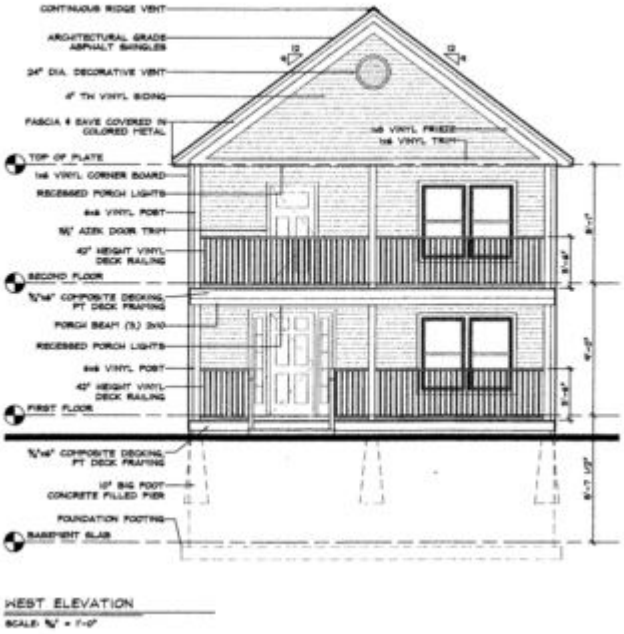
**Department of Planning and Zoning**
149 Church Street
Burlington, VT 05401
http://www.burlingtonvt.gov/PZ/
Telephone: (802) 865-7188
(802) 865-7195 (FAX)

*David E. White, AICP, Director*
*Meagan Tuttle, Comprehensive Planner*
*Jay Appleton, Senior GIS/IT Programmer/Analyst*
*Scott Gustin, AICP, CFM, Interim Administrative Officer*
*Mary O'Neil, AICP, Senior Planner*
*Elsie Tillotson, Department Secretary*
*Anita Wade, Zoning Clerk*

# MEMORANDUM

To: Development Review Board
From: Mary O'Neil, AICP, Principal Planner
Date: February 2, 2016
RE: ZP16-0762PD, 16 Rose 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 <u>MUST</u> ATTEND THE MEETING.**




**File:** ZP16-0762PD
**Location:** 16 Rose Street
**Zone**: RM **Ward**: 3C
**Date application accepted**: January 6, 2016
**Applicant/ Owner**: J&S LLC (Bill Bissonette)
**Parking District**: Shared Use
**Request**: Construct a duplex on a lot with an existing single family home; remove accessory structure.

**Background:**

- **Non-Applicability of Zoning Permit Requirements 09-374NA;** remove 3 windows and replace with new. Burlington Lead Program. October 2008.

**Overview**: Construction of a new duplex on a parcel with an existing single family residence; expansion of parking area, demolition of shed.

**Applicable Regulations:**
Article 3 (Applications, Permit and Project Reviews), Article 4 (Zoning Maps and Districts), Article 5 (Citywide General Regulations), Article 6 (Development Review Standards), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), and Article 11 (Planned Unit Development)

The programs and services of the City of Burlington are accessible to people with disabilities. For accessibility information call 865-7188 (for TTY users 865-7142).

**Recommendation**: As the plan is deficient in parking to meet the parking requirement of the Comprehensive Development Ordinance; and no parking management plan or parking waiver request has been provided, **denial** based on incompleteness of the application is recommended.

**<u>Article 3: Applications and Reviews</u>**

**Part 3: Impact Fees**
**Article 3.3.2 Applicability**
*Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.*
The applicant will be required to provide the gross new area to staff for a calculation of appropriate Impact Fees. **Affirmative finding if conditioned.**

**Section 3.3.7 Time and Place of Payment**
*(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof.*
As noted. **Affirmative finding if conditioned.**

**Part 4: Site Plan and Design Review**
**Section 3.4.2 Applicability**
**(b) Design Review**
*6. Any development subject to the provisions of Article 11 – Planned Development.*
See Articles 4, 5, 6, and 11.

