

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, May 10, 2016 11:47 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Info on Don Sinex.

there are 12 vacancies in the mall and bank st side of the mall has doors with peeling paint and windows covered in white paper. Looks terrible to people walking by.
I do not like the way he is doing maintenance on the present mall. The windows could have cool photos in them of the new mall. And look exciting. Not like they do now.

There is only 1 vacancy on church st.

Here is his website from which I took the following notes:

<http://www.devonwoodinvestors.com/>

We are a private Investor/Operating Partner for opportunistic real estate debt and equity transactions in which it can add significant value for itself and its US and international investors.

Devonwood Investors, LLC was founded in 1997 as a private real estate development and investment firm. The firm has successfully continued to successfully pursue these activities in a wide variety of undervalued assets in both up and down markets.

Right now Church St Town Center Mall is his ONLY investment on the books
And there is NO other item or project listed in his website, or that I could find online that he has done since 1997 when he started his company

And he has only one person working with him: Mr. Nicholas J. Principe,
Director nprincipe@devonwoodinvestors.com

He has a law and business degree.

He worked with JMB Realty handling large projects similar to the town center here. It appears that he left on good terms and give him a reference.

Info from this website: http://www.prime-finance.com/prime_finance_recent_transactions.html
shows the purchase price

Burlington Town Center

\$23,000,000

Five year floating rate First Mortgage loan

A 371,579 SF regional mall and 5-story office building located in Burlington, Vermont

From various notes:

Jeff Williams at Prime-Factor owns the mortgage on BTC
and he said they will loan Sinex \$100 mil to improve BTC

They have quite a collection of loans to big places usually worth \$10 mil. each, like wal-mart and hotels but nothing like BTC

In summation.

I do not like the fact that all the money comes from one place

I think it is rather ODD that his company has no information about any other real estate transactions since its formation since 1997

The mall is undervalued and under used. Therefore he stands to make a huge profit here. The money he makes will go OUT OF THE STATE It is not local money

He can and should make his design fit Burlington city codes and not demand that we change to fit his design.

And the buildings are massive in size. One city block long, 14 stories tall.

Thank you for reading.

Carolyn Bates

May 10, 2016

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

ADDRESS: PO Box 1205, Burlington, VT 05402

Phone: (802) 238-4213

Web: www [carolynbates.com](http://www.carolynbates.com)

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Wednesday, May 11, 2016 1:15 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Why people come to visit Church St MarketPlace
Attachments: Why do people travel to Church ST I asked Trip Advisor .pdf; ATT00001.htm

I spent several hours researching this and found TripAdvisor where I have submitted advice for 10 years, and use it myself

was the best place to go.

So here is a long list of almost every post submitted within the last few months.

I would appreciate it if you all read this.

And really thought about this mall as a whole, as well as the zoning laws you have been asked to change, the height

and the student housing....let them stay on campus and let this place before people who want to live and work right downtown. OK

and act 250 re housing where you get to by pass it if you only put in 274 units of housing.

This mall HAS TO GO THROUGH ACT 250

Thank you for all of your time. I am sorry I forgot to say that last night.

Carolyn Bates

resident in BTV since 1973, when we walked down church st in our hiking boots and levis, and knew everyone who owned stores and the banks

everything was LOCAL.

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Wednesday, May 11, 2016 10:53 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Competing with Burlington for most sustainable city is Boulder, CO

http://www.dailycamera.com/news/boulder/ci_27862501/boulder-gives-final-approval-height-limit-ordinance

The Boulder City Council gave final approval Tuesday night to a moratorium on taller buildings in many areas of the city for the next two years.

The ordinance required an unusual fourth reading to add a provision that would allow developers to ask for taller buildings in the most intense downtown zones north of Canyon Boulevard after the completion of new downtown design guidelines.

A voter-approved charter amendment caps building height at 55 feet in Boulder, with the exception of Twenty Ninth Street, which received an exemption from the voters due to slope issues and a desire to see the former Crossroads Mall site redeveloped.

Zoning caps building heights at 35 feet in most of the city, 38 feet downtown and 40 feet in most industrial areas. Property owners can request a height modification up to 55 feet — but until April 2017, the city will only consider those requests in certain areas.

Boulder, CO and surrounding area is 250,000 or so
They have controlled heights to save their views of the mountains.

A lot of it looks like just like church st. The Church St I would like to maintain and keep. And not tear up and destroy by massive structures hiding the lake, cutting off our sunlight, and ruining our unique smallness. The prospective 160 Feet is way out of proportion to our generally 3 story high city, The mass being almost a block square filled with buildings 160 feet tall between Pine. Bank. St Paul and Cherry and a 1/3 of a block in mass 90 feet tall between Church, St Paul, Bank and Cherry, is just way beyond anything we should be putting into our unique town.

I want our downtown to grow like Boulder Co where the maximum height is 35-55 feet. We have some tall buildings, around 100 feet but they are scattered around town and do not form a solid mass.

Please Please Please, do not rush this process city council has kicked the can down to you. Instead, I believe that this zoning change is so far beyond anyone's imagination, or knowledge, being used to the 35 foot church st. average, when I talk to them

they point to Hotel VT, which is 6 stories high, and think that is 160 feet, that this change must be put before a town vote in Nov or March. The concept is beyond the citizens understanding. I charge you to go ask people in town what they think of two blocks with 160 ft buildings. And ask them which buildings in town are like that now....

Here is Boulder.

Usually no 1, but almost always in the top 10 of any city contest with other cities.

Don't we want Burlington to remain in the top 10, too.

Remember, we do NOT have to pass this zoning change.

We do NOT need Sinex. but, He needs US, a healthy city for his failing mall awful mall.

Why oh why is city council and the mayor bending down and giving away our healthy city to prop up his disaster.

We can build the streets back again, and keep them. Do not sell them to Sinex

cb





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Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, May 10, 2016 10:51 PM
To: Meagan Tuttle
Subject: say NO to ZONING CHANGES GRANTED TO THE DON SINEX MALL.

Meagan

Please ask all of the planning commissioners to
say NO to ZONING CHANGES GRANTED TO THE DON SINEX MALL.
Thank you

cb

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Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Wednesday, May 11, 2016 1:15 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Why people come to visit Church St MarketPlace
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Carolyn Bates

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everything was LOCAL.

Meagan Tuttle

From: Emer Feeney <emer.feeney@gmail.com>
Sent: Wednesday, May 11, 2016 10:17 AM
To: Meagan Tuttle
Subject: the tall mall - a native Burlington homeowner's opinion

Dear Meagan Tuttle,

I am a Burlington native, new homeowner who has raised two children in Burlington. I have worked downtown for over 25 years, first in retail, then for the last 8 years for the city of Burlington at the library. I know Burlington, and I know downtown Burlington specifically.

