

Department of Permitting & Inspections

Zoning Division
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TO: Development Review Board
FROM: Scott Gustin
DATE: June 15, 2021
RE: 21-0409CA/MA; 362- 374 Riverside 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-R Ward: 1E

Owner/Applicant: Douglas Boyden / Blackrock Construction

Request: Construct a 64-unit senior housing building and related site improvements

Applicable Regulations:

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary & Replacement Housing), Article 10 (Subdivision)

Background Information:

The applicant is seeking approval to construct a 64-unit senior housing complex with related site improvements. The associated dining area will be open to the public and will serve as a café. The site presently consists of 4 detached single dwelling units on individual lots under common ownership. The applicant proposes to demolish these homes and to merge the parcels into one parcel as part of the proposed development. The project is large enough to require "major impact" review and is subject to review by the Conservation Board and Design Advisory Board in addition to the Development Review Board.

The applicants did sketch plan review of this proposal with the Development Review Board on December 17, 2019. The Design Advisory Board reviewed this application October 27, 2020 and unanimously recommended approval as proposed. The Conservation Board reviewed this application November 2, 2020 and unanimously recommended approval of the project with the condition that the applicant prioritize geotechnical analysis of the property due to concern about the soil quality and stability.

The Development Review Board reviewed this application December 1, 2020 and closed the public hearing. Upon deliberation, the Board voted unanimously to re-open the public hearing to address the following items:

- Provide a geotechnical report and related expert testimony as to the proposed building construction and any impacts it may have on slope stability along Riverside Avenue.
- Address the rear and sides of the building to enhance the elevations.

The applicant submitted revised project plans to address the foregoing items on May 21, 2021. Updates to the following findings are in red. Otherwise, they unchanged from December, 2020.

Previous zoning actions for this property are noted below.

362 Riverside Ave:

- 6/30/92; Approval of renovations to existing single family home.
- 8/6/98; Approval of lot line adjustment.

366 Riverside Ave:

- 8/6/89; Approval of lot line adjustment.

370 Riverside Ave:

- 5/7/96; Approval to remove and replaced detached garage.

374 Riverside Ave:

- No prior zoning actions.

Recommendation: Major Impact & Certificate of Appropriateness approval as per, and subject to, the following findings and conditions:

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed residential building will be served by the municipal water and wastewater systems. Adequate reserve capacity is likely available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued. **(Affirmative as conditioned finding)**

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is part of the Neighborhood Activity Center – Riverside zone that extends along much of that street’s length. This zone is intended primarily to allow a mix of commercial and residential development. A variety of retail and service businesses are allowed along with some light industrial uses. Development is intended to be compatible with nearby residences and is to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The proposed development is almost entirely residential, but the dining area along Riverside will be open to the public and serve as a café. The building sits within close proximity to commercial uses within this mixed use zone. Residents of the building will live within easy walking distance of a variety commercial establishments. The proposed senior housing facility fits within the mixed use context of the NAC-R zone. **(Affirmative finding)**

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed senior housing facility is not expected to generate exceptional noise, odor, dust, heat, or vibrations. **(Affirmative finding)**

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

A traffic analysis has been provided with this application. The analysis presents data as to background traffic information and crash history, anticipated peak hour traffic generation, and level of service (LOS) impacts on nearby intersections.

Use of the project for senior housing cuts anticipated traffic generation by approximately half as compared to age-unrestricted housing. AM peak hour trip generation is 12, and PM peak hour trip generation is 17. These figures are relatively small and will impact nearby intersection LOS minimally or not at all as reflected in the LOS analysis of build and no-build scenarios now and in 2025. The Department of Public Works has reviewed the traffic analysis and concurs with its findings. No specific transportation improvements are warranted. **(Affirmative finding)**

and,

5. *The utilization of renewable energy resources;*

No utilization of renewable energy resources is included in the project plans. Construction of the project; however, will not preclude use of renewable energy resources on this property or neighboring properties. **(Affirmative finding)**

and,

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

No identified conflicts. Required building and/or life safety codes will be under the review of the building inspector.

(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. It will connect to the city sewer and water systems. Stormwater is addressed under Sec. 5.5.3.

(Affirmative finding)

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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

An erosion prevention and sediment control plan has been provided. It is under review by the city's Stormwater Program staff. Final approval is pending. **(Affirmative finding as conditioned)**

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*
See Sec. 3.5.6 (a) 3.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*
As a senior housing facility, the project will not cause an unreasonable burden on the city's ability to provide educational services. The project may qualify for a waiver of the school impact fee.
(Affirmative finding)

7. *Not place an unreasonable burden on the city's ability to provide municipal services;*
Project review by the Technical Review Committee took place December 12, 2019. 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).

