

City Planning Department



Memo –

To: Cranston City Plan Commission
From: Joshua Berry, AICP - Senior Planner
Date: July 11, 2022
Re: Staff Memo for **Ordinance #4-22-04** in Amendment of the 2010 Comprehensive Plan (661 Park Project / Legion Bowl) and **Ordinance #8-21-02** Entitled “Zoning” (Change of Zone – 661 Park Project / Legion Bowl)

I. Ordinance Summaries

The applicant and owner of AP 3 Lots 289, 291, 1695 and 1696, Legion Development, Inc., proposes:

- **#4-22-04 in Amendment of the 2010 Comprehensive Plan (661 Park Project / Legion Bowl)**

An ordinance to amend the Comprehensive Plan Future Land Use Map (FLUM) designation of “*Neighborhood Commercial/Services*” to “*Mixed Plan District*.” There are also surgical amendments proposed to the Land Use Element to call out this site for redevelopment.

- **#4-22-05 Entitled “Zoning” (Change of Zone – 661 Park Project / Legion Bowl)**

An ordinance to amend Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” to change of zone from C-3 (General Business) to C-3 *with conditions* to regulate the permitted uses, require an affordable housing component, and to allow the proposed building height, density (75 maximum units), and reduced off-street parking requirements. The proposed ordinance would stipulate that 15% of the units must be affordable.

There is a Major Land Development (MLD) Master Plan application scheduled to be heard by the City Plan Commission on 7/12/22. Please be aware that this memo is issued for the two ordinances only. A separate staff memo has been issued to address the MLD application.

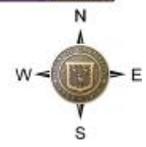
The ordinances and MLD Master Plan documents are available here:

<https://www.cranstonri.gov/city-plan-commission.7.12.22/>

ZONING MAP



UserSelectedParcels		Zoning	B2	EI
vParcels_Buffer		none	C1	MPD
ParcelsInBufferOutput		A80	C2	S1
Parcels		A20	C3	Other
Streets Names		A12	C4	Street Names
Zoning Dimensions		A8	C5	Red: Red
Historic Overlay District		A6	M1	Green: Green
		B1	M2	Blue: Blue

