

Department of Planning and Zoning

149 Church Street, City Hall
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7188
Fax: (802) 865-7195

David White, AICP, Director
Meagan Tuttle, Comprehensive Planner
Jay Appleton, Senior GIS/IT Programmer/Analyst
Scott Gustin, AICP, CFM, Principal Planner
Mary O'Neil, AICP, Principal Planner
Ryan Morrison, CFM, Associate Planner
Elsie Tillotson, Department Secretary
Anita Wade, Zoning Clerk



MEMORANDUM

To: The Design Advisory Board
From: Mary O'Neil, AICP, Principal Planner
RE: ZP16-1258SP; 49 Church Street (Burlington Town Center)
Date: June 14, 2016

File: ZP16-1258SP

Location: 49 Church Street

Zone: D **Ward:** 3C

Date application accepted: May 12, 2016

Applicant/ Owner: PKSB Architects / BTC Mall Associates, LLC

Request: Construction of residential units, commercial office space, retail space, indoor daycare space, parking garage, rooftop observation deck, and other improvements and subdivision as part of Phase 1 of redevelopment of the Burlington Town Center.



Background:

- **Non-applicability of Zoning Permit Requirements 16-0792NA;** interior work. January 2016.
- **Non-applicability of Zoning Permit Requirements 16-0369NA;** interior fit-up rest zone. September 2015.
- **Non-applicability of Zoning Permit Requirements 16-0314NA;** fit up space 2008. September 2015.

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- **Non-applicability of Zoning Permit Requirements 16-0269NA**; demo of space 2008. August 2015.
- **Zoning Permit 15-0855CA**; change of use of concourse space to restaurant use, approximately 2200 sq. ft. new storefront entrance onto Church Street. March 2015.
- **Non-applicability of Zoning Permit Requirements 15-0546NA**; removal of sign from Church Street entrance to Burlington Town Center Mall. (Large circular red “b” attached to windows.) October 2014.
- **Zoning Permit 14-1216CA**; exterior building entrance and site improvements. June 2014.
- **Zoning Permit 12-0391CA**; convert asphalt turnaround area to grass and landscaping on Cherry Street side of property. September 2011.
- **Non-applicability of Zoning Permit Requirements 10-0992NA**; interior fitup for salon. May 2010.
- **Zoning Permit 10-0495CA**; install new rooftop HVAC system for Baby Gap store. November 2009.
- **Zoning Permit 10-0379SN**; erect two new parallel directory signs on Church Street façade of the mall. No illumination included. October 2009.
- **Zoning Permit 10-0191CA**; install 34 x 34 in wide and 32 high 5 ton AC system on roof of Mall and connect to existing duct work. September 2009.
- **Zoning Permit 07-126SN**; Four replacement parallel signs for Burlington Town Center (Bank St. and Church St. facades and 3 new freestanding signs (Church St.) Parallel Church St. signs to be lit with new reverse channel illumination; freestanding signs to be externally illuminated. No illumination proposed for Bank St. parallel signs. August 2006.
- **Zoning Permit 06-832SN**; sign permit to change Filenes signs to Macys. No change in number or placement of signs. No increase in any sign size. Mix of backlit illumination and no illumination. June 2006.
- **Zoning Permit 04-087**; install metal panels to match Old Navy storefront, patch and paint to match. August 2003.
- **Zoning Permit 03-268**; install non-illuminated canvas shed awning on Bank St. façade of Pottery Barn. December 31, 2002.
- **Zoning Permit 03-264**; install 2 non-illuminated parallel signs on the Church Street façade of Burlington Town Center. One 30 sf black Filene’s sign. One 40 sf Burlington Town Center in red lettering with green accents. Install 42.25 sf. silver “B” display window with green leaf trim. December 2002.
- **Zoning Permit 03-108**; installation of concrete landing and stairs with handrails at service entry for Burlington Town Center (Pottery Barn) on Bank Street. September 2002.
- **Zoning Permit 02-360**; installation of two black canvas awnings on Bank Street for J. Crew Store. March 2002.

