

Department of Planning and Zoning

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

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)

3. The applicant should do a pre- and post-stormwater flow analysis assuming green field site and see if the tanks could feasibly be resized
4. Know for sure if stormwater volume will be affected by ground water
5. Recommend that sidewalk width be increased
6. Utilize the foundation drainage capacity to accept runoff between the sidewalk and building

Additional information and revised project plans have been submitted per the Conservation Board's recommendation. Additional bike racks have been added within the interior garage space. An updated stormwater analysis has been done and resulted in the inclusion of an additional underground stormwater tank for expanded detention capacity. Granular backfill around the foundation will allow for additional stormwater infiltration between the sidewalks and building. The 5' sidewalk will be widened to at least 6' along St. Paul Street. Note that no parking waiver is included in this proposal per Article 8 of these findings.

The Design Advisory Board reviewed this project January 14 and 28. Initial concerns about the appearance of the penthouse, St. Paul Street garage ventilation openings, and the public/private interface along the street level were addressed in revised project plans. The DAB unanimously recommended approval of the project as presented. Though the St. Paul Street sidewalk is in the public right-of-way, the Board recommended that it be widened to 7' or 8'.

The site plans depict a 6' wide sidewalk along St. Paul Street – 1 foot wider than the existing conditions. Utility and street tree constraints appear to prevent a wider sidewalk; however, the applicant and the Department of Public Works will continue to evaluate the feasibility of a wider sidewalk.

Previous zoning actions for this property are listed below.

- 11/13/13, Approval to demolish structure and parking areas and to excavate
- 1/9/09, Approval to change use to temporary boarding house
- 7/27/06, Approval to install freestanding sign
- 11/9/99, Approval to install parallel sign
- 8/27/97, Approval to install replacement 2nd floor windows
- 1/28/93, Approval to install a telecommunications cabinet

Recommendation: Certificate of Appropriateness and Major Impact Approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Sec. 3.5.6, Review Criteria

(a) Conditional Use Review Standards

1. The capacity of existing or planned community facilities;

The proposed development will require significant water and sewer. Adequate capacity is available; however, written confirmation from the Department of Public Works is required.

(Affirmative finding as conditioned)

2. The character of the area affected;

The subject property is located south of the city's downtown core within the Downtown Transitional zone, one of several Downtown Mixed Use zones. The immediate vicinity has seen significant redevelopment of the TD Bank block and of 173 St. Paul Street (the Stratos condos). This redevelopment has resulted in an intensification of use along this section of St. Paul Street reflective of the intent of the Downtown Transitional zone. This project continues that intensification of use and fills in a significant gap in the city's urban fabric between the Vermont House to the north and Decker Towers to the south. While large, the project is within the scale of development anticipated along this corridor.

The Downtown Mixed Use zones are intended to form the primary urban center of the city with a diversity uses. Development is supposed to be intense with large tall buildings placed closely together. Buildings should be oriented towards the street and present a lively pedestrian interface. Commercial uses are recommended along the street level with residential uses above. Parking should be placed within or behind structures. The proposed development is consistent with this intent. **(Affirmative finding)**

3. Traffic on roads and highways in the vicinity;

A brief traffic analysis has been provided. While the proposal includes 115 apartments, none of the onsite parking will be available to the residents. The apartment building will house Champlain College students and will be included in the Joint Institutional Parking Management Plan. As a result, all students will be required to park offsite at the College's Lakeside Avenue parking facility. Shuttle service will link the new building to the College campus and to the Lakeside Avenue parking facility. The existing 42-space public parking lot at Browns Court will be replaced with 66 parking spaces within the new building. At least 65 of these spaces will be available to the public. Anticipated trip generation is expected to be nearly equivalent to existing conditions. The Department of Public Works has reviewed the project plans and the traffic brief and concurs with the estimated traffic generation. Public Works has tentatively accepted the bump-out on St. Paul Street for the shuttle pick-up but requests further discussions with the applicant about the final on-street design of this project. **(Affirmative finding as conditioned)**

4. Bylaws then in effect;

As conditioned, the project is in compliance with all applicable bylaws. **(Affirmative finding)**

5. Utilization of renewable energy resources;

The utilization of alternative energy has not been incorporated into this proposal. The large flat roof may be able to host a solar array in the future. **(Affirmative finding)**

6. Cumulative impacts of the proposed use;

The residential use is permitted in the DT zone. As a result, this criterion requires that cumulative impacts be considered negligible. **(Affirmative finding)**

7. Functional family;

This criterion does not apply to the subject permit request.

8. Vehicular access points;

Two vehicular access points are proposed; one from King Street and the other from Maple Street. Each one accesses the interior parking spaces. **(Affirmative finding)**

9. Signs;

No signs are included in this proposal.

10. Mitigation measures;

The proposed development is not expected to generate any noxious effects such as excessive noise, glare, or emissions. **(Affirmative finding)**

11. Time limits for construction;

The project is to be constructed within the standard 2-year time frame. **(Affirmative finding as conditioned)**

12. Hours of operation and construction;

Hours of operation do not apply to the residential units. The proposed retail space is permitted in the DT zone and need not be limited in hours of operation as a conditional use might be.

The applicant requests hours of construction like those approved for the “Residential Tri” student dormitory project on campus, except that Saturday hours of construction are requested. The approved hours of construction for the “Residential Tri” project are: Monday to Friday from 7:00 AM – 6:00 PM. Limited work may extend outside this schedule to extend to Saturday 9:00 AM – 5:00 PM only after obtaining approval from the Development Review Board through correspondence rather than a scheduled hearing. The applicant did request, and the DRB did approve, Saturday construction hours via correspondence following that project approval. The applicant is presently requesting Saturday construction hours starting at 8:00 AM. If approved, Saturday construction hours should not commence before 9:00 AM and must conclude by 5:00 PM. **(Affirmative finding as conditioned)**

13. Future enlargement or alterations;

As with anything else, any future enlargement or alteration to the development will require zoning review under the regulations in effect at that time.

14. Performance standards;

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of these findings.

15. Conditions and safeguards;

Approval of this project will be conditioned to implement the purposes of the zoning regulations. **(Affirmative finding)**

(b) Major Impact Review Standards

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

A comprehensive stormwater management plan has been submitted (see Sec. 5.5.3). As recommended by the Conservation Board, the capacity of the system has been expanded beyond the original proposal and will further reduce impacts on the receiving combined sewer system. No significant air or noise pollution is anticipated as a result of this residential and retail development. **(Affirmative finding)**

2. Have sufficient water available for its needs;

Sufficient municipal water service is available to serve the development. **(Affirmative finding)**

3. Not unreasonably burden the city's present or future water supply or distribution system;
See item 2 above.

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;
See Sec 5.5.3.

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 analysis. The new apartment building is not expected to generate unreasonable congestion or unsafe conditions on nearby roadways, waterways, railways, the bike path, public sidewalks, or other means of transportation. City sidewalks will be reconstructed and, along St. Paul Street, widened. It will be centrally located with shuttle service and multiple other modes of transportation readily available. **(Affirmative finding)**

6. Not cause an unreasonable burden on the city's ability to provide educational services;
The proposed apartment building will house Champlain College students and will have no impact on the city's ability to provide educational services. **(Affirmative finding)**

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 accommodated. Impact fees will be paid to help offset impacts generated. **(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;
The subject property contains no rare, irreplaceable, or significant natural areas. There are a number of historically significant structures nearby, but none are on the subject property. All of them are set apart from the proposed building by city streets, thereby providing some buffer between these smaller historic buildings and the new structure. There are no known archaeological resources on the property. The existing soils are largely fill. **(Affirmative finding)**

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 would bring substantial growth to an under-utilized patch of the city's downtown. It is located in an area intended for particularly intense urban development and 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 proposed development is compliant with the MDP in a number of ways.

The project is located with a downtown mixed use zone where higher density development is encouraged (Sec. I, Land Use Policies and Sec. IX, Housing Plan Policies).

The proposed development is located within the city's Downtown Improvement District, an identified growth area specifically targeted for additional housing and retail (Sec. I, Growth Areas) and will provide 115 apartment units for Champlain College students (Sec. I, Institutions – Champlain College).

The development will include ground-level retail space and improved public amenities along the St. Paul Street frontage (wider sidewalk, sitting areas, landscaping, and hardscape elements) (Sec. III, Streetscape Design).

In light of the project's downtown location and participation in the Joint Institutional Parking Management Plan, alternative means of transportation will be readily available and utilized (Sec. V, Stressing Other Modes of Travel).

The project will meet or exceed the city's current energy efficiency standards by obtaining LEED silver certification (Sec. VIII).

The proposed development can be found to be in conformance with the City's MDP.
(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 provide 115 new housing units in an area of the city specifically targeted for new, intensive housing development. Its construction 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.

Moderate impacts on the city's park and recreation needs are anticipated as a result of the project. Impact fees will be paid to help offset these impacts. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.1, Downtown Mixed Use Districts:

(a) Purpose

(2) Downtown Transition District (DT)

(C) DT South

The subject property is located in the Downtown Transition (DT) District. As noted previously, the Downtown zones are intended to form the primary urban center of the city with a diversity of uses and intensive development. The proposed building is consistent with this purpose.

(Affirmative finding)

(b) Dimensional Standards & Density

A FAR of 4 is allowed in the DT South zone. The proposed development on this 1 acre site results in a FAR of 4.27 and seeks to utilize density bonuses under criterion (d) 6 below.

There is no lot coverage limit in the DT zone. As proposed, lot coverage will be 88%.

The subject property has road frontage on all four sides. No front yard setbacks (to the property line) are required in this portion of the DT zone; however, new buildings must be at least 12' from

the curb. The proposed construction complies with this setback. A 15' setback applies where the property abuts the RH zone to the east. This setback has been observed with an 18' setback and associated right-of-way for the neighboring property.

The minimum building height in the DT zone is 30' and three stories. The maximum height without bonuses is 45'; however, that height may increase up to 65' with bonuses. The proposed building is up to 65' tall depending on the grade. As noted above, development bonuses are sought under criterion (d) 6 below. **(Affirmative Finding)**

(c) Permitted & Conditional Uses

The proposed multi-family residential and retail uses are permitted in the DT zone. The project, as a major impact application, is subject to conditional use review. **(Affirmative Finding)**

(d) District Specific Regulations

1. Use Restrictions

A. Ground Floor Residential Uses Restricted

Not applicable to the subject property.

