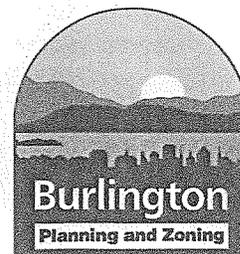


## Department of Planning and Zoning

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Elsie Tillotson, Department Secretary



**TO:** Development Review Board  
**FROM:** Scott Gustin  
**DATE:** December 17, 2013  
**RE:** 14-0571SP; 121-123 Pine Street

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**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: D      Ward: 3

Owner/Representative: Brick Box Co / Steve Guild Design

**Request:** Sketch plan review for proposed four story apartment building with underground parking.

### **Applicable Regulations:**

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

### **Background Information:**

The applicant is requesting sketch plan review of a proposed 4-story, 27-unit apartment building with underground parking. The site presently contains a surface parking lot. As the project contains more than 5 dwelling units, it is subject to major impact review and inclusionary housing requirements. Generally, the use and intensity of development are acceptable. Input from the Development Review Board about the ground-level use will be particularly valuable. The CDO prohibits residential use on the ground level of Downtown buildings. This proposal does not contain residential units along the street level frontage – it contains a lobby for the residences – but it does contain residences behind the lobby on the first floor. Board input as to whether this arrangement is acceptable is particularly important before a permit application is filed.

Previous zoning actions for this property are listed below.

- 10/3/67, Approval to use lot for expansion of automobile sale and service area

## **I. Findings**

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

#### **Part 5, Conditional Use & Major Impact Review:**

##### **Sec. 3.5.6, Review Criteria**

##### **(a) Conditional Use Review Standards**

##### **1. The capacity of existing or planned community facilities;**

The proposed development will require significant water and sewer; however, more than adequate reserve capacity is available. Confirmation of capacity from Public Works will be required as part of a permit review.

*2. The character of the area affected;*

The subject property is located within the city's downtown core and is one of two side-by-side surface parking lots. The property is surrounded by a variety of uses, including residential, office, services, and retail. The scale of development varies widely but is generally fairly dense. The site is ripe for redevelopment. Such redevelopment should significantly improve the vitality of this section of Pine Street.

*3. Traffic on roads and highways in the vicinity;*

No traffic information has been provided with this sketch plan. Details as to anticipated peak hour and daily trip generation will be needed with the permit application. Generally, however, traffic generation is not expected to be problematic in light of the existing street network grid, easy walking proximity to nearby services and employment, and alternative modes of transportation.

*4. Bylaws then in effect;*

Insufficient information is included in the sketch plan to determine full compliance with all applicable bylaws.

*5. Utilization of renewable energy resources;*

No information has been provided with respect to the use of alternative energies. Utilization of solar energy is encouraged.

*6. Cumulative impacts of the proposed use;*

The proposed development is moderately scaled for the downtown core. No significant cumulative impacts are anticipated.

*7. Functional family;*

This criterion does not apply to the subject permit request.

*8. Vehicular access points;*

A single access point is proposed and is adequate for the proposed use.

*9. Signs;*

No signs are depicted in the sketch plans. Any signs will require separate zoning permits.

*10. Mitigation measures;*

The proposed development is not expected to generate any noxious effects such as excessive noise, glare, or emissions.

*11. Time limits for construction;*

No construction schedule has been proposed, nor is required with sketch plan. However, it should be included in the permit submission.

*12. Hours of operation and construction;*

The apartment building will operate 24/7. Hours of construction have not yet been addressed.

*13. Future enlargement or alterations;*

As with any project, future enlargement or alteration to the development will require zoning review under the regulations in effect at that time.

*14. Performance standards;*

Performance standards relating to outdoor lighting and erosion control are addressed under Article 5 of this sketch plan report.

*15. Conditions and safeguards;*

Not applicable to sketch plan.

(b) Major Impact Review Standards

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

A comprehensive stormwater management plan will be required upon permit application. Proposed stormwater management measures should focus on capture and retention of stormwater prior to release into the city system. Volume reduction by way of infiltration should also be incorporated to the extent feasible. The project is not expected to generate any significant air or noise pollution.

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

Ample reserve capacity is available, but written confirmation is needed upon permit application.

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

See item 2 above.

*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;*

Along with a stormwater management plan, a construction site erosion control plan must accompany permit application for this project.

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

Traffic information will be required upon permit application as noted earlier. Traffic mitigation may be required depending on anticipated impacts.

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

The proposed apartment building may impact the city's ability to provide educational services; however, anticipated impacts are minor.

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

The proposed development will generate additional impacts on city services; however, those impacts are expected to be proportionately modest. If permit approval is granted, impact fees will be paid to help offset impacts generated.

