

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



MEMORANDUM

To: Development Review Board
From: Mary O'Neil & Scott Gustin, Principal Planners
Date: October 2, 2018
RE: ZP19-0021CA; 375 North Avenue Cambrian Rise

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

File Number: ZP19-0021CA/MA

Zone: NAC-CR Ward: 4N

Date application accepted: July 30, 2018; revised September 4, 2018.

Applicant/ Owner: Eric Farrell, BC Community Housing

Request: Amend Planned Unit Development permitted under **17-0623CA/MA** to increase total residential unit count from 739 to 770; revisions to Buildings M, P, Q, & R with an additional story added to each. Redesign of building M; includes 2 levels of parking, expanded surface parking area and amenity spaces. Further revision to Buildings B and G (originally amended May 2018) to expand volume of upper stories and introduction of additional storefront glazing at the ground level.



Background (Permitting addresses vary from 329, 351, 351-375 and 375 North Avenue):
Future permitting will be assigned to newly addressed Cambrian Way as appropriate.

- **Zoning Permit 18-0721CA:** Relocation of proposed path on SW side of building to align with existing opening on west elevation and small path leading from main path to vicinity of electrical transformer; modified paths near entry until adjacent buildings are complete; temporary black coated chain link construction fence surrounding west and south boundaries of building landscaping; new low stone wall. March 2018.
- **Zoning Permit 18-0791CA;** Revisions to Buildings B & G, with additional floor added to Building B. No change to total units in project; revisions to design of buildings and proposed transportation hub; revision to road phasing plan. May 2018.
- **Zoning Permit 18-0028AP;** Appeal of administrative decision relative to Impact Fees for orphanage renovation (zoning permit 16-0007CA/MA). DRB upholds staff decision, August 2017.
- **Zoning Permit 17-1307CA;** temporary fence and path for temporary dog park for residents of 375 North Avenue. June 2017.
- **Zoning Permit 17-0853CA;** Request for amendment of ZP17-0623CA/MA; Condition of approval #13 limiting construction days and times and Condition #3 addressing 10-year performance bond for construction. May 2017.
- **Zoning Permit 17-0716CA;** Replace two small windows on north and south gable ends located at the west elevation of former Orphanage building with one larger window in each gable end at the west elevation. January 2017.
- **Zoning Permit 17-0623CA/MA;** Proposed development consisting of 11 buildings containing 739 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,092 parking spaces. March 2017.
- **Zoning Permit 17-0376CA;** Install new windows within new openings on western building elevation. September 2016.
- **Zoning Permit 17-0252SP;** Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. October 2016.
- **Zoning Permit 17-0010CA;** Revisions to west chapel elevation (amendment to zoning permit 16-0007CA / MA). Openings for windows restored or added. July 2016.
- **Zoning Permit 16-1487CA;** Change to top floor, add veranda on roof. Amendment to zoning permit 16-0007CA/MA. July 2016.
- **Zoning Permit 16-0622CA;** Request change of materials for existing slate roof to standing seam copper on the former St. Joseph's Orphanage. Former address 351 North Avenue. January 2016.
- **Zoning Permit 16-1183SP;** Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.
- **Zoning Permit 16-0007CA/MA;** Approval to convert building into 63 apartments and related site improvements. Approved September 2015; amended February 2016. June 2016.

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

Overview: Although the zoning district (NAC-CR) measures density by Floor Area Ratio (FAR) rather than unit count, the Development Agreement capped the number of residential units for the Cambrian Rise development at 770, which is now requested. That number will act as a reservoir from which to draw dwelling units during construction of each building; allowing for flexibility in construction and agility to respond to market demand. Inclusionary unit requirements will correspond to the overall unit count as appropriate. The mix of uses within the project has changed to eliminate the commercial bakery and post-secondary school in favor of significantly more office space.

The applicant proposes adding a new story to four buildings: M, P, Q and R. Building M has been redesigned with a larger building footprint, two levels of parking, expanded surface parking, relocated trash and bicycle storage facilities, and updated landscaping. Buildings B and G had been revised in May 2018 to include new top floors. The applicant is now seeking to make them full top floors.

