

**CHAPTER 2015-11**

**No. 315     AN ORDINANCE APPROVING AND ADOPTING THE PORT  
REDEVELOPMENT PLAN, DATED JANUARY 2015 AND AMENDING IN  
ITS ENTIRETY THE PRIOR PORT OF PROVIDENCE REDEVELOPMENT  
PLAN**

**Approved June 11, 2015**

*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 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, Port Redevelopment Project Area, (hereinafter the "Project Area"), as described in the Port Redevelopment Plan (hereinafter the "Redevelopment Plan"), are within the geographic boundaries of Redevelopment Area 4, 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:

Unsuitable soil conditions; the necessity of unduly expensive excavation and fill; the necessity of undertaking unduly expensive measures for the drainage of the area, prevention of flooding and to make the area appropriate for sound development; obsolete, inappropriate, or otherwise faulty platting or subdivision; 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.

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 the Project Area is adversely impacted by the presence of hazardous materials, as defined in Section 23-19.14-2, which impairs the use, reuse or redevelopment of impacted sites, as more specifically set forth in the Redevelopment Plan

4. 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" and because of the aforesaid impact of hazardous materials, the area is a "blighted and substandard area" as that term is defined in Section 45-31-8(3).

5. 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.

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 source of funds for carrying out the Redevelopment Plan shall be Economic Development Administration Grant funds in the estimated amount of \$3,000,000 and revenue bond funds issued through the Redevelopment Agency in the estimated amount of \$10,000,000, not to exceed the amount supported through lease and/or lease purchase revenue, and the Redevelopment Plan does not call for the additional expenditure of funds by the community.

8. 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.

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

10. The Redevelopment Plan provides for financial aid from the federal government and the City Council of the City of Providence hereby finds that the provision of the federal funds is necessary to enable the land in the Project Area to be developed in accordance with the Redevelopment Plan, as without such funding there are not sufficient funds available to the City at this time to implement the initiatives detailed in the Redevelopment Plan.

11. 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 are not acquired through consensual negotiation; 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 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, in all due caution, recognizes that the eminent domain proceedings detailed in the Redevelopment Plan may be seen as having a dual purpose of redevelopment 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, 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.

WHEREAS, The American Recovery and Reinvestment Act of 2009, provides new financing mechanisms for local governments and allows for the establishment of Recovery Zones; and

WHEREAS, Said Recovery Zones may be created in any area designated as having significant poverty, unemployment, a high rate of home foreclosures or general distress; and

WHEREAS, The City Council of the City of Providence hereby finds that the Project Area and surrounding neighborhoods have significant poverty, unemployment, rate of home foreclosure and general distress pursuant to the requirements of the American Recovery and Reinvestment Act of 2009, as such conditions are more specifically detailed in the Redevelopment Plan.

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

Section 1. The City of Providence Port 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 Port Project Area are described in the Plan as follows:

Starting at the center point of the intersection of Thurbers Avenue and I-95, thence continuing southwesterly along the center line of the I-95 right-of-way to Eddy Street, thence continuing southerly along the center line of Eddy Street to Ernest Street, thence turning easterly and continuing along the center line of Ernest Street to the center point of Allens Avenue. The boundary continues southerly along the center line of Allens Avenue and thence turning easterly and continuing along the southern boundary of Assessor's Plat 101 Lot 4 and continuing to the western boundary of Assessor's Plat 56 Lot 9, thence running southerly along the western boundaries of Assessor's Plat 56 Lots 9 and 64 to the southwestern corner of Plat 56 lot 9, thence continuing to the northwest corner of Plat 56 Lot 275 and continuing to the southwest corner of Plat 56 Lot 275; thence turning easterly and running along the southern boundary of Plat 56 Lots 275 and 326, to the southeastern corner of Plat 56 Lot 326, and thence turning northeasterly and continuing to the southwestern corner of Plat 56 Lot 329, and thence running along the southern boundary of Plat 56 lot 329 to the western boundary of Plat 56 Lot 366; thence running southeasterly along the western boundaries of Plat 56 Lots 366, 367; 364 and 288 to southwestern corner of Plat 56 Lot 288, and thence turning and running along the southern border of Plat 56 Lots 288 and 332 to the Providence Harbor Line; thence turning and running northwesterly along said Harbor Line, thence turning westerly and continuing along the northern boundary of Plat 55 Lots 16 and 9 to the northwestern corner of Plat 55 Lot 9, and thence continuing across Allens Avenue to the point and place of beginning.

The Redevelopment Plan shall be identified as the Port Redevelopment Plan, City of Providence Redevelopment Project Number 40. The Redevelopment Plan is the official redevelopment project plan for the Project Area and amends in its entirety the prior Port of Providence Redevelopment Plan.

Section 2. Port Redevelopment Plan Area is hereby established as a Recovery Zone under the American Recovery and Reinvestment Act of 2009.

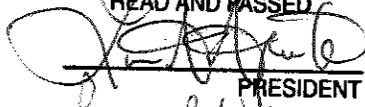
Section 3. The City owned property identified as Plat 56 lots 288 & 332 shall be transferred to the Providence Redevelopment Agency as authorized under the City Charter § 416(5) and 416(8), and the Mayor is authorized to execute any and all documents necessary to effectuate said transfers and any other actions necessary to execute the Redevelopment Plan.

Section 4. The Providence Redevelopment Agency is hereby authorized to investigate the ownership of the streets and right of ways as identified in the Redevelopment Plan and the Providence Redevelopment Agency and the Mayor are hereby authorized to take such steps as are necessary and to execute any and all documents necessary to vest ownership in the Providence Redevelopment Agency.

Section 5. The Providence Redevelopment Agency is authorized to hold property acquired through the Redevelopment Plan in tax-exempt status pursuant to 45-32-40, for a period of 20 years from the date of the issuance of the bonds or such time as the bonds for the acquisition costs have been paid in their entirety, whichever is lesser.

Section 6. This Ordinance shall take effect upon passage.

IN CITY COUNCIL  
MAY 21 2015  
FIRST READING  
READ AND PASSED  
 CLERK

IN CITY COUNCIL  
JUN 04 2015  
FINAL READING  
READ AND PASSED  
 PRESIDENT  
 CLERK

I HEREBY APPROVE.

  
\_\_\_\_\_  
Mayor  
Date: 6/11/15

**PROVIDENCE REDEVELOPMENT AGENCY**

Resolution No. 2015-27

Approved: 01-15-15

**AMENDING THE CITY OF PROVIDENCE  
PORT REDEVELOPMENT PLAN OF SEPTEMBER 24, 2010, AND  
RECOMENDING APPROVAL THEREOF TO THE CITY COUNCIL**

WHEREAS, it is the purpose and intent of the City Council of the City of Providence (the "City") to facilitate redevelopment of certain areas within the City to accommodate the City's redevelopment initiatives; and

WHEREAS, on September 24, 2010, the City enacted Ordinance Chapter 2010-33, No. 276 "Approving and Adopting an Amended Port Redevelopment Plan dated July 2010, and Amending in its Entirety the Prior Port of Providence Redevelopment Plan;" and

WHEREAS, pursuant to chapters 31-33 of Title 45 of the Rhode Island General Laws, the Redevelopment Act of 1956 (the "Redevelopment Act"), the Redevelopment Agency is charged with the formulation of redevelopment plans; and

WHEREAS, the Providence Redevelopment Agency has formulated an amended Port Redevelopment Plan of January 2015, incorporated herein by reference.

NOW THEREFORE, IT IS HEREBY RESOLVED by the Redevelopment Agency of the City of Providence, that:

The Redevelopment Agency recommends that the City Council adopt and approve the amended Port Redevelopment Plan of January 2015 as a redevelopment plan of the City pursuant to the Redevelopment Act, such plan to supersede the "Amended Port Redevelopment Plan dated July 2010" enacted by Ordinance Chapter 2010-33, No. 276.

  
Amber Ilcisko  
Secretary

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***PORT  
REDEVELOPMENT PLAN***

*PROVIDENCE REDEVELOPMENT AGENCY  
PROVIDENCE, RI*

*January, 2015*

# Port Redevelopment Plan

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## INTRODUCTION

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The purpose of the City of Providence Port Redevelopment Plan is to designate a redevelopment Project Area and establish objectives and procedures for its redevelopment for the area of the Port of Providence south of Thurbers Avenue (the "Port"). The plan's objective is to provide the Providence Redevelopment Agency (PRA) with the tools and authority to eliminate conditions of blight by providing needed public improvements, facilitating rehabilitation through the repair of deteriorated structures, facilitating land assembly and redevelopment and providing financing for certain public improvements. Redevelopment will provide revitalization of the area, increased employment opportunities and tax base expansion. Because the Port is dominated by heavy commercial and industrial uses, particularly those that are water dependent, the intent is to support these job markets by providing opportunities for growth of existing businesses and by attracting new businesses. Facilities and activities associated with the Port will be expanded through the acquisition of privately-owned, underutilized parcels in the Waterfront/Port area as identified in the city's comprehensive plan.

The parcels identified in the plan for redevelopment will serve as a catalyst for change and economic growth in the Project Area. The development of other underutilized parcels in conformance with the city's comprehensive plan will help to expand economic growth and develop jobs for Providence residents.

