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COMMERCIAL REVITALIZATION GUIDELINES FOR BROAD STREET, PROVIDENCE, RHODE ISLAND

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COMMERCIAL REVITALIZATION
GUIDELINES FOR BROAD STREET,
PROVIDENCE, RHODE ISLAND

BY

KATHLEEN A. BARTON

PAO CHARLES KUE

A RESEARCH PROJECT SUBMITTED IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
MASTER OF COMMUNITY PLANNING

UNIVERSITY OF RHODE ISLAND

1991

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CHAPTER ONE

INTRODUCTION

Throughout the 1980's several neighborhoods within the City of Providence, Rhode Island have been undergoing a rapid rate of economic and physical decline. The Elmwood, Upper and Lower South Providence neighborhoods, in particular, have been faced with several difficulties in this regard. Currently, this area is experiencing high crime rates and several businesses located along the commercial area of Broad Street have been vacated due to economic hardships caused by low customer volumes.

Elmwood Neighborhood Housing Services, Inc.(ENHS), a non-profit organization which is located within this area, has expressed a growing concern for improving the Broad Street section of its neighborhood. It is the hope of ENHS that by addressing the issue of the commercial revitalization of Broad Street that these efforts will result in the spread of economic revitalization and physical improvements throughout the neighborhoods which border it.

Currently, ENHS is considering two strategies in order to achieve this goal. The first strategy would be to develop an urban design guideline for Broad Street, a project to be undertaken by students at the Rhode Island School of Design. Second, is a set of commercial revitalization guidelines which will be the focus of this project.

This document has been developed by Kathleen Barton and Pao Charles Kue for ENHS and its Commercial Coordinator, Franco Beneduce. Its major goal is to assist in the development of Commercial Revitalization Guidelines for the Broad Street Commercial District which will meet the criteria of ENHS and its surrounding

neighborhoods while following redevelopment procedures of the City of Providence's Department of Planning and Development.

The major objective of this project will be to develop a guideline for ENHS to use in an effort to develop a plan which will stimulate commercial development within the Broad Street area. Three objectives which will be used in the development of this guideline are:

1. To retain existing businesses;
2. To help existing businesses expand
or improve their condition; and
3. To attract new commercial activity to the area

In the process of developing this guideline, it will also be necessary to examine Broad Street and its current role in the City from both economic and governmental aspects. By focusing on City and State guidelines for redevelopment the issue of how a commercial redevelopment plan can be achieved through the formal governmental process will be addressed.

Problem Statement

The area which borders Broad Street is considered one of the poorest in the city. Its image is that of a dangerous area where there is heavy drug traffic and high levels of illegal activity. Many properties have been abandoned or are owned by absentee landlords who have left these properties unattended, resulting in buildings

being in need of major repairs.

At the same time Broad Street has a wide range of ethnic restaurants and small specialty food stores which are mainly used by local residents. In addition, many of the homes located in the area have been built in the Victorian style. These are unique within the City itself. Sections of Elmwood and Lower and Upper South Providence have also been designated as Historic Districts and some of these buildings are also on the National Register of Historic Buildings.

A revitalization plan for Broad Street is a project which should make a meaningful contribution to the community if successfully implemented. It is the hope of ENHS that the development of a commercial revitalization plan for Broad Street will encourage the City, and its residents, to develop a renewed interest and pride in their neighborhood. By capitalizing on the ethnic diversity of the area and publicizing it as a section which is undergoing revitalization, the expected outcome is that new businesses and customers will be attracted to Broad Street and the surrounding neighborhoods.

This document will describe the Broad Street Commercial District and its surrounding neighborhoods. It will also analyze revitalization reports which have been produced by the City of Providence and discuss the specific needs of a revitalization plan for the Broad Street Commercial District. Finally, it will present a series of guidelines for the development of a revitalization plan.

The Role of Elmwood Neighborhood Housing Services

Elmwood Neighborhood Housing Services is a non-profit organization which is part of the National Neighborworks Network. They have been active in the Elmwood neighborhood of Providence since 1978. While their original focus was on assisting local neighborhood residents to renovate their housing, they have recently directed their efforts toward commercial revitalization within the Broad Street Commercial District.

In 1990 ENHS appointed a Commercial Coordinator who has been actively trying to encourage interest in commercial development for the Broad Street Area. Included in these efforts are anti graffiti and clean up campaigns which have been highly successful.

ENHS has also enlisted technical assistance from three local colleges. The University of Rhode Island is providing planing assistance through the production of this document. Rhode Island School of Design is devising a set of Urban Design guidelines. Finally, the Community College of Rhode Island is providing small business development assistance and guidance.

The most recent success of ENHS has been the establishment of a commercial revolving loan fund for Broad Street business owners. This fund is co-sponsored by the Neighborhood Reinvestment Corporations and the City of Providence. Both provide matching funds for improvements and renovations of local businesses.

The involvement of ENHS within the community has provided a renewed interest in the local neighborhoods and the Broad Street business district. Hopefully

this interest will continue to develop and result in the revitalization of local businesses.

Procedures and Methods of Analysis

In order to develop a set of revitalization guidelines for the Broad Street Commercial District, it was necessary to utilize a series of procedures and methods of analysis which will be included in the remainder of this document. The methods of analysis used were as follows:

- Review of relevant revitalization and commercial redevelopment literature.

There is a wide variety of literature available on the subject of commercial revitalization. A brief review of the literature used for this document will be included in Chapter One and referred to throughout the remainder of it. A bibliography is also included at the end of the document.

- Analysis of existing conditions

In order to provide an accurate description of Broad Street it was necessary to analyze the area and its surrounding neighborhoods. This analysis was performed by utilizing various sources of information which included the following:

- Historical information
- Census Data
- Physical Inventory of Broad Street
- Zoning Maps

- Photographs

The purpose of Chapter Two will be to describe the study area and how it has developed over the years. Included will be a brief history of Broad Street and its surrounding neighborhoods. Also, this chapter will include a demographic analysis of the five census tracts which border the Broad Street Commercial District.

Chapter Three will consist of a description of the current condition of businesses which are in existence along Broad Street. This chapter will focus on the separation of Broad Street into four sections. Each section will be described in reference to its businesses and their location within the section, the current condition of their facades, availability of parking, and existing zoning.

- Previously published revitalization reports

A series of revitalization plans have been produced by the Providence Redevelopment Agency and the Providence Department of Planning and Development over the years. Some of these reports, and their contents, will be discussed in Chapter Four along with issues which should be addressed in the commercial revitalization guidelines for the Broad Street Commercial District. Also included will be enabling legislation pertaining to the development and adoption of revitalization plans for the City of Providence.

- Interviews

In order to provide data which may not have been included in documents

pertaining to revitalization within the Broad Street Commercial District, a series of individuals were interviewed. Each of the interviews was used to help identify some of the issues and concerns to be addressed in the development of revitalization guidelines. Information from these interviews will be included at various points throughout the document.

Overview of literature

In order to develop an understanding of the commercial revitalization process, it was necessary to review a series of articles and texts which pertain to this subject (See Bibliography). Each expressed a concern for the economic downturn of inner city commercial districts which has been occurring at a rapid rate (Barringer and Roche, 1987a, 1987b; Launce, 1985; Schwartz, 1984).

A major force which has effected the commercial districts in many cities, especially in the Northeast Region of the United States, is a change in the economic structuring of this country from the manufacturing industry to service industry (Schwartz,1984:45). Many cities, including Providence, have been affected by this trend.

A second reason for the decline of the commercial business district is the movement of businesses outward to the suburbs. Barringer and Roche (1987a:3) surmise that the reason for this trend is that relocation to the suburbs is often more lucrative than remaining in the inner city. Since the customers who are willing and able to spend more of their income have relocated to the suburbs, businesses find it

necessary to follow their customers in order to survive. The result of this decline has been high vacancy rates, deterioration of buildings and a general development of an unsafe quality to the commercial area itself.

Recently, many communities have been attempting to revitalize their commercial business districts. Barringer and Roche (1987a) point out that over 70% of the communities which are involved with local NHS organizations are, or have already, formulated plans for increasing economic development within their commercial districts. The driving force behind these efforts is, of course, local neighborhood residents. Rohe and Gates (1985) point out that, from a planning perspective, there are several advantages to utilizing neighborhood groups. First, neighborhood residents are often more familiar with the issues that are important to their neighborhoods. They know what is needed in their communities, and their involvement in the planning process is often beneficial in establishing goals and objectives for projects.

According to Rohe and Gates (1985:57), residents who are involved in the development of plans also gain a better understanding of the planning process. Often they become more aware of the difficulties that their cities and towns are facing other than the issues that pertain only to them. This interest in planning often develops into a better relationship between the citizens and local government.

Given this information, it was felt that developing guidelines for a commercial

revitalization plan for the Broad Street Commercial District would be the best approach. This strategy would encourage the neighborhoods to become more aware of the planning process, and by doing so, develop a plan which best suits their needs. The Providence Department of Planning and Development will also benefit by having the opportunity to work with the community to develop a more implementable plan when compared to previous plans.

CHAPTER TWO

**HISTORY AND DEMOGRAPHIC
ANALYSIS**

Introduction

The purpose of this chapter is to describe the location and formation of the Broad Street Commercial District. Also included, is a demographic analysis of the area's bordering neighborhoods as each is divided into census tracts. Information for this section will give a general demographic profile of the area.

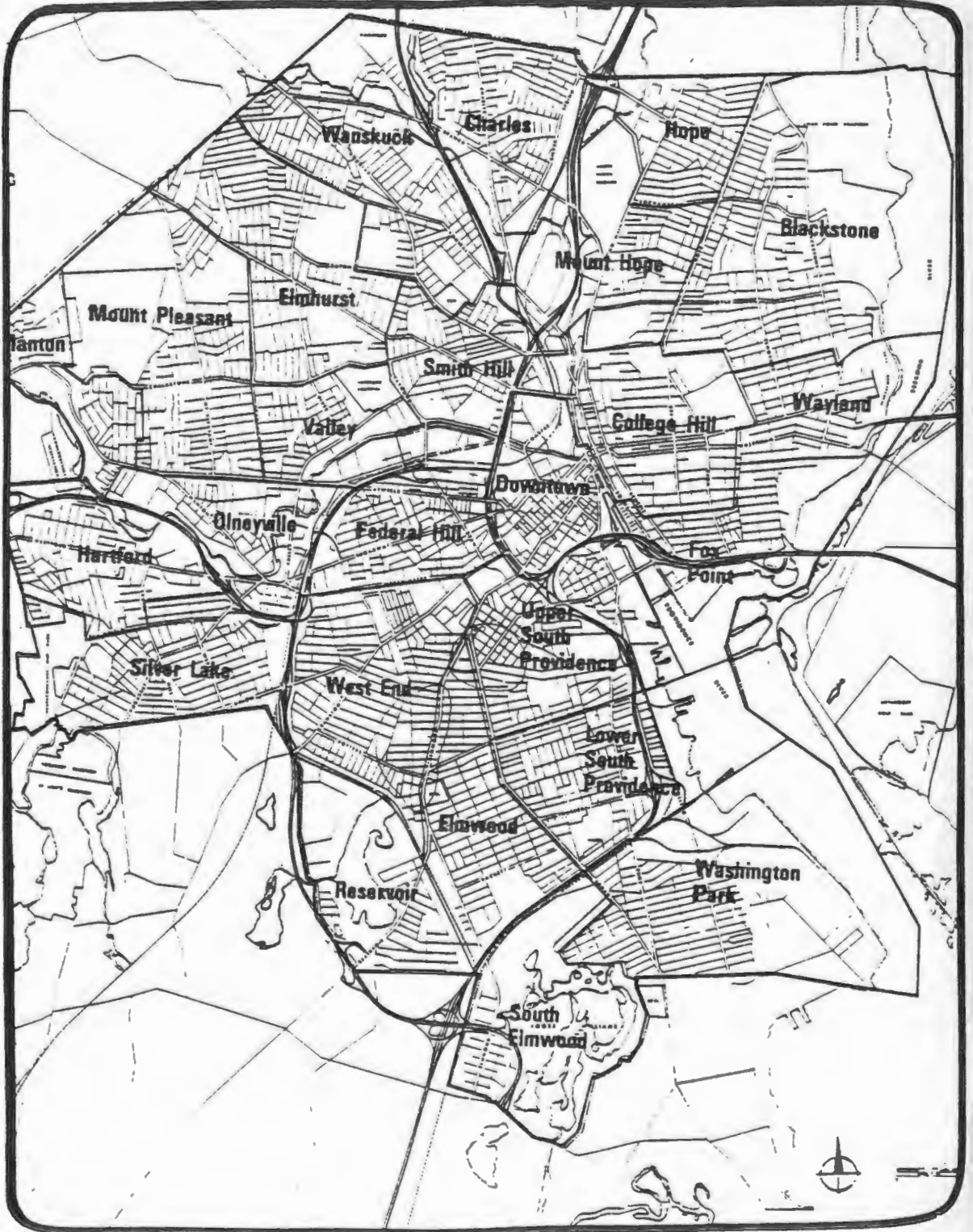
This description, combined with Chapter Three, which involves land use and zoning analysis, will assist in the formation of goals and objectives for the commercial district itself. After these areas have been described, general findings will be given concerning the current status of the study area.

Location of the Study Area

Broad Street extends south from the central business district of the City of Providence, Rhode Island. Entering from the south, the commercial district begins at Detroit Avenue and the overpass for Route 95. It continues north to the intersection of Elmwood Avenue and Grace Church Cemetery. This street forms the western border of the Upper and Lower South Providence neighborhoods. The neighborhood known as Elmwood is located on the eastern border. It provides a direct route from Downtown Providence to Cranston and also is a way of accessing the east entrance to Roger Williams Park. Figure 1 shows a neighborhood map of the City of Providence with the Broad Street area highlighted.

The length of the Broad Street Commercial District covered by ENHS is 1.5 miles. It contains a mixture of commercial, residential and mixed use buildings,

Figure 1



CITY OF PROVIDENCE

making the street an exceptionally challenging area for revitalization.

According to an inventory of commercial businesses performed by ENHS in January 1991, it contained at least 94 establishments. Table 1 contains a listing of business types which were counted in that inventory. A further breakdown of these businesses is covered in Chapter Three.

Table 1

Inventory of Broad Street Businesses

Type	Total	Type	Total
Auto Sales	4	Hair Salon	1
Auto Supply	7	Health Care	6
Auto Repair	7	Jewelry	2
Bakery	1	Liquor	3
Beauty Supply	2	Markets	17
Cleaners	5	Paint Supply	1
Clothing	7	Pharmacies	2
Financial	1	Real Estate	3
Fitness Center	1	Religious	1
Funeral Homes	4	Restaurants	14
Furniture	2	Tailor	1
Hardware	1	Video Rental	1

Source: ENHS Jan. 1991

Historical

According to a history of the City of Providence written by the Rhode Island

Historical Preservation Commission (1978), Broad Street was formed from an old Indian path and originally named Pawtuxet Road. Its pattern of development is typical of much of the early settlement of Providence. Figure 2 shows a map of Providence as it existed in the 1700's with its connection to the center of the City.

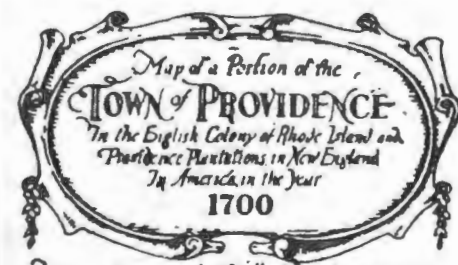
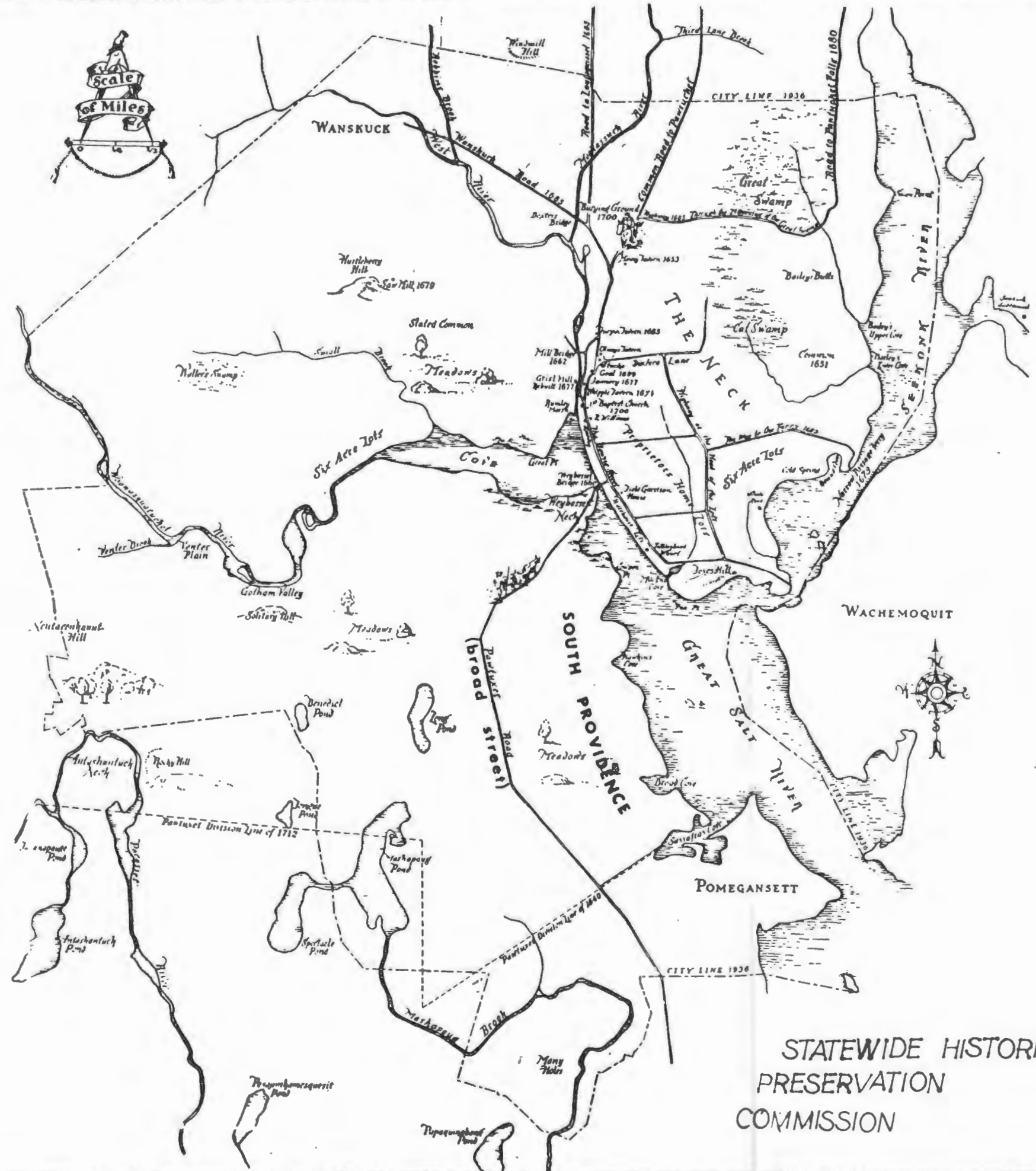
Like much of the City's original road system, Broad Street was developed from the center outward and made up one of the arms in a star shaped pattern of growth. Until the mid 1800's, it served as an access road to Cranston and was bordered on either side by early residences and farm land. This gradual development can be partially seen in Figure 3 which includes maps of the upper section of Broad Street during the 1800's.

During the Industrialization Period of the 1850's businesses and homes began to develop along Broad Street. Some of the businesses which evolved in the surrounding area included a packing box factory, a rubber tubing plant, a paper collar factory and a textile manufacturer. In the same period, the neighborhoods bordering Broad Street began to form, and later became known as Elmwood and Upper and Lower South Providence.

At first, only those wealthy enough to build large homes lived there. Later, as factories developed, the area became home to immigrants from Ireland, England and Russia who provided the labor supply. During this period the neighborhoods began to fill in, and a variety of housing types were built. These ranged from large, single family residences to triple deckers which became home to several families.




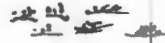
In the 1920's and 1930's the neighborhoods bordering Broad Street continued

Figure 2

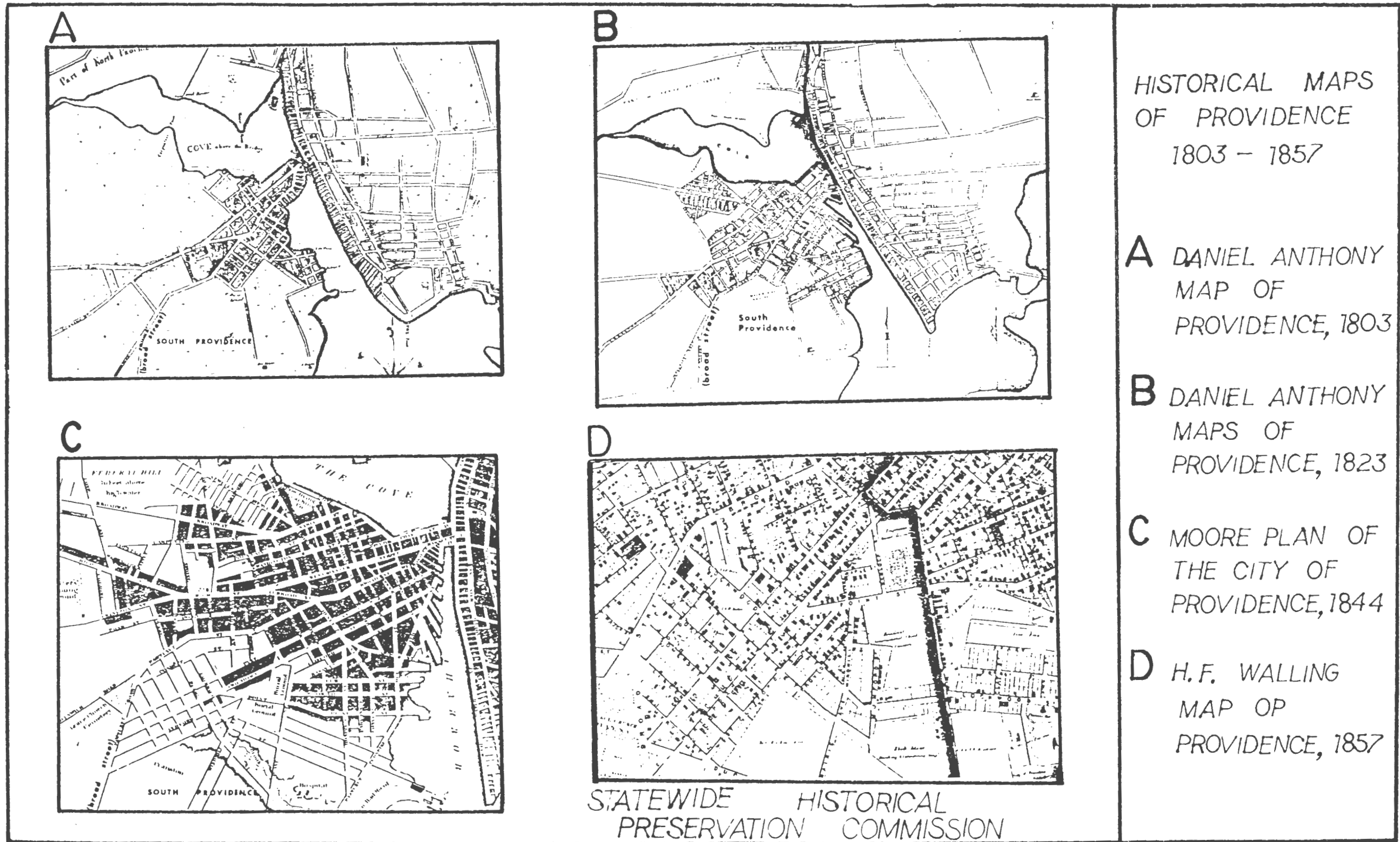


The town bounds included all of Providence County as of 1936 west of the Blackstone River

LEGEND

-  WATER BODY
-  EXISTING STREETS
-  BOUNDARY LINE
-  WETLAND

STATEWIDE HISTORICAL
PRESERVATION
COMMISSION



HISTORICAL MAPS
OF PROVIDENCE
1803 - 1857

A DANIEL ANTHONY
MAP OF
PROVIDENCE, 1803

B DANIEL ANTHONY
MAPS OF
PROVIDENCE, 1823

C MOORE PLAN OF
THE CITY OF
PROVIDENCE, 1844

D H.F. WALLING
MAP OF
PROVIDENCE, 1857

STATEWIDE HISTORICAL
PRESERVATION COMMISSION

to grow and became densely populated. As a result of this expansion, along with more flexible modes of transportation, such as trolleys and cars, the appearance of the area began to change. In order to provide more space for these types of transportation, it became necessary to widen streets and pave over small lots for parking, resulting in an increasingly barren look for this major boulevard.

