



Mayor of Providence

Jorge O. Elorza

November 30th, 2018

The Honorable Members of the Providence City Council
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Regarding: ORDINANCE-2018-77, 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)

Honorable Members of the City Council,

Investment in our Capital City is critical to our long term success. As Mayor, I have made economic growth and opportunity a top priority. When I took office there was minimal development activity in our downtown and even less in our neighborhoods. Today, we have approximately 70 projects either completed, under construction, or in the pipeline. With more investment and development than we've seen in over a decade, Providence is a city on the rise!

As a growing and vibrant city, we see increasing interest from people who want to invest in our future. We consider every proposal on its merits and always keep the best long-term interests of the city in mind. With respect to the Hope Point Tower, I have listened to residents and to a myriad of stakeholders' views. I deeply appreciate everyone's input and the fact that people care so much about our city.

With all of this in mind, I made it clear to the developer and to the public that the design of the building was my top priority. I want to be sure that the building, both from a skyline and from a streetscape perspective, worked for the city. I requested that the City, either through the DDRC or the Planning Department, have final approval over the design of the project, rather than merely advisory input. If this building is going to reshape our skyline, then the city should be able to approve what it looks like.

City Hall, 25 Dorrance Street, Providence, RI 02903
Phone (401) 421-7740 Fax (401) 274-8240

Residents of Providence have also asked that a "public benefit" be an essential component of this project. The proposed zoning change is an extraordinary step and it significantly increases the value of the parcel. Given that the project is adjacent to the I-195 park land and the new pedestrian bridge, the City has asked for maintenance support of the bridge. All I-195 land developments provide funding to support the I-195 park land and the City is seeking complementary funds for the bridge -- a major piece of infrastructure connecting the Innovation and Design District. In fact, public benefit requirements are common features of such development projects in cities throughout the nation.

Last, we want to encourage development and disincentivize land-banking. As such, we asked that the developer start and complete this project within a reasonable timetable.

While the developer was amenable to giving some assurances on the timeline and open to some level of public benefit contribution, we were not able to reach agreement on the first and most important point. Given that this project would reshape our skyline and dramatically impact our streetscape, I made it clear both privately and publicly, that the design of the building was my top priority. The developer has been unwilling to provide assurances that the city's design recommendations would not be disregarded. As such, I have decided to veto this zoning change.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a series of loops and a long horizontal stroke extending to the right.

Jorge O. Elorza
Mayor

City of Providence
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 2018-79

No. 604 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)

EFFECTIVE December 13, 2018

Be it ordained by the City of Providence:

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, subdistricts 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."

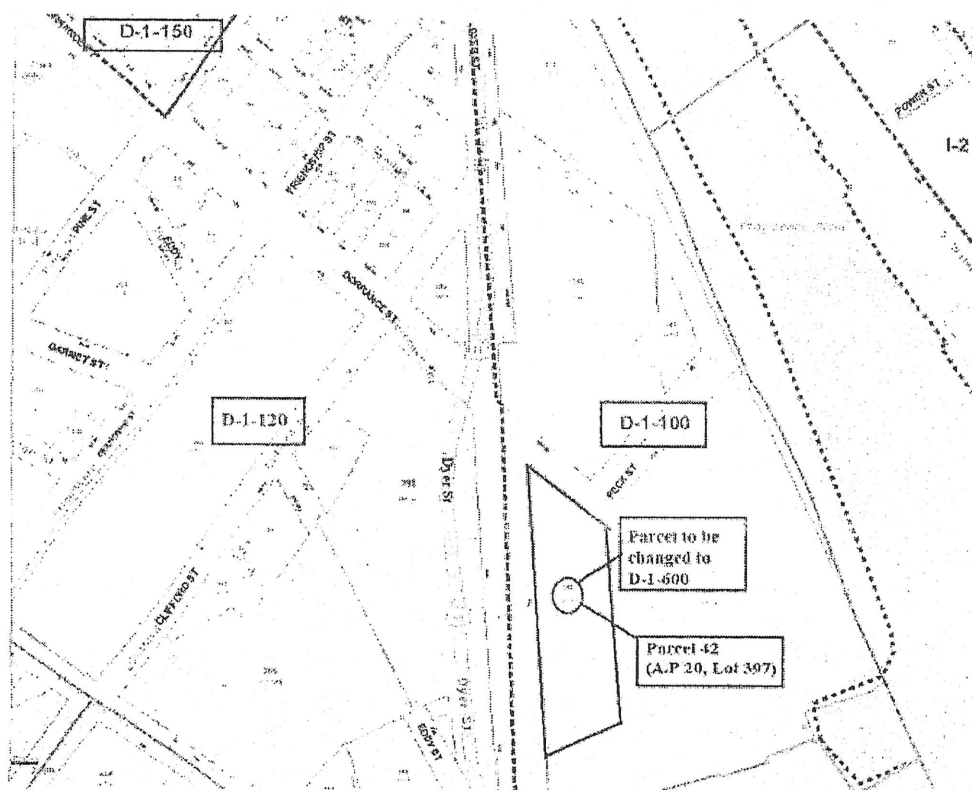
(3) Changing the text of Section 606D.2, "Facade Design" from the following:

"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.

IN CITY COUNCIL
NOV 15 2018
FIRST READING
READ AND PASSED

[Signature] CLERK

IN CITY
COUNCIL
NOV 20 2018
FINAL READING
READ AND PASSED

David Christel

PRESIDENT

Lowell Heger

CLERK

VETO
I HEREBY DISAPPROVE AND VETO.

DATE: 11/30/18 MAYOR

IN CITY COUNCIL
DEC 13 2018

READ AND MAYOR'S VETO
OVERRIDE

Low L. Hays CLERK