**<u>Article 4: Maps & Districts</u>**
**Section 4.4.5 Residential Districts**
*(a) Purpose*
***3.*** *The Residential Medium Density (RM) district is intended primarily for mediuum density residential development in the form of single family detached dwellings and attached multi-family apartments.*
The proposal conforms to the purpose of the zoning district in providing both a single family and a multi-unit (duplex) on the parcel. **Affirmative finding.**
*(b) Dimensional Standards and Density*

**Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W**
Minimum lot frontage is 30' in the RM zoning district; 16 Rose Street has a frontage of 77.25'. There is no minimum lot size in RM. **Affirmative finding.**

**Table 4.4.5-2 Base Residential Density**
20 units / acre is the maximum number of dwelling units in the RM zoning district. For this proposal:
3 units (proposed) / 0.19 acres = 15.78, less than the 20 acres limitation. **Affirmative finding.**

**Table 4.4.5-3 Dimensional Standards and Density**

| RM District | Max. Lot Coverage | Building setbacks | Max. |
|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| | **40%** | Ave. of 2 adjacent lots on both sides +/- 5'. | Side[3] Min: 10% of lot width, or average of 2 adjacent lots on both sides. Max 20'. | Rear Min: 25% lot depth, min. 20', max 75' | **Height** **35'** |
| Proposed development | 43% proposed with bonus components | | 9'6" proposed on south. Averages have not been provided. Meets 10% of lot width of 77.25.' | Structure exceeds 25% lot depth, or 26.75'. Parking meets required 5' setback. | Approx. 24'. |

**Affirmative finding.**

**Section 4.4.5 (c) Permitted and Conditional Uses**
Single detached dwellings and Duplex are permitted uses in the RM zoning district, per Appendix A. **Affirmative finding.**

**Section 4.4.5 (d) District Specific Regulations**

1. *Setbacks*
   - *A. Encroachment for Residential Driveways*
     None existing or proposed. Not applicable.
   - *B. Encroachment into the Waterfront Setback*
     Not applicable.
2. *Height*
   See Table 4.4.5 -3, above.
3. *Lot Coverage*
   - *A. Exceptions for Accessory Residential Features*

The site plan includes features allowable under this section within the 10% bonus provision: open porch and walkways. See Table 4.4.5-3, above. **Affirmative finding.**

4. *Accessory Residential Structures and Uses*

An existing accessory structure is proposed for removal; however it would be a useful amenity to provide storage for the proposed new units. Assumably its demolition is to facilitate coverage calculations. **Affirmative finding.**

5. *Residential density*
   - *A. Additional Unit to Multi-family*
     Not applicable.
   - *B. Additions to Existing Residential Structures*
     Not applicable.
   - *C. Residential occupancy limits*

*In all residential districts, the occupancy of any dwelling unit is limited to members of a family as defined in Article 13.*
This is a requirement and condition of permit approval. **Affirmative finding if conditioned.**

*Subject to Conditional Use Approval by the DRB, a dwelling unit may be occupied by more than four unrelated adults if it contains at least twenty-five hundred square feet excluding its attic and basement pursuant to the following…*
Each unit measures 962 sf, less than the 2500 threshold for consideration of additional unrelated adults above the limitation of 4. Therefore this does not apply.

*6. Uses*
This is not a neighborhood commercial use. Not applicable.

*7. Residential Development Bonuses*
No development bonuses are sought. Not applicable.

**<u>Article 5: Citywide General Regulations</u>**
**Section 5.2.1 Existing Small Lots**
Not applicable.

**Section 5.2.2 Required Frontage or Access**
16 Rose Street has 77.25' frontage on a public street. There is an existing driveway.
**Affirmative finding.**

**Section 5.2.3 Lot Coverage Requirements**
See Table 4.4.5-3, above.

**Section 5.2.4 Buildable Area Calculation**
The lot does not exceed the 2 acres threshold. Not applicable.

**Section 5.2.5 Setbacks**
See Table 4.4.5-3, above.

**Section 5.2.6 Building Height Limits**
See Table 4.4.5-3, above.

**Section 5.2.7. Density and Intensity of Development Calculations**
See Table 4.4.5-2, above.

**Part 3: Non-Conformities**
**Section 5.3.5 Nonconforming Structures**
The existing house at 16 Rose Street is non-conforming to (side yard) setback. No changes are proposed to that setback within the proposed planned unit development. Setbacks for the new structure will be required along the periphery of the project/parcel. **Affirmative finding.**

**Section 5.4.8 Historic Buildings and Sites**

16 Rose Street is not listed on the State or National Register of Historic Places. Its age and characteristics may contribute to its historic eligibility, however no such determination has been made. The development proposal does not propose any changes to the existing principal structure, but the demolition of an accessory building in the rear yard.