A revised traffic plan has been submitted and forwarded to the Department of Public Works for review.

Applicable Regulations:

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

Recommended motion: Continue review to respond to DPW concerns about traffic study, per the following findings:

I. Findings

Article 3: Applications and Reviews

Part 3: Impact Fees

Sec. 3.3.2, Applicability

The additional building area, and division of uses (commercial, residential, etc.) assumed in this permit application will affect overall impact fees. Impact fees due will be adjusted to reflect this additional building area. The evidenced and anticipated revision of buildings within this development will require the applicant to maintain an ongoing spread sheet of area and uses within each building to facilitate final calculations of fees. **Affirmative finding as conditioned.**

Section 3.3.6 Effect of Project Change on Impact Fees

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

The impact fees for all *new* area for each building will be calculated under the current (FY19) Impact Fee schedule. **Affirmative finding as conditioned.**

Section 3.3.8 Time and Place of Payment

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

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

Affirmative finding as conditioned.

Part 5, Conditional Use & Major Impact Review:

Section 3.5.4: Submission Requirements

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

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

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards

Not applicable.

(b) Major Impact Review Standards

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

A comprehensive stormwater management plan has been developed and previously approved for this project under ZP17-0623CA/MA. No water quality impacts to Lake Champlain are anticipated as a result of this proposal.

Air and noise pollution are expected to be minimal. No industrial uses typically associated with air or noise pollution are included in the project plans. **Affirmative finding.**

2. Have sufficient water available for its needs;

A letter of capacity for the increased number of dwelling units shall be required as a condition of approval. **Affirmative finding as conditioned.**

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

The addition of 31 new residential units in a zone specifically identified for growth should not unnecessarily burden the present or future water supply. **Affirmative finding.**

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 overall PUD approval included adoption of a prepared EPSC and Stormwater Management plan. Reference to those plans and conditions is made. **Affirmative finding.**

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

An updated traffic analysis has been submitted as part of this request, and forwarded to the City Engineer for review. On September 25, 2018, DPW engineers provided a series of comments and questions about that revised report:

- How will trips for services be distributed within the city network?
- How does this memorandum fit within the approved traffic study?
- Need an explanation how new uses and trips associated with those uses will be either internal trips, or mitigated by bike/ped/transit or bypass cars.
- DPW believes the uses being proposed are NOT common in that area of Burlington and are new uses that will draw cars to this location. DPW would like to see that addressed in the trips, and how their assumptions compare to what is approved.
- DPW would like to see the approved vs proposed LOS for adjacent network intersections.

As of this date, no further information or response has been received from the applicant. **No finding possible.**

6. Not cause an unreasonable burden on the city's ability to provide educational services; Single detached residential units are commonly the most significant per-unit dwelling type for families with school age children in Vermont. This project contains none of that housing type; it contains exclusively attached multi-family dwellings of various sizes. With 770 residential units (an increase of 31) the project can be reasonably expected to contain at least some families with school-age children. The original application estimated ~52 school-age children. This figure is based on estimates for the studio, 1-, 2-, and 3-bedroom units. ZP17-0623CA/MA provided information addressing impacts per unit type and what the anticipated unit-to-school children ratio is based on. Impact fees would be paid to help offset impacts on educational demand. **Affirmative finding as conditioned.**

7. Not place an unreasonable burden on the city's ability to provide municipal services; The Fire Department provided technical comments relative to fire safety at Technical Review for ZP17-0623CA/MA. These technical requirements will be administered through the offices of the Fire Marshal and the Building Inspector. The Fire Marshal has issued an ability to serve letter regarding the original project, and has confirmed the continuing validity of that support in a September 7, 2018 email to staff. The Fire Marshal notes that the adopted fire, life safety, and building/trades codes and ordinances in effect at the time of design will govern protection of the structures.

