

City of Providence
STATE OF RHODE ISLAND

CHAPTER 2022-76

No. 433 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 CERTAIN TEXT IN SECTION 1907(E)(2)(E)

Approved December 21, 2022

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 to Change Certain Text in Section 1907(E)(2)(e) as follows:

Emergency Demolition - Should the Director of the Department of Inspections and Standards determine that a structure is unsafe or hazardous and an imminent hazard to public safety for a reason such as being in danger of imminent collapse from damage caused by human action or an act of God, a committee consisting of the Director of the Department of Inspections and Standards, Fire Marshal, Planning Director, a structural engineer to be hired under City auspices, and the Chair of the Downtown Design Review Committee, or their designees, shall convene immediately and evaluate whether the structure should be demolished. The committee shall evaluate all pertinent information, including, but not limited to, the structural condition of the structure, the historic value of the structure, and the danger to the public. The Director may order partial or full demolition based on the consensus of the committee. If the Director of the Department of Inspections and Standards, in consultation with on-site life safety officials, determines that the structure is in danger of imminent collapse or is an immediate danger to public safety and there is no time to convene the aforementioned committee, he/she may order the structure demolished immediately. The Director of Inspections and Standards shall issue a report to the Downtown Design Review Committee stating the reasons for the order. When a principal-use parking structure, which is the sole use of a property, is deemed unsafe by the Director of the Department of Inspection and Standards, or his/her designee, and ordered demolished during the Covid-19 pandemic and then-pending Executive Emergency Orders, e.g. i.e. from March 8, 2020 through October 2, 2021, the footprint of the principal-use parking structure may be used as a principal-use parking lot. Said parking lot shall be considered a nonconforming use and shall comply with all regulations of this ordinance for such parking lots, including, but not limited to, landscaping, striping and groundwater drainage.

SECTION 2. This ordinance shall take effect upon passage.

IN CITY COUNCIL

JUL 21 2022

FIRST READING

READ AND PASSED

Tina L. Mastroianni CLERK

ACTING

MOTION TO PASS FOR THE SECOND TIME
ON A ROLL CALL VOTE FAILED SEP 01 2022

Tina L. Mastroianni

Tina L. Mastroianni
Acting City Clerk

IN CITY
COUNCIL

DEC 15 2022

FINAL READING

READ AND PASSED

John J. Gliozzi PRESIDENT

Tina L. Mastroianni CLERK

ACTING

I HEREBY APPROVE.

[Signature]
Mayor

Date: *12/21/22*



City Plan Commission
Jorge O. Elorza, Mayor

June 24, 2022

Councilman Nicholas Narducci
Chair, Committee on Ordinances
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Tina Mastroianni, Acting City Clerk

Re: Referral 3521 – Demolition of Downtown Parking structures

Petitioners: Chapel Parking LLC

Dear Chairman Narducci,

The City Plan Commission (CPC) reviewed the above referenced zone ordinance amendment at a meeting on June 21, 2022 and voted to recommend that the City Council deny the amendment based on their findings described below. However, should the Council vote to approve the change, the CPC recommends certain changes to the amendment.

FINDINGS OF FACT

The petitioner is requesting to amend Section 1907 E.2.e of the zoning ordinance pertaining to emergency demolition of structures in the D-1, Downtown zone. The amendment would allow the footprint of a parking structure that is deemed unsafe and ordered demolished by the Director of Inspection and Standards, to be used as a parking lot, which is otherwise prohibited Downtown. The parking lot use would be considered nonconforming and would be required to be developed in accordance with the ordinance's regulations for design of parking lots.

This petition came about when the petitioner demolished a parking structure at the corner of Empire and Weybosset Streets and was notified that a principal-use parking lot would not be allowed on the site. The CPC would prefer that vacant sites in downtown be developed for buildings instead of used as parking lots, which are prohibited by the ordinance and discouraged by the comprehensive plan.

The CPC found that the amendment was not in conformance with a number of comprehensive plan objectives. The CPC found that the amendment was not in conformance with objective BE-1.B which encourages development of design standards for new development. The CPC found that propagation of parking lots would not be in conformance with the design standards of the Downtown Design Review Committee (DDRC), as parking lots are prohibited Downtown. The CPC found that the amendment would not conform to objectives

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BE-2.C and D which encourage new development to complement traditional character by identifying design standards that target specific concerns with appropriate controls and ensuring that regulations reinforce neighborhood design. The CPC found that the amendment would not be in conformance with these objectives as it would allow for propagation of parking lots which are not in character with the design of the Downtown neighborhood, where parking lots are prohibited by the ordinance. The CPC found that the amendment was not in conformance with objectives BE3.E and G which promote compact urban development and transit oriented development through redevelopment and reduction of surface parking lots, which are prohibited Downtown.

RECOMMENDATION

Upon a motion by Commissioner Sanchez, seconded by Commissioner Potter, the CPC voted to recommend that the City Council deny the proposed zone change based on the above findings.

Should the City Council vote to approve the change, the CPC recommends that the amendment be updated as follows:

To ensure that this amendment is not misinterpreted to include buildings that have integrated parking structures, the CPC suggests the following edits to the first sentence of the proposed amendment:

"When a principal-use parking structure, which is the sole use of a property, is deemed unsafe by the Director of the Department of Inspection and Standards, or his/her designee, and ordered demolished, the footprint of the principal-use parking structure may be used as a parking lot."

The CPC voted as follows:

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

Abstain: M. Cordero

Sincerely,



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 this honorable body:

I, Nicholas J. Hemond, Esq., on behalf of Chapel Parking, LLC owner of real property located at 50 Chapel Street, Providence, RI, hereby petition the City Council to change the Zoning Ordinance of the City of Providence by changing the text of Section 1907(E)(2)(e) as follows:

Emergency Demolition – Should the Director of the Department of Inspections and Standards determine that a structure is unsafe or hazardous and an imminent hazard to public safety for a reason such as being in danger of imminent collapse from damage caused by human action or an act of God, a committee consisting of the Director of the Department of Inspections and Standards, Fire Marshal, Planning Director, a structural engineer to be hired under City auspices, and the Chair of the Downtown Design Review Committee, or their designees, shall convene immediately and evaluate whether the structure should be demolished. The committee shall evaluate all pertinent information, including, but not limited to, the structural condition of the structure, the historic value of the structure, and the danger to the public. The Director may order partial or full demolition based on the consensus of the committee. If the Director of the Department of Inspections and Standards, in consultation with on-site life safety officials, determines that the structure is in danger of imminent collapse or is an immediate danger to public safety and there is no time to convene the aforementioned committee, he/she may order the structure demolished immediately. The Director of Inspections and Standards shall issue a report to the Downtown Design Review Committee stating the reasons for the order. When a principal use parking structure, which is the sole use of a property, is deemed unsafe by the Director of the Department of Inspection and Standards, or his/her designee, and ordered demolished during the Covid-19 pandemic and then-pending Executive Emergency Orders, e.g from March 8, 2020 through October 2, 2021, the footprint of the principal use parking structure may be used as a principal parking lot. Said parking lot shall be considered a nonconforming use and shall comply with all regulations of this ordinance for such parking lots, including, but not limited to, landscaping, striping and groundwater drainage.

Presented By:

Nicholas J. Hemond, Esq.
Darrow Everett, LLP
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Providence, RI 02903

Attorney of Record for:
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c/o Paolino Properties
100 Westminster Street
Providence, RI 02903