MEMORANDUM

To: Development Review Board  
From: Mary O’Neil, AICP, Principal Planner  
Date: September 6, 2022  
RE: ZSP-22-7; 52 Institute Road (BHS BTC)

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 Number: ZSP-22-7  
Zone: I (Institutional Core Campus Overlay District – Burlington High School Campus)  
Ward: 4  
Date application submitted to Open Gov: August 5, 2022  
Applicant/Owner: Joe Weith, White & Burke / Burlington School District  
Request: Sketch Plan Review: Demolish existing high school and technical center and construct a new 268,500 square foot high school and technical center.
Background:

- **Zoning Permit 21-0583CA**: Expansion and renovation of Burlington High School and Burlington Technical Center. Request for a parking waiver and a five year project timeline. February, 2021.

- **Zoning Review 20-0194SP**: Sketch Plan review for renovations to BHS. September 1, 2020.

- **Zoning Permit 15-0982CA**: addition of storage shed. April 2015.

- **Zoning Permit 13-0291CA**: installation of rooftop condensing units on Buildings A and B. June 2013.

- **Zoning Permit 13-1037CA**: replace existing HVAC system with new heat pump system and condenser on roof of Building A. May 2013.


- **Zoning Permit 11-1123CA**: install condensing unit on the side of F building at BHS. July 2011.


- **Zoning Permit 09-616CA**: Renovations to existing press box including new membrane roof covering, roof access hatch, ladder, and safety rail. March 2009.

- **Zoning Permit 09-321SN**: Electronic sign to be added to previously approved sign. October 2008.

- **Zoning Permit 09-241CA**: Relocate solar array from building side to flat roof of building with new rack mounting structure. September 2008.


- **Zoning Permit 06-457CA**: construction of 3,200 square foot building to house wood chip boiler system for existing high school. March 2006.

- **Zoning Permit 06-452CA**: redevelopment of high school athletic fields, parking, new service and entrance buildings and new sewage pump station. February 2006.

- **Zoning Permit 05-058CA**: Install 6 solar panels attaching to a pole located approximately 35 ft. off the SE corner of building A. July 2004.


- **Zoning Permit 00-028**: Installation of two metal halide flood lights on existing poles to illuminate the existing press box for the high school athletic field. July 1999.

- **Zoning Permit 99-186**: Amend previously approved bleacher system at the Burlington High School track to include a press box. October 1998.

- **Zoning Permit 98-305**: Replace existing steel and wood bleachers with new on the east and west sides of the Burlington High School track. Proposal includes installation of a slab on the east side (Portable units on the west). January 1998.

- **Zoning Permit 98-074**: Installation of a handicapped access ramp on the front of the existing Burlington high school. Materials to be painted metal (Dark green and concrete). August 1997.

- **Zoning Permit 97-033**: Add nonilluminated message board section under the existing freestanding sign for Burlington High School. Location on North Avenue and height and overall size to remain the same. July 1996.


- **Zoning Permit 87-320**: change an existing window on west side to exterior door to provide egress to new classroom. June 1987.

- **Zoning Permit 82-435**: construct bus shelter on the site of a removed bus shelter. September 1982.

**Overview**: A zoning permit was approved in February 2021 to allow renovation and expansion of Burlington High School; however after high levels of polychlorinated biphenyls, or PCBs were identified within building materials, students were moved to a former department store downtown, and technical classes dispersed throughout the city. Burlington School District now seeks approval for demolition of the existing high school, and construction of a new high school / technical center on the existing site.

The project development is subject to limited municipal review per **VSA §4413**:

**Limitations on municipal bylaws**

(a) The following uses may be regulated only with respect to **location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements**, and only to the extent that regulations do not have the effect of interfering with the intended function use:

(1) **State or community owned and operated institutions and facilities**.
A zoning amendment (ZA 22-05) relative to re-zoning the site as an Overlay within the Institutional Zoning District was warned July 28, 2022 and adopted August 15, 2022. The Zoning District is now Institutional Core Campus Overlay (ICC-BHS).

I. Findings

Article 2: Administrative Mechanisms
Section 2.7.8 Withhold Permit
Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. There are a number of zoning permits that require Certificates of Occupancy:

<table>
<thead>
<tr>
<th>Zoning Permit</th>
<th>Date</th>
<th>Status</th>
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<tbody>
<tr>
<td>ZP-13-456</td>
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<td>ZP-13-289</td>
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<td>ZP-12-515</td>
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<td>ZP-11-436</td>
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<td>ZP-09-102</td>
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<td>ZP-08-589</td>
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<td>ZP-08-529</td>
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<td>ZP-08-455</td>
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<td>ACTIVE</td>
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Affirmative finding as conditioned.

