

Burlington Development Review Board

149 Church Street, City Hall

Burlington, VT 05401

www.burlingtonvt.gov/PZ/DRB

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Geoff Hand
Jim Drummond (Alt)
Wayne Senville (Alt)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday January 5, 2015

PUBLIC HEARING NOTICE

The Burlington Development Review Board will hold a meeting on **Tuesday January 5, 2015 at 5:00 p.m.** in **Contois Auditorium, City Hall.**

1. **16-0511CA; 154 PARK STREET (RM, Ward 3C) Amy E. Pickering**
Appeal of zoning permit for family daycare in existing single family residence.
2. **16-0647CU; 934 NORTH AVENUE (RL, Ward 7L) 934 North Ave, LLC**
Conditional use review for adding one new residential unit for a total of four units; eliminating funeral home use.

Plans may be viewed in the Planning and Zoning Office, (City Hall, 149 Church Street, Burlington), between the hours of 8:00 a.m. and 4:30 p.m.

Participation in the DRB proceeding is a prerequisite to the right to take any subsequent appeal. Please note that ANYTHING submitted to the Planning and Zoning office is considered public and cannot be kept confidential.

This may not be the final order in which items will be heard. Please view final Agenda, at www.burlingtonvt.gov/pz/drb/agendas or the office notice board, one week before the hearing for the order in which items will be heard.

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

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

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

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

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



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 5, 2016
RE: 934 North Avenue; ZP16-0591CU

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

File: ZP16-0591CU

Location: 934 North Avenue

Zone: RL **Ward:** 7N

Date application accepted: November 9, 2015

Applicant/ Owner: William G. Forsyth

Request: Eliminate funeral home use; add one residential unit for a total of four residential units.

Background:

- Zoning Permit 14-1254CU; change use from funeral services to general office. Existing residential apartment to remain. Permit **Denied**, July 2014 as General Office not a permitted use in the RL zoning district. Appealed to VEC; appellant's motion for summary judgment **denied**. The conditional use application was **denied** (judgment in favor of the City) September 2015.
- Zoning Permit 12-0332CA; replace windows. October 2011.
- Zoning Permit 11-0698CA; replace asphalt roofing on portico and addition low slope roofs with rubber membrane. April 2011.
- Zoning Permit 01-459; enlarge the basement window of the existing residential unit. May 2001.
- Zoning Permit 78-70, replace deteriorated wood trim, re-roof porch, install vinyl siding. October 1978.
- Zoning Permit 78-133; remodeling of historic building to include exterior siding, interior insulation in basement and ceiling, roof areas, repair to sagging porch roof and floor. October 1978.
- Appeal to Zoning Board of Adjustment to remove the stipulations laid down by the Planning Commission in its approval of the Certificate of Appropriateness issued on

September 20, 1974. ZBA grants appeal and strikes stipulations set by PC, which it determines go beyond its jurisdiction and authority under the Burlington Zoning Ordinance. FOF dated November 1974.

- Certificate of Appropriateness approval to Ready Funeral Home, issued August 1974. (COA was conditioned upon the requirement that parking, traffic circulation, and landscaping designs must follow dictates of the Commission.)

Overview: 934 North Avenue is a mixed use building with a funeral home and three residential apartments. The building was constructed approximately 1866; the funeral home use has been present since 1973. The application proposes to remove the commercial (funeral home) use, and add one new residential unit for a total of four units. The building is within the RL zoning district.

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

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 replacement of a funeral home with a new residential unit will have negligible impact on existing or planned public utilities, facilities or services. **Affirmative finding.**

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

This is an existing residential zoning district. The conversion of a pre-existing commercial use (funeral home) to a residential use will be more consistent with the specified zoning district. **Affirmative finding.**

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

No additional impacts relative to noise, odor, dust, heat, and vibrations are anticipated with the addition of one new residential unit. **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;*

The property fronts North Avenue with access to the parking lot from Saratoga Avenue. There are attendant pedestrian sidewalks, and the parcel is on the CCTA bus route. This is existing access, and adequate parking for the proposed use. **Affirmative finding.**

And

5. The utilization of renewable energy resources;

No part of the application will prevent the utilization of alternative or renewable energy resources. **Affirmative finding.**

and

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

All rental units will be required to meet the limitations relative to functional family and definition of family per the Comprehensive Development Ordinance. A State Wastewater permit may be required. **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;

No areas of remediation or mitigation are identified within the project proposal. **Affirmative finding.**

2. Time limits for construction.

All alteration to effect the change of use will occur on the interior. The zoning permit has a two year life; all work will need to be completed within that timeframe. **Affirmative finding as conditioned.**

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

Residential use does not have limitations to hours of operation. Not applicable.

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

This is a statutory requirement; however Section 4.4.5.(d)5. A. limits the request for new residential units to one. Any further or future request will be reviewed under regulations in effect at that time. **Affirmative finding.**

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.

None identified. Any new conditions will be at the discretion of the Board.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose

The Residential Districts are intended to control development in residential districts in order to create a safe, livable and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors.

- 1. 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 neighborhoods' development history.*

The existing building, formerly known as the Hurley House or Goodrich place, was constructed as a residential dwelling unit associated with a farm c. 1866. It has retained its original residential use with the three existing apartments; the application is to convert the funeral home use to another dwelling unit. Although a multi-family residential use in the RL zoning district is generally not a permitted use per Appendix A, there is an allowance to add one additional dwelling unit by Section 4.4.5 (d) 5. A. See below.

Section 4.4.5 (b) Dimensional Standards and Density

Required frontage is 60' in the RL zoning district. The parcel frontage on North Avenue is 152.5', on Saratoga Avenue 175'.

Minimum lot size is 10,000 sf. for a duplex or above; lot size is 27,913 sf. **Affirmative finding.**

Table 4.4.5-2, Base Residential Density in the RL district is 7 units per acre. As proposed (4 units), $4/.65A$ (lot size) = 6.25, or < 7 units per acre limitation. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

No change. Not applicable.

Section 4.4.5 (c) Permitted and Conditional Uses

One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007 if approved in advance as a Conditional use by the DRB. See Section 4.4.5 (d) 5, below. **Affirmative finding as conditioned.**

Section 4.4.5 (d) District Specific Regulations

1. Setbacks

Not applicable.

2. Height

Not applicable.

3. Lot Coverage

No change. Not applicable.

4. Accessory Residential Structures and Uses

No change. Not applicable.

5. Residential Density

A. *Additional Unit to Multi-Family*

One additional unit may be added to structures located in the RL district which legally contained two or more units as of January 1, 2007 if approved in advance as a Conditional use by the DRB.

The property currently has 3 residential units which have been in place prior to January 1, 2007. The request is to add a residential unit, and eliminate the funeral home use. See Conditional Use review standards in Article 3, above. Based on these standards, the application meets the criteria for consideration of one new residential unit. **Affirmative finding.**

B. **Additions to Existing Residential Structures**

No request for an addition to an existing structure shall be considered or imply approval of an additional unit, unless requested specifically on the zoning permit application form.

The request is specifically for one new residential unit, replacing the existing funeral home use. **Affirmative finding.**

C. **Residential Occupancy Limits**

*In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. **Affirmative finding as conditioned.***

6. *Uses*

Multi-unit residential uses are generally not a permitted use in the RL zoning district per Appendix A; however Section 4.4.5 (d) 5. gives an allowance for one additional unit if reviewed as a Conditional Use and approval is sought prior to establishment. The applicant is making the request prior to installation of the fourth unit, and proposes to eliminate the funeral home use. **Affirmative finding.**

7. *Residential Development Bonuses*

None are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.7 Density and Intensity of Development

(a) *Dwelling Units per Acre:*

Per Table 4.4.5-2, the maximum number of dwelling units per acre is 7 in the RL zoning district. This standard provides the method of calculation: the number of residential units divided by the lot area in acres must be less than 7. For 934 North Avenue, 4 proposed units / .64 (lot area in acres) = 6.25 (< 7.) **Affirmative finding.**

Section 5.4.8 Historic Buildings and Sites

934 North Avenue is listed on the State of Vermont Register of Historic Resources.

(b) Standards and Guidelines:

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The house was originally residential, and has retained a residential component for more than 100 years. The proposal will return the entire structure to residential use.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Most renovations will be interior to the property. No exterior changes are proposed with this application.

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

No conjectural features are proposed. Not applicable.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

Not applicable.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Not applicable.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

Not applicable.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Not applicable.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

Not applicable.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic*

materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.

Not applicable.

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

None proposed. Not applicable.

Affirmative finding.

Article 6: Development Review Standards

Section 6.2.2. (d) Protection of Important Cultural Resources

See Section 5.4.8, above.

Section 6.3.2 (b) Protection of Important Architectural Resources

See Section 5.4.8, above.

Article 8: Parking

934 North Avenue is within the Neighborhood Parking District, which requires 2 parking spaces per residential unit. The parking lot in the rear (east) of the property can accommodate approximately 30 cars. The required 8 parking spaces can be met by existing conditions.

Affirmative finding.

Appendix A

Attached dwellings – Multi-family 3 or more is not a permitted use in the RL zoning district. Section 4.4.5 (d) 5. A, however, offers the opportunity to add one additional unit to structures located in the RL district which legally contained two or more units as of January 1, 2007 if approved in advance as a Conditional Use by the DRB. The building contained 3 residential units prior to January 1, 2007 (with a commercial use, which is proposed to be eliminated.) See Article 3 for Conditional Use criteria and standards for review. This application reflects the effort to request the increase from three units to four in advance. **Affirmative finding.**

II. Conditions of Approval

1. Any future enlargement or alteration of the use must return for review to the DRB to permit the specifying of new conditions.
2. All units are subject to the requirements and limitations of the Functional Family ordinance; not more than 4 unrelated adults may occupy any unit.
3. The applicant is responsible for seeking any additional local or state permits, which may include a state wastewater permit.
4. Standard Permit Conditions 1-14.

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



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PLANNING & ZONING

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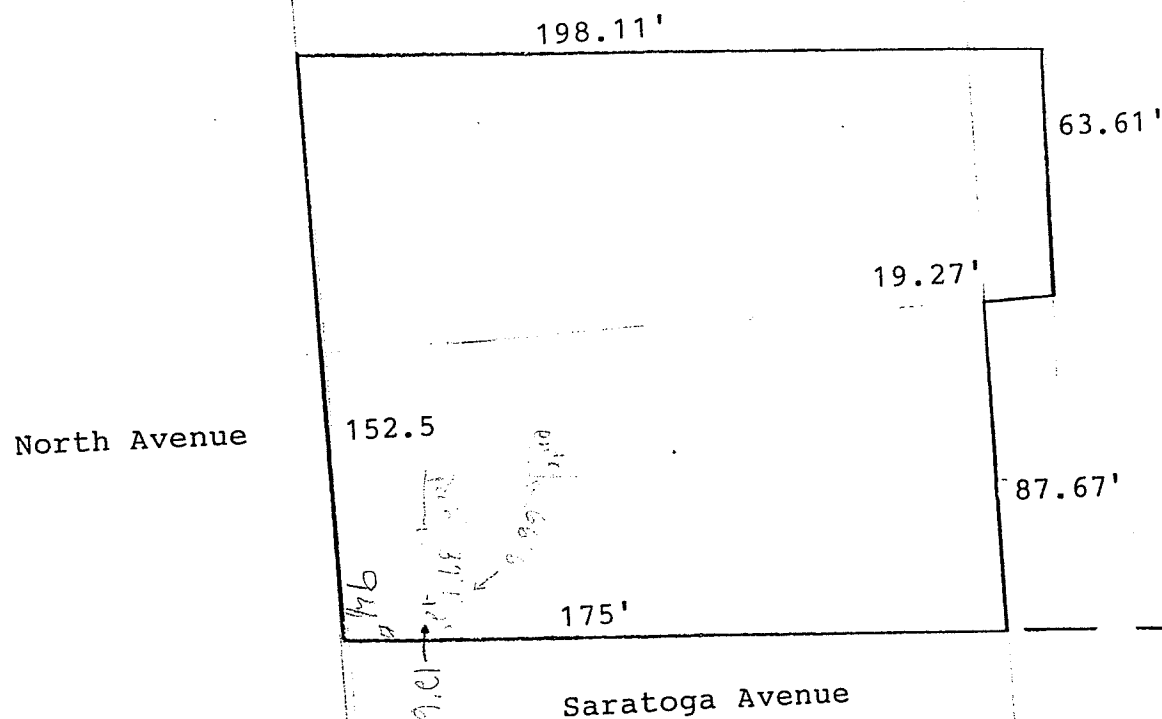
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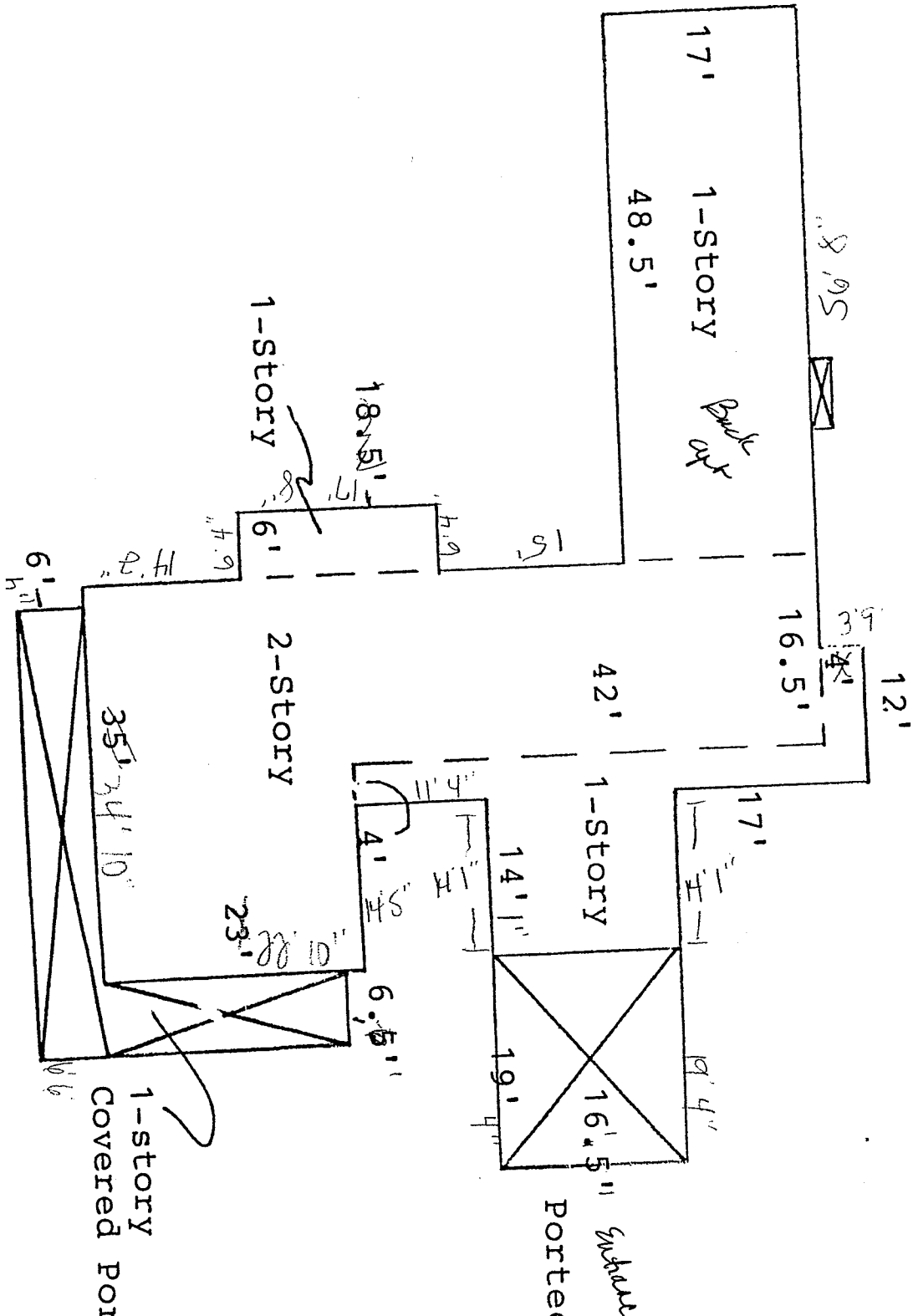
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Building Sketch
Scale: 1" = 20' ±

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DEPARTMENT OF
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Department of Planning and Zoning

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Burlington, VT 05401

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: January 5, 2016
RE: ZP16-0511CA/ AP, 154 Park Street

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File: ZP16-0511CA / AP

Location: 154 Park Street

Zone: RM **Ward:** 3C

Date application accepted: October 22, 2015

Date of Decision: October 22, 2015

Date of Filing of the Appeal: November 5, 2015

Applicant: Amy E. Pickering

Appellant: Maggie Standley, represented by Monaghan Safar Ducham PLLC.

