

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone:(802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

*David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary*



TO: Development Review Board
FROM: Scott Gustin
DATE: May 5, 2015
RE: 15-0809CA/MA; 316-322 Flynn Avenue

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: NMU Ward: 5

Owner/Applicant: G&C Properties / Michael F. Alvanos

Request: Remove existing deli building and replace with new mixed use (deli, office, 9 residential units) building and associated site improvements.

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 and Replacement Housing), and Article 11 (Planned Unit Development)

Background Information:

The applicant is seeking approval for a proposed mixed use building and associated parking. The existing corner market building will be demolished along with the redemption center. The existing 3-unit residential building will be retained. The proposed building will be set to the street corner and will contain a mix of office, deli, and residential uses. Note that the deli space, at 2,315 sf exceeds the 2,000 sf café size limitation and is, therefore, considered a restaurant. In all, 9 new residential units are proposed (+ 3 existing for a total of 12). Existing surface parking will be reconstructed to serve the new multi-use building.

This project underwent sketch plan review with the Development Review Board on November 18, 2014. At that sketch plan review, the DRB advised against the use of CMU block (now deleted in favor of brick), requested bike parking details, and noted the vehicular congestion at the Pine & Flynn intersection.

The Conservation Board reviewed this project on April 6, 2015 and unanimously recommended approval of the project with a recommendation that the stormwater system be revised to include a level spreader for discharge of stormwater into Englesby Brook. The level spreader will reduce the likelihood of soil erosion into the brook. Revised plans have been submitted that incorporate the level spreader.

The Design Advisory Board reviewed this project on March 24, 2015. The Board unanimously recommended approval subject to the following conditions:

1. Add trees by the northwest corner of the parking lot between the sidewalk and the parking area.
2. Provide long term bike parking within the building.
3. Provide material specification sheets or sample of the metal siding types.
4. Provide a footpath between the parking lot and front patio.
5. Show rooftop equipment and screening.
6. Vertical short term bike parking is recommended.
7. Replace trees along the north end of the parking area to the extent possible once stormwater improvements are complete.

Revised project plans have been submitted to address the DAB's recommendation; however, bike parking details remain lacking.

Recommendation: Initial Major Impact & Certificate of Appropriateness review and table pending resolution of outstanding items noted below.

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 be served by municipal water and sewer. Sufficient capacity is available; however, written confirmation from the Department of Public Works will be required. A state wastewater permit will also be needed prior to construction. **(Affirmative finding as conditioned)**

2. The character of the area affected;

The subject property and the properties on the southwest and southeast corners of the Pine Street/Flynn Avenue intersection are zoned as Neighborhood Mixed Use (NMU). This zoning designation that was done several years ago better reflects the mixed use character of these properties and enables greater flexibility for their redevelopment. Champlain Elementary School (and the RL zone) abuts the subject property to the north. Single family homes lie to the east and south. Mixed uses are present to the west. The proposed development is of a scale that is contextually appropriate to its surroundings. The proposed mix of uses is consistent with the intent of the NMU zone. **(Affirmative finding)**

3. Traffic on roads and highways in the vicinity;

The proposed development is not large enough to require a comprehensive traffic analysis. As requested, the applicant has provided basic traffic information relating to pre- and post-construction traffic generation. The residences are expected to generate 10.54 PM peak hour trip ends. Note that the 0.62 trip end per unit does not add up to 10.54 – clarification is needed. The commercial uses are expected to generate 4.47 PM peak hour trip ends. As with the residences, the per-unit number does not add up to the total number – clarification is needed. The traffic memo assumes that 50% of the traffic generated will use the Pine & Flynn intersection; however,

this assumption is unsubstantiated. Regardless, even in the unlikely event that all traffic generated uses the intersection, only 15 new PM peak hour trip ends are anticipated (a 1.2% increase in volume). Pre-construction traffic volumes date from 2003. More recent background information should be used if available. Given the scope of the proposed development, major traffic impacts are not anticipated; however, the problems with the traffic memo noted above prevent a conclusive evaluation of traffic impacts. Traffic estimates need to be cleaned up as noted above and will be subject to review and approval by the Department of Public Works. As presently submitted, Public Works concurs that the traffic information is inconclusive. **(No finding possible)**

4. Bylaws then in effect;

As conditioned, the application is in compliance with all applicable bylaws.

