

## Meagan Tuttle

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**From:** ameymanny@gmail.com on behalf of Amey Radcliffe <ameyradcliffe@gmail.com>  
**Sent:** Wednesday, June 15, 2016 12:17 PM  
**To:** Lee Buffinton; Emily Lee; Harris Roen (roen@burlingtontelecom.net); Andy Montroll; bbaker@cdbesq.com; Yves Bradley; Jennifer Wallace-Brodeur; David E. White; Meagan Tuttle  
**Subject:** Thank you and questions  
**Attachments:** 7suggestions.rtf

Dear Commissioners,

A sincere thank you for your thoughtful deliberation on zoning issues and your clear desire to act with integrity over such important matters. I so appreciate the reasoned approach that you all took.

I want to extend a specific thank you, to Lee, for beginning to unravel what has become a rat's nest of issues. And, for your tenacity in honing in on the heart of the matter. David makes a strong case for what he believes, but real dialogue only happens when other strong viewpoints are expressed. Thank you.

Here is how I have deciphered and analyzed it myself. Sorry it's long-winded. I hope it is helpful in some way. Please enter into your records.

### THE BIG PICTURE

As Michael Long passionately commented, the particular zoning details of an overlay district is a separate and important issue, ultimately unrelated to the Sinex project. It should be considered over time, with public input and following all the proper channels that honor your positions as well as the impact on the City's future. As Lee indicated, this is the "big picture". While there may be agreement over the idea of greater density in this downtown section, the devil is in the details. To go from 65 feet to 160 feet, for example, does not follow any logical process to arrive at such a maximum if we remove the milieu of the Sinex project. And removing the Sinex project from the discussion is precisely what is needed to clearly focus on the big picture. Please be cautious about the casual reference to 105 feet as the height "norm". It is not. Under current zoning, 105 feet comes ONLY with added benefits such as affordable housing and senior housing. David White's characterization of bonuses as "ineffective" may have better been described as a simple lack of enforcement. The fact that our city has taller buildings than 65 feet is because they predate such guidelines or earned bonuses to get there (or not, if decision makers let such bonuses "slide"). If the overlay district is going to have "taller" buildings, 65 feet needs to be the starting reference point. As Emily wisely pointed out, many of the surrounding buildings are historic (probably less than 65 feet) and we need to consider the context.

As to the devilish details, "density" is a subjective matter. I believe density and infill can be arrived at within current height perimeters. To act as if "density=height" and that the public or participants of planBTV want 14-story buildings is simply not true. If in fact some members of the public wanted "taller" buildings, I would ask, how much taller? and taller than what? City staff may be putting words and numbers into people's mouths to fit their own vision. I can't find anything in the text and images in planBTV that suggest the heights being discussed for the Sinex project. Due diligence to understand public interest requires specific inquiry, not assumptions.

### THE MAD RUSH - the small picture

While the Sinex project is related to all of the above, it is in fact a separate issue. The decisions about the specific project will be made easier once the time has been spent to consider the details and precedents of a zoning change. No one likes the accusation of spot zoning, but it is my understanding that one definition of spot zoning is when a change is proposed for one project and one developer. This does sound like the situation at hand. By pulling these issues apart, it allows for consideration of a plan to create more density in some way, to be determined by public input and P&Z/commissioner deliberation. We can't put the cart before the horse. Practically speaking, it doesn't seem that Sinex will be able to get a decision quickly given the magnitude of the issues at hand.

Many people spoke last night in favor of the mall re-development and are willing to have greater density in the area specified. I did not hear many positive words about the project itself. The lack of affordable and moderately-priced housing, the student housing, the (semi?) private streets, the TIF \$ needed, the segregated low-income units.... these are all negatives to many people. We imagine a better project that meets more needs and interferes less with our mountain and lake views. PlanBTV expresses this desire. The rush to meet a developer's needs with a mediocre project just doesn't make and sense, especially if you consider the future implications. Planners seem to believe that the sacrifices we would need to make for this project would be worth it - for street connectivity? (I'm not sure what else). The public may disagree. As Andy eloquently expressed, creating a project the public can get behind makes so much sense.

#### QUESTIONS

1. If form-based code has not been "adopted", why is it being talked about like it has been? Why is it being implemented to create FBC districts in the first place?
2. Please clarify the details on the streets - public vs private? Who controls the proposes re-connected St. Paul and Pine?

Thanks for reading. I have also attached my full comment from last night, also for the public record. Carry on in your difficult tasks ahead and thanks for caring about doing this right.

Amey Radcliffe  
Burlington small business owner for over 26 years

Humble advice in 7 short suggestions:

**1. Stick with current zoning.**

The public has entrusted our officials to follow zoning regulations established using democratic process. To side step this process for city staff preferences, betrays the public's trust and allows for unwelcome future precedents.

**2. Walk the walk of plan BTV**

The page 42 graph indicates a majority satisfaction in the current scale of downtown buildings. While some people may like taller buildings, I don't believe anyone imagined anything nearly double the Vermont Hotel depicted as a tall building on page 37's section on human scale buildings. I suspect that 14-stories is higher than anyone imagined during planBTV. Let's start with 65 and go from there.

**3. No spot zoning**

The term overlay does not change the fact that this particular zoning change is being requested for one site with one developer, a definition of spot zoning.

