

# Providence City Plan Commission

November 17, 2020



## AGENDA ITEM 1 ■ 17 MARCELLO STREET



Rendering of the proposed building



View of the site from Marcello Street



Aerial view of the site

### OVERVIEW

**OWNER/APPLICANT:** David Caprio

**PROJECT DESCRIPTION:** The applicant is proposing to construct a four story, 29 unit apartment building on a lot zoned C-1. The applicant is requesting design waivers from Sections 503 A.6 and 503 A.2 which require that the front setback of a building provide a 60 percent build-to percentage and that all buildings be oriented to and have an entrance from the primary building frontage. The applicant is seeking waivers from submission of drainage calculations and an erosion control plan.

**CASE NO./** 20-036MI  
**PROJECT TYPE:** Preliminary Plan Approval

**PROJECT LOCATION:** 17 Marcello Street  
AP 28 Lot 1081

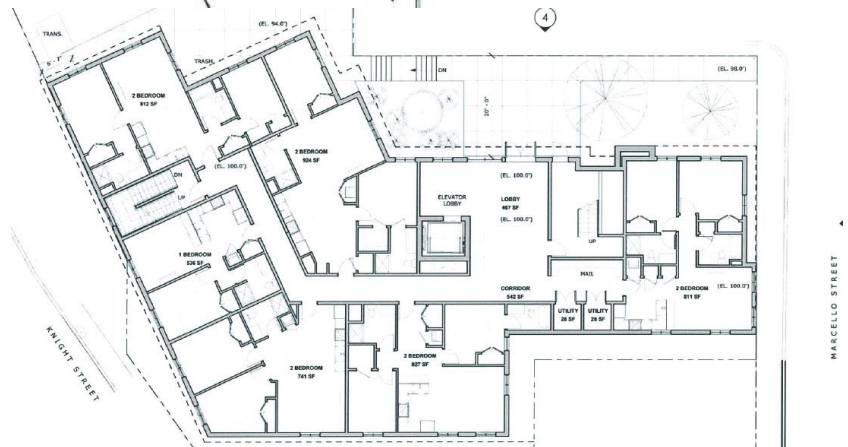
**RECOMMENDATION:** Approval of the Preliminary Plan subject to the noted findings

**NEIGHBORHOOD:** Federal Hill

**PROJECT PLANNER:** Choyon Manjrekar



Proposed site plan



First floor plan

## PROJECT OVERVIEW

The subject property is zoned C-1 and the applicant is proposing to construct a four story 29 unit multifamily apartment building with a finished basement. The project is scaled back from a previously approved 43 unit project on the same site. The applicant is also requesting design waivers from Sections 503 A.6 and 503 A.2 which require that the front setback of a building provide a 60 percent build-to percentage and that all buildings be oriented to and have an entrance from the primary building frontage. Waivers from submission of an erosion control plan and drainage calculations are requested.

## ANALYSIS AND IDENTIFICATION OF POTENTIAL ISSUES

### Use

The lot is zoned C-1, where multifamily development is permitted by right.

### Dimensions and site design

The subject lot is located between Marcello and Knight Streets to the east and west. The proposed four-story, 44', 29 unit apartment building will have Marcello Street designated as the front yard. The building will be built to this frontage and will exceed the 60 percent build-to zone requirement for Marcello Street. The rear will be set to the Knight Street lot line. The building will maintain a setback of 5 feet from the adjacent residential zone to the south.

The exterior of the building is composed of a brick veneer and fiber cement paneling, which are materials permitted by right in this zone. The building's design conforms to the guidelines for multifamily development in the ordinance as it represents a common architectural theme and has features that incorporate projections and recesses, as well as a cornice, which adds variety to the façade.

A plaza is proposed for the north side of the building providing direct access from Adams Street with the building set back approximately 20 feet from the side lot line. The applicant is requesting a design waiver from the build-to percentage which requires 40 percent of the corner side lot

line be located within a build to zone of 0-5 feet. Based on plans provided, it appears that the waiver is required due to the unique configuration of the site, which fronts on three streets. The setback is employed to provide some open space and landscaping. The applicant is entitled to 100 percent of lot coverage, and provision of open space is a more desirable alternative. The CPC should grant the waiver finding that it is in the interest of good planning practice.

Development in the C-1 zone is required to be oriented to and have an entrance from the sidewalk along the primary building frontage. The primary street frontage is Marcello Street, but the primary building entrance will be accessible from Adams Street. Adams Street is undeveloped, with no sidewalk and therefore, cannot be considered a primary frontage. It appears that the request for the waiver is due to the site's layout, which allows for incorporation of open space and a wider building frontage on the main entrance from Adams Street. This layout would not be possible if the building were to be oriented to Marcello street, which has a narrower street frontage and cannot provide the same amount of open space as Adams Street. Therefore, the DPD recommends that the CPC grant the requested waiver. The applicant could add an entrance to the Marcello Street frontage to provide some access from the sidewalk.

#### Parking

No parking is required as the lot measures less than 10,000 SF in the C-1 zone.

#### Landscaping

With an area of approximately 10,855 SF, the applicant requires approximately 1,650 SF of canopy coverage. The applicant can meet this requirement by planting one large and one medium tree. Plans show that street trees are proposed around the site and in the planting area on Adams Street, which would meet the canopy coverage requirement. The final landscaping plan shall be subject to the City forester's approval at the final plan stage.

#### Drainage and site management

A stormwater management plan is not required as the site is less than 20,000 SF. However, the City Engineer required that the applicant provide stormwater calculations showing that runoff from post development conditions will be reduced or will not increase. The applicant is requesting that an erosion control plan required at this stage be submitted with the final plan. The applicant has requested a waiver from submission of the drainage calculations and erosion control plan and is requesting that the calculations be submitted with the final plan. It is the DPD's opinion that it would be practical to defer the submission until development plans are finalized. The CPC should grant the waiver finding that it is required and in the interest of good planning practice.

### **FINDINGS**

Section 806 of the Commission's *Development Review Regulations* requires that the City Plan Commission make the following findings as part of their approval of all land development project 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 approval of the Preliminary Plan stage:

1. *Consistency—The proposed development is consistent with the Comprehensive Plan and/or has satisfactorily addressed the issues where there may be inconsistencies.*

The subject property is located in an area that the future land use map of *Providence Tomorrow: The Comprehensive Plan* designates for Neighborhood Commercial/Mixed Use development, where multifamily development is encouraged.

Provision of housing would conform to objective H-2 of the plan which encourages creation of new housing in the City.