Request: Appeal of an administrative decision to establish a family daycare for 2 children in an existing single family residence.

Background:

- Zoning Permit 14-0693CA; replace windows, install insulated panels in basement window openings. January 2014.
- Zoning Permit 14-0485CA; Removal of existing garage, return to green space. October 2013.
- Zoning Permit 99-182; replace existing opening in the rear of the single family home with a window. No change to footprint or use. October 1998.
- Zoning Permit 76-697; erect a 56' x 5' stockade fence with gate, replace garage door with overhead door. March 1976.
- Zoning Permit to build a porch upstairs two feet from northeast lot line. Approved November 1962.

Overview: The owner of the single family home at 154 Park Street was administratively approved for a Family Daycare October 22, 2015. The appeal requests reversal of the administrative decision that the family day care facility is considered by right to constitute a permitted accessory use to a single family dwelling, and to require Conditional Use review of the change of use as a home occupation pursuant to Article 5.4.6 (b).

I. Findings

On October 22, 2015, the owner of 154 Park Street filed an application to operate a daycare for two children at her existing single family home. Burlington's Comprehensive Development Ordinance (CDO) lists three categories of day under Article 13; divisions which are largely related to the number of children served.

The number of children to be accommodated by the daycare at 154 Park Street met the definition of Family Day Care Home. Per this definition and location within a single detached dwelling, the proposed use as a Family Day Care is defined as a permitted accessory use by right.

The proposed use does not meet the definition of a Small Day Care (up to 20 children, and subject to the standards of Section 5.4.1), or a Large Day Care Center (greater than 20 children.)

The permit was granted October 22, 2015 with the following conditions:

1. Per **Article 13, Definitions: Day Care Center (a) Family Day Care Home** may serve up to six (6) preschool plus four (4) school-aged children. A family day care shall be considered by right to constitute a permitted accessory use to a single detached dwelling. Registration or licensure shall be consistent with the regulations and practices of the State of Vermont Department of Children and Families. Any increase in the number of children served shall require a new zoning application and permit review as appropriate.
2. There is no additional required parking for a Family Day Care Home in the Neighborhood Parking District per Table 8.1.8-1 of the Comprehensive Development Ordinance.

Additionally, the appeal defines the decision as "Administrative approval of use of single family home as a small daycare" which is incorrect. The permit issuance was for a Family Daycare, which is distinct and different per Article 13.

Article 5: Citywide General Regulations

The appellant requests Conditional Use Review of the Family Daycare as a home occupation under Section 5.4.6 (b). Daycares are not considered Home Occupation uses, as they have their own definition under Article 13 (see below) and separate provisional standards under Article 5, Part 4, *Special Use Regulations*. **Section 5.4.1** is specific to Small Day Care Centers, **Section 5.4.6** Home Occupations.

Daycares are not home occupations.

A Family Daycare is not identified as a Conditional Use in the RM zoning district (See Appendix A, below), and is in fact considered by right to constitute a permitted accessory use to single detached dwellings.

Article 13: Definitions

Day Care Center (See Article 5 for specific provisions)

- (a) *Family Day Care Home: A state-registered or licensed daycare facility serving up to six (6) pre-school plus four (4) school-aged children. A family day care shall be considered by right to constitute a permitted accessory use to single detached dwellings.*

(b) Small Day Care Center: A state-registered or licensed daycare facility serving no more than twenty (20) full-time children in total.

(c) Large Day Care Center: A state-licensed facility providing day care services for more than twenty (20) full-time children.

The applicant confirms that she is not state licensed or registered as a day care provider, but advised staff that she could not be per the slightly differing standards of the State of Vermont for licensure.

As **Article 13 Definitions** of the Comprehensive Development Ordinance identify licensure or certification as a requirement for day cares, staff contacted the Vermont Division for Children and Families to determine state licensure or certification requirements for daycare providers. It was identified that the State of Vermont has *four* categories for daycare operators (one more than identified in the CDO), and more specifically a category for this less intensive type. Sarah Fitts Pratt, a certification specialist with DCF informed staff that the State of Vermont does not regulate day care operations that provide care for 2 families, that those may in fact operate without state licensure or certification. Their standards afterward parallel those of the three categories in the CDO; licensure is required for day care when no more than 6 children under the age of 6 plus 4 school age children are cared for, licensure for Small Day Care Centers up to 20 children, and Large Day Care Center serving over 20 children. Ms. Fitts-Pratt confirmed that the day care use proposed by the applicant, where children from 2 or fewer families are provided for, would not require regulation or certification by the State of Vermont.

The City of Burlington cannot require an applicant to secure licensure that cannot be obtained, and to a greater standard than required by the State of Vermont.

Home Occupation: *an accessory use of a dwelling unit for employment involving the provision of services or the fabrication of goods. Home occupations are subject to all the procedures, conditions, and standards of Article 5, Sec. 5.4.6.*

A day care is not a home occupation, as it has its own definition, provisions and standards within the Comprehensive Development Ordinance. A daycare is therefore not subject to Section 5.4.6. or to Conditional Use review as a home occupation.

Appendix A – Use Table

Daycare – Home (6 children or less) is a permitted use (“Y”) in the RM zoning district. Conditional Use Review does not apply.

Recommendation: Denial of the appeal, uphold the issuance of Zoning Permit 16-0511CA.

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Edward G. Adrian (Of Counsel)

Steven R. Ducham

Amy E. Escott

Brian P. Monaghan

Claudine C. Safran

*Also licensed in New Hampshire and Maine

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NOV 05 2015

DEPARTMENT OF
PLANNING & ZONING

VIA HAND DELIVERY ON THIS DATE

November 5, 2015

City of Burlington
Department of Planning & Zoning
149 Church Street
Burlington, VT 05401

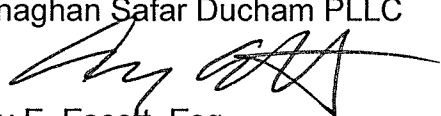
Re: Notice of Appeal of Administrative Decision
154 Park Street

To Whom It May Concern:

Enclosed please find a Notice of Appeal of Administrative Decision as well as a check in the amount of \$250.00 for the fee. Thank you for your attention to this matter. Please contact me should you have any questions.

Sincerely,

Monaghan Safar Ducham PLLC


Amy E. Escott, Esq.

Cc: Maggie Standley
Amy Pickering

CITY OF BURLINGTON

NOTICE OF APPEAL OF ADMINISTRATIVE DECISION

RECEIVED
NOV 05 2015

DEPARTMENT OF
PLANNING & ZONING

Subject Location Address: 154 Park Street

Subject Property Owner: Amy Pickering

Appellant: Maggie Standley
13 Myrtle Street
Adjacent property owner

Description of Decision: Administrative approval of use of single-family home as a small daycare.
ZP # 16-0511CA

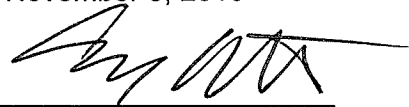
Description of Property: 154 Park Street

Regulatory provision applicable to appeal: Burlington Comprehensive Development Ordinance, Article 13, Definitions - Day Care, (a) Family Day Care Home.

- Relief Requested:**
1. Reverse the Zoning Administrator's determination that the subject family day care facility is considered by right to constitute a permitted accessory use to a single detached dwelling and the administrative approval thereof; and
 2. Require Conditional Use Review of the change of use of the single family home to a single family with a home occupation (unlicensed day care) pursuant to Article 5.4.6(b).

Alleged grounds why relief requested is proper: Article 13 defines a Family Day Care Home as a "*state-registered or licensed day care facility* serving up to six (6) pre-school plus four (4) school aged children." [Emphasis added]. Applicant's day care facility is not state-registered or licensed per Applicant's own Zoning Permit Application and does not meet the definition of Family Day Care Home. Therefore, Applicant's use of the single family home as an unlicensed day care does not constitute a permitted accessory use and is subject to Conditional Use Review as a home occupation pursuant to Article 5.4.6(b) of the Burlington Comprehensive Development Ordinance.

Dated: November 5, 2015

By: 

Amy E. Escott, Esq.
156 Battery St.
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802-660-4735
aescott@msdvt.com

Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday January 5, 2016, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT AMENDED AGENDA

- I. Agenda**
- II. Communications**
- III. Minutes**
- IV. Public Hearing**
 - 1. 16-0511CA; 154 Park Street (RM, Ward 3C) Amy E. Pickering**
Appeal of zoning permit for family daycare in existing single family residence.
(Project Manager, Mary O'Neil)
 - 2. 16-0647CU; 934 North Avenue (RL, Ward 7N) 934 North Ave, LLC**
Conditional use review for adding one new residential unit for a total of four units;
eliminating funeral home use. (Project Manager, Mary O'Neil)
- V. Certificate of Appropriateness**
 - 1. 16-0613CA; 79 Industrial Parkway (ELM, Ward 5S) Zoo Holdings LLC**
Five year tree maintenance plan. (Project Manager, Scott Gustin)
 - 2. 16-0619CA; 1 Burlington Square (D, Central District 3) College St. Limited Partnership**
Renovate 42,000 sf of existing office space, convert 2,000 sf of existing office space to parking. Add 12,200 sf of new office space in new penthouse level. Renovate exterior building facade, new access drive and parking. (Project Manager, Mary O'Neil)
- VI. Other Business**
- VII. 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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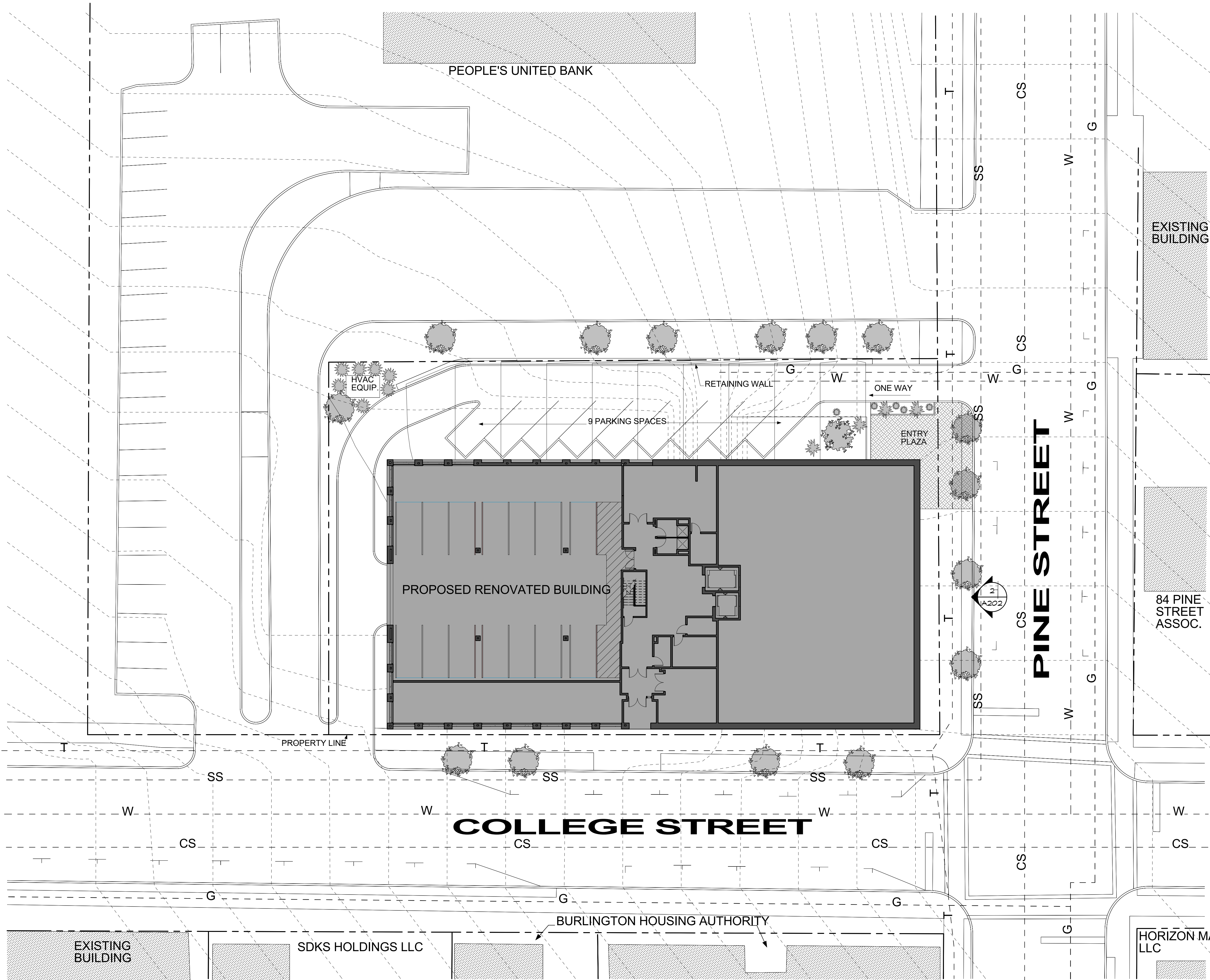
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BURLINGTON, VERMONT



12/10/2015 3:17:58 PM
E:\1413 - ONE BURLINGTON SQUARE model no exterior walls behind storefront 11-12-15_A1_A1.rvt