*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;*

The subject property contains no rare, irreplaceable, or significant natural areas. There are several historic buildings within the block. The proposed development will be placed in close proximity to these historic structures but as proposed should not overwhelm them. There are no known archaeological resources on the property.

*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;*

This proposal would replace a surface parking lot with an additional 27 dwelling units in the city's core. This redevelopment would take place within an identified growth center. It would have no adverse impact on the city's present or future growth patterns.

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

Limited details have been provided with the sketch plan materials; however, the proposed redevelopment is conceptually consistent with the MDP. As noted above, the project would replace an existing parking lot with a 27-unit apartment building. This redevelopment would take place within the city's designed Downtown Improvement District. The creation of new downtown housing is an express goal for this District. The property is also included in the Old North End Enterprise Community which specifically calls for additional public and private investment in housing and other community improvements.

*11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

The proposed development will contribute to the city's downtown housing stock. It will have no adverse impact on the present or projected housing needs of the city.

*12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Minimal impacts on the city's park and recreation needs are anticipated as a result of the project. Any impacts will, however, be mitigated by impact fees.

#### **Article 4: Maps & Districts**

##### ***Sec. 4.4.1, Downtown Mixed Use Districts:***

###### ***(a) Purpose***

###### ***(1) Downtown District (D)***

The subject property is located in the Downtown (D) District. This zone is the primary urban center of Burlington. The proposed redevelopment is consistent with the intent of this zone.

###### ***(b) Dimensional Standards & Density***

No FAR information has been provided. The property is 0.193 acres in size, and the above-ground building area appears to be about 26,400 sf. A FAR of 5.5 is allowed in the D zone. A firm FAR number will be needed with the permit application. The sketch plans suggest FAR will be about 3.14.

There is no lot coverage limit in the D zone. The sketch plans indicate that coverage will be 90%.

No setbacks pertain to the proposed development except for a 12' building setback from the curb. This setback has been met.

The minimum building height in the D zone is 30' and three stories. The proposed development complies with this minimum. Maximum height, without bonuses, in the D zone is 65'. The proposed maximum height is not noted. At 4 stories, it is likely about 45 ft. tall. An exact building height will be needed with the permit application.

***(c) Permitted & Conditional Uses***

Multi-family residential use is permitted Downtown; however, major impact requires conditional use.

***(d) District Specific Regulations***

***1. Use Restrictions***

***A. Ground Floor Residential Uses Restricted***

This criterion prohibits residential uses on the ground floor of any structure in the Downtown district except in historic buildings originally designed and constructed for residential use. The intent of this restriction is to provide an active streetscape for pedestrians and pedestrian-oriented businesses and activities.

As this proposal is for a new building, residential uses on the ground floor are not allowed. As proposed, the street frontage of the building contains a lobby. While not a residence, the lobby is part and parcel of the residential use of the building. It is not a distinct, separate use. More problematic, however, are the residential dwelling units located behind the lobby on the first floor. While sketch plan details are limited, these units, while above underground parking, appear to be at ground level and are not permitted.

***2. Public Trust Restrictions***

The subject property is not located within the Public Trust.

***3. Facades and Setbacks on Side and Rear Property Lines***

The sketch plans depict the new building close to, but not on, the property lines (except for the northwest corner). As such, it may have windows and doors along all building facades (except at the northwest corner). It bears noting, however, that building codes may prohibit or limit these features given the very close proximity of the proposed building to the property lines.

There is an existing garage built to the property lines on the adjacent property to the southwest. As a result, the new building must be set back at least 10' from the adjacent property boundaries up to the height of the garage. The sketch plans depict a setback of only 5'.

***4. Building Height Setbacks***

***A. Principal View Corridors***

Not applicable.

***B. Church Street Buildings***

Not applicable.

***C. Side Street Building Height***

Not applicable.

**5. Lake Champlain Waterfront Setbacks**

Not applicable.

**6. Development Bonuses/Additional Allowances**

No bonuses are sought with this project; however, inclusionary housing will be required. As a result, allowances associated with inclusionary housing will apply and could be utilized.

**Article 5: Citywide General Regulations**

**Sec. 5.2.3, Lot Coverage Requirements**

See Sec. 4.4.1 (b) above.

**Sec. 5.2.4, Buildable Area Calculation**

This criterion does not apply to properties in the D zone.

**Sec. 5.2.5, Setbacks**

See Sec. 4.4.1 (b) above.

**Sec. 5.2.6, Building Height Limits**

See Sec. 4.4.1 (b) above.

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

See Sec. 4.4.1 (b) above.

**Sec. 5.5.1, Nuisance Regulations**

Nothing in the proposal appears to constitute a nuisance under this criterion.

**Sec. 5.5.2, Outdoor Lighting**

No outdoor lighting information has been provided.