2. Public Trust Restrictions

The subject property is not located within the Public Trust.

3. Facades and Setbacks on Side and Rear Property Lines

The new building has street frontage on four sides. Where it abuts an adjacent property along its eastern boundary, an 18' setback is proposed. This distance is more than required under this criterion. **(Affirmative Finding)**

4. Building Height Setbacks

A. Principal View Corridors

The subject property is not located along a principal view corridor.

B. Church Street Buildings

The subject property is not located along the Church Street Marketplace.

C. Side Street Building Height

Not applicable to the subject property.

5. Lake Champlain Waterfront Setbacks

The subject property is not located along the Lake Champlain waterfront.

6. Development Bonuses/Additional Allowances

C. Public Parking

The applicant is seeking two public parking bonuses under this criterion. Each public parking bonus affords an additional 10' in height and corresponding increase in FAR. C (i) requires that at least 40 parking spaces be made available to the public at all hours of holidays; between the hours of 5:00 PM and 6:00 AM on weekdays, and from 5:00 PM Friday until 6:00 AM on the following Monday. As proposed, at least 40 of the 66 parking spaces will meet these availability requirements. C (ii) requires that at least 25 parking spaces be made available to the public at all times. As proposed, at least 25 of the 66

parking spaces will be available to the public at all times. These two bonuses combined result in an additional 20' in height, the maximum permissible. All of the parking spaces are contained onsite and are approximately equivalent in terms of convenience. No information on parking fees has been provided and must be. The public parking must be guaranteed by way of a legally binding agreement, subject to review and approval by the City Attorney. The two public parking bonuses under (i) and (ii) result in a maximum allowable building height of 65' and corresponding increase in FAR. **(Affirmative finding as conditioned)**

G. Incorporation of Public Amenities

Public benefit under this criterion must accompany any bonuses granted under criterion C-F of this section. As proposed, all abutting sidewalks will be reconstructed, and the sidewalk along St. Paul Street will be widened. Street level pocket park space with landscaping, sitting walls, and other hardscape elements will be provided along with several small patio areas for public use. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.1 (b) above.

Sec. 5.2.4, Buildable Area Calculation

This criterion does not apply to properties in the DT zone.

Sec. 5.2.5, Setbacks

See Sec. 4.4.1 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.1 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.1 (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 lighting and garage lighting plans have been provided. Acceptable cutoff LED fixtures are proposed throughout.

Outside, lighting fixtures will illuminate building entries and walkways. A line of fixtures are also proposed over the garage openings along St. Paul Street. As they illuminate neither building entries nor walkways, they must be removed. Low-level accent lighting within the landscaping may be acceptable if the applicant desires. No illumination levels have been provided for the exterior lighting. Information verifying that footcandle levels will not exceed 5.0 is needed. Alternatively, information verifying that the lamps will generate no more than 2,000 initial lumens (i.e. low-output lamps) is needed.

The parking garages will be illuminated with ceiling-mounted fixtures using LED lamps. The interior lighting levels are depicted on the photometric plan; however, no table indicating minimum and maximum illumination levels and uniformity ratios has been provided. This information is needed in order to determine compliance with IESNA's RP-20-98 "Lighting for Parking Facilities" standards. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

The project will be served by the city's combined sanitary/stormwater sewer system. As such, stormwater management is focused on collection of stormwater and controlling its release into the city system over an extended period of time. Doing so lessens peak flows, thereby limiting impacts on the city's main wastewater treatment plant. The proposed stormwater management measures consist of a series of underground tanks. At the request of the Conservation Board, the original proposal was reevaluated and expanded to include an additional tank for increased storage capacity. There is also a rain garden proposed at the end of Browns Court that will provide some degree of infiltration but will also drain into the combined sewer system. At the request of the Conservation Board, granular backfill around the proposed building's foundation will provide a degree of infiltration of sidewalk runoff. There is opportunity to employ pervious materials for some of the hardscaping within the public right-of-way, particularly the shuttle bump-out. The Stormwater Administrator has reviewed the proposed management measures, but an approval has not yet been issued. Likewise, the erosion control plan for use during construction has also been reviewed by the Stormwater Administrator, and approval is pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2 Review Standards

(a) Protection of important natural features:



The arrangement of blocks and lots shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas to the extent practicable.

The proposed development will encompass the entire block from Maple Street to King Street, fronting on St. Paul Street and Brown's Court. While there are no specific natural features like rock outcroppings and wildlife travel corridors, the site has significant topographic changes and subsurface factors relating to the filled Burlington ravine. **(Affirmative finding)**

(b) Block Size and Arrangement:

The size and arrangement of new blocks shall maintain the size and arrangement of existing neighborhood blocks within the zoning district,

and support the pattern of interconnected streets throughout the city.

As noted, the development is for the entire block between Maple and King Streets. The pattern of interconnected streets shall not be altered. All four surrounding streets (St. Paul, King, Maple and Brown's Court) shall remain in the same configuration as existing. **(Affirmative finding)**

(c) Arrangement of lots:

The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title.

Development will not result in the creation of new lots; rather the merger of three existing lots. All participating parties and applicants are working together to assure clear transfer of title.

Interior lot lines extending from a street should be perpendicular or radial to the street right-of-way line to the greatest extent feasible. Flag lots and through lots are discouraged, and shall be allowed only to the extent where topography and existing block and lot arrangement allow no suitable alternative. In such cases, a minimum frontage for access of 20-feet shall be required.

No interior lot lines are being created. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid:

The established grid of interconnected streets shall be maintained and extended to the extent practicable. All streets shall be in conformance with applicable street design & construction details as provided by the department of public works, and shall be dedicated to the city.

The existing street grid shall not be impacted. Brown's Court, Maple Street, King Street, and St. Paul Street shall remain connected as public streets. **(Affirmative finding)**

(e) Connectivity of sidewalks, trails, and natural systems:

The established sidewalk network shall be maintained and extended to the extent possible. Trail networks and uninterrupted corridors of greenspace outside of the established street grid should be maintained and extended wherever possible. All sidewalks shall be in conformance with applicable street design & construction details as provided by the department of public works, and shall be dedicated to the city.

Work done within the public right-of-way, including sidewalk replacement, shall be done with the approval of and in concert with the Department of Public Works. Revisions to the original plan have included widening the sidewalks to 6'; the Design Advisory Board has recommended further width increase to perhaps 8' if practicable. This is currently being investigated by project engineers; however existing infrastructure may ultimately preclude this exercise. **(Affirmative finding)**

PART 2: SITE PLAN DESIGN STANDARDS

Sec. 6.2.1 Applicability.

These standards shall be satisfied for the approval of all development subject to the provisions of this ordinance found in Article 3, Section 3.4.2(1) – Site Plan Review.

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

The landscape, existing terrain and any significant trees and vegetation shall be preserved in their natural state insofar as practicable in keeping with the objectives of the underlying zoning district. Development and site disturbance shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest, and other sensitive ecological and geological areas insofar as practicable in

keeping with the objectives of the underlying zoning district. Site plans shall provide suitable buffers from any proposed site improvements, and maintain continuity and contiguousness of greenspace while allowing reasonable development in support of the overall intent of the zoning district. Where any natural features are proposed to be removed or the topography altered, special attention shall be given to replace or mitigate the loss of such features. Any development occurring on parcels containing significant natural areas identified in the city's Open Space Protection Plan shall avoid disturbance to these natural areas and establish appropriate buffers that protect their natural functions.

None of the parcels are noted within the Open Space Protection Plan. See Section 6.1.2. (a) above for natural features. **(Affirmative finding)**

(b) Topographical Alterations:

Alteration to the natural contour of the site shall minimize grading, cut, and fill, and shall take necessary measures to protect against erosion and future instability. Any grade changes shall be in keeping with the general appearance of neighboring developed areas. In areas where more intense levels of development are encouraged, development should seek to take advantage of topographical changes to hide and/or blend new construction into the landscape. Proposed design and construction details for any cut and fill, or retaining walls over 3-feet in height, or any height along the lakeshore, shall be subject to review and approval by the city engineer before receiving approval of the site plan.

There are significant contour changes present at the proposed site. The applicants have determined it prohibitively expensive to excavate the north end of the parcel (Brown's Court Parking Lot) for parking, so have proposed parking within the structure but above the pedestrian walkway on St. Paul Street. Alternately, the falling grade change along the corner of Maple and St. Paul requires modification to bring pedestrian access to the first floor. It is a difficult site from north to south and east to west due to the topography; the project responds to the grade changes by providing landscaping and gardens on the north to ease the transition between sidewalk and building/garage; ramps and seating areas on the west, patios and ramps on the west/south with landscaped infill to adjust for the significant grade changes. **(Affirmative finding)**

(c) Protection of Important Public Views:

Distant terminal views of Lake Champlain and the mountains to the east and west, and important public and cultural landmarks, framed by public rights-of-way or viewed from public spaces shall be maintained through sensitive siting and design to the extent practicable. This shall not be construed to include views from exclusively private property.

Views of Lake Champlain, as framed by Maple, King and St. Paul Streets are not anticipated to be impacted. **(Affirmative finding)**

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites 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(b).

The Eagles Club building has already been permitted to be demolished. (ZP14-0427CA.) It was not listed on the State of Vermont or National Register of Historic Places.

This is a partial site of the (filled) Burlington ravine, which presents significant challenge for remediation, planning, and redevelopment. The Phase I and II studies completed document the activities and disposition of the site. **(Affirmative finding)**

(e) Supporting the Use of Renewable Energy Resources:

Where feasible, the site plan should be so designed as to take advantage of the site's inherent potential to utilize sources of renewable energy including direct sunlight, wind, or running water. The site plan should also incorporate site planning and landscaping decisions intended to minimize energy demand such as siting buildings to maximize solar access or the use of deciduous and coniferous trees to create shade and windbreak.

The proposed new building will have significant westerly and southerly exposure to facilitate passive solar gain. No other identified alternative or renewable energy resources have been included within the submission material. The applicants have provided the intent to build to LEED Silver standard (Leadership in Energy and Environmental Design.)

