

Jorge Elorza  
Mayor

Marc Greenfield  
Chair

FILED



2022 MAY 26 P 2: 50

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## Zoning Board of Review

### RESOLUTION NO. 2022-11

May 23, 2022

IN RE: Application for Use Variance: (Table 12-1 – Multi-family use in R-2 Zoning District)  
Application for Dimensional Variance: (Table 14-1 – Parking)

PROPERTY: Tax Assessor's Plat 17, Lot 650  
180 George M. Cohan Boulevard

APPLICANT: 180 GMC, LLC  
269 Wickenden Street, 2<sup>nd</sup> Floor  
Providence, RI 02906

OWNER: 75 EAST ST, LLC  
11828 La Grange Avenue  
Los Angeles, CA 90025

COUNSEL: On behalf of Applicant:  
Dylan Conley, Esq.  
Law Office of William J. Conley, Jr.  
123 Dyer Street, 2<sup>nd</sup> Floor  
Providence, RI 02903

The within matter came before the Zoning Board of Review (the "Board") on the application of the owner and applicant (together the "Applicants") to re-develop the above designated property (the "Property") as a multi-family dwelling. The Board held duly noticed public hearings on April 13, 2022 and April 27, 2022, with the following members present throughout both hearings: Mr. Wolf, Ms. Rodriguez, Mr. Strother, Mr. Mitchell, and Mr. Scott.<sup>1</sup>

<sup>1</sup> Mr. Greenfield was present at the April 13, 2022 hearing, but not at the April 27, 2022 hearing, at which votes were taken. Ms. Maniotes was absent from both hearings.

WHEREAS, the Applicants sought a use variance from Table 12-1 of the Providence Zoning Ordinance of November 24, 2014, as amended (the "Ordinance") to establish the use as a Multi-Family Dwelling; and

WHEREAS, the Applicants further sought a dimensional variance from Table 14-1 of the Ordinance for a deficiency of required parking spaces; and

WHEREAS, prior to the hearings, the members of the Board individually made inspections of the Property and viewed the surrounding neighborhood; and

WHEREAS, Attorney Dylan Conley presented the Application and the testimony of Dustin Dezube, a principal member of the Applicant; Mr. Paige Bronk, AICP, whom the Board recognized as an expert in land use; Kevin Diamond, architect; and Stephen Dylag, Certified Real Estate Appraiser; and

WHEREAS, the Board considered the following documents:<sup>2</sup>

1. The Application dated March 8, 2022, with Appendices;
2. Resume and Report of Mr. Paige Bronk dated April 6, 2022;
3. April 13, 2022 Recommendation of Department of Planning and Development;
4. February 14, 2022 letter of support from Providence Preservation Society;
5. April 19, 2022 report from Dustin Dezube, including financial details;
6. Pro Forma Profit and Loss Statement;
7. Letters from abutters supporting the adaptive reuse of the Property; and

WHEREAS, the Board heard oral comment from Mr. Grant Dulgarian, and received multiple letters in support of the proposal; and

WHEREAS, the Board received, and the Chair read into the record, the recommendation of the Department of Planning and Development (the "DPD") dated April 13, 2022, recommending approval of the Application; and

WHEREFORE, after consideration of the application, the testimony, and all the evidence of record, the Board voted (5-0) to APPROVE the application for both use and dimensional variances, subject to the conditions set forth below.

#### **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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<sup>2</sup> The Board did not consider the March 1, 2022 report of Kim Smith Barnett of MacRostie Historic Advisors because the expert witness was not present for questioning at the April 13, 2022 hearing. Further, the Board requested she be present at the subsequent hearing, but she did not appear. Nor did it consider the unsolicited legal memoranda submitted by counsel for the Applicant.



