

Department of Permitting & Inspections

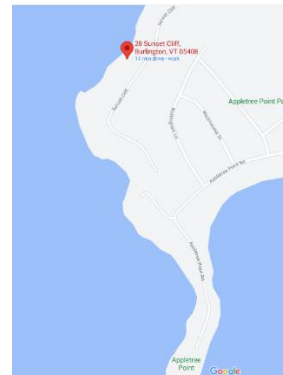
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MEMORANDUM

TO: Development Review Board
FROM: Mary O'Neil, AICP Principal Planner
DATE: July 20, 2021
RE: ZP21-450; 28 Sunset Cliff Road



=====
Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

File: ZP21-450 OG
Location: 28 Sunset Cliff
Zone: RL-W **Ward:** 4N
Parking District: Neighborhood
Date application accepted: May 22, 2021
Revised plan received: July 12, 2021
Applicant/ Owner: Maxx Garrison
Request: Demolish existing single family home; build new single family home with associated site improvements. A detached garage is proposed with an Accessory Dwelling Unit.



Background:

- **Zoning Permit 94-461;** lot line adjustment between two existing lots (16 and 17); one vacant and one with an existing single family merged into one lot. No construction or land development included with this proposal. **May 31, 1994.**

Overview:

The applicant is requesting approval to demolish an existing single detached dwelling and to replace it with a new single detached dwelling at 28 Sunset Cliff Road. A detached garage with an ADU is included. Related site changes include a relocated driveway, parking area and a landscaping plan.

The property is affected by the 250' wide lakeshore buffer. Provisions as to tree clearing and stormwater management apply per Section 4.5.4 (c).

The Conservation Board reviewed plans at their June 7, 2021 meeting, and voted unanimously to support the project as submitted.

The Design Advisory Board reviewed the application at their June 8, 2021 meeting and voted unanimously to recommend approval by the Development Review Board.

Recommendation: Certificate of Appropriateness Approval, as per the following findings and conditions:

I. Findings

Article 3: Applications, Permits and Project Reviews

Part 3: Impact Fees

Section 3.3.2 Applicability

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

Impact fee credit is given for the existing residential gross floor area. The area of additional residential gross floor area will be subject to impact fees. Per the submitted plans, an estimate of the fees is:

Existing gross area (Per Assessor’s Property Data: 3981 sf.

Proposed gross area (as provided in email from applicant July 9, 2021: 5306 sf.

Difference: 1325 sf.

SF of Project	1,325	
	<u>Residential</u>	
Department	Rate	Fee
Traffic	0.200	265.00
Fire	0.226	299.45
Police	0.045	59.63
Parks	0.759	1,005.68
Library	0.470	622.75
Schools	0.981	1,299.83
Total	2.681	\$ 3,552.34

Affirmative finding as conditioned.

Section 3.3.8 Time and Place of Payment

Impact fees must be paid to the city’s chief administrative officer / city treasurer according to the following schedule:

- a) *New buildings: Impact fees must be paid at least seven days prior to occupancy of a new building or any portion thereof.*

Affirmative finding as conditioned.

Article 4: Zoning Maps and Districts

Section 4.4.5 Residential Districts

(a) Purpose:

The Residential Districts are intended to control development in residential districts in order to create a safe, livable, and pedestrian friendly environment. They are also intended to create an inviting streetscape for residents and visitors. Development that places emphasis on architectural details and form is encouraged, where primary buildings and entrances are oriented to the sidewalk, and historic development patterns are reinforced.

Parking shall be placed either behind, within, or to the side of structures, as is consistent with the district and/or the neighborhood. Building facades designed for parking shall be secondary to the residential aspect of a structure.

