



Ordinance Committee Meeting Agenda - Wednesday, June 28, 2023, 5:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

When: Jun 28, 2023 05:30 PM Eastern Time (US and Canada)
Topic: Ordinance Committee Meeting

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1. Agenda

Subject	1.1. Motion to amend/adopt agenda
Meeting	June 28, 2023 - Ordinance Committee Meeting Agenda - Wednesday, June 28, 2023, 5:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	1. Agenda
Department	Council and Board
Type	
Recommended Action	

2. Adopt Draft Minutes from June 12th

Subject	2.1. Adopt Draft Minutes from June 12th
Meeting	June 28, 2023 - Ordinance Committee Meeting Agenda - Wednesday, June 28, 2023, 5:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	2. Adopt Draft Minutes from June 12th
Department	Council and Board
Type	
Recommended Action	

3. Public Forum

Subject	3.1. Verbal Comments
Meeting	June 28, 2023 - Ordinance Committee Meeting Agenda - Wednesday, June 28, 2023, 5:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	3. Public Forum
Department	Council and Board
Type	

4. Discussion of the South End Innovation District (SEID)

Subject	4.1. Discussion of the SEID Ordinance
Meeting	June 28, 2023 - Ordinance Committee Meeting Agenda - Wednesday, June 28, 2023, 5:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	4. Discussion of the South End Innovation District (SEID)
Department	Council and Board
Type	
Recommended Action	

5. Any Other Committee Business

Subject	5.1. Any Other Committee Business
Meeting	June 28, 2023 - Ordinance Committee Meeting Agenda - Wednesday, June 28, 2023, 5:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM
Category	5. Any Other Committee Business
Department	Council and Board
Type	
Recommended Action	

6. Adjournment

Subject	6.1. Motion to adjourn
Meeting	June 28, 2023 - Ordinance Committee Meeting Agenda - Wednesday, June 28, 2023, 5:30 PM, Bushor Conference Room 1st Floor, City Hall OR REMOTELY via ZOOM

Category	6. Adjournment
Department	Council and Board
Type	
Recommended Action	

Ordinance Committee
Monday, June 12, 2023 at 7:00PM
Bushor Conference Room or Remote via Zoom

DRAFT MINUTES

Members Present: Councilor Traverse (Chair), Councilor Carpenter, Councilor Hightower, Councilor Shannon

Staff Present: Kim Sturtevant (Acting City Attorney), Meaghan Tuttle (Director of Planning), Charles Dillard (Principal Planner)

Public Present: Marni McKittrick, David Kerman, Colin Larsen, Jak Tiano, Jonathan Farrell, Nic Anderson, Evon Gould, John Caulo, Steve Levy, Sharon Bushor, Ryan Nick, Todd Sarandos, Lena, Craig

Meeting called to order at 7:04 PM.

1. Adopt the Agenda

1.01 Adopt the Agenda

Motion to Adopt Agenda as is.

Motion by Councilor Carpenter, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Unanimous

2. Adopt Draft Minutes from May 8th

2.01 Adopt Draft Minutes from May 8th

Motion to Adopt Minutes from May 8th, 2023.

Motion by Councilor Carpenter, Seconded by Councilor Shannon.

Final Resolution: Motion Passes

Yes: Unanimous

3. Public Comment

3.01 Public Comment

Sharon Bushor: I live in Ward One. I have gotten feedback from people from other wards. I have heard that people have an issue with the reduction of nonresidential uses. This eats away at the South End's make space. I still feel the height is too high. I think five or six stories should be the cap. The focus should be on having Burlington be a people-sized city.

Lena: I live between downtown and the South End. I hope this new neighborhood would be walkable and that people won't need a car. We should have community partnerships to create bicycle-friendly and garden-friendly spaces.

Jonathan Farrell: I live in Burlington and am here in my capacity as the Director of COTS. I am here to support this district as we are in a housing crisis. We need more affordable units and we have a waiting list for units, particularly for families. I hope we can have affordable units with two or three bedrooms.

Colin Larsen: I live in Ward 7. I would like to remind councilors that we would lose green space if we make the buildings shorter. I think we should be planning for 20 years in the future so that we are not in this same vacancy rate issue that we have today.

Jak Tiano: I live in Ward 5. Taking the FAR into account, a six-story building would have half the green space as an eight story building. I want to talk about parking today. Parking is always controversial. Studies have always said we have sufficient parking, but it is not utilized well. This committee is where change happens and we should make a bold step. In short, don't walk back on the surface parking requirements. We should also have as many permitted uses as possible to have a vibrant, mixed used neighborhood.

John Caulo: I live in Ward 5. This has been a long process already in the Planning Commission and neighborhood level. I think the three previous comments really point to that.

Nic Andersen: I work at Champlain College. I support the higher height limit. In the future, it is difficult to rebuild these buildings to be taller if we want something taller later in the future. Since there is already a restriction on building size, I think sticking to the higher limit is a good idea.

Evon Gould: I live in Ward 5. I also sent comments via email individually. I support having the height limit at eight stories as it gives us more flexibility for the future. Even some developments 20 or 30 years were short and it is difficult to upzone later in the future.

