

CHAPTER 2018-41

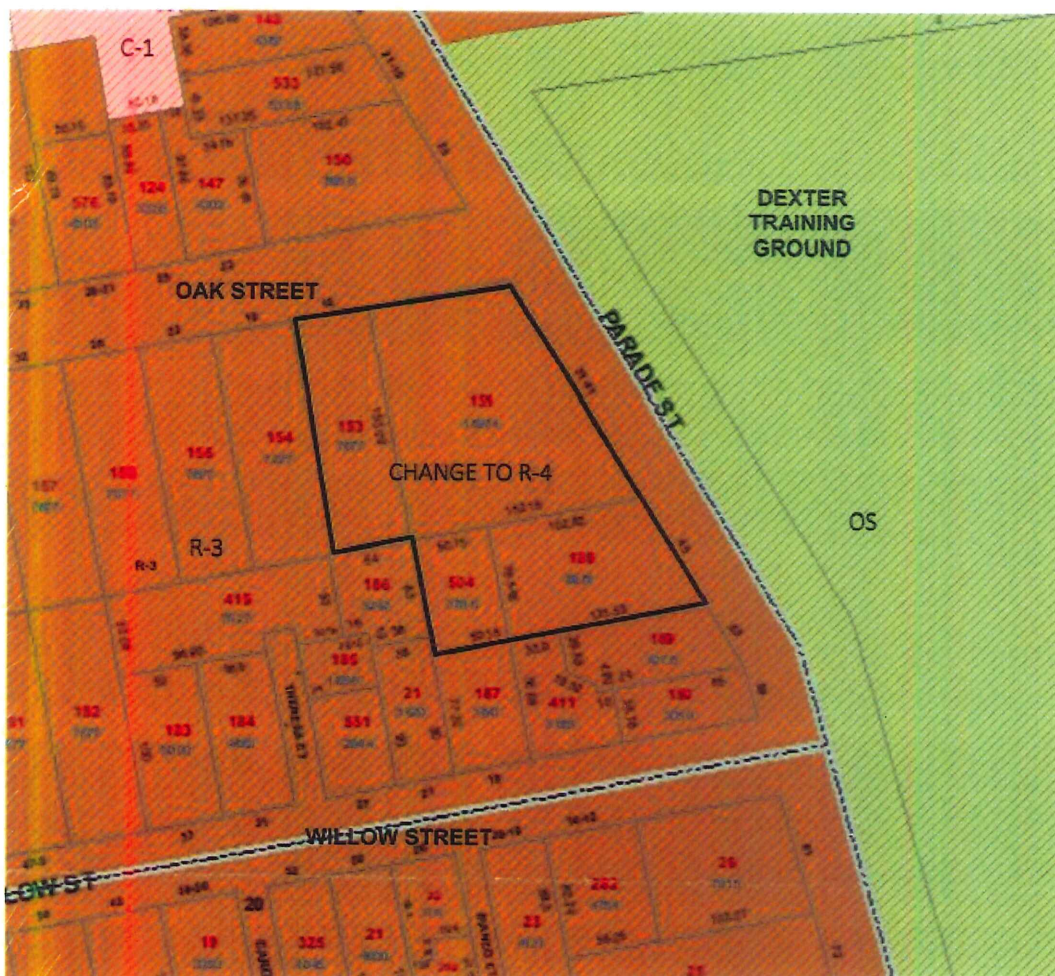
No. 400

AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES OF THE CITY OF PROVIDENCE, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE", APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICT DESIGNATION FOR THE PROPERTY LOCATED AT 41 PARADE STREET (ASSESSOR'S PLAT 35, LOT 151), 45 PARADE STREET (ASSESSOR'S PLAT 35, LOT 188), 19R WILLOW STREET (ASSESSOR'S PLAT 35, LOT 504), AND 12 OAK STREET (ASSESSOR'S PLAT 35, LOT 153), FROM R3 TO R4

Approved July 27, 2018

Be it ordained by the City of Providence:

SECTION 1. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, is hereby further amended by changing the zoning district designation for the property located at 41 Parade Street (Assessor's Plat 35, Lot 151), 45 Parade Street (Assessor's Plat 35, Lot 188), 19R Willow Street (Assessor's Plat 35, Lot 504), and 12 Oak Street (Assessor's Plat 35, Lot 153), from R3 to R4, as shown on the accompanying map.



SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUL 05 2018
FIRST READING
READ AND PASSED

Low L. Hays CLERK

IN CITY
COUNCIL
JUL 23 2018
FINAL READING
READ AND PASSED

David Santilli PRESIDENT
Low L. Hays CLERK

I HEREBY APPROVE.

SS

Mayor
Date: 7/27/18

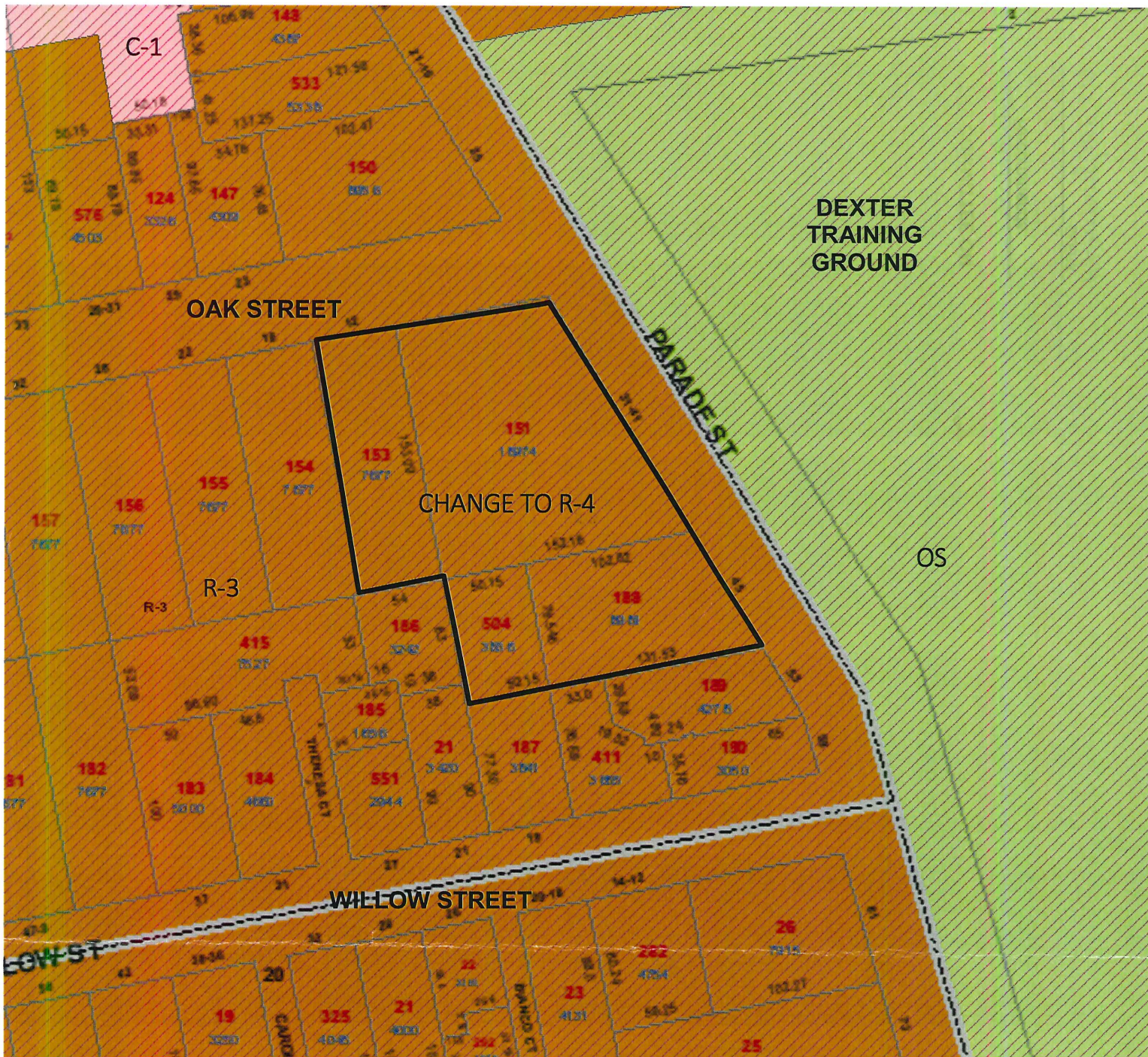
CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

