Amended Staff Report

TO: Development Review Board
FROM: Mary O’Neil & Scott Gustin
DATE: April 5, 2022
RE: ZP-22-32; 351-375 North Avenue

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: NAC-CR   Ward: 4N

Owner/Applicant: BC Community Housing / Eric Farrell

Request: Amend Planned Unit Development permitted under 17-0623CA/MA & 19-0021CA/MA to increase total residential unit count from 770 to 950; revisions to Buildings DEFI, M, C, and Q/R and related site changes.

Applicable Regulations:
Article 3 (Applications, Permits, & Project Reviews), Article 4 (Zoning Maps and Districts), 5 (Citywide General Standards), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 11 (Planned Development)

Background Information:
The applicant is seeking to increase the number of residential units within the Cambrian Rise development to 950. That change is reflected in a recently amended development agreement with the city. Increasing the unit count is also driving a number of related changes to this ongoing project. Key aspects of this amendment application are:

- Acknowledge execution of Amendment to Development Agreement, increasing allowable housing density from 770 to 950 units;
- Increase in calculated FAR from 1.16 to 1.29. (2 is allowable FAR);
- Combine previously approved buildings D, E, F and I (total area of 185,000 sf) into one structure: the Aurora (318,000 sf);
- Eliminate deck and push wall out at fourth floor south elevation to create new units in Building C; (elevation change);
- Change in configuration of Buildings Q/R.
- Creation of Common Green (reconfigured Lot 6);
- Addition of 2 units to Building M, 6th floor on northwest corner by conversion of amenity space, enclosure of open deck.
- Site modifications, including addition of a rooftop Boardwalk as resident amenity.
- Change to Phasing Plan (sequencing, not completion dates.)

The Design Advisory Board reviewed the proposed amendment at their March 15, 2022 meeting and unanimously recommended approval as submitted.

Previous zoning actions for this property (Permitting addresses vary from 329, 351, 351-375 and 375 North Avenue):

- **Zoning Permit ZP-21-235**: Re-apply for 18-0791CA.
- **Zoning Permit 20-0683CA**: Changes to proposed Building C, convert parking to residential space (no increase in units), decrease non-residential space by 3,000 sf. February 2020.
- **Zoning Permit 19-0021CA/MA**: Amendment to original project increasing the overall unit count to 770. Redesign of Building M, adding additional stories to buildings M, P,Q, & R. Add building volume to B & G. Minor changes to plaza dimensions. October 2018.
- **Zoning Permit 18-0721CA**: Relocation of proposed path on SW side of building to align with existing opening on west elevation and small path leading from main path to vicinity of electrical transformer; modified paths near entry until adjacent buildings are complete; temporary black coated chain link construction fence surrounding west and south boundaries of building landscaping; new low stone wall. March 2018.
- **Zoning Permit 18-0791CA**: Revisions to Buildings B & G, with additional floor added to Building B. No change to total units in project; revisions to design of buildings and proposed transportation hub; revision to road phasing plan. May 2018.
- **Zoning Permit 18-0028AP**: Appeal of administrative decision relative to Impact Fees for orphanage renovation (zoning permit 16-0007CA/MA). DRB upholds staff decision, August 2017.
- **Zoning Permit 17-0853CA**: Request for amendment of ZP17-0623CA/MA; Condition of approval #13 limiting construction days and times and Condition #3 addressing 10-year performance bond for construction. May 2017.
- **Zoning Permit 17-0716CA**: Replace two small windows on north and south gable ends located at the west elevation of former Orphanage building with one larger window in each gable end at the west elevation. January 2017.
- **Zoning Permit 17-0623CA/MA**: Proposed development consisting of 11 buildings containing 739 residential units, approximately 45,000 sq. ft. of non-residential support/amenity space, approximately 40,000 sq. ft. of neighborhood commercial spaces and 1,092 parking spaces. March 2017.
- **Zoning Permit 17-0376CA**: Install new windows within new openings on western building elevation. September 2016.
- **Zoning Permit 17-0252SP**: Second sketch plan review of planned unit development with mixed commercial and residential uses, related buildings, and infrastructure. October 2016.
- **Zoning Permit 17-0010CA**: Revisions to west chapel elevation (amendment to zoning permit 16-0007CA / MA). Openings for windows restored or added. July 2016.

- **Zoning Permit 16-1487CA**: Change to top floor, add veranda on roof. Amendment to zoning permit 16-0007CA/MA. July 2016.


- **Zoning Permit 16-1183SP**: Sketch plan review of 700+ unit planned unit development with mixed commercial and residential uses, related buildings, and infrastructure.


- **Zoning Permit 15-0702LL**: Lot line adjustment with 329 North Avenue. Approved December 2014. [Plat recorded 1/16/2015; Plat file 509C.]

- **Zoning Permit 14-1286CA**: Installation of CCTA bus shelter on Burlington College property. Approved June 2014.

- **Zoning Permit 12-0706SN**: Replace existing non-conforming freestanding sign with new freestanding sign for Burlington College – Main Campus. Approved March, 2012.