ABBREVIATIONS						ARCHITECTURAL SYMBOLS				DRAWING INDEX																		
										SHEET NO.		DRAWING NAME		SHEET NO.		DRAWING NAME												
ADD A/C AT ADJ AFF ALUM APPROX ARCH	ADDITIONAL AIR CONDITION(ING) ACOUSTIC TILE ADJUSTABLE ABOVE FINISH FLOOR ALUMINUM APPROXIMATE ARCHITECTURAL	GA GALV GC GL GYP	GAGE GALVANIZED GENERAL CONTRACTOR GLASS GPYSUM	PVC QT R RD REINF REQD REV RM RO	POLYVINYL CHLORIDE QUARRY TILE RADIUS, RISER ROOF DRAIN, ROAD REINFORCEMENT REQUIRED REVISION ROOM ROUGH OPENING		DWG. NO.		DWG. NAME		SHEET NO.		ELEVATION NO.	SHEET NO. DWG. NAME A001COVERSHEET A101FIRST FLOOR PLAN A102SECOND FLOOR PLAN A103THIRD FLOOR PLAN A104PENTHOUSE FLOOR PLAN A201EXTERIOR ELEVATIONS A202EXTERIOR ELEVATIONS A301BUILDING SECTION A500EXISTING WALL SECTION A501WALL SECTION A502WALL SECTION AT ENTRY A9013D VIEW SP101SITE PLAN														
BD BLDG BLKG BSMT	BOARD BUILDING BLOCKING BASEMENT	HHGT HC HORIZ H/C HM HVAC	HEIGHT HOLLOW CORE HORIZONTAL HANDICAP HOLLOW METAL HEATING, VENTINALTION, & A/C	S SCH SCW SECT SHT SIM SL SPEC SQ STD STL SUSP S. STL	SOUTH SCHEDULE SOLD CORE WOOD SECTION SHEET SIMILAR SLOPE SPECIFICATION SQUARE STANDARD STEEL SUSPENDED STAINLESS STEEL		SECTION NO.		SHEET NO.		DETAIL MARKER		DOOR NUMBER				SHEET NO. DWG. NAME A001COVERSHEET A101FIRST FLOOR PLAN A102SECOND FLOOR PLAN A103THIRD FLOOR PLAN A104PENTHOUSE FLOOR PLAN A201EXTERIOR ELEVATIONS A202EXTERIOR ELEVATIONS A301BUILDING SECTION A500EXISTING WALL SECTION A501WALL SECTION A502WALL SECTION AT ENTRY A9013D VIEW SP101SITE PLAN											
CAB CER CJ CL CLG CH CMU COL CONC CONST CONT CPT CT	CABINET CERAMIC CONTROL JOINT CLEAR, CLEARANCE CEILING CEILING HEIGHT CONCRETE MASONRY UNIT COLUMN CONCRETE CONSTRUCTION CONTINUOUS CARPET CERAMIC TILE	IN INSUL INT INCL JAN, JC JT KIT LAV LAM	INSIDE DIAMETER INCH INSULATION, INSULATED INTERIOR INCLUDED JANITOR'S CLOSET JOINT KITCHEN, KITCHENETTE LAVATORY LAMINATE	T & G TEL TEMP TH, THK THRSLD TOS TOW TYP	TONGUE AND GROOVE TELEPHONE TEMPORARY THICK, THICKNESS THRESHOLD TOP OF STEEL, SLAB TOP OF WALL TYPICAL		WINDOW TYPE		COLUMN GRID		CENTER LINE		1" DN						SHEET NO. DWG. NAME A001COVERSHEET A101FIRST FLOOR PLAN A102SECOND FLOOR PLAN A103THIRD FLOOR PLAN A104PENTHOUSE FLOOR PLAN A201EXTERIOR ELEVATIONS A202EXTERIOR ELEVATIONS A301BUILDING SECTION A500EXISTING WALL SECTION A501WALL SECTION A502WALL SECTION AT ENTRY A9013D VIEW SP101SITE PLAN									
DET DIA DIM DN DS DWG	DETAIL DIAMETER DIMENSION DOWN DOWNSPOUT DRAWING	MATL MAX MDO MECH MTL MIN MO	MATERIAL MAXIMUM MEDIUM DENSITY OVERLAY MECHANICAL METAL MINIMUM MASONRY OPENING	W W/ W/O WD WT WWF WWM	WIDTH, WASTE, WATER, WEST WITH WITHOUT WOOD WEIGHT WELDED WIRE FABRIC WELDED WIRE MESH		PROPERTY LINE		NORTH ARROW		CHANGE IN ELEVATION	SHEET NO. DWG. NAME A001COVERSHEET A101FIRST FLOOR PLAN A102SECOND FLOOR PLAN A103THIRD FLOOR PLAN A104PENTHOUSE FLOOR PLAN A201EXTERIOR ELEVATIONS A202EXTERIOR ELEVATIONS A301BUILDING SECTION A500EXISTING WALL SECTION A501WALL SECTION A502WALL SECTION AT ENTRY A9013D VIEW SP101SITE PLAN																
E EA ELEC ELEV EQ EQUIP EXIST EXP	EAST EACH ELECTRICAL ELEVATION, ELEVATOR EQUAL EQUIPMENT EXISTING EXPANSION	N NIC NO NOM NTS	NORTH NOT IN CONTRACT NUMBER NOMINAL NOT TO SCALE	UNO	UNLESS NOTED OTHERWISE		REVISION		REVISION	SHEET NO. DWG. NAME A001COVERSHEET A101FIRST FLOOR PLAN A102SECOND FLOOR PLAN A103THIRD FLOOR PLAN A104PENTHOUSE FLOOR PLAN A201EXTERIOR ELEVATIONS A202EXTERIOR ELEVATIONS A301BUILDING SECTION A500EXISTING WALL SECTION A501WALL SECTION A502WALL SECTION AT ENTRY A9013D VIEW SP101SITE PLAN																		
FD FF FEC F. EXT. FIN FL FT FTG	FLOOR DRAIN FINISHED FLOOR FIRE EXTINGUISHER W/ CABINET FIRE EXTINGUISHER W/O CABINET FINISH FLOOR, FLASHING FOOT, FEET FOOTING	OC OD OPNG OPP	ON CENTER OUTSIDE DIAMETE OPENING OPPOSITE				REVISION		REVISION												SHEET NO. DWG. NAME A001COVERSHEET A101FIRST FLOOR PLAN A102SECOND FLOOR PLAN A103THIRD FLOOR PLAN A104PENTHOUSE FLOOR PLAN A201EXTERIOR ELEVATIONS A202EXTERIOR ELEVATIONS A301BUILDING SECTION A500EXISTING WALL SECTION A501WALL SECTION A502WALL SECTION AT ENTRY A9013D VIEW SP101SITE PLAN							
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LEGEND

- EXISTING BUILDING
- PROPOSED RENOVATED BUILDING
- EXISTING CONTOURS
- PROPOSED CONTOURS
- CS COMBINED SEWER
- SS STORM SEWER
- E ELECTRIC
- W WATER
- G GAS
- T TELEPHONE/DATA

PRELIMINARY
NOT FOR
CONSTRUCTION

No.	Description	Date

--

SITE PLAN SCALE: 1/16" = 1'-0"	ONE BURLINGTON SQUARE BURLINGTON, VERMONT
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559 Middlebury Road
Suite 101
South Burlington, VT 05403
802-883-0222
RabideauArchitects.com

PROJECT #: 1413

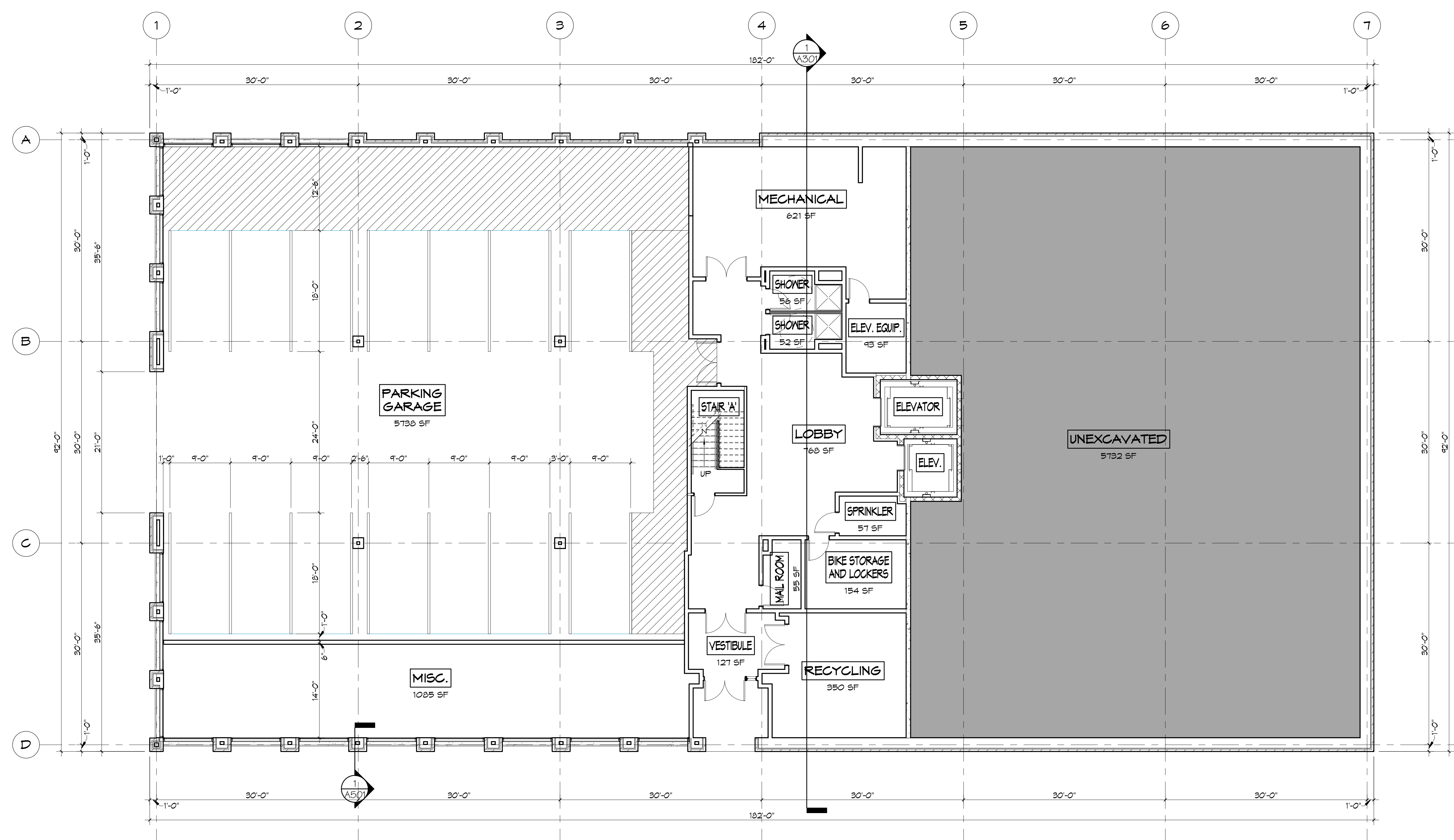
SHEET NUMBER

SP101

DATE: 12/19/2014

1 SITE PLAN
1/16" = 1'-0"

Referenced From: A201



1 FIRST FLOOR PLAN
1/8" = 1'-0"
Referenced From: A201

PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS		
No.	Description	Date

FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"

ONE BURLINGTON SQUARE
BURLINGTON, VERMONT



PROJECT #: **1413**

SHEET NUMBER

A101

DATE: 12/19/2014

PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS	
No.	Description

SECOND FLOOR PLAN
SCALE: 1/8" = 1'-0"

ONE BURLINGTON SQUARE
BURLINGTON, VERMONT

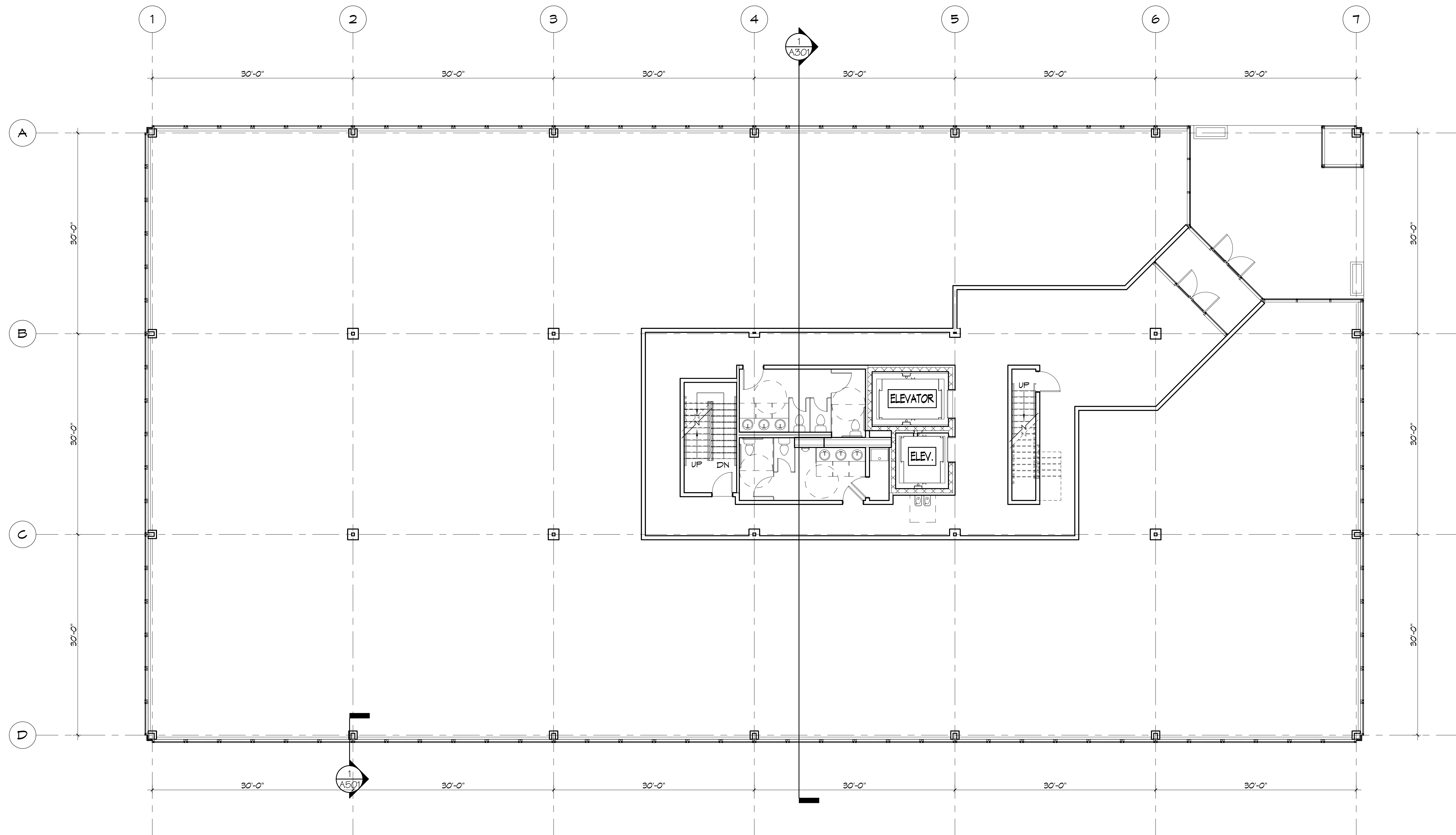


PROJECT #: 1413

SHEET NUMBER

A102

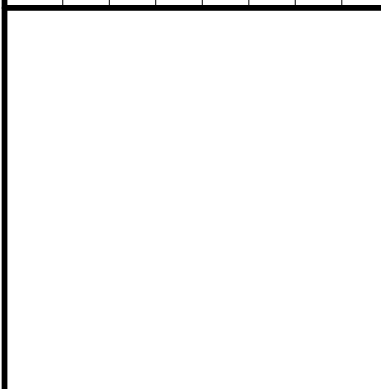
DATE: 12/19/2014



1 SECOND FLOOR PLAN
1/8" = 1'-0" Referenced from: A201

PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS		No.	Description	Date



THIRD FLOOR PLAN
SCALE: 1/8" = 1'-0"

ONE BURLINGTON SQUARE
BURLINGTON, VERMONT

559 Middlebury Road
Suite 101
South Burlington, VT 05403
802-883-0222
RabideauArchitects.com

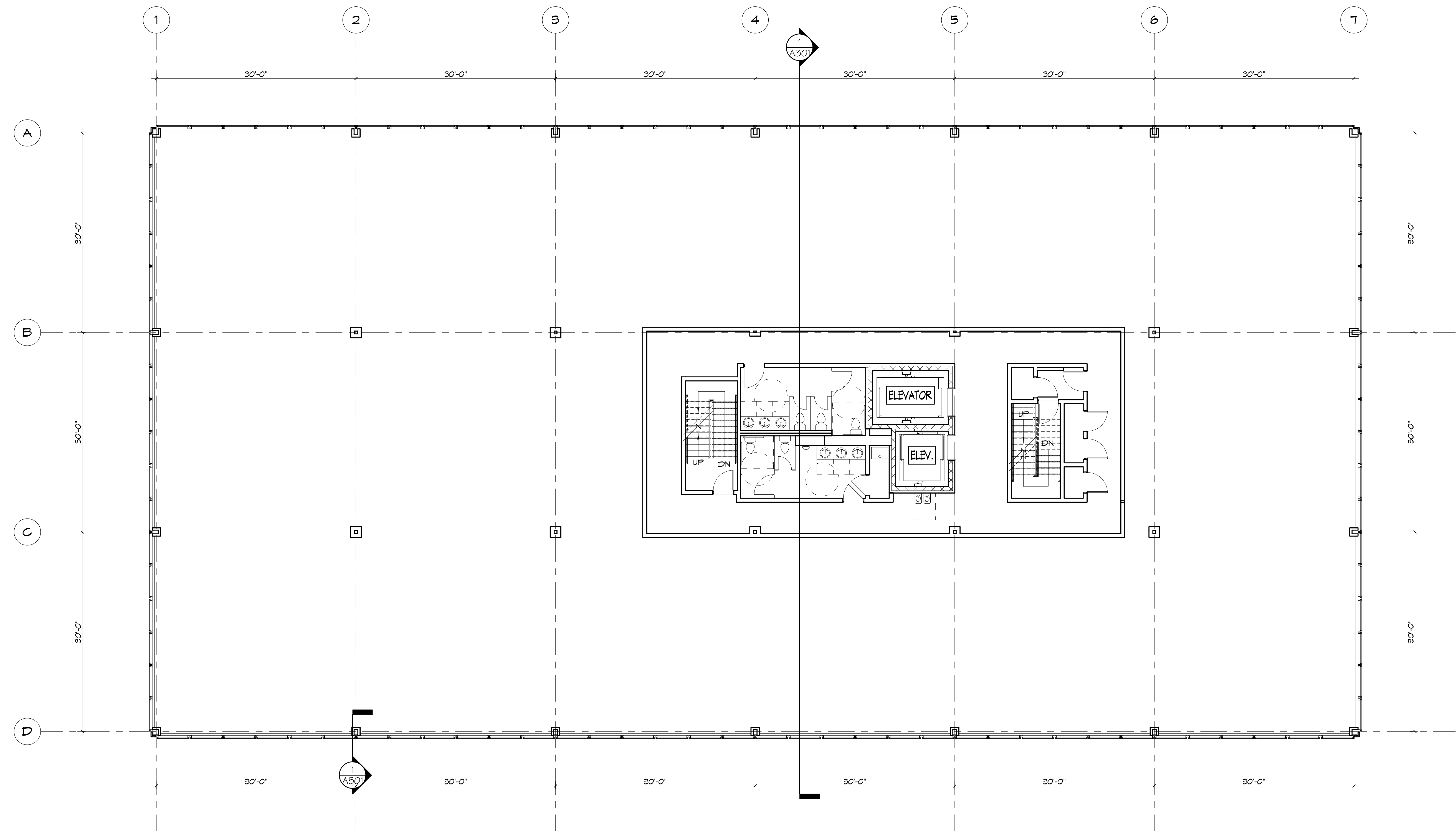
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PROJECT #: 1413

