

Burlington Development Review Board

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Burlington Development Review Board

Findings of Fact Deliberative Hearing Tuesday, November 7, 2018

In RE: 19-0202CA/MA; 44 Lakeside Ave (Ward 5S, ELM) (Tax Lot No. 053-2-011-000)

Owner/Applicant: Lakeside Ovens, LLC / John Caulo, Land/Plan

Request: Renovate buildings for assembly, office, and seasonal recreational use. Rework parking and circulation.

Members Present:

Brad Rabinowitz
AJ LaRosa
Austin Hart
Ali Zipparo
Springer Harris
Samantha Tilton

Evidence Presented:

The Board examined the materials submitted in support of this request.

I. FINDINGS

Background Information:

The applicant is seeking approval to renovate the existing oven factory into a mix of office and assembly space. The seasonal recreational use (boat rental) associated with the several outbuildings on the beach has been approved under separate zoning permit. Exterior building changes are relatively minimal and amount to new windows and entry systems for building 50. A small bathhouse is also proposed by the outbuildings along the beach. More significant is the proposed site work that will entail rerouting onsite circulation and provision of additional surface parking to accommodate the proposed uses. Lastly, several lots will be merged into one lot.

The Conservation Board reviewed this application at their September 10, 2018 meeting. Significant discussion was had as to the placement of parking as close to the lakeshore and provision of public access to the property and lakeshore. Recent survey work shows that the bike path actually runs across the property within an easement. Direct access from the bike path has been made for the seasonal recreational use at the northern end of the site. While the property remains under private ownership, strides have been made to enable public access and to

afford the recreating public additional opportunity to experience Burlington's lakefront. Ultimately, the Conservation Board voted to recommend approval of the project as designed so long as the applicant works in good faith with the city as to revamping the bike path where it runs across the property and improving public access. Note that the site plan has been revised since Conservation Board review to avoid onsite class 3 wetlands and US Army Corps of Engineer's permitting.

This application was reviewed by the Development Review Board at their October 2, 2018 meeting. The public hearing was continued to allow time for outstanding items related to traffic impacts and onsite parking management. Comments have been provided by the Department of Public Works as to traffic impacts. The applicant has put together a parking management plan to address Sec. 8.1.15 of the findings below.

Previous zoning actions for this property:

- 7/23/18, Approval for exterior renovations to building 44 and demo of loading dock
- 5/8/18, Approval to construct one additional outbuilding and a gazebo and establish a seasonal boat rental use
- 9/8/17, Approval for 3 outbuildings
- 9/20/16, Approval for conversion of warehouse to office space
- 1/16/13, Approval to install new piping and exhaust fans on roof
- 9/1/09, Approval to construct link between two existing buildings
- 2/3/06, Approval to install replacement windows and balcony
- 12/7/05, Approval for interior fit up of office space
- 1/11/96, Approval to construct boat dock
- 12/23/77, Approval to enclose loading dock and to construct an office space

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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 development will involve connection to the city's wastewater system. There is an onsite septic system that apparently serves the oven factory. Sufficient water and sewer service are available. A State of Vermont wastewater permit will be required for the new connection. A capacity letter issued by the Dept. of Public Works will be required prior to issuance of a zoning permit. **(Affirmative finding as conditioned)**

- 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 subject property is located within the Enterprise – Light Manufacturing zone. This zone is intended primarily for manufacturing, distribution, processing and the like. While the oven factory will discontinue, it will be replaced by a variety of office and assembly uses intended as “incubator” and “accelerator” spaces. The proposed uses are consistent with the intent of the E-LM zone. **(Affirmative finding)**

- 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 office and assembly spaces are not expected to generate nuisance impacts from noise, odor, dust, and the like that may be more typically associated with heavy industry.

(Affirmative finding)

- 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;*

A traffic analysis has been provided. It includes the standard items as to anticipated trip generation, high crash location identification, and intersection level of service (LOS) in build and no-build scenarios. 2019 projections are made without the Champlain Parkway. Projections for 2014 include it. The traffic study generously assumes a 20% trip reduction due to alternative means of transportation to and from the site. Conversely, the study projects gross trip generation for the new uses, rather than a net difference from the existing manufacturing use.

