

Providence City Plan Commission

August 18, 2020



AGENDA ITEM 1 ■ 473 WASHINGTON STREET REINSTATEMENT

OVERVIEW

APPLICANT:	Batwitwash LLC, c/o Nick Hemond	RECOMMENDATION:	Recommend approval of the proposed reinstatement
CASE NO./ PROJECT TYPE:	18-027MI—Minor Land Development project reinstatement		
	473 Washington Street (AP 29 Lots 41, 42 and 481)		
	C-2 zone		
PROJECT DESCRIPTION:	Reinstatement of expired preliminary plan	PROJECT PLANNER:	Choyon Manjrekar
	Preliminary Plan approval		

Discussion

The subject property is zoned C-2 and composed of three vacant lots. The applicant is proposing to construct a four story, 21 unit residential building on the site after merging the lots. The lot fronts on Washington Street with Battey Street to the east and Whitaker Street to the West. Internal parking will be provided on the first story with residences on the second to third floors. The City Plan Commission (CPC) granted preliminary plan approval for the development in October 2018, which has since expired.

The applicant is requesting to reinstate the approval, which may be granted by the CPC subject to fulfillment of certain conditions outlined in Section 807 of their Development Review Regulations. Following reinstatement, the CPC may vote to re-approve the preliminary plan.

Discussion—Reinstatement

Section 807 requires that the CPC make the following findings to reinstate applications. Based on the analysis contained herein and subject to the conditions contained in this report, staff has prepared the following findings regarding the request for reinstatement:

- 1. The subdivision or development project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this subdivision or development project.*

Based on the CPC's findings at the preliminary plan stage, the project is in conformance with the comprehensive plan which has not changed.

2. These Regulations, the Zoning Ordinance, and all applicable state and federal regulations are substantially the same as they were at the time of original application, as they would apply to this subdivision or development project.

The zoning ordinance, and any applicable state and federal regulations are the same as when preliminary plan approval was issued.

3. The Zoning Map designation for the subdivision or development project has not changed substantially since the time of original application.

The zoning designation of C-2 is unchanged.

4. No substantial change to the physical conditions of the subdivision or development project or the neighboring property has occurred since the time of original application.

The subject building has been demolished since preliminary plan approval was granted. However, the approval noted that the building was slated for demolition. Therefore, no substantial changes to the physical conditions of the property or surroundings have occurred since the original application.

Recommendation—Reinstatement

Based on the foregoing discussion, the DPD recommends that the CPC reinstate the plan, finding it to be in conformance with the criteria for reinstatement.

Recommendation—Preliminary Plan Approval

The CPC found the development to be in compliance with the zoning ordinance and comprehensive plan in granting preliminary plan approval in October 2018. As the conditions surrounding the development have remained largely unchanged, the DPD recommends that the CPC adopt their original findings and grant preliminary plan approval for the reinstated plan.

The reinstated preliminary plan shall be subject to the original conditions of approval:

1. The applicant shall submit a sediment and erosion control plan prior to final plan approval.
2. The applicant shall merge the subject lots prior to final plan submission.
3. The applicant shall meet the canopy coverage requirement under the supervision of the City Forester.
4. The applicant shall install four foot screens along the transparent portion of the Washington Street frontage.
5. The applicant shall obtain an encroachment permit for the portions of the building that encroach over the public right of way.
6. Final plan approval should be delegated to DPD staff.
7. The validity of the re-instated preliminary plan approval is extended to one year from the date of recording of the approval letter.

NICHOLAS J. HEMOND, ESQ.
NHEMOND@DARROWEVERETT.COM

PROVIDENCE OFFICE:

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Suite 1200
Providence, RI 02903
Tel: (401) 453-1200
Fax: (401) 453-1201

July 31, 2020

VIA E-MAIL:

Choyon Manjrekar
City Plan Commission
City of Providence
444 Westminster Street
Providence, RI 02903
cmanjrekar@providence.ri.gov

Re: 473 Washington Street – Written Request for Reinstatement of the Expired Preliminary Plan Approval Pursuant to Section 807.3 of the City’s Development Review Regulations.

Dear Mr. Manjrekar:

As you are aware, this office represents a potential buyer who is going to proceed with the development of the property located at 473 Washington Street, Providence, RI 02903 (the “Property”). As we discussed earlier this week, the City Plan Commission (CPC) issued preliminary plan approval for the Property in October 2019, which has since expired.

