

Department of Permitting and Inspections

Zoning Division
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MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: December 1, 2020
RE: ZP21-0413CA; 400 Pine 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: ZP21-0413CA

Location: 400 Pine Street

Zone: E-LM **Ward:** 5S

Parking District: Multi Modal Mixed-Use

Date application accepted: October 19, 2020

Applicant/ Owner: SpeakEasy Arts LLC dba Arts Riot / Alan Newman /Howard Space Partnership

Request: Exterior alterations including new deck, accessible ramp, stairs, new openings in façade, new metal entry canopies, new retractable awning. No change to use, egress or occupancy.



Background: (All of 400 Pine St.)

- **ZP20-1008CA;** change of use to food and beverage processing with accessory retail sales and tasting area (404 Pine St.) June 2020.
- **ZP19-00679CA;** replace existing door with double doors and revamp stairway and landing. April 2019.
- **ZP18-0917CA;** amendment to ZP17-0643CA/MA; revisions to bike shelter, retaining wall and garage door entry, grading and retaining wall, sun shade detail, siding and window sizes. May 2018.

- **ZP18-0627CA** install new garage doors and louvered fans. January 2018.
- **ZP17-0616CA**; change of use from warehouse to glass production facility. June 2017.
- **ZP17-1039AW**; install awning over existing patio space. May 2017.
- **ZP17-0643CA/MA**; Demolish 2 warehouse buildings, merge 30-32 Howard Street parcel with 400 Pine Street, extinguish interior property lines, demolish duplex and construct new multi-use building. March 2017.
- **ZP16-1231CA**; renovate office space and change use of approximately 4000 sf from warehouse retail to retail with accessory wine bar. May 2016.
- **Non-applicability of Zoning Permit Requirements 16-1082NA**; using space as a pottery studio/showroom. April 2016.
- **ZP16-0784CU**; performing arts center within existing mixed use facility. No site or exterior building changes included. March 2016.
- **Zoning Permit 16-0944CA**; remove and replace two lower windows with larger windows. March 2016. Permit relinquished January 2018.
- **ZP15-1100FC**; installation of fencing to partially enclose existing outdoor seating area. September, 2015.
- **Zoning Permit 15-1226CA**; construction of permanent handicap accessible ramp at Speeder and Earl's. June 2015.
- **Non-Applicability of Zoning Permit Requirements 15-1225CA**; temporary permit, handicap ramp. May 2015.
- **Zoning Permit 14-0274CA**; change of use to woodworking shop in tenant spaces C 1, 2, &4. September 2013.
- **ZP14-0153SN**; replace three existing signs and lighting with new signs and lighting for Arts Riot. August 2013.
- **Zoning Permit 13-1187SN**; installation of 3 parallel signs for the Burlington Music Dojo. No illumination included. June 2013.
- **Zoning Permit 13-0828CA**; change of use to include art gallery and performing arts studio. Food processing to remain, and café to be reduced from 18 seats to 14 seats. Add rear entry, revise and add second front entry, replace existing entry ramp, and other associated modifications. March 2013.
- **Zoning Permit 12-0330CA**; placement of exhaust fan on clerestory area of roof for glass blowing furnace. September 2011.
- **Zoning Permit 11-0208SN**; replace existing sign with Davis Studio sign. No illumination. September 2010.
- **Zoning Permit 11-0077SN**; replace two existing signs. One parallel window sign and one projecting sign. August 2010.

