per ITE Trip Generation Manual, 11th Edition trip generation rates[1]

B. Estimate internally captured trips using NCHRP Report 684 Methodology

C. Estimate pass-by and primary trips by applying appropriate Trip Generation Handbook, 3rd Edition pass-by rates to external trips (the base trips subtracted by the internal trips, A minus B)

D. Estimate the effect of transportation demand management (TDM) by applying a TDM factor to primary trips per VTrans guidance

E. Estimate primary external vehicle trips as primary external trips minus TDM trips (C minus D)

A. Base Trip Generation

Base vehicle trips are the total estimated vehicle trips prior to any reductions associated with internal capture, pass-by, or transportation demand management (TDM) features. Base trip generation from the current development program has been estimated using the Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition.

The 5,000 SF neighborhood grocery store is expected to offer food, beverage, produce, food preparation materials, prepared foods, and household goods, similar to the Grocery Store land use description defined by ITE land use code (LUC) 850. The data supporting the trip generation rates for this land use code are based on sites ranging in size from 9,000 to 144,000 square feet, with the average data based on a 55,000 square foot site. Given the proposed site is not within the range of data, the base trip generation has been estimated using the smallest square footage in the sample set. The resulting base trip generation estimates are summarized by land use code (ITE LUC) in Table 2.

B. Internally Captured Trips

Because of the complementary nature of the proposed land uses on the Cambrian Rise site, some trips are made between the on-site uses. This capture of trips internal to the site has the net effect of reducing vehicle trip generation between the overall development site and the external street system (compared to the total number of trips generated by comparable land uses developed individually on stand-alone sites). For these internally captured trips, the origin, destination, and travel path are all within the site.

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[1] 11th Edition was released in September 2021. Previous trip generation estimation utilized data from the ITE Trip Generation Manual, 10th edition, or earlier.

TABLE 2: BASE TRIP GENERATION OF THE PROPOSED CAMBRIAN RISE DEVELOPMENT PROGRAM

ITE LUC	Description	Units/size		AM Peak enter	AM Peak exit	PM Peak enter	PM Peak exit
221	Multifamily Housing (Mid-Rise)	815	units	80	267	194	124
252	Senior Adult Housing - Attached	70	units	5	9	10	8
311	Hotel	64	rooms	12	10	11	12
710	General Office Building	13,400	s.f.	26	4	5	26
822	Strip Retail Plaza (<40k)	1,300	s.f.	4	3	9	9
850	Grocery Store	5,000	s.f.	18	13	53	54
932	High-Turnover (Sit-Down) Restaurant	5,000	s.f.	26	22	27	18
		sub-total		171	328	309	251
		total		499		560	

Internally captured trips have been estimated using the recommended methodology in the ITE Trip Generation Handbook[2] and are shown in Table 3. Internal capture trips are estimated prior to splitting site generated trips into pass-by and non-pass-by trips or estimating the effect of TDM strategies.

TABLE 3: ESTIMATED INTERNALLY CAPTURED TRIPS

ITE LUC	Description	Units/size		AM Peak enter	AM Peak exit	PM Peak enter	PM Peak exit
221	Multifamily Housing (Mid-Rise)	815	units	3	9	20	13
252	Senior Adult Housing - Attached	70	units	0	0	0	0
311	Hotel	64	rooms	0	3	4	2
710	General Office Building	13,400	s.f.	7	3	3	7
822	Strip Retail Plaza (<40k)	1,300	s.f.	0	0	0	0
850	Grocery Store	5,000	s.f.	7	5	19	27
932	High-Turnover (Sit-Down) Restaurant	5,000	s.f.	10	7	14	11
		sub-total		27	27	60	60
		total		54		120	

Total external trips are estimated by subtracting the internally generated trips shown in Table 3 from the base vehicle trips estimated in Table 2. The resulting total external trips are shown in Table 4.

[2] NCHRP Report 684 - Enhancing Internal Trip Capture Estimation for Mixed-Use Developments

TABLE 4: ESTIMATED TOTAL EXTERNAL TRIPS

ITE LUC	Description	Units/size		AM Peak enter	AM Peak exit	PM Peak enter	PM Peak exit
221	Multifamily Housing (Mid-Rise)	815	units	77	258	174	111
252	Senior Adult Housing - Attached	70	units	5	9	10	8
311	Hotel	64	rooms	12	7	7	10
710	General Office Building	13,400	s.f.	19	1	2	19
822	Strip Retail Plaza (<40k)	1,300	s.f.	4	3	9	9
850	Grocery Store	5,000	s.f.	11	8	34	27
932	High-Turnover (Sit-Down) Restaurant	5,000	s.f.	16	15	13	7
		sub-total		144	301	249	191
		total		445		440	

C. Pass-By and Primary Trips

The estimated external trips may be separated into primary trips and pass-by trips. Pass-by trips result in a change in turning traffic at project intersections, but do not add traffic to the adjacent street network. As defined by the ITE Trip Generation Handbook:

> *"A pass-by trip is made as an intermediate stop on the way from an origin to a primary trip destination without a route diversion. Pass-by trips are attracted from traffic passing the site on an adjacent street…"*

Pass-by trips are estimated using the average pass-by rates surveyed by ITE for that land use. These trips are anticipated in addition to the primary trips. In this case, only the retail store, grocery store and restaurant are expected to attract pass-by trips, estimated in Table 5.

TABLE 5: ESTIMATED PASS-BY TRIPS

ITE LUC	Description	Units/size		AM Peak enter	AM Peak exit	PM Peak enter	PM Peak exit
221	Multifamily Housing (Mid-Rise)	815	units				
252	Senior Adult Housing - Attached	70	units				
311	Hotel	64	rooms				
710	General Office Building	13,400	s.f.				
822	Strip Retail Plaza (<40k)	1,300	s.f.	1	1	3	3
850	Grocery Store	5,000	s.f.	3	2	8	6
932	High-Turnover (Sit-Down) Restaurant	5,000	s.f.	7	6	6	3
		sub-total		11	9	17	12
		total		20		29	

All non-pass-by trips are estimated to be primary external trips. Primary external trips are made for the specific purpose of visiting the generating site. The estimated primary external trips are shown in Table 6.

TABLE 6: ESTIMATED EXTERNAL PRIMARY TRIPS

ITE LUC	Description	Units/size		AM Peak enter	AM Peak exit	PM Peak enter	PM Peak exit
221	Multifamily Housing (Mid-Rise)	815	units	77	258	174	111
252	Senior Adult Housing - Attached	70	units	5	9	10	8
311	Hotel	64	rooms	12	7	7	10
710	General Office Building	13,400	s.f.	19	1	2	19
822	Strip Retail Plaza (<40k)	1,300	s.f.	3	2	6	6
850	Grocery Store	5,000	s.f.	8	6	26	21
932	High-Turnover (Sit-Down) Restaurant	5,000	s.f.	9	9	7	4
		sub-total		133	292	232	179
		total		425		411	

D. Effect of Transportation Demand Management

While the Trip Generation Handbook recommends calculating walk, bike, and transit trips prior to splitting trips into pass-by and non-pass-by trips[3], the VTrans TDM Guidance states "TDM reductions should be applied… after the pass-by factors have been applied". Accounting for the anticipated effects of Transportation Demand Management, as suggested in the VTrans TDM Guidance, results a 15% reduction in primary (non-pass-by) external trips shown in Table 7.

TABLE 7: ESTIMATED MULTIMODAL / TDM MITIGATED TRIPS

ITE LUC	Description	Units/size		AM Peak enter	AM Peak exit	PM Peak enter	PM Peak exit
221	Multifamily Housing (Mid-Rise)	815	units	12	39	26	17
252	Senior Adult Housing - Attached	70	units	1	1	2	1
311	Hotel	64	rooms	2	1	1	2
710	General Office Building	13,400	s.f.	3	0	0	3
822	Strip Retail Plaza (<40k)	1,300	s.f.	0	0	1	1
850	Grocery Store	5,000	s.f.	1	1	4	3
932	High-Turnover (Sit-Down) Restaurant	5,000	s.f.	1	1	1	1
		sub-total		20	43	35	28
		total		63		63	

E. Net External Primary Vehicle Trips

The external primary vehicle trip total, or the expected number of new vehicle trips entering and exiting the development, is estimated as the total primary external trips shown in Table 6 subtracting the multimodal trips estimated in Table 7. The resulting estimated external primary vehicle trips are shown in Table 8.

