

CHAPTER 2019-6

No. 164 AN ORDINANCE ESTABLISHING A TAX STABILIZATION AGREEMENT FOR 1290 WESTMINSTER STREET, LLC LOCATED AT 1292 WESTMINSTER STREET

Approved March 15, 2019

Be it ordained by the City of Providence:

WHEREAS, 1290 Westminster, LLC (“Westminster”) is the owner of certain real property located in the City at 1292 Westminister Street, Assessor’s Plat 032, Lot 233; and

WHEREAS, Westminster has proposed and committed to the demolition and new construction of a new five-story, 44,810 square-foot mixed-use residential and commercial space structure thus returning the property to a productive commercial use in accordance with the construction plans already submitted to the City by Westminster; and

WHEREAS, Under article 13, section 5 of the Rhode Island Constitution, the General Assembly retains exclusive power over matters relating to municipal taxation. Notwithstanding, and pursuant to Rhode Island General Laws § 44-3-9, the General Assembly has authorized the City of Providence, acting through its City Council and subject to certain enumerated conditions, to exempt or determine a stabilized amount of taxes to be paid on account of real and personal property for a period not to exceed twenty (20) years; and

WHEREAS, Pursuant to the Providence Code of Ordinances, as amended, specifically Chapter 21, Article VIII, Section 21-169, the granting of the tax stabilization will inure to the benefit of the City of Providence and its residents by reason of:

- (A) The willingness of Westminster to demolish and construct new a five-story, 44,810 square-foot mixed-use residential and commercial space structure, thereby improving the physical plant of the City, which will result in a long-term economic benefit to the City and State; and
- (B) The willingness of Westminster to commit at a minimum \$8,000,000.00 in investment in the above-referenced property, by demolishing the existing structure and constructing a new approximately 44,810 square-foot mixed-use residential and commercial space structure in its place. This will enhance the tax base of the surrounding area, and generate significant tax revenues for the City of Providence.

NOW, THEREFORE, In consideration of the mutual agreements and promises set forth herein and other good and lawful consideration the receipt of which is hereby acknowledged, the parties agree as follows:

SECTION 1. DEFINITIONS.

“Property” shall mean certain real property together with any and all buildings, structures, and/or improvements now or in the future located in the City at 1292 Westminister Street, Assessor’s Plat 032, Lot 233.

“Property Owner” shall mean Westminster, or any entity with legal or equitable right and/or interest in and/or to the Property, including any and all successors and assigns.

SECTION 2. TAX STABILIZATION.

Section 2.1. Grant. The City, in accordance with R.I.G.L. § 44-3-9 and the City of Providence Code of Ordinances, does hereby grant a ten (10) year tax stabilization in favor of the Property Owner with respect to the Property.

Section 2.2. Term. The tax stabilization term shall be the period commencing on December 31, 2018 and terminating on December 31, 2027. (Tax Years 2019 - 2028).

Section 2.3. Plan. During the tax stabilization term as defined in Section 2.2 above, the City has determined the stabilized amount of taxes to be paid by the Property Owner with respect to the Property, notwithstanding the valuation of the Property or the then-current rate of tax as follows: For tax years 2019 through and including tax year 2020, the Property Owner shall make a tax payment equal to the taxes due and owing for the December 31, 2018 assessment value multiplied by the 2019 Tax Year commercial tax rate (hereinafter the "Base Assessment Tax"). For each tax year thereafter, the Property Owner will pay the Base Assessment Tax plus a percentage of the difference between the Base Assessment Tax on the Property and the taxes due and owing on the then-current assessed value of the Property multiplied by the then-current rate. See "Tax Stabilization Plan" incorporated herein as if fully reproduced and attached hereto and as Exhibit A.

Section 2.4. Payment Deadlines. During the tax stabilization term as defined in Section 2.2 above and in accordance with the tax stabilization plan outlined in Section 2.3 above, stabilized tax payments shall be made in either a lump sum during the first quarter of the applicable tax year or in equal quarterly installments at the discretion of the Property Owner. If the Property Owner elects to make quarterly installments, each quarterly installment shall be due on the same date that quarterly taxes are due for all other taxpayers in the City of Providence.

