

# Statement of the Providence Working Waterfront Alliance

## On the Waterfront Plan and the Allens Avenue & Port Redevelopment Plan

December 1, 2009

### Overview

For the past two years, the Providence Working Waterfront Alliance (PWWA) has worked diligently to educate Providence city officials and the public about the critical role of water-dependent and industrial businesses located along Allens Avenue's historic working waterfront. Collectively, these businesses generate hundreds of millions of dollars in total economic impact, supply critical regional energy resources, provide hundreds of good paying blue collar jobs, and thousands more related jobs. In short, the Allens Avenue area in the Port of Providence is a vital regional economic resource that *must* be protected from incompatible residential uses that threaten existing marine and industrial businesses, and future port growth opportunities.

While a great deal of progress has been made since the release of earlier city planning documents (Narragansett Landing Plan, Providence 2020, early drafts of the Interim Comprehensive Plan) which did not depict *any* water-dependent or industrial businesses on Allens Avenue, the Providence Planning Department's Waterfront Plan continues to cling to a discredited vision of mixed-use residential and hotel uses directly next to heavy marine industrial businesses.

This mixed-use vision, at the heart of the Waterfront Plan, runs directly counter to the overwhelming consensus reached at the June 2008 Waterfront Charrette where invited experts, area businesses, and the public agreed that residential uses are incompatible with existing Allens Avenue working waterfront and heavy industrial businesses. As the *Providence Journal's* June 13, 2008 headline read, "[Housing on city waterfront rejected at charrette.](#)"

Unfortunately, this clear consensus is not reflected in the current Waterfront Plan. PWWA members remain united in opposition to any mixed-use zoning that would allow for incompatible residential or hotel uses to be sited directly next to existing heavy marine and industrial operations. In addition, none of the "buffering" strategies outlined in the Waterfront Plan give any area businesses the confidence that they will not be complained out of business by future residents and/or hotel guests. There is ample evidence from Providence and port communities around the country that residents will complain about nearby industrial operations, that these complaints inevitably lead to operating restrictions, which in turn threaten the viability of industrial businesses. This point is explicitly made in a November 10, 2009 U.S. Department of Energy [letter](#) to Governor Carcieri and Mayor Cicilline which notes serious concerns with the mixed-use vision outlined in the Waterfront Plan:

*"A mixed use commercial district would allow the building of hotels, marinas, and condominiums immediately adjacent to existing oil terminals. This could have a negative impact on the commercial operations of those fuel terminals. Rezoning may result in future restrictions on terminal operations to accommodate residential preferences that could endanger the economic viability of terminals"*

*given the differing nature of the established and proposed uses of the areas in question. This could eventually result in the loss of petroleum storage capacity for the region.”*

Put simply, residential condominiums, hotels, and marinas do not belong in this historically industrial working waterfront area. Indeed, the Allens Avenue industrial corridor has been successful precisely because it is already well buffered from residential neighborhoods by I- 95 to the west, and the hurricane barrier and I-195 interchanges to the north. The introduction of residential uses on Allens Avenue is a recipe for conflict and the slow death by a thousand cuts of the area’s water-dependent and heavy industrial businesses.

It is also impossible to comment on the Waterfront Plan outside of the context of the vastly overbroad Allens Avenue & Port Redevelopment Plan ordinance introduced before the Providence City Council on November 5<sup>th</sup>. This plan would declare all properties along Allens Avenue and in the ProvPort and Harborside areas as "blighted and substandard," thus enabling the Providence Redevelopment Agency (PRA) to use its broad powers of condemnation and eminent domain. The plan would be in effect for 40 years, and at any point during this time period the PRA could begin condemnation / eminent domain procedures against any properties within the approximately 590 acre redevelopment plan area.

Even the mere threat of eminent domain over the next 40 years will serve as a disincentive for area businesses to invest in their properties, expand operations, and grow jobs. This redevelopment plan grants the PRA wide flexibility to “redevelop” the area, yet offers absolutely no assurances to existing businesses and property owners. This radical plan is completely unacceptable to the members of the PWWA and other Allens Avenue area businesses who demand to be removed from the redevelopment plan area.

If the city and the PRA’s true goal with this plan is solely to aid the expansion of ProvPort onto adjacent properties, then the redevelopment plan should be rewritten and the map redrawn to narrowly focus on ProvPort and these specific projects.

For the reasons stated broadly above, and in detail below, the PWWA opposes, in their current form, the Waterfront Plan and the Allens Avenue & Port Redevelopment Plan ordinance.

Instead, the PWWA urge the adoption of the planning and zoning principles outlined in the September [2008 Horsley Witten Group study of the Allens Avenue Corridor](#). This study recommends the adoption of “mixed-use industrial” zoning that would prohibit incompatible residential and hotel uses while maintaining the flexibility to allow for lower intensity non-residential uses such as commercial office buildings.

