



October 6, 2016 at **7:00 Morgan Room, Aiken Hall**, Champlain College

Facilitator: Peter Keating; Minutes: Charles Simpson; Treats: Clare Wool;

Videographers: Matt McArdle and Julia Leonard

- 6:45 Social time food and refreshments
- 7:00 Agenda overview and approval of September 1, 2016 Minutes
- 7:05 Election poll helpers – Colin McNeil
- 7:10 School Board Update - Stephanie Seguino and Miriam Stoll
- 7:25 Nov. ballot items – Mayor Weinberger
- 7:45 Burlington Town Center – Coalition for a Livable City
- 8:10 City Council Update – Karen Paul and Joan Shannon
- 8:30 Champlain College Update – John Caulo and Sandy Yusen
- 8:40 UVM Update – Lisa Kingsbury
- 8:50 Members Items/Open forum
- 9:00 Adjourn

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For information on accessibility, alternate forms of the agenda, including something on the agenda, etc., of the Ward 6 Neighborhood Planning Assembly, contact any of the Steering Committee members listed above. The Ward 6 NPA strives for flexibility in planning before and during the meeting. Accordingly, the specifics of the agenda and the allocated times may change.

Sinex Town Center Mall Redevelopment Project

MYTHS BUSTED!

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MYTH: The city must build more housing units to relieve rental scarcity and a housing “crisis” that is indicated by a vacancy rate of about 1%

BUSTED! Since the 2010 Census, the number of Burlington apartment rental units has increased by 14% (up from 10,000 units in 2010). Since 2014, 1,400 apartment units have been built or are under construction, or nearing construction. Recently, two private surveys show a 2.5% rental vacancy and a “healthy” 3% rental housing vacancy rate likely by year end. Evidence: A July “snapshot” of apartments for rent in Burlington found 129 units available. Also, landlords in the City say it now takes longer to rent units, more are available, and there is more price competition on rents charged.

MYTH: The developer has no choice but to build parking above ground

BUSTED! 3 and ½ stories of Sinex’s proposed 14+ story building are made up of above-ground parking garages. Sinex claims that he cannot put the parking underground because of prohibitive costs and time and that he cannot eliminate it or locate it off-site because potential renters will require parking a stone’s throw away from their spaces.

We have only his own word for the prohibitive cost of putting the parking underground. Furthermore the Sinex towers are right next to a public transportation hub, and two lower-level parking garages that could conceivably be raised a few stories each. A truly green development would take advantage of the public transportation hub and the building’s central location and set a precedent for decreasing car traffic within the city center. This could be a great opportunity to establish a drop-off point connected to a park & ride facility outside of the city center. It seems obvious that the three floors of parking justify the height increase, enabling the possibility of building luxury units on the 12-14th floors.

MYTH: The project’s details conform to PlanBTV and are a result of public input meetings

BUSTED! PlanBTV explicitly states that in order to increase density in the downtown core we must build *within the permitted development envelope*, i.e. within current zoning (allowing up to 65 ft, or 105 ft in exchange for public benefits). A projected image of a new mall shows a building approximately 6 to 8 stories (not 14), and we read that increased density need not mean increased height. PlanBTV states that parking should be underground or wrapped, not above ground or visible. PlanBTV indicates that we need housing for families and mid-low-income residents. The proposed development offers housing for students, high end single units, and only about 55 single affordable units. The change in process for allowing height increases eliminates the leverage for acquiring more affordable housing, effectively blocking the fulfillment of the city’s goal of providing more, not less, affordable housing.

MYTH: The zoning change required for the proposed plan is not illegal spot zoning

BUSTED! Spot zoning is defined as the creation of a special zoning area that is not in conformity with a city’s comprehensive plan, is out of character, constitutes a major change of use for an area, and is created for just one development instead of with a long-term vision of the future of the city. The proposed zoning change is not in conformity with PlanBTV on a number of counts (height increase, above-ground parking, wrong kind of housing, etc.), includes a change of use to allow student housing and university space, is out of character with the surroundings, and is obviously being created explicitly for the benefit of one development. Surrounding land owners have already challenged the city regarding spot zoning, demanding that they too be allowed to increase the height and mass of their holdings.