As the area continued to become more densely populated, those residents who could afford to do so were able to move outward to the suburbs. This "flight" from the crowded inner city resulted in a changing demographic profile which continued into the 1980's and will be addressed in the following section. As the area around Broad Street grew, so did its commercial businesses. Easily accessed by foot, residents were able to frequent them regularly. Establishments that developed included clothing stores, produce markets, and health related services such as doctors, dentists and pharmacies. Also added were a theater and several churches and synagogues. Some of the original structures are still standing today.

As the economic base of the City and residents in the bordering neighborhoods began to deteriorate, so did the structure of the commercial district of Broad Street. The businesses, which provided services to the immediate area, changed along with the needs of their customers and were eventually replaced by those currently in existence.

Demographic analysis

In order to develop an accurate representation of the clientele for Broad

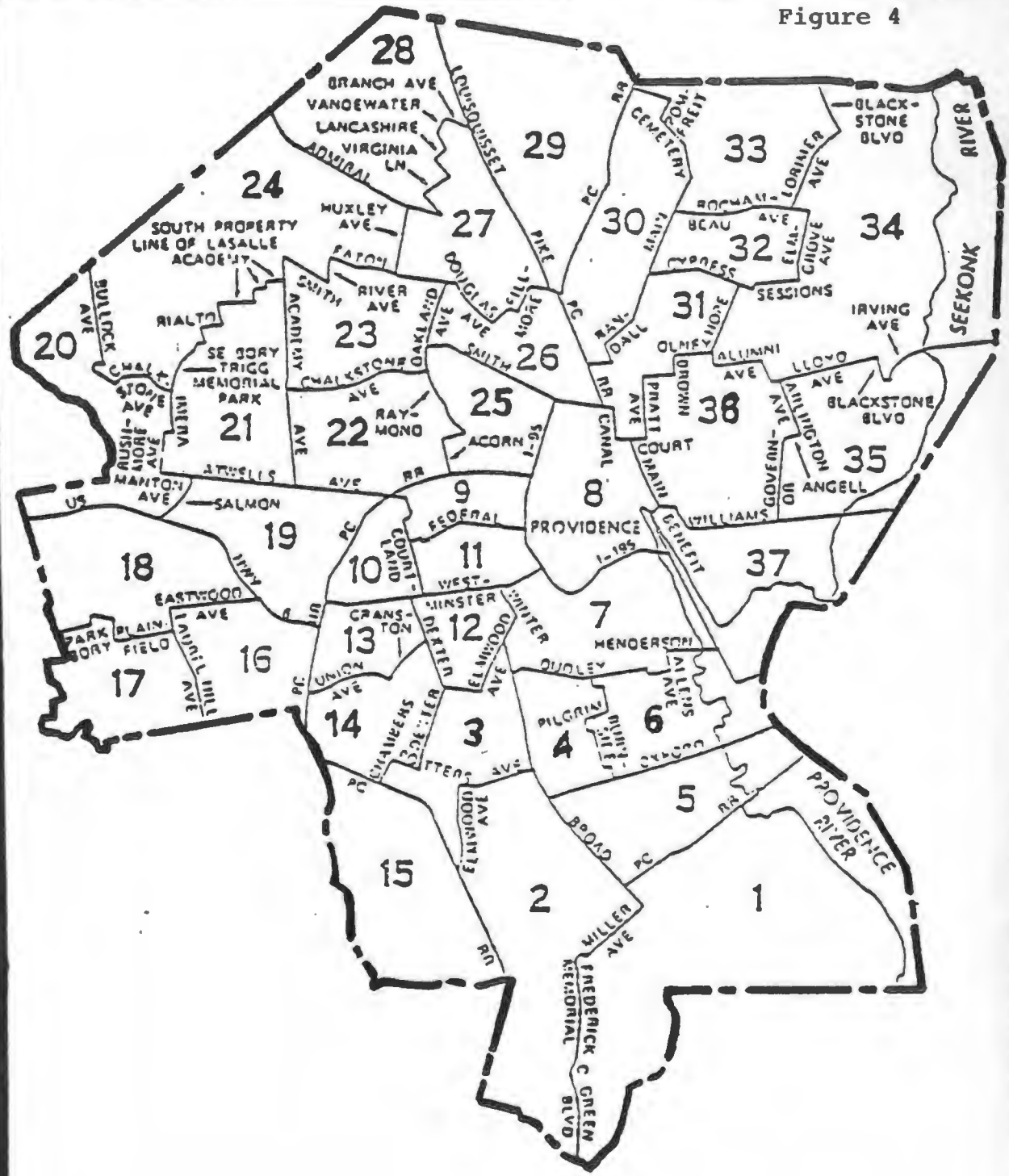
Street businesses it was necessary to analyze available census data. Due to the slow release of the 1990 U.S. census counts, material used for this report was obtained from CACI, a data service which specializes in forecasting census data. Information for this section was derived from forecasts done by CACI for the City of Providence and each of its 37 census tracts.

Figure 4 shows a map of Providence as it is divided into census tracts. Tracts 2, 3, 4, 5, and 6 were determined to be those which were located within the Broad Street area's neighborhoods of Elmwood and South Providence. Information for these tracts was compared to that of the rest of the City both in aggregated and disaggregated forms. Tables 2, 3, and 4 contain the census data for the entire City and each of the five census tracts which were determined to be located around the study area. Table 2 lists census figures according to the 1980 U.S. Census. Table 3 and 4 contain projected figures for 1989 and 1994.

According to CACI data, the five census tracts located within the Broad Street area have some distinct characteristics that are different from the rest of the City. This analysis will examine those differences in the census data and the changes which occurred from 1980 to 1989 within the five census tract as they related to the City of Providence. Also included in the discussion will be the projected figures for 1994.

It should be noted that, for purposes of this study, these five specific census tracts will be divided and discussed as those that most closely match the borders of the three neighborhoods. While these five tracts cover areas which are larger than the existing neighborhoods, residents in these tracts will most likely be the

Figure 4



CITY OF PROVIDENCE

Table 2

1980									
	CITY	2	3	4	5	6	AVG. 2-6	TOTAL	%
POPULATION	156804	8611	5608	3334	2882	1374		21809	0.14
HOUSEHOLDS	60157	2950	2193	1031	942	445		7561	0.13
FAMILIES	36726	1930	1114	710	661	308		4723	0.13
HOUSEHOLD SIZE	2	3	2	3	3	3	2.91		
FAMILY SIZE	3	4	4	4	4	4	3.82		
INCOME (MILS)	914	39	25	11	11	6		90	0.10
PER CAPITA INCOME	5831	4532	4361	3185	3654	3987			
AVERAGE FAM. INC.	18485	14234	14283	10695	12562	14850	13324.80		0.72
MEDIAN FAM. INC.	14951	11476	11909	8385	9213	11402	10477		0.70
AVERAGE HH. INC.	15198	13245	11202	10298	11178	12309	11646.40		0.77
MEDIAN HH. INC.	11452	9896	8563	7115	8143	8750	8493.40		0.74
HOUSEHOLD INCOME									
\$ 0 - 9,999	26866	1488	1273	620	572	242		4195	0.16
\$10,000 - 14,999	10287	472	382	159	145	75		1233	0.12
\$15,000 - 24,999	13104	573	380	173	140	67		1323	0.1
\$25,000 - 34,999	5578	308	105	49	68	47		577	0.1
\$35,000 - 49,999	2522	61	31	25	11	8		136	0.05
\$50,000 - 74,999	1058	41	12	5	0	6		64	0.06
\$75,000 - UP	742	7	10	0	6	0		23	0.03
AGE DISTRIBUTION									
0-4	9887	848	509	346	337	121		2161	0.22
5-11	13424	1139	566	518	438	205		2866	0.21
12-16	10693	821	429	337	374	146		2107	0.20
17-21	20820	799	675	318	292	134		2219	0.11
22-29	23796	1268	909	455	367	166		3165	0.13
30-44	23680	1472	934	579	441	243		3669	0.15
45-54	13890	607	478	320	211	136		1752	0.13
55-64	16557	638	443	220	186	122		1609	0.10
65+	24057	1019	665	241	236	101		2262	0.09
AVERAGE AGE	36	32	33	29	28	30	30.32		
MEDIAN AGE	30	26	27	24	22	26	25.14		
RACE DISTRIBUTION									
WHITE	127320	4363	2805	985	704	371		9228	0.07
BLACK	18546	2325	1652	1403	1559	827		7766	0.42
OTHER	10938	1923	1151	946	619	176		4815	0.44
SOURCE: CACT									

Table 3

1989									
	CITY	2	3	4	5	6	AVG. 2-6	TOTAL	Z
POPULATION	162870	8944	5825	3463	2993	1427		22652	0.14
HOUSEHOLDS	68249	3340	2486	1167	1065	503		8561	0.13
FAMILIES	39213	2079	1183	767	715	333		5077	0.13
HOUSEHOLD SIZE	2	3	2	3	3	3	2.67		
FAMILY SIZE	3	3	3	4	4	4	3.58		
INCOME(MILS)	1688	74	46	21	20	10		171	0.10
PER CAPITA	10361	8265	7888	5913	6614	7186			
AVERAGE FAM. INC.	29929	23880	23635	18064	20892	24880	22270.20		0.74
MEDIAN FAM. INC.	25392	19818	20217	14299	15677	20247	18051.60		0.71
AVERAGE HH, INC.	24725	22133	18484	17545	18587	20388	19427.40		0.79
MEDIAN HH. INC.	19623	16948	14302	12212	13964	14688	14422.80		0.73
HOUSEHOLD INCOME									
\$ 0 - 9999	18740	1100	873	522	384	184		3063	0.16
\$10,000 - 14,999	8950	443	430	139	201	72		1285	0.14
\$15,000 - 24,999	13917	652	551	211	218	98		1730	0.12
\$25,000 - 34,999	10244	433	317	142	111	56		1059	0.10
\$35,000 - 49,999	8940	439	238	101	97	57		932	0.10
\$50,000 - 74,999	4588	208	34	46	44	29		361	0.08
\$75,000 - UP	2869	65	43	6	10	7		131	0.05
AGE DISTRIBUTION									
0-4	10880	933	550	381	423	140		2427	0.22
5-11	14231	1137	696	456	457	166		2912	0.20
12-16	9596	767	431	329	282	127		1936	0.20
17-21	17018	786	516	321	262	138		2023	0.12
22-29	20330	1208	722	472	452	198		3052	0.15
30-44	37430	1930	1334	686	518	284		4752	0.13
45-54	12922	725	490	304	211	122		1852	0.14
55-64	13735	519	410	244	167	114		1454	0.11
65+	26728	939	676	270	221	138		2244	0.08
AVERAGE AGE	37	32	33	30	28	32	30.96		
MEDIAN AGE	34	28	30	26	23	28	26.96		
RACE DISTRIBUTION									
WHITE	130537	4300	2762	950	672	355		9039	0.07
BLACK	20458	2570	1824	1517	1674	888		8473	0.41
OTHER	11875	2074	1239	936	647	184		5140	0.43

SOURCE: CACI

Table 4

1994									
	CITY	2	3	4	5	6	AVG. 2-6	TOTAL	Z
POPULATION	163374	8972	5843	3473	3002	1431		22721	0.14
HOUSEHOLDS	71776	3513	2614	1227	1120	529		9003	0.13
FAMILIES	39874	2123	1196	784	733	341		5177	0.13
HOUSEHOLD SIZE	2.14	2.49	2.12	2.76	2.68	2.68	2.546		
FAMILY SIZE	2.93	3.36	3.29	3.62	3.52	3.52	3.462		
INCOME (MILS)	1851.3	81.3	50.6	22.5	21.9	11.2		188	0.10
PER CAPITA INCOME	11332	9064	8667	6476	7298	7844	7869.8		0.69
AVERAGE FAM. INC.	31178	25041	24783	18954	21985	26158	23384.2		0.75
MEDIAN FAM. INC.	26609	20552	21143	14674	16512	21084	18793		0.71
AVERAGE HH. INC.	25793	23148	19374	18329	19563	21219	20326.6		0.79
MEDIAN HH. INC.	20402	17638	14783	12832	14171	14910	14866.8		0.73
HOUSEHOLD INCOME									
\$ 0- 9999	18566	1097	866	524	379	183		3049	0.16
\$ 10,000 - 24,999	9676	483	461	158	217	83		1402	0.14
\$15,000 - 24,999	14155	669	570	213	231	98		1781	0.13
\$25,000 - 34,999	10681	451	344	159	113	62		1129	0.11
\$35,000 - 49,999	9793	475	267	107	111	58		1018	0.10
\$50,000 - 74,999	5405	248	57	55	54	35		449	0.08
\$75,000 - UP	3500	90	49	11	15	10		175	0.05
AGE DISTRIBUTION									
0-4	9347	869	456	363	386	135		2209	0.24
5-11	14767	1186	723	474	505	176		3064	0.21
12-16	9815	755	472	304	295	115		1941	0.20
17-21	16416	747	545	298	229	118		1937	0.12
22-29	17813	1177	617	468	409	192		2863	0.16
30-44	39971	1956	1381	713	580	300		4930	0.12
45-54	16020	870	561	312	227	144		2114	0.13
55-64	11958	545	407	275	149	98		1474	0.12
65+	27267	867	681	266	222	153		2189	0.08
AVERAGE AGE	38	31.8	33.9	30.7	27.9	32.8	31.42		
MEDIAN AGE	35.1	28.3	31.2	27.1	23.7	29.1	27.88		
RACE DISTRIBUTION									
WHITE	129183	4083	2624	884	618	327		8536	0.07
BLACK	21767	2736	1937	1579	1732	919		8903	0.41
OTHER	12424	2153	1282	1010	652	185		5282	0.43

SOURCE: CACT

beneficiaries of a commercial revitalization project.

Another area of concern in the census data presented here is that it does not clearly define the term Other as it pertains to Race. The persons who are counted as Other are comprised of all those individuals not classified as White or Black. This means that the large numbers of Asians and Hispanics who live there are not counted.

The Five Census Tracts Compared to Providence

Perhaps the most significant difference between the study area and the City is the concentration in these census tracts of a large portion of the non-white population of City. According to CACI data for 1980, 7% of the total white population resided within these tracts while 42% of the City's Blacks and 44% of those groups classified as Other lived there. Also of note is the fact that the figures for the percentage of the white population remain constant into 1994 while those for Blacks and Other decreased slightly to 41% and 43% respectively.

By looking at the total population figures for this specific area, the data shows a forecasted change in its minority population. In 1980 the area was comprised of 81% whites, 11.8% Blacks, and 6.9% Other. Figures for 1989 and 1994 show the white population decreasing to 80% of the total while the Black population is projected to increase to 13% of the area's population and those groups classified as Other to increase to 7.6%.

Comparing the total population of the area to the City, it contained 12% of

the City's population in 1980 and increased to 14% in 1989. Projected figures for 1994 show that this percentage of the population will remain constant. While these figures stay at the same level others for this area do change.

For instance, of the total area population the household size for 1980 was 2.91 which was higher than the City's figure of 2. This total shown to decrease to 2.67 by 1989 and 2.54 by 1994. The household size for the City however, is shown to be increasing slowly to 2.14 during the same time period.

Family size for the area is also recorded as being higher (3.82) than the City (3) and predicted to decrease to 3.46 by 1994 while the family size for the City remains fairly constant (2.93).

The population of this area is also younger on average than the rest of the City. In 1980 the average age within the five census tracts evaluated was 30 compared to an average age of 36 for the City. Both these figures are projected to increase by 1994 with the average age of the area being 31 compared to the City's average of 38.

Income levels for these tracts is shown to be consistently lower than the rest of the City. The average family income in 1980 was 72% (\$13,324.8) of Providence's average income of \$18,845. Average household income for 1980 was 77% (\$11,646.4) of the City's average which was \$15,198.

Also related to income are figures showing that in 1980 16% of households which earned less than \$10,000 per year lived in the Broad Street area while only 3% of households earning more than \$75,000 resided there. By 1994, 16% of households earning \$10,000 will still reside in the area while the number of households earning

more than \$75,000 will increase to 5% of the City's total households earning the same amount.

Neighborhood Analysis

As mentioned in the introduction of this report, there are three neighborhoods which border the Broad Street Commercial District. Figure 5 shows a neighborhood map of the City of Providence with the study area highlighted. Elmwood is located within census tracts 2 and 3, while Upper South Providence contains census tracts 4 and 6 and Lower South Providence covers census tract 5. The data for these areas was evaluated and the following is a description of the key issues highlighted.

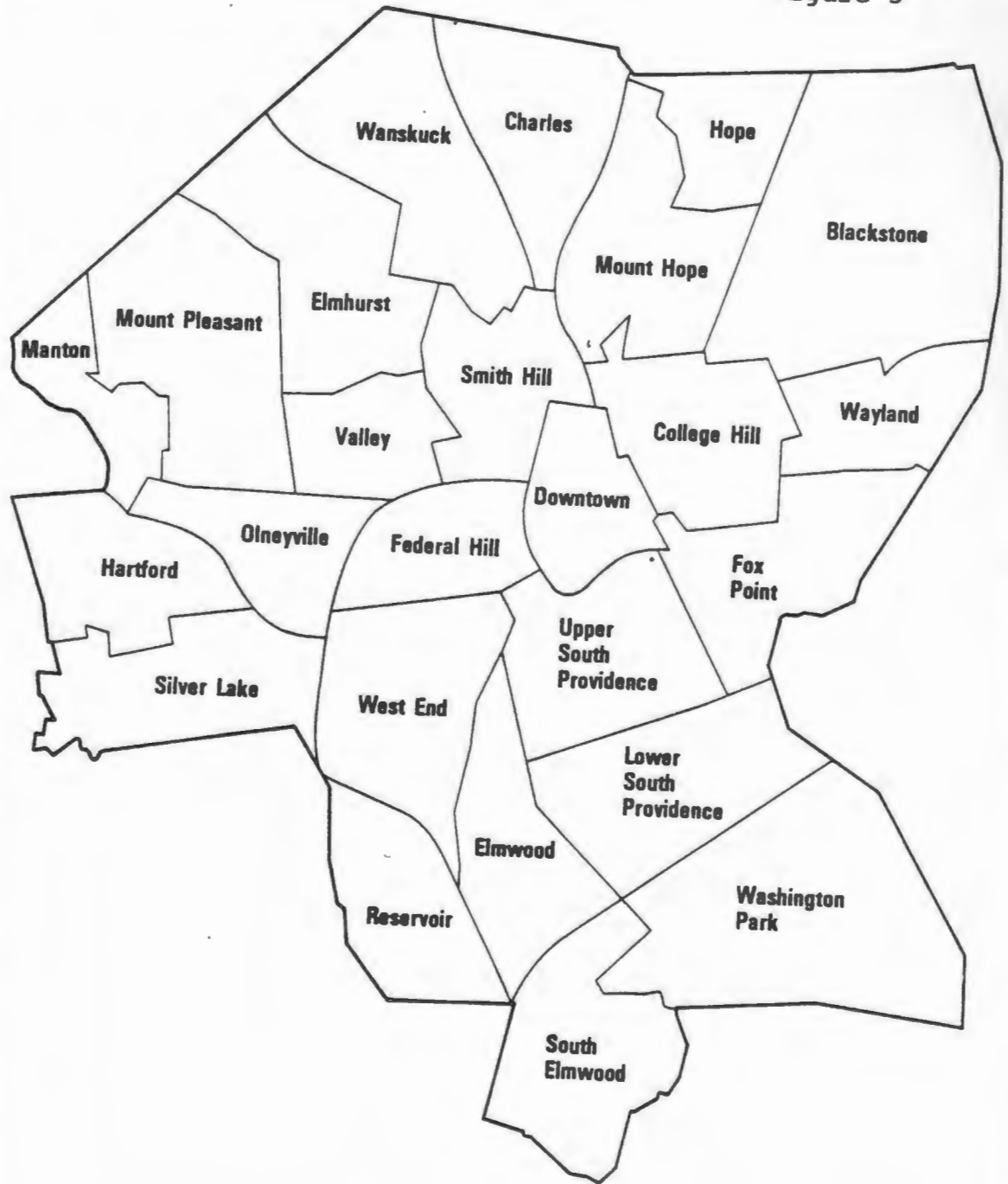
Elmwood

The Elmwood section of Providence is located to the west of Broad Street and contained within census tracts 2 and 3. It should be noted that the neighborhoods of the West End and Reservoir are also included in these tracts and were not able to be deleted from the data given.

Figures for 1980 show that the total population for these tracts was 14769 and composed of 49% (7168) Whites, 27% (3977) Blacks, and 24% (3434) Other. The racial distribution for this area is projected to continue changing into 1994 with the area being composed of 45% (6707) Whites, 31% (4673) Blacks, and 23% (3435) Other.

The 1980 data for these census tracts showed average family income to be

Figure 5



CITY OF PROVIDENCE

\$14,258, which was higher than the average family income for the entire area (\$13,324). Average household income was \$13,245 compared to the rest of the census tracts (\$11,646). These figures are projected to continue to increase by 1994 with the average family income for these two census tracts becoming \$24,912 while the rest of the area's average will be \$23,384.

Also related to income, the 1980 census figures show that 66% (2,761) of those households who earned less than \$10,000 in the area lived within census tracts 2 and 3. This percentage is predicted to decrease to 64% (1,963) by 1994.

