

## Department of Planning and Zoning

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**TO:** Development Review Board  
**FROM:** Scott Gustin & Mary O'Neil, Principal Planners  
**DATE:** June 28, 2016  
**RE:** 16-1258SP; 49 Church Street

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**Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.**

Zone: D      Ward: 3C

Owner/Applicant: BTC Mall Associates, LLC

**Request:** Sketch plan review of mixed use redevelopment (retail, office, residential, and parking garage) of the mall property.

### **Applicable Regulations:**

Article 3 (Applications and Reviews), Article 4 (Maps & Districts), Article 5 (Citywide General Regulations), Article 6 (Development Criteria & Guidelines), Article 8 (Parking), Article 9 (Inclusionary and Replacement Housing), Article 10 (Subdivision), and Article 11 (Planned Unit Development)

### **Background Information:**

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 downtown 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.

This sketch plan underwent review by the Conservation Board on June 6, 2016 and the Design Advisory Board on June 14, 2016. As little in the way of stormwater management information has yet been developed, the Conservation Board had relatively little comment. They advised against sending any stormwater runoff into the College Street MS4 system, as it discharges directly into Burlington Bay. They also strongly encouraged the applicant to work with Carshare VT so as to limit the amount of onsite parking spaces and to provide improved transportation alternatives. The Design Advisory Board asked several questions to better understand the project particularly about

suggested material changes. DAB comments have been compiled and submitted as a separate document. The Technical Review Committee reviewed this project on February 11, 2016.

Previous zoning actions for this property are noted below.

- **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.
- **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 o 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.

## **I. Findings**

### **Article 3: Applications and Reviews**

#### **Part 5, Conditional Use & Major Impact Review:**

##### **Section 3.5.6 (a) Conditional Use Review Standards**

*Approval shall be granted only if the DRB, after public notice and public hearing, determines that the proposed conditional use and associated development shall not result in an undue adverse effect on each of the following general standards:*

1. *Existing or planned public utilities, facilities or services are capable of supporting the proposed use in addition to the existing uses in the area;*

The proposed development will be served by municipal water, sewer, and electricity. The proposed development is large enough that it will place significant new demands on these city utilities. A comprehensive analysis of existing utility infrastructure and identification of necessary upgrades will be required as part of the permit application.

2. *The character of the area affected as defined by the purpose or purposes of the zoning district(s) within which the project is located, and specifically stated policies and standards of the municipal development plan;*

The subject property is located within the Downtown zoning district. While an overlay district is anticipated, the base zone will likely remain unchanged. The Downtown zone is the primary urban center of Burlington. Development is intended to be intense with high lot coverage and large tall buildings set close to one another. Land uses are diverse and are intended to strike a balance between residential and non-residential. Development should be pedestrian-oriented with an emphasis on a safe and inviting streetscape. New buildings are to be designed with a high level of architectural detailing with an emphasis on creating visual interest and enjoyable human-scale spaces. While the sketch plans contain largely conceptual ideas, they are generally consistent with this criterion.

3. *The proposed use will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than typically generated by other permitted uses in the same zoning district;*

The proposed development will contain a mix of residential, office, and retail (apparently including some restaurant space) uses. These uses will not have nuisance impacts from noise, odor, dust, heat, and vibrations greater than that generated by other mixed use development in the downtown.

4. *The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street designations and capacity; level of service*

*and other performance measures; access to arterial roadways; connectivity; transit availability; parking and access; impacts on pedestrian, bicycle and transit circulation; safety for all modes; and adequate transportation demand management strategies;*

No traffic information is included in the sketch plans. The applicant is presently working with the Department of Public Works to develop a comprehensive traffic analysis. The traffic analysis must include details relative to daily and peak hour trip generation, accidents, and intersection level of service. The applicant is advised to provide actual traffic generation numbers from similar developments elsewhere for comparison purposes.

