



Burlington City Council Ordinance Committee

7/26/2016

City Council Ordinance Committee

Tuesday, July 26, 2016

Contois Auditorium, City Hall

MINUTES

Attendance

Present: Acting Chair Sharon Bushor (SB), Councilor Max Tracy (MT), Councilor Kurt Wright (KW), specially assigned (arrived at 6:05 pm)

Absent: Chair Chip Mason, recused

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

Public: Tony Redington, Steve Goodkind, Barbara Wynroth, Jay Vos, Robert Herendon, Paco DeFrancis, Margaret Murray, Samantha Hathaway

SB called the meeting to order at 5:35 pm.

1. **Agenda:** MT moved and SB seconded to adopt the agenda with postponement of minutes to August 1. Unanimous.

2. **Public Forum:** Tony Redington likes showing the connection of Pine and St. Paul Streets on the map and hopes to see those streets to full pedestrian, bicycle, and vehicle use. He also noted that he sent a communication to his councilors and wants to know what's wrong with our current zoning ordinance. Steve Goodkind read his comments in writing. Barbara Wynroth spoke to the process being rushed and not welcoming. Jay Vos asked councilors to wait to do anything until they see 3D model. Robert Herendon expressed concern that diagrams were not accurate. Paco DeFrancis expressed that these hearings only hear from a small number of people, and taken in context, 160 feet is still a short building on the national scale, and it is critical that someone is willing to put \$200M into our future. He also noted it might be wise to add the bank building into the overlay district. Margaret Murray asked about money paid by Mr. Sinex to the City and the predevelopment agreement's reference to the market study and feasibility analysis. Samantha Hathaway asked about the model, and Meagan T confirmed that the model is done and will be at the Fletcher Free Library. Steve Goodkind asked if the organizational chart for Devonwood and Donald Sinex had been received. EB confirmed that the organizational chart was provided in the stated time and will report back about where it resides.

Concluded at 6:05 pm. Councilor Wright joined the meeting.

3. **Minutes:** Postponed to Aug. 1

4. **CDO Zoning Amendment 16-14, Downtown Mixed Use Core Overlay:**

Meagan T has prepared some information to respond to last night's questions. Julie Campoli, a member of the City's technical team, prepared some drawings. The first shows the difference in height and massing. The buildings show the increase in height proposed for Church St., 45 feet. This shows the maximum building envelope, a simple massing



Burlington City Council Ordinance Committee 7/26/2016

study. This is drawn up to the St. Paul St. re-connection and was designed to look at the impact from Church St. Another image illustrates FAR. Another image illustrates the massing proposed by the Planning Commission's version of the ordinance—another very simple massing study. Another image illustrates the Planning Commission's comments about floor plate FAR in comparison to the original proposal, resulting in pulling the mass lower and de-emphasizing the higher limits, although the height is the same. Another image illustrates the relationship between setbacks and property lines and the change proposed by the Planning Commission. KW noted that 15 feet was stated in the letter from three members of the Form-Based Code Committee. Another image illustrates the Occupied Build-To Zone. MT asked if a café arcade could be screened. Meagan T said she would have to contemplate. Another image illustrates the 10 foot setback required in stories 3-5. Another image illustrates the second setback required for buildings over 10 stories. Another image illustrates the raised foundations on a steep street, and the proposed amendment strives to avoid blank walls.

SB noted that she likes the language in 4.5.8(c)(2)(B)(v) that limits the amount of foundation showing. The Committee agrees.

KW asked Julie Campoli to come up and speak about the issue of height versus massing. KW asked what it would mean for massing to reduce the height. Meagan T clarified that Commissioner Montroll had proposed that there could be an increase in mass and thus reduce height. Julie Campoli explained that it's a trade-off. The advantage of height is more daylight and windows. If you push a building down, you may lose some of the quality. This depends in part on your goal—for example, to have more people live downtown, to have more units. Julie said if you have a larger setback, you won't feel the impact of taller buildings because you won't see them from the street. It would have to be a lot taller than 14 stories to see it from the street. The question is from where is the visible impact. Jesse Beck said there was a model showing the impact from waterfront park. Julie Campoli explained that she built her sketches from the 3D digital models. When you're on the street, you can't really see above 4-5 stories, and that's why it's key to have the setbacks above that height. Meagan T showed the before/after photographs from the park. From the lake and from Edmonds School is where the 160 foot building is most striking. Julie Campoli explained that a 3D digital view is better than a physical model because the physical model is like the view from an airplane, while with the 3D views she did, you can see the effects from the ground and other vantage points around the city.