- **Zoning Permit 12-0121CA**: Install rooftop air handler, five ac units, bike racks, and remove walls from garage. Approved August 11, 2011.

- **Zoning Permit 11-0282CU**: Convert existing institutional office use and group home use to post-secondary school. No site or exterior building changes proposed. Approved November 2010.

- **Zoning Permit 09-526CA**: Demolish single car garage. Approved February 2009.

- **Non-applicability of zoning permit requirements**: continued use of existing group home. June 1998.

- **Zoning Permit 92-096 / COA 092-016**: Removal of existing wooden cross with installation of fiberglass statuary of St. Mary on top of Diocese building. Overall height to be 104’ with exterior illumination to surround statue. Approved September 1991.

- **Notice of selective landscape removal on west**: No change in grade of site or drainage of runoff water. December 1991.


- **Zoning Permit 77-03**: Renovation of existing structure “St. Josephs Child Center” into office space and three apartments for Bishop and two priests. Approved January 1977.

- **Zoning Permit 77-628**: Convert St. Joseph’s Child Center into office building, three apartments and three guests’ rooms. Remove some windows and brick up openings. Install new windows. Erect 28’6” x 30’ addition and 32’ x 66’ addition. December 1976.

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

Article 3: Applications and Reviews
Part 3: Impact Fees
Sec. 3.3.2, Applicability
The additional building area included in this amendment will affect overall impact fees. Impact fees due will be adjusted to reflect this additional building area. As requested, an updated spreadsheet of buildings and their interior uses and square footages has been provided to reflect the current proposal. (Affirmative finding as conditioned)

Section 3.3.6 Effect of Project Change on Impact Fees
If a proposed development is substantially modified in terms of square footage, a request for an adjustment to the impact fee may be made by filing a zoning permit application subject to the applicable filing fees. Any adjustment, if approved, is subject to the Impact Fee Administrative Regulations in effect at time of subsequent approval. Any change which increases a project size or impact shall require a new zoning permit and an accompanying adjustment to the impact fee amount.
The impact fees for all new area for each building will be calculated under the current (FY22) Impact Fee schedule. (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 3.5.4: 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 and requirements set forth by the department of Planning and Zoning.
The applicant has demonstrated compliance with this requirement. (Affirmative finding)

Section 3.5.6 Review Criteria
(a) Conditional Use Review Standards
   Not applicable.

(b) Major Impact Review Standards
This proposed amendment, by itself, does not require major impact review. The amendment does, however, affect traffic and is addressed under criterion 5.

   5. Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;
An updated traffic analysis has been provided to reflect the increase in residential units and overall reduction in commercial uses within the development. The analysis focuses on daily and
peak hour trip generations and projects a net reduction in peak hour trip generation as compared to prior configuration and approval of the development. The analysis estimates that the development will generate 362 AM peak hour trip ends and 348 PM peak hour trip ends. These numbers compare favorably to the prior project approval with estimated 381 AM peak hour trip ends and 425 PM peak hour trip ends. Given the reduction in estimated traffic generation, impacts on intersection levels of service is not included in the updated analysis. Presumably such impacts will be proportionately lower due to the lower projected traffic generation.

The Department of Public Works remains interested in the timing of intersection improvements at Cambrian Way and North Avenue. The applicant notes that the warrants have not yet been met for the improvements and that they are scheduled for 2023. (Affirmative finding)

(c) Conditions of Approval
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.
No mitigation measures specifically tied to this amendment are necessary. (Affirmative finding)

2. Time limits for construction.
The original zoning permit approval for the Cambrian Rise project contains a 10-year buildout and related phasing schedule. No change to the 10-year timeframe is included in this amendment request. An updated phasing plan is included in this amendment that denotes completed phases and reorders some of the remaining phases. The 10-year construction timeline is unchanged. (Affirmative finding)

3. Hours of operation and/or construction to reduce the impacts on surrounding properties.
Residential use has no limitation on hours of operation. The construction hours were amended under ZP17-0853CA to allow construction Monday–Saturday, 7:00 AM to 6:00 PM and on Sunday 7:00 AM to 6:00 PM for interior construction only. No changes are sought in this amendment. (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.
To be addressed in conditions of approval.

Article 4: Zoning Maps and Districts
Sec. 4.4.2 Neighborhood Mixed Use Districts
(a) Purpose
(4) Neighborhood Activity Center – Cambrian Rise (NAC-CR)
The Neighborhood Activity Center – Cambrian Rise District is intended to create a new center for mixed use development that allows for a range of housing types and tenures, and to accommodate a diverse range of complimentary general office, institutional and neighborhood oriented small-scale retail and service uses. Development should be compact, pedestrian-
oriented and enhance the community with creative design, durable materials, and quality construction. Buildings should be oriented towards the streets. Human scale elements should help to define new streets as civic spaces. Parking should be located as to be screened from view from public streets and community spaces.

