



Neighborhood Planning Assembly Minutes – Full Notes

Date of Assembly: 5/19/2015
Start Time: (Commence): 7:00 PM
Finish Time: (Adjourn): 9:05PM
Location: DPW Building, Pine St.
Notetaker: Nate Orshan

Steering Committee Members in Attendance:

Alec Bauer
Nate Orshan

(1) Introductions and Welcome – Alec Bauer, NPA Moderator

The next Ward 5 NPA meeting on June 16 will be the last meeting until September, and will include a free community social dinner at the St. John's Club at 9 Central Avenue.

(1) City Council Update - Chip Mason, Ward 5 Councilor, and Joan Shannon, South District Councilor

Summary:

Chip and Joan discussed recent talk about granting new CEDO head a residency exemption and gave an update about the proposed Burlington Town Center Mall development project.

Chip: The City Council (CC) met Monday. Biggest item: Noelle MacKay confirmed to CEDO as Director.

The residency requirement's an issue. Our charter requires certain department heads to be registered Burlington voters. The example of the most recent School Superintendent forced the Mayor to revisit issue.

The rule was referred to the charter change committee (i.e., didn't pass). No "report back" date. Ms. McKay put forth a hardship exemption, which was approved by CC 9-4. (Chip didn't support it.) After the hardship exemption was approved, MacKay was voted in unanimously.

Other "hot-button" issues:

Even though the CC is not meeting over the summer, there will be ongoing committee-level work, including the Ordinance Committee, dealing with Planning and Zoning Department (P&Z) issues.

Burlington Town Center Mall: A pre-development agreement was approved by every member except Max Tracy. The mall developers are now "pivoting" to getting the development agreement done. This would necessitate an ordinance change. The Ordinance Committee's saying, "We're not saying HOW high a building should be, but we're saying, This would be a good place." Chip anticipates the Ordinance Committee will be grappling with this for the next few weeks if not months.

Budget: There are public hearings for each department's head. In a meeting in June, the Mayor makes appointments to OTHER departments.

Joan: Miro says we should keep in the Charter the requirement for department directors to be Burlington residents.

Chip: I've asked our counsel to explore the rule. They're not sure it's actually binding to anyone other than the original council that passed it. There are good reasons to not want to follow it. For example, we're made a commitment to diversity and equity, and that sometimes goes against getting a person from within the City.

Q: Does the Mall ordinance change get changed by CC or by open vote?

Chip: The pre-development agreement is for moving forward with an ordinance change that then has to be approved by the Planning Commission & the CC Ordinance Committee.

Joan: I expect that form-based code will apply, and the project as now proposed...doesn't fit it! Height's not only element that doesn't work for form-based code. The public has to vote on tax increment financing (TIF) in November.

David White, P&Z Director: If I may comment: the TIF vote's for public investment, because the project's envisioned as a public-private project. If the TIF vote fails in November, then elements such as sidewalk improvements won't get done. It's the City's "piece of the pie".

(2) CEDO Update
- Phet Keomanyvanh, Community Development Specialist for Public Engagement,
and Kirsten Merriman Shapiro, Senior Projects and Policy Specialist

Summary:

Phet and Kirsten introduced their positions and their respective program's missions. There was also information about TIF.

{Note: Phet Keomanyvanh is pronounced, "Puh-eh-tuh Key-o-MAHN-ee-vahn".}

Phet's a civic engagement specialist in the *Community, Housing and Opportunity Programs* (CHOP) team. There are other programs, including *Sustainability, Housing and Economic Development* (SHED) and the *Community Justice Center* (CJC).

The CHOP team has some programs funded by the U.S. Department of Housing and Urban Development (HUD) for, e.g., funding opportunities in housing for low-to-mod-income people. Some programs are for Community Development Block Grants (CDBG).

Other program: Continuum of Care: an initiative that focuses on homelessness and works to provide positive and permanent housing for the homeless. This initiative has actually helped lower the homeless rate!

We All Belong program: For providing additional training re integrating inclusion and diversity policies and practices. 14 agencies have participated.

Phet's role: Works with NPAs, providing staff or table support or, e.g., minutes, attending and providing additional City support, helping out with Web content, providing recruitment assistant. Also does youth engagement and leadership, creating a pathway through high school & colleges for students to come into o local government and get experience. They're also trying to ramp up a Youth Council again, working a partnership with the school. Also works with the New Americans groups, facilitating dialog and conversation.

