

(The following is not a verbatim transcript of comments or discussion that occurred during the meeting, but rather a summarization intended for general informational purposes. All motions and votes are the official records).

ORDINANCE COMMITTEE

Regular meeting of the Ordinance Committee was held on Thursday, July 14, 2022 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 7:20 p.m. by the Chair.

Present: Councilwoman Aniece Germain
Councilwoman Lammis J. Vargas
Council Vice-President Robert J. Ferri
Councilwoman Nicole Renzulli, Vice-Chair
Councilman Matthew R. Reilly, Chair
Council President Christopher G. Paplauskas

Absent: Councilman Richard D. Campopiano

Also Present: Councilwoman Jessica M. Marino
Councilman John P. Donegan
Paul McAuley, Deputy Chief of Staff
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel (appeared via Zoom)
Rosalba Zanni, Acting City Clerk
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

On motion by Council Vice-President Ferri, seconded by Councilwoman Renzulli, it was voted to dispense with the reading of the minutes last meeting and they stand approved as recorded. Motion passed unanimously.

On motion by Councilwoman Germain, seconded by Council Vice-President Ferri, it was voted to take the docket out of order in order to hear proposed Ordinances 2-22-02 and 4-22-08 first. Motion passed unanimously.

2-22-02 *Ordinance in amendment of Title 15 of the Code of the City of Cranston, 2005, entitled “Buildings and Construction”. Sponsored by Councilman Donegan and Councilwoman Marino. Co-sponsored by Councilwomen Germain and Vargas. (Cont. 3/17/2022, 4/14/2022 & 6/16/2022).*

Chair stated that his understanding is that there was going to be a motion to continue this Ordinance.

On motion by Council Vice-President Ferri, seconded by Councilwoman Germain, it was voted to continue this Ordinance. Motion passed unanimously.

4-22-08 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 870 Oaklawn Ave.). Sponsored by Council President Paplauskas. (Cont. 6/16/2022).*

Council President Paplauskas stated that out of abundance of caution he will be recusing from any discussion or vote on this Ordinance. This property shares parking lot with Tommy’s Pizza and, as everyone knows, he delivers Pizza for them two nights a week.

Robert Murray, Esq., 21 Garden City Dr., appeared to represent applicant and petitioner for this Ordinance and stated that with him this evening is Bruce Lane, who is Principal of 870 Oaklawn LLC and he and his wife own the property. This property houses a small building which includes Tommy’s Pizza, Mr. Lane’s real estate office and an insurance office. By way of background, in 2008, the proprietor of Tommy’s Pizza, when they were interested in locating at this property, proposed and handled a rezoning of lot 350, which is the lot where the buildings are and they did so at the time because under the former Schedule of Uses, in C-2 Zone, restaurants with alcoholic beverage licenses were not allowed so they rezone the property to C-3 to accommodate Tommy’s Pizza to be able to have a liquor license. Mr. Lane was not directly involved in it. Lot 358, which is contiguous to lot 350, was not rezoned so tonight, with the recommendation of the Planning Commission from Tuesday night, they are asking the Council to rezone the other portion of the property of the parking lot to C-3. In the last three or four months, the Council rezoned property to the North, he believes it is 840 Oaklawn Ave., to C-3 and as the Planning Staff recommended in their report, this would just make it a contiguous blend of C-3 properties. He has no specific plans for the property and probably just stay in its normal state. It would just be in not having a split zone.

No one appeared to oppose.

On motion by Councilwoman Germain, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

10-21-03 *Ordinance in amendment of Chapter 3.08 of the Code of the City of Cranston, 2005, entitled “Revenue and Finance – Contracts and Purchases”. Sponsored by Councilwomen Vargas, Marino, Councilman Donegan and Council Vice-President Ferri. (Cont. from 11/9/2021, 12/9/2021, 2/17/2022, Cont. as amended 3/17/2022 & Cont. 4/14/2022 & 6/16/2022).*

No one appeared to speak in favor or to oppose.

On motion by Councilwoman Germain, seconded by Council Vice-President Ferri, it was voted to recommend approval of this Ordinance.

Under Discussion:

Councilwoman Vargas stated that this has been continued once too many times and hopes to have an end all conversation on this. She thinks this is a straight-forward Ordinance. Pretty much at this point, she would like any business that has a State Certification of which they are a minority-owned business or woman-owned business that they too have the maximum opportunity to participate in the City procurement process and that 10% of the City's purchasing be actually awarded to MBE.

