

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Yves Bradley, Chair
Bruce Baker, Vice Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member



PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance

ZA-16-13 Subdivision Infrastructure Standards

ZA-16-14 Downtown Mixed Use Core Overlay

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place on **Wednesday, July 6, 2016** beginning at **7:00pm** in Contois Auditorium, Burlington City Hall, 149 Church Street, Burlington, VT. Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose: This amendment is proposed to the Burlington CDO as follows:

- **ZA-16-13 Subdivision Infrastructure Standards:** The purpose of this amendment is incorporate a reference to the standards of the City Engineer for public infrastructure improvements, and to correct omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance to the 2008 Comprehensive Development Ordinance.
- **ZA-16-14 Downtown Mixed Use Core Overlay:** The purpose of this amendment is to establish the Downtown Mixed Use Core Overlay district to facilitate the redevelopment of a portion of the former Urban Renewal area with higher density mixed-use development and to implement central goals and objectives in the 2013 planBTV Downtown & Waterfront plan. Additionally, the purpose of this amendment is to amend the City's Official Map to include two 60 ft. Rights of Way at St. Paul and Pine Streets between Bank and Cherry Streets.

Geographic areas affected: the proposed amendments are applicable to the following areas in the City of Burlington:

- **ZA-16-11:** This amendment is applicable to all zoning districts within the City of Burlington.
- **ZA-16-12:** This amendment is applicable to a portion of the core of the downtown; specifically, 7 parcels located between Bank and Cherry Streets currently in the Downtown zoning district.

List of section headings affected:

- **ZA-16-11:** Within Article 10, this amendment: amends "Section 10.1.9 Final Plat Approval Process" and amends "Section 10.1.11 Recording of Final Plats."

- **ZA-16-12:** Within Article 4, this amendment: amends “Section 4.2.1 Authority and Purpose;” amends “Section 4.2.2. Waterfront Core Official Map Established;” amends “Map 4.2.2-1 Waterfront Core Official Map); amends “Section 4.3.2 Overlay Districts Established;” amends “Section 4.4.1 Downtown Mixed Use Districts;” adds new “Section 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District;” and, amends “Section 5.2.6 Building Height Limits.”

The full text of the *Burlington Comprehensive Development Ordinance* and the proposed amendment is available for review at the Department of Planning and Zoning, City Hall, 149 Church Street, Burlington Monday through Friday 8:00 a.m. to 4:30 p.m. or on the department's website at www.burlingtonvt.gov/pz.

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Burlington Planning Commission Special Meeting Wednesday, July 6, 2016, 6:30-9:00 P.M. Contois Auditorium, Burlington City Hall, 149 Church Street

AGENDA

*Note: times given are
approximate unless
otherwise noted.*

I. Public Forum – Time Certain: 6:35 pm

The Public Forum is an opportunity for any member of the public to address the Commission on any relevant issue.

I. Report of the Chair (5 min)

II. Report of the Director (5 min)

III. Agenda

IV. Annual Report (5 min)

Commissioners will review and endorse the FY 2016 Annual Report to City Council and the Mayor. The report is included in the Agenda Packet on pages 3-10.

V. Proposed CDO Amendment- Downtown Mixed Use Core Overlay

The Commission will review the enclosed memorandum of comments regarding the proposed CDO Amendment to establish a Downtown Mixed-Use Core (DMUC) overlay, and provide any direction on modifications/additions. Additionally, following the public hearing, the commission should provide direction on the enclosed modifications to the draft text, and any other modifications/additions before it is transmitted to Council. The following documents are enclosed in the Agenda Packet:

- Updated Matrix of Planning Commission Comments & Staff Recommendations (pages 11-15)
- DRAFT Transmittal Memo from Planning Commission to Council (pages 16-20)
- DRAFT Changes to the proposed DMUC Overlay consistent with Commission discussion (pages 21-36)

VI. Public Hearing: Proposed ZA-16-13 Subdivision Infrastructure Standards- Time Certain: 7:00 pm

The Commission will hold a public hearing on a proposed amendment to the CDO to incorporate a reference to the standards of the City Engineer for public infrastructure improvements, and to correct omissions and

This agenda is available in alternative media forms for people with disabilities. Individuals with disabilities who require assistance or special arrangements to participate in programs and activities of the Dept. of Planning & Zoning are encouraged to contact the Dept. at least 72 hours in advance so that proper accommodations can be arranged. For information, call 865-7188 (865-7144 TTY). Written comments may be directed to the Planning Commission at 149 Church Street, Burlington, VT 05401.

mistakes from the transfer of subdivision language from the 1973 Subdivision Ordinance to the 2008 Comprehensive Development Ordinance. The proposed ordinance, and the report to be submitted in accordance with the provisions of 24 V.S.A. §4441(c), are included in the Agenda Packet on pages 37-42.

VII. Public Hearing: Proposed ZA-16-14 Downtown Mixed Use Core Overlay

The Commission will hold a public hearing on a proposed amendment to the CDO to establish a new Downtown Mixed Use Core Overlay district, and to amend the City's Official Map to include new rights of way between Cherry and Bank Streets at St. Paul and Pine Streets. The proposed ordinance as included in the warning for public hearing, and the report to be submitted in accordance with the provisions of 24 V.S.A. §4441(c), are included in the Agenda Packet on pages 43-59.

VIII. Upcoming Meetings

- **July 12, 2016, 6:30pm:** City Hall Conference Room 12, Regular Meeting- Annual Organizational Meeting
- **July 19, 2016, 6:30pm:** Public Works Conference Room, 645 Pine Street- Special Meeting to include Public Hearings on ZA-16-11 Enforcement Period of Limitations and ZA-16-12 Rezone Fletcher Place to Residential Medium (*Public Hearings begin at 7:00pm*)
- **August 9, 2016, 6:30pm:** City Hall Conference Room 12, Regular Meeting
- **August 23, 2016, 6:30pm:** City Hall Conference Room 12, Regular Meeting

IX. Adjourn (9:00 pm)

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Planning Commission Agenda
July 6, 2016
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To: Jane Knodell, Council President
Burlington City Council
Mayor Weinberger
From: Yves Bradley, Chair, Burlington Planning Commission
DATE: July 11, 2016
RE: Annual Report of the Burlington Planning Commission, Fiscal Year 2016 (July 1, 2015-June 30, 2016)

Please see the enclosed FY 2016 Annual Report of the Burlington Planning Commission. This year, the Planning Commission participated extensively, through its own work and on committees with City Councilors, to advance projects that shape and implement *planBTV*—the City's Municipal Development Plan.

Thank you for your attention to the work of the Planning Commission. Please feel free to contact me with any questions. The Commission looks forward to our continued collaboration and progress on these and many other matters facing the City.

Yves Bradley, Chair

Andy Montroll

Bruce Baker, Vice Chair

Harris Roen

Lee Buffinton

Jennifer Wallace-Brodeur

Emily Lee

FY 2016 BURLINGTON PLANNING COMMISSION ANNUAL REPORT

PREPARED FOR:
BURLINGTON CITY COUNCIL
MAYOR WEINBERGER

insert photo here
planbtv community meetings

The **Planning Commission** dedicates a tremendous amount of time to **creating and implementing *planBTV***, our **Municipal Development Plan**.

3

STANDING
COMMITTEES
MEET MONTHLY

2

JOINT PC/COUNCIL
COMMITTEES FOR
SPECIAL PROJECTS

81

PARTICIPATED IN 81 PC,
COMMITTEE, SPECIAL
MEETINGS IN FY 2016

MAJOR ACTIVITIES IN FY 2016, INCLUDED:

creating *planBTV*:

South End Master Plan

Long Range Committee worked with South Enders to revise the June 2015 Draft.

implementing *planBTV*:

DAPAC- BTC Mall Project

Committee directed staff on community engagement for redevelopment of the site.

implementing *planBTV*:

Downtown Form-Based Code

Joint Council & Commission Committee worked to develop a revised draft code.

implementing *planBTV*:

CDO Amendments

Provided recommendations on 10 CDO amendments; reviewed several others.

OVERVIEW

Planning Commission Membership

The Planning Commission is composed of seven members, appointed to staggered terms of three years. Intermittently since 2005, the Commission also includes a non-voting Youth Member. Each Commissioner participates on at least one Standing Committee, and some Commissioners also participate on ad-hoc committees established to facilitate special projects. The FY 2016 membership of the Planning Commission and participation in Committees is listed below; a record of attendance for the full Commission meetings is included in Appendix A.

Yves Bradley, Chair, *Executive Committee*

Bruce Baker, Vice-Chair, *Executive and Ordinance Committees, Development Agreement Public Advisory Committee (DAPAC)*

Lee Buffinton, *Ordinance Committee*

Emily Lee, *Long Range Committee, Joint Form-Based Code Committee*

Andy Montroll, *Executive and Ordinance Committees, Joint Form-Based Code Committee (Chair)*

Harris Roen, *Long Range Committee (Chair)*

Jennifer Wallace-Brodeur, *Long Range Committee, DAPAC*

Planning Commission Duties

The Burlington Planning Commission facilitates the optimal and sustainable development of Burlington's built and natural environment by engaging the community in long-range, comprehensive City-wide land use planning; advising the Mayor and City Council on matters pertaining to land use planning and development in general; reviewing and developing land development ordinances for approval by the City Council; providing oversight to the Department of Planning & Zoning (DPZ); providing comments and feedback, as necessary, to the Chittenden County Regional Planning Commission and the Chittenden County Metropolitan Planning Organization; and other functions as set forth in 24 V.S.A. §4325. In short, the Planning Commission dedicates a tremendous amount of time to creating and implementing planBTV—our community's Municipal Development Plan—which includes specific plans for areas and important issues in the City.

FY 2016 Meetings

In FY 2016, Commission members have dedicated an extraordinary amount of time to important projects in Burlington. Full Commission meetings are held at least twice monthly, and usually last 1.5 to 2 hours, although meetings lasting as long as 3 hours occurred several times this year. In addition to regular monthly meetings, and meetings of the Commission's Standing Committees, the Long Range Committee held 11 special meetings dedicated exclusively to the review and revision of the draft *planBTV South End Master Plan*; members of the DAPAC participated in 6 Committee meetings and numerous public events regarding the redevelopment of the Burlington Town Center Mall; and the Joint Form-Based Code Committee held 18 meetings to continue its work on the draft *Article 12: Downtown Burlington Form-Based Code*. In total, Planning Commissioners participated in 81 meetings this year to advance planBTV!

So, what did we do this year?

plan for BTV!

Long-Range, Comprehensive Planning

planBTV: South End Master Plan

The draft *planBTV: South End* was released in June 2015, and was available for public comment until the beginning of October. The Planning Commission reviewed each section of the draft plan, and public comments on these elements, and provided direction to the Long Range Committee and Planning Staff for revision to the plan. The Long Range Committee spent a significant amount of time discussing the plan's details with staff and South End stakeholders, and has provided recommendations on a revised draft plan that is anticipated in the summer 2016.

Advising the Mayor & City Council

In addition to its recommendations regarding amendments to the City's Comprehensive Development Ordinance, members of the Planning Commission continued to work closely with City Councilors on two special project committees this year.

Joint Form-Based Code Committee

The Joint Form-Based Code Committee continued its work to develop and refine the draft form-based code, in order to implement planBTV's vision for the downtown and the waterfront. The Committee made several revised drafts of the code available online for public review, and visited the NPA's throughout the City to provide an update on its work.

Development Agreement Public Advisory Committee

Members also continued to be actively involved in the Development Agreement Public Advisory Committee (DAPAC), regarding the proposed redevelopment of the Burlington Town Center. DAPAC members provided oversight and guidance on public input and key public issues related to the release of revised plans for BTC in January 2016, and on the framework for the Predevelopment Agreement that was approved by City Council in May 2016.

Land Development Ordinances

The Planning Commission and its Ordinance Committee have reviewed and discussed nearly twenty proposed amendments to the City's *Comprehensive Development Ordinance (CDO)* this year. The Commission recommended ten of these proposed amendments for adoption by City Council. The Commission has scheduled public hearings on four additional amendments, and will continue discussion on many others amendments in the coming year. The following amendments have been recommended by the Planning Commission to the City Council in FY 2016:

ZA-16-01 Thresholds for Major Impact Review: This proposed amendment creates varying thresholds that trigger Major Impact Review based on the location of the proposed development project rather than the current one-size-fits-all approach. This proposal creates four groups, based on similar types

of zoning districts. Different thresholds for each group are based on the proposed scale of the project relative to the intent of the zoning district and its capacity to accommodate new development. This amendment is being considered by City Council's Ordinance Committee.

ZA-16-02 Mobile Home Parks: This amendment sets forth development and review standards for pre-existing and newly-formed mobile home parks in accordance with state statute (24 V.S.A Sections 4412 (1)(B) & (7)(B)). This amendment was approved by the City Council, and has been incorporated into the Comprehensive Development Ordinance amended March 31, 2016.

ZA-16-03 Grocery in the E-LM: This amendment permits grocery stores under 30,000 sq.ft. in size to be allowed as a Conditional Use in that portion of the Enterprise- Light Manufacturing zoning district between Flynn and Home Avenues. This amendment was approved by the City Council, and has been incorporated into the Comprehensive Development Ordinance amended March 31, 2016.

ZA-16-04 Zoning Administrative Officer: This proposed amendment removes reference to a "Chief Assistant Administrative Officer" reflecting the Council-approved reorganization of the Planning & Zoning Department, and to conform to state statute regarding the appointment of the Administrative Officer. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

ZA-16-05 UVM Medical Center: This proposed amendment (1) reflects the name change from Fletcher Allen Health Care to University of Vermont Medical Center; (2) modifies the boundary between the UVM Central Campus Core Campus Overlay and the UVM Medical Center Campus Core Campus Overlay to reflect a recent property line adjustment; and (3) makes a correction with regard to the regulation of signs within the Institutional District. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

ZA-16-06 Animal Boarding/Kennel/Shelter in Downtown Zones: This proposed amendment amends Appendix A- Use Table to permit animal boarding/kennel/shelter uses as a conditional use in the Downtown, Downtown Transition, Downtown Waterfront and Battery Street Transition zones. Criteria are aimed at lessening the potential for off-site impacts by requiring uses to be fully enclosed and subject to City licensure. This amendment is being considered by City Council's Ordinance Committee.

ZA-16-07 Low Impact Development: This proposed amendment amends Sec.4.4.5, (d) 3.A. Exceptions for residential features; Sec. 6.2.2, (i) Vehicular Access; and Article 13: Definitions in order to permit an additional 10% in lot coverage in R-L and R-M zoning districts when pervious pavement is installed on lots for improved on-site stormwater management. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

ZA-16-08 Shoreland Protection: This proposed amendment amends Sec.4.5.4 Natural Resource Protection Overlay (NR) District and Map 4.5.4-1 to include shoreland from 95.5 ft above sea level in the Natural Resource Protection Overlay District: Riparian and Littoral Conservation Zone, and additional language relative to the purpose of the district. These amendments satisfy two conditions imposed by the VT Agency of Natural Resources when it granted delegation to the City over the 2014 State of VT Shoreland Protection Act. City Council's Ordinance Committee has recommended this amendment to the City Council; action on this amendment is likely to occur in FY 2017.

ZA-16-09 Duplexes on Existing Lots: This proposed amendment amends Appendix A- Use Table to remove footnote “2,” in order to permit duplexes as a conditional use both on existing and new lots in the R-L and RL-W zones, consistent with the express purpose of these zoning districts. This amendment is being considered by City Council’s Ordinance Committee.

ZA-16-10 Waivers from Parking/Parking Management Plans: The purpose of this proposed amendment is to allow the DRB to approve up to a 90% waiver of required parking for non-residential uses in all zoning districts within the City, except for the adaptive reuse of a historic building pursuant to Sec.5.4.8. and for retail uses in mixed use zoning districts. In both of these cases, the DRB may approve up to a 100% waiver of required parking, which is currently permitted by the existing ordinance. The proposed amendment does not change the existing requirements for providing parking management plans. This amendment is being considered by City Council’s Ordinance Committee.

Oversight of Planning & Zoning Department

In FY 2016, the Commission provided guidance to the Department and City Council regarding the organizational structure, appointment of Assistant Zoning Administrative Officers, and new hires. The Commission endorsed a plan for the Department’s restructuring, which included the elimination of the Assistant Director/Chief Assistant Zoning Administrative Officer position; creation of two new Principal Planner- Development Review positions, and the promotion the Department’s two Senior Planners into these positions; and creation of a new position of Associate Planner- Development Review. The Commission recommended the appointment of Assistant Zoning Administrative Officers Scott Gustin, AICP; Mary O’Neil, AICP; and William Ward. Later in the year, the Commission also recommended the appointment of Ryan Morrison, who was hired to fill the Associate Planner position in January 2016, as an additional Assistant Zoning Administrative Officer. Finally, several Commissioners participated on a committee to review candidates for the Comprehensive Planner position; Meagan Tuttle, AICP, joined the Department in this position in October 2015.

Other Activities

Andy Montroll continues represent the City of Burlington as the Chair of the Chittenden County Regional Planning Commission. The Commission meets monthly to discuss matters related to the implementation of the regional ECOS Plan, transportation plans, hazard mitigation plans, and other activities.

Lee Buffinton joined staff, elected, and appointed officials from municipalities across Vermont at the Preservation Trust of Vermont’s Downtown & Historic Preservation Conference, held in Waterbury in June 2016.

The Commission also received updates and provided comments on projects of other City Departments. This year, the Commission received reports on the Department of Public Works’ *Downtown Parking & Transportation Management Plan* and the *Residential Parking Study*, as well as an update on the *Health Impact Analysis of planBTV South End* from the State Department of Health.

Appendix A: Planning Commission Attendance Log FY 2016– July 2015 through June 2016

DATE	Baker	Bradley	Buffinton	Lee	Montroll	Roen	Wallace-Brodeur
2015							
7/14	X	X	X	X		X	
7/28	X	X	X	X	X	X	X
9/08	X	X	X	X	X	X	X
9/22	X	X	X	X	X	X	X
10/06	X	X	X		X	X	X
10/27	X	X	X	X	X	X	X
11/10		X	X	X	X	X	X
11/24		X	X		X	X	X
12/8	X		X		X	X	X
2016							
1/12	X	X	X	X	X	X	X
1/26	X	X	X	X	X	X	X
2/09	X	X			X	X	X
2/23		X	X	X	X	X	X
3/08	X	X	X	X	X	X	X
3/22	X	X	X	X	X		X
4/12	X		X	X	X	X	
4/26	X	X		X	X	X	X
5/10	X		X	X	X	X	X
5/24	X		X	X	X	X	X
6/09		X	X	X	X	X	X
6/14	X		X	X	X	X	X
6/21	X		X	X	X	X	
6/29	X	X	X	X	X		

PROPOSED ZA-16-14: DMUC Overlay – Summary of PC Comments & Actions- Updated for July 6, 2016 Public Hearing

This proposed zoning amendment comes at the request of the City Council. It is very important that the Commission return with a recommendation in early July in order for the Council to be able to give it their due consideration to meet their timeline as indicated in the Predevelopment Agreement (PDA). Below is a chart summarizing the key elements included within the proposed amendment ZA-16-14.

- In the “Staff Notes & Comments” section, it is noted when an element was described in the summary of the DMUC Overlay that was approved as part of City Council’s Predevelopment Agreement.
- The “PC Comments & Recommended Action” column includes a summary of the Commission’s comments on each of these key elements, as well as a recommendation from staff on how/where to include these comments in the documents that will be transmitted to the City Council. More detail on the Commission’s recommendations can be found in the documents that follow.

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
1	Create a new Overlay District, known as the Downtown Mixed Use Core (DMUC) Overlay District (the “DMUC District”)	The map of the potential district boundary was included in the summary of the amendment that the City Council approved as part of the PDA. Exact boundaries still TBD. Proposed map comes from the current draft of the FBC. PC may want to fine-tune.	The Commission has not reached a consensus on whether or not the College Street Garage and/or the People’s United Bank properties should be included within the boundary. Action: This has been included as a comment in the enclosed memo.
2	Expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.	The map of the street connections was included in the summary of the amendment that the City Council approved as part of the PDA. This summary indicated that the locations of these ROW should be consistent with Exhibit B of the PDA. These come directly from the recommendations of <i>planBTV: Downtown and Waterfront Master Plan</i> <u>Staff</u> strongly recommends that the street boundaries shown on the Official Map coincide with those shown on plans proposed for redevelopment of the mall, and recommends this <u>as proposed</u>.	The Commission would prefer the streets to be aligned with the existing grid, regardless of existing property lines and buildings. The Commission has also recommended that the absence of building within the areas indicated as future ROW, regardless of City’s action to acquire ROW, be made a condition of approval for the maximum height. Action: Regarding condition of approval, staff is advised that this is not a legal condition; however, both of these concepts have been included in the enclosed memo at the Commission’s request.
3	New development in the DMUC District will be exempt from seeking building height bonuses from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:		The Commission understands the limitations associated with bonuses and the rationale for moving away from them in this Overlay, and generally agrees that provisions/restrictions should be explicit; however, there are several items that the Commission feels should continue to be included as bonuses/conditions of approval in order for projects to reach a maximum height: • the condition regarding buildings within a ROW on the Official Map (#2) • demonstration of economic infeasibility of below-ground parking (#12) • providing housing diversity, particularly for inclusionary, senior, workforce and young professional housing (#15) Action: See notes in #2, #12, #15

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
4	3 stories min., 14 stories max. not to exceed 160 ft. max.	The minimum and maximum height was included in the summary of the amendment that the City Council approved as part of the PDA.	The Commission has not reached a consensus on the proposed maximum height, and offers the following opinions for Council to consider: - The proposed maximum height is appropriate in this location, particularly when considered in conjunction with the limits on massing of upper stories, the urban design requirements and the anticipated community benefits from redevelopment. - The maximum height of the proposed DMUC District could be lowered to a height that the community is more comfortable with, without significantly impacting the proposed maximum FAR, by reconsidering the tiers for allowable FAR per floor. While the model of reducing the allowable FAR of floors as a building gets taller is appropriate, it could be less dramatic. - Set the maximum height at 146ft, with allowance for maximum height up to 160ft inclusive of variation for site’s grade and mechanical systems. - Retain current maximum height of 105ft to conform with illustrations in <i>planBTV Downtown & Waterfront</i>. Action: Each of these comments is represented in the enclosed memo.
5	Overall height allowed variation of 10% of the total allowable height (but no additional floor area) to account for grade changes across the site.	Comes from the proposed standards found in the current draft of the FBC. Applicable beyond proposed overlay but a very important element of flexibility for all development. PC may want to fine-tune.	The Commission has recommended striking this item. Action: This has been included in the track changes for the proposed ordinance text enclosed. See Section: 5.2.6 (b) 6.
6	4 stories not to exceed 45-ft max on Church Street, with a 10-foot upper story setback required for every 10-feet of height above 45-feet	The proposed changes to height and setbacks on Church Street were included in the summary of the amendment that the City Council approved as part of the PDA. These standards come from the proposed standards found in the current draft of the FBC. <u>Staff</u> strongly recommends this <u>as proposed</u>.	The Commission feels that it is not necessary to include this as part of an amendment to establish a DMUC Overlay, but rather, that it should be considered as part of the Form-Based Code. Therefore, the Commission has recommended that this be removed from the proposed amendment. Action: This has been included as a comment in the enclosed memo.

