

Burlington Planning Commission

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Andy Montroll
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Jennifer Wallace-Brodeur
vacant, Youth Member*



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

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

Absent: A Montroll, H Roen

Staff: D White, M Tuttle

I. Public Forum

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

Y Bradley: Will not recuse.

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

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

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

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

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

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

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

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

II. Chair Report

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

III. Director's Report

Deferred in interest of time.

IV. Agenda

No changes.

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

The chair opened the hearing at 7:02 pm.

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

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

The chair closed the hearing at 7:04 pm.

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

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

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

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

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

E lee: And the letter?

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Resident: If Buffinton recused, so must Bradley.

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

Genese Grill: Did the Commission approve the amendment?

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

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

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

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

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

VII. Annual Report

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

VIII. Adjourn

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



Signed: 08.15.2016

Y Bradley, Chair



E Tillotson, Recording Secretary