- **Zoning Permit 02-361**; installation of projecting sign on Bank Street for J. Crew Store. March 2002.
- **Zoning Permit 02-328**; installation of two rooftop fan units for Empire Express restaurant. February 2002.
- **Zoning Permit 02-232**; installation of 2 parallel signs on Cherry Street at Gap elevation. Installation of 2 parallel signs on Cherry Street at Filenes elevation. November 2001.
- **Zoning Permit 02-086**; install externally illuminated parallel sign for Starbuck's Coffee. August 2001.
- **Zoning Permit 01-488**; parallel sign for J. Crew store, frontage on Bank Street. June 2001.
- **Zoning Permit 01-483**; amend previously approved façade improvements for the Bank Street storefront portion of the existing Burlington Town Center retail mall. Tenant to be J. Crew. June 2001.
- **Zoning Permit 01-445**; renovations to the Bank Street façade of the mall. May 2001.
- **Zoning Permit 01-404**; amend previously approved façade changes for the Cherry Street and Church Street facades of the existing retail mall. April 2001.
- **Zoning Permit 00-494**; renovations to the Cherry, Bank and Church Street frontages of the existing mall. April 2000.
- **Non-applicability of Zoning Permit Requirements**; interior change of use of 600 sq. ft. to nail salon. September 1996.
- **Non-applicability of Zoning Permit Requirements**; interior continued use of 30,000 sq. ft. for offices. June 1995.
- **Zoning Permit 95-432**; relocate night deposit on Church Street façade of the bank. May 1995.
- **Zoning Permit 93-226**; fenestration renovations to Cherry Street façade of mall for the Gap. Includes combining two windows into one and the installation of a service door. November 1992.
- **Zoning Permit 92-160**; change of use within Burlington Square Mall from bank offices to fitness center, 16,110 sq. ft. October 1991.
- **Zoning Permit 87-119**; place 8 signs for Burlington Square on various facades of structures. December 1987.
- **Zoning Permit 84-331 / COA 84-067**; construction addition to Radisson Hotel (64 new rooms, net 57 rooms) with 467 space parking garage, new 68,000 sq. ft. department store on Bank Street (Porteous), 48,000 sq. ft. addition to Burlington Square Mall. July 1984.
- **Zoning Permit 81-821**; open access between Burlington Square Mall and Woolworths at lower level of mall. December 1981.
- **Zoning Permit 81-814**; remove staircase off atrium to plaza level. December 1981.
- **Determination of Non-Applicability**; new retail store – The Limited. September 1981.

- **Determination of Non-Applicability**; wall finishes, suspended ceilings, lighting, finish flooring & store fixtures. August 1981.
- **Zoning Permit 81-578**; erect five flagpoles and one kiosk at the entrance to the mall as per 4443 (c) approval of the Board of Aldermen on 6.15.1981. June 1981.
- **Zoning Permit 81-20**; (current use; vacant land); pave pathway currently used by (illegible) between Cherry and Pearl Street to ?; erect fence with gates along the northerly and southerly boundaries. October 1980.
- **Zoning Permit 81-190**; removal of existing stairs southeast corner of mall atrium. September 1980.
- **Zoning Permit 81-171**; construct a fountain in previously approved project (scope of services). September 1980.
- **Zoning Permit 80-900**; bring plaza beneath VFSL outflush ? with building for offices, west elevation.
- **Zoning Permit 80-755**; construct stairway connection between McDonald and Proposed Burlington Square Expansion. March 1980.
- **Zoning Permit 595**; Church Street entrance of Burlington Square and add approx.. 30,000 sq. ft. of retail and common area space extending from Church Street to easterly boundary parcel 3. May 1979.
- **Zoning Permit 80-710**; remove stairs northwest corner of atrium from atrium floor to balcony. January 1980.
- **Zoning Permit 79-92**; entrance to Burlington Square shopping mall and open plaza. April 1979.
- **Zoning Permit 79-17**; Church Street entrance of Burlington Square and add approx.. 30,000 sq. ft. of retail and common area extending from Church Street to westerly boundary of parcel 3. May 1979.
- **Zoning Permit 79-150**; install a separate entrance to the restaurant with awning at the westerly end of Burlington Square to permit evening hours independently of hours of Burlington Square Mall. May 1979.
- **Zoning Permit 78-243**; retail fruits/vegetables/juices sold from movable cart in mall atrium. December 1978.
- **Zoning Permit 78-810**; Top of the Square Inc. to erect a 60' x 60' tent and a dressing tent on the Plaza level of the Burlington Square Mall, to be used for an assembly occupancy. May 1978.
- **Amended Certificate of Appropriateness, application #75-16**; change in design of car drive-in drop off point between Vermont Federal Savings and Loan Office building and parking garage. Specifically double curb cut, larger turnaround to accommodate 12 cars instead of 5, landscaped island with stairwell leading to concourse level incorporated within island. March 1975.
- **Certificate of Appropriateness**; construction of a below grade retail mall with open plaza above as shown on the plans dated November 20, 1972 and revised on October 26,

