

March 3, 2021

***By Email***

Scott Gustin, Principal Planner & Asst. Administrative Officer  
City of Burlington Development Review Board  
Office of City Planning  
City Hall, 3<sup>rd</sup> Floor  
149 Church Street  
Burlington, VT 05401  
sgustin@burlingtonvt.gov

**Re: Permit Amendment Application No. 21-0414CA/MA, 75 Cherry Street, BTC Mall Associates, LLC**

Dear Board Members:

I write on behalf of BTC Mall Associates, LLC (“BTC”) to correct a typographical error in BTC’s letter submitted this morning in response (“BTC Response”) to objections raised by Barbara McGrew, Steven Goodkind, Michael Long, and Lynn Martin (collectively, the “Opponents”).

BTC’s Response noted that the 75 Cherry St. redevelopment project’s (the “Project”) designed parking for 422 vehicles is only 25 spaces short of the maximum allowed under the Comprehensive Development Ordinance (“CDO”). This should have read 45 spaces short of the maximum allowed. Please accept this correction when considering our prior Response.

Please also note Opponents’ argument to subject this permit amendment application to the parking requirements of the prior zoning ordinance version is not supported by law and directly conflicts with the CDO, which expressly authorizes the Board to review this Project under the current parking requirements.<sup>1</sup> The Board must evaluate the Project under the current Ordinance.

Please contact me if you need additional information or have any questions.

Sincerely,



Brian Dunkiel, Esq.  
Dunkiel Saunders Elliott Raubvogel & Hand, PLLC  
*Counsel for BTC Mall Associates, LLC*

cc: Don Sinex, BTC Mall Associates, LLC

<sup>1</sup> CDO § 8.1.3(c) (“With respect to permits issued with parking requirements in this [Multimodal Mixed-Use] Parking District prior to the effective date of the amendment to eliminate minimum onsite parking, an administrative permit amendment may be requested to remove the parking requirement based upon the change in regulation.”).