Previously, the Providence City Council adopted a Redevelopment Plan for the Port of Providence. This Redevelopment Plan amends in its entirety the prior Port of Providence Redevelopment Plan.

### ***Definitions***

Growth Districts: Areas within the City of Providence identified in *Providence Tomorrow: The Interim Comprehensive Plan* as areas intended for growth, where development and redevelopment would be beneficial. Growth districts are located in close proximity to commercial arterials, older industrial areas or large vacant areas.

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 (Rhode Island General Laws (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.

Tax Increment Area: A tax increment area designated in a project plan adopted pursuant to § 45-33.2-4. The tax increment area may consist of one or more parcels or lots of land,

whether or not contiguous, or one or more buildings or structures, whether or not adjacent, or one or more parcels of land; provided, that upon adoption of the project plan the aggregate taxable valuation of the property within all tax increment areas within the city or town does not exceed twenty-five percent (25%) of the taxable valuation of all property subject to taxation within the city or town. (RIGL § 45-33.2-3 (7))

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 improvements, 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 means 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 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 Title 45 Section 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

- 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 Title 45 Section 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 Port Redevelopment Project Area is located in Providence, Rhode Island, along the Providence River, south of Thurbers Avenue. The Project Area is located in Redevelopment Area 4, as defined in the Providence Code of Ordinances, Chapter 20 "Redevelopment Areas," Section 20-2, and re-affirmed by Resolution 143 of the Providence City Council, approved on March 25, 2008.

#### **Boundaries**

The boundaries of the Port Redevelopment Project Area are:

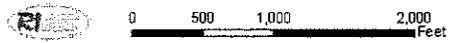
Starting at the center point of the intersection of Thurbers Avenue and I-95, thence continuing southwesterly along the center line of the I-95 right-of-way to Eddy Street, thence continuing southerly along the center line of Eddy Street to Ernest Street, thence turning easterly and continuing along the center line of Ernest Street to the center point of Allens Avenue. The boundary continues southerly along the center line of Allens Avenue and thence turning easterly and continuing along the southern boundary of Assessor's Plat 101 Lot 4 and continuing to the western boundary of Assessor's Plat 56 Lot 9, thence running southerly along the western boundaries of Assessor's Plat 56 Lots 9 and 64 to the southwestern corner of Plat 56 lot 9, thence continuing to the northwest corner of Plat 56 Lot 275 and continuing to the southwest corner of Plat 56 Lot 275; thence turning easterly and running along the southern boundary of Plat 56 Lots 275 and 326, to the southeastern corner of Plat 56 Lot 326, and thence turning northeasterly and continuing to the southwestern corner of Plat 56 Lot 329, and thence running along the southern boundary of Plat 56 lot 329 to the western boundary of Plat 56 Lot 366; thence running southeasterly along the western boundaries of Plat 56 Lots 366, 367; 364 and 288 to southwestern corner of Plat 56 Lot 288, and thence turning and running along the southern border of Plat 56 Lots 288 and 332 to the Providence Harbor Line; thence turning and running northwesterly along said Harbor Line, thence turning westerly and continuing along the northern boundary of Plat 55 Lots 16 and 9 to the northwestern corner of Plat 55 Lot 9, and thence continuing across Allens Avenue to the point and place of beginning.



-  Port Redevelopment Project Area
-  Municipal Boundary
-  Rail
-  Roads

**Port Redevelopment Project Area**

*Study Area*



**Figure 1. Redevelopment Project Area**

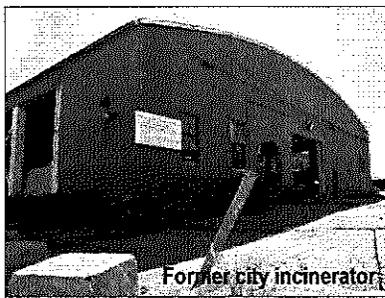
## **Existing Conditions**

### **Land Uses**

The Project Area encompasses those areas of uses that are supported by port operations. It includes parcels abutting the Providence River south of Thurbers Avenue that have water-dependent industries and other properties owned or operated and maintained by ProvPort, the managing entity of the Port of Providence. It is accessed from Terminal Road via a secured gate. All other access points via local roads have been blocked for homeland security reasons. Businesses within the Port handle the transport and storage of fuel products, including coal, gasoline, fuel oil, alcohol and liquefied natural gas. Port shipping also includes chemicals, concrete, asphalt, forest products, scrap metal, automobiles and other materials. Also included in the Project Area are those parcels where port products are stored and parcels west of Allens Avenue that contain storage tanks and distribution racks utilized by trucks and trains to transport products received via port shipping away from the port. Part of the Project Area (32 acres) is designated as a Foreign Trade Zone. Foreign Trade Zones are considered to be outside of U.S. Customs Territory for the purpose of customs duty payment. Therefore, goods entering Foreign Trade Zones are not subject to customs tariffs until the goods leave the zone and are formally entered into U.S. Customs Territory. Merchandise that is shipped to foreign countries from Foreign Trade Zones is exempt from duty payments. This provision is useful to firms that import components in order to manufacture finished products for export. The City's wastewater treatment plant, managed by the Narragansett Bay Commission, is located in the Project Area. This area also includes the former municipal landfill and transfer station

### **Buildings and Physical Conditions**

Structures and buildings in the Project Area are associated with storage of products shipped through the port and distribution of petroleum products, asphalt and other materials that are shipping into and out of the port. There are some structures that are vacant and badly deteriorated, like the former city incinerator and transfer station, but most structures are otherwise in good condition. Along the westerly edge of the Project Area there is a long narrow warehouse that was constructed and occupied by the Inge Corporation in the 1980s. The building is currently vacant. It was damaged by fire in the past and has remained vacant since that time



Structures within the Project Area associated with specific activity areas include the Motiva and National Grid properties, where natural gas, alcohol, petroleum and petroleum products are stored and shipped. Most of the structures are storage tanks and/or loading racks for distribution of petroleum products and asphalt to trucks and trains and associated pipes and docks. There are also office buildings associated with the terminal facilities.

## Demographics, Unemployment and Foreclosures

The Project Area includes a portion of two neighborhoods: Lower South Providence and Washington Park. However, there are no residential properties within the area addressed in this plan. The Project Area is dominated by industrial and commercial uses. Route I-95 separates the residential areas from the Project Area. South of Ernest Street, a significant grade difference separates the Washington Park neighborhood from the adjacent Project Area and the Port. The following provides a summary of demographics of these two neighborhoods.

The Lower South Providence Neighborhood is bounded by Public Street to the north, Broad Street to the west, I-95 and the railroad to the south and the Providence River to the east. The Project Area is in the eastern portion of the neighborhood, east of I-95. The residents of Lower South Providence are predominantly Hispanic (55%) and non-Hispanic Black or African American (31%). Three quarters of the households are families (77%). Most of the occupied housing units (91% of the total housing units) in the neighborhood are rented (72%). The median household income is about \$17,000 a year (\$20,000 median family income). Just over one third (40%) of the families and 41% of individuals in Lower South Providence were below the poverty level in 1999. The Lower South Providence Neighborhood include three census tracts; 4, 5 and 6. The rate of unemployment in 2008-2009 respectively is 18%, 15.6% and 30.5%. During the period from January 1, 2006 through May 31, 2009 there were 210 foreclosures in the Lower South Providence Neighborhood.

The Washington Park Neighborhood is bounded by I-95 and the railroad to the north, Roger Williams Park to the west, the City line to the south and the Providence River to the east. The Project Area is in the eastern portion of the neighborhood. The residents of Washington Park are predominantly non-Hispanic white (35%), Hispanic (30%), and non-Hispanic Black or African American (20%). Three quarters of the households are families (78%). About half of the occupied housing units (94% of the total housing units) in the neighborhood are rented (47%). The median household income is about \$32,000 a year (\$35,500 median family income). Less than one quarter (17%) of the families and 19% of individuals in Washington Park were below the poverty level in 1999. The Washington Park Neighborhood includes two census tracts; 101 and 102. The rate of unemployment in 2008-2009 respectively is 17.2%, and 9.9%. During the period from January 1, 2006 through May 31, 2009 there were 159 foreclosures in the Washington Park Neighborhood.

