

# City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

## CHAPTER 2014-5

No. 127

### AN ORDINANCE APPROVING AND ADOPTING THE DAVOL SQUARE REDEVELOPMENT PLAN, DATED DECEMBER 2013

*Approved March 28, 2014*

*Be it ordained by the City of Providence:*

WHEREAS, The City Council of the City of Providence has designated Redevelopment Areas 1, 2, 3 and 4 within the City ("Redevelopment Areas") as redevelopment areas pursuant to Chapters 31-33 of title 45 of the Rhode Island General Laws, the Redevelopment Act of 1956, as amended (the "Redevelopment Act"); and

WHEREAS, The Providence Redevelopment Agency (PRA) is authorized, within a redevelopment area, to purchase, lease, obtain an option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, or any estate or interest in it, together with any improvements on it; to acquire by the exercise of the power of eminent domain any real property or any estate or interest in it, although temporarily not required to achieve the purposes of the Redevelopment Act; to clear, demolish, or remove any and all buildings, structures, or other improvements from any real property so acquired; to rehabilitate or otherwise improve any or all substandard buildings, structures, or other improvements; to insure or provide for the insurance of any real or personal property or operations of the agency against risk or hazard; and to rent, maintain, rehabilitate, improve, manage, operate, repair, and clear the property; and

WHEREAS, It is the purpose and intent of the City Council to facilitate redevelopment of such Redevelopment Areas to accommodate the City's redevelopment initiatives; and

WHEREAS, The City Council is required by the Redevelopment Act to make certain findings, determinations and declarations in connection with the adoption of a redevelopment plan and a project plan; and

WHEREAS, The Davol Square Redevelopment Project Area, (hereinafter the "Project Area"), as described in the Davol Square Redevelopment Plan (hereinafter the "Redevelopment Plan"), are within the geographic boundaries of Redevelopment Area 3, as defined in the

Providence Code of Ordinances, Chapter 20 "Redevelopment Areas," Section 20-2 and as reaffirmed by the City Council through Resolution 143, approved March 25, 2008; and

WHEREAS, The City Council desires to provide for the redevelopment of the Project Area in accordance with the Redevelopment Act; and

WHEREAS, The City Council of the City of Providence hereby makes the following findings, determinations and declarations with regard to the Redevelopment Plan, attached as Exhibit A, required by Sections 45-32-13 through 45-32-18 inclusive and Section 45-32-20 of the Rhode Island General Laws:

1. The Project Area (as herein more specifically described and delineated) evidence the following conditions as more specifically set forth in the Redevelopment Plan:

Unclear title to the property; diversity of ownership; prior unsuccessful attempts at redevelopment of the site; deterioration of site improvements, inadequacy of utilities, diversity of ownership of plots; defective or inadequate street and lot layout; the existence of dilapidated, deteriorating and obsolete buildings and improvements; mixed character and deterioration of uses of buildings and improvements; conditions of blight.

2. The existence of the aforesaid conditions fully supports a finding, which the City Council of the City of Providence hereby makes, that the Project Area is an "arrested blighted area" as that term is defined in Section 45-31-8(2), and a "deteriorated blighted area" as that term is defined in Section 45-31-8(6).

3. The City Council of the City of Providence hereby finds that because the Project Area is an "arrested blighted area" and a "deteriorated blighted area", the area is a "blighted and substandard area" as that term is defined in Section 45-31-8(3).

4. The City Council of the City of Providence hereby finds that the character of the Project Area as an "arrested blighted area", a "deteriorated blighted area" and a "blighted and substandard area" requires replanning, redevelopment, rehabilitation and improvement of the Project Area in order to arrest and reverse blight or decay in the Project Area.

5. The Redevelopment Plan provides for the adaptive reuse of the project area into one or more of the following uses, including retail, office, facilities for startup companies, meeting spaces, educational instructional space for the training of health care professionals, residential uses and parking.

6. The City Council hereby finds that the Redevelopment Plan is feasible and conforms to the comprehensive plan for the City of Providence and if carried out would accomplish the purposes and intent of the City Council in promoting the public health, safety, morals and welfare of the community, and effectuating the purposes of the Redevelopment Act.

7. The Redevelopment Plan results in changes to streets as indicated in the Redevelopment Plan and the City Council hereby authorizes these proceeding in conjunction with the adoption of the Redevelopment Plan.

8. The Redevelopment Plan contains adequate provisions for payment for property acquired by negotiation or by eminent domain as provided by law.

9. The Redevelopment Plan provides for the retention of controls and the establishment of any restrictions or covenants which may run with the real property sold, leased, or otherwise disposed of for private or public use as are necessary to effectuate the purposes of the Redevelopment Act, as such controls and restrictions are more specifically set forth in the Redevelopment Plan.

WHEREAS, The Redevelopment Act of 1956 provides that blighted and substandard conditions prevent the provision of critically needed standard living and working accommodations, that the retardation of housing improvement and other essential community development is a direct and immediate result of blighted and substandard areas, and that redevelopment may include rehabilitation and improvement for residential, recreational, commercial, industrial, institutional, public and other purposes; and

WHEREAS, The Redevelopment Act of 1956 provides that it is the policy of this state to protect and promote the health, safety, morals, and general welfare of the people of the state, particularly in the communities in which blighted and substandard areas exist, by the elimination and prevention of these blighted and substandard areas, thereby encouraging in these areas through redevelopment the provision of healthful homes, a decent living environment and adequate places for employment; and

WHEREAS, The Redevelopment Act of 1956 provides that the use of eminent domain powers may be used to accomplish the purposes of the Redevelopment Act; and

WHEREAS, The Redevelopment Plan proposes to address blighted and substandard conditions in part through the limited use of eminent domain powers in the event that the properties in question require the removal of restrictions of record which restrict and retard redevelopment and these restrictions of record are not removed through consensual negotiations among the relevant parties; and

WHEREAS, The Rhode Island Home and Business Protection Act of 2008, R.I. Gen. Laws 42-64.12-1 et seq. (the "Protection Act") places certain limitations on eminent domain takings for purposes of economic development; and

WHEREAS, The Protection Act defines "economic development" as "the mobilization of intellectual, human, capital, physical and natural resources to generate marketable goods and services for purposes including, but not limited to, creating jobs, economic and employment opportunities, tax base and wealth"; and

WHEREAS, The redevelopment activities proposed in the Redevelopment Plan to alleviate blighted and substandard conditions pertaining to the use of eminent domain are principally and primarily intended to alleviate those blighted and substandard conditions; and

WHEREAS, Because the successful redevelopment of the properties in the Project Area pursuant to the Redevelopment Plan (i.e. the elimination of blighted and substandard conditions) would indirectly yield economic development benefits, the Redevelopment Plan may be seen as employing resources that would have the effect of creating economic and other opportunities which foster the generation of marketable goods and services; and

WHEREAS, The City Council recognizes that Redevelopment Agencies have been largely excluded from coverage under the Protection Act, but that, in an excess of caution, it may be argued that the eminent domain proceedings detailed in the Redevelopment Plan may be seen as having a dual purpose of redevelopment (i.e. the elimination of blighted and substandard conditions) and economic development and thus could fall under the purview of the Protection Act: and

WHEREAS, The City Council of the City of Providence hereby makes the following findings, determinations and declarations with regard to the Redevelopment Plan, attached as Exhibit A, and the Protection Act:

1. The Protection Act specifically exempts local redevelopment agencies from the provisions of the act, with the exception of subsection 42-64.12-17(c), which requires the approval of the City Council of any eminent domain proceedings for economic development purposes.
2. The Protection Act recognizes that a permissible use of eminent domain power is eliminating an identifiable public harm and/or correcting conditions adversely affecting public health, safety, morals, or welfare, including, but not limited to, the elimination and prevention of blighted and substandard areas as defined by chapter 45-31, and correcting conditions of environmental contamination that pose a significant risk to the public health.
3. The proposed exercise of eminent domain powers set forth in the Redevelopment Plan are for the purposes of addressing, alleviating, eliminating and preventing blighted and substandard conditions, as more specifically set forth in the Redevelopment Plan.
4. While the use of eminent domain power as set forth in the Redevelopment Plan may have incidental and indirect economic development benefits, such incidental and indirect benefits are recognized under the Redevelopment Act and are consistent with redevelopment activities engaged in under the Redevelopment Act.
5. The City Council concludes that approval of the proposed use of eminent domain power as set forth in the Redevelopment Plan is not required under the Protection Act because the proposed use of the eminent domain power is for purposes of redevelopment (i.e. the elimination of blighted and substandard conditions), not economic development.
6. To the extent approval of the City Council is determined to be required under the Protection Act for the use of such eminent domain power because of the incidental and indirect benefits to economic development which may arise from such eminent domain activity for redevelopment purposes, such approval is deemed given in the context of the Redevelopment Plan by the passage of this Ordinance.

***NOW THEREFORE, be it ordained by the City of Providence:***

Section 1. The Davol Square Redevelopment Plan, attached as Exhibit A, and incorporated herein by this reference, is adopted and approved as a redevelopment project plan of the City of Providence pursuant to chapters 31-33 of title 45 of the Rhode Island General Laws and the Redevelopment Act of 1956. The boundaries of the Davol Square Redevelopment Project Area are described in the Plan as follows:

The Project Area consists of Assessor's Plat 21, Lots 429, 430, 438, 439, and 440; including the portion of South Street running easterly from Eddy Street. The Project Area is more specifically described in Attachment A to the Davol Square Redevelopment Plan.

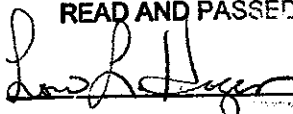
The Redevelopment Plan shall be identified as the Davol Square Redevelopment Plan, City of Providence Redevelopment Project Number 40. The Redevelopment Plan is the official redevelopment project plan for the Project Area.



Section 2. Any purchase and extinguishment of the Power Station restrictions as described in the plan or any condemnation of the Power Station restrictions, for anything other than nominal value, shall only be undertaken by the PRA in the event that the PRA has identified a source or sources for the advance or repayment of all costs of such purchase or condemnation, and secured such source(s) in an escrow account established for the purpose of such advance or repayment. Absent identifying and securing a source of such proceeds, the PRA shall not purchase or condemn such Power Station Restrictions. The PRA is hereby authorized to act in a manner described by this section. Any such purchase or extinguishment of the Power Station restrictions for nominal value shall be paid for out of PRA budget funds.

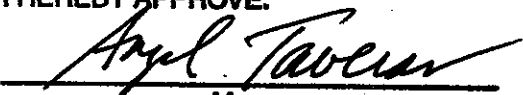
Section 3. The PRA is hereby authorized, if necessary, to acquire certain interests in real property in the Redevelopment Project Area in order to effectuate the redevelopment of the Redevelopment Area in accordance with this plan. In the event some form of acquisition by the PRA proves necessary, the preferred method of acquisition is through a consensual negotiated purchase. However, the PRA is authorized to secure this interest through eminent domain, if necessary, in accordance with RIGL § 45-31 through 33. No property or interest therein not identified in this Redevelopment Plan as subject to acquisition by eminent domain may be taken

by eminent domain by the PRA unless the City Council shall amend this Redevelopment Plan to specifically designate additional property that may be subject to taking by eminent domain.

Section 4. This Ordinance shall take effect upon passage.

IN CITY COUNCIL  
MAR 06 2014  
FIRST READING  
READ AND PASSED  
 CLERK  
ACTING

IN CITY COUNCIL  
MAR 20 2014  
FINAL READING  
READ AND PASSED  
 PRESIDENT  
 CLERK  
ACTING

I HEREBY APPROVE.  
  
Mayor  
Date: 3/28/14

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***CITY OF PROVIDENCE***  
***DAVOL SQUARE REDEVELOPMENT***  
***PLAN***

***PROVIDENCE REDEVELOPMENT AGENCY***  
***PROVIDENCE, RI***



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**ATTACHMENTS**

**Attachment A**  
Legal Description of project area

**Attachment B**  
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## INTRODUCTION

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The purpose of the City of Providence Davol Square Redevelopment Plan is to designate a redevelopment project area and establish objectives and procedures for its redevelopment. The Plan will provide the Providence Redevelopment Agency (PRA) with the tools and authority to eliminate conditions of blight by providing needed public improvements, encouraging rehabilitation and repair of deteriorated structures, facilitating land assembly and redevelopment, and providing financing for certain public improvements. Redevelopment will provide revitalization of the area and increased opportunities for housing, commercial and institutional uses, and employment. Redevelopment will facilitate considerable private development and investment in the area that will be compatible with this Redevelopment Plan.

This document meets the requirements of Rhode Island General Laws,(RIGL) Title 45 Chapter 32-, Section 8, "Contents of redevelopment plan." By adopting this Plan, the Providence City Council will promote redevelopment of the area consistent with RIGL § 42-64.12-7, and provide an exemption for the PRA from real property taxation relative to acquired lands (if any) in accordance with RIGL § 45-32-40.

### ***Definitions***

**Growth Districts:** Areas within the City of Providence identified in *Providence Tomorrow: The Comprehensive Plan* as areas intended for growth, where development and redevelopment would be beneficial.

**Project Area:** All or any portion of a redevelopment area. A project area may include lands, buildings, or improvements which of themselves are not detrimental or inimical to the public health, safety, morals, or welfare, but whose inclusion is necessary, with or without change in their conditions or ownership, for the effective redevelopment of the area of which they are a part (RIGL-) § 45 -31-8 (11)) Project Area shall also have the meaning as set forth in RIGL § 45-33.2-3 (3).

**Redevelopment Area:** Any area of a community which its legislative body finds is a blighted and substandard area whose redevelopment is necessary to effectuate the public purposes declared in RIGL § 45-31-1 et seq.

**Redevelopment Plan:** A plan for a redevelopment project, which:

- (i) Conforms to the general plan of the community as a whole; and
- (ii) Is sufficiently complete to indicate land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the project area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives, respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

**Arrested Blighted Area:** Any area which, by reason of the existence of physical conditions, including, but not by way of limitation, the existence of unsuitable soil conditions, the existence of dumping or other insanitary or unsafe conditions, the existence of ledge or rock, the necessity of unduly expensive excavation, fill or grading, or the necessity of undertaking unduly expensive measures for the drainage of the area or for the prevention of flooding or for making the area appropriate for sound development, or by reason of obsolete, inappropriate, or otherwise faulty platting or subdivision, deterioration of site improvements, inadequacy of utilities, diversity of ownership of plots or tax delinquencies, or by reason of any combination of any of the foregoing conditions, is unduly costly to develop soundly through the ordinary operations of private enterprise and impairs the sound growth of the community. (RIGL § 45-31-8)

**Blighted and Substandard Area:** Any area that is a “slum blighted area,” a “deteriorated blighted area,” or an “arrested blighted area,” or any combination of these areas. Blighted and substandard area shall also include those areas where the presence of hazardous materials, as defined in RIGL § 23-19.14-2, impairs the use, reuse, or redevelopment of impacted sites. (RIGL § 45-31-8)

**Deteriorated Blighted Area:** Any area in which there exist buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which by reason of:

- Dilapidation, deterioration, age or obsolescence;
- Inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities;
- High density of population and overcrowding;
- Defective design or unsanitary or unsafe character or conditions of physical construction;
- Defective or inadequate street and lot layout; and
- Mixed character, shifting, or deterioration of uses to which they are put, or any combination of these factors and characteristics, are conducive to the further deterioration and decline of the area to the point where it may become a slum blighted area as defined herein, and are detrimental to the public health, safety, morals and welfare of the inhabitants of the community and of the state generally. A deteriorated blighted area need not be restricted to, or consist entirely of, lands, buildings or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions exist and injuriously affect the entire area. (RIGL § 45-31-8)

**Slum Blighted Area:** Any area in which there is a predominance of buildings or improvements, either used or intended to be used for living, commercial, industrial, or other purposes, or any combination of these uses, which by reason of: (i) dilapidation, deterioration, age, or obsolescence; (ii) inadequate provision for ventilation, light, sanitation, open spaces, and recreation facilities; (iii) high density of population and overcrowding; (iv) defective design or unsanitary or unsafe character or condition of physical construction; (v) defective or inadequate street and lot layout; and (vi) mixed character or shifting of uses to which they are put, or any combination of these factors and characteristics, are conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime; injuriously affect the entire area and

constitute a menace to the public health, safety, morals, and welfare of the inhabitants of the community and of the state generally. A slum blighted area need not be restricted to, or consist entirely of, lands, buildings, or improvements which of themselves are detrimental or inimical to the public health, safety, morals, or welfare, but may consist of an area in which these conditions predominate and injuriously affect the entire area.

The definitions herein rely on RIGL § 45-31-8. Words used in this Redevelopment Plan as defined in RIGL § 45-31-8 shall have the meaning set forth in such statutory provision.