1973 and prepared by the office of Mies Van der Rohe and Freeman, French, Freeman. March 1974.

Overview: This is Sketch Plan Review of the proposed redevelopment of the Burlington Town Center Mall, creating new residential, commercial office and retail space; re-establishing segments of St. Paul Street and Pine Street that were discontinued during Urban Renewal, creation of three levels of parking with 925 parking spaces, and other associated improvements.

The submitted plan cannot be accommodated by the current zoning ordinance as proposed building heights exceed height limitations for the zoning district. The potential for zoning changes, which may include a height overlay similar to the existing ones for UVM (ICC_UVM) and the University of Vermont Medical Center (ICC_FAHC) are currently under discussion at the Planning Commission. Any change to maximum height limits will be decided by the City Council.

Part 1: Land Division Design Standards

The re-establishment of St. Paul and Pine Streets is illustrated on plan ZD-101. The City would assume ownership of the new street connections, leaving Parcels A, B and C. Parcel 11A (Macy's) is not within the scope of this redevelopment.

Section 6.1.2 Review Standards

a) Protection of important natural features

There are no watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and contiguous stands of forest within the project area.

b) Block Size and Arrangement

Like other cities, Burlington's Urban Renewal created a large-scale development footprint that forced the closure of two streets: in this case, St. Paul and Pine Streets. The following redevelopment created an impenetrable (but flat) superblock and disrupted the streetscape network. This plan presents an opportunity to restore the urban fabric, first and foremost by reinstating the original street pattern with manageably sized blocks. Contextually, the former mall is spatially subdivided to be as close to the original block size as can be arranged. This re-creation of passageways not only improves circulation, but replenishes activity along those streets; restoring vitality in a reclaimed urban streetscape.

c) Arrangement of lots

Currently the parcel is one large area, to be broken into contiguous parcels that will in their simultaneous redevelopment create an urban pattern that had been lost. The challenge has been great to work around and with existing structure (100 Bank Street office building; 150 Bank Street, former Chittenden Bank) to reap the public benefit of reclaimed public passageway. The plan thoughtfully has arranged redevelopment into segments, defined by street right-of-ways, and overall by use.

d) Connectivity of streets within the city street grid

One of the greatest strengths of this plan is the reconnection of St. Paul and Pine Streets, lost since redevelopment planning following Urban Renewal. Although they do not match up completely to the same alignment, their reestablishment would provide an enormous benefit in re-connecting previous circulation paths in this downtown urban neighborhood.

e) Connectivity of sidewalks, trails and natural systems.

Sidewalks will continue east-west on Cherry and Bank Streets; new pedestrian access will be established north/south at the Pine Street Arcade. St. Paul Street will offer an additional avenue for north/south passage for both vehicles and pedestrians.

The present pedestrian connection from the Church Street Marketplace westward will continue, albeit through redesigned concourse and plaza levels, emerging to light and exiting at the Pine Street Arcade at the latter.

Part 2: Site Plan Design Standards

Sec. 6.2.2 Review Standards

(a) Protection of Important Natural Features:

See 6.1.2, above.

(b) Topographical Alterations:

Some manipulation of grade is evident, as the redevelopment seeks to resolve differences between the subterranean retail space, proposed street connections, and arrangement of new blocks. View V-02 illustrates St. Paul Street with a slight “rise” to accommodate underground redevelopment of the Concourse Level, while allowing access to the Burlington Arcade East and Cherry Street to the north.