Councilman Donegan thanked Councilwoman Vargas for her advocacy on this. Based on the survey by the Secretary of State's Office, only 10% of businesses within the City are certified as an MBE and only 28% are certified as WBE. That is significantly lower than what those actual populations represent within our City. 49.8% of our population in Cranston are women and approximately 20% are non-white. We have a gap to make up in terms of the businesses within our City representing the demographics of our City and one way that we can do that is by investing in those businesses by setting goals that we can reach.

Councilwoman Renzulli asked to be added as co-sponsor and thanked Councilwoman Vargas for putting this forward and stated that she thinks it is an excellent Ordinance and hopes that Economic Development will help to promote this plan going forward should it pass.

Councilwoman Marino thanked Councilwoman Vargas for being persistent and stated that this is a win win. It promotes equity, it promotes good financial benefit to the City with more competitive bidding.

Deputy Chief of Staff McAuley applauded Councilwoman Vargas for this and stated that the Mayor and the Administration commends her and fully supports this.

Council President Paplauskas applauded and thanked Councilwoman Vargas and asked to be added as co-sponsor.

Council Vice-President Ferri thanked Councilwoman Vargas and asked to be added as co-sponsor.

Roll call was taken on motion to recommend approval of this Ordinance and motion passed unanimously.

2-22-02 *Ordinance in amendment of Title 15 of the Code of the City of Cranston, 2005, entitled "Buildings and Construction". Sponsored by Councilman Donegan and Councilwoman Marino. Co-sponsored by Councilwomen Germain and Vargas. (Cont. 3/17/2022, 4/14/2022 & 6/16/2022).*

This Ordinance was addressed earlier in the meeting.

4-22-10 *Ordinance in amendment of Chapter 10.32.030 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – Multi-Way Stop Intersections-Enumerated” (Frankfort St. and Pleasant St.). Sponsored by Councilwoman Germain. (Cont. 5/12/2022 & 6/16/2022)*

No one appeared to speak in favor or to oppose.

Attorney Angell stated that, looking at the Ordinance itself, it states Title 10, Ch. 32, but the Ordinance itself does not indicate that the amendment is being made to Section 030 so the body of the Ordinance should be changed to reflect that so there is no confusion with Municode and we do not want to create any more work for the Clerk.

Solicitor stated that he spoke to Councilwoman Germain and asked her to address this Ordinance.

Councilwoman Germain asked for a continuance to next month’s meeting. She stated that there are some technical issues with it and she would also like the report from DPW along with a fiscal note.

On motion by Council President Paplauskas, seconded by Council Vice-President Ferri, it was voted to continue this Ordinance to next month’s meeting. Motion passed unanimously.

4-22-04 *Ordinance in amendment of the 2010 Comprehensive Plan of the City of Cranston, as amended 2012 (641 Park Project - Legion Bowl). Sponsored by Mayor Hopkins. (Cont. 6/16/2022).*

4-22-05 *Ordinance in amendment of Chapter 17.84 of the Code of the City of Cranston, 2005, entitled “Zoning” (Change of Zone – 661 Park Project - Legion Bowl). Sponsored by Mayor Hopkins. (Cont. 6/16/2022).*

Brian LaPlante, Esq., appeared to represent the applicant and addressed Ordinances 4-22-04 and 4-22-05. He is present this evening with Mr. D’Ambrosio, the longtime owner of the property. For the past few years, he has been working with the Planning Department to repurpose, revitalize this site and to create a mixed-use project, which his client and the City are proud of. Another beacon to the City and this is what they are proposing this evening. An Ordinance change to allow for that development to move forward. It includes affordable housing so that residents in the City can actually afford to live in Cranston. A beautiful building for people to live in, businesses on the first floor so that more pedestrian traffic can walk through the City over to Park Cinema and back. It is just a nice compliment to what is going on at Rolfe Square and in the immediate area. The Planning Commission gave a positive recommendation on both the Comprehensive Plan Amendment Ordinance and the Zone Change Ordinance and he is asking the City Council to approve both so that his client can move forward with the project and that it can actually be viable. With him this evening he has Edward Pimental, Land Use Plan Expert; Eric Privy, from DiPrete Engineering, who is a Civil Engineer; and Herman Peralta, Traffic Engineer from Beta Engineering. They are all present to answer any questions.

