

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: August 2, 2016
RE: 16-1507CA/MA; 316-322 Flynn Avenue

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

Zone: NMU Ward: 5

Owner/Applicant: G&C Properties / 316 Flynn, LLC

Request: Demolish existing buildings. Construct mixed use building with 30 residential units and 2 commercial spaces and associated site improvements.

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)

Background Information:

The applicant is requesting approval of a proposed mixed use building and associated parking. The existing corner market building will be demolished along with the detached triplex and redemption center.

A similar but smaller development was approved for this property in May 2015. That approval included deli and office space and 9 new residential units. The existing triplex was to be retained. As proposed, the project will expand to include two commercial spaces and 30 apartments. The triplex will be demolished.

This project underwent sketch plan review with the Design Advisory Board and Development Review Board in spring 2016. The two boards recommended improving the building's ground floor; specifically, strengthening its pedestrian interface and distinguishing it from the upper stories.

Following sketch plan review, the project plans were revised to incorporate board comments. The application was reviewed by the Design Advisory Board July 12, 2016. The Board felt that the project plans addressed their comments from sketch plan review and recommended project approval on a 3-0-0 vote subject to the following conditions:

1. New street trees are subject to review and approval by the City Arborist.

2. Building entry lighting levels must be included in the photometric plan.

Comments by the City Arborist have been received and provided to the applicant. Revised outdoor lighting information has been provided to include building entries.

The Conservation Board reviewed this project July 11, 2016 and recommended project approval subject to the standard stormwater management and erosion control requirements under Chapter 26: Wastewater, Stormwater, & Pollution Control. The Board also expressed support for the requested parking waiver.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The proposed development will be served by municipal water and sewer. Sufficient capacity is available; however, written confirmation from the Department of Public Works will be required. A state wastewater permit will also be needed prior to construction. **(Affirmative finding as conditioned)**

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

The subject property and the properties on the southwest and southeast corners of the Pine Street/Flynn Avenue intersection are zoned as Neighborhood Mixed Use (NMU). This zoning designation that was done several years ago better reflects the mixed use character of these properties and enables greater flexibility for their redevelopment. Champlain Elementary School (and the RL zone) abuts the subject property to the north. Single family homes lie to the east and south. Mixed uses are present to the west. As now proposed, the development is of a larger scale but remains contextually appropriate to its surroundings. This mixed use development is consistent with the intent of the NMU zone. **(Affirmative finding)**

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

The proposed mixed use building includes residential and commercial space. It is not expected to generate nuisance impacts greater than those typically generated by other permitted uses in this mixed use zone. **(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;

A comprehensive traffic analysis has been provided. The analysis outlines existing and anticipated traffic volumes as well as level-of-service (LOS) impacts to the adjacent Pine Street/Flynn Avenue intersection. Anticipated daily trip ends total 130. This figure is based on ITE numbers with adjustments for actual trip generation rates at the nearby Champlain School Apartments and Flynn Avenue Housing Cooperative. Of this total, only 10-12 new peak hour trip ends are associated with the 30 residential apartments. Intersection LOS remains acceptable with an average rating of “B” with or without the project. Anticipated traffic generation is limited in part by the adjacent CCTA bus stop. The study recommends coordinating with CCTA to ensure that adequate tenant access to the bus stop is provided. The Department of Public Works has reviewed the traffic analysis and concurs with its findings. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

The proposal notes that the building will be constructed as solar-ready. Conduit will be installed to facilitate installation of rooftop solar panels if pursued in the future. **(Affirmative finding)**

and,

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector. **(Affirmative finding)**

(b) Major Impact Review Standards

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

Proposed stormwater management will basically be the same as previously approved. The stormwater system will collect runoff and treat it prior to discharge into the abutting brook or overflow into the city system. See Sec. 5.5.3 for details. No significant air or noise pollution is anticipated. **(Affirmative finding)**

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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

An erosion prevention and sediment control plan has been provided. The Conservation Board has reviewed it. Final review and approval by the Stormwater Administrator per Chapter 26, Wastewater, Stormwater, & Pollution Control is pending. **(Affirmative finding as conditioned)**

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

See Sec. 3.5.6 (a) 3.

