

Department of Planning and Zoning

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MEMORANDUM

To: Development Review Board

From: Mary O'Neil, AICP, Principal Planner

Date: October 4, 2016

RE: ZP17-0261SP, 3-11 George St; 13 and 19 George Street, 64 and 70 Pearl Street

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: ZP17-0261SP

Location: 3-11 George Street, 13 & 19 George Street, 64 and 70 Pearl Street

Zone: DT / RH **Ward:** 3C

Date application accepted: August 29, 2016

Applicant/ Owner: 64 Pearl Street LLC / Rick Bove

Request: Demolish 64 Pearl Street and build 39-unit apartment building with 1 commercial space on 64 and 70 Pearl Street; provide 60 space underground parking. Demolish 13 and 19 George Street, combine lots and build 17-unit apartment building in RH. Renovate 3-11 George Street.

Background:

3-11 George Street

- ZP13-0707CA/MA; demolish existing structures on George Street, construct new residential building above and behind existing historic structure on Pearl Street corner for a total of 23 residential units and 1 commercial unit. Denied, October 13, 2013. Appealed to VSCED, appealed to Vermont Supreme Court, notice of dismissal December 2015.
- ZP09-542SN; replacement parallel sign for Diversity Salon. February 2009.
- NA09-195 NA; Non-applicability of Zoning Permit Requirements; accessory retail use to existing hair salon, less than 25% of gross area. September 2008.
- ZP02-070; final plat approval to demolish two mixed-use structures, replacing with one mixed-use building (34 units and commercial.) Proposal includes renovations to 3 George Street and the reconfiguration of the public parking lot. CO issued November 26, 2004.
- ZP03-035; change existing window to double door. July 2002.

13-15 George Street

- ZP13-0713CA; demolish existing structures, construct new residential building (in association with ZP13-0707 CA/MA at 3-11 George Street for a total of 26 residential

units and one commercial unit. Denied, October 15, 2013. Appealed to VSCED, appealed to Vermont Supreme Court, notice of dismissal December 2015.

- ZP12-0893CA; replace area at rear of building due to fire damage; remove door and staircase, replace windows with clad wood windows. Replace aluminum siding at rear with vinyl. No change in use. April 2012.

19 George Street

- No zoning permits on file.

64 (68) Pearl Street

- ZP02-070 / S01-027; Final plat approval to demolish two mixed use structures, replacing with one mixed-use building (34 units and commercial). Proposal includes renovations to 3 George Street and the configuration of the public parking lot. Approved August 7, 2001.
- CU 2002-011; conditional use for construction of a mixed use four story, 45' high mixed use building in Accordance with Article 17. See above.
- ZPCU-2003-001; change of use, portion of first floor, establish credit union, video rental, retail and tanning salon & laundromat. Approved August 2, 2002.
- ZP01-411 / S01-027; preliminary plat to demolish two mixed use structures, replacing with one mixed use building (34 units and commercial). Proposal includes renovations to 3 George Street and the reconfiguration of the public parking lot. May 2001.
- ZP12-0297CA; add vestibule with window and exterior door to side entry. Proposed vestibule on existing pavement, no change to coverage. September 2011.
- ZP96-085; remove existing door to ATM area and replace with a 32" out-swining door. The existing carara glass will not be altered, removed or covered by this change. August 1995.
- ZP96-067; installation of three parallel signs for the ATM in Bove's. August 1995.

70 Pearl Street

- There are no permits on file for the public parking lot.

Overview:

This Sketch Plan Review focuses on the proposed demolition of the former Bove's Restaurant at 64 (68) Pearl Street, and includes the construction of a new mixed-use building with 39 units and one commercial unit on the first floor; all in the D-T zoning district. Development is proposed to occur on the adjoining 70 Pearl Street, a public parking lot. The surface parking lot will remain. Additionally, the project includes demolition of 13 and 19 George Street in the RH zoning district, replacing those structures with a single 17-unit residential building.

Retention and rehabilitation of the General George Stannard House (3-11 George Street) is included in the plan.

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

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.5 Calculation of Impact Fees

Impacts fees are calculated on the total gross square footage of the principal use of a building, including accessory uses. In the even there is more than one principal use within a building, impact fees will be calculated separately for each principal use and associated accessory uses, with common space computed on a pro-rata basis.

The applicant will be required to provide total gross square footage calculations for each of the new uses on each parcel; credit will be given for existing area.

Section 3.3.3 Exemptions and 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 applicants assert that housing is likely to be aimed at low to middle income housing market. They are encouraged to work with the Housing Trust Fund Manager to identify any applicable waiver of Impact Fees, as noted.

Part 5: Conditional Use and Major Impact Review

Section 3.5.6 Review Criteria

(a) Conditional Use Review Standards (as adopted by City Council 8.10.2015)

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

- 1. Existing or planned public utilities, facilities, or services are capable of supporting the proposed use in addition to the existing uses in the area.*

The proposed project will make a considerable demand on water and sewer capacity; however previous review provided evidence of adequate reserve capacity for that plan.

The applicant will be required to secure confirmation from the Department of Public Works that there is sufficient water and wastewater capacity to accommodate the current proposal.

- 2. The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development Plan;*

The project area is divided; Pearl Street is more highly developed, intensive use and larger buildings associated with Downtown; George Street is lined with substantially smaller residential structures, many of them historic. Plans define an effort to transition from the more intense, larger buildings to something moderately smaller on George Street.