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
7	Maximum FAR of 9.5	The maximum FAR was included in the summary of the amendment that the City Council approved as part of the PDA.	The Commission has offered alternative scenarios for how the overall FAR for sites in the DMUC can be organized. See notes in #4. In response, staff proposes minor modifications to the maximum permitted FAR of each floor within the proposed overlay. This encourages building sq.ft. to be arranged on lower levels of buildings, de-emphasizing bulk at higher levels. Action: Review the recommended changes to Table 4.5.8-1 of the proposed ordinance text. Provide feedback to staff on whether the Commission would like these changes to be incorporated into the proposed text when transmitted to Council.
8	New developments in the DMUC District will be exempt from the existing upper story setback requirement pursuant to BCDO Sec. 4.4.1 (d) 4 A; instead, new prescriptive design standards will be used to ensure good urban design, façade articulation and especially street activation including but not limited to:	PC may want to fine-tune, but all come from the proposed standards found in the current draft of the FBC, and Staff recommends this largely as proposed.	The Commission has identified these standards as incredibly important to ensuring successful projects in the proposed DMUC area. Except where noted, the Commission concurs with these design standards as proposed.
9	Façade Articulation:		
	Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc)		
	Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade particularly within the lower 3-5 stories.		
	Horizontal changes in the vertical plane of a façade (articulated base, stepbacks of upper stores, and clearly defined top)		
10	Street Activation at the ground floor:		
	Location, frequency and operability of primary entrances		The Commission has indicated that it is important to ensure that the language in the following sections is strengthened to ensure compliance with street activation requirements on both primary <i>and</i> secondary frontages: Action: Staff has modified the proposed text enclosed to remove references to secondary frontages, encourage additional pedestrian connections from parking structures and other details related to street activation. See sections: 2.B.v., 2.C.i., 2.C.iv., and 4.iv.
	Proportion of and distance between openings (doors and windows)		
	Transparency of glazing		

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
	○ Visual access within spaces		The Commission supports the language regarding the urban design treatment of parking floors. The Commission feels that if parking is permitted in these areas, high standards are needed regarding the screening of cars and lights. Action: Staff has included modifications in the proposed text enclosed. See Section 4.5.8 (c)-: 2.C.iv. and 4.v.d.
11	● Acceptable primary and accent façade materials		The Commission has indicated that additional clarification is needed in the language for the following items related to materials and alternative compliance: ● 2.D.iii (alternative materials) ● 2.E.iii (alternative compliance) Action: Direct staff on whether any additional modifications to the proposed text, or comments in the memo, regarding these issues are needed.
12	Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted <i>Downtown Transportation and Parking Plan</i>, provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.	This was included in the summary of the amendment that the City Council approved as part of the PDA.	The Commission recommends that for all projects in the DMUC District, parking be underground or set behind a liner building at all levels. The Commission feels parking up to the façade is not appropriate and deadens the street even if it’s located on upper floors. Therefore, the Commission recommends no parking structures at the perimeter of a building on the ground and second floors fronting streets, and reiterates the importance of the design and screening requirements to ensure that any parking located in above-ground structures is indistinguishable from other floors of a building from the street view. Furthermore, the Commission has recommended that surface parking not be permitted anywhere in the DMUC district. The Commission has also recommended that projects proposing parking in structures above ground submit information to demonstrate that all alternative options for off-site or underground parking have been tested, and that project design meets all other standards regarding parking management. Action: Regarding parking design standards and location, staff has included modifications in the proposed text enclosed. See Section 4.5.8 (c)- 4.i.a., 4.i.c, 4.v.a., and 4.v.d. Regarding demonstration of below-ground parking feasibility, this comment has been included in the memo enclosed.

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
13	Mixed use projects within the DMUC District will be required to develop a Master Sign Plan which provides for flexibility from some individual sign requirements/limits subject to DRB approval.	This was included in the summary of the amendment that the City Council approved as part of the PDA. Comes from the proposed Sign Type standards found in the current draft of the FBC, but PC may want to fine-tune.	The Commission concurs with these sign standards as proposed. <u>Action:</u> No changes.
14	<u>Green Buildings and Stormwater Management</u>	This was included in the summary of the amendment that the City Council approved as part of the PDA. The current draft ordinance requires projects to be built to LEED Gold Certification, evidenced by a checklist submitted by a LEED AP, and 3rd party commissioning of the building envelope and mechanical systems prior to issuance of Final Certificate of Occupancy (CO). New development/redevelopment is required to capture 100% of the 1-year storm event for stormwater runoff.	The Commission has indicated that there must be a high, measurable standard and a mechanism to ensure compliance, to meet the goals of <i>planBTV</i> and meet community expectations. <u>Action:</u> Staff has included a proposed modification to this section regarding Green Buildings. Review the recommendations in Section 4.5.8 (c) 6, and direct staff on whether to incorporate this in the proposed text that will be transmitted to Council.
15	<u>Inclusionary Housing</u>	.	A Commissioner has indicated concern at the loss of the additional Inclusionary Housing bonus, but no specific recommendation has been made on this issue. <u>Action:</u> This has been included as a comment in the enclosed memo.
16	<u>Use- Post-Secondary & Community Colleges</u>	Change this use from Conditional Use to Permitted Use	The Commission is uncomfortable with the remote possibility that this district could become a post-secondary school/campus. The Commission recommends that the CDO's Use Table not be modified as proposed. <u>Action:</u> This has noted this in the proposed text enclosed.
17	<u>Purpose</u>		A Commissioner offered that the purpose of the district is also to enhance pedestrian connectivity between Church St. and the waterfront. <u>Action:</u> Staff has included this in the proposed text enclosed. See Section 4.5.8 (a). Direct staff on whether to incorporate this change in the version that is transmitted to Council.
18	<u>Model</u>		Several Commissioners feel that the ability to evaluate the proposed height and massing has been hindered by the lack of a physical model of the DMUC area and its surroundings.

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

Yves Bradley, Chair
Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member



TO: JANE KNODELL, COUNCIL PRESIDENT
BURLINGTON CITY COUNCILORS
FROM: BURLINGTON PLANNING COMMISSION
DATE: JULY 11, 2016
RE: PLANNING COMMISSION TRANSMITTAL OF *ZA-16-14 DOWNTOWN MIXED USE CORE OVERLAY*

The Planning Commission strongly supports the adoption of an amendment to create a Downtown Mixed Use Core Overlay District to facilitate the redevelopment of underutilized sites within the downtown core, including the Burlington Town Center. The area included in the proposed DMUC District is one of the most underdeveloped, and is an appropriate location for additional height and greater density within the City. The Commission believes that the current zoning for these sites is inadequate to facilitate the redevelopment of these sites in a way that significantly advances the vision of *planBTV: Downtown and Waterfront*, ensures a high level of design enhancing the pedestrian experience, and meets the City's aspirations for sustainable buildings.

The Planning Commission is hereby transmitting *ZA-16-14 Downtown Mixed Use Core Overlay*, a proposed amendment to the *Burlington Comprehensive Development Ordinance*, which the Commission believes to be consistent with the summary approved by Council in the Predevelopment Agreement.

Consistency with the *Predevelopment Agreement- Exhibit D*

Through the approval of the Predevelopment Agreement (PDA) for the redevelopment of the Burlington Town Center Mall, the Planning Commission was asked to advance the proposed Downtown Mixed Use Core Overlay (DMUC) zoning amendment. The PDA articulates the City's and BTC Mall Owner's acknowledgements and agreements regarding Municipal Zoning in Section 3 of the approved document. Additionally, a summary of the key elements of a proposed zoning amendment, entitled "Exhibit D: Burlington Comprehensive Development Ordinance, PROPOSED Downtown Mixed Use Core Overlay," was approved as part of the PDA. Per this summary, the Planning Commission was tasked with providing a proposed amendment to the City Council which includes the following elements, all of which have been incorporated in *ZA-16-14 Downtown Mixed Use Core Overlay*.

- Creation of a new Overlay District, known as the Downtown Mixed Use Core Overlay District (DMUC District);
- Boundaries for this DMUC District;
- By-right height and mass limits of: 3 stories minimum; 14 stories, not to exceed 160 ft. maximum (5% allowed variation in height to account for grade changes); and maximum 9.5 Floor Area Ratio (FAR);
- Projects within the DMUC District which include frontage on Church Street may include structures not to exceed 4 stories or 45 ft in height, and may be built to the maximum height permitted within the zoning district so long as there is a 10 ft upper-story setback for every 10 ft in height above 45 ft.;
- Exemption from existing upper story setback requirements; instead, new prescriptive design standards to ensure good urban design, façade articulation, and street activation;

- Requirement to participate in emerging downtown parking initiatives being developed under the newly adopted *Downtown Transportation and Parking Plan*;
- Requirement to develop a Master Sign Plan to be approved by the DRB;
- and, amendments to the City's Official Map to include 60 ft wide extensions of St. Paul and Pine Street between Cherry and Bank Streets as public streets to accommodate pedestrians, bicycles and vehicles in accordance with the depiction of these streets in Exhibit B of the approved PDA.

In order to advance the amendment to Council in a timely manner, this memorandum contains additional comments from the Planning Commission that the Council may wish to consider during its own deliberations. The Commission has made modifications to certain elements of the proposed amendment text for which it felt it had clear discretion. For those elements that were clearly articulated in the summary approved as part of the PDA, or for those elements which the Planning Commission could not reach consensus, comments are included herein.

Conformity with *Municipal Development Plan* and *planBTV: Downtown & Waterfront*

As the attached report, submitted in accordance with the provisions of 24 V.S.A. §4441(c) indicates, the Planning Commission finds the proposed amendment to conform with the goals and policies contained within the City's Municipal Development Plan regarding the availability of safe and affordable housing, future land uses and densities, and proposed community facilities. In particular, the proposed DMUC Overlay advances the following Municipal Development Plan policies:

- Encourage a healthier regional balance of affordable housing in each community, proximate to jobs and affording mobility and choice to low income residents.
- Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses.
- Encourage mixed-use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips, and support public transportation.
- Strengthen the City Center District (CCD) with higher density, mixed-use development as part of the regional core while ensuring that it serves the needs of city residents, particularly those in adjacent neighborhoods.
- Target new and higher density development in the Downtown, Downtown Waterfront, Enterprise District, Institutional Core and the Neighborhood Activity Centers.

Furthermore, the Planning Commission finds the proposed DMUC Overlay to further many of the goals identified in *planBTV: Downtown & Waterfront*. Specifically, this amendment:

- targets an area of the downtown core, including the site of the BTC Mall which was identified as an opportunity for intensive, mixed use redevelopment;
- encourages infill, redevelopment, and adaptive reuse to provide additional housing;
- incorporates urban design standards to ensure projects within the DMUC district adhere to *planBTV's* core principles of walkability, connectivity, scale, density, diversity and mixed-use;
- and, amends the Official Map to include rights of way for future public streets, a community facility that the City has long aspired to reintroduce.

Planning Commission Recommendations

While the Commission finds this proposed amendment to be in conformance with the City's Municipal Development Plan, the Commission offers the following comments to the City Council to consider in its deliberations. These comments refer to elements that were clearly articulated in the summary approved as part of the PDA for which the Commission would like to offer alternatives, or for those elements which the Planning Commission could not reach consensus.

Boundaries

The Commission supports this area of the downtown core as one that is appropriate for redevelopment that incorporates greater height and density. However, the Commission has not reached a consensus opinion regarding the boundaries in this proposed amendment. Some Commissioners feel that the boundaries are appropriate, while others offer opinions to amend these boundaries:

- People's Bank Site (not currently included in the boundary): Including this site could better reflect future potential for redevelopment within this area. Excluding this site is more consistent with the Form Based Code Committee's recommendation, and provides for a better transition in potential future building height, particularly when considering the terminal view looking west along Bank Street.
- College Street Garage (currently included in the boundary): Including this site is appropriate as a site for redevelopment, and its location within the center of a block allows for height to be further stepped back from the pedestrian view. Excluding this site is more consistent with the Form Based Code Committee's recommendation and reduces impact on neighboring properties' view sheds.

Official Map

The Commission enthusiastically supports the amendment to the Official Map to include new street ROW at St. Paul and Pine Streets. The Commission recommends that the location of these ROW on the Official Map be modified slightly to better align with existing intersections in order to facilitate safe connectivity of the street grid, and allow ample width for both active and passive public space.

Height and Massing

Without further study of potential scenarios for the redevelopment of the DMUC District according to the proposed height and massing in the amendment, the Commission has not reached a clear consensus on these issues. Accordingly, it offers these opinions:

- The proposed maximum height of 14 stories, not to exceed 160 ft, may be appropriate when considered in conjunction with the limits on massing of upper stories and the urban design requirements.
 - In particular, the proposed amendment reduces the maximum FAR of floors as a building gets taller, which helps preserve light and air both to the building and to the streets, and encourages a building's mass to be more vertically oriented where it is less visible from a pedestrian's view at the street level.
- The maximum height of the proposed DMUC District may be able to be lowered, without significantly impacting the proposed maximum FAR, by reconsidering the tiers for allowable FAR per floor. While the model of reducing the allowable FAR of floors as a building gets taller is appropriate, it could be less dramatic.
 - This could be adapted to permit larger floor plates in each of the tiers of height than currently proposed. Of course, these changes must be carefully considered in conjunction with stepback requirements in order to minimize impacts of shadows and visibility from a pedestrian's perspective.

- The absolute maximum height of the DMUC District should be 160 feet, inclusive of variation for grade changes on sites and mechanical equipment.
 - This could include a maximum occupied building height of 146 feet, with the additional 14 feet permitted for these variations.
- Retain the current maximum height limit of 105 feet.

Additionally, the Commission does not believe that it is necessary to include the proposed changes to the height and setback requirements for Church Street within this ordinance. Because these changes are outside of the proposed DMUC district, they should be considered as part of the eventual review of the draft Form-Based Code.

"By-right" Maximum Height

The Commission understands that the City's current bonus system was not often utilized and, therefore, was not effective at encouraging development which provided additional public benefits. In general, the Commission supports the rationale for moving away from discretionary requirements, toward an ordinance that is explicit about the provisions/restrictions associated with each zoning district.

The Commission supports a DMUC Overlay which is more inclusive of the goals associated with the existing bonuses, particularly by encouraging additional density within well-designed, mixed-use projects which provide housing and jobs, and decreases SOV dependency in the downtown core. However, it also recognizes that all projects are not one-size-fits-all. The Commission offers the following ideas for the Council to consider regarding maximum height:

- Maximum height conditional upon provision of public ROW at St. Paul & Pine Streets
 - The amendment to the Official Map provides the City with the right to acquire ROW to establish new street connections. The Commission feels that it is critically important to retain the ability for street connections to be established at St. Paul and Pine Streets in the event that the current proposed redevelopment project is not successful, or in the event that the City does not have means to acquire ROW should it be offered. The Commission recommends that there be a condition of approval requiring that no buildings or structures be built within areas identified as future public ROW in order for a project to be built to the maximum height.
- Location of Parking Structures
 - The Commission strongly encourages parking structures to be located below ground or behind a liner-building. However, in cases where this is infeasible and parking is proposed to be located on in an above ground structure, the Commission recommends that there be a condition of approval that a developer must demonstrate all alternatives that have been considered and that no other viable alternatives exist in order for a project to be built to the maximum height.
- Housing Diversity
 - The Commission feels that achieving the *planBTV* goals for diversifying housing types and expanding availability of affordable and senior housing downtown are essential. The Commission offers that the permitting the maximum height by right, without additional inclusionary housing and senior housing, are counter to these *planBTV* goals.

Urban Design Standards

The Commission feels that the standards for urban design are the most important elements to ensure projects within the proposed DMUC area meet the community's vision as articulated through *planBTV*. The urban design standards prioritize the pedestrian experience and ensure that projects engage with and generate street life and pedestrian

activity. The Commission supports these standards as they are largely based on the draft *Form Based Code*, which has been developed through the work of the Joint Form-Based Code Committee.

In particular, the permitted locations and design treatments for structured parking is of the utmost importance. The Commission prefers that all parking for projects within the DMUC area be provided below ground. However, in the case that this is not feasible, the urban design standards are key to assuring that there is no discernable difference between the façade treatment on floors containing parking and other uses in the building. Additionally, the Commission feels that surface parking should not be permitted within the DMUC Overlay; accordingly, the proposed ordinance as transmitted does not permit surface parking.

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Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-14 – Downtown Mixed Use Core Overlay

As revised by the Planning staff to reflect Planning Commission comments & concerns– July 1, 2016.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This amendment is to facilitate the redevelopment of a portion of the former Urban Renewal District with higher density mixed use development in the core of the downtown, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 to guide the future development and economic vitality of the downtown and waterfront area. It creates an overlay district to encompass a 1-2 block area in the core of the downtown area to enable taller Building Height without the necessity of a “bonus” from the DRB. It also establishes a number of building form requirements to ensure street-level activation and façade variation.

Article 4: Zoning Maps and Districts, Part 2: Official Map

Sec. 4.2.1 Authority and Purpose

A map entitled “The Official Map of the City of Burlington” and as depicted on Map 2.2.1-1 below is hereby established pursuant to 24 VSA 4421 that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements. The intent is to provide the opportunity for the city to acquire land identified for public improvements prior to development for other use, and to identify the locations of required public facilities for new subdivisions and other development under review by the city.

Map 4.2.1-1 Official Map of the City of Burlington (unchanged)

Sec. 4.2.2 Downtown and Waterfront Core Official Map Established

A map entitled “The Official Map of the Downtown and Waterfront Core” and as depicted on Map 2.2.2-1 below is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated herein by reference.~~ The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

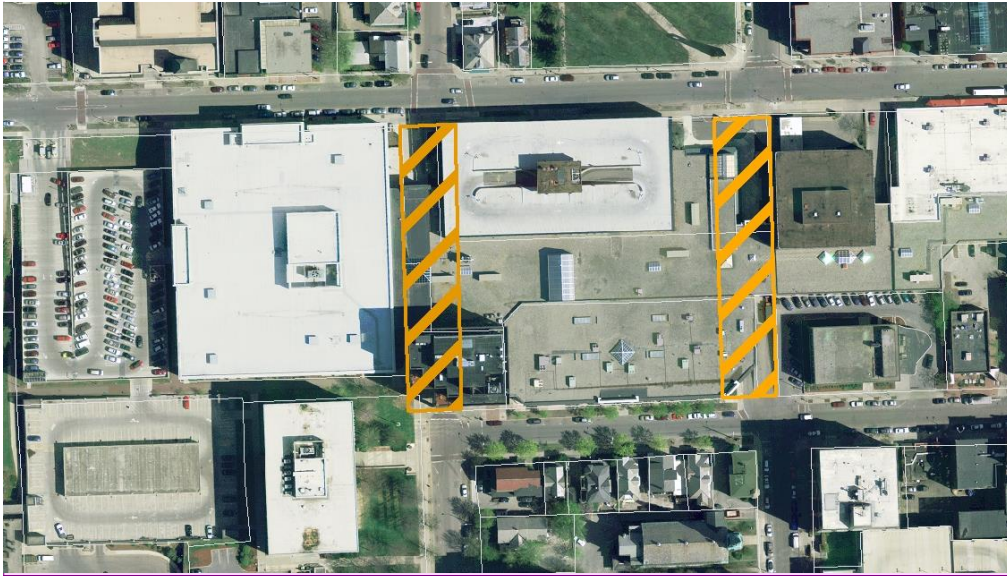
- (a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

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- (b) A waterfront pedestrian easement fifty (50) feet in width abutting the ordinary high water mark of Lake Chaplain from Maple Street extended to College Street;
- (c) A waterfront pedestrian easement one hundred (100) feet in width abutting the ordinary high water mark of Lake Champlain from College Street extended to the north property line of the city-owned lands designated as “urban reserve” and formerly owned by the Central Vermont Railway;
- (d) Visual corridors and/or pedestrian ways sixty (60) feet in width along the center lines of Bank, Cherry, Pearl and Sherman streets extended west to Lake Champlain and visual corridors above the fourth floor along Main Street and College Street;
- (e) The following existing streets remain: Maple and King Streets and as extended to Lake chaplain; Main street; College Street and as extended to Lake Champlain; Lake Street from Main Street to College Street; Depot Street; and Battery Street;
- (f) An easement for pedestrians and bicycles twenty (20) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street; ~~and~~;
- (g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the center line of which commences on the north line of College Street thence running northerly following the center line of existing Lake to a point intersecting the northerly property line of the Moran Generating Station extended east.
- (h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and
- (i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.

Comment [DEW1]: This will ensure that the proposed north-south connectivity on Pine and St. Paul streets envisioned in planBTV is accomplished. The City will have 120-days to initiate proceedings to acquire any land within this area that may be proposed for new development.

This is necessary for compliance with the Pre-DA



(temporary illustration of the proposed addition)

Map 4.2.2-1 *Official Map of the Downtown and Waterfront Core Waterfront Core Official Map*

Comment [DEW2]: This is necessary for compliance with the Pre-DA

PC expressed preference for these to be in alignment with City urban street grid.

Article 4: Zoning Maps and Districts, Part 3: Zoning Districts Established

Sec. 4.3.2 Overlay Districts Established:

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. the land so ~~enumerated~~ Properties within an Overlay District may be used and altered-developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted ~~in as may be modified by~~ the applicable overlay district. The following districts are established as overlay districts as further described in **Part 5** below:

- (a) A **Design Review Overlay (DR)** district;
- (b) A series of five (5) **Institutional Core Campus Overlay (ICC)** districts, as follows:
 - UVM Medical Center Campus (ICC-UVMMC);
 - UVM Central Campus (ICC-UVM);
 - UVM Trinity Campus (ICC-UVMT)
 - UVM South of Main Street Campus (ICC-UVMS); and,
 - Champlain College (ICC-CC);
- (c) An **RH Density Bonus Overlay (RHDB)** district;

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(d) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and,
- Special Flood Hazard Area;

(e) A **RL Larger Lot Overlay (RLLL)** district;

(f) A **Mouth of the River Overlay (MOR)** district; ~~and,~~

(g) A **Centennial Woods Overlay (CWO)** district; ~~and,~~

(h) A **Downtown Mixed Use Core (DMUC)** district.

Sec. 4.4.1 Downtown Mixed Use Districts

(d) **District Specific Regulations, 4. Building Height Setbacks**

A. - unchanged

B. **Church Street Buildings:**

For the purposes protecting the historic character and scale of buildings along the Church Street Marketplace, the maximum height of any building fronting on Church Street shall be limited to ~~38 feet~~ 4-stories not to exceed 45-feet. Any portion of a building ~~within 100 feet from the centerline of Church Street exceeding 45-feet~~ shall be set-back a minimum of ~~16~~ 10-feet for every 10-feet of additional building height above ~~38~~ 45-feet.