Not applicable.

**Section 5.5.1 Nuisance Regulations**
Nothing in the proposal appears to constitute a nuisance under this criterion. **Affirmative finding.**

**Section 5.5.2 Outdoor Lighting**
Recessed lighting is proposed for the front porch; a single solar powered light fixture is suggested for the rear door. As some type of roof canopy is recommended to protect residents from inclement weather, that fixture would not be effective. A residential style fixture, full cut off or recessed, is recommended for the rear fixture.
No lighting is proposed for the parking areas.
**Affirmative finding if conditioned.**

**Section 5.5.3 Stormwater and Erosion Control**
A stormwater management plan, and Erosion Prevention and Sediment Control Plan will be required for site development and must be approved in writing by the City Stormwater staff. Additionally, conditions will require compliance post construction with each approved plan prior to issuance of any Certificate of Occupancy. **Affirmative finding if conditioned.**

**<u>Article 6: Development Review Standards</u>**
**Part 1, Land Division Design Standards**
Not applicable.

**Part 2, Site Plan Design Standards**
**Section 6.2.2 Review Standards**
*(a) Protection of important natural features*
There are no identified significant natural features. **Affirmative finding.**

*(b) Topographical alterations*
The site is slightly "mounded"; a feature which presumably will be graded to afford the new residence similar position on-site as the existing building. **Affirmative finding.**

*(c) Protection of important public views*
There are no important public views from or through the property. **Affirmative finding.**

*(d) Protection of important cultural resources*
See Section 5.4.8 (b).

*(e) Supporting the use of alternative energy*
Nothing within the application includes the intent to utilize alternative energy resources, which would be encouraged.

*(f) Brownfield sites*
The propertiy is not listed on the Vermont DEC Hazardous Waste Site. **Affirmative finding.**

*(g) Provide for nature's events*
A Small Project Erosion and Sediment Control Plan, approved by the City Stormwater team will be required. **Affirmative finding if conditioned.**

No specific areas for snow storage have been identified on the site, and will be required. **Affirmative finding if conditioned.**

*(h) Building location and orientation*
The proposed new structure is oriented toward the street, with the roofline paralleling the ridge of the existing single family residence. In this manner, it maintains the existing development pattern and rhythm of structures along the street. The main entrance is visible and clearly discernable from the public street. The accessory structure is proposed to be removed. **Affirmative finding.**

*(i) Vehicular access*
There is an existing curb cut and driveway to the property, which is proposed to serve both residential structures. **Affirmative finding.**

*(j) Pedestrian access*
Front steps will provide access to a front porch entrance to the new structure. Rose Street has a public sidewalk on this side of the street, which is connected to the overall network of Burlington sidewalks.
A small set of rear steps will provide access to the newly configured parking area. **Affirmative finding.**

*(k) Accessibility for the handicapped*
Notes on plans suggest that accessibility standards, effective as of April 2012 will be implemented for entry door widths and interior door passage. No provision is included in the plan to make at-grade entrances for the new units, however any requirement for ADA access is under the review of the building inspector. **Affirmative finding if conditioned.**

*(l) Parking and circulation*
In the Shared Use Parking District, 2 parking spaces are required for each dwelling unit. For the three units proposed, 6 parking spaces are required. Only three are shown on the submitted site plan. The applicant must either provide an additional three spaces, or request a parking waiver with a Parking Management Plan. The submission is deficient of both. **Adverse finding.**

*(m) Landscaping and fences*
An existing fence is proposed to be removed to accommodate the new development.Other than 3 spirea plant proposed for the front of the new duplex no other landscaping is suggested in application materials. Spirea may not be the best choice of shrub, given its anticipated size and the close proximity of the public sidewalk. (Does the site plan reflect the actual property

boundaries, or are they assumed? The public ROW may invade the project area. This needs to be confirmed.) At the very least, landscaping or some barrier will be required to shield headlight trespass between the proposed parking area and neighboring residential properties. A revised landscaping plan designed to meet the necessary screening will be required prior to release of the permit. **Affirmative finding if conditioned.**

