

## Department of Permitting & Inspections

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**TO:** Development Review Board  
**FROM:** Scott Gustin & Ryan Morrison  
**DATE:** November 16, 2021  
**RE:** ZSP-21-12; 251-253 South Union 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.**

Zone: RL & RM                      Ward: 6S

Owner/Applicant: Two Fifty Three South Union, Realty LLC / Stephen Kredell

**Request:** Sketch plan review of adaptive reuse conversion of historic structure from commercial to residential use and addition. Also, construct detached residential building in RM portion of the property.

### **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), Article 11 (Planned Unit Development)

### **Background Information:**

The applicants have requested sketch plan review of a proposal to convert an existing office building into a multi-family residence of 12 units, including a rear addition, and to construct a new detached multi-family residence of 10 units. Related site circulation and parking are also included.

The office building was originally constructed as a residence but has been used as office space since the 1960's. The building is on the National Register of Historic Places and dates to 1848. The proposed residential conversion qualifies for the "adaptive reuse" bonus under Article 4.

The property is split between Residential – Low Density along South Union Street and Residential Medium Density downhill to the west. The second detached multi-family residence triggers review of the project as a planned unit development (PUD). Given its location in the RM zone, PUD is permissible.

Given the number of proposed dwelling units, major impact and inclusionary zoning requirements are applicable.

Previous zoning actions for this property:

- 3/4/21, Denial to change general office use to neighborhood commercial use (health studio and medical office)
- 7/12/89, Approval to install a compressor and new window

- 8/28/86, Approval to construct exterior egress stairs behind the building
- 3/10/82, Approval to install a replacement parallel sign
- 8/1/77, Approval to convert an apartment into expanded office space
- 7/11/67, Approval to convert the first floor residential space into office space

## 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 development is located within a residential area and will be supported by existing infrastructure. Specifics as to impacts on public utilities and services are noted in subsection (b) below.

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

The property is split between two residential zones – Residential Low Density and Residential Medium Density. Elimination of the nonconforming commercial use and introduction of residential use is consistent with the express purpose of the residential zones.

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 residences are not expected to generate nuisance impacts from noise, odor, dust, and the like.

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 is included in the sketch plans. While the overall unit count proposed is too small to require a comprehensive traffic analysis, the permit application should include at least basic traffic information as to anticipated daily and peak hour trip generation.

5. *The utilization of renewable energy resources;*

No part of this application would prevent the use of wind, water, solar, or other renewable energy resources.

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

None identified.

**(b) Major Impact Review Standards**

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

The proposed redevelopment and new construction is not expected to result in undue water, air, or noise pollution. It will connect to the city sewer and water systems. 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 upon project application. A post-construction stormwater management plan will also be required. Both will be subject to review and approval by the Conservation Board and 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.

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

This multi-unit residential development may provide housing for families with school age children. As required, school impact fees will be paid to help offset impacts on the city's school system.

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

This project constitutes infill development and will utilize existing infrastructure. Incremental impacts on city services will be offset with payment of impact fees.

*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;*

This project will introduce additional housing into a property located within residential zones. The long-standing nonconforming commercial use will be replaced with dwelling units, and a new detached apartment building will be constructed downhill from the existing historic building. The adaptive reuse of the historic structure will result in a relatively high density count due to the bonus intended to encourage such conversion. The detached apartment building will be built to medium density residential standards. The project 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 proposed development conforms to the express goals of the city's municipal development plan in a number of ways.

- The project includes the adaptive reuse and preservation of a prominent historic building (Distinctive – Policies)
- The project constitutes infill development and redevelopment of an under-utilized property close to downtown and the institutions (Dynamic – Policies).
- The new development will comply with current energy efficiency standards and will tie into existing infrastructure (Dynamic – Policies).
- The development will result in new housing in a presently under-developed site. While details are lacking in the sketch plans, onsite inclusionary units will be required (Inclusive – Policies).
- This development is sited in close proximity to transportation corridors and multiple means of transportation (Connected – Policies).

