

## Department of Permitting & Inspections

Zoning Division  
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### MEMORANDUM

**TO:** Development Review Board  
**FROM:** Ryan Morrison, Associate Planner  
**DATE:** January 19, 2021  
**RE:** 21-0396CA; 217-219 North Winooski Ave

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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: NMU Ward: 2C

Owner/Applicant: Jade Age, LLC / Steven Schenker

**Request:** Construct a new 4-unit apartment building and associated site work.

#### **Applicable Regulations:**

Article 3 (Applications, Permits, and Project Reviews), Article 4 (Zoning Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking)

#### **Overview:**

217-219 North Winooski Ave currently contains a four-unit multifamily building and 4 surface parking spaces. The existing building is on the State Register of Historic Structures and Sites. No alterations are proposed to the existing building. The applicant proposes a second principal structure in the form of a three story multifamily building consisting of 4 studio residential units. The ground level will have open-air parking for two vehicles, and an access point for the upper story residential units.

This application was heard by the Design Advisory Board on November 10, 2020 and on December 22, 2020. After the second meeting, the DAB recommended approval of the application as presented to the Development Review Board, with the following suggestions to the applicant:

1. Remove the column from between the parking spaces;
2. Explore installing larger windows; and
3. Move the rear wall (bathroom & kitchen area) back to meet the depth of the stair block so that the units are larger.

Previous zoning actions for this property are noted below.

- **ZP14-0186CA**; replacement windows. August 2013.
- **ZP16-0830CA**; replacement windows. February 2016.

- **ZP19-0247CA**; convert 3-unit building to a 4-unit building; delineate and formalize 4-space parking area. September 2018.

**Recommendation: Certificate of Appropriateness Approval** as per the following findings:

**I. Findings**

**Article 3: Applications, Permits and Project Reviews**

**Part 3: Impact Fees**

**Section 3.3.2 Applicability**

*Any new development or additions to existing buildings which result in new dwelling units or in any new non-residential buildings square footage are subject to impact fees.*

Impact fees shall be calculated based on the total gross square footage of the principal use. Per the submitted plans, an estimate of the fees is:

SF of Project 2,289

Department	Residential	
	Rate	Fee
Traffic	0.200	457.80
Fire	0.226	517.31
Police	0.045	103.01
Parks	0.759	1,737.35
Library	0.470	1,075.83
Schools	0.981	2,245.51
<b>Total</b>	2.681	<b>\$ 6,136.81</b>

The applicant shall submit a final calculation of gross square footage to make final an Impact Fee assessment. **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.**

**Article 4: Zoning Maps and Districts**

**Section 4.4.2 Neighborhood Mixed Use Districts**

**(a) 2.** *The Neighborhood Mixed Use (NMU) district is intended to preserve and enhance historically commercial areas while reinforcing the compact scale and development patterns within the city’s older neighborhoods. Uses are intended to provide neighborhood oriented goods and services and employment opportunities within walking or biking distance of residential neighborhoods.*

Per Appendix A – Use Table – All Zoning Districts, ‘Attached Dwellings – Multi-Family (3 or more)’ are permitted uses within the NMU zone. **Affirmative finding.**

**(b) Dimensional Standards and Density**

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

**Table 4.4.2-1 Dimensional Standards and Density**

<i>Districts</i>	<i>Max. Intensity (floor area ratio<sup>1</sup>)</i>	<i>Max. Lot Coverage</i>	<i>Minimum Building Setbacks (feet)</i>			<i>Building Height (feet)</i>
			<i>Front<sup>3</sup></i>	<i>Side</i>	<i>Rear</i>	
<i>NMU</i>	<i>2.0 FAR</i>	<i>80%</i>	<i>0<sup>5</sup></i>	<i>0<sup>2</sup></i>	<i>0<sup>2</sup></i>	<i>Min: 2'. 2 stories Max: 35</i>
217-219 North Winooski Ave	0.63	69%	5' (17' from Decatur Street curb)	1' 6" (SW) and 3' (NW) (no abutting residentially zoned properties)	n/a	31' 6" (with 3' tall mechanical units on the roof (34' 6"))

