

**PLANNING REPORT ON:**

**APPLICATION FOR A VARIANCE  
CITY OF PROVIDENCE, RI –**

**PREPARED FOR:**

***The Narragansett Electric Company d/b/a  
National Grid Project***

**PREPARED BY: JDL ENTERPRISES -  
JOSEPH D. LOMBARDO, AICP**

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## PURPOSE OF REPORT ~

The purpose of this report is to provide a Planning Report to the City of Providence with regard to the proposed Zoning Application by THE NARRAGANSETT ELECTRIC COMPANY D/B/A NATIONAL GRID (“NATIONAL GRID”) for specific Variances. This report includes a review of the City’s Comprehensive Community Plan and Zoning Ordinance. This report provides a recognition and consideration of the applicable purposes of the Zoning Ordinance, and it is the express purpose of this Planning Report to provide a Summary and Conclusion with respect to the consistency with the Comprehensive Plan and Zoning Ordinance Purpose Statements and those review criteria required for a Variance request.

## VARIANCE APPLICATION ~

The NATIONAL GRID project is located at 280 Melrose Street, also known as Lot #194 on the Tax Assessor’s Plat 60 located in an M-1 Light Industrial Zone. The parcel comprises 683,900 square feet or 15.77 acres. The applicant proposes to:

**The applicant intends to remove contaminated materials (as required by RIDEM and USEPA), install stormwater management systems, install retaining walls, install an engineered cap (as required by RIDEM and USEPA), install new line striping, guardrail, select new fencing and gates, new exterior lighting, select new electrical infrastructure and new landscaping (seeding, trees and bushes).**

The proposed and existing uses are permitted within the M-1 district. The Applicant seeks relief from the following Sections in the M-1 District of the Zoning Ordinance:

1505 (A,C D, E) Interior Landscaping

1302(I)(3) Barbed-wire fence

2004(C)(5) Nonconforming fence lines along lot lines shall be brought into conformance when reconstructed

2004(C)(6) Nonconforming exterior lighting shall be brought into conformance when reconstructed.