[3] ITE Trip Generation Handbook, 3rd Edition, page 95

TABLE 8: ESTIMATED NET EXTERNAL PRIMARY VEHICLE TRIPS FOR THE PROPOSED CAMBRIAN RISE DEVELOPMENT PROGRAM

ITE LUC	Description	Units/size		AM Peak enter	AM Peak exit	PM Peak enter	PM Peak exit
221	Multifamily Housing (Mid-Rise)	815	units	65	219	148	94
252	Senior Adult Housing - Attached	70	units	4	8	8	7
311	Hotel	64	rooms	10	6	6	8
710	General Office Building	13,400	s.f.	16	1	2	16
822	Strip Retail Plaza (<40k)	1,300	s.f.	3	2	5	5
850	Grocery Store	5,000	s.f.	7	5	22	18
932	High-Turnover (Sit-Down) Restaurant	5,000	s.f.	8	8	6	3
		sub-total		113	249	197	151
		total		362		348	

The net effect of the proposed development program is 19 fewer primary external vehicle trips generated in the AM peak hour and 77 fewer primary external vehicle trips generated in the PM peak hour compared to the originally permitted development program from December 2016. The total daily external trip generation is estimated to be 4,742 trips per day (including pass-by trips), an increase of 122 trips per day compared to the originally permitted development program from December 2016.

TABLE 9: SUMMARY OF ESTIMATED PEAK HOUR TRIP GENERATION

Step		AM Peak Hour	PM Peak Hour
A.	**Base Trip Generation**	499	560
B.	**Internally Captured Trips**	54	120
C.	**Pass-By Trips**	20	29
C.2	**Primary Trips (A-B-C)**	425	411
D.	**Multimodal / TDM Trips (C.2 x 15%)**	63	63
E.	**External Primary Vehicle Trips (C.2-D)**	362	348
	Previously Approved Trips from April 2019 Traffic Supplement	380	399
	Previously Permitted Trips in 4C1301-3 (Amended traffic report dated 10/16/18)	394	443
	Originally Permitted Trips in 4C1301 (From traffic report dated 12/28/16)	381	425
	Net Change in External Primary Vehicle Trips (current trips compared to originally permitted trips)	-19	-77

The revised land use proposal includes a significant number of pass-by trips due to the grocery store and increased restaurant space (Table 5). As noted earlier, pass-by trips are not new traffic generation, but trips resulting from the existing traffic already driving by the site. The net effect of pass-by trips at the development entrances is minor, as existing through trips on North Avenue are simply converted to turning movements. Outside the entrance intersections, pass-by trips are already on the road network and do not contribute to increased traffic volumes along North Avenue or beyond. The original Transportation Impact Assessment (TIA) from December 2016 did not include any land uses capitalizing on pass-by trips; all originally permitted trips were new, external primary vehicle trips.

The proposed development program also removes higher trip generating land uses, such as the office space and convenience market, and replaces this floor area with lower trip generating land uses such neighborhood grocery store. The net result is a reduction in overall new external primary vehicle trip generation in the peak hours compared to previously permitted and approved conditions.

The current proposed land use program is expected to generate fewer new, primary external vehicle trips than in the original TIA from December 2016 and the amended trip generation assessment from October 2018 and April 2019. Fewer new primary external vehicle trips are likely to improve the evaluated traffic operations and reduce transportation impacts compared to the originally permitted land use development program in December 2016.

CONCLUSIONS

The methodology to calculate internally captured trips, primary and pass-by trips, and TDM trips has been updated to be consistent with the latest guidance by VTrans, the ITE Trip Generation Manual, 11th Edition, and the ITE Trip Generation Handbook, 3rd Edition.

Under the updated methodology, the current development program results in a net change in external vehicle trips of -19 trips / -77 trips in the AM / PM peak hours compared to the originally approved December 2016 land use development program. This reduction in new external primary vehicle trip generation is expected to improve traffic operations and reduce transportation impacts compared to the originally evaluated and permitted land use development program from December 2016.

Burlington Development Review Board
645 Pine Street
Burlington, VT 05401
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Bradford L. Rabinowitz, Chair
Geoffrey Hand
Chase Blackstone Taylor
Leo Sprinzen
Caitlin Halpert
Alexander J. LaRosa
Brooks G. McArthur
Vacant (alternate)
Sean McKenzie, (alternate)

Burlington Development Review Board
Findings of Fact
Deliberative Hearing Tuesday, April 5, 2022

Board Members Present: Brad Rabinowitz (Chair), Geoff Hand, Alexander LaRosa, Brooks McArthur, Leo Sprinzen, Chase Taylor. (Geoff Hand recuses on this matter.)

Absent: Caitlin Halpert, Sean McKenzie, alternate.

Staff members present: Scott Gustin, Mary O'Neil, Joseph Cava, and Celeste Crowley.

Zone: NAC-CR **Ward**: 4N

Owner/Applicant: BC Community Housing / Eric Farrell

Request: Amend Planned Unit Development permitted under 17-0623CA/MA & 19-0021CA/MA to increase total residential unit count from 770 to 950; revisions to Buildings DEFI, M, C, and Q/R and related site changes.

Evidence Presented:
The Board examined the materials submitted in support of this request.

I. Findings

Applicable Regulations:
Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), 5 (Citywide General Standards), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 11 (Planned Development)

Background Information:
The applicant is seeking to increase the number of residential units within the Cambrian Rise development to 950. That change is reflected in a recently amended development agreement with the city. Increasing the unit count is also driving a number of related changes to this ongoing project. Key aspects of this amendment application are:

- Acknowledge execution of Amendment to Development Agreement, increasing allowable housing density from 770 to 950 units;
- Increase in calculated FAR from 1.16 to 1.29. (2 is allowable FAR);
- Combine previously approved buildings D, E, F and I (total area of 185,000 sf) into one structure: the *Aurora* (318,000 sf);

- Eliminate deck and push wall out at fourth floor south elevation to create new units in Building C; (elevation change);
- Change in configuration of Buildings Q/R.
- Creation of Common Green (reconfigured Lot 6);
- Addition of 2 units to Building M, 6th floor on northwest corner by conversion of amenity space, enclosure of open deck.
- Site modifications, including addition of a rooftop Boardwalk as resident amenity.
- Change to Phasing Plan (sequencing, not completion dates.)

The Design Advisory Board reviewed the proposed amendment at their March 15, 2022 meeting and unanimously recommended approval as submitted.

Previous zoning actions for this property (Permitting addresses vary from 329, 351, 351-375 and 375 North Avenue):

- **Zoning Permit ZP-21-235:** Re-apply for 18-0791CA.
- **Zoning Permit 20-0683CA:** Changes to proposed Building C, convert parking to residential space (no increase in units), decrease non-residential space by 3,000 sf. February 2020.
- **Zoning Permit 19-0021CA/MA:** Amendment to original project increasing the overall unit count to 770. Redesign of Building M, adding additional stories to buildings M, P, Q, & R. Add building volume to B & G. Minor changes to plaza dimensions. October 2018.
- **Zoning Permit 18-0721CA:** Relocation of proposed path on SW side of building to align with existing opening on west elevation and small path leading from main path to vicinity of electrical transformer; modified paths near entry until adjacent buildings are complete; temporary black coated chain link construction fence surrounding west and south boundaries of building landscaping; new low stone wall. March 2018.
- **Zoning Permit 18-0791CA**; Revisions to Buildings B & G, with additional floor added to Building B. No change to total units in project; revisions to design of buildings and proposed transportation hub; revision to road phasing plan. May 2018.
- **Zoning Permit 18-0028AP**; Appeal of administrative decision relative to Impact Fees for orphanage renovation (zoning permit 16-0007CA/MA). DRB upholds staff decision, August 2017.
- **Zoning Permit 17-1307CA**; temporary fence and path for temporary dog park for residents of 375 North Avenue. June 2017.
- **Zoning Permit 17-0853CA**; Request for amendment of ZP17-0623CA/MA; Condition of approval #13 limiting construction days and times and Condition #3 addressing 10-year performance bond for construction. May 2017.