SHEET NUMBER

A103

DATE: 12/19/2014



1 THIRD FLOOR PLAN
1/8" = 1'-0" Referenced From: A201

REVIEWS	
No.	Description

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

BURLINGTON, VERMONT

RA
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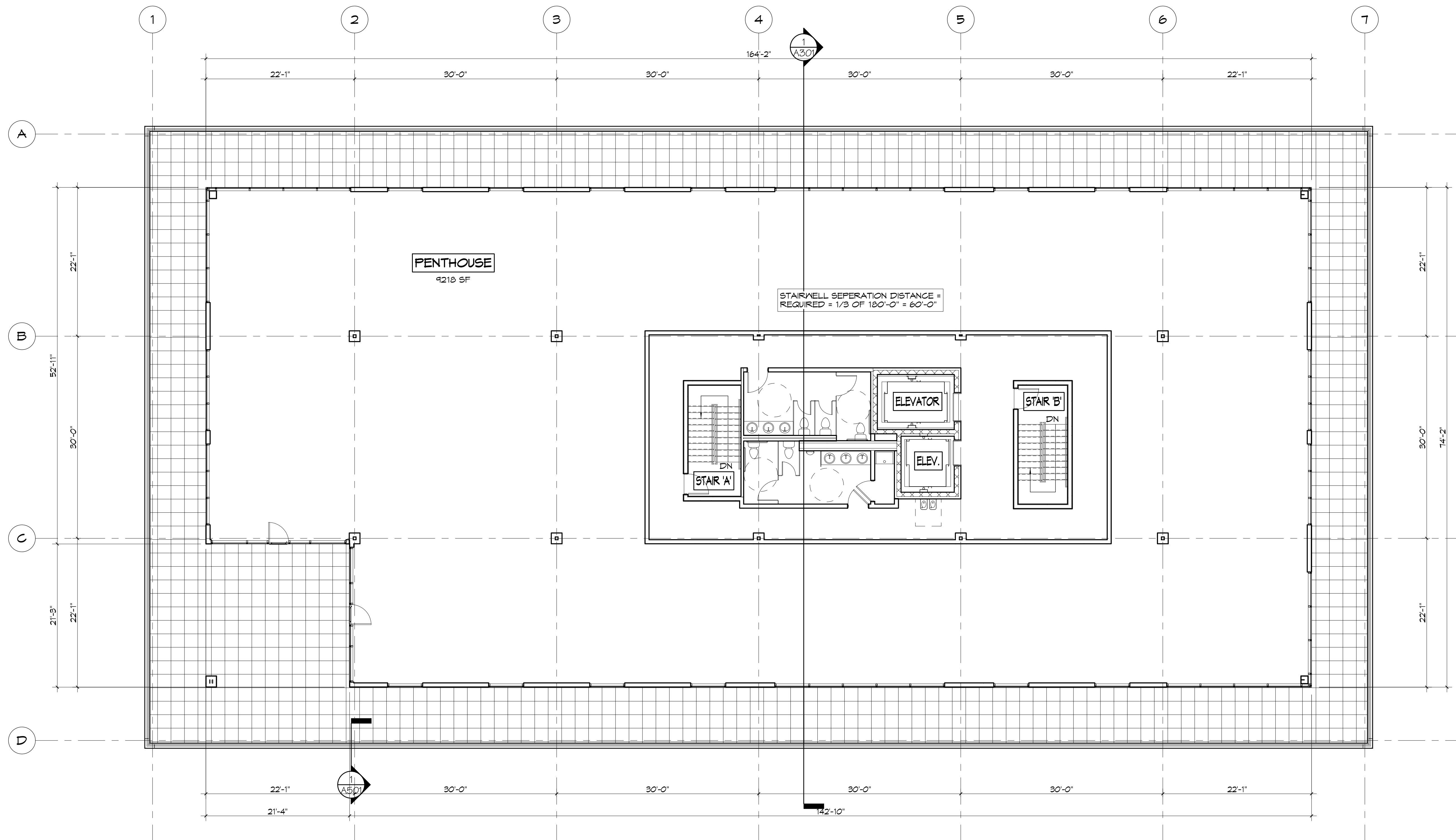
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Suite 101
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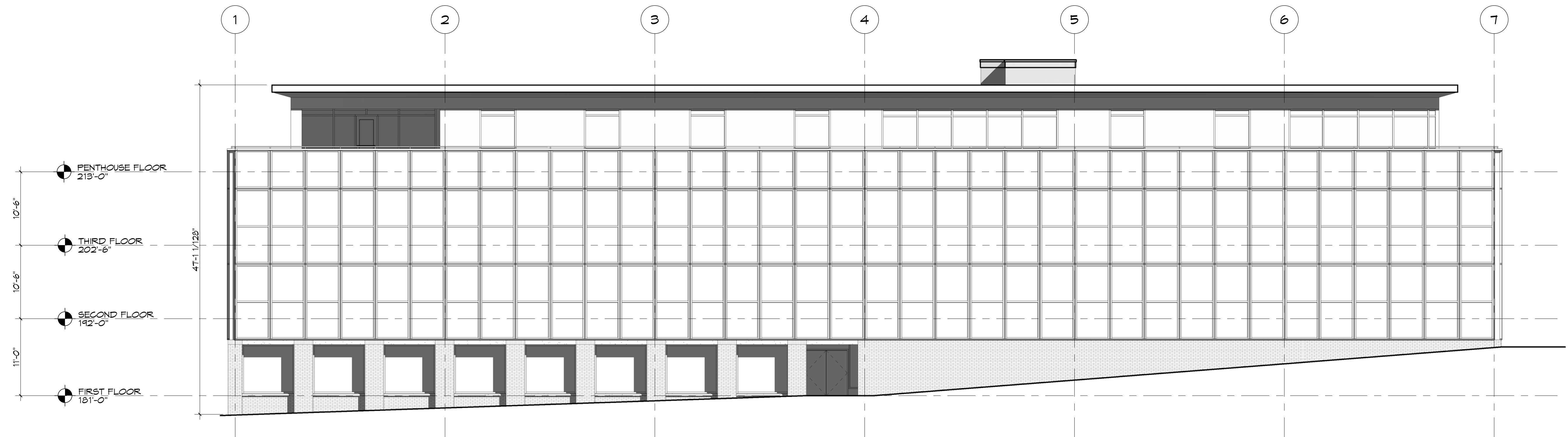
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A104

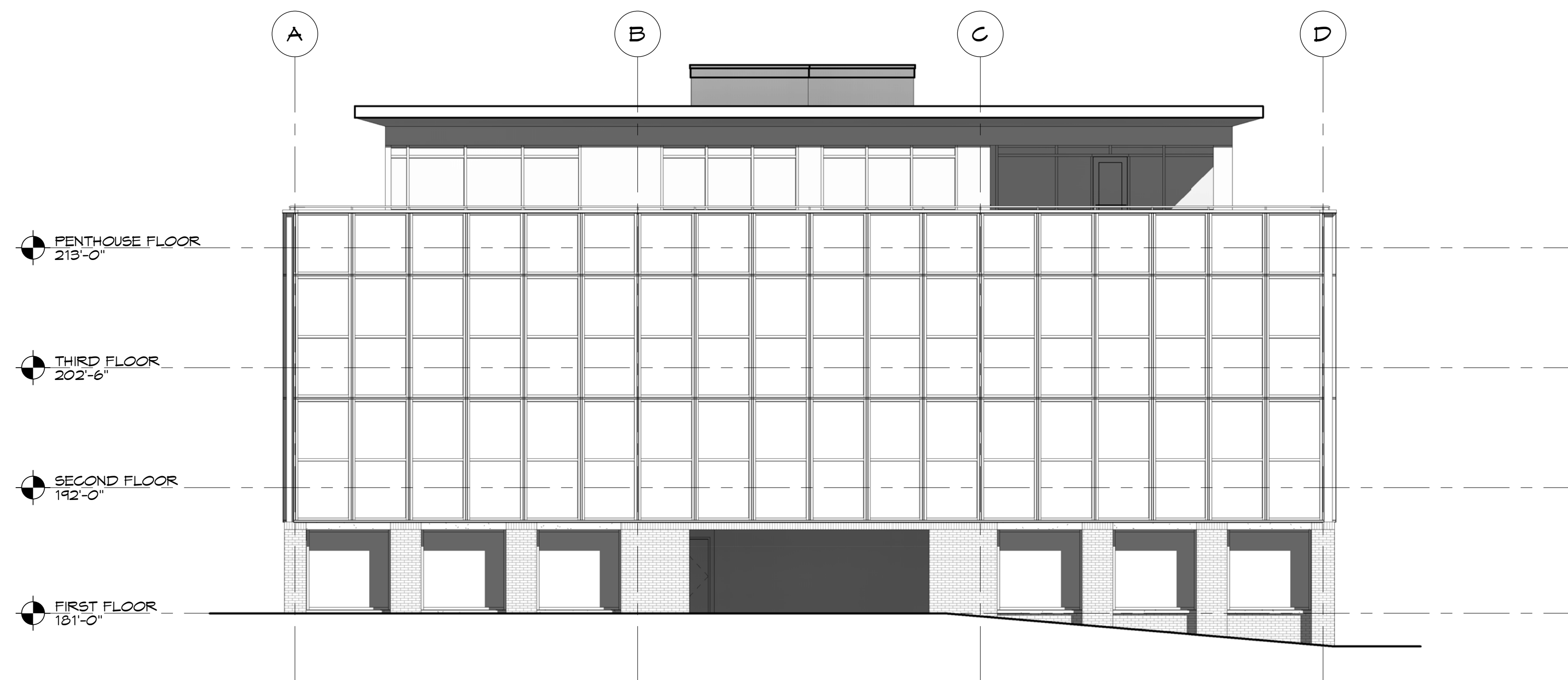
DATE: 12/19/2014



1 PENTHOUSE FLOOR PLAN



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



2 WEST ELEVATION
1/8" = 1'-0"

PRELIMINARY
NOT FOR
CONSTRUCTION

Date

REVISIONS
Description

No.

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

ONE BURLINGTON SQUARE
BURLINGTON, VERMONT

559 Middlebury Road
Suite 101
South Burlington, VT 05403
802-883-0222
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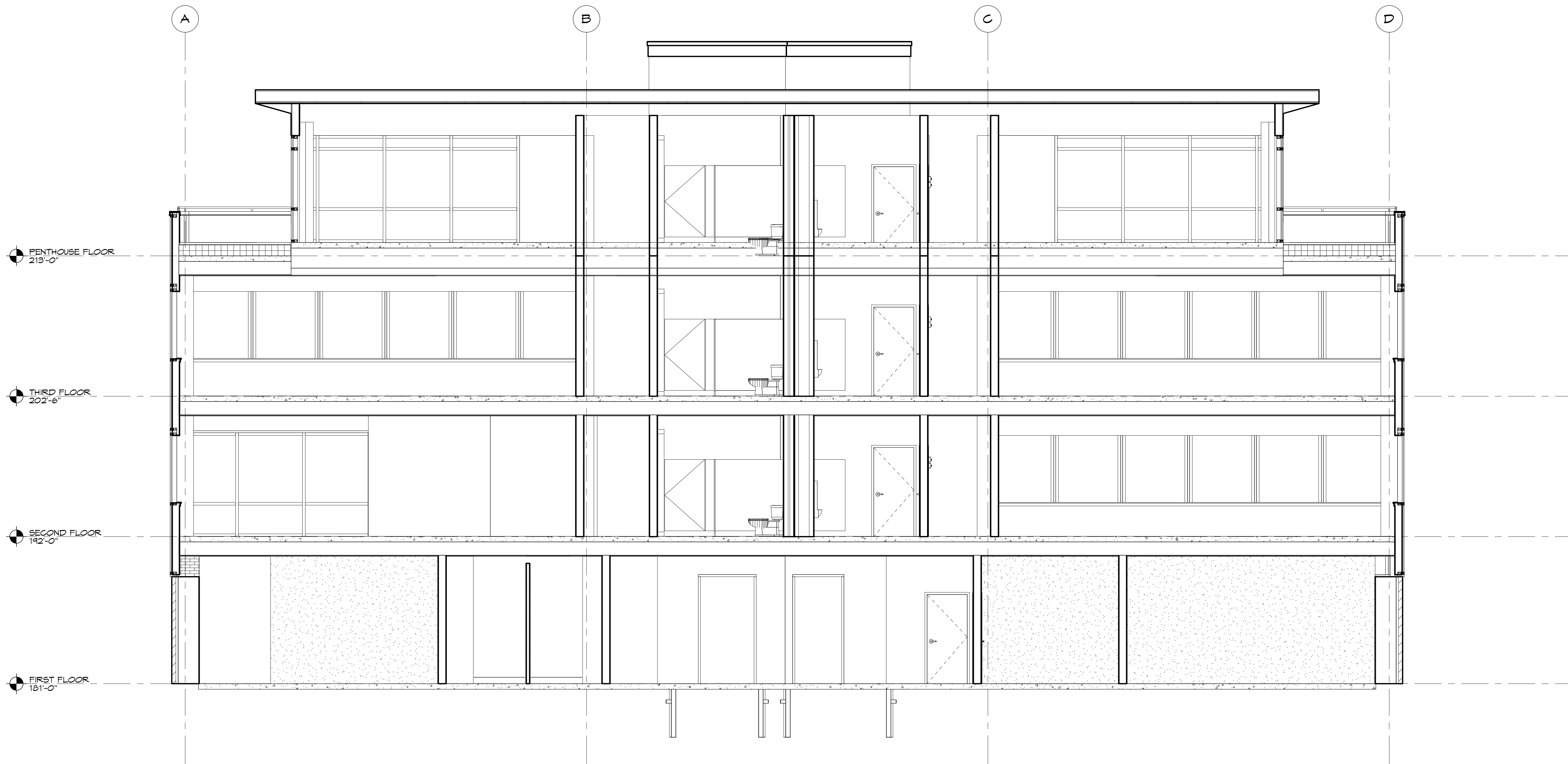
PROJECT #:

1413

SHEET NUMBER

A201

DATE: 12/19/2014



1 BUILDING SECTION
1/4" = 1'-0" Referenced From: A101

PRELIMINARY
NOT FOR
CONSTRUCTION

Date

REVISIONS
Description

No.