Changes proposed to the originally permitted project do not alter the compact site design and street layout, which provide the framework for the new mixed use neighborhood. Sidewalks, shared use paths, hardscaping, and street-level treatments of the proposed buildings maintain a pedestrian-friendly environment. The redesign of several buildings within the development, particularly building DEFI, will add new FAR. Dwelling unit counts and non-residential space is articulated per building within the project’s use spreadsheet; however, it is likely that units and uses will continue to shift within the overall 950 unit count and 24,700 sf commercial space. (Affirmative finding)

b) Dimensional Standards and Density
There is no per-acre residential density limitation within the NAC-CR zone. Lot coverage and setbacks pertain to the entire district, rather than lot-by-lot. Essentially, the zoning district acts as a large planned unit development.

As proposed, FAR will increase from 1.16 to 1.29 and will remain well below the 2.0 FAR maximum permissible in this zone.

Lot coverage will increase from 63.6% to 67.6% and remains below the maximum permissible 72%. Inclusion of the 12-acre Kieslich Park that was part of the original project scope results in lot coverage of just 45.5%.

Front yard setbacks remain compliant at or above 20’ along North Avenue. Side and rear yard setbacks of 10’ and 20,’ respectively, are compliant where applicable around the project periphery. Building height varies throughout the project and, in most cases, remains unchanged from prior project approval. Height for building E/F is most significantly different from the prior project approval. Buildings M and C are also modified with additional upper story space for new dwelling units. Since the prior project amendment, the methodology for height measurement has changed. Just the front building elevation is measured when it is within 50’ of a public sidewalk (formerly, the distance was 10’). Height is measured in increments to account for changes in grade. The standard height limit of 65’ is increased to 77’ due to the development bonuses tied to inclusionary dwelling units. The top story afforded by provision of inclusionary units must be set back 10’ from the front of the building. Measured in intervals as required, building height for E/F, M, and C are within a couple feet +/- of the 77’ maximum. Up to 5% variation is allowed per Sec. 5.2.6 below. The required 10’ upper story setback is observed as applicable. (Affirmative finding)

c) Permitted and Conditional Uses
Most of the uses within the development remain unchanged. Some previously approved commercial uses have been relocated within the development and/or reduced in size. The daycare and convenience store uses have been dropped. A grocery store has been added and is a permitted use. (Affirmative finding)

(d) District Specific Regulations
1. **Ground Floor Residential Uses Restricted**  
Not applicable in NAC-CR.

2. **Exceptions to Maximum Lot Coverage in NAC District**  
Not applicable in NAC-CR.

3. **Development Bonuses/Additional Allowances**  
Not applicable. All additional development intensity is tied to by-right Inclusionary Housing bonuses allowed per Article 9.

**Article 5: Citywide General Regulations**

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

**Section 5.2.2 Required Frontage or Access**  
All buildings front on public streets. *(Affirmative finding)*

**Section 5.2.3 Lot Coverage Requirements**  
See Sec. 4.4.2 above.

**Section 5.2.4 Buildable Area Calculation**  
Not applicable in the NAC-CR zone.

**Section 5.2.5 Setbacks**  
See Sec. 4.4.2 above.

**Section 5.2.6 Building Height Limits**  
*(c) Exceptions to Height Limits.*  
Criterion 6 of this subsection allows for 5% variation in maximum building height to account for grade changes. As noted above, there are several instances of building height slightly above the 77’ maximum. In no case do heights extend beyond the 5% variation (3.85’) allowed. In all cases, grade changes along the face of the buildings on this sloped site. *(Affirmative finding)*

**Section 5.2.7 Density and Intensity of Development Calculations**  
See Sec. 4.4.2 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**  
See Sec. 6.2.2 (o).

**Section 5.5.3 Stormwater and Erosion Control**  
A comprehensive stormwater management plan and Erosion Prevention and Sediment Control Plan have been approved for the overall project. The Water Resources Division has requested an
updated schedule for installation of the stormwater infiltration system. This feature is an offset for the project’s discharges into the North Avenue wastewater line.

Confirmation as to the sufficiency of these prior approvals for the proposed amendment is needed from the city’s stormwater program. (Affirmative finding as conditioned)

Article 6: Development Review Standards:
Part 1: Land Division Design Standards
This is an approved Planned Unit Development, with individual interior lot numbers. In the introductory memorandum, the applicant notes:
The Subdivision Plat will eventually be revised; however we have many details that remain to be finalized. Therefore we intend to submit a separate application soon that will depict an adjustment of some boundaries between certain lots and may also involve the consolidation of lots.
Although as a PUD only periphery setbacks are evaluated, it is important to understand interior lot lines as some buildings proposed for revisions will cross those previously established subdivision lot lines. Amending those lot boundaries will be essential. As these “lots” have now been assigned street addresses, future permit review could and should be isolated to individual lots rather than the PUD in its entirety. This would allow for manageable permit review in more “consumable” portions, and easier permit tracking for future review. (Affirmative finding as conditioned)