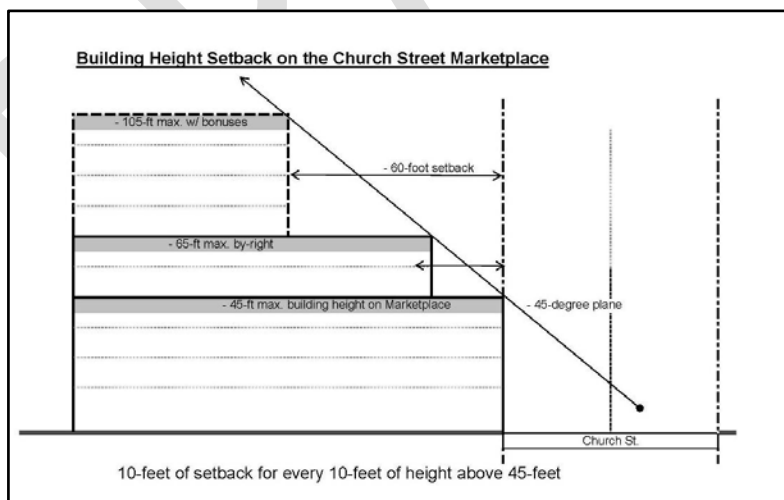


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

DRAFT to reflect PC Discussion of Proposed Ordinance For PC Meeting 7/6/2016

Comment [DEW3]: While outside of the proposed new overlay, this change is already envisioned as part of the currently proposed form-based code to provide better compatibility of building heights on Church Street.

This is necessary for compliance with the Pre-DA.

PC does not see need to include this at this time and recommends removal.

Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District

(a) Purpose:

The Downtown Mixed Use Core Overlay (DMUC) district is intended to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center, and to enhance pedestrian connectivity between Church Street and the waterfront. The area should support a diversity of residential, commercial, recreational, educational, civic, hospitality, and entertainment activities, and create opportunities to better connect the street grid for enhanced mobility for automobiles, pedestrians, and bicyclists in order to sustain and advance the economic vitality Burlington's downtown urban core.

Comment [MT4]: Suggestion by HR to add.

This overlay allows larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support the diverse mixed-uses, activate and enrich the street and sidewalk for pedestrian activity, and encourage mobility throughout the district and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

(b) Areas Covered:

The Downtown Mixed Use Core Overlay (DMUC) district includes those portions of the Mixed Use Downtown (D) District as delineated on Map 4.5.8-1.



Comment [DEW5]: Boundary of this area needs to consider existing and potential development in this area which has generally been supported in planBTV and by the Joint FBC Committee as the part of the downtown where greater height could be appropriate.

This is necessary for compliance with the Pre-DA.

PC has not been able to reach a consensus regarding either: add People's Bank or remove College St Garage.

Map 4.5.8-1: Downtown Mixed Use Core Overlay (DMUC) district

DRAFT to reflect PC Discussion of Proposed Ordinance For PC Meeting 7/6/2016

(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district:

1. Dimensional Standards:

The maximum Building height and mass shall be as prescribed in Table 4.5.8-1 below. Building height and mass in excess of 65-feet and 5.5 FAR shall be allowed by-right and without the necessity of the DRB granting of Development Bonuses/Additional Allowances pursuant to Sec 4.4.1 (d)7.

The Dimensional Standards within the DMUC Overlay District shall be as follows:

<u>Table 4.5.8-1 Downtown Mixed Use Core Overlay (DMUC) District Dimensional Standards</u>	
<u>Building Height</u>	3 stories min. 14 stories not to exceed 160-ft max
<u>FAR</u>	9.5 FAR total max per lot
<u>Floorplate:</u>	
Floors 1-5	100% of lot max.
Floors 6-8	80% of lot max.
Floors 9-12	55% of lot max.
Floors 13+	15,000 sf max per individual floorplate, with individual towers separated by a minimum of 60-ft measured orthogonally.
The floorplate of any floor may not be larger than the floor below.	
<u>Pervious Area¹</u>	10% min
<u>Setbacks:</u>	
- Front	0-ft min, 10-ft max. In no event shall a Building be closer than 12' from the curb.
- Side/Rear	0-ft min, 12-ft max.
<u>Occupied Build-to Zone²</u>	100%
<u>Ground Floor Height (floor to floor)</u>	14-ft min
<u>Arcades³</u>	10-ft clear depth min 14-ft clear height min

¹ Pervious Area is the area of a lot covered by surfaces or materials that allow for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/mulch, vegetative matter, permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch (1") of rainfall. For these purposes, green roofs that capture and attenuate at least the first inch (1") of rainfall are also considered pervious area.

Comment [DEW6]: This is necessary for compliance with the Pre-DA.

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Comment [DEW7]: This is necessary for compliance with the Pre-DA.

PC has not been able to reach a consensus regarding maximum height.

Comment [DEW8]: This is necessary for compliance with the Pre-DA

Comment [DEW9]: These comes out of the proposed form based code. The gradual reduction on upper floors is done to ensure that taller buildings are tapered as they go taller and reduce the perceived bulk of new buildings from the street level.

Revised per AM comments

Comment [DEW10]: This come directly out of the proposed form based code. See footnote regarding Pervious Area as a preferred alternative to lot coverage limitations. This will ensure improved stormwater management over existing.

Comment [DEW11]: Revised per EL comments

Comment [DEW12]: This come directly out of the proposed form based code in order to define a building wall along the street and create enclosure within a dense urban environment

Comment [DEW13]: This come directly out of the proposed form based code in order to ensure appropriately sized first floor spaces

Comment [DEW14]: This come directly out of the proposed form based code to ensure a spacious opening for pedestrians and outdoor activity

DRAFT to reflect PC Discussion of Proposed Ordinance For PC Meeting 7/6/2016

² Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along a front property line that must be occupied by a Building facade. In lieu of a Building facade, a streetscreen between 3.5 and 8 feet in height or active public use or activity (such as outdoor cafes) occupying no more than the lesser of 20 feet or 20% of the Build-to Zone may be included.

³ An Arcade is where only the ground floor level of the Building facade is set back from the front property line. The Building facade for the upper floors is at or near the front property line within the Build-to Zone, and is supported by a colonnade with habitable space above.

2. Urban Design Standards:

The following urban design standards shall apply to all Buildings in the DMUC Overlay, and the DRB shall make a final determination regarding strict compliance with these standards except as provided for in E below. These standards and requirements shall take precedence without limitation over any duplicative or conflicting provisions of Article 6, and compliance with Article 6 shall be presumed where a Building is in compliance with these design standards as determined by the DRB.

A. Overall Design: Proposed Buildings shall present an architecturally significant design as follows:

- i. Step backs, horizontal and vertical variation, selection of materials and other architectural design techniques are used to reinforce the street wall, create transitions from adjacent buildings of a smaller mass and height, and reduce the perceived height and mass of the upper stories from the street level;
- ii. Proposed Buildings provide visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design techniques;
- iii. Upper story proportions of Buildings emphasize vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline, reinforce opportunities for establishing points of reference for visual orientation, and retain opportunities for a view of the sky between individual Building elements.

B. Facade Articulation: All street-facing Building facades shall be articulated as follows:

- i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.
- ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the facade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the facade.

Comment [DEW15]: These come directly out of the proposed form based code. The process to incorporate role of DRB in making a final determination is a hybrid of current discretionary review process with more prescriptive FBC standards.

This is necessary for compliance with the Pre-DA in concept but not individual detail.

Comment [DEW16]: Pretty subjective and primary place for DRB discretionary review to focus. Ultimately following standards provide some objective measure of satisfying these

Comment [DEW17]: Remaining sections include detailed and prescriptive form standards.

- iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Building's corner.
- iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any street-facing Building facade exceeding six (6) stories in height shall be setback as follows:
 - a. An upper story setback at least ten (10) feet from the primary plane of the façade below shall occur within the first 60-ft of Building height at either the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.
 - b. For Buildings exceeding ten (10) stories in height a second upper story setback at least ten (10) feet from the primary plane of the façade below shall occur at either the 10th, 11th, or 12th story in order to provide another change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.
 - c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.
 - d. The upper stories beyond a setback may be visually differentiated from the stories below by a change in color, materials and/or pattern of fenestration in order to reduce the actual or perceived massing of the Building overall.
- v. Where visible, the raised foundation or basement of a Building shall not exceed 4-ft as measured from the exterior finished grade to the finished floor of the Story above., and must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration.
- vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the facade; and,
- vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade

Comment [DEW18]: added per J W-B comments

viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the facade by at least six (6) inches to serve as an expression of the Buildings top.

C. Street Activation: All Buildings shall activate the street as follows:

- i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the street frontage or at a corner where a corner lot.
- ii. The linear distance along the street frontage between ground floor entries shall not exceed 60-feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.
- iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically, and may have little or no horizontal expression required below any required upper story setback.
- iv. Requirements regarding openings and the transparency of glazing on a street-facing Building facade shall be as follows:

	Ground Floor	Upper Floors
<u>Rough openings for windows and doors (per floor)</u>	<u>70% min, 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk</u>	<u>20% min</u>
<u>- Horizontal and vertical distance between rough openings</u>	<u>20' max.</u>	
<u>Transparency:</u>		
<u>- applicable to 80% of the glazing on each floor.</u>		
<u>- VLT - Visible Light Transmittance¹</u>	<u>60% min</u>	<u>40% min</u>
<u>- VLR - Visible Light Reflectance</u>	<u>15% max</u>	<u>15% max</u>

¹ May be reduced to 50 and 30% respectively to meet the requirements of a High Performance Building Energy Code or equivalent program as determined by the DRB.

- v. Street-facing, street-level windows must allow views into a ground story non-residential use for a depth of at least 3 feet for the first 4 feet above the level of the finished sidewalk in order to provide for a window display, and for a depth of at least 8 feet for the next 4 feet above the level of the finished sidewalk in order to provide a view into the interior of the space. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). External security shutters are not permitted.

D. Materials:

The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and protect the character of the downtown area.

Comment [DEW19]: This is necessary for compliance with the Pre-DA in concept but not individual detail.

- i. Primary Materials: Not less than 80 percent of each street-facing facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:
 - a. Brick and tile masonry;
 - b. Native stone;
 - c. Wood – panels, clapboard or shingles;
 - d. Glass curtain wall; and
 - e. Cementitious siding;
- ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each street-facing façade. Accent materials are limited to:
 - a. Pre-cast masonry (for trim and cornice elements only);
 - b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
 - c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
 - d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);
 - e. Split-faced block (for piers, foundation walls and chimneys only); and
 - f. Glass block.
- iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the administrative officer after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.
- iv. Other:
 - a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
 - b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.

c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.

E. **Alternative Compliance:** Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board after review and comment by the Design Advisory Board and administrative officer. In granting such relief, the DRB shall find that:

- i. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;
- ii. the relief if granted is the minimum necessary to achieve the desired result;
- iii. the property will otherwise be developed consistent the purpose of this ordinance, the purpose of the underlying Zoning District and this Overlay District, the purpose of the section that the relief is being sought, and all other applicable standards;
- iv. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,
- v. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

3. **Use**

Schools - Post-Secondary & Community College shall be allowed as a Permitted Use, and any application requiring Major Impact Review pursuant to Sec. 3.5.2 (b) shall not also be subject to Conditional Use Review unless a use specifically identified in Appendix A – Use Table as a “Conditional Use” or identified as “CU” is also proposed.

4. **Parking**

- i. All onsite parking shall be provided in one or more of the following:
 - a. an underground parking structure (strongly preferred);
 - b. a parking structure separated from the public street by a liner building a minimum of 20-ft in depth; or,
 - c. a mixed-use building with parking located underground, setback a minimum of 20-ft behind the façade of building at the ground level and second story, and/or above the second floor.
- ii. All onsite parking shall participate in any Downtown Parking and Transportation Management District in order to minimize the amount of parking provided and maximize the efficiency of its utilization.
- iii. Vehicular entrances to parking structures shall not exceed 24-ft clear width, and 16-ft clear height at the street frontage.

Comment [DEW20]: This come directly out of the proposed form based code in order to provide some guided flexibility/relief from the prescriptive standards where necessary.

Comment [DEW21]: adding Schools - Pre-school to use table as part of daycare amendment.

PC **very** uncomfortable with the possibility (albeit remote) of the entire district becoming a post-secondary school. Prefer that it be limited to a Conditional Use.

May want to consider (with GFA limit – 10k?): Civic Use: Places of public assembly that provide ongoing governmental, educational and cultural services to the public

Comment [DEW22]: This come directly out of the proposed form based code in order to specifically address the challenging urban design concerns associated with parking.

Comment [DEW23]: Strong preference to underground parking added by PC

Comment [DEW24]: revised per EL comments

Comment [DEW25]: This is necessary for compliance with the Pre-DA.

DRAFT to reflect PC Discussion of Proposed Ordinance For PC Meeting 7/6/2016

- iv. At least one pedestrian route from all parking structures shall lead directly to a street frontage (i.e., not directly into a Building). Where a parking structure fronts on multiple streets, more than one such route is strongly encouraged.
- v. All structured parking with frontage on any portion of a public street shall be treated as follows:
 - a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential lobby, retail, office, recreational or services). This requirement shall not apply to parking located either entirely below-grade or above the second floor where parking may extend out to the building's perimeter.
 - b. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.
 - c. Where upper stories of structured parking are located at the perimeter of a building, parked vehicles, vehicle headlights and interior lighting shall be screened from view from the street and adjacent properties.
 - d. In addition to the Urban Design Standards required above, facade treatments (materials, fenestration patterns, and architectural detailing) must be continued on stories containing parking in a manner consistent with the overall architectural design of the Building and such that levels of parking are not clearly distinguishable from other uses in a building.

Comment [DEW26]: revised per J W-B comments

Comment [DEW27]: revised per EL comments

Comment [DEW28]: revised per extensive PC discussion

5. Signs

A master sign plan pursuant to Article 7 Part 3 is required for all sites occupied by more than three tenants where all signs must meet the requirements of the master sign plan. The master sign plan must establish standards of consistency as applicable of all signs to be provided on the subject property with regard to:

- Colors;
- Letter/graphics style;
- Location and Sign Type;
- Materials;
- Methods of illumination; and/or
- Maximum dimensions and proportion.

In addition to the flexibility from the requirements of Article 7 provided under Sec. 7.3.4, the following shall also be permitted when incorporated as part of a master sign plan in the DMUC Overlay:

- i. The area of projecting signs, marques, canopies and awnings shall not be deducted from the maximum allowed signage area permitted for signage under Sec 7.2.3.

Comment [DEW29]: This is necessary for compliance with the Pre-DA in concept but not individual detail.

This come directly out of the proposed form based code to provide greater clarity and specificity regarding size, placement and design of certain sign types.

ii. Projecting Signs: One projecting sign may be permitted for each ground floor use provided each sign:

- a. does not exceed 8 square feet in area;
- b. does not project more than 4 feet from the building façade on which it is attached;
- c. has its lowest edge at least eight (8) feet above any pedestrian way;
- d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and,
- e. Any encroachment into the public right-of-way must also be approved by the City Council.

Comment [DEW30]: Consistent with Church Street Marketplace and proposed FBC. Currently limited to only 4 sf.

iii. Marquee Signs: One marquee sign per street frontage may be permitted provided such sign:

- a. is located above the principal Building entrance;
- b. projects a minimum of 6 feet from the building façade on which it is attached but in no event more than 10 feet and 3 feet from the curb;
- c. has its lowest edge at least 9'6" above any pedestrian way;
- d. has its highest edge no more the lesser of the floor level of the third story or 35 feet above any pedestrian way;
- e. is no more than 40 feet in width;
- f. may contain an area for manual changeable copy that does not exceed 30 percent of the area of the sign face on which it is located or 32 square feet, whichever is less; and,
- g. Any encroachment into the public right-of-way must also be approved by the City Council.

iv. Canopies and Awnings: Where provided, awnings and canopies placed on a building facade shall meet the following specifications:

- a. Awnings and canopies shall provide 8' minimum clear height above the finished grade, and shall project a minimum of 6' from the building façade to a maximum of 2' from the curb. 14' minimum clear height above the finished grade shall be provided above any area used for parking or circulation. Any encroachment into the public right-of-way must also be approved by the City Council.
- b. Awnings and canopies shall be placed, sized, shaped and proportioned to match the associated openings.
- c. Awnings and canopies that span across an entire building façade shall be fixed no higher than the top of the top of the first story.
- d. Except as provided below, awnings and canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath.
- e. Awnings shall have a metal structure covered with non-translucent canvas, synthetic canvas or painted metal, and shall have no soffit or sides. Retractable awnings are encouraged.

- f. Awnings shall be rectangular in elevation and triangular in cross-section with straight edges. The valance of the awning shall be no more than 12” in height.
- g. Canopies shall be constructed of wood and/or metal, and shall be cantilevered or supported from above. The face of the canopy shall be no more than 24” in height.
- h. Signage placed on an awning or canopy shall be limited to the windows and doors on the first (ground) floor, and shall not extend outside the overall length or width.
- i. Signage placed on a canopy shall be limited to the face or may project above and may be backlit.
- j. Signage placed on an awning or canopy shall be limited to:
 - i. 75% of the valance or canopy face and/or 25% of the sloping plane max.
 - ii. The height of lettering shall be limited to: 5” min - 10” max on the valance; 18” max on the sloping plane; or 24” max on or above the canopy.

6. Green Buildings

New and substantial redevelopment in the DMUC Overlay shall be built to the standard of LEED Gold Certification, or nationally recognized equivalent as determined by the administrative officer.

- i. The submission of a completed LEED checklist by a LEED AP shall be required at the time of application along with documentation of registration with the U.S. Green Building Council (USGBC).
- ii. Prior to the issuance of a zoning permit, a security in a form acceptable to the city attorney shall be posted for an amount equal to five (5) times the applicable building permit fees for the project as an assurance that the project is completed as proposed. The bond or escrowed funds will be released when the project receives its LEED green building certification from the USGBC. If however the project fails to meet LEED Gold Certification, the full amount of the security shall be released to the City. Additionally, such failure shall be regarded as a zoning violation which may be enforced and remedied by the City to the same extent as any other zoning violation.
- iii. The submission of a revised LEED checklist by a LEED AP, and the results of 3rd party commissioning of the building envelope and mechanical systems shall be required prior to the release of any Final Certificate of Occupancy.

Comment [DEW31]: This is necessary for compliance with the Pre-DA in concept but not individual detail.

Comment [DEW32]: revised per PC discussion.

Taken from original 2008 CDO height bonus provisions that have since expired.

Sec. 5.2.6 Building Height Limits**(a)** *unchanged***(b) Exceptions to Height Limits**

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a non-conforming existing structure-Principal Building exceeding thirty-five (35) feet the maximum permitted Building in height as of January 1, 2008 may exceed the maximum permitted Building height of the zoning district thirty-five (35) feet subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Buildingstructure.
2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.
3. Greenhouses, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.
3. Ornamental and symbolic architectural features of buildings and structures, including towers, spires, cupolas, belfries and domes; greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms, where such features are not used for human occupancy or commercial identification, are also exempt from specific height limitations and but shall be subject to the design review provisions of Art. 3 and 6. Such features and structures shall be designed and clad in a manner consistent and complimentary with the overall architecture of the Building.
4. Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed 20% of the roof area.
Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods.
Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above.
5. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.
5. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.

6. The administrative officer may allow for up to a 10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.

Comment [DEW33]: Not specific to the DMUC however, important changes to screening requirements for rooftop equipment and flexibility in amount and numerical building height limits.

Much of this come directly out of the proposed form based code in order to provide stronger guidance around screening of mechanicals and flexibility regarding ornamental and architectural features.

Comment [DEW34]: This come directly out of the proposed form based code in order to provide some guided flexibility/relief from the prescriptive standards where necessary.

PC recommends removal.

Make this a maximum amount instead – no more that 5-ft?

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

(802) 865-7142 (TTY)

www.burlingtonvt.gov/PZ

David E. White, AICP, Director
Scott Gustin, AICP, Principal Planner
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Project Planner/GIS
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-13 – Subdivision Infrastructure Standards

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is incorporate a reference to the standards of the City Engineer for public infrastructure improvements, and to correct omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance to the 2008 Comprehensive Development Ordinance.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

This amendment is administrative and does not have an impact on the goals and policies contained in the City's Municipal Development Plan, particularly those regarding safe and affordable housing.

Compatibility with the proposed future land uses and densities of the municipal development plan:

This amendment is administrative and does not have an impact on the goals and polies for future land use and density contained in the City's Municipal Development Plan.

Implementation of specific proposals for planned community facilities:

This amendment ensures that new street connections and related public infrastructure created as a result of private redevelopment, adhere to the City Engineer's standards, and that monuments are placed at subdivision boundaries and street intersections and are recorded on a final plat. While this amendment does not implement specific proposals for community facilities, ensures a safe and consistent standard for the design and marking of public infrastructure and lots.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

As approved by the Planning Commission – 14 June 2016.

Changes shown (underline to be added, ~~strike-out~~ to be deleted) are proposed changes to the *Burlington Comprehensive Development Ordinance*.

Purpose: This amendment is to revise the BCDO generally to incorporate reference to the standards of the City Engineer for public infrastructure improvements, and clean up omissions and mistakes from the original transfer of subdivision language from the 1973 Subdivision Ordinance into the 2008 Comprehensive Development Ordinance.

Sec. 10.1.1 – Sec. 10.1.8

As written.

Sec. 10.1.9 Final Plat Approval Process

During such time that an approved preliminary plat remains effective, the applicant may submit an application for approval of a final plat.

(a) Final Plat and Construction Detail Submission Requirements

The applicant may seek approval of a final plat by filing the following items with the administrative officer. All plat maps, including street and utility construction plans, shall also be provided in a digital computer format compatible with the city mapping and CAD systems as determined by the administrative officer.