*and,*

5. *The utilization of renewable energy resources;*

Little detail relative to this criterion is included in the sketch plans. Project plans depict a number of solar panels on top of the proposed buildings. Insofar as possible, the applicant is encouraged to integrate renewable energy elements into the project design.

*and,*

6. *Any standards or factors set forth in existing City bylaws and city and state ordinances;*

Technical Review Committee comments relative to applicable City bylaws have been provided following the February 11 review. The permit application must address all comments provided.

(b) Major Impact Review Standards

1. *Not result in undue water, air, or noise pollution;*

No significant air or noise pollution is anticipated as a result of this mixed use development.

See Sec. 5.5.3 for stormwater management.

2. *Have sufficient water available for its needs;*

See Sec. 3.5.6 (a) 1.

3. *Not unreasonably burden the city's present or future water supply or distribution system;*

See Sec. 3.5.6 (a) 1.

4. *Not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;*

See Sec. 5.5.3.

5. *Not cause unreasonable congestion or unsafe conditions on highways, streets, waterways, railways, bikeways, pedestrian pathways or other means of transportation, existing or proposed;*

See Sec. 3.5.6 (a) 4.

6. *Not cause an unreasonable burden on the city's ability to provide educational services;*

No information has been provided with respect to the number of anticipated school-age children. The permit application must include an estimated number of school age children and data in support of that estimate. If this project receives final approval, impact fees would be paid to help offset impacts on the school system.

*7. Not place an unreasonable burden on the city's ability to provide municipal services;*

The proposed development will generate additional impacts on city services; however, the extent of those impacts cannot be determined at sketch plan review. All affected City Departments (Parks & Recreation, Fire, Police, Electric, CEDO, Planning & Zoning, School, and Public Works) will be involved in the review of this project.

*8. Not have an undue adverse effect on rare, irreplaceable or significant natural areas, historic or archaeological sites, nor on the scenic or natural beauty of the area or any part of the city;*

See Article 6 for effects on significant natural areas, historic buildings, and archaeological significance.

*9. Not have an undue adverse effect on the city's present or future growth patterns nor on the city's fiscal ability to accommodate such growth, nor on the city's investment in public services and facilities;*

The proposed redevelopment is located within the city's downtown core – an area targeted for high intensity mixed use development. While the location is appropriate for a development of this nature, this project is of sufficient size to warrant an analysis of city costs to support it and impact fees and infrastructure improvements to come as a result of it.

*10. Be in substantial conformance with the city's municipal development plan;*

While the sketch plans lack the details required with a complete permit application, conceptually, the project hits the mark of a number of specific targets outlined in PlanBTV: Downtown & Waterfront. An entire section of PlanBTV is dedicated to the existing downtown mall and possible improvements. The plan calls for creation of additional downtown housing, reconnecting the street grid (cut off during urban renewal), new strategic infill, and improved street life particularly along Cherry Street and Bank Street. The proposed redevelopment addresses each of these targeted items. The sketch plans depict 274 dwelling units in a variety of studio, 1-, 2-, 3-, and 4-bedroom units. Pine Street and St. Paul Street are to be reconnected. The proposed development exceeds what could be considered infill – it is a comprehensive redevelopment of the entire mall property. The redevelopment introduces a mix of uses and streetscape improvements on all frontages.

*11. Not have an undue adverse impact on the present or projected housing needs of the city in terms of amount, type, affordability and location;*

PlanBTV: Downtown & Waterfront calls for more housing downtown generally and specifically within the mall property. The sketch plans note a total of 274 housing units in studios and 1 – 4 bedroom units. Details as to affordability and rental versus condos are not included. Per the requirements of Article 9, a certain percentage must be inclusionary units. That percentage is based on type, number, and pricing of units within the development.

*12. Not have an undue adverse impact on the present or projected park and recreation needs of the city.*

Residents of the new dwelling units and even employees within the new commercial spaces will likely utilize the city's park and recreation facilities. If final approval is granted, park impact fees will be paid to help offset any related impact on park needs.