Article 3: Applications, Permits and Project Reviews
Section 3.2.1 Preapplication Conferences

(c) Sketch Plan Review:
This is Sketch Plan Review, in anticipation of a full application thereafter.
Section 3.2.3 Modification of Submission Requirements

Either the DRB or the administrative officer may require the submission of additional information when deemed necessary to make a decision on the zoning request in a timely manner. Such additional information may include but is not limited to the following:

8. Phasing schedule;

A zoning permit has a typical three year life span. If the applicant team desires a longer development period, a phasing schedule may accompany their application. This request should define the intended project segments and anticipated timing of each, which will, if approved by the DRB, allow for individual Certificates of Occupancy as each is completed.

Affirmative finding if conditioned.

Part 3: Impact Fees

Section 3.3.2 Applicability

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

The proposed new gross area is subject to Impact Fees, unless it is determined that it meets an identified exemption. Staff will calculate those fees as appropriate based on the gross new floor area, with a credit for the building area lost to demolition. Affirmative finding as conditioned.

Part 5: Conditional Use and Major Impact Review

Section 3.5.2 Applicability

(b) Major Impact Review:

Major Impact Review shall be required for the approval of all development involving any one or more of the following:

Institutional: A development footprint of twenty thousand (20,000) s.f. or more, or the creation of forty thousand (40,000) s.f. or more of gross floor area.

Sec. 3.5.3 Exemptions

Major Impact Review shall not be required for applications involving one or more of the following:

(e) Projects where the scope and authority of municipal regulation is limited by statute pursuant to 24 VSA 4413.

Development at Burlington High School is exempt from Major Impact Review under § 4413. Limitations on municipal bylaws:

(a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(1) State- or community-owned and operated institutions and facilities.
(2) Public and private schools and other educational institutions certified by the state department of education.

Affirmative finding.

**Article 4: Zoning Maps and Districts**

**Section 4.4.4 Institutional District**

(a) The Institutional District (I) as illustrated in Map 4.4.4-1 allows for increased development scale and intensity than would typically be found in the adjacent residential districts to support continued growth and flexibility of the city’s major public and higher education and health care institutions within their respective institutional missions. New development is intended to be sensitive [to] the historic development pattern of the existing campuses as well as the surrounding residential neighborhoods. The district is intended to support a broad range of related uses reflecting the residential institution’s roles as either regional education, healthcare, cultural and research centers or municipal educational facilities. Buildings should be designed with a high level of architectural detailing to provide visual interest and create enjoyable, human-scale spaces. Sensitive transitions between adjacent lower scale residential and open space areas and larger scale institutional development should be provided. Sites should be designed to be pedestrian friendly and encourage walking between buildings. Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.

**Section 4.5.2 Institutional Core Campus Overlay Districts**

(b) Areas Covered

6. Burlington High School Campus (BHS) is intended to provide for increased development scale and intensity than would typically be found in the adjoining and underlying districts to facilitate the long-term use of this site as the city’s public high school, and a hub of educational and athletic uses and other district services. Buildings are designed with architectural detailing to provide visual interest and create an enjoyable human-scale experience, both within its internal
circulation and in relation to the surrounding neighborhood, with the majority of parking to be located behind, to the side, within or underneath structures particularly with respect to frontage along North Avenue. Development should reflect the district’s core educational values in both design and quality.

(h) District Specific Regulations: Burlington High School Campus (BHS)

1. Lot Coverage
   Maximum lot coverage shall be applied to the aggregate of all lots located within the ICC-BHS District. Lot coverage shall not exceed 60%.
   The proposed lot coverage for both parcels combined (north and south sides of Institute Road) is 27.35%; far less than the 60% lot coverage limitation. **Affirmative finding.**

2. Setbacks
   A minimum 20 ft. front yard setback shall be applicable along North Avenue, and a 20 ft. minimum front yard setback along Institute Road. A minimum side setback of 10 ft and a minimum rear setback of 20 ft shall apply only along the perimeter of the ICC-BHS District.
   The proposed setback from North Avenue is 280 feet, and 120 feet from Institute Road. The irregular parcel boundaries of the two distinct lots create unique side/rear boundaries. With front yard setbacks defined, and the remaining perimeter boundaries of the overlay, there are no rear yard setbacks. All buildings are placed the minimum 20’ for Front Yard and Perimeter setback requirement.
The proposed stormwater structure crosses the property boundary line onto the city-owned North Beach parcel. Either stormwater infrastructure must be limited to the parcels under review, or additional permitting for abutting properties shall accompany this application. For permanent infrastructure, an easement may be required.

Affirmative finding as conditioned.

3. **Building Height**

*Building Height shall be measured under the provisions of Article 5. Building Height within the ICC-BHS shall not exceed:*

- 60 ft for buildings or portions of buildings within 100 ft from the property line along North Avenue.
- 80 ft. for buildings or portions of buildings more than 100 ft. from the property line along North Avenue.