*(n) Public plazas and open space*
Planned Unit Developments require identified outdoor space for residents. This may include gardens, patios, terraces, play areas, basketball courts, picnic areas, shuffleboard courts, etc. The applicant is required to identify such place(s) as may be enjoyed by the future residents, per the standards of Article 11. None are present on the submitted plan. **Affirmative finding if conditioned.**

*(o) Outdoor lighting*
See Section 5.5.2.

*(p) Integrate infrastructure into the design*
Any new utilities need to be undergrounded. Meters, utility connections, HVAC or similar mechanical equipment should be coordinated with the design of the building, and grouped in a service court out of public view. Electric meters are illustrated on the southerly elevation; they will require some method of screening.
It is preferable to integrate trash and recycling operations within the building rather than as a stand-alone. The location of recycling facilities will need to be identified as well.
Any dumpster will be required to be enclosed on all four sides to prevent blowing trash; and must be screened from public view. The illustrated garbage toters are liable to blow over, as they will be fully exposed to the weather and may present a fire hazard placed close to the building. Having them located within an accessory structure, out of the public eye, is preferred.
**Affirmative finding if conditioned.**

**Part 3, Architectural Design Standards**
**Section 6.3.2 Review Standards**

*(a)Relate development to its environment:*

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

*In low and medium density residential districts, the height and massing of existing residential buildings is the most important consideration when evaluating the compatibility of additions and infill development.*

The existing single family home is a story and a half, with a two story addition on the rear. The parcel is bookended with two storied flat roofed buildings. Although the floor-to-ceiling height is clearly greater than the existing structure, the distance between the buildings and the presence of a two story flat roofed building on the south ease the transition.

The proposed new duplex will maintain an overall scale similar to that of its neighbors.

*Buildings should maintain consistent massing and perceived building height at the street level, regardless of the overall bulk or height of the building. Buildings should maintain a relationship*

*to the human scale through the use of architectural elements, variations of proportions and materials, and surface articulations. Large expanses of undifferentiated building wall along the public street or sidewalk shall be avoided. The apparent mass and scale of buildings shall be broken into smaller parts by articulating separate volumes reflecting existing patterns in the streetscape, and should be proportioned to appear more vertical than horizontal in order to avoid monotonous repetition.*

The new building is proposed to have an extended, pedimented temple style gable front, with a two story porch on the primary façade. Floors are clearly articulated with porch, door and window arrangement. The under-canopy porch design creates an interstitial area between public (street, sidewalk) and private (residential) space. The street front presence is a strong one; supporting porch posts should be thoughtfully chosen and arranged to be consistent with this character. **Affirmative finding.**

***2. Roofs and Rooflines.***

*New buildings should incorporate predominant roof forms and pitches within the existing neighborhood and appropriate to the context. Large expanses of undifferentiated roof forms shall be avoided. This can be achieved by incorporating dormers or some variation in the roof form to lessen the impact of the massing against the sky. While flat roofs can be a reasonable architectural solution, pitched roof forms and architectural elements that enhance the city's skyline are strongly encouraged. Roof eaves, parapets, and cornices should be articulated as an architectural detail. Roof-top mechanicals shall be screened from view from the public street, and should be incorporated into and hidden within the roof structure whenever possible.*

A gable front roof is proposed, uninterrupted from front to back. Gable roofs are common on residential buildings in this neighborhood. **Affirmative finding.**

*Solar panels, light colored ballast or roof membranes, split roof clerestories, planted or "green" roof technologies (with a clearly articulated maintenance plan) and "gray water" collection are encouraged. Active rooftop uses are also encouraged to add to the visual complexity and activity of the city's skyline, and afford public access to otherwise unseen views of the city and surrounding landscape.*

No solar panels, green roof or clerestory windows are proposed. Not applicable.

***3. Building Openings***

The front doors are clearly defined and readily identifiable from the public street, further articulated within the proposed two story porch.

