



EAST PROVIDENCE WATERFRONT SPECIAL DEVELOPMENT DISTRICT COMMISSION

MEMORANDUM

Date: July 2, 2021
To: Design Review Committee, Hearing Panel & Waterfront Commission
From: Chris Martin, Executive Director
RE: Advisory Recommendation to the Waterfront Commission

Owner: W. Mark Russo, Esq., Special Master
Applicant: Noble Development, LLC
Address: 300 Bourne Ave & 0 Bourne Ave
Assessor's: Map 203/ Block 1/Lot 4 & Map 303/ Block 13/ Lots 4 & 5
Zoning: Phillipsdale Sub-district

Introduction

This is an application for development from Noble Development, LLC ("Applicant") for a project titled East Point. The entire East Point project at 300 Bourne Ave and 0 Bourne Avenue contains approximately 27.11 acres over three parcels. The Seekonk River Parcel ("River Parcel") contains 18.8 acres, and the two lots comprising the Omega Pond Parcel ("Pond Parcel") contain approximately 7.08 and 1.23 acres respectively. As set forth in the "Land Use Goals and Objectives" section of the East Providence Comprehensive Plan, the River Parcel would be characterized a "Medium Density Development," containing less than fifteen units per acre, and the Pond Parcel will be considered a high density development, containing less than twenty five dwelling units per acre. On the River Parcel there will be 149 parking spaces provided for the 86 multi-family units, 199 spaces provided for the 136 apartment units and 2 spaces per single family (14 units) and duplex (12 units), provided in garages and driveways. On the Pond Parcel, there will be 24 parking spaces for the 10 townhouse units, and 208 spaces for the 134 apartment units.

East Point is a proposed redevelopment of a Brownfield site located in the Phillipsdale Landing sub district of the East Providence Waterfront District. The site was formerly owned and operated by Ocean State Steel ("Ocean State") as a steel manufacturing facility and was left severely contaminated. After Ocean State abandoned the site, the property was purchased by GeoNova Development Company LLC ("GeoNova") and was subsequently remediated in accordance with the Waste Management requirements set forth by the Rhode Island Department of Environmental Management ("DEM"). Following the completion of the requisite remediation, three (3) Environmental Land Use Restrictions encumbering specific locations on the property remain in place, as shown on the Layout Plan accompanying this application. In 2014, W. Mark Russo, Esq. was appointed Special Master for the property for the specific purpose of implementing, supervising and bringing to conclusion a Confidential Settlement Agreement entered into between GeoNova and the City of East Providence. A Real Estate Purchase and Sale Agreement (the "P&S") between Noble and the Special Master was executed by Noble on July 28, 2020, and the Special Master August 4, 2020. The P&S contemplates a closing on the Property in the 4th quarter of 2021, but currently requires Noble to complete its permitting for the proposed development and/or waive all permit-related contingencies no later than July 2021. The applicant is also working with Providence and Worcester ("P&W") on a rail crossing that would connect the River and Pond Parcels.

The proposed development is projected to contain three hundred ninety two (392) total units - One Hundred Thirty Six (136) Rental Units and One Hundred Twelve (112) condominiums to be located upon the River Parcel (Map 203, Block 1, Lot 4); and One Hundred Thirty Four (134) rental units and Ten (10) condominiums on the Pond Parcel (Map 203, Block 13, Lots 4 and 5). The proposed single-family units are a conditional use in Phillipsdale. Allowing for these will ensure a wide range of housing options in a time where they are scarce in East Providence. Consistent with the requirements of Section 19-485 of the Waterfront Special Development District Regulations, and subject to the variance requests set out

in this memo, the applicant proposes to include the requisite ten percent minimum inclusionary requirement for affordable housing as well.

Per the P&S, the property is being purchased out of the special mastership in two phases over 18 months. The River Parcel will be developed as Phase 1 and will likely take four (4) years to build all the units. The Pond Parcel will be acquired within a year or so thereafter, will be the second phase and will start construction within two (2) years of the initial acquisition and likely take four (4) years start to finish to complete the buildout. The overall duration of the project is therefore estimated to take seven (7) years.

East Point will have various style and size residential units similar to Churchill & Banks Companies' recent project, Kettle Point. Units will range from 1-, 2- and 3-bedroom rental apartments with gym and pool amenities, to single family style units that are designed on pier foundations, given that a significant portion of the property is in the V zone flood plain. A various assortment of single level condominiums geared toward an older buyer demographic and three (3) level townhouse units geared toward a younger demographic will be offered as well.

