

Burlington Development Review Board

149 Church Street, City Hall
Burlington, VT 05401

www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Vacant, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday April 16th, 2019, 5:00 PM

PUBLIC HEARING NOTICE

**The Burlington Development Review Board will hold a meeting on
Tuesday April 16th, 2019, at 5:00 PM in Contois Auditorium, City Hall.**

- 1. 19-0618CU; 1403 North Ave (RL, Ward 4N) Hanson and Lily Nguyen**
Change of use to duplex

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

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).

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Jim Drummond, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday April 16th, 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT AGENDA

I. Agenda II. Communications III. Minutes IV. Public Hearing

- 1. 19-0618CU; 1403 North Ave (RL, Ward 4N) Hanson and Lily Nguyen**
Change of use from a single family residence to a duplex (Project Manager: Ryan Morrison)
- 2. 19-0533CA/MA; 13-15 George St (RL, Ward 3C) 13-15 George Street, LLC**
19-0532CA/CU; 19 George St (RL, Ward 3C) Stephen Moreau
19-0534CA/MA; 68 Pearl St (FD5, Ward 3C) Richard Bove
19-0535CA; 80-90 Pearl St (FD5, Ward 3C) Richard Bove
19-0536CA; 70 Pearl St (FD5, Ward 3C) City of Burlington
Continued review: Demolish buildings at 68 Pearl St, 19 George St and 13-15 George St. Merge 19 and 13-15 George St; 68, 70, and 80 Pearl St. Construct underground parking garage, hotel, restaurant, and 20-unit senior housing building. (Project Managers: Scott Gustin/ Mary O'Neil)

V. Other Business

- 1. 18-0713CA; 29 Allen St (RM, Ward 3C) Saint Joseph's Charitable Trust.**
As required by Conditions of Approval, reporting on establishing warming shelter (emergency shelter) for 10 individuals; Seasonal from November to March. Specifically reporting on activities in the parking lot. (Project Manager: Scott Gustin)

VI. Adjournment

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.

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Department of Planning and Zoning

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

*David White, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk*



TO: Development Review Board
FROM: Scott Gustin
DATE: April 16, 2019
RE: 19-0233CU; 29 Allen Street

On October 18, 2018, the Development Review Board granted approval to establish a seasonal warming shelter for up to 10 individuals. Approval was granted subject to the following conditions:

1. While the shelter is in operation from November through March, the applicant shall monitor the parking lot to ensure safe access for clients entering and exiting the shelter.
2. The applicant shall return to the Development Review Board at the end of the first winter season and report as to the activities in the parking lot.
3. A State of Vermont wastewater permit may be required.
4. Standard Conditions 1-15.

The applicant is returning now to the Development Review Board to follow up as to condition 2. The applicant has submitted a brief letter asserting that no individuals who should not have been there were observed in the parking lot. Condition 2 may be considered satisfied.



26 March 2019

To Whom It May Concern,

From November 1, 2018 through Present, there has not been any activity in the Saint Joseph's Cathedral parking lot observed by Spectrum Youth Warming Shelter staff. Staff would do periodic checks of the parking lot, and never saw any persons that were not supposed to be in the area. Please feel free to let me know if there are any questions.

A handwritten signature in black ink, appearing to read "Will Towne". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Will Towne
Supported Housing Manager
Spectrum Youth & Family Services
177 Pearl St. Burlington, VT 05401
wtowne@spectrumvt.org
(802) 864-7423x301

Burlington Development Review Board

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Geoffrey Hand
Samantha Tilton
Springer Harris
Jim Drummond (Alt.)
Zoraya Hightower (Alt)*



Burlington Development Review Board

Findings of Fact

Deliberative Hearing Tuesday, October 16, 2018

In RE: 19-0233CU; 29 Allen Street (Ward 3C, RM) (Tax Lot No. 044-3-264-000)

Owner/Applicant: St. Joseph's Co-Cathedral / Spectrum Youth & Family Services

Request: Establish seasonal emergency shelter for 10 individuals from November – March on a yearly basis.

Members Present:

Brad Rabinowitz
AJ LaRosa
Austin Hart
Ali Zipparo
Springer Harris
Samantha Tilton

Evidence Presented:

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

I. FINDINGS

Background Information:

The applicant is seeking approval to establish a seasonal warming shelter in the basement of St. Joseph's Co-Cathedral from November – March on a yearly basis. Up to 10 individuals would be accommodated. There would be 1 full-time coordinator along with 3 part time employees and volunteers. No site or exterior building alterations are proposed. A nearly identical application was approved last year for a temporary shelter for 5 months. This current application differs only insofar as it seeks approval for a seasonal shelter for use every winter.

Since last year's zoning permit approval, the Comprehensive Development Ordinance has been amended to expressly address emergency shelters. See Sec. 5.4.13. Previously, they were handled as community houses. The parking requirement has been eliminated as well.

Previous zoning actions for this property are noted below.

10/15/17, Approval for temporary warming shelter

10/12/16, Approval for renovation of existing porch and removal of walkway

8/14/00, Approval for amendment of previous parking lot and landscaping improvements
5/2/00, Approval of lot line adjustment (merger) with adjacent property
12/15/88, Approval for renovations to belfry tower

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The property is served by municipal utilities. Sufficient water and sewer service are available. While the use is seasonal, a State of Vermont wastewater permit may be required. The applicant is advised to inquire with VT DEC as to wastewater permit requirements. **(Affirmative finding as conditioned)**

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

The church is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The seasonal warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

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

The proposed emergency shelter will be small – limited to 10 individuals – and is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **(Affirmative finding)**

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

No traffic analysis has been provided or is required for this application. The anticipated occupants of the shelter are not expected to generate any traffic impacts. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the seasonal use. **(Affirmative finding)**

and,

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

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

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

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

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

Mitigation measures related to screening and landscaping are unnecessary for this seasonal warming shelter located entirely within an existing building. **(Affirmative finding)**

2. *Time limits for construction.*

No construction is included. **(Affirmative finding)**

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

The seasonal shelter will operate between 6:00 PM and 7:00 AM, 7 days per week from November through March. **(Affirmative finding)**

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

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

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

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

As noted previously, the subject property is located within the Residential – Medium Density zone. This zone is intended primarily for medium density residential development in the form of

single-family detached dwellings and attached multi-family apartments. A variety of residential uses are allowed, including “special residential uses” such as emergency shelters. The seasonal warming shelter fits within the residential context of the RM zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Not applicable.

(c) Permitted & Conditional Uses

An emergency shelter is a conditional use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.5 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b).

Part 4: Special Use Regulations

Sec. 5.4.13, Emergency Shelters

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

Not applicable (no dimensional changes proposed).

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

The ten beds count as three dwelling units for the purposes of density calculation. The property is more than an acre in size and can easily accommodate the 3-unit density equivalent.

Maximum permissible residential density on the property is 27 units. **(Affirmative finding)**

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

Not applicable.

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

The 5-month seasonal duration is less than 180 consecutive days. As a result, no one could stay at the facility past 180 days. **(Affirmative finding)**

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

There will be 1 full-time coordinator onsite along with 3 part-time employees and additional volunteers. **(Affirmative finding)**

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

The seasonal shelter will be accessory to the primary use of St. Joseph's Co-Cathedral. **(Affirmative finding)**

Sec. 5.5.1, Nuisance Regulations

Testimony was received as to seemingly illicit activities in the parking lot at the subject property. While the testimony did not assert that last year's use as an emergency shelter caused such activity, concern was expressed for the safety of people using the shelter. The applicant testified that staff patrol the grounds periodically during the hours of operation. Continuation of such patrols will be a condition of this approval. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

Emergency shelters have no minimum off-street parking requirement. **(Affirmative finding)**

II. MINUTES

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

III. MOTION

Motion: AJ LaRosa

I move that the Board grant conditional use approval to establish seasonal emergency shelter for 10 individuals from November – March on a yearly basis at 29 Allen Street based on the findings in Section I above and subject to the following conditions:

1. While the shelter is in operation from November through March, the applicant shall monitor the parking lot to ensure safe access for clients entering and exiting the shelter.
2. The applicant shall return to the Development Review Board at the end of the first winter season and report as to the activities in the parking lot.
3. A State of Vermont wastewater permit may be required.
4. Standard Conditions 1-15.

Seconded: Ali Zipparo

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this ____ day of October, 2018

Respectfully Submitted,

Brad Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.

Ryan Morrison

From: ed vonturkovich <ed.vonturkovich@gmail.com>
Sent: Wednesday, September 25, 2019 3:32 PM
To: Ryan Morrison
Cc: Radhika Dahal
Subject: Re: 94 Colchester Ave - Beauty Salon

[WARNING]: External Message

Ryan,

Radhika will be the only employee or beautician at the campus beauty salon. As such, Radhika's parking needs are for two vehicles only. One space for her and one handicap space. As you will remember, at our first meeting with you, Radhika explained that she would be the only beautician working in the salon. As I recall, it was suggested that Radhika apply for permission to operate her studio with additional beauticians. Since Radhika will be working alone, we believe only two spaces will be needed. Radhika's business plan is relying exclusively on walk in traffic from the 8000 employees at the UVM Medical Center and university and from 12,000 students directly across the street. Radhika believes that having a beauty salon for both men and women across the street from such a critical mass of hospital patients and family, faculty, staff and students will have positive environmental impacts because driving is not required nor needed. In the future, if it is determined that Radhika would like to grow her business by adding additional beauticians we will come before the DRB again for permission to add additional employees and thus for additional parking.

Ryan, thanks for your help with this. Currently, our parking lots are never at capacity and underutilized. 125 parking spaces for the complex contemplates worse case scenario that we have yet to experience. Additionally, while we monitor the parking lots routinely, on a week day basis the parking lot hosts between 5 and 20 parking scofflaws desperate for parking near where they work and go to school.

Best to you Ryan. I hope this information is sufficient if it is decided a parking waiver is necessary.