The Burlington Police Department issued an ability to serve letter dated January 13, 2017. The letter anticipates increased demand on police services for the overall development, but expects that the development will not adversely impact the department in the context of providing police services to the site.

As per the original approval and incorporating these changes, Impact fees will be paid to help fund necessary capital improvements necessitated by this development. **Affirmative finding as conditioned.**

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
Not applicable.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;
The project is proposed in an area long targeted in the city's Municipal Development Plan for intensified development. The NAC-CR purpose and intent narrative articulates standards for this growth center. Insofar as the proposed development is consistent with the intent of the NAC-CR zone, it is consistent with the city's anticipated growth patterns. Improvements to public infrastructure, at the cost of the applicants, were approved under earlier permitting. **Affirmative finding.**

10. Be in substantial conformance with the city's municipal development plan;
The application demonstrates substantial conformance with the Municipal Development Plan.

The property is located within an area identified as a center for growth and development (Future Land Use Map – Centers for Growth and Development & Land Use Policies, pg. I-2).

The introduction of a variety of attached multi-family housing unit types and bedroom counts is consistent with the city policy to support the development of additional housing opportunities within identified activity centers (Land Use Plan, pg. I-2 & Housing Plan, pg. IX-1).

The project will handle essentially all of its stormwater onsite utilizing the available green spaces and sandy soils for infiltration, as originally permitted under ZP17-0623CA/MA (Natural Environment Action Plan, pg. II-12).

The development will provide inclusionary housing units commensurate with the number of residential units constructed (City Policies, pg. IX-1) as required by the Comprehensive Development Ordinance.

The project incorporates alternative energies (solar and geothermal), thereby reducing utilization of fossil fuels (City Policies, pg. VIII-1).

The project will provide ready access to GMT bus service. Carshare Vermont service is anticipated. The project includes far more than the minimum requirement for bike storage and maintenance facilities and provides easy access to the waterfront bike path (Stressing Other Modes of Travel, pg. V-12). **Affirmative finding.**

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

As noted above, the proposed development is located in an area targeted for higher intensity development. The proposed housing model is multi-family or mixed use buildings. There is; however, a variety of bedroom counts and price points (including inclusionary, “work force,” and market rate units). There is also a mix of owner-occupied and rental units. Senior housing units will be provided in a building that is outside this review. The development, as previously permitted, addresses city policy to provide a variety of housing types. **Affirmative finding.**

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

Residents of the new dwelling units will likely utilize the city’s park and recreation facilities. As part of the overall development previously approved, the 12-acre parcel that hugs the development site to the south and west was conveyed to the city for conservation and designation as an “urban wild.” Within the development, a variety of recreational features are included, such as a community pool, fitness center, garden spaces, and paths. Parks impact fees will be paid to help offset any related impact on public park needs. Per the development agreement, a \$300K credit will apply to parks impact fees due. **Affirmative finding as conditioned.**

(c) Conditions of Approval

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

The revisions to building M have included screening/landscaping at the point of garage openings to mitigate visual impacts. Improvements are incorporated to the site landscaping, see T.J. Boyle Plan, 7.6.2018. **Affirmative finding.**

2. Time limits for construction.

The zoning permit approval for the Cambrian Rise project contains a 10-year buildout and related phasing schedule. No change to the 10-year timeframe is included in this amendment request. Phasing for the proposed public road and associated public improvements has previously been approved for 4 phases (18-0791CA). **Affirmative finding.**

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

Residential use has no limitation on hours of operation. The construction hours were amended under ZP17-0853CA to allow construction Monday-Saturday, 7:00 AM to 6:00 PM and on Sunday 7:00 AM to 6:00 PM for interior construction only, under specific conditions of that permit which shall remain in effect for this project.

Affirmative finding as conditioned.

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

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

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

To be addressed in conditions of approval.

