

Department of Permitting and Inspections

Zoning Division
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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: July 7, 2020
RE: ZP20-0820CA; 44 Lakeside Avenue [Building 32]

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: ZP20-0820CA

Location: 44 Lakeside Avenue, Building 32

Zone: E-LM Ward: 5S

Parking District: Shared Use

Date application accepted: April 13, 2020

New Plans Submitted: June 15 and 21, 2020.

Applicant/ Owner: LandPlan-John Caulo / Lakeside Ovens, LLC (Russ Scully)

Request: Demolition of existing two level 9,200 sf office building and construction of a *three* level, 14,450 sf office building on existing foundation.



Background:

Building 32 is one of several buildings on a 14.89-acre site that includes Buildings 32, 44, 50, a parking lot and at least 4 small waterfront “pavilions”. Permitting for Building 32 has generally fallen under the 44 Lakeside Avenue address:

- **Zoning Permit 20-0707CA;** Construction of seasonal bathhouse at the north end of site with two (2) toilet stalls and two (2) outdoor showers. March 2020.
- **Non-Applicability of Zoning Permit Requirements 19-0492NA;** rooftop solar. January 2019.
- **Zoning Permit 19-0202CA/MA;** Renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation. Merge north and south lots into one. November 2018.
- **Zoning Permit 19-0011CA;** New windows, exterior entry doors and roof for existing office building. Demolition of existing loading dock on east side of building; reduction of gross floor area. July 2018.
- **Zoning Permit 18-0865A;** Construct one storage structure to match others built under zoning permit 18-0232CA. Also, construct a pavilion and wooden gate within the existing chain link fence along the bike path. Establish a boat rental use associated with the structures. May 2018.
- **Zoning Permit 18-0232CA;** Construct three outbuildings for storage, to be placed outside of lakeshore buffer. September 2017.
- **Zoning Permit 17-0315CA;** Renovation of interior commercial space for conversion to office use. [Building 32] September 2016.
- **Zoning Permit 13-0682CA;** Install new gas piping on roof beside existing piping. Intall four new roof mounted exhaust fans. January 2013.
- **Zoning Permit 10-0144CA;** Construct addition to link two existing commercial buildings. September 2009.
- **Zoning Permit 06-489CA;** Replace two windows, north facade with two new paired windows. Erect 12 ft x 5 ft 6 in. balcony, install door, west side. [Building 32] February 2006.
- **Zoning Permit 06-379CA;** Fit up for Coffee Enterprises. [Building 32] New steel egress door added to south elevation. December 2005.

- **Zoning Permit 05-171CU**; Change from office space to manufacturing space, add 800 amp of power, add heat to entire building. October 2004. Permit relinquished.
- **Zoning Permit 96-283**; Installation of a seasonal dock for recreational use of Blodgett employees. January 1996.
- **Zoning Permit 96-048 / MA96-007**; Installation of a seasonal dock for recreational use of Blodgett employees. August 1995.
- **Non-Applicability of Zoning Permit Requirements**; Blodgett no longer utilizing space with Blodgett Oven expanding into area. Use remains the same; storage, testing, sales, support offices. March 1991.
- **Zoning Permit 78-465**; Blodgett Supply Co. to erect a 12' high by 210' long block wall to enclose the loading platform, install three dock levelers and erect one office. December 1977.

Overview: The office building at the terminus of Lakeside Avenue is proposed to be demolished and replaced with a *three*-level office building on the same footprint (original application was for a four-story building). The building is not listed on the state or National Register of Historic Places, and was not included in the Lakeside Historic District. The Assessor's Database has a construction date of 1945. The Vermont Division for Historic Preservation has issued a decision of "No Undue Adverse Effect" relative to the redevelopment plan under Act 250 review.

The **Design Advisory Board** reviewed the application at their May 26, 2020 meeting (when the initial proposal was for a four-story building.) Their vote was unanimous to move the application to the DRB with a recommendation for approval as submitted.

The **Conservation Board** review the application at their June 2, 2020 meeting and moved to recommend approval of the application in a 6-1 vote, conditioned upon the following:

1. Patio pavers be permeable; and
2. If additional landscaping is proposed, native plantings be used with some kind of habitat or ecological benefit.