4.0 Councilor Discussion on SEID Ordinance

5.01 Councilor Discussion on SEID Ordinance

Shannon: I have a list of questions myself. One thing we have not touched on in detail is parking. We have not done this style of parking scheme before. I think we also need to talk about height and figure out where we are as a committee on that question. I am not sure how taller buildings encourage differentiation. We must stabilize the housing issue and I want to discuss how this ordinance will reach that end. Ownership of even small housing units can help people to get into the market and stabilize their housing costs. Does the committee want to pursue requirements on green space or balconies? Finally, we should discuss the ratio of height to street width and how that will affect the space.

Charles Dillard (Principal Planner): We do not currently have a set layout for streets so that developers have flexibility. The minimum width of any public path would be 11 feet like the current bike path. There are some barriers such as the railroad right-of-way and wetland areas. The block size is 1600 square feet which is the same as the downtown area, although it does not have to be a square block. As for parking, the planBTV sets out a consolidation of parking into four structures. The parking structures could vary in size depending on if the structure has a

transit stop. We are actually going to update some of the language to only require that parking structures be screened by buildings or vegetation. Surface lots have a cap at 20 spaces.

Meagan Tuttle: The current ordinance does not preclude a developer being creative with how they incorporate parking into their designs. We are envisioning that these parking structures would be shared between multiple developers and groups. As for institutions like Champlain College, we do currently restrict surface parking in those areas on the hill.

Carpenter: I understand that institutions like using the surface lots in the South End right now, but when this is rezoned there will be a higher value to the land currently being used. They should probably be trying to build structured parking on or closer to campus.

Traverse: Are there any further proposed changes when it comes to parking?

Charles Dillard: We proposed to strike the language around requiring private or public alleys and rather just include that there must be perimeter buildings or vegetation. We also proposed to exempt large parking structures from the FAR if they include public parking. Any public parking floors or areas would be exempt.

Hightower: I specifically had questions around making the 7th and 8th floors conditional. Also, I think the question of views of Calahan Park is important. The public can't get views of the lake from Calahan, but can get views of the mountains and we should preserve that.

Traverse: I also have a few questions before we turn to Councilor Hightower's questions. Do we have to send our amendments back to the Planning Commission?

Meagan Tuttle: I think it will be sent back to the Planning Commission, but that is usually done concurrently with discussion in the City Council. The Planning Commission would deal with any technical deficiencies and would not be adding whole new sections. Because we would have to do a public hearing warning on this before the Council meeting, the earliest we could warn the hearing would be July 3rd for the July meeting.

Meagan Tuttle: From 2008 to 2013 we had an ordinance that allowed for eco-friendly buildings to be built taller than is normally allowed in the downtown area. I am unsure if any developers took advantage of that. A tricky thing is that certification happens after a building is built and developers place a surety equal to five times the application cost. If we wanted to allow 7-8 story buildings if they met certain standards, I am unsure how many developers would choose to pursue anything taller than the six story buildings that would not need extra considerations.

Hightower: I think when we talk about the community aspect, five or six stories is what we are looking for. However, we do need housing and use the taller building idea as an incentive to build more eco-friendly buildings.

Carpenter: I believe that the CityPlace design was afforded more square footage because it was 100% electric.

Meagan Tuttle: There are some arguments for these complex considerations, but the City has moved away from that style of ordinance.

Charles Dillard: If you reduce the height from 8 to 6 stories, then on a 50,000 square foot lot you will likely see 4 buildings instead of 3. Given their size, you would lose around 15-30,000 square feet of built space per building.

Meagan Tuttle: Building height does not always directly translate to community building. It really depends on the design and other factors.

Shannon: I believe we have around 5 bonuses that allow for extra height and developers tended to gravitate towards the cheapest bonuses they could achieve to get the height that they wanted. While architecture isn't the only thing that influences community, it is an important thing. Most of European buildings try to keep a connection with the street, the outside, and neighbors.

Charles Dillard: If there were a cap on building height at 6 stories, there will likely be more homogenous sizes whereas an 8-story condo building might then have to have a shorter set of rowhouses next to it on the same lot. It is generally easier to finance rowhouses than condos, as well.

Meagan Tuttle: There is less financing for multiunit condo buildings like there is for multiunit apartment buildings. Rowhouses can be easier to build and sell than condos in a larger building. We can't guarantee this is how developers will think, but if a developer built an 8 story building, they cannot build more tall buildings on the same lot since it will exceed the limits.

Hightower: Could a developer build public parking on lower floors of a building and have the parking still be exempt from the FAR?

Charles Dillard: I believe we would only allow that in the larger parking structures and not in individual buildings.

Hightower: I will send further questions to the Planning staff so we have more answers and materials for the next meeting.

5.0 Other Committee Business

6.01 Other Committee Business

Next meeting time will be discussed offline and warned beforehand.

6.0 Adjournment

7.01 Adjournment

The meeting was adjourned at 8:57 PM.

