

Department of Permitting and Inspections

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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner *M. O'Neil*
Date: April 7, 2020
RE: ZP20-0737CA; 266 College Street

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

File Number: ZP20-0737CA

Zone: FD5 **Ward:** 8E

Date application accepted: February 25, 2020

Applicant/ Owner: John Caulo, LandPlan / Hotel Y Burlington LLC

Request: Amend condition #10 of ZP20-0037CA/MA, which was approved August 2019.

Days and hours of construction shall be limited to Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity shall occur on Sundays.

Requested new hours of construction:

M-F **7:00 am** – 5:30 PM; **Saturday 8:00 am-4:00pm**; continued prohibition on Sunday construction work.

Background:

- **Zoning Permit 20-0037CA/MA**; Building renovations and addition for hotel, below grade parking structure, and rooftop bar and restaurant. August 2019.
- **ZP13-0737SN**; new parallel, metal signage for the YMCA. February 2013.
- **Zoning Permit 12-0684SN**; two new parallel signs for annual Giving campaign on College Street and South Union Street elevations. January 2012.
- **Zoning Permit 12-0129AW**; changing graphics on existing awning for the Y. August 2011.
- **Zoning Permit 11-0149SN**; install two parallel signs for Catamount Physical Therapy. One on College St. elevation and one on South Union Street elevation. August 2010.
- **NA12-0239NA**; Non-Applicability of Zoning Permit Requirements; temporary artwork. August 2011.
- **Zoning Permit 08-130CA**; installation of three wood windows at 2nd level into infilled brick openings. August 2007.
- **Zoning Permit 00-071**; Amend previously approved zp99-272 to allow relocation of the cogeneration system exhaust pipe to the west side of the existing YMCA as described in the application letter. Pipe will not project above roofline of structure. August 1999.
- **Zoning Permit 99-272**; installation of natural gas fired cogeneration roof top equipment for the existent YMCA. Proposal includes an underground tank, misc. piping and the installation of a door. December 1998.

- **Zoning Permit 98-075**; reopen existing window openings on the south and west elevations of the existing YMCA. New windows to match existing. August 1997.
- **Zoning Permit 91-352 / COA091-071**; installation of shed style awning over entry on College Street with repairs to stairs included. Handicapped access ramp constructed in existing doorway on South Union Street for YMCA. May 1991.
- **Zoning Permit 91-194**; wood sign. December 1990.
- **Zoning Permit 92-154**; construction of a storage shed in brick, to match the existing YWCA building for the storage of chemicals for the swimming pool. October 1991.
- **Zoning Permit 83-60**; construct a 100' x 40'? (Numbers obscured) addition to the existing building to accommodate a new swimming pool. July 1983.

Overview: In August of 2019 Hotel Y Burlington LLC received a zoning permit (20-0037CA/MA) for building renovations and an addition for hotel with a below grade parking structure, and rooftop bar and restaurant. As for all large projects, that permit included limitations on days and hours of construction. The applicant has requested revision to Permit Condition #10 allowing construction to **begin at 7:00 am** Monday through Friday, and to expand construction hours to Saturdays from 8:00 am to 4:00 pm.

Recommended motion: Expanding hours of construction demands analysis of adjacent uses to determine a level of conflict and likely impacts. While there is a church immediately south of the development site, offices across the street to the east and a mixed use building on the north, there are residential units immediately east and west of the development site. If the DRB determines that the expanded and earlier morning hours are not in conflict with the immediate residential use, then **Certificate of Appropriateness Consent Approval** is recommended.

Applicable Regulations:
Article 3 (Applications and Reviews)

I. Findings

Article 2: Administrative Mechanisms

Section 2.7.8 Withhold Permit

Per this standard, the applicant is required to remedy all violations and close out all zoning permits issued after July 13, 1989 prior to issuance of a Certificate of Occupancy for this permit. See attached list for guidance on open permits/violations. **Affirmative finding as conditioned.**

Article 3: Applications and Reviews

Part 5 Conditional Use & Major Impact Review

Section 3.5.6

(a) Conditional Use Review Standards

Not applicable

(b) Major Impact Review Standards

Not applicable

(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.

Not applicable.

2. Time limits for construction.

This request does not affect the approved construction timeline. Not applicable.

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

The approved days and hours of construction for this project are Monday – Friday from 7:30 AM – 5:30 PM. Saturday construction may occur for interior work only. No construction activity on Sunday.

The applicant is seeking approval to expand the allowable construction hours to Monday – Friday from **7:00 AM** – 5:30 PM. Saturday from **8:00 AM** – **4:00 PM**. No construction activity on Sunday.

The requested expansion remains within the limitations articulated in the city’s noise control ordinance (7:00 AM – 9:00 PM) and is consistent with the extended construction hours of other projects such as 194 St. Paul Street (Eagles Landing) and 163 South Willard Street (the Residential Tri project), 63 Carrigan Drive (The Jeffords building) and 298 College Street (The New Greater Burlington YMCA.) **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,

Not applicable.

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.

Addressed in conditions of approval.

II. Conditions of Approval

1. The amended hours of construction are Monday – Friday from 7:00 AM – 5:30 PM. Saturday from 8:00 AM – 4:00 PM. No construction activity on Sunday.
2. All other permit conditions of ZP20-0037CA/MA not specifically altered by this review shall remain in effect.
3. Standard Permit Conditions 1-15.

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Hours of construction as approved by DRB:

Zoning Permit	Address	Project	Hours	Date of decision
08-378CA	63 Carrigan Drive	Jeffords Building	M-F 7-6 Saturday 9-5	January 14, 2008
09-396CA/MA	163 South Willard Street	Res Tri (Champlain College)	M-F 7-6 Saturday 9-5	Feb. 1, 2011
14-0671CA/MA	194 St. Paul Street	Eagles Landing	M-F 7-6 Saturday 8-5	March 16, 2015
19-0117CA	298 College Street	GBYMCA	M-F 7-5:30 Saturday 8-3:30	September 24, 2018
20-0737CA	266 College Street	Hotel Cambria	M-F 7-5:30 Saturday 8-4	(Requested)