2. *Compliance with Zoning Ordinance—The proposed development is in compliance with the standards and provisions of the Zoning Ordinance.*

Use: Multifamily housing is permitted by right in the C-1 zone.

Dimension: The development largely conforms to the dimensional and design requirements of the C-1 zone. The applicant is requesting design waivers from the side yard build-to zone requirement and from the requirement that the building shall be oriented to the sidewalk along the primary building frontage. The development will conform to the ordinance subject to the CPC granting the requested waivers.

Parking: No parking is required as the site is less than 10,000 SF in the C-1 zone.

Landscaping: The applicant will meet the canopy coverage requirement by planting trees around the site. The final landscaping plan shall be subject to the City Forester's approval at the final plan stage.

3. *Environmental Impact—There will be no significant environmental impacts from the proposed development as shown on the final plan, with all required conditions for approval.*

A stormwater management plan is not required. However, the City Engineer requires stormwater calculations showing post development conditions. An erosion control plan shall be submitted prior to final plan approval. The applicant has requested waivers from submission of the plans subject to them being submitted with the final plan. No negative environmental impacts are expected as the applicant is expected to come into conformance with all applicable environmental regulations.

4. *Buildable Lot—The subdivision or development project, as proposed, will not result in the creation of individual lots with such physical constraints to development that building on those lots according to pertinent regulations and building standards would be impracticable.*

An encroachment permit may be required for the building footings prior to applying for permits. There are no physical constraints that impact development of this property as it will conform to the dimensional requirements of the zoning ordinance upon merging.

5. *Street Access—All proposed development projects and all subdivision lots shall have adequate and permanent physical access to a public street. Lot frontage on a public street without physical access shall not be considered compliance with this requirement.*

Adequate vehicular and pedestrian access is provided from Knight Street, Marcello Street and Adams Street. The curb cut on Marcello Street will be closed.

## **RECOMMENDATION**

The CPC should vote to approve the preliminary plan subject to the following conditions:

1. The CPC should grant the design waivers from the side yard build-to percentage requirement and for the main entrance not being oriented to the primary façade.
2. The CPC should grant the waivers from submission of the drainage calculations and an erosion control plan subject to them being submitted at the final plan stage.
3. The final landscaping plan shall be subject to the City Forester's approval prior to applying for building permits.
4. The validity of the preliminary plan should be extended to one year from the date of recording of the approval letter.
5. If required, the applicant shall obtain encroachment permits for the building footings prior to applying for permits.
6. Final plan approval should be delegated to DPD staff.

*Joelle C. Rocha*  
[jrocha@ksrplaw.com](mailto:jrocha@ksrplaw.com)

October 7, 2020

***Via Electronic Mail and Hand Delivery***

Providence City Plan Commission  
Mr. Robert Azar, Director  
Department of Planning & Development  
Mr. Choyon Manjrekar  
Principal Planner  
444 Westminster Street, Suite 3A  
Providence, RI 02903

**Re: Minor Land Development Application for Assessors Plat 28, Lot 1081  
17 Marcello Street, Providence, Rhode Island**

Dear Choyon and Bob:

Enclosed please find the following documents required for submission of a Minor Land Development Application for the above-referenced property:

1. Signed Application;
2. The site plan set;
3. Certified Copy of Deeds for all lots;
4. Municipal Lien Certificates (MLCs have been ordered and will be submitted upon receipt); and
5. Check in the amount of \$100.00, the required Application Fee;

The following design waivers are requested for the proposed project:

1. To the extent that Adams Street is considered frontage for the project, the following waiver is requested: from §503A – to be 60%.
2. To the extend that the building entry is considered to be on Adams Street and not from Marcello Street, out of an abundance of caution, we require a design waiver from §503.A.2 of the Zoning Ordinance which provides “all buildings shall have an orientation to and entrance from the sidewalk along the primary building frontage.”



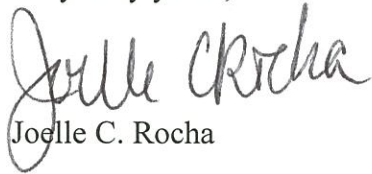
3. We respectfully request a waiver from the submission of drainage calculations at this state, requesting instead to submit them with the final plan submission;

We would also request an extension of the preliminary plan approval, from 90 days to 180 days in order to have sufficient time to record final plan.

As will be discussed at the hearing from our design team, we believe the design utilizes Marcello Street along our property line to its best advantage.

If you have any questions or require any additional information, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script, reading "Joelle C. Rocha". The signature is written in dark ink and is positioned above the printed name.

Joelle C. Rocha

Enclosures



Application certified complete  
on \_\_\_\_\_  
by \_\_\_\_\_  
(for DPD office use only)

**City Of Providence- City Plan Commission**  
**Application for Minor Subdivision or Minor Land Development Project**

Date 10/6/2020

**1. General Information**

A. Assessor's Plat(s): 28 Lot(s): 1081

B. Street Address, if Applicable 17 Marcello Street

C. Applicant's Name, Address, Telephone no.

John Caprio c/o Joelle C. Rocha, Esq., Kelly, Souza, Rocha & Parmenter, PC

128 Dorrance street, Suite 300, Providence, RI 02901

401-490-7334; jrocha@ksrplaw.com

D. Owner's Name, Address, Telephone no. (include all owners of property)

Same

**2. Description of Change**

To construct a 4 story multi-family apartment building with a full basement. Total building square  
footage = 32,056 s.f. (not including basement). Building to consist of 29 dwelling units.

(a) Preferred assigned address after subdivision (subject to availability): \_\_\_\_\_

**3. Tax Obligation**

Current Tax Obligation for Assessor's Plat(s): 28 Lot(s): 1081

X has been met by the owner for tax period ending December, 2019

   has not been met by the owner. (Submission is not complete until taxes are paid.)