TO: Burlington City Council Ordinance Committee
FROM: Charles Dillard, AICP, Principal Planner
DATE: June 21, 2023
RE: Proposed CDO Amendment – ZA-23-01: South End Innovation District

Background

At your two recent meetings, the Ordinance Committee discussed various elements of the proposed South End Innovation District (SEID) zoning amendment for a portion of the Enterprise-Light Manufacturing (E-LM) zone. To respond to questions raised regarding those specific elements and facilitate your next discussion on June 28th, please see information related to each below.

Boundary and Ownership

1. *Can you share a map that shows each parcel in the district, the size of the parcel, and the owner of the parcel?*

The requested map is attached.

2. *What is the plan for the parcel east of Barge street (I don't know if I feel as comfortable including that in this district as it is currently greenspace)*

There are three properties east of the barge canal in the proposed SEID. The two large properties, 453 Pine Street and 501 Pine Street, and small property bounded on three sides by 501 Pine Street and located along Pine Street. 453 Pine Street is the property proposed as the Silt Bathhouse, development plans for which are currently under review. 501 Pine Street is subject to institutional controls related to its Superfund status.

Building Bulk

3. *Does the VEIC building become non-conforming with this new ordinance?*

No, as an office use in a structure that complies with the proposed 85' height limit as depicted on the Specific Height Area Map, the VEIC building will not become non-conforming. If the height map were revised to reduce the heights limit for the VEIC to 45', the building would be non-conforming, but allowed to remain as per Sec. 5.3.3 and 5.3.5 of the CDO.

4. *Suggested language in place of proposed Sec. 4.5.8(c) 1a: Dimensional Standards & Density:*

a) Floors 7 and 8 are permitted only when the building is constructed of mass timber consistent with currently adopted Building Code as contained under Chapter 8 of the City Code of Ordinances, or in buildings certified as meeting in one or more of the Green and High Performance Building Standard systems:

- i. Passive House Certification as administered by Passive House Institute (PHI or PHIUS);*
- ii. Gold Certification or higher under the applicable LEED standard as administered by Green Businesses Certification, Inc. (GBCI); or,*

iii. *Petal or Net Zero Energy Certification under the Living Building Challenge as administered by International Living Future Institute (INFI).*

The standard as proposed intends to incent the use of sustainable and innovative building materials and construction practices, which is consistent with the overall intent of the SEID. However, staff acknowledges that similar bonuses have had limited success in Burlington particularly in terms of finding the right cost/benefit between required elements and afforded development intensity that result in the bonus being utilized, as well as the logistics of administering and ensuring compliance.

The suggested revision would provide a greater bonus than that currently proposed, as the one- or two-floor bonus of 15,000/30,000 sf is greater than the 5,000/10,000 sf floor plate bonus. However, with a greater bonus comes a need for a more robust accountability mechanism if the certifications are not met. In the case of the previous green building bonus for downtown zones that sunset in 2012, a bond or other surety was required at a rate of five times the building permit fee, until a building secured its certification of compliance from a third party. If a similar requirement were employed under today's fees for a hypothetical \$5M project, such a bond could be the equivalent of 4% of the construction cost. While such a requirement on its own may not be the sole reason for determining whether to pursue a taller building, such a requirement could increase the complexity of this ordinance and the additional cost in a very strained construction environment should be weighed.

5. *Why do we have minimum lot frontage occupied by buildings? Why wouldn't we want to allow greenspace?*

Table 4.5.8-2 Frontage and Activation Standards proposes a minimum amount of a lot's frontage along a ROW that must be occupied by buildings. The proposed amounts intend to create an urban, walkable environment that includes greater amounts of open space between buildings and within blocks than downtown. For comparison, the Downtown Form Code requires that 100 percent of a Primary Frontage and 80 percent of a Secondary Frontage are occupied by buildings. The proposed standards do, in fact, intend to create developments where significant open space amounts. characterize the district.

6. *Table on line 226. Why do we not have maximum lot coverage here (and why did I think it was still maximum 90% based on line 113)*

The referenced table in Sec. 9.1.12 defines increases in maximum lot coverage when Inclusionary Zoning (IZ) units are provided. The SEID does not include a lot coverage bonus for IZ units, so the maximum of 90 percent applies. It should be noted that the base maximum proposed lot coverage is 80 percent, unless the site is certified as Gold or Platinum under the SITES system or if all of its pervious area is constructed of one or more approved green stormwater infrastructure (GSI) devices, in which case the maximum lot coverage is 90 percent.

7. *What are the FARs of Cambrian Rise and Cathedral Square?*

Cambrian Rise is regulated by the NAC-CR zoning district, which applies a maximum 2.0 FAR. With the project's most recent permit amendment, which increases the unit maximum to 950, the actual as-built FAR will be just 1.29.

The 10-story Cathedral Square property at 16 Cherry Street has an FAR of approximately 2.56.

Streets and Connectivity

8. *I understand curb cuts are not allowed on the Champlain Parkway. If that is the case, then there will need to be a plan to build roads that connect on Sears Ln and/or Lakeside. Is that correct? Do we know where those connections would be?*

Curb cuts are not currently allowed on the Champlain Parkway as part of its limited access designation. However, it is uncertain whether this prohibition will remain in place following Parkway completion and/or transfer of the ROW to City ownership. The City is exploring potential development framework scenarios through the South End Coordinated Redevelopment Memorandum of Understanding study that could include new connections in the future.