- 3. The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed use(s) will not diverge from existing conditions along Pearl Street: There exists already a large mixed use building (Victoria Place.) It may be anticipated that the proposed replacement building at 64/70 Pearl Street will have similar impacts. 3-11 George Street is proposed to be rehabilitated, retaining the same number of units. The proposed single residential building with 17 new residential units will increase the intensity that currently exists on site, but is consistent with the High Density Residential zoning district, and the Municipal Development Plan:

- *Retain its moderate scale and urban form in its most densely developed areas, while creating opportunities for increased densities.* [MDP, Built Environment, Page III-1.]
- *Encourage new land uses and housing designs that serve changing demographics and benefit from new technologies where appropriate.* [MDP, Built Environment, Page III-1]
- *Retain and enhance Burlington's historic buildings and architectural features* Built environment, Page III-1.]
- *Encourage a healthier regional balance of affordable housing in each community, proximate to jobs and affording mobility and choice to low income residents.* [MDP, Housing Plan, Page IX-1.]
- *Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses.* [MDP, Housing Plan, Page IX-1.]

However, there is conflict in other areas:

- *Conserve the existing elements and design characteristic of its neighborhoods, and maintain neighborhood proportions of scale and mass.* (MDP, Built Environment, Page III-1., Historic Preservation, Page IV-1.)
- *The City will continue to protect historic sites and structures from unnecessary demolition or changes incompatible with their historic significance.* (Historic Preservation, Page IV-5.)

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation, safety for all modes; and adequate transportation demand management strategies;*

The project area is within the developed Downtown; connected by major arterials and the public sidewalk network. The new Downtown Transit Center is proposed to open in mid October 2016, connecting residents to areas within their wide network.

and

5. *The utilization of renewable energy resources;*

Plans are not so far advanced so as to understand the proposed utilization of alternative energy resources.

and

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances.* The plans chafe at some points with the Municipal Development Plan (see above.)

(b) Major Impact Review Standards:

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

A stormwater management plan will need to be submitted and reviewed by the Conservation Board. Depending upon parking arrangement and design and any site screening, the plan may not be expected to generate any water, air or noise pollution.

2. *Have sufficient water available for its needs;*

A letter confirming adequate capacity from the Department of Public Works will be required. Under previous review, confirmation was provided.

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

See above.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

These standards are reviewed under Section 5.5.3.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

A traffic analysis will be required to determine impacts of the proposed development. The new residential units and limited commercial use are not likely to overburden existing transportation substructure, as the project is centrally located in the downtown where street and sidewalk infrastructure is strong and an array of transportation alternatives exist.

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

As submitted, the overall development will produce 38 1-bedroom units and 18 2-bedroom units (total of 39 units, 54 bedrooms overall.) There is no estimate for the likely number of resident children within the project; however, residential Impact Fees will address any new demand.

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*

The greater intensity of use will likely generate new demand for municipal services, but they may be expected to be modest and off set by the payment of Impact Fees.

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

The collected properties have no identified significant natural areas or those noted for natural beauty. 64 Pearl Street (the former Bove's Restaurant, now vacant) is listed on the Vermont State Register of Historic Resources, large due to the exterior finishes and materials associated with Modernism. (See attached Registration sheets) 13 and 19 George Street are not listed as historic, however their age and characteristics may render them eligible for historic designation, similarly to be addressed under Section 5.4.8. Certainly their style, scale, proportion, and association are closely linked with

the residential nature of George Street. The demolition of all three will have an adverse effect on historic sites. There are no known archaeological sites within the project area.

The proposed rehabilitation at 3-11 George Street is proposed to help offset these losses; this was similarly proposed under the development of Victoria Place in 2001. (DRB #CU 2002-011 / S01-027, 64-90 Pearl and 3 George Street). Unfortunately, that property has not achieved or maintained a level of renewal since that project and remains in needlessly unfortunate condition.

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 project will not hinder the city's present or future growth; however, the plan furthers the advancement of larger scale buildings into a corridor of more modest residential structures along George Street. This precipitates an extension of downtown-scale buildings within a historic streetscape that retains a 19th century residential scale archetype.

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

See (a) 2., above.

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 overall project projects to substantially increase the amount of downtown housing, particularly affordable units, in a transit rich area.

and/or

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

Any impact to project park and recreation needs should be satisfied with the payment of Impact Fees.

(c) Conditions of Approval

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. *Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area;*



View from Pearl Street northeast toward George Street.
Monroe Street is at top.

The proposed new building at 64/70 Pearl Street will immediately abut the residential structures and yards along Monroe Street. The stark contrast in scale and intensity may have implications for lighting, shadow cast, and potentially noise and headlight glare (depending upon parking design and layout.) The applicant is challenged with maintaining the character of the surrounding area, when properties north of all sites are distinctly smaller in scale on residential lots.

2. *Time limits for construction.*

Unless phasing is recommended, the zoning permit will be valid for 2 years from the date of approval.

3. *Hours of operation and/or construction to reduce the impact on surrounding properties.*



View southwest; Monroe St. at bottom right, George Street at left, Pearl Street at top.

There are no limited hours for residential use. The proposed new commercial use at 64/70 Pearl is likely to be consistent with existing commercial uses immediately adjacent, and is proposed as a replacement for a previous restaurant use. The rehabilitated 3-11 George Street is suggested as a tavern; this is not a permitted use in the D-T zoning district. When use is identified in this corner building, review of proposed hours of operation may be warranted.

