

City Planning Department



Memo

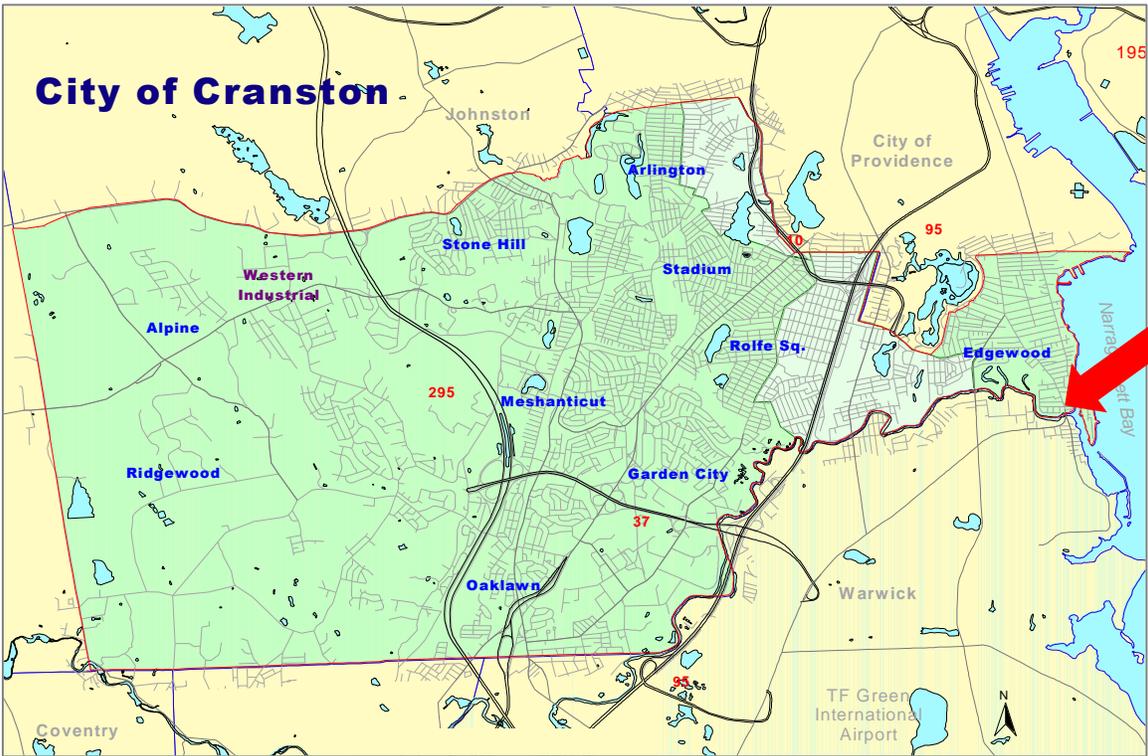
To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner / Administrative Officer
Date: February 24, 2022
Re: **Dimensional Variance @ 2190 & 2192 Broad Street**

Owner/App: Bridge Group, LLC
Location: 2190 & 2192 Broad Street (AP 1 Lots 33 & 34)
Zone: C-3 (General Business)
FLU: Neighborhood Commercial/Services

DIMENSIONAL VARIANCE REQUEST:

1. Relief from the off-street parking requirement to allow the existing outdoor dining area to remain. [17.64.010 *Off Street Parking*]