**4. Owner/Applicant Signature(s) and date** [Signature] 10/6/20

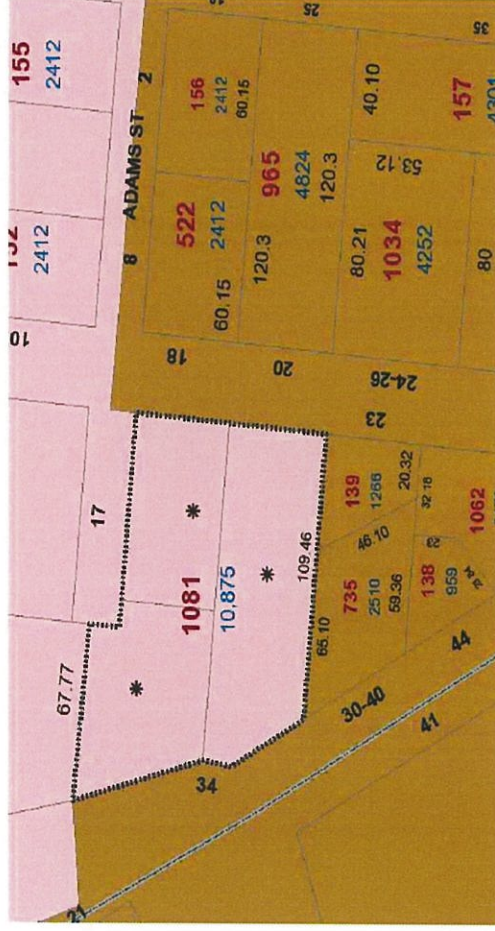
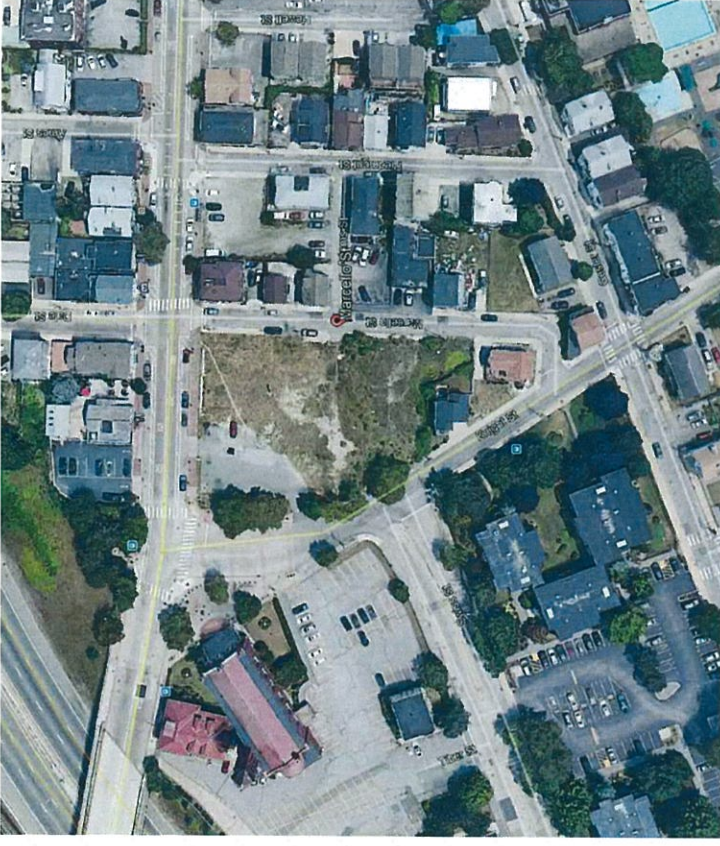
Application received on \_\_\_\_\_ by \_\_\_\_\_