*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. No details have been provided as to pricing, but affordability 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 residential 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 (1 year to start and 2 more to finish) with one phase.

*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 sketch plans. 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. Given the two buildings involved in this application, the applicant may wish to consider a phasing schedule for project construction.

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. 4.4.5, Residential Districts:**

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

###### **(1) Residential Low Density (RL)**

The top of the subject property is located in the RL zone. This zone is intended primarily for low density residential development in the form of single detached dwellings and duplexes. The adaptive reuse of the historic building will result in a multi-family residence that is typically not allowed in the RL zone; however, the adaptive reuse bonus allows for such higher density development in order to encourage conversion of nonconforming commercial uses to residential.

###### **(3) Residential Medium Density (RM)**

Approximately the rear half of the property is located in the RM zone. The Residential Medium Density (RM) district is intended primarily for medium density residential development in the form of single family detached dwellings and attached multi-family apartments. The proposed detached multi-family apartment building is consistent with this intent.

###### **(b) Dimensional Standards and Density (RL)**

The historic building and related addition will contain 12 dwelling units. There is no unit/acre density limit associated with the adaptive reuse bonus.

Existing lot coverage within the RL portion of the property is about 34%. As proposed, lot coverage would total 46.3%. This percentage is below the maximum permissible 50%.

The front yard setback will remain unchanged. The 139' lot width results in 14' side yard setbacks. As proposed, the rear addition to the historic building will be set 26' 7" from the nearer side property line. The rear yard setback will be well over 100' (75' is the maximum required).

The rear addition is just 2 stories tall and is lower than the height of the historic building in front of it.

###### **(b) Dimensional Standards and Density (RM)**

The detached apartment building would contain up to 10 dwelling units. On the 17,450 sf RM portion of the property, this figure amounts to 25 units/acre. This density is allowable with the density increase associated with the required inclusionary housing units.

Proposed lot coverage is 39%. This lot coverage is below the standard permissible 40%.

The front yard setback will remain unchanged. The lot narrows to ~ 67.5' in back. The 10% minimum required side yard setback is ~ 7'. As proposed, the building will be set 12' from the nearer of the two side yard lines.

No building height information is included in the sketch plans.

***(c) Permitted and Conditional Uses***

The proposed adaptive reuse of the historic building entails conditional use review. The proposed multi-family residence in back is a permitted use.

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

***6. Residential Development Bonuses***

**B. Adaptive Reuse Bonus**

Development in excess of the limits set forth in Tables 4.4.5-2 and 4.4.5-3 may be permitted by the DRB subject to conditional use review for the conversion of an existing non-conforming nonresidential principal use within a historic building to a conforming residential use subject to all of the following conditions:

- (i) *The building shall be listed or eligible for listing in the United States Department of the Interior's National Register of Historic Places or the Vermont State Register of Historic Places;*

The existing brick building is included within the National Register of Historic Places.

- (ii) *The gross floor area shall not exceed the pre-redevelopment gross floor area of the existing structure by more than twenty-five (25) percent;*

The sketch plans note "GSF Footprint" of the existing building and addition. The 25% limitation pertains to the gross floor area, not the footprint. Clarification will be needed upon permit application as the existing and proposed GFA.

- (iii) *The density limits of the underlying residential zoning district in Sec 4.4.5(b) above shall not apply. The intensity and extent of development shall be limited by gross floor area maximum in (ii) above and Table 4.4.5-6 below;*

See above.

- (iv) *The adaptive reuse and rehabilitation conforms to the requirements of Art 5, Historic Buildings;*

See Sec. 5.4.8.

- (v) *Neighborhood commercial uses less than 2,000 sqft gross floor area may be permitted by the DRB subject to the applicable requirements of Sec. 4.4.5(d)(5)(A) above. Neighborhood commercial uses 2,000 sqft or larger in gross floor area shall not be permitted. In combination, the sum of neighborhood commercial uses shall be limited to no more than 50% of the gross floor area of the existing structure; and,*

Not applicable.