LOCATION MAP



ZONING MAP



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City of Cranston

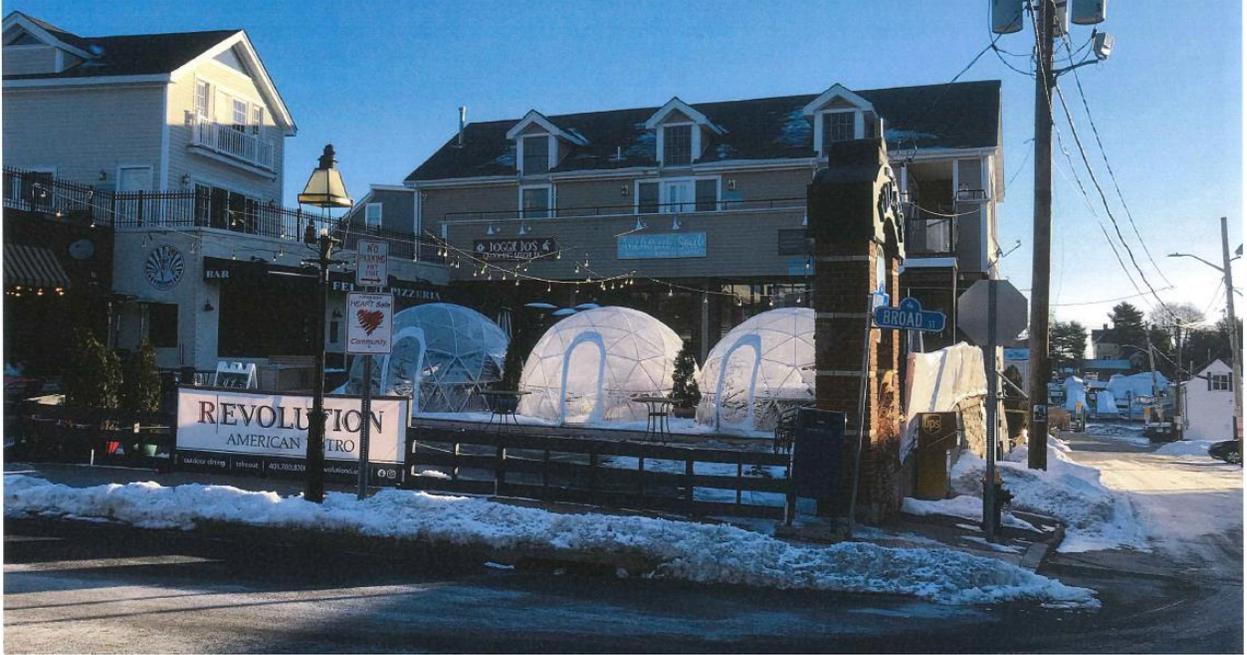
AERIAL VIEW



3-D AERIAL VIEW (facing northeast)



STREET VIEW
(from Broad St facing east)



STREET VIEW
(from Broad St facing south)



PLANNING STAFF FINDINGS

1. The subject lots, AP 1 Lots 33 & 34, have a combined area of 14,646 ft², are zoned C-3 (General Business), are under common ownership, and supports a mix of commercial and residential uses in the existing legally nonconforming buildings.
2. The existing uses at the subject site include three (3) restaurants, one (1) bar, one (barber/beauty salon) one (1) animal grooming service, one (1) artisan workshop and three (3) residential units. The existing uses are consistent with the Comprehensive Plan Future Land Use Map that designates this area of Broad Street as Neighborhood Commercial/Services.
3. In April of 2015, the Zoning Board of Review granted relief to the subject lots to reduce the main parking area from 12-spaces to 8-spaces. The Plan Commission unanimously voted to recommend approval finding that the elimination of four spaces will not be detrimental to the village. The ZBR's acknowledged testimony in favor of the application from residents and opposition from a neighboring restaurant and approved the relief with the condition that "Two family unit parking area to be used for restaurant employee parking."
4. The 8-space parking lot is being utilized as an outdoor dining area as allowed by executive orders to assist restaurants during the COVID-19 pandemic. The General Assembly passed a law that allows the waiving of parking requirements to allow outdoor seating until April 1 of 2023. The relief requested would allow the existing outdoor seating to become permanent, replacing 8 parking spaces that consist of 1 ADA space, 5 regular spaces and two compact spaces.
5. The application states that there are 6 off-street parking spaces for the three residential units provided on the owner's adjacent property at 16 George Street. No other off-street parking is currently provided.
6. The applicant claims that "accommodation has been made on Broad Street for the handicapped parking space" but provides no further details. The City of Cranston Bureau of Traffic and Safety has conveyed ADA compliant parking spaces abutting the property on Broad Street is not possible under current conditions. The Zoning Board of Review does not have the authority to grant relief for ADA requirements which are under the jurisdiction of the Governor's Commission on Disability.
7. Notwithstanding the ADA accessibility issue, the Director of Economic Development conveyed his general support of the application.
8. On-street parking, vibrant businesses and walkability are integrated into the character of Pawtuxet Village where the vast majority of the built environment is legally nonconforming, built prior to the enactment of zoning in 1966. The application would not negatively impact the character of the area, but may enhance it.

