

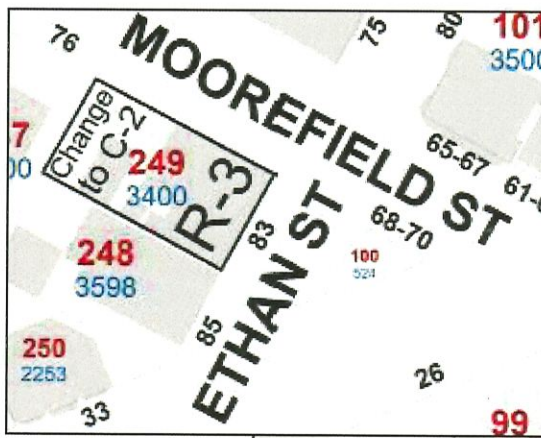
CHAPTER 2025-28

No. 319 AN ORDINANCE IN AMENDMENT OF CHAPTER 27 OF THE CODE OF ORDINANCES, ENTITLED: "THE CITY OF PROVIDENCE ZONING ORDINANCE," APPROVED NOVEMBER 24, 2014, AS AMENDED, TO CHANGE THE ZONING DISTRICT ON THE OFFICIAL ZONING MAP FOR THE PROPERTY LOCATED ON ASSESSOR'S PLAT 110, LOT 249 (83 ETHAN STREET) FROM R3 TO C2

Approved July 9, 2025

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 the Property located on Assessor's Plat 110, Lot 249 (83 Ethan Street) from R3-C2.



SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL
JUN 26 2025
FIRST READING
READ AND PASSED

Sina L. Mastromanni
CLERK

IN CITY COUNCIL
JUL 07 2025
FINAL READING
READ AND PASSED

Rachel M. Miller
RACHEL M. MILLER, PRESIDENT
Sina L. Mastromanni
CLERK

I HEREBY APPROVE.

Butt P. Sui

Mayor

Date: 7/9/25



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

May 22, 2025

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

Attn: Tina Mastroianni, City Clerk

Re: Referral 3596 – Petition to rezone 83 Ethan Street (AP 110 Lot 249) from R-3 to C-2
Petitioners: Pabel Fernandez

Dear Councilman Espinal,

The petitioner appeared before the City Plan Commission (CPC) on May 20, 2025, requesting a rezoning of 83 Ethan Street from R-3 to C-2.

FINDINGS OF FACT

The petitioner is requesting a rezoning of the subject lot from R-3 to C-2. Although zoned residential, the building has been used for a mix of uses that includes a bar for a number of years. The rezoning would render it a conforming use and allow for changes to the structure and maintenance of the use. The lot is in proximity to other small scale commercial uses within the residential zone. Given the mix of uses and the continued use of the subject lot, the CPC found that it would be appropriate to rezone it to C-2 as it would allow for operation of the use by right.

Per the Future Land Use Map of Providence Tomorrow—which the comprehensive plan states is not meant for parcel level analysis—this area is intended for medium density residential uses. The plan describes these areas as ones primarily for residential use, and also for appropriate small scale commercial uses and neighborhood commercial establishments. The plan also says that the map does not account for numerous nonconforming uses and those allowed by variance. In cases like these as well as the subject request, zoning changes are permissible to bring the zoning in line with existing conditions on the property when the use is compatible with the surroundings. The CPC found that the zone change would allow for continuation of a use that has operated for a number of years and is consistent with the neighborhood's character as discussed. Therefore, the rezoning would be consistent with the intent of the comprehensive plan.

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
PHONE 401.680.8400 | WWW.PROVIDENCERI.GOV/PLANNING

Rezoning from R-3 to C-2
Referral 3596
5/20/25

The CPC found that rezoning the lot would be appropriate and was not expected to negatively affect health, safety and welfare and is consistent with the purposes of zoning in Section 101 of the Zoning Ordinance.

RECOMMENDATION

On a motion by Commissioner Dotson, seconded by Commissioner Caldwell, the CPC voted to make a positive recommendation to the City Council to rezone the lot to C-2 based on their findings.

The CPC voted as follows:

Aye: R. Dotson, D. Caldwell, N. Sanchez, C. McKenna, M. Gazdacko

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Manjrekar', written over a horizontal line.