The PWWA feels this is a reasonable compromise that will provide needed protections for Allens Avenue’s industrial businesses, while providing the city with the flexibility to attract compatible new uses to the area.

## Detailed Responses to the Waterfront Plan

### Waterfront Plan:

Page 1, first paragraph, first sentence: *“Providence Tomorrow: The interim Comprehensive Plan was approved by the State of Rhode Island in July, 2008.”*

### Response:

The interim Comprehensive Plan was approved by the State of Rhode Island in July 2008 along with important comments and recommendations relative to Providence’s waterfront. As stated in the July 15, 2008 letter from the Department of Administration to Mr. Thomas Deller:

*“Although the Future Land Use Map (FLUM) on page 100 in the Comprehensive Plan shows the actual ‘Port of Providence’ as being an area limited to the southern part of Allens Avenue (south of Thurbers Ave), the State designation stretches further north along the waterfront into the areas designated as ‘Waterfront Mixed-Use’ on the FLUM. Strategy LU.3.r of the State Guide Plan Element 611 states ‘Reserve waterfront land at the State’s ports to meet future shipping and passenger transportation needs.’ This discrepancy in definition of the ‘Port’ may create some confusion as it is currently labeled in the Plan. A more detailed description of the labeling of the Port in the FLUM will may alleviate potential confusion.”*

*“Though the Plan does allow for residential uses in the Waterfront Mixed Use areas, it does set a priority for industrial uses in those areas. The city may consider designating this area as a Waterfront Jobs District, intended for industrial, manufacturing, commercial and offices uses to support water freight and transportation job growth and expansion with no residential uses permitted. This use would serve as a transition between heavier port uses and other areas (Downtown/Jewelry District to the north and residential to the west). The ongoing ‘Charrette’ process may result in some valuable feedback regarding the future of this important area of the City.”*

Unfortunately, the Waterfront Plan does not adequately incorporate these recommendations.

First, throughout, the Waterfront Plan tries to conflate the city owned land at ProvPort as if it were the entire Port of Providence. As the comment above notes, this is incorrect. The State Guide Plan and the Coastal Resources Management Council define the Port of Providence as inclusive of ProvPort, Motiva, and the Allens Avenue waterfront along the entire 40ft federally dredged channel. The area also includes critical oil terminals (Capital Terminal and Exxon Mobile) on the East Providence side of the port. The Port of Providence is an interrelated whole that the State Guide Plan rightly states should be reserved to meet “future shipping and transportation needs,” not the construction of condominiums or hotels which do not need direct access to deep water.

Similarly, the Waterfront Plan entirely ignores the second recommendation made by the State, that the northern Allens Avenue area be reserved as a Waterfront Jobs District that prohibits

residential uses and serves as a transitional area between heavy port uses and residential areas to the north and west. The PWWA strongly urges that the Waterfront Plan be revised to incorporate these very sensible recommendations, which are similar to those made in the Horsley Witten Group's September 2008 planning and zoning study of the area.

**Waterfront Plan:**

Page 1, second paragraph:

*Providence Tomorrow is the most recent of several plans that address the Providence Waterfront, beginning in 1990 with the Industrial Waterfront Plan. That plan was the result of a study conducted in the late 1980s that concluded that the industrial waterfront is an important part of the regional economy and that future land uses should contribute to the further growth of existing industries and utilities. As a result of the study, the waterfront was zoned for waterfront industrial uses.*

**Response:**

The 1990 Industrial Waterfront Plan and the resulting W-3 Port/Maritime Industrial zoning have been a tremendous success. They have helped the entire Port of Providence become one of the top 50 ports in the nation and attracted \$63 million in state and federal funds to dredge the channel to 40ft, which in turn has leveraged millions more in dredging and capital improvements at several port terminals (Sprague Energy, Promet Marine, Motiva, St. Lawrence Cement, and ProvPort).

**Waterfront Plan:**

Page 1, second paragraph:

*In 1999, the Narragansett Landing study had a very different vision. That plan outlined an ambitious vision for a new 250-acre waterfront development that would replace industrial uses with marinas, apartments, office buildings and parks. **Though the plan was never officially adopted by the City, nor any regulations amended to make way for the new development, a clear signal was sent by the City that this new vision for the waterfront was being considered.** Providence 2020 was issued in 2005, envisioning an expanded downtown that included the waterfront area south to Thurbers Avenue, and was intended to direct and shape private investment for a variety of economic activities, including innovative industries, research, commercial and retail activities, and cultural uses. (emphasis added)*

**Response:**

Sadly, these are the very plans that have cast a cloud over industrial growth on Allens Avenue for the last decade. The Narragansett Landing study's "vision" for Allens Avenue didn't include a single smokestack or marine industrial business. Indeed, a [2003 Narragansett Landing Implementation Study](#) recommended that both sides of northern Allens Avenue "come under

public control by designating all of Narragansett Landing from Collier Point Park to Thurbers Avenue for condemnation pursuant to a redevelopment plan."

