

City of Providence
STATE OF RHODE ISLAND

CHAPTER 2021-19

No. 240 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, TO CHANGE THE ZONING DISTRICT ON THE OFFICIAL ZONING MAP FOR CERTAIN LOTS ON WESLEYAN AVENUE, PLENTY STREET, WHITMARSH STREET AND BROAD STREET AS LISTED BELOW AND AS SHOWN ON THE ACCOMPANYING MAP FROM 1-1 TO C-2: PLAT 44, LOTS 286, 287, 288, 289, 290, 291, 292, 294, 730, 268, 267, 266, 264, 263, 261, 205, 258, 135, 259, 150, 256, 265, 257, 711, 719, 255, 254, 253, 252, 249, 242, AND 247

Approved June 1, 2021

Be it ordained by the City of Providence:

SECTION 1. 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 Zoning District on the Official Zoning Map for certain lots on Wesleyan Avenue, Plenty Street, Whitmarsh Street and Broad Street as listed below and as shown on the accompanying map from 1-1 to C-2: Plat 44, Lots 286, 287, 288, 289, 290, 291, 292, 294, 730, 268, 267, 266, 264, 263, 261, 205, 258, 135, 259, 150, 256, 265, 257, 711, 719, 255, 254, 253, 252, 249, 242, and 247.



The following uses shall be allowed on all lots described in this Petition, subject to compliance with the standards of Sections 1202 and 1203, as applicable, as well as any other regulations of the Ordinance: Dwelling - Multi-family; Dwelling - Accessory Dwelling Unit; Dwelling - Rowhouse; Dwelling - Semi-Detached; Dwelling - Single-family; Dwelling - Two-Family; Dwelling-Three Family; Educational Facility - Primary or Secondary; Educational Facility-Vocational; Educational Facility - University or College; Office; Research and Development; Medical/Dental Office; Healthcare Institution; Park/Playground; Amusement/Entertainment/Sports Facility - Indoor (limited to sports only); Amusement/Entertainment/Sports Facility - Outdoor (limited to sports only); and Plant Agriculture.

All other uses are prohibited.