Buildings should, where appropriate within the context of the neighborhood development pattern, maximize their solar exposure by being oriented to maximize natural light and heat gain during winter months, and to minimize casting shadows into ground floor living space of a building on an adjacent property.

It is an unavoidable consequence; both the height and the mass of this building will cast a significant shadow on properties to the east of it. Properties along Brown's Court and a full block to Church Street will be in shadow cast at autumnal equinox. See Plan A8 for Shadow studies. This impact must be weighed in concert with the long standing desire to redevelop this underused and underdeveloped property to the greatest advantage of the City. (*Burlington Municipal Development Plan, IX. Housing Plan, Housing Action Plan Page IX-12: "Develop housing on one or more of the following City-owned properties; Brown's Court parking lot..."*.) Additionally, the Municipal Development Plan identifies brownfield cleanup among its action items: "Continue the cleanup and redevelopment of Brownfields a high priority to improve the environment, increase the tax base, create and retain jobs, and curb sprawl." (*MDP, Land Use Action Plan, p. I-30.*) This development proposal will meet these long-standing goals. **(Affirmative finding)**

(f) Brownfield Sites:

Where a proposed development involves a known or suspected brownfield, the site plan shall indicate areas of known or suspected contamination, and the applicant shall identify completed or planned remediation necessary to support the intended use(s).

The applicant has provided that Phase II studies define site contamination under the Brown's Court parking lot, and that the City as owner is responsible for its removal and disposal. Previous testing did not identify concerning levels of contaminants; however changing measurement indices of existing conditions now push review toward requirement of site remediation. The applicants are working in synch to develop a comprehensive plan to assure a site appropriate for the proposed uses, and to acquire all necessary approvals from the VT Department of Environmental Conservation for redevelopment. **(Affirmative finding as conditioned)**

(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.

See Sec. 5.5.3 for stormwater management.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated. The submitted design includes canopies at most building entrances, although they are proposed within the public right-of-way and will require City Council approval and necessary agreements in place. A plan for snow and ice removal will need to be in place; especially since there are differing grades, and all vehicular and most pedestrian paths are within the public ROW. Certainly a plan for snow storage relative to Brown's Court will need to be articulated, particularly a mutually understood and agreed upon plan between the applicant and the Department of Public Works. As this street continues to be a circulation path (with new importance as an access point for delivery of goods, trash hauling, and other access for this building), the city may no longer simply plow snow to the end of the street and onto private property. Snow removal may be a requirement in significant weather events. **(Affirmative finding as conditioned)**

(h) Building Location and Orientation:

The introduction of new buildings and additions shall maintain the existing development pattern and rhythm of structures along the existing streetscape. New buildings and additions should be aligned with the front façade of neighboring buildings to reinforce the existing "street-edge," or where necessary, located in such a way that complements existing natural features and landscapes. Buildings placed in mixed-use areas where high volumes of pedestrian traffic are desired should seek to provide sufficient space (optimally 12-15 feet) between the curblines and the building face to facilitate the flow of pedestrian traffic. In such areas, architectural recesses and articulations at the street-level are particularly important, and can be used as an alternative to a complete building setback in order to maintain the existing street wall.

The development proposes a building that will span an entire block; the structural mass drawing immediately up to the property lines and establishing a street presence on its own. The building is set back approximately 30' from the curb line on St. Paul; 12' on King, and 18-21' on Maple Street (exclusive of patios, ramps, stairs, bike racks or sidewalks proposed around the building and within the public ROW.) In massing and location, the development proposes a structural corner anchor; both visually and physically.

Principal buildings shall have their main entrance facing and clearly identifiable from the public street. The development of corner lots shall be subject to review by the city engineer regarding the adequacy of sight distances along the approaches to the intersection. To the extent practicable, development of corner lots in non-residential areas should try to place the building mass near the intersection and parallel to the street to help anchor the corner and take advantage of the high visibility location.

The principal (residential) entrance is located on St. Paul Street; identifiable with a curtain wall, distinctive grey brick veneer and entrance canopy. Assorted separate entrances are allocated to retail uses at the corner of King St. and along St. Paul St. The building shoulders up to intersections at Maple/St. Paul and St. Paul/King Street; providing a sound anchor as noted.

Accessory buildings shall be located in such a way so as to be deferential and secondary to the principal structure. Under no circumstances shall a parking structure – either attached or detached - be located closer to the front property line than a principal residential structure, and where a front yard setback is required, any street-facing garage wall containing garage doors shall be set back a minimum of 25' from the front property line to prevent parked vehicles from blocking the public sidewalk. Where a garage is not oriented towards the street (i.e. the garage doors face the rear or side of the property), the street-facing garage wall shall have windows or

doors or other features that break-up the mass into smaller elements, and be blended with the character of the residential portion of the structure.

The sole accessory structure is a dumpster enclosure sited at the dead end of Brown's Court. In its situation, it remains deferential to the principal structure.

The proposed parking is proposed within the new structure. Window-type openings to the garage are provided on the Maple Street and St. Paul Street frontages. **(Affirmative finding)**

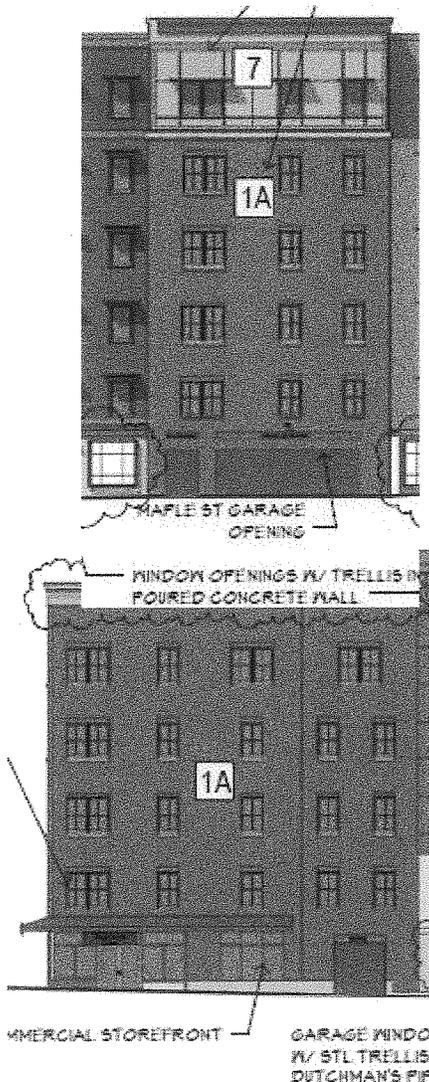
(i) Vehicular Access:

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 points of egress.

Driveways for commercial properties may require a traffic study to identify the impacts of the movement of traffic to and from the property, and design for safe access. Access for service and loading areas should be located behind buildings or otherwise screened from streets or public ways with landscaping or other barriers. Whether commercial or residential, shared driveways are encouraged, where possible and appropriate.

Two curb cuts are proposed: One for the Maple Street garage access, and one for the King Street parking garage access. The driveways are proposed to be approximately 22' in width at both the King Street and Maple Street parking entrances. See Sec. 3.5.6 (a) 3 for traffic discussion.

Service and loading areas, including trash/dumpster, are located behind the building at the end of Brown's Court. A service enclosure is proposed. It has been suggested that the applicant consider a dumpster location that is closer to a street artery to prevent the annoyance of the truck "beeping" as it backs into position to empty the container. Limitations in garage access height and grade changes between the street and parking areas preclude placing the dumpster inside the structure. The *proposed* location, however, succeeds in meeting this standard by positioning behind the building; assuring access for service, access from the building, and safety for pedestrian interface. The issue of back-up alarm noise from trash haulers may be addressed by directing the provider to drive into the driveway for the central Brown's Court residence (now owned by the applicant, Champlain College) and to then back into the loading zone from that location. This would significantly shorten the back-up distance and resultant period of warning alarm. This lone effort would be a measure of consideration for those who live in close proximity and may be disturbed by trash collection. **(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.

A “necklace” of pedestrian walkways surrounds the proposed building. Identified pedestrian paths into the garages have been included in revised plans. Doors are provided adjacent to the retail entrance near the King Street corner (see top image, previous page) and immediately adjacent to the Maple Street garage entrance (see below image, previous page). These clearly identifiable pathways from sidewalk into the garages will assure pedestrian access and minimize conflict. **(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. Elevators are provided from the entrance lobby on St. Paul Street. Handicap accessible parking spaces are identified in both parking garages (2 on the Lower Level, 2 on the Level 1 parking deck.) It does not appear that those who are mobility challenged will be able to access upper floors if they park in the either parking garage. They will only be able to access the sidewalks. Neither of the paired elevators is accessible from the two parking decks. The ADA access ramp illustrated on Plan A1 will need to be completed as part of the development to assure handicap access from the Maple Street parking garage to the apartments. An additional elevator from the King Street parking deck may be appropriate to address access to the upper floors/apartments. **(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.

Attempts to link adjacent parking lots or provide shared parking areas which can serve neighboring properties simultaneously shall be strongly encouraged.

Parking is proposed to be enclosed within the structure, with voids in the street wall to provide ventilation and light to the interior garage. Shrubs and trees are proposed as landscaping in front (west) of the St. Paul Street parking deck and shrubs, grasses, and trees in front of the Maple Street parking wall. Planned seating areas are incorporated to activate these areas for pedestrian enjoyment as well. As proposed, the parking is screened from public view. Window-like garage voids are proposed to have grilles affixed to the exterior with aggressive vines (Dutchman’s Pipe suggested.) The greenery will soften the harshness of the concrete enclosure, while partially obscuring the ventilation opening.

No shading is required as the parking is interior to the structure.

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.

Minimum standards for circulation paths and aisle width (20') and back-up space (24') are met in both parking decks. Parking spaces within both garages scale to 9' x 18', which is the standard for compact cars. Not more than 15% of the parking spaces may be allotted for compact vehicular parking. Parking spaces will need to reflect appropriate measurements (minimum parking space size for standard cars per Table 8.1.11-1 is 9' x 20'.) Back-up space may be shortened to accommodate the lengthened parking spaces. The perimeter of the parking areas is concrete structural walls, which are effective barriers.

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.

No applicable.

All parking areas shall provide a physical separation between moving and parked vehicles and pedestrians in a manner that minimizes conflicts and gives pedestrians a safe and unobstructed route to building entrance(s) or a public sidewalk.

