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

Burlington Planning Commission
Special Meeting- Work Session
Tuesday, June 21, 2016 – 6:00-9:00 P.M.
Burlington Police Department Community Room, One North Ave

AGENDA

Note: times given are approximate unless otherwise noted.

I. Agenda

II. Appointment of Assistant Zoning Administrator *(5 min)*

The Planning Commission is requested to consider recommending to City Council the appointment of Ryan Morrison as an Assistant Administrative Officer. A memo from the Planning Director is attached on page 2.

III. Proposed CDO Amendment- Downtown Mixed Use Core Overlay

The Commission will hold a special work session to discuss the proposed CDO Amendment to establish a Downtown Mixed-Use Core (DMUC) overlay. Pages 3-20 of the agenda packet include a revised draft of the proposed DMUC ordinance language.

IV. Public Forum

Please consider yielding time to individuals who have not previously shared comments with the Commission.

V. Upcoming Meetings

June 29, 2016 at 6:00pm, Burlington Police Department- Work Session
July 6, 2016 at 6:30pm, Contois Auditorium, City Hall- **Public Hearing on *ZA-16-13 Downtown Mixed Use Core Overlay (Public Hearing Begins at 7:00pm)***

VI. Adjourn

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.

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MEMORANDUM

TO: Planning Commission

FROM: David E. White, AICP, Director of Planning & Zoning

DATE: June 4, 2015

RE: Assistant Administrative Officer Appointment Recommendation – Ryan Morrison

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The purpose of this memo is to recommend to you the appointment of Ryan Morrison as an Assistant Administrative Officer, and request that this appointment recommendation be advanced to the City Council.

In my role as the Director of Planning & Zoning I serve ex officio as the City's Zoning Administrative Officer, and am responsible for making recommendations to the Planning Commission regarding the appointment of a Chief Assistant and any Assistant Administrative Officers pursuant to state statute and Sec. 2.3.2 of the *Burlington Comprehensive Development Ordinance* (BCDO). The role of the Planning Commission in this process is to make a final recommendation to the City Council regarding such appointments.

Ryan Morrison started working in the Dept. of Planning and Zoning in January 2016, and is currently our Associate Planner. Ryan came to us with 11+ years of professional planning and zoning experience working in both Washtington State and Vermont. He is a Certified Flood Plain Manager by the Association of State Floodplain Managers (ASFPM), and most recently was the Zoning Administrator for the Town of Waterbury, VT. Now that Ryan has completed his training and probationary period, he is ready to fully assume his responsibilities with us.

Once such appointments are made, it is also my responsibility to delegate specific duties and authority. In addition to the other appointees in the Planning and Code Enforcement offices, Ryan will be assuming responsibilities regarding:

- **Development Review**: the acceptance, review, and referral/action on zoning permit applications and related determinations pursuant to Sec. 2.3.4, 3.2.5, 3.2.7 and 3.2.9 of the BCDO.
- **Compliance**: issuance of Certificates of Occupancy upon successful completion of work conducted pursuant to a zoning permit pursuant to Sec. 2.3.6 and Sec 3.2.11 of the BCDO. This work is done in collaboration with, and with administrative and investigative support from, the City's Code Enforcement Office.

I welcome any questions that you may have.

Thank you.

DMUC Overlay – PC Action Items

Key Elements:	**Staff notes & comments:**
Create a new Overlay District, known as the **Downtown Mixed Use Core (DMUC)** Overlay District (the "DMUC District")	Exact boundaries still TBD. Comes from the current draft of the FBC. PC may want to fine-tune.
Expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.	Comes directly from the recommendations of *planBTV: Downtown and Waterfront Master Plan* **Staff notes that the City Council has agreed in the PDA that this is acceptable** and 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 as proposed.
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:	This is implied by the changes below…
• 3 stories min., 14 stories max. not to exceed 160 ft. max.	**Staff notes that the City Council has agreed in the PDA that this is acceptable** and strongly recommends this as proposed
• Overall height allowed variation of 5% 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. Staff recommends this concept as proposed.

DRAFT

Key Elements:	**Staff notes & comments:**
• 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	Comes from the proposed standards found in the current draft of the FBC. **Staff notes that the City Council has agreed in the PDA that this is acceptable** and strongly recommends this as proposed.
• Maximum FAR of 9.5	**Staff notes that the City Council has agreed in the PDA that this is acceptable** and strongly recommends this as proposed
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:	This is implied by the changes below… 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
• Façade Articulation:	
o Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc)	
o 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.	
o Horizontal changes in the vertical plane of a façade (articulated base, stepbacks of upper stores, and clearly defined top)	
• Street Activation at the ground floor:	
o Location, frequency and operability of primary entrances	
o Proportion of and distance between voids (doors and windows)	
o Transparency of glazing	
o Visual access within spaces	

Key Elements:	**Staff notes & comments:**
• Acceptable primary and accent façade materials	
Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted *Downtown Transportation and Parking Plan*, 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.	
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.	Comes from the proposed Sign Type standards found in the current draft of the FBC, but PC may want to fine-tune. Staff recommends this largely as proposed

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;

(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. As proposed, the BTC will comply.