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. Rather than several detached homes, there will be a 64-unit senior housing building. 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 proposed development conforms to the express goals of the city's municipal development plan in a number of ways.

- The project constitutes infill development of an intensity more appropriate to this neighborhood activity zone than the existing detached single family homes (Distinctive – Policies).
- The new development will comply with current energy efficiency standards and will tie into existing infrastructure (Dynamic – Policies).
- As required, a transportation demand management plan is included in the project proposal and will limit use of single occupancy vehicles and support use of alternative means of transportation (Dynamic – Policies & Connected – Policies).
- The development will bring about substantial opportunity for new housing in a presently under-developed site. The proposed units will be available to individuals with a range of incomes (Inclusive – Policies).
- The project brings about greater intensity and activity to this site within an identified neighborhood activity center (Connected – Policies). **(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 senior housing stock. No details have been provided as to pricing, but affordability requirements as articulated in the CDO must be met. It 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)**

(c) Conditions of Approval:

In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:

1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.

The proposed development is not expected to generate offsite noise or glare substantial enough to require mitigation. **(Affirmative finding)**

2. Time limits for construction.

No construction schedule is included in the application. The standard time frame is 3 years (1 year to start and 2 more to finish) with one phase. **(Affirmative finding)**

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

Hours of operation do not pertain to the proposed residential development.

No days or hours of construction are noted in the application. Typical days and hours of construction within residential neighborhoods are Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday. Unless the applicants request different construction days and hours, these typical standards will apply. **(Affirmative finding as conditioned)**

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: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

(3) Neighborhood Activity Center – Riverside (NAC-R)

The Neighborhood Activity Center – Riverside zone is intended primarily to allow a mix of commercial and residential development. A variety of retail and service businesses are allowed along with some light industrial uses. Development is intended to be compatible with nearby residences and is to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The proposed development is mostly residential but sits within close proximity to commercial uses within this mixed use zone. Residents of the building will live within easy walking distance of a variety of commercial uses. The proposed senior housing facility fits within the mixed use context of the NAC-R zone. **(Affirmative finding)**

(b) Dimensional Standards & Density

With a total floor area of 76,960 sf and a property area of 38,882 sf, proposed FAR comes to 1.98. This FAR is below the 2.0 FAR limit allowed even without the senior housing bonus.

Several lots will be combined into one lot, and the new building and parking will be constructed. Resultant lot coverage will be 79.8%. This percentage is a touch below the maximum permissible 80%.

The lot is irregular with similarly irregular street frontages. No minimum setbacks apply, except that the building must be at least 12' from the curb along its public street frontages. It is. No other setbacks apply to this property.

Building height must be at least 2 stories and 22' tall and no more than 45' tall (with the senior housing bonus). As proposed, building height varies by section and grade. Overall, the structure is at, or below, the 45' height limit as measured from the average surrounding grades.

(Affirmative finding)

(c) Permitted & Conditional Uses

Multifamily residential development and cafes are permitted uses in the NAC-R zone.

(Affirmative finding)

(d) District Specific Regulations

3 B: Senior Housing

The applicants are proposing a senior housing development and are employing the associated senior housing bonus that affords an additional 10' of building height and corresponding FAR. As such, at least 25% of units must be reserved for low-moderate income senior households, including at least 10% reserved for low-income households. Of the 64 units in total, 25% is 16 units with 10% being 6. **(Affirmative finding as conditioned)**

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b).

Sec. 5.2.4, Buildable Area Calculation

See Sec. 4.4.2 (b).

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b).

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

An exterior lighting plan has been provided and includes fixture types, locations, and illumination levels. The fixture types are acceptable – all are cut-off except for one. The one exception is acceptable as a low-output lighting fixture. Entryway and walkway illumination levels are acceptable. The parking lot lighting; however, is too bright. Maximum permissible illumination is 4 footcandles with a 20:1 uniformity ratio. Lighting levels go up to 7.4 footcandles and need to be adjusted downward to conform to this standard. **(Affirmative finding as conditioned)**

Sec. 5.5.3, Stormwater and Erosion Control

No stormwater infrastructure exists onsite today. As proposed, runoff will be collected from rooftop and paved surfaces, attenuated, and discharged at a controlled rate. Peak stormwater flows are reduced from existing conditions in all scenarios post-construction. The proposed stormwater management plan is under review by the city’s stormwater program staff, and final approval is required prior to construction. **(Affirmative finding)**

Article 6: Development Review Standards

Part 1, Land Division Design Standards

No land division is proposed. Several lots will be merged into one.

