**Burlington Town Center Redevelopment**
**Frequently Asked Questions**
**Prepared by the City of Burlington**
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## What information is available to help residents evaluate the proposed project?

The following page on the City's website includes the Predevelopment Agreement approved by City Council; past presentations, reports and studies generated since the public process regarding the project began in November 2014; and upcoming public meeting dates where the project will be discussed. The website can be accessed at: www.burlingtonvt.gov/btvmall

## How can I share comments that I have about this project?

The BTC Mall Redevelopment page on the City's website includes a comment form, where input about this project can be submitted at any time. The page also includes information about upcoming public meetings that you can attend to share your comments during the public forum. As the City receives questions and comments on this project, this FAQ document will be updated. www.burlingtonvt.gov/btvmall

## How has input from the community impacted the proposed project?

For nearly two years, the mall owner has worked with residents and the City to discuss the elements of a successful project, and plans for the mall have evolved based on the community's input. City Council approved a public-private partnership with the mall owner, to include a robust public process, in late 2014. The owner shared initial plans for the mall in January 2015, followed by presentations to NPA's, City Council and other City committees. In February, a multi-day workshop engaged hundreds of residents who shared 400 comments on the project. This input was reviewed in a public meeting in April 2015, and revised plans were presented in May 2015.

Following months of design revisions, feasibility analysis and discussion with the City about the development agreement framework, hundreds turned out during two public events in January 2016 to review the most current plans for the mall. In March and April 2016, the mall team attended several City Council meetings to answer questions about the design, program of uses, and community impacts/benefits. A Predevelopment Agreement was released on April 20, 2016, and following some modifications, was approved by City Council on May 2, 2016. To see more details on the public process, please visit: www.burlingtonvt.gov/CEDO/Public-Process

Based on community and Development Agreement Public Advisory Committee (DAPAC) input, the City has continuously advocated for modifications to the proposed plans in order to meet these key recommendations from the public:

- ***Create clear north/south and east/west connections through the mall***—Initial designs for the project showed only St. Paul St. re-opened to traffic. After much public interest, and

the subsequent urging by the City, the proposed project now includes full public streets at St. Paul and Pine Streets.

- ***Include a diversity of housing types (price points, targeted demographics, size) in the project***—Inclusion of a significant amount of housing has been one of the City's and public's highest priorities. 20% of the units will be permanently affordable, 30% of the units may be master leased by Champlain College, the remaining 50% will be available at market rate, including a mix of unit sizes from studio to 3 bedroom. Further consideration of "workforce housing" and ownership opportunities are still ongoing.
- ***Build public green space with a view of the water***—An earlier iteration of the project included a rooftop park; however, residents and the City did not feel that it would be an effective community space that the public should help pay for. Now, the project includes a smaller rooftop green space that will benefit the project's tenants, and instead includes a green roof system which will significantly improve stormwater management in this part of downtown. Also, based on great interest by the public, the proposed project now includes a top floor rooftop observation deck that will be accessible to the public with views of the Lake.
- ***Activate Cherry and Bank Streets with street level uses***— The mall owner has indicated that the proposed plans "turn the mall inside-out," with retail uses lining Bank and Cherry streets, and the architect's conceptual renderings of the streetscapes can be found here: https://www.burlingtonvt.gov/sites/default/files/CEDO/Files/btvmall/BTC%20Technical%20Review%20Set%2012-23-15%20to%20post.pdf *(Please note, this is a large file that will take time to load, and the images begin on page 26 of this document).* Additionally, the proposed Zoning Amendment includes language that requires street level activation, entrances and windows at defined intervals, and high quality design that enhances the pedestrian environment.
- ***Create a parking plan that shares parking and integrates the city-wide parking management plan***—Parking demand has been calculated using shared-parking calculations, and the proposed 925 space parking structure has been designed accordingly. The City retained an independent parking professional who validated the owner's parking projections. Additionally, the proposed Zoning Amendment includes language requiring the property to participate a downtown parking management program should one exist.
- ***Provide retail options that are diverse and include affordable options, both national and local***—The owner has indicated an intent to include a mix of retail options, but the programmatic pieces are still unknown to an extent. Thus far, the owner has demonstrated an ability to work well with local businesses, and also attract national companies like L.L. Bean.
- ***Include civic spaces and public spaces available for events, rentals, etc.***—In addition to the publicly accessible rooftop observation deck, the proposed plans include a ± 5,000 Sq.ft. public space.
- ***Incorporate walking and biking infrastructure in all elements of the plan***—The public streets at St. Paul and Pine will incorporate walking, biking and vehicular modes of transportation. The Predevelopment Agreement indicates that the proposed project will

include covered bike parking, and the owner has been working with Local Motion to incorporate recommendations on how this project can serve as a bicycle hub for downtown.