Section 2.5. Obligation of Property Owner to Make Payment. During the tax stabilization term as defined in Section 2.2 above and in accordance with the tax stabilization plan outlined in Section 2.3 above, stabilized tax payments shall be an obligation of the Property Owner. It is understood that the stabilized tax payments made hereunder are deemed by the City to be tax payments, and the Property Owner shall be entitled to all of the rights and privileges of a taxpayer in the City, including, without limitation, the right to challenge and appeal any assessment and/or reassessment.

Section 2.6. Non-Receipt of Stabilized Tax Bill. Failure by the City to send or failure by the Property Owner to receive a stabilized tax bill does not excuse the nonpayment of the stabilized tax nor affect its validity or any action or proceeding for the collection of the tax in accordance with this Agreement or otherwise.

Section 2.7. Recording of Agreement, Running with Land. Upon the execution of this Agreement, the Property Owner shall cause this Agreement to be recorded at its expense in the City's official public land evidence records. This recording shall be construed to provide a complete additional alternative method under contract law for the securitization of payments due and owing under this Agreement and shall be regarded as supplemental and in addition to the powers conferred by other state and local laws.

SECTION 3. PERFORMANCE OBLIGATIONS.

Section 3.1. Commencement of Performance.

Rehabilitation and/or construction shall commence within twelve (12) months and shall complete within twenty-four (24) months of the effective date of this Agreement.

Section 3.2. Permits and Certificates of Occupancy.

Property Owner shall obtain all permits and certificates of occupancy as required by state and local law in connection with any and all intended construction or rehabilitation at the Property.

SECTION 4. TRANSFER OF THE PROPERTY.

Section 4.1. Transfer Generally. Stabilized tax payments shall be an obligation of the Property Owner during the tax stabilization term as defined in Section 2.2 above and in accordance with the tax stabilization plan outlined in Section 2.3 above, without regard to any transfer of the Property. Additionally, in accordance with Section 2.7, the burdens and benefits of this Agreement will run with the land, and as for payment of taxes shall run in favor of the City regardless of any transfer of ownership. The Property Owner further agrees to provide prior written notice to the City before any transfer of the Property so that the City may make a determination, in its sole discretion, as to whether or not stabilization under this Agreement will continue.

Section 4.2. Transfer to Tax Exempt Entities. In the event that the Property Owner transfers the Property to a tax-exempt entity, this Agreement shall be void ab initio and any entity holding an equitable or legal interest in the Property on or after the Effective Date of this Agreement shall be jointly and severally liable for the full taxes due and owing from the Effective Date of this Agreement and forward.

Section 4.3. Post-Expiration Transfers. In the event that any Property Owner transfers the Property to a tax-exempt entity within five years from the end of the tax stabilization term, as defined in Section 2.2 above, any and all Property Owners will pay the following: five percent (5%) of the sale price in said transfer if sold to a tax-exempt entity in the first year following the end of the Term; four percent (4%) of the sale price in said transfer if sold to a tax-exempt entity in the second year following the end of the Term; three percent (3%) of the sale price in said transfer if sold to a tax-exempt entity in the third year following the end of the Term; two percent (2%) of the sale price in said transfer if sold to a tax-exempt entity in the fourth year following the end of the Term; and one percent (1%) of the sale price in said transfer if sold to a tax-exempt entity in the fifth year following the end of the Term.

SECTION 5. FURTHER ASSURANCES.

Section 5.1. MBE/WBE. Where found to be applicable and for the term of the stabilization period as defined in Section 2.2 above, the Property Owner afforded the stabilization of taxes as described herein shall make a good faith effort to comply with any and all requirements under Chapter 21 Article II Section 52 of the Providence Code of Ordinances as it pertains to Minority and Women Business Enterprises.

Section 5.2. Internal Revenue Service reporting. Except as provided under R.I.G.L. § 28-42-8, any person performing services at the Property shall annually receive either a W-2 statement or an IRS Form 1099.