The maximum height along the elevation facing North Avenue (i.e.east elevation) is 57’. The maximum height along the elevation facing Institute Road (i.e.south elevation) is 62’11”. The maximum building height along both elevations is well below the maximum allowed height. **Affirmative finding.**
4. Uses

Within the ICC-BHS district, School-Post Secondary & Community College, School-Secondary, School-Primary, School-Preschool (see Section 5.4.1) and School-Trade or Professional are permitted. When part of the educational program associated with a School Use or when hosted within a School facility, the following uses are also permitted:

<table>
<thead>
<tr>
<th>Permitted Uses:</th>
<th></th>
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<tbody>
<tr>
<td>Automobile Body Shop</td>
<td>Museum Small</td>
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<tr>
<td>Automobile/Vehicle Repair</td>
<td>Museum Large</td>
</tr>
<tr>
<td>Café</td>
<td>Performing Arts Center</td>
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<tr>
<td>Community Center</td>
<td>Performing Arts Studio</td>
</tr>
<tr>
<td>Community Garden</td>
<td>Recreational Facility- Indoor</td>
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<tr>
<td>Conference Center</td>
<td>Recreational Facility- Outdoor</td>
</tr>
<tr>
<td>Composting</td>
<td>Recycling Center- Large</td>
</tr>
<tr>
<td>Daycare (See Sec. 5.4.1)</td>
<td>Recycling Center- Small</td>
</tr>
<tr>
<td>Health Club</td>
<td>Research and Development Facility</td>
</tr>
<tr>
<td>Library</td>
<td>Research Lab</td>
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<tr>
<td></td>
<td>Park</td>
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</tbody>
</table>

As would typically be understood, the redeveloped school will include a library, a 750 seat Auditorium/ performance space, a 12,000 sf gymnasium plus a 5,500 sf community gym, athletic facilities (including outdoor recreational facility with seating, and multiple technical/ training program spaces. All are permitted uses in this ICC-BHS overlay. **Affirmative finding.**

**Article 5: Citywide General Regulations**

**Section 5.1.1 Uses**
Previous to Zoning Amendment ZA 22-05, School-Secondary and School-Technical were not permitted uses in the RCO-RG zoning district. As the use was pre-existing / non-conforming, it was allowed to continue. As a result of the amendment that re-zoned the BHS parcel, Post Secondary & Community College, School-Secondary, School- Primary, School-Pre-school and School-Trade or Professional are permitted. Additionally, all uses listed in the above table are permitted uses. **Affirmative finding as conditioned.**

**Section 5.2.1 Existing Small Lots**
Not applicable.

**Section 5.2.2 Required Frontage or Access**
52 Institute Road has frontage on both North Avenue and Institute Road, with vehicular access from the latter. The primary façade will front Institute Road, however the North Avenue elevation presents a distinct and welcoming expression. **Affirmative finding.**

**Section 5.2.3 Lot Coverage Requirements**
See Section 4.5.2 (h) 1, above.

**Section 5.2.4 Buildable Area Calculation**

(a) For any properties two (2) or more acres in size within any RCO, WRM, RM, WRL, or RL zoning district, the maximum building density or lot coverage shall be calculated using the buildable area only. With a change of zoning district to Institutional (ICCBHS), this standard no longer applied. Not applicable.

(b) **Steep Slopes Overlay District** (As adopted by City Council August 15, 2022)
This overlay district consists of all lands delineated in Map 5.2.4-1 – Steep Slopes Overlay District. This overlay district contains expanses of contiguous land with an average slope of 15% or greater over 50-foot intervals and adjacent lands within 50 feet of the top of slope.

The boundaries shown on the Steep Slopes Overlay Map may be supplemented or modified by examination of one or more of the following sources by the Development Review Board whenever an application is submitted for review.

- Contour maps prepared from the most current orthophotography.
- On-site survey prepared by a registered professional engineer or surveyor.
The Zoning Administrative Officer or Development Review Board shall determine whether or not the Steep Slope Overlay District has been shown accurately on the application plans. The applicant may be required to revise the steep slope boundaries shown on the application plans.

The burden of proving the correct boundary shall be on the applicant, supported by engineering and/or surveying data or mapping.

1. District Specific Regulations
   A. The Steep Slope Overlay District shall be an overlay on all zoning districts. The regulations in the overlay are in addition to those regulations of the underlying zoning district.
   B. These regulations apply to applications within the Overlay District that include 400 square feet or more of earth disturbance.
   C. Finished slopes of all cuts and fills shall not exceed 30%, unless the applicant can demonstrate that steeper slopes can be stabilized and maintained adequately to the satisfaction of the ZAO or DRB in consultation with the City Engineer.
   D. Any fills placed on a steep slope shall be properly stabilized and, when necessary, supported by retaining walls or other appropriate measures as approved by the ZAO or DRB in consultation with the City Engineer.
   E. Finished grades shall be reasonably safe from slide, collapse, or similar failure as determined by the ZAO or DRB in consultation with the City Engineer.