Similarly, the 2005 Sasaki Providence 2020 study contained lavish drawings of a recreational Allens Avenue waterfront filled with condominiums and marinas, but without a single existing industrial business depicted.

The "clear signal" that has been sent by the city through these plans is that water dependent and industrial businesses are not wanted on Allens Avenue. Unfortunately, this message continues to be delivered through the current Waterfront Plan's insistence on introducing residential uses on Allens Avenue. This "clear signal" is sent even more directly by the Allens Avenue & Port Redevelopment Plan's call to designate the entire port area as "blighted and substandard," and subject to condemnation / eminent domain by the PRA.

Simply repeating the same failed plans over and over again, does not somehow make them more viable or correct. Despite the cloud created by these plans, Allens Avenue's water-dependent and industrial businesses are thriving. According to the [June 2008 economic impact report](#) conducted by FXM Associates, just 7 water-dependent, water-enhanced, and industrial businesses in the Allens Avenue area are responsible for:

- \$294,000,000 in annual business sales
- 372 workers (90% full time) with an average total compensation of approximately \$60,000 per year
- Direct, indirect, and induced effects combined = \$324 million in total business output within the state, over 700 jobs, and nearly \$30 million in household income

Rather than pushing forward with yet another plan that threatens existing Allens Avenue industries with uncertainty, the city should work with area businesses to grow jobs and attract new industrial users. The city has it right to be promoting such industrial development at ProvPort, but it should extend the exact same logic to the entire Allens Avenue working waterfront / industrial area.

**Waterfront Plan:**

Page 1, third paragraph:

*One of the key points made during the waterfront charrette and reinforced by public input received throughout the process was that the city's unique marine infrastructure needs to be protected and that water dependent businesses need assurances that they will be permitted to continue to operate in place and, where possible, be able to invest in expanding their operations. We have heard those concerns loud and clear. To that end, the City has worked extensively with ProvPort and proposes a series of actions, detailed in this plan, to expand its operations and bring additional jobs to Providence residents.*

**Response:**

Water-dependent and industrial businesses along *all* of Allens Avenue, not just at ProvPort, need assurances that they will be permitted to exist and expand their operations to create jobs for Providence residents. The current Waterfront Plan contains insufficient assurances that northern Allens Avenue industrial businesses will not be threatened by incompatible residential mixed-use development.

**Waterfront Plan:**

Page 4:

*The study area contains three distinct areas: the area south of the hurricane barrier along the relocated I-195 in Fox Point, the Port of Providence and the waterfront area that connects the two, along Allens Avenue.*

**Response:**

Once again, the State Guide Plan and the Coastal Resources Management Council treat the Port of Providence as an integrated whole. Also, the 40ft federal channel runs the entire length of Allens Avenue all the way up to Sprague Energy's terminal.

**Waterfront Plan:**

Page 8, first paragraph:

*The industrial area south of Thurbers Avenue is the ideal location for water-dependent heavy industry. Sited on a newly dredged deep water channel with direct on-dock rail access and convenient highway access, this area has the marine infrastructure in place to support water-dependent uses.*

**Response:**

This is not the only area ideally situated for water-dependent heavy industry. Both Sprague and Promet sit directly off of the newly dredged 40ft deep water channel and benefit from convenient highway access. In addition, Sprague Energy has had conversations with the Providence & Worcester Rail Road about the potential use of the rail spur on northern Allens Avenue.

Similarly, Rhode Island Recycled Metals chose their 434 Allens Avenue location because of its access to the channel and direct rail and highway access.

**Waterfront Plan:**

Page 8, first paragraph:

*ProvPort, with overall management and stevedoring services provided by Waterson Terminal Services, occupies a large portion of the land in this area, with over 100 acres dedicated to port activities. The Port has six berths, which total approximately 3,500 linear feet. **This infrastructure enables them to offload***

*over 2,000 ships annually, handling over 2.5 million tons of primarily bulk cargo such as coal, cement, chemicals, salt and aggregates, and break bulk cargo such as steel, copper and forestry products. (emphasis added)*

**Response/Correction:**

ProvPort alone does not handle 2,000 ships annually. The entire Port of Providence, encompassing all area terminals (Sprague Energy, Motiva, ProvPort, Capital Terminal, and Exxon Mobile) handles more than 2,000 ships annually.

**Waterfront Plan:**

Pages 16-17: Additional Constraints for Water-Dependent Development section

**Response:**

This section aims to portray marine industrial expansion along northern Allens Avenue as being extremely difficult and/or prohibitively expensive. Not being marine engineers however, Ninigret Partners and the Planning Department greatly underestimate the innovative marine infrastructure techniques that can be employed. For example, floating, temporary, and spud barges can be used to “pier out” over shallow water to reach the 40ft channel.