(c) Protection of Important Public Views:

The most stunning and revered views are to the west; ones which will be made available to the public at observation decks proposed for the 13-14th Floors of the building fronting Bank Street. Building setbacks will largely retain views westward from Cherry Street. Viewscapes from further east in the city are depicted in plans 45.0, 45.1 and 45.2.

The vertical expansion of the site will introduce the availability of new views to those living and working in the new buildings.

(d) Protection of Important Cultural Resources:

Burlington’s architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Archeological sites likely to yield information important to the city’s or the region’s pre-history or history shall be evaluated, documented, and avoided whenever feasible. Where the proposed development involves sites listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8(b).

The redevelopment area falls to the west and north of the Church Street Historic District (which has resources along Bank Street.) Several buildings along the north side of Cherry

and the north block of Pine Street are listed on the Vermont State Register of Historic Places. The development site itself has no historic or architectural merit, other than its association with the office of Mies Van Der Rohe. The recognized leader in Modern architecture (among his work; the Seagram's building, 1956-58) passed away in 1969; the development of the Cherry Street Parking Garage was managed by his office. It is not considered historic nor was it listed as contributing within the Church Street Historic District.

Worthy of discussion is how the proposed redevelopment fits in with the surrounding historic neighborhood (Bank Street, Cherry Street) and other historic resources. This standard directs review toward sensitive, respectful redevelopment and infill. The difference in scale is suggested in submitted illustrations (V-02; smaller scale of structure on the northeast corner of Bank and St. Paul); however street widths and access drives act as buffers from the higher intensity, taller buildings. The proposed buildings themselves are stepped at differing intervals, allowing distance and a change of plane to effect visual recess. New structure that fronts Church Street is set back (as required by the ordinance), and then set back again to step the new volume away from the historic thoroughfare.

There is an adequate difference in style to differentiate old from new; historic from new construction.

(e) Supporting the Use of Renewable Energy Resources:

At Sketch Plan Review there is rarely enough information to assess potential renewable energy provisions. There is, however, a significant amount of solar proposed for all building rooftops. See plans A110 and A-115.

(f) Brownfield Sites:

The parcel is listed on the Vermont DEC Hazardous Site List, #20164625:

VT DEC
Hazardous Site List

Enter the search criteria below and click the [Search] button when done. (Search will display a maximum of 500 results)

Site#	<input type="text" value="20164625"/>	Site Name	<input type="text"/>
Site Town	<input type="text"/> List Towns	Address	<input type="text"/>
Primary Consultant	<input type="text"/> List Consultants	<input checked="" type="radio"/> All Sites <input type="radio"/> Active Sites <input type="radio"/> Inactive Sites	
Priority	<input type="text" value="All"/> ▼		

[Search Tips](#)

Site Name	City Center Mall
Address	49 Church Street
Town	Burlington
Site Use	Commercial - Office
Site Number	20164625
DEC Manager	Sarah A. Bartlett
Priority	LOW - Site with contamination to soils or groundwater, but no effect on sensitive receptors
Site Status	Brownfields - RELEASE NOT IDENTIFIED
Project Status	Awaiting results of data gap analysis, as well as sampling plan.
Source of Contamination	
Contaminant	
Institutional Control	
Site Closure Date	
DEC Contact Email Address	Sarah.Bartlett@vermont.gov
Record Last Updated	04-29-2016

Early discussion identified the high cost of excavation and urban soil transport due to common markers found in city soils. Assuming further intervention, including a Corrective Action Plan as part of this redevelopment, further information and timeline will need to be included in application submission materials.

(g) Provide for nature's events:

Special attention shall be accorded to stormwater runoff so that neighboring properties and/or the public stormwater drainage system are not adversely affected. All development and site disturbance shall follow applicable city and state erosion and stormwater management guidelines in accordance with the requirements of Art 5, Sec 5.5.3.

Full compliance with Chapter 26 and Section 5.5.3, Stormwater and Erosion Control shall be required as part of project development.

Design features which address the effects of rain, snow, and ice at building entrances, and to provisions for snow and ice removal or storage from circulation areas shall also be incorporated.