5. Utilization of renewable energy resources;

No provision for renewable energy resources is noted in the project proposal; however, the incorporation of rooftop solar energy devices into the development is encouraged. **(Affirmative finding as conditioned)**

6. Cumulative impacts of the proposed use;

The deli and office components of the proposed development will have little impact beyond the existing corner market use. The proposed 9 residential units will entail impacts on community services and facilities, but those impacts are expected to be proportionately modest. **(Affirmative finding)**

7. Functional family;

Not applicable.

8. Vehicular access points;

See Sec. 6.2.2 (i).

9. Signs;

See Sec. 6.3.2 (g).

10. Mitigation measures;

The proposed development is not expected to generate offsite noise or glare substantial enough to require mitigation. HVAC and kitchen exhaust for the café will be located on the rooftop, away from nearby residences. **(Affirmative finding)**

11. Time limits for construction;

No extended time frame for construction or phasing schedule is proposed. Therefore, the standard 2-year time limit will apply for construction of the proposed development. **(Affirmative finding)**

12. Hours of operation and construction;

Hours of operation need not be specified for the residential use. The office and deli uses are both permitted in the NMU zone and are not subject to restrictions on hours of operation.

No construction hours are noted in the application. Other projects with nearby residences have days and hours of construction limited to Monday-Friday 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. No construction on Sunday. **(Affirmative finding as conditioned)**

13. Future enlargement or alterations;

In the event of future enlargement or alteration, permits would be required and reviewed under the regulations then in effect.

14. Performance standards;

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

15. Conditions and safeguards;

See recommended conditions of approval.

(b) Major Impact Review Standards

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

A stormwater management system is proposed. Details are addressed under Sec. 5.5.3 of these findings. For the purposes of this criterion, the proposed stormwater management system will improve the quality of stormwater discharging into Englesby Brook. Presently, there is no onsite stormwater management. As proposed, runoff will be collected and retained in an underground tank for treatment prior to discharge into Englesby. A bioretention swale is also proposed along the northern length of parking. No significant air or noise pollution is anticipated. **(Affirmative finding)**

2. Have sufficient water available for its needs;

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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;

An erosion prevention and sediment control plan has been submitted. The Conservation Board has reviewed this plan, and final approval from the Stormwater Administrator is pending.

(Affirmative finding as conditioned)

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.

6. Not cause an unreasonable burden on the city's ability to provide educational services;

At 9 new units, the residential component of the proposed development is fairly modest. No significant impacts on the city's educational services are expected. Impact fees will be paid to help offset what impacts there are. **(Affirmative finding as conditioned)**

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 may be mitigated by payment of impact fees. **(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;*
See Sec. 6.2.2.

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 brings about greater intensity and diversity of development consistent with the rezoning of this area to NMU. The project is not expected to have an undue adverse effect on the city's present or future growth patterns or on its public services and facilities.

(Affirmative finding)

10. *Be in substantial conformance with the city's municipal development plan;*

The application demonstrates substantial compliance with the MDP, as per the following:

The project will result in additional mixed use development (pg. I-2, Land Use Policies) within the Neighborhood Mixed Use zone.

The proposed development lies within the radius of the neighborhood activity center anchored at the Flynn Avenue/Shelburne Street intersection (pg. I-29, Future Land Use Map - Centers for Growth and Development).

The development will implement measures to improve the quality and quantity of stormwater runoff leaving the site and entering Englesby Brook (pg. II-12, Natural Environment Action Plan).

The proposed commercial space is small in scale, consistent with that typically found in neighborhood mixed use areas (pg. VI-2, City Policies).