(vi) Lot coverage shall not exceed:

**Table 4.4.5-6: Adaptive Reuse Bonus**

<b>District</b>	<b>Maximum Coverage</b>
<b>RL, RL-W</b>	Greater of 50% (62% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.
<b>RM, RM-W</b>	Greater of 60% (72% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.
<b>RH</b>	Greater of 80% (92% with inclusionary allowance), or expansion up to a total of 125% of pre-existing building coverage.

As noted above, proposed lot coverage is 46.3% in the RL portion of the property. This coverage is within the acceptable limits for an adaptive reuse project.

**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**

See Sec. 4.4.2 (b).

**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).

**Part 4: Special Use Regulations**

**Sec. 5.4.8 Historic Buildings and Sites**

*The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:*

- *To preserve, maintain and enhance Burlington’s historic character, scale, architectural integrity, and cultural resources;*

*To foster the preservation of Burlington’s historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;*

- *To promote a sense of community based on understanding the city’s historic growth and development, and maintaining the city’s sense of place by protecting its historic and cultural resources; and,*

- *To promote the adaptive re-use of 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.*

251-253 South Union Street is listed on the National Register of Historic Places (South Union Street Historic District) and on the State of Vermont Historic Sites & Structures Register.

*(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.*

The Henry Shaw House was constructed as a dwelling, c. 1848. The building is currently permitted as general office space with a single upstairs apartment. The current building configuration is as it is noted on the National Historic Register: a 2 ½ story central block with ells to the north and south (all gable roofed), and an additional flat-roof ell at the rear.

The proposal will bring the property back to its historic residential use, although with 22 residential units in comparison to the original single family use. No exterior changes are proposed to the existing structure.

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 existing structure will remain as-is. The proposal involves a 2-story, flat roofed addition that will be used for additional dwelling units which connects to the rear of the existing building via open/covered decking. Given that the addition will be at the rear of the existing structure, and approx. 70 ft from the South Union Street sidewalk, it will not detract from the primary structure's historic characteristics.

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.*

As noted above, no exterior changes are proposed for the existing structure. As documented in the National Historic Register listing, the three portions of the main structure (central block and northern and southern ells) have common bond brick bearing walls, stone foundations, and boxed cornices. The existing rear ell has wood clapboard siding. The proposed addition will also be sided with wood clapboard to match the rear ell, but will differentiate from the existing structure's



main siding, which is brick. Conjectural features from other properties are not proposed. The building addition is clearly a product of its own time and obvious in its new design.

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

The rear ell does not appear to be part of the original structure, but has acquired historic significance in its own right, as documented in the Historic registers. With the exception of new decking to connect to the proposed addition, no exterior changes are proposed here.

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

As noted above, no exterior alterations are proposed to the historic structure. The proposal consists strictly of a rear building addition, and a detached multiunit structure in the property's rear.

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.*

Not applicable. The application makes no reference to any features proposed for repair or replacement. Should the applicant identify such features, they can be addressed through the formal zoning permit application.

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 or physical treatments are identified within the submission materials.

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

There are no known archaeological deposits on this site. However, discovery of any resources during construction shall be reported to the Vermont Division for Historic Preservation for assessment, evaluation, and appropriate disposition.

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.*

The proposed addition is connected by open decking off the back of the existing rear ell. However, due to the RL zoning district's limitation to one primary structure allowed per property, this connection will have to be enclosed. The addition itself maintain the same height as the existing rear ell, while being inferior in height when compare to the main, street fronting structure.

As the elevation plans show, the addition will be similar to the rear ell portion of the existing structure with clapboard siding and similarly sized windows. It will, however, differentiate from the main, street fronting structure, both in materials, massing, height and scale. As it is set back from South Union Street facades, it is less discernable by the passerby.

*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.*

While unlikely, it is conceivable that the new addition could be detached and removed from the existing building without negative impact to the historic resource.

***Sec. 5.5.1, Nuisance Regulations***

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

***Sec. 5.5.2, Outdoor Lighting***

No outdoor lighting information has been provided with the sketch plans. Upon permit application, details as to fixture types, locations, and illumination levels will be required.