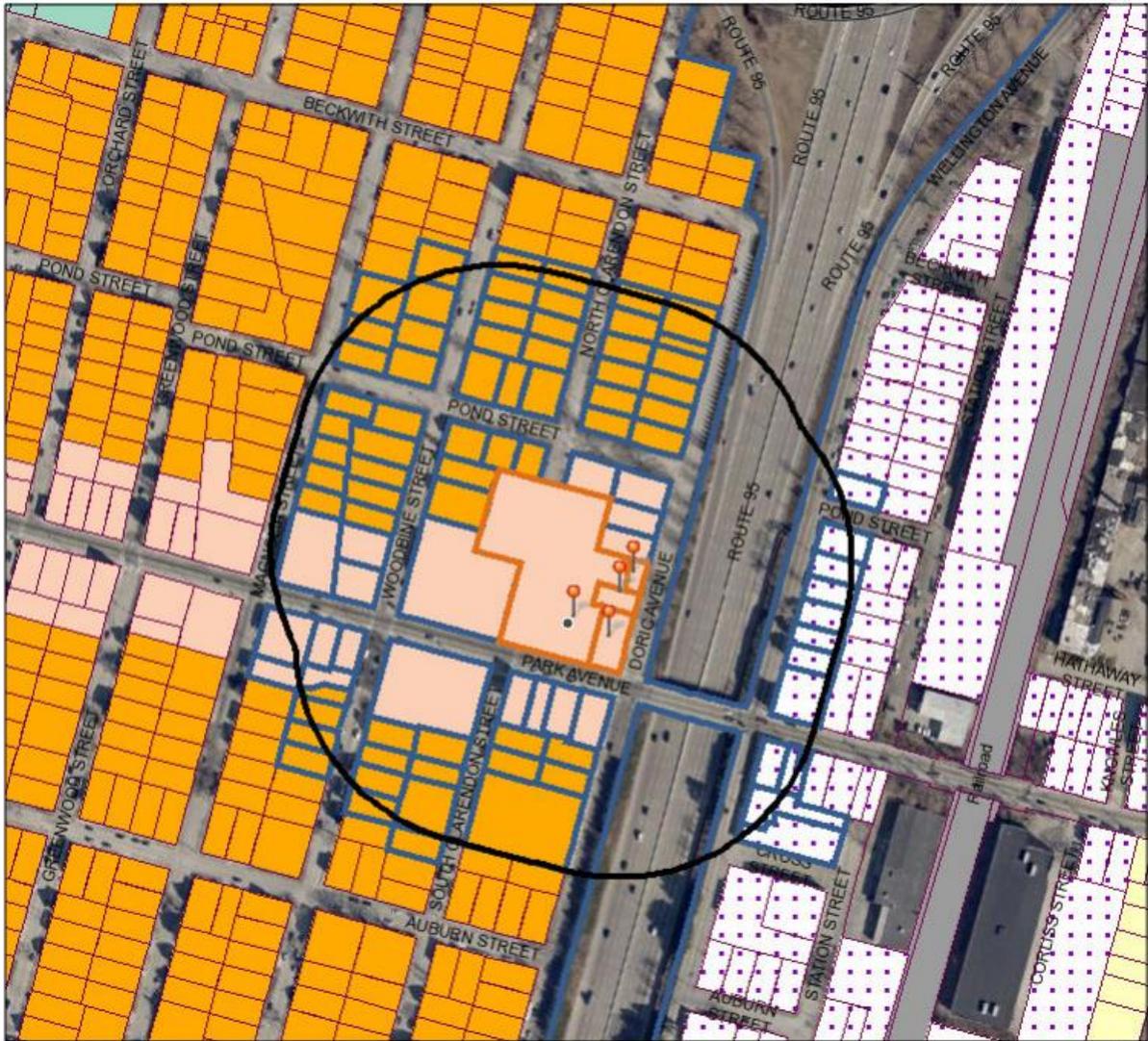


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FUTURE LAND USE MAP



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NEIGHBORHOOD AERIAL

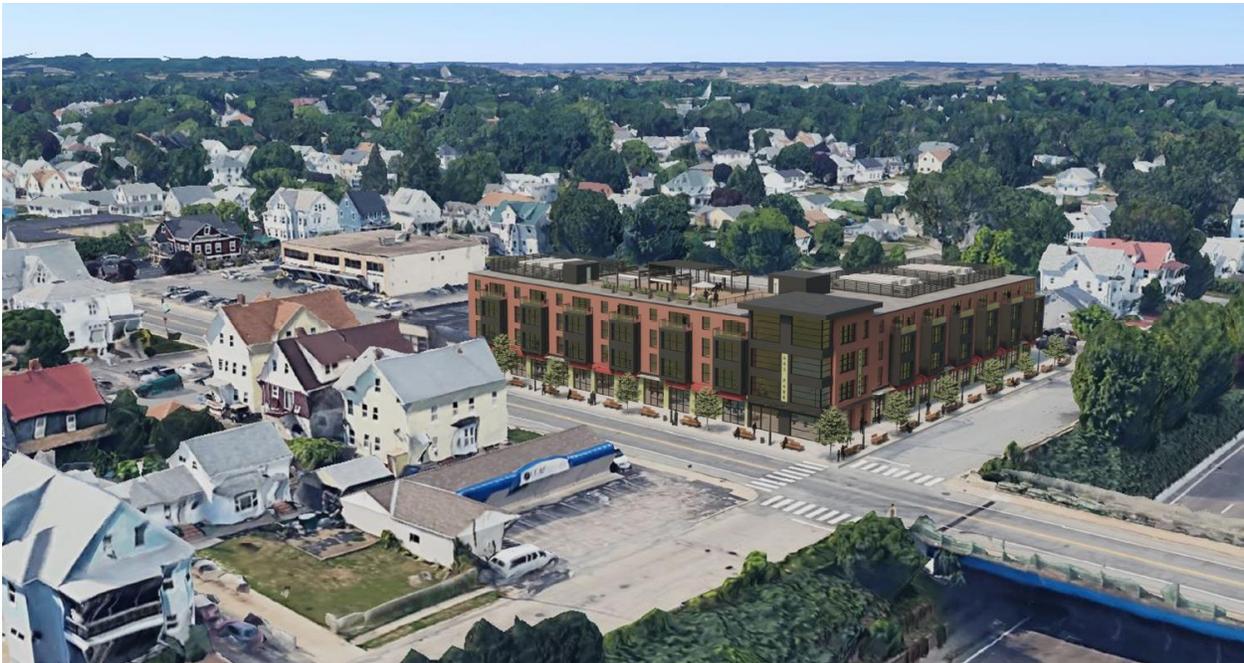
(400 ft. radius in black)



