

Department of Permitting & Inspections

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MEMORANDUM

TO: Development Review Board
FROM: Ryan Morrison, Associate Planner
DATE: December 15, 2020
RE: 21-0462CA; 57 South Williams Street

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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: RH Ward: 1E

Owner/Applicant: Vermont Organization for Jewish Education Lubavitch / Rabbi Yitzchok Raskin

Request: Re-application for a two-level addition of approximately 5,600 sf (3,074 sf footprint) to the west side of the existing building, to provide a new worship sanctuary on the upper level, with supporting spaces on the lower level, with new off-street parking, landscaping, and erosion prevention. Project also proposes a parking waiver.

Applicable Regulations:

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking)

Background Information:

The applicant is requesting re-approval of a previously approved, but expired, zoning permit (ZP17-0455CA) for a two-level building addition to the existing Chabad Jewish Community Center, with associated off-street parking, landscaping, and erosion prevention. ZP17-0455CA was approved by the DRB on December 15, 2016, and no changes to that permit are proposed. The supporting facilities on the lower level will include a library room, a small chapel, and offices. Washrooms will be included on both levels and be handicap accessible.

The projected occupancy of the new addition is to be 100 occupants, with moveable seating and tables. 25 additional parking spaces will be added to the existing parking lot. Included among the existing uses are 8 residential units.

The existing building, constructed in 1884, is listed in both the State and National Register of Historic Places. It is listed as a contributing resource in the Main Street – College Street Historic District (National Register).

The Design Advisory Board reviewed this application on November 9, 2016 and unanimously recommended the following:

1. The mechanical unit on the north side of the addition be indicated on the site plan, and that it be adequately screened with existing or proposed landscaping or screening; and
2. That approval be given to share parking off-site on neighboring property(s) in order to increase green space on-site.

Previous zoning actions for this property are noted below.

- **Zoning Permit 91-407;** Installation of sorority letters as signage on front façade of structure. Letters to measure 3'x6' overall. To be placed no higher than 12' above grade or the ceiling of the first floor, whichever is less. Approved June 5, 1991.
- **Zoning Permit 94-219;** Change of use from a 44 bed sorority to a membership club/church house. No exterior changes or signage included in this proposal. Approved November 9, 1993.
- **Zoning Permit 96-019;** Installation of a non-illuminated parallel sign, measuring 2.5H x 5.5L, for the existing fraternity. Approved July 18, 1995.
- **Zoning Permit 97-598;** Construction of a rear addition behind the rehabilitated former fraternity for a total of 26 residential units. Approved July 10, 1997.
- **Zoning Permit 97-071MA;** Review under Major Impact Development and Inclusionary Housing for a residential project consisting of 26 units. Approved June 16, 1997.
- **Zoning Permit 99-008CU;** Conditional use to convert an existing non-conforming use into a dormitory. Approved November 16, 1998.
- **Zoning Permit 99-046;** Conversion of the existing fraternity into a dormitory with a religious component. Proposal includes renovations to the existing structure. Any additions to the structure are under a separate permit. Approved July 23, 1998.
- **Zoning Permit 99-008A-CU;** Amend conditions of approval of November 2, 1998 to allow for an expanded parking area for the approved uses. Approved September 11, 2000.
- **Zoning Permit 00-656;** Amend previously approved phase 1 site plan to include construction of a handicapped access ramp on the south side of the existing dormitory with a religious component. Approved June 27, 2000.
- **Zoning Permit 09-573CA;** Rebuild entry railing, steps and porch floor, to amend previous permit. Approved June 4, 2009.
- **Non-Applicability of Zoning Permit 10-0298NA;** Interior work, no change of use. Approved September 23, 2009.
- **Zoning Permit 10-0306CA;** Replace existing sidewalk and railings, add lighting. Approved October 21, 2009.
- **Zoning Permit 10-1016CA;** Convert some dorm space to an apartment. Also install dryer and hood vents on outside wall. No site changes proposed. Approved June 11, 2010.
- **Non-Applicability of Zoning Permit 13-0931NA;** Addition of three bathrooms, interior work only. Approved April 11, 2013.
- **Zoning Permit 17-0455CA;** Two level addition, new off-street parking, landscaping and erosion prevention. Approved December 15, 2016 (subject of this re-application)
- **Zoning Permit 20-0136CA;** Addition of deck, new door, revisions to previously approved window fenestration. Approved August 26, 2019.
- **Zoning Permit 21-0255CA;** Ramp and deck alteration. Approved September 11, 2020.
- **Zoning Permit 21-0424CA;** Temporary tent. Approved November 6, 2020.

