

Burlington Development Review Board

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Michael Long
Jonathan Stevens
Brad Rabinowitz
Missa Aloisi
Israel Smith
A. J. LaRosa
Alexandra Zipparo (Alt.)
Jim Drummond (Alt.)



BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday, December 16 2014, 5:00 p.m. Contois Auditorium, City Hall, 149 Church Street, Burlington, VT Minutes

Board member present: Austin Hart (Chair), Jonathan Stevens, Michael Long, Brad Rabinowitz, Israel Smith, Alexander LaRosa, Missa Aloisi and Ali Zipparo.

Board members absent: Jim Drummond.

Staff members present: Ken Lerner, Scott Gustin.

I. Agenda

No changes.

II. Communications

A number of supplemental communications presented tonight. Accepted by board members.

III. Minutes

December 2 in packet. Board members instructed to bring comments or changes to the deliberative for discussion.

IV. Consent Agenda

1. 15-0631CU: 101 MAIN ST (DT, Ward 5) Catamount/Van Ness & Vermont Comedy Club, LLC

Conditional use to establish performing arts center in existing vacant commercial space.

A Hart recused from this item.

Applicants Nathan Hartswick & Natalie Miller present and sworn in.

J Stevens requested a full public hearing to ask some questions.

Natalie Miller overviewed the project. They presently run a couple of other performing arts spaces. Nathan Hartswick said he's looking to provide a venue designed specifically for comedy but that also contained classroom space. N Miller said 11 shows per week would be given. Classes would take place during the day. N Hartswick said there would be a mix of local and regional talent.

J Stevens, is Catamount the building owner? N Miller, yes. J Stevens asked about liquor sales. S Gustin explained the limitations on alcohol sales. K Lerner noted 51% or more alcohol sales constitutes a bar. Ms. Miller said it's not in their interest to run a bar. The primary objective is a comedy center. The bar is not to be open on Monday or Tuesday nights when the showroom and lounge areas are used for classes. N Hartswick said finger food/appetizers will be served but not full meals. J Stevens, so the revenue will be from ticket sales? N Miller said it would be from ticket sales, merchandise, and classes.

A Zipparo, will there be other kinds of theatre? N Miller said that is possible, but the focus will be comedy. Have you done feasibility studies? N Miller, yes. We've talked to people who run similar venues. We've been booking shows in the area for 6 years. We produced 200 shows last year. N Hartswick said they produced the Green Mountain Comedy festival. We have the data to back up the demand. J Stevens noted the comedy club that went in next to the Daily Planet. N Hartswick said that was very small – a 40-seat café. It's a much different approach than what he is proposing. N Miller said the small size prevented drawing bigger talent from beyond this region.

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B Rabinowitz, it looks like the elevator connects the hotel to this space. N Hartswick, yes. It does.

Public Comment:

Paul Boileau, 78 Main Street resident. With the opening of the new hotel, we believe this is good for Burlington. We support the establishment of a performing arts center. We hope that our prior bad experiences with this property will not be repeated.

M Long, what caused these bad experiences? P Boileau, when Sha, Na, Na's was present as a bar there. Rowdy drunk people.

Erik Hoekstra said he's excited about the proposal. Part of the Hilton Garden Inn is aimed at activating the Main Street corridor. Part of filling in the gap between Church Street and the waterfront. He's always anticipated an active use in this space. Something that really draws people in. What's being proposed is something that is not in Burlington. It's been tried before but not successfully executed. Nathan and Natalie have a good track record as responsible operators. It's not just another restaurant or bar. This proposal works well with the hotel and will also bring additional revenues to Burlington's downtown.

Applicant's Response:

N Hartswick reiterated that what he's trying to do does not involve rowdy drunk people and loud bands. Those things do not make for a good live comedy experience. Hunts was pretty beloved. Sha Na Na's not so much. We're looking to provide performing arts space where people can come for a laugh.

AJ LaRosa noted E Hoekstra's comments about bringing people in. How will this engage the streetscape during the day along Main Street? N Miller, during the winter months, it may not. During summertime, with camp classes, it probably will. N Hartswick concurred. After 4:00 or 5:00 PM, there will be a lot going on here.

J Stevens, it appears that anyone who wants to enter the theatre needs to walk past the bar. N Miller said there is an entrance on Pine Street that does not go past the bar. J Stevens, the bar is placed between the bar and the performance space. N Hartswick, the idea is for folks to come in through the lounge. The main entrance is from Main Street.

Erik Hoekstra, relative to the bar placement, he noted the significant grade change between Main and Pine Streets. Most of the activity takes place below the Main Street level. The lounge is in the mezzanine off of Main Street. We're trying to make this space work.

Close public hearing.

V. Public Hearing

1. 15-0451CA/MA: 234-240 COLLEGE ST (DT, Ward 3) Sisters & Brothers Investment Group, LLP

Major impact review to demolish rear portion of building, construct new 5-story addition at rear for 9 units. Results in change from 19 to 25 units for net increase of 6.

Applicants Steve Guild & Frank Naef present and sworn in.