During my childhood, my father was a clothing retailer in Winooski through the Mill renovation boom and bust cycle, then a local real estate agent. My mother was a low-income housing developer in Burlington. My step-father was the city clerk of Burlington. I appreciate the many sides of the Sinex development issue, and am in general support of development, commerce, and growth in Burlington.

I trust, however, that you and the Planning Commission will see that this 14-story zoning change would be a disastrous one for the downtown Burlington we know and love. Not only would it open the door to the currently-debated outsized and short-sighted mall complex development, but it would mean future developers could also build to that scale. This is a terrible idea which I have a hard time understanding was allowed to get this far in process. Please nip this insanity in the bud before more time and energy is out toward it.

People move to Burlington in droves because it is different, not like the shining cities that they seek to escape. We win accolades for our coziness, our intimacy, the way it feels like a small town but has all the arts and amenities. I hear new Burlingtonians describe it all the time when they come to sign up for library cards; they moved here because it feels more real, relaxed, supportive, because the emphasis is on kindness and people and not acquisition of status and things.

I've never once heard anyone complain that it would be so much better if we just had a massive monolithic piece of "stunning" architecture dominating and overshadowing the entire downtown. Please. Let's be sensible and shake this madness off. Fourteen stories is too high. It's too damn high. If we are going to go up in Burlington, it needs to be by a realistic amount.

Look at Winooski's recent "renovation". That's what, an eight-story building block in the middle of town? A few years later, it still feels congesting, blockish, too tall in contrast with the buildings it flanks. It's "bigness" really matters. And they struggle to fill it. A success story? Kind of. Not really. A more sensible design would have been better.

But once you make the wrong choices with this level of development, you can't go back. We cannot afford to rush things. People love downtown Burlington as it is far more than they ever loved downtown Winooski. Yes, change and development is needed. The 14 story scale is not appropriate, however.

We just bought a home in Burlington a few years ago, a lifelong dream of mine. This mall design, which appears to be railroading through the city processes like a bull on fire, and in which the Sinex group is being given an inordinate amount of power (in which our city's future is being posed as a kind of "hostage" which they will only give back if we cede to their demands), makes me question whether we will truly have a voice in

the future development of the city. Frankly, we don't want to live somewhere where thoughtless, wasteful decisions are made with our tax money.

Fourteen stories is too tall for downtown Burlington. It's too tall. Let's not destroy downtown in order to save it. If Sinex can't come up with something more reasonable, more Burlington-scale, with a more reasonable scale of zoning change, then we should not make this enormous gamble with them.

Please let me know if you would like to speak further on this topic.

Thank you,
Emer Pond Feeney

802-503-7408
emer.feeney@gmail.com

Meagan Tuttle

From: maggie severance <maggieseverance@gmail.com>
Sent: Wednesday, May 18, 2016 9:57 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: stop the 14 story mall

Hello, I am a native Vermonter, and have lived in downtown Burlington fro 38 years. As such, I request that steps be taken to continue our current city zoning heights, and that steps be taken to prevent the building of a mall that exceeds our zoning. Thanks, Maggie Severance

Which do you
prefer to walk by
and shop next to?

3 Story Church St. as is
14 Story New Mall



city hall May 2, 2016 Jay Vos's model of the proposed mall height

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Thursday, May 19, 2016 1:39 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: re mall

Church St Market Place zoning height is 38 feet Mall wants 8 stories + solar panels or 9 stories or 90FT++ which is 53 ft above zoning height.

The rest of the downtown that is within the mall area is 65 feet. They are at 160 Ft are 95 feet above zoning permitted height.

So why are we letting City Council set new potential zoning so far above what is the LAW?????

See below.

Thank you

cb

Carolyn L. Bates Photography

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ADDRESS: PO Box 1205, Burlington, VT 05402
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Article 4: Zoning Maps and Districts

Article Last Updated: July 16,

Table 4.4.1-1 Dimensional Standards and Intensity						
Districts	Max. Intensity (floor area ratio ¹)	Max. Lot Coverage	Min. Building Setbacks (feet)			Height (feet)
			Front ⁵	Side ^{2,4}	Rear ^{2,4}	
Downtown						
D	5.5 FAR	100%	Greater of 0' or 12' from curb	0	0	Min: Max
Church St. Marketplace	<i>Same as Downtown</i>					Min: Max (see 4.4.1(B))
Downtown Transition District						
DT		100%	Greater of 0' or 12' from curb	0	0	
A. North of Buell St.	4 FAR	<i>Same as Downtown Transition</i>				Min: Max
B. South side of Main St.	5.5 FAR	<i>Same as Downtown Transition</i>				Min: Max
C. South of Buell St.	4 FAR	<i>Same as Downtown Transition</i>				Min: Max
D. South of Maple St.	2 FAR	<i>Same as Downtown Transition</i>				Min: Max
Downtown Waterfront						
DW		100%	Greater of 0' or 12' from curb	0	0	
A. North of Pearl - East	4 FAR	<i>Same as Downtown Waterfront</i>				Min: Max
B. Pearl to Bank - East	4 FAR	<i>Same as Downtown Waterfront</i>				Min: Max
C. Pearl to Bank - West	2 FAR	<i>Same as Downtown Waterfront</i>				Min: Max
D. Bank to College - East	3 FAR	<i>Same as Downtown Waterfront</i>				Min: Max
E. Bank to College - West	2 FAR	<i>Same as Downtown Waterfront</i>				Min: Max
F. South of College	2 FAR	<i>Same as Downtown Waterfront</i>				Min: Max
Downtown Waterfront – Public Trust						
A. North of Pearl - West	2 FAR	<i>Same as Downtown Waterfront</i>				Max
B. Lakeshore ³	2 FAR	<i>Same as Downtown Waterfront</i>				Max
Battery Street Transition						
BST	3 FAR	100%	Greater of 0' or 12' from curb	0	0	Min: Max

Meagan Tuttle

From: Hannah Faesy <faesyyy@gmail.com>
Sent: Thursday, May 19, 2016 3:36 PM
Subject: Stop the 14-Story Mall

Hello,

I am writing as a life-long Vermonter, and long time Burlington resident. I am asking you to please not change the Burlington zoning to accommodate this new, massive building. A new mall is one thing, but this is not something that I, as a community member, stand behind in any way.

I hope you consider the voices of the city as you move forward into a decision.

