

Burlington Planning Commission

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

AGENDA

Note: times given are approximate unless otherwise noted.

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

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

I. Report of the Chair (5 min)

II. Report of the Director (5 min)

III. Agenda

IV. Annual Report (5 min)

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

V. Proposed CDO Amendment- Downtown Mixed Use Core Overlay

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

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

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

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

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

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

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

VIII. Upcoming Meetings

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

IX. Adjourn (9:00 pm)

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

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

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

Yves Bradley, Chair

Andy Montroll

Bruce Baker, Vice Chair

Harris Roen

Lee Buffinton

Jennifer Wallace-Brodeur

Emily Lee

FY 2016 BURLINGTON PLANNING COMMISSION ANNUAL REPORT

PREPARED FOR:
BURLINGTON CITY COUNCIL
MAYOR WEINBERGER

insert photo here
planbtv community meetings

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

3

STANDING COMMITTEES MEET MONTHLY

2

JOINT PC/COUNCIL COMMITTEES FOR SPECIAL PROJECTS

81

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

MAJOR ACTIVITIES IN FY 2016, INCLUDED:

creating *planBTV*:

South End Master Plan

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

implementing *planBTV*:

DAPAC- BTC Mall Project

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

implementing *planBTV*:

Downtown Form-Based Code

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

implementing *planBTV*:

CDO Amendments

Provided recommendations on 10 CDO amendments; reviewed several others.

OVERVIEW

Planning Commission Membership

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

Yves Bradley, Chair, *Executive Committee*

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

Lee Buffinton, *Ordinance Committee*

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

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

Harris Roen, *Long Range Committee (Chair)*

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

Planning Commission Duties

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

FY 2016 Meetings

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

So, what did we do this year?

plan for BTV!

Long-Range, Comprehensive Planning

planBTV: South End Master Plan

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

Advising the Mayor & City Council

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

Joint Form-Based Code Committee

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

Development Agreement Public Advisory Committee

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

Land Development Ordinances

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

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

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

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

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

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

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

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

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

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

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

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

Oversight of Planning & Zoning Department

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

Other Activities

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

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

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

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

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

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

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

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

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
1	Create a new Overlay District, known as the Downtown Mixed Use Core (DMUC) Overlay District (the “DMUC District”)	<p>The map of the potential district boundary was included in the summary of the amendment that the City Council approved as part of the PDA.</p> <p>Exact boundaries still TBD. Proposed map comes from the current draft of the FBC. PC may want to fine-tune.</p>	<p>The Commission has not reached a consensus on whether or not the College Street Garage and/or the People’s United Bank properties should be included within the boundary.</p> <p>Action: This has been included as a comment in the enclosed memo.</p>
2	Expand the Official Map to include 60-ft. wide extensions of St. Paul Street and Pine Street between Cherry and Bank Streets.	<p>The map of the street connections was included in the summary of the amendment that the City Council approved as part of the PDA. This summary indicated that the locations of these ROW should be consistent with Exhibit B of the PDA.</p> <p>These come directly from the recommendations of <i>planBTV: Downtown and Waterfront Master Plan</i></p> <p><u>Staff</u> strongly recommends that the street boundaries shown on the Official Map coincide with those shown on plans proposed for redevelopment of the mall, and recommends this <u>as proposed</u>.</p>	<p>The Commission would prefer the streets to be aligned with the existing grid, regardless of existing property lines and buildings.</p> <p>The Commission has also recommended that the absence of building within the areas indicated as future ROW, regardless of City’s action to acquire ROW, be made a condition of approval for the maximum height.</p> <p>Action: Regarding condition of approval, staff is advised that this is not a legal condition; however, both of these concepts have been included in the enclosed memo at the Commission’s request.</p>
3	New development in the DMUC District will be exempt from seeking building height bonuses from the DRB pursuant to BCDO Sec. 4.4.1 (d) 7; instead, the DMUC District will establish the following new, by-right height and massing limits and requirements:		<p>The Commission understands the limitations associated with bonuses and the rationale for moving away from them in this Overlay, and generally agrees that provisions/restrictions should be explicit; however, there are several items that the Commission feels should continue to be included as bonuses/conditions of approval in order for projects to reach a maximum height:</p> <ul style="list-style-type: none"> • the condition regarding buildings within a ROW on the Official Map (#2) • demonstration of economic infeasibility of below-ground parking (#12) • providing housing diversity, particularly for inclusionary, senior, workforce and young professional housing (#15) <p>Action: See notes in #2, #12, #15</p>