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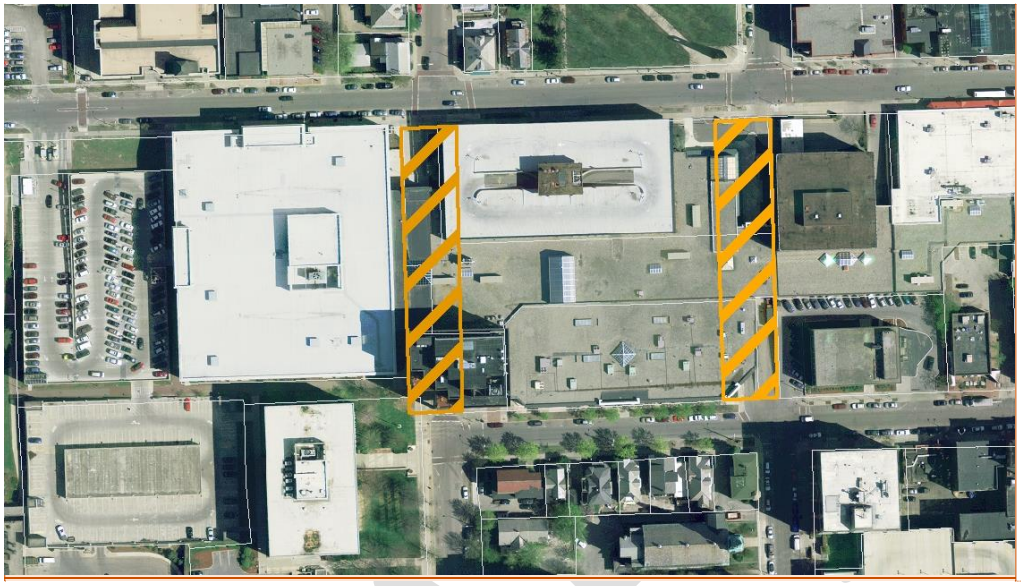


(temporary illustration of the proposed addition)

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

Comment [DEW2]: These proposed new ROW's are consistent with the BTC project as proposed

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 encumbered~~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.

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. The BTC project as proposed will need its upper floors to be set back farther in order to comply

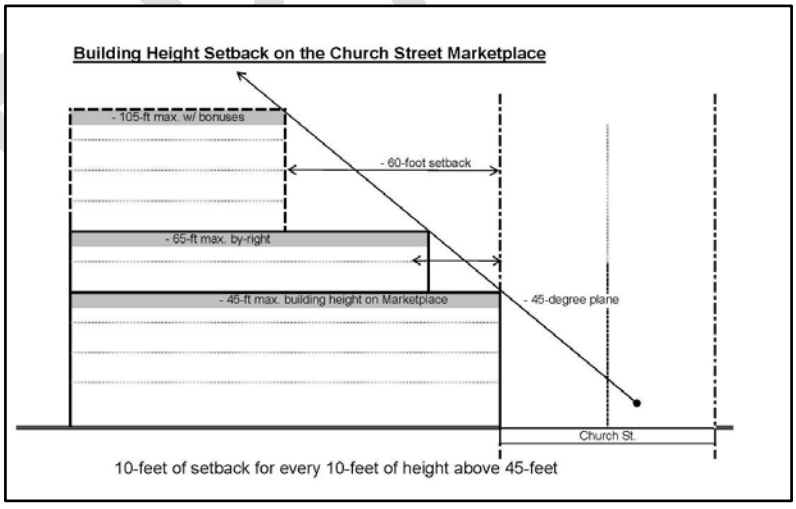


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

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

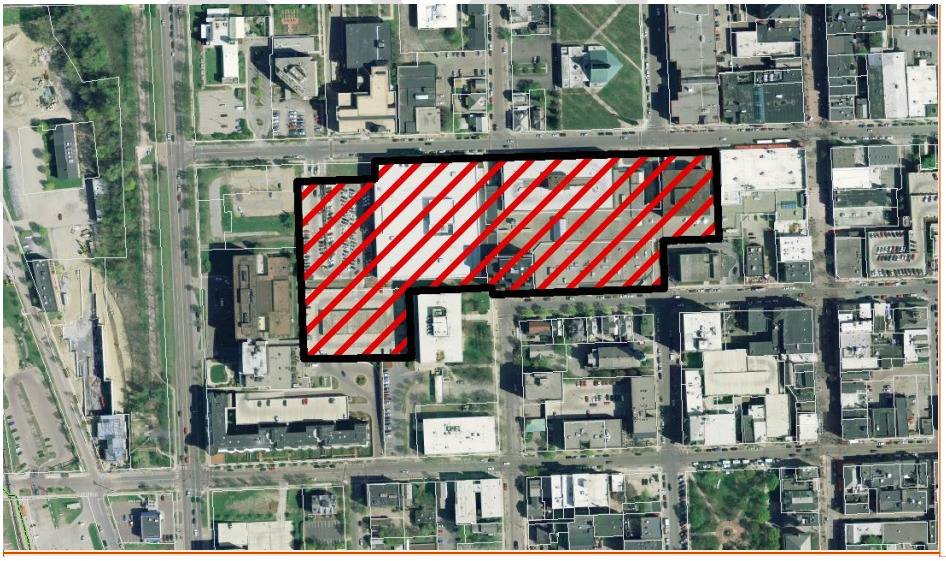
(a) Purpose:

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 (DBTC) district

Comment [DEW4]: 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.