**4. Don't ignore the housing problem.**

This project has only 50 out of 274 units that are affordable. Plan BTV states the need for affordable and moderately priced housing on this site. In the Sinex project, 224 units are being provided to college students and the wealthy.

It's lip service to call this project a solution to the housing problem.

**5. Form based code has not been adopted (at least I don't think it has...).**

Please do not use form based code guidelines to justify or provide perimeters for this project.

**6. Don't fall into a "too big to fail" mindset.**

Yes, this project has been in the works for months and it has taken the public a long time to understand the implications. But this is not a reason to push it through. Instead you have a chance to make this project better. If Sinex walks away, someone else will come. In the meantime, consider a smaller scale project on the site, with more public good attributes and less long term expense.

**7. Don't give up on the model.**

Several City councilors, commissioners and many citizens have asked for a model. Take the time needed to get the model and put off the vote until the model is in hand. How much shopping around was done for a model maker who could provide the model in the time needed? With a \$16,000 budget attached, I have to believe this can be done.

Amey Radcliffe

Burlington business owner for over 26 years

advocate for not putting profit ahead of people and the planet



## Meagan Tuttle

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**From:** genesegrill <genesegrill1@gmail.com>  
**Sent:** Tuesday, June 14, 2016 11:51 PM  
**To:** Lee Buffinton; Emily Lee; Harris Roen (roen@burlingtontelecom.net); Andy Montroll; bbaker@cdbesq.com; Yves Bradley; Jennifer Wallace-Brodeur; David E. White; Meagan Tuttle  
**Subject:** Thank You

Dear Planning Commissioners,

I want to thank those of you who spoke this evening in the interest of due diligence and in response to citizen's concerns. It was heartening to hear your considered questions and critical analysis of so many of the problems that have been concerning the public and to hear you making your discomfort about rushing this important project clear to the public and the city staff. Your diligence in regard to the physical model (what kind, when, whether it be of the maximum build-out or of the particular project), was cheering; though I am still not clear what you will be willing to conclude or not conclude before seeing a physical model. Especially appreciated was Lee Buffinton's attention to the questions beyond the height increase that undermine the checks and balances in our current zoning processes and that seem to threaten the system that currently requires developers to provide public benefits in exchange for height increases. While David White noted that the current system does not always work to gain benefits, it clearly will not work better to throw away a requirement for benefits altogether! I was also heartened to hear Lee Buffinton note that we need not make a choice merely between a tall set-back building on the one extreme or a shorter monolithic one on the other; and that this could be, instead, a good moment and opportunity to examine the zoning code to prohibit the kind of monolithic building we are afraid we would get were we to prohibit the height increase. Also appreciated was the concern for the question of spot zoning (it is not my opinion that this development is in accord with our comprehensive plan and it is certainly not conclusive whether an increase from 65 feet to 160 feet would be considered a slight change or not in a court of law). I also appreciated Andy Montroll's suggestion that the

commission might present a set of comments to the city council instead of a Yes or No answer, and Emily Lee's, Jennifer Wallace-Brodeur's, and Harris Roen's clear commitment to not being rushed in their work. Thank you all for your time and your attention to this and all of the many other projects that come before you. It was really a wonderful surprise to discover that public input and community engagement can make such a dramatic difference.

Sincerely, and with a Great Sigh of Relief,  
Genese Grill

## Meagan Tuttle

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**From:** Carolyn Bates <[cbates@burlingtontelecom.net](mailto:cbates@burlingtontelecom.net)>  
**Sent:** Thursday, June 16, 2016 2:13 AM  
**Subject:** Mall design in code...to mall design that went out of code history

To all of you on the planning commission.

I am going to try to send you some of my research these past two months.  
Use it as you can.

If there is any research you would like me to do, I will do it without bias.  
Usually as screen shots that include the source it came from.

Thank you again for all of your time.

cb

### Carolyn L. Bates Photography

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**ADDRESS:** PO Box 1205, Burlington, VT 05402  
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# MALL from 2014 to 2015 to 2016 going from IN-Code designs to horrific OUTSIDE-Cod

**NOV 20, 2014**

Housing more than 250 units 20% inclusionary

Increase Retail 225,000 sq ft

Department Store  
Restaurants  
Entertainment

Office add 150,000 sq ft

Convention center/hotel 250 rooms  
w 5000 person events.  
40,000 sq ft of showroom

Underground parking add 375 spaces  
130,000 cubic yards of debris and hauling it away.

1.5 acres roof top park

3 buildings  
Triple present space of mall.

Pine and St Paul Sts arcades

\$150 mil cost plus \$50 Mil in public parks and bike paths



**DESIGN C**



Housing, hotel, of  
gardens that go fr  
sun and views of l  
Parking not an iss  
Sinex appears onc  
interested in our c

This is the illustra  
and their Archite  
helped. NB now h  
story tower.

Buildings are 5-6  
ing with an obser

Sinex can and wil  
ly was doing that  
planning on that

And note that all  
"high line" going  
with views of the

The new streets a

**"Sinex has not embarked on a project like this before" \***

"Sinex's conceptual project plans will be evaluated by the City team and the community through a transparent, public process aimed at creating a development agreement between the City and Sinex."