**What has changed regarding the Pine Street Connection since the January 5 public meeting?**

The City team has worked diligently to address concerns regarding the Pine Street connection as shown in the January 5, 2016 public presentation. In response to public calls and technical review findings for more robust and functional connections for all travel modes and for a more enduring, significant and activated public realm, the predevelopment agreement approved by the City Council on May 2 features a full, 60-foot wide public right of way on the western edge of the project. Similar to St Paul Street, the connection will reunite the north and south sides of Pine Street. While additional technical work remains, it appears the street will be able to have the full "complete street" functionality for vehicles, bikes and pedestrians without any underground tunnels. It will include street trees, landscaping, pedestrian amenities and green stormwater elements.

**Why isn't the parking proposed to be underground, which could potentially reduce the proposed building height by three stories?**

Both the City and the mall owner would much prefer to put the parking underground, and the original plans called for just that. However, after further analysis, it became very clear that it would be much too expensive, in a way that would significantly threaten the viability of the project, and would significantly disrupt downtown and nearby property and business owners. For the mall owner's perspective on this, see the FAQ document prepared by the Burlington Town Center mall team: https://www.burlingtonvt.gov/CEDO/BTVMall/FAQ

**What are the next steps in the process to review and approve plans for the proposed project, and how can the community be involved?**

Following the May 2 approval by the City Council of the Predevelopment Agreement, a proposed Downtown Mixed Use Core (DMUC) Overlay Zoning Amendment was delivered to the Planning Commission at its May 10 meeting. It is anticipated that this proposed amendment will be on the Commission's agenda for the next several meetings, before the Planning Commission could refer the amendment back to the City Council. When it's received, the Council would review the change in a first reading, refer it to the Council's ordinance committee, and then take a final vote following a second reading. Planning Commission Agendas are posted online at the following link and each meeting includes a Public Forum, during which comments on this project are welcomed.

A "sketch plan" for the project will be reviewed at the Conservation Board on June 6, 2016 and at the Design Advisory Board (DAB) meeting on June 14, 2016. The Development Review Board will hold a "special meeting" to review the plans on June 28, 2016.

Links to agenda materials for the Planning Commission, DAB, DRB and Conservation Board can be found online at: https://www.burlingtonvt.gov/PZ/Boards-and-Commissions

The City is also in the process of preparing a Development Agreement, which must be reached within 30 days of the zoning change. The Development Agreement would further refine the public and private commitments to the project.

**Why is a Zoning Amendment being requested and why has the City agreed to consider it?**

The proposed project includes a comprehensive mix of uses and community benefits that were envisioned first by the *planBTV Downtown & Waterfront* process, and reiterated by Burlingtonians over the past 18 months. In order to accommodate these elements on the site, the mall owner has requested the ability to develop a project with a maximum height of 160 feet. The City has agreed to advance the proposed Zoning Amendment to enable the redevelopment of this key site within our downtown, and to ensure that the many elements identified as important to the City in *planBTV* and in public discussion around the mall site are incorporated into ANY project that might be proposed within this area of downtown.

**What impact would the proposed Zoning Amendment have on the development potential for the mall site?**

Under the present zoning, a project on this site would be permitted to reach 105 feet in height and an 8.5 Floor Area Ratio (FAR) in building mass by utilizing bonuses, along Cherry and Bank Streets. Along Church Street, maximum building height is 38 feet.

The proposed DMUC Overlay, which applies to portions of the mall site and several adjoining parcels increases the maximum height to 160 feet and 9.5 FAR in mass without utilizing bonuses. Projects within the DMUC that have frontage on Church Street will be permitted to reach a maximum height of 45 feet, and must step back by 10 feet for every 10 feet in height above 45 feet.