Choyon Manjrekar
Administrative Officer

FILED

2025 JUN -9 A 8: 30

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

June 4, 2025

Providence Zoning Committee

25 Dorrance Street Providence, R.I.

Subject: Bella's Bar, 83 Ethan Street, Providence, R.I.

Hi, my name is Silvano Mastrogiuseppe, I am a board-certified registered architect and reside on Union Ave in the Silver Lake section of Providence. I wish to point out some issues I have identified to the Zoning Committee and ask that you **Reject** the proposed zoning change of 83 Ethan Street (Plat110, Lot 249) from R-3 to a proposed C-2 Zone. Architects do not consider zoning ordinances and building codes as separate, distinct forms of regulation but as interrelated measures working in tandem to achieve health safety, and welfare benefits. Many times a change in zoning has repercussions in building code regulations, which is the case here. I have outlined numerous issues with respect to Zoning and building code, as well as parking, and quality of life. Life safety issues and lastly (equally important) crime in the immediate area.

ZONING ISSUES

Article 20 Non-Conformity, Conformities and Uses:

Article 20 nonconformities and uses; All police power regulations enacted to all building...shall apply to existing nonconformities.

2001 non-conforming use

B expansions

A non-conforming use of a structure or land cannot be expanded...

C Intensification

A non-conforming use of a structure or land can not be intensified in any manner. Intensification includes but is not limited to INCREASING THE HOURS OF OPERATION....or increasing the seating or occupancy capacity of any use....

The ground floor area is approximately equally divided into a residential unit (588 SF) and a commercial bar activity space (1014SF). There are no Fire rated partitions between these uses as

ZONING ISSUES (cont,d)

required by code. Whether now or in the future, if the bar space is expanded into the residential area, the ordinance only allows 5% of the gross floor area of the bar area or 101.4 SF potential expansion. It is assumed the owner intends to eliminate the ground floor residential unit and convert the first floor into Bar space completely on the first floor which is above and beyond the 5% allowed. All uses will also need to be brought into conformity with **Article 12** of the Zoning Ordinance. In a similar way the entire property shall be brought into conformance with the landscape regulations of **Article 15** of the zoning ordinance. **Article 20 C Safety Regulations.** All police power regulations enacted to promote health, safety and welfare including but not limited to all building, fire and health codes shall comply with non-conformities. The existing structure, 83 Ethan Street, is non-conforming in its present condition because of the lack of front and side yard setback requirements. Also, the percentage of lot coverage is beyond the allowable permeable surface required area. The lot is entirely paved in concrete. The abutting houses, in particular, number 85 next door, are residential wood framed structures. If lot 249 (83 Ethan) were to become a C-2 zone, it would still be non-compliant because it would need to have an interior side yard setback of ten feet between the exterior wall of 83 Ethan and its side property boundary line. At present, it appears to be in the vicinity of 10 to 12 inches. [See table 5-1 Minimum Setback Requirements].

BUILDING CODE ISSUES

Building Code Violations. At present 83 Ethan Street is a mixed-use 2 story building with a commercial activity on the first floor and a residential apartment unit also on the first floor with a larger residential unit above both spaces on the second floor. The ceiling and floor assembly that separates the two uses do not comply with the 2-hour fire rated assembly required in a C-2 zone. C-2 zones require at least two (2) means of egress, emergency lighting, smoke detention sensors, an annunciator panel box, appropriate EXIT signs and emergency exit hardware on exterior exit doors to name some general requirements. In its present state, I have doubts these measures are present in the building. About 14 feet of the ground floor of 83 Ethan Street is a one-story addition. Here again, the ceiling and roof assembly of this portion of the structure lacks a fire rated construction barrier to protect the neighboring wood house of number 85 Ethan Street. Although the exterior supporting wall of the roof is constructed of concrete masonry units (cement block), it does not meet the requirement of a 2-hour fire rated assembly. The cinder block composition is different from today's specification of cementitious material and density. The block itself may be hollow empty cells which was typical of the period. Today's requirement calls for the cells to be filled with mortar or flame-retardant material like perlite. It should be noted that the separation distance between this wall and the adjacent wood frame wall of 85 Ethan Street is 22-24 inches at best. In addition, 85 Ethan Street has a wood framed cornice

BUILDING CODE ISSUES (cont'd)

overhang that projects horizontally into the 22–24-inch gap reducing the gap to 4 ½ to 5 inches between the overhang and the wood fascia board of 83 Ethan Street. In the event of a fire or other life safety emergency, both structures would easily be involved given this tiny separation gap.