Kirsten on SHED:

We work with, e.g., P&Z, Burlington City Arts, any dept. Jennifer Green does the sustainability program; she coordinated Green Up Day. I also work on housing, working on affordable and market-rate housing.

We also provide tech assistance to small businesses: Where to get permits, who to talk to. That's Diana Colangelo, Projects and Policy Specialist.

SHED is about a year old. We run a brownfields program to put them back into productive use; identifying issues is a big goal. We also manage the two TIF districts: Waterfront TIF and the Downtown TIF. Those monies are used for public projects.

In TIF, the new development is taxed only on the new growth it targets. E.g., used for bike path renovations; the new skate park. Also, Lake Champlain Community Sailing Center. (There's a long list of stuff, including ECHO, Waterfront Park.)

Downtown District: "Great Streets Initiative", improvements to four total blocks of Main & St. Paul. Also put money into downtown garages.

Two new projects not-yet-voter approved ("pre development"): Memorial Auditorium and the "Gateway Block" and the Burlington Town Square mall development.

I also worked on the "War of 1812" part of web site!

Phet: Community Justice Center: For alternative practices outside of criminal justice system. "Circles of Support" (volunteers helping re-integrate prison releases to community), graffiti removal, restorative justice programs. Increased victim advocate position from 20 to 24 hours.

Q: Re TIF: What about for school taxes? Would the mall project help with those?
Kirsten: As new development comes on, they'll pay additional taxes. When a TIF district ends, at THAT point the taxes are available for school. It'll take usually 25 years before that happens. The current district was supposed to end in 2025, but the Legislature granted an extension. It's a long-term approach.

Q: What's the grand list improvement for the Town Center project?
David White: There are two FAQs that'll be online in the next few days. My recollection is that the additional tax increment paid by the mall will even generate extra for City services.

(3) Community Development Block Grants (CDBG) Award Process Update - Cassie Lindsay, Ward 5 Representative

Summary:

Cassie introduced CDBG's mission and spoke about some of the projects receiving the grant money this year.

CDBG is an annual fund of HUD money going to poverty fighting, anti-community blight. There is money available for public service and capital development.

The CDBG board's pretty unique. In other municipalities it would be called "The Mayor's Fund" and would be more discretionary to them. But in Burlington, we have an intense review process, after which we forward the recommendations to the Mayor. All funds have to be spent on organizations serving Burlington.

We had \$108K for public service projects. Some money goes to CEDO right off the top.

Eight agencies made requests this year. In the past we would have split up the money. This year we recommended that six of the eight projects be funded, e.g., to the Champlain Valley Office of Economic Opportunity (CVOEO), Women Helping Battered Women (WHBW), Champlain Valley Agency on Aging (CVAA)...

We also had \$430K for capital development projects. We were able to fully fund everybody and then have more left over. Anything left over is rolled over into the next year's funds. E.g., Chittenden Emergency Food Shelf: They were not a handicap-friendly facility. We funded them to have, e.g., an automatic door, curved lip to sidewalk...

The CDBG committed includes two people from CEDO, two from the Mayor's office, one from HUD, and one person from each Ward.

(4) Presentation: Form-Based Code - David White, Director, Department of Planning and Zoning,

**with Andy Montroll, Planning Commission (and Chair of Board, Chittenden County Regional Planning Commission),
Emily Lee, Planning Commission,
Chip Mason, Ward 5 Councilor,
and Joan Shannon, South District Councilor**

Summary:

David introduced form-based code regulation developed for the downtown area, which facilitates easier development according to strict design requirements while continuing to allow any property owner wanting to build something not allowed by the code to seek administrative relieve, a variance, or a formal Development Review Board ruling.

The Planning Commission, P&Z, and CC members have put a lot of time into developing form-based code (FBC).

Chip: We want to implement it right now just in downtown area. People were looking for infill development.

Where we are now: We tasked David White with going to each NPA to introduce FBC to the public. (The general public participation to date's been sparse.) It hasn't been formally introduced to CC yet, and we're waiting on the public input first.

Joan: WE felt it was important for us to be able to defend our own decisions, too. We operated by consensus on the committee. Our intention by being here is to be able to hear if there are any issues that we should take back to the committee.

