

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin & Mary O'Neil  
**DATE:** March 18, 2014  
**RE:** 14-0671CA/MA; 194 St. Paul Street  
14-0672CA/MA; 1 Browns Court  
14-0721CA/MA; 14 Browns Court

**RECEIVED**  
MAR 08 2017

**DEPARTMENT OF  
PLANNING & ZONING**

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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: DT      Ward: 6

Owner/Representative: Champlain College & City of Burlington / Eagles Place, LLC

**Request:** Construction of mixed use building with ground-floor commercial space, 115 residential units and enclosed parking. Development to merge three existing lots.

### **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 & Replacement Housing), Article 10 (Subdivision), Article 11 (Planned Unit Development)

### **Background Information:**

The applicant is seeking approval of a 115-unit, 6-story apartment building with 4,300 sf ground-level retail space and enclosed parking. The proposal is to redevelop the existing Eagle's Club and Browns Court parking lot properties and would involve the merger of these properties into a single parcel. The project is being pursued in partnership between the City of Burlington and Champlain College and is the culmination of a decades-long effort by the City to redevelop the Browns Court parking lot property. The development includes significant construction within the public right-of-way and involves coordination with the Department of Public Works. As the project involves three separate properties, three separate permit applications have been filed. They are reviewed concurrently as one.

The Conservation Board reviewed the project January 6, 2014 and unanimously recommended approval subject to the following comments and conditions:

1. Support the parking waiver
2. Suggest expanding the interior bike parking room to a location more accessible to Maple Street (utilize current dead space in garage)

(at or below 65% median area income adjusted for household size). New information has been provided that breaks down this percentage by class and residency. All classes and residency types are well above the 15% inclusionary requirement, ranging from 19% to 25%. These students have been subsidized with scholarships and grants awarded by the College to cover tuition, room, and board expenses.

The inclusionary requirements of this article stipulate that 15% of the housing units be affordable at 65% of the median area income adjusted for household size. Collectively, the College student body is at 23%. The proposed apartment building is for juniors and seniors with an average of 23.5% meeting the inclusionary housing income threshold. The College has provided additional information outlining the income-blind, self-selection process for students to select housing and roommates. No preference will be given based on income. Housing units in the proposed apartment building will be equally available to all juniors and seniors, regardless of income status. There will be no designated inclusionary units. All units and income levels will be fully integrated consistent with the intent of Article 9.

As noted in the January 31, 2014 memorandum from John Caulo, Associate Vice President – Campus Planning & Auxiliary Services to Brian Pine, Assistant Director for Housing, the College has agreed to file an annual summary report with the Community and Economic Development Office demonstrating that its undergraduate student population continues to meet the minimum inclusionary housing criteria of this article. In the event that the housing units ever cease to be dedicated student housing for the College, the project will be subject to compliance with the inclusionary housing requirements of the city at that time. This proposal has been reviewed and found to be acceptable by the city’s Assistant Director of Housing. **(Affirmative finding as conditioned)**

#### **Article 10: Subdivision**

##### ***Sec. 10.1.5, Lot Line Adjustments***

No subdivision of land is included in this proposal. Three separate parcels will be merged into one parcel. As required, a lot line adjustment plat prepared by a VT licensed land surveyor has been submitted. Prior to filing the plat in the city’s land records, the surveyor’s seal and signature must be affixed to the mylar. **(Affirmative finding as conditioned)**

#### **Article 11: Planned Development**

As a single building with more than 5 residential units, this project qualifies as a minor Planned Unit Development and is exempt from the requirements and standards of this Article. The project is, however, subject to inclusionary housing requirements per Article 9 above. **(Affirmative finding)**

## **II. Conditions of Approval**

1. **Prior to release of the zoning permit**, review and approval of sight distances, turning radii, and retaining walls by the city engineer shall be required.
2. **Prior to release of the zoning permit**, a wastewater capacity letter from the Department of Public Works shall be obtained.
3. **Prior to release of the zoning permit**, a plan or mutual agreement for snow storage and/or removal, particularly for Browns Court, shall be executed between Champlain College and the City of Burlington.

4. **Prior to release of the zoning permit**, removal of the street tree for the Maple Street garage entrance shall be reviewed and approved by the City Arborist.
5. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
  - a. Bicycle parking sign details;
  - b. Outdoor and garage lighting details compliant with Sec. 5.5.2 of these findings; and,
  - c. Commercial mailbox details.
6. **Prior to release of the zoning permit**, all required permissions and encroachment agreements for work and development (including the final extent, layout, and components of such construction) within the public ROW shall be sought and granted.
7. **Prior to release of the zoning permit**, the following stormwater management conditions shall be met:
  - a. The applicant shall obtain written approval of the Erosion Prevention and Sediment Control Plan from the Stormwater Administrator;
  - b. The applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator; and,
  - c. A letter of credit or escrow agreement shall be executed with the City of Burlington for all construction site stormwater management and erosion control measures. The agreement shall be in an amount sufficient to cover the complete cost of administration and construction associated with remedying a problem associated with construction site stormwater management or erosion control. The standard forms for the letter of credit or escrow agreement are available at the Planning & Zoning Department.
8. **Prior to filing the property plat mylar**, the plat shall be signed and sealed by the VT licensed land surveyor who prepared it.
9. 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 net new square footage of the proposed development.
10. **Prior to issuance of a certificate of occupancy**, the project engineer must certify in writing that, among other things, the project EPSC plan as approved by the Department of Public Works has been complied with and final site stabilization has occurred. This certification shall be filed with the Department of Planning & Zoning.
11. **Prior to issuance of a certificate of occupancy**, the public parking included in this project shall be guaranteed by way of a legally binding agreement, subject to review and approval by the City Attorney. If and when the use is no longer associated with Champlain College student housing, the public parking realized by way of the 2 height bonuses shall continue to be provided.
12. At any time in the future, should the use no longer be associated with Champlain College student housing, an assessment of the parking requirements for the proposed use under the zoning ordinance in effect at that time shall be made. Provisions for accommodating the required parking will likely require development of a parking management plan, as the JIPMP will no longer apply.
13. A Corrective Action Plan (CAP) with the VT Department of Environmental Conservation may be required. **Prior to issuance of a certificate of occupancy**, documentation that the site has been appropriately addressed by way of a CAP or written verification from VT Department of Environmental Conservation that a CAP is not required shall be submitted.
14. Days and hours of construction shall be limited to Monday – Friday, 7:00 AM – 6:00 PM and Saturday, 8:00 AM – 5:00 PM. No construction activity shall be allowed on Sunday.

15. This project is subject to the inclusionary housing requirements of Article 9. These requirements shall be met as articulated in the January 31, 2014 memorandum from John Caulo, Associate Vice President – Campus Planning & Auxiliary Services to Brian Pine, Assistant Director for Housing regarding Eagles Landing Student Apartment Project / Inclusionary Zoning.
16. The ADA entrance ramp access suggested within the lower level plan (A1) shall be included within this development proposal to assure accessibility between the Maple Street parking deck and the elevator access to upper (residential) floors.
17. All new utility lines shall be buried.
18. All exterior signs shall require a separate sign permit.
19. A State of Vermont wastewater permit is required.
20. All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
21. Standard permit conditions 1-15.