6. Not cause an unreasonable burden on the city's ability to provide educational services;
With 30 apartments, the residential component is moderately intense. No significant impacts on the city's educational services are expected. Impact fees will be paid to help offset what impacts there are. **(Affirmative finding as conditioned)**

7. Not place an unreasonable burden on the city's ability to provide municipal services;
The proposed development will generate additional impacts on city services; however, those impacts can be mitigated in part by payment of impact fees. It is the applicant's responsibility to address comments made by the Technical Review Committee. **(Affirmative finding as conditioned)**

8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;
See Sec. 6.2.2.

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;
The proposed development brings about greater intensity and diversity of development consistent with the rezoning of this area to NMU. The project is not expected to have an undue adverse effect on the city's present or future growth patterns or on its public services and facilities. **(Affirmative finding)**

10. Be in substantial conformance with the city's municipal development plan;
The proposal is in substantial conformance with the MDP, as per the following:

The project will result in additional mixed use development within this mixed use zone (pg. I-2, Land Use Policies).

The proposed development lies within the radius of the neighborhood activity center centered at the Flynn Avenue/Shelburne Street intersection (pg. I-29, Future Land Use Map - Centers for Growth and Development).

The development will implement measures to improve the quality and quantity of stormwater runoff leaving the site and entering Englesby Brook (pg. II-12, Natural Environment Action Plan).

The proposed commercial space is small in scale, consistent with that typically found in neighborhood mixed use areas (pg. VI-2, City Policies).

The project will comply with the city's current energy efficiency standards (pg. VIII-1, City Policies). **(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;
The proposed development will bring additional housing to the city and will diversify the housing stock in the neighborhood. A mix of studio, 1-, and 2-bedroom housing units are proposed.

Inclusionary units will be provided as required. No undue adverse impacts on the city's present or projected housing needs are anticipated. **(Affirmative finding)**

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

Minimal anticipated impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset such impacts. **(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.

Along the eastern property boundary, a short length of fencing by Flynn Avenue and a new row of arborvitae will be installed to screen headlight glare from vehicles within the garage. Further north along this property line, there little apparent screening beyond some new trees (nothing at headlight level). Additional fencing or landscaping should be installed along the length of the proposed parking. **(Affirmative finding as conditioned)**

2. Time limits for construction.

The application notes that demolition and construction will occur in one phase and will be completed within the standard 2-year time frame for zoning permits. **(Affirmative finding)**

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

Hours of operation need not be specified for the residential use. The applicant notes restaurant uses within the two commercial spaces. Proposed hours of operation are 5:30 AM – 11:00 PM, Sunday – Thursday and 5:30 AM – 1:00 AM Friday – Saturday. Footnote 13 in *Appendix A – Use Table – All Zoning Districts* limits restaurants to 5:30 AM – 11:00 PM. Hours of operation must be curtailed accordingly. If cafes, the same hours of operation should apply.

Construction hours are not noted in the application. Typical construction hours in residential areas are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. **(Affirmative finding as conditioned)**

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

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

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

See recommended conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(2) Neighborhood Mixed Use (NMU)

The Neighborhood Mixed Use District is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older

neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposed commercial use is small in scale consistent with the intent of the district. The location of the proposed development is well within walking or biking distance of residential areas and other employers. **(Affirmative finding)**

(b) Dimensional Standards & Density

FAR in the NMU zone is limited to 2.0. The subject property is 26,424 sf (including 16,417 sf in the NMU zone). Proposed building area above ground is 25,958 sf and results in 0.98 FAR. Note that building area numbers vary among the project plans. Consistency is needed.

Maximum permissible lot coverage is 80% in the NMU zone and 35% in the RL zone. Within the NMU portion of the property, proposed lot coverage is 82.8% (it is presently 91%). Within the RL portion, proposed lot coverage is 35.2% (it is presently 43.8%). As preexisting nonconforming lot coverage will be reduced in both zones, the proposed lot coverage is acceptable.

The subject property is a corner lot, and, therefore, contains two front yards and two side yards. There is no rear yard for the purposes of setback requirements.