Chip: It was a joint committee: three members of the Planning Commission, and three from CC.

Andy Montroll: This is coming out of planBTV, which created a vision for the downtown. Current zoning actually CAN create what we need, but it's also written in such a way that you can get something ELSE out. So this whole thing's about implementing what the community articulated it wanted via planBTV.

David: Planning process is what establishes the vision. Everyone agrees we want infill development. Downtown's 2% of our land area, but it generates 22% of our tax money.

The project's evolved over 18 months and reduced its scope, reducing the boundaries of the "form district".

The Committee focused on the question, "How do we take our existing zoning regulations and make them more predictable to get the kind of development we want?" (See slide for aspects of form district.)

"Frontage buildout" is very important, providing and adding vitality to the street. There are some very basic elements of urban design that make, e.g., Church Street successful. (See slide for "how it works".)

Each district has a type of building its allowed to have. Each BUILDING type has a frontage type. For example, in downtown district, if you want a mixed-use building and you want the front to be a storefront, you'd look at the shopfront requirements in the code. There are requirements about where parking can be, where the signs can be.

We make sure that all the development standards conform to what's working today. Form-based code's very "graphical", with a lot of visual examples.

One misnomer: It doesn't deal with uses. That's not the case. But it does make it more difficult for *some* kinds of land uses to be located in the downtown. For example, a gas station: we allow for it, but it'd never look like Cumberland Farms. There ARE forms that are allowed. Same for an auto dealership with a large-surface parking lot. (See slide of the downtown overhead.)

If you meet all the requirements of the code, you can get your permit requirement. Otherwise, you go before the Development Review Board (DRB), and there are public meetings, etc. (which is exactly how it works right now). (See slide with blue sidewalks, which represent where the committee would like to encourage business storefronts.)

For example, FBC prescribes where the entrance is, e.g., on the sidewalk. An example of an exception would be the entrance to the mall courtyard: right now's it's in the *back* of the building.

What makes a shopfront important is how much glass there is on the street; being able to see inside is critical. Mirrored glass doesn't work. Also helps with "eyes on the street" for people to prevent crime.

Form-based code prescribes all the details for every type of building, e.g., "Multi-Family-Large"... "Dooryard". (This is all online on the planning department's website; you can download the current version at <https://www.burlingtonvt.gov/planBTV/FBC>.)

It's very prescriptive...but if you want to do something different or there are constraints of the site that make it difficult to meet our objective, there are three options:

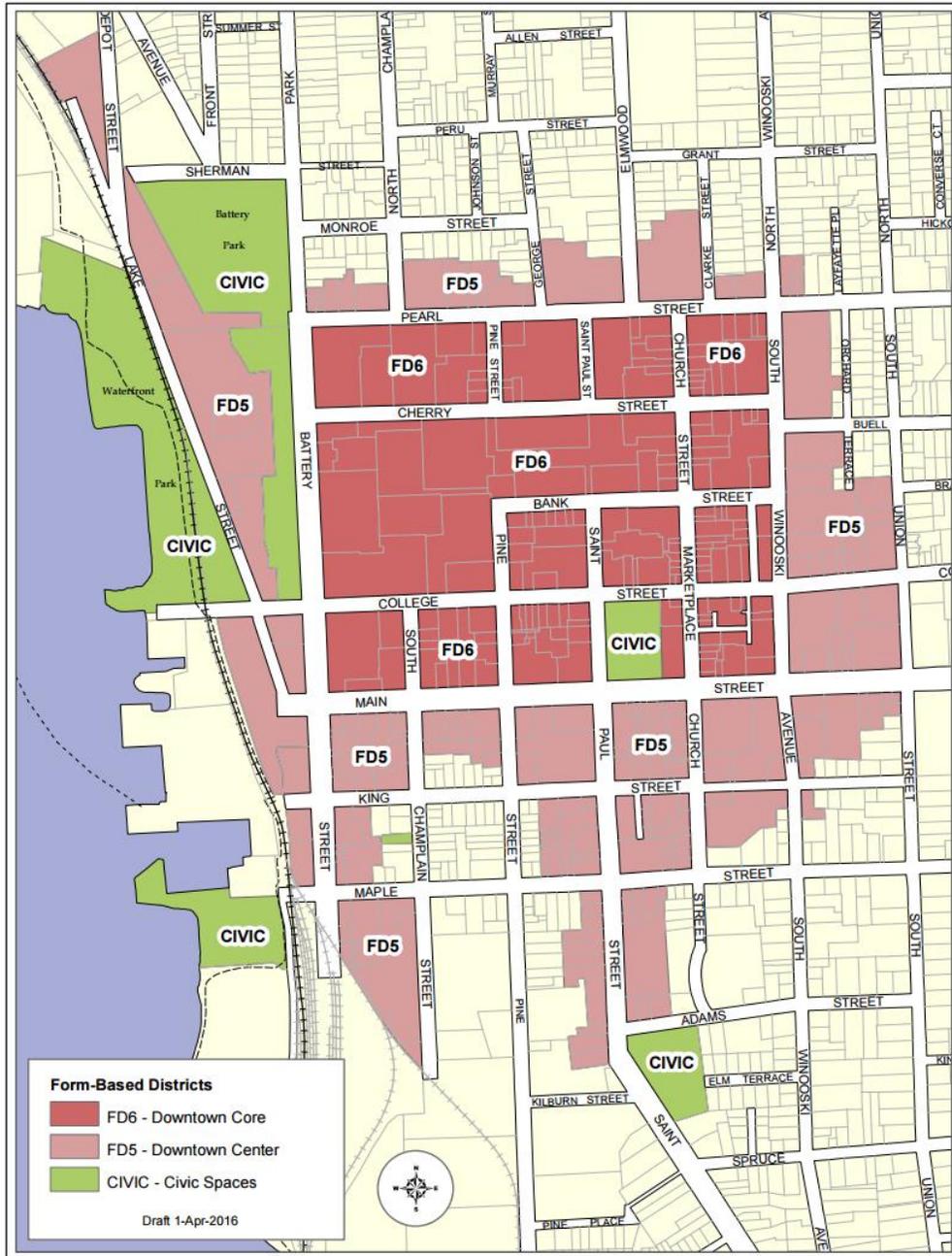
- Administrative Relief: You can make a request to P&Z to get "relief"
- Development Review Board: Has more latitude
- Variance process: But it's very difficult, esp. under Vermont law

Joan: FBC doesn't encourage the development of, say, a Guggenheim Museum. That's the trade-off. We're simultaneously raising the bar and lowering the bar re maximum creativity.