<https://www.burlingtonvt.gov/Press/Mayor-Burlington-Town-Center-Owner-Announce-Partnership-to-Comprehensively-Redevelop-Downtown-0>

\* <http://vtdigger.org/2014/12/16/man-behind-burlington-malls-200-million-makeover/>

**MAY 15, 2015**

2 tiny towers 14 stories high appear. I and others  
figured that since that was outside of our  
zoning codes that City Hall would mitigate this  
and put it back where it belongs at 10 stories.

\$200 mil

Several roof top parks

300,000 sq ft new retail

300 housing units 20% inclusionary

**JAN 2**

Hotel is missing  
Housing is reduced to  
Convention center is  
All public parks are g  
It is now one massive  
Parking 2-3-4th floo  
Sinex is demanding t  
Sinex is demanding t

## Meagan Tuttle

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**From:** Matt Bushey <[mbushey30@gmail.com](mailto:mbushey30@gmail.com)>  
**Sent:** Wednesday, June 15, 2016 11:17 PM  
**To:** Meagan Tuttle  
**Subject:** FW: Statement in favor of the downtown overlay district

Meagan,

I just submitted the following statement to the Planning Commission regarding my support for the proposed downtown overlay district, and I noticed the request on the city website to send comments to you, so I am forwarding my email to you now for your records.

Thank you,  
Matt Bushey

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**From:** Matt Bushey [<mailto:mbushey30@gmail.com>]  
**Sent:** Wednesday, June 15, 2016 11:11 PM  
**To:** [bbaker@cdbesq.com](mailto:bbaker@cdbesq.com); [ybradley@vermontrealestate.com](mailto:ybradley@vermontrealestate.com); [jwb@burlingtontelecom.net](mailto:jwb@burlingtontelecom.net); [roen@burlingtontelecom.net](mailto:roen@burlingtontelecom.net); [andym@montrolllaw.com](mailto:andym@montrolllaw.com); [emilyannicklee@gmail.com](mailto:emilyannicklee@gmail.com); [l.buffinton@gmail.com](mailto:l.buffinton@gmail.com)  
**Subject:** Statement in favor of the downtown overlay district

Dear Planning Commission members,

Thank you for your continued deliberation on the proposed CDO Amendment for the Downtown Mixed Use Core Overlay. As I stated at the public forum during last night's meeting, I am strongly in favor of this proposed amendment, and the people I speak to around town share this view.

I was born and raised in Vermont. I have lived in Ward 6 with my wife and 2 young daughters for the past 10 years. I chose to move to Burlington because it is a culturally diverse and economically active city. I am also a registered architect, and I am the chair of the Design Advisory Board.

I am thrilled to see the realization of one of the core goals of Plan BTM - the reconnection of the city street grid. I believe opening St. Paul and Pine Streets will have a positive ripple effect throughout downtown. Currently, all traffic travelling through the downtown core is diverted onto Battery and South Winooski. Opening up the street grid will take pressure off these streets, which are currently not very pedestrian friendly.

I am comfortable with the height increase and feel this is the right place in the city to build higher and with more density. Building height and building design go hand-in-hand, and the design standards that are included in the amendment will allow for a project that has increased density AND is pedestrian friendly.

Yesterday the DAB held a Sketch Plan Review of the Burlington Town Center redevelopment project. This was the first time this project has been before our board, and we will be reviewing this project at least 2 more times. I have been following the schematic design progress since January and have been concerned about the massing and articulation of the façades. Please note that the building design that has been made public over the past few months does NOT comply with the design regulations of the proposed Overlay District! Yesterday we saw that the design team has already started making improvements, adding façade articulation, integrating the garage screening, and breaking down the scale of the building by adding breaks and setbacks. They have more work to do, and we will guide them along the way, but when the final design eventually complies with the regulations in the proposed ordinance, the building will be much better! (I don't

think many members of the public fully understand the design process and their opposition is based on this non-compliant schematic design which is a work-in-process)

Last night I expressed my frustration and disappointment that a relatively small, vocal group of people have been spreading misleading and downright false information. Flyers are being distributed at the farmers market, at City Market, and to people's doorsteps which falsely state that the new streets will be privately owned. They claim the proposed amendment is Spot Zoning, which it is not. They imply that a 14 story building will be built on Church Street. And they define the project as a 14-story mall, in an attempt to gin up opposition based on people's negative associations with the typical suburban shopping mall.

In fact, this project will reverse the mall and turn it inside-out, transforming a dead property that sits like a lead weight in the middle of the city into a network of active streets and mixed-uses. I really believe that with this project, the city will get back a lot more than what we put into it.

As you consider this proposed CDO amendment, please do not be led to believe that the so-called Coalition for a Livable City represents the popular opinion of Burlington residents. They certainly do not represent me.

Thank you,

Matt Bushey  
30 Prospect Parkway, Burlington

## Meagan Tuttle

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**From:** Carolyn Bates <cbates@burlingtontelecom.net>  
**Sent:** Friday, June 17, 2016 2:15 AM  
**Subject:** What Plan BTV really says. All quoted from the text Great solutions to some of the questions/problems already talked about

What Plan BTV really says. All quoted from the text Great solutions to some of the questions/problems already talked about

to all  
Once again thank you for all of the time you spend to carefully listen and provide genuine solutions to our cities many problems.  
I took several hours rereading this document to find out what it really says Burlington should do in the future. I found great insight and careful well researched solutions. Especially to parking. (wrap all parking with active mixed use) But also walking, housing, (students back up on campus),

So grab your favorite drink and cookies and read.