East Point will have approximately 0.95 acres of public open space, including 0.70 acres along the Seekonk River and 0.20 acres along Omega Pond for public access, with numerous walking trails, bike lanes (specifically the inclusion of a bike path along the main entranceway to the site), seating areas and fishing spots. Additionally, the applicant proposes to install a canoe launch at the point of the Pond Parcel in furtherance of Noble's intention to provide enhanced public access to the East Providence shoreline. All open space will benefit residents of the development as well as the general public. The project will be served by public water and sewer. All stormwater will be captured and treated on site in accordance with the Coastal Resource Management Council ("CRMC") requirements and the best practices in sustainable design. The project will also include removal and disposal of a century old barge in the Seekonk River.

Background

A Pre-application meeting was held May 14, 2021, attended by Waterfront Commission staff, Glen Fontecchio—WC architectural consultant, Sara Bradford—WC landscape consultant, Staff from Gordon Archibald, Inc.—WC Traffic and Stormwater consultants, Staff from East Providence Dept. of Public Works, Engineering Dept., Fire Dept., and Planning Dept. A design workshop was held on May 20, 2021. Application was received April 23, 2021 and certified complete June 11, 2021 (East Providence Land Development and Decision Index: Book 11, Page 29). Certified and first class mailing was sent to owners in the 200-foot notice area on June 21, 2021 and a legal notice was published in the June 17, 2021 East Providence Post, both indicating that a Design Review Committee and Hearing Panel hearing is scheduled for July 7, 2021 at 6:30 pm and full Waterfront Commission hearing is scheduled for July 15, 2021 at 6:30 pm. Legal notice including the certified mailing was conducted in accordance with Sec 19-477 of the East Providence Zoning Ordinance.

Fiscal Impact Study (FIS)

The FIS demonstrates that the East Point development project will provide a significant financial benefit to the City, including an estimated \$32M in recurring revenues over 30 years in net property taxes. The project is estimated to provide 859 temporary jobs related to the residential construction and 9 permanent jobs related to apartment management.

Traffic Impact Study (TIS)

A TIS was conducted by BETA Group, Inc. in April of 2021. Based upon the data collected on the servicing roadways, the analysis completed as part of the study, along with the access design proposed including recommendations, the residential redevelopment project was determined to have adequate and safe access to a public street, and will not have an adverse impact on public safety and welfare in the study area.

A summary of other findings includes: Clearing of overgrowth at the southwest corner of Bourne & Roger Williams Ave will occur on the subject property, creating better site lines; the pedestrian equipment provided at the intersection of Roger Williams at North Broadway & Centre Street is non-functioning, which the consultant recommends the City work to fix; the estimated increase in traffic during the peak periods resulting from the proposed residential project will have

a minor effect on overall traffic operations along Roger Williams Ave, particularly during the daily morning and afternoon peak hours when the site services its greatest daily volumes.

Affordable Housing

As required by Article IX, Section 19-485 of the East Providence Zoning Ordinance, a minimum of ten percent (10%) of the residential units provide affordable housing units for low- and moderate-income households in order to ensure safe, decent and affordable housing to families, elderly and people with special needs. The applicant has proposed to meet this requirement and provide no less than ten percent affordable units. These units will be allocated in a separate building on-site on the Pond Parcel and provide affordable units to elderly residents. Per conversations with the applicant and Melina Lodge at Housing Network, RI, the decision to keep the elderly affordable units separate will ensure a supportive age-in-place environment for the eligible tenants.

Existing HUD Loans

The sale and development of this property will benefit the City of East Providence in two significant ways regarding the federal funds the city invested. The first is by reaching the goal of a past Brownfields Grant of \$5,000,000 that was used to mitigate the heavy metals left from its industrial past that enabled its redevelopment. The second is by using the proceeds of the sale to elevate the financial burden of paying the debt services on a Section 108 loan originally for \$3,000,000 a portion of which was used for the purchase of the property. The City would no longer have to use an average of \$280,000 per year from their annual entitlement grant from the US Department of Housing and Urban Development (HUD). The funds from the sale will be used for the defeasance of the \$556,770 principal and interest still owed on the loan and reimburse a portion of the \$3,678,683 the City has already paid for its debt service that the original developer was responsible for.