## **Zoning and Regulatory Oversight**

### **Existing Zoning**

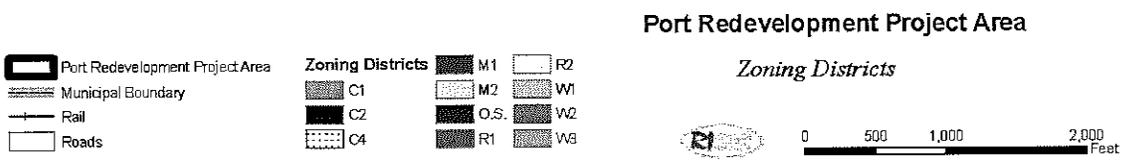
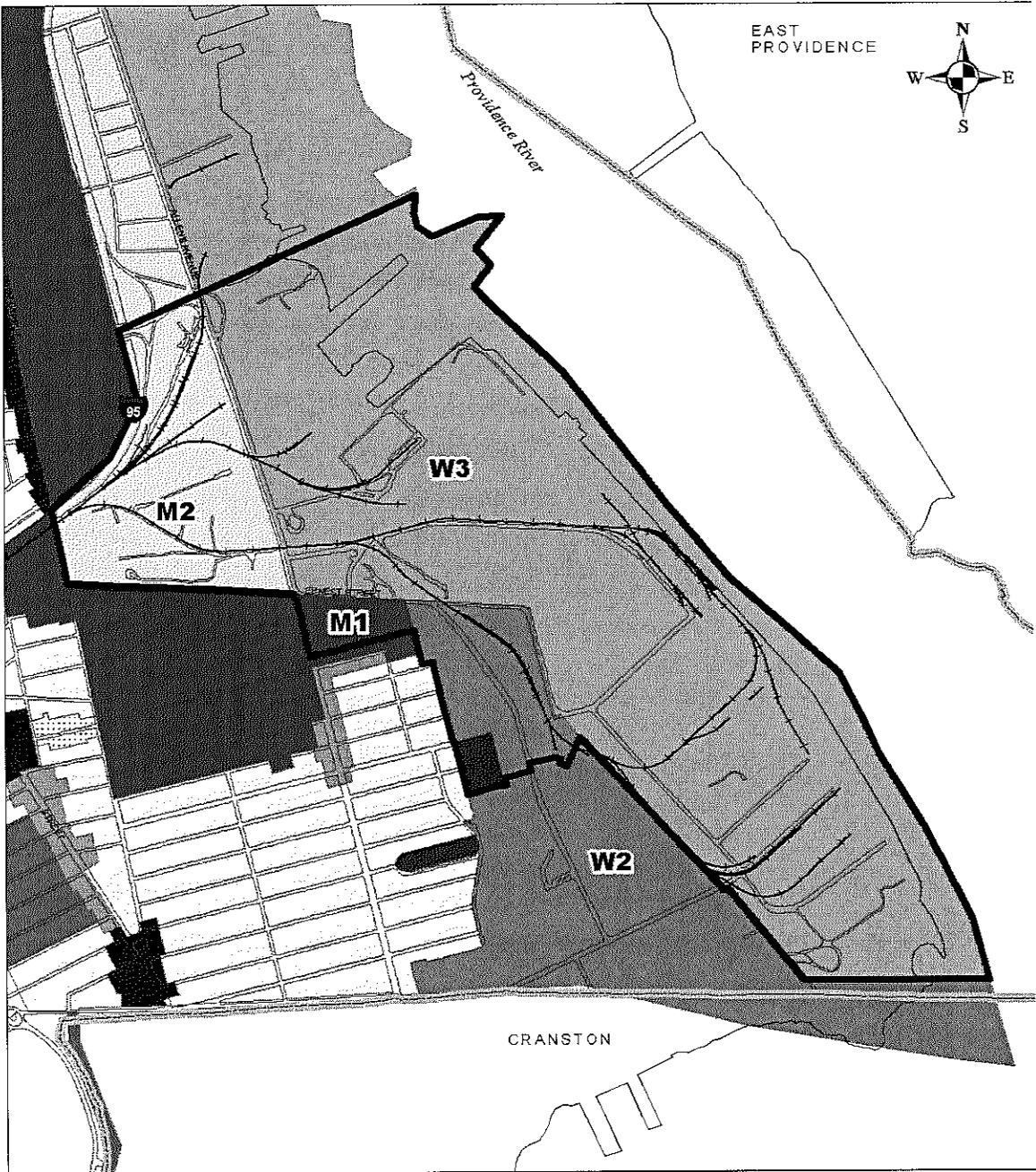
As shown in Figure 2, the Project Area is divided into four zoning districts: waterfront mixed use (W-2), waterfront port/maritime industrial (W-3), industrial (M-1) and heavy industrial (M-2). According to the City of Providence Zoning Code, the districts are described as follows:

**Waterfront Mixed Use District (W-2):** This zone is intended to promote a balance among appropriately scaled residential and commercial development; to enhance compatible development with adjacent areas and surrounding residential neighborhoods; to enhance and to create public access to the waterfront as a public resource.

- **Waterfront Port/Maritime Industrial District (W-3):** This zone is intended to promote maritime industrial and commercial uses within the areas of Providence's waterfront; to protect the waterfront as a resource for water-dependent industrial uses; and to facilitate the renewed use of a vital waterfront.
- **Industrial District (M-1):** This zone 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.
- **General Industrial District (M-2):** General Industrial District: This zone is intended to provide for areas for moderate and heavy intensity industrial uses, especially for those uses that are potentially hazardous, noxious or incompatible with the uses in other zones.

### **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 inland edge of a coastal feature. The coastal feature in this Project Area generally is the top of riverbank or top edge of the wall adjacent to the Providence River at the head of Narragansett Bay. CRMC also has jurisdiction over energy-related activities, which are defined as "all operations and structures involved in power generation and petroleum processing, transfer and storage on a shoreline feature or its contiguous area or within tidal waters."



**Figure 2. Zoning Districts**

RIDEM also has 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.

While the City owns and maintains the sewage collection system, the interceptor sewers that carry wastewater from the collection system to the Providence Wastewater Treatment Facility are owned and operated by the Narragansett Bay Commission. The Bay Commission regulates connections to the sewer system and is responsible for monitoring and maintenance of the combined sewer overflows.

### **Blighted and Substandard Areas**

Redevelopment in the area is impeded by a number of other physical factors that cause the area to meet the definition of arrested blighted and deteriorated blighted thus meeting the definition of blighted and substandard area. These include contaminated properties, abandoned properties, underutilized properties, vacant land, the combined sewer system, location in the floodplain, awkward road and rail system through the Port, and inadequate lot sizes for port uses. These problems are further complicated by deferred maintenance and the graffiti and vandalism that often accompany underutilization of properties. These conditions have impacts on the social, economic and environmental vitality of the area by limiting investment and growth.

More existing conditions in the area include specifically, unsuitable soil conditions; the necessity of unduly expensive excavation and fill; the necessity of undertaking unduly expensive measures for the drainage of the area, prevention of flooding and to make the area appropriate for sound development; obsolete, inappropriate, or otherwise faulty platting or subdivision; deterioration of site improvements, inadequacy of utilities, diversity of ownership of plots; the existence of dilapidated, deteriorating and obsolete buildings and improvements; mixed character and deterioration of uses of buildings and improvements qualify the area as both an “arrested blighted area” and a “deteriorated blighted area”, and combined with the presence of hazardous materials, qualify the area as a “blighted and substandard area”.

The following briefly describes each of these factors in more detail as they apply to the area.

#### **Contaminated Sites**

The historic and current uses of properties within the Project Area indicate the potential for contamination of soils and groundwater with petroleum products and hazardous materials. An environmental records search was conducted through environmental databases regarding past releases of oil or hazardous materials within the Project Area. Specifically, the following federal databases were reviewed: US Environmental Protection Agency (USEPA) National Priorities List (NPL), USEPA Comprehensive

Environmental Response, Compensation, and Liability Information System (CERCLIS), USEPA Resource Conservation Recovery Information System (RCRIS), and Emergency Response Notification System (ERNS). Additionally, information contained in the Spills and Sites Databases and available general files from the Rhode Island Department of Environmental Management (RIDEM) are also included within the environmental database search.

A list was generated that identified State and Federally listed contaminated sites, properties with underground storage tanks (USTs), sites that had reported leaking USTs (LUSTs), sites with reported spills, sites that are listed on ERNS, and sites that produce hazardous materials or use hazardous materials in their activities (RCRA generators). While this list is not all inclusive, the result provides a basis to identify properties that are known to be contaminated and properties that have the potential to be contaminated. Figure 3 shows these properties. Those identified with “confirmed contamination” are state and federal sites that are either active or inactive, sites where spills have been reported, and LUSTs with no known remediation. “Potentially contaminated” sites are those where there were LUSTs and only soil removal was conducted (i.e. no groundwater investigations were done) and properties where USTs were abandoned with no record that permanent closure procedures were followed. Properties used to store petroleum products include fuel storage tank sites where there is a high potential for soil or groundwater contamination from petroleum shipping and storage. The final classification is properties where there is no evidence of contamination. These are not necessarily “clean” properties, but are properties where there is no record of contamination or the probability of contamination. The contamination is more specifically detailed in Figure 3.