[https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown\\_Plan/planBTV\\_MasterPlan\\_APPROVED\\_061013\\_LowRes.pdf](https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/planBTV_MasterPlan_APPROVED_061013_LowRes.pdf)

PLAN BTV re: The Mall: HAS 8 STORIES and no massive block square buildings. IN ILLUSTRATION: see below  
“The plan refines broad city-wide goals for sustainable development into focused, actionable, area-specific strategies to ensure the vitality of the central core of our community and enable us to achieve our community vision. The planning process placed an emphasis on ways to promote and improve mixed uses and quality urban design, affordable and workforce housing, transportation and parking management, and the quality and capacity of public infrastructure.” See pg 111.

Also MUST READ for superb solutions to downtown PARKING: Pg 80-86 Pg 70 -71

\*\*\*\*\* In all cases, **any new facilities should be wrapped with mixed-use buildings to screen the parking and activate the street.** Garages should incorporate smart-parking technologies to maximize their efficiency and ease of use, and should also accommodate space for bike lockers, motorcycles and scooters, which consume less space. Finally, the City will never have the resources to do this alone. There are opportunities for the private sector, or even public-private partnerships, to step in and help build future parking facilities. We should: Unbundle parking; Ultra-Short Term Parking (15 min) for FREE, eliminating parking requirements in the zoning ordinance, convenient alternatives to employees, commuter lots,  
[https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown\\_Plan/planBTV\\_MasterPlan\\_APPROVED\\_061013\\_LowRes.pdf](https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/planBTV_MasterPlan_APPROVED_061013_LowRes.pdf)

Housing solutions: pg 60-on pg 28-on

pg 29 housing

Wow. Only 12% of homes in Burlington’s downtown and waterfront area are owner-occupied

Burlington is losing a highly skilled and energetic population to the outskirts of town and surrounding communities. This affects growing businesses who can’t attract employees because there is **no affordable housing option for workers, potentially deterring new businesses from locating in the City**

\*\*\*\* pg 62 STUDENT HOUSING;

it makes sense to step back and take a wider view of the city. While just a few thousand people live within the downtown core, many thousands more live within a short half-mile walk. **This broader urban area** – encompassing the entire Old North End, extending up the hill to the University, and south to the Shelburne Street rotary – provides a broader context when considering locations for additional housing opportunities. Burlington’s **inner residential neighborhoods** typically have lower land values and development costs than the core of the city, making **it easier to create units that are affordable to a greater number of people**. These neighborhoods already include many opportunities for **rehabilitation, redevelopment, and infill** that can help to support and enhance the vitality of the downtown, while also improving neighborhood quality of life. **More on-campus housing for younger undergrad students, as well as infill around the University and hospital to help serve the needs of older undergrads, graduate students, and people who work on the hill, will all provide benefits that extend into the downtown.**

### pg 63 what we should do about HOUSING pg 108

#### amend zoning:

Eliminate the 50% Gross Floor Area (GFA) limit for residential use in a downtown project

- Increase the development threshold that triggers Major Impact Review in the downtown area
- Eliminate off-street parking requirements for downtown and waterfront development
- Facilitate infill, allow for a more diverse range of unit and building types, and simplify the public approvals process by developing a form-based zoning code for the downtown.
- Increase the threshold that triggers the creation of inclusionary units
- Simplify the review process for projects creating inclusionary units
- Create meaningful incentives for projects that provide new inclusionary units
- Revise the payment-in-lieu and off-site options for the creation of new inclusionary units
- Revise the minimum unit size limits to allow for smaller inclusionary units

Explore the creation of new incentives to promote shared equity and perpetually affordable housing options.

Employer Housing Assistance Programs with major employers such as FAHC, UVM, and even the City itself, to remove barriers and make it easier for employees to live closer to where they work.

Develop financial incentives and programs to encourage and facilitate the renovation, rehabilitation, and adaptive reuse of the existing housing stock. Examples include grant and revolving loan funds, tax stabilization and abatements, and historic façade easements. TIF?

Restore the revenue collected for the City’s Housing Trust Fund to the full 1-cent dedicated tax originally approved by the voters to help support the creation of additional affordable housing.

Make enforcement of existing regulations a priority

#### URBAN AGRICULTURE

pg 64

\*\*\*\* Providing **expanded opportunities for urban agriculture in Burlington** presents a unique set of challenges and opportunities, especially when considering the denser fabric of our downtown core. The UATF has recently released a report which presents a comprehensive evaluation of current and proposed policies and practices the City should consider.

#### ROOF GARDENS

The Burlington Urban Agriculture Task Force (UATF), created out of a desire to develop a cohesive urban agriculture policy for the city, has begun the work on this effort.

\*\*\* pg 65

**Burlington would benefit from a community kitchen/cannery (also known as a kitchen incubator) for use by residents** interested in value-added production of jams, baked goods, cheeses, or other local products. This facility could be designed to support home or micro-enterprise processing and preserving. Evaluating the feasibility of using existing underutilized kitchens around the city would be a recommended first step to bring this idea to fruition.