3-D AERIAL (facing northwest)



3-D AERIAL RENDERING (facing northwest)



ADDITIONAL RENDERINGS



STREET VIEW (Park Ave facing northeast)



STREET VIEW (Doric Ave facing west)



STREET VIEW (Park Ave facing northwest)



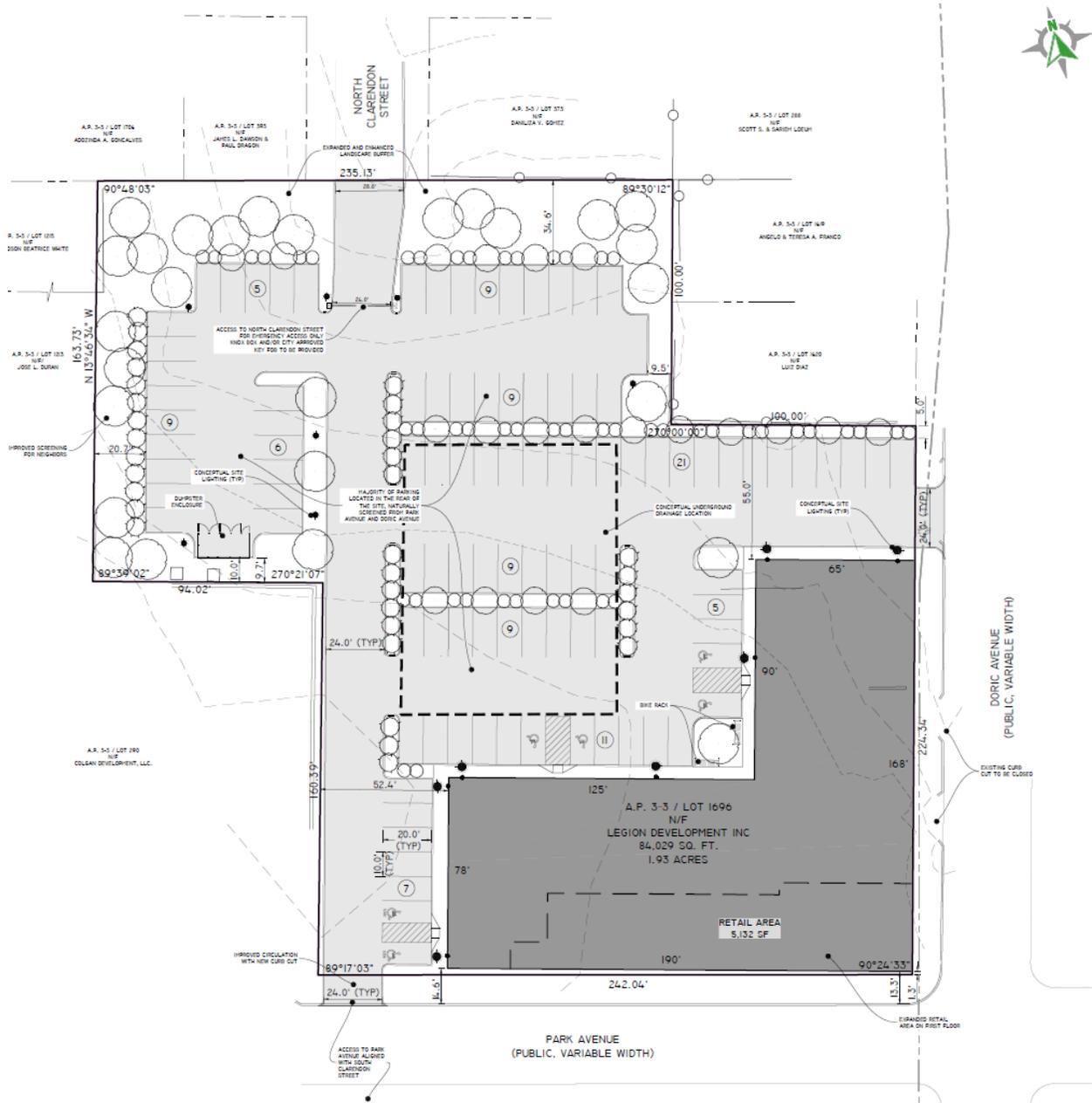
**SITE RENDERING
(Intersection of Park Ave and Doric Ave facing northwest)**