## **PROJECT AREA DESCRIPTION**

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### ***Location and Boundaries***

#### **Location**

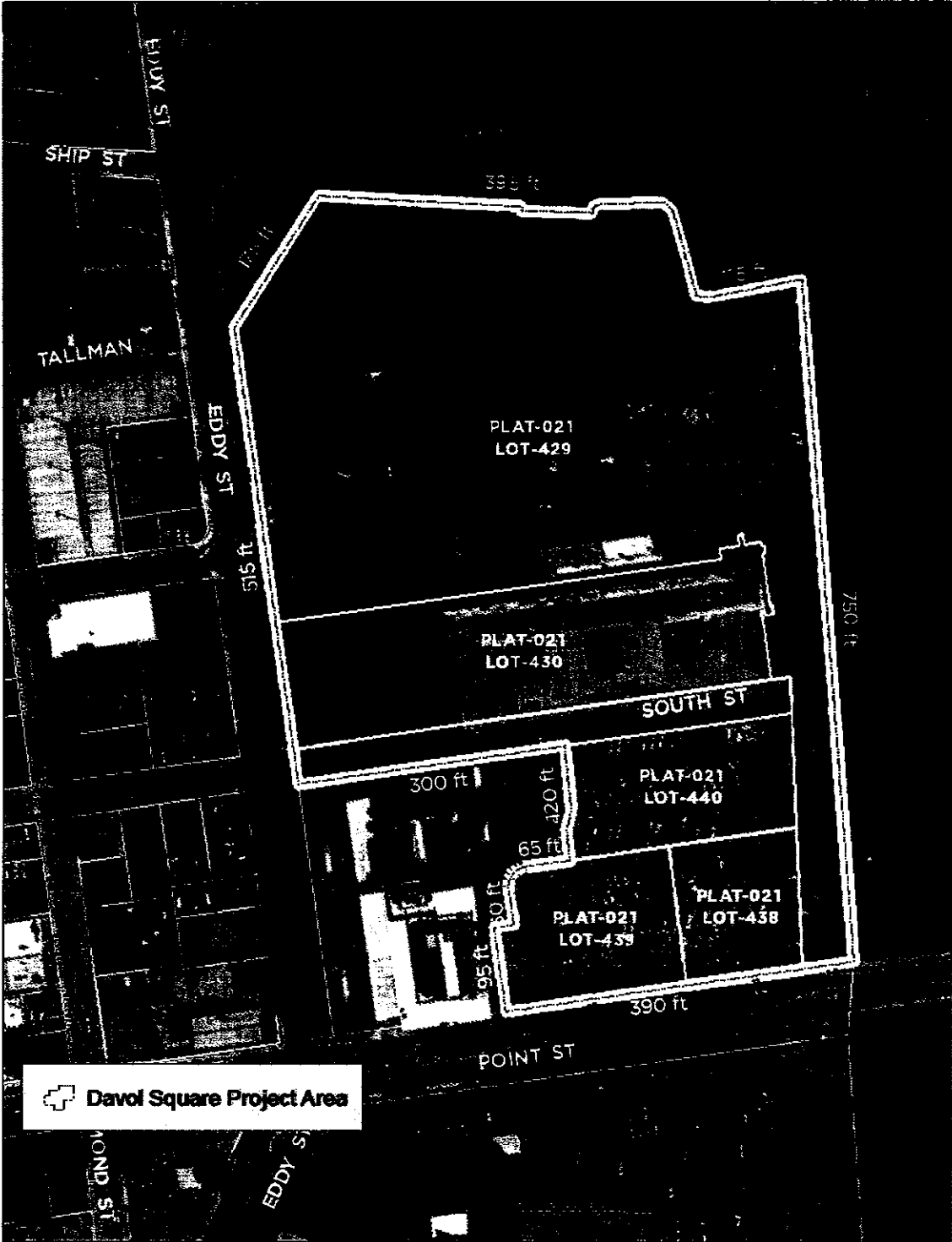
The Davol Square Project Area ("Project Area"), shown in Figure 1, consists of approximately 10.5 acres of industrial and commercial property located along the Providence River in the Downtown neighborhood of Providence Rhode Island.

#### **Boundaries**

The Project Area consists of Assessor's Plat 21, Lots 429, 430, 438, 439, and 440; including the portion of South Street running easterly from Eddy Street.

The Project Area is more particularly described in Attachment A attached hereto.

The Project Area is located in Redevelopment Area 3, as defined in the Providence Code of Ordinances, Chapter 20 "Redevelopment Areas," Section 20-2, and reaffirmed by the City Council through Resolution 143, approved March 25, 2008. In implementing this Redevelopment Plan, the PRA shall have the authority set forth in RIGL §45-32-5.



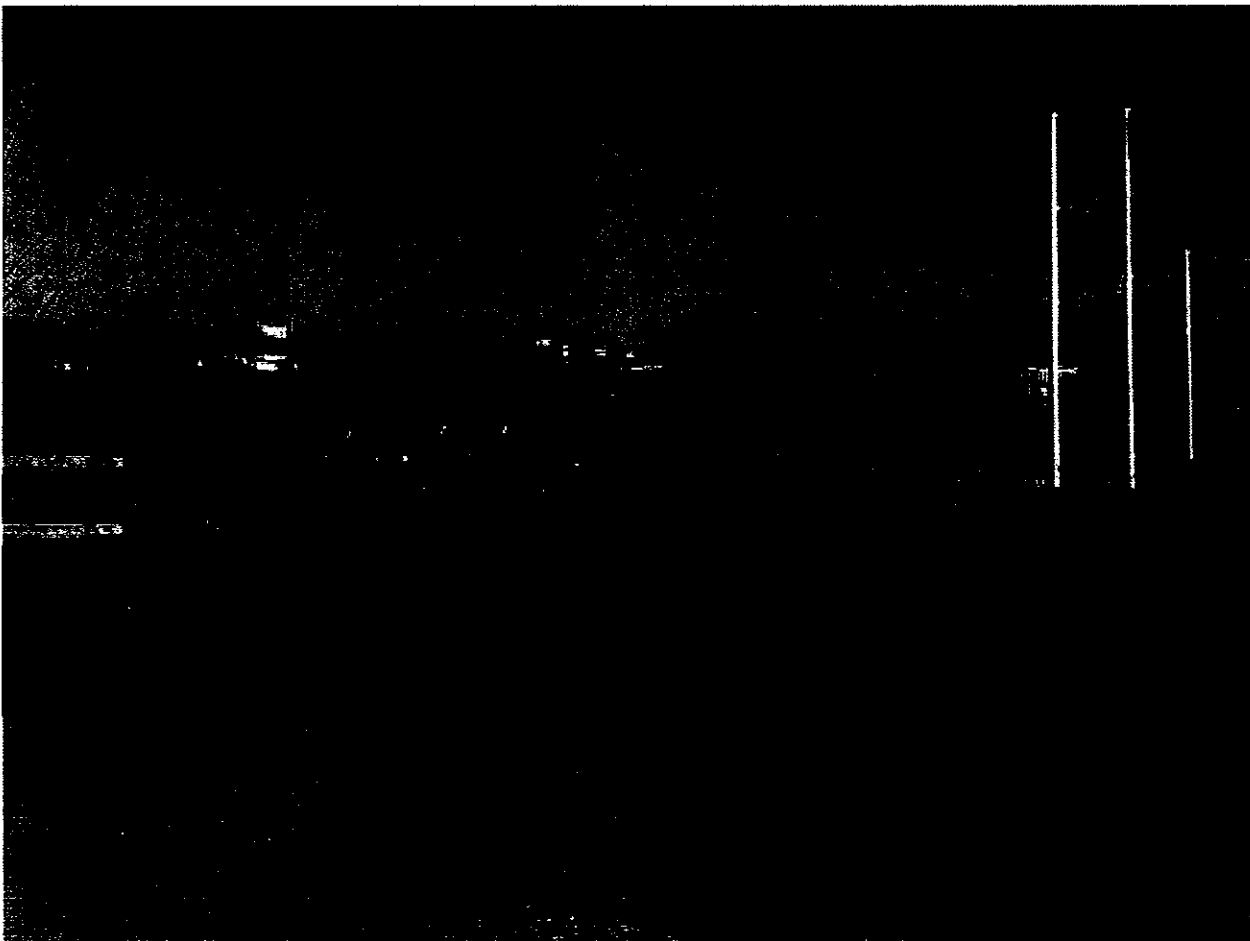
**Figure 1: Project Area** (Boundaries and dimensions shown are approximate and the Project Area boundaries are more specifically described in Attachment A)

## ***Existing Conditions***

### **Land Uses**

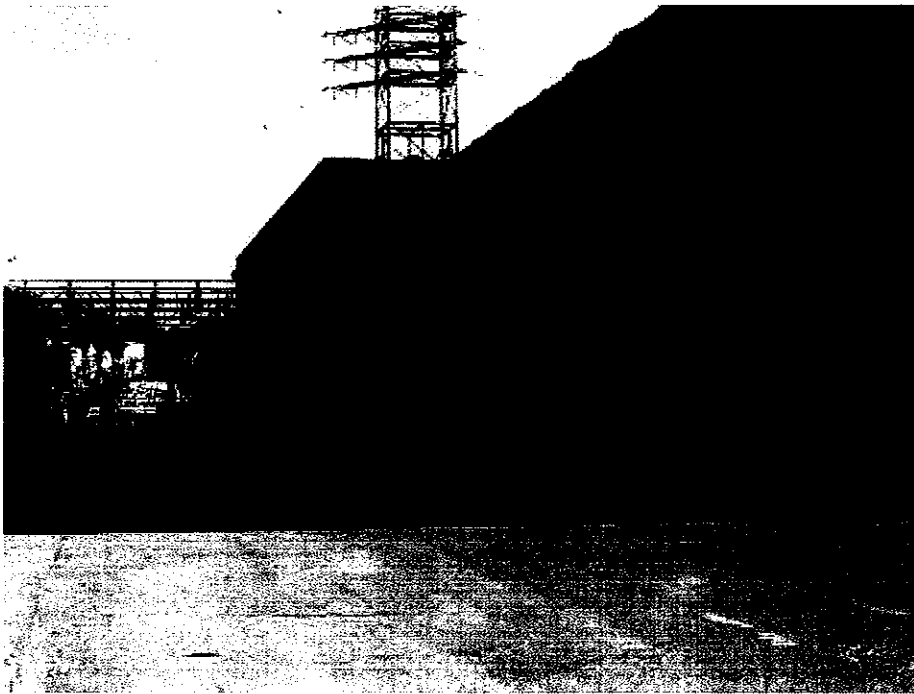
#### **Land Uses in the Project Area:**

Plat 21, Lot 429 is largely vacant, with some paved areas and some grassed areas (Figure 2). The lot contains considerable electrical power infrastructure, such as transformers and power lines. (Figures 3 and 4). This infrastructure is contained within a building constituting a power substation, outside on the ground, and also underground. The building on Lot 429 is directly attached to the former South Street Power Station on Plat 21, Lot 430. The former South Street Power Station occupies virtually all of the land on Plat 21, Lot 430. The remainder of Lot 429 is a small paved area to the west of the substation building. The substation building is currently vacant. Plat 21, Lots 438, 439, and 440 are all used for surface parking that serves the Davol Square buildings on Plat 21, Lots 407 and 44. (Figure 5) Figure 6 provides a comprehensive overview of the development area (Figure 6).