Ed vonTurkovich
802-279-1080

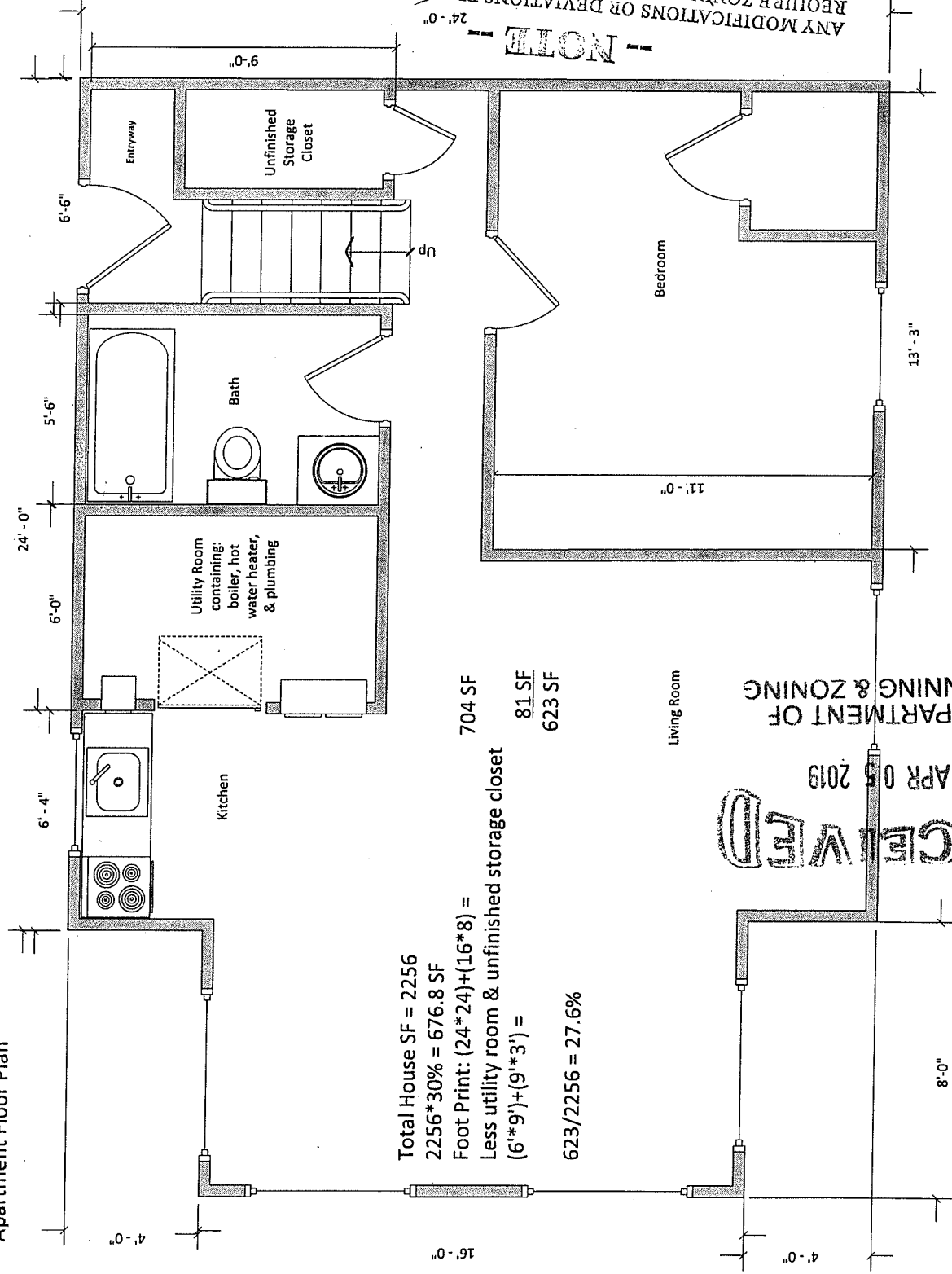
On Sep 24, 2019, at 2:14 PM, Ryan Morrison <rmorrison@burlingtonvt.gov> wrote:

I realized I forgot to attach the criteria to address.

In order to be considered for a waiver, the applicant shall submit a Parking Management Plan that specifies why the parking requirements of Sec. 8.1.8 are not applicable or appropriate for the proposed development, and proposes an alternative that more effectively meets the intent of this Article. A Parking Management Plan shall include, but not be limited to:

- (1) A calculation of the parking spaces required pursuant to Table 8.1.8-1.
- (2) A narrative that outlines how the proposed parking management plan addresses the specific needs of the proposed development, and more effectively satisfies the intent of this Article and the goals of the Municipal Development Plan.
- (3) An analysis of the anticipated parking demand for the proposed development. Such an analysis shall include, but is not limited to:

Wes Paro
115 Hayward St. Accessory
Apartment Floor Plan



Total House SF = 2256
 $2256 * 30\% = 676.8$ SF
Foot Print: $(24' * 24') + (16' * 8') =$
Less utility room & unfinished storage closet
 $(6' * 9') + (9' * 3') =$
623/2256 = 27.6%

704 SF
81 SF
623 SF

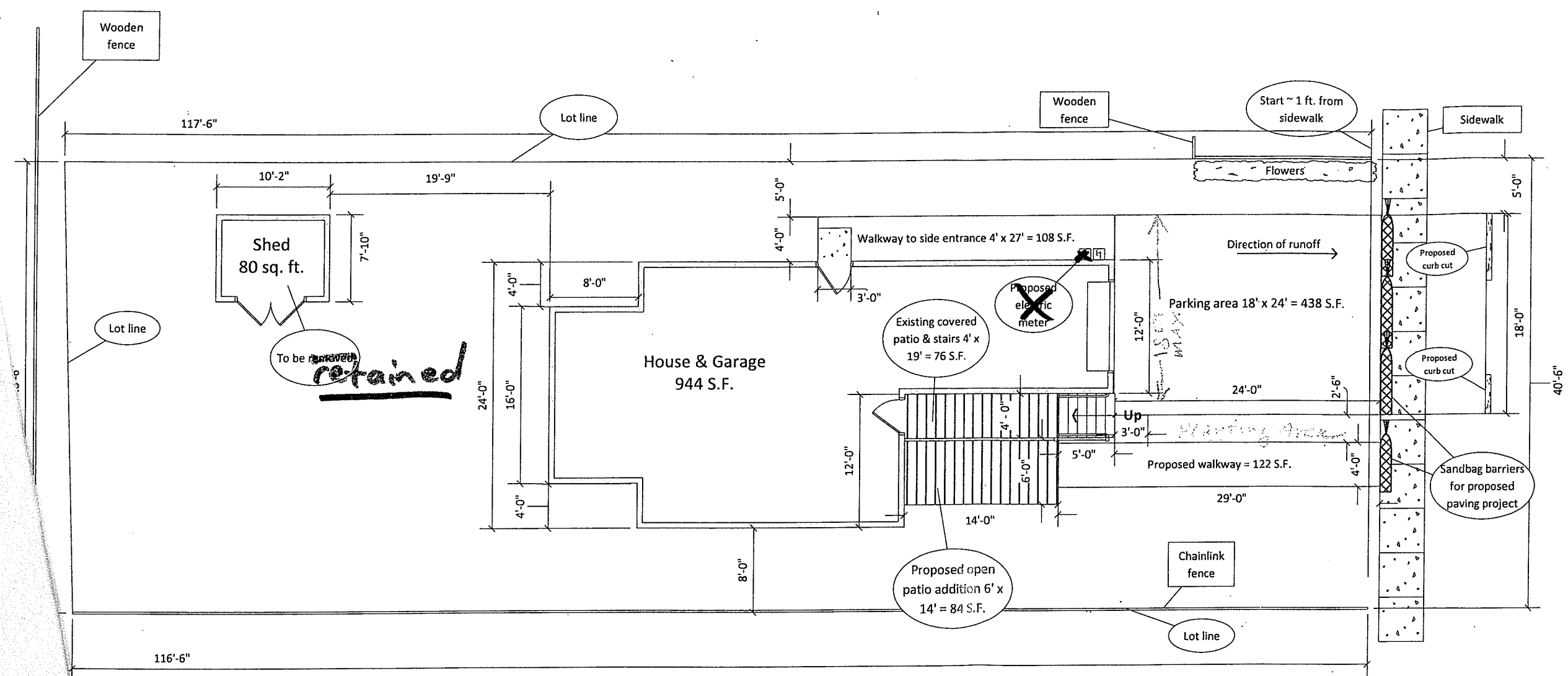
Living Room

RECEIVED
APR 05 2019
DEPARTMENT OF
PLANNING & ZONING

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
PLANNING & ZONING DEPARTMENT
BURLINGTON, VERMONT
DATE 4/27/13

RECEIVED
 APR 05 2019
 DEPARTMENT OF
 PLANNING & ZONING



115 Hayward St.
 Site Plan
 08/15/13
 Scale: 1" = 10'

Coverage Calculations:
 Lot size: .11 Acres (117' * 40.5') = 4738.5 S.F.
 Lot Coverage: House, Driveway, Walkways & Shed: 1692 S.F.
 Lot Coverage after 80 S.F. shed removal: 1612 S.F.
 Percentage of Lot Coverage: (1592/4738.5) x 100 = 33.6%
 Allowable Coverage: 4738.5 S.F. x 35% = 1658 sq. ft.
 Proposed Patio Addition: 84 S.F. or 1.7%
 Total Lot Coverage after proposed changes: (22.5% + 1.7%) = 24.2%
 35.8
 37.69%

(utilizing bonus provision)

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 _____ DATE 9/26/13
 PLANNING & ZONING DEPARTMENT
 BURLINGTON, VERMONT

As-built Approval 2/10/14

NA

LAKE INDUSTRIES PROPERTY

Site Photos, April 21, 2019

*Refer to Project Plans, Sheet 1, for location and alignment of photos.
Lake elevation is 100.0' on this date.*



Photo #1



Photo #2

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Lake Industries Property
Site Photos, April 21, 2019
Page Two



Photo #3



Photo #4

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Department of Planning and Zoning

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Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Planning & Zoning Clerk



TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: April 16, 2019
RE: 19-0618CU; 1403 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: RL **Ward:** 4N

Owner/Applicant: Hanson & Lily Nguyen / Todd Bechard

Request: Convert the existing single family residence into a duplex, and request a one-space parking waiver. The application proposes no new development.

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps and Districts), Article 8 (Parking)

Background Information:

The applicant is seeking approval to convert the second floor of the existing single family residence into an additional dwelling unit, thus creating a duplex use. The 10,400 sf lot contains a two story single family home with an attached one-car garage.

Previous zoning actions for this property are as follows:

- 7/8/03, Approval for a second story addition onto the garage for storage use only, and a second story addition onto the house.
- 3/10/06, Approval for an additional second floor addition, and to rebuild the front porch.
- 11/20/18, Approval to expand the driveway, to cover the porch area between the garage and the house, to add exterior stairs from the second floor to the driveway, and to install a shed.

Recommendation: **Conditional Use Denial** as per the following findings:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

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

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

The property will continue to be served by municipal utilities. The applicant will be required to obtain a letter of adequate capacity from DPW for water and sewer services. A State of Vermont wastewater permit will be required. **Affirmative finding as conditioned**

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

The property is located within an established residential neighborhood in the low density residential zoning (RL) district. The RL zoning district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods' development history. The proposed duplex is consistent with this intent. The MDP provides the following support:

- Support the development of additional housing opportunities within the city... (MDP, Housing Plan, Page IX-1.
- Support the creation of new rental and owner-occupied housing on every parcel of land in Burlington that is zoned for residential development at the number of units allowed by zoning. (MDP, Housing Plan, Page IX-12.) **Affirmative finding**

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

The proposed duplex is not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with industrial uses. **Affirmative finding**

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

No traffic analysis has been provided or is required for this application. The proposed duplex is expected to generate minimal additional traffic. The corner property is fronted by sidewalks on North Avenue and Staniford Road. There are 4 bus stops along North Avenue within 400 ft of the subject property. **Affirmative finding**

5. *The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the proposal. **Affirmative finding**

and,

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*
City building and energy efficiency codes will apply as conditioned.