Section 5.3. First Source. Where found to be applicable and for the term of the stabilization period as defined in Section 2.2 above, the Property Owner afforded the stabilization of taxes as described herein shall enter into a First Source Agreement with the Director of First Source Providence in accordance with Chapter 21 Article III1/2 of the Providence Code of Ordinances

Section 5.4. "Buy Providence" Initiative. Where found to be applicable and for the term of the stabilization period as defined in Section 2.2 above, the Property Owner afforded the stabilization of taxes as described herein shall make a good faith effort to ensure that any and all materials necessary to carry out the projects afforded the stabilization found in Section 2.3 above are purchased from economically competitive and qualified vendors located in the City of Providence, to the extent such materials can be purchased in the City of Providence.

Section 5.5. Apprenticeship. The Property Owner shall ensure that one hundred (100) percent of the hours worked on the project shall be performed by trade construction subcontractors who have or are affiliated with an apprenticeship program as defined in 29 C.F.R. § 29 et seq. The Property Owner shall make a requirement in the contracts between its construction manager and general contractor and their subcontractors who have apprenticeship programs as defined in 29 C.F.R. § 29 that not less than ten (10) percent of the total hours worked by the subcontractors' employees on the project are completed by apprentices registered in the aforementioned apprenticeship programs.

The Property Owner shall as part of its contracts between its construction manager and general contractor and their subcontractors require that the subcontractors submit to the First Source Director quarterly verification reports to ensure compliance with this section.

The Property Owner, its construction manager or general contractor or other authorized person/entity may petition the Director of Planning and Development, or his/her designee, to adjust the apprenticeship work hour requirements to a lower percentage upon a showing that:

- a. Compliance is not feasible because a trade or field does not have an apprenticeship program or cannot produce members from its program capable of performing the scope of work within the contract; or
- b. Compliance is not feasible because it would involve a risk or danger to human health and safety or the public at large; or
- c. Compliance is not feasible because it would create a significant economic hardship; or
- d. Compliance is not feasible for any other reason which is justifiable and demonstrates good cause.

SECTION 6. DEFAULT.

The following events shall constitute an event of default hereunder:

- (A) Failure of the Property Owner to pay any amount due under or with respect to the tax stabilization in accordance with Section 2 above; or
- (B) Failure of the Property Owner to record this Agreement as required by and in accordance with Section 2 above; or
- (C) Failure of the Property Owner to meet any of the performance obligations set forth in Section 3 above; or
- (D) Failure of the Property Owner to annually report as required by Section 9 below; or
- (E) Failure of the Property Owner to notify the City in writing prior to the transfer of the Property; or
- (F) Transfer of the Property by the Property Owner outside of the terms of this Agreement; or
- (G) Failure of the Property Owner to comply with Section 5 above; or
- (H) Failure of the Property Owner to comply with any other obligation or promise contained within any section or subsection of this Agreement; or
- (I) Failure of the Property Owner to comply with all state and local law regarding building and property maintenance codes, zoning ordinances, and building and/or trade permits; or
- (J) Failure of the Property Owner to remain current on any and all other financial obligations which would impact the validity of the lien created herein.

SECTION 7. NOTICE AND CURE.

Section 7.1. Notice and Cure Period. The City Council shall provide written notice to the Property Owner before exercising any of its rights and remedies under Section 8 below. Upon notice of potential default the City Council shall request, by a majority vote, that the City Clerk send written notice of said potential default and a demand for cure of the same. Upon receipt of the written notice of the potential default the Property Owner shall have thirty (30) days to cure any potential default under this Agreement, provided, however, that if the curing of such default cannot be accomplished with due diligence within thirty (30) days, then the Property Owner shall request an additional reasonable period of time from the City Council, by resolution, to cure such default as may be necessary provided that the Property Owner shall have commenced to cure such default within said period, such cure shall have been diligently pursued by the Project Owner and the City Council does not reasonably deem the taxes jeopardized by such further delay, all as determined by the City Council in its sole discretion, which shall not be unreasonably withheld.