4. *That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions,*

As required under regulations in effect at that time.

and

5. *Such additional reasonable performance standards, conditions and safeguards as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*
This is at the discretion of the DRB.

Article 4: Zoning Maps and Districts

Section 4.4.1 Downtown Mixed Use Districts

(a) Purpose

(2) Downtown Transition (DT)

A. DT North

The development at 64/70 Pearl Street and 3-11 George Street is within the DT zoning district. It is intended to provide a balance and continuity in the character and scale of development on both sides of Pearl Street, creating a gateway into the urban core of Burlington, and a transition between the Downtown and the nearby residential district (where the companion development is proposed.)

(b) Dimensional Standard and Density

This district has an FAR of 4 and building height limitation of 45', with a potential height and corresponding FAR bonus for Inclusionary Housing. See 4.4.1 (d) 7., below.

The minimum requirement for 3 stories and 30' height is accomplished in this plan. The extra IZ units (20%) will allow an additional 10' in building height, which is reflected in the proposal.

100% coverage is allowed in this zoning district. Buildings are required to be setback 12' from the curb, with a 15' zoning district setback from the RH zone. Building "B" apartments (Pearl Street Lofts) meets the required setback from the RH zoning district per the submitted plan, with an FAR of 2.17 and lot coverage at 88%.

A height of 55' is acceptable with IZ bonus provision (45' + 10').

It is not clear if 70 Pearl Street is being identified as a separate lot, and how the hashed setback lines for that lot have been determined. The applicant will need to define ownership, easement, or any special provisions that allow development on that lot. Previous permitting described this lot as a public parking lot, not owned by the applicant.

3-11 George Street is existing non-conforming to setbacks. Any alteration or construction may continue the existing degree of non-conformity, but may not exceed it. Further project plans will be necessary to review.

(c) Permitted and Conditional Uses

Attached dwellings (3 or more units) and Mixed Use are permitted uses in the DT zoning district. A bar/tavern is **NOT** a permitted use. Conditional Use review applies as the project is Major Impact; both are incorporated within this review.

Insufficient information has been submitted relative to alterations and new construction proposed for 3-11 George Street (General Stannard House) to apply review requirements under the following sections. Substantial rehabilitation of the 6 units will spur Inclusionary Housing requirements; see Section 9.1.5, below.

(d) District Specific Regulations

1. Use Restrictions

The following restrictions regarding the location and overall percentage of residential and nonresidential uses within the Downtown Mixed Use districts shall be as follows:

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.
Not applicable.*
- ii) *any structure fronting on Pearl, So. Winooski and Main streets in the Downtown Transition (DT) district.*

The ground floor of the replacement building at 64/70 Pearl Street is proposed to be a single commercial space. No residential uses are proposed on the ground floor.

- iii) *any structure fronting on Battery Street in the Battery Street Transition (BST) district.
Not applicable.*

Historic buildings originally designed and constructed for residential use shall be exempt from these use restrictions.

Although not proposed, 3-11 George Street was originally a dwelling and may fully return to that use if desired.

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 either doors or windows, a setback of 10-feet shall be required for any new development up to the height of the abutting building.

Apartment building B at 64 Pearl Street has a proposed setback of 7' 10 ½ "at the front and 5'+ at the rear from the westerly property line. The adjacent building to the west is not within 5 feet of the common property line. On the easterly side of that building, it does not sit immediately on the property line (which abuts the access to the parking area at 70 Pearl St.) There is no adjacent building.

The rear setback for the apartment building is 17' to almost 19' from the northerly Monroe Street property, meeting the required 15' setback from a residential zoning district. Similarly, a minimum 15' structural setback is identified on the westerly side of the rear lot at 64/70 Pearl Street.

The existing 3-11 George Street is non-conforming to setbacks. Any "sensitive rebuilding" of rear additions may continue but not exceed the degree of any existing non-conformity per Section 5.3.5.

4. Building Height Setbacks

A. Principal View Corridors:

Pearl Street is a principal view corridor. New construction above 45’ needs to be stepped back from the front property line a distance equal to ¼ the width of the Pearl Street right-of-way (ROW width is 66’.) The required front setback above 45’ is 16.5’. There is a rooftop balcony on the 5th floor which suggests compliance with the required setback. This will need to be confirmed with final project plans.

B. Church Street Buildings

Not applicable.

5. Lake Champlain Waterfront Setback

Not applicable.

6. Residential District Setback

Structures shall be setback a minimum of 15-feet from any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by downtown and residential zones are exempt from this district boundary setback. (Exceptions to yard setback requirements can be found in (Sec. 5.2.5 (b))

Where a structure, legally existing before 1 January 2011, already encroaches into the required residential district setback for the Residential High-Density District (RH), the DRB may permit, subject to design review, additions to the pre-existing encroaching structure provided:

- *the addition does not project farther into the residential district setback towards the RH district boundary than the pre-existing encroachment. In no event shall the encroachment of the addition be less than 5 feet from the boundary line; and,*
- *the height of any addition does not exceed the height of the pre-existing encroachment or 35-feet whichever is less.*

This standard relates to pre-existing encroachment for an existing structure, and does not apply here. The required 15’ zoning district setback is observed.

7. Development Bonuses/Additional Allowances

Development bonuses are available for this project; the applicant intends to secure height and FAR bonuses relative to **A. Inclusionary Housing**. The applicant will need to define the percentage and number of units dedicated to inclusionary housing to determine the appropriateness of the bonus as it relates to height and FAR.