(b) Major Impact Review Standards

Not applicable.

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) 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 duplex is not expected to produce offsite noise or glare substantial enough to require mitigation. **Affirmative finding**

2. Time limits for construction.

With the exception of minimal internal work, the proposal involves no new construction. The standard 2-year timeframe for zoning permits will apply. **Affirmative finding**

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

Hours of operation are not applicable to this residential use.

No exterior construction is noted. Typical construction hours are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday. **Affirmative finding as conditioned**

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

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

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

See the recommended conditions.

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(1) Residential Low Density (RL)

The Residential Low Density (RL) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. The district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhood's development history. As noted previously, the proposed duplex is consistent with this intent. **Affirmative finding**

(b) Dimensional Standards and Density

The subject parcel of land is 10,400 sq ft in size, above the 10,000 sq ft minimum size requirement for duplexes.

Lot frontage along North Avenue is 65' and along Staniford Road, frontage is 160', more than the 60' minimum requirement for either a single family or duplex use.

The proposal will not change the existing lot coverage. As of the most recent zoning permit, lot coverage is noted at 23%, well below the 35% maximum lot coverage allowance.

Since no new construction (exterior) is proposed, setbacks and height restrictions will not be affected. **Affirmative finding**

(c) Permitted and Conditional Uses

A duplex is a conditional use in the RL zone. **Affirmative finding**

(d) District Specific Regulations

Not applicable.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the Neighborhood Parking District. As such, the duplex requires 4 parking spaces (2 per dwelling unit). The site plan only identifies three parking spaces – two in the driveway and one in the single car garage. The applicant is proposing a 25% parking waiver to accommodate a shortage of 1 parking space out of the required 4 spaces. **Adverse finding unless the DRB approves the parking waiver request**

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

For residential uses, parking waivers cannot exceed 50% of the required number of parking spaces. Based on the overall proposal, 4 parking spaces are required. The site plan identifies 3 parking spaces (a 25% waiver). In order to be considered for a parking waiver, the applicant has submitted a brief memo in support of the waiver request. The memo simply states:

Bus stop is across the street. School system is in walking distance. Shopping center is in walking distance.

The applicant has not provided a thorough response to the various criteria subject to such a waiver request. The brief argument does not adequately specify why the parking requirements of Sec. 8.1.8 are not applicable or appropriate for the proposed duplex, nor does it propose an alternative that more effectively meets the intent of the parking ordinance. The applicant was encouraged to elaborate the reasoning why the proposal should receive a one-space parking waiver, but at the time this report was prepared, additional reasoning has not been submitted. The argument that there is a bus stop, school system, and shopping center nearby should not be deemed as adequate reasoning to warrant such a waiver. **Adverse finding**

II. Reasons for Denial

1. Per Sec.8.1.8, the applicant fails to provide 4 off-street parking spaces, as required for a duplex use in the Neighborhood Parking District.
2. Per Sec. 8.1.15, the applicant fails to adequately address specifics as to why the parking requirements of Sec. 8.1.8 are not applicable or appropriate for the proposed duplex use, nor has the applicant suggested an alternative that more effectively addresses the intent of Article 8 – Parking. The parking management plan criteria within this subsection has not been satisfactorily addressed.

Alternatively, in the event that the DRB approves the application, the following conditions are recommended:

1. **Prior to release of the zoning permit**, the applicant shall secure a letter of adequate capacity from DPW for water and sewer services.
2. Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.
3. A state wastewater permit will be required, and is the responsibility of the applicant to secure.
4. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
5. Standard permit conditions 1-15.

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, FAICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Layne Darfler, Planning Technician
Shaleigh Draper, Zoning Clerk



TO: Development Review Board
FROM: Mary O'Neil & Scott Gustin
DATE: April 16, 2019
RE: 19-0533CA/MA (13-15 George Street);
19-0532CA/MA (19 George Street);
19-0534CA (68 Pearl Street, Bove's parcel);
19-0535CA (80-90 Pearl Street, mixed use);
19-0536CA (parking lot)

=====

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

Zone: FD5 & RH Ward: 3C

Owner/Applicant: 3 George St, LLC (Rick Bove) & City of Burlington / John Alden

Request: Demolish 64/68 Pearl Street (the former Bove's Restaurant), 13-15 and 19 George Street. Construct an underground parking garage (70 Pearl), 93-unit hotel (*Hotel Champlain*), 1,700 sf cafe and 20-unit senior housing building. DRB review of request for additional height per Section 14.6.5, and parking waiver for senior housing development.

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 10 (Subdivision), Article 14 (Downtown Code)

Background Information:

The proposed development includes 4 separate parcels which will be merged into a single lot to accommodate:

1. 93-unit hotel with a 1,500 sf cafe;
2. Underground and surface parking; and
3. 20-unit senior housing development fronting George Street.

The hotel, café and parking will be located in the FD5 zone, and the senior housing building will be located in the high density residential zone. The senior housing development is subject to major impact review. The proposed hotel is not.

The former Bove's restaurant (64/68 Pearl); 13-15 George Street (duplex) and 19 George Street (4 units) are proposed to be demolished.

The Conservation Board reviewed this application at their February 4, 2019 meeting. Review focused on proposed stormwater management. The Board unanimously recommended approval of

the project as presented and noted their support of the proposed underground parking and the requested parking waiver.

The Design Advisory Board reviewed this application at their February 26, 2019 meeting. The Board voted unanimously to recommend approval of the project as submitted and noted the following:

1. The applicant explore revision of third floor of the George Street apartment building (Lofts) to be more in scale with adjacent building.
2. Recommend approval of height allowance for 68 Pearl Street;
3. Recommend approval of demolition of the 2 residential dwellings on George Street and the former restaurant (Bove's) on Pearl Street.

Revised plans have been submitted to address item 1 of the DAB's motion.

This project was initially reviewed by the Development Review Board on April 2, 2019. The Department of Public Works noted concerns about the proposed parking arrangements, and the hearing was continued to April 16, 2019. Resolution as to parking has since been achieved between the applicant and the Department of Public Works. The following findings are unchanged except for Sec. 8.1.11, 8.1.14, and 8.1.15.

★Note! Article 6 does not apply to the FD5 parcels (Pearl Street), which are governed by Article 14.

Section 5.4.8 will apply to the demolition requests of 68 Pearl Street, 13-15 George St. and 19 George Street.

The following standards of Article 6 only reference those properties in the RH zoning district (13-15 George Street and 19 George Street.)

Previous zoning actions for this property:

13-15 George Street



- ZP17-0261SP; Sketch Plan Review; Demolish 64 Pearl Street and build 39-unit apartment building with 1 commercial space on 64 and 70 Pearl Street; provide 60 space underground parking. Demolish 13 and 19 George Street, combine lots and build 17-unit apartment building in RH. Renovate 3-11 George Street. October 2016.
- ZP13-0713CA; demolish existing structures, construct new residential building (in association with ZP13-0707 CA/MA at 3-11 George Street for a total of 26 residential units and one commercial unit. Denied, October 15, 2013. Appealed to VSCED, appealed to Vermont Supreme Court, notice of dismissal December 2015.
- ZP12-0893CA; replace area at rear of building **due to fire damage**; remove door and staircase, replace windows with clad wood windows. Replace aluminum siding at rear with vinyl. No change in use. April 2012.

19 George Street



- ZP17-0261SP; Sketch Plan Review; Demolish 64 Pearl Street and build 39-unit apartment building with 1 commercial space on 64 and 70 Pearl Street; provide 60 space underground parking. Demolish 13 and 19 George Street, combine lots and build 17-unit apartment building in RH. Renovate 3-11 George Street. October 2016.



64 (68) Pearl Street

- ZP17-0261SP; Sketch Plan Review; Demolish 64 Pearl Street and build 39-unit apartment building with 1 commercial space on 64 and 70 Pearl Street; provide 60 space underground parking. Demolish 13 and 19 George Street, combine lots and build 17-unit apartment building in RH. Renovate 3-11 George Street. October 2016.
- ZP12-0297CA; Add vestibule and window and exterior door to side entry. Proposed vestibule on existing pavement – no change to coverage. September 2011.
- ZP02-070 / S01-027; Final plat approval to demolish two mixed use structures, replacing with one mixed-use building (34 units and commercial). Proposal includes renovations to 3 George Street and the configuration of the public parking lot. Approved August 7, 2001.
- CU 2002-011; conditional use for construction of a mixed use four story, 45' high mixed use building in Accordance with Article 17. See above.
- ZPCU-2003-001; change of use, portion of first floor, establish credit union, video rental, retail and tanning salon & laundromat. Approved August 2, 2002.
- ZP01-411 / S01-027; preliminary and final plat to demolish two mixed use structures, replacing with one mixed use building (34 units and commercial). Proposal includes renovations to 3 George Street and the reconfiguration of the public parking lot. May, August 2001.
- ZP12-0297CA; add vestibule with window and exterior door to side entry. Proposed vestibule on existing pavement, no change to coverage. September 2011.
- ZP96-085; remove existing door to ATM area and replace with a 32" out-swinging door. The existing Carrara glass will not be altered, removed or covered by this change. August 1995.
- ZP96-067; installation of three parallel signs for the ATM in Bove's. August 1995.

70 Pearl Street (Parking lot)

- ZP17-0261SP; Sketch Plan Review; Demolish 64 Pearl Street and build 39-unit apartment building with 1 commercial space on 64 and 70 Pearl Street; provide 60 space underground parking. Demolish 13 and 19 George Street, combine lots and build 17-unit apartment building in RH. Renovate 3-11 George Street. October 2016.

80 Pearl Street (Victoria Place)

(See 64/68 Pearl Street, above for redevelopment and subsequent permits.)

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

I. Findings

Article 2: Applications, Permits and Project Reviews

Section 3.2.1 (d) Pre-Application Neighborhood Meeting

The applicant has provided evidence of appearance at an NPA meeting for Wards 2 and 3 prior to application. **(Affirmative finding)**

Article 3: Applications and Reviews

Part 3, Impact Fees

Sec. 3.3.2, Applicability

The additional building area, and division of uses (commercial, residential,) within the overall development will inform overall impact fees. Impact fees due will be calculated for net new building area. The applicant shall provide building area for staff to calculate the appropriate fees due. **(Affirmative finding as conditioned)**

Section 3.3.8 Time and Place of Payment

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

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

(Affirmative finding as conditioned)

Part 5, Conditional Use & Major Impact Review: (For 20-unit senior housing project only)

Section 3.5.6 (a) Conditional Use Review Standards

Not applicable.

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development. A state waste water permit will be needed. A capacity letter from the Department of Public Works will be needed prior to obtaining the state wastewater permit.

See Sec. 5.5.3 for stormwater management.

