



Special City Council Meeting regarding potential revisions to the City's Downtown Mixed Use Core Overlay - Monday, August 22, 2016 - 5:00 pm - 8:00 pm, Contois Auditorium, City Hall 8/22/2016

MINUTES SUBJECT TO CORRECTION BY BURLINGTON CITY COUNCIL. CHANGES, IF ANY, WILL BE RECORDED IN THE MINUTES OF THE NEXT MEETING OF THE CITY COUNCIL.

BURLINGTON CITY COUNCIL

CONTOIS AUDITORIUM, CITY HALL

BURLINGTON, VERMONT

MINUTES OF MEETING

August 22, 2016

MEMBERS PRESENT: Jane Knodell, (Council President) – Central District

David Hartnett – North District

Joan Shannon – South District

Selene Colburn, East District

Sharon Foley Bushor – Ward 1

Max Tracy – Ward 2

Kurt Wright – Ward 4

William “Chip” Mason – Ward 5 [recused]

Karen Paul – Ward 6

Adam Roof – Ward 8

MEMBERS ABSENT: Tom Ayres – Ward 7

Sara Giannoni – Ward 3

ADMINISTRATION: Miro Weinberger, Mayor

Eileen Blackwood, City Attorney

Katie Vane, Mayor’s Office

David White, Planning & Zoning

Noelle MacKay, CEDO

OTHERS PRESENT: Sandy Baird





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Robert Herendeen

Chris Lyon

Russ Scully

Justin Worthley

Chase Jackson

Carolyn Bates

Charles Simpson

Chris Caputo

Diane Gayer

Genese Grill

Amey Radcliffe

Mary Mangis

June Schulte

Jonah Schulte

Alex Lavin

Caryn Long

Michael Long

Richard Hillyard

Margaret Murray

Erhard Mahnke

Maxine Holmes

Monique Fordham

Tom Brassard

Ibnar Avilix

Ann Taylor



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City Council President Jane Knodell called the special meeting to discuss potential revision to the DMUC Overlay to order at 5 PM.

1.01 Agenda

MOTION by Councilor Bushor, SECOND by Councilor Roof, to approve the agenda as presented. VOTING: unanimous; motion carried.

2.0 1ST PUBLIC FORUM

Public Forum commenced at 5:07 PM.

PUBLIC COMMENTS

- Sandy Baird mentioned moving from Madison, Wisconsin, also a "livable city", to Burlington and the urban renewal that was taking place in 1968. The urban renewal scheme dislodged neighborhoods, disconnected streets, and left a huge hole in the city which is now Macy's. The Alden Plan in the 1980s for the waterfront with a hotel and high priced condos which was a way to privatize the waterfront and make it inaccessible to the public was stopped by the citizens. The Moran Plant being converted to the Y was defeated because it was a membership only project. Burlington College is now being built as a real estate development. None of these projects made the city a "livable city" for its residents. There is no affordable housing or much green space. Progress seldom has been made to give all the citizens the right to live and prosper.
- Robert Herendeen, Ward 4, said he is for progress and supports the downtown redevelopment, but opposes the proposed zoning change. Critics say any reduction in size is antidevelopment. It is all or nothing. Characterization does not belong. The building can be shorter. The present zoning allows a realm of possibilities for inspired design. Think outside the tower.
- Chris Lyon, Ward 4, spoke in support of the zoning changes. Mr. Lyon said he managed to become a homeowner in Burlington, but it was difficult. There is a housing crisis due to the low vacancy rate. City Council is asked to take the first step to look at one more way to provide housing options to people. Consider all the voices that are not at the meetings. Affordable housing is the bedrock of success and progress.
- Russ Scully, Ward 5 resident and business owner, spoke in favor of the zoning change, but expressed concern about the vitality of the downtown area and the low vacancy rate in Burlington. It is exciting to solve some of the housing crisis by raising the vacancy rate. Housing is part of the project. Mr. Scully said he employs 40 different people in Burlington and they have a difficult time finding housing, particularly housing close to work. City Council is asked to vote in support of the zoning change and the project.
- Justin Worthley, Burton Snow Boards, offered support for the project and the infusion of new energy into downtown Burlington. Burton has 350 employees in Burlington and two retail locations. The project is a great step forward for the city, the employees, and the retail presence in Burlington. The alternative is not moving forward in Burlington and that is concerning for Burton. There is limited affordable housing options, limited office space, limited retail spaces in the city and retailers are leaving the downtown. These are all good reasons to move the project forward. Vermont is a small state and there is constant debate on sprawl. This is Vermont's downtown and the place that should be growing up. The project is modest in its opportunities. It is frustrating that PlanBTV South End did not consider a change to zoning there. In terms of opportunity where development can happen in the city this is the best one.
- Chase Jackson, south end, said he chose Burlington as the place to launch his career and for the potential of what





