

Burlington Development Review Board

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BURLINGTON DEVELOPMENT REVIEW BOARD Tuesday December 15, 2015, 5:00 PM Contois Auditorium, City Hall, 149 Church Street, Burlington, VT

Joint meeting with Planning Commission, Design Advisory Board, & Conservation Board

Minutes

Planning Commission Members Present:

Yves Bradley, Bruce Baker, Lee Buffinton, Emily Lee, Andy Montroll, Harris Roen, Jennifer Wallace-Brodeur

Design Advisory Board Present:

Sean McKenzie, Steve Offenhartz, Matthew Bushey, Todd Thomas, Ronald Wanamaker

Conservation Board Members Present:

Damon Lane, Scott Mapes, Matt Moore, Miles Waite, Will Flender, Don Meals, Zoe Richards, Jeff Severson, Stephanie Young,

Development Review Board Present:

Austin Hart, Jonathan Stevens, Geoffrey Hand, Alexandra Zipparo, Israel Smith, Brad Rabinowitz, A.J. LaRosa, Jim Drummond, Wayne Senville

Staff Present:

David White, Meagan Tuttle, Scott Gustin, Mary O'Neil, Anita Wade
Diana Colangelo/Community and Economic Development Office, Nicole Losch, Department of Public Works

I. Agenda

Introductions

D.White: Thank you for coming out. We are trying to bring the Boards together once a year for relationship building. This is an opportunity to speak substance about major projects on the planning side, which affect the Boards and also the DRB side. We encourage questions and discussion around implementation of these projects.

S.Gustin: the discussion on four major items impacting the Boards should encourage an interactive discourse on the planning of these projects.

II. Project Updates and Discussion

Updates will be shared with the Boards on a number of ongoing planning projects and studies. By doing so, the Boards may discuss the influence these plans will have on their respective work, including the creation and implementation of zoning, land use, and parking policies.

1. Plan BTV South End

The Planning Commission and Long Range Planning Committee have been discussing and editing the planBTV South End Draft. Staff will update the boards on major changes to the plan and the anticipated process for releasing the updated draft. Documents related to the

plan are located on the City's website: <https://www.burlingtonvt.gov/planBTV/SE/Project-LibraryRelated-Documents>

M.Tuttle: The Plan BTV Draft was released in the summer of 2015. Staff and public comments continued thru October 7th on various topic areas of the plan. Starting with each section, the Planning Commission went over public comments. One of the first topics pertained to housing, which went through some changes to the current draft. Various subcommittees are updating and reformatting the plan and the graphics. The intention is to reflect the diversity of the South End. The two major developments are in the areas of housing and economic development. The idea is to move away from the notion of housing in the south end at this time, while continuing to look for appropriate locations for housing in other areas. The economic piece is the most critical element. Finding the first draft is not as comprehensive for retention, and recruitment, that make sure policies recognize the elements of diversity. Other plans are looking for ways to strengthen parks and storm water plans. The Planning Commission work is moving forward on land use policies for the South End. Four characterizations of the South End have been formalized. State policies will help to preserve and mitigate issues pertaining to the surrounding neighborhood. Advancing parking studies are identifying resources in conjunction with other transportation modes. In addition, a number of people from varying age groups show an interest in housing mitigation. Corridor studies for Pine St, and Shelburne Road are looking at transportation and other issues.

A.Hart: does this eventually become part of the City's master plan?

D.White: ultimately it does become part of the master plan, yes, and also offers guidance for revisions to the zoning ordinance, fine tuning zoning toward land uses that make sense.

A.Hart: is the study of the rail yard separate?

D.White: related but a separate forum which is from both the Downtown Water Front Plan and the South End Plan. The intention is to expand opportunities for new development, which will also demonstrate limitations for many properties.

A.Zipparo: what happens to public input on housing in enterprise zone? What will be the process for finding affordable housing?

M.Tuttle: The Planning Commission has had in depth, public conversations about housing in the industrial area, with strong feelings from participants not to open up this district to housing, which could cause enterprises to move out.

E Lee: expressed concern about gallery spaces driven out possibly by housing development. Public feedback was no housing whatsoever.

AZipparo: it makes sense it would be conflict.

D.White: providing a rough space for artists was of chief concern. Some existing businesses were concerned about complaints from housing occupants. Overall feeling is that the timing is not right at this point in time. The question is how can we build the infrastructure and create programs that help an entrepreneurial community with ownership to occupy their own structures.