The most dramatic increase in total numbers however is the increase in the total number of households earning \$75,000 or more. 1980 figures show 17 households earning this amount. By 1989 this figure was projected to have increased to 108 households and by 1994 to 139 households. This drastic increase could be the reflection of a concerted effort on the part of area residents to revitalize their neighborhoods.

Upper South Providence

Census tracts 4 and 6 contain a major portion of the neighborhood of Upper South Providence. Figures given for racial distribution show that in 1980 this area was comprised of 29% (1,356) Whites, 47% (2,230) Blacks, and 23% (1,122) Other. By 1994 the percentage of Whites living there is projected to decrease to 25% (1,211) Whites while the percentage of Blacks increases to 50% (2,498) and Other increases to 24% (1,195). The average family income for this neighborhood in 1980 was

\$12,772.5 compared to \$13,324.8 for the entire area. In 1980 the average household income was also lower (\$11,303.5) than that of the average household income for the area which was \$11646.4. By 1994 both the average family income (\$22,556) and the average household income (\$13871) are projected to have increase but will still not be as high as the average family income (\$23,3842) and the average household income (\$14,866.8).

Of those households earning less than \$10,000, 20% lived in Upper South Providence while there were no households who earned \$75,000 or more. By 1994, 23% of the households (707) earning less than \$10,000 are projected to live in the area, and the number of households earning \$75,000 or more is forecasted to increase to 12% (21) of the households in the Broad Street Commercial District.

Lower South Providence

Almost the entire neighborhood of Lower South Providence is located within census tract 5. It also has the distinction of consistently having the lowest income figures for the study area. This same neighborhood is also the location of most of the social service agencies which serve the area, such as homeless shelters, soup kitchen and other non-profit organizations.

In 1980 the income figures for this tract show that the average family income was \$12,662 compared to the area's average of \$13,324. By 1989 the average family income was estimated to be 70% (\$20,892) of that for the entire City. By 1994 the average family income is expected to increase to \$21985 while the area's average

family income will remain at \$23,354.

In 1980 the racial mix of this neighborhood was reported to be 24% (704) White, 54% (1559) Black, and 21% Other. By 1989, of the 2,993 residents within this census tract, CACI estimated the racial distribution of the area to be 22% (672) White, 55% (1674) Black, and 21% (647) Other. Compared to the other neighborhoods, Lower South Providence population contained 7% of the whites, 20% of the Blacks, and 13% of those identified as Other in 1989. According to figures projected for 1994, the total percentage of Whites in the area will decrease to 20% (618) while the percentage of Blacks will increase to 57% (1732) and the percentage of Other will remain constant at 21% (652).

Summary of Findings

When developing revitalization guidelines for a commercial district, it is important that the needs of the residents in the surrounding area be taken into consideration. Unless the requirements of this population is met, it is unlikely that success will occur.

Such information as income and ethnic composition are important in order to develop a plan which will cater to the needs of those individuals and families who are most likely to shop there. Knowledge of this information is also critical in the selection of a revitalization committee. According to Rohe and Gates (1985:75) awareness, or the lack of awareness, of different neighborhood groups and their needs can determine the acceptance of any planning efforts.

Given the current status of businesses in the area and the income levels and purchasing capacity of residents which live around Broad Street, a program which involves a moderate to high level of involvement on the part of the businesses and citizens would appear most appropriate. By encouraging these two groups to get involved in the revitalization process a heightened sense of neighborhood pride should result.

The next chapter will focus on the physical aspects of the Broad Street Commercial District. Included will be a description of land use and existing conditions. Along with this chapter it will provide a basis for the development of commercial revitalization guidelines which will address the specific needs of the entire Broad Street area.

CHAPTER THREE

**INVENTORY OF EXISTING
CONDITIONS**

Introduction

For the purpose of this study, it was decided that the Broad Street area should be divided into four sections. The chapter is divided into two parts. First, it will discuss why the study area is divided into sections. Next, a description of each section will be given including each building's location, facade condition and availability of parking. Also included in each section will be its zoning and circulation patterns. After each of the sections has been described, general conclusions pertaining to the entire commercial district will be presented along with implications for planning.

Approach

Initially, the suggestion for developing a sectional approach to revitalizing Broad Street was presented to ENHS by Neighborhood Reinvestment Corporation (NRC). The national NHS network is part of NRC and assists local NHS organizations which are trying to encourage commercial and economic development within their neighborhoods. NRC suggested that Broad Street be divided into at least four sections because of its length (1.5 miles). Each of the sections contains an easily identifiable type of activity and appearance to be described in this section.

The main reasons for using this approach are:

- To enable the revitalization to take place in several sections at the same time. This should result in an acceleration of the process rather than the strategy of working from one end of the area to the other.
- To encourage priority setting. This should make the project more

manageable. By establishing priorities for each section, strategies for those businesses which are in need of more assistance than others can be addressed.

- To establish tasks for each section and throughout the entire length of the study area. By dividing the work for each section into a series of tasks, both business owners and concerned citizens can be encouraged to participate in the revitalization process.

- To make achievement of the overall goal of commercial revitalization more attainable. By having revitalization activity going on in each of the sections, this process should take less time than if it were approached in the traditional manner.

The Inventory Process

In order to identify issues and concerns for the development of revitalization guidelines for the Broad Street Commercial District, it was necessary to take an inventory of existing conditions. By doing so, the strengths and weaknesses of the area can be identified, thereby increasing the likelihood of a revitalization plan which will reflect the true needs of the businesses along Broad Street.

The inventory for this document was performed in two steps. The first step was to walk the entire study area and record the location of each business, residential unit and vacant lot. The second step was to examine a series of photographs of the study area taken during the walk.

An inventory of each of the four sections was then developed and is included

in the remainder of this chapter. Each section will include a discussion of land use, parking, circulation, the number of residential units and general facade conditions of all structures within the section. Each of the four sections has a table which lists all of the structures located in it, its facade condition and available parking.

Criteria for determining facade condition are contained in Appendix A. Basically, they are represented in the following manner:

- A - Excellent
- B - Satisfactory
- C - In need of minor repairs
- D - In need of major repairs

Available parking is signified by A) On street parking only,
B) Accessible off street parking.

Zoning

Figure 7 contains a section of the 1990 Providence Zoning map. This map shows that the entire length of Broad Street is zoned C-1 and C-2, which are defined by the City of Providence as follows:

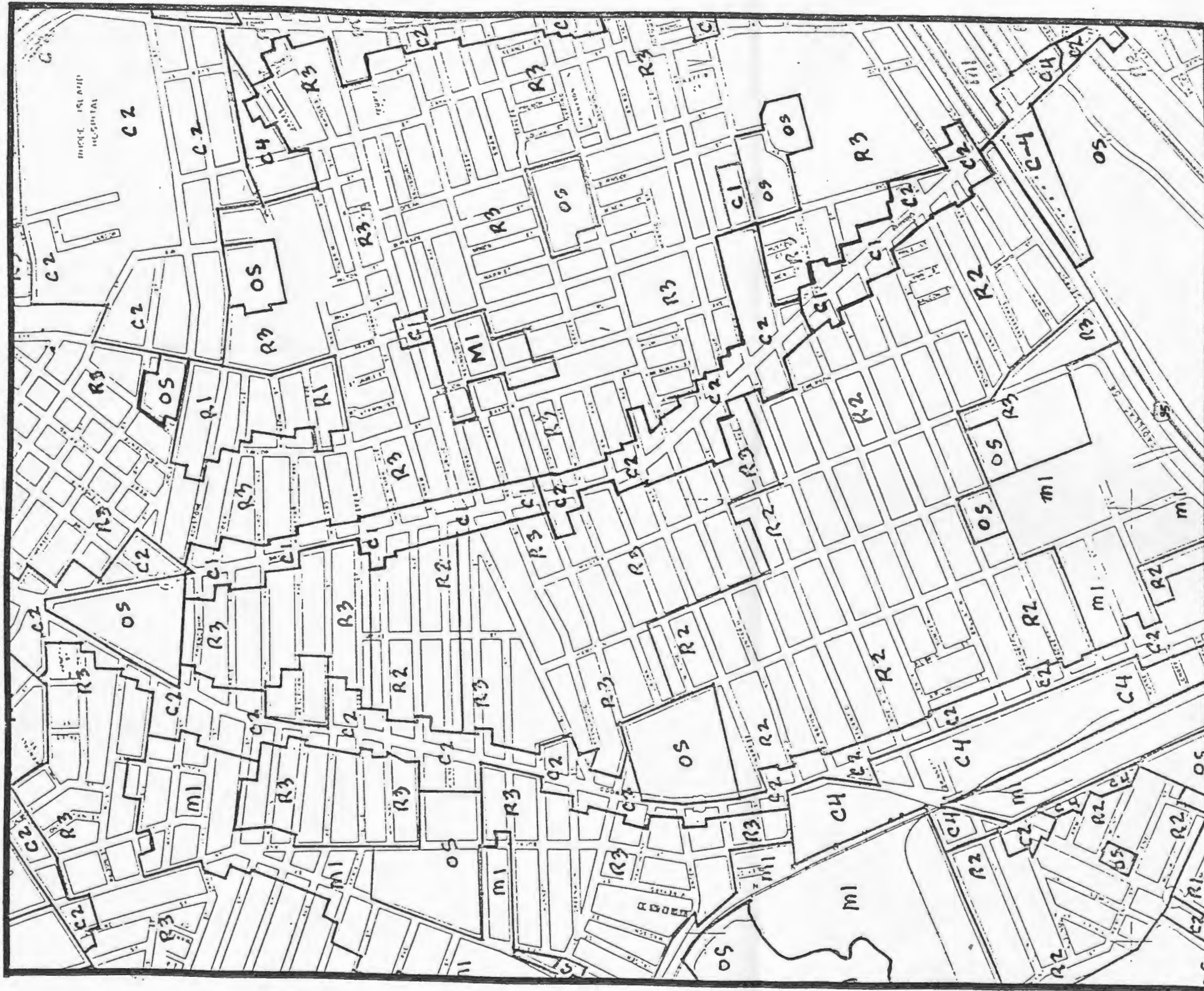
C-1 Limited Commercial Zone

A C-1 limited commercial zone is one which includes small neighborhood retail establishments, normally patronized by residents of the immediately adjacent residential districts.

C-2 General Commercial Zone

A C-2 zone contains those enterprises serving a considerable segment of the city's population in the distribution of goods and services, but usually not attracting customers from the whole City.

Figure 6



LEGEND



STUDY AREA

C1 LIMITED COMMER
COMMERCIAL
DISTRICT

C2 GENERAL
COMMERCIAL
DISTRICT

CITY OF PROVIDENCE

Section One

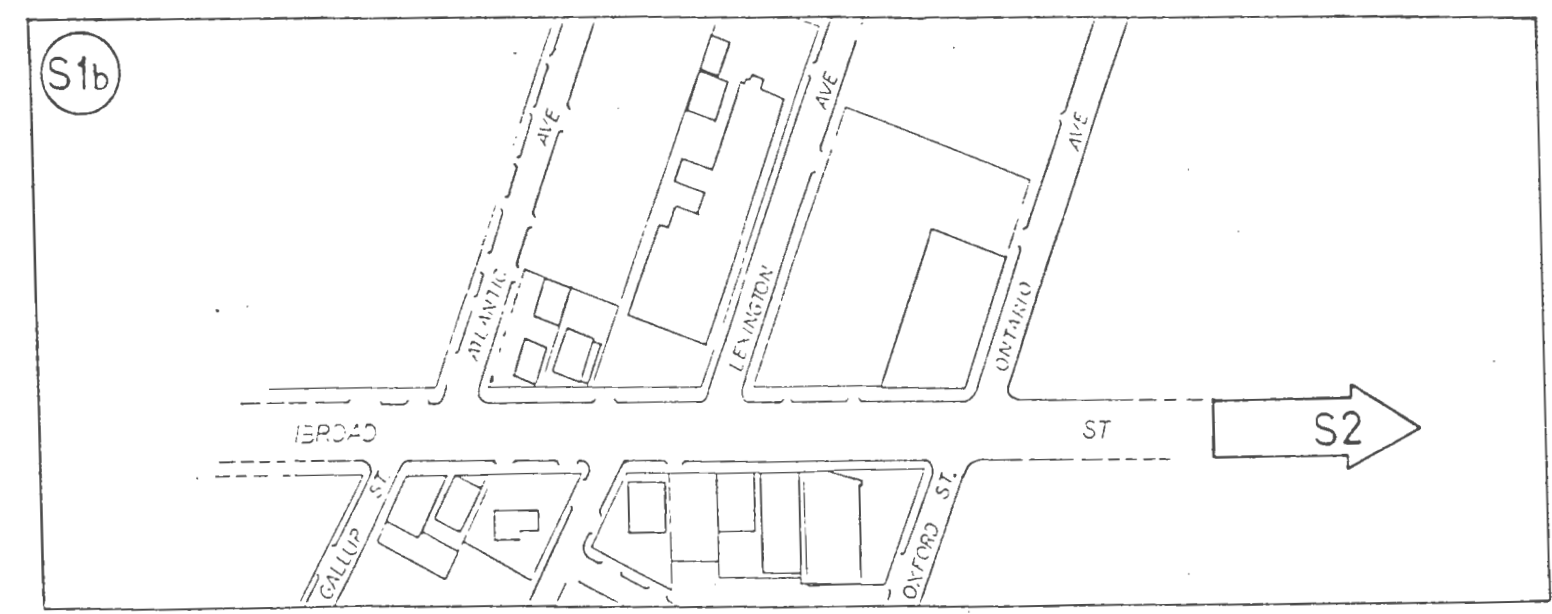
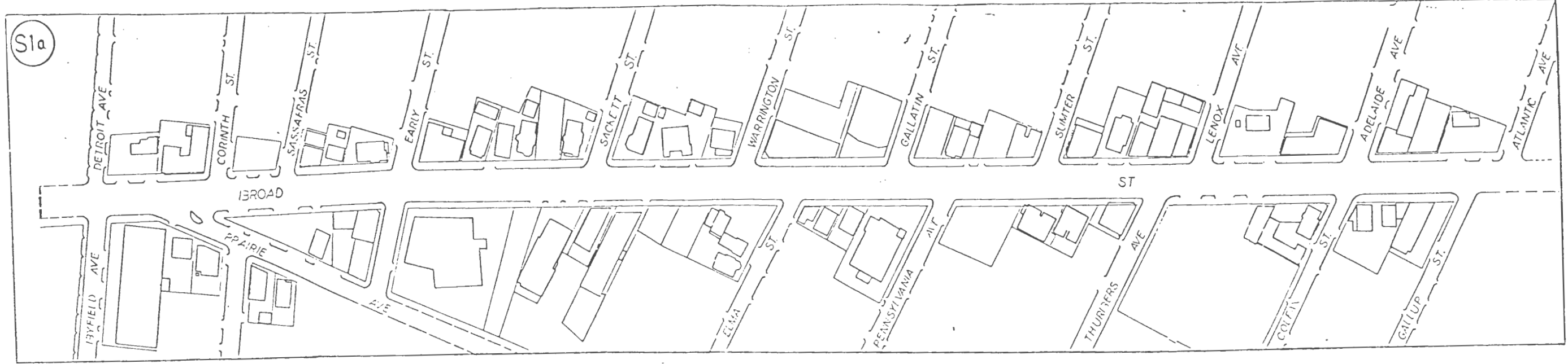
Land Use

Section One (Figure 1) starts at the intersection of Detroit Avenue and Byfield Street and continues north to Oxford Street and Ontario Street. The length of this section is approximately 3007 linear feet making it the longest of the four sections in the study area. This section provides the entry to Broad Street Commercial District from the south. Essentially, Interstate-95 separates the study area from Washington Park. Facing the west side of the study area is Roger Williams Park, a major focal point as well as a landmark for the City of Providence.

On the west side of Section One is recently opened Providence Auto Company Annex (1149 Broad Street). The office is a newly renovated building. Next to Providence Auto Company Annex is the newly opened Far-East Plaza (1137 Broad Street). The commercial uses at the pedestrian level are Pho Pasteur Restaurant and Saigon Super Market. Its facade is red brick, and in satisfactory condition.

Located on the east entrance of Section One is Parts Plus Auto Store (1146 Broad Street). The exterior of the building has white colored brick, with no significant architectural design.

Next, on either side of the street are car services and repair shops. Caribbean Service Station (1123 Broad Street) is on the west side, and Dynamic Garage Repair Shop (1112 Broad Street) on the east, in a triangular shaped lot. This lot also contains a memorial plaque stone block which might be considered as a possible site for the placing of a logo or banner signifying entry to Broad Street Commercial



-LEGEND-



- STREET BOUNDARY
- PROPERTY LINE
- BUILDING

- Ⓢ1a Ⓢ1b SECTION 1 OF STUDY AREA
- CONTINUE TO S1c
- Ⓢ1b CONTINUE OF SECTION Ⓢ1a
- > S2 CONTINUE TO SECTION 2

District.

An entire listing of the buildings is contained in Table 5.

Table 5

	<u>Land Use</u>	<u>Street Number</u>	<u>Facade Cond.</u>	<u>Parking</u>
<u>East</u>				
	1-CrediAmerica Travel	1106 Broad St.	B	A
	2-JFK Furniture Store	1102 Broad St.	B	A
	3-Perez Fashion	1100 Broad St.	B	A
	4-New England Telephone	1094 Broad St.	B	B
	5-El Inca Restaurant	1070 Broad St.	B	B
	6-El Inca Night Club	1070 Broad St.	B	B
	7-Norman's Cleaners	1060 Broad St.	C	A
	8-Mills Coffee Roast Co.	1058 Broad St.	B	B
	9-Funeraria La Fe	1040 Broad St.	B	B
	10-Hernandez Liq. Store	1032 Broad St.	B	A
	11- *R2	1028-1030 B. St.	B	B
	12- *R2	1020-1022 B, St.	B	B
	13-Grace Church	1014 Broad St.	B	A
	14-Brother's Pizza	950 Broad St.	C	B
	15- *R4	966-988 B. St.	C	B
	16-R.I. Meals on Wheels	924 Broad St.	B	B
	17-Bessie's Deli	912 Broad St.	B	A
	18-San-Francisco Brakes	910 Broad St.	C	A
	19-Electronic Romana	908 Broad St.	B	A
	20-Ana & Braulio	906 Broad St.	B	A
	21-Val-Lynn Decorators	900 Broad St.	B	B
	22-L.K. Goodwin Hand. Eq.	890 Broad St.	B	B
	23-HUD	882 Broad St.	B	A
	24-Oriental S. & Laundry	880 Broad St.	C	A
	25-NDS Pharmacy	866 Broad St.	B	B
<u>West</u>				
	1-Las Antillas Market	1115 Broad St.	B	A
	2- *R2	1111-1112 B. St.	A	A
	3-Jimenez Real Estate	1099 Broad St.	B	A
	4-Guttin's Bakery	1089 Broad St.	C	A
	5- *R2	1085-1087 B. St.	C	B
	6- *R3	1079-1081 B. St.	B	B
	7-Peria Market	1061 Broad St.	C	A
	8- *R3	1043-1047 B. St.	C	B
	9-Alberto's Hairstylist	1053 Broad St.	B	A

10- *R2	1041-1043 B. St.	B	B
11-La Famosa Market	1035 Broad St.	B	A
12-Pito's Restaurant	1137 Broad St.	B	A
13-Justina Fashion	1027 Broad St.	B	A
14-Discomando Rec. Shop	1025 Broad St.	B	A
15-Teresa's Discount	1023 Broad St.	B	A
16-Jason's Furniture	1015 Broad St.	C	A
17-Atlantic Auto Supply	1005 Broad St.	C	B
18- *R3	1003-1001 B. St.	C	B
19-Carniceria Market	991 Broad St.	C	A
20-Amy's Sandwiches	989 Broad St.	C	A
21-New England Market	987 Broad St.	C	A
22-Apostolic Faith	977 Broad St.	D	A
23-La Fragancia Club	975 Broad St.	B	A
24-Lenox Market	973 Broad St.	C	A
25-Al Krasner's Garage	953 Broad St.	C	B
26-Elsie's Gold	951 Broad St.	B	A
27-Nunez Liquors	941 Broad St.	B	A
28-Lan Gran Parada	937 Broad St.	C	A
29-Glency's Market	935 Broad St.	D	A
30-Quisqueya Market	933 Broad St.	B	A
31-J & B Laundromat	1060 Broad St.	B	B
32-Stanley Auto Service	910 Broad St.	D	A
33-Talbot House Inc.	903 Broad St.	C	B
34- *R2	897-899 B. St.	B	B
35-Tommy's Cozy Grill	897 Broad St.	C	A
36-The Ganley Relig. Co.	891 Broad St.	C	B
37-Mendez Market	863 Broad St.	B	B

Facade Condition

Compared to the other commercial districts in Providence, Section One has the lowest number of building in the category of "excellent". Of the sixty-two (62) structures in Section One, a total of thirty-nine were categorized as "satisfactory". A total of twenty (20), were categorized as "minor repairs required". A large number of buildings have large area of deep wear, loose, broken and missing bricks, and

peeling paint. At the present time, many of the buildings which require minor repairs are vacant.

Most importantly, the section has total of three structures that are listed D - "major repairs required". These buildings have large holes, extensive area of loose structure surface, and wide breaks. These buildings should be considered for immediate facade improvement.

Residential

Like other commercial districts in the City of Providence, the survey revealed that the predominant use in Broad Street is commercial. Most of the commercial businesses in this section have a Hispanic base. However, the survey indicates that there are also eleven residential units(e.g. *R2) in Section One. Most of these residential units are in poor shape, and require major rehabilitation efforts. If careful planning is not taken into consideration, residential units could be replaced by commercial uses in the future.

Circulation and Parking

Within the section there are series of sub-collector roads(Thurbers Avenue and Sackett Street) which act as a short cut to Elmwood Avenue and Eddy Street. Thurbers Avenue is a major short cut route to Interstate 95.

From observing traffic patterns in the area, both NHD Pharmacy and Mendez Department Store appear to be the two businesses which attract a high number of

shoppers to their area. Cars are constantly pulling in and out of their parking area. As such, the two parking lots have cracks, and are inadequate for the amount of shoppers they attract.

Considering the existence of sixty-two structures in the section, there are only 37 structures with on street and off-street parking. The number of cars attracted to it exceeds the number of parking spaces. This often results in parallel parking on the street.