Regarding roads connecting to Sears Lane and/or Lakeside Avenue, it is almost certain that such a road or roads will need constructing to enable emergency and service vehicle access to the properties' interiors, as well as to comply with the amendment's 1,600 feet maximum block perimeter standard. While the exact location of the road(s) is not known at this time, the most logical location is through the approximate midpoint of the east-west lot lines of 68 Sears Lane and 125 Lakeside Avenue. This is also the subject of the MOU study.

Parking

9. *Can you share the parking studies you feel relate to the parking needs of the South End as referenced in BTV south End?*

Three studies inform our understanding of South End Parking needs. First, the 2015 *planBTV: South End Phase 1 Existing Conditions Report* describes a South End parking capacity at high demand resulting in spillover parking into adjacent residential neighborhoods and surface parking lots. Notably, the report identifies South End business growth as generating the high demand. Next, the 2022 CCRPC [South End Multimodal Transit Center Feasibility Study](#) analyzed existing and future conditions in determining that a multimodal center, including large parking structure, could have a "positive impact on traffic congestion and public safety" due to its proximity to the Champlain Parkway, transit corridors and population and employment centers. Finally, the recently-begun Citywide Transportation Options Study will establish new transportation demand management (TDM) policies and implementation framework. That study will look at Pine Street's parking network. No other parking studies have been conducted specifically in relation to South End parking needs at this time. However, *planBTV's* core recommendation that a network of structured parking be constructed in the South End and that surface parking lots along major streets should be strictly limited are based on robust community engagement and contemporary best practice. The [Urban Land Institute](#), [Victoria Transportation Policy Institute](#) and the [Institute for Transportation & Development Policy](#), among other leading policy institutions, all advocate for shared parking.

10. *Can a developer build public parking and then charge money to people using it to access hill institutions etc? Is there a definition of Public Parking?*

Public parking facilities may be managed privately or by the City, even in instances where the City does not own the structure. In either scenario, payment may be collected regardless of the user's destination. There is no definition of "public parking," though the

following model language could be added to the amendment if the Committee so chooses:

Public parking: An off-street area or structure that is owned, leased by, operated by, or operated on behalf of the city, or by a private party, for the purpose of parking by the general public, with or without compensation

11. What Pine Street businesses are seeking public parking at this site?

The development of the SEID zoning is not about matching individual parking users to a single parking facility, but rather ensuring that the appropriate type of parking facilities are allowed as this area redevelops. As such, engagement work for this amendment has not been specific about soliciting individual business interest in parking at this site. One or more clearly identified parking structures within walking distance of Pine Street's businesses and activities was envisioned by planBTV to help alleviate congestion and parking in residential neighborhoods and support area businesses. As the plannotes and neighbors have observed, there are some South End employees and customers that park in residential neighborhoods adjacent to area businesses, and some lots in the Pine Street area are also heavily utilized during certain times, such as during events like the farmer's market.

12. You talked about how existing `surface parking was grandfathered (though I don't think you used that term). Can you direct me to where that is in the ordinance?

The SEID amendment proposes to prohibit more than twenty surface parking spaces on an individual lot. This means the district's existing large surface parking lots would become nonconformities. Existing language in Sec. 5.3.3 Continuation provides for the continuation of such nonconformities, and Sec. 5.3.5 (a) allows nonconforming structures to be changed as long as the nonconformity is reduced. For example, replacing a portion of a large surface lot with a building would be a reduction in a nonconformity. Land Use

13. Can you share a use table comparison between ELM and SEID?

A table comparison is attached.

14. Your Memo states that staff exempted some ground floor non-residential requirements. It then goes on to say the Commission recommended the provisions remain. In our version of the ordinance, did this change? Were changes approved by PC? I think there was a memo from PC that I cannot find. Can you please send that?

The Planning Commission voted to recommend a simplified land use framework that consolidates all permitted land uses into one category, and a memo discussing its recommendation is attached. Previously, staff recommended a framework that would have created two categories of permitted uses, the intent of which was to prioritize the development of arts, making, office and community service uses. The first category, Primary Permitted Uses, consisted of uses considered core to planBTV: South End's vision of an Innovation District. The second category of uses included uses that, while supportive of and even necessary to a vibrant urban neighborhood, are not considered intrinsic to the intent of the South End Innovation District. These secondary uses were to be allowed at a rate of two square feet per every square foot of primary permitted uses. For example, in order to permit a 2,000 square foot restaurant (secondary use), the developer must provide at least 1,000 square feet of primary uses.

15. *Suggested language in place of proposed Sec. 4.5.8(c)2 B.iv.: "The minimum non-residential frontage requirements may be halved (40% for Primary Frontages and 10% for Secondary Frontages) if one or more of the following is achieved:"*

The proposed standards reflect staff and Planning Commission concerns that non-residential uses may not be viable under current market conditions. In Burlington (e.g. Cambrian Rise) and nationally, non-residential ground floor spaces have proven difficult to lease, leading to a glut of vacant space or costly renovation of that space into residential uses. While this proposed revision is modest, staff recommends retaining the proposed reductions.