IN CITY COUNCIL
MAY 6 2021
FIRST READING
READ AND PASSED

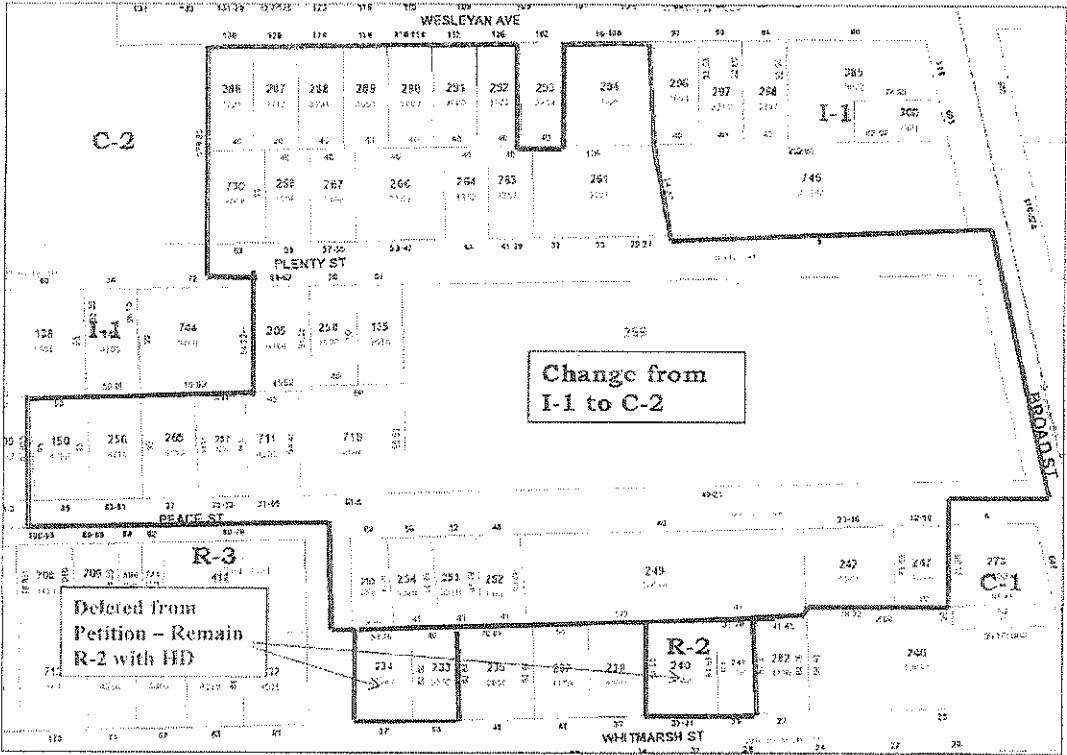
 CLERK

IN CITY
COUNCIL
MAY 20 2021
FINAL READING
READ AND PASSED


JOHN J. IGLIZZI, PRESIDENT
 CLERK

I HEREBY APPROVE.


Mayor
Date: 6/1/21



Petition amended at Petitioner's request to remove Lots 233, 234, 240 and 241. Those lots will remain R-2 with an HD overlay.

Section 2. This Ordinance shall take effect upon passage.



City Plan Commission
Jorge O. Elorza, Mayor

January 20, 2021

Councilwoman Jo-Ann Ryan
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Shawn Selleck, City Clerk

Re: Referral 3481 – Petition to rezone certain lots in and around St Joseph hospital

Petitioners: 21 Peace Street LLC and Urban Land Development LLC

Dear Chairwoman Ryan,

The City Plan Commission (CPC) reviewed the above referenced zone change at a regular virtual meeting on January 19, 2021 and voted to recommend that the City Council approve the amendment based on their findings and certain conditions as described below.

FINDINGS OF FACT

The following lots are under consideration for rezoning:

AP 44 Lots 286, 287, 288, 289, 290, 291, 292, 294, 730, 268, 267, 266, 264, 263, 261, 205, 258, 135, 259, 150, 256, 265, 257, 711, 719, 255, 254, 253, 252, 249, 242, and 247 – to be rezoned from I-1 to C-2 with I-3E overlay

AP 44, Lots 234, 233, 240, and 241 – to be rezoned from R-2 with HD overlay to C-2 with HD and I-3E overlays

AP 44 Lots 273 and 722 – to be rezoned from C-1 with HD to C-2 with HD and I-3E Overlay,

The lots are primarily zoned I-1 as they constitute property once occupied by a hospital. This rezoning request is the result of an arrangement between the owner and the City of Providence, in which some of the parcels will be donated to the City for use as a public school. Other parcels will be retained by the owner for future development. The I-1 zoning is appropriate for hospitals, but would be out of character with the hospital not in operation as it allows for intense development of up to six-story buildings that would not be harmonious with the surroundings.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
401 680 8400 ph | 401 680 8492 fax
www.providenceri.com

Following a community meeting, Department of Planning and Development (DPD) staff consulted with the petitioner, who agreed to a more nuanced rezoning of the site. This is depicted in the enclosed map. Changes from the original petition are as follows:

- The four lots at 29-33 and 53-57 Whitmarsh St. will remain R-2 with the historic overlay
- The four lots at 73-89 Peace St., the site of a community garden, will be rezoned R-3
- The four lots at 48-60 Peace St will be rezoned to R-4
- None of the lots will be overlain by the I-3 Healthcare Institutional Overlay District

In addition, the DPD proposed several other zoning changes for the balance of the land in the I-1 zone not owned by the petitioner since the I-1 zone is not appropriate for the existing uses. These changes are consistent with the existing uses on the parcels. These changes are depicted on the enclosed map and are as follows:

- Peace St: 91 (3-family), 95 (3-family), 99 (2-family): rezone to R-3
- Plenty St: 72 (3-family), 74 (1-family): rezone to R-3; 80 (5-family): rezone to R-4
- Wesleyan Ave: 84 (3-family), 88 (3-family), 92 (3-family), 102 (3-family): rezone to R-3
- Broad St: 599 and 603: rezone to C-2
- Plenty St: 9: rezone to C-2

Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not intended for parcel level analysis—this area is one where neighborhood commercial/mixed use, Institutional and residential uses are located in proximity to each other. Most of the uses permitted in the C-2 zone are allowed in I-1, but at a lower scale. As the zoning change would result in development that is less intensive than what is allowed by the I-1 zone, the CPC found that the change would be consistent with the comprehensive plan. However, it is the CPC's opinion that the future land use map should eventually be changed to better correspond to the revised zoning and anticipated uses.

Based on their review, the CPC found that the rezoning is not expected to negatively affect health, safety and welfare and would be consistent with the purposes of zoning in Section 101 of the Zoning Ordinance if certain uses were restricted as described below.

RECOMMENDATION

Upon a motion by Commissioner Torrado, seconded by Commissioner Potter, the CPC voted to recommend that the City Council approve the proposed zone change subject to the above findings and based on the following conditions:

1. The CPC advises the City Council to adopt the zoning scheme as depicted on the enclosed plan. If necessary, the DPD will seek a sponsor on the City Council for the changes for parcels not owned by the petitioner.
2. The uses of transitional shelter, liquor retail, and drug addiction treatment centers shall be prohibited on the subject lots.


3. The comprehensive plan should eventually be changed so that the future land use designation more closely reflects the rezoning.
4. Other lots not owned by the petitioner in the I-1 zone should also be rezoned to reflect their existing uses and locations. Some should be zoned for residential and others for commercial.

The CPC voted as follows:

AYE: L. Torrado, C. Potter, H. Bilodeau, M. Gazdacko

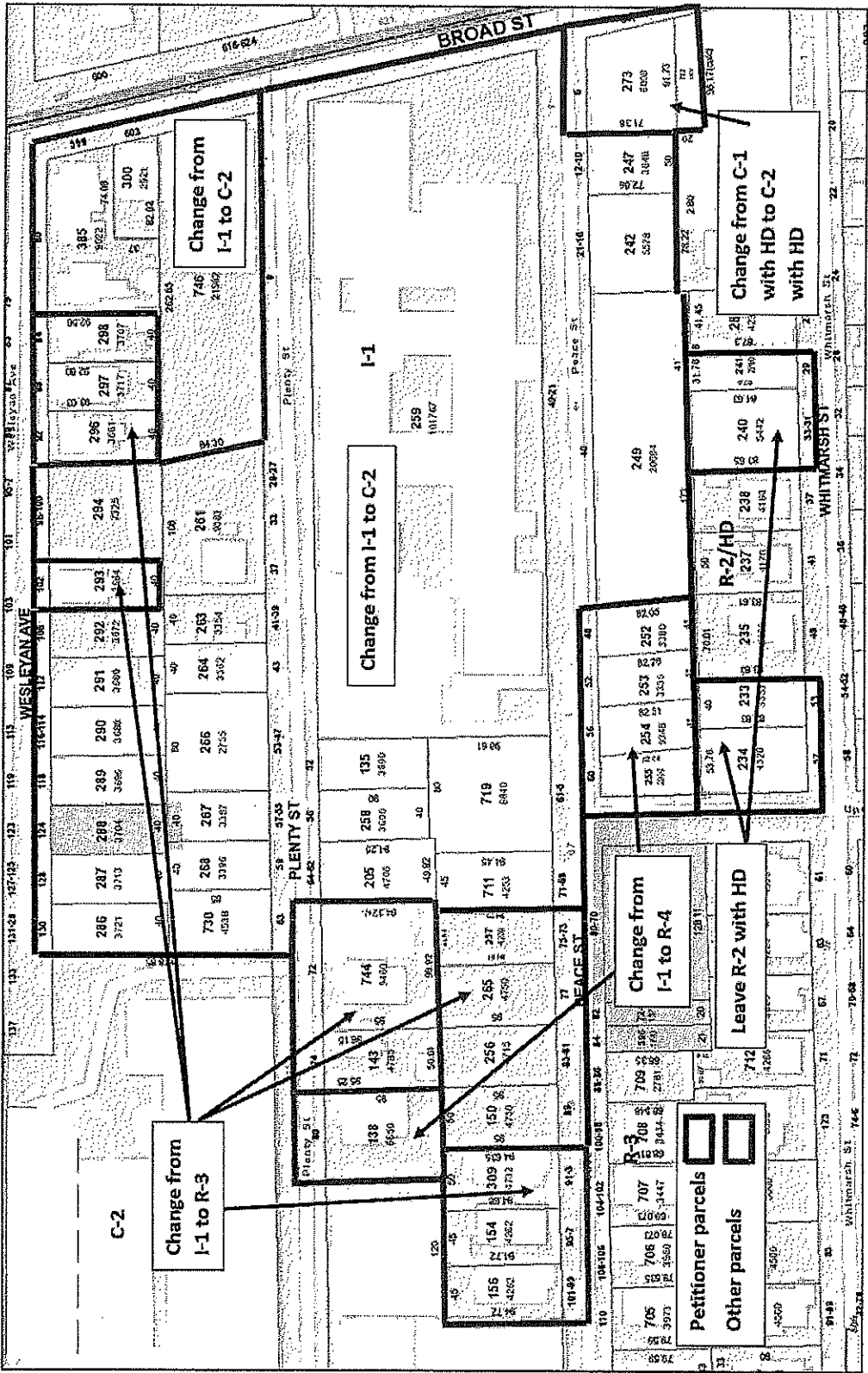
NAY: M. Quezada

Sincerely,



Choyon Manjrekar
Administrative Officer

Encl: Proposed zoning map



[illegible]

#3

Committee on Ordinances

21 February 2021

Re: Zone Change - 21 Peace Street, LLC & Urban Land Development, LLC

Dear Members of the Ordinance Committee:

I write with concerns about the proposed intensity of re-zoning for these lots. As a resident of Elmwood, I am very grateful for Mr. Paolino's donation of land to the city and his affirmations that he wants to do right by the neighborhood.

The vast majority of lots proposed for rezoning are standard city house-lots that should typically be R-2 or R-3. Most lots surrounding this area are R-2, R-3, and C-1.

Designating these lots C-2 would allow intensive commercial use by-right, which is inappropriate in the middle of a residential district. Over-zoning this area to such intensity, with no compelling reason, irresponsibly cedes protections for residents to ensure future development is compatible and appropriate - it would limit the ability of neighbors to have a voice in future intensive development or commercial encroachment, and it would leave the city with less power and ability to regulate inappropriate development.

Mr. Paolino and his attorney have proclaimed multiple times that they have no pending or proposed use for these lots, so they offer no compelling reason to zone them higher than R-3 or R-4 at this time other than having "flexibility" on their end. Flexibility to do what?

Zoning these lots R-2 or R-3 would not preclude flexibility or future up-zoning, but it would require the applicant to come back to the community to present a compelling case for more intensive zoning once such a use is identified, it would preserve the necessity for public input and it would ensure the neighborhood retains a voice in the conversation. It would necessitate thoughtful consideration to the appropriateness and necessity for zoning to that intensity.

Our neighborhood has suffered from commercial intensification that has eroded quality of life for residents over the past few decades and warrants more careful consideration of development going forward.

