

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** June 6, 2017  
**RE:** 17-0825CA/MA; 85 North Avenue

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**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: 3C

Owner/Applicant: Catamount/Lakeview, LLC

**Request:** Construction of a 43-unit residential building with associated parking and site improvements

### **Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing)

### **Background Information:**

The applicant is seeking approval to construct a 43-unit residential structure with associated parking and site improvements. The parcel presently consists of a parking lot at the bottom of Lakeview Terrace and a vegetated bluff with steep slopes to the south and west. As proposed, the building would be set atop the hillside at the western edge of the present parking area. Parking will be provided on the first level with apartments above. Associated surface parking and site improvements would be located generally to the east of the proposed building.

This project underwent sketch plan review with the Design Advisory Board on November 24, 2015 and with the Development Review Board on December 1, 2015. At the time, the project was larger with 56 apartments, and the building was to be set into the hillside. It is now 43 apartments, and very little earthwork is now proposed. Where the slope falls away to the west, the building will be held up by columns rather than set into the grade. Sketch plan comments were generally favorable as to the building design. Suggestion was made to increase the usable space around the building, particularly along its primary frontage. Recommendation was also made to improve access to the public sidewalk and the street.

The Conservation Board reviewed this application on March 6, 2017. The Board was 1 member short of a quorum. Those members present voted 4-0-0 to recommend approval of the project and made the following comment relative to stormwater offsets to reduce impacts on the combined sewer system: Those board members present prefer the stormwater offset option to send stormwater to an infiltration gallery at edge of Battery Park. In working with the city's

Stormwater Program staff, an alternative offset location – at the dead end of Front Street – is more likely. There is concern with disturbing historical grave sites at the Battery Park location.

The Design Advisory Board reviewed this project March 28, 2017. The Board voted 5-0-0 to recommend approval of the project with the following conditions:

1. Add crosswalk at the end of Lakeview Terrace.
2. Add architectural screening on the southwest of the parking level. Screening shall block lighting from cars and be complementary to the building. It shall focus heavily on the lower half of the opening, with the purpose of screening view of the cars from the waterfront.
3. Sidewalk (circling building on south of site) shall terminate at the easement line, not to extend past the parking area and crossing easement.
4. Increase caliper of trees within the crescent shaped island to 5-6” caliper.

Following DAB review, revised plans were submitted to incorporate their recommendations.

The Development Review Board initially reviewed this application May 2, 2017. A number of concerns were introduced during the public hearing. The DRB continued the public hearing to allow the applicants time to address the following items:

- Landscaping of disturbed areas
- Provide site section
- Depict existing & proposed contours
- Address traffic, including expected traffic generation on Lakeview Tr, and left turns onto North Avenue
- Onsite circulation within parking areas
- Loading & delivery areas
- DPW’s view on a sidewalk connection to Depot St
- DPW’s plans for Depot St
- How the project fits with the intent of the NMU zone
- Sufficiency of parking and anticipated parking spill onto Lakeview Tr
- Location of the dumpster
- Management of dogs

Additional and revised application materials have been submitted to address most of the foregoing items.

Previous zoning actions for this property are noted below.

- 12/1/15, Sketch plan review of 56-unit residential building
- 12/12/12, Zoning determination as to unpermitted 1991 subdivision

**Recommendation: Certificate of Appropriateness & Major Impact approval**, as per, and subject to, the following findings and conditions below:

## **I. Findings**

### **Article 3: Applications and Reviews**

#### ***Part 5, Conditional Use & Major Impact Review:***

**Section 3.5.6 (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 proposed residential building will be served by the municipal water and wastewater systems. Adequate reserve capacity is available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued. **(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 is part of the Neighborhood Mixed Use (NMU) zone that extends eastward up much of North Street and along North Winooski Avenue. This zone is intended primarily to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns of 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 development is exclusively residential but sits within close proximity to commercial uses within the NMU zone. Residents of the would-be building will live within easy walking distance of a variety commercial uses. The proposed residential structure fits within the scale and mixed use context 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 construction is wholly residential. It is not expected to generate exceptional noise, odor, dust, heat, or vibrations. **(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 traffic analysis has been provided to forecast potential traffic impacts related to the development. Note that anticipated traffic volumes fall well short of the typical 75 PM peak hour trip end threshold for triggering a traffic study. Given the relatively low numbers, the traffic study is fairly basic, focusing only on anticipated trip ends and level of service (LOS) at one intersection: North St/North Ave/Depot St. Following the May 2, 2017 DRB review, an addendum to the original traffic study was provided (dated May 25, 2017).