### **Combined Sewers**

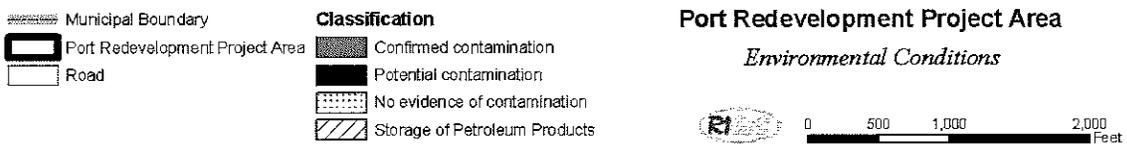
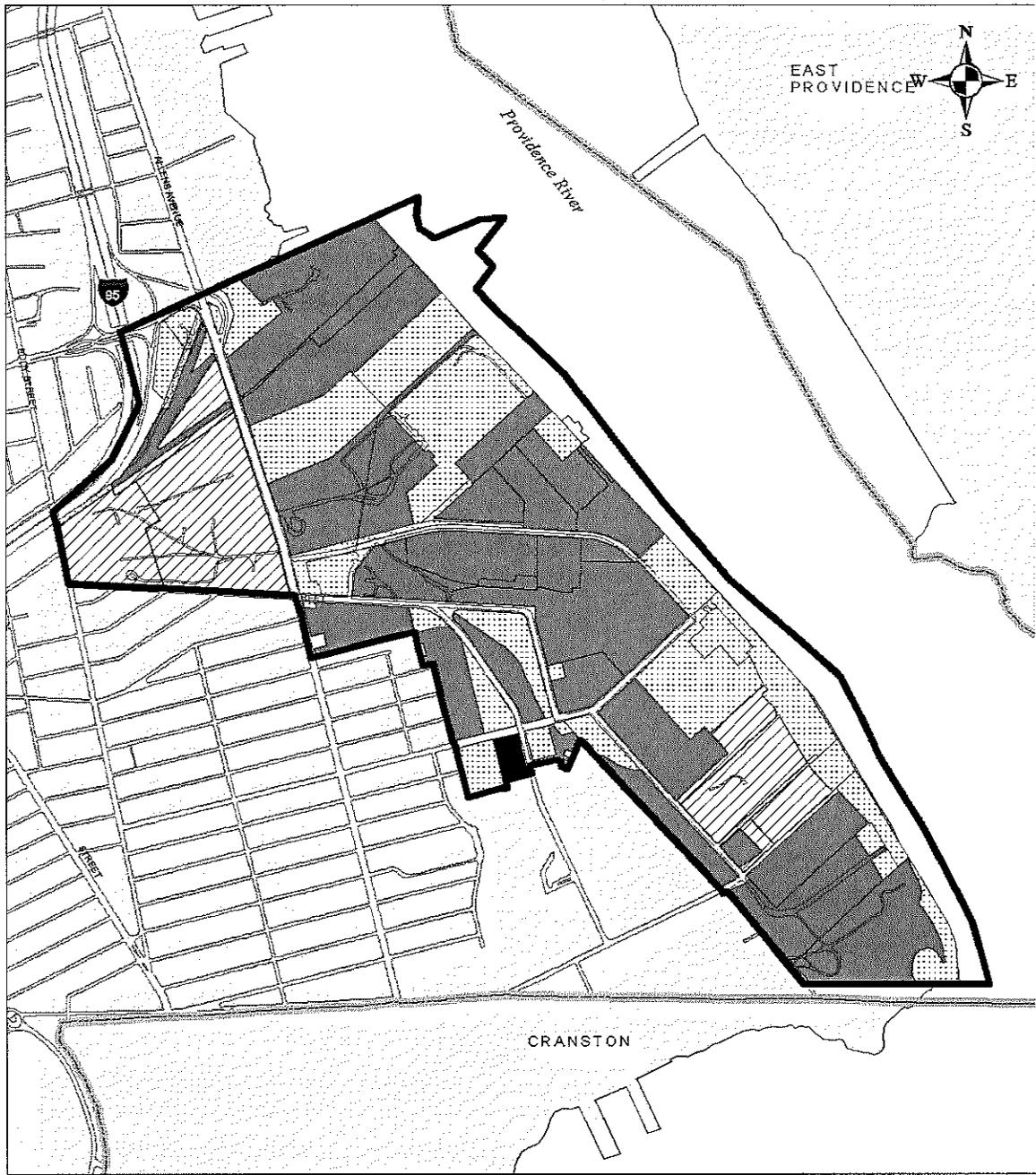
The Project Area is served by the City’s combined sewer system. Combined sewers convey both storm water and sewage in the same pipes. During rainfall events the storm water can exceed the capacity of the sewers and causes them to overflow into the Providence River.

Combined sewers impede development in two ways. First, they adversely affect water quality. This detracts from the aesthetics of the river, reduces the potential uses to which the river may be put and converts the asset of the river into a liability. Second, the combined sewer overflows increase the cost of development. Development costs are higher in combined sewer areas because the Narragansett Bay Commission, which owns and operates the sewer interceptors, prohibits all storm water connections to combined sewers. Therefore new development and re-development in combined sewer areas requires the installation of new separate storm sewer systems, including storm water detention, retention and/or treatment systems, to meet water quality guidelines at the expense of the developer. In separate storm sewer areas, developers need to simply install drainage appurtenances and connect them to the City owned and operated storm sewer system. In the Project Area, because of the combined sewer system, developers need to install more expensive storm water infiltration, storm water treatment, and/or separate storm drainage systems.

## **Floodplain**

Redevelopment is also impeded by the presence of floodplain (Figure 4). Federal, State and local regulations require that the lowest occupied floor in a development be located above the 100 year flood elevation. Because some structures in the Project Area pre-date these regulations, many of them are constructed with the first floor below the flood elevation. The first floor of these existing buildings is subject to flooding, increasing the likelihood of flood related damages, reducing the potential reuse opportunities, and making it difficult or impossible to obtain insurance coverage. Raising the first floor above the flood elevation can be a complicated process for existing buildings and may depend on existing floor elevation, window and door sill heights and available ceiling height. Changing first floor elevations may also require access adjustments to ensure access for the handicapped and ensure compliance with the requirements of the Americans with Disabilities Act (ADA), increasing the costs of redevelopment when compared to structures that are not located in floodplain.

This problem is exacerbated in flood zones classified as V or "Velocity" zones. V zones are areas where there is a high probability of flooding that is also accompanied by damage from moving water due to wave action. In V-zones, flood regulations require that the lowest occupied floor be above the flood elevation, but also require that the lowest structural member supporting the floor must also be above the flood elevation. Several parts of the Project Area are within V-zones, with flood elevations ranging from 15 to 19 feet above sea level (NGVD). Since ground elevations in most of these areas are in the range of 10 feet above sea level, this requires elevating structures above grade by 5 to 9 feet for redevelopment projects.



**Figure 3. Environmental Conditions**

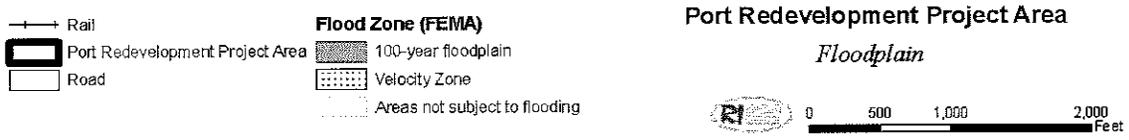
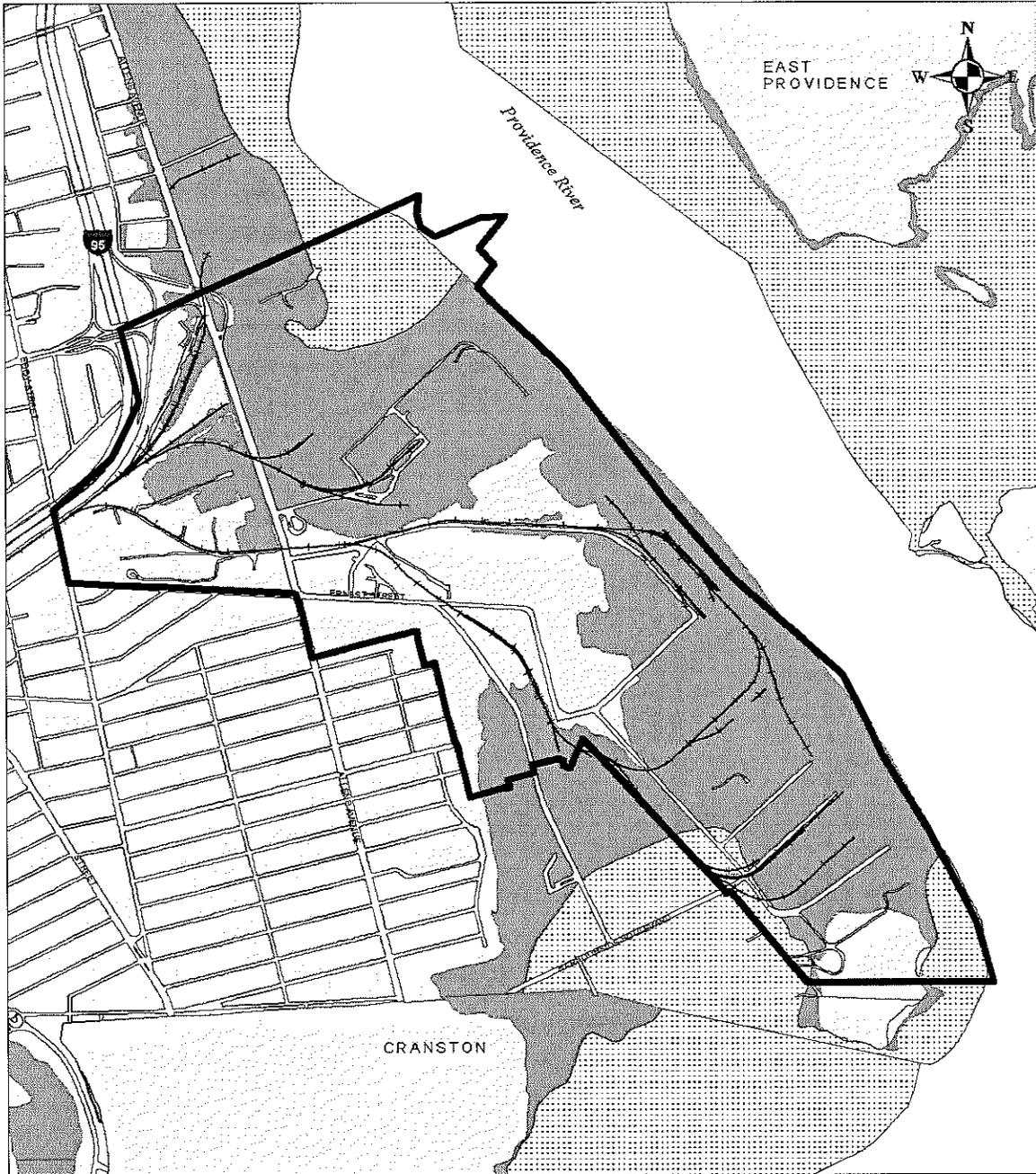
## Roadway System

