

CHAPTER 2021-33

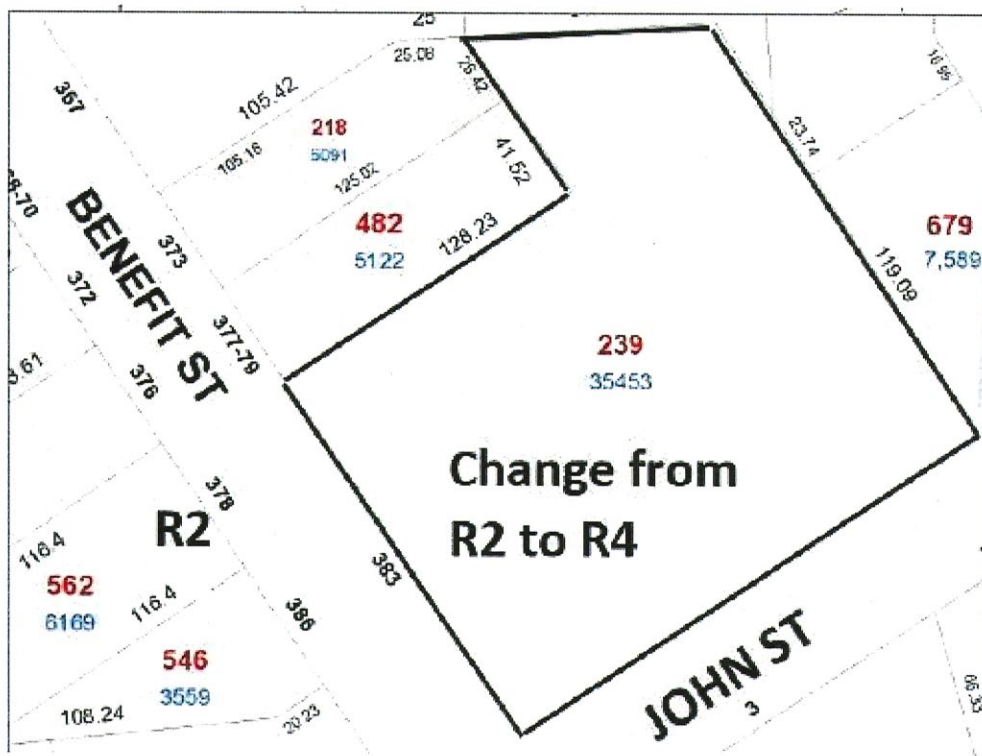
No. 351

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 ON THE OFFICIAL ZONING MAP FOR THE PROPERTY LOCATED ON ASSESSOR'S PLAT 16, LOT 239 (383 BENEFIT STREET), FROM R-2 TO R-4 WITH A FOOTNOTE THAT "USE ON SAID LOT SHALL BE LIMITED TO MULTI-FAMILY WITH NO MORE THAN EIGHT (8) DWELLING UNITS"

Approved August 2, 2021

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 on the Official Zoning Map for the Property located on Assessor's Plat 16, Lot 239 (383 Benefit Street), from R-2 to R-4 with a footnote that states, "Use on said lot shall be limited to multi-family with no more than eight (8) dwelling units. College student rental housing shall be prohibited, except that college students may live in owner-occupied dwelling units."



SECTION 2. This ordinance shall take effect upon passage.

I HEREBY APPROVE.

IN CITY COUNCIL

JUL 15 2021

FIRST READING
READ AND PASSED

Tina L. Mastrosimone CLERK
ACTING

IN CITY COUNCIL

JUL 21 2021

FINAL READING
READ AND PASSED

John J. Iglizzi PRESIDENT
ACTING

[Signature] Mayor
Date: *8/2/21*

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

To change the Official Zoning Map of the City of Providence by changing the zoning district designation for the property located at 383 Benefit Street (Plat 16/Lot 239) from R-2 to R-4 as shown on the accompanying map, with a footnote that "Use on said lot shall be limited to multi-family with no more than eight (8) dwelling units."

It is further requested that this zone change shall not become effective unless and until the undersigned Applicant purchases the property from Owner/Petitioner.

