

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

Phone: (802) 865-7188

Fax: (802) 865-7195

Austin Hart, Chair
Brad Rabinowitz
Jonathan Stevens
Israel Smith
A.J. LaRosa
Alexandra Zipparo
Geoff Hand
Jim Drummond (Alt)
Wayne Senville (Alt)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday June 7, 2016 PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday June 7, 2016 at 5:00 p.m.** in **Contois Auditorium, City Hall.**

1. **16-1086AP; 41 South Willard Street (RH, Ward 8E) Vista K Properties, LLC**
Appeal of notice of violation # 312280, re: parking.
2. **16-1175CU; 66 Vest Haven (RL, Ward 7N) Bruce Bergman**
Expansion of existing accessory unit living space.

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), 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 Planning and 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/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

The programs and services of the City of Burlington are accessible to people with disabilities. Individuals who require special arrangements to participate are encouraged to contact the Department of Planning & Zoning at least 72 hours in advance so that proper accommodations can be arranged. For information call 865-7188 (TTY users: 865-7142).

Burlington Development Review Board

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Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday June 7, 2016, 5:00 PM

Contois Auditorium, City Hall, 149 Church Street, Burlington, VT

AGENDA

I. Agenda

II. Communications

III. Minutes

IV. Public Hearing

- 1. 16-1175CU; 66 Vest Haven (RL, Ward 7N) Bruce Bergman**
Expansion of an accessory unit living space. Applicant requests a deferral.
(Project Manager, Mary O'Neil)
- 2. 16-1086AP; 41 South Willard Street (RH, Ward 8E) Vista K. Properties LLC**
Appeal of notice of violation # 312280, re: parking.
(Project Manager, Jeanne Francis)
- 3. 16-0888CA; 100-102 North Union Street (RM, Ward 2C) Josh Tyrowicz-Cohen**
Convert 200 sq. ft. of existing attached shed to living space.
(Project Manager, Mary O'Neil)

V. Sketch Plan

- 1. 16-1183SP; 311-375 North Ave (RM-W, Ward 4N) 375 North Ave LLC**
Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.
(Project Manager, Scott Gustin and Mary O'Neil)

VI. Other Business

- 1. FY 2016, Annual Report**

VII. Adjournment

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Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188
(802) 865-7195 (FAX)

David E. White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: May 3, 2016; deferred to 6/7/2016
RE: ZP16-0888CA; 100-102 North Union Street

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

File: 16-0888CA / Appeal
Location: 100-102 North Union Street
Zone: RM **Ward:** 2C
Date application accepted: February 29, 2016
Date of denial: March 10, 2016
Applicant/ Owner: Josh Typrowicz-Cohen (purchased 2/3/2016)
Request: Appeal of an administrative denial to convert 200 sq. ft. of an existing attached shed to living space.
Staff site visit: March 31, 2016

Scheduled for DRB May 3, 2016; deferred at appellant's request to June 7, 2016.

Reasons for Denial:

1. Section 5.2.5 Setbacks

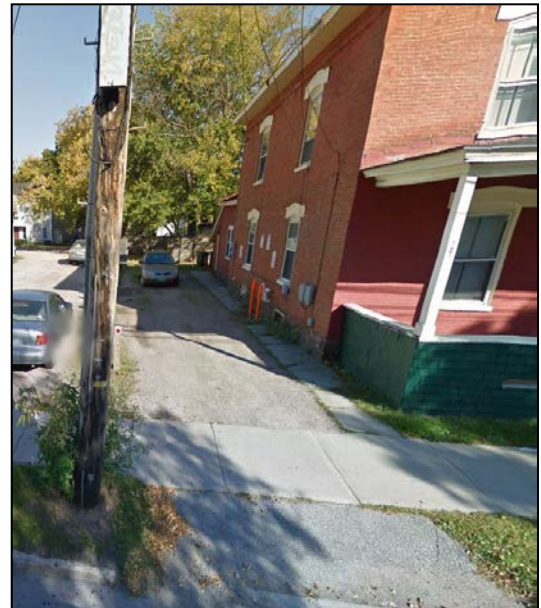
(b) Exceptions to Yard Setback Requirements:

4. Accessory Structures and Parking Areas.

Accessory structures no more than fifteen feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.

The proposed parking plan on the submitted site plan does not meet the required 5' minimum side yard setback. **Adverse finding.**

2. Scaled plan appears inaccurate (site plan scales lot width as 61'; tax maps identify lot width as 56.32'). No survey was provided to confirm parking adequacy or required setbacks on the parcel. **Adverse finding.**



3. Article 5, Part 3: Non-Conformities

Applicant has asserted that the property has the required parking based upon four parking spaces “existing”. For the four spaces to be a legally preexisting nonconformity, the applicant must demonstrate that the four spaces were legal prior to the ordinance requirement for setbacks (January 28, 1947) and lot coverage (1962). Applicant has not demonstrated that the parking at the site has occurred continuously in the proposed configuration during that timeframe, nor has he demonstrated any previous zoning approval for parking in that location.

Applicant’s assertions regarding the 15 year statute of limitations are not relevant to this application as, even if Applicant could prove 15 years of continuous use and location, any parking spaces that fell into the 15 year statute of limitations would not be legal and could not be used toward the required parking spaces. See *In re Keenan Conditional Use*, 2009 WL 4396753 (Vt. Env’tl. Ct. June 4, 2009).

4. Analysis of photographic documentation illustrates parking over property boundary lines. A property owner secured Zoning Permit 11-0343FC “to keep people from crossing drive;” providing confirmation of the problem and an attempt to cease the practice.
Adverse finding.

Background:

- **Zoning Permit 11-0343FC**; install 6’ x 6’ post with galvanized link chain through it. October 2010.
- **Zoning Permit 08-1117FC**; enclose portion of backyard with s’ stockade fence. August 2007.
- **Zoning Permit 97-346**; replacement of existing 2/2 wooden window sash with vinyl. Cover wooden porch trim and wood shingle siding with vinyl and aluminum. Use remains a duplex. March 1997. (Approval for window replacements only; does not include installation of vinyl siding on the front porch. Windows must be true divided light 2/2.)
- **Request for a variance**; Demolish existing garage and replace with larger structure. A variance of lot coverage and setback requirements is requested. **Denied**, May 1984.
[The barn/garage is no longer on site. There is no permit for its removal in the electronic or paper zoning records.]

Overview: The applicant/appellant applied to convert an attached rear shed to living space to expand the existing duplex by adding additional bedrooms. The permit was administratively denied as the provided parking plan encroached into a required sideyard setback, a failure to demonstrate the parking was pre-existing and could therefore be continued, and failure to meet required parking.

Recommendation: **Denial** of the appeal and uphold the administrative decision, per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3/2/2)c Certificate of Appropriateness (COA) Level I Application

Submission requirements for a COA Level I Application shall include the following as applicable:

2. *Site Plan, drawn to a scale of 1"=8, 10, 16, 20, 40, or 60' of the subject property accurately indicating the location and dimensions of all existing structures, walkways, driveway, and other significant features; and all proposed changes with all dimensions; distances from the front, side and rear property lines to each proposed new structure and/or site improvement.*

The applicant provided a site plan drawn 1"=10'; however there appear to be inaccuracies. The lot per tax and assessor's records is 56.32' wide while the site plan illustrates the width in excess of 60'. A concrete pad that surrounds the north side of the house is not illustrated, nor are the utility meters with protective bollards. On-site measurements define lot width between the concrete walk and the first (westerly) bollard as 11.8'; the width measurement between the walk and the 2nd bollard as 12.25'; not the 20' illustrated.

The bollard-protected utility meter restricts full width parking on the south of the driveway, the bollard and chain on the north. The location of the northerly property boundary is not known. These measurements are inconsistent with the submitted site plan, which was presented as "existing driveway/parking." **Adverse finding.**

Article 4: Zoning Maps and Districts

Table 4.4.5-3 Residential District Dimensional Standards

RM zoning district: Maximum Coverage 40%, Side yard setback 10% of lot width or average of side yard setback of 2 adjacent lots on both sides.

The site plan prepared by the applicant indicates a building footprint of 2110 sf and an "existing driveway" of 70' x 20'. The total area (excluding walkways) is 3510 sf, or 66.71% lot coverage. This exceeds allowable base coverage for the zoning district of 40%.

The parking area/driveway is illustrated on the site plan as up to the northerly (side yard) property line. There is not sufficient evidence that this is a preexisting nonconformity, and therefore presents an encroachment into a required sideyard setback. The applicant did not present a survey to support the accuracy of his plan. **Adverse finding for coverage and setback compliance.**

Section 4.4.5 (d) 1. Setbacks

A. Encroachment for Residential Driveways

For purposes of allowing existing, developed, nonconforming lots containing single family homes to create a driveway and provide a maximum of two tandem parking spaces, driveways may encroach into a required sideyard setback up to the property line with DRB approval.

This is not a single family home, but a duplex. This standard does not apply.

Article 5: Citywide General Regulations

Section 5.2.5 Setbacks

(a) Exceptions to Yard Setback Requirements

4. Accessory structures and parking areas.

*Accessory structures no more than fifteen (15) in height, **parking areas, and driveways** may project into a required side and rear yard setback **provided they are no less than five (5) feet from a side or rear property line** where such a setback is required.*

The site plan submitted by the applicant omits a setback from the side (north) property line, and therefore presents an encroachment into a required side yard setback. **Adverse finding.**

Part 3: Non-conformities

The applicant submitted a detail copy of a 2000 aerial photograph where he asserts adequate parking is represented. The photograph does illustrate vehicles in the driveway, but they are “off-set” from each other; staggered within the access drive and therefore not representative of the parking plan submitted as pre-existing.

Staff submits photographs from the following dates:

1978: No vehicles in driveway.

2000: Three cars in driveway; northerly vehicle appears to be over the property line.

2004 (color): Two vehicles in driveway; one appears to be over the property line.

2004 (black & white): 4 cars in driveway, two over property line.

2014 Google images: single width driveway, one car.

There is no evidence that there has been dual tandem parking on this lot continuously prior to the requirement for the 5 foot setback or 40% lot coverage. Therefore, no pre-existing non-conformity may be established for the proposed parking arrangement.

This discussion is enhanced by Zoning Permit **11-0343FC**, where the property owner applied for a bollard and chain barrier fence to prevent cars from parking over the property line. This establishes a pattern of parking inconsistent with zoning requirements, and a direct action to prevent the continued disregard for property boundaries. As approved, the barrier fence narrows the driveway to approximately 12’ at the widest, therefore insufficient to accommodate 2 vehicles side-by-side, as suggested in the submitted plan. ¹ **Adverse finding.**

Article 8: Parking

Section 8.1.7 Non-conforming Residential Structure

Where additions or conversion to existing residential structures within a Neighborhood or Shared Use Parking District add living space but do not add dwelling units, and such sites do not currently meet the parking standards of Section 8.1.8, one parking space shall be provided for each additional room.

¹ A site visit 3/31/2016 resulted in the following measurements: From the edge of the pavement on the north of the residence to the first post: 11.81’. From the edge of the pavement to the 2nd post, 12.25’. There are metal bollards protecting utility connections on the north side of the dwelling, so vehicles cannot get closer to the structure.

100-102 North Union Street is within the Neighborhood Parking District. The parking requirement for two residential units is four vehicles.

The applicant has applied to convert an attached shed to new habitable space (2 new bedrooms) for the existing duplex. There is no approved site plan that confirms satisfaction of the required parking. The applicant is required to demonstrate four parking spaces legally exist by prior approval or a legally preexisting nonconforming status.

The driveway entrance is single width access as determined from photographs and a site visit. The garage in the 1984 variance request is now gone (no permits on file.) The site is extremely constricted, and there is no evidence of an organized parking plan. Orthophotographs illustrate a scattered pattern of parking, frequently appearing to be over a property boundary.

Per this standard, the applicant must add a parking space for each room added until the full parking requirement is met (a total of 4 parking spaces.) The submitted site plan suggests that the existing pattern of parking is paired tandem parking spaces. Although this would meet the required number of spaces, the plan encroaches into a required side yard setback. Applicant's assertion that the encroachment is a preexisting nonconformity is not supported in photodocumentation. **Adverse finding.**

Table 8.1.8-1, Minimum Off-Street Parking

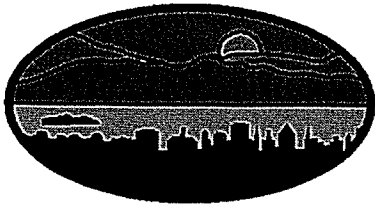
Requirements in the Neighborhood Parking District are 2 parking spaces per unit. For a duplex, 4 parking spaces are required.

There is no approved site plan that includes parking definition on file for this property. From photographs, parking appears to have been haphazard, with evidence that vehicles were scattered in the rear or parking over the northerly property line. The most recent permit issued was for a bollard-and-chain fence next to the driveway, with notations on the plan:

“To keep people from crossing drive”, “Student neighbors”, and “Cars parking here NOT MINE.” This barrier proposal was approved October 28, 2010, and gives clear definition that vehicles crossing the property line had been a problem. It also effectively terminated any claim that the suggested parking pattern was a preexisting nonconformity, as there is no longer adequate space for vehicles parked as 2 pair in tandem. The parking plan cannot be established as existing non-conforming, and the parking deficient for the parcel per the standards of the ordinance. **Adverse finding.**

II. Recommendation

Uphold administrative denial of zoning permit 16-0888CA per the adverse findings above.



**ZONING REQUEST DENIAL
CERTIFICATE OF APPROPRIATENESS**

City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 02/29/2016

Appeal Expiration Date: 03/25/2016

Project Location: 100-102 NORTH UNION STREET

District: RM

Owner: Gary W. Laplant

Ward: 2C

Address: 44 Birch Lane
Milton, VT 05468

Tax ID: 044-3-226-000

Project Type: Residential - Renovation/Facade

Project Description: Convert 200 sq ft of existing attached shed to living space.

Construction Cost:	\$10,000	Lot Size (Sq Ft):	5,261
Net New Habitable Sq Ft:	200.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	0.00	Existing # of Parking Spaces:	0
Proposed % Lot Coverage:	0.00	Proposed # of Parking Spaces:	0
Net New % Lot Coverage:	0.00	Required # of Parking Spaces:	0

Zoning Permit #: 16-0888CA

Decision By: Administrative

Level of Review: 1

Decision: Denied

See Reasons for Denial

Decision Date: March 10, 2016

Project File: NA

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on March 25, 2016.

Fee Type	Amount	Paid in Full	Balance Due: \$0.00
Application Fee:	\$80.00	Yes	Date Paid: _____
Development Review Fee:	\$0.00	NA	Check # _____
Impact Fee:	Not Applicable		

Building Permit Required: **Not Applicable**

Received by: _____

Date: _____
mailed 3/10/16



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415
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FEB 25 2016

DEPARTMENT OF
PLANNING & ZONING

Zoning Permit Application

Use this form for ALL zoning permit applications. See the relevant checklist for specific requirements.

PROJECT LOCATION ADDRESS: 100-102 North Union Street

PROPERTY

OWNER*: Josh Tyrowicz-Cohen

*If condominium unit, written approval from the Association is also required

APPLICANT: SAME

POSTAL ADDRESS: 42 Fairmount St

POSTAL ADDRESS: _____

CITY, ST, ZIP: Burlington, VT 05401

CITY, ST, ZIP: _____

DAY PHONE: 802-522-0526

DAY PHONE: _____

EMAIL: joshdtc@gmail.com

EMAIL: _____

SIGNATURE: _____

SIGNATURE: _____

I am the owner. In addition, I duly authorize the applicant (if noted) to act on my behalf for all matters pertaining to this zoning permit application.

Description of Proposed Project: Convert 200 sq ft of existing attached shed to living space

Existing Use of Property: ☐ Single Family ☒ Multi Family: # 2 Units ☐ Other: _____

Proposed Use of Property: ☐ Single Family ☒ Multi Family: # 2 Units ☐ Other: _____

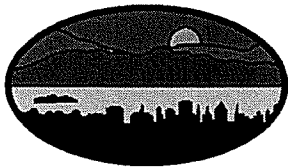
- Does your project involve new construction, addition, alteration, renovation, or repair to a structure that is heated or cooled? Yes ☐ No ☐
(If yes, the Vermont Residential Building Energy Standards (VRBES) apply. Visit the P&Z Office, Public Service Board or PSB website for details)
- Will 400 sq ft or more of land be disturbed, exposed and/or developed? Yes ☐ No ☒
(If yes, you will need to submit the 'Erosion Prevention and Sediment Control Plan' questionnaire, with a site plan)
- For Single Family & Duplex, will total impervious area be 2500 sq ft or more? Yes ☐ No ☐
(If yes, you will need to submit the 'Stormwater Management Plan' questionnaire, with a site plan)
- Are you proposing any work within or above the public right of way? Yes ☐ No ☒
(If yes, you will need to receive prior approval from the Department of Public Works)

Estimated Construction Cost (value)*: \$ 10,000 -

(*Estimated cost a typical contractor would charge for all materials and labor, regardless of who physically completes the work)

Within 30 days of submission, the permit application will be reviewed for completeness, and, if complete, will be processed administratively or referred to a board for review. All permit approvals or denials are subject to an appeal period (15 days administrative permit; 30 days for board permit). A building (and/or electrical, mechanical, plumbing, curb cut) permit will also be required. Contact the Department of Public Works at 802-863-9094 to inquire. Please ask for assistance if you have any questions about filling out this form. Call the Planning and Zoning at 802-865-7188, or visit the office in the lower level of City Hall, 149 Church Street.

Office Use Only: Zone: RM Eligible for Design Review? 4 Age of House 1870 Lot Size 5261
Type: SN ☐ AW ☐ FC ☐ BA ☐ COA 1 ☒ COA 2 ☐ COA 3 ☐ CU ☐ MA ☐ VR ☐ HO ☐ SP ☐ DT ☐ MP ☐
Check No. 1285 Amount Paid \$80. Zoning Permit # 16-0888CA



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Reasons for Denial

ZP #: 16-0888CA

Tax ID: 044-3-226-000

Issue Date: March 10, 2016

Decision: Denied

Property Address: 100-102 NORTH UNION STREET

Description: Convert 200 sq ft of existing attached shed to living space.

Reasons for Denial:

1. Section 5.2.5 Setbacks

(b) Exceptions to Yard Setback Requirements:

4. Accessory Structures and Parking Areas.

Accessory structures no more than fifteen feet in height, parking areas, and driveways may project into a required side and rear yard setback provided they are no less than five (5) feet from a side or rear property line where such a setback is required.

The proposed parking plan on the submitted site plan does not meet the required 5' minimum side yard setback. **Adverse finding.**

2. Scaled plan appear inaccurate (site plan scales lot width as 61'; tax maps identify lot width as 56.32'). No survey was provided to confirm parking adequacy or required setbacks on the parcel. **Adverse finding.**

3. Article 5, Part 3: Non-Conformities

The applicant has not satisfactorily demonstrated that the parking plan as illustrated on the submitted site plan has previous zoning approval, or been in existence continuously for more than 15 years and therefore may lawfully continue subject to the provisions of this part.

4. Analysis of photographic documentation illustrates parking over property boundary lines. A property owner secured Zoning Permit 11-0343FC "to keep people from crossing drive," providing confirmation of the problem and an attempt to cease the practice. **Adverse finding.**



100-102 North Union Street



Existing attached shed to be converted

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DEPARTMENT OF
PLANNING & ZONING

Parking area



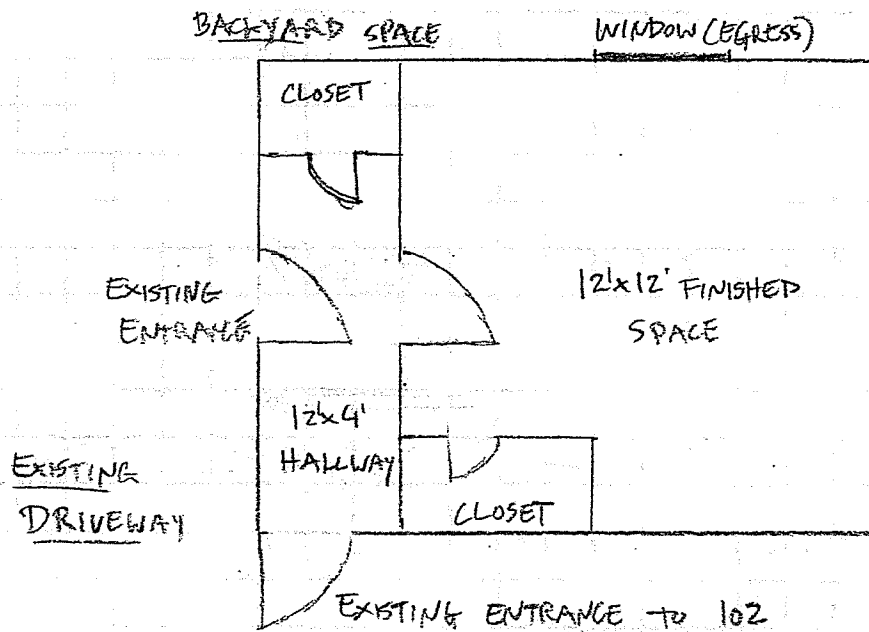
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FEB 29 2016

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FEB 29 2016

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102 NORTH UNION FINISHED SPACE
FLOOR PLAN



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FEB 29 2016

100-102 NORTH UNION SITE PLAN

SCALE 1"=10'

DEPARTMENT OF PLANNING & ZONING

YARD SPACE

PROPOSED EGRESS
↓ WINDOW

PROPOSED
FINISHED AREA
16'x12'

DOORWAY
(EXISTING)

EXISTING ATTACHED SHED

EXISTING
PARKING
SPOT #1

EXISTING
PARKING
SPOT #2

102 N. UNION

100 N. UNION

EXISTING
PARKING
SPOT #3

EXISTING
PARKING
SPOT #4

EXISTING 2-FAMILY
HOME

ENTRY
TO 100

EXISTING
DRIVEWAY 70'x20'

EXISTING WALKWAY

EXISTING FRONT
PORCH

100-102 North Union Street Lot Coverage

	Existing	Proposed
House (49'x33')	1617	1809
Shed (12'x30')	360	168
Front Porch (33'x8')	264	264
Driveway (70'x20')	1400	1400
Walkways & Landings	153	153
Total	3794	3794
% Coverage (5,600sq ft lot)	68.00%	68.00%

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DEPARTMENT OF
PLANNING & ZONING



Department of Planning and Zoning

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MAR 24 2016

DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 100-102 North Union St

Subject Property Owner: Josh Tyrowicz-Cohen

Appellant: _____

Agent/Representative: _____

Mailing Address: PO Box 8892

City, St, Zip: Burlington, VT 05402

Day Phone: 802-522-0526

Email: Josh.dtc@gmail.com

Appellant Signature: _____

Date: 3/24/16

In order for your request to be considered complete, **ALL** of the following information **must** provided, as applicable:

- ☐ The Appeal fee of \$250;
- ☐ Description of the decision under appeal;
- ☐ Description of the property subject to the appeal;
- ☐ Reference to the regulatory provisions applicable to the appeal;
- ☐ Relief requested by the appellant;
- ☐ Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 1286

Amount Paid \$250.

Zoning Permit # 16-0888

Department of Planning and Zoning
149 Church Street
Burlington, VT 05401

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MAR 24 2016

**DEPARTMENT OF
PLANNING & ZONING**

March 24, 2016

To Whom it May Concern:

We are appealing the March 10, 2016 zoning administrative decision that denied us the required zoning permit to add finished space to 100-102 North Union Street. This building is currently a two-unit dwelling and as such is required to have four parking spaces. The permit was denied based on the perception that there currently is not enough area to support four parking spaces and that the current non-conforming parking arrangement has not been in existence for the fifteen years or more.

As illustrated in attached aerial photos this parking arrangement of four tandem spaces has actually been in existence for fifteen or more years. In an aerial photo from the Vermont state archives two cars can be observed parked side by side. Once again in 2003-2004 aerial photo from Google Earth two cars can clearly be seen parked side by side. The zoning department disputed that these cars were not actually parked on the property of 100-102 North Union in these photos, rather they were partially on neighboring lot. In a 2012 aerial photo, however, there are once again car parked in tandem this time with a fence in place that doesn't allow parking past the property line.

In addition it was disputed that there was the nine feet of width per vehicle required to define a parking space per the requirements in Table 8.1.11-1. In reality there is 23 feet between the building and the property line.

We are appealing this decision based on the existing structures clause in zoning by laws Article 8.1.4 Existing structures and 8.1.11. This property does indeed have the required parking areas, and while may not meet current setback standards it has been in existence for fifteen years or more and as such is not required to have five foot setback.

Josh Typrowicz-Cohen
42 Fairmount Street
Burlington, VT 05401

Mary O'Neil

From: Josh Typrowicz-Cohen <joshdtc@gmail.com>
Sent: Wednesday, March 09, 2016 3:53 PM
To: Mary O'Neil
Subject: 102 North Union Aerials
Attachments: _96220_1.JPG; _96220_2.JPG; _96220_3.JPG

Mary,

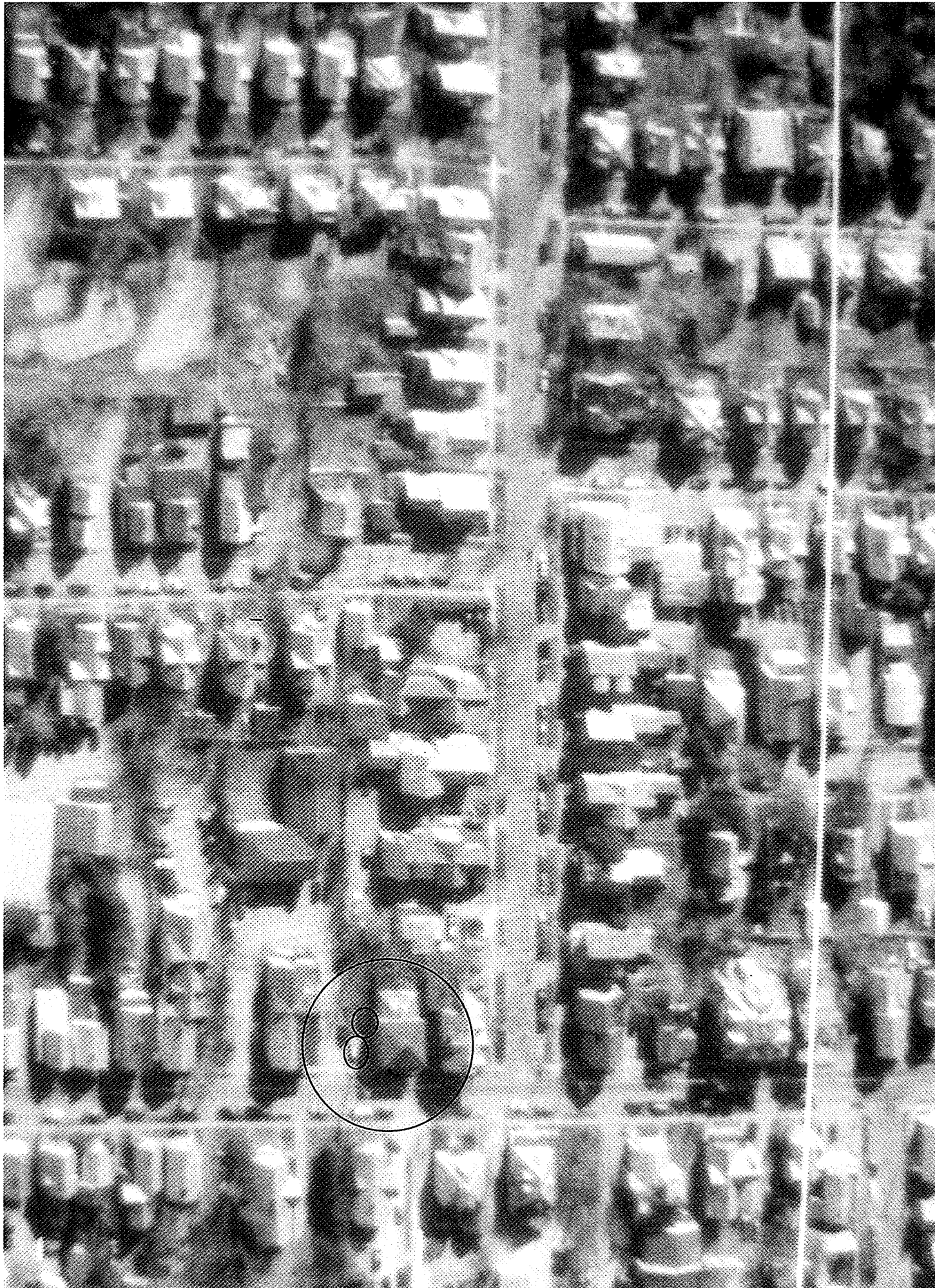
I got copies of the aerial from Vermont Archivist's office. This was taken of Burlington in 2000. You probably know this already, but they don't have digital copies, you have to view in person. Seen in person you can clearly see cars parked two wide in the driveway for 102.

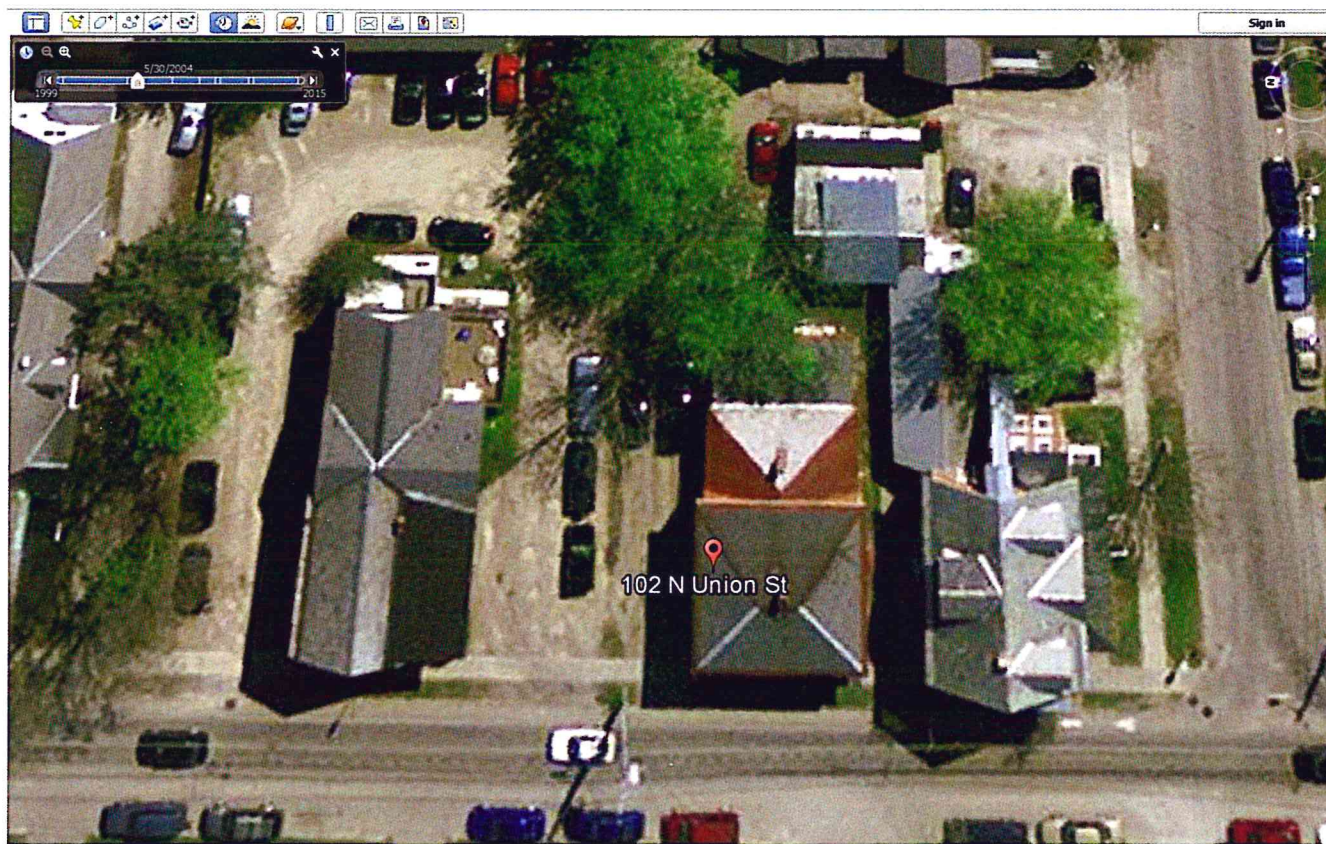
I've attached pictures I took of it and circled the vehicles and house in one copy. Pretty hard to see reproduced especially with shadow of building, but they're there. Let me know thoughts. Thanks
Josh



2000 Aerial Photo from Vermont Archives, shows one car in shadow of building and one next to

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Aerial Photo 2003 from Google Earth, shows two cars parked tandem. Prior to fence

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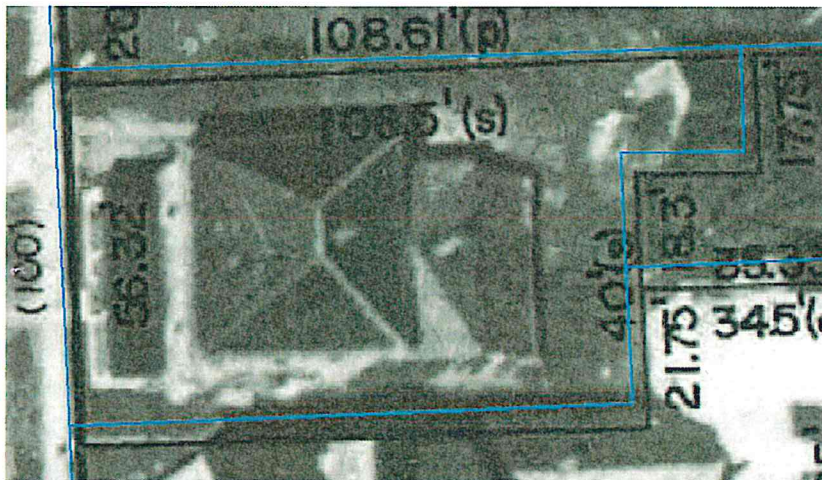


2012 Google Earth Photo, shows 4 cars parked in tandem with fence installed

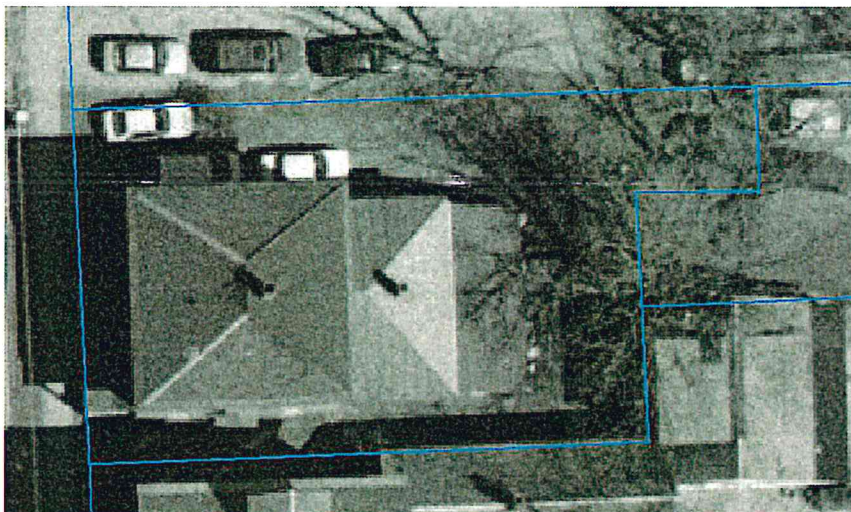
RECEIVED
MAR 24 2016
DEPARTMENT OF
PLANNING & ZONING



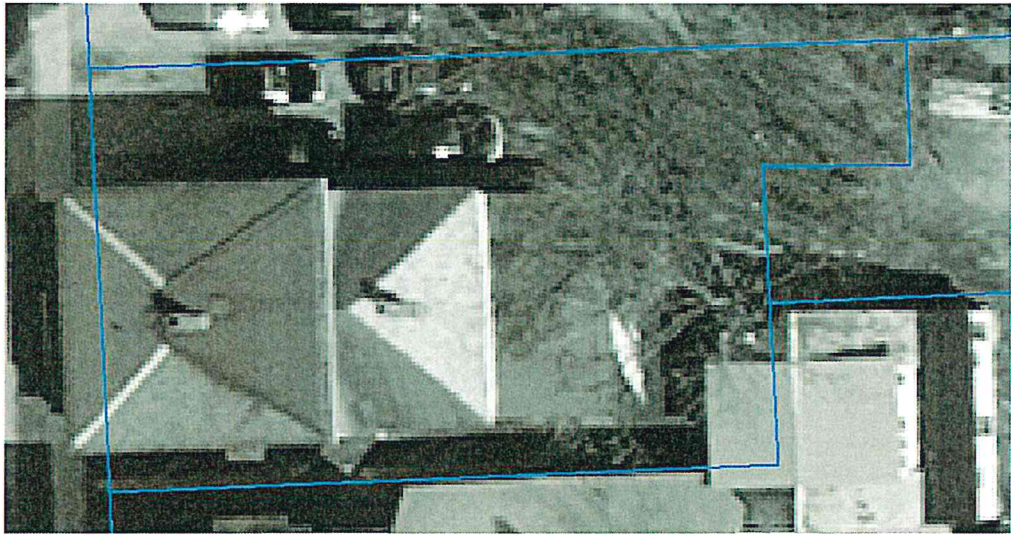
Provided by applicant. 2000. Note annotation of cars.