PARKING REQUIREMENTS

In the City of Providence, it is illegal to park within 25 feet of an intersection whether a sign is posted or not. Whether during business operation or not, patrons and others frequently violate the law. Parking close to the intersection blocks access to the pedestrian sidewalk and exacerbates the visual field to avoid collisions as one travels through the intersection. The intersection of Ethan Street and Moorefield Street is additionally complicated because three of the 4 corners that form the intersection have houses built up to the property line without the benefit of front and side yard setbacks. 83 Ethan is one of these houses. Consequently, the visual field is severely limited when driving through the intersection in making left or right hand turns. Cars parked up to the intersection that do not observe the 25-foot clear distance exacerbate and reduce visibility even further. 83 Ethan has no accommodation for off street parking. Because the presently operates as a neighborhood establishment, patrons can walk to the bar from their home. However, if Bella's Bar becomes a C-2 zone, the parking availability and traffic congestion will drastically change from bad to worse. No ticketing of cars is happening at present. C-2 zones presently are destination venues that require off-street parking which creates a high demand for parking spaces for several streets nearby making it difficult for local and adjacent homeowners to access their property or accommodate their guests. A number of these problems exist now. A change to a C-2 zone intensifies the problem to a high degree of folly.

QUALITY OF LIFE

A C-2 zone is an intensification of business activity. The dense concentration of people and a business that serves alcohol is always fraught with problems. Noise at a high decibel level, music with loud percussion sound is disturbing and disruptive to residential adjacent properties

THE SCALE OF LIFE SAFETY ISSUES

83 Ethan Street is one of five (5) adjacent properties at the corner of Moorefield and Ethan Street that extend down a short distance to Silver Lake and terminates at the corner of Silver Lake and Union Avenue, (See attached aerial photocopy). The properties of lots 248, 249 (83 Ethan Street), 250, 251 and 398, are legal properties that fall into the non-conforming category because of no front yard or side yard setback deficiencies. The lot size may be below the minimum lot size. What I wish to point out here is how closely clustered all the houses are, possibly because they predate the Zoning Ordinance of 1923. At least 4 of the houses have accessory buildings, garages or sheds that further reduce the space between them with little, if any buffer space.

THE SCALE OF LIFE SAFETY ISSUES (cont'd)

Should a fire occur at any of these houses, it puts all these houses at a grave risk. The main principle of the Providence Zoning Ordinance, its spirit and intent, is not to intensify the level of non-conformity to a higher level or degree of non-conformity. In **Article 20C**, the citation of intensification “a non-conforming use of a structure or land cannot be intensified in any manner...intensification includes...increasing the hours of operation and seating capacity of any use”. The residential tenants of 83 Ethan Street as well as the abutting occupants of adjoining properties are potentially in harms way.

CRIME INCIDENTS

On November 27, 2020, A robbery occurred at CVS Pharmacy on Pocasset Ave. On March 8, 2022, a man was arrested for firearms trafficking. On August 3, 2022, a man is stabbed at Prudence and Pocasset Avenue. On **September 22, 2022**, a **resident of the second-floor apartment, at 83 Ethan Street, was murdered**. On January 3, 2023, a vehicle is stolen with 2 children inside the vehicle. On **May 25, 2023**, a **parked car in front of 83 Ethan Street was riddled with bullets**. Unfortunately, I do not recall the actual date, however **three gunmen had fired rounds at this establishment striking both the bar and the upper residential floor**. C2 zones in the area of Pocasset Avenue from Prudence Avenue to Laurel Hill Avenue have seen incidents of robbery and shootings. In addition, a home invasion in 2016 also occurred on Pocasset Avenue. This is just a sampling of the violence and criminal behavior that occurs in a C-2 zone. Because C-2 zones allow a significant concentration of business activity, there will be an increase of incidents of bad behavior and lawlessness. The domestic nature of properties surrounding 83 Ethan Street are in jeopardy should this change be approved.

**** Please see attached photos**

Thank you for your time and consideration,



Silvano Mastrogiuseppe, R.A.