Applicant: M.H. Massey & Co., LLC

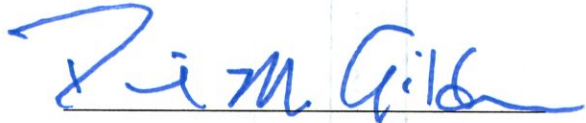
Owner/Petitioner: Brown University

By its attorney,

By its attorney,

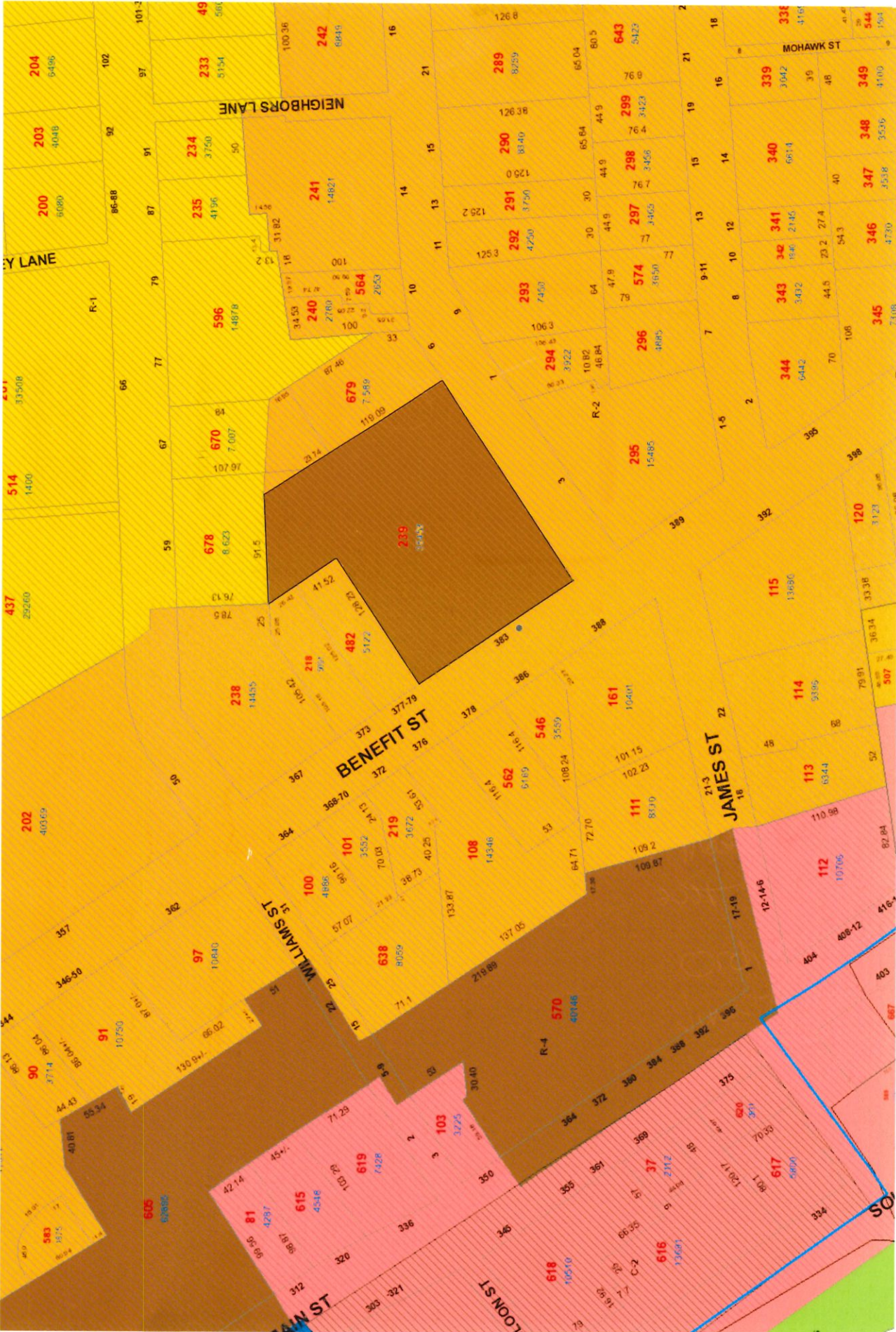


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dgilden@psh.com

PROPOSED ZONING AREAS



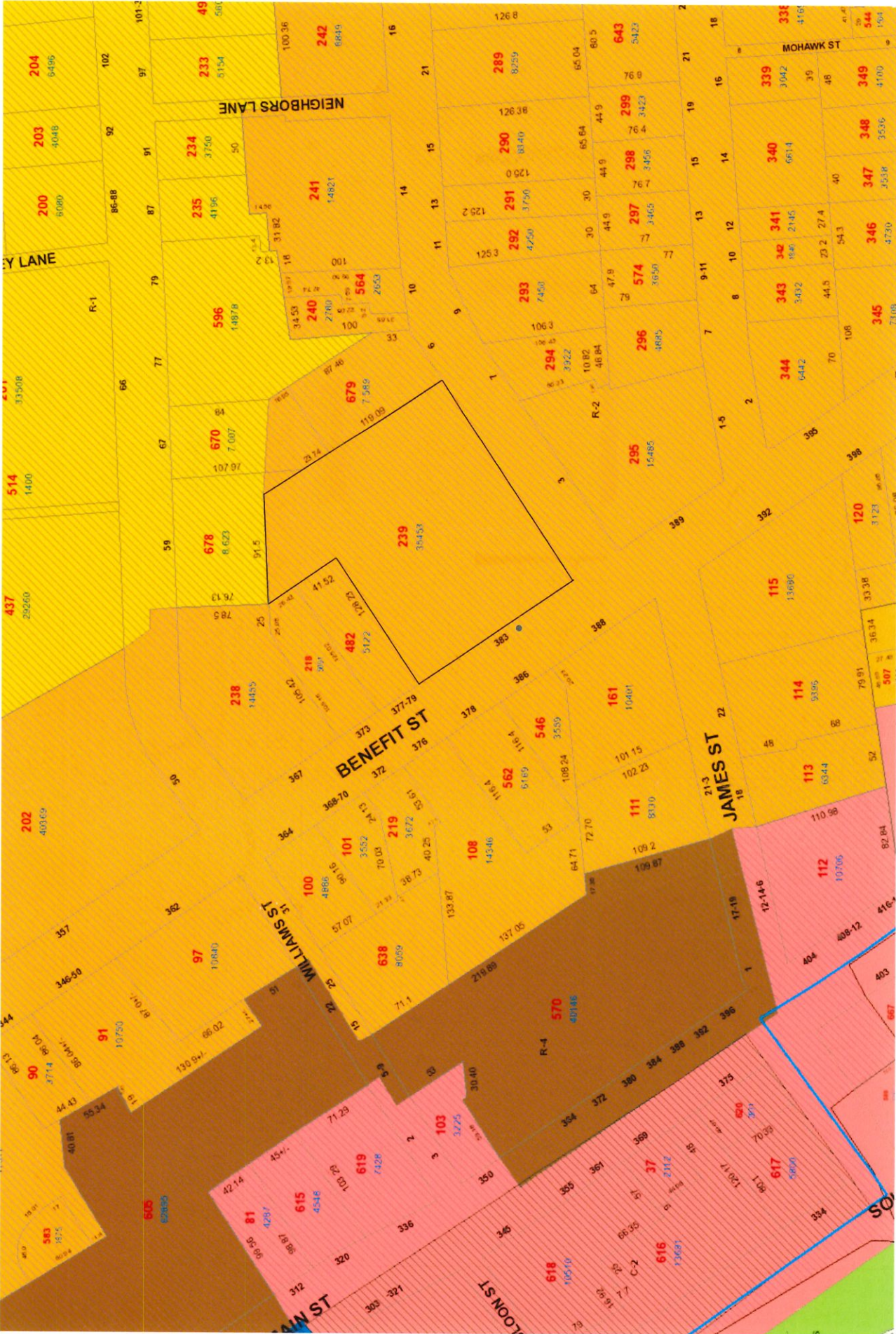
Base Zoning

- R-1
- R-1A
- R-2
- R-3
- R-4

Historic District - Local



EXISTING ZONING AREAS



Base Zoning

- R-1
- R-1A
- R-2
- R-3
- R-4

Historic District - Local





City Plan Commission
Jorge O. Elorza, Mayor

June 16, 2021

Councilman Nicholas Narducci
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3496 – Petition to rezone 383 Benefit Street (AP 16 Lot 239) from R-2 to R-4