A. Inclusionary Housing:

Inclusionary housing units shall be provided, with applicable additional coverage and density exceptions, in accordance with the provisions of Article 9, Part 1. An additional allowance in all Downtown Mixed Use districts may be permitted at the discretion of the DRB for the provision of additional onsite inclusionary housing units.

An additional 10-feet of building height, and corresponding FAR, may be permitted for each additional 5% inclusionary housing units provided in excess of the requirements of Article 9, Part 1 up to a maximum of an additional 20-feet. The total gross floor area dedicated to the

additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.

The submission reflects the additional 10' height (and FAR) that would reflect utilization of this bonus. Confirmation of the number and percentage of inclusionary units is necessary to confirm appropriate exercise of this provision.

B. Senior Housing

There is nothing within the submission to suggest the utilization of this bonus.

C. Public Parking

A bonus in excess of the base height and FAR allowance in all Downtown Mixed Use districts may be permitted at the discretion of the DRB for the provision of public parking as follows...

The status, ownership, or provisional use of the parking lot at 70 Pearl Street is not clear. If the City owns the parking area, it will need to be a co-applicant for this project proposal. If there are ground easements or other instruments relative to its use, their history and pertinence need to be shared as part of the development review.

The applicant has not suggested utilization of this bonus. Although there are existing surface parking spaces on site and the application proposes to maintain and expand that use, the continuing offer of public parking spaces will need to be examined.

D. Job Attraction and Expansion Bonus

There is nothing within the submission to suggest the utilization of this bonus.

E. Green Buildings:

This bonus provision expired on January 7, 2013.

F. Public Art

There is nothing within the submission to suggest the utilization of this bonus.

G. Incorporation of Public Amenities

There is nothing within the submission to suggest the utilization of this bonus.

H. Maximum Bonus:

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum FAR and maximum building height permitted in any district as defined below:

Table 4.4.1-2: Maximum FAR and Building Heights with Bonuses

	Maximum FAR	Maximum Height
Downtown – Transition:		
A. D-T North of Buell	5.0 FAR	55 feet

The proposal for Apartment building B is FAR 2.17, maximum height 55'. See above.

Section 4.4.5 Residential Districts

(a) Purpose

5. Residential High Density (RH)

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures.

Apartment building “A” on 13-19 George Street (George Street Lofts) proposes a new residential building with 17 units; a height of 45’ with lot coverage at 81% and parking behind the building. Exercise of the Inclusionary Housing Bonus will allow consideration of the additional height and density, up to 46 units/acre. Development is substantially more intense than at present, where the two residential buildings contain 6 units.

The proposal meets the articulated purpose and intent of the RH zoning district.

(b) Dimensional Standards and Density

Base residential density in the RH zone is 40 units/acre, without bonuses or Inclusionary Zoning allowances.

Table 4.4.5-3 Residential District Dimensional Standards

		Setbacks ^{1, 3, 4, 5, 6}				
Zoning District	Maximum Lot Coverage ¹	Front setback ²	Side Setback ³	Rear Setback	Waterfront	Maximum Height

¹ An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.

² Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.

³ In no event shall the side yard setback be required to exceed 20 feet, or the rear yard setback be required to exceed 75 feet.

4. Additional setbacks from the lakeshore...

5. The side yard setback shall be calculated based on the four adjacent properties (2 on each side of the subject property.) The right side yard setback is the average of the right side yard setback of the principal structures on these four properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Section 5.2.5.

6. Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.

RH	80%	Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20-feet	Min: 25% of lot depth but in no event less than 20' Max required: 75-feet	NA	35-feet
13-19 George Street	81% Greater than limitation, but may go up to to a maximum of 92% with IZ bonuses.	A setback line is illustrated on plan, but it is not accompanied by the method (or average of adjacent setbacks) to determine that distance.	10' 2 1/4" illustrated on the north; 29'8" on the south. (meets 10% of combined lot width of 100')	Lot depth 138' = req'd setback of 34.5'. 44+' illustrated. Setback jogs to reflect shallower lot depth on the south. No measurement provided.	N/A	45' proposed, intent to utilize 10' height bonus relative to IZ units.

The combined lot areas of 13-15 and 19 George Street (5176 + 6759) = 11,935 sf. / 43,560 = .2739 A. 17 units (proposed) / .2739A = **62 units per acre > base density of 40 units per acre and 46 units per acre with IZ bonus** in the RH zoning district. A development bonus for Inclusionary Housing will greater intensity, however IZ bonus caps at 46 dwelling units/acre. See Section (D), below.

(c) Permitted and Conditional Uses

Attached dwelling / multi family 3 or more is a permitted use in the RH zoning district. See Appendix A. As a Major Impact application, the project is subject to conditional use review in the RH zoning district.

(d) District Specific Regulations

1. *Setbacks*
See Table 4.4.5-3, above.
2. *Height*
See Table 4.4.5-3, above.
3. *Lot Coverage*
See Table 4.4.5-3, above.
4. *Accessory Residential Structures and Uses*
Not applicable.
5. *Residential Density*

C. Residential Occupancy Limits

In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13. New units will be bound by the Functional

Family provisions of the ordinance. Not more than four unrelated adults may occupy any unit.

6. *Uses*

Attached dwelling, multi-unit more than 3 is a permitted use in the RH zoning district.