The roadway system in the Project Area contributes to its blighted condition by being discontinuous, dysfunctional and failing to provide needed access. Allens Avenue is a main north/south thoroughfare along the Providence waterfront (Figure 5). It provides an important arterial for port traffic and commerce and is used as an alternative route to Eddy Street, which also carries north/south traffic. Eddy Street is a narrower roadway and is more congested due to very high volumes of traffic generated by the hospitals and medical offices located to the north and west of the Redevelopment Project Area. However, Eddy Street connects to I-95 southbound via ramps at Thurbers Avenue while Allens Avenue does not. I-95 northbound can only be accessed from Allens Avenue.

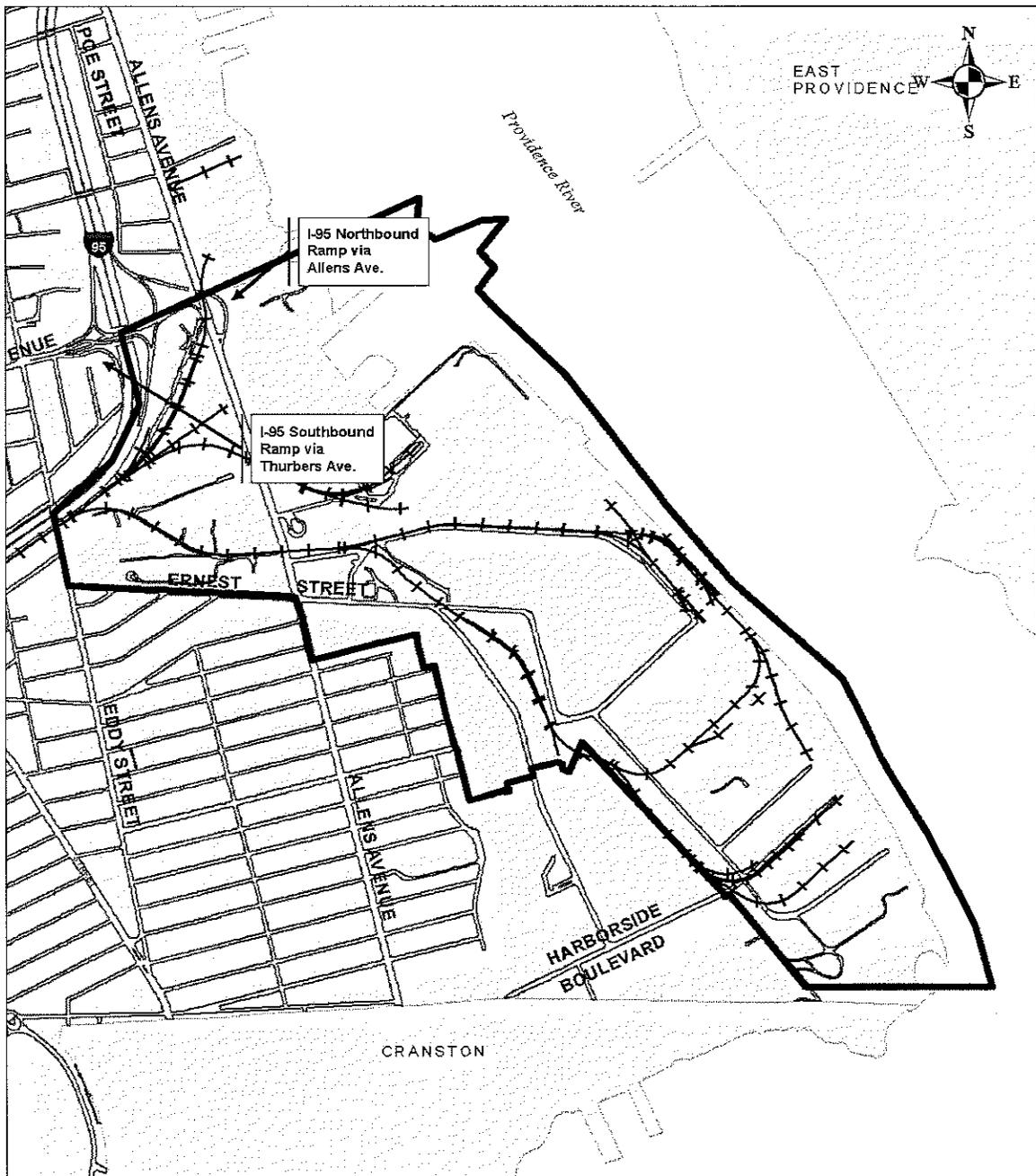
Route I-95 is located between Allens Avenue and Eddy Street, separating the waterfront and Project Area from the business and residential areas to the west. Construction of Route I-95 cut off many of the local streets that formerly connected Allens Avenue and Eddy Street such as Bay, Sherburne, Swan, Sayles and Mutual Streets, creating a discontinuous street pattern. The streets that were cut off are now connected on the east side of I-95 by Poe Street. Poe is a narrow road that is poorly maintained limiting access to the businesses on the east side of I-95. Only Oxford, Public and O'Connell streets still connect Allens Avenue with Eddy Street, further limiting access to I-95 northbound from the Allens Avenue Area.

Streets in the Project Area are similarly dysfunctional. Local roadways in the Project Area were constructed to serve historic uses that have since changed. These roads were also constructed in an era when port security was not as significant a concern as it is today and an era when access was not monitored or controlled. Increased attention to homeland security on the national level has led to increased security in the Project Area that has taken the form of road closures, thereby reducing access to the Project Area. Access to ProvPort is currently limited to those vehicles moving materials into and out of ProvPort and those persons that work at the facilities. Identification is verified at ProvPort's entrance on Terminal Road. As a result, roads that once served traffic through and around ProvPort are now closed to through traffic, disrupting the local circulation pattern. The roads through ProvPort follow historic property lines, are discontinuous due to security requirements and are not advantageous to the current function of the Port.

Access to I-95 southbound from the Project Area is a complicated endeavor for larger trucks. Tanker trucks and other cargo trucks from the Port must use Ernest Street to access Eddy Street and the southbound exit ramp on Thurbers Avenue. The intersection of Eddy and Thurbers is two lanes in all directions with left-turn lanes. However, because of the wide turning radius of these cargo trucks, they need both lanes of Eddy Street to make the right turn onto Thurbers, sometimes riding up on the sidewalk or center-lane curbing on Thurbers Avenue. This truck traffic impacts an existing heavily-used intersection. It provides the main access to I-95 southbound from the hospital complex as well as access to I-95 north and south for the many businesses along Eddy Street, Thurbers Avenue and Allens Avenue. The continuous travel of trucks has accelerated the deterioration of the local roads from their weight and maneuvering.

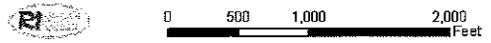


**Figure 4. Floodplain**



-  Rail
-  Port Redevelopment Project Area
-  Road

**Port Redevelopment Project Area**  
*Existing Roads and Rail*



**Figure 5. Roads and Rail Network**

## **Railroad**

Like the roads, the railroads in the Project Area were designed and constructed to serve historic uses that are no longer functioning. As a result, the rail system is also inefficient and discontinuous. Figure 5 also shows the rail layout in the Project Area.

Furthermore, there is inadequate rail within the ProvPort area where railroad access is needed. The rail service to ProvPort presently consists of a series of spurs terminating at the waterfront. These spurs are inefficient because they restrict the length of train that can be used to a maximum of approximately 15 cars. The spurs also necessitate excessive switching and delay to move trains through ProvPort. Finally, they block local roads within ProvPort, restricting truck traffic when trains are in use. In order to better meet the needs of modern shipping, the rail should loop through the Port, increasing the number of cars that can be accommodated and facilitating port access with a minimum of switching.

## **Other Factors**

Throughout the Project Area, there are a number of other factors which contribute to the characterization of the area as blighted. Underutilized properties, vacant land and vacant buildings exist throughout the Project Area. These properties contribute heavily to the general perception of decline in the area and are a deterrent to development, reinvestment and stabilization of the Project Area.