16. *Can you please explain the proposed frontage reduction methods in Sec. 4.5.8(c)2 B iv? And how does the 30-year affordability requirement in 4.5.8(c)2 B iv.a interplay with the duration of the frontage requirements? What if the developer/owner cannot get tenants as expected?*

The non-residential ground floor use requirements intend to create an activated street-level public realm. Where developers anticipate difficulty obtaining leases for such ground floor space or where the alternatives are desired, they may reduce their required ground floor requirement in exchange for providing such alternative uses. Those alternative compliance methods and the rationale behind them are described below:

- b) All non-residential ground floor uses are maintained as affordable for at least 30 years, as defined and administered by the Community and Economic Development Office (CEDO).
- There is a limited supply of affordable commercial space in Burlington. This alternative acknowledges the benefit of such space for local businesses and their clientele. In the event this alternative compliance is pursued and the developer cannot find tenants a zoning fee may be assessed or the owner may be directed to coordinate leasing with the City's Department of Business and Workforce Development. As for the interplay of duration and affordability, if the property owner satisfies the affordability requirement for thirty years, the property may continue to have reduced frontage without penalty.
- c) A detached, one- or two-story permanent structure containing non-residential uses is constructed within or adjacent to the public realm, including public rights-of-way and public open space, on the same lot. The amount of non-residential use required on a building's ground floor may only be reduced on one-to-one basis as determined by the square footage of the detached structure.
 - Detached non-residential uses such as kiosks or pavilions achieve the intent of activating the street-level public realm and providing a mix of uses in the Innovation District.
- d) A building is placed adjacent to one or more publicly accessible open spaces on the same lot. Such open spaces must be at least 4,000 sq.ft. in area and no portion of the open space may have a dimension less than 10 feet. Qualifying open spaces may be located in an interior courtyard, to the side, or in front of the building for which a reduction in ground floor non-residential use is being sought.
 - Publicly-accessible open space, like detached non-residential uses, activates the street-level public realm. Given the expected residential population of the Innovation District and limited Department of Parks, Recreation and Waterfront capacity to create and maintain new park space in the district,

developer-provided open space is considered a desirable alternative to ground-floor non-residential uses.

- e) A building containing residential uses includes an allocation of at least 10% three-166 bedroom units and 15% percent two-bedroom units.
 - Typical new apartment buildings consist predominantly of studios and one-bedroom units, though there are exceptions. As a result, there is often an undersupply of units suitable for families in new construction. Aside from the benefits of providing difficult-to-find homes for families and creating multi-generational district populations, these units help to activate the public realm in that families tend to use outdoor public space for recreation.

17. Appendix A. Don't totally understand the table. Co-housing not allowed in residential low density. Why?

The amendment defines Co-housing as multi-unit living, so this use is proposed to be prohibited anywhere where other such multi-unit uses are not allowed.

18. Starting at Line 208, "Permitted uses. Why do we have lists as opposed to examples of?"

Because the SEID is an overlay district that modifies what is permitted in the underlying zoning district, the amendment needs to be specific due to the way in which Appendix A is structured.