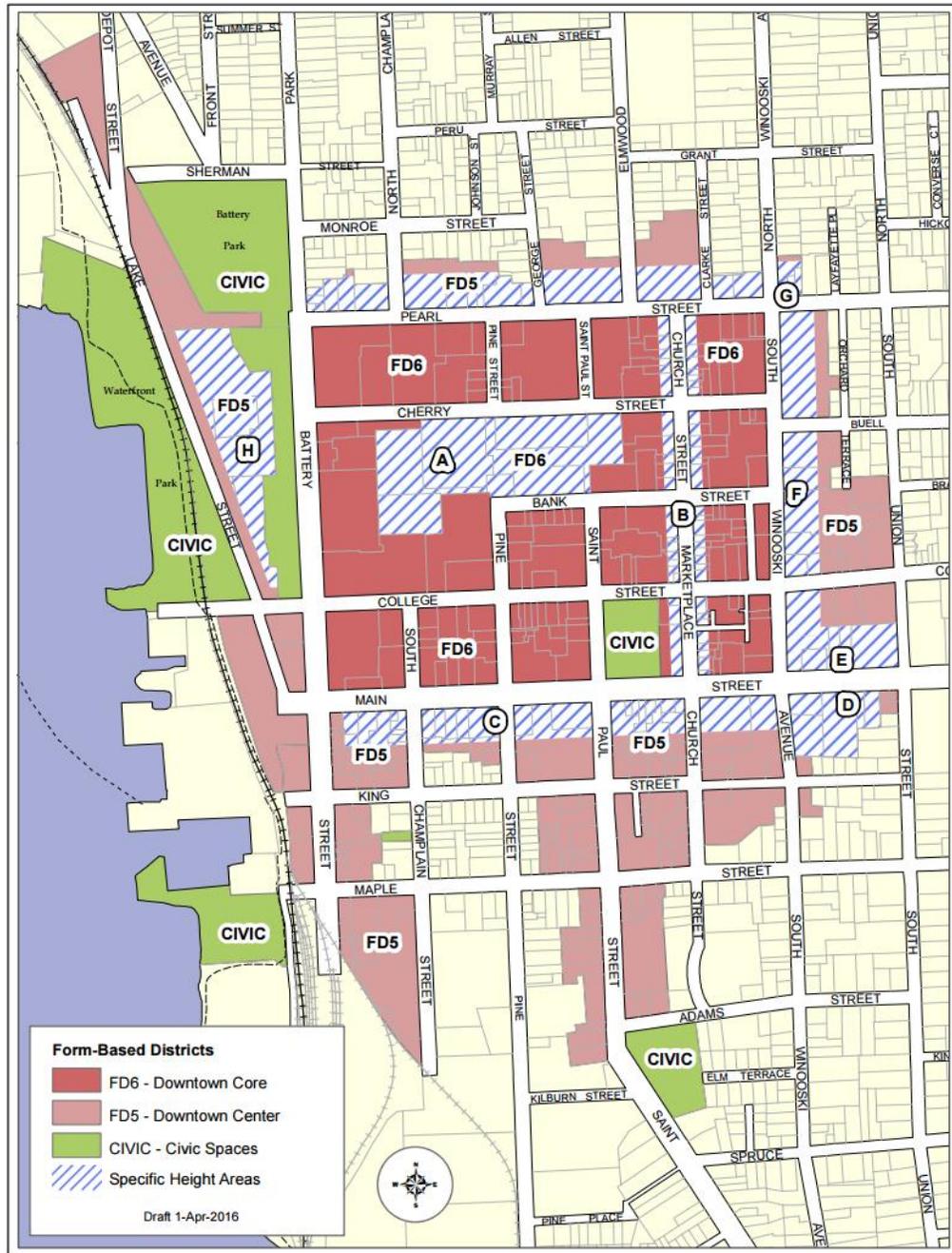
Dave: Right. It's an alternative path to getting to a "civic building", a place of public assembly.

FBC applies to everything, both existing AND new development. Much of what we see on the ground will comply. If it doesn't, it's called "nonconforming" and only needs to change if you want to make a change to it.