Sincerely,
Dylan Peacock
Congress Avenue



To City Council Ordinance Committee

February 24, 2021

Re: Proposed Rezoning and Future Development of Former St Joseph's Hospital Property and Surrounding Neighborhood

Members of the Elmwood Neighborhood Association have participated in discussions with Paolino Properties, the PPSD, and the City Planning Commission. We greatly appreciate Mr. Paolino's offer to donate land at 21 Peace St to the Providence School Department (PPSD) and to rezone that property so that a K-8 school can be built. We also appreciate Bob Azar's nuanced approach to rezoning the properties now zoned I to include a variety of R designations. His approach was approved at the CPC meeting last month.

However, the zoning plan has been developed prematurely. We urge the Committee to recommend the rezoning only of

- the properties being donated to the City for the school,
- existing residences (so that their zones comply with their current use),
- the community garden (before being donated to Southside Community Land Trust),
- properties directly on Broad St.
- any lots being zoned as R-2

Additional vacant lots should not be rezoned until a community-generated plan is developed.

The current proposals do not take into account the narrow streets, existing parking issues, and the increased traffic and child safety issues that will result from the new school. Neither do they take into account the needs and desires of the neighborhood that were identified by the Planning Department held in 2017 at a community meeting. Commercial development is being proposed before seriously pursuing residential development that the City desperately needs.

In fact, West Elmwood Housing, ONE | Neighborhood Builders, and Omni Development have been discussing the possibility of developing a collaborative housing project in that area. The C2 zone may prevent them from pursuing their plan.

Specifically, our concerns about the current proposal include the following:

A. Proposed C-2 zoning would allow heavy commercial development and traffic that

- may endanger students of the new school, especially as they cross Peace St to move between the proposed school building and playing field
- would be incompatible with the abutting residences, including the HD zoned houses on Whitmarsh Street, in terms of use, scale, and architecture
- could overwhelm the narrow streets (Peace and Plenty Streets were slated for traffic calming improvements and were seen as too narrow for normal two-way traffic)
- may result in ambient night time lighting that disturbs residents

In addition, most activities allowed in C2 zones are inappropriate for a residential area and would need to be excluded, including bars, alcohol sales, group quarters, drug treatment centers. Only a few activities/uses allowable in a C2 zone are acceptable to current residents.

Proposed R-4 zoning would allow the construction of large multifamily residential buildings on narrow streets in the middle of the neighborhood of mostly single and two-family houses. Parking conflicts already exist among homeowners and renters in the area.

Therefore, we propose that

1. Any C2 zoning be limited to land being donated to the City and along Broad Street.
2. Elmwood Housing, ONE Neighborhood Development, and Omni Development be approached to work with the community to develop a nuanced plan for remaining properties being proposed as C2 and R4. Rezoning of those properties not be approved until a plan is developed.
3. Vacant lots interspersed with existing housing be zoned R-2 or R-3 rather than C2 or R4.

B. Peace and Plenty Garden

Peace and Plenty Garden should be preserved with an R zone and transferring ownership to Southside Community Land Trust.

C. Traffic and parking studies need to be done prior to more development

Renters and home owners along Whitmarsh and Peace Streets, and students of Dorcas Institute already compete for parking along Peace and Whitmarsh streets. The development of a K-8 school will bring additional traffic, parking requirements, and child safety concerns.

We propose that

1. Once the school is open, traffic studies should be done to determine what kind of additional development the neighborhood can sustain
2. Parking needs of both residents and school staff need to be analyzed, and dedicated parking areas designated for their use.

D. Traffic circulation and extension of Updike St

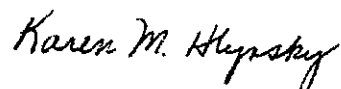
Activities from the new school and other developments will bring additional traffic to narrow streets.

We propose that

1. Updike Street be extended from Peace St through to Wesleyan Ave. to allow traffic to more easily circulate in and out of Broad St while limiting traffic going through existing residential areas.