At this time, pursuant to Section 807.3 of the City’s Development Review Regulations we request that the expired preliminary plan approval be reinstated by the CPC. In accordance with the requirements of Section 807.3(A), we state the following in support of this written request:

We will meet our burden of proof to show that we have proceeded with due diligence and that: (1) The development project is consistent with the Comprehensive Plan, and the Comprehensive Plan has not changed substantially since the time of the original application as it would apply to this development project. (2) The Development Review Regulations, the Zoning Ordinance, and all applicable federal regulations are substantially the same as they were at the time of the original application, as they would apply to this development project. (3) The Zoning Map designation for the development project has not substantially changed since the time of original application. (4) No substantial change to the physical conditions of the development project or the neighboring property has occurred since the time of original application.

Pursuant to our conversation, please accept this letter as a formal request to have this matter placed on the CPC’s next meeting agenda to have the expired preliminary plan approval reinstated by the CPC. I plan to be in attendance with Mr. Eric Zuena to make the presentation to the CPC.

Thank you for your attention to this matter. Should you wish to discuss this matter in further detail please feel free to contact me on my cell phone at (401)-316-3895.

Very truly yours,



Nicholas J. Hemond, Esq.

NJH/br

cc: Robert Azar
Alexis Thompson
Eric Zuena



City Plan Commission
Jorge O. Elorza, Mayor

**Decision of the City Plan Commission granting Preliminary Plan Approval
for Minor Land Development Project 18-027 MI at 473 Washington Street
(AP 29 Lots 41, 42 and 481)**

October 19, 2018

Doc. No: 00213577
Book: 12204 Page: 336

Owner and Applicant: Batwitwash LLC
1 Franklin Square
Providence RI 029098

The City Plan Commission (CPC) voted to approve the Preliminary Plan for the subject Minor Land Development Project at a regular meeting on October 16, 2018. The CPC acted subject to the findings of fact and conditions of approval noted below.

Project Overview

The subject property is zoned C-2 and composed of three lots occupied by three one story commercial buildings proposed for demolition. The applicant is proposing to construct a four story, 21 unit residential building on the site after merging the lots. The lot fronts on Washington Street with Battey Street to the east and Whitaker Street to the West. Internal parking will be provided on the first story with residences on the second to fourth floors.

Findings of Fact

The CPC made the following findings of fact in accordance with section 806 of the CPCs development review regulations, based on the applicant's presentation, their analysis of the plan and the DPD's recommendations:

1. *Consistency with Providence Tomorrow: The Comprehensive Plan* - The subject property is located in an area that the future land use map of Providence Tomorrow: The Comprehensive Plan intends for Neighborhood Commercial/Mixed Use development. The CPC found that the development would be in conformance with this designation as in addition to commercial development, housing is a use encouraged by this land use designation.

The CPC found that provision of housing would conform to objectives H-1, H-2 and H-3 which encourages creation of new and affordable housing opportunities in the City.

2. *Compliance with Zoning Ordinance*

The CPC made the following findings:

Use: The property is zoned C-2 which permits multifamily development by right.

Dimensions: The CPC found that the development conforms to the dimensional requirements of the C-2 zone, with a first floor height of 12 feet and compliance with applicable setbacks. The proposed 45 foot height is within the 50 foot height limit allowed in this zone.

Building Design: Based on provided elevations, the CPC found that the building will conform to the design regulations of the C-2 zone. The façade is primarily composed of permitted building materials including fiber cement paneling and brick. The main entrance is oriented toward Washington Street and the front façade provides close to 50 percent of transparency.

The CPC found that the building conformed to section 503.A.8 of the zoning ordinance, which prohibits parking and residential uses within 20 feet of a main street. The parking area is set back 20 feet from Washington Street and provides a ground floor lobby. The City Engineer required that the applicant install screens at least four feet high to shield the lobby from automobile headlight glare.

Landscaping: The development measures approximately 7,180 SF requiring 1,030 SF of canopy coverage. The applicant can meet this requirement by planting one large tree. The City Forester suggested making plantings in tree pits in front of the building. The CPC required that the applicant meet the canopy coverage requirement under the supervision of the City Forester.

Parking: The CPC found that the applicant will meet the parking requirement by providing 21 internal parking spaces on the ground floor accessible from Washington Street. Bicycle parking is also provided.

Encroachments: The applicant requires an encroachment permit for a canopy overhang and a portion of the front façade that will encroach over the sidewalk. The permits shall be obtained prior to final plan approval.

3. Environmental Impact

A stormwater management plan is not required. The City Engineer required that a sediment and erosion control plan be submitted prior to final plan approval. No negative environmental impacts are expected as the applicant is expected to come into conformance with all applicable environmental regulations.

4. Buildable Lot

The applicant shall merge the lots prior to applying for final plan approval in order to create a buildable lot. The CPC found that there would be no physical constraints that impact development of this property as it will conform to the dimensional requirements of the zoning ordinance upon subdivision.

5. Street Access

The CPC found that adequate vehicular and pedestrian access is provided from Washington Street and Whitaker Street. The City Engineer encouraged the applicant to install an alarm on the garage door to alert pedestrians of incoming vehicles.