The property straddles two zoning districts. The 15' NMU district setback is not required for this pre-existing lot. This particular section of the NMU zone requires a 10' minimum front yard setback from the street curb. The proposed structure complies with this setback.

Lastly, the front yard setback in the RL portion of the property is based on the average setback of neighboring buildings, +/- 5'. In this case, there is only one neighboring building in the RL zone – Champlain Elementary School. The school is set back far from the road and would result in an impossible setback for the RL portion of the property. As proposed, the reconstructed parking lot would remain nonconforming relative to the front yard setback, but the degree of nonconformity would not increase.

Within the NMU zone, the standard building height limit is 35', and the minimum is 20'. Additional height may be allowed under bonus provisions noted below. Buildings shall be at least 2 stories. The proposed building is 4 stories tall, although the top story is just partial. Building height is 44' 10" and is allowable under the height bonus provisions of Article 9. **(Affirmative finding as conditioned)**

(c) Permitted & Conditional Uses

Multifamily residential development is a permitted use in the NMU zone. The commercial uses are noted as restaurant; however, they are actually cafes. The difference between restaurant and café is size. Cafes are limited to 2,000 sf. Restaurants are larger. Both commercial spaces are just 1,500 sf. In any event, both cafés and restaurants are permitted uses within the NMU zone. The overall project size triggers "major impact" review and, by association, conditional use review. **(Affirmative finding)**

(d) District Specific Regulations

See Article 9 below for height increase relative to inclusionary zoning requirements.

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

(4) Requirements

The proposed development lies partially within the 100' buffer zone along Englesby Brook. The emphasis of this subsection is on protection of riparian corridors and on stormwater management. The proposed development, including its stormwater management system, has been reviewed by the Conservation Board. Project approval was recommended. **(Affirmative finding)**

(d) District Specific Regulations: Wetland Conservation Zone

(6) Criteria for Review

The property lies within 100' of wetlands included in the city's wetlands map. As a result, review under this subsection is required. The Conservation Board reviewed the project under these criteria and found no adverse impacts. No direct wetland impacts are proposed. Only work within the buffer zone is proposed. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable in the NMU zone or on a parcel of less than 2 acres in the RL zone.

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b) above.

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

Outdoor illumination is proposed. Fixture cutsheets and a photometric plan have been provided. All of the fixtures are cutoff and acceptable. The photometric plan demonstrates acceptable parking and circulation illumination levels. As recommended by the Design Advisory Board, entry illumination levels are now depicted in the photometric plan. There are some entry hotspots of 15 footcandles or more. Building entries are limited to 5.0 footcandle average or less. Average numbers are not provided, but some downward adjustment is likely needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

The project plans depict a net reduction in lot coverage (~10%). Stormwater from proposed impervious surfaces will be collected and treated prior to discharge into Englesby Brook. The stormwater management plan calls for filtration and controlled discharge of runoff into the Brook. Stormwater will flow via bioswale into a settling tank prior to discharge towards the brook through a level spreader. Overflow will go into the city system at a controlled rate so as to avoid

exacerbating peak flows. Final review and approval by the Stormwater Administrator is required. **(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

Important natural features onsite include Englesby Brook and associated wetlands. In light of this waterway's impaired status, construction site erosion control measures and post-construction stormwater management are particularly important. The application contains plans to address both erosion control and post construction stormwater management. Erosion control and stormwater management measures have been reviewed by the Conservation Board. **(Affirmative finding)**

(b) Topographical alterations

The site is generally flat and will remain so. Some grading work is proposed; however, it will not substantially alter the existing topography of the site. **(Affirmative finding)**

(c) Protection of important public views

There are no designated view sheds from or through the property. **(Affirmative finding)**

(d) Protection of important cultural resources

The proposed development site has no known archaeological resources. **(Affirmative finding)**

(e) Supporting the use of alternative energy

The application materials assert that the most energy efficient available technology will be used for heating and cooling within the proposed building. The rooftop will be constructed in order to be solar ready in the event that rooftop solar becomes financially feasible. **(Affirmative finding)**

(f) Brownfield sites

The property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

The front entries into the building are sheltered under a canopy. The rear entries will be sheltered as well. Ample room remains onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

Placement of the proposed building is essentially consistent with that of the existing commercial building. The new structure will be set to the street corner while still observing the required setback from the curb. Any encroachments into the street right-of-way (including underground structure such as footings) will require an encumbrance permit from the City Council in consultation with the Department of Public Works.