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
4	<ul style="list-style-type: none"> 3 stories min., 14 stories max. not to exceed 160 ft. max. 	<p>The minimum and maximum height was included in the summary of the amendment that the City Council approved as part of the PDA.</p>	<p>The Commission has not reached a consensus on the proposed maximum height, and offers the following opinions for Council to consider:</p> <ul style="list-style-type: none"> The proposed maximum height is appropriate in this location, particularly when considered in conjunction with the limits on massing of upper stories, the urban design requirements and the anticipated community benefits from redevelopment. The maximum height of the proposed DMUC District could be lowered to a height that the community is more comfortable with, without significantly impacting the proposed maximum FAR, by reconsidering the tiers for allowable FAR per floor. While the model of reducing the allowable FAR of floors as a building gets taller is appropriate, it could be less dramatic. Set the maximum height at 146ft, with allowance for maximum height up to 160ft inclusive of variation for site's grade and mechanical systems. Retain current maximum height of 105ft to conform with illustrations in <i>planBTV Downtown & Waterfront</i>. <p>Action: Each of these comments is represented in the enclosed memo.</p>
5	<ul style="list-style-type: none"> Overall height allowed variation of 10% of the total allowable height (but no additional floor area) to account for grade changes across the site. 	<p>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.</p>	<p>The Commission has recommended striking this item.</p> <p>Action: This has been included in the track changes for the proposed ordinance text enclosed. See Section: 5.2.6 (b) 6.</p>
6	<ul style="list-style-type: none"> 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 	<p>The proposed changes to height and setbacks on Church Street were included in the summary of the amendment that the City Council approved as part of the PDA.</p> <p>These standards come from the proposed standards found in the current draft of the FBC.</p> <p><u>Staff strongly recommends this as proposed.</u></p>	<p>The Commission feels that it is not necessary to include this as part of an amendment to establish a DMUC Overlay, but rather, that it should be considered as part of the Form-Based Code. Therefore, the Commission has recommended that this be removed from the proposed amendment.</p> <p>Action: This has been included as a comment in the enclosed memo.</p>

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
7	<ul style="list-style-type: none"> • Maximum FAR of 9.5 	<p>The maximum FAR was included in the summary of the amendment that the City Council approved as part of the PDA.</p>	<p>The Commission has offered alternative scenarios for how the overall FAR for sites in the DMUC can be organized. See notes in #4.</p> <p>In response, staff proposes minor modifications to the maximum permitted FAR of each floor within the proposed overlay. This encourages building sq.ft. to be arranged on lower levels of buildings, de-emphasizing bulk at higher levels.</p> <p>Action: Review the recommended changes to Table 4.5.8-1 of the proposed ordinance text. Provide feedback to staff on whether the Commission would like these changes to be incorporated into the proposed text when transmitted to Council.</p>
8	<p>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:</p>	<p>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.</p>	<p>The Commission has identified these standards as incredibly important to ensuring successful projects in the proposed DMUC area. Except where noted, the Commission concurs with these design standards as proposed.</p>
9	<ul style="list-style-type: none"> • Façade Articulation: <ul style="list-style-type: none"> ○ Finer-grained surface relief within the façade plane (use of material changes, balconies, belt courses, columns, lintels, etc) ○ Creation of architectural bays to provide regular and strong vertical changes in the horizontal plane of a façade particularly within the lower 3-5 stories. ○ Horizontal changes in the vertical plane of a façade (articulated base, stepbacks of upper stores, and clearly defined top) 		
10	<ul style="list-style-type: none"> • Street Activation at the ground floor: <ul style="list-style-type: none"> ○ Location, frequency and operability of primary entrances 		<p>The Commission has indicated that it is important to ensure that the language in the following sections is strengthened to ensure compliance with street activation requirements on both primary <i>and</i> secondary frontages:</p> <p>Action: Staff has modified the proposed text enclosed to remove references to secondary frontages, encourage additional pedestrian connections from parking structures and other details related to street activation. See sections: 2.B.v., 2.C.i., 2.C.iv., and 4.iv.</p>
	<ul style="list-style-type: none"> ○ Proportion of and distance between openings (doors and windows) 		
	<ul style="list-style-type: none"> ○ Transparency of glazing 		