- **Zoning Permit 10-0768CA**; replace 2700 sq. ft. of half lap roofing with new galvanized corrugated metal roofing. April 2010.
- **Zoning Permit 08-103CA**; exterior lighting to be installed on door/stairs and sign for Speeder and Earl's Coffee. August 2007.
- **Zoning Permit 06-384SN**; three signs for Pine Street Art Works. November 2005.
- **Zoning Permit 06-383CA**; change garage style overhead door to swinging doors with half-light windows. Same door location in rear alley of building. New light fixture over front entrance. November 2005.
- **Zoning Permit 06-198CA**; change from Burlington Futon Fabrics to retail art with accessory retail production space of 152 sf. September 2005.
- **Zoning Permit 01-507**; remove loading dock extension on the existing warehouse within the existing commercial complex. Area to be paved for additional parking and circulation areas. No change in use or other exterior changes included. June 2001.
- **Zoning Permit 00-097 / COA 099-006A**; Installation of two externally illuminated signs for the existing retail space (one parallel and one projecting.) August 1999.
- **Zoning Permit 99-045 / COA 099-006**; change of use from service (stained glass) to retail (fabric.) No exterior changes included. July 1998.
- **Zoning Permit 95-497**; installation of four awnings with lettering and illumination, two externally illuminated parallel signs and the relocation of the existing handicapped access ramp to the south entrance. The north entrance will then be made a large window with a planter in front of it. Use remains the Cheese Factory Outlet. June 1995.
- **Zoning Permit 91-277; COA 091 – 057**; installation of two parallel signs on front façade of building, store emblem over an announcement board. No illumination. March 1991.
- **Zoning Permit 85-494**; erect 2 parallel wood, non-illuminated signs, one on Howard Street and one on Pine Street side of extension in building. October 1985.
- **Zoning Permit 85-400**; remove dust collector, raise roof 3' to accommodate one overhead door to interior service yard. October 1985.
- **Zoning Permit 81-178**; replace metal roof, siding and floor. September 1980.
- **Zoning Permit 79-688**; to be used as work space consisting of ornamental iron work fabrication. Also to install two chimneys on the interior. December 1979.
- **Zoning Permit 79-653**; tear down existing stairs and replace exterior stairway. Emergency case. November 1979.
- **Zoning Permit 78-429**; the erection of a 28' x 29' two sided addition on the buildings in the rear. November 1977.
- **Zoning Permit** to use 6 Howard Street for a woodworking shop. Erect an overhanging sign. October 1977.
- **Zoning Permit** issued for a pole sign for Shelburne Spinners. January 1977.

- **Zoning Permit** to erect an overhanging sign within the property lines for Vermont Folk Furnishings. September 1975.
- **Zoning Permit** to remove one window and install one overhead door at 6 Howard Street. March 1974.
- **ZBA review**; to use the premises at 6 Howard Street for the sale and wholesaling of paint and building supplies. July 1972.
- **Zoning Permit** to use the premises for the storage and distribution of spaghetti products. Approved April 1972.
- **ZBA review**: Seeking a special exception under Title 27, Chapter 1, Section 6512-15A to use the masonry portion of the premises at 400 Pine Street for an auto repair garaged. Approved February 1972.
- **ZBA review**: Seeking a special exception under Title 27, Chapter 1, Section 6512-15B to use the premises at 400 Pine Street for the wholesaling and distribution of auto accessories. Approved November 1971.
- **ZBA review** to change a non-conforming use for a furniture stripping business. November 1971.

Overview: 400 Pine Street is a collection of assorted industrial buildings repurposed for various uses. The building proposed for alteration under this application is currently the “Arts Riot” structure immediately fronting Pine Street. No change in use, occupancy or parking is included.

The application proposes changes to the primary façade and building access, with enhanced outdoor service space inside a structural enclosure.

The building is included within the Pine Street Industrial District on the National Register of Historic Places.

The preliminary application included a seating area directly up to the front property line. The zoning district requires a 5’ front yard setback. A revised plan (submitted 11.25.2020) has identified the structure within the required setback as an “accessible route”, endeavoring to secure the allowable exemption from the required front yard setback.

The **Design Advisory Board** reviewed the preliminary application on November 10, 2020 and unanimously voted to recommend approval, with the following conditions:

1. The patio wall along the street edge shall be modified to increase the line of sight directed at the horizontal along the sidewalk a minimum of 25% of the linear footage.
2. The Board approves the modifications to façade, masonry openings and new fenestration.
3. The Board suggests that any future murals along the street wall be interchangeable.

Recommended motion: Denial, per the following findings:

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 if conditioned.**

Article 4: Zoning Maps and Districts

Sec. 4.4.3 Enterprise Districts

(a) Purpose:

The 2 Enterprise districts as illustrated in Map 4.4.3-1 are described as follows:

1. The **Light Manufacturing (E-LM)** district is the primary commercial/industrial center of Burlington, and is intended primarily to accommodate enterprises engaged in the manufacturing, processing, distribution, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment without potential conflicts from interspersed residential uses. Other accessory commercial uses are allowed to support a wide range of services and employment opportunities. This district is intended to ensure that sufficient land area is appropriately designated within the city to provide an adequate and diversified economic base that will facilitate high-density job creation and retention. This district is primarily intended to provide for industrial uses suitable for location in areas of proximity to residential development. Development is intended to respect interspersed historic industrial buildings, and reflect the industrial aesthetic of the district’s past. Parking is intended to be hidden within, behind, or to the side of structures.