Steve Guild overviewed the project. The proposal is for a 5-story rear addition. An existing rear addition will be removed. The existing building sustained fire damage in June. It is being brought up to code along with the proposed addition. An elevator is being installed, as is a sprinkler system. Parking will be provided at the former Merchants parking garage. The addition will be clad in metal siding with a split face block foundation. A "blue roof" will be installed for stormwater management. Megan Moir has been involved. The existing building is being restored. Windows are being replaced under separate permit.

A Hart, there are some issues raised in the staff comments. Do you want to address those? S Guild, the setback requirement places an unanticipated burden on the applicant. He said he doesn't know if he can apply for a variance. Basically we need to be 10' away from the side property line, even though the ordinance also says 0' setback. S Gustin noted the provision relates to the building code. While the building code could allow construction within the setback subject to certain restrictions, the provision in the zoning code does not. Frank Naef noted how this provision could end up requiring almost 15' separation distance.

A Hart asked for supplemental information, particularly as it relates to current distances and proposed setbacks. B Rabinowitz asked for clarification of the proposed setbacks. S Guild said its 4.5' from the east property line. Pushing it back a full 10' will impact the dwelling units.

M Aloisi pointed out windows on the northeast end of the addition. S Guild said these windows have been removed on revised elevations.

A Hart, something to improve the pedestrian alleyway. Make it more inviting and safe. S Guild said some new lighting is being proposed. If not depicted, we'll show them. A Hart, will the College Street entrance be the primary entrance? S Guild, probably. We had to provide another doorway with the addition. A Hart, who's going to be using the pedestrian alleyway? S Guild, it will provide access to the dumpsters and to the driveway that reaches to North Winooski Avenue. B Rabinowitz, how is trash removed? S Guild, the totes will be wheeled out to College Street, or the trash hauler has access to the rear of the site.

I Smith asked about TRC. S Gustin said typically it takes place prior to an application. It was not required for this application and it did not occur.

A Hart, what is a "blue roof?" F Naef said it basically acts as a retention pond and slowly releases runoff into the city system.

A Hart asked about the roof plan. S Guild said all of the mechanical equipment will be within the building. There will be nothing on the rooftop. A Hart asked if a roof plan was still needed. S Gustin said yes, one is needed to demonstrate that there is nothing on the roof.

A Hart, clarification of parking needed. We need to know the existing unit/bedroom layout. S Gustin said that we need this information to determine the existing degree of nonconformity. It can be carried forward but not increased.

A Hart, bike parking? S Guild, we have long term. S Gustin said you've got no short term bike parking. S. Guild said we're looking at options for a bike rack location.

A Hart, one inclusionary housing unit is required. We have no information relative to how you propose to satisfy that requirement.

A Hart, is there any possibility for onsite stormwater infiltration? S Guild, we haven't thought about that. We really have no room for doing so.

A Hart, are solar panels something that could be done with the blue roof? F Naef said penetrations through the roof for the solar panels would be incompatible with the blue roof.

B Rabinowitz, the building elevations are somewhat odd, but you'll only see it from the City Market parking area. S Guild said there is really no visibility from the street. We're looking at keeping the addition affordable. B Rabinowitz, this leaves something to be desired. S Gustin said that DAB felt the elevations were acceptable given its limited visibility from the street.

I Smith, it looks like there may be problems with access to light. It bothers him that the ground level has nothing to do with what's going on above it. The trash totes seem insufficient for this many dwelling units. B Rabinowitz, you'll need frequent trash pick-ups.

M Long, also concerned with the lack of windows on the east and west elevations. S Guild, the open floor plans face the rear with the most windows. Windows are limited on the east and west due to the close proximity of neighboring buildings.

Public Comment:

Erwin Herschlit, lives in the neighboring building. He said right now, there is room for 4 cars. There is no space for more. They are proposing just 6 parking spaces. A Hart noted that the parking will be provided offsite. E Herschlit said that the existing units were occupied by people without cars. If new tenants have cars, we will have a problem. Also, the proposed window-less walls will make our walls effectively windowless.

Molly Comeau, nothing would please her more than a well-maintained building to replace what was there before. It was incredibly substandard. There has been no graffiti in the neighborhood since the fire occurred. Let's be sure we don't repeat these prior problems on a larger scale. She's concerned about the lack of parking. She also questions the proposed cost of construction. What does this mean? Cutting corners in construction? In the alley between the buildings, we've got water infiltrating into our building.

E Herschlit said he thinks the rehab of the existing building should be taken into account relative to the parking.

A Hart, when do you think you could get information to us relative to the outstanding items? It's really the list of items noted in the staff report. B Rabinowitz, should also note how the parking will be made available.

K Lerner, this really should be recessed so that staff can review and public can comment. A Hart agreed.

A motion was made by A Hart to continue review to a date certain of January 6, 2015. Second by B Rabinowitz

Vote 7-0-0, motion carried.

2. 15-0525CA/MA: 87-95 NORTH AVE (MNU, Ward 7) COTS

Major impact review for renovation and addition to existing building for 14 new residential units as part of mixed use building. Includes demolition of house and lot merger at 7 Haswell Street.