C26 (Stormwater) and EPSC (Erosion Prevention and Sediment Control) plans were approved by the Stormwater Engineering team January 25, 2019. **(Affirmative finding as conditioned)**

2. Have sufficient water available for its needs;

The development will be served by the city's water supply system. Sufficient capacity is available. An upgrade of the city water line may be needed in order to provide adequate water for the newly proposed fire hydrant. **(Affirmative finding)**

3. *Not unreasonably burden the city's present or future water supply or distribution system;*
See Sec. 3.5.6 (b) 2 above.

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;*
The March 20, 2019 Lamoureux & Dickinson report, using the Institute of Transportation Engineers (ITE) trip generation rates, anticipates a total of 7 trips in the AM Peak Hour and 9 trips in the PM peak hour for the senior living project. See attached plan. The small number can be reasonably accommodated at the George Street/Pearl Street intersection, within its location in a downtown mixed-use urban district. A final opinion from the Department of Public Works has not, as yet been received. Their concurrence will be a condition of approval. **(Affirmative finding as conditioned.)**

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*
No impacts on the city's educational system are anticipated as a result of this senior housing development. **(Affirmative finding)**

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*
The proposed 20-unit senior housing development will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees based on the net new building area. **(Affirmative finding as conditioned)**

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 proposed development will bring about additional residential density to a parcel on the fringe of the city's downtown. It will be located in close proximity to a variety of city attractions and services. The project will not adversely impact the city's present or future growth patterns. The increase in intensity of development on this site is not expected to have an undue adverse impact on the city's ability to accommodate growth. **(Affirmative finding)**

10. *Be in substantial conformance with the city's municipal development plan;*
The proposed redevelopment substantially complies with the municipal development plan.

The project is located within the Old North End Enterprise Community wherein new development and reinvestment is promoted (Land Use Plan, pg. I-26) and brings about 20 new senior housing units conveniently located next to the city's downtown (Housing Plan, pg. IX-2). The proposed redevelopment will include improved onsite stormwater management measures to lessen impacts

on city systems and the receiving waters of Lake Champlain (Natural Environment, pg. II-3). The parking management plan reduces onsite parking demand and incorporates use of alternative transportation measures; the site is conducive to pedestrian, bike, and bus access (Transportation System Plan, pg. V-12).

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;

The proposed development will introduce 20 new units of senior housing in close proximity to a variety of recreational and professional opportunities and to health care, transportation, and other services. The project will contribute to the diversity of the city's housing stock. It will have no adverse impact on the present or projected housing needs of the city. **(Affirmative finding)**

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

Little impact on the city's park and recreation needs is expected as a result of this development. What impacts there are will be mitigated by payment of applicable impact fees. **(Affirmative finding as conditioned)**

(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 senior housing project will likely not generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. Time limits for construction.

No construction timeline or phasing are included in the project plans. The standard 3-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Hours of operation are not applicable to the senior housing project.

No days and hours of construction are proposed. Typically, projects of this scale have hours of construction somewhere between 7:00 AM – 5:00 PM, Monday – Saturday with no construction activity on Sunday. A specific construction schedule is needed. **(Affirmative finding as conditioned)**

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

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

and,

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

Article 4: Maps & Districts (For 20-unit senior housing project only)

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The subject property is located in the RH zone. This zone is primarily intended for high density residential development in the form of large multi-family structures. The proposed 20-unit senior housing development fits this intent. **(Affirmative finding)**

(b) Dimensional Standards & Density

The proposed 20-unit density on the 0.27 acre RH land area relies on the senior housing density bonus (see Sec. 4.4.5 d 7). Under the 80-units/acre allowed with the bonus, the 20-unit density is acceptable.

Lot coverage on the RH portion of the project will increase from ~ 74% to 79.6%. It will remain below the 80% limit.

The required front yard setback along George Street, based on the average of neighboring properties, is 5.2' +/- 5.' As proposed, the new building will be set 4.8' from the front property line. Side and rear yard setbacks are observed along the RH/FD5 district boundaries (lot lines will be dissolved into one large parcel including both zones). The building complies with the 10% of lot width side yard setbacks and 25% of lot depth rear setback. The George Street driveway complies with the 5' minimum side yard setback. The structured parking and related green roof area takes advantage of the provision of 0' required side or rear yard setback for shared parking facilities (per Sec. 5.2.5 b 7).

Proposed building height is 44' and relies on the senior housing bonus to exceed the standard 35' height limit (see Sec. 4.4.5 d 7). Enclosed rooftop mechanicals rise above the 44' building height and are acceptable per Sec. 5.2.6 (b) 4. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The 20-unit multi-family attached senior housing use is permitted in the RH zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback exceptions under this criterion are sought.

2. Height

No height exceptions under this criterion are sought.

3. Lot Coverage

Not applicable in RH zone.

4. Accessory Residential Structures and Uses

Not applicable.

5. Residential Density

All dwelling units within the senior housing building shall be occupied by a family as defined in Article 13 of the Comprehensive Development Ordinance. **(Affirmative finding as conditioned)**

6. Uses

Not applicable.

7. Residential Development Bonuses

B. Senior Housing Bonus.

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

- (i) *No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);*

The application assumes utilization of this bonus provision, and the intensity of development reflects the provisions of the bonus. The applicant has prepared a draft covenant to assure compliance with the standards of this section, including the following language:

1. This apartment building is being proposed under the Burlington Comprehensive Development Ordinance, Article 4, Section 4.4.5 (d) 7. B, *Senior Housing Bonus* allowing increased density and building height. In accordance with that section:
 - a. The proposed George Street Lofts apartment building will be designed for and occupied primarily by those persons fifty-five (55) years of age or older.
 - b. In compliance with Article 4, Section 4.4.5 (d) 7. B., *Senior Housing Bonus* paragraph (i): “no less than twenty-five (25) percent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) percent reserved for low-income households.”
 - c. Terms of agreement: This agreement will be valid and applicable to the proposed George Street Lofts for a period of 99 years.
 - d. A formal binding agreement will be provided to the City by the applicant confirming the above prior to the issuance of a Certificate of Occupancy.

This agreement shall be formalized and a draft prepared for the Development Review Board to assure the commitment to meet the standards to consider the height bonus. A finalized document shall be required, with confirmation of compliance with affordability by the Housing Trust Fund Manager, prior to issuance of the Certificate of Occupancy. **(Affirmative finding as conditioned)**

- (ii) *The proposal shall be subject to the design review provisions of Art. 6; See Article 6 of this findings.*

- (iii) *A maximum of an additional 10-feet of building height may be permitted in the RH District; and,*

The proposed building is 44' tall, some 9' taller than the standard 35' height limit. **(Affirmative finding)**

(iv) *Lot coverage and residential densities shall not exceed the following:*

Table 4.4.5-5: Senior Housing Bonus

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

As noted previously, the 20-unit density on this 0.27 acre lot is acceptable under the 80 units/acre limitation associated with this bonus provision.
(Affirmative finding)

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) and (d) 7, above.

For the Pearl Street development within FD5, Article 14 applies; particularly Section 14.3.5-D *Building Height & Bulk*, and 14.6.5-d for DRB consideration of extra height. (See Regulating Plan, Map 2, Section E. Admin Review 45'; DRB review for extra height up to 65'.)

See 14.6.4 (f), below. **(Affirmative finding as conditioned)**

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.5 (b) above.

Section 5.4.8 (d) Demolition of Historic Buildings

The purpose of this subsection is:

- *To discourage the demolition of a historic building, and allow full consideration of alternatives to demolition, including rehabilitation, adaptive reuse, resale, or relocation;*
- *Provide a procedure and criteria regarding the consideration of a proposal for the demolition of a historic building; and,*
- *To ensure that the community is compensated for the permanent loss of a historic resource by a redevelopment of clear and substantial benefit to the community, region or state.*

1. *Application for Demolition.*

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A. *A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*

The application does not include a project specific report from a licensed engineer, although one had been written for an earlier project surrounding the Stannard House (3-11 George Street). The Jamele report (September 2012) addressed the condition of 13-15 George Street. (See p. 22-26 original report, p. 129-133 in combined submission.) The Quinn/Kenny documentation (March 2017) is the most recent analysis, and provides a broad historic background for each of the relevant properties. The architectural firm representing the development does not assert that the buildings proposed for demolition are structurally unsound, nor do they propose rehabilitation, but replacement buildings in their stead.

- B. *A statement addressing compliance with each applicable review standard for demolition;*

See application narrative p. 8, and below.

- C. *Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:*

- (i) *the estimated market value of the property on which the structure lies, both before and after demolition or removal;*

No fair market value has been provided for any of the properties proposed for demolition. The assessed value, from the Burlington Assessor's property database is as follows:

13-15 George Street	\$277,500
19 George Street	\$326,500
64-68 Pearl Street	\$300,000

and,

- (ii) *the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;*

Rehabilitation is not under consideration. No economic hardship is claimed. Not applicable.

- D. *A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites;*

The application includes a redevelopment plan of all three sites.

and,

- E. *Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

See attached development elevations, drawings, site plans, statements and other assorted application documents. **(Affirmative finding)**

2. *Standards for Review of Demolition.*

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure;

There is no claim that any of the structures proposed for demolition are structurally unsound.
or,

B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district;

The application addresses new development that will incorporate the lots on which the three structures proposed for demolition rest. Moving any of the structures to another site within the district is not under consideration by the applicant.

or,

C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.

The applicants seek review under this standard.. From a January 30, 2019 email: “We are saying they are too small and incompatible with the intended zoning use for the districts in which they exist, and that the City will be much better served by replacing them as proposed.” The new buildings will provide more housing (20 units senior residential units) and a 93-unit hotel.

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

Proposed mitigation measures and intended recording of the structures are outlined in the application narrative (p. 4 “Historic” and p.6, “Natural, historic features/resources.” These include:

1. “Soft reference to the Art Deco finishes” of the Bove restaurant with design and material allusion incorporated into the new hotel building;
2. A by-way panel with relevant information for the neighborhood;
3. A video of the Bove’s Café to be placed on the side of the new cafe facing the entry plaza. Site photographs, building documentation, and some fabric salvage are included as part of the mitigation of the loss of the three buildings.

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington’s architectural history;

Structural recording is proposed to be done and available for review prior to breaking ground/start of demolition.

and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

Demolition is sought to accommodate new construction of a senior housing structure and a new 93 room hotel. No demolition will begin until the project has been approved and ready to proceed in its entirety. There is no delay proposed between the selected structural removals and the commencement of new construction. The project is proposed as a continuous development.

- (i) *Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;*

The new buildings will be of a more contemporary design, but will be compatible with the existing structures along Pearl Street and provide some transition in massing to the residential scaled buildings on George Street.

- (ii) *Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project;*

The intended development will respect the 3 year time window allowable in issuance of the zoning permit.

