

## Department of Permitting & Inspections

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### MEMORANDUM

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** December 7, 2021  
**RE:** ZP-21-732; 278 Main Street

=====  
**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: RH                      Ward: 8E

Applicant/Owner: Duncan Wisniewski Architecture / Committee on Temporary Shelter

**Request:** Construct a new, 16-unit multifamily building addition to the existing 10-family community house.

#### **Applicable Regulations:**

Article 2 (Administrative Mechanisms), Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing)

#### **Background Information:**

The applicant proposes a new 16-unit multifamily building addition to the existing 10-family community house. The 4-story addition will attach to the rear of the existing building, and site improvements will consist of reconfigured parking, a trash/recycling enclosure, and covered bicycle storage. The application proposes all 16 new units to be inclusionary.

The applicant brought the proposal in front of the Technical Review Committee on May 13, 2021, and had two sketch plan reviews with the Design Advisory Board and Development Review Board on May 11, 2021 and June 1, 2021, respectively.

Previous zoning actions for this property are noted below.

- ✚ **Zoning Permit 92-030;** demolish porch and construct a new 2-story porch (side). July 1991.
- ✚ **Zoning Permit 03-057;** enclose two screened-in porches, adding stairs and modifying the parking area. August 2002.
- ✚ **Zoning Permit 05-585FC;** extend existing wood fence. May 2005.
- ✚ **Zoning Permit 15-1223CA;** replace wooden siding with fiber cement board siding. June 2015.
- ✚ **Sketch Plan Review 21-0961SP;** sketch plan review for a 16 unit multifamily building addition to the existing 10-family community house. June 1, 2021.

**Recommendation: Certificate of Appropriateness and Major Impact Approval** as per, and subject to, the following findings and conditions.

## **I. Findings**

### **Article 2: Administrative Mechanisms**

#### ***Part 7: Enforcement***

##### **Section 2.7.8 Withhold Permit**

There are two permits associated with the property that have never been closed out, and remain 'permit indeterminate' (92-030 & 03-057). The applicant will be tasked with closing these permits before being able to obtain any future certificates of occupancy. **Affirmative finding as conditioned**

### **Article 3: Applications and Reviews**

#### ***Part 2, Applications and Permits***

##### **Section 3.2.1 Pre-Application Conferences**

###### **(b) Technical Review Committee**

A TRC meeting was held on May 13, 2021. Information was provided to the applicants by all interested city departments and agencies. **Affirmative finding**

###### **(c) Sketch Plan Review**

The applicant submitted for sketch plan review with both the Design Advisory Board (DAB) and the Development Review Board (DRB) on May 11, 2021 and June 1, 2021, respectively. No major issues were brought up by either board. **Affirmative finding**

###### **(d) Pre-Application Neighborhood Meeting**

*A Pre-Application Public Neighborhood Meeting shall be required for all development involving the construction of five (5) or more dwelling units and/or ten thousand (10,000) s.f. or more of gross floor area of non-residential development in order to allow neighbors to become aware of potential development projects at an early stage of a development's conceptual design and for applicants to take into consideration neighborhood comments and concerns. Procedures and requirements regarding matters including but not limited to scheduling, location, public notice, and documentation shall be set forth by the department of planning and zoning.*

A Public Neighborhood Meeting was held on September 8, 2021 and November 10, 2021. The necessary documentation has been included with the application. **Affirmative finding**

#### ***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 any new non-residential buildings square footage are subject to impact fees.*

Impact fees shall be calculated based on the total gross square footage of the principal use. Based on the estimate provided, the new development will result in approximately 14,200 sf of new gross floor area. Because the project involves inclusionary housing, some reductions may be granted through the Community Economic Development Office (CEDO). The applicant is encouraged to work with them to finalize any impact fee reductions. Standard impact fees are as follows:

**SF of Project**

14,200
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Department	Residential	
	Rate	Fee
Traffic	0.208	2,953.60
Fire	0.235	3,337.00
Police	0.047	667.40
Parks	0.789	11,203.80
Library	0.488	6,929.60
Schools	1.019	14,469.80
<b>Total</b>	<b>2.786</b>	<b>\$ 39,561.20</b>

**Affirmative finding as conditioned**

**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 days prior to occupancy of a new building or any portion thereof.*

