

7/6/2020

Hello Scott:

Thanks for providing us with a copy of your Staff Comments as well as copies of the letters from CRZ and COSB summarizing their respective concerns. Here are our responses to all, including:

RESPONSES TO STAFF COMMENTS

1. **Hours of Operation: Clarifications are needed for Opening hours: 6pm for a 7pm show / Daytime Use**
 - Response: We understand staff's request that events do not overlap with the weekday commuter peak times, so would be agreeable to a condition that prohibits high trip generation during the commuter peak hours.
 - Any events over 300 people will have door opening times of 7:00 PM or later on weekdays (and any time on weekends).
 - Weekday events could still occur in the space if the events are not greater than 300 people and the entrance and exiting times do not overlap with the peak periods (before 9:00 AM or between 4:00 and 6:00 PM).
2. **Site Plan:** The site plan submitted for the CU application contains minor details that conflict with the site plan approved by the DRB for the storm water enhancement project and approved by the DRB months ago.
 - Response: We have clarified the site plan submitted for the Conditional Use application (see attached plan annotated w/notes to answer your comments)
3. **Section 5.5.2 Outdoor Lighting:** Details are needed for new lighting that will illuminate the walkway beneath the canopy.
 - Response. Cut sheets and illumination levels have been added to the architectural plans submittal (see attached TCA submittal)
4. **Section 6.3.2 (h) Screening of New Rooftop HVAC Equipment:** Roof plan showing new HVAC equipment and screening from QCPR needs to be included.
 - Response: See revised Architectural plan submittal including Roof Plan showing new HVAC equipment, and screening on Building Elevations.
5. **Section 8.1.8 Parking / Parking Waiver.** Parking supply counts in the TIS (496 spaces) are inconsistent with submitted site plan data (416 spaces). Further, a parking waiver is needed to close the gap between the required number of parking spaces required under the CDO (459 spaces) and the on-site parking supply as shown on Project site plan (416 spaces).
 - Response. Due to either a typo or reliance on an earlier plan, the quantity of on-site parking supply has been misstated, however, the error is immaterial in the context of the TIS. The applicant will develop a parking management plan that will address existing and proposed strategies to limit and manage single occupancy vehicular traffic to the site, including:
 - Remote Working by Burton Staff
 - Multi-modal transportation (bus / bicycle)
 - Temporary Use of neighboring private properties
6. **Section 8.2.5 Bicycle Parking (p9):** Zoning requires one (1) long term (enclosed; lockable) bike parking and eight (8) short term (can be open) parking spaces:

- Response: Plan will be revised to include bike racks as required.

RESPONSE to CRZ LETTER

FL KOCHMAN - 7/1/20

A summary of major objections contained in Mr. Kochman's letter dated 7/1/20 include:

1. **Major Impact Development**: CRZ states that application should be reviewed under additional criteria under Section 3.5.2 (b)
 - Response: Zoning Administrator has ruled the application does not meet the minimum requirements for MID review and is therefore exempt.
2. **Adverse Impact - Public Safety**. CRZ states PAC will place an undue adverse impact on Burlington Police Department's ability to provide service to the Site.
 - Response: Application contains 4/30/20 correspondence from Deputy Chief Jon Murad offering "unconditional support" for Burton's Conditional Use application
3. **Adverse Impact - Noise**: CRZ claims the application cannot demonstrate the absence of undo adverse effect arising from noise
 - Response: The analysis by the Applicant's consultant, RSG, confirms the noise impacts resulting from proposed use meet accepted community standards, and will not result in greater impacts typical of other permitted uses in the E-LM zone district.
4. **Adverse Impact - Traffic**: CRZ claims the application cannot demonstrate the absence of undo adverse impact of the Project on the transportation system.
 - Response. An analysis of the proposed Project's impact on local traffic network has been submitted by the Applicant's consultant, VHB, which has been reviewed by both the City traffic engineers at DPW, and its traffic consultant, CHA. Both DPW and CHA concur with the TIS findings (i.e., the traffic impacts are both reasonable and manageable)
5. **Adverse Impact - Wastewater**: CRZ claims the application cannot demonstrate the absence of undo adverse impact of the Project on the transportation system.
 - Response: The Water Department approval letter dated 11/26/19 contains standard boilerplate language which qualifies the City's ability to serve the Project. This language has been clarified in an email to me dated 7/2/20 which I will send separately to you. With regards to the two issues raised in the CRZ letter, the clarification is as follows:
 - **Organic Loading**: This boilerplate language is meant to address capacity requests from users that could discharge high organic loads to our wastewater plants. This will not be an issue for the proposed Performing Arts Venue with flow primarily from bathrooms.
 - **Combined Sewer Policy**: While this policy is still in draft form the intent is to have new users remove stormwater input to offset proposed new wastewater flows. This policy applies to new flows over 1000 gpd (like Higher Ground) and requires either removing 0.5SF impervious per wastewater gpd request or if not technically feasible on-site then payment of a Combined Sewer Offset Mitigation fee equal to \$1.84 per gpd

request. These funds are placed in a special account to be used for public combined sewer mitigation projects.

RESPONSE to CITY OF SOUTH BURLINGTON LETTER

COLIN McNEIL, ESQ. - 7/1/20

Response. Over the past six months (and as recently as June 30, 2020), the Applicant and team members have maintained an ongoing dialogue with the City of South Burlington, including discussions with City Manager Kevin Dorn, Director of Planning Paul Conner, and City Council Members Helen Riehle, Tom Chittenden, Tim Barritt and David Kaufman. The 7/1 letter from the City Council's attorney Colin McNeil was already finalized and does not reflect the discussions and agreements from the 6/30/20 meeting with city councilors, which includes:

1. City Council to assess signage on Central Ave, including for Red Rocks Park parking area
2. Burton and Higher Ground committed to enforcing no tailgating policy
3. Burton and Higher Ground committed to Operational Management Plan enforcement, including directing traffic away from Central Ave and Red Rocks Park
4. Burton and Higher Ground committed to following through on monitoring plan for one-way bridge, and moving forward with further controls if deemed necessary
5. Burton and Higher Ground to measure exterior noise levels after installation of additional soundproofing materials to ensure Noise Ordinance standards are not exceeded

I think this should address most/all of the open items on your list. Thanks again for your help in processing this application. Justin and I look forward to chatting w/you again tomorrow at 9:30AM. -john

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