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

ONE BURLINGTON SQUARE

BURLINGTON, VERMONT

559 Willoughby Road
Suite 101
South Burlington, VT 05403
802-883-0222
RabideauArchitects.com



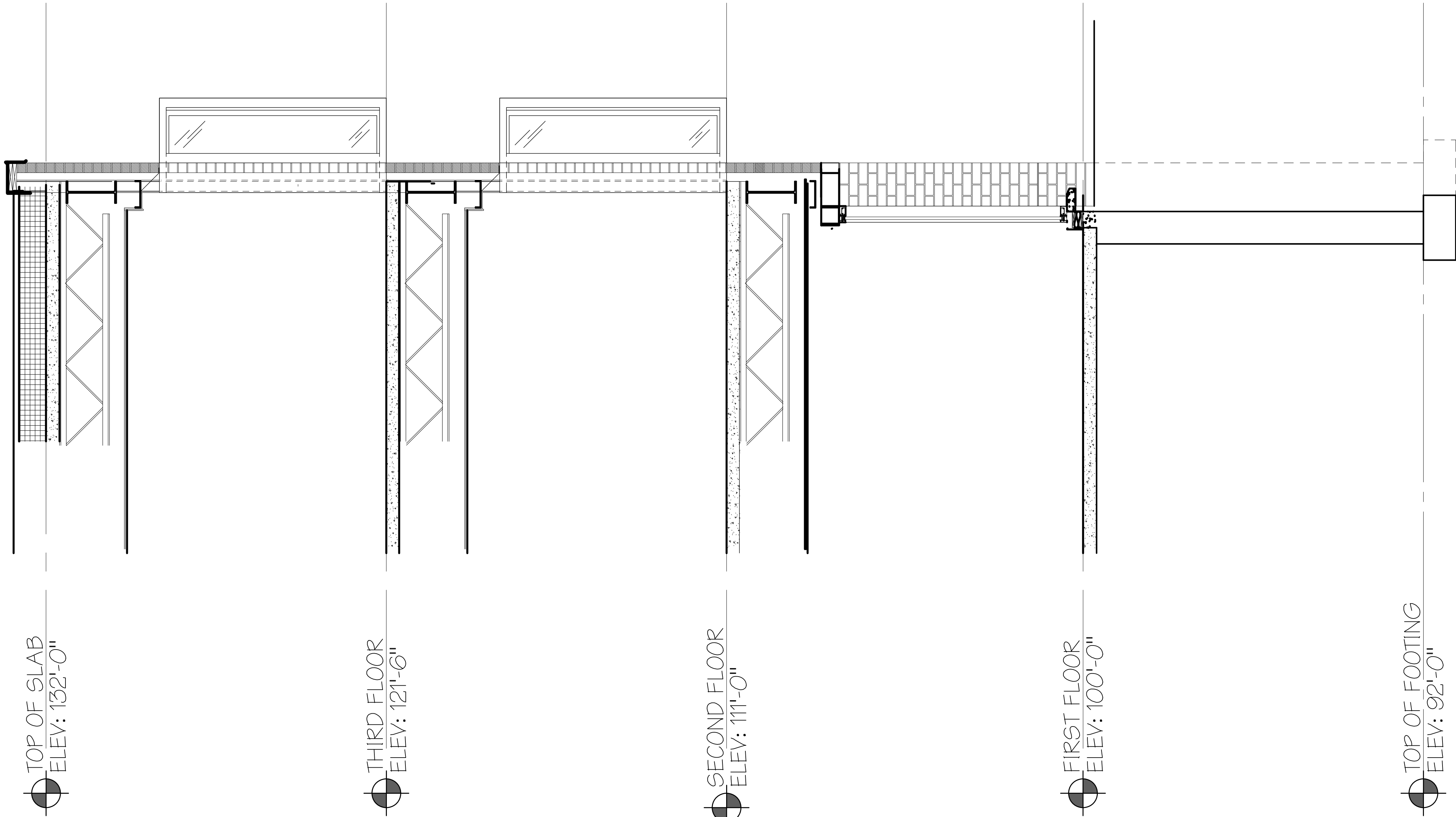
PROJECT #:

1413

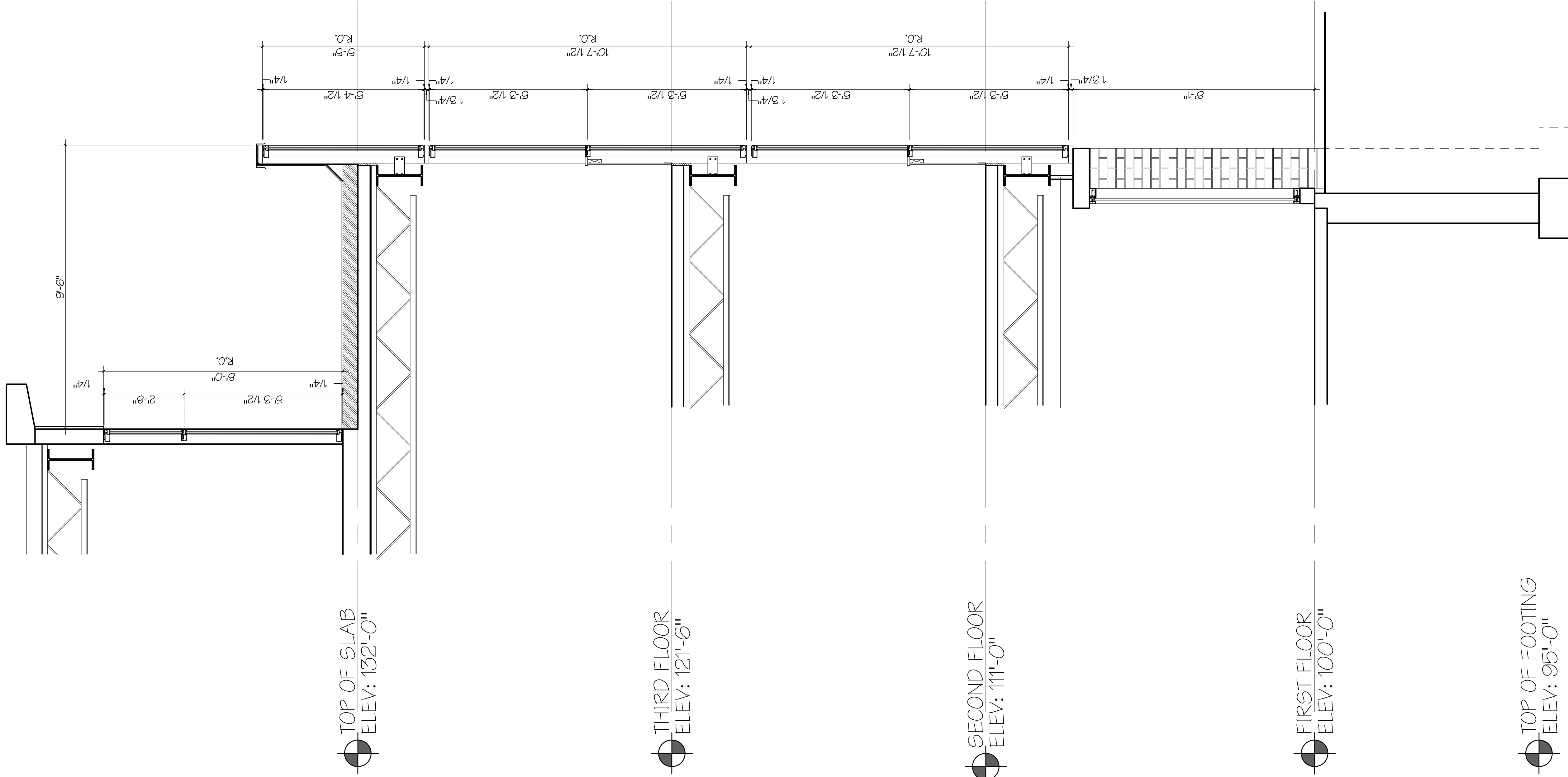
SHEET NUMBER

A301

DATE: 12/19/2014



DATE: 09/03/14		REVISIONS:		VERMONT	
				BURLINGTON	
EXISTING WALL SECTION		ONE BURLINGTON SQUARE		ICV	
PROJECT # 1413		SHEET NUMBER		A500	
DATE: 09/03/14					
550 Hingham Road South Burlington, VT 05403 802.853.0222 Rabideau-Architects.com		Rabideau Architects			



1 TYPICAL WALL SECTION
SCALE: 1/2" = 1'-0"

PROJECT # 1413		SHEET NUMBER A501		DATE: 09/03/14	
Rabideau Architects 550 Hinchburg Road Suite 101 South Burlington, VT 05403 802.883.0222 Rabideau-Architects.com		BURLINGTON		VERMONT	
WALL SECTION		ONE BURLINGTON SQUARE ICV			
REVISIONS:		DATE:			



PRELIMINARY
NOT FOR
CONSTRUCTION

REVISIONS		Date
No.	Description	



3D VIEW
SCALE:

ONE BURLINGTON SQUARE
BURLINGTON, VERMONT

559 Middlebury Road
Suite 101
South Burlington, VT 05403
802-883-0222
RabideauArchitects.com

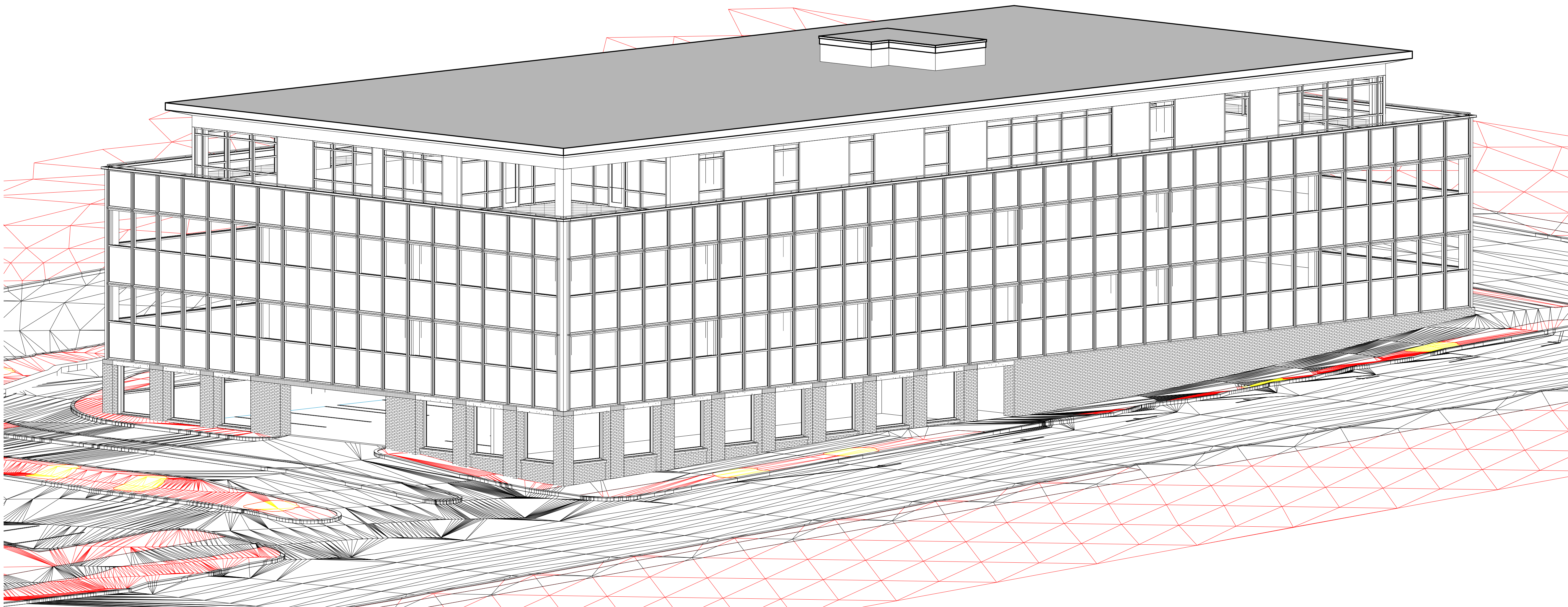
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PROJECT #:
1413

SHEET NUMBER

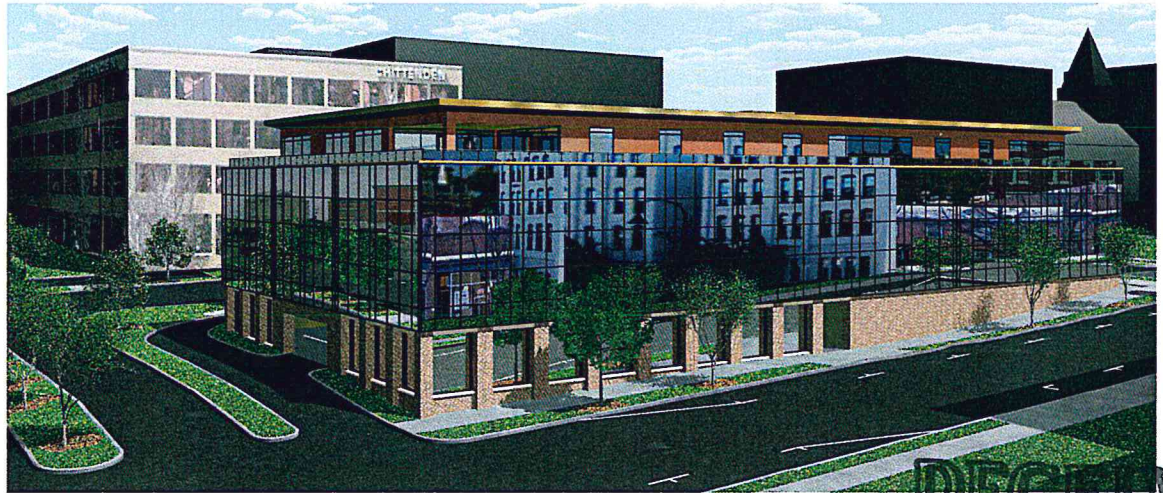
A901

DATE: 12/19/2014



1 PERSPECTIVE

One Burlington Square Rehabilitation: Major Impact Development Report



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Overview:

Investors Corporation of Vermont owns and operates an existing three-story, 42,000 square foot office building at One Burlington Square. The structure was constructed in 1969 and consistent with buildings of this vintage was not well insulated. The overall energy performance of this building is not good. The owner / applicant proposes a renovation of the building shell to correct this condition. As part of this undertaking, the owner also proposes the addition of a 12,700 square foot penthouse level, and conversion of a portion of the ground floor to enclosed parking. The net increase in building area is 5,700 square feet. This is not a substantial increase of area in the City Center District.

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The project site is fully developed today, and with frontage on both College Street and Pine Street, will not require the creation of new roads or any substantial reconfiguration of city utilities. Our goal is the improve building performance and aesthetics so as to bring One Burlington Square up to contemporary standards for Class A office space.

CONDITIONAL USE AND MAJOR IMPACT REVIEW

Major Impact Review Standards:

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

The proposed project does not entail any commercial or industrial processes that would create water, air, or noise pollution. The proposal does not increase impervious surface area significantly above current conditions and so is neutral with regard to urban run-off into Lake Champlain. The potential for air pollution is limited to the exhausts related to building heating equipment, and since the stated goal is to reduce fuel consumption, it is our opinion that the project will reduce emissions related building operations substantially. Office uses are not significant sources of noise, and the typical hours of operation are during business hours (M-F 8 am to 5 pm.)

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2. Have sufficient water available for its needs;

The 5,700 square foot net increase in building area will incrementally increase water demand for building occupants. The building code allows 100 square feet per occupant in business occupancies. Therefore, the net increase will generate 57 additional building occupants. State water quality regulations stipulate 15 gallons per person per day in this occupancy. This results in a total added demand of 855 gallons per day. That is a 13.5% increase over current building use. The water system in this part of Burlington's Downtown has significant capacity, and 855 gallons per day is quite literally a drop in the bucket. We have contacted the Burlington Water Department and Burlington Public Works and have not identified any problems with existing infrastructure or system capacity.

As part of this building upgrade an automatic sprinkler system will be installed. While this system will use water, it is generally not considered in determining water use since the system only deploys under fire service conditions, which hopefully are rare.

3. Not unreasonably burden the city's present or future water supply or distribution system;

This proposal does not include construction of new water distribution system components. There are existing water mains in both Pine Street and College Street. The service connection into the building will be resized to accommodate the fire suppression system, but a reducing valve will be placed in line after the sprinkler valve to more or less the same size as the existing service entrance. The elevation of the subject property is low in the system relative to the Main Street Reservoir, and should not significantly reduce pressure to downstream.

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;

The subject property is located in the City Center District, which by ordinance allows 100% lot coverage. The lot is currently fully developed and is substantially covered with impervious surfaces. The proposed expansion of the building area is limited to the addition of a penthouse level on an existing roof, and therefore does not result in any increase of lot coverage. Modifications to the site coverage entail replacing existing hardscape in the form of wide walkways and stairs with a drivable surface and parking in a more or less one to one exchange.

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

In this Downtown location, there are not impacts on water or rail travel. Pedestrian pathways are essentially the grid of City sidewalks throughout the Downtown area, and those have more than sufficient capacity for an additional 57 people. The relevant question here relates to vehicle traffic, most essentially during the evening commute.

One Burlington Square Rehabilitation: Major Impact Development Report

Traffic impacts for an office use are determined using the Institute of Traffic Engineers Design manual. General office space will yield 1.49 vehicle trip ends during the PM Peak Hour (evening rush hour.) For the 5700 new square feet proposed, this is an additional 84.93 trip ends.

However, a recent study by the ITE has demonstrated that for urban infill projects in City Center Districts, the manual currently overstates VTEs. The samples for the rate set for General Office are heavily weighted for suburban locations where mass transit and other modes of transportation are not common. The observed rate of trip generation for downtown projects is 50% of the tabular rate.

If we apply the adjusted trip generation rate of 0.74 VTE per 1000 sf., the anticipated traffic impact is more likely 42.18 pm peak hour trips. This seems more likely given that we anticipate an additional 57 building occupants. At least some building occupants will travel during off peak hours, use readily available public transportation, or even walk to work.

Between 42 and 84 trip ends weighted towards exiting movements at the end of the day does not constitute a significant burden on the capacity of the local road network. On the downtown grid, traffic will diffuse in multiple directions, primarily northward via Battery, southward via Pine Street and eastward via Main and or College streets.