- **Zoning Permit 17-0716CA**; Replace two small windows on north and south gable ends located at the west elevation of former Orphanage building with one larger window in each gable end at the west elevation. January 2017.
- **Zoning Permit 17-0623CA/MA**; Proposed development consisting of 11 buildings containing 739 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,092 parking spaces. March 2017.
- **Zoning Permit 17-0376CA**; install new windows within new openings on western building elevation. September 2016.
- **Zoning Permit 17-0252SP**; second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. October 2016.
- **Zoning Permit 17-0010CA**; Revisions to west chapel elevation (amendment to zoning permit 16-0007CA / MA). Openings for windows restored or added. July 2016.
- **Zoning Permit 16-1487CA**; Change to top floor, add veranda on roof. Amendment to zoning permit 16-0007CA/MA. July 2016.
- **Zoning Permit 16-0622CA**; Request change of materials for existing slate roof to standing seam copper on the former St. Joseph's Orphanage. Former address 351 North Avenue. January 2016.
- **Zoning Permit 16-1183SP;** Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.
- **Zoning Permit 16-0007CA/MA**; Approval to convert building into 63 apartments and related site improvements. Approved September 2015; amended February 2016. June 2016.
- **Zoning Permit 15-0702LL**; Lot line adjustment with 329 North Avenue. Approved December 2014. [Plat recorded 1/16/2015; Plat file 509C.]
- **Zoning Permit 14-1286CA**; Installation of CCTA bus shelter on Burlington College property. Approved June 2014.
- **Zoning Permit 12-0706SN**; replace existing non-conforming freestanding sign with new freestanding sign for Burlington College – Main Campus. Approved March, 2012.
- **Zoning Permit 12-0121CA**; Install rooftop air handler, five ac units, bike racks, and remove walls from garage. Approved August 11, 2011.
- **Zoning Permit 11-0282CU**; convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 2010.
- **Zoning Permit 09-526CA**; Demolish single car garage. Approved February 2009.
- Non-applicability of zoning permit requirements; continued use of existing group home. June 1998.

- **Zoning Permit 92-096 / COA 092-016**; Removal of existing wooden cross with installation of fiberglass statuary of St. Mary on top of Diocese building. Overall height to be 104' with exterior illumination to surround statue. Approved September 1991.
- Notice of selective landscape removal on west. No change in grade of site or drainage of runoff water. December 1991.
- **Zoning Permit 79-352;** install septic tank and seepage bed. July 1979.
- **Zoning Permit 77-03**; renovation of existing structure "St. Josephs Child Center" into office space and three apartments for Bishop and two priests. Approved January 1977.
- **Zoning Permit 77-628**; Convert St. Joseph's Child Center into office building, three apartments and three guests' rooms. Remove some windows and brick up openings. Install new windows. Erect 28'6" x 30' addition and 32' x 66' addition. December 1976.

Article 3: Applications and Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability

The additional building area included in this amendment will affect overall impact fees. Impact fees due will be adjusted to reflect this additional building area. As requested, an updated spreadsheet of buildings and their interior uses and square footages has been provided to reflect the current proposal. **(Affirmative finding as conditioned)**

Section 3.3.6 Effect of Project Change on Impact Fees

If a proposed development is substantially modified in terms of square footage, a request for an adjustment to the impact fee may be made by filing a zoning permit application subject to the applicable filing fees. Any adjustment, if approved, is subject to the Impact Fee Administrative Regulations in effect at time of subsequent approval. Any change which increases a project size or impact shall require a new zoning permit and an accompanying adjustment to the impact fee amount.

The impact fees for all *new* area for each building will be calculated under the current (FY22) Impact Fee schedule. **(Affirmative finding as conditioned)**

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city's chief administrative officer / city treasurer according to the following schedule:

(a) New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.

(Affirmative finding as conditioned)

Part 5, Conditional Use & Major Impact Review:

Section 3.5.4: Submission Requirements

Any development subject to Major Impact Review under this Part shall also include an affidavit or certification documenting that the Pre-Application Public Neighborhood Meeting and requirements set forth by the department of Planning and Zoning.

The applicant has demonstrated compliance with this requirement. **(Affirmative finding)**

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Not applicable.

(b) Major Impact Review Standards

This proposed amendment, by itself, does not require major impact review. The amendment does, however, affect traffic and is addressed under criterion 5.

5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;

An updated traffic analysis has been provided to reflect the increase in residential units and overall reduction in commercial uses within the development. The analysis focuses on daily and peak hour trip generations and projects a net reduction in peak hour trip generation as compared to prior configuration and approval of the development. The analysis estimates that the development will generate 362 AM peak hour trip ends and 348 PM peak hour trip ends. These numbers compare favorably to the prior project approval with estimated 381 AM peak hour trip ends and 425 PM peak hour trip ends. Given the reduction in estimated traffic generation, impacts on intersection levels of service is not included in the updated analysis. Presumably such impacts will be proportionately lower due to the lower projected traffic generation.

The Department of Public Works remains interested in the timing of intersection improvements at Cambrian Way and North Avenue. The applicant notes that the warrants have not yet been met for the improvements and that they are scheduled for 2023. **(Affirmative finding)**

(c) Conditions of Approval

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.

No mitigation measures specifically tied to this amendment are necessary. **(Affirmative finding)**

2. Time limits for construction.

The original zoning permit approval for the Cambrian Rise project contains a 10-year buildout and related phasing schedule. No change to the 10-year timeframe is included in this amendment request. An updated phasing plan is included in this amendment that denotes completed phases and reorders some of the remaining phases. The 10-year construction timeline is unchanged. **(Affirmative finding)**

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

Residential use has no limitation on hours of operation. The construction hours were amended under ZP17-0853CA to allow construction Monday-Saturday, 7:00 AM to 6:00 PM and on Sunday 7:00 AM to 6:00 PM for interior construction only. No changes are sought in this amendment. **(Affirmative finding)**

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.

To be addressed in conditions of approval.

Article 4: Zoning Maps and Districts

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose

(4) Neighborhood Activity Center – Cambrian Rise (NAC-CR)

The Neighborhood Activity Center – Cambrian Rise District is intended to create a new center for mixed use development that allows for a range of housing types and tenures, and to accommodate a diverse range of complimentary general office, institutional and neighborhood oriented small-scale retail and service uses. Development should be compact, pedestrian-oriented and enhance the community with creative design, durable materials, and quality construction. Buildings should be oriented towards the streets. Human scale elements should help to define new streets as civic spaces. Parking should be located as to be screened from view from public streets and community spaces.

Changes proposed to the originally permitted project do not alter the compact site design and street layout, which provide the framework for the new mixed use neighborhood. Sidewalks, shared use paths, hardscaping, and street-level treatments of the proposed buildings maintain a pedestrian-friendly environment. The redesign of several buildings within the development, particularly building DEFI, will add new FAR. Dwelling unit counts and non-residential space is articulated per building within the project's use spreadsheet; however, it is likely that units and uses will continue to shift within the overall 950 unit count and 24,700 sf commercial space. **(Affirmative finding)**

b) Dimensional Standards and Density

There is no per-acre residential density limitation within the NAC-CR zone. Lot coverage and setbacks pertain to the entire district, rather than lot-by-lot. Essentially, the zoning district acts as a large planned unit development.

As proposed, FAR will increase from 1.16 to 1.29 and will remain well below the 2.0 FAR maximum permissible in this zone.

Lot coverage will increase from 63.6% to 67.6% and remains below the maximum permissible 72%. Inclusion of the 12-acre Kieslich Park that was part of the original project scope results in lot coverage of just 45.5%.

Front yard setbacks remain compliant at or above 20' along North Avenue. Side and rear yard setbacks of 10' and 20,' respectively, are compliant where applicable around the project periphery. Building height varies throughout the project and, in most cases, remains unchanged from prior project approval. Height for building E/F is most significantly different from the prior project approval. Buildings M and C are also modified with additional upper story space for new dwelling units. Since the prior project amendment, the methodology for height measurement has changed. Just the front building elevation is measured when it is within 50' of a public sidewalk (formerly, the distance was 10'). Height is measured in increments to account for changes in grade. The standard height limit of 65' is increased to

77’ due to the development bonuses tied to inclusionary dwelling units. The top story afforded by provision of inclusionary units must be set back 10’ from the front of the building. Measured in intervals as required, building height for E/F, M, and C are within a couple feet +/- of the 77’ maximum. Up to 5% variation is allowed per Sec. 5.2.6 below. The required 10’ upper story setback is observed as applicable. **(Affirmative finding)**

c) Permitted and Conditional Uses
Most of the uses within the development remain unchanged. Some previously approved commercial uses have been relocated within the development and/or reduced in size. The daycare and convenience store uses have been dropped. A grocery store has been added and is a permitted use. **(Affirmative finding)**

(d) District Specific Regulations
1. Ground Floor Residential Uses Restricted
Not applicable in NAC-CR.

2. Exceptions to Maximum Lot Coverage in NAC District
Not applicable in NAC-CR.

3. Development Bonuses/Additional Allowances
Not applicable. All additional development intensity is tied to by-right Inclusionary Housing bonuses allowed per Article 9.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.
Not applicable.