2. Additional Application Requirements
   A. A site plan prepared by a registered professional engineer or surveyor that accurately depicts the proposed development and related land disturbance relative to the Steep Slope Overlay District boundaries, with all pertinent information describing the proposal, and a topographical survey depicting existing and proposed contour lines at no greater than 2-foot intervals. The plan shall depict all proposed cut, fill, and grading.
   B. A plan depicting the extent of proposed vegetation clearing.

3. Approval Condition
   A. Prior to construction, the applicant shall provide a geotechnical analysis prepared and stamped by a professional geotechnical engineer that determines the suitability of the steep slope for development.
The BHS Campus includes areas identified on the Steep Slopes Overlay Map. If development falls within the areas identified (including adjacent lands within 50’ of the top of the slope), a geotechnical analysis is required to confirm the suitability of the slope for redevelopment. **Affirmative finding as conditioned.**

**Section 5.2.5 Setbacks**
See Section 4.5.2 (h) 2, above.

**Section 5.2.6 Building Height Limits**
See Section 4.5.2 (h) 3, above.

**Section 5.2.7 Density and Intensity of Development Calculations**
The Institutional Zoning District has a density limitation of 20 dwelling units/acre (Table 4.4.4-1). There is no specific density or intensity of development provision provided under the ICC-BHS overlay. No dwelling units are proposed. **Affirmative finding.**

**Part 3: Non Conformities**
With warning and adoption of ZA 22-05, the existing non-conformities of use and general dimensional standards of the zoning district have been eliminated. The new structure conforms to the use and dimensional standards provided for with the rezoned parcel and as defined in the amendment (ZA22-05). **Affirmative finding.**

**Section 5.4.8 Historic Buildings and Sites**
Not applicable.

**Section 5.4.9 Brownfield Remediation**
Extensive testing of building materials and soils for hazardous materials has been conducted on the property. Hazardous materials have been detected on site including asbestos, lead, PCBs, and polyaromatic hydrocarbons (PAHs) in the soils that exceed EPS and VTDEC standards. Remediation of hazardous materials will consist of the following:
Affirmative finding as conditioned.

Part 5: Performance Standards

Section 5.5.1 Nuisance Regulations
The proposed project will continue the existing use; however in more energy efficient buildings with upgraded infrastructure and improved pedestrian and vehicular parking facilities. No additional nuisance impacts are anticipated. Affirmative finding.

Section 5.5.2 Outdoor Lighting
A lighting plan will need to be submitted for review under the standards defined in this Section. That plan should include fixture information, a lighting plan, and photometrics. Affirmative finding as conditioned.

Section 5.5.3 Stormwater and Erosion Prevention
At Technical Review, a water resources representative recommended distributed stormwater management design, rather than all in one place. There was also a suggestion to incorporate a “blue” roof. A Stormwater and Erosion Prevention plan will need to be submitted for review by the Stormwater engineering division. Their written approval will be a condition of any permit. Affirmative finding as conditioned.

Section 5.5.4 Tree Removal
At the previous BHS renovation review, the Gilman and Briggs Environmental Plan offered this: The proposed project, which has been modified from the plan of August 2019, will impact none of the Dry Oak-Maple-Limestone Forest except an extremely small area at the east end of the proposed Building B and the existing Building C, for installation of a water line. ...I recommend that the forest edge be avoided as much as possible, and that tree-cutting be minimized. The area
of the existing Building C, which will be removed, will be regraded and returned to a vegetated condition. With these considerations, I believe the Project will not have an undue adverse impact on the natural community and its composition through the rest of the site. The applicant is encouraged to update and revise as necessary any submission relative to the northerly forest land and impacts anticipated from the redevelopment. The application will be reviewed by the Conservation Board. **Affirmative finding as conditioned.**

**Article 6: Development Review Standards**

**Part 1: Land Division Design Standards**

No land division is proposed. Not applicable.

**Part 2: Site Plan Design Standards**

Sec. 6.2.2 Review Standards

(a) **Protection of Important Natural Features:**

A study was commissioned of Gilman and Briggs Environmental Consultants and provided in an earlier application. This analysis included a list of identified plant and tree species, with mapping to indicate both rare and endangered species. The ultimate examination resulted in a determination of no impact relative to the area of (then) construction, a recommendation to limit tree clearing, and a return to a vegetative state within the outline of C Building. The applicant will need a revised assessment of impacts to natural areas, a tree removal plan, and more information about intended site landscaping. See information about steep slopes under 5.2.4 (b), above. **Affirmative finding as conditioned.**

(b) **Topographical Alterations:**

Overall, the introduction of stormwater features (gravel wetlands) will result in site modifications. **Affirmative finding.**

(c) **Protection of Important Public Views:**

There are no protected views from or through this site. Not applicable.

(d) **Protection of Important Cultural Resources:**

Not applicable.

(e) **Supporting the Use of Renewable Energy Resources:**

The redevelopment plan intends to achieve LEED Silver status.