Transfer of title to the (parking lot) property will occur at construction so no a bond is required since the construction work will not be performed on City property. As for additional conditions, the City has already detailed conditions in both the Purchase and Sale Agreement and the Post-Closing Agreement. The conditions in the Purchase and Sale Agreement must be met prior to passing of title, and the conditions in the Post-Closing Agreement are legally binding upon execution.

and,

- (iii) *The time between demolition and commencement of new construction generally shall not exceed six (6) months.*

The applicants propose a continuous development schedule with new construction immediately following building demolition.

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

Not applicable.

3. *Deconstruction: Salvage and Reuse of Historic Building Materials.*

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

The applicant has offered, as mitigation, reclamation of selected building materials for reuse. From the application narrative:

“The project will participate in a process including careful removal, stockpiling, advertising and distribution of any valuable salvage materials or artifacts uncovered in the demolition process.”

(Affirmative finding as conditioned)

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Building mounted full cut-off LED lighting is proposed to replace existing fixtures on Victoria Place. Can- style lamps are proposed under the canopy to the hotel, at the entry to the Lofts on George Street and within the first floor at-grade parking under the easterly side of the hotel. See illumination depiction, Plan L-400, 6. Bollards are proposed along the walkway to the pedestrian entrance to the hotel. See Plans L-100 and L-102. The provided photometric confirms that light levels remain compliant with CDO standards for walkways, entrances, and parking ramp.

The specific reference standard in the CDO for appropriate illumination within parking garages is now out-of-date by IESNA standards; the replacement guidance document has not as yet been adopted in a zoning amendment. For this reason, the Planning and Zoning Office engaged a consultant to confirm appropriate illumination levels for the parking deck. Her February 11, 2019 report, in summary, concludes that the lighting planned for the Champlain Hotel ground level parking garage meets the IESNA lighting standards as outlined in *Lighting of Parking Facilities IES RP=20-14..* **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

The proposed stormwater management system will direct all runoff into underground infiltration chambers. These chambers will allow stormwater to infiltrate back into the ground. For large storm events, the chambers will also serve to hold excess stormwater and release it at a controlled rate into the city's combined sewer system. The Conservation Board reviewed the stormwater management proposal and found it to be acceptable. Final review and approval by the city's stormwater program staff has been granted. The related construction site erosion prevention and sediment control plan has also been reviewed and approved by stormwater program staff January 25, 2019. **(Affirmative finding)**

Article 6: Development Review Standards (For 20-unit senior housing project only)

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

See Article 10 for boundary merger details.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

There are no identified natural features for 13-15 or 19 George Street. 19 George Street has a largely paved rear yard that accommodates parking. See Plan 1, *Existing Conditions*. **(Affirmative finding)**

(b) Topographical alterations

The proposed creation of parking access and underground parking will be reflected in grade alterations along George Street where the parking garage access will be located. The entrance will be at grade at George Street. See O'Leary-Burke Plan 2. **(Affirmative finding)**

(c) Protection of important public views

There are no identified public view corridors along George Street. **(Affirmative finding)**

(d) Protection of important cultural resources

68 Pearl Street (formerly Bove's Restaurant) is listed on the Vermont State Register of Historic Places. 13-15 and 19 George Street were not included in the 1978 Historic Sites and Survey work (that commenced at 23 George Street; immediately north of these parcels) and therefore not formally listed on the State Register in 1993. The Historic Resource Review and Archaeological Resources Assessment completed by Catherine A. Quinn and Kate Kenny (March 2017) has supplemented an earlier assessment by Suzanne Jamale (September 2012) identifying both 13-15 and 19 George Street as eligible for inclusion on the State Register as part of a George Street Historic District. Therefore, Section 5.4.8 applies to all three properties. **See Section 5.4.8, below.**

(e) Supporting the use of alternative energy

Plan A2.5 (Lofts) illustrates the incorporation of solar array on the rooftop of both senior housing building and the northerly ell of the hotel. See Plans A2.9 and A2.5. **(Affirmative finding)**

(f) Brownfield sites

None of the sites are listed on the Vermont DEC list of Brownfield sites. **(Affirmative finding)**

(g) Provide for nature's events

The applicants have provided a robust Stormwater and Erosion Prevention and Sediment Control planning set, which has been approved by the Stormwater engineering division.

The front entry of the lofts will enjoy a canopy overhang to shelter residents from inclement weather. A rear door to a patio area has a minor overhang; the access from the garage on the lower level will be similarly protected from the elements.

The applicant has identified an area for snow storage at the north of the hotel location, on space by the current HVAC fenced in area behind Victoria Place. See revised O'Leary Burke Plan 2, dated 1.14.2019. Additional space is identified by the new transformer location in the northwest corner of the combined lots. This is located so as to be away from the primary façade, out of the first lot layer and shielded from view from the public ROW. Landscaped buffering is provided to abutting residential properties to the north (Monroe Street). **(Affirmative finding)**

(h) Building location and orientation

The proposed George Street Lofts meets the calculated 4.8' front yard setback, maintaining the existing development pattern and rhythm of structures along the existing streetscape. The building



GEORGE STREET REDEVELOPMENT

is aligned with the front façade of the neighboring 23 George Street and 3-11 George Street to the south, reinforcing the existing street edge. **(Affirmative finding)**

(i) Vehicular access

Vehicular access will be centralized at the George Street grade entrance, advancing to underground parking south and west of the building. The existing curb cut for 19 George Street will be closed, and the curb cut of 13-15 George Street will be widened to create a comfortable radius for vehicular entry.

Access and parking for the FD5 parcels will be addressed in Article 14 review. **(Affirmative finding)**

(j) Pedestrian access

The Lofts will have a central front entry, directly connected to city sidewalks and at grade. Additional access will be provided at the lower (garage) level where an entry vestibule provides access at the southwest corner of the building.

All sidewalk and curb disturbed along George Street during development will be replaced per city standards.

Access from the rear of the lot/surface parking will be provided to George Street via a walkway between George Street parking garage access ramp and the north end of 3-11 George Street (The Stannard House.) See O'Leary-Burke Site Plan 2, and L-100. **(Affirmative finding)**

(k) Accessibility for the handicapped

An interior elevation will be available to residents of the Lofts. Relative to 2010 ADA Standards for Accessibility Design, 1 ADA parking space is required for every 25 parking spaces. For the 40 required parking spaces (20 units x 2 per unit), 2 h/c parking spaces will need to be dedicated to this use. Plan 2 (Ground Floor) of the O'Leary Burke plans illustrates 2 h/c spaces immediate to the rear entry in the parking level. Final ADA compliance is under the jurisdiction of the building inspector. **(Affirmative finding)**

(l) Parking and circulation

A proposed underground parking facility, accessed from George Street, will provide the minimum requirement of one- per- unit (20) on-site parking spaces for the Lofts. The Neighborhood Parking District requires 2 parking spaces per unit resulting in an overall requirement of 40 parking spaces. The applicant is requesting a 20 space (50%) parking waiver for the senior housing. See Article 8 for additional detail. **(Affirmative finding)**

(m) Landscaping, fences, and retaining walls

Landscaping is proposed along George Street, and along the north of the proposed building. At grade green roof is proposed on the west elevation, first floor (over the parking garage). See Plan L-101. A fence is illustrated along the northerly boundary, with a gate opening onto George Street. Plan L-101 defines this as a 6' fence (depicted on plan L-301, A4.2 and Perspectives of the hotel) to "limit visibility of vehicular traffic and proposed lighting." Clear Site Triangle standards will apply relative to the proximity of the driveway at 23 George Street. Any fence within 25' of the driveway may not exceed 3' in height. Refer to Section 5.2.6 (C) 1 for an illustration of that requirement. **(Affirmative finding)**

(n) Public plazas and open space

There are no public plazas provided or required in the Lofts development. A small deck and green roof area will be available to residents behind the building (Plan L-101), and roof access with tables and chairs on the east facade (see Plans A2.4, 2.5.) The access plaza for the proposed hotel will be addressed in Article 14. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

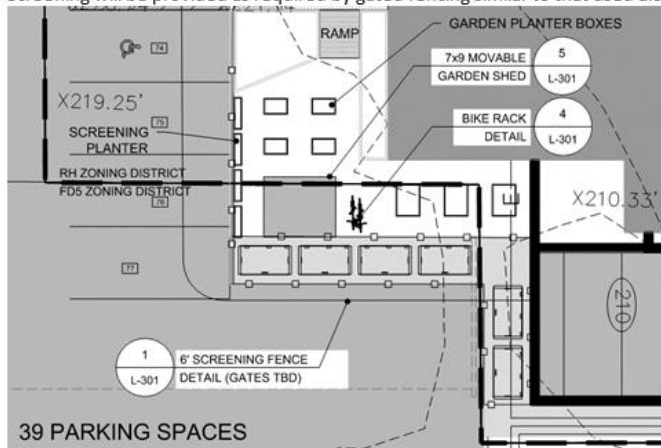
(p) Integrate infrastructure into the design

Much of the "guts" of utility service will be out-of-sight: The force main will run under the parking garage floor, and high voltage power connections will be either encased in concrete (west side of hotel) or under the Pearl Street entrance to the at-grade parking. The natural gas connection to Victoria Place is proposed to be relocated; that location is to be determined after consultation with Vermont Gas Service and must be identified on plans. A new natural gas service (for the hotel) is proposed on the west side of the building, set back from the building front and adjacent to an outdoor dining patio. Standards of Section 14.6.8 (b) will apply. The water and sewer service will both be relocated, and will connect from Pearl Street as directed by the Department of Public Works. (Plans shared 1/29/2019.) Existing service will be abandoned.

New service will also be provided to the Lofts / George Street development. See O'Leary-Burke Plan 2.

Dumpsters on a concrete pad will be provided on the grade level, south of the Lofts building and surrounded by a fence.

Screening will be provided as required by gated fencing similar to that used along the north edge. We show that on T.J. Boyle's Landscape plans.



A garden shed, planters, and bike racks are all present behind the Lofts building. Bike racks are also in the public ROW in front of the hotel, and centrally located within the parking garage. The garage venting and a new transformer are identified on the northwesterly corner of the entire development parcel, behind the hotel. These are adequately screened from public view by their location. (To be addressed in Article 14.) A proposed landscaped buffer should ameliorate any audible impacts to abutting residential properties on Monroe Street.

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.

See above.

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.

See above. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment:



1. Massing, Height and Scale:

The lofts presents as a two story masonry veneer façade to George Street (with a third recessed); its principal frontage. The building graduates to four stories three bays behind the frontage. The building is larger than the 2-2 ½ story residential buildings north of it; but strikes a median between the larger buildings fronting Pearl Street (Victoria Place, the new hotel, and the Federal Building) and the smaller scale residential structures north of it. Building elevations have been revised as the direction of the DAB to moderate the visible height from the streetscape. **(Affirmative finding)**

2. Roofs and Rooflines.

Flat roofs are proposed, with an attenuated cornice line and rooftop patios with railings. The cornice itself has been reduced in bulk at the direction of the DAB, to reduce the apparent height of the primary façade.