1. A letter requesting review and approval of the final plat and giving the name and addresses of person(s) to whom notice of the hearing by the DRB thereon shall be sent.
2. A narrative describing the proposed project's conformance with each of the applicable review criteria in (d) below, and a timetable or phasing plan for the construction of all site improvements.
3. Ten (10) copies of the final plat, as specified in subsection (6) below.
4. Ten (10) copies of the final site plan, as specified in subsection (7) below.
5. Ten (10) copies of construction detail drawings of the sewer, water and drainage systems, other underground utilities, surface improvements, street profiles and street cross-sections as specified in subsection (8) below.
6. Final plat specifications: The final plat shall be prepared by a Vermont licensed land surveyor. The plan shall be at a scale of one inch equals forty feet (1"=40'). In addition such other scale as the board may require to showing details clearly and adequately shall be included. Sheet sizes shall be twenty-four (24) inches by thirty-six (36) inches with one-inch margins on three (3) sides and two (2) inch margin on the side to be bound. If multiple sheets are used, they shall be accompanied by an index sheet referencing the entire final plat. The final plat shall contain all information

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

required for the preliminary plat pursuant to Sec. 10.1.8 (a)4 above, updated and accurate, together with the following information:

- A. Existing and proposed lines of streets, ways, lots with areas of each, dimensions and areas of easements, parks and other property within the subdivision to be dedicated for public use.
 - B. Location, width, name, and final grade of proposed streets.
 - C. Sufficient data including the length, radii, and central angles of all curves to readily determine the location, bearing, and length of every street and right-of-way, lot line and boundary line and to reproduce same on ground; all bearings to be referred to magnetic meridian. Wherever a boundary line of the subdivision is within five hundred (500) feet of a Vermont Coordinate Survey monument, the survey of the subdivision shall be tied to said monument(s). The error of closure must not exceed one to fifteen thousand (15,000); traverse streets or a copy thereof showing error of closure of the field surveys and the calculations for final adjustment must be submitted to the office of the city engineer for approval.
 - D. Location of all permanent monuments properly identified as to whether existing or proposed. The distance and bearing to the nearest municipal, county or state monument on an accepted way and monuments at all points of curvature and changes in direction of street right-of-way lines or where designated by the city engineer.
 - E. Location, names and present widths of streets bounding, approaching or within reasonable proximity of the subdivision and street lines of the access street leading from the subdivision to the nearest accepted public street.
 - F. Lot numbers, proposed house numbers and areas of other adjoining land of applicant not included in subdivision.
7. Final Site Plan detail drawings: All submitted applications for final plat approval must likewise include a final site plan consisting of the following as applicable:
- A. All information required for the preliminary site plan pursuant to Sec. 10.1.8 (a)5 above, updated and accurate;
 - B. Minimum front, side, and rear setback lines shall be shown and dimensioned in accordance with the applicable zoning ordinance requirements of Article 4; and,
 - C. Subsurface conditions of the tract, location, and results of tests made to ascertain subsurface soil rock and ground water conditions and depth to ground water, as may be reasonably required to carry out the purposes and intent of these regulations.
8. Construction detail drawings: [Standards for public streets and related public infrastructure shall be as established by the City Engineer.](#) All submitted applications for final plat approval must ~~likewise~~ have construction detail drawings consisting of the following as applicable:
- A. Plans and profiles showing existing and proposed elevations along centerlines of all streets within the subdivision.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

- B. Plans and profiles showing location of street pavements, curbs, gutters, sidewalks, manholes, catch basins, culverts and existing intersecting walks and driveways.
- C. Typical cross-sections of improved streets indicating the material used for construction of the roadbed and surface sidewalk, curbing and tree belt, tree pit showing centerline right-of-way width, width of pavement and travel lanes, height of crown, curb reveal, and any other pertinent information.
- D. Plans and profiles of the storm drainage system showing the location, pipe size and invert elevations of existing and proposed storm drains together with invert and rim elevations of all catch basins and manholes. Surface elevations and approximate depth of water shall be shown at each point where drainage pipe ends at a waterway. Drainage calculations prepared by the applicant's engineer, including design criteria used, drainage area and other information shall be sufficient for the city engineer to determine the size of any proposed drain, culvert, or bridge.
- E. Plans and profiles of the sanitary sewer system showing the location, pipe size and invert elevations of existing and proposed sewage system together with invert and rim elevations of all manholes. All lots within the proposed subdivision shall be serviced by the municipal sewerage system. Where a gravity flow of sewage cannot be attained, the applicant shall install a pumping or lift station of a make and type specified by the sewage disposal superintendent to provide for the proper disposal of all waste into the existing sanitary systems. The applicant shall covenant that one year after the pumping station has been installed and found to function to the satisfaction of the city engineer said pumping station shall be deeded to the city and thereafter shall be maintained and operated by the waste water division of the public works department.
- F. Plans and profiles of the water supply system showing the location, pipe size and invert elevations of the subdivision water system. All lots within the proposed subdivision shall be supplied by the municipal water system.
- G. All profiles shall be drawn with:
 - i. A horizontal scale of one inch to forty (40) feet and a vertical scale of one inch to four (4) feet.
 - ii. Existing centerline in fine black line with elevation shown every fifty-(50) feet.
 - iii. Proposed centerline grades in heavier black line with elevations shown every fifty (50) foot station except that in vertical curves elevations shall be shown at twenty-five (25) foot station. All changes in street grade shall be shown by a tangent to the vertical curve with the grade of the tangent indicated at the point of tangency.
 - iv. Cross-sections at every fifty (50) foot station or any unusual section, as is common practice in the design of roadways by the Vermont Agency of Transportation.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

- v. Existing right-of-way line in fine black dash line.
- vi. Proposed right-of-way line in fine black dash line.
- vii. All elevations based on the U.S. Coast and Geodetic Survey benchmarks.
- viii. Requirements (i), (ii), (iii) and (iv) of such construction detail drawings must be approved by the city engineer prior to approval of the final plat ~~by the DRB.~~

9. Monuments: Provision shall be made for permanent monuments to be set at all corners and angle points of the subdivision boundaries and at all street intersections and points of curve. Monuments shall be stone or concrete with a one-inch diameter metal pipe at least two (2) feet long set in the center, located in the ground at final grade level, and indicated on the final plat. Metal stakes shall be set at all corners and angle points of individual lot lines within the subdivision located in the ground at or above final grade level.

(b) Completeness of Submission, Administrator's Action

As written.

(c) Public hearing on final plat:

As written.

(d) Review Criteria:

As written.

(e) DRB approval of final plat:

As written.

Sec. 10.1.10 Performance Bond and Guarantee of Completion

As written.

Sec. 10.1.11 Recording of Final Plats

(a) Certifications and Endorsement:

Every approved final plat seeking recording in the city land records shall carry the following executed certifications:

1. City-Project Engineer's certification as follows:

"It is hereby certified that this plat fully complies with all engineering requirements set forth in the subdivision regulations of the City of Burlington and all other engineering requirements of Burlington, Vermont."

By: _____

Registered _____

Seal

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

As written.

(b) Recording within 180-days

As written.

(c) Plat Void if Revised After Approval:

As written.

Sec. 10.1.12 – 10.1.14

As written.

Department of Planning and Zoning

149 Church Street

Burlington, VT 05401

Telephone: (802) 865-7188

(802) 865-7195 (FAX)

(802) 865-7142 (TTY)

www.burlingtonvt.gov/PZ

David E. White, AICP, Director
Scott Gustin, AICP, Principal Planner
Meagan Tuttle, AICP, Comprehensive Planner
Jay Appleton, Project Planner/GIS
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, Associate Planner
Anita Wade, Planning & Zoning Clerk
Elsie Tillotson, Department Secretary



Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-14 – Downtown Mixed Use Core Overlay

This report is submitted in accordance with the provisions of 24 V.S.A. §4441(c).

Explanation of the proposed bylaw, amendment, or repeal and statement of purpose:

The purpose of this amendment is to establish the Downtown Mixed Use Core (DMUC) Overlay district to facilitate the redevelopment of a portion of the former Urban Renewal area with higher density mixed-use development and to implement central goals and objectives in the unanimously adopted *planBTV Downtown & Waterfront Plan*. Additionally, it amends the City's Official Map to include two 60 ft. Rights of Way at St. Paul and Pine Streets between Bank and Cherry Streets.

Conformity with and furtherance of the goals and policies contained in the municipal development plan, including the availability of safe and affordable housing:

The proposed amendment to create the DMUC Overlay is intended to encourage redevelopment of a critical area within the core of Downtown Burlington, and is in conformance with many of the Municipal Development Plan's policies regarding housing, including:

- Encourage a healthier regional balance of affordable housing in each community, proximate to jobs and affording mobility and choice to low income residents.
- Support the development of additional housing opportunities within the city, with concentrations of higher-density housing within neighborhood activity centers, the downtown and institutional core campuses.

Furthermore, *planBTV Downtown & Waterfront Plan* was amended into the City's Municipal Development Plan in 2014, and identifies specific issues and opportunities for downtown Burlington. Regarding housing, *planBTV* identifies infill, redevelopment and adaptive reuse as important strategies to provide additional housing for all income ranges within the downtown core. The Burlington Town Center property is one site that is specifically identified as an opportunity for redevelopment. This property is fully incorporated into the proposed DMUC Overlay boundaries.

Compatibility with the proposed future land uses and densities of the municipal development plan:

The proposed amendment to create the DMUC Overlay is in conformance with many of the Municipal Development Plan's policies regarding land use and density, including:

- Encourage mixed-use development patterns, at a variety of urban densities, which limit the demand for parking and unnecessary automobile trips, and support public transportation.
- Strengthen the City Center District (CCD) with higher density, mixed-use development as part of the regional core while ensuring that it serves the needs of city residents, particularly those in adjacent neighborhoods.
- Target new and higher density development in the Downtown, Downtown Waterfront, Enterprise District, Institutional Core and the Neighborhood Activity Centers.

Furthermore, *planBTV Downtown & Waterfront Plan* identifies walkability, connectivity, scale, density, diversity and mixed-use as the core principles for a successful downtown. The proposed height, FAR, dimensional standards and urban design standards included in the proposed DMUC Overlay implement these principles for an area of the downtown which has been identified as a key location for more intensive, mixed use redevelopment to occur.

Implementation of specific proposals for planned community facilities:

It has long been the City's desire to reverse the detrimental impact on mobility and connectivity to and through the downtown core that resulted from the construction of a "superblock" in the City's former Urban Renewal area. Additionally, *planBTV* envisions new street connections located at St. Paul and Pine Streets between Bank and Cherry Streets. The proposed amendment expands the City's Official map to include both the Downtown and Waterfront, and identifies two 60ft ROW for future public streets in these locations.

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-14 – Downtown Mixed Use Core Overlay

As revised by the Planning staff – June 15, 2016.

Changes shown (underline to be added, strike-out to be deleted) are proposed changes to the Burlington Comprehensive Development Ordinance.

Purpose: This amendment is to facilitate the redevelopment of a portion of the former Urban Renewal District with higher density mixed use development in the core of the downtown, and in so doing substantially and significantly help the City to implement many of the central goals and objectives found in the *planBTV: Downtown and Waterfront Master Plan* unanimously adopted in June 2013 to guide the future development and economic vitality of the downtown and waterfront area. It creates an overlay district to encompass a 1-2 block area in the core of the downtown area to enable taller Building Height without the necessity of a “bonus” from the DRB. It also establishes a number of building form requirements to ensure street-level activation and façade variation.

Article 4: Zoning Maps and Districts, Part 2: Official Map

Sec. 4.2.1 Authority and Purpose

A map entitled “The Official Map of the City of Burlington” **and as depicted on Map 2.2.1-1 below** is hereby established **pursuant to 24 VSA 4421** that identifies future municipal utility and facility improvements, such as road or recreational path rights-of-way, parkland, utility rights-of-way, and other public improvements. The intent is to provide the opportunity for the city to acquire land identified for public improvements prior to development for other use, and to identify the locations of required public facilities for new subdivisions and other development under review by the city.

Map 4.2.1-1 Official Map of the City of Burlington (unchanged)

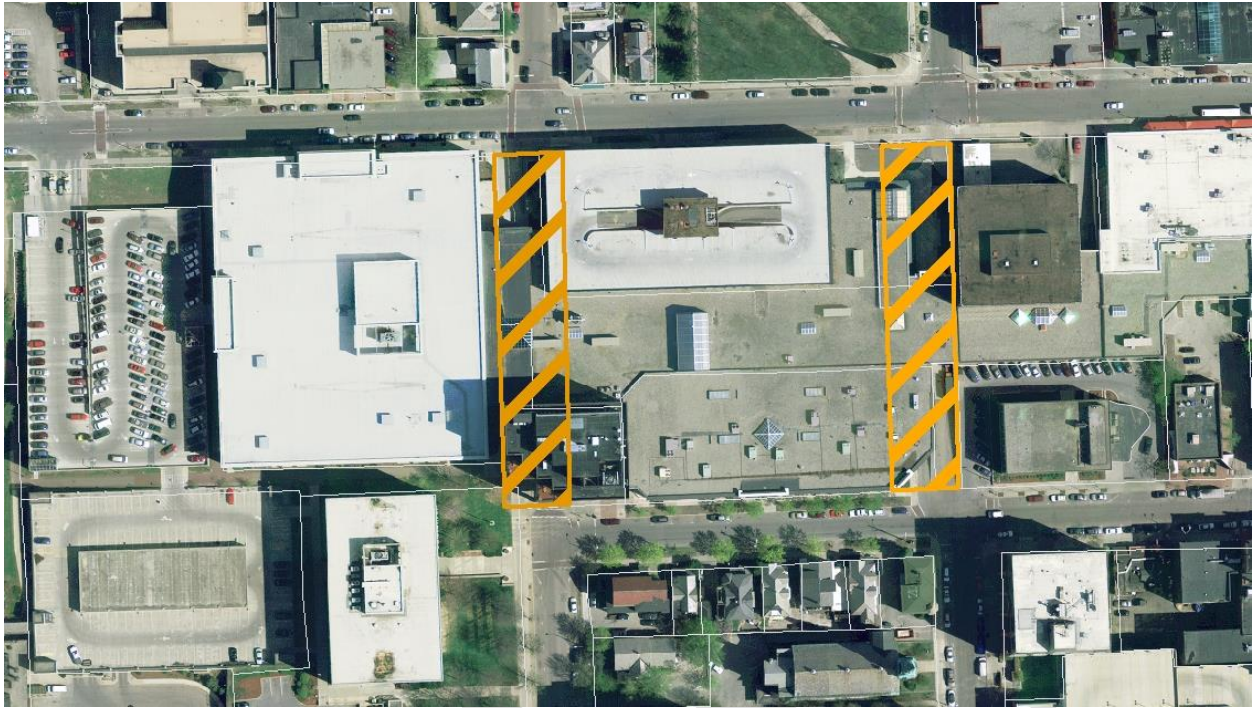
Sec. 4.2.2 **Downtown and Waterfront Core Official Map Established**

A map entitled “The Official Map of the **Downtown and Waterfront Core**” **and as depicted on Map 2.2.2-1 below** is established as part of the Official Map established above, ~~is to be dated as of the effective date hereof, is to be located in the department of zoning and planning and is incorporated herein by reference.~~ The proposed streets, public ways, public parks and other public lands and visual corridors contained therein are more particularly described as follows:

- (a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

DRAFT - 6/3/2016

- (b) A waterfront pedestrian easement fifty (50) feet in width abutting the ordinary high water mark of Lake Chaplain from Maple Street extended to College Street;
- (c) A waterfront pedestrian easement one hundred (100) feet in width abutting the ordinary high water mark of Lake Champlain from College Street extended to the north property line of the city-owned lands designated as “urban reserve” and formerly owned by the Central Vermont Railway;
- (d) Visual corridors and/or pedestrian ways sixty (60) feet in width along the center lines of Bank, Cherry, Pearl and Sherman streets extended west to Lake Champlain and visual corridors above the fourth floor along Main Street and College Street;
- (e) The following existing streets remain: Maple and King Streets and as extended to Lake chaplain; Main street; College Street and as extended to Lake Champlain; Lake Street from Main Street to College Street; Depot Street; and Battery Street;
- (f) An easement for pedestrians and bicycles twenty (20) feet in width, located adjacent to and west of the old Rutland railway right-of-way and owned by the State of Vermont running between the King Street Dock and College Street; ~~and,~~
- (g) Lake Street (north) modified: The portion of Lake Street is a street seventy (70) feet in width, the center line of which commences on the north line of College Street thence running northerly following the center line of existing Lake to a point intersecting the northerly property line of the Moran Generating Station extended east.
- (h) The re-establishment of St Paul Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles; and,
- (i) The re-establishment of Pine Street between Cherry and Bank streets as a public street with a right-of-way sixty (60) feet in width to accommodate pedestrians, bicycles and vehicles.



(temporary illustration of the proposed addition)

Map 4.2.2-1 Official Map of the Downtown and Waterfront Core ~~Waterfront Core Official Map~~

Article 4: Zoning Maps and Districts, Part 3: Zoning Districts Established

Sec. 4.3.2 Overlay Districts Established:

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. the land so enumerated Properties within an Overlay District may be used and altered-developed in a manner permitted in the underlying district only if and to the extent such use or alteration is permitted in-as may be modified by the applicable overlay district. The following districts are established as overlay districts as further described in **Part 5** below:

(a) A **Design Review Overlay (DR)** district;

(b) A series of five (5) **Institutional Core Campus Overlay (ICC)** districts, as follows:

- UVM Medical Center Campus (ICC-UVMMC);
- UVM Central Campus (ICC-UVM);
- UVM Trinity Campus (ICC-UVMT)
- UVM South of Main Street Campus (ICC-UVMS); and,
- Champlain College (ICC-CC);

(c) An **RH Density Bonus Overlay (RHDB)** district;

(d) A series of four (4) **Natural Resource Protection Overlay (NR)** districts, as follows:

- Riparian and Littoral Conservation Zone;
- Wetland Protection Zone;
- Natural Areas Zone; and,
- Special Flood Hazard Area;

(e) A **RL Larger Lot Overlay (RLLL)** district;

(f) A **Mouth of the River Overlay (MOR)** district; ~~and,~~

(g) A **Centennial Woods Overlay (CWO)** district; ~~and,~~

(h) A **Downtown Mixed Use Core (DMUC)** district.

Sec. 4.4.1 Downtown Mixed Use Districts

(d) **District Specific Regulations, 4. Building Height Setbacks**

A. - unchanged

B. Church Street Buildings:

For the purposes protecting the historic character and scale of buildings along the Church Street Marketplace, the maximum height of any building fronting on Church Street shall be limited to ~~38-feet~~ 4-stories not to exceed 45-feet. Any portion of a building ~~within 100-feet from the centerline of Church Street exceeding 45-feet~~ shall be set-back a minimum of ~~16~~ 10-feet for every 10-feet of additional building height above ~~38~~ 45-feet.

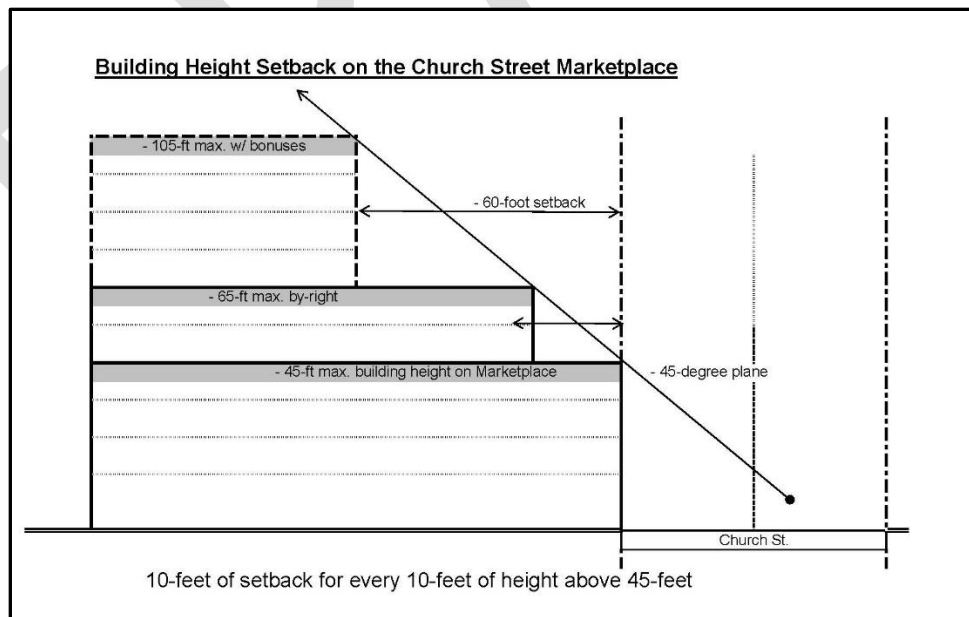


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District

(a) Purpose:

The Downtown Mixed Use Core Overlay (DMUC) district is intended to facilitate the redevelopment of a portion of the former Urban Renewal Area in order to provide for a more walkable, connected, dense, compact, mixed use and diverse urban center. The area should support a diversity of residential, commercial, recreational, educational, civic, hospitality, and entertainment activities, and create opportunities to better connect the street grid for enhanced mobility for automobiles, pedestrians, and bicyclists in order to sustain and advance the economic vitality Burlington's downtown urban core.

This overlay allows larger scale development than is typically found in the underlying district, and development with larger and taller buildings. Development should be designed to support the diverse mixed-uses, activate and enrich the street and sidewalk for pedestrian activity, and encourage mobility throughout the district and adjacent districts for pedestrians and bicyclists with reduced reliance on automobiles.

(b) Areas Covered:

The Downtown Mixed Use Core Overlay (DMUC) district includes those portions of the Mixed Use Downtown (D) District as delineated on Map 4.5.8-1.



[Map 4.5.8-1: Downtown Mixed Use Core Overlay \(DMUC\) district](#)

(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district;

1. Dimensional Standards:

The maximum Building height and mass shall be as prescribed in Table 4.5.8-1 below. Building height and mass in excess of 65-feet and 5.5 FAR shall be allowed by-right and without the necessity of the DRB granting of Development Bonuses/Additional Allowances pursuant to Sec 4.4.1 (d)7.

The Dimensional Standards within the DMUC Overlay District shall be as follows:

Table 4.5.8-1 Downtown Mixed Use Dore Overlay (DMUC) District Dimensional Standards

<u>Building Height</u>	<u>3 stories min.</u> <u>14 stories not to exceed 160-ft max</u>
<u>FAR</u>	<u>9.5 FAR total max per lot</u>
<u>Floorplate:</u>	
<u>Floors 1-5</u>	<u>100% of lot max.</u>
<u>Floors 6-7</u>	<u>75% of lot max.</u>
<u>Floors 8-11</u>	<u>55% of lot max.</u>
<u>Floors 12+</u>	<u>15, 000 sf max per individual floorplate,</u> <u>with individual towers separated by a</u> <u>minimum of 60-ft measured</u> <u>orthogonally.</u>
<u>The floorplate of any floor may not be larger than the floor below.</u>	
<u>Pervious Area¹</u>	<u>10% min</u>
<u>Setbacks:</u>	
<u>- Front</u>	<u>0-ft min, 10-ft max.</u>
<u>- Side/Rear</u>	<u>0-ft min, 12-ft max.</u>
<u>Occupied Build-to Zone²</u>	<u>100%</u>
<u>Ground Floor Height (floor to floor)</u>	<u>14-ft min</u>
<u>Arcades³</u>	<u>10-ft clear depth min</u> <u>14-ft clear height min</u>

¹ Pervious Area is the area of a lot covered by surfaces or materials that allow for the movement or passage of water into soils below. Pervious areas include, but are not limited to, areas of a lot covered by soil/ mulch, vegetative matter, permeable pavers/pavement, bio-retention areas, or other materials that allow for the infiltration of at least the first inch (1") of rainfall. For these purposes, green roofs that capture and attenuate at least the first inch (1") of rainfall are also considered pervious area.

² Occupied Build-to Zone is the proportion of the linear distance between the maximum and minimum front setback along a front property line that must be occupied by a Building façade. In lieu of a Building façade,

a streetscreen between 3.5 and 8 feet in height or active public use or activity (such as outdoor cafes) occupying no more than the lesser of 20 feet or 20% of the Build-to Zone may be included.

³ An Arcade is where only the ground floor level of the Building facade is set back from the front property line. The Building facade for the upper floors is at or near the front property line within the Build-to Zone, and is supported by a colonnade with habitable space above.

2. Urban Design Standards:

The following urban design standards shall apply to all Buildings in the DMUC Overlay, and the DRB shall make a final determination regarding strict compliance with these standards except as provided for in E below. These standards and requirements shall take precedence without limitation over any duplicative or conflicting provisions of Article 6, and compliance with Article 6 shall be presumed where a Building is in compliance with these design standards as determined by the DRB.

A. Overall Design: Proposed Buildings shall present an architecturally significant design as follows:

- i. Step backs, horizontal and vertical variation, selection of materials and other architectural design techniques are used to reinforce the street wall, create transitions from adjacent buildings of a smaller mass and height, and reduce the perceived height and mass of the upper stories from the street level;
- ii. Proposed Buildings provide visual interest and human scale at the pedestrian level through the use of a variety of scales, materials, fenestration, massing or other architectural design techniques;
- iii. Upper story proportions of Buildings emphasize vertically-oriented proportions to assure a rich visually interesting experience as viewed within the context of the downtown skyline, reinforce opportunities for establishing points of reference for visual orientation, and retain opportunities for a view of the sky between individual Building elements.