6. Not cause an unreasonable burden on the city's ability to provide educational services;

The project is commercial / office space and will remain so. As such, it will not increase the number of students. A nominal increase in building valuation will positively benefit schools through the increase in property taxes.

7. Not place an unreasonable burden on the city's ability to provide municipal services;

The subject property already uses city water and sewer, electrical, police, fire and emergency services. The small incremental increase in building area does not constitute an unreasonable burden on city services because it does not require an expansion of the service area and is not located in an area where services are not designed to handle the proposed volume. The taxable value of the project will more than offset the incremental cost of the small expansion.

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;

This is an urban site, and it has been fully developed for a long time. There are no natural areas, historic features or the potential for archeological discovery. The addition of another story would not block existing view corridors, since the next block uphill has much taller buildings. In addition, the proposed penthouse is stepped back from the principal façade, mitigating the impact of this addition.

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One Burlington Square Rehabilitation: Major Impact Development Report

The building façade as it exists is distinctive, but the execution of it is so energy inefficient that other values outweigh its novelty. To understand the shortcomings of the existing façade, one must experience this building from the inside. The projecting window bays limit visibility from within, making the current office space feel claustrophobic. Since the concrete projections are not insulated in any way, and feature single pane fixed glazing, the spaces at the perimeter of the floor plate can be drafty. The building is not historic by definition.

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

This is a renovation project. It is located in the city core, where growth is most desirable. By building in the city center, this project allows the city to concentrate deployment of city resources. It takes advantage of existing infrastructure without committing the city to expending facilities or take on new responsibilities. Re-investment in an existing site is very much intended to retain businesses in the city and allow the owner to compete with new build suburban properties at Technology Park or on Tilley Drive in South Burlington, or Water Tower Hill in Colchester.

10. Be in substantial conformance with the city's municipal development plan and all incorporated plans;

The proposed retrofit and expansion of this building reflects the values of the Municipal plan. Selected excerpts of the plan and our opinion of compliance are as follows:

"LAND USE PLAN

This Plan envisions Burlington as a city where the downtown is a distinctly urban place serving as the historic core of the county's educational, economic, cultural, and governmental center. Downtown Burlington is a high density, mixed-use growth center that has blended the need for concentrated and efficient development with a respect for the city's architectural heritage and natural environment. Vacant and underutilized land and buildings have been adaptively reused for housing, shops, and offices. "

Strengthen the City Center District (CCD) with higher density, mixed-use development as part of the regional core while ensuring that it serves the needs of city residents, particularly those in adjacent neighborhoods.

Target new and higher density development into the Downtown...

The renovation and expansion of One Burlington Square does concentrate density in the CCD. It also entails an expansion of an underutilized site in an efficient manner.

"BUILT ENVIRONMENT

One Burlington Square Rehabilitation: Major Impact Development Report

This Plan envisions Burlington as a city where...

...Burlington's built environment reflects a legacy of a rich architectural heritage, moderately scaled buildings, and high quality urban design. The unique design characteristics of each neighborhood have been retained, while new construction and public investment respect the city's historic character and demonstrate high quality architecture while effectively meeting the demand for continued growth. In higher density areas, buildings are closer to the street, with parking underneath or in a nearby structure. All buildings and public facilities are welcoming to people with disabilities. Both new construction and renovations to older buildings illustrate a commitment to sustainable development practices with the use of green building materials and energy efficient design. The streetscape is clean, well maintained and lined with shade trees. Overhead utilities have been relocated underground, and excessive street lighting has been eliminated. Important view corridors and scenic vistas have been retained, and developed areas are complimented by open spaces, parks, and natural areas.

Retain its moderate scale and urban form in its most densely developed areas, while creating opportunities for increased densities.

Most buildings in high-density areas should be no taller than six to eight stories, and should make the most effective use of the site. Building height is based on its location (both individual site and context) and function.

In higher density areas, buildings should be closer to the street, with uses and entrances at the street level that invite pedestrian activity. Transitions between high density and low-density areas should be gradual. Access to light and air is maintained, while care is taken not to cast large shadows over nearby buildings and alter wind patterns.

This effort will incorporate moderate density and increased energy efficiency. At four stories, it is a modest increase in building height. By stepping the new story back from the principal faced, we are respecting the existing urban fabric and mitigating the potential for casting shadows. The project will incorporate under building parking.

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; and/or*

This project will have no effect on housing stock. It does not involve removal of or replacement of housing stock and is located in a zoning district where the stated purpose is to promote commercial activity.

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One Burlington Square Rehabilitation: Major Impact Development Report

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

The project site is not located adjacent to any city park or recreational amenity and so will not directly affect these elements in the same way that housing projects may, but we can assume building occupants will make use of the rec path system to commute or for exercise on lunch hours. The addition of 57 building occupants does not represent an undue or adverse increase in the volume of use.

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Department of Planning and Zoning

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Burlington, VT 05401

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Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: January 5, 2016
RE: ZP16-0619CA

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



File: ZP16-0619CA

Location: One Burlington Square / 94 College Street

Tax ID: 049-1-119-000

Zone: D **Ward:** 3C

Date application accepted: November 17, 2015

Applicant/ Owner: College Street Limited Partnership

Request: Renovate 42,000 sf of existing office space, convert 2,000 sf of existing office space on ground floor to parking. Add 12,200 sf of new office space in new penthouse level. Renovate exterior building façade, new access drive off Pine Street, new surface parking.

Background:

- Zoning Permit 14-0217CA; replace one existing condensing unit on roof with new, install one additional new unit. September 2013.

- Zoning Permit 03-504; install concrete service ramp with pipe railing and new steps to north entry. Not change in lot coverage. May 2003.
- Zoning Permit 98-288; installation of new exterior HVAC unit and generator adjacent to existing unit, for the existing office building. Proposal includes a brick enclosure. January 1998.
- Zoning Permit 96-414; installation of an externally illuminated parallel sign on the College Street façade for the existing office. April 1996.
- Zoning Permit 96-303; five signs for the existing Fletcher Allen Health Care offices. January 1996.
- Zoning Permit 96-234; construction of a loading dock with associated access drive from College Street on the west side of the existing office building. November 1995.
- Zoning Permit 85-079 / COA 85-014; replace existing windows with windows of the same size but flush to the building. March 1985.
- Zoning Permit 81-336; microwave antenna located on roof. February 1981.
- Zoning Permit 79-455; interior renovation, expansion of leasable area, reconstruction of entrances. August 1979.
- Year built: 1969.

Overview: Investors Corporation of Vermont owns and operates the existing 2/3 story 42,000 sf. office building at the corner of College and Pine street, which was constructed in 1969. The major renovation is proposed to improve energy efficiency, and to add a penthouse level of approx.12,616 sf. A portion of the ground floor will be converted to semi-enclosed parking. The applicant has provided that the net increase in habitable building area is 5,700 sf.

The applicants have attended a Neighborhood Planning Assembly in anticipation of Major Impact Review; however it has been determined that per the definition of “substantial rehabilitation” within the ordinance, the project does not meet the threshold to warrant Major Impact review. The development is therefore under review solely as a Certificate of Appropriateness.

Recommendation: Approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Impact fees shall be due for the new nonresidential building square footage as provided by the applicant. Based upon submission materials and new area proposed, draft impact fees are as follows:

SF of Project		12,200	
Department	<u>Offices & Other</u>		
	Rate	Fee	

Traffic	0.652	7,954.40
Fire	0.191	2,330.20
Police	0.338	4,123.60
Parks	0.404	4,928.80
Library	0.000	0.00
Schools	0.000	0.00
Total	1.585	\$19,337.00

Section 3.3.7 Time and Place of Payment

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

(b) Existing buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit.

Affirmative finding as conditioned.

Part 5: Conditional Use and Major Impact Review

(b) Major Impact Review

3. The construction or substantial rehabilitation of fifteen thousand (15,000) s.f. or more of gross floor area of non-residential development.

The proposed development does not meet the threshold for "substantial rehabilitation" per Article 13. Not applicable.

Article 4: Zoning Maps and Districts

Section 4.4.1 Downtown Mixed Use Districts

1. The Downtown (D) is the primary urban center of Burlington

(b) Dimensional Standards and Density

Table 4.4.1-1 Dimensional Standards and Intensity

Downtown	Max. Intensity 5.5 FAR	Max Lot Coverage 100%	Setbacks			Height Min. 30', Max. 65'
			Front	Side	Rear	
One Burlington Square	Basement / Ground Floor: 11,113.25 sq.ft. First Floor: 16,728.90 sq.ft. Second Floor: 16,728.90 sq.ft. Penthouse: 12,616.00 sq.ft. Total Area: 57,187.05 sq.ft. Lot Area: 26,662.36 sq.ft. FAR 2.15 (< 5.5) FAR	87% existing; 92% proposed	No change*	No change*	Not applicable	Proposed 47.6'

*Penthouse is proposed to be set back from roof edge.

Affirmative finding

(c) Permitted and Conditional Uses

No change to use. The property will remain office use. **Affirmative finding.**

(d) District Specific Regulations

1. Use Restrictions

A. Ground Floor Residential Uses Restricted

Residential use is not proposed on the ground floor, a portion of which will be converted to parking. **Affirmative finding.**

2. Public Trust Restrictions

Not applicable.

3. Facades and Setbacks on Side and Rear Property Lines

The penthouse is proposed to be set back from existing building facades (8+ feet on all elevations.) The lot fronts Pine St. and College Street. There are no adjacent principal buildings within 5' of a common property line on the west or north. **Affirmative finding.**

4. Building Height Setbacks

A. Principal View Corridors:

Building heights and forms shall respect the principal view corridors, defined as the rights-of-way of Pearl, Cherry, College and Main Streets, and preserve or enhance views to the lake and mountains. New buildings abutting College and Pearl Streets shall be stepped back above the fourth (4th) story or 45 feet; and new buildings abutting Main and Cherry Streets shall be stepped back above the fifth (5th) story or 55 feet, a distance equal to one-fourth the width of the abutting rights of way from the front property line. In no case shall such upper stories be setback more than forty feet from the front property line.

The proposed penthouse does not encroach into the principal view corridors of street rights-of-way. This is not a new building which would require stepping back; however as this standard informs that is to occur above the fourth story and the penthouse here would become the fourth floor, the matter is moot. As designed, however, the penthouse is set back from the existing building edge.

Affirmative finding.

B. Church Street Buildings

Not applicable.

C. Side Street Building Height

Not applicable.

5. Lake Champlain Waterfront Setback

Not applicable.

6. Residential District Setback

Not applicable.

7. Development Bonuses/Additional Allowances

No bonuses are sought. **Affirmative finding.**

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

The building has vehicular access from College Street. A new vehicular access is proposed off Pine Street, to create a one-way entrance for parking. A curb cut permit from DPW will be required for that new access point. **Affirmative finding as conditioned.**

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.1-1, above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Table 4.4.1-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.1-1, above.

Section 5.2.7 Density and Intensity of Development Calculations

(b) Floor Area Ratio

The proposed penthouse addition will not cumulatively increase building area above the 5.5 FAR limitation of the zoning district. As provided by the applicant:

Basement / Ground Floor: 11,113.25 sq.ft.

First Floor: 16,728.90 sq.ft.

Second Floor: 16,728.90 sq.ft.

Penthouse: 12,616.00 sq.ft.

Total Area: 57,187.05 sq.ft.

Lot Area: 26,662.36 sq.ft.

FAR 2.15 (< 5.5 FAR limitation.)

See Table 4.4.1-1, above. **Affirmative finding.**

Part 3: Non-Conformities

Not applicable.

Part 4: Special Use Regulations

Not applicable.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

There is nothing within the application to suggest non-compliance with applicable nuisance regulations and performance standards pursuant to the requirements of the Burlington Code of Ordinances. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

The submission material does not include any information about exterior lighting. A lighting plan with photometric (if appropriate) shall be submitted confirming conformance to the standards within this section. **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

Regrading at the ramp location and loading dock will disturb more than 400 sf, tipping the application into review for Erosion Prevention and Sediment Control planning. The applicant has been informed and will prepare plans for review by the Stormwater administrator. Approval by the officer per Chapter 26 will be a requirement.

Affirmative finding as conditioned.

Section 5.5.4 Tree Removal

Trees in the city ROW will be maintained. No tree removal is proposed. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

There are no notable important natural features on this built-out site. **Affirmative finding.**

(b) Topographical Alterations:

The existing developed site falls away toward to the west. There will be some re-grading of the ramp around the building, and the existing load dock area will be altered. The applicant has been advised to work with the City stormwater engineer to complete review for erosion prevention and sediment control, and any stormwater planning that may be required by that office.

Affirmative finding as conditioned.

(c)Protection of Important Public Views:

Public views from city rights-of-way will not be disturbed. See Section 4.4.1 (d) 4. A.

Affirmative finding.

(d) Protection of Important Cultural Resources:

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

The purpose of the rehabilitation is to increase energy efficiency and insulatory value of the existing building. No part of this application forecloses the opportunity to use wind, water, solar, geothermal or other renewable energy resource. **Affirmative finding.**

(f) Brownfield Sites:

None identified. Not applicable.

(g) Provide for nature's events:

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

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

The existing building will remain; however a portion of the first floor will be converted to interior parking. Some building tenants will have the opportunity to drive inside the building and exit their vehicles, avoiding poor weather conditions. Additionally, building entrances will be available on the northeast corners, and centrally on the south elevation. **Affirmative finding.**

(h) Building Location and Orientation:

The building's location will not change; however the primary entrance will be enhanced and relocated to the northeasterly corner of the building (Pine Street.) **Affirmative finding.**



(i) Vehicular Access:

Vehicular access will be one-way into the property from Pine Street; exit will be provided on College Street where access to the internal parking lot will be provided. **Affirmative finding.**

(j) Pedestrian Access:

Pedestrian access can occur at the entry plaza (northeast corner), from within the parking garage, or at an existing sidewalk entrance on the south elevation. City sidewalks front the south and east elevations. **Affirmative finding.**

(k) Accessibility for the Handicapped:

An elevator is proposed for the building interior, to be accessed from the parking garage and from the interior circulation areas. Building entrances will be handicap accessible. Handicap parking should be identified within the new parking areas. **Affirmative finding as conditioned.**

(l) Parking and Circulation:

A new curb cut is proposed at the northeasterly corner of the site, to be an entrance only to the counter-clockwise circulation of the lot. Vehicular parking will be available to the north of the building (9 new spaces); vehicles will then exit onto College Street. The College Street curb cut (existing) at 12' wide is large enough to allow traffic entering to the interior parking garage; although that may be problematic as cars circulating from Pine Street may present a conflict. A one-way directional pattern is recommended; entrance on Pine, Exit on College. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

New landscaping is proposed as screening for the relocated HVAC equipment, and along the entrance patio area. The applicant will be required to more specifically identify species/size to assure appropriateness of selection and adequacy of screening. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

An entry plaza is proposed for the re-designed northeasterly corner of the building. **Affirmative finding.**

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2. A lighting plan and photometric will be required for lighting changes, as appropriate. **Affirmative finding as conditioned.**

(p) Integrate infrastructure into the design:

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

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall

be place underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

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

HVAC equipment is proposed to be relocated to the northwesterly side of the parcel; landscaping is proposed as screening. More definitive information relative to size and species will be required to assure its adequacy.

Any rooftop mechanicals shall be defined and illustrated on plans.

Affirmative finding as conditioned.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

This is an existing 2/3 story building in the Downtown zoning district, where buildings may reach 60' in height. Other neighboring buildings far exceed that (101 College Street, the former Crystal Confectionary building immediately across College Street; and 113-127 College Street, the Wells-Richardson Complex just east.) At 46', the building is similar in height to neighboring buildings and within the height allowance for the zoning district. **Affirmative finding.**

2. Roofs and Rooflines.

A flat roof exists; a flat roofed penthouse is proposed. This is a common roof form in the Downtown and this neighborhood in particular. **Affirmative finding.**

3. Building Openings

This building is probably most notable for its unique projecting mirrored windows. The re-sheathing will shroud the building in a reflective glazing. The primary entrance is designed on the northeast corner at Pine Street. An additional pedestrian entrance will remain centered on the southerly (College St.) elevation. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(b) Protection of Important Public Views:

See Section 6.2.2.(c) above. The development will also introduce a new rooftop patio, accessible from the penthouse and available to building occupants. **Affirmative finding.**

(c) Provide an active and inviting street edge:

The proposed redevelopment will enhance the building's appearance, providing an updated and fresh exterior, inviting to the street. **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.