Community gardens

Vermont’s food system is critical to our economy, identity, quality of life, and sustainability goals. Jobs throughout the statewide food system represent 16% (or 56,419) of all private sector jobs and are connected to about 13% (or 10,984) of all private businesses. Retail food purchases generated over \$2 billion in sales in 2008. When measured by employment and gross state product, **food manufacturing is the second-largest manufacturing industry in Vermont.**

**Schoolyard gardens** are one example of a tool to integrate classroom curriculum, with a focus on outdoor hands-on experience, environmental education, culinary arts, and nutrition.

STREETS

pg 69 \*\*\* 73

**RESTORE Connections** The City should avoid the loss of street network at all costs. A road cut takes at least a generation to correct. An effort should be made to restore street connections wherever possible, including the clipped sections of Pine Street and St. Paul Street

**pg 74 WALKING** pedestrians need to enjoy the walk along the way.

pg 27 RETAIL

**we have 1 million sq ft of retail in downtown**

Retail is doing well in downtown Burlington, capturing a healthy share of the market. This, coupled with popular eating and drinking establishments, make downtown and the waterfront a highly desirable place to visit. A larger supply of retail space, with lower price points, might help promote an even greater expansion of place-based retail in the downtown. There is significant potential in Burlington for this kind of expansion, with the ability to nearly double the amount of development that exists today. There are 100 parcels with significant development potential, reflecting nearly 120 acres of buildable land.

**Carolyn L. Bates Photography**

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The illustrative plan for the mall area suggests reopening Pine Street and S preferably as complete streets that would accommodate all modes of trans parking, repairing the street grid and relieving pressure from Battery Str Winooski. In lieu of the complete street option, the mall could be more surgical allow for a plaza to pass through that would be open to pedestrian and bicycle alternatives would greatly enhance the connectivity within the City while also mall to more actively interface with the City and benefit from the additi

The rendering also shows redevelopment and infill within the urban renewal an area of the City where the pedestrian realm could be greatly enhanced by gaps in t



## Meagan Tuttle

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**Subject:** FW: Burlington Town Center

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**From:** Stephanie J. Mapes [<mailto:SMapes@pfclaw.com>]

**Sent:** Friday, June 17, 2016 7:53 AM

**To:** Meagan Tuttle

**Subject:** FW: Burlington Town Center

Yes. Of course. I should have made clear that I am writing to you as a Burlington resident, individual and not as a lawyer or on behalf of my law firm.

Please see below:

Hi Yves. Please let the Planning Commission know that I support the Burlington Town Center redevelopment. This property is sorely in need of redevelopment, as with so many malls across the country. The plan for redevelopment is just what Burlington needs. I fully support the mixed use. The days of having a remote retail location are over. People just don't live that way anymore and don't want to live that way. Mixed use make for a vibrant downtown, and I am looking forward to the additional office space and the connected streets as well. The height of the building does not bother me in the least. C'mon folks. It is not *that* high! And the downtown is the place to put tall buildings. It is perfect. I strongly urge the planning commission to support this project and I look forward to its completion already!

Stephanie

Stephanie J. Mapes  
426 S. Winooski Ave.  
Burlington, VT 05401

# Meagan Tuttle

**From:** Carolyn Bates <cbates@burlingtontelecom.net>  
**Sent:** Saturday, June 18, 2016 2:07 PM  
**To:** Carolyn Bates  
**Subject:** Healthy vs unhealthy environment from AIA May 13 conference:

From the Healthy Building/City AIA conference: May 13, 2016

Explains what is an unhealthy environment: Barren, vulnerable, hostile.  
And a Healthy one: warmth, protected at night, community, information richness, nourishment.

Very important that we ask for Healthy LEED Building.  
Unhealthy buildings put out the greatest CO2 emissions....

## Carolyn L. Bates Photography

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**Hostile environment**

- Hostile environment
- No protection
- Vulnerability
- Lack of control
- Isolation
- Primal high alert
- Stress and anxiety

**Warmth**

- Warmth
- Protection at night
- Wayfinding and mobility
- Community
- Rituals and traditions
- Safe, secure, more at ease

**Refuge and protection**

- Refuge and protection
- Prospect and vantage point
- Information richness
- Observe weather patterns
- Prepare against threats
- Safe and secure

**Clean water**

- Clean water
- Nourishment
- Vegetation
- Prospect
- Animals
- Comforting

**Barren**

- Barren
- Harsh
- Ecologically unsupportive
- Stress
- Panic
- Hopelessness

**Trees and flowers**

- Trees and flowers
- Arched stonework
- Views from top level
- Sense of protection
- Colonnade
- Relaxing and social

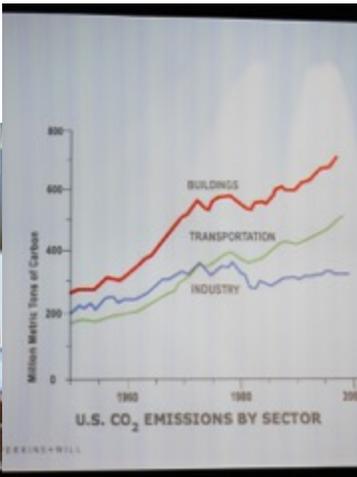
**Outline of Healthy Place Criteria**

- Site
  - 1. Celebrate the Natural Systems
  - 2. Pedestrian + Bicycle Access
  - 3. Leverage Shared Parking Whenever Possible
  - 4. Sun or Shade Pockets Depending upon Climate
  - 5. Spaces for Multi-Generational Play + Recreation
  - 6. Play Spaces for Children
  - 7. On-Site Gardening
- Buildings
  - 1. Low V.O.C. – Paint, Flooring + Furnishings
  - 2. Access to Fresh Air + Advanced Filtration Systems
  - 3. Access to Natural Light
  - 4. Smart Lighting Allowing Personal Adjustment
  - 5. Access to Fitness – Outdoor + Indoor
  - 6. Interior Spaces that are Prominent + Accessible