B. Façade Articulation: All primary and secondary street-facing Building facades shall be articulated as follows:

- i. Building facades shall incorporate surface relief through the use of elements such as bay windows, cladding materials, columns, corner boards, cornices, door surrounds, moldings, piers, pilasters, sills, belt courses, sign bands, windows, balconies and/or other equivalent architectural features at least three (3) of which must either recess or project from the average plane of the facade by at least four (4) inches.
- ii. Buildings with facades between seventy-five (75) feet and one hundred and fifty (150) feet in width shall include vertical changes through the horizontal plane of the Façade by dividing the facade into a series of architectural and/or structural bays between six (6) feet and sixty-five (65) feet in width involving up to a minimum of 50% of the height of the façade.
- iii. Buildings with facades greater than one hundred and fifty (150) feet in width must include a more substantial change in the horizontal plane of the façade where for every one hundred and fifty (150) feet in facade width, one (1) or more

architectural bay as required above must either recess or project by at least four (4) feet involving the full height of the façade from the average plane of the street wall portion of the facade. Such bays shall occur no closer than fifty (50) feet from the Building's corner.

- iv. Required Building Height Setbacks pursuant to Sec 4.4.1 (d) 4 shall not be applicable. Instead, upper stories of any primary and secondary street-facing Building facades exceeding six (6) stories in height shall be setback as follows:
 - a. An upper story setback at least ten (10) feet from the primary plane of the façade below shall occur within the first 60-ft of Building height at either the 3rd, 4th, or 5th story in order to provide a change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.
 - b. For Buildings exceeding ten (10) stories in height a second upper story setback at least ten (10) feet from the primary plane of the façade below shall occur at either the 10th, 11th, or 12th story in order to provide another change in the vertical plane of the façade. Such a change shall involve the full width of the Building façade, but does not have to occur in the same story. Additional upper story setbacks may occur in order to provide additional terraces, taper and visual interest to taller Buildings.
 - c. Setbacks must be visually set off from the stories below by a balustrade, parapet, cornice and/or similar architectural feature, and are encouraged to be activated as an outdoor amenity space for Building occupants.
 - d. The upper stories beyond a setback may be visually differentiated from the stories below by a change in color, materials and/or pattern of fenestration in order to reduce the actual or perceived massing of the Building overall.
- v. Where visible, the raised foundation or basement of a Building must be visually differentiated from the stories above by a horizontal expression line and change in color, material, and/or pattern of fenestration;
- vi. The lower one to five stories of a Building must be visually differentiated from the stories above by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the facade; and,
- vii. The top one to five stories of a Building must be visually differentiated from the stories below by a horizontal expression line, belt courses, banding, sign band, cornice and/or equivalent architectural feature, and include a change in color, material, and/or pattern of fenestration across a majority of the façade
- viii. The top of a Building must have a cornice, parapet, pitched or shaped roof form and/or other equivalent architectural feature involving a projection from the average plane of the facade by at least six (6) inches to serve as an expression of the Buildings top.

C. Street Activation: All Buildings shall activate the street as follows:

- i. Buildings shall have one or more principal entrances for pedestrians at street level that are clearly identified as such along the street frontage or at a corner where a corner lot.
- ii. The linear distance along the street frontage between ground floor entries shall not exceed 60-feet, and such doors must be open and operable by residential occupants at all times and non-residential occupants and customers during business hours.
- iii. Building entrances shall be defined and articulated by architectural elements such as lintels, pediments, pilasters, columns, canopies, awnings, transoms, sidelights and/or other design elements appropriate to the architectural style and details of the Building as a whole. Bays including a principal entrance should be expressed vertically, and may have little or no horizontal expression required below any required upper story setback.
- iv. Requirements regarding openings and the transparency of glazing in a primary and secondary street-facing Building facade shall be as follows:

	<u>Ground Floor</u>	<u>Upper Floors</u>
<u>Rough openings for windows and doors (per floor)</u>	<u>70% min, 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk</u>	<u>20% min</u>
<u>- Horizontal and vertical distance between rough openings</u>	<u>20' max.</u>	
<u>Transparency:</u> <u>- applicable to 80% of the glazing on each floor.</u>		
<u>- VLT - Visible Light Transmittance¹</u>	<u>60% min</u>	<u>40% min</u>
<u>- VLR - Visible Light Reflectance</u>	<u>15% max</u>	<u>15% max</u>

¹May be reduced to 50 and 30% respectively to meet the requirements of a High Performance Building Energy Code or equivalent program as determined by the DRB.

- v. Street-facing, street-level windows must allow views into a ground story non-residential use for a depth of at least 3 feet for the first 4 feet above the level of the finished sidewalk in order to provide for a window display, and for a depth of at least 8 feet for the next 4 feet above the level of the finished sidewalk in order to provide a view into the interior of the space. Windows cannot be made opaque by window treatments (except operable sunscreen devices within the conditioned space). External security shutters are not permitted.

D. Materials:

The following requirements regarding the selection and use of Building materials is intended to improve the physical quality and durability of buildings, enhance the pedestrian experience, and protect the character of the downtown area.

- i. Primary Materials: Not less than 80 percent of each street-facing Facade shall be constructed of primary materials comprised of high quality, durable, and natural materials. For Facades over 100 square feet, more than one primary material shall be used. Changes between primary materials must occur only at inside corners. The following are considered acceptable primary materials:
 - a. Brick and tile masonry;
 - b. Native stone;
 - c. Wood – panels, clapboard or shingles;
 - d. Glass curtain wall; and,
 - e. Cementitious siding;
 - ii. Accent Materials: The following accent materials may make up no more than 20% of the surface area on each Façade. Accent materials are limited to:
 - a. Pre-cast masonry (for trim and cornice elements only);
 - b. External Insulation Finishing System - EIFS (for upper story trim and cornice elements only);
 - c. Gypsum Reinforced Fiber Concrete (GFRC—for trim elements only);
 - d. Metal (for beams, lintels, trim elements and ornamentation, and exterior architectural metal panels and cladding only);
 - e. Split-faced block (for piers, foundation walls and chimneys only); and,
 - f. Glass block.
 - iii. Alternate Materials: Alternate materials, including high quality synthetic materials, may be approved by the Planning Director after seeking input from the Design Advisory Board. New materials must be considered equivalent or better than the materials listed above and must demonstrate successful, high quality local installations. Regionally-available materials are preferred.
 - iv. Other:
 - a. The use of recycled and/or regionally-sourced materials is strongly encouraged.
 - b. With the exception of natural wood siding or shingles such as cedar or redwood intended to gradually weather with time, all exposed wood and wood-like products (e.g. fiber-cement) shall be painted or stained. Exterior trim shall be indistinguishable from wood when painted.
 - c. Any synthetic siding and finish products shall be smooth-faced with no artificial grain texturing.
- E. Alternative Compliance:** Relief from any non-numerical standard above, and any numerical standard with the exception of building height and FAR by no more than 20% of such requirement, may be granted by the Development Review Board. In granting such relief, the DRB shall find that:

- i. the relief sought is necessary in order to accommodate unique site and/or Building circumstances or opportunities;
- ii. the relief if granted is the minimum necessary to achieve the desired result;
- iii. the property will otherwise be developed consistent the purpose of this ordinance, the purpose of the underlying Zoning District and this Overlay District, the purpose of the section that the relief is being sought, and all other applicable standards;
- iv. the relief if granted will not impose an undue adverse burden on existing or future development of adjacent properties; and,
- v. the relief if granted will yield a result equal to or better than strict compliance with the standard being relieved.

3. Use

Schools - Post-Secondary & Community College shall be allowed as a Permitted Use, and any application requiring Major Impact Review pursuant to Sec. 3.5.2 (b) shall not also be subject to Conditional Use Review unless a use specifically identified in Appendix A – Use Table as a “Conditional Use” or identified as “CU” is also proposed.

4. Parking

- i. All onsite parking shall be provided either:
 - a. in a parking structure separated from the public street by a liner building a minimum of 20-ft in depth; or,
 - b. within a mixed-use building with parking located underground, setback a minimum of 20-ft behind the façade of building at the ground level, and/or above the ground floor.
- ii. All onsite parking shall participate in any Downtown Parking and Transportation Management District.
- iii. Entrances to parking areas and structures shall be located along a secondary street frontage where available.
- iv. The paved portion of vehicular entrances to parking areas and structures shall not exceed 24-ft clear width, and entrances to parking structures shall not exceed 16-ft clear height at the street frontage.
- v. At least one pedestrian route from all parking areas and structures shall lead directly to a street Frontage (i.e., not directly into a Building).
- vi. Any surface parking not within a parking structure shall be setback a minimum of 5-feet from any side or rear property line.
- vii. All structured parking with frontage on any portion of a public street shall be treated as follows:

- a. The required setback between the parking and the public street at the ground level must be occupied by an active use (such as, but not limited to, residential lobby, retail, office, recreational or services). This requirement shall not apply to parking located either entirely below-grade or above the ground floor where parking may extend out to the building's perimeter.
- b. All floors of a parking structure fronting a public street must be level (not inclined), and any sloped ramps between parking levels must be setback a minimum of 20-ft from the street-facing building façade and shall not be discernible along the perimeter of the parking structure.
- c. Where upper stories of structured parking are located at the perimeter of a building, parked vehicles, vehicle headlights and interior lighting shall be screened from view from the street and adjacent properties.
- d. In addition to the Urban Design Standards required above, facade treatments (materials, fenestration patterns, and architectural detailing) must be continued on stories containing parking in a manner consistent with the overall architectural design of the Building.

5. Signs

A master sign plan pursuant to Article 7 Part 3 is required for all sites occupied by more than three tenants where all signs must meet the requirements of the master sign plan. The master sign plan must establish standards of consistency as applicable of all signs to be provided on the subject property with regard to:

- Colors;
- Letter/graphics style;
- Location and Sign Type;
- Materials;
- Methods of illumination; and/or
- Maximum dimensions and proportion.

In addition to the flexibility from the requirements of Article 7 provided under Sec. 7.3.4, the following shall also be permitted when incorporated as part of a master sign plan in the DMUC Overlay:

- i. The area of projecting signs, marques, canopies and awnings shall not be deducted from the maximum allowed signage area permitted for signage under Sec 7.2.3.
- ii. Projecting Signs: One projecting sign may be permitted for each ground floor use provided each sign:
 - a. does not exceed 8 square feet in area;
 - b. does not project more than 4 feet from the building façade on which it is attached;
 - c. has its lowest edge at least eight (8) feet above any pedestrian way;

- d. has its highest edge no more than eighteen (18) feet above any pedestrian way; and,
 - e. Any encroachment into the public right-of-way must also be approved by the City Council.
 - iii. Marquee Signs: One marquee sign per primary street frontage may be permitted provided such sign:
 - a. is located above the principal Building entrance;
 - b. projects a minimum of 6 feet from the building façade on which it is attached but in no event more than 10 feet and 3 feet from the curb;
 - c. has its lowest edge at least 9'6" above any pedestrian way;
 - d. has its highest edge no more the lesser of the floor level of the third story or 35 feet above any pedestrian way;
 - e. is no more than 40 feet in width;
 - f. may contain an area for manual changeable copy that does not exceed 30 percent of the area of the sign face on which it is located or 32 square feet, whichever is less; and,
 - g. Any encroachment into the public right-of-way must also be approved by the City Council.
 - iv. Canopies and Awnings: Where provided, awnings and canopies placed on a building facade shall meet the following specifications:
 - a. Awnings and canopies shall provide 8' minimum clear height above the finished grade, and shall project a minimum of 6' from the building façade to a maximum of 2' from the curb. 14' minimum clear height above the finished grade shall be provided above any area used for parking or circulation. Any encroachment into the public right-of-way must also be approved by the City Council.
 - b. Awnings and canopies shall be placed, sized, shaped and proportioned to match the associated openings.
 - c. Awnings and canopies that span across an entire building façade shall be fixed no higher than the top of the top of the first story.
 - d. Except as provided below, awnings and canopies shall not be internally illuminated or backlit, however they may contain lighting fixtures intended to illuminate the ground beneath.
 - e. Awnings shall have a metal structure covered with non-translucent canvas, synthetic canvas or painted metal, and shall have no soffit or sides. Retractable awnings are encouraged.
 - f. Awnings shall be rectangular in elevation and triangular in cross-section with straight edges. The valance of the awning shall be no more than 12" in height.
 - g. Canopies shall be constructed of wood and/or metal, and shall be cantilevered or supported from above. The face of the canopy shall be no more than 24" in height.
 - h. Signage placed on an awning or canopy shall be limited to the windows and doors on the first (ground) floor, and shall not extend outside the overall length or width.

- i. Signage placed on a canopy shall be limited to the face or may project above and may be backlit.
- j. Signage placed on an awning or canopy shall be limited to:
 - i. 75% of the valance or canopy face and/or 25% of the sloping plane max.
 - ii. The height of lettering shall be limited to: 5” min - 10” max on the valance; 18” max on the sloping plane; or 24” max on or above the canopy.

6. Green Buildings and Stormwater Management

New development and substantial redevelopment in the DMUC Overlay shall be built to the standard of LEED Gold Certification as evidenced by the submission of a competed LEED checklist by a LEED AP at the time of application, and shall use all reasonable efforts to obtain such final certification upon project completion. The submission of a competed LEED checklist by a LEED AP and the 3rd party commissioning of the building envelope and mechanical systems shall be required as evidence of compliance prior to the release of any Final Certificate of Occupancy.

New development and substantial redevelopment in the DMUC Overlay shall capture 100% of the 1-year storm event

Sec. 5.2.6 Building Height Limits

(a) *unchanged*

(b) Exceptions to Height Limits

1. Additions and new construction on parcels created prior to January 1, 2008 that contain a ~~non-conforming existing structure~~ Principal Building exceeding ~~thirty-five (35) feet~~ the maximum permitted Building in height as of January 1, 2008 may exceed the maximum permitted Building height of the zoning district ~~thirty-five (35) feet~~ subject to the design review provisions of Art. 3 and 6, but in no event shall exceed the height of the existing non-conforming Principal Building structure.
2. In no case shall the height of any structure exceed the limit permitted by federal and state regulations regarding flight paths of airplanes.
- ~~3. Greenhouses, rooftop gardens, terraces, and similar features are exempt from specific height limitations but shall be subject to the design review provisions of Art. 3 and 6.~~
3. Ornamental and symbolic architectural features ~~of buildings and structures~~, including towers, spires, cupolas, belfries and domes; ~~greenhouses, garden sheds, gazebos, rooftop gardens, terraces, and similar features; and fully enclosed stair towers, elevator towers and mechanical rooms~~, where such features are not used for human occupancy or commercial identification, are ~~also~~ exempt from specific height limitations ~~and but~~ shall be subject to the design review provisions of Art.

3 and 6. Such features and structures shall be designed and clad in a manner consistent and complimentary with the overall architecture of the Building.

4. Exposed mechanical equipment shall be allowed to encroach beyond the maximum building height by no more than 15-feet provided that portion exceeding the height limit does not exceed 20% of the roof area.

Exposed mechanical equipment shall be fully screened on all sides to the full height of the equipment, and positioned on the roof to be unseen from view at the street level. Screening may consist of parapets, screens, latticework, louvered panels, and/or other similar methods.

Where mechanical equipment is incorporated into and hidden within the roof structure, or a mechanical penthouse setback a minimum of 10-ft from the roof edge, no such area limit shall apply and the structure shall be considered pursuant with 4 above.

- ~~5. The footprint of such architectural features shall not exceed ten percent (10%) of the total roof area.~~
5. All forms of communications equipment including satellite dish antennae shall not be exempt from height limitations except as provided in Sec 5.4.7 of this Article.
6. The administrative officer may allow for up to a 10% variation in the maximum building height to account for grade changes across the site. In no event however, shall such additional height enable the creation of an additional story beyond the maximum permitted.

Proposed CDO Downtown Mixed Use Core Overlay

Comment for the Public Hearing on July 6, 2016

Harris Roen, Planning Commissioner

The proposed CDO Downtown Mixed Use Core Overlay is one of the most important ordinance changes the Planning Commission has considered during my tenure. Because I am unable to attend this public hearing, I feel it is important to submit my comments.

As I have said at previous meetings, I believe the site in question is the exact location where we should be looking to increase density in Burlington. In order to maintain a vibrant downtown, we need to enhance opportunities for housing, office and retail in the downtown core. This will also support efficiencies of urban living for those who want to avoid a car-centric lifestyle.

The main benefits of this proposed ordinance in my mind are: reconnecting the street grid; increasing opportunities for housing; and supporting economic vitality for downtown Burlington. On housing, it is clear that finding a place to live in Burlington is a problem. One need only start hunting to see what is available to confirm this. The Chittenden County Regional Planning Commission and other partners have targeted a lack of housing as a major issue, and have recently announced a campaign to build 3,500 new homes in the next five years. I believe this is the right location to help meet this goal.

I have been asking everyone I can about their opinion of the redevelopment project and related zoning change. This is in addition to having digested all the public comment, both on-line and at our meetings. I have found a wide range of opinions both for and against, as well as much misinformation and misunderstandings (my favorite is not being in favor of a 16-story mall, "we just don't need that much shopping"). The public comment has been voluminous and I see merit on both sides of the debate. Despite the divergent views, the strongest area of agreement seems to be the desire to redevelop the mall site in some fashion.

Although the planning process can often seem messy due to the size and complexity of the efforts involved, I do believe the process for consideration of this zoning change has been problematic. If a change in height of this magnitude were being considered outside of the project in front of us, it would likely take much longer than the time allotted in the development agreement to come to consensus. Considering the time frame, I believe the Commission should only forward some elements of the ordinance on to the City Council where consensus can be reached, such as changing the official map and façade treatments. Otherwise, I agree that the Commission should focus on making recommendations to the City Council that highlight issues to consider, rather than forward specific ordinance language.

It's hard to weigh in on many of the important design considerations without being part of the discussion at the meetings, but below are my comments on a few of the major items in the proposed ordinance:

Sec. 4.2.2 Downtown and Waterfront Core Official Map Established

I strongly support this section and recommend forwarding it to the City Council. Paragraphs (h) and (i) leave no question that the streets are being reestablished as public right-of-ways. I agree with the suggested change to Map 4.2.2-1 made at our meeting on June 21 to allow for better alignment to the existing street grid.

Sec. 4.5.8 Downtown Mixed Use Core Overlay (DMUC) District

(a) Purpose:

I think this language is very good. I would only suggest adding as a purpose "enhance pedestrian connections between Church Street and the waterfront."

(b) Area Covered:

I am OK with the map as is, but would not object to expanding it to encompass the People's Bank building property.

(c) District Specific Regulations: Downtown Mixed Use Core Overlay (DMUC) district;

1. Dimensional Standards:

Despite my reservations about the process as mentioned above, I personally do not object to the 160-foot height limit as proposed. I believe this would allow for increased density in an appropriate location, and anticipate that it would allow for a better building design. Yes, it would change the skyline, but so too have many other buildings built throughout the history of Burlington. Having said that, I would be open to considering other options by manipulating the standards in Table 4.5.8-1. There may be potential to redevelop the site by decreasing height and increasing bulk, which may better reflect desires of the community.

Thank you.

Meagan Tuttle

From: Lee Buffinton <l.buffinton@gmail.com>
Sent: Thursday, June 30, 2016 8:06 PM
To: Yves Bradley; bbaker@cdbesq.com; Jennifer Wallace-Brodeur (jwb@burlingtontelecom.net); Emily Lee; andym@montrolllaw.com; Harris Roen; Meagan Tuttle; David E. White
Subject: Communication for discussion at June 29th meeting with correction

Please replace my previous letter with this one to reflect the correction in Inclusionary Zoning numbers. Thanks!

To my fellow Planning Commissioners,

Vermont Law is very clear- Local zoning regulations must conform to the municipal plan. For Downtown Burlington that municipal plan is planBTV Downtown & Waterfront adopted after extensive public involvement. Our planning packet materials for the various zoning amendments before us emphasize that it's important to "comply with the Pre-Development Agreement" for the mall project, but what is far more imperative and required by law is that we comply with our municipal plan.

Clearly plan BTV and all of us on the Planning Commission support a vibrant, mixed-use, mall redevelopment with a healthy mix of retail, commercial, and diverse residential spaces to meet the needs of the city. The City and the developer deserve credit for working so hard together toward this vision and, in particular, the effort to re-open St. Paul Street and Pine Street as complete, public streets. While these efforts are exactly what plan BTV envisioned, some of the specific zoning amendments as proposed are not consistent with plan BTV and, therefore, should be reconsidered and reconfigured in order to meet the legal requirement, avoid legal wrangling over potential spot zoning, and facilitate redevelopment.

3 areas of concern:

Proposed zoning amendment to allow post secondary schools and community colleges as a permitted use-

Under this proposal the entire mall could be turned into a college or university campus, exempt from Inclusionary Zoning requirements and without the conditional use review that is currently mandated. Nowhere in planBTV does it suggest that we put a college campus downtown! A college campus does not align with plan BTV's call for mixed use retail, commercial and diverse residential uses at the mall site. Nor would a college campus address the goal of creating more affordable and moderately priced housing downtown essential for workforce housing, seniors, and others, as prioritized in plan BTV. It's essential to retain conditional use review of any proposed secondary school/college at this site.

Proposed zoning amendment to raise building height limits from the current 65' by right to 160' (14 stories) by right with no provision for requiring additional public benefits such as affordable or senior housing.

This proposal represents a dramatic increase in building height and a major change in policy that has little basis in the adopted plan BTV or the draft Form Based Code.

While Plan BTV wisely calls for "larger residential, mixed-use buildings" at the current one-story mall site as well as strategic infill and liner buildings, the plan does not suggest the need for any increase in our current height limits and says; "While allowing for even taller isn't necessarily the answer, efforts to encourage

development that more fully utilizes the permitted development envelope need to be supported". Plan BTV seems to be responding to public sentiment and cites its public survey that found only a very small percentage of respondents who were dissatisfied with the scale of buildings downtown. Even the plan's graphic images of what a redeveloped mall site could look like show new buildings no taller than 6 to 8 stories in keeping with our current height limits.

Furthermore, 14-story buildings towering over historic Bank Street, Cherry Street and the new sections of St. Paul and Pine Streets could block sunlight and increase and alter wind currents and downdrafts at these locations, potentially diminishing the positive pedestrian experience that plan BTV envisions. In addition such heights would seem to be at odds with Section 6 of our current Comprehensive Zoning Ordinance that emphasizes the importance of maintaining neighborhood proportions of scale and mass and sensitive transitions between new buildings and existing neighborhoods.

Under this proposed zoning amendment to allow 14-story buildings by right, a developer could put in the minimum number of inclusionary zoning units (15-25%) and all of the remaining units (75 to 85%) could be luxury apartments. This fundamental policy shift would be counter to plan BTV's strong emphasis on creating a variety of housing options: "more choices, more types, more affordable, more diversity". Plan BTV calls on us as a city to use "a number of strategies that can and should be employed to encourage the creation of significantly more housing- particularly affordable and affordable market-rate units". Specifically cited in plan BTV's vision for the mall are "downtown workers, young professionals, and empty nesters" who need affordable and moderately priced housing downtown. By adopting a massive height increase with no incentives attached we could lose an opportunity to get the housing variety that our city needs.