Anticipated trip generation totals 172 daily vehicle trip ends. Of that total, 13 AM peak hour trip ends and 16 PM peak hour trip ends are anticipated. Note that these figures reflect a downward adjustment of 40% from ITE numbers. The Department of Public Works questioned this degree of adjustment and sought to review the numbers further with the traffic consultant. Public Works has since concluded this review and accepted the results of the traffic analysis.

LOS impacts at North Ave/North St/Depot St are minimal under the “build” scenario. Only overall LOS is noted. There is no analysis of individual turning movement LOS as is typically done. Given the modest anticipated impacts, analysis of individual turning movements has not been required by the Department of Public Works.

The newly submitted traffic addendum addresses Lakeview Terrace impacts as well as anticipated cut-through traffic. Newly generated traffic along Lakeview Terrace is expected to be minimal with 3 additional AM peak hour trips and 2 PM peak hour trips. Cut-through traffic (to/from Lakeview Terrace and North Avenue) is expected to be reduced from 2016 levels wherein the present COTS building was vacant and the related parking lot largely empty. The reconstructed parking lot, with striped spaces and raised islands is less conducive to cut-through traffic.

**(Affirmative finding)**

*and,*

5. *The utilization of renewable energy resources;*

No utilization of renewable energy resources is included in the project plans. Given the site’s significant southern exposure, conduit will be installed to enable future solar panel installation.

**(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;*

The proposed construction is not expected to result in undue water, air, or noise pollution. Stormwater is addressed under Sec. 5.5.3. **(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;*

A comprehensive erosion prevention and sediment control plan is included in the application. It is subject to review and approval by the city’s Stormwater Program staff. **(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 for traffic impacts. The project is not expected to cause exceptional congestion or unsafe conditions on nearby sidewalks, streets, bikeways or other means of transportation. Given the project's location, multiple forms of transportation will be readily available: pedestrian, bike, personal vehicle, and city bus. No one mode of transportation is expected to generate unreasonable impacts to existing infrastructure. **(Affirmative finding)**

6. *Not cause an unreasonable burden on the city's ability to provide educational services;* This new residential building may contain families with school age children; however, the unit mix is unlikely to generate significant numbers. Apartments will consist of 24 efficiency units, 9 one-bedroom units, and 10 two-bedroom units. Impact fees will be paid to help offset what impact there are on city schools. **(Affirmative finding as conditioned)**

7. *Not place an unreasonable burden on the city's ability to provide municipal services;* Project review by the Technical Review Committee took place December 10, 2015. Follow up written comments have been provided to the applicant. No departments asserted unreasonable burdens associated with this project. Impact fees will be paid to help offset what impacts there are on municipal services. **(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 (a) & 6.3.2 (b).

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

The proposed development will transform an underutilized site with just a surface parking lot into a significant residential structure with improved surface parking and circulation. The project will take place within a zoning district that enables development at a higher density than nearby residential zones. It will have no adverse impact on the city's present or future growth patterns. **(Affirmative finding)**

10. *Be in substantial conformance with the city's municipal development plan;* The project is consistent with a number of provisions within the MDP.

The proposed development is within an identified Neighborhood Activity Center, wherein new and higher density development is to be targeted (Land Use Policies, pg. I-2 & Neighborhood Activity Centers, pg. I-20).

The property is located at the western end of the North Street Commercial District. While not commercial in nature, the proposed development will provide 43 units of housing in close proximity to the diverse mix of uses within this district (North Street Commercial District, pg. I-21). The property is also contained within the Old North End Enterprise Community, an area of the city where redevelopment is actively promoted (Old North End Enterprise Community, pg. I-27).

The subject property is located in immediate proximity to a variety of transportation options, including the city's street network, sidewalks, bikeways, and bus routes (Stressing Other Modes of Travel, pg. V-12).

The new housing in this proposal will add to the city's housing stock and will do so in an area targeted for higher density development (City Policies, pg. IX-1). **(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;*

This project will bring about 43 units of new housing of varying unit size within an area targeted for redevelopment. It will have no adverse impact on the present or projected housing needs of the city. **(Affirmative finding)**

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

Residents of the project will likely utilize the city's parks and recreation resources; however, impacts are expected to be moderate and typical of new residential development. Impact fees will be paid to help offset what impacts there are on park resources. **(Affirmative finding as conditioned)**

**(c) Conditions of Approval:**

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

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

The proposed development is not expected to generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

*2. Time limits for construction.*

The applicants propose to build the development in a single phase within the standard 2-year time frame. Therefore, no phasing schedule or special time limits on construction are needed.