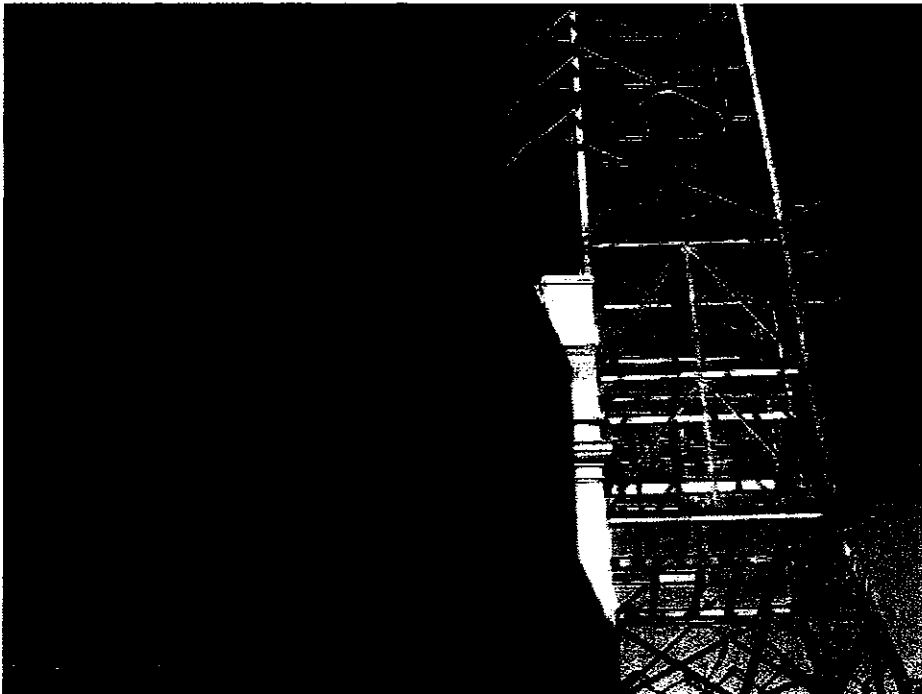


**Figure 2: A view of the paved area of Lot 429**





**Figure 3: A view of the substation attached to the power station building**



**Figure 4: A view of overhead power lines within the Project Area**



**Figure 5: A view of the existing parking on Lots 438, 439, and 440**

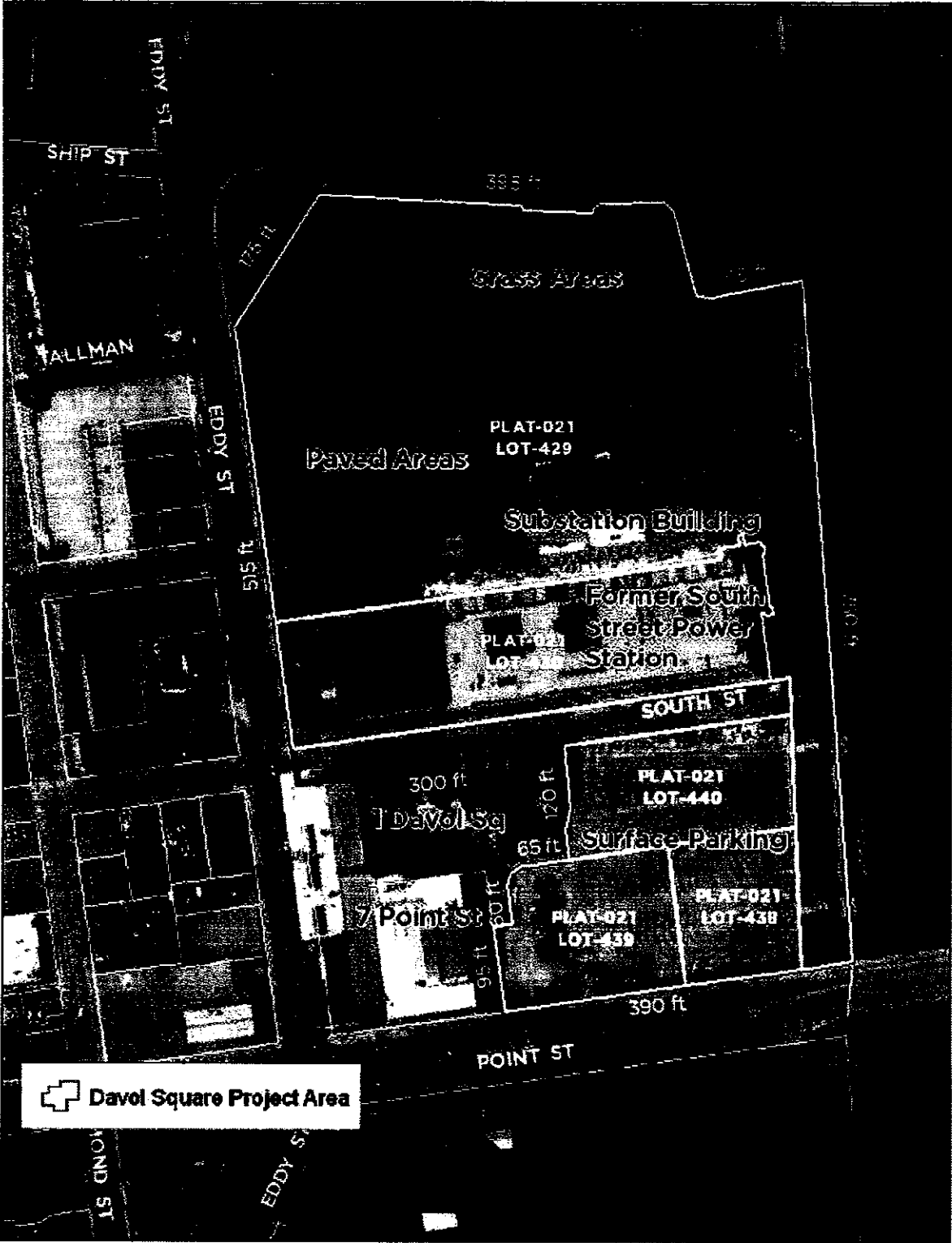
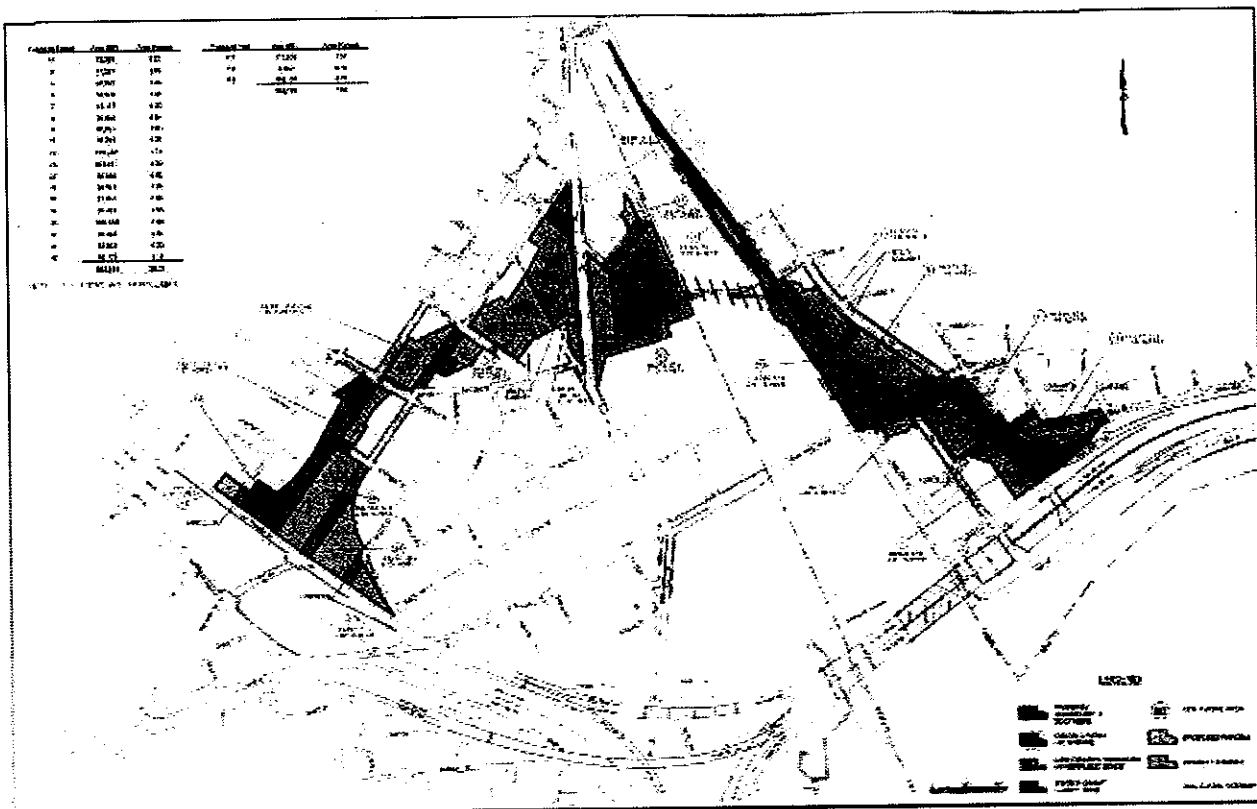


Figure 6: A map showing buildings and parking areas within the Project Area

### Land Uses near the Project Area:

The Project Area is within the Jewelry District area of Downtown. The Jewelry District is a mixed-use area with a large presence of health care and higher educational institutions, including laboratories for Lifespan and Care New England, and Brown University's medical school. The district hosts several research and development facilities, such as EpiVax and Nabsys. The neighborhood also contains several residential buildings and commercial services. Directly to the north and across the Providence River to the east of the Project area is vacant land made available through the relocation of Interstate I-95. The land is currently being prepared for development by the Rhode Island Department of Transportation (RIDOT). When the relocation project is complete, there will be approximately 20.24 acres of development parcels and 7.5 acres of parks and public land. The project will also include infrastructure improvements such as a pedestrian bridge that will link the East Side of the city to Downtown. The development on the former Interstate I-95 land is expected to act as a catalyst for development in the Jewelry District and other areas of Downtown.

It is likely that implementation of this plan will eliminate blighted and substandard conditions which will subsequently result in the creation of considerable economic activity, including without limitation, new business, new jobs, new financial investments, new construction or rehabilitation of existing buildings in adjacent areas.



**Figure 7: A map showing the I-195 surplus parcels.**

## **Buildings and Physical Conditions**

The Project Area contains two buildings directly adjacent to each other: the National Grid substation (Lot 429) and the South Street Power Station (Lot 430). The substation building has a brick exterior and appears to be in good condition. The South Street Power Station building is currently vacant. Work to transform the building into a mixed-use development ceased several years ago, and the building has sat idle ever since. Its brick exterior appears to be largely intact, but the building has no windows and is open to the elements.

## **Existing Zoning**

Zoning in the Project Area is shown in Figure 8. The Project Area is zoned D-1 with a 100-foot height limit. It also falls under the I-1 Health Care Institutional Overlay District and the I-3 Downtown Educational Institution Overlay District.

The D-1 zone is also known as the Central Business District and is intended to encourage revitalization and restoration of the historic core business area and accommodate expansion of the Downtown area. A number of commercial and residential uses are encouraged including research and development. The allowable height in Downtown varies based on the subzone. The allowable height for development in the Project Area is 100 feet.

The body responsible for overseeing development plan review within the D-1 zone is the Downtown Design Review Committee (DRC). The DRC reviews development to ensure it conforms to the intent and regulations of Downtown zoning and follows the design guidelines set forth for the zone.

The I-1 Health Care Institution overlay district permits healthcare institutions and guides their expansion in a planned manner. The I-3 Downtown Educational Institution overlay district permits higher educational institutions and directs their growth in Downtown.

In addition, lot 429 is also located under the Industrial and Commercial Buildings District (ICBD) overlay. This overlay is under the purview of the Historic District Commission, which reviews proposals to demolish or alter the exteriors of historically significant buildings.

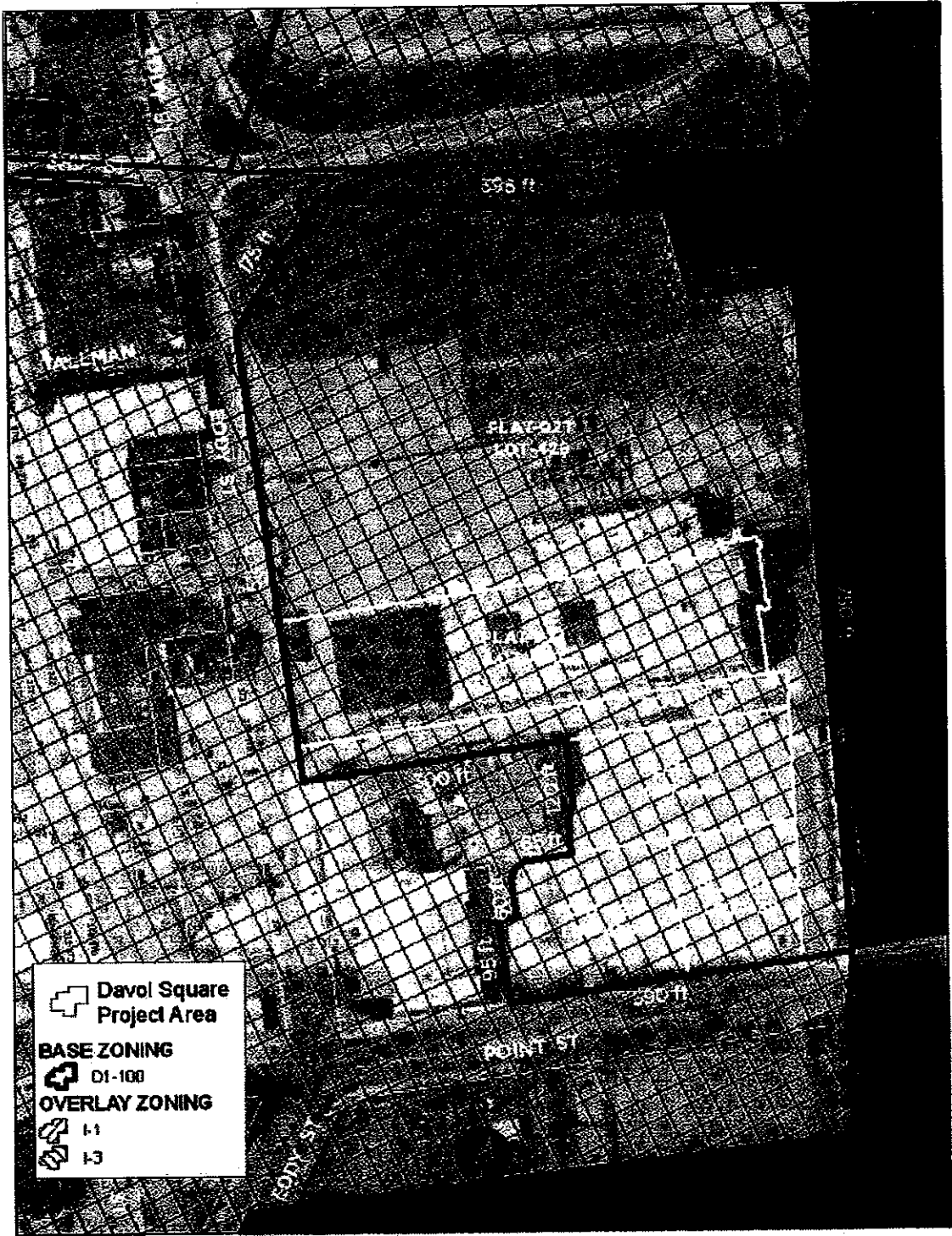
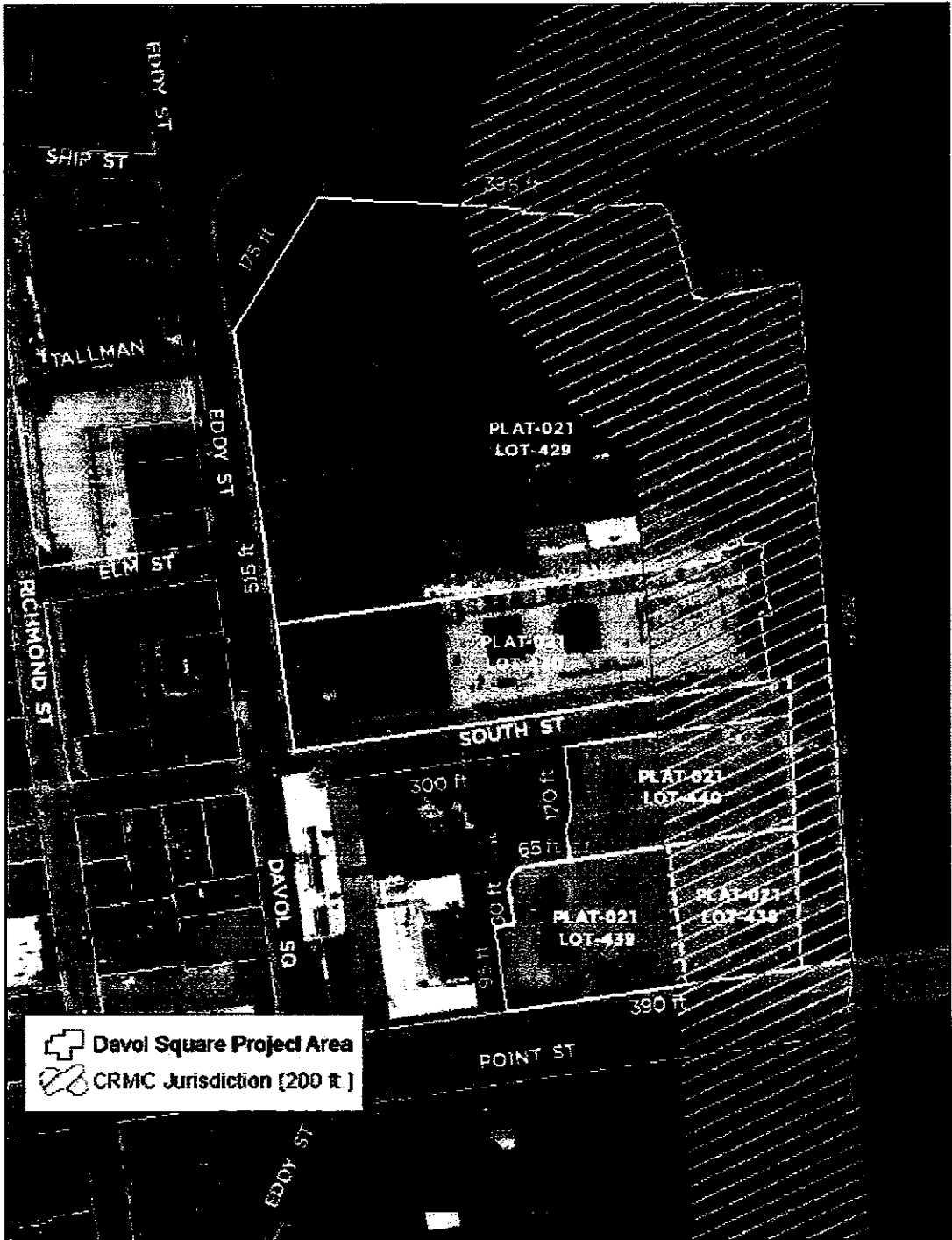


Figure 8: A map showing zoning within the Project Area

**Regulatory Oversight**

In addition to City authority, much of the Project Area is located within the jurisdiction of the Rhode Island Coastal Resources Management Council (CRMC). According to Rhode Island laws and regulations, CRMC has jurisdiction over all areas located within 200 feet of the



**Figure 9: A map showing the CRMCs jurisdiction within the Project Area**

inland edge of a coastal feature (see Figure 9). Since the Providence River is tidal within the Project Area, the top of the riverbank (where the river has banks) and/or the top of the river wall (where the river is contained by walls), is considered the limit (i.e. edge) of the coastal feature. Therefore CRMC has jurisdiction within 200' of the top of the river wall and/or riverbank.

The Rhode Island Department of Environmental Management RIDEM also may have regulatory jurisdiction within the area. The RIDEM Division of Waste Management has jurisdiction over contaminated properties and properties where there are Environmental Land Use Restrictions (ELURs) in place. The Division of Water Resources has jurisdiction over alterations to the storm drainage and sewer systems that may have the potential to affect water quality.

### **Blighted and Substandard Areas**

The existing conditions in the project area meet a number of criteria of an "arrested blighted area," as defined by RIGL §45-31-8. Also, the dilapidated Power Station building meets one of the criteria characterizing an arrested blighted area and a deteriorated blighted area.

### **Diversity of ownership of plots, or tax delinquencies**

Title in Lot 430 (which includes the South Street Power Station) is currently vested in Dynamo House, LLC ("Dynamo") which is controlled by principals of Struever Bros. Eccles & Rouse, pursuant to a deed (the "Heritage Deed") from Heritage Harbor Corporation ("Heritage Harbor"), which previously owned the property and proposed to occupy the Power Station for a heritage museum. The Heritage Deed, and the deed into Heritage Harbor from Narragansett Electric, contained significant deed restrictions which effectively prohibit the use of the property for any use other than a project which includes a heritage museum by Heritage Harbor. There is no reason or evidence to suggest that anyone is currently proposing to develop a museum in the power station or that such a museum would be a cost effective use in that structure or would be an economically-viable development project. These deed restrictions severely limit the use of the property. As they cannot be removed through a foreclosure of the mortgages described below, they should be released or discharged to enable redevelopment of the Power Station and implementation of this plan.

Title in Lot 430 is further encumbered by senior mortgages held by Dynamo House Funding, LLC (as successor to Citicorp USA and Citibank NMTC Corp.) and a junior mortgage held by Heritage Harbor. These mortgages must be settled, paid off and/or otherwise discharged to enable redevelopment of the power station. Lastly, there are over twenty mechanic's liens that were filed when Dynamo failed to pay the various contractors performing work on the property. A number of these mechanic's liens have gone to judgment, while a significant number continue to require judicial action and resolution. Failure to reach agreement with each of these creditors would further limit redevelopment of the project area.