The residential buildings on George Street tend to have gable front roofs; Victoria Place has a modified Mansard roof and the Federal Building a flat roof. **(Affirmative finding)**

3. Building Openings

Windows are symmetrically arranged across the primary facade, with a central recess with entry and two projecting pavilion-type masses on either side. Windows are then arranged by floor in neat columns along each secondary façade. **(Affirmative finding)**

(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.

See Section 5.4.8.

(c) Protection of Important Public Views:

There are no protected views up George Street. The new Lofts building will not infringe upon protected public views east/west along Pearl Street. **(Affirmative finding)**

(d) Provide an active and inviting street edge:

The proposed Lofts building will have a central, easily recognizable entrance under a sheltered canopy. Landscaping and an at-grade entrance will warm, personalize and facilitate building entry. **(Affirmative finding)**

(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.

Masonry veneer is proposed for the first two stories, with a fiberglass cornice and precast window sills and beltcourse. The sides and rear are proposed to be sheathed with metal panels of differentiated color between floors, with accent metal panels between floors. Windows are proposed to be fiberglass. See plans A4.1-4.4. All are considered of reasonable durability for new construction. **(Affirmative finding)**

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 applicable.

(f) Reduce energy utilization:

All new construction is required to 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. (The buildings within the Form District require third-party commissioning for the basic building envelope and mechanical systems per Article 14, Section 14.4.3.) **(Affirmative finding)**

(g) Make advertising features complementary to the site:

Any signage will require separate permitting. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p), above.

(i) Make spaces secure and safe:

The photometric plan provides for adequate lighting both at building entrances and within the parking garage, providing for secure visibility for people using and observing these spaces. Intercom systems for multi-unit building should be incorporated where possible to maximize personal safety. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed 93-room hotel is located in the downtown parking district and requires at least 70 parking spaces (0.75 spaces per room). The existing Victoria Place requires 18 parking spaces

based on prior permit approvals. The proposed café requires no parking. The proposed 20-unit senior housing development requires at least 40 parking spaces (2 spaces per dwelling unit). In all, at least 128 onsite parking spaces are required. A total of 88 parking spaces will be provided onsite. Note that for the purposes of calculating parking, an underground parking space is counted as 1.75 space per Sec. 14.6.7 (d) of the Downtown Code. The project includes 49 underground parking spaces that can be counted as 85 parking spaces. For the purposes of calculating minimum onsite parking, 124 parking spaces can be counted. This number is short of the 128 spaces required. A parking waiver is needed. See Sec. 8.1.15 for details.

The above calculation omits the 30 required spaces to be available to the public between 8:00 am and 5:00 pm as required by the Purchase and Sale Agreement for the parking lot; assuming those 30 spaces are not leased as allowed by the agreement. In any event, the parking arrangement will rely on a parking management plan to understand the shared use nature of available spaces. See the March 20, 2019 *Bove-Pearl and George Parking Plan* to outline operational details to support the shared use parking plan. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

As a parking waiver is needed, the proposed surface parking onsite does not approach the maximum parking limitation. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

Not applicable.

Sec. 8.1.11, Parking Dimensional Requirements

Parking spaces are dimensionally compliant. Almost all are standard size (9' x 20'). A handful are compact. Structural columns minimally affect the dimensions of some parking spaces. Back up distances range between 24' and 20' and are acceptable. Back-up length affords sufficient space for the required 20' wide two-way drive aisles.

The Department of Public Works requests verification that the curb cuts comply with the Vermont Agency of Transportation "Standards for Residential and Commercial Driveways, B-71." Concrete sidewalks shall continue across the Pearl Street and George Street driveways. **(Affirmative finding as conditioned)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities

Not applicable.

(b) Downtown street level setback

Not applicable.

(c) Front yard parking restricted

Not applicable.

(d) Shared parking in the Neighborhood Parking Districts

Not applicable.

(e) Single story structures in Shared Use Districts

Not applicable.

(f) Joint use of facilities

As enabled by this section, parking for all of the proposed uses will share spaces within the onsite parking areas. See attached *Bove-Pearl and George Parking Plan*, dated March 20, 2019 in support. **(Affirmative finding)**

(g) Availability of facilities

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for employees, visitors, patrons, and residents. Per the purchase and sale agreement with the city, 30 of the parking spaces will be managed for public use between 8:00 AM and 5:00 PM. **(Affirmative finding)**

(h) Compact car parking

The limitation on compact parking spaces pertains only to parking garages. No compact spaces are proposed within the proposed garage. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plan depicts several handicap parking spaces in close proximity to the proposed hotel and to the proposed senior housing structure. Associated striping is also shown. ADA compliance is administered via the city's building permit process. **(Affirmative finding as conditioned)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

The parking management plan contemplates use of stacked parking on an as-needed basis if onsite demand exceeds supply. Valet service will be afforded to hotel patrons in any event. See Section 8.1.15 below. **(Affirmative finding)**

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

As noted above, 124 onsite parking spaces can be counted, whereas the minimum requirement is 128 parking spaces. This shortfall is minimal and can easily be justified with 18 of the 20 senior housing units being just 1 bedroom and with the property's close proximity to downtown and multiple means of transportation. More significant are the 30 parking spaces that must be made available for public use between 8:00 AM and 5:00 PM. The proposed parking management plan relies on a shared use system with hotel patrons using the parking later in the evening into early morning.

As revised, the parking management plan incorporates valet parking for all hotel-generated vehicles and makes provision for stacked parking during peak demand times. Project total parking demand is 89 spaces. With stacking of vehicles, up to 94 spaces can be achieved. Spaces for the existing Victoria Place uses remain unchanged except that spaces will not be assigned. The spaces for the senior housing remain unchanged.

In the event that anticipated peak parking demand is exceeded, the management plan states that vehicles will be parked in off-site garages. Where exactly is not articulated, nor is whether the garages are private or public. Such information is needed. If private garages are to be used, confirmation is needed that those garages have surplus parking to provide without interfering with their own onsite requirements. **(Affirmative finding as conditioned)**

Sec. 8.2.5, Bicycle Parking Requirements

The senior housing building requires 2 short term bike parking spaces (1 per 10 units) and 2 long term bike parking spaces (1 per 10 units). Bike racks adjacent to the building will provide the short term spaces. A dedicated bicycle storage room within the senior housing building will provide space for the required long term bike parking spaces.

The 93-room hotel requires 9 short term bike parking spaces (2 per 20 rooms) and 5 long term bike parking spaces. Within the same building, the café requires 2 short term bike parking spaces (1 per 500 sf seating space) and 2 long term bike parking spaces (1 per 1,000 sf). The required short term spaces will be provided with bike racks located in front of the hotel entrance. This bicycle parking will require an encumbrance permit issued at the discretion of the City Council with recommendation from the Department of Public Works (Sec. 8.2.5 B). Long term bike parking will be provided with sheltered racks located within the underground parking garage.

(Affirmative finding as conditioned)

Article 9: Inclusionary and Replacement Housing

Section 9.1.6 Exemptions

c). Projects created using the Senior Housing Development bonus pursuant to the provisions of Article 4.

See Section 4.4.5 (d) 7. B. i.

Article 10: Subdivision

Sec. 10.1.5, Lot Line Adjustments

(a) Lot Line Adjustment Submission Requirements

As originally proposed, the two George Street parcels were to be merged for the development of a single structure to accommodate 20 senior housing units. Similarly, interior lot lines between 64/68, 70 and 80 Pearl were to be dissolved to accommodate the hotel and parking garage. The project plans are to be revised in order to merge all aforementioned lots into one lot. Revised project plans, including a revised boundary plat, are needed.

Note that the boundary plat lacks the required Administrative Officer's endorsement block. One must be added. Presently, it contains a DRB signature block associated with subdivisions.

(Affirmative finding as conditioned)

Article 14: Downtown Code

Section 14.6.4 Building Height

(f) Design and Public Space Standards Required for Additional Building Height

i. Design Standards: The maximum building height and mass is permitted By Right by the underlying Form District, as may be modified by the chosen Building Type and Frontage Type. However, there are a number of ways that building shape, articulations, and choice of materials can be used to reduce the perceived height and mass of taller buildings, and ensure a high quality of design that complements the character of the Downtown and Waterfront area. After consultation with the Design Advisory Board and a Public Hearing, the Development Review Board shall evaluate any proposal seeking additional Building height under each of the following additional design standards, and find affirmatively that:

- a. The proposed building presents a design that emphasizes slender, vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline; reinforces opportunities for establishing points of reference for*

visual orientation; and provides visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing, or other architectural design techniques;

The proposed hotel will introduce a significant presence along Pearl Street, with a 5-story attenuated façade anchored by the shop-front for a proposed cafe with a lissome articulated façade above. The fifth story is set back to provide an open balcony for a penthouse suite or small function room and to visually moderate the apparent height of the building. Design and material treatments are intended to make reference to the Art Deco façade of the former restaurant, an icon in the community. The height, materials and building treatment will provide an interesting visual experience and a point of reference within the City skyline. The design interest and detailing at the street front will ensure pedestrian enhancement.

The DAB has found the proposed plan consistent with this standard.

(Affirmative finding)

- b. *Step backs, horizontal and vertical variation, selection of materials, and/or other architectural design technics are used to reinforce the street wall, create transitions from buildings of a smaller mass and height, and reduce the perceived height and mass of upper stories from the street level;*

Material and tonal variation, coupled with the intended fifth floor step-back will help settle the building into the street context and visually modulate the apparent height of the hotel building. The easterly “ell” will be recessed from the street front behind an entry patio, but the combination of stilted support with an open at-grade parking deck, and the dark materials of the upper floor visually slenderize the building mass. Reference is made to exterior elevations, A4.2.

(Affirmative finding)

and,

- c. *Upper story proportions of the building are oriented and tapered and/or separated into separate masses in order to retain sky view between individual building elements from the public thoroughfare.*

The constraints of the 64-68 Pearl Street site prescribe the slender proportions of the building front. The building face is segregated into discrete portions, defined by window arrangement, materials, and plane. The design successfully creates interest, maximizes the volume, and discretely modulates the mass.

(Affirmative finding)



The DRB may condition approval of additional building height by reducing the By-Right building mass by no more than 10% of the total floor area of the new floors enabled by granting the additional building height. In no case shall the maximum By-Right building height be reduced.

ii. Active Public Space and Restrooms

A minimum of 20 sf/1,000 sf of the gross floor area above 85 feet shall be dedicated to active and publicly accessible upper story rooftops and terraces, and/or street-level public restrooms as follows....

Not applicable. The proposed building is not proposed to exceed the threshold of 85' in height.