Best,

Hannah Faesy

Meagan Tuttle

From: joey corcoran <joeycork@burlingtotelecom.net>
Sent: Friday, May 20, 2016 3:49 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Burlington Mall
Attachments: greg e wood on Burlington mall 2016.docx

Dear Planning Commission members,
I'm writing to you as a concerned Burlington resident. I'm taken aback by the high rise that is about to loom over Church St., radically changing its human scale. I'm wondering about the possibility of re-visiting the option of having the parking underground and thus bringing the height of the building down to a level that is more integrated with the surrounding buildings. Please see Greg Epler Wood's carefully thought out solution attached.

I also wonder why our property taxes will be incrementally increased to provide housing for Champlain College students. I understand that the rationale is that this will free up rental housing in the North End for Burlington residents who are planning to work and reside in the area. But with the increases that the College is proposing in its student population this seems like a false premise as there will continue to be a demand for housing that exceeds the current housing stock for the City. It seems to me that Champlain College could purchase and develop their own housing project as they have done with Spinner Place and Eagles Landing. They are a private institution. I don't believe it is ethically correct to use public dollars from resident taxpayers to support their development. Am I not understanding the tax situation correctly?

Please consider there concerns at your next Planning Commission meeting on May 24. I will try to attend if I'm not working. Could you let me know the time and whether it is open to the public?

Thank you,
Joey

Mindful Rest Counseling & Classes
20 West Canal Street, Suite C/2
Winooski, VT 05404
802-654-7600, ext. 4

www.mindfulrest.com

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Saturday, May 21, 2016 10:54 AM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle; Nancy Plunkett
Subject: FYI Don Sinex

I honestly think you should get more details than I can find online about Don Sinex and his supposed “deep pocket friends” before we go any further with this zoning change. I have asked the Mayor for more info and his secy sent me his website. I asked her again, and she said they are “working on it.” So even the mayor has no info.

In City Council when asked about his past work he apparently said something like “Trust me” on this.

Here are some “notes” I found on Don Sinex.

1. seven days story in 2014 NB what he says he will do for mall. what jobs he held before and that he has friends with deep pockets to help him fund the mall.

<http://www.sevendaysvt.com/vermont/burlington-progs-put-mall-man-through-the-paces/Content?oid=2488212>

... these are the jobs he told you about in 2014 when asked...see Seven Days above they were all done prior to 1997 for JMB realty

<https://assets.documentcloud.org/documents/1381947/sinex-cv-project-list-references.pdf>

3. His Business since 1997

NB The only item on here is Burlington Town Center.

Devonwood Investors:

<http://www.devonwoodinvestors.com/>

205 42nd st. 19th fl. NY 10017
101 Cherry ST, Suite 440 Burlington
info@devonwoodinvestors.com

Mr. Sinex was an executive vice president and a managing director of JMB Realty Corporation, one of the largest commercial real estate investment firms in the United States at the time. During his career, Mr. Sinex acquired more than \$6.5 billion of real estate assets mostly in New York, Washington, D.C and Boston.

4. News on his website is only about burlington mall starting in nov 2014

<http://www.devonwoodinvestors.com/news/>

5. Buys mall in 2013 nb he says he will have it preleased 85-90 prior to completion in 2019
<http://www.devonwoodinvestors.com/project/burlington-town-center/>

In 2013, Devonwood acquired the Burlington Town Center, a 40-year old, single story, 250,000 sf retail shopping center covering 5.5 acres on the pedestrian-only Church Street Marketplace in the heart of the Burlington Vermont for the purpose of developing a 1,340,000 sf regional mixed-use commerce center which includes 378,000 sf of office space, 274 residential and student housing units, a future upscale hotel and spa, restaurants and retail space, together with parking facilities for over 1000 cars. This important project is expected to be 85%-90% pre-leased prior to the completion of construction in 2019 with an expected completed value of over \$400 Million.

6. investors: only one I can find: with Jeffery Williams went to UVm

Who actually owns the loan on the mall.

<http://www.prime-finance.com/>

Burlington Town Center

\$23,000,000

Five year floating rate First Mortgage loan

A 371,579 SF regional mall and 5-story office building located in Burlington, Vermont

See loan (above). He has a variable rate for 5 years. HE bought mall in 2013 which means in 2018 he has to pay or refinance. This maybe why he is in such a hurry to get our mall built and have tenants asap and TIF money available so he will look good to Jeff Williams. This way Don can get the loan Jeff said he would give to Don of up to \$100 mil.

7. references:

NB 4. Jeff Williams

**who holds the mortgage on Town Center
and is willing to lend him up to \$100mil**

<https://assets.documentcloud.org/documents/1381947/sinex-cv-project-list-references.pdf>

PROFESSIONAL REFERENCES

1. Neil Bluhm: Founder and CEO at **JMB Realty** Corporation and Senior Manager–Partner at Walton Street Partners, Chicago, Illinois. Neil owns, manages, and oversees more than \$15 billion in real estate assets.

2. John Schreiber: Managing Partner at Blackstone Realty Advisors, Blackstone Investment Banking Corporation, New York City and Lake Forrest, Illinois. John oversees, manages, and owns more than \$45 billion in real estate assets.

3. John Kukral: CEO Northwood Investments, New York City. John oversees, manages and owns more than \$2 billion in real estate assets.

4. Jeff Williams: Managing Director at Prime Finance, LLC, New York City. Jeff made the first mortgage loan to Mr. Sinex to acquire the BTC and oversees more than \$2 billion in real estate assets. Jeff has expressed serious interest in providing up to \$100 million in financing for the first phase of the BTC project, subject to underwriting standards.

Thank you for taking the time to read this.

Carolyn
May 21, 2016

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

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Phone: (802) 238-4213

Web: [www carolynbates.com](http://www.carolynbates.com)

Meagan Tuttle

From: TONY Redington <tonyrvt99@gmail.com>
Sent: Saturday, May 21, 2016 7:43 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur
Cc: Meagan Tuttle
Subject: Mall and Zoning Change

This is a signed final message replacing the premature one just sent.

Good Day:

As an initial supporter of the concept and approach on the Sinex proposal my view has turned 180 degrees on beginning to grasp how out of scale it is and, perhaps most important, how going outside normal channels of development community interests can be not only lost but actually betrayed by our business and political leadership.

Specifically, I strongly oppose a retroactive change in the current zoning of 65 feet for Bank and Cherry Streets to almost triple, 160 feet. This betrays both the spirit and content of both past lengthy processes by our Planning Commission which set the 65 feet limit over about a two year period, and the various public judgements about scale for the downtown (most viewed our downtown scale compatible with the zoning at 65 feet).