**(Affirmative finding)**

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

Hours of operation do not pertain to the proposed residential development.

No days or hours of construction are noted in the application. Typical days and hours of construction within residential neighborhoods are Monday – Friday, 7:00 AM – 6:00 PM. Only interior construction on Saturdays, and no construction on Sundays. **(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: Maps & Districts**

##### ***Sec. 4.4.2, Neighborhood Mixed Use Districts:***

###### ***(a) Purpose***

###### ***(2) Neighborhood Mixed Use (NMU)***

Question was raised as to the conformance of the proposed apartment building with the intent of the Neighborhood Mixed Use District. The NMU 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. Mixed use developments are specifically encouraged and enabled within this zone; however, they are not expressly required. As a result, this purely residential development is allowed in the NMU zone. In fact, the use "attached dwellings – multi-family" is permitted in this zone as outlined *Appendix A – Use Table – All Zoning Districts*. Only the project's size as a major impact development triggers conditional use review. As noted previously, residents of the would-be building will live within easy walking distance of a variety commercial uses. The proposed residential structure fits within the scale and mixed use context of the NMU zone. **(Affirmative finding)**

###### ***(b) Dimensional Standards & Density***

FAR in the NMU zone is limited to 2.0. An additional 0.5 FAR is allowable in exchange for inclusionary housing (Table 9.1.13-1, *Density/Intensity Allowance Table*). As proposed, FAR will be 1.0.

Maximum standard lot coverage is 80% in the NMU zone. That maximum may be increased up to 92% for inclusionary housing per Table 9.1.13-2, *Lot Coverage Allowance Table*. As proposed, lot coverage will increase from 41% to 63%.

The subject property has two road frontages. It, therefore, contains two front yards and two side yards. There is no rear yard for the purposes of setback requirements. The proposed building complies with the 15' residential district setback and with the 12' curb line setback.

Within the NMU zone, the standard building height limit is 35', and the minimum is 20'. Buildings shall be at least 2 stories. With the required inclusionary housing, the maximum height may increase an additional 10' (Table 9.1.13-1, *Density/Intensity Allowance Table*). As proposed, the building is 40' tall to the midpoint of the sloped roof. **(Affirmative finding)**

###### ***(c) Permitted & Conditional Uses***

Multifamily residential development is a permitted use in the NMU zone. **(Affirmative finding)**

###### ***(d) District Specific Regulations***

Not applicable, except for inclusionary bonus as noted above.

#### **Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.2 (b).

***Sec. 5.2.4, Buildable Area Calculation***

See Sec. 4.4.2 (b).

***Sec. 5.2.5, Setbacks***

See Sec. 4.4.2 (b).

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.2 (b).

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.4.2 (b).

***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 lighting information has been provided, including a photometric plan and fixture cutsheets. Acceptable illumination levels are depicted in all lighting environments. The outdoor fixtures themselves are acceptable cutoff fixtures. The fixture within the garage is not cutoff, nor does it need to be. Acceptable illumination levels are depicted within the garage. **(Affirmative finding)**

***Sec. 5.5.3, Stormwater and Erosion Control***

Present site conditions include no stormwater management. As proposed, stormwater runoff from the building's roof and associated parking area will be captured and directed into an onsite system for attenuation and infiltration into the ground. Overflow will be directed into the separate storm sewer. No stormwater from this project will enter the combined sewer system. Final review and approval by the city's Stormwater Program 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***

The site contains no significant natural areas as identified in the Open Space Protection Plan. The slope is vegetated with a variety of vegetation, including trees, shrubs, and ground cover. The project plans denote the proposed limits of clearing. **(Affirmative finding)**

***(b) Topographical alterations***

The existing surface parking lot is flat. The slope precipitously drops away to the south and west beyond the edges of the existing asphalt. Rather than alter the slope and set the building into it, the proposal calls for setting the building at grade along its primary façade and holding it up with

columns as the slope falls away to the south and west. As requested, site section drawings have been provided to demonstrate how the structure will sit on sloping parcel. In addition, a revised grading plan has been submitted. As before, little in the way of topographical alteration is depicted. The slope will remain largely as is. Stabilization measures in the form of geotextile fabric and rip rap will be installed underneath the proposed construction. **(Affirmative finding)**

*(c) Protection of important public views*

There are significant views from the project site across the lake and towards the Adirondacks. These views, however, are not part of any defined view corridor (such as those along Main, College, Pearl, and Cherry Streets) and are not protected under this criterion. **(Affirmative finding)**

*(d) Protection of important cultural resources*

The project site consists of a surface parking lot and steep slopes. The site has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. **(Affirmative finding)**

*(e) Supporting the use of alternative energy*

See Sec. 6.3.2 (f).