1. Floor area ratio is described in Sec. 5.2.7. Measurement of and exceptions to height limits are found in Sec 5.2.6. Bonuses for additional FAR and height where available are described in section (d)3 below, and additional height, FAR and lot coverage is afforded by-right for inclusionary housing projects under Sec. 9.1.12. Actual maximum build out potential may be reduced by site plan and architectural design considerations of Art 6.
2. Structures shall be setback a minimum of 15-feet along any zoning district boundary line that abuts a residential zoning district. Lots of record existing as of September 9, 2015 that are split by neighborhood mixed use and residential zones are exempt from this district boundary setback.
3. Structures shall be setback a minimum of 12-feet from the curb on a public street.
4. Exceptions to maximum lot coverage are provided in (d)2.
5. Notwithstanding footnote 4, the NMU district at the intersection of Pine St. and Flynn Avenue shall have a minimum front yard setback of 10 feet.
6. Side and rear yard setbacks are applicable only to the periphery of the NAC-CR district and not to individual parcels within the district.
7. Front yard setbacks for buildings fronting on North Avenue shall be 20' min and 30' max.

**Affirmative finding.**

**(c) Permitted and Conditional Uses**

Multi-Family Dwellings (3 or more units) are permitted uses in the NMU zoning district.

**Affirmative finding.**

**(d) District Specific Regulations**

1. *Ground Floor Residential Units Restricted*  
*In order to maintain an active streetscape for pedestrians and pedestrian-oriented businesses and activities, residential uses shall not be permitted within 25-feet of a public street right-of-way along the street-level frontage in the NAC District. This restriction shall not apply in the NAC-Riverside and NAC-Cambrian Rise Districts.*  
The property is zoned NMU. Not applicable.
2. *Exception to Maximum Lot Coverage in the NAC District*  
Not applicable.
3. *Development Bonuses/Additional Allowances*  
No bonuses or additional allowances are included or sought. Not applicable.

## **Article 5: Citywide General Standards**

### **Section 5.2.3 Lot Coverage Requirements**

See Table 4.4.2-1, above. **Affirmative finding.**

### **Section 5.2.4 Buildable Area Calculation**

This provision only applies to properties 2-acres or greater in size, and in the RCO, WRM, RM, WRL, and RL zoning districts. Not applicable.

### **Section 5.2.5 Setbacks**

See Table 4.4.2-1, above. **Affirmative finding.**

### **Section 5.2.6 Building Height Limits**

See Table 4.4.2-1, above. **Affirmative finding.**

### **Section 5.2.7 Density Calculations**

See Table 4.4.2-1, above. **Affirmative finding.**

### **Section 5.4.9 Brownfield Remediation**

Not applicable.

### **Section 5.5.1 Nuisance Regulations**

None identified. **Affirmative finding.**

### **Section 5.5.2 Outdoor Lighting**

The proposal includes two fully shielded exterior light fixtures: one at the entry door and one on the column between the two parking spaces. No other exterior light fixtures are proposed.

**Affirmative finding.**

### **Section 5.5.3 Stormwater and Erosion Control**

An Erosion Prevention and Sediment Control plan and a Stormwater plan must be submitted to the Stormwater Program Manager for review and approval. **Affirmative finding as conditioned.**

### **Section 5.5.4 Tree Removal**

The plans do not include any mention of tree removal, and the property looks completely void of trees with the exception of one large deciduous tree in or near the NW corner. If that tree is in fact

on the property, it may be subject to removal to make room for the new building. It should be noted that if the tree is located on the adjacent property, then this permit does not authorize its removal. **Affirmative finding as conditioned.**

**Article 6: Development Review Standards**

**Part 1: Land Division Design Standards**

No land division is proposed. Not applicable.

**Part 2: Site Plan Design Standards**

**Sec. 6.2.2 Review Standards**

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

There are no important natural features at this location. **Affirmative finding.**

**(b) Topographical Alterations:**

There are no topographical alterations proposed. The property is relatively flat. **Affirmative finding.**

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

Not applicable. There are no important public views on and around the property.

**(d) Protection of Important Cultural Resources:**

Not applicable. While the existing 4-unit multifamily building is listed on the State Register of Historic Structures and Sites, no alterations to this building are proposed.

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

No part of the application will preclude the use of wind, water, solar, geothermal or other renewable energy resource. **Affirmative finding.**

**(f) Brownfield Sites:**

Not applicable. The property is not listed as a Brownfield Site.