(c) Conditions of Approval:

*In addition to imposing conditions of approval necessary to satisfy the General Standards specified in (a) or (b) above, the DRB may also impose additional conditions of approval relative to any of the following:*

*1. Mitigation measures, including but not limited to screening, landscaping, where necessary to reduce noise and glare and to maintain the property in a character in keeping with the surrounding area.*

The proposed development will likely not generate offsite noise or glare substantial enough to require mitigation. This property is located within the core of the city's downtown where occupancy and activity are intended to be more intense than other areas within Burlington.

*2. Time limits for construction.*

No construction timeline is included in the sketch plans. For a project of this size, a construction schedule will be required as part of the permit application. Within that timeline, a phasing schedule is strongly recommended. Breaking the project into distinct phases will allow occupancy of buildings, or even sections within buildings, as they are completed while construction of others is ongoing. If the applicant wishes to pursue phasing, a phasing schedule must be provided with the permit application for review by the DRB.

*3. Hours of operation and/or construction to reduce the impacts on surrounding properties.*

The construction schedule must include proposed days and hours for construction. As currently proposed, none of the uses (retail, restaurant, office, and residential) are conditional. Therefore, limitations of days and hours of operation are not anticipated.

*4. That any future enlargement or alteration of the use return for review to the DRB to permit the specifying of new conditions; and,*

Any future enlargement or alteration will be reviewed under the zoning regulations in effect at that time.

*5. Such additional reasonable performance standards, conditions and safeguards, as it may deem necessary to implement the purposes of this chapter and the zoning regulations.*

Not applicable for sketch plan review.

#### **Article 4: Maps & Districts**

The mall property is located within the Downtown Zone. That base zone will likely remain unchanged; however, an overlay district is anticipated that would affect some of the base standards addressed under the following criteria.

##### ***Sec. 4.4.1, Downtown Mixed Use Districts:***

###### ***(a) Purpose***

###### ***(1) Downtown District (D)***

The subject property is located in the Downtown (D) District. This zone is the primary urban center of Burlington. As noted previously, high intensity development with large, tall buildings and a diversity of uses is anticipated. Emphasis shall be placed on creating pedestrian friendly streetscapes with human scale components.

###### ***(b) Dimensional Standards & Density***

A FAR of 5.5 is presently allowed in the D zone. Based on the represented lot size of 225,491 sf and a proposed building area of about 1,250,000 sf (total building area varies within the sketch plans), proposed overall FAR would be just over 5.5. Following subdivision and reconnection of Pine and St. Paul Streets, total lot area appears to drop to 158,225 sf. The sketch plans note FAR details based on proposed overlay standards. Parcel A, B, and C would have resultant FAR's of 9.5, 9.5, and 5.5, respectively.

There is no lot coverage limit in the D zone. Existing and proposed lot coverage are virtually 100%.

There are no minimum yard setback requirements in the D zone; however, new buildings must be at least 12' from the curb. The sketch plans depict street setbacks in excess of that amount, particularly along Bank Street and Cherry Street where the setback is 18' from the curb; The east side of St. Paul meets the 12' setback as scaled from the plans.

The minimum building height in the D zone is 30' and three stories. The maximum height (without bonuses) is 65'. The proposed development complies with this minimum, but exceeds the maximum. As proposed, new construction will reach to 158' – 160' with an additional 12' – 15' in height for rooftop mechanical enclosures. Additional height allowance is anticipated in the pending overlay district.

***(c) Permitted & Conditional Uses***

The proposed residential, retail (including restaurant), and office uses are permitted in the Downtown zone. The size of the project triggers “major impact” review and related conditional use review.

***(d) District Specific Regulations***

***1. Use Restrictions***

***A. Ground Floor Residential Uses Restricted***

No residential units are proposed along the ground floors of the proposed development.

