



Burlington City Council Ordinance Committee

8/1/2016

City Council Ordinance Committee

Monday, August 1, 2016

Contois Auditorium, City Hall

MINUTES

Attendance

Present: Acting Chair Sharon Bushor (SB), Councilor Kurt Wright (KW), specially assigned

Absent: Chair Chip Mason, recused; Councilor Max Tracy (MT)

Other City staff: Meagan Tuttle (Meagan T), Planning & Zoning staff; Eileen Blackwood (EB), City Attorney, Committee staff

Public: Carolyn Bates, Amey Radcliffe, Charles Simpson, Caryn Long, Margaret Murray, Richard Hillyard

SB called the meeting to order at 6:47 pm.

1. **Agenda:** KW moved and SB seconded to adopt the agenda as presented. Unanimous.

Update on the model: Meagan T reported that the model was not completed because of the absence of some digital information from Devonwood. That information was provided and we are now waiting to hear a further update.

2. **Public Forum:** Carolyn Bates: Zoning ordinance keeps getting mixed up with Sinex and predevelopment agreement. You are not beholden to follow it, and you should change it. The Planning Commission was rushed, so please take your time. Wait for the model. She hopes parking can be underground and retail on the first floor. Follow PlanBTV. Keep the 65 foot height. She submitted an article about Mr. Sinex.

Amey Radcliffe: property and business owner. Any details should follow PlanBTV Height is not consistent with the plan. The Planning Commission did not have enough time. Your public role is to take the time needed. Human scale means a 6-8 story building. Mid-rise buildings are the most cost-effective, environmentally sounds, livable, and flexible over time. There's a lot of research that over a certain number of stories decreases livability because people are separated from the ground. Thinks people could like this project again if it becomes human scale.

Charles Simpson: He was shocked to read in the paper that the mayor has been discussing a new hockey arena at Memorial Arena. This gateway block has been designed for multi-use, and the mayor has thrown away the existing PlanBTV cavalierly. Stick with the existing letter of the law.

Caryn Long: She was shocked that Sharon felt that legally she had to support the zoning change. Meagan said the FAR is 8.8, but without bonuses, it's 5.5, so this is doubling it. This is misleading. The zoning is 65, not 105—that's with bonuses—so using this number is misleading. PlanBTV was in 2013, so why didn't we deal with height then. 160 feet is outrageous when the buildings across the street are 2 stories high. We need a month to digest the model. It should have been ordered months ago. It's a tiny expense.

Margaret Murray: She is concerned about who has had to excuse themselves—original Ordinance Committee chair—and planning commissioner who is employed by CHT who supports this project. UVMCMC and UVM also have conflicts of interest. She held up a page from what was PlanBTV and wondering why there are all these jagged lines



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instead of following streets. She can't distinguish this from everywhere else—Springfield, MA, Boston, etc.

Michael Long: He's contacted David White and planning commission for quotes or passages that show concerns with current zoning and hasn't received any of them. Also, August 1 is deadline for feasibility study and is interested to see it on the website. It seems out of line that we are only learning if this is feasible now. He has it on good authority that there is pressure on this committee to adopt this ordinance, and that pressure is manipulative and inappropriate.

Richard Hillyard: It doesn't seem likely that we'll see a model this week, and we're running up against a City Council date of Aug. 15, and people won't have time to review and comment. If we're talking about Devonwood and Sinex, then it's spot zoning. If not, we need to consider whether the parking plans in Devonwood would fit for other developers. None of the due diligence the City Council says is complete has been shared with the public, or it would be part of the social media. He would urge the committee not to pass this on without further consideration.

Concluded at 7:13 pm.

SB noted that this is a subcommittee of the full Council, and the ordinance was referred to this committee to review and report back to Council. Then the Council will hold work sessions, so this committee's process ends next Tues., but the work doesn't end then. President Knodell will be facilitating those next meetings.

SB also said she asked for a description in words of the district in addition to the map. August 1 is the deadline for feasibility study, but there is a clause that Devonwood can fund up to \$20K for the city to do its own. She doesn't know if it's in the city's hands or not.

SB said she was not supportive of the existing height when voting on the predevelopment agreement. EB explained that the committee should make any recommendations it wants and that some councilors expressed reservations and other conditions on their vote for the predevelopment agreement, and they should be prepared to justify any changes to their vote.

3. Minutes: In the absence of Councilor Tracy, KW moved and SB seconded to delay consideration to the next meeting. Unanimous.

4. CDO Zoning Amendment 16-14, Downtown Mixed Use Core Overlay: SB reported that she spoke to Meagan T and EB about the proposal from Andy Montroll to change the massing and asked Meagan T to provide drawings. She also looked at the map and how the height fits in. She likes how it tiers up, but wonders if it could be tiered down on the west side. So, she wants to better define where we could tolerate the greater height and then transition to the existing lower heights to acknowledge livability and human scale concerns. SB asked Meagan T to point to the Macy's parcel, two parking structures, People's Bank properties. Macy's could be 105, garages 65 feet high. She wanted to see how that would look from the waterfront and Edmunds, the two views of most concern.