Stepping Stone Partners, LLC, hereby petitions the City Council to change the Official Zoning Map of the City of Providence by changing the zoning district designation for the property located at 41 Parade Street (Plot/Lot: 35/151), 45 Parade Street (Plot/Lot: 35/188), 19R Willow Street (Plot/Lot: 35/504), and 12 Oak Street (Plot/Lot: 35/153) (here after, "the Property") and as shown on the accompanying map, from R3 to R4.



Stepping Stone Partners LLC
Mark Van Noppen, Manager
334 Broadway Providence, RI
401-272-2720

Date: 5/4/18



City Plan Commission
Jorge O. Elorza, Mayor

June 20, 2018

Councilman Terrence M. Hassett
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Lori Hagen, City Clerk

Re: Referral 3432-Petition to rezone 31-45 Parade Street, 19 R Willow Street and 12 Oak Street (AP 35 Lots 151, 188, 504 and 153) from R-3 to R-4

Petitioner: Stepping Stone Partners LLC

Dear Chairman Hassett,

The City Plan Commission (CPC) reviewed the proposed zoning change to rezone the property at 31-45 Parade Street, 19 R Willow Street and 12 Oak Street (AP 35 Lots 151, 188, 504 and 153) from R-3 to R-4 at a regular meeting on June 19, 2018. 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 is proposing to rezone 31-45 Parade Street, 19 R Willow Street and 12 Oak Street (AP 35 Lots 151, 188, 504 and 153) from R-3 to R-4. The subject lots are part of a nursing home development. The main building is located at 31-41 Parade Street (AP 35 Lot 151) with an annex at 45 Parade Street (AP 35 Lot 188). The applicant is proposing to redevelop the main building to provide 12 dwelling units and construct an 1,800 SF addition. The annex will be demolished for construction of a 19 unit residential building. Parking, landscaping and associated improvements will also be provided. The applicant is requesting to rezone the lots to R-4 as the planned multifamily development is not permitted in the R-3 zone. Based on a review of the zoning map and their analysis, the CPC found the site to be appropriate for the proposed use.

The CPC noted that this portion of Parade Street is residential, but composed of buildings with varying densities. There are multifamily dwellings in proximity to the development which are of a similar size and massing of the proposed structure and existing nursing home. The CPC found that the proposed rezoning and development would not have a negative effect on adjacent property given the mixed density of the immediate neighborhood.

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Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is intended for medium density residential development. This designation includes multifamily dwellings. Therefore, the CPC found the rezoning to be consistent with the intent of the comprehensive plan.

The petitioner's attorney made a presentation that outlined how the zoning change would conform to the comprehensive plan and purposes of zoning. The analysis found that the zone change would allow for development that would be consistent with the purposes of zoning that included conformance with the comprehensive plan, suitability of the land for the development, promoting a balance of housing choices, providing opportunities for establishment of low and moderate income housing and providing for protection of the natural historic and scenic nature of the City. The CPC found that the zone change would be consistent with the purposes of zoning based on this analysis.