Section 7.2. Agreed Upon Address for Purposes of Written Notice. All notices, requests, consents, approvals, and any other communication which may be or are required to be served or given (including changes of address for purposes of notice) shall be in writing and shall be sent registered or certified mail and addressed to the following parties set forth below:

If to: City of Providence
 Office of the City Clerk
 25 Dorrance St.
 Providence, RI 02903

If to: 1290 Westminster, LLC
 1292 Westminster Street
 Providence, RI 02907

SECTION 8. RIGHTS AND REMEDIES.

Section 8.1. Retroactive Revocation of Tax Stabilization. In the event of a default under this Agreement which remains uncured after the notice and cure period set forth in Section 7 above, the Property Owner shall pay to the City an amount equal to the difference between the stabilized tax payments made under this Agreement and the amount of Property taxes that would have been assessed and paid during the tax stabilization term as defined in Section 2.2 above, but for this Agreement. The entire retroactive tax obligation will become due and owing on the same date that the next quarterly taxes are due for all other taxpayers in the City.

Section 8.2. Collection of Taxes. At any time during the tax stabilization term as defined in Section 2.2 of this Agreement, the City of Providence may pursue any and all rights and remedies arising under any state or local law, including but not limited to Chapters 7-9 of Title 44, and/or arising under this Agreement to collect stabilized taxes due and owing in accordance with the tax stabilization plan outlined in Section 2.3 above and/or to collect retroactive taxes pursuant to Section 8.1 above.

Section 8.3. City's Lien Remedies and Rights. Nothing herein contained shall restrict or limit the City's rights and/or remedies with respect to its first priority lien for taxes as provided under Title 44 of the Rhode Island General Laws. Rather, this Agreement shall be construed to provide a complete additional alternative method under contract law for the collection of taxes, and shall be regarded as supplemental and in addition to the powers conferred by other state and local laws.

Section 8.4. Waiver. Failure or delay on the part of the City to exercise any rights or remedies, powers or privileges at any time under this Agreement or under any state or local law shall not constitute a waiver thereof, nor shall a single or partial exercise thereof preclude any other or further exercise thereof or the exercise of any other right, remedy, power of privilege thereunder.

Section 8.5. Joint and Several Liability. In the event of default under this Agreement Westminster agrees to remain jointly and severally liable with any and all Property Owners.

SECTION 9. MISCELLANEOUS TERMS.

Section 9.1. Annual Progress Report. The Property Owner shall provide annual reports to the City Council on its progress in complying with the provisions of this Agreement. Specifically, its report shall include a performance report on rehabilitation and/or improvements with evidence of final construction costs, status of stabilized tax payments, evidence of employment compliance pursuant to Section 6 above, and overall financial well-being. Upon receipt and review, the City Council may require and request additional information.

Section 9.2. Monitoring Fee. Within thirty (30) days of receiving a statement from the Tax Assessor the Property Owner shall remit a monitoring/compliance fee to the City in the amount of one-hundredth of one percent (0.01%) of the total project costs pursuant to this Agreement each respective tax year during the term of this Agreement. Said fee shall be used to provide the needed resources to the City Tax Assessor's Office, and by extension to the City Solicitor's Office, to monitor and review compliance with this ordinance as well as enforce the provisions contained herein.

Section 9.3. Agreement to Contribute to Parks and Recreation Trust Fund. Upon ratification of this Agreement by the City Council, the Property Owner shall contribute to a Trust Fund established by the City of Providence, of which the Treasurer shall be the trustee. The Fund shall be identified as the "City Council Parks and Recreation Fund." The City Council shall establish regulations pertaining to the disbursement of funds.