This is exactly the technique being used by Rhode Island Recycled Metals. Their [spud and temporary barge setup](#) has been approved by the Coastal Resources Management Council. Rhode Island Recycled Metals also intends to apply for bulkheading permits and to eventually dredge to 20-25ft to accommodate barge service.

Similarly, a short sea shipping operator recently toured Allens Avenue and found both 434 Allens Avenue and 200 Allens Avenue (Providence Piers) to be promising sites for a proposed barge to rail operation.

Finally, marine infrastructure investments can be costly. That’s precisely why the city has applied for \$39 million in stimulus funds for projects at ProvPort. Rather than actively dissuade similar projects/investments on northern Allens Avenue, the city should work with area businesses to apply for federal and state infrastructure funds that will help expand operations and grow jobs.

**Waterfront Plan:**

Page 18, first paragraph:

*Several uses that should be protected and promoted are not currently permitted in the W-3 zone, while other uses are permitted that should be excluded. For example, the W-3 zone does not allow ship and boat building and repair while restaurants are permitted. Retail and commercial uses are permitted in the W-3, if they are related to a water-dependent business. In addition, through “residential mixed use,” a residential development could be built as long as it is combined*

*with a permitted commercial use. Therefore, a store that sells marine supplies could have apartments or condominiums on upper floors by right.*

**Response:**

The PWWA agrees that certain historical errors, such as the ship and boat building and repair (which is explicitly permitted in the M2 zone right across Allens Avenue) should be corrected to broaden the uses allowed. Likewise the “residential mixed use” is an anachronism left over from the days of caretakers living on-site, and now should be flatly prohibited in the entire area. The PWWA also notes that the footnotes for the entire Zoning Ordinance were jumbled and printed incorrectly for several years. All footnotes should be renumbered consecutively throughout the Use Table. Finally, as to restaurants, the PWWA does not oppose them outright, since they are a useful ancillary use to the industrial and maritime uses, serving the workers in the area. However, they should be subject to appropriate restrictions, including a special use permit, to prevent them from coming into conflict with their industrial neighbors.

**Waterfront Plan:**

Page 18: Port Commission section

**Response:**

The PWWA applauds the recreation of the Port Commission as an entity to promote commerce in the port area. The PWWA strongly urges that a representative from a water-dependent or industrial business in the northern Allens Avenue area be appointed to serve on the commission.

**Waterfront Plan:**

Page 19, second paragraph:

*Demand for the I-195 parcels for housing may increase as the area becomes more attractive as a result of development of the Jewelry District, expansion of hospitals and universities, and construction of the new waterfront parks.*

**Response:**

The I-195 parcels inside of the hurricane barrier and along both sides of the city’s river walk are the ideal place to build a mixed-use residential neighborhood. Unlike on Allens Avenue, mixed-use development in this area would not threaten industrial businesses. This is where Providence should develop its “Inner Harbor,” while protecting and reserving its port area along Allens Avenue for marine industrial growth.

This is precisely what Baltimore has done. They have promoted mixed use development in their Inner Harbor and protected their industrial port lands, which run along the port’s deep water channel, using a Maritime Industrial Zoning Overlay District (MIZOD) which prohibits residential and hotel uses.

**Waterfront Plan:**

Page 20, fifth paragraph:

*Short sea shipping requires substantial landside area, which would necessitate parcel consolidation as well as infrastructure improvements.*

**Response:**

A short sea shipping operator has toured Allens Avenue and found both 434 Allens Avenue and 200 Allens Avenue (Providence Piers) to be promising sites for a proposed barge to rail operation.

**Waterfront Plan:**

Page 20, sixth paragraph:

*Energy distribution and storage on the Providence waterfront is primarily petroleum-based. The City receives 10% of the total petroleum products delivered in New England. Most of this is gasoline. Gasoline demand may decrease as fuel cell technologies are developed. Additionally, continued decline in the use of home heating oil is expected, as natural gas is likely to become the primary source of fossil fuel heat in Rhode Island. While demands are changing, it is unclear what implications there will be on fuel oil storage facilities. Providence may continue to be an energy distribution site with or without petroleum-based products due to its location, water and rail access, infrastructure, and regulatory clearance.*

**Response:**

In a November 10<sup>th</sup> [letter](#) to Governor Carcieri and Mayor Cicilline, the U.S. Department of Energy clearly states the critical importance of the port's oil terminals to the supply of gasoline and home heating oil to the region:

*“Providence serves as an important gateway for the import of petroleum products into the state and region. Statistics from the DOE’s Energy Information Administration indicate that almost all of the transportation and heating fuel products consumed in Rhode Island, eastern Connecticut, and parts of Massachusetts are supplied via marine shipments through Providence. For example, in 2008, over 35 percent of the petroleum distillates sold in Rhode Island entered the state through the Port of Providence. Even more significantly, over one and one-half times the amount of all of the gasoline sold in Rhode Island was received through the Port for distribution within the state and neighboring states. For this reason, the Sprague Energy and Motiva terminals in the Allens Avenue Industrial Corridor are essential not only to Rhode Island, but also to the Northeast.”*

The Port of Providence will remain a key source of regional fuel energy for the foreseeable future. In addition, new state and federal requirements for blended biofuels will likely require additional tank storage capacity.