1978



2000



2004 B & W



2004 Color



2013



2014 Google Image (snip)



October 2014 Google snip.



March 2016



March 2016

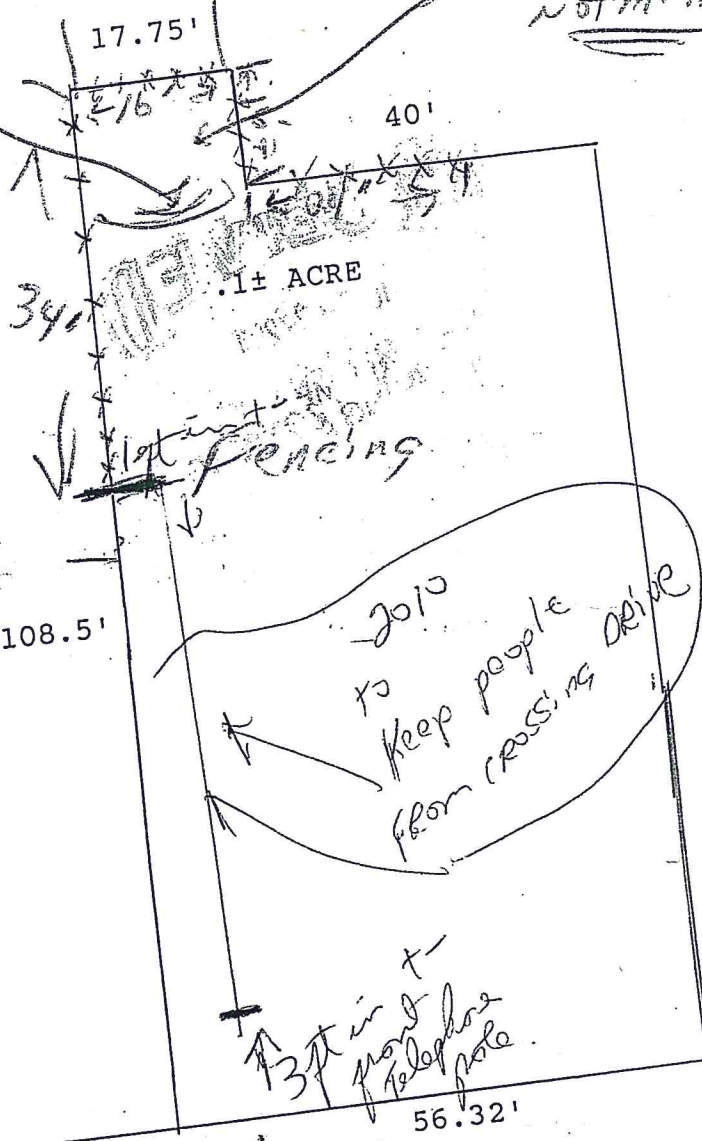
30 yard
 dumpster & trash
 out of this area in June
 not mine

51m
 neighbors

Cars parking here
 not mine

Student
 neighbors

~~Student~~
 Student
 neighbors



100-102 NORTH UNION STREET

NOTE

ANY MODIFICATIONS OR DEVIATIONS FROM THESE PLANS
 REQUIRE ZONING APPROVAL PRIOR TO CONSTRUCTION.
 ALL ERRORS IN DIMENSIONS, PLANS OR DETAILING ARE
 FULLY THE RESPONSIBILITY OF THE APPLICANT/OWNER.

FINAL APPROVAL

SIGNED [Signature] DATE 10/28/10

PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

Fay Associates, Inc.

RECEIVED

OCT 12 2010

DEPARTMENT OF
 PLANNING & ZONING

2P 11-0343FC

Developed by Vermont Association of REALTORS

**CODE ENFORCEMENT OFFICE**

645A Pine St, PO Box 849

Burlington, VT 05402-0849

VOICE (802) 863-0442**FAX: (802) 652-4221**

TO: Development Review Board

FR: Jeanne Francis, Assistant Zoning Administrative Officer, Code Compliance and Enforcement

DT: June 7, 2016

RE: Report on Appeal #16-1086AP; Appeal of a Administrative Officer's Zoning Notice of Violation (ZV # 312280) issued on March 28, 2016, for Unpermitted parking area in close proximity to the northwest corner of house, for Premises Located at 41 South Willard St, Burlington, Vermont

.....
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.

Location: 41 So. Willard, Burlington, Vermont

Tax Lot # 045-2-251-000

Appellant: Soon Kwon, Owner, Vista Properties, LLC

Applicable Regulations: CDO Articles 2, 3, 5, 12 and VSA §4551 **Appeal # 16-1086AP**

Appeal: Sec. 12.2.2 Appeals of Administrative Officer Decisions

- Appeal filed at the Planning/Zoning office on April 11, 2016, addressing all 5 requirements outlined under Sec. 12.2.2

Name and address of appellant:

Soon Kwon, PO Box 9492, So Burlington, VT 05407-9492

Brief description of the property with respect to which the appeal is taken

Zoning Compliance Officer confuses "parking violation" with "zoning violation".

Reference to the regulatory provisions applicable to that appeal

No references provided.

Relief requested by the appellant

No relief requested.

Alleged grounds why such requested relief is believed proper under the circumstances

Appellant believes parking north of the house is a "parking violation" and not a "zoning violation".

Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

Appellant Submittals

- Notice of Appeal
- Written Response to Appeal
- Photo indicating "No Parking" signs on north elevation of structure
- Copy of March 28, 2016 Notice of Violation and attachments

City's Submittals

- Notification Letter Dated March 22, 2016: Expansion of parking area on the northwest corner of house
- Notice of Violation dated
- Photo of area in question dated July 29, 2003
- Photo of area in question dated September 21, 2006
- Photos of area in question dated prior to and after March 28, 2016 (NOV)

Background Information:

- December 5, 1997 – Notice of Violation: Increased parking area (ie. front yard parking. Violation cured with Appellant issuing written notices to tenants..
- July 29, 2003 photo of area in question with green space.
- 2003 parking and overcrowding issues.
- 2004 parking violations, including area in question.
- 2005 parking and overcrowding complaints at property.
- October 27, 2006 notice of violation issued for an increased parking area without an approved zoning permit. Violation cured.
- ZP 16-0918CA: Expansion of above ground landing at rear of building.
- March 18, 2016 complaint regarding an expansion of parking on the north side of building.
- March 28, 2016 Notice of Violation mailed to Owner for expansion of parking ...
- ZP 16-1026CA to replace four existing windows, ground level.
- April 12, 2016 appeal of Notice of Violation received.

State Statutes

24 V.S.A. § 4451 Enforcement Penalties

No action may be brought under this regulation unless the alleged offender has had warning of at least seven days' to cure the violation.

Notification letter mailed on March 22, 2016 and a Certified Notice of Violation was mailed on March 28, 2016; certified letter described violation and outlined options in which to cure the violation.

Comprehensive Development Ordinance (CDO)

Article 2. Enforcement

Sec. 2.7.5 Observation or Complaints of Violations

... that have been taken.

The observation of a violation on the part of the administrative officer shall be considered investigation, and the alleged violator may be issued a notice of zoning violation or a municipal complaint ticket. *"Notice of Illegal Parking" Tickets were issued to vehicle owners.*

Article 3. Applications, Permits, and Project Review

Sec. 3.1.2 Zoning Permit Required

Except for that development which is exempt from a permit requirement under Sec. 3.1.2(c) below, development may be commenced within the city without a zoning permit issued by the administrative officer including but not limited to the following types of exterior and interior work:

(a) Exterior Work:

- 1. Additions to existing buildings ...*
- 3. Change of use or expansion of use...*
- 5. Alterations, changes, or modifications to building lots or sites related to site improvements including, but not limited to, increased lot coverage.*
- 6. Excavation or fill related to site improvements...*
- 12. New or expanded parking areas, driveways, and walkways. Including paving existing grass surfaces...*
- 16. Site improvements...*
- 20. ...*

Article 5 Citywide General Standards

Sec. 5.2.3 Lot Coverage Requirements

Where a maximum lot coverage is specified pursuant to the requirements of Article 4, no building part of a building or impervious surface or other form of coverage shall exceed such maximum allowable except as specifically authorized by this ordinance.

Expansion of parking along the north side of building contributes to lot coverage under the Comprehensive Development Ordinance. Zoning permit is required to increase lot coverage. In addition, Appellant has not submitted a zoning permit request to increase the lot coverage for parking north of the building.

Sec. 5.2.5 Setbacks

Setbacks between buildings and property lines where required are intended to provide access to light and air, provide fire separation and access, and maintain the existing neighborhood pattern of buildings and open spaces between them and to the street.

Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

Parking along the north side of building encroaches into setbacks required by the Comprehensive Development Ordinance.

Article 12. Appeals, Conditional Uses, Variances

Sec. 12.2.2 Appeals of Administrative Officer Decisions

Any interested person may take an appeal from any final order or decision of the administrative officer to the DRB within fifteen (15) days after the date of decision or act appealed from as follows...

Owner disagrees with Administrative Officer's decision to issue a Notice of Violation (ZV # 16-1086AP) and has enacted his appeal rights.

Findings

An increase in parking has been problematic for this property, as indicated in City records, since at least 2003. Owner would remedy the parking issues and after a period of time, parking would be initiated again.

In March 2016 the Code Enforcement Office received an "expansion of parking along the north side of building" complaint. Complaint was verified by inspectors. Illegal Parking tickets were issued. Code Enforcement attached "No Parking" signs to the building, however, parking north of the building continued.

A notification letter was mailed to Owner on March 22, 2016 informing him of a parking complaint (pictures were attached). Owner was given the opportunity to refute the allegations within 10 days from date of letter.

A notice of violation was issued to Owner on March 28, 2016, allowing Owner to cure the violation within seven days from receipt of notice; violation was not cured within the allotted seven days. Owner opted to exercise his appeal rights and appeal the notice of violation before the Development Review Board.

Summary

Appellant is not refuting there is a violation north of the structure. In his response to Jeanne Francis dated March 3, 2016, paragraph 8, Appellant says he "... will apply for a zoning permit, ... place about 5 boulders ... along the edge of the driveway or install ... pressure treated wood columns in order to protect this green area from further illegal parking". Appellant has also placed five (5) "No Parking" signs along the north side of structure.

History shows parking issues north of the building in 2003 which was cured (see attached photo dated June 1, 2003) parking complaint again in 2004 until 2006 when Appellant installed a barrier and restored the area (see attached photo dated September 21, 2006). Currently area north of building is rutted with no parking space (see attachment photos from 2016).

To date, property north of the building remains in violation of the Comprehensive Development Ordinance. Although our office has not witnessed parking north of the building since March 25, 2016, Appellant has not yet restored the area damaged by the violation to its original state.

Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

Although front yard parking was not included in the March 28, 2016 notice of violation, it is strongly suggested that the Appellant restore the front yard while restoring the area to the north of building. See photo dated May 9, 2016.

Recommendation

Uphold administrative decision that an "Unpermitted parking area in close proximity to the northwest corner of house" exists and condition: (1) Owner shall construct a resilient barrier that prevents access to the area north of building to be used for parking. Proposed barrier shall be submitted to Planning/Zoning staff for zoning consideration via zoning permit application, within 10 calendar days from date of Board's decision. Barrier shall be erected within five (5) calendar days from appeal date, unless permit is appealed. Should the permit be appealed, Owner shall work with Code Enforcement Staff for temporary measures to prohibit vehicles from parking north of the building, and find a permanent barrier solution. (2) Barrier shall be maintained. Any damage or removal of the barrier shall be replaced/repared within five (5) calendar days from date of removal. (3) Within 10 days from Board's decision, Owner shall restore grass/soil in a manner consistent with the 2016 Vermont Storm water Manual Soil Depth and Quality specifications (copy available at Code Enforcement Office and attached to this report). (4) Owner shall maintain green space along the northern side of house shown in attached photo "A". (5) Owner shall remove all five "No Parking" signs attached to north side of house. (6) Standard permit conditions 1-15.

Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

North side of building. Parking plus coverage and setback issues without zoning approval.



Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

North side of building. Parking plus coverage and setback issues without zoning approval.



Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

North side of building. Parking plus coverage and setback issues without zoning approval.



Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

North side of building. Coverage and setback issues without zoning approval.



Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

Photo taken September 21, 2006. North side of building. Lawn area with barriers. Owner strung caution tape from post to post but were damaged at time of photo.



Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

Photo Taken July 29, 2003. Northeast of building looking west.



Development Review Board Staff Comments
AP 16-1086AP: 41 So Willard Street]
Appeal of ZV # 312280

Photo Taken July 29, 2003. Northwest of building looking east to South Willard



John Vickery

Subject: Amanda - governance, users group
Location: Pine Front CR

Start: Tue 5/31/2016 3:00 PM
End: Tue 5/31/2016 4:00 PM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Beth Anderson
Required Attendees: Jay Appleton; Scott Duckworth; Ned Holt; John Vickery; William Ward; Patricia Wehr
Barry Simays; Norm Baldwin

Sorry for moving the time, this looks free for everyone. We'd like to start a regular discussion of the Amanda stakeholders to talk about how we use Amanda, share information, discuss standards, etc.

I wanted to forward a brief agenda for next week's meeting:

1. Discuss what we want the group to be/do (10 mins)
2. Best practices around: (20 mins)
 - a. Modifying people records
 - b. Managing manual processes/work arounds
3. Explore who using which version (web v desktop) (10 mins)
4. Land Records update (5 mins)
5. Next steps, schedule, future topics (10 mins)
 - a. Ideas include documenting workflows, clarifying what is public and open data, using reports/metrics

Have a good holiday in the meantime.

Beth

Beth Anderson
Chief Innovation Officer, City of Burlington
(802) 865-5357



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849

VOICE (802) 863-0442

FAX: (802) 652-4221

March 22, 2016

VISTA K PROPERTIES LLC
PO BOX 9492
SOUTH BURLINGTON VT 05403

RE: 41 South Willard Street Burlington, Vermont

Dear Owners,

According to our records, you are the owner of record of the above-referenced property. This letter is to inform you that the Code Enforcement Office has received the following complaint(s) regarding this property:

- **Expansion of parking area on the northwest corner of house**
- **Parking expansion to the southwest parking area; and**
- **Structural changes. All without Zoning approval.**

Our office has initiated an investigation regarding the complaint(s), however, as of this date; a final determination has not been made. Should you have any information that you believe will be useful to us during our investigation, please submit it to the Code Enforcement Office, **in written form, within the next ten (10) business days**.

This is your opportunity to provide information to refute the allegation(s) prior to our issuance of a formal determination and possibly a Notice of Violation. Information that may be helpful includes, but is not limited to, the following:

- Permits which document that the alleged to be in violation has been approved by the City; or
- Photographs of the property and/or other documents (both current and historical with verifiable dates) that demonstrate the alleged violation has been remedied.

Please note, while any information from you as the property owner is useful, the investigation will occur with or without the information. This letter is intended to give you notice of the alleged complaint(s) against your property and to provide you an opportunity to refute the allegation prior to a formal determination being issued.

Should you have questions, please don't hesitate to call me at 863-0442.

Sincerely,

Jeanne Francis, Zoning Specialist



CODE ENFORCEMENT OFFICE

645A Pine St, PO Box 849
Burlington, VT 05402-0849
VOICE (802) 863-0442
FAX: (802) 652-4221

NOTICE OF ZONING VIOLATION (NOV)

March 28, 2016

Mailed Certified Mail 7013 3020 0001 6717 7018
And FIRST CLASS MAIL

VISTA K PROPERTIES LLC
PO BOX 9492
SOUTH BURLINGTON VT 05403

NOTICE OF VIOLATION AT:
41 SO WILLARD STREET, BURLINGTON, VT
TAX LOT #045-2-251-000

Zoning Violation# 312280

Dear Owners,

It has come to the attention of this office that a zoning violation exists at 41 South Willard Street.

Description of Violation: Unpermitted parking area in close proximity to the northwest corner of house. See attached photos.

Burlington Comprehensive Development Ordinance (CDO) Article(s): 2, 3, 5, 12, and 24 VSA §4451 and 4470.

Please be advised that violations of the CDO are subject to fines of up to two hundred dollars (\$200.00) for each day that a violation continues. You may submit an application to attempt correction of the violation, however, be advised application and filing fees are subject to a fee increase for permits required to correct a violation (see Violation Details Remedy Options #2 and CDO Section 2.7.8).

This correspondence serves as a formal notice of a zoning violation pursuant to 24 V.S.A §4451. You have seven (7) days from receipt of this notice to cure the referenced violation. Additional warnings for the violation are not required and will not be forthcoming. In the event that the violation is not cured or remedied as provided for in this notice, the City will pursue enforcement of the violation as provided for by law.

This NOV is a decision of the Zoning Enforcement Officer, designee of the Burlington Zoning Administrator, may be appealed to the Development Review Board in accordance with the provisions of CDO Sections 2.7.11 and 12.2.2 provided that such appeal is filed within fifteen (15) days of the date of this NOV March 28, 2016, and accompanied by the appropriate fee in accordance with Sec. 3.2.4(a) of the CDO. Appeal fee and complete application shall be filed with the City's Planning and Zoning Office (City Hall, 149 Church Street) by **4 pm on April 12, 2016**; an appeal shall not be perfected until the fee is received.

If you have any questions, please call me at (802) 864-8518.

Sincerely,

Jeanne Francis
Zoning Compliance Officer

Enclosures: Violation Details

Cc: Land Records for Tax Lot # 045-2-251-000

VIOLATION DETAILS

LOCATION: 41 SOUTH WILLARD STREET

DECISION DATE: March 28, 2016

VIOLATION DESCRIPTION: Unpermitted parking area in close proximity to the northwest corner of house and along north side of house. See attached photos.

- FINDINGS:**
- On February 18, 2016, Code inspector observed vehicle parked in close proximity to the northwest corner of house; ticket issued; - see attached photo.
 - On March 18, 2016, Code inspector observed vehicle parked in close proximity to the northwest corner of house; ticket #63230 issued.
 - On March 18, 2016, Code inspector observed vehicle parked in close proximity to the northwest corner of house; ticket #63228 issued.
 - On March 21, 2016, Code inspector observed vehicle parked in close proximity to the northwest corner of house; ticket 363230 issued ; - see attached photo
 - On March 22, 2016, Code inspector observed vehicle parked in close proximity to the northwest corner of house; ticket #63234 issued.
 - On March 22, 2016, Code inspector observed vehicle parked in close proximity to the northwest corner of house; ticket #63233 issued.
 - On March 22, 2016 Code Enforcement notified Owner, in writing, of the unpermitted parking.
 - On March 25, 2016, Code inspector observed two vehicles parked in close proximity to the north and northwest corner of house; ticket #63238 issued; - see attached photo.

REMEDY OPTIONS: Within seven (7) days from receipt of this notice you may cure the violation by:

1) – Prohibiting repeated unpermitted parking that has been occurring in close proximity to the northwest corner of house (see attached photos) by (a) placing barriers around area in question – to be reviewed and approved by Code Enforcement; permit may be required from the Department of Planning/Zoning; (b) restoring the Premises to its prior state (ie. grading, mulching, seeding), and (c) informing the Code Enforcement Office that the violation has been removed so our office may verify compliance; or

2) - Obtaining approval from the City's Department of Planning and Zoning for after-the-fact parking expansion in close proximity to the northwest corner of house; (permit application fee is doubled if complete application is submitted within seven days from receipt of the NOV, tripled if a complete application is submitted 7-15 days from receipt of the NOV, or triple plus \$75 per hour of Code Enforcement staff time (up to \$500) if a completed application is submitted after 15 days from date of NOV receipt). See CDO Section 2.7.8. **PLEASE NOTE:** If the zoning permit request is denied, the violation is **NOT** cured. Owner shall be required to remove the violation as noted in #1 above or request an agreement as noted in #3 below within five (5) business days from date of the permit denial to remedy the violation; or

3) - Entering into an Agreement with the City of Burlington to extend deadlines in which to come into compliance with the City's ordinance (**administrative fees required**).

APPEAL RIGHTS: You have the right to appeal the enforcement officer's decision that a zoning violation exists on your property to the Development Review Board in accordance with the provisions of Articles 2.7.11 and 12.2.2 of the CDO within fifteen (15) days from the date of this notice. **The deadline for filing an appeal is 4 pm on April 12, 2016.** Submit a complete application with ZV# and appropriate fee to the Department of Planning and Zoning, accompanied by a memo stating the ZV#, the owner's name and address, a brief description of the property with respect to which the appeal is taken, a reference to the regulatory provisions applicable to that appeal, the relief you are requesting, and the alleged grounds why such relief is believed proper under the circumstances. *Failure to appeal constitutes admission that the violation exists, and the decision of the enforcement officer shall be binding 24 V.S.A §4472(d).*

REGULATION CDO Article(s): 2, 3, 5, 12 and 24 VSA §4451
CITATION:



Northwest corner of house.



Northwest corner of house. /



First vehicle parked in unpermitted expanded parking area northwest corner of house.



Two additional vehicles parked in unpermitted expanded parking area, northeast corner of house for a

3-18-16		NOTICE OF ILLEGAL PARKING POLICE DEPARTMENT CITY OF BURLINGTON, VERMONT (802) 540-2380	
RECORD COPY			
Date Issued 3-21-16	Time 10:35 AM	Registration No. 2562441	Color Blue
Location On S. Willard St		Plate Tolara	
At #41		Registration No. Vermont	
VIOLATION ☐ METER VIOLATION ☒ NON-METER VIOLATION		State VT	
Violation Yard Parking		Plate Tolara	
FINE \$ 75.00		Officer No. 729	
NOTICE OF ILLEGAL PARKING POLICE DEPARTMENT CITY OF BURLINGTON, VERMONT (802) 540-2380			
Date Issued 3-21-16		Time 10:35 AM	
Registration No. 2562441		Color Blue	
Location On S. Union		Plate Tolara	
At #41		Registration No. Vermont	
VIOLATION ☐ METER VIOLATION ☒ NON-METER VIOLATION		State VT	
Violation Yard Parking		Plate Tolara	
FINE \$ 75.00		Officer No. 729	



Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401-8415

Phone: (802) 865-7188

Fax: (802) 865-7195

www.burlingtonvt.gov/pz

RECEIVED
APR 11 2016

DEPARTMENT OF
PLANNING & ZONING

Appeal of an Administrative Decision Request

Use this form to appeal any Administrative Decision or Notice of Violation - See Sec. 12.2.2 of the Zoning Ordinance.

SUBJECT LOCATION ADDRESS: 41 So Willard St

Subject Property Owner: Soon K Kwon

Appellant: Soon Kwon

Agent/Representative: Self

Mailing Address: P.O. Box 9492,

City, St, Zip: South Burlington, VT 05407-9492

Day Phone: (802) 578-0457 Email: Soon K Kwon@gmail.com

Appellant Signature: [Signature] Date: 4/11/2016

In order for your request to be considered complete, **ALL** of the following information **must** be provided, as applicable:

- ☒ The Appeal fee of \$250;
- ☐ Description of the decision under appeal;
- ☐ Description of the property subject to the appeal;
- ☐ Reference to the regulatory provisions applicable to the appeal;
- ☐ Relief requested by the appellant;
- ☐ Alleged grounds why such requested relief is believed proper under the circumstances.

Office Use Only:

Check No. 3131 Amount Paid 830 Zoning Permit # 16-1086 AD

RH 4 1897 11431 2V 312280



Development Review Board
Dept. of Planning and Zoning
City Hall
149 Church Street
Burlington, VT 05401

RECEIVED

APR 11 2016

DEPARTMENT OF
PLANNING & ZONING

April 8, 2016

To Whom It May Concern;

This letter is to appeal the Zoning Violation alleged by Jeanne Francis, Zoning Compliance Officer, Burlington Code Enforcement Office.

Attached please find a copy of the NOV letter issued by Jeanne Francis dated March 28, 2016.

Attached also please find a copy of my letter to Jeanne Francis in response to her 3/28/2016 NOV letter.

Please let me know about the date of hearing on this NOV.

Sincerely,


Soon Kwon

cc: - Jeanne Francis, Zoning Compliance Officer, Burlington Code Enforcement Office
- Mr. Will Towle Esq.

Jeanne Francis, Zoning Compliance Officer
City of Burlington Code Enforcement Office
645A Pine Street, P.O. Box 849
Burlington, VT 05402-0849

April 3, 2016

Subject: 41 South Willard St, Alleged Zoning Violation by Jeanne Francis – 3/28/2016

To Jeanne Francis;

In response to your letter of March 28, 2016 concerning alleged zoning violation at 41 South Willard St property.

It is clear to me that you confused “parking violation” with “zoning violation”.

Attached please find a photo I took yesterday of my property referenced above. The photo is the view seeing from the sidewalk of South Willard Street. This photo clearly shows the old “No Parking” sign I posted many years ago in an attempt to prevent illegal parking in the green area next to the driveway.

I have instructed my tenants that the designated parking areas are the south west corner of the building as well as the area in front of the garage only. I also informed my tenants that parking anywhere else would be in parking violation on “green area”, which would be subject to getting parking tickets from the City according to the city ordinance. In particular, parking on the “green area” next to the driveway is subject to parking violation up to several hundred dollars in fines. Therefore, I am certain that my tenants would never park in this area.

I examined all photos attached to your letter of March 28, 2016, and did not recognize any of my tenants cars. I vaguely remember that the first photo showing a truck with VT license plate TRK 179A937 is my neighbor Mr. LeClair’s contractor’s car. I do not recognize at all the remaining three cars with parking tickets on the windshields.

About four weeks ago I called the Burlington police for help to solve this illegal parking problem. In turn, Burlington police referred my problem to the Parking Enforcement Department. Since then the Parking Enforcement is issuing parking tickets as you see on the windshields in the photos enclosed in your letter. I hope that the tickets would deter the illegal parking in the future.

Please note that in addition to the old “No Parking” sign still on the wall of my building, I posted five more new “No Parking” signs as shown in the photo I attached, in an attempt to discourage further illegal parking.

About a year ago, my next door neighbor, Mr. LeClair, brought in a truck full of crushed stones to fill some “bumpy” areas of the driveway. In unloading the stones, the truck driver spread the crushed stones over the green area as well. Before this happened, the area was green. Last summer, I hired two helpers to remove the crushed stones covering part of the green area in order to restore the green area. As you can see in my photo, they managed to clear about the third of the driveway length from the sidewalk in about 10 days and gave up due to overwhelmingly hard work.

I will apply for a zoning permit either to place about 5 boulders about 2 – 3 feet in diameter in size along the edge of the driveway or to install about 5 low profile (approximately 2 feet in height) 4 inches x 4 inches of pressure treated wood columns in order to protect this green area from further illegal parking.

By copying this letter to the Burlington Development Review Board, I am appealing your alleged zoning violation as you instructed me in your letter. Please be reminded that currently the Burlington Parking Enforcement is monitoring this green area and issuing parking violation tickets as shown in the photos enclosed in your letter of NOV dated March 28, 2016. A formal letter of appeal to the Development Review Board is forthcoming shortly.

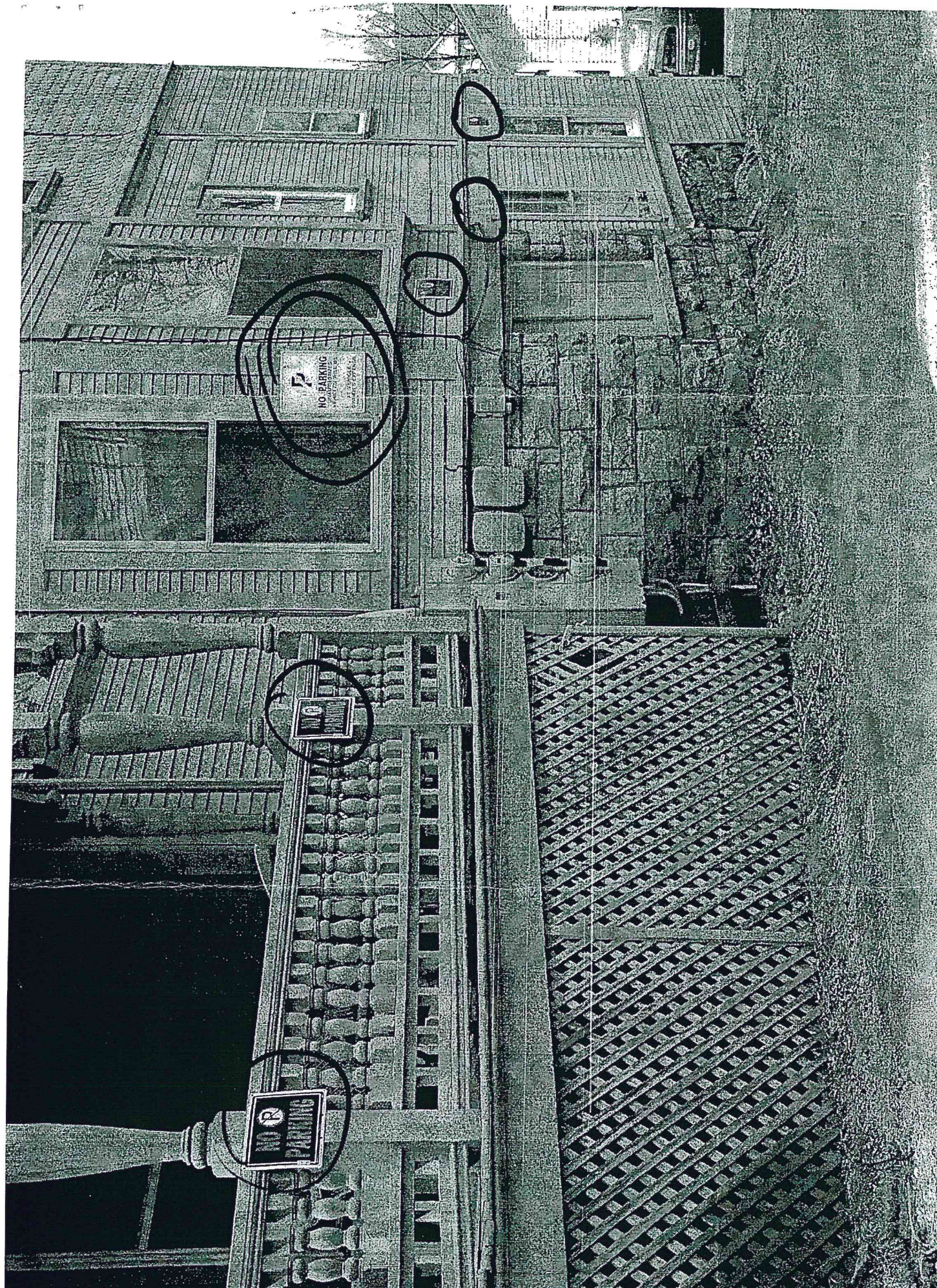
I wish that the person who took these photos in your letter would have noticed the parking violation tickets on the windshields as well as the "No Parking" sign that I have posted many years ago on the exterior wall of my building. Also I wish that this person would have taken more appropriate action such as immediately notifying the Burlington Parking Enforcement as I have been doing. Such action of his (or hers), as is, is a clear indication that apparently this person routinely treat all property owners as criminals and such person appears to be an ex-policeman as people say. I hope that this person changes the way of thinking in general more "positive" way.

Sincerely,


Soon Kwon

Attachment: Photo of the driveway of 41 South Willard St property

cc: ✓ - Burlington Development Review Board(for appeal)
- Office of the City Major, City of Burlington
- Mr. William Ward, Director of the Burlington Code Enforcement Office
- Mr. Eugene Bergman(Burlington City Senior Assistant Attorney)
- Mr. Will Towle Esq.



Department of Planning and Zoning

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

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin & Mary O'Neil, Principal Planners
DATE: June 7, 2016
RE: 16-1183SP; 311-375 North Avenue

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

Zone: WRM Ward: 4N

Owner/Applicant: BCCH

Request: Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

Background Information:

The applicant is requesting sketch plan review for a comprehensive build-out of some 15.5 acres of land including 700+ dwelling units and some commercial space. About a dozen new buildings are proposed along with new city streets and related infrastructure. A mix of structured and surface parking is included. A total of 7 parcels are involved, including what appears to be a net increase of 5 new parcels.

The project plan is for a Planned Unit Development with subdivision into several parcels for development. This Sketch Plan (required by Section 10.1.6 as the subdivision will create five or more lots) is being reviewed under the current regulations for the RM-W Zoning District; however the Development Agreement (see attached) includes a provision for creating a new zoning district (tentatively a Neighborhood Activity Center district) with specific standards and limitations. That proposed new zoning district remains in draft form, and has not yet been adopted as a zoning amendment by the Planning Commission or the City Council.

This review is subject to current zoning standards and limitations until such time as a new zoning district is formally adopted.

With the intent of the new zoning district in mind, there is tremendous importance in creating a vibrant, livable, human-scale neighborhood characteristic of Burlington; one that will be consistent

with expressed values and characteristics and contributing to the legacy of Burlington's built environment.

A brief history of events:

In February 2015 BC Community Housing LLC purchased 27.65 acres of land from Burlington College. This included the "Stone House" at 311 North Avenue and so-called Texaco Beach. The College retained ownership of a 6 acre parcel, including 2 connected buildings: the three story classroom building, and the 5 story Orphanage building.

In December 2015 Burlington College submitted its land and buildings to a condominium structure form of ownership, where the Orphanage building was designated as Unit #1 at 375 North Avenue, and the classroom building as Unit #2 at 351 North Avenue. In the same month, E.F. Farrell purchased the Orphanage building (Unit #1) and Burlington College retained ownership of the classroom building (Unit #2.)

In February 2016, BC Community Housing sold 12 acres (of the 27.65), including Texaco Beach, to VLTBTB Parkland, LLC (Vermont Land Trust and City of Burlington.)

BCCH presently owns the remaining 15.65 acres, the subject of this review.