Revised plans include separate pedestrian entrances/exits to both parking decks. See Sec. 6.2.2 (j) above.

Where bicycle parking is provided, access shall be provided along vehicular driveways or separate paths, with clearly marked signs indicating the location of parking areas. Where bicycle parking is located proximate to a building entrance, all shared walkways shall be of sufficient width to separate bicycles and pedestrians, and be clearly marked to avoid conflicts. All bicycle parking areas shall link directly to a pedestrian route to a building entrance. All bicycle parking shall be in conformance with applicable design & construction details as provided by the dept. of public works.

Bicycle parking is provided within the ROW along the western building entrances (commercial storefronts and at entrance lobby area), within the "hatched" areas of the parking decks, and within the building in a locked storage room accessible from the Brown's Court entryway. See Sec. 8.2.5 for bike parking details. **(Affirmative finding as conditioned)**

(m) Landscaping and Fences:

Landscaping shall be used to beautify the development site and to provide specific functions and benefits to the uses and buildings on the site. These include but are not limited to stormwater retention and erosion control, winter windbreaks and summer shade, recreational and habitat corridors, buffers and screening of parking areas, and creating privacy for and from adjacent property.

Existing trees shall be retained and incorporated into a landscape plan to the extent possible, and existing trees to be retained shall be protected during construction in accordance with specifications provided by the city arborist. Contiguous green space, both within the site and with adjacent properties, should be provided on a site whenever possible and be designed to provide wildlife travel corridors and habitat preservation, as well as enabling recreational access. If open space is intended to be publicly accessible, it shall be designed to maximize accessibility for all individuals including the disabled, encourage social interaction, and facilitate ease of maintenance. Along the street edge, landscaping shall be used to provide a visual buffer into parking areas from the public street and reinforce the streetscape.

*The selection of plant materials and planting sites should create a sustainable landscape, and consideration shall be given to factors such as hardiness, salt tolerance, disease resistance, invasiveness, root and canopy spread, underground and overhead utilities, soil conditions, and microclimates. The use of native plant materials is encouraged, and the use of plants considered invasive by VT Agency of Agriculture shall be prohibited. For more information on sustainable landscapes, applicants are encouraged to consult *Planting Sustainable Landscapes: A Guide for Plan Reviewers* prepared for the Vermont Department of Forests Parks and Recreation by the Vermont Chapter of the American Society of Landscape Architects.*

New or replacement street trees shall be provided consistent with the city's Street Tree Master Plan. All proposed street trees shall be selected and planted in accordance with specifications provided by the city arborist.

Fences may be placed within the required setback along a property line, but shall be setback sufficiently to provide for the maintenance of both sides of the fence without entering onto the adjacent property and shall present a finished side to the adjoining property and public street. Fences placed within a clear sight triangle along driveways and at street intersections, or between an existing building and the front property line, whichever is less, shall be limited to 3-feet in height above the curb in order to provide safe sight distances for pedestrians and vehicles. Styles, materials, and dimensions of the proposed fence shall be compatible with the context of the neighborhood and the use of the property.

A landscaping plan has been provided (Sheet Number C6.) At the end of Brown's Court, a 4' high solid fence and gate (set on top of a 2' high wall) is proposed to screen the dumpster. The corner of the dumpster is approximately 6' from the abutting property line on the north.

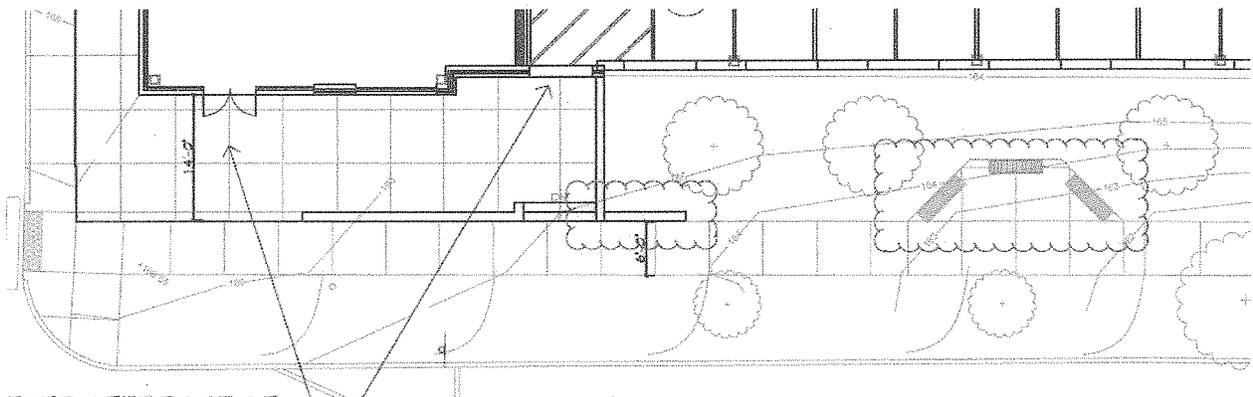
An aggressive planting plan is proposed for the west and south elevations, in part to soften and screen the garage fronts, to activate the building front, and to warm the pedestrian experience along these lengths of the building. Sidewalks are proposed to be widened (undetermined width at this point – at least 6' wide; more if existing infrastructure is not an impediment.) A "bump-out" is proposed for the bus access area on St. Paul Street, which will be enhanced as a patio-area with seating. One existing street tree is proposed to be removed for the Maple Street garage exit.

Doing so shall be subject to the approval of the city arborist. **(Affirmative finding as conditioned)**

(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.

Terraced areas are provided along the westerly façade at the residential building entrance and retail locations, as well as in the rear at the Brown's Court terminus. Seat walls, landscaping, and benches are proposed to enhance public use. The westerly plazas, patios and terraces will likely enjoy substantial solar exposure and afternoon light.



Public space should be coordinated with the surrounding buildings without compromising safety and visibility. Public spaces should be surrounded by active uses that generate pedestrian traffic, and connect the space to major activity centers, streets, or corridors.

The westerly terraces are adjacent to active areas (commercial storefronts, residential building entrance) and will enjoy safety benefits that accompany active uses. The Maple Street pedestrian paths are also adjacent to existing residential structures, and connected to the existing street corridor.

New structures and additions to existing structures shall be shaped to reduce shadows on public plazas and other publicly accessible spaces. In determining the impact of shadows, the following factors shall be taken into account: the mass of area shaded, the duration of shading, and the importance of sunlight to the utility of the type of open space being shadowed. Proposed development shall be considered for solar impact based the sun angle during the Vernal and Autumnal equinox.

A study for the autumnal equinox has been submitted. These illustrate moderate shading during the majority of the day, but substantial ground shade that falls easterly across Church Street (past the Burlington Telecom building) at 5:00 pm roughly September 22. Shadow impacts are significant for a building of this size and breadth. See plan, p. A8. The shadow cast, however, is not over public plazas and open space (as noted in the standard.) The impacts of the shadow cast must be weighed against the public benefit of redevelopment of an underused site, mitigation of an identified brownfield, an increase in housing units, increased commercial development, strengthening the tax base, and accommodating a significant student population which will provide relief from existing neighborhood rentals in residential districts. **(Affirmative finding)**

(o) Outdoor Lighting:

See Sec. 5.5.2.

(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.

The dumpster/recycling location is at the rear (Brown's Court) of the proposed building, screened by a 4' solid fence.

A trash room is located within the building on the lower level. See plan A2.

A new transformer is proposed at the northeast corner of the building. The natural gas service entrance will be near the terrace at the end of Brown's Court.

Residential mailboxes are proposed within the residential entry lobby. See plan A1. Commercial mailboxes will need to be identified.

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.

Mechanical equipment is proposed for the lower rooftop, situated so as to minimize visibility and to mitigate any noise impacts. See Sheet C1 for roof plan.

(Affirmative finding as conditioned)

PART 3: ARCHITECTURAL DESIGN STANDARDS

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

Proposed buildings and additions shall be appropriately scaled and proportioned for their function and with respect to their context. They shall integrate harmoniously into the topography, and to the use, scale, and architectural details of existing buildings in the vicinity.

The following shall be considered:

1. Massing, Height and Scale:

While architectural styles or materials may vary within a streetscape, proposed development shall maintain an overall scale similar to that of surrounding buildings, or provide a sensitive transition, where appropriate, to development of a dissimilar scale.

There is no other existing example of a building of this scale in the immediate or surrounding neighborhood. The building mass follows the changing grade of the site; rising to a full six stories at the southwesterly corner. At the north westerly corner, the sixth floor is set back significantly from the building façade, lessening the impact of the building bulk and "burying" the perceived height. Vehicular path separations buffer this and adjoining properties on the same block. The building is separated from adjacent (smaller) structures by an access alleyway on Maple Street, and the public street at Brown's Court. Abutting properties to the east are of a typical residential scale.

Other large buildings in the area include the original Vermont House (corner of St. Paul and Main Street (7 stories plus a "garden room"), Decker Towers (south on St. Paul Street),

and the ICV building (Battery Street.) Under construction are Stratos Condominiums (across St. Paul Street) and the new Hilton Hotel. See sheet A9 for a comparative study.

In design, the proposed building is “broken up” into separate vertical elements in reference to a traditional urban streetscape and alluding to traditional cityscape development. Although utilizing a more modern vocabulary and materials, the effort to “singularize” the components breaks up and gives definition to what might have been a very long and uninteresting façade.

Commercial storefronts stimulate the northwesterly and south westerly corners and portions of the west façade. This street-level activity is much desired to enliven the street corridor and activate the pedestrian level.

In low and medium density residential districts, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development.

Not applicable.

Where the zoning encourages greater intensity and larger scale buildings in high density residential and non-residential zoning districts, buildings that are over 3-stories should provide a transition by employing design elements that reduce the apparent building mass from the street level. Taller buildings and elements are most appropriate where they provide a focal point of a terminal view, anchor a street corner, frame view corridors, or relate to larger scaled structures. The impacts at the street-level of increased or altered wind currents and downdrafts created by buildings over six (6) stories should be considered.

The zoning district, coupled with bonuses, encourages greater intensity and larger scale buildings. Ongoing new construction across the street will help provide a different context to this proposed new structure; altering and the perception of building volume. This building will act as a significant anchor at two street corners, and will increase and frame the “street wall” in north/south street views.

Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition. (See also (d) Provide an active and inviting street edge below.)

The perception of building volume from the pedestrian’s vantage may not be perceivably different; the building mass will be evident any point along the sidewalk. The incorporation of different sheathing materials, minor variations in building plane coupled with alterations of window pattern will reasonably lead the passerby to read these as separate entities. These efforts contribute to the design reading as more vertical than horizontal; the verticality enhanced by the curtain wall windows, stair tower, sheathing

arrangements, and other design elements that break up the volume on the westerly, northerly and southerly horizontal plane.

The easterly building façade (along Brown's Court) does not enjoy the same level of design attention, and continues to read as one long building. Limited attempts to break up the volume include "Juliet" balconies, and a central building volume in a different material (horizontal fiber cement siding, concrete below.)

In variations of materials, surface articulations, and efforts to break up the building mass along Maple, St. Paul and King Streets, the building as proposed meets these standards. **(Affirmative finding)**

2. *Roofs and Rooflines.*

New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.

The roof is flat but advantageously responds to the grade change by incorporating the sixth floor on the north by setting it back substantially from the westerly building façade. The penthouse level is stepped back 3' on each side to minimize (or conceal) the apparent building height from the street.

Roof edge features differ: There is minor articulation at the cornice line (some with minimalized frieze boards, others with a parapeted cap). Two sections of the Maple Street façade have horizontal detailing that suggests a building step-back for a Mansard roof, although the upper floor is not canted. The major design touch is a bracketed roof overhang at the southwesterly corner. Revisions supplied to the Design Advisory Board show enhanced cornice lines and roof articulation; providing emphasis and identify to each vertical building "component."

Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or "green" roof technologies (with a clearly articulated maintenance plan) and "gray water" collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.

The roof is not planned for active use. Solar panels, green roofs, or water collection are not included within the development plan. The applicant aims for LEED Silver certification, which illustrates the intent for a highly efficient, sustainable building system. **(Affirmative finding)**

3. *Building Openings*

Principal entrances shall be clearly defined and readily identifiable from a public street whether by a door, a canopy, porch, or other prominent architectural or landscape features. People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an "accessible route" to the building. Attention shall

also be accorded to design features which provide protection from the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.

Both the residential and commercial entries are clearly identifiable; enjoying projecting canopies and articulated terraces with seating areas, patios, and terraces.

An accessible entry between the parking garage and the residential units appears on the plan as a “future” amenity. To meet this standard, the internal entry/access ramp referenced in Sheet A1 shall be installed. Without this access, any mobility impaired resident or visitor would be compelled to go outside the parking garage, travel along the public sidewalk, and enter the lobby on the west elevation to access the lobby to the residential units (or commercial enterprises.) Should this building change hands and become an open market residential apartment building, the connection to the parking garages will be imperative.

The applicant shall also define if the doors from the Maple Street parking deck into the retail area will be ADA accessible.

Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.

Window openings provide regularity across the building expanse, although it is easy to understand that there remains a desire to provide continuous floor plates throughout the entire structure. The windows themselves enjoy minor variations, with the greatest divergence at the prominent Maple/St. Paul St. corner, where larger windows “hug” the corner and fall within the brim of the overhead projecting cornice. Revisions have included greater enhancement and articulation in window trim across the building.

Awnings are proposed over many of the windows, especially on the Maple Street frontage. These are assumed to be rigid architectural canopies, providing visual interest as building “eyelashes” when viewed with sun impacts. All canopies are assured to be in excess of 8’ above the public way. Anything within the public ROW will be required to have encroachment agreements in place with the City.

Buildings placed on a side or rear property line where no setback is required shall contain neither doors nor windows along such façade so as not to restrict future development or re-development options of the adjacent property due to fire safety code restrictions. Otherwise they should be setback a minimum of 5-feet.

The proposed building meets the setback standard required by **Article 4, Table 4.4.1-1** for Downtown Transition District C.; Footnote 2, side and rear setbacks when abutting a residential district, 15’. **(Affirmative finding as conditioned)**

(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.

The Eagles Club was not listed on the state or National Register of Historic Places, and has been permitted for demolition (ZP 14-0427CA.) **(Not applicable)**

(c) Protection of Important Public Views:

Development shall preserve distant terminal views of Lake Champlain and the Adirondack Mountains and important public and cultural landmarks from public places and along east-west public rights-of-way to the extent practicable. This shall not be construed to include similar views from exclusively private property.

East-west views as framed along the public right-of-ways along Maple and King Street will largely remain.

Sensitivity shall be used in the massing of proposed development such that light and air is allowed to penetrate and some views may be preserved. Alternatives that extend access to such views by allowing public access into and through the proposed development are encouraged. In no case shall development be permitted to span across the public rights-of-way in such corridors.

The proposed building size and mass is anticipated to significantly impact access to light currently enjoyed by private property residents to the east of the development site. Public views may be accessed from the proposed new commercial uses along St. Paul Street. Views along major street corridors will remain.

The development does not propose to span public rights-of-way in street corridors. **(Affirmative finding)**

(d) Provide an active and inviting street edge:

Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. Large expanses of undifferentiated building wall shall be avoided. This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional facade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street-level are particularly important in order to facilitate the flow of pedestrian traffic.

Design elements, mainly canopies, entryways, windows, terraces, canopies, seating areas, and surface treatments are largely successful in breaking up the mass and expanse of the proposed building. The differing grades present a challenge to accessible pedestrian traffic; commercial and residential building openings are either above or below sidewalk level, requiring use of stairways or ramps to enter the building. The physical separation between the sidewalk and the building activities/openings had the potential to diminish the potential for visual and physical access, unintentionally deactivating those areas. The loss of street-level entry (as a direct response to

grade changes) hampers the liveliness and availability of those spaces. Revisions to original plans were submitted to the Design Advisory Board which included sinking the floor level at the southwesterly corner; lowering the patio wall to 3'0" from the public sidewalk. This effort reduces the physical separation between sidewalk and storefront; and increases the opportunity for engagement between both.

Non-residential buildings should provide visual access into the interior of building at the street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. In contrast, residential buildings may be slightly recessed and/or elevated from the street-level in order to provide privacy. In such cases, visual interest along the streetscape can be provided through the use of landscaping, porches, and other similar features that offer a transition between public and private space.

Large windows are proposed for the commercial spaces on the westerly, southerly and northerly areas. The residential entry on the west is both inviting while reserved; the glass entryway opens to a lobby rather than private space. One residential entry port enjoys a westerly patio that is inviting to the streetscape yet reserved for private use.

Revisions to the lower floor plate have lessened grade differences at the garage deck openings. The pedestrian level street experience has been improved due to these, and alterations to the garage ventilation openings.

Buildings in downtown districts that provide open space by way of building setbacks at the ground level shall utilize landscaping, street furniture, public art, sitting walls, fountains, etc. to maintain a sense of the existing street wall, define a sense of entry for the building and create a space that enhances the pedestrian's experience. Urban "open" space shall maximize accessibility for all individuals including the disabled, and encourage social interaction.

At the lower westerly portion of the façade, the streetfront includes walls, patios, terraces, and open areas for public enjoyment and active building entry. As designed, the plan defines a street wall, while providing areas of pedestrian and public interaction.

The differing grades present challenges to access (both physical and visual) to "first floor" spaces. The raised terrace at the corner of Maple and St. Paul has been reduced to encourage interaction and engage pedestrians in that space; the height distance having previously been an obstacle. The raised patio/platform at the center of the westerly façade immediately defines this area as private; however the steps (and landscaping) provide for a warmer streetfront presence. All levels must be easily accessible, visually and physically. **(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 application proposes the use of several sheathing materials, including EIFS (Exterior insulation finishing system, a kind of "synthetic stucco"), hardiboard, corrugated metal, limestone, brick veneer, concrete and MDO (medium density overlay) panels. Windows are proposed to be

aluminum frame; railings steel. All are popular materials in recent construction projects. The application states that “the building materials are selected because they are non-combustible, durable, structurally compatible, and components of energy efficient wall assemblies.” In as much as is known about these products, they have a reasonable life span. **(Affirmative finding)**

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

The Eagles Club building has already been permitted for demolition. It was not historically sensitive. **(Not applicable)**

(f) Reduce energy utilization:

New structures should incorporate the best available technologies and materials in order to maximize energy efficient design. 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.

See description under *Quality of Materials*, above. The development will be required to meet *Guidelines for Energy Efficient Construction*, as noted above.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

Other than passive solar gain through broad window exposure, there is no solar component within the development plan. The building is proposed to meet LEED Silver certification standards. No identifiable avenue has been suggested for the reduction of shadow impacts of the building, which are anticipated to be substantial. **(Affirmative finding as conditioned)**

(g) Make advertising features complementary to the site:

The project plans depict sign bands for the ground-floor retail spaces. The sign bands are dimensionally acceptable. Actual signs are not included in this proposal. Any signage will require a separate sign permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design:

Exterior machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory features 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.

See Section 6.2.2 (p) above.

Rooftop mechanicals, including heating and cooling devices and elevator equipment, should be incorporated into the structure’s design, and shall be arranged to minimize their visibility from the street level. Such features, in excess of one foot in height, shall be either enclosed within the roof structure, outer building walls, or parapets, or designed so that they are integrated into the overall design and materials of the building. Where such rooftop features do not exceed ten percent (10%) of the total roof area, they may be considered “ornamental and symbolic features” pursuant to Sec. 5.2.7 for the purposes of measuring building height.

Four rooftop units are proposed; all set back from the building edge and situated so as to avoid discernment. These units are anticipated to exceed the maximum building height; a calculation of

the level of infringement above that height is needed, to assess whether it meets the 10% provision noted within this standard.

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

It is unlikely that neighboring properties will experience noise or vibration from the rooftop units due to their proposed location. **(Affirmative finding as conditioned)**

(i) Make spaces secure and safe:

Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

It is assumed that the entire building will be sprinklered. All development shall meet or exceed current building and life safety code as defined by the fire marshal and the building inspector.