Petitioners: MH Massey and Co LLC; Brown University, Owner

Dear Chairman Narducci,

The applicant is petitioning to rezone 383 Benefit Street from R-2 to R-4 with the use limited to multifamily housing with no more than eight dwelling units. The property is a former university office building that the petitioner intends to purchase should the change be approved. The lot measures approximately 35,453 SF and is zoned R-2 under the HD overlay with the building providing 23,377 SF of gross floor area.

FINDINGS OF FACT

The lot size and building's massing are significantly larger than property observed in the R-2 zone which has a minimum lot size of 5,000 SF and restricts housing to two-family development. The CPC found that the change to R-4 with eight dwelling units seems appropriate as it would allow for the site to be used in a manner that is more consistent with its dimensions and massing.

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 to be one where single-family and low-density residential uses are located in proximity. The plan describes these areas as ones where one and two family dwellings are located on lots measuring 5,000 SF or more. Eight units on the site of the subject lot would provide approximately 4,431 SF of lot area per dwelling unit which the CPC found would be far less dense than the surrounding R-2 zone which requires about 2,500 SF of lot area per dwelling unit. Objective LU-3.B of the comprehensive plan encourages adaptive reuse of historic non-residential buildings in residential areas by allowing for increased residential density or

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limited non-residential uses. Based on conformance with these objectives, the CPC found the rezoning to be in conformance with the comprehensive plan.

The CPC required that college student rental housing be prohibited to preserve the neighborhood's character. The CPC has conducted research and held public meetings which found that college student housing results in a more intense use of residential property than what is typically seen in lower density zones and can sometimes result in negative effects on neighboring property. The CPC does not object to college students if units will be owner-occupied.

Based on the foregoing discussion, the CPC found that rezoning the lot would be appropriate given the character of the surroundings and the dimensions and massing of the building as propagation of incompatible uses like student rental housing would be restricted. The rezoning 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

On a motion by Commissioner Quezada, seconded by Commissioner Bilodeau, the CPC voted to recommend that the City Council approve the proposed zone change to R-4 finding it to be in conformance with the zoning ordinance and comprehensive plan. In accordance with their action, the CPC recommends that the zone change be approved subject to the following condition:

College student rental housing shall be prohibited, except that college students may live in owner-occupied dwelling units.

The CPC voted as follows:

Aye: M. Quezada, H. Bilodeau, L. Torrado, M. Gazdacko

Sincerely,



Choyon Manjrekar
Administrative Officer

City of Providence Planning Commission

Rezone Action - R-2 District to R-4 District

**383 Benefit Street
Assessor's Plat 16; Lot 239**

Prepared for: M. H. Massey, LLC

By: Pimentel Consulting, Inc.

15 June 2021

This document was exported from Numbers. Each table was converted to an Excel worksheet. All other objects on each Numbers sheet were placed on separate worksheets. Please be aware that formula calculations may differ in Excel.

Numbers Sheet Name	Numbers Table Name	Excel Worksheet Name
Sheet1 - Table 1 - Table 1 - Ta	Table 1	Sheet1 - Table 1 - Table 1 - Ta
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Sheet2 - Table 1 - Table 1 - Ta	Table 1	Sheet2 - Table 1 - Table 1 - Ta
Sheet3 - Table 1 - Table 1 - Ta	Table 1	Sheet3 - Table 1 - Table 1 - Ta

