

Oscar A. Lemus
190 Valley Street
Providence, RI 02909
(401) 261-5835
Fax (401) 331-3173

January 12, 2007

Attn: City Council
Providence City Hall
25 Dorrance Street
Providence, RI 02903

RE: Petition

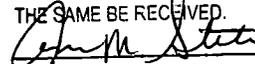
To Whom It May Concern:

Enclosed herein please find a copy of a Petition that was originally submitted on or about December 15, 2006. As a result of increased development in the areas of Valley and Olneyville we are respectfully requesting that said Petition be placed on the City Council's docket.

The Planning Department has been pursuing to change the zoning of areas that are considered Industrial to a Mixed Use. Those changes would allow more luxury apartments and office spaces that would create restrictions to businesses that would limit the businesses in a daily basis. (The escape of all fumes, odors, smoke, vibrations and loud sharp or penetrating noises which would be offensive or which would constitute a nuisance to surrounding activities or residential units near enough to be adversely affected by them). The existing Comprehensive Plan encourages the growth of industrial activities by preserving and expanding industrial land primarily for manufacturing purposes.

Pursuant to Ordinance Chapter 1994-24, No. 365, approved on July 17, 2001 Section 1 (g) Article III, Section 303, Table of Use and Regulations, Residential Use 1.0, footnote #8: Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity and Ordinance Chapter 1994-24, No. 365, approved on July 17, 2001 Section 1 (h) Live Work Space: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work. (See Attached Exhibit A)

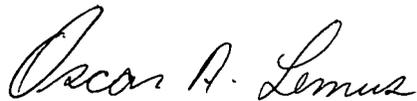
IN CITY COUNCIL
JAN 25 2007

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.
 CLERK

Mayor Cicilline indicated that the update of the Comprehensive Plan was going to be clear and transparent. The process in which the Providence Department of Planning and Development attempts to update the Comprehensive Plan excludes the industrial community. It is apparent that the Providence Department of Planning and Development is not taking in consideration the harm that it would do to the businesses and their ability to grow and expand due to the diminishing land use for those purposes. On different occasions the Providence Department of Planning and Development attempted to change industrial area M1 to a mixed use area. Once in 2004 with *Land Use and Zoning Implementation Plan (draft)* introduced by the Woonasquatucket River Greenway Project and then again in 2005 with *Draft Zoning Ordinance* dated June 29, 2005. The reasons for those changes were to complement the mixed use mill developments but they are in contradiction to the Comprehensive Plan and the Ordinance which allows those projects.

The business owners in the areas of Valley and Olneyville are hard working people who are paying the highest taxes in the State of Rhode Island. We are respectfully requesting that the Department of Planning and Development maintain the industrial classification which already allows residential and not to restrict or change to another type of use. We are also requesting that those changes do not displace businesses and the workers in the above-mentioned areas. So many businesses have been forced to move due to the developments of the mills.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Oscar A. Lemus". The signature is written in black ink and is positioned above the printed name.

Oscar A. Lemus

Laurence K. Flynn
Executive Secretary
George T. Smith, Jr.
Clerk



CITY OF PROVIDENCE BOARD OF CANVASSERS

DATE: December 27, 2006
TO: Anna Stetson, City Clerk
FROM: Laurence K. Flynn, Executive Secretary
RE: Verification of Petition

DISPOSITION: The petition that was presented to this Board dated December 27, 2006 contains names and addresses of businesses within the Valley Street area. This Board can only verify the names and addresses of registered voters within the city. It is apparent that these people do not reside in these businesses; therefore we cannot verify these signatures. If you have another petition with names and addresses of voters that reside within the area we will be happy to verify those registered voters.

PETITION

1/9

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2. The Zoning Ordinances must be changed **IMMEDIATELY** to eliminate the Mixed Use designation. The current City Plan Commission claims that the Mixed Use designation has "tied their hands" and "forced them" to issue approvals for Major Land Development projects that have turned huge areas of formerly industrial properties into high-end residential, retail, and office space owned by a few influential developers. The new Comprehensive Plan must substitute a rational zoning ordinance that will protect existing industrial properties (regardless of their current zoning) **AS INDUSTRIAL PROPERTIES**. This new zoning should not preclude artist/musician live-work space, but it should include a rigorous approval process to prevent "regular" residential spaces being marketed as artist live-work space as a marketing scam.