*(f) Brownfield sites*

The site is included on the Vermont DEC Hazardous Site List. Contaminants related to fill and dumping include asbestos, coal tar, lead, and PAH. A corrective action plan with VT DEC may be required prior to construction, although relatively little earthwork is proposed. The applicant should be prepared to address this criterion and status of a CAP, if applicable. **(Affirmative finding as conditioned)**

*(g) Provide for nature's events*

As noted above, the project will introduce new stormwater management measures to the site. Stormwater runoff will be captured and directed into an onsite system for attenuation and infiltration into the ground. Overflow will be directed into the separate storm sewer. No stormwater from this project will enter the combined sewer system.

Both pedestrian entryways are sheltered under projecting canopies. **(Affirmative finding)**

*(h) Building location and orientation*

The proposed building will take advantage of the expansive southerly and westerly views and will be set at the top of the bluff, set back from North Avenue. The Depot Street right-of-way effectively precludes setting the building up along North Avenue. As proposed, the building will continue the street edge set by existing homes along Lakeview Terrace. Two east-facing front entries reinforce the continuation of that established street edge. The front entries are clearly identifiable from the public street. **(Affirmative finding)**

*(i) Vehicular access*

Vehicles may access the site from Lakeview Terrace or from North Avenue. A single doorway affords access in and out of the garage. See Article 8 below for details as to parking and circulation dimensions. **(Affirmative finding)**

*(j) Pedestrian access*

The project includes a continuation of the sidewalk from Lakeview Terrace across the front of the proposed building. As such, it will be open to the public. As a privately owned site feature, it will be the owner's responsibility to ensure ongoing maintenance and accessibility. Board and public comment at the May 2, 2017 public hearing questioned the lack of sidewalk connectivity to North Avenue. Sloping grades and the Depot Street ROW preclude sidewalk connectivity as part of this project. The Department of Public Works has requested that the applicants provide a 30' right-of-way from the southeast corner of their parcel to the eastern face of the proposed building. Such ROW would facilitate construction of a public sidewalk in the future.

Both building entries will afford direct access onto the sidewalk. The associated crosswalk at the end of Lakeview Terrace, although on private property, should be installed only following review and approval by the Department of Public Works. **(Affirmative finding as conditioned)**

*(k) Accessibility for the handicapped*

Handicap parking spaces are depicted in the project plans. They are located within the garage adjacent to the lobby. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

*(l) Parking and circulation*

This criterion calls for placement of new buildings in front, or to the side, of parking areas. The idea is to avoid parking in front of structures. In this case, the parking lot is already in place. As noted previously, the Depot Street right-of-way effectively precludes construction of a building along North Avenue (with parking behind). As proposed, the building will be set towards the western end of the property and will continue the street edge established along Lakeview Terrace.

The existing surface parking area will be reconstructed and restriped. A center landscaping island will also be installed. As revamped surface parking associated with this project amounts to only 11 spaces, no shade trees are required. As proposed, however, 4 new shade trees will be installed in the new landscaping island. They will be 5" – 6" caliper at planting per the DAB's recommendation.

See Sec. 8.1.11 for parking and circulation dimensional requirements. **(Affirmative finding)**

*(m) Landscaping and fences*

A landscaping plan is included in the project plans. It depicts several new shade trees in the surface parking area as noted above. In addition, landscaping is concentrated along the eastern frontage of the new building and includes a variety of shrubs and flowering plants in addition to new grassy turf.