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

No stormwater management information has yet been provided. Upon permit application, details as to construction site erosion prevention and sediment control will be needed along with post construction stormwater management measures.

**Article 6: Development Review Standards**

***Part 1, Land Division Design Standards***

No land division is proposed.

***Part 2, Site Plan Design Standards***

***Sec. 6.2.2, Review Standards***

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

There will be vegetation removal to accommodate the proposed development, particularly at the rear of the property where the detached multifamily structure is proposed.

***(b) Topographical alterations***

The property has an east-west downslope.

The property has an east-west downslope. Grading is expected to accommodate the development. An Erosion Prevention and Sediment Control plan will be required for review and approval by stormwater management. Among other things, erosion prevention will be addressed under that review.

***(c) Protection of important public views***

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

***(d) Protection of important cultural resources***

As noted above, the existing structure is listed as a contributing resource on both State and National Historic Registers. With the exception of a connection point for the rear addition, no exterior alterations are proposed to the existing structure.

*(e) Supporting the use of alternative energy*

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

*(f) Brownfield sites*

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

*(g) Provide for nature's events*

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

The applicant will need to submit an Erosion Prevention and Sediment Control plan, and a stormwater plan, to the Stormwater Program Manager for review and approval. Approval will be required prior to zoning permit release.

*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 plans indicate a covered second level entrance, and quite possibly at a first level entrance, where the addition joins with the existing structure. No east elevation has been provided to be sure. As noted above, the connection between the existing building and the addition will need to at least be enclosed so that the overall building is viewed as a single building.

Elevation plans for the detached building have not been submitted and they will be required as part of the zoning permit application. The site plan shows a walkway running along the south side of this building, with what appear to be 5 walkways leading to the building. Each of those entrances will need to be covered to protect against the rain, snow, etc.

There appears to be ample room onsite to handle snow storage.

*(h) Building location and orientation*

The new addition is proposed to the rear of the existing building, and the detached structure will be located in the property's rear. Only surface parking is proposed, no parking structures. No changes to the existing streetscape are proposed.

*(i) Vehicular access*

No change to the existing curb cut along South Union Street is expected. An internal driveway is proposed to access parking. At the end of the 10-space parking aisle, there is no turnaround area for the last 2 spaces, and there should be one so vehicles can leave the property in a forward fashion. Aside from that, the driveway looks to be approximately 20 ft wide which should allow for adequate back-up space for parking vehicles.

The site plan also shows a 6-space parking area to the north of the proposed addition. These spaces, if part of the development proposal, appear to gain access through 239 South Union Street, a commercial/residential property. Typically, parking spaces are required to be setback a minimum distance of 5 ft from side/rear yard property lines. If these are legally existing nonconforming spaces, then they could presumably be used for the proposed development on 251-

253 South Union Street, assuming an agreement is made between property owners for vehicular travel across 239 South Union Street.

*(j) Pedestrian access*

Pedestrian access to the existing structure will remain as-is. The site plan shows a walkway between the parking area and the detached multiunit structure. If the attached addition is only accessed via the second level, then it appears that the second level deck along the rear of the existing structure will act as pedestrian access. No walkway is indicated for pedestrian access to a first level entrance. If there will be a first level entrance to the addition, the applicant will need to show this on plans, as well as a pedestrian walkway to it. Lastly, a walkway will be needed between the parking aisle located along the north property line and the new development.

*(k) Accessibility for the handicapped*

The plans do not address handicap parking or access and will need to. The building inspector has jurisdiction over ADA requirements. By his direction and per Chapter 8 of the Burlington Code of Ordinances, handicap access must be addressed. The applicant is encouraged to work with the building inspector to address these requirements.

*(l) Parking and circulation*

All parking is proposed behind the primary structure and will be well screened from view from the public street. The plans show little landscaping proposed that will aid in screening parking from neighboring properties. However, both neighboring properties (one a commercial/residential property and the other a duplex) have large parking areas in their backyards, similar in space count with the subject property. And in actuality, the reconfigured parking arrangement will add little to no impact to neighboring properties than from what may exist today.

