

Department of Planning and Zoning

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TO: Development Review Board
FROM: Scott Gustin *SD*
DATE: May 21, 2013
RE: 13-0971CA; 371 Pearl Street

Note: These are staff comments only; decisions on projects are made by the Development Review Board, which may approve, deny, table or modify any project. THE APPLICANT OR REPRESENTATIVE MUST ATTEND THE MEETING.

Zone: RH Ward: 2

Owner/Applicant: Sisters & Brothers Investment Group

Request: Relocate two inclusionary units from 371 Pearl St offsite to 184 Church St and 165-167 Main St.

Applicable Regulations:

Article 9 (Inclusionary & Replacement Housing)

Background Information:

The applicant is seeking approval to relocate two inclusionary dwelling units offsite. No site or exterior building changes are proposed. It has been noted that there are outstanding violations related to minimum housing, health, and fire safety at the proposed offsite properties. These violations must be corrected, and the inclusionary units made ready for occupancy at the same time that any Certificate of Occupancy is issued for the subject property (371 Pearl St.)

Previous zoning actions for this property are noted below.

- 4/13, Approval to remove 1 dwelling unit and convert to community space for remaining 9 dwelling units.
- 4/11, Approval for change of use from medical office and 3 residential units to all residential for a total of 10 units. Includes approx. 2267 sq. ft. new habitable living area in the basement. 2 Inclusionary residential units required.
- 8/99, Approval to modify the existing handicapped access ramp into the existing medical office and residential structure. No change in coverage or available parking spaces.
- 10/98, Approval for installation of three non-illuminated signs (two freestanding – face replacements only, and one parallel adjacent to the doorway) for the existing medical office.
- 11/88, Approval of addition of four (4) handicapped spaces with associated landscaping.
- 12/87, Approval for addition of 7 parking spaces.
- 11/78, Approval to excavate a channel for underground wiring to be placed by Burlington Electric Light Department from Pearl Street pole to building.

- 10/75, Approval for one story addition on the east side to add 3 rooms, 16 ½ ' x 30'. Pave parking areas and landscape.
- 1/64, Approval to use a portion of property at 371 Pearl Street as a Doctor's office (four rooms on first floor, west side.) Approved with condition that a parking plan be submitted to zoning administrator showing at least nine parking places.
- 4/63, approval to use apartment # 1 as a doctor's office.
- 10/61, Approval to operate a doctor's office at 371 Pearl Street.

Recommendation: Certificate of Appropriateness Approval as per, and subject to, the following findings and conditions:

I. Findings

Article 9: Inclusionary and Replacement Housing

Sec. 9.1.14, Off-Site Option

The subject property was approved as a 10-unit residential building in April 2011. Due to the number of dwelling units included, 2 inclusionary units were required and established. A more recent permit approved a reduction in the number of dwelling units to 9. The applicant is now seeking to relocate the inclusionary units offsite to accommodate the new tenants (essentially a tenant group that occupies the entire building). CEDO, the office that administers inclusionary housing, supports the offsite relocation. Approval of the request is subject to the following provisions:

(a) *The number of inclusionary units...*

The number of units provided offsite will be 2. 15% of the 9 units onsite now is 1.35. 1.5X that number of 2.025. The 2 units proposed for offsite relocation are acceptable.

(b) *No additional development...*

No additional development provisions are sought.

(c) *Off-site inclusionary units...*

The off-site inclusionary units will be located within the City of Burlington (184 Church Street and 165 – 167 Main Street).

(d) *All of the provisions Sections 9.1.9 through 9.1.12...*

The off-site inclusionary units will comply with the applicable rent, percentage, and income eligibility requirements for Sections 9.1.9 through 9.1.12. Final figures must be agreed to by the Housing Trust Fund (CEDO) per these requirements.

(e) *Waiver of provisions...*

No size or bedroom count waivers are sought.

(f) *Should the City Council decide that a payment in lieu...*

Not applicable. **(Affirmative finding as conditioned)**

II. Conditions of Approval

1. Final rental and income eligibility requirements per Sections 9.1.9 through 9.1.12 shall be agreed to in writing by the Housing Trust Fund.
2. The offsite inclusionary units shall be made available for occupancy prior to issuance of a certificate of occupancy for the subject project (371 Pearl Street).
 - a. This shall include satisfactorily remedying any and all violations including, but not limited to, Minimum Housing and Fire Marshal orders, at the inclusionary providing properties, i.e. 184 Church St. and 165-167 Main St.
3. Standard permit conditions 1-15.

RECEIVED
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DEPARTMENT OF
PLANNING & ZONING

Subject: IZ units transfer
From: Brian Pine <BPine@burlingtonvt.gov>
Date: 4/4/2013 12:40 PM
To: "'kparrott@handyvt.com"' <kparrott@handyvt.com>
CC: Scott Gustin <SGustin@burlingtonvt.gov>

Attached is the rent table for Inclusionary units. These are the maximum rents allowed for the IZ units.

As we have discussed, CEDO supports transferring the 2 IZ units from Joe Handy's Pearl St property to another Handy property in Burlington.

Please let me know if you need more information.

Brian Pine
Assistant Director for Housing
Community & Economic Development Office
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CEDO programs on the web: www.cedoburlington.org
Housing programs at CEDO: http://www.cedoburlington.org/housing_main.htm
What's New at CEDO: www.burlingtonvt.gov/cedo

—Attachments:—

IZ 2013 rents.xls

21.0 KB

