

CHAPTER 2023-15

No. 323 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 TEXT IN SECTIONS 1203 AND 1204 REGARDING TEMPORARY MOBILE FOOD SALES

Approved July 25, 2023

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 text in Section 1203(C) and 1204 as follows:

1203 TEMPORARY USE STANDARDS

C. Temporary Mobile Food Sales

1. The timeframe of a temporary mobile food sales use shall be one year and approved as part of the temporary use permit.
2. The temporary use permit shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. All mobile food establishments operating on the property shall be properly licensed by the Health Department, and/or the Department of Business Regulation, and/or Board of Licenses.
4. Sale of alcohol is prohibited in all zoning districts with the exception of the Downcity Overlay District.
5. All temporary mobile food sales establishments shall cease operation by 10 p.m.
- ~~56.~~ During business hours, a trash receptacle shall be provided for customer use and the area shall be kept clear of litter and debris at all times.
- ~~67.~~ Additional outdoor seating may be provided by the mobile food sales operator on the site, but no seating may be permanently installed.
- ~~78.~~ A permanent water or wastewater connection is prohibited.
- ~~89.~~ Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- ~~910.~~ Drive-through service is prohibited.
- ~~1011.~~ A mobile food establishment is limited to signs attached to the exterior of the truck or trailer that shall be mounted flat against the truck or trailer with a maximum projection of six inches, and one A-frame sign. The A-frame sign is subject to the standards for such sign in Article 16.
- ~~1112.~~ No seating or trash receptacle is permitted to block the public right-of-way.
13. Incidental Entertainment is permitted during hours of operation.

1204 USE DEFINITIONS

Temporary Mobile Food Sales. A mobile food establishment where food or alcohol preparation and service is housed in a truck or trailer, container, or a non-motorized mobile food cart.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUL 06 2023
FIRST READING
READ AND PASSED

Jina L. Mastoianni
CLERK

IN CITY
COUNCIL

JUL 20 2023
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Jina L. Mastoianni
CLERK

I HEREBY APPROVE.

Brett P. Smiley
Mayor

Date: 7/25/23



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

April 20, 2023

Councilman Pedro Espinal
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, City Clerk

Re: Referral 3521 – Amendment of Ordinance pertaining to mobile food sales

Petitioner: City Lofts LLC

Dear Chairman Espinal,

The City Plan Commission (CPC) reviewed the above referenced zoning ordinance amendment at a meeting on April 18, 2023 and voted to recommend that the City Council approve the amendment based on their findings described below and subject to certain conditions.

FINDINGS OF FACT

The petitioner is requesting to amend Section 1203.C of the zoning ordinance pertaining to temporary mobile food sales. The petition proposed to amend the ordinance to include language pertaining to the operation and regulation of mobile food sales. The amendment would expand licensing of mobile food sales to the Department of Business Regulation and the Board of Licenses. Incidental entertainment would be permitted during hours of operation—which will cease at 10 pm. Alcohol sales would be permitted in the DOWNCITY overlay district. Further, the definition of Temporary Mobile Food Sales would include alcohol preparation and add containers as suitable locations for these uses.

It is the CPC's opinion that the proposed changes would expand the function of mobile food sales and better define what is permitted. However, the CPC is concerned that some of the proposed changes like the use of shipping containers for these operations could result in immobile, permanent uses with the containers remaining on the site in perpetuity. Therefore, the CPC recommends that a restriction be placed on uses in containers that would only allow them to be located on a site from April 1 to October 31. Containers shall be removed in the interim months.

The CPC found the changes to be in conformance with objectives BJ-4 and BJ-5 of the comprehensive plan which support creating a business friendly environment and supporting the growth of neighborhood businesses that enhance the quality of life in City neighborhoods. The Comprehensive plan

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
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characterizes Downtown as an area where a mix of uses is encouraged to foster commercial and business activity. Provision of alcohol and incidental entertainment would conform to this description. The CPC found the changes to be in conformance with the purposes of zoning outlined in section 101 of the zoning ordinance as definition of a range of uses and allowable intensities appropriate to the City's character is listed as one of the criteria.