Article 4: Zoning Maps and Districts

Sec. 4.4.2 Neighborhood Mixed Use Districts

(a) Purpose

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

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

Changes proposed to the originally permitted project do not alter the compact site design and street layout, which provide the framework for the new mixed use neighborhood. Sidewalks,

shared use paths, hardscaping, and street-level treatments of the proposed buildings maintain a pedestrian-friendly environment. The redesign of building M (formerly M & N), and new building volume added to B/G, M, P Q and R will add new FAR. All buildings will remain as originally oriented to the street.

The new 31 units (total 770) will be part of a unit pool to be dispersed building by building.

Affirmative finding.

b) Dimensional Standards and Density

Table 4.4.2-1 Dimensional Standards and Density

NAC-CR	Max Intensity (FAR) 2.0	Max Lot Coverage 60%	Setbacks			Building Height Min 22' Max 65' (Allowable bonus up to 75' for IZ)
			Front Min 0 Max 20'	Side 10' only applicable to periphery of NAC-CR and not to individual parcels.	Rear 20' only applicable to periphery of NAC-CR and not to individual parcels.	
Proposal	1.13	63.6*	No change	Meets minimum setback on south	Meets minimum rear setback on west.	Building M: 198.5 ground average + 75' = 273.5 proposed Building P: Ground average: 186 + 75 = 261; 255 proposed. Building Q/R: Frontage midpoint 189' + 75' = 264'

*Additional coverage allowable per **Table. 9.1.12-2, Lot Coverage Allowance** table for IZ units. Maximum additional coverage in NAC-CR is 72%.

Affirmative finding as conditioned.

c) Permitted and Conditional Uses

No new uses are specifically identified. A couple of previously proposed uses (commercial bakery and college) have been deleted as noted previously. The applicant will be required to provide a spreadsheet of proposed uses and breakdown of area for final computation of Impact Fees. **Affirmative finding as conditioned.**

(d) District Specific Regulations

1. Ground Floor Residential Uses Restricted

Not applicable in NAC-CR.

2. Exceptions to Maximum Lot Coverage in NAC District

Not applicable in NAC-CR.

3. Development Bonuses/Additional Allowances

The following exceptions to maximum allowable base building height and FAR in Table 4.4.2-1 above may be approved in any combination subject to the maximum limits set forth in Table 4.4.2-2 below at the discretion of the DRB. The additional FAR allowed shall correspond to the proportion of the additional building height granted to the maximum available.

A. Inclusionary Housing (see table, below and Article 9.)

B. Senior Housing

Not applicable in NAC-CR.

C. Maximum Bonus

In no case shall any development bonuses or allowances granted, either individually or in combination, enable a building to exceed the maximum FAR and maximum building height permitted in any district as defined below:

Table 4.4.2-2 Maximum FAR and Building Heights with Bonuses

NAC-Cambrian Rise	Maximum FAR 2.5	Maximum Height 75'
Proposal:	1.13 FAR	See Table 4.4.2-1, above.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots.

Not applicable.

Section 5.2.2 Required Frontage or Access

All buildings front on streets to be accepted by the City; soon to be identified as Cambrian Way.

Affirmative finding.

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.2-1, above.

Section 5.2.4 Buildable Area Calculation

Not applicable in the NAC-CR zone.

Section 5.2.5 Setbacks

See Table 4.4.2-1, above.

Section 5.2.6 Building Height Limits

See Table 4.4.2-1 and 4.4.2-2, above.

Section 5.2.7 Density and Intensity of Development Calculations

See Table 4.4.2-1, above.

Section 5.5.1 Nuisance Regulations

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

Section 5.5.2 Outdoor Lighting

See Sec. 6.2.2 (o).

Section 5.5.3 Stormwater and Erosion Control

A comprehensive stormwater management plan and Erosion Prevention and Sediment Control Plan have been approved for the overall project.

Final review and approval by the city's stormwater program will be required if redesign of building M has impacted or altered those plans in any way. **Affirmative finding as conditioned.**

Article 6: Development Review Standards:

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features

The redesign of Building M has minimal change to the site and no effect on nearby natural features. **Affirmative finding.**

(b) Topographical Alterations

The proposed site revisions result in no identifiable changes to the grading plan. **Affirmative finding.**

(c) Protection of Important Public Views

Public views from and through this property are not affected by the site or building changes. **Affirmative finding.**

(d) Protection of Important Cultural Resources

No historic resources are impacted by this proposal. Not applicable.