Meagan T then showed a series of slides. Her first slide is a picture of a three-dimensional model of our maximum existing zoning envelope, showing which buildings could reach the current 105 feet. The second slide shows the proposed overlay zoning maximum envelope. She pointed out the current tapering up. Meagan T reported that the Planning Commission discussed this issue of transition a great deal, and they discussed including the People's Bank property in the overlay district. Some commissioners felt the transition from 160 to 105 was good. Others felt the People's Bank should be included in the overlay. Another discussion was the College St. garage, and again there was a split among the commission about whether the transition should occur on that property or on the abutter.

Meagan T showed a step up drawing from Church St to the overlay zone. SB wants more of a transition and wants to make the area that allows 160 feet smaller. She wants that idea presented to the full Council.

Meagan T showed some diagrams of FAR to illustrate the relationship of height and mass. Meagan T did some



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simple calculations to try to calculate what this could mean. Setback limits on higher floors reduces the site to 9.3 maximum FAR. If Andy Montroll's suggestion were utilized, and a greater mass moved into the lower floors, then, a project could potentially exceed 10.0 FAR, but then they'd have to get rid of 37,000 square feet. The bulk of the building can be built in the lower stories, but we then might see a building that feels more squat and horizontal, and one key goal was to try to achieve more verticality, break up mass, and open up pedestrian view. So we would have to look at how light and air reach the ground.

KW clarified that there could be two fewer floors and not impact the size overall, but there will likely be more mass in lower levels that are more visible from the street. As noted last week, buildings above 5 stories would be setback, because that 5 story height is comfortable for pedestrian view. SB asked how would massing impact pedestrians if they can't see above 5 stories. Meagan T explained that it is harder to see higher buildings if the higher stories are set back. If buildings are brought lower, pedestrians might be able to see the higher stories more.

Use: SB said that MT was very concerned that it could open the door for classrooms being located downtown, if post-secondary and community colleges were to be allowed as permitted uses. SB would not agree with permitted, but would have this be a conditional use. Meagan T said the purpose was to allow small college use, individual classrooms, not a whole college campus. The Planning Commission recommended this be a conditional use—unanimous vote. Meagan T said staff recommended considering a limit on floor area and making it a permitted use. KW also is in favor of conditional use. The Committee wants to have this be a conditional use.

Brian Dunkiel asked if he could say something on behalf of BTC, which SB allowed. BTC would support having other mixed uses related to other permitted uses. Right now labs are currently conditional uses, and he asked if the committee would consider making some of these permitted, if they support the other mixed uses. SB said she supports conditional uses. KW said in the council work sessions, maybe some other proposal could be fully fleshed out (the staff proposal on size limits). SB is not in favor.

Parking: SB noted that this is one of the more controversial areas. She asked Meagan T to clarify what the changes from the Planning Commission mean. Meagan T explained that their strong preference is for all parking to be underground. There were many questions and differences of opinion about what if the lot were too small or underground weren't feasible, so they opted to send the language that says "(strongly preferred)." They also added (b)--that if there is a parking structure, there must be a liner building on the streets. And they added (c)—that parking can't be on the 1st or 2d floor, but above the 2d floor, it could come to the street, but only if urban design standards are applied. Meagan T showed an example of a building where the parking is on floor 3 and up, but the building looks the same as all floors. The idea is three choices: underground, in an internal structure with a liner, or above the 2d floor with design to make it look the same. Meagan T offered to adjust the language of (c) to make this clear. Meagan T suggested changing (b) to say an "aboveground" structure and clarifying these three options.

SB asked how do we handle if our first choice is underground parking, and developers won't consider it? She wants the developer to have to show it isn't feasible to go underground. Meagan T notes that is very subjective. SB said this is one area where she mourns the loss of the bonus. EB said we're looking at whether there are other communities that have established workable definitions/standards for feasibility. There has to be something to incentive underground parking. KW said he'd like to see any language that would do this.

ACTION: P&Z and City Attorney's Office will work on revisions to the three parking alternatives, including





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possible feasibility triggers.

Meagan T explained next section about participating in the Downtown Parking and Transportation Management District. The Committee agrees with the Planning Commission's modification to i and ii.

Meagan T reported that the Planning Commission removed the reference to surface parking, as it was not an acceptable use in this area. SB is supportive of that change (iv). KW agrees. The Committee also agrees to the change to (v). The next change was suggested to ensure more than one pedestrian route if a building is on two streets, and the idea is to merge (v) and (vi). The Committee therefore agrees with the Planning Commission/staff modifications to iv, v, and vi.

Subsection (vii)(a) is ensuring there is some active use occupying liner building, and it is not just a dead building. The Committee supports this modification.

Subsection (vii)(b) requires the floors to be level to ensure that it's not distinguishable from the perimeter and can be repurposed, according to Meagan T. SB also liked the screening in (c).

Meagan T explained that the Planning Commission felt that it needed to be clearer that the levels of parking in a structure have to be indistinguishable from the rest of the building. SB asked to use "indistinguishable" rather than "not clearly distinguishable."

KW suggested not getting into other issues until MT was available.

Meaghan T went quickly through some photos of the design features and will have them put up on boarddocs.

SB identified some things from previous minutes on which they need more information to get together for the Council. SB asked EB to follow up and get the organizational chart for Devonwood on the website. KW asked if the TIF proposal could be linked, and Meagan T said she was working with the City Attorney's Office to see if it could.

5. Next Meeting: Monday night in Contois at 5:30 pm.

6. KW moved and SB seconded to adjourn. The meeting was adjourned at 8:32 pm.