**(g) Provide for nature's events:**

*Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.*

The applicant will be required to submit an Erosion Prevention and Sediment Control plan and a stormwater plan to the Stormwater Program Manager for review and approval.

*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.*

The ground level also includes an internal stair access to the upper residential units. This access will be entirely sheltered from the elements as it is underneath the upper stories. **Affirmative finding as conditioned.**

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

Neighboring structures along Decatur Street vary between 2 story, 2 ½ story and 3 story buildings. Most rooflines are gabled, however the neighboring 2 story structure immediately behind the proposed structure has a flat roof. The proposed building will have a similar alignment to the street frontage with neighboring structures. This section calls for buildings within a mixed-use area (which this property is) to provide sufficient space (optimally 12-15 feet) between the curbline and the building face to facilitate the flow of pedestrian traffic, however the revised plans show a setback greater than 12-15 ft from the curb in alignment with adjacent buildings, per the DAB's request. Additional landscaping is proposed between the new building and the sidewalk to provide an attractive streetscape.

*Principal buildings shall have their main entrance facing and clearly identifiable from the public street.*

The proposed building will be the second principal building on the property. It's main and only entrance is located in the middle of the ground level parking area/utility area and is identifiable from the public street. A direct walkway from the sidewalk to the building entrance is provided.

**Affirmative finding.**

**(i) Vehicular Access:**

The proposal includes shifting the curb cut off Decatur Street 8-10 ft to accommodate the footprint of the new building. This access is the only vehicular access to the property and will serve both buildings. The plans indicate 2 parking spaces at the ground level of the new structure and 1 handicap accessible space to the side of the existing four-plex. Internally, there will be approx. 20 ft of driveway width to maneuver vehicles. **Affirmative finding.**

**(j) Pedestrian Access:**

A direct and unobstructed pedestrian path between the primary building entrance and the public sidewalk is provided. The walkway will locate along the interior drive and along the front of the proposed trash/recycling enclosure, and bicycle storage and mechanical rooms. **Affirmative finding.**

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

The building inspector has jurisdiction over ADA requirements. By his direction and per Chapter 8 of the Burlington Code of Ordinances, 4 to 14 units must provide 1 accessible unit. **Affirmative finding.**

**(l) Parking and Circulation:**

Three onsite parking spaces are illustrated on the site plan, with an internal driveway width of approx. 20 ft. As part of the Multi-modal multi-use parking district, there are no longer any minimum parking requirements, however the proposal includes on-site parking. **Affirmative finding.**

**(m) Landscaping and Fences**

The proposal includes landscaping along the rear (NW) side of the new building, in the form of a row of 4' tall arborvitae bushes and 5' tall serviceberry, and along the front (NE) Decatur Street side (5' tall serviceberry). Arborvitae bushes can grow well above 10 ft in height and provide a thick screen provided they are planted close enough to each other. The plans indicate that they

will be planted at 3 ft off center. Serviceberry can grow up to 20 ft in height. No new fencing is proposed. **Affirmative finding.**

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

There is no requirement within the ordinance to provide a public plaza. Some lawn space can be found fronting North Winooski Ave., adjacent to the existing 4-unit building that can provide some outdoor enjoyment. **Affirmative finding.**

**(o) Outdoor Lighting:**

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

Two fully shielded wall-mount light fixtures are proposed: one at the entrance door, and one on a column between the two parking spaces. No other exterior lights are proposed. **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.*

Four rooftop condenser units are proposed. At the ground level under the new building, a trash/recycling room is proposed for use by tenants of the existing and new buildings. The plans indicate wall mounted mailboxes on the front wall of the trash/recycling room. **Affirmative finding.**

**Part 3: Architectural Design Standards**

**Sec. 6.3.2 Review Standards**

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

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

The applicant has submitted a Decatur Street elevation view of the proposal, showing the proposed building to be similar in height, massing and scale with adjacent buildings. **Affirmative finding.**

**2. Roofs and Rooflines.**

Most structures along Decatur Street have gabled roofs, however the building next door has a flat roof, similar to the proposed structure's roof. **Affirmative finding.**

### 3. *Building Openings*

The upper two stories of the proposed structure will have a consistent window pattern on three sides. The plans indicate no window openings on the southwest side of the building. The ground floor facing the interior of the property will be open for vehicular access and access to the trash/recycling room, and the bicycle/mechanical rooms. **Affirmative finding.**

#### (b) **Protection of Important Architectural Resources:**

Not applicable. This proposal is for a new structure, and the existing historic residential building on the property will not be altered.

