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Jason M. Pezzullo, AICP
Planning Director



Richard Bernardo
Robert Coupe
James Donahue
Steven Frias
Kathleen Lanphear
Ann Marie Maccarone
Frank Ritz
Thomas Zidelis

CITY PLAN COMMISSION
Cranston City Hall
869 Park Avenue, Cranston, RI 02910

DRAFT MEETING MINUTES

Tuesday, November 15th, 2022 – 6:30PM

3rd Floor - City Council Chamber, 869 Park Avenue, Cranston RI

CALL TO ORDER

Chairman Smith called the meeting to order at 6:33 p.m. in the Council Chamber, 869 Park Avenue.

The following Commissioners were in attendance for the meeting: Chairman Michael Smith, Richard Bernardo, Robert Coupe, Steven Frias, Kathleen Lanphear, Ann Marie Maccarone, Frank Ritz, and Thomas Zidelis. Commissioner James Donahue was absent.

The following Planning Department members were in attendance: Jason M. Pezzullo, AICP, Planning Director; Douglas McLean, AICP, Principal Planner; Gregory Guertin, Senior Planner; Alexander Berardo, Planning Technician; and Amelia Lavalley, Planning Department Intern.

APPROVAL OF MINUTES

- 11/1/22 City Plan Commission Meeting (vote taken)

Chairman Smith asked if the Commissioners wished to recommend any edits prior to voting on the minutes from the regular October Plan Commission meeting. Hearing none, he then asked for a motion to accept and approve the draft minutes as submitted.

Upon motion made by Mr. Ritz, and seconded by Mr. Zidelis, the City Plan Commission voted 7-0 (Ms. Maccarone abstained) to accept the regular City Plan Commission meeting minutes of 11/1/22 as submitted.

ORDINANCES AND RESOLUTIONS

- **“Ordinance 9-22-01”** (vote taken)
PUBLIC HEARING
Ordinance in amendment of Chapter 17 of the Code of the City of Cranston, 2005, entitled “Zoning” – Change of zone for 747 Pontiac Avenue – A-6 to C-2 with conditions

Chairman Smith reminded the Commission that the Ordinance Recommendation and Major Land Development components of the project had both been continued from the November 1st meeting and would be heard tonight in one presentation, but voted on separately.

Principal Planner Doug McLean gave the Staff presentation. He recalled that the majority of the Commissioners were in attendance for the October 19th site walk and, for the benefit of those who hadn't been there, he summarized the applicant's plan as to convert an existing office building into 18 units, including a 15% affordable component (3 units). He then reviewed the permitting path for the project.

Moving into the presentation, Mr. McLean observed that the subject parcel was zoned A-6, like the other parcels within a 400-foot radius, but its existing office use predates zoning. He said the applicant sought a rezone to C-2 with Conditions to allow for the higher density and affordable components of the project. The proposal would be consistent with the parcel's existing FLUM designation of Neighborhood Commercial Services.

He showed the site plan and a conceptual floor plan, observing the proposal contemplated very few changes to the site itself. There would be some treatments and striping for the paved parking area as well as some landscaping improvements, but otherwise the project would be an interior retrofit with no change to the building's footprint.

Speaking to the requested conditions in the rezone, Mr. McLean said Staff felt that both the density bonus and the 15% affordable component were consistent with the Comprehensive Plan's Housing Element in its totality, which is generally supportive of granting density bonuses to increase the supply of affordable housing. Staff further believed the proposal to be compatible with the neighborhood, as the new proposed use for the building involves no changes to the exterior, reduces traffic and parking demand compared to a continued office use, and better aligns with land uses in the surrounding neighborhood. As such, Mr. McLean said Staff recommended approval of both the rezone and the Master Plan application.

Chairman Smith invited the applicants to speak to their project. William DiStefano and Mick Hogan, representing the applicant (Omni 747P LLC), introduced themselves and said they had nothing to add beyond what was explained in the staff presentation. Chairman Smith then invited Commissioners to share their thoughts and ask questions.

Mr. Frias posed a series of questions to the applicants. Regarding the use of the property, Mr. Frias asked when the applicants purchased the property, why they felt that maintaining the current commercial (office) use was no longer viable, whether they had decided at the time of purchase that they wanted to pursue a reconversion into apartments, and what they would do with the property if they cannot secure all necessary approvals. Mr. DiStefano said they had owned the property twenty years ago, at which point there were a number of thriving "mom and pop offices;" then he sold it to a friend; and by the time they purchased it back a year ago, the offices were gone and the building was in a state of disrepair. He said times have changed in the intervening two decades and it has been a struggle to fill the building with small office tenants, particularly in the wake of the pandemic, which saw a shift toward working from home for these types of tenants. He said that demand has meanwhile risen for housing, and as the Omni Group develops housing, they felt prepared to take the project on. If they cannot secure the Plan Commission and the City Council's support, Mr. DiStefano said their alternatives would be to try to find small office tenants or to sell the property.