Thank you for considering our requests.

Sincerely,



Karen Hlynsky
Elmwood Neighborhood Association



#3

February 24, 2021
Ordinance Committee
c/o City Clerk
City Hall
Providence RI 02903

Re: Public hearing Feb 24, 2021 #3, Paolino Property re zoning from I-1 to C2

To respected members of the Ordinance Committee, Mr Kezirian, and Mr Paolino.

Neighborhoods in Providence are struggling to maintain their character in the face of 'overreaching' commercial development, such as this proposal before you, which creates conditions of overcrowding, noise, and safety disparities on a regular basis.

This proposal is one such example of a 'perfect storm' of 'overreaching' and social dominance, resulting in an entire neighborhood left to struggle with the lifelong negative effects to the 'health, safety, and welfare of the residents who call Elmwood their home.

To re zone any parcel to C-2, other than the property proposed for the intended school, I believe is not in the best interest of the residents and property owners at this time. Where is a commitment letter for the school?

We urge the Ordinance Committee to re zone only the property proposed for the 'promised' school and postpone the much larger C-2 zoning change until a agreement can be made with the community and Paolino Properties that best serves all stakeholders.

Recently the RIDOH endorsed a national survey where Providence was one of a few city's to be recognized, and support the importance of the 'urban canopy' as a vital link to physical and emotional wellbeing.

By removing Peace and Plenty Gardens, which has been an 'urban oasis' for food production for many years, this will result in an expansion of the heat island produced by the parking lots in the city, and the same time deprive individuals the ability to grow food for their families.

Schools in the city are building their own gardens and promote green spaces as a means for students to learn. Peace and Plenty Garden is an out door class room in of its self, and should not be turned into a parking lot for what could be another Dollar Store or CVS, in the center of this, a residential and 'Historic' neighborhood.

Sincerely,

Linda Perri

A handwritten signature in cursive script that reads "Linda Perri". The signature is fluid and matches the printed name above it.

Washington Park Association

'working together with our neighbors'

Douglas R. Victor

103 Princeton Avenue, Providence RI 02907

February 24, 2021

Ms. Jo-Ann Ryan, Chair City Council Committee on Ordinances
444 Westminster Street, Suite 3A
Providence, RI 02903-3215

Dear Ms. Ryan and Members of the Committee:

I am writing to express my deep concern for the present rezoning petition for the St. Josephs facility presently in front of the Ordinance Committee. The current plan before you was developed without sufficient neighborhood input. Hundreds of Southside residents who live within the footprint of this rezoning were not engaged. In 2017 and 2018 the city's Planning and Development ran several neighborhood charettes focusing on the Broad Street. St. Joseph's Hospital complex was a very big part of that conversation. Why has this not occurred with the petitioner's zoning request? Why is this being pushed through at the expense of the neighborhood? Isn't this the purpose of zoning in our city?

Any proposed change must protect the integrity of our Southside residential neighborhood and historic district.

This is a high impact rezoning proposal that, if passed with C2 anywhere but the parcels abutting Broad Street, will detrimentally impact the neighborhoods for decades to come. There is no reason for C2 zoning to border an historic district nor to have it extend into my Southside neighborhood at all. R2 and R3 would allow for future residential construction. We all know how much housing is needed in our city. Nothing more is needed. C2 would actually prevent the neighborhood-friendly housing development. C-2 uses, especially when combined with the narrow streets, are incompatible with the K-8 school which will involve students having to go down and cross Plenty Street to access the proposed playing field. In addition, Peace Street has been identified to become a slow street and part of the city's Urban Trail Network.

In no way does C2 make sense in this area. If you look at the list of accepted uses for C2 published by the Planning Department, most are uses that would be directly incompatible with either residential life or safe school functioning.