Building entrances are varied; some including shallow overhangs and others are within the covered Pine Street arcade. An abbreviated canopy is suggested for the residential building entrance on St. Paul Street (V-09) and Cherry Street (V-11, background), which are highly recommended. Each will provide shelter from inclement weather to shoppers, residents or office employees.

The redevelopment representatives/applicant will be responsible for snow removal and ice treatment from their own properties; assuming the City accepts ownership of the sidewalks and public streets, those will be attended to as is typical of public rights-of-way.

(h) Building Location and Orientation:

The mall entrance on Church Street is included in the redevelopment plan; continuing to provide a “face” to the Marketplace and provide access to the plaza and concourse levels of retail, and upper office levels via elevator. The re-introduction of St. Paul and Pine Streets will create new building frontages along those passageways, with greater exposure to retail at the street level.

The easterly (Church Street) building will step back from the street, and rise to 7 stories. The westerly buildings are seated on a single footprint, but “split” at the fifth floor (floors 2, 3, and 4 are parking decks.) From there, they evolve separately; differentiated in style, massing, finishes and internal use. While floors 5 and 6 are both proposed to be commercial office, the northerly building transitions to residential at the 7th floor. (The 7th of the southerly block and the Church Street block remain office.) The northerly building has its major presence on Cherry Street, while the southerly building fronts Bank Street. The building pedestal fronts St. Paul and the Pine Street Arcade as well.

(i) Vehicular Access:

Vehicles will be re-introduced to St. Paul Street between Cherry and Bank for the first time since Urban Renewal. Cars will enter the parking decks from Cherry Street close to the Pine Street intersection. Additional vehicular access is provided off Pine Street, mid-way on the block

(which due to grade changes is the 2nd floor) and next to the loading dock on Bank Street. See Plan A-202.

(j) Pedestrian Access:

Among the greatest advantages of the redevelopment plan is the surge of new pedestrian access that has been created; almost 360° around the site and at differing levels. With the reopening of St. Paul and Pine Street, many more opportunities to access interior uses have been created.

(k) Accessibility for the Handicapped:

ADA compliance will be a requirement and under the jurisdiction of the building inspector. Multiple elevators are illustrated in the plans.

(l) Parking and Circulation:

Parking decks are within floors 2-4. Vehicles may enter at Cherry Street, Bank Street or Pine Street. The re-opening of St. Paul and Pine Street will boost circulation both through and around the development site.

(m) Landscaping and Fences:

Sketch Plan is too preliminary to have factual data about landscaping plans. Although greenscape is illustrated in modeling and drawings, a full landscaping plan will be expected at the time of final application.

(n) Public Plazas and Open Space:

The plan reflects the re-thinking of the mall; where once an atrium defined the public gathering space, this plan incorporates indoor and outdoor areas intended for communal gathering and enjoyment. On the east, the new mall entrance will continue to connect to the Church Street Marketplace, one of Burlington's most celebrated public plazas. Labeled the "Burlington arcade" on plan A-102, the east/west spine of the original concourse level will remain a central avenue available for public circulation and gathering. "Burlington Arcade East" on the plaza level will be similar. "Burlington Arcade West" will continue the open route for public circulation and gathering, connecting to Macy's on the west.

More traditional open space is realized on the street level of Bank Street, where illustrations suggest a continuance of the success of the Church Street Marketplace; open cafes under awnings that abut pedestrian walkways. Similarly, the new St. Paul Street shows wide pedestrian promenades flanking the vehicular way. Finally, green terraces are proposed as a tenant park on the 5th floor plan (A-107, V-02) and on the northerly building at the 7th floor level (A-109.) Above all, literally, is an observation deck at the 13-14th floors (A-114) that will provide public access to the viewscape.

(o) Outdoor Lighting:

Where exterior lighting is proposed the applicant shall meet the lighting performance standards as per Sec 5.5.2.

SketchPlan is typically deficient in specific plans like lighting; a more articulated plan will be forthcoming at final application.

(p) Integrate infrastructure into the design:

Exterior storage areas, machinery and equipment installations, service and loading areas, utility meters and structures, mailboxes, and similar accessory structures shall utilize setbacks, plantings, enclosures and other mitigation or screening methods to minimize their auditory and visual impact on the public street and neighboring properties to the extent practicable.