Anticipated trip generation is significant. In the AM peak hour, 145 trip ends are anticipated. In the PM peak hour, 127 trip ends are anticipated. A total weekday trip generation estimate is not evident in the traffic study.

LOS impacts on nearby intersections are fairly modest. Those intersections included are Pine St/Lakeside Ave, Champlain Parkway/Lakeside Ave, Pine Street/Flynn Ave, and Lakeside Ave/Central Ave. Intersection level of service LOS remains good in all scenarios with mostly A's and B's. The Champlain Parkway/Lakeside Ave intersection LOS will be C in both build and no-build scenarios in 2024. The Lakeside Ave/Pine St intersection LOS will drop from A to B in the 2019 build scenario.

Written comments from the Department of Public Works have been provided. Generally, DPW concurs with the traffic assessment. DPW recommends that the traffic analysis be updated with the latest data for the Champlain Parkway. DPW also requests that a crosswalk be provided across Lakeside Avenue where it connects with Central Avenue. **(Affirmative finding as conditioned)**

and,

- 5. The utilization of renewable energy resources;*

No renewable energy utilization is included in this proposal. Future incorporation is not precluded by the project design. **(Affirmative finding)**

and,

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

As conditioned.

(b) Major Impact Review Standards

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

No significant air or noise pollution is anticipated as a result of this development.

See Sec. 5.5.3 for stormwater management. **(Affirmative finding)**

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 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;*

See Sec. 3.5.6 (a) 4.

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

No impacts on the city's educational system are anticipated as a result of this purely commercial development. **(Affirmative finding)**

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

The proposed renovations and changes in use will generate additional impacts on city services; however, those impacts are expected to be relatively modest. Impacts will be mitigated by payment of impact fees based on the area of buildings converted from industrial to office uses.

(Affirmative finding as conditioned)

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

See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

9. *Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The proposed development is located within the ELM zone – an area of the city specifically zoned for a variety of commercial land uses. The project will not adversely impact the city’s present or future growth patterns. The scale of existing onsite development will not change and is not expected to have an undue adverse impact on the city’s ability to accommodate growth. **(Affirmative finding)**

10. Be in substantial conformance with the city’s municipal development plan;
Several provisions of the Municipal Development Plan target the Enterprise zones for new commercial investment and redevelopment (Land Use Policies, pg. I-2; Growth Areas, pg. I-22 {The Enterprise District}). The site is easily accessible by bike or by foot with its location along the bike path. Bus service is located nearby as well (Transportation System Plan, pg. V-12). As required, the renovated buildings will comply with present energy efficiency standards of the city and state (Energy Plan, pg. VIII-1). **(Affirmative finding)**

11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;
The proposed commercial redevelopment will have no impact on the present or projected housing needs of the city. **(Affirmative finding)**

12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.
Little impact on the city’s park and recreation needs is expected as a result of this development. The Parks & Recreation Department has an interest in the bike path running through the property and the proposed alterations. Parks & Recreation has offered the following comment:

The department believes this is an opportune time to explore a bike path alignment closer to the lake, away from the constraints between the Blodgett Building and the railroad fence. The integration of a public Greenway through this beautiful property would also add tremendous value to the HULA proposal. BPRW and HULA are in coordination to ensure that the Burlington Greenway, also known as the Bike Path, will not be adversely affected by the HULA plans. Ongoing coordination will be necessary related to construction, staging, closures and detours.

In addition, parks impact fees will be paid. **(Affirmative finding as conditioned)**

(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.

The proposed redevelopment will likely not generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. Time limits for construction.

No construction timeline or phasing are included in the project plans. The standard 2-year timeframe for zoning permits will apply. **(Affirmative finding)**

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

Multiple tenants are expected to occupy the building spaces. Anticipated days and hours of operation are typically Monday – Friday from 7:30 AM – 6:00 PM. Some segments of the user groups may operate 24/7 for global connectivity.

Proposed days and hours of construction are Monday – Friday from 7:00 AM – 5:30 PM. Saturday from 8:00 AM – 3:30 PM. No work on Sunday. These construction hours are consistent with those recently approved for several large projects. **(Affirmative finding)**

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

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

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.

See the recommended conditions.