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Burlington is to become. To stall the project in the early phase does not give it a chance. City Council will do due diligence and responsibly pass the zoning change to allow the project to move forward and have immediate positive impact on the community and the economy of Burlington. The project will give Burlington a fighting chance to attract people, businesses, and the investment needed to ensure future prosperity of the city people call home.

- Carolyn Bates, resident, urged the Mayor to take back control of the city and say "no" to the overlay project fraught with potential lawsuits. The city should add the street idea to present zoning. Sinex can build within PlanBTV with 10 floors controlled by bonuses with simple changes to the plans, such as eliminating three floors of above ground parking, eliminating the tiny 14th floor, putting parking underground, lowering the ceiling of the parking to the former street level of St. Paul Street, returning a complete and flat St. Paul Street, returning to the 2015 design. Over 10,000 people follow the Facebook page and want the same thing.
- Charles Simpson, resident, said the editor of the Burlington Free Press asked opponents of the town center reconfiguration to come up with a plan. Mr. Simpson said his plan is to eliminate the concourse level of retail and turn it into parking, excavate one level more below that for parking. Floors 2 through 5 would be office space. Floors 6 through 8 would be apartments of mixed sizes and integrated. Eliminate the student housing (let the institutions take care of it). Floors 9 and 10 would be condos. The developer would have immediate cash flow to make the project work. The best views of the lake would be captured and the building would be under 105' and within the current zoning. Many multi-use issues would be addressed.
- Chris Caputo spoke in support of the zoning to help redevelopment of the downtown center which needs affordable housing, businesses, and increase of tax revenue. The redevelopment of the downtown mall center and increase in zoning to allow for 14 stories will help assist with that. Thanks to the Mayor for his leadership and saving the city.
- Diane Gayer, architect and urban designer and retired faculty from UVM, reminded that PlanBTV was two years of work and includes a drawing of the mall as a six to eight story building. PlanBTV was created by the citizens, City Council, and the Planning Commission, and was duly adopted and thought through in a comprehensive way. The new proposed town center is being touted as complying with this, but the difference is double in terms of height. There is no reason PlanBTV cannot be followed. The density is in PlanBTV. The thinking for housing is in PlanBTV. The thinking for the underground parking is in PlanBTV. The work was done and the proposal should comply.
- Genese Grill said Eileen Blackwood suggested it might be illegal to make changes to the overlay district due to the predevelopment agreement. When City Council voted for the predevelopment agreement the public was assured this was not binding, but a way to get more information. Now what is being heard is different. It is illegal to pass a zoning ordinance that is not in compliance with the comprehensive plan, PlanBTV. City Council approved PlanBTV in 2013. It is a legal document. The Planning Commission process with the zoning ordinance was irregular. The Planning Commission never voted to affirm the zoning ordinance is in compliance. Approval by the Planning Commission is required by Vermont law. To pass the overlay district is illegal because it does not comply with the comprehensive plan and is undemocratic, unethical, and betrays the promise City Council made when approving PlanBTV and said this is the consensus of the community.
- Amey Radcliffe, business owner and resident, expressed concern with the way the Sinex project is affecting the proposed zoning change. The zoning issue needs to be addressed separately from any project, in this case one project that is constricting and limiting and putting rules on what can be said based on the predevelopment agreement. The predevelopment agreement needs to be set aside to give full due diligence to the zoning change. The zoning only should be discussed not whether the town center project is liked or not. The zoning change is not compliant with PlanBTV. It is not clear where the 165' plus mechanicals came from. Sinex said it was not from him. That should be looked at and the city should honor the zoning. Supporters of the project are for progress, moving forward, housing, vitality, economic boost. All are 100% possible with a building that complies with current zoning.
- Mary Mangis, old north end, spoke against the project which is out of scale and out of character for the city. The building should be in Boston, not Burlington. The project is perverting the process and is not the right thing. The city is being pressured by a developer who is interested in making money. The city does not know if he will follow through or guarantee anything. A lot falls on the shoulders of Burlington residents. City Council should take this to heart and not change the city to such a drastic extent.