7. *Residential Development Bonuses*

A. *Inclusionary Housing Requirement*

*Inclusionary Housing units shall be provided, with applicable additional lot coverage and density allowances, in accordance with the provisions of Article 9, Part 1. A maximum of an additional **10-feet of building height** may be permitted for an additional 5% inclusionary housing units provided in excess of the requirements of Article 9, Part 1. The total gross floor area dedicated to the additional inclusionary housing shall be equivalent to the gross floor area resulting from the additional allowance.*

Additional lot coverage and residential densities allowances shall not exceed the following:

Table 4.4.5-4: *Inclusionary Housing Allowances*

District	Maximum Coverage	Maximum Density
RH	92%	46 du/ac

While exercising the IZ bonus would permit the additional lot coverage proposed (81%), it would not cover the intensity of use. (62 units/acre proposed; cap here at 46 units.) It is unclear if other bonus provisions will be sought.

B. *Senior Housing Bonus*

Residential development in excess of the density, lot coverage and building height limits specified in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB for senior housing provided the following conditions are met:

- (i) *No less than twenty-five (25) per cent of the total number of units shall be reserved for low-moderate income households as defined by state or federal guidelines, including no less than ten (10) per cent reserved for low-income households. (Projects taking advantage of this bonus are exempt from the Inclusionary Zoning requirements of Article 9, Part 1.);*
- (ii) *The proposal shall be subject to the design review provisions of Art. 6;*
- (iii) *A maximum of an additional 10-feet of building height may be permitted in the RH District; and,*

(iv) *Lot coverage and residential densities shall not exceed the following:*

Table 4.4.5-5: Senior Housing Bonus

District	Maximum Coverage	Maximum Density
RH	80%	80 du/ac

The submitted narrative does not define the intent to provide Senior Housing or to exercise this bonus. It would allow greater intensity of use, but as articulated the proposal exceeds maximum density allowances.

C. *Adaptive Reuse Bonus*

Not applicable.

D. *Residential Conversion Bonus*

Not applicable.

E. *Limitation on Residential Development Bonuses*

*For projects where the conditions of **more than one applicable bonus** listed above are met, the applicant may use the **most permissive exemption** to the underlying lot coverage or residential densities applicable, but applicable bonus provisions shall not be cumulative.*

In no case shall any development bonuses and allowances granted, either individually or in combination, enable a building to exceed the maximum density, lot coverage and building height permitted in any district as defined below:

Table 4.4.5-8: Maximum Density, Lot Coverage and Building Heights with Bonuses

District	Maximum Density	Maximum Height	Maximum Lot Coverage
RH	80 du/ac	45-feet (68-ft in RH Overlay)	92%

If the project intends to utilize more than one bonus provision (IZ and Senior?) the project as proposed will be compliant with coverage (92% in IZ bonus table 4.4.5-4, 81% proposed) and density (80 units/acre from Senior Housing Table 4.4.5-5; 62 units proposed.) If only the IZ bonus is sought, density is greater than allowable.

The development area is not within the RH Density Bonus overlay.

Article 5: Citywide General Regulations

Section 5.1.1 Uses

(e) *Uses not permitted*

The application suggests a change-of-use for 3-11 George Street from a Hair Salon to a Tavern. Bar/Tavern is **not** a permitted use in the D-T zoning district.

Section 5.2.1. Existing Small Lots

Not applicable.

Section 5.2.2. Required Frontage or Access

All lots front on a public street.

Section 5.2.3 Lot Coverage Requirements

See Section 4.4.1 (b) and Table 4.4.5-3, above.

Section 5.2.4 Buildable Area Calculation

The project is not within the RCO, WRM, RM, WRL, or RL zoning district.

Section 5.2.5 Setbacks

See Section 4.4.1 (b) and Table 4.4.5-3, above.

(c) Exceptions to Yard Setback Requirements

1. *Abutting Building with Doors or Windows Where the façade of an existing adjacent principal building is within 5 feet of a common property line and has either doors or windows, a setback of 10 feet shall be required for any new development up to the height of the abutting building in any district where no setback is required.*

The adjacent building at 58 Pearl Street is more than 5’ from the common property line.

6. *Shared Driveways. Common or shared driveways and walkways along shared property lines and associated parking areas do not have to meet setback requirements along the shared property line.*

The access driveway to underground parking between 3-11 George Street and 13-19 George Street is a shared use drive, and therefore may encroach into the required setback.

The plan intends to utilize the access to the public parking area at 70 Pearl Street for new development at 64 Pearl. Confirmation of ownership or rights to that surface parking area, and enduring agreements to do so will be required.

Section 5.2.6 Building Height Limits

See Section 4.4.1 (b) and Table 4.4.5-3, above.

Section 5.2.7 Density and Intensity of Development Calculations

(a) Dwelling units per Acre.

The application’s proposal for 17 dwelling units at 13-19 George Street exceeds the base zoning district limitations. Additional bonuses relative to extra IZ units under Article 9 may apply.

Part 3: Non-Conformities

Any non-conformity currently existing at 3-11 George Street may be continued up to the degree as it currently exists. As no specific plans have been submitted relative to alterations/new construction on that parcel, further guidance cannot be offered.

The existing beauty salon is a conforming use. The proposed Tavern is NOT a permitted use in the D-T zoning district.

Section 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

64 Pearl Street (the former Bove's Restaurant) is listed on the Vermont State Register of Historic Resources, as is 3-11 George Street., the General Stannard House. 13-15 and 19 George Street are not listed on the state or National Register of Historic Places, but may be eligible for historic designation. If determined to be eligible, they would be subject to these standards.

