

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401

<http://www.burlingtonvt.gov/PZ/>

Telephone: (802) 865-7188
(802) 865-7195 (FAX)

David E. White, AICP, Director
Vacant, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Interim Chief Administrative Officer
Mary O'Neil, AICP, Senior Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



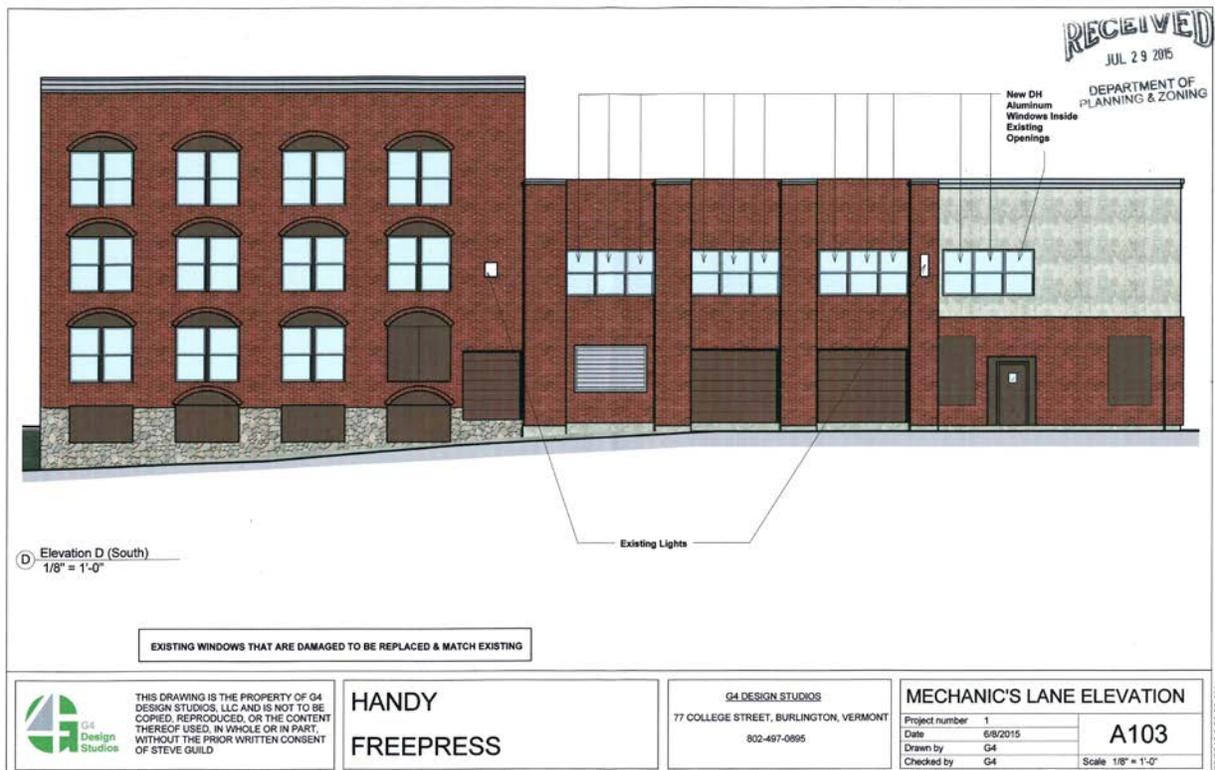
MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Senior Planner
Date: August 4, 2015
RE: 185-195 College Street, ZP15-1410CA

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.

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.

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 identified yet outside of a permitted 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 A102, and Boundary Plat. Revised elevations submitted 7/27/2015 have omitted these windows. Other elevations, including those within Stacy 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. Confirmation will be required that the owner/applicant has deeded use or ownership of the alleys, Markhams and Mechanic's Lane if that scenario arises. 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. Not applicable.