II. Conditions of Approval

1. This project development requires that all four parcels are combined and interior lot lines extinguished. The project plans are to be revised in order to merge all aforementioned lots into one lot. Revised project plans, including a revised boundary plat, are required **prior to release of the zoning permit.**
2. **Prior to release of the zoning permit**, off-site garages to be used in the event of parking overflow onsite shall be identified. If private garages are to be used, confirmation is needed that those garages have surplus parking to provide without interfering with their own onsite requirements.
3. Per agreement of the purchase and sale agreement for the city parking lot, 30 public parking spaces shall be provided and accommodated per the parking management plan: *Bove-Pearl and George Parking Plan.*
4. Regarding the parking waiver included in this zoning permit, the applicant shall report back to the Department of Planning & Zoning each year for 3 years from the date of this approval as to actual onsite parking demand.
5. **Prior to release of the zoning permit**, verification shall be provided that the curb cuts comply with the Vermont Agency of Transportation "Standards for Residential and Commercial Driveways, B-71." Concrete sidewalks shall continue across the Pearl Street and George Street driveways.
6. The additional building height and intensity of development for the George Street Lofts is contingent upon compliance with Section 4.4.5 (d) 7. i. The applicant has drafted an agreement to demonstrate that unit count and affordability standards are met and sustained for the required period as determined by the Housing Trust Fund Manager. This agreement shall be formalized and a draft prepared for the Development Review Board to assure the commitment to meet the standards to consider the height bonus. A finalized document shall be required, with confirmation of compliance with affordability by the Housing Trust Fund Manager, **prior to issuance of the Certificate of Occupancy.**
7. Per Section 14.4.3 (b) 2: **Prior to issuance of a final certificate of occupancy:**
 - (The applicant shall provide) A written certification from the third party commissioning agent that they are under contract to complete the activities described in the third party commissioning Plan, that all measures receiving rebates from Burlington electric or any other utility have been commissioned under the Commissioning Plan, and that the commissioning process is not less than 75% complete at the time of the final Certificate of Occupancy.
8. Impact Fees, based on the net new area, shall be paid to the Clerk Treasurer's Office **at least seven days prior to issuance of a certificate of occupancy.** Area calculations shall be submitted to staff to facilitate calculation of appropriate fees. Impact fees may be adjusted for the senior housing residence relative to Section 3.3.3. (b).

9. Unless specifically altered by the DRB, hours of construction shall be between 7:00 AM – 5:00 PM, Monday – Saturday with no construction activity on Sunday.
10. All dwelling units within the senior housing building shall be occupied by a family as defined in Article 13 of the Comprehensive Development Ordinance.
11. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials for the buildings proposed for demolition will be properly documented and made available to historians and others interested in Burlington's architectural history.
12. The time between demolition and commencement of new construction shall not exceed six (6) months.
13. The applicant is encouraged to sell or reclaim a structure and all historic building materials, or facilitate safe salvage of buildings or their materials, or to provide an opportunity for others to purchase or reclaim the building or its materials for future use.
14. Any fence within 25' of the George Street access drive may not exceed 3' in height.
15. The natural gas connection to Victoria Place is proposed to be relocated; that location is to be determined after consultation with Vermont Gas Service and must be identified on plans.
16. Intercom systems for multi-unit buildings like the Lofts should be incorporated where possible to maximize personal safety.
17. The required short term bike parking spaces proposed in front of the hotel entrance will require an encumbrance permit issued at the discretion of the City Council with recommendation from the Department of Public Works. Alternately, the applicant may choose to make a payment to the Department of Public Works to construct the short term bicycle parking facilities in the public right-of-way required of the project. Reference is made to **Section 8.2.7, Payment in Lieu**.
18. The final plat, with appropriate additional language identified in Section 10.1.5 (4), shall be recorded in the office of the chief administrative officer within 180 days of the DRB's approval of the final plat. Failure to file all such materials within 180 days of the decision shall render the final plat approval void.
19. Standard Permit Conditions 1-15.

This memo is intended to outline operational details of the two-level parking lot proposed for the Hotel Champlain and George Street Lofts project. *Updates have been made based on discussions with BTV-DPW regarding the parking analysis and additional research on the forecasting of parking demand.*

Parking Lot/Garage Basics:

The proposed parking for this combined project is provided on two levels: It contains **39 surface parking** spaces accessed from Pearl St., generally in the location that they are now behind the former Bove's café. Beneath this level, there are **49 below grade**, structured parking spaces accessed from George St.

The **88 total physical spaces** actually yield more spaces on paper based on the Article 14 provision allowing each structured parking space to be counted at 1.75 spaces against project demand. With the 1.75 factor applied to the 49 underground spaces only, we generate 85 spaces + the 39 surface spaces for a total of **124 spaces** on paper against a project demand of 108 spaces. Per the ordinance:

- Supply = $[(49 \times 1.75) + 39] = 124$ spaces.
- Demand = [existing use by previous approvals (18) + hotel demand $[93 \times .75] = (70)$ + apartments [with the requested waiver] (20) = **108 spaces**.

Other considerations:

- The City agreement to sell the existing parking lot back to the applicant includes a provision that requires the current 30 public spaces to remain "available for public use" during the day (8am-5pm). This can be achieved under a shared arrangement as will be demonstrated below.
- The City expects that the 30 spaces that will remain available to the public be based on the number of actual parking spaces (excluding the underground bonus).

Proposed use allocation within lots based on the actual 88 spaces available:

39 Surface Spaces:

- (18) Victoria Place/Stannard House: On paper, we can allocate 9 surface spaces for use by Victoria Place patrons and the hotel. However, to best support the flexibility gained with shared parking, these spaces will not be permanently designated or otherwise removed from the total 39 available.
- (30) remaining surface spaces: *shared* between the Hotel use (night) and the obligation to the city for public use (8am-5pm). The Hotel will park ALL hotel generated cars using a Valet Service to actively manage Hotel parking in these spots and to ensure that the required 30 spaces will be available during the stipulated day use hours.
 - Operationally, if at any time the actual hotel demand exceeds the number of available non-public spaces, the Valet service will begin moving hotel generated cars to the lower level, or distribute surplus vehicles to off-site garages. Cars will not be placed in the 30 public spaces, drive aisles or parked on the surrounding streets.
 - Limiting counts: available spaces not counting the 30 spaces promised to the city.
 - 58 during the week between the hours of 8am-5pm while the other 30 are available for public use per the agreement with the city, or
 - 88 spaces at all other times.
 - See the L&D Parking Analysis showing a total demand for less than 58 spaces between the hours of 8:00am and approximately 7:30pm.

49 Lower Level Spaces:

- (9) for the remaining Victoria Place/Stannard House parking count.
- (20) for the Apartment use- all Apartment tenants will have underground parking.
- (20) spaces for the Hotel (Valet parking)
 - The allocations listed here are for *counting* purposes only. The spaces will not be assigned to allow maximum flexibility for the shared parking. The Hotel valet service will manage vehicle counts such that the necessary residential use spaces will always be available.
 - Again, if at any time the actual vehicle demand exceeds the number of available non-residential spaces, the Valet service will move hotel generated cars to off-site garages.

Shared Use Parking: Traffic/parking consultant Lamoureux & Dickinson's traffic and parking analysis shows that the shared use arrangement will work, and further, that it satisfies the overall parking demand and the shared day use parking demand.

- To leave 30 spaces available per the City agreement during the required daytime hours (8am-5pm), we follow the shared parking calculations to see when the total demand falls below 58 (or 88 less 30). Based on the shared use analysis, the daytime parking total demand falls to 58 spaces or less between the hours of 8am and approximately 7:30pm.

Weekday - Required Surface Parking Spaces by Hour																		
Land-Use	12-4 am	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200
Residential	36	30	26	22	20	19	19	18	18	18	18	21	23	24	25	27	30	32
Hotel	53	50	47	34	30	26	24	24	22	21	21	23	25	27	29	33	38	46
Retail	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Bank	0	0	0	0	1	2	2	2	2	2	2	2	1	1	0	0	0	0
Coffee/Donut Shop	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	89	81	73	57	51	48	45	44	42	41	41	47	50	52	54	61	69	78
Max. Req'd Parking ²	89 spaces																	

- Using a valet parking system, we can manage the location of hotel vehicles to ensure that the 30 public use spaces remain available during the required hours.
- Stacked Parking: we have evaluated the use of stacked parking to accommodate peak parking nights for hotel use. This will affect parking in the lower level only and will be achieved operationally by the valet parking attendants using temporary measures including chains and cones. Our studies indicate that we can increase lower level garage capacity to 55-60 cars.
- Our projected total parking demand does not exceed 89 spaces.
- With stacked parking to achieve 55 cars in the lower level, and 39 cars in the upper level, total capacity of 94 vehicles can be achieved. We are comfortable that for the average day/night, we will have spare capacity. On peak demand days, we may need to park a small number of cars off-site. See the parking study analysis for additional information.

Check-in/Drop-off spaces: The parking lot has been striped-out by the hotel entry and left wider than necessary along the entry drive (by the curving bollards) to allow for temporary standing or parking during guest registration, drop-off. This should not affect normal circulation or any striped parking spaces.

*Reference Traffic and Parking Analysis by Lamoureux & Dickinson.

Table A - Shared Parking Calculations for Required Off-Street Parking

Project: Hotel Champlain
Pearl St., Burlington
Project #: 17068

Date: April 8, 2019
By: Roger Dickinson, PE, PTOE
Lamoureux & Dickinson

Sources: Burlington Comprehensive Development Ordinance, Article 8
Burlington PlanBTV Downtown Code, Article 14.6.7 (d)
Parking Generation, ITE, 5th Ed.
Shared Parking, ULI, 2nd Ed.

Proposed Land-Uses		Ratio	# Req'd Spaces
<u>Residential</u>			
Victoria Place	34 units		16
Stannard House	7 units		0
George St Lofts	20 units		20
Hotel	93 rooms	0.563	53
Laundromat	20 machines	0	0
Dunkin Donuts	2,480 sf	0	0
Champ Vapes	2,600 sf	0	0
VSECU	1,920 sf	1	2
Total			91

DT Zone, approved for 18 spaces (16 +.2 for VSECU)
DT Zone, parking incl. in Victoria Place
RH Zone, Table 8.1.8-1, std. ratio = 2 per unit; 50% waiver
DT Zone, Table 8.1.8-1, 0.75 spaces/room x 75% vehicle modal split ¹
DT Zone, Table 8.1.8-1, laundromat
DT Zone, Table 8.1.8-1, restaurant - take out
DT Zone, Table 8.1.8-1, general merchandise/retail
DT Zone, Table 8.1.8-1, bank, credit union

Proposed Parking Spaces			
	Surface	Underground	
		Actual	(x 1.75)
Victoria Place	9	9	15
George St Lofts	0	20	35
Hotel	30	20	35
Subtotals	39	49	85
Total = 88 actual spaces; 124 with allowed underground space credit			

Weekday - Shared Use Parking Hourly Ratios																		
Land-Use	12-4 am	0600	0700	0800	0900	1000	1100	1200	1300	1400	1500	1600	1700	1800	1900	2000	2100	2200
Residential	100%	83%	71%	61%	55%	54%	53%	50%	49%	49%	50%	58%	64%	67%	70%	76%	83%	90%
Hotel	100%	95%	89%	64%	56%	49%	45%	45%	41%	39%	39%	44%	48%	51%	54%	62%	72%	86%
Retail	0%	0%	4%	20%	53%	55%	56%	67%	69%	80%	67%	68%	100%	87%	48%	37%	29%	0%
Bank	0%	0%	7%	24%	62%	82%	90%	85%	88%	92%	100%	92%	72%	36%	9%	0%	0%	0%
Coffee/Donut Shop	0%	0%	73%	100%	63%	57%	42%	39%	27%	27%	27%	27%	27%	27%	27%	27%	27%	27%

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Max. Req'd Parking ²	89	spaces																

¹ The Burlington Hilton Garden hotel reported that they valet 100% of their guests' cars, and that they have a 60% valet rate. In other words, only 60% of their guests arrive with cars to park. A 75% vehicle modal split has been applied as a conservative estimate for weekday hotel guests.