Recommended motion: Certificate of Appropriateness **Consent Approval**, per the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 3: Impact Fees

Impact fees are assessed for the net new square foot area of the office use. Based on the submission of net new 5,250 sf (14,450 – 9,200 existing), Impact Fees will be:

SF of Project 5,250

Department	<u>Offices & Other</u>	
	Rate	Fee
Traffic	0.686	3,601.50
Fire	0.202	1,060.50
Police	0.356	1,869.00
Parks	0.425	2,231.25
Library	0.000	0.00
Schools	0.000	0.00
Total	1.669	\$ 8,762.25

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city’s chief administrative officer/ city treasurer according to the following schedule:

(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.

Affirmative finding as conditioned.

Article 4: Maps & Districts

Section 4.4.3 Enterprise Districts

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone that is intended as the primary commercial/industrial center of Burlington. The proposed office space is consistent with the existing use and variety of commercial uses allowed in this zone. **Affirmative finding.**

(b) Dimensional Standards & Density

The addition of one more floor (a total 5,250 net new sf) increases the overall Floor Area Ratio of the entire 14.89 acre lot, but not so significantly as to come close to the 2.0 FAR limitation. Plan C1.1 defines the overall site FAR at 0.24.

Lot coverage will increase only to accommodate the 550 sf. granite patio. Engineering Ventures has recalculated lot coverage for the entire parcel (previously approved under ZP19-0202 CA/MA as 49%) and found that impervious area was overestimated in that review. A new coverage calculation is provided at 44% (Plan C-1.1 in revised planset.) As the area of redevelopment is within the lakeshore buffer, Conservation Board review was required for the addition of the west patio. The proposed lot coverage is under the maximum allowable 80% coverage.

The front yard setback along Lakeside Avenue remains unchanged. Side yard setbacks are not applicable in the E-LM zone, nor is the lakeshore setback.

Building height increases to 35.9', and with the addition of the rooftop equipment falls well within the 45' height limitation of the zoning district. A mechanical screen encloses rooftop mechanical equipment, which is exempt from height measurement limitations as it does not exceed 15' in height and occupies less than 20% of the roof area per Section 5.2.6 (b) 4.

Affirmative finding.

(c) Permitted & Conditional Uses

General office is a permitted use in the E-LM zone. **Affirmative finding.**

(d) District Specific Regulations

Not applicable.

Section 4.5.4 Natural Resource Protection Overlay District

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

Almost the entire parcel is affected by the Riparian and Littoral Conservation Zone, an overlay that extends 250' inland from the 95.5' elevation along the lakeshore. This overlay zone establishes criteria for tree clearing and stormwater management. The Conservation Board reviewed the project under these standards and recommended approval with conditions that the patio pavers be pervious and native plantings are employed if further landscaping is proposed.

Affirmative finding as conditioned.

Article 5: Citywide General Regulations

Section 5.2.3 Lot Coverage Requirements

See Section 4.4.3 (b) above.

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

See Section 4.4.3 (b) above.

Section 5.2.6 Building Height Limits

See Section 4.4.3 (b) above.

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.5.3 (b) above.

Section 5.5.1 Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion.

Affirmative finding.

Section 5.5.2 Outdoor Lighting

Under canopy can lights are proposed on the east elevation. Existing, approved pole lamps will be relocated along the reconstructed interior sidewalk. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

A parcel-wide stormwater management plan and Erosion Control plan was reviewed and approved under ZP19-0202CA/MA. Engineering Ventures prepared updated Stormwater and Erosion Prevention and Sediment Control plans relative to the replacement of Building 32. The approval of that updated plan by Stormwater Engineering program was received effective June 1, 2020. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

No land division is proposed within this application. Building 32 remains part of the overall 44/50 Lakeside Avenue parcel.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a)Protection of Important Natural Features:

The existing building is built into the embankment along Lake Champlain, the most notable natural feature. The existing steel sea wall that will not be disturbed. As the replacement building is proposed on the same footprint with the addition of a 550 sf patio on the west, no additional impact is proposed or anticipated. **Affirmative finding.**

(b) Topographical Alterations:

The new building will be built upon the existing foundation. No topographical alterations are proposed. **Affirmative finding.**

(c)Protection of Important Public Views:

There are no protected views from or through this site. As the building is proposed on the same footprint as the existing building, little alteration will be made of existing views from Lakeside Avenue. **Affirmative finding.**

(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).

Not applicable.