***2. Public Trust Restrictions***

The subject property is not located within the Public Trust.

***3. Facades and Setbacks on Side and Rear Property Lines***

This criterion requires that new buildings placed on a side or rear property have no doors or windows along such façade. It also requires a 10' setback for new construction where the façade of an existing adjacent principal building is within 5' of a common property line and has existing doors or windows. The sketch plans do not contain sufficient detail relative to parcel lines or fenestration to determine compliance with this criterion. Using the tax map as a reference, parcel lines and adjacent buildings indicate that some adjustments could be necessary to comply with this criterion.

***4. Building Height Setbacks***

***A. Principal View Corridors***

Much of the proposed development parallels Cherry Street – an identified view corridor.

This view corridor requires a building setback above 55' (or 5<sup>th</sup> story) of ¼ the width of the street ROW. In this case the Cherry Street ROW is 66', thereby requiring a 16.5' upper

story setback. The sketch plans depict a compliant 17' building setback along Cherry Street.

***B. Church Street Buildings***

This criterion requires a 16' setback for every 10' of building height (within 100' of Church Street centerline) above 38'. The sketch plans depict a stepped-back building in observance of this requirement; however, the starting point appears to be 44' 6" rather than 38'.

***C. Side Street Building Height***

The proposed development will front on both Pine Street and St. Paul Street. This criterion limits building height to 65' along these streets. The sketch plans depict building heights over 65' along both streets in anticipation of greater height allowances under the proposed overlay district.

***5. Lake Champlain Waterfront Setbacks***

The subject property is not located along the Lake Champlain waterfront.

***6. Development Bonuses/Additional Allowances***

The sketch plans do not indicate pursuit of any bonuses.

**Article 5: Citywide General Regulations**

***Sec. 5.2.3, Lot Coverage Requirements***

See Sec. 4.4.5 (b) above.

***Sec. 5.2.4, Buildable Area Calculation***

Not applicable in the D zone.

***Sec. 5.2.5, Setbacks***

See Article 4 above.

***Sec. 5.2.6, Building Height Limits***

See Article 4 above.

***Sec. 5.2.7, Density and Intensity of Development Calculations***

See Article 4 above.

***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.

#### ***Sec. 5.5.1, Nuisance Regulations***

Nothing in the sketch plan materials appear to constitute a nuisance under this criterion.

#### ***Sec. 5.5.2, Outdoor Lighting***

No outdoor lighting information is included in the sketch plans. The permit application will require a comprehensive lighting plan depicting individual lighting environments (parking, walkways, entries, etc.), photometric plan(s), lighting fixture cutsheets, and locations.

#### ***Sec. 5.5.3, Stormwater and Erosion Control***

The existing mall has no stormwater management measures. All runoff drains into the city systems unabated. As part of this redevelopment, improvements that collect and retain stormwater runoff for a controlled release into the city systems will be required. Details are not provided in the sketch plans, but project plans depict several green roofs within the development. Incorporation of these elements into the final project plans is strongly encouraged.

No erosion control details are included in the sketch plans. A comprehensive erosion prevention and sediment control plan will be required upon permit application.

Review and approval of both items by the city's stormwater program will be required prior to final approval.

### **Article 6: Development Review 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.

#### ***Part 1: Land Division Design Standards***

#### ***Part 2: Site Plan Design Standards***

##### **Section 6.1.2 Review Standards**

###### ***(a) Protection of important natural features***

*The arrangement of blocks and lots shall preserve watercourses, wetlands, steep slopes, flood-prone areas, rock outcroppings, wildlife habitat and travel corridors, specimen trees and*

*contiguous stands of forest, and other sensitive ecological and geological areas to the extent practicable.*

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*

*The size and arrangement of new blocks shall maintain the size and arrangement of existing neighborhood blocks within the zoning district, and support the pattern of interconnected streets throughout the city.*