**Affirmative finding as conditioned**

**Part 5, Conditional Use & 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:*

- *The creation of ten (10) or more dwelling units in the RH zoning district.*

The project creates 16 new dwelling units. Major Impact Review is required. **Affirmative finding**

**Section 3.5.4 Submission Requirements**

*Any development subject to Major Impact Review under this Part shall also include an affidavit or certification documenting that the Pre-Application Public Neighborhood Meeting requirement pursuant to Se. 3.2.1 (d) has been satisfied in accordance with the procedures and requirements set forth by the department of planning and zoning [now the Department of Permitting and Inspections].*

This documentation has been provided. The proposal went to two Public Neighborhood Meetings – September 8 and November 10, 2021. **Affirmative finding**

**Section 3.5.6 Review Criteria**

**(b) Major Impact Review Standards**

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

The proposed construction is not expected to result in undue water, air, or noise pollution. Stormwater is addressed under Sec. 5.5.3. **Affirmative finding**

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

The application contains a letter from the Dept. of Public Works confirming that there is adequate water available for the proposed development. **Affirmative finding**

3. *Not unreasonably burden the city's present or future water supply or distribution system;*  
See 2 above. **Affirmative finding**

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

An Erosion Prevention and Sediment Control (EPSC) plan, subject to review and approval by the city's Stormwater Program, will be required prior to zoning permit release. **Affirmative finding**

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

The property fronts on Main Street, a heavily utilized public street with sidewalks on both sides of the street, and access to public transportation in close proximity. Sixteen new units should not create unreasonable congestion or unsafe conditions on these public facilities. However, as required under Sec. 8.1.16 CDO (see below), the applicant has provided a Transportation Demand Management Plan that discusses traffic impacts and how the development will address them.

**Affirmative finding**

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

The project will not cause an unreasonable burden on the city's ability to provide educational services. **Affirmative finding**

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

The project was reviewed by the Technical Review Committee on May 13, 2021. The applicant was informed of various requirements needing to be addressed to satisfy various city departments and agencies. There were no requirements or comments that identified any major issues to address. All comments have been forwarded to the applicant. Impact fees will be paid to help offset what impacts there are on municipal services. **Affirmative finding**

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

See Sec. 6.2.2 (a) & 6.3.2 (b). **Affirmative finding**

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 will significantly intensify the degree of residential development onsite. In addition to the existing community house that houses up to ten families, there will be sixteen new dwelling units within the new building addition. The project is proposed within a zoning district that enables development at a higher density than the nearby residential and institutional zones. It will have no adverse impact on the city's present or future growth patterns.

**Affirmative finding**

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

The new multifamily building addition is located in an area that is zoned for high density development. The immediate area has a variety of employment, service, and recreational opportunities. Conformance with the city's municipal development plan will be met.

Additionally, the proposal complements the Municipal Development Plan in other specific areas.

- *Retain its moderate scale and urban form in its most densely developed areas, while creating opportunities for increased densities.* [MDP, Built Environment, Page III-1]
- *Conserve the existing elements and design characteristics of its neighborhoods, and maintain neighborhood proportions of scale and mass.* [MDP, Built Environment, Page III-1]
- *Ensure people with disabilities have equal access to the built environment.* [MDP, Built Environment, Page III -2.]
- *Encourage a healthier regional balance of affordable housing in each community, proximate to jobs and affording mobility and choice to low income residents.* [MDP, Housing Plan, Page IX-1]
- *Enforce ordinances, such as inclusionary zoning and minimum housing, which promote housing opportunities, safety, and affordability.* [MDP, Housing Plan, Page IX-1]
- *Encourage a wide range of housing options to meet different and changing needs of households with children, the elderly, people with disabilities, and moderate- and low-income households.* [MDP, Housing Plan, Page IX-2]
- *Support housing models, organizations, and programs that insure perpetual affordability, fill gaps in the housing tenure ladder, and increase the overall supply of housing in the community.*[MDP, Housing Plan, Page IX-2]

**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;*

This project will add to the city’s housing stock, specifically its inclusionary stock. No details have been provided as to pricing, but affordability requirements as articulated in the CDO must be met. The 16 new dwelling units are all proposed to be inclusionary, which fashions itself around affordability. The project will have no adverse 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.*