There are no sidewalks along Sunset Cliff Road; however the proposed building will present an attractive addition to the streetscape. The garage is slightly recessed from the setback of the primary structure. Required parking is within the garage; a small “T” allows for backup or parking for a third vehicles, allowed by Section 8.1.9, Maximum Parking. **Affirmative finding.**

(a) 2. *The Waterfront Residential Low Density (RL-W) district is intended primarily for low-density residential development in the form of single detached dwellings and duplexes. This district is typically characterized by a compact and cohesive residential development pattern reflective of the respective neighborhoods’ development history. This district is distinguished from the Residential Low Density district by its proximity to Lake Champlain, and a greater consideration needed for views from the lake and stormwater runoff.*

A single detached dwelling with a garage/ ADU is proposed; consistent with the district. Per Section 5.4.5. (a), *An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation.* A Stormwater Plan has been reviewed and approved. **Affirmative finding.**

(b) Dimensional Standards and Density

Table 4.4.5-1 Minimum Lot Size and Frontage

See **Section 4.5.5 RL Larger Lot Overlay District**, below.

Table 4.4.5-2 Base Residential Density

See Section 4.5.5 below for modified density for the RL Large Lot Overlay. Proposed units: 1 / (37.742 lot size / 43,560 acre) or .86A; < 4.4 unit per acre limitation (see **Section 4.5.5, RL Large Lot Overlay**, below.). For purposes of density, Accessory Dwelling Units are not counted.

The proposal complies with base residential density of the Large Lot Overlay, **4.5.5-1 RL Larger Lot Overlay District.**

Affirmative finding.

Table 4.4.5-3 Residential District Dimensional Standards

Zoning District	Max. Lot Coverage ¹	Setbacks ^{1, 3, 4, 5, 6}			Waterfront	Building Height
		Front	Side	Rear		
RL; WRL	35%	Min/Max: Ave. of 2 adjacent lots on both sides +/- 5-feet	Min: 10% of lot width Or ave. of side yard setback of 2 adjacent lots on both sides Max required: 20'	N/A	75' from the ordinary high water mark of Lake Champlain ...	35-feet to the mid-line of the rise of the roof
28 Sunset Cliff Rd	15.5% based on a lot size of 37,742 sf.	The average front yard setback based on the adjacent properties (2 on both sides) is 128.25 ft. The application proposes 129'.	The building envelopes meet the required 10% side yard setback/max 20', with the exception of recaptured non-conformity on the north and east. Driveway and parking will meet the minimum 5' setback for accessory features.	N/A	41' based on the average waterfront setback of adjacent homes within 150 ft on either side of the subject property. 52' is proposed. See Sec. 4.4.5 (d) (1) (B) below.	29' to the ridgeline < 35' limitation.

Affirmative finding.

(c) Permitted and Conditional Uses

A single family detached dwelling is a permitted use in the RL-W zoning district. Per Section 5.4.5 (a), one accessory dwelling unit that is located within or appurtenant to a single family dwelling shall be allowed as a permitted use. **Affirmative finding.**

(d) District Specific Regulations

1. *Setbacks*

B. Encroachment into the Waterfront Setback

(ii) Averaging of Setbacks of Existing Structures

If the waterfront setback of existing principal structures within a distance of one hundred fifty (150) feet on either or both sides of a lot is less than the required setback, the setback may be reduced to the average alignment of such structures.

The average waterfront setback of adjacent principal structures is 41 ft. The application proposes a waterfront setback a little more than 50'. See Plan C-3.0 as revised.

Affirmative finding.

2. *Lot Coverage*

See Table 4.4.5-3, above.

3. *Accessory Residential Structures and Uses*

A. Accessory structures or buildings shall meet the dimensional requirement set forth in the district in which they are located pursuant to Sec. 4.4.5(b) of this Article and related requirements in Art 5, Part 2;

See Table 4.4.5-3, above.

B. Any accessory structure or building that is seventy-five percent (75%) or greater of the ground floor area of the principal structure or building shall be subject to the site plan and design review provisions of Art. 3, Part 4 and the applicable standards of Art 6;

The garage is not 75% of the ground floor area of the principal structure.

C. Private garages shall be limited to as many stalls as there are bedrooms in the dwelling to which it is accessory, provided that the ground floor area is less than seventy-five percent (75%) of the ground floor area of the principal structure or building;

The ground floor area is less than 75% of the ground floor area of the principal structure. Only two garage stalls are proposed.

and

D. The outdoor overnight storage of commercial vehicles not otherwise associated with an approved home occupation or made available for the exclusive use of the residential occupants, or the outdoor storage of more than one unregistered vehicle, shall be prohibited. Any and all vehicles shall be stored in an approved parking space.

