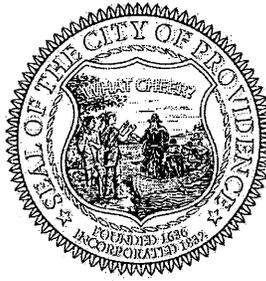


**CITY OF PROVIDENCE
RHODE ISLAND**



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 33 City Council Special Meeting, Tuesday, November 20, 2018, 5:30 o'clock P.M.

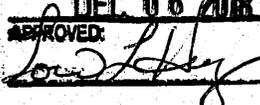
PRESIDING

**COUNCIL PRESIDENT
DAVID A. SALVATORE**

CALL TO ORDER

**PRESENT: COUNCIL PRESIDENT SALVATORE, COUNCILMAN APONTE,
COUNCILWOMAN CASTILLO, COUNCILMAN CORREIA,
COUNCILWOMAN HARRIS, COUNCILMEN HASSETT, IGLIOZZI, JENNINGS,
COUNCILWOMEN LAFORTUNE, MATOS, COUNCILMEN NARDUCCI,
PRINCIPE, COUNCILWOMAN RYAN, COUNCILMAN YURDIN AND ZURIER –
15.**

**ALSO PRESENT: LORI L. HAGEN, CITY CLERK, TINA L. MASTROIANNI,
FIRST DEPUTY CITY CLERK, SHERI A. PETRONIO, SECOND DEPUTY CITY
CLERK AND JEFFREY DANA, CITY SOLICITOR**

IN CITY COUNCIL
DEC 06 2018
APPROVED: 
CLERK

ROLL CALL

INVOCATION

The Invocation is given by **COUNCILWOMAN NIRVA R. LAFORTUNE**.

"Today, I would like to remember those members in the Trans-Gender community, as today is National Trans-Gender Remembrance Day. So, when we think about this holiday season and Thanksgiving, I think it's really important for all of us to be thankful for every life and all who continue to advocate for some of our most marginalized groups and for us to also remember the importance of acceptance and love. So, just a short prayer about Thanksgiving. "Father God, today I thank You for the provisions in my life. I thank You for the people in my life. I thank You for the opportunities You have given to me in my life. I thank You for the acceptance and forgiveness You have lavished upon me in spite of all simple actions choices. I thank You for all the healing You have brought into my life physical and emotional. I thank You for the way You have brought me back from the darkness that lurks in my soul and the choices I have made that did land me in a pit. I thank You for the desires of my heart that You have satisfied with good things. Amen."

PLEDGE OF ALLEGIANCE

COUNCILMAN WILBUR W. JENNINGS, JR. Leads the Members of the City Council and the Assemblage in the Pledge of Allegiance to the Flag of the United States of America.

CALL FOR SPECIAL MEETING

COMMUNICATION FROM

COUNCILMEN NARDUCCI, CORREIA, HASSETT, COUNCILWOMAN RYAN, COUNCILMAN IGLIOZZI, COUNCILWOMAN CASTILLO, COUNCILMEN APONTE AND JENNINGS

Request filed with the City Clerk November 15, 2018, Requesting a Special Meeting of the City Council to be Called on the 20th day of November, 2018 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

WARRANT FOR SPECIAL MEETING

Warrant of the City Clerk to David Tassoni, City Sergeant, with Return Certification that he has notified each Member of the City Council of the Special Meeting Called for the 20th day of November, 2018 at 5:30 o'clock P.M., in the City Council Chamber, Third Floor, City Hall.

COUNCILMAN IGLIOZZI Moves to Dispense with the Reading of the Communication and Warrant, Seconded by COUNCILMAN JENNINGS.

RESULT: RECEIVED

ORDINANCE SECOND READING

The Following Ordinance was in City Council November 15, 2018, Read and Passed the First Time and is Returned for Passage the Second Time:

An Ordinance in Amendment of Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance", Approved November 24, 2014, As Amended, for a Text Change and change in Zoning Map, for the property located on Assessor's Plat 20, Lot 397 (250 Dyer Street).