Board Certified Registered Architect

ONE STOREY ADDITION, WITH 5" GAP

5" +/- GAP
BETWEEN OVERHANG &
FASCIA OF 83 ETHAN

85 ETHAN

83 ETHAN

ONE STOREY

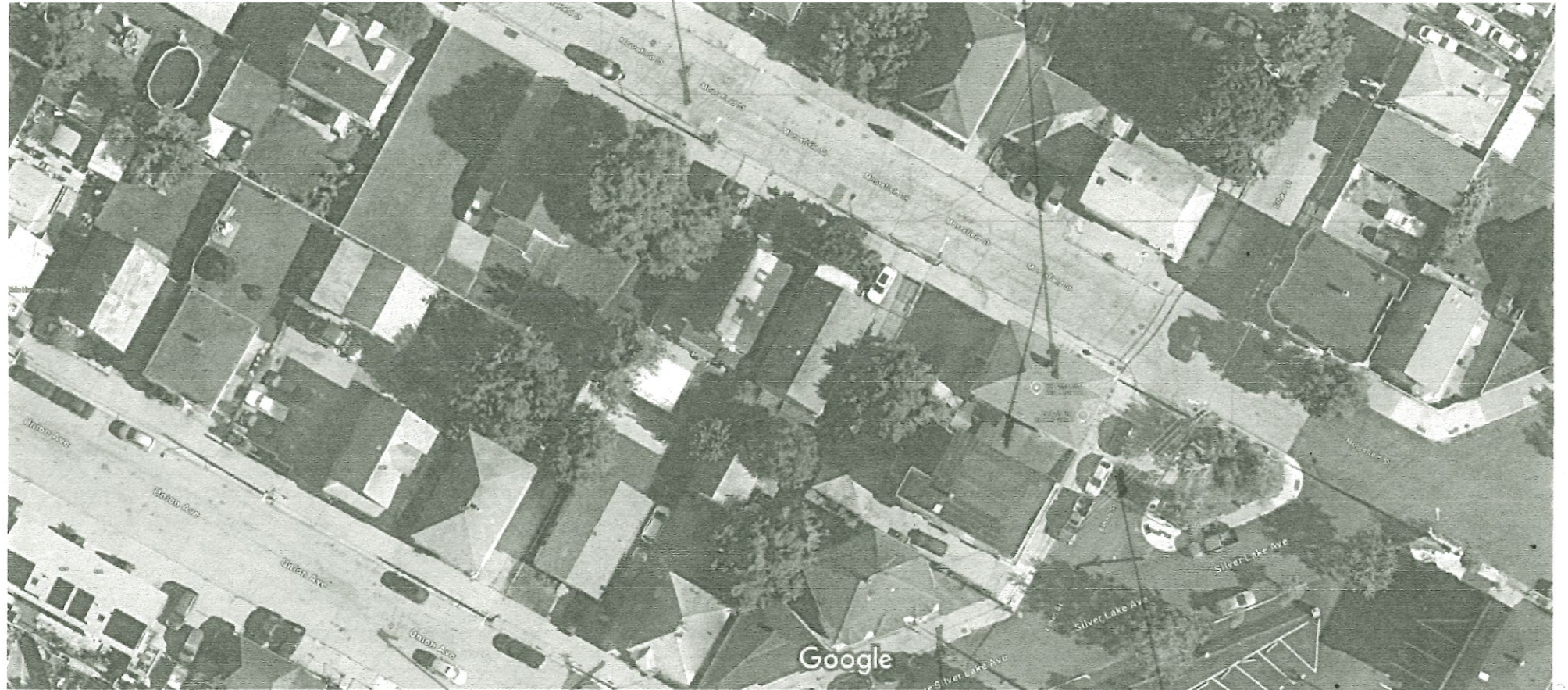
GEMMA'S
BAR
GEMMA'S BAR

22" SEPARATION BETWEEN
85 AND 83 ETHAN STREET



Google Maps

MOOREFIELD STREET — 03 ETHAN STREET



Map data ©2025, Map data ©2025 Google 20 ft

UNION AVENUE — SILVER LAKE AVENUE — ETHAN STREET

83 Ethan Street X

+ Search result v

-

Home

2 STOREY
83 ETHAN
STREET
ONE STOREY
ADDITION
OF 83 ETHAN
(IN SHADOW)

Viewer

