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MEMORANDUM

TO: Scott Gustin
FROM: John Caulo
RE: Supplemental Information: Burton PAC Conditional Use Application
DATE: 4 August 2020

This memorandum provides additional information in support of the above-referenced application. Specifically, this memorandum addresses the following items either raised at the DRB public hearing dated 7/7/20, or included in Staff Comments released by Scott Gustin dated 7/29/20:

1. NUISANCE IMPACT: SUPPLEMENTAL NOISE INFORMATION

See attached memorandum prepared by RSG Associates dated 8/3/20 entitled *Burton's Hub Project - Additional Context and Information on Noise*. This memorandum provides additional context and information on noise, based on comments from the Burlington DRB meeting on 7/7/20 as well as feedback from Les Blomberg (Noise Pollution Clearinghouse) related to RSG's Noise Assessment (4/20/20) of the Hub Project ("Noise Assessment"). The additional noise information contained in the memo demonstrates for the DRB, even considering noise monitoring standards favored by Mr. Blomberg, noise from the proposed facility satisfies the applicable Burlington CDO standards.

2. TRANSPORTATION: CHAMPLAN PARKWAY MEMO

CRZ is incorrect that the Application depends on construction of the Champlain Parkway to satisfy the Conditional Use criteria. This project, similar to other recent projects in this part of the City, is asked by DPW to evaluate traffic impacts under a "build" and "no build" scenario for the Champlain Parkway. This is the exact analysis conducted by VHB traffic impact report, and the report demonstrates that the project satisfies the Conditional Use criteria under both scenarios.

Notably, the Application's proposed "demand management" in the form of "hours of operation," specifically avoids larger events conflicting with PM peak traffic times. This aspect of the project design mitigates congestion issues. "Demand management" is standard practice. In any event, the CRZ's evidence concerning the Champlain Parkway, conflicts with DPW's view of expected project timing.

See attached memorandum to the Burlington City Council prepared by DPW Director Chapin Spencer dated 5/11/20 entitled *Champlain Parkway Project Update*. This memorandum provides a current and detailed, "boots on the ground" update on the progress of the Champlain Parkway project. Of particular note is the schedule update

highlighted on page 4 which anticipates “advertising for construction in late 2020 and beginning construction in 2021”. Further, it should be noted that the two appeals of the “necessity determination” by the City Council noted in the memo were resolved by the Vermont Supreme Court in the City’s favor last month.

3. STAFF NOTES: PROPOSED CONDITIONS OF APPROVAL – SUGGESTED EDITS

- **CONDITION 3: POST OCCUPANCY SOUND MONITORING PLAN.** The applicant requests that proposed Condition 3 be modified to read as follows: “Prior to the issuance of the Zoning Permit for the Project, the Applicant shall provide a post-occupancy sound monitoring plan to be reviewed and approved by Staff. Key parameters of the Monitoring Plan to include:
 - Within the first 6 months of operation, Applicant shall coordinate schedule with noise consultant to conduct monitoring for three (3) events that are expected to be at full capacity.
 - Sound monitoring shall be conducted within the same geographic area covered by the Project Noise Assessment prepared by RSG dated 4/20/20.
 - All costs associated with execution of Sound Monitoring Plan to be the responsibility of the Applicant.
 - If monitored sound levels from the facility exceed 45 dBA L_{eq} (1-hour) at night (10 PM to 7 AM) at residential areas, additional sound mitigation measures will be required to bring sound levels into compliance.”

- **CONDITION 5: HOURS OF OPERATION:** In the Staff Comments dated 7/29/20, DPW requests that evening events not draw traffic until after 6:00PM M-F by limiting event times to 6:30PM or later. We agree. Please modify proposed Condition 5 to read as follows:
 - “Daytime use of the Performing Arts Center (PAC) shall be limited to 300 attendees. Doors shall not open for daytime uses of the PAC before 9:00AM, and exiting times shall not occur between 4:00PM and 6:00PM.
 - Evening use of the PAC shall be limited to 1500 attendees. Doors shall not open for non-holiday, weekday evening uses of the PAC before 6:30PM. In no case shall any use of the PAC have an exiting time after 2:00AM.”

4. TRAFFIC: MID-DAY IMPACT OF BURTON HUB PROJECT

See attached email from Burton Traffic Consultant VHB responding to comments by DPW staff regarding potential traffic impacts resulting from daytime use of the Burton Hub.

Please share this information with the DRB at your earliest convenience. We look forward to concluding the public hearing at tonight’s DRB meeting.