ACTION

Upon a motion by Commissioner Gazdacko, seconded by Commissioner Elliott, the CPC voted as follows to approve the Preliminary Plan:

M. Gazdacko AYE; J. Elliott AYE; C. West AYE; N. Verdi AYE; J. Opton-Himmel AYE; Luis Torrado AYE

In accordance with the CPC's action, the Preliminary Plan is approved subject to the following conditions:

1. The applicant shall submit a sediment and erosion control plan prior to final plan approval.
2. The applicant shall merge the subject lots prior to final plan submission.
3. The applicant shall meet the canopy coverage requirement under the supervision of the City Forester.
4. The applicant shall install four foot screens along the transparent portion of the Washington Street frontage.
5. The applicant shall obtain an encroachment permit for the portions of the building that encroach over the public right of way.
6. Final plan approval shall be delegated to DPD staff.



Choyon Manjrekar
Administrative Officer

RECEIVED:

Providence
Received for Record
Nov 05 2018 at 02:34P
Document No: 00213577
John A. Murphy
Recorder of Deeds

In accordance with Rhode Island General Laws Section 45-23-63, this decision must be recorded in the land evidence records within thirty-five (35) days after the CPC's vote.

*In addition, in accordance with Rhode Island General Laws Section 45-23-67, this decision shall be posted in the **office of the City Clerk for a period of 20 days**. Any appeals to this decision must be immediately transmitted to the DPD. If no appeals are filed, this letter may be removed by the City Clerk 20 days after it has been posted.*



