

Department of Planning and Zoning

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MEMORANDUM

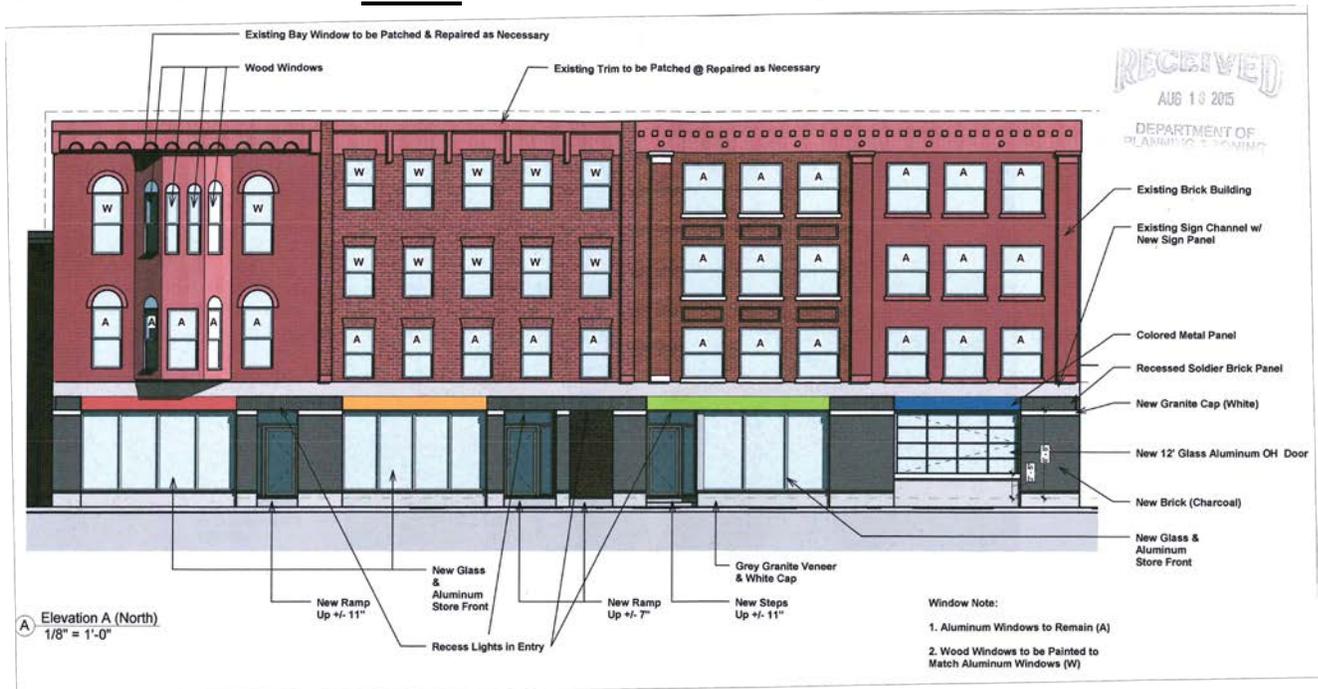
To: Development Review Board

From: Mary O'Neil, AICP, Senior Planner

Date: October 6, 2015

RE: ZP15-1410CA, 185-195 College Street (former Burlington Free Press building)

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.



File: ZP15-1410CA

Location: 185-195 College Street (Burlington Free Press building.)

Zone: D **Ward:** 3C

Date application accepted: June 24, 2015 (incomplete); additional submission materials July 9, 27 and 29, 2015.

1st DRB hearing: August 4, 2015

DRB deliberative hearing: August 10, 2015; Motion to re-open hearing.

Applicant/ Owner: Steve Guild / Joe Handy (Great Cedars LLC)

Request: Interior renovations to accommodate changes-of-use: Basement and first floor fit-up for commercial (no specific uses identified); 2nd, 3rd, and 4th floor converted to 33 residential units. Exterior repair, window replacement. Assignment of parking to off-site garage.