**Waterfront Plan:**

Page 23:

*First, any significant investment would likely require site assembly and preparation. The area, particularly Allens Avenue, is characterized by a large number of small parcels that do not contain adequate land area to support many of the desired uses.*

**Response:**

“Site assembly and preparation” is code for using the Allens Avenue & Port Redevelopment Plan ordinance to take Allens Avenue parcels via condemnation or eminent domain. This is unacceptable to the PWWA and other Allens Avenue business owners who should have the right to determine “the desired uses” of their properties.

**Waterfront Plan:**

Page 25, second paragraph:

*RIPTA is currently proposing a street car loop through the Jewelry District and Downtown. It is envisioned that the loop could add extension lines - Allens Avenue is identified as one option, extending south from the Jewelry District.*

**Response:**

Any street car or light rail on Allens Avenue could interfere with the Providence & Worcester Railroad’s right of way along the avenue. The railroad has not abandoned this line and has had conversations with Sprague Energy and Rhode Island Recycled Metals about reactivating the line for freight traffic.

**Waterfront Plan:**

Page 28, A Working Waterfront section:

- *A redevelopment plan for Allens Avenue and the Port of Providence;*
- *Application for federal funding to expand the operation of ProvPort;*
- *Creation of a new zoning district to serve as an exclusive heavy marine industry zone;*
- *Sale or lease of a large City-owned parcel to ProvPort to facilitate expansion and increased efficiency;*

- *Creation of a Providence Port Commission to advise the City on land use changes;*
- *Development of a strategy to further maintain and enhance maritime activities on the Providence waterfront; and,*
- *Protection of vital truck routes and freeway and freight rail access necessary to serve the Port's cargo shipping industry, and analysis of improvements to accommodate additional truck traffic, including access to I-95 North and South at Thurbers Avenue.*

**Response:**

The PWWA generally supports the goals of the “A Working Waterfront” section. However, the suggested improvements and protections for water-dependent businesses should not only apply at ProvPort. Infrastructure investments and the “creation of a new zoning district to serve as an exclusive heavy marine industry zone” should also apply to heavy industrial water-dependent uses in the northern Allens Avenue corridor. These should include the operations at Sprague Energy, Promet Marine, and Rhode Island Recycled Metals.

The PWWA completely disagrees that the Allens Avenue & Port Redevelopment Plan, as it is currently written, will help achieve the goals of “A Working Waterfront” in the northern Allens Avenue area. Instead, this vastly overbroad plan will threaten existing businesses and future industrial growth opportunities.

**Waterfront Plan:**

Page 30, third paragraph:

*As the continuing evolution of the waterfront unfolds, water-dependent activities should be interspersed with other compatible land uses to enhance public enjoyment of the Bay and exposure to the working waterfront. New mixed-use activity hubs should emerge along the waterfront, weaving together and reflecting Providence's diverse cultures, the interests of businesses and mariners, employees and residents, recreation enthusiasts and others seeking enjoyment of the waterfront. Providence should encourage and foster a balance of uses and activities on the waterfront. An array of new open space, recreation, maritime and commercial activities, all of which should be accommodated, will reunite the City with its waterfront by providing new gathering places that are full of life and activity.*

**Response:**

This section represents a fundamental misunderstanding of the term mixed-use. Mixed-use does not mean siting incompatible residential and hotel uses directly next to heavy industrial businesses. This point was made over and over again at the waterfront charrette by experts from Boston, Portland, Maine, and Baltimore.

In Boston, Vivien Li of the Boston Harbor Association described how waterfront condo owners and tenants have complained about truck traffic in the port area. She also noted that deed

restrictions are unenforceable, as residents with enough money to rent/own waterfront property also have the resources to hire attorneys to file nuisance complaints and to lobby local legislators to pass operating restrictions.

In Portland, Maine, Planner Bill Needelman described how allowing the development of residential condominiums directly next to active fishing piers in the 1980s was a mistake. As a result, the city actually passed more restrictive zoning to prevent such incompatible uses. While Portland is again reviewing its inner harbor waterfront area zoning regulations due to the sharp decline in the local fishing industry, the city maintains restrictive industrial zoning policies for the port's heavy industrial users, including Sprague Energy which operates a cargo facility there.

In Baltimore, Planner Douglas McCoach described the vibrancy of the city's mixed-use inner harbor which no longer contains industrial uses. However, he also described Baltimore's large marine industrial outer harbor area which is protected by an extremely restrictive Maritime Industrial Zoning Overlay District (MIZOD) which prohibits residences, hotels, and other incompatible uses. This largely uninterrupted MIZOD protection area generally follows land frontage adjacent to the Port of Baltimore's deep water channel. In May 2009, Baltimore Mayor Sheila Dixon signed legislation [extending](#) MIZOD protections through 2024.