The primary façade faces Pine Street. Both ground floor commercial spaces present well-defined entries and shop front glazing. The Flynn Avenue façade has been revised since sketch plan to incorporate an additional entry to strengthen this second street-facing façade.

As recommended during sketch plan review, the ground floor of the proposed building has been differentiated from the upper stories. The shop front glazing, hardscaping, and projecting entry canopies all work towards presenting an inviting face to the public space along the street.

(Affirmative finding)

(i) Vehicular access

As with existing conditions, vehicular access will be provided from both Flynn Avenue and Pine Street, albeit in better defined form. **(Affirmative finding)**

(j) Pedestrian access

The two commercial spaces may be accessed by steps or walkways connecting to the public sidewalk. The Flynn Avenue entry will be provided direct at-grade access to the public sidewalk. Two entries facing the under-building parking will provide access into the building from the parking spaces behind and to the side of the building.

The public sidewalk along this property's street frontages will be reconstructed. Review and approval by the Department of Public Works is required. Note that the project plans show a discontinuous public sidewalk across the Pine Street driveway. The concrete sidewalk must be continued across both driveways. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

The proposed parking area depicts handicap parking spaces and all building entries appear to be accessible at grade. The 2012 Vermont Access Rules require that all of the proposed dwelling units be "adaptable." It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding as conditioned)**

(l) Parking and circulation

Reconstructed surface parking is placed to the side and underneath the building. The existing streetfront pavement will be removed and replaced with the new building and associated walkways and stairs. The building mass screens some of the parking from the street. The project plans have been revised since sketch plan to incorporate additional screening of the parking. Screening measures include fencing and landscaping at the northwest and southeast corners.

Dimensionally, the parking spaces are smaller than the standard. Most of the proposed parking spaces are just 18' deep, whereas 20' is the standard. Several compact spaces are proposed at 8' width, but have 20' length. Back-up length for the 90-degree parking spaces has been improved since sketch plan to allow for 20' – 24' or more. The standard for such spaces is 24.' A site circulation plan has been provided that demonstrates the sufficiency of the proposed parking and circulation layout. A small walkway of sorts has been provided at the northeast corner of the building to afford pedestrian access from the parking area into the northeast building entry.

Exposed surface parking totals 17 spaces. Surface parking areas of 15 or more spaces require at least 1 shade tree for every 5 parking spaces. The 3 required shade trees are located along the eastern property boundary. They are in addition to the 6 proposed street trees. The shade trees

will be 2.5” – 3” caliper at planting with an expected mature canopy of 27’ diameter. Between the proposed trees and building, 51% shading of the exposed surface parking is achieved.

The project plans depict indoor and outdoor bike parking spaces. **(Affirmative finding)**

(m) Landscaping and fences

A planting plan has been provided. New plantings will help to screen surface parking from the street and neighboring property. It will also be used to enhance the property’s visual appeal along its street frontages. Note that several new street trees are proposed. The City Arborist has reviewed the proposed street trees and has required that the maples be changed to *Acer Freemanii* (Celebration Maple) and that the elms be changed to *Ulmus Triumph* (Triumph Elm). On both Flynn Avenue and Pine Street, all existing green belt soil must be removed between the new sidewalk and curb to a depth of 30 inches. It must be replaced with new topsoil mixed with 15% approved compost and installed in 15” lifts that are lightly compacted. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. **(Not applicable)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

All new utility lines must be buried. No ground-mounted mechanical equipment is included in the proposal. A trash and recycling enclosure will be provided at the northeast corner of the parking area. Enclosure details have been provided and consist of solid 6’ fencing with a slatted chain link gate. The dumpster must be set on a concrete pad. **(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