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

No stormwater or erosion control information has been provided; however, as noted previously, a comprehensive stormwater management plan will be required upon permit application. Efforts should be focused on stormwater detention and controlled release into the combined sewer system. Consideration should be given to infiltration, green roofs, or other low impact design (LID) elements for onsite stormwater management. An erosion control plan will also be needed.

**Article 6: Development Review Standards:**

**Part 1, Land Division Design Standards**

Not applicable.

**Part 2, Site Plan Design Standards**

**Sec. 6.2.2, Review Standards**

**(a) Protection of important natural features**

No trees or other significant vegetation will be removed as part of this proposal. There are no significant natural areas on the property.

**(b) Topographical alterations**

Substantial earth work is proposed for the underground parking. Topographic information provided indicates that the finished elevation will be generally consistent with existing conditions.

*(c) Protection of important public views*

There are no protected public view corridors from or through the subject property.

*(d) Protection of important cultural resources*

See Sec 3.5.6 (b) 8.

*(e) Supporting the use of alternative energy*

No information has been provided to address this criterion.

*(f) Brownfield sites*

The subject property is not an identified brownfield.

*(g) Provide for nature's events*

Stormwater management is addressed under Sec. 5.5.3.

The proposed building will provide sheltered parking with access into the building from the garage. A proposed lobby will provide sheltered access to the residences from the street.

*(h) Building location and orientation*

Buildings within the immediate area are generally set close to, or on, the front property lines. This new building will be similarly situated along the front property line. As noted previously, it will observe a 12' setback from the curb to afford wide sidewalk space for pedestrians. The front entrance is well defined, oriented towards the public street, and easily accessible.

*(i) Vehicular access*

See Sec. 3.5.6 (a) 8.

*(j) Pedestrian access*

Sidewalk access directly into the building will be provided. The public sidewalk will continue across the proposed driveway into the underground garage.

*(k) Accessibility for the handicapped*

Handicap parking and accessibility is required, but limited details been provided. The final proposed design must insure that ADA standards are met.

*(l) Parking and circulation*

Parking will be located below grade under the building. None of it will be located at grade along the street frontage as prohibited by this criterion. Tenant bike parking will also be located within the garage.

*(m) Landscaping and fences*

No landscaping details have been provided beyond the depiction of a planter in one of the building perspectives. There is very little space for landscaping onsite. Attention should be focused on street trees in consultation with the City Arborist.

*(n) Public plazas and open space*

No public plaza or open space is included in this proposal.

*(o) Outdoor lighting*

See Sec. 5.5.2 above.

*(p) Integrate infrastructure into the design*

A mechanical room and space for garbage containers are located within the underground garage. Access to the trash containers by waste haulers needs to be considered.

**Part 3, Architectural Design Standards**

**Sec. 6.3.2, Review Standards**

*(a) Relate development to its environment*

*1. Massing, Height, and Scale*

The scale of the proposed building is moderate for the city's downtown core. The 4-story building is well within the range of scale and height established by existing buildings in this area. A taller, denser building might be considered in order to make more efficient use of this underutilized downtown space.

As recommended by this criterion, the street level frontage of the proposed building differs from the rest of the building exterior. Doing so provides a human-scale interface along the public sidewalk. The overall massing of the building is broken up by the fenestration pattern, balconies, and building recesses.

*2. Roofs and Rooflines*

The proposed building will have a flat roof. This roof form is common downtown.

*3. Building Openings*

Window details are lacking and specification sheets must be provided with the permit application. The sketch plans depict a consistent fenestration pattern throughout the building consistent with its contemporary appearance. As noted before, applicable building codes may substantially impact the proposed windows given their close proximity to the property boundaries. How building codes may affect fenestration should be determined prior to submission of a zoning permit application.

The proposed windows have small awning openings – this limits the ability to provide fresh air into the units. It may also preclude air conditioners, unless all units are provided with a building-wide AC. This needs to be addressed with the final application.

*(b) Protection of important architectural resources*

The subject property contains no historic buildings or other historic resources. The neighboring building to the north at 115 Pine Street is historically significant, dating to 1873 and included on the Vermont Historic Sites & Structures Survey. The moderate scale of the proposed development and the distance between the two structures mitigates any potential impacts on the neighboring building.

*(c) Protection of important public views*

There are no important public views from or through the subject property.

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

As required by this criterion, the façade of the proposed building varies along the street edge. It has a well-defined, recessed entry and substantial glazing along the public sidewalk. The rest of the building, more uniform in appearance, rises above it. The variation of materials, recesses, and projections add interest and articulation to the building's public frontage. There are no broad expanses of undifferentiated building wall. The wide open, at-grade entrance to the building maximizes accessibility for all individuals.

*(e) Quality of materials*

Building materials are not noted and must be with the permit application. The sketch plan renderings appear to depict stone, glass, and some type of panel system.