*People with physical challenges should be able to use the same entrance as everyone-else and shall be provided an "accessible route" to the building.*

Neither front nor rear doors are accessible to those with mobility challenges. The building inspector has the authority over implementation of ADA standards. It is recommended that Vermont "visitability"standards apply to all new units.

*Attention shall also be accorded to design features which provide protection from the affects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage.*

The front porch will provide adequate shelter from imclement weather. The rear entry door should provide some canopy to do the same.

Snow storage will need to be identified on the site plan.

*Window openings shall maintain consistent patterns and proportions appropriate to the use. The window pattern should add variety and interest to the architecture, and be proportioned to appear more vertical than horizontal. Where awnings over windows or doors are used, the lowest edge of the awning shall be at least eight (8) feet above any pedestrian way, and shall not encroach into the public right-of-way without an encroachment permit issued by the dept. of public works.*

Consideration should be given toward function in the proposed window arrangement. The building, which will face west, will have no window openings in the living room / kitchen fronting the west (primary façade). Although the first floor unit has sidelights around the front door, some window openings would be welcome to present more natural light in the largest room of the dwelling. Currently the living rooms of both units have only a single window, facing north, which will predictably offer a minimum amount of natural daylight. Windows may be spaced across the primary façade to place one in the living room, and a single width window in the front bedroom, adding another on the southerly elevation. Such an alteration would provide great increase to the building's appearance as well as substantially increase the light and enjoyment of interior spaces. Larger windows are suggested for the north / rear bedrooms as well, to maximize natural daylight in those spaces.
**Affirmative finding if conditioned.**

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

See Section 5.4.8.

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

There are no protected public views across or through this site. Not applicable.

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

Although modest, the building form provides interest and familiarity with other residential buidlings within the old North End of Burlington. The porch will enhance both the residential experience and the appearance from the street. A thoughtful arrangement of the porch columns and window spacing will further enhance the traditional nature of the building design.

The front steps will immediately access the pedestrian way. The applicant shall confirm that the entrance steps and porch are fully outside the public right-of-way.

**Affirmative finding if conditioned.**

**(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.*

Proposed building materials are vinyl siding, Azek (PVC) trim, colored metal cornerboards, composite (PVC) decking, asphalt shingle roof, vinyl porch posts and rails. While vinyl is a common sheathing material in the neighborhood, it is not regarded as a highly durable building material, particularly in highly trafficked areas. Vinyl also is associated with negative environmental impacts due to the methods of its manufacture and the extensive period of time it would take to break down in landfills. For new construction, a more durable material like fiber cement board would be recommended for sheathing and trim. Asphalt shingle roofing is acceptable.

*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.*

No changes are proposed to the existing structure at 16 Rose Street.

**Affirmative finding if conditioned.**

**(f) Reduce energy utilization:**

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. **Affirmative finding if conditioned.**

*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.*

While there is no articulation for solar readiness within the building application, passive solar gain would be the result of more thoughtfully arranged and sized window openings.

Shadow cast from the proposed building is not anticipated to be problematic, as shade would fall across the house, driveway and yard on the same property. **Affirmative finding.**

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

Not applicable.

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

See 6.2.2. (p).

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

All requirements for building and life safety code as defined by the building inspector and fire marshal shall be implemented. **Affirmative finding if conditioned.**

**<u>Article 8: Parking</u>**

**Table 8.1.8-1 Minimum Off Street Parking Requirements**
Single family detached and duplex require 2 parking spaces per unit in the Shared Use parking district. For the proposed three units, 6 on site parking spaces are required. The new duplex is designed as two three-bedroom units for a total count of six new bedrooms.
Only three parking spaces are illustrated on the site plan. The applicant has *not* requested a parking waiver. The DRB may entertain a 50% parking waiver request toward the parking requirement, but no additional information supportive of a waiver (Parking Management Plan, per Section 8.1.15), has been provided.
As proposed, the proposal does not meet the parking requirement of the CDO.
If a parking waiver is extended, staff requests reporting back on the efficacy of the parking waiver in three years' time.
**Adverse finding.**