Historically, St. Josephs Hospital removed many houses from Whitmarsh, Updike, Peace and Plenty Streets for parking lot expansion. This has resulted in too many vacant lots that combined have created a major heat island for the surrounding neighborhood and the existing 32 year old community garden. There is an opportunity here to support development results which would address the historic social and economic injustices that the neighborhood has had to bear for too many years. There are even decade-long vacant lots in the historic district on Whitmarsh Street that are part of the petitioner's parcel. The neighborhood deserves to see houses returned to them. My sense, from the neighbors with whom I have spoken, is that they are in favor of the proposed school. With that in mind, I recommend the rezoning only relating to the properties being donated to the city for the school.

I manage Peace and Plenty Community Garden which is presently owned by the petitioner. The garden is a community asset that must be protected. 40 local families grow food for themselves and/or to market. The garden faces Peace and Plenty Park, a 12 year old park that provides a safe place for neighborhood kids to play and for neighbors to gather. It, along with the community garden, provide needed green space in a densely populated, heat

islanded neighborhood and have been key elements in creating a real sense of neighborhood where one did not previously exist. C2 zoning would be a detriment to this still developing neighborhood identity. R2 and R3 would support my neighborhood getting stronger and more intact. Why would the city decide to anything but support neighborhood health, safety and livability?

Before this one brush stroke attempt to rezone the entire property, there must be a community-generated plan. The current proposals do not take into account the narrow streets, existing parking issues, and the increased traffic and child safety issues that will result from the new school. There must be a different pathway to insure that the neighborhood be given the opportunity for self direction as a way to rebuild itself from the historical negative impacts mentiond above.

In short, please vote no to advance the current proposal as it stands before you by Paolino Properties, except for the proposed school-related parcels.

Sincerely,
Douglas R. Victor

A handwritten signature in black ink that reads "Douglas R. Victor". The signature is written in a cursive, flowing style with a large, stylized 'D' and 'V'.



February 24, 2021

To City Council Ordinance Committee

Re: Proposed Rezoning and Future Development of Former St Joseph's Hospital Property and Surrounding Neighborhood

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In fact, West Elmwood Housing, ONE | Neighborhood Builders, and Omni Development have been discussing the possibility of developing a collaborative housing project in that area. The C2 zone may prevent them from pursuing their plan.

Specifically, our concerns about the current proposal include the following:

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Therefore, we propose that

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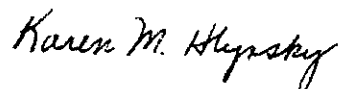
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Thank you for considering our requests.

Sincerely,



Karen Hlynsky
Elmwood Neighborhood Association

Mastroianni, Tina

From: Dylan Peacock <peacockmatook@gmail.com>
Sent: Sunday, February 21, 2021 8:58 PM
To: Mastroianni, Tina
Cc: Selleck, Shawn
Subject: Re: Zone Change - 21 Peace Street, LLC & Urban Land Development, LLC
Attachments: Committee on Ordinances Public Testimony - Rezoning.pdf

Dear Tina and Sean,

Attached and pasted below is my public testimony for the proposed zone change by 21 Peace Street LLC:

Dear Members of the Ordinance Committee:

I write with concerns about the proposed intensity of re-zoning for these lots. As a resident of Elmwood, I am very grateful for Mr. Paolino's donation of land to the city and his affirmations that he wants to do right by the neighborhood.

The vast majority of lots proposed for rezoning are standard city house-lots that should typically be R-2 or R-3. Most lots surrounding this area are R-2, R-3, and C-1.

Designating these lots C-2 would allow intensive commercial use by-right, which is inappropriate in the middle of a residential district. Over-zoning this area to such intensity, with no compelling reason, irresponsibly cedes protections for residents to ensure future development is compatible and appropriate - it would limit the ability of neighbors to have a voice in future intensive development or commercial encroachment, and it would leave the city with less power and ability to regulate inappropriate development.

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Sincerely,
Dylan Peacock
Congress Avenue