RECOMMENDATION

Upon a motion by Commissioner Verdi, seconded by Commissioner Sanchez, the CPC voted to recommend that the City Council approve the proposed amendment based on the above findings and subject to the following condition:

Uses in containers shall only operate between April 1 and October 31. Containers shall be removed from the site in the interim.

The CPC voted as follows:

AYE: N. Verdi, N. Sanchez, H. Bilodeau, M. Gazdacko

Sincerely,

A handwritten signature in black ink, appearing to be 'Cj' or similar, written over a horizontal line.

Choyon Manjrekar
Administrative Officer

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

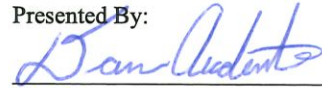
TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

We, Nicholas Hemond, Esq., and Dane Ardente, Esq. on behalf of City Lofts, LLC, owner of real property located at 260 Westminster Street, Providence, RI 02903, Assessor's Plat 020, Lot 164 ("Property"), hereby petitions the City Council to change the Official Zoning Code of the City of Providence by submitting a text amendment to Section 1203(C) - "Temporary Use Standards" for "Temporary Mobile Food Sales".

In support thereof, the Applicant attached hereto as **Exhibit A**, a copy of the proposed changes to the existing section of the code for the Town Council's respective review.

Presented By:



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dardente@darroweverett.com

Attorney of Record for:
Cornish Associates
46 Aborn Street
Providence, RI 02903

PROVIDENCE, RI
CITY OF PROVIDENCE
1023 MAY - 4 10 3: 55

FILED

Exhibit A

1203 TEMPORARY USE STANDARDS

C. Temporary Mobile Food Sales

1. The timeframe of a temporary mobile food sales use shall be one year and approved as part of the temporary use permit.
2. The temporary use permit shall be evaluated on the basis of the adequacy of the parcel size, parking provisions, traffic access, and the absence of undue adverse impact, including noise, on other properties.
3. All mobile food establishments operating on the property shall be properly licensed by the Health Department, and/or the Department of Business Regulation, and/or Board of Licenses.
- ~~4.~~ 4.5. Sale of alcohol is prohibited in all zoning districts with the exception of DOWNCITY Overlay District.
- ~~4.5.~~ 5.6. All temporary mobile food sales establishments shall cease operation by 10 P.M.
- ~~5.6.~~ During business hours, a trash receptacle shall be provided for customer use and the area shall be kept clear of litter and debris at all times.
- ~~6.7.~~ Additional outdoor seating may be provided by the mobile food sales operator on the site, but no seating may be permanently installed.
- ~~7.8.~~ A permanent water or wastewater connection is prohibited.
- ~~8.9.~~ Electrical service may be provided only by temporary service or other connection provided by an electric utility, or an on-board generator.
- ~~9.10.~~ Drive-through service is prohibited.
- ~~10.11.~~ A mobile food establishment is limited to signs attached to the exterior of the truck or trailer that shall be mounted flat against the truck or trailer with a maximum projection of six inches, and one A-frame sign. The A-frame sign is subject to the standards for such sign in Article 16.
- ~~12.~~ No seating or trash receptacle is permitted to block the public right-of-way.
- ~~14.13.~~ Incidental Entertainment is permitted during hours of operation.

1204 USE DEFINITIONS

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***Cornish Associates Proposal for Pop-Up Retail Use at Grant's Block
Corner of Union Street and Westminster Street***

Cornish Associates is working with Union Studio Architecture and Community Design to implement improvements to Grant's Block following the completion and much-needed restoration of several historic structures along Westminster Street - most specifically the Tryane Building and its new addition. As was always the intent, the ground floor of the Trayne Building was envisioned to be home to multiple restaurants that would help activate the adjacent space and bring more vibrancy to the downtown center. Fortunately, the spaces have been leased to two new restaurants, "Oberlin" and "Gift Horse", both slated to open in the spring of 2023. With these new arrivals, the vision is well on its way. It is our goal to complete the initial improvements to Grant's Block in a timely manner so as to correspond with the opening of new restaurants in May/June 2023.