General Topics

19. This isn't explicitly in the ordinance but is there any appetite for 20% IZ?

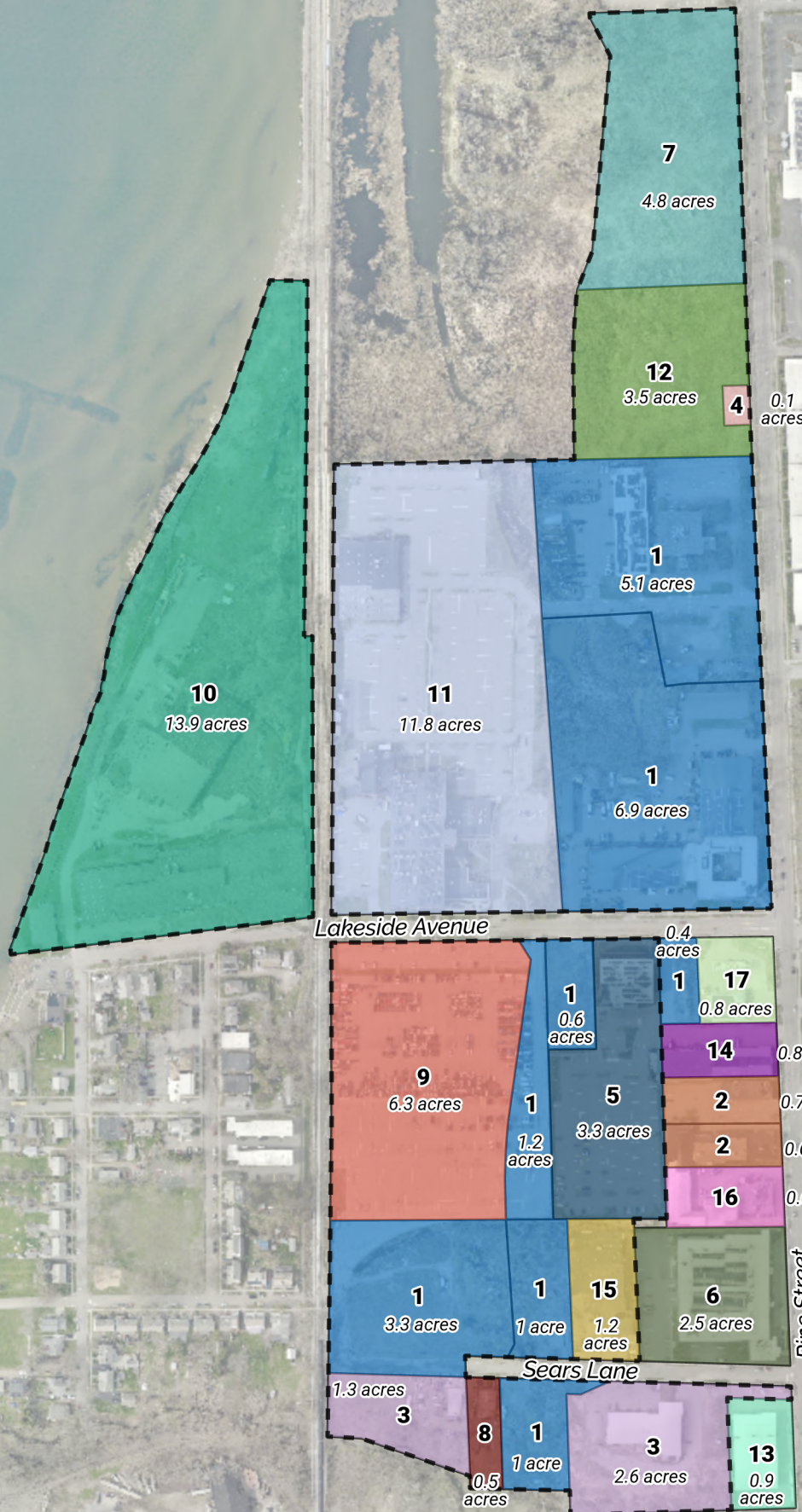
The Planning Commission discussed the proposed required IZ percentage and determined that the overall expected development intensity would produce sufficient amounts of affordable housing. The minimum required will be 15% for this district, unless the cost of the market rate units would trigger a higher inclusionary rate under Article 9. The MOU study referenced is also exploring other ways that additional affordable homes could be created in excess of the required IZ standards.

20. Can we walk through what the housing numbers expected here are why?

Staff has estimated that 500 new housing units will be constructed in the SEID by 2030, with an additional 500 between 2030 and 2050. However, these are estimates, and the proposed amendment would facilitate greater amounts of housing. As the Committee is likely aware not all property owners in the district have expressed interest in redevelopment in the short term, and of course factors influencing both demand and feasibility of development can change over a long horizon. Finally, in zoning districts across the city it is common that developments cannot or do not build out to the full maximum envelope enabled under zoning for various reasons.

ParcelOwnership_SEID

- 1. City of Burlington
- 2. Queen City Printers
- 3. Fitzpatrick, Martin / Harriet C. Fitzpatrick Charitable Trust
- 4. KS Pine LLC
- 5. Champlain College, LLC
- 6. Cresta Cooper Nedde LLC
- 7. Derrick H Davis Charitable REM Trust
- 8. Ted B. Flanagan Trust
- 9. Ride Your Bike, LLC
- 10. Lakeside Ovens LLC
- 11. Lakeside Solar LLC +Fourthieth Burlington LLC
- 12. Maltex Partnership
- 13. Noyes Tire Company
- 14. Polfrog Enterprises LLC
- 15. RFC Realty LLC
- 16. Silverstone Realty LLC
- 17. CFI Propco 2 LLC
- Overlay District Boundary