473 WASHINGTON ST
PROVIDENCE CITY PLANNING COMMISSION

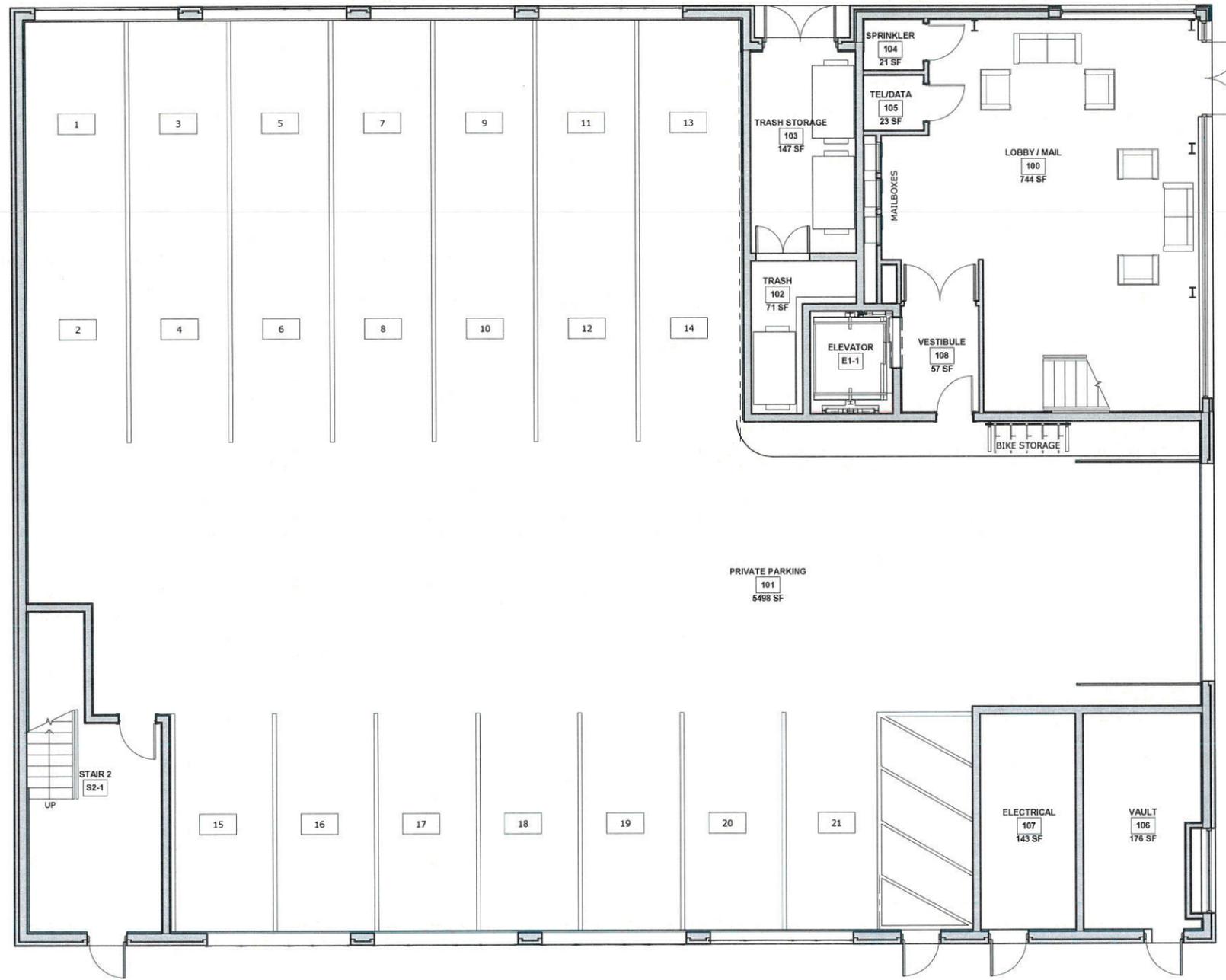
OCTOBER 2018



473 WASHINGTON ST

SEPTEMBER 2018

ZDS



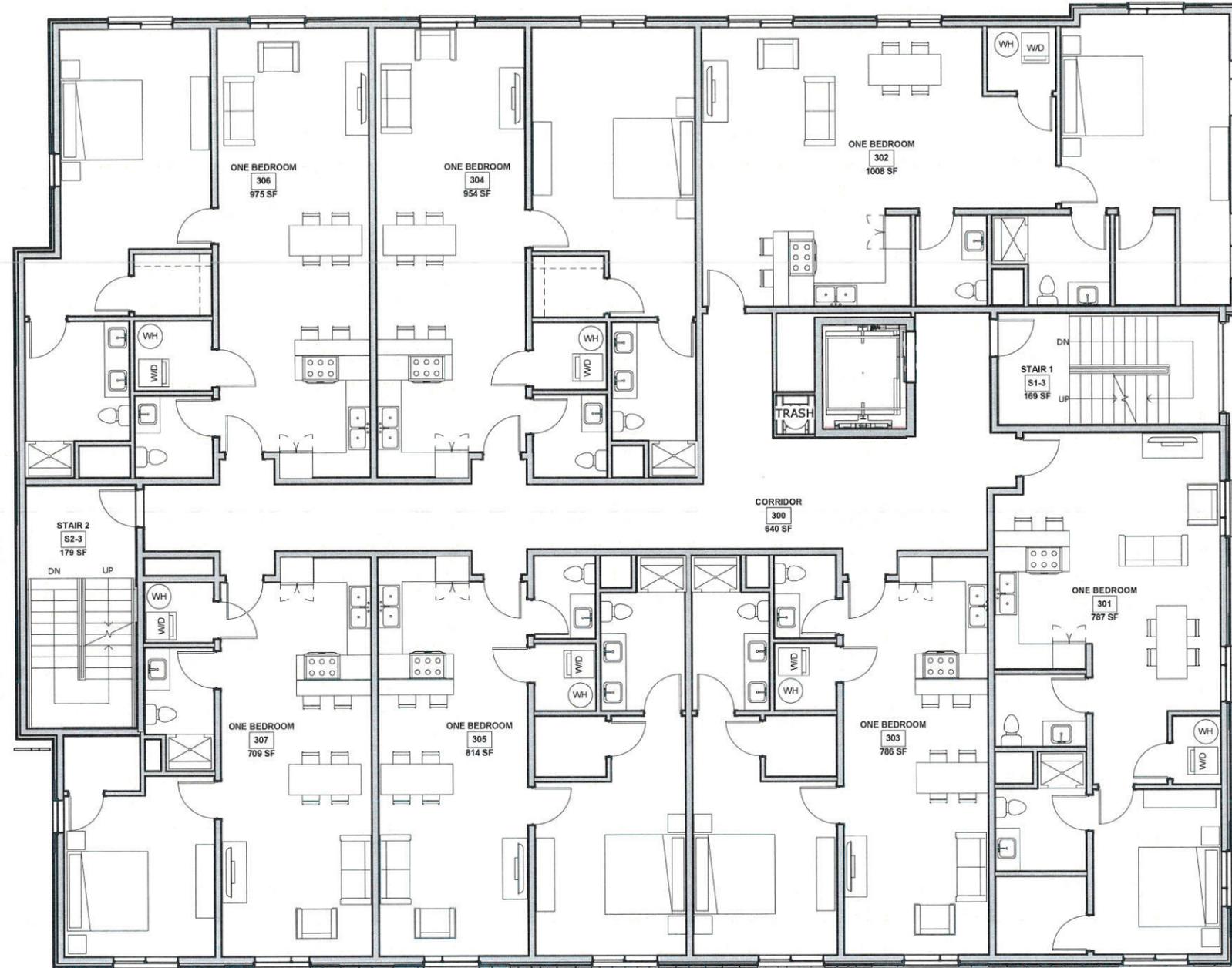
① FIRST FLOOR PLAN
3/16" = 1'-0"