(e) Supporting the Use of Renewable Energy Resources

The proposed amendment makes no changes affecting this criterion. **Affirmative finding.**

(f) Brownfield Sites:

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.

There are no noted changes to the approved stormwater management plan. If redesign to Building M spurs additional review by the Stormwater program, their approval will be a condition of release.

Snow management as previously articulated remains unchanged. **Affirmative finding as conditioned.**

(h) Building Location and Orientation

Building location and orientation remain unchanged. Building M continues to have a prominent and commanding presence on South Road (soon to be Cambrian Rise). **Affirmative finding.**

(i) *Vehicular Access*

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

Vehicular access to the site remains essentially unchanged. The redesign of building M has afforded 2 parking decks; one accessible via South Road and the east of the building; the second from South Road with a westerly entrance. See T.J. Boyle Plan, Building M Site Plan Update, and Plan L-EX3. **Affirmative finding.**

(j) *Pedestrian Access*

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

Pedestrian access will change slightly with the redesigned building entrance to Building M (on the north, and a rear (east) residential entry.) Pedestrian access to buildings P, Q and R will remain as originally approved under ZP17-0623CA/MA. **Affirmative finding.**

(k) *Accessibility for the Handicapped*

*Special attention shall be given to the location and integration of accessible routes, parking spaces, and ramps for the disabled. Special attention shall also be given to identifying accessible access points between buildings and parking areas, public streets and sidewalks. The federal Americans with Disabilities Act Accessibility Guidelines (ADAAG) shall be used as a guide in determining the adequacy of the proposed development in addressing the needs of the disabled. No changes to handicap accessibility are defined in the amended plans. Full compliance with ADA requirements will be under the jurisdiction of the building inspector. **Affirmative finding as conditioned.***

(l) *Parking and Circulation*

To the extent possible, parking should be placed at the side or rear of the lot and screened from view from surrounding properties and adjacent public rights of ways. Any off-street parking occupying street level frontage in a Downtown Mixed Use District shall be setback from the edge of the front property line in order to provide space for active pedestrian-oriented uses. Where street-level parking is provided within an existing structure, the cars shall be screened from the sidewalk and the area shall be activated with landscaping, public art, or other design amenities. Parking areas of more than 20 spaces should be broken into smaller areas separated by landscaping.

The redesign of Building M provides 2 levels of structured parking, with newly ordered surface parking east of the building. Additional parking spaces will be provided (162 structured parking, instead of 79; surface parking 35 instead of 26.) See associated information in Article 8 for total parking count for Cambrian Rise.

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

Parking spaces and related circulation aisles remain dimensionally unchanged. Total parking count for the entire development is proposed to be 1,129 (1,237 including on-street) spaces; compliant for the uses and residential density identified in this application. See *Breakdown of Parking* submission information.

Surface parking and maneuvering areas should be shaded in an effort to reduce their effect on the local microclimate, air quality, and stormwater runoff with an objective of shading at least 30% of the parking lot. Shading should be distributed throughout the parking area to the greatest extent practical, including within the interior depending on the configuration. New or substantially improved parking areas with 15 or more parking spaces shall include a minimum of 1 shade tree per 5 parking spaces with a minimum caliper size of 2.5"-3" at planting. Up to a 30% waiver of the tree planting requirement may be granted by the development review board if it is found that the standard requirement would prove impractical given physical site constraints and required compliance with minimum parking requirements. All new shade trees shall be: of a species appropriate for such planting environments, expected to provide a mature canopy of no less than 25-feet in diameter, and selected from an approved list maintained by the city arborist. Existing trees retained within 25-feet of the perimeter of the parking area (including public street trees), and with a minimum caliper size greater than 3-inches, may be counted towards the new tree planting requirement.