(Affirmative finding as conditioned)

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The project is located within the Downtown Parking District. Within that parking district, 1 parking space per residential unit is required, and 0 parking is required for retail. The project contains 115 residential apartments and several retail spaces. Onsite parking amounts to 66 spaces. As proposed, none of the onsite parking will be available to residents of the building. As a Champlain College facility, it will be included in the Joint Institutional Parking Management Plan. That Plan requires that all students with vehicles park them offsite at the College's Lakeside Avenue parking facility. Shuttle service will link the building with the parking facility and the College's campus. Note that the proposed building will not result in a net increase in the student body or parking demand. The new building will effectively take the place the Spinner Place and Quarry Hill apartments that the College will cease to use. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

The 115 residential units require 29 long term and 12 short term bike parking spaces (1 per 4 units and 1 per 10 units, respectively). The 4,300 sf retail space requires 2 short term bike parking spaces per Sec. 8.2.5, *Bicycle Parking Requirements*, (c) and 0 long term bike parking spaces. As proposed, 32 long term spaces and 52 short term spaces will be provided. The long term spaces will be provided in the building within enclosed bike storage space. Short term spaces will be provided in bike racks around the periphery of the building and also within the parking garage.

(Affirmative finding)

Article 9: Inclusionary & Replacement Housing

As the project includes 115 apartment units, it is subject to the inclusionary housing provisions of this article. Its use as purely student housing for Champlain College presents a unique challenge to meeting the inclusionary standards. The College has provided documentation to the city's Housing Trust Fund demonstrating that 23% of its students qualify under low income guidelines (at or below 65% median area income adjusted for household size). 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%. Students eligible for inclusionary housing will be afforded the same opportunity to live in the proposed development as other students in higher income brackets. It is expected that the income profile of students living in this development will approximately match the college-wide student income profile. Therefore, it is expected that the inclusionary housing requirements of this article will be met.

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 Brown's 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. Dimensionally compliant parking spaces within the garages (up to 15% may be compact);

- b. Bicycle parking sign details;
 - c. A roof plan, with an area calculation of components that exceed height limit;
 - d. Outdoor and garage lighting details compliant with Sec. 5.5.2 of these findings; and,
 - e. 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.
 12. 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.
 13. Days and hours of construction shall be limited to Monday – Friday, 7:00 AM – 6:00 PM and Saturday, 9:00 AM – 5:00 PM. No construction activity shall be allowed on Sunday.
 14. 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.
 15. 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.
 16. All new utility lines shall be buried.
 17. All exterior signs shall require a separate sign permit.
 18. A State of Vermont wastewater permit is required.

19. 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.
20. Standard permit conditions 1-15.

Eagles Landing Apartments

Site Redevelopment
Burlington, Vermont

Stormwater Management Narrative

Existing Conditions

The project involves redevelopment of the former Eagles Club parcel and Browns Court public parking lot. The Eagles Club parcel includes the existing building, paved parking lots, and walks. The combined total project site size is 1.00 acre. The project has frontage on Browns Court, King Street, St Paul Street, and Maple Street. The existing total impervious surface on the project parcel is 33,880 square feet. The Eagles Club building footprint is 6,100 sf.

The existing site is terraced, with Browns Court and the public parking lot at roughly the same elevation as King Street. The Eagles Club parcel is about 12 feet lower overlooking Maple Street. Along the westerly boundary, St Paul Street has just over a 4% slope with a total vertical difference of about 15 feet.

There is no existing stormwater management on the project site. Stormwater runoff from the southerly end of Browns Court flow northerly along the curblin to King Street. Runoff from the public parking lot flows westerly across the green strips and sidewalk to St Paul Street. Runoff from the Eagles Club building and parking lot flows southerly to Maple Street. The majority of the stormwater runoff from the site is directed to the catchbasin at the northeast corner of St Paul Street and Maple Street. The project area is served by the combined sewer collection system.

Soil Conditions

Soils in this area are not mapped by the NRCS. Soil borings were completed in August 2013. Underlying soil in the parking lots is generally brown/gray silt with sand/gravel. Seeps are visible along the St Paul Street sidewalk below the public parking lot. The urban nature of the site and associated grading have resulted in a mix of non-native fill material. The site is also near the bottom of the old gully extending southwesterly to the Lake. For stormwater evaluation purposes, the soils were modeled as hydrologic group C.

KAS Consulting is coordinating the management of the contaminated soils on the project site.

Proposed Stormwater Management System

A total of 38,475 square feet of impervious surface is proposed on the project parcel. However, there are also new and redeveloped impervious surfaces within the street rights of way. For comparison purposes, the total project footprint predevelopment impervious surface is 38,725 sf (both on the project parcel and in the street rights of way). The total project footprint post development impervious surface is 47,750 sf (which includes existing sidewalks along King, Maple, and St Paul streets).

The vast majority of the new impervious surface is associated with the proposed building which will have a flat rooftop area of about 32,850 square feet. All rooftop runoff will be collected and piped to storage tanks located at the southeast corner of the site. A total of four 3500 gallon tanks with a restricted outlet are proposed. These tanks have been sized to meet the City requirements for the 1 year and 10 year design storms, including examining the 50% reduction in existing impervious surface.

A bio-retention area is proposed to manage the runoff from the proposed terrace area at the end of Browns Court. Runoff from the end of Browns Court, the trash/recycling area, and terrace will be directed to the bio-retention area. This area will be landscaped with shrubs and perennials, which have been selected for their tolerance of both shade and varying water conditions. The discharge from the bio-retention area eventually reaches the piping leading to the rooftop runoff storage tanks.

Runoff from the remainder of the site generally consists of the walkways and long narrow landscaped strips around the perimeter of the building.

The following summarizes the pre and post development peak runoff

	1 year storm	10 year storm
Pre development	1.54 CFS	2.57 CFS
Pre development with 50% reduction in impervious surface	1.02 CFS	
Post development	0.91 CFS	2.53 CFS

Stormwater Management System Maintenance

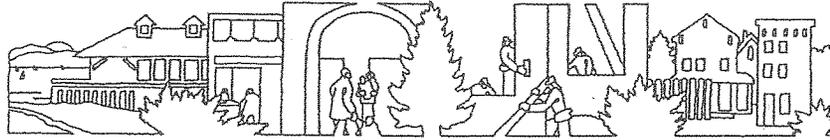
The redeveloped project site will be maintained by Champlain College. The apartments and commercial space will be managed by Champlain College.

Maintenance will include the following:

- annual inspection of the storage tanks for general condition and sediment (remove any accumulation of sediment over 1" depth)
- annual inspection of catchbasin sumps (remove sediment when sump is 50% full)
- semi-annual inspection of the bio-retention area
 - observation of excessive or extended water ponding
 - removal of any trash or debris, especially around outlet grate
 - removal of excess /matted mulch in the spring
 - trimming / removal of foliage in the fall
 - removal / replacement of dead/dying plants in the spring

No maintenance or access easements are required to maintain the proposed stormwater collection and treatment components. However, if required, an easement could be granted to the City for access to perform inspections and/or maintenance.

P:\2013\13056\Stormwater\stormwater narrative 02-07-14.wpd



COMMUNITY & ECONOMIC DEVELOPMENT OFFICE

ROOM 32 ▪ CITY HALL ▪ BURLINGTON, VERMONT 05401
(802) 865-7144 ▪ (802) 865-7142 (TTY) ▪ (802) 865-7024 (FAX)

Website: www.cedoburlington.org

TO: Development Review Board

FROM:  Brian Pine, Assistant Director for Housing

DATE: February 11, 2014

RE: Article 9 (Inclusionary Housing) for Eagles Landing (Champlain College)

This memo, along with the attached memo from John Caulo, Champlain College Associate Vice President, dated 31 January, 2014, should address compliance with Article 9 (Inclusionary Housing) for the above-referenced project being developed by REM Development.

As stated in Section 9.1.6, "Projects located within an Institutional (I) zoning district that are developed by an educational institution for the exclusive residential use and occupancy by that institution's students" are exempt from the requirements of this article. However, since the subject parcel is located in a Downtown Transition zoning district, Article 9 applies.

This project is unprecedented in Burlington: a college student apartment complex being developed off-campus by a private entity. When Inclusionary Zoning was being debated in Burlington during the 1980s and was finally adopted in 1990, it was never envisioned that such a development model would emerge. Even when the Comprehensive Development Ordinance (CDO) was amended in 2007-2008, the concept of private-sector, off-campus student housing was not yet imagined for Burlington. Subsequently, the CDO was not updated to accommodate this evolving form of student housing that has recently become so critical to meeting the pressing housing needs in university communities nationwide. Perhaps Article 9 should be amended in the future to encourage more off-campus student housing with a mechanism to trigger Article 9 in the event that the property reverts to non-student housing at any time in the future.

Article 9 requires that at least 15% of all new housing be affordable to household earning no more than 65% of Area Median Income (AMI) as defined by the US Department of Housing & Urban Development (HUD). Champlain has provided documentation showing that 23% of their student body falls under the 65% AMI. Therefore, currently greater than 15% of Champlain students fall under 65% AMI. Champlain pledges to file an annual report with CEDO on or before January 31 of every year based on Fall semester data showing that at least 15% of the undergraduate population continues to be at or below 65% HUD AMI.

In addition, Champlain College has agreed to execute a binding covenant that will be recorded in the City of Burlington Land Records to ensure compliance with Article 9 in the unlikely event that the property ceases to be used for dedicated student housing.

CEDO believes that these measures will ensure that this project satisfies Article 9 in the immediate future and in perpetuity. For these reasons, this project as proposed meets the requirements of Article 9.



CHAMPLAIN COLLEGE

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(802) 860-2700 | (800) 570-5858
fax (802) 860-2767
www.champlain.edu

MEMORANDUM

TO: Brian Pine, Assistant Director for Housing, Community and Economic Development Office
FROM: John Caulo, Associate Vice President – Campus Planning & Auxiliary Services
RE: *Eagles Landing* Student Apartment Project / Inclusionary Zoning
DATE: 31 January 2014

1. Background

Champlain College is an institution of higher learning which provides residential housing as part of its core mission. As a long-time institutional community stakeholder, the College has made a commitment to the City, through its 2007 master plan, to provide housing for up to ninety percent (90%) of its students, either in on-campus dormitories or off-campus apartments.