Tax Increment Financing

The procurement of a TIF (Tax Increment Financing) is a requirement of the purchase agreement with the receiver. The applicant intends to file an application for the TIF following its receipt of the requisite approvals from the City and State, anticipated in late summer 2021. The TIF is estimated to be for approximately Nineteen Million Dollars (\$19,000,000), approximately Fourteen Million (\$14,000,000) of which would be applied to fund the public improvements and project infrastructure. The applicant estimates that the fiscal impact of the TIF to generate in excess of Thirty-Two Million Dollars (\$32,000,000) in net revenue (meaning this revenue would be in excess of what is required to repay the TIF Bonds) to the City of East Providence as well over the life of the bond. The parcels currently generate \$0.00 in tax revenue due to the lots in question being owned by the City.

Consistency with the 2003 East Providence Waterfront Plan

East Point supports many of the goals and objectives stated in the Plan as described below.

Goal 1: General Land Use Goals.

East Point is a project that benefits from the reclamation of a brownfield site. The site was remediated by the previous owner, GeoNova Development Company, LLC in early 2005. The development takes a dilapidated piece of property and will add almost 400 units of housing designed and priced to a wide demographic.

Goal 2: Expand and Enhance Waterfront Public Access and Transportation Opportunities

The development will provide significant public access along .9 acres of what is now a perpetually neglected portion of the East Providence shoreline in an environmentally conscious manner. There will be a public kayak and canoe launch on Omega Pond.

Goal 3: Enhance Waterfront Special Development District Economic Opportunities

East Point will create a waterfront destination for residents and visitors alike. The development will create 859 temporary construction jobs and 9 permanent jobs related to management of the development. The provision of a wide range of housing options will work to stimulate the local economy.

Goal 4: Enhance the Attractiveness of the Project Area

The buildings, streets and streetscape are designed to enhance the accessible greenspace in the area. There are also plans to incorporate historic signage and include public art opportunities in the public areas of East Point.

The addition of bike facilities, bike racks and accessible sidewalks throughout will encourage multi-modal transportation uses for residents and visitors. There will be a number of public areas furnished with seating areas through natural and man-made functional pieces.

Goal 5: Protect and Enhance the Natural Waterfront Environment

The project utilizes sustainable design principals and meets all requirements for stormwater management and groundwater runoff. The landscape plan includes native, non-invasive, sustainable, draught-resistant and low maintenance plants and deciduous trees that are sustainable for an urban environment.

Goal 7: Protect Existing Residential Land Uses on Roger Williams Ave

By creating 392 residential units over 27+ acres of land, the development of East Point will protect the existing residential land use along Roger Williams Ave from commercial encroachment and from conversion to commercial land uses. This development will improve the public open space and infrastructure for the area residents and workforce near Phillipsdale.

Consistency with the East Providence Comprehensive Plan

On June 9, 2021 the East Providence Planning Board voted unanimously to provide a positive recommendation to the Waterfront Commission that the East Point development is consistent with the City's 2010-2015 Comprehensive Plan.

Deviations Requested

The applicant has requested the following deviations:

1. Conditional Uses
 - a. Pursuant to Section 19-481, in the Phillipsdale Subdistrict, within which the subject property is located, single family residential is a conditional use. As shown on the site permitting plans (sheets C-6 and C-7) there will be dedicated single family units, so while these structures are actually part of an overall condominium scheme and will be marketed for sale as units within a larger development, there are certain structures which are intended to be built as single-family residences, and the applicant hereby requests a conditional use provision approval for those buildings.
2. Waiver Requests
 - a. Section 19-482, 5(D)(1), Sidewalks
The Regulations require sidewalks to be constructed along both sides of all proposed street in subdivisions or land development projects and there is a required sidewalk width of six (6) feet. The proposal contemplates sidewalks on one side of the project with a width of five (5) feet; waivers have therefore been requested from both of these requirements.
 - b. Section 19-482, 5(D)(2), Streets
The Regulations call for minimum Rights of Way width of 50 feet. The proposal contemplates a Right of Way with a width of 40 feet.
 - c. Section 19-482, 1(D)(2), Right of Way Division
The Regulations establish the requisite paved width for a minor street at 30 feet, and the proposal contains paved width of both 24 and 22 feet for the minor streets located within the development.
 - d. Section 19-483, (h)(7), Landscaping
All Plantings should be irrigated using latent drip technologies. The development provides for provisions as outlined on the Landscape Notes, as included on the Landscape Plan Set, to Irrigate All Plantings Until Proper Establishment, in accordance with Section 19-454 of the City Zoning Ordinance. Noble also proposes to maintain the vegetation for two (2) years following the completion of construction.
 - e. Section 19-482, 1(D)(4), Street Lighting
Street lights may be placed at larger intervals than 100-ft to better accommodate landscaping and relationship with intersections and curb cuts. Noble proposes street lighting to be placed at 300 foot intervals.
 - f. Section 19-485, 6, Affordable Housing
"Inclusionary units must be distributed throughout the development." Applicant proposes to house the requisite number of affordable units (1/10th) of the overall unit count, or thirty-nine (39) units), as rental units in a single building.