The project will comply with the city's current energy efficiency standards (pg. VIII-1, City Policies). **(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 bring additional housing to the city and will diversify the housing stock in the neighborhood. No undue adverse impacts on the city's present or projected housing needs are anticipated. **(Affirmative finding)**

12. *Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Minimal anticipated impacts on the city's park and recreation needs are anticipated. Payment of impact fees will help offset what impacts there are. **(Affirmative finding as conditioned)**

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(2) Neighborhood Mixed Use (NMU)

The Neighborhood Mixed Use District is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city's older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods. The proposed commercial uses are small in scale and are consistent with the purpose of the district. The location of the proposed development is well within walking or biking distance of residential areas and other employers. **(Affirmative finding)**

(b) Dimensional Standards & Density

FAR in the NMU zone is limited to 2.0. The subject property is 26,424 sf (with 16,420 sf in the NMU zone). Gross square footage is 19,180 sf or 1.2 FAR relative to the NMU portion of the property.

Maximum permissible lot coverage is 80% in the NMU zone and 35% in the RL zone. The site plan notes that coverage in the NMU portion will be 86.4% and will be 30.4% in the RL portion. Existing coverage in the NMU portion is nonconforming at 91%. The reduction to 86.4% is acceptable.

The subject property is a corner lot, and therefore, contains two front yards and two side yards. There is no rear yard for the purposes of setback requirements.

A 15' setback is required along NMU property lines that abut a residential district. The proposed building observes this setback. This particular section of the NMU zone requires a 10' minimum front yard setback from the street curb (Table 4.4.2-1 footnote 7). The proposed structure complies with this setback.

Lastly, the front yard setback in the RL portion of the property is based on the average setback of neighboring buildings, +/- 5'. In this case, there is only one neighboring building in the RL zone – Champlain Elementary School. The school is set back far from the road and would result in an impossible setback for the RL portion of the property. As proposed, the reconstructed parking lot would remain nonconforming relative to the front yard setback, but the degree of nonconformity would not increase.

Within the NMU zone, the maximum building height is 35', and the minimum is 20'. Buildings shall be at least 2 stories. The proposed building is 35' tall and 3 stories. **(Affirmative finding)**

(c) Permitted & Conditional Uses

Multifamily residential development is a permitted use in the NMU zone. The restaurant and office uses are also permitted. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable to the project as proposed in either NMU or RL zones.

Sec. 4.5.4, Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

(4) Requirements

The proposed development lies partially within the 100' buffer zone along Englesby Brook. The emphasis of this subsection is on protection of riparian corridors and on stormwater management.

The proposed development, including its stormwater management system, is subject to review and approval by the Conservation Board and the Stormwater Administrator. The Conservation Board has reviewed the project and recommended approval. Approval of the stormwater management system from the Stormwater Administrator is pending. **(Affirmative finding)**

(d) District Specific Regulations: Wetland Conservation Zone

(6) Criteria for Review

The property lies within 100' of wetlands included in the city's wetlands map. As a result, review under this subsection is required. The Conservation Board reviewed the project under these criteria and found no adverse impacts. No direct wetland impacts are proposed. Only work within the buffer zone is proposed. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable in the NMU zone or on a parcel of less than 2 acres in the RL zone.

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (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

A photometric plan and fixture cutsheet have been provided for outdoor lighting; however, the information is limited only to parking and circulation. The parking and circulation illumination levels are acceptable. A satisfactory cutoff LED luminaire will be used to provide the illumination. The mounting height of the pole-mounted luminaire is not noted and must be.

Presumably, building entries will be illuminated. Cutsheets for proposed entry lights must be provided. In addition, either photometric or lumens information must be provided to determine compliance of the proposed building entry fixtures.