There are many other specific deficiencies in the Sinex proposal but 14 stories, exposed parking, lack of any evidence that a project in line with current zoning is infeasible leaves this aspect first and foremost.

We have just seen how development in Burlington an unforeseen truly agonizing results as a process that tried to save Burlington College through housing development in effect destroyed the college itself. At the very least we owe our citizenry an open, thorough--and yes lengthy--process of a major change in our downtown. This is a project for the next four decades in the heart of our City and as such requires an continuous upfront transparency. For a zoning change to proceed when there is no market study, a developer with no vetting, no commitment to a high energy (how crazy is that!), no transportation study, etc.-- in a word with no project reasonably shaped, formed, and legitimate--leaves one wondering on what foundation you as Commissioners can move forward at this point in the process.

Yours truly,

Tony Redington
20 North Winooski Ave. Apt 2
Burlington, VT 05401
@TonyRVT08

Champlain Parkway: Stop! Re-Evaluate! Re-Imagine!
Pine Street

Coalition: https://www.facebook.com/groups/861721857283979/?inviter_id=842495720&is_new_user=0

Meagan Tuttle

From: John and Rebecca Grimm <vtgrimms@burlingtontelecom.net>
Sent: Saturday, May 21, 2016 8:48 PM
To: vesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: Mall Project

Dear Planning Commission Members:

Thank you for your service to the community. I live on Drew St with my family where we have been for 15 years. I love living in Burlington and value the character of our community. I am writing connected to the current proposed mall development project. I am concerned by what I am hearing regarding this project and how it appears things are moving quickly with little public discussion. I urge you to not approve any zoning variances for this project without a thorough public discussion and vetting. Please, let's not lose site of the value of true democracy, especially in the face of such potentially radical changes to our community and its character. Thank you again for your service and please insure that our zoning continues to reflect a community set of values and is not solely driven by developer's proposals.

John Grimm



This email has been checked for viruses by Avast antivirus software.
www.avast.com

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Monday, May 23, 2016 6:02 PM
To: bbaker@cdbesq.com; David E. White; Meagan Tuttle; andym@montroullaw.com; l.buffinton@gmail.com; emilyannicklee@gmail.com; roen@burlingtontelecom.net; jwb@burlingtontelecom.net; Kimberlee Sturtevant
Subject: Fwd: Burlington Town center project

Sent from my iPhone

Begin forwarded message:

From: Ernie Pomerleau <EPomerleau@vermontrealestate.com>
Date: May 23, 2016 at 8:54:31 AM PDT
To: Yves Bradley <YBradley@vermontrealestate.com>
Subject: Burlington Town center project

Dear Yves
Emailing in your capacity as Chair of the planning commission..

To the planning team:

You will hear opposition to ANY project – would remind all of us....as a member of the original Marketplace

Advisory committee we heard lots of argument against removing traffic from church – best thing we ever did!

When Mall first was proposed – much argument against it creating competition etc...again great for BTV!!

We have a dozen examples of opposition of economic development that have become backbones of our economy– I support this project 100%!!

With 4 Decades of devotion to Burlington -born here/live here/business here- believe this project must go

Through for the long term viability of downtown.

...New Jobs/Taxes/Housing/Retail/Offices -advances our community

...Height – Burlington as largest City in Vermont – is BEST place for Height –

- Height reduces sprawl/Height creates better utilization of downtown/concentrated student housing gets

Students OUT OF NEIGHBORHOODS/still be lowest “Highest” building of any state in US!!

Do not be afraid of change if we are not moving forward we are going backward....our city is unique – if we miss this chance – the Mall will likely perish and that will be a travesty for BTV not the height!...

Thank you for what you do for our community

Ernie

Ernie Pomerleau

Meagan Tuttle

From: Joan Shannon <jshannon@burlingtonvt.gov>
Sent: Tuesday, May 24, 2016 12:22 PM
To: Lee, Emily A - BURLINGTON VT; Yves Bradley; Bruce Baker; Jennifer Wallace-Brodeur; Harris Roen; Lee Buffinton
Cc: David E. White; Meagan Tuttle
Subject: Tonight's Mall discussion

Dear Planning Commissioners,

I am sorry I am unable to make your meeting tonight, but I did want to weigh in on the discussion of the downtown overlay zoning and would appreciate it if this brief email could be read into the record.

I am fully supportive of rezoning to accommodate development that would facilitate the opening up the City grid and the many public benefits associated with doing so. I do have a few concerns about how that is done which I hope you will consider in your deliberations:

- 1. Church St.** Existing zoning requires a 100' setback from Church St to reach the height of 105'. The new proposal is unclear about what the setback is from the centerline of Church St. to the height of 105'. Shadow impacts on Church St. are critically important to the public. **I ask that you confirm the new proposal is maintaining the current 100' setback for 105' buildings and adjust the other step backs accordingly.** Changing the height limit on Church St. at all should only be done with thoughtful consideration of shadow impacts. **While the request is modest, I do not think changing Church St. zoning is necessary to accommodate the mall, and would prefer it remain as is.**
- 2. Public Benefits** The public has expressed concern that there would be no public benefit in exchange for increased height, in contrast with our existing zoning. Converting an existing mall which would not be allowed to be built under today's zoning, into a mixed use development also has great public benefit. Eliminating a monolithic mass that offers no stormwater retention or treatment and replacing it with one that meets LEED Gold standards and treats stormwater also has great public benefits. Most of all, restoring our City grid, will greatly enhance our downtown experience. While the pre-development agreement asks you to come forward with zoning that is by-right rather than by a DRB bonus process; **I ask that you consider including many required public benefits in order to get to the maximum proposed height by right.** The above proposed benefits should be requirements for anyone in the overlay district to get the increased height. I believe Andy Montroll is going to bring forward a proposal along these lines and I am very supportive of the concept.
- 3. FAR Calculations** I am told that the mall proposal we have looked at, when the massing was adjust downward is an FAR of 9.5. In addition, I believe we have been told that only 40% of the building will reach the maximum allowed height. I am no expert on FAR, but **I would like verification, that the pictures we have been shown are in fact a FAR of 9.5 and that the proposed lot coverage at different floor levels also equals an FAR of 9.5.** The table that described the lot coverage by floor looked acceptable to me, but I would want to be sure it is not in conflict with the 9.5 FAR.
- 4. Overlay District Boundaries** When we discussed the boundaries of a height overlay district in the Form Based Code Committee, my recollection is that it did not include the **Chittenden/Peoples Bank site and I request that it be removed from the proposed overlay district.**

Thank you for your careful consideration of this proposed zoning change.