### Outline of Healthy Place Criteria

- Operations / Interiors
  1. Ban Smoking
  2. Ability to Work Standing Up / Adjustable Desks
  3. Sitting is the New Smoking
  4. Provide Hydration Stations
  5. Snacks + Drinks to be Low in Sugar
  6. Cleaning Services to Use Non-Toxic Cleaners
  7. Signage Directing Users to the Healthy Option
- Programming
  1. Foster a "Do the Right Thing" Mentality
  2. Provide a Health Care Concierge
  3. Hold Regular Fitness Classes
  4. Encourage + Lead Frequent Breaks
  5. Discourage Employees from Coming in Sick
  6. Create a Bike Program - Lockers, Classes, Events
  7. Administer Well Being + Engagement Surveys



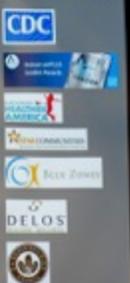
### Why should you care?

- Despite everyone's best efforts. These systems rarely work optimally



### Current Certification Programs

- National Center for Environmental Health Simple One-Page Checklist
- EPA - Indoor airPLUS Air Quality Standards Similar to Energy Star
- Partnership for a Healthier America
- Star Communities
- Blue Zones Community Wide Health-Conscious + Standards
- Delta - The Well Building Standard Air, Water, Neutrient, Light, Fitness, Comfort, Mind
- USGBC LEED - Leadership in Energy + Environmental Design - LEED NC has some healthy place components



### Urban Land Institute (ULI) Efforts

- Largest Initiative Ever Undertaken
- Conferences
- Technical Advisory Panels
- Publications
- Articles in Urban Land Magazine
- Seminars Throughout the Country
- Expert Panels at National Meetings
- Healthy Place Forum Meetings




### CASE STUDY - Bothell, Washington

Healthy Place Bothell, Washington



### CASE STUDY - Bothell, Washington

Healthy Place Framework Diagram




### Value of Certification Programs

- It is the Right Thing to Do
  - Making The World A Better Place
  - Providing Healthy Environments for People to Learn, Work and Live
- Endorsements / Permits
  - Changes the Narrative with the Community
- Financing
  - Institutional Investors and Non-Profit are committed
- Sales and Marketing
  - Unique "New Best Thing"
  - Differentiates a Project from the Competition
  - Standing "Certified Healthy"
  - Provides a Compelling Story



### Value of Certification Programs

- Absorption Rates
  - Accelerates Sales and Leasing Volume
- Retention Rates
  - First to Occupy and Last to Vacate
- Long Term Value
  - Increases Property's Desirability
  - Sustains Value
- Allows Architects to Maintain the Great Aspects of a Project's Design

### Community + Context

1. Connectivity – Pedestrian, Bicycle, Multi-Mode
2. Transportation Systems
3. Access to Greenspace
4. Access to Healthy Food and Health Care
5. Access to Work / Employment
6. Access to Residential Opportunities

### Safety

1. Ban Smoking
2. Eyes on the Street
3. Unobstructed Access Through Site
4. Lighting of Streets, Public Spaces + Parking Lots
5. Provide Central Cyber Security
6. Proper Signage + Wayfinding Systems
7. Develop a Crisis Action + Communication Plan

### Programming

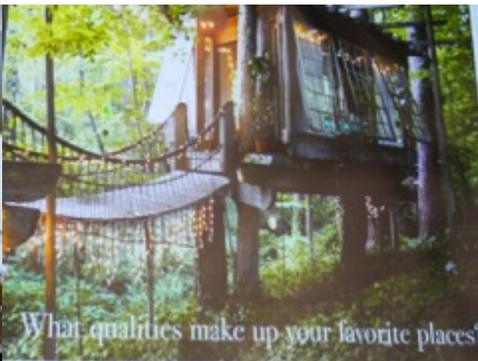
- Foster a "Do the Right Thing" Mentality
- Provide a Health Care Concierge
- Hold Regular Fitness Classes
- Encourage + Lead Frequent Breaks
- Discourage Employees from Coming In Sick
- Create a Bike Program – Lockers, Classes, Events
- Administer Well Being + Engagement Surveys

### Outline of Healthy Place Criteria

- Site
  1. Celebrate the Natural Systems
  2. Pedestrian + Bicycle Access
  3. Leverage Shared Parking Whenever Possible
  4. Sun or Shade Pockets Depending upon Climate
  5. Spaces for Multi-Generational Play + Recreation
  6. Play Spaces for Children
  7. On-Site Gardening
- Buildings
  1. Low V.O.C. – Paint, Flooring + Furnishings
  2. Access to Fresh Air + Advanced Filtration Systems
  3. Access to Natural Light
  4. Smart Lighting Allowing Personal Adjustment
  5. Access to Fitness – Outdoor + Indoor
  6. Interior Stairs that are Prominent + Accessible

