

Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, GIS Manager
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Anita Wade, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin
DATE: September 6, 2016
RE: 17-0138CA; 435-441 Shelburne 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: RM Ward: 5S

Owner/Applicant: Mitchel Richardson

Request: Convert existing boarding house and duplex to a 10-unit multifamily apartment building and related site improvements.

Applicable Regulations:

Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing) and Article 10 (Subdivision)

Background Information:

The applicant is seeking approval for the proposed conversion of a duplex/boarding house to a 10-unit apartment building. Associated site work, primarily related to parking and circulation, is also included in the proposal. While the number of proposed units exceeds the 5-unit threshold for major impact review, the project qualifies for an exemption from major impact because the conversion will take place within the existing building. Inclusionary housing will be required.

This project underwent sketch plan review February 2, 2016. The Development Review Board commented that the proposal seems to be pushing the limits of what is possible onsite. Comment was also received that a dumpster should be provided rather than individual trash containers.

Previous zoning actions for this property are noted below.

- 2/2/16, Sketch plan review for conversion to 10-unit apartment building
- 6/10/15, Non-applicability of zoning permit requirement issued for partial reconstruction of structure in-kind
- 4/29/15, Non-applicability of zoning permit requirement issued for in-kind siding replacement
- 11/30/07, Approval to modify onsite parking
- 8/7/03, Approval for stair and window replacement
- 8/12/82, Approval to establish convalescent home
- 7/22/82, Denial of requested convalescent home

- 7/16/82, Approval to demolish catwalk between structures
- 10/6/81, Denial to connect two buildings on adjacent lots
- 11/11/80, Approval to install garage doors
- 11/20/73, Denial to allow canoe rental business as home occupation
- 9/5/72, Approval to a 20-child daycare center

Recommendation: Initial review and continue public hearing pending resolution of outstanding items noted in the findings below.

I. Findings

Article 4: Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(3) Residential Medium Density (RM)

The subject property is located in the RM zone. This zone is primarily intended for medium density residential development in the form of single-detached dwellings and attached multi-family apartment buildings. The proposed conversion to a 10-unit apartment building is consistent with this intent. **(Affirmative finding)**

(b) Dimensional Standards & Density

Two parcels and an adjacent vestigial alley are to be combined resulting in a 0.44 acre parcel. The proposed 10 dwelling units are within the maximum permissible 25 units/acre (with inclusionary units) allowed within the RM zone.

As proposed, standard lot coverage will total 47.9%. Per Table 9.1.13-2, *Lot Coverage Allowance Table*, (for provision of inclusionary housing) 48% lot coverage is allowed within the RM zone. There will be an additional 8.8% “accessory” coverage as allowed under Sec. 4.4.5 (d) 3 for walkways, patios, and the like.

Except for the removal and installation of some small accessory components, building setbacks will remain unchanged. Some existing encroachment of the driveway in the vestigial alley will remain. Other encroachment appears to be reduced. The proposed parking area will comply with the minimum required 5’ side yard setback. It will be about 10’ from the north side yard. It is set back 13’ from the Lyman Avenue front property boundary. This setback is the average of the two neighboring properties to the west, +/- 5. In this case, the average is about 16.’ The 13’ setback proposed is within the +/- 5’ allowed. As a corner lot, there is no rear yard.

Building height will remain unchanged. **(Affirmative finding)**

(c) Permitted & Conditional Uses

The proposed multi-family housing is a permitted use in the RM zone. **(Affirmative finding)**

(d) District Specific Regulations

1. Setbacks

No setback encroachment is sought under this criterion.

2. Height

No height exceptions are sought.

3. Lot Coverage

As noted above, 8.8% of the total lot coverage consists of accessory features like open porches and walkways. This 8.8% is within the 10% afforded to such features. **(Affirmative finding)**

4. Accessory Residential Structures and Uses

No new accessory residential structures or uses are included in this proposal.

5. Residential Density

All of the proposed residential units are subject an occupancy limit of 4 unrelated adults or a family as defined in the CDO. **(Affirmative finding if conditioned)**

6. Uses

Not applicable.

7. Residential Development Bonuses

None are sought except for by-right bonuses associated with required inclusionary housing.

Article 5: Citywide General Regulations

Sec. 5.2.3, Lot Coverage Requirements

See Sec. 4.4.5 (b) above.