Is any illumination of the front patio area proposed? If so, fixture and illumination level details are needed. The perspective image depicts outdoor illumination underneath the wrap-around canopy and also within the upper story terrace facing Pine Street. Fixture and illumination level details are needed. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

Presently, there is no onsite stormwater management. Runoff simply runs across the ground and into the street or into Englesby Brook. The brook is an impaired waterway as identified by VT DEC. The proposed development includes onsite stormwater management that includes retention and infiltration. Much of the stormwater will be collected and directed into an underground tank wherein settling and treatment will occur. Water will then discharge via a level spreader (as recommended by the Conservation Board) into Englesby Brook. An additional stormwater management measure, a bioretention swale, will be installed along the northern end of the parking area. This swale will collect runoff from the parking lot and will infiltrate much of it into the ground. Excess runoff will be directed into the retention tank. As noted previously, the Conservation Board reviewed this project and recommended approval. Final approval from the Stormwater Administrator is pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

Important natural features onsite include Englesby Brook and associated wetlands. In light of this waterway's impaired status, construction site erosion control measures and post-construction stormwater management are particularly important. As noted above, both have been reviewed and approved by the Conservation Board. Approval by the Stormwater Administrator is pending. **(Affirmative finding)**

(b) Topographical alterations

The site is generally flat and will remain so. Some grading work is proposed; however, it will not substantially alter the existing topography of the site. **(Affirmative finding)**

(c) Protection of important public views

There are no designated view sheds from or through the property. **(Affirmative finding)**

(d) Protection of important cultural resources

The proposed development site has no known archaeological resources. **(Affirmative finding)**

(e) Supporting the use of alternative energy

The utilization of alternative energy is not included in the project plans. With ample solar exposure, future utilization of rooftop solar is encouraged. **(Affirmative finding as conditioned)**

(f) Brownfield sites

The property is not an identified brownfield. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

The front entrance into the building is sheltered under a canopy. The center rear entry appears to be sheltered as well. Ample room remains onsite for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

Placement of the proposed building is essentially consistent with that of the existing building. The new structure will be set to the street corner while still observing the required setback from the curb. Any encroachments into the street right-of-way will require an encumbrance permit from the City Council in consultation with the Department of Public Works. The primary façade faces Pine Street and contains a well-defined central entrance and street-level shop front. The Flynn Avenue façade contains no entrance but continues with the fenestration and canopy facing Pine Street. On all sides, the ground level of the proposed building is differentiated from the upper stories, thereby improving its pedestrian interface. **(Affirmative finding)**

(i) Vehicular access

Vehicular access will continue to be provided from both Flynn Avenue and Pine Street, albeit in better defined form. **(Affirmative finding)**

(j) Pedestrian access

Steps, a walkway, and a patio area will connect the primary building entry to the public sidewalk. The public sidewalk will continue across both driveways entering the site. The site plan indicates that the public sidewalks along Pine and Flynn will be reconstructed. Any and all construction within the public right-of-way requires review and approval by the Department of Public Works. Except for the reconstructed public sidewalk, an encumbrance permit may be required. As recommended by the DAB, a walkway will link the north parking area to the patio. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

Two HC parking spaces are to be provided, and ramp access is available to the building's primary entrance. It is not noted whether any of the new dwelling units will be handicap accessible. The 2012 Vermont Access Rules require that all of the proposed dwelling units be "adaptable." It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding as conditioned)**

(l) Parking and circulation

Reconstructed surface parking is placed to the side and rear of the building. The existing streetfront pavement will be removed and replaced with the new building and associated walkways, stairs, and patio. The rear parking area in particular will be screened by the existing and proposed buildings. Parking spaces are compliant at 9' X 18' within the surface parking lot. Back up space is sufficient at ~25'. New landscaping is proposed along the periphery of the parking area, but no shading analysis has been provided. One is needed. At least 30% shading of the surface parking should be achieved. As noted below, some new maple trees will be installed, and existing evergreen trees along the eastern border of the parking area will be retained. The 8 new and retained trees along the parking area meet the minimum standard of 1 shade tree per 5 parking spaces (24 spaces); however, additional trees may well be needed in order to achieve 30% shading. **(Affirmative finding as conditioned)**