Section 5.2.2 Required Frontage or Access
All buildings front on public streets. **(Affirmative finding)**

Section 5.2.3 Lot Coverage Requirements
See Sec. 4.4.2 above.

Section 5.2.4 Buildable Area Calculation
Not applicable in the NAC-CR zone.

Section 5.2.5 Setbacks
See Sec. 4.4.2 above.

Section 5.2.6 Building Height Limits
(c) Exceptions to Height Limits.
Criterion 6 of this subsection allows for 5% variation in maximum building height to account for grade changes. As noted above, there are several instances of building height slightly above the 77’ maximum.

In no case do heights extend beyond the 5% variation (3.85') allowed. In all cases, grade changes along the face of the buildings on this sloped site. **(Affirmative finding)**

Section 5.2.7 Density and Intensity of Development Calculations
See Sec. 4.4.2 above.

Section 5.5.1 Nuisance Regulations
Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Section 5.5.2 Outdoor Lighting
See Sec. 6.2.2 (o).

Section 5.5.3 Stormwater and Erosion Control
A comprehensive stormwater management plan and Erosion Prevention and Sediment Control Plan have been approved for the overall project. The Water Resources Division has requested an updated schedule for installation of the stormwater infiltration system. This feature is an offset for the project's discharges into the North Avenue wastewater line.

Confirmation as to the sufficiency of these prior approvals for the proposed amendment is needed from the city's stormwater program. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1: Land Division Design Standards
This is an approved Planned Unit Development, with individual interior lot numbers. In the introductory memorandum, the applicant notes:
The Subdivision Plat will eventually be revised; however we have many details that remain to be finalized. Therefore we intend to submit a separate application soon that will depict an adjustment of some boundaries between certain lots and may also involve the consolidation of lots.
Although as a PUD only periphery setbacks are evaluated, it is important to understand interior lot lines as some buildings proposed for revisions will cross those previously established subdivision lot lines. Amending those lot boundaries will be essential. As these "lots" have now been assigned street addresses, future permit review could and should be isolated to individual lots rather than the PUD in its entirety. This would allow for manageable permit review in more "consumable" portions, and easier permit tracking for future review. **(Affirmative finding as conditioned)**

Part 2: Site Plan Design Standards
Sec. 6.2.2 Review Standards
(a) Protection of Important Natural Features:
One of the primary natural features of the site is the sloping grade toward the bike path and Lake Champlain. Site changes have sought to further enhance this prospect; with selected landscaping and amenity features to retain view and access to the west while enhancing residential features. Smaller sized trees and shrubs have been used within the central portion of the project so as to avoid obstruction of highly scenic views. Larger shade trees will be employed to soften areas along roads and between buildings. **(Affirmative finding)**

(b) Topographical Alterations:
Grading has been adjusted and retaining walls incorporated to screen visibility of revised vehicular circulation and parking from public roads and pedestrian areas. Refer to Plans L-201, L202 and L-206 for revisions to the landscaping layout.

This image is included to illustrate grading and landscaping revisions. Building DEF (Aurora) has since been revised.

Alterations to previously approved plans include a westerly expansion of Building D that now includes a multi-use rooftop amenity area or "Boardwalk". The latter affords views along the central axis of the project toward the lake and mountains. **(Affirmative finding)**

(c) Protection of Important Public Views:
While there are no specific regulatory requirements to protect public views in the NAC-CR district, the revisions to this plan reaffirm the applicant's commitment to identify and highlight the spectacular scenic views to the west. The substantial effort to assure residential amenity space is a highpoint of this plan; whether through the newly design Common, the Boardwalk, fire pits and outdoor recreation areas, rooftop spaces or community gardens. **(Affirmative finding)**

(d) Protection of Important Cultural Resources:
Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the cities or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See supporting submission of VHB regarding impacts to historic resources.

(e) Supporting the Use of Renewable Energy Resources:
Plans illustrate the opportunity for solar array on the roof of the combined DEF building. At the very least, this building should be constructed "solar ready" in an effort to forward renewable energy resources. **(Affirmative finding)**

(f) Brownfield Sites:
The Vermont DEC website does not include these addresses. **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.

A fully developed Stormwater Management Plan was prepared and approved within the original application (17-0623CA/MA.) The changed unit count will require re-review of some overall items: A water and sewer capacity analysis with Water Resources, any required updates to the Stormwater plan and a firm timeline for subsurface infiltration systems with DPW.

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.

Previous approvals have included the manner for snow removal and storage activities. This is annotated on Plan L-201.

Reference is made to elevation plans for Building DEF to confirm covered entries both along North Avenue, and Cambrian Way where multiple entrances/lobbies are available.

Building M and C are proposed for upper floor enclosures or additions (entries not proposed for alteration.)

Building Q/R will be "straightened" in footprint (not curved, as previously approved) but will retain entrance details.

(Affirmative finding as conditioned)

Building Q/R, view westerly from North Road. Note "straightening" of building footprint.

(h) Building Location and Orientation:

Building DEF is a revision to the formerly E/F building, and Building I which has been eliminated. Differing from early iterations, this new building now claims the entire length of the block, and presents three street frontages. In orientation, the narrow end fronts North Avenue (set 20'3" from the easterly property line, consistent with setback requirements for buildings fronting North Avenue) and runs westerly along Cambrian Way ("North Road") to its intersection with "West Road." **(Affirmative finding)**

Building DEF ("The Aurora") as viewed from "West Road" to the east. North Avenue is at top left; Cambrian Way circles the building on the north and west.

i) **Vehicular Access**:

Circulation patterns have been somewhat altered: There is a through-road "Main Entry Underpass" roughly midway along the North Road segment that allows the P2 garage entrance and trash/recycling/compost to be relocated away from the roadway. Vehicular circulation and parking connect between the North and South Road sections of Cambrian Way. Circulation and parking have also been connected along the western portion of the project, between Building P and Q/R. These alterations have allowed the central corridor to expand and allow better access to westerly views. Curb cuts were adjusted along the North Road segment of Cambrian Way to address the revised building configuration. **(Affirmative finding)**

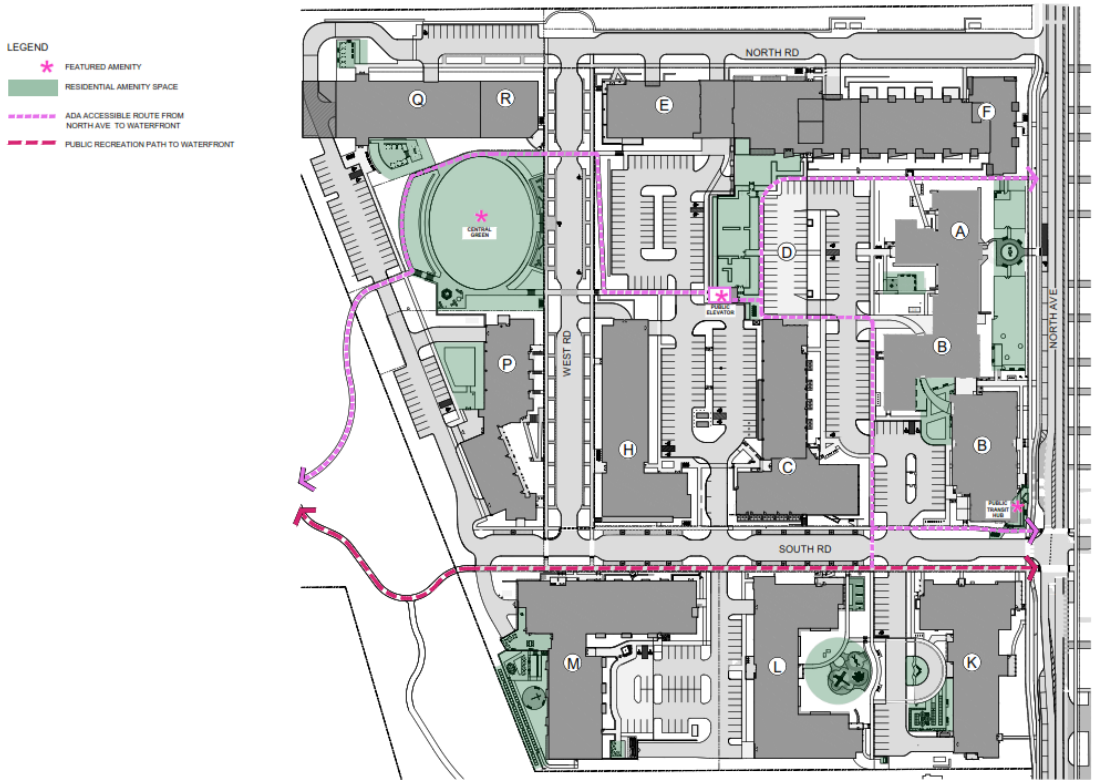
SOUTH ELEVATION

(j) Pedestrian Access:

Pedestrian circulation remains similar to the original approval, with alterations and reconfigurations central to the site and reflecting the increased amenity / Common area. Pedestrian circulation retains enhanced connections to the Bike Path. **(Affirmative finding)**

(k) Accessibility for the Handicapped:

The revised layout maintains the ADA accessible route through the center of the project which includes access to a stair and elevator in Building D. The route connects to the proposed recreation path through the new Kieslich Park and provides a fully accessible route between North Avenue and the Waterfront Bike Path. **(Affirmative finding)**



(l) Parking and Circulation:

See Vehicular Access above.