FIRST FLOOR PLAN

473 WASHINGTON ST

SEPTEMBER 2018





① THIRD FLOOR PLAN
3/16" = 1'-0"

THIRD FLOOR PLAN
473 WASHINGTON ST
SEPTEMBER 2018





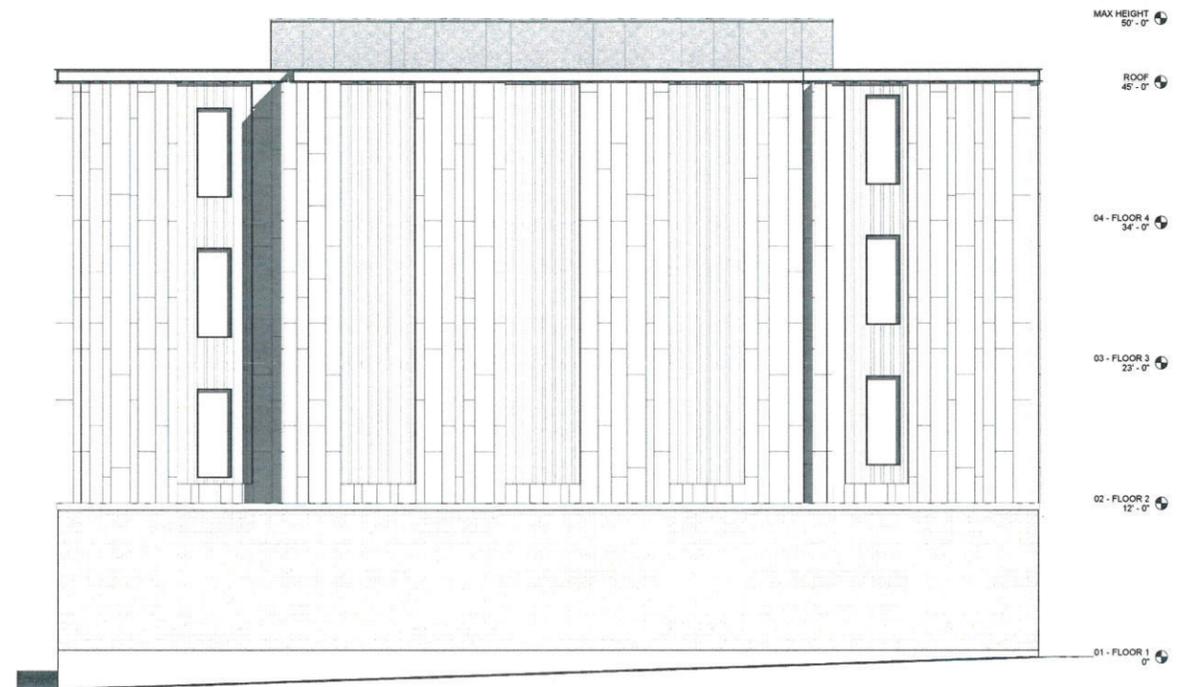
SOUTH ELEVATION - WASHINGTON STREET