The application does not include a home occupation or the parking of a commercial vehicle. All parking will be located within an approved parking space.

Affirmative finding.

4. *Residential Density*

C. Residential Occupancy Limits

The occupancy of the dwelling unit is limited to members of a family as defined in Article 13. Not more than four unrelated adults may occupy either residential unit. Requests for greater occupancy is subject to Conditional Use review by the DRB.

Affirmative finding as conditioned.

5. *Uses*

There is no Neighborhood Commercial Use at this location. **Not applicable.**

6. *Residential Development Bonuses*

No development bonuses are requested or included. **Not applicable.**

Part 5: Overlay Zoning District Regulations

Section 4.5.4 Natural Resource Protection Overlay (NR) District

(c) District Specific Regulations: Riparian and Littoral Conservation Zone

3. Regulated Uses

Except where otherwise noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including any construction of buildings or other structures, and roads, parking areas or any other impervious surface, may be approved only within the Riparian and Littoral Conservation Zone and its associated buffer after review and approval pursuant to the requirements and limitations below under Subpart 4.

4. Requirements

1. Any land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) shall include a stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3 to be reviewed by the conservation board and approved by the city engineer.

A Stormwater Management and Erosion Prevention plan have been submitted for review by the Stormwater Engineering program, and were approved June 1, 2021. The Conservation Board has reviewed and supported the project as proposed.

Affirmative finding.

For properties with frontage along Lake Champlain or the Winooski River, development that includes 400 square feet or more of new or redeveloped lot coverage shall establish a low-mow zone along the shoreline. A low-mow zone is a new or existing vegetated area that is not mowed more than once per year and allows vegetation to grow and mature.

*A low-mow zone shall be **at least 15 ft. wide** as measured inland from the 100 ft. elevation and shall be of a size equivalent to, or greater than, the new or redeveloped lot coverage, except that in no event shall a low-mow zone be required to extend more than **50 ft. wide** as measured inland from the 100 ft. elevation or extend along more than 80% of a property's shoreline frontage.*

The required low-mow zone has been identified on Plan C-4.0. (see "Planting Schedule.") and Plan C-3.0. **Affirmative finding.**

For properties with frontage along Lake Champlain or the Winooski River, development shall be located no closer to the shoreline than existing development wherever reasonably possible.

The replacement structure is not placed any closer to Lake Champlain than the existing structure proposed for demolition. **Affirmative finding.**

2. *Agricultural and silvicultural activities shall follow Best Management Practices for the Protection of Water Quality;*

Not applicable.

3. *Installation of any seawalls, rip-rap or other shoreland retention structures shall be submitted for review by the conservation board who shall consult with the city engineer prior to issuance of a recommendation to the DRB;*

The Conservation Board supported the proposal at their June 7, 2021 meeting.

Affirmative finding.

and,

4. *No new stormwater outfall shall directly discharge into any surface water without approval and implementation of a stormwater management plan approved by the city engineer.*

The Stormwater Plan was approved on June 1, 2021. **Affirmative finding.**

(d) District Specific Regulations: Wetland Conservation Zone:

28 Sunset Cliff is within the NRP Wetland Overlay Zone.

As part of their application, applicants must submit a complete stormwater management, erosion prevention and sediment control plan pursuant to the requirements of Sec 5.5.3, and successfully demonstrate how the project will prevent adverse impacts to surface water and groundwater quality before, during, or after construction. At a minimum, an applicant should demonstrate how a project will meet the standards outlined in the latest edition of the Vermont Soil Erosion Handbook.

Stormwater and Erosion Prevention Plans have been submitted and approved by the Stormwater Engineering Division. **Affirmative finding.**

(e) District Specific Regulations: Natural Areas Zone

4. Regulated Uses:

Except where noted herein, all uses permitted or conditionally permitted in the respective underlying zoning district, including the list of activities below, may be approved after review and approval pursuant to the requirements and limitations set forth below under subpart 5.