Residents of the project may utilize the city’s parks and recreation resources; however, impacts are expected to be moderate and typical of new residential development. Impact fees will be paid to help offset what impacts there are on park resources. **Affirmative finding**

**Article 4: Maps & Districts**

**Sec. 4.4.5, Residential Districts:**

**(a) Purpose**

**(5) Residential High Density (RH)**

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings placed close together. Parking is intended to be hidden either behind or underneath structures. The proposed development is exclusively residential, has parking hidden in the rear, and will have relatively high, but conforming, lot coverage. Residents of the building will live within easy walking distance of a variety commercial uses. **Affirmative finding**

**(b) Dimensional Standards & Density**

The density and intensity of development, dimensions of building lots, the heights of buildings and their setbacks from property lines, and the limits on lot coverage shall be governed by the following standards:

**Table 4.4.5-2: Base Residential Density**

<i>District</i>	<i>Maximum dwelling units per acre<sup>1</sup></i>
<b>High Density: RH</b>	40 units/acre
<i>Inclusive of new streets but exclusive of existing streets, and without bonuses or any Inclusionary Zoning allowances.</i>	

Given a density allowance of 40 units per acre, 1,089 sf of lot area is required per unit. An 18,040 sf lot size would allow for up to 16 dwelling units. In combination with the existing community house (1 dwelling unit), the proposal will result in 17 dwelling units. The proposed 16 units will be inclusionary units, and thus count for a density bonus in accordance with Article 9 (see below). Projects that conform with inclusionary housing requirements may get up to a density of 46 units per acre in the RH zone. **Affirmative finding**

**Table 4.4.5-3: Residential District Dimensional Standards**

<i>Zoning District</i>	<i>Max. Lot Coverage<sup>1</sup></i>	<i>Setbacks<sup>1, 3, 4, 5, 6</sup></i>				<i>Max. Height<sup>1</sup></i>
		<i>Front<sup>2</sup></i>	<i>Side<sup>3</sup></i>	<i>Rear</i>	<i>Waterfront</i>	
<b>RH</b>	80%	<i>Min/Max: Ave of 2 adjacent lots on both sides +/- 5-feet</i>	<i>Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides  Max required: 20-feet</i>	<i>Min: 25% of lot depth but in no event less than 20'  Max required: 75-feet</i>	NA	35-feet

1. An additional ten per cent (10%) lot coverage may be permitted for accessory residential features per (d)3A below. Measurement of and exceptions to coverage, setback, and height standards are found in Art 5.
2. Average front yard setback of the principal structures on the 2 adjacent lots on both sides within the same block having the same street frontage. See Sec. 5.2.4.
3. In no event shall the side yard setback be required to exceed 20-feet, or the rear-yard setback be required to exceed 75-feet.
4. Additional setbacks from the lakeshore and other water features may be applicable per the requirements of the Sec 4.5.4 Riparian and Littoral Conservation Overlay Zone.
5. The side yard setback shall be calculated based on the 4 adjacent properties (2 on each side of the subject property). The right side yard setback is the average of the right side yard setback of the principal structures on

**Table 4.4.5-3: Residential District Dimensional Standards**

<b>Zoning District</b>	<b>Max. Lot Coverage<sup>1</sup></b>	<b>Setbacks<sup>1, 3, 4, 5, 6</sup></b>				<b>Max. Height<sup>1</sup></b>
		<b>Front<sup>2</sup></b>	<b>Side<sup>3</sup></b>	<b>Rear</b>	<b>Waterfront</b>	
<p><i>these 4 properties. The left yard setback is the average of the left side yard setback of the principal structures on these 4 properties. The adjacent properties shall be within the same block having the same street frontage as the subject property. See Sec. 5.2.5.</i></p> <p>6. <i>Where there are fewer than 2 adjacent lots on both sides within the same block having the same street frontage, the average side yard setback shall be calculated from the fewer number of lots. Where there are no adjacent lots, the setback shall be 10% of the lot width.</i></p>						