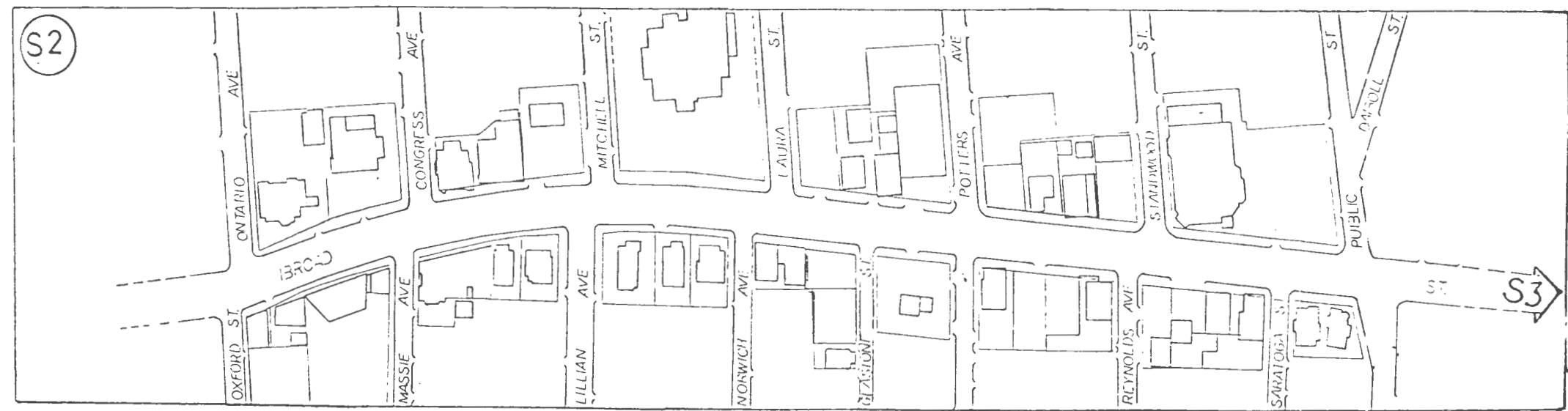
Section Two

Land Use

Section Two encompasses the area from Oxford and Ontario Streets to Public Street (see Figure 8). The length of Section Two is approximately 1550 linear feet. On the west side of the it is a private rest home (859 Broad Street). The structure has unique architectural features of the Colonial Revival Style, and was built in 1897.




Next to the private rest home is the Providence Fire Station (857 Broad Street). On the east side of the street is Carolina Market (864 Broad Street). The second and third floors of Carolina Market are vacant residential units. Recently, the front of Carolina Market had just been renovated, however, nothing was done to the upper floors.



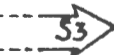
Similar to Section One, the inventory survey indicated the following findings concerning land use and building conditions. The listing in Table 6 contains the findings of that survey.



-LEGEND-



-  STREET BOUNDARY
-  PROPERTY LINE
-  BUILDING

-  SECTION 2 OF STUDY AREA
-  CONTINUE FROM SECTION 1c
-  CONTINUE TO SECTION 3

CITY OF PROVIDENCE

Table 6

<u>Land Use</u>	<u>Street Number</u>	<u>Facade Cond.</u>	<u>Parking</u>
<u>East</u>			
1-Carolina Market	864 Broad St.	B	A
2-J,Pirre Shoes(vacant)	860 Broad St.	B	A
3-Solymar Tours(vacant)	858 Broad St.	C	A
4-La Palma Restaurant	856 Broad St.	D	A
5-Juanda Tailor Shop	850 Broad St.	D	A
6-Un-name commercial	848 Broad St.	D	A
7-Del Septimo Dia Temple	848 Broad St.	D	A
8- *R2	828-830 B. St.	B	B
9- *R2	824-826 B. St.	C	B
10- *R2	808-810 B. St.	D	B
11- *R2	804-806 B. St.	D	B
12-Kandy's	798 Broad St.	B	A
13-Papo's Grocery & Deli	796 Broad St.	B	A
14-Jaquez Party Store	794 Broad St.	B	A
15-Donnelly's	790 Broad St.	B	B
16-Getty's Gas Station	788 Broad St.	D	B
17-Juhlin-Pearson Funer.	754 Broad St.	B	B
18-Tony's Tropical Food	740 Broad St.	C	B
19-Liriano Tailor	746 Broad St.	C	A
20-El Chamo Restaurant	736 Broad St.	C	A
21- *R2	728-730 B. St.	B	B
22- *R2	724-726 B. St.	B	B
<u>West</u>			
1-La Gran Via	833 Broad St.	C	A
2-New Heart-Land Baptist Church(vacant)	831 Broad St.	D	A
3-Un-named commercial	829 Broad St.	D	A
4-Un-named Auto Service	825 Broad St.	C	B
5-Steere House	807 Broad St.	B	B
6-Providence Auto Engin.	773 Broad St.	B	B
7-Tony's Meat Market	769 Broad St.	B	B
8-Armen's Hardware Co.	763 Broad St.	B	B
9-Sandra's Beauty Supply	761 Broad St.	B	A
10-Providence Market	757 Broad St.	B	B
11-Calvary Baptist Church	755 Broad St.	B	B

As listed, the uses at the end of Section Two are Calvary Baptist Church on the

east side and a two family unit (726 Broad Street) on the west side. Calvary Baptist Church provides an important buffer for the intersection. Essentially, it occupies the entire frontage lot. Importantly, it brings peace to the community. The two family house on the opposite right side also act as a buffer for the area. The house needs minor painting and some landscaping.

Section Two could be described as an area which contains a wider mix of uses and less Hispanic influence. The main characteristic of Section Two is that it has a more scattered and inconsistent pattern of development.

Facade Condition

Within Section Two, there are a total of 33 buildings. Out of these structures, there are a total of 16 categorized as "satisfactory". There has been repair work done on the street level floors but not on the second stories. There are a total of eight structures in need of minor repairs. This section has a higher number of buildings listed under "major repairs required" compared to Section One. The area has a total of nine buildings that need major repairs.

Residential

Within Section Two, there are seven residential housing units. Similarly, these residential units vary in their facade conditions. Out of the seven residential units, three are categorized as "satisfactory", one is in the category of "minor repairs required", and two require major repairs.

Circulation and Parking

Approaching Section Two from the south end is a signal light, which slows

down traffic entering the area. The busiest intersection within Section Two lies within the intersection of Potters Avenue and Broad Street. There are a total of sixteen buildings that have both on and off street parking. Due to the low concentration of businesses within this section, parking does not seem to be a problem.

Section Three

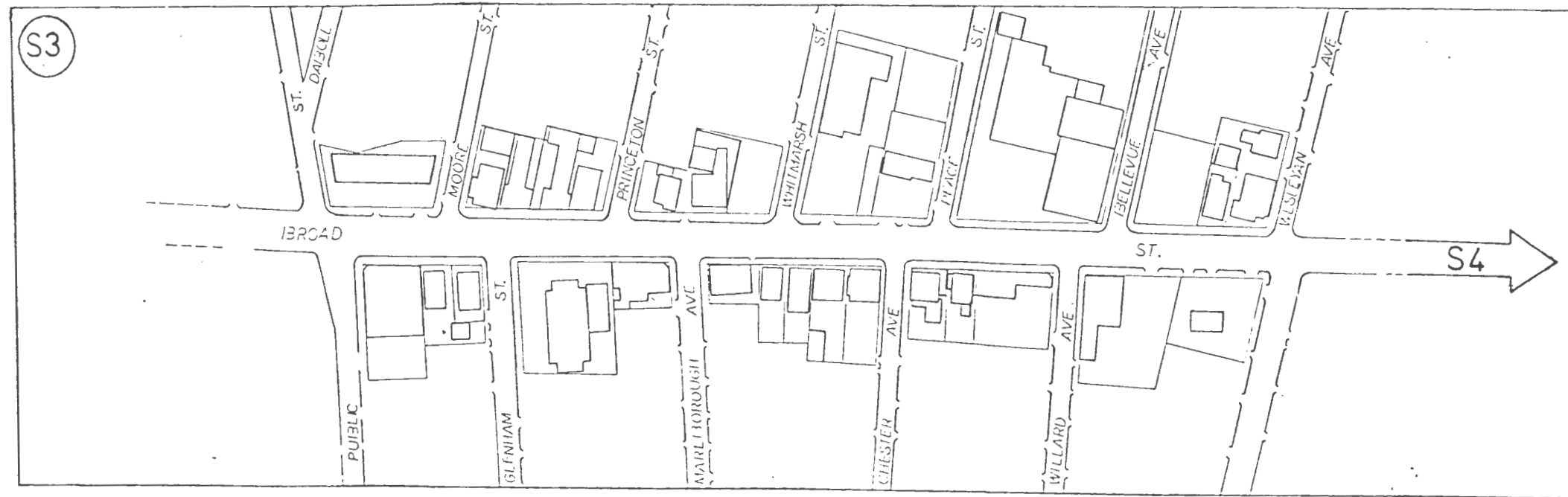
Land Use

Section Three begins at Public Street and continues to Wesleyan Avenue (Figure 9). Its length is approximately 1230 linear feet. The activities within this area have almost no Hispanic influence compared to Sections One and Two.

On the west side entering Section Three is a newly built commercial building which opened in 1990. This building contains Rite Aid Pharmacy (713 Broad Street), Tip Top Laundromat (711 Broad Street), Gold Pot Chinese Food (709 Broad Street), and Jean Carlo's Deli (707 Broad Street).

These new commercial activities have brought many positive impacts to the neighborhood. However, their negative impacts were much greater. They changed the characteristic of Broad Street by making it similar to other typical commercial strips. The odd square shape and facade of the building does not fit the surrounding historical structures.

On the west side of Section Three is Brite-Nu Cleaners. The facade of the building is painted red. The signs are old and dilapidated. The building needs minor repairs. From the survey, the following uses were identified:



- LEGEND -



- STREET BOUNDARY
- PROPERTY LINE
- BUILDING

- ⊙ S3 SECTION 3 OF STUDY AREA
- CONTINUE FROM SECTION 2
- S4 ---> CONTINUE TO SECTION 3

CITY OF PROVIDENCE

Table 7

<u>Land Use</u>	<u>Street Number</u>	<u>Facade Cond.</u>	<u>Parking</u>
1-Broad Street Video	712 Broad St.	C	A
2- *R3	708-710 B. St.	B	B
3- *R2	704-706 B. St.	B	B
4-Congregation Shaare Zedek Sons of Abraham Church	700 Broad St.	B	B
5-Sanchez Market	676 Broad St.	B	A
6-Carpenter Realty Co. Inc.	674 Broad St.	B	A
7- *R2	670-672 B. St.	D	B
8-Emerson A. Torgan Dentist	-	D	A
9-Ashley Motor Car Co. Inc.	626 Broad St.	C	A
10-Joe's Tires	624 Broad St.	C	A
11-Dane Auto Sales	-	D	B
12-Raymond's Auto	600 Broad St.	C	A
<u>West</u>			
1- *R4(Apartment)	601-603 B. St.	B	B
2-La Monanita Market	691 Broad St.	C	A
3- *R3	685-687 B. St.	C	B
4- *R3	677-679 B. St.	C	B
5-James J. Gallogly Funeral Home	655 Broad St.	B	B
6-Hindle Memorial Building- Medical	645 Broad St.	B	B
7-Bennys Gas Station	647 Broad Street	B	B
8-St. Joseph Hospital	-	B	B
9- *R	603-605 B. St.	B	B
10-Ann's Rest Home	599 Broad St.	B	A

Facade Conditions

At the end of Section Three lies Ann's Rest Home on the west side and Raymond's Auto on the east. Ann's Rest Home is in satisfactory condition. The building needs minor exterior paint. However, Raymond's Auto is in poor condition. The facade is dilapidated and in need of major clean-up. Its fences are bent and

rusted; asphalt cracked, and the roof is falling apart. There are also numerous dilapidated and vacant buildings within Section Three.

The survey revealed numerous important findings. There are a total of twenty-two buildings in the section. Of the twenty-two, there are a total of twelve buildings categorized as satisfactory; seven buildings as "in need of minor repairs"; and three structures as "major repairs required". Importantly, the west side of this section is much cleaner than the east side due to the fact that the buildings in need of major repairs are located on the west side.

The section has many historical homes. If renovated, these could attract new uses to the area. In addition, included in the section is Saint Joseph Hospital. It is a strong entity for the neighborhood and has been serving the surrounding neighborhoods since 1965.

Residential

There are seven residential units within the section. A majority of them are in poor condition. Efforts should be made to preserve these residential units.

Circulation and Parking

Traffic within the area is not as congested as in Section One. Within the section there is a signal light at the intersection of Peace Street and Broad Street. Of the twenty-two buildings, there are only thirteen which have accessible on and off street parking.

Section Four

Land Use

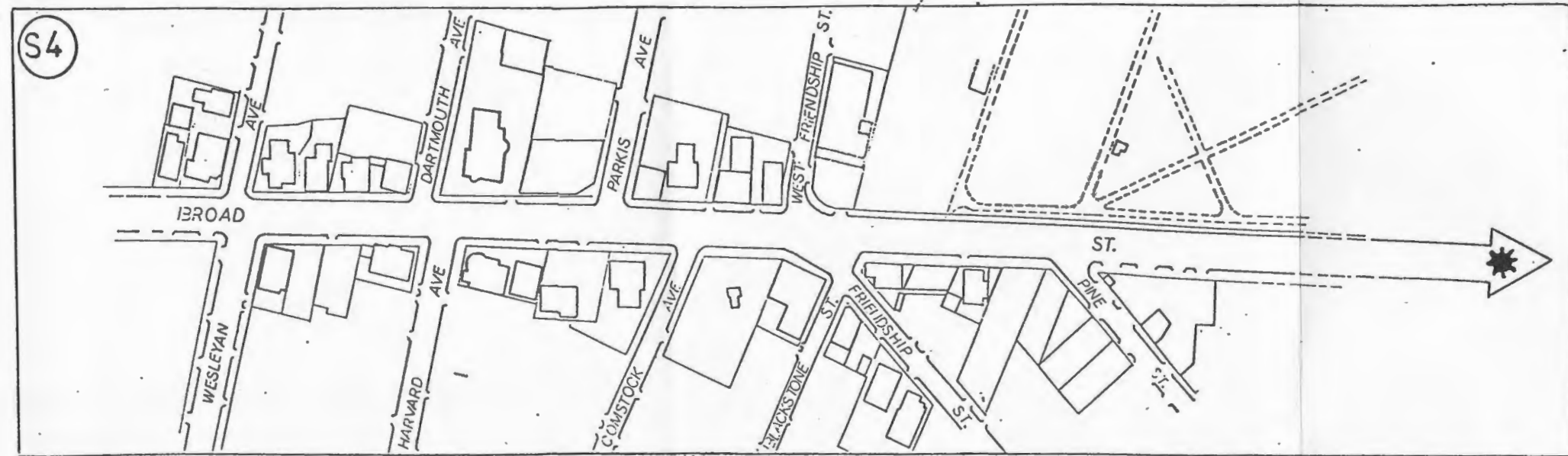
Section Four begins at Wesleyan Avenue and continues north to Hayword Street (see Figure 10). The length of the area is approximately 1750 linear feet. The section provides entry to Trinity Square. This section has a history that goes as far back as 1879. Some of the early settlements in the City of Providence were along Section Four. The section has many historical homes. At the present time, there are still some Victorian homes in the area.

At the end of Section Four is Grace Church cemetery-on the west side. Within the same lot is Elmwood Preservation Commission on the front. This section provides entry to Broad Street from the north. Upon entering is Trinity Square, and in the middle of intersection is a triangle shaped block which should be considered as a possible site for the placing of a logo or banner signifying entry to Broad Street.

The survey also revealed the following exist uses in Section Four (Table 8):



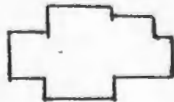
Table 8


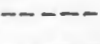

<u>East</u>	<u>Land Use</u>	<u>Street Number</u>	<u>Facade</u>	<u>Cond.</u>	<u>Parking</u>
	1-Sabet's Pizza	570 Broad Street	B	B	
	2-Princess Boutique	568 Broad Street	B	B	
	3-Residential	-	B	B	
	4-Broad Street Auto	514 Broad Street	B	B	
	5-General Armature Service Inc.	516 Broad Street	B	B	
	6-Vacant commercial	-	C	A	
	7-Reymon's Tailor	506 Broad Street	B	A	
	8-Perf. Sound Alarm	504 Broad Street	B	A	
	9-Botanica Pedro	502 Broad Street	B	A	
	10-Mi Casita	500 Broad Street	B	A	



- LEGEND -



-  STREET BOUNDARY
-  PROPERTY LINE
-  BUILDING

-  SECTION 4 OF STUDY AREA
-  CONTINUE FROM SECTION 3
-  ACCESS TO DOWNTOWN PROVIDENCE

CITY OF PROVIDENCE

11-Vacant Commerc.	494 Broad Street	C	A
11-Remington Tire King	498 Broad Street	B	A
12-UHAUL	464 Broad Street	B	A
13-Kentucky Fried Chicken	420 Broad Street	B	B
14-Gold Buyers Co.	404 Broad Street	B	A
<u>West</u>			
1-Barney's Market	585 Broad Street	C	A
2-Nunez Liqour Inc.	583 Broad Street	B	A
3-Bele Funeral Home	559 Broad Street	B	B
4-Broad Med. Bldg.	557 Broad Street	B	B
5-Nieves Market	549 Broad Street	B	B
6-Airway Equipment Auto Sales Inc.	547 Broad Street	B	B
7-Ebenezer Auto	521 Broad Street	C	B
8-Grace Cemetery	-	-	-

Facade Condition

On the west side entering Section four is a two family house, number 591-593. It is yellow painted and in need of minor repairs. Next door to the residential unit is Nilsa Fashion (587 Broad Street). Its facade is painted white. The building is too small for its activity. The area around it is in need of cleaning.

Within Section Four there are 22 buildings. Of the 22 buildings, 18 were categorized as "satisfactory". Four buildings were categorized as "minor repairs required".

Residential

There are only four residential units within Section Four. All of which has historical characteristics. Each is in need of major renovations.

Circulation and Parking

The two important sub-collector roads, Friendship and Pine Streets, both are one-way streets. Friendship Street provides a short cut to Interstate-195 and Pine Street provide access from downtown. Of the 22 buildings, only 11 which have off street parking. The remainder have only on street parking.

Summary of Findings

Broad Street, one of Providence's oldest streets, has undergone tremendous changes in the last several decades. In conducting the survey, the street has some of the largest collection of goods and services which come from all over the world. This influence is a reflection of the fact that the area receives the largest in-migration of minorities in the City.

In recent years, Broad Street has undergone a downturn in its economy. Driving along Broad Street, one can see many buildings in poor condition. The general condition of the structures in Broad Street includes dilapidated structures, poor and deteriorating signs, peeling of exterior paint, cracked sidewalks, vacant and boarded up residential and commercial buildings, and vacant lots. The area is also experiencing many social problems such as drug activity, street gangs, and crime.

Recently, there has been an increase in traffic entering and leaving on Broad Street. The volume and flow of traffic on Broad Street has some effect on the market potential of various businesses. However, with the improvement of both the economy and social conditions, Broad Street businesses would be strengthened in the

future.

Broad Street commercial businesses are owned predominantly by working class residents living in South Providence and Elmwood. Like many other inner city commercial corridors, Broad Street has its share of problems: dilapidated and boarded up residential buildings, abandoned commercial structures, low percentage of home ownership, crime and vandalism, and other signs of growing blight. Mixed and incompatible land uses have prevailed in the area causing a downward trend in the Broad Street Commercial activities.

Recently, small and family owned businesses in Broad Street had been reacting to neighborhood decline alone, without initiating progressive action to address their problems. There was little, or no, interaction from the higher level officials or government. The response has all too often been the result of each individual business owners feeling that their survival depends solely on their own ability and effort.

The experience of driving along Broad Street makes one realize the problems a unique main street within the City of Providence is experiencing. Although the street has some of the most negative experiences of any street, it has got a lot of potential. Until these potentials are discovered and put into good use the problem would get worse.

CHAPTER FOUR

**REVIEW OF PLANNING
DOCUMENTS**

INTRODUCTION

The City of Providence has, over the years, enjoyed both prosperity and wealth. There are a total of twenty four neighborhoods within the City. Over the years, there have been numerous revitalization plans done by the Providence Redevelopment Agency and the Department of Planning and Development. The purpose of these plans was to offer measures and strategies to enhance the positive aspects and remove the negative effect on the commercial streets within the City.

This chapter will review neighborhood revitalization plans prepared by the Department of Planning and Development and the Providence Redevelopment Agency. The plans will be used as a basis for comparison of past redevelopment strategies. These plans will provide a background for developing revitalization strategies and guidelines for future development plan within the City of Providence. The three revitalization plans which will be used as the base for discussion are: 1) The Mount Pleasant Business District Revitalization Plan-1990, 2) DePasquale Avenue-Federal Street Target Area-1989, and 3) Upper South Providence Proposed Redevelopment Plan-1984. The objective is to discover from each revitalization plan the following:

- 1) Who did the plan and for what purpose?
- 2) What were the goals of the plan?
- 3) What are the issues, elements, and criteria important for revitalization?

The objective of this chapter is to review the three revitalization plans and seek the answers for the following questions:

- 1) Did all the plans included the same issues, funding, and implementation strategies, etc..?
- 2) Was there party(ies) or board(s) involved to carry the implementation of the plans?
- 3) Did the plan get implemented?
- 4) What did all the plans lack?

The Mount Pleasant Business District Revitalization Plan

The Mount Pleasant Business District Revitalization Plan was completed in 1990 by the Department of Planning and Development of the City of Providence. The purpose of this project was to develop a model for the revitalization of the Mount Pleasant Business District:"to assist local business districts in preservation, revitalization, and economic strengthening. In addressing these concerns, a comprehensive approach has been developed. The process offers measures to enhance the positive aspects and remove the negative, thereby developing a climate to bring the business district to its highest potential."(City of Providence,1990:1)

The goals for the City's Neighborhood Business District Program are:

- 1-To reenforce and rekindle the economic vitality and strengthen the

economic potential.

2-To stabilize the residential neighborhood through strengthening the commercial area.

3-To enhance the quality of life for area businessmen and residents.

4-To enhance the visual quality of the area for shoppers.

5-To develop imaginative use of business and government resources.

6-To develop centralized management for the business district.

7-To promote the unique character of the business district.

8-To provide a mixture of retail and service enterprises.

9-To establish design criteria for appropriate development.

To make the Mount Pleasant Business District more successful, the study recommended the public-private cooperation. Included in the revitalization plan are four sections containing the various issues, strategies, and model for preparing the plan. The following is a list of important criteria for revitalization developed by the Department of Planning and Development.

Inventory and Analysis

The study area surveyed for existing land use, zoning, property ownership,

building condition, historic character, and public rights-of-way. The existing land use was surveyed to project trends in the future. Zoning is a basic planning tool that regulates and control the expansion of non-conforming uses and density. The following categories were identified from studying of existing land use:

- a) Commercial
- b) Mixed-use
- c) Residential
- d) Institution
- e) Open space

The existing zoning within the study area consisted of 1) R-2, residential two family zone, 2) R-3, residential three family zone, 3) C-1, limited commercial zone, 4) C-2, general commercial zone, and 5) C-4, heavy commercial. Parking and circulation was studied to plan for a safe and efficient flow of traffic as well as adequate and convenient parking. Also in this section were inventory describing existing conditions and historic character. As mentioned, the purpose of doing the inventory and analysis is to identify the strengths and weaknesses of the retail area- which in turn reflect its vitality.

The Plan

"The approach of the Providence Neighborhood Business District Program is based not only upon revitalization through physical improvements but also on a

revitalization "process" which includes centralized management. The plan reflects that theory in three components: 1) Organization of the Business District; 2) Streetscape Improvements; and 3) Policy Recommendations." (City of Providence,1990:25) Importantly, the program is based upon the Main Street approach to revitalization sponsored by the National Trust for Historic Preservation. The model was developed as a comprehensive strategy that would preserve the downtown and neighborhood commercial districts and revive their economy.