## INITIATIVES AND ACTIONS

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The intent of the Redevelopment Plan is to rehabilitate deteriorated properties, visually enhance the area, provide needed infrastructure to support redevelopment, create employment opportunities and encourage excellence in design and construction techniques, all in a way that is in conformance with *Providence Tomorrow*, the City's interim comprehensive plan. The following outlines initiatives and actions the PRA intends to pursue to meeting the goals of the Redevelopment Plan, as well as the state requirements outlined in Title 45 Section 32.

### ***ProvPort***

The non-profit corporation, ProvPort was created in 1994 to hold the port assets and land in trust for the City of Providence. The trust agreement has allowed the Port to successfully operate and flourish, while allowing the City to retain its interest in this vital asset. At the end of the Trust Agreement, the property and all of the assets revert to the City of Providence.

Due to national security issues and the Homeland Security Act, it has become necessary to increase security in the Port. Currently, the Port can only be accessed through a security checkpoint. However, several private interests still remain within the secure area, making it difficult to fully control access.

Through the acquisition of property identified below and the relocation of the security gate, the objective is to increase the area of the City's Port, expand the secure area and further limit access to the area.

### ***Property Acquisitions***

To accomplish the redevelopment plan it will be necessary for the PRA to acquire certain parcels within the Project area, as shown in Figure 6. The preferred method of acquisition is through negotiated purchase but the PRA is authorized to secure property ownership through eminent domain if necessary, in accordance with RIGL § 45- 31-33. Properties to be acquired are described briefly below along with the reasons for their acquisition.



**Figure 6. Parcels to be Acquired by the PRA for Redevelopment**

### 1) Plat 56 Lots 288 and 332

This tract consists of approximately 12 acres of upland along the waterfront and adjacent to ProvPort. This property is owned by the City of Providence and will be transferred to the PRA for lease to ProvPort. The bulk of the property will be used for storage and lay down of materials shipped through the Port and the balance will be used to support public access, the urban coastal greenway, and public recreational uses in association with the Save the Bay headquarters to the south.

### 2) City Streets

Within the proposed increased ProvPort security area there are a number of city owned streets. In order to allow for better traffic and security control, the City will determine ownership of the streets and the appropriate step will be taken to vest ownership in the PRA, after which, the former streets will be leased to ProvPort. This process may involve consensual acquisition, condemnation and/or abandonment, depending on the particular facts relating to each street.

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, grant, bequest, devise, or otherwise, any real or personal property within the Redevelopment Project Area or for purposes of redevelopment, such acquisition to include the consensual negotiation with property owners for the acquisition of property. 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 the 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.

## ***Redevelopment Initiatives***

In addition to the acquisition and reuse of property discussed above, the PRA and the City will also undertake the following development initiatives:

- **Creation of a Loop Rail System within the Port:** ProvPort, Waterson and the Providence & Worcester Railroad will work together to expand the tracks within the Port and create a "loop" system to increase the capacity from 15 to 50 rail cars.
- **Refurbish Berth 6:** This critical portion of the Port was constructed to handle gantry cranes that presently are being utilized for the loading of scrap metal for export. The current lessee will be relocated at the end of 2009, which will allow the berth to be

used for more diverse purposes and will facilitate the redevelopment of additional land. Prior to the change in use the dock surface and the adjacent land will need extensive repairs. This project will remove the cranes from Berth 6, remove the rails carrying the cranes, upgrade the drainage system, resurface the dock, and restore the area under the storage bins.

- **Relocation of the Security Checkpoint:** To more effectively increase security for all ProvPort tenants and adjacent properties, the checkpoint needs to be brought forward to a point near the entrance to Univar. This will include building the checkpoint facility, relocating all security cameras to this site, installing the required TWIC (Transportation Worker Identification Credential) systems and extending utilities to the checkpoint. The Coast Guard is in favor of this location.
- **New Department of Public Works Facilities:** Demolition of the dilapidated former City incinerator and transfer station would be followed by design and construction of a new DPW complex. This complex would consolidate and update City facilities and services in the Project area. This new facility could better meet the needs of DPW and other related City departments for office space and vehicle storage as well as maintenance facilities for vehicles and equipment.

### ***Roadway, Railway System and Utilities***

The roadway system in the Project Area has the capacity to meet future demands. However, within ProvPort, public roads are not accessible as platted. These roads will be transferred from the City to the PRA. The internal road system within the Port can then be reconfigured to form a loop road that will improve security access and land management within the Port.

The existing rail system should be reconfigured to add rail at the Port to extend the rail loop through the Port as described above.

No changes are proposed for utilities in the Project Area as part of this Redevelopment Plan.

### ***Future Land Uses***

Future land uses for the Project Area shall conform to *Providence Tomorrow*, the City's comprehensive plan, as the same may be amended from time to time. The Comprehensive Plan describes the Project Area as combination of business/mixed use, port uses, waterfront/mixed use and public space. New land uses should focus on job development or supporting businesses in the Project Area.

Waterfront Mixed-Use/General areas are defined as areas intended to support business growth, including industrial, commercial and office uses. Medium to high density residential uses in former manufacturing areas and historic mill buildings are allowed;

however a mix of businesses is the primary intent. Waterfront Mixed-Use/General use areas are:

- Area west of Allens Avenue, between I-95, Thurbers Avenue, Eddy Street and Ernest Street; area east of Allens Avenue and south of Ernest Street

Waterfront/Port Areas are intended for waterfront port and maritime businesses to promote the Port of Providence and related maritime industrial and commercial uses within the waterfront area. Priority goes to water-dependent industrial uses in this area.

Waterfront/Port Areas are:

- East of Allens Avenue, south of Thurbers Avenue to Ernest Street and Fields Point Drive

Waterfront Mixed-Use/Neighborhood is intended for a variety of appropriately-scaled mixed use developments including waterfront, water view and water related residential and business uses. Waterfront Mixed-Use/Neighborhood Areas are:

- Area to the south and west of Fields Point Drive to the municipal line

Public Spaces are open spaces and areas for public buildings and facilities publically owned for recreation and other public uses. Public Space Areas are:

- Urban Coastal Greenway – buffer required by the CRMC
- Coastal marshes and cove at the tip of Fields Point

Jobs Districts are intended for industrial, manufacturing, commercial and office uses to support job growth and expansion. It is stated that residential uses are not permitted in this district. Jobs Districts are:

- Area south of Thurbers Avenue

Institutional uses: Part of the Project Area is also designated for institutional uses, where institutional growth and development is permitted while controlling and limiting negative impacts on surrounding neighborhoods.

### ***Land Coverage, Building Intensities and Population Density***

Land coverage will increase as land is developed in the Project Area. Underutilized lands will be put into productive use, which will increase land coverage in a manner consistent with adjacent development. New development will reflect the existing height, massing and scale of the area, in accordance with zoning regulations, as amended from time to time. As the Project Area does not include any residential areas, population density will not be impacted.

### ***Zoning***

There are no proposed changes to the Zoning Ordinance as part of this Redevelopment Plan.

**Relocation**

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 residential properties 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 the 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 Redevelopment Project Area.

**Costs and Financing**

Financing new projects within the Project Area will be through the PRA. Under this Redevelopment Plan, the PRA shall have the authority to use public and private funding sources to implement action items that support redevelopment in the Project Area.

This project will be funded by a combination of Economic Development Administration (EDA) funds and through the issuance of bonds by the PRA. The PRA has applied, in collaboration with ProvPort, for a \$3,000,000 grant to finance the improvements in the port. As part of this plan, a Recovery Zone shall be established to coincide with the Redevelopment Plan boundaries in allow for the potential use of federal recovery bonds. The PRA will issue bonds in the estimated amount of \$10,000,000, not to exceed the amount supported through lease and/or lease purchase revenue, dependent upon the success of the EDA application.

The estimated costs of the Redevelopment Project are as follows:

|  |             |
|--|-------------|
| Remediation and development of open storage yard along<br>with extension of public access to the Providence River frontage | \$1,100,000 |
|--|-------------|

|  |             |
|--|-------------|
| Creation of Looped Rail System   | \$1,200,000 |
| Movement of Security Checkpoint to expand security within the Port                           | \$240,000   |
| Removal of Antiquated Cranes from Berth 6 and reconstruction of Berth 6 to handle bulk cargo | \$1,300,000 |
| Property acquisition, remediation and development  | \$9,000,000 |
| Legal, appraisals, survey costs  | \$100,000   |

**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.

Through the acquisition of underutilized and vacant properties, environmental remediation, redevelopment of parcels to expand employment opportunities in the area, improvements in the Port rail system, modernization of the loading berth and cranes, and improvements in Port Security, this plan carries out the purposes of RIGL §45-31 through §45-33.

**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 of the land within the area of the City, 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.

**Conformance with the Comprehensive Plan**

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The Port Redevelopment Plan must be in conformation with the City’s Comprehensive Plan. *Providence Tomorrow* identifies several future land uses for the Project Area: business/mixed use, port, waterfront, and public space. Overlying these land uses are

areas designated for institutional uses and job districts. Land Uses in the Redevelopment Plan are consistent with the Comprehensive Plan.

The removal of blighted and substandard conditions in the Port Project Area will allow more opportunities to implement the vision of the comprehensive plan. The objectives, set forth in the Comprehensive Plan, are met by this redevelopment plan are as follows:

Sustainability and the Environment Objective SE 6: Promote neighborhood sustainability by mitigating the impacts of environmentally compromised lands such as brownfields.