(e) Supporting the Use of Renewable Energy Resources:

Building 32 will be heated and cooled using geothermal energy, utilizing systems developed during the permitting of 44/50 under ZP19-0202 CA/MA. Although a solar array is not immediately planned for implementation, the redevelopment plan will include installation of two

(2) empty conduits connecting the roof surface to the Building Electrical Closet; allowing future installation. **Affirmative finding.**

(f) Brownfield Sites:

Identified as Site 20154612, The property is listed under 34/44/50 Lakeside Avenue on the Vermont DEC website. <https://anrweb.vt.gov/DEC/ERT/Brownfields.aspx>

The project is enrolled in Brownfields Reuse and Environmental Liability Limitation Program (BRELLA), Two Phase I's have been submitted; two Phase II's completed. A Supplemental Phase II completed. A CAP (corrective action plan) was approved 3/19/19.

https://anrweb.vt.gov/PubDocs/DEC/Hazsites/20154612.0412.19.Final.Approved.17-070_Lakeside.Ave.CAP_031119.pdf

An excerpt from that approved CAP specific to Building 32 notes Recognized Environmental Conditions (RECs):

1.4.1. Weston & Sampson Phase I ESA, September 18, 2015

Weston & Sampson conducted a Phase I ESA of the Site on behalf of Malone Properties, Inc. in accordance with ASTM Standard Practice E1527-13. Weston & Sampson identified the following recognized environmental conditions (RECs) associated with the Site:

32 Lakeside Avenue

- The unknown outlet location of and historic release of boiler blow down and potentially hazardous materials to the floor drain in the utility room can result in a release to the environment and represents a REC.
- The apparent presence of a >50-year old fuel oil underground storage tank (UST) with fluid remaining in it represents a material threat for a release and is a REC.
- The potential for release of PCB containing window glazing and caulking to the soils surrounding the building is a REC.

Subsequent correspondence with Vermont DEC and Lee Rosberg of Stone Environmental provided the following directives¹:

[Lee Rosberg, Stone Environmental]:

The property owner has mentioned that they eventually intended to demolish the 32 building to the foundation and construct a building in the same footprint on the existing foundation. Stone [Environmental] has advised them:

- 1) *There are PCBs (<50 ppm) in the window caulk and some adjoining masonry that will require removal and disposal as bulk product waste in the same manner as the windows that were removed from the 50 building. Since this is a bulk product waste a cleanup plan in accordance with 40 CFR 761.61 is not required.*
- 2) *There are low level PCBs (< 1 ppm and < non-resident VSS) in soil below each window and that these soils will either need to stay in place or be managed for disposal during construction. The last we discussed, Lakeside Ovens intended to leave soil in place. Attached, please find a map with caulk, masonry, and soil sample locations and corresponding analytical summary tables. These were included in the CAP, which was prepared prior to the 2019 IRule update so soil results are compared to previous VT soil*

¹ Email from Michael B. Smith, Vermont Department of Environmental Conservation; April 24, 2020.

standards in the table. However, there are no exceedances of the PCB non-resident soil standard (0.68 ppm) in soil near the 32 building.

- 3) *A UST just off the northeast corner of the foundation was assessed and closed in place last year. The closure report was submitted to the UST Program and SMS.*
- 4) *A hazardous building materials assessment (lead, asbestos, etc.) should be conducted.*

This permit is conditioned to follow the protocols identified within the Corrective Action Plan and the guidance of the environmental consulting firm, noted above. **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.

A stormwater management plan was submitted and approved by the Stormwater Engineering Division June 1, 2020.

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 applicant has ample on-site room for snow storage across the overall complex. Building entrances provide a manner of shelter during inclement weather.

Affirmative finding.

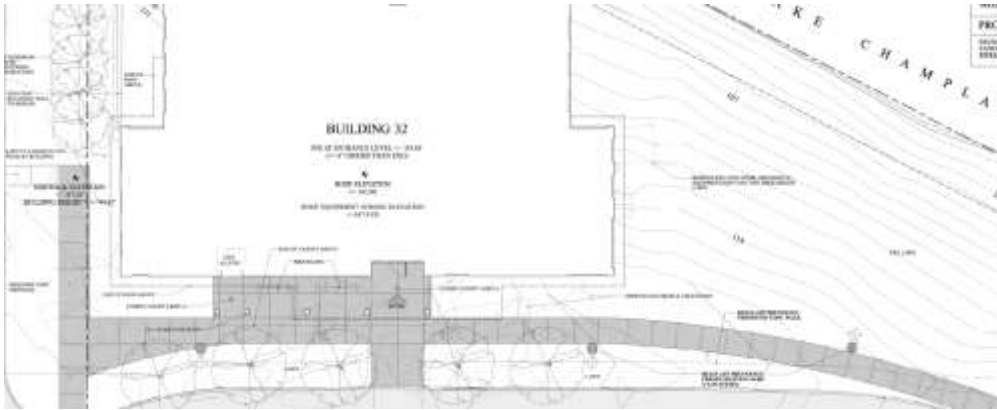
(h) Building Location and Orientation:

The proposed building will be similarly reconstructed on the same foundation footprint, oriented toward Lakeside Avenue with presentation toward the overall parcel access avenue and the lake. **Affirmative finding.**

(i) Vehicular Access:

Building 32 is part of a larger parcel, with a vehicular access and parking facilities approved under ZP19-0202CA/MA. **Affirmative finding as conditioned.**

(j) Pedestrian Access:



A pedestrian walkway will continue along Lakeside Avenue, and connect to the front of 32 Lakeside, continuing through the overall parcel. Any work proposed within the public ROW will require approval of the Department of Public Works and potentially City Council.

Affirmative finding as conditioned.

(k) Accessibility for the Handicapped:

The new building will be completely accessible. The south parking lot for Building 32 will provide one accessible and one van accessible handicap parking spaces. See Plans L-1.0 and L-1.1 for parking. **Affirmative finding.**

(l) Parking and Circulation:

Parking was approved under ZP19-0202CA/MA for the larger parcel. A total of 381 parking spaces were approved (273 spaces (10 EV), and an additional 108 tandem spaces). Including all uses on the site (office, maker spaces and seasonal surf club), **309 spaces are required.**

This application has minor modifications to the parking plan, appending the surface parking to 386 parking spaces (+5 over 19-0202 approval). See Plan L-1.1, with mark-up. The additional spaces include one conventional space (total 274) and 4 more tandem spaces (total 112.) **The surfeit on the overall lot is 77 spaces; easily accommodating the additional 11 parking spaces required of the new building.** (Proposed building 14,450 sf – existing building 9,200 sf = 5,250 sf @ 2/1000 in Shared Use district; 11 new parking spaces required.) Approval of the Parking Management Plan was within ZP19-0202CA/MA, including tenant managed parking assignment. A condition of approval will adopt conditions associated with that Parking Management Plan, to assure success of the plan and to prevent any on-street neighborhood parking with the expanded office building.

See Plan L-1.0 for a breakdown of parking requirements, Plan L-1.1 for identification of parking layout. **Affirmative finding as conditioned.**

(m) Landscaping and Fences:

There is an existing cedar hedge on the south side of the project site, which is proposed to be retained or replaced-in-kind if disturbed during construction activities. These are not on the subject parcel (as the sidewalk extension south of the site.) If any other changes (other than replacement landscaping) are proposed on the abutting property, the abutting property owner must submit a permit application. The applicant submitted new plans (received 5.14.2020) to

condense the Limit of Development (LOD). Any alterations within the Right-of-Way requires prior approval by the Department of Public Works.

Existing trees to the east of the building will be removed, to be replaced with five new Thornless Honeylocust between the pedestrian way and the access road. Existing, approved pole lights will be relocated along the pedestrian path. A 550 sf terrace is proposed on the west of the building. As this is within the 250' lakeshore buffer, the Conservation Board reviewed the application and recommended approval with conditions. **Affirmative finding as conditioned.**

(n) Public Plazas and Open Space:

There are no public plazas here, but the first and second floor decks and terraced area will provide an opportunity for outdoor space for building tenants. **Affirmative finding.**

(o) Outdoor Lighting:

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

The plan indicates relocation of existing, approved walkway pole lighting. Under canopy can lights are proposed for the easterly entrance. (Information on the canopy lighting is on Plan L-1.0, upper left hand corner of the sheet.) **Affirmative finding.**

(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 place 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.

Mechanical equipment is proposed on the roof-top, enclosed on all sides with a pre-finished vertical metal siding equipment screen. Electrical service is currently undergrounded (E1). DPW has identified electric conduit in close proximity to a hydrant and has conditioned that if not relocated, it must be installed to curve around the hydrant. See Plan C-1.2 for utility arrangement. **Affirmative finding as conditioned.**

(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.

Not applicable.

(c) Protection of Important Public Views:

There are no protected views from or through this site. **Affirmative finding.**

(d) Provide an active and inviting street edge:

The building is attractively arranged and composed on all four elevations; the east (street front) elevation clearly articulated with a central entrance, balanced fenestration, interesting and durable materials, and accessible bike racks. **Affirmative finding.**



(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.