(b) Standards and Guidelines:

- 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.*



Current photo, 3-11 George Street



From Worley & Bracher, *Map of Burlington*,
1869. Residence of C.P. Button, Esq.
(3-11 George Street)

3-11 George Street was constructed as a residential building; a use which had endured. A first floor commercial use has been introduced, which is proposed to remain commercial. As suggested, however, a tavern is not a permitted use in this zoning district.

13-15 and 19 George Street are proposed for demolition. See Section 5.4.8 (d), below.

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.

Until more detailed plans are submitted to define the proposed alterations to 3-11 George Street, specific review cannot be offered.

The demolition of 13-15 and 19 George Street will diminish the smaller scale residential character associated with George Street, and remove those buildings associated with the characteristic 19th century dwelling units.

The loss of 64 Pearl Street (Bove's) will eliminate a key example of Modernist alteration, with the black carrara marble exterior and Art Deco detailing.

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.*

Until detailed development plans for 3-11 George Street are submitted, no definitive comments can be offered for 3-11 George Street.

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The 1951 alterations to Bove's Restaurant are notable for their style and materials. See above, and attached Vermont State Register listing and information from the *Survey of Burlington Modern Architecture*.

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

See above.

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.*

The demolition of 13-15 and 19 George Street is not associated with deterioration, but development to a higher scale. See 5.4.8 (d), below. Alterations to 3-11 George Street are not yet understood.

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.*

Until detailed development plans for 3-11 George Street are submitted, no definitive comments can be offered.

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

No archaeological resources have been identified at these locations; however, given the early development along Pearl and George Street, associations with the Champlain Glassworks and associated worker housing on George, and the close proximity to the Battery (and identified military burial grounds), it would not be unlikely for excavation to yield resources. Any discovery will require notification of jurisdictional bodies to determine appropriate treatment, removal, or discharge as recommended.

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.*

Until detailed development plans for 3-11 George Street are submitted, no definitive comments can be offered.

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.*

Until detailed development plans for 3-11 George Street are submitted, no definitive comments can be offered.

The removal of 13-15 and 19 George Street and 64 Pearl Street may be considered irreversible.

(d) Demolition of Historic Buildings

64 Pearl Street (Bove's) is listed on the Vermont State Register of Historic Resources, and as is proposed for demolition, triggers these standards.

If 13-15 and 19 George Street are determined to be eligible for historic designation, these standards and submission requirements will apply as well. It is recognized that 13-15 George Street suffered damage associated with a fire; however, replacement construction was sensitive to the character of the building. That duplex commences the character of the residential street, and retains many of its original defining features.

1. Application for Demolition.

For demolition applications involving a historic building, the applicant shall submit the following materials in addition to the submission requirements specified in Art. 3:

- A. A report from a licensed engineer or architect who is experienced in rehabilitation of historic structures regarding the soundness of the structure and its suitability for rehabilitation;*
- B. A statement addressing compliance with each applicable review standard for demolition;*
- C. Where a case for economic hardship is claimed, an economic feasibility report prepared by an architect, developer, or appraiser, or other person experienced in the rehabilitation and adaptive reuse of historic structures that addresses:
 - (i) the estimated market value of the property on which the structure lies, both before and after demolition or removal; and,*
 - (ii) the feasibility of rehabilitation or reuse of the structure proposed for demolition or partial demolition;**
- D. A redevelopment plan for the site, and a statement of the effect of the proposed redevelopment on the architectural and historical qualities of other structures and the character of the neighborhood around the sites; and,*
- E. Elevations, drawings, plans, statements, and other materials which satisfy the submission requirements specified in Art. 3, for any replacement structure or structures to be erected or constructed pursuant to a development plan.*

2. Standards for Review of Demolition.

Demolition of a historic structure shall only be approved by the DRB pursuant to the provisions of Art. 3, Part 5 for Conditional Use Review and in accordance with the following standards:

- A. The structure proposed for demolition is structurally unsound despite ongoing efforts by the owner to properly maintain the structure; or,*
- B. The structure cannot be rehabilitated or reused on site as part of any economically beneficial use of the property in conformance with the intent and requirements of the underlying zoning district; and, the structure cannot be practicably moved to another site within the district; or,*
- C. The proposed redevelopment of the site will provide a substantial community-wide benefit that outweighs the historic or architectural significance of the building proposed for demolition.*

And all of the following:

D. The demolition and redevelopment proposal mitigates to the greatest extent practical any impact to the historical importance of other structures located on the property and adjacent properties;

E. All historically and architecturally important design, features, construction techniques, examples of craftsmanship and materials have been properly documented using the applicable standards of the Historic American Building Survey (HABS) and made available to historians, architectural historians and others interested in Burlington's architectural history; and,

F. The applicant has agreed to redevelop the site after demolition pursuant to an approved redevelopment plan which provides for a replacement structure(s).

(i) Such a plan shall be compatible with the historical integrity and enhances the architectural character of the immediate area, neighborhood, and district;

(ii) Such plans must include an acceptable timetable and guarantees which may include performance bonds/letters of credit for demolition and completion of the project; and,

(iii) The time between demolition and commencement of new construction generally shall not exceed six (6) months.

This requirement may be waived if the applicant agrees to deed restrict the property to provide for open space or recreational uses where such a restriction constitutes a greater benefit to the community than the property's redevelopment.

3. Deconstruction: Salvage and Reuse of Historic Building Materials.

The applicant shall be encouraged to sell or reclaim a structure and all historic building materials, or permit others to salvage them and to provide an opportunity for others to purchase or reclaim the building or its materials for future use. An applicant may be required to advertise the availability of the structure and materials for sale or salvage in a local newspaper on at least three (3) occasions prior to demolition.