- A. The construction of buildings or other structures, and roads, parking areas and any other impervious surfaces;*
- B. Land disturbing activities (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) not associated with a permitted or conditionally permitted use. Land disturbing activities which expose 5,000 or more square feet of soil (i.e., vegetation has been removed, or the landscape has been graded or filled resulting in bare soil surfaces) are prohibited except where a stormwater management, erosion prevention and sediment control plan has been reviewed by the Burlington Conservation Board and approved by the City Engineer.*

Project plans have been reviewed and approved by the Conservation Board and the Stormwater Engineering Division. **Affirmative finding.**

(f) District Specific Regulations: Special Flood Hazard Area

The new structure sits substantially above the base flood level elevation and securely anchored to a foundation system.

All submission information has been reviewed and recommended for approval by the Conservation Board and the Stormwater Engineering Division. **Affirmative finding.**

Section 4.5.5 RL Larger Lot Overlay District

(a) Purpose

The RL Larger Lot Overlay District is intended to maintain the existing residential development pattern of larger residential lots reflective of the respective neighborhoods' development history.

(c) District Specific Regulations: RL Larger Lot Overlay

1. Minimum Lot Size and Density

The density and intensity of development and dimensions of building lots in the RL Larger Lot Overlay shall be modified from the underlying RL or RL-W standards of Table 4.4.5- and 4.4.5-2 as follows:

Table 4.5.5-1: Residential Density, Minimum Lot Size and Frontage: RL Larger Lot Overlay

	Minimum Lot Frontage¹ <i>(In linear feet)</i>	Minimum Lot Size <i>(In square feet)</i>	Maximum dwelling units per acre² <i>(without bonuses or any Inclusionary Zoning allowances)</i>
Single detached dwelling	75 feet	9,900 sq ft	4.4 units/acre
28 Sunset Cliff Road	164' frontage	37,758 sq. ft.	4.4 units/acre on a 37,742 sf lot = 3.81 units. 1 dwelling unit + 1 ADU are proposed.

Affirmative finding.

Article 5: Citywide General Standards

Section 5.2.3 Lot Coverage Requirements

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.4 Buildable Area Calculation

The parcel is not greater than 2 acres. **Not applicable.**

Section 5.2.5 Setbacks

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.6 Building Height Limits

See Table 4.4.5-3, above. **Affirmative finding.**

Section 5.2.7 Density and Intensity of Development Calculations

See Section 4.5.5-1, above. **Affirmative finding.**

Section 5.3.5 Nonconforming Structures

b. Demolition

A nonconforming structure may be replaced by a new structure retaining the same degree of nonconformity as the original structure. This provision is limited to the existing dimensional nonconformity (i.e. setback, lot coverage, or height), and shall not expand the degree of nonconformity except as provided for in (a) above. The new structure shall be subject to conformance with all other dimensional requirements (i.e. setback, lot coverage, and height). Zoning permit application for the replacement structure shall be completed within 1 year of demolition of the nonconforming structure; failure to do so shall result in the loss of the ability to retain the nonconformity.

The Assessor places a construction date of 1924, markedly before zoning regulations. The existing building footprint is noncompliant with regard to side yard setbacks. The application is to replace the home utilizing a small area of the existing northerly footprint where it encroaches into the side yard setback. (See Plan C-2.0.) The remainder of the building envelope will comply with all required setbacks. In order to comply with this section, this redevelopment will be conditioned on new construction within 1 year from the date of the demolition.

A small deck appears on the site plan on the westerly (lake) side of the parcel. Although never permitted, it has been in place more than 15 years and is therefore an unenforceable violation. It may remain, but cannot be expanded or altered in any way under these regulations.

Affirmative finding as conditioned.

Section 5.4.9 Brownfield Remediation

Not applicable.