The plan reflects a 1,345 parking spaces. 979 (73%) are understory, 366 (27%) are surface parking. Since the last PUD amendment, City Council has amended the zoning ordinance to include the Multi Modal Mixed Use (MMMU) Parking District, incorporating Cambrian Rise and eliminating minimum required parking standards. The project retains pre-existing approval for the number of parking spaces on site. Previous applications have incorporated a robust Parking Management Plan which has informed new requirements for a Transportation Demand Management plan. **(Affirmative finding as conditioned)**

(m) Landscaping and Fences:

Reference is made to Plan L-201, L-202 and -206 for landscaping details. The landscaping plan has been revised to site layout revisions; smaller sized trees and shrubs are utilized within the central portion of the

project so as to avoid obstruction of highly scenic views. Larger shade trees will soften areas along roads and between buildings. Retaining walls are incorporated to screen visibility of vehicular circulation and parking from public roads and pedestrian areas. (See Inset 1 and 2.) Hardscape features are included to provide private and common gathering areas. **(Affirmative finding)**

(n) Public Plazas and Open Space:
Revisions to Cambrian Rise have created a large Common / Central Green at the westerly edge of Lot 6; providing opportunities for event space, recreational activities, or quiet resident enjoyment. Additionally the plan provides for a Boardwalk (atop Building D), and a larger contiguous usable open space within the westerly corridor. New amenities include a fenced off-leash dog area, grilling areas with seating and tables, fire pit locations, and rooftop gardening opportunities. A greenhouse is identified atop DEF/*Aurora*, near rooftop community garden space. The applicant asserts that the proposed Community Gardens atop the *Aurora* will be a first for Burlington. **(Affirmative finding)**

(o) Outdoor Lighting:
Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

Revised outdoor lighting utilizes fixtures originally approved, including 20' tall parking lot fixtures and 12 ½' pedestrian fixtures. Street lighting will remain unchanged.

The maximum illumination level for the parking lots remains at 4 footcandles. **(Affirmative finding)**

(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 place 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.

All conditions relevant to this section previously approved shall remain in effect. New utility connections shall be undergrounded. The proposed drive-through from North Road allows the location of trash/recycling/compost to be located away from the roadway. **(Affirmative finding)**

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards
(a) Relate development to its environment:

1. Massing, Height and Scale:

Building DEF: ("The *Aurora*")
While unique to Burlington's overall residential housing stock, buildings within Cambrian Rise have a commonality to them: Modern, multi-planed and of large scale. This elongated, contiguous structure runs the entire block between North Avenue and "West Road", undulating in the plane of its street façades to provide relief from its sheer length and breadth. The former St. Joseph's Orphanage set a scale for the Avenue, clearly the largest and most imposing singular structure prior to Cambrian Rise. Building DEF is a literal expansion of the Cambrian Rise model into one of larger gauge, creating a connected structure of 318,000 sf (an increase from the original 185,000 sf of D, E, F and I as originally approved.)

NORTH ELEVATION | NORTH ROAD

The connected cubical blocks that form *the Aurora* display a complex arrangement enhanced with balconies, differing window arrangements, contrasting materials, and alternating wall planes of recesses and pavilions that break up the sheer expanse. The plan reflects a methodology of breaking up larger

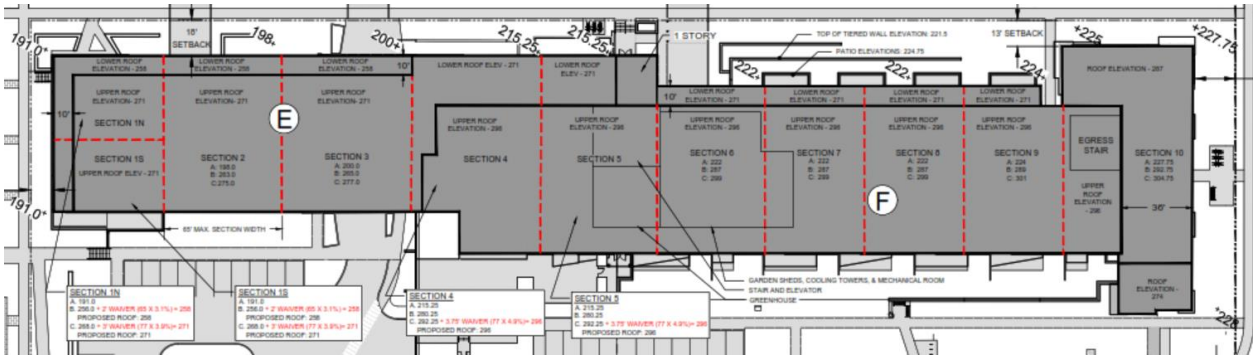
Building EF (The Aurora) on the left, Building D center (2 story), Liberty House center top.
View is from "West" Road toward the east.

masses into "readable" segments, each with a formula and rhythm for wall and window arrangement. The lower 4/5 floors of Sections 6, 7, 8, 9 (north elevation) emphasize a vertical arrangement, while the upper floors (sheathed in a darker siding) are clearly more horizontal. The plan changes on the westerly end (Sections 1-5) where darker sheathing on the lowest levels and strings of balconies and canopies above visually stretch the building horizontally. Fenestration and material organization provide overarching organization to the whole.

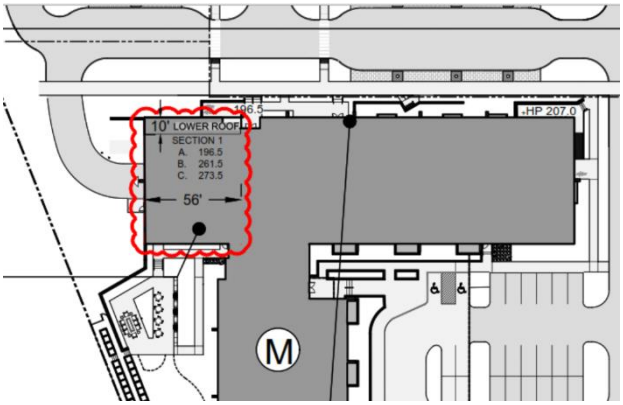
Building heights are limited to 65' (77' with IZ bonus). See plans L-EX3 and L-EX3a as revised. Zoning Amendment 21-07 altered the methodology for calculating roof height, which is now measured in no less

than 65’ intervals within 50’ of a frontage line. These plans now reflect the zoning revision. Height bonuses allowed for IZ (65’ + 12’) are now demonstrated with the required 10’ setback from the height allowed by right. Calculations provided in L-EX3 and L-EX3a exhibit this new methodology employed for Buildings DEF, M and C.

Due to the sloping grade and as allowed by Section 5.2.6 (b) 6, the administrative officer may allow up to a 5% variation in the maximum building height to address grade changes The applicant requests such consideration for discrete areas of DEF; particularly Section 1S, 1N, 4 and 5. The 5% allowance is best understood in this context. Sections 4 and 5 are mid-block and reflect the dip in the grade at that point. An analysis of allowable building height for Sections 2, 3 6, 7, 8, 9, and 10 shows the plan provides *less* than the maximum height for those sections; also a reflection of the drop in grade at the mid-point of the building. As revised, the plan is compliant with the height allowances afforded by the Comprehensive Development Ordinance, and meets the required 10’ building plane setback for the IZ height bonus.



Building M:
This application includes a request to add 2 residential units to the northwest corner of Building M. The units will be created by conversion of an enclosed resident amenity space, and enclosure of an open deck. Calculations on plan L-EX3 show a height based on a building height average + 77’ (height allowance with IZ bonus.)



Building “M” as proposed, with two new residential units on the northwest corner.
Compare to approved plan of ZP 19-0021CA/MA, below.