MYTH: 160 feet (14-stories) came from PlanBTV

BUSTED! The height of 160 feet, “by right” (no additional public benefits are required) came from the Sinex Burlington Town Center proposal. This is an increase of 95 feet above the current by-right allowance. Why is a developer

MYTH: All of the Planning Commissioners support the proposed zoning amendment

BUSTED! In fact, most Planning Commissioners repeatedly said that the timeline allowed for the vetting and approval of this major zoning change was much too fast, noting that other much smaller projects had required much longer time. Commissioners registered multiple reservations about the compliance of the zoning change with PlanBTV, about public opposition to the project, about the possibility of spot zoning, about above-ground parking, a change of use to allow university space, and more. Planning Commissioners agreed that they were not at all ready to approve the zoning amendment, but agreed to pass along their comments—including multiple reservations—to the City Council. This “passing along” has been misrepresented as an approval by the Planning Commission.

MYTH: There’s very little development in Burlington because permit requirements are unreasonable — zoning and regulation processes are broken and need radical changing

BUSTED! Actually, 1400 new units are either under construction or recently built in Burlington over the last year. We have already fulfilled our proposed quota of increased housing for the next few years without radically changing the zoning or process of development approvals. While the head of Planning and Zoning tells us that the practice of requiring more Inclusionary Zoning (affordable housing) in exchange for increased height and other waivers does not work, the real reason for this malfunction may be that the city routinely lets developers opt out of providing inclusionary units in exchange for a fine. This fine is only about 3% of the selling price of a condo. The developer will be tempted by the opportunity for larger profits by not building the affordable units, paying the city fine, and selling the 55 units that were supposed to be affordable as high priced condos. Example: Westlake, the development project on Battery Street, paid the city fine (\$100,000/unit, 4 units) instead of providing the required inclusionary units.

MYTH: PlanBTV and public input on the mall expressed interest in vertical growth

BUSTED! While general concepts of increased density, infill and the zoning changes needed to facilitate them, are supported in PlanBTV—the increased HEIGHT of buildings is not, nor is the specific height proposed. Quite the contrary. PlanBTV focuses on “human scale,” lake and mountain views, a majority satisfaction with building heights as they ARE, and the idea that “taller” is not necessarily the answer. To say PlanBTV supports 160 feet “by right” is completely untrue. Public input meetings on the mall design indicate that despite the fact that “staff” strongly favored a height increase, citizens were concerned about increasing height (even when 105 ft was the discussed maximum).

MYTHS: BUSTED!
is brought to you by:



Like our facebook page: “[Stop the 14-story mall](#)” and read our blog at:

<http://coalitionforalivablecity.blogspot.com>. We need your help and donations for printing. Find out how by emailing us at: LivableBurlington@gmail.com.

Get involved. Write to City Councilors: www.burlingtonvt.gov/CityCouncil
Come to City meetings and speak out during the public comment period.

We too, are for **progress**. Progress is *more* affordable and moderately-priced housing in all developments. Progress is housing for working people before housing for college students. Progress keeps climate change planning on the forefront. Progress is thinking beyond a traditional mall. Progress is respect for standing law and PlanBTV. Progress is knowing important issues should not be rushed. Progress is state-of-the art stormwater treatment, energy-efficient building and green spaces. Progress is fewer cars downtown and below-ground parking. Progress is pedestrian and bike-friendly street connections owned by the city. Progress is protecting our assets of historic buildings and view corridors. Progress is growth with public input. Progress is density,

Sinex Town Center Mall Redevelopment Project

MYTHS BUSTED!