Name: <i>Mano Bodio</i>	Address: <i>380 Valley St Providence</i>	Tel: <i>331-8431</i>
Business: <i>Stateauto Body</i>		E-Mail:
Name: <i>[Signature]</i>	Address: <i>422 Valley St</i>	Tel: <i>401-521-0224</i>
Business: <i>A.E. Lator A/B</i>		E-Mail:
Name: <i>MICHAEL TSALIKIAN</i>	Address: <i>380 Valley St</i>	Tel: <i>331-0925</i>
Business: <i>STATE zoning Service</i>		E-Mail:
Name: <i>FRANK IANNUCCI JR</i>	Address: <i>430 KINSLEY AVE</i>	Tel: <i>421-5105</i>
Business: <i>EAGLE POL CO</i>		E-Mail:
Name: <i>DAVID SUPINU</i>	Address: <i>25 Turner St</i>	Tel: <i>426 8503</i>
Business: <i>Mi An Realty</i>		E-Mail:

PETITION

2/9

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Name: <i>Michael Godwin</i>	Address:	Tel: <i>401.831.3326</i>
Business: <i>Haya Bakery</i>	<i>113 Valley St.</i>	E-Mail:
Name: <i>Ted Angell</i>		
Business: <i>L. Sweet Zumba</i>	<i>709 Harris Ave.</i>	Tel: <i>521-3800</i>
Name: <i>Arthur Fidal</i>	Address:	E-Mail:
Business: <i>270 Valley St</i>		
Name: <i>Tom Vieira</i>		
Business: RI <i>RI Collision</i>	<i>195 Valley St</i>	Tel: <i>521-3112</i>
Name: <i>Donald Payne</i>	Address:	E-Mail: <i>tommyric.netzero.com</i>
Business: <i>RI WELDING & FAB. CO.</i>	<i>43 TURNER ST. PROV., RI</i>	Tel: <i>401-331-1355</i>
		E-Mail: <i>riweld@verizon.net</i>

PETITION

3/9

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Name: JOSEPH FOGARTY	Address: 2 ADDISON PLACE	Tel: 421-0475
Business: INTL Chromium Polishing		E-Mail:
Name: Peter P. Montaguila Jr	Address: 38 Pleasant Valley Prov RI 02908	Tel: 331-0101
Business: Finest Car Wash		E-Mail:
Name: STEVE DZIADOSZ	Address: 233 HARRIS AVE PROVIDENCE	Tel: 401 331 5930
Business: TWIN CITY SUPPLY		E-Mail:
Name: DON'S AUTO ELEC ^{CO}	Address: 40 PLEASANT VALLEY PL	Tel: 401 273 1630
Business:		E-Mail:
Name: LARI LIGHT	Address: 2 AMHERST ST PROV	Tel: 401.277-1002
Business: ROBT DOLEE		E-Mail:

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4/9

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Name: FRANK WASYLAK	Address: 415 Valley St.	Tel: 331-7658
Business: ATLANTIC COAST		E-Mail:
Name: Address: Tel:		
OSCAR LEMUS	190 VALLEY ST.	261-5835
LEMUS AUTO		O.lemus@hotmail.com
Name: Address: Tel:		
Dominic Tudio	380 Valley ST.	401-721-9889
		E-Mail:
Name: Address: Tel:		
BRUCE MARTIN	187 VALLEY ST.	521-9186
GEORGE'S TIRE SHOP		E-Mail:
Name: Address: Tel:		
Stephen Parker	48 Helme St	351-2300
Valley Electrical Equipment		valleyelectrical@cs.com