As indicated, the first component of the Providence Neighborhood Business District Program is organization. The approach emphasizes the importance of the private sector in the management of the business district and storefront renovation. For the private sector, specifically, the following process was recommended by the Department of Planning and Development:

- a) Business Advisory Committee
- b) Management Office
- c) Promotion
- d) Design
- e) Economic Strengthening

The second component of the program is streetscape improvements. As such, the following improvements will be carried out by the City:

- a) Sidewalk Repairs

- b) Power Line Consolidation
- c) Street Tree
- d) Landscapes Sitting Area
- e) Bus Shelter Relocation
- f) Street Surface Improvements
- g) Public Sitting Areas
- h) Gate Signs
- i) Business District Logo

The third component of the program includes policy recommendation. These are policy improvement, zoning changes, building reuse, design, construction, and maintenance.

Implementation

The implementation section is divided into three different phases, specifically for infrastructure improvements and provision of technical assistance. The three phases make up schedule for improvements which are contingent upon the availability of adequate funding and the evidence shown by the private sector to contribute to the realization of project goals. The funding sources which the City of Providence will utilize for the implementation of the plan are: 1) Community Development Block Grant(CDBG) Funds, 2) City of Providence Low Interest Home

Improvement Program, 3) City of Providence Rental Rehabilitation Program, 4) Providence Economic Development Corporation Revolving Loan Fund, and 5) Providence Street Tree Program.

DePasquale Avenue-Federal Street Target Area, Amended to the Federal Hill East Redevelopment Project.

The DePasquale Avenue-Federal Street Target Area project was completed in November 1989 by the Providence Department of Planning and Development. The purpose for the undertaking of this project was "an effort to clearly understand the issues and constraints so that the study group could develop an effective plan for revitalization."(City of Providence,1989:1) Presumably, there was growing concern for the neighborhood and its residents, signs of blight and deterioration had become more and more evident in the DePasquale Avenue-Federal Street Target Area.

One aspect of the plan was to improve the housing stock and encourage development of new housing in the DePasquale Avenue-Federal Street Target Area. Essentially, the goal was to stabilize the housing stock by promoting homeownership, acquisition of a number of properties, infrastructural improvements, and the development of additional owner-occupied two-family dwellings. The DePasquale Avenue-Federal Street Target Area contained numerous important issues which were studied for the redevelopment project. The following is a list of important criteria for the revitalization of the area developed by the Providence Department of

Planning and Development.

- a) Existing Land Use
- b) Building Conditions
- c) Present Zoning
- d) Property ownership
- e) Development Plans for the area
- f) Historic character

The following is a list of important criteria for revitalization by the Department of Planning and Development.

Inventory and Analysis

The DePasquale Avenue-Federal Street Target Area is a densely developed block in the City of Providence. The Project area has a wide mixed of uses. The following uses were identified from the study:

- | | |
|-----------------------|----------------|
| a. Residential | 127 structures |
| b. Mixed Use | 9 structures |
| c. Commercial | 7 structures |
| d. Institutional | 4 structures |
| e. Vacant Undeveloped | 20 lots |
| f. Paved Parking | 5 lots |

At the time, the following building conditions were identified:

Excellent	7 structures
Good	49 structures
Deteriorated	73 structures
Dilapidated	10 structures

The existing zoning within the target area consisted of 7% of commercial C-2 zone, while the remaining 93% is in a residential R-4 zone. Property ownership in the target area is relatively low, and the percentage of home ownership decrease each year. Of the 127 residential structures, only 46-or 36%-are owner-occupied, leaving 64% of the structures owned by absentee landlords.

The overall condition of public rights of ways is classified as being in poor condition. Included in the target area are two parcels which belong to Broadway-Armory National Historic District. Both uses are classified as in deteriorated condition.

The Plan

Through the analysis of existing conditions within the DePasquale-Federal Street Target Area, a set of goals for revitalization was established:

- To curb and reverse blighted conditions;
- To strengthen the economic potential of the area;
- To provide additional housing possibilities; and

-To stabilize the neighborhood.

The data collection phase of the study revealed that the most negative influences in the DePasquale-Federal Street Target Area are the blighted vacant lots, dilapidated structures, and mixed uses. As such, the above goals can be realized by using of several redevelopment tools including acquisition, disposition, and rehabilitation. Included in the plan was the road improvements by the City of Providence. Zone changes were proposed with extension of C-2 zoning along DePasquale Avenue and Federal Street.

Implementation

Included in the revitalization plan is also a list of implementation strategies outlined by the Department of Planning and Development.

-Acquire property and eliminate substandard structures which are infeasible for rehabilitation and prepare land for construction of duplexes with sufficient parking;

-Establish residential design criteria consistent with existing architecture;

-Provide business loans through the City's PEDC Revolving Loan Fund;

-Providence site improvements to public rights of way through a coalition of the Department of Planning and Development, public Parks and Public Works Department;

- Enforce housing code requirements with coordinated efforts of the City's Building Inspector and the Providence Housing Court; and
- Assemble an Advisory Committee whose members would represent both the private and the public sectors.

Like any other plan, funding is always a major issue. The project will be funded through proceeds collected from Silver Spring Industrial Park land sales. The cost estimates would be \$944,408.

Upper South Providence, Proposed Redevelopment Plan

The Upper South Providence Proposed Redevelopment Plan was completed in 1984 by the Providence Redevelopment Agency. The plan was the product of several years of planning by the South Providence Community Board (SPCB) as the official project area planning committee. Over the years, Upper South Providence had suffered a major changes in its housing stock. The area did not show signs of accelerated residential and commercial development. Basically, the most negative influences in the area were the blighted vacant lots and dilapidated structures. For many residents within the City of Providence, Upper South Providence was considered as the least liveable part of the City. "The project goals evolved from a need to discontinue the demolition process of housing which results from disinvestment and deterioration of the existing housing stock. While new housing

construction would be encouraged, the community's first obligation to its residents is to encourage re-investment in housing. The second obligation is to encouragement of new commercial enterprises."(City of Providence,1989:2)

Given the stated goals, the project objectives were stated as follows:

- To establish an interest subsidy housing rehabilitation program.
- To allow owner-occupied housing a one-year exclusive right to use housing rehabilitation funds.
- To acquire sites for commercial re-use.
- To acquire vacant properties around the Dudley Street Recreation Center.
- To provide for site improvements with both state and federal highway funds.

The three part strategy proposed included: 1) a revitalization effort that concentrated in an area bounded by Dudley Street, Prairie Avenue and Blackstone Street; 2) a revitalization strategy that introduce a comprehensive rehabilitation program to restore the many deteriorated and abandoned residential structures; 3) to relocate existing structures to other vacant sites wherever the plan calls for acquisition.

In reviewing the project, the following elements were included as important criteria for revitalization by the Providence Redevelopment Agency:

Inventory and Analysis

The uses within the Upper South Providence Redevelopment Project are

predominantly residential in character. The residential structures are two and three story wood frame buildings. Within the Project area are also many vacant lots due to years of building deterioration. Other significant uses in the project area are institutions which include Flynn Elementary School, Rhode Island Hospital, and the Dudley Street Center. The project area is comprised of a total of 234 acres. The following uses were identified from studying of the existing land use:

<u>USE</u>	<u>ACREAGE</u>	<u>PERCENTAGES</u>
a) Residential	48.46	20.70%
b) Commercial	7.39	3.16%
c) Industrial	17.40	7.16%
d) Institutional	44.04	18.82%
e) Vacant (improved & unimproved	54.42	23.25%
f) Public	4.85	2.07%
g) Street	<u>57.52</u>	<u>24.57%</u>
	234.08	100%

The recent survey by the Providence Redevelopment Agency revealed the following buildings condition within the Project area.

<u>BUILDING CONDITION</u>	<u>NUMBER</u>	<u>PERCENTAGES</u>
a) Excellent	41	7.33%
b) Good	89	15.92%
c) Satisfactory	108	19.32%
d) Light Deterioration	170	30.41%
e) Advanced Deterioration	94	16.81%
f) Heavy Deterioration	23	4.11%
g) Dilapidated	<u>34</u>	<u>6.08%</u>
	559	100%

The findings revealed that of the 559 structures, 469 structures or 84% are residential. As described, residential renovation is the main focus of the plan.

The Plan

The data collection phase of the study revealed a high percentage (27%) of the structures having advanced deterioration, heavy deterioration, and dilapidation. There were a total of 321 structures or 57.4% that were categorized as deficiencies.

Through the inventory and analysis of existing conditions within the Upper South Providence Project area, a set of objectives and proposed treatment was established:

- To institute a comprehensive rehabilitation program in the area.
- To provide development opportunities on specific parcels that are currently under-utilized or certain structures that are substandard or whose uses are not compatible with adjacent uses or which do not meet the concept plan's overall objectives.
- To provide site improvements to include traffic improvement at designated sites but not excluding any future improvement.
- To acquire or rehabilitate certain land and buildings which are either in substandard or in deteriorating condition or that contain uses which are not compatible with adjacent properties.
- The acquired property will be offered for new development consistent with the objectives and controls of the Plan.
- The Site Improvement proposed for the Projects will first consider the intersections of Dudley Street and Prairie Avenue and Public Street and Prairie Avenue.

Other significant factors contained in the plan include proposed general land use. It is the intent of the redevelopment plan to reinforce those uses which have proved their suitability through longevity in a given area. The major land use for the Project shall remain basically unchanged.

Implementation Strategies

At the time, the Project Area qualified for urban renewal within the meaning of Section 45-31-8 of the General Laws of the State of Rhode Island. The Urban Renewal technique that was used to achieve the plan objectives included acquisition and clearance, rehabilitation, and non-residential rehabilitation standards. The additional agency functions were a) acquisition of property, b) relocation of families and business, c) relocation of structures to agency owned vacant land, d) installation and construction of site improvements, e) disposition of agency properties, f) rehabilitation loan program, and g) acceptance from the City of donations of land, site improvements, supporting facilities, cash grants-in-aid, services and other cooperative activities necessary to the execution of this Plan, which the City, under the terms of the same statute, is empowered to contribute with or without consideration to the program undertaking.

Within the redevelopment plan, the proposals include 1) zoning modification, 2) proposed acquisition of lots, and 3) site improvements. Land disposition include standards and controls of C-2 General Commercial Zone, signs, off-street parking, screening, and landscaping and on-site improvements and maintenance for land development.

Other provisions necessary to meet local objectives include

- 1) Conformity to general plan;
- 2) Method of relocation;

- 3) Other conditions, covenants, restrictions and provisions controlling the development and the use of acquired land and improvements;
 - 4) Miscellaneous provisions;
 - 5) Obligations to be imposed on developers;
 - 6) Duration and effective date of regulations and controls;
 - 7) Estimated cost of redevelopment and proposed method of financing.
- The estimated Project cost of \$1,200,000 will be provided from the proceeds from the sale of long-term general obligation bonds from the City for Redevelopment purposes.

Summary of findings

In reviewing the three revitalization plans done by the City of Providence, there were many important findings. As such, the success of future developmental plans depends on historical background and a review of plans previously undertaken. The findings hopefully will provide a background for developing effective revitalization strategies and guidelines for future developmental plans within the City of Providence. As indicated, the objectives of reviewing and studying of the above revitalization plans was to seek the answers for the following questions:

I. Did all the plans included the same issues, implementation strategies, funding, etc.?

A component for the success of the plans undertaken depended on the inventory and assessment of the study area. The three revitalization plans reviewed

had covered an equal number of issues. However, in some cases, they lack the basic steps or discussion for implementation. The implementation strategies of Upper South Providence are not as clearly defined as the Mount Pleasant Business District Target Area.

II. Was there a party(ies) or board(s) involved to carry the implementation of the plan?

In the revitalization process, it is very important to have an agency or party responsible for implementation. In each case there was no party or board formed for this purpose. The funding source for the Upper South Providence Proposed Redevelopment Plan was terminated and, at the present time, there is no one who will consider to carry on the plan. There should be other alternative sources of funds if somehow, the funds intended for the project did not get through. At the present time, the Planning Department is in the process of negotiating funds for the implementation of both the Mount Pleasant Business District Revitalization Plan and DePasquale-Federal Street Target Area.

III. Did the plan get implemented?

A major portion of the implementation strategies Upper South Providence was not implemented due to the termination of Urban Renewal funds, and lack of City involvement. At the present time, the DePasquale Avenue-Federal Street

Target Area Plan and the Mount Pleasant Business District Revitalization Plan are under the process of acquiring funds.

IV. What did all the plans lack?

Importantly, there is no one model that could be use for the revitalization of residential or commercial districts. The lack of a model is an important consideration. Due to the reasons that one section of the City is unlike the others, there should be specific guidelines that could be used for the revitalization of all neighborhoods. As mentioned, the three plans lack the basic steps for implementation. It is important to have one central agency who will be in charge of all plans. Also, there should be greater coordination among different departments in the City.

It can be concluded from the previous analysis that there need to be a more comprehensive approach to the development of future revitalization plans that address the different functional areas, particularly commercial and residential, within the City of Providence. Moreover, there need to be guidelines. Significantly, there needs to be one central agency which has the power to implement the plans.

CHAPTER FIVE

REVITALIZATION GUIDELINES

Introduction

The purpose of the final chapter of this document will be to present a set of revitalization guidelines to be considered for the Broad Street Commercial District. It is basically a seven step approach to revitalization which is divided into three phases.

These guidelines were developed from three resources. First, the issues and concerns which were formulated as a result of this research project. Second, a model for community revitalization and preservation developed by Harry Launce Garnham in his book Maintaining the Spirit of Place. Third, the revitalization criteria which has been established by the City of Providence and its Department of Planning and Development.

This approach was developed with several considerations in mind. First, was to produce guidelines which will assist both businesses and interested citizens in the revitalization process. Second, was to provide a step by step approach to revitalization which is task oriented to allow for easy identification of successes. Finally, this approach was developed so that other business districts within the City which have had revitalization plans prepared for them by the Department of Planning and Development could utilize this document in developing their own strategies for revitalization.

Phase One

This initial phase of the revitalization process is divided into two steps, 1) the formation of a revitalization committee, and 2) having the Broad Street Commercial District designated as a redevelopment area.

The goal of Phase One is to create an awareness of the commitment which neighborhood residents and business owners have to the Broad Street Commercial District and its continued development. It will also serve as a way of encouraging a renewed responsibility on the part of the City of Providence to address the economic hardships that some of its neighborhoods have been experiencing.

To get this phase started it will be necessary for a group within the community who is interested in the commercial revitalization of the area to sponsor a workshop or kick-off meeting. The purpose of this workshop will be to invite individuals to participate in the planning process for the commercial revitalization of Broad Street. This meeting should be open to all members of the Broad Street community including business owners, residents, and public officials.

Step One - Formation of a Broad Street Commercial Revitalization Committee

The Broad Street Commercial Revitalization Committee (BSCRC) should be composed of about 15 to 20 persons. Individuals who should be encouraged, or asked to participate might include or represent:

1. Business Owners
2. Community Interest Groups
3. Professionals
4. Community Leaders
5. City Officials
6. Department of Planning and Development
7. Historical Preservation Groups
8. Local Schools
9. Concerned Citizens
10. Local Ethnic Groups

When recruiting for this committee it is important to be careful to get a good mix of individuals. This will ensure that the needs of the entire community are being represented.

While these individuals do not necessarily always have to share the same view point on all issues, it will be important for them to be committed to the goal of commercial revitalization. Each must be willing to put forth time and effort into the project and they must realize that plan development and implementation is an important goal in this process.

The purpose of this committee will be to oversee the formulation and implementation of a commercial revitalization plan for Broad Street. This group should meet on a regular basis, monthly if possible. Members of the BSRC should also be willing to hold a series of workshops or distribute a newsletter which would serve as a way of communicating the group's progress and upcoming meetings.

The BSRC should also encourage citizens who are not officially members of the committee to provide input into the formulation of the plan. This will enable the

committee to more clearly define the needs and values of area businesses and residents in the area.

Initially, this group should determine the exact goals of the commercial revitalization plan for Broad Street. They should then develop a general statement, which is supported by all members of the committee as to the basic goals and assumptions to be used in the commercial revitalization process.

The second step for this committee should be to hire or appoint a manager. Ideally, this person should be the Commercial Coordinator for ENHS. The responsibilities for this position would be to organize all meetings and activities planned by the committee.

The BSRC should also consider dividing into sub committees. While the main goal of the BSRC would be to develop a commercial revitalization plan, these sub-committees could provide valuable input into its formation. The purpose of this strategy would be two fold. First, it would allow group members to develop a specific area of interest related to plan formation. Second, it would encourage the development of several alternatives for the commercial revitalization of Broad Street.

Suggested subcommittees for the BSRC might include:

Business recruitment - This subcommittee would be involved in the investigation of strategies which would encourage new businesses to invest in the Broad Street Commercial District.

Neighborhood recruitment - The responsibilities of this group would be to develop

involvement of neighborhood residents in the revitalization process.

Clean up coordination - Devising a number of clean up campaigns for the Broad Street Commercial would play an important part in renewing both business and citizen pride in the area. These efforts would provide visible proof of the BSRC's commitment to the development of a Commercial Revitalization Plan.

Marketing Strategies - Members of this subcommittee could research different marketing options which would encourage customers to shop at local businesses. This could include how the entire area is advertised as well as how individual businesses could improve their marketing by changing their window displays and store facades.

By the end of Step One the following should have been accomplished:

1. The formation of a revitalization committee
2. A general statement of the committee's goal
3. The appointment or hiring of a manager
4. Division into sub-committees

After the BSRC has been organized and a general goal statement for the commercial revitalization of Broad Street has been formulated it will be necessary to move on to Step Two. This step involves getting the Broad Street Commercial District designated as a Redevelopment Area.

Step Two - The Designation of the Broad Street Commercial District as a
Redevelopment Area.

At this point in the revitalization process it will be important for the BSRC to include or notify the City of Providence of its intent to develop a commercial revitalization plan for Broad Street. Having the Broad Street Commercial District designated as a redevelopment area will serve two purposes. First, it will enable the BSRC to obtain formal acknowledgement of its efforts to produce a commercial revitalization plan. Second, it will allow the Providence Department of Planning and Development to provide input and assistance for the development of the commercial revitalization plan.

There are a series of requirements which must be fulfilled in order to ensure the designation of the Broad Street Commercial District as a redevelopment area. These requirements are explained in Title 45, Chapter 32 of the Rhode Island General Laws. (A copy of Chapter 32 is contained in Appendix B.)

This legislation requires that a formal public hearing be organized before the resolution is adopted. For that public hearing members of the BSRC may petition the City Council to designate the Broad Street Commercial District as a redevelopment area.

Included in the petition should be the goal statement of the BSRC which was developed in Step One. Within this petition should also be the request that the

planning commission assist in the development of the revitalization plan. This will enable the City to provide technical assistance and guidance throughout the plan development process and will also ensure that plan will conform to City guidelines.

The amount of time required to complete Steps One and Two could be from six months to one year depending on the ability to organize the BSRC and having the area formally recognized by the City. After these have been completed it will be necessary to move into Phase Two of the revitalization process.

Phase Two

This phase is composed of the next two steps necessary in the development of a commercial revitalization plan for Broad Street. These steps are 3) Data Collection and 4) Analysis of Data.

The goal of this phase is to collect all necessary information about the Broad Street Commercial District and its surrounding neighborhoods and to analyze it. It will serve as the basis for the formulation of the revitalization plan itself.

Step Three - Data Collection

This step involves collecting all available information about Broad Street. It should be noted that some of the information necessary for the completion of this step is contained within this document. Data collected for this step should include: Census Data - As it becomes available the figures for the 1990 U.S. census should

be obtained. Local ethnic organizations should also be consulted for figures regarding their specific populations within the Broad Street Commercial District area.

Historic, Social, and Cultural Information - This information can be obtained from several organizations within the City of Providence.

Inventory of Existing Businesses - A listing of businesses which are currently in place within the Broad Street Commercial District should be collected. Included in this inventory should be the business type, how long the business has been there, whether the building is owned, leased or rented, its location on Broad Street, its facade condition, square footage, and , if possible, the dollar amount of retail business each establishment generates.

Planning Studies - Several revitalization plans and neighborhood studies have been written by the City of Providence. All available documents, including a recent Comprehensive Plan for the City should be obtained.

Funding Sources - This data should include all possible available sources of funding including non-profit and private. Also part of this information should be programs already in place such as the Broad Street Commercial Revolving Loan Program.

Inventory of Vacant Lots and Buildings - This inventory should include the building location, total amount square footage, ownership of the building, its potential for use, and its condition including facade and general status.

Inventory of Non-Commercial Units - Included in this listing should be all structures or buildings which are not involved in commercial business but located on Broad

Street. Information regarding the location of residential, health care, churches and other non-commercial activity should be compiled.

Circulation - This information should include traffic counts for the area which can be obtained from the Department of Transportation. Also included should be a general study of traffic flow into and out of the Broad Street Commercial District.

Parking - This would entail obtaining an actual count of the number of available parking spaces within the immediate Broad Street area. This count should include both on and off street facilities.

Customer Survey - This information can be obtained by distributing a questionnaire which will provide a profile of customers who frequent Broad Street businesses, what they buy when they shop there, and whether they live in the local neighborhoods or have come there from another location to buy a specific good.

Merchant Survey - A profile of merchants should be compiled. This survey should include issues and concerns that businesses have which might affect their ability to operate there.

Zoning - A current zoning map and the most recent zoning ordinances can be acquired from the Department of Planning and Development.

Maps - A series of maps should be either obtained or drafted. These maps will help in the definition of Broad Street and the area bordering it. Included should be maps of census tracts, neighborhoods, traffic flow, and open space.

By collecting all of this information the BSRC will have established an extensive data base from which to work. This step may take as long as three months depending on the ability of the BSRC to collect all of the data mentioned in this step. Having all of the reports, documents and maps available will save time and effort at later points in the process of the plan development.

Step Four - Analyzing Data

At this point in the process necessary data should have been compiled and reviewed. By evaluating the materials the BSRC will be able to determine issues and concerns which should be addressed in the implementation of the plan itself.

The evaluation can either be done by the entire group or divided into specific tasks. When analyzing the information which has been collected the following issues and trends should be examined:

Census Data - This data should be analyzed to determine trends in the racial and economic base of the neighborhoods surrounding the Broad Street Commercial District. Special attention should be directed toward determining the numbers of Hispanic and Asian populations within these neighborhoods.

Historic Information - When evaluating historic information about the area, a listing of historic landmarks or unique features should be made. This list will aid in the revitalization process by determining focus points for urban design strategies in the Broad Street area.

Inventory of Existing Businesses - When the BSRC performs an analysis of the existing businesses along Broad Street they should determine what types of businesses are currently operating there as well as what type of businesses are needed. This step will also be helpful in determining future loan recipients for the revolving loan fund. Existing conditions of building facades should also be evaluated to determine specific businesses which might be potential targets for renovation.

Planning Studies - Past planning studies should be evaluated to determine what areas can be improved upon in the formulation of the plan for Broad Street.

Funding Sources - A directory of possible funding sources should be evaluated as to the criteria for obtaining them and who potential recipients would be in the Broad Street Commercial District. A determination should also be made concerning responsibility of obtaining these funds. Should the business owners have a list made available to them or should revitalization funds be coordinated through the BSRC or ENHS?