(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 Core Overlay (DMUC) District Dimensional Standards	
Building Height	3 stories min. 14 stories not to exceed 160-ft max
FAR	9.5 FAR total max per lot
Floorplate:	
Floors 1-5	100% of lot max.
Floors 6-7	75% of lot max.
Floors 8-11	55% of lot max.
Floors 12+	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.	
Pervious Area[1]	10% min
Setbacks:	
- Front	0-ft min, 10-ft max.
- Side/Rear	0-ft min, 12-ft max.
Occupied Build-to Zone[2]	100%
Ground Floor Height (floor to floor)	14-ft min
Arcades[3]	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.

[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,

Comment [DEW5]: This is important to comply with the Pre-DA

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Comment [DEW6]: Andy – should have to provide north south connection to get this height, parking is placed underground

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Comment [DEW7]: This is important to compliance with the Pre-DA

Comment [DEW8]: This is important to 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. May also want to include a minimum separation between individual towers – 60'?

Comment [DEW10]: These come directly out of the proposed form based code. See footnote regarding Pervious Area as a preferred alternative to lot coverage limitations. BTC project is proposing ~36% (39,405 sf) of upper floor greenspace by comparison

Comment [DEW11]: These 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 [DEW12]: These come directly out of the proposed form based code to ensure a spacious opening for pedestrians and outdoor activity

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

Comment [DEW13]: 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 process with FBC standards

Comment [DEW14]: Pretty subjective and best place for DRB discretionary review to focus. Ultimately following standards provide some objective measure of satisfying these

Comment [DEW15]: Current BTC design doesn't meet this

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.

Comment [DEW16]: Current BTC design doesn't meet this

Comment [DEW17]: Current BTC design doesn't meet this on St. Paul and Pine,

Comment [DEW18]: Current BTC design doesn't meet this on St. Paul and Pine,

Comment [DEW19]: arrangement of windows more vertical than horizontal

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.

Comment [DEW20]: define

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:

	Ground Floor	Upper Floors
Rough openings for windows and doors (per floor)	70% min, 80% of which shall be concentrated between 3-10 feet above the adjacent sidewalk	20% min
- Horizontal and vertical distance between rough openings	20' max.	
Transparency: - applicable to 80% of the glazing on each floor.		
- VLT - Visible Light Transmittance[1]	60% min	40% min
- VLR - Visible Light Reflectance	15% max	15% max

[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.

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.

Comment [DEW21]: add specific references? e.g. Sec 4.4.1 (a)

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.

Comment [DEW22]: Need to add Schools - Pre-school (same as lg daycare?) to use table as part of daycare amendment

Also pet store with vet services (pet store and vet is currently CU). Boarding is already proposed as CU under another amendment before the Council.

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;

Comment [DEW23]: Consistent with Church Street Marketplace and proposed FBC. Currently limited to only 4 sf.

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.

DRAFT

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

Comment [DEW24]: Ch 26 requires 50% currently. Can/should this requirement be put in Ch 26 instead?

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~~n 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.

Comment [DEW25]: Not specific to the DMUC however, important changes to screening requirements for rooftop equipment and flexibility in amount and numerical building height limits.

Meagan Tuttle

From: ameymanny@gmail.com on behalf of Amey Radcliffe <ameyradcliffe@gmail.com>
Sent: Wednesday, June 15, 2016 12:17 PM
To: Lee Buffinton; Emily Lee; Harris Roen (roen@burlingtontelecom.net); Andy Montroll; bbaker@cdbesq.com; Yves Bradley; Jennifer Wallace-Brodeur; David E. White; Meagan Tuttle
Subject: Thank you and questions
Attachments: 7suggestions.rtf

Dear Commissioners,

A sincere thank you for your thoughtful deliberation on zoning issues and your clear desire to act with integrity over such important matters. I so appreciate the reasoned approach that you all took.
I want to extend a specific thank you, to Lee, for beginning to unravel what has become a rat's nest of issues. And, for your tenacity in honing in on the heart of the matter. David makes a strong case for what he believes, but real dialogue only happens when other strong viewpoints are expressed. Thank you.

Here is how I have deciphered and analyzed it myself. Sorry it's long-winded. I hope it is helpful in some way. Please enter into your records.

THE BIG PICTURE

As Michael Long passionately commented, the particular zoning details of an overlay district is a separate and important issue, ultimately unrelated to the Sinex project. It should be considered over time, with public input and following all the proper channels that honor your positions as well as the impact on the City's future. As Lee indicated, this is the "big picture". While there may be agreement over the idea of greater density in this downtown section, the devil is in the details. To go from 65 feet to 160 feet, for example, does not follow any logical process to arrive at such a maximum if we remove the milieu of the Sinex project. And removing the Sinex project from the discussion is precisely what is needed to clearly focus on the big picture. Please be cautious about the casual reference to 105 feet as the height "norm". It is not. Under current zoning, 105 feet comes ONLY with added benefits such as affordable housing and senior housing. David White's characterization of bonuses as "ineffective" may have better been described as a simple lack of enforcement. The fact that our city has taller buildings than 65 feet is because they predate such guidelines or earned bonuses to get there (or not, if decision makers let such bonuses "slide"). If the overlay district is going to have "taller" buildings, 65 feet needs to be the starting reference point. As Emily wisely pointed out, many of the surrounding buildings are historic (probably less than 65 feet) and we need to consider the context.