There is no change to the use or parking on the site. The application focuses on creating an entry ramp with outdoor seating, with associated changes to the building openings. **Affirmative finding.**

Table 4.4.3 -1 Dimensional Standards and Density

Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage ¹	Minimum Building Setbacks ¹ (feet)			Max. Height ¹ (feet)
			Front	Side	Rear ³	
Light Manufacturing	2.0 FAR	80%	5 min	0 ²	10% ²	45’
Proposed 400 Pine Street	n/a	No change	0	No change	No change	No change

Adverse finding for failure to meet a required 5’ front yard setback for new structure.

(c) Permitted and Conditional Uses:

1. *The principal land uses that may be permitted, or conditionally permitted pursuant to the requirements of Article 3, within the Enterprise districts shall be as defined in Appendix A – Use Table.*
2. *Within the E-LM district, uses unrelated to Industrial or Art Production are*

permitted to be located on lots south of Home Avenue only when:

- a. *One or more Industrial and/or Art Production use(s) exists on the lot; and*
- b. *The combined gross floor area (GFA) of all other use(s) does not exceed 49% of the gross floor area on the lot. Uses limited by this provision are identified by Footnote 27 in Appendix A-Use Table; all uses marked as conditional use or with additional footnotes in Appendix A continue to apply.*

No changes to use are requested. Not applicable.

Article 5: Citywide General Regulations

Section 5.2.1 Existing Small Lots

Not applicable.

Section 5.2.2 Required Frontage or Access

There are no changes to the frontage or to access. **Affirmative finding.**

Section 5.2.3 Lot Coverage Requirements

There are no proposed changes to lot coverage. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

Not applicable.

Section 5.2.5 Setbacks

(b) Exceptions to Yard Setback Requirements:

The following projections into required yard setbacks may be permitted subject to the standards of Article 6 to ensure compatibility with neighboring properties:

2. Building and Site Features. Eaves, sills, roof overhangs, cornices, steps to first floor entries, walkways, ramps for the disabled, fences, walls, and similar building and site features may project into a required yard setback.

The design, which included build-out to the front property line in its original submission, was modified to identify the extended deck as an “accessible route” and included a ramp to the south. (A ramp has been included along the north extension of the deck.) From rendered images, the deck is extended into the front yard setback from the north end southerly to the 2nd arched opening at approximately the midpoint of the building where the south ramp begins. Although identified as an “accessible route” on Z2.0, this portion of the new deck exceeds the exemption as defined above, and by its construction affords the opportunity for extended seating up to the property line within a required setback. If intended to be accessible, a gate would be unlikely at the entry to the distillery business.

The southerly ramp, steps to entries, the fence/wall are all allowable encroachments.

The only method of identifying this plan as an allowable exception under “ramps for the disabled” is by a positive interpretation by the building inspector.

Adverse finding for encroachment into a required front yard setback.



Section 5.2.6 Building Height Limits

Not applicable

Section 5.2.7 Density and Intensity of Development Calculations

Not applicable.

Part 3: Non Conformities

The pavement to the front property line is an existing nonconformity; the existing steps and fencing are allowable encroachments into a required setback. The project may retain the existing non-conformity but may not expand that non-conformity. The new deck, as structure proposed within a required setback, increases the level of non-conformity and may not be approved.

Adverse finding.

Sec. 5.4.8 Historic Buildings and Sites

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

400 Pine Street (as a collected E.B. and A.C. Whiting Company site- this building resource #20a) is listed on the National Register of Historic Places within the Pine Street Industrial District. Identified as the Fiber Machine Shop, it was built in 1915. See attached narrative.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior’s Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior’s Standards are basic principles created to help

preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

1. *A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

This structure was built as a fiber machine shop as part of the E. B. and A. C. Whiting Company. Although no longer associated with that industrial use, it has been repurposed for various uses; currently as a performing arts center, distillery, tasting room, and a coffee shop. Some building alteration has already occurred. This application includes the introduction of overhead garage doors in enlarged openings. The Design Advisory Board accepts the proposed alterations.

Affirmative finding.