M.Tuttle: speaks about the map of plan BTV south End Focus Area

DWhite: City market is planning for Flynn Ave.

2. Form Based Code

The Joint Form Based Code Committee has been working to finalize the draft code to prepare it for public review and consideration by the Planning Commission and Council. Staff will provide an update on the evolution of the draft Code and its intended purpose as a zoning tool. A draft of the Form Based Code is available on the City's website:

https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/FBC%20Burlington%2011-01-15.pdf

D.White: a form based code was passed a year ago by the City council and approved by the Planning Commission. The primary objective was to understand how the urban form works and how we can make it work. The Committee has learned formed based code, section by section. Emily Lee, Andy Montroll, and Richard Dean were involved. The committee has had a second draft since November, working through final details that will be posted in January, 2016. Committee and staff discussed on the best way to implement plan and provide Board training. On January 13, 2016, the plan will be available for a public event with national speaker and local expert on form based code, Lee D. Einsweiler from Austin, TX. Both Mr. Einsweiler will present to a panel, the principle objectives and applications of formed based code. The ordinance committee will send an amendment to the Planning Commission to send to the City Council for approval and action in implementation. The draft code does not radically alter built areas in the City today. It maintains status quo improving upon the review and approval process. There is more administrative assistance with the new code that otherwise comes to the DRB and other Boards if it is not major impact.

B.Rabinowitz: what exists now is a conflict between what's allowed and what the public sees as what is happening.

D.White: currently we allow for certain scale or not. This doesn't change what is permitted.

S.Gustin: there's form and then use, which is not mixing right now. Impact and use changes stays with the DRB.

D.White: addresses technology requirements and discretionary impacts. Historic buildings will still be treated, but one thing we don't have is bonuses. The DRB review is based on set of criteria. With formed based there is an opportunity to seek relief from the code. There needs to be way for a variation for there to be more opportunities to seek relief. Administrative review is based on findings, sending more to DRB than needs to. Sometimes variance criteria is really hard to meet.

A.Zipparo: there is no incentive for public housing for seniors.

D.White: with the code, housing is taken out of inclusion. The City community's and neighborhood revitalization becomes modernized. Question is how to we improve housing through the inclusionary process.

W.Senville: what impact does this have upon development?

D.White: it provides a more predictable process moving forward. Must be very explicit about what we want. May come down to having conditional uses and physical form controlling the nature of the use.

A.Hart: sees conditional uses as discretionary.

A Montroll: most conditional uses are permissible. More interested on what it looks like.

A.Hart: often looking at character of neighborhood sixty percent of time.

D.White: often looked to DAB to make recommendations to DRB. Now not having to look at everything in the code and not needing to focus on this aspect with new the code. Proposals for civic and public places will continue to have a strict and discretionary nature of review.

L.Buffinton: does this mean less design review? Will applicants still have to go before NPA's?

D.White: there is a lot of design features embedded into the code. The concern is with the public process and public input. There will still be a requirement for NPA meetings before a Board presentation.

J.Drummond: questions about form base code. Finding these applications affect only small part of what we do.

D.White: whether we want to create form districts for other parts of the City is for future discussion. It does not include the public trust district.

A.Zipparo: is the map available?

I.Smith: questions architectural standards.

D.White: mentions section 14.5, speaking to current map; civic areas, park, though not all parks are equal form and characteristics are different.

3. Parking Studies

Over the last year, the City has developed three parking studies: the Downtown Parking and Transportation Management Plan, the Residential Parking Program Study, and the Transportation Demand Management Action Plan. An additional study, still in the works, addresses Parking Requirements for Downtown Development. Staff will update the boards on the recommendations of these studies. A website with resources regarding the City's parking initiatives, and these three studies, has been created: <http://parkburlington.com>

Diana Colangelo: speaks about downtown study and how it may affect the Boards' work. Explained how CEDO is working to revamp how parking is managed and to make deferred maintenance improvements. Study was a collaboration with DPW, Community and Economic Development Office, and Code Enforcement to put together final plan to City Council by Monday Dec 21st. The most relevant issue is in regard to future zoning changes is shared use. Data collection from the consultant has found underutilized parking at the present time with possible allowances for shared parking in the future. Nate Wildfire, former AD for Economic Development, is working on draft options regarding zoning changes for future review by the Planning Commission. In the process of making parking efficient by looking where parking is now and evaluating the amount of parking for available use. Other issues are being addressed with the City Council and DPW, such as enforcement.