In addition to the density bonus for inclusionary housing noted above, there are bonuses for height and lot coverage as well. The project will result in 73.5% lot coverage, less than the 80% allowed in the RH (and the 92% bonus coverage allowance for inclusionary housing). By creating inclusionary housing, the project can get a maximum height allowance of 47 ft. The plans show compliance with this height requirement. Note that Section 5.2.6 (b) exempts non-habitable elevator towers from height limits. The proposal includes an elevator tower above the 47 ft height limit. The plans indicate compliant setbacks as well. With a lot width of 90 ft, and a depth of 200 ft, minimum side and rear yard setbacks are required at 9 ft and 50 ft, respectively. The plans indicate compliance with these standards. Front yard setbacks are not applicable given that this is a rear addition. Sec. 5.2.5 below allows accessory structures less than 15 ft in height to be setback at least 5 ft from side and rear yard property lines. **Affirmative finding**

**(c) Permitted & Conditional Uses**

Multifamily residential development is a permitted use in the RH zone. **Affirmative finding**

**(d) District Specific Regulations**

Each unit will be limited to no more than 4 unrelated adult occupants. **Affirmative finding as conditioned**

**Article 5: Citywide General Regulations**

**Sec. 5.2.3, Lot Coverage Requirements**

The RH zone sets a limit of 80% lot coverage, and with the inclusionary housing aspect of the proposal, the project can get a coverage of up to 92%. The proposal will result in 73.5% lot coverage. **Affirmative finding**

**Sec. 5.2.4, Buildable Area Calculation**

Not applicable.

**Sec. 5.2.5, Setbacks**

The plans indicate that the main building addition will comply with minimum setback requirements of Table 4.4.5-3. This section allows driveways, parking, and accessory structures (less than 15 ft in height) a setback of at least 5 ft from side and rear yard property lines. All new driveway and parking, as well as accessory structures, will be setback 5 ft from the property lines. **Affirmative finding**

***Sec. 5.2.6, Building Height Limits***

See Sec. 4.4.5 (b) above & Article 9 below. Per the inclusionary housing standards, a maximum height of 47 ft can be achieved. Additionally, non-habitable elevator towers are exempt from height limitations. The elevation plans indicate compliance with a maximum height of 47 ft, plus an elevator tower a few feet above that. **Affirmative finding**

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Sec. 4.4.5 (b) above. **Affirmative finding**

***Sec. 5.4.8, Historic Buildings and Sites***

While the existing building at the front of the property is listed on both the National (College and Main Street Historic District) and State Historic Registries, no alterations to it are proposed. There is a rear addition to the existing building that was constructed in 1991 which the new building will attach to. **Affirmative finding**

***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***

Lighting plans have been submitted and closely conform to the requirements of this section. Specifically, parking lot lighting cannot exceed 4 footcandles at any point. The site photometric plan shows a few areas within the parking areas that exceed 4 footcandles. The plans shall be revised to show compliance with this standard. **Affirmative finding as conditioned**

***Sec. 5.5.3, Stormwater and Erosion Control***

The applicant has submitted an EPSC plan. Approval of which will be required by the Stormwater Program prior to the release of the zoning permit. **Affirmative finding as conditioned**

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

Not applicable.

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

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

Not applicable. There are no important natural features at this location.

***(b) Topographical Alterations:***

The property has a gentle east-west downslope. No changes are proposed that will significantly alter the topography. The street frontage is developed with the existing building and landscaping, and the proposal will occur behind the existing building. The parking configuration will be altered to make room for the new building, but should not result in significant topographical alterations.

**Affirmative finding**

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

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



**(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. While the existing building at the front of the property is listed on both the National (College and Main Street Historic District) and State Historic Registries, no alterations to it are proposed.

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

The plans do not include any reference to renewable energy resources to be used. No part of the application will preclude future utilization of wind, geothermal, water or other renewable sources of energy. **Affirmative finding**

**(f) Brownfield Sites:**

Not applicable. This site is not listed on the Vermont DEC list of identified Brownfields.

**(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.*

The application triggers the need for an Erosion Prevention and Sediment Control plan, as well as a stormwater plan, to satisfy the requirements of Chapter 26 of Burlington Code of Ordinances. These plans have been submitted and await approval. Written approval from the City Stormwater program will be a requirement of the zoning permit.

*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.*

There will be internal access to the new building addition from within the existing building. In addition, two ground level doors on the east wall of the addition will be covered by a portion of the second story. An entry at the rear will have a canopy cover as well.