PAGE 1

This list of **MYTHS: BUSTED!** was created by a team of determined and diligent citizens — **The Coalition for a Livable City**. Through hours of research, discussion, emails and attending countless city meetings, we have done our best to dispel misinformation and speak the truth. We encourage you to join us through our facebook page **“Stop the 14-story mall”** and our blog <http://coalitionforalivablecity.blogspot.com>. We need your help and your donations of any size for printing. Find out how by emailing us at LivableBurlington@gmail.com. Thanks for reading! Also, comment on articles in Vt digger, Seven Days and Burlington Free Press. Your voice is needed.

MYTH: PlanBTV stated the need for mall redevelopment, so the Sinex plan is good, yes?

BUSTED! Mall redevelopment as a general theme is supported in PlanBTV, but that is where the connection ends. The Sinex project does not include moderately-priced housing, senior housing, public parks, green space, parking below ground, true street connectivity or livability in its 14-story three-towered mega-block. Very few of the guidelines set forth by PlanBTV for the mall redevelopment are actualized in the current proposal. A mall redevelopment is a good thing, but the current proposal is flawed in many ways.

MYTH: St. Paul and Pine Streets will be reconnected at street level for vehicular traffic, pedestrians and bicycles. These street “reconnections” will look and function as city streets

BUSTED! With this Mall it will take another half century or so before the City gets its original flat streets again. Pine Street connects through the existing Bank Street parking entrance and tunnel down under the office building, then up a 9% grade through a new opening at the corner of the existing parking garage nearest Pine Street onto Cherry Street—not usable by bicycles and pedestrians because of grades. The tunnel prevents use by City buses or trucks. For pedestrians, an always open arcade or atrium through the current corridor will likely be shared with bicyclists. St. Paul St. connection requires a 12% grade rising 15 feet up from Bank Street to the Mall entrance, then a 7 foot drop, just under 5% grade maximum for disability access from Mall entrance to Cherry Street. This “hump” prevents a pedestrian seeing through between Cherry and Bank Streets. The 12% grade from Bank St. to Mall entrance makes it inaccessible to persons with a handicap and too steep for cyclists.

MYTH: The public’s consideration of how to redevelop the Burlington Town Center has been an inclusive 2-year public process

BUSTED! The public process began in January 2015 (18 months ago), but then almost an entire year went by without effective public engagement.) At the next major public meeting (January 2016), the project had changed significantly from what was presented 12 months earlier. And again, over the past 6 months, the latest version of the Burlington Town Center project is very different from the two versions presented in January 2015 and January 2016. In January 2015, Public input resulted in a preliminary sketch requiring no zoning changes. Student housing and above-ground parking were only introduced in 2016.

MYTH: To create density we need to build “up”

BUSTED! Density can be better achieved without high-rises. One block of an older neighborhood may contain many small businesses, studios, shops, restaurants, and apartments with more activity throughout the day and night than one block of a tall office style building with apartments above. Urban innovation and start-ups tend NOT to occur in tall building canyons but in mid-rise neighborhoods that spur interaction. High-rises are like vertical suburbs, sterile, isolating and unlivable. After extensive study of how humans behave in different kinds of environments, the great Danish architect and walkability guru, Jan Gehl, concluded that the most comfortable building height for urban pedestrians is 3 to 6 stories. In their passion for the highest possible densities as an antidote to low-density sprawl, too many urbanist advocates overlook the considerable benefits of still-relatively-high city density at a human scale. Paris, with buildings under 100 feet is as dense in some

MYTH: Vertical growth helps economic diversity and vitality

BUSTED! European cities, for the most part, have maintained a human scale continuous urban fabric of 6-8 stories with a very fine textured street grid, and mix of uses. These planning principles reflect a different value system. Unlike High-rise construction which provides big returns to investors and developers, small footprint shops and apartments in a fine textured urban fabric yield smaller profits, spread out among many individuals and businesses in the community. Over centuries, this human scale urban fabric has proved to be adaptable to changing political and economic times, making the community resilient, and durable. The City of Paris, with buildings no taller than 100', supports continuous retail along the street, making every neighborhood walkable.