Sincerely,
Joan Shannon
South District City Councilor

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, May 24, 2016 12:34 AM
Subject: I love the idea or rebuilding the mall BUT....

to all:

I love the idea of the streets being put back...but Pine really can't be
I love the idea of getting that awful basement mall out of town. I hate it. I have used it less than 10 times in its entire existence. I hated every time I went there.
I love the idea of having Church st extended around a potential 1000 linear feet of street with small unique places to explore and use.
I love the idea of having the 2-3-4 ext floors with lively office, retail, art galleries.
I simply LOVE that idea.
But Sinex and his plans just do NOT FIT. They are massive and ugly. Homogenous for 1000 linear feet.

The RUSH is horrendous and really taking a toll on all of us.
This is a huge commitment to triple, quadruple the space of this area.

He is rushing us because he has a 5 year mortgage taken out in 2013. He has no personal money, and the biz/Jeff Williams is part of (Prime Financing) owns this mortgage. (\$23 mil) And will give him \$100 mil more

but I know Sinex has to prove to Jeff, that he can pull this off. So he NEEDS our \$22mil TIF and he needs the hospital and college as tenants in order to get more financing.
He has NO Friends with DEEP Pockets as he suggested in 2014.
And I am sure that they have decided to go for 14 floors to get even more money out of little Burlington. Sinex's website claims he will make his \$200mil become a \$400 mil building...
BIG PROFIT here that goes back to NYC and his investors.
And he has this mall, now listed as a 5 story mall, with Prime Financing!!!

but does he need 1.3 million sq ft

to make this a go?

or can he make it with less...

that is the question feasibility study would show us.

I bet he can build with less and stay within our zoning ordinances that we have carefully studied and planned.

We should not let him dictate to us what the size and mass of the proposed mall is. We need to hold to our zoning plans.

And get the parking back underground, where it belongs, and not on the 2nd 3rd 4th floors of the entire Pine/Bank/Cherry/St Paul of over 1100 linear feet of boring

homogenous designs with NO WINDOWS. No where else in the entire downtown have we allowed this. WHY are you doing this NOW?

I am sure other developers will say yes to this. That it is a grand idea.
But what about local owners of buildings and businesses who are in it for long term? What do they say? Do they like the size? The Mass?
We found out that some of the biz owners who had said "yes" to Redmond, never saw plans or the size and mass of the mall. They just said yes to the IDEA, and are now horrified at what is proposed.

The hospital is going everywhere for space. The mall is just one more building they seek. But if they don't get in there, they have lots of other options.

It is not a specific need of the hospital to be IN the MALL. Nor is it any feather in Sinex's cap to have gotten the hospital to sign in.

That was almost a given to happen. Ditto with Champlain College.

I do not see him bringing in any unique person.retail. office. etc. so far.

We want people who want to be downtown because they have something specific to contribute directly to downtown. That will bring people downtown because they want to visit this place, buy something, try something. And are open 7 days a week. And many of them open in to the evening when people come downtown to eat, party, go to the theater. The hospital is boring and should not be downtown in my opinion. It brings employees for m-f 9-5 only.

Maybe a small space for sick people to go to would be good.

Or an educational center

Maybe a realtor

or a place where you can make/design something

Perhaps we can do a survey of what people would like downtown, instead of dictating to them what they will have like it or not.

Interesting that Sinex has not done this.

Well

I guess I have some of my myriad of thoughts spelled out.

I thank you for your time.

Carclyn

May 24, 2016

12:21 am

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

ADDRESS: PO Box 1205, Burlington, VT 05402

Phone: (802) 238-4213

Web: www.carolynbates.com

Meagan Tuttle

From: Carolyn Bates <cbates@burlingtontelecom.net>
Sent: Tuesday, May 24, 2016 9:10 AM
Subject: Lets Buy the Mall from Sinex and build it our way. Not his way. And reject the zoning request for 14 stories NOW.

This is what I plan to say tonight.
Is it possible to speak in the beginning. I will be there early.
As you might want others to respond to this.
Please advise.
Thank you

cb

Thank you commissioners for your time.

I am Carolyn Bates, Burlington resident, business owner since 1973.

Lets Buy the Mall from Sinex and build it our way. Not his way. And reject the zoning request for 14 stories NOW.

2013 Sinex took a \$23mil loan from Prime Finance to buy the Town Center.

He tells us he will spend \$200mil and needs 14 stories to make the "mall work."

He tell us to rush rush rush.

According to his website, the completed value of our mall will be \$400 mil

Quite a tidy profit!

I ask Burlington Business Association, pool your money and buy this dilapidated mall from Sinex TODAY

Return it to Burlington where we can keep the profits here.

Open up Pine and St Paul.

Build lots of unique small buildings, each with a different architect.

Add the housing needed,

offices for the hospital,

Keep Burlington a model city for others to follow.

The TIF we were getting was for almost \$22 Mil. Can we use this to buy back the mall???

Lets all be finished with Sinex and get back to healthy city business.

Carolyn Bates

May 24, 2016

Carolyn L. Bates Photography

Email: cbates@carolynbates.com

ADDRESS: PO Box 1205, Burlington, VT 05402

Phone: (802) 238-4213

Web: www.carolynbates.com

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:01 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Town Center

Sent from my iPhone

Begin forwarded message:

From: "Seaver, Michael" <Michael.Seaver@peoples.com>
Date: May 24, 2016 at 10:26:46 AM PDT
To: "'ybradley@vermontrealestate.com'" <ybradley@vermontrealestate.com>
Subject: Burlington Town Center

Dear Yves,

I understand that the Planning Commission will be taking public comment on the recently announced Predevelopment Agreement for BTC at tonight's meeting. I will be unable to attend as I'll be hosting the United Way spring celebration tonight. I would like you to know that I am very supportive of the proposal, both as a city resident and as Vermont President of an adjoining property owner, People's United Bank.

I think that we all agree that our community needs additional housing and that the current mall must be repositioned if it is to survive and thrive over the next 20 years or more. I know that some of the aspects of the current proposal are not considered ideal by all of our constituents. You have a challenging task in front of you as you consider the plan and balance various input from the community. Economic feasibility must be a consideration for the community and the developer, and the requested density/height is critical to the project's success due to the high costs associated with needed infrastructure, including parking. We have a limited supply of land in the city and increasing the tax base helps to moderate higher tax rates, which is needed if we are to attain the goal of improved affordability. The core downtown business district is the appropriate place for buildings of this height.

Thank you for taking the time to read my perspective and good luck in your deliberations.