Background:

- Non-Applicability of Zoning Permit Requirements; window trim, paint maintenance to College Street building façade. May 2015.
- Zoning Permit 15-0861CA; new storefronts including entries and windows for former Burlington Free Press Building, College St. elevation only. April 2015.
- Zoning Permit 15-0785CA; change of use of 2538 sf portion of building from offices to bar/arcade. Approved February 2015.
- Non-Applicability of Zoning Permit Requirements; interior rough-ins for mechanical and electrical. February 2015.
- Non-Applicability of Zoning Permit Requirements, interior demo. May 2014.
- Zoning Permit 08-383CA; new membrane roof. November 2007.
- Zoning Permit 96-099; construction of a handicapped ramp with railing on the rear (South Winooski) of the Free Press Building. August 1995.
- Zoning Permit 94-256; create handicapped access ramp partially inside existing open vestibule of Burlington Free Press building, the remainder encroaching out on the sidewalk. December 1993.
- Zoning Permit 87-044; structural repair of existing foundation wall adjacent to Mechanic's Lane. February 1987.
- Zoning Permit 85-029; demolish brick building and existing barn in order to construct additional storage spaces and a new truck loading dock to allow 65' trucks to unload without blocking sidewalk. January 1985.
- Zoning Permit 85-001; establish K.F. Armstrong Manufacturing Jeweler in the existing commercial use office. No exterior changes. January 1985.
- Zoning Permit 81-682; construction of a concrete foundation extension to the existing press foundation slab. August 1981.
- Zoning Permit 76-7; change two entryways to match existing fenestration. March 1976.

Overview: The applicant seeks to commence interior fit-up for new uses. Floors 2-4 are proposed to be 33 new residential units; the basement and first floor commercial (although tenants have not yet been identified.) Parking will be assigned to an off-site garage owned by the applicant.

The application includes general exterior repairs.

At the **August 10, 2015 DRB deliberative**, the following motion was made by Austin Hart: In the matter of 185-195 College Street, ZP15-1401CA, I move we **re-open the public hearing** and ask the applicant to provide the following additional information:

1. Evidence that the owner of the building has deeded rights to use access to Stacey Alley, Thomas Alley, and Markham's Lane for access to the building for trash and recycling, access for tenants in the form of deeds or opinion from an attorney;

2. Provide additional information on what windows and doors will be replaced and how replacement will be done to avoid a random Hodge podge of different windows and doors with different materials. Direction from the Board is that windows shall be consistent *per building, per elevation*. (College Street is broken up into 4 identifiable buildings);
3. Additional information on what current materials are on different elevations on the building, and how those materials will be changed or replaced. Materials shall be specific per elevation of what is existing and changes that are planned for the 2nd, 3rd and fourth floors. Very clear details are required, including specific elevations of each side of the building, with what is existing and what is proposed, due to the quality and importance of the building;
4. Additional information on applicant's plan for 33 required spaces for the parking garage will be available at all times for tenants;
5. Additional information on how the planned bike parking will be convenient for use by tenants, or an alternative plan for bike parking that meets the requirement of the ordinance. The applicant is encouraged to provide bicycle parking on the ground floor;
6. More information is required on how utilities and surface mounted infrastructure will be addressed in the development, with specific information on plans to replace or change current utility connections, vents and mechanical equipment;
7. More information on accessibility; where is accessible entrance specific to residential units, and are all residential units accessible;
8. A full revised lighting plan with specific fixtures and photometrics;
9. More information on the location of trash and recycling facilities. The applicant is encouraged to locate trash within the footprint of the building; a plan for how that will be accomplished.

Supplemental information was submitted **August 18, 2015**.

Applicable Regulations: Article 3 (Applications, Permits, and Project Reviews); Article 4 (Zoning Maps and Districts); Article 5 (Citywide General Regulations); Article 6 (Development Review Standards); Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing) and Appendix A (Use Table.)

Recommendation: Approval, per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

Any new development or additions to existing buildings which result in new dwelling units or in new non-residential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees for the change-of-use to residential units will be assessed; based upon square footage and calculated to give credit for the previous office use. Preliminary figures were given to staff 7/27/2015. Based upon that information, the following **Draft Impact Fees** have been calculated:

Impact Fee Calculation DRAFT
 185-195 College Street
 ZP15-1401CA
 Based upon information provided 7/27/2015, plan A106

Calculation is for new residential use on 2-4th floors only.
 Ground floor and basement to be evaluated when uses are defined.