(Not applicable)

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The property is not affected by any significant natural features as identified by the Natural Resource Protection Overlay map. The properties contain some trees and open lawn areas. Trees will be removed in order to clear the site for redevelopment with the senior housing facility.

(Affirmative finding)

(b) Topographical alterations

The project plans contain information as to existing and proposed grades. The site is sloped uphill away from Riverside Avenue and will remain so. Fairly limited topographic alteration is proposed. In large part, the building will be built with grades largely as they are now with some cut into the slope for the rear part of the building and related parking.

Given the history of unstable slopes along the northern side (along the river) of Riverside Avenue, the Conservation Board recommended a geotechnical analysis of the property prior to construction.

At their December 1, 2020 meeting, the Development Review Board concurred with this recommendation but required that the analysis be done prior to application approval.

A slope stability evaluation performed by Sanborn Head has been submitted by the applicant. The analysis is based on actual onsite soil conditions following borings and evaluation and proposed development conditions. The “factor of safety” conditions under existing and proposed conditions were found to be acceptable. The study notes that the 1.4 factor of safety (1.5 is the minimum required) found for proposed static conditions was influenced by the less stable slope across Riverside Avenue. The study noted that the smaller area of the construction site is at least a factor of safety 1.5 and also noted that, upon repair of the less stable slope across the street, expected factor of safety would improve to 1.5 under static loading conditions. While the anticipated slope repairs across the street are not within the scope of this application, it is significant that the construction site itself meets an acceptable factor of safety for slope stability. **(Affirmative finding)**

(c) Protection of important public views

The site contains no identified public view corridors. **(Affirmative finding)**

(d) Protection of important cultural resources

The project site has no known archaeological significance. It contains no archaeological site points, nor is it located within an archaeologically sensitive area. The buildings to be demolished are not included in an historic register. **(Affirmative finding)**

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The subject property is not included on the Vermont DEC Hazardous Site List. It is, however, close to a former city dump (now developed with Riverwatch condos) that is included on the hazardous site list.

Since the December 2020 DRB review, the applicants have had a phase 1 ESA done. It found the presence of two above-ground oil storage tanks. The tanks will be removed as part of project construction. The ESA recommended that earthwork retain existing soils onsite given the likely presence of PAH's. A phase 2 ESA was not recommended. **(Affirmative finding)**

(g) Provide for nature's events

The applicants have provided an erosion control plan and a post-construction stormwater management plan for review by the City's stormwater engineering staff.

Building entries are sheltered. Much of the parking is underneath the building. The driveway accessing the parking adjoins green space sufficient for wintertime snow storage. Similarly, there is adjacent green space for snow storage related to the open parking area. **(Affirmative finding)**

(h) Building location and orientation

The subject property is bordered on three sides by city streets. Appropriately, the proposed building is oriented towards Riverside Avenue and is set close to that front property line. The development pattern along this stretch of Riverside Avenue is irregular, and there is little “street

wall” to reinforce. The building as proposed will strengthen the streetscape along this section of road. **(Affirmative finding)**

(i) Vehicular access

A single primary curb cut and driveway will serve the proposed development. As recommended by this criterion, the driveway access will be along a secondary street, rather than Riverside Avenue. Sight lines at the driveway/street intersection appear to be adequate. A second curb cut and driveway will provide service vehicle access. The second curb cut should be limited to 16’ wide, as recommended by Public Works. **(Affirmative finding as conditioned)**

(j) Pedestrian access

The building’s primary entrance facing Riverside Avenue connects to the public sidewalk with a front walkway. The building’s secondary frontage along Hillside Terrace is also served by a pedestrian walkway connecting an interior side entrance with the public sidewalk. The walkways are to be concrete and differentiated from the asphalt driveways. **(Affirmative finding)**

(k) Accessibility for the handicapped

Handicap parking and access points are provided within the sheltered rear parking area. The primary entrance along Riverside Avenue is accessed by steps as well as by a level walkway. Additional accessibility provisions are under the purview of the building inspector. **(Affirmative finding)**

(l) Parking and circulation

Given that the proposed building faces city streets on three sides, there is no back side to the building. That said, all of the parking is set behind the building as viewed from Riverside Avenue. Much of the parking is underneath the proposed building. A portion of the parking will be uncovered to the east. Screening of the parking as viewed from Hillside Terrace (west and east) will be provided with proposed landscaping and also by grade. As the parking extends south away from the building it drops below surrounding grades. Parking and circulation are dimensionally accurate per the standards of Article 8. **(Affirmative finding)**

(m) Landscaping and fences

A landscaping plan has been provided and depicts planting locations and species. Plantings are concentrated along the building’s primary frontage facing Riverside Avenue. It continues around the corner along the secondary western frontage. Entryways are accented, and screening is provided. Additional plantings will serve to screen the rear parking area as viewed from Hillside Terrace.