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- June Schulte said she lives on the outskirts of Burlington, but raised a family and worked in Burlington and has family living in Burlington. It is unclear if the housing provided by the project is affordable, student, or expensive penthouse variety. The need for a revitalized mall is recognized. The parking should be underground. The plan tries to minimize shadows by tapering the sides of the building as it rises. Ms. Schulte said she took photos of the skyline from the lake and going from seven or eight stories to 14 stories is a huge change. No compelling reason for a change to such a height has been heard and doing so is against the will of the people and would be irresponsible. The change will affect the appeal of the city. If City Council honors the desire of the people by not altering the zoning and requiring the developer to compromise on height the trust and support of the community that City Council serves and is being asked to foot the bill for the project will be gained.

Public forum was closed at 5:26 PM.

Council President Knodell led the assemblage in the Pledge of Allegiance.

3.0 DISCUSS DMUC OVERLAY DISTRICT

3.01 Discussion of the DMUC Overlay (ZA16-14)

Height & Massing

David White reviewed basic elements of building height and massing in the zoning. Mass is measured using floor area ratio (F.A.R.) which is the area of the site to the gross floor area of the building. The zoning change includes limiting the size of the floor area based on the story to force the building to taper as it gets higher. A table showing maximum and minimum building height, F.A.R., and floorplate was reviewed and illustrations shown.

Councilor Shannon observed the floorplate is not larger than the floor below which limits the square footage of the envelope. David White explained the limit is to prevent the base of a building being smaller than the upper floors. Floor 13 cannot be bigger than Floor 10 because the building would overhang and look awkward. Councilor Shannon said this seems architecturally limiting.

Councilor Bushor asked where the height of a building is measured. David White said per the ordinance height is measured from the street/sidewalk level to the roof deck with a flat roof. The parapet that surrounds is not included in the measurement. Building height is measured to the midpoint of the rise of the slope on a pitched roof to allow flexibility to create internal space for use. Councilor Bushor asked if 10' could be added to the 160' with a pitched roof. David White confirmed this. Councilor Bushor stated the height of the Masonic Temple to the peak is 130' so an amendment will be made to limit building height to 135' which will eliminate two stories in the proposal. The floorplate would have to be modified. The amendment to 135' is based on what is downtown, comments that have been heard, and being compatible coupled with a smaller footprint for the overlay zone.

Councilor Tracy mentioned "by right" height in the current zoning and getting additional height through DRB relief. David White said 65' is the maximum height. Certain bonuses must be included to go to a maximum of 105' (bonuses related to





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inclusionary zoning, providing senior housing, public art, public parking, job creation). A combination of bonuses would need to be used because each bonus is 10'. Councilor Tracy asked what percentage of additional inclusionary zoning would have to be added to get the added height. David White said each additional 5% for every 10' of height. Councilor Tracy asked if the surrounding districts are being considered for form based code in terms of "by right" height and DRB relief. David White said form based code uses different approaches for "by right" versus DRB and is applicable throughout the downtown where the relationship to height limit is less on the perimeter and more on the internal side. Councilor Tracy asked about height limits for areas surrounding the mall. David White said the downtown area overall for form based code is six stories or a maximum of 65' by right, nine stories maximum not to exceed 95' subject to DRB review with exception of area that is part of the amendment under discussion and Church Street Marketplace. Councilor Tracy said the table is misleading because it says 14 stories not to exceed 160' maximum, but does not take into account mechanicals which could be an additional 15' or a 10% variance decided upon by the Administrative Officer. Councilor Tracy urged listing a height limit that is clear and easy to understand. David White explained it is possible to have a maximum height not to exceed for any reason, but when that is done potentially buildable or leasable area necessary for mechanicals is being consumed. If ceiling height is reduced then the building tends to be "squashed" with less airy and open floors which is less pleasing to the tenants.