The CPC found that the rezoning would be appropriate given the character of the surroundings and is not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

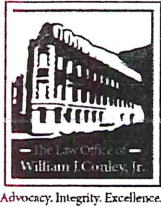
RECOMMENDATION

Based on the foregoing discussion, the CPC voted unanimously to adopt the analysis presented by the applicant's attorney and make a recommendation that the City Council approve the proposed zone change finding it to be consistent with the Comprehensive Plan and purposes of zoning.

Sincerely,



Choyon Manjrekar
Administrative Officer



The Law Office of William J. Conley, Jr.
The Hay Building • 123 Dyer Street, 2nd Floor • Providence, RI 02903

WilliamConleyLaw.com • 401.415.9835

PROPOSED FINDINGS OF FACT

Re: Providence City Plan Commission
June 16, 2018 Regular Meeting
Agenda Item #2
City Council Referral no. 3432
Rezoning of 31-15 Parade Street from R-3 to R-4
AP 35, Lots 151, 188, 504, 153
Petitioner: Stepping Stone Partners LLC

Madam Chair, Honorable members of the City Plan Commission,

Based on the presentation this evening, including expert testimony, the totality of the record, and the Providence Planning Department's Staff Report submitted by Project Planner Choyon Manjrekar, which recommends approval of the aforescribed zone change, Petitioner Stepping Stone Partners LLC proposes an affirmative finding of the following facts:

Pursuant to R.I. Gen. Laws §45-24-51 and R.I. Gen. Laws §45-24-52:

- The site is appropriate for the proposed use
- There are multifamily dwellings in proximity to the development which are of similar size and massive of the proposed structure and existing nursing home.
- The proposed rezoning and development would not have a negative impact on the adjacent property
- The multifamily development would have a similar density as the former nursing home
- The rezoning is consistent with the intent of the comprehensive plan
- The rezoning is appropriate given the character of the surrounding buildings
- The rezoning is not expected to negatively impact the health safety and welfare of the surrounding community

Pursuant to R.I. Gen Laws §45-24-30 and City of Providence Zoning Ordinance §101; The proposed rezoning is consistent with the purposes of zoning, enumerated below:

1. Promoting the public health, safety, and general welfare.
 - *The existing nursing home building is dilapidated and in disrepair. The proposed rezoning will allow a redevelopment will restore and fully modernize the building and remove several obsolete buildings and replace them with a modern apartment building.*

2. Providing for a range of uses and intensities of use appropriate to the character of the city and reflecting current and expected future needs.
 - *The City and State both recognize the need for new apartments to meet growing demand. The proposed zoning change makes possible new construction building of similar size and use as the restored historic building. Both buildings would provide handicapped accessible, elevator-enabled apartments which are lacking in this neighborhood.*
3. Providing for orderly growth and development which recognizes:
 1. The goals and patterns of land use contained in the Comprehensive Plan.
 - *The Comprehensive Plan calls for a mix of neighborhood scale residential dwellings, including multifamily apartment buildings.*
 2. The natural characteristics of the land, including its suitability for use based on soil characteristics topography, and susceptibility to surface or groundwater pollution.
 - *The site is large, flat and well drained and suitable for larger development.*
 3. The values and dynamic nature of coastal and freshwater ponds, the shoreline, and freshwater and coastal wetlands.
 - N/A
 4. The values of unique or valuable natural resources and features.
 - N/A
 5. The availability and capacity of existing and planned public and/or private services and facilities.
 - *Adequate public utilities and infrastructure exist in this existing dense urban neighborhood.*
 6. The need to shape and balance urban and rural development.
 - *The proposed zone change is in keeping with city and state goals that call for infill development in the neighborhoods.*
 7. The use of innovative development regulations and techniques.
 - N/A
4. Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.
 - *Any future project will employ all best practices in environmental control, protection, and abatement.*
5. Providing for the protection of the natural, historic, cultural, and scenic character of the city or areas in the municipality.