	<u>Key Elements:</u>	<u>Staff Notes & Comments:</u>	<u>PC Comments & Action</u>
	<ul style="list-style-type: none"> ○ Visual access within spaces 		<p>The Commission supports the language regarding the urban design treatment of parking floors. The Commission feels that if parking is permitted in these areas, high standards are needed regarding the screening of cars and lights.</p> <p>Action: Staff has included modifications in the proposed text enclosed. See Section 4.5.8 (c)-: 2.C.iv. and 4.v.d.</p>
11	<ul style="list-style-type: none"> • Acceptable primary and accent façade materials 		<p>The Commission has indicated that additional clarification is needed in the language for the following items related to materials and alternative compliance:</p> <ul style="list-style-type: none"> • 2.D.iii (alternative materials) • 2.E.iii (alternative compliance) <p>Action: Direct staff on whether any additional modifications to the proposed text, or comments in the memo, regarding these issues are needed.</p>
12	<p>Projects within the DMUC District will be required to participate in the emerging downtown parking initiatives being developed under the newly adopted <i>Downtown Transportation and Parking Plan</i>, provided that private owners of parking lots or parking structures shall not be required to participate in any parking initiatives to the extent that such initiatives impose or result in any material obligation or cost to the such owners.</p>	<p>This was included in the summary of the amendment that the City Council approved as part of the PDA.</p>	<p>The Commission recommends that for all projects in the DMUC District, parking be underground or set behind a liner building at all levels. The Commission feels parking up to the façade is not appropriate and deadens the street even if it’s located on upper floors. Therefore, the Commission recommends no parking structures at the perimeter of a building on the ground and second floors fronting streets, and reiterates the importance of the design and screening requirements to ensure that any parking located in above-ground structures is indistinguishable from other floors of a building from the street view. Furthermore, the Commission has recommended that surface parking not be permitted anywhere in the DMUC district.</p> <p>The Commission has also recommended that projects proposing parking in structures above ground submit information to demonstrate that all alternative options for off-site or underground parking have been tested, and that project design meets all other standards regarding parking management.</p> <p>Action: Regarding parking design standards and location, staff has included modifications in the proposed text enclosed. See Section 4.5.8 (c)- 4.i.a., 4.i.c, 4.v.a., and 4.v.d. Regarding demonstration of below-ground parking feasibility, this comment has been included in the memo enclosed.</p>

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

Burlington Planning Commission

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

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

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

Consistency with the *Predevelopment Agreement- Exhibit D*

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

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

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

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

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

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

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

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

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

Planning Commission Recommendations

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

Boundaries

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

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

Official Map

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

Height and Massing

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

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

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

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

"By-right" Maximum Height

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

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

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

Urban Design Standards

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

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

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

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Burlington Comprehensive Development Ordinance