Steve Frias, 107 Garden Hills Dr., member of the Planning Commission, appeared to speak and stated that this is a very good project. They all worked well with the staff and coming up with a plan that is pretty creative and innovative to try to revitalize that part of Park Ave. He is present this evening to speak specifically about the Ordinance related to the Zoning. The developer put in a proposal and the Planning Commission voted unanimously by a 7-0 vote to make some changes to it and it is in the City Council package. He stated that he would like to explain the reasons why he voted for those changes so the City Council hears it firsthand from him. One change was that the Planning Commission limited it to 10 of the 75 possible units they limited it to no more than 10 to have two bedroom dwelling. One reason they did that was there was a concern about parking in that area. The second is the off-street parking issue. In this City, we basically require for every residential unit essentially two parking spaces. When it is two bedrooms, he asked it to be changed to two parking spaces. There was a concern about the way this Ordinance is written, which was that there was no parking spaces allocated for commercial space. He generally understands that it could work, but the problem was if you look at the Ordinance, it has a permitted use of Tavern and neighborhood bar. When you have a Tavern neighborhood bar, that is nighttime use so that was really concerning. If you look at the Staff Report, it states about off street parking, "The justification to request that commercial space is not required for additional parking is that the parking needs of the commercial units would generally be the opposite time of the residence occurred. Staff finds that this rationale could be sound if THE COMMERCIAL USES MAINTAIN NORMAL 8-5 BUSINESS HOURS". There is nothing in this Ordinance that says the Tavern Pub is going to have 8-5 business hours. The Planning Commission had approximately an hour's worth discussion about how to make a safeguard in here in case they want to have a Tavern, and so, they said let the Planning Commission decide and have authority to set the number of additional parking spaces if they are going to have a Tavern. He did not come to this meeting this evening to cause any issues. He really wants this project to work. It is an affordable housing project we have there in this City for along time. It is mixed-use, it is on a main street, but if we mess this up, it is going to be a big problem. He is just erring on the side of caution about the off street parking. It does not mean it has to be this much. We can reduce it if it comes in and the developer offered an alternative site plan of 112 parking spaces. This falls within that. We can lower it. He will certainly consider doing so at the Planning Board if he is still on the Planning Board. This is the best way to make sure things are done correctly and not have off street parking problem there. If any Council Members have any questions of why the Planning Board or Steve Frias, in particular, voted the way he did, ask him. If someone gives the Council a different version of rationales, he would ask the courtesy of coming back up to the podium to explain himself.

On motion by Council President Paplauskas, seconded by Council Vice-President Ferri, it was voted to recommend approval of Ordinance 4-22-04.

Under Discussion:

Council President Paplauskas thanked the Planning Department and the Planning Commission as well for all their work on this. He stated that he knows parking was an issue when they met and had a site visit there. He appreciates the Planning Commission and the Staff working on the issue and providing the extra parking spots. Working this out at the Planning Commission before coming before this Committee was certainly helpful in helping this Committee to do its job.

Councilman Donegan stated that he, as someone from a young age, learned to bowl at Legion Bowl. He is sad to see it go, but the City desperately needs housing, desperately needs affordable and low to moderate income housing. As Mr. Frias mentioned, he does not think there has been a commercial low-moderate income housing development within the City for over a decade. As it stands, 48% of renters in the City are housing costs burdened and 28% of homeowners are housing cost burdened. That equals out to approximately 1/3 of all households in this City, so this is desperately needed. One way or one thing that we can do as a City to connect this mixed-use development with Rolfe Square is to advocate for the implementation of the RI Transit Forward 2040 Plan, which would see a Park Ave. Crosstown Bus Route connect down Park Ave.

Councilwoman Marino thanked everyone, not only the property owner, but also the Planning Department and the Planning Commission, and also the developer for putting the care and the investment in the community and trying to come up with a creative way that gives back in a way that is responsive to the community's concerns as well. She also applauded the Planning Commission for being very aware of the parking concerns of the residents in the area.

Council Vice-President Ferri stated that he thinks Mr. D'Ambrosio has taken every step and crossed every "t" and dotted every "i" and believes that the project is good. He also stated that he even heard from Annette Bourne. She sent him some correspondence stating that she testified at the Planning Commission meeting and that the Director of Housing Works even thinks that this is a wonderful project for the City. Council Vice-President Ferri stated that he hopes everyone will approve this this evening.