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*

*The size and arrangement of new lots shall reflect and perpetuate the existing development pattern of the surrounding neighborhood. Lots shall be created in such a way as to enable their development pursuant to the requirements of this ordinance, and ensure a clear transfer of title.*

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*

*The established grid of interconnected streets shall be maintained and extended to the extent practicable. All streets shall be in conformance with applicable street design and construction details as provided by the department of public works, and shall be dedicated to the city.*

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*

*The established sidewalk network shall be maintained and extended to the extent possible. Trail networks and uninterrupted corridors of greenspace outside of the established street grid should be maintained and extended wherever possible. All sidewalks shall be in conformance with applicable street design and construction details as provided by the department of public works, and shall be dedicated to the city.*

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.

### **Sec. 6.2.2 Review Standards**

#### *(a) Protection of Important Natural Features*

See Sec. 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 13-14<sup>th</sup> 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*

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, although the exact point differs from ordinance standards), 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#  Site Name

Site Town  [List Towns](#) Address

Primary Consultant  [List Consultants](#)

Priority   All Sites  Active Sites  Inactive Sites

[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	<a href="mailto:Sarah.Bartlett@vermont.gov">Sarah.Bartlett@vermont.gov</a>
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 7<sup>th</sup> floor. (The 7<sup>th</sup> 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 2<sup>nd</sup> 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 5<sup>th</sup> floor plan (A-107, V-02) and on the northerly building at the 7<sup>th</sup> floor level (A-109.) Above all, literally, is an observation deck at the 13-14<sup>th</sup> 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.*

A fully developed lighting plan, with photometric, fixture specs and mounting heights, will be required at the time of 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 7<sup>th</sup> floor of the Church Street (easterly) building), and atop both the north and south buildings atop the 13<sup>th</sup> (south building) and 14<sup>th</sup> floors (north building.)

A general mechanical area is identified on the 2<sup>nd</sup> 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 applicant revealed revised building elevations and materials at the DAB sketch plan which were not part of the original submission documents. Some revision to these comments may be appropriate to respond to new plans.

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 7<sup>th</sup> 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. Revised plans shared at the DAB sketch plan seem to respond to this concern.

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.

**Article 8: Parking**

***Sec. 8.1.8, Minimum Off-Street Parking Requirements***

The property is within the Downtown Parking District. Total office space appears to be ~ 276,000 sf. With a parking requirement of 2 spaces per 1,000 sf, ~ 552 parking spaces would be required for the office space. Each residential unit requires 1 parking space. With 274 housing units, at

least 274 parking spaces will be required for the residences. Retail space (including restaurants) within the Downtown has no minimum parking requirement. As proposed, 925 parking spaces will be provided whereas ~ 826 are required. Maximum parking limitations do not apply, as all of the parking will be structured. Note also that the re-opening of St. Paul and Pine Streets will result in new on-street parking for public use.

#### ***Sec. 8.2.5, Bicycle Parking Requirements***

The floor plans note bike parking locations within the garage, and the renderings depict outdoor bike racks. Numbers of spaces are not articulated. The 274 residential units will require 69 long term bike parking spaces and 27 short term spaces. The ~ 276,000 sf office space will require 55 long term bike parking spaces and 28 short term spaces. Required bike parking for the retail space will depend on the breakdown of general retail versus bars and restaurants. Bike parking requirements for general retail are 1 per 20,000 sf for long term spaces and 1 per 5,000 sf for short term. Restaurants and bars require 1 long term space per 10 employees and short term spaces based on 6% of occupancy.

### **Article 9: Inclusionary and Replacement Housing**

#### ***Sec. 9.1.5, Applicability***

As the proposed development includes more than 5 new dwelling units, it is subject to the inclusionary housing provisions of this Article. Typically, 15% of housing units must be inclusionary, but this number may vary depending on project location and price points of the market-rate units. The sketch plans do not address inclusionary housing. Details as to the amount, type, and location of inclusionary units to be provided must be included in the permit application.