Recommendation: Consent Approval as per, and subject to, 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 new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Section 3.3.4.

Impact fees were assessed during the first review, but were not paid. Impact fees apply to this permit. From information submitted by the applicant, the following draft calculation is offered:

| | | |
|----------------------|-----------------------------------|--------------------|
| SF of Project | 5,644 | |
| | | |
| | <u>Offices & Other</u> | |
| Department | Rate | Fee |
| Traffic | 0.690 | 3,894.36 |
| Fire | 0.203 | 1,145.73 |
| Police | 0.358 | 2,020.55 |
| Parks | 0.428 | 2,415.63 |
| Library | 0.000 | 0.00 |
| Schools | 0.000 | 0.00 |
| Total | 1.679 | \$ 9,476.27 |

Section 3.3.8 Time and Place of Payment

(b) Existing Buildings: *Impact fees must be paid... if a building permit is required, within thirty (30) days of issuance of the building permit. **Affirmative finding as conditioned.***

Article 4: Zoning Maps & Districts

Sec. 4.4.5, Residential Districts:

(a) Purpose

(5) Residential High Density (RH)

The Residential High Density (RH) district is intended primarily for high density attached multi-family residential development. Development is intended to be intense with high lot coverage, large buildings, and buildings located close together. Parking is intended to be hidden either behind or underneath structures.

The subject property is located in the RH zone. A ‘Place of Worship’ in the RH zone is listed as a permitted use in Appendix A – Use Table – All Zoning Districts. **Affirmative finding.**

(b) Dimensional Standards and Density

The density and intensity of development, dimensions of building lots, the height of buildings and their setbacks from property boundary lines, and the limits on lot coverage shall be governed by the following standards:

Table 4.4.5-1 Minimum Lot Size and Frontage: RL, RL-W, RM and RM-W

Footnote 2: *There are no minimum lot size or frontage requirements in the RH District.*

Not applicable.

Table 4.4.5-2 Base Residential Density

High Density: RH 40 units/acre

59,626 / 43,560 (acre) = 1.368 acres.

8 units / 1.368 = 5.85 units per acre; well below the 40 unit/acre requirement. See additional non-residential density equivalent application in Sec. 5.2.7 below. **Affirmative finding.**

Table 4.4.5-3 Residential District Dimensional Standards

Maximum Lot Coverage – 80%

Setbacks: Front – Average of 2 adjacent lots on both sides +/- 5 feet; Side – 10% of lot width or ave. of side yard setback of 2 adjacent lots on both sides, maximum of 20’; Rear – 25% of lot depth but in no event less than 20’, maximum of 75’.

Maximum Height – 35 feet

The finished project will result in 38.9% in total lot coverage. No change to the front setback is proposed. The 143’ wide lot results in a minimum side yard setback requirement of 14.3’. The smallest side yard setback for both the existing building and proposed addition is 24’. The 372’ deep lot results in a minimum rear yard setback of 93’; however it will be the maximum setback requirement of 75’ that will apply. The addition will be setback approximately 176’ from the rear property line. Maximum building height of the addition will be 28’ 3 ½”. **Affirmative finding.**

(c) Permitted & Conditional Uses

‘Place of Worship’ is listed as a permitted use in the RH zoning district. **Affirmative finding.**

(d) District Specific Regulations

Not applicable.