Over the past five years, the College has purchased two separate parcels of land within the City for the purpose of redeveloping the properties for off-campus student apartment housing. Both property acquisitions were approved by the City of Burlington. The goal is to create up to six hundred (600) beds. To achieve this goal, the College plans to work with a private sector housing developer who would take the lead in the design, financing, construction and management of these proposed off-campus housing initiatives.

2. Champlain College – Undergraduate Income Profile

The income profile of undergraduate students attending Champlain College currently exceeds the requirements for housing affordability as stipulated in Part 1 of Article 9 (*"Inclusionary Zoning"*) of Burlington's Comprehensive Development Ordinance. Based on Fall 2013 undergraduate enrollment census data, the College reports that 480 students (approximately 23%) qualify under low income guidelines (at or below 65% median income adjusted for household size) established by the U.S. Department of Housing and Urban Development. Qualifying students were awarded over \$5.5M (27.5% of the College financial aid pool) in scholarships and grants from Champlain to cover tuition, room and board expenses. By comparison, the "IZ" threshold of Article 9 requires 15% of housing units to be available to occupants earning not more than 65% of median income, adjusted for family size.

3. *Eagles Landing* Student Apartment Project

REM Development, a private, 3rd party housing developer selected by the College, has made application to the City for approval to construct a dedicated student apartment project along St. Paul Street between King and Maple Streets. When completed, the *Eagles Landing* Project will contain 115 dwelling units and 304 beds to be occupied by Champlain College students. By sponsoring the creation of new dedicated student housing, Champlain will mitigate undo negative impacts of rising student demand on existing housing supply in established residential neighborhoods adjacent to campus. The *Eagles*

Landing Project will relieve pressure on the local multifamily housing market through the addition of 113 apartments, consistent with both our Master Plan goals and our commitments to the community.

4. *Eagles Landing* - Undergraduate Tenant Profile

Undergraduate tenancy at the *Eagles Landing* Apartments will be restricted to upperclassmen (juniors and seniors) attending Champlain College. HUD-eligible upperclassman (i.e., students at or below 65% median income adjusted for family size) seeking to reside at *Eagles Landing* will be provided equal opportunity to select available dwelling units and apartment mates, using the same self-selection process established by Champlain for other College-sponsored housing. Given the distribution of IZ-eligible students across the undergraduate population, coupled with the self-selection housing process employed by the College, it is reasonable to expect that the income profile of the students living in the *Eagles Landing* apartments will generally be equivalent to the income profile of the entire Champlain undergraduate student body.

5. Article 9 Approval with Conditions

Provided the College is able to demonstrate that, on an institution-wide basis, its undergraduate population continues to meet the minimum IZ criteria, the City agrees that its obligations under Article 9 for the *Eagles Landing* project is deemed to have been met. Per the provisions of Section 9.1.14 ("Off-site Option"), the College may choose to meet its obligation under Article 9 at the Project or at another residential facility controlled by the College, such as an on-campus dormitory. This approval is conditioned by the following:

1. On or before January 31th of every year, the College will file a summary report with the City Community and Economic Development Office (CEDO) demonstrating that, based on Fall semester census data, its undergraduate population continues to meet the minimum IZ criteria (15% students at or below 65% median income, adjusted for household size).
 2. If the Project tenancy ever changes from a dedicated student apartment project to one that is open to a non-student population, then the Project would be subject to a subsequent review for compliance under Article 9.
 3. The College shall execute a covenant with the City of Burlington to ensure compliance with Article 9 in the event that the property ceases to be used for dedicated student housing.
-

Scott Gustin

From: Caulo, John <jcaulo@champlain.edu>
Sent: Thursday, February 06, 2014 12:46 PM
To: Brian Pine; Scott Gustin; David E. White
Cc: Peter Owens; Mary O'Neil; lkilcoyne@gk-architects.com
Subject: RE: Eagles Landing project - height bonus

Follow Up Flag: Follow up
Flag Status: Flagged

Thanks, Brian.

With regards to height bonus, the applicant has decided to utilize the two separate 10-foot bonuses allowed under "Public parking" to satisfy the 20-foot bonus required by the project design.

From: Brian Pine [mailto:BPine@burlingtonvt.gov]
Sent: Wednesday, February 05, 2014 10:54 AM
To: Caulo, John; Scott Gustin; David E. White
Cc: Peter Owens; Mary O'Neil; lkilcoyne@gk-architects.com
Subject: RE: Eagles Landing project - height bonus

CEDO supports the approach that Champlain College is taking regarding compliance with Article 9 Inclusionary Housing. We will prepare a memo for the DRB expressing our support for this approach and confirm that we believe the project will meet the requirements necessary for the Inclusionary Height Bonus.

Brian Pine
Assistant Director for Housing
Community & Economic Development Office
149 Church St.
Burlington, VT 05401
802-865-7232 Direct Line
802-865-7144 Front Desk
802-578-6953 Cell

What's New at CEDO: www.burlingtonvt.gov/cedo
Burlington Lead Program: www.burlingtonleadprogram.org

From: Caulo, John [mailto:jcaulo@champlain.edu]
Sent: Tuesday, February 04, 2014 12:35 PM
To: Scott Gustin; David E. White
Cc: Peter Owens; Mary O'Neil; Brian Pine; lkilcoyne@gk-architects.com
Subject: RE: Eagles Landing project - height bonus

Scott:
Just to close the loop on the height bonus issue, let this correspondence confirm the intention of the applicant to utilize the two (2) separate 10-foot bonus provisions contained in Article 4.7.C, "public parking". Per our discussions with city officials about making the parking assets part of a proposed downtown parking district, the bonuses comply with the following sections of the code:

- (i). Minimum of 40 parking spaces made available to the public on holidays, weekends and weekdays between 5pm and the following 6am
- (ii). No less than 25 parking spaces made available to the public at all times.



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• Chittenden County Regional Planning Commission • City of Burlington
"Connecting You With Transportation Choices"

December 16, 2013

Mr. Scott Gustin
Senior Planner
Department of Planning & Zoning
149 Church Street
Burlington, VT 05401

Dear Mr. Gustin:

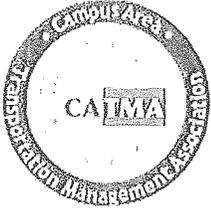
It was nice to meet you at the Joint Planning Commission and Development Review Board meeting last week.

As you may know, the CATMA 2014-2019 Joint Institution Parking Management Plan (JIPMP) update is in process, and I expect it will be available by the end of January. I assume, based on previous process, this Plan, in compliance with Article 8, Section 8 of the current zoning ordinance, will be presented to the Planning Commission for their comments, and then to the Development Review Board for approval. I will work with you and Sandrine to schedule the JIPMP on these respective Committee agendas for early 2014.

Also, I understand Champlain College is currently working with REM Development, a private housing developer, to construct a dedicated student apartment project at the former *Eagles Club* property owned by the College. The parameters of this Project include approximately 115 dwelling units, 302 beds and 67 parking spaces.

With regard to the timing of the upcoming JIPMP relative to the pending *Eagles Club* permit application and, as you know, the *Eagles Club* student apartment project and its parking was identified in CATMA's 2009-2014 JIPMP. Please note that the College has policy in place which mandates all residential students with a vehicle to park off-site at the Gilbane lot on Lakeside Avenue. Parking at Gilbane is free for students and is served by frequent and convenient shuttle service to/from the College's core campus. CATMA has maintained an automatically renewed lease with GP Burlington South since 2003 for 200 spaces at the Gilbane lot with an option to increase spaces as needed. In addition, the walking proximity from *Eagles Club* to core campus is about ½ mile. The upcoming 2014-2019 JIPMP update will further articulate this Project and its parking, along with the College peak parking demand and inventory.





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My team works closely with Champlain College to discourage residential students from bringing a car to campus by promoting and offering free CarShare Vermont memberships, free Unlimited Access to CCTA local and LINK routes, frequent and convenient campus shuttle service, bike and pedestrian amenities and education, and Emergency Ride Home. In fact, as noted in the 2013 JIPMP update, only 31.7% of Champlain's residential students brought a car to town, which is substantially down from the 80.6% residential students who brought cars in 2003.

CATMA and its founding member institutions, Champlain College, Fletcher Allen Health Care and the University of Vermont, continue to jointly plan and efficiently manage transportation and parking to reduce environmental impacts and lessen congestion. It is a privilege to work with these institutions, who are committed to improving the management and utilization of parking to ensure efficient land use, and have invested in sustainable transportation for the benefit of users and the community. I'm also pleased to announce that CATMA has opened up Associate Membership to area employers, and as you may be aware, the City of Burlington has recently joined our business membership.

I will plan to contact you soon to discuss scheduling the 2014-2019 JIPMP update accordingly.

Thank you.

Sincerely,

Sandra M. Thibault
Executive Director, CATMA

cc: Ken Lerner, City of Burlington
David Saladino, Resource Systems Group
Sandrine Thibault, City of Burlington
David White, City of Burlington
CATMA Board of Directors
CATMA Executive Planning Committee



Scott Gustin

From: Chapin Spencer
Sent: Friday, February 07, 2014 10:14 AM
To: Scott Gustin; Peter Owens
Cc: Norm Baldwin; Guillermo Gomez
Subject: Browns Court

Hello Scott and Peter,

Talked with DPW team (Norm, Guillermo) this morning about the Browns Court project and the imminent DRB submission.

We are OK with the plans submitted to DRB showing the mid-block transit bump out, but we want to have further discussions with city staff and partner organizations before we sign off on the street design around this project (including whether or not their is a bump out or where it might be located).

I believe all of our departments are in agreement that the sidewalk should be wider than originally shown in the plans. Optimally, we'd like an 8' sidewalk, but are open to a narrower sidewalk if there are utility constraints.

I've asked Guillermo to reach out to Scott, CCTA and Champlain College to work through the street design issues. Thanks.

Best,
Chapin

Chapin Spencer, Director
Department of Public Works
645 Pine Street, Burlington, VT 05401
802-863-9094 www.burlingtonvt.gov/DPW
Facebook: <http://www.facebook.com/BTVDPW>
Twitter: btvdpw



November 20, 2013

Guillermo Gomez, Public Works Engineer
City of Burlington Dept. of Public Works
645 Pine St.
Burlington, VT 05401

RE: Traffic Impact Analysis - 194 St. Paul Street
Eagle's Landing Development

Dear Guillermo,

As requested, we have examined the impact of the proposed Eagle's Landing Development located at the site of the former Eagle's Club at 194 St. Paul Street.

