

(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, November 17, 2022 in the Council Chambers, City Hall, Cranston, Rhode Island.

CALL MEETING TO ORDER:

The meeting was called to order at 6:45 p.m. by the Chair.

Present: Councilman Richard D. Campopiano
Councilwoman Lammis J. Vargas
Council Vice-President Robert J. Ferri
Councilwoman Nicole Renzulli, Vice-Chair
Councilman Matthew R. Reilly, Chair

Absent: Councilwoman Aniece Germain

Also Present: Councilwoman Jessica M. Marino (appeared at 8:00 p.m.)
Councilman John P. Donegan
Anthony Moretti, Chief of Staff
John Verdecchia, Assistant City Solicitor
Stephen Angell, City Council Legal Counsel
Rosalba Zanni, Acting City Clerk
Heather Finger, Stenographer

MINUTES OF THE LAST MEETING:

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

I. COMMITTEE BUSINESS MATTERS CARRIED OVER

8-22-02 *Ordinance in amendment of Title 10, Chapter 32, Section 590 of the Code of the City of Cranston, 2005, entitled "Motor Vehicles and Traffic" (Tabor St. 2 Hr. Parking). Sponsored by Council President Paplauskas. (Cont. 9/15/2022 and 10/13/2022).*

Chair stated that Council President Paplauskas has asked that this Ordinance be continued for one month.

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

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

None.

A. PUBLIC HEARINGS

B. NEW MATTERS BEFORE THE COMMITTEE

9-22-01 *Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled "Zoning" (Change of Zone – 747 Pontiac Ave.). Sponsored by Councilman Reilly.*

Doug McLean, Principal Planner, appeared to speak and gave Staff overview of the Ordinance Petition. He stated that before the Committee this evening is a request for a Zone Change from A-6 to C-2 with conditions. The planned use is for apartment complexes for total of 18 apartment units and at least 15% of the units shall be deed restricted as affordable housing based on 80% of the area's median income level. The existing building will remain with just interior renovations. There will be no new buildings added as part of this petition. The Zone Change will be bringing in the property to conform with the Comprehensive Plan. Two conditions added on are: uses allowed at a C-2 with ability for the applicant to sub the 18 residential units and also 15% of the units should be restricted as affordable.

Councilwoman Vargas indicated that the Planning Commission voted 6-2 for this. She asked what the reason is as to why Mr. Frias and Ms. Lanphear voted against the positive recommendation. Mr. McLean stated that it is fair to say that the majority of the members of the Commission felt the proposal was compatible with the neighborhood which maybe they did not think it was compatible with the neighborhood.

Mr. McLean stated that fifteen of the units would be one bedroom, three would be studio and three or 15% would be affordable.

Chair stated that applicant is asking for 18 units and knowing the neighborhoods' feelings, and our City Staff says why not do more. Mr. McLean stated that based upon the mix of the site and the number of studio, less parking. It is very common for us to say if you are asking for 50' height, why not ask for 60' in the City Code.

Councilwoman Vargas asked, if this does not pass, what would this property be utilized for? Mr. McLean stated that the developer plans to revitalize and re-modernize that building and possibly use it for office space. If this were not to pass, they can still build multi-apartments because C-2 would allow that.

Councilwoman Vargas asked if the Administration supports this. Director Moretti stated that the Administration does not get directly involved, but would support the City Council.

Chair stated that if this is approved, he will make a motion to amend that the condition upon that building next to the office building because they would create kind of a buffer between the other nearby homes.

Public Speakers:

Karen Curtin, 23 Davis Ave., appeared to speak and asked that the Committee look upon this proposal favorably. This is an office building in a residential neighborhood and now we have the opportunity to turn that office building into homes. Access to housing is a critical issue right now and this would give people access to affordable housing. The only thing she is concerned with is that this allows only minimum number of units to be affordable. She hopes that the City, in considering proposals like this, to work with the developers to increase the number of affordable housing.

Patrick Woods, 11 Philmont Ave., appeared to speak and stated that traffic will be all week and weekends if this passes. D.O.T. should do a traffic study on weekends.

Peter Geiser, 19 Philmont Ave., appeared to speak and stated that in terms of affordable housing, he asked what that means in terms of real affordability, what will this look like and what the rents are going to be. He is not opposed to this, but has questions.

Dave Wilbur, 14 Normandy Ave., appeared to speak and stated that this is strictly a monetary benefit to the developer and there will also be a traffic increase.

Bill DiStefano, 130 Sanctuary Dr., East Greenwich, appeared to speak and stated that he bought this building approximately twenty one years ago. It was run down office building. He cleaned it up and sold it to a friend. Later he called him and he bought this building back. We have a great need for residential housing. This would be great for the City to have apartments there. If it stays an office building, it will be rented to whoever wants the space. There are 37 parking spaces for 18 units, which is way over what is required.