There was discussion of working on the F.A.R. and fleshing out the amendment. Councilor Colburn asked if there has been analysis of how and when bonuses have been used. David White said nothing has been documented. Use of bonuses has been in conversation with developers. The bonuses have been around for a long time. Parking is the most often used. Senior housing and inclusionary housing are new since 2008 and have not been used. The job creation bonus has been used. Public art and green building bonuses have not been used. Councilor Shannon asked if two bonuses would be required to get to the maximum height. David White said a two floor bonus is given for parking or inclusionary or job attraction. One floor bonus is given for senior housing.

Councilor Shannon pointed out the front setback is 12' from the curb, but in the densest area of the city 15' wide sidewalk is the minimum so an amendment to that end is proposed. Also, 135' is more appealing than 160', but at 135' the housing that is wanted will not be included and housing was a very important component. The developer could build to 105' with bonuses for a 100% commercial building with larger floorplates so 135' cannot be supported in isolation because the goals in terms of attracting housing will not be accomplished. David White said form based code calls for 12' from the curb except on Main Street from South Winooski Avenue to Battery and South Winooski Avenue and Pearl Street where the setback is 15'. Building setbacks are measured from the property line typically, but in this section it is measured from the curb. To have 15' setbacks would place the building on private property with no guarantee of a sidewalk. To have a guarantee of a sidewalk then move the curb and narrow the street or acquire the private land. Councilor Shannon said designs could be brought forward that incorporate a larger sidewalk. City right-of-way will be needed, however, the pedestrian space is needed where there are very tall, dense buildings.

Councilor Wright asked where the building height is in compliance to the master plan (PlanBTV). David White said the ordinance as drafted does comply with the master plan including PlanBTV. The downtown waterfront master plan and PlanBTV is a policy document with a broad approach in its language, not prescribing specifically that buildings should be this much taller or shorter in the downtown. There are two instances where the language does talk about the size of buildings: to achieve objectives for economic vitality of the downtown and better urban design through infill. The language does not say the building height should or should not be increased, but says that is not the only way to increase vitality and with respect to the site where larger buildings may be appropriate given the location and topography and character of the neighborhood that was disrupted by urban renewal. The final interpretation of how much is too much in terms of



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height and massing is defined in the zoning. Increasing opportunities for infill development, mixed use development, more complete use of underdeveloped sites are very much in compliance with the plan. Councilor Wright asked what a 10 story building would look like in terms of greater massing and width. David White said the mass of the building is limited by the height so a building has to spread out like a big box to maximize utilization of the floor area allowed. A big site will have a big box which does not lend itself to a variety of uses including residential. Councilor Wright confirmed the Planning Commission position in terms of the area being appropriate for taller buildings. The amendment to reduce the height limit to 135' creates greater massing and does not provide what is wanted with housing.

Councilor Roof questioned the difference between a building height of 105' or 135' or 165' to a pedestrian. The upper levels of these buildings will allow housing of all kinds, affordable to higher end units. The height of 135' is arbitrary.

Council President Knodell agreed with the wider sidewalks.

Councilor Tracy expressed interest in putting the bonus concept back into the project to incentivize the developer to meet additional public benefits and affordable housing and see what the floor area will look like. The height of 160' is too high. The ordinance needs to be clear how high buildings can be. Further amendments could be forthcoming.