With the proposed development area, there is some, but little, room onsite for snow storage – within the 5-foot setback areas of the driveway and parking areas, and next to the covered bike structure. **Affirmative finding**

**(h) Building Location and Orientation:**

The new addition is proposed to the rear of the existing building. No changes to the existing streetscape are proposed. **Affirmative finding**

**(i) Vehicular Access:**

The existing access off Main Street will continue to provide access to the property. The driveway will continue along the east property line to provide vehicular access to both parking areas and the trash enclosure. **Affirmative finding**

**(j) Pedestrian Access:**

Pedestrian access to the existing building will remain as existing. There is a front entrance with a direct walkway to the Main Street sidewalk. A new walkway between the driveway and east property line is proposed. The plans indicate a concrete ‘plaza’ where pedestrians will cross the driveway to access the new addition. This ‘plaza’ will act as a traffic calming device for the safety of crossing pedestrians. From there, a walkway will continue along the side of the addition and wrap around to the rear entrance. **Affirmative finding**

**(k) Accessibility for the Handicapped:**

One handicap parking space will be provided per the site plan. The building inspector has jurisdiction over ADA requirements. By his direction and per Chapter 8 of the Burlington Code of Ordinances, handicap access must be addressed. **Affirmative finding**

**(l) Parking and Circulation:**

Circulation within the site is clear: one driveway along the east property line to provide access to the two separate parking areas. The property is within the Multimodal Mixed-Use Parking District, which eliminates minimum onsite parking requirements. The proposal includes, however, two separate parking areas for a total of 9 onsite parking spaces. As required by Sec. 8.1.16 *Transportation Management Plan*, the applicant has submitted a Transportation Demand Management (TDM) plan for review since the proposal includes more than 10 new dwelling units. See below. **Affirmative finding**

**(m) Landscaping and Fences:**

Landscaping plans are included in the submittal. The applicant proposes a variety of trees, shrubs and perennials around the new development. Since the development will occur at the rear of the property, additional landscaping isn’t needed to enhance the streetscape. There is a 4 ft tall (approx.) picket fence between the existing building and the west property line (running parallel with Main Street) that will remain. Additional fencing runs along the rear half of the east property line, as well as along the rear (north) property line. The proposal includes continuing one of the existing fences to the neighbor’s fence in the northeast corner. The applicant should be aware that this permit will only allow new fencing to be permitted strictly on the subject property. If any portion of this new fencing is to occur on the neighboring property, a separate zoning permit, filed for that neighboring property, will be required. **Affirmative finding as conditioned**

**(n) Public Plazas and Open Space:**

The site plan identifies open space along the west side. It is assumed that this area will be open to use for tenants of the property. **Affirmative finding**

**(o) Outdoor Lighting:**

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

See Sec. 5.5.2 above.

**(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.*

The plans show a trash enclosure in the northeast corner of the lot, and a transformer in the northwest corner. The roof plan shows all mechanical units proposed for use. Given the height of the structure, and the central rooftop location, these units will be difficult, if not impossible, to see from surrounding streets and properties. Mail will be delivered inside of the building. **Affirmative finding**

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

**(a) Relate development to its environment:**

**1. Massing, Height and Scale:**

The proposed 4-story rear addition will exceed the mass, height and scale of the existing building at the front of the property, as well as neighboring structures. However, with its location at the rear of the property, it won't be dominant along the street frontage. Neighboring buildings along this stretch of Main Street range in height from 2 to 3 stories. The scale of development is similar to nearby properties – specifically, the abutting property to the east contains a three-story multifamily building. And the property beyond that to the east contains a multifamily development as well. Given the underlying zoning (Residential High Density), the proposal fits within the intent of the zone.