- g. Section 19-482, 5(E), Performance Standards (Parking for High Density Developments)
The Regulations establish a requisite two (2) parking spaces for each unit in a “high density residential” use as established by the East Providence Comprehensive Plan. The project proposes approximately two (2) spaces for each multifamily unit and 1.5 spaces per apartment unit in high density residential areas. This is a reduction in total parking spaces from the requisite amount.

Votes

The following draft recommendations are based on staff, architectural, landscape and engineering consultants’ review and are subject to amendment based on testimony received at the July 7 & 15, 2021 hearings.

Hearing Panel Action

Conditional Use: Based upon the evidence of the applicant, the testimony of members of the public and the materials submitted, The Hearing Panel votes to send a positive advisory opinion to the Waterfront Commission on a conditional use provision to allow for single family homes on the site.

Waiver Requests: Based upon the evidence of the applicant, the testimony of members of the public and the materials submitted, The Hearing Panel finds the following:

1. That the literal enforcement of the regulations relating to the requirement that any street must have two sidewalks as outlined in Section 19-482 of the East Providence Zoning Ordinance, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience.
2. That the literal enforcement of the regulations relating to the requirement that sidewalks must maintain a width of 6’ as outlined in Section 19-482 of the East Providence Zoning Ordinance, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience.
3. That the literal enforcement of the regulations relating to the requirement for minimum Rights of Way width of 50 feet as outlined in Section 19-482 of the East Providence Zoning Ordinance, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience.
4. That the literal enforcement of the regulations relating to the requirement of minor street width be 24’ as outlined in section 19-482 of the East Providence Zoning Ordinance, Article IX, would preclude the full enjoyment of the owner as a permitted use and would amount to more than a mere inconvenience.
5. That the requirement in section 19-483 of the East Providence Zoning Ordinance, Article IX to maintain plantings with latent drip technologies won’t be necessary since the applicant will also maintain the landscaping until establishment and for up to 2 years following construction;
6. That the requirement in Section 19-485 of the East Providence Zoning Ordinance, Article IX requiring affordable housing to be distributed throughout the development allow affordable units located in one building on-site. This will allow for the building that is deed restricted as affordable housing for elderly residents to serve as a supportive age-in-place environment for the eligible tenants.
7. That the reduction in total parking using 1.5 spaces per apartment unit in high density residential use on the “Pond Parcel” will increase permeable space, allow for more landscaping and be sufficient for the proposed development in the context of the area;
8. The requirement in section 19-482 of the East Providence Zoning Ordinance, Article IX requiring street lights to be placed at 100’ intervals can allow for up to 300’ intervals in order to reduce energy consumption and improve visual comfort while still maintaining safe lighting intervals.

The Hearing Panel recommends a positive advisory opinion to the Waterfront Commission on the above waiver requests subject to the following conditions:

1. The deviation requested for 40’ Right of Way instead of 50’ Right of way is granted on the condition that all proposed utilities are constructed within the public Right of Way;
2. The deviation requested for a minor street width of 22’ instead of 24’ is granted on the condition that street parking is clearly prohibited on streets with a width of 22’ in order to maintain clearance for emergency vehicles;
3. That the development be in conformance with the site plans, preliminary elevations and other supporting documentation submitted to the Design Review Committee and Hearing Panel’s public hearings of July 7, 2021

and as the same may be modified at the request of or with the approval of the Waterfront Commission, Police Chief, Fire Chief, Department of Public Works, Building Inspector or State permitting agencies.

4. That the applicant satisfies all conditions set forth on the advisory recommendation of the Design Review Committee at the public hearing on July 7, 2021.