Sec. 5.2.4, Buildable Area Calculation

Not applicable.

Sec. 5.2.5, Setbacks

See Sec. 4.4.5 (b) above.

Sec. 5.2.6, Building Height Limits

See Sec. 4.4.5 (b) above.

Sec. 5.2.7, Density and Intensity of Development Calculations

See Sec. 4.5.5 (b) above.

Sec. 5.5.1, Nuisance Regulations

Nothing in the proposal appears to constitute a nuisance under this criterion. **(Affirmative finding)**

Sec. 5.5.2, Outdoor Lighting

A photometric plan and associated lighting fixture cut sheets have been provided. Illumination levels are acceptable for all environments – walkways, entries, and the under-building parking. No lighting of the surface parking is proposed, although, adjacent walkways will be illuminated. Proposed light fixtures are acceptable and include cutoff and/or low level illumination fixtures. **(Affirmative finding)**

Sec. 5.5.3, Stormwater and Erosion Control

The proposed stormwater management plan emphasizes infiltration. Two underground infiltration chambers and a rain garden are proposed. Captured stormwater will be directed into these

facilities for onsite filtration. Where overflow stormwater goes is unclear and must be noted. The proposed stormwater management plan is subject to review and approval by the Stormwater Administrator. **(Affirmative finding as conditioned)**

Article 6: Development Review Standards:

Part 1: Land Division Design Standards

Sec. 6.1.2 Review Standards

No subdivision is proposed. A merger of existing parcels is proposed. See Article 10 below.

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

(a) Protection of important natural features

The site contains no significant natural areas as identified in the Open Space Protection Plan. It appears that all but one of the existing trees will be retained. **(Affirmative finding)**

(b) Topographical alterations

The property is essentially flat and will remain so. The only grading work of note is associated with the proposed ramps for handicap access into the residence. Existing under-building parking spaces along the building's Lyman Avenue frontage will be retained. **(Affirmative finding)**

(c) Protection of important public views

There are no significant public views from or through the subject property. **(Affirmative finding)**

(d) Protection of important cultural resources

The building is not included on an historic register, nor is it eligible for inclusion. The proposed conversion to multi-family housing will have no adverse impact on historic or cultural resources. **(Affirmative finding)**

(e) Supporting the use of alternative energy

Nothing within the project plans contemplate utilization of alternative energy resources. Present energy efficiency codes of the city and state will apply to the renovations. **(Affirmative finding if conditioned)**

(f) Brownfield sites

The site is not included on the Vermont DEC Hazardous Site List. **(Affirmative finding)**

(g) Provide for nature's events

See Sec. 5.5.3 for stormwater management. Space is available on either side of the parking spaces for seasonal snow storage. **(Affirmative finding)**

(h) Building location and orientation

Existing building location and orientation will not change. The L-shaped building is set to the street corner and has entries facing Shelburne Street and Lyman Avenue. **(Affirmative finding)**

(i) Vehicular access

Vehicular access from Lyman Avenue will be retained, but parking will be reconfigured and formalized as noted in criterion (l) below. **(Affirmative finding)**

(j) Pedestrian access

Walkways will connect the front entries to the public sidewalks. New walkways behind the building will provide access into the building from the parking area. As recommended at sketch plan review, a walkway will provide a connection between the parking area and these interior walkways and associated ramps leading into the building. **(Affirmative finding)**

(k) Accessibility for the handicapped

ADA parking and related ramps are depicted on the site plan. It is the applicant's responsibility to comply with all applicable ADA requirements as administered through the building code.

(Affirmative finding if conditioned)

(l) Parking and circulation

The reconfigured parking area will be located behind the building as perceived from Shelburne Street and to the side of the building as perceived from Lyman Avenue. New landscaping will be installed to screen the parking from Lyman Avenue. See Article 8 for dimensional details as to parking spaces and circulation. **(Affirmative finding)**

(m) Landscaping and fences

A detailed landscaping plan has been provided. New landscaping will accentuate the central front entry facing Shelburne Street and enhance the grounds generally. As noted above, landscaping will be installed to screen the surface parking from Lyman Avenue and to provide a border along the access drive. The proposed rain garden will also be vegetated with a variety of wet-tolerant species. **(Affirmative finding)**

(n) Public plazas and open space

No public plazas or open space are included in this proposal.