Nick Hogan, Vice-President of Omni Group, appeared to speak and stated that typically, they see one bedroom renters with one car in some cases.

Council Vice-President Ferri asked if there is a possibility of limiting how many people can live in one of the apartments. Mr. DiStefano stated that they have not had that come up. Council Vice-President Ferri asked if there can be a restriction of how many people can live in an apartment. Mr. McLean stated that from Planning perspective, he does not know of any Code issue. That is more of a Building Code issue.

Council Vice-President Ferri stated that, as a land, can you restrict how many people can live in an apartment? Mr. DiStefano stated that he does not believe they can, but they have never had that issue.

Councilman Donegan asked Legal if this could potentially, by restricting the number of people, run into violations of Fair Housing Act on discrimination. Solicitor stated that there was a similar Ordinance in Providence trying to limit the number of unrelated individuals residing in a single unit, which was done largely in response to the problem they were having issue at PC with their students and same with Narragansett with URI students. In Providence, it was challenged in Superior Court.

Judge Keogh upheld that Providence Ordinance. Judge Taft Carter in Washington County struck down the Narragansett Ordinance. If you try to place some type of limitation, you may be subject to some type of strict scrutiny analysis by the Courts.

Councilwoman Vargas asked what the amount of the rent that will be charged on the units or apartments. Mr. DiStefano stated, \$1,300 to \$1,400 for one bedroom. Councilwoman Vargas indicated to the 15% affordable housing that is part of this consideration and asked Mr DiStefano if he would be open to increase that 15% to 20%. Mr. DiStefano stated that some neighbors were upset about the affordable housing part. They would have to go back to the drawing board and look at making them all studio apartments, which they do not want to do.

Councilwoman Vargas asked what the affordable rent would be. Mr. Hogan stated approximately \$1,547 for one bed. Mr. McLean stated that that is the maximum RI says that can be charged. They could still charge less.

Councilwoman Vargas stated that any development that the Council approves that would be provided 15% of affordable housing, she asked where the fine line is of enforcement to make sure that they stay within that 15%. Attorney Angell stated that the deed restriction, RI Housing has enforcement mechanism to monitor these things.

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

Under Discussion:

Council Vice-President Ferri stated that we have a Planning Commission that approved this 6-2 and a Planning Department that will stay on top of this. We have housing crisis in the State and affordable housing shortage in the city. We have a building that is empty and they want to spend money to fix it up and put people in there, he would not have a problem approving this.

Councilman Donegan stated that even though he does not have a vote this evening, this is a no-brainer. It is not going to change the physical footprint of the building, it is sustainable and it is on the RIPTA line, which will reduce traffic. He encouraged passage of this Ordinance.

Councilwoman Vargas stated that she will be supporting this Ordinance this evening.

Councilwoman Renzulli stated that she will be in support of this and wished one more affordable unit would be there. She would like to get data prior to the Council meeting of accidents in that area that have occurred because traffic is one of the concerns of the neighbors.

Chair stated that he is torn on this. He has seen applicant's work and they do a wonderful job. Only problem he has is this area has 90% single-family homes and we need to protect single-family houses. It will increase the density, but we do want to add affordable housing. He is not sure how he wants to go on this, but thinks the entire Council look at this.

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

10-22-01 *Ordinance in amendment of Title 10, Chapter 32, Section 270 of the Code of the City of Cranston, 2005, entitled “Motor Vehicles and Traffic – No Parking Between 8:00 a.m. and 7:00 p.m. Monday through Saturday”. Sponsored by Council President Paplauskas.*

Chair stated that Council President Paplauskas has asked that this Ordinance be continued.

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

10-22-02 *Ordinance in amendment of Title 2, Chapter 40, Section 020 of the Code of the City of Cranston, 2005, entitled “Administration and Personnel – Municipal Court – Appointment, Term and Qualifications of Judge of Municipal Court”. Sponsored by Councilwomen Marino and Vargas.*

No one appeared to speak in favor or to oppose.

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

Under Discussion:

Councilwoman Vargas stated that this Ordinance changes the number of Judges and also increases the minimal number of experience from two to ten years.

Councilwoman Renzulli questioned why the increase from two to ten years. Councilwoman Marino stated that ten years is standard specifically with respect to Municipal Court Judges.

Council Vice-President Ferri and Councilwoman Renzulli asked to be added as co-sponsors.

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

- **Adjournment**

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

/s/ Rosalba Zanni
Acting City Clerk