



## Staff Report

**To:** Development Review Board  
**From:** Regina Mahony  
**Date:** 12/15/2022  
**Subject:** 161 Pearl Street – Sketch plan review for proposed 18-unit multi-family dwelling

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### EXISTING CONDITIONS AND GENERAL INFORMATION

**Project Location:** 161 Pearl Street (including a portion of 159 Pearl Street)

**Project Area Size:** 14,047 sf (0.32 acres)

**Lot Frontage:** 67 feet

**Existing Land Use:** Residential

**Surrounding Land Use:** Commercial

**Zoning District:** Highway-Arterial

**Minimum Lot Size:** 10,000 sf (0.23 acres)

**Existing Lot Coverage:** 33.2%

**Permitted Lot Coverage:** 48.9%

**Project Description:** Removal of the existing commercial building and construction of a proposed 18-unit multi-family residential building. The proposed building will have entrances on the front and rear of the building. A proposed 5 space parking area is proposed in front of the building accessed from Pearl Street. In addition, the applicant is proposing 18 shared parking spaces in the rear portion of the existing parking area for 159 Pearl Street.

### Section 605: Highway-Arterial District (HA)

A. Purpose.

The proposed project provides residential housing, which is consistent with the purpose of the HA district.

B. Density/Lot Coverage.

The existing lot size of 14,047 sf exceeds the minimum lot size of 10,000 sf.

The maximum allowable density is determined by the ability to meet the LDC standards including but not limited to parking, setbacks, coverage, and building height. See below for further discussion regarding these standards.

The maximum lot coverage allowed is 65% but may be increased to 80% with a waiver. The proposed lot coverage is 48.9%.

C. Setback Requirements.

The minimum front, side, and rear setbacks are 20 feet, 10 feet, and 10 feet respectively.

Section 703.K.7 requires parking spaces to meet the setback requirements of the zoning district in which they are located. **One proposed parking space in the front parking area is located partially in the side setback.**

D. Permitted and Conditional Uses.

A multi-family dwelling is a permitted use in the HA district.

E. Parking Requirements.

Section 703 requires 2 parking spaces per dwelling unit plus 1 guest parking space for each 10 units. The LDC requires a total of 38 parking spaces for this proposed 18-unit multi-family dwelling.

The applicant is requesting a waiver to allow 18 shared spaces in the rear of the building, to be shared with 159 Pearl Street, and 5 spaces located in the front parking area: for a total of 23 parking spaces.

**The applicant should submit appropriate data in support of this waiver request based on a similar type of building use.**

F. Building Height.

The LDC defines "building height" as *"the vertical distance from the average finished grade elevation to the highest point of a parapet surrounding a flat roof, the mean height between eave and the highest ridge lines of a pitched roof or the highest point of a roof of any other shape (Mansard, Gambrel, Etc), excluding chimneys and decorative cupolas, provided that they do not extend more than five feet above the highest point of the rest of the structure."*

In the HA district, the maximum building height is 4 stories or 58 feet, whichever is less.

The proposed building presents as 4 stories in the front and 5 stories in the rear including the basement floor. In order to confirm compliance with the building height requirements, one must consider the definition of a "story" in the LDC. The LDC defines a "story" as *"a portion of a building between an upper surface of a floor and the upper surface of the floor above, or if there is no floor*

*above it, the space between such floor and ceiling above it. A basement shall be considered as a story when the distance from grade to the finished surface of the floor above the basement is more than six (6) feet for more than 50 percent of the perimeter or more than twelve (12) feet at any point.”*

The site plan submitted presents proposed grading in the form of contours along the perimeter of the proposed building. Based on this plan, it appears that the basement level is exposed more than 6 feet for approximately 33.8% of the building perimeter; and thus, the basement level does not meet the definition of a story per the LDC. The proposed building is 4 stories per the LDC based on the site plan submitted.

In a subsequent submission via email on 10/26/2022, the applicant provided a building elevation view depicting a proposed retaining wall along approximately 53% of the length of the sides of the building. Based on this elevation view and in consideration of the retaining wall as shown, it appears that the basement level is exposed for more than 6 feet for approximately 49.7% of the building perimeter; and thus, the basement level does not meet the definition of a story per the LDC with the retaining wall proposal. The proposed building is 4 stories per the LDC based on the elevation view with the retaining wall.