Proposed zoning amendments that would allow for surface parking lots and a parking garage to be built to the perimeter of a building at any floor except the first floor.

Surface parking lots, whether on the ground or on the top deck of a parking garage, are completely at odds with 21st century planning and the green roofs and stormwater management called for in plan BTV.

In regard to parking, plan BTV emphasizes underground or wrapped parking where needed, stating: "In all cases, any new facilities should be wrapped with mixed-use buildings to screen the parking and activate the street." Our plan does not say that this only applies at the ground floor level. Lastly, plan BTV emphasizes the need for the city to "work closely with developers to manage their parking needs" and consider alternatives to building conventional parking garages. I urge that we delete the amendment allowing for surface parking and make the parking garage section more consistent with plan BTV objectives.

In conclusion:

We as a Planning Commission have been urged to adopt, in their entirety, the zoning amendments to enable the mall redevelopment as proposed. However, we would not be performing our due diligence or meeting our legal obligations if we passed the particular zoning amendments cited above as written. I'm no lawyer, but it seems to me that we need to avoid the potential lengthy legal mess associated with accusations of "spot zoning" by making absolutely sure that any zoning amendments comply with the goals of our publicly supported plan BTV.

Until we go through the public process of changing it, plan BTV is our guide for Burlington's future. The city supports and wants plan BTV. Developers want certainty. We can have both.

I respectfully request of my fellow planning commissioners that we reshape proposed zoning amendments as needed to keep us on solid legal ground and to better reflect the vision and values of Plan BTV and the citizens of Burlington.

Thank you.

Dear Planning Commissioners,

As three members of the Form Based Code (FBC) Committee we felt that it was important to build on the tremendous amount of work the Committee has done in reviewing and refining the requirements of the proposed Form Based Code such that the ordinance changes under consideration by the Planning Commission for this overlay district are consistent with both PlanBTV and with the specific requirements for Form District 6 (The Downtown Core) where the overlay district is located. We appreciate that time is of the essence in your review process and hope that the time we spent reviewing the proposed ordinance compared with the Form Based Code will be helpful. While the draft overlay has included much of the work of the FBC Committee, after careful review we believe the proposal could be brought into further alignment with our committee's discussions if the following changes were made to the requirements of the proposed ordinance:

- 1. Amend the proposed Overlay District Map as follows:** Remove the Southern Parking Garage behind People's United Bank (formerly the Chittenden Bank) from the Overlay. Reasons: This is what FBC committee agreed to and it doesn't effect the Mall project in anyway. This will keep all of the tallest buildings in direct alignment with one another minimizing the extent of views that are blocked when looking west along Bank Street.
- 2. Remove changes to Church St.** - Any revisions to the current zoning requirements governing development fronting on the Church Street Marketplace deserve significantly more discussion than is afforded by this current request for review/approval by the City Council. It is our understanding that the redevelopment proposal for the BTC site could be accomplished without making changes to the zoning regulations governing Church Street. While the FBC Commission did review the changes proposed for Church Street zoning included in the language of the ordinance change before you, we request that the Planning Commission wait until the Form Based Code Committee has completed their public process and final review before considering these changes since there is no need for these changes at this time.
- 3. Lower proposed max. height to 146'** - It has been noted in public discussion that the 160' limit could be exceeded to accommodate rooftop mechanicals. In addition there is an administrative allowance to increase height by 10% to account for grade changes across the site - a concept included in the administrative provisions of the Form Based Code. If the desire is to establish a true maximum height of 160' we recommend lowering the height limit to 146' and allowing the administrative discretion for grade variations, mechanicals, etc. that would then bring the overall height with rooftop mechanicals to 160'.
- 4. Assure a minimum of 15' sidewalks.** - This concept was debated at length in the Form Based Code Committee. We came to agreement that it is critically important that wider sidewalks be required and provided where development is more intense and pedestrian activity is greatest on busier streets. As the streets in this district will be rebuilt it is the perfect opportunity to assure-adequate sidewalk dimension is provided in an area that must be pedestrian friendly. This requirement should be coordinated with the planning guidelines and findings of the Burlington Great Streets Initiative currently underway.
- 5. Assure that the maximum height is conditioned on getting the streets back** consistent with PlanBTV. If the current proposed mall project does not ultimately move forward to construction, we wouldn't want to allow another development and developer to purchase the property and receive the additional height and density benefits inherent to this overlay district without requiring that Pine Street and Saint Paul Streets be returned to the public domain and the City grid.
- 6. Assure that step backs are consistent with those required in Urban Design Standards of Form Based Code.** The proposed massing shown in current design studies appear to be slightly different than that shown in the FBC. We would request that the step-back requirements be

reviewed for consistency.

7. Require LEED Gold Certification from the USGBC (US Green Building Council) for all buildings in the overlay district over 65'. This will be a significant measure to assure that the tallest buildings in the state will meet best practice requirements for energy efficiency and sustainable practices. We would recommend that developers in the overlay district be required to provide a performance bond that will be returned to the developer once the project is complete and the LEED standards are shown to be met, or given to the City if the standard is not met.

8. Parking – This development proposal includes three (3) stories of parking located at exterior building elevations on the 3rd, 4th and 5th floors of the buildings. One of the focuses of the FBC has been to minimize the disruptive influence of parked cars on the character of the urban environment. Example photos of other completed parking structures in downtown areas have been shown that appear to include glazed windows with the cars parked behind, which effectively disguises the nature of the building's use as a parking structure. We would recommend that development in the overlay district be required to meet the examples of these projects and be designed such that areas of the building elevation screening parked cars be fully integrated with the design of the remainder of the building. The effect should be that the elevation areas screening parking are generally indistinguishable from the rest of the building's design.

9. Remove Surface Parking - If this is referencing at grade surface parking it should be removed. If it is referencing above ground parking above the 2nd floor it could stay.

10. Energy Efficiency - consistent with FBC design standards to allow for high efficiency buildings.

11. No structured Parking on First or Second floor levels - Mall developers are proposing structured parking on floors 3-5. That would be better than starting the parking on the second floor, in terms of the street experience. We recommend making it the standard for the district.

Thank you for your consideration of these proposed changes and for all of your work to return the proposed new zoning to the Council expeditiously.

Sincerely,

Joan Shannon
Form Based Code Committee Member
South District City Councilor

Richard Deane
Form Based Code Committee Member
Principal at Truex Cullins Architects

Emily Lee
Form Based Code Committee Member
Planning Commissioner



**STATE OF VERMONT
HOUSE OF REPRESENTATIVES
115 STATE STREET
MONTPELIER, VT
05633-5201**

July 1, 2016

Dear Members of the Burlington City Council and Members of the Burlington Planning Commission:

Please accept the following proposal and comments regarding the Burlington Town Center Redevelopment project. The project, as all of downtown, is in my legislative district. Please also allow me to mention that I have worked on and supported downtowns and against out-of-town development for many years including when I chaired the Natural Resources and Energy Committee when we lost the battle to stop the suburban Diamond Run Mall in Rutland (half-empty and failing today). I was a member of the Montpelier Planning Commission once and now I live in and represent, the greatest district, the Old North End and Downtown Burlington.

Proposal:

Remove all of the new proposed parking garage structures, renovate existing parking with no net increase in number of parking spaces; utilize existing excess parking and institute smart parking system; bring building heights and anything else that may be outside of existing zoning, into compliance.

Background:

This project presents a great opportunity for Burlington to do more than just embark on another anywhere USA downtown redevelopment. We can provide some sorely needed national leadership by developing a downtown where people enter, exit and circulate by foot, bicycle and mass transit. One where pedestrian, bicycle and transit (someday electrified) access is not an adjunct to automobile access but the centerpiece. We might be able to hide the 3-story parking garages but we cannot hide the traffic added to the streets when the cars move to and from the several hundred additional garage parking spaces.

What is the attraction to our rather famous downtown now? It's certainly not the parking garage, the City's or Macy's. We are told that it certainly isn't the Town Center Mall. Downtown is not on the waterfront and frankly, the architecture and streetscapes are not (relative to some other New England downtowns) terribly special. It's Church Street. The only street in the city without cars on it.

There are so many benefits to the proposal brought forward by Don Sinex, it is truly a great opportunity. Let's steer this project into something that serves the community's needs and provides some climate and livable communities leadership. If all we do is tear down our out of

fashion shopping center for one that is in fashion, increase rather than decrease car traffic, we will be at it again in 20 to 30 years when this one is out of fashion and we “need” more parking. Fashion by definition, must change periodically. Let’s build like they used to, for the needs of the community in structures that are built to last for purposes that are on-going.

I am well aware that building new residential, shopping and office floor space without a corresponding increase in parking spaces is not an easy sell to developers and much of the, especially out-of-town, public. If it can be done profitably at this time, it would be in a popular downtown. And if it can be done politically at this time, Burlington might be the place.

Thank you for the opportunity to submit these comments.

Sincerely yours,

Rep. Curt McCormack, Burlington

Meagan Tuttle

From: Amy Mellencamp <amy.mellencamp@gmail.com>
Sent: Wednesday, July 06, 2016 9:31 AM
To: Meagan Tuttle
Subject: Town Center Development

I am writing to express my personal support for the proposed new town center development in Burlington. Rethinking how the downtown mall fits into our community has been an important step in thinking about how Burlington can stay vibrant in the future. My family has attended the information sessions and learned more about the elements of the redevelopment plan. We are in support of it going ahead, knowing there need to be adjustments to height and other elements in order for the plan to be viable and successful.

Meagan Tuttle

From: anneparadiso@comcast.net
Sent: Wednesday, July 06, 2016 8:10 AM
To: Meagan Tuttle
Subject: Vote tonight

I am writing to voice support for the planning commission's vote on the mall redevelopment project. Burlington is a marvelous, thriving city with unique character. The aging mall is a detractor on Church St. The overhaul has been due for years. Sinex has been incredibly collaborative and patient in his planning process. This project will result in a significant and creative investment in the city's business, residential and infrastructure needs, the benefits of which will last a generation. It's foolish not to embrace this opportunity. It won't come again. I urge the planning commission to vote yes tonight.

Thank you for your time.

Anne Paradiso

Sent from XFINITY Connect Mobile App

Meagan Tuttle

From: Bill Dodge <bdanedodge@aol.com>
Sent: Wednesday, July 06, 2016 12:44 AM
To: Meagan Tuttle
Subject: zoning decision

Dear Ms. Tuttle,

I would like to commend the city, and Mayor Weinberger, for conducting a very open and constructive dialogue on the zoning amendments required for the redevelopment of the Burlington Town Center. As a former gallery owner on St. Paul Street for 14 years, I can appreciate the economic importance of projects that integrate housing with commercial space, improve pedestrian experiences and the flow of downtown streets, and reverse the business growth that Burlington has forfeited for years to its outlying regions. The evidence of demographic stagnation in Burlington, compounded by a sustainable growth policy and its restrictive zoning that has choked economic growth for over 30 years, is too crucial to the future health of Burlington to ignore. We need to create more opportunity for our young and for the small businesses that thrive when smart growth brings renewed vitality to our downtowns. We're heading into a tougher economic future and it's time for bold and pragmatic planning to keep the city moving forward.

With best regards,
Bill Dodge

Sent from my iPad

Meagan Tuttle

To: Brenda Torpy
Subject: FW: Burlington Town Center

From: Brenda Torpy [<mailto:btorpy@champlainhousingtrust.org>]
Sent: Wednesday, July 06, 2016 9:40 AM
To: Meagan Tuttle
Subject: Burlington Town Center

Champlain Housing Trust supports this development for bringing housing to the downtown, including affordable housing. This is smart growth in action in the right location. Through our Building Homes Together Campaign, announced last week CHT, along with our partners seeks broadly to support and encourage all our local communities to increase the housing stock in our town and city centers where density brings multiple community-wide benefits like walkability, public transportation use, efficient use of land and infrastructure and a greater tax base.
Brenda Torpy, CHT

**When scheduling any meetings, please cc: Karina Warshaw, Executive Assistant, at Karina.warshaw@champlainhousingtrust.org*

Brenda Torpy
Chief Executive Officer
Champlain Housing Trust

(802) 862-6244 main

88 King Street
Burlington, VT 05401

[Web](#) / [Facebook](#) / [Twitter](#)

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, July 05, 2016 6:25 PM
To: Carolyn Bates
Subject: PLEASE SAY NO, 14 times. to the Overlay District Proposal to change our city's zoning, which does not comply with PlanBTV.

To all planning commissioners

Please uphold the law and insure that any zoning amendments be in compliance with our city plans and that they are approved according to proper process under due scrutiny and diligence!

I fell in love with Burlington, its access and views to Lake Champlain, its artist groups, Church St, its human scale town and its people in 1971. I have been a resident of Burlington and business owner since 1973.

Over the years I have known each mayor on a personal level and worked with them and city council on many adventures. All enhanced the character of the city. Church St Market Place and the waterfront are especially popular places for me to spend quality time in, take my guests, and direct newcomers to town to go and see. City Market, I have been a member of the coop since 1974, is perfect! (Remember how Shaw's tried to dictate to us what to do?)

When news of the "inside out mall" redevelopment, with expanded underground parking, and all retail moved up to street level, the incorporation of St Paul, and Pine, the 5-10 story buildings, roof top gardens, public spaces, hotel, affordable housing, office, so people could work and live easily downtown. WOW I was excited.

I went to meetings and design charrettes. The last one was in May 2015. The three buildings, park space, two towers which may have been up to 14 stories (This was rather hidden in the agenda), all seemed to fit the PlanBTV, and I figured if the towers were too tall, that the city and Zoning would be sure to put them back into the proper height. I had met and worked with the NYC architect and really liked her, and with FFF behind the scenes, a client since 1986, I felt we were in great hands.

Then the design went into hiding. No more public process. No suggestion of major "out of zoning" ideas were in the chit chat around town. We all thought it was going to stay as we saw in May 2015. Inside-out.

I went to the Jan 2016 meeting early and sat in the second row, behind Bill Truex and Pat Robbins, long times friends, and clients of my business. Excitement was in the air. We saw a confusing slide show: tops of buildings were cut off, streets were covered over and hard to comprehend. And the mass was huge, but very hard, again, to really understand without other buildings or a 3-D model. But again, we had a great municipal plan BTV and strong zoning codes, and excellent mayor and city council, so I just accepted this as a dreamer's plans, and that the city would get it back into the previous models we had seen, and not allow this mass to be built as shown. (Like we did with Appletree Point's first ideas by Niquette's, then sold to Farrell, and put back into proper code.)

Nowhere anywhere was there talk of an overlay district, or need to REZONE the city to comply with Sinex's dream. I presumed this was a first viewing for the city as well.

I saw some of the illustrations at a later city council meeting. But again, I trusted city hall to be sure it complied with our zoning and Plan BTV. It seemed way too big. And overpowered the streets. But again, I could not count the number of floors in the plan, or the actual height, or really compare it to buildings I knew. There was no mention of any need to rezone. And there were no booklets to take home and study. Yes people said it was in compliance with PlanBTV. So I believed them. As I knew Plan BTV was around 8 stories and several buildings, parking underground, public parks, top of the line stormwater treatment, and GREEN approval for building.

Never in my wildest imagination did I ever believe that the mayor I had helped to get elected, nor the city councilors whom I personally knew and had worked with for years and years...most especially Joan Shannon, and Karen Paul. Kurt Wright, too. would throw a left curve like they did at the city council meeting on May 2, 2016. In the past anything special was talked about and ideas floated back and forth sometimes for years, before anything was acted on.

None of them wrote to me or to anyone I knew about this Overlay District, the 14 stories "by right", 9.5 FAR, above ground parking for 3 floors, etc. City councilors and the mayor were "kissing the feet of Sinex" on May 2, 2016 who was now directing the city on what was to be built, and when, and put into a RUSH mode or he, Sinex, was "going to leave town." He was demanding that city hall JUMP up and DOWN and in 120 days get the ZONING ETC> changed to 160 Ft etc. so he could build his Mall, now with above ground parking, and the original mall, put back underground! And massive 100% envelope for 5 floors! GAD. I was in total shock.

Since then, we are watching Planning try to uncover all the parts and pieces of this zoning overlay proposal. But they have no 3-D model, or even good illustrations to demonstrate what is happening. And are hampered by City Council breathing down their necks saying RUSH.

We, 100's of citizens in Burlington have tried to walk a lot around town, and to make models and illustrations by estimating as best we could what was happening to our city.

Now I find myself in a great "Coalition for A Livable City". And we have dug and dug around in the documents, that I notice are finally showing up on the "TownCenter's website" which is really part of the city's website!! And we are looking at the legality of all of this. In the two 1/2 days of this week we have had 3860 visitors.

Dec 2014

We were promised this: a new inside out mall, expanded parking underground, street level retail, hotel, buildings 10 stories and under, parks, roof top public civic park with storm water management, etc etc. with LOTS of public transparent process. see

HHHHHmmmmmm between May 2015 and Jan 2016, lots happened in private meetings...which made the great mall into a monster. And turned the inside out mall, back into its old ugly self.

I cry FOUL.

I CRY AND CRY AND CRY.

I do not want to move from the city I love, its people, the art world, my neighborhood.

Why oh why are you betraying my trust of you and the city to stay within our Plan BTV. (And NO the present design does NOT FIT) and doing what is really SPOT Zoning under guise of a newly formed Overlay, from what I can see. Not giving this proper time to get public input, or allow planning to do the excellent job that they do, and instead put this all into RUSH MODE.

Your original agreement with Sinex said you would build May 2015. YOu had a wonderful design from him, then, with just two tiny towers, at 14 floors, which we as the public, probably would have said OK to, or Ok to 12. And lots of public input then. We were all delighted with it. WHY OH WHY did ??? change it so drastically, and make all of us CRY??? And stop following all of your good taste and betray the tax paying citizens of Burlington?

I am totally disgusted with city hall. I am angry. I am mad at the time I am having to take away from my photography business. I should not have to write this to you. YOu were voted in on good faith that you would all work with us. Why are you letting SINEX dictate how we should run our city????? Are you getting bonuses somewhere??????

Awful, terrible.

The only way out is to say **NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO! NO!** 14 times for all of the floors you want to put here.

And start taking control of our city again, and tell SINEX, just as you have told all other developers **“NO NO NO. You must build to code. Build to CODE!”**, when they have asked to build taller, larger, wider.

Please Planning Commissioners say NO NO NO. Tell the city councilors and the mayor that they need to take the city back again and tell Sinex NO, just as they have told other developers. If there had been a proper public process since 2013 when Mayor Miro started to talk with Sinex, Sinex would probably have the mall in the ground, his tenants would still be here (12 have left since he bought the mall!) and the design would be like it was in 2015.

Sinex is not going to leave. This is his FIRST EVER building he will build. He thinks he will be a “hero” to Burlington, where he would not have been in NYC. **He is going to make \$150 million on a \$25 mil investment.** That is a pretty good profit, now isn’t it! Reducing his mall 4 stories is not a big deal.

And here is how you can do it:

1. **Take off the 14th floor**, which did not have much housing in it, as it was so “small”,
2. **UNBUNDLE PARKING** from this building. **PUT PARKING BACK UNDERGROUND** where the present mall is, maybe 250 spaces,

3. return the mall to its **inside-out-position**. Put the retail in the mall, back onto street level, where the retail stores belong.
4. Return the public roof tops and street level gardens, and have them contain 100% of a 20 years storm water (not just a one year!)
5. make this such a grand and outstanding example of how to build it RIGHT, that people travel from all over the world, to see what Burlington has done to enhance and expand its down town the RIGHT WAY.
6. Get rid of cars, bring in alternative transportation (the bus depot is right in front of the mall!) making walking and biking safe and fun!
7. Cut the buildings apart to reduce the mass. Have alley ways and green walking paths just like we do behind Flatbread and Red Square now.
8. Get some more exciting designs. Please.

I want to go swimming now that it is summer, and stop crying.

Thank you for all of the time you spend.

Carolyn

July 5, 2016

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

ADDRESS: PO Box 1205, Burlington, VT 05402

Phone: (802) 238-4213

Web: [www carolynbates.com](http://www.carolynbates.com)

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Wednesday, July 06, 2016 4:56 PM
To: Carolyn Bates
Subject: What I plan to say tonight How I'd like you to vote so proposal fits into Plan BTV

Thank you all for your incredibly hard work, under these awful RUSH conditions our Mayor and city council put you under.

I ask that Planning strongly vote the following so that this proposal will sit back inside Plan BTV

1. NO to the height change.
2. Reduce the mass to FAR 8.4 ,
3. NO to the parking above ground level unless wrapped with an active business,
unbundle parking requirement to reduce the no of cars, add shared, smart parking, and alternative modes
4. NO to the increase height on Church ST.,
5. make housing plans for College students conditional, or a NO.
6. rewrite the stormwater so it is stronger (i.e. contain 100% of a 20 year storm instead of just a 1 year storm.) and add public parks, gardens, to do this.
7. rewrite the green building concepts, add in the word HEALTHY and the three plans from SF zoning to guide this.
8. Yes to facades Please review details
9. YES to opening up St Paul and Pine Streets but add in ways to do this better than is shown now.
10. Yes to increase Street Activity
11. Step backs there are not enough of these within this plan. We also should add alleyways, parks, to break up the mass of the building so we have 3 buildings instead of one, the size of 3 football fields including the end zones, in each square block.
12. Yes to the map, awnings and signs as long as they do not create dark holes along the sidewalks.

please don't rush. Do your due diligence!

submitted by Carolyn Bates
20 Caroline ST
Burlington, Vt 05401

July 6, 2016

Meagan Tuttle

From: Charles Dinklage <charles.dinklage@gmail.com>
Sent: Wednesday, July 06, 2016 5:34 AM
To: Meagan Tuttle
Subject: Burlington Mall Development Plan

Megan,

I understand there is an important Planning Commission meeting this evening regarding this project. I grew up in the area, moved away to college and then to work outside New England for a while only to realize that Burlington is a great town. Hence, my family and I moved back "home" and love living here now raising my three kids.

That said, a number of my friends that have young kids are choosing not to move to Burlington but rather the surrounding communities. There are a number of reasons for this but one I've heard is that there simply isn't much change or modernization happening in Burlington, especially with the mall. Church street and the downtown has remained much the same since I grew up here 30 years ago.

While the ultimate project might still need adjusting, I hope the Commission sees the importance of moving forward with very necessary redevelopment downtown to give some new life to our wonderful city.

Respectfully,

Charles Dinklage

July 6th, 2016

Fellow Planning Commissioners,

We are concerned that the Public Hearing on the Downtown Mixed Use Overlay is premature and does not meet legal requirements under Vermont Law. Furthermore, many of the documents in the meeting packet contain errors and/or omissions in regard to the Planning Commission's positions.

Vermont Law States:

"When considering an amendment to a bylaw, the Planning Commission shall prepare and approve a written report on the proposal...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- (1) Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- (2) Is compatible with the proposed future land uses and densities of the municipal plan.*
- (3) Carries out, as applicable, any specific proposals for any planned community facilities.*

This mandatory Planning Commission report must be completed 15 days prior to a public hearing in order to meet certified notice requirements. The Planning Commission has not prepared and approved a written report as required by law. Nor have we had a comprehensive discussion on the proposed amendments' conformance with municipal policies, including the availability of affordable housing. Furthermore, we have not reached consensus on these issues. Indeed, some Commissioners have raised concerns that certain regulations do not conform to the goals and policies of our municipal plan. For instance, at our last meeting commissioners expressed universal opposition to the proposed regulation that would permit a college campus to occupy the Burlington Town Center site, emphasizing it would be contrary to Plan BTV which calls for mixed uses and a variety of housing types. Clearly, the Planning Commission need to carefully assess the proposed overlay district and its many regulations for conformance with the goals of Plan BTV, which is the Municipal Development Plan.