### **Article 10: Subdivision**

See Articles 3, 4, 5, and 6 of these findings. Note that this application could be eligible for combined preliminary/final review, as fewer than 5 new lots are proposed. Given the very large scope of this project, separate preliminary versus final review may be the more prudent route to take.

### **Article 11: Planned Unit Development**

#### ***Sec. 11.1.6, Approval Requirements***

*(a) The minimum project size requirements of Sec. 11.1.3 shall be met*

There is no minimum project size for a PUD within the Downtown zone.

*(b) The minimum setbacks required for the district have been met at the periphery of the project*

Most of the peripheral setbacks pertain to street frontages and are compliant. Some peripheral setbacks relate to existing structures outside of the PUD and may require a setback as noted under Sec. 4.4.1 (d) 3.

*(c) The project shall be subject to design review and site plan review of Article 3, Part 4*

See Articles 3 and 6 above.

*(d) The project shall meet the requirements of Article 10 for subdivision review where applicable*

See Article 10 above.

*(e) Density, frontage, and lot coverage requirements of the underlying zoning district have been met as calculated across the entire project*

See Sec. 4.4.1 for base zoning district requirements. These standards may well be modified by an as-yet undetermined overlay district.

*(f) All other requirements of the underlying zoning district have been met as calculated across the entire project*

As above, compliance with this criterion cannot be determined until the anticipated overlay district is finalized.

*(g) Open space or common land shall be assured and maintained in accordance with the conditions as prescribed by the DRB*

No open space or common land is included in this project. Presumably, an HOA and/or other entity will own and manage common areas within the development.

*(h) The development plan shall specify reasonable periods within which development of each phase of the planned unit development may be started and shall be completed. Deviation from the required amount of usable open space per dwelling unit may be allowed provided such deviation shall be provided for in other sections of the planned unit development.*

See Sec. 3.5.6 (a) 11.

*(i) The intent as defined in Sec. 11.1.1 is met in a way not detrimental to the city's interests*  
*Sec. 11.1.1, Intent*

*(a) Promote the most appropriate use of land through flexibility of design and development of land;*

The scope and complexity of this project is most appropriately handled by way of the planned unit development process. The singular development upon several parcels requires it. The PUD process enables flexibility in design and comprehensiveness in review to create something other than traditional parcel-by-parcel development and associated reviews.

*(b) Facilitate the adequate and economical provision of streets and utilities;*

A variety of proposed uses will be served by shared streets and utilities within the development.

*(c) Preserve the natural and scenic qualities of open space;*

There is virtually no at-grade level open space within the project site now or as proposed; however the project will create the opportunity for many to enjoy the scenic qualities of the lake and surrounding region with general views from the new structures, and from the public observation deck proposed for the southerly building. (See plan A-114.)

*(d) Provide for a variety of housing types;*

The sketch plans contain basic information relative to the variety of proposed housing – that it will include studio, 1-, 2-, 3, and 4-bedroom units. Details as to the mix of rental versus owner-occupied units and inclusionary details will be required with the permit application.

*(e) Provide a method of development for existing parcels which because of physical, topographical, or geological conditions could not otherwise be developed; and,*

Site characteristics do not trigger the need for PUD review in this case. The scale, intensity, and type of development proposed; however, is most appropriately handled via the PUD process.

*(f) Achieve a high level of design qualities and amenities.*

At sketch plan, building and site design are preliminary, as are anticipated amenities. Even so, at this stage, exceptional design qualities and amenities are evident. Further refinement is expected as the project moves towards a formal permit application.

*(j) The proposed development shall be consistent with the Municipal Development Plan*  
See Sec. 3.5.6 (b) 10.

*(k) Any proposed accessory uses and facilities shall meet the requirements of Sec. 11.1.6 below.*  
Not applicable to the development as proposed.

## **II. Conditions of Approval**

Not applicable for sketch plan review.