Reference is made to plan A-2.0 for specifics on materials proposed. The rich and diverse collection of sheathing materials are durable and appropriate for new construction. **Affirmative finding.**

(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.

The building will profit from the installation of geothermal wells installed as part of the overall complex redevelopment (ZP 0202CA/MA, 2019). Although not immediately proposed, the building will have the integral ability to adopt solar infrastructure in the future. **Affirmative finding as conditioned.**

(g) Make advertising features complementary to the site:

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

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Redevelopment is subject to all applicable building and life safety codes as defined by the Burlington’s Building Inspector and the Fire Marshal.

Redevelopment shall be consistent with the requirements of the Corrective Action Plan approved March 2019, or any supplement to that document that addresses disposition or disturbance of soils and building materials specific to Building 32. **Affirmative finding as conditioned.**

Article 8: Parking

Section 8.1.8, Minimum Off-Street Parking Requirements

The minimum parking requirement is based on general office use. The proposed replacement building will be 14,450 sf of office space; deducting the existing 9,200 sf results in 5,250 sf new. The office space requires 11 new parking spaces (2 spaces per 1,000 sf.) Zoning Permit 19-0202CA/MA acknowledged the requirement of at least 282 onsite parking spaces (2 spaces per 1,000 sf) and 4 spaces for manufacturing/maker space (1 space per 1,000 sf). The total required parking was 286 spaces for these two uses. A total of 381 parking spaces was approved under the Parking Management Plan associated with ZP19-0202CA/MA; 273 conventional and 108 tandem.

This application will includes a gain of 5 parking spaces. See Plan L-1.1 dated 4.10.2020.

Parking analysis, 44 Lakeside complex			
Permit #	Use	Area	Requirement
ZP19-0202CA/MA	Office use	141,200 sf	282 spaces (2/1,000 sf)

	Manufacturing/Maker Space	3,900 sf	4 spaces (1/1,000 sf)
Total required			286 spaces
Total provided			381 spaces <ul style="list-style-type: none"> • 273 conventional • 108 tandem* As approved in Parking Management Plan.

ZP18-0865CA	Boat rental		10
Total required			286+ 10= 296
Surplus spaces			381-296 = 85 spaces

ZP20-0674CU*	Change of use: Mixed office to Trade school		+1
Total site requirements*			296 + 1 = 297 spaces
*Approved by DRB at their June 2, 2020 agenda.			

ZP20-0820CA See Plan L-1.0	Office use	5,250 net new	+11 spaces
Total required			297 + 11 = 308
Total provided			386 spaces <ul style="list-style-type: none"> • 274 conventional (10EV) • 112 tandem
Total surplus			386 provided -308 required = 78

Affirmative finding as conditioned.

Section 8.1.9 Maximum Parking Spaces

Surface parking is limited to 125% of the Neighborhood Parking District minimum parking requirement. In this case, the maximum permissible parking for *office use* is 366 spaces (141,200 office + 5,250 s net new = 146,450 sf. Neighborhood parking calc. =293 spaces x 1.25 = 366 parking spaces); for the *manufacturing use* approved in ZP19-02020CA/MA 6 spaces. Discounting the 10 seasonal spaces for the boat rental, the 386 onsite parking spaces exceed the 372 maximum parking space limit by 14 spaces.

Within the total onsite parking provided, there are 10 EV spaces and 6 car-share spaces. These 16 spaces are exempt from the maximum parking limitation per Section 8.1.9 (a) 3. (*Carshare*

Parking) and 4. (*Alternative Fueled Vehicle Parking*) of this section. Deducting these 16 spaces from the total results in a compliant parking maximum.

Confirmation of maximum permissible parking spaces (limited to 125% of parking requirement)

Office requirement	282 + 11 (Building 32) = 293	X 1.25 = 366 maximum
Manufacturing/maker	4	X 1.25 = 6 maximum
Maximum permissible parking		372
Parking proposed		386
Elimination of EV and Carshare spaces		-16
Allowable maximum		370 < 372 maximum allowable. ✓

Affirmative finding as conditioned.