As to the devilish details, "density" is a subjective matter. I believe density and infill can be arrived at within current height perimeters. To act as if "density=height" and that the public or participants of planBTV want 14-story buildings is simply not true. If in fact some members of the public wanted "taller" buildings, I would ask, how much taller? and taller than what? City staff may be putting words and numbers into people's mouths to fit their own vision. I can't find anything in the text and images in planBTV that suggest the heights being discussed for the Sinex project. Due diligence to understand public interest requires specific inquiry, not assumptions.

THE MAD RUSH - the small picture

While the Sinex project is related to all of the above, it is in fact a separate issue. The decisions about the specific project will be made easier once the time has been spent to consider the details and precedents of a zoning change. No one likes the accusation of spot zoning, but it is my understanding that one definition of spot zoning is when a change is proposed for one project and one developer. This does sound like the situation at hand. By pulling these issues apart, it allows for consideration of a plan to create more density in some way, to be determined by public input and P&Z/commissioner deliberation. We can't put the cart before the horse. Practically speaking, it doesn't seem that Sinex will be able to get a decision quickly given the magnitude of the issues at hand.

Many people spoke last night in favor of the mall re-development and are willing to have greater density in the area specified. I did not hear many positive words about the project itself. The lack of affordable and moderately-priced housing, the student housing, the (semi?) private streets, the TIF $ needed, the segregated low-income units.... these are all negatives to many people. We imagine a better project that meets more needs and interferes less with our mountain and lake views. PlanBTV expresses this desire. The rush to meet a developer's needs with a mediocre project just doesn't make and sense, especially if you consider the future implications. Planners seem to believe that the sacrifices we would need to make for this project would be worth it - for street connectivity? (I'm not sure what else). The public may disagree. As Andy eloquently expressed, creating a project the public can get behind makes so much sense.

QUESTIONS
1. If form-based code has not been "adopted", why is it being talked about like it has been? Why is it being implemented to create FBC districts in the first place?

2. Please clarify the details on the streets - public vs private? Who controls the proposes re-connected St. Paul and Pine?

Thanks for reading. I have also attached my full comment from last night, also for the public record.
Carry on in your difficult tasks ahead and thanks for caring about doing this right.

Amey Radcliffe
Burlington small business owner for over 26 years

Humble advice in 7 short suggestions:

1. Stick with current zoning.
The public has entrusted our officials to follow zoning regulations established using democratic process. To side step this process for city staff preferences, betrays the public's trust and allows for unwelcome future precedents.

2. Walk the walk of plan BTV
The page 42 graph indicates a majority satisfaction in the current scale of downtown buildings. While some people may like taller buildings, I don't believe anyone imagined anything nearly double the Vermont Hotel depicted as a tall building on page 37's section on human scale buildings. I suspect that 14-stories is higher than anyone imagined during planBTV. Let's start with 65 and go from there.

3. No spot zoning
The term overlay does not change the fact that this particular zoning change is being requested for one site with one developer, a definition of spot zoning.

4. Don't ignore the housing problem.
This project has only 50 out of 274 units that are affordable. Plan BTV states the need for affordable and moderately priced housing on this site. In the Sinex project, 224 units are being provided to college students and the wealthy.
It's lip service to call this project a solution to the housing problem.

5. Form based code has not been adopted (at lease I don't think it has…).
Please do not use form based code guidelines to justify or provide perimeters for this project.

6. Don't fall into a "too big to fail" mindset.
Yes, this project has been in the works for months and it has taken the public a long time to understand the implications. But this is not a reason to push it through. Instead you have a chance to make this project better. If Sinex walks away, someone else will come. In the meantime, consider a smaller scale project on the site, with more public good attributes and less long term expense.

7. Don't give up on the model.
Several City councilors, commissioners and many citizens have asked for a model. Take the time needed to get the model and put off the vote until the model is in hand. How much shopping around was done for a model maker who could provide the model in the time needed? With a $16,000 budget attached, I have to believe this can be done.