The PWWA opposes the Waterfront Plan's insistence on allowing incompatible residential/hotel mixed-uses directly next to Allens Avenue's water-dependent and heavy industrial businesses. Providence's "Inner Harbor" from the hurricane barrier north, along the river walk area, is the best place to promote this type of development.

The PWWA also supports public access to the waterfront where appropriate. India Point Park and Collier Park are ideal public waterfront access points that do not interfere with heavy port operations.

### **Waterfront Plan:**

Page 30, Access to and Along the Waterfront section

### **Response:**

The PWWA generally supports the goals outlined in this section. The public should enjoy access to Narragansett Bay in areas that do not present safety or homeland security concerns. Again, India Point Park and Collier Park are ideal locations for such access.

The PWWA disagrees with the goal of "encouraging new recreational boat moorings," especially in CRMC Type 6 waters which are reserved for heavy marine traffic. This will pose a safety hazard for both recreational boaters and the large ocean going vessels which frequent the port. Similarly, recreational boat moorings should not be allowed within the port's turning basin, where the prop wash from tugs turning around large ships could easily overturn recreational boats.

**Waterfront Plan:**

Page 33, Economic Access Reflecting the Diversity of Providence section

**Response:**

The PWWA strongly supports efforts to grow waterfront job opportunities for city residents. We look forward to working with city officials to explore options like marine trade apprenticeships that can give Providence residents the skills needed to work in the port.

Marine repair contractor J. Goodison Company, which operates at Promet's pier, is an excellent example of this. To maintain their federal HUB Zone contractor certification, J. Goodison is required to hire and train low income area residents. Employees gain the skills needed to earn a living wage, and J. Goodison is able to attract U.S. Coast Guard and other federal marine repair contracts.

**Waterfront Plan:**

Page 37, first paragraph:

*The Waterfront Study and Charrette focused primarily on the small stretch of land linking the Port of Providence to downtown along the Allens Avenue Corridor. Approximately 1 mile long, this area has been in transition for decades. The parcels in the study area have several special attributes and qualities that are unique, however, while there are two water-dependent businesses flourishing in this area, much of the land along the water's edge remains vacant or underutilized. To the west of Allens Avenue, a few active manufacturing are thriving amidst a mix of other uses.*

**Response:**

Once again, the Port of Providence is not just ProvPort. It is the entire port area, and particularly the terminals and properties located off of the federal channel.

It is inaccurate to describe the Allens Avenue Corridor as "in transition for decades" as several area businesses have thrived in the area, including Sprague Energy and Narragansett Improvement who have been in continuous operation for over 100 years. Rather, industrial growth in the area has been under a decade long cloud precisely because of the many mixed-use residential redevelopment plans the city has pushed. Sadly, the current Waterfront Plan's insistence on incompatible mixed-uses will continue to discourage port industrial growth along Allens Avenue.

The Waterfront Plan should also be updated to reflect the fact that a formerly vacant Allens Avenue site is again being used for a water-dependent industrial use. Rhode Island Recycled Metals has begun operations at 434 Allens Avenue, where they intend to scrap the Russian submarine and conduct other scrap projects. They are also planning a number of site improvements including bulkheading, dredging, and the reactivation of on-site rail to allow for scrap export by barge and rail.

Finally, while the PWWA agrees that some underutilized parcels do exist in the area, it is important to note that Allens Avenue Corridor businesses collectively pay \$1.4 million in annual property taxes and approximately \$100,000 in annual excise taxes. This is in contrast to the nonprofit ProvPort, which pays no property taxes on over 100 acres of land valued at more than \$40 million.

**Waterfront Plan:**

Page 37, second paragraph:

*The waterfront study and charrette made clear that the waterfront in this area is a critical asset to the city for the ongoing viability of the existing water-dependent businesses, and for public use and access to the waterfront. There was a consensus that a mix of uses could be accommodated in this area as long as mechanisms were put in place to ensure compatibility of industrial and non-industrial uses.*

**Response:**

No such consensus was reached at the waterfront charrette. In fact, the exact opposite conclusion was reached by the overwhelming majority of invited experts, area business owners, and Providence residents who voiced opposition to allowing residential uses on Allens Avenue.

**Waterfront Plan:**

Pages 37-38, Use and Design Considerations section

**Response:**

The PWWA strongly opposes the Waterfront Plan's continued insistence on allowing incompatible residential and hotel uses directly next to the area's heavy industrial businesses. The plan should instead reflect the overwhelming sentiment voiced at the waterfront charrette, and **prohibit** these uses.