The Providence City Council hereby makes the following legislative findings:

WHEREAS, The parcel that is the subject of this Petition for a Zoning Ordinance change (hereinafter "Subject Parcel") is within the "special development district", as provided for in R.I. Gen. Laws § 45-24-4, and in The I-195 Redevelopment Act of 2011, R.I. Gen. Laws § 42-64.14-1. The Route I-195 Redevelopment District is a Co-Petitioner; and

WHEREAS, The Comprehensive Plan declares (at p. 42) that, "Relocating Interstate 195 has opened approximately 40 acres for redevelopment", and that "This is an unusual opportunity for an older built-out city to significantly add to its downtown;" and

WHEREAS, The Future Land Use Map identifies the land use designation for the Subject Parcel as being Downtown/Mixed Use (at p. 112); and

WHEREAS, The Land Use Designation Table (at p. 117) describes the Use Designation for the Downtown / Mixed Use area in which the Subject Parcel is located as follows:

This area is intended to revitalize and restore the historic core business area and to accommodate appropriate expansion of the downtown area. It is characterized by a variety of business, financial, institutional, public, quasi-public, cultural, residential, appropriate light manufacturing, and other related uses. To preserve and foster the economic vitality of downtown, a mix of compatible uses is encouraged to promote commercial and other business activity at the street level and residential, office, and commercial uses on the upper floors. **In order to promote economic development while maintaining compatibility between uses, sub-districts may be established to address building height** (emphasis added), entertainment and light industrial uses. (at p. 118); and

WHEREAS, The Planning Department, through its principal Project Planners, issued a favorable advisory recommendation on this Petition that concluded that, “[I]t is clear that the Comprehensive Plan supports dense residential development. It also supports tall buildings in Downtown, leaving the decisions on the location and regulations of height districts to future planning processes and the discretion of the City Council ... [T]his Petition is consistent with the Comprehensive Plan. The Petition is also consistent with the purposes of zoning since it would provide for a dense, mixed use building in Downtown, an area intended to accommodate this type of development;” and

WHEREAS, As noted in the Planning Department advisory recommendation, the Petition is consistent with the Future Land Use designation for the subject property as Downtown/Mixed Use, and consistent with Objectives BE3 (“Compact Urban Development”), LU2 (“Direct Growth”), and LU9 (“Built Environment”) of the Comprehensive Plan, and their corresponding strategies. As further noted therein, it is consistent with the purposes of zoning; and

WHEREAS, The Land Use Element of the Comprehensive Plan includes as an adopted “Strategy”, to “Identify areas that could support taller buildings and amend land use regulations to allow for greater height in those areas”. (Objective LU-9, Strategy C). The Proposed Zoning Ordinance change is consistent with this Strategy; and

WHEREAS, The Business and Economic Development Element of the Comprehensive Plan similarly sets forth as an “Objective”, “to incorporate the best urban design principles into new development patterns to achieve a higher concentration and greater mix of housing, employment and transit options in identified areas of the City”, and a corresponding “Strategy” to “Evaluate and identify areas where increased height limits may be appropriate.” (Objective BE 3, Strategy D). The Proposed Zoning Ordinance change is consistent with this Objective and Strategy; and

WHEREAS, The Subject Parcel is also designated and planned for on the Future Land Use Map (Map 11.2) in the city's Comprehensive Plan as "Downtown Mixed Use". The Plan (at p. 123) describes Downtown and parts of the city's waterfront as "truly mixed use areas ... [where] [u]rban life and vitality are the heart ... with residential, retail, office, civic, institutional, and entertainment uses jumbled together." The Plan further provides that, "Mixing uses [in these areas] creates desirable places to live by improving the balance of jobs to housing and creating healthy neighborhoods where residents can walk to shops and services", and that "It is in these mixed use areas that nodes of concentrated development could be established to link future development to transit hubs. In these nodes, greater residential density and building heights could be accommodated to create a more efficient pattern of development and protect the character of residential neighborhoods". The Subject Parcel is such a node; and

WHEREAS, The Comprehensive Plan has, as a stated objective [LU 4], "to promote the development of mixed-use areas with different levels of intensity and use to improve the jobs/housing balance and encourage alternative modes of transportation", and as a corresponding "Strategy", to "promote the development of a mixture of commercial uses that serve city-wide needs and higher density residential uses in areas designated as General Commercial/Mixed Use on Map 11.2 'Future land Use' with a high concentration of business, commercial, institutional, cultural and residential uses. ... ". The Proposed Zoning Ordinance change is consistent with this Objective and Strategy; and

WHEREAS, The Housing Element of the Comprehensive Plan similarly has, as a stated Objective [H6], to, "Promote the integration of housing and transit services", and as a corresponding "Strategy", to "Amend the zoning to create nodes to focus medium and high-density development ... in transit oriented developments along high use transit lines." The Proposed Zoning Ordinance change is consistent with this Objective and Strategy; and

WHEREAS, The Zoning Ordinance describes the purposes of the Downtown (D-1) District to include promoting ... "development that encourages day and night time activities that relate to the pedestrian and promote the arts, entertainment and housing ... and the goals and the comprehensive plan." (Sec. 600A). The Proposed Zoning Ordinance change is consistent with the purposes of the Downtown (D-1) District; and

WHEREAS, The Subject Parcel is sited such that, subject to appropriate design, the view corridors the Zoning Ordinance establish for the D-1 District shall be observed; and

WHEREAS, Because the Subject Parcel is uniquely situated in a former highway right of way, the impacts of a taller building are moderated by the absence of immediate proximity to historic places or structures, an aspiration of the Zoning Ordinance (Sec. 600A). Similarly, the Proposed Zoning Ordinance change will preserve the view corridors established by the Zoning Ordinance for the D-1 District; and

WHEREAS, This Petition does not resolve or determine issues relating to the specific design of the building. That will occur as part of the continuing approval process under the I-195 Redevelopment Act in which the Downtown Design Review Committee will further participate.