No part of this application precludes the use of wind, water, solar, geothermal, or other renewable energy resources. **Affirmative finding.**
(f) **Brownfield Sites:**
The site is not listed on the Vermont DEC list of identified Brownfields. Recent site analysis has determined the presence of site contamination, which will be addressed within this project. The applicant shall define specific steps within the demolition scope of this application to ameliorate site materials and conditions, toward creating a Corrective Action Plan in step with Vermont DEC review. **Affirmative finding as conditioned.**

(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.

The narrative defines the introduction of Stormwater Treatmen; however the structure crosses a parcel boundary. Water Resources personnel recommends a dispersal of stormwater infrastructure across the site, rather than one large structure.

The project will be required to satisfy all Chapter 26 requirements, with written approval of the City Stormwater program.

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.

Improvements to building entrances will assure enhanced shelter for students and staff. Burlington School District maintains an active snow removal program for all their facilities. **Affirmative finding as conditioned.**

(h) **Building Location and Orientation:**
The building will continue to front Institute Road, with enhanced building elevation design to create a street face toward North Avenue. Additionally and due to the location of parking,
another defined front is proposed on the north elevation. Redevelopment will continue to emphasize and enrich the existing orientation to the street. **Affirmative finding.**

(i) **Vehicular Access:**
Normal access will continue as existing off Institute Road, with both a drop-off arc in front of the school (Institute Road) and an extended access northward for entrance to BTC, surface parking and bus turnaround. **Affirmative finding.**

(j) **Pedestrian Access:**
Much greater circulation will be afforded with the plan, Pedestrian paths original off North Avenue in several locations; leading students/staff to either the rear (north) access or the south (Institute Road) entrance. Paths circle the site, connecting to the BTC entrance on the west, the parking areas, and greenhouse. **Affirmative finding.**

(k) **Accessibility for the Handicapped:**
A principal accomplishment of this redevelopment is to achieve access throughout the complex and across the campus. 10 HCParking is provided in the top two surface parking lots, and one near the (Institute Road) main entrance. As a central entrance, another accessible space seems appropriate. There are no accessible parking spaces at the BTC entrance, and should be considered. Overall ADA access compliance is under the jurisdiction of Burlington’s building inspector. **Affirmative finding as conditioned.**
(l) Parking and Circulation:
No changes are proposed to the student lot(s) across Institute Road.
The north parcel (52 Institute Road) proposes 352 permanent parking stalls. Utilizing the amended Parking Standards warned under ZA-20-041, the proposal acknowledges a maximum parking limitation of 1,275 spaces. (See Exhibit A.) The proposed parking falls within allowable limits.
Section 4.4.4 states: *Where parking is provided onsite, it is intended to be hidden behind, to the side, within, or underneath structures.*
The parking on the south side of Institute Road is not proposed to be altered.
New surface parking at 52 Institute Road (north side of Institute Road) is proposed to the rear of the building (side of BTC). There are a limited number of parking spaces in the entrance arc along Institute Road; these are intended for short term and visitor parking. These parking spaces do not adhere to the *behind/next to/underneath* guidance, there is some facility to be considered relative to proximity to the use. Handicap accessible parking is understandable; the DRB may discern the necessity of the plan which features 20 parking places in front of the building.
Elimination of all but accessible spaces is recommended.
A loading dock is noted on the west elevation, near the BTC entrance.
As now within the Multi Modal Mixed Use Parking District, a Transportation Demand Management Plan will be required.
Affirmative finding as conditioned.

(m) Landscaping and Fences:
The applicant has offered to submit an updated version of the Gilman & Briggs plan relative to impacts to the natural areas. A site landscaping plan will be required.
Affirmative finding as conditioned.

(n) Public Plazas and Open Space:
There are several areas of existing and proposed gathering space, including two outdoor amphitheatres, entry plazas on both the north and south, and areas surrounding bicycle parking facilities. Reference is made to Plans C2.0 and C2.1. Of course the existing athletic fields on the south side of Institute Road satisfy the need for active Open Space.
Affirmative finding.

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1 The City Attorneys’ office advises that any project approved/permit issued under a pending zoning amendment warned by the City Council should be approved/issued conditioned upon the approval of the proposed bylaw.
(o) **Outdoor Lighting:**

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

An outdoor lighting plan, including fixture information, illumination levels, and a photometric plan will be required for a final application. **Affirmative finding as conditioned.**

(p) **Integrate infrastructure into the design:**

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

An existing greenhouse will be relocated to a retaining building foundation on the west. With an earlier review, underground electrical was included. The applicant shall confirm, and provide a defined utility plan. Dumpsters appear to be located on the west near a loading dock. Any solid waste storage must be contained on all sides and covered to prevent blowing trash. **Affirmative finding as conditioned.**

**Part 3: Architectural Design Standards**

Sec. 6.3.2 Review Standards

State Statute §4413 Limits Municipal Review per the following:

§ 4413. Limitations on municipal bylaws

(a) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(1) State- or community-owned and operated institutions and facilities.
(2) Public and private schools and other educational institutions certified by the state department of education.
(3) Churches and other places of worship, convents, and parish houses.
(4) Public and private hospitals.
(5) Regional solid waste management facilities certified under 10 V.S.A. chapter 159.
(6) Hazardous waste management facilities for which a notice of intent to construct has been received under 10 V.S.A. § 6606a.