*(f) Reduce energy utilization*

The proposed construction must comply with the city's current energy efficiency standards as applicable.

*(g) Make advertising features complimentary to the site*

No advertising is included in this proposal.

*(h) Integrate infrastructure into the building design*

No exterior building infrastructure is evident. If any rooftop mechanical equipment is proposed, details and screening must be included in the permit application. Similarly, provision must be made for mailboxes for residents, and details are needed.

*(i) Make spaces safe and secure*

The proposed building must comply with the city's current egress requirements. The main entrance must be adequately lit, and an intercom system for access should be considered.

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

This property is located within the Downtown Parking District. As such, 1 parking space per dwelling unit is required. As proposed, 13 parking spaces will be included in the garage for the 27-unit building. This limited on-site parking will require either off-site parking per Sec. 8.1.12, *Limitations, Location, Use of Facilities (a) Off-Site Parking Facilities*, to provide the full parking requirement, or it will require a parking waiver based on development and implementation of an acceptable parking management plan per Sec. 8.1.15, *Waivers from Parking Requirements / Parking Management Plans*.

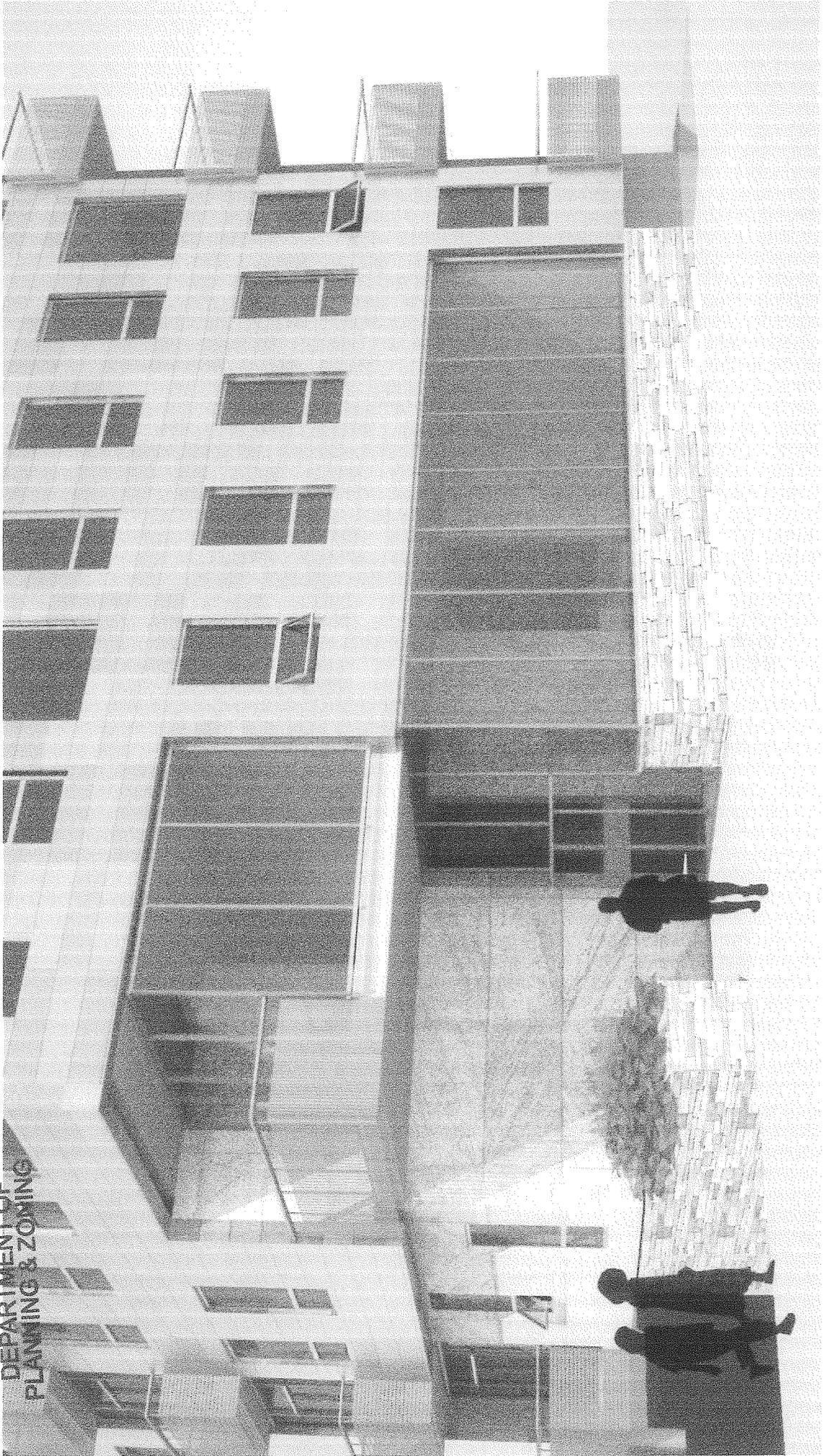
***Sec. 8.2.5, Bicycle Parking Requirements***

Bicycle parking will be required as acknowledged by the application; however, detail has not yet been provided beyond a "bike storage" notation in the garage plan.