Exceptions to Building Height

Council President Knodell confirmed there is consensus that Exceptions 1, 2, and 5 are acceptable. Discussion will continue on Exceptions 3, 4, and 6. David White explained Exception 3 focuses on non-habitable architectural features and greenhouses, garden sheds, rooftop gardens, stair towers, elevator towers, and mechanical rooms. Exception 4 focuses on requiring HVAC systems to be setback from the edge of the roof and screened from view. The exception gives flexibility on where the units are located and how they are screened. Exception 6 deals with administrative variation to account for grade changes across the site and offer some flexibility so the building can fit into the landscape better.

Councilor Bushor pointed out the Ordinance Committee and Planning Commission are not in support of the Administrative Officer being allowed to add a 10% variation to building height. This should be discussed during the DRB process and part of the public process. Exception 3 is fine for ornamental and architectural features, especially rooftop gardens. The rationale for 15' not to exceed 20% of roof area in Exception 4 needs to be better understood. Hotel Vermont mechanicals are not screened and are at the top of the structure. Exception 6 should be eliminated. David White explained the amount in Exception 4 is likely less than 15', but regardless, the mechanicals should be screened. The amount of 15' in the ordinance is generous for large scale mechanicals on large buildings as discussed with design professionals. The ordinance allows for 10% of roof area, but experience has shown this to be insufficient to ensure mechanicals are properly screened from the street level. Councilor Bushor commented Exception 4 becomes relevant if City Council takes up maximum height to include mechanicals so adjustment of the 15' may be needed.

Councilor Roof said the exceptions apply to the entire city so some level of administrative discretion would be reasonable. The role of Exception 6 in the overlay district and other slopes in the downtown core should be explained. David White said





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the exception is applicable in the overlay and is more an issue with a larger and more sloping site. The site in the downtown core does slope, but there are many other sites throughout the downtown along the waterfront that do the same so this kind of flexibility is useful. For flexibility under the current ordinance a variance is needed which is very difficult to attain. The DRB can be the grantor of a waiver rather than handling administratively. Councilor Roof said with regard to Exception 4 the current ordinance not to exceed 10% roof area has posed difficulty so the change from 10% to 20% is supported.

Councilor Shannon expressed support for Exception 3. Exception 4 does not allow additional height for mechanical equipment which was thought could be on the lower tiers, but this is where solar panels, green roof decks, and roof gardens are being more suitably located. The top of the building is not what is experienced from the street level, but will now be the skyline. Language should be added to Exception 4 to say screening must meet DRB standards. This will allow creativity on how the screening is done and promote architecturally appealing screening. David White suggested adding the following to line 464: "such features and structures shall be designed and clad in a manner consistent and complementary with the overall architecture of the building". Councilor Shannon said she will offer an amendment to that effect. Regarding the Administrative Officer offering up to 10% variation, the 10% provides up to 16' which is more discretion than wanted to give to the Administrative Officer so a suggested amendment is to reduce to a 5% variation to account for grade changes.

There was consensus on Exception 3. Councilor Tracy said Exceptions 4 and 6 should be removed from the ordinance. Building height should not extend above 160'. Councilor Hartnett pointed out if rooftop mechanicals are 15' then roof height would be limited to 145'. David White noted residential floors are typically 10' floor to floor. Office or retail is greater. Councilor Hartnett said he is not in favor of the amendments on Exceptions 4 and 6.

Church Street Height Limit

David White noted the Church Street height limit is outside the overlay, but potentially impacted by the project. Existing building height limit on Church Street is 38' proposed to be increased to four stories not to exceed 45' with a "stepping back" requirement measured at the property line. Every 10' the building moves back the height can increase 10' which helps preserve the light and air in the marketplace. Almost every block on Church Street has a building greater than 38' in height. Images of Church Street and variation of height in the block where the Burlington Town Center is located were shown.

Councilor Wright said the Planning Commission does not believe it is necessary at this time to include height and step back changes to Church Street within the ordinance because it is outside the district and should be part of form based code. David White said whether Church Street is included or not redesign of BTC is required. This is a better way to approach building height on Church Street and ensure a sense of enclosure. There was no opposition by the Planning Commission, but there was the feeling that the change was not necessary at this time.