This sketch plan underwent review by the Design Advisory Board on May 24, 2016 and by the Conservation Board on June 6, 2016. The Design Advisory Board recommended providing a more sensitive transition in scale from the homes along North Avenue to the much larger buildings in this development. They also recommended consideration of varying roof forms and strengthening the buildings' interface with the streets. They encouraged the applicant to better anchor the northeast corner at the main entrance into the project site (referred to as "the hub" on the sketch plans) and to provide terminus views within the street network where possible. Comments from the Conservation Board are not available at the time of this writing and will be conveyed to the DRB at the sketch plan meeting. The Technical Review Committee will review this project on June 9, 2016.

Previous zoning actions for this property are noted below.

- Zoning Permit 16-022CA; Remove slate roof and install copper. Approved January 2016.
- Zoning Permit 16-1077MP; Tree maintenance plan. Approved November 2015.
- Zoning Permit 16-007CA/MA; Convert orphanage to 63 residential units. Approved September 2015. Amended February 2016 to increase to 65 residential units and minor exterior alterations.
- 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.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*
The proposed development will be served by municipal water, sewer, and electricity. The proposed development is large enough that it will place significant new demands on these city utilities. A comprehensive analysis of existing utility infrastructure and identification of necessary upgrades will be required as part of the permit application.
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 properties, formerly comprising Burlington College, stretch from North Avenue to Lake Champlain. The properties are presently zoned waterfront medium density residential (WRM); however, a change in zoning to some sort of Neighborhood Activity Center is anticipated. Until or unless that change is made, a complete evaluation under this criterion is impossible. As proposed, the development will be bordered on three sides by RCO and/or conserved lands. Across North Avenue, there is a strip of Residential Low Density zone comprised mostly of

detached dwellings and a handful of nonresidential uses. Whatever the eventual zone is, the existing character of the area will be transformed by the proposed development.

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

The proposed residential use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than that generated by other residential neighborhoods in the area. The rather large service area along “north” street may be a source of noise and odor. Details as to the management of this area will be needed with the permit application. Commercial uses have not been specified, so an analysis of those uses under this criterion are not yet possible. Details will be required as part of the permit application.

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

No traffic information is included in the sketch plans. The applicant is presently working with the Department of Public Works to develop a comprehensive traffic analysis. In addition to the typical considerations of daily and peak hour trip generation, accidents, and intersection level of service, the applicant is strongly advised to compare this proposed development to similar existing developments such as Finney Crossing in Williston and the Farrell Street development behind Shaw’s in South Burlington.

and,

5. *The utilization of renewable energy resources;*

Little detail relative to this criterion is included in the sketch plans. Perspective drawings depict some rooftop solar panels. Insofar as possible, the applicant is encouraged to integrate renewable energy elements into the project design.

and,

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

Technical Review Committee comments relative to applicable City bylaws will be provided following their June 9 review. The permit application must address all comments provided.

(b) Major Impact Review Standards

1. *Not result in undue water, air, or noise pollution;*

No significant air or noise pollution is anticipated with this largely residential development.

See Sec. 5.5.3 for stormwater management.

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

3. Not unreasonably burden the city's present or future water supply or distribution system;
See Sec. 3.5.6 (a) 1.

4. Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
See Sec. 5.5.3.

5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;
See Sec. 3.5.6 (a) 4.

6. Not cause an unreasonable burden on the city's ability to provide educational services;
No information has been provided with respect to the number of anticipated school-age children. The Technical Review Committee meeting will afford the School Department an initial opportunity to evaluate and comment on this project. The permit application must include a delineation of dwelling units and bedroom counts (i.e. X number of 1-bedroom units, Y number of 2-bedroom apartments, etc.) and an anticipated number of school age children. If this project receives final approval, impact fees would be paid to help offset impacts on the school system.

7. Not place an unreasonable burden on the city's ability to provide municipal services;
The proposed development will generate additional impacts on city services; however, the extent of those impacts cannot be determined at sketch plan review. All affected City Departments (Parks & Recreation, Fire, Police, Electric, CEDO, Planning & Zoning, School, and Public Works) will be involved in the review of this project.

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The project is proposed in an area long targeted by the city for intensified development. The project is of sufficient size to warrant an analysis of city costs to support it and impact fees and infrastructure improvements to come as a result of it.

10. Be in substantial conformance with the city's municipal development plan;
Insufficient details are included in the sketch plan to determine whether or not the project is in substantial conformance with the municipal development plan.

Generally, the project is located within a designated growth center wherein new and higher density development is targeted (Land Use Policies, pg. I-2). The zoning may well be changed to reflect this attribute. However, the proposed density takes the form of multiple very large buildings set in a campus layout that depart from the established land use and design patterns of nearby neighborhoods (City of Neighborhoods, pg. I-24). This property is unique in that it is expansive, mostly undeveloped, and relatively isolated from other neighborhoods. The orphanage building onsite is one of the largest structures along North Avenue. There is opportunity here to create a

neighborhood that balances the scale and intensity afforded by the locally iconic orphanage building with the smaller scale, tightly knit neighborhood across North Avenue. As noted under Article 6, there should be a diversity of scale and design set out in a cohesive streetscape characteristic of Burlington.

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;

As noted above, the proposed development is located in an area targeted for higher intensity development. Details as to amount, type, and affordability are sparse. The sketch plans note a total of 717 housing units. Some will be for sale, and others will be for rent. Per the requirements of Article 9, some of those must be affordable. As noted previously, a breakdown of unit types should be provided.

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.

Residents of the new dwelling units will likely utilize the city's park and recreation facilities. A key component of this overall development is the sale of 12 acres to the city for conservation and designation as an "urban wild." If final approval is granted, park impact fees will be paid to help offset any related impact on park needs.

(c) Conditions of Approval:

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

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

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No construction timeline is included in the sketch plans. For a project of this size, a construction schedule will be required as part of the permit application. Within that timeline, a phasing schedule is strongly recommended. Breaking the project into distinct phases will allow occupancy of buildings as they are completed while construction of others is ongoing. If the applicant wishes to pursue phasing, a phasing schedule must be provided with the permit application.

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

The construction schedule must include proposed days and hours for construction. Details as to the commercial uses will be required. If any conditional uses are proposed, days and hours of operation may be limited.

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.

Not applicable for sketch plan review.

Article 4: Maps & Districts

The project site is presently zoned Residential Medium Density – Waterfront. A change to some variety of Neighborhood Activity Center is anticipated. Review under the district-specific standards is moot until the applicable zoning district is confirmed.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Presently, as RM-W zone, the buildable area provisions of this criterion apply. If the property is rezoned, buildable area may, or may not, apply depending on the rezoning. Buildable area eliminates areas of steep slopes (>30%) from lot coverage and density calculations. Slopes of between 15% - 30% may be counted at half density and coverage if the Development Review Board finds the scale and intensity of the development appropriate for its surroundings.

Sec. 5.2.5, Setbacks

See Article 4 above.

Sec. 5.2.6, Building Height Limits

See Article 4 above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Article 4 above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. Details relative to commercial uses must be included in the permit application.

Sec. 5.5.2, Outdoor Lighting

No outdoor lighting information is included in the sketch plans. The permit application will require a comprehensive lighting plan depicting individual lighting environments (parking, walkways, entries, etc.), photometric plan(s), lighting fixture cutsheets, and locations.

Sec. 5.5.3, Stormwater and Erosion Control

Little in the way of stormwater management detail is included in the sketch plans. Conceptually, the applicant is aiming to handle as much stormwater onsite as possible rather than discharge to the city system. The onsite soils are sandy throughout and should be conducive to infiltration of all or most storm events.

No erosion control details are included in the sketch plans. A comprehensive erosion prevention and sediment control plan will be required upon permit application.

Review and approval of both items by the city's stormwater program will be required prior to final approval.

Article 6: Development Review Standards:

Part 1: Land Division Design Standards

Part 2: Site Plan Design Standards

Section 6.1.2 Review Standards

(a) Protection of important natural features

The arrangement of blocks and lots shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas to the extent practicable.

The most significant feature of this collected site is the steep embankment that falls away to the lakefront. As the public process gave the opportunity to examine the site with a more finely tuned eye, several studies have been made of the vegetation, ground cover, and forested lands. Some tree clearing has already been permitted under a Master Tree Plan. Documentation has been provided by tree management consultants, and wildlife biologists. Those areas most sensitive are included within the 12 acres that has been purchased by VLTBTv as public parkland.

(b) Block Size and Arrangement

The size and arrangement of new blocks shall maintain the size and arrangement of existing neighborhood blocks within the zoning district, and support the pattern of interconnected streets throughout the city.

Essentially the former orphanage lot will be the center of a square block; surrounded on three sides by city streets. Lots 2-6 will surround it.

Lot 7 is the City-owned parkland to the south and west of the new neighborhood block.

This development will establish a new neighborhood; there are not adjoining neighborhood blocks from which to draw direction or inspiration. Lakeview Cemetery is on the north; City land is on the south, the bike path and Lake Champlain to the west.

The proposed new street(s) will connect only to North Avenue, as there is no neighborhood street grid with which to connect.

(c) Arrangement of Lots

The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title.

There is no prototype for the creation of new lots in this area. The smaller residential lots across the street reflect a 1870s subdivision, and not the scale or development pattern of what is proposed on the western side of North Avenue.

As proposed, the subdivision of lots will offer the opportunity for new development.

If properly recorded and developed under the regulations in effect at that time, there is no identified hindrance to land transfer in the future.

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent feasible. Flag lots and through lots are discouraged, and shall be

allowed only to the extent where topography and existing block and lot arrangement allow no suitable alternative. In such cases, a minimum frontage for access of 20 feet shall be required. Proposed lot lines radiate typically (from boundary lines at street frontage) 90° at the street right-of-way. Lot 7 (VLTBTV Parkland, LLC) fronts on North Avenue, has existing irregular southerly boundary line, but finds the majority of the 12 acres west of the overall development site. That lot frontage exceeds the minimum lot frontage of 20' at 150.78'.

(d) Connectivity of streets within the city street grid

The established grid of interconnected streets shall be maintained and extended to the extent practicable. All streets shall be in conformance with applicable street design and construction details as provided by the department of public works, and shall be dedicated to the city.

The proposed streets "Future St.," or "South St.," West St." and "North St." are connected to North Avenue. They shall be constructed to meet the design and performance standards defined by the Department of Public Works, and must be dedicated to the City of Burlington. Street names must be reviewed and approved by the city's E-911 coordinator prior to final plat approval. Some of these "placeholder" street names exist elsewhere in the city and cannot be used in this development.

(e) Connectivity of sidewalks, trails, and natural systems

The established sidewalk network shall be maintained and extended to the extent possible. Trail networks and uninterrupted corridors of greenspace outside of the established street grid should be maintained and extended wherever possible. All sidewalks shall be in conformance with applicable street design and construction details as provided by the department of public works, and shall be dedicated to the city.

Sidewalks are illustrated throughout the block. Their dimensions and design standards shall also meet the directives of the Department of Public Works, and dedicated to the city.

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

As noted, the precipitous grade change is the most notable feature within the development site. The plans intend to utilize those grade changes to effect and support in-ground parking facilities.

Three important areas were identified within the Open Space Plan: the trail to the bike path, the community gardens, and an identified sand pine natural forested area on the west of the site. The walkway and gardens are now within Lot 7, and will be maintained by the City. The special natural area no longer exists.

A Tree Maintenance Plan has been in effect for the overall development area, much of which is now within the city-owned Parkland Lot 7. For the most part, the remainder of the landscape is lawn. The applicant is obligated to identify any other existing landscaping/specimen trees/plantings, and note on a landscaping plan which are to be removed and what is proposed. Significant alterations to topography need to be identified within the narrative and on development plans.

(b) Topographical Alterations

As noted, clear information must be provided as to the degree of topographic alteration to occur to facilitate the development, including construction of sub-grade parking garages and building foundations.

(c) Protection of Important Public Views

As defined, Lot 5 will connect to Lot 1 (the Orphanage Lot) and will provide an east-west greenway intended to be utilized as a civic space. On the easterly side, greenhouses and public gardens are proposed. A garland sidewalk extends westward, and will assure a corridor view of the lake and mountains to the west.

New buildings are oriented to maximize exposure to westerly views.

(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 city's 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).

Alternations to the former orphanage have been permitted under previous permits. The former elementary school/priests' quarters on the southerly part of Lot 1 are less sensitive, and are likely to see the addition of a new structure fronting North Avenue. Although massing is illustrated on Plan L-100, no building details have been submitted.

(e) Supporting the Use of Renewable Energy Resources

At Sketch Plan, there is insufficient information to assess the utilization of renewable energy resources.

(f) Brownfield Sites

None of these sites are listed on Vermont's DEC site.

(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.

The applicant will be required to provide a fully developed Stormwater Management Plan and an Erosion Prevention and Sediment Control Plan at the time of application.

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. Building design features are not always fully developed at the time of Sketch Plan. More detailed design plans were submitted May 13, 2016; more will be forthcoming at the time of application.

(h) Building Location and Orientation

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curb line and the

building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

The plan reveals a collection of large building masses which generally are oriented around property boundaries and parking lots. There remain large expanses where there is no building front to re-inforce the street edge; something required by this standard. The absence of a building on the northwesterly corner of North Avenue / “South” Street more closely resembles suburban development and is strongly discouraged.

Buildings are placed 17’ (buildings K, L, M) to -20+ feet from the public sidewalk (buildings M, P.) With such wide streetways, with buildings 100-115- from face-to-face across streets, the overall plan lacks the sense of enclosure and place typically associated with a city neighborhood. Reinforcing the street wall with buildings arranged up to the street and placed closer to the sidewalks will enhance the sense of place. In creating new urban fabric (and this is the genesis of a new Burlington neighborhood), arrangement that hold the street wall as paramount with building forms that take their cue from the block perimeter is desired.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

Development is proposed at street corners: the northwesterly corner of the new “North” Street and “West” Street illustrates residential buildings; however a parking lot hugs the corner on the west. Using building structure rather than paved parking both creates and strengthens corners and is recommended here. The south westerly street corner is another illustration of buildings “looking elsewhere”, rather than reinforcing the street wall. Some building realignment is strongly encouraged here to both strengthen the street wall, and create terminus views from public rights-of-way. There are several opportunities here to introduce and champion vistas: both of natural and built features. The view westward from “North” Street may have the opportunity to view the lake, but the proposed development could provide closure to the street space, while informing that something important lies just ahead. Vertical markers can furnish the terminus with something of visual interest to enhance the view from both land and water. Similarly, the view south from “West” Street has the opportunity to create a focal point: A tower, an arch, or other created emphases that would terminate the view, clearly arrange the street enclosure, provide a balance between the horizontality of the street and the horizon with the verticality of buildings (especially large structures, like proposed.) Varied building types and unique structural features can “lead” the eye around corners and enhance the experience within the development. Thoughtful analysis of these opportunities is strongly encouraged.

In residential areas...

Although the development area is now within the RM-W zoning district, it is expected that a new zoning district (NAC-SJO) will be adopted for the site which will alter the standards and provisions for regulatory review. The Board should consider standards similar to those within the Neighborhood Activity Center (Section 4.4.2) to be likely at the time of application and final review.

(i) Vehicular Access

Curb cuts shall be arranged and limited in number to reduce congestion and improve traffic safety. A secondary access point from side roads is encouraged where possible to improve traffic flow and safety along major streets. The width and radius of curb cuts should be kept to the minimum width necessary, and sight triangles and sufficient turnarounds for vehicles shall be provided to reduce the potential for accidents at points of egress.

The draft plan has a significant number of curb cuts (particularly to surface parking) that reduces the neighborhood feel and makes the plan appear more suburban. The multiple curb cuts on “North” Street near the intersection with “West” Street diminish the attractiveness of the plan and overall design of the block.

Residential driveways shall be a minimum of 7 feet in width or consist of two 1.5' driveway strips. Driveway strips shall be accompanied by a paved area for the parking and/or storage of motor vehicles. The maximum width for single or shared access driveways shall be 18'. In a residential district, driveways and parking areas shall be set back a minimum of 5' from side and rear property lines.

This is anticipated to be a new Zoning District similar to NAC, and no longer RM-W.

Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

As noted, the multiple drives at the service area on “North” Street treat the streetfront like a back door commercial entrance, which it is not. These service courts are recommended to be relocated off the street and less visible or invisible from the public ROW. Entrances/access drives should be coordinated and shared to minimize their visibility and impact to the overall plan.

(j) Pedestrian Access

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

A network of sidewalks is illustrated on submitted plans. The applicant is reminded that individual buildings must have a prominent entrance facing the public street, and each of these should have a pedestrian walk that links to the public sidewalk.

(k) Accessibility for the Handicapped

Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled. Typically plans are not sufficiently developed at the time of Sketch Plan Review to determine adequacy of accessibility features. More details will become available at application.

Designated handicap parking spaces are illustrated on most surface parking areas. The adequacy will be under the review of the building inspector.

(l) Parking and Circulation

*To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. **Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses.** Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities.*

A weakness of this plan is the amount and visibility of surface parking. Parking along the streetfront, as is illustrated on “South” Street and “North” Street should be avoided and relocated. Buildings are needed to reinforce the street wall in these locations.

Landscaping should not be the tool to screen poor design elements. The parking areas must be designed so as to minimize their appearance, especially at streetfrontages.

At Sketch Plan Review, it is not possible to review the appearance of the proposed underground/under building parking to assess the visibility of cars. As the standards directs, cars must be screened from the sidewalk and the area activated with landscaping, art, etc.

Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

There is an enormous amount of surface parking which will require attention to landscaping per this standard.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

At this level of review, it is not clear to what use/building the parking is intended to serve. Some of the parking areas are linked (behind building M, west of building B.) Further evaluation of efficacy and advantage can be made upon final application.

Parking shall be laid out to provide ease in maneuvering of vehicles and so that vehicles do not have to back out onto city streets. Dimensions of spaces shall at a minimum meet the requirements as provided in Article 8. The perimeter of all parking areas shall be designed with anchored curb stops, landscaping, or other such physical barriers to prevent vehicles from encroaching into adjacent green spaces.

At this broad level, it does not appear that any vehicles will have to back out onto public streets. Anchored curb stops or landscaping will be further defined as plans evolve.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5”-3” at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that

the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.

A landscaping plan that demonstrates compliance with the above standards will be a requirement at the time of application. The applicant is encouraged to consult with the city arborist about any trees to be planting along or within the public right-of-way to be consistent with overall objectives of the city Master Tree Planting schedule.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

Sidewalks thread between buildings and around parking areas, as well as running parallel to the new streets. The separation between vehicles and pedestrians is not equally clear on the surface parking lot D, immediately west of the orphanage.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

Bicycle parking is already provided for the college and the orphanage residences, per previous approvals and illustrated on this plan. A similarly determined bicycle parking effort is anticipated with this application, which purportedly will include facilities for bicycle wash and maintenance.

(m) Landscaping and Fences

At Sketch Plan, no fine grain detail is provided. A fully developed landscape plan will be required at the time of application. Some seating walls appear to be evident on Plan L101.

The applicant is encouraged to consult with the city arborist early to receive guidance on choice of species and caliper for street trees.

(n) Public Plazas and Open Space

Where public open space is provided as an amenity to the site plan, it should be sited on the parcel to maximize solar exposure, with landscaping and hardscape (including fountains, sitting walls, public art, and street furniture) to encourage its use by the public in all seasons. Public plazas should be visually and physically accessible from public rights-of-ways and building entrances where appropriate and shall be designed to maximize accessibility for all individuals, including the disabled and encourage social interaction.

Lot 5 and a westerly portion of Lot 1 have been set aside to provide an uninterrupted viewscape to the west; within that area, walkways and an overlook are proposed. The green itself lacks significant organization or focus. A plaza is illustrated south of Building I, and community gardens and greenhouse at J. Another plaza is identified south of Building E, but that appears to have a vehicular connection to a parking lot. Patios with tables & chairs (and perhaps sitting walls)

are behind buildings A and E. It is not clear if these plazas and open space will be available to all or to residents only. An orchard is depicted at the far west of Lot 5; a curious inclusion of a high maintenance feature in a new mixed use urban neighborhood.

Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.

The lighting plan, when prepared, should take into consideration these proposed outdoor spaces to provide adequate illumination for safety assurance. Depicted patios seem associated with specific buildings and are connected to the network of sidewalks.

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

The applicant should plan to prepare a shading study when building heights are finalized, to evaluate impacts to the surrounding area.

(o) Outdoor Lighting

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

A fully developed lighting plan, with photometric, fixture specs and mounting heights, will be required at the time of application.

(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.

New utilities are expected to be undergrounded. Trash and recycling accommodations are best planned for within building structures, not as an afterthought. The applicant is encouraged to thoughtfully arrange the design of these facilities to maximize performance and minimize (or eliminate) visibility. The apparent service court attached to building I on "North" Street treats the street as a back alley rather than a public thoroughfare. Despite the fact that the adjoining cemetery residents are unlikely to complain, this street needs to be given the same deference as all public streets. Service courts and delivery bays need to be located behind buildings, minimizing their visibility.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment

1. Massing, Height and Scale:

This is a neighborhood without an easy comparison: 8 five story buildings (including the orphanage); 6 four story buildings, 1 three story parking garage, a one story greenhouse and ground level fitness center. Rather than a typical neighborhood that may have evolved over a period of time, this proposal will create a new one out of whole cloth. There is no analogous neighborhood arrangement, short of college dormitories. The buildings themselves are all large scale buildings; nearly all with flat roofs. The size of the orphanage, itself one of the largest buildings in Burlington, will be negligible among this collection of sizable buildings. Common design elements include breaking up building mass by color block and window arrangement; top floors are frequently “pedestaled” and set back from the lower block. There is homogeneity in the treatment of building mass by design, despite the rearrangement of windows and manipulation of building plane. Creation of new urban fabric should include a diversity of form, style and scale consistent with evolutionary neighborhood development; more in keeping with Burlington’s character, providing greater visual interest, and more familiar and therefore comfortable to its residents.

2. Roofs and Rooflines

The orphanage will retain its gabled/dormered roof; all but building I are proposed to have flat roofs.

3. Building Openings

Preliminary design plans were received May 13th. Each building warrants its own review, but the effort is challenging given the number of buildings proposed. If there are similarities, buildings are broken up by color blocks, windows arranged in columns.

(b) Protection of Important Architectural Resources

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings 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. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

Renovations to the orphanage have been permitted under separate review. All other buildings will be new, and without historic review. Some discussion may be appropriate about how the new development impacts the public’s ability to perceive and appreciate the former Providence Orphan Asylum / St. Joseph’s Orphanage. New development should give deference to historic resources, respectful of spatial relationships important to the property. From Section 5.4.8:

*New additions, exterior alterations, or **related new construction** will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, proportion and massing to protect the integrity of the property and its environment.*

While the new development is detached from the former orphanage (except for a potential new addition to building B), the grandness of the iconic building is somewhat lost among the assemblage of very large scale structures.

(c) Protection of Important Public Views

See Section 6.2.2. (c).

(d) Provide an active and inviting street edge

Additional information relative to the street presence of individual buildings was submitted May 13th; however the overall massing of the buildings and their alignment to the street (or not) sets the base plan for whether or not the fabric is successfully woven for the urban neighborhood. As noted in Section 6.1.2 and 6.2.2, there are voids in the streetscape, elongated buildings that make for uncomfortable pedestrian distances without relief, and a plethora of surface parking that diminish the success of the overall development. Building design standards require a human-scale pedestrian interface, at least at the ground level, for all the buildings.

There is the suggestion that some buildings may have individual residential entrances with stoops (a good design element to humanize a typically large building). But entrances to parking areas, loading docks and service entrances weaken and devalue the street edge.

(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.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Not enough information has been submitted at Sketch Plan to assess individual material palettes of the new buildings. These are expected at final application.

(f) Reduce energy utilization

All new structures must 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.

(g) Make advertising features complementary to the site

No advertising is included within this review. Any signage will require separate permitting.

(h) Integrate infrastructure into the building design

See Section 6.2.2. (p) above.

(i) Make spaces secure and safe

All appropriate means of ingress and egress, and code requirements for building and life safety as defined by the building inspector and fire marshal must be observed.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

As presently zoned, the subject property is located in the neighborhood parking district. Within this parking district, 2 parking spaces per dwelling unit are required (1,434 spaces). The anticipated zoning change would also likely change the parking designation to shared use parking district. In that event, 1 parking space per dwelling unit would be required (717 spaces). A parking table has been provided and notes a total of 1,150 parking spaces. It is unclear in this table how the existing 65-unit orphanage building and its parking plays into the overall parking scenario.

Note that these figures do not account for any of the commercial space. Specific uses must be noted with the permit application. Based on those specific uses, parking requirements can be determined.

Sec. 8.2.5, Bicycle Parking Requirements

A number of outdoor bike racks are evident in the sketch plans. Beyond that, details are lacking. Based on 717 dwellings, the minimum bike parking for the residences will be 179 long term spaces (1 per 4 units) and 72 short term spaces (1 per 10 units). Commercial bike parking requirements cannot be determined until the commercial uses are specified.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Twenty-five percent of the total unit count must be inclusionary (25% of 717 is 179 dwelling units) in this waterfront zone. This standard is expected to remain the same with any rezone. Details are lacking in the sketch plans, but it is anticipated that partnership with a local affordable housing developer will provide the required inclusionary housing within the development. Details as to the amount, type, and location of inclusionary units to be provided must be included in the permit application.

Article 10: Subdivision

See Articles 3, 4, 5, and 6 of these findings. Note that this application will require both preliminary and final plat review, as more than 5 lots are proposed.

Article 11: Planned Unit Development

Sec. 11.1.6, Approval Requirements

(a) The minimum project size requirements of Sec. 11.1.3 shall be met

Presently, the RM-W zone requires a 2-acre minimum project size for a planned unit development. The property exceeds this minimum size. As NAC, the minimum project size for PUD would be eliminated.

(b) The minimum setbacks required for the district have been met at the periphery of the project
Minimum setback requirements cannot yet be determined with the applicable zone in flux.

(c) The project shall be subject to design review and site plan review of Article 3, Part 4
See Articles 3 and 6 above.

(d) The project shall meet the requirements of Article 10 for subdivision review where applicable

See Article 10 above.

(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project

Compliance with this criterion cannot be ascertained until the applicable zoning district is finalized.

(f) All other requirements of the underlying zoning district have been met as calculated across the entire project

As above, compliance with this criterion cannot be determined until the applicable zoning district is finalized.

(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB

The sketch plans contain no details relative to maintenance of open space or common lands within the development. Presumably, some sort of HOA will be formed and will be charged with maintenance of open space and common lands. Details will be required with the permit application. Twelve acres of the original ~30 have been sold to the city for open space preservation. Management of those lands will be handled by the city's Parks & Recreation Department.

(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.

See Sec. 3.5.6 (a) 11.

(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests
Sec. 11.1.1, Intent

(a) Promote the most appropriate use of land through flexibility of design and development of land;

The proposed land uses for this property include a mix of conservation, residential dwellings, commercial spaces, and related infrastructure. A project of this size and diversity is most appropriately handled by way of the planned unit development process. The PUD process enables flexibility in design to create something other than a traditional residential subdivision with detached dwelling units on individual lots.

(b) Facilitate the adequate and economical provision of streets and utilities;
Multiple residences will be served by shared streets and utilities within the development.

(c) Preserve the natural and scenic qualities of open space;

Most of the open space is contained within the 12-acres of conservation land recently sold to the city. Much of this land remains wooded and preserves views to and from the lake. Within the development, a large center green space will also afford easy access to open space and outdoor activities.

(d) Provide for a variety of housing types;

The sketch plans contain little information relative to the variety of proposed housing – only that some will be affordable, some will be rental, and some will be for sale. All of it will be in large multi-family buildings. Additional information relative to the mix of housing units to be provided will be required with the permit application.

(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,
The subject property does not need to be developed as a PUD. The scale, intensity, and type of development proposed; however, is most appropriately handled via the PUD process.

(f) Achieve a high level of design qualities and amenities.
At sketch plan, building and site design are preliminary, as are anticipated amenities. Significant improvements and details are anticipated following completion of the sketch plan process.

(j) The proposed development shall be consistent with the Municipal Development Plan
See Sec. 3.5.6 (b) 10.

(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.
Not applicable to the development as proposed.

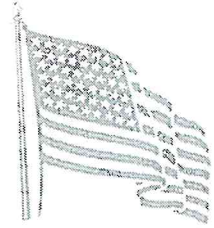
II. Conditions of Approval

Not applicable for sketch plan review.

BC Community Housing, LLC

P.O. Box 1335, Burlington, VT 05402

802-861-3000 fax 802-861-3003



Memo

To: Scott Gustin, Senior Planner
From: Eric Farrell 
Date: May 10, 2016
Re: 329 – 375 North Avenue

In support of our Sketch Plan application submitted on Friday, April 29, 2016, I thought it would be informative for you and the DAB and DRB, if I provided some background and context for our project.

The Parties

Burlington College is a the post-secondary school located at the project site.

BC Community Housing, LLC (BCCH) is a limited liability company formed by EF Farrell, LLC, General Member and various Investor Members.

375 North Avenue, LLC (375) is a limited liability company formed by EF Farrell, LLC, General Member and various Investor Members.

Property Ownership Timeline

On February 2, 2015, BC Community Housing, LLC closed on the purchase of 27.65 acres of land from Burlington College. The purchase included the "Stone House" at 311 North Avenue and so-called Texaco Beach. The College retained ownership of a 6-acre parcel, along North Avenue, including two existing and connected buildings; the 5-story (c 1880) Orphanage building, measuring 59,100 sf, and the 3-story (c 1940) classroom building, measuring 29,500 sf.

On December 31, 2016, Burlington College submitted its retained parcel and buildings to a condominium regime form of ownership, wherein the Orphanage building was designated as Unit #1, at 375 North Avenue and the classroom building was designated as Unit #2, at 351 North Avenue. The name of the condominium association is "351-375 North Avenue Owners Association, Inc."

Also, on December 31, 2015, 375 closed on the purchase of the Orphanage building (Unit #1) along with certain appurtenant development rights and the College retained ownership of the classroom building (Unit #2) along with certain appurtenant development rights.

On February 18, 2016, BCCH closed on the sale of 12 of the 27.65 acres, including Texaco Beach, to VLTBTV Parkland, LLC (Vermont Land Trust and City of Burlington).

BCCH presently owns the remaining 15.65 acres, which is slated to be developed, along with the 6-acre College Parcel.

Public Outreach Process

In the Fall of 2014, BCCH initiated discussions with the City of Burlington, the Vermont Land Trust and Champlain Housing Trust (the "Interested Parties") with the goal of engaging in a collaborative planning process for the purpose of exploring possible site designs for the property.

These discussions resulted in the execution by the Parties of a non-binding Memorandum of Understanding on February 21, 2015.

Memorandum of Understanding

The MOU addressed eight important goals:

1. include diverse and inclusive housing
2. provide public access to open space and the beach
3. protection of important vistas
4. preservation and conservation
5. allow neighborhood mixed-uses
6. enhance revitalization along North Avenue
7. support alternative transportation methods
8. incorporate sustainability features

The MOU guided a public outreach process that lasted nearly a year, including two public meetings, culminating in the execution by the Parties of a binding Development Agreement on January 7, 2016.

Development Agreement

The Development Agreement establishes many conditions and standards regarding the future of the property, wherein each of the Parties secured certain rights and obligations, as follows:

1. Property Use and Development - BCCH has the right to develop up to 770 residential units on the 15.65 acres it retained (the "Development Parcel") and the 6 acres retained by the College (the "College Parcel"), (the "Projects").
2. CHT will develop up to 160 units of affordable rental housing for family and seniors on a portion of the Development Parcel, known as the "CHT Parcel", which units will serve to satisfy the Inclusionary Zoning requirements of all of the rental housing developed on the property. The City has the right to fulfill CHT's obligation, should CHT not do so within 9 years.
3. The Manager of the City's Housing Trust Fund will issue Certificates of Housing Compliance, when and as required, confirming CHT's satisfaction of BCCH's Inclusionary Zoning requirements.
4. BCCH will endeavor to include a component of work-force housing, both for sale and for rent, within the development.
5. In addition to housing and non-residential neighborhood uses, BCCH will develop, at its expense, a new public street and other site infrastructure improvements to serve the Development Parcel and the College Parcel.
6. BCCH will endeavor to design all aspects of the project, both buildings and site infrastructure improvements, so as to achieve a "sustainable neighborhood", including the management of storm water on the property.
7. The City and BCCH will execute a Purchase and Sale Agreement, wherein the City will purchase 12 acres of the property, including the Stone House, the "bluffs" and Texaco Beach, for use as public open space.
8. The new Public Open Space will be designated by the City as part of its Urban Wilds category.
9. The City, through its City Council, will amend its Comprehensive Development Ordinance, as required, to facilitate BCCH's development Plan for the property.
10. All of the Parties agree to cooperate with and support BCCH's efforts to secure permits for the project.

Sustainability

The Parties to the Development Agreement (BC Community Housing, LLC, City of Burlington, Vermont Land Trust and Champlain Housing Trust) are committed to achieving a sustainable neighborhood that builds on Burlington's legacy as *"America's Most Sustainable City"*

This commitment is articulated in a non-binding outline of principles, set forth in a document entitled "Standard for Achieving a Sustainable Neighborhood", to be attached to the Development Agreement.

Purchase and Sale Agreement

The City and BCCH executed the Purchase and Sale Agreement on February 18, 2016, which contains certain rights reserved by BCCH that survive the closing, as follows:

1. the right to locate certain utility infrastructure improvements on the property to the extent that such improvements cannot be reasonably contained on the Development Parcel (15.65 acres) and/or the College Parcel (6 acres).
2. A construction easement to the extent required by BCCH to access the City's property during the development and build out of the Projects.

Repurchase Agreement

The sale of the 12 acres to the City and VLT provided BCCH with the right to repurchase the Public Open Space (12 acres), in the event that two conditions are not met, as follows:

1. If the City does not approve the requisite zoning changes for the Projects, as outlined in the Development Agreement; and
2. If the DRB fails to accept the Certificate of Inclusionary Housing Compliance and/or otherwise fails to accept CHT's right to develop affordable housing (qualifying IZ) units on the CHT Parcel as approved as part of the PUD (which includes the College Parcel and the Development Parcel), as representing the full satisfaction of BCCH's inclusionary zoning requirements for the Development Parcel and the College Parcel for the portion of the Projects developed as multi-family rental units.

The Development Plan

Our Sketch Plan Application (herein revised since submittal) reflects a total of 672 residential units, 63,500 sf of non-residential space, including the existing College Building (351 North Avenue), but not including the Stone House (311 North Avenue).

The residential areas are summarized, as follows:

1. Affordable Rental Senior Housing (Building K): 70 units – to be developed by Cathedral Square Corporation
2. Affordable Rental Family Housing (Building L): 76 units – to be developed by Champlain Housing Trust
3. Market-Rate Rental Housing (Buildings A, C, E, F, H & I): 359 units – to be developed by BCCH
4. Market-Rate For-Sale Housing (Buildings M, N, O, P & Q): 167 units – to be developed by BCCH

The non-residential areas are summarized, as follows:

1. Institutional, Retail, Office and Other Commercial Uses (Building B): 38,500 sf
2. Retail, Office and Other Commercial Uses (Building C): 5,000 sf
3. Fitness Center (Building I): 17,000 sf
4. Greenhouse (Building J): 3,000 sf

Subdivision Plan

The project site is comprised of 33.65 acres, subdivided into three lots, as follows:

1. Lot A (6.00 acres): Land and buildings owned by “351-375 North Avenue, A Condominium.”
2. Lot B (15.65 acres): Vacant land owned by “BCCH”
3. Lot C (12.00 acres): Land and buildings owned by “VLTBT Parkland, LLC”.

Lots A and B will be subdivided into six individual lots, plus a new public street.