Councilwoman Germain thanked the Planning Commission for their recommendation. When they had the site walk, the main concern from most of the residents was the parking and she remembers at that meeting how the owner shared that he would take into consideration the concern of the residents and do something that will involve everybody and she appreciates that. There are still a lot of residents who do not approve this project, but she thinks it is a great project for the City. Unfortunately, we cannot satisfy everybody. She really commends the professionalism behind this project and will be supporting this this evening.

Councilwoman Renzulli stated that she is very much in support of this project and she appreciates the compromises that she knows were made and the developer is being a good neighbor caring about the residents around the proposed development.

Chair thanked the developer for his vision. He thinks this is a beautiful project and he is very excited for it. It is going to brighten up Cranston and hopes there are many more to come in the future to bring Cranston into the modern era.

Councilwoman Vargas echoed the sentiments of her colleagues and commended the developers and the owner as well and by willing to have conversations and dialogue not only with the community but also the Planning Commission as well for speaking up and obviously addressing a lot of the concerns that the residents surrounding the area had. She hopes that this is a model of what we see here in the City of Cranston and if this passes, we continue to see folks that want to invest in our City to continue to have affordable housing as part of their mixed-use development here in our City as well.

No one appeared to oppose.

Roll call was taken on motion to recommend approval of Ordinance 4-22-04 and motion passed unanimously.

On motion by Council President Paplauskas, seconded by Council Vice-President Ferri, it was voted to recommend approval of Ordinance 4-22-05.

Under Discussion:

Joshua Berry, Senior Planner, appeared to speak and stated that there was one overall issue with the affordable housing deed restriction after the Planning Commission and Housing Commission raised the point that it could be logistically difficult to except the 99-year deed restriction and that a 30-year deed restriction be more appropriate and a lot more feasible he thinks is a complicated issue that we thought was not so complicated. This was raised after the vote from the Planning Commission and he wanted to raise the point that the Council may want to consider the recommendation of the Housing Commission member. He was told that 30 years was a recommendation for the condition on the deed restriction for affordable units.

Attorney Angell stated that as a matter of Roberts Rules of Order, a point of order may only be raised by a member of the body or any individual such as Mr. Verdecchia or himself, acting on behalf of the Council, to provide advice and redirect it. Secondly, with respect to the 30-year deed restriction, if the Council is going to entertain that, he thinks that it should have the benefit of a hearing before the Planning Experts on this and whether or not this disables the City being able to claim that portion of these units as low to moderate income housing.

Chair stated that at this time, that should have been brought up during public comment when everybody was getting up to speak. He wished it was. We have a motion on the table now and asked if any members of the Council wished to withdraw the motion and reopen public comments to discuss this issue.

Council President Paplauskas asked if this issue pertains to this Ordinance or the Ordinance prior that was already passed. Chair stated that it pertains to this Ordinance. Council President Paplauskas stated that it is the Chair's prerogative if he wants to call the roll or if he wants to open this back up for public comment or clarification on this item, since we are on this Ordinance.

Councilman Donegan asked if under State Law, for it to count as low to moderate income housing, does it have to have a 99-year deed? Director Pezzullo stated that the 30-year standard is what is needed to get these counted in our census of affordable housing units. This did come after the fact and he wishes they had known that because they were involved in writing this Ordinance. The problem is the 99-year really relates to public housing that is owned by some type of non-profit agency or City agency. This is a private project so with private projects, 30 years is a standard.

Chair asked if the developer's attorney had any comments on this issue.

Attorney LaPlante stated that he appreciates the insight into this issue and ultimately, the developer, the applicant, is comfortable with that modification which would be in Section or Paragraph 3 to change the number of years from 99 to 30. That is something that is acceptable to them.

Motion and second to recommend approval of this Ordinance were withdrawn.

On motion by Council President Paplauskas, seconded by Councilwoman Renzulli, it was voted to amend line #92 from 99 to 30.

Under Discussion:

Solicitor stated that since this is an amendment to the proposed Zoning Ordinance, the Committee must allow additional public comment on the amendment.

Steve Frias, 107 Garden Hills Dr., member of the Planning Commission, appeared to speak and stated that as one vote on the Planning Board, he has no problem with this amendment.

No one appeared to oppose.

Roll call was taken on motion to amend this Ordinance as stated above and motion passed unanimously.

On motion by Council President Paplauskas, seconded by Councilwoman Germain, it was voted to recommend approval of this Ordinance as amended. Motion passed unanimously.