A.Hart: how does private parking become a resource for the City?

D.Colangelo: several office buildings work to open parking in the evening by their own initiative. We would like to incorporate a certain number of these spaces into the plan for existing tenants and even future developers.

A.Zipparo: feedback from the public has been about over capacity for tenants. How can we make sure this will not happen in the future?

D.Colangelo: we're trying to collect and use the data regarding shared parking to figure out what works.

S.Gustin: the chief distinction when discussing shared parking is between resident and transient parking. For example, Flynn Theater can use other lots as an overflow; it is a resource that provides more options. Tenant parking needs to be considered differently.

D.Colangelo: this is correct; we need to be smart on how we manage shared parking better. Any suggested changes regarding Zoning will go before the Planning Commission.

A.Zipparo: question about broken electronic meters downtown in winter.

D.Colangelo: email myself or DPW and let us know. We tried to find the right vendor for our climate. More technology options now with mobile.

Nicole Losch: spoke on the residential parking study outlining the changes to the RPP program. In the process of finding ways to make parking more efficient by looking at permit costs and by considering a potential cap on the number of permits a property obtains based on the number of units on the property. Also discussed a number of other options to help manage parking in residential areas where RPP doesn't exist, such as time limits, meters and an increase in the efficiency of alternative modes of transportation.

4. Permit Reform Study

The City is evaluating its existing permitting process for opportunities to update, revise and consolidate the code to ensure that it addresses critical housing issues and improves the customer experience. Staff will provide an update on this study. The City recently issued a Request for Proposals for this study, which is available online:

https://www.burlingtonvt.gov/sites/default/files/COB_RFP_Permit_Reform_F12032015.pdf

D.White: the idea is to look for ways to make the process more efficient. The initiative was funded in this years' budget at which point a consultant has been hired to understand the process, public perceptions and the way for better information and communication. The

question that needs to be asked is, what standards need to be fine-tuned? How do we deal with solar projects? Need greater clarity on what to do. Perhaps exempting solar from zoning but not electrical permits. Need to identify what's historic and the relationship with zoning, deciding on what's the best way to preserve historic buildings. These are some of the topics being reviewed by the Planning Commission, Fire Marshall, Community and Economic Development Office, Planning and Zoning, and DPW. The landscape has changed with communications and data sharing with other departments by using the AMANDA data system. May still make changes with what we use and with what do we do and how do we do it. We need to improve peoples' experience with departments.

I.Smith: the first slide shows mainly construction aspect and development. The perception is bias and in my experience interaction is a problem particularly with customer service and how you interact especially in construction field. Everyday interactions may be hard, and may raise criticisms from individuals. Suggests an anonymous on line response on how we are doing.

D.White: this is why we need to hire an outside consultant, who is not in Planning and Zoning to provide a frank conversation, interpersonal skills, or individual training and education. This is a critical starting point.

J.Drummond: do you have consultant recommendations?

D.White: there are firms that undertake this. A chief innovation officer should lead the process and make recommendations.

Yevs: homeowners focus on this and can become a big issue.

D.White: we have different customers and understand needs of different groups.

B.Rabinowitz: work from outside Burlington brings a lot of negative comments and criticism, but it may be that the permitting process is designed, it does not recognize the increased need to develop in a certain manner and this is where we may require guidance.

M Waite; question on permitting process?

D.White: great question not sure if on this is on the list.

A.Hart: a couple projects are looking at five people where it doesn't comply with the building code and if it doesn't go through our process and it gets shot down. Perhaps we are approving projects that shouldn't be approved?

D.White: there are critical moving parts and planning understands that needs to change.

A.Hart: pertaining to historic, there are lots of new materials for use on historic structures and the Board is not able to do fact finding. Mention this maybe a better forum to make these decisions.

D.White: possibly by outlining proposals and showing where other communities accept different materials. The Planning Commission does something interactive online or provide comment through a public hearing. This pertains to a public engagement process and we will determine this through the groups of applicants.

W.Senville: the home occupation permit process is too complicated, time consuming and expensive in nature. What can be done here?

D.White: this is not specific to this process. The ordinance that is overly complicated with these kinds of projects and we need to make it easier to comply and allow people to obtain permits.

III. Adjournment

S.Gustin: suggest doing this at least annually.

D.White: good idea to keep an open format and facilitate what works best for the Boards. Mentioned that the last slide includes links to all projects.

A.Hart: thanks to Planning and Zoning staff for arranging the joint meeting of the Boards.