The proposed structure is significantly larger than the present building or even the previously approved (but not built) building. That said, the proposed scale remains within the context of other existing buildings in the area, particularly along Pine Street to the north. The building is 3 stories tall with a significantly smaller 4th story. The proposed building is very similar in appearance to other recently constructed apartment buildings: boxy and angular with variations in exterior color, cladding, and building plane to break up perceived mass. As recommended, the building design has been improved to give it a distinct street level with differentiated materials, color, and fenestration. Upper stories have uniform cladding and fenestration. Overall, the building’s mass is broken up into individual geometric components. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed building includes varying roof planes on each of the separate building components. Most have a slight pitch. While unusual in the neighborhood, this arrangement works with the overall design of the building. **(Affirmative finding)**

3. *Building Openings*

The proposed building exhibits two fenestration patterns, both of which are consistent with the overall appearance of the building. The ground level fenestration presents as that of a shop front while the upper stories incorporate a fenestration pattern more consistent with an apartment building. Fenestration throughout is appropriately scaled and suited to its intended purpose. The front entries are embellished with projecting awnings over the doorways. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing building is not historic, nor is it eligible for listing on an historic register. Its demolition will have no adverse impact on Burlington's architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

As proposed, the building employs physical step-backs of its façade along Pine Street and Flynn Avenue to break up its perceived mass. The front entries are defined with shop front fenestration and canopies overhead. As noted above, street level improvements have been made in order to strengthen the building's pedestrian interface. **(Affirmative finding)**

(e) Quality of materials

Exterior cladding will consist of cement fiberboard on the upper stories and insulated metal panels at the ground level. Composite corner boards and metal soffit trim are proposed. Storefront windows will be aluminum-framed and apartment windows will be fiberglass. Presumably, membrane roofing is proposed. Wooden board screening is proposed by the Pine Street parking entrance. The proposed materials are acceptable. **(Affirmative finding)**

(f) Reduce energy utilization

As noted previously, the applicants are seeking to utilize energy efficient technologies for heating and cooling. The rooftop will be solar-ready. Current city and state energy efficiency standards must be adhered to. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

The elevation drawings depict two signs over the two commercial entries. Sign size and placement appear to be compliant and integrated into the building design. These signs and any other on the exterior will require a separate zoning permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

The project plans depict interior mechanical spaces. Exterior equipment appears to be limited to just a rooftop HVAC enclosure. The enclosure has limited visibility in the elevation drawings and may well not be perceptible at all from the public sidewalk or street. **(Affirmative finding)**

(i) Make spaces safe and secure

All building entries will be illuminated. An intercom system for residents is encouraged. Adherence to applicable building codes will be required. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed mixed-use building is located in the Shared Use parking district. The 30 proposed apartments require 30 parking spaces (1 space/unit). The applicant notes the proposed commercial spaces as restaurant. As noted previously, the 1,500 sf spaces would qualify as cafes. In this parking district, cafes have no minimum parking requirement. As proposed, 34 parking spaces will be provided. No parking waiver is needed. **(Affirmative finding)**

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

In the event that the two commercial spaces are combined into one 3,000 sf restaurant, at least 9 parking spaces would be required (3 spaces per 1,000 sf) for a total of 39. In this event, the applicant has provided a parking management plan in support of a 5-space parking waiver.

The parking management plan relies on shared parking spaces and an anticipated reduction in vehicle ownership by tenants. The property is served by a nearby CCTA bus stop and is slated to host an onsite VT Carshare vehicle. A letter of support from Carshare has been provided. Required onsite bike parking facilities will be provided. The parking management plan notes that parking spaces will be optional for tenants. If one apartment does not need a parking space, that space may be allocated to another apartment for 2 spaces. The traffic study for the project also includes a parking analysis and anticipates a peak parking demand of 30 spaces (34 are proposed). Midday parking demand for the apartments is expected to be about 16 spaces.

The parking management plan asserts that each apartment will be able to use one parking space between 9:00 PM and 9:00 AM seven days per week. Outside of those hours, parking will be shared between the commercial and residential uses. Between the availability of alternative transportation and shared parking provisions, the parking management plan reasonably demonstrates how the commercial and residential uses can effectively use the 34 parking spaces.