Building “M” as approved under ZP19-0021CA/MA.

Building Q/R:
Revisions to this connected building is merely to straight out the building footprint, and "open" the central corridor for unobstructed views to the west. Building height remains unchanged from the original approval.

Building C

Building C, as previously approved (above) and as proposed (below).

This application proposes the elimination of a balcony/roof deck and addition of new enclosed space on the fourth floor. The modified section of the roof is at grade 270', less than the 65' base height allowance afforded from grade 211'. As proposed, the expansion is compliant with the modified height calculation methodology.

(Affirmative finding)

2. Roofs and Rooflines.

All buildings are proposed with flat roofs. Renderings for DEF show the potential for extensive solar array; roof top decks, gardens, a greenhouse, sheds, kitchen and dining areas with seating and fire tables. Screening is provided around centralized mechanical equipment; with the elevator towers and a greenhouse specifically exempt from height limits. **(Affirmative finding)**

3. Building Openings

Building DEF has rhythmically placed building openings, consistent with the tempo of the façade and cadence of the building's mass. Arrangement is organized, maximizing options for views and light. Lobbies, entrances and vehicular entries are arranged logically, providing ample opportunities for residents to access the building and circulate to the interior of the site. **(Affirmative finding)**

(b) Protection of Important Architectural Resources:

Reference is made to the VHB submission.

(c) Protection of Important Public Views:

See Section 6.2.2 (c) above.

(d) Provide an active and inviting street edge:

Building DEF ("The Aurora") presents an interesting face to North Avenue, "North Road" and "West Road" on Cambrian Way. Highly articulated building planes with orderly arrangement of building elevations present a complex whole. The plan employs variations of building plane and architectural

features, providing interest while avoiding undifferentiated expanses of structure. The tension between horizontal and vertical elements of the composition; windows, balconies, materials, and voids ease the overarching reality of scale. On the north elevation, the darker sheathing materials along the highest floors visually "flatten" perceived height, and the regularly spaced lighter vertical components break up the horizontal breadth into more comfortable segments.

The building follows the westerly grade, stooping into the hillside as the topography changes. Height conforms to allowable limitations (77' max set back 10' from the base height with IZ bonus) with relief considered for the mid-block segments. Section 5.2.6 b. 6. offers an administrative 5% height differential where grade changes are pronounced; this project illustrating a situation where best and minimally employed.

Certainly uncommon to Burlington, the building introduces the design sophistication of multi-unit urban residential buildings more common to much larger metropolitan centers like Toronto.

If any part of the first floor of Building DEF is proposed to be non-residential, visual access into the interior of building must be provided at the street level through the use of large transparent windows and/or window displays in order to assure a dynamic and engaging public streetscape. In that instance, the use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. **(Affirmative finding as conditioned)**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Exterior sheathing and materials for Building DEF is a mixture of fiber-cement panels, faux wood slats and fiberglass windows. All are considered acceptable for new construction. **(Affirmative finding)**

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

Post construction RBES and/or Commercial Energy Standards confirmation for energy efficiency will be required.

Solar – ready construction is highly encouraged for Building DEF. **(Affirmative finding)**

(g) Make advertising features complementary to the site:
Any signage will require separate permitting. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design:
See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:
All building and life safety codes, as defined by the building inspector and the fire marshal, shall remain applicable.

Building entrances/entry points will be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

This project is within the Multimodal Mixed-Use Parking District. This district was formed since the original approval and prior amendment to Cambrian Rise. The effect is that there is no minimum parking requirement for this project. As previously approved, the project contains 1,129 parking spaces. Additional parking is included in this proposal and totals 1,345 spaces. A maximum parking waiver is needed. A TDM plan is required for the net new development included in this amendment. (**Affirmative finding as conditioned.)**

Sec. 8.1.9, Maximum On-Site Parking Spaces

Within the Multimodal Mixed-Use Parking District, the maximum number of onsite parking spaces is limited to 100% of the minimum parking requirement in the Shared Use Parking District.

Within the Shared Use Parking District, the following minimum parking standards apply:

- Multi-family attached dwellings – 1 space per unit
  - 950 units = 950 parking spaces
- Restaurant – 3 spaces per 1,000 sf
  - 5,000 sf = 15 parking spaces
- General office – 2 spaces per 1,000 sf
  - 13,400 sf = 27 parking spaces
- General retail (small < 4,000 sf) – 2 spaces per 1,000 sf
  - = 1,300 sf = 3 parking spaces
- Hotel – 0.75 space per room
  - 63 rooms = 47 spaces
- Grocery Store – 2 spaces per 1,000 sf
  - 5,000 sf = 10 spaces

The Shared Use minimum is 1,052. As noted above, 1,129 parking spaces have already been permitted and may be retained. A maximum waiver is needed for the proposed 1,345-space total. A maximum parking waiver request has been submitted. It notes a 219-space waiver. The necessary waiver is actually a few spaces less at 216 (1,345 – 1,129 = 216).

4. Waiver of Maximum Parking Limitations

A. The applicant requesting the waiver shall also provide:

(i) A peak demand parking study for two similar uses in the area; and,

A parking analysis of four comparable developments within Burlington and South Burlington has been provided. Parking provided at these developments is between 1.38 and 2.13 spaces per dwelling unit. Actual peak demand ranges between 1.20 and 1.36 spaces per dwelling unit. Note that each one of these comparable developments is within ¼ mile of retail, services, and employment. The requested parking wavier for this project amounts to ~1.41 spaces per dwelling unit, although the development includes a variety of non-residential uses that will share the onsite parking spaces. The slightly higher parking ratio is acceptable given the relative distance of Cambrian Rise from employment, services, and retail as compared to the four comparable developments in the analysis. **(Affirmative finding)**

(ii) A TDM Plan pursuant to the requirements of Sec. 8.1.16

See Sec. 8.1.16.

B. The following additional criteria shall be addressed regarding how:

(i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;

Public on-street parking will be available within the development and will serve visitors to the development and the nearby greenway. There will be opportunity for shared use of parking between residential and nonresidential uses within the development; however, the mix of uses is heavily residential. A more uniform mix of residential and nonresidential use would likely afford greater opportunity for shared use of onsite parking. As proposed, the 950 residential units will utilize most of the parking. **(Affirmative finding)**

(ii) The proposed development demonstrates that its design and intended uses will continue to support high levels off existing or planned transit and pedestrian activity;

The development includes a variety of transit options for residents, visitors, and employees. Membership in CATMA is proposed. It is served by an enclosed bus stop, and residents will benefit from access to reduced-cost bus passes. The project will link directly to the Burlington Greenway and to North Avenue. An onsite Carshare Vermont vehicle is provided. See also Sec. 8.1.16. (**Affirmative finding)**

(iii)The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

A supplemental site plan has been provided with the parking waiver request that depicts several areas within the development that could be converted from parking to additional residential and/or commercial development that would be served by the transit options noted above and in Sec. 8.1.16. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

Off-street loading requirements no longer pertain to this project, given its location within the Multimodal Mixed-Use Parking District. Prior project approval contained a loading areas plan for the development. **(Affirmative finding)**

Sec. 8.1.11, Parking Dimensional Requirements
The proposed parking spaces and circulation aisles are compliant with the standards of Table 8.1.11-1. **(Affirmative finding)**

Sec. 8.1.12, Limitations, Location, Use of Facilities
(a) Off-Site Parking Facilities
None proposed. **(Not applicable)**

(b) Front Yard Parking Restricted
(Not applicable)

(c) Shared Parking
(Not applicable)

(d) Single Story Structures in Shared Use Districts
(Not applicable)

(e) Joint Use of Facilities
There is nothing in the application expressly stating that parking facilities will be shared among the various uses. Given the layout of the site and variety of uses, parking will likely be shared. **(Affirmative finding)**

(f) Availability of Facilities
Nothing in the amendment plans indicates that the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for residents, customers, employees, and visitors only. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons
The site plans depict a number of handicap parking spaces in close proximity to pathways and building entries. ADA compliance is administered via the city's building permit process. **(Affirmative finding)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions
(Not applicable)

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans
(Not applicable)

Sec. 8.1.16, Transportation Demand Management
(b) Applicability

As the project is located within the Multimodal Mixed-Use Parking District, and the amendment includes more than 10 new dwelling units, it is subject to the standards of this section. **(Affirmative finding)**

(c) Transportation Demand Management Program
The applicant has provided a transportation demand management program prepared by VHB that addresses each of the following items.

a. *Outreach and Education:*
Cambrian Rise is, and will continue to be, managed by Farrell Properties. This entity will serve as the Transportation Coordinator in collaboration with CATMA. In that role, Farrell Properties will coordinate with CATMA to prepare and disseminate materials as to TDM strategies and resources available to residents and employees. The Transportation Coordinator will also be responsible for record keeping and annual reporting to the city as required by this criterion. **(Affirmative finding)**

b. *TDM Strategies:*
As noted previously, this project includes more than the minimum required bicycle parking and includes bike share as well. In addition to onsite bicycle parking, this criterion requires subsidy for GMT passes and car share memberships for all residents and employees or membership in a transportation management association (such as CATMA) that offers equivalent TDM strategies or better. A duration of 10 years is required for either option. The applicant's TDM plan cites membership in CATMA and several other strategies.