1. The Property is located in an R-2 Zoning District and consists of a lot of approximately 27,227 sq. ft., improved with a structure with a footprint of 12,764 sq. ft. The structure is approximately 5 stories tall and contains about 49,373 interior gross sq. ft. The lot also contains twelve (12) motor vehicle parking spaces.
2. The Property, which was originally constructed in approximately 1893, was previously used as "The Home for Aged Women," later named "Tockwotten Home." It contains 126 rooms. While the Property is not located in an Historic District Overlay, it is listed on the National Register of Historic Buildings.
3. The current legal use of the Property is a secondary education facility with boarding ("Roosevelt Academy"), which exists by special use permit. *See* Zoning Board of Review Resolution No. 9742. This use terminated in January 2021 when Roosevelt Academy went out of business.
4. The Applicants propose to redevelop the Property into a multi-family dwelling containing of 71 dwelling units, and seek a use variance under Table 12-1.
5. Table 14-1 of the Ordinance requires one on-site parking space for each dwelling unit. The Property currently contains 12 parking spaces. The Applicants propose to provide 26 on-site parking spaces. They therefore seek a dimensional variance for relief for 45 parking spaces (71 required minus 26 proposed).
6. The Board heard the initial presentation on April 13, 2022, but indicated it required further information concerning the financial details of the project, and specifically the proposed number of dwelling units, with and without federal historic tax credits, and the presence of the author of the report by MacRostie Historic Advisors so that the Board could ask questions on her report. Accordingly, the Board voted unanimously (5-0) to continue the matter for further information.
7. At the April 27, 2022 hearing, the Applicant appeared before the Board, along with Certified Real Estate Appraiser Stephen Dylag, both of whom presented detailed financial analyses concerning the scope of the project. *See* footnote 2 concerning the failure to appear of the expert from MacRostie Historic Advisors.
8. Based upon the evidence presented at both hearings, the Board finds as follows:
  - a. The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land and structure and not to the general characteristics of the surrounding area. The lot is large, consisting of almost an entire city block. The structure occupies most of the lot and is unique in its size and massing. The former uses housed large numbers of persons and contains significant interior and exterior historic and architectural features. The lot currently has a parking lot in the northeast corner that accommodates 12 parking spaces. The Applicants can create only 26 parking spaces on the lot due to the configuration and location of the structure on the lot.
  - b. There was no claim or evidence that the hardships are due to a physical or economic disability of the applicant.



c. The hardships are not the result of any prior action of the Applicants, who purchased the Property in its current condition.

d. Neither the use nor dimensional variance requests result primarily from the desire of the applicant to realize greater financial gain. While there is always some financial element or gain from a project, the Applicant presented detailed financial information to support the costs of acquisition and renovation and the revenue stream required to result in a reasonable financial profit margin. With respect to the relief for parking, there is no financial component to the request.

e. The Board finds that the granting of the use and dimensional variances will not alter the general character of the surrounding area or impair the intent of the zoning ordinance or the comprehensive plan. With respect to the use variance, the Property is located in a residential district that is comprised primarily of multi-family houses. The structure has been present in the neighborhood for over a century, and has always been a dense residential use suitable for the building. The adaptive re-use of the building complements the general character of the area, and makes appropriate use of the size and massing of the structure.

The proposed parking lot will increase on-site parking. The Property is located a block from public transportation and is in a pedestrian and bicycle friendly commercial corridor. Many of the target market of young professionals and graduate students are not dependent on cars. In addition, the Applicants have agreed to allocate a minimum of five parking spaces at neighboring properties, and to apply for on-street overnight parking permits for tenants. The dimensional relief for 45 parking spaces is the least relief necessary based on the existing structure and lot. The Applicant has proposed a re-design of the lot to accommodate a maximum of 26 parking spaces and no additional parking spaces could be created.

f. Relief for 71 dwelling units is the least relief necessary for reasonable enjoyment of the permitted use as a multi-family dwelling unit. The substantial evidence of record demonstrates that the multi-family residential use is the only financially feasible use for the Property. The Applicants provided detailed financial information to demonstrate the costs and revenues, and why 71 residential units was the appropriate "pressure point" for reasonable enjoyment of the use. Similarly, the Applicants demonstrated that the Property as a whole cannot physically accommodate more than 26 parking spaces.

g. The substantial evidence demonstrated that the subject land or structure cannot yield any beneficial use if it is required to conform to the provisions of the Ordinance. The Applicants listed and testified to the uses allowed as of right or as a special use in the R-2 District and credibly explained why each such use was not feasible as a beneficial use of the Property. As noted above, the land cannot accommodate more than 26 on-site parking spaces. The nature of the structure, and the inability to change its configuration is inextricably intertwined with the number of on-site parking spaces that can be provided in order to obtain beneficial use of the Property as a whole.

WHEREFORE, on motions by Mr. Mitchell, seconded by Ms. Rodriguez, the Board voted (5-0) to APPROVE the application for use and dimensional variances **subject to the following conditions:**



1. The Applicant shall execute a Master Lease Agreement to provide a minimum of 5 parking spaces on other properties in close proximity to the subject property, and shall submit the Agreement to the City for approval.
2. The Applicant shall apply to the Parking Administrator for on street parking for qualified residents of the structure.

By Order of the Zoning Board of Review.