Section 5.4.9 Brownfield Remediation

None of the involved sites are listed on the VT DEC website.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations

As submitted, no nuisance activities are identified within the submission documents.

Section 5.5.2 Outdoor Lighting

A final application shall be consistent with the standards and requirements of this section. Specific attention shall be paid to lighting levels within the parking area, at building entrances, and along any walkways.

Section 5.5.3 Stormwater and Erosion Control

Review by the Conservation Board will be a requirement. A Stormwater Management Plan and Erosion Prevention and Sediment Control Plan shall accompany any final application. Review and approval by the Stormwater Engineering team, and post-construction compliance will be required.

Section 5.5.4 Tree Removal

Not enough material has been submitted to determine if this standard applies. If thresholds for tree removal are introduced, the applicant shall provide appropriate information for the DRB to make its decision.

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:

(b) Topographical Alterations:

The proposed underground parking will demand some site excavation; however, finished grades are anticipated to remain similar to existing.

(c) Protection of Important Public Views:

Pearl Street is an identified view corridor. Per Section 4.4.1 (d) 4., A, new construction above 45' must be stepped back from the front property line a distance equal to ¼ the ROW width of Pearl Street. That measurement (66' Pearl St. ROW width) is 16.5'. Measurements have not been provided on the abbreviated plans, however a setback at the fifth story is evident. The applicant shall confirm that height and distance to assure compliance.

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See Section 5.4.8, above.

(e) Supporting the Use of Renewable Energy Resources:

Not enough information has been submitted to determine inclusion of any renewable energy resources.

(e) Brownfield Sites:

None identified.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

As noted, a Stormwater Management Plan will be required, including a post-construction plan. Specific building details relative to sheltered entry and snow storage will need to be provided.

It is assumed that residents may park either below or at grade, under the shelter of the proposed building at 64-70 Pearl Street. If connected to internal elevators, this would assure shelter from inclement weather.

A location for snow storage, or a plan for snow removal must accompany a final application.

(h) Building Location and Orientation:

The proposed Apartment Building B (Pearl Street Lofts) fronts Pearl Street and is consistent in frontage with the adjoining Victoria Place. The George Street Lofts (Building A), is aligned along the streetfront to continue the pattern of development northward along George. The method for calculating that setback has not been provided.

Specific details about renovation to 3-11 George Street have not been supplied.

(i) Vehicular Access:

Access is proposed from the existing street entry at 70 Pearl, and between 3-11 George Street and the proposed new residential building.

(j) Pedestrian Access:

The development area is adjacent to the public sidewalk along Pearl and George Street. The applicant shall define pedestrian paths within each parcel, as appropriate, particularly as they are separated from vehicular pathways.

(k) Accessibility for the Handicapped:

Conformance to ADA accessibility is under the review of the building inspector.

(l) Parking and Circulation:

The existing surface parking at 70 Pearl Street is proposed to be retained and expanded. A new underground parking level is proposed. Of central importance here is the ability to develop 70 Pearl Street. Ownership, use, easement or other instrument has not been defined. Fee simple has not been declared. If the City of Burlington owns the parcel, it must be a co-applicant. Other ownership arrangements must be declared prior to advancement of any proposal.

The original approval for Victoria Place required 17 parking spaces; are these dedicated among the 48 surface parking spaces at 70 Pearl Street?

See Article 8 for a discussion of parking adequacy.

(m) Landscaping and Fences:

More information will be required at the time of final application.

(n) Public Plazas and Open Space:

There are no identified public plazas or open space within the abbreviated submission materials.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

See Section 5.5.2.

(p) Integrate infrastructure into the design:

All new utility lines must be buried. Utility meters, mechanical equipment, dumpsters, recycling areas, mailboxes, and any other additional accessory components shall be illustrated on the site plan and/or building elevations as appropriate. Mechanical equipment and meters should be located on secondary elevations to reduce visibility. Screening may be required.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The massing, height and scale of the building proposed for 64-70 Pearl Street is similar to that of Victoria Place, which is immediately adjacent. It is wholly out of scale with its westerly neighbor at 58 Pearl Street, the Social Security Administration building constructed in 1972.

The proposed new residential building at 13-19 George Street is substantially larger than the buildings it replaces, and inconsistent with the remaining buildings along George Street. The building design attempts to ameliorate the massing difference by isolating the upper floor in a different articulation and hesitating the full building rise until the latter 2/3 of the building (away from the street.) This is more successful as it relates to the Pearl Street character of Victoria Place, but less so sandwiched between 3-11 George Street and 23 George Street. Effectively, the larger scale of this building pushes the character of Pearl Street further north into a residential zoning district. Due to its overall scale and mass, the residential character as it relates to George Street is largely lost.

2. Roofs and Rooflines.

Flat roofs are proposed for all new buildings; consistent with Victoria Place and the much smaller Social Security Administration building west of 64 Pearl Street. Gable and eaves style is illustrated on the 3-11 George Street; by project description, the northerly ell may be new construction. At present, plans are unclear.

3. Building Openings

This early review illustrates rhythmically arranged window openings, with a more commercially designed and glazed first floor at 64-70 Pearl Street. On both new residential buildings, the arrangement and design of building openings are the primary differentiation that break up the building mass.

When detailed plans are provided for all buildings, a more thorough analysis can be made.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 5.4.8.

(c) Protection of Important Public Views:

See Section 6.2.2 (c) above.