Article 4: Maps & Districts

Sec. 4.4.3, Enterprise Districts:

(a) Purpose

(1) Light Manufacturing (E-LM)

The subject property is located in the E-LM zone which is intended as the primary commercial/industrial center of Burlington. The proposed office and maker spaces are consistent with the variety of commercial uses allowed in this zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

Building FAR remains unchanged.

Lot coverage will increase to 49%. This percentage 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. No construction is proposed anywhere near the rear property line at the far northern end of the site.

Building height remains unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

General office and manufacturing are both permitted uses in the E-LM zone. In this case, the manufacturing use amounts to some small-scale “maker” spaces. **(Affirmative finding)**

(d) District Specific Regulations

Not applicable.

Sec. 4.5.4, Natural Resource Protection Overlay District

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

Almost the entire property 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 as noted previously. Minimal tree clearing is proposed and stormwater management will meet or exceed applicable standards. **(Affirmative finding)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.3 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.3 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.3 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.3 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

An outdoor lighting plan has been provided. A variety of fixtures are proposed for different applications, including bollards, poles, wall packs, and canisters. All will use LED light sources.

A photometric plan has been submitted that depicts point-by-point illumination levels. Individual lighting environments are depicted in addition to the overall plan. These separate lighting environments include walkways, parking and circulation areas, building entries, and the bike path.

Walkway lighting is too bright in all instances. Maximum permissible walkway illumination is 2.0 footcandles with a permissible average of 0.5 footcandle. Walkway lighting levels must be dimmed accordingly.

Most building entries comply with the 5.0 footcandle average. Building entries that are too bright are building 50, east entry, and the southwest entry. Illumination levels at these entries needs to be dimmed to 5.0 footcandle average or less.

The north drive parking/circulation area has bright spots up to 5.57 footcandles, whereas 4.0 footcandles is the maximum permissible illumination. The south drive has similar bright spots. The illumination must be dimmed to 4.0 footcandles or less. Reduction will affect the uniformity ratio. It must remain within 20:1.

Illumination levels are depicted along the bike path. The CDO does not contain a specific standard for this environment. In such cases, IESNA standards apply. In this case, the standard for “pedestrian ways and bike ways” would apply. Rather than footcandles, the IESNA standard in this case is in the form of lux. The lighting info for the bike path needs to be revised to reflect this IESNA standard.

The proposed lighting fixtures and illumination sources are acceptable. Lighting levels need to be adjusted as noted above. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

Proposed stormwater management centers on constructed gravel wetlands. These new stormwater elements will collect runoff from impervious surfaces within the site and will provide water quality treatment prior to discharge into Lake Champlain. The Conservation Board reviewed the stormwater management proposal and found it to be acceptable. Final review and approval by the city’s stormwater program staff is pending. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1, Land Division Design Standards

Sec. 6.1.2, Review Standards

(a) Protection of important natural features

The proposed boundary merger will have no impact on important natural features. **(Affirmative finding)**

(b) Block size and arrangement

Block size and arrangement will remain unchanged. **(Affirmative finding)**

(c) Arrangement of Lots

Several irregular lots will be combined into one triangular lot. **(Affirmative finding)**

(d) Connectivity of streets within the city street grid

Not applicable.

(e) Connectivity of sidewalks, trails, and natural systems

Not applicable.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

See Sec. 4.5.4, *Natural Resource Protection Overlay Districts*.

(b) Topographical alterations

No significant topographical alterations are proposed. The site is largely flat with a gently sloping lakeshore. Proposed grading will direct stormwater runoff into receiving stormwater management infrastructure. **(Affirmative finding)**

(c) Protection of important public views

There are no identified public view corridors from or through the subject property. That said, it is visible from the bike path and from the lake. As proposed, the new parking lot will be set back from the bike path, and the existing asphalt between the lakeshore and building 44 will be removed. The Conservation Board felt that, at least as perceived from the lake, public views of the property would improve. **(Affirmative finding)**

(d) Protection of important cultural resources

The property has no known archaeological significance. The immediate lakeshore is identified as an archaeologically sensitive area (as it is for much of the city's waterfront). Construction of the new parking lot may encroach into this sensitive area. In the event that artifacts are uncovered during earthwork, it is the applicant's responsibility to cease earthwork and contact the Vermont Division for Historic Preservation for direction. **(Affirmative finding as conditioned)**

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

Although the property is located relatively close to several contaminated sites, it does not appear on the Vermont DEC Hazardous Site List. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management.