# MARCELLO STREET APARTMENTS PRESENTATION

SEPTEMBER 2020



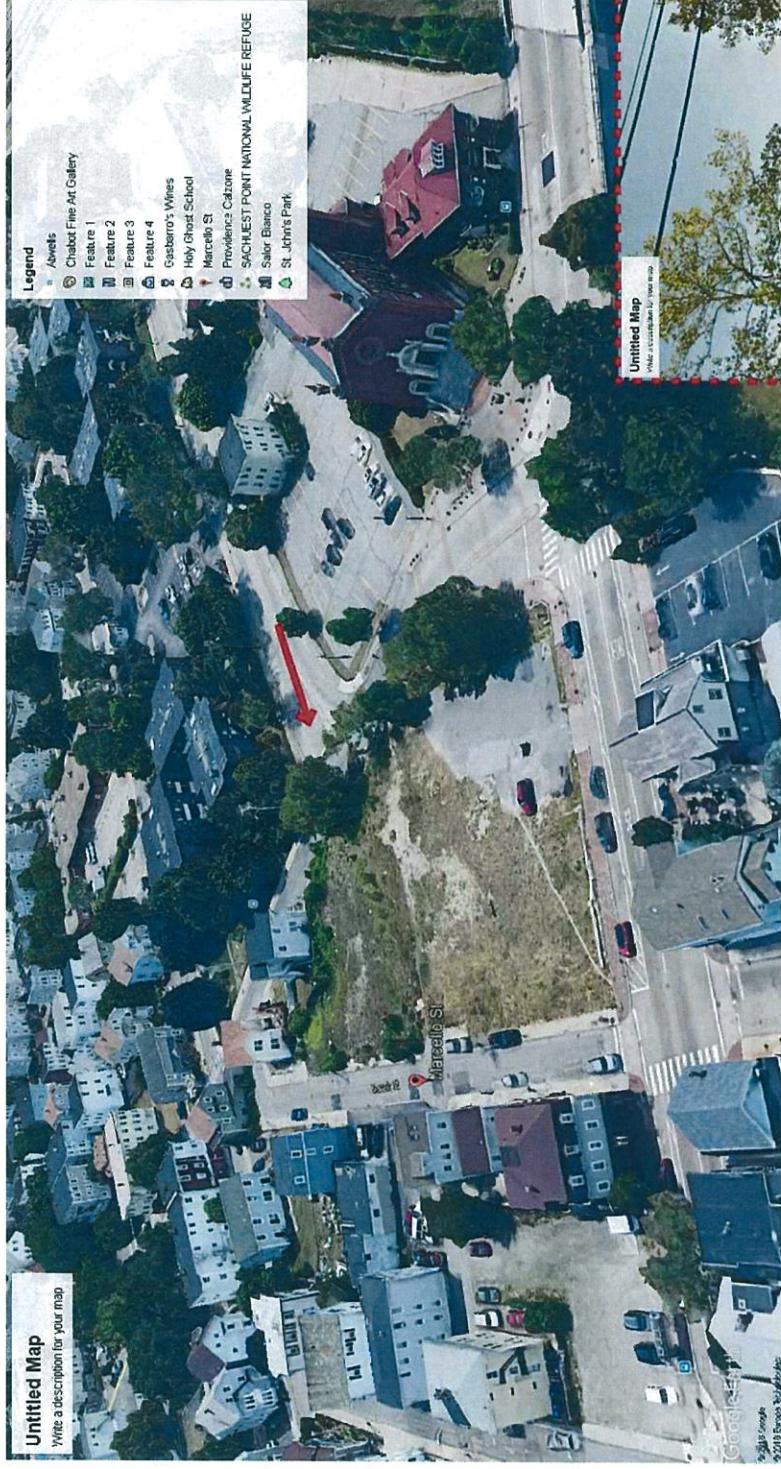


## MARCELLO STREET APARTMENTS

SEPTEMBER, 2020







EXISTING CONDITIONS

MARCELLO STREET APARTMENTS

SEPTEMBER, 2020

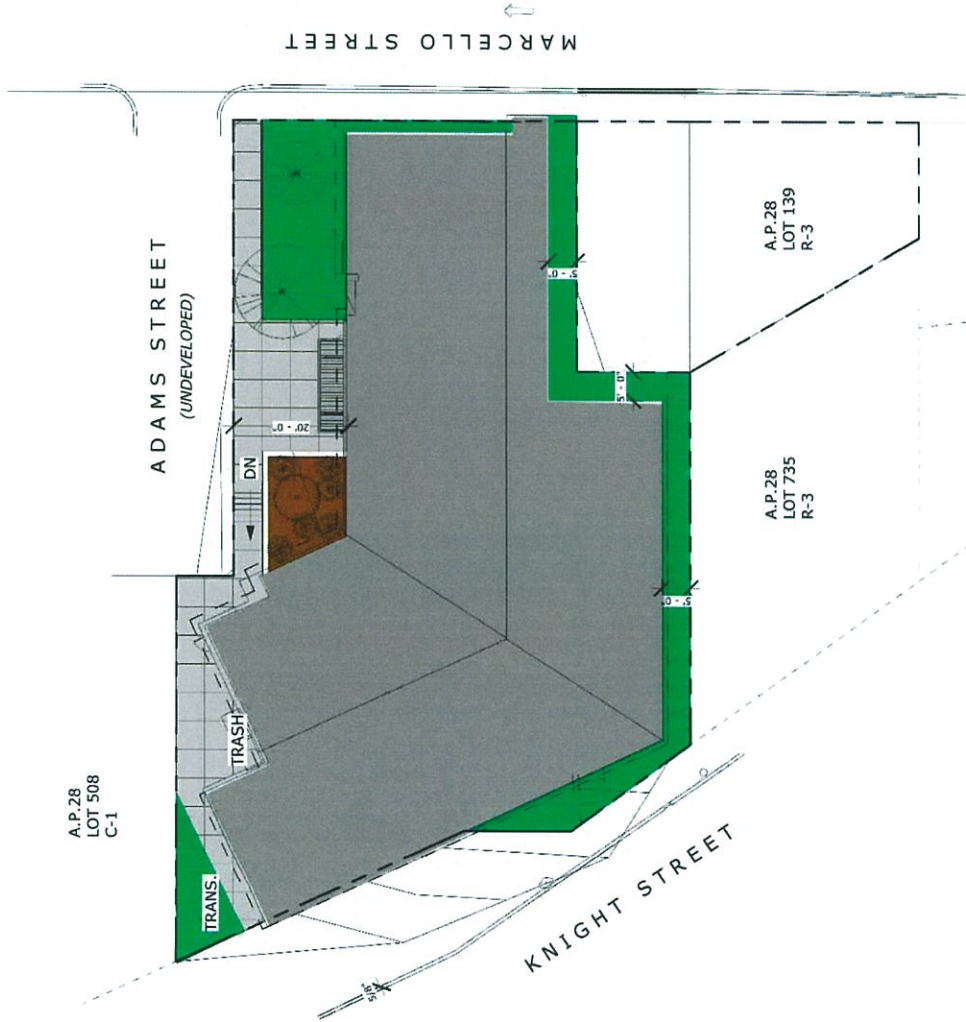
ZDS



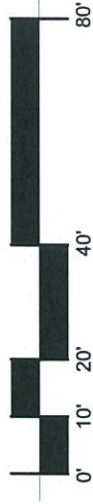
# MARCELLO STREET APARTMENTS

SDS





1. PROPOSED ZONING DISTRICT C-1
  - A. MULTI-FAMILY DWELLING IS PERMITTED
  - B. MINIMUM LOT AREA - NONE
  - C. MINIMUM LOT FRONTAGE - NONE
  - D. MINIMUM SETBACK:
    - FRONT - BUILD TO ZONE OF 0' - 5'
    - SIDE NONE, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 5'
    - REAR NONE, UNLESS ABUTTING A RESIDENTIAL DISTRICT, THEN 10'
  - E. MAXIMUM BUILDING & IMPERVIOUS SURFACE COVERAGE - NONE
  - F. MAXIMUM BUILDING HEIGHT - 45' NOT TO EXCEED 4 STORIES
  - G. MINIMUM FIRST STORY HEIGHT - 9' RES, 11' NON-RES USE
  - H. MINIMUM BUILDING HEIGHT - 16'
  - I. NO PARKING REQUIREMENT WITH A LOT LESS THAN 10,000 SQ FT
  - J. REQUIRED TREE CANOPY (1503 / C)
    - 15% OF THE LOT SQUARE FOOTAGE
    - 9,994 SF X 15% = 1,499.1 SF
    - 1 LARGE TREE + 1 MEDIUM TREE (1,000 + 700 = 1,700)
2. TOTAL LOT AREA - 9,994 SQ FT
3. BUILDING FOOTPRINT - 6,479 SQ FT
4. TOTAL UNITS - 29 - (8) 1 BEDROOM, (1) 1 BED + DEN, (20) 2 BEDROOM
5. TOTAL PARKING - 0