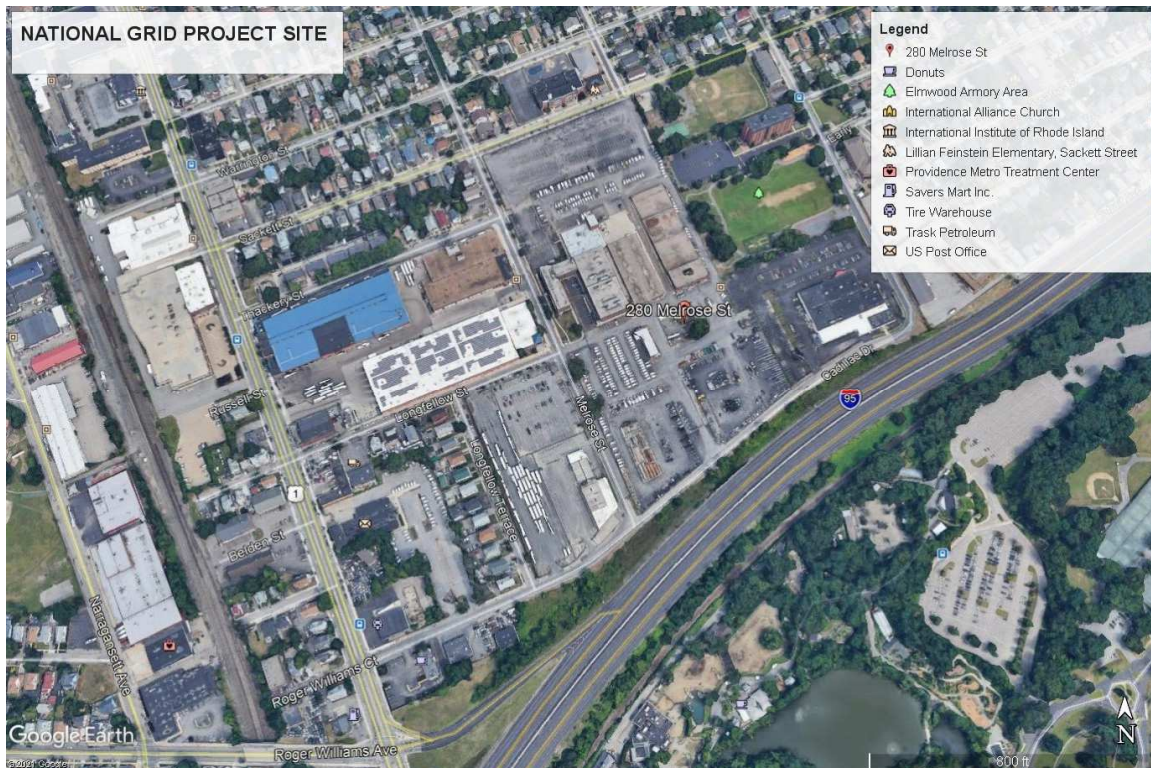
## DESCRIPTION OF ZONING DISTRICT ~

The following Zoning District description is appropriate to this application:

### *CURRENT ZONE DISTRICT ~*

**M-1 Light Industrial District.** The M-1 Light Industrial District is intended for light industrial and office park uses that accommodate a variety of manufacturing, assembly, storage of durable goods, and related activities provided that they do not pose toxic, explosive or environmental hazard in the City.

### SURROUNDING AREA – AERIAL PHOTOGRAPH



## CONSISTENCY AND COMPLIANCE WITH THE COMPREHENSIVE PLAN

The following Recommendations are taken from the Comprehensive Plan and are deemed applicable and germane to the proposed Variance Application by the NATIONAL GRID

### LAND USE ELEMENT ~

#### **OBJECTIVE LU1: PROTECT AND ENHANCE STABLE NEIGHBORHOODS.**

Reinforce the stability, character and diversity of the City's neighborhoods by respecting valued development patterns and attributes.

The primary role of land use regulation in these areas is to encourage the redevelopment of these areas with economically beneficial development that enhances the city's character and livability. Although regulations cannot dictate the market demand for an area or a specific type of building or industry, they can impose conditions that make redevelopment infeasible without subsidy. Therefore, the strategy for encouraging development is to allow sufficient development intensity and appropriate mixes of uses so that planned land uses will be economically feasible. Design standards will ensure that quality of design is an asset to the surrounding neighborhood and contributes to the city's character.

**OBJECTIVE LU2: DIRECT GROWTH.** Encourage growth in areas best suited to provide access to jobs, housing and transit.

**GOAL 11:** Promote a balance of uses to support sustainable patterns of development providing healthy, walkable neighborhoods, thriving business districts, and a high quality of life

**OBJECTIVE LU4: PROMOTE VIBRANT MIXED-USE AREAS.** Promote the development of mixed-use areas with different levels of intensity and use to improve the jobs/housing balance and encourage alternative modes of transportation

**FLUM DESIGNATION: BUSINESS/MIXED USE.** These areas are intended to foster the expansion of business, industrial, commercial, office and medium-to-high density residential uses into former manufacturing areas and historic mill buildings. A variety of business, financial, institutional, public, quasi-public, cultural, light industrial, manufacturing and other related uses are encouraged to provide a mix of activities in these areas. Certain areas of this land use designation allow for residential uses, however, certain areas do not.

**11.2.2 Mixed-Use Areas.** While most areas in the city have more than one single use, the truly mixed-use areas are the city's downtown, commercial corridors, former manufacturing areas and parts of the City's waterfront. Urban life and vitality are the heart of these areas, with residential, retail, office, industrial, civic, institutional, and entertainment uses jumbled together.

## CONSISTENCY AND COMPLIANCE WITH THE ZONING ORDINANCE ~

The following purposes are taken from the Zoning Ordinance – Article I – Section 100 - Purpose and are deemed applicable and germane to the proposed Zoning application by NATIONAL GRID.