The new penthouse is proposed to be sheathed in Terra cotta laid in a decorative pattern. Masonry surrounds the existing first floor/parking enclosure level. The remainder is proposed to be glass. **Affirmative finding.**

(f) Reduce energy utilization:

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

(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 building is proposed to be sprinklered. The development will be required to meet all applicable building and life safety code as defined by the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 7: Signs

Any signage will require separate sign permits. **Affirmative finding as conditioned.**

Article 8: Parking

Per Table 8.1.8-1, parking for General Office in the Downtown Parking District requires 2 parking spaces per 1,000 sf.

This office building was constructed in 1969 in the post urban renewal landscape of building. Parking garages were constructed separately from major buildings, this one among three planned for the Burlington Square area. 40 Main Street and 30 Main Street were completed; but a third office building was not, resulting in a surplus of parking accommodation at the neighboring parking garage owned by the applicant. In any case, no on-site parking was included as part of the original approved plan.

Parking will only be required for new area.

Although the penthouse is proposed to be 12,200 sf, the net new office space will be 5,700 (offset due to a portion of the first floor converted to parking.) A calculation based on this area, $5.7 \times 2 = 11$ new parking spaces required. Fourteen new parking spaces will be provided within the converted first floor area of the building; nine new spaces along the north of the building for a total of 23. The required 11 new parking spaces will be accommodated on-site. **Affirmative finding.**

Article 13: Definitions

“Substantial Rehabilitation”

For the purposes of this ordinance any rehabilitation of an existing structure that requires an investment equal to at least fifty percent (50%) of the structure’s total replacement coast as approved by the city.

The applicant’s design team has submitted that the cost of rehabilitation (est. construction cost \$2,500,000) is not at least 50% of the building’s total replacement cost. Therefore the development cannot be determined to meet this definition of *Substantial Rehabilitation*. Major Impact review is not required.

II. Conditions of Approval

1. Impact fees shall be paid based upon the new area as provided by the applicant/owner within thirty days of issuance of a building permit. Based upon submission materials and new gross area, the following Impact Fees are anticipated:

SF of Project 12,200

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.652	7,954.40
Fire	0.191	2,330.20
Police	0.338	4,123.60
Parks	0.404	4,928.80
Library	0.000	0.00
Schools	0.000	0.00
Total	1.585	\$19,337.00

Any deviation in proposed new area shall be provided to staff for an accurate final assessment of required Impact Fees.

2. **Prior to release of the zoning permit**, the applicant shall provide a lighting plan, photometrics or similar demonstration that any proposed lighting will meet the standards and limitations of Section 5.5.2. if changes to exterior lighting are proposed.
3. An Erosion Prevention and Sediment Control Plan, and any stormwater review shall be reviewed and approved by the city Stormwater engineering team.
4. Any signage will require separate sign permits.
5. A curb cut permit from the Department of Public Works will be required for the new access off Pine Street.
6. It is recommended that traffic be directed in a one-way pattern from Pine Street entrance to the College Street exit to prevent vehicular conflict at the latter.

7. **Prior to release of the zoning permit**, the applicant will be required to more specifically identify species/size of proposed landscaping to assure appropriateness of selection and adequate screening of mechanicals.
8. Any rooftop mechanicals, if included, shall be defined and illustrated on plans.
9. Handicap parking shall be identified within the new parking areas.
10. Standard Permit Conditions 1-15.

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

Department of Planning and Zoning

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



TO: Development Review Board
FROM: Scott Gustin
DATE: January 5, 2016
RE: 16-0613CA; 79 Industrial Parkway

=====

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: ELM Ward: 5S

Owner/Applicant: Zoo Holdings / Bob Marquis

Request: 5-Year tree maintenance plan

Applicable Regulations:

Article 5 (Citywide General Regulations)

Background Information:

The applicant is seeking approval of a Tree Maintenance Plan per Sec. 5.5.4, *Tree Removal*, of the Comprehensive Development Ordinance. This section allows property owners to address tree removal and maintenance on their property in 5-year increments without the need for separate zoning permits for each individual tree removal project.

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

I. Findings

Sec. 5.5.4, Tree Removal:

(a) Review criteria for zoning permit requests for tree removal

See (b) below.

(b) Tree Maintenance Plans

1. A Tree Maintenance Plan prepared by a certified arborist shall be submitted as a Level I Certificate of Appropriateness... This plan shall include general and specific criteria for removing trees based on the criteria as per Sec. 5.5.4 (a).

The proposed Tree Maintenance Plan has been jointly prepared by a consulting forester and a certified arborist as required. The plan focuses on a small area (0.09 acre) of trees to be cleared on the ~5 acre property. The proposed tree maintenance plan touches on the criteria of Sec. 5.5.4 (a) as required. Specifically, the trees to be removed are generally diseased and/or represent a danger to the nearby building and related access points. Trees will be removed from this 0.09 acre area, the site will be stabilized, and eight 4' tall new evergreens (red spruce, balsam fir, or hemlock) will

be installed to mitigate loss of visual screening from neighboring residences. The location of these new trees is not indicated and must be. **(Affirmative finding as conditioned)**

2. The Tree Maintenance Plan if approved...

This Tree Maintenance Plan is valid for 5 years. **(Affirmative finding as conditioned)**

3. In order to continue tree removal...

For ongoing tree removal on the subject lands beyond the initial approval, the Tree Maintenance Plan must be updated or re-written and approved by the DRB at 5 year intervals. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. This tree maintenance plan is valid for a period of 5-years from the date of approval. For ongoing tree removal on the subject lands beyond the initial approval, the Tree Maintenance Plan must be updated or re-written and approved by the DRB at 5 year intervals.
2. The location of the eight new evergreens shall be depicted on the tree maintenance map.

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TREE MAINTENANCE PLAN For RHINO FOODS

The functions of this plan are designed to:

- Describe the woodland area found on the Rhino Foods property which is a White Pine/Early Successional Forest
- To impress upon Planning and Zoning why it is important to remove the trees requested and why the action is deemed not significant enough to warrant a City of Burlington DRB meeting.
- Take into consideration the public safety of those who are employed at Rhino Foods.

Section III. PROPERTY DESCRIPTION

The Rhino Foods property is located on the west side of Industrial Parkway south of LCCTA and across from Burton Snowboards in the south-end of Burlington. The site is 5.08 acres with about two thirds of an acre being wooded. The remaining areas are lawns, parking areas and the buildings. The site was developed decades ago (with a recent attached building constructed within the last few years) and most of the treed portion of the property has trees that are in the 35 to 40 year age group. This treed area is 0.79 acres. Expansions of the site have been made to the buildings and surrounding infrastructure yet no tree landscaping activity has taken place relative to maintaining the building and infrastructure improvements. Thus the tree growth has gotten out of hand and is perpetrating the access points and buildings as a result of tree growth and stand expansion of the trees.

The original plans call for clear space around the building for presumably, safe access around the building should an emergency occur and also presumably to prevent short and long term maintenance issue of the roofs, siding and exposed plumbing and heating and operational devices.

In general, the land is flat to gently sloping. The soils are very dry and there does not appear to be any natural resources indicators on the site after a review of the State of Vermont, Agency of Natural Resources Atlas.

In general the overall health and vigor of the trees and shrubs growing are fair to poor. There is already dieback of the major trees species present including White Pine (having White Pine blister rust), Aspen (having Eutypella canker) and just dieback due to over shading and dieback of the Birch component (due to over shading by the White Pine

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and Aspen component). The soil type is Enosburg and Whately making for a basically fair soil-type combination as the Whately soils are fair to poor growing soils for trees and the Enosburg is a fair soil for growing trees.

Given the soils types the site wants to grow wetland types of trees such as red maple which is present. But what is not present are other trees species that the soils want to grow such as black ash, spruce and fir, tamarack and speckled alder. The point being the tree species composition on this site is not a desirable mix for best ecological conditions. Thus the removal of trees not suited to the site is not of any ecological concern. The understory consists primarily of invasives species such as Common and Glossy Buckthorn so any clearing of these species is strongly encouraged even if the land use changes.

Invasive and Non-Native Plants:

Invasive plants pose a threat to the natural health of forest lands, open lands, and wetlands in Vermont. Generally speaking, they are often non-native species that have escaped cultivation. After escaping, they tend to proliferate through aggressive propagation methods and colonize large areas. Populations are often very high and colonies can be very dense. Their aggressiveness excludes the native plants. Ecosystem functions are negatively altered at the infestations sites. These plants generally do not provide the proper nutrients, habitat, or structure the native species provide. Nutrient, hydrologic, and fire regimes are also disrupted. Many of the species are also persistent, in that they can maintain their populations in small numbers until conditions are right for rapid spread.

A number of non-native and invasive plants are found on the Rhino Foods property. Along with proper forest silvicultural practices, and wildlife enhancement projects, invasive species management places a vital role in fulfilling the commitment to natural resource health. The bulk of the invasive species include Common and Glossy Buckthorn. Some of which will be removed as a part of this Tree Maintenance Plan.

Section IV. LEGAL AND ECOLOGICAL REVIEW

An in-depth review of state and local statutes and ordinances was conducted to ensure the actions recommended within this plan are in compliance. Under Burlington City Ordinance 5.5.4 -*Tree Removal* it provides that a certain number of trees can be removed for specific reasons such as for "a danger to life or property...". 5.5.4 (a) 1.(C). It also provides under 5.5.4 (b) that if a Tree Maintenance Plan is presented that the owner may be allowed to cut beyond the provisions of 5.5.4 (a),1.. This is what is proposed by Rhino Foods, a Tree Maintenance Plan.

A review of ecological resources within the project area was conducted by the above stated review of the State of Vermont Agency of Natural Resources Atlas. This review analyzed the presence of rare, threatened & endangered species/natural communities, wetlands, riparian zones or any other unique features that would impact

management decisions. According to data provided by the State of Vermont, there are no findings on record. In short this is an old industrial site that grew back to trees simply as a result of lack of vegetative maintenance of the kind that is now being prescribed.

Section V. PLAN OVERVIEW

This plan is designed to integrate the current natural resource base with the need to Maintain the trees around a building and its infrastructure. This plan provides a general description of the woodland and a specific direction to take to remove vegetation zones as indicated on the tree resource map.

At all times tree and shrub work completed will be overseen by a qualified forester and/or arborist. The chosen professional will also ensure that erosion control measures are maintained if necessary.

Section VI. STAND DESCRIPTION

White Pine/Early successional forest

0.79 acres

Of the 5.08 acres owned by Rhino Foods there is a total 0.79 acres of woodland that is made up of White Pine (54%) and other early to mid-successional species such as Red Maple (23%), Aspen (11%), Paper Birch (10%) and there a few White Ash. Percentages are described by approximate number of trees. The overall average diameter is about 8 inches at Breast Height (Dbh, which is 4.5 feet above ground level). The stand condition would be considered adequately stocked on the White Pine silvicultural guide. There is very little viable regeneration as Buckthorn dominates the understory.

As stated above the overall health of the forest is poor to fair as a result of a stand of trees growing in an "off site" condition meaning the wrong species of trees are growing on the soil type present. Short of changing the whole species composition present it is recommended to let time take its action and over many decades the stand will eventually convert to the species of trees for the soil type present.

As a result of the stand condition and due to the obvious safety and access problems they create a small swath of trees (0.09 acres) will be cut and removed to improve the problem conditions, see attached map of subject area to be cut. After the trees are cut the site will be stabilized and eight four foot tall red spruce or balsam fir or hemlocks will be replanted to make up for any perceived loss of visual barrier from neighbors. These types of trees were selected as they do best on the types of soils present.

Review the site in five years to ensure the original objective of safety and access are met and to check in on the new trees planted.

Respectfully Submitted.

Edward F. Meehan

Edward F. Meehan
ISA Certified Arborist NE5088A
Meehan Tree Service

Scott E. Moreau

Scott E. Moreau
Consulting Forester NHFL #337
Greenleaf Consulting Inc.









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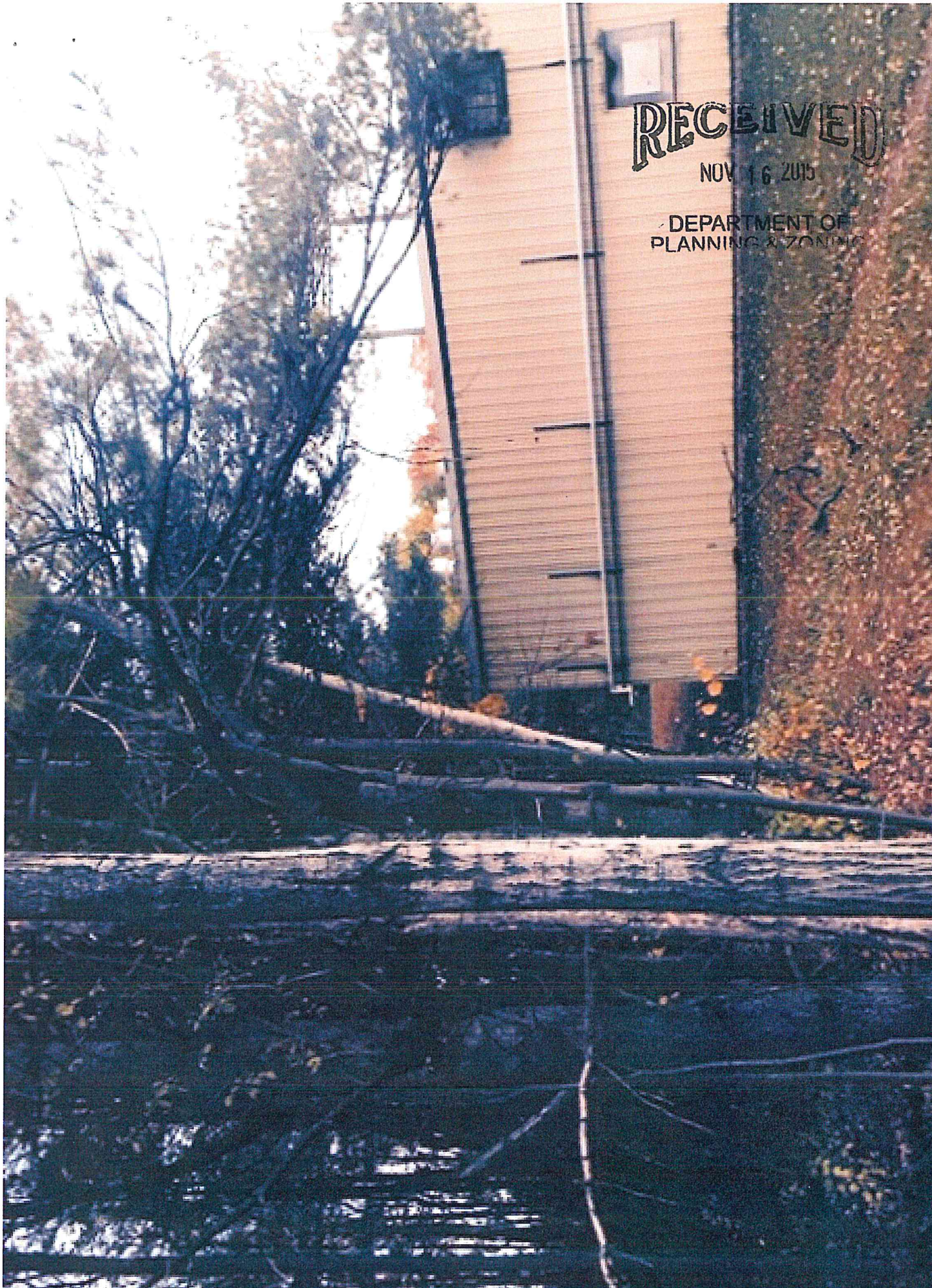
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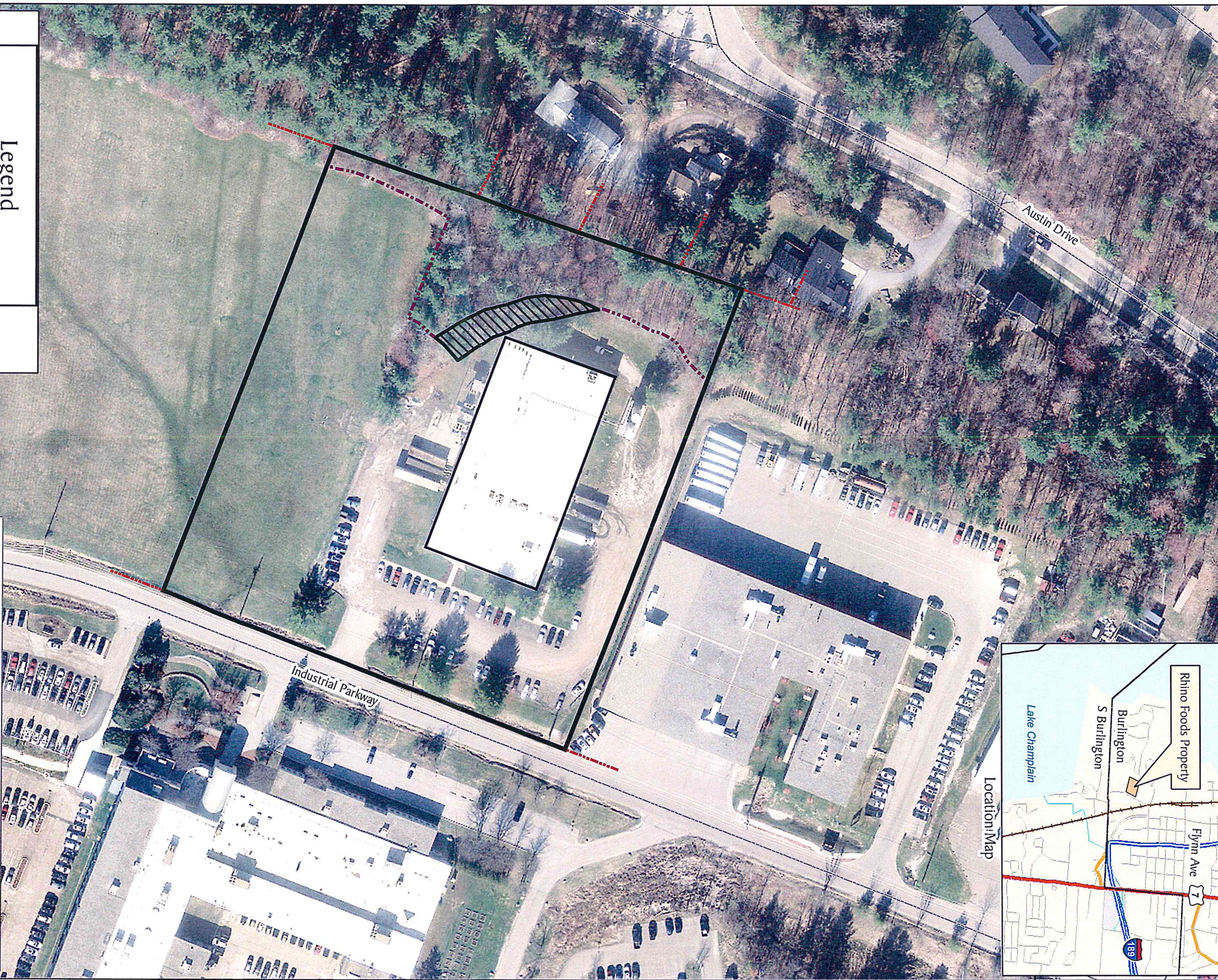
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Legend

