

Department of Permitting & Inspections

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TO: Development Review Board
FROM: Scott Gustin
DATE: August 3, 2021
RE: ZSP-21-2; 237-241 Riverside Avenue

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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: NAC-R Ward: 1E

Owner/Applicant: Karass Properties, LLC / Steve Kredell

Request: Sketch plan review of 65-unit multi-family attached apartment building and related site improvements.

Applicable Regulations:

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

Background Information:

The applicant is requesting sketch plan review of a proposal to construct a 65-unit apartment building and related site work across two adjacent properties along Riverside Avenue. The proposed apartments will be “micro-units” ranging in size from 350 sf to 645 sf and are intended to provide relatively affordable labor force housing.

Most of the parcel area is zoned RCO; however, approximately the front quarter of each parcel is zoned NAC-R. Most of the proposed development appears to sit within the NAC-R zone. An existing residence would be torn down as part of the proposal. Presumably the two parcels will be merged, but that is not evident in the sketch plans.

This project is large enough that it will require a pre-application meeting with the local NPA, and meeting with the city’s Technical Review Committee is recommended. Major impact review will be entailed, and inclusionary housing units will be required.

The Design Advisory Board reviewed this sketch plan July 27, 2021.

Previous zoning actions for this property are noted below.

- 8/13/87, Approval for fill and grading work at rear of property.

Recommendation: Not applicable for Sketch Plan review.

I. Findings

Article 3: Applications and Reviews

Part 5, Conditional Use & Major Impact Review:

Section 3.5.6 (a) Conditional Use Review Standards

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

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

The proposed residential building will be served by the municipal water and wastewater systems. Adequate reserve capacity is likely available; however, written confirmation from the Department of Public Works is required before a state wastewater permit can be issued. Project review by the Technical Review Committee is recommended.

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

The subject property is part of the Neighborhood Activity Center – Riverside zone that extends along much of that street’s length. This zone is intended primarily to allow a mix of commercial and residential development. A variety of retail and service businesses are allowed along with some light industrial uses. Development is intended to be compatible with nearby residences and is to be aesthetically pleasing for motorists, transit users, pedestrians, and businesses. The proposed development is exclusively residential but sits within close proximity to commercial uses within this mixed use zone. Residents of the would-be building will live within reasonable walking or biking distance of a variety commercial establishments. The proposed apartment building fits within the mixed use context of the NAC-R zone.

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

The proposed construction is wholly residential. It is not expected to generate exceptional noise, odor, dust, heat, or vibrations.

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

No traffic information has been provided with this sketch plan. A comprehensive traffic analysis will be required upon zoning permit application. The traffic analysis must address the basics such as level-of-service at nearby intersections and daily and peak hour trip ends. The Department of Public Works may request additional traffic information following technical review.

and,

5. *The utilization of renewable energy resources;*

No utilization of renewable energy resources is included in the project plans. The applicant is encouraged to consider such incorporation.

and,

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

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

(b) Major Impact Review Standards

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

The proposed construction is not expected to result in undue water, air, or noise pollution. Stormwater is addressed under Sec. 5.5.3.

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

See Sec. 3.5.6 (a) 1.

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

See Sec. 3.5.6 (a) 1.

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

An erosion prevention and sediment control plan will be required with the zoning permit application. It will be subject to review and approval by the city's Stormwater Program staff.

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

See Sec. 3.5.6 (a) 3 for traffic impacts. Insufficient detail is available in the sketch plans to determine particular impacts as to nearby streets, bikeways, and pedestrian walkways and sidewalks.

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

As a residential development, the project may result in additional school age children; however, given the proposed "micro-unit" apartments, families with children are expected to be rare. Impact fees will be paid to help offset what impacts there may be on educational services in the city.

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

As noted above, review by the Technical Review Committee is recommended to provide the applicants with comment relative to various city standards and considerations outside of the zoning code. Impact fees will be paid to help offset what impacts there are on municipal services.

8. *Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

See Sec. 6.2.2 (a) & 6.3.2 (b).

9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;

The proposed development will significantly intensify the degree of residential development onsite. Rather than a triplex, there will be a 65-unit apartment building. The project is proposed within a zoning district that enables development at a higher density than the nearby residential and institutional zones. It will have no adverse impact on the city's present or future growth patterns.

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

The sketch plans are limited and lack sufficient detail to comment on substantial conformance with the municipal development plan. Conceptually, at least, the introduction of 65 new housing units in an area with a variety of employment, service, and recreational opportunities would be consistent with the MDP.