Built Environment Objective BE 2: Adapt Providence's traditional urban design character to new needs, expectations and technologies.

Built Environment Objective BE 3: Incorporate the best urban design principles into new development patterns to achieve a higher concentration and greater mix of housing, employment and transit options in identified areas of the city.

Business and Jobs Objective BJ 1: Expand economic opportunity and the City's economic base by focusing efforts on retaining existing businesses and attracting new businesses.

Mobility Objective M 1: Provide residents, businesses, employees and visitors with a variety of transportation options that are safe and convenient.

Mobility Objective M 2: Encourage investment in existing modes of transit as well as new transit options, including the RIPTA system, commuter rail and other new modes to increase mobility of Providence residents, and improve air quality.

Mobility Objective M 4: Provide safe and convenient facilities to encourage bicycling for commuting, recreation and other trips.

Mobility Objective M 5: Manage the effectiveness of Providence's roadway network, including its street grid, by investing in operation and reconstruction improvements.

Land Use Objective LU 2: Encourage growth in areas best suited to provide access to jobs, housing and transit.

Land Use Objective LU 4: Promote the development of mix-use areas with different levels of intensity and use to improve the jobs/housing balance and encourage alternative modes of transportation.

Land Use Objective LU 5: Promote business retention and expansion in areas best suited for industrial and commercial development.

Land Use Objective LU 7: Permit institutional growth and expansion in institutional areas designated on Map 11.2 "Future Land Use" while limiting their encroachment and

negative impacts on the neighborhoods in which they are located.

Land Use Objective LU 10: Promote job growth and retention through appropriate land use controls.

Land Use Objective LU 12: Promote the efficient use of land to promote transit, walking and biking through appropriate land use controls.

## **Appendix: Redevelopment Project Area Property Listing**

Allens Avenue and Port Redevelopment Plan

| Map |     | St. No. | Street          | Zoning District                    |    | Land Use Code       | Structure Type             | Contamination Classification  | UST      | Spill Occurrence | LUST     | RCRA Generator | State Sites          | Brown field Site | ERNS   | Federal IC/EG |
|-----|-----|---------|-----------------|------------------------------------|----|---------------------|----------------------------|-------------------------------|----------|------------------|----------|----------------|----------------------|------------------|--|---------------|
| 055 | 9   | 500     | Allens Avenue   | Motiva Enterprises LLC             | W3 | Industrial          | office building - low rise | No evidence of contamination  | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 13  | 480     | Allens Avenue   | Motiva Enterprises LLC             | M2 | Vacant Commercial   | --                         | Storage of Petroleum Products | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 16  | 520     | Allens Avenue   | Motiva Enterprises LLC             | M1 | Industrial          | office building - low rise | Confirmed contamination       | --       | --               | --       | --             | --                   | --               | 9 fixed facilities; 4 Unknown mobile; 2 pipeline | --            |
| 055 | 17  | 544     | Allens Avenue   | Motiva Enterprises LLC             | M1 | Vacant Commercial   | --                         | Confirmed contamination       | --       | --               | --       | --             | Monitoring; Inactive | --               | --   | --            |
| 055 | 18  | 570     | Allens Avenue   | Motiva Enterprises LLC             | M1 | Aux Vac Commercial  | --                         | Confirmed contamination       | 3 Closed | 10 spill records | Inactive | SGN            | --                   | --               | --   | --            |
| 055 | 25  | 477     | Allens Avenue   | Motiva Enterprises LLC             | M2 | Single Family       | --                         | Storage of Petroleum Products | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 26  | 489     | Allens Avenue   | John J Keizner Rev Trust Agreement | M1 | Commercial >100,000 | restaurant                 | No evidence of contamination  | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 27  | 46      | Thurburs Avenue | J. Broomfield and Sons Inc         | M1 | Industrial          | manufacturing              | No evidence of contamination  | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 136 | 471     | Allens Avenue   | City of Providence                 | M2 | Municipal           | --                         | Confirmed contamination       | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 196 | 610     | Allens Avenue   | Motiva Enterprises LLC             | M1 | Industrial          | office building - low rise | No evidence of contamination  | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 425 |         | Thurburs Avenue | J. Broomfield and Sons Inc         | M2 | Industrial          | warehouse                  | No evidence of contamination  | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 426 | 15      | Thurburs Avenue | Castle Properties                  | M1 | Commercial >100,000 | retail - single occupancy  | No evidence of contamination  | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 427 | 481     | Allens Avenue   | J. Broomfield and Sons Inc         | M1 | Aux Vac Commercial  | --                         | No evidence of contamination  | Closed   | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 429 |         | UNAVAILA BLE    | --                                 | -- | --                  | --                         | --                            | --       | --               | --       | --             | --                   | --               | --   | --            |
| 055 | 430 | 481     | Allens Avenue   | J. Broomfield and Sons Inc         | M2 | Aux Vac Commercial  | --                         | No evidence of contamination  | --       | --               | --       | --             | --                   | --               | --   | --            |

Allens Avenue and Port Redevelopment Plan

| Map Lot |     | St. No. | Street               | Zoning District |                     | Land Use Code              | Structure Type               | Contamination Classification | UST | Spill Occurrence  | LUST         | RCRA Generator | State Sites  | Brown field Site                   | ERNS | Federal IC/EC |
|---------|-----|---------|----------------------|-----------------|---------------------|----------------------------|------------------------------|------------------------------|-----|-------------------|--------------|----------------|--------------|------------------------------------|------|---------------|
| 055     | 432 | 460     | Avenue               | W3              | Commercial >100,000 | fast food                  | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 1   | 68      | Shipyard Street      | W2              | Ex-Charter          | manufacturing              | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 4   | 61      | New York Avenue      | W2              | Utilities           | --                         | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 5   | 195     | Terminal Road        | W3              | Utilities           | manufacturing              | Confirmed contamination      | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 6   | 0       | Fields Point Drive   | W3              | Industrial          | office building - low rise | Confirmed contamination      | 2 Closed                     | --  | Soil Removal Only | ELUR, Active | Inactive       | ELUR, Active | 2 Fixed; Unknown Pipeline; unknown | ELUR |               |
| 056     | 8   | 0       | Terminal Road        | W3              | Municipal           | --                         | Confirmed contamination      | Closed                       | --  | Inactive          | Active       | SGN            | Active       | --                                 | --   |               |
| 056     | 9   | 84      | Fort Street          | W2              | Industrial          | office warehouse           | Confirmed contamination      | Closed                       | --  | Soil Removal Only | Active       | SGN            | ELUR, Active | --                                 | ELUR |               |
| 056     | 69  | 30      | Shipyard Street      | W3              | Industrial          | warehouse                  | Confirmed contamination      | --                           | --  | --                | --           | SGN            | --           | --                                 | --   |               |
| 056     | 70  | 5       | Ernest Street        | W2              | Industrial          | warehouse                  | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 256 | 58      | New York Avenue      | W3              | Municipal           | office warehouse           | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 260 | 71      | New York Avenue      | W2              | Industrial          | warehouse                  | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 271 | 0       | Terminal Road        | W3              | Municipal           | warehouse                  | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 273 | 125     | Terminal Road        | W3              | Utilities           | --                         | Confirmed contamination      | Closed                       | --  | --                | --           | SGN            | Inactive     | --                                 | ELUR |               |
| 056     | 275 | 91      | New York Avenue      | W3              | Municipal           | --                         | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 283 | 140     | Terminal Road        | W3              | Municipal           | warehouse                  | Confirmed contamination      | Closed                       | --  | Inactive          | Active       | SGN            | Active       | Pipeline; unknown                  | --   |               |
| 056     | 288 | 0       | Harborside Boulevard | W3              | Municipal           | --                         | Confirmed contamination      | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 316 | 185     | Terminal Road        | W3              | Industrial          | office building - low rise | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |
| 056     | 317 | 181     | Terminal Road        | W3              | Aux Vac Commercial  | --                         | No evidence of contamination | --                           | --  | --                | --           | --             | --           | --                                 | --   | --            |