Development of this scale will predictably have a complex arrangement of mechanical equipment and infrastructure. While specific plans have not been articulated, it is evident that mechanical systems are proposed atop the 7th floor of the Church Street (easterly) building), and atop both the north and south buildings atop the 13th (south building) and 14th floors (north building.)

A general mechanical area is identified on the 2nd floor plan, (A-104) adjacent to the parking deck. Integrating these components as part of the overall building design is much preferred over attaching them haphazardly on the site afterward.

Loading areas are confirmed on Bank Street (Plan A-102) and at the existing access adjacent to the L.L. Bean building. (No change proposed there.) Curb adjustments suggest that short term loading areas may be available at pedestrian entries on St. Paul Street as well.

Mailbox locations will be identified when floor plans for each building are submitted.

Any other mechanical or utility infrastructure should be included in subsequent application materials, and identified on site plans or elevations as appropriate.

Utility and service enclosures and screening shall be coordinated with the design of the principal building, and should be grouped in a service court away from public view. On-site utilities shall be placed underground whenever practicable. Trash and recycling bins and dumpsters shall be located, within preferably, or behind buildings, enclosed on all four (4) sides to prevent blowing trash, and screened from public view.

The location of trash and recycling facilities is not identified on plans, and will need to be included in application materials. For this amount of building volume and mixed uses, a thoughtful and effective plan for the storage and management of waste will be essential.

Any development involving the installation of machinery or equipment which emits heat, vapor, fumes, vibration, or noise shall minimize insofar as practicable, any adverse impact on neighboring properties and the environment pursuant to the requirements of Article 5, Part 4 Performance Standards.

This will be reviewed as part of the Performance Standards of Article 5.

Part 3: Architectural Design Standards

Sec. 6.3.2 Review Standards

(a) Relate development to its environment:

1. Massing, Height and Scale:

The most evident feature of the new development is the introduction of greater building height to a site that has only minor deviations to the common 2-3 story building height template. In

comparison to this traditional building height, the new structures are starkly in contrast. They are woven, however, amid buildings in the immediate and neighboring areas exceeding the 3 story archetype; Key Bank (8 stories); the office building at 100 Bank Street (8 stories and mechanicals), Cathedral Square (10 floors and mechanical penthouse); 35 Cherry St. (Westlake, 9 stories); further east, the Masonic Temple (6+ stories with generous floor-to-ceiling areas), the Federal Building at Elmwood Avenue (6+ stories plus penthouse), and to the south, Hotel Vermont (8 stories) and Decker Towers at 230 St. Paul Street (11 floors and mechanical deck.) Variables within these examples show how comparing the number of floors versus building height can produce strikingly different results, and that differences in topography can dramatically influence the real or perceived building height and bulk.

Without question the new development proposes two vertical building components that will exceed existing building heights in the downtown. Given the existing collection of buildings, including those with architectural features like steeples and towers, they have the potential to add to the interesting diversity of structures along Burlington's varied skyline. See Plan View 44.2, and 45.1.

2. Roofs and Rooflines.

Flat roofs with mechanical penthouses are proposed for the northerly and southerly buildings. Solar panels are proposed for all building as per their roof plans. See A-115. Elevations and modeling studies demonstrate a thoughtful approach to each roof, with projecting horizontal eaves at the southerly (office) building, which will functionally help shade the upper floor. An elegant horizontal detailing illustrated on the northerly (residential) building articulates the planal differences in building volume, and activates the overall building mass. The roof treatment increases the dynamism of the building form; attending to function and complementary to the overall design.

3. Building Openings

See Section 6.2.2. (j) for comment about pedestrian access.

Building differentiation is largely characterized by its treatment of wall-to-void and window openings. The parking garage decks (2, 3, and 4) are uniquely defined by a rhythm of openings, bookended by brick piers that rise from ground level to the top of that building block. As illustrated, the materials reflect a relationship with those proposed for the residential building to the north. The office levels of the southerly building (floors 5-10) have a different fenestration pattern, which with its new materials and building stepback clearly announce that something else is happening here. Window alteration alerts use changes again on floors 11-13, but respectful of the rhythm and cadence set by the lower floors.