2. *The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The enlargement or introduction of new building entries will alter some original characteristics of the building; however most are in the same location as previous alterations. **Affirmative finding.**

3. *Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

The newly introduced building canopies are not conjectural, and will read as new additions. The new building openings are located where there was previous alteration, and are not conjectural features. **Affirmative finding.**

4. *Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

None identified. Not applicable.

5. *Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

The splayed brick lintels over original openings will be altered at locations where new building openings are proposed; however these are in locations previously altered. **Affirmative finding.**

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

Alterations are based on new design rather than repair. There is no physical evidence or photo documentation that overhead doors or building entries originally existed as now proposed, but they are the latest in a series of alterations to building openings. **Affirmative finding.**

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

No chemical treatments are proposed. **Not applicable.**

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

None are identified at this location. **Not applicable.**

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

Much of the proposed plan involves building openings that have already been modified through earlier alteration or permitting. Some opening enlargement will require masonry, lintel and sill loss. The new work will clearly be differentiated from the old. **Affirmative finding.**

10. *New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.*

Replacing replacement window/doors is less controversial than introducing new openings where none existed or altering an existing opening that remains original. In the latter, restoration would be the only option to return to original condition. For the deck and fence barricade, removal would allow retention of the essential form and integrity of the property. **Affirmative finding.**

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. The site is entirely paved or developed. **Affirmative finding.**

(b) Topographical Alterations:

Not applicable.

(c) Protection of Important Public Views:

As a listed historic structure, visibility for the public is desired. The existing fencing has somewhat diminished that opportunity; however the proposed enclosure will hinder the street view of the building's façade and observation for security purposes. See 6.2.3 (i), below. The DAB has conditioned their recommendation for approval on minimizing the street wall, which has been accomplished in revised plans. **Affirmative finding.**

(d) Protection of Important Cultural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city's or the region's pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b)

See Section 5.4.8 (below).

(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:

Although 400 Pine Street is listed on the Vermont DEC list of Brownfields for the presence of arsenic and PAH, this was associated with redevelopment of "The Vaults" (along Howard Street.) It is a low priority site, with no land restriction. The current application does not impose any additional regulatory concern. **Affirmative finding.**

(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.

Changes proposed are exterior structural alterations. No site disturbance is anticipated, albeit deck supporting framework.

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 application includes new metal canopies over new and existing openings (Plan Z5.1)
Affirmative finding.

(h) Building Location and Orientation:

There is no proposed alteration to the building location or orientation. **Affirmative finding.**

(i) Vehicular Access:

No change is proposed to motor vehicular access. Bike racks will be incorporated to support non-motorized transit. The applicant is working on an agreement with DPW for an encroachment permit to install the racks along the ROW. **Affirmative finding if conditioned.**

(j) Pedestrian Access:

The building has immediate access to the public sidewalk. The site abuts the Champlain Parkway improvement area, where plans have anticipated right-of-way improvements and included a steel “baseboard” at the deck perimeter to provide a durable edge for plowing as well as a pour stop for the replacement sidewalk. The Department of Public Works has been engaged with review of the plans; their review and approval of proposed alterations so as not to conflict with Champlain Parkway improvements will be a condition of any decision.

A newly marked pedestrian path will connect to the southwesterly access ramp as well as a striped pedestrian path from the parking area north of the building. (Plan Z2.0) **Affirmative finding if conditioned.**

(k) Accessibility for the Handicapped:

The plan includes accessible ramps at both the north and southwest of the building. **Affirmative finding.**

(l) Parking and Circulation:

Five angled parking spaces are illustrated on plan Z2.0. As part of the Multi-modal multi-use parking district, there are no longer any minimum parking requirements, but the existing parking plan as approved remains in effect unless a specific request is made to remove the parking requirements based upon the change in regulation. (ZA20-04) **Affirmative finding.**

(m) Landscaping and Fences:

A portion of this request is to enclose the outdoor service area with a structured barrier. The proposed fence will meet the Clear Site Triangle required relative to proximity to a drive lane. Planting boxes will act as dividers between businesses along the deck. **Affirmative finding.**

(n) Public Plazas and Open Space:

There is no requirement within the ordinance to provide a public plaza. The application seeks to identify and enclose an outdoor service area (as opposed to open space.) **Affirmative finding.**

(o) Outdoor Lighting:

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

“Festoon” lighting, strung from steel posts is proposed. Typically of low output (and of commercial grade), there is no anticipated adverse impact. **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.