Inclusionary Housing

Rental Housing: There will be 435 rental housing units, more or less, (not counting Senior Housing), on Lots 1 and 2, requiring 109 "Inclusionary Units" (at 25%). This requirement will be satisfied by the units developed by Champlain Housing Trust and Cathedral Square Corporation on Lot 2, pursuant to the Development Agreement.

For-Sale Housing: There will also be 167 For-Sale housing units, more or less, on Lots 3, 4 and 6, requiring 42 "Inclusionary Units" (at 25%). This requirement will be satisfied by BCCH on Lot 3 (and possibly Lot 4), pursuant to the Development Agreement.

Work Force Housing

BCCH is committed, but not required by the Development Agreement, to develop some "work force housing", so-called, meaning housing that is affordable to families whose household income is at 80%, 100% and 120% of the median income for the Burlington-South Burlington Statistical Metropolitan Area.

These units would be blended into Buildings M & N (Lot 3) and Buildings O & P (Lot 4), along with inclusionary housing units and market-rate units.

Parking

The plan reflects a total of 1,100 parking spaces, as follows:

1. Understory: 750 (68%)
2. Surface: 274 (25%)
3. Street: 76 (7%)

Lot Coverage

When you consider only the Development Parcel (15.35 acres) and the College Parcel (6.00 acres), the overall lot coverage is 55%.

When you consider the Development Parcel (15.35 acres), the College Parcel (6.00 acres) and the Public Open Space Parcel (12.00 acres), the overall lot coverage is 36%.

Burlington Bike Path Connection and Trail Upgrades

As referenced in the Development Agreement, it is our intention to connect our new neighborhood to the Burlington Bike Path in a manner that is fully accessible.

Our plan depicts just such connection is a schematic format. The final design is subject to the review and approval of the Parks & Recreation Department with whom we have been in discussions for several weeks. A portion of the new connection will be permitted by the Parks & Recreation, as part of its continuing upgrade of the existing Bike Path.

Alternative Modes Of Transportation

1. Bike Wash, Repair & Indoor Storage Facilities: BCCH is committed to the use of bicycles as an alternative form of transportation. In this regard, we are providing facilities in each building that support and encourage the use and enjoyment of bicycles. The neighborhood will have a direct, paved recreation path connection to the existing Building Bike Path, providing easy access to Burlington's Beaches, Waterfront and Downtown.
2. Car Sharing: BCCH has contacted and intends to engage CarShare Vermont about locating one or more vehicles within the neighborhood for use by renters and owners alike. This initiative will serve to reduce the demand on parking and the carbon footprint of the project.
3. Transportation Demand Management Plan: BCCH has contacted CATMA and intends to engage its services and leadership with the goal of formulating a strategic transportation policy for the neighborhood to reduce the demand on parking and foster better land use with lower environmental impacts.

Fitness Center

It is BCCH's goal to establish a centralized Health and Fitness Center to serve the entire neighborhood, including the existing homes on the east side of North Avenue.

This facility will offer year-round, climate-controlled opportunities for individual and group exercise programs and access to professional health and fitness training and conditioning personnel for all age groups.

Greenhouse & Community Gardens

In addition to the expanded community gardens planned by the City on its recently acquired Public Open Space, BCCH intends to include greenhouse and community garden opportunities to all of its tenants.

Summary

BCCH intends to develop a new **urban** neighborhood on the shores of Lake Champlain, adjacent to the Burlington Bike Path, close to the Church Street Marketplace and Waterfront Park. It promises to be a **vibrant** community that promotes health and community interaction through on-site recreational activities, including fitness facilities, community gardens and **picturesque** grounds. It will be a neighborhood of intentional design supporting spaces created to foster sustainable living and a strong connection to the land for all members of the community.

attachments

BC Community Housing, LLC
311 - 329 North Avenue
Burlington, Vermont

Draft only

Standards for Achieving a Sustainable Neighborhood

The following are standards of excellence that define a commitment to create a 21st century sustainable neighborhood that builds on Burlington's legacy as "America's most sustainable City". These standards will guide the design of the BCCH Project planned for the Development Parcel. The standards will be considered in good faith by BCCH and implemented as BCCH has determined they are economically feasible and appropriate with consideration of initial construction costs, long-term operating costs, and social benefit.

In recognition of the multi-year development schedule of the BCCH Project, the pace of technological revolution, and the ever-evolving awareness of the human impact on our surroundings, BCCH believes that there will continue to be new opportunities to evaluate and leverage, including technologies and best practices that are currently unknown, to further refine and improve the sustainability of the project.

BCCH and its project team members are committed to maximizing the efficiency, sustainability and livability of this new neighborhood community.

The Parties acknowledge that a component of the BCCH Project will be developed as affordable housing by CHT and its partners and that state and federal resources used to develop affordable housing are limited, and that the rent and income that assures affordability is fixed and cannot be raised to offset certain energy investments. However, affordable housing development should include innovative energy efficiency strategies and green building standards such as Efficiency Vermont's High Performance Building standard, VHFA's Green Building Standards, and the Vermont Residential Building Energy Standards. Through compliance with these standards, CHT and its partners will address the intent and goals stated herein and will work with partners to leverage additional funding and financing that will be used to offset higher initial construction costs.

The following principles will guide and inform the design of the BCCH Project.

Contextual Integration (Development Parcel and Public Open Space)

- Designate a significant portion of the site for open space, natural landscape, and managed woodland
- Maintain and reuse significant existing buildings (stone house, orphanage)
- Create outdoor active and passive recreation spaces
- Link to existing neighborhoods, streets, bike paths, trails and sidewalks
- Include neighborhood commercial spaces serving local needs
- Include community meeting spaces
- Provide a dog park (off-leash)

Neighborhood Collaborations (Development Parcel and Public Open Space)

- Support a new neighborhood farmers' market to serve local farmers and consumers
- Expand existing community gardens and look for new shared growing spaces within the Development by working with the Vermont Community Gardening Network
- Work with CCTA to optimize access to public transportation

Transportation Alternatives

- CarShare Vermont
- EV charging station(s)
- Secure bike storage and maintenance facilities
- Accessible connection to the Burlington Bike Path, North Avenue, and neighborhood sidewalks
- Public transportation connections (bus stops)

Health and Well-Being Considerations

- Site access with excellent wayfinding
- Exterior dark sky compliant, LED lighting to support a secure environment
- Year-round recreation/outdoor activities
- Composting
- Recycling
- Pet-friendly buildings
- On-site indoor exercise facilities

Renewable & Energy Efficient Strategies

- Rooftop and off-site solar
- Geothermal
- Wind power
- Low Carbon initiatives (smart grids, consumer feed-back technologies, etc.)
- Heat pump technology

General Site Design Guidelines

- Enterprise Green Communities Certificate (EGC)
- Sustainable SITES Initiative program promulgated by the US Green Building Council (USGBC)
- Best Management Practices (BMPs) for Storm and Surface Water Management

Specific Site Design Guidelines

- Manage storm water on-site to control discharge into Lake Champlain
- Meet or exceed the City of Burlington's Pesticide Ordinance
- Reduce the need for landscape irrigation (through plant selection, soil management, composting mulching, etc.)
- Incorporate green street design
- Design visible storm water features as amenities and provide educational signage
- Include rain gardens, cisterns and/or greywater for gardening re-use
- Consider permeable surface options (pavers, drivable grass, etc.)
- Restore native plant communities in natural areas
- Encourage appropriate use of native plants for new plantings
- Conserve and reuse top-soil and strive to achieve balance of excavation cuts and fills on site
- Manage invasive plants
- Use vegetation to minimize building energy use
- Consider incorporating edible plantings
- Encourage resident food production in community gardens and shared gardens

Specific Building Guidelines

- Achieve energy efficiency, designing to a minimum of Efficiency Vermont's 'Multifamily New Construction, High Performance Building' Program (administered by BED aiming for a progressive partnership)
- Integrate aspects of the Energy Green Communities (EGC) criteria, including site, building, materials and systems; or example, scrutinize building materials for chemical content and effect on occupant health, as well as life cycle impacts and performance
- Design the building envelope and thermal comfort systems to be energy efficient, including but not limited to evaluating indirect/passive lighting opportunities, building orientation, and the size/composition of exterior glazing systems
- Design and engineer roofs to accommodate photovoltaic or solar hot water system (PV ready)
- Use of interior and exterior/dark sky compliant LED lighting
- Measure schematic design energy modeling of buildings against 2030 Challenge criteria, incorporating those criteria where feasible. Explore Passive House and Net Zero-Ready construction concepts as additional benchmarks and techniques for improved energy efficiency.
- Consider building materials from local and sustainably produced sources where possible.

BC Community Housing, LLC
North Avenue
Burlington, Vermont

17,000 sf
 fitness,
 pool, gym

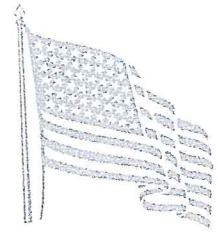
DEVELOPMENT PROGRAM				
Building	Type	Unit Count	Commercial SF	Story Count
A	Residential	65		5 Story
B	Existing College		29,500	3 Story
C	Multi-Use	68	5,000	5 Story
D	Parking Garage			3 Story
E	Residential	75		5 Story
F	Residential	67		4 Story
G	351 Addition	N/A	9,000	4 Story
H	Residential	60		4 Story
I	Residential	24		4 Story
I	Fitness	N/A	17,000	
J	Greenhouse	N/A	3,000	2 Story
K	CSC Residential	70		4 Story
L	CHT Residential	76		4 Story
M	Residential	40		5 Story
N	Residential	27		5 Story
O	Residential	20		5 Story
P	Residential	31		4 Story
Q	Residential	49		5 Story
Total Residential Units		672		
Total Commercial Sq Ft			63,500	
Total Garage Spaces				
PARKING SUMMARY			PER UNIT	
Total Garage Spaces			1.1	
Total Off-Street (Surface Lot) Parking			0.4	
Total Private Parking			1.5	
Plus: On-Street (Public) Parking			0.1	
Total Parking Spaces			1.6	
LOT COVERAGE CALCULATION				
Development Parcel (329 North Avenue) + College Parcel (351-375 North Avenue)				
Parcel Size:			Acres	
329 North Avenue			15.65	
351-375 North Avenue			6.00	
Total Combined Parcel Size			21.65	
Impervious Area:				
Buildings				
Walkways				
Roads & Parking				
Total Impervious Area				
Total Coverage				

C	Multi-Use	For Rent	68	5,000	5 Story	100	
D	Parking Garage	For Rent			3 Story	85	
E	Residential	For Rent	75		5 Story	90	
F	Residential	For Rent	67		4 Story		
G	351 Addition	N/A	(net new)	9,000	4 Story		
Sub-total - College Parcel			275	43,500		275	
H	Residential	For Rent	60		4 Story	62	
I	Residential	For Rent	24		5 Story	38	
J	Fitness	N/A		17,000	Ground Level		
K	Greenhouse	N/A		3,000	1 Story		
L	CSC Residential	Sell Off	70		4 Story	53	
M	CHT Residential	Sell Off	76		4 Story	65	
N	Residential	For Sale	40		4 Story	30	
O	Residential	For Sale	27		4 Story	36	
P	Residential	For Sale	20		4 Story	54	
Q	Residential	For Sale	31		4 Story	23	
Sub-total - BCCH Parcel			49		5 Story	114	
			397	20,000		475	
Total Residential Units			672				
Total Non-Residential Sq Ft				63,500			
Total Garage Spaces						750	
PARKING SUMMARY							
				PER UNIT			
Total Garage Spaces				1.1		750	
Total Off-Street (Surface Lot) Parking				0.4		274	
Total Private Parking				1.5		1024	
Plus: On-Street (Public) Parking				0.1		76	
Total Parking Spaces				1.6		1100	

BC Community Housing, LLC

P.O. Box 1335, Burlington, VT 05402

802-861-3000 fax 802-861-3003



Memo

To: Scott Gustin, Senior Planner
From: Eric Farrell 
Date: May 17, 2016
Re: 329 - 375 North Avenue

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DEPARTMENT OF
PLANNING & ZONING

Thank you, and Mary and David, for meeting with Owiso and me on Tuesday, May 10, to review our application.

I realize you were at a disadvantage attempting to capture the essence of what we are trying to accomplish from the scant materials we first submitted. Owiso dropped of additional information on Friday and we continue to resolve our presentation materials as the first meeting date with the DAB on May 24 approaches.

As you now know, Burlington College announced yesterday that it intends to close its doors effective May 27, 2016.

This very sad news for our community will have a significant impact on our development plans in that we now have to repurpose the 29,500 sf college building (Condominium Unit #2).

However, it does present a new and exciting opportunity for our planned neighborhood; the opportunity to attract a wider range of retail, restaurant, service and commercial uses that will strengthen the North Avenue corridor, in support the existing and new residents.

Our Design Process

I have assembled a very strong and well-known local design team in Duncan-Wisniewski Architecture, TJ Boyle & Associates and Civil Engineering Associates.

We studied the project site for over two years, exploring several options for how to approach the development, considering the severe topographic changes from North Avenue to the lake and the diverse natural environment that exists.

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The plan we are presenting reflects our extensive investigations coupled with the City's and the general public's stated desire to maintain significant open space and connectivity to the waterfront, while providing significant housing opportunities.

In this regard, I have attached additional materials to showcase the depth of the design-development we have achieved in preparation for our Sketch Plan application. We believe the size and scope of this new neighborhood required a more comprehensive presentation at the outset to capture the essence of the experience the new residents and general public will enjoy.

One of our overriding goals was to create pedestrian pathways that invite and welcome the existing residents across North Avenue, as well as the general public, into the neighborhood. This includes a fully accessible (i.e. < 5% grade) connection from North Avenue to the Burlington Bike path.

Main Entrance Presentation

In answer to the first of your comments; the lack of a substantial building on the northwest corner of South Street, so-called (to be named later), and the retention of the existing surface parking in that location.

The College building has been served by this parking lot for several decades, the retention of which is critical to the success of the commercial uses we hope to attract to this building. In economic terms, the absence of convenient, surface parking, proximate to the main entrance will represent an insurmountable obstacle.

Notwithstanding this preexisting condition, we also share your desire to mitigate the visual impacts of the parking lot, as viewed from North Avenue, and to establish a meaningful structure to strengthen and hold the corner, i.e. an attractive "front door" to our new neighborhood.

For this reason, we are proposing a new structure we call "The HUB". Although not finally resolved, the Hub will incorporate CCTA's bus stop and one, or more, other vibrant (albeit small) uses that can provide a service, as well as an opportunity for public art to appropriately anchor the corner. The Hub will be connected to a new addition to the former college building, by a trellice and landscape sitting walls, thereby completing the screening of the parking lot from North Avenue in a functional and attractive manner. By way of example of public art, we are considering a "bee tower" connected to the structure to diversify its public interest and connection to the natural world.

We believe this concept at the main entrance will serve to appropriately ease visitors into this new neighborhood, where the built environment will be dense and urban.

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Building Setbacks from the Street

The new buildings along the proposed public street are set back approximately 15 to 24'. Although there is no universal design standard for the relationship between building separation (i.e. facing across streets) and building height, in our case the ratio averages about 2:1. In some cases, these setbacks allow us to establish street-level entrances to ground floor units without compromising the quality of life within those units.

Buildings Along North Street (so-called)

The northern public street connection completes the loop through the neighborhood, as required for secondary and easy access by emergency service vehicles. This street serves more as a "service road", then an entrance. It abuts the City-owned Lakeview Cemetery and therefore has no practical visual impact on neighboring properties. The north street also provides grade access to multiple levels of structured parking and service components of the buildings.

Building F anchors the intersection of the north street and North Avenue. The ground-level units have a direct connection to the public sidewalk, enlivening the streetscape and enhancing the pedestrian experience.

Building E is connected to Building F as you travel west along the north street, with two access points to the structured parking below. From Building E, the building elevation is reduced to the ground-level parking behind the Orphanage, before connecting to Building I. This significant break between buildings has the effect of Buildings E and I presenting as separate structures along this secondary street. Building I screens a required service area, and access to additional structured parking beneath Building I, from the prominent pedestrian "Green" that lies west of the Orphanage.

All of the conditions stated above demonstrate the role of the north street as a secondary access road, providing a much-needed connection to support services and parking, while preserving the core of the neighborhood for pedestrian traffic, recreation and visual enjoyment.

The intersection of the north and west roads is anchored by a 3-story structure that includes ground-level structured parking and a 2-story gymnasium above. This is a relatively inert corner, overlooking the City Cemetery, and providing access to Building Q. This corner is north of the of the main pedestrian corridor through the neighborhood and thereby serves a subordinate role.

Site Grades and Structural Parking

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One of the primary goals of the development of this site was to take advantage of the severe grades for access to multiple levels of structured parking beneath each building. This serves to significantly reduce the overall lot coverage and enhance the aesthetics and pedestrian experience within the neighborhood.

The elevation of the project site ranges from elevation 228' along North Avenue to approximately 160' at the west edge of the meadow, before descending down to the Burlington Bike Path, a drop in elevation of nearly 70'. From a design standpoint, the only practical strategy for weaving substantial buildings into these severe site grades is to orient them across the slope of the site such that the buildings served a "retaining walls", allowing the neighborhood to "step down" the hill from North Avenue to the Public Open Space (meadow).

The Green

The Green is the main pedestrian focal point of our neighborhood. Since our first engagement with Burlington College four years ago, the maintenance of a visual corridor from the Orphanage building to the lake has been a priority.

This view corridor has a hierarchy starting with small recreation green spaces west of the Orphanage tied to a courtyard south of Buildings E and F, surrounding the main entrance to those buildings.

From the Orphanage level, the corridor steps down the grade by way of greenhouses and community gardens onto a more expansive Green lying between Buildings H and I, from which you cross over West Street (so-called) onto another (less-formal) green through which the accessible recreation path connection meanders down to the edge of the (newly-acquired) Public Open Space.

The Fitness Center, located on the ground level of Building I, will open onto and overlook the Green and serve the needs of the new neighborhood, as well as the existing neighbors across North Avenue.

An off-leash Dog Park is also conveniently adjacent to the Green, in support of our pet-friendly policy.

Public Access

The public will enjoy a fully-accessible route through the "green corridor" from North Avenue to the Lake, including a public elevator transitioning down from the Orphanage level to the main Green and beyond.

The intention of this access through the “green corridor” is to invite and welcome the existing neighbors across North Avenue, as well as the general public, into the new neighborhood and to reinforce the longstanding connection to the waterfront.

We will expand upon the information contained in our application and accompanying materials in a power-point presentation to the DAB and DRB and other meetings to follow.

attachments

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PLANNING & ZONING

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz/drb
Phone: (802) 865-7188
Fax (802) 865-7195

Austin Hart
Brad Rabinowitz
Jonathan Stevens
Israel Smith
Geoff Hand
AJ LaRosa
Alexandra Zipparo
Wayne Senville (Alt.)
Jim Drummond (Alt.)



Annual Report of the Burlington Development Review Board Fiscal Year 2016: June 30, 2015 – July 1, 2016

The Burlington Development Review Board (DRB) reviews all zoning permit applications subject to public hearings, including subdivisions, planned unit developments, conditional uses, variances, and appeals. The DRB also reviews most level 2 Certificates of Appropriateness (i.e., site plan and design review). The members of this volunteer board have expertise in law, architecture, planning, and construction. The DRB acts as a quasi-judicial body in its review of permit applications and renders legally binding decisions. The Board's primary purpose is the interpretation and implementation of the city's zoning and subdivision regulations – the Comprehensive Development Ordinance (CDO). Although not a policy making board, the DRB decisions are informed by the goals and objectives of the city's Municipal Development Plan and related land use planning documents. The work of the Development Review Board relies on staff support from the Department of Planning & Zoning and also from the Code Enforcement Office.

FY '16 has been another busy year for the DRB with 48 application decisions (there were 75 in FY '15). Of these applications, all but five were approved with conditions. Application types are noted in the project review table below.

Application Type	Frequency
Certificate of Appropriateness	17
Certificate of Appropriateness & Conditional Use	4
Certificate of Appropriateness & Major Impact Review	4
Conditional Use	14
Home Occupation	1
Variance	0
Preliminary Plat (Planned Unit Development)	1
Combined Preliminary & Final Plat (Subdivision)	1
Final Plat	0
Sketch Plan	11
Master Plan	2
Appeal of Code Enforcement Decision	4

These applications have included several major projects, such as:

- 351-375 North Ave, convert former orphanage building into 65 dwelling units;
- 451 Ethan Allen Pkwy, 9-unit planned unit development (preliminary plat approval);
- 311-375 North Ave, 700+ unit planned unit development (sketch plan only);
- 316-322 Flynn Ave, 32-unit mixed use building (sketch plan only);

- 72 Colchester Ave, 78-unit planned unit development (sketch plan only);
- 453 Pine St, 100,000 sf office building and associated parking (sketch plan only); and
- 85 North Ave, 56-unit residential building (sketch plan only).

Much of the redevelopment reviewed by the DRB consists of urban or industrial sites with residential or mixed commercial residential development. Review of all applications includes open public hearings with opportunity for public participation and prompt, thoughtful deliberations and decisions.

Through its representative on the Planning Commission Ordinance Committee, the DRB has played a role in proposing zoning amendments for consideration by the full Planning Commission and the City Council. A member of the DRB also serves on the Planning Commission's Long-Range Planning Committee. The DRB met with the Planning Commission, Conservation Board, and Design Advisory Board as part of a joint-board work session. The DRB also had 2 training sessions this year.

The Development Review Board relies on the City Council in order to continue to do its work well.

- We need the City Council to continue to appoint new DRB members who are open-minded, sincerely interested in understanding the CDO and the permitting process, and willing to put in the time and work required to do the DRB's work thoughtfully, efficiently, and respectfully.
- We encourage the Council to continue to work with the Planning Commission to improve the CDO to make it easier for members of the public, applicants, and board members to use, understand, and implement. While certainly not easy, efforts should be made to reduce the length and complexity of the CDO.
- The DRB gets great support from the Planning & Zoning staff. We encourage you to continue to provide the Planning & Zoning Department with the resources they need.

The DRB looks forward to another successful year in FY '17. We are always interested hearing any questions the City Council may have and in hearing feedback as to how the DRB is doing its job.

Austin Hart, Chair

Brad Rabinowitz, Vice Chair Jonathan Stevens

Geoff Hand

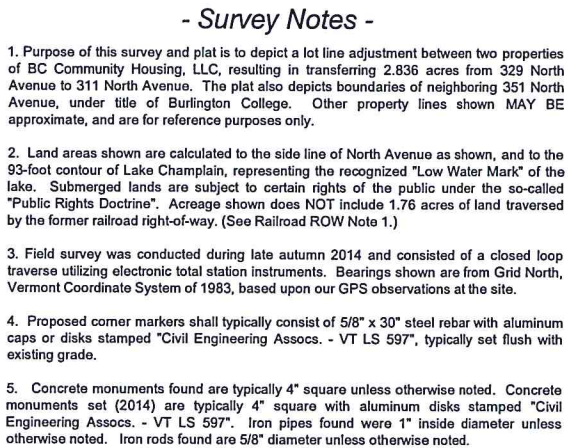
AJ LaRosa

Israel Smith

Ali Zipparo

Wayne Senville (alt)

Jim Drummond (alt)



SEAL

Timothy R. Cowan VT LS 597

SURVEYORS:



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

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DRAWN

CEA

CHECKED

TRC

APPROVED

Fig. 2. Summary

DATE	

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01.29.18

Lot L

31

BC

BC

Hc

770

E

DATE

JAN.

ORIGINAL S

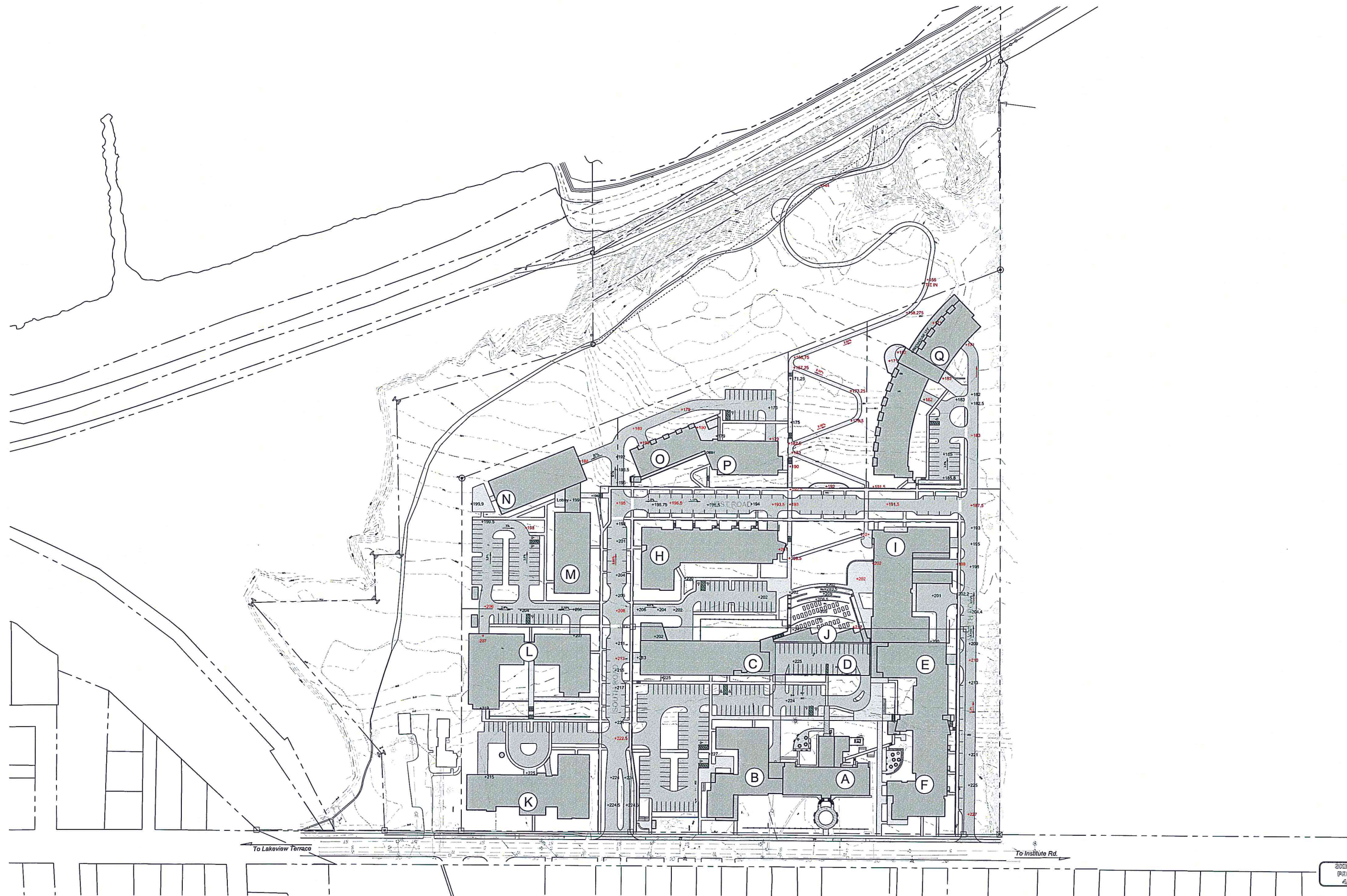
 $1'' = 8$

PROJ. NO.

14215

BA1

SHEET 1 of 1



SKETCH PLAN
FOR REVIEW
4/23/2016



revisions	date	revisions	date
Sketch Plan Submission	4/23/16		

Owner
Address

T. J. Boyle Associates, LLC

landscape architects planning consultants



MJB
design by

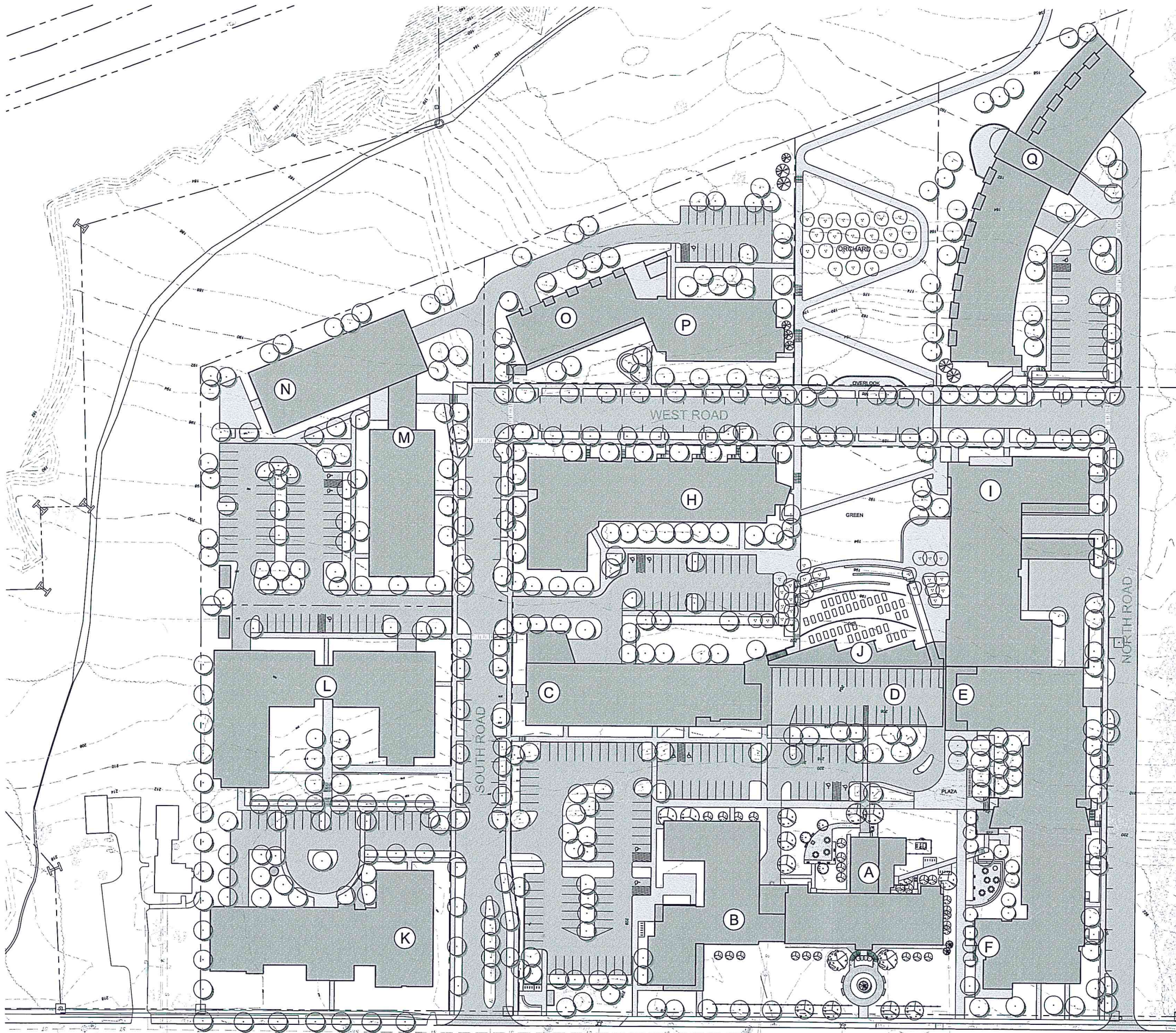
TKD
drawn by

4/27/2016
date

BC Community Housing

sheet no:

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DEVELOPMENT PROGRAM					
Burlington College Parcel					
Building	Type	Use	Unit Count	Commercial SF	Levels
A	Residential	For Rent	65		5 Story
B	Existing College	N/A		29,500	3 Story
C	Multi-Use	For Rent	68	12,500	5 Story
D	Parking Garage	For Rent			3 Story
E	Residential	For Rent	77		5 Story
F	Residential	For Rent	64		4 Story
G	351 Addition	N/A		17,500	4 Story
Sub-total - College Parcel			274	59,500	287
BC Community Housing LLC					
H	Residential	For Rent	74		4 Story
I	Residential	For Rent	24		5 Story
J	Fitness	N/A		20,000	Ground Level
K	Greenhouse	N/A		3,000	1 Story
L	CSC Residential	Sell Off	70		4 Story
M	CHT Residential	Sell Off	76		4 Story
N	Residential	For Sale	50		5 Story
O	Residential	For Sale	35		5 Story
P	Residential	For Sale	25		5 Story
Q	Residential	For Sale	40		4 Story
R	Residential	For Sale	49		5 Story
Sub-total - BCCH Parcel			443	23,000	513
Total Residential Units			717		
Total Non-Residential Sq Ft				82,500	
Total Garage Spaces					800

PARKING SUMMARY		PER UNIT	
Total Garage Spaces		1.12	800
Total Off-Street (Surface Lot) Parking		0.38	274
Total Private Parking		1.50	1074
Plus: On-Street (Public) Parking		0.11	76
Total Parking Spaces		1.60	1150

COVERAGE CALCS			
Building			256,678.00
Walks			90,770.00
Roads			197,772.00
Total Coverage			545,220.00
Paving Outside Development Zone (21.65 ac)			6,100.00
Total Coverage (Total Site 33.65 ac - with 12 ac Community Park)			551,320.00
Development Zone Area		21.65 ac	943,074.00
Total Site Area		33.65 ac	1,465,794.00
Development Zone Coverage (21.65ac)			58%
Total Site Coverage (33.65ac with 12 ac Community Park)			38%