For instance, in order to comply with the law we are asked to consider the *effect of the proposal on the availability of safe and affordable housing*. We have not considered the number of affordable units the proposal without height bonuses would create compared to the existing bonus structure. Nor have we factored the impact of allowing student housing, which may be exempt from the low income housing requirement, into that equation. Without more specifics and study we cannot assume that this proposed amendment furthers our goals and policies regarding affordable housing

The Burlington Planning Commission Report Municipal Bylaw Amendment found on page 43 of the July 6th Planning Commission packet, was written by Planning and Zoning staff and not the Commission. The Commission members are seeing it for the first time in the packet and have never discussed its contents nor voted on it. It does not accurately represent the views of the Commission. Nor, does it satisfy our legal requirement to deliberate and write our own report.

The Summary of Planning Commission Comments & Actions in our packet for July 6th public hearing needs corrections and additions to truly reflect the positions taken by members of the Planning Commission at recent meetings as follows:

Key Elements #3 as written: "The Commission understands the limitations associated with bonuses and the rationale for moving away from them in this overlay, and generally agrees that provisions/restrictions should be explicit"

Note: *The Commission has not voted on this and this is not the unanimous opinion of the Commission.*

Key Element #4 as written: "Retain current maximum height of 105ft to conform with illustrations in planBTV Downtown & Waterfront."

Correction: The current maximum height is 65' and only with bonuses can a building be 105'. We suggest changing the language to reflect one member's stated preference to "Retain maximum height of 65 feet by right with options for additional height with bonuses."

Note: *Members of the Commission are not able to make an informed decision on the appropriate height and massing for this site because of a lack of appropriate visual tools such as a physical model and sufficient time to review and debate the change. The Planning Commission needs more time in order to make the legally required assessment for conformity to the municipal plan regarding height and massing.*

Key Element 11 as written: "The Commission supports the language regarding the urban design treatment of parking floors. The Commission feels that if parking is permitted in these areas, high standards are needed regarding the screening of cars and lights."

Note: *Some members of the Commission want stronger language regarding compliance with Plan BTV's emphasis on underground or completely wrapped parking, so that exterior design treatment and screening of cars and lights would not be needed at all.*

Conclusion in Key Element 12 as written: "Therefore, the Commission recommends no parking structures at the perimeter of a building on the ground and second floors fronting streets, and reiterates the importance of the design and screening requirements to ensure that any parking located in above-ground structures is indistinguishable from other floors of a building from the street view."

Note: *The Commission has not voted on this element. There were suggestions by members of the Commission to have the parking completely wrapped by a liner building or off site in order to be in conformance with Plan BTV that should be added to the letter.*

Key Element 16 as written: "The Commission is uncomfortable with the remote possibility that this district could become a post-secondary school/campus. The Commission recommends that the CDO's use table not be modified as proposed."

Correction: The Commission is uncomfortable with post-secondary school/ campus being an allowed use on the use table because it is not consistent with Plan BTV. The Commission recommends that the CDO's use table not be modified as proposed, allowing post-secondary schools/colleges as conditional uses only.

Note: *The term "remote possibility" is an editorial comment that does not reflect the opinion of the Commission.*

Many of the above errors and omissions are also present in the letter to City Council written by Planning and Zoning staff that suggests that the Planning Commission "strongly supports" the adoption of the Downtown Mixed Use Core Overlay District amendment". In fact, The Planning Commission has not voted on this matter. This letter goes on to states that, "The Planning Commission finds the proposed amendment to conform with the goals and policies contained within the City's Municipal Development Plan regarding the availability of safe and affordable housing, future land uses and densities, and proposed community facilities." In fact, the Planning Commission has not come to this conclusion and we have not chosen to delegate this decision-making to others.

In summary, due to our above mentioned concerns about the Public Hearing, We respectfully ask that the Public Hearing be postponed until we as a Planning Commission are able to perform the due diligence required to meet our legal obligations.

Thank you.

Emily Lee
Lee Buffinton

Meagan Tuttle

From: Eric Ode <ode.eric@gmail.com>
Sent: Wednesday, July 06, 2016 11:42 AM
To: Meagan Tuttle
Cc: Annie Ode
Subject: Supporting the Zoning Amendment

Meagan,

I'm a resident of the South End and Ward 5, living on Lyman Ave. My wife Annie and I are ardent supporters of the redevelopment plan for the Burlington Town Center Mall, and Burlington growing up and becoming a bigger engine for growth in the State of Vermont.

As a Burlington native, Burlington High School graduate, and now permanent resident I know Burlington is a special place to grow up and to live in as an adult. However, I fear the City's inability to accept progress and change in the form of economic development will continue to exacerbate many of the economic inequality issues that are so frequently discussed at City Council meetings. Economic development, commercial development, and residential development are the answers, not the problems. Mayor Miro sent a note with a reference to the NYTimes piece showing that restrictive zoning is "a major factor in creating a stagnant and less equal American economy." I read it this weekend and was blown away with the parallels to Burlington. This is a special place, and will continue to be only if we allow it to grow up and grow its productive commercial and residential populations.

I urge you to get this amendment passed, and to allow Burlington to realize its full potential.

Thanks,
Eric

--

Eric Ode
ode.eric@gmail.com
802.310.5092

Construction Cost Estimates for Underground Parking Garage in Burlington, Vermont

The following analysis estimates the cost to build an **underground parking garage** for Burlington, Vermont. Costs are derived from a building model that assumes basic components, using union labor for a 100000 square foot building.

Scope differences and market conditions can cause costs to vary significantly. To see an estimate of the costs to build an underground parking garage in a different city or metropolitan area, go to our index of underground parking garage models by state.

NOTE: This cost estimate uses 2013 RSMeans data. A more accurate estimate using current RSMeans cost data is available on RSMeans Online - our online cost estimating tool.

Underground Parking Garage Construction Cost Assumptions

Location:	Burlington, Vermont
Stories:	2
Story Height (L.F.):	10.00
Floor Area (S.F.):	100000
Basement Included:	No
Data Release:	Year 2013

UNDERGROUND PARKING GARAGE SQUARE FOOT

COST ASSUMING REINFORCED CONCRETE /R/ CONC. FRAME

Cost Estimate (Union Labor)	% of Total	Cost Per SF	Cost
Total		\$52.39	\$5,239,000
Contractor Fees (GC,Overhead,Profit)	25%	\$13.10	\$1,309,800
Architectural Fees	7%	\$4.58	\$458,400
Total Building Cost		\$70.07	\$7,007,200

Cost Estimate (Open Shop)	% of Total	Cost Per SF	Cost
Total		\$46.81	\$4,681,100
Contractor Fees (GC,Overhead,Profit)	25%	\$11.70	\$1,170,300
Architectural Fees	7%	\$4.10	\$409,600
Total Building Cost		\$62.61	\$6,261,000

<https://www.rsmeans.com/models/underground-garage/list.aspx>

Meagan Tuttle

From: genese grill <genesegrill1@gmail.com>
Sent: Friday, July 01, 2016 6:25 PM
To: Livable City Coalition
Subject: Misinformation in planning commission packet for Wednesday's meeting
Attachments: 20160706 Agenda Packet.pdf

Dear Councilors and Commissioners, and Members of the Press,

After attending the last four planning commission meetings and hearing a majority of planning commission members state unequivocally that they were not at all near ready to provide a yes or no answer regarding approval of the downtown overlay district zoning change, I was astonished to read the following in a letter addressed to the city council:

"The Planning Commission strongly supports the adoption of an amendment to create a Downtown Mixed Use Core Overlay District to facilitate the redevelopment of underutilized sites within the downtown core, including the Burlington Town Center. The area included in the proposed DMUC District is one of the most underdeveloped, and is an appropriate location for additional height and greater density within the City. The Commission believes that the current zoning for these sites is inadequate to facilitate the redevelopment of these sites in a way that significantly advances the vision of planBTV: Downtown and Waterfront, ensures a high level".

Not only is this a gross misrepresentation of the views of the commission, but this misrepresentation is the third of its kind to occur over the last few weeks. The first was exposed by Councilor Sharon Bushor, who noted that the packets made up for the planning commission asserted that the city council, strongly recommended approval of the zoning change. The second occurred at the planning meeting on Wednesday, when the summary of

commissioners' views was grossly misrepresented and, we thought, corrected, by the commissioners who were present.

This last, on the eve of an important, but rushed, public hearing, is the most grievous; and surely represents a dereliction of duty on the part of Mr. White. I am certain that the planning commissioners will speak up themselves about this, but as a citizen who has been watching the hard work of the commission over the last few weeks I wanted to testify to my outrage at this conduct. Whether the summary created by Mr. White and Meagan Tuttle can be corrected soon enough before the public hearing to allow all involved parties proper time to digest the material remains to be seen. Perhaps it will make more sense to put off the hearing until a faithful document can be produced for careful scrutiny by the planning commissioners before it is presented to the public. In any case, I will surely not be the only citizen who will have questions if this sort of thing is allowed to continue.

Sincerely,
Genese Grill

Meagan Tuttle

From: John Bertelsen <jo.bertel@gmail.com>
Sent: Wednesday, July 06, 2016 6:39 PM
To: Meagan Tuttle
Subject: Burlington Town Center Zoning

Meagan, I cannot be at tonight's meeting.

I do want to express my opposition to the zoning height request for the development of the Town Center.

It would be like parking an ocean liner on Cherry St. The size is beyond the scope of the rest of the city. It especially does not fit into my understanding of Plan BTV which so much work went into.

I have a problem with housing students downtown. Closer to campus is much more suitable.

The proposed affordable housing "ghetto" as it is now framed is going to be more like a jail to the residents than a welcome place to live. In addition ask the Shelburne Police Department with their experience of having a group of affordable housing clients grouped together in one building. Harbor Place on Rt 7 results in a steady stream of Police visits. It is better to scatter affordable housing so the residents will be a part of a more diverse community.

--

John Bertelsen
jo.bertel@gmail.com

Meagan Tuttle

From: Liam Griffin <liamgriffin@me.com>
Sent: Wednesday, July 06, 2016 12:14 PM
To: Meagan Tuttle
Subject: Mall thoughts

Hello Meagan,

I won't be able to make it to the Planning Commission meeting tonight, so I thought I'd share my thoughts via email.

In general, I'm supportive of this new development in downtown for a bunch of reasons. First, it provides some much needed housing in the downtown in a market that is currently very difficult for people looking for new living arrangements. I've had so many friends move out of town recently because they have not been able to find suitable accommodations here in Burlington. Many of those people want to live and work here in town, but are now forced into daily commutes, which only adds to Burlington's traffic problems. Adding units in the downtown area will allow more people to live and work in the same neighborhood, reducing sprawl and daily drives from outside of town.

If there is one place in this City where a 14 story development is appropriate, it is downtown, exactly where the Mall sits. Since both Bank & Cherry end at S. Winooski, there are no uphill view corridor issues like we'd have if this building were on Pearl, Main, College or any other east/west through street. Even though folks are hung up on the height, I don't feel like it is a major issue because of this specific location.

I know that opponents of this project have been very vocal, but I've been very turned off with how they always resort to personal attacks when people speak out in favor of this (or any) development in Burlington. There are a number of people I know who support this project who got so turned off by how opponents handle themselves that they'll no longer show up to speak in public forums because they don't want to deal with the fallout. These ad hominem attacks are very off putting and unfortunate. I'm fine with disagreeing with folks on these issues, but feel it would be more appropriate to focus on the issue itself and not the people speaking for (or against) the project.

The current Mall is a huge blockade in our downtown that currently serves no good purpose. Each version of the proposal we've seen from Sinex has gotten us closer to something that works for the whole community. Opening the street grid, providing good space for businesses, and adding much needed housing stock to Burlington are all good things that we should be supporting.

Thanks for reading, good luck with the meeting tonight.

Best,

Liam Griffin

Meagan Tuttle

From: Leslee MacKenzie <leslee@hickokandboardman.com>
Sent: Wednesday, July 06, 2016 1:02 PM
To: Leslee MacKenzie; Meagan Tuttle
Cc: ybradley@vermontrealestate.com; bbaker@cdbesq.com; l.buffinton@gmail.com; emilyannicklee@gmail.com; andym@montrolllaw.com; roen@burlingtontelecom.net; jwb@burlingtontelecom.net
Subject: Please Support Downtown Redevelopment

Dear Planning Commission Members:

I ask you to support the zoning changes needed to move forward the redevelopment of the Burlington Town Center project. As a Burlington resident, parent of school age children and a local business owner, I appreciated the chance to speak before you a few weeks ago in support of the project. To respect your time---I am choosing to email you today vs. speak again this evening.

I know you have an important decision before you. As a local business owner and a property tax payer, I ask that you consider the vitality and future of downtown and Burlington as you consider this vote.

Downtown Burlington faces a real challenge. Our Mall was built for a different era and like most nationwide it either urgently needs a renovation or will be completely obsolete. It is an embarrassment ---in the heart of our city. Not to mention a wasted economic opportunity.

As a result, it represents a unique opportunity to re-vitalize Burlington's future. A big part—a necessary part -- of that opportunity is to develop a taller structure than is typical. I believe that more height does work in this location.

We need more downtown housing, office and vibrant retail. The proposed mixed use development brings all of that. More and more people—of all economic means would like to live downtown. For residents to live, eat and shop downtown they need to feel it is safe, attractive, affordable and the mix of businesses meets their needs. We cannot depend only on tourists and students. Further, we have an opportunity to build our grand list while serving the needs of our community.

Another important benefit of this project is the re-connected street grid. That is a critical piece. With a more vibrant street grid, more workers, more residents, and a renewed town center; Burlington will become more vibrant and more sustainable. It will move closer towards becoming a safe and vital community for all of us.

Please vote to pass the zoning changes needed to move this project forward.

Thank you for all of your time and hard work on behalf of our city.

Leslee

Leslee MacKenzie

President & Owner

Coldwell Banker Hickok & Boardman Realty

802-846-9533

HickokandBoardman.com

Meagan Tuttle

From: Michael Green <migreen276@gmail.com>
Sent: Wednesday, July 06, 2016 9:44 AM
To: Meagan Tuttle
Subject: Town Center redevelopment

To the extent the Planning Commission is seeking public comment, I am one of those who support the zoning amendment.

We should not allow "the perfect to be the enemy of the good."

--

Michael Green
276 South Union Street
802.999.0882
migreen276@gmail.com

Meagan Tuttle

From: Michael Nedell <michaeljnedell@gmail.com>
Sent: Wednesday, July 06, 2016 11:49 AM
To: Meagan Tuttle
Subject: Zoning Changes

Meagan,

Hello. I am a ward 3 resident, home-owner, landlord, business owner and employer. I do not agree with the proposed changes allowing additional height in the downtown core. I think it will effect the view residents have of the city in too many ways that will be jarring and not fitting with the town.

I also think imagining the view is hard, and the council should have a 3d printed model before this is voted on. In addition to being a resident, home-owner, business owner and employer, I am a national and international award winning snow sculptor. My team was recognized by the city in 2012. That being said - I have a certain expertise in imagining structures that do not exist yet - it is a hard mental process. Without a 3d model i feel you are asking the council to vote in a very uninformed manner.

--

Michael Nedell
www.vermontseo.com
michael@vermontseo.com
michaeljnedell@gmail.com
802-735-2196

Meagan Tuttle

From: Phil Merrick <phil@augustfirstvt.com>
Sent: Wednesday, July 06, 2016 11:51 AM
To: Meagan Tuttle; ybradley@vermontrealestate.com; bbaker@cdbesq.com; l.buffinton@gmail.com; emilyannicklee@gmail.com; andym@montrolllaw.com; roen@burlingtontelecom.net; jwb@burlingtontelecom.net
Subject: Planning Commission

To: Meagan Tuttle and Commissioners, Burlington Planning Commission

My name is Phil Merrick, I am a Burlington resident, and a partner in August First in downtown Burlington.

I am concerned about the zoning amendment that you will be voting on today. My biggest concern is that it will not be passed. The zoning amendment that is being proposed is critical for the redevelopment of our half-century old mall. Our zoning laws are probably nearly as old, if not in fact, at least in thinking. Our old zoning has kept smart development out of our downtown for far too long. The results have been disastrous for our low and moderate income families which require affordable housing.

As an employer of low income individuals I see the whole process. I have limitations on wages that my business will profitably support. My employees low wages have limitations on the housing they can afford, and there isn't any in Burlington. Most of my employees, who make between 11 and 22 dollars an hour, have housing issues. Many share small, poorly maintained properties in order to make it affordable.

High rents are created by housing shortages. Building any kind of housing will reduce the shortage, building enough housing is the only thing that will have a meaningful impact on both the quantity and quality of housing in Burlington. Until we have more vacancy, landlords will have no incentive to lower, or even stabilize, rents. Who among you would sell your house for \$50,000 under market value? Why should any landlord lower rents when they don't need to?

It may not seem to many Burlington residents that we are at crisis level with the lack of affordable housing, or if they are aware of it they may think that we need to build more "affordable" housing, by which they mean subsidized housing. The reality of it is that we have lots of properties that based on condition and location should be affordable, really affordable, but we have hardly any moderately priced, nicer properties that are available. The people who can afford renting the nicer properties have displaced those who cannot from the properties that should be renting for about 57% of their current lease prices. This crisis has been caused by the very people who keep screaming for more affordable housing, but block every attempt to build more housing where it is most needed: downtown.

The mall redevelopment will bring some additional housing to our downtown core. Denser residential/commercial zones are good for the environment for many reasons. Reduction in heating/cooling costs, and fewer miles traveled attack the two largest consumers of fossil fuel and contributors to greenhouse gasses.

The mall redevelopment will open up traffic in a way that will benefit businesses in all areas of the city. When the Mall was originally built and closed off flow through traffic, it essentially isolated one side of downtown from the other. With the creation of the one-way streets, N. Winooski, N. Champlain, etc., the O.N.E. became completely isolated from our main business district. It has been bad for business anywhere north of Bank Street, and devastating to any business north of Pearl. Opening up any cross Mall traffic, on foot, by car, by bike, will

help to alleviate some of this isolation. For far too long our city has been divided by the current mall.

The mall redevelopment is good for Burlington. It will contribute to our housing stock and open up commerce. It would be sad indeed if antique zoning regulations based on an earlier era's needs kept us from creating solutions for some of the biggest issues facing our city today. A lot has been learned over the past half-century regarding smart development. It is time for Burlington to use some of that knowledge.

Thank you,
Phil Merrick
August First

Meagan Tuttle

From: Paul Ode <pode@drm.com>
Sent: Wednesday, July 06, 2016 10:13 AM
To: Meagan Tuttle
Cc: 'mayormiroweinberger@gmail.com'
Subject: FW: Burlington Town Center [DRM-ID.FID828807]

Hi, Meagan. Attached is a note that I sent to the members of the Planning Commission in May expressing support for approval of the zoning overlay district.

For employers looking to expand or relocate in the downtown core of Burlington, the market is very tight. We saw a reminder of this just a week or two ago when the various functions operating out of Memorial Auditorium announced that they could not find 20,000 contiguous square feet and would need to split up after they leave the aging Memorial Auditorium facility.

I continue to believe that the proposed zoning change opens up an exciting opportunity to increase the vibrancy of the City. It allows Burlington to compete. If we miss this opportunity now, it may not come again—and we will watch the number of people living and working in the suburbs grow while Burlington relies upon a shrinking tax base to fund its operations.

Thank you.

Paul H. Ode, Jr. | Director | Managing Partner
Downs Rachlin Martin PLLC | **Business Sense · Legal Ingenuity**
199 Main Street, PO Box 190 | Burlington, VT 05402-0190
Direct: 802-846-8309 | Main: 802-863-2375 | Fax: 802-862-7512
pode@drm.com | www.drm.com

From: Paul Ode [<mailto:pode@drm.com>]
Sent: Tuesday, May 24, 2016 2:33 PM
To: 'ybradley@vermontrealestate.com'; 'bbaker@cdbesq.com'; 'l.buffinton@gmail.com'; 'emilyannicklee@gmail.com'; 'andym@montrolllaw.com'; 'roen@burlingtontelecom.net'; 'jwb@burlingtontelecom.net'
Subject: Burlington Town Center [DRM-ID.FID828807]

I am writing in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project.

I am the Managing Partner of Vermont's largest law firm, and we have approximately 70 employees working out of 26,000 square feet in our downtown Burlington office. We have been in our current location since 1988. Our people shop, eat and entertain downtown, and they participate in the community in many ways.

We are currently exploring relocation. We are finding very few options in the downtown core. There are numerous suburban options, both existing inventory and projects in the works. Many offer attractive amenities at lower rents. The Burlington Town Center project will allow Burlington to compete for good employers that might be casting an eye toward the suburbs. If Burlington is going to compete successfully for these employers, however, the employers need to know that the project will move forward. They also need to have confidence in the timeline for its completion.

The BBA has spoken articulately as to the appropriateness of the height and massing of the project, as well as the vitality that it will bring to the downtown core. I urge the Planning Commission to take advantage of the opportunity that this project presents for Burlington, and press forward with approval of the zoning overlay district.

Thank you.

Paul H. Ode, Jr. | Director | Managing Partner

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199 Main Street, PO Box 190 | Burlington, VT 05402-0190

Direct: 802-846-8309 | Main: 802-863-2375 | Fax: 802-862-7512

pode@drm.com | www.drm.com

Richard Deane, AIA
48 Brookes Avenue
Burlington, VT 05401

July 5, 2016

Dear Members of the Planning Commission,

I am unable to attend the Public Hearing scheduled for Wednesday night since I am away on vacation with my family.

I would like to advocate for **Tomorrow's Burlington**, a city where many more people than today can enjoy living, working, shopping and providing for their families while enjoying the support of a larger community all without the daily need for a car. In this Burlington walking, public transportation and bicycles offer a healthy, environmentally friendly and fun way to get us where we need to go.

Newly constructed buildings on currently open or underutilized sites in and around the downtown core provide places to live and work that are inherently more energy efficient and less resource demanding than the alternative of individual dispersed development of homes and businesses.

Tomorrow's Burlington has sufficient financial resources generated from enhanced economic activity and vitality that we can boast of a top-tier school system where newly renovated and newly constructed energy-efficient school buildings provide a supportive environment for 21st Century collaborative learning. A school system that encourages young Vermont families and young professionals to stay in our community or come back to Vermont to build a future.

This healthy economy of **Tomorrow's Burlington** also provides the financial support to enhance and maintain tree-lined streets with generous sidewalks and integrated storm-water management strategies helping to protect the precious natural resource of Lake Champlain. The water and sewer infrastructure that runs beneath those streets is renewed and ready to sustainably support the future residents of a vibrant city including a state-of-the-technology wastewater treatment plant that recycles resources and generates energy to offset the energy it uses.

In **Tomorrow's Burlington** non-profit organizations working toward equity and social justice, affordable housing, mental health and support for youth and the elderly are generously and passionately supported by a business community that is thriving in the vibrant local economy built for the larger community of citizens living in Burlington. The arts community hears the word 'yes' when it asks for business' and citizen's financial support for new and continuing initiatives to engage our minds and lift our spirits.