The Waterfront Plan notes "The type of housing envisioned for the area is rental workforce housing for employees of businesses in the area." Nowhere in the Ninigret Partners study is workforce housing ever mentioned as a viable option. In fact, for residential uses, [the study concludes](#) that "Entry prices will need to be at least \$425,000 and likely over \$600,000 given site assembly, remediation costs and construction expenses." (page 17) Putting aside the fundamental incompatibility with nearby industrial businesses, rental workforce housing would not be financially viable.

The "buffering" techniques described in this section are also wholly inadequate. Vertical and visual buffers will not accomplish the separation that is needed to prevent existing industrial businesses from being complained out of business by future residents or overnight hotel guests.

These weak buffering recommendations are particularly inadequate for any residential or hotel use at 200 Allens Avenue which sits directly in between Sprague Energy's oil terminal,

Narragansett Improvement's asphalt plant, and Promet Marine's shipyard. These long established industrial businesses produce loud noises, heavy truck traffic, and bright lights. They also frequently operate during late night and early morning hours. Allowing a residential or hotel project at this location will inevitably lead to complaints from residents/guest, which will lead to operating restrictions that will threaten the viability of these businesses. This is precisely the point made in the U.S. Department of Energy's recent letter noting serious concerns with allowing mixed-uses directly next to the Sprague Energy and Motiva oil terminals.

Deed and lease restrictions will be similarly ineffective in preventing complaints against existing industrial businesses. Pursuant to the current Zoning Ordinance, the owner and occupants of Providence Piers at 200 Allens Avenue have had to sign restrictive covenants which state that they "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."

***Section 426 – Regulations for Live Work Space: [Ord. 2006-2, 2006-21]***  
*Restrictive Covenant – M-1, M-2, and W-3 Districts – Dwellings shall not be located where they may restrict or disrupt industrial activity. As such, the owner(s) of a building seeking such a Live-Work Space use in an M-1, M-2, or W-3 District 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 Live-Work space.*

Despite signing these covenants, Mr. Patrick Conley, Mr. Erik Bright, and Ms. Lisa Carnevale have [testified](#) against the Rhode Island Department of Environmental Management renewal of an environmental permit for Phillip Services Corporation at 275 Allens Avenue.

***12-02-08 Comments of Patrick Conley:***

*Now, in view of the long-range plans of the city to develop that area, to incorporate it into an expanding downtown, which is moving southward as a result of the relocation of I-195, it seems to me extraordinarily unwise to perpetuate such a toxic and noxious use in an area slated for general business and commercial at the very least, commercial development.*

*So for that reason, I would say that a renewal of a hazardous waste facility license for an area which is quite obviously at the present time under consideration by the city for rezoning and other uses would be inopportune and unwise.*

***12-02-08 Comments of Erik Bright:***

*I recognize that this type of business is probably not desirable in many locations and understand too the hardship that it would place on the business to have to relocate and so I don't take it lightly, but I don't think, one, for the well-being of*

*our tenants, but I would say mainly I don't think it's an appropriate site to have that type of toxic materials coming in and out.*

*And anytime you're loading and or unloading, there's the possibility of an accident. And I think being on the bay and along the waterfront, an area that hopefully will be more and more frequently used by the public as the constituents in South Providence gain access to the waterfront that they've been denied, I think it would be a serious waste for the use of that waterfront area to continue to have this type of business on the waterfront.*

Mr. Patrick Conley has also attacked the industrial character of his neighbors in multiple radio appearances and newspaper articles.

Regardless of restrictive covenants or deed restrictions, future residential/hotel owners and tenants will complain about nearby heavy industrial businesses.

There is also ample evidence from other areas of Providence that residential condominium owners and renters will complain about noises, odors, and industrial neighbors.

*Lupo's / Club Energy:*

At the height of the Providence condo boom in 2005, a developer put condos directly on top of the Lupo's/Club Energy night club. At the time the developer confidently predicted:

*"I think it's highly likely that there's not going to be an issue with the club," Lupo said. "There are just a few condominiums that could possibly have vibration, and they're already being desired by people we know in the rock 'n' roll world. These condominiums actually seem to be more desirable due to their proximity to the live-music club and the dance club." – [Providence Journal](#)*

Four years later a condo owner has successfully complained to the city board of licenses to shut down the club for being too noisy:

*Impressed by horror stories of how noise from Club Energy has bedeviled neighbors in its downtown building, the city Board of Licenses has indefinitely suspended the club's entertainment license. – [Providence Journal](#)*

*CAPCO Steel and the The 903 Residences:*

For years CAPCO Steel had been parking their steel beam trailers along Harris Avenue in what is a primarily light industrial neighborhood. Residents of the street's only condo/apartment development, The 903 Residences, [complained](#) that the trailers were unsightly. Resident complaints won out over the long established industrial business that has partnered with the city to train steel workers.

*Cosmopolitan Building Residents and Murphy's Bar:*

Residents of the Cosmopolitan Building on Fountain Street have complained about the loud noise and food odors from the ground floor Murphy's Bar.