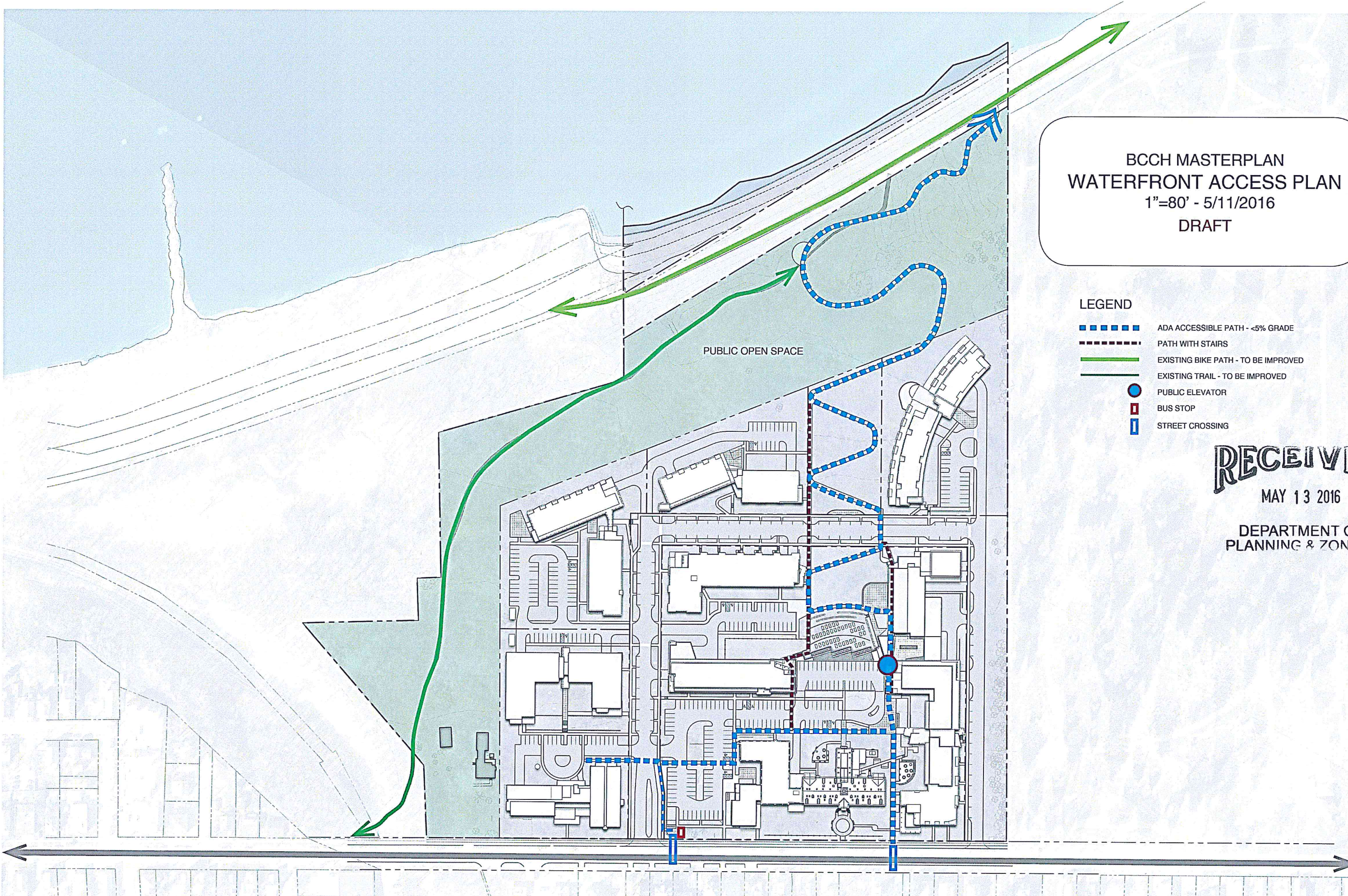
SCHEMATIC PLAN
FOR REVIEW
4/29/2016

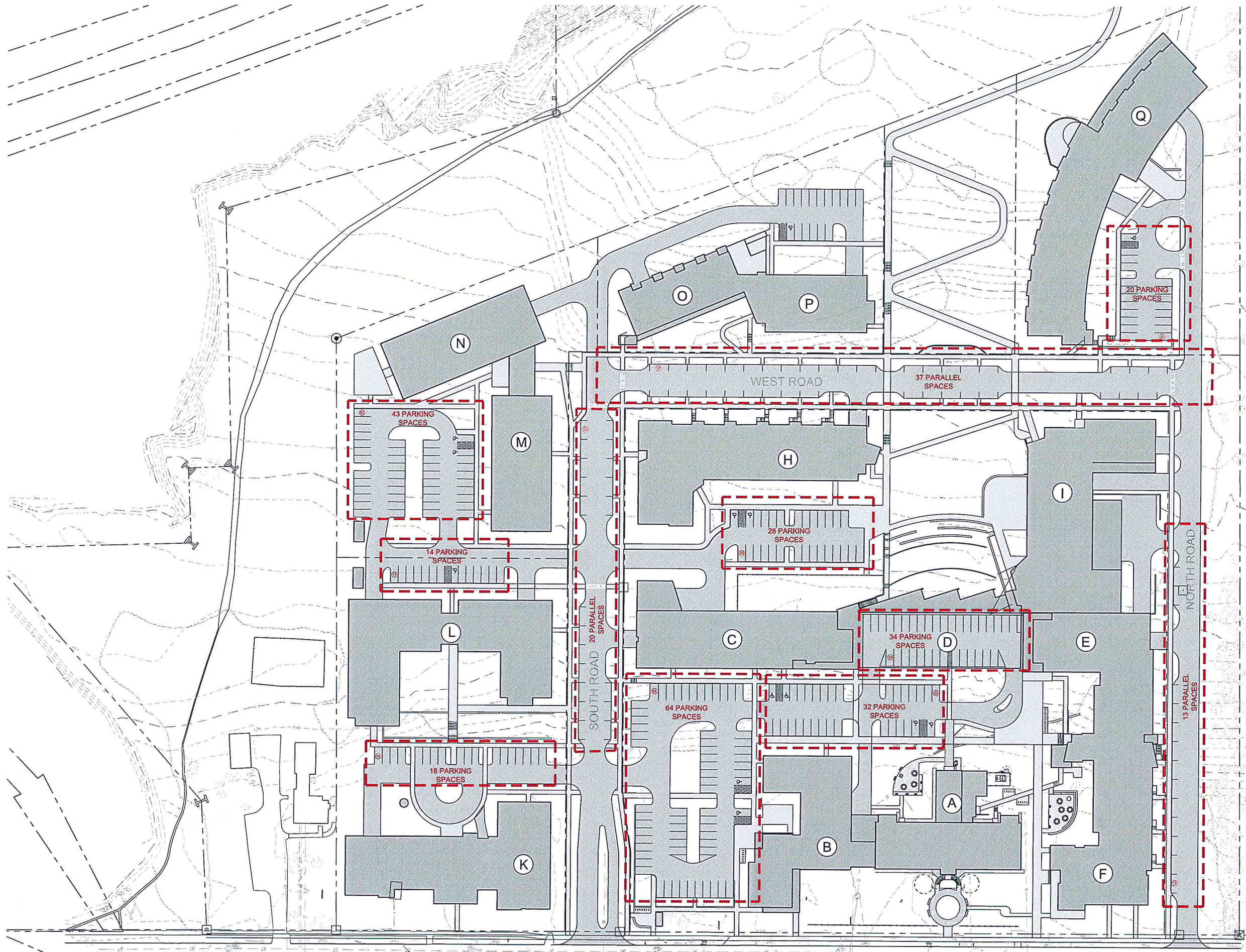


BCCH MASTERPLAN
WATERFRONT ACCESS PLAN
1"=80' - 5/11/2016
DRAFT

- LEGEND
- ADA ACCESSIBLE PATH - <5% GRADE
 - PATH WITH STAIRS
 - EXISTING BIKE PATH - TO BE IMPROVED
 - EXISTING TRAIL - TO BE IMPROVED
 - PUBLIC ELEVATOR
 - BUS STOP
 - STREET CROSSING

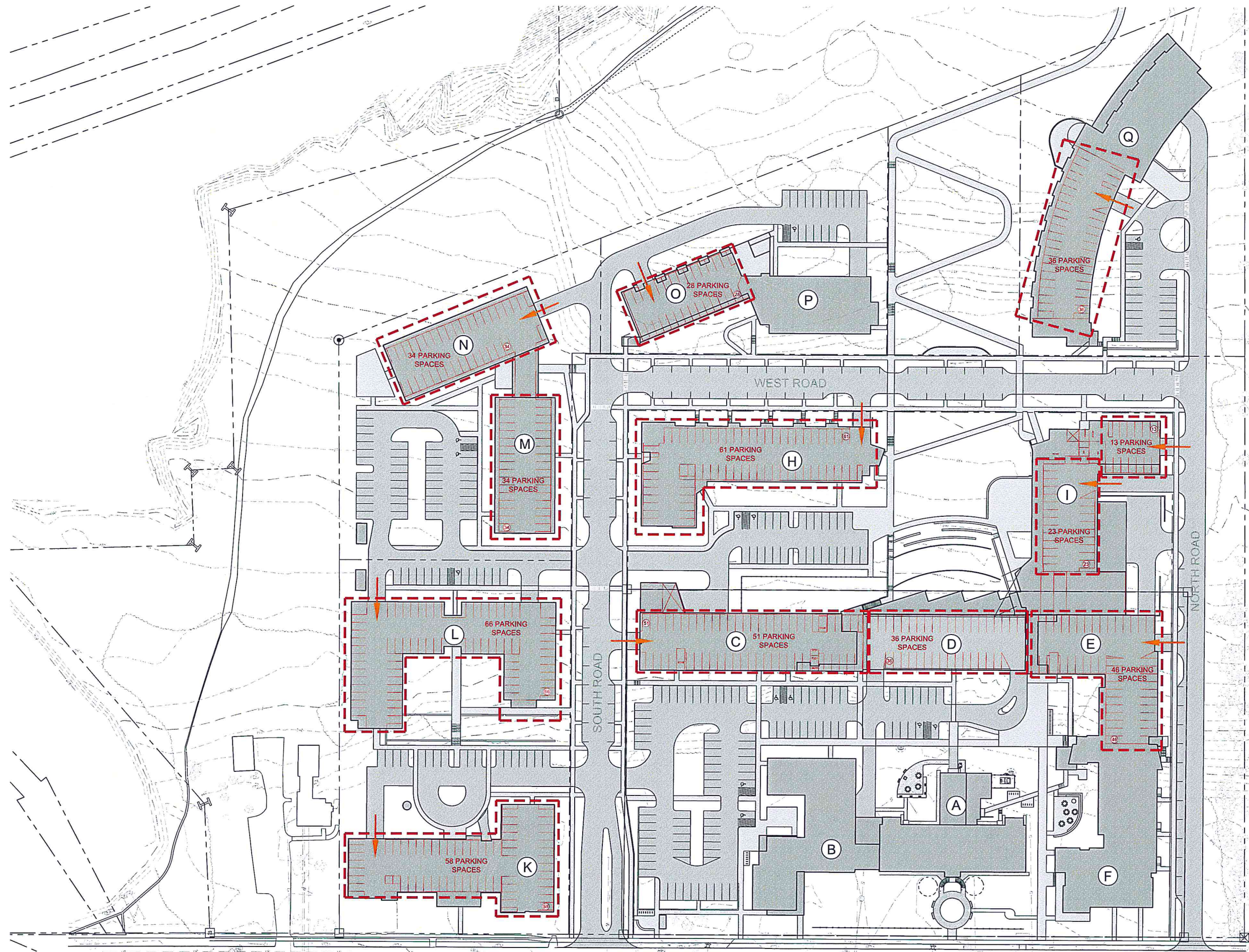
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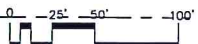




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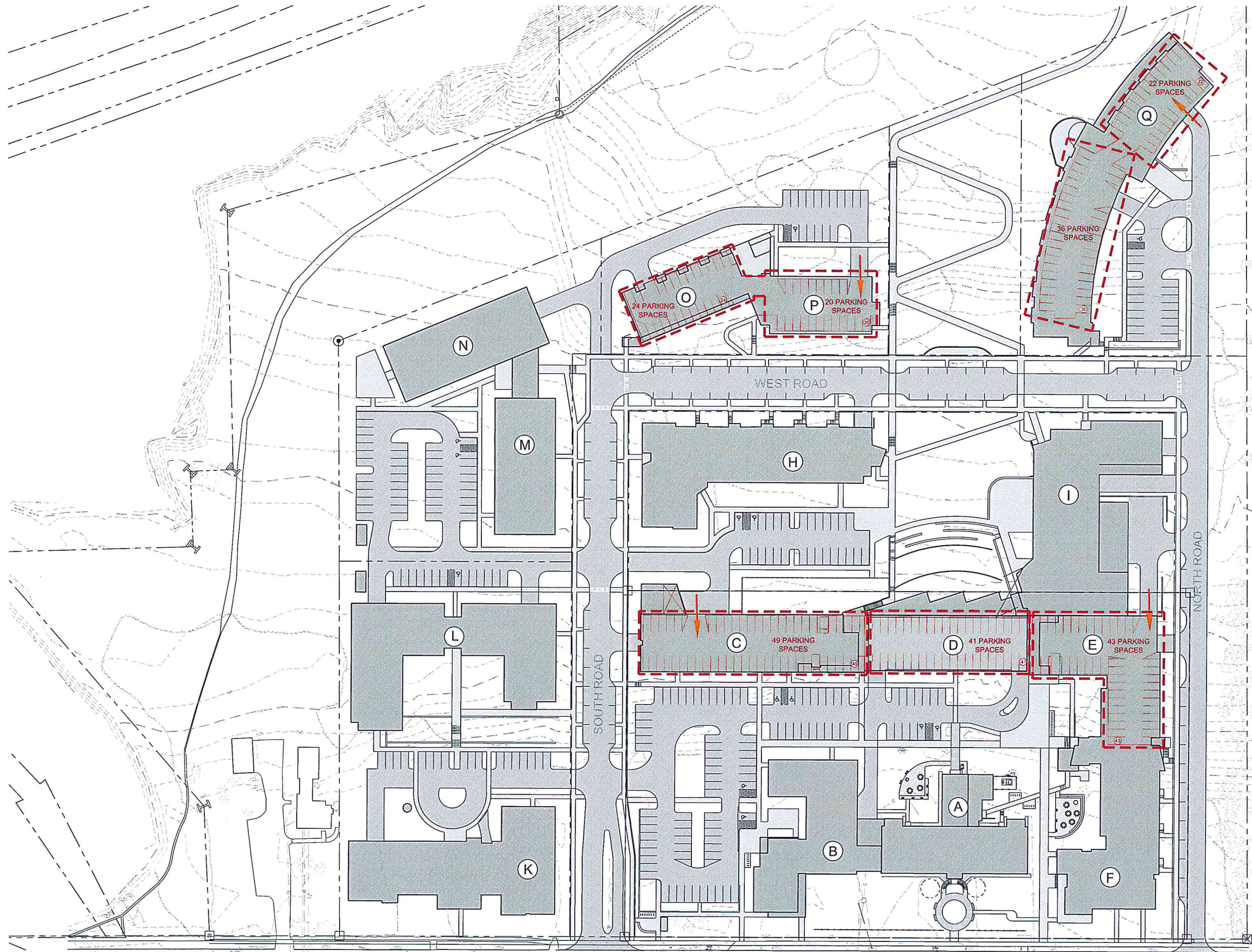
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lakeview Terrace

To Institute Rd

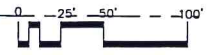
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landscape architects planning consultants				T A-3			
revisions	date	revisions	date	MJB	TKD	5/11/2016	sheet no:
				design by	drawn by	date	



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MAY 13 2016
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akeview Terrace

To Institute Del



revisions	date	revisions	date

T. J. Boyle Associates, LLC

landscape architects planning consultants



MJB
design by
TKD
drawn by
5/11/2016
date

BC Community Housing

sheet no. TA-2

BC COMMUNITY HOUSING SITE CONCEPT

SCALE 1" = 50'

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LAKE VIEW CEMETERY

CITY OF BURLINGTON

1" = 50'

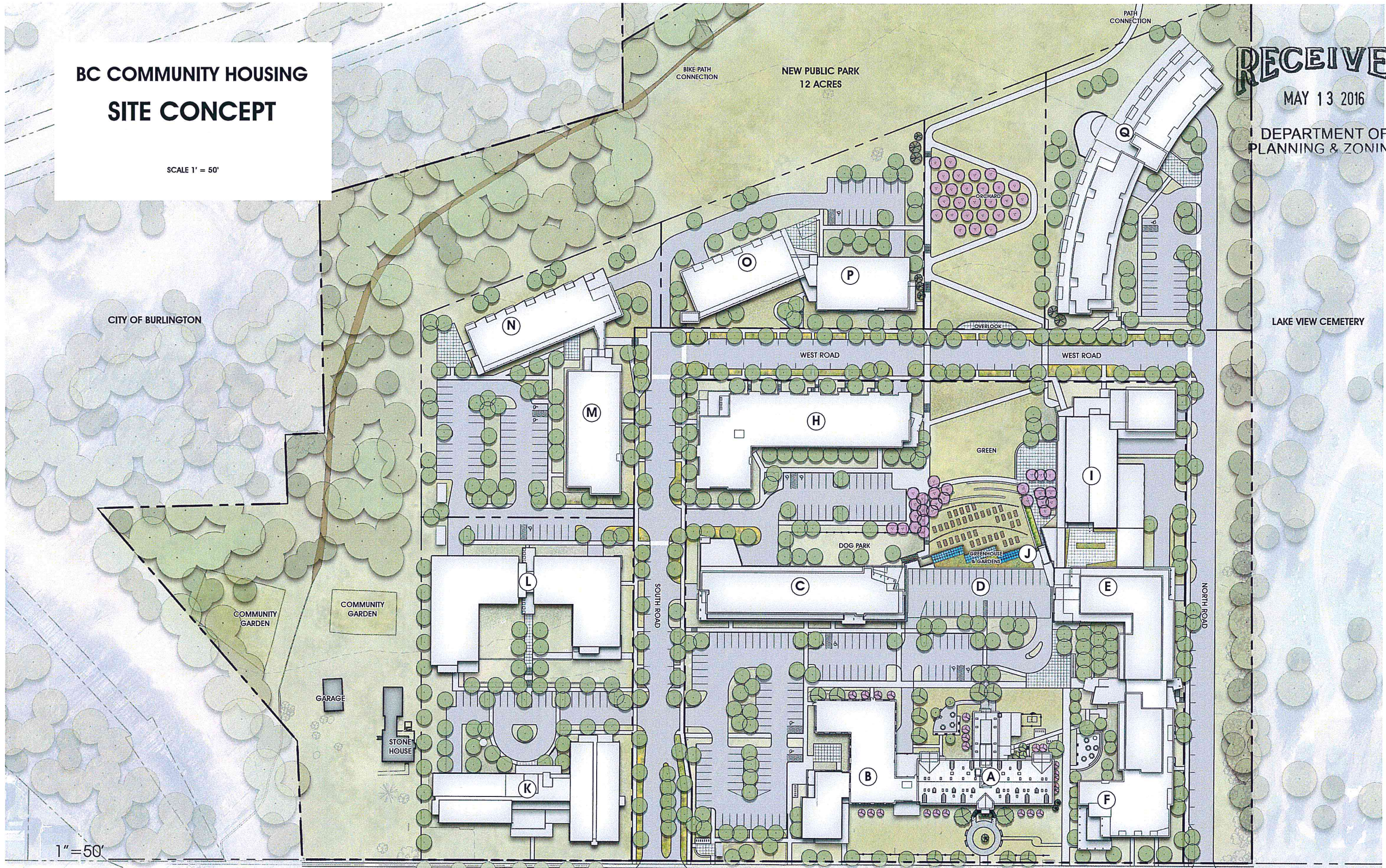
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NORTH

5/11/2016

NORTH AVE

T. J. Boyle Associates
landscape architects • planning consultants



master plan (2)

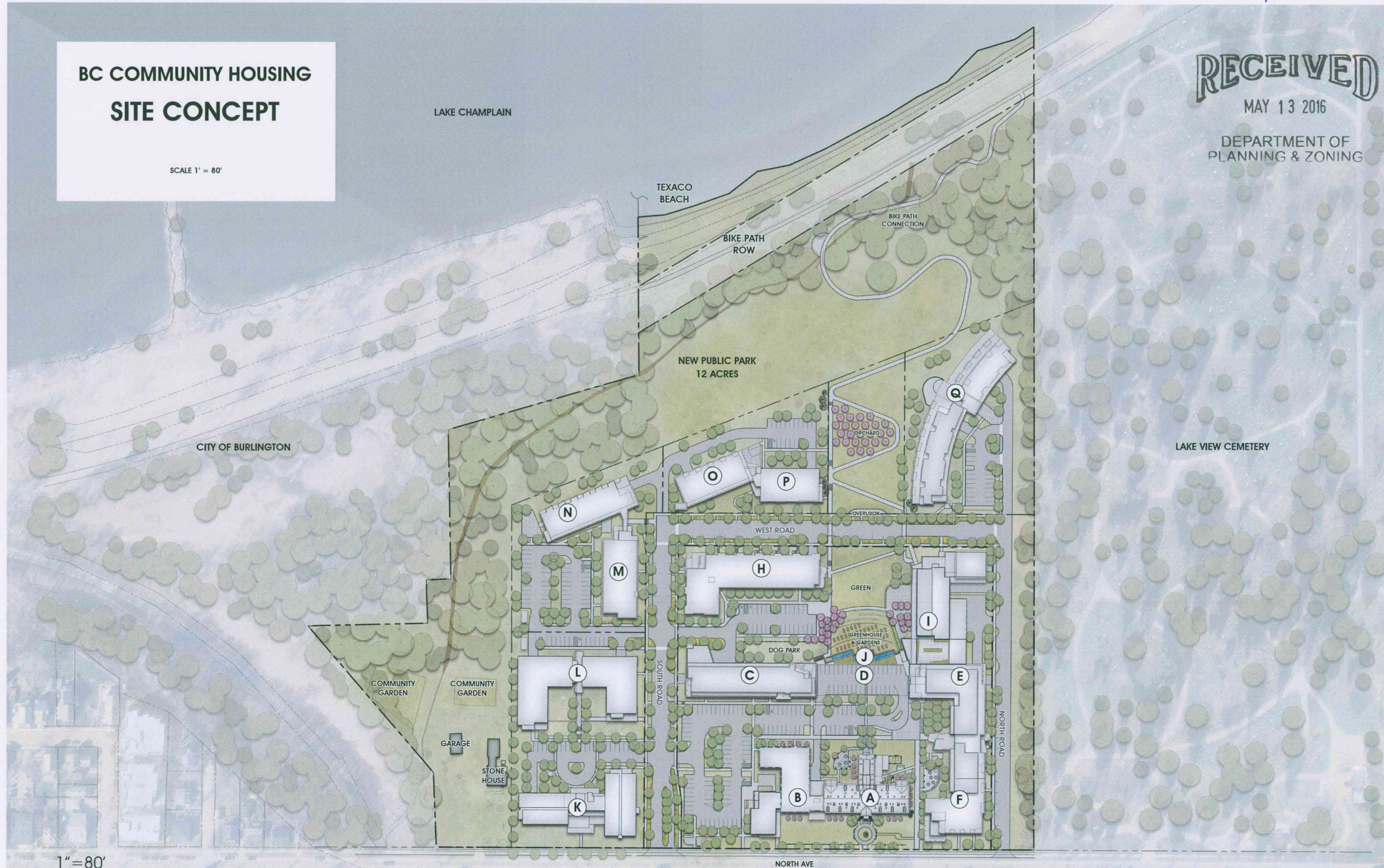
BC COMMUNITY HOUSING SITE CONCEPT

SCALE 1" = 80'

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PLANNING & ZONING

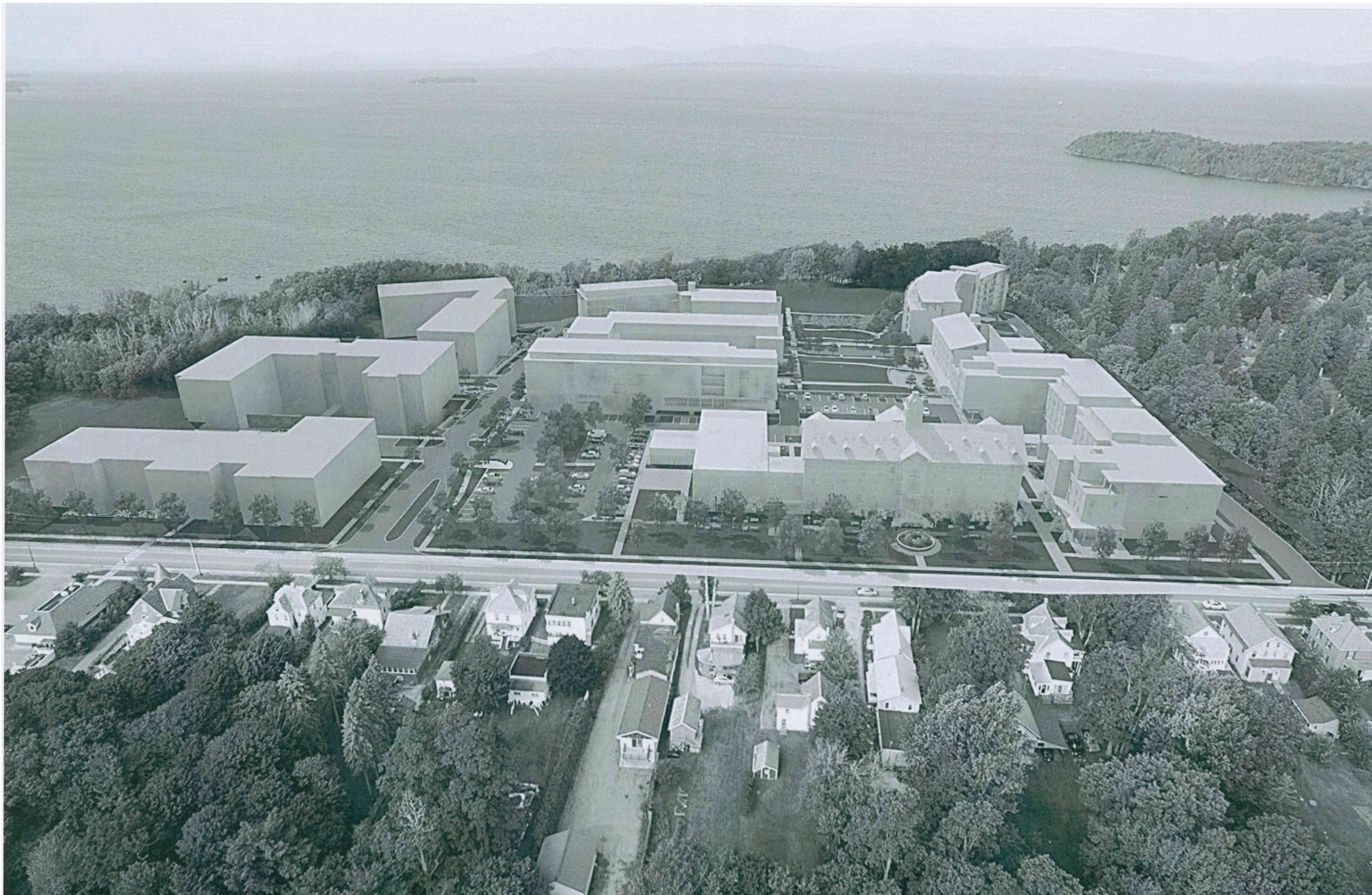


1" = 80'

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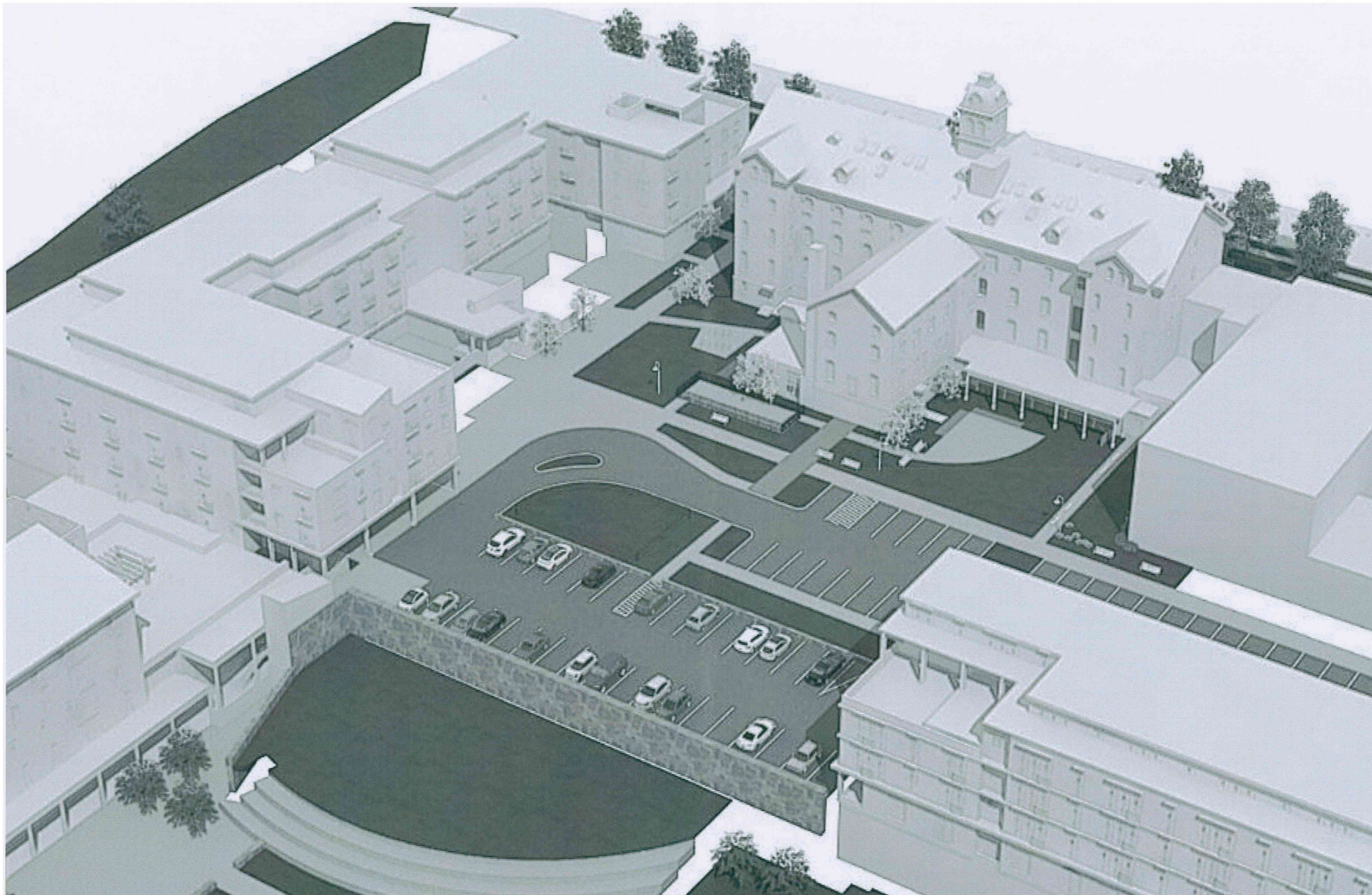
NORTH

5/11/2016











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aerial

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MAY 17 2016

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MAY 17 2016

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PLANNING & ZONING





SECTION - NORTH ROAD - LOOKING SOUTH
Scale: 1" = 30 ft



SECTION - NORTH AVE. - LOOKING WEST
Scale: 1" = 30 ft

BC COMMUNITY HOUSING

BURLINGTON, VERMONT

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DUNCAN • WISNIEWSKI ARCHITECTURE
A Professional Corporation

SKETCH PLAN

**Duncan
Wisniewski** 
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

04.28.2016
DRAWN: ABC

APRIL 2016

DEVELOPMENT PROGRAM						
Building	Type	Use	Unit Count	Commercial SF	Levels	Garage Parking
A	Residential	For Rent	65		5 Story	
B	Existing College	N/A		29,500	3 Story	
C	Multi-Use	For Rent	68	12,500	5 Story	100
D	Parking Garage	For Rent			3 Story	97
E	Residential	For Rent	77		5 Story	90
F	Residential	For Rent	64		4 Story	
G	351 Addition	N/A		17,500	4 Story	
Sub-total - College Parcel			274	59,500		287
H	Residential	For Rent	74		4 Story	62
I	Residential	For Rent	24		5 Story	38
I	Fitness	N/A		20,000	Ground Level	
J	Greenhouse	N/A		3,000	1 Story	
K	CSC Residential	Sell Off	70		4 Story	77
L	CHT Residential	Sell Off	76		4 Story	85
M	Residential	For Sale	50		5 Story	34
N	Residential	For Sale	35		5 Story	32
O	Residential	For Sale	25		5 Story	58
P	Residential	For Sale	40		4 Story	22
Q	Residential	For Sale	49		5 Story	105
Sub-total - BCCH Parcel			443	23,000		513
Total Residential Units			717			
Total Non-Residential Sq Ft				82,500		
Total Garage Spaces						800
PARKING SUMMARY				PER UNIT		
Total Garage Spaces				1.12		800
Total Off-Street (Surface Lot) Parking				0.38		274
Total Private Parking				1.50		1074
Plus: On-Street (Public) Parking				0.11		76
Total Parking Spaces				1.60		1150

Building E+F



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BC COMMUNITY HOUSING • BUILDING E & F
BURLINGTON, VERMONT

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A Professional Corporation

PERMIT ELEVATIONS

Duncan
Wisniewski
ARCHITECTURE



DATE: 04.19.16

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

Building K (2)



NORTH ELEVATION

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

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EAST ELEVATION

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

BC COMMUNITY HOUSING • BUILDING K

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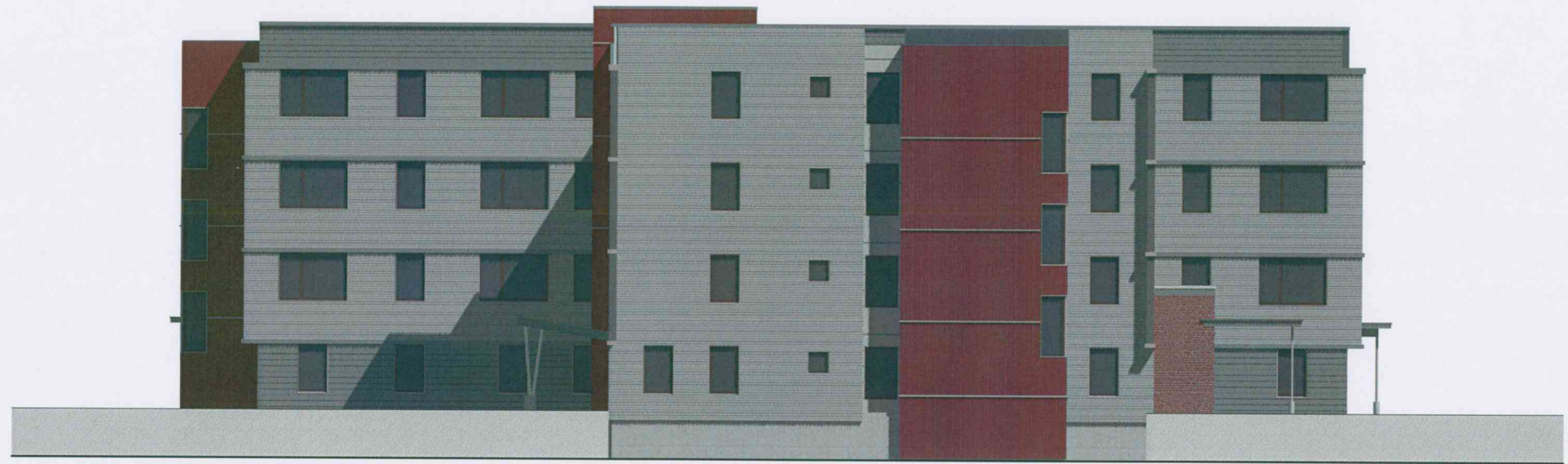
PERMIT ELEVATIONS

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256 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T. 802.884.6693

DATE: 05.06.2016
DRAWN: SJB

K-NE



SOUTH ELEVATION
Scale: 1/8" = 1'-0"



WEST ELEVATION
Scale: 1/8" = 1'-0"

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BURLINGTON, VERMONT 05401
T. 802.864.6693

DATE: 05.06.2016
DRAWN: SJB

K-SW

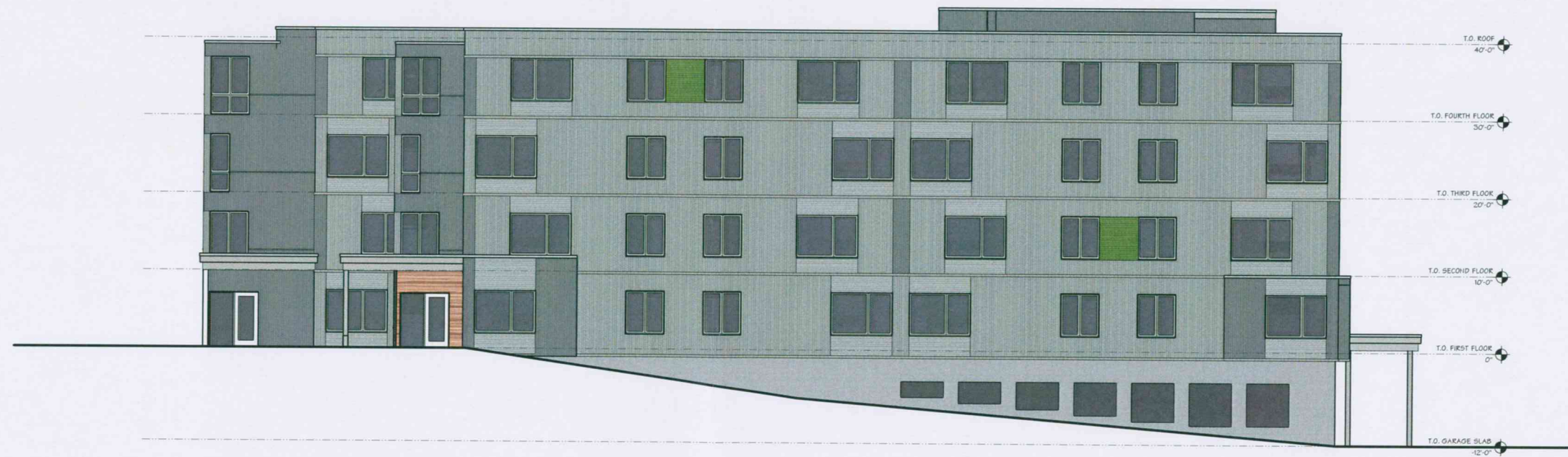


PHASE 2

PHASE 1

EAST ELEVATION

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



(PHASE 2 BEYOND)

