

## Site Design Process - Memorandum of Understanding

### Former Burlington College Land

BC Community Housing, LLC ("BCCH") is the owner of 27.65 acres of land recently purchased from Burlington College, located at 311 and 329 North Avenue, Burlington and situated between North Avenue and Lake Champlain ("the Property").

BCCH desires to engage with the following entities: the City of Burlington ("City"), the Vermont Land Trust ("VLT"), and the Champlain Housing Trust ("CHT"), (collectively, the "Interested Parties"), in a non-binding collaborative planning process for the purpose of exploring possible site designs for the Property.

The Interested Parties and BCCH recognize that the Property is iconic and offers the community a unique opportunity to address the significant demand for additional housing within the City, while also responding to other important community needs in creative ways.

The Interested Parties also recognize that any outcome of this process must take into consideration BCCH's substantial investment in the Property and financial risk and allow BCCH to achieve its financial objectives, as determined by BCCH, in its sole discretion.

The Interested Parties also recognize that while the City of Burlington may participate in the process outlined in this MOU, this process shall occur prior to the commencement of the formal regulatory approval process, and no participation by the City or term of this MOU shall bind the City in its role as regulatory authority (e.g., its Development Review Board) or require or authorize the City to act contrary to any constitutional or statutory obligation it may have.

The Interested Parties will explore alternative designs to BCCH's current Master Plan consistent with the City's comprehensive plan that incorporate the following goals:

1. A range of housing types should be incorporated into the development, including housing that will serve a range of income levels and that will provide opportunity for homeownership as well as rental opportunities;
2. The final Plan should include open space, some of which may be required as part of the zoning process, but some of which may require consideration of reasonable compensation to the owner; the open space, including the waterfront beach area west of the bike path, should be open to the public; community gardens and the existing East – West connection to the Bike Path should be enhanced so as to increase the public access to the Waterfront from the Old North End;
3. The bluffs directly east of the bike path should be protected from any construction and development;
4. The development should be sensitive to and protect significant natural features, especially a path, and the tree scape on the bluffs, as well as cultural resources, such as the old orphanage;
5. Neighborhood commercial uses that serve the local neighborhood should be allowed but not required and as a result, consideration should be given to allowing currently prohibited uses;

6. Development of this property should enhance revitalization of Old North End, and commerce along North Avenue should be considered;
7. The development should support alternative modes of transportation in order to minimize traffic impacts;
8. The site plan should incorporate “sustainability” components, such as composting, stormwater management, food production, and energy savings where possible and appropriate.

The Interested Parties will retain a qualified consultant (“Consultant”) to facilitate a process that will take broad public input, the product of which may be one or more alternative site plans for the Property. VLT, the City and BCCH will establish a reasonable budget for and share in underwriting the cost of the Consultant’s work, and BCCH together with the Interested Parties will direct this work. This process will include:

- The Consultant’s familiarizing itself with the Property’s physical characteristics, its history, the surrounding landscape context, applicable regulatory and permit constraints, and other relevant information.
- The Consultant’s preparing for and conducting an intensive workshop in which the BCCH, the Interested Parties and other community members and experts, including real estate experts, are brought together to help envision one or more alternative site plans for the Property.
- Opportunities for community input before the Interested Parties and BCCH reach agreement on a preferred site plan.

The formal participants in the workshop will be:

BCCH through Eric Farrell and Will Raap, together with its design team of TJ Boyle and Associates, Duncan–Wisniewski Architecture, Civil Engineering Associates

Champlain Housing Trust through Michael Monte

City of Burlington through Jesse Bridges, Peter Owens and a Representative to be selected by the Council

Vermont Land Trust through Gil Livingston

BCCH and the Interested Parties may invite other participants whose knowledge or perspective could improve the process and design outcomes.

During the design process, or as a product of that process, if BCCH and the Interested Parties reach consensus on a preferred site plan that meets the above goals (“Plan”), the Interested Parties will:

- 1) Work collaboratively to address any conflict or issues related to City regulations, zoning ordinances, or permitting processes (to the extent this would not conflict with the City’s regulatory role or statutory obligations);
- 2) Work in good faith to determine a fair and equitable way to achieve all the components of a successful Plan, including utilizing sources such as the Open Space Conservation Fund and other creative methods for offsetting the cost/financial impact to BCCH of the public access and open space components of the Plan to the extent they are not required by existing regulations;

- 3) Consider how other reasonable public incentives, financing mechanisms or other tools could help advance the success of the Plan; and
- 4) If appropriate, coordinate with the City Council to facilitate the approval of an agreement by the Council to any public funding or actions.


If despite the good faith efforts of BCCH and the Interested Parties, it appears to either BCCH or the City that they have reached or will likely reach an impasse and/or are unlikely to reach agreement on a revised Plan to be submitted for regulatory approval, then this agreement may be unilaterally terminated by either BCCH or the City. Upon termination, the Interested Parties shall have no obligation under this agreement.

BCCH and the Interested Parties will meet with the Consultant to develop a scope of services, timeline and design process details.

Dated at Burlington, Vermont this 21<sup>st</sup> day of February, 2015



Eric Farrell for BCCH



Mayor Miro Weinberger



Gil Livingston for VLT



Michael Monte for CHT