Section 5.4.5 Accessory Dwelling Units

Where there is a principal structure on a lot which exists as an owner-occupied single family residence, one accessory dwelling unit, that is located within or appurtenant to such single family dwelling, shall be allowed as a permitted use if the provisions of this subsection are met. An accessory dwelling unit means an ~~efficiency or one-bedroom~~ apartment that is clearly subordinate to the principal dwelling, and has facilities and provisions for independent living, including sleeping, food preparation, and sanitation. ~~No accessory unit shall be inhabited by more than 2 adult occupants~~*. An accessory unit shall not be counted as a dwelling unit for the purposes of density calculation. Additionally, there must be compliance with all the following:*

- 1. The property has sufficient wastewater capacity as certified by the Department of Public Works; and*
- 2. The unit does not consist of more than ~~800 sq.ft.~~* 900 sf, or 30 percent (30%) of the Gross Floor Area of the principal home, whichever is greater; and*
- 3. Applicable setback and coverage requirements are met, except as provided for in Sec. 5.2.3 (b) 10; and*
- 4. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the certificate of occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No certificate of occupancy shall be issued for the unit unless the owner has recorded such a notice.*

*** Changes adopted by the General Assembly under S237, 10.2020.**

Affirmative finding as conditioned.

(b) Discontinuance of Accessory Units:

Approval of an accessory dwelling unit is contingent upon owner-occupancy of either the principal or accessory dwelling unit as a primary residence. For purposes of this section, owner-occupancy means that, after the creation of the accessory unit all individuals listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither the principal unit nor the accessory unit is owner-occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days with the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval.

Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.

Affirmative finding as conditioned.

Section 5.5.1 Nuisance Regulations

This is a replacement single family home. No new impacts are identified that diverge from existing residential use. **Affirmative finding.**

Section 5.5.2 Outdoor Lighting

Fixtures are identified on Plan C-309. All lighting is LED; residential in scale and illumination. **Affirmative finding.**

Section 5.5.3 Stormwater and Erosion Control

An Erosion Prevention and Sediment Control plan has been submitted and approved June 1, 2021. **Affirmative finding.**

Section 5.5.4 Tree Removal

(a) Review criteria for zoning permit requests for tree removal.

1. Grounds for Approval

Tree removal involving six (6) or more trees, each of ten (10) inches or greater in caliper or the removal of ten (10) or more trees, each of which is three (3) inches or greater in caliper during any consecutive twelve (12) month period may be permitted for any of the following reasons:

- A. Removal of dead, diseased, or infested trees*
- B. Thinning of trees for the health of remaining trees according to recognized accepted forestry practices*
- C. Removal of trees that are a danger to life or property; or*
- D. As part of a development with an approved zoning permit*

The applicant proposes removal of 5 trees over 10” in caliper, one of which was deemed unhealthy by Barrett’s Tree Service. Four additional trees over 3” in caliper are also proposed to be removed; but overall less than the 10 tree limit. The tree removal is proposed as part of this zoning permit review which includes a robust landscaping plan. See Plans C-4.0 and C-5.0. The project submission has been reviewed and supported by the Conservation Board. **Affirmative finding.**

Article 6: Development Review Standards

Part 1: Land Division Design Standards

Not applicable.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

a. Protection of Important Natural Features:

The property is located along the Lake Champlain shoreline, an identified significant natural area. The parcel is affect by the Natural Resource Protection Overlay district, specifically the Riparian and Littoral Zone, which stretches inland 250’ from the 95.5’ lakeshore elevation. The new home is essentially where the existing home is located; the expanded driveway, garage/ADU and parking area within an area that is currently greenspace and treed.

A recent amendment to the Comprehensive Development Ordinance requires a “Low Mow” zone along the lakeshore.

This is adequately identified on the submitted landscape plan. **Affirmative finding.**

b. Topographical Alterations:

The site slopes gradually from east to west, toward the lake. Aside from construction disturbance, the existing topography appears to remain unchanged. A 2' x 12"x 68' long retaining wall is proposed west of the new home. Plan C-3.0 defines the retaining wall as Pantan stone with bluestone cap. **Affirmative finding.**

c. Protection of Important Public Views:

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

d. Protection of Important Cultural Resources:

Not applicable.

e. Supporting the Use of Renewable Energy Resources:

Nothing within this application precludes the use of wind, solar, water, geothermal, or other renewable energy resource. **Affirmative finding.**

f. Brownfield Sites:

This parcel is not listed on the DEC website as an identified Brownfield. Not applicable.

g. (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.