**CITY OF
BURLINGTON**



South End Innovation District

Property Ownership

Permitted Uses: Enterprise- Light Manufacturing District	
Art Gallery/Studio	Manufacturing
Animal Boarding/Kennel/Shelter*	Manufacturing - Light
Animal Hospital / Veterinarian's Office	Medical Lab*
Appliance Sales/Service	Museum - Large $\geq 10,000$ sf^
Auction House*	Museum - Small $\leq 10,000$ sf^
Automobile & Marine Parts Sales	Office - General*
Automobile Body Shop	Office - Medical/Dental*
Automobile Sales - New and Used*	Office - Technical
Automobile Vehicle Repair	Open Air Markets
Bakery	Operations Center - Taxi/Bus
Bank/Credit Union	Operations Center - Trucking
Boat Repair/Service	Park*
Boat Sales/Rentals	Parking Garage~
Boat Storage	Parking Lot~
Bowling Alley	Performing Arts Center*~
Building Material Sales	Performing Arts Studio*
Café*	Photo Studio
Carwash*	Photography Lab
Community Center*	Police Station - Local
Community Garden*	Printing Plant
Contractor Yard	Printing Shop
Convenience Store*	Public Transit Terminal
Daycare	Public Works Yard/Garage
Dental Lab	Radio & TV Studio
Distribution Center	Rail Equipment Storage & Repair
Dry Cleaning Plant	Recording Studio
Dry Cleaning Service*	Recreational Facility - Indoor*
Film Studio*	Recreational Vehicle Sales - New and Used
Fire Station	Recycling Center - Large ($> 2,000$ sf)
Food & Beverage Processing	Recycling Center - Small ($\leq 2,000$ sf)
Garden Supply Store*	Research & Development Facility
General Merchandise/Retail - Large $\geq 4,000$ SF*	Research Lab
General Merchandise/Retail - Small $\leq 4,000$ SF*	Restaurant - Take Out
Grocery Store $\leq 10,000$ SF*	School - Preschool*
Grocery Store $\geq 10,000$ SF*	School - Trade, or Professional
Hazardous Waste Collection/Disposal	Solid Waste Facility - Incinerator, Landfill, Transfer Station
Health Club*	Warehouse
Junkyard*	Warehouse - Retail~
Laundromat*	Warehouse - Self-Storage~
Lumber Yard	Wholesale Sales

Permitted Uses: South End Innovation District	
Residential	
Assisted Living	
Attached Dwellings - Multi-Family	
Co-Housing	
Convalescent/Nursing Home	
Emergency Shelter	
Group Home	
Dormitory	
Non-Residential	
Adult Day Care	Park
Agricultural Use	Parking Garage ³
Animal Grooming	Parking Lot ³
Animal Hospital/Veterinarian's Office	Performing Arts Center
Art Gallery/Studio	Performing Arts Studio
Bakery	Pharmacy
Bank/Credit Union	Photo Studio
Bar/Tavern	Photography Lab
Beauty/Barber Shop	Place of Worship
Bicycle Sales/Repair	Printing Plant
Billiard Parlor	Printing Shop
Bowling Alley	Public Transit Terminal
Cafe	Public Works Yard/Garage
Cinema	Radio & TV Studio
Community Center	Recording Studio
Community Garden	Recreational Facility - Outdoor
Convenience Store	Research & Development Facility
Daycare	Research Lab
Fire Station	Restaurant
Food & Beverage Processing	Restaurant – Take Out
Grocery Store ≤ 10,000 sf	Salon/Spa
Health Studio	School – Post-Secondary and CC
Hotel ²	School - Preschool
Laundromat	School - Primary
Library	School - Secondary
Manufacturing - Light	School – Trade, or Professional
Mental Health Crisis Center	
Museum – Small ≤ 10,000 sf	
Office - General	
Office – Medical/Dental	
Office - Technical	
Open Air Markets	

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To: Burlington City Council

From: Burlington Planning Commission

Date: January 30, 2023

RE: ZA-23-01 South End Innovation District Zoning Amendment

Overview

The creation of a South End Innovation District is a priority planning objective originating in *planBTV: South End*. The District intends to reinforce and grow the South End as a center for innovative businesses and institutions and expand and preserve the arts district through creating new space for artists and employees in the area to live and work. Notably, while *planBTV: South End* did not recommend that residential uses be permitted in the District, a worsening housing crisis has precipitated both a Mayoral initiative to expand housing choices and supply in the South End and a demonstrable shift in community support for housing in the area of the South End proposed to rezoned for the South End Innovation District.

Since late spring, 2022, Planning staff has managed the drafting of this zoning amendment, including engagement with the general public and a core group of stakeholders that includes property owners and arts advocates. The amendment addresses both the urban form of the District and the land uses that will be permitted. Regarding the latter, the Planning Commission ultimately voted 4-2 to recommend a simplified land use framework, relative to that initially proposed by staff. The Commission's recommendation to remove this framework reflects concern among some members that the Primary/Secondary distinction is unnecessary micromanagement and would ultimately require projects to incorporate uses that may not be viable. Additional information regarding the initially-proposed two-tier land use framework is provided below.

The simplification of this land use framework into one general set of allowable uses will allow developments to incorporate only the mix of residential and secondary uses. While not necessarily exemplary outcomes with regard to the primary intent of the Innovation District, the recommended land use framework achieves the goal of facilitating much-needed housing development in the South End Innovation District.

Alternative Approaches

The proposed land use framework is an aspect of the proposed amendment that the Commission debated. While the Planning Commission recommends the above land use approach as a tool to facilitate needed housing development, the following approaches were also debated by the Commission and should be considered during the Council's deliberations as well:

1. Revert to the initial two-tier land use framework

The amendment initially sought to balance the community objective to foster an arts and innovation economy in the South End with the need to create a convenient and amenity-rich neighborhood that will be home to hundreds of households. That balance was reflected in a land use framework that would have established two categories of permitted uses as outlined below:

- Primary Permitted Uses are those that reflect the core intent of the District as laid out in *planBTV: South End* and include all uses that encapsulate the range of arts, light manufacturing and office activities envisioned in the Innovation District. Primary uses also include a range of commercial and service uses that are considered intrinsic to successful urban neighborhoods (e.g. daycare, medical offices, bicycle sales and repair, and bakeries). Residential uses supportive of a dense, multifamily district are considered Primary Permitted Uses as well. For a full list of Primary Permitted Uses, see below.