Mr. Frias then asked another series of questions about the details of the applicant's reconversion plans. He asked whether they anticipated both single-family and studio apartments would attract one tenant per unit, up to which income level would a tenant qualify for one of the affordable units, what the applicants planned to charge for rent, and whether they could expand on their use of background checks for vetting potential tenants. Mr. DiStefano said they did expect single-tenant occupancy for the units but did not know the affordable threshold off the top of his head. Mr. Frias said the meeting notice seemed to indicate that for a single occupant, monthly rental would be up to \$1,354. Mr. McLean confirmed that figure, and Planning Director Jason Pezzullo added that the maximum annual income a single-occupant tenant could earn to qualify for affordable housing would be \$54,150. Mr. Hogan said they hadn't set the market-rate

rents yet, but expected those figures would be close to the affordable rental rate. As for background checks, Mr. Hogan said credit and criminal background checks are conducted using a third-party service. Mr. Frias asked if they would rent to someone with a criminal background; Mr. Hogan said it would be at their discretion, but they've never run into that situation in any of their other developments. Mr. Frias observed that some members of the public voiced concern over the affordable housing component at the Site Walk, but said he personally felt it was important for the City to expect an affordable component to multifamily projects going forward to keep pace with meeting Cranston's share of affordable housing and maintain its exemption to the Comprehensive Permit process.

Mr. Frias then asked a few more questions related to land use. He asked whether the applicants knew of any variances having been granted for the property in the past, whether the building had been built before or after the surrounding houses, and how the applicants felt their proposal was consistent with Land Use Principle 4. The applicants didn't know of any variances; Mr. Frias said in his own research, he found an indication that a variance might have been granted in 1976. Mr. McLean said Staff understood the property to be grandfathered. Mr. DiStefano said the project was oriented to housing and felt there wasn't a huge difference between living in a single-bedroom apartment vs. a single-family house. Mr. Frias said within a 400-foot radius, more than 90% of the lots hosted single-family houses; Mr. DiStefano said that the project would stand within walking distance of hundreds of units of apartment complexes along Pontiac Avenue, even though they might stand outside the 400-foot radius.

Chairman Smith then opened the matter to public comment.

- David Wilbur, of 14 Norman Avenue, disagreed with many points made in the Staff presentation. He said the applicant made no effort to find office tenants but would have no trouble attracting them if they invested in ADA upgrades, such as installing elevators. He argued there was no way the proposal would improve traffic, since the parking lot is (currently) never filled, and he also questioned whether the applicant's method of snow removal would be feasible given the parking lot's higher usage. He also claimed that the retrofitted building would be a "gulag," as no tenants would choose to live there and only people who had no other choice would occupy the units, probably with more than one occupant per unit. Finally, he said it was disingenuous of the applicant to sell the smaller lot to himself (referencing the Minor Subdivision the applicant had pursued earlier in the summer) and wondered if the applicant could be compelled to undo the subdivision so the neighborhood could have more green space.
- Patrick Woods, of 11 Philmont Avenue, echoed Mr. Wilbur's wish for using the smaller lot that was split off in the Minor Subdivision process for more green space. He also said that office uses would see the parking lot empty at night, while it would be full at night if the use shifts to residential.

Chairman Smith then asked for a motion to close public comment. Upon motion made by Mr. Bernardo, and seconded by Mr. Coupe, the City Plan Commission voted unanimously (8-0) to close the public comment period.

Mr. Frias asked Mr. McLean for his thoughts on whether the proposal was consistent with LUP 4, as he felt it was the basis for zoning in Cranston. Mr. McLean reviewed his earlier findings regarding the project's compatibility with the surrounding neighborhood (the predominant neighborhood land use is residential and the project involves no changes to the exterior that could negatively impact the visual resources of the neighborhood). He qualified his assertion that it would improve the traffic situation by explaining that he was assuming full occupancy office vs. full occupancy residential – the property would be redeveloped for full occupancy regardless of use, and if the use were office, the site would generate more trips than it would if the use were residential. Mr. Frias said the neighbors were correct in observing that the cars would be parked there overnight if it were residential. He then asked how the project could be consistent with LUG 9.3 (preserving existing density of established neighborhoods) when the neighborhood is uniformly zoned A-6. Mr. McLean echoed Mr. DiStefano's earlier observation that just outside the 400-foot radius, but still within the same neighborhood, stand a number of multifamily apartment buildings, and he further noted that this parcel and others on Pontiac Avenue do not share the same FLUM designation as the majority of the A-6 parcels in the neighborhood.

Ms. Lanphear asked how a decision to approve the Master Plan application would be consistent with supporting neighborhood needs and/or quality of life. Mr. McLean said the Comp Plan speaks clearly to the need for more housing, particularly affordable housing – it only frames it in city-wide terms instead of neighborhood-specific terms. He felt that quality of life could only be measured subjectively and said that in his opinion, the proposal should represent an improvement in quality of life for anyone who prefers not to live near an abandoned office building.