NEIGHBORHOOD ANALYSIS										
383 Benefit Street										
Assessor's Plat 16 - Lot 239										
R-2 Zoning District										
	Lot								Useable	
	Area			No. of		No. of	Foot	Building	Gross	
Plat/Lot	(Sq. Ft.)	Address	Dwelling Style	Units	Beds	Stories	Print (sf)	Coverage	Floor	Year
									Area (sf)	Built
16 - 239	35,453	383 Benefit Street	College Office	0	0	3	7,163	20.20%	16,423	1855
SP			Commercial				Pavement = 8,500 sf			
16 - 482	5,122	377 - 379 Benefit Street	Multi-Unit	4	9	3.25	2,178	46.43%	5,350	1911
			Residential				Garage = 200 sf [Included in Building Coverage]			
16 - 218	5,091	373 Benefit Street	Multi-Unit	3	12	2.75	1,662	36.57%	3,860	1920
			Residential				Garage = 200 sf [Included in Building Coverage]			
16 - 238	14,455	367 Benefit Street	Multi-Unit	8	11	2.5	3,760	26.01%	8,125	1841
			Residential							
16 - 665	25,449	59 Williams Street	Single-Family	1	2	1.25	911	7.92%	1,149	1850
		6 John Street					Garage = 1,104 sf [Included in Building Coverage]			
16 - 240,	20,311	77 - 79 Williams Street	Multi-Unit	5	15	3.25	5,875	33.50%	12,632	1920
564, and 596		10 John Street	Residential				Garage = 644 sf [Included in Building Coverage]			
							Porch = 286 sf [Included in Building Coverage]			
							Pavement = 3,116 sf			
16 - 235	4,196	87 Williams Street	Single-Family	1	4	2.25	2,027	48.31%	4,377	1798
16 - 234	3,750	91 Williams Street	Single-Family	1	4	2.75	1,260	33.60%	3,528	1800
16 - 241	14,821	14 John Street	Single-Family	1	6	3	3,583	35.19%	7,745	1813
			Single-Family	1	2	2	1,533		1,808	1813
							Porch = 100 sf [Included in Building Coverage]			

16 - 295	15,485	389 Benefit Street	Multi-Unit Residential	9	15	3	4,100	26.48%	11,288	1853
16 - 294	3,922	7 John Street	Single-Family	1	4	2.25	1,448	36.92%	3,017	1854
							Patios = 408 sf			
16 - 293	7,450	9 John Street	Single-Family	1	3	2.5	1,382	25.07%	2,634	1849
							Garage = 486 sf [Included in Building Coverage]			
16 - 292	4,250	11 John Street	Two-Units	2	5	2	1,800	42.35%	3,048	1820
16 - 291	3,750	13 John Street	Single-Family	1	4	2.25	805	21.47%	1,852	1811
							Patio = 177 sf			
16 - 290	8,340	15 John Street	Single-Family	1	4	2	2,070	25.40%	3,208	1999
							Shed = 48 sf [Included in Building Coverage]			
16 - 289	8,259	21 John Street	Single-Family	1	4	2	1,676	20.29%	3,176	1798
							Patios = 700 sf			
16 - 288	7,614	23 John Street	Two-Units	2	4	2	1,995	26.20%	4,332	1795
							Patios = 700 sf			
16 - 302	2,632	25 Arnold Street	Two-Units	2	5	2.5	1,488	56.53%	2,755	1829
							Patios = 700 sf			
16 - 643	5,423	21 Arnold Street	Single-Family	1	5	2.25	1,085	27.38%	2,496	1798
							Garage = 400 sf [Included in Building Coverage]			
							Patio = 300 sf			
16 - 299	3,423	19 Arnold Street	Multi-Unit Residential	3	9	3.25	1,852	54.10%	5,261	1880
16 - 298	3,456	15 Arnold Street	Single-Family	1	4	2	1,316	38.08%	2,632	1792