- *The zone change permits a project that will preserve an historic structure with a rich history as an apartment building, hospital, and nursing home.*
- 6. Providing for the preservation and promotion of agricultural production, forest, silviculture, aquaculture, timber resources, and open space.
 - N/A
- 7. Providing for the protection of public investment in transportation, water, stormwater management systems, sewage treatment and disposal, solid waste treatment and disposal, schools, recreation, public facilities, open space, and other public requirements.
 - *The zone change permits a natural increase in intensity adjacent to a significant city-wide park and does not adversely affect any public investment in infrastructure or open space.*
- 8. Promoting a balance of housing choices, for all income levels and groups, to assure the health, safety, and welfare of all citizens and their rights to affordable, accessible, safe, and sanitary housing.
 - *The proposed zone change allows a project which will add diversity of housing to the neighborhood, particularly handicapped accessible, elevator equipped buildings within an historic district that largely lacks such amenities.*
- 9. Providing opportunities for the establishment of low and moderate income housing.
 - *Adding housing to the City's stock helps ameliorate increases in housing costs city and region wide. The Developer has expressed willingness to include income restricted housing units if a suitable subsidy can be identified.*
- 10. Promoting safety from fire, flood, and other natural or unnatural disasters.
 - *The buildings will be fully sprinklered with upgraded alarms, wiring, and other safety devices.*
- 11. Promoting a high level of quality in design in the development of private and public facilities.
 - *The proposed project will provide a high level of quality in design through the rehabilitation of the existing historic structure and the construction of a "sister" building of similar scale but contemporary design.*
- 12. Promoting implementation of the Comprehensive Plan.
 - *The proposed zone change, will support implementation of the comprehensive plan by bringing the site more into conformance with the residential character of the area and repairing a missing tooth in the street wall, while also providing a diversity of housing and buildings in keeping with the scale of the large park across Parade Street.*
- 13. Providing for coordination of land uses with contiguous municipalities, other municipalities, the state, and other agencies, as appropriate, especially with regard to

resources and facilities that extend beyond municipal boundaries or have a direct impact on that municipality.

- N/A

14. Providing for efficient review of development proposals, to clarify and expedite the zoning approval process.

- *The proposed zone change will mitigate some of the variances required for reuse of the historic structure, expediting the zoning approval process.*

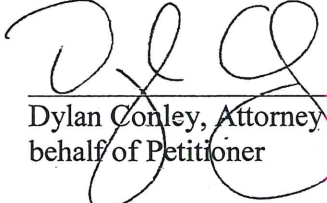
15. Providing for procedures for the administration of the zoning ordinance, including, but not limited to, variances, special use permits, and, where adopted, procedures for modifications.

- *This application is in full compliance with all pertinent State and Municipal regulations.*

16. Providing opportunities for reasonable accommodations in order to comply with the Rhode Island Fair Housing Practices Act, chapter 37 of title 34, the United States Fair Housing Amendments Act of 1988 (FHAA), the Rhode Island Civil Rights of Persons with Disabilities Act, chapter 87 of title 42, and the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §12101 et seq. N/A

- *See responses #8 and #9.*

Seth Zeren, Manager
Stepping Stone Partners LLC



Dylan Conley, Attorney on
behalf of Petitioner



City Plan Commission
Jorge O. Elorza, Mayor

**Decision of the City Plan Commission granting Master Plan Approval for
Major Land Development Project 18-016 MA at 31-45 Parade Street (AP
35 Lots 151, 188, 504 and 153)
June 20, 2018**

Applicant: Stepping Stone Partners LLC
334 Broadway
Providence RI 02909

Owner: Parkview Realty Associates
477 White Plains Road, 3rd Floor
Bronx NY 10473

The City Plan Commission (CPC) voted to approve the Master Plan for the subject Major Land Development Project at a regular meeting on June 19, 2018. The CPC acted subject to the findings of fact and conditions of approval noted below.