Furthermore, the DMUC will include prescriptive design standards for façade articulation, materials, street activation at the ground floor, and gradual reduction in upper story floor size in order to taper building mass as the height increases. Finally, the DMUC includes requirements for: a master sign plan; the placement of parking, parking entrances and parking screening; and green buildings.

**Is a 14-story building the right scale for Burlington?**

The mall site was explicitly identified in *planBTV Downtown & Waterfront* – the City's official Municipal Development Plan – as a unique section of the City where larger buildings should be considered in order to meet City needs:

> "There is a significant unmet demand for housing throughout the city (as discussed in the Housing Nut). This is particularly true for affordable and moderately-priced housing downtown. Downtown workers, young professionals, and empty-nesters all want to live close to where they work, shop and recreate. With undeveloped air space above the mall, and a relatively high and flat area of the City that has little impact on prominent views, this quadrant of the downtown is well suited for larger residential structures. The plan suggests

the addition of larger residential, mixed-use buildings by redeveloping underutilized parcels, essential for addressing citywide housing needs, reducing traffic congestion and parking demand, and supporting the continued vitality of our downtown economy." (p. 108)

In addition to the goals of *planBTV Downtown & Waterfront*, other city land use and development policies have long encouraged dense, mixed-use downtown development with expanded housing options where people work and can utilize non- single occupancy vehicle (SOV) trips for other necessities. And, targeting major new growth in our downtown core helps implement the Regional ECOS plan goal for 80% of new development to be in areas already served by infrastructure.

A 14 story building would be 3 stories taller than Decker Towers, the City's current tallest structure. The proposed zoning amendment requires a number of design and massing features for developments within the overlay area to ensure that the impact of this height is minimized from a pedestrian's perspective, and from many of the viewpoints around the City. Furthermore, the Predevelopment Agreement for the BTC Mall includes design modifications proposed by the City's Technical Team to help further reduce the visual impact of the proposed project by creating more variation in the building's massing on its upper stories.

**Is a zoning overlay district that applies to the mall site "Spot Zoning"?**

No. "Spot Zoning" is an often cited, but frequently misunderstood term. In addressing questions regarding what actually constitutes spot zoning, the VT Supreme Court has used a four-part test that includes whether the change is for the benefit of the community, or only a particular landowner, and whether the change complies with the municipality's plans.

The proposed zoning overlay district (illustrated here: https://www.burlingtonvt.gov/sites/default/files/CEDO/Files/btvmall/Exhibit%20D_Burlington%20Town%20Center%20-%20Predevelopment%20Agreement.pdf) addresses the Supreme Court test in several respects. In June 2013, Council unanimously adopted the *planBTV: Downtown & Waterfront Master Plan* as part of the City's official Municipal Development Plan. This plan specifically identifies the Burlington Town Center as a location with redevelopment potential, and where significant mixed use was desired—and long before the current owner of the mall was ever involved. This project, as envisioned, will provide significant benefits to the community by re-establishing north-south streets, and creating new jobs, housing opportunities and tax revenues. Also, the proposed zoning overlay impacts properties owned by multiple owners.

**Doesn't this zoning change signal to other developers that they can ask to build 14-story buildings in other parts of the City?**

No, the zone for higher buildings is focused on only a small portion of the downtown in which additional height would be considered appropriate. Further, in its work over the past two years, a separate City Council and Planning Commission, the Form-Based Code Committee [right term] has reaffirmed the current height limits for the areas of the downtown surrounding the proposed overlay zone. While others may ask the City to consider a zoning amendment, the

City's land use and development policies currently only support large buildings like this in the core of the downtown, and within the UVM core campus on the hill. **Any** zoning change must follow the public and statutorily defined process for amending the City's municipal plans and regulations.