The trash area to the side of the new building will be screened with a wood slat enclosure. **(Affirmative finding)**

*(n) Public plazas and open space*

No public plazas or open space are included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

No new outdoor mechanical equipment is apparent in the site plan. A trash enclosure is set to the side of the proposed building at the northeastern end of the site. This location was identified as a concern at the May 2, 2017 public hearing because of adjacent homes. Its location remains unchanged. It is accessible by trash and recycling vehicles, and it will be screened with a gated, slatted wood enclosure. Any new utility lines must be buried. **(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 building is large, larger than the homes along Lakeview Terrace, but not dissimilar in scale to the newly renovated COTS building or the apartment building below Depot Street. The proposed structure incorporates distinct building elements defined by varying materials, planes, and sections. The slight “V” shape of the building further offsets the perceived mass of the structure. As depicted in perspective drawings from the southwest, the proposed building will be prominent atop the bluff. Height as perceived from North Avenue is unremarkable. The building is a full 3 stories with a partial 4<sup>th</sup> story set back from the front facade. A mechanical enclosure sits atop the 4<sup>th</sup> story. **(Affirmative finding)**

*2. Roofs and Rooflines*

The proposed building will include angular shed roofs and flat roof components. Flat and pitched roofs are common in the neighborhood. **(Affirmative finding)**

*3. Building Openings*

Fenestration is consistent throughout the building. It consists of boxy windows in various formations that repeat around the structure. The fenestration is consistent with the geometry of the proposed building. **(Affirmative finding)**

*(b) Protection of important architectural resources*

There are no structures onsite. Other structures nearby are historically significant. The proposed building is offset from these existing buildings and will have no direct impacts on their historic significance. **(Affirmative finding)**

*(c) Protection of important public views*

See 6.2.2 (c) above.

*(d) Provide an active and inviting street edge*

Lakeview Terrace ends at the northern end of the site. Depot Street and North Avenue lie to the east. The proposed development aims to continue the street edge from Lakeview Terrace out towards North Avenue. In doing so, it continues the Lakeview Terrace sidewalk across the front of the building. The building entries are well defined and connect directly to the sidewalk. The provision of street-level parking brings about a particular challenge to provide a lively, activated street presence. Street-level parking is fully screened as viewed from the front, and the Design Advisory Board determined that the street-level presence of the building was acceptable. **(Affirmative finding)**

*(e) Quality of materials*

Exterior building materials largely consist of a variety of metal and fiber cement sidings. Some building elements will be clad in cedar shingle siding. Windows will be fiberglass, and membrane roofing will be installed. As noted previously, screening for the dumpster and rooftop mechanicals will consist of wood slat material. Per the DAB's recommendation, slated screening will be installed around the periphery of the open-air parking garage. **(Affirmative finding)**

*(f) Reduce energy utilization*

Cold air heat pumps will be installed for the apartments. Gas will provide heat in common spaces. The application plans assert that the building will meet or exceed applicable energy efficiency codes. At a minimum, the new building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding)**

*(g) Make advertising features complimentary to the site*

An "85 North Avenue" sign is evident above the front entry. It is obviously larger than 2 sf and will, therefore, be subject to a separate sign permit. **(Affirmative finding as conditioned)**

*(h) Integrate infrastructure into the building design*

The aforementioned heat pumps will be installed on the rooftop. They will be set back from the front of the building and surrounded by slatted wood screening. Provision for mailboxes is not evident and must be included in the project plans. **(Affirmative finding as conditioned)**

*(i) Make spaces safe and secure*

The proposed building appears to be accessible by emergency service vehicles. The project underwent technical review by Police, Fire, Building, etc. on December 10, 2015. Comments from that review have been provided to the applicant. An intercom system connecting individual dwelling units with the front entry is recommended. **(Affirmative finding as conditioned)**

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The subject property is located in the Shared Use parking district. As such, it requires 1 parking space per dwelling unit. As proposed, 43 parking spaces are proposed for the 43 dwelling units. Significant public comment at the May 2, 2017 public hearing questioned the adequacy of 1 parking space per dwelling unit. This criterion expressly states that "parking for all uses and structures shall be provided in accordance with Table 8.1.8-1 [Minimum Off-Street Parking Requirements]." Table 8.1.8-1 notes 1 required parking space per dwelling unit for multi-unit attached dwelling units in the Shared Use parking district. The parking proposed in this application is compliant with this standard. **(Affirmative finding)**

***Sec. 8.1.10, Off-Street Loading Requirements***

The purely residential structure included in this proposal is not required to have a loading area. However, in response to public comment, the applicants have submitted a revised site plan that depicts sufficient space in front of the main entry to accommodate a 34' moving van. **(Affirmative finding)**

***Sec. 8.1.11, Parking Dimensional Requirements***

Project plans depict garage and surface parking spaces and related circulation aisles. Parking spaces are striped at 18' with back-up lengths of 24' or more. Widths are all 9'. With the exception of garage space #32 all parking space and circulation dimensions are acceptable. Space #32 narrows to less than 8' wide at just 15' deep. It does not qualify as even a "compact" parking space and must be reconfigured to acceptable dimensions. **(Affirmative finding as conditioned)**

***Sec. 8.1.12, Limitations, Location, Use of Facilities***

*(a) Off-Site Parking Facilities*

None proposed.