EPSC and Stormwater management plans are a requirement. Both have been reviewed and approved.

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 east elevation of the principal structure has a recessed entry, which will provide some shelter from inclement weather. Similarly, the west elevation includes a covered porch area.

The north elevation of the garage/ADU includes two entries; an entrance canopy has been introduced above the entrance to the ADU after review by the DAB. **Affirmative finding.**

h. Building Location and Orientation:

The replacement home is essentially in the same location as the existing home, oriented both toward the street and the lake. The street-facing entrance is clearly identifiable within a recessed entry porch.

Waterfront setbacks can be based on the average of two adjacent parcels, averaging only 36 and 24 Sunset Cliff Road. From this measurements (59' and 23"), the waterfront setback average is 41'. The site plan has been corrected to reflect this.

There is an existing, unpermitted structure within the waterfront setback (12'x 12') that has existing more than 15 years and is therefore an unenforceable violation. That structure may not be enlarged or altered under these regulations.

A parking structure – either attached or detached –shall be setback from the longest streetfacing wall of the principal structure and be deferential yet consistent in character and design.

The proposed, detached garage is arranged slightly behind the plane of the streetfacing wall of the principal structure. The garage doors face the street. **Affirmative finding.**

i. Vehicular Access:

The driveway is proposed to be relocated south of its existing location. Plan C3.0 defines the driveway as asphalt or asphalt with chip seal.

Sunset Cliff Road is an unaccepted city street, so approval of the new driveway access by the city engineer is not required. **Affirmative finding.**

j. Pedestrian Access:

Pedestrians shall be provided one or more direct and unobstructed paths between a public sidewalk and the primary building entrance. Well defined pedestrian routes shall be provided through parking areas to primary building access points and be designed to provide a physical separation between vehicles and pedestrians in a manner that minimizes conflicts and improves safety. Where sidewalks and driveways meet, the sidewalk shall be clearly marked by differentiated ground materials and/or pavement markings.

There are no public sidewalks along Sunset Cliff Road. A pedestrian walkway is depicted between the garage/ADU and the principal structure, and a walkway to the lake.

Affirmative finding.

k. Accessibility for the Handicapped:

Although encouraged, ADA access is not a requirement for single family homes.

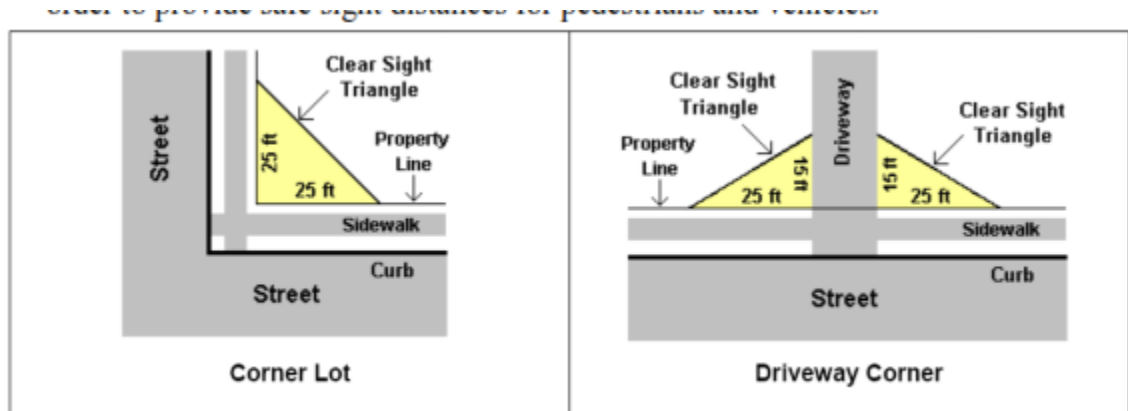
l. Parking and Circulation:

The driveway is proposed to be relocated, with a new two car garage. The parking requirement for a single family home is 2 parking spaces; both of which are accommodated in the two car garage. Maximum parking is 125% of the required parking in the Neighborhood Parking District, or 3 spaces. The site plan has been revised to illustrate parking for two vehicles within the garage with the opportunity to turn around in the "T" at the head of the driveway to avoid backing out into the street. **Affirmative finding.**

m. Landscaping, Fences and Retaining Walls:

Any tree cutting along the waterfront required review by the Conservation Board per Section 4.5.4. (c). The conservation board has supported the plan.