EAST ELEVATION - BATTEY STREET



WEST ELEVATION - WHITTAKER



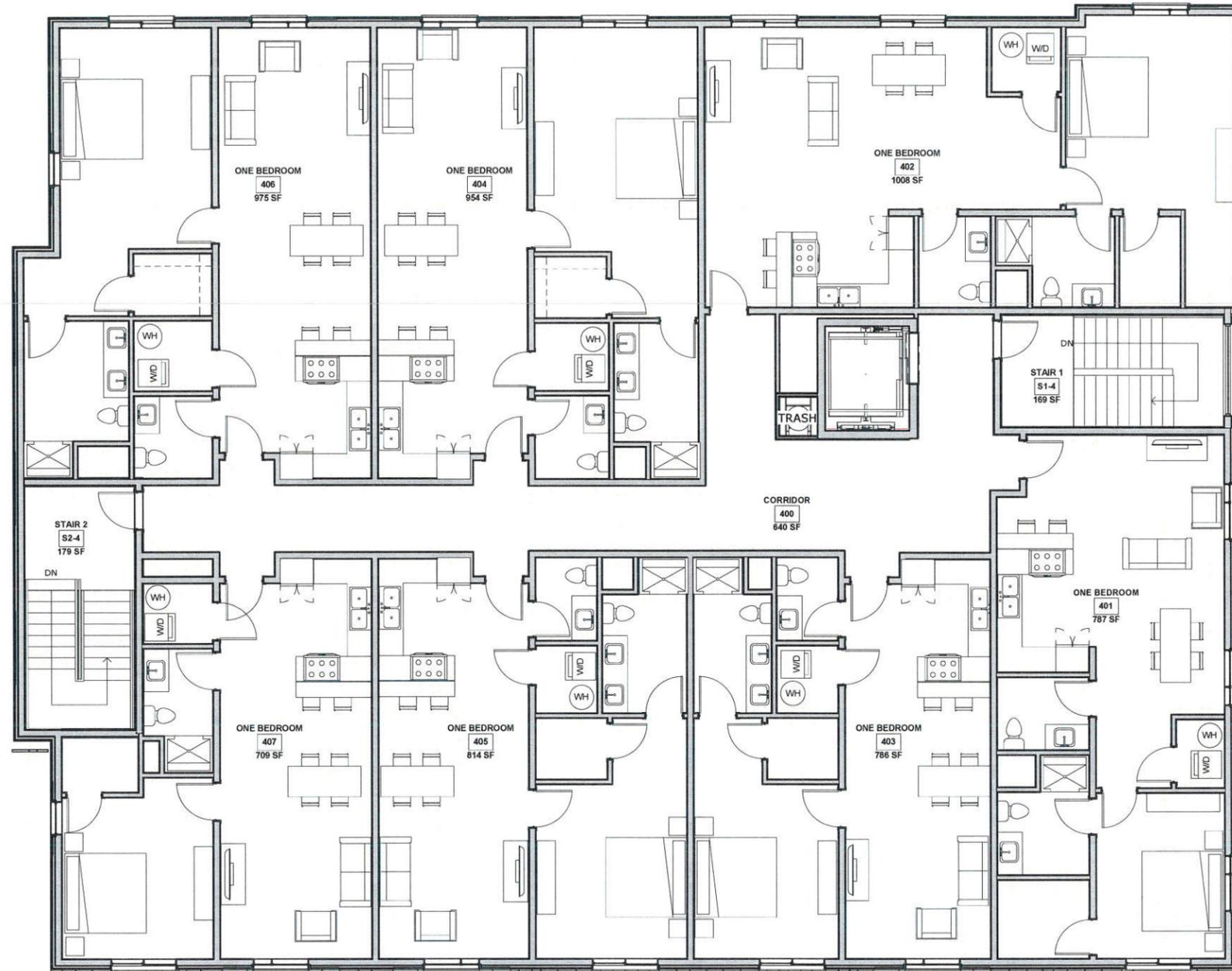
WEST ELEVATION

EXTERIOR ELEVATIONS

473 WASHINGTON ST

SEPTEMBER 2018





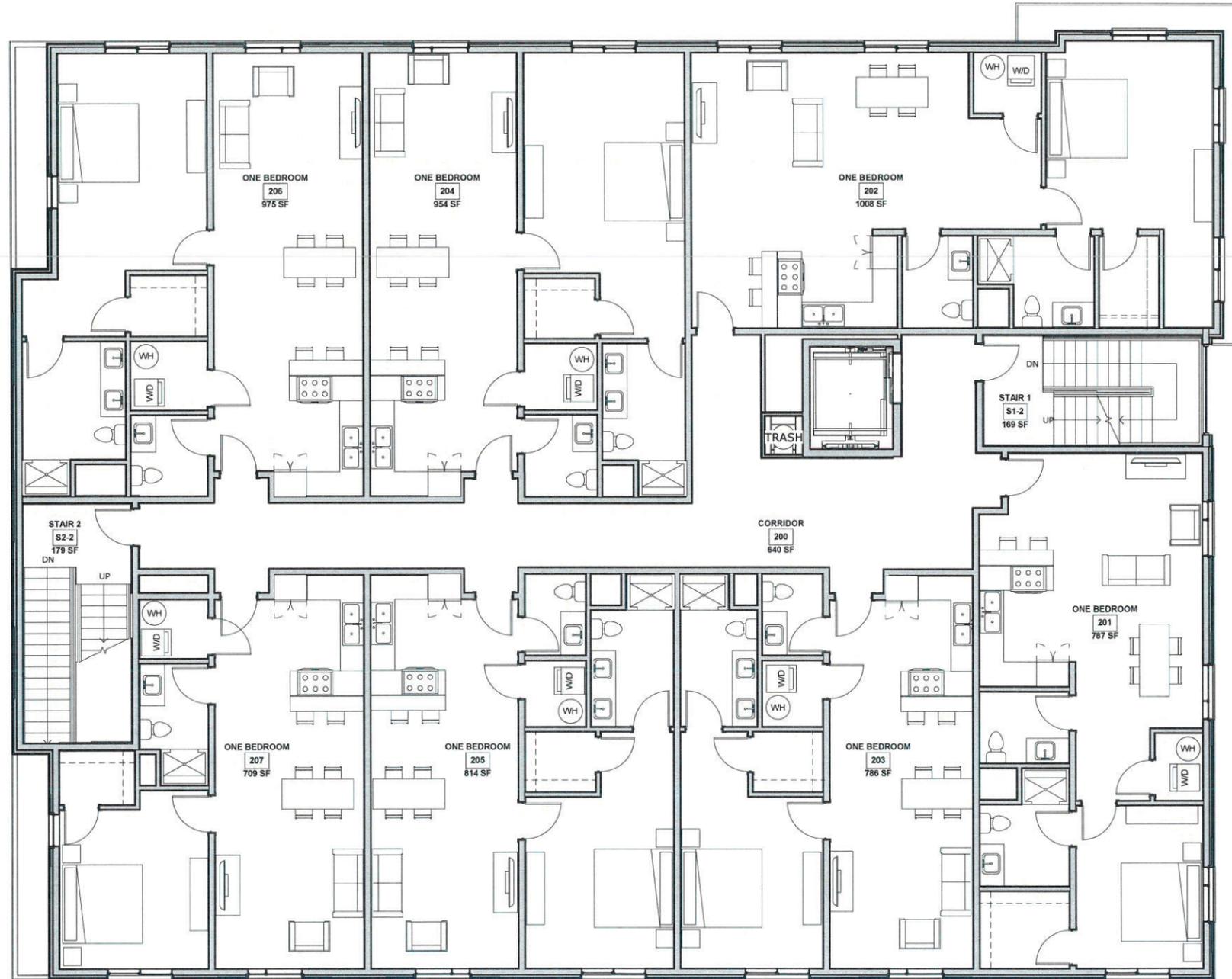
① FOURTH FLOOR PLAN
3/16" = 1'-0"