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

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

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

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

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

Sec. 4.2.1 Authority and Purpose

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

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

Sec. 4.2.2 Downtown and Waterfront Core Official Map Established

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

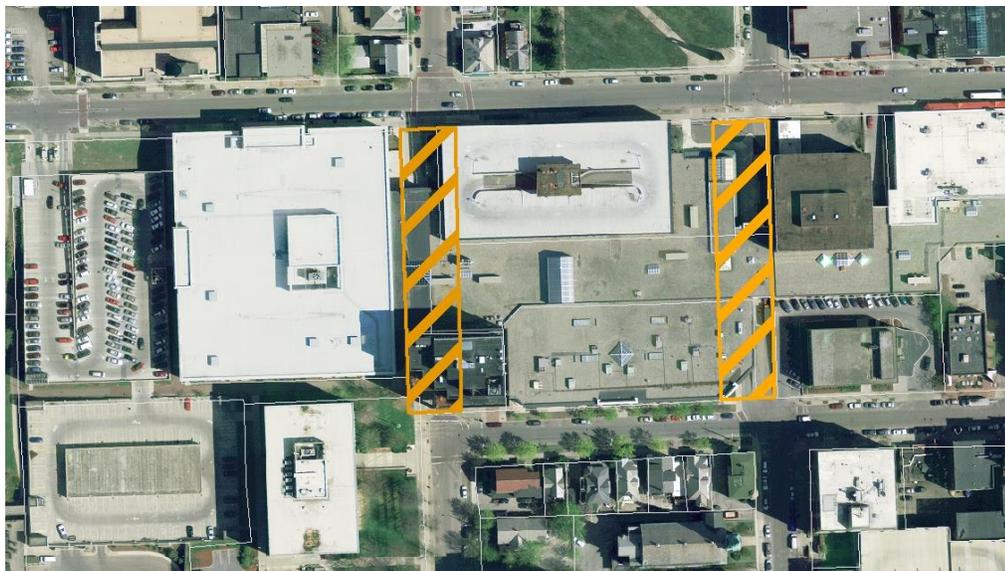
- (a) A pedestrian easement thirty (30) feet in width along the center line of Main Street extended to Lake Champlain west of the Union Station building;

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

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

This is necessary for compliance with the Pre-DA



(temporary illustration of the proposed addition)

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

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

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

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

Sec. 4.3.2 Overlay Districts Established:

Overlay districts are overlaid upon the base districts established above, and modify certain specified development requirements and standards of the underlying base district. the land so 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-UVMCC);
 - 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;

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

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

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

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

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

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

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

Sec. 4.4.1 Downtown Mixed Use Districts

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

A. - unchanged

B. **Church Street Buildings:**

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

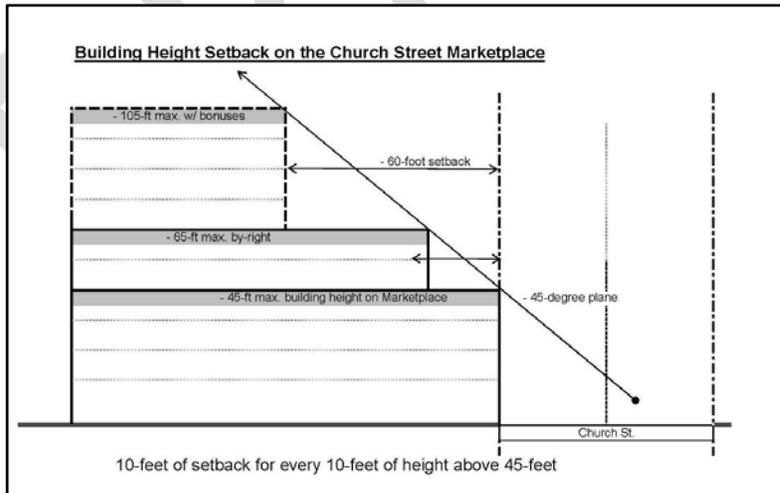


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

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

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

This is necessary for compliance with the Pre-DA.

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

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

(a) Purpose:

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

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 [MT4]: Suggestion by HR to add.

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

This is necessary for compliance with the Pre-DA.