Section 8.1.10 Off-Street Loading Requirements

This section requires an onsite loading area be provided of new structures intended for nonresidential construction, located outside of the Downtown parking district. Building 32 directly abuts the access drive to the overall parcel, and the terminus of Lakeside Avenue. Sidewalks link the building to both locations. As existing vehicular loading areas, both will suffice for the limited purposes of this office building. **Affirmative finding.**

Section 8.1.11 Parking Dimensional Requirements

The overall parking layout has been previously approved under ZP19-0202CA/MA. Five new spaces have been added; notably two accessible spaces immediately east of this building in the parking area south of Building 50. See Plan L-1.1 for identification of new spaces. Drive aisles and parking space sizes remain acceptable. **Affirmative finding.**

Section 8.1.12 Limitations, Location, Use of Facilities

(a) Offsite parking facilities

Not applicable.

(b) Downtown street level setback

Not applicable.

(c) Front yard parking restricted

Not applicable.

(d) Shared parking in the Neighborhood Parking Districts

All of the uses on onsite will share the onsite parking facilities.

(e) Single story structures in Shared Use Districts

The replacement building will be three stories. Not applicable.

(e) Joint use of facilities

Parking for all of the all uses will share spaces within the onsite parking areas.

(f) Availability of facilities

None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for employees and visitors.

(g) Compact car parking

The tandem and compact car parking spaces were previously approved under ZP19-0202CA/MA. The limitation on compact parking spaces pertains only to parking garages.

Affirmative finding.

Section 8.1.13 Parking for Disabled Persons

Little change is evident in the site plan, which depicts several clusters of handicap parking spaces in close proximity to building entries. The building inspector has jurisdiction for ADA compliance within the building permit process. **Affirmative finding as conditioned.**

Section 8.1.14 Stacked and Tandem Parking Restrictions

A number of tandem parking spaces (2-deep) were approved as part of a Parking Management Plan under ZP19-0202. Some of them are needed in order to meet the onsite minimum parking requirement. This application increases the tandem space count from 108 to 112. (+4 spaces) A parking management plan relative to the tandem spaces was approved under previous permitting. See Section 8.1.15 below.

Affirmative finding as conditioned.

Section 8.1.15 Waivers from Parking Requirements / Parking Management Plans

While *more* than the minimum required parking will be provided onsite, tandem spaces are needed in order to meet the minimum parking requirement. As such, they are not considered as conventional spaces and triggered the need for a parking management plan to demonstrate how parking will work for onsite users. This application requests consideration of an additional 4 tandem spaces.

The parking management plan that was approved included measures to reduce onsite parking demand such as potential CATMA membership, bike parking, and dedicated car-pool spaces and related incentives. As to the tandem spaces, they will be allocated on a per-tenant basis and managed by those tenants. Two separate tenants will not use the same tandem spaces. As previously approved, the solution is manageable and enforceable per the conditions of the original permit. **Affirmative finding as conditioned.**

Section 8.2.5 Bicycle Parking Requirements

For Building 32, 3 Long Term spaces are required (1/5000 sf), and 1 short term spaces (1/10,000 sf.) 20 covered and combined long and short term spaces are provided. See Plan L-1.0.

Affirmative finding.

II. Conditions of Approval

1. Based on revised plans received 6.15.2020, the following Impact fees shall be due:

SF of Project 5,250

Department	Offices & Other	
	Rate	Fee
Traffic	0.686	3,601.50
Fire	0.202	1,060.50
Police	0.356	1,869.00
Parks	0.425	2,231.25
Library	0.000	0.00
Schools	0.000	0.00

2. Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.
3. All requirements of the Corrective Action Plan (approved 3/19/2019) shall remain in effect. The applicant/owner are responsible for appropriate site remediation specific to the replacement of Building 32 as articulated in the Stone Environmental report and any subsequent addendum to the Corrective Action Plan.
4. All permit conditions of ZP19-0202CA/MA not specifically altered in this review shall remain in effect. Failure to adhere to the approved parking management plan (Condition #7 of the 19-0202CA/MA) will result in enforcement action. Tenant-managed parking assignments, as previously approved, remain acceptable but the burden of compliance will remain with the property owner.
5. New electrical service shall be undergrounded. Per comments of the Department of the Public Works, electric conduit in proximity to an existing hydrant shall either be relocated or altered to bend around the hydrant.
6. Any work outside of this parcel may require additional permitting. Any work within the Right-of-Way requires review and approval of the Department of Public Works and potentially City Council.
7. 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.
8. Any signage will require a separate zoning permit.
9. Redevelopment is subject to all applicable building and life safety codes as defined by the Burlington's Building Inspector and the Fire Marshal.
10. Standard Permit Conditions 1-15.

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