

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2012-46

No. 506

AN ORDINANCE AMENDING *PROVIDENCE TOMORROW THE COMPREHENSIVE PLAN* AS THE CITY'S OFFICIAL COMPREHENSIVE PLAN, BY CHANGING THE FUTURE LAND USE MAP FOR THE AREA BOUNDED BY CUSHING, BROOK, ANGELL, AND THAYER STREETS

Approved August 6, 2012

Be it ordained by the City of Providence:

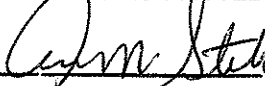
Section 1. *Providence Tomorrow: The Comprehensive Plan*, adopted on December 17, 2007, as amended, is hereby amended by including the designation "High Density Residential" so that it encompasses the area bounded by Cushing, Brook, Angell, and Thayer Streets on Map 11.2, entitled "Future Land Use."

Section 2. The intent of this amendment is to allow high density residential, with a minimum lot area per dwelling unit of up to 300 square feet, in limited application within the College Hill neighborhood. This amendment shall not to be construed as a general change in residential density, endorsement of demolition of historic structures, or expansion of commercial uses in other parts of College Hill. On the contrary, this amendment is a reaffirmation of the College Hill Neighborhood Plan that was adopted along with the overall Comprehensive Plan.

Section 3. This Ordinance shall take effect and become enforceable upon adoption by the City Council and approval by the Mayor. This Ordinance shall not become effective for the purposes of guiding state agency actions until it is approved by the State of Rhode Island pursuant to the methods stated in Chapter 45-22.2 of the Rhode Island General Laws, or pursuant to any rules and regulations adopted pursuant to such chapter.



IN CITY COUNCIL
JUL 30 2012

FIRST READING
READ AND PASSED

 CLERK

IN CITY
COUNCIL

AUG 01 2012
FINAL READING
READ AND PASSED

 PRESIDENT
 CLERK

I HEREBY APPROVE.

 Mayor

Date: 8/6/12

City of Providence
State of Rhode Island and Providence Plantations

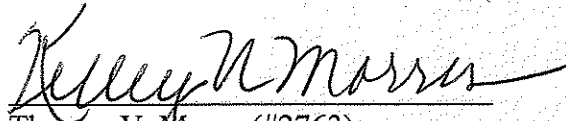
**PETITION TO THE HONORABLE CITY COUNCIL OF
PROVIDENCE, RHODE ISLAND**

NOW COMES Gilbane Development Company and hereby respectfully requests
amendments to the Providence Tomorrow: The Interim Comprehensive Plan, as attached hereto.

Respectfully Submitted,

Gilbane Development Company

By its attorneys,



Thomas V. Moses (#2763)
Kelley Nickson Morris (#6025)
160 Westminster Street
Suite 400
Providence, Rhode Island 02903
(401) 453-3600

DATED: March 30, 2012

STATEMENT OF INTENT

Now comes Gilbane Development Company (or its nominee) ("Gilbane") and hereby states its intent as follows:

WHEREAS, Gilbane is the applicant for a development located at 257 Thayer Street, also designated as AP 13, Lots 42, 48, 104, 234, 235, 236, 237, 238, 241 (the "Property"); and

WHEREAS, the proposal is to construct a four story, 102 unit residential development with a small-scale supporting retail use (the "Project"); and

WHEREAS, the Project requires a change to the City's Comprehensive Plan's Future Land Use Map, a Zoning Map change, and Major Land Development Review by the City Plan Commission, building permits, and other necessary state and local approvals (the "Required Approvals"); and

WHEREAS, pursuant to R.I.G.L. 45-23-61, the Zoning Map change will be conditional on subsequent required approvals from the City Plan Commission; and

WHEREAS, Gilbane will be seeking a tax agreement from the City that will ensure the reasonableness and certainty of taxes ("Agreement").

WHEREAS, there have been concerns raised by the Providence Preservation Society ("PPS") and the College Hill Neighborhood Association ("CHNA");

NOW THEREFORE, Gilbane intends to offer the following:

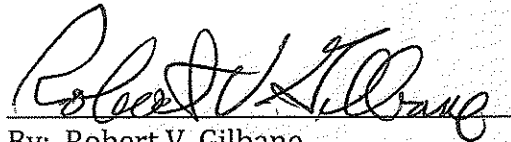
1. Gilbane will not seek a tax abatement for real estate property taxes that the property currently generates.
2. Prior to the full Council's vote, Gilbane will execute a deed restriction, which will require that real estate property taxes will be paid to the City in perpetuity by agreement (the "Deed Restriction").
3. The Deed Restriction will be held in escrow by the city solicitor's office until the time that all Required Approvals and the Agreement are granted, a building permit is issued, and all appeals have been resolved and/or all appeals periods have lapsed.
4. At that time, Gilbane will authorize the city solicitor, in writing, to record the deed restriction; such authorization will not be unreasonably withheld.
5. After the full Council's vote, Gilbane will offer a contribution of up to Two Hundred Thousand Dollars (\$200,000) in matching funds ("Matching Funds") to the Providence Preservation Society for the third party costs directly associated with the relocation of one or more home(s) from the Property with the following conditions:

- a. PPS will be responsible to raise matching funds of up to \$200,000 prior to January 1, 2013 and must show evidence of the funds to the reasonable satisfaction of Gilbane ("PPS Funds").
 - b. PPS will be responsible to acquire land sufficient by local and state ordinances and regulations to move the chosen number of home(s) prior to January 1, 2013 and must show evidence of the acquisition by producing certified, recorded deed(s) to Gilbane.
 - c. PPS will be responsible to have a binding contract in place for the construction of a sufficient foundation and for the removal of the chosen number of home(s) from the Property by January 1, 2013. The removal contractor must be bonded and insured for the benefit of Gilbane or its nominee.
 - d. The relocation must take place between June 1 and June 15, 2013, such that Gilbane can commence construction of the project. If the home(s) are not relocated by June 15, 2013 Gilbane shall be allowed to demolish the home(s).
 - e. Within 24 hours of delivery of PPS Funds to Moses Afonso Ryan Ltd. ("MAR"), Gilbane will deliver the Matching Funds to MAR, both to be held in escrow by MAR. Gilbane and PPS will enter into an escrow agreement prior to January 1, 2013, when the PPS Funds and Matching Funds may be accepted.
 - f. Should any of the above conditions not be met, Gilbane will not be required to contribute Matching Funds and/or will be refunded Matching Funds.
6. Gilbane has hired a local architect familiar with the character and built environment of the neighborhood. Additionally, Gilbane will provide a physical 3D design model that puts the proposed building in context with the surrounding structures, to be produced on or about October 15, 2012; such model to be donated to the City after Gilbane no longer requires use of the model for marketing purposes. Gilbane intends to continue meeting with the PPS/CHNA Steering Committee to review the design.
 7. Gilbane will immediately release its traffic study to the public.
 8. Gilbane will provide a completion bond for all public improvements associated with the development.
 9. Gilbane is committed to construction practices that cause the lowest impact possible to the surrounding community. Workers will be required to park off-site and will be shuttled to the site. As 257 Thayer will have a below grade

garage which is anticipated to be constructed during the summer of 2013, that area can be use as a staging area for materials/deliveries, thus minimizing the impact on the surrounding community.

10. Gilbane will include public amenities in the development plan such as benches, street trees, street lighting, the elimination of curb cuts and the replacement of sidewalks in all areas that are impacted by the construction of 257 Thayer.
11. Gilbane intends to participate in a study of the greater Thayer Street area.
12. Gilbane is prepared to invest in and participate in the Thayer Street District Management Authority.

GILBANE DEVELOPMENT COMPANY

A handwritten signature in black ink, appearing to read "Robert V. Gilbane", written over a horizontal line.

By: Robert V. Gilbane
Chairman & CEO

July 25, 2012



City Plan Commission
Angel Taveras, Mayor

May 29, 2012

Councilman Seth Yurdin
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Re: Referral 3346-Petition to change the Future Land Use Map of *Providence Tomorrow: The Interim Comprehensive Plan* by changing the designation for the area bounded by Cushing, Hope, Angell and Thayer Streets

Petitioner: Gilbane Development Company

Dear Councilman Yurdin:

At a regular meeting of the City Plan Commission (CPC) on May 15, 2012, the CPC held a public hearing to review the proposed change to the future land use map of the *Comprehensive Plan*. The CPC voted as described below to make certain findings of fact and to recommend that the petition be approved.

FINDINGS OF FACT

The applicant proposed to amend the Future Land Use Map of *Providence Tomorrow: The Interim Comprehensive Plan*, by extending the Neighborhood Commercial (NC) land use designation to include the area bounded by Cushing, Hope, Angell and Thayer Street. The NC land use designation within this specified area currently includes the length of Thayer Street between Cushing and Angell Street and extends slightly eastward and westward from Thayer Street. The petition intends to extend this designation further eastward to Hope Street.

The NC designation is intended for traditional pedestrian oriented development that serves local neighborhood needs for convenience retail, services, professional offices and housing. Residential uses are encouraged. The CPC found that the pattern of development within the proposed expansion area exhibits features that are consistent with the NC description.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 6492 fax
www.providenceri.com

The future land use map designates the Wheeler School and Brown University within the expansion area as Medium Density Residential. The CPC found that the change to NC would be inappropriate for these properties given their underlying uses. The size and use of both lots does not reflect development characteristic of the NC designation.

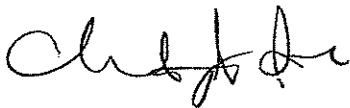
The CPC found that the change to NC would fulfill objective LU-2 of the Comprehensive Plan by directing growth toward areas best suited to provide access to jobs, housing and transit. The CPC found that the existing mix of uses would be appropriate under the NC designation. Objective LU-3 promotes development of a wide range of residential development and housing choices, which would be permitted under the expanded NC designation. The CPC found that development in this area would promote walking due to the high number of students and residents in proximity. Provision of bicycle infrastructure would also promote biking for those within distance. As the expanded area is located on a bus line and would be connected to the rest of the City through public transit, the CPC found that development that could potentially occur would be in fulfillment of Objective LU-4, which promotes the development of mixed use areas to improve the balance of jobs/housing and encourage alternative means of transport.

RECOMMENDATION

Based on the foregoing discussion, the CPC made a recommendation that the City Council approve the proposed amendment to the future land use map subject to the following condition:

The neighborhood commercial land use designation shall not extend east of Brook Street.

Sincerely,



Christopher Ise
Administrative Officer

cc: Anna Stetson, City Clerk
Kelly Morris, Moses and Afonso
Russell Broderick, Gilbane Development Company