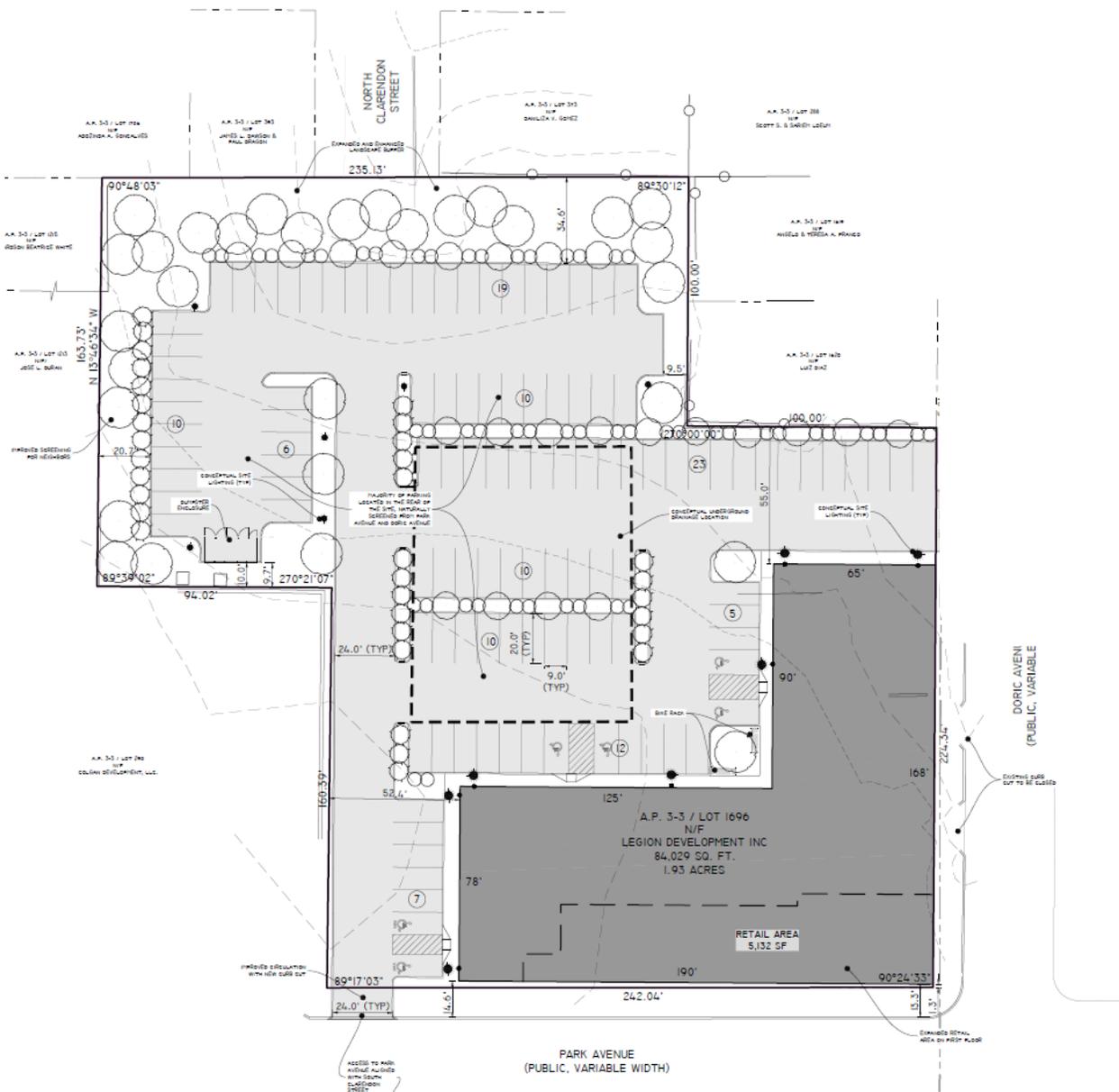
SITE PLAN



SITE PLAN (no color version)



“ALTERNATE” SITE PLAN



Differences from original plan:

1. North Clarendon St. emergency access is closed and additional landscaping and parking is provided.
2. Parking spaces increased from 100 to 112 spaces by reducing the parking space widths from 10' to 9' and from change #1.