(a) Relate development to its environment:

1. Massing, Height and Scale:
The proposed redevelopment of Burlington High School / Burlington Technical Center is typical in scale, massing and height of institutional buildings. Absent the buildings to be removed, athletic accessory structures and the wood chip facility, there are no other structures on the parcels. **Affirmative finding.**

2. Roofs and Rooflines.
Not applicable per § 4413. Limitations on municipal bylaws.

3. Building Openings
Not applicable per § 4413. Limitations on municipal bylaws.

(b) Protection of Important Architectural Resources:
Not applicable.

(c) Protection of Important Public Views:
Not applicable.

(d) Provide an active and inviting street edge:
Not applicable per § 4413. Limitations on municipal bylaws.

(e) Quality of materials:
Not applicable per § 4413. Limitations on municipal bylaws.

(f) Reduce energy utilization:
The BHS/BTC project is registered as a LEED project. Additionally, Burlington School District is attempting to qualify for certification under CHPS; **Collaborative High Performance School Standards**.
From the submission narrative: **The new BHS/BTC building will use a renewable primary heating system as required by Burlington Ordinance Chapter 8 Article 5. The building’s heating, cooling and domestic hot water will be provided by electric heat pumps connected via heat exchanger to an open-loop ground source (i.e. geothermal) heat pump loop. This system is designed to provide all anticipated heating and cooling needs for the project. The proposed system is based upon the confirmation of substantial water flows on site from a test well and design phase energy modeling of the building. The building enclosure performance will exceed VT CBES 2020 standards, with a particular focus on air tightness. Building and equipment performance values have been optimized through the energy modeling process.**
The roof is arranged and structured to support solar photovoltaic arrays and infrastructure will be put in place to support the BSD’s plan to arrange for installation of solar PV by a third-party on the buildings’ roof through a power purchase agreement. 

Affirmative finding.

(g) Make advertising features complementary to the site:

Any signage will require a separate sign permit.

(i) Make spaces secure and safe:

Improved staff and student safety is core to the project. The inclusion of automatic sprinkler system throughout the complex, an addressable fire alarm system, new lighting, ventilation, and improved traffic circulation and parking are all identified as safety improvements. Additionally, the site has been designed to optimize circulation for emergency vehicle access as well as first responder entrances with a stretcher-sized elevator; significantly advancing site safety. The development is obligated to meet all applicable building and life safety code per the guidance of Burlington’s building officials and fire marshal.  

Affirmative finding as conditioned.

Article 8: Parking

Zoning Amendment ZA-22-05 re-assigned the parcel to the Multi Modal Mixed Use Parking District. 

As provided in Exhibit A – Parking Table, the maximum allowed number of parking spaces is 400 spaces (based on classrooms; 80 x 5); but the additional uses individually identified as
associated with the secondary school could conceivably increase the maximum parking allowance to 1,275. The 352 parking spaces proposed, however, are compliant with the individual maximum allowance for Secondary School use.

The school district is interested in identifying a location for overflow event parking that would be utilized occasionally to handle large events such as state championship sport events at the complex, graduation within the gymnasium and regional performances in the auditorium. While the applicant is analyzing a suitable location and subsurface material to support parking on green space, a parking management plan (within the required TDM) could create both a shared-use system between abutting property owners (i.e. use of parking at North Beach, or other parking areas not in service at the time of scheduled events) coupled with a shuttle service to deliver attendees on such occasions. Reference is made to 8.1.15 (b) for Shared Parking for Off-Site Use. A shared use parking plan would be preferred over establishing parking on green space, even if structural support is proposed. Affirmative finding as conditioned.

**Sec. 8.1.16 Transportation Demand Management**

(a) **Purpose:** This section requires the implementation of a Transportation Demand Management (TDM) Program for certain projects for the purpose of advancing the goals of the City’s land use and transportation plans, and promoting public health, safety, welfare, and protection of the environment by:

- Reducing parking demand;
- Reducing car ownership;
- Reducing vehicle miles traveled (VMT) and congestion; and,
- Increasing transit use and non-motorized travel;

(b) **Applicability:** A Transportation Demand Management Program shall be required for all projects located in the Multimodal Mixed Use Parking District (see Sec. 8.1.3(c)), and involving any one or more of the following:

<table>
<thead>
<tr>
<th>Dwelling Units</th>
<th>Creation of ten (10) or more dwelling units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential or Mixed Use Development</td>
<td>A building footprint of eight thousand (8,000) s.f. or more; or, the creation of fifteen thousand (15,000) s.f. or more of gross floor area.</td>
</tr>
</tbody>
</table>

For the redevelopment of BHS/BTC, a TDM is required.