4-22-08 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 870 Oaklawn Ave.). Sponsored by Council President Paplauskas. (Cont. 6/16/2022).*

This Ordinance was addressed earlier in the meeting.

II. PUBLIC HEARINGS* and/ or NEW MATTERS BEFORE THE COMMITTEE

A. PUBLIC HEARINGS

B. NEW MATTERS BEFORE THE COMMITTEE

5-22-03 *Ordinance in amendment of the 2010 Comprehensive Plan for the City of Cranston, as amended 2012 (0 Comstock Parkway, 2184 Plainfield Pike and 2174 Plainfield Pike – Assessor's Plat 36, Lots 5, 36, 38, 51, 52 and 53). Petition filed by Elizabeth Paul, KM Realty LLC and Alwoodley Realty LLC. Sponsored by Council President Paplauskas.*

Brian LaPlante, Esq., appeared to represent the applicant and stated that present with him this evening are Edward Pimental, Land Use Plan Expert; Jeffrey Hanson, Civil Engineer and Derek Hudd, Traffic Engineer. He stated that his client, who owns Latte Love on Comstock, desires to expand the business and is focusing on three lots on Comstock near the corner of Plainfield Pike. They are lots 51, 52 and 53. It comprises just about two acres. Once the proposal was submitted to develop that land, the Planning Department collaborated with them about the idea of changing the Future Land Use Map and the Zoning not only for those three parcels but logically connected with the Washington Trust Bank parcels with lots 5 and 36 along Plainfield Pike and then the corner lot, lot 38. They reached out to Douglas Manni, who is present this evening, in support of this. Mr. Manni owns the property on which Washington Trust Bank is located. They reached out to the Social Workers who actually own that corner lot and intend to operate some of their business there and it made sense to them to change the Zone from Industrial to Commercial and the notion of utilizing Industrial property is always a concern and it should be to the Planning Department and to the City Council, but these lots are so uniquely situated along that Commercial corridor and they are surrounded by other businesses and they are too small to develop as Industrial. The DeMarco family that owns the three lots that his client hopes to develop with the coffee shop, that land has not been developed in over a half a century that they have owned it and tax wise, it is important to note that right now, the City is receiving just over \$10,000 per year in taxes and the intention is for the City to receive over \$80,000 based upon the development of that property. This evening they are asking that this Committee recommend, as the Planning Commission recommended on Tuesday to this Committee, that the Comprehensive Plan Future Land Use Map be amended and that the Zoning be approved to allow for these businesses to operate just as they should be in this immediate area. He has experts present if there are any questions.

No one appeared to oppose.

On motion by Council President Paplauskas, seconded by Councilwoman Renzulli, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

5-22-04 ***Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone - 0 Comstock Parkway, 2184 Plainfield Pike and 2174 Plainfield Pike – Assessor's Plat 36, Lots 5, 36, 38, 51, 52 and 53). Petition filed by Elizabeth Paul, KM Realty LLC and Alwoodley Realty LLC. Sponsored by Council President Paplauskas.***

No one appeared to speak in favor or to oppose.

On motion by Councilwoman Renzulli, seconded by Councilwoman Germain, it was voted to recommend approval of this Ordinance. Motion passed unanimously.

Oaklawn (Broad St.) Cemetery. (Councilwoman Vargas).

Councilwoman Vargas asked Administration to give an update in terms of where we are with Zoning Violations that was brought before the City and also with this Cemetery, there is a pending case at Superior Court where the City has brought it forward because there is an account that the private Cemetery has and there is no access to it. There have been cleanups done by volunteers. We need some sort of strict enforcement and she is trying to figure out where we are in this case because it has been an ongoing battle.

Solicitor stated that there was a group e-mail sent by Solicitor Millea to all the Solicitors regarding tomorrow's Municipal Court date. He informed him that he was going to be in Municipal Court for another matter and he would handle this matter and he has been informed by Mr. McAuley that tomorrow's date, for whatever reason, has been continued, but he will find out tomorrow. As far as the Superior Court matter, he is not directly involved in that yet. He is assuming he will become involved in that and he will be able to get all the information. He can assure everyone that he will find out exactly what is going on from the legal aspect of it. In terms of what is going on with additional enforcement or additional cleanup, he would leave that up to the Administration. He will find out everything he can and report back.

Councilwoman Vargas stated that she would like this item placed on the Council Docket under "Council Communications" for the next meeting.

- **Adjournment**

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

/s/ Rosalba Zanni
Acting City Clerk