*(b) Downtown Street Level Setback*

Not applicable.

*(c) Front Yard Parking Restricted*

Not applicable.

*(d) Shared Parking in Neighborhood Parking Districts*

Not applicable.

*(e) Single Story Structures in Shared Use Districts*

Not applicable.

*(f) Joint Use of Facilities*

No joint use of the proposed parking facilities is proposed. **(Affirmative finding)**

*(g) Availability of Facilities*

The parking to be constructed as part of this development must be for the exclusive use of residents and visitors. It may not be used for the storage or display of vehicles or materials. **(Affirmative finding)**

*(h) Compact Car Parking*

No compact car parking spaces are evident in the project plans. **(Affirmative finding)**

***Sec. 8.1.13, Parking for Disabled Persons***

Two ADA parking spaces are depicted within the garage. These spaces shall be marked and signed as required for handicap spaces. **(Affirmative finding as conditioned)**

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***

Not applicable.

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

Not applicable.

***Sec. 8.2.5, Bicycle Parking Requirements***

The project plans contain provision for both short and long term bike parking. Facilities for both are located within the garage. The 43 dwelling units require at least 11 long term bike parking spaces and 4 short term bike parking spaces. As proposed, 16 long term and 8 short term bike parking spaces will be provided. **(Affirmative finding)**

## **Article 9: Inclusionary and Replacement Housing**

### ***Sec. 9.1.5, Applicability***

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of Article 9. Per Table 9.1.8-1, *Inclusionary Zoning Percentages*, at least 15% of the total unit count must be inclusionary (15% of 43 is 6 dwelling units) in the NMU zone. The percentage of inclusionary units required may increase depending on the rental rates of the apartments. The applicant proposes to provide 6 inclusionary units. 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***

Provision of the required inclusionary housing affords the development an additional 0.5 FAR and 10' building height (set back 10' from the street façade). Additional lot coverage of up to 92% is also enabled. In this case, no additional FAR or lot coverage is sought. An additional 5' of building height is sought. Provision of the required inclusionary housing units entitles the applicants to this additional height. **(Affirmative finding)**

## **II. Conditions of Approval**

1. **Prior to release of the zoning permit**, revised plans depicting parking and circulation dimensions (including, but not limited to, garage space #32) compliant with Sec. 8.1.11 shall be submitted, subject to staff review and approval.
2. **Prior to release of the zoning permit**, the applicant shall receive written verification of adequate wastewater capacity from the Department of Public Works.
3. **Prior to release of the zoning permit**, written approval of the inclusionary housing proposal by the manager of the city's Housing Trust Fund shall be obtained.
4. At least **7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the Planning & Zoning Department the impact fee as calculated by staff based on the gross square footage of the proposed development.
5. Final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
6. Any and all construction within the public street right-of-way is subject to an encumbrance permit issued by the City Council in conjunction with the Dept. of Public Works.
7. The walkway extending from the Lakeview Terrace sidewalk in front of the proposed building shall be open to the public and shall be maintained by the applicant and/or property owner.
8. The crosswalk at the end of Lakeview Terrace, although on private property, should be installed only following consultation with the Department of Public Works.
9. The applicants shall provide to the city a 30' right-of-way from the southeast corner of their parcel to the eastern face of the proposed building, subject to review and approval by the Department of Public Works and City Attorney's Office. The intent is to provide for an eventual sidewalk connection to North Avenue.
10. An intercom system connecting individual dwelling units with the front entry is recommended.
11. Days and hours of construction are limited to Monday – Friday 7:00 AM – 6:00 PM. Saturday construction is limited to interior work only. No construction activity on Sunday.
12. A State of Vermont wastewater permit is required.

13. It is the applicant's responsibility to work with VT DEC to address onsite contaminants noted in DEC's Hazardous Sites List.
14. All new utility lines shall be buried.
15. It is the applicant's responsibility to comply with all applicable ADA requirements.
16. 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.
17. Any outdoor signage will require a separate sign permit.
18. Standard Conditions 1-15.