Existing square footage, 2-4th floors

SF of Project **30,296**

| Department | Residential | | Offices & Other | |
|--------------|--------------|---------------------|-----------------|---------------------|
| | Rate | Fee | Rate | Fee |
| Traffic | 0.188 | 5,695.65 | 0.654 | 19,813.58 |
| Fire | 0.215 | 6,513.64 | 0.192 | 5,816.83 |
| Police | 0.044 | 1,333.02 | 0.339 | 10,270.34 |
| Parks | 0.718 | 21,752.53 | 0.405 | 12,269.88 |
| Library | 0.445 | 13,481.72 | 0.000 | 0.00 |
| Schools | 0.929 | 28,144.98 | 0.000 | 0.00 |
| Total | 2.539 | \$ 76,921.54 | 1.590 | \$ 48,170.63 |

Difference: \$ 28,750.91

Impact fees may be adjusted for Inclusionary Housing.
 See Section 3.3.3 c. in staff report.

Affirmative finding as conditioned.

Section 3.3.3 Exemptions and Waivers

(c) Affordable Housing Waivers

Any residential project containing newly constructed units or substantially rehabilitated housing units that are affordable for households as described in subsections (1), (2) or (3) below are eligible for a waiver of impact fees for that portion of the project. The terms, rules, and regulations used herein shall be the same as those defined and specified in this Ordinance pertaining to Inclusionary Zoning (Article 9).

The applicability of any waiver of Impact Fees shall be determined by the Housing Officer in the Community and Economic Development Office. Any such waiver, if determined, will be provided to staff (with the associated square foot measurement) so as to correct the calculated impact fee assessment. **Affirmative finding as conditioned.**

Part 5: Conditional Use and Major Impact Review

Section 3.5.3 Exemptions

Major Impact Review shall not apply to applications involving one or more of the following:
(c) Substantial rehabilitation that does not expand the floor area of an existing building or the structural capacity of existing development.

As proposed, the development does not expand the floor area of the existing building. Major Impact and Conditional Use review does not apply for this project.

Article 4: Zoning Maps and Districts

Section 4.4.1 Downtown Mixed Use Districts

(b) Dimensional Standards and Density

Table 4.4.1-1 Dimensional Standards and Intensity

No change is proposed to the building setbacks, height, or lot coverage. Maximum intensity is measured in Floor Area Ratio (FAR), which is 5.5 in the Downtown Zone. No change is proposed to the building's FAR; the current area proposed to be repurposed for residential and commercial use.

Affirmative finding.

(c) Permitted and Conditional Uses

Attached dwellings/mixed use is a permitted use in the Downtown zoning district in Appendix A.

Affirmative finding.

(d) District Specific Regulations

1. Use Restrictions

A. Ground Floor Residential Uses Restricted: *In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted on the ground floor of any structure as follows:*

(i) In the Downtown (D) and Downtown Waterfront (DW) districts.

Residential uses are identified for the 2-4th floors. The ground floor is proposed for commercial use, although no specific uses/tenants have been permitted yet outside of an arcade. **Affirmative finding.**

2. Public Trust Restrictions

Not applicable.

3. Facades and Setbacks on Side and Rear Property Lines

New buildings, or additions or improvements to existing buildings, placed on a side or rear property line where no setback is required may contain neither doors nor windows along such façade. Where the façade of an existing adjacent principal building is within 5 feet of a common property line and has doors or windows, a setback of 10 feet shall be required for any new development up to the height of the abutting building.

This is a most unusual building in that it is really several, connected structures with alleys woven between and among them. This standard would apply to the façade abutting the current Sweetwaters building, which shares a property boundary. New windows had been proposed for

the westerly façade. Per this standard, the windows may not be added to that façade. See Plan A105, and Boundary Plat. Revised elevations submitted 7/27/2015 have omitted these windows. Other elevations, including those within Stacey Alley, Thomas Alley and Mechanics Lane meet the required 10' setback. **Affirmative finding as conditioned.**

4. Building Height Setbacks

No changes are proposed to the building height. Not applicable.