Part 2: Site Plan Design Standards
Sec. 6.2.2 Review Standards
(a) Protection of Important Natural Features:
One of the primary natural features of the site is the sloping grade toward the bike path and Lake Champlain. Site changes have sought to further enhance this prospect; with selected landscaping and amenity features to retain view and access to the west while enhancing residential features. Smaller sized trees and shrubs have been used within the central portion of the project so as to avoid obstruction of highly scenic views. Larger shade trees will be employed to soften areas along roads and between buildings. (Affirmative finding)

(b) Topographical Alterations:
Grading has been adjusted and retaining walls incorporated to screen visibility of revised vehicular circulation and parking from public roads and pedestrian areas. Refer to Plans L-201, L202 and L-206 for revisions to the landscaping layout.
Alterations to previously approved plans include a westerly expansion of Building D that now includes a multi-use rooftop amenity area or “Boardwalk”. The latter affords views along the central axis of the project toward the lake and mountains. (Affirmative finding)

(c) Protection of Important Public Views:
While there are no specific regulatory requirements to protect public views in the NAC-CR district, the revisions to this plan reaffirm the applicant’s commitment to identify and highlight the spectacular scenic views to the west. The substantial effort to assure residential amenity space is a highpoint of this plan; whether through the newly design Common, the Boardwalk, fire pits and outdoor recreation areas, rooftop spaces or community gardens. (Affirmative finding)

(d) Protection of Important Cultural Resources:

This image is included to illustrate grading and landscaping revisions. Building DEF (Aurora) has since been revised.
Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

See supporting submission of VHB regarding impacts to historic resources.

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

Plans illustrate the opportunity for solar array on the roof of the combined DEF building. At the very least, this building should be constructed “solar ready” in an effort to forward renewable energy resources. *(Affirmative finding)*

(f) **Brownfield Sites:**

The Vermont DEC website does not include these addresses. *Not applicable.*

(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 fully developed Stormwater Management Plan was prepared and approved within the original application (17-0623CA/MA.) The changed unit count will require re-review of some overall items: A water and sewer capacity analysis with Water Resources, any required updates to the Stormwater plan and a firm timeline for subsurface infiltration systems with DPW.

*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.*

Previous approvals have included the manner for snow removal and storage activities. This is annotated on Plan L-201.

Reference is made to elevation plans for Building DEF to confirm covered entries both along North Avenue, and Cambrian Way where multiple entrances/lobbies are available.

Building M and C are proposed for upper floor enclosures or additions (entries not proposed for alteration.)

Building Q/R will be “straightened” in footprint (not curved, as previously approved) but will retain entrance details.

*(Affirmative finding as conditioned)*
Building DEF ("The Aurora") as viewed from "West Road" to the east. North Avenue is at top left; Cambrian Way circles the building on the north and west.

Building Location and Orientation:
Building DEF is a revision to the formerly E/F building, and Building I which has been eliminated. Differing from early iterations, this new building now claims the entire length of the block, and presents three street frontages. In orientation, the narrow end fronts North Avenue (set 20’3” from the easterly property line, consistent with setback requirements for buildings.
fronting North Avenue) and runs westerly along Cambrian Way (“North Road”) to its intersection with “West Road.” (Affirmative finding)

i) Vehicular Access:
Circulation patterns have been somewhat altered: There is a through-road “Main Entry Underpass” roughly midway along the North Road segment that allows the P2 garage entrance and trash/recycling/compost to be relocated away from the roadway. Vehicular circulation and parking connect between the North and South Road sections of Cambrian Way. Circulation and parking have also been connected along the western portion of the project, between Building P and Q/R. These alterations have allowed the central corridor to expand and allow better access to westerly views. Curb cuts were adjusted along the North Road segment of Cambrian Way to address the revised building configuration. (Affirmative finding)

(j) Pedestrian Access:
Pedestrian circulation remains similar to the original approval, with alterations and reconfigurations central to the site and reflecting the increased amenity / Common area. Pedestrian circulation retains enhanced connections to the Bike Path. (Affirmative finding)

(k) Accessibility for the Handicapped:
The revised layout maintains the ADA accessible route through the center of the project which includes access to a stair and elevator in Building D. The route connects to the proposed recreation path through the new Kieslich Park and provides a fully accessible route between North Avenue and the Waterfront Bike Path. (Affirmative finding)
(l) Parking and Circulation:

See Vehicular Access above.
The plan reflects a 1,345 parking spaces. 979 (73%) are understory, 366 (27%) are surface parking. Since the last PUD amendment, City Council has amended the zoning ordinance to include the Multi Modal Mixed Use (MMMU) Parking District, incorporating Cambrian Rise and eliminating minimum required parking standards. The project retains pre-existing approval for the number of parking spaces on site. Previous applications have incorporated a robust Parking Management Plan which has informed new requirements for a Transportation Demand Management plan. (Affirmative finding as conditioned)

(m) Landscaping and Fences:

Reference is made to Plan L-201, L-202 and -206 for landscaping details. The landscaping plan has been revised to site layout revisions; smaller sized trees and shrubs are utilized within the central portion of the project so as to avoid obstruction of highly scenic views. Larger shade trees will soften areas along roads and between buildings. Retaining walls are incorporated to screen visibility of vehicular circulation and parking from public roads and pedestrian areas. (See Inset 1 and 2.) Hardscape features are included to provide private and common gathering areas. (Affirmative finding)

(n) Public Plazas and Open Space:

Revisions to Cambrian Rise have created a large Common / Central Green at the westerly edge of Lot 6; providing opportunities for event space, recreational activities, or quiet resident enjoyment. Additionally the plan provides for a Boardwalk (atop Building D), and a larger contiguous usable open space within the westerly corridor. New amenities include a fenced off-leash dog area, grilling areas with seating and tables, fire pit locations, and rooftop gardening.
opportunities. A greenhouse is identified atop DEF/Aurora, near rooftop community garden space. The applicant asserts that the proposed Community Gardens atop the Aurora will be a first for Burlington. (Affirmative finding)

(o) Outdoor Lighting:

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

Revised outdoor lighting utilizes fixtures originally approved, including 20’ tall parking lot fixtures and 12 ½’ pedestrian fixtures. Street lighting will remain unchanged.

The maximum illumination level for the parking lots remains at 4 footcandles. (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 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.

All conditions relevant to this section previously approved shall remain in effect. New utility connections shall be undergrounded. The proposed drive-through from North Road allows the location of trash/recycling/compost to be located away from the roadway. (Affirmative finding)

Part 3: Architectural Design Standards
Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

Building DEF: (“The Aurora”)

While unique to Burlington’s overall residential housing stock, buildings within Cambrian Rise have a commonality to them: Modern, multi-planed and of large scale. This elongated, contiguous structure runs the entire block between North Avenue and “West Road”, undulating in the plane of its street façades to provide relief from its sheer length and breadth. The former St. Joseph’s Orphanage set a scale for the Avenue, clearly the largest and most imposing singular structure prior to Cambrian Rise. Building DEF is a literal expansion of the Cambrian Rise model into one of larger gauge, creating a connected structure of 318,000 sf (an increase from the original 185,000 sf of D, E, F and I as originally approved.)

Building EF (The Aurora) on the left, Building D center (2 story), Liberty House center top. View is from “West” Road toward the east.
The connected cubical blocks that form the Aurora display a complex arrangement enhanced with balconies, differing window arrangements, contrasting materials, and alternating wall planes of recesses and pavilions that break up the sheer expanse. The plan reflects a methodology of breaking up larger masses into “readable” segments, each with a formula and rhythm for wall and window arrangement. The lower 4/5 floors of Sections 6, 7, 8, 9 (north elevation) emphasize a vertical arrangement, while the upper floors (sheathed in a darker siding) are clearly more horizontal. The plan changes on the westerly end (Sections 1-5) where darker sheathing on the lowest levels and strings of balconies and canopies above visually stretch the building horizontally. Fenestration and material organization provide overarching organization to the whole.

Building heights are limited to 65’ (77’ with IZ bonus). See plans L-EX3 and L-EX3a as revised. Zoning Amendment 21-07 altered the methodology for calculating roof height, which is now measured in no less than 65’ intervals within 50’ of a frontage line. These plans now reflect the zoning revision. Height bonuses allowed for IZ (65’ + 12’) are now demonstrated with the required 10’ setback from the height allowed by right. Calculations provided in L-EX3 and L-EX3a exhibit this new methodology employed for Buildings DEF, M and C.

Due to the sloping grade and as allowed by Section 5.2.6 (b) 6, the administrative officer may allow up to a 5% variation in the maximum building height to address grade changes. The applicant requests such consideration for discrete areas of DEF; particularly Section 1S, 1N, 4 and 5. The 5% allowance is best understood in this context. Sections 4 and 5 are mid-block and reflect the dip in the grade at that point. An analysis of allowable building height for Sections 2, 3 6, 7, 8, 9, and 10 shows the plan provides less than the maximum height for those sections; also a reflection of the drop in grade at the mid-point of the building. As revised, the plan is compliant with the height allowances afforded by the Comprehensive Development Ordinance, and meets the required 10’ building plane setback for the IZ height bonus.
Building M:
This application includes a request to add 2 residential units to the northwest corner of Building M. The units will be created by conversion of an enclosed resident amenity space, and enclosure of an open deck. Calculations on plan L-EX3 show a height based on a building height average + 77’ (height allowance with IZ bonus.)
Building “M” as proposed, with two new residential units on the northwest corner. Compare to approved plan of ZP 19-0021CA/MA, below.

Building “M” as approved under ZP19-0021CA/MA.

**Building Q/R:**
Revisions to this connected building is merely to straight out the building footprint, and “open” the central corridor for unobstructed views to the west. Building height remains unchanged from the original approval.
Building C

This application proposes the elimination of a balcony/roof deck and addition of new enclosed space on the fourth floor. The modified section of the roof is at grade 270’, less than the 65’ base height allowance afforded from grade 211’. As proposed, the expansion is compliant with the modified height calculation methodology.