NOW THEREFORE, Be it ordained by the City of Providence:

SECTION 1. The Code of Ordinances of the City of Providence, Chapter 27, "Zoning" is hereby amended as follows:

(1) Changing the text of Section 602B, "Dimensional Standards" from the following:

"B. Maximum Building Height

The D-1 District is comprised of seven height sub-districts. The maximum building height within each of the D-1 District height sub-districts is as follows:

1. D-1-45 equals a maximum building height of 45 feet
2. D-1-75 equals a maximum building height of 75 feet
3. D-1-100 equals a maximum building height of 100 feet
4. D-1-120 equals a maximum building height of 120 feet
5. D-1-150 equals a maximum building height of 150 feet
6. D-1-200 equals a maximum building height of 200 feet
7. D-1-300 equals a maximum building height of 300 feet"

to the following:

"B. Maximum Building Height

The D-1 District is comprised of eight height sub-districts. The maximum building height within each of the D-1 District height sub-districts is as follows:

- I. D-1-45 equals a maximum building height of 45 feet
2. D-1-75 equals a maximum building height of 75 feet
3. D-1-100 equals a maximum building height of 100 feet
4. D-1-120 equals a maximum building height of 120 feet
5. D-1-150 equals a maximum building height of 150 feet
6. D-1-200 equals a maximum building height of 200 feet
7. D-1-300 equals a maximum building height of 300 feet
8. D-1-600 equals a maximum building height of 600 feet."

(2) Changing the text of Section 606A.2, "Building Height and Massing" from the following:

"2. Building height and massing shall relate to adjacent structures. (Figure 6-5)"

to the following:

"2. Building height and massing shall relate to adjacent structures. (Figure 6-5)
This provision may be waived by the Downtown Design Review Committee."

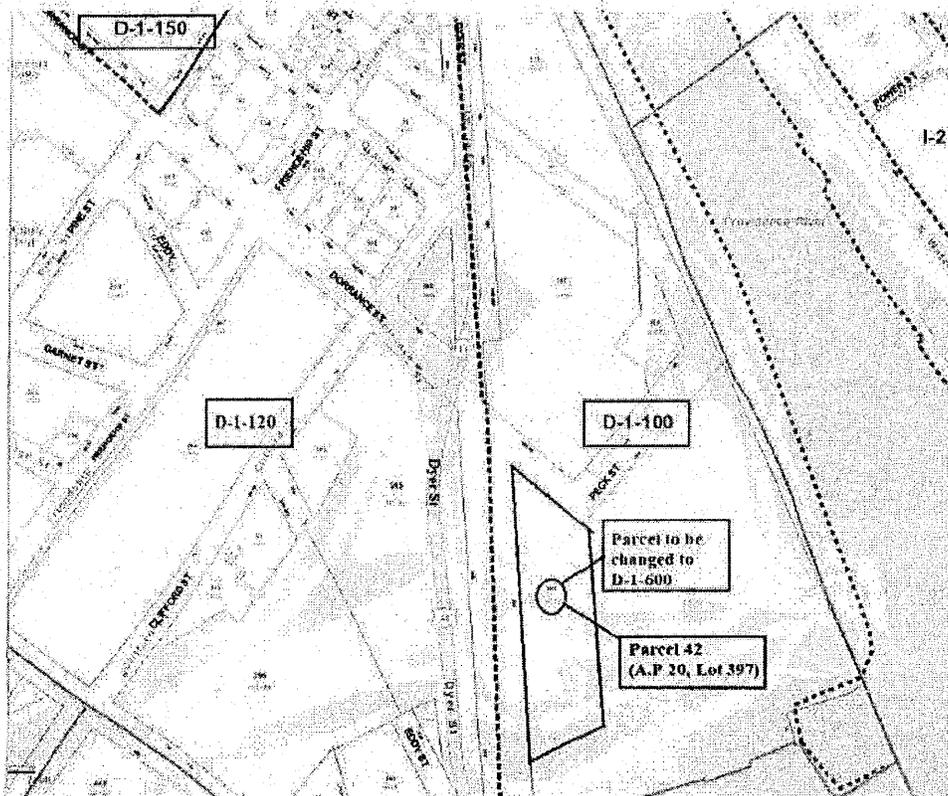
(3) Changing the text of Section 606D.2, "Facade Design" from the following:

"2. A building façade shall have a transition line. Transition lines shall be designed in proportion to the overall height and mass of the proposed building to create a distinction between upper and lower stories. Transition lines shall relate to existing adjoining buildings (Figure 6-7)."

to the following:

"2. A building façade shall have a transition line. Transition lines shall be designed in proportion to the overall height and mass of the proposed building to create a distinction between upper and lower stories. Transition lines shall relate to existing adjoining buildings (Figure 6-7). This provision may be waived by the Downtown Design Review Committee."

SECTION 2. Chapter 27 of the Code of Ordinances of the City of Providence, Entitled: "The City of Providence Zoning Ordinance," Approved November 24, 2014, As Amended, is hereby further amended by changing the Maximum Building Height of Assessor's Plat 20, Lot 397 (250 Dyer Street) as shown on the attached map.



SECTION 3. This ordinance shall take effect upon passage.

Read and Passed the Second Time, on Motion of COUNCILMAN IGLIOZZI, Seconded by COUNCILMAN JENNINGS, by the following Roll Call Vote:

RESULT:	READ/PASSED SECOND TIME [9 TO 5]
MOVER:	Councilman Igliazzi
SECONDER:	Councilman Jennings
AYES:	Councilman Aponte, Councilwoman Castillo, Councilmen Correia, Hassett, Igliazzi, Jennings, Councilwoman Matos, Councilman Narducci and Councilwoman Ryan – 9.
NAYS:	Councilwomen Harris, LaFortune, Councilmen Principe, Yuridin and Zurier – 5.
ABSTAIN:	Council President Salvatore – 1.

The Motion for Passage the Second Time is Sustained.

**MATTER NOT APPEARING
ON THE PRINTED DOCKET**

On Motion of COUNCILMAN IGLIOZZI, Seconded by COUNCILMAN JENNINGS, it is voted to Suspend Rule 16(b) of the Rules of the City Council in order to allow the introduction of the following Matter Not Appearing on the Printed Docket.

COMMUNICATION

Communication from Mayor Jorge O. Elorza, dated November 19, 2018, submitting the Tentative Agreement by and between the City of Providence and the Providence Teachers Union, AFT Local 958, for the period from September 1, 2017 to August 31, 2020.

RESULT:	REFERRED
TO:	Special Committee on School Department Oversight

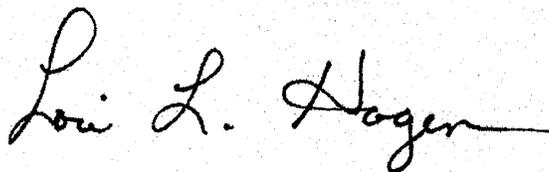
PERSONAL EXPRESSION

COUNCILMAN YURDIN Requests the privilege of the floor to speak on a Point of Personal Expression and states:

“The vote that the council took for the Fane Tower is obviously very disappointing, and I think that there has been a lot talked about in terms of the Comprehensive Plan. I think the important thing to remember here and think about moving forward is the plan doesn’t exist just for the plan’s sake. The 195 land has been talked about by state and city officials, which is a once in a lifetime opportunity for Providence and the idea has been throughout is to create a robust job creating area centered around public space, centered around those parcels that are going to create jobs. This has been a mantra of public officials from the highest levels of state government. We constantly hear about how people who grew up in Rhode Island don’t have employment opportunities here and that I-195 land is going to be a gem for that. I think that that’s behind the public’s incredible rejection of this, and I think there has been a lot of political pressure that has been brought, and the fact that so many on this council have stood up to that pressure and have voted against it really speaks a lot because critics that have made this about Nembe are so off base because there is no backyard. We’re talking about a park in an area that is going to be developed. These aren’t people that are concerned about the impact on their immediate property, what they are concerned about is the long term economic growth of our state and our city. They’re concerned about adherence to fair and predictable processes and we will see what happens moving forward, but I think that the fact that so many of the council were opposing this and have fought so hard against it is a testament to all those that are trying to work for a better city and for a better state. Thank you.”

CONVENTION

There being no further business, on Motion of **COUNCILMAN IGLIOZZI**, Seconded by **COUNCILMAN JENNINGS**, it is voted to adjourn at 5:49 o’clock P.M., to meet again **THURSDAY, DECEMBER 6, 2018 at 7:00 o’clock P.M.**



LORI L. HAGEN
CITY CLERK