- Secondary Permitted Uses are those that, while supportive of and even necessary to a vibrant urban neighborhood, are not considered intrinsic to the intent of the South End Innovation District, which should prioritize space for business, arts and innovation uses. Secondary uses include service uses (e.g. pharmacy, laundromat, salon/spa, animal hospital/veterinarian's office and medical/dental offices), amenities (e.g. café, restaurant, bar/tavern), and larger format hospitality uses (e.g. hotel, museum). For a full list of Secondary Permitted Uses, see below.

The now-removed two-tier land use framework would have allowed for Secondary Permitted Uses at a rate of two square feet for every one square foot of those Primary Permitted uses. For example, in order to permit a 5,000 square foot restaurant use, a developer would first need to provide 2,500 square feet of Primary Permitted uses. Furthermore, all such uses would be allowed to be distributed throughout lots existing as of January 1, 2023, to allow for phasing and fair distribution of land uses throughout the district. This latter provision is necessary in light of future subdivision that could occur in the South End Innovation District, due to today's large lot sizes and proposed dimensional standards.

It should be noted that some Commissioners and South End property owners expressed a concern that the Primary/Secondary framework was overly prescriptive as first proposed. In response, the framework was revised to allow a 2:1 ratio of Secondary uses to Primary uses, where the original proposal established a 1:1 ratio, and to allow the mix of uses through a master plan process prior to a lot's subdivision.

Initially Proposed South End Innovation District Land Use Approach

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
Residential¹	
Assisted Living	Dormitory
Attached Dwellings - Multi-Family	
Co-Housing	
Convalescent/Nursing Home	
Emergency Shelter	
Group Home	
Non-Residential	
Art Gallery/Studio	Animal Grooming
Adult Day Care	Animal Hospital/Veterinarian's Office
Agricultural Use	Appliance Sales/Service
Bakery	Bank/Credit Union
Bicycle Sales/Repair	Bar/Tavern
Community Center	Beauty/Barber Shop
Community Garden	Billiard Parlor
Daycare	Boat Repair/Service
Grocery Store ≤ 10,000 sf	Boat Sales/Rentals
Library	Bowling Alley
Manufacturing - Light	Building Material Sales
Office - General	Cafe
Office - Technical	Cinema
Open Air Markets	Convenience Store
Park	Crisis Counseling Center
Parking Garage ³	Dry Cleaning Service
Parking Lot ³	Film Studio
Performing Arts Studio	Fire Station
Photo Studio	Food & Beverage Processing

Primary Permitted Uses:	Secondary Permitted Uses: (The sum square footage of all secondary uses is not to exceed two times the sum square footage of all non-residential permitted uses on any lot existing as of January 1, 2023).
Photography Lab	Garden Supply Store
Printing Plant	General Merchandise/Retail - Large $\geq 10,000$ sf
Printing Shop	General Merchandise/Retail - Small $\leq 10,000$ sf
Public Transit Terminal	Health Club
Public Works Yard/Garage	Health Studio
Radio & TV Studio	Hotel ²
Recording Studio	Laundromat
Research & Development Facility	Mental Health Crisis Center
Research Lab	Museum – Large $\geq 10,000$ sf
School – Post-Secondary and CC	Museum – Small $\leq 10,000$ sf
School - Preschool	Office – Medical/Dental
School - Primary	Performing Arts Center
School - Secondary	Pet Store
School – Trade, or Professional	Pharmacy
	Place of Worship
	Recreational Facility - Indoor
	Recreational Facility - Outdoor
	Restaurant
	Restaurant – Take Out
	Salon/Spa
	Tailor Shop

1. Residential uses are permitted only in new additions to buildings that existed as of January 1, 2023, or in buildings built after January 1, 2023.
2. One hotel is permitted per lot established as of January 1, 2023 and may not account for more than 80 percent of the Gross Floor Area of the building in which the use is located.
3. Parking Garage and Lot uses are regulated by Sec. 4.5.8 (c) 3 Parking and Table 4.5.8-1 SEID Dimensional Standards & Density

2. Minor revisions to Primary & Secondary Uses

If there are specific uses that are of particular interest to allow that are currently limited to Secondary uses, such uses could be moved to the Primary use category. Some commissioners discussed the merit of this approach, however staff ultimately determined that this approach would weaken the ordinance's ability to prioritize the arts and innovation intent of the South End Innovation District. Further, given the decision to alter the ratio to facilitate development of those secondary uses, staff feels it is unnecessary to move individual uses from the secondary to primary category.

3. Consider mix of uses at the district level instead of on individual lots

A suggestion was made to balance the considerations by ensuring a mix of uses across the entire SEID instead of on a lot-by-lot basis. While this could allow for the greatest flexibility in a mixed use district, the legality of such an approach would need to be further researched. Additionally, staff has recommended against approaches like this because they are difficult to administer, and limits what is legally permitted on a lot based on what has already been permitted on a nearby lot.