In service of improving our efforts at Grants Block, we have begun looking at ways we can provide a better and safer visitor experience. In doing so, we have found that some of our efforts might be in direct conflict with some of the City's Zoning Ordinance. We hope to encourage the City to assist us in finding ways to provide relief or amending the ordinance(s) to reflect what we feel is something all city's should encourage - and that's to

not only bring people together in spaces they love but to also do so in ways, that safe and supports other local businesses.

In order to activate the Grants Block space, we plan to partner with an experienced operator to offer an attractive and successful seasonal pop-up retail program within the space. At the moment, we are in discussion with Long Live Brewery, who operate with a class P catering license when outside of their brick and mortar establishment and who have successfully operated from this location for the past two seasons -, utilizing a pop-up tent and a special event permit from the city. We have witnessed tremendous support for the program at Grant's Block and the public engagement has been overwhelmingly enthusiastic. This otherwise passive outdoor space has become a vibrant and lively site for regularly programmed, family-friendly activities during the warmer months. Residents, tourists and nearby small business owners alike have benefitted from the program. This approach, although wildly successful, has provided some

challenges that we hope to address and make better moving forward when planning for 2023. In order to support this effort and improve upon it, we would like to address some of the challenges we faced and offer some solutions that will not only benefit the host, but its visitors and the city overall. They include: storage (to securely store park amenities such as seating, tables, etc), a more clearly defined perimeter (to clearly define the space) an area for services (a small dedicated area where the host could better service patrons and an intentional area for bathroom support) - all improvements that offer more conveniences than a pop-up tent.

The program, as proposed and more specifically, is for a single vendor per season to occupy the service unit and utilize the adjacent storage unit. This vendor will serve guests at Grant's Block for a maximum of 4 days a week, Thursdays through Sundays and service will be weather dependent. The hours of operation will be a maximum of 12 pm to 10 pm, depending on the day and similar to those of the adjacent restaurant's patio hours. Thursday and Friday hours will commence after the work day - with Saturday being the longest day of service from midday into evening and Sunday hours being limited to an earlier closing. All alcohol will remain within the perimeter of Grant's Block and signage will be displayed at all points of entry designating that no alcohol is allowed beyond the perimeter. Food vending will be offered by mobile food vendors on a day-to-day basis to complement the seasonal vendor. All outside food vendors will be insured and required to provide a Mobile Food Establishment (MFE) license and they will arrange parking in the adjacent parking lot.

The storage unit will allow for easy access to tables and chairs that will be placed on Grant's Block during hours of operation and then stored, be securely locked during all other times and in addition to providing much needed storage, will provide screening for the restroom area. To meet this need, the unit will be customized to provide additional access points for ease of moving furnishings in and out. Based on experience from former seasons, the vendor will place approximately 80 seats and 20 tables out on the park during service.

The compact service unit will address multiple needs. It will house the seasonal vendor, their equipment and inventory, provide the staff shelter from sun, wind and and rain and offer a much more secure and efficient setup compared to the pop-up tent. The unit will be customized to provide electricity that will power exterior lighting and refrigeration along with an awning to shade the service area and signage to display menus and provide wayfinding for guests. Other items to be addressed are further specified below:

- Restrooms: As with all organized events, providing bathroom facilities is critical. Here, we propose temporary restrooms that will be regularly service to ensure proper hygiene and cleanliness and be placed within a fenced area that will be properly secured when the area is not servicing an event.
- Trash: Trash receptacles will be placed at all points of entry, the vending unit and the restrooms. All trash will be removed from the site by the operator at the close of each service.
- Furnishing and equipment requiring storage: Furnishings and equipment will all be secured inside the storage unit when not in use. During non-service hours, the site will

be checked daily and maintained by the property management company Westminster Lofts.

- Site Perimeter: Along the perimeter of Grant's Block will be newly designed fencing, landscaping and seating that will not only serve the event's program but will offer seating and a sense of place during non-programmed hours.
- Lighting: Lighting along the perimeter will be on timers, allowing for safe use of the site during the evening hours.

Our team remains enthusiastic about the Grant's Block pop-up retail program and we look forward to working with you to find ways that will make this approach more feasible for small businesses to help foster place making and enlivening our underutilized city spaces.