**Isn't the City already working on a new zoning code for downtown? How does the proposed zoning amendment impact that work?**

The City has been working on new zoning regulations for the downtown and portions of the waterfront for the past 3 years as part of our implementation of planBTV. Known as 'form based code," these proposed regulations provide greater detail and clarity on the City's expectations regarding how new development fits within and benefits our downtown. These regulations go beyond the current limits on use, height and mass. They prescribe a comprehensive set of urban design standards regarding things like the location of the building and parking on the lot, relief and setbacks across a building façade, the amount and transparency of glass, and the types of materials used. The intent is to ensure that new development fits well into the downtown, makes efficient use of the site, and activates the street for pedestrians. While this process is very close to completion, it is not expected that these regulations in their entirety will be in place in time to be applicable to the redevelopment of the Burlington Town Center.

However, a great deal of work has been done to consider the appropriate urban design standards for downtown. The proposed zoning amendment includes several of the most important elements of the proposed form base code. Examples include the horizontal and vertical articulation of the façade; setbacks and tapering of the height; proportion and transparency of glass at the street-level; the location, frequency and operability of entrances; and, acceptable façade materials.

**Why doesn't this project have to go through Act 250 Review? How will the City ensure the appropriate level of scrutiny?**

Downtown Burlington is a Vermont "Designated Downtown," which affords the City, and property owners developing projects within the designated area, assistance to support revitalization efforts. One such support is that qualified mixed use housing projects are exempt from Act 250 review.

However, the Development Review Board (DRB) will still be required to review this project under the City's Major Impact Review Standards, according to Sec. 3.5.6 (b) of the City's *Comprehensive Development Ordinance*. This requires the DRB to consider a range of potential environmental and community infrastructure impacts that could result from the project's development. The Major Impact Review Standards can be found on the City's website here: https://www.burlingtonvt.gov/sites/default/files/u119/20160331%20ART03-Applications.pdf

**What about the 3D model?**

In the Predevelopment Agreement approved by City Council on May 2, 2016, the mall owner committed $16,000 to have a model built to assist the community in its evaluation of the project. The City is making arrangements to have this model constructed based on feedback from the Planning Commission. For more details about this issue, see the FAQ document prepared by the Burlington Town Center mall team: https://www.burlingtonvt.gov/CEDO/BTVMall/FAQ

**Why would the City invest nearly $22 million in public TIF funds in a private redevelopment project?**

This project is a public-private partnership where the City and the developer are working together to redevelop an important site in our downtown. In this partnership the City is committed to paying for only the public, municipally-owned infrastructure including the construction costs for and ownership of St. Paul and Pine Street as new streets, subsurface utilities, and for streetscape improvements to Bank and Cherry Streets. The City has not committed any public funding to any of the private elements of the project.

This infrastructure will be entirely paid for by new tax increment generated by the new private investment in the mall property. These public improvements are long-standing goals of the City and if they were not being paid for by the new taxes generated by the mall investment the City would need to fund the Bank Street and Cherry Street improvements from other public sources.

Reconnecting St. Paul and Pine Streets to restore north-south connectivity, and the activation of Cherry Street to connect Church Street to the Lake are two key goals of planBTV Downtown & Waterfront and were important elements in the public discussion of this project. Without the City's investment in these public improvements using TIF, the public improvements likely would not be included in the project, and the project itself would likely occur in a significantly different or less desirable way than proposed.

**What is TIF?**

TIF stands for Tax Increment Financing, an economic development tool used by cities and states across the country. TIF is a mechanism to capture the net new (incremental) taxes that are generated within a district when a property is redeveloped, and to use those revenues to help finance public improvements critical to the success of the redevelopment. In the proposed BTC Mall project, new taxes generated by the redeveloped mall will be used to repay debt the City will incur in order to construct streetscape improvements on Bank & Cherry Streets, and to purchase and construct new streets at St. Paul and Pine Street. Before the City incurs any debt for these public improvements, Burlington voters must first authorize City Council to approve the use of the increased tax revenue and, in so doing, pledge the credit of the City to repay the debt for these improvements.

**How will my taxes be impacted by this project?**

Because the City proposes to use TIF to repay the debt for improvements to St. Paul, Cherry, Pine and Bank Streets, that this project will not result in an increase in taxes for Burlington

residents. Rather, this TIF investment potentially saves other taxpayers from needing to fund long-desired public infrastructure investments on Bank Street and Cherry Street. Further, the redevelopment of the mall site will generate enough additional tax revenue to not only cover the City's annual TIF debt payments, but also contribute additional tax revenue to the General Fund.