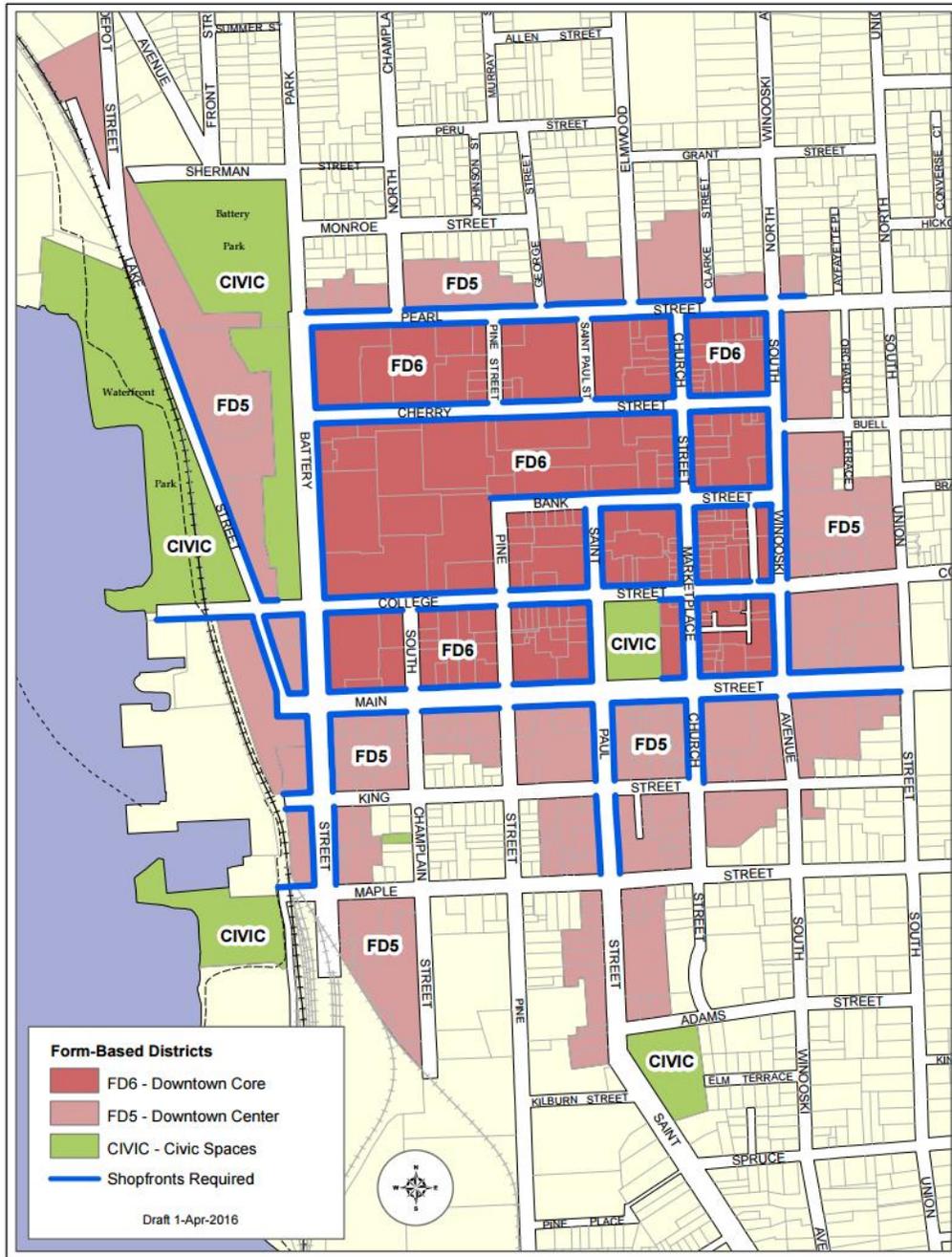
MAP 1 - REGULATING PLAN



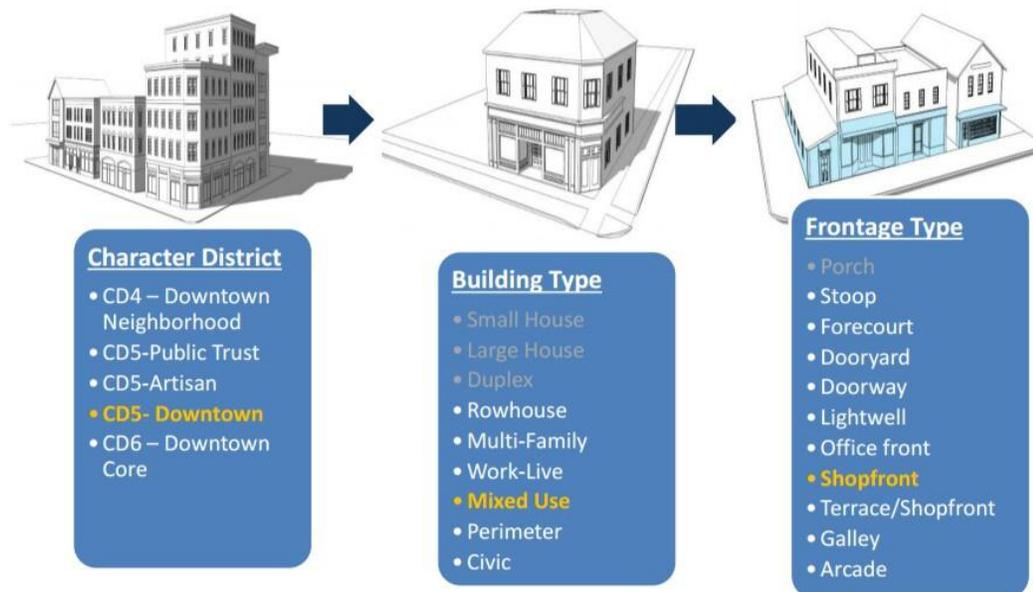
MAP 2 - SPECIFIC HEIGHT AREAS



MAP 3 - SHOPFRONTS REQUIRED



Components of the Form Based Code



Q: Can you recommend a book for laypeople for FBC?

David: Yes, there's links to resources on our website.

Q: Is there a timeline for extending it to rest of city?