Ample room will remain for onsite snow storage. Several building entries will be sheltered. **(Affirmative finding)**

(h) Building location and orientation

Building location and orientation will remain unchanged. **(Not applicable)**

(i) Vehicular access

Vehicular access will continue to come from Lakeside Avenue. The road frontage; however, will be significantly reworked to eliminate the very long curb cut along Lakeside Avenue. A new green belt with street trees will be installed along most of the property's road frontage with the front parking area pulled back from the street. The City Arborist has reviewed and approved the street tree plan. **(Affirmative finding)**

(j) Pedestrian access

Pedestrian access to the site will be improved. Two new connections to the bike path are proposed. The existing sidewalk that dead-ends at the eastern end of the Lakeside Avenue frontage will be extended across the length of the property's street frontage. Such extension will require DPW review and approval (as will the entirety of the new green belt). A new walkway will extend from this new sidewalk into the property. Several interior walkways will facilitate pedestrian circulation within the site, including a number of walkways connecting the parking areas with the buildings. The large parking lot to be constructed at the northern end of the site has just two pedestrian walkway connections. Most users would be forced to walk within the vehicular circulation aisles to reach these two walkways. Such configuration is contrary to the requirement that pedestrians be afforded safe routes separate from vehicles. Introduction of a walkway within the interior parking island would remedy this situation. **(Affirmative finding as conditioned)**

(k) Accessibility for the handicapped

Several clusters of handicap parking spaces are depicted near the buildings' entrances. It is the applicant's responsibility to comply with all applicable ADA requirements. **(Affirmative finding)**

(l) Parking and circulation

Almost all parking will be set behind the buildings along Lakeside Avenue. The existing front yard parking lot will be revamped and pulled back from the street with a new green belt and sidewalk as noted above. Given the layout of the front parking area, the east entry should be signed as "exit only."

Curbing is evident along portions of the parking and circulation areas. Much of the parking is without curbing. Continuous curbing is not required; however, this criterion requires curb stops or similar items at the edges of parking areas in order to prevent parking creep. The site plans must be revised accordingly.

The proposed parking areas will require shade trees. This criterion establishes a target of 30% shading of the parking areas with new shade trees. At least 1 shade tree for every 5 parking spaces is required. A total of 381 parking spaces are proposed (including the tandem spaces.) The landscaping plan has been revised to include the 76 required shade trees. The percentage of shading achieved is not evident in the shade study; however, it appears to meet the 30% standard. An exact percentage needs to be noted. **(Affirmative finding as conditioned)**

(m) Landscaping, fences, and retaining walls

A comprehensive landscaping plan has been submitted and encompasses a diversity of plantings. As noted previously, tree clearing will be minimal, and new trees have been added to adhere to the parking lot shade standard. New street trees will line the newly created green belt along Lakeside Avenue. New trees will also line the walkway along the building's street façade. Within the site, new tree plantings abound, mostly along or within the parking and circulation areas. Shrubs, ground cover, and perennials are also included in the planting mix. The constructed gravel wetlands will be planted with wet-tolerant species. Trees will continue to line

much of the property's lakeshore, and much of what is present-day lawn will be converted to meadow. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal. As noted before, public access into the site will be improved. **(Affirmative finding)**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

Existing and proposed ground-mounted mechanical equipment will be enclosed with metal panel screening. Similar screening will be provided for trash and recycling facilities onsite. The site plan notes a trash and recycling enclosure along building 50's primary façade – facing Lakeside Avenue. Upon initial review, the Development Review Board seemingly found this location to be acceptable. Any new utility lines must be buried. **(Affirmative finding)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Unchanged. **(Not applicable)**

2. Roofs and Rooflines

Unchanged. **(Not applicable)**

3. Building Openings

The fenestration of building 50 will be reworked with the introduction of additional windows on all elevations. While somewhat different stylistically from what is there now, the proposed fenestration fits the industrial aesthetic of the long, low brick buildings well.