FOURTH FLOOR PLAN

473 WASHINGTON ST

SEPTEMBER 2018





① SECOND FLOOR PLAN
3/16" = 1'-0"

SECOND FLOOR PLAN

473 WASHINGTON ST

SEPTEMBER 2018





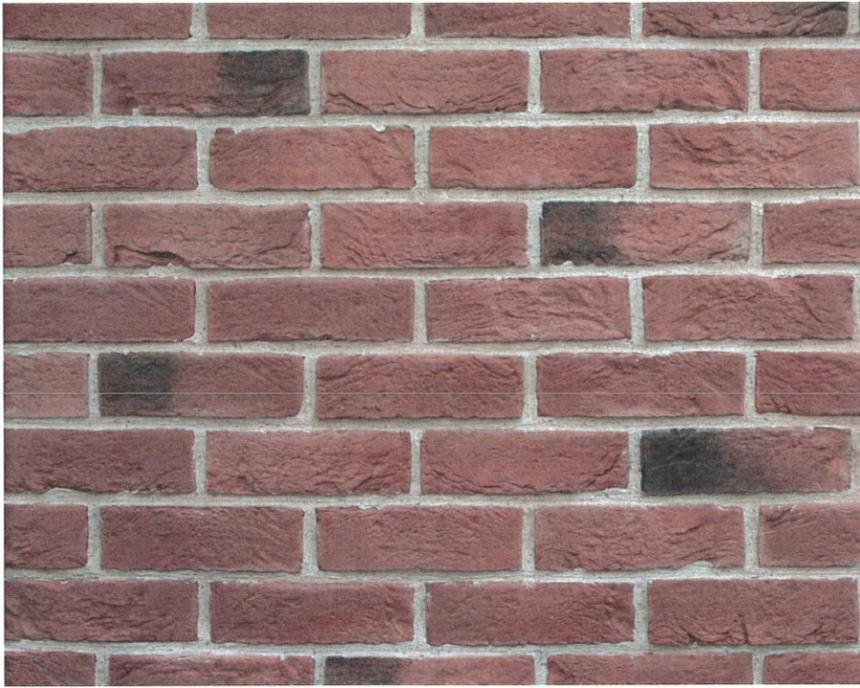
SITE PLAN

473 WASHINGTON ST

SEPTEMBER 2018

① SITE
3/16" = 1'-0"