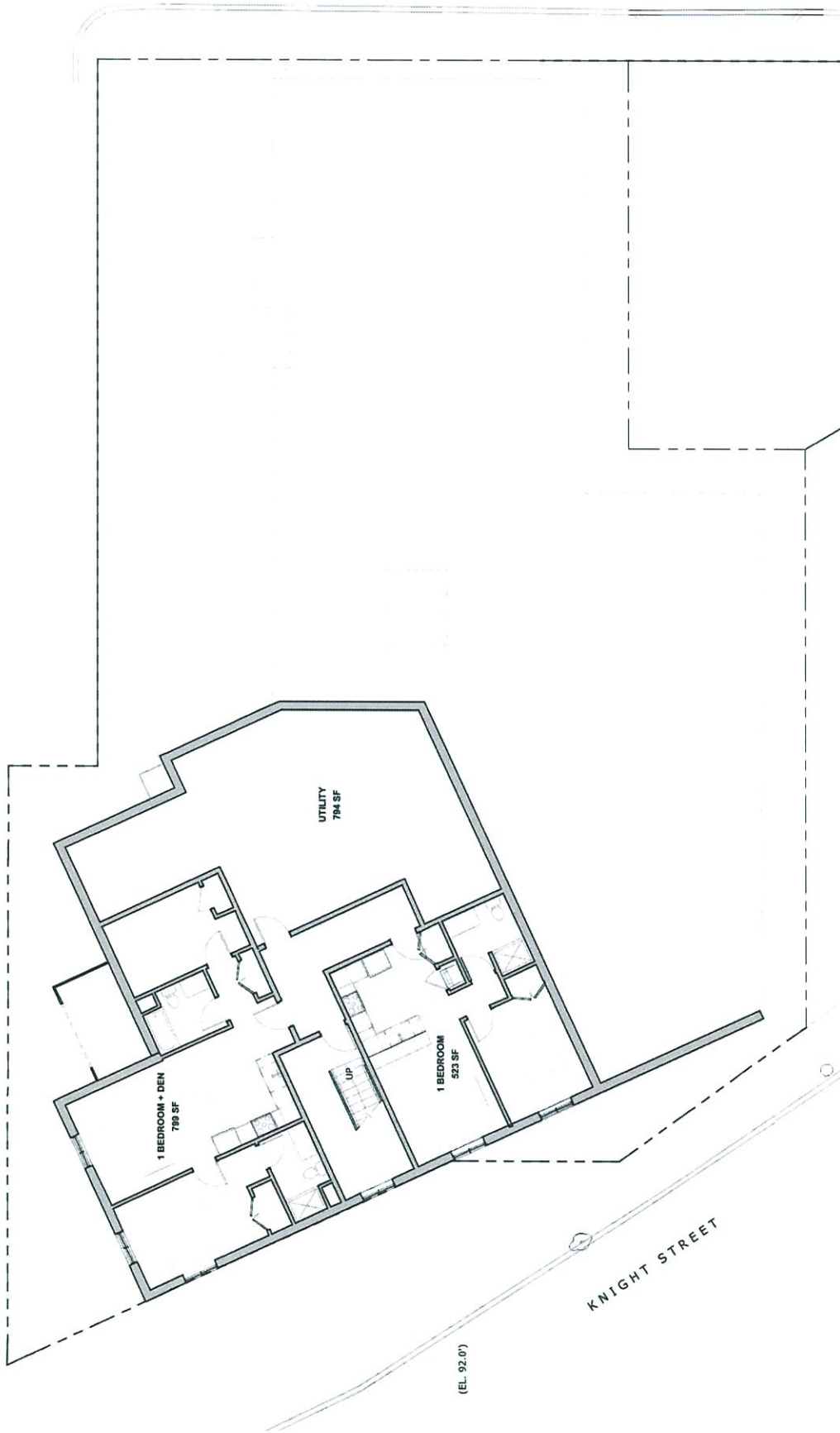


SITE PLAN

MARCELLO STREET APARTMENTS

SEPTEMBER, 2020

ZDS



(EL. 92.0')

KNIGHT STREET

MARCELLO STREET

2



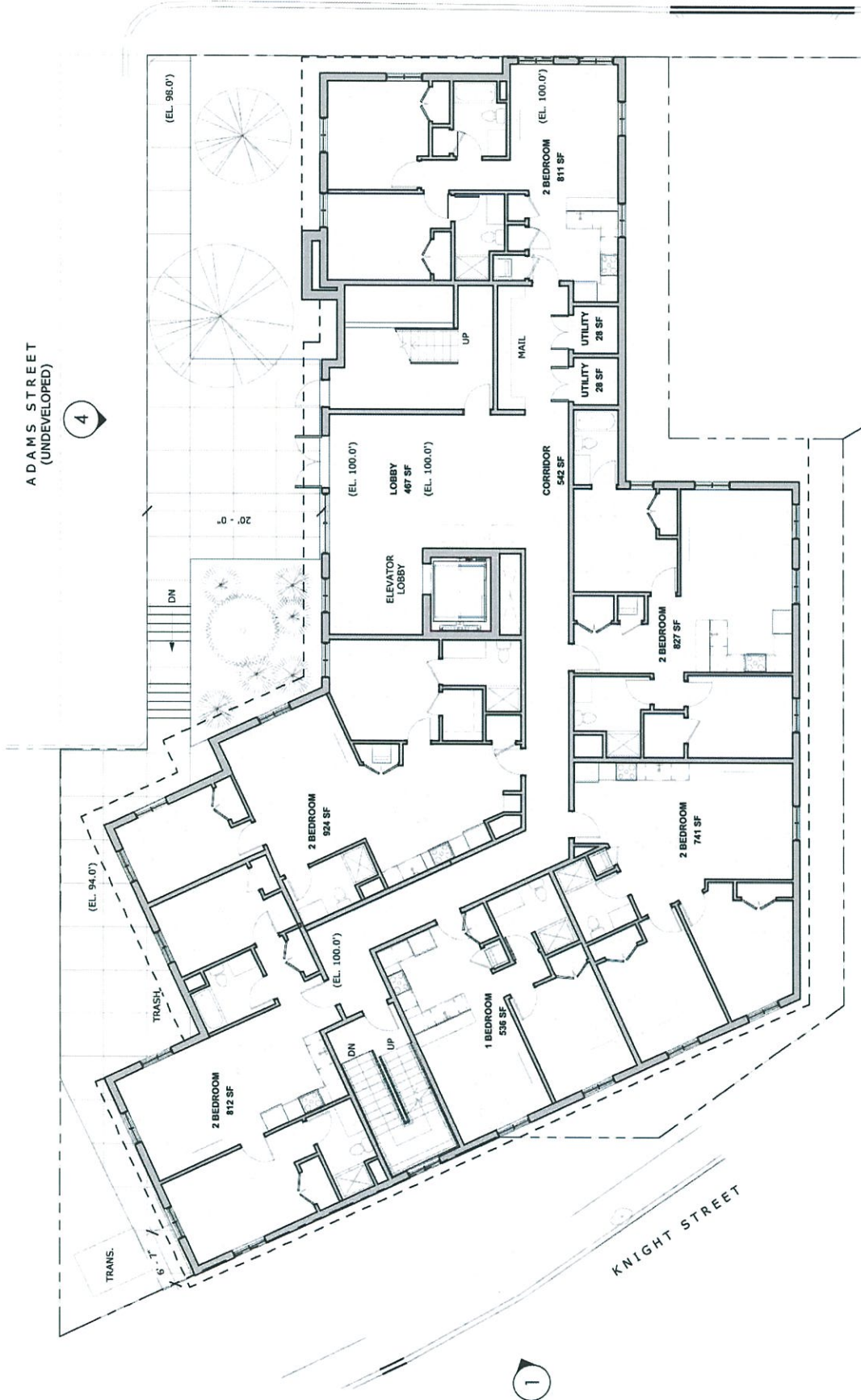
THIS FLOOR:  
(1) ONE BEDROOM UNIT  
(1) ONE BED+DEN UNIT  
2,470 SF