(Affirmative finding)

(b) Protection of important architectural resources

The buildings are not included on an historic register. The exterior alterations to building 50 will have no adverse impact on Burlington's important architectural resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

Only building 50 is being altered as part of this application. Its southern façade faces Lakeside Avenue and will be improved with additional glazing, entryway enhancements, and some modest architectural accents. **(Affirmative finding)**

(e) Quality of materials

Relatively little will change as to building cladding. Brick will remain the predominant exterior material. Metal cable railing systems will be installed along with wooden rain screens at some of the entries. Aluminum-frame windows will be installed throughout. **(Affirmative finding)**

(f) Reduce energy utilization

Few energy details are included in the application plans. The renovated building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

No exterior signs are included in the project plans. Signs are subject to separate zoning permit. **(Affirmative finding as conditioned)**

(h) Integrate infrastructure into the building design

No roof-mounted mechanical equipment is depicted in the elevation plans. **(Affirmative finding)**

(i) Make spaces safe and secure

Egress requirements per the applicable building code will apply. Building entries, walkways, and parking areas are illuminated. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The minimum parking requirement is based on the two primary uses: general office and manufacturing (parking for the boat rental use was addressed under separate permit – present parking info allots 10 spaces for that use). Revised project plans include updated parking information. A total of 141,200 sf will be used for general office. A much smaller space, 3,900 sf, will be used for manufacturing/maker space. The office space requires at least 282 onsite parking spaces (2 spaces per 1,000 sf). The manufacturing/maker space requires 4 onsite parking spaces (1 space per 1,000 sf). Total required parking is 286 spaces for these two uses. A total of 381 parking spaces will be provided; however, only 273 are conventional. The remaining 108 are tandem. A parking management plan is required. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. In this case, the maximum permissible parking for office use is 353 spaces and for the manufacturing use is 6 spaces. Setting aside the 10 spaces for the boat rental, the 371 onsite parking spaces exceed the 359 onsite parking space limit by 12 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 criteria 3 and 4 of this section. Deducting these 16 spaces from the total results in a compliant parking maximum. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

This criterion requires an onsite loading area for all nonresidential construction outside of the downtown parking district. While the buildings are already in place, they are being renovated for new interior uses. A loading area is provided along the south façade of building 50.

(Affirmative finding)

Sec. 8.1.11, Parking Dimensional Requirements

Paved parking spaces are dimensionally compliant at 9' X 20.' The tandem and stacked spaces are slightly smaller at 9' X 18' but remain acceptable. Back-up space is narrower than the standard 24' length; however, the 20' back-up length that is provided affords sufficient space for the required 20' wide two-way drive aisles. **(Affirmative finding)**

Sec. 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. **(Affirmative finding)**

(e) Single story structures in Shared Use Districts

Not applicable (no new buildings are proposed).

(f) Joint use of facilities

As enabled by this section, parking for all of the proposed uses will share spaces within the onsite parking areas. **(Affirmative finding)**

(g) 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. **(Affirmative finding)**

(h) Compact car parking

As noted above, the tandem and stacked parking spaces are slightly sub-standard but are acceptable. The limitation on compact parking spaces pertains only to parking garages. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plan depicts several clusters of handicap parking spaces in close proximity to building entries. Associated striping is also shown. ADA compliance is administered via the city's building permit process. **(Affirmative finding as conditioned)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

A number of tandem parking spaces (2-deep) are proposed. Some of them are needed in order to meet the onsite minimum parking requirement. As required, a parking management plan has been provided. See Sec. 8.1.15 below. **(Affirmative finding)**

Sec. 8.1.15, Waivers from Parking Requirements / Parking Management Plans

While more than the minimum required parking will be provided onsite, 14 tandem spaces are needed in order to meet the minimum parking requirement. As such, they cannot be considered as conventional spaces and trigger the need for a parking management plan to demonstrate how parking will work for onsite users.