5. Lake Champlain Waterfront Setback

Not applicable.

6. Residential District Setback

Not applicable.

7. Development Bonuses/Additional Allowances

No bonuses are sought. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.2 Required Frontage or Access

No change. It is likely that the new commercial uses may activate the alleys; however this will not be discerned until those uses are identified in future permitting. The applicant has provided a legal opinion with respect to deeded rights relative to use of Thomas Alley, Stacey Alley, Mechanic's and Markham Lane. These are not within the City right-of-way. **Affirmative finding as conditioned.**

5.2.3 Lot Coverage Requirements

No change. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

No change to building setbacks. See comments under Section 4.4.1 (d) 3. relative to prohibition to windows and doors on side or rear property line where no setback required. Revised plans have eliminated those windows. **Affirmative finding.**

Section 5.2.6 Building Height Limits

No change is proposed to the structural building height. Submission materials include specs for new HVAC units, which have not been identified on the plans. If they exceed 10% of the roof area, they will need to be included in the height measurement. **Affirmative finding as conditioned.**

Section 5.2.7 Density and Intensity of Development

(b) Floor Area Ratio

The new uses are proposed for the existing area. No change proposed.

Section 5.4.8 Historic Buildings and Sites

185-195 College Street is listed on the National Register of Historic Places within the Church Street Historic District.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

The original Free Press building was built in 1833 directly onto the east wall of an existing building at the site of Sweetwaters. About 1905 the roof of the narrow three story building was removed and a fourth story was added. In 1925 a newly-built façade was added. The center building (with Italianate bracketed cornice) was standing in 1848 when Gardner Blodgett opened his plumbing business, now known as Blodgett Ovens. That business moved to Bank Street in 1903.

The building with the oriole (bay) windows was probably built in 1877, and occupied by Jones Brothers, a meat and grocery business. The Burlington Free Press expanded into the upper stories in 1918.

The recently removed arcaded storefront on College Street was a 1970 renovation. Storefront replacement was permitted in April 2015.

The evolving uses of the building have included the Rothman Cut-Rate Store, dentists, real estate agency, and publishing. In any case, the continuation of mixed uses proposed is consistent with previous uses. Changes that have been approved for the storefront will replace non-historic components. This application proposes removal of some sealed openings, replacement of some windows, and will require minimal change to exterior features, spaces and spatial relationships as they currently exist. **Affirmative finding.**

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

Permits have already been issued for storefront replacement, which replaces a more recent renovation. Many of the windows and building openings along the alleys, Mechanic's and Markham's Lanes have been altered, boarded up, or closed off. This application seeks to reopen some of those openings (although not as many as in the original application) and provide a more active interior use. The applicant has provided revised building elevations identifying which openings are to remain closed, re-opened, or altered. **Affirmative finding.**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.* None identified. **Affirmative finding.**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.* These buildings are a record of evolution. The proposal to remove the "skyway" is removal of a non-historic building feature. The renovation and substantial investment will assure the continued use of the collection of structures. **Affirmative finding.**



Burlington Free Press 1930s

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Much of the rear of these buildings has been heavily altered and added on to. Cleaning up the alleys and reopening windows will have the greatest benefit in finding new life and uses for the structure. Windows that can benefit from repair will be repaired or replaced in kind.

Revised plans have identified

which windows are aluminum and which are wood (see plan A101.) Based on historic photographs, the collective buildings operated by the Burlington Free Press have seen significant window alteration. In its decision August 10, 2015, the Board asked for avoidance of a hodge-podge of windows; it appears that most on the north will be retained.

General exterior repairs, including masonry repair, replacement metal siding (fourth floor, rear) and repainting stucco are proposed. **Affirmative finding**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*



College St. 1950s
At least the second storefront design

Some windows will be replaced, others openings will be re-instituted with new glazing. Revised submission materials identifies existing aluminum windows, existing wooden windows, and proposed new window insertion on secondary facades in original openings. These buildings bear the renovations of more than a century, making it challenging to tease out the original from

the incompatible. Several examples of airconditioners, old lighting fixtures, and exterior plumbing will be removed. **Affirmative finding.**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

None identified.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

None identified.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

The request is generally for interior fit-up and change of use for upper floors to residential. Exterior work is largely limited to window repair and replacement, insertion of new doors and windows in rear elevations, and exterior repairs. A skyway is proposed to be removed; this is a later addition and does not have any historic merit other than part of the story of creating access between publishing activities. **Affirmative finding.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

As proposed, the existing historic integrity of the property will be retained. The removal of poor alterations and boarded up window openings will increase the public's ability to appreciate the essential character of this building collection. Revised plans have minimized the number of building openings proposed to be re-opened. See Plans A102, A103, and A104. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

None identified.