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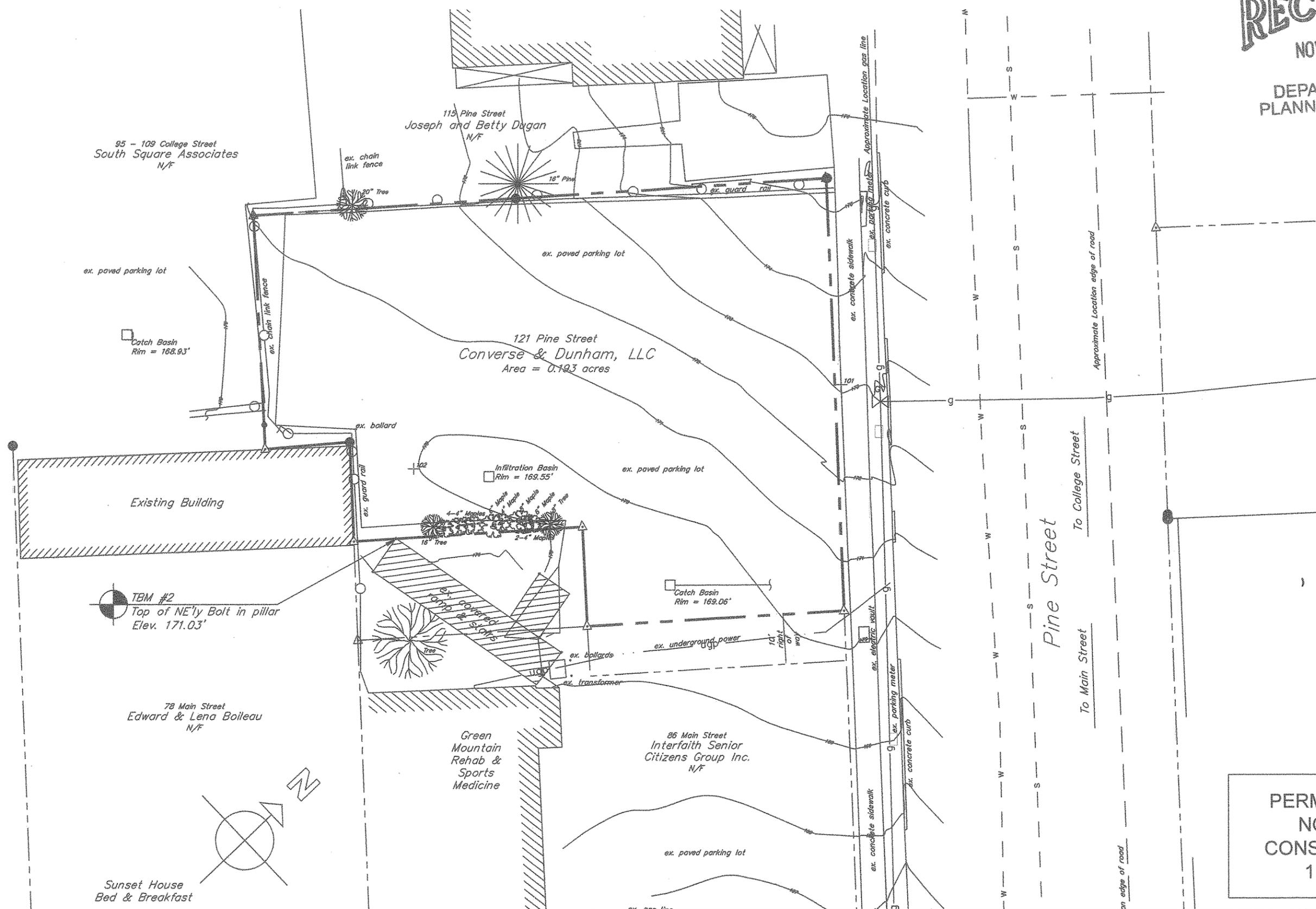
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PERMITS ONLY  
NOT FOR  
CONSTRUCTION  
11/12/13

**1** EXISTING SITE PLAN  
1" = 20'-0"

**STEVE GUILD DESIGN, LLC**  
ONE STEELE STREET, SUITE 108 BURLINGTON, VT 05401  
PHONE: 802-363-1482 EMAIL: steve@steveguilddesign.com