As noted above, it appears that the last 2 spaces in the 10-space row will have little to no turnaround room to allow for a forward moving exit. This needs to be addressed.

*(m) Landscaping and fences*

The site plan shows what appears to be new shrubs along the walkway to the detached multifamily structure, and along the interior edge of one parking row. No other landscaping is shown. There is also no indication of fencing. Should fencing be incorporated, the applicant should include that information in the zoning permit application.

*(n) Public plazas and open space*

There is no requirement within the ordinance to provide a public plaza. The property will, however, provide ample yard/natural space for tenants to utilize.

*(o) Outdoor lighting*

See Sec. 5.5.2.

*(p) Integrate infrastructure into the design*

The plans do not include any reference to infrastructure. The applicant will need to include the following within a formal zoning permit application, as applicable: exterior storage areas, machinery and equipment installations, trash and recycling bins/dumpsters, utility meters and structures, mailboxes, etc. New utilities to the detached structure will need to be underground.

The site and elevation plans shall include these aspects, and manufacturer's spec sheets for machinery, utilities, etc. will need to accompany the zoning permit application submittal.

### ***Part 3, Architectural Design Standards***

#### ***Sec. 6.3.2, Review Standards***

(a) *Relate development to its environment:*

1. *Massing, Height and Scale:*

The rear addition will be very similar to the existing rear building ell with regards to massing, height, and scale. Since it is locating behind the existing development, it will not negatively impact the existing streetscape. The 3-story detached structure will be even farther from the street front, and will create no negative impact to the massing, height and scale of the existing development and streetscape.

2. *Roofs and Rooflines.*

While the detached structure's roof type is unknown, the addition will have a flat roof to match the roof type and height of the existing rear building ell to which the addition is attaching. Additionally, since both the addition and the detached structure are located behind the primary structure and well screened from the street, they will not have an impact on the surrounding roof types within the neighborhood.

3. *Building Openings*

No elevation plans have been submitted for the detached multiunit structure. The addition, however, will have appropriately placed windows along each side and no large blank walls. While an east elevation plan was not submitted, it is assumed that there will be a door on the second level, and possibly on the first level. An east elevation will be needed with the zoning permit application submittal.

(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.*

As noted above, the existing structure is included in both State and National Historic Registries. No exterior alterations are proposed with the exception of the proposed addition at the rear.

(c) *Protection of Important Public Views:*

Not applicable.

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

All new development will occur behind the primary structure, and thus there will be no impact to the property's existing street edge.

(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.*

No plans/elevations for the detached structure have been submitted. The elevation plans for the addition show wood clapboard siding, a concrete foundation, and a new wood deck with steel guardrails. New construction usually warrants a variety of acceptable materials. The addition and detached structure should offer no exception to that allowance. The applicant will need to provide spec sheets for all windows, doors, roofing materials with a future zoning permit application.

(f) *Reduce energy utilization:*

*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.*

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

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

Not applicable. No signs are proposed.

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

See Section 6.2.2 (p), above.

(i) *Make spaces secure and safe:*

*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.*

New construction shall conform to all building and life safety code as defined by the building inspector and the fire marshal.

## **Article 8: Parking**

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

The subject property is located in the neighborhood parking district. This district requires 2 parking spaces per dwelling unit. Sec. 8.1.6 exempts adaptive reuse projects from minimum parking standards and also exempts inclusionary housing units. With those exemptions, only the proposed multi-family apartment building will have a minimum parking requirement. The 10 dwelling units would require 20 off-street parking spaces, minus parking for the inclusionary dwelling units.

### ***Sec. 8.1.9, Maximum On-Site Parking Spaces***

This criterion limits on-site parking spaces to 125% of the minimum requirement. Lacking exemptions, the 22 dwelling units would require 44 parking spaces. As proposed 23 parking spaces would be provided.

### ***Sec. 8.1.10, Off-Street Loading Requirements***

Not applicable.

### ***Sec. 8.1.11, Parking Dimensional Requirements***

The proposed parking spaces and circulation aisles appear to be compliant with the standards of Table 8.1.11-1.