  
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 SCOTT WOLF  
 ACTING CHAIR

**ATTENTION:** SECTION 1902 OF THE ORDINANCE REQUIRES THAT ANY VARIANCE OR SPECIAL USE PERMIT GRANTED BY THE BOARD SHALL EXPIRE SIX MONTHS AFTER THE DATE OF THE FILING OF THE RESOLUTION IN THE OFFICE OF THE BOARD UNLESS THE APPLICANT SHALL, WITHIN THE SIX MONTHS, OBTAIN A LEGAL BUILDING PERMIT AND PROCEED WITH CONSTRUCTION; OR OBTAIN A LEGAL BUILDING PERMIT AND A CERTIFICATE OF OCCUPANCY WHEN NO CONSTRUCTION IS REQUIRED.

**NOTE:** THE ORIGINAL RESOLUTION IS ON FILE IN THE OFFICE OF THE ZONING BOARD OF REVIEW AND MUST BE OBTAINED BY THE OWNER OR HIS/HER/ITS REPRESENTATIVE AND RECORDED IN THE LAND EVIDENCE RECORDS OF THE CITY OF PROVIDENCE BEFORE THE ISSUANCE OF A BUILDING PERMIT. A COPY OF THE RECEIPT ACKNOWLEDGING THAT THE RESOLUTION HAS BEEN RECORDED MUST BE SUBMITTED TO THE OFFICE OF THE ZONING BOARD OF REVIEW AND TO THE DEPARTMENT OF INSPECTION AND STANDARDS BEFORE THE ISSUANCE OF A BUILDING PERMIT.

MOTION TO GRANT USE VARIANCE SUBJECT TO CONDITIONS FOR DIMENSIONAL VARIANCE:  
 MADE BY: Mitchell  
 SECONDED BY: Rodriguez  
 MEMBERS VOTING IN FAVOR OF THE MOTION: Mitchell, Rodriguez, Strother, Scott, Wolf  
 MEMBERS VOTING AGAINST THE MOTION: None

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 MAY 27, 2022 11:21 AM  
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 John A Murphy  
 Recorder of Deeds

MOTION TO GRANT DIMENSIONAL VARIANCE, SUBJECT TO CONDITIONS:  
 MADE BY: Mitchell  
 SECONDED BY: Rodriguez  
 MEMBERS VOTING IN FAVOR OF THE MOTION: Mitchell, Rodriguez, Strother, Scott, Wolf  
 MEMBERS VOTING AGAINST THE MOTION: None



# Providence Living Parking Space Rental Agreement

I. **Parties.** This agreement dated on the 8th day of June, 2022 by and between the Owner, Trenton Street Capital LLC, with a mailing address of 269 Wickenden Street, in the City of Providence, State of Rhode Island 02903 (Hereinafter known as the 'Lessor') and the Tenant, 180 GMC LLC (Hereinafter known as the 'Lessee') for five (5) assigned parking spaces located at: 18 Trenton Street, Providence, RI 02906

II. **Term.** The term of this agreement shall begin on the 1st day of July 2022 for five years ending on the 30th day of June 2027:

III. **Rent.** The rental payment shall be due on the 1st of every month in the following amounts

Months 1-12	\$625 per month	\$7,500 per annum
Months 13-24	\$645 per month	\$7,740 per annum
Months 25-36	\$665 per month	\$7,980 per annum
Months 37-48	\$685 per month	\$8,220 per annum
Months 49-60	\$705 per month	\$8,460 per annum

IV. **Current Registration & Insurance.** Lessee may only use the space for vehicles that are up-to-date with all State and local registration. In addition, all vehicles must maintain current with insurance that is legal under the State of registration.



- V. **Maintenance.** Lessee is required to keep the vehicle in good repair and free of hazardous leaks of oils or liquids. No repairs of any type are allowed on the parking spaces and, if needed, must be towed to a location that allows such activities.
- VI. **Use of Space & Damage.** The use of the space may only be for the parking of a vehicle that is owned/leased by the owner. No storage of personal property may be allowed in the space. Lessor is not liable for any damage done to the vehicle or personal property taken from it. All liability to the vehicle and personal property will be the responsibility of the Lessee.
- VII. **Alterations.** This lease may be amended from time to time by agreement of the Parties so long as five (5) parking spaces remain available to Lessee or any successor operator at the location of 180 George M. Cohan Boulevard, Providence.

DocuSigned by:

*Eli Adams*

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Lessor's Signature

Eli Adams on behalf of Trenton Street Capital LLC

6/8/2022

DocuSigned by:

*Ali Imholt*

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Lessee's Signature

Ali Imholt on behalf of 180 GMC LLC

6/8/2022