These title and mortgage issues create a diversity of ownership, which, unless corrected, make any development on this property infeasible. This falls within the state's definition of arrested blight. Per state law, arrested blight exists when a site is, "unduly costly to develop soundly through the ordinary operations of private enterprise and impairs the sound growth of the community." The title issues are a hindrance to development and could leave the site

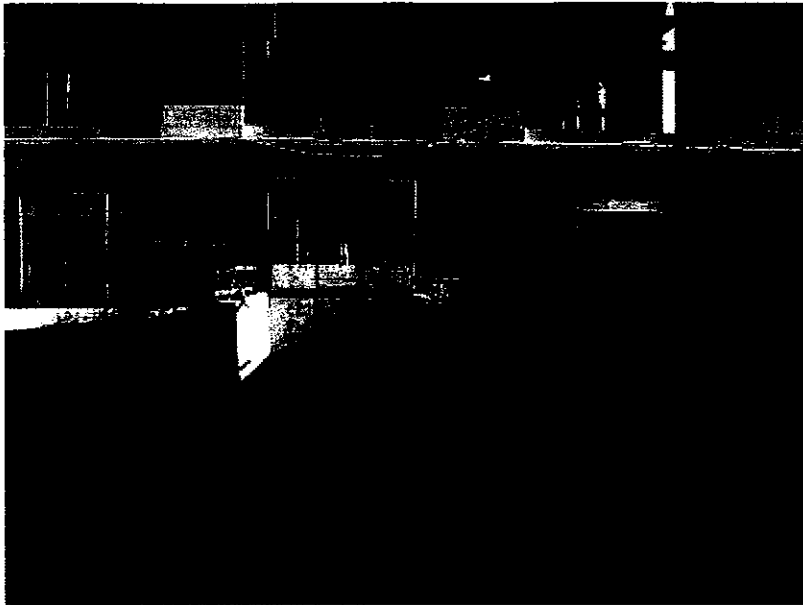


unimproved for a number of years.

**Deterioration of site improvements:**

The former South Street Power Station is an imposing, vacant structure within the project area; its use as a power-generating facility was discontinued decades ago. The exterior of the building is intact, but there are no windows. This exposes the interior of the building to harsh weather conditions and could accelerate the deterioration of the structure. No work has been done to maintain the building since construction of the “Dynamo House” project ceased in 2009. The building appears abandoned and due to the lack of attention, may be suffering from structural deterioration.

The dilapidated state of the building is characteristic of conditions of an arrested blighted area and of a deteriorated blighted area as described in state law. The building’s condition could be a major obstacle to site redevelopment. (Figures 10, 11 and 12)



**Figure 10: The front building façade of the power station showing signs of deterioration**



**Figure 11: The southern side of the power station**



**Figure 12: Graffiti and boarded windows on the eastern side of the building**

**Inadequacy of Utilities:** Another factor hindering development is the location of a power substation owned by National Grid at the northern portion of the Project Area, and overhead wires running along the waterfront at the eastern edge of the project area. In order for the complete redevelopment of the project area, it is likely that this energy infrastructure will need to be relocated.

Conditions of slum blight: The dilapidated condition of the property, which gets worse as it remains undeveloped, contributes to conditions of slum blight as defined in state law. Slum blight refers to conditions of obsolescence, dilapidation, inadequate provision for livable conditions and the negative effect of the property on the surroundings. Besides being an eyesore, the negative effect on neighboring properties contributes to conditions of slum blight. These conditions of blight will persist for as long as the property remains undeveloped. Action is required to mitigate these conditions to allow for the site's development.

### **Constraints on Redevelopment of the South Street Power Station**

Restrictions of Record: The South Street Power Station (the "Power Station") is one of only two buildings in the Project Area, and clearly the dominant building in the Project Area, containing 85,692 square feet of floor area per the Tax Assessor. The lot on which it sits is 76,842 square feet in area, or 1.7644 acres, constitutes approximately seventeen percent (17%) of the Project Area, and essentially bisects the Project Area. Given its size, location, and configuration, the Power Station lot and building have a significant and material impact on the Project Area, and it is difficult to see a successful redevelopment of the Project Area without addressing the challenges to redevelopment posed by the Power Station building and lot.

While the Power Station is an imposing structure with a brick façade, it is vacant, its use as a power generating facility having ceased decades ago, it has no windows and is therefore open to the elements, and is suffering from deterioration (which may now, and most certainly will with the passage of time, include structural deterioration. Accordingly, its rehabilitation and redevelopment must be addressed if the structure is to be preserved, if the existing blighted and substandard conditions prevented from worsening, if the Project Area is going to be successfully redeveloped, and if the resulting benefits of such preservation and redevelopment are to be realized.

One of the primary obstacles to redevelopment of the Power Station is restrictions recorded in the land evidence records for the City of Providence, encumbering and restricting the Power Station by requiring that if it is to be redeveloped, the redeveloped structure must contain not less than fifty-five thousand square feet of space dedicated for use as a museum (the "Power Station Restrictions").

More specifically, the deed conveying the Power Station from Heritage Harbor Corporation (the "Grantor") to its current owner, Dynamo House LLC, provides as follows:

*"No improvement or rehabilitation of the Property may be undertaken unless such improvement or rehabilitation provides for the imposition and creation of a three unit condominium project encompassing the entire Property...one of which condominium units must consist of a 55,000 square foot portion of the Property in accordance with the Agreement of Sale (the Museum Unit").....*

*The Property may not be used or occupied for any purpose other than construction and rehabilitation activities that include creation of the Museum Unit unless and until the Museum Unit is created and conveyed to the Museum Owner LLC [i.e. the for profit subsidiary of the*

Grantor]”

The Museum Unit is to have 100 parking spaces appurtenant to it as limited common elements. Accordingly, because of the Power Station Restrictions, no rehabilitation or redevelopment of the Power Station may occur unless 55,000 square feet of the Property is conveyed as a condominium unit for purposes of the creation and operation of a museum.

The significance of this restriction can be understood by a review of the recent history of the Power Station.

In October, 1999, Narragansett Electric Company donated the Power Station to the Heritage Harbor Corporation to be used as a Rhode Island Heritage Center, museum, research and record storage facility, and related ancillary uses. The Heritage Harbor Corporation then solicited contributions to fund the development of the Power Station as a Heritage Harbor Center and Museum. Subsequently, the Heritage Harbor Corporation determined it was not a financially viable project to develop such a large structure for use only as a museum, and the Heritage Harbor Center and Museum was never developed. Eight years later the Heritage Harbor Corporation agreed to sell the Power Station to its current owner, subject to the restrictions set forth above. In conjunction with the conveyance, and in order to facilitate the conveyance, Narragansett Electric Company released its restriction that the Power Station be used **only** for a Rhode Island Heritage Center and related uses, modifying the restriction. Narragansett Electric Company allowed use of the Power Station for hotel, office, retail use, conference facilities, event hall use, and cinema, as well as requiring that not less than 50,000 square feet of floor area to be used for a Heritage Center. As noted above, the conveyance from the Grantor to the current owner requires that 55,000 square feet of the Power Station be devoted to museum use.

To date the Power Station has not been redeveloped for any purposes including the museum, and upon information and belief, we understand that the Heritage Harbor Corporation no longer plans a 55,000 square foot museum development in a part of the Power Station, and instead is considering a virtual museum.

Impact of Restrictions of Record: Even were the Heritage Harbor Corporation intending to develop 55,000 square feet of the Power Station for a museum, there are significant questions as to whether such a requirement would either effectively preclude, or materially restrict, economically-viable development of the remainder of the Power Station. More specifically, the Power Station is the pivotal building in the Project Area requiring rehabilitation and redevelopment. The restriction that no improvement or rehabilitation of any part of the Power Station land or building may even be undertaken unless such improvement or rehabilitation provides for a condominium declaration of three units, of which one unit must be a “Museum Unit” for operation of a museum, is a significant restraint on a blighted property in a redevelopment project area. This is particularly so, given that the property is extremely large and seriously dilapidated, and therefore already extremely expensive to rehabilitate and redevelop. The continued passage of time without redevelopment activities commencing will only add to the cost and expense of redevelopment, thereby further restricting if not precluding economically-viable development of the Power Station. Moreover, the restriction that Power Station may not be used or occupied for any purpose unless it includes creation of the Museum

Unit imposes a further burden on redevelopment of a property which is expensive and difficult to redevelop. The continued passage of time without redevelopment activities commencing will only add to the cost and expense of redevelopment, thereby further restricting, if not precluding, economically viable development of the power station.

For the foregoing reasons, the Power Station Restrictions represents long term constraints on redevelopment of the Power Station – a key component of the Project Area, and thereby, a substantial constraint on redevelopment of the Project Area as a whole. The required use of such a large portion of the Power Station for only a museum appears to impose a number of constraints on redevelopment of the Power Station and the Project Area, including that these use restrictions may make it economically unviable to redevelop the Power Station, either because the size and nature of the museum use itself is not economically viable, or because the required size of the museum use precludes the scale and/or mix of uses for the remainder of the Power Station redevelopment that would be economically viable and sufficient to support redevelopment of the Power Station. Furthermore, upon information and belief, the Grantor, and beneficiary of the Power Station Restrictions, has no plans to proceed with the museum project, even if it had the resources to do so, suggesting that such restrictions could be extremely problematic, if not fatal, to the redevelopment of the Power Station.

## INITIATIVES AND ACTIONS

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The intent of this redevelopment plan is to provide the PRA with the tools and authority to eliminate blighted and substandard conditions by rehabilitation of deteriorated properties and by facilitating the provision of needed infrastructure to support redevelopment of the Project Area. Implementation of the redevelopment plan will also visually enhance the Project Area and will encourage excellence in design and construction techniques, all in a way that is in conformance with *Providence Tomorrow*, the City's comprehensive plan. The following sections outline initiatives and actions the PRA intends to pursue to meeting the goals of the Redevelopment Plan, as well as the state requirements outlined in RIGL § 45-32.

### ***Property Acquisitions***

As more specifically provided herein, it may be necessary for the PRA to acquire certain interests in real property in order to effectuate the redevelopment of the Power Station in accordance with this plan, in the event that interested parties do not come to an agreement that removes restrictions of record which hinder redevelopment of the Power Station. In the event some form of acquisition by the PRA proves necessary, the preferred method of acquisition is through a consensual negotiated purchase. However, the PRA is authorized to secure this interest through eminent domain, if necessary, in accordance with RIGL § 45-31 through 33.

The PRA reserves the right to exercise its powers pursuant to RIGL Section 45-32-5, including without limitation, to purchase, lease, obtain an option upon, acquire by gift, sell, grant, bequest, devise, clear title to or otherwise, any real or personal property within the Redevelopment Area or for purposes of redevelopment, such acquisition to include the consensual negotiation with property owners for the acquisition of property. The PRA also reserves the right to acquire all or any part of the real property or any estate or interest in it within the Project Area by the exercise of the power of eminent domain, pursuant to and in accordance with the requirements of RIGL 45-32-24. The properties acquired will be held in tax-exempt status, in accordance with RIGL 45-32-40 while under PRA ownership for a period of 20 years from the date of issuance of the bonds or such time as the bonds for the acquisition costs have been paid in their entirety, whichever is lesser.

No property not identified in this plan as subject to acquisition by eminent domain may be taken by eminent domain by the Providence Redevelopment Agency unless the City Council shall amend this Redevelopment Plan to specifically designate additional property that may be subject to taking by eminent domain.

### ***Acquisition of Interests in Real Estate to Eliminate Redevelopment Constraints***

The PRA intends to explore whether a relinquishment of the Power Station Restrictions by the Grantor may be feasible, or alternatively, whether the purchase and extinguishment of the Power Station Restrictions may be feasible. In the event that these consensual efforts prove unsuccessful, the PRA intends to seek condemnation of the Power Station Restrictions and any other interests in the Power Station which may limit, restrict, or preclude successful redevelopment of the Power Station.

Any purchase and extinguishment of the Power Station Restrictions by the PRA or any condemnation of the Power Station Restrictions by the PRA, in either case for nominal value shall be funded directly by funds of, or controlled by, the PRA. Any purchase and extinguishment of the Power Station Restrictions, or any condemnation of the Power Station Restrictions, for anything other than nominal value, shall only be undertaken by the PRA in the event that the PRA has identified a source or sources for the advance or repayment of all costs of such purchase or condemnation, and secured such source(s) in an escrow account established for the purpose of such advance or repayment. Absent identifying and securing a source of such proceeds, the PRA shall not purchase or condemn such Power Station Restrictions.

Consent under RI Gen Laws 42-46.12-1. With regard to the potential condemnation of any real estate interest in the Power Station or related property, we note that R.I. Gen Laws 42-64.12-1, the Rhode Island Home and Business Protection Act of 2008 (the "Protection Act"), was adopted to protect families and businesses from having their homes or businesses taken by eminent domain by the government for purposes of economic development to benefit a business or developer. The Protection Act largely does not apply to the PRA. Section 9 of the act provide that the "provisions of this chapter with the exception of subsection 42-64-12-7(c) shall not be deemed to abrogate or diminish the powers heretofore exercised by local redevelopment agencies, as provided for in chapters 45-31 and 45-32 of the general laws, to undertake redevelopment projects." Section 7(c) essentially provides that a local government entity cannot exercise eminent domain proceedings for economic development purposes unless approved by the city council. The primary purpose of the Davol Square Redevelopment Plan is to eliminate blighted and substandard conditions in the Project Area. Accordingly, any condemnation of property interests is not for the primary purposes of economic development as set forth in the Protection Act but rather is for the purposes of redevelopment, and the Protection Act clearly provides the Protection Act does not abrogate or diminish those powers.

Nevertheless, we call the attention of the City Council to the above provisions of the Protection Act and the PRA shall specifically request of the City Council that to the extent the City Council grants approval of the Davol Square Redevelopment Plan pursuant to R.I. Gen. Laws 45-32-13, that such approval shall also be deemed to constitute approval under Section 7(c) of the Protection Act. We make this request despite the fact that the purpose of any such condemnation is for the primary purpose of alleviating and eliminating blighted and substandard conditions and not for the primary purpose of economic development as defined under the Protection Act and therefore does not fall under the provisions of the Protection Act, in order to eliminate any potential argument of non-compliance with the Protection Act.

By way of further background, we note that while the primary purpose of the Davol Square Redevelopment Plan is to eliminate blighted and substandard areas, and condemning the interests in real estate that pose serious constraints on redevelopment of the Power Station will materially facilitate elimination of these blighted and substandard conditions by making redevelopment of the facility possible. We also note that the subsequent redevelopment of the Power Station would yield economic development benefits.

Even if the primary purpose of the condemnation was to directly accomplish those economic development purposes, through the redevelopment of the Power Station, and that such

condemnation therefore required the City Council's approval under the Protection Act, which is not the case, we submit that such economic development purposes would clearly fall within a permissible condemnation for economic development purposes under the Protection Act.

More specifically, the Protection Act requires a finding, in the case of condemnations for economic development purposes, "of a rational-basis determination that potential takings by eminent domain inure a preponderance of benefits, to the public with only incidental, benefits to a private party or parties". Again, while the possible condemnation under the Davol Square Redevelopment Plan is not a condemnation for economic development purposes, and while a redevelopment agency such as the Providence Redevelopment Agency is exempted from the requirements of making this showing, even were this provision to apply to the PRA and to the Davol Square Redevelopment Plan, the required finding would be entirely supported.

The Redevelopment Plan provides for the adaptive reuse of the Power Station into a 250,000 square foot project which could be home to one or more uses, including retail uses, office, facilities for startup companies, meeting spaces, educational instructional space for the training of health care professionals and the further professional development and training of licensed health care professionals.

The rehabilitation and reuse of the Power Station and related properties will support and be supported by the decisions of existing land owners in adjacent areas to make the Project Area and this area of the city a hub for educational training of health care professionals and medically-oriented research and development activities which will be greatly enhanced by the presence of professionals in affiliated fields, and by visitors coming into the city to confer with their colleagues.

All of these results will greatly enhance and assist economic activity in the city by creating income tax, sales tax, and property tax revenues, creating jobs, and creating new first class facilities for teaching, researching and holding professional meetings.

The public will benefit directly from all of the benefits provided above and indirectly through the multiplier effect of direct investment from the proposed redevelopment of the Power Station and other properties in the Project Area, such beneficiaries to include the city itself and its residents, whether individual, corporate, or institutional.

There will be benefits to private parties who are also members of the public. However, these "private benefits" are substantially outweighed by the benefits to the public resulting from this plan. Because no businesses are being relocated, no businesses are being shuttered, and no houses are being lost, it is clear that were the PRA not substantially exempt from the Protection Act and were this Redevelopment Plan to propose a condemnation for economic development purposes, which it does not, the City Council would be able to make a finding that the proposed condemnation is one which provides for the great preponderance of benefits to the public and only incidental benefits to private interests.

While such a finding is not required under the Protection Act in the instant circumstance, this information is provided for the benefit of the City Council in its consideration of the adoption of



the Davol Square Redevelopment Plan.