Providence Redevelopment Agency

Allens Avenue and Port Redevelopment Plan

| Map | Lot | St. No. | Street             | Owner                                   | Zoning District | Land Use Code         | Structure Type   | Contamination Classification * | UST            | Spill Occurrence        | LUST                   | RCRA Generator | State Sites      | Brownfield Site | ERNS               | Federal IC/EC  |
|-----|-----|---------|--------------------|---|-----------------|-----------------------|------------------|--------------------------------|----------------|-------------------------|------------------------|----------------|------------------|-----------------|--------------------|----------------|
| 056 | 318 | 44      | New York Avenue    | Narragansett Bay Water Quality Mgt Dist | W3              | Ex-Charter Commercial | --               | Confirmed contamination        | Closed         | --                      | Inactive               | SGN            | Active           |                 | Pipeline; unknown  | --             |
| 056 | 322 | 1       | Fields Point Drive | AER Realty LLC                          | W3              | >100,000              | warehouse        | Confirmed contamination        | Closed         | Asphalt Emulsion        | Soil Removal Only      | SGN            | Active; Inactive | ELUR, Active    | --                 | --             |
| 056 | 323 | 34      | New York Avenue    | Narragansett Bay Water Quality Mgt Dist | W3              | Ex-Charter            | warehouse        | Confirmed contamination        | Closed         | --                      | Inactive               | SGN            | Active           |                 | Pipeline; unknown  | --             |
| 056 | 326 | 55      | Shipyard Street    | Cement Holding Company                  | W2              | Industrial            | manufacturing    | Potential contamination        | --             | Hydraulic oil           | --                     | SGN            | --               | --              | --                 | --             |
| 056 | 327 | 175     | Terminal Road      | GMCO Acquisition Inc                    | W3              | Industrial            | office warehouse | Confirmed contamination        | Closed         | Petroleum Chemical      | Soil Removal Only      | SGN            | Active           | --              | 2 Fixed Facilities | --             |
| 056 | 329 | 250     | Shipyard Street    | Narragansett Bay Water Quality Mgt Dist | W3              | Ex-Charter            | --               | Confirmed contamination        | --             | --                      | --                     | --             | Active           | ELUR, Active    | --                 | EPA Brownfield |
| 056 | 331 | 105     | Terminal Road      | City of Providence                      | W3              | Municipal             | --               | No evidence of contamination   | --             | --                      | --                     | --             | --               | --              | --                 | --             |
| 056 | 332 | 140     | Terminal Road      | City of Providence                      | W3              | Municipal             | --               | No evidence of contamination   | --             | --                      | --                     | --             | --               | --              | --                 | --             |
| 056 | 334 | 125     | Terminal Road      | City of Providence                      | W3              | Municipal             | --               | No evidence of contamination   | --             | --                      | --                     | --             | --               | --              | --                 | --             |
| 056 | 338 | 4       | Ernest Street      | Narragansett Bay Commission             | W3              | Ex-Charter            | office warehouse | No evidence of contamination   | --             | --                      | --                     | SGN            | --               | --              | --                 | --             |
| 056 | 339 | 85      | Terminal Road      | Provoport Inc.                          | W3              | Municipal             | office warehouse | Confirmed contamination        | Closed         | --                      | Active                 | --             | Active           | Active          | Unknown            | --             |
| 056 | 366 | 20      | Fields Point Drive | Narragansett Bay Water Quality Mgt Dist | W3              | Ex-Charter            | --               | No evidence of contamination   | --             | --                      | --                     | LGN            | --               | --              | --                 | --             |
| 056 | 367 | 30      | Fields Point Drive | PLI Development LLC                     | W3              | Ex-Charter            | warehouse        | Confirmed contamination        | --             | --                      | --                     | --             | Active           | Active          | --                 | --             |
| 056 | 346 | 75      | Terminal Road      | Narragansett Bay Commission             | W3              | State                 | --               | Confirmed contamination        | Closed         | --                      | Inactive               | SGN            | Active           | --              | Unknown            | --             |
| 056 | 348 |         | Terminal Road      | Provoport Inc.                          | W3              |                       | --               | Confirmed contamination        | In Use; Closed | 300 gals liquid asphalt | Inactive; not complete | SGN            | Active           | --              | 2 fixed; 3 unknown | --             |

Allens Avenue and Port Redevelopment Plan

| Map |     | St. No. | Street               | Zoning District |    | Land Use Code | Structure Type   | Contamination Classification * | UST    | Spill Occurrence               | LUST                             | RCRA Generator | State Sites | Brown field Site | ERNS      | Federal IC/EC |        |
|-----|-----|---------|----------------------|-----------------|----|---------------|------------------|--------------------------------|--------|--------------------------------|----------------------------------|----------------|-------------|------------------|-----------|---------------|--------|
| 056 | 349 | 35      | Terminal Road        |                 | W3 | Municipal     |                  | Confirmed contamination        | Closed | 42,000 barrels                 | Investigation required; Inactive | SGN            | Active      | --               | 3 Unknown | --            |        |
| 056 | 350 | 4       | New York Avenue      |                 | W3 | Municipal     | office warehouse | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 351 |         | UNAVAIL              |                 | -- | --            | --               | --                             | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 352 |         | New York Avenue      |                 | W3 | Municipal     | office           | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 354 | 0       | Fields Point Drive   |                 | W3 | --            | --               | Storage of Petroleum Products  | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 355 | 2       | Seaview Drive        |                 | W3 | Municipal     | --               | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 356 | 25      | Fields Point Drive   |                 | W3 | Industrial    | office warehouse | Storage of Petroleum Products  | --     | --                             | --                               | SGN            | --          | --               | --        | --            | --     |
| 056 | 357 | 1       | Seaview Drive        |                 | W3 | Municipal     | --               | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 358 | 0       | Seaview Drive        |                 | W3 | --            | --               | Storage of Petroleum Products  | --     | --                             | --                               | TSD; LGN       | --          | --               | --        | --            | --     |
| 056 | 359 | 0       | Fields Point Drive   |                 | W3 | --            | --               | Storage of Petroleum Products  | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 360 |         | Harborside Boulevard |                 | W3 | --            | --               | Confirmed contamination        | Closed | 6,600 sodium hydroxide in dike | Active                           | --             | Active      | --               | --        | --            | --     |
| 056 | 361 |         | Fields Point Drive   |                 | W3 | --            | --               | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 362 |         | Harborside Boulevard |                 | W3 | --            | --               | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 363 |         | Harborside Boulevard |                 | W3 | --            | --               | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |
| 056 | 364 |         | Harborside Boulevard |                 | W3 | --            | --               | Confirmed contamination        | --     | Coal tar                       | --                               | --             | Active      | --               | --        | --            | CERLIS |
| 056 | 365 |         | Shipyard Street      |                 | W3 | --            | --               | No evidence of contamination   | --     | --                             | --                               | --             | --          | --               | --        | --            | --     |

Allens Avenue and Port Redevelopment Plan

| Map | Lot No. | St. No. | Street        | Owner                    | Zoning District | Land Use Code      | Structure Type             | Contamination Classification * | UST    | Spill Occurrence              | LUST                      | RCRA Generator | State Sites      | Brown field Site | ERNS    | Federal IC/EC |
|-----|---------|---------|---------------|--------------------------|-----------------|--------------------|----------------------------|--------------------------------|--------|-------------------------------|---------------------------|----------------|------------------|------------------|---------|---------------|
| 057 | 294     | 1116    | Eddy Street   | Motiva Enterprises LLC   | R3              | Industrial         | office warehouse           | Storage of Petroleum Products  | --     | --                            | --                        | --             | --               | --               | --      | --            |
| 057 | 301     | 0       | Eddy Street   | City of Providence       | R3              | Municipal          | --                         | No evidence of contamination   | --     | --                            | --                        | --             | --               | --               | --      | --            |
| 101 | 1       | 640     | Allens Avenue | Narragansett Electric Co | R2              | Utilities          | office warehouse           | Confirmed contamination        | Closed | Oil/water, petroleum; PCB oil | --                        | LGN            | Active; inactive | --               | Unknown | --            |
| 101 | 3       | 60      | Ernest Street | City of Providence       | R2              | Municipal          | --                         | No evidence of contamination   | --     | --                            | --                        | --             | --               | --               | --      | --            |
| 101 | 4       | 40      | Ernest Street | City of Providence       | R2              | Municipal          | office warehouse           | Confirmed contamination        | In Use | --                            | Soil Removal Only, Active | SGN            | Inactive         | --               | --      | --            |
| 101 | 493     | 655     | Allens Avenue | Motiva Enterprises LLC   | M2              | Aux Vac Commercial | --                         | Storage of Petroleum Products  | --     | --                            | --                        | --             | --               | --               | --      | --            |
| 101 | 497     | 700     | Allens Avenue | City of Providence       | R2              | Municipal          | office building - low rise | No evidence of contamination   | In Use | --                            | --                        | --             | --               | --               | --      | --            |

Sources: City of Providence Online Assessor Database, obtained August 1, 2008; FirstSerach Technology Corporation *Environmental FirstSearch Report* prepared for Maguire Group Inc., July 15, 2008.

Notes:

**Contamination Classification:** Those identified with "confirmed contamination" are state and federal sites that are either active or inactive, sites where spills have been reported and LUSTs with no known remediation. "Potentially contaminated" sites are those where there were LUSTs and only soil removal was conducted (i.e. no groundwater investigations were done) and properties where USTs were abandoned with no record that permanent closure procedures were followed. Properties used to store petroleum products include fuel storage tank sites where there is a high potential for soil or groundwater contamination from petroleum shipping and storage. The final classification is properties where there is no evidence of contamination. These are not necessarily "clean" properties, but are properties where there is no record of contamination or the probability of contamination.

**RCRA Generator:** Resource Conservation and Recovery Information System: LGN (large quantity generator), SGN (small quantity generator); VGN (very small quantity generator); TSD (treatment, storage and disposal)

**State Sites:** State known or potential hazardous waste sites; active or inactive

**Brownfield Site:** Active, ELUR (environmental land use restriction)

**ERNS:** Emergency Response Notification System

**Federal IC/EC:** Institutional controls/Engineering Controls; CERLIS (Comprehensive Environmental Response Compensation and Liability Information System)

**NFRAP:** No Further Removal Action Planned