Membership in CATMA will assist with educational outreach and support as well as with ongoing reporting requirements. It will also enable resident and employee access to subsidized bus passes and Bikeshare memberships noted below. The TDM plan articulates a number of specific performance measures, including increase of transportation options available for residents, decrease in total parking demand, and decrease in total SOV commutes.

In addition to CATMA membership, the development already subsidizes one Carshare VT vehicle (not just the parking spaces to host it), and all tenants are offered a year of free car share membership. Additional car share spaces will be provided onsite, subject to an agreement with Carshare VT.

Unlike most developments, this project actually contains a GMT bus stop with additional improvements planned for 2022. While free bus passes are not proposed, all residents will have access to discounted bus passes. This benefit is tied to CATMA membership.

As noted under the bike parking standards of these findings, Bikeshare is present onsite, and all residents are eligible for membership at 30% cost savings. As with reduced-cost bus passes, this benefit is tied to CATMA.

The development includes construction of pathway connections to the Burlington Greenway (bike path) and North Avenue.

The package of TDM strategies offered by the applicant provide both programmatic incentives and infrastructure to encourage and facilitate use of alternative transportation by residents and employees. Together, these strategies satisfy this criterion.

This criterion requires implementation of these strategies for a period of 10 years following receipt of a Certificate of Occupancy. Cambrian Rise is a large, multi-phase project. Each individual phase is closed out with a Certificate of Occupancy. In order to meet the intent of this provision, TDM strategies should be implemented following issuance of a Certificate of Occupancy for the next project phase that is completed and carried on for at least 10 years thereafter. Each subsequent phase that is completed must be incorporated into the TDM strategies. **(Affirmative finding)**

c. Parking Management:
As parking spaces will be provided onsite, annual parking utilization studies will be required with related reporting to the city for a period of 10 years. This 10-year period should be the same as noted in criterion *b* above. As noted above the Transportation Coordinator will be responsible for conducting these studies and reporting to the city. The proposed TDM plan references these reporting requirements.

As required, the cost of parking will be un-bundled from all residential leases and deeds, except for permanently affordable housing units. There is no dedicated commercial parking.

Priority parking spaces will be provided. Motorcycle parking will be provided within the central garage. ADA and car share parking spaces are noted on the project site plans. The maximum of 5 car share spaces are proposed. Lacking any dedicated commercial parking, no carpool or vanpool spaces are required. **(Affirmative finding)**

d. TDM Agreement:
A written agreement committing to ongoing implementation of the TDM plan is required and has been provided with the TDM documents. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements
As with vehicular parking, bicycle parking requirements are tied to use and, in some cases, the size thereof. A total of 1,098 bike parking spaces (up from 906) are now proposed (926 indoor/covered and 172 outdoor/rack spaces).

The applicants' bike parking table shows building, use, requirements (long and short term), and total spaces provided. A total of 453 long term bike parking spaces is required. A total of 108 short term bike parking spaces is required. The development will be providing more than the minimum required for both types and 1,098 overall. Note that 8 bike share spaces are included as well. Long term spaces

will be enclosed within the buildings onsite. Short term spaces will be provided at racks throughout the development. **(Affirmative finding)**

Article 9: Inclusionary and Replacement Housing
With the increase in dwelling units comes an increase in the number of required inclusionary housing units. Per Table 9.1.8-1, *Inclusionary Zoning Percentages*, 25% of the total unit count must be inclusionary (25% of 950 is 238 dwelling units {up from 193 in the prior amendment) in the NAC-CR zone. As originally approved, inclusionary units are to include a mix of rentals and condo units. As now proposed, there will be 625 rental units across the development, including 156 inclusionary units. There will be 325 for-sale units, including 81 inclusionary units. Written approval of the amended inclusionary housing proposal by the manager of the city's Housing Trust Fund is required. **(Affirmative finding as conditioned)**

II. Minutes

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. Motion by Brad Rabinowitz:

In the matter of ZP-22-32, 351-375 North Avenue, I move we **approve** the application and adopt Findings and Conditions noted herein.

IV. Conditions of Approval

1. All conditions imposed in earlier permit approvals not herein altered shall remain in effect.
2. **Prior to release of this amended zoning permit**, written approval of the amended inclusionary housing proposal by the manager of the city's Housing Trust Fund is required.
3. Impact fees based on the net new building area shall be paid at **least 7 days prior to issuance of a certificate of occupancy**. The impact fees for all new area for each building will be calculated under the current (FY 22) Impact Fee schedule.
4. **This approval includes the TDM plan** as addressed under Sec. 8.1.16 of these findings. The TDM plan shall be executed and sustained for a period of at least 10 years following issuance of a certificate of occupancy for the next project phase that is completed within the development.
5. If new uses are identified or new residential units requested, parking requirements shall be recalculated to reflect said changes.
6. The applicant team shall keep a running spreadsheet of all buildings with a breakdown of area and uses.
7. If any part of the first floor of Building DEF is proposed to be non-residential, visual access into the interior of building must be provided at the street level through the use of large transparent windows and/or window displays in order to assure a dynamic and engaging public streetscape.
8. Intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

9. The applicant must communicate with the Water Resources Division to provide an updated schedule of installation of the infiltration system. Confirmation as to the continuing acceptability of the post-construction stormwater management system is required. A revised letter of WW capacity is also needed.
10. The applicant shall submit an application to reflect boundary line adjustments within the development to align revised building footprints with lots and a corresponding phasing schedule. The applicant requests an adjustment to the sequencing of construction phases, which is understandable and likely acceptable; however the omission of completion dates for each phase is problematic. Zoning permit life is defined, and in this case, directly linked to an applicant-defined phasing schedule. Anticipated completion dates must be provided and linked to a phasing schedule; subject to review by the DRB.
11. 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 as required. It is the applicant's obligation to amend State Wastewater and Act 250 permits to reflect changes within this review.
12. The traffic signal and improvements as guided by DPW shall be completed when the first phase of occupancy of the Aurora is occupied.
13. The signalized North Avenue crossing shall be installed within the next three months.
14. All exterior signage is subject to separate zoning approval.
15. Standard Conditions 1-15.

Second: Brooks McArthur
Vote: 5-0 (GH recused)
Vote: motion carried

Dated at Burlington, Vermont, this 7th day of April, 2022.

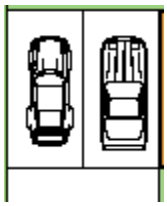
Respectfully Submitted,

_____
Bradford L. Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court, Environmental Division. (Comprehensive Development Ordinance Article 12, Section 12.2.3 Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Environmental Court within 30 days of the date of the written decision as follows:
(a) Notice of Appeal: The appeal shall be taken in such a manner as the Supreme Court or the environmental court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3, Vermont Statues Annotated. Notice of the appeal shall be sent by mail to every interested person appearing and having been heard at the hearing before the DRB, and, if any one or more of those persons are not then parties to the appeal, upon motion they shall be granted leave by the court to intervene.)

any pair of tandem parking spaces shall not serve more than one dwelling unit . Tandem parking shall also be allowed for dedicated employee-only parking where signed as such.

(c) Stacked parking shall be allowed for single-family detached dwelling units and Accessory Dwelling Units with no requirement for an attendant to be present.