Mr. Coupe, who was not in attendance for the Site Walk, asked the applicant to briefly summarize his snow removal plans. Mr. DiStefano said they handle their own snow removal and intended to plow it onto one of two grassy areas on-site, either adjacent to the parking lot or to the recently-subdivided single-family house lot, but in a major snow event they could also haul snow away as well. Mr. Coupe said he felt the discussion surrounding consistency with LUP 4 was essentially subjective as well. He questioned whether an office building was more or less consistent with an A-6 neighborhood than an apartment building, as many different types of office uses are allowed in a C-2 zone. He said he could not see how maintaining a vacant building would improve quality of life and argued that restricting the zone of consistency to a 400-foot radius ignores the fact that other apartment buildings stand nearby in the neighborhood.

Mr. Frias disagreed for several reasons. He felt there is a precedent for neighborhood-scale businesses at that site. He said he supported the multifamily proposal at 661 Park Avenue since the neighborhood's housing stock was already mixed, but here 91% of the parcels in the 400-foot radius were single-family houses, so he didn't feel multifamily was appropriate at this particular site. He said he didn't believe it was consistent with the density or character of the existing neighborhood and took issue with the way the applicants went about their proposed development (he asserted the neighbors have an expectation of what conditions will be like when they purchase homes in a given neighborhood and that the homes were there long before this proposal was made).

Director Pezzullo reminded the Commission that the parcel's FLUM designation, which is meant to encompass the C-1, C-2, and C-3 zones, allows multifamily uses. He said that the issue with the zone change, which should be the focus of the Commission, is the density requirement, not whether multifamily should be in the neighborhood at all. He also pushed back on the notion that people should expect no change to density or zoning in their neighborhoods because the Comp Plan makes some 1,500 explicit zone change recommendations. He said the Comp Plan is clear about a need for housing and calls for density bonuses to be used as enticements to secure more affordable housing, so he felt the proposal was made in conformance with the Comp Plan's expectations. Mr. Frias disagreed and reasserted that the zone change has not yet been made, so the people living in that neighborhood would have moved in under the assumption that it would be A-6.

Ms. Maccarone asked which other uses the property could host if the zone change isn't allowed; Mr. McLean said it had a batch of grandfathered uses, but reminded her that a redevelopment would aim for full occupancy, so it was better to think of the impacts of full office vs. full residential. Ms. Lanphear asked how much additional density the applicant sought as opposed to what would be allowed by-right under the C-2 zone. Mr. McLean estimated that 7 units would be allowed by-right, while the applicant seeks 18.

Chairman Smith asked for a motion on the ordinance recommendation.

Upon motion made by Mr. Coupe, and seconded by Mr. Bernardo, the City Plan Commission voted 6-2 (Mr. Frias and Ms. Lanphear voted No) to accept the findings of fact and forward a **positive** recommendation on Ordinance #9-22-01 to the City Council.

SUBDIVISIONS AND MAJOR LAND DEVELOPMENTS

- **"747 Pontiac Ave. Residential Apartment Conversion"** (vote taken)
PUBLIC INFORMATIONAL MEETING

MASTER PLAN – Major Land Development without street extension
 18-unit multi-family apartment conversion from a pre-existing nonconforming office use
 15% of total units (3 out of 18) will be deed restricted as affordable at 80% AMI
 Zoned A-6 (Pending 9-22-01 rezone ordinance would permit the proposed density)
 AP 9, Lot 146 (28,020 sq.ft. portion of)
 747 Pontiac Avenue

Chairman Smith also asked for a motion on the associated Master Plan application item.

Upon motion made by Mr. Ritz, and seconded by Mr. Coupe, the City Plan Commission voted 6-2 (Mr. Frias and Ms. Lanphear voted No) to **approve** the Major Land Development – Master Plan application.

2023 SCHEDULE OF REGULAR MEETINGS

(vote taken)

Director Pezzullo said the draft schedule of regular Plan Commission meetings had been circulated prior to the meeting. He noted that it will primarily be the first Tuesday of the month, with only Independence Day pushing a meeting to the second Tuesday of the month.

Chairman Smith asked for a motion to approve. Upon motion made by Mr. Bernardo, and seconded by Mr. Ritz, the City Plan Commission voted unanimously (8-0) to **approve** the draft 2023 calendar.

PLANNING DIRECTOR'S REPORT

(no vote taken)

Director Pezzullo said he had nothing new to report and reminded the Commissioners of the regular meeting scheduled for December 6th.

ADJOURNMENT / NEXT REGULAR MEETING

(vote taken)

- Tuesday, December 6th, 2022 — City Hall Council Chambers, 869 Park Avenue

Upon motion made by Mr. Coupe, and seconded by Ms. Lanphear, the City Plan Commission voted 8-0 to adjourn the meeting at 7:40 p.m.