PHASE 1

NORTH ELEVATION

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

NEW NORTH AVENUE - CHT

BURLINGTON, VERMONT

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SCHEMATIC DESIGN

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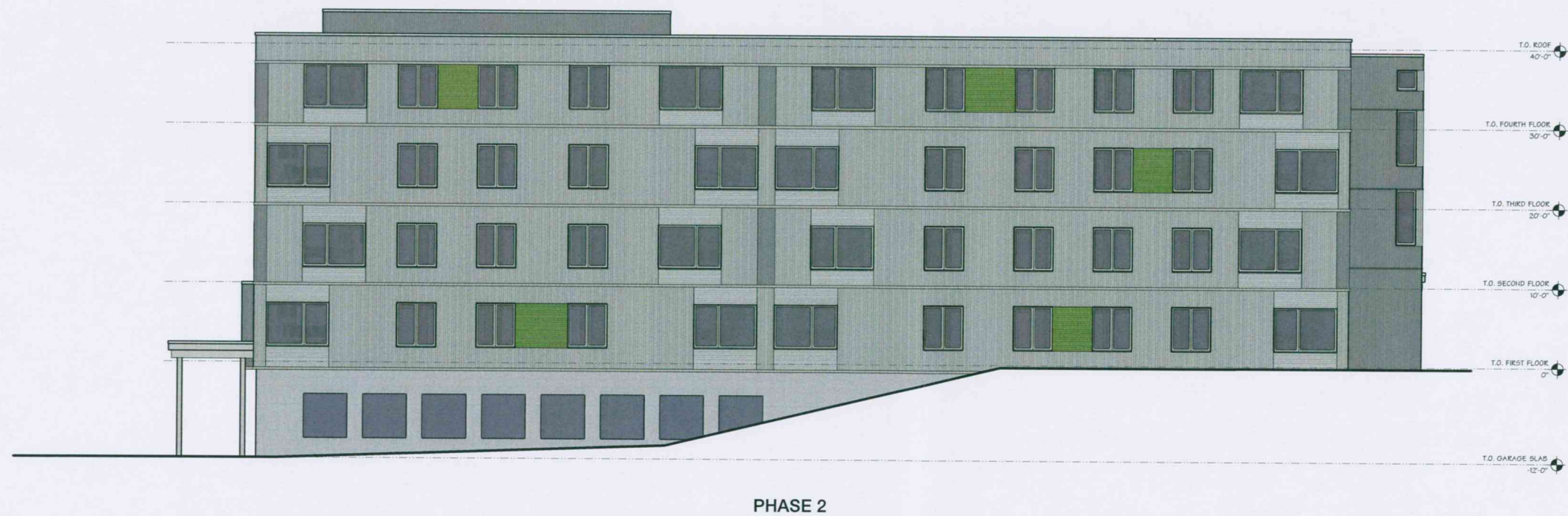
03.09.2016
DRAWN: SJB

A2-1.1



WEST ELEVATION

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



SOUTH ELEVATION

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

NEW NORTH AVENUE - CHT

BURLINGTON, VERMONT

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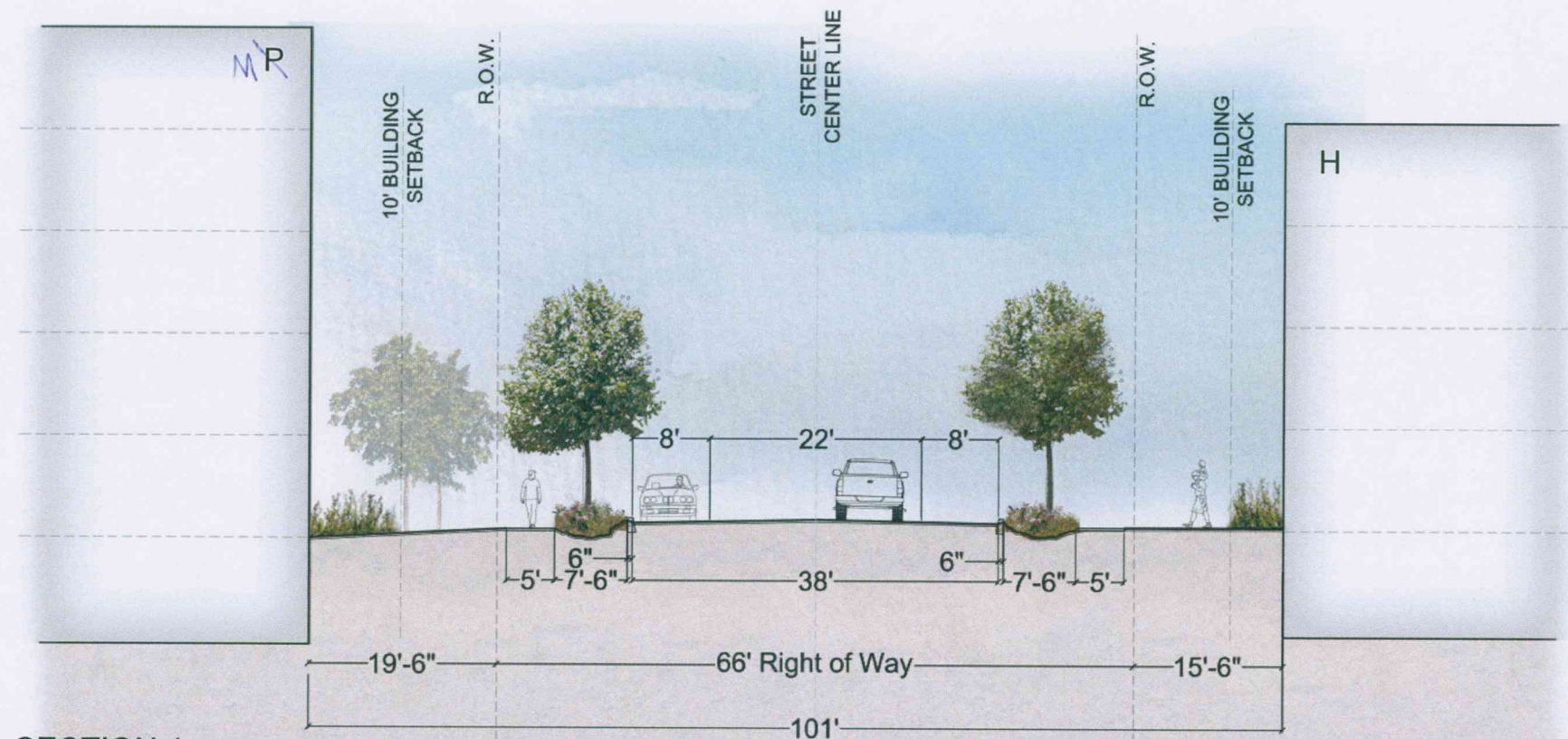
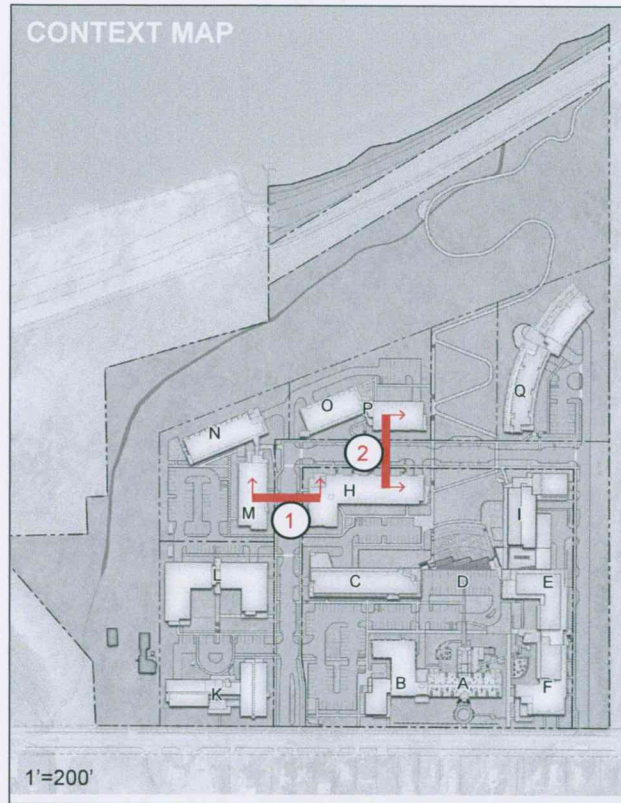
SCHEMATIC DESIGN

Duncan
Wisniewski 
ARCHITECTURE

255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T. 802.864.6693

03.09.2016
DRAWN: SJB

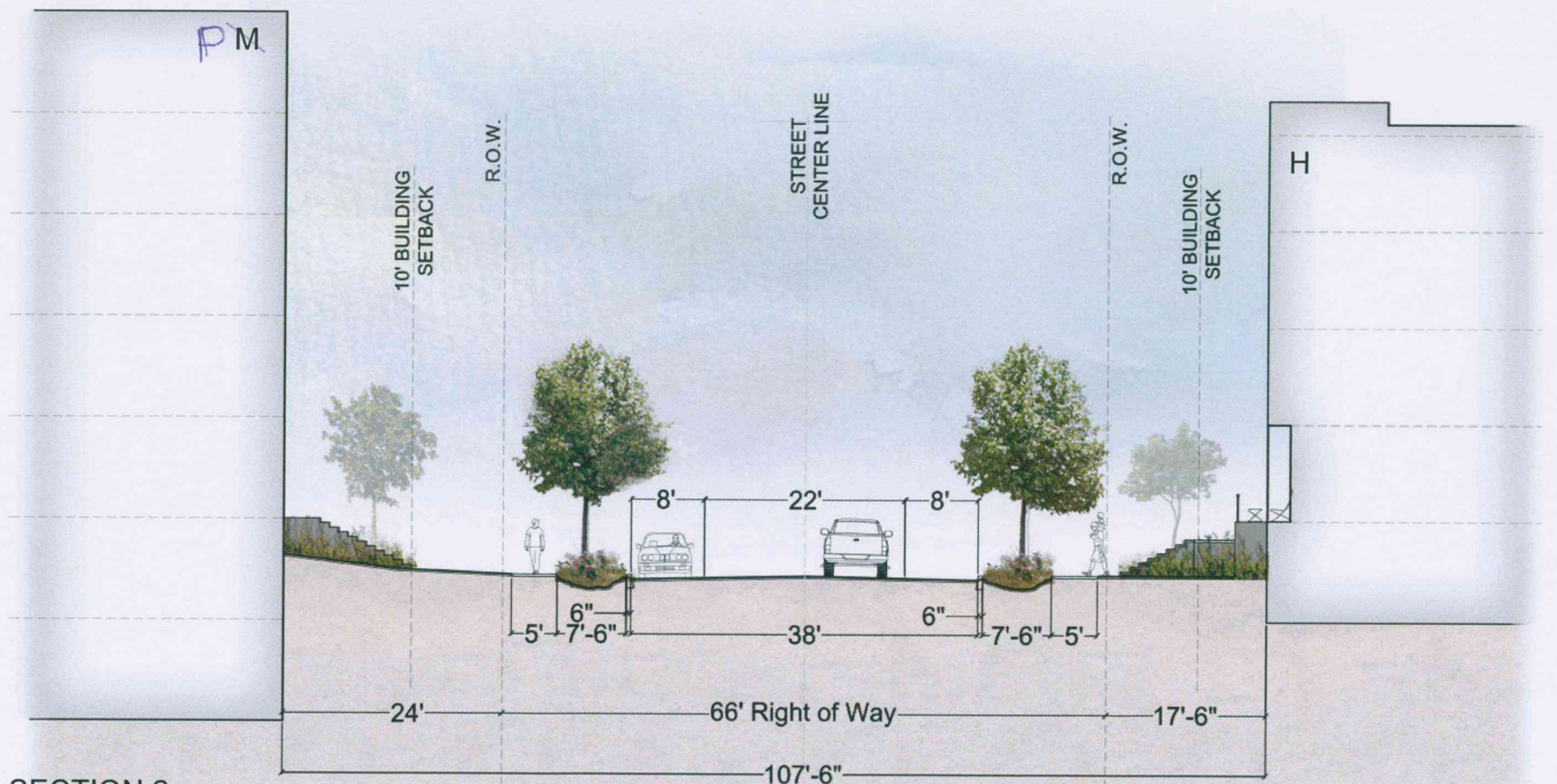
A2-2.1



1

SECTION 1

1"=200'



2

SECTION 2

1"=200'

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PLANNING & ZONING

Building H



EAST ELEVATION
Scale: 1/16" = 1'-0"



NORTH ELEVATION
Scale: 1/16" = 1'-0"



WEST ELEVATION
Scale: 1/16" = 1'-0"



SOUTH ELEVATION
Scale: 1/16" = 1'-0"

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BURLINGTON, VERMONT 05401
T: 802.984.6603

DATE: 05.05.16
DRAWN: ABC

Building C & D

ROOF DECK
280'-6"
FIFTH FLOOR
270'-0"
FOURTH FLOOR
258'-6"
THIRD FLOOR
248'-0"
SECOND FLOOR
237'-6"
FIRST FLOOR
225'-0"
PARKING 1
213'-0"
PARKING 2
202'-0"

EAST ELEVATION
Scale: 1/16" = 1'-0"

ROOF DECK
280'-6"
FIFTH FLOOR
270'-0"
FOURTH FLOOR
258'-6"
THIRD FLOOR
248'-0"
SECOND FLOOR
237'-6"
FIRST FLOOR
225'-0"
PARKING 1
213'-0"
PARKING 2
202'-0"

WEST ELEVATION
Scale: 1/16" = 1'-0"

ROOF DECK
280'-6"
FIFTH FLOOR
270'-0"
FOURTH FLOOR
258'-6"
THIRD FLOOR
248'-0"
SECOND FLOOR
237'-6"
FIRST FLOOR
225'-0"
PARKING 1
213'-0"
PARKING 2
202'-0"

NORTH ELEVATION
Scale: 1/16" = 1'-0"

SOUTH ELEVATION
Scale: 1/16" = 1'-0"

BC COMMUNITY HOUSING • BUILDING C & D

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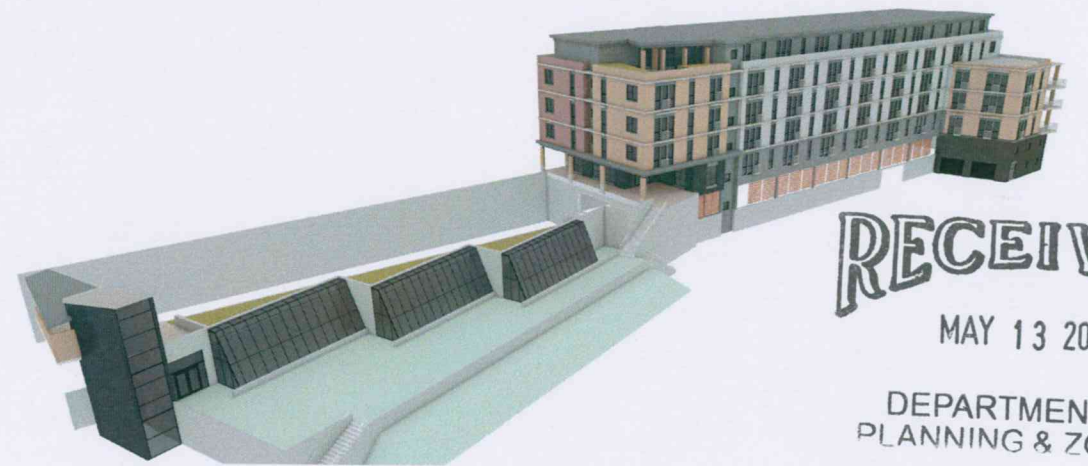
PERMIT ELEVATIONS

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BURLINGTON, VERMONT 05401
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DATE: 05.06.2016
DRAWN: XXX, XXX

C & D



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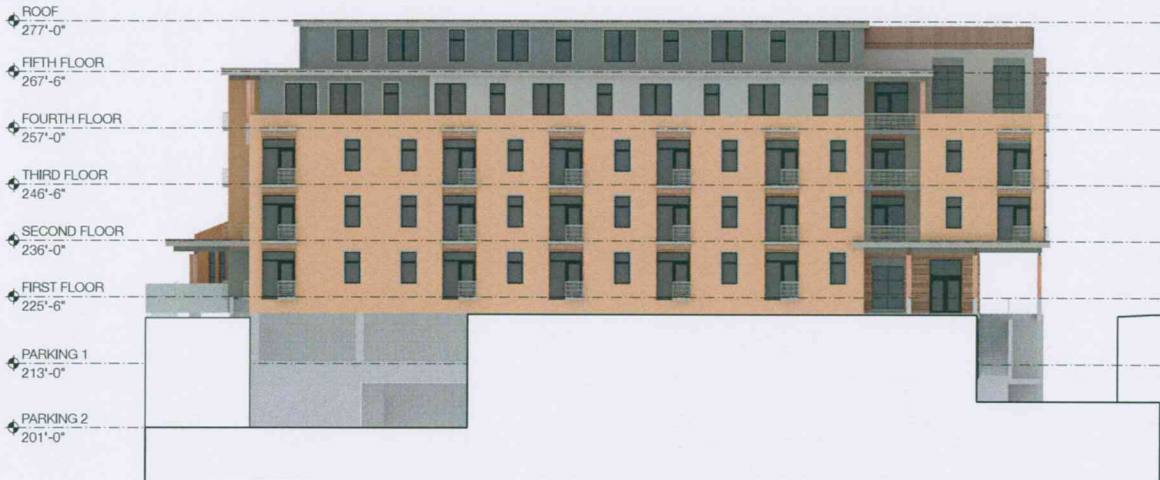
Buildings E+F



EAST ELEVATION
Scale: 1/16" = 1'-0"



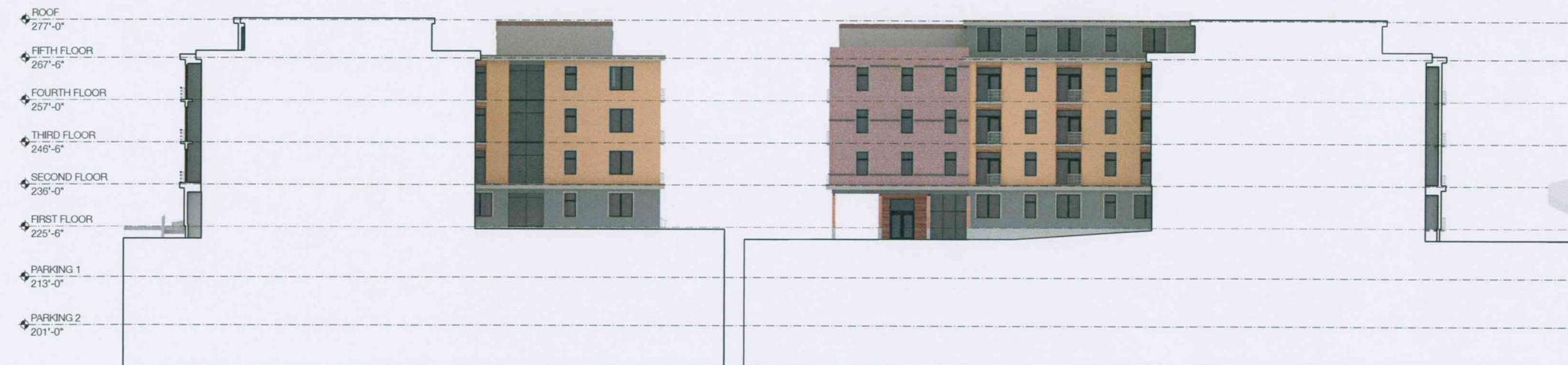
NORTH ELEVATION
Scale: 1/16" = 1'-0"



WEST ELEVATION
Scale: 1/16" = 1'-0"



SOUTH ELEVATION
Scale: 1/16" = 1'-0"



EAST WING WEST ELEVATION
Scale: 1/16" = 1'-0"

WEST WING EAST ELEVATION
Scale: 1/16" = 1'-0"



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BURLINGTON, VERMONT 05401
TEL: 802.255.1256

DATE: 04.19.16

E & F



SOUTH ELEVATION
Scale: 1" = 20 ft



WEST ELEVATION
Scale: 1" = 20 ft



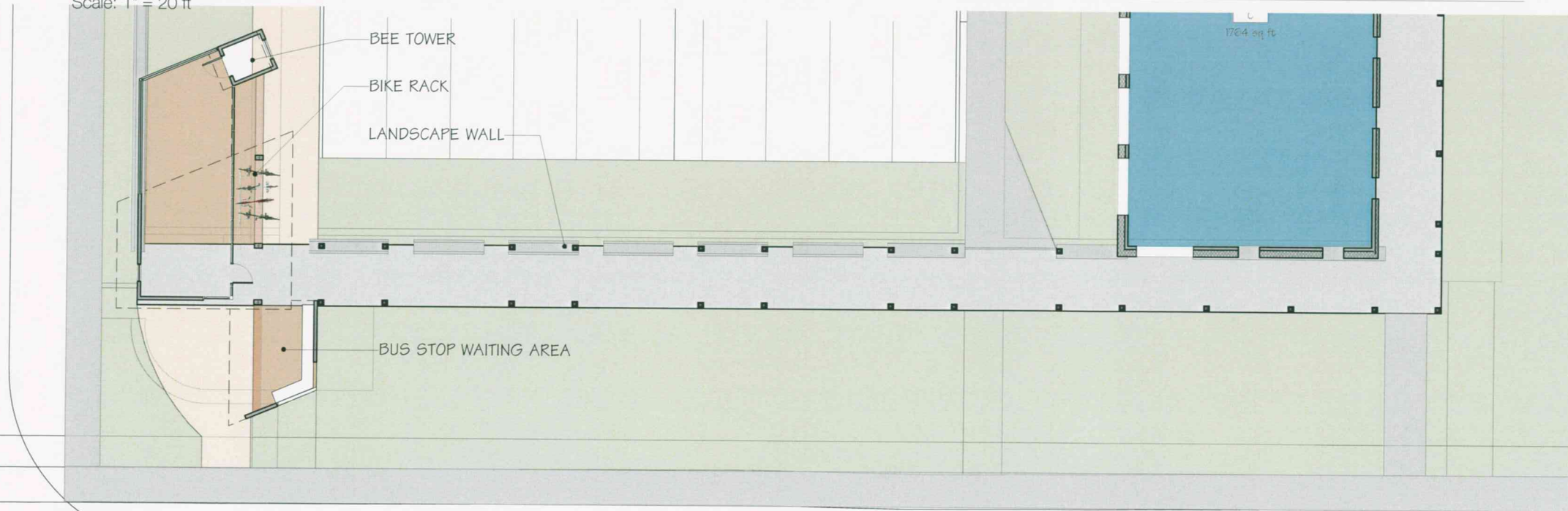
NORTH ELEVATION
Scale: 1" = 20 ft



The Hub



EAST ELEVATION
Scale: 1" = 20 ft



SITE PLAN
Scale: 1" = 20 ft



RECEIVED
MAY 13 2016
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BC COMMUNITY HOUSING • THE HUB

BURLINGTON, VERMONT

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PRELIMINARY DESIGN

Duncan
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ARCHITECTURE
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 05.16.16

AS

Building I elevations



WEST ELEVATION
Scale: 1/16" = 1'-0"

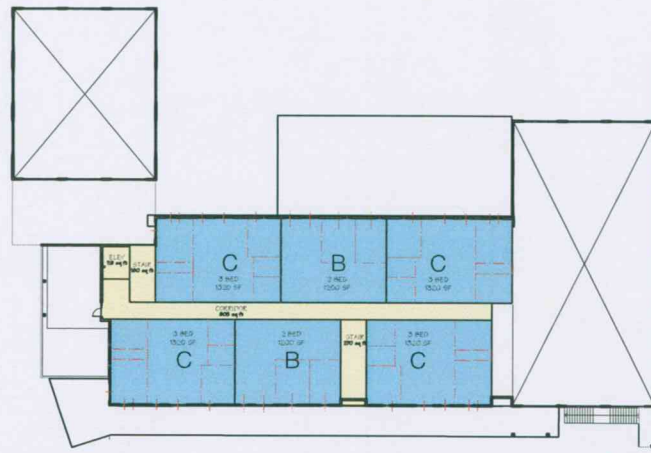
SOUTH ELEVATION
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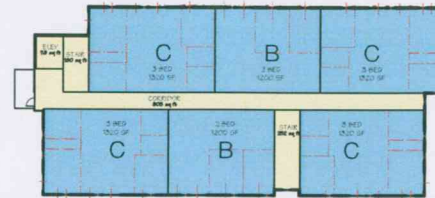
SOUTH ELEVATION
Scale: 1/16" = 1'-0"

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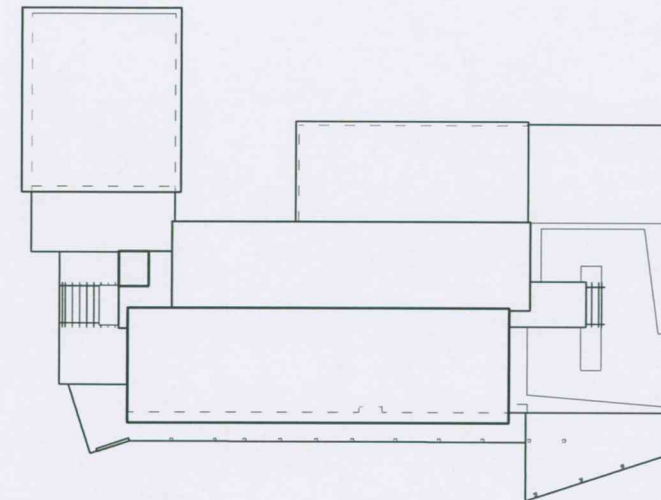
Building I diagr



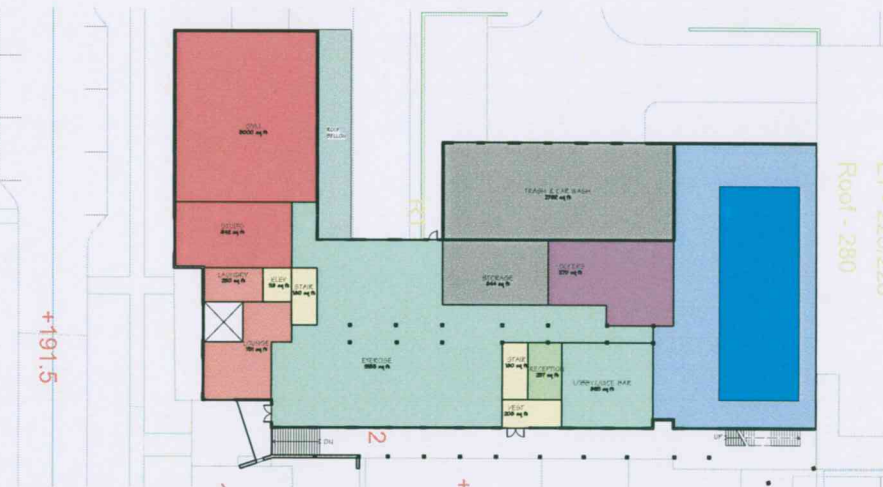
SECOND FLOOR PLAN 217'-6"
Scale: 1" = 30 ft



FIFTH FLOOR PLAN 249'-0"
Scale: 1" = 30 ft



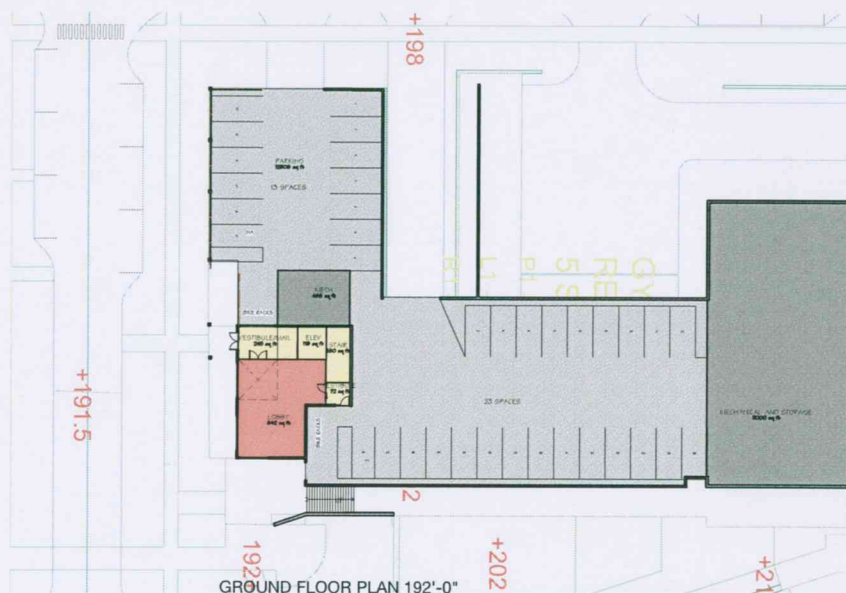
ROOF PLAN 260'-0"
Scale: 1" = 30 ft



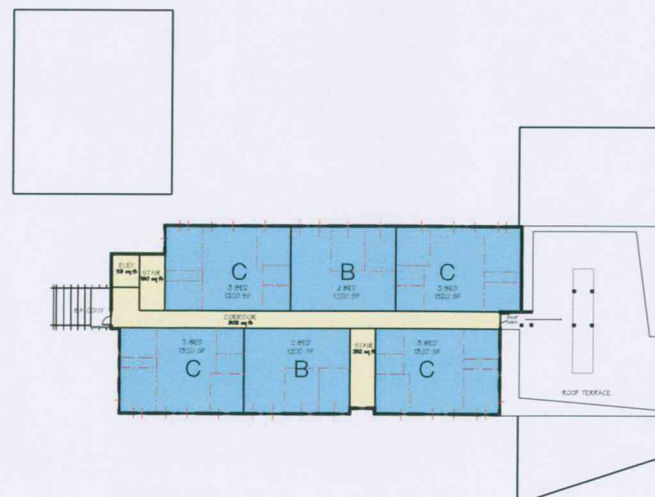
FIRST FLOOR PLAN 203'-0"
Scale: 1" = 30 ft



FOURTH FLOOR PLAN 238'-6"
Scale: 1" = 30 ft



GROUND FLOOR PLAN 192'-0"
Scale: 1" = 30 ft



THIRD FLOOR PLAN 228'-0"
Scale: 1" = 30 ft

RECEIVED
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AREA CALCULATION	%	AREA
COMMERCIAL	31%	17,730
APARTMENT (Blue)	52%	30,000
CIRCULATION (Yellow)	12%	7,049
AMENITIES (Red)	3%	1,923
UTILITARIAN (Grey)	12%	7,049
DOUBLE HEIGHT SPACE (White)	0%	0
BUILDING AREA		57,906
EFFICIENCY (Building/Rentable)	121%	
TOTAL UNITS		24
COVERED PARKING		36



Cambrian Rise

LINCOLN BROWN ILLUSTRATION



Cambrian Rise

Panoramic lake and mountain views surround Cambrian Rise, a contemporary urban neighborhood located on the shores of Lake Champlain in the heart of Burlington, Vermont. The adjacent Burlington Bike Path connects to sandy beaches, shops and restaurants on the Church Street Marketplace, and Waterfront Park. Cambrian Rise upholds principles of sustainability, community, diversity, and a healthy lifestyle. The design of buildings and land improvements preserve natural resources and native vegetation. At Cambrian Rise, neighbors can take advantage of diverse housing opportunities and live-work environments. Fitness facilities, pedestrian friendly streets, biking, hiking, and swimming promote a healthy and active lifestyle.

Cambrian Rise affirms Burlington in the 21st Century as the nation's “most sustainable city” where contemporary living values are a respected part of community life.