II. Planning Analysis

The owner/applicant, Legion Development, Inc., has been working cooperatively with the Planning Department to create a redevelopment project for their property. Staff worked with the applicant to interpret the Comprehensive Plan and tailor the project accordingly while assessing and responding to the city's current economic and housing needs. Staff believes that Ordinances #4-22-04 and #4-22-05 adequately establish the regulatory pathway for a mixed-use project that will provide much-needed housing, breathe new life into the Park Ave corridor, and potentially catalyze further investments to help Cranston stabilize its tax base and improve the quality of life for its residents.

Staff will provide analysis of each ordinance respectively.

#4-22-04 in Amendment of the 2010 Comprehensive Plan (661 Park Project / Legion Bowl)

The Comprehensive Plan Land Use Element calls for three new districts for the Future Land Use Map (FLUM), Mixed-Use Planned Development Low Intensity, Medium Intensity, and High Intensity. The proposed 661 Park Project would fit into the third category, MPD-H:

Mixed-use Planned Development – High Intensity (MPD-H)

This mixed-use zone would be suited for predominantly mixed commercial development with live/work space or artists' lofts, and 45'-50' building heights. It would encourage significant redevelopment and would be more suitable when adjacent to public transportation. (p. 45)

The description fits the proposed project and is supported by other elements of the Comprehensive Plan. The Economic Development Element discusses the importance of smart growth and how "applying smart growth to economic development strategies could provide multiple benefits to the community" (p. 84), specifically listing the MPD-H district as being consistent with this strategy. This is corroborated in the Land Use Element on page 36. For these reasons, staff supports the proposed change to the FLUM for the subject site.

There are surgical amendments proposed on page 32 and 36, both within the Land Use Element. The amendment would add the subject parcel to lists of key parcels for redevelopment opportunities. This is not necessary, per se, for the project to be approved, but creates additional consistency between the proposed FLUM designation, the project, and the Comprehensive Plan.

#4-22-05 Entitled "Zoning" (Change of Zone – 661 Park Project / Legion Bowl)

The existing C-3 zoning designation gets the applicant most of the way to their desired project but needed a few specific modifications which are proposed through the 5 conditions written into the ordinance. This section provides brief analysis of each condition.

1. Permissible uses.

- a. *The primary building shall contain a mix of commercial land and residential uses. Commercial uses shall be located at the street-level abutting Park Avenue (with the exception of accessory commercial usage on the rooftop, provided that it does not exceed 50% of the rooftop area) and will be limited to a maximum 25% of the overall square footage of the building. For the purposes of this ordinance, an Assisted Living use would be considered as a residential use.*

Analysis: 661 Park Project could have been a purely multifamily development, but staff recommended that a condition be incorporated to maintain the commercial character of Park Avenue while activating the street and serving the residents in the area. The mix of uses helps to offset the amount of off-street parking as the residential and commercial uses can share the parking area. Staff felt that it was in the best interest of the city and the applicant to maintain a level of flexibility, so if the entire first floor was commercial, that would constitute 25% of the floor area. If the applicant wanted to go in the direction of assisted living, staff wanted to clarify how that would impact this calculation as “Assisted Living Facility” is classified as an institutional use under 17.20.030 *Schedule of Uses*.