Project Overview

The applicant is proposing to redevelop a former nursing home for use as a multifamily dwelling with 12 units. A neighboring one story building will be demolished for construction of a 19 unit multifamily dwelling. The site is zoned R-3. A zone change to R-4 is being requested to accommodate the multifamily development.

Findings of Fact

The CPC made the following findings of fact in accordance with section 806 of the CPCs development review regulations, based on the applicant's presentation, their analysis of the plan and the DPD's recommendations:

1. **Consistency with Providence Tomorrow: The Comprehensive Plan** - The subject property is located in an area that the future land use map of Providence Tomorrow: The Comprehensive Plan intends for medium density residential development. The plan describes this area as one characterized by one to three family dwellings and multifamily dwellings on separate lots. The CPC found that the proposed development would conform to this description. The CPC found that the surrounding neighborhood conforms to this description as it is a mix of one, two, three and multifamily developments. The CPC found that the development would conform to objective H-1 and H-2 of the comprehensive plan which seeks to create new housing opportunities and improve existing housing.

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2. *Compliance with Zoning Ordinance*

The CPC made the following findings:

Use: The applicant has applied to rezone the development to R-4, which would permit multifamily development by right. The CPC reviewed the request for a zone change and made a positive recommendation to the City Council to approve the change. The CPC found that the development would conform to the R-4 zone pending a zone change.

Dimension: The CPC found that the development will largely conform to the dimensional requirements of the R-4 zone. The CPC found that the applicant will require relief from the rear yard impervious coverage requirement and relief from the minimum dimensional requirement of parking spaces. The applicant may apply for zoning relief through unified development review at the preliminary plan stage.

Landscaping: The applicant submitted a conceptual landscaping plan. The CPC required that a detailed landscaping plan be submitted at the preliminary plan stage.

Lighting: The applicant shall submit a lighting and signage plan at the preliminary plan stage if external lighting will be provided.

Parking: The CPC found that the applicant will meet the parking requirement, but will require relief from the minimum size of parking spaces.

3. *Environmental Impact*

The CPC required that the applicant submit a memo detailing that the development will not exacerbate current amounts of stormwater runoff at the preliminary plan stage. An erosion control and site maintenance plan is also required. The CPC also requested a traffic memo detailing information on traffic movement to and from the site in order to demonstrate that the development will not negatively affect traffic patterns. The CPC found that no negative environmental impacts are expected as a result of the development as the applicant is expected to come into conformance with all applicable environmental regulations.

4. *Buildable Lot*

The CPC found that there are no physical constraints that impact development of this property, as pending a zone change, the development will comply with the dimensional requirements of the R-4 zone.

5. *Street Access*

The CPC found that adequate vehicular and pedestrian access is provided from Parade Street and Oak Street.

ACTION

Upon a motion by Commissioner Verdi, seconded by Commissioner Bilodeau, the CPC voted as follows to approve the Master Plan:

N. Verdi AYE; H. Bilodeau AYE; M. Gazdacko AYE; J. Opton-Himmel AYE; Luis Torrado AYE

In accordance with the CPC's action, the Master Plan is approved subject to the following conditions:

1. The approval is contingent on the rezoning of the property to R-4.
2. The applicant shall submit information regarding maintenance of the current level of stormwater runoff and an erosion control plan at the preliminary plan stage.
3. A traffic memo detailing movement to and from the site is required at the preliminary plan stage.
4. A detailed landscaping plan shall be submitted at the preliminary plan stage.



Choyon Manjrekar
Administrative Officer

In accordance with Rhode Island General Laws Section 45-23-63, this decision must be recorded in the land evidence records within thirty-five (35) days after the CPC's vote.

In addition, in accordance with Rhode Island General Laws Section 45-23-67, this decision shall be posted in the office of the City Clerk for a period of 20 days. Any appeals to this decision must be immediately transmitted to the DPD. If no appeals are filed, this letter may be removed by the City Clerk 20 days after it has been posted.