Councilor Colburn spoke in support of the recommendations of the Planning Commission and Ordinance Committee. The larger context of form based code will give more to relate the changes to than just the district.





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Councilor Shannon reported the Form Based Code Committee discussed the matter and felt everything behind Church Street does not go to 105'. Changing all of Church Street should be revisited. Burlingtonians are protective of Church Street. Councilor Shannon said she will propose an amendment to strike this section of the ordinance. Councilor Bushor said she would also offer an amendment to strike the section.

Councilor Tracy spoke in support of having conversation in the broader context of form based code.

Councilor Paul observed some buildings on Church Street are three stories or under 38'. David White said the height depends on the floor to floor measurement. The ordinance is asked to increase the height by seven feet (to go from three stories to four stories). Every building is different, every use is different in terms of floor to ceiling height. Staff assumes the first floor is 15' and each floor thereafter is 10'. Office space may be different from residential space.

Councilor Roof asked about only considering the section of Church Street that abuts the overlay district rather than the entire length of the street. David White said Church Street should be treated as a whole (four blocks). The current zoning requires the upper portion to have smaller buildings and set back. The attempt is to have more building mass along the street edge where infill has been at a single story. Two stories is the minimum infill building height with incentive to go taller to fit with the existing scale of other buildings. The changes from the Planning Commission focus on urban design so if parking is above ground to street level the building does not look like a parking garage. Parking can be underground or behind a liner building as well as within a mixed use building. Underground parking is very expensive to build. Parking behind a liner building consumes area that could be used for other purposes. Councilor Roof asked for a definition of "possible" in the statement that underground parking is preferred if possible. David White said the Planning Commission discussed requiring a demonstration that underground parking was not feasible. Councilor Roof said a way to incentivize underground parking is needed if the developer is responsible for defining what is possible. Council President Knodell said the Ordinance Committee had language that would incentivize building underground parking. Councilor Shannon mentioned the need to consider the burden on the city to truck soils out of the city. David White pointed out the language is laid out as a series of options. Councilor Shannon stressed the city should require what is wanted. There are examples in other cities that could give guidance to Burlington.

Councilor Shannon commented the discussion is not about one specific property or project, but an offer has been made to build something that provides a lot of public benefit (reconnection of city streets and a mixed use building). There is nothing in the zoning that gives better connection to streets being restored and assures a mix of uses. The appeal of the project is as a mix of uses. Councilor Shannon said she will work with the Planning Director on a proposal that any building over 100' in the overlay district needs to offer a mix of uses of at least 30% commercial, 30% residential to contribute to jobs and housing.

Councilor Bushor mentioned handling storm water.





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Councilor Hartnett asked if the predevelopment agreement locks in the building height at 160'. Eileen Blackwood said she would never advise that something is not negotiable.

A list of amendments will be produced. Next work session will discuss green buildings and the right-of-way on Pine Street and St. Paul Street.

4.0 2ND PUBLIC FORUM

Public Forum commenced at 7:28 PM.