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

This project will add to the city's housing stock. It will add to the limited supply of micro-units available in the city. No details have been provided as to pricing, but the project description refers to "labor force" housing and will aim to provide a more affordable price point than most new residential development in Burlington. As more than 5 new dwelling units are proposed, inclusionary zoning requirements as articulated in Article 9 of the CDO must be met. 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.

Residents of the project may utilize the city's parks and recreation resources; however, impacts are expected to be moderate and typical of new residential development. Impact fees will be paid to help offset what impacts there are on park resources.

(c) Conditions of Approval:

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

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

The proposed development is not expected to generate offsite noise or glare substantial enough to require mitigation.

2. Time limits for construction.

No construction schedule is included in the sketch plans. The standard time frame is 3 years with one phase. If additional time is needed, or if phasing is desired, a phasing and/or construction schedule must be provided with the zoning permit application.

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

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

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

4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,
Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.
To be addressed in conditions of approval.

Article 4: Maps & Districts

Sec. 4.4.2, Neighborhood Mixed Use Districts:

(a) Purpose

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

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

(b) Dimensional Standards & Density

The proposed building area figures do not include the parking level and must for an accurate assessment of FAR. Assuming the parking level is about the same size as the 2nd level, the proposed building area, inclusive of parking, would be about 52,500 sf. This area is well below the permissible 2.0 FAR on this 72,350 sf property.

The proposed 47' building height reflects the by-right additional 12' building height above 35' afforded to projects with inclusionary housing units. As required, the top story is set back from the front building line. The setback must be confirmed as at least 10' from the front building line.

Limited details have been provided as to applicable lot coverage standards. Full details will be required upon zoning permit application. The sketch plans correctly note 80% permissible lot coverage in the NAC-R zone; however, they incorrectly note 80% potential for the entire lot (NAC-R and RCO-RG zones included). The 80% lot coverage limit applies only to that portion of the property in the NAC-R zone. A 5% coverage limit applies in the RCO-RG zone.

As noted in the criterion below, part of the proposed building encroaches into the RCO-RG zone. There is precedent for allowing pro-rated lot coverage calculation on parcels that are split by zoning districts with different standards, such as Champlain College's Perry Hall at 251 South Willard Street. In that case, the property was split between Residential – Low Density and

Institutional zones. Additional lot coverage was allowed on the Institutional part in exchange for lower coverage on the Residential part; however, no new conditioned building space encroached into the Residential component. Only new hardscape elements like walkways encroached.

No minimum setback requirements apply to the subject property, except for a 12' front yard setback from the street curb. This setback is met.

(c) Permitted & Conditional Uses

Multifamily residential development is a permitted use in the NAC-R zone. A small portion of the proposed structure crosses the district boundary into the RCO-RG zone. Residential development of any type is not permitted in the RCO-RG zone. Revision will be needed in order to remove the encroachment into the RCO-RG zone.

(d) District Specific Regulations

No details are provided as to this criterion. Additional development intensity is included per the inclusionary zoning standards of Article 9.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.2 (b).

Sec. 5.2.4, Buildable Area Calculation

The property, while largely located in the RCO-RG zone and sloped down towards the river, is too small to be affected by this criterion (2 acre minimum).

Sec. 5.2.5, Setbacks

See Sec. 4.4.2 (b).

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.2 (b).

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.4.2 (b).

Sec. 5.5.1, Nuisance Regulations

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

Sec. 5.5.2, Outdoor Lighting

No outdoor lighting details are included in the sketch plans. Details as to fixture type, location, and illumination levels will be required with the zoning permit application.

Sec. 5.5.3, Stormwater and Erosion Control

No stormwater or erosion control details have been provided. Comprehensive stormwater management and erosion prevention and sediment control plans will be required upon zoning permit application.

Article 6: Development Review Standards

Part 1, Land Division Design Standards

No land division is proposed. Presumably the two parcels will be merged into one parcel as part of the subsequent zoning permit application. The two existing parcels will require two zoning permit applications – one for each parcel.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

Much of the property is affected by the riparian and littoral conservation overlay zone, which extends inland 250' from the bank of the Winooski River. While not clearly depicted on the sketch plans, this overlay zone looks to closely follow the RCO zone boundary. Most of the development appears to stay outside of the overlay and the underlying RCO zone.

A portion of the property is also within the Special Flood Hazard Area along the river. No development is included within this area.