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

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

1. Dimensional Standards:

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

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

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

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

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

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

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

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

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

Revised per AM comments

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

Comment [DEW11]: Revised per EL comments

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

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

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

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

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

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

2. Urban Design Standards:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

D. Materials:

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

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

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

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

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

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

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

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

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

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

4. Parking

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

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

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

Comment [DEW24]: revised per EL comments

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

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

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

Comment [DEW27]: revised per EL comments

Comment [DEW28]: revised per extensive PC discussion

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

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

5. Signs

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

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

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

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

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

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

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

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

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

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

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

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

6. Green Buildings

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

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

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

Comment [DEW32]: revised per PC discussion.

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

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

Sec. 5.2.6 Building Height Limits

(a) *unchanged*

(b) Exceptions to Height Limits

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

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

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

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

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

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

PC recommends removal.

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

DRAFT

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-13 – Subdivision Infrastructure Standards

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

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

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

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

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

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

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

Implementation of specific proposals for planned community facilities:

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

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

As approved by the Planning Commission – 14 June 2016.

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

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

Sec. 10.1.1 – Sec. 10.1.8

As written.

Sec. 10.1.9 Final Plat Approval Process

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

(a) Final Plat and Construction Detail Submission Requirements

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

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

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

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

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

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

Burlington Comprehensive Development Ordinance

PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

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

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

(b) Completeness of Submission, Administrator’s Action

As written.

(c) Public hearing on final plat:

As written.

(d) Review Criteria:

As written.

(e) DRB approval of final plat:

As written.

Sec. 10.1.10 Performance Bond and Guarantee of Completion

As written.

Sec. 10.1.11 Recording of Final Plats

(a) Certifications and Endorsement:

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

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

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

By: _____

Registered _____

Seal

Burlington Comprehensive Development Ordinance
PROPOSED: ZA-16-13 – Subdivision Infrastructure Standards

As written.

(b) Recording within 180-days

As written.

(c) Plat Void if Revised After Approval:

As written.

Sec. 10.1.12 – 10.1.14

As written.

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Burlington Planning Commission Report Municipal Bylaw Amendment

ZA-16-14 – Downtown Mixed Use Core Overlay

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

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

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

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

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

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

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

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

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

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

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

Implementation of specific proposals for planned community facilities:

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

Burlington Comprehensive Development Ordinance

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

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

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

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

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

Sec. 4.2.1 Authority and Purpose

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

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

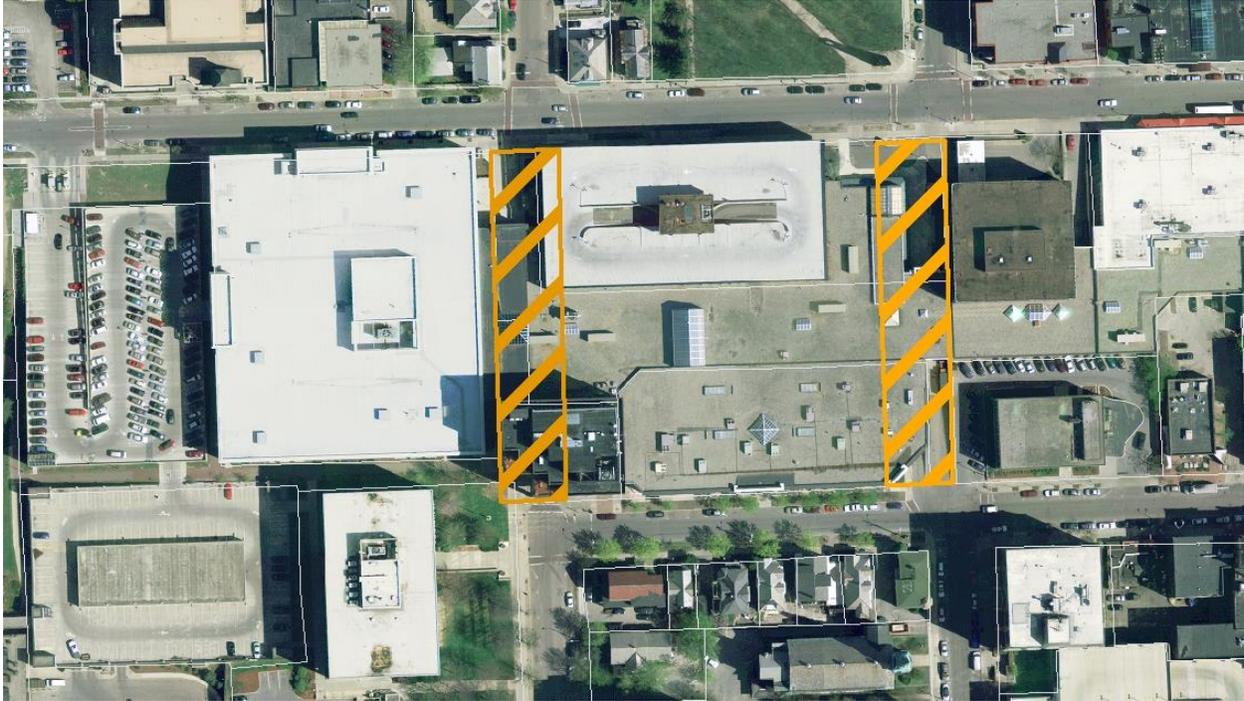
Sec. 4.2.2 **Downtown and Waterfront Core Official Map Established**