In addition to the number of stories, the proposed building height in feet must also be considered. Based on the proposed grading shown on the site plan, it appears that the vertical distance from the average finished grade to the mean height between the eave and highest peak is approximately 56.5 feet. Based on the elevation view with the retaining wall, it appears that the vertical distance from the average finished grade to the mean height between the eave and highest peak is approximately 53.2'. Both of these vertical distances are less than the allowed 58 feet.

**The applicant should confirm whether a retaining wall is proposed along the sides of the building and if so, it shall be shown on the site plan with associated details provided.**

### **Section 703: Parking and Loading**

#### **C. Off-Street Parking Requirements.**

Per the LDC requirements, proposed parking spaces are a minimum of 9 feet wide and 18 feet long with a minimum 24-foot-wide aisle to allow for two-way travel.

Refer to Section 605.E above regarding the proposed number of parking spaces and the requested waiver request.

#### **K. Other Parking Standards and Applicability**

##### **1. Location.**

The LDC requires that *“All parking lots shall be located on the lot for which the parking requirement was generated unless specific alternatives are approved by the Commission. The Commission may waive the required number of off-street spaces for a proposed development only if sufficient alternative parking is available or if a waiver is granted in accordance with Section 703.K.15.”* **See item 15 below.**

3. Surfacing

Per the LDC requirements, all proposed parking areas will have a paved surface.

4. Drainage

The LDC requires that *“All parking lots shall be designed to minimum stormwater run-off on adjacent properties and in no case shall the stormwater flow be allowed to increase. To the extent possible, run-off shall be contained on the lot. All drainage facilities shall be constructed in accord with Public Works Specifications contained in Appendix A of this Code. Drainage calculations shall be completed for a base twenty five (25) year storm. Unless specifically approved otherwise, or contained upon the lot, all facilities shall be connected to the Village stormwater system.”*

**The applicant should provide proposed grading for the parking area in front of the proposed building to confirm the proposed drainage pattern and compliance with the LDC requirements.**

**The applicant should provide appropriate drainage calculations per the LDC.**

5. Accessible Provisions

The project includes one additional proposed accessible space in the rear parking area. **The applicant should provide confirmation that the grading in the area of this proposed accessible parking space meets the requirements of the Americans with Disabilities Act.**

**The applicant should provide confirmation that the total minimum number of accessible parking spaces required by the LDC for both 159 and 161 Pearl Street are provided.**

7. Setbacks

The LDC requires that *“All parking spaces shall meet the setback standards for the District in which it is located.”*

**One of the proposed parking spaces in the front parking area is partially located in the side setback area.**

8. Screening

The Site Plan depicts proposed landscaping around the front parking area. **The proposed landscaping should be reviewed by the DRB for compliance with Section 708 of the LDC, see below.**

9. Landscaping

The Site Plan depicts proposed landscaping around the front parking area. **The proposed landscaping should be reviewed by the DRB for compliance with Section 719 of the LDC, see below.**

10. Pedestrian Access

The Site Plan depicts a proposed sidewalk extending from the rear parking area to the rear entrance of the proposed building.

There is no sidewalk connection depicted on the Site Plan from the proposed front parking area to the front entrance of the building. **A sidewalk should be provided from the front parking area extending to the front entrance of the building.**

11. Bicycle Access

The LDC requires *“Any parking lot which is required to have fifteen (15) or more parking spaces shall provide bicycle racks at a location convenient to the main entrance to the business. The Commission may waive this requirement if in their judgment the business will not generate bicycle traffic.”*

**Staff recommends that bike racks be provided at both the front and rear entrances to the proposed building.**

12. Striping

All existing and proposed parking spaces are hard-surfaced and clearly striped to meet the parking dimensional requirements of Section 703 of the LDC.

13. Traffic Control Signs

The Site Plan depicts a *“access easement to benefit 161 Pearl St”* at the western access to 159 Pearl Street. This is currently an exit only.