### ***A Description of Proposed Changes in Streets and Utilities***

The Project Area is well-served by Eddy and Point Streets. An important initiative of this plan is to provide public access to and along the waterfront. South Street runs east-west through the Project Area, and dead-ends at the waterfront. In a revitalized Project Area, South Street will serve as an important link for pedestrians to the waterfront. This plan calls for a public path along the waterfront, linking the I-195 West Side Park to the Project Area via a pedestrian bridge from the northern end of the development Project Area. In a revitalized Project Area, South Street will serve as an important link for pedestrians to the waterfront. Pedestrians will be able to access the waterfront from South Street, and provision will be made for emergency vehicle access to the waterfront as well. These access areas are illustrated in Figure 13.

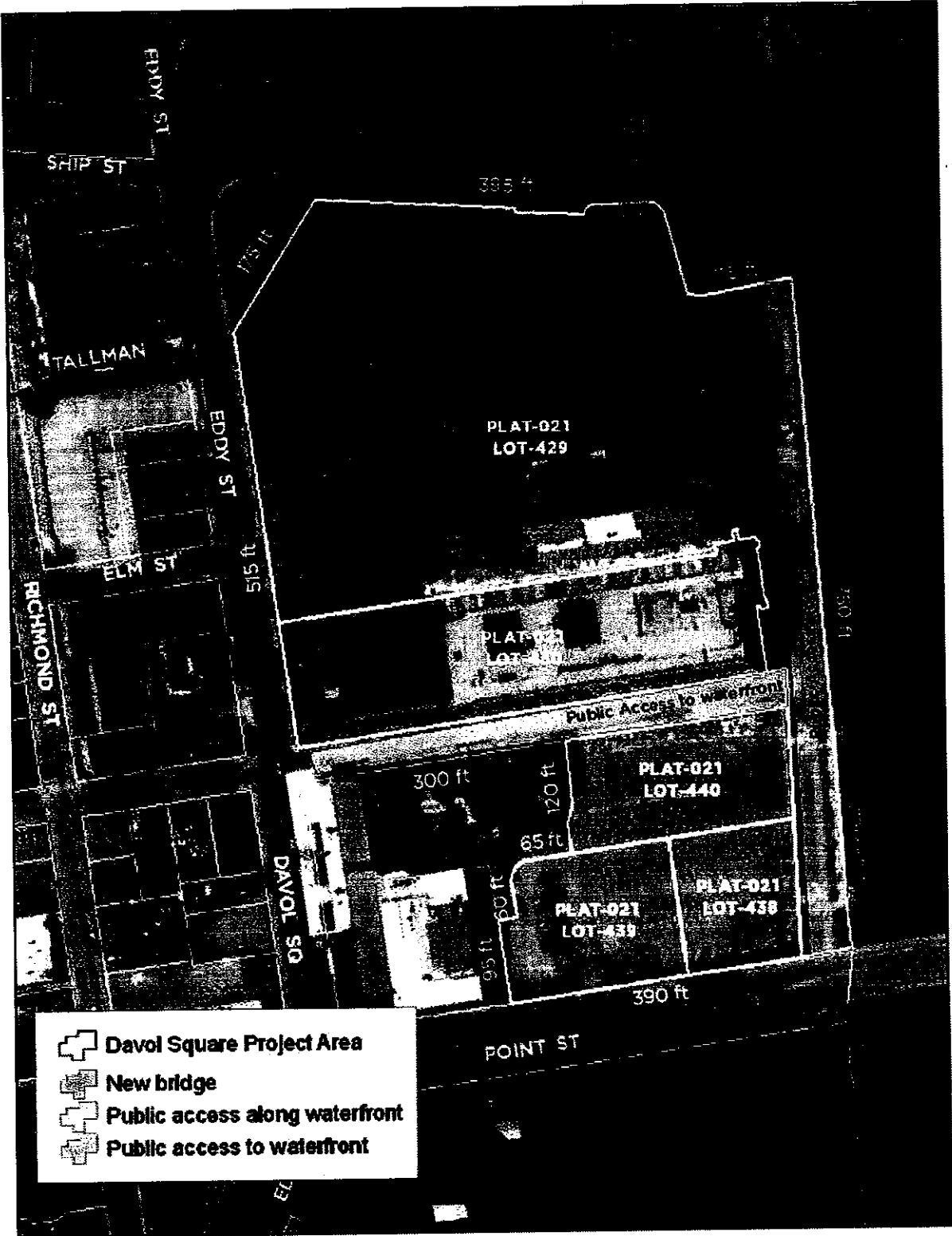


Figure 13: A map detailing access to and along the waterfront in the Project Area



**Figure 14: View of a possible waterfront access path at the eastern end of the Project Area**

In order for this waterfront path to be created, and for other redevelopment efforts to move forward, the overhead power lines on site will have to be placed underground. Further, the electric utilities in the structure and on the ground on Plat 21, Lot 429 will need to be relocated to facilitate development of that lot.

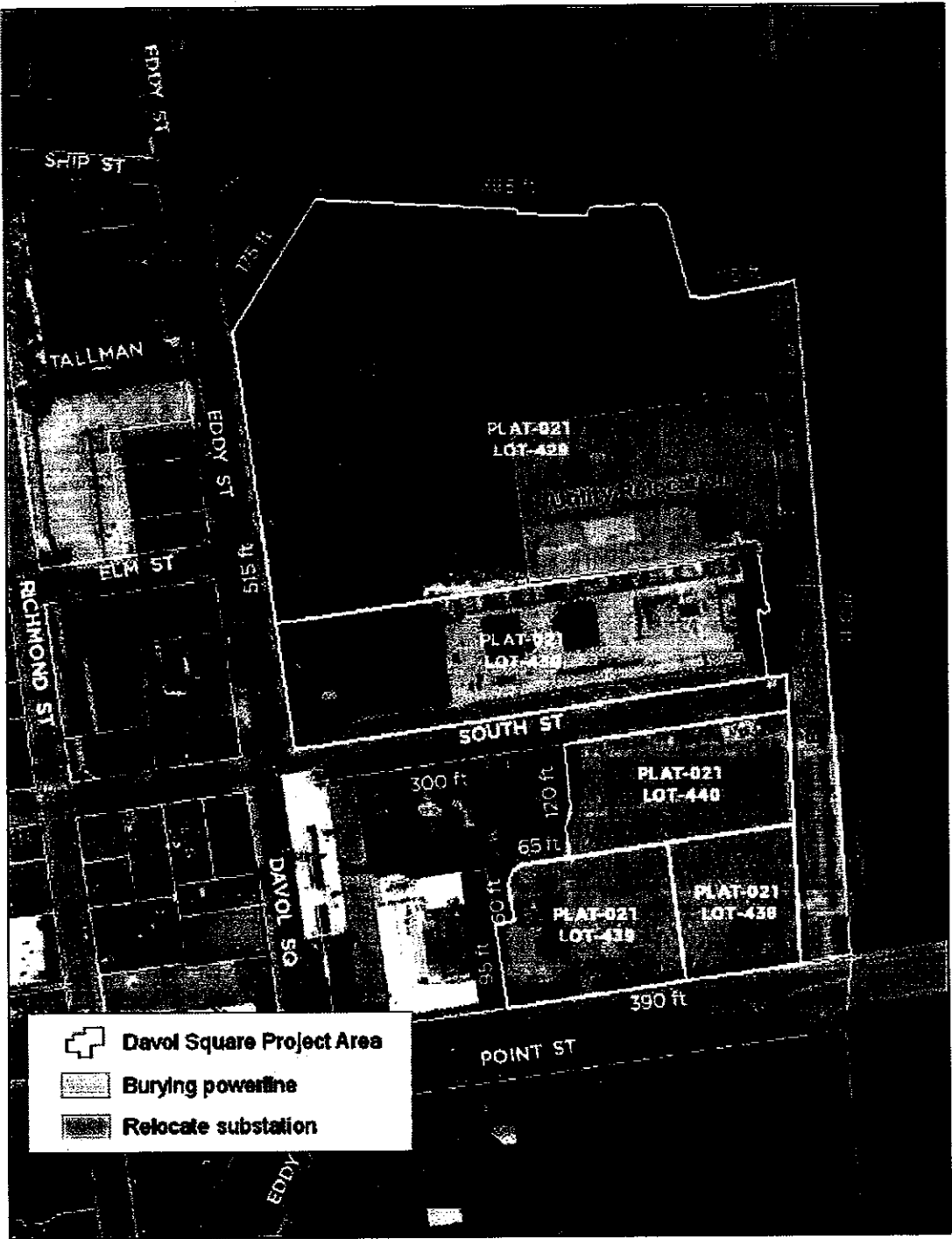


Figure 15: A map showing utility relocation in the Project Area

### ***Proposed Land Uses in the Area***

The Project Area is located in Downtown Providence and close to the financial center, the East Side, and adjacent to the surplus I-195 land. Given this location, the land should be developed with a mix of uses, and at substantial density. Future land uses in the project area should be in conformance with the zoning for the area and with the land use designation in the Comprehensive Plan. The following uses are desirable, and consistent with the zoning and Comprehensive Plan:

- Multifamily residential, including student housing
- College and hospital uses
- Research and development facilities
- Office uses
- Retail uses
- Parking structure(s) supporting development in and adjacent to the Project Area
- Public open space, particularly along the waterfront

### ***Proposed Standards of Population Densities, Land Coverage, and Building Intensities***

Any development within the project area is required to follow the zoning regulations, including design standards for the D-1 zone:

Height: Buildings in the D-1 zone are required to be at least three stories with height varying by subzone. The project area is located in the D1-100 subzone which allows a building height of 100 feet. Through development incentives, there is the opportunity to build higher for providing ground-floor active uses, publicly-accessible open space, and structured parking.

Massing: The D-1 zone encourages maximizing the amount of lot coverage for new buildings. Buildings are required to be built close to or at the property line, and surface parking is restricted. Building recess lines are required between the third and seventh stories of buildings.

Density: Residential uses are permitted Downtown at a density of roughly 174 units per acre. Through development incentives, there is the opportunity to build at higher residential density for providing ground-floor active uses, publicly-accessible open space, and structured parking. There are no density restrictions on non-residential space. The amount of floor spaces is restricted only by height and bulk regulations.

Parking: Off-street parking is required for most uses in the D-1 zone, but at half of the requirement for uses elsewhere in the city. Shared parking is permitted as well. It is anticipated that a parking garage could provide most, if not all of the required parking for the project area.

In order to provide needed infrastructure in the Project Area to support a density of uses making redevelopment of the Project Area economically viable, it is envisioned that a structured parking garage be constructed to serve the varied uses of the Project area, including educational, medical, office, research and development, residential, and retail. The garage should be of sufficient

capacity to provide needed structured off street parking for the Project Act, with a maximum capacity of 800 cars. It would be anticipated that a suitable parking garage would be for between 600-800 cars. The garage should be located to provide maximum benefit and access within the Project Area. A garage located adjacent to Eddy Street would be one possibility. At a maximum capacity of 800 cars, it is anticipated that hard construction costs of the garage would be up to approximately \$34,000,000. Whether the garage would be entirely a private sector venture, entirely a governmental venture, or a mixed private sector and governmental venture has not been determined at this time. The PRA may provide financial or other assistance in the construction of the parking garage to the extent such financial or other assistance is approved by the PRA Board and is within the scope of the PRA's statutory authority.

### ***Urban Design***

The zoning ordinance for the D-1 zone contains urban design regulations that detail building siting ground floor uses, architectural details, and other features intended to ensure that new development complements the urban character of Downtown. Development in the Project Area is subject to review by the Downtown Design Review Committee, and should conform to these regulations in all respects. Because the Power Station is within the Industrial and Commercial Buildings District, any modification to the exterior of this building is subject to review by the Historic District Commission to ensure that the historic character of the structure is maintained. Further, the design of open spaces should be consistent with the design of the public spaces to the north, including that of the river walks and new west Side Park. **See Attachment B for design guidelines for the river walk within the Project Area.**

### ***A Description of Proposed Changes in Zoning or Exceptions, Variances, or Modifications***

It is not anticipated that there will be any zoning changes or variances required for any development on site. The D-1 zone is one of the most permissive zones in the city in terms of dimensional and uses regulations. The zoning allows for a number of uses that would make the site attractive to a range of potential developers. The dimensional range allows for flexibility in height and site coverage, which could be attractive to developers.

### ***A General Statement Showing that the Proposed Redevelopment Plan Conforms to the Master or General Community Plan***

According to the future land use map of Providence Tomorrow: The Comprehensive Plan, the development parcel is designated for Downtown/Mixed Use development. The plan describes this designation as one intended to revitalize and restore the historic core business area and accommodates expansion of the Downtown area. The plan goes on to say that a mix of compatible uses is encouraged to promote commercial activity. In its current condition, the site does not fulfill this objective or take advantage of its location and proximity to other businesses and institutions. As outlined in this report, there are a number of development options for the site that would revitalize it and integrate it with Downtown, which would fulfill its land use objective.

A reading of Providence Tomorrow shows that the redevelopment of the site to usable space for commercial or institutional uses would be in conformance with a number of plan objectives. Objective BE-2 calls for new development to complement traditional neighborhood character. Development of the site would fulfill this objective as it would be a natural extension of Downtown, the City's major commercial district.

It is expected that redevelopment of the site would act as a catalyst for business growth around the area and create new jobs. As the zoning for Downtown is designed to facilitate knowledge based industries, a redeveloped site could act as a catalyst to encourage business and enterprise growth downtown. Such a scenario, which would occur from renovating the site, would be in conformance with objectives BJ-1, BJ-2 and BJ-3 of Providence Tomorrow, which call for business retention and expansion, workforce development and support and promotion of a knowledge based economy.

Map 11.1 of the Comprehensive Plan designates areas of change and stability within the City. The plan intends to funnel growth into areas of change, while leaving others more stable. All of Downtown has been characterized as a growth area. The redevelopment plan will fit into the pattern of development prescribed by the Comprehensive Plan.

Part of the site could be used for residential construction. Provisions of more housing options would be in conformance with Objectives H-1, H-2 and H-3, which aim to improve existing housing, create new housing and provide different housing options for all.

### ***Parking***

Development in the Project Area will require parking. To maximize the efficiency of land, all parking in Downtown should be within a structure. A good location for a parking structure would be on Lot 429, in the northern part of the parcel. This would serve the uses in the redeveloped Power Station, as well as new development on the parking lots to the south of the Project Area. It could also serve as public parking for the new west side park within the I-195 surplus land, among other uses. A parking garage in this location should have a capacity of between 600 to 800 vehicles. This size garage would meet the zoning requirements for roughly 600,000 sq. ft. of development.

### ***Relocation***

It is not anticipated that any businesses will need to be relocated. However, if this does prove to be necessary in the future, the PRA will assist in the relocation of businesses displaced from properties acquired by the PRA in the Project Area in accordance with State and Federal laws. As there are no proposed residential acquisitions in the Project Area, no family or individual will be displaced. The PRA will make fair and reasonable relocation payments to displaced businesses for moving and related expenses, as outlined in RIGL § 45-31-26 et seq.

### ***Covenants and other Restrictions for Disposal and Future Land Use and Buildings***

New projects in the Project Area must conform to the purposes outlined in this redevelopment plan. This will be guaranteed through covenants and other restrictions imposed by the PRA and binding on respective properties and the owners thereof. These covenants and restrictions shall

include conformance with the City's Zoning Ordinance and Comprehensive Plan, special covenants governing development and use, relevant properties, including design, construction, and usage restrictions, timelines for development, and otherwise, and shall require property sold by the PRA to be subject to standard performance and reverter provisions commonly imposed by the PRA on properties to be developed or rehabilitated in a project area.

### ***Costs and Financing***

The PRA has addressed a source of funds for any potential acquisition of certain real estate interests in the Power Station of nominal value, as more specifically discussed elsewhere in this Redevelopment Plan. In addition to the possibility of the PRA acquiring certain real estate interests in the Power Station, it is possible the PRA could undertake other activities to facilitate redevelopment in the Project Area, such as helping to facilitate construction of the proposed parking garage in some manner. The PRA does not currently have specific plans to engage in specific activities to facilitate implementation of the Davol Square Redevelopment Plan that would allow a presentation of costs and a description of financing such costs. Should that circumstance change, the PRA would comply with all applicable requirements necessary to implement such activities, including without limitation review and approval by the PRA Board.

### ***Statement of Purpose***

It is the public policy as stated in RIGL §45-31-6 to protect and promote the health, safety, morals and general welfare of the people of the state and particularly of the people of the communities of the state, in which blighted and substandard areas exist, by the elimination and prevention of these areas through the utilization of all means appropriate for that purpose, thereby encouraging the provision of healthful homes, a decent living environment and adequate places for employment of the people of this state and its communities in these areas through redevelopment.

By facilitating the elimination of blighted and substandard areas and through the acquisition and redevelopment of parcels and the installation of street improvements and parking, this plan carries out the purposes of RIGL §45-31 through §45-33.

As stated in this report, redevelopment within the project area will implement the objectives of the Comprehensive Plan and Zoning Ordinance and identify and remedy any constraints to development.