- b. *All uses shall be allowed by right, allowed by a special permit, or not allow consistent with the C-3 Zoning District pursuant to Section 17.20.030 ‘Schedule of Uses - Table of Principal Use’ with the following exceptions:*

<i>Dormitory</i>	<i>N</i>
<i>Multifamily</i>	<i>Y</i>
<i>Assisted Living</i>	<i>S</i>
<i>Educational Institution-preschool, primary, secondary, charter</i>	<i>N</i>
<i>Nursing Home</i>	<i>S</i>
<i>Marina</i>	<i>N</i>
<i>Yacht Club</i>	<i>N</i>
<i>Animal Daycare</i>	<i>Y</i>
<i>Car Wash/detailing</i>	<i>N</i>
<i>Catering Service</i>	<i>N</i>
<i>Cash Checking Facility</i>	<i>N</i>
<i>Commercial Off-Street Parking</i>	<i>N</i>
<i>Fuel Station Full Service</i>	<i>N</i>
<i>Fuel station minimart</i>	<i>N</i>

<i>Funeral Home</i>	<i>N</i>
<i>Garden Center</i>	<i>N</i>
<i>Kiosk, freestanding exterior</i>	<i>N</i>
<i>Loft space (live/work)</i>	<i>Y</i>
<i>Motel, hotel</i>	<i>N</i>
<i>Motor vehicle repair and service establishment light</i>	<i>N</i>
<i>Outdoor retail</i>	<i>N</i>
<i>Retail sale large scale</i>	<i>N</i>
<i>Supermarket</i>	<i>N</i>
<i>Tavern/neighborhood bar</i>	<i>Y*</i>
<i>Veterinarian hospital or clinic</i>	<i>Y</i>
<i>Data processing facility</i>	<i>N</i>
<i>Upholstering shop</i>	<i>N</i>

The symbols have the following meanings:

Y = use allowed by right

S = use allowed by special permit

N = use not allowed

* = Music and entertainment shall be allowed

Analysis: Simply allowing all uses consistent with C-3 zoning under 17.20.030 *Schedule of Uses* would be an option, but staff recommended that uses be tailored as appropriate for *mixed-use development at this specific location*. The city has to be a bit broader with land use prescriptions for standalone development citywide, but broad use allowances are not as compatible for mixed use buildings. Staff worked with the applicant to adjust the use table as seen above to eliminate the possibility of incompatible or inappropriate uses, while allowing uses consistent with the vision of the project that would potentially work well at this site.

2. **Density.** *A maximum of seventy-five (75) dwelling units shall be permitted. Units with two bedrooms shall not exceed 25% of the total number of units. Units shall not contain more than two bedrooms. Lot area requirements prescribed by Code Section 17.20.090 Specific Requirements shall not apply.*

Analysis: The applicant is proposing 69 units as shown on their floor plans. However, it is difficult to hold the applicant to such a specific number at this conceptual Master Plan phase, so a bit of flexibility was afforded with the 75 dwelling unit maximum. Currently, 10 of the 69 units are proposed as 2-bedrooms, the rest comprised of a mix of studios and one-bedroom units. It is important to have a mix of unit types, but staff wanted to limit the number of two-bedrooms for two main purposes: 1. To limit the parking demand of the project; and 2. To limit the impact on schools. More bedrooms translates to more cars and

more children in the school system, neither of which are *negative* impacts, but are impacts that need to be anticipated and accounted for.

Strict application of the area requirements in Section 17.20.090 *Specific Requirements* would mean that the subject site of 84,030 ft² (1.93-acres) would be able to yield a maximum of 48 units. 69 units would require 96,800 ft². 75 units would require 104,000 ft². The project site is less than 19,970 ft² short of being able to have 75 units and 12,770 ft² short of being able to have 69 units.

Staff believes that the additional density is consistent with the Comprehensive Plan because the applicant has agreed to incorporate condition #3 for affordable housing. Housing Action item HA-10 “Provide density bonuses for developments that incorporate a specified proportion of affordable housing” (p. 70).

3. ***Affordable Housing.*** *A minimum provision of fifteen percent (15%) of the overall residential units shall be deemed affordable according to Rhode Island Housing for 99 years.*

Analysis: As recommended by the Comprehensive Plan, (see HA-2 on page 70) the city of Cranston should be working to increase its affordable housing stock. The city affordable housing stock currently sits at 5.48% ([2021 Housing Fact Book](#), p. 45). State law requires cities and towns to have 10% of their housing stock be affordable unless it meets the exemption criteria for rental units and affordability thereof. Cranston meets the exemption and is thereby compliant with the state law, however, this does not suggest that the job is done or that housing affordability is not an issue. Quite the contrary, there is substantial need for affordable housing in the city and the city should continuously look to provide housing, provide affordable housing, and lower the number cost burdened households. Instead of the standard 30-year deed restriction, staff recommended that a 99-year deed restriction be applied to ensure that the affordability benefits of this project be enjoyed by the city for as long as possible.