The Site Plan maintains the western-most access drive for 161 Pearl Street and shows it as approximately 14 feet in width. It is unclear whether this is intended to be an entrance or exit only, or a two-way access. With a proposed width of 14 feet, it cannot serve as a two-way access unless the width is increased to 24 feet.

**The applicant shall clarify the intended traffic circulation pattern for the front parking area. Appropriate signing and/or striping shall be provided as necessary.**

14. Lighting

The LDC requires that *“Lighting shall be provided in all parking lots and related walkways as specified in Section 704 of this Code.”*

**Lighting shall be provided for the front parking area for 161 Pearl Street and the rear portion, at a minimum, of the existing parking area for 159 Pearl Street. See Section 704 below.**

15. Joint Parking Facilities

The LDC requires that *“Joint parking arrangements may be approved by the Commission, provided that the applicant has submitted legal documentation to guarantee continued long-term availability of said parking.”*

**Appropriate legal documentation should be provided to guarantee continued long-term availability of the shared parking at 159 Pearl Street.** This should include access rights over 159 Pearl Street to reach the shared parking.

The application included an analysis of parking requirements for the uses in the existing building at 159 Pearl Street that showed 54 required spaces. **The applicant should provide confirmation that the building uses in the calculations represent full occupancy of the existing building.**

16. Waivers

**The DRB should consider this section and the standards contained therein prior to granting a parking waiver for this project, specifically items (a), (b), (c), (e), (f), and (g).**

**Section 704: Lighting**

**Given the residential use and the shared parking arrangement proposed, staff recommends that lighting be provided in accordance with Section 704.D.1 for the front parking area for 161 Pearl Street and the rear portion, at a minimum, of the existing parking area for 159 Pearl Street.** In addition to the locations and specifications for proposed lighting, a numerical grid of illumination levels throughout the access drive, parking, and walk areas should be provided; with appropriate lighting statistics presented as well.

**Section 705: Curb Cut and Access to Public Streets**

The project proposes to remove the eastern-most curb cut for 161 Pearl Street, with the western-most curb cut to remain.

**The applicant shall clarify the intended traffic circulation pattern for the front parking area.**

The LDC requires curb cuts to be 25' from the property line. **Given the curb cut locations are existing, staff recommends the DRB grant an exception with regard to curb cut location in this instance per Section 705.D.7.**

**Section 706: Accessory Uses and Structures**

J. Dumpsters or Other Trash Containers

Dumpsters are proposed to be located in the corner of the rear parking area and will be placed on a concrete pad enclosed with chain link fence with screening slats on the gate and cedar fence pickets on the sides and rear.

**Dumpsters will be required to be covered and drainage plugs installed at all times. Covers shall be opened only for depositing refuse and/or emptying of the dumpster.**

**Section 707: Fences**

No fences are proposed except around the dumpster pad.

**Section 708: Screening/Buffering**

The DRB should review proposed landscaping and existing vegetation to remain to confirm that adequate screening/buffering is provided between the proposed residential use and adjacent commercial uses.

**Section 713: Storm Water Management**

Appropriate drainage computations shall be provided demonstrating that the proposed project will maintain pre-development hydrology.

Proper erosion prevention and sediment control measures shall be provided in the area of the proposed footing drain pipe and outfall to prevent erosion and stabilize the slope during and after construction.

**Section 714: Sign Standards**

The Site Plan does not depict a proposed sign for the project. If a sign is proposed, it should be depicted on the Site Plan with a detail provided.

**Section 718: Performance Standards**

G. Visual Impact

**The DRB should evaluate the proposed building's relationship to the site and adjoining areas, building design, architecture, and finishes to ensure compliance with Section 718.G.**

**Section 719: Landscape and Tree Planting Requirements**

The LDC requires that a *"landscape plan must be drawn by a landscape architect, landscape designer, or competent landscape professional, and the landscaping requirement will be a minimum of three (3) percent of the total construction cost for new construction up to \$250,000. For new construction projects above \$250,000, the landscape requirement shall be a minimum of two (2) percent of the total*

*construction cost. In the case of construction projects above \$1,000,000, a landscape architect, licensed by the State of Vermont's Office of Professional Regulation, will be required to prepare a landscape plan."*