Limited fencing is proposed for screening of parking and the dumpster enclosure. No fence detail is evident and is needed.

Several stretches of retaining wall are proposed where required by grade. Pre-formed “redi-rock” style blocks will be used. Visibility is limited but appears consistent with sections of exposed building foundation. **(Affirmative finding as conditioned)**

(n) Public plazas and open space

No public plazas are proposed. Given the limited amount of available ground space around the building, outdoor community space for residents will be provided on 4th story roof decks. Such

location will likely afford residents expansive views of the Intervale and beyond. (**Affirmative finding**)

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

A dumpster enclosure sits between the building and Hillside Terrace. While the location is not ideal, the enclosure is screened and is tucked into the corner of the building. Mailboxes are located within the residential lobby.

Interior mechanical space is depicted on the floor plans. See Plan A102. Electrical service connection is not evident on the utility plan. Power lines serving the building must be buried and utility boxes must be screened. (**Affirmative finding as conditioned**)

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The proposed building is large. In an effort to mitigate perceived mass, the structure is broken into several distinct sections defined by recesses, projections, and differing building materials. Storefront fenestration at ground level along Riverside Avenue helps to further define and distinguish the building's primary interface with the public street. Building height differs by section and along the adjacent grades. Height is compliant at 45' as demonstrated by two building height sections. Although much larger than the single family homes it will replace, scale of the building is not dissimilar to that of the nearby Riverwatch Condos. (**Affirmative finding**)

2. Roofs and Rooflines.

A flat roof is proposed albeit in several different sections. Such roof form is common among similar structures and within this mixed use zone. (**Affirmative finding**)

3. Building Openings

Fenestration is patterned consistently throughout the building and is appropriate for this residential application. As noted above, street level storefront glazing is proposed along Riverside Avenue. **Revised elevation plans depict a change to some double hung windows to larger paired casements that appear similar to French doors. Colored panels are located beneath.** (**Affirmative finding**)

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

As noted above, none of the single family homes to be removed are not historic. Much of the adjacent development is relatively new. The proposed structure will not adversely impact Burlington's wealth of historic resources. **(Affirmative finding)**

(c) Protection of Important Public Views:

(Not applicable)

(d) Provide an active and inviting street edge:

The proposed building will be set close to Riverside Avenue with a prominent front entry facing the street. Landscaping will soften the hard edge of exposed building foundation, and the embellished front entrance will invite pedestrians from the sidewalk into the building. Storefront glazing will afford visual access into the building from the public sidewalk.

In addition to the fenestration changes noted above, the previously monochromatic gray east and south elevations have been improved with the instruction of a varied color palate. Cementitious lap siding remains the predominant cladding material, but includes green, blue, and tan ("wood effect") colors. Some sections of unpainted corrugated metal siding remain. (Affirmative finding)

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

As is common with other recent residential buildings of similar scale, the building will be clad in cementitious siding (panel and lap) along with sections of corrugated metal siding and metal coping. Painted metal railing and fencing will provide accent and screening. Except for the aluminum storefront windows, most windows will be vinyl. **(Affirmative finding)**

(f) Reduce energy utilization:

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.

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.

No utilization of renewable energy is evident in the project plans. The building is set far enough from adjacent structures to avoid adverse shadow impacts. **(Affirmative finding)**

(g) Make advertising features complementary to the site:

Some placeholder signage is depicted in the project plans and should be removed. All exterior signs are subject to separate zoning permit and are not included in this application review.

(Affirmative finding as conditioned)

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Construction shall comply with all required building and life safety codes as determined by the building inspector and fire marshal.

Building entrances/entry points shall be visible and adequately lit, and intercom systems for multi-family housing should be incorporated where possible, to maximize personal safety.

Exterior entries will be illuminated as depicted in the outdoor lighting plan. Intercom systems are recommended to maximize personal safety. **(Affirmative finding as conditioned)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the multimodal mixed-use parking district. As such, there is no onsite minimum parking requirement. As proposed, 57 onsite parking spaces will be provided.

(Affirmative finding)

Sec. 8.1.10, Off-Street Loading Requirements

The 57 parking spaces proposed are fewer than the 64 that would be required in the shared use parking district. Therefore, the proposed parking remains below the maximum permissible limit.