### ***Duration and Effective Date***

The foregoing regulations and controls contained in this plan will be binding, effectively by deed or by contract containing restrictive covenants running with the land, upon all purchasers or contractors and their heirs and assigns acquiring land in the Project Area from the Providence Redevelopment Area covered by this Plan. The regulations and controls incorporated in this Plan will be effective from the date of approval of this Plan by the City Council for forty (40) years.



## ATTACHMENT A

That certain parcel of land with all buildings and improvements thereon, situated on the easterly side of Eddy Street and the northerly side of Point Street, in the City of Providence, County of Providence and State of Rhode Island and Providence Plantations, being more particularly described as follows:

Commencing at the intersection of the northeasterly line of Eddy Street with the northwesterly line of Point Street;

THENCE North  $61^{\circ}48'59''$ , along the northwesterly line of Point Street, a distance of 193.71 feet to the point and place of beginning, said point being the southwesterly corner of the herein described parcel of land;

THENCE North  $28^{\circ}11'03''$  West, bounded southwesterly by land now or formerly of Brown University, a distance of 93.32 feet to a corner at land now or formerly of Davol Square Jewelry Mart, LLC;

THENCE North  $61^{\circ}48'57''$  East, bounded northwesterly by said Davol Square land, a distance of 14.19 feet to a point of curvature;

THENCE northeasterly, northerly and northwesterly, bounded northwesterly, westerly and southwesterly by said Davol Square land, deflecting to the left along the arc of a curve having a radius of 5.00 feet, a central angle of  $91^{\circ}32'16''$  and a chord bearing of North  $16^{\circ}02'49''$  East, a distance of 7.99 feet to a point of tangency;

THENCE North  $29^{\circ}43'19''$  West, bounded southwesterly by said Davol Square land, a distance of 33.41 feet to a point of curvature;

THENCE northwesterly, northerly and northeasterly, bounded southwesterly, westerly and northwesterly by said Davol Square land, deflecting to the right along the arc of a curve having a radius of 24.00 feet, a central angle of  $91^{\circ}32'16''$  and a chord bearing of North  $16^{\circ}02'49''$  East, a distance of 38.34 feet to a point of tangency;

THENCE North  $61^{\circ}48'57''$  East, bounded northwesterly by said Davol Square land, a distance of 54.38 feet to a corner;

THENCE North 27°43'40" West, bounded southwesterly by said Davol Square land, a distance of 35.30 feet to an angle point;

THENCE North 03°06'40" West, bounded westerly by said Davol Square land, a distance of 22.28 feet to an angle point;

THENCE North 28°13'08" West, bounded southwesterly by said Davol Square land, a distance of 69.37 feet to the southeasterly line of South Street;

THENCE South 61°46'52" West, along the southeasterly line of South Street, a distance of 299.08 feet to the northeasterly line of Eddy Street;

THENCE North 27°59'08" West, along the northeasterly line of Eddy Street, a distance of 522.40 feet to lands of the State of Rhode Island and a Rhode Island Highway Bound bronze pin and the northwesterly corner of the herein described parcel of land;

THENCE North 15°10'24" East, a distance of 177.27 feet to an angle point;

THENCE North 73°16'47" East, a distance of 224.95 feet to the mean high water line of the Providence River;

The previously described 2 courses bounded northerly by said State of Rhode Island lands and being shown on Rhode Island Highway Plat Number 900;

THENCE South 16°43'13" East, along the mean high water line of the Providence River, a distance of 4.35 feet to a point;

THENCE North 73°15'59" East, along the mean high water line of the Providence River, a distance of 78.35 feet to a point;

THENCE northerly and northeasterly, along the mean high water line of the Providence River, deflecting to the right along the arc of a curve having a radius 7.63 feet, a central angle of 71°16'28" and a chord bearing of North 14°15'06" East, a distance of 9.49 feet to a point;

THENCE North 68°40'39" East, along the mean high water line of the Providence River, a distance of 69.64 feet to a point;

THENCE North 77°51'34" East, along the mean high water line of the Providence River, a distance of 10.04 feet to a point;

THENCE South 68°44'23" East, along the mean high water line of the Providence River, a distance of 15.08 feet to a point;

THENCE South 26°26'22" East, along the mean high water line of the Providence River, a distance of 3.62 feet to a point;

THENCE South 36°28'30" East, along the mean high water line of the Providence River, a distance of 32.41 feet to a point;

THENCE South 38°52'07" East, along the mean high water line of the Providence River, a distance of 31.10 feet to a point;

THENCE North 73°49'41" East, along the mean high water line of the Providence River, a distance of 16.90 feet to a point;

THENCE North 61°55'22" East, along the mean high water line of the Providence River, a distance of 102.40 feet to a point on the Providence River Harbor Line of April 11, 1879;

The previously described 11 courses describing the approximate location of the meandering mean high water line of the Providence River;

THENCE South 24°01'31" East, along said Harbor Line of the Providence River, a distance of 279.44 feet to an angle point;

THENCE South 23°56'13" East, along said Harbor Line of the Providence River, a distance of 504.66 feet to a point in the northwesterly line of Point Street, said point being the southeasterly corner of the herein described parcel of land;

THENCE South 61°48'59" West, along the northwesterly line of Point Street, a distance of 393.38 feet to the point and place of beginning.

The above described parcel contains 466,598 square feet or 10.71 acres of land, more or less.



**Attachment B: DESIGN GUIDELINES FOR THE  
RIVERWALK AT SOUTH STREET STATION**

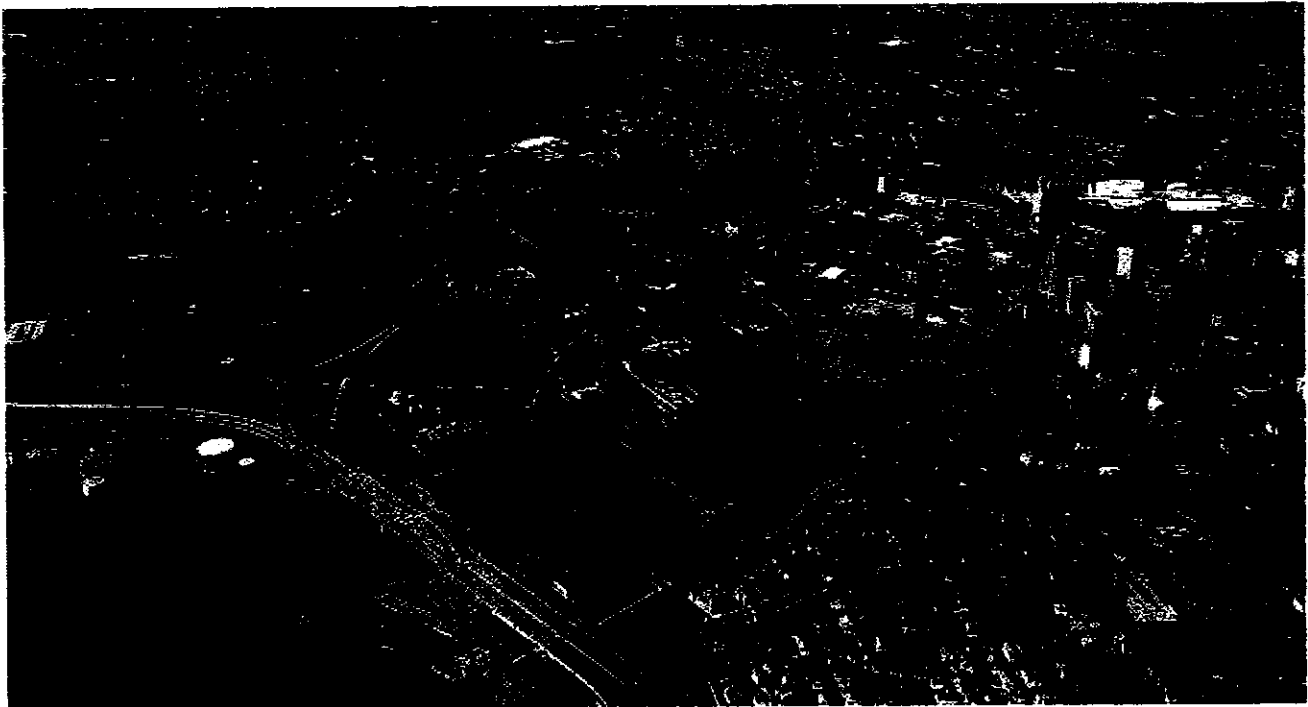
**PURPOSE:**

The redevelopment of the former South Street Station property and site will benefit from the riverfront as a significant amenity. The continuation of the riverwalk along the site will provide pedestrian access to and from the development as well as complete one of the last segments of the Providence River to be revitalized as a publically accessible pedestrian riverwalk. The purpose of the Design Guidelines is to set the framework for design of the riverwalk while providing a general understanding of the many elements to consider when designing and constructing this critical link in Providence’s riverfront and riverwalk system.

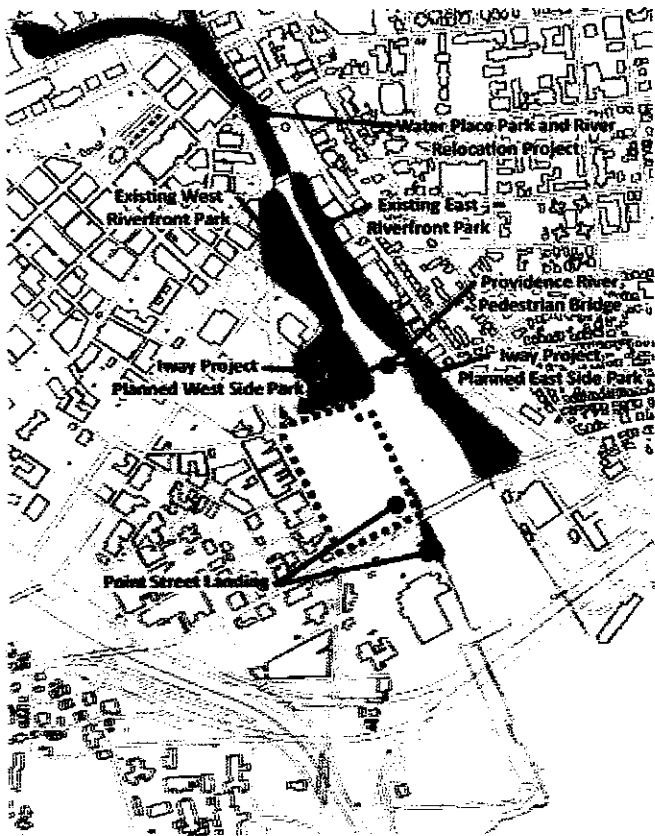
**CONTEXT:**

On the eastern edge of Providence’s Jewelry District, bordered by Point Street, Eddy Street, the Ship Street inlet and the Providence River, the property consists of two large historic brick industrial buildings, a sub-station, a riverfront park, parking lots and vacant land.





The location of the South Street Station property and its development is important in the evolution of the Knowledge District and the redevelopment of the I-195 parcels. The area is experiencing a transformation as evidenced by the relocation of Brown University's Medical School between Richmond Street, Eddy Street and Ship Street.



The development of the former highway land and the East and West Side waterfront parks will create a connection and link between areas of downtown, formerly separated by the highway. The South Street Station Riverwalk will end just south of the Providence River Pedestrian Bridge landing, an important link to the East Side and College Hill. A smaller pedestrian bridge crossing the Ship Street Inlet will be necessary to make the connection.

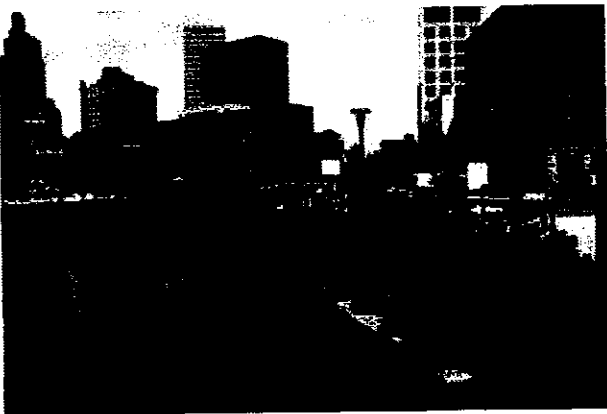
**EXISTING RIVERWALK SYSTEM**

The existing riverwalk system is comprised of four areas based on the projects under which they were constructed. They are Point Street Landing, The I-195 Relocation (Iway) Project's East Riverfront Park and West Riverfront Park and Waterplace Park and the River Relocation.

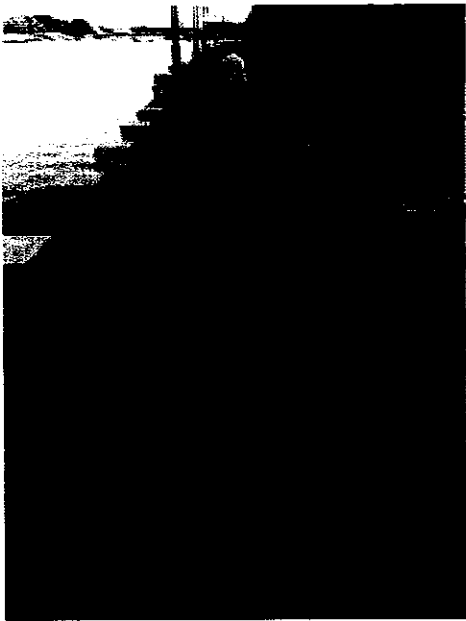
**Point Street Landing:** In the late 1990's, Narragansett Electric built Point Street Landing; 300 linear feet of riverwalk park and 200 linear feet of boardwalk on each side of the Point Street Bridge. Each boardwalk has floating docks that, at the time, were intended to be used for ferry transport. The landing to the north is adjacent to the Davol Square parking lot and is within the same block as South Street Station. Other design elements include pavilions and a linear landscaped pedestrian walkway.



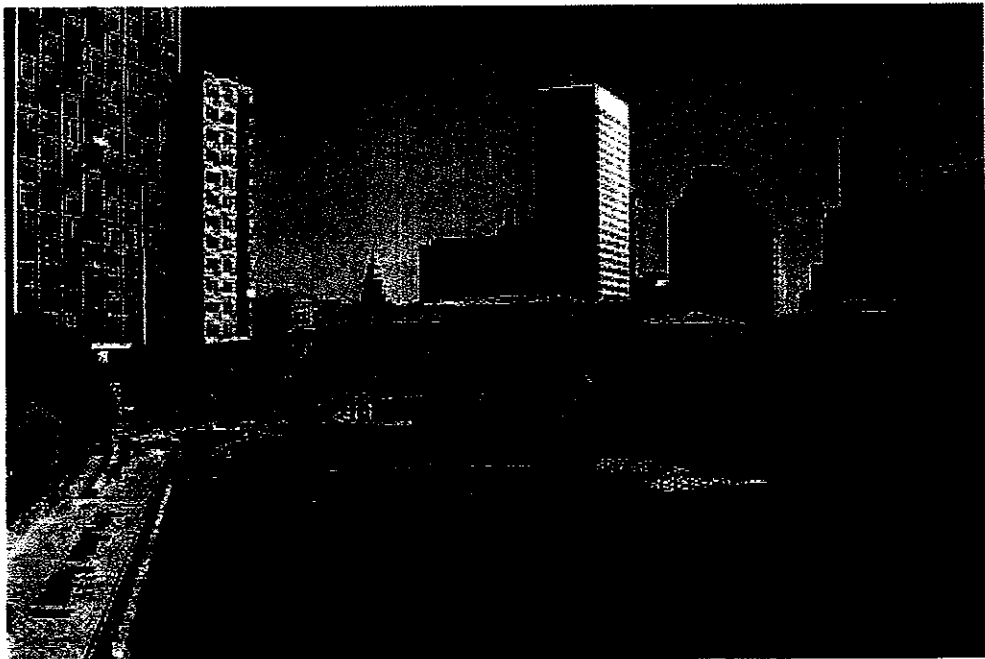
**East Riverfront Park:** The first construction contract (built in 2001) for the Iway Project is a linear riverfront park that starts on the east side of the Crawford Street Bridge and extends south along South Water Street to James Street. Design elements include a multi-use path, IPE boardwalks, railings, granite riverwalls, low rubble riverwalls, concrete block seat walls, a kayak ramp, pavilions, lawn and salt marsh plantings.



**West Riverfront Park:** The second construction contract for the Iway Project is a linear riverfront park that starts on the west side of the Crawford Street Bridge and extends south along the Providence River to a point just north of the old highway. Design elements include, a floating dock, memorial gardens, a paved 20' wide riverwalk behind a granite riverwall, low rubble landscape seat walls, a pavilion, lawn areas and shrub plantings. The granite riverwall is built on a pre-existing bulkhead. There are two granite cobble lower levels on the riverwalk that step down to get closer to the water.