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

(a) Dwelling Units per Acre

In accordance with the district-specific provisions of Article 4, the calculation of density shall be measured as follows in such cases where the density is measured on a dwelling unit per acre basis:

1. *Density Calculation: The total number of dwelling units provided on a lot or lots, or portion of the lot(s) where split by a zoning district boundary, shall be divided by the net area expressed in acres calculated to the nearest fractional tenth (i.e. to a single decimal point). The net area of the lot(s) shall account for buildable area where applicable (see Sec. 5.2.4). In calculating the number of dwelling units permitted, fractional units of less than five-tenths (0.5) shall be rounded down to the nearest whole number and fractional units of five-tenths (0.5) or greater shall be rounded up to the nearest whole number. Any rounding of fractional units shall be limited to a single final calculation.*

For purposes of the 8 residential units, see Sec. 4.4.5 (b) above.

2. *Density Equivalent, Nonresidential Uses: For purposes of density calculations, each one thousand, five hundred (1,500) square feet of nonresidential gross floor area shall be counted as one dwelling unit.*

With approximately 13,750 sf of nonresidential floor area, the equivalent density is 9 dwelling units. Combining that with the 8 existing residential units, there is a total of 17 dwelling units. As noted in Sec. 4.4.5 (b) above, the following calculation demonstrates compliance with the maximum density allowance for the RH zoning district:

$59,626 / 43,560 \text{ (acre)} = 1.368 \text{ acres.}$

$17 \text{ units} / 1.368 = 12.43 \text{ units per acre; well below the 40 unit/acre requirement. Affirmative finding.}$

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

Lighting spec sheets have been submitted and comply with the lighting standards of this section. **Affirmative finding.**

Sec. 5.5.3, Stormwater and Erosion Control

The proposal will see an increase of approx. 7,500 sf in impervious surfaces. The applicant proposes to construct a stormwater detention basin on the western edge of the property to reduce runoff. Catch basins will be located in the rear of the parking area, and to the north of the proposed playground location, and will route stormwater to the stormwater detention pond in the rear of the property.

An erosion prevention and sedimentation control plan and stormwater plan have been reviewed and approved by the Stormwater Program Manager. **Affirmative finding.**

Article 6: Development Review Standards:

Part 2, Site Plan Design Standards

Sec. 6.2.2, Review Standards

In accordance with 24 VSA § 4413, much of Article 6 is exempt from these standards, specifically with *'respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise, lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the*

intended functional use – Churches and other places of worship, convents, and parish houses.’ However, staff addresses the below to demonstrate compliance nonetheless.

(a) Protection of important natural features

The property does not contain any important natural features as identified in the Open Space Protection Plan or as outlined in Sec. 4.5.4, *Natural Resource Protection Overlay Districts*.

Affirmative finding.

(b) Topographical alterations

The site has a steady east-to-west downslope, with an elevation ranging from 308’ to 280’ above sea level. The project will see an excavated area for the new building addition’s footprint. Expansion of the existing parking area, to accommodate a total of 36 onsite parking spaces, is also proposed. Overall, the entire parking area will be paved with asphalt. Additional grading will occur immediately to the west of the expanded parking area to create a smoother downslope to the future stormwater detention basin/pond. **Affirmative finding.**

(c) Protection of important public views

There are no significant public views from or through the subject property. The proposed construction will not adversely impact any identified public view corridor. **Affirmative finding**

(d) Protection of important cultural resources

The existing building is listed on both the National and State Registers of Historic Places, and is a contributing resource in the Main Street – College Street Historic District. Under Sec. 5.4.8, new additions to historic buildings are to be constructed in a manner that will preserve historic materials, features, and spatial relationships that characterize the property. The new work will differentiate from the historic building, and be compatible with the historic materials, features, size, scale, proportion, and massing. See Sec. 5.4.8 above. **Affirmative finding.**

(e) Supporting the use of alternative energy

The applicant proposes to place photovoltaic panels on the addition’s south-facing rooftop.