Section 5.5.1 Nuisance Regulations

The overall building renovation and clean up of the alleys will introduce positive investment and dissuade negative activities within the rear alleys and lanes. The proposed residential use will activate the building and site, providing new residential units in the downtown. The DRB noted, however, that relocation of the trash facilities would be essential in making the building resident-ready, and to ameliorate the profusion of dumpsters within the alleys and lanes. A revised plan indicating dumpster and recycling activities will be at the terminus of Stacey Lane, behind a newly installed fence. While locating these activities within the building footprint would remove the activity from public view, the plan does limit the current profusion of dumpsters along the alleys and lanes and would minimize the proliferation of receptacles. A preferred method would remain to identify a location interior to the footprint and outside the alleyway.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

The applicant has submitted two cut sheets for proposed exterior lighting. One is a recessed fixture, the other a wall mount LED. Most existing exterior lighting will be removed per plans A102-A104. Nine wall mount full cut-off fixtures are proposed on several elevations. See Plan ES1.0. As low output LED, they are acceptable.

The submitted photometric demonstrates compliance with lighting levels as defined in Section 5.5.2 (f) 2. within Thomas Alley, Stacey Lane, Markham's and Mechanic's Lane. Elevation drawings should be revised to illustrate the chosen wall mount, which at present, differ from the illustrations. This is consistent with General Note "B". **Affirmative finding as conditioned.**

Section 5.5.3 Stormwater and Erosion Control

No ground disturbance is proposed. Not applicable.

Section 5.5.4 Tree Removal.

Not applicable.

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

(a) Protection of important natural features

This is an existing building in the downtown urban streetscape. There are no significant natural features. **Affirmative finding.**

(b) Topographic alterations

None proposed. **Affirmative finding.**

(c) Protection of Important Public Views

There are no protected public views from this site. Existing east/west views to the college along College Street will remain. **Affirmative finding.**

(d) Protection of Important Cultural Resources

See Section 5.4.8.

(e) Supporting the use of Renewable Energy Resources

No part of this application will prevent the use of wind, water, solar, or geothermal energy resources. **Affirmative finding.**

(f) Brownfield Sites

None have been identified. **Not applicable.**

(g) Provide for nature's events

Previous permitting has allowed for storefront replacement, which included a new entryway for tenants. The addition of new building openings will provide more access to

each of the identified spaces. Re-opening of some building openings has been delayed until tenants and their specific needs have been identified. **Affirmative finding.**

(h) Building location and Orientation

No change to existing. **Affirmative finding.**

(i) Vehicular Access

There is no identified driveway to this property, but delivery vehicles daily use Mechanic's Land for trash pickup. The previous use (Burlington Free Press) accepted their deliveries at the South Winooski Street building frontage. There is no parking on-site. **Affirmative finding.**

(j) Pedestrian Access

The building has access from College Street, Markham's Lane and Mechanic's Lane. The applicant has expressed the intention to activate all frontages with commercial uses. If that occurs, pedestrian access will be almost 360° around the building, including immediate access to Burlington's Church Street pedestrian marketplace. **Affirmative finding.**

(k) Accessibility for the Handicapped

An internal elevator is included in the plan. In response to the request from the Board, the applicant has provided plan for accessible entry. (No Plan number; see "College Street Accessible Route to Apartments & Retail Space", "2nd Floor Elevator Lobby/Bike Storage Room" and "1st Floor Elevator Lobby, Bike Travel Route to Exterior.") ADA compliance is under the jurisdiction of Burlington's building inspector. Building renovation has inherent requirements for access and visitability. **Affirmative finding.**

(l) Parking and Circulation

There is no parking associated with this building. Residential parking will be allocated to 164 College Street, a parking garage owned by the applicant. See "Certification to Burlington Development Review Board" and "The Great Cedars, LLC Parking Space Lease Agreement" supplied by the applicant.