The northerly building above the parking deck similarly switches gears; window pattern is different for the office use at floor 5 & 6. As the building use deviates to residential at the 7th floor, both building volume and window arrangements are altered. Despite the variables in window dimension and appearance, the pace and stroke of the building openings have been consciously repeated; an effective consistency and harmony that might otherwise be imperceptible.

The vertical addition over the existing Church Street entrance is initially modest; tinted glass announces the new pedestrian entrance to the mall. Recessed behind that is the stepped back

volume intended for office use. Modern window arrangement hugs the southeasterly building corner.

As noted, building access has multiplied around the blocks due to the re-opening of St. Paul and Pine Streets.

(b) Protection of Important Architectural Resources:

Burlington's architectural and cultural heritage shall be protected through sensitive and respectful redevelopment, rehabilitation, and infill. Where the proposed development involves buildings listed or eligible for listing on a state or national register of historic places, the applicant shall meet the applicable development and design standards pursuant to Sec. 5.4.8. The introduction of new buildings to a historic district listed on a state or national register of historic places shall make every effort to be compatible with nearby historic buildings.

See Section 6.2.2 (d) above and 5.4.8, below.

(c) Protection of Important Public Views:

See Section 6.2.2 (c), above.

(d) Provide an active and inviting street edge:

Building elevation in plan, and as modeled in illustration offer potentially differing scenarios for the pedestrian experience.

The Cherry Street and Bank Street elevations depict multiple pedestrian entrances, arranged systematically across the grade level. The St. Paul Street elevation plan has grouped pedestrian entry, located at the apex of the street grade. Additional entrances are located further north on the façade, assumedly to serve differing retail or commercial entry.

V-02 shows the effect of the grade change on the lower (concourse) level, with curtained glazing at pedestrian level. It is essential to retain interest and activity at this important, pedestrian level corner; care should be afforded to assure transparency and interest.

The Bank Street elevation (V-03) suggests great activity, but the dark, recessed storefronts need dynamic use and related invitational components (awnings, furniture, lighting, signage, landscaping) to draw attention and interest into the first floor. Glazing alone won't create that sense of energy, as is in evidence currently at the same location.

The office entrance lobby for the southerly building is almost centrally located on Bank Street; similarly the housing/office lobby is located at the Plaza Level of the northerly building.

(e) Quality of materials:

All development shall maximize the use of highly durable building materials that extend the life cycle of the building, and reduce maintenance, waste, and environmental impacts. Such materials are particularly important in certain highly trafficked locations such as along major streets, sidewalks, loading areas, and driveways. Efforts to incorporate the use of recycled content materials and building materials and products that are extracted and/or manufactured within the region are highly encouraged.

Owners of historic structures are encouraged to consult with an architectural historian in order to determine the most appropriate repair, restoration or replacement of historic building materials as outlined by the requirements of Art 5, Sec. 5.4.8.

At Sketch Plan building materials have not been defined. This is anticipated at the time of application.

(f) Reduce energy utilization:

All new construction shall meet the Guidelines for Energy Efficient Construction pursuant to the requirements of Article VI. Energy Conservation, Section 8 of the City of Burlington Code of Ordinances.

(g) Make advertising features complementary to the site:

Signage is only suggested in the submitted drawings. Any signs will require a separate sign permit; a Master Sign Plan is suggested given the anticipated number of tenants and uses for the complex. Under the current ordinance, the logo pictured on the Church Street elevation could not be approved due to height limitation of 14' for the Marketplace. (Section 7.2.4 (c) 1. D.) This is an area that may be explored under a Master Sign Plan, which would be under the discretion of the Development Review Board. The applicant is advised to consult with Article 7 Part 3 of the ordinance for further direction.

(h) Integrate infrastructure into the building design:

See Section 6.2.2. (p), above.

(i) Make spaces secure and safe:

Areas shall be designed to facilitate building evacuation, accessibility by fire, police or other emergency personnel and equipment. Building entrances and the parking decks shall be appropriately illuminated to assure safety and security for building tenants. All applicable building and life safety codes shall be met to the satisfaction of the building inspector and fire marshal's office.