The submitted landscaping plan (C-4.0) shows a plan focused on the northerly boundary, and around the perimeter of the lot. Mixed evergreen and native shrubs with native ground cover are the choices, with an allée of Maples along the driveway. The Clear Site Triangle will all be observed at the driveway entrance to provide safe sight distances for both pedestrians and vehicles.



Retaining walls are identified on the plan, one west of the principal residence and a second by the new driveway: 2'H x 1'W x 68'L long for the westerly wall, and 2'H x 1'W x 5'L for the driveway wall. The latter will include the street number for purposes of identification.

Retaining walls greater than 5 feet tall shall incorporate textured surfaces, terracing, and/or vegetation to avoid long monotonous unarticulated expanses and to minimize adverse visual impacts to neighboring properties.

Retaining walls do not exceed the height requiring review under that standard.

A 5' high cedar fence is identified on Plan C-3.0, This shall not encroach within the Clear Site Triangle (see image, above), and shall present a finished side to the street. **Affirmative finding as conditioned.**

n. Public Plazas and Open Space

There are no public plazas, nor are they required. Not applicable.

o. Outdoor Lighting:

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

LED cylindrical wall mount fixtures are proposed, with recessed lighting at porches. Two types of landscape fixtures are included within the package, see Plan C-3.0 for definition. **Affirmative finding.**

p. Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize, insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

A heat pump/recovery unit is proposed along the northerly elevation of the principal residence, and at the southerly elevation of the garage/ADU. Meters and mailbox locations have been identified on plan C3-0.

While on City water, there is an existing septic tank and pumping station. The applicant assures they receive city water and sewer, but there are no sewer lines running to Sunset Cliff. The City Water Engineer informed that he understands there is a private pumping station that connects to City infrastructure. The redeveloped lot will need a state wastewater permit for the construction of a detached structure with wastewater service. The applicant will need a letter of capacity from Burlington's Water Resources Division.

All new electric service must be undergrounded. **Affirmative finding as conditioned.**

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The proposed single family home is largely square in footprint; two story in massing. The scale is similar to other homes along Sunset Cliff Road and within the neighborhood.

2. Roofs and Rooflines.

The plan is a gable and eaves design, with a partial pitched shed roof at the east elevation. The garage/ADU is a 26' x 28', gable roof structure with modest dormers on the north and south. Both are proposed to have standing seam metal roofs.

3. Building Openings

Fenestration differs from elevation to elevation, with the broadest glazing along the westerly elevation facing the lake. All windows are proposed to be vinyl.

Doors are limited on the single family home to the east (street front) and west (lake front.) Both garage/ADU entries are on the north elevation. A revision has included a canopy cover to the ADU entrance. **Affirmative finding.**

(b) Protection of Important Architectural Resources:

Not applicable.

(c) Protection of Important Public Views:

Not applicable.

(d) Provide an active and inviting street edge:

The home and garage/ADU will be set back a significant amount from Sunset Cliff Road. Coupled with the proposed landscaping plan, it may be largely shielded from the street. The house has a clear identifiable principal entrance within a sheltered porch. The street front elevation includes two very large first floor windows, accompanied by a double door to a first floor bedroom, although labeled as an office. The distance from the road, a privacy fence and additional landscaping will assure a modicum of privacy.

Windows are regularly placed in bands. **Affirmative finding.**

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Siding is proposed to be Eastern white cedar (unfinished.) Roofs will be metal standing seam, windows vinyl. Deck boards will be IPE. All are acceptable for new construction. **Affirmative finding.**

(f) Reduce energy utilization:

All new construction shall 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 as conditioned.**

(g) Make advertising features complementary to the site:

No signs are included with this application. Not applicable.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (o), above.