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

Not applicable. There are no important public views on and around the property.

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

*Building facades shall be varied along the street edge by the integration of architectural features, building materials, or physical step-backs of the façade along its length. ..This may be accomplished by incorporating fenestration patterns, bays, horizontal and vertical façade articulations, the rhythm of openings and prominent architectural features such as porches, patios, bays, articulated bases, stepping back an elevation relative to surrounding structures, and other street level details. The use of traditional façade components such as parapet caps, cornices, storefronts, awnings, canopies, transoms, kick plates, and recessed entries are highly encouraged. In areas where high volumes of pedestrian traffic are desired, the use of architectural recesses and articulations at the street level are particularly important in order to facilitate the flow of pedestrian traffic.*

The proposal includes a street side façade with the symmetrical placement of upper story windows. The second and third stories project outward in a southeast manner past the ground level parking area wall, thus creating a slight visual break from one large front façade. It should be noted that the multifamily structure two properties down Decatur Street has a similar street edge, in that there is no principal pedestrian entry on the front façade and the front wall contains second and third floor windows. New landscaping is also proposed between the structure and Decatur Street. **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.*

The proposal calls for stained cedar siding on the bulk of the building, with fiber-cement panel siding integrated at the ground level exteriors and the multi-story central staircase. Wood/fiberglass windows are proposed throughout. These materials are common in new construction and are durable. **Affirmative finding.**

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

All new construction is required to meet the Guidelines for Energy Conservation, Section 8 of the City of Burlington Code of Ordinances. **Affirmative finding as conditioned.**



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

Any signs will require separate permitting. **Affirmative finding as conditioned.**

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

See Section 6.2.2 (p), above. **Affirmative finding.**

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

*Spaces shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment, and, to the extent feasible, provide for adequate and secure visibility for persons using and observing such spaces. Building entrances/entry points shall be visible and adequately lit.*

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal. **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, a total of 3 parking spaces will be provided to serve the existing and proposed four-plexes. **Affirmative finding.**

**Sec. 8.1.11 Parking Dimensional Requirements**

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

**Sec. 8.2.5, Bicycle Parking Requirements**

Bicycle parking is required at the rate of 1 long term space per 2 bedrooms, and 1 short term space per 10 residential units. The four units are studio apartments which results in a total need of 2 long term parking spaces and 1 short term parking space (however for new developments – a minimum of 2 short term spaces are required regardless). At the ground level there is a bike storage room identified with 4 parking spaces that will satisfy these requirements. **Affirmative finding.**

**I. Conditions of Approval**

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

SF of Project 2,289

Department	Residential	
	Rate	Fee
Traffic	0.200	457.80
Fire	0.226	517.31

Police	0.045	103.01
Parks	0.759	1,737.35
Library	0.470	1,075.83
Schools	0.981	2,245.51
<b>Total</b>	<b>2.681</b>	<b>\$ 6,136.81</b>

2. **Prior to the release of the zoning permit**, an Erosion Prevention and Sediment Control plan and a Stormwater plan must be submitted to the Stormwater Program Manager for review and approval.
3. **Prior to the release of the zoning permit**, should additional garbage/recycling bins and utility meters be proposed, the applicant shall revise the plans to show their locations and screening, subject to staff review and approval.
4. **Prior to the release of the zoning permit**, the applicant shall obtain a letter from the Dept. of Public Works confirming adequate water and sewer capacity.
5. This permit does not authorize the removal of any trees/vegetation that may be located on adjacent properties.
6. A curb cut permit will be required through the Public Works Department for the proposed alteration to the existing curb.
7. Any signage will require a separate sign permit.
8. 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.
9. Hours of construction are limited to Monday-Friday 7:00 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
10. New utility lines must be buried.
11. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
12. A State of Vermont wastewater permit is required.
13. Standard Permit Conditions 1-15.