**Section 8.2.5 Bicycle Parking Requirements**
Table 8.2.5-1 defines the bicycle parking requirement a 1 long term bike parking space per 4 units and 1/10 units short term. Only three units are proposed on-site; however Section 8.2.5 informs "Where bicycle parking is required, the minimum number of bicycle parking spaces provided at each site shall be two (2) and the maximum shall be fifty (50), not including long term spaces." With three residential units, on-site bicycle parking is strongly recommended. Bicycle storage makes sense on-site as well. **Affirmative finding if conditioned.**

**<u>Article 9: Inclusionary and Replacement Housing</u>**
**Section 9.1.5 Applicability** (As amended by the City Council 8/10/2015.)
As the proposed development does not include more than 5 new dwelling units, it is not subject to the inclusionary housing provisions of this Article.

**<u>Article 11: Planned Unit Development</u>**
**Section 11.1.3 General Requirements and Applicability** (As adopted by City Council 8.10.2015.)
*Any development involving multiple lots, tracts or parcels of land to be developed as a single entity, or seeking to place* ***multiple structures an/or uses on a single lot where not otherwise permitted,*** *may be permitted as a PUD subject to the provisions of this Article.*
*A Planned Unit Development may be permitted subject to minimum project size as follows in the following districts:*
***Table 11.1.3***
*RM – no minimum project size.*

**Section 11.1.4 Modification of Regulations**
*With the approval of the DRB after a public hearing, the following modifications the requirements of the underlying zoning may be altered within a planned unit development:*

- *Density, frontage, lot coverage and setback requirements may be met as calculated across the entire project rather than on an individual lot-by-lot basis.*

The project, as proposed, meets density limitations.

- *Required setbacks may apply only to the periphery of the project rather than on an individual lot-by-lot basis;*

The proposed new structure exceeds the 10% side yard setback.

- *More than one principal use and more than one primcipal structure may be permitted on a single lot, and*
- *Buildings may be of varied types including single detached, attached, duplex or apartment construction.*
  The existing building is a single family residence; the proposed additional building is a duplex.

*Any proposed modifications of regulations shall be listed in a statement accompanying the application submission and such modifications shall be subject to the provisions of Section 11.1.5 and Section 11.1.6.*
No additional modification of regulations is proposed. **Affirmative finding.**

**Section 11.1.5 Approval Requirements**

*(a) The minimum project size requirements of Section 11.1.3 shall be met;*
There is no minimum project size for a PUD within the RM Zone.

*(b) The minimum setbacks required for the district have been met at the periphery of the project;*
See table 4.4.4-1 and Section 11.1.4, above.

*(c) The project shall be subject to design review and site plan review of Article 3, Part 4 and the standards of Article 6.*
See Articles 3 and 6, above.

*(d) The project shall meet the requirements of Article 10 for subdivision review where applicable;*
Not applicable.

*(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project;*
The proposed three units falls within acceptable density limits of the zoning district. Frontage and lot coverage meet standards as defined.

*(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;*
Parking is deficient per Article 8. **Adverse finding.**

*(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB*
As submitted green space is available, but the plan has not formally articulated any areas for common resident recreational area or public shared space. **Affirmative finding if conditioned.**

*(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.*
A phasing schedule has not been requested or suggested. Any proposed phasing plan will need to be approved by the DRB as part of conditions. Not applicable.

*(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests; Sec. 11.1.1, Intent*

*(a) Promote the most appropriate use of land through flexibility of design and development of land;*

Construction of an additional residential structure on this parcel will "fill in the streetscape" in a void between buildings. Within the existing, residential neighborhood where development patterns illustrate residential dwellings situated in close proximity, the plan makes sense. **Affirmative finding.**

*(b) Facilitate the adequate and economical provision of streets and utilities;*

The proposed new structure can reasonably be assured to be served by extended access road(s) within and throughout the neighborhood. Public utilities are available to serve the proposed project. **Affirmative finding.**

*(c) Preserve the natural and scenic qualities of open space;*

Although a relatively small parcel, there is opportunity for outdoor recreational space behind the houses and parking area. **Affirmative finding.**

*(d) Provide for a variety of housing types;*

The existing single family home will be partnered with a new duplex. The 2 new units are proposed to have three bedrooms each, which will provide new housing opportunities for families. **Affirmative finding.**