Affirmative finding.

(f) Brownfield sites

The property is not an identified brownfield. **Affirmative finding.**

(g) Provide for nature’s events

Overall, the project will see a total lot coverage of 21,704 sf, a 5,704 sf increase to the existing 16,000 sf of lot coverage (from 26.8% to 36.4% - now up to 38.9% after the recent approval of ZP21-0255CA for a deck). Currently, stormwater runoff at the eastern portion of the lot drains to the property lines, all other runoff drains to the backyard where there is room for infiltration. With the proposed building addition and expanded parking area, impervious area will increase. The applicant proposes to construct a stormwater detention basin on the western edge of the property to reduce runoff.

On the addition’s south side, facing the parking area, the main entrance vestibule will provide a sheltered entrance. Two secondary entrances, one each on the north and south sides of the upper level are also proposed. The only shelter for the lower, ground level entrance is the roof overhang,

approximately 23 ft above. Ample room remains onsite for seasonal snow storage. **Affirmative finding.**

(h) Building location and orientation

The new addition will locate on the rear of the existing building. It will be difficult to see from South Williams Street. The main entrance to the addition will face the parking area to the south. Also on the south wall of the addition is an ADA accessible entrance door that provides direct access to an internal elevator. **Affirmative finding.**

(i) Vehicular access

As with existing conditions, vehicular access will be provided from South Williams Street. The site currently has a driveway that wraps around the existing building, with two access curb cuts onto South Williams Street. The proposal will see the removal of the northernmost driveway, which is currently only used for exit purposes. The southernmost driveway entrance will continue to serve the property. Parking spaces line the south side of the driveway. Additional parking spaces will locate on the opposite side of the driveway, adjacent to the existing building and proposed addition. A distance of 20 ft separates these parking rows. Turnaround space will be provided at the rear of the driveway/parking area. **Affirmative finding.**

(j) Pedestrian access

Pedestrian access to the existing, primary building is provided via a walkway from the public sidewalk to the front entrance. The existing building has additional accesses on the south side that are accessed by pedestrians from the driveway/parking area. The current proposal will see a new walkway between the driveway/parking area and the existing/new building. The new walkway will be elevated above the driving surface. **Affirmative finding.**

(k) Accessibility for the handicapped

A pair of handicap parking spaces is depicted near the addition's entrance. Entries into the building appear to be at-grade. It is the applicant's responsibility to comply with all applicable ADA requirements. **Affirmative finding.**

(l) Parking and circulation

Parking spaces and circulation aisles are dimensionally compliant. Parking spaces are 9' X 20', and circulation isles are 20' wide allowing for 10' wide travel lanes.

Curbing is proposed along all edges of the parking area. Landscaping along the periphery also serves to delineate the boundaries of the parking and circulation area.

The proposed parking lot will require shade trees. This criterion establishes a target of 30% shading of the parking area with new shade trees. At least 1 shade tree for every 5 parking spaces is required. Overall the parking lot will contain 36 parking spaces and will require 8 shade trees. As proposed, 10 new trees will be planted around the parking lot. Minimum caliper size at the time of planting must be 2.5" – 3.5." As proposed, caliper size is compliant. A mature canopy diameter of at least 25' is needed. Canopy information provided denotes compliance, and the applicant has provided a parking lot shading analysis, depicting 31% shading at maturity.

Bike parking information has been provided. A 12-space bike rack will be provided amid the southern row of vehicular parking, across from the existing building's side entrance. Enclosed

long term bike parking facilities will need to be provided, along with associated shower and locker facilities. **Affirmative finding.**

(m) Landscaping and fences

A comprehensive landscaping plan has been submitted and encompasses a diversity of plantings. Some vegetation will be removed as a result of this proposal. However, the applicant has submitted a landscape plan intended to create a continuous green space that stretches across the west side of the property and wraps to the north and south to connect neighboring green spaces. New plantings will help to screen surface parking from the neighboring property. It will also be used to create a “park like feel” to the property. Species and planting size information have been provided. **Affirmative finding.**

(n) Public plazas and open space

No public plazas or open spaces are included in this proposal. **Affirmative finding.**

(o) Outdoor lighting

See Sec. 5.5.2.