**Waterplace Park and the River Relocation Project:** In the 1990's the relocation of two rivers and the uncovering of the Providence River resulted in a 4-acre urban riverfront park including visitors' center, amphitheater, three boat docking locations, landscaping, nearly 1-½ miles of pedestrian walkways, twelve bridges, and a linear memorial park nearly one mile in length. An interpretative trail tells the stories of the places between Waterplace Park and the Crawford Street Bridge and continues throughout the Providence's system.



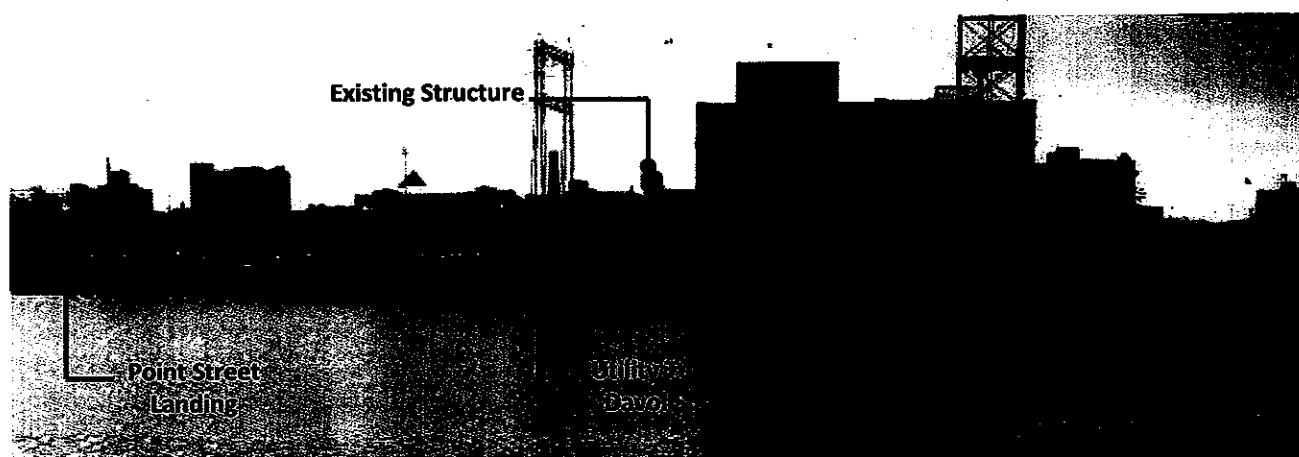


## EXISTING SITE CONSTRAINTS

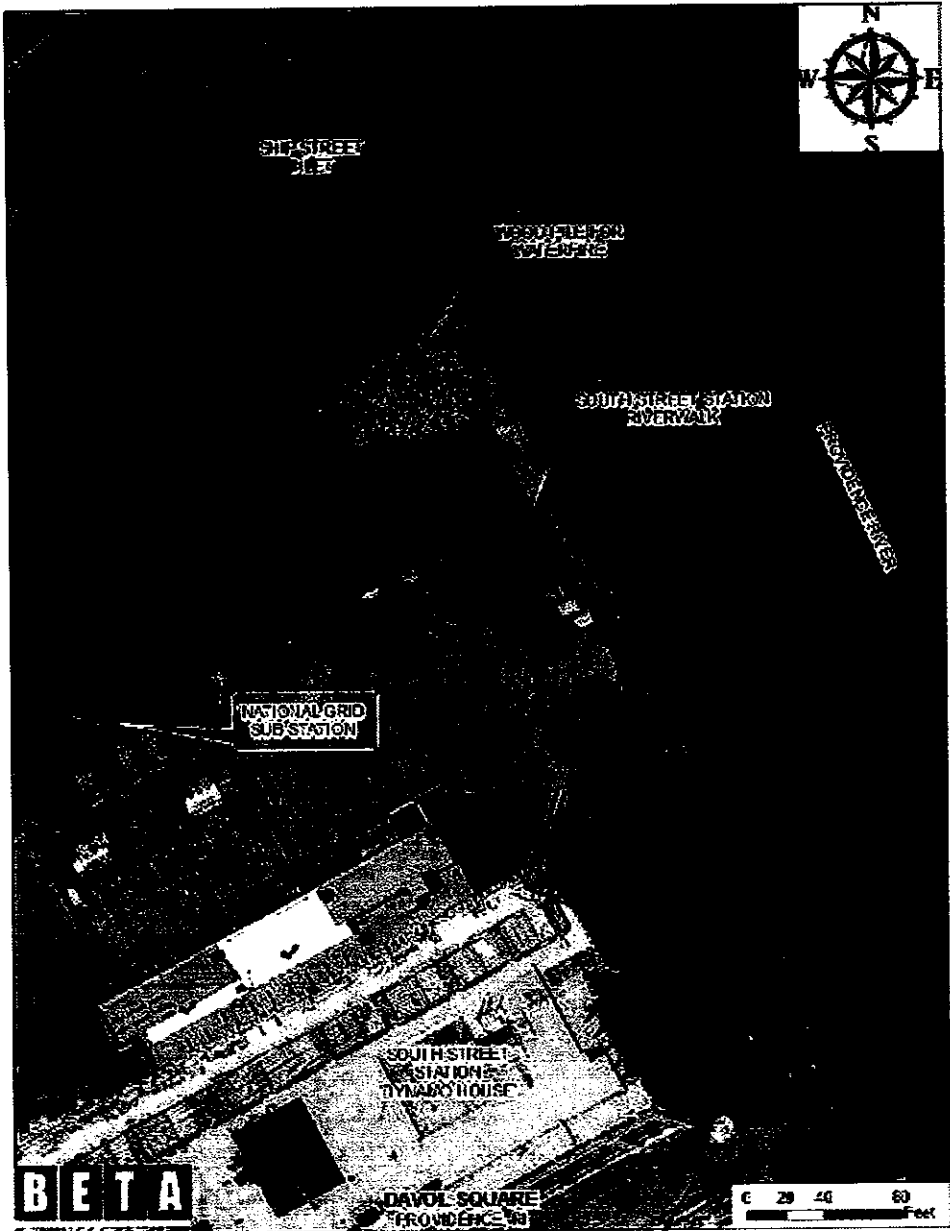
**Utilities:** The most obvious existing site constraints are the overhead transmission lines and the towers that support them. One large tower located between the former South Street Station and the river will be an obstruction to the riverwalk if not relocated or removed. Another large tower is located adjacent to the Davol Square parking lot. A smaller tower structure is just north of the Point Street Landing Pavilion and the southern end of the proposed riverwalk. It is also on axis to the South Street right-of way, an important connection to Eddy Street. Along the riverwall there appears to be a number infrastructure elements related to the power plant such as cooling water intake and discharges, possible remnants of a cooling water canal and coal conveyor foundations. There are underwater electric ducts and drainage pipes that run through the wall.

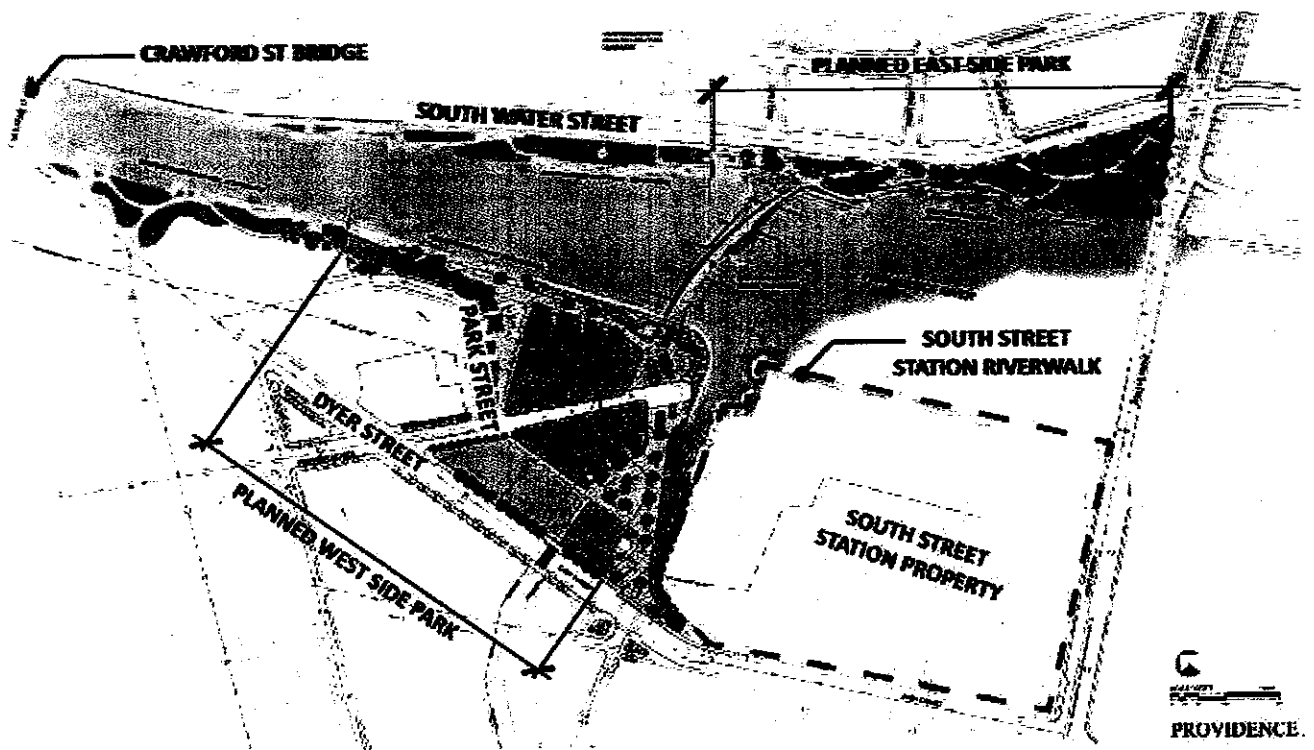
**Bulkhead/Riverwall condition:** The riverwall appears to be a combination of granite, metal sheeting, concrete and wood in various degrees of deterioration. It is recommended that the entire riverwall be structurally assessed. Structural modifications may have to be made to improve the integrity of the wall if a boardwalk or riverwalk will be constructed. This section of the riverwall system is particularly complex due to the old power plant related infrastructure. A complete assessment of the existing conditions will be necessary as a first step in designing a riverwalk.

**Hazardous Materials:** Hazardous materials will have to be accessed and managed as needed.



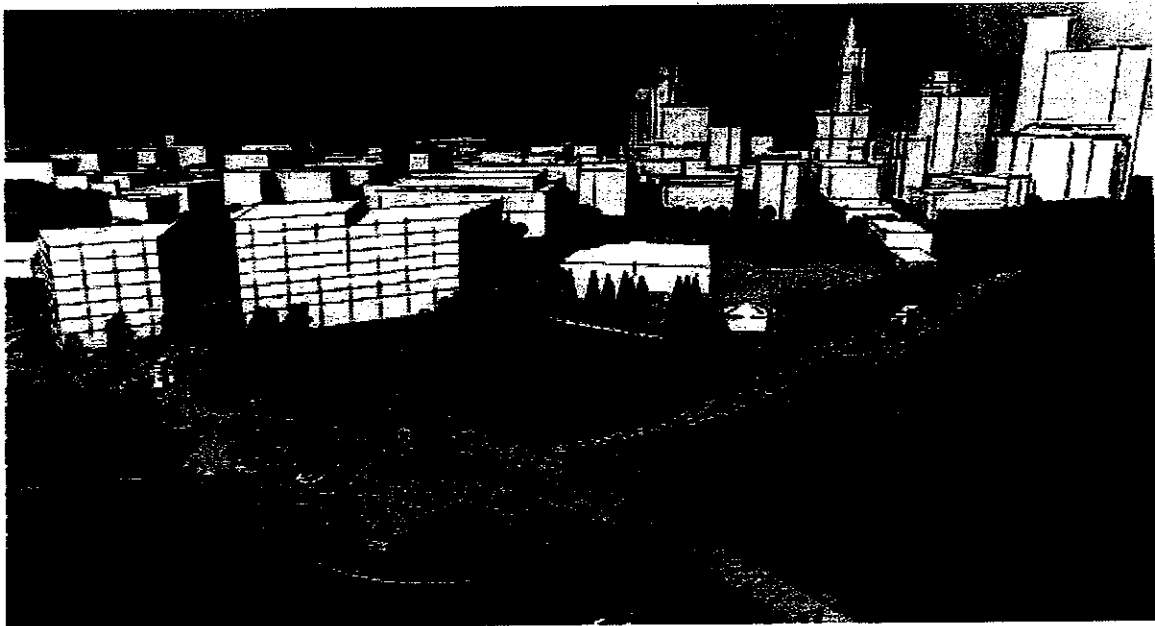
Permitting: RIDEM and CRMC permitting will be required for the riverwalk and any modifications to the riverwall. If fill is added to the waterway then permitting by the Army Corps of Engineers will be required. The addition of piers for a boardwalk may also require Army Corps permitting.



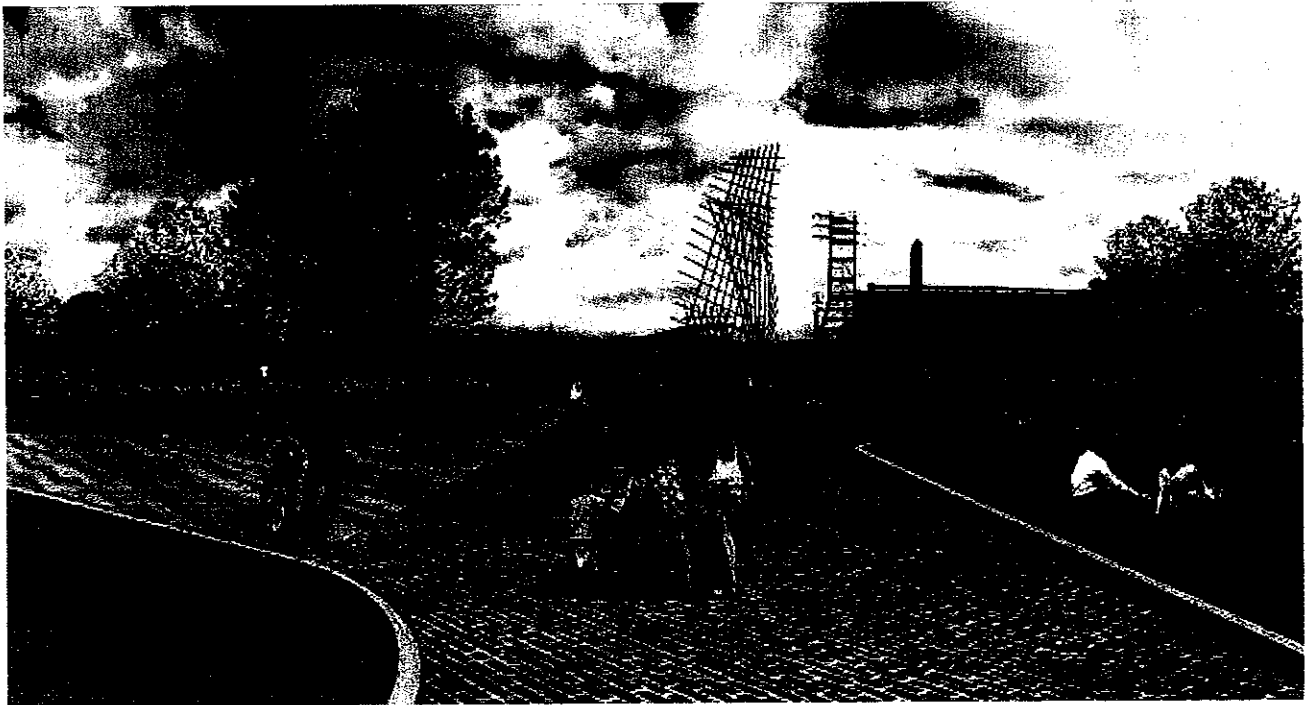


### I-195 RELOCATION (IWAY) PARK PLANS

East and West Side Parks: The last of the Iway construction contracts consists of three sections that will be built on the land that remains now that the old I-195 highway has been demolished. The first is the planned 2 acre East Side Park that will be a continuation of the existing East Side Riverfront Park from approximately James Street to Point Street. The second is the planned 4 acre West Side Park that will be a continuation of the West Riverfront Park and will be bound by Peck Street, a development parcel at Dyer Street and the Ship Street inlet. The third element is the construction of a pedestrian bridge that will be built on granite piers left from the old I-195 bridge structure and that will connect the two parks.