BUILDING TOTAL:  
(8) ONE BEDROOM UNITS  
(1) ONE BED+DEN UNIT  
(20) TWO BEDROOM UNITS

LOWER LEVEL PLAN  
MARCELLO STREET APARTMENTS  
SEPTEMBER, 2020







# FIRST FLOOR PLAN

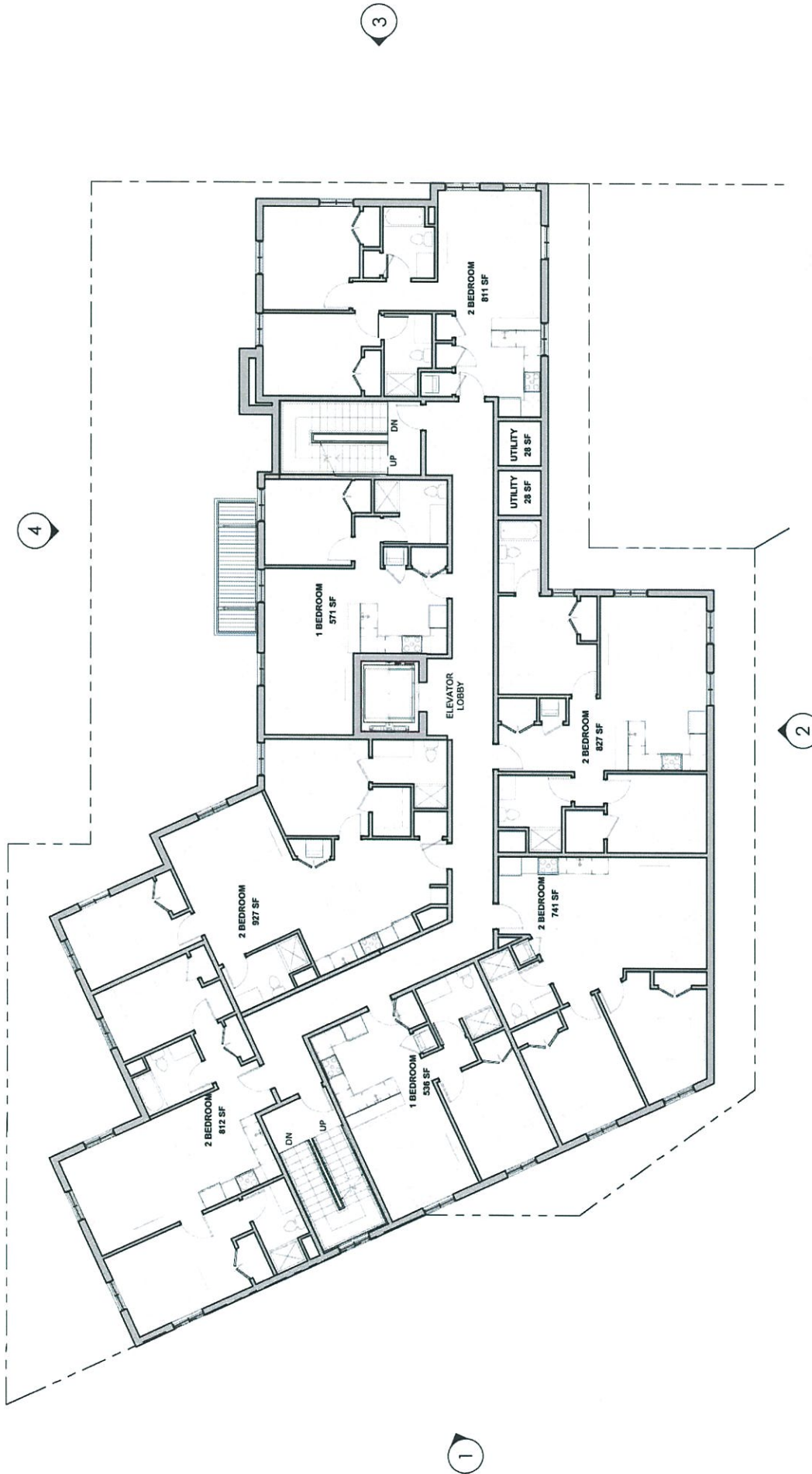
## MARCELLO STREET APARTMENTS

SEPTEMBER, 2020

THIS FLOOR:  
(1) ONE BEDROOM UNITS  
(5) TWO BEDROOM UNITS  
6,479 SF

BUILDING TOTAL:  
(8) ONE BEDROOM UNITS  
(1) ONE BED+DEN UNIT  
(20) TWO BEDROOM UNITS





TYPICAL 2ND-4TH FLOOR PLAN  
**MARCELLO STREET APARTMENTS**  
 SEPTEMBER, 2020



THIS FLOOR:  
 (2) ONE BEDROOM UNITS  
 (5) TWO BEDROOM UNITS  
 6,479 SF

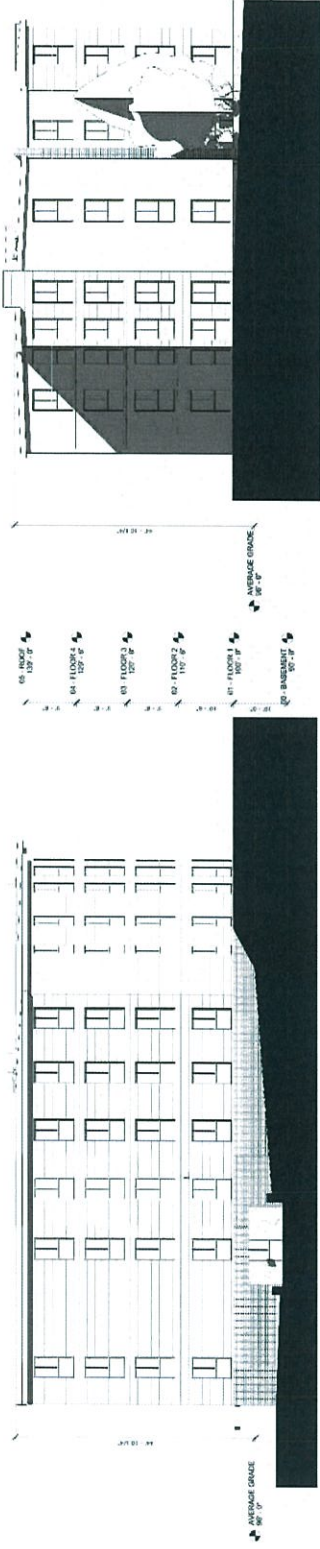
BUILDING TOTAL:  
 (8) ONE BEDROOM UNITS  
 (1) ONE BED+DEN UNIT  
 (20) TWO BEDROOM UNITS  
 6,479 SF