Inventory of Vacant Lots and Buildings - This inventory should be evaluated in terms of what space is available and its potential for being utilized. Vacant lots should be considered as possible sites for additional parking or small parks which could serve as common gathering areas. Buildings should be examined as future sites for incoming business for Broad Street.

Inventory of Non-Commercial Structures - All residential and other non-commercial structures should be examined. By evaluating the numbers of these structures and

their location throughout the Broad Street Commercial District the BSRC should be able to determine whether or not this area of concern should be addressed in the plan itself. Because of the high amount of non-commercial uses in the area this part of the evaluation should not be overlooked as it will play an important part in the revitalization of Broad Street.

Circulation - Traffic patterns should be identified for the entire length of the Broad Street Commercial District. Areas of congestion should be analyzed as well as entrance and exit points for the area.

Merchant and Customer Surveys - These survey should be evaluated not only in terms of who shops within the Broad Street Commercial District but also in terms of where they go for other goods and services. By examining the surveys in this manner it will assist in the development of criteria for businesses which should be encouraged for the area. For example; there are no banking services available on the entire length of the Broad Street Commercial District, does this affect the amount and type of shopping done along Broad Street?

Zoning - Zoning for the entire Broad Street Commercial District should be examined to determine if there are any existing code violations or potential areas where the zoning should be changed.

Once these analyses are performed, the BSRC should then develop a statement of issues and concerns which have been determined for the entire Broad

Street Commercial District. This will section will then be used in the revitalization plan itself.

Phase Three

Step Five - Development of the revitalization plan

At this stage in the BSRC should formulate its commercial revitalization plan. This document should be made up of the following elements:

Goals Statement - This statement should be representative of the goal of the entire project. It should be similar to the original goal of the BSRC.

Description of the Broad Street Commercial District - This section should contain all information about the Broad Street Commercial District and its surrounding neighborhoods. It should include a history of the area, demographic analysis, current inventory of businesses and existing land use for the entire commercial district.

Description of the planning process - The purpose of this section should be to describe how the revitalization plan conforms to City's guidelines regarding redevelopment plans and also its conformance to the Master Plan of the City.

Issues and concerns - Contained within this section should be a discussion of findings that resulted during the course of data analysis and meetings. This list of issues and concerns should be divided into subjects such as: existing building conditions, types of businesses which should be encouraged along Broad Street, customer needs, safety issues, and funding concerns.

Strategies - This portion of the document should, first, focus on developing objectives for addressing issues and concerns for the commercial revitalization of Broad Street. Second, it should develop strategies for the revitalization of the area. This section may include the following:

Division of Broad Street into sections - If a sectional approach is to be considered for the revitalization process it should be presented in this section. A discussion of this approach should include maps showing how the area is to be divided and how the responsibility for these sections will be addressed.

Urban Design Strategies - This should contain a general description of the urban design strategies which have been developed for the entire Broad Street District. Included should be at least one or two of the examples which are going to be contained in the design catalog that is to be distributed to local business owners.

Economic Development Strategies - These strategies should include those which will attract new businesses and retain new businesses. Two of the strategies which should be considered should be:

Expansion of Broad Street Business Association - By encouraging all business owners to become active members of this group revitalization plans will be more likely to succeed. New business owners should be invited to become members as well as those who are already located

on Broad Street. Membership in this group could also be considered as a requirement for funding.

Marketing Strategies - Suggestions such as the development of a business directory to be distributed by the Chamber of Commerce, the Broad Street Business Association, and other organizations like the BSRC to potential business owners who are looking for a place to locate in Providence. Other ideas which could be discussed might be advertizing strategies, market festival activities, and workshops or consulting services for business owners on how to improve or change their window displays.

Costs of Implementation - A breakdown of anticipated costs and sources of funding should be provided for analysis.

Phase Four

Step Six - Implementation

At this point the businesses and residents who have participated in the development should be ready to put their plan into action. Before this can happen though, the plan should be presented to the Providence Department of Planning and Development for its suggestions and approval.

Next, the BSRC should develop an action plan which includes a budget and a schedule of activities which are to be divided over a specific period of time. This

action plan should emphasize the economic development and physical improvement strategies which are included in the plan itself. Steps which should be considered in the action plan are:

Publicize revitalization efforts - By publicizing revitalization activities through newsletters, and the local press, awareness of efforts to improve the business climate along Broad Street will encourage businesses to invest in the area and customers will be encouraged to come and shop.

Prioritize areas within each of the four sections - Originally, those businesses which have the best potential within each of the sections should be targeted for revitalization. By targeting those businesses first, and not the ones that would be the most difficult to revitalize, it should encourage others to join in.

Organize clean up campaigns - The most manageable way to do clean up efforts would be on a section by section basis. Both business owners and local residents should be encouraged to participate. This will also serve as a visible sign that revitalization efforts are being taken seriously.

Organize businesses - All business owners should be invited to become participating members of the Broad Street Business Association and committees within the BSRC.

Step Seven - Monitoring and Updating of plan

Once the plan has been implemented it should be evaluated and updated on a regular basis. This should be done at first, one year after the plan has been adopted, then every two to five years afterward.

During this process each of the sections of the plan should be evaluated regarding its successful implementation. Strategies or methods which have not proved useful should either be discontinued or updated as necessary.

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APPENDICES

FACADE CONDITIONS

Excellent: The criteria for classifying structures as excellent included; no visible defects on the foundation, exterior shell (paint and structural condition), porches and stairs.

Satisfactory: The criteria for classifying structures as satisfactory included:

1. Foundation: -Occasional missing brick
 - Single narrow break or hairline cracks
 - Some painting required
2. Exterior Shell:
 - a) Paint: -Some blistering of paint
 - New paint required over architectural ornamentation, window frames, cornice, eaves
 - Building in process of painting
 - b) Structural condition:
 - Single or few shingles missing
 - Single cracks, slight rot in siding
 - Minor rotting of eaves
3. Porches and Stairs:
 - Slight rot in porches/ or damaged lattice under porch
 - Needs some minimal repairs
 - Stairs painting required
 - Complete painting required

Minor Repairs Required: The criteria for classifying structures as "minor repairs required" included:

1. Foundation:
 - Large area of deep wear
 - Loose, broken and missing bricks
 - Multiple narrow breaks
 - Small area of general break
 - Complete foundation pointing required
2. Exterior Shell:
 - a) Paint
 - Total repainting required
 - Exterior walls need painting
 - b) Structural condition:
 - Loose holes and breaks
 - Small holes and breaks
 - Shallow wear or slight rot of structural elements

3. Porches and Stairs:

- Main rail loose, balusters worn or treads worn with small breaks
- Support of stairs or porches loose

Major Repairs Required: The criteria for classifying structures as "major repairs required" include:

1. Foundation:

- Any of the following defects on over 1/4 of the total foundation:

Large holes

Exterior area of loose structure surface

Wide breaks

Extensive general breaks

Bulging walls or wall out of plumb

2. Exterior Shell:

a) Paint

- Total painting required

b) Structural condition:

- Deep wear or rot of structural elements

- Large holes and breaks in walls

- Bulging walls or walls out of plumb

3. Porches and stairs:

- Deep wear or rot

- Main rail missing

- Balusters broken

- Loose treads with holes

- Large breaks

- Missing or broken supports of stairs or porches

- Loose or sagging elements creating hazardous condition

History of Section.

P.L. 1972, ch. 129, § 1.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "the person" for "such person" in subsection (a)(2);

substituted "as it deems necessary" for "as he deems necessary" in subsection (b); and made a capitalization change at the beginning of the subdivisions in subsection (a).

45-31.2-9. Administration. — In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the relocation agency may authorize any relocation agency to enter into contracts with any individual, firm, association, or corporation for services in connection with those programs, or may carry out its functions under this chapter through any federal or state agency or instrumentality having an established organization for conducting relocation assistance programs.

History of Section.

P.L. 1972, ch. 129, § 1.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "those

programs" for "such programs" and made a punctuation change near the middle of the section.

45-31.2-10. Payments not to be considered as income or resources. — No payment received by a displaced person under this chapter shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of the state's personal income tax law, corporation tax law, or other tax laws. These payments shall not be considered as income or resources of any recipient of public assistance and the payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

History of Section.

P.L. 1972, ch. 129, § 1.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "These

payments" for "Such payments" at the beginning of the last sentence, and "the payments" for "such payments" near the end of the last sentence.

45-31.2-11. Appeal procedure. — Any person or business concerned aggrieved by final administrative determination, concerning eligibility for relocation payments authorized by this chapter may appeal the determination to the superior court in the county in which the land taken for public use is located pursuant to the provisions of chapter 35 of title 42.

History of Section.

P.L. 1972, ch. 129, § 1.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "the determination" for "such determination" near the middle of the section.

CHAPTER 32 REDEVELOPMENT PROJECTS

SECTION.

- 45-32-1. Compliance prerequisite to further proceedings.
45-32-2. Planning commission required.
45-32-3. General community plan — Minimum requirements.
45-32-4. Resolution or ordinance designating redevelopment area — Public hearing.
45-32-5. Corporate powers of agencies.
45-32-6. Selection of project areas — Formulation of redevelopment plans.
45-32-7. Submission of redevelopment plans — Conformity to master plan.
45-32-8. Contents of redevelopment plan.
45-32-9. Optional features of redevelopment plans.
45-32-10. Petition for zoning changes.
45-32-11. Notice of hearing on plan.
45-32-12. Conduct of hearing.
45-32-13. Adoption of plan.
45-32-14. Provision for expenditure of money.
45-32-15. Declaration of intent to change streets.
45-32-16. Provision for payment for property condemned.
45-32-17. Finding as to federal aid.
45-32-18. Provisions for control of uses.
45-32-19. Power over zoning ordinances.
45-32-20. Contents of adoptive ordinance.
45-32-21. Responsibility for carrying out plan.
45-32-22. Further proceedings as to redevelopment — Actions to contest validity.
45-32-23. Modification of plan.
45-32-24. Power of eminent domain.
45-32-25. Property devoted to other public use.

SECTION.

- 45-32-26. Resolution of necessity for acquisition.
45-32-27. Filing of resolution, plat, and declaration.
45-32-28. Deposit of compensation of property taken.
45-32-29. Addition to or return of deposits.
45-32-30. Vesting of title to property taken.
45-32-31. Publication of resolution and declaration.
45-32-32. Service of notice of taking.
45-32-33. Payment of agreed price.
45-32-34. Trial by court on damages.
45-32-35. Representation of infants and incompetents.
45-32-36. Unknown owners.
45-32-37. Immediate payment of compensation — Expediting proceedings.
45-32-38. Orders as to charges on lands.
45-32-39. "Owner" defined.
45-32-40. Taxation of real property acquired.
45-32-41. Proration of property tax.
45-32-42. Cooperation by public bodies.
45-32-43. Formalities in letting of contracts.
45-32-44. Compliance with federal wage and hours policies.
45-32-45. Joint action by different cities and towns.
45-32-46. Consent to inclusion of area in project of contiguous city or town.
45-32-47. Continuation of prior projects.
45-32-48. Early land acquisition.
45-32-49. Guarantee of community.

45-32-1. Compliance prerequisite to further proceedings. — A community must comply with the requirements of §§ 45-32-2 to 45-32-4, inclusive, before proceeding further under chapters 31 to 33, inclusive, of this title.

History of Section.

P.L. 1956, ch. 3654, § 24; G.L. 1956, § 45-32-1

Cross References. Definition of terms. § 45-31-8

Comparative Legislation. Redevelopment:

Conn. Gen. Stat. § 8-124 et seq.
Mass. Ann. Laws ch. 121A, §§ 1-19.

NOTES TO DECISIONS

1. Home Rule Power.

This chapter falls within the lawmaking powers reserved to the general assembly under the home rule provisions of former R.I.

Const., amend. XXVIII, § 4 (see now R.I. Const. Art. XIII, Secs. 2, 4) *O'Neill v. City of East Providence*, R.I. —, 480 A 2d 1375 (1984).

45-32-2. Planning commission required. — The community must have a planning commission.

History of Section.

P.L. 1956, ch. 3654, § 25; G.L. 1956, § 45-32-2

Cross References. Planning board, § 45-22-1.

NOTES TO DECISIONS

1. Taking Based on Private Firm's Evaluation.

Where city failed to create a planning commission or redevelopment agency and no master plan was generated, city's taking of plaintiff's land for resale to a private developer for private profit based only on private

consulting firm's evaluation that this would effectuate revitalization of area did not constitute a proper public use allowing for condemnation under former R.I. Const., amend. XXXIII, § 1 (see now R.I. Const. Art. XIII, Secs. 2, 4) *O'Neill v. City of East Providence*, — R.I. —, 480 A 2d 1375 (1984).

45-32-3. General community plan — Minimum requirements. — The community must have a master or general community plan adopted by the planning commission or the legislative body, and in either case the plan must include at least the following:

(a) A land use plan which designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, recreation, education, public buildings and grounds, and other categories of public and private uses of land.

(b) The general location and extent of existing and proposed major thoroughfares.

(c) A statement of the standards of population density and building intensity recommended in and for the various districts and other territorial units, together with estimates of future population growth, in the territory covered by the plan, all correlated with the land use plan.

(d) A description of the area or areas in which blighted and substandard conditions are found and recommendations as to the area or areas which should be designated for redevelopment.

History of Section.

P.L. 1956, ch. 3654, § 26; G.L. 1956, § 45-32-3

NOTES TO DECISIONS

1. Taking Based on Private Firm's Evaluation.

Where city failed to create a planning commission or redevelopment agency and no master plan was generated, city's taking of plaintiff's land for resale to a private developer for private profit based only on private

consulting firm's evaluation that this would effectuate revitalization of area did not constitute a proper public use allowing for condemnation under former R.I. Const., amend. XXXIII, § 1 (see now R.I. Const., Art. XIII, Secs. 2, 4) *O'Neill v. City of East Providence*, R.I. —, 480 A 2d 1375 (1984).

45-32-4. Resolution or ordinance designating redevelopment area — Public hearing. — The legislative body of the community must have designated by resolution or ordinance one or more areas within the community as a redevelopment area or areas. (Whenever the word "resolution" is hereinafter used, it shall be deemed to mean "resolution or ordinance.") Each such resolution shall include a description of the boundaries of the area or areas designated as a redevelopment area. Before passing such a resolution, the legislative body or the committee thereof to which the proposed resolution has been referred shall give notice of the date, time, place, and purpose of a public hearing or hearings with reference thereto at which the recommendations of the planning commission developed in accordance with the provisions of § 45-32-3 shall be considered. The notice shall be published not less than once a week for three (3) successive weeks prior to the hearing in a newspaper of general circulation published in the community, or if no such newspaper is published in the community, then in a newspaper of general circulation in the community. At the public hearing all persons or agencies interested shall have an opportunity to be heard and to submit communications in writing. The public hearing required by this section may be held jointly with the hearing upon a redevelopment plan for a project area as provided in § 45-32-11 if the legislative body so directs. Any person, group, association, or corporation may in writing petition the legislative body to designate one or more areas within the community as redevelopment areas, and may submit with their petition plans showing the proposed redevelopment of those areas or any part or parts thereof.

History of Section.

P.L. 1956, ch. 3654, § 27; G.L. 1956, § 45-32-4; P.L. 1958, ch. 180, § 2. Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) made several substitutions for the word "such" and made several punctuation changes throughout the section.

NOTES TO DECISIONS

1. Notice.

Owner of property classified as substandard nonresidential by redevelopment agency and subject to acquisition was not entitled to personal notice, since he was not entitled to a hearing where the proposed deliberations

were for the purpose of determining legislative facts rather than for adjudicating rights in the property under consideration. *Paiva v. Providence Redevelopment Agency*, 116 R.I. 315, 356 A 2d 203 (1976).

15-32-5. Corporate powers of agencies. — Each redevelopment agency shall constitute a public body, corporate and politic, exercising public and essential governmental functions, and shall have all the powers necessary and convenient to carry out and effectuate the purposes and provisions of chapters 31 to 33, inclusive, of this title, including the powers enumerated in this section in addition to others granted by these chapters.

(a) To sue and be sued; to borrow money; to compromise and settle claims; to have a seal; to make and execute contracts and other instruments necessary or convenient to the exercise of its powers.

(b) To make, and from time to time amend and repeal bylaws, rules, and regulations consistent with chapters 31 to 33, inclusive, of this title to carry into effect the powers and purposes hereof.

(c) To select and appoint such officers, agents, counsel, and employees, permanent and temporary, as it may require, and determine their qualifications, duties, and compensation.

(d) Within the redevelopment area or for purposes of redevelopment: to purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, or any estate or interest therein, together with any improvements thereon; to acquire by the exercise of the power of eminent domain any real property or any estate or interest therein although temporarily not required to achieve the purposes of chapters 31 to 33, inclusive, of this title; 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.

(e) To develop as a building site or sites any real property owned or acquired by it.

(f) To cause streets and highways to be laid out and graded, and pavements or other road surfacing, sidewalks, and curbs, public utilities of every kind, parks, playgrounds, and other recreational areas, off street parking areas and other public improvements to be constructed and installed.

(g) To prepare or have prepared all plans necessary for the redevelopment of blighted and substandard areas; with the consent and approval of the community planning commission, to carry on and perform, for and on behalf of the commission, all or any part of the planning activities and functions within the community; to undertake and perform for the community industrial, commercial, and family relocation services; to obtain appraisals and title searches; to make investigations, studies and surveys of physical, economic, and social conditions and trends pertaining to a community; to develop test and report methods and techniques and carry out research and other activities for the prevention and the elimination of blighted and substandard conditions and to apply for, accept, and utilize

grants of funds from the federal government and other sources for those purposes; to enter upon any building or property in any redevelopment area in order to make investigations, studies and surveys, and, in the event entry is denied or resisted, an agency may petition the superior court in and for the county in which the land lies for an order for this purpose. Upon the filing of such a petition, due notice thereof shall be served on the person denying or resisting entry, and after hearing thereon, the court shall enter an order granting or denying the petition.

(h) To undertake technical assistance to property owners and other private persons to encourage, implement, and facilitate voluntary improvement of real property.

(hh) To undertake and carry out code enforcement projects pursuant to the provisions of appropriate federal legislation.

(i) To invest any funds held in reserves or sinking funds or any funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to purchase its bonds at a price not more than the principal amount thereof and accrued interest, all bonds so purchased to be cancelled.

(j) To sell, lease, exchange, subdivide, transfer, assign, pledge, encumber (by mortgage, deed of trust, or otherwise), or otherwise dispose of any real or personal property or any estate or interest therein acquired under the provisions of chapters 31 to 33, inclusive, of this title, to the United States, the state government, any state public body, or any private corporation, firm or individual at its fair value for uses in accordance with the redevelopment plan, irrespective of the cost of acquiring and preparing the property for redevelopment. In determining the fair value of the property for uses in accordance with the redevelopment plan the agency shall take into account and give consideration to the uses and purposes required by the plan, the restrictions upon, and the obligations assumed by the purchaser or lessee of the property and the objectives of the redevelopment plan for the prevention of the recurrence of blighted and substandard conditions. Any lease or sale of the property may be made without public bidding provided, however, that no sale or lease shall be made until at least ten (10) days after the legislative body of the community has received from the agency a report concerning the proposed sale or lease.

(k) To obligate the purchaser or lessee of any real or personal property or any estate or interest therein: (1) to use the property only for the purpose and in the manner stated in the redevelopment plan; (2) to begin and complete the construction or rehabilitation of any structure or improvement within a period of time which the agency fixes as reasonable; and (3) to comply with such other conditions as in the opinion of the agency are necessary to prevent the recurrence of blighted and substandard conditions and otherwise to carry out the purposes of chapters 31 to 33, inclusive, of this title. The agency by contractual provisions may make any of the pur-

chasers' or lessees' obligations, covenants, or conditions running with the land, and may provide that upon breach thereof, the fee shall revert to the agency.

(D) To exercise all or any part or combination of the powers herein granted.

Nothing herein contained shall authorize an agency to construct any new buildings for residential, commercial, industrial, or other uses contemplated by the redevelopment plan.

Nothing herein contained shall authorize an agency to retain for a period in excess of five (5) years from the date of acquisition or within such other additional period of time as the legislative body fixes as reasonable, the fee or any estate or interest therein to any building, structure, or other improvement, not demolished or otherwise removed, which has been acquired by the agency in accordance with the redevelopment plan.

History of Section.

P.L. 1956, ch. 3654, § 40, G.L. 1956, § 45-32-5, P.L. 1969, ch. 16, § 1, P.L. 1971, ch. 78, § 1

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) made several substitutions for the words "and" and "such", and made numerous minor stylistic changes throughout the section

NOTES TO DECISIONS

ANALYSIS

1. In general
2. Electric facilities

1. In General.

Former law did not constitute an improper delegation of legislative authority in that insufficient standards were set out under which agency was to determine fair value of parts of land obtained if it decided to sell or lease. *Apotian v. Providence Redevelopment Agency*, 80 R.I. 73, 91 A.2d 21 (1952).

Former law did not violate constitutional provision requiring fair distribution of the burdens of the state among its citizens, on the ground that agency would sell or lease land obtained at a value less than that paid since the price received for property after the redevelopment may be less than cost. *Apotian v.*

Providence Redevelopment Agency, 80 R.I. 73, 91 A.2d 21 (1952).

Former law which authorized agency to condemn private property for the purpose of clearing a slum area did not violate provisions prohibiting the taking of private property by eminent domain for a private purpose, since the acquisition was for a public purpose. *Balsano v. Providence Redevelopment Agency*, 84 R.I. 323, 124 A.2d 238 (1956).

2. Electric Facilities.

The statutes expressly authorize agencies to enter into contracts with public utilities for electric facilities, including the power to enter into contracts to cause a public utility to place its lines underground. *Newport Elec. Corp. v. Redevelopment Agency*, 116 R.I. 22, 351 A.2d 590 (1976).

45-32-6. Selection of project areas — Formulation of redevelopment plans. — The redevelopment agency may of its own motion, or shall at the direction of the legislative body, select one or more project areas comprising all or a portion of a redevelopment area, and formulate a redevelopment plan for each project area. Redevelopment plans may be prepared by the planning commission in the event the members of the agency have not been appointed or at the request of the agency.

History of Section.

P.L. 1956, ch. 3654, § 14; G.L. 1956, § 45-32-6.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 81, § 1) substituted "each project area" for "each such project area" at the end of the first sentence.

NOTES TO DECISIONS

1. Taking Based on Private Firm's Evaluation.

Where city failed to create a planning commission or redevelopment agency and no master plan was generated, city's taking of plaintiff's land for resale to a private developer for private profit based only on private

consulting firm's evaluation that this would effectuate revitalization of area did not constitute a proper public use allowing for condemnation under former R.I. Const., amend. XXXIII, § 1 (see now R.I. Const., Art. VI, Sec. 18). *O'Neill v. City of East Providence*, -- R.I. --, 480 A.2d 1375 (1984).