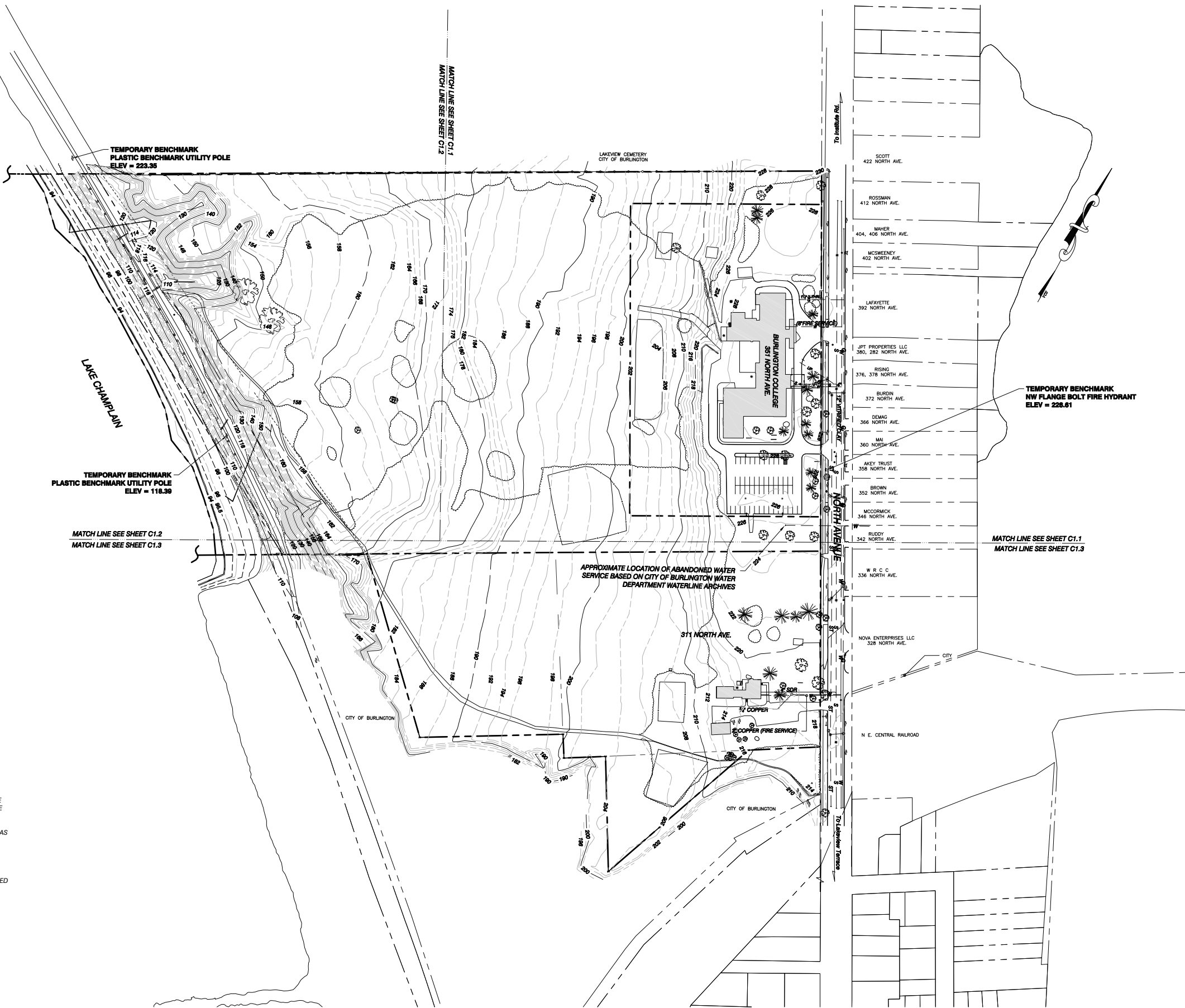
CAMBRIAN RISE SITE AND CONTEXT



P:\AutoCAD\Projects\2014\142131_CADD\142131-STE.dwg, 2/26/2015 4:12:35 PM, Iowah, Nitro PDF Creator (v10.9)

LEGEND

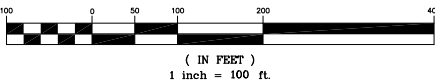
- APPROXIMATE PROPERTY LINE
APPROXIMATE SETBACK LINE
EXISTING CONTOUR
EXISTING CURB
EXISTING CHAINLINK FENCE
EXISTING WIRE FENCE
EXISTING GRAVEL
EXISTING PAVEMENT
EXISTING GUARD RAIL
EXISTING ELECTRIC
EXISTING FORCEMAIN
EXISTING GAS
EXISTING STORM
EXISTING GRAVITY SEWER
EXISTING TELEPHONE
EXISTING WATER
EXISTING SWALE
EXISTING SEWER MANHOLE
EXISTING STORM MANHOLE
EXISTING CATCH BASIN
EXISTING WELL
EXISTING HYDRANT
EXISTING SHUT OFF
EXISTING UTILITY POLE
EXISTING LIGHT POLE
EXISTING GUY WIRE/POLE
EXISTING SIGN
EXISTING DECIDUOUS TREE
EXISTING CONIFEROUS TREE
EDGE OF BRUSH/WOODS
IRON ROD/PIPE FOUND
CONCRETE MONUMENT FOUND
RAILROAD RAIL FOUND
PROJECT BENCHMARK



NOTES

- UTILITIES SHOWN DO NOT PURPORT TO CONSTITUTE OR REPRESENT ALL UTILITIES LOCATED UPON OR ADJACENT TO THE SURVEYED PREMISES. EXISTING UTILITY LOCATIONS ARE APPROXIMATE ONLY. THE CONTRACTOR SHALL FIELD VERIFY ALL UTILITY CONFLICTS. ALL DISCREPANCIES SHALL BE REPORTED TO THE ENGINEER. THE CONTRACTOR SHALL CONTACT DIG SAFE (888-344-7233) PRIOR TO ANY CONSTRUCTION.
- THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE.
- PROPERTY LINE INFORMATION IS BASED PLAT ENTITLED "LOT LINE ADJUSTMENT BETWEEN 329 & 351 NORTH AVE BURLINGTON COLLEGE" PREPARED BY CIVIL ENGINEERING ASSOCIATES, INC. DATED DECEMBER 18, 2014. THIS PLAN IS NOT A BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED AS ONE. MONUMENTATION RECOVERED IS CONSISTENT WITH RECORDED DOCUMENTS.
- SITE INFORMATION IS BASED ON A FIELD SURVEY PERFORMED BY CIVIL ENGINEERING ASSOCIATES, INC. DECEMBER 2014. CIVIL ENGINEERING ASSOCIATES, INC. SURVEY ORIENTATION IS "GRID NORTH". VERMONT COORDINATE SYSTEM OF 1983 (HORIZONTAL) AND NAVD88 (VERTICAL) ESTABLISHED FROM GPS OBSERVATIONS ON SITE.

GRAPHIC SCALE



SITE ENGINEER:



CIVIL ENGINEERING ASSOCIATES, INC.
10 MANSFELD VIEW LANE, SOUTH BURLINGTON, VT 05403
802-864-2323 FAX: 802-864-2371 web: www.cae-vt.com

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DRAWN

MAB

CHECKED

JLM

APPROVED

JLM

OWNER:

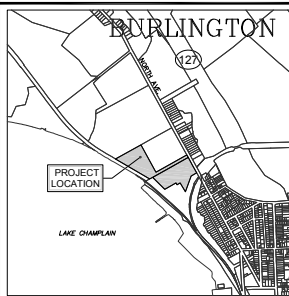
**BURLINGTON
COLLEGE**

351 NORTH AVE
BURLINGTON VERMONT
05401

PROJECT:

**PROPERTY
LOCATED AT
311, 329, 351
NORTH AVE**

BURLINGTON, VT



LOCATION MAP

1" = 200'

DATE	CHECKED	REVISION

**EXISTING
CONDITIONS
OVERALL SITE
PLAN**

DATE

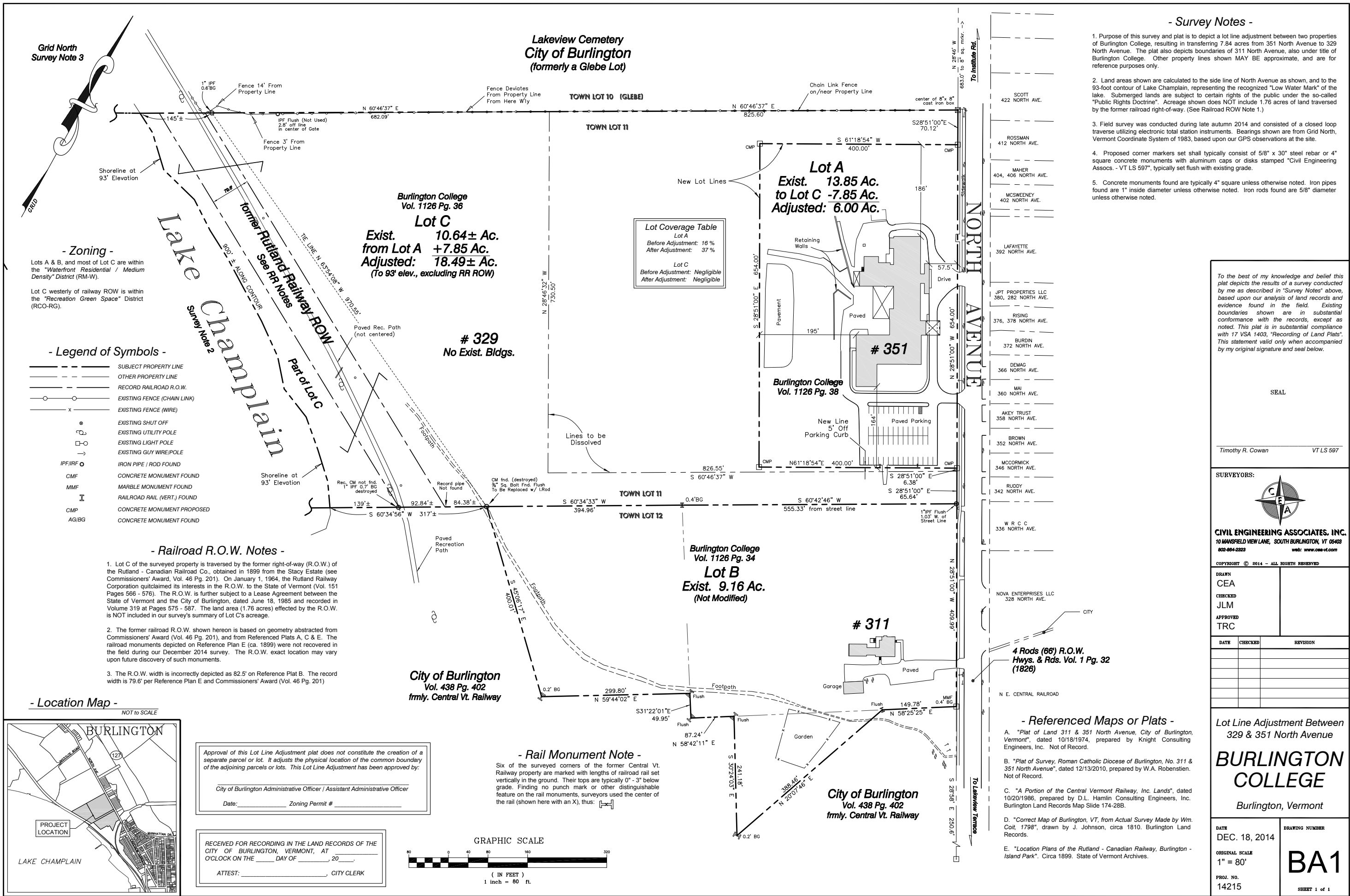
SCALE
1" = 100'

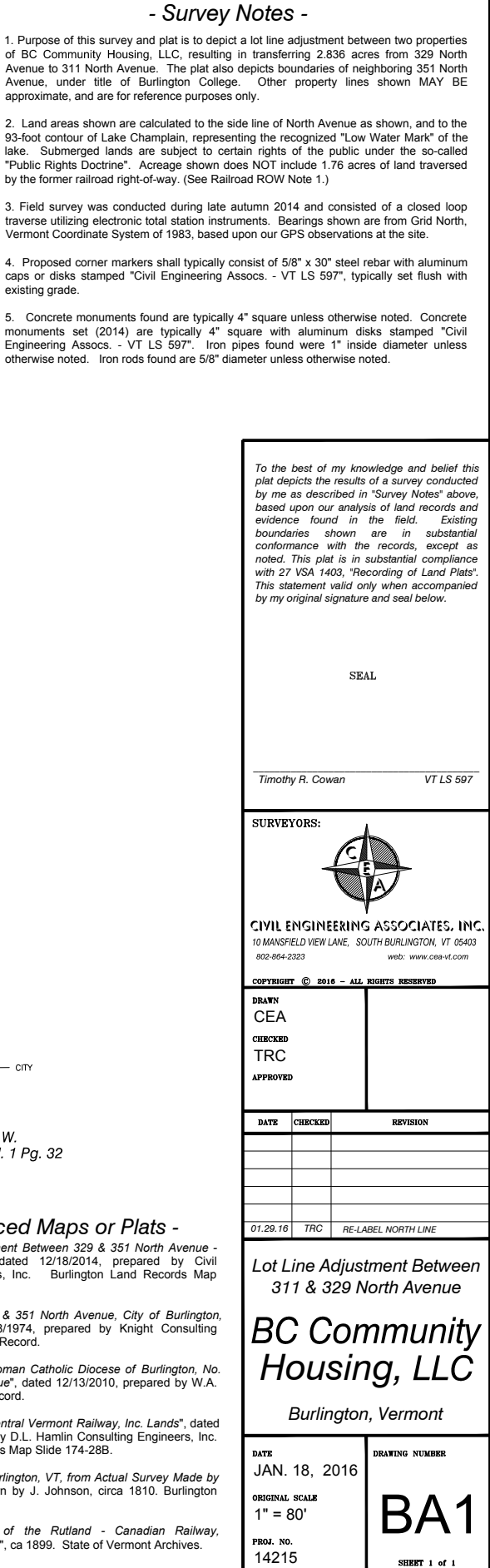
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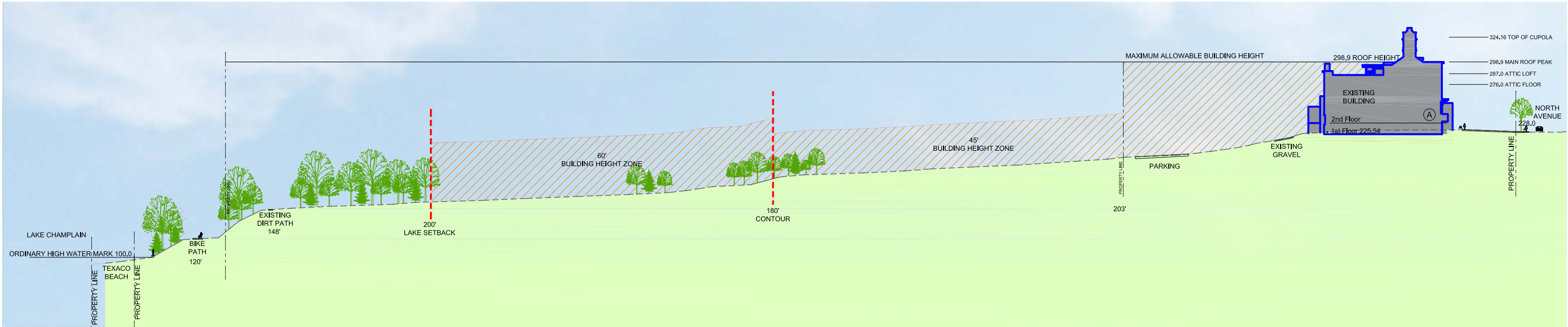
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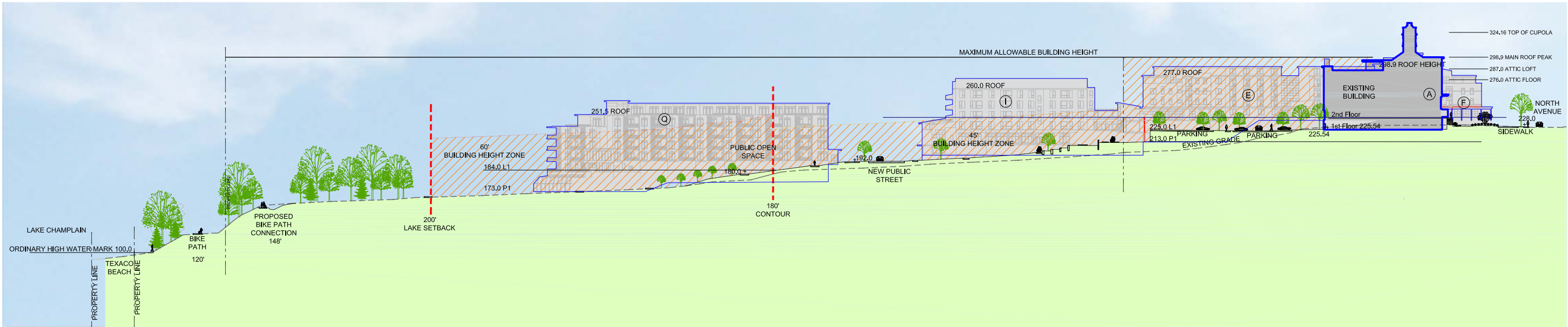
PROGRESS PLANS
12/30/2014



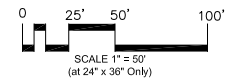




A-1
L300 SECTION A-1 - EXISTING CONDITIONS
SCALE 1" = 50'



A-1
L300 SECTION A-1 - PROPOSED CONDITIONS
SCALE 1" = 50'











CONNECTED PUBLIC WATERFRONT



PUBLIC PROGRAM AREAS



CONCRETE RETAINING WALL
LANDSCAPE FORMS
MULTIPLICITY BIKE RACK

STABILIZED STONE SCREENINGS
14.00
6.00
C.I.P. CONCRETE STEPS
13.50
13.50
6.00

C.I.P. CONCRETE WALK

STABILIZED STONE DUST
WOOD DECK
GUARDRAIL

59.76
58.38

LANDSCAPE FORMS
MILENIO BENCH

STONE RETAINING WALL
LAWN

PA

BICYCLE PATH

KIOSK

LANDSCAPE FORMS
MULTIPLICITY BIKE RACK

PA

PA

BOULDER AND PLANTING LANDFORM

Proposed Fitness Equipment Location

LAKE CHAMPLAIN

NORTH

CONCRETE RETAINING WALL
LANDSCAPE FORMS
MULTIPLICITY BIKE RACK

STABILIZED STONE SCREENINGS
14.00
6.00
13.50
13.50
6.00

C.I.P. CONCRETE STEPS

C.I.P. CONCRETE WALK

STABILIZED STONE DUST
WOOD DECK
GUARDRAIL

59.76
58.38

LANDSCAPE FORMS
MILENIO BENCH

STONE RETAINING WALL

LAWN

PA

BICYCLE PATH

KIOSK

LANDSCAPE FORMS
MULTIPLICITY BIKE RACK

PA

BOULDER AND PLANTING LANDFORM

PA

Proposed Fitness Equipment Location

LAKE CHAMPLAIN

NORTH



BC COMMUNITY HOUSING SITE CONCEPT

SCALE 1" = 80'

LAKE CHAMPLAIN

TEXACO
BEACH

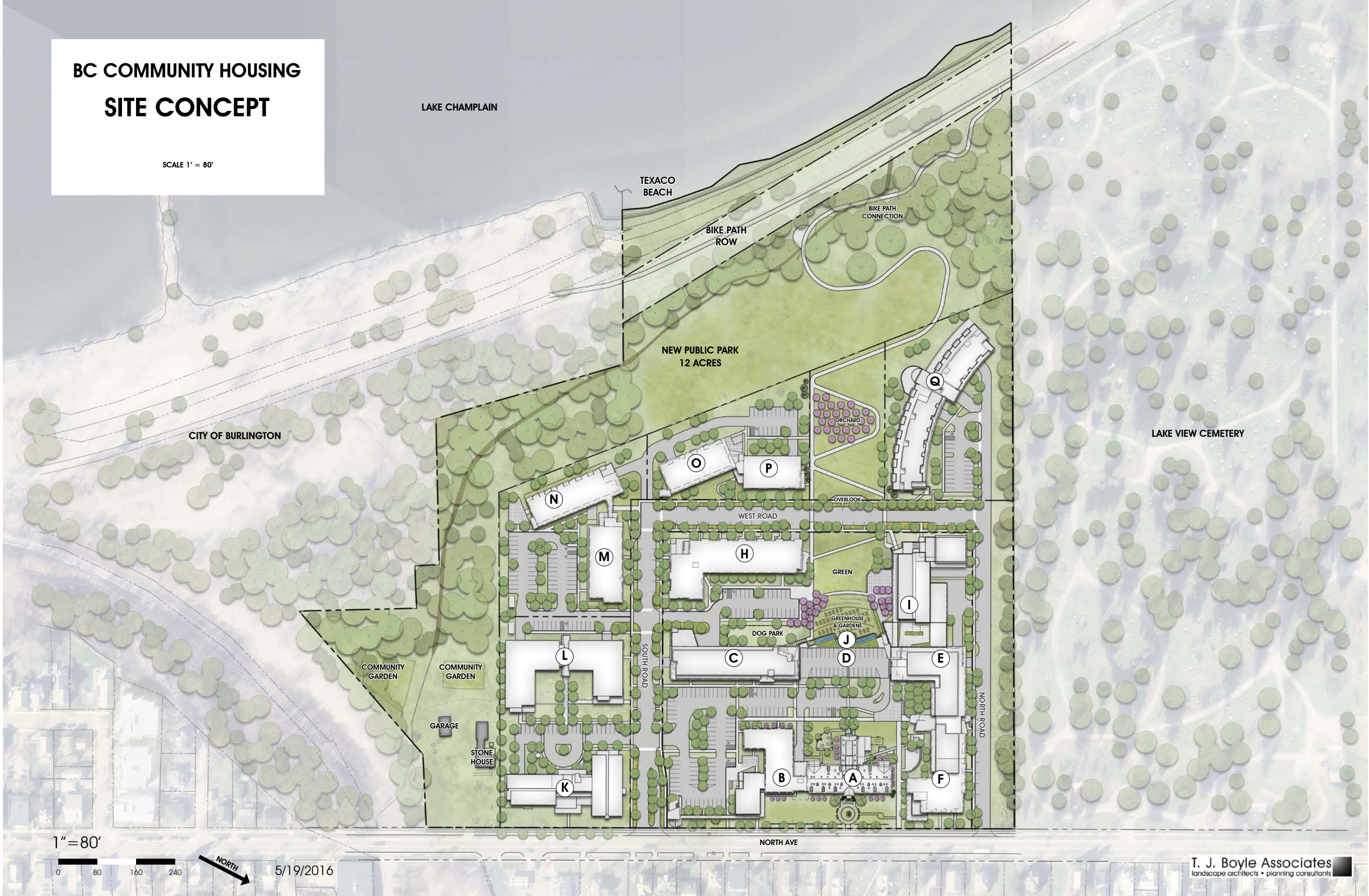
BIKE PATH
ROW

BIKE PATH
CONNECTION

NEW PUBLIC PARK
12 ACRES

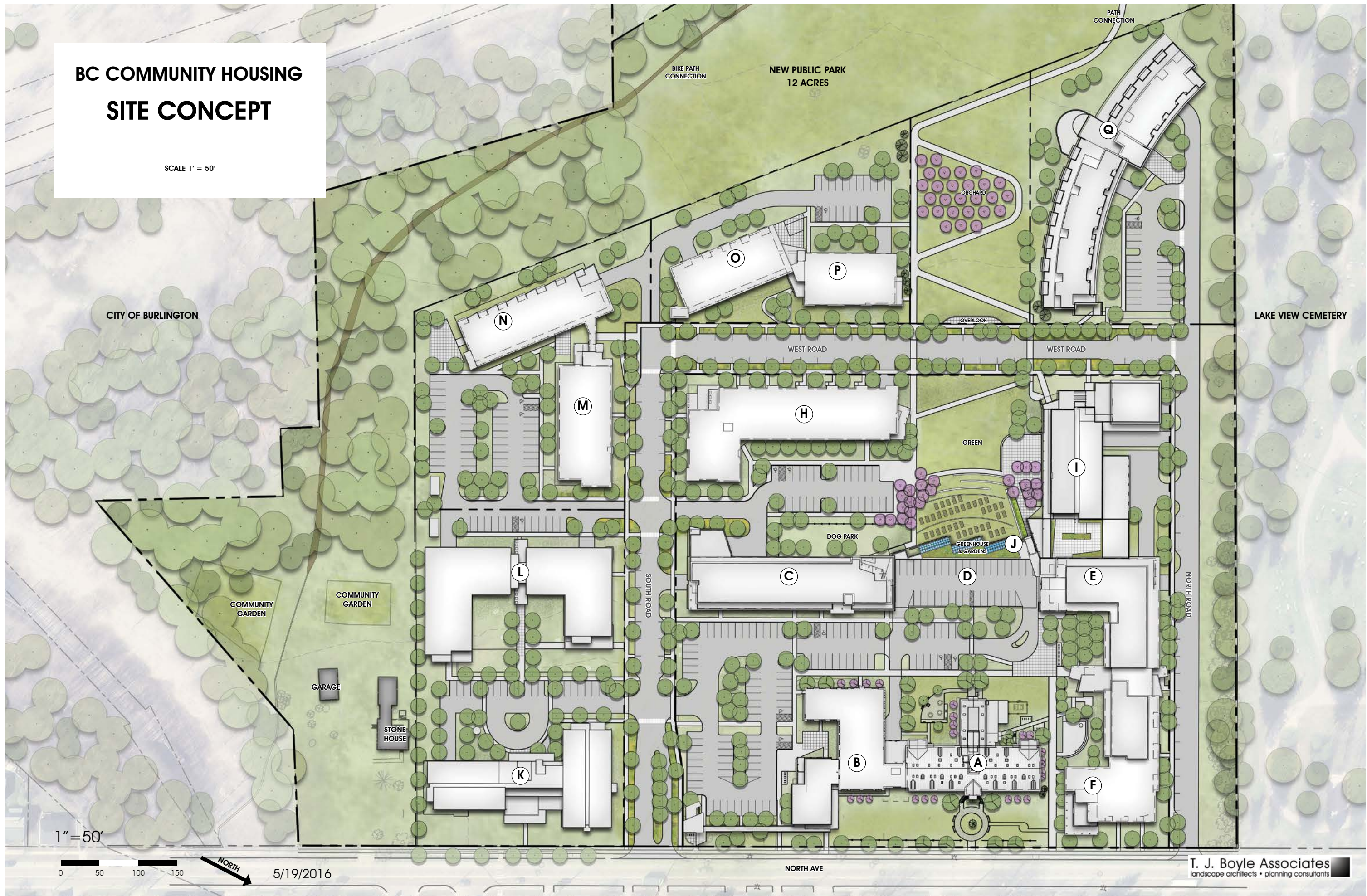
CITY OF BURLINGTON

LAKE VIEW CEMETERY



BC COMMUNITY HOUSING SITE CONCEPT

SCALE 1" = 50'



5/19/2016







NORTH AVE SECTION



NORTH AVE SECTION



NORTH AVE SECTION



NORTH AVE SECTION



1

LINCOLN BROWN ILLUSTRATION



2

LINCOLN BROWN ILLUSTRATION



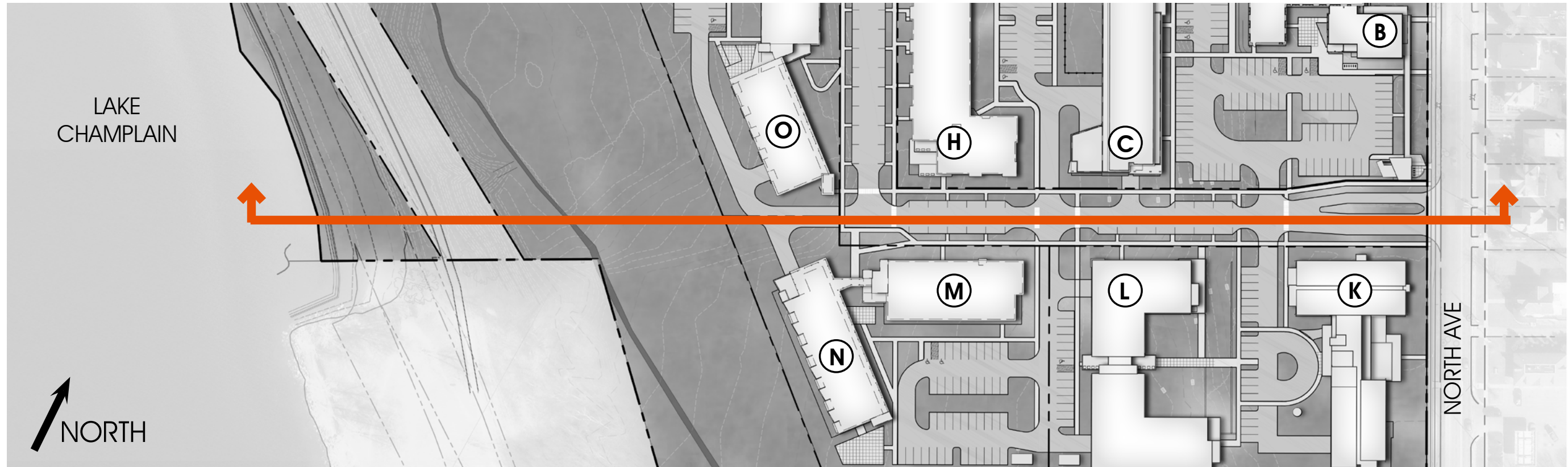






6

LINCOLN BROWN ILLUSTRATION



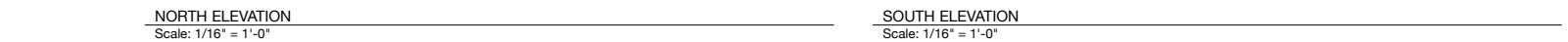
SOUTH ROAD SECTION



SOUTH ROAD SECTION



SOUTH ROAD SECTION



BC COMMUNITY HOUSING • BUILDING C & D

BURLINGTON, VERMONT

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PERMIT ELEVATIONS

**Duncan
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ARCHITECTURE
255 SOUTH CHAMPLAIN STREET
BURLINGTON, VERMONT 05401
T: 802.864.6693

DATE: 05.20.2016
DRAWN: XXX, XXX

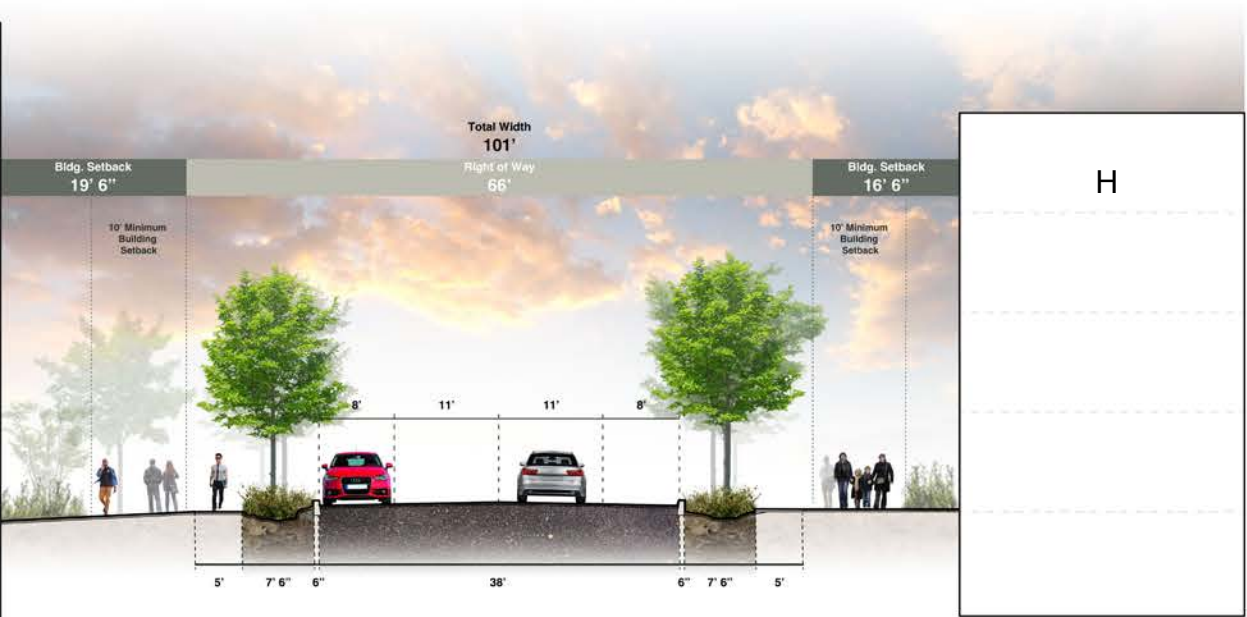
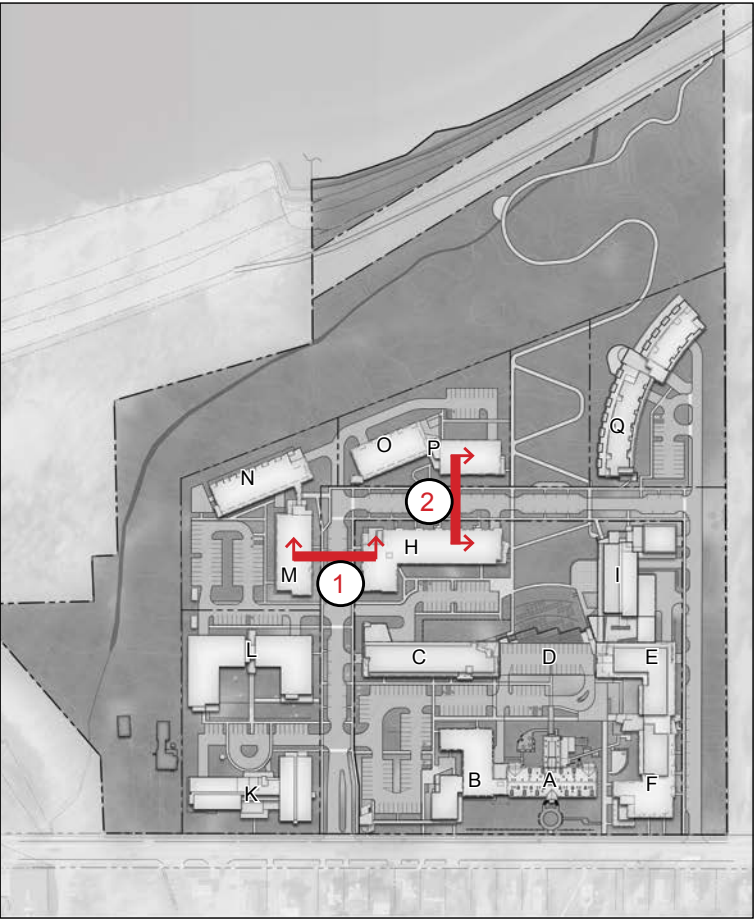
C & D

ALTERNATE C ENTRANCE



7

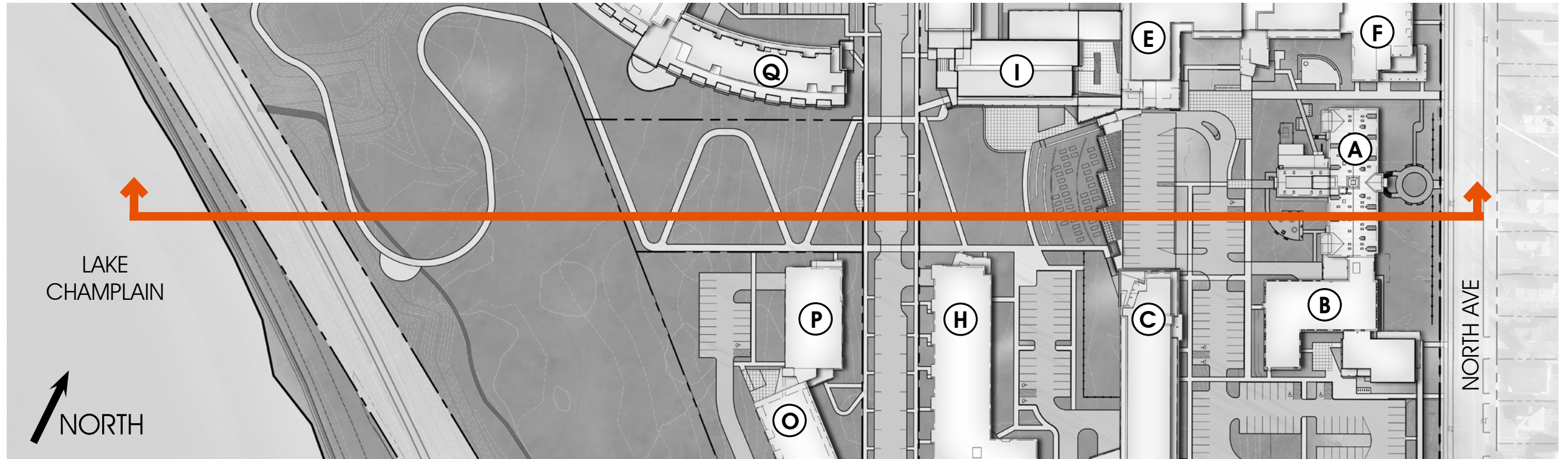
LINCOLN BROWN ILLUSTRATION



1 SECTION 1
1'=200'



2 SECTION 2
1'=200'



CENTRAL GREEN SECTION



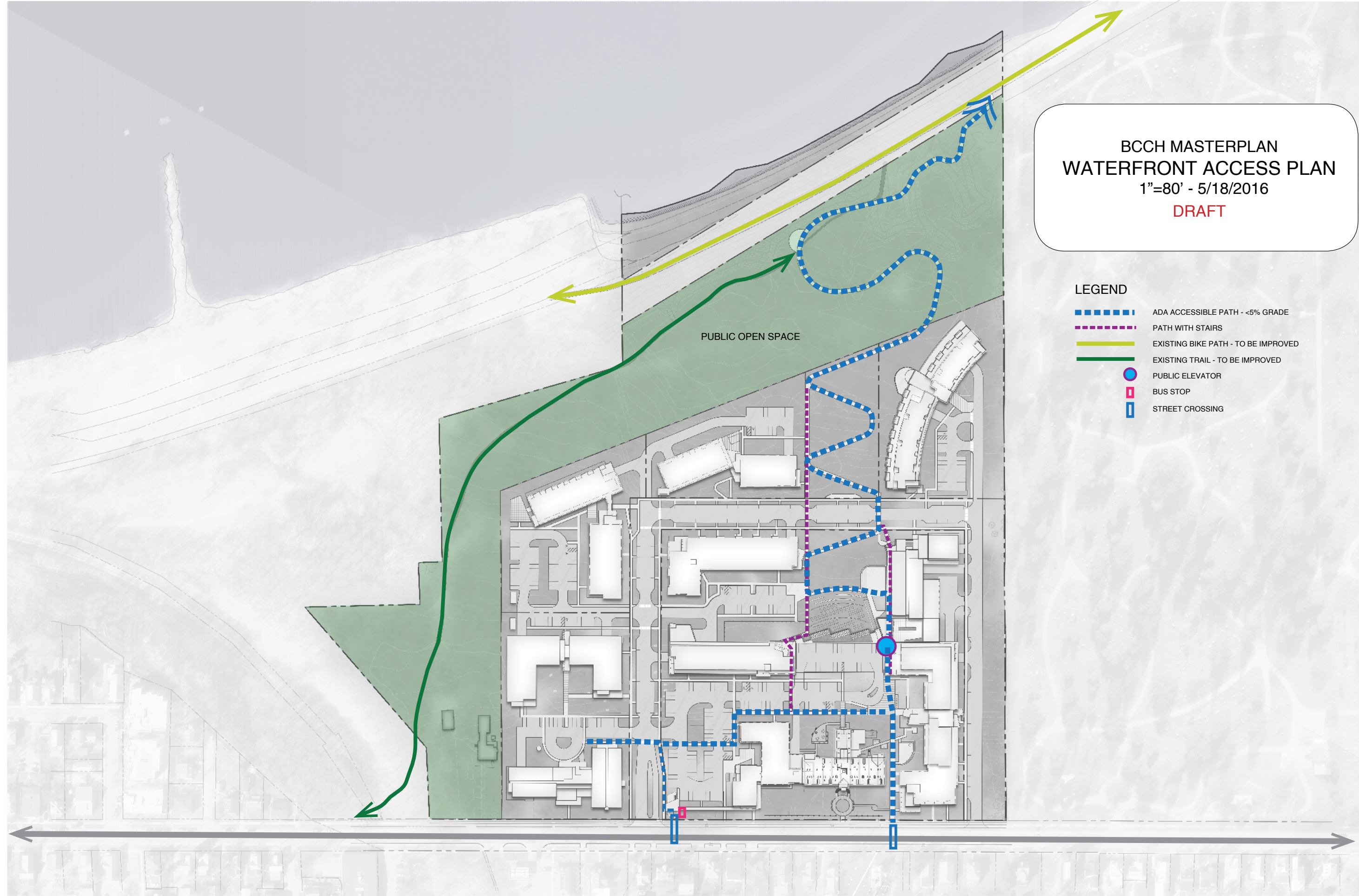
CENTRAL GREEN SECTION



CENTRAL GREEN SECTION

BCCH MASTERPLAN
WATERFRONT ACCESS PLAN
1"=80' - 5/18/2016
DRAFT

- LEGEND
- ADA ACCESSIBLE PATH - <5% GRADE
 - PATH WITH STAIRS
 - EXISTING BIKE PATH - TO BE IMPROVED
 - EXISTING TRAIL - TO BE IMPROVED
 - PUBLIC ELEVATOR
 - BUS STOP
 - STREET CROSSING