**121 PINE STREET**  
NEW 4 STORY APARTMENT BUILDING  
121 PINE STREET BURLINGTON, VERMONT

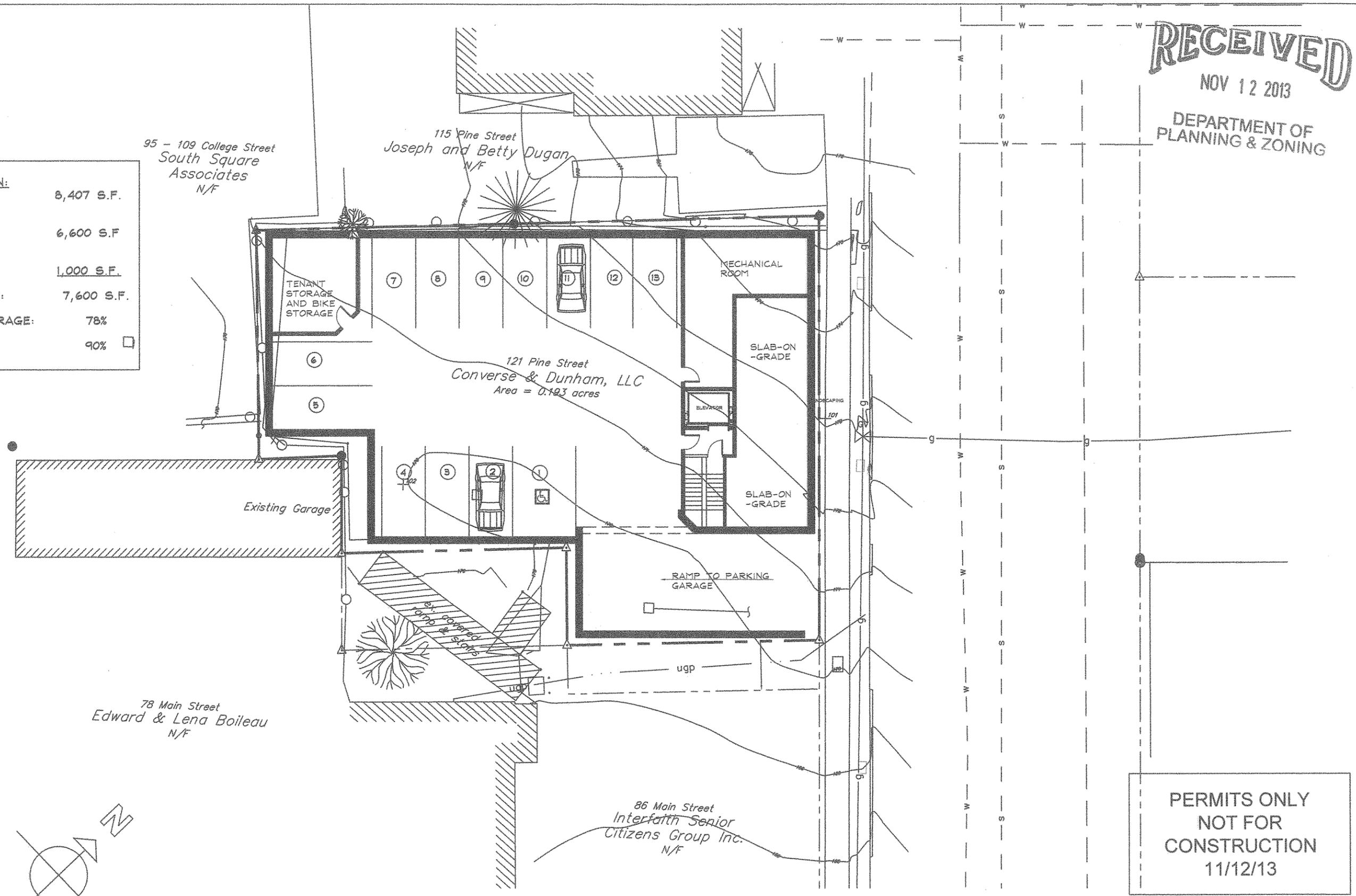
SHEET TITLE:  
EXISTING SITE PLAN

DRAWING NO.  
**C1**

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PLANNING & ZONING

<b>SITE INFORMATION:</b>	
LOT SIZE:	8,407 S.F.
NEW BUILDINGS COVERAGE:	6,600 S.F.
NEW PARKING COVERAGE:	1,000 S.F.
TOTAL COVERAGE:	7,600 S.F.
% BUILDING COVERAGE:	78%
% COVERAGE:	90% <input type="checkbox"/>



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NOT FOR  
CONSTRUCTION  
11/12/13

1 NEW SITE PLAN  
1" = 20'-0"

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PHONE: 802-363-1482 EMAIL: steve@steveguilddesign.com