**Section 100 - Purpose:** The zones and regulations set forth in this ordinance are in compliance with the Comprehensive Plan and are intended to address the following purposes:

A) Promoting the public health, safety, and general welfare.

**B) Providing for a range of uses and intensities of use appropriate to the character of the City and reflecting current and expected future needs.**

C) Providing for orderly growth and development which recognizes:

1. The goals and patterns of land use contained in the Comprehensive Plan as defined;

**2. The natural characteristics of the land, including, but not necessarily limited to, its suitability for use based on topography, potential surface water run-off and susceptibility to surface or groundwater pollution;**

**5. The availability and capacity of existing and planned public and/or private services and facilities;**

**7. The use of innovative development regulations and techniques.**

D) Providing for the control, protection, and/or abatement of air, water, groundwater, and noise pollution, and soil erosion and sedimentation.

**K) Promoting a high level of quality of design in the development of private and public facilities.**

L) Promoting implementation of the Comprehensive Plan, as it may be amended from time to time.

Note: (BOLD = Emphasis added)

**Standards of review.**

902.3. *Variances.* To authorize, upon application, in specific cases of hardship, variances in the application of the terms of this zoning ordinance, as provided below:

**(A) In granting a variance, the board shall require that evidence to the satisfaction of the following standards be entered into the record of the proceedings:**

1. That the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area; and is not due to a physical or economic disability of the applicant.

*From the Applicant:* The Site is the location of a utility that stores high value electrical equipment for use throughout the State of Rhode Island on a 24 hours per day basis. The parking lots must continue to accommodate a high volume of use daily, as well as additional volume during critical storm restoration efforts. The layout of the parking lots must facilitate snow removal during critical storm restoration efforts and maximize space for parking. Additionally, there have been security issues at the Site in the past.

*Opinion:* The major reasons for the request of the Variance are due to the proposed project which will involve the construction of secure parking areas within the site, extra security fencing requirements to protect the equipment and vehicles in storage onsite and particular lighting needs.

*This makes it clear that these requests for relief are due to the unique characteristics of the property, but not due to the general characteristics of the surrounding area. Nor, is it due to the physical or economic disability of the applicant.*

2. That the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

*From the Applicant:* The current use of the Property as a utility will not change. The Site is the location of a utility that stores high value electrical equipment for use throughout the State of Rhode Island on a 24 hours per day basis. The parking lots and outdoor storage yards must be well lit, safe and secure, and provide sufficient parking, especially during critical storm restoration efforts. Employees access the outdoor storage yard 24 hours per day and it must remain well-light for safety and security purposes. There have been security issues at the Site in the past.

*Opinion: The purpose of the requested relief is not the result of any prior action of the applicant. The subject property houses the present multiple use facilities that have been present for many years including: Utility, Warehouse, Office, Outdoor Storage Yard and Vehicle Operations Facility.*

*It is out of necessity to upgrade the overall facility and an environmental remedy of RIDEM & EPA site remediation approvals that drives the requests as presented, plus the success of the NATIONAL GRID will benefit all NATIONAL GRID customers, including the City and its residents. This request is not primarily from the desire of the applicant to realize greater financial gain.*

3. That the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance of the Comprehensive Plan.

*Opinion: The variance requested is a result of a combination of factors due to the unique characteristics of the property and the necessity to upgrade the facility as described. The site is already well integrated into the community and surrounding area that includes a supermarket (Good Fortune), an elementary school, and a mixture of uses. It is my opinion as a land use planner that the requested variances will not alter the general character of the surrounding area or impair the intent or purpose of this ordinance as enumerated on page #5 of this report above, and the goals and policies of the Comprehensive Plan.*

*Furthermore, the general character of the area was considered to determine the best possible design for the Project. The analysis demonstrates that the project can be constructed as designed and will illustrate a complimentary design to not alter the general character of the surrounding area. That being predominantly comprised of mixed uses including: Colony House Associates, Good Fortune, RI Public Transit Authority (RIPTA), Interstate Route 95, and adjacent high-density housing, single-family, multi-family and apartments.*