(b) **Transportation Demand Management (TDM) Program:** A TDM Program shall include each of the following elements at a minimum:

a. Outreach and Education:
i. **Designation of a Transportation Coordinator** who directly, or indirectly through membership in a Transportation Management Association, shall be responsible for each of the following:

1. Prepare and present informational and educational materials regarding available TDM strategies to all tenants and employees;

2. Organize and host an annual meeting for all tenants and employees to present and discuss available TDM strategies, and opportunities for increased use and participation;

3. Preparation and dissemination of an annual travel survey of all tenants and employees; and,

4. Record-keeping and annual reporting to City of all TDM activities offered and rates of participation (including parking utilization if applicable).

Burlington School District will be required to identify a Transportation Coordinator to complete the tasks defined, and complete annual reporting. These steps shall be more fully articulated in a final application with TDM.

b. **TDM Strategies:** In addition to compliance with the on-site Bicycle Parking requirements found in Article 8, Part 2, the following TDM strategies shall also be included at a minimum for a period of 10 years from receipt of a Certificate of Occupancy as follows:

   i. GMT Transit passes shall be provided to all tenants and employees for free for the first year of occupancy or employment, and at a minimum discount of 50% for every year thereafter; and,

   ii. A car share membership shall be offered to all tenants and employees for free for the first two years of occupancy or employment, and at a minimum discount of 50% for every year thereafter; or,

   iii. In lieu of i and ii above, maintain an ongoing and active membership in a Transportation Management Association (TMA) that offers equivalent TDM strategies or better.

Burlington School District has an ongoing relationship with Green Mt. Transit for neighborhood transportation routes. CarShare, if considered, would only be applicable to employees and staff. Alternately, equivalent TDM strategies may be identified, and articulated within a final TDM.

c. **Parking Management:** Where on-site or off-site parking is also made available:

   i. Conduct parking utilization studies at least annually for a period of 10 years from receipt of a Certificate of Occupancy;

   ii. With the exception of permanently affordable housing units, the cost of parking shall be un-bundled from all residential and non-residential leases and deeds and made available at a market rate;
iii. Where parking spaces are made available to off-site users, parking spaces may be made available by a renewable lease, provided the term of any lease does not exceed one (1) year; and,

iv. Priority parking spaces - located in closest proximity to a primary building entrance and/or public street frontage - shall be made available for each of the following:

1. Handicapped spaces;
2. Bicycles, scooters, and motorcycles spaces;
3. Car-share: where 1 space must be offered for every 20 residential units, not to exceed a total of 5 spaces, subject to an agreement with a car-share provider; and,
4. Carpool and/or Vanpool vehicles: where more than 20 spaces are available for non-residential uses. In such cases, 5 spaces or 5% of the parking spaces on site, whichever is less, must be reserved for carpool/vanpool use before 9:00 AM on weekdays.

Subsections ii., iii and iv 3. are not applicable for this redevelopment. (c) i. is required; iv. 2 is met. One van space is identified near the BTC entrance (Plan C2.1); however that is likely associated with delivering students to job sites. 5 carpool spaces are illustrated, as well, on Plan C2.1 (north parking area, near entrance plaza.) The applicant’s final submission shall define compliance with each standard.

d. TDM Agreement: Each TDM Plan shall include a signed commitment to and acknowledgement of each of the following on a form provided by the Administrative Officer:

i. Commitment to ongoing implementation of the TDM requirements as set forth above;

ii. Acknowledgement that the project has no claim to the ongoing availability of nearby on-street public parking, and that, as is the case with other on-street public parking, the City retains the right to charge for or remove such on-street parking at any time;

iii. Acknowledgement that failure to maintain transportation demand management as required above is a violation of this ordinance, and understanding that, pursuant to Sec. 2.7.8 of this ordinance, no zoning permit or certificate of occupancy may be granted until any such violation has been remedied; and,

iv. Commitment to notify any subsequent owners and tenants in writing of their obligations under this section as part of any purchase and sale and/or lease agreements.

Review and Enforcement: The Administrative Officer shall be responsible for determining compliance with the TDM Program requirements as set forth above, and
ongoing implementation shall be included as a condition of any discretionary or administrative permit required for development subject to the conditions of this Section.

Failure to maintain a TDM Program as required above shall be a violation of this ordinance, and pursuant to Sec. 2.7.8 of this ordinance no zoning permit or certificate of occupancy may be granted without a TDM Program in effect.

Affirmative finding as conditioned.

Part 2: Bicycle Parking
Section 8.2.2
Bicycle parking requirements as set forth in this subpart shall apply to new development, changes in land use, and changes to a structure that cause an increase or decrease of 25% or greater in gross floor area, seating capacity, or number of dwelling units.