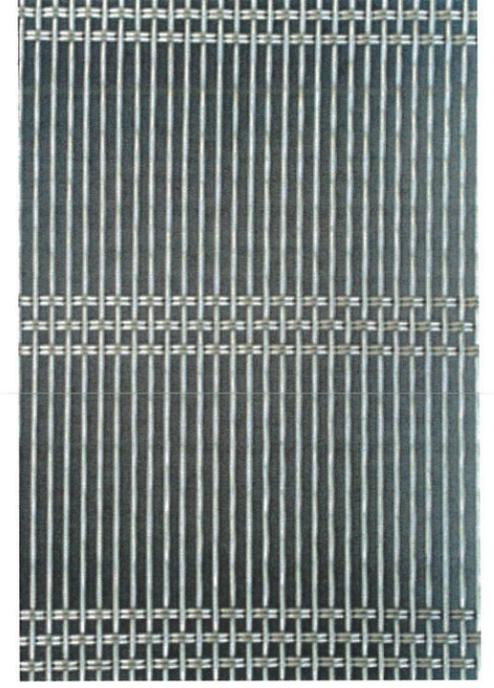
BRICK



FIBER CEMENT PANELS



METAL PANELS



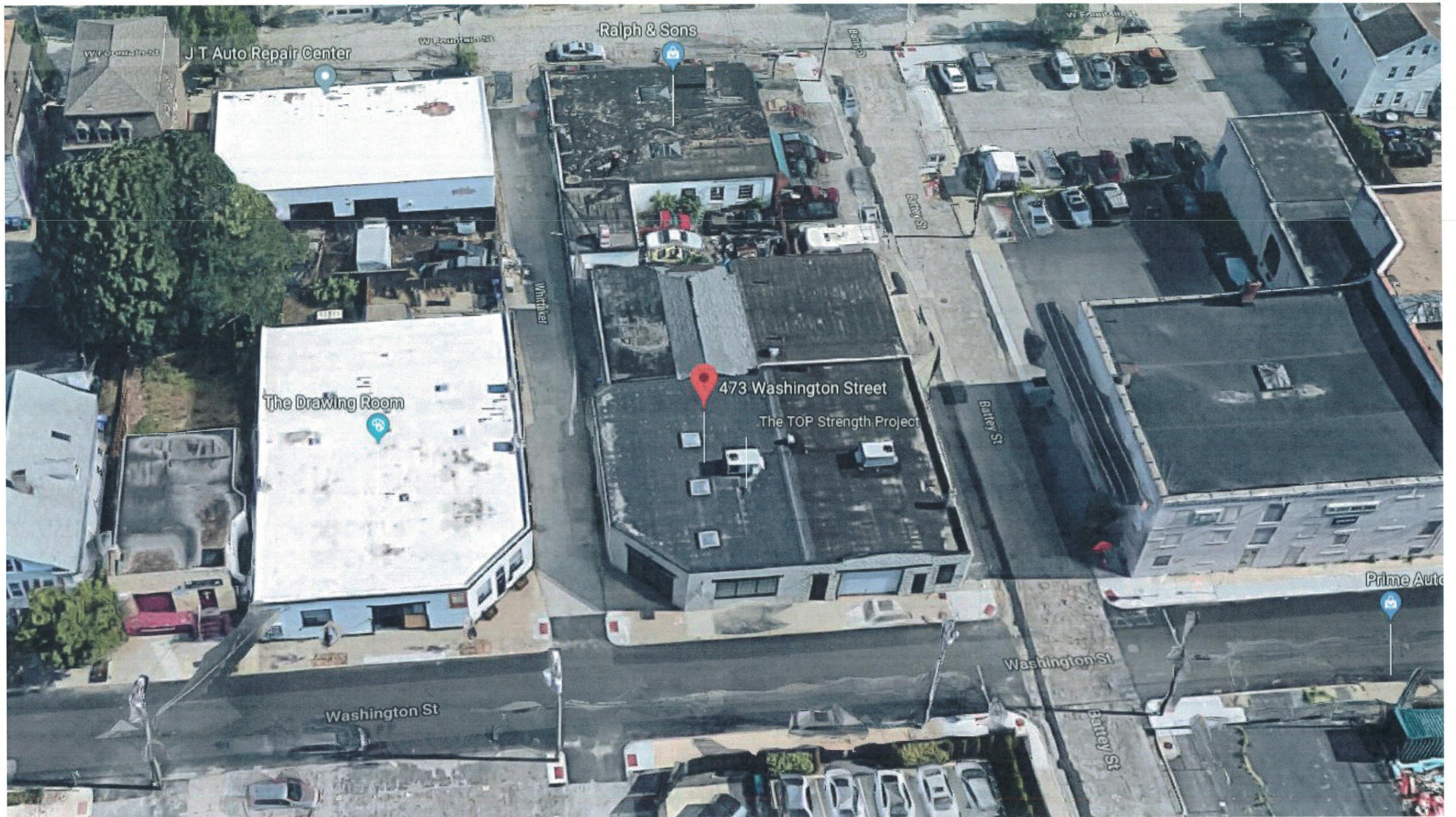
MESH SCREENING

MATERIAL BOARD

473 WASHINGTON ST

SEPTEMBER 2018





AERIAL VIEW

473 WASHINGTON ST

SEPTEMBER 2018