4. That the relief to be granted is the least relief necessary.

*From the Applicant: The landscaping and exterior lighting requirements of the Zoning Ordinance are being met to the extent possible. Perimeter landscaping with trees and some interior landscaping will be installed in the parking lots. Due to the critical nature of the facility and security issues that have occurred at the Site, a secure and well-lit parking lot, outdoor storage yard and vehicle operations facility is integral to facility operations. The Board approved a similar request from the Applicant in 2020 with respect to the onsite employee parking lot, concluding that the relief requested was the least relief necessary given the critical nature of the facility.*

*Opinion: The applicant has outlined the details for the variance requested, specifically, the requirements for exceeding the standards of:*

1505 (A, C, D, E) Interior Landscaping;

1302(I)(3) Barbed-wire fence;

2004(C)(5) Nonconforming fence lines along lot lines shall be brought into conformance when reconstructed; and

2004(C)(6) Nonconforming exterior lighting shall be brought into conformance when reconstructed.

*The rationale for the relief being requested is presented in detail to allow the City and Zoning Board to understand that this is the least relief necessary in order to accomplish the multiple goals of removing contaminated materials, installing stormwater management systems, installing retaining walls, installing an engineered cap, installing new line striping, guardrail, new fencing and gates with three (3) strands of barbed wire, new exterior lighting, new electrical infrastructure, and new landscaping (seeding, trees and bushes), while retaining the integrity and usability of the company's facility, as necessary.*

*Based on the design goals and necessity as outlined by the Applicant, it is my opinion as a land use planner that the requested Variances by the Applicant are the least relief necessary.*



**(B) The board shall, in addition to the above standards, require that evidence be entered into the record of the proceedings showing that:**

2. In granting a dimensional variance, that the hardship that will be suffered by the owner of the subject of property if the dimensional variance is not granted shall amount to more than a mere inconvenience, which shall mean that there is no other reasonable alternative to enjoy a legally permitted beneficial use of one's property. The fact that a use may be more profitable or that a structure may be more valuable after the relief is granted shall not be grounds for relief.

*From the Applicant: We have maximized interior landscaping to the extent possible with 6 islands, 5,240 square feet of interior landscaped islands and 32 interior trees, with a total increase in pervious surfaces at the Site. If a variance from the interior landscaping requirements is not granted, 37 additional interior landscaping islands, 1,725 square feet of interior landscaped islands and 11 additional trees would be required in the parking lots. The addition of this interior landscaping would reduce parking capacity considerably. A reduction in parking spaces is not feasible due to the need to have employees on the property especially during critical storm restoration efforts. Additionally, interior landscaping would impede snow removal during critical storm restoration efforts.*

*Existing exterior lighting at the Site is high intensity discharge lighting mounted on utility poles and various types of building mounted lighting and does not conform with the ordinance. All fixtures will be replaced with cut off LED lights. The majority of the proposed lighting will meet the ordinance, however select fixtures will not because of the existing use of the Site as a utility, existing building heights at the Site, aerial hazards with use of certain areas of the Site and several light poles on the Property along Cadillac Drive that are also utilized for street lighting owned by the City of Providence. The following fixtures will remain as non-conforming lights:*

*1. Four (4) out of a total of sixty-seven (67) building mounted fixtures will remain at a non-conforming height of approximately 30 to 35 feet above the ground surface (above an existing fire escape and garage doors).*

*2. Thirteen (13) out of a total of fifty-one (51) pole mounted light fixtures will remain non-conforming for the following reasons:*

*a. Three (3) pole mounted fixtures on the Property along Cadillac Drive with non-conforming fixtures and street lights (owned by the City of Providence) will remain non-conforming because light levels will be greater than one foot-candle at property line. These poles cannot be relocated because of the existing street lights and aerial hazards associated with use of the area (equipment and utility pole storage).*

*b. Two (2) pole mounted fixtures on the Property along Cadillac Drive with non-conforming fixtures and street lights (owned by the City of Providence) will be replaced at a non-conforming height of 35 feet above ground surface with light levels at the property line will be greater than one-foot candle. These poles*