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

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

DRAFT - 6/3/2016

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



(temporary illustration of the proposed addition)

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

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

Sec. 4.3.2 Overlay Districts Established:

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

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

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

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

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

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

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

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

Sec. 4.4.1 Downtown Mixed Use Districts

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

A. - unchanged

B. Church Street Buildings:

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

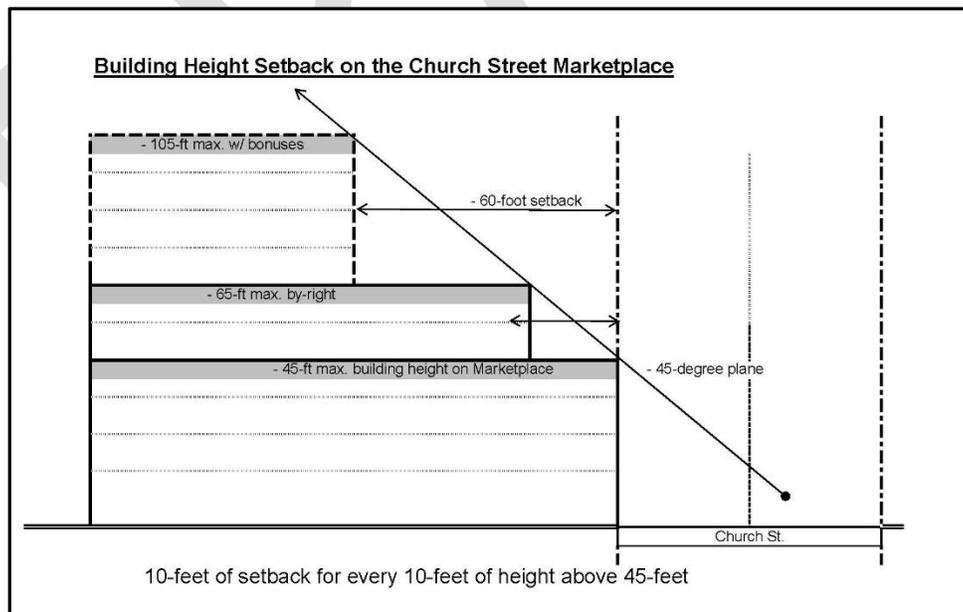


Figure 4.4.1-2 Measuring Height Limits for Church Street Buildings

C. - unchanged

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

(a) Purpose:

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

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

(b) Areas Covered:

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



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

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

1. Dimensional Standards:

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

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

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

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

¹Pervious 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.