							Patios = 365 sf				
16 - 297	3,465	13 Arnold Street	Multi-Unit Residential	3	6	3.25	1,595	46.03%	4,692	1900	
							Patios = 296 sf				
16 - 574	3,650	9 - 11 Arnold Street	Multi-Unit Residential	3	9	3.25	1,626	51.12%	4,201	1900	
							Garage = 240 sf [Included in Building Coverage]				
16 - 296	4,885	7 Arnold Street	Single-Family	1	4	2.25	1,376	28.17%	2,645	1796	
							Patio = 256 sf				
16 - 161	10,401	388 Benefit Street	Multi-Unit Residential	7	7	3	1,896	18.23%	5,458	1872	
							Pavement = 1,450 sf				
16 - 546	3,559	384 - 386 Benefit Street	Multi-Unit Residential	3	6	3	1,800	50.58%	3,921	1890	
							Pavement = 1,450 sf				
16 - 562	6,169	378 Benefit Street	Multi-Unit Residential	8	14	3	1,927	31.24%	5,253	1907	
							Pavement = 2,600 sf				
16 - 108	14,346	376 Benefit Street	Multi-Unit Residential	7	14	3	2,733	19.05%	5,823	1900	
							Pavement = 7,600 sf				
16 - 219	3,672	372 Benefit Street	Multi-Unit Residential	4	6	2.75	1,112	35.73%	2,479	1850	
							Garage = 200 sf [Included in Building Coverage]				
16 - 101	3,552	368 Benefit Street	Single-Family	1	4	2	1,392	45.72%	2,280	1790	
							Garage = 200 sf [Included in Building Coverage]				
							Shed = 32 sf [Included in Building Coverage]				
							Patio = 228 sf				
16 - 100	4,886	364 Benefit Street	Two-Units	2	6	2	1,182	28.94%	2,650	1790	
							Garage = 264 sf [Included in Building Coverage]				
							Shed = 32 sf [Included in Building Coverage]				
16 - 638	8,059	25 Williams Street	Single-Family	1	4	2.25	884	11.27%	2,032	1836	

							Shed = 24 sf [Included in Building Coverage]			
16 - 570	40,146	364 - 396 S Msin St 17 James Street	Multi-Unit Residential	32	46	2	15,712	39.14%	23,909	1973
16 - 103	3,225	3 Williams Street	Mixed-Use	0						
16 - 111	8,330	21 - 23 James Street	Multi-Unit Residential	7	11	2	1,280	15.37%	5,062	1814
							Pavement = 2,800 sf			
16 - 202	40,369	47 Power Street	Office Bldg	0						1791
16 - 437	29,260	55 Power Street	Single-Family	1	6	3	4,620	15.79%	9,230	1922
							Patio = 570 sf			
16 - 201 and 514	34,908	65 Power Street 66 Williams Street	Single-Family	1	6	3	6,683	19.14%	12,669	1810
							Patio = 432 sf			
16 - 571	6,248	81 Power Street	Single-Family	1	4	2.25	1,196	23.94%	1,196	1806
							Garage = 300 sf [Included in Building Coverage]			
16 - 199	5,299	85 Power Street	Single-Family	1	7	2.25	1,772	33.44%	3,685	1835
16 - 198	5,075	89 Power Street	Single-Family	1	6	2.25	1,500	33.89%	2,944	1875
							Garage = 220 sf [Included in Building Coverage]			
16 - 197	4,276	93 Power Street	Single-Family	1	4	2	1,698	39.71%	3,522	1843
							Patio = 352 sf			
16 - 196	9,433	99 Power Street	Single-Family	1	9	2.25	2,907	39.09%	5,776	1846
							Garage = 780 sf [Included in Building Coverage]			
							Patios = 430 sf			
16 - 636	9,026	118 Williams Street	Two-Units	2	2	1.5	2,498	34.99%	4,167	1844
							Garage = 660 sf [Included in Building Coverage]			

16 - 180	6,265	106 Williams Street	Multi-Unit Residential	3	9	2.5	3,244	51.78%	7,059	1842
16 - 204	6,496	102 Williams Street	Single-Family	1	7	3	2,290	35.25%	4,462	1841
16 - 203	4,048	92 Williams Street	Single-Family	1	6	2	1,551	38.32%	3,215	1824
16 - 200	6,080	88 Williams Street	Single-Family	1	4	2.25	1,606	32.93%	3,501	1824
							Garage = 360 sf [Included in Building Coverage]			
							Shed = 36 sf [Included in Building Coverage]			
							Patos = 452 sf			
16 - 242	8,849	16 John Street	Single-Family	1	6	2.25	2,354	26.60%	4,157	1844
							Patio = 312 sf			
16 - 233	5,154	97 Williams Street	Two-Units	2	6	3	2,633	51.09%	6,240	1799
16 - 491	5,600	101 - 103 Williams Street	Two-Units	2	8	3	2,624	51.73%	5,514	1851
							Garage = 273 sf [Included in Building Coverage]			
Total:	507,383			149	358	124	115,964		240,207	
Average:	9,949			3	7	2.54	2,416	27.07%	5,004	
Residentially Improved										
Total:	428,336									
Average:	8,924									
Percentage:	94.12%									
Lot Density:	2,875	Bedroom Density:	1,196							