(b) Topographical alterations

The sketch plans include an aerial photo of existing conditions, including existing topographic lines. A site plan with proposed topographic lines is not included. Based on what has been provided, it looks like the proposed building will be set atop the slope nearest Riverside Avenue. How the structure will integrate with the slope as it descends towards the river is not yet clear. The zoning permit application will need to include existing and proposed topography and a cross section depicting how the proposed building will interface with the slope of the land.

Given the history of unstable slopes along this side of Riverside Avenue, a geotechnical analysis of existing and proposed conditions should accompany the zoning application. Such analysis was required prior to approval of the recently permitted senior housing facility at 362 Riverside Avenue.

(c) Protection of important public views

The site contains no identified public view corridors.

(d) Protection of important cultural resources

The project site has no known archaeological significance. The river corridor is an archaeologically sensitive area; however, no construction is proposed alongside the waterway.

(e) Supporting the use of alternative energy

See Sec. 6.3.2 (f).

(f) Brownfield sites

The subject property is not included on the Vermont DEC Hazardous Site List.

(g) Provide for nature's events

The proposed development is large enough that it will require an erosion control plan and a post-construction stormwater management plan for review by the City's stormwater engineering staff.

Building entries are sheltered. Much of the parking is underneath the building.

(h) Building location and orientation

The proposed apartment building is set appropriately close to Riverside Avenue as generally contemplated for new development in the city's mixed use zones. The pattern of development on either side of the subject property is irregular with a sewage treatment plant to the west and a carwash to the east. The scale, orientation, and placement of the proposed building more closely reflect the multi-family residences on the opposite side of Riverside Avenue. As proposed, the building contains a clearly identifiable central entrance with vehicular access points to either side.

(i) Vehicular access

Two curb cuts are proposed – one for a small visitor parking area in front of the building and another for access into the garage. The proposed curb cuts will require review and approval by the Department of Public Works. The turning radius into the first visitor parking spot looks tight. Confirmation that it is actually accessible will be needed.

A traffic study should be provided with the zoning permit application. The basics such as nearby intersection level of service, anticipated daily trip generation, and PM and AM peak hour trip generation (now, at build out, and in the future) should be included.

(j) Pedestrian access

The building's primary entrance facing Riverside Avenue connects to the public greenway with a front walkway. No pedestrian routes within the garage are evident. Routes connecting people to building entries, while protected from vehicular circulation, are needed.

(k) Accessibility for the handicapped

Handicap accessibility details are not included in the sketch plans. Handicap parking and access points will be required and are under the purview of the building inspector.

(l) Parking and circulation

Most of the proposed parking is enclosed within a garage at street grade. The garage parking spaces are largely screened behind full or partial building walls or landscaping along the front of the building. Unlike in the downtown, activated building space is not required in front of the street-level parking spaces. The visitor parking area is small but is set in front of the building. This criterion discourages such placement. Elimination of these surface spaces in front of the building is recommended.

(m) Landscaping, fences, and retaining walls

Some basic landscaping details are included in the sketch plans. A more fully developed landscaping plan, with species and size at planting noted, will be required with the zoning permit application. Emphasis should be placed on enhancing the building features and the pedestrian experience along the public greenway and on screening where necessary. The proposed extent of tree clearing will also be needed on application site plan(s).

No fencing is evident in the sketch plans. If any is proposed, it must be included in the project plans with details as to placement, dimensions, and type provided.

No retaining walls are depicted on the sketch plans. Presumably, given the slope of the land and the placement of the building, retaining walls will be included in the project. If so, details will be needed as to construction type and location with cross sections provided to depict adjacent grades. If in excess of 3' tall, review by the city engineer will be required.

(n) Public plazas and open space

No public plazas or open spaces are proposed. The floor plans depict a stairway down to ground level behind the building. Is this simply emergency egress, or is a more formal access to the wooded portion of the property down to the river contemplated?

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No dumpster or mechanical equipment locations are included in the sketch plans, nor are mailbox locations noted. This information will be required with the zoning permit application.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

As noted previously, the pattern of development on adjacent properties is irregular. The proposed building bears more relationship to the multi-family condominium buildings on the other side of Riverside Avenue. Within this context, the scale and height of the proposed building is similar to that of the Riverwatch and Salmon Run condos. The individual building is somewhat larger than those individual buildings but certainly much smaller in overall extent of development.

The street level of the proposed building is clearly articulated as distinct from the upper stories. Above this street level, the 2nd and 3rd stories are matching in appearance. The top story is set back from the front of the building and clad in different material to further delineate it as a separate building component. Overall, the project design successfully incorporates varying materials, projections, and recesses to mitigate the perceived mass of the structure.