45-32-7. Submission of redevelopment plans — Conformity to master plan. — All redevelopment plans shall be submitted to the legislative body by the redevelopment agency. Every redevelopment plan shall conform to the master or general community plan insofar as the latter applies to the redevelopment area. The agency shall consult with the planning commission of the community in formulating redevelopment plans before their submission to the legislative body. Whenever a redevelopment plan is submitted to the legislative body, a copy thereof shall be submitted to the planning commission which shall report to the legislative body within thirty (30) days on the redevelopment plan and its conformity to the master or general plan of the community.

History of Section.

P.L. 1956, ch. 3654, § 45, G.L. 1956, § 45-32-7.

NOTES TO DECISIONS

ANALYSIS

1. Time for report of planning commission.
2. Discrimination.

1. Time for Report of Planning Commission.

The thirty day time period is directory. *Romeo v. Cranston Redevelopment Agency*, 105 R.I. 651, 254 A.2d 426 (1969).

2. Discrimination.

Superior court was not entitled to review

question of discrimination by agency in failing to exempt property of the plaintiff from eminent domain, since the legislature gave the agency the power to prepare the redevelopment plan, and by implication authorized the agency to designate the properties within the project area, and its decision was conclusive. *Balsano v. Providence Redevelopment Agency*, 84 R.I. 323, 124 A.2d 238 (1956).

45-32-8. Contents of redevelopment plan. — The redevelopment plan shall include, without limitation, the following:

- (a) A description of the boundaries and location of the project area;
- (b) A description of the existing blighted and substandard conditions in the project area;
- (c) A plan describing proposed land uses in the project area;
- (d) Proposed standards of population densities, land coverage, and

- (e) A description of proposed changes in streets and utilities;
- (f) A description of proposed changes in zoning or exceptions, variances, or modifications thereto;
- (g) A general statement showing that the proposed redevelopment plan conforms to the master or general community plan;
- (h) A statement showing the lands in the project area to be acquired and buildings or structures to be demolished and removed;
- (i) A general statement of proposed conditions, covenants, and other restrictions controlling the disposal and future use of land and buildings in the project area;
- (j) A general statement of the extent of relocation resulting from the proposed redevelopment of the area and the proposed method for rehousing of displaced persons;
- (k) A statement of the estimated cost of carrying out the redevelopment plan, and a description of the method of financing the proposed redevelopment project;
- (l) A general statement showing how the purposes of chapters 31 to 33, inclusive, of this title would be attained by redevelopment.

History of Section.

P.L. 1956, ch. 3654, § 46, G.L. 1956, § 45-32-8

Reenactments. The 1988 Reenactment

P.L. 1988, ch. 84, § 11 made a punctuation change in subdivision (h), and substituted "by redevelopment" for "by such redevelopment" at the end of subdivision (h).

45-32-9. Optional features of redevelopment plans. — A redevelopment plan may, without limitation, provide for the following:

- (a) A program of voluntary repair and rehabilitation of buildings and other improvements within the project area in accordance with the redevelopment plan; and/or
- (b) Acquisition of single or scattered parcels of real property within the project area and demolition or removal of buildings or improvements thereon where necessary to eliminate unhealthful, insanitary, or unsafe conditions, lessen density, reduce traffic hazards, eliminate obsolete or other uses detrimental to the public health, safety, morals, or welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed community facilities.

History of Section.

P.L. 1956, ch. 3654, § 47, G.L. 1956, § 45-32-9

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 11) made a punctuation change near the end of subdivision (h).

45-32-10. Petition for zoning changes. — In order to effectuate a redevelopment plan, the agency may petition the legislative body for a revision, amendment or modification of zoning ordinances affecting the area covered by the redevelopment plan concurrently with the submission of the redevelopment plan by the agency to the legislative body or at any time thereafter, provided that the revision, amendment, or modification is set forth in the redevelopment plan. The public hearing on such a petition may be conducted in conjunc-

tion with the hearing on the redevelopment plan required by § 45-32-11; provided, however, that the provisions of §§ 45-24-4 and 45-24-5 shall be applicable to the petition.

History of Section.

P.L. 1956, ch. 3654, § 61; G.L. 1956, § 45-32-10.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 11) made several substi-

tutions for the word "such" throughout the section.

Cross References. Zoning ordinances, §§ 45-24-1 to 45-24-22.

45-32-11. Notice of hearing on plan. — Upon submission to the legislative body of a redevelopment plan the legislative body or the committee thereof to which the plan has been referred shall set a time and fix a place for a public hearing on the adoption of the plan. The time of hearing shall be not more than sixty (60) days after receipt by the legislative body of the redevelopment plan from the agency. Notice of the hearing shall be given by publication in a newspaper in the same manner and to the same extent as provided for publication of notice in § 45-32-4.

History of Section.

P.L. 1956, ch. 3654, § 48; G.L. 1956, § 45-32-11.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 11) substituted "the plan"

for "such a plan" at the end of the first sentence, and substituted "the hearing" for "said hearing" near the beginning of the last sentence.

NOTES TO DECISIONS

1. Sufficiency of Notice.

Owner of property classified as substandard nonresidential by redevelopment agency and subject to acquisition was not entitled to personal notice, as distinguished from the notice by publication given as required by statute, since he was not entitled to a hearing

where the proposed deliberations were for the purpose of determining legislative facts rather than for adjudicating rights in the property under consideration. *Paiva v. Providence Redevelopment Agency*, 116 R.I. 315, 356 A.2d 203 (1976).

45-32-12. Conduct of hearing. — At the hearing the legislative body or the committee thereof to which the plan has been referred shall consider the plan and report, if any, of the planning commission, and any recommendations the agency may make, and shall take such other evidence and testimony as may be presented concerning the matters under consideration.

History of Section.

P.L. 1956, ch. 3654, § 49; G.L. 1956, § 45-32-12.

45-32-13. Adoption of plan. — If the legislative body determines that the redevelopment plan is feasible and conforms to the general plan for the community, and that if carried out would promote the public health, safety, morals, and welfare of the community and would effectuate the purposes of chapters 31 to 33, inclusive, of this title, then the legislative body may adopt the plan by ordinance.

History of Section.

P.L. 1956, ch. 3654, § 50; G.L. 1956, § 45-32-13.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a punctuation change near the middle of the section.

45-32-14. Provision for expenditure of money. — If the plan provides for the expenditure of any money by the community, the legislative body shall provide for the expenditure at the time or in connection with the approval of the plan, provided, however, that nothing herein contained shall enlarge the power of a town council to make an appropriation which has not been approved by a financial town meeting.

History of Section.

P.L. 1956, ch. 3654, § 51; G.L. 1956, § 45-32-14.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "the expenditure" for "such expenditure" near the middle of the section.

45-32-15. Declaration of intent to change streets. — If the plan provides for the opening, closing, widening, or changing the grade of existing streets or alleys or any other modification of the existing street layout in the project area, the legislative body shall declare its intention to institute proceedings therefor at the time or in connection with the adoption of the plan.

History of Section.

P.L. 1956, ch. 3654, § 52; G.L. 1956, § 45-32-15.

45-32-16. Provision for payment for property condemned. — If the plan provides for the condemnation of any real property, the legislative body shall not adopt the plan unless it contains adequate provisions for payment for property so acquired as provided by law.

History of Section.

P.L. 1956, ch. 3654, § 53; G.L. 1956, § 45-32-16.

45-32-17. Finding as to federal aid. — If the plan provides for financial aid from the federal government, that provision of the plan shall not be approved by the legislative body unless it finds that the financial aid from the federal government provided for in the plan is necessary to enable the land in the project area to be redeveloped in accordance with the redevelopment plan.

History of Section.

P.L. 1956, ch. 3654, § 54; G.L. 1956, § 45-32-17.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "that provision" for "such provision" near the beginning of the section.

45-32-18. Provisions for control of uses. — No plan shall be approved unless it 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 for such periods of time and under such conditions as in the judgment of the legislative body are necessary to effectuate the purposes of chapters 31 to 33, inclusive, of this title.

History of Section.

P.L. 1956, ch. 3654, § 55; G.L. 1956, § 45-32-18.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a punctuation change near the middle of the section.

45-32-19. Power over zoning ordinances. — Notwithstanding the provisions of any other statute to the contrary, the legislative body shall have power by ordinance to revise, amend, and modify zoning ordinances affecting the area covered in a redevelopment plan in accordance with § 45-32-10.

History of Section.

P.L. 1956, ch. 3654, § 60; G.L. 1956, § 45-32-19.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a punctuation change near the middle of the section.

45-32-20. Contents of adoptive ordinance. — The adoption of a redevelopment plan by a legislative body shall be by ordinance. The ordinance shall:

- (a) Designate the project by area, name, and number.
- (b) Include findings that the project area is blighted and substandard and requires clearance, replanning, redevelopment, rehabilitation, or improvement or any combination thereof.
- (c) Set forth the purposes and intent of the legislative body with respect to the project area.
- (d) Refer specifically to the determinations required in §§ 45-32-13 to 45-32-18, inclusive.
- (e) Incorporate by reference the redevelopment plan.
- (f) Designate the approved plan as the official redevelopment plan for the project area.

History of Section.

P.L. 1956, ch. 3654, § 56; G.L. 1956, § 45-32-20.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "The ordi-

nance" for "Such ordinance" at the beginning of the second sentence, and made a punctuation change in subdivision (a) and in subdivision (f).

NOTES TO DECISIONS

ANALYSIS

1. Determinations.
2. Incorporation of plans.

1. **Determinations.**
Where the plaintiffs seek to bar the taking of their property by eminent domain by the

redevelopment agency because of noncompliance with the enabling legislation provisions, the determinations required by this section were specifically referred to in the original plan adopted in 1970 and the plan adopted in 1971 was only a modification of this plan, there was no need to repeat such determinations. *Perez v. Pawlucket Redevelopment*

Agency, 111 R.I. 377, 111 R.I. 926, 302 A.2d 785 (1973).

2. Incorporation of Plans.

Where the plaintiffs in a suit seeking to bar the taking of their land by the redevelopment agency contended that the city charter required two separate and complete readings of any ordinance passed by the council, this

section provided that when a legislative body adopted a redevelopment plan, the ordinance adopting such a plan should incorporate the plan by reference which avoided the page-by-page reading of a lengthy plan. *Perez v. Pawtucket Redevelopment Agency*, 111 R.I. 327, 302 A.2d 785 (1973).

45-32-21. Responsibility for carrying out plan. — After enactment of the ordinance described in § 45-32-20, the responsibility for carrying out the plan shall vest in the agency.

History of Section.

P.L. 1956, ch. 3654, § 57; G.L. 1956, § 45-32-21.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "the ordinance described in § 45-32-20," for "such ordinance".

NOTES TO DECISIONS

1. In General.

In action for damages to real estate and business, allegation that the agency was negligent in the submission and administration of the plans and timetables for the develop-

ment of the area in question in violation of its duties under this section was so vague that it precluded any meaningful review on appeal. *E & J, Inc. v. Redevelopment Agency*, 122 R.I. 288, 405 A.2d 1187 (1979).

45-32-22. Further proceedings as to redevelopment — Actions to contest validity. — Upon the adoption of the redevelopment plan, further proceedings with reference to the redevelopment of the project area may be commenced immediately by the agency. Actions to contest the validity of the proceedings prescribed by §§ 45-32-11 to 45-32-21, inclusive, must be commenced within thirty (30) days after the adoption of the redevelopment plan, and no action thereafter commenced shall raise any question concerning the validity of the proceedings and the adoption of the redevelopment plan provided for in the foregoing provisions of this chapter and chapter 31 of this title. After the expiration of that period of thirty (30) days, the validity of the proceedings and the adoption of the redevelopment plan shall be conclusively presumed. Any petition to stay the agency from proceeding with the redevelopment plan shall be assigned for hearing by the superior court of the county within which the land lies within seven (7) days from the date of filing and all proceedings hereunder shall take precedence over all civil suits then pending before the court. The court, after formal hearing, may deny the petition or enjoin the agency from proceeding further, in whole or in part, or may make such other order as it deems appropriate.

History of Section.

P.L. 1956, ch. 3654, § 59; G.L. 1956, § 45-32-22.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "expira-

tion of that period" for "expiration of said period" near the beginning of the second sentence, and substituted "before the court" for "before said court" at the end of the next-to-last sentence.

NOTES TO DECISIONS

ANALYSIS

1. In general
2. Notice.
3. Limitation period

1. In General.

This section is construed stringently to bar any actions, including constitutional challenges, brought more than 30 days after the adoption of the redevelopment plan. *Corrado v. Providence Redevelopment Agency*, 105 R.I. 470, 252 A.2d 920 (1969), cert. denied, 396 U.S. 1022, 90 S. Ct. 595, 24 L. Ed. 2d 515 (1970), *Paiva v. Providence Redevelopment Agency*, 116 R.I. 315, 356 A.2d 203 (1976); *Woonsocket Historical Soc'y v. City of Woonsocket*, 120 R.I. 259, 387 A.2d 530 (1978).

2. Notice.

Owner of property classified as substan-

dial nonresidential by redevelopment agency and subject to acquisition was not entitled to personal notice where the hearing was for the purpose of determination of legislative facts rather than for the adjudication of rights in the property and he, having filed his action subsequent to the statutory limitation period, was precluded from contesting the plan adopted. *Paiva v. Providence Redevelopment Agency*, 116 R.I. 315, 356 A.2d 203 (1976).

3. Limitation Period.

This section's thirty days' limitation period bars any claims, including constitutional challenges, brought more than thirty days after the adoption of the redevelopment plan, or as to the validity of the proceedings in which the plan was adopted. *Corrado v. Providence Redevelopment Agency*, 105 R.I. 470, 252 A.2d 920 (1969), cert. denied, 396 U.S. 1022, 90 S. Ct. 595, 24 L. Ed. 2d 515 (1970).

45-32-23. Modification of plan. — Upon the recommendation of the agency, a redevelopment plan may be modified at any time by the legislative body or by the legislative body at its own discretion. The legislative body may at its discretion hold a public hearing on the proposed modification provided, that, if the plan is modified after lease or sale by the agency of real property in the project area, the modification shall be subject to such rights at law and in equity as the lessee or purchaser, or his or her successor or successors or assigns in interest, may be entitled to assert.

History of Section.

P.L. 1956, ch. 3654, § 59; G.L. 1956, § 45-32-23.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a punctuation

change near the beginning and near the end of the section, and substituted "the proposed modification" for "such proposed modification" and "the modification" for "such modification" near the middle of the section.

45-32-24. Power of eminent domain. — Notwithstanding the provisions of any other law, each agency shall have the right to acquire all or any part of the real property or any estate or interest therein within a project area, by the exercise of the power of eminent domain, whenever it shall be judged by the agency that the acquisition of the real property or any estate or interest therein is in the public interest and necessary for the public use.

History of Section.

P.L. 1956, ch. 3654, § 60; G.L. 1956, § 45-32-24.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "by the

agency" for "by such agency" near the end of the section.

Cross References. Constitutional basis for eminent domain, former R.I. Const., Art. VI, Sec. 18.

NOTES TO DECISIONS

1. In General.

Former law providing for eminent domain for clearance of slums by an agency appointed for that purpose was for a public use

and not a private use, since it was in the interest of public health, safety and welfare. *Apotian v. Providence Redevelopment Agency*, 80 R.I. 73, 91 A 2d 21 (1952).

45-32-25. Property devoted to other public use. — If any of the real property, estate or interest therein, included within the project area is devoted to a public use, it may nevertheless be acquired, and the taking shall be effective, provided that no real property or estate or interest therein belonging to a city or town or to the state government shall be acquired without its consent, and that no real property or estate or interest therein belonging to a public utility may be acquired without the approval of the division of public utilities or other officer or tribunal having regulatory power over the utility. Any real property or estate, or interest therein, already owned or acquired by the agency may nevertheless be included within the taking for the purpose of acquiring any outstanding interest in the real property.

History of Section.

P.L. 1956, ch. 3654, § 75, G.L. 1956, § 45-32-25

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "the" for "such" in the first sentence and in two places in the second sentence

45-32-26. Resolution of necessity for acquisition. — The necessity for such acquisition shall be conclusively presumed upon the adoption by the agency of a resolution which shall:

(a) Contain a description of the real property or any estate or interest therein sufficient in detail to permit an identification thereof.

(b) Declare that the acquisition of the real property or any estate or interest therein is in the public interest and necessary for the public use.

(c) State that the real property or any estate or interest therein is included in a redevelopment project approved under this chapter.

History of Section.

P.L. 1956, ch. 3654, § 64, G.L. 1956, § 45-32-26

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "the real property" for "said real property" near the beginning of subdivision (c)

45-32-27. Filing of resolution, plat, and declaration. — Within six (6) months after the adoption of a resolution pursuant to § 45-32-26, the agency shall cause to be filed in the land evidence records of the city or town where the real property is located:

(a) A copy of the aforesaid resolution.

(b) A plat showing the real property taken or affected.

(c) A declaration signed by the chairman or vice-chairman, that the real property or estate, or interest therein, is taken pursuant to

the provisions of chapters 31 to 33, inclusive, of this title and indicating the nature and extent of the estate or interest in the real property taken as aforesaid.

History of Section.

P.L. 1956, ch. 3654, § 65; G.L. 1956, § 45-32-27.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "months after the adoption of a resolution pursuant to

§ 45-32-26" for "months thereafter" near the beginning of the section; made a punctuation change near the beginning of subdivision (c); and substituted "the real property" for "said real property" near the end of subdivision (c).

45-32-28. Deposit of compensation of property taken. — Upon the filing of the copy of the resolution, plat, and declaration, as described in § 45-32-27, the agency shall file in the superior court in and for the county in which the real property lies a statement of the sum of money estimated by the agency to be just compensation for the property taken, and shall deposit in the superior court to the use of the persons entitled thereto the sum set forth in the statement or a greater or lesser sum in accordance with an order by the court determining the sum which should be considered sufficient to satisfy the claims of all persons having an estate or interest in the real property.

History of Section.

P.L. 1956, ch. 3654, § 66; G.L. 1956, § 45-32-28.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted at the beginning of the section "Upon the filing of the

copy of the resolution, plat, and declaration, as described in § 45-32-27, the agency" for "Thereupon the agency", and substituted "the" for the words "said" and "such" throughout the section.

45-32-29. Addition to or return of deposits. — Whenever, from time to time, the agency has satisfied the court that the amount deposited with the court is either greater than required or is insufficient to satisfy the claims of all persons interested in the real property, the court may order that the amount of the excess shall be repaid to the agency or may order additional sums deposited as the court deems necessary. Whenever the agency has satisfied the court that the claims of all persons interested in the real property taken have been satisfied, the unexpended balance shall be repaid forthwith to the agency.

History of Section.

P.L. 1956, ch. 3654, § 76; G.L. 1956, § 45-32-29.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a punctuation change near the beginning of the section;

substituted "the real property" for "said real property" and "the excess" for "any such excess" near the middle of the section; and substituted "the agency" for "such agency" at the end of the section.

45-32-30. Vesting of title to property taken. — Upon the filing of the copy of the resolution, plat, and declaration in the land evidence records of the city or town and upon the making of deposit in accordance with the order of the superior court, title to the real property in fee simple absolute or the lesser estate or interest therein as is specified in the declaration, shall vest in the agency, and the real property shall be deemed to be condemned and taken for the use of the agency, and the right to just compensation for it shall vest in the persons entitled thereto.

History of Section.

P.L. 1956, ch. 3654, § 67; G.L. 1956, § 45-32-30.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a punctuation change near the beginning of the section; substituted "compensation for it" for "compensation for the same" near the end of the

section; and made several substitutions for the words "said" and "such" throughout the section.

Compiler's Notes. In 1988, "the" was deleted preceding "real property" near the middle of the section as surplusage by the compiler.

45-32-31. Publication of resolution and declaration. — After the filing of the resolution, plat, and declaration, pursuant to § 45-32-27, the secretary of the agency shall cause a copy of the resolution and declaration to be published in some newspaper published in the county where the real property lies, at least once a week for three (3) successive weeks.

History of Section.

P.L. 1956, ch. 3654, § 68; G.L. 1956, § 45-32-31.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) substituted "plat, and

declaration, pursuant to § 45-32-27, the secretary" for "plat and declaration, the secretary" near the beginning of the section, and substituted "the" for the words "said" and "such" in three places.

45-32-32. Service of notice of taking. — No sum so paid into the court or any interest paid thereon shall be charged with clerk's fees of any nature. After the filing of the copy of the resolution, plat, and declaration, notice of the taking shall be served upon the owners of or persons having any estate or interest in the real property by the sheriff or the sheriff's deputies of the county in which the person or persons reside, by leaving a copy attested by the secretary of the agency of the resolution and declaration with each of the persons personally, or at their last and usual place of abode in this state with some person living there, and in case the person or persons shall not reside in the county where the property is situated or are absent from this state and have no last and usual place of abode therein occupied by any person, the copy shall be left by the sheriff or the sheriff's deputies of the county where the real property lies with the person, if any, in charge of or having possession of the real property if the same is known to the officer. Whenever any owner or person entitled to any estate in or any interest in any part of the real property taken resides or is without the state, the agency shall cause to be served on that person personally or at his or her last usual place of abode a copy attested as aforesaid of the resolution and

declaration by any disinterested person, which person shall make affidavit of the service thereof and of the mode in which, the time within, and the place at which, the service has been made; or service thereof may be made by the admission of such service by the person on the back of a copy of the resolution and declaration and by his or her acknowledgment thereof before an officer authorized to administer oaths under the law of the place where the admission of service is acknowledged.

History of Section.

P.L. 1956, ch. 3654, § 69; G.L. 1956, § 45-32-32.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a punctuation

change near the beginning of the second sentence and near the middle of the last sentence, and made several substitutions for "such", "said", "any such", and "each such" throughout the section.

45-32-33. Payment of agreed price. — If any person shall agree with the agency for the price of the real property, or estate or interest therein so taken, the court, upon application of all parties in interest may order that the sum agreed upon be paid forthwith from the money deposited, as the just compensation to be awarded in the proceedings, except as otherwise provided in § 45-31-19.

History of Section.

P.L. 1956, ch. 3654, § 70; G.L. 1956, § 45-32-33.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "the proceedings" for "said proceedings" near the end of the section.

45-32-34. Trial by court on damages. — Any owner of or persons entitled to any estate or interest in any part of the real property, and who cannot agree with the agency for the price of the real property, or estate or interest therein, so taken, may, within three (3) months after notice of the taking, or, if he or she has no notice, may within one year from the first publication of the copy of the resolution and declaration referred to in this chapter, apply by petition to the superior court in and for the county in which the real property lies, setting forth the taking of his or her real property or estate or interest therein, and praying for an assessment of damages. Upon filing of the petition, the court shall cause twenty (20) days' notice of the pendency thereof to be given to the agency by serving a resident attorney of the agency with a certified copy thereof, and may proceed after that notice to the trial thereof. Petitions brought under this section shall be tried by a jury, if claimed in writing by any party within the aforementioned twenty (20) day period. The trial shall determine all questions of fact relating to the value of the real property and any estate or interest therein and the amount thereof. Upon the entry of judgment in the proceeding, execution thereof shall be issued against the money so deposited in court and in default thereof against any other property of the agency. In case two (2) or more conflicting petitioners make claim to the same real property, or to any estate or interest therein, or to different estates or interests in the same real property, the court upon motion may con-

solidate their several petitions for trial at the same time and may frame all necessary issues for the trial thereof. All proceedings taken pursuant to the provisions of this chapter shall take precedence over all civil matters pending before the court, or if the superior court in and for the county in which the real property lies be not in session in the county, then the same may be heard in the superior court for the counties of Providence and Bristol.