### Outline of Healthy Place Criteria

- Operations / Interiors
  1. Ban Smoking
  2. Ability to Work Standing Up / Adjustable Desks
  3. Siting is the New Smoking
  4. Provide Hydration Stations
  5. Snacks + Drinks to be Low in Sugar
  6. Cleaning Services to Use Non-Toxic Cleaners
  7. Signage Directing Users to the Healthy Option
- Programming
  1. Foster a "Do the Right Thing" Mentality
  2. Provide a Health Care Concierge
  3. Hold Regular Fitness Classes
  4. Encourage + Lead Frequent Breaks
  5. Discourage Employees from Coming In Sick
  6. Create a Bike Program – Lockers, Classes, Events
  7. Administer Well Being + Engagement Surveys



### PRINCIPLES of BIOPHILIC DESIGN

Repeated and sustained connection with nature.

### EXPERIENCES of BIOPHILIC DESIGN

Direct Experience of Nature    Indirect Experience of Nature    Experience of Space and Place

Applications of Biophilic Design



- Uncomfortable lighting
- No connection to the outdoors
- Depressing
- Quality artificial and abundant natural light
- Circadian rhythm and weather patterns
- More positive feeling room



Chicken Little - sky is falling

Stability - re-orienting greenery



Color spectrum of light

Quality of views

Applications of Biophilic Design



- Poor lighting
- No connection to the outdoors
- Bored, dull and monotonous
- Quality and abundant light
- Views to the outdoors
- Information richness

## Meagan Tuttle

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**From:** webmaster@burlingtonvt.gov  
**Sent:** Monday, June 20, 2016 4:21 PM  
**To:** Meagan Tuttle  
**Subject:** Form submission from: BTC Mall Comments and Questions

Submitted on Monday, June 20, 2016 - 16:20 Submitted by anonymous user: 64.30.54.130 Submitted values are:

Your Name: Paco DeFrancis

Your Email Address: [pcdefrancis@gmail.com](mailto:pcdefrancis@gmail.com)

Comments:

I would like to know more about advocating on behalf of the zoning changes and this development. The "community members" who have vocally criticized this development and the associated TIF financing and zoning amendments outrage me. Many of these "community members" don't even live in the Central District (some of these "community members" who oppose the project aren't even residents of our city, which REALLY angers me).

I am trying to find grassroots campaigns and groups of Central District residents that advocate on behalf of the zoning changes needed to be made to get this project to fruition. Are there any such groups? I know the Burlington Small Business Association has advocated on behalf of this project, but I was wondering if there was a group/campaign that was more organized.

Also, what meetings are normal, rank-and-file Burlington residents like myself allowed to attend where there will be discussion of this project? I would be thrilled to get the opportunity to go to a planning meeting. Is there a list of future meetings this month ahead of the Aug. 4th city voting?

The results of this submission may be viewed at:

<https://www.burlingtonvt.gov/node/4156/submission/605>

June 17, 2016

*Via Email*

David E. White, AICP  
Director of Planning and Zoning  
City of Burlington  
[dewhite@burlingtonvt.gov](mailto:dewhite@burlingtonvt.gov)

Dear David,

I'm writing on behalf of Burlington Town Center (BTC) to respond to several questions that arose at the Planning Commission's June 14, 2016 meeting concerning the proposed amendment to the Comprehensive Development Ordinance ("CDO") creating the Downtown Mixed Use Core ("DMUC") overlay district. The controlling law and regulations provide a good roadmap to guide the Planning Commission's work, enabling it to focus on the specific tasks required of it by Vermont law and the CDO. The CDO directs the Planning Commission to conduct an objective review of enumerated, limited questions using its technical expertise. Accordingly, the Planning Commission's task is to review the City's submitted amendment proposing the creation of the overlay district as a whole, rather than reviewing the BTC project individually. Please find my specific answers applying the controlling laws and regulations to the questions raised by the Planning Commission below.

**1. Is the amendment properly before the Planning Commission? Does the Planning Commission need to "originate" an amendment?**

Yes, the amendment is properly before the Planning Commission, and properly originated from the City Administration and Council.

The CDO specifically authorizes the Planning Commission to implement zoning amendments that it itself did not prepare. Specifically, the CDO provides that "[a]n amendment . . . may be prepared by the commission, or any other person or body . . ." <sup>1</sup> When an amendment is prepared by "a person or body other than the planning commission," it must be submitted in writing to the Planning Commission, which "may then proceed under this article as if the amendment had been prepared by the commission." <sup>2</sup>

Nothing in the CDO limits the ability of the Mayor's Administration to submit a proposed amendment to the Planning Commission, like any "person or body other than the planning commission."

Similarly, the CDO provides that if "a proposed amendment is requested by the city council," the Planning Commission shall "promptly proceed in accordance with this article as if it

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<sup>1</sup> CDO § 1.2.2.

<sup>2</sup> *Id.* § 1.2.3.

had been prepared by the commission.”<sup>3</sup> Thus, when an amendment is requested by the City Council, the CDO directs the Planning Commission to “promptly submit the amendment . . . to the city council, together with any recommendation or opinion it considers appropriate.”<sup>4</sup>

It should also be noted that the CDO also addresses the concern expressed about the timing expectations of the Planning Commission’s work. The CDO provides that review should be done “promptly,” which, in this case, should be within the timeframe specified by the City Council.