*(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,*

The parcel is a characteristically modest lot in the Old North End. A PUD is the best course to add dwelling units within the developed neighborhood. **Affirmative finding.**

*(f) Achieve a high level of design qualities and amenities.*

The suggested building design is acceptable; the proposed materials do not reflect a high level of design quality. More durable materials are recommended. **Affirmative finding if conditioned.**

*(j) The proposed development shall be consistent with the Municipal Development Plan;*

From the Municipal Development Plan:

- *Support the development of additional housing opportunities within the city…" (MDP, Housing Plan, Page IX-1.S*
- *Encourage a wide range of housing options to meet the different and changing needs of households with children, the elderly, people with disabilities, and moderate and low income households…. (MDP, Housing Plan, Page IX-2.)*
- *Underdeveloped and undeveloped properties located in residential zoning districts should be assessed for suitability of housing development. (MDP, Housing Plan, Page IX-12.)*

**Affirmative finding.**

*(k) Any proposed accessory uses and facilities shall meet the requirements of Section 11.1.6 below.*
No accessory uses or facilities are proposed. It is recommended that the existing storage building/shed be considered for retention to facilitate garbage and recycling storage, bicycle parking, and equipment storage. Not applicable within constraints of application request.

**Section 11.1.6 Accessory Facilities**

*(a) A planned unit development may contain a building or buildings intended for non-residential uses, such as but not limited to a community center, recreation facility, child care center and/or business office if the DRB determines that such use or uses are compatible with the intended principle residential use.*

Not applicable.

**II. Recommended Conditions of Approval, if appropriate:**

1. **Impact fees**, based upon the gross new floor area will required to be paid to the city's chief administrative officer / city treasurer **at least seven (7) days prior to occupancy of the new building.** Fees will be based upon the area submitted by the applicant.
2. A 50% parking waiver and approval of an articulated Parking Management Plan by the DRB will be required for approval of this application.
3. **Prior to release of the zoning permit**, an ability to serve letter will be required from the Department of Public Works to confirm adequate waste and water capacity.
4. Residential occupancy limits are subject to the Functional Family definition of Article 13 and residential density provisions of the ordinance. Not more than 4 unrelated adults may occupy any unit.
5. It would be preferable to retain the accessory structure as a shelter for bicycles, recycling, garage recepticles, and other personal storage items associated with residential use.
6. Unless specifically altred by the DRB, hours of construction are limited to M-F 7:00 am to 5:30 pm, with Saturday hours limited to interior work.
7. Any future enlargement or alteration of the use will require return to the DRB for review to permit the specifying of new conditions.
8. An **Erosion Prevention and Sediment Control Plan** will be required for site development and must be approved in writing by the City Stormwater staff.
9. An area shall be identified for snow storage for review and approval by staff **prior to release of the zoning permit.**
10. Any requirement for ADA access is under the review of the building inspector.
11. A revised **landscaping plan** shall be required for review and approval **prior to release of the zoning permit.** The plan shall include landscaping or similar screening to prevent headlight spill onto neighboring residential properties, and appropriate screening of utilities.
12. A full cut-off residential lighting fixture or recessed fixtures within a canopy enclosure are recommended for the rear entry. Spec sheets shall be provided to staff for review and approval.
13. Some roof canopy is recommended over the rear entry door.
14. The applicant shall confirm that the entrance steps and porch are fully outside the public right-of-way, located within the boundaries of the parcel.

15. Sheathing and trim are recommended to be a more durable material, like fiber cement board or wood clapboard. Warranties of 50 years are likely to exceed the life expectancy of the proposed vinyl and better meet the standards of Article 6, Section 6.3.2 (e).
16. 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.
17. A minimum of 2 bicycle parking spaces shall be provided on-site. The location shall be identified on revised plans **prior to release of the zoning permit**. Long term bike storage is strongly recommended.
18. If a parking waiver is extended, the applicant shall report back to staff in three years' time to define the efficacy of the waiver.
19. Standard Permit Conditions 1-15.

**NOTE: These are staff comments only. The Development Review Board, who may approve, table, modify, or deny projects, makes decisions.**