Regards, Michael

Michael L. Seaver
President, Vermont
People's United Bank
Two Burlington Square
Burlington, VT 05402-0820
Michael.Seaver@peoples.com
Phone 802-660-1348
Fax 802-660-1577



Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:02 PM
To: Meagan Tuttle
Subject: Fwd: Overlay district

Sent from my iPhone

Begin forwarded message:

From: "Peterson, Bob" <Robert.Peterson@peoples.com>
Date: May 24, 2016 at 9:07:58 AM PDT
To: "'ybradley@vermontrealestate.com'" <ybradley@vermontrealestate.com>
Subject: Overlay district

Hi Yves -

I just wanted to drop you a quick note to let you know that I support the overlay districts that Don Since is proposing and being voted on tonight. Personally and professionally I think it is critical to the revitalization of that area of downtown Burlington. Thanks for listening.

Bob Peterson
VP Real Estate Services
People's United Bank
Burlington VT

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Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 1:59 PM
To: Meagan Tuttle
Subject: Fwd: Mall re-development project

Sent from my iPhone

Begin forwarded message:

From: Vicky Smith <vicky@kingstreetcenter.org>
Date: May 24, 2016 at 8:14:21 AM PDT
To: ybradley@vermontrealestate.com
Subject: **Mall re-development project**

Hello Yves,

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project. Our Board stands behind this project.

The proposed height and massing of the project is appropriate for this location in downtown Burlington. It supports the inclusion of all of the important uses proposed in the project. This plan supports Burlington's environment goals by increasing density and following LEED GOLD standards.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

Thank you for considering. We simply must move ahead!

My best,
Vicky

Vicky Smith
Executive Director
King Street Center
87 King Street
PO Box 1615
Burlington, VT 05402
802 862-6736 ext 101
www.kingstreetcenter.org

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 1:59 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Town Center

Sent from my iPhone

Begin forwarded message:

From: Doug Stewart <dougs@skirack.com>
Date: May 24, 2016 at 8:02:54 AM PDT
To: ybradley@vermontrealestate.com
Subject: Burlington Town Center

Dear Yves,

I'm doing my part as a good BBA member!

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project.

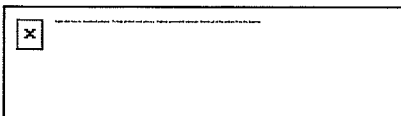
The proposed height and massing of the project is appropriate for this location in downtown Burlington. It supports the inclusion of all of the important uses proposed in the project. This plan supports Burlington's environment goals by increasing density and following LEED GOLD standards.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

Thank you for considering this, and being a great Skirack customer. Maybe the new parking garage could be high enough for bikes on top of cars?☐

See you around,

Doug Stewart



Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 1:59 PM
To: Meagan Tuttle
Subject: Fwd: Support for the Zoning Overlay District for BTC redevelopment

Sent from my iPhone

Begin forwarded message:

From: Sarah O Donnell <sarahhasnomiddlename@gmail.com>
Date: May 24, 2016 at 8:01:30 AM PDT
Subject: Support for the Zoning Overlay District for BTC redevelopment

Dear Planning Commission Members,

I would like to offer my support for the approval of the zoning overlay district for the Burlington Town Center redevelopment project.

This project offers an important opportunity for the city of Burlington to remain the economic and cultural center of Vermont. The project would provide badly needed housing, office and retail space for downtown Burlington while adding to the grand list and creating new jobs and economic vitality for Burlington.

As a young professional I hope to stay in Burlington but myself and my peers struggle to enjoy the quality of life Burlington offers when faced with the high costs of living here. This project offers the opportunity to build new housing in the greenest way possible- through dense downtown development, as opposed to the continuous building and sprawl that's happening in surrounding areas of Chittenden county.

Thank you for considering.

--

-Sarah

www.sarahodonnell.com
www.overnightprojects.com

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:02 PM
To: Meagan Tuttle
Subject: Fwd: BTC Redevelopment

Sent from my iPhone

Begin forwarded message:

From: The Optical Center <opticalcenter@myfairpoint.net>
Date: May 24, 2016 at 9:10:42 AM PDT
To: <ybradley@vermontrealestate.com>
Subject: **BTC Redevelopment**

Hello Yves,

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project.

The proposed height and massing of the project is appropriate for this location in downtown Burlington. It supports the inclusion of all of the important uses proposed in the project. This plan supports Burlington's environment goals by increasing density and following LEED GOLD standards.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

We strongly support this project and do hope that you will as well.

Thank You!

Gary and Cynthia King
The Optical Center
107 Church Street
Burlington, VT

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:02 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Town Center - the Linchpin

Sent from my iPhone

Begin forwarded message:

From: Tom Brassard <tbrassard@paw-prints.com>
Date: May 24, 2016 at 9:00:01 AM PDT
To: ybradley@vermontrealestate.com
Subject: Burlington Town Center - the Linchpin

Dear Yves:

Please accept this email in support of approval of the zoning overlay district for the Burlington Town Center redevelopment project.

Having just attended the [VT Futures Project](#) at Champlain College yesterday, the [population demographics](#) and [no] growth data for both Vermont and Burlington continues to be very sobering and does not bode well for Vermont's or Burlington's future – economically, demographically, quality of life, or sustainability.

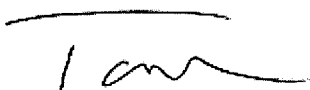
Simply put, both the state and it's largest economic asset opportunity, the city of Burlington, need more people to keep from retracting further into a defensive posture that only rewards the most fittest who are able to survive.

The proposed height and massing of the BTC redevelopment project is a significant step towards adding the high-density housing and workforce opportunities to help shift this tide. This project is appropriate for this location in downtown Burlington, it supports the inclusion of all of the important uses proposed in the project, and it supports Burlington's environment goals by converting commuters into more walkers and bikers.

The project's plan to utilize TIF financing to reconnect St. Paul and Pine Streets will bring much needed vitality and walk ability to downtown. It will greatly improve the streetscape experience.

This project forms the linchpin opportunity for the successful actualization of Plan BTv.

Thank you for considering.



Tom Brassard
Owner
Paw Print & Mail
12 Gregory Drive Suite 8
South Burlington, VT 05403
ph 802-865-2872 | f 802-862-5508
tbrassard@paw-prints.com
DESIGN | PRINT | MAIL | WEB

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 2:03 PM
To: Meagan Tuttle
Subject: Fwd: Go for the environmental best option...

Sent from my iPhone

Begin forwarded message:

From: Dan Cox <dancox@coffee-ent.com>
Date: May 24, 2016 at 7:50:31 AM PDT
To: "ybradley@vermontrealestate.com" <ybradley@vermontrealestate.com>
Subject: Go for the environmental best option...