Amey Radcliffe
Burlington business owner for over 26 years
advocate for not putting profit ahead of people and the planet

Meagan Tuttle

From: genese grill <genesegrill1@gmail.com>
Sent: Tuesday, June 14, 2016 11:51 PM
To: Lee Buffinton; Emily Lee; Harris Roen (roen@burlingtontelecom.net); Andy Montroll; bbaker@cdbesq.com; Yves Bradley; Jennifer Wallace-Brodeur; David E. White; Meagan Tuttle
Subject: Thank You

Dear Planning Commissioners,

I want to thank those of you who spoke this evening in the interest of due diligence and in response to citizen's concerns. It was heartening to hear your considered questions and critical analysis of so many of the problems that have been concerning the public and to hear you making your discomfort about rushing this important project clear to the public and the city staff. Your diligence in regard to the physical model (what kind, when, whether it be of the maximum build-out or of the particular project), was cheering; though I am still not clear what you will be willing to conclude or not conclude before seeing a physical model. Especially appreciated was Lee Buffinton's attention to the questions beyond the height increase that undermine the checks and balances in our current zoning processes and that seem to threaten the system that currently requires developers to provide public benefits in exchange for height increases. While David White noted that the current system does not always work to gain benefits, it clearly will not work better to throw away a requirement for benefits altogether! I was also heartened to hear Lee Buffinton note that we need not make a choice merely between a tall set-back building on the one extreme or a shorter monolithic one on the other; and that this could be, instead, a good moment and opportunity to examine the zoning code to prohibit the kind of monolithic building we are afraid we would get were we to prohibit the height increase. Also appreciated was the concern for the question of spot zoning (it is not my opinion that this development is in accord with our comprehensive plan and it is certainly not conclusive whether an increase from 65 feet to 160 feet would be considered a slight change or not in a court of law). I also appreciated Andy Montroll's suggestion that the

commission might present a set of comments to the city council instead of a Yes or No answer, and Emily Lee's, Jennifer Wallace-Brodeur's, and Harris Roen's clear commitment to not being rushed in their work. Thank you all for your time and your attention to this and all of the many other projects that come before you. It was really a wonderful surprise to discover that public input and community engagement can make such a dramatic difference.

Sincerely, and with a Great Sigh of Relief,

Genese Grill

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Thursday, June 16, 2016 2:13 AM
Subject: Mall design in code...to mall design that went out of code history

To all of you on the planning commission.

I am going to try to send you some of my research these past two months.
Use it as you can.

If there is any research you would like me to do, I will do it without bias.
Usually as screen shots that include the source it came from.

Thank you again for all of your time.

cb

Carolyn L. Bates Photography
Email: cbates@carolynbates.com
ADDRESS: PO Box 1205, Burlington, VT 05402
Phone: (802) 238-4213
Web: www carolynbates.com

MALL from 2014 to 2015 to 2016
going from IN-Code designs to horrific OUTSIDE-Cod

NOV 20, 2014

Housing more than 250 units 20% inclusionary

Increase Retail 225.000 sq ft

Department Store
Restaurants
Entertainment

Office add 150,000 sq ft

Convention center./hotel 250 rooms
w 5000 person events.
40,000 sq ft of showroom

Underground parking add 375 spaces
130,000 cubic yards of debris and hauling it away.

1.5 acres roof top park

3 buildings
Triple present space of mall.

Pine and St Paul Sts arcades

$150 mil cost plus $50 Mil in public parks and bike paths

"Sinex has not embarked on a project like this before" *

"Sinex's conceptual project plans will be evaluated by the City team and the community through a transparent, public process aimed at creating a development agreement between the City and Sinex."

https://www.burlingtonvt.gov/Press/Mayor-Burlington-Town-Center-Owner-Announce-Partnership-to-Comprehensively-Redevelop-Downtow-0

*http://vtdigger.org/2014/12/16/man-behind-burlington-malls-200-million-makeover/

MAY 15, 2015

2 tiny towers 14 stories high appear. I and others figured that since that was outside of our zoning codes that City Hall would mitigate this and put it back where it belongs at 10 stories.
$200 mil
Several roof top parks
300,000 sq ft new retail
300 housing units 20% inclusionary

DESIGN C

Housing, hotel, of
gardens that go fr
sun and views of
Parking not an iss
Sinex appears on
interested in our

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and their Archite
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story tower.

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planning on that

And note that all
"high line" going
with views of the

The new streets a

JAN 2

Hotel is missing
Housing is reduced t
Convention center is
All public parks are g
It is now one massive
Parking 2-3-4 th floo
Sinex is demanding t
Sinex is demanding t

Meagan Tuttle

From: Matt Bushey <mbushey30@gmail.com>
Sent: Wednesday, June 15, 2016 11:17 PM
To: Meagan Tuttle
Subject: FW: Statement in favor of the downtown overlay district

Meagan,

I just submitted the following statement to the Planning Commission regarding my support for the proposed downtown overlay district, and I noticed the request on the city website to send comments to you, so I am forwarding my email to you now for your records.

Thank you,
Matt Bushey

From: Matt Bushey [mailto:mbushey30@gmail.com]
Sent: Wednesday, June 15, 2016 11:11 PM
To: bbaker@cdbesq.com; ybradley@vermontrealestate.com; jwb@burlingtontelecom.net; roen@burlingtontelecom.net; andym@montrolllaw.com; emilyannicklee@gmail.com; l.buffinton@gmail.com
Subject: Statement in favor of the downtown overlay district

Dear Planning Commission members,

Thank you for your continued deliberation on the proposed CDO Amendment for the Downtown Mixed Use Core Overlay. As I stated at the public forum during last night's meeting, I am strongly in favor of this proposed amendment, and the people I speak to around town share this view.

I was born and raised in Vermont. I have lived in Ward 6 with my wife and 2 young daughters for the past 10 years. I chose to move to Burlington because it is a culturally diverse and economically active city. I am also a registered architect, and I am the chair of the Design Advisory Board.