(Affirmative finding)
2. **Roofs and Rooflines.**
All buildings are proposed with flat roofs. Renderings for DEF show the potential for extensive solar array; roof top decks, gardens, a greenhouse, sheds, kitchen and dining areas with seating and fire tables. Screening is provided around centralized mechanical equipment; with the elevator towers and a greenhouse specifically exempt from height limits. *(Affirmative finding)*

3. **Building Openings**
Building DEF has rhythmically placed building openings, consistent with the tempo of the façade and cadence of the building’s mass. Arrangement is organized, maximizing options for views and light. Lobbies, entrances and vehicular entries are arranged logically, providing ample opportunities for residents to access the building and circulate to the interior of the site. *(Affirmative finding)*

(b) **Protection of Important Architectural Resources:**
Reference is made to the VHB submission.

(c) **Protection of Important Public Views:**
See Section 6.2.2 (c) above.

(d) **Provide an active and inviting street edge:**

Building DEF (“The Aurora”) presents an interesting face to North Avenue, “North Road” and “West Road” on Cambrian Way. Highly articulated building planes with orderly arrangement of building elevations present a complex whole. The plan employs variations of building plane and architectural features, providing interest while avoiding undifferentiated expanses of structure. The tension between horizontal and vertical elements of the composition; windows, balconies, materials, and voids ease the overarching reality of scale. On the north elevation, the darker sheathing materials along the highest floors visually “flatten” perceived height, and the regularly spaced lighter vertical components break up the horizontal breadth into more comfortable segments.

The building follows the westerly grade, stooping into the hillside as the topography changes. Height conforms to allowable limitations (77’ max set back 10’ from the base height with IZ
bonus) with relief considered for the mid block segments. Section 5.2.6 b. 6. offers an administrative 5% height differential where grade changes are pronounced; this project illustrating a situation where best and minimally employed.

Certainly uncommon to Burlington, the building introduces the design sophistication of multi-unit urban residential buildings more common to much larger metropolitan centers like Toronto.

If any part of the first floor of Building DEF is proposed to be non-residential, visual access into the interior of building must be provided at the street level through the use of large transparent windows and/or window displays in order to assure a dynamic and engaging public streetscape. In that instance, the use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street-level façade. (Affirmative finding as conditioned)

(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.

Exterior sheathing and materials for Building DEF is a mixture of fiber-cement panels, faux wood slats and fiberglass windows. All are considered acceptable 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.
New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

Post construction RBES and/or Commercial Energy Standards confirmation for energy efficiency will be required.
Solar – ready construction is highly encouraged for Building DEF. (Affirmative finding)

(g) Make advertising features complementary to the site:
Any signage will require separate permitting. (Affirmative finding as conditioned)

(h) Integrate infrastructure into the building design:
See Section 6.2.2. (p) above.

(i) Make spaces secure and safe:
All building and life safety codes, as defined by the building inspector and the fire marshal, shall remain applicable.

Building entrances/entry points will be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety. (Affirmative finding)
Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements
This project is within the Multimodal Mixed-Use Parking District. This district was formed since the original approval and prior amendment to Cambrian Rise. The effect is that there is no minimum parking requirement for this project. As previously approved, the project contains 1,129 parking spaces. Additional parking is included in this proposal and totals 1,345 spaces. A maximum parking waiver is needed. A TDM plan is required for the net new development included in this amendment. **Affirmative finding as conditioned.**

Sec. 8.1.9, Maximum On-Site Parking Spaces
Within the Multimodal Mixed-Use Parking District, the maximum number of onsite parking spaces is limited to 100% of the minimum parking requirement in the Shared Use Parking District.

Within the Shared Use Parking District, the following minimum parking standards apply:

- Multi-family attached dwellings – 1 space per unit
  - 950 units = 950 parking spaces
- Restaurant – 3 spaces per 1,000 sf
  - 5,000 sf = 15 parking spaces
- General office – 2 spaces per 1,000 sf
  - 13,400 sf = 27 parking spaces
- General retail (small < 4,000 sf) – 2 spaces per 1,000 sf
  - 1,300 sf = 3 parking spaces
- Hotel – 0.75 space per room
  - 63 rooms = 47 spaces
- Grocery Store – 2 spaces per 1,000 sf
  - 5,000 sf = 10 spaces

The Shared Use minimum is 1,052. As noted above, 1,129 parking spaces have already been permitted and may be retained. A maximum waiver is needed for the proposed 1,345-space total. A maximum parking waiver request has been submitted. It notes a 219-space waiver. The necessary waiver is actually a few spaces less at 216 (1,345 – 1,129 = 216).