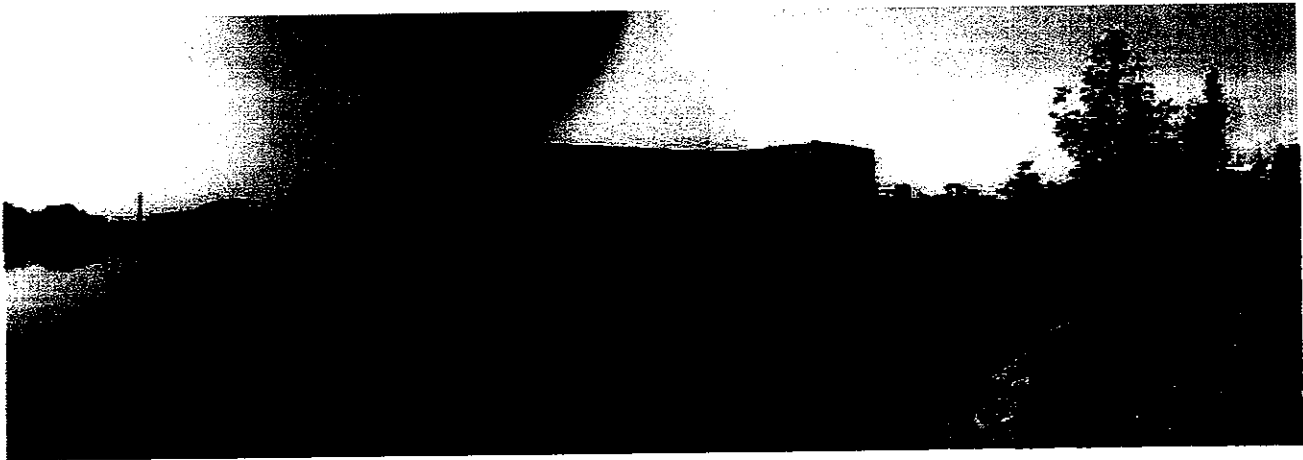


The larger West Side Park has a main promontory extending from downtown that bisects an open public lawn and ends in a plaza with a work of art as a focal point; an area where the Jewelry District, East Side and the Downtown meet. The outside edges of the lawn are programmed with smaller spaces and elements including a park stage, a service building, various seating areas, river viewing areas and a flexible area for a farmer's market or art market. The east park is linear along the river's edge and has a boardwalk spine that organizes outdoor seating, benches, an information kiosk, play sculpture, pavilion, interpretive panels, water access and river viewing areas. Circulation and movement into and within the parks and on to the bridge is will completely accessible and sinuous, without stairs and obstructions. A shared use path will run through the length of parks connecting College Hill to the Knowledge District and completing a more complete connection from downtown to Rhode Island's East Bay Bicycle Path.



Materials for the parks and bridge will support project wide goals of unification, aesthetics, sustainability and maintenance. Materials such exposed aggregate for paving, granite for edge treatments and seat walls and hardwood decking for boardwalks will be used to unify and tie into adjacent riverwalk parks, new materials such as permeable pavers will be used in the promenade to address current stormwater practices. Solar powered, LED lighting is being evaluated. Planting will include salt marsh restoration, a meadow, rain gardens and native shrubs and trees.

The capping over of contaminated soil will incorporate a raise in grade throughout the project. By reusing existing riverfront structures left for repurposing during highway demolition, there will be minimal impacts along the rivers edge during park construction. A placed rip rap slope set on a concrete bulkhead will remain along the waterfront on both sides of the river but will have the top portions removed to visually soften the structure and allow for salt marsh restoration.



### SOUTH STREET STATION RIVERWALK DESIGN CONSIDERATIONS

**Views:** Views from the riverwalk are important aspects of the proposed South Street Station Riverwalk. The most prominent view to the south is of the iron truss Point Street Bridge. To the east, the East Side, College Hill and Fox Point neighborhoods rise behind Water Street across the river. The new East Side Park will be directly across from the South Street Station Riverwalk and the existing East Riverwalk Park can be viewed up to the Crawford Street Bridge. Beyond the new West Side Park is a clear view to the downtown skyline.

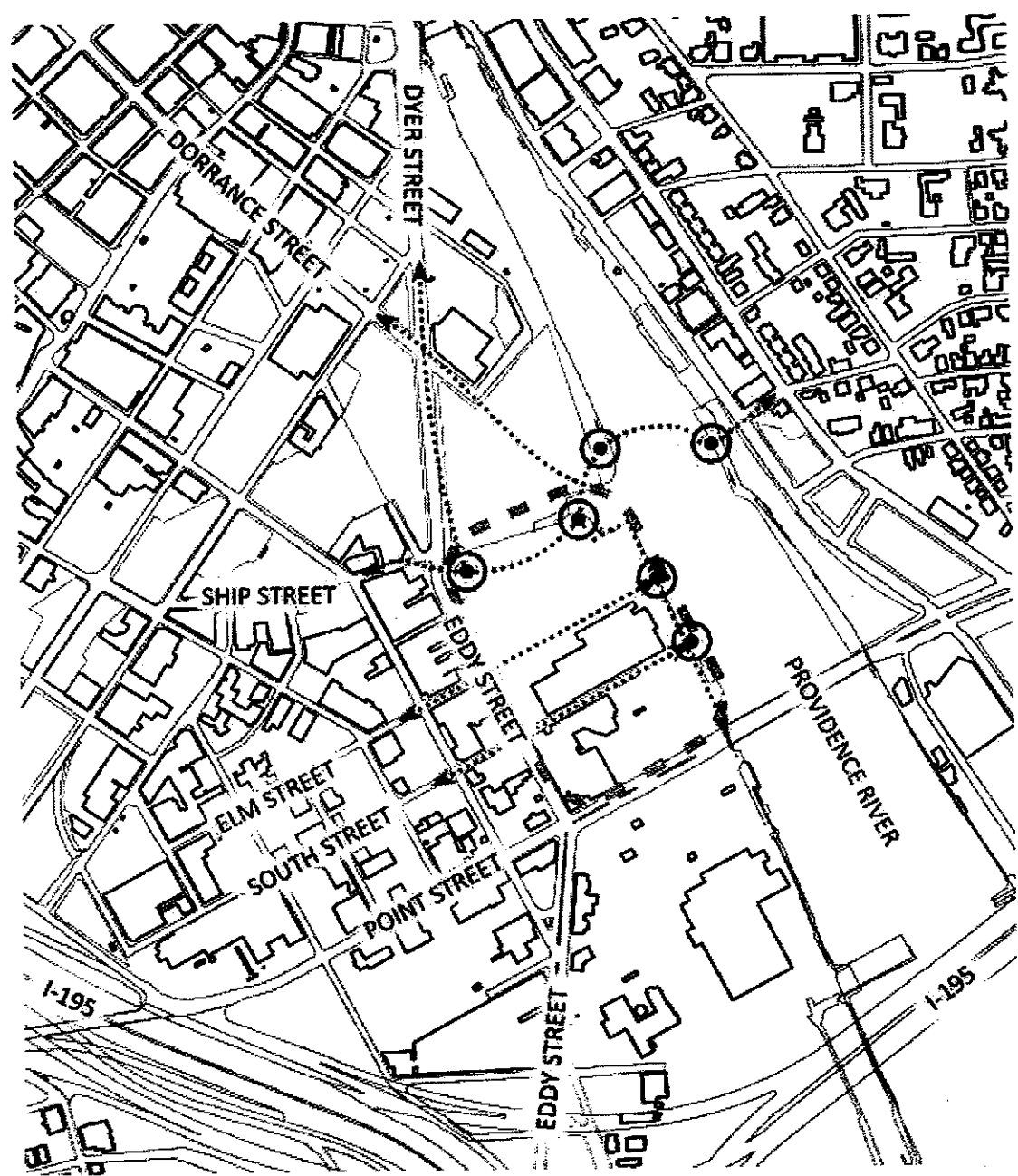


**Connections (pedestrian and service access):** There are two levels of pedestrian access, the first is within the South Street Station property and the second is to the surrounding Jewelry and Knowledge Districts, Downtown and the East Side/College Hill area. A master plan would be valuable to design the riverwalk so that it can be closely coordinated with the South Street Station Property development plan and assure that the building complex's entrances and outdoor spaces relate to the riverwalk. The master plan can also convey connections to South Street, Elm Street, and Ship Street as pedestrian walkways to the South Street Station Riverwalk. This will strengthen the pedestrian connection within the property and to Eddy Street, Dyer Street, the Jewelry District, Knowledge District and Downtown. The riverwalk along the South Street Station development should continue the elements of the adjacent Point Street Landing riverwalk

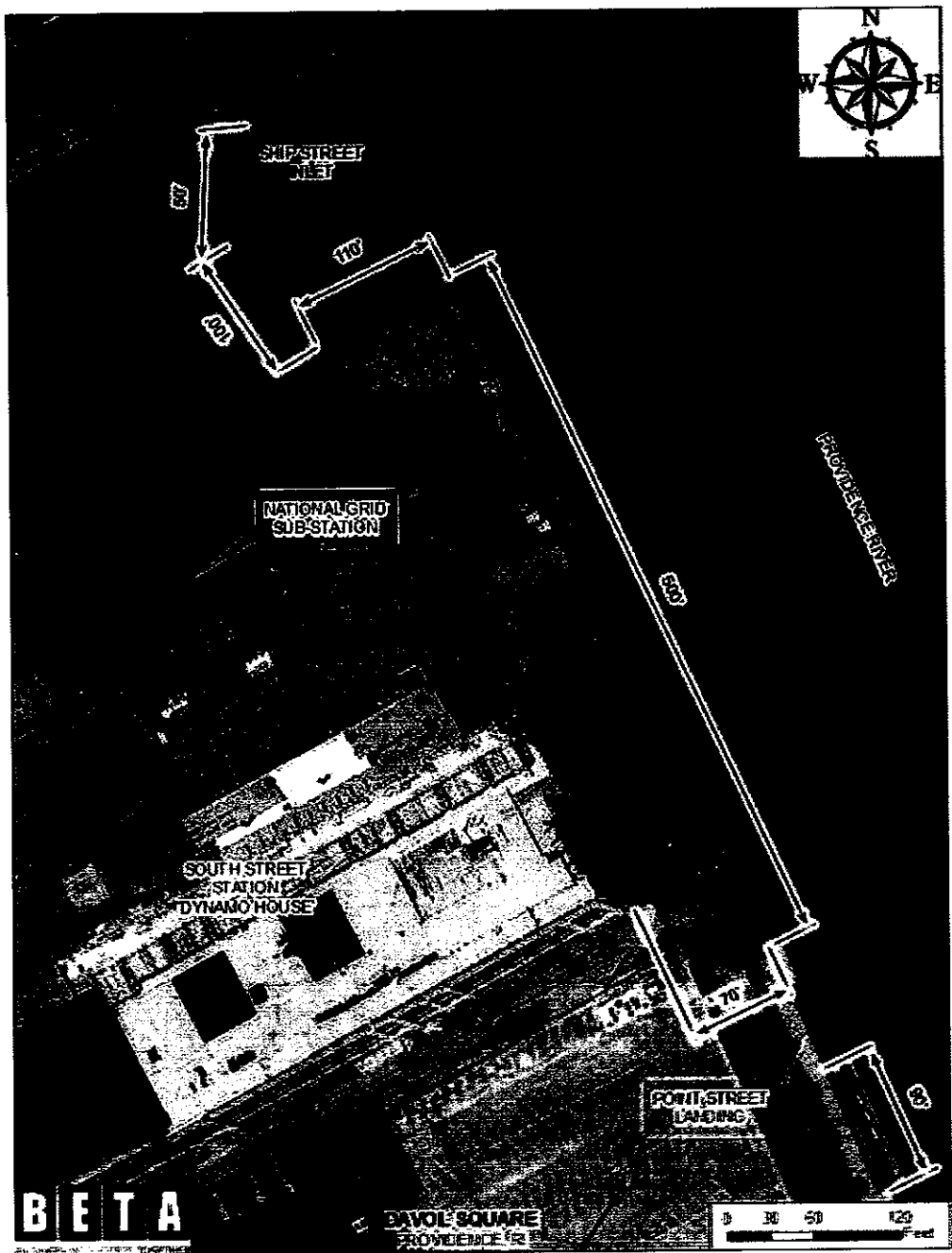


Perspective from a previous conceptual plan showing Riverwalk pedestrian connection at South Street

design to add to the continuity of the larger riverwalk system. Two pavilions, that recall the old power plant conveyor building, anchor each end of the Point Street Landing boardwalk. Repeating these elements would be one way to blend the new riverwalk with the existing segments. The connection to the West Side Park on the north side of the site is critically important because this will connect the development to College Hill, Downtown and the larger riverwalk system.



Dimensions: The proposed riverwalk will be approximately 760 feet in total length along the river's edge; 500 feet of that run north to northwest along the linear bulkhead from the Point Street Landing then it turns southwest for about 110 feet along the Ship Street Inlet. The riverwalk then turns northwest toward the West Side Park for another 100 feet. At that point the 50 foot Pedestrian Bridge can cross the Ship Street inlet. The Point Street Landing is approximately 60 feet-70 feet wide including a 15 foot- 25 foot wide boardwalk, 10 feet of plant bed, 10 feet of walkway and 25 foot grass strip. A 90 foot long floating dock system extends 20 feet into the river. Because of the close proximity of the dock access in this location and at Crawford Street, an additional dock may not be necessary. There is approximately 70 feet between the former South Street Station building and the existing bulkhead.



**Materials:** Suggested materials are those that are similar to what has been used throughout Providence's riverwalk system. Options for the treatment of the river's edge are a wooden boardwalk that would use the existing bulkhead and piers for support (similar to the Point Street Landing) and a paved riverwalk with a new riverwall that repurposes the existing bulkhead structure. Existing Riverwalk System Materials are granite block, granite stone/boulder, granite face wall. Elements and site furnishings to consider are railings, bollards, lighting and paving.

**Elevations and Water Access:** The existing elevation along the site at the river's edge is approximately 5 feet using Providence Mean High Water as the vertical control. Mean High Tide is at elevation 0 and mean low tide is at elevation -4.7. Elevations 3.5 and above will stay dry, whereas elevations below level are subject to spring flooding or moon high tide flooding. Changes in elevation, in the riverwalk design, should be designed accordingly.

**Planting:** Planting will be subject to CRMC approval because the site is within 200' of a coastal feature. Plants chosen should be on the CRMC list of approved species. No invasive species will be permitted. Plants used along the Providence's riverwalk system are mostly those found in a Rhode Island coastal environment with a tolerance to urban conditions. Although there are some plant species that aren't native, it is recommended to choose mostly native species. The water is brackish and any plants within flooding areas should be species found in the same plant community. Other factors to consider are strong winds and the aggressiveness of tree roots in close proximity to the riverwall.

**Bridge Location and Type:** The recommended location for the South Street Station Riverwalk Bridge is to cross the Ship Street inlet where the inlet narrows. This is the location shown on the West Side Park Preliminary Plans. A crossing at the widest point of the Ship Street inlet would provide the most direct connection to the Providence River Pedestrian Bridge, however a bridge at this point would not only be the longest and most costly, it would run the risk of visually competing with the Providence River Pedestrian Bridge, which was designed to be a City landmark. In the recommended location, the South Street Station Riverwalk Bridge would require a span of approximately 50', one half of the distance at the opening of the inlet. The abutments may be able to use the existing bulkhead structure on the north side of the inlet, that was part of the I-195 infrastructure, and the riverwall structure on the south side. The use of these existing foundations and a bridge oriented to cross perpendicular to the structures would reduce overall costs. A simple and functional structure is recommended and can be designed or prefabricated.

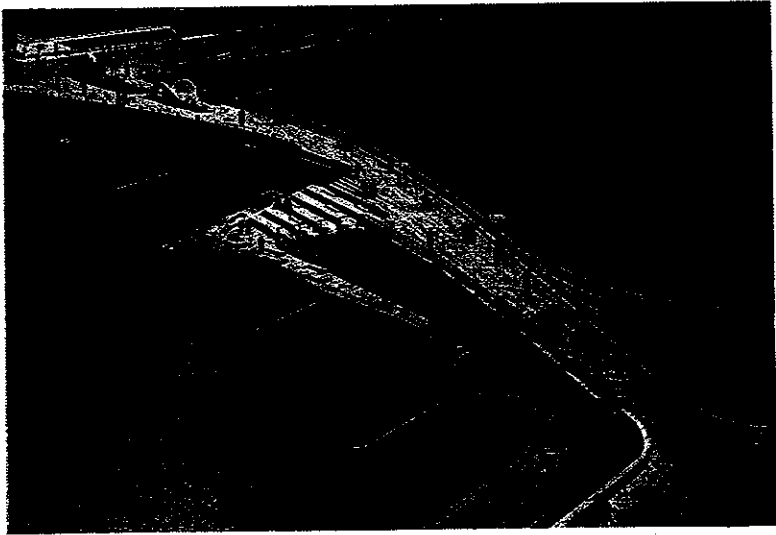




**Ship Street Inlet –location for second pedestrian bridge**



**Planned West Side Park Perspective of Bridges**



**View of Providence River Pedestrian Bridge**