The new school facility will introduce 268,500 sf of new development.

In the 2021 review, Burlington School District estimated future capacity at 1,276 students and 190 staff (1,466 total).

The requirement is:
Schools (6-12th grade) 1/20,000 sf plus 1/10 student population (Long Term) and 4/classroom (short term)

Rough staff calculations based on applicant estimates are:
13 (268,500/20,000) + 128 (1,276/10) = 141 Long Term and 320 (4 x 80 classrooms) (Short term) for a total of 461 bike parking space.

The applicant team is not prepared to estimate student/staff population at this time; but gives a rounded estimate of 80 classrooms. Anticipated population and classroom count are essential to calculate required bicycle parking, and will need to be provided in the final application.

The applicant provides the following information for re-consideration of a bike parking waiver:
While the plans currently show 243 bicycle parking spaces, the District and design team are still assessing the number of long term and short term spaces that would be appropriate for a school of this size. The 243 spaces currently shown are based on a recommendation put forth by the City DPW for the ReEnvision project (see attached memo dated 1/29/21). The Collaborative for High Performance Schools (CHPS) recommends 1.5 bike parking spaces per 10 students (see attached CHPS Criteria Interpretation) which would require 115 bike parking spaces (using a “design enrollment” of 1,150 students). Furthermore, LEED recommends 2.5% of all building occupants for short term bike parking and 5% for long term parking. If we were to assume 1,400 building occupants, the LEED standards would require 105 bike spaces (35 short term and 70 long term).
While the CDO requires a minimum of 128 long term [this omits the 1/20,000 sf requirement] and 320 short-term spaces (448 total bicycle parking spaces), we believe somewhere between 105 to 243 bicycle parking spaces will be more than enough to adequately serve a school of this size.
Bicycle parking is illustrated as distributed across the campus; at main entrances (two areas of substantial bike parking on both Institute Road entrance locations, at the north plaza entrance and two areas of covered bike parking adjacent to those. During the 2021 BHS application review, DPW requested that the DRB require 243 bike parking spaces, including 77 long term spaces and 166 short-term spaces as student capacity is not increasing. The DRB approved that bicycle parking waiver request, which continues to make sense within this re-development application, particularly if included within the overall TDM plan. **Affirmative finding with confirmation of capacity information, and DRB concurrence.**

**II. Conditions of Approval**

1. **Impact fees.** The proposed new gross area is subject to Impact Fees, unless it is determined that it meets an identified exemption. Staff will calculate those fees as appropriate based on the gross new floor area, with a credit for the building area lost to demolition.

2. **Per Section 2.7.8 Withhold Permit,** the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. There are a number of zoning permits that require Certificates of Occupancy.

3. The applicant shall seek appropriate abatement, remediation, and a Corrective Action Plan, with concurrence of the Vermont Department of Environmental Conservation (VTDEC) for Sites Management, and any other EPA required notifications, closures, and disposal practices.

4. The applicant shall provide a revised assessment of existing natural areas, and anticipated impacts. Associated with this assessment, definition as to tree clearing shall be required, as well as a tree retention plan, and an overall landscaping plan.

5. If the applicant team desires a longer development period than the typical three-year permit life, a phasing schedule may accompany a final application. This request should define the intended project segments and anticipated timing of each, which will, if approved by the DRB, allow for individual Certificates of Occupancy as each is completed.

6. As proposed, the stormwater infrastructure crosses a parcel boundary line. Either the assembly shall be limited to the parcel(s) under review, or additional permitting to include the abutting (affected) parcel shall accompany this application. An easement may be required for installation of permanent infrastructure to serve on parcel while situated on another.

7. The BHS Campus includes areas identified on the Steep Slopes Overlay Map. If development falls within the areas identified (including adjacent lands within 50’ of the
top of the slope), a geotechnical analysis is required to confirm the suitability of the slope for redevelopment.

8. The number and arrangement of the accessible parking spaces will need review by the building official for compliance with ADA.

9. Parking is intended to be in the rear, side, within or underneath buildings in the Institutional zoning district (Section 4.4.4.) Parking spaces, other than handicap accessible along the Institute Road entry arc should be eliminated.

10. Anticipated population (students & staff) and classroom count are essential to calculate required bicycle parking, and will need to be provided in the final application.

11. A Parking Management Plan (for identification and allocation of parking spaces, including during special events and potentially off-site spaces), incorporated into a Transportation Demand Management Plan (to identify, encourage, promote and support different modes of transit) are required.

12. An outdoor lighting plan, including fixture information, illumination levels, and a photometric plan will be required for a final application.

13. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

14. New electrical service shall be undergrounded.

15. Any project approved/permit issued under a pending zoning amendment warned by the City Council should be approved/issued conditioned upon the approval of the proposed bylaw.


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