Hi Yves,

I support the plan to increase the height regulation to allow for buildings that will exceed the existing regulations. It's more environmentally and economically viable to go up in height versus sideways in expansion.

I'd be happy to discuss this with you anytime.

Dan Cox

President
Coffee Enterprises & Coffee Analysts

Meagan Tuttle

From: ameymanny@gmail.com on behalf of Amey Radcliffe <ameyradcliffe@gmail.com>
Sent: Tuesday, May 24, 2016 3:21 PM
To: YvesBradley; Bruce Baker; Lee Buffinton; Emily Lee; Andy Montroll; Harris Roen; Jennifer Wallace-Brodeur; Meagan Tuttle
Subject: No zoning change, please.

Dear Planning Commissioners,

To keep it short and sweet, I believe we should respect the process that went into the CDO document and the associated height limits and bonuses to max out at 105 feet - no more. In essence, do not mess with our current zoning.

To try to streamline or sideline procedure with a "by-right" overlay is not good planning. Take the time to do this right. If there is really a desire to change zoning to allow more height, it should be done with time and care and with public input. In planBTV the majority of those polled expressed satisfaction with the current scale of buildings... "human scale. I don't believe a jump from 65 to 160 is what the public had in mind.

Form-based code is not adopted at this time, nor should it's by-right permitting. We are still under our current zoning regulations and they should be followed. If a taller than 65 foot building is to be considered, the developer must "earn" the height bonuses with public good efforts.

This plan does not do enough for the public good. Only 50 units of affordable housing while our city is in a housing affordability crisis. Meanwhile valuable housing real estate is being given to Champlain College. The city has to pay to rebuild the roads and then the developer owns them? For a reason that I do not understand there seems to be a desperation to make this plan a reality, despite its many flaws. What if the current mall structure becomes all housing. Forget the shopping and the nightclub and the college kids. Create housing for seniors and low income folks from the current envelope. This would cost less and do more for the public good. If the city is prepared to pay for opening the streets, make that plan a priority and the city will continue to own the streets.

The city does not need to scramble for this flawed plan.

Step back. Let cooler heads prevail. We have good planning policy in place already. Let's use it not ignore it.

Thanks,
Amey Radcliffe
Burlington business owner for over 26 years

Meagan Tuttle

From: David E. White
Sent: Tuesday, May 24, 2016 3:26 PM
To: Charles DesLauriers
Cc: Andy Montroll; bbaker@cdbesq.com; David E. White; Emily Lee (emily_lee@ml.com); Emily Lee (emilyannicklee@gmail.com); Harris Roen (roen@burlingtotelecom.net); Jennifer Wallace-Brodeur (jwb@burlingtotelecom.net); Lee Buffinton; Meagan Tuttle; Yves Bradley (ybradley@vermontrealestate.com)
Subject: RE: Lakeview Garage Zoning

Thanks Chuck – I will share this with the Commission

David E. White, AICP
Director of Planning & Zoning
City of Burlington, VT

*** Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act*

From: Charles DesLauriers [mailto:chuck@deslauriersco.com]
Sent: Tuesday, May 24, 2016 2:25 PM
To: David E. White <DEWhite@burlingtonvt.gov>
Subject: Lakeview Garage Zoning

Good afternoon David: The owners of Hotel Vermont would like to express our support for the Burlington Town Center redevelopment but at the same time share our opposition to any change in the zoning of Lakeview Garage.

You may recall the development of Hotel Vermont began 15 years ago with the Westlake Project. When we were awarded the RFP to develop the City owned property between Cherry Street and the Lakeview Garage our design was predicated on representations made by the City of Burlington that the Lakeview Garage could not and would not be expanded. It was with this confidence and existing zoning conditions that we orientated the hotel with south facing rooms over the garage. Any expansion or redevelopment of the Lakeview Garage encouraged by a significant zoning change would be seriously detrimental to the economic viability of Hotel Vermont and contrary to representations made by the City of Burlington.

Fortunately excluding the Lakeview Garage from the proposed re-zoning boundary will not impact the feasibility of the Burlington Town Center re-development.

We would like to have the opportunity to briefly express our position during the public comment session at this evenings Planning Commission meeting. Please add Jay Canning and/or Joe Carton representing Hotel Vermont Holdings to the list of speakers.

Thank you for your consideration,

Chuck DesLauriers
Managing Member, Hotel Vermont Holdings

--

Charles DesLauriers
DesLauriers Companies
25 Cherry Street
Burlington, VT 05401
802-863-1333 o
802-734-1777 m
802-862-1179 f

Meagan Tuttle

From: Yves Bradley <YBradley@vermontrealestate.com>
Sent: Tuesday, May 24, 2016 4:57 PM
To: Meagan Tuttle
Subject: Fwd: Voicing my support for the BTC Redevelopment

Sent from my iPhone

Begin forwarded message:

From: Owen Brady <owen.brady@outlook.com>
Date: May 24, 2016 at 1:51:51 PM PDT
To: Yves Bradley <YBradley@vermontrealestate.com>
Subject: Voicing my support for the BTC Redevelopment

Yves,

I, unfortunately, will not be able to attend the Planning Commission meeting this evening to voice my support for the BTC redevelopment project so I hope that you will accept this email in lieu of my presence.

The BTC redevelopment represents an extremely rare opportunity for the City of Burlington. Not since Bill Truex put forth the concept of the Church Street Marketplace has there been such a forward-looking proposal to revitalize the Queen City while supporting the values that make it special: community engagement, sustainability, economic growth, and mindful development. Don Sinex and his team have done a tremendous job engaging with the community and working to make this project one that will help Burlington evolve.

It's true that the skyline will rise, but with it will come new opportunities for urban living, mixed-use space, and community resources. Furthermore, an investment of more than \$200 million into Burlington, or any part of Vermont, is practically unheard of. Letting this opportunity pass us by would be a mistake. If we make it clear that Vermont is not interested in outside investment, even when it comes in the form of someone who lives in VT and wants to honor the wishes of the community, we will set ourselves on a destructive economic course. We are all aware of the challenges we are facing as a state. There are a lot of passionate people who are working to overcome them. This project will provide a much needed boost to our efforts to recruit and retain young professionals and to signal to the rest of the country that Burlington is a city that is willing to adapt.