As for all parking waivers, the applicant should be prepared to report back to the Department of Planning & Zoning every year for 3 years following construction with a summary of actual parking demands. **(Affirmative finding as conditioned)**

Sec. 8.2.5, Bicycle Parking Requirements

The proposed 30 residential units will require 8 long term bicycle parking spaces and 3 short term bicycle parking spaces. The bike parking requirement for the café or restaurant space is 1 long term space and 6% of the occupancy load for short term spaces. The occupancy load is not noted in the project plans and must be.

As proposed, the application refers to interior space for long term bike parking but does not include numbers. This information is needed in order to determine compliance. The site plans depict 8 loop racks with space for 16 bikes. These racks are likely sufficient for the short term bike parking requirement, but occupancy load information is needed to confirm. **(Affirmative finding as conditioned)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As 30 new residential units are proposed, inclusionary units must be provided. The standard requirement is 15% inclusionary – in this case 5 units. Exact inclusionary requirements are

dependent on unit types and pricing. Written approval of the inclusionary units by the manager of the city's Housing Trust Fund is required. **(Affirmative finding as conditioned)**

Sec. 9.1.12, Additional Density and Other Development Allowances

This development is subject to the inclusionary housing requirements of Article 9. As a result, it is entitled to an additional 0.5 FAR and 10' height per Table 9.1.13-1 *Density/Intensity Allowance Table*. The additional building bulk must be set back 10' along the street façade. The project plans depict a building with a 4th story (i.e. an additional 10' height) set back from the lower stories. FAR is well under the standard 2.0 limit as noted previously. **(Affirmative finding)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, written confirmation of adequate wastewater capacity from the Dept. of Public Works shall be obtained.
2. **Prior to release of the zoning permit**, written approval of the inclusionary housing proposal shall be obtained from the manager of the city's Housing Trust Fund.
3. **Prior to release of the zoning permit**, revised project plans shall be submitted, subject to staff review and approval. Revisions shall contain:
 - a. Additional screening along the eastern property line beyond the presently proposed row of arborvitae;
 - b. Accurate and consistent building area figures;
 - c. Compliant building entry lighting levels (5.0 footcandle average or less);
 - d. Continuous concrete sidewalk across both driveway entries;
 - e. Revised street trees. The maples shall be changed to *Acer Freemanii* (Celebration Maple) and the elms shall be changed to *Ulmus Triumph* (Triumph Elm). On both Flynn Avenue and Pine Street, all existing green belt soil must be removed between the new sidewalk and curb to a depth of 30 inches. It must be replaced with new topsoil mixed with 15% approved compost and installed in 15" lifts that are lightly compacted;
 - f. Concrete pad underneath the proposed dumpster;
 - g. Occupancy load of the commercial space; and,
 - h. Details as to the number of type of long-term bike parking spaces proposed.
4. Hours of operation of the restaurant/café space shall be limited to 5:30 AM – 11:00 PM, seven days per week.
5. Construction hours shall be limited to 7:00 AM – 5:00 PM, Monday – Friday. Saturday construction may be allowed if requested via written correspondence to the DRB. No construction on Sunday.
6. At least **seven (7) days prior to issuance of a certificate of occupancy**, impact fees based on the net new building square footage and uses shall be paid to the Department of Planning & Zoning. Impact fees may be reduced based on the provision of inclusionary housing.
7. This approval includes a 5-space parking waiver. The applicant shall report back to the Department of Planning & Zoning every year for 3 years following construction with a written summary of actual parking demands
8. Any encroachments into the public street right-of-way (permanent or temporary and including underground structure such as footings) will require an encumbrance permit via the Department of Public Works.
9. Reconstruction of the public sidewalk must adhere to Department of Public Works standards. The submitted plans presently do not comply.

10. Approval of the erosion prevention and sediment control plan and the post-construction stormwater management plan shall be obtained from the Stormwater Administrator.
11. All utility lines shall be buried.
12. It is the applicant's responsibility to comply with all applicable ADA requirements.
13. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
14. Any signage will require a separate sign permit.
15. Standard Conditions 1-14.