I am thrilled to see the realization of one of the core goals of Plan BTV - the reconnection of the city street grid. I believe opening St. Paul and Pine Streets will have a positive ripple effect throughout downtown. Currently, all traffic travelling through the downtown core is diverted onto Battery and South Winooski. Opening up the street grid will take pressure off these streets, which are currently not very pedestrian friendly.

I am comfortable with the height increase and feel this is the right place in the city to build higher and with more density. Building height and building design go hand-in-hand, and the design standards that are included in the amendment will allow for a project that has increased density AND is pedestrian friendly.

Yesterday the DAB held a Sketch Plan Review of the Burlington Town Center redevelopment project. This was the first time this project has been before our board, and we will be reviewing this project at least 2 more times. I have been following the schematic design progress since January and have been concerned about the massing and articulation of the façades. Please note that the building design that has been made public over the past few months does NOT comply with the design regulations of the proposed Overlay District! Yesterday we saw that the design team has already started making improvements, adding façade articulation, integrating the garage screening, and breaking down the scale of the building by adding breaks and setbacks. They have more work to do, and we will guide them along the way, but when the final design eventually complies with the regulations in the proposed ordinance, the building will be much better! (I don't

think many members of the public fully understand the design process and their opposition is based on this non-compliant schematic design which is a work-in-process)

Last night I expressed my frustration and disappointment that a relatively small, vocal group of people have been spreading misleading and downright false information. Flyers are being distributed at the farmers market, at City Market, and to people's doorsteps which falsely state that the new streets will be privately owned. They claim the proposed amendment is Spot Zoning, which it is not. They imply that a 14 story building will be built on Church Street. And they define the project as a 14-story mall, in an attempt to gin up opposition based on people's negative associations with the typical suburban shopping mall.

In fact, this project will reverse the mall and turn it inside-out, transforming a dead property that sits like a lead weight in the middle of the city into a network of active streets and mixed-uses. I really believe that with this project, the city will get back a lot more than what we put into it.

As you consider this proposed CDO amendment, please do not be led to believe that the so-called Coalition for a Livable City represents the popular opinion of Burlington residents. They certainly do not represent me.

Thank you,

Matt Bushey
30 Prospect Parkway, Burlington

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
Tuesday, June 21, 2016 - 6:00-9:00 P.M.

Burlington Police Dept. Community Room, One North Avenue

Present: B Baker, L Buffinton, E Lee, A Montroll, H Roen
Absent: Y Bradley, J Wallace-Brodeur
Staff: D White, M Tuttle, E Tillotson

I. Agenda

No changes.

II. Appointment of Assistant Zoning Administrator

M Tuttle: Ryan Morrison, Associate Planner, was hired in January. Ryan was formerly ZA in Waterbury and previously worked in western US. Successfully completed the probationary period of employment and Planning Director requests his appointment as an Assistant Zoning Administrator.

The Commission unanimously approved a motion by A Montroll, seconded by H Roen, to recommend the appointment of Ryan Morrison as Assistant Zoning Administrator to City Council.

III. Proposed CDO Amendment- Downtown Mixed Use Core Overlay

M Tuttle: D White will have a presentation, not formal, to help answer questions about various elements of the proposed ordinance. At the last meeting the Commissioners were asked to submit suggestions to help guide our discussion at this meeting. Received a few questions from L Buffinton.

L Buffinton: It would be helpful to go through the amendment as written. A slide show with graphics is helpful.

M Tuttle: The first change addresses new street ROWs in the official map, and renames to the downtown and waterfront map. This provides language around ownership and use, gives the City option to establish public streets.

E Lee: There is concern from the public about whether these will truly be public streets. There is a rumor that entrances to public parking will change and uncertainty about what Pine Street is going to look like.

A Montroll: Suggests that provision of streets be a condition of development to maximum height.

E Lee: How do people feel about widening the ROW?

H Roen: This is just a ROW, it gives the city the right to acquire the street.

L Buffinton: Let's go through the document point-by-point.

A Montroll: We need to define the goal for this discussion.

B Baker: Preparing a list of comments to send to City Council will be helpful for the public to react to.

E Lee: Not comfortable endorsing the ordinance since there is no model. Suggest sending the document to City Council, anticipates they will send back to the Commission. The ball will be in their court.

A Montroll: We need to compose a list of comments for the Council.

E Lee: Welcome public dialogue during this work session, but not interruptions. Suggest increasing the ROW beyond 60 feet and discuss use within it. If we were considering this amendment outside of this project, we would want streets to have alignment. Doesn't necessarily mean a road has to be in the ROW, but maybe include some additional public area.

B Baker: For instance, no loading docks.

D White: The question is what is public purpose that we are acquiring these lands for?

H Roen: Strongly in favor of what is included in the ordinance.

L Buffinton: The elephant in the room is building height, need to deal with it. The ordinance says buildings needs to be in compatibility with neighborhoods. Start with a Church Street height discussion.