Other than trash disposal early mornings, access will largely be limited to pedestrians. Bicycle parking will be accommodated; see Article 8. **Affirmative finding.**

(m) Landscaping and Fences

There is no landscaping or fences included in the application. In an urban setting, opportunities for landscape enhancements may be rare (but encouraged.) **Affirmative finding.**

(n) Public Plazas and Open Space

The building is immediately adjacent to the Church Street Marketplace, an iconic public plaza/meeting space. There is no other identified plaza in the plan. **Affirmative finding.**

(o) Outdoor Lighting

See Section 5.5.2, above.

(p) *Integrate infrastructure into the design.*

The applicant has been encouraged to plan within the building for trash and recycling needs, rather than continuing with the existing dumpster locations. Internal collection could be directed to a central site, thoughtfully placed outside public view and the newly activated pedestrian alleys. Revised plans illustrate a single location, at the north of Stacey Lane and enclosed within a fence. This remains a challenging location for haulers to access; made more challenging by the proposed erection of a chain link fence. This plan would limit the current proliferation of dumpsters (although urging the larger question if *one* is sufficient to meet the needs of all potential tenants), a preferred method would be identification of a central site within the building footprint and more easily accessible to haulers. This is better than existing, but not ideal and perhaps not responsive to actual need; particularly with multiple tenants and a restaurant use.

Affirmative finding if conditioned.

Part 3: Architectural Design Standards

Section 6.3.2 Review Standards

(a) *Relate development to its environment:*

1. *Massing, height and scale*
2. *Roofs and rooflines*
3. *Building openings*

No change is proposed to the buildings' height, massing or scale. Roofs and roofline will remain unchanged. Building openings will be renewed, with new windows and doors.

Affirmative finding.

(b) *Protection of Important Architectural Resources*

See Section 5.4.8.

(c) *Protection of Important Public Views*

There are no protected public views from this site. **Not applicable.**

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

The general building clean-up and insertion of new windows and doors along the alleys will provide an avenue for reenergizing the building and the street corner. The investment will allow new businesses, residential units, and activity to increase value and beauty to the location. See comments about relocation of dumpsters, above. **Affirmative finding as conditioned.**

(e) *Quality of materials*

Plan A101 identifies aluminum windows to remain, and wood windows to be painted to match. New windows are largely limited to rear elevations and in-fill for closed openings. **Affirmative finding.**

(f) *Reduce energy utilization*

New development is required to meet energy efficiency standards as defined by Burlington Electric and the Department of Public Works. **Affirmative finding as conditioned.**

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

Any signage will require a separate sign permit. **Affirmative finding as conditioned.**

(h) *Integrate infrastructure into the building design*

See Section 6.2.2. (p.)

(i) *Make spaces secure and safe*

The entire building is proposed to be sprinklered. Development is requirement to meet all ingress and egress standards, and applicable building and life safety code at the discretion of the building inspector and fire marshal. **Affirmative finding as conditioned.**

Article 7: Signs

Any signage will require separate permitting. **Affirmative finding as conditioned.**

Article 8: Parking

Table 8.1.8-1 requires 1 parking space per dwelling unit in the Downtown Parking District. For 33 residential units, 33 parking spaces must be assigned to the use. The applicant/owner has provided certification of ownership of a parking garage at 164 College Street, and the ability to accommodate the required 33 spaces for this project. A draft parking lease has also been submitted utilizing the boilerplate previously acceptable to the City Attorney's office to demonstrate and formalize the parking availability for tenants. The applicant has provided that the former Merchant's Parking garage has 66 parking spaces with seven (7) parking spaces assigned to 234-240 College Street Apartments. He has no other spaces reserved. They propose 33 spaces reserved for the tenants of the Free Press development.