4. Waiver of Maximum Parking Limitations
A. The applicant requesting the waiver shall also provide:
   (i) A peak demand parking study for two similar uses in the area; and,
   A parking analysis of four comparable developments within Burlington and South Burlington has been provided. Parking provided at these developments is between 1.38 and 2.13 spaces per dwelling unit. Actual peak demand ranges between 1.20 and 1.36 spaces per dwelling unit. Note that each one of these comparable developments is within ¼ mile of retail, services, and employment. The requested parking waiver for this project amounts to ~1.41 spaces per dwelling unit, although the development includes a variety of non-residential uses that will share the onsite parking spaces. The slightly higher parking ratio is acceptable given the relative distance of Cambrian Rise from employment, services, and retail as compared to the four comparable developments in the analysis. **(Affirmative finding)**

   (ii) A TDM Plan pursuant to the requirements of Sec. 8.1.16
   See Sec. 8.1.16.
B. The following additional criteria shall be addressed regarding how:

(i) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses;

Public on-street parking will be available within the development and will serve visitors to the development and the nearby greenway. There will be opportunity for shared use of parking between residential and nonresidential uses within the development; however, the mix of uses is heavily residential. A more uniform mix of residential and nonresidential use would likely afford greater opportunity for shared use of onsite parking. As proposed, the 950 residential units will utilize most of the parking.  (Affirmative finding)

(ii) The proposed development demonstrates that its design and intended uses will continue to support high levels of existing or planned transit and pedestrian activity;

The development includes a variety of transit options for residents, visitors, and employees. Membership in CATMA is proposed. It is served by an enclosed bus stop, and residents will benefit from access to reduced-cost bus passes. The project will link directly to the Burlington Greenway and to North Avenue. An onsite Carshare Vermont vehicle is provided. See also Sec. 8.1.16. (Affirmative finding)

(iii) The site plan indicates where additional parking can be redeveloped to a more intensive transit supportive use in the future.

A supplemental site plan has been provided with the parking waiver request that depicts several areas within the development that could be converted from parking to additional residential and/or commercial development that would be served by the transit options noted above and in Sec. 8.1.16. (Affirmative finding)

Sec. 8.1.10, Off-Street Loading Requirements

Off-street loading requirements no longer pertain to this project, given its location within the Multimodal Mixed-Use Parking District. Prior project approval contained a loading areas plan for the development. (Affirmative finding)

Sec. 8.1.11, Parking Dimensional Requirements

The proposed parking spaces and circulation aisles are compliant with the standards of Table 8.1.11-1. (Affirmative finding)

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

None proposed. (Not applicable)

(b) Front Yard Parking Restricted

(Not applicable)

(c) Shared Parking

(Not applicable)

(d) Single Story Structures in Shared Use Districts

(Not applicable)
(e) Joint Use of Facilities
There is nothing in the application expressly stating that parking facilities will be shared among the various uses. Given the layout of the site and variety of uses, parking will likely be shared. (Affirmative finding)

(f) Availability of Facilities
Nothing in the amendment plans indicates that the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for residents, customers, employees, and visitors only. (Affirmative finding)

Sec. 8.1.13, Parking for Disabled Persons
The site plans depict a number of handicap parking spaces in close proximity to pathways and building entries. ADA compliance is administered via the city’s building permit process. (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
(b) Applicability
As the project is located within the Multimodal Mixed-Use Parking District, and the amendment includes more than 10 new dwelling units, it is subject to the standards of this section. (Affirmative finding)

(c) Transportation Demand Management Program
The applicant has provided a transportation demand management program prepared by VHB that addresses each of the following items.

a. Outreach and Education:
Cambrian Rise is, and will continue to be, managed by Farrell Properties. This entity will serve as the Transportation Coordinator in collaboration with CATMA. In that role, Farrell Properties will coordinate with CATMA to prepare and disseminate materials as to TDM strategies and resources available to residents and employees. The Transportation Coordinator will also be responsible for record keeping and annual reporting to the city as required by this criterion. (Affirmative finding)

b. TDM Strategies:
As noted previously, this project includes more than the minimum required bicycle parking and includes bike share as well. In addition to onsite bicycle parking, this criterion requires subsidy for GMT passes and car share memberships for all residents and employees or membership in a transportation management association (such as CATMA) that offers equivalent TDM strategies or better. A duration of 10 years is required for either option. The applicant’s TDM plan cites membership in CATMA and several other strategies.
Membership in CATMA will assist with educational outreach and support as well as with ongoing reporting requirements. It will also enable resident and employee access to subsidized bus passes and Bikeshare memberships noted below. The TDM plan articulates a number of specific performance measures, including increase of transportation options available for residents, decrease in total parking demand, and decrease in total SOV commutes.

In addition to CATMA membership, the development already subsidizes one Carshare VT vehicle (not just the parking spaces to host it), and all tenants are offered a year of free car share membership. Additional car share spaces will be provided onsite, subject to an agreement with Carshare VT.

Unlike most developments, this project actually contains a GMT bus stop with additional improvements planned for 2022. While free bus passes are not proposed, all residents will have access to discounted bus passes. This benefit is tied to CATMA membership.

As noted under the bike parking standards of these findings, Bikeshare is present onsite, and all residents are eligible for membership at 30% cost savings. As with reduced-cost bus passes, this benefit is tied to CATMA.