(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

As there is no minimum onsite parking requirement, this subsection may be moot. In any event, parking will be provided for residents and guests alike. **(Affirmative finding)**

(f) Availability of Facilities

As noted above, the parking to be constructed as part of this development will serve residents and visitors. It may not be used for the storage or display of vehicles or materials. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

Two ADA parking spaces are depicted next to the building. These spaces shall be marked and signed as required for handicap spaces. **(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 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:

The senior housing facility will have a Director of Residential Life. This individual will also serve as the Transportation Coordinator. In that role, the individual will prepare and disseminate materials as to TDM strategies and resources available to residents. 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:

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). In this case, residents of the senior housing facility will be served by Special Services Transportation Agency (SSTA). As such, demand for GMT passes is likely to be limited. The applicant's TDM plan proposes CATMA's pay-as-you-go transit pass program instead. Given the ongoing availability of SSTA services for this senior housing facility, this alternative is acceptable. The TDM also proposes car share availability starting after the first year of operation. Following that, and based on demand over the course of a full year, the car share service will remain as is, expand, or be removed. As with bus passes, provision of SSTA services is likely to curtail demand for car share. The applicant's TDM proposal is a reasonable way to provide the service and assess the demand prior to making a long-term commitment. **(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. As noted above the Transportation

Coordinator will be responsible for conducting these studies (or having them done by a qualified 3rd party) and reporting to the city. As required, priority parking spaces will be provided. **(Affirmative finding)**

d. TDM Agreement:

A written agreement committing to ongoing implementation of the TDM plan is required and will be executed upon permit approval. **(Affirmative finding as conditioned)**

Sec. 8.2.5, Bicycle Parking Requirements

The 64 senior housing units require at least 6 long term bike parking spaces and 6 short term bike parking spaces. The site plans depict an area for bike parking within the sheltered garage area; however, details are lacking as to type of bicycle parking. **During the December 2020 DRB review, the applicant testified as to where both short and long term bike parking will be provided and how it will be provided. Details need to be depicted on the project plans and are not yet shown. (Affirmative finding as conditioned)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development is exclusively senior housing and is utilizing the senior housing bonus, it is exempt from the inclusionary housing standards of Article 9. As noted in Article 4 above, the affordability requirements of the senior housing bonus of Sec. 4.4.4.2 (d) 3 B apply. Details as to affordability of the required affordable senior housing units must be reviewed and approved by the city's Housing Trust Fund manager. **(Affirmative finding as conditioned)**

Article 10: Subdivision

Sec. 10.1.5, Lot Line Adjustments

As required, a boundary survey depicting the merged parcels and including the required signature block for the administrative officer has been provided. Following approval and signature, the mylar must be filed in the city's land records within 180 days. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. **Prior to release of the zoning permit**, revised project plans and additional materials shall be submitted, subject to staff review and approval. The revised plans and additional materials shall include the following:
 - a. Wastewater capacity letter issued by the Dept. of Public Works;
 - b. Revised parking lot lighting levels compliant with the standards of Sec. 5.5.2;
 - c. Curb cut width of 16' or less for the dumpster access;
 - d. Fence and dumpster enclosure detail; and,
 - e. Signed transportation demand management (TDM) agreement committing to TDM measures included in Article 8 of these findings and as required by Sec. 8.1.16 of the Comprehensive Development Ordinance.
2. **Prior to release of the zoning permit**, approval of the erosion prevention and sediment control plan and of the stormwater management plan shall be granted by the Burlington stormwater program.

3. **Within 180 days of approval**, the signed mylar of the lot merger shall be recorded within the city's land records.
4. **Prior to issuance of a certificate of occupancy**, a Certificate of Inclusionary Housing Compliance reflecting compliance with the affordability requirements of the senior housing bonus shall be obtained from the Housing Trust Fund Manager. At least 25% of the 64 units must be reserved for low-moderate income senior households, including at least 10% reserved for low-income households.
5. At least **7 Days prior to issuance of a certificate of occupancy**, the applicant shall pay to the Zoning Division the impact fee as calculated by staff based on the net new square footage of the proposed development.
6. Days and hours of construction shall be Monday – Friday from 7:00 AM – 5:00 PM. Saturday construction may be allowed upon request. No work on Sunday.
7. All power lines serving the building shall be buried, and the electrical meters shall be screened.
8. No outdoor signs are included in this permit approval. All outdoor signs are subject to separate zoning permit review and approval.
9. 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.
10. Standard conditions 1-15.