Design Review Committee Action

The Design Review Committee votes to send a positive advisory opinion to the Waterfront Commission to approve the development at East Point based on findings in the applicant's application and architectural plan set dated June 21, 2021, applicant's testimony, the executive director's July 2021 memo, comments from City staff and consultants, public comment and the finding that the project is in conformance with the reviewing criteria set forth in Section 19-477 of the East Providence Zoning Ordinance and the purposes of Article IX, "Waterfront Special Development Districts" regulations of the East Providence Zoning Ordinance, subject to the following conditions:

1. The applicant will complete all interior roadway construction, both public and private, subject to the approval of the East Providence Departments of Public Works and Engineering.
2. The applicant will receive final approval and necessary permits/ assents from the Coastal Resource Management Council (CRMC) and any other relevant state permitting agencies, if required.
3. The applicant will identify the pre-qualification services and on-going certification needed for the provided on-site ten percent affordable housing.
4. The Applicant will utilize a condominium/homeowner's association agreement satisfactory to the Commission for review and approval that will include at least the following: affordable housing; maintenance of landscaping, streets, stormwater basins, and utilities; trash removal; public access; open space; and CRMC- and Commission-required easements. The agreement will also not hold the City of East Providence accountable for maintenance unless previously agreed upon.
5. The Applicant's licensed architects will confer with the Commission's architectural and landscape architectural consultants as well as the DRC's designated member and the Waterfront Commission Executive Director in the preparation of final architectural plans for the proposed apartment buildings on the River and Pond Parcels. The Applicant will submit the final architecture plans to the Commission's architectural and landscape architectural consultants and the DRC designee for review. The plans for the final architectural design will be referred to the DRC for final approval.
6. The applicant shall make the canoe/ kayak launch on Omega Pond easily accessible by emergency services and be able to support the launching of emergency equipment when needed.
7. The East Providence Fire Department requires the applicant to provide a fire department service delivery concurrency evaluation.
8. The applicant shall submit a plan for coordination and moving of the existing Osprey Nest on the Pond Parcel, near the kayak/ canoe launch prior to construction.

Waterfront Commission Action:

The Waterfront Commission votes to accept the advisory opinions of the Hearing Panel and Design Review Committee, subject to the following conditions:

1. All Hearing Panel and Design Review Committee conditions will be met.
2. The Waterfront Commission Executive Director & Legal Counsel shall review and approve the Operations and Management and Land Trust agreements, and the deed restrictions for the affordable housing units.
3. The applicant will provide the Waterfront Commission with the required 10% fee (\$12,200) due prior to Notice of Decision.
4. The applicant will provide the Waterfront Commission with the required 50% fee (\$61,000) due at building permit.
5. The applicant will provide the Waterfront Commission with the required 15% fee (\$18,300) due at Certificate of Occupancy.
6. The applicant will obtain final Providence and Worcester (P&W) approval for the proposed rail crossing and submit for City Engineering and staff review.

7. All public improvements shall be verified as complete to the satisfaction of the Department of Public Works, Engineering, Fire Department and the Waterfront Commission.
8. The applicant receive the proper subdivision needed for creating any public roads within the development.
9. The proposal meets all applicable federal, State and local regulatory requirements.
10. The applicant obtains all applicable federal, state and municipal permits and approvals for the proposed development.

Respectfully Submitted,



Chris Martin, Executive Director

cc: Waterfront Commission

Applicant:

- Richard Baccari, Noble Development, Inc.
- Lyn Small, Northeast Engineers

Attachments:

East Point Application, April 23, 2021
East Point Project Narrative, June 11, 2021
East Point Architectural Plans from Union Studios, June 21, 2021
East Point Civil Drawings, June 21, 2021
East Point Landscape Plan, June 21, 2021
East Point FIS Executive Summary, March 2, 2021
East Point TIS, April 23, 2021
Sara Bradford Landscape Architect Memo, June 2021
Glen Fontecchio Architectural Review Memo, June 30, 2021
Gordon R Archibald, Inc. Engineering Peer Review Memo, May 13, 2021
Northeast Engineers Response to Engineering Peer Review Memo, June 21, 2021
Gordon R Archibald, Inc. Engineering Peer Review Response Memo, June 9, 2021
Gordon R Archibald, Inc. Traffic Impact Study Peer Review Memo, May 12, 2021
BETA Group Response to Traffic Impact Study Peer Review Memo, June 15, 2021
McClanaghan Lighting Review Memo, May 29, 2021
City of East Providence Fire Department Comments, June 21, 2021
City of East Providence Water Department Comments, June 24, 2021
City of East Providence Planning Department Memo, June 9, 2021