***Sec. 8.1.12, Limitations, Location, Use of Facilities***

***(a) Off-Site Parking Facilities***

None proposed.

***(b) Front Yard Parking Restricted***

None proposed.

***(c) Shared Parking***

Not applicable.

***(d) Single Story Structures in Shared Use Districts***

Not applicable.

***(e) Joint Use of Facilities***

Onsite parking will be shared by residents of both buildings.

***(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***

ADA parking details have not been included with the sketch plans. Upon permit application, these spaces shall be marked and signed as required for handicap spaces.

***Sec. 8.1.14, Stacked and Tandem Parking Restrictions***

Not applicable.

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

Not applicable.

***Sec. 8.1.16, Transportation Demand Management***

***(b) Applicability***

This property is not within the multimodal mixed-use parking district, and therefore, does not require a TDM plan.

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

The 22 dwelling units will require 2 short term bike parking spaces. The number of long term spaces is dependent on the number of bedrooms. Bedroom count is not indicated in the sketch plans. The long term bike parking requirement is 1 per 2 bedrooms.

**Article 9: Inclusionary and Replacement Housing**

***Sec. 9.1.5, Applicability***

The project contains more than 5 dwelling units, and therefore, requires inclusionary housing units. Details are not included in the sketch plans, but the typical standard is 15% of the residences must be inclusionary. Details as to the number of inclusionary units and affordability must be reviewed and approved by the city's Housing Trust Fund manager as part of permit application review. The project is of a size and in a location that prohibits payment in lieu or off-site inclusionary units.

**Article 11: Planned Unit Development**

*(a) The minimum project size requirements of Section 11.1.3 shall be met;*

There is a 2-acre minimum project size for PUD's in the RL zone. Interestingly, this lot is split between RL and RM zone. There is no minimum lot size for PUD's in the RM zone. The new detached apartment building will be located in the RM portion and, therefore, does not require a 2-acre minimum project size.

*(b) The minimum setbacks required for the district have been met at the periphery of the project;*  
See table 4.4.5-3, 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;*  
See Table 4.4.5-3 (above.)

*(f) All other requirements of the underlying zoning district have been met as calculated across the entire project;*  
See Section 4.4.5-3, above.

*(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB*  
No details as to this criterion have been provided with the sketch plans. Presumably, the units will be condos and the land held in common, or they will be rental units with the land managed by the property owner.

*(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.*

As noted previously, a phasing schedule may be appropriate for this development to enable occupancy of part(s) of the development while other part(s) remain under construction. If the applicant chooses to phase the project, a phasing schedule must accompany the permit application.

*(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;*

The subject property is relatively large and includes significant development potential. The relatively long and narrow lot configuration precludes subdividing the lot for further development. PUD enables appropriate infill development on this parcel that would otherwise be impossible.



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

No new streets are proposed. The redeveloped historic building and the new detached apartment building will tap into existing public utilities.

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

The subject property contains no significant open spaces as identified in the Open Space Protection Plan. Resultant lot coverage following completion of development will increase from existing conditions but will remain below permissible limits. Green space will remain onsite.

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

All of the proposed dwelling units will be multi-family attached dwellings. No further details are included in the sketch plans. A variety of bedroom counts and dwelling unit sizes is encouraged.

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

As noted under criterion (a) above, the configuration of the property precludes subdividing it into additional lots for development. PUD enables additional development of the property that would not otherwise be possible.

And;

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

As this project includes the adaptive reuse of an historic structure and an addition thereto, design sensitivity will be particularly important. The sketch plans conceptually show an appropriately subordinate rear addition to this historic building. The street-facing primary façade remains unchanged. Design details for the new detached building are lacking. It must relate appropriately to the historic building in front without causing distraction or adversely affecting the historic integrity of the existing building.

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

See Sec. 3.5.6 (b) 10.

*(k) Any proposed accessory uses and facilities shall meet the requirements of Section 11.1.6 below.*

No accessory uses are included in this sketch plan proposal.

## **II. Conditions of Approval**

None for sketch plan review.