But all the promise of **Tomorrow's Burlington** will remain unrealized unless we as today's citizens and planners can lay the initial groundwork for this brighter future. We have to have the courage and foresight not to let nostalgia for strict preservation of 'Burlington as we have known it in our lifetimes' hinder us from acting to let Burlington grow and change. We have to be willing to take a calculated risk.

The Church Street Marketplace was just such a risk – some said it would destroy retail and economic activity on Church Street. How could we imagine today's Burlington without it?

The proposal for a densely developed, multi-story downtown core in this Overlay District will serve as the core of **Tomorrow's Burlington** and is based on a community developed planning document (Plan-BTV) that is rooted in sound urban planning principals built on respect and appreciation for the life of the resilient city.

The city is resilient because it supports the people that live in it. It affords the opportunity to work and live and build community by generating sufficient financial resources to support schools and streets and sidewalks and sewers and parks as well as municipal workers and emergency responders. Burlington's needs have grown and the costs associated with addressing those needs have grown, but the number of families and businesses in the city who generate the financial activity to pay the fees and taxes to support those needs have not. Those who are reluctant to step beyond the familiar, who worry that we will somehow imperil the future of 'their city' argue for stasis, timidity and a smaller vision for the future. But if we want to serve others, provide equity in housing and opportunity and minimize our impact on our natural resources and environment we must provide the guidance and opportunity for the change that supports a brighter future.

I urge the members of the Planning Commission to look forward to the promise of **Tomorrow's Burlington**, make the clarifications and changes needed to the ordinance language in keeping with your mission, and then allow the planning process to move forward with the necessary height and density to make development of this critical site feasible.

The specifics of the Burlington Town Center Development proposal are in process. Let this process move forward with trust that the guiding language of the ordinance plus the critical guidance and ongoing input from Burlington's Design Advisory Board, Development Review Board and the elected representatives of our City Council in the months ahead will improve and tailor the BTC proposal until it balances Burlington's needs with the financial needs of a successful project. The results of that process can in the end either be supported or not-supported by all of Burlington's citizens in a city wide vote on TIF Funding to support the project. Shouldn't all of Burlington's citizens be given that opportunity to weigh-in on Burlington's future.

Thank you for your efforts and careful consideration,

Richard Deane, AIA
Form-Based Code Committee Member
Principal, TruexCullins Architecture + Interior Design

Meagan Tuttle

From: Theresa Lefebvre <trlefebvre@comcast.net>
Sent: Wednesday, July 06, 2016 10:09 AM
To: Meagan Tuttle
Subject: Plans for Downtown

Hell Meagan,

Please share this e-mail with members of the Planning Commission and those attending the meeting this evening.

I apologize that I am unable to attend the meeting of the Planning Commission this evening, but I wanted to express my concerns about the proposed development downtown.

First and foremost, if I wanted to live in Boston, I'd move there. I do not want to see Burlington become a city with 14-story buildings blocking the view of our beautiful lake. The downtown area cannot accommodate the further traffic congestion that will be caused by building 200 more housing units in such a small area.

I am also sincerely concerned about how the increase in the population density downtown will affect the city's infrastructure. Traffic is only one consideration. Others include run-off into the lake, additional trash, the ability of our fire and safety departments to provide services, and the social problems that arise when too many people are living in too small an area. The new "mixed income" housing has no accommodations for children. There are no playgrounds close by and no schools within a safe walking distance. How will these children be able to play outside?

The primary reason for the housing shortage in Burlington, and for the outrageous cost of housing, particularly rentals, is that the colleges in the area are not required to provide adequate housing for their students. Students are not required to live on campus. I believe the colleges should not be allowed to enroll more students than they can provide housing for. I've lived in Burlington for all of my 65 years and I've seen these problems grow and grow as UVM and UVMHC grow and grow. Burlington residents should not be required to foot the bill for student housing. The argument that college students should be able to live where they want to live is fine, but it doesn't hold up when it means that working residents can't find affordable housing due to student over-population.

I believe if we want Burlington to continue to be one of the best cities in the USA to live in, we need to focus on maintaining what we have, not growing and growing until we've lost sight of who and what we are. We have already reached our saturation point.

Thank you for your attention.

Theresa Lefebvre

Burlington Planning Commission

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7144 (TTY)

www.burlingtonvt.gov/pz

*Yves Bradley, Chair
Bruce Baker, Vice-Chair
Lee Buffinton
Emily Lee
Andy Montroll
Harris Roen
Jennifer Wallace-Brodeur
vacant, Youth Member*



Burlington Planning Commission Minutes Special Meeting Wednesday, July 6, 2016 - 6:30 P.M.

Present: Y Bradley, L Buffinton, E Lee, J Wallace-Brodeur, M Weinberger

Absent: A Montroll, H Roen

Staff: D White, M Tuttle

I. Public Forum

Resident: Allegations were made about Y Bradley conflict of interest. Recusal is responsible and legal act. Government officials must be impartial, keep town's best interest foremost. Conflicts touch the core of people. Commission is public body subject to open meeting law. Insist on y Bradley recusal.

Y Bradley: Will not recuse.

B Baker: There seems to be an effort to silence voices. Commission tries to listen to all. There is no conflict with Y Bradley.

Sarah Muyskens: Support bringing housing downtown, including affordable. Smart growth in the right location. Building Housing Together campaign asking partners to bring development downtown where density benefits communities in multiple ways.

M Long: Conflict determined by "reasonable perception of bias or conflict". Read a number of VT Statutes and City Charter regarding staff participation in writing Commission decisions.

J Spiedel: Support the BTC project. UVM is supportive of housing for students and other workers, retirees, etc.; interested in safe, affordable, well-managed housing. Personally, support jobs, new economic activity. Take care, but support.

C Simpson: "If it ain't broke, don't fix it." Need infill that doesn't reinforce car centric lifestyle and that blocks out the sky. Devonwood project raises question of spot zoning. 1,000 cars will overwhelm pedestrian ambiance, students and potential educational facilities takes away from others and risks tax exemption. Project can exist within current zoning.

Resident: Don't look a gift horse in the mouth.

A Taylor: Need to create an awareness of littering, like a wellness lifestyle. Let's do something about it.

Paul Snobble: Not against development, but way too many things going on for people to keep up with. Unintended consequence is not enough time to figure out solutions and incorporate brilliant minds.

II. Chair Report

Y Bradley- Will use the sign in sheet for public forum. Keep comments to 2 minutes and please do not repeat. Last week's meeting was challenging—please not personal comments. Listening and taking this seriously. Remember weighing on the zoning, not the project.

III. Director's Report

Deferred in interest of time.

IV. Agenda

No changes.

V. Public Hearing: Proposed ZA-16-13 Subdivision Infrastructure Standards

The chair opened the hearing at 7:02 pm.

D White: Purpose of amendment clarifies engineer's standards for subdivision, where they're found, and who has authority over them.

No members of the public were present to speak on this item.

The chair closed the hearing at 7:04 pm.

The Commission unanimously approved a motion by B Baker, seconded by L Buffinton, to forward the amendment and the associated report to City Council.

VI. Public Hearing: Proposed ZA-16-14 Downtown Mixed Use Core Overlay

D White: Purpose of amendment is to create an overlay within the downtown to facilitate redevelopment according to goals of city master plan and planBTV. Briefly discussed: proposed area of overlay; amendment to city's official map; height and massing limits; changes to Church Street; urban design standards from Form Based Code (FBC) work including street activation, standards for parking design, and others; requirement for LEED certification; uses for post-secondary schools; and overview of the process for approval.

E Lee: Read letter submitted to Commission regarding following VT law for holding the public hearing.

E Blackwood: Difference between report and letter. Report is required by statute is written by staff to distribute 15 days before public hearings. Commission then holds the hearing, decides whether to make changes to report and proposed amendment, and sends to City Council. VT law was followed in the same procedures that staff has used in the past.

E lee: And the letter?

E Blackwood: Commission has the right to put its comments in the letter, but this is not required by statute. Letter is not related to the public hearing and does not need to be warned.

L Buffinton: Based on employer's position on this issue, will be recused from this discussion.

Alex Liven: Desperate for jobs and growth, not part of a coalition for "don't build anything." A livable city entails a rigorous democratic process. But here, people have missed bases and trying to steal home. Where is the model? Zoning and project are the same thing. Businesses gave their support to a general idea of redeveloping the mall, not the zoning amendment. Reads list of businesses signed in opposition; they have exposed business to retribution. Anyone can buy zoning now. Let the city vote on it.

Genese Grill: Sad to see Buffinton's recusal. Many improprieties, illegalities based on the hasty PDA. Commission has not come to conclusion and raised concerns about legality and conformity; should make its own decision without the zoning administrator. It is illegal to approve an amendment not in compliance with planBTV. The Director wrote the Commission's report because there isn't enough time; the Commission is being asked to commit a transgression against VT law.

Suki Masni: Support amendment because cost of living too high. Friends are productive members of society and want to live here, but can't.

Barbara McGrew: Fact that testifying doesn't mean believe that this hearing was properly warned. How did CHT endorsement come about? Biggest change ever, not in final form, not congruent with planBTV—vote no. Many elements not agreed to, graphics have been misleading. PDA requires rushed process. Tell Council not just "get it done," but to "get it right."

Michael Long: Pro-development, genuine smart growth. This is not smart growth, it's hasty. If there was any wisdom in process that led to current zoning, how can it be anything but shameful to sell out to 160 feet without public benefits now? Developer asks and expects to receive and city scrambles to deliver. Current zoning is enormous measure of height and density waiting to be realized. Aborts good faith public process; redevelop with our zoning, for our community.

Carolyn Bates: Never in my life been rolled over by a design thrown at the community by a Mayor and developer. Read communication of items to address to conform with planBTV.

Megan Eplerwood: Shared with colleagues and looked at it from a number of perspectives. Stakeholder engagement looks bad. Hasn't had enough comments. Based on research, high urban densities can be achieved without tall buildings. Tall buildings disrupt pedestrian scale, vertical gated communities, problematic for families, seniors and vulnerable populations. Reconsider and rewrite materials.

Greg Eplerwood: Cost estimates for underground parking not making it into zoning. Chart says demonstrate that alternatives have been tested, which hasn't been done. Distributed document of individual research on parking construction costs, and map of above ground parking downtown. More than 20% of land in the area that can't be used because of parking. Draw the line and demand parking underground to reduce the height.

Meg Wallace: This doesn't fit character. If listening to the citizens, don't know how can approve this.

Reba Porter: Recognize need for development downtown, but process feels bad and rushed. Know that people want what is best for City, just hope that things can be slowed down. Need to work to gain the public trust.

Tony Reddington: AARP has carefully withdrawn their endorsement. People say that there is a housing need in the city, but 1,400 units built, under construction or planned and vacancy rate is going up. Increased the density of the city by 14%. Need housing assistance support, not housing units.

Charles Simpson: What? Meeting to discuss an overlay district with an uncertain footprint. Why? Because there is a desperate attempt to avoid spot zoning. Devonwood will buy Macy's even though it's not currently in the overlay. How much? Commission should investigate how much of the roughly \$10M for reconstruction of streets is just to purchase the land. Suspect it's more than its actual value.

Jay Fayette: Urge Commission to approve the district. City needs new development; this is prime spot for greater density development with housing, office and more relevant retail. Reutilizing streets is tremendous benefit. Need for housing won't be met without the overlay. Masonic Temple is 125 feet; we're talking about 35 more feet, need to keep things in perspective. What makes a city livable is jobs paying livable wages, economic vitality, follow on development, housing choices, space to house 400 new employees downtown. Project is vital for Burlington and the Church Street Marketplace.

Andrew Simon: Commission should flat out deny changes, and explain to Council that object to amendment due to: by right height and density, above ground parking, student center, and failure to address stormwater. Opponents don't oppose all development. Urban renewal was overwhelmingly opposed, and this is same mistake on steroids. Welcome change in city hall administration and personnel.

Phil Hammerslough: Parking keeps coming up; should get rid of parking, put it in satellite lots outside of town and bus people in. Walkability is antithetical to putting parking in downtown.

Robert Herendeen: Zoning change result of plain vanilla planning. In a memo, Mayor linked to article on Boulder's growth problems. Boulder has set a height limit to see the mountains; keep our height limit to see the lake and mountains.

Jason VanDriesch: Chittenden County growing; can happen in Burlington where great for walking and biking rather than surrounding municipalities. Impressed by article on Boulder, particularly about issue of equity. Zoning often used to preserve good things without recognizing the good things that are being kept out. This is opportunity to open city for wider range of people. Encourage to move forward with changes to allow more housing, jobs, growth in Burlington.

Phil Wagner: Would like to see change based on aesthetics, economics, sprawl and a livable city. City has grown very little despite county growing, and now surrounded by sprawl. Only way to prevent is to have a denser city. One reason cities fail is because they don't have tax support, and increasing height increases housing. Single family homes are most unsustainable human creation.

Karen Freudenberg: Participated in planning process at least once a month from planBTV to mall discussion. Could have only hoped for what opportunity to redevelop downtown that we have today. Despite what some say, a lot of things are broken, not working well. Downtown businesses are fragile half of the year, can't get people to live in Burlington, especially younger population. We all have dreams, but our tax base is too low and relies on too few residents and business to realize them. With more tax base, we could do more of our dreams. 14 stories comes out of the process that we've all been a part of, and responds to what we've said about a town where we want to live, not about a developer who says what he wants.

Daine Gayer: planBTV is about the future; overlay defined by 1980's planning and Sinex's project, not the future. This needs to be about people, need a model and sun study, a real stormwater component, inclusion of a 2030 energy district, car-free zone within the city. Parking is critical.

Ibnar Avilix: Is this spot zoning? Like the idea of developing the site, glad we have designs. Feel like this is rushed. Was under the impression it was within the rules of zoning, but that changed when parking became too expensive to bury. Could it be feasible at 80% of the size proposed? This is an issue of the future.

Chuck DeLorean: Support project and overlay zone. Commission has inclusive process, lots of good comments. Project not without complexities. VT has high taxes, decreasing population, lack of affordable housing, decreasing wages. Growth is essential; this has potential to transform and reenergize downtown. Overlay district changes are fundamentally sound. Working with city to address own concerns at Lakeview Garage. Local professionals on the team have best interest of the city.

Jeff Nick: Notion that current zoning is working is incorrect. All new growth is in suburbs. People want to move downtown, but it is full. Mall is empty, desperately needs help. This is not spot zoning, this is smart zoning. 160 feet is appropriate in downtown core. Masonic Temple is actually 130 feet tall, built 119 years ago. Elevation change between Bank and Church is 20 feet, meaning project would only sit 10 feet higher than Masonic Temple.

Brian Dunkiel: It is an accurate assessment that opposition has been louder, but have also resorted to attacks and questions of legality. As an attorney, confident the process and ordinance would be upheld. No one debates this supports housing, debating how much. No one debates more intensive growth needs to happen here according to planBTV, debating how much. No one debates the overlay should occur in this location, debating to what extent. Encourage move ahead in a way that is consistent with PDA. Have litigated spot zoning in VT, no factors exist in this case.

Kelly Devine: Nearly 10 acres of downtown is not serving us well; already have a hole in the middle of downtown. Overlay helps us get there, a unique opportunity for future of Burlington. Not dramatic enough difference in height to outweigh benefits it brings. BBA working to bring vibrancy off Church Street, this helps

do that. Parts of overlay about street activation are important, signage standards good for consistency of the district. Urge to move to City Council.

Ross Montgomery: A challenge Burlington and generation faces is the retention of college grads. Ability to run businesses and have families in Vermont is trending wrong way. This is the first step to changing in a meaningful way. 160 feet, growth and mass don't scare me, inaction and delays in a well-vetted process scare me. Move forward expeditiously and see it through.

Charles Winkleman: Couldn't afford to live in BTC even with inclusionary zoning. If this is a project worth doing, why rush it? Why not build a model? Triumph of the City says urban growth will be more palatable when a city defeats demons of development; haven't done that yet. Have an underfunded school budget.

Charlie Messing: Tergiferous, look it up. Affordable housing is size of 2 parking spaces with one window, would be a housing "project." If we want streets to connect, need to demolish the streets. No matter what we say, you will pass it and we will contest it.

Richard Hillyard: People want the same thing, but this has become adversarial. So many good things that have been said on both sides. Due diligence should be done. Lots of disingenuous numbers.

Jason Robinson: Since 2002, have trained 5 UVM graduates and lost them all to DC, Boston, Hanover, and NYC. Would like to keep employees—they need a place to live that can afford on a decent wage. Support any way to get this done.

Melinda White Bronson: Support other's comments. Looks like spot zoning, process feels disingenuous. Wish Commission the best in sorting out.

Jack Daggit- Change to zoning to meet developer demands defeats purpose of zoning. If zoning needs to be revised should be a separate process. Urge moratorium on project.

Ron Redmond: Represent the businesses that Marketplace works with every day. They believe in this process; they're concerned and hopeful about attracting and retaining people and jobs. If they were angry they would be here. Encourage to go forward.

Anne Taylor: Thank you to every person in this room. City is a great place because people have decency to stand up when things aren't right. People forget Bernie started with proposal for a hotel on the waterfront where boardwalk is today. There are many issues at stake. Coalition feels that they haven't had time, but Sinex has asked for our input for three years. Not about developer's demands. Emphasis on urban infill for housing, jobs and play in one place; this place is perfect for it. Coalition has quoted Boulder, but NY Times actually talked about too much regulation dampening economic opportunity. The anti-growth sentiment stifles economic opportunity.

Erica Spiegel: Major improvements are needed. planBTV talks about higher density but all depictions don't look like the proposed project. Could see a little bit taller, but proposed ordinance almost doubles the height from standard. Project will forever change skyline—Burlington's trump tower. Don't make a hasty decision. Don't like the process being framed as long-term residents vs. newcomers and millennials.

Amanda Hannaford: Almost everyone believes that redevelopment is a great thing and agree with objectives for what it is supposed to accomplish. Only half of people like current designs. Don't think this has been a transparent process even though that is what has been stated. If this goes forward as currently planned, a lot of people will be upset.

Barb Headrick: Lots of tall buildings look like Pittsburgh smokestacks. Hideous design that can do better, but need time. Consider what's in planBTV. Density can be accomplished without increasing height. Last discussion about height increases was limited to 10 stories.. Don't approve, rewrite. Think about other ways to accomplish density if build to current zoning. All of us have talked about better ways to do this.

Caryn Long: In planBTV, Mayor says, "planBTV doesn't sit on a shelf. It's a vision." PlanBTV says taller buildings not the answer, can more fully utilize current zoning.

Albert Petrarcha: Can millennials really afford housing in BTC? People have questions the Commission has not thought out. Opinion on philosophy of issue: in VT presidential primary, Mayor's candidate got only 15% of vote because they don't support Clinton's neoliberalism that is same as Mayor's. People opposed to this are residents; people who support own businesses and are bottom feeders looking to make money.

Steve Goodkind: People want the same things. The obstacle is why it can't be done in existing zoning. Need evidence, not just desire.

Laurie Tucker: Support going forward. There are a lot of changes that will happen, but support because we need to have growth for many reasons. Believe strongly in density in Burlington.

Frank Coffee: Support the project, believe it can be a catalyst for redevelopment. Planning staff works to be innovative and works hard.

Resident: Buffinton recused due to employer's support. Ernie Pomerleau supported before. Should be within the bounds of a reasonable expectation for recusal of Bradley.

The chair closed the public forum at 9:23 pm.

M Weinberger: Per city charter, mayor is a non-voting member of Commission. Thanks David White and Commission for work. Commission is doing what asked of them. Mid-2000's effort to increase height downtown defeated, so Karen Paul championed planBTV as a way to better resolve these issues. Mall redevelopment, reconnection of streets clearly articulated in this plan. At time, all thought it was farfetched. planBTV and Form Based Code have both said this area is different from the rest, an area where we would contemplate different height and mass. Mall owner saw the plan and shared his vision with the City. Late 2014 Council approved an MOU to begin working with Devonwood to explore how it could be built. City had its own planners, designers to advise us; took 18 months, involved the DAPAC then Council took up the PDA. This overlay and the timeline is part of the process that was laid out in the PDA. Administration supports this project because City where average renter pays 44% of income on rent, need jobs, space for employers that want to be part of Burlington. It will improve walking/biking infrastructure, step forward with respect to sustainability issues, be an opportunity to create significant new revenue for City. Current designs need modifications; if it achieves what is contemplated by zoning amendment, it will be dramatically different. Organizations representing affordable housing, business, New Americans, transportation issues, arts, and interfaith community have come to support. Model will be built before City Council acts on this. Commission not foreclosed from commenting on this, and there have been tools available. Significant step forward for the environment through stormwater improvements, connectivity, people in multi-story buildings with modern performance standards consuming smaller footprint. If community is serious about climate change, need this kind of development. We stand for inclusivity, affordability but ability to be that is under threat because of current policies and lack of supply. People aren't being forced out in healthy, dynamic communities. Four documents in packet. Two in statutory process—proposed ordinance and the required report. Other two are Commission's letter to Council and the matrix of key elements. Statutory docs are consistent with the PDA, and hope that the Commission will vote to send to Council. Other documents to capture Commission's opinions need some work. Suggest discussing those tonight or at a future meeting to refine and transmit to Council to consider.

E Lee: Didn't have enough time to thoroughly evaluate the ordinance and Commission never made changes, so ok with sending to Council. Commission letter needs work to accurately capture the Commission's feedback. Ok with sending the ordinance and report and continuing work on letter.

J Wallace-Brodeur: Commission did come to consensus on how to adequately weigh in within the time given. Going through the ordinance line-by-line was not timely, so weighing in on things important to us through letter was agreed upon. Different than normal process, but it is the best we can do.

B Baker: Voting now to send with statutory report allows Council to review in a deliberative way. Commission is technical ones that chop apart the ordinance to make it work. Support the construct.

Y Bradley: Support idea. Doing what Council asked and providing well-thought out feedback. Haven't had the opportunity to discuss the feedback.

The Council unanimously approved a motion by B Baker, seconded by J Wallace-Brodeur, to send the proposed ordinance and required report as written to Council.

E Lee: Make this item only one on next agenda to provide time for reflection.

D White: Letter is a draft; please mark up and send in advance so staff can incorporate comments.

Resident: If Buffinton recused, so must Bradley.

J Wallace-Brodeur: Buffinton chose to recuse because of conditions of her employment.

Genese Grill: Did the Commission approve the amendment?

J Wallace-Brodeur: Took action to send to Council.

D White: The Commission doesn't approve zoning amendments, they make recommendations to Council. Action was to send to Council.

Y Bradley: Letter includes Commission's thoughts and public comments. The ordinance is what Council asked the Commission for.

Genese Grill: The Commission is saying it's in compliance with planBTV?

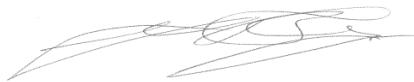
E Lee: Approved the report, which talks about broad policies in our plans. Commission also sending a letter with specific suggestions/comments. Have time to work on the letter.

VII. Annual Report

The Commission unanimously approved a motion by E Lee, seconded by B Baker, to sign and transmit the annual report to Council.

VIII. Adjourn

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by E Lee, to adjourn the meeting at 10:05 pm.



Y Bradley, Chair

Signed: 08.15.2016



E Tillotson, Recording Secretary