A Hart recused.

Applicants Bob Duncan, Bill Nedde, Rita Markley, Jonathan Farrell, Kathy Dryer sworn in.

Bob Buncan overviewed the project location and NMU zoning district. High density development is encouraged. No residential density limit per se, limited by FAR. A variety of uses are encouraged and allowed in this district. The district this property is within is different than that of the nearby residential neighborhoods. In the late 1800's this was a grocery store. He showed photos of neighboring buildings to provide context of the built environment. He displayed a map delineating property and neighboring parking providing parking easement. He displayed the sketch plan site plan and noted the changes made since then. The building has been scaled back by some 4,000 sf. The 3-story addition is stepped back. The 2-story portion provides a transition in scale to neighboring buildings. The parking lot is consistent with the agreement with Burlington College for access points. He also

noted the small reduction in impervious surface onsite and the introduction of new landscaped areas. 33 parking spaces will be provided. The minimum requirement is 29 spaces.

B Duncan overviewed the proposed building elevations. The elevator shaft will provide a separation between what is existing versus new. He noted where apartments, office space, and day station will be located. Windows are grouped in the new addition – grouped in 3's versus groups of 2 in the existing. The aluminum storefront will be removed. The pediment will be restored. The elevator shaft will project a bit above the roofline. He demonstrated building height and scale in cross section with neighboring buildings. He displayed a perspective view from North Avenue looking northwest. He noted that the rooftop equipment is included in the perspective – it is not visible from this vantage point. He explained two wall sections of the proposed construction.

B Duncan overviewed the landscaping plan. The city arborist approved the elms that are Dutch elm disease resistant. He noted the asphalt to green space conversion on a portion of the site. Existing 85% lot coverage will be reduced to 80.4% as proposed. B Duncan noted the enhanced open space provided by bringing a portion of the rear addition back from the street. He touched briefly on lighting. Illumination levels are compliant with applicable standards.

B Duncan mentioned that the Conservation Board has reviewed the proposed stormwater management plan. Stormwater will be collected and infiltrated onsite – 50% of the proposed roof area. Presently, there is no onsite management.

B Duncan reviewed the proposed boundary line adjustment.

B Rabinowitz, is there any landscaping on the Haswell Street side? B Duncan no. It will be building, sidewalk, and green belt. B Rabinowitz, is the green belt too narrow for trees? B Duncan, that's what the City Arborist told us at TRC review.

B Rabinowitz, are these typical rental units? B Duncan, all of them would qualify as inclusionary units.

J Stevens asked if the applicant had any questions relative to the staff report. B Duncan said he's not sure what's meant by making the North Avenue entrance more prominent. K Lerner said that an awning may be appropriate.

Public Comment:

Patricia Ferrera, thanks COTS for being so mindful of the neighborhood. Feels has been sensitive to the neighborhood's needs.

___ Makley thinks the project is marvelous. Supports the project. Is balanced with the surrounding built environment. Can't imagine how anybody could have a problem with it.

Linda Tierney, lives on Lakeview Terrace. She does not oppose COTS. She is very concerned. With Packard Lofts at one end of the street and this at the other, the character of the neighborhood is changing. She's very concerned about the parking. Lots of times parking at this site spills on to the street. With the 14 units of housing and the day station, parking problems will be worse. Traffic will also increase. In 2010, COTS represented that the project would just be for office use. Our sweet neighborhood is being surrounded by large development.

Eli Lessor-Goldsmith, lives on Lakeview Terrace. Supports the project. He's for progress and for the city evolving and growing and being more prosperous. It's the way this town is moving, and he's excited about it. The proposed building is within the scale of its surroundings. He also noted his denial of cement fiberboard whereas it's now routinely approved.

Frank Gillot, lives nearby. Noted the transformation of the subject building since he originally moved to the neighborhood. The project is a fine evolution of the building's design. He's impressed with the reduction in lot coverage.

Mark Demers, was a close neighbor of the day station at 25 Buell Street. COTS communicated with him in a very timely manner. Hopefully this past performance will assuage neighbors' concerns.

Letters submitted to Board.

B Rabinowitz, how is the parking lot controlled? B Duncan, control will really be up to COTS. Signage may be used. Parking for employees or guests of COTS. B Rabinowitz, how are deliveries made? B Duncan, the primary delivery is the lunch for the day station. Trash will be brought out to the curb.

M Long, none of the units are market rate? B Duncan, correct. They are all affordable. M Long, will that impact the number of cars? B Duncan, yes.

AJ LaRosa, what's being done with the other half of the parking lot owned by Burlington College? B Duncan, we can't do anything with it. Hopefully, if we make ours nicer, they will make theirs nicer.

B Rabinowitz, are any of the inclusionary units being offered to other developers to meet their requirements? B Duncan, no.

VI. Other Business

VII. Adjournment 7:15 pm.

Deliberative scheduled for Monday, December 22, 2014 at 5:00 pm.

A. Hart - Chair, Development Review Board

Date

Scott Gustin, AICP, Senior Planner