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

No new outdoor mechanical equipment is apparent in the site plan. No dumpster is depicted on the project plans. There is a trash enclosure area tucked behind the building. The project plans note that it is "below." Below what is unclear. Is it below grade, below a ramp or porch? In any event, its location precludes access by a trash truck. How waste and recycling will be handled remains unclear. Any new utility lines must be buried. **(No finding possible)**

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

Massing, height, and scale of the building remain essentially unchanged. Proposed cladding changes and differentiation among materials reduces perceived mass of the overall building.

(Affirmative finding)

2. Roofs and Rooflines

The gable roofs of the two original structures remain essentially unchanged. The middle connecting structure will receive a new flat roof. This alteration further serves to reduce the overall perceived mass of the building. **(Affirmative finding)**

3. Building Openings

Windows will be replaced throughout the building. A number of additional windows will be installed too. The resultant fenestration pattern is consistent and appropriate for a residential structure. **(Affirmative finding)**

(b) Protection of important architectural resources

The subject building is not historically significant, nor is it eligible for listing on an historic register. Alterations to it have no adverse effect on Burlington's diversity of historic resources. **(Affirmative finding)**

(c) Protection of important public views

See 6.2.2 (c) above.

(d) Provide an active and inviting street edge

The building's street presence along Shelburne Street will be strengthened with the introduction of two additional entries, including a well-defined central entry. New landscaping and walkways will enhance the connectivity between the residence and the street. A secondary entrance will continue to face Lyman Avenue along with an associated walkway and patio area. **(Affirmative finding)**

(e) Quality of materials

Rather than replace exterior siding in-kind as previously approved, new composite wooden clapboard siding will be installed in sections of 4" and 8" reveal on the two original structures. The connecting structure will be clad mostly in ribbed metal siding. Vinyl windows will be installed throughout. Composite decking is proposed on the porches and exterior stairs. Ramps will be wooden with steel cable and rail systems. Asphalt shingle roofing will be installed on the gable roofs with membrane on the flat roof portion. These materials are of acceptable quality. **(Affirmative finding)**

(f) Reduce energy utilization

Few energy details are included in the application plans. The new building must comply with the current energy efficiency requirements of the city and state. **(Affirmative finding as conditioned)**

(g) Make advertising features complimentary to the site

Not applicable.

(h) Integrate infrastructure into the building design

No exterior mechanical equipment, rooftop or otherwise, is evident in the project plans. Mailboxes are not depicted. For a 10-unit apartment building, an area must be set aside for collection of mail and depicted on the project plans. **(Affirmative finding as conditioned)**

(i) Make spaces safe and secure

The project underwent technical review on April 14, 2016. The fire marshal provided written comment to the applicants based on that review. Building accessibility by emergency service vehicles appears to be adequate. **(Affirmative finding)**

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The subject property is located in the neighborhood parking district. As a result, each of the 10 dwelling units requires 2 parking spaces – a total of 20 parking spaces in this case. As proposed, 10 parking spaces will be provided for the residences. A 10-space parking waiver is sought. The required parking management plan has been provided. See Sec. 8.1.15 below relative to the merits of the parking management plan. **(Affirmative finding)**

Sec. 8.1.9, Maximum Parking Spaces

This section limits surface parking to 125% of the Neighborhood Parking District minimum parking requirement. As noted above, 20 spaces are required, and 10 are proposed. As a 50% parking waiver is sought, parking is obviously nowhere near the maximum parking limitation. **(Affirmative finding)**

Sec. 8.1.10, Off-Street Loading Requirements

Not applicable.

Sec. 8.1.11, Parking Dimensional Requirements

The two parking spaces under the building are compliant with the standard 9' X 20' size. These two spaces exist presently and back up into Lyman Avenue. The 8 surface parking spaces measure 9' X 18.' These spaces are acceptable under the compact car standards of Table 8.1.11-1, *Minimum Parking Dimensions*. Back-up length is just 17'. This distance is 3' shy of the 20' distance noted in Table 8.1.11-1. Space is very tight. The applicant needs to demonstrate that the geometry can work for vehicles to get in and out of these spaces and onto Lyman Avenue. Nothing in the application makes this demonstration. Only half of the standard parking requirement is proposed. Proof is needed that the spaces provided will function adequately. **(No finding possible)**

Sec. 8.1.12, Limitations, Location, Use of Facilities

(a) Offsite parking facilities

(Not applicable)

(b) Downtown street level setback

(Not applicable)

(c) Front yard parking restricted

As noted in Sec. 4.4.5 (b), proposed parking is set behind the front yard setback.