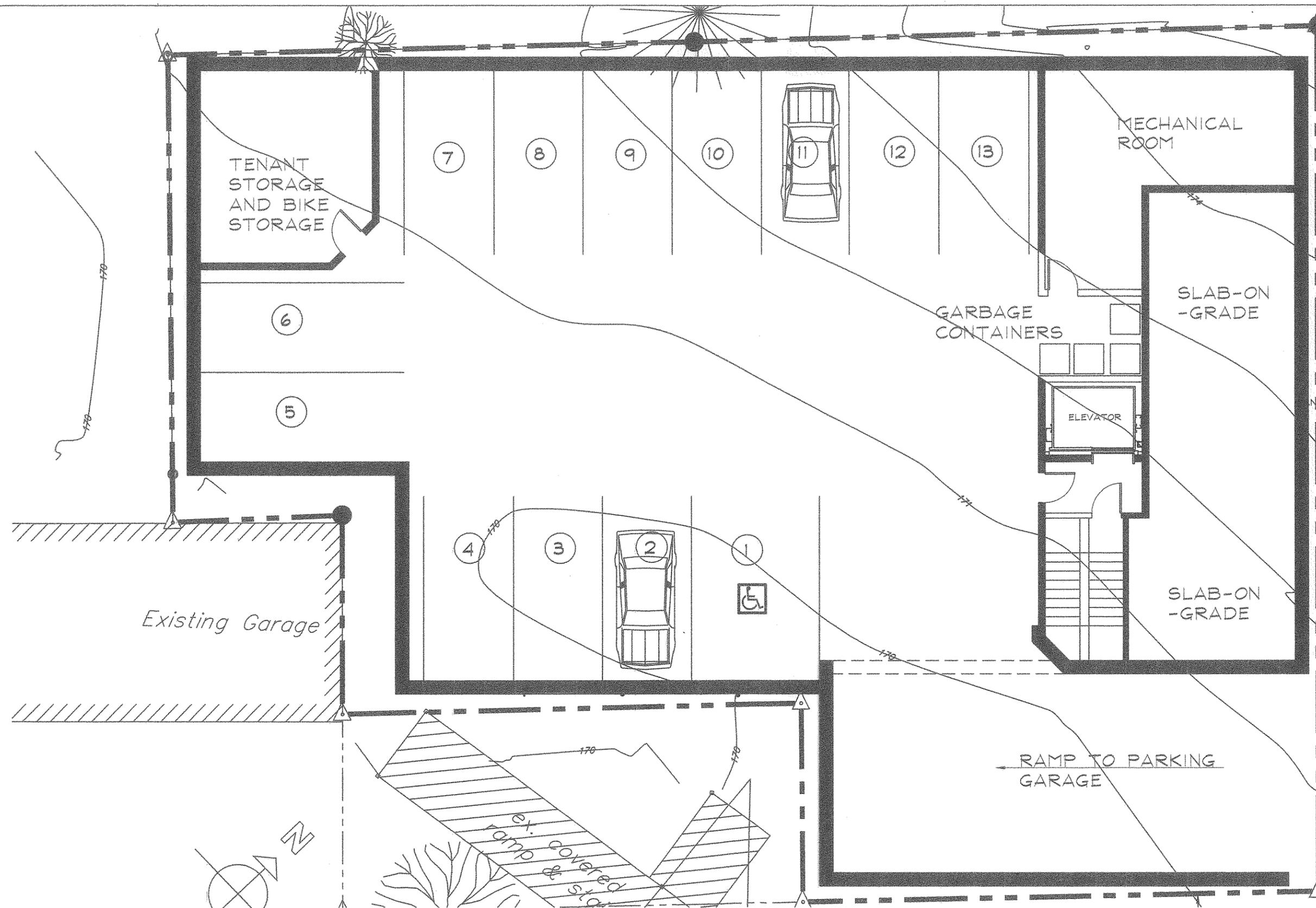
**121 PINE STREET**  
NEW 4 STORY APARTMENT BUILDING  
121 PINE STREET BURLINGTON, VERMONT

SHEET TITLE:  
NEW SITE PLAN

DRAWING NO.  
**C2**

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CONSTRUCTION  
11/12/13

1 NEW PARKING GARAGE PLAN  
1" = 10'-0"

STEVE GUILD DESIGN, LLC  
ONE STEELE STREET, SUITE 108 BURLINGTON, VT 05401  
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121 PINE STREET  
NEW 4 STORY APARTMENT BUILDING  
121 PINE STREET BURLINGTON, VERMONT