D White: Rationale for this is that almost every block of Church Street has at least one building taller than 38 feet. Changes stepback measurement to be from the property line rather than the center of the street. Intended to promote sense of enclosure and scale and strong definition to create more continuity. To create enclosure, general rule of thumb is height of buildings along street as tall as streets are wide, which typically is 66 feet; only proposing 45 feet along Church.

L Buffinton: Necessary to pull buildings back so that light penetrates to the street.

D White: This is the purpose of the 45 degree angle created by the required setbacks.

A Montroll: One of the biggest concerns is height. The illustration show squashing the building mass so it projects upward—looks like a wedding cake. Interested in looking at how to increase the FAR of each floor to potentially reduce the overall height.

D White: Each time increase FAR of a floor, it creates more bulk.

A Montroll: Is not sure bulk matters that much from a distance. Setbacks/stepbacks, down on street looking up is where they make a difference. Don't know that squeezing gains anything. Expansion at lower levels might allow the height to come down.

L Buffinton: Scaled across the width, thinking about in the street, looking at small houses, this will block older, smaller houses from light and sun. Want to look at view slides 12,13 and 21 of the proposed project.

A Montroll: The graph on the left looks like an urban design, the one on the right does not.

D White: Part of this reduction is to help with sky view and ability to see through a block rather than a solid mass.

L Buffinton: Going from 65 feet to 160 foot height is a significant change. It's too bad this discussion is before FBC is approved.

A Montroll: We could recommend exploring each floor plate be a little wider than what is included, and lower the overall height.

E Lee: Feels the opposite—that taller buildings are better, increased stepping back enhances the building.

H Roen: Maybe 160 feet is too high, but think the more tiered approach is better.

A Montroll: Doesn't now that it has to be so pushed together.

E Lee: It would be helpful to see how two different massings would compare.

B Baker: Street design, street connectivity, widening street are all tradeoffs that take away from building square foot. Would be interesting to have setbacks that achieve same GFA but within, say, 12 stories.

E Lee: Would rather see truly aligned streets and allow a building up to 14 stories.

L Buffinton: Like B Baker's idea but it's not enough, setbacks are really important.

A Montroll: Proposed tiers is limiting on design and creativity. Don't want DRB to have to be the ones to worry about how to avoid wedding-cake buildings.

E Lee: Setback on street level on level four or five, setbacks higher up might not be so important. Would be unfortunate to have a poor quality building because people were afraid of height.

A Montroll: We need to have a way to make this work with less controversy. Trying to be more descriptive of what is wanted.

E Lee: Could see this building from my house. If it's a choice of totally blocked or views between two towers, would rather have two towers, still see water and mountains.

L Buffinton: We don't want to be too prescriptive. Allowing architectural flexibility, overall height.

B Baker: We are looking at this as if it is one building, illustrations show differentiation between buildings.

D White: One Burlington Square is an example. The intent is to break up the mass with spacing requirements between towers. It is critical that the façade get broken into blocks, breaking horizontal plane into different bays with stepbacks. The building is taller but the façade articulation includes the stepback requirements.

E Lee: Want to get something done. Would rather talk about low income housing, parking and other issues to reach a concensus.

H Roen: Doesn't believe there is consensus on height issue yet.

L Buffinton: Want to look at views. More stepbacks are needed to reduce the sheer walls and massive bulk of these buildings. By right question is big, and it is a tremendous loss not to address those issues through the ordinance. The public is essentially paying for streets with TIF, we need to look at bonuses, there are hundreds and hundreds of seniors waiting for housing every month. Seems as if we could restructure bonuses, we could do better.

D White: This requires 20% affordable units. The extra 15% bonus has not worked. We do not need the parking bonus, because we don't need additional public parking.

Mayor Weinberger: It appears very few units have actually been built under present policy which is being reviewed through a separate process; doesn't recommend changes to IZ until that process has provided recommendations. Going higher than 20% makes the development nearly impossible. The City Council considered this issue also, and in the end, the vote did not include more than 20% inclusionary. The Commission is having detailed conversations and written comments to the City Council would be helpful.

L Buffinton: Are you and the City Council exploring more ways to encourage housing?

Mayor Weinberger: The City Council has been grappling with this issue over last couple of years. There were 22 recommendations that came out of the Housing Action Plan. They support new and existing projects, will recommit as a city to permanent affordable housing, housing trust fund has doubled, taking proactive role in issues like Farrington's Mobile Home Park. Lack of housing at other levels has an effect on affordable housing, it is a contributing factor to pressure on overall affordability.

L Buffinton: Workforce housing and senior housing needed.

Mayor Weinberger: There are no subsidies for workforce housing, but no doubt that this project if built will serve many households in this area.

D White: There is a coalition in Chittenden County advocating for more housing.

E Lee: Do we have consensus?

M Tuttle: The goal with this proposed amendment is to be more inclusive across the board, of space for housing and jobs. Some of the previous bonuses contradicted each other in terms of our priorities for downtown.

A Montroll: Concern is that Official Map gives City the option for streets. If development doesn't work, we still need to make sure that the streets open up. Find a way to require no development in these areas. The other issue of concern is above-ground parking. If this is permitted, there needs to be a way to require demonstration that underground doesn't work.

B Baker: Hasn't heard anyone opposed to opening streets.