*The Graubarts bought into the Cosmopolitan at the height of the housing market in the summer of 2005, when Providence's downtown was just starting to hit as a luxury residential destination. The couple had long lived in Sharon, Mass., and run an interior design business. They paid more than \$700,000 for their sumptuous condo.*

*They knew that a restaurant was likely to occupy the empty space beneath them, but they expected it would be something more upscale, like Bravo Brasserie on Empire Street, Janet Graubart said. And she said that the early plans presented for Murphy's were nothing like the end result.*

*"I knew it was a bar, I didn't know it was a bar that played loud music. She's running a nightclub," she said*

*It was tough getting anyone from the city, the media, or the neighborhood to listen to her, she said. But when a new neighbor, Paul Schapiro, moved into the Cosmopolitan this summer, he joined their fight, agreeing that the amount of noise that comes from Murphy's is significant.*

*"I'm an urban creature, I love downtowns, I loved downtown Washington, I loved downtown Chicago. It's lovely down here, most of the time. I just don't want it in my living room 24/7," Schapiro said.*

*Schapiro doesn't blame Ferrazzano; instead, he puts the blame on the city, for not recognizing that you don't mix luxury apartments with a thriving bar. As more residents move downtown, he said, the city needs to more carefully plan, block-by-block, what uses can cohabitate.*

*"It's obvious that you don't plan a nightclub — and that's kind of what Murphy's is becoming — underneath a residential building," he said. "This is about a city that wants people to move back into the urban center, and it's just not approaching it the right way." – [Providence Journal](#)*

To summarize, the week buffering and deed restrictions in the Waterfront Plan are simply inadequate to protect Allens Avenue's industrial businesses from the inevitable complaints that will arise from allowing residential and hotel uses in the area. The Waterfront Plan should be amended to **prohibit** these incompatible uses.

### **Waterfront Plan:**

Page 41, Proposed Actions section

- *No proposed changes to the City's comprehensive plan, which currently identifies the entire area as waterfront mixed use general.*

- *Proposed change to the zoning designation for the land area between I-95 and Allens Avenue from M-2 to W-3. This change will bring the zoning ordinance into conformance with the City’s Comprehensive Plan.*
- *No proposed change to the W-3 zoning designation for the land area between Allens Avenue and the water.*
- *Proposed changes to the regulations of the W-3 zone that will permit a wider variety of uses. (Amend section 303 of the Zoning Ordinance to specify permitted uses in the W-3 in accordance with this section).*
- *Restrict potential residential uses by creating performance standards as special use permit criteria. (Amend section 905.2 of the Zoning Ordinance to add additional special use permit criteria for residential uses in the W-3 zone).*
- *Develop Building and Site design criteria described in this section for all developments in the W-3 zone in the City Plan Commission’s Development Review Regulations.*

**Response:**

As set forth throughout this document, these proposed actions are inconsistent with the conditions imposed by the State of Rhode Island upon its approval of the “Interim” comprehensive plan, are inconsistent with the expert opinions provided by the experienced port administrators from other cities (that the City of Providence itself invited to the Waterfront Charrette), and are in direct contravention of good planning practices. The PWWA therefore urges the following changes to the “Proposed Actions:”

- ~~No proposed changes to~~ Amend the City’s comprehensive plan, which currently identifies the entire area as waterfront mixed use general to include the Jobs Protection Overlay District on the entire area along Allens Avenue, and explicitly prohibit residential and hotel uses within such area.
- Proposed change to the zoning designation for the land area between I-95 and Allens Avenue from M-2 to W-3. This change will bring the zoning ordinance into conformance with the City’s Comprehensive Plan.
- No proposed change to the W-3 zoning designation for the land area between Allens Avenue and the water.
- Proposed changes to the regulations of the W-3 zone that will permit a wider variety of uses, but specifically excluding all residential and hotel uses. (Amend section 303 of the Zoning Ordinance to specify permitted uses in the W-3 in accordance with this section).

- Restrict potential ~~residential~~ conflicting non-industrial uses, such as office and retail, by creating performance standards as special use permit criteria. (Amend section 905.2 of the Zoning Ordinance to add additional special use permit criteria for ~~residential~~ non-industrial uses in the W-3 zone).
- Develop Building and Site design criteria described in this section for all developments in the W-3 zone in the City Plan Commission's Development Review Regulations.

**Waterfront Plan:**

Pages 42-43: Port and Fields Point

**Response:**

The PWWA applauds the city's investment in and promotion of water-dependent and industrial businesses in the ProvPort area. However, the exact same logic should be applied to heavy marine industrial businesses in the Allens Avenue Corridor as well. The operations of Sprague Energy, Promet Marine, and Rhode Island Recycled Metals are all analogous to activities conducted at ProvPort, and should therefore be afforded the same protections. Specifically, all water-dependent industrial businesses in the port area should be protected by the Waterfront Plan's proposed W-4 working waterfront protection zone.