BRICK VENEER

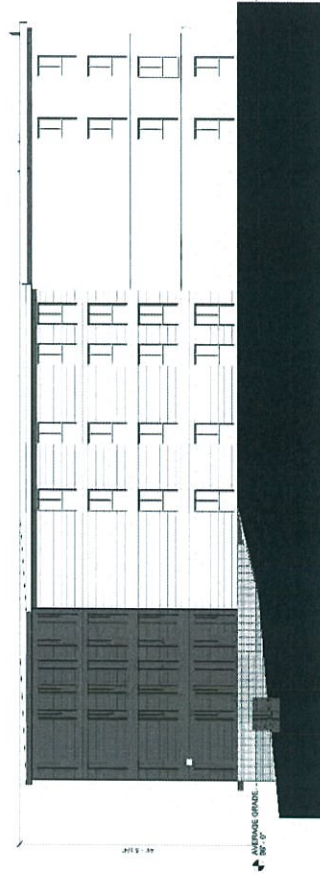


FIBER CEMENT PANELS

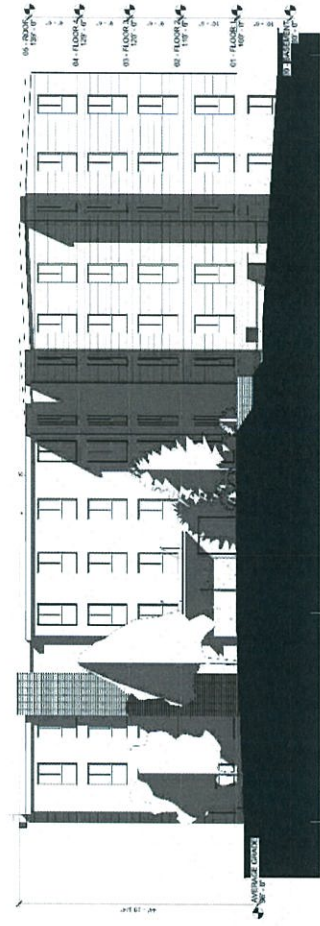


1) WEST ELEVATION

3) EAST ELEVATION



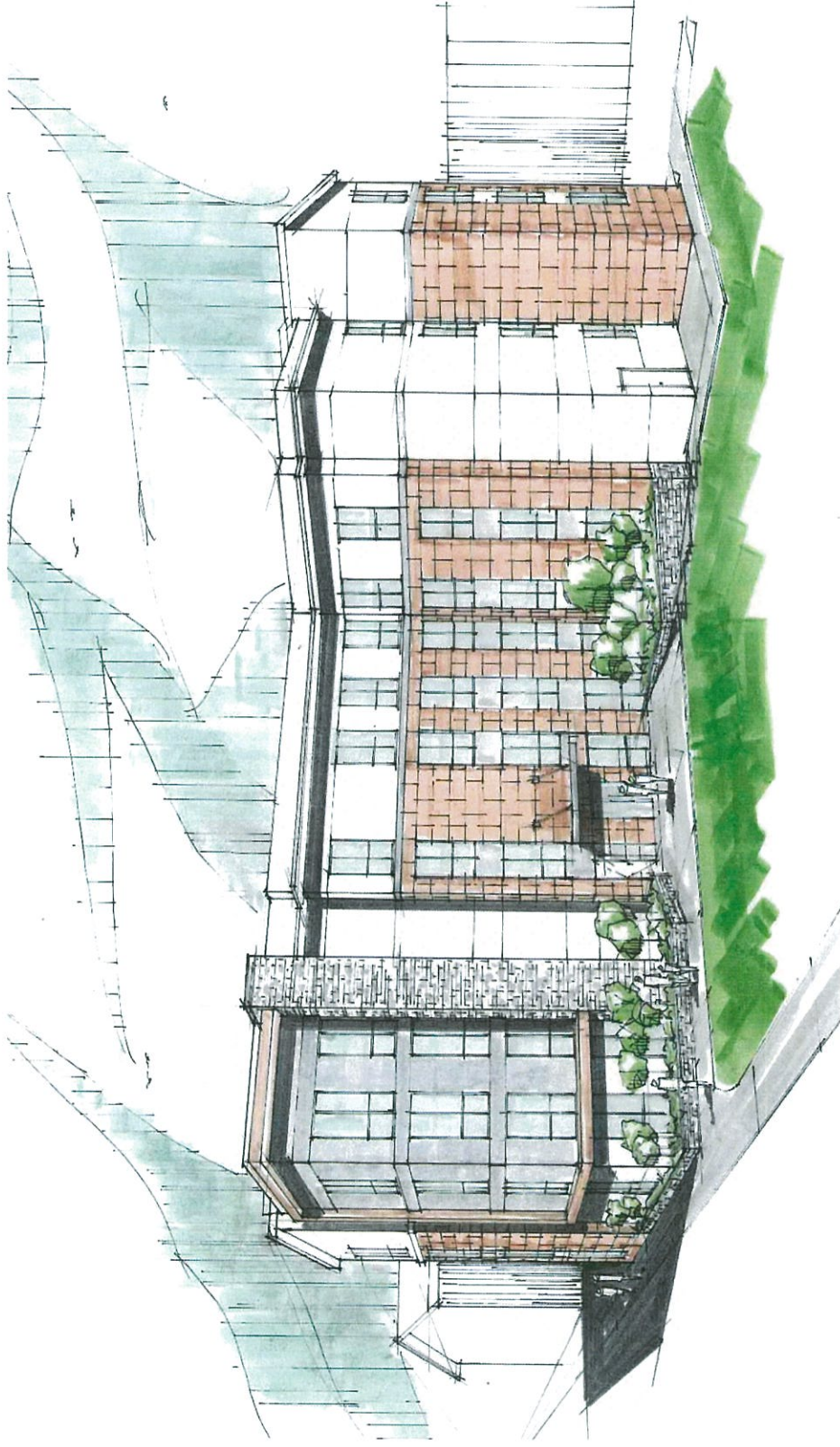
2) SOUTH ELEVATION



4) NORTH ELEVATION

# ELEVATIONS AND MATERIAL BOARD MARCELLO STREET APARTMENTS SEPTEMBER, 2020





# MARCELLO STREET APARTMENTS

SEPTEMBER, 2020

### WARRANTY DEED

I, **David A Corsetti**, of the City of Providence, County of Providence, State of Rhode Island, for the consideration of EIGHTY FIVE THOUSAND DOLLARS (\$85,000.00), grant to **John Caprio**, as Sole Owner with WARRANTY COVENANTS:

**SEE EXHIBIT "A" ATTACHED HERETO  
AND INCORPORATED HEREIN**

The undersigned hereby certifies that it has complied with the Rhode Island Fire Safety Law.