The requirement for 1 shade tree for every 5 parking spaces is met across the development. Shade trees depicted with this amendment remain compliant. **Affirmative finding.**

(m) Landscaping, Fences, and Retaining Walls

Except for some minor adjustments to the redesigned building M site, the overall landscaping plan remains essentially unchanged. Raised garden beds are proposed on the westerly boundary, with vegetated screening for the parking area on the west elevation. **Affirmative finding.**

(n) Public Plazas and Open Space

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

Public plazas and open space within the overall development remain. This amendment provides a 6th floor common roof deck on building M on the northwest corner for all residents of the building to enjoy. Additionally, an outdoor patio is located west of the building, and the rear/residential entry provides a comfortable patio-type area for drop-offs. **Affirmative finding.**

(o) Outdoor Lighting

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

No additional information or changes have been submitted relative to outdoor lighting. If any changes are proposed, fixture and lumens information shall be provided to staff for review and approval. Overall lighting as approved in ZP17-0623CA/MA remains in effect.

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

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

Waste hauler access has been adjusted on building M to the westerly Parking2 access point, within a covered structure. No other changes are noted. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment

Building M, although re-designed, continues to strengthen the street wall whilst wrapping around toward the west/lake. Within the context of the neighborhood, this now taller building with those additions proposed for P, R and Q will be in step with the neighborhood. The revisions to Buildings G and B are modest and amount to increasing the volume of the top stories approved in a prior amendment. The upper story setback will largely be eliminated; however, the upper floor of these two buildings will continue to read as separate and distinct from the lower floors.

Affirmative finding.

(b) Protection of Important Architectural Resources

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

Not applicable.

(c) Protection of Important Public Views

See Section 6.2.2. (c).

(d) Provide an active and inviting street edge:

The proposed revisions to building M increase the stature and presence of the important place it occupies. The street level glazing of Building G will be improved with the introduction of shopfront windows. The street presence of buildings P, Q and R remains largely unchanged; the new floors an almost undetectable expansion of the existing designs. **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 revised Building M will incorporate storefront glazing on the northwest street front, with wood grain non-combustible siding at demising walls and dark masonry. Glass railings are proposed for terraces, and fiberglass windows and doors.

Buildings P, Q and R will duplicate materials already approved on the upper floors. The materials palette for Buildings B and G remains largely unchanged. **Affirmative finding.**

(f) Reduce energy utilization

The buildings must meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. Solar panels are proposed for the roof of Building M. **Affirmative finding as conditioned)**

(g) Make advertising features complementary to the site

No exterior signage is included in this application. Any such signage will require separate permitting. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design

See Section 6.2.2 (p) above.

(i) Make spaces secure and safe

All appropriate means of ingress and egress, and code requirements for building and life safety as defined by the building inspector and fire marshal must be observed. For multi-unit buildings, resident intercom systems are recommended.

Affirmative finding as conditioned.

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The application proposes an increase in the overall residential unit count from 739 (approved) to the maximum of 770.

The proposed development is located in the Shared Use Parking District. Within this district, the following minimum parking standards apply:

- Multi-family attached dwellings – 1 space per unit

- Restaurant – 3 spaces per 1,000 sf
- General office – 2 spaces per 1,000 sf (incorrect calculation in applicant table)
- General retail (small < 4,000 sf) – 2 spaces per 1,000 sf
- Large daycare - 1 space per every 2 employees + 1 per every 5 children
- Hotel – 0.75 space per room

Proposed parking is adequate; a minimum of **1,085** parking spaces is required. A total of 1,129 off-street parking spaces is proposed (including garage and surface parking). The proposed parking exceeds the minimum requirements for the combination of 770 residential units (770 spaces) and non-residential uses (359):

- Multi-family attached dwellings – 770 required
- Restaurant is 3,000 sf – 9 required
- General office is 117,700 sf – 235 required
- General retail (5,650 sf total in small < 4,000 sf units) – 11 required
- Large daycare – 22 required
- Hotel – (.75 x 50 rooms) 38 required