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 mixed uses proposed are not so dissimilar from previous uses, and will require minimal change to exterior features, spaces and spatial relationships. **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 and Mechanic's and Markham's Lanes have been altered, boarded up, or closed off. This application seeks to reopen many of those openings and provide a more active interior use. The applicant has revised his materials to delay some window and door re-establishment until new tenants have been identified. See Plans A102 and A103. **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 renovation and substantial investment will assure the continued use of the collection of structures.*

Affirmative finding.

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. General exterior repairs 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.*

Some windows will be replaced, others openings will be re-instituted with new glazing. Those are identified in photographs with boarded up or closed off apertures. **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 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. **Affirmative finding.**

Section 5.4.9 Brownfield Remediation

None identified.

Section 5.5.1 Nuisance Regulations

No part of this application suggests the introduction of noise, glare, vibration, odor, or other public nuisance. The overall building renovation and clean up of the alleys will introduce positive investment and dissuade negative activities within the rear alleys and lanes.

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 full cut off wall mount LED. No photometric has been submitted.

Revisions to the plan have retreated where the owner wishes to wait until tenancy is established to understand lighting needs.

With new residential use proposed, and the immediacy of new retail/commercial on the ground and first floors, a lighting plan is strongly recommended to assure safety and comfort of building residents. Given the proposed new activation of the rear alleys (and the potential for the public to circulate throughout these spaces), the Board is encouraged to require a lighting plan for the entire site. None has been provided.

A photometric will be required to confirm compliance with these standards and specified light limitations. **Affirmative finding if 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.

(b) Topographic alterations

None proposed.

(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.

(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.

(f) Brownfield Sites

None have been identified.

(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. Some re-opening of windows and doors has been delayed until tenants and their specific needs have been identified.

(h) *Building location and Orientation*

No change to existing.

(i) *Vehicular Access*

There is no identified driveway to this property, but delivery vehicles daily use Mechanic's Lane 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.

(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.

(k) *Accessibility for the Handicapped*

An internal elevator is included in the plan.

ADA compliance is under the jurisdiction of Burlington's building inspector. Building renovation has inherent requirements for access and visitability.

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

(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.)

(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.

(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 location. One dumpster is located adjacent to Elevation "c" (open, in submitted photographs), another others within Stacey Lane. They are an unsightly arrangement, and provide a challenge to waste haulers to maneuver within the constricted site. The Board is urged to require the centralization and relocation of trash; perhaps within on of the re-opened bays on Mechanics or Markham's Lane. Internal collection could be directed to a central site, thoughtfully placed outside public view and the newly activated pedestrian alleys.

Affirmative finding as 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.

(e) Quality of materials

Proposed new windows and doors are acceptable as replacements for plywood and other infill.

(f) Reduce energy utilization

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

(g) Make advertising features complementary to the site

Any signage will require a separate sign permit.

(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 owns a parking garage at 164 College Street. 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 uses there is no parking requirement within the Downtown parking district. Other uses that may be proposed on the ground or basement floors will be assessed for parking need. **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**. The applicant is required to define the location of all bicycle parking to confirm the adequacy. 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.

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.
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 correct the calculated 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
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. Confirmation will be required that the owner/applicant has deeded use or ownership of the alleys, Markhams and Mechanic's Lane if commercial uses on the ground floor propose to use those areas.
7. Any signage will require separate permitting.
8. 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 7/27/2015 with parking count.]
9. 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>
10. **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.
11. The Board is encouraged to require a **lighting plan** for the entire site, to assure ease of circulation, Safety, and comfort of those living within and visiting the commercial spaces on site. If required, the plan shall include spec sheets, lumens and footcandle measurements, fixture locations, and a

site photometric **prior to release of the zoning permit**. Such plan can be subject to staff review and approval.

12. The promise of new activity within Mechanics Lane, Stacey Lane, Markham's Lane and Thomas Alley will bring welcome pedestrian circulation to the site. Appropriate lighting will be a requirement, as will relocation of dumpster/trash facilities. The Board is encouraged to require the applicant to thoughtfully 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 such plans for adequacy.
13. 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.
14. **Standard Permit Conditions 1-14.**

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