These provisions of the CDO mirror the provisions of the Vermont Statutes.<sup>5</sup>

## **2. Does the Planning Commission need to recommend the amendment for the City Council to consider and approve it?**

The Planning Commission must submit this amendment to the City Council with a written report. The Planning Commission shall “promptly submit the amendment . . . to the city council, together with any recommendation or opinion it considers appropriate.”<sup>6</sup>

The City Council cannot approve an amendment to any bylaw—including the CDO—until it is submitted by the Planning Commission. Under the Vermont Statutes, “Any bylaw for a municipality *shall* be prepared by or at the direction of the planning commission of the municipality . . . .”<sup>7</sup>

Before submitting the amendment to the City Council, the Planning Commission must prepare a written report. The written report shall provide:

- 1) A brief explanation of the amendment;
- 2) A statement as required by Vermont statute (24 V.S.A. § 4444); and
- 3) Findings regarding how the amendment “conforms or furthers the goals” of the municipal plan, including the “effect of the proposal on the availability of safe and affordable housing,” is compatible with the future land uses and densities of the municipal plan, and carries out, as applicable, any planned community facilities.<sup>8</sup>

With this guidance in mind, a reasonable strategy for the Planning Commission is to work with the draft amendment provided by Planning and Zoning staff, which is derived from the Predevelopment Agreement Exhibit D, and to prepare its recommendations and report as specified above, addressing how, for example, the ordinance amendment in the opinion of the Planning Commission effects the availability of safe and affordable housing.

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<sup>3</sup> *Id.* § 1.2.4.

<sup>4</sup> *Id.* § 1.2.8.

<sup>5</sup> *See* 24 V.S.A. § 4441.

<sup>6</sup> *Id.* § 1.2.8.

<sup>7</sup> 24 V.S.A. § 4441(a) (emphasis added).

<sup>8</sup> CDO § 1.2.5.



### 3. Is the amendment spot zoning?

No, the amendment is not spot zoning.

Spot zoning consists of “zoning that single[s] out a small parcel or perhaps even a single lot for a use classification different from the surrounding area and inconsistent with any comprehensive plan, for the benefit of the owner of such property.”<sup>9</sup> The criteria applied include:

“(1) whether the use of the parcel is very different from the prevailing use of other parcels in the area; (2) whether the area of the parcel is small; (3) whether the classification is for the benefit of the community or only to provide a specific advantage to a particular landowner; and (4) whether the change in the zoning classification complies with the municipality’s plan.”<sup>10</sup>

The proposed amendment does not meet any part of the definition of spot zoning.

First, the amendment does not create or allow any uses that are “very different from the prevailing use of other parcels in the area.” Indeed, the proposed amendment deals almost exclusively with form and scale, not use—the height to which buildings may be constructed, and the design standards they must meet. The amendment has a brief section titled “Use,” which converts certain uses that are currently conditional uses in the underlying zoning districts into permitted uses in the DMUC to conform to Form Based Code principles, and clarifies the definition of certain terms as applied within the DMUC. But by and large, the amendment will not change the existing uses on and around the zone covered by the amendment.

Second, the area of the parcel in question is not small. The DMUC will cover an area of approximately eight or nine acres—a meaningful portion of Burlington’s downtown, with parcels and ownership extending beyond the Burlington Town Center project itself.

Third, the amendment provides significant benefits to the community by, for example, amending the Official Map to reconnect St. Paul and Pine Streets. In addition, the proposed changes in form and scale will allow for development to provide far more housing than is possible under the current CDO applicable to the area. The amendment does not advantage a particular landowner, as the DMUC encompasses parcels owned by multiple parties, including the City itself.

Fourth, the amendment conforms and advances Burlington’s municipal plan, specifically PlanBTV. Among the key PlanBTV goals advanced by the amendment are the following: PlanBTV calls for the City to “modify[] the mall to allow Pine Street and St. Paul Street to once again connect through,” to “[f]acilitate infill, allow for a more diverse range of unit and building types, and simplify the public approvals process by creating a form-based zoning code for the downtown and waterfront area,” and to “[d]evelop[] in a dense pattern, where multiple story buildings are located closely together” in order to “minimize air and water pollution, preserve open

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<sup>9</sup> *In re Hartland Group North Ave. Permit*, 2008 VT 92, ¶ 16, 184 Vt. 606 (quoting *Granger v. Town of Woodford*, 167 Vt. 610, 610–11, 708 (1998) (mem.)).

<sup>10</sup> *Id.*



space, and enhance social interactions and a sense of community.”<sup>11</sup> The DMUC brings these goals to fruition.

Sincerely,



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cc: Burlington Planning Commission Members:  
Yves Bradley  
Bruce Baker  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
Kimberlee J. Sturtevant, Esq., Assistant City Attorney  
Donald Sinex

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<sup>11</sup> [https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown\\_Plan/planBTV\\_MasterPlan\\_APPROVED\\_061013\\_LowRes.pdf](https://www.burlingtonvt.gov/sites/default/files/PZ/planBTV/Downtown_Plan/planBTV_MasterPlan_APPROVED_061013_LowRes.pdf)