The revised parking table indicates compliance with the minimums noted above but does not parse out exactly how many spaces are allocated to each individual use (i.e. how the excess parking spaces are allocated). **Affirmative finding.**

Sec. 8.2.5, Bicycle Parking Requirements

As with vehicular parking, bicycle parking requirements are tied to use and, in some cases, the size thereof. A total of 906 bike parking spaces are now proposed (624 indoor/covered and 282 outdoor/rack spaces). The applicants’ bike parking table shows building, use, requirements (long and short term), and total spaces provided. A total of 192 long term bike parking spaces is required. A total of 93 short term bike parking spaces is required. The development will be providing 906 overall. Long term spaces will be enclosed within the buildings onsite. Short term spaces will be provided at racks throughout the development. **Affirmative finding.**

Article 9: Inclusionary and Replacement Housing

With the increase in dwelling units comes an increase in the number of required inclusionary housing units. Per Table 9.1.8-1, *Inclusionary Zoning Percentages*, 25% of the total unit count must be inclusionary (25% of 770 is 193 dwelling units {up from 185 in the original project}) in the NAC-CR zone. As originally approved, inclusionary units are to include a mix of rentals and condo units. Written approval of the amended inclusionary housing proposal by the manager of the city’s Housing Trust Fund is required. **Affirmative finding as conditioned.**

Article 11: Planned Development

Sec. 11.1.5 Approval Requirements.

The following requirements shall be met for the DRB to approve a planned unit development:

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

There is no Minimum Project Size for the NAC-CR district. **Affirmative finding.**

(b) The minimum setbacks required for the district have been met at the periphery of the project;

There is no change to the setbacks of the originally approved project.

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

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

The interior lots have already been subdivided. Not applicable.

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

See Table 4.4.2-1, above.

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

Reference is made to the original PUD approval under ZP17-0623CA/MA.

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

Reference is made to the original PUD approval under ZP17-0623CA/MA as conditioned.

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

The overall build-out is subject to previously approved phasing schedule(s) for both the overall development and public infrastructure; both of which remain in effect.

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

Reference is made to the original PUD approval under ZP17-0623CA/MA.

and,

(j) The proposed development shall be consistent with the municipal development plan.

See Sec. 3.5.6 (b) 10.

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

Affirmative finding.

II. Recommended Conditions of Approval, if considered:

1. All conditions of ZP17-0623CA/MA and as subsequently amended not expressly altered herein or by permits issued subsequent to that approval shall remain in effect.
2. **Prior to release of this amended zoning permit**, written approval of the amended inclusionary housing proposal by the manager of the city's Housing Trust Fund is required.
3. Any conditions relative to the revised traffic study that are forwarded from the Department of Public Works shall be incorporated into this decision.

4. Construction hours, as amended under ZP17-0853CA are Monday-Saturday, 7:00 AM to 6:00 PM and on Sunday 7:00 AM to 6:00 PM for interior construction only. As conditioned in that permit, the applicant, either directly or through CEDO as liaison, shall communicate with residential neighbors across North Avenue on construction activities likely to create disruptive noise, and shall provide advance notice at least a week before any substantial earth moving, site compaction and blasting, including the likely dates and times.
5. Impact fees based on the net new building area shall be paid at **least 7 days prior to issuance of a certificate of occupancy**. The impact fees for all new area for each building will be calculated under the current (FY19) Impact Fee schedule.
6. The lighting plan and photometric approved under ZP17-0623CA/MA remains in effect. If changes are proposed to the original lighting information, fixture information, location, and lumens shall be provided to staff for review and approval.
7. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required. It is the applicant's obligation to amend State Wastewater and Act 250 permits to reflect changes within this review.
8. All exterior signage is subject to separate zoning approval.
9. If new uses are identified or new residential units requested, parking requirements shall be recalculated to reflect said changes.
10. If the redesign of building M has altered any of the EPSC or Stormwater Management plans previously approved under ZP17-0623CA/MA, final review and approval by the Stormwater program will be required.
11. Standard Conditions 1-15.

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