4. ***Off-street parking.*** *Off-street parking shall be required at a ratio of 1.25 spaces per dwelling unit. Commercial uses shall not require additional off-street parking.*

City Code Section 17.64 Off-Street Parking stipulates that multifamily uses provide 2 parking spaces per unit. a 75-unit development would require 150 parking spaces. The floor plans currently show 69 units, which would require 138 parking spaces by code. Additionally, the commercial uses would trigger their respective parking requirements which can only be calculated once the uses and square footage of each use are known. Condition #4 would reduce the project’s off-street parking requirement to 87 spaces for 69 units, or 94 spaces for 75 units.

There are 100 spaces proposed on the site plan, 112 and proposed on the “Alternate” site plan. The 100-space plan is equal to a parking ratio of 1.45 spaces per unit. The 112 - space plan is equal to a parking ratio of 1.62 spaces per unit.

The justification to request that the commercial spaces not require additional parking is that the parking needs of the commercial units would generally be the opposite time of the

residents. Staff finds this rationale to be sound *IF* the commercial uses maintain normal 8-5 business hours. The more the businesses are open during evening hours, the less likely it is that the shared parking arrangement will be effective in meeting parking demands.

The justification to reduce the multifamily off-street parking requirement to 1.25 spaces per unit is based on current assessment of parking need based on assessment of multifamily parking needs. The applicant's planning and traffic consultants have argued during the pre-application meeting and DPR pre-application meeting that 1.25 spaces per unit is more than adequate for the project. The applicant provided traffic impact assessments from 1850 Post Road Apartments and Cowesett Hills Apartments in order to corroborate their statements on local multifamily project parking demand. Please know that these materials were received on 7/8/22 and staff has not had time to review the documents.

American Planning Association policy guides consistently identify off-street parking requirements as a barrier to much-needed multifamily housing development and recommend removing or reducing them to incentivize housing development.

It is noteworthy that the Traffic Peer Reviewer's memo dated 5/26/22 included a comment on parking. Item #5 states *"It is recommended that the proponent consider reducing the number of parking spaces on site to better align with the trip generation estimate or consider deferred parking of about 20 spaces in the northwest corner. In the case of deferred parking, the proponent could be responsible for expanding parking into that area, in agreement with the city, if more parking is needed after one year of use."* The traffic experts are arguing that the site is *overparked*. The neighbor's concerns during the pre-application meeting were that the site was *under-parked*. Staff believes that adequate parking has been provided.

5. **Building Height.** *The maximum building height shall be four (4) stories and fifty-feet (50') with the addition of ten-feet (10') to accommodate rooftop improvements (mechanicals) and other amenities (rooftop kitchen, accessory dining for commercial or residential components, etc.).*

Analysis: The city Code sets a maximum of three (3) stories or 35' building height citywide (except C-2 which has a 30' maximum). In order to have the project pencil out given the limited land area and affordable housing component, the applicant is requesting an additional story and a maximum of 50' of building height. The number of 50' was not picked at random, but is specifically recommended by the Comprehensive Plan's description of the Mixed-Use Plan Development – High Intensity future land use category, "This mixed-use zone would be suited for predominantly mixed commercial development with live/work space or artists' lofts, and 45'-50' building heights" (p. 45). The height request is part of the reason why the applicant is requesting the Future Land Use Map (FLUM) designation of "Mixed Plan Development."

Without the benefit of public testimony, staff does not believe that one additional story of height is going to negatively impact the area. The renderings show an aesthetically pleasing design that is built up to Park Avenue, away from the residential abutters to the north with fencing, landscaping and the parking area in between. If the proposal was for a building significantly out of character with the heights of the surrounding buildings, staff would most likely oppose such a building, but one additional story is a modest request,

one that is consistent with the Comprehensive Plan Housing Action HA-1 “Increase affordable housing in new subdivisions and development projects as appropriate through incentives and bonuses” (p. 70).