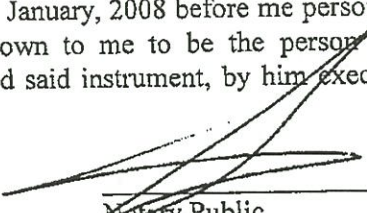
This transfer is such that no R.I.G.L. 44-30-71.3 withholding is required as seller, David A Corsetti is a resident of Rhode Island as evidenced by affidavit.

Witness my hands this 17 day of January, 2008.

  
David A Corsetti

State of Rhode Island  
County of Providence

In Providence, on the 17 day of January, 2008 before me personally appeared **David A Corsetti** to me known and known to me to be the person executing the foregoing instrument, and he acknowledged said instrument, by him executed to be his free act and deed.

  
Notary Public  
My Comm Exp:

Property Address:  
17 Marcello Street  
Providence, RI

Gravel Mail Add.  
32 Custom House St  
Providence, RI



## Exhibit A

That certain parcel of land, with all the buildings and improvements thereon, situated at the southwesterly corner of Adams Street and Marcello Street, in the City of Providence, in the State of Rhode Island, bounded and described as follows:

Beginning at said corner; thence running westerly bounding northerly on said Adams Street seventy (70) feet to land now or lately at Federico Patriarca et al; then turning a right angle and running southerly bounding westerly on said Patriarca land forty and 1/10 (40.1) feet to land now or lately of Assunta Patriarca; thence turning and running easterly bounding southerly on said Patriarca land seventy (70) feet to Marcello Street; thence turning and running northerly bounding easterly on said Marcello Street forty and 1/10 (40.1) feet to the point of beginning. And recorded November 8, 1972 in Book 1171 Page 87 in the Record of Deeds in the City of Providence.

Property Address:

17 Marcello Street  
Providence, RI

Plat: 28      Lot: 142

### RECEIVED:

Providence  
Received for Record  
Jan 24, 2008 at 08:45:45A  
Document Num: 00001788  
John A. Murphy  
Recorder of Deeds

TRUE COPY  
RECORDER OF DEEDS  
PROVIDENCE, R.I.

057875  
RECEIVED FOR RECORD

at book 8985  
pages 278-279

ATTEST

AUG 16 2019

CERTIFIED COPY

**WARRANTY DEED**

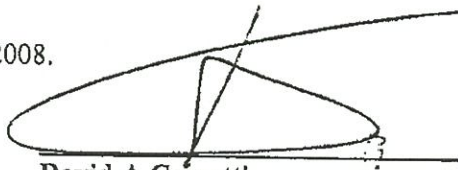
I, **David A Corsetti**, of the City of Providence, County of Providence, State of Rhode Island, for the consideration of NINETY FOUR THOUSAND DOLLARS (\$94,000.00), grant to **John Caprio**, as Sole Owner with WARRANTY COVENANTS:

**SEE EXHIBIT "A" ATTACHED HERETO  
AND INCORPORATED HEREIN**

The undersigned hereby certifies that it has complied with the Rhode Island Fire Safety Law.


This transfer is such that no R.I.G.L. 44-30-71.3 withholding is required as seller, David A Corsetti is a resident of Rhode Island as evidenced by affidavit.

Witness my hands this 17 day of January, 2008.

  
David A Corsetti

State of Rhode Island  
County of Providence

In Providence, on the 17 day of January, 2008 before me personally appeared **David A Corsetti** to me known and known to me to be the person executing the foregoing instrument, and he acknowledged said instrument, by him executed to be his free act and deed.

  
Notary Public  
My Comm Exp:

Property Address:  
34 Knight Street & 23 Marcello Street  
Providence, RI

Grow-up mail address  
32 Custom House St  
Providence, RI 02903

## Exhibit A

### PARCEL I:

That certain tract or parcel of land with all the buildings and improvements thereon, situated on the easterly side of Knight Street and the westerly side of Marcello Street, in the City of Providence, County of Providence, State of Rhode Island, comprised of Lots No. 9 (nine) and 10 (ten) on that plat entitled, "PLAT OF LOTS IN THE CITY OF PROVIDENCE BELONGING TO DR. HEWITT SURVEYED AND PLATTED BY S.B. CUSHING MARCH 1942," which plat is recorded in the office of the Recorder of Deeds of the City of Providence on Plat Card 20.

### PARCEL II:

That certain tract or parcel of land with all improvements thereon situated on the westerly side of Marcello Street in the City of Providence, County of Providence, State of Rhode Island is herein bounded and described;

Beginning at the most northeasterly corner of the herein described parcel, said corner being located forty (40) feet southwesterly of the intersection of the southerly street line of Adams Street with the westerly line of Marcello Street;

Thence proceeding along the westerly street line of Marcello Street in a southerly direction a distance of forty and 10/100 (40.10') feet to a point;

Thence turning an interior angle of 90 degrees 00' 00" and proceeding in a westerly direction, bounded southerly by assessor's plat 28 lot 731 a distance of twenty eight and 32/100 (28.32') feet to a point;

Thence turning an interior angle of 119 degrees 30' 00" and proceeding in a northerly direction, bounded westerly by assessor's plat 28 lot 735 a distance of forty six and 07/100 (46.07') feet to a point;

Thence turning an interior angle of 60 degrees 30' 00" and proceeding in a easterly direction, bounded northerly by assessor's plat 28 lot 140 a distance of fifty one and 01/100 (51.01') feet to the point and place of beginning, the last herein described course forms an interior angle of 90 degrees 00' 00" with the first herein described course.

Said parcel contains 1,590 square feet more or less.

### RECEIVED:

Property Address:

23 Marcello Street  
Providence, RI

and

Providence  
Received for Record  
Jan 24, 2008 at 08:46:44A  
34 Knight Street  
Providence, RI  
Recorder of Deeds

Plat: 28 Lot: 139

Plat: 28 Lot: 140

TRUE COPY  
RECORDER OF DEEDS  
PROVIDENCE, R.I.

057877  
RECEIVED FOR RECORD

ATTEST

at book 8985  
pages 280-281

AUG 16 2019

CERTIFIED COPY