Existing uses on the parcels proposed to be redeveloped include:

- the former Eagle's Club, a 11,169 sf lodge/fraternal club and it's associated off-street parking located at the corner of St. Paul and Maple Streets (with access onto Maple Street), and;
- the 42 space public parking lot located on the corner of St. Paul and King Streets (with access onto King Street).

The former Eagle's Club building was most recently (January 2009) permitted for use as a 40 bed boarding house. Spaces in its 29 space parking lot are currently being leased for private use.

The proposed redevelopment will replace the above with the following uses:

- retail space totaling 4,200 sf;
- 113 dormitory units providing 298 beds for use by Champlain College;
- 34 spaces of public parking, and;
- 42 spaces of leased private parking.

The leased private parking will include spaces reserved for use by retail space employees. Students will be required to park off-site at the College's Lakeside Avenue parking facility, and to use Champlain College's shuttle service to and from the Lakeside Avenue and Main College campuses.

The peak hour trip generation of the former Eagle's Club building was estimated by using the Institute of Transportation Engineers (ITE) assisted living facility land-use category. Assisted living represents the land-use category in the ITE Trip Generation manual most closely matching a boarding house. Additionally, the peak hour trip generation of the existing public parking lot was determined by performing a traffic count on September 26, 2013 from 3:30-5:30 pm. For purposes of this analysis, the peak hour trip generation rate of the private parking spaces is estimated to be one-half that of the public parking spaces. Table 1 presents the resulting weekday pm peak hour trip generation.

Table 1 - Existing Weekday PM Peak Hour Trips (vte/hr)

Use	Enter	Exit	Total
Boarding House (40 beds)	4	5	9
Private Parking (29 spaces)	5	5	10
Public Parking (42 spaces)	14	15	29
Total	23	25	48

The peak hour trip generation of the proposed retail shops were estimated using ITE trip generation rates from the Specialty Retail land-use category. As described above, the dormitory units are not anticipated to generate a significant number of vehicular trips. The peak hour trip generation of the proposed parking was estimated using the same peak trip generation rates as for the existing parking. Table 2 presents the resulting weekday pm peak hour trip generation of the proposed uses.

Table 2 - Proposed Weekday PM Peak Hour Trips (vte/hr)

Use	Enter	Exit	Total
Retail Space (4,200 sf)	5	6	11
Dormitory Units (298 beds)	0	0	0
Private Parking (42 spaces)	7	8	15
Public Parking (34 spaces)	11	12	23
Total	23	26	49

With the proposed Eagle's Landing Development utilizing essentially the same existing access locations onto Maple and King Streets, we conclude that this project will not significantly impact existing traffic congestion and safety conditions on the adjacent street network.

We thank you for this opportunity to be of assistance. Should you have any questions concerning the above or if additional information is desired, please feel free to contact us.

Sincerely,



Roger Dickinson, P.E., PTOE

Scott Gustin

From: Guillermo Gomez
Sent: Friday, January 31, 2014 2:54 PM
To: Scott Gustin
Cc: andy@ldengineering.com
Subject: Eagles Landing - St Paul Street

Scott, Andy:

We have reviewed the traffic brief from L & D. The fact that students will be required to park remotely and that the number of parking spaces in the new development will remain essentially the same (just a handful more spaces), leads us to agree with L & D's conclusion that vehicular traffic won't be significantly impacted by the construction of Eagle's Landing. We made some comments that can be found in an e-mail below, where Andy Rowe's responses are also included. We have discussed the proposed bump-out located at the mid-block of Saint Paul Street and we disagree with the need for building a bump-out at that location. It might create the impression of a mid-block crossing where there is none, and we are concerned by the shuttle holding back traffic while students are boarding or being dropped off by the shuttle. We support measures to formalize the shuttle stop to avoid having vehicles parked illegally. A shelter, such as the ones on the stops located along Maple Street, just east of S Willard could be an option that the developer might want to consider.

Thanks, and please let me know if you have any questions.

Guillermo Gomez
Public Works Engineer
City of Burlington
645 Pine St
Burlington, VT 05401
Phone: (802)-540-0557
E-mail: ggomez@burlingtonvt.gov

From: Andrew Rowe [mailto:andy@ldengineering.com]
Sent: Tuesday, January 14, 2014 6:05 PM
To: Guillermo Gomez
Cc: Caulo, John; Scott Gustin
Subject: RE: Eagles Landing - St Paul Street

Hi Guillermo -

I'm writing to summarize our telephone discussion Friday regarding your comments on the Eagles Landing project.

- Signs will be posted both inside the garage for vehicles and on the sidewalk for pedestrians to warn of the garage exits. Mirrors can also be positioned inside the garage if needed. The building is set back at least 5 feet from the edge of the sidewalk to allow some visibility for both exiting vehicles and pedestrians.
- Eagles Landing will be added as a stop on the Champlain College shuttle. The current route will be modified to include a stop on St Paul Street for the Lakeside Avenue – Campus route. Other than adding this stop between Campus and Lakeside Avenue, the shuttle loop is expected to remain the same.

A curbed bump-out is proposed along St Paul Street at the proposed shuttle stop. The bump-out is positioned in front of the lobby for the apartments, and adjacent to three retail spaces. The lobby will provide a secure and warm waiting place for those waiting for the shuttle to arrive. The new sidewalk and bump-out will provide a

safe route between the shuttle and the lobby. Without the bump-out, cars could block the shuttle stop (by parking illegally), and riders would need to navigate through snow and ice in the parking lane.

We agree that a mid-block crosswalk at the bump-out location is not necessary. Crosswalks exist at both the Maple Street and King Street intersections.

With the former Eagles Club, a loading zone existed at the end of the sidewalk leading to the building's main entrance on St Paul Street. The loading zone occupied the equivalent of two parking spaces along the curbline. With the proposed curbed bump-out, the onstreet parking has been shifted to utilize this loading zone area. With the proposed bump-out, there is no net loss of the 12 onstreet parking space on the east side of St Paul Street. It will be necessary to relocate or modify a couple of parking meters to accommodate the new arrangement of parking spaces.

- We are not aware of any deficiencies of the pedestrian route along Maple Street between campus and Eagles Landing. There are existing sidewalks along both sides of Maple Street in this area, crosswalks at each stop controlled intersection, and no signalized intersections.
- This project's application was submitted to Planning & Zoning on December 31. A few minor changes to the plans were made since the traffic letter was submitted to you in November. These included dividing the parking garage, with entrances off Maple Street and King Street. The parking garages are at different elevations, and do not have an interior connection. 42 spaces will be provided in the Maple Street garage, and 25 spaces will be provided in the King Street garage. Attached are the site plans (sheets C1, C3 & C4). Please let me know if you would like additional site or architectural plans.

Please let me know if you have any questions.

Andy Rowe
Lamoureux & Dickinson
878-4450

From: Guillermo Gomez [<mailto:ggomez@burlingtonvt.gov>]
Sent: Thursday, December 19, 2013 10:59 AM
To: 'Andrew Rowe'
Subject: RE: Eagles Landing - St Paul Street

Andy:

Thanks for submitting the letter. By looking at the proposed site plan, I have a couple of questions:

- We are concerned about vehicles exiting the garage and not having enough visibility to see pedestrians on the sidewalk. Are you thinking of providing any mirrors, beacons or any warning system to alert pedestrians of an exiting vehicle?
- We would like to know more details about the shuttle route and headways. I also see in the proposed site plan that you are proposing a bump-out along Saint Paul, to accommodate the shuttle. Do you have more details about the thought process behind this bump-out and what the shuttle stop would look like? How many parking spaces will need to be eliminated to accommodate this bump-out? Is it really necessary? Depending on the land use directly across the street, this might create almost a mid-block crossing. If the bump-out is necessary, it might be worth doing a full mid-block crossing if the bump-out is really needed.
- Are there any pedestrian circulation deficiencies that can be identified in the path students will be taking to the campus that we should address, given the increased pedestrian activity that will result from the construction of the new building?

Let me know if you have any questions

Thanks

Guillermo Gomez
Public Works Engineer
City of Burlington
645 Pine St
Burlington, VT 05401
Phone: (802)-540-0557
E-mail: ggomez@burlingtonvt.gov

From: Andrew Rowe [<mailto:andy@ldengineering.com>]

Sent: Wednesday, November 27, 2013 9:53 AM

To: Guillermo Gomez

Subject: Eagles Landing - St Paul Street

Hi Guillermo –

Attached is a letter from Roger Dickinson regarding the traffic for the Eagles Landing project. I've also attached the cover sheet for the architectural plans, the proposed site plan, and the existing conditions plan.

Please let me know if you have any questions, or would like me to send you hard copies of any attached documents. Champlain College will be submitting an application to Planning & Zoning today.

Andy Rowe
Lamoureux & Dickinson
878-4450

To: "bartkeinath@yahoo.com" <bartkeinath@yahoo.com>
Subject: Fwd: 14-0428CA:Browns Court

Sent from my iPhone

Begin forwarded message:

From: Katherine Keinath <katherinekeinath@yahoo.com>
Date: November 8, 2013 at 7:02:24 PM MST
To: Katherine Keinath <katherinekeinath@yahoo.com>
Subject: 14-0428CA:Browns Court

Burlington Development Review Board,

As abutters to the proposed development of the parking lot paralleling Browns Court, we have some concerns. We recognize Champlain College as a fine institution invested in doing the right thing. Our concern is that our income property will be adversely effected by the size of the structure being proposed as it would destroy our view. Having an enormous building next to us in an open space is obviously a negative impact allowing for little or no natural light. It leaves us with a feeling of being crammed into what is now a nice open space for an urban setting.

Removing an entire public parking lot next to us coupled with creating a population of over 300 people in that same space is detrimental to our parking situation which is crucial to the marketability and ease of access to our property.

We question the future value of our property. The construction would also impair the quality of life for individuals residing in our property.

As property owners we feel this project is moving rather quickly. We respect the interests of Champlain College and the City of Burlington and expect our concerns and those of the residents to continue to be considered as this project moves forward.

Thank you for your time.

Sincerely,
Charles and Katherine Keinath
Owners of 123 King Street
Burlington Ward 6

Sent from my iPhone