THE PROVIDENCE FOUNDATION

June 28, 2023

The Honorable Pedro Espinal, Chair
City Council Committee on Ordinances
City of Providence
25 Dorrance Street, 3rd Floor
Providence, RI 02903

Dear Chairman Espinal and Honorable Members of the Committee,

I am writing today in support of Cornish Associates' proposal for site improvements on their open space located on the corner of Union and Westminster Streets, commonly known as "Grant's Block." The plans they shared with me will support current retail offerings with site improvements that will allow for a more efficient and sustainable programming.

During the early days of the Covid-19 pandemic in the spring of 2020, the Open Air Saturdays program was created on the site as a response to the State's "Take It Outside" initiative. The program was in operation from 2020 through 2022, May through October, offering a beer garden in collaboration with local retail vendors, food trucks, and incidental entertainment to complement the food and beverage vending. The program has had a positive impact on the adjacent small business community and the downtown residential community alike, providing a family-friendly, safe, vibrant activity for those visiting downtown. I encourage you to support these proposed efforts to strengthen this initiative by adding infrastructure to facilitate operations for the vendor and to create a more attractive and seamless experience for the guests.

Thank you for your kind consideration.

Sincerely,

Cliff Wood
Executive Director

March 15, 2023

Providence City Council Committee on Ordinances
City of Providence
25 Dorrance Street
Providence, RI 02903

Dear Chairman Espinal,

We write to you today as members of the small business community in downtown Providence. It is our understanding that Cornish Associates is seeking to further improve the open space they own and manage located on the corner of Union Street and Westminster Street, commonly known as Grant’s Block.

For the past fifteen years, the team at Cornish has successfully programmed the Grant’s Block open space with activities that support our small business community and provide downtown residents with safe and enjoyable ways to gather and socialize. Thanks to Cornish and their programming of Grant’s Block, many tourists and locals alike have found their way to Westminster Street and into nearby businesses like ours.

In the early days of the Covid-19 pandemic, during the spring of 2020, the Cornish team introduced the Open Air Saturdays program as a response to the State’s “Take It Outside” initiative. The program has been in operation ever since, May through October, offering a beer garden in collaboration with local vendors, food trucks, and incidental entertainment to complement the food and beverage vending. During Open Air Saturdays, the downtown neighborhood is abuzz with residents, students, and tourists all looking for a family-friendly activity to enjoy safely outdoors in downtown Providence. While many people flock to the nearby coast in the warmer months, programming like Open Air Saturdays has kept downtown active during otherwise quiet summers. This positive activity at Grant’s Block has enlivened the district during a time when the fate of downtowns and small businesses were uncertain.

We do not believe that Cornish Associates’ proposal will have any adverse effect or concern on the surrounding area. It is our hope that the city supports the proposal provided by Cornish Associates allowing for the Grant’s Block program to become more sustainable and continue on for the 2023 season.

Thank you for your consideration.
Sincerely,

Guido Silvestri	Susan Mocarski	David Lanning Jr.	Jeremy Crisp
Owner	Owner	Owner	Principle
Civil Providence	Cleverhood	Little City Coffee and Kitchen	Nail Communications
231 Westminster Street	91 Clemence Street	170 Mathewson Street	140 Union Street

Jerold Ehrlich Owner Eno Fine Wines 225 Westminster Street	Karen Beebe Owner Queen of Hearts 220 Westminster Street	Rory Eames Owner Rory's Market and Kitchen 113 Washington Street	Ethan Feirstein Owner Salon Bar/Boom Box 57 Eddy Street/122 Fountain Street
Lexus Fernandez Owner Soulita 229 Westminster Street	Scott McCullough Owner Symposium Books 240 Westminster Street	Stephen Durkee Owner The Eddy/Durk's 95 Eddy Street/33 Aborn Street	Ruth A. Meter Owner The Vault Collective 235 Westminster Street
Watthanarom Premwat Owner Tori Tomo 69 Washington Street	Ellen Slattery Owner Gracie's/Ellie's 194 Washington Street/225 Weybosset Street	Katie Wadhams Owner Lovely Bride 65 Eddy Street	