I wrote an opinion piece for the Free Press last year (<http://www.burlingtonfreepress.com/story/opinion/my-turn/2015/06/18/opinion-millennials-growth-bad-word/28945399/>). In that piece, I referenced the need for "sensible, sustainable development that will provide Vermont with the diversity it needs to succeed." This project is a perfect example of that sort of development. Many will argue that 14 stories in a city the size of Burlington is not sensible, but I believe that it is. Not only is it only slightly higher than buildings that are already in downtown Burlington such as the Masonic building at the top of Church

Street, but it meets a need that has been demonstrated by the market. The vacancy rate in Burlington hovers around 0%, existing buildings prevent redevelopment due to a variety of factors, and the costs for real estate are so high that those that wish to live in downtown Burlington are often unable to afford it. This project allows us to think in three dimensions, which will help to ease this tension while keeping our green fields green and our city thriving.

There are some who worry about an outside developer coming in to "change" the character of the city. This is actually history repeating itself. According to the history of the Church Street Marketplace, the original developer for the Urban Renewal Project that led to its birth was Donohoe Associates of Philadelphia

(<http://www.churchstmarketplace.com/about/history/birth/the-urban-renewal-project>). Without the efforts of this developer and the visionary leaders of Burlington at that time, we would not have one of "America's Great Public Spaces" as the jewel of our Queen City. The time has come for us to recognize opportunity when it knocks and to be the stewards of Burlington's next chapter. For the good of our economy, people, city, and future, I urge you to support this project.

Regards,
Owen Brady

Burlington Planning Board
May 24, 2016

Comments on the Downtown Mixed Use Overlay District

Planning Board Members:

Here are some thoughts on the proposed overlay district:

1. (p. 13 on my screen) The 80 units of student housing (160 real people; or more) are described as "purpose built" and centrally managed by CC, the owner, or a management company. This gets us closer to the legal definition of a "dorm" which is exempt from taxation on new construction value. You can be sure CC will ask for it if the mall owner doesn't. It also clusters the apartments and, if not a dorm, could be in violation of equal access to housing rules.
2. (p 13) The language of height bonuses for a public good--senior housing, additional affordable housing, public art, the creation of new jobs, the provision of public parking--in existing zoning is eliminated and the new rules apply "by-right" to this or any other developer of the site. The reference to "work force housing" is without teeth.
3. (p. 13) There may well be an aerial bridge over St. Paul St., a decision deferred to the future. What are the sun impacts of that? Recall the above-Pine St. children's play space.
4. (p. 13) the city isn't demanding a physical model.
5. (P. 14) the zoning is designed to fit the project, not the reverse, and the mayor's office will take the lead in helping the developer achieve the needed zoning changes. Is this why we pay a mayor and a planning department?
6. (p. 16) Thus the 160ft. maximum is by-right and can't be questioned by the DRB.
7. (p. 17) This overlay district, said to include only the mall west and including LL Bean, also includes Macy's, so either of these buildings could go to 160 ft. While this is Planning's way of evading the "spot zoning" charge, it also widens the can of worms.
8. (p. 17) There's also a 5% increase allowed above 160 ft for 'grade changes", and an FAR of 9.5, Upper story setback requirements now in place are scrapped.
9. (p. 18) While there's lots of seeming detail about the facade articulation and materials, it seems to ignore the 3 stories of proposed above ground parking, which is handled later. The participation in "shared area parking agreements" is only if it doesn't cost the developer anything, so is entirely optional.
10. (p.20) There's a map line that extends well beyond the overlay district but changes height limits there. This is slight of hand. Exiting 38 ft. height on Church goes up to 45 ft. and after 45 ft it can go up to 105 ft. with 10 ft. setbacks in increments above the 45 ft. limit. Thus all property owners on Church have an interest in supporting this legislation so that they participate in the new higher potential building heights. Builders can go to 105 ft. at 60 ft. from the edge of Church St.
11. (P. 20) The document makes much of St. Paul and Pine becoming public streets with no details on the limits to this: the mall owner's ability to close those streets at will; his storage tanks for storm water under the streets; or the fact that these streets--some portion of which will go under existing buildings--serve primarily the developer himself.
12. (p. 24) Repeats the "by-right" aspect of the new limits, exempt from DRB approval. For the first 5 stories, the buildings can occupy 100% of the lot thus have no setbacks at ground level or above.
13. (p. 25) Here the upper stories are required to provide "a rich visually interesting experience...with surface relief". How does that work with three stories of parking?
14. (p. 25) Setbacks need not begin until the 5th floor and then need only have 10ft of set back in the first 60 ft. of height. This sounds like an oppressive overhang to me.
15. (p. 27) They seem to have responded to Eric Morrow's critique of the window minimums.
16. (29) Above ground parking allowed as is ground level parking on secondary streets. This is crazy. Such ground level parking need have no setback from the street. But hey, upper level parking must be "hidden". (Spot Wally!

Spot Burlington's hidden parking!) Here the principles of wrapping parking around occupied facades which is in Plan BTV and ordinances is entirely thrown away.

17. (p. 31) Here's my favorite. Buildings will be required to respect federal aviation rules respecting the flight path of aircraft. That a relief.

18. But wait. Remember that 5 ft. above the 160 ft. that might be allowed given slopes? Well, there's another 10ft allowed for mechanicals, up to 20% of the roof floor area, up from 10% in previous codes.

For all the effort to pretend that this zoning is 1) consistent with Plan BTV and 2) is really already authorized by Council in its particulars, this is a con job.

Charles Simpson, Ward 6

Meagan Tuttle

To: Yves Bradley
Subject: RE: Burlington Building height

Meagan E Tuttle, AICP
Comprehensive Planner
City of Burlington, VT
802.865.7193

***Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.*

From: Yves Bradley [<mailto:YBradley@vermontrealestate.com>]
Sent: Tuesday, May 24, 2016 2:04 PM
To: Meagan Tuttle
Subject: Fwd: Burlington Building height

Sent from my iPhone

Begin forwarded message:

From: Jeff Nick <jeff@jeffnick.com>
Date: May 24, 2016 at 5:37:46 AM PDT
To: "Yves Bradley (YBradley@vermontrealestate.com)" <YBradley@vermontrealestate.com>
Subject: Burlington Building height

Yves,

I measured the height of the 1897 Masonic Temple building at One Church Street. Based upon the reading from our Bosch laser the building height is approx.. 125 feet to the top of the slate roof. A measurement from our drone confirmed the measurement. (see attached photo)

The street elevation of upper Church St. is 228 ft. while the elevation on Bank St. between St. Paul and Pine St. is 206 ft. (Google Earth)

Thus a 160 foot tall building on Bank St. would only be 14 feet taller than the Masonic Temple.

Of course the Masons built their building before zoning regulations became the law.

Hope this is helpful for tonight's planning commission meeting

Jeff Nick

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