March 16, 2023

Re: House Bill 6090

Dear Committee Members

I am a member of the Cranston City Plan Commission, and I am writing to express opposition to House Bill 6090 regarding the conversion of commercial property.

This legislation will essentially require municipalities to allow commercial property to be converted to residential housing, limits only one parking space be required for each apartment unit in affordable housing and mandates a certain density minimum. This legislation overrides the ability of municipalities to decide what uses are permitted in commercially zoned property, ignores the possible negative impacts of converting commercial property to residential property, and establishes very flawed parking space requirement for affordable housing apartments.

In reviewing land use and zoning legislation, three principles should be followed. First, in general, land use and zoning decisions should be made at a local level because local officials, not state officials, are in the best position to know the unique qualities of the land in their municipalities. Second, one-size fits all approaches related to land use and zoning usually prove unworkable because not all municipalities are alike. Third, if state officials want to achieve changes in local land use or zoning, they are more likely to succeed if they financially incentivize municipalities to make these changes rather than to penalize them.

This legislation overrides local zoning. Basically, it mandates certain permitted uses within commercially zoned properties and imposes this requirement on all commercial properties in all municipalities. The conversion of commercially zoned property to residential property can make sense, but it may not make sense for all commercial properties, all of the time. The conversion of commercial property to residential property should be a fact specific determination and made on a case-by-case basis. This legislation will make it difficult to allow municipalities to consider various factors to determine if it is reasonable to convert a particular commercial property to residential property. For example, the conversion of a particular commercial property to residential property may have a negative impact on the local school system if a local elementary school is near capacity. Also, changing commercial property to residential property may have a negative impact on traffic during peak traffic hours. More importantly, the decision regarding the conversion of commercial property to residential property should be made by local officials, not state officials.

It also should be noted that residential property usually has a net negative fiscal impact on a municipality because residential property produces more demands on municipal services than it generates in tax revenues. Meanwhile, commercial property usually has a net positive fiscal impact on a municipality. Increasing the amount of property that has a net negative fiscal impact while at the same time decreasing the amount of property that has a net positive fiscal impact is likely to have a long-term negative fiscal impact on municipalities. If the General Assembly wants to mandate that local zoning be changed to allow for the conversion of commercial property to

residential property, then it should increase funding to municipalities to address the negative fiscal impact these conversions may have on municipalities.

This legislation also prohibits municipalities from requiring more than one parking space per apartment unit for affordable housing complexes that are converted from commercial property and mandates that municipalities permit a density of level of 15 units per acre in these properties. This one-size fits all approach to converting commercial property to affordable housing diminishes local control and will prove to be unworkable. It is unclear why municipalities should be required to accept this level of density when there could be occasions when commercial property could be converted to affordable housing at a lower level of density.

More importantly, prohibiting municipalities from requiring more than one parking space per apartment unit for affordable housing complexes is fundamentally flawed. This prohibition applies even if the property is not located on or near bus route, or if the apartments have more than one bedroom. Imposing a one parking space limit on property that is not near a bus route or has apartments with more than one bedroom will create major on-street parking problems. From 1966 to 1974, Cranston experimented with allowing less than 2 parking spaces per apartment unit for all apartments. It led to significant on-street parking problems and a backlash from residents against apartments. Although Cranston requires 2 parking spaces per apartment unit by ordinance, Cranston has been flexible regarding the parking requirements for affordable housing apartments that are converted from commercial property. It is a case-by case approach. In one case, it was determined that parking for an affordable housing complex was sufficient although it allowed for 1.25 parking spaces for apartment units that had no more than one bedroom, and 2 parking spaces for apartments with at least 2 bedrooms. In another case, an affordable housing complex was allowed to be converted from commercial property with two parking spaces per apartment unit.

Municipalities should retain the flexibility they currently have in deciding the number of parking space requirements and density levels for affordable housing converted from commercial property. Imposing a one-size fits all approach in which only one parking space per apartment unit can be required regardless of the number of bedrooms in that unit or if the property is actually close to bus route will lead to on-street parking fiascos.

Steve Frias

Cranston Planning Commissioner