Additionally, the development will utilize inclusionary housing benefits with regard to density and building height. The applicant's narrative states that all units within the addition will meet inclusionary zoning requirements. Density can increase to 46 units per acre, lot coverage can go up to 92%, and building height can reach 47 ft, as long as the requirements of Article 9 – *Inclusionary and Replacement Housing* are met. **Affirmative finding**

**2. Roofs and Rooflines**

The new, multi-level building addition will have flat roofs throughout. One exception to that is the elevator tower, which will have a sloped roof. In accordance with Sec. 5.2.6 (b) CDO, elevator towers are permitted to exceed maximum height limitations. Buildings within the immediate area have a variety of roof types, but more specifically, the large office building on the abutting property to the west has a flat roof. The roof/roofline of the proposed building addition will not create an anomaly in the neighborhood. **Affirmative finding**

### **3. Building Openings**

The elevation drawings show a variety of window types, with fixed, awning and casement windows throughout. With the exception of the elevator tower, there aren't any blank walls. Three first level access doors are provided (east and north side), and there will be a door on the south wall that will provide access to a portion of the second floor's rooftop. **Affirmative finding**

#### **(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. No changes to the street edge are proposed. The existing building will remain as-is, and landscaping in front will remain.

#### **(e) Quality of materials:**

A mix of fiber cement, brick, and corrugated metal siding will be used on the new addition. Trifab Versaglaze will be used for the windows. Spec sheets have been provided. Generally, for new construction, a variety of materials is acceptable and are encouraged to be highly durable.

**Affirmative finding**

#### **(f) Reduce energy utilization:**

The applicant notes that the addition will be designed to meet or exceed the requirements of the CBES Codes of the State of Vermont. The new construction will be all electric, which to be successful requires a robust and air-sealed exterior. **Affirmative finding**

#### **(g) Make advertising features complementary to the site:**

Not applicable. No signage is proposed. A separate sign permit will be required for any future signage.

#### **(h) Integrate infrastructure into the building design:**

See Sec. 6.2.2 (p) above.

#### **(i) Make spaces secure and safe:**

The entrances to the new addition will be illuminated. There are three ground floor covered entries/exits proposed that will aid in building evacuation should the need arise. As usual, the new building addition will have to meet life safety requirements of the building code. **Affirmative finding as conditioned**

## **Article 8: Parking**

### **Sec. 8.1.6, Affordable Housing and Historic Buildings Exemption**

*Regardless of location, the minimum off-street parking requirements found under Sec. 8.1.8 below shall not apply to any of the following:*

(a) *The creation of permanently affordable inclusionary housing units satisfying the applicable provisions of Article 9 Part 1 – Inclusionary Housing.*

The proposed 16 units will all be inclusionary housing units. As a result, Sec. 8.1.8 (Minimum Off-Street Parking Requirements) does not apply to the proposal. Additionally, the property is in the Multimodal Mixed Use Parking District, which eliminates minimum parking requirements anyway. **Affirmative finding**

**Sec. 8.1.9, Maximum On-Site Parking Spaces**

*The total number of off-street parking spaces provided in any parking district shall not be more than as required in Table 8.1.9-1 below:*

<b>Table 8.1.9-1 Maximum Off-Street Parking Requirements</b>		
<i>Neighborhood District</i>	<i>Shared Use District</i>	<i>Multimodal Mixed-Use District</i>
<i>125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1</i>	<i>100% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1</i>	<i>100% of the minimum number of spaces required for the Shared Parking District for any given use as required in Table 8.1.8-1</i>

Per the Shared Use Parking District, the existing community house requires 0.75 parking spaces, and 16 dwelling units would normally require 16 parking spaces (1 per unit). The site will have 9 on-site parking spaces, well below the 17 space limitation. **Affirmative finding**

**Sec. 8.1.10, Off-Street Loading Requirements**

Not applicable in the Multimodal Mixed Use Parking District.

**Sec. 8.1.11, Parking Dimensional Requirements**

While there is not a minimum parking space requirement, the spaces shown on the site plan meet the standard dimension of 18’ x 9’. Per the TRC meeting of May 13, 2021, the Fire Marshal indicated adequate travel space for emergency vehicles. **Affirmative finding**

**Sec. 8.1.12, Limitations, Location, Use of Facilities**

Not applicable.

**Sec. 8.1.13, Parking for Disabled Persons**

One ADA parking space is depicted on the site. As noted above, the building inspector has jurisdiction over ADA requirements. **Affirmative finding**

**Sec. 8.1.14, Stacked and Tandem Parking Restrictions**

Not applicable.

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

Not applicable.