The rooftop uses are anticipated to be ancillary to the residential uses, as amenities for the residents.

Comprehensive Plan Consistency Analysis:

Staff finds that the Ordinances provide a regulatory framework for the 661 Park Project that is consistent with the Comprehensive Plan. Staff has identified the following non-exclusive list of goals and policies which are consistent with the ordinances and associated project:

LUG-2 – Promote mixed use (commercial, industrial, and residential) development that will:

- Focus on a few key redevelopment sites;
- Improve the quality of new development;
- Incorporate ‘smart growth’ principles.

HA-1 – Enact inclusionary zoning: Increase affordable housing in new subdivisions and development projects as appropriate through incentives and bonuses.

HA-3 – Encourage Housing that is mixed into commercial projects.

HA-10 – Provide density bonuses for developments that incorporate a specified proportion of affordable housing.

HG -3 – Achieve a balance between economic development and housing in the City.

HP-3.1 – Provide housing resources to support the range of jobs that reflects the City’s economic base, and encourage the development of housing at levels that are consistent with household purchasing power.

HP-3.2 – Maintain the stability of established neighborhoods in connection with continued economic development and revitalization: in particular, protect neighborhoods abutting the City’s major commercial corridors from adverse impacts arising from incompatible uses.

HG-4 – Promote housing opportunity for a wide range of household types and income levels.

HP-4.1 – Maintain a varied housing stock, with units of different age, size and type that are affordable to a wide range of incomes.

HP-4.2 – Identify potential sites for redevelopment options for future residential use, and mixed use.

HP-4.3 – Promote regulations that facilitate the development of affordable housing.

HP-4.7 – Promote the development of special housing alternatives for the elderly and handicapped.

HG-6 – Use public resources to support and build new housing to meet the state affordability criteria.

HP-6.1 – Encourage inclusion of affordable housing in projects that meet the Smart Growth goals of this Comprehensive Plan and the State Affordable Housing goals.

HP-9.1 – Enact inclusionary housing regulations that require a proportion of affordable housing.

EDP-11.3 – Promote leisure and/or entertainment-related businesses to compliment the Park Theater redevelopment in Rolfe Square.

Staff also finds that the proposal realizes the potential of the Mixed-Use Plan Development – High Intensity FLUM designation. The description fits the proposed project and is supported by the Economic Development Element (p. 84), and the Land Use Element (p. 36).

III. Findings per City Code §17.120.030

(A): Consistency with the Cranston Comprehensive Plan 2010:

There are a significant number of Comprehensive Plan goals and policies that are in support of a positive consideration of both Ordinance #4-22-04 and #4-22-05, including but not limited to LUG-2, HA-1, HA-3, HA-10, HG-3, HP-3.1, HP-3.2, HG-4, HP4.1, HP-4.2, HP-4.7, HG-6, HP-6.1, HP-9.1, and EDP-11. For these reasons, **Ordinance #4-22-04 and #4-22-05 are consistent with the City's Comprehensive Plan.**

(B). Recognition and Consideration of the Purposes of Zoning in City Code §17.04.010:

The general purposes of zoning as prescribed by city Code Section §17.04.010 have been recognized and considered in review of the proposed ordinances. The ordinances are found to be consistent with the general purposes of zoning.

IV. Recommendations

1) **Ordinance #4-22-04 Ordinance Amending the Comprehensive Plan of 2010 (661 Park Project / Legion Bowl)**

Due to the finding that the amendment to the Future Land Use Map (FLUM) and Land Use Element are consistent with the Comprehensive Plan goals and policies, recognizing the height and density bonuses to incentive the affordable housing component, and is consistent with the purposes of zoning as detailed in City Code Section §17.04.010, staff recommends that the Plan Commission send a **positive recommendation** on Ordinance #4-22-04 to the City Council.

2) Ordinance #4-22-05 Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 661 Park Project / Legion Bowl)

Due to the finding that the rezone from C-3 to C-3 *with conditions* is consistent with the Comprehensive Plan goals and policies, would directly address current housing and economic development needs of the city, and is consistent with the purposes of zoning as detailed in City Code Section §17.04.010, staff recommends that the Plan Commission send a **positive recommendation** on Ordinance #4-22-05 to the City Council.