The parking management plan includes 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. The arrangement is simple and manageable on a per-tenant basis. **(Affirmative finding)**

Sec. 8.2.5, Bicycle Parking Requirements

Onsite bicycle parking has been accounted for in the most recent application materials. Required short term bike parking totals 15 spaces (1 / 10K sf), and required long term bike parking totals 28 spaces (1 / 5K sf). As proposed, 69 short term and 52 long term spaces will be provided. Note that the bike parking is based on 100% office use. The 3,900 sf manufacturing space has a lower requirement that is exceeded by assuming office use for the purposes of bike parking calculations. **(Affirmative finding)**

Article 10: Subdivision

Sec. 10.1.5, Lot Line Adjustments

(a) Lot Line Adjustment Submission Requirements

The required boundary survey prepared by a VT-licensed land surveyor has been provided. It lacks the required Administrative Officer's endorsement block. One must be added. **(Affirmative finding as conditioned)**

II. MINUTES

The meeting minutes will be distributed separately upon review and approval by the Development Review Board.

III. MOTION

Motion: AJ LaRosa

I move that the Board grant major impact and certificate of appropriateness approval to renovate buildings for assembly, office, and seasonal recreational use and to rework parking and circulation at 44 Lakeside Avenue based on the findings in Section I above and subject to the following conditions:

1. **Prior to issuance of the zoning permit**, revised or supplemental information addressing the following items shall be submitted, subject to staff review and approval:
 - a. Obtain a wastewater capacity letter from the Dept. of Public Works;
 - b. Obtain final approval of the EPSC and stormwater management plans from the city's Stormwater Program;
 - c. Revise outdoor lighting levels to be compliant with the applicable standards of Sec. 5.5.2.
 - d. Provide a walkway along or within the landscaping island centered within the northern parking area;
 - e. Provide confirmation of at least 30% shading of onsite parking and circulation areas; and,
 - f. Provision of the required Administrative Officer's endorsement block on the boundary survey.
2. The applicant shall work in good faith with the city so as to realigning the bike path where it currently takes a jog so as to accommodate the spur proposed by the applicants. In working to realign at the spur, the applicant shall work to insure pedestrian and bicycle safety at that junction point.
3. In the event that artifacts are uncovered during earthwork, the applicant shall cease earthwork and contact the Vermont Division for Historic Preservation for direction.
4. Days and hours of construction shall be limited to Monday – Friday 7:00 AM – 5:30 PM and Saturday 8:00 AM – 3:30 PM. No construction activity on Sunday.
5. Within 180 days of the date of final approval, the property plat mylar, with the required Administrative Officer's endorsement block and signature, shall be filed with the City Clerk per Sec. 10.1.11 of the Comprehensive Development Ordinance. Failure to do so shall render void the boundary merger.
6. Impact fees based on the building area converted from manufacturing space to general office space shall be paid to the Department of Planning & Zoning at **least 7 days prior to issuance of a certificate of occupancy**.
7. This approval includes the parking management plan as submitted.
8. An amended traffic study incorporating the latest traffic data for the Champlain Parkway to the record **shall be provided within 30 days**.
9. An ADA accessible crosswalk to cross Lakeside Avenue where it connects with Central Avenue shall be constructed.
10. The east end of the driveway shall be signed as "exit only."
11. The Applicant/Property Owner is responsible for obtaining all necessary Zoning Permits and Building Permits through the Department of Public Works as well as other permit(s) as may be required, and shall meet all energy efficiency codes of the city and state as required.
12. Any construction within the public street right-of-way requires review and approval by the City Council in conjunction with the Department of Public Works.
13. All new construction is required to meet the Guidelines for Energy Efficient construction according to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.
14. All exterior signage is subject to separate zoning approval.
15. All new utility lines shall be buried.
16. Standard Permit Conditions 1-15.

Seconded: Austin Hart

Vote: 6-0-0, motion carried

Dated at Burlington, Vermont, this ____ day of November, 2018

Respectfully Submitted,

Brad Rabinowitz, Development Review Board Chair

Please note that an interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. (Zoning Ordinance Article 17, Section 17.1.7, Appeals of Development Review Board Decisions: An interested person may appeal a decision of the Development Review Board to the Vermont Superior Court Environmental Division. The appeal shall be taken in such a manner as the supreme court may by rule provide for appeals from state agencies governed by Sections 801 through 816 of Title 3). The Court rules may require that such an appeal be commenced within Thirty (30) days of the Board's decision.