**The application document presents a landscape cost of \$45,120, while the Landscaping Plan and Estimated Landscaping Costs document submitted in support of the application present the landscape cost as \$19,845. The applicant should provide clarification to resolve this conflicting information.**

**The applicant should provide information on the total estimated construction cost for the project in order to determine the landscape requirements per the LDC.**

**The applicant should provide confirmation that the landscape plan was prepared by a "landscape architect, landscape designer, or competent landscape professional, or by a licensed landscape architect if the project cost exceeds \$1,000,000.**

### **Staff Comments**

Staff comments from the Public Works Department and City Engineer are summarized in the attached letter dated October 21, 2022.

### **Recommendations**

Staff recommends the DRB approve the conceptual plan pending a DRB determination that the LDC standards are met with regard to the following:

- Section 703.K.16. The DRB should consider this section and the standards contained therein prior to granting a parking waiver for this project, specifically items (a), (b), (c), (e), (f), and (g).
- Section 705. Given the curb cut locations are existing, staff recommends the DRB grant an exception with regard to curb cut location in this instance per Section 705.D.7.
- Section 708. The DRB should review proposed landscaping and existing vegetation to remain to confirm that adequate screening/buffering is provided between the proposed residential use and adjacent commercial uses.
- Section 718.G. The DRB should determine if they have enough information to evaluate the proposed building's relationship to the site and adjoining areas, building design, architecture, and finishes to ensure compliance with Section 718.G. The DRB may conduct a site visit.
- Section 719. The DRB should review proposed landscaping to ensure protection of and enhance the quality of the project and adjacent properties.

### **Proposed Stipulations**

- 1) All staff comments are addressed to the satisfaction of staff and the DRB.
- 2) The plans be revised such that no proposed parking spaces in the front parking area on 161 Pearl Street are located within the setbacks.
- 3) Appropriate data is submitted in support of the parking waiver request based on a similar type of building use.



- 4) The applicant should provide confirmation that the building uses in the parking calculations for 159 Pearl Street represent full occupancy of the existing building.
- 5) The applicant should confirm whether a retaining wall is proposed along the sides of the building and if so, it shall be shown on the site plan with associated details provided.
- 6) Proposed grading should be provided for the parking area in front of the proposed building to confirm the proposed drainage pattern and compliance with the LDC.
- 7) Appropriate drainage calculations per the LDC should be provided.
- 8) The applicant should provide confirmation that the grading in the area of this proposed accessible parking space meets the requirements of the Americans with Disabilities Act.
- 9) The applicant should provide confirmation that the total minimum number of accessible parking spaces required by the LDC for both 159 and 161 Pearl Street are provided.
- 10) A sidewalk should be provided from the front parking area extending to the front entrance of the building.
- 11) Bike racks should be provided at both the front and rear entrances to the proposed building.
- 12) The applicant shall clarify the intended traffic circulation pattern for the front parking area. Appropriate signing and/or striping shall be provided as necessary.
- 13) Appropriate legal documentation should be provided to guarantee continued long-term availability of the shared parking at 159 Pearl Street.
- 14) Lighting shall be provided in accordance with Section 704.D.1 for the front parking area for 161 Pearl Street and the rear portion, at a minimum, of the existing parking area for 159 Pearl Street.
- 15) Dumpsters will be required to be covered and drainage plugs installed at all times. Covers shall be opened only for depositing refuse and/or emptying of the dumpster.
- 16) The plans should be revised to depict proper erosion prevention and sediment control measures in the area of the proposed footing drain pipe and outfall to prevent erosion and stabilize the slope during and after construction.
- 17) The application document presents a landscape cost of \$45,120, while the Landscaping Plan and Estimated Landscaping Costs document submitted in support of the application present the landscape cost as \$19,845. The applicant should provide clarification to resolve this conflicting information.
- 18) The applicant should provide information on the total estimated construction cost for the project in order to determine the landscape requirements per the LDC.
- 19) The applicant should provide confirmation that the landscape plan was prepared by a "landscape architect, landscape designer, or competent landscape professional, or by a licensed landscape architect if the project cost exceeds \$1,000,000.