The first floor is intended to be commercial (an arcade has already been permitted.) For that use there is no parking requirement within the Downtown parking district. Other uses that may be proposed and/or permitted on the ground or basement floors will be assessed for parking requirement per the ordinance. **Affirmative finding as conditioned.**

Section 8.1.12 Limitations, Location, Use of Facilities

(a) Off Site parking facilities:

Except for single and two family dwellings, required parking facilities may be located on another parcel of land as follows:

2. Downtown and Shared use Parking Districts: Any off-site parking shall be provided within 1,000 feet of the use it is intended to serve unless such parking is provided as part of a Parking Management Plan pursuant to Section 8.1.15 approved by the DRB.

The proposed parking location is about 216 feet from the project address; meeting this standard.

Affirmative finding.

Part 2: Bicycle Parking

Table 8.2.5-1, Bicycle Parking Requirements requires 1 long term bicycle parking space for every 4 units and 1 short term space for every 10 units. The required bicycle parking for the residential uses, for 33 units, would be **8 Long Term bicycle parking spaces, and 3 short term bicycle parking spaces.** Nine bicycle parking spaces are identified adjacent to the 2nd floor elevator lobby (see "Bike Storage Room", no plan ID.) No outside "short term" bicycle parking

spaces have been identified. Given the intended active use with commercial uses intended for the ground floor and basement, bicycle racks meeting the City of Burlington Bicycle Parking Guidelines will be required. **Affirmative finding as conditioned.**

Article 9: Inclusionary and Replacement Housing

Section 9.1.5 Applicability

Except as otherwise provided in this ordinance, these regulations shall apply in the instances specified below.

- (a) The creation of five (5) or more residential units through new construction and/or substantial rehabilitation of existing structures, including the development of housing units utilizing development provisions other than those specified in Section 9.1.5 (b).*
- (b) Where units are created using the Adaptive Reuse or Residential Conversion criteria pursuant to the provisions of Article 4, Section 4.4.5, this article shall be applicable when at least 10 (10) or more dwelling units are created.*

The creation of 33 new residential units will required the inclusion of affordable units. Typically 15% of units must be allocated for Inclusionary requirements. In this instance, **5 units shall be dedicated to the IZ requirement.** The Housing Trust Fund Manager shall confirm the percentage/number of units, rents/selling prices, bedroom mix, unit differences and continued affordability to assure compliance with Section 9.1.15, *General Requirements for Inclusionary Units.*

Affirmative finding as conditioned.

Section 9.1.7 Certificate of Inclusionary Housing Compliance

Notwithstanding any other provision of this ordinance, no certificate of occupancy for a project covered by this chapter shall be granted unless and until a Certificate of Inclusionary Housing Compliance has been issued by the manager of the city's Housing Trust Fund.

Affirmative finding as conditioned.

Section 9.1.14 Off-Site Option

The DRB, upon a finding that unique, difficult and/or challenging site conditions exist that prevent the inclusionary units from being constructed upon the same site as the market units may allow a developer of a covered project that is not located within a waterfront zoning district to comply with the requirements of Section 9.1.9 [Inclusionary units, Rental and Sales] and 9.1.12 [Calculating Rents and Selling Prices] by constructing inclusionary units on a site within the City of Burlington other than that on which the covered project is located, subject to conditions....

The applicant has made no request to the Development Review Board within the submission materials to locate the required Inclusionary Units off-site. Therefore, all five Inclusionary Units shall be located on-site. **Affirmative finding.**

Appendix A: Use Table

Attached Dwelling(s) – Mixed Use is a permitting use in the Downtown Zoning District.

Affirmative finding.

II. Conditions of Approval

1. **Impact fees**, as calculated by staff and based upon area calculations for the new uses(s) shall be paid to the city’s chief administrative officer/city treasurer prior to the issuance of a zoning permit, or if a building permit is required, within thirty days of issuance of the building permit. Credit will be given for the previous uses in the final calculation.

Based on submitted information, the following estimated Impact Fees will be due:

Calculation is for new residential use on 2-4th floors only.

Ground floor and basement to be evaluated when uses are defined.