KW asked to hear from Jesse Beck on the same issue. Jesse Beck said you can only see about 5 stories from the street, and it's to some extent an aesthetic choice whether to do tall and thin or short and stout. The amount and type of housing in the program tends to drive the building shapes that make sense. Meagan T reported that there were conflicting opinions on the aesthetics from the Planning Commission—some thought it would be better to be tall and thin.

4.5.8(c)(2)(B)(viii). MT noted that it would be good to get clarification that this is consistent with form-based code. SB would like to know exactly how height is measured. Meagan T will check on both of these points.

4.5.8(c)(2)(C) SB noted she would want to have corners chopped off or rounded. Meagan T noted that subsection ii. says that a pedestrian can only go 60 feet before coming to another door—the idea being that you won't be walking by large expanses of blank walls. MT questioned what it means in subsection iii. that bays must be expressed vertically, rather than horizontally. Meagan T and Jesse Beck explained the desire to have articulation like bays have a relationship between higher and lower stories. MT asked if there could be a graphic representation of this. Meagan T will look into that.

SB recommended eliminating "primary and secondary" references in subsection iv. Committee agreed.

SB asked what are "rough openings?" Meaghan T explained this refers to openings in the façade. SB asked 20% minimum of what? Meaghan T explained that in upper floors, at least 20% of the façade must be openings, 70-80% in lower floors, and they must be no more than 20 feet apart. MT explained that the Form-Based Code Committee did focus on activation of street by using glazing (windows), but glazing is complicated because of heat-loss and thus it affects the performance of the building. There is a question whether reduction to 50%/30% would better meet high performance standards, but this needs to be checked with form-based code. Meagan T explained that visible light reflectance means



Burlington City Council Ordinance Committee 7/26/2016

how much the glass reflects.

SB asked if subsection v. means that businesses can't have shades if they're closed. Meagan T will have to check on this.

Materials: MT explained that there is lots of controversy about materials, and that we should push to ensure that builders use the higher quality materials, particularly with materials such as cementitious siding or external insulation finishing systems. SB asked why more than one primary material in 100 square feet, as 100 square feet is not very big. Meagan T explained that looking at historic buildings you often see this. SB noted the 100 square feet seems onerous. Meagan T explained that the amendment proposes no change to the current DAB/DRB process at this time, so the usual process will be followed. Meagan T reported that there were no comments on materials from the Planning Commission, as these provisions came mostly from the Form-Based Code Committee. Committee agreed with addition of "street-facing" suggested by Commissioner Wallace-Brodeur.

SB asked about some of the materials. MT asked for graphics showing these types of materials. SB asked about alternate materials and whether approval is by planning director or administrative officer. Committee is okay with change to "administrative officer." Meagan T. will work on getting graphics for the materials.

Alternative Compliance: SB is concerned with the reference to "non-numerical standard" if ordinance is amended. Meaghan T explained that it doesn't refer to the numbering of sections but to whether the actual substance of the ordinance is a numerical limit (such as 160 feet) or non-numerical (such as the type of material). Removing that reference would be difficult to do. Committee is fine with addition of "after review and comment by the DAB and administrative officer."

KW asked if P&Z staff could lay out what the Planning Commission decided/commented on. Meagan T explained that the memo from the Planning Commission lays out the major issues and whether some or all of the Commission agreed on a matter. Then there are written communications from individual commissioners. KW was satisfied by that.

MT asked for all graphics to be uploaded to boarddocs.

5. **Next Meeting:** Monday, Aug. 1 in Contois after Board of Finance.
6. MT moved and KW seconded to adjourn. The meeting was adjourned at 7:33 pm.