(p) Integrate infrastructure into the design

All new utility lines must be buried. A heat-pump system is proposed that will have an outdoor mechanical unit. Mitigating and screening measures must be taken to minimize auditory and visual impacts from the public street and adjacent properties, which the application provides. A screened trash/recycling area is identified on the site plan at the rear of the parking area.

Affirmative finding.

Part 3, Architectural Design Standards

Sec. 6.3.2, Review Standards

(a) Relate development to its environment

1. Massing, Height, and Scale

The proposed addition is approximately a 1/3 of the size of the existing building. Additionally, because it will be attached to the rear of the existing 2 ½ story, 96’ deep structure, it will be difficult to view from the public street. The proposed scale of the overall structure, including the proposed addition, will be within the context of other existing buildings in the area, particularly the multifamily buildings located on either side of the subject property. At a height of 28’ 3 ½” above the south side grade, the 2-story addition will be approximately half the height of the existing structure. The overall building, including the proposed addition, is quite small in size when compared to the nearby apartment complexes. **Affirmative finding.**

2. Roofs and Rooflines

The addition will have a gable roof, topped with standing seam metal roofing. The proposed gable roof differs from the double peaked, hip roof of the existing structure. Photovoltaic panels are also proposed to locate on the southern roof face. **Affirmative finding.**

3. Building Openings

The proposed addition exhibits two fenestration patterns. The upper level fenestration includes tall casement/awning window styles in a manner consistent with that of a community gathering space or place of worship. The lower level fenestration includes a mix of awning and double-hung windows in a manner consistent with that of a daylight basement mixed-use space.

Fenestration throughout is appropriately scaled and suited to its intended purpose. The addition's front entry is a projecting, non-insulated vestibule, walled with ¼ inch glazing, and aluminum clad doors. A split staircase inside the vestibule will provide access to both levels.

Affirmative finding.

(b) Protection of important architectural resources

See 6.2.2 (d) above. The existing building is listed on both the National and State Registers of Historic places, and is a contributing resource in the Main Street – College Street Historic District. No alterations will occur to the existing historic structure by way of this permit. Under Sec. 5.4.8, new additions to historic buildings are to be constructed in a manner to preserve historic materials, features, and spatial relationships that characterize the property. The new work will differentiate from the historic building, and be compatible with the historic materials, features, size, scale, proportion, and massing. See Sec. 5.4.8 above. **Affirmative finding.**

(c) Protection of important public views

See 6.2.2 (c) above. **Affirmative finding.**

(d) Provide an active and inviting street edge

The addition is locating at the rear of the existing building. No changes to the street edge are proposed. **Not applicable.**

(e) Quality of materials

Exterior cladding will consist of common bond brick rainscreen on the south and west facades of the upper level, and color metal rainscreen siding on the north façade. Cladding on the lower level will consist of a lightweight concrete finish. The roof will be a standing seam metal roof. The application does not specify the type of exterior cladding that will be used above the secondary entrances on the upper level. It appears that it will be color metal rainscreen. The applicant proposes aluminum clad wood awning windows on the upper floor, and a mix of aluminum clad wood awning and double-hung windows on the lower floor. The proposed materials are acceptable for new construction. **Affirmative finding.**

(f) Reduce energy utilization

As noted previously, the applicants are seeking to utilize energy efficient technologies for heating and cooling. A heat pump is included in the proposal. Additionally, the applicant proposes to install photovoltaic panels on the south-facing rooftop. Current city and state energy efficiency standards must be adhered to. **Affirmative finding as conditioned.**

(g) Make advertising features complimentary to the site

The elevation drawing depicts a sign over the main entrance vestibule. It is noted on the plans that this sign will require a separate zoning permit. The sign appears to comply with signage regulations of Article 7. **Affirmative finding as conditioned.**