PLANNING ANALYSIS

In response to the COVID-19 pandemic, executive orders allowed that municipalities waive their parking and zoning requirements to allow restaurants expand their seating areas outdoors. The Rhode Island General Assembly recently passed a bill that placed a moratorium on enforcement of any municipal zoning regulation that would penalize any food business for any alterations

made in order to comply with executive orders that shall remain effective until April 1, 2023. Relief, if granted, would make the existing outdoor dining at 2190 & 2192 Broad Street permanent and thereby reduce the already nonconforming off-street parking by 8 spaces. If relief is not granted, the applicant can maintain the existing condition until said date.

The application states that at least 69 spaces would be required by code plus however many spaces would be required for the PTX Lounge (the applicant did not provide the number of seats for the PTX Lounge so this figure is unknown). This is clearly not possible, evidenced by the fact that the ZBR approved reduced parking at this site in 2015, allowing a reduction from 12 to 8 spaces in the main parking area. This application takes the ask a step further, from 8 spaces to zero.

Comprehensive Plan Circulation Goal #2 reads “Provide sufficient off-street parking to serve the needs of businesses and residents.” This goal is supported by policies 2.4 “Require compliance with parking standards in the Zoning Ordinance and discourage on-street parking *where appropriate*” (emphasis added) and 2.5 “Encourage off-street parking at existing developments.” This language would lead staff to a negative recommendation, however, Pawtuxet Village is a unique place in the city that may meet the subtle exemptions written into the language above, that on-street parking may meet the needs of businesses and residents and that discouraging on-street parking in this particular area may not be appropriate.

On-street parking, vibrant businesses and walkability are integrated into the character of Pawtuxet Village where the vast majority of the built environment is legally nonconforming, built prior to the enactment of zoning in 1966. The requested relief would not detriment the character of the area, but may enhance it. If all of Pawtuxet Village were required to meet zoning and off-street parking requirements, it would lose its character, one that is important to the identity of the city and should be preserved and enhanced.

Still, an important question must be posed, *does this further exacerbate an already strained on-street parking condition in the area?* Without a study of the parking in the area and without benefit of public testimony, it is unclear whether the reduced off-street parking would negatively impact the on-street parking conditions of the neighborhood or the businesses and residents in the area. The Village has been operating in this condition for a period of time seemingly without significant negative impacts. The opportunity for public comment during the notified public hearing with further illuminate if there are concerns related to this matter.

One major snag in the application is the removal of the ADA accessible space. The applicant claims that “accommodation has been made on Broad Street for the handicapped parking space” but provides no further details. The City of Cranston Bureau of Traffic and Safety has conveyed ADA compliant parking spaces abutting the property on Broad Street is not possible under current conditions. It must be noted that **the Zoning Board of Review does not have the authority to grant relief for ADA requirements** which are under the jurisdiction of the Governor’s Commission on Disability. Therefore, the reduction of off-street parking requirements does NOT also provide relief from ADA requirements. Staff believes that the two issues are not necessarily intertwined, and that the outdoor seating arrangement may be able to be modified as to accommodate ADA accessibility. **Staff recommends, should the Plan Commission recommend approval, that the recommendation include a condition that the applicant obtain site plan approval from the City of Cranston Bureau of Traffic & Safety or obtain approval from Governor’s Commission on Disability.**

RECOMMENDATION

Due to the findings that the relief would be consistent with the character of Pawtuxet Village, and with the condition that applicant obtain site plan approval from the City of Cranston Bureau of Traffic & Safety or obtain approval from Governor's Commission on Disability, staff recommends the Plan Commission forward a **positive recommendation** on the application to the Zoning Board of Review.