PUBLIC COMMENTS

- Jonah Schulte, resident, stated the residents and occupants of the Devonwood multi-use complex will drive rents up in Burlington, not down. The retail businesses in the redeveloped mall of which none is predicated on the overlay will only offer subsistence wages with the exception of a small proportion of clerical jobs therein. The reason there is so much hostility and refusal is because people know which way the wind is blowing. Do not grow the boundaries of your garden until you look at the quality of your soil. A livable wage in Burlington needs to be \$21 per hour. Burlington is a city on the grow. People are moving in and driving up rents. People who are here do not want to be left behind and are willing to squash the project. The people are beset by the crisis of survival, an existential crisis. City Council needs to appreciate that this is what the people City Council is representing are dealing with and that is why the people are here.
- Caryn Long mentioned condos for sale at \$800,000 and in new developments rent for studio units at \$1,400 per month, one bedroom at \$1,500 per month, and two bedrooms at \$2024 per month which is more money than what people have been paying. The municipal plan was tweaked in 2014 by City Council. The vision statement points out the rich architectural heritage, moderately scaled buildings, high quality urban design, high density area built closer to the street, parking underground or in a nearby structure, using green building materials and energy efficient design, protecting scenic views and view corridors, retaining moderate scale and urban form in the most densely developed areas, conserving existing elements and design characteristics of the neighborhood. The developer has touted green building as too expensive and there is no talk about neighborhood proportion.
- Michael Long stated there is a clear alternative to develop the site under the zoning laws in place. The zoning changes cannot be approved without violating PlanBTV and the Burlington Municipal Development Plan. Mr. Long quoted current language in the zoning and the development plan to show how the amendment violates the zoning and the plan. Eighty percent of the housing in the project will be unaffordable to people at the median income level.
- Richard Hillyard, Ward 1, said the people challenging the project are looking for a better revitalized downtown and are not against growth. These people have attended the charrettes in February and other meetings. Don Sinex was on the panel of the charrette and discussed accessibility and connectivity. Housing in the old north end is not being discussed. People have ideas and are not just against projects. Mr. Hillyard asked what City Council has done to ensure the significant benefits with the project and where the permanent jobs will be. Where is the feasibility study that was to be done or the evidence of Don Sinex's bonefides and Devonwood projects and the company in bankruptcy where he is the CEO.
- Margaret Murray read a letter on Don Sinex's purchase of the mall, payments to the city and other organizations, unanswered questions, concerns, too much rush with the project, and protecting the interests of the citizens of Burlington.
- Maxine Holmes, Burlington resident, spoke in support of public accessibility to the building complex so people can enjoy the views. Pictures were shown of a building in France that is 100' tall and offers all the elements for the people to enjoy.



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- Monique Fordham said people coming to the meetings are having emotional outbursts because of legitimate reasons of why the project “stinks to high heaven” and the reasons being routinely dismissed and never addressed. The criticisms are never addressed and given vague, maybe type answers. Legitimate complaints have been made and reasons given why the project is not working due to a total cart before the horse in almost every way. Ms. Fordham said she cares about the character of her hometown. Watching the process has been disturbing with the lack of respect for intelligent people raising absolutely significant concerns about the project being routinely dismissed. It is unconscionable and irresponsible. City councilors will be voted out of office for the debacle and destruction of what makes Burlington a unique and livable city. That is why people are fed up. They are not being heard. The public-private partnership consists of Don Sinex and everyone who has been paid off or has a speculative interest or business interest. Ms. Fordham said she hopes some of the city councilors will have a conscience before this is over.
- Tom Brassard suggested converting one or more parking levels into other uses because with the pace of innovation it is not known what transportation will be like in five to 10 years. Underground parking is expensive and there are issues with disposal of hazardous materials. A design should be made that could be repurposed.
- Ilnar Avilix suggested the Planning Commission be invited to speak rather than just the Planning Director speaking for the Planning Commission. There are longer explanations and a lot of behind conversations and opinions the planning commissioners voiced. There will be trucking of soil and trucks with the construction. Mixing in the trucks moving soil with trucks for construction might be all the city is willing to tolerate to keep the height down. The public should be asked if they will put up with the tradeoff.
- Ann Taylor referred to Don Sinex purchasing the mall three years ago and asked who is creating jobs and who gave money to move Burlington forward. Over 100 business people spoke in favor of the project. Nonprofits into conservation are in favor. The building is not that big and the housing and income are needed. Burlington businesses are suffering. Ms. Taylor asked what the coalition is going to do for the city in terms of providing income, new jobs, new buildings. Burlington has an opportunity. The coalition has presented too much misinformation, holding a press conference to dispute the City Attorney’s opinion that the zoning change is legal.

There were no further comments. Public forum was closed at 7:51 PM.

5.0 ADJOURNMENT

MOTION by Councilor Hartnett, SECOND by Councilor Ayres, to adjourn the meeting. VOTING: unanimous; motion carried.

The meeting was adjourned at 7:52 PM.

Rscdy by tape: MERiordan