Existing square footage, 2-4th floors

SF of Project 30,296

| Department | <u>Residential</u> | | <u>Offices & Other</u> | |
|--------------|--------------------|---------------------|----------------------------|---------------------|
| | Rate | Fee | Rate | Fee |
| Traffic | 0.188 | 5,695.65 | 0.654 | 19,813.58 |
| Fire | 0.215 | 6,513.64 | 0.192 | 5,816.83 |
| Police | 0.044 | 1,333.02 | 0.339 | 10,270.34 |
| Parks | 0.718 | 21,752.53 | 0.405 | 12,269.88 |
| Library | 0.445 | 13,481.72 | 0.000 | 0.00 |
| Schools | 0.929 | 28,144.98 | 0.000 | 0.00 |
| Total | 2.539 | \$ 76,921.54 | 1.590 | \$ 48,170.63 |

Difference: \$ 28,750.91

Impact fees may be adjusted for Inclusionary Housing.

2. The applicability of any waiver of Impact Fees shall be determined by the Housing Officer in the Community and Economic Development Office. Any such waiver, if determined, will be provided to staff (with the associated square foot measurement) so as to correctly identify the impact fee assessment.
3. Per Sec. 4.4.1 (d) 3, no windows may be added to the westerly façade as have been illustrated in Plan A102 (G), mis-identified as Elevation G (East). [Revised plans received 7/27/2015.]
4. It is the applicant’s responsibility to secure any required state permits, including a state wastewater and potable water permit. Any such permits shall correctly identify the use(s) and permitted number of residential units.
5. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the City Engineer that there exists adequate water and sewer capacity for the proposed new residential use.

6. Any signage will require separate permitting.
7. The applicant is required to allocate 33 parking spaces at the former Merchant's Parking Garage at 164 College Street for the use of the 33 new residential uses at 185-195 College Street. The plan shall include parking allocated to other projects, approvals or leases to assure the availability of the required parking for this project review. [Email received July 27,2015 with parking count; certification of parking garage ownership and draft lease agreements submitted August 18, 2015.]
8. For the 33 residential units, 8 long term bicycle parking spaces and 3 short term bicycle parking spaces are required. These shall be defined on a site or floor plan, as appropriate, **prior to release of the zoning permit**. The applicant shall choose a bike rack in conformance with the *City of Burlington Bicycle Parking Guidelines*, which are available via this link: <http://www.burlingtonvt.gov/DPW/Walk-Bike-In-Burlington>
9. **Prior to issuance of a Certificate of Occupancy**, the applicant/owner is required to submit a letter of compliance from the Housing Trust Fund manager **confirming compliance with Article 9, Inclusionary Housing**. For 33 new residential units, 15% (or 5 units) shall be allocated to meet this requirement. **All Inclusionary Units shall be provided on-site**, unless
 1. The applicant specifically requests the off-site option (at present, they have not);
 2. Unique, challenging or difficult site conditions exist that prevent on-site location;
 3. Any off-site location must meet conditions a-f of Section 9.1.14 and agreed to by the Board.

Review of any request for off-site Inclusionary Units and review of these conditions may require re-opening the public hearing to evaluate and discuss.

10. The promise of new activity within Mechanics Lane, Stacey Lane, Markham's Lane and Thomas Alley will bring welcome pedestrian circulation to the site. The applicant has provided a revised plan identifying the terminus of Stacey Lane as the location of dumpster facilities behind a chain link fence. The Board is again encouraged to require the applicant to thoughtfully and creatively identify a new location for trash storage; out of the public eye, enclosed to prevent blowing trash, located for ease of contractor retrieval, and designed for safety. Collection of refuse from different uses (residential, commercial) should be planned interior to the building with appropriate spaces identified for recycling and rubbish. For new pedestrian activated spaces, avoidance of exterior waste facilities is desired. Plan for recycling for residential uses, and overall trash disposal and storage shall be submitted **prior to release of the zoning permit**. The DRB may wish the option to review any such plans for adequacy.

11. New uses for the ground floor and first floor shall be reviewed and permitted individually as tenants are identified. Impact fees may be assessed for new uses.
12. If roof top mechanical equipment exceeds 10% of the roof area, they will need to be included in the height measurement and compliant with dimensional standards of Section 4.4.1 (b), *Height*. A roof plan identifying the location of new or replacement mechanicals will be required **prior to release of the zoning permit**. [Submitted September 16, 2015.]
13. Standard Permit Conditions 1-15.

NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.