PIMENTEL CONSULTING, INC.
Edward Pimentel, AICP
26 Avon Road
Cranston, Rhode Island 02905

(401) 529-0647 – Cellular
Tax ID No. 56-2331684
on-line: edaicp@yahoo.com

SUMMARY of QUALIFICATIONS

Forward-thinking, pragmatic urban planning professional with twenty (20+) years of practical experience. Skilled in a variety of neighborhood and commercial planning and zoning activities, frequently in a supervisory or managerial capacity. Solid track records with proven effectiveness in, but not limited to, the following areas:

- ⇒ Zoning Boards of Review
- ⇒ Planning Boards / Commissions
- ⇒ City / Town Councils
- ⇒ Residential, Commercial and Industrial Development
- ⇒ Community Planning and Consulting
- ⇒ Subdivision Review and Planning
- ⇒ Superior Court
- ⇒ Code Enforcement

SELECTED EXAMPLES of ACCOMPLISHMENT

- Testified before numerous boards, commissions and councils on matters of residential, commercial, and industrial development, as well as changes / amendments to Zoning Ordinances and Comprehensive Plans.
- Testified before Municipal and Superior Court on matters of code enforcement and general land use planning.
- Authored various documents including Cost of Community Services Study, Revitalization Plans, Zoning Ordinances, Comprehensive Plan Amendments and the first Telecommunications Ordinance in the State of Rhode Island.
- Responsible for reviewing all development associated with the Quonset Point / Davisville Industrial Park, an approximately 3,500 acre industrial park, site of the former Sea Bee Navy Base, numerous mill rehabilitation projects, including Pocasset Mill, Johnston, RI (Comprehensive Plan Amendments).
- Responsible for reviewing numerous residential subdivisions, especially expert in the field of Comprehensive Permits (Affordable Housing). Work product cited by the Rhode Island Supreme Court.
- Represented clients before numerous Zoning Boards of Review throughout the State of Rhode Island, on a variety of variance and special use permit petitions, with a greater than 90% success rate.
- Extensive energy and renewable energy projects, including solar, wind and gas-fired eccentric generating assets.

EDUCATION

MASTERS OF COMMUNITY PLANNING AND DEVELOPMENT
University of Rhode Island - Masters Received 1994

University of Florida - Studied City Planning - 1991 / 1992

BACHELOR OF ARTS – URBAN AFFAIRS; MINORS IN MATHEMATICS AND PHILOSOPHY
University of Rhode Island - BA Received 1990

ACCREDITATION: AMERICAN INSTITUTE of CERTIFIED PLANNERS – May 1996

PROFESSIONAL EXPERIENCE

Land Use Consultant
East Providence, Rhode Island

PIMENTEL CONSULTING, INC.

Zoning Officer
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Consulting Town Planner
Barrington, Rhode Island

TOWN OF BARRINGTON

Town Planner
Wayland, Massachusetts

TOWN OF WAYLAND

Principal Planner
North Kingstown, Rhode Island

TOWN OF NORTH KINGSTOWN

Assistant Planner
East Providence, Rhode Island

CITY OF EAST PROVIDENCE

Planning Consultant
Newport, Rhode Island

NEWPORT COLLABORATIVE

Planning Intern
Orange City, Florida

CITY OF ORANGE CITY

RHODE ISLAND AIR NATIONAL GUARD

Plans and Implementation Communications Specialist
Rhode Island Air National Guard 1995 – Retired 2013

Security Police Officer
Rhode Island Air National Guard 1987 – 1990

CIVIC

WGBH – Community Advisory Board Member
Cambridge, Massachusetts 2000 - 2003

SPECIAL SKILLS AND TRAINING

- Fluent in Portuguese