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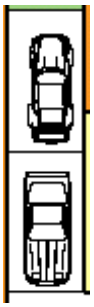
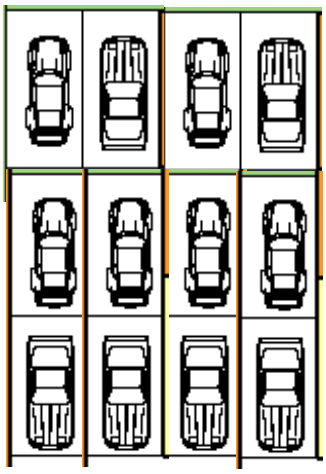


Tandem



Stacked

Sec. 8.1.15 (Reserved)

Sec. 8.1.16 Transportation Demand Management

(a) **Purpose**: This section requires the implementation of a Transportation Demand Management (TDM) Program for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing car ownership;
- Reducing vehicle miles traveled (VMT), single occupant vehicle usage and congestion; and,
- Increasing transit use and non-motorized travel;

(b) **Applicability:**

(1) A Transportation Demand Management Program shall be required for all projects in any Parking District involving any one or more of the following:

Table 8.1.16-1 Transportation Demand Management Program Required			
	Applicable Projects	**Affordable Projects**	**Small Projects**
Project Type	• Creation of 10 or more dwelling units • A non-residential or Mixed Use development with a building footprint of eight thousand (8,000) sq.ft. or more; or the creation of fifteen thousand (15,000) sq.ft. or more of gross floor area	Projects involving one or more "Applicable Projects" and that also contain at least 75% of dwelling units meeting or exceeding the affordability criteria of Article 9, Inclusionary & Replacement Housing, or housing rented to tenants receiving federal or state rental assistance	Creation of five (5) to nine (9) dwelling units
Applicable TDM Sections	All provisions of Sec. 8.1.16 (c)	Sec. 8.1.16 (c) 1. and Sec. 8.1.16 (c) 4. only	Sec. 8.1.16 (c) 3. b. only

For projects that were issued permits with TDM requirements prior to January 31, 2023, an administrative permit amendment may be requested to align the permit with the TDM requirements set forth herein.

(c) **Transportation Demand Management (TDM) Program**: A TDM Program shall include each of the following elements at a minimum:

(1) **Outreach and Education**:

a. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:

1. Prepare and always make available to all residents and employees informational and educational materials regarding available TDM strategies and opportunities for increased use and participation;
2. Preparation and dissemination of an annual travel survey of all residents and employees; and,
3. Record-keeping and reporting to City upon request of all TDM activities offered and rates of participation (including parking utilization if applicable).

(2) **TDM Strategies**: In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, each TDM Program must incorporate TDM strategies to minimize the amount of parking demand associated with the project. At a minimum, a TDM Program shall select no less than two (2) of the following TDM strategies, which shall be selected and filed with the Administrative Officer on an annual basis:

a. Maintain an ongoing and active membership in a Transportation Management Association (TMA);
b. Provide GMT Transit passes to all residents and employees at a minimum discount of 50%;
c. Provide a free car share membership to all residents and employees;
d. Provide a free bike share membership to all residents and employees;
e. If not already provided through a TMA membership, provide residents and employees with a shuttle service, guaranteed ride home program, or ride to a nearby transit center.

(3) **Parking Management**: Where on-site or off-site parking is also made available:

a. Conduct parking utilization studies at least annually for a period of 7 years from receipt of a Certificate of Occupancy;

b. With the exception of permanently affordable housing units, the cost of parking shall be un-bundled from all residential and non-residential leases and deeds and made available at a market rate;

c. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,

d. Priority parking spaces: when on-site parking is provided, the following must be located in closest proximity to a primary building entrance and/or public street frontage:

1. ADA Accessible spaces;
2. Bicycles, scooters, and motorcycles spaces;
3. Car-share: where 1 space must be offered for projects with 20 or more residential units, subject to an agreement with a car-share provider; and,
4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

(4) **TDM Agreement**: Each TDM Plan shall include a signed commitment to and acknowledgement of each of the following on a form provided by the Administrative Officer:

a. Commitment to ongoing implementation of the TDM requirements as set forth above;

b. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for, restrict or remove such on-street parking at any time;

c. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,

d. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

Review and Enforcement: The Administrative Officer shall be responsible for determining compliance with the TDM Program requirements as set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without a TDM Program in effect.

Guidelines regarding compliance with these TDM requirements shall be developed and provided to applicants by the Administrative Officer.

PART 2: BICYCLE PARKING

Sec. 8.2.1 Intent

It is the intent of this subpart to:

(a) Ensure the provision of parking spaces that are designed for bicycles and to ensure that bicycle parking needs of new land uses and development are met, while ensuring bicycle parking spaces are designed and located in a consistent manner. Provide bicycle access to employment, commercial destinations, and other transportation alternatives;

(b) Provide safe, convenient, and adequate bicycle parking facilities that:

1. Meet the demands of the use of the property;
2. Reduce hazards to pedestrians;
3. Enhance the visual quality of the city;
4. Reduce the adverse impacts associated with the bicycle parking, which includes bicycles parked on parking meters, signs, trees, etc; and,

continued availability of required parking spaces pursuant to Table 8.1.8-1 while also affording off-site parking use of those spaces.

The Parking Management Plan must demonstrate to the satisfaction of the DRB that making spaces available to off-site users does not negatively affect their ability for onsite users to park due to either:

1. There being an excess of onsite spaces beyond that necessary to satisfy the requirements of Sec. 8.1.8; and/or,
2. The spaces are to be made available during off-peak hours of the onsite and/or required users.

Parking spaces being made available to off-site users may be made available:

- Either with or without a fee;
- For transient use by the general public; and/or,
- By lease, provided the term of any lease does not exceed one (1) year.

Prior to any approval by the DRB pursuant to this section, the means by which the parking management plan will be guaranteed and enforceable over the long term, such as a contract, easement, or other means, and whether the city should be a party to the management contract or easement, shall be made acceptable to the city attorney.

Sec. 8.1.16 Transportation Demand Management

(a) **Purpose**: This section requires the implementation of a Transportation Demand Management (TDM) Program for certain projects for the purpose of advancing the goals of the City's land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing car ownership;
- Reducing vehicle miles traveled (VMT) and congestion; and,
- Increasing transit use and non-motorized travel;

(b) **Applicability:** A Transportation Demand Management Program shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(c)), and involving any one or more of the following:

Dwelling Units	Creation of ten (10) or more dwelling units
Non-residential or Mixed Use Development	A building footprint of eight thousand (8,000) s.f. or more; or, the creation of fifteen thousand (15,000) s.f. or more of gross floor area.

(c) **Transportation Demand Management (TDM) Program**: A TDM Program shall include each of the following elements at a minimum:

a. **Outreach and Education**:

i. Designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:

1. Prepare and present informational and educational materials regarding available TDM strategies to all tenants and employees;

2. Organize and host an annual meeting for all tenants and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;

3. Preparation and dissemination of an annual travel survey of all tenants and employees; and,

4. Record-keeping and annual reporting to City of all TDM activities offered and rates of participation (including parking utilization if applicable).

b. **TDM Strategies**: In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall also be included at a minimum for a period of 10 years from receipt of a Certificate of Occupancy as follows:

i. GMT Transit passes shall be provided to all tenants and employees for free for the first year of occupancy or employment, and at a minimum discount of 50% for every year thereafter; and,

ii. A car share membership shall be offered to all tenants and employees for free for the first two years of occupancy or employment, and at a minimum discount of 50% for every year thereafter; or,

iii. In lieu of i and ii above, maintain an ongoing and active membership in a Transportation Management Association (TMA) that offers equivalent TDM strategies or better.

c. **Parking Management**: Where on-site or off-site parking is also made available:

i. Conduct parking utilization studies at least annually for a period of 10 years from receipt of a Certificate of Occupancy;

ii. With the exception of permanently affordable housing units, the cost of parking shall be un-bundled from all residential and non-residential leases and deeds and made available at a market rate;

iii. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,

iv. Priority parking spaces - located in closest proximity to a primary building entrance and/or public street frontage - shall be made available for each of the following:

1. Handicapped spaces;
2. Bicycles, scooters, and motorcycles spaces;
3. Car-share: where 1 space must be offered for every 20 residential units, not to exceed a total of 5 spaces, subject to an agreement with a car-share provider; and,
4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

d. **TDM Agreement**: Each TDM Plan shall include a signed commitment to and acknowledgement of each of the following on a form provided by the Administrative Officer:

i. Commitment to ongoing implementation of the TDM requirements as set forth above;

ii. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;

iii. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,

iv. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

Review and Enforcement: The Administrative Officer shall be responsible for determining compliance with the TDM Program requirements as set forth above, and ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without a TDM Program in effect.

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
vacant, Associate Planner
Joseph Cava, Permit Technician
Collin Naheedy, Code Compliance Officer

TO: Development Review Board
FROM: Scott Gustin
DATE: October 7, 2025
RE: ZP-25-442; 351 North Avenue

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The applicant has requested deferral of this application review to a future DRB meeting date.