(m) Landscaping and fences

The project plans include a proposed landscaping scheme. As noted above, revisions are likely needed in order to achieve the necessary parking lot shading. A couple of new maple trees are proposed in the green belt along Pine Street. These trees will be subject to review and approval by

the City Arborist. Another maple tree is to be located around the corner along Flynn Avenue (but not within the green belt). Revised plans depict two additional maple trees at the driveway onto Pine Street as recommended by the DAB. Other landscaping consists of ornamental grasses concentrated in garden beds in front of the existing and proposed buildings. Previously proposed trees along the northern end of the parking area have been deleted in favor of the bioretention swale and related plantings (mostly in the form of wet-tolerant shrubs). **(Affirmative finding as conditioned)**

(n) Public plazas and open space

A walkway and patio area will be installed between the new building and the public sidewalk along Pine Street. This area will benefit from ample western exposure and appears as though it will contain seating for the onsite deli. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

All utility lines must be buried. No ground-mounted mechanical equipment is included in the proposal. A trash and recycling enclosure will be provided at the northeast corner of the parking area. The enclosure will be 8' tall with cedar siding and front gates. It will be set on a concrete pad. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The 19,180 sf building is rectangular in shape and includes 100' of frontage along Pine Street and almost 40' of frontage along Flynn Avenue. Although larger than the building it will replace, the massing, height, and scale of the proposed structure are well within the range established by existing buildings in this NMU district. The proposed building exemplifies the cubist theme so popular for new construction in Burlington. In an effort to maintain a relationship to the human scale (as required by this criterion), the ground level is differentiated from the upper stories and contains shop front fenestration and a wrap-around canopy separating it from the upper stories. Fenestration, architectural details, and building recesses and projections are successfully employed and preclude any blank facades. **(Affirmative finding)**

2. Roofs and Rooflines

The proposed building will have a flat roof. While uncommon in this neighborhood, it is not without precedent. The proposed flat roof works well with the intended form and function of the building. **(Affirmative finding)**

3. Building Openings

The proposed building exhibits two fenestration patterns, both of which are consistent with the overall appearance of the building. The ground level fenestration presents as that of a shop front while the upper stories incorporate a fenestration pattern more consistent with an apartment building. Fenestration throughout is appropriately scaled and suited to its intended purpose. **(Affirmative finding)**

(b) Protection of important architectural resources

The existing building is not historic, nor is it eligible for listing on an historic register. Its demolition will have no adverse impact on Burlington's architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The primary façade will provide an active and inviting street edge. The proposed store front fenestration provides ample visual access into the building. The primary entrance is well defined and enhanced with an associated walkway and patio area. The projecting canopy shelters the front entrance and also divides the ground level from the upper stories. **(Affirmative finding)**

(e) Quality of materials

Exterior building materials will consist primarily of metal and brick. Two types of metal siding are proposed. As recommended by the DAB, a materials detail sheet has been provided for the two types of metal siding – one flat and one ribbed surface. Roofing materials are not noted but will presumably be some sort of membrane. Window and railing materials are not noted and must be. The wrap-around canopy will be clad in extruded metal. **(Affirmative finding as conditioned)**

(f) Reduce energy utilization

The building will be required to comply with current state and city energy efficiency standards. The multi-unit, mixed use structure will be inherently more energy efficient than multiple detached structures. **(Affirmative finding)**

(g) Make advertising features complimentary to the site

Potential signage is depicted on the wrap-around canopy. The canopy will double as a sign band. The signs depicted thereon are conceptually acceptable. All outdoor signage; however, is subject to a separate zoning permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

As recommended by the DAB, revised plans include rooftop mechanicals. The elevation plans depict the building with, and without, rooftop screening. Screening of the rooftop mechanicals is required. The screen is appropriately designed to tie into the overall building aesthetic. Screening materials are not noted and must be. Utility meters and boiler vents are appropriately located on secondary building elevations. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