(Affirmative finding)

(d) Shared parking in the Neighborhood Parking Districts

(Not applicable)

(e) Single story structures in Shared Use Districts

(Not applicable)

(f) *Joint use of facilities*
(Not applicable)

(g) *Availability of facilities*
None of the proposed parking will be used for the storage or display of vehicles or materials by offsite users. Parking will be for residents only. **(Affirmative finding)**

(h) *Compact car parking*
As noted above, 8 of the parking spaces qualify as “compact.” The 15% limitation associated with this criterion applies only to structured parking. **(Affirmative finding)**

Sec. 8.1.13, Parking for Disabled Persons

The site plans depict one handicap parking space in close proximity to a walkway connecting to a building entrance. Associated striping is also shown. ADA compliance is administered via the city’s building permit process. **(Affirmative finding if conditioned)**

Sec. 8.1.14, Stacked and Tandem Parking Restrictions
(Not applicable)

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

The applicant is seeking a 50% parking waiver for the residences. This percentage is the maximum possible. A parking management plan has been provided.

The project contains eight 1-bedroom and studio apartments, one 2-bedroom apartment, and one 3-bedroom apartment. It is located on very close proximity to active CCTA bus stops with local and regional service. The property is walkable to the Price Chopper and Shaw’s strip malls – both about ¼ mile away. There is a CarShare Vermont pod about ½ mile away on Flynn Avenue. As required, onsite bike parking for residents will be provided.

The parking management plan asserts that the property’s location will reduce dependence on personal vehicles and associated parking demands. It states that CarShare membership will be included in the rental agreement for each apartment. There is, however, no documentation from CarShare Vermont acknowledging this proposed arrangement. The ½ mile distance to the nearest pod limits the convenience of this alternative. Bus service is more proximate, but there is no provision of bus passes for tenants. The parking management plan posits that anticipated demographics of residents suggests lower than average vehicle ownership and cites a Champlain Housing Trust tenant vehicle ownership rate of 0.7 vehicles per unit and a national statistic of just under 1 vehicle for every American. How these two statistics relate to the anticipated tenants of the proposed development is unclear. There is no separation between provision of onsite parking and apartment leases. It is unclear how parking spaces will be allocated to the apartments.

The project’s close proximity to nearby shopping and active bus routes along with the majority of 1-bedroom or studio units are most likely to reduce vehicle ownership below the 2 spaces per unit standard. However, it is important to note that the applicant is seeking the maximum possible waiver. The parking management plan may well reduce actual parking demand below 2 spaces per apartment. It falls short, however, of convincingly demonstrating that actual parking demand will be cut in half, particularly in light of the 2-bedroom and 3-bedroom apartments. In the event that the Development Review Board finds the parking management plan acceptable, the applicant

should be prepared to report to the Department of Planning and Zoning actual parking demand numbers each year for 3 years from the date of approval. **(No finding possible)**

Sec. 8.2.5, Bicycle Parking Requirements

The 10 apartments will require at least 2 long term bike parking spaces (such as lockers) and 1 short term space. As proposed, each unit will be provided with 1 long term and 1 short term space. **(Affirmative finding)**

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.5, Applicability

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Fifteen percent of the total unit count must be inclusionary (15% of 10 is 2 dwelling units) in this zone. The project plans note that two of the units will be inclusionary. A certificate of compliance from the manager of the city's Housing Trust Fund is required. **(Affirmative finding if conditioned)**

Article 10: Subdivision

Sec. 10.1.5, Lot Line Adjustments

Merger to two adjacent lots and a vestigial alley is included in this proposal. Merger is handled by way of lot line adjustment. Per subsection (a) of this criterion, the required lot line adjustment plat has not been provided. Approval cannot be granted without it. **(No finding possible)**

II. Conditions of Approval

None offered at this time.