

**Natural Resources Board
111 West Street
Essex Jct., VT 05452**

**Act 250 Jurisdictional Opinion
4-288**

This is a Jurisdictional Opinion based upon available information and a written request from the Landowner/Agent or Other Person. Any Notified Person or entity will be bound by this opinion unless that person or entity files a request for reconsideration with the District Coordinator (10 V.S.A. § 6007 (c) and Act 250 Rule 3 (b)) or an Appeal with the SUPERIOR COURT, Environmental Division within 30 days of the issuance of this opinion

☒ I hereby request a jurisdictional opinion from the District Coordinator or Assistant District Coordinator regarding the jurisdiction of 10 V.S.A. Chapter 151 (Act 250) over the project described below: **BTC Mall Associates, LLC (BTC), c/o Brian Dunkiel, Esq., Dunkiel Saunders, 91 College Street, P.O. Box 545, Burlington, VT 05402-0545**

PROJECT DESCRIPTION:

Redesign of the downtown Burlington redevelopment project known as CityPlace Burlington (formerly known as the Burlington Town Center project). Previous versions of this project were reviewed under JO 4-248 and JO 4-255. The redesigned project proposes 700,000 square feet of mixed use space, including 426 residential units, restaurant, retail, community space, co-working and meeting space. The project includes 422 parking spaces in a structured garage. As found by the Burlington Development Review Board, the project continues to conform to Burlington Inclusionary Zoning requirements regarding affordable housing. The proposal is 25% smaller in overall square footage than that reviewed in the most recent JO 4-255, dated May 5, 2017. The redesigned project's gross floor area allocation is as follows:

Square Footage by Use	GSF	%
Mixed-Income Housing	440,850	62.69%
Retail/Restaurant	53,135	7.56%
Parking	194,238	27.62%
Office	10,594	1.51%
Community	4,390	0.62%
TOTAL GSF	703,206	100.00%

Existing Act 250 permit: 4C0101, 4C0116, and 4C0158 and amendments; JO 4-248 and JO 4-255

Project Type: ☐ Commercial ☐ Residential ☐ Municipal/State ☒ Mixed

AN ACT 250 PERMIT IS REQUIRED: ☐ YES ☒ NO

BASIS FOR DECISION:

The proposed project does not constitute development as it is a "mixed use" Priority Housing Project (PHP) under 10 VSA § 6001(3)(A)(iv)(I). More specifically, the project is located within Burlington's Designated Downtown District. The residential component of the project conforms to the definition of "mixed income housing" at 10 V.S.A. § 6001(27) because at least 20% of the rentals in the residential component will satisfy the definition of "affordable housing" under 10 V.S.A. § 6001(29). Furthermore, the mixed income housing component comprises more than 40% of the project's gross floor area. And, finally, there is no cap on the number of units because Burlington's population exceeds 10,000 persons.

SIGNATURE:  DATE: March 25, 2021

Stephanie H Monaghan, District Coordinator
Environmental Commission District #4
111 West Street, Essex Junction, VT 05452
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This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(B). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. As of May 31, 2016, with the passage of Act 150, Act 250 Rule 3(C) (Reconsideration by the Board) is no longer in effect. Instead, any appeal of this decision must be filed with the Superior Court, Environmental Division (32 Cherry Street, 2nd Floor, Ste. 303, Burlington, VT 05401) within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431 which is \$295.00. The appellant also must serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

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