There is no exterior mechanical equipment installation or relocation, utility or service enclosures included within this application. **Affirmative finding.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

There is no change proposed to the building's massing, scale or height. Not applicable.

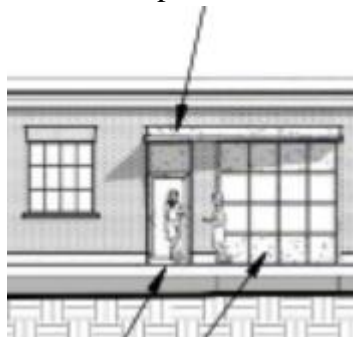
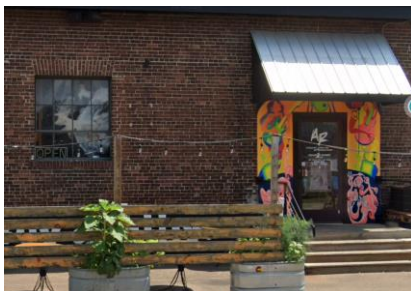
2. Roofs and Rooflines.

Roofs will remain as existing. New canopies are proposed over entrances. **Affirmative finding.**

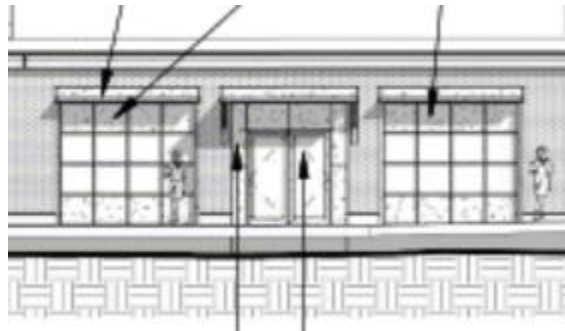
3. Building Openings

Several notable changes are proposed for building openings.

At the north end of the building, a new entry will be created through the masonry façade, and the non-masonry infill entry will be removed and replaced with an overhead door.



At the center of the façade, two double hung window openings will be replaced with overhead doors.



The entrance to a distillery use will be Copper patina:



The 2017 National Register narrative defines the four, double door entries on the west (all now altered) and the remaining original 12 light metal windows with splayed brick lintels and brick sills. The proposed removal of replacement windows in the 2nd bay to create overhead door openings will not be a loss of original windows, but will eliminate the characteristic opening size and lintel/sill detail. Visual inspection suggests, however, that the opening has been altered with an observable masonry repair. The DAB has voted to support these changes. **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.

See Section 5.4.8.

(c) Protection of Important Public Views:

See Section 6.2.2. (c), above.

(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.

Non-residential buildings should provide visual access into the interior of the building at street level through the use of large transparent windows and/or window displays in order to create a dynamic and engaging public streetscape. The use of mirrored, frosted, or tinted glass shall not be permitted along an active pedestrian street level façade.

The application includes the use of entry canopies over newly designed entryways, with low output decorative lighting. Other than window and door alterations, the existing building plane will remain as existing.

The proposal to construct an elevated deck, with staggered enclosure of the seating area separates the space from the public realm and proposes to diminish the opportunity to provide an inviting street presence per this standard. It minimizes the opportunity to gain visual access into the building, and segregates the space from the pedestrian street level. Both visually and functionally, the elevated space with solid fencing separates the building and its uses from the street level. The Design Advisory Board conditioned their recommendation for approval by a requirement to increase the line of sight directed at the horizontal along the sidewalk a minimum of 25% of the linear footage. This revised plan reflects that change. **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.

Hemlock is proposed for the wood deck and barrier wall cladding. Corten steel is illustrated for the deck base. Both are considered durable for the purposes proposed.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

Neither repair, restoration nor replacement of historic building materials are proposed. New materials will be introduced at the location of previous alteration or as part of this plan.

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 if conditioned.**

(g) Make advertising features complementary to the site:

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

(h) Integrate infrastructure into the building design:

See Section 6.2.2 (p), above.

(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.

The proposed fence enclosure threatens to limit visible accessibility of the outdoor service area, and associated building entries. The Design Advisory Board advised the applicant to limit the street wall by 25%, which is reflected in this revised plan. **Affirmative finding.**

Article 8: Parking

No changes are proposed to the uses that would alter the previously approved parking plan. Not applicable.

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