- Boundary
- Remaining Woodland-0.7 Acre
- Tree Maintenance Area-0.09 Acre
- Buildings
- Neighboring Property
- VT Roads

Neighboring Property VT Roads

DEC 30 2015

1 inch = 100 feet

442500.000000

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Property of

Rhino Foods

Located In: Burlington, Vermont
Area: 5.08 acres
Scale: 1:5000 or 1" = 417'
Date: November 11, 2015

Drawn by A. Kasmarek,
reviewed by S. Moreau of
Greenleaf Forestry, Fairfax, Vermont.
From NAIIP Imagery 2013
SPAN# 114-035-50268

This map is not a boundary survey.



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Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, IGP, swisstopo, and the GIS User Community

Burlington Development Review Board

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Jonathan Stevens
Alexandra Zipparo
Israel Smith
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Geoff Hand

Wayne Senville, (Alternate)
Jim Drummond, (Alternate)



BURLINGTON DEVELOPMENT REVIEW BOARD

Tuesday December 15, 2015, 5:00 PM

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

Joint meeting with Planning Commission, Design Advisory Board, & Conservation Board

Minutes

Planning Commission Members Present:

Yves Bradley, Bruce Baker, Lee Buffinton, Emily Lee, Andy Montroll, Harris Roen, Jennifer Wallace-Brodeur

Design Advisory Board Present:

Sean McKenzie, Steve Offenhartz, Matthew Bushey, Todd Thomas, Ronald Wanamaker

Conservation Board Members Present:

Damon Lane, Scott Mapes, Matt Moore, Miles Waite, Will Flender, Don Meals, Zoe Richards, Jeff Severson, Stephanie Young,

Development Review Board Present:

Austin Hart, Jonathan Stevens, Geoffrey Hand, Alexandra Zipparo, Israel Smith, Brad Rabinowitz, A.J. LaRosa, Jim Drummond, Wayne Senville

Staff Present:

David White, Meagan Tuttle, Scott Gustin, Mary O'Neil, Anita Wade
Diana Colangelo/Community and Economic Development Office, Nicole Losch, Department of Public Works

I. Agenda

Introductions

D.White: Thank you for coming out. We are trying to bring the Boards together once a year for relationship building. This is an opportunity to speak substance about major projects on the planning side, which affect the Boards and also the DRB side. We encourage questions and discussion around implementation of these projects.

S.Gustin: the discussion on four major items impacting the Boards should encourage an interactive discourse on the planning of these projects.

II. Project Updates and Discussion

Updates will be shared with the Boards on a number of ongoing planning projects and studies. By doing so, the Boards may discuss the influence these plans will have on their respective work, including the creation and implementation of zoning, land use, and parking policies.

1. Plan BTV South End

The Planning Commission and Long Range Planning Committee have been discussing and editing the planBTV South End Draft. Staff will update the boards on major changes to the plan and the anticipated process for releasing the updated draft. Documents related to the

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plan are located on the City's website: <https://www.burlingtonvt.gov/planBTV/SE/Project-LibraryRelated-Documents>

M.Tuttle: The Plan BTV Draft was released in the summer of 2015. Staff and public comments continued thru October 7th on various topic areas of the plan. Starting with each section, the Planning Commission went over public comments.

One of the first topics pertained to housing, which went through some changes to the current draft. Various subcommittees are updating and reformatting the plan and the graphics. The intention is to reflect the diversity of the South End. The two major developments are in the areas of housing and economic development. The idea is to move away from the notion of housing in the south end at this time, while continuing to look for appropriate locations for housing in other areas.

The economic piece is the most critical element. Finding the first draft is not as comprehensive for retention, and recruitment, that make sure policies recognize the elements of diversity.

Other plans are looking for ways to strengthen parks and storm water plans.

The Planning Commission work is moving forward on land use policies for the South End.

Four characterizations of the South End have been formalized. State policies will help to preserve and mitigate issues pertaining to the surrounding neighborhood.

Advancing parking studies are identifying resources in conjunction with other transportation modes. In addition, a number of people from varying age groups show an interest in housing mitigation.

Corridor studies for Pine St, and Shelburne Road are looking at transportation and other issues.

A.Hart: does this eventually become part of the City's master plan?

D.White: ultimately it does become part of the master plan, yes, and also offers guidance for revisions to the zoning ordinance, fine tuning zoning toward land uses that make sense.

A.Hart: is the study of the rail yard separate?

D.White: related but a separate forum which is from both the Downtown Water Front Plan and the South End Plan. The intention is to expand opportunities for new development, which will also demonstrate limitations for many properties.

A.Zipparo: what happens to public input on housing in enterprise zone? What will be the process for finding affordable housing?

M.Tuttle: The Planning Commission has had in depth, public conversations about housing in the industrial area, with strong feelings from participants not to open up this district to housing, which could cause enterprises to move out.

E Lee: expressed concern about gallery spaces driven out possibly by housing development. Public feedback was no housing whatsoever.

A.Zipparo: it makes sense it would be conflict.

D.White: providing a rough space for artists was of chief concern. Some existing businesses were concerned about complaints from housing occupants. Overall feeling is that the timing is not right at this point in time. The question is how can we build the infrastructure and create programs that help an entrepreneurial community with ownership to occupy their own structures.

M.Tuttle: speaks about the map of plan BTV south End Focus Area

DWhite: City market is planning for Flynn Ave.

2. Form Based Code

The Joint Form Based Code Committee has been working to finalize the draft code to prepare it for public review and consideration by the Planning Commission and Council. Staff will provide an update on the evolution of the draft Code and its intended purpose as a zoning tool. A draft of the Form Based Code is available on the City's website:

https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/FBC%20Burlington%2011-01-15.pdf

D.White: a form based code was passed a year ago by the City council and approved by the Planning Commission. The primary objective was to understand how the urban form works and how we can make it work. The Committee has learned formed based code, section by section. Emily Lee, Andy Montroll, and Richard Dean were involved. The committee has had a second draft since November, working through final details that will be posted in January, 2016. Committee and staff discussed on the best way to implement plan and provide Board training. On January 13, 2016, the plan will be available for a public event with national speaker and local expert on form based code, Lee D. Einsweiler from Austin, TX. Both Mr. Einsweiler will present to a panel, the principle objectives and applications of formed based code. The ordinance committee will send an amendment to the Planning Commission to send to the City Council for approval and action in implementation. The draft code does not radically alter built areas in the City today. It maintains status quo improving upon the review and approval process. There is more administrative assistance with the new code that otherwise comes to the DRB and other Boards if it is not major impact.

B.Rabinowitz: what exists now is a conflict between what's allowed and what the public sees as what is happening.

D.White: currently we allow for certain scale or not. This doesn't change what is permitted.

S.Gustin: there's form and then use, which is not mixing right now. Impact and use changes stays with the DRB.

D.White: addresses technology requirements and discretionary impacts. Historic buildings will still be treated, but one thing we don't have is bonuses. The DRB review is based on set of criteria. With formed based there is an opportunity to seek relief from the code. There needs to be way for a variation for there to be more opportunities to seek relief. Administrative review is based on findings, sending more to DRB than needs to. Sometimes variance criteria is really hard to meet.

A.Zipparo: there is no incentive for public housing for seniors.

D.White: with the code, housing is taken out of inclusion. The City community's and neighborhood revitalization becomes modernized. Question is how to we improve housing through the inclusionary process.

W.Senville: what impact does this have upon development?

D.White: it provides a more predictable process moving forward. Must be very explicit about what we want. May come down to having conditional uses and physical form controlling the nature of the use.

A.Hart: sees conditional uses as discretionary.

A.Montroll: most conditional uses are permissible. More interested on what it looks like.

A.Hart: often looking at character of neighborhood sixty percent of time.

D.White: often looked to DAB to make recommendations to DRB. Now not having to look at everything in the code and not needing to focus on this aspect with new the code. Proposals for civic and public places will continue to have a strict and discretionary nature of review.

L.Buffinton: does this mean less design review? Will applicants still have to go before NPA's?

D.White: there is a lot of design features embedded into the code. The concern is with the public process and public input. There will still be a requirement for NPA meetings before a Board presentation.

J.Drummond: questions about form base code. Finding these applications affect only small part of what we do.

D.White: whether we want to create form districts for other parts of the City is for future discussion. It does not include the public trust district.

A.Zipparo: is the map available?

I.Smith: questions architectural standards.

D.White: mentions section 14.5, speaking to current map; civic areas, park, though not all parks are equal form and characteristics are different.

3. Parking Studies

Over the last year, the City has developed three parking studies: the Downtown Parking and Transportation Management Plan, the Residential Parking Program Study, and the Transportation Demand Management Action Plan. An additional study, still in the works, addresses Parking Requirements for Downtown Development. Staff will update the boards on the recommendations of these studies. A website with resources regarding the City's parking initiatives, and these three studies, has been created: <http://parkburlington.com>

Diana Colangelo: speaks about downtown study and how it may affect the Boards' work. Explained how CEDO is working to revamp how parking is managed and to make deferred maintenance improvements. Study was a collaboration with DPW, Community and Economic Development Office, and Code Enforcement to put together final plan to City Council by Monday Dec 21st. The most relevant issue is in regard to future zoning changes is shared use. Data collection from the consultant has found underutilized parking at the present time with possible allowances for shared parking in the future. Nate Wildfire, former AD for Economic Development, is working on draft options regarding zoning changes for future review by the Planning Commission. In the process of making parking efficient by looking where parking is now and evaluating the amount of parking for available use. Other issues are being addressed with the City Council and DPW, such as enforcement.

A.Hart: how does private parking become a resource for the City?

D.Colangelo: several office buildings work to open parking in the evening by their own initiative. We would like to incorporate a certain number of these spaces into the plan for existing tenants and even future developers.

A.Zipparo: feedback from the public has been about over capacity for tenants. How can we make sure this will not happen in the future?

D.Colangelo: we're trying to collect and use the data regarding shared parking to figure out what works.

S.Gustin: the chief distinction when discussing shared parking is between resident and transient parking. For example, Flynn Theater can use other lots as an overflow; it is a resource that provides more options. Tenant parking needs to be considered differently.

D.Colangelo: this is correct; we need to be smart on how we manage shared parking better. Any suggested changes regarding Zoning will go before the Planning Commission.

A.Zipparo: question about broken electronic meters downtown in winter.

D.Colangelo: email myself or DPW and let us know. We tried to find the right vendor for our climate. More technology options now with mobile.

Nicole Losch: spoke on the residential parking study outlining the changes to the RPP program. In the process of finding ways to make parking more efficient by looking at permit costs and by considering a potential cap on the number of permits a property obtains based on the number of units on the property. Also discussed a number of other options to help manage parking in residential areas where RPP doesn't exist, such as time limits, meters and an increase in the efficiency of alternative modes of transportation.

4. Permit Reform Study

The City is evaluating its existing permitting process for opportunities to update, revise and consolidate the code to ensure that it addresses critical housing issues and improves the customer experience. Staff will provide an update on this study. The City recently issued a Request for Proposals for this study, which is available online:

https://www.burlingtonvt.gov/sites/default/files/COB_RFP_Permit_Reform_F12032015.pdf

D.White: the idea is to look for ways to make the process more efficient. The initiative was funded in this years' budget at which point a consultant has been hired to understand the process, public perceptions and the way for better information and communication. The

question that needs to be asked is, what standards need to be fine-tuned? How do we deal with solar projects? Need greater clarity on what to do. Perhaps exempting solar from zoning but not electrical permits. Need to identify what's historic and the relationship with zoning, deciding on what's the best way to preserve historic buildings. These are some of the topics being reviewed by the Planning Commission, Fire Marshall, Community and Economic Development Office, Planning and Zoning, and DPW. The landscape has changed with communications and data sharing with other departments by using the AMANDA data system. May still make changes with what we use and with what do we do and how do we do it. We need to improve peoples' experience with departments.

I.Smith: the first slide shows mainly construction aspect and development. The perception is bias and in my experience interaction is a problem particularly with customer service and how you interact especially in construction field. Everyday interactions may be hard, and may raise criticisms from individuals. Suggests an anonymous on line response on how we are doing.

D.White: this is why we need to hire an outside consultant, who is not in Planning and Zoning to provide a frank conversation, interpersonal skills, or individual training and education. This is a critical starting point.

J.Drummond: do you have consultant recommendations?

D.White: there are firms that undertake this. A chief innovation officer should lead the process and make recommendations.

Yevs: homeowners focus on this and can become a big issue.

D.White: we have different customers and understand needs of different groups.

B.Rabinowitz: work from outside Burlington brings a lot of negative comments and criticism, but it may be that the permitting process is designed, it does not recognize the increased need to develop in a certain manner and this is where we may require guidance.

M Waite; question on permitting process?

D.White: great question not sure if on this is on the list.

A.Hart: a couple projects are looking at five people where it doesn't comply with the building code and if it doesn't go through our process and it gets shot down. Perhaps we are approving projects that shouldn't be approved?

D.White: there are critical moving parts and planning understands that needs to change.

A.Hart: pertaining to historic, there are lots of new materials for use on historic structures and the Board is not able to do fact finding. Mention this maybe a better forum to make these decisions.

D.White: possibly by outlining proposals and showing where other communities accept different materials. The Planning Commission does something interactive online or provide comment through a public hearing. This pertains to a public engagement process and we will determine this through the groups of applicants.

W.Senville: the home occupation permit process is too complicated, time consuming and expensive in nature. What can be done here?

D.White: this is not specific to this process. The ordinance that is overly complicated with these kinds of projects and we need to make it easier to comply and allow people to obtain permits.

III. Adjournment

S.Gustin: suggest doing this at least annually.

D.White: good idea to keep an open format and facilitate what works best for the Boards. Mentioned that the last slide includes links to all projects.

A.Hart: thanks to Planning and Zoning staff for arranging the joint meeting of the Boards.