PETITION

5/9

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Name: THOMAS RAY JR	Address: 72 ALLSTON ST	Tel: 401-273-6739
Business: ALLSTON ST AUTO		E-Mail: TJRAYJR@COX.NET
Name: Larry Marshall	Address: 356 Valley St.	Tel: 401-421-2438
Business: BORTON MEAT ASSO.		E-Mail:
Name: Valley Flea Market Alwyn R. Moran	Address: 500 Valley St	Tel: 401-521-3532
Business:		E-Mail: 1107DMORSE@YAHOO.COM
Name: Joseph H MOSCA	Address: 107 Prescott St	Tel: 401 275 5535
Business: J+M Auto Repair		E-Mail:
Name: YVES SIMONS	Address: 50 SIMS AVE	Tel: 401 215 1724
Business: UMICORE		E-Mail: YVES.SIMONS@UMICORE.COM

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Name: <i>Jule Melto</i>	Address: <i>393 HANCOCK AVE</i>	Tel: <i>401-421-5820</i>
Business: <i>B. Deltass Donatone</i>	<i>PROV RI 02909</i>	E-Mail:
Name: <i>John Maldwin</i>	Address: <i>351 HANCOCK AVE</i>	Tel: <i>401-383-3490</i>
Business: <i>OSTER PEWTER</i>	<i>PROV. RI 02909</i>	E-Mail: <i>john@osterpewter.com</i>
Name: <i>Dwight E. Sym</i>	Address: <i>120 MANTON AVE</i>	Tel: <i>401-351-9000</i>
Business: <i>MANTON INDUSTRIES</i>	<i>PROV. RI 02909</i>	E-Mail: <i>HBSym@comcast.net</i>
Name: <i>Chauk B. Burt</i>	Address: <i>30 ACORN ST</i>	Tel: <i>401-738-4108</i>
Business: <i>CAPCO AUTOBODY</i>	<i>PROV. RI 02903</i>	E-Mail: <i>C.BURT@CAPCO-CORP.COM</i>
Name: <i>Tom Bagley</i>	Address: <i>168 CONYER ST</i>	Tel: <i>331-4303</i>
Business: <i>Gettin' it Done</i>	<i>PROV. RI 02903</i>	E-Mail: <i>tom@gettinaction.com</i>

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7/9

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Name: <i>John F. Wilhelm</i>	Address: <i>50 Sims Ave</i>	Tel: <i>215-1726</i>
Business: <i>UMICORE</i>		E-Mail:
Name: <i>Deane S. Poirier</i>	Address: <i>50 Sims Ave</i>	Tel: <i>215-1721</i>
Business: <i>umicore</i>		E-Mail:
Name: <i>David J. Foye Jr.</i>	Address: <i>50 Sims Ave</i>	Tel: <i>215-1767</i>
Business: <i>Umicore</i>		E-Mail:
Name: <i>Ray Cote</i>	Address: <i>50 Sims Ave.</i>	Tel: <i>215-1764</i>
Business: <i>Umicore</i>		E-Mail:
Name: <i>John P. Garabedian</i>	Address: <i>50 Sims Ave.</i>	Tel: <i>215-1705</i>
Business: <i>Umicore</i>		E-Mail:

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Name: Anita McDermott	Address: 50 Sims Ave. Providence, RI 02909	Tel: 401-215-1717
Business: Umicore Indium Products		E-Mail: anita.mcdermott@umicore.com
Name: Su Kue	Address: 50 Sims Ave Providence RI 02909	Tel: 401-215-1718
Business: Umicore Indium Products		E-Mail: su.kue@umicore.com
Name: Lavelay Kizekai	Address: 50 Sims Ave Providence, RI 02909	Tel: 401-215-1762
Business: Umicore Indium Products		E-Mail: lavelay.kizekai@am.umicore.com
Name: Judy Loxsom	Address: 50 Sims Ave Prov. RI 02909	Tel: 401-215-1714
Business: Umicore Indium Products		E-Mail: judy.loxsom@am.umicore.com
Name: Neil Alvarez	Address: 50 Sims Ave. Prov RI 02909	Tel:
Business: Umicore Indium Products		E-Mail:

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Name: <i>Laura Massa</i>	Address: 50 Sims Ave.	Tel: 215-1702
Business: UNICORE	Prov, RI 02909	E-Mail:
Name: Address: Tel:		
Name: Terrance McCormack	Address: 50 Sims Ave.	Tel:
Business: UNICORE	Prov. RI 02909	E-Mail:
Name: Address: Tel:		
Name: Chaffin	Address: 50 Sims Ave.	Tel:
Business: Unicore Indium Products	Providence, RI 02909	E-Mail:
Name: Address: Tel:		
Name: Olga Yankov	Address: 50 Sims Ave.	Tel:
Business: Unicore Indium Products	Providence RI 02909	E-Mail:
Name: Address: Tel:		
Name: Andrew H. Panciotti Sr.	Address: 950 Broad St.	Tel: 467-7227
Business: Prov. Cornice Inc.	Prov. RI 02905	E-Mail:

Andrew H. Panciotti Sr.

CHAPTER 2001-24

No. 350 AN ORDINANCE AMENDING THE CITY OF PROVIDENCE ZONING ORDINANCE CHAPTER 1994-24, NO. 365, APPROVED JUNE 27, 1994, AS AMENDED.

Approved July 17, 2001

Be it ordained by the City of Providence:

Section 1: Chapter 564 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, shall be further amended as follows:

- a) Article I, Section 101.4, Industrial Zoning Districts, add language in the "M-1 Industrial District," to read as follows:

"M-1 - This zone is intended for general industrial uses that accommodate a variety of manufacturing, assembly, storage of durable goods and related activities provided that they do not pose toxic, explosive or environmental hazard in the City; and to support live-work spaces only in those existing underutilized industrial and/or commercial structures that are included in Article, V, Section 501, Industrial and Commercial Individual Structure District."

- b) Article III, Section 303, Table of Use Regulations, Use Code 14, change the existing M-1 from "S" to "Y^{6,7}."
- c) Article III, Section 303, Table of Use Regulations, Use Code 14.1, change the existing M-1 from "N" to "Y^{6,7}."
- d) Article III, Section 303, Table of Use Regulations, Use Code 14.2, change the existing M-1 from "S" to "Y^{7,8}."
- e) Article III, Section 303, Table of Use Regulations, Residential Use 1.0, add new footnote #6:

"6. Must have a minimum of 5,000 square feet Gross Floor Area required for new construction."

- f) Article III, Section 303, Table of Use Regulations, Residential Use 1.0, add new footnote #7:

"7. The owner(s) of a building seeking a conditional use for artist's studio/dwellings must sign and record a covenant and equitable servitude, on a form acceptable to the Director, that acknowledges that the owner(s) and occupants of the building accept the industrial character of the neighborhood and agree that existing or permitted industrial uses do not constitute a nuisance or other inappropriate or unlawful use of land. Such covenant and equitable servitude must state that it is binding on the

owner(s)' successors, heirs, and assigns, including any lessees of the artist's studio/dwellings."

- g) Article III, Section 303, Table of Use Regulations, Residential Use 1.0, add new footnote #8:

"8. Artist's studio/dwellings shall not be located where they may restrict or disrupt industrial activity."

- h) Article X, Definitions, add new definition 1000.93:

"1000.93 – Live-Work Space: Buildings or spaces within buildings that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

- i) Article X, Definitions, 1000.94, remove first sentence and new first sentence to read as follows:

"1000.94 – Loft, Commercial Artist: A dwelling unit established in an existing non-residential building used or designed to be used by artists or craftspeople to create works of art or crafts and which may also be used by such artists or craftspeople to reside in."

Section 2. Article X, Definitions, renumber all definitions from 1000.93 to 1000.153 to one number higher to reflect addition of new definition 1000.93, above.

Section 3: This Ordinance shall take effect upon passage.

IN CITY COUNCIL
 JUN 21 2001
 FIRST READING
 READ AND PASSED
Clifford S. Ernest CLERK

IN CITY COUNCIL
 JUL 12 2001
 FINAL READING
 READ AND PASSED
[Signature] PRESIDENT
[Signature] CLERK

APPROVED
 JUL 17 2001
Grant A. Ginn
 MAYOR