TERRACE WALLS



COMMUNITY GARDEN



OPEN LAWN



DOG PARK

CENTRAL GREEN FEATURES



EDIBLE ORCHARD



RAINWATER CISTERN



RAISED BEDS



COMPOSTING

COMMUNITY GARDEN FEATURES









PRECEDENT PROJECTS



PERMEABLE PAVING



RAINWATER INFILTRATION



BIKE CONNECTIVITY



CUT FLOWER GARDENS

SITE CONCEPTS



GREEN PARKING LOT



INDOOR BIKE PARKING

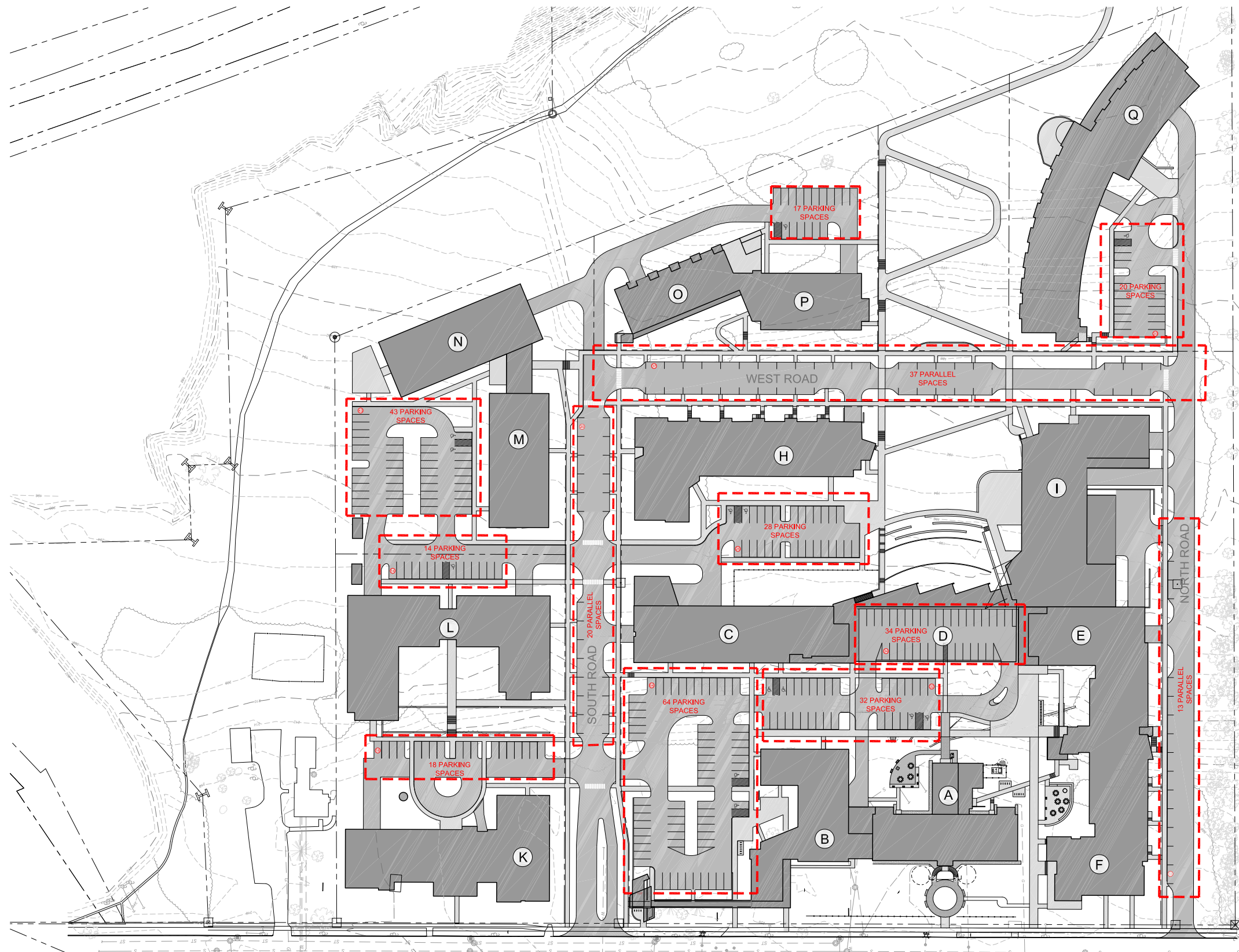


APIARY



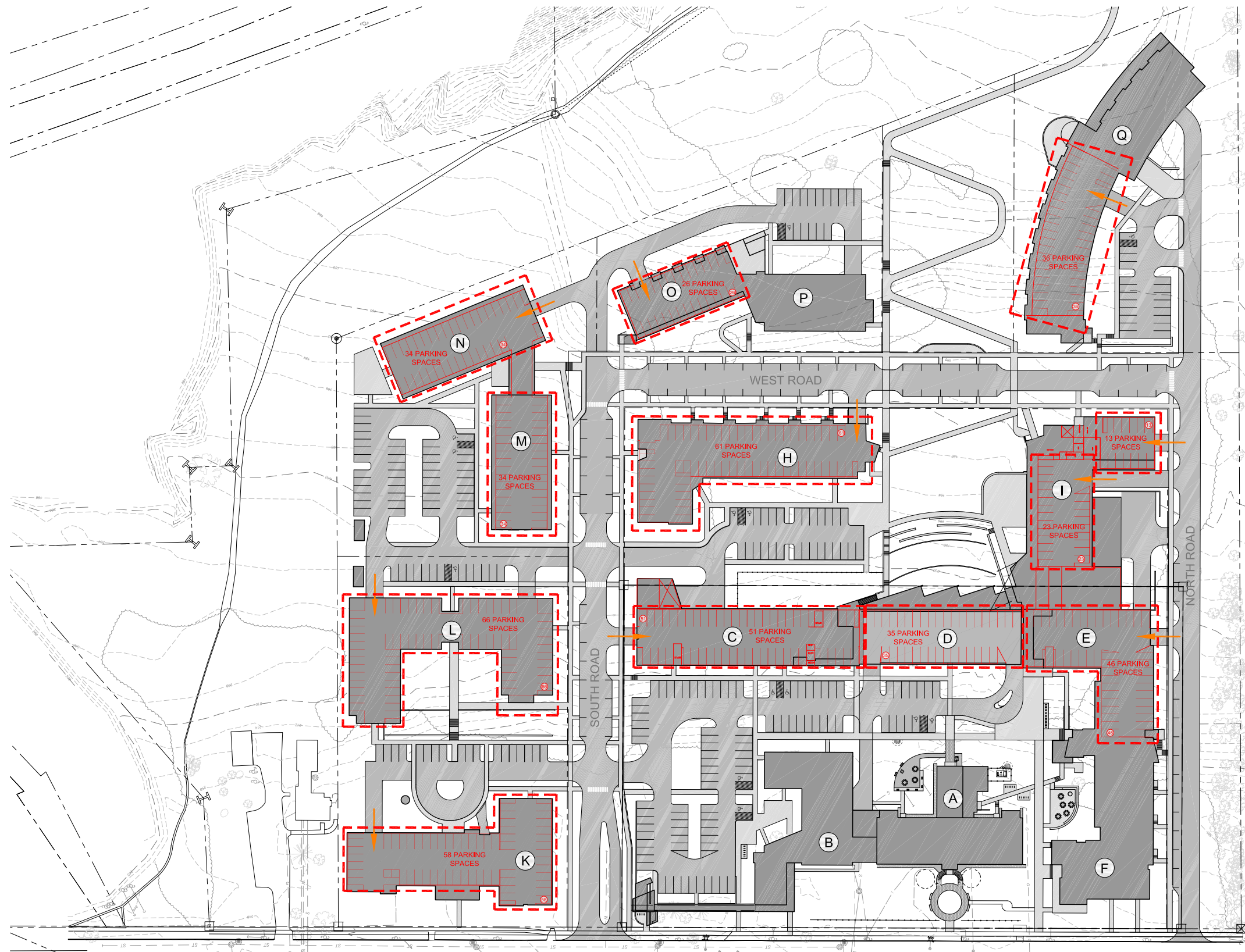
OPEN GREEN

SITE CONCEPTS

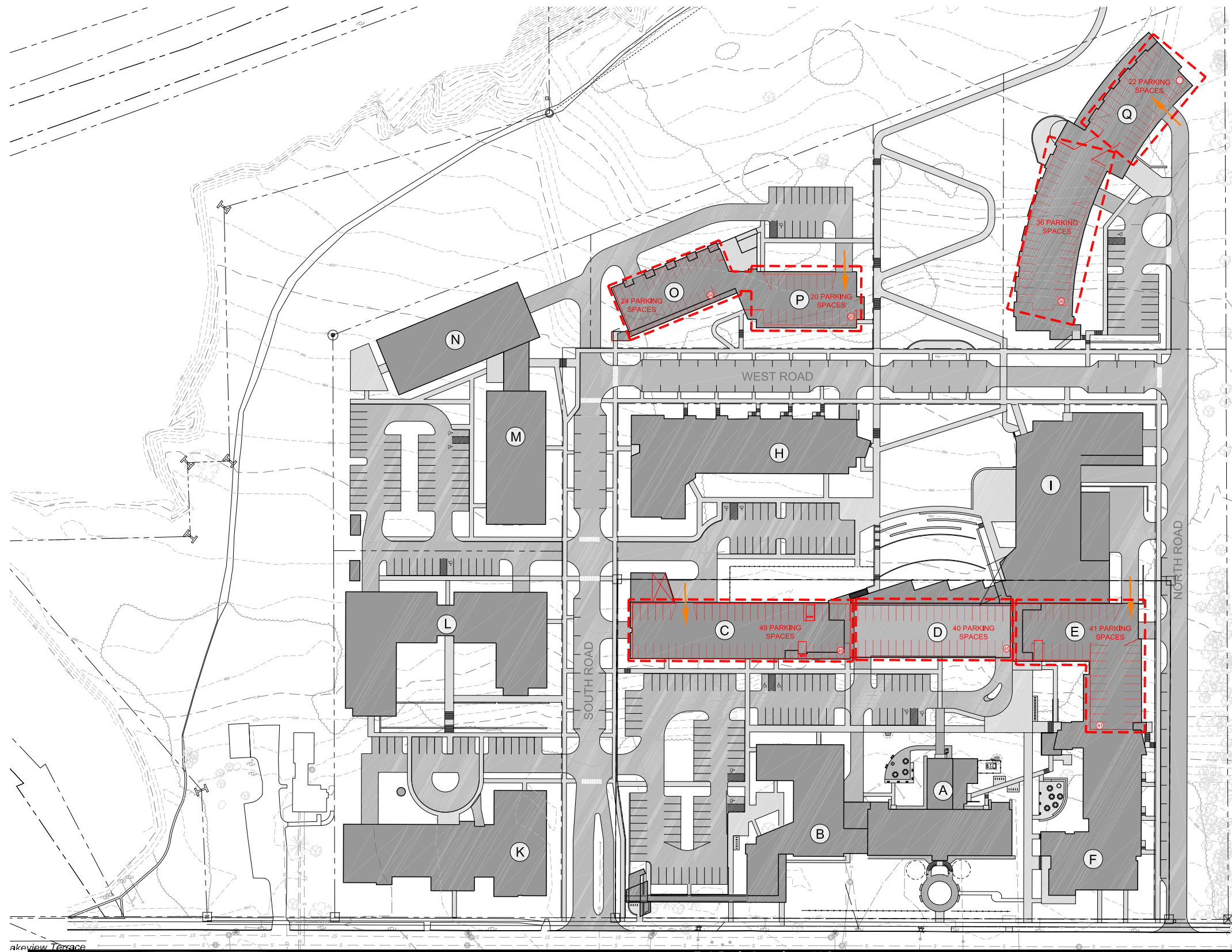


SURFACE PARKING TOTALS

ON STREET	70
OFF STREET	270
TOTAL	340



PARKING GARAGE
UPPER LEVEL - P2
SPACES 483

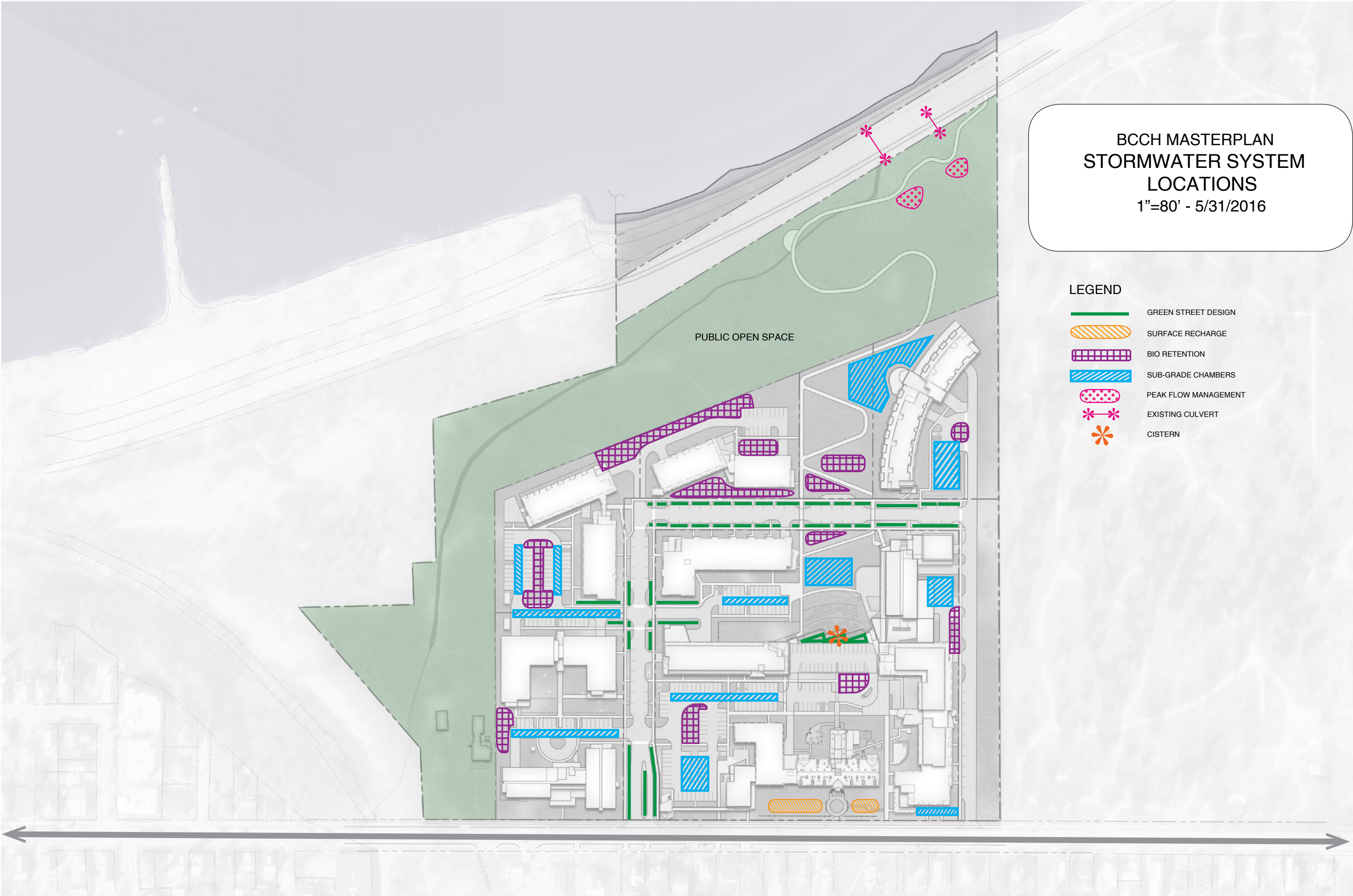


PARKING GARAGE
LOWER LEVEL - P1
SPACES 233

BCCH MASTERPLAN
STORMWATER SYSTEM
LOCATIONS
1"=80' - 5/31/2016

- LEGEND
- GREEN STREET DESIGN
 - SURFACE RECHARGE
 - BIO RETENTION
 - SUB-GRADE CHAMBERS
 - PEAK FLOW MANAGEMENT
 - EXISTING CULVERT
 - CISTERN

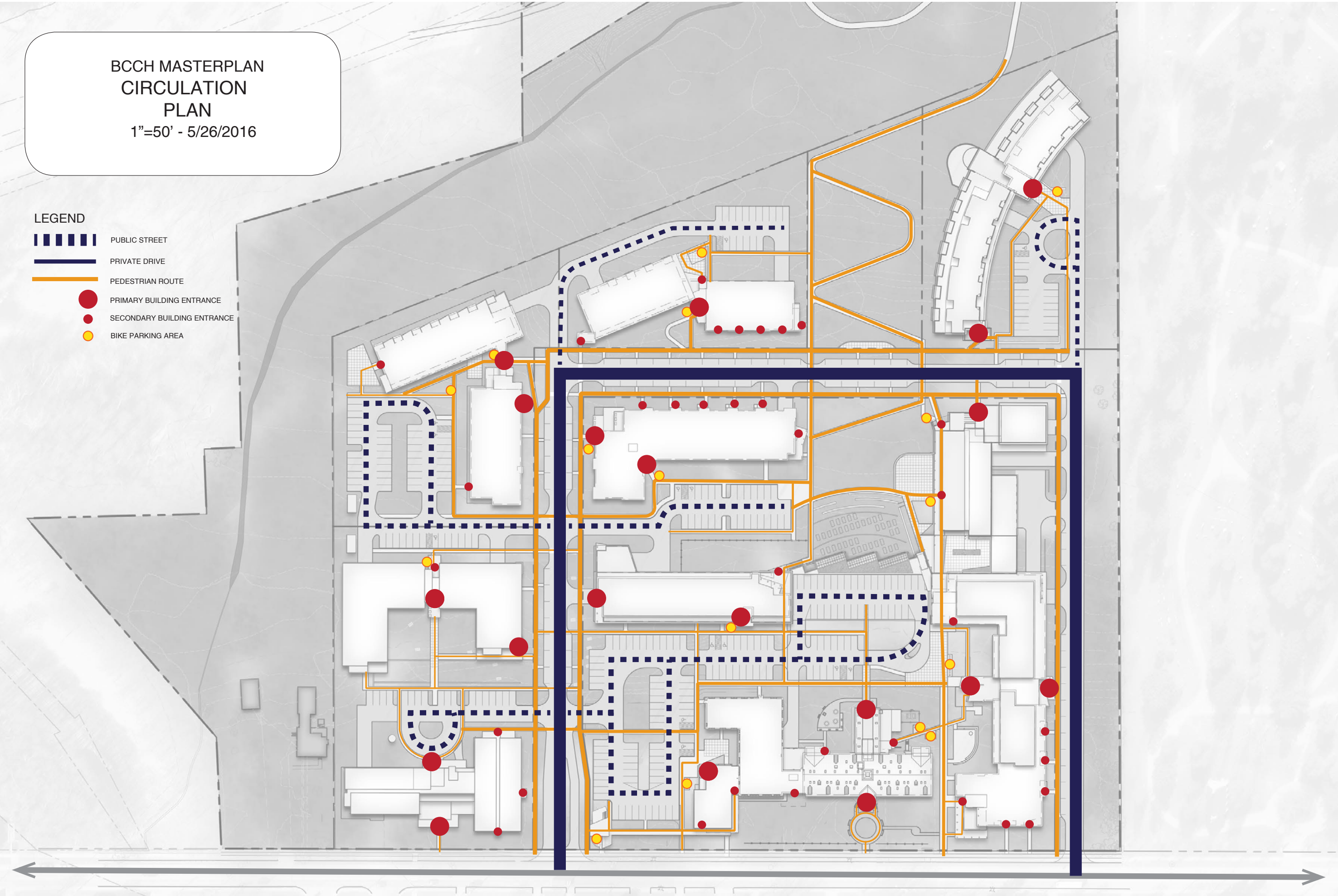
PUBLIC OPEN SPACE



BCCH MASTERPLAN
CIRCULATION
PLAN
1"=50' - 5/26/2016

LEGEND

-  PUBLIC STREET
-  PRIVATE DRIVE
-  PEDESTRIAN ROUTE
-  PRIMARY BUILDING ENTRANCE
-  SECONDARY BUILDING ENTRANCE
-  BIKE PARKING AREA





LINCOLN BROWN ILLUSTRATION

Burlington Development Review Board

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Austin Hart
Brad Rabinowitz
Jonathan Stevens
Alexandra Zipparo
Israel Smith
AJ LaRosa
Geoff Hand
Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday June 7, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board Members Present: Austin Hart, Geoff Hand, Israel Smith, Jim Drummond, Wayne Senville

Board Members Absent: Ali Zipparo, A.J.LaRosa, Brad Rabinowitz, Jonathan Stevens

Staff Present: Scott Gustin, Mary O'Neil, Anita Wade

I. Agenda

Change to agenda regarding 66 Vest Haven's request for deferral.

II. Communications

III. Minutes

IV. Public Hearing

1. 16-1175CU; 66 Vest Haven (RL, Ward 7N) Bruce Bergman

Expansion of an accessory unit living space. Applicant requests a deferral.
(Project Manager, Mary O'Neil)

A.Hart – received a note from applicant asking for a deferral. No one to speak. Is this a deferral to a date certain?

M.ONeil - not a date certain, but to sometime during the summer.

A.Hart – motion made to defer item to a date be set and determined.

G.Hand - seconds the motion.

Board Vote: 5-0-0

2. 16-1086AP; 41 South Willard Street (RH, Ward 8E) Vista K. Properties LLC

Appeal of notice of violation # 312280, re: parking.
(Project Manager, Jeanne Francis)

A.Hart – for violation appeals we turn to Code Enforcement first. Swears in staff and interested parties. Board and staff receive handouts from Code Enforcement regarding this item.

J.Francis – gives background from 1997 NOV for parking in front lot. In 2003, received more complaints and owner brought property in compliance. This is the area in question.

B.Ward – gives description of photos and front of property and right side.

J.Francis – speaks about the east, west sides of the property and the dates the property in July, 2003 afterwards was in and out of compliance. In 2016, complaints were received and an NOV was issued. In March, 2016 complaints again which is being appealed. Issued NOV on March 28, 2016 and owner appealed.

A.Hart – violation is failing to what is the violation?

J.Francis – the violation is that the parking area was expanded without a permit.

A.Hart - what is it you are looking for to cure the NOV?

J.Francis – the owner needs to fill in reseed the area and restore ruts and follow stormwater standards to restore compacted soil and install a barrier so parking cannot continue in this location.

J.Drummond - what is the number of cars and where they are parking?

G.Hand – what are the recommendations for barriers so it does not happen again?

J.Francis - looking for resilient, post and beam. We intend to discuss this with Planning & Zoning Department.

A.Hart - not sure what resilient means, may need more information on this. The owner's response was to put in a barrier and filing an application. Has this happened?

J.Francis – no this has not happened.

B.Ward – shows a photo in 2014 of the property. The concrete driveway has not weathered well, broke up and hits undercarriage of cars. This property is half owned by Dr. Kwon. Over the last two winters gravel has spread and not there is no indication of the parking area. Received number of complaints about the parking area. Historically a green area.

A.Hart – looking for a restoration of green space with some resilient barrier?

J.Francis – that is correct. The owner does not believe it is a violation of an ordinance, just a parking issue. I have tried to explain that this is a zoning violation.

S.Kwon – the owner of 41 South Willard St, provides copies for the Board. Presents photos with boundaries and how vehicles are parked. Describes two apartments in the building each with six bedrooms. Each unit has three or four parking spaces.

A.Hart - what does this have to do with the parking violation along the building? Experience has shown it is not an effective means of keeping cars off the area by telling tenants not to park there.

S.Kwon – trying to specify how many parking spaces are in the lease.

A.Hart - when barriers go away people will park there again. What are your plans to restore the green space than what you are telling the tenants?

S.Kwon - spoke with staff about installing borders or other means. I will need a permit from Planning & Zoning. If I bring in boulders, snow plow will not work around these and gave up on this idea. Only option is a letter from city with the photos of cars parked next to the driveway and going to ask tenants to see if vehicles can be identified.

M.Kuprych – tenant; clear that tenants not parking there. It is a matter of prevention.

Understand from photos of cars that may not belong there. This is matter of prevention and Dr. Kwon and the City need to identify who is parking in the area and then take preventative measure. Identify what options are available and perhaps a legal action to enforce this.

A.Hart - that process has been started. In the meantime Code Enforcement recommends actions, what should be taken. This has been fixed in the past, but need to fix this in a permanent and resilient way.

S.Kwon - before NOV one of photos shows gravel and cracks and spoke to the other owner.

A.Hart - the violation is on your property and you will need to have a discussion with your neighbor.

S.Kwon – I have called the police and asked for help so they can come and issue tickets. They identified there are no parking signs.

A.Hart - signs are great, and the language in lease is great, but it will not restore parking to the correct areas. Board will discuss this at deliberation.

Opens hearing to the public.

Neighbor - at 34 So Willard since 1993 says the area has been parked on sporadically since then. Mentions number of people living at apartments.

A.Hart - that's not the violation before us. Only looking at parking.

A.Hart - public hearing is closed at 5:42pm.

3. 16-0888CA; 100-102 North Union Street (RM, Ward 2C) Josh Typrowicz-Cohen
Convert 200 sq. ft. of existing attached shed to living space.
(Project Manager, Mary O'Neil)

A.Hart – Is the applicant here?

M.O'Neil - no, this was scheduled to this date specific at his request.

A.Hart – will defer to this for after sketch plan.

S.Gustin – it is reasonable to take action in default.

A.Hart - take up during the deliberative session.

V. Sketch Plan

1. 16-1183SP; 311-375 North Ave (RM-W, Ward 4N) 375 North Ave LLC

Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.
(Project Manager, Scott Gustin and Mary O'Neil)

A.Hart - explains sketch plan review and how interested parties participate. The Board listens to the project to understand and provide feedback. No decisions are made during a sketch plan review.

E.Farrell – project director presents plans, calling the project area Cambrian Rise. Proposed subdivision plan currently has three lots, which will increase to seven lots. The City will retain a 12 acre piece. Grades present significant challenges. Commitments to the City for a provision of underground parking of 70%. Current plan to build 670 units.

Showed video of the area. Provided handouts of plans to Board members.

A.Hart – will be posted on the Planning and Zoning website.

E.Farrell - describes each building and the need to repurpose the Burlington College building. Mentioned the CHT affordable housing units and Cathedral Sq. senior housing units where there are 25% inclusionary units mixed between the two buildings. Moving bus stop to be more proximate and prominent to senior housing. Trying to find the right balance with parking and commercial space. This is not downtown and not neighborhood would and would like to activate and support live and work possibilities. Provides views of elevations from each building. Incorporate green streets control storm water on the site. Connection of path from buildings to recreation path and bike path.

W.Senville - do pedestrian paths cut through parking lots?

E.Farrell – no. Mentioned amenities such as terraced community gardens, greenhouses, solar panels, city community gardens, pet parks, edible orchards rainwater cisterns, composting, indoor and outdoor bike accommodations. Discussed rentals, inclusionary rental housing, mix of workforce housing, and associated parking. Discussed location of public and private streets. Encourage use of bikes and public transit.

W.Senville - agrees with staff comments on surface parking and idea of parking reserve providing green space for potentially more parking. Notice there are no playground areas for children.

E.Farrell - haven't calculated the number of children.

W.Senville – why is retail spread out?

E.Farrell - appropriate for retail to be along the avenue. Not viable for the community to weave commercial with residential and then have parking considerations.

W.Senville – will CCTVA run buses through project?

E.Farrell - could not get CCTVA to come into the development.

J.Drummond - trying to understand the suburban and urban spaces. How are these spaces controlled and by whom?

E.Farrell - the green space is controlled by the building association with each having direct access to property manager.

M.Chestey – attorney from Dunkiel speaks about CHT and Cathedral Square buildings that are being done in phases.

Questioning is open to members of the public.

D.Woolf - has lived with his wife on the street for over 10 years. Has increasing difficulty accessing North Ave. Inability to get out of driveway. Would like to know if traffic studies will be done for upper North Ave?

A.Hart – presently, there is no traffic study, but will have one in next review and impacts in next phase of review.

D.Woolf – the scale seems inappropriate and dense for our area. The access to the waterfront is not clear from North St.

G.Livingston – as president of the Vermont land trust, gives a history of the property and development.

M.Wallace – thanks to the Board for attention to this matter. Said there are issues of scale, strain on public services, runoff, and monolithic design of buildings. Would like to see more human scale to buildings and less segregation. Sees a need to slow down the process, viewing this as the largest development in Burlington history. Asks to take time to make sure voices are heard and all concerns are addressed. Feels this development is out of character and spoiling one of the largest green spaces and not sure citizens want to grow in this manner.

A.Rossman – has lived on North Ave for the past 15 years. Asked if the City knows how much property is exempted from the Act 250 review? Concerns about stormwater and sensitive geologic area. Is anything being kept in escrow? Asked questions about natural resources and economic viability.

I.Stratibus – member of Save Open Space Burlington. Respectfully disagrees with much of the project. Questions the process going forward and next steps. Where can I ask questions and stay engaged in this process?

S.Bushor – City Councilor of Ward One, finds presentation very informative. Doesn't feel enough diversity of scale or design. Hopes there is more thought on this. Concerns about on how open space won't become part of project. People who live there tend to control the uses. Access to open space is not inviting and needs to feel less about property trespassing. In support of the use of the terrain for parking. Not overwhelmed by the view court, but disappointed about the area from North Ave to Lake. It does not feel open. The large structures are tall and create tunnel effect.

Desire from Planning and Zoning for the building to be close to street gives relief from intense development. Is this in keeping with Burlington's character and scale or out of scale? There are problems with segregated housing.

A.Demetros – CHT has been saying same thing for 30 years about the need for rental housing. Currently have one vacancy for 200 applications. This is a test for inclusionary housing and funding. As an example, Thayer offers a great diversity of housing, market, senior, and inclusionary units. Thrilled to be able to build this number of units.

Neighbor - went to presentation by Eric Farrell and wondered about the phases of the project. DRB should consider this phase by phase to see traffic impact on North Ave. When does the fire department enter the conversation and how is this measured? Asks about height restrictions and wonders why there is pressure to go above that. If it is not feasible to do project then don't do it. Questions diversity of units and inclusionary units. Said the health of lake may be determined by scale of project.

A.Hart – explained that the Board does not deliberate or provide decision at this time. At some point the developer comes back with a preliminary plat review hearing and maybe more. Then a decision is made to either approve with conditions, not approve, or ask for more information. Many opportunities for public comments. The scope of review under major impact is essentially Burlington's mini Act 250 looking at all issues raised tonight. A traffic study be available next time, which is a concern of mine.

S.Gustin – the process is for a major impact, requiring three reviews, Design Advisory Board, Conservation Board, and Planning Commission, who will consider zoning changes that go before the City Council.

A.Hart - density and massing are my concerns. Recognize tradeoffs and the reason why this is a dense development. Still commitment to open space, comfortable density and scale, especially along North Ave looking at elevations carefully.

J.Drummond - bold to have that much density. There is no precedent for this project, but feel this kind of development is what the city needs.

A.Hart - Burlington has little area to do this scale.

W.Senville - what make this distinctive? How do you identify character?

E.Farrell - a lot of people would like to live downtown, use the bike path as commuter route and as recreational area which creates a community and healthy lifestyles.

I.Smith - pathway to waterfront is important since it will be connected to North Ave. Commercial space should have a connection and put in better spot. Provide diversity of scale with more elaboration of buildings with bays and less flat sides. City's green space is a concern with ownership.

E.Farrell - all good comments. Have competing interests with the land use.

A.Hart – like to see phasing and how building will evolve in the next 15 years, but not as a construction site for next 15 years.

E.Farrell - have to get to critical mass soon which depends on market conditions. Can give a sequence and estimate.

A.Hart - want to know about certain amenities being built on the site, soon. This has been very helpful. Thank you for everyone's comments.

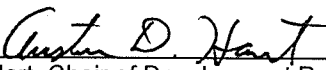
VI. Other Business

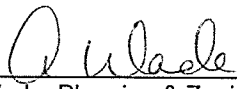
1. FY 2016, Annual Report

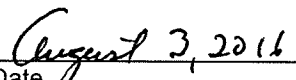
Discuss in Deliberation Session.

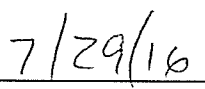
VII. Adjournment

The meeting adjourned at 8:17pm.


A.Hart, Chair of Development Review Board


A.Wade, Planning & Zoning Clerk


Date


Date

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), 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 Planning and 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/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