The development includes construction of pathway connections to the Burlington Greenway (bike path) and North Avenue.

The package of TDM strategies offered by the applicant provide both programmatic incentives and infrastructure to encourage and facilitate use of alternative transportation by residents and employees. Together, these strategies satisfy this criterion.

This criterion requires implementation of these strategies for a period of 10 years following receipt of a Certificate of Occupancy. Cambrian Rise is a large, multi-phase project. Each individual phase is closed out with a Certificate of Occupancy. In order to meet the intent of this provision, TDM strategies should be implemented following issuance of a Certificate of Occupancy for the next project phase that is completed and carried on for at least 10 years thereafter. Each subsequent phase that is completed must be incorporated into the TDM strategies. (Affirmative finding)

c. Parking Management:
As parking spaces will be provided onsite, annual parking utilization studies will be required with related reporting to the city for a period of 10 years. This 10-year period should be the same as noted in criterion b above. As noted above the Transportation Coordinator will be responsible for conducting these studies and reporting to the city. The proposed TDM plan references these reporting requirements.

As required, the cost of parking will be un-bundled from all residential leases and deeds, except for permanently affordable housing units. There is no dedicated commercial parking.
Priority parking spaces will be provided. Motorcycle parking will be provided within the central garage. ADA and car share parking spaces are noted on the project site plans. The maximum of 5 car share spaces are proposed. Lacking any dedicated commercial parking, no carpool or vanpool spaces are required. (**Affirmative finding**)

d. TDM Agreement:
A written agreement committing to ongoing implementation of the TDM plan is required and has been provided with the TDM documents. (**Affirmative finding**)

**Sec. 8.2.5, Bicycle Parking Requirements**
As with vehicular parking, bicycle parking requirements are tied to use and, in some cases, the size thereof. A total of 1,098 bike parking spaces (up from 906) are now proposed (926 indoor/covered and 172 outdoor/rack spaces).

The applicants’ bike parking table shows building, use, requirements (long and short term), and total spaces provided. A total of 453 long term bike parking spaces is required. A total of 108 short term bike parking spaces is required. The development will be providing more than the minimum required for both types and 1,098 overall. Note that 8 bike share spaces are included as well. Long term spaces will be enclosed within the buildings onsite. Short term spaces will be provided at racks throughout the development. (**Affirmative finding**)

**Article 9: Inclusionary and Replacement Housing**
With the increase in dwelling units comes an increase in the number of required inclusionary housing units. Per Table 9.1.8-1, *Inclusionary Zoning Percentages*, 25% of the total unit count must be inclusionary (25% of 950 is 238 dwelling units {up from 193 in the prior amendment}) in the NAC-CR zone. As originally approved, inclusionary units are to include a mix of rentals and condo units. As now proposed, there will be 625 rental units across the development, including 156 inclusionary units. There will be 325 for-sale units, including 81 inclusionary units. Written approval of the amended inclusionary housing proposal by the manager of the city’s Housing Trust Fund is required. (**Affirmative finding as conditioned**)

**II. Conditions of Approval**

1. All conditions imposed in earlier permit approvals not herein altered shall remain in effect.
2. **Prior to release of this amended zoning permit**, written approval of the amended inclusionary housing proposal by the manager of the city’s Housing Trust Fund is required.
3. Impact fees based on the net new building area shall be paid at **least 7 days prior to issuance of a certificate of occupancy**. The impact fees for all new area for each building will be calculated under the current (FY 22) Impact Fee schedule.
4. **This approval includes the TDM plan** as addressed under Sec. 8.1.16 of these findings. The TDM plan shall be executed and sustained for a period of at least 10 years following issuance of a certificate of occupancy for the next project phase that is completed within the development.
5. If new uses are identified or new residential units requested, parking requirements shall be recalculated to reflect said changes.
6. The applicant team shall keep a running spreadsheet of all buildings with a breakdown of area and uses.
7. If any part of the first floor of Building DEF is proposed to be non-residential, visual access into the interior of building must be provided at the street level through the use of large transparent windows and/or window displays in order to assure a dynamic and engaging public streetscape.

8. Intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

9. The applicant must communicate with the Water Resources Division to provide an updated schedule of installation of the infiltration system. Confirmation as to the continuing acceptability of the post-construction stormwater management system is required. A revised letter of WW capacity is also needed.

10. The applicant shall submit an application to reflect boundary line adjustments within the development to align revised building footprints with lots and a corresponding phasing schedule. The applicant requests an adjustment to the sequencing of construction phases, which is understandable and likely acceptable; however the omission of completion dates for each phase is problematic. Zoning permit life is defined, and in this case, directly linked to an applicant-defined phasing schedule. Anticipated completion dates must be provided and linked to a phasing schedule; subject to review by the DRB.

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. It is the applicant’s obligation to amend State Wastewater and Act 250 permits to reflect changes within this review.

12. All exterior signage is subject to separate zoning approval.