(d) Provide an active and inviting street edge:

The street facing façade of 64 Pearl Street has a narrow presentation with symmetrically placed windows in two columns; a small first floor canopy over a commercial glazed entrance, and a recessed fifth floor with rigid awning. The first floor non-residential use should have clear glass to provide visual access into the interior. Coupled with the large expanse of structure at Victoria Place, additional street interest is suggested along this section of Pearl Street; plantings, benches, public art, or similar.

13-19 George Street is symmetrical in massing but not in fenestration across the streetfront, but provides visual interest with planar façade modulation and an identifiable primary entrance. The building appears starkly cold for a residential building, perhaps more like a dental office in streetfront presentation. Exploration of opportunities to make it more welcoming are recommended.

Landscaping is illustrated along the building streetfront, but this may reflect trees in the public ROW.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

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

Materials have not been defined, but from illustrations it appears that masonry and metal sheathing are the primary choices. The applicant shall define in final submission materials.

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI, Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

(g) Make advertising features complementary to the site:

Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

All applicable building and life safety code, as defined by the building inspector and fire marshal shall be observed. The buildings must provide access for emergency vehicles, and will be subject to review by the fire marshal.

Building entrances and pedestrian pathways in and around the building shall be adequately lit to secure visibility for persons using the spaces.

As multi-family housing, an intercom system is highly recommended for both residential buildings.

Article 7: Signs

Any signs will require separate permitting.

Article 8: Parking

Section 8.1.8 Minimum Off Street Parking Requirements

Pearl Street Lofts (Building B, 64-70 Pearl Street, Downtown Parking District) will have the following parking requirements:

Residential units – 39. Requirement 1 parking space/unit. Residential parking requirement: 39 spaces.

Commercial space – depends upon use. See Table 8.1.8-1.

Existing parking (at 70 Pearl St); 48 on-grade. Proposed: 50. The amount dedicated to other uses (Victoria Place?) has not been identified.

As previously noted, the applicant will need to provide information about ownership and any use/easement limitations for this parking lot, including any parking currently reserved for other uses.

3-11 George Street

Current use, 6 residential units and 1 commercial (hair salon) use.

If uses remain the same, no change to parking requirement.

If parking has been associated with 70 Pearl Street, a full calculation of those reserved spaces shall be provided.

13-15 and 19 George Street (Neighborhood Parking District)

Parking calculation for 17 units; 2 parking spaces required for each unit = 34 spaces required.

Applicant seeks a 50% parking waiver. A parking management plan will be required per Section 8.1.15, below.

Parking requirement	Location	Number
64-70 Pearl Street Pearl Street Lofts-residential		39 (1/unit)
64-70 Pearl Street Pearl Street Lofts-commercial		Unknown. See Table 8.1.8-1
3-11 George Street		1/unit residential, none for salon. Change of commercial use may be exempt from the requirements of this Article when applying for a change of use per Section 8.1.6.
13-19 George Street		34 spaces.

Parking provided	
70 Pearl Street	50 (how many of the 48 are reserved for existing uses?)
Underground Access north of 3-11 George	60

Section 8.1.12, Limitations, Location, Use of Facilities

(f) Joint Use of Facilities

The required parking for two or more uses, structures, or parcels may be combined in a single parking facility if it can be shown by the applicant to the satisfaction of the DRB that the use of the joint facility does not materially overlap with other dedicated parking in such facility, and provided that the proposed use is evidenced by a irrevocable deed, lease, contract, reciprocal easement or similar written instrument establishing the joing use acceptable to the city attorney.

As the applicant is proposing an underground and surface parking facility, it may benefit some or all of the uses and structures that are being developed. Further explanation of parking dedication will be required at the time of application, particularly if there will be sharing among resources.

Section 8.1.15. Waivers from Parking Requirements/Parking Management Plan.

The total number of parking spaces required pursuant to this Article may be reduced to the extent that the applicant can demonstrate that the propoed development can be adequately served by a more efficient approach that more effectively satisfied the intent of this Article and

the goals of the Municipal Development plan to reduce dependence on the single passenger automobile.

Any request for a parking waiver will need to be accompanied by an analysis as defined under this standard.

Section 8.2.5 Bicycle Parking Requirements

Each residential building (multi-unit) will be required to provide 1 bike parking space per four units for long term spaces, and 1 per 10 units for short term spaces.

For the Pearl Street Lofts: 39 units, 10 long term spaces, 4 short term spaces.

George Street Lofts:

17 units, 4 long term spaces, 2 short term spaces.

Commercial uses have varying requirements. Refer to Table 8.2.5-1.

Article 9: Inclusionary and Replacement Housing

As 39 units are proposed in the Pearl Street Lofts and 17 in the George Street Lofts; and substantial rehabilitation of 5 or more units is proposed at 3-11 George Street is proposed, Inclusionary Units are required. As a 10' height bonus is sought for both residential buildings, 20% of the units must be inclusionary.

At Pearl Street Lofts: 20% of 39 units = 8 units.

At George Street Lofts: 20% of 17 = 3 units.

At 3-11 George Street: 15% of 6 = 1 unit.

Identification of the number of units, and their rate of affordability shall be determined with the guidance of the Housing Trust Fund Manager.

The loss of the existing housing units (6 at 64 Pearl Street, 6 at 13-15 and 19 George Street) will be replaced with the proposed new housing.

Other provisions of this Article may apply. The applicant is encouraged to seek the counsel of the Housing Trust Fund Manager early in project development.

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