*cannot be relocated because of the existing street lights and aerial hazards associated with use of the area (utility pole storage).*

*c. Two (2) pole mounted fixtures on the Property along Melrose Street will remain non-conforming because light levels will be greater than one-foot candle at the property line. These poles cannot be relocated because of the aerial hazards associated with use of the area (utility pole storage).*

*d. Six (6) pole mounted fixtures on the Property within the outdoor storage yard will be installed at non-conforming heights of 30 to 35 feet.*

*The total number of non-conforming fixtures on the site will decrease by thirteen (13). All proposed exterior lighting is designed as cut off LED luminaires. The maximum foot-candle at any lot line will be less than one-foot candle with the exception of the five (5) replacement lights along Cadillac Drive and two (2) replacement lights along Melrose Street necessary to light a portion of the outdoor storage yard. Exterior lighting (including select non-conforming features) is necessary in order to maintain a secure, safe and well-lit parking lot, outdoor storage yard and vehicle operations facility. Employees access the outdoor storage yard 24 hours per day (in all weather conditions) and it must remain well-lit for safety and security purposes.*

*Opinion: It is my opinion as a land use planner that the denial of the requested relief will amount to more than a mere inconvenience. The project will not be feasible without the granted relief. If the applicant cannot construct improvements as designed, this will seriously affect the efficient and safe operation of the property and, the reasonable use of the property as a permitted beneficial use.*

## ***SUMMARY AND CONCLUSION ~***

It was stated that the express purpose of this Planning Report is to provide a Summary and Conclusion with respect to the Variance Application by NATIONAL GRID for a proposed site improvements project. This report described the nature of the request by NATIONAL GRID to the City, and the description of the Zoning District, as it now exists, M-1. The report then outlined those Goals and Policies of those appropriate Elements of the Comprehensive Plan that were deemed to be germane to the proposed application by NATIONAL GRID.

Further, the Purposes of the Providence Zoning Ordinance, which mirror the purposes of the Zoning Enabling Act – RIGL – Chapter 45-22.2, which were deemed applicable to this application by NATIONAL GRID were presented in this report. A discussion regarding suitability was presented to highlight that the proposed development on the property would be in keeping with the current land use pattern of the area. A review of the area and uses surrounding the proposed development support the proposed use that would be allowed by this application.

Approval and development of this project will go towards these Goals and Objectives of the Comprehensive Plan – Providence Tomorrow:

**Encourage growth in areas best suited to  
provide access to jobs, housing and transit.**

And,

**Promote a balance of uses to support sustainable patterns of development providing  
healthy, walkable neighborhoods, thriving business districts, and a high quality of  
life**

Lastly,

**Promote the development of mixed-use areas with different levels of intensity and  
use to improve the jobs/housing balance and encourage alternative modes of  
transportation**

Finally, the specific review criteria for the Variance Application were presented along with an opinion that the applicant meets those criteria by presentation of expert testimony and design plans. The following Variance Review Criteria support the proposed application:

*The granting of the requested variance will not alter the general character of the surrounding area, nor will it impair the intent or purpose of the Zoning Ordinance or the Comprehensive Plan – Providence Tomorrow*

And,

*The denial of the requested relief will amount to more than a mere inconvenience. The project will not be feasible without the granted relief. If the applicant cannot construct improvements as designed, this will seriously affect the efficient and safe operation of the property and, the reasonable use of the property as a permitted beneficial use.*

Lastly,

*The relief requested in the subject variance application is the least amount of relief necessary as designed.*

Based on all that has been presented in this report, it is the professional opinion of Joseph D. Lombardo, AICP, President of **JDL ENTERPRISES** that the proposed Zoning Application by the NATIONAL GRID is

**CONSISTENT WITH, AND IN COMPLIANCE WITH THE  
ZONING ORDINANCE**

**AND,**

**THE COMPREHENSIVE COMMUNITY PLAN OF  
THE CITY OF PROVIDENCE.**

Submitted by,

*Joseph D. Lombardo, AICP*

Joseph D. Lombardo, AICP

Date: July 9, 2021