Building entries appear to be illuminated, but details are needed as noted above. An intercom system for residents is encouraged. Adherence to applicable building codes will be required. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The proposed mixed-use building is located in the Shared Use parking district. The 12 residential units (3 existing and 9 new) require 12 parking spaces (1 space per dwelling unit). The 1,100 sf office space requires 2 parking spaces. The 2,315 sf deli (restaurant) space requires 7 parking spaces. In all, 21 parking spaces are required. As proposed, 24 parking spaces will be provided. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

The proposed 9 new residential units will require 2 long term bicycle parking spaces and 2 short term bicycle parking spaces. The 1,100 sf office space is too small to require bike parking. The deli (restaurant) requires 0 long term spaces and just 2 short term spaces. Revised project plans note where bike parking spaces are to be located – outside but covered by the front entrance and inside within the lobby – but details are lacking. The 7 inside spaces are enough for the long term bike parking requirement; however, no details are indicated as to what the inside spaces are or whether they include provision for locking bikes. The capacity of the outside bike parking location is not indicated, nor is there any indication as to what the outside bike parking facility actually is. **(No finding possible)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As 9 new residential units are proposed, inclusionary units must be provided. The standard requirement is 15% inclusionary – in this case 1 unit. No information has been provided as to whether the proposal includes 1 inclusionary unit or which one it will be. Details as to the 1 required inclusionary unit are needed and shall be subject to review and approval of the city's Housing Trust Fund Manager. **(No finding possible)**

Article 11: Planned Unit Development

As 5 or more residential units are proposed in a single structure, the project qualifies as a minor PUD under Sec. 11.1.3, *Major and Minor Planned Unit Development* and is, therefore, not subject to review under Article 11. However, as previously noted, the number of units proposed requires major impact review under Article 3. **(Affirmative finding)**

II. Conditions of Approval

In the event that traffic, bike parking, and inclusionary housing is resolved prior to close of the public hearing, the following conditions of approval are recommended.

1. **Prior to release of the zoning permit**, the applicant shall obtain written confirmation of adequate wastewater capacity from the Department of Public Works.
2. **Prior to release of the zoning permit**, revised project plans depicting the following shall be submitted, subject to staff review and approval:
 - a. Outdoor lighting details including the mounting heights of the pole-mounted parking and circulation lights, building entry light fixture cutsheets and illumination levels, and patio light fixture cutsheets and illumination levels;
 - b. A parking lot shading analysis depicting at least 30% shading; and,
 - c. Roofing, window, railing, and rooftop mechanical screening materials (screening of the rooftop mechanicals is required).
3. **Prior to release of the zoning permit**, the proposed street trees shall receive the written approval of the City Arborist.

4. **Prior to the release of the zoning permit**, the applicant shall obtain the written approval of the Stormwater Management Plan from the Stormwater Administrator.
5. **Prior to release of the zoning permit**, the applicant shall obtain written approval of the Erosion Prevention and Sediment Control (EPSC) Plan from the Stormwater Administrator.
6. Any and all construction with the public right-of-way (ROW) is subject to review and approval by the Department of Public Works. This includes, but is not limited to, the reconstructed public sidewalk. Any and all private construction within the public ROW requires an encumbrance permit issued from the City Council in consultation with the Department of Public Works.
7. **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.
8. **At least 7 days prior to issuance of a certificate of occupancy**, impact fees calculated on the net new square footage of the development shall be paid to the Department of Planning & Zoning. Impact fees may be adjusted for the required inclusionary housing.
9. Days and hours of construction shall be Monday-Friday 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. No construction on Sunday.
10. A State Wastewater Permit is required. It is the obligation of the owner/applicant to seek this and any other required additional permits.
11. The proposed structure shall comply with Burlington's current energy efficiency standards and with Burlington's current egress and ADA requirements as established by Burlington Electric Department and Burlington Public Works, respectively.
12. All exterior signs are subject to a separate zoning permit.
13. Provision of an intercom system for use by tenants and guests is encouraged.
14. The applicant is encouraged to install rooftop solar photovoltaics if feasible.
15. Standard Permit Conditions 1-15.