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

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

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

2. Urban Design Standards:

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

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

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

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

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

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

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

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

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

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

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

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

D. Materials:

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

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

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

3. Use

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

4. Parking

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

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

5. Signs

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

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

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

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

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

6. Green Buildings and Stormwater Management

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

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

Sec. 5.2.6 Building Height Limits

(a) *unchanged*

(b) Exceptions to Height Limits

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

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

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

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

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

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

**Proposed CDO Downtown Mixed Use Core Overlay
Comment for the Public Hearing on July 6, 2016**

Harris Roen, Planning Commissioner

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

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

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

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

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

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

Sec. 4.2.2 Downtown and Waterfront Core Official Map Established

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

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

(a) Purpose:

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

(b) Area Covered:

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

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

1. Dimensional Standards:

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

Thank you.

Meagan Tuttle

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

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

To my fellow Planning Commissioners,

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

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

3 areas of concern:

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

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

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

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

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

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

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

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

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

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

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

In conclusion:

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

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

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

Thank you.

Lee Buffinton

Dear Planning Commissioners,

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

1. Amend the proposed Overlay District Map as follows: Remove the Southern Parking Garage behind People's United Bank (formerly the Chittenden Bank) from the Overlay. Reasons: This is what FBC committee agreed to and it doesn't effect the Mall project in anyway. This will keep all of the tallest buildings in direct alignment with one another minimizing the extent of views that are blocked when looking west along Bank Street.

2. Remove changes to Church St. - Any revisions to the current zoning requirements governing development fronting on the Church Street Marketplace deserve significantly more discussion than is afforded by this current request for review/approval by the City Council. It is our understanding that the redevelopment proposal for the BTC site could be accomplished without making changes to the zoning regulations governing Church Street. While the FBC Commission did review the changes proposed for Church Street zoning included in the language of the ordinance change before you, we request that the Planning Commission wait until the Form Based Code Committee has completed their public process and final review before considering these changes since there is no need for these changes at this time.

3. Lower proposed max. height to 146' - It has been noted in public discussion that the 160' limit could be exceeded to accommodate rooftop mechanicals. In addition there is an administrative allowance to increase height by 10% to account for grade changes across the site - a concept included in the administrative provisions of the Form Based Code. If the desire is to establish a true maximum height of 160' we recommend lowering the height limit to 146' and allowing the administrative discretion for grade variations, mechanicals, etc. that would then bring the overall height with rooftop mechanicals to 160'.

4. Assure a minimum of 15' sidewalks. - This concept was debated at length in the Form Based Code Committee. We came to agreement that it is critically important that wider sidewalks be required and provided where development is more intense and pedestrian activity is greatest on busier streets. As the streets in this district will be rebuilt it is the perfect opportunity to assure-adequate sidewalk dimension is provided in an area that must be pedestrian friendly. This requirement should be coordinated with the planning guidelines and findings of the Burlington Great Streets Initiative currently underway.

5. Assure that the maximum height is conditioned on getting the streets back consistent with PlanBTV. If the current proposed mall project does not ultimately move forward to construction, we wouldn't want to allow another development and developer to purchase the property and receive the additional height and density benefits inherent to this overlay district without requiring that Pine Street and Saint Paul Streets be returned to the public domain and the City grid.

6. Assure that step backs are consistent with those required in Urban Design Standards of Form Based Code. The proposed massing shown in current design studies appear to be slightly different than that shown in the FBC. We would request that the step-back requirements be

reviewed for consistency.

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

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

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

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

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

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

Sincerely,

Joan Shannon
Form Based Code Committee Member
South District City Councilor

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

Emily Lee
Form Based Code Committee Member
Planning Commissioner



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

July 1, 2016

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

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

Proposal:

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

Background:

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

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

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

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

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

Thank you for the opportunity to submit these comments.

Sincerely yours,

Rep. Curt McCormack, Burlington