Intercom systems are recommended for the residential portions of each building to maximize personal safety.

Sec. 5.4.8 Historic Buildings and Sites

The City seeks to preserve, maintain, and enhance those aspects of the city having historical, architectural, archaeological, and cultural merit. Specifically, these regulations seek to achieve the following goals:

To preserve, maintain and enhance Burlington's historic character, scale, architectural integrity, and cultural resources;

To foster the preservation of Burlington's historic and cultural resources as part of an attractive, vibrant, and livable community in which to live, work and visit;

To promote a sense of community based on understanding the city's historic growth and development, and maintaining the city's sense of place by protecting its historic and cultural resources; and,

To promote the adaptive re-use of historic buildings and sites.

(a) Applicability:

These regulations shall apply to all buildings and sites in the city that are listed, or eligible for listing, on the State or National Register of Historic Places.

Although the existing mall is NOT listed on the state or National Register of Historic Places, these standards include a requirement for sensitive infill when such resources are present. See subsection (b) 9. and 10.

(b) Standards and Guidelines:

The following development standards, following the Secretary of the Interior's Standards for the Treatment of Historic Properties, shall be used in the review of all applications involving historic buildings and sites subject to the provisions of this section and the requirements for Design Review in Art 3, Part 4. The Secretary of the Interior's Standards are basic principles created to help preserve the distinctive character of a historic building and its site. They are a series of concepts about maintaining, repairing and replacing historic features, as well as designing new additions or making alterations. These Standards are intended to be applied in a reasonable manner, taking into consideration economic and technical feasibility.

- 1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.*

Not applicable.

- 2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.*

The historic character of Church Street has been acknowledged and respected with building setback from the street. The remaining new structure(s) will be located significantly west of this corridor.

The spatial characteristics of Bank Street, Cherry Street, St. Paul Street and Pine Street were significantly and substantively altered with Urban Renewal and the original development of these parcels.

- 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.*

Not applicable.

- 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.*

The mall was constructed in 1974 on. It does not retain any historic significance or merit.

- 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.*

Not applicable.

6. *Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials recognizing that new technologies may provide an appropriate alternative in order to adapt to ever changing conditions and provide for an efficient contemporary use. Replacement of missing features will be substantiated by documentary and physical evidence.*

Not applicable.

7. *Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.*

Not applicable.

8. *Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.*

The mall area has already been disturbed, most recently with the excavation for the mall itself c. 1974. The area has not been identified as a likely sensitive archaeological site; however, if any resources are identified during construction, appropriate authorities will be contacted for recommended handling, management, and removal if so determined.

9. *New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale, and proportion, and massing to protect the integrity of the property and its environment.*

While the development parameter has no historic resources, it is the “hole in the donut” as it is surrounded by historic neighborhoods and districts. The story of how we got to this spot is a personal one for Burlington; the combined effects of Urban Renewal and the separate but concurrent loss by fire of multiple buildings created the opportunity for redevelopment on this scale. The old neighborhood was already demolished before the mall was realized. For its time, was a brave plan; but the shopping hub of 1974 has devolved into what now reflects aging infrastructure on an underutilized site in the heart of the downtown.

This new plan boldly seeks to animate and energize the core of the Queen City. The challenge of re-defining city blocks and creating infrastructure to reinvent an urban downtown landscape is formidable. The plan presents an opportunity to capture more housing, much needed commercial office space, and additional retail in an area identified in Plan BTV as appropriate for high intensity development.

The work is clearly differentiated from its historic neighbors; easily understood as new construction.

The distance created by street right-of-ways, coupled with staggered building setbacks, can provide an effectual cushion between the differing scale of smaller, historic buildings lining the south side of Bank Street, the north side of Cherry Street, and the Church Street Marketplace. The redevelopment, however, is contained within the confines of the existing mall developed in the 1970s, and consumes no other part of the surrounding neighborhood.

Diversity in style, height, massing and arrangement can enrich urban fabric and induce greater interest to a city's varied skyline; particularly when it can be viewed from both the water and land.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

It is unlikely that development of this scale would be removed in the future; however as no historic resources are directly involved in the project site, and the project is proposed along a linear contiguous path, it may be considered reversible.