A Montroll: Need to change zoning so that if the project doesn't happen, someone else comes in and the City is not in a position to buy the streets back, we need to ensure that those streets are not built over and we lose the opportunity.

D White: Understand the concept, but need to have city Attorney's office review.

Mayor Weinberger: That is worth reviewing, but raises some constitutional questions and not sure we can do better than the mechanism in the agreement.

A Montroll: We see a proposal for parking on second and/or third floor and right against the street. Would like to see some conditions saying underground is better. Or, consider putting another deck on an existing structure. If there is a better way to accomplish the parking, would like to see a condition for that as part of the process.

L Buffinton: Need to make sure we're not being overly prescriptive on amount of required parking.

E Lee: Position should be that parking recommended to be underground, and if above ground it must be indecipherable from rest of building.

B Baker: Sounds like consensus that parking should not look like parking, and that developer demonstrate that has exhausted options for parking management plans, shared and off-site parking.

A Montroll: And that underground parking is not feasible. At least Council should consider the idea.

D White: The ordinance already requires some of those. The key issue is where it is located and how manifested in design.

E Lee: Not married to LEED standards for the energy efficiency section, but need a standard that can be met and measured. Need a hard line that is met, such as that the project must be registered with LEED. To be in harmony with planBTV, the City needs the reputation that it is cutting edge, buildings should be constructed at highest standards. This building must set an example.

D White: BED suggests that the building envelop and systems be commissioned by a third party for maximum efficiency.

Mayor Weinberger: Appreciate the comments. The language in the original development agreement was not strong enough, and now says that the building shall be built to LEED Gold standards.

E Lee: The language needs to be tightened up, accountability is the key. The current ordinance requires it. The City requires a high standard. Not comfortable with idea of withholding CO if not met, but maybe something like bonding.

L Buffinton: And we need to emphasize healthy buildings.

D White: There used to be a bonus for LEED, but it has expired. We need a high and measurable standard, and ability to demonstrate compliance. Commissioning process affirms this.

E Lee: We have been talking a lot about massing, what is the model going to be of?

D White: It will model existing buildings and proposed building.

E Lee: Does that mean that the maximum building envelope will not be shown?

L Buffinton: We need to see what this looks like. Current proposal doesn't show full buildout.

H Roen: Liked M Tuttle's zoning buildout, but not helpful. Other examples would be helpful.

B Baker: This goes to an earlier point, about massing vs height. Different roof heights create visual interest. We need to incentivize creativity rather than "max" building height.

D White: The model will be of existing buildings with a removable piece representing the proposed BTC redevelopment. Predevelopment agreement ultimately outlined what would be modeled.

IV. Public Forum

J Robbins: When we talk about green buildings, height and density are sustainability. There are 7.8 billion people on planet, must build up. Character of community will change here either by building up or by sprawl. Comparison to Boulder, Colorado's limit on building heights overlooks that they are building in sensitive areas, replacing wildlife habitat, and that there is only 1 property currently listed for less than half million dollars. PlanBTV indicated that we would need to change ordinances to codify the vision. Ok with stepbacks as presented. Agree with inclusionary housing points- the requirement is tough to get built, there are technical issues with the ordinance due to HUD rules. Project in general is good for the city, fundamentally height and density are more sustainable.

R Montgomery: The objective side of the conversation is about zoning. The subjective side is about benefits from this project. There are intentions to facilitate housing for graduates, families, businesses who want to stay here in VT. This is a step in the right direction and shows willingness to adapt and move forward. Inaction is the biggest threat.

Sharon Bushor: Clarify some statements in a memo in the packet that did not keep Commission and Council autonomy. Staff recommendations, not City Council recommendations.

B Dunkiel: Suggest that the Commission comments to Council address the three charges required by statute—how it fits within planBTV, how it addresses goals for housing and density, and what effect on public facilities.

R Herendeen: Author of the Boulder letter, he salutes the Commission. Need to control height because the vision of this place is physically special.

C Bates:Highly recommends different roof heights. PlanBTV says open space, buildings with different height, roof gardens, food gardens, street gardens, green space, parking underground. Is the mall site a brownfield? PlanBTV supports all sorts of alternatives for parking. Think about park and rides and alternative uses for Champlain Parkway that will bring people up and down Pine Street without need for parking downtown.

Lea Terhune: Feels that the Commission has heard us. Suggestion to limit comments to the City Council, but feel the ordinance encourages the Commission to make broad comments. Livable City Coalition has lots of incredible ideas for ways to get housing. Tiny houses, and incentivize accessory apartments. Renters spending 44% of incomes on housing is incorrect, the Art Wolf article corrects this.

A Radcliffe: Need to be careful about confusing the Sinex project with the zoning. Where did 160 ft and no bonuses come from?

Laurie Stafford: Has worked on large projects. The Commission lacks tools for analysis. Not meaningful illustrations. We live in a special place. It is good to have limitations, it doesn't limit creativity.

V. Adjourn

The Commission unanimously approved a motion by A Montroll, seconded by L Buffinton, to adjourn the meeting at 9:10 pm.

_____ Signed: 08.15.2016

Bruce Baker, Vice Chair

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E Tillotson, Recording Secretary