SHEET TITLE:  
PARKING GARAGE  
PLAN

DRAWING NO.  
A1

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NOV 12 2013

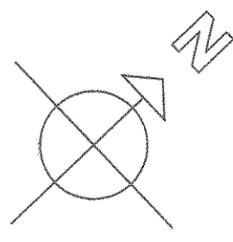
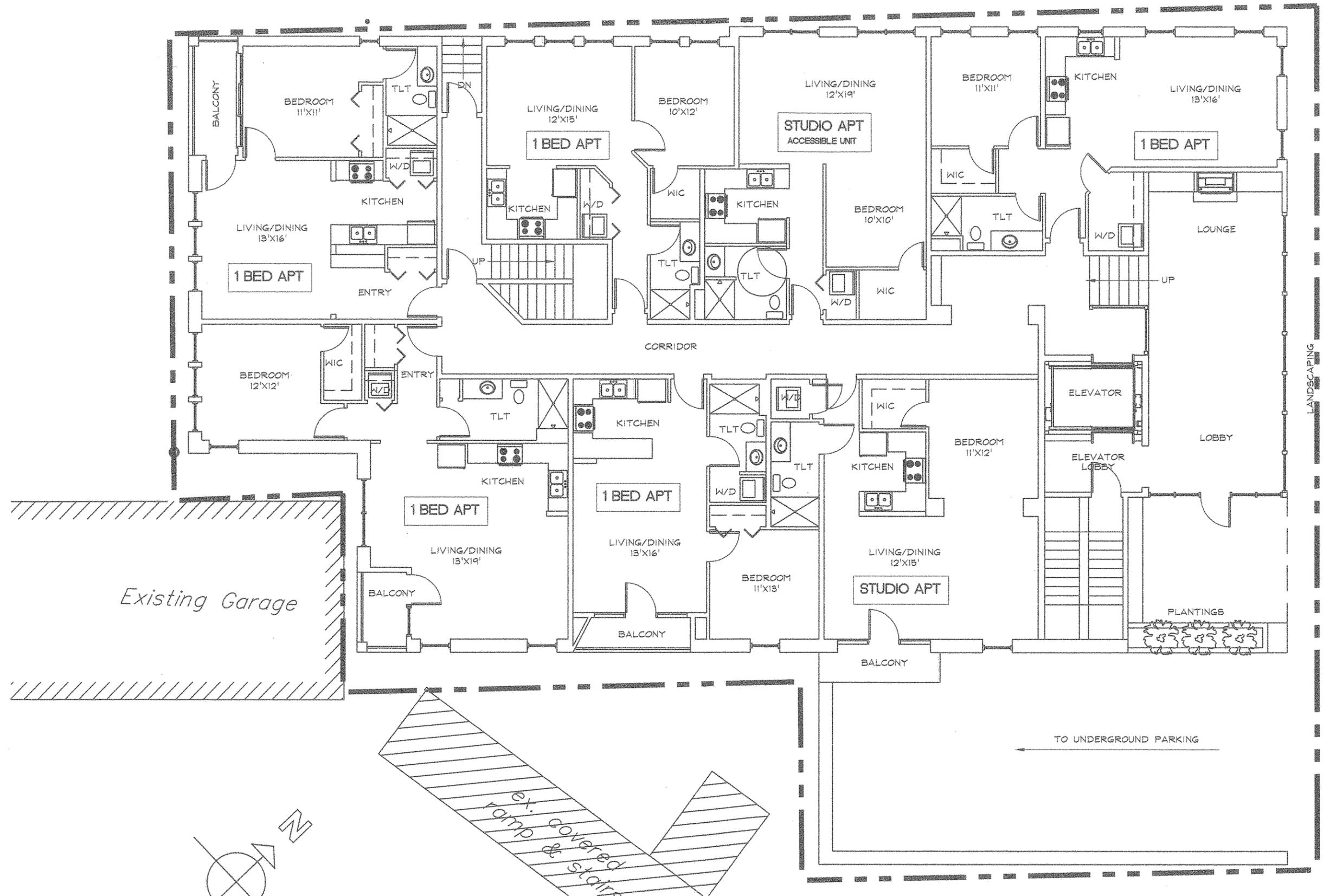
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ex. concrete sidewalk

LANDSCAPING

PINE STREET

PERMITS ONLY  
NOT FOR  
CONSTRUCTION  
11/12/13



**1** NEW FIRST FLOOR PLAN  
1" = 10'-0"

**STEVE GUILD DESIGN, LLC**  
ONE STEELE STREET, SUITE 108 BURLINGTON, VT 05401  
PHONE: 802-363-1482 EMAIL: steve@stevegulldesign.com

**121 PINE STREET**  
NEW 4 STORY APARTMENT BUILDING  
121 PINE STREET BURLINGTON, VERMONT

SHEET TITLE:  
NEW FIRST FLOOR  
PLAN

DRAWING NO.  
**A2**