(h) Integrate infrastructure into the building design

The project plans depict mechanical unit locations and spec sheets. All new utility lines will have to be buried. **Affirmative finding as conditioned.**

(i) Make spaces safe and secure

All building entries will be illuminated. Adherence to applicable building codes will be required.
Affirmative finding as conditioned

Article 8: Parking

Sec. 8.1.8, Minimum Off-Street Parking Requirements

The property is located in the Neighborhood Parking District. The applicant has provided a parking management plan that tallies the total number of spaces needed based on the various uses within the property.

| Use | Number/size | Spaces Required / Use | Total Spaces Req'd |
|-------------------------------------------|------------------------|-------------------------|--------------------|
| Apartments | 8 units | 2 | 16 |
| Office Space | 956 sf | 2 / 1,000 sf | 2 |
| Preschool > 20 children (per 2 employees) | 33 children / 10 staff | 1 plus 1 per 5 children | 12 |
| Synagogue | 80 seats | 1 / 4 seats | 20 |
| Library | 485 sf | 1.3 / 1,000 sf | 1 |
| Total new parking spaces required | | | 51 |

While parking requirements apply to the main overall use(s) of a property, there are several aspects of the synagogue itself that do not and cannot warrant a parking calculation based strictly on the number of seats. The applicant has provided a breakdown of the various uses of the property. In 2016 when this application was first approved, these calculations were admitted for consideration of parking demand, and for the parking waiver granted. The proposed site plan includes 36 parking spaces. The applicant is requesting again under this new permit that the DRB consider a parking waiver, as allowed under Sec. 8.1.15 (below). **Affirmative finding.**

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

Parking waivers cannot exceed 90% of the required number of parking spaces. The applicant has provided a parking management plan in support of a 15-space parking waiver. This plan relies on shared parking spaces, the fact that Orthodox Sabbath Laws generally preclude members of the synagogue from driving on the Sabbath, and the availability of off-site parking across South Williams Street. A CCTA bus stop is located approximately 600 feet from the property, making public transportation another option for access to the property. Required onsite bike parking facilities will be provided.

The parking management plan asserts that the apartments require their parking spaces (16) to be available at all times. Other business and events occur at specific times. The preschool operates weekdays from 8am to 5pm. The Rabbi and his staff have weekday hours from 9am to 4pm. The weekly Sabbath brings the whole congregation together for worship. However, the members of the synagogue walk to the building rather than drive their cars. Other events, such as adult education classes, are held in the afternoons or evenings, generally from 7pm to 8:30pm. When considering shared parking, the parking management plan reasonably demonstrates how the various uses can effectively use the 36 parking spaces.

As for all parking waivers, the applicant should be prepared to report back to the Department of Planning & Zoning every year for 3 years following construction with a summary of actual parking demands. **Affirmative finding as conditioned.**

Sec. 8.2.5, Bicycle Parking Requirements

A bike rack will be provided along the south property line, near the existing building's side entry. The rack can hold 12 bikes. The minimum number of short term bike parking spaces required is just 4. Enclosed long term bike parking facilities will have to be provided as part of the development (1/20,000 sf of floor area), with associated shower and locker facilities (1). The final approved plans of Z17-0455CA confirmed the availability of all bike and shower/locker facilities.

Affirmative finding.

II. Conditions of Approval

1. **Within 30 days of issuance of the building permit**, impact fees based on the net new building square footage shall be paid to the Department of Planning & Zoning or to the Clerk / Treasurer's Office.
2. **Report back every year for the next 3 years with information on parking demand/data.**
3. Final approval of the post-construction stormwater management system and the erosion prevention and sediment control plan by the city's stormwater program staff is required.
4. A State of Vermont wastewater permit may be required.
5. All new utility lines shall be buried.
6. It is the applicant's responsibility to comply with all applicable ADA requirements.
7. 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.
8. Any signage will require a separate sign permit.
9. Standard Conditions 1-15.