MYTH: Tall buildings are good for the environment and reduce energy and carbon-dioxide impacts

BUSTED! High-rise buildings are not the most ecologically sustainable form of construction. They are subject to the effects of too much sun and too much wind. Steel and concrete construction produces a lot of greenhouse gases. High-rise seldom meets the high sustainability goals its proponents claim. Energy consumption and carbon dioxide emissions are driven by many consumption and lifestyle choices (food, travel, adventure sports, 2nd homes, etc.) in addition to housing and driving. Additionally, concurrent programs, such as increasing downtown parking, building roads, and expanding air service, work to increase emissions. Finally, tech-fixes almost always produce CO2 during the building phase, saving CO2 later. This applies to new buildings, and to solar panels! What actually occurs over time can be modeled and forecasted, but the details are critical.

MYTH: Tall buildings create livable cities

BUSTED! The impact of different forms of housing on social and mental health shows that high-rise living has numerous negative health consequences, especially for children, stay-at-home mothers, and elders. High-rises are less satisfactory than other housing forms for most people, and they are not optimal for children—social relations are more impersonal and helping behavior is less than in other housing forms and crime and fear of crime are greater. Based on the research relating to housing and mental health, Gary Evans, professor of environmental and developmental psychology at Cornell University, observed, “people living in high-rises seem to have more mental health problems than those living in low-rises or houses.....Adverse impacts of high-rise dwellings may be due to social isolation.”

As for affordability, the higher a building rises, the more expensive the construction. The higher cost to build taller buildings means they tend to be luxury units, often for out-of-town investors. Tall buildings inflate the price of adjacent land, thus making the protection of historic buildings and affordable housing less achievable. In this way, they increase inequality. As Massachusetts senator Elizabeth Warren and French economist Thomas Piketty have documented, trickle-down economics definitely do not work.

MYTH: Density means more affordable housing

BUSTED! Density does NOT produce affordable housing: Instead of “trickle down” it means displacement, gentrification, more homelessness, and an accelerated loss of our existing low income housing stock. Periods of accelerated residential development in comparable cities have always directly coincided with more demolition of low-income housing, higher rents, lower vacancy rates, longer waiting lists for subsidized housing, increasing levels of homelessness and higher housing costs for all. A consequence of new development is removal of the existing supply of lower-density housing. Housing that's older, non-debt-supported and affordable gives way to new, more expensive housing.

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Meeting of NPA 6, Aiken Hall Champlain College, October 6, 2016

Approximately 18 people in attendance plus speakers and NPA steering Committee. Steering Committee members present: Peter Keating, Clare Wool, Charles Simpson. Videographers from Champlain College, Julia Leonard and Mathew McCardle. Clare provided snacks for the social time 6:45-7:00.

Minutes:

1. Meeting began at 7:05. Peter Keating moderated.
2. Minutes from 9/1/16 were approved as amended. That amendment was to indicate that Miriam Stoll said the expected school tax increase under Board consideration would raise taxes \$91 per year on the average house, not \$91 per month.
3. Colin McNeil, Ward Clerk for Ward 6, called for poll volunteers for election day in November. There is a small amount of pay. Applicants need to be registered voters. Contact Colin at cmcneil@mcneilbt.com Note: Phet Keomanyvanh, CEDO checked about age requirements for poll works with Clerks/Treasurer' Office and received a confirmation that 16 and 17 year olds can work as long as they are paired with another worker who is 18.
4. Miriam Stoll and Susan Marie Harrington gave a School Board update. The district earned an award under the "Let's Move Program" for scheduling at least 60 minutes of physical activity per school day per student. A Burlington teacher just won a math/science teaching award. The Board seeks to balance the needs of students, teachers, and taxpayers in the current impasse on a teacher contract. While expectations on the system are up, including to provide pre-k, federal resources continue to decrease. The Board's offer would put teacher pay in "the middle of the middle" and is fair. Teacher healthcare contributions would increase slightly and access to paid college classes for teachers would be drawn from a set pool of funds. All classes needed for continuing teacher certification would be provided or paid for. Clare Wool, speaking for the Edmunds School Parent Teacher Association, said parents were concerned with the apparent impasse and urged all parties to move forward toward a resolution. Question (Q): Students appreciate the supportive programs offered by the system but see the current situation as lose-lose. The difference is only \$200,000 which 25 new residents paying property tax would cover. Q. Professional development may be more important as an issue than salary but there's concern that the superintendent wants to offer higher salaries to attract candidates in hard-to-get teaching specialties. Answer (A): This is a small adjustment to the contract but it could make a big difference and it gives the superintendent discretion. Q. We have good people in the union and on the Board yet it took months to get the line item budget. There is an information disconnect. If the teachers' financial questions could be answered, that would go a long way to resolve this. A. That's a good suggestion.
5. Mayor Miro Weinberger on the four ballot items. Infrastructure is part of what makes the city a great place to live and comes from the investments of past generations. Examples are the breakwater, a pedestrian-only Church Street; the bike path. Now

we have to make similar investments. The first item, the 27.5 million dollar infrastructure bond, must be approved by two thirds of the voters. The need stems from the fact that 42% of the city's pipes are 75 years old or more. This subjects them to breakage, reduced pressure, and rust in the water. The bond will allow us to reline the pipes or replace them. It also covers sidewalk work and new equipment, primarily 5 or 6 fire trucks now approaching the end of their useful lives. Municipal taxes have gone down slightly in the last two years and this bond is affordable. The capital budget calls for spending \$50 million over the next five years. But sources other than the property tax are being considered: philanthropic contributions; contributions from our institutions; water use fees; raising the hotel room tax which is now 11%; an increase in the alcohol tax. A meals tax increase has been ruled out. With historically low interest rates, now is the time for this bond. We can't afford not to do it. Items 3 and 4 on the ballot relate to downtown development, specifically the overlay zoning proposal and the Tax Increment Financing proposal related to Burlington Town Center redevelopment. The BTC will generate hundreds of jobs, provide space for office workers, add vibrancy to the downtown. Downtowns are the property tax work horses. It generates \$200,000 in taxes per acre. At present, the mall pays almost \$1 million in tax. It would pay \$3.4 million after the proposed development. Greater density reduces the climate footprint for residents over suburban living. We are exploring district heating using excess heat from the McNeil power plant. That system would reduce the city's carbon footprint by 20%. The proposed BTC would mitigate storm water discharge, have a positive impact on housing needs. For this reason Champlain Housing Trust and the Vermont Interfaith Alliance endorse the project. On the negative side, there will be more shadowing, the view from the lake will change, but I see only a vast improvement. We hope to go on and upgrade other sidewalks from Church Street to Battery once those included in the mall redevelopment are improved. We get two full roads. The TIF does it all. It is not a tax increase, it robs nothing from the schools. Twenty-five percent of the taxes go to the schools from day one. Q. When do the tax resources start flowing? A. 2018 or 2019, most likely, perhaps from partly completed buildings as they are assessed. Q. Compromises? A. After two years of discussion, there's been many compromises. Gold Led certification is one. If the TIF and overlay vote fails, we are into a period of uncertainty and we go back to a declining mall.