**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:*

<b><i>Dwelling Units</i></b>	<i>Creation of ten (10) or more dwelling units</i>
<b><i>Non-residential or Mixed Use Development</i></b>	<i>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.</i>

Because the proposal involves the creation of 10+ dwelling units, the applicant has prepared a transportation demand management plan. **Affirmative finding**

***(c) Transportation Demand Management (TDM) Program***

***a. Outreach and Education***

While not in the applicant’s TDM plan, designation of a Transportation Coordinator who directly, or indirectly through membership in a Transportation Management Assoc., shall be responsible for:

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).

This shall be addressed in a revised TDM. **Affirmative finding as conditioned**

***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.*

The applicant has indicated that COTS will join CATMA as a means of satisfying the TDM plan. CATMA offers a variety of transportation services. Compliance with this section will be required as part of permit approval. **Affirmative finding as conditioned**

***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.*

The final TDM shall address each of these requirements. A handicap parking space will be located closest to the building entrance. Bicycle parking is located near the rear door.

**Affirmative finding as conditioned**

***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*

While a few components of the TDM need to be included/revised, the applicant has submitted the acknowledgement form. **Affirmative finding**

#### ***Sec. 8.2.4, Bicycle Parking Requirements***

Multi-unit developments require 1 long term space per 2 bedrooms, and 1 short term space per 10 units. The site plan includes covered bike parking for 16 bicycles. Given a total of 23 bedrooms, 12 long term spaces are required. The basement storage room provides 17 enclosures reserved for tenants which can house bicycles as well. **Affirmative finding**

### **Article 9: Inclusionary and Replacement Housing**

#### ***Section 9.1.5 Applicability***

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. In this case, all 16 new units (100%) are going to be inclusionary. **Affirmative finding**

#### ***Sec. 9.1.7 Certificate of Inclusionary Housing Compliance***

*Notwithstanding any other provision of this ordinance, no certificate of occupancy for a project covered by this chapter shall be granted unless and until a Certificate of Inclusionary Housing Compliance has been issued by the Housing Trust Fund Manager.*

Final written approval of the inclusionary housing approval from the manager of the city's Housing Trust Fund is required. **Affirmative finding as conditioned.**

#### ***Sec. 9.1.12 Additional Density and Other Development Allowances***

Because 100% of the new units will be inclusionary housing units, the development is allowed the following bonuses: a density of 46 units per acre and a maximum lot coverage allowance of 92%. The development will not exceed either of these bonuses. See Sec. 4.4.5 above. **Affirmative finding**

#### **Section 9.1.17 Review of Proposal for Phasing**

Not applicable.

#### **Section 9.1.18 Timeline for Availability/Phasing of Inclusionary Units for Issuance of Certificate of Occupancy**

Not applicable. All of the new units will be inclusionary.

## **II. Conditions of Approval**

1. 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. See attached list for guidance on open permits/violations.



2. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer’s Office or the Permitting and Inspections Department impact fees as calculated by staff based on the net new square footage of the proposed development. The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. As submitted, estimated Impact fees are:

**SF of Project**      **14,200**

<b>Department</b>	<b><u>Residential</u></b>	
	<b>Rate</b>	<b>Fee</b>
Traffic	0.208	2,953.60
Fire	0.235	3,337.00
Police	0.047	667.40
Parks	0.789	11,203.80
Library	0.488	6,929.60
Schools	1.019	14,469.80
<b>Total</b>	<b>2.786</b>	<b>\$ 39,561.20</b>

3. **Prior to the release of the zoning permit**, a Transportation Demand Management plan shall be provided to staff for review and approval. The TDM shall satisfactorily address each criterion required under Sec. 8.1.16 CDO.
4. **Prior to the release of the zoning permit**, the Erosion Prevention and Sediment Control plan and Stormwater plan must be approved by the Stormwater Program Manager.
5. **Prior to the release of the zoning permit**, the lighting plans shall be revised to indicate no areas of parking lot lighting exceeding 4 footcandles at any point.
6. **Prior to issuance of a certificate of occupancy**, final written approval of the inclusionary housing approval from the manager of the city’s Housing Trust Fund is required.
7. **Prior to issuance of a certificate of occupancy**, proof of membership with CATMA shall be provided to staff.
8. Residential occupancy limits apply. The occupancy of any dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy any dwelling unit.
9. The permit does not approve any new offsite fencing.
10. All new construction is required to 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.
11. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
12. A State of Vermont wastewater permit is required.
13. Standard Permit Conditions 1-15.