David: No timeline. It's most useful in a mixed-use place. ("Neighborhood Activity Centers" is our term for these places.) But Miami & Denver are applying it city-wide!

Andy: We narrowed down where the code would apply.

Joan: There's NO push from our committee to expand the zone!

(In image:

Darkest red is Downtown Core, Form District 6: Between Main, Battery, Pearl,

Paler red, Form District 5: Downtown Center

Green: Civic Spaces: City parks)

Q: What's the next step?

David: After these NPA meetings, we go back to committee, then issue a final draft to the Planning Commission. Then the Planning Commission will give notice for a public hearing. Then send it to the CC. It's at least a couple of months.

Q: Concern that the "by right" review by neighbors would be taken away.

David: If a project involves a major impact or development use, it'll have to go before the Development Review Board, and when they do, they're required to have a neighborhood public meeting.

Emily: We think a good developer will pay attention to public input. For example, you might hear, "Hold on, that school lets out at THIS time, but you have people cutting through at THAT time..." etc.

**(5) Update: City Market South End Progress
- John Tashiro, General Manager,
with Allison Weinhagen, Director of Community Engagement,
and Pat Burns, Expansion Project Manager**

Summary:

The project is on track to complete by summer of 2017. There is some concern among neighbors who live on nearby Lyman Ave. and Home Ave. that, without the Champlain Parkway in operation, impatient drivers who want to get to Shelburne Rd. quickly might be likely to cut down Lyman or Home.

John: We really value the feedback from the community. We want to give you an update, then open up to questions.

We've officially started the permitting process since 2/18. We've met with the Planning Commission, met with the Conservation Board, and with the Technical Review Committee. We also had a meeting with the Design Advisory Board. We have a Design Review Board meeting coming up on 7/5, with all city departments coming together to review our plans.



We're finalized our traffic study. We met with the Department of Public Works just today about it.

Demolition on the site began on Monday! It'll take place over the next 8 weeks.
 Alison: We sent a letter to everyone within a 1/4-mile of the site.

John: The parcel the store will be on is over 4 acres in size. The Co-op area will occupy 2.4 acres. Still no decision re the remaining 1.6 acres.

Alison: We're going to have a community space on the top of the building.

Our design's morphed over time. The site plan includes the Champlain Parkway. The trucks --200 trips/day right now on Briggs St.--will go down to 33/week, and they'll only deliver within a narrower window of time when our receiving dock is open.

Children's Discovery Garden: In front of a "green Wall" by the parking lot. Things for kids to climb on; bushes with edible berries. Also some trees and planters where you can sit and chat.

Exterior: Wood paneling on the outside, a mural space on the north & south side of the building (there'll be a Request for Quotes for the mural).

Most of rest of building will be metal paneling. Some will have pixelated design.

John: We're still on schedule for grand opening in summer of 2017.

Exterior



Children's Discovery Garden Concept



Q: What about traffic problems with blocking off Lyman Ave? (Concern is that traffic going up Lyman's already bad enough, and without the Champlain Parkway, people turning out of driveway onto Briggs will just cut through Lyman on their way to Shelburne Rd.)

John: We're looking at it still. They're looking at unintended consequences of shutting off Lyman Ave. before the Champlain Parkway.

Q: There's some interest in having the city "dead-end" the streets now to forestall this issue. There's a neighborhood committee working on this.

Q: I live on Home Ave. & Pine St. My concern is that, by dead-ending the quieter streets, that'll increase traffic on, e.g., Home Ave. Truthfully, I'd *rather* cars went up Lyman Ave!

John: That was clear from our meeting today: We all acknowledge the multiple impacts.

Q: Will there be improvements on Flynn for bike access?

Alison: We don't have control of city streets, but we'll have improved amenities.

A: Where are employees parking?

Alison: There are some parking lots for hire down Flynn. Some streets will be petitioning the City to make their streets resident-parking-only. We pay for CCTA for our employees.

Q: Hours?

Alison: 7am-11pm for downtown store. Don't know yet about the hours for this new store.

(4) Open Forum and Closing

There will be a low-power radio station starting up this summer, broadcasting from Flynn Ave: 99.3 WBTW-LP. See <https://993wbtv.wordpress.com/>.

Motion to adjourn adopted at 9:05 PM.

<END>