² The average hotel occupancy for Burlington hotels has been 73% over the last 10 years, and is projected to stabilize at 72% with this Project (Proposed Hotel Marketing Study, Pinnacle Advisory Group, February 25, 2018). The actual hotel parking demand will be lower than shown above on an average day. The marketing study estimated that Burlington hotels sell out approximately 1/3 of the nights per year.

April 10, 2019

Hi Mary,

After further review of the revised materials submitted yesterday afternoon, we offer the following comments. The first 3 are comments/observations about the analysis that support the need for the applicant to identify an off-site parking facility. The boldfaced items below should be addressed by the applicant.

Please let me know if you have any questions.

Thanks,

Susan

Comments:

- Their marketing research indicates that full occupancy can be expected to occur 33% of the nights per year. This indicates that higher-than-average parking demand will be a relatively frequent occurrence (120 nights or 2+ days per week on average) that should be considered in the design. Applying the 75% vehicle mode split to a full-occupancy condition indicates a peak hotel parking demand of 70 spaces.
- Footnote 2 of the Table A Shared Parking Analysis asserts that actual parking demand on an average day can be expected to be lower than what is presented in the Table because of local hotel occupancy rates (72-73%). We disagree with this conclusion because the analysis is already based on considerations of average conditions not peak conditions. The rate used in Table A (0.75 spaces per room) represents an underlying consideration of average room occupancy and modal split.
- The hourly parking demand characteristics of the residential component of the project used in the Shared Parking analysis is based on ITE data for general multifamily housing in a suburban/urban context, rather than the denser urban context of the project. The hourly factor data also does not reflect the potential for higher daytime residential parking demand because of the mix of senior housing in the project.
- **As a result of the above items, we believe that even with the use of valet service and stacking of vehicles on the lower level of the garage, offsite parking will be needed during peak parking demand hours. We recommend the applicant identify location(s) for offsite parking to be used when hotel demand exceeds the number of available spaces as a permit condition.**
- **Continue sidewalk across Pearl St and George St driveways.**
- **Verify curb cuts comply with the Vermont Agency of Transportation "Standards for Residential and Commercial Driveways, B-71".**

Susan M. Molzon, P.E.

Senior Public Works Engineer

Burlington Department of Public Works

645 Pine Street

Burlington, VT 05401

Office: 802-540-0557

smolzon@burlingtonvt.gov

Burlington Development Review Board

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www.burlingtonvt.gov/pz/DRB

Telephone: (802) 865-7188

Fax (802) 865-7195

Brad Rabinowitz
AJ LaRosa
Austin Hart
Springer Harris
Geoff Hand
Alexandra Zipparo
Zoraya Hightower
Jim Drummond, (Alternate)
Ravi Venkataraman, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday April 16th, 2019, 5:00 PM Contois Auditorium, City Hall, 149 Church St, Burlington, VT Draft Minutes

Board Members Present: A. Hart, G. Hand, A. Zipparo, Z. Hightower, R. Venkataraman (Alt.), J. Drummond (Alt.)

Board Members Absent: B. Rabinowitz, A. LaRosa

Staff Present: Ryan Morrison, Layne Darfler

I. Agenda

II. Communications

A. Hart: Letter regarding Bove redevelopment received and accepted into record

III. Minutes

A. Hart: Minutes from the April 2nd meeting will be discussed at deliberation

IV. Public Hearing

1. 19-0618CU; 1403 North Ave (RL, Ward 4N) Hanson and Lily Nguyen

Change of use from a single family residence to a duplex (Project Manager: Ryan Morrison)

A. Hart: Staff comments were affirmative except for parking plan and waiver

L. Nguyen: has seen staff comments

A. Hart: request for 1 space parking waiver but information provided in request was sparse, we would like more information regarding that parking waiver.

T. Bechard: Owner is moving family from Vietnam; family does not need the extra parking space.

A. Hart: logistically where or how does the third parking space work to avoid parking on the street

T. Bechard: family works in salon together so they will jockey cars in and out of spaces.

A. Hart: there were 2 cars on left side and in a way that won't block the garage parking. Did staff have other questions for this requirement?

R. Morrison: no I just recognized that the requirements are not met which is why they submitted the waiver and I have asked for more information.

A. Hart: what is included in the checklist of requirements, can they meet that now? You have an application for a one space waiver but we have to be careful about granting those, the ordinance is pretty clear on the requirements to grant the waiver. Would ask you to follow up with staff tomorrow to come to a decision on this. Other board members have questions about this?

B. Swinton: Does not drive and takes SSTA bus, concerned about increased street parking and that it would make SSTA pickup difficult.

A. Hart: share concern and ask for additional information. Close public hearing subject to deliberation regarding how to handle the conditions

2. **19-0533CA/MA; 13-15 George St (RL, Ward 3C) 13-15 George Street, LLC**
19-0532CA/CU; 19 George St (RL, Ward 3C) Stephen Moreau
19-0534CA/MA; 68 Pearl St (FD5, Ward 3C) Richard Bove
19-0535CA; 80-90 Pearl St (FD5, Ward 3C) Richard Bove
19-0536CA; 70 Pearl St (FD5, Ward 3C) City of Burlington

Continued review: Demolish buildings at 68 Pearl St, 19 George St and 13-15 George St. Merge 19 and 13-15 George St; 68, 70, and 80 Pearl St. Construct underground parking garage, hotel, restaurant, and 20-unit senior housing building. (Project Managers: Scott Gustin/ Mary O'Neil)

G. Hand recused

A. Hart: picking up the conversation regarding parking and traffic.

J. Alden: discussed alterations to original plans, proposing no need to move cars off site is so than rarely. Discussed stacked parking layout. Reaches capacity through the stacked spaces. Comfortable with data showing the average parking rate of .75 is further softened by a .6 factor.

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J. Alden: we need to come to some final agreement as to where the cars will go if we need to send some offsite, mainly at night so we are potentially looking at public garages. Condition #5 language, specific AOT detail that was overkill so we would like to talk our way through that before it becomes official condition of approval.

S. Molzon: Discussed work with applicants regarding parking analysis and management. Committed to valet all hotel related vehicles. Condition #5 addresses the curb cuts per driveway standards. This is a standard V-Trans condition its intent is to prevent development that creates too large of driveways that make pedestrian crossings difficult. They are proposing a shorter driveway, the V-Trans guidelines recommend 24 feet for commercial, the applicants are asking to use an 18 foot driveway so it is a nicer pedestrian cross. In speaking with applicants we can work with them as long as they can still accommodate turning vehicles and the turning radius.

A. Hart: you prefer narrower rather than longer so this is ok with you

S. Molzon: Yes. In addition, condition 5; continuation of sidewalks across drive, we can work with applicants. The intent is pedestrian facilities continue across the drive to give pedestrians the right of way and priority.

A. Hart: as far as you're concerned have the applicants met the other issues?

S. Molzon: all DPW comments and concerns are conditioned here

A. Zipparo: Cherry St parking garage and impact on that and any updates on how that may be affecting the parking in that area.

S. Molzon: not able to answer that question

A. Zipparo: if curb cuts are narrower and turning might be more challenging, wondering if they are asking 50% waiver for senior parking has there been any discussion with SSTA services.

S. Molzon: We have encouraged the applicants to run turning radius tests to specifically say what types of vehicles can make the turn.

A. Zipparo: also concern for emergency services

S. Molzon: yes emergency vehicles and service vehicles are put into consideration

A. Hart: do the applicants want to come back and respond.

No

A. Hart: Board questions outside of parking

None

A. Hart: Public letter submitted in support of the project.

S. Bushor: issue was predominantly parking. Wasn't able to ascertain if any spaces would be lost on George St and Pearl St that are currently public spaces. Couldn't figure that out. The City's fault that we don't have current assessment of what public parking demand is with the loss of Cherry St garage. If less on street parking than that will add pressure for parking in the City. Supports valet parking. Concern about discussion about an average day and yet this has been slated to be one of the more affordable hotels in Burlington and could be full more than expected. Finding satellite parking could be more common. Because of the public parking space being only available from 8-5, what happens if a car is still occupying that space off hours, who polices that?

J. Alden: there will be no street spaces lost on pearl or George. The parking analysis goes through capacity scenarios. Discussion of scenarios and parking analysis ratios. Discussed similar hotel ratios that have valet parking. Public spaces will be policed and issued tickets if cars stay past hours, if valet car then it will be moved.

A. Hart: City has enforcement rights on those spaces as well

J. Alden: yes.

R. Venkataraman: Lower level parking discussion, any mechanism to limit access into the lower level parking spaces.

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Close public hearing

V. Other Business

1. 18-0713CA; 29 Allen St (RM, Ward 3C) Saint Joseph's Charitable Trust.

As required by Conditions of Approval, reporting on establishing warming shelter (emergency shelter) for 10 individuals; Seasonal from November to March. Specifically reporting on activities in the parking lot. (Project Manager: Scott Gustin)

A. Hart: provided background of why the board asked the applicant to come back

W. Towne: concern was the pre-existing activity that would have impacted the youth staying at the shelter. Had staff doing hourly rounds throughout the evening had no issues in parking lot.

A. Hart: Any neighbor complaints

W. Towne: None

A. Zipparo: Did they reach out to any neighbors to ask?

W. Towne: provided contact info to neighbors but didn't specifically go out and ask them

A. Hart: Did Planning and Zoning receive any comments?

R. Morrison: no

A. Hart: Thank you for returning to report on the matter

VI. Adjournment

The meeting adjourned at 5:46pm

Austin Hard, Acting Chair of Development Review Board

Date

Layne Darfler, Planning Technician

Date

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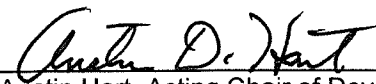
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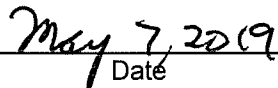
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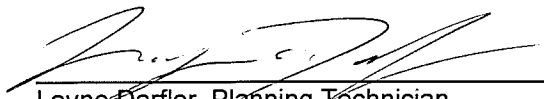
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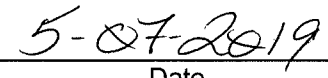
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Austin Hart, Acting Chair of Development Review Board


Date


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