2. Roofs and Rooflines.

The proposed building has several distinct components with flat roofs at varying heights. The flat roofs, while unique in the immediate area, are appropriate to the proposed building design.

3. Building Openings

Generous glazing is a dominant feature of the building's primary façade along Riverside Avenue. Reflecting the interior layout of the building, it is concentrated in the upper stories. The sketch plans do not include building details on the backside. Presumably, similar glazing is proposed to take advantage of views across the river and towards Winooski.

(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.

The existing residence that will be demolished is not historic, nor are the adjacent properties. The proposed structure will not adversely impact Burlington's wealth of historic resources.

(c) Protection of Important Public Views:

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

(d) Provide an active and inviting street edge:

As noted above, the street level of the proposed building is differentiated from the upper stories. Central within this street level is the building's primary entrance. It is well articulated and inviting with a direct connection to the adjacent greenway running parallel to Riverside Avenue. While the parking on either side of the primary entrance is permissible, effort should be made to enhance the pedestrian experience as much as feasible with hardscaping, sheltered spaces, and possibly other measures.

(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.

Limited building materials are noted in the sketch plans. Various wooden materials will clad the building's exterior. Fiberglass windows will be installed. The zoning permit application will need to include a complete exterior building materials list.

(f) Reduce energy utilization:

The sketch plans note that the building will incorporate the highest degree of energy efficiency, approaching net zero. No details are provided. All new construction is required to meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

New structures should take advantage of solar access where available, and shall undertake efforts to reduce the impacts of shadows cast on adjacent buildings where practicable, in order to provide opportunities for the use of active and passive solar utilization.

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

(g) Make advertising features complementary to the site:

No exterior signs are depicted in the sketch plans. All exterior signs are subject to separate zoning permit.

(h) Integrate infrastructure into the building design:

No exterior mechanical equipment is evident in the project plans. If any is proposed, whether at grade or rooftop, it must be depicted and screened.

(i) *Make spaces secure and safe:*

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

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

Exterior entries should be illuminated. Intercom systems or similar are recommended to maximize personal safety.

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, 45 onsite parking spaces will be provided (42 in the garage for residents and 3 outside for visitors).

Sec. 8.1.19, Maximum On-Site Parking Spaces

The 45 parking spaces proposed are fewer than the 65 that would be required in the shared use parking district. Therefore, the proposed parking remains below the maximum permissible limit.

Sec. 8.1.11, Parking Dimensional Requirements

All of the parking spaces appear to be 18' X 8.' The 18' depth is sufficient. The width must be at least 8.5' unless compact spaces are proposed. In that case, 8' width is adequate. Back up space is 22' in most cases, just shy of the 23' needed for two-way circulation. Back up for one garage space appears to be just 18' and for one of the surface visitor spaces just 16.' Some flexibility is available in the application of these dimensional standards following consultation with the City Engineer based on unique site characteristics articulated in this criterion.

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Off-Site Parking Facilities

None proposed.

(b) Front Yard Parking Restricted

Not applicable.

(c) Shared Parking

Not applicable.

(d) Single Story Structures in Shared Use Districts

Not applicable.

(e) Joint Use of Facilities

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

(f) Availability of Facilities

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

Sec. 8.1.13, Parking for Disabled Persons

The sketch plans do not include ADA parking spaces. Such spaces shall be marked and signed as required per the Americans with Disabilities Act.

Sec. 8.1.14, Stacked and Tandem Parking Restrictions

No tandem or stacked parking is proposed.

Sec. 8.1.15, Waivers from Parking Requirements/Parking Management Plans

Minimum parking waiver is sought or necessary.

Sec. 8.1.16, Transportation Demand Management

(b) Applicability

As the project is located within the multimodal mixed-use parking district and includes more than 10 new dwelling units, it is subject to the standards of this section.

(c) Transportation Demand Management Program

No TDM details have been included in the sketch plan materials. Upon permit application, a comprehensive TDM plan addressing outreach and education, TDM strategies, parking management, and TDM agreement must be included per each subsection of this criterion.

Sec. 8.2.5, Bicycle Parking Requirements

The sketch plans contain limited details as to bicycle parking. The 65 housing units require at least 7 short term bike parking spaces and 33 long term bike parking spaces. Details as to bike parking must be provided with the zoning permit application.

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of Article 9. Details as to how the development will comply with the inclusionary zoning requirements of Article 9 must be included in the zoning permit application.

II. Conditions of Approval

Not applicable for sketch plan.