(i) Make spaces secure and safe:

The proposed building must comply with the city's building and life safety code requirements, as defined by the building inspector.

Building entries will be illuminated. The street address, proposed to be installed on the short retaining wall near the front property line, will be visible and readily evident from the street.

Affirmative finding.

Article 8: Parking

Per Table 8.1.8-1, single family dwellings require 2 parking spaces in the Neighborhood Parking District. The ADU has no parking requirement. The integrated garage and driveway will provide all required parking for the use. **Affirmative finding.**

Section 8.1.9 Maximum On-Site Parking Spaces

The total number of off-street parking spaces provided in any parking district shall not be more than as required in Table 8.1.9-1.

Neighborhood Parking District	<i>125% of the minimum number of spaces required for the Neighborhood Parking District for any given use as required in Table 8.1.8-1.</i>
28 Sunset Cliff Road	2 parking spaces required x 1.25 = 3 parking spaces maximum

Affirmative finding.

I. Conditions of Approval

1. **At least 7 days prior to the issuance of a certificate of occupancy**, the applicant shall pay to the City Treasurer’s Office or Permitting and Inspections office impact fees as calculated by staff based on the net new square footage of the proposed development. Based on the difference between existing and gross area calculations submitted by the applicant July 9, 2021, Impact fees are:

SF of Project	1,325	
	<u>Residential</u>	
Department	Rate	Fee
Traffic	0.200	265.00
Fire	0.226	299.45
Police	0.045	59.63
Parks	0.759	1,005.68
Library	0.470	622.75
Schools	0.981	1,299.83
Total	2.681	\$ 3,552.34

2. 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.
3. Hours of construction are limited to Monday-Friday 7:00 am to 5:30 pm; Saturday construction hours are limited to interior work unless specific allowances are granted by the DRB. Construction is not permitted on Sundays.
4. The single detached dwelling and the ADU may be occupied only by a “family” as defined in Article 13 of the Comprehensive Development Ordinance.
5. New utility lines must be buried.

6. The proposed building must comply with all building and life safety code as defined by the building inspector and fire marshal.
7. The applicant shall provide written confirmation of adequate sewer and water capacity from Burlington's Water Resources Division **prior to release of the zoning permit.**
8. Redevelopment is subject to state review for the waste water infrastructure; a state waste water permit to include the ADU. It is the applicant's obligation to secure applicable state permits prior to issuance of a Certificate of Occupancy.
9. The new driveway, fence and landscaping shall observe the Clear Site Triangle. The fence shall present a finished side to the street.
10. Per NFPA Fire Code, *New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property.*
 - a. *Address numbers shall contrast with their background, and*
 - b. *Address numbers shall be Arabic numerals or alphabet letters.*
11. The ADU may not consist of more than 900 sq. ft. or 30% of the gross floor area of the principal home, whichever is greater.
12. A deed or instrument for the property shall be entered into the land records by the owner containing a reference to the permit granting the accessory unit prior to the issuance of the Certificate of Occupancy for the unit. Such reference shall identify the permit number and note that the property is subject to the permit and its terms and conditions including owner occupancy. No Certificate of Occupancy shall be issued for the unit unless the owner has recorded such a notice.
13. Discontinuance of Accessory Units: Approval of an accessory dwelling unit is contingent upon owner-occupancy of either the principal or accessory dwelling unit as a primary residence. For purposes of this section, owner-occupancy means that, after the creation of the accessory unit all individual listed on the deed for the property must reside in the principal unit or in the accessory unit. If neither the principal unit nor the accessory unit is owner-occupied as a primary residence, the approval for the accessory dwelling unit is void and the kitchen of the accessory dwelling unit must be removed within 90 days of the entirety of the property being occupied as a single unit. When an accessory unit that is the result of additional square footage and/or a new accessory structure is proposed to be removed, revised floor plans and a revised site plan shall be required to be submitted for review and approval. Furthermore, where additional square footage is added to a single family home for purposes of creating an accessory unit and the accessory unit is at any point discontinued, none of the additional square footage shall be eligible for the purposes of increasing the number of unrelated adults that may be allowed to inhabit the property.
14. Standard Permit Conditions 1-15.