6. Coalition for a Livable City: Steve Goodkind, Tony Redington, Monique Fordham, and Alex Levin spoke. They argued that the proposed BTC was out of scale with the city. They showed a video of the projected height and massing using the developer's dimensions and Google Earth. Tony said the first version of the Town Center conformed with Plan BTV and the present one doesn't. CLC supports all the goals the mayor outlined--vibrancy, jobs, housing--but within the present zoning. Tony said there were about 100 people in CLC ready to distribute informative leaflets about the ballot items. The present plan triples the existing by-right height. Neither the Planning Commission nor the Council's Ordinance Committee was willing to endorse it. We have had only 127 days to study the final plan of the developer, as codified in the Predevelopment Agreement. Yet it took 2 years to get to Plan BTV. We need more time. Nor is there a housing crisis of supply; 2000 units are completed or are being completed since 2013. There will be 200 affordable units at Cambrian Rise, the

former BC campus. Thus we will reach a reasonable 3% vacancy rate by the end of 2016. Steve said that CLC supports district heating but that will work whether or not we get this particular development. Tony said that there have been 6 owners of the mall averaging 7 years each and we can expect the same for Mr. Sinex. Vote 'no' on TIF and the zoning change. Steve said that there had never been a TIF given to a private developer for the construction of roads, including on Eric Farrell's Cambrian Rise project. Why for Don Sinex? This is a \$22 million gift. Steve said that we have a vision, Plan BTV. Development can correspond to it. Even if the overlay district zoning passes, there's no guarantee that the streets will be built. This is a three-story garage with a building on top, plus retail on the bottom. This is the old way of thinking. And it is a monstrosity. This could well be a model for all downtown. Parking can go underground and current zoning could allow a 105-ft building. Stay with our vision. If we want a TIF, use it for our needs. Q. I object to talk of background deals. I've been to these meetings for the last two years. This isn't a 127 day process. From the street, you don't really see the full height of buildings. A. The Planning Commission couldn't endorse this. Or the Ordinance Committee of the Council. There is no consensus. May 3, 2016 was the first public view of the project. Q. I don't trust your campaign. You said it was a 14 story mall, It isn't. Q. Sinex bought a mall, not streets. The streets weren't in his initial plan so using TIF funds is in the public interest. Q. The photos from Sinex were taken close to the base of the buildings or were aerial shots. When we asked for a model there were endless delays. Now there is a model in the library but it gives you an aerial view. A (from audience) I saw it and found it helpful. Q. In your video, the buildings are red and without windows, That's not how it will be. A. We gave a transparent view. Q. There are photos from the street level on the City's site. Q. We aren't voting on a specific proposal, rather on zoning change and so much could be altered. A. At a recent NPA, Mr. Sinex said just that but that two things wouldn't be changed: building height and the above-ground parking.

7. Lisa Kingsbury for UVM. All the projects in Ward 6, including the Alumni House, are essentially completed. We are considering a request from Ruggles House to use our shuttle system and this would require a new stop on Maple and So. Prospect. This is under consideration. Q. The Alumni House looks very nice.
8. City Councilor Karen Paul was on the agenda but due to the interest of time respectfully yielded her time for comments. She shared with the Steering Committee that she will be out of the country on November 4th but will look forward to seeing everyone at the December NPA meeting.
9. Sandy Yusen for Champlain College. Our rainbow crosswalk is complete. We will continue to address additional safety issues including educating students. Q. Will other crosswalks be treated similarly? A. That's under discussion but may require different approaches to safety. Q. Can the artist be credited? A. The idea and the execution were collective efforts.
10. Peter Keating asked for items from the floor for inclusion in the November agenda. It was suggested we seek a speaker on the problem of wind-blown trash stemming from multiple dwellings. Peter noted that at present requests have come from the fire department and the firefighters' union, from CEDO on Great Streets, from the school superintendent on maintenance issues, and from Chittenden Area Transportation Management Association (CATMA).

11. Meeting adjourned at 8:55 pm

Respectfully submitted, Charles Simpson



Neighborhood Planning Assembly Attendees

NPA (choose one)	Wards 1 & 8	Wards 2 & 3	Wards 4 & 7	Ward 5	Ward 6
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Date of Assembly : 10-6-16 Location: Champlain College

Please return to your convenor, Phet Keomanyvanh
or email to cedofd@burlingtonvt.gov

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