History of Section.

P.L. 1956, ch. 3654, § 71; G.L. 1956, § 45-32-34; P.L. 1961, ch. 177, § 1.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 81, § 1) made a minor stylistic change near the beginning of the section, and made several substitutions for the words "such" and "said" throughout the section.

NOTES TO DECISIONS

ANALYSIS

1. Jurisdiction.
2. Fair market value.
3. Fixtures.
4. Undivided parcels.
5. Historic landmarks.
6. Discretion of court.
7. New trial.

1. Jurisdiction.

The superior court has no jurisdiction of agency's petition for assessment of damages, filed six months after condemnation, the rights of the agency to file a petition being after one year under the provisions of § 45-32-36. *Providence Redevelopment Agency v. Falcone*, 92 R.I. 332, 168 A.2d 466 (1961).

Superior court had jurisdiction to hear and determine petition for assessments of damages for eminent domain taking of owner's property where petition was filed after the actual taking of the property. *Corrado v. Providence Redevelopment Agency*, 110 R.I. 549, 110 R.I. 926, 294 A.2d 387 (1972).

2. Fair Market Value.

There was legal evidence in the record from which the jury in an exercise of its fact-finding power could find that the fair market value of the property was in excess of \$4,000, such evidence being that of an expert introduced by petitioner and which was admitted without objection, even though petitioner failed to establish his qualifications as an expert in the matter of real estate appraisal. *Johnson v. Providence Redevelopment Agency*, 96 R.I. 139, 189 A.2d 814 (1963).

The capitalization of income method used in determining fair market value is less reliable than the comparable sales approach, it is more likely to contain erroneous assumptions, and it is often incapable of direct proof. *Corrado v. Providence Redevelopment Agency*, 117 R.I. 647, 370 A.2d 226, appeal

dismissed, 434 U.S. 807, 98 S. Ct. 37, 54 L. Ed. 2d 64 (1977).

3. Fixtures.

In trial by court on damages in eminent domain proceedings, the trial justice's decision to allow defendant's experts to give their opinion on the value of certain items as personally was consistent with his ruling that whether or not these items were fixtures or part of the real estate was a question of fact for the jury to decide and his decision, if error, was harmless to plaintiff, the jury having decided them to be realty. *Miller Enters., Inc. v. Narragansett Redevelopment Agency*, 113 R.I. 618, 324 A.2d 624 (1974).

4. Undivided Parcels.

Where a property owner petitioned for damages for the taking of a single parcel of real estate consisting of nine duplex houses, two multi-family houses and one ranch house on an undivided single lot of slightly more than one acre, the court held that testimony of an expert witness that he could find no comparable sale of a single parcel and reached his assessment of the value of the parcel by totaling the values of the individual houses from sales of comparable houses on separate lots was admissible since it appeared a reasonable method of appraisal of the fair market value in view of the fact that neither the existence of a zoning ordinance barring such division nor the fact that the parcel always had been considered an entity required that the property be considered indivisible for sale. *Centrone v. Narragansett Redevelopment Agency*, 114 R.I. 667, 337 A.2d 814 (1975).

5. Historic Landmarks.

Where the condemned property was 200 years old, possessed both fine and unusual architectural features, and was of some historical interest, the court determined that these unique or special characteristics affect-

ing the value of property entitled the owner to submit evidence of appraised value based upon capitalization of income, even though evidence of comparable sales was in the record. *Corrado v. Providence Redevelopment Agency*, 117 R.I. 647, 370 A.2d 226, appeal dismissed, 434 U.S. 807, 98 S. Ct. 37, 54 L. Ed. 2d 64 (1977).

6. Discretion of Court.

In absence of any unusual condition or peculiar circumstance, where evidence of comparable sales of similar properties was available, admission of condemnor's expert testimony regarding market value of condemned property based on capitalization of rental income constituted abuse of judicial discretion. *Lutaillo v. Housing Auth.*, 109 R.I. 75, 280 A.2d 98 (1971); *Corrado v. Providence Redevelopment Agency*, 117 R.I. 647, 370 A.2d

226, appeal dismissed, 434 U.S. 807, 98 S. Ct. 37, 54 L. Ed. 2d 64 (1977).

In reaching conclusion as to fair market value of property taken by eminent domain, court may not disregard uncontradicted testimony of expert appraisers and rely on its own personal observations of the property. *Corrado v. Providence Redevelopment Agency*, 110 R.I. 549, 110 R.I. 926, 294 A.2d 387 (1972).

7. New Trial.

That the court ruled a real estate expert competent to testify and permitted him to use the rent capitalization method of arriving at a valuation for the condemned real estate did not preclude the court, in ruling on a motion for a new trial, from rejecting the testimony of such expert as "not worthy of credence." *Kyle v. Pawtucket Redevelopment Agency*, 106 R.I. 670, 262 A.2d 636 (1970).

45-32-35. Representation of infants and incompetents. — If any real property, or any estate or interest therein, in which any infant or other person not capable in law to act in his or her own behalf is interested, is taken by the agency under the provisions of this chapter, the superior court, upon the filing therein of a petition by the agency or by or in behalf of the infant or person, may appoint a guardian ad litem for the infant or other person. Guardians may, with the advice and consent of the superior court and upon such terms as the superior court may prescribe, release to the agency all claims for damages for the land of the infant or other person or for any such interest therein. Any lawfully appointed, qualified and acting guardian or other fiduciary of the estate of the infant or other person, with the approval of a court of probate within this state having jurisdiction to authorize the sale of lands and properties within this state of the infant or other person, may before the filing of the petition, agree with the agency upon the amount of damages suffered by the infant or other person for any taking of his or her real property or of his or her interest therein, and may, upon receiving that amount, release to the agency all claims of damages of the infant or other person for the taking.

History of Section.

P.L. 1956, ch. 3654, § 73; G.L. 1956, § 45-32-35.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) made several substitutions for "such", "said", and "any such" throughout the section.

45-32-36. Unknown owners. — If any real property or any estate or interest therein is unclaimed or held by a person or persons whose whereabouts are unknown, after making inquiry satisfactory to the superior court for the county in which the real property lies the agency after the expiration of one year from the first publication of the copy of the resolution and declaration referred to in § 45-32-31

may petition the court that the value of the estate or interest of the unknown person or persons be determined. After notice by publication to those persons as ordered by the court and after hearing on the petition, the court shall fix the value of the estate or interest and shall order the agency to deposit the sum in the registry of the court in a special account to accumulate for the benefit of the person, if any, entitled thereto. The agency making the deposit shall take the receipt of the clerk of the superior court therefor, and thereupon shall be discharged from all liability. When the person entitled to the money deposited shall have satisfied the superior court of his right to receive it, the court shall cause it to be paid over to that person, with all accumulations thereon.

History of Section.

P.L. 1956, ch. 3654, § 71; G.L. 1956, § 45-32-36

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made a minor stylistic change and a punctuation change near the

middle of the section, substituted "receive it" for "receive the same" near the end of the last sentence, and made several substitutions for the words "said" and "such" throughout the section.

NOTES TO DECISIONS**1. Agency Petition.**

The superior court has no jurisdiction of agency's petition for assessment of damages,

filed six months after condemnation. *Providence Redevelopment Agency v. Falcone*, 92 R.I. 332, 168 A.2d 466 (1961)

45-32-37. Immediate payment of compensation — Expediting proceedings. — In any proceedings for the assessment of damages for real property so taken by any agency the following provisions shall be applicable:

(a) Upon the application of any party in interest and upon joinder of all other parties in interest, the court, on such conditions as it may deem proper, may order that the money deposited in the court, or any part thereof, be paid forthwith without interest for or on account of the just compensation to be awarded in the proceeding. If the damages finally awarded in respect to the real property, or any part thereof, shall exceed the amount of the money so received by any person entitled thereto, the court shall enter judgment against the funds so deposited in court or in default thereof against other property of the agency for the amount of the deficiency plus interest on the deficiency and costs. If the judgment entered is less than the amount withdrawn, then and in that event judgment shall be entered for the agency for the difference between the amount withdrawn and the amount of the judgment plus interest on the overpayment and costs.

(b) At any time during the pendency of the action or proceeding, the agency or an owner may apply to the court for an order directing an owner or the agency, as the case may be, to show cause why further proceedings should not be expedited, and the court may upon application make an order requiring that the hearings proceed and that any other steps be taken with all possible expedition

History of Section.

P.L. 1956, ch. 3654, § 71; G.L. 1956, § 45-32-37.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) substituted "the" for the words "said" and "such" throughout the section.

NOTES TO DECISIONS**1. Interest.**

Provisions of this section limiting payment of interest to excess amount awarded has no application where funds have not been withdrawn, and in such case the awarding of in-

terest on the entire amount from date of taking was proper. *Di Marzio v. Providence Redevelopment Agency*, 92 R.I. 7, 165 A.2d 716 (1960).

45-32-38. Orders as to charges on lands. — The superior court shall have power to make such orders with respect to encumbrances, liens, taxes, and other charges on the land, if any, as shall be just and equitable.

History of Section.

P.L. 1956, ch. 3654, § 72; G.L. 1956, § 45-32-38.

NOTES TO DECISIONS**1. In General.**

Although this section empowers the superior court to make orders as to encumbrances, liens, taxes and charges on land, those powers are given in connection with hearings on petition of property owner authorized by § 45-32-34 and it does not create a cause of

action on which a redevelopment agency can base a petition to confirm its title to land condemned, determine fair market values and determine interest and claims of owners, filed six months after condemnation. *Providence Redevelopment Agency v. Falcone*, 92 R.I. 332, 168 A.2d 466 (1961).

45-32-39. "Owner" defined. — "Owner" for the purposes of §§ 45-32-24 to 45-32-38, inclusive, shall mean a person having an estate, interest, or easement in the real property or a lien, charge, or encumbrance thereon.

History of Section.

P.L. 1956, ch. 3654, § 77; G.L. 1956, § 45-32-39.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) made a minor stylistic change in the catchline, and made two punctuation changes in the section.

45-32-40. Taxation of real property acquired. — All real property acquired by an agency for redevelopment purposes shall be subject to taxation in the same manner and at the same rate as other real property in the community.

History of Section.

P.L. 1956, ch. 3654, § 62; G.L. 1956, § 45-32-40.

45-32-41. Proration of property tax. — Notwithstanding the provisions of any other statute enacted before April 2, 1956, all taxes assessed against any real property acquired by the agency in accordance with the provisions of this chapter may be prorated in the following manner: The owner of record on the date of assessment shall be responsible for the payment of those taxes from the date of assessment to the date of the taking of the property, and payment by the owner of record of those taxes allocable from the date of assessment to the date the agency acquires the real property, plus the payment of any other assessment constituting a lien on the property taken, shall discharge and release the owner on the date of assessment from further liability with respect to taxes assessed against the real property taken, and thereafter the agency shall be responsible for the payment of those taxes.

History of Section.
P.L. 1956, ch. 3654, § 63, G.L. 1956, § 45-32-41.
Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 11) made several substitutions for the word "such" throughout the section.

45-32-42. Cooperation by public bodies. — (1) For the purpose of further aiding and cooperating in any redevelopment project of an agency, any state public body may upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property, or grant easements, licenses, or any other rights or privileges therein to an agency;

(b) Cause parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished in connection with a redevelopment project;

(c) Furnish, dedicate, close, pave, install, grade, regrade, plan, or replan public streets or ways or other public places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of the area within the jurisdiction of the state public body; make exceptions and variances from building and zoning regulations and ordinances;

(e) Cause services to be furnished to the agency of the character which the state public body is otherwise empowered to furnish;

(f) Enter into agreements with respect to the exercise by the state public body of its powers relating to the repair, closing, or demolition of unsafe, unsanitary, or unfit dwellings;

(g) Incur the entire expense of any public improvements made by the state public body in exercising the powers granted in this section;

(h) Lend, grant, or contribute funds to a redevelopment agency or enter into agreement with the redevelopment agency or other public body to furnish funds or other assistance; and

(i) Do any and all things necessary or convenient to aid and cooperate in the redevelopment of a redevelopment area.

(2) Any sale, conveyance, lease, or agreement provided for in this section may be made by a state public body without appraisal, public notice, advertisement, or public bidding.

History of Section.
P.L. 1956, ch. 3654, § 87; G.L. 1956, § 45-32-42.
Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 11) assigned subsection designations; substituted "the state public" for "such state public" in subsections (1)(f) and (g); and made several punctuation changes throughout the section.

NOTES TO DECISIONS

1. In General.
Former slum clearance and redevelopment law was for a public purpose, hence public funds raised by taxation or by bonds could be used in carrying out a redevelopment plan under provisions of the law. *Ajootian v. Providence Redevelopment Agency*, 80 R.I. 73, 91 A.2d 21 (1952).

45-32-43. Formalities in letting of contracts. — All work of grading, clearing, demolition, improvement, repair, or construction of a value of more than one thousand dollars (\$1,000) undertaken by the agency shall be done by contract, which shall be subject to the terms and conditions of §§ 37-13-1 to 37-13-13, inclusive, and additions and amendments thereto.

History of Section.
P.L. 1956, ch. 3654, § 88; G.L. 1956, § 45-32-43.
Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 11) substituted "contract, which shall be" for "contract which said contract shall be" near the end of the section, and made a punctuation change near the beginning of the section.

45-32-44. Compliance with federal wage and hours policies. — Notwithstanding the provisions of § 45-32-43 or any other law, the agency may agree to any conditions attached to financial assistance from the federal government relating to the determination of prevailing salaries or wages or compliance with labor standards, and include in any contract let in connection with a redevelopment project, stipulations requiring that the contractor and any subcontractors comply with those conditions as to minimum salaries or wages and maximum hours of labor.

History of Section.
P.L. 1956, ch. 3654, § 88; G.L. 1956, § 45-32-44.
Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 11) substituted "those conditions" for "such conditions" near the end of the section.

45-32-45. Joint action by different cities and towns. — Two (2) or more communities may jointly exercise the powers granted under chapters 31 to 33, inclusive, of this title and in that case the planning commissions, legislative bodies, and agencies may hold joint hearings and meetings, or the legislative bodies of the communities acting separately may each designate the agency of one of the communities to act as the agency of all the communities interested. In this event, the agency designated shall cooperate with the plan-

ning commission of each community in formulating redevelopment plans, and whenever a redevelopment plan is submitted to the legislative body each planning commission shall report to the legislative body of its community within thirty (30) days on the redevelopment plan and its conformity to the master or general plan of the community.

History of Section.

P.L. 1956, ch. 3651, § 89, G.L. 1956, § 45-32-45.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 81, § 1) substituted "in that

case" for "in such case" near the beginning of the section, and made two minor stylistic changes and a punctuation change near the middle of the section.

45-32-46. Consent to inclusion of area in project of contiguous city or town. — The legislative body of any community may by resolution consent to the inclusion of a part of the area under its jurisdiction in a contiguous project area to be developed by another community.

History of Section.

P.L. 1956, ch. 3651, § 89, G.L. 1956, § 45-32-46.

45-32-47. Continuation of prior projects. — Nothing contained in chapters 31 to 33, inclusive, of this title, shall affect the right of an agency to continue and carry out to completion any redevelopment project for which a redevelopment plan has been approved by the legislative body of the community under the provisions of chapter 2574 of the Public Laws of 1950 prior to April 2, 1956 and the provisions of chapter 2574 of the Public Laws of 1950 shall remain in full force and effect and applicable to the project or projects. Nothing herein contained shall affect the rights of any person, firm, or corporation acquired before April 2, 1956 against an agency.

History of Section.

P.L. 1956, ch. 3651, § 91, G.L. 1956, § 45-32-47.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 81, § 1) substituted "applicable to the project" for "applicable to such

project" near the end of the first sentence, and made several minor stylistic changes throughout the section.

Cross References. Severability of provisions, § 45-31-25.

45-32-48. Early land acquisition. — Notwithstanding any provisions of chapters 31 to 33, inclusive, of this title, any redevelopment agency functioning pursuant to § 45-31-10 or § 45-31-17, in connection with its undertaking or carrying out a redevelopment project or formulating a redevelopment plan is authorized (1) to acquire real property in any area designated a redevelopment area pursuant to the provisions of § 45-32-1, demolish or remove the structures on the property, provide for relocation of occupants, including the payment of such sums for relocation expenses to the occupants of the property as are permitted by the federal govern-

ment (notwithstanding the limitation in amount imposed by § 45-31-27), and to clear and improve the property, regardless of the stage of development of the redevelopment project or plan or any modification of the plan for that area or any portions thereof whether it be before or after the approval of the plan or its modification by the legislative body, and (2) to dispose of the property acquired under this section without regard to the provisions of chapters 31 to 33, inclusive, of this title, for the disposition of property in a project area. Any sale or lease of the property may be made without public bidding, provided, however, that no sale or lease shall be made until at least ten (10) days after the legislative body of the community has received from the agency a report concerning the proposed sale or lease and has approved the same by resolution. Any such agency may enter into a contract or contracts with private financial institutions and/or with the federal government for the purpose of obtaining financial or technical assistance in connection with the aforescribed acquisition, demolition, clearance, relocation, and improvement and may borrow, at such interest rates and on such other terms and conditions as it may deem proper, from those private financial institutions or the federal government, sums necessary for the acquisition of the real property and related expenses, the management of the real property, the relocation of the occupants of the real property, the demolition of the buildings or structures and the clearance of and improvement of the land and real property so acquired, and other related administrative costs and payments. Any agency may, on such terms and conditions as it may deem proper, mortgage or otherwise encumber the property so acquired, or any other property owned by it for the purpose or purposes of securing the repayment of any money borrowed to carry out the aforementioned undertaking.

History of Section.

G.L. 1956, § 45-32-48; P.L. 1962, ch. 178, § 1.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 81, § 1) deleted "of the general laws" following "title" near the beginning of

the section; substituted "real property, the demolition" for "real property and the demolition" near the end of the next-to-last sentence, and made several substitutions for the word "such" and several punctuation changes throughout the section.

45-32-49. Guarantee of community. — Any community, for the purpose of aiding in the undertakings authorized by § 45-32-48, notwithstanding any other provisions of the general laws, shall have the power and right to assume the responsibility for and to guarantee repayment of any loan made to an agency by private financial institutions or the federal government on such terms and conditions as it may deem proper and to bear any loss which may arise as the result of the acquisition of the real property, all administrative costs and other payments relating thereto, including the management thereof, the actual sums disbursed to the occupants thereof for relocation expenses (notwithstanding the limitation in amount imposed

by § 45-31-27), the demolition and removal of buildings or structures on the real property, and the clearance and improvement of the and so acquired, in the event the redevelopment plan for the project is not approved or is amended to omit any or all such property, or is abandoned for any reason. No such guarantee or responsibility shall be executed or assumed by any community until the legislative body of the community shall have passed an ordinance specifically authorizing the same. Before passing such an ordinance, the legislative body of the community or the committee thereof to which the proposed ordinance has been referred shall hold a public hearing after giving notice of the date, time, place, and purpose thereof. The notices shall be published not less than once a week for three (3) successive weeks prior to the hearing in a newspaper of general circulation published in the community or, if no such newspaper is published in a community, then in a newspaper of general circulation in the community. At the public hearing, all persons or agencies interested shall have an opportunity to be heard and to submit communications in writing. The public hearing may be held jointly with the hearing required under § 45-32-4 and/or with the hearing required under § 45-32-11 if the legislative body so directs.

History of Section.

G.L. 1956, § 45-32-1; P.L. 1966, ch. 249, § 1.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) made several substitutions for the word "such", and made several punctuation changes throughout the section.

CHAPTER 32.1**REDEVELOPMENT AID FOR HOSPITAL AND EDUCATIONAL PURPOSES**

SECTION	PURPOSE	SECTION	PURPOSE
5-32.1-1	Purpose	45-32.1-1	Cooperation in carrying out approved development plan
5-32.1-2	Preparation and approval of development plans	45-32.1-5	Use of public funds.
5-32.1-3	Public hearing	45-32.1-6	Definitions

45-32.1-1. Purpose. — The purpose of this chapter is to assist any municipality in this state or any redevelopment agency created or to be created pursuant to § 45-31-9, to obtain credit from the federal government for local grants-in-aid to urban renewal which is federally-assisted under the Federal Urban Renewal Law (title I of the Housing Act of 1949, as amended) for certain expenditures in connection with land, buildings, or structures (and the relocation of occupants) within, adjacent to, or in the immediate vicinity of, a redevelopment project area which are redeveloped or rehabilitated for educational or hospital use in accordance with a redevelopment plan or a development plan acceptable to the United States of America or department, agency, or instrumentality thereof after considering the standards of title I of the Housing Act of 1949, as amended.

History of Section.

G.L. 1956, § 45-32.1-1; P.L. 1966, ch. 249, § 1.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) deleted "in chapter 31 of this title, entitled 'Redevelopment agencies,'" following "§ 45-31-9" near the begin-

ning of the section, and made several minor stylistic changes throughout the section.

Federal Acts References. Title I of the Federal Housing Act of 1949 as amended, referred to in this section, may be found in 42 U.S.C., §§ 1451-1460.

45-32.1-2. Preparation and approval of development plans.

— The legislative body of any community is authorized to approve after a public hearing a development plan proposed by an educational institution of higher learning, hospital, private redevelopment corporation, municipal or other public corporation, or authority established by the state of Rhode Island for the redevelopment and renewal of an area within, adjacent to, or in the immediate vicinity of the area of a redevelopment project assisted by the federal government under title I of the Housing Act of 1949, as amended, which is being undertaken by a redevelopment agency or by any city or town in this state. An educational institution of higher learning, a hospital, private redevelopment corporation, municipal or other public corporation, or any authority established by the state is authorized to prepare a development plan. Any state public body may authorize any educational institution of higher learning or hospital established and maintained by the state public body to prepare a development plan.

History of Section.

G.L. 1956, § 45-32.1-2; P.L. 1966, ch. 249, § 1.

Reenactments. The 1988 Reenactment (P.L. 1988, ch. 84, § 1) made two capitalization changes near the middle of the section.

Federal Acts References. Title I of the Federal Housing Act of 1949 as amended, referred to in this section, may be found in 42 U.S.C., §§ 1451-1460.

45-32.1-3. Public hearing. — (a) Prior to approval of a development plan by the legislative body pursuant to § 45-32.1-2, the legislative body of the community or the committee thereof to which the plan has been referred shall hold a public hearing on the development plan. The public hearing shall be held not more than sixty (60) days after receipt by the legislative body of the development plan.

(b) Notice of the time, place, and purpose of the hearing shall be given by publication not less than once a week for three (3) successive weeks prior to the hearing in a newspaper of general circulation published in the community, or if no such newspaper is published in the community, then in a newspaper of general circulation in the community.

History of Section.

G.L. 1956, § 45-32.1-3; P.L. 1966, ch. 249, § 1.

Reenactments. The 1988 Reenactment

(P.L. 1988, ch. 84, § 1) assigned subsection designations, and made a punctuation change near the beginning of subsection (b).