- (a) Payments to the Fund. The Property Owner shall make annual payments, starting in the first tax year of this Agreement, to the Fund in the amount of the annual proportion of Five (5) percent of the abated tax for each respective year, for as long as this Agreement is in full force and effect. Said annual payments will be payable on the last day of each subsequent tax year after the Commencement Date. In the first two years of this Agreement, the Property Owner shall contribute a total of \$1,000.00 in each year as an advance on their total contribution over the life of this Agreement. If, for any reason, this Agreement is retroactively revoked, the payments to the fund shall remain and will not be forfeited back to the Property Owner due to a default.
- (b) Investment and Distribution of the Fund. The trust fund will be invested by the Board of Investment Commissioners, and an annual distribution of the investment shall be used to provide funds to the Department of Parks and to the Department of Recreation for capital improvements in neighborhood parks and recreation centers. Said annual distribution shall not supplant any funds that are provided to the Department of Parks and the Department of Recreation through the operating budget. Distributions may never exceed the earnings in the year of distribution or reduce the corpus of the fund. The first payment from the fund shall begin in the fifth year after the establishment of the fund.

Section 9.4. Resolution of Calculation Disputes. Property Owner and the City of Providence agree that Property Owner retains the right to appeal the valuations of the Property or calculation of the taxes if and only if the assessment value of the Property increases by more than ten percent (10%) between any two City-wide revaluations (as referenced in R.I. Gen. Laws § 44-5-11.6) which occur during the term of this stabilization or if there is a substantial change in circumstances regarding the value of the Property. A substantial change in circumstances shall include a vacancy or partial vacancy at the Property, loss of use of the Property as a result of fire, flood or other force majeure, loss of revenue generated by the Property or decline in the real estate market such that it negatively impacts the value of the Property.

Section 9.5. Severability. The sections of this Agreement are severable, and if any of its sections or subsections shall be held unenforceable by any court of competent jurisdiction, the decision of the court shall not affect or impair any of the remaining sections or subsections.

Section 9.6. Applicable Law. This Agreement shall be construed under the laws of the State of Rhode Island, the City of Providence Home Rule Charter, and the City of Providence Code of Ordinances, as amended.

Section 9.7. Modifications Amendments and/or Extensions. This Agreement shall not be modified, amended, extended or altered in any way by oral representations made before or after the execution of this Agreement. Any and all modifications, amendments, extensions or alterations must be in writing duly executed by all parties.

Section 9.8. Entire Agreement. This Agreement and all attachments, addenda, and/or exhibits attached hereto shall represent the entire agreement between City and the Property Owner and may not be amended or modified except as expressed in this document.

Section 9.9. Effective Date. This Agreement shall take effect upon passage of this Ordinance by the Providence City Council, and approval by the Mayor.

IN CITY COUNCIL
FEB 21 2019
FIRST READING
READ AND PASSED
ACTING
Jana J. Mastromarino CLERK

IN CITY COUNCIL
COUNCIL
MAR 07 2019
FINAL READING
READ AND PASSED
Sabrina Mats
PRESIDENT
Shawn Sellich
CLERK

I HEREBY APPROVE.

[Signature]
Mayor
Date: 3/15/19

1290 Westminster LLC
 1292 Westminster Street
 Plat 32 Lot 233

(Fiscal Impact)

10 Year TSA Projection

Year	Value	Base Tax + % of Incr.	Tax Rate	Base Tax	Phased-In Tax	Proposed Total Tax	Payments at Full Taxation
1*	644,200	Base Tax	\$36.70	\$23,642.14	\$0	\$23,642.14	\$ 23,642.14
2*	644,200	Base Tax	\$36.70	\$23,642.14	\$0	\$23,642.14	\$ 23,642.14
3	8,000,000	Base + 12.50%	\$36.70	\$23,642.14	\$33,744.73	\$57,386.87	\$ 293,600.00
4	8,000,000	Base + 25.00%	\$36.70	\$23,642.14	\$67,489.47	\$91,131.61	\$ 293,600.00
5	8,000,000	Base + 37.50%	\$36.70	\$23,642.14	\$101,234.20	\$124,876.34	\$ 293,600.00
6	8,240,000	Base + 50.00%	\$36.70	\$23,642.14	\$139,382.93	\$163,025.07	\$ 302,408.00
7	8,240,000	Base + 62.50%	\$36.70	\$23,642.14	\$174,228.66	\$197,870.80	\$ 302,408.00
8	8,240,000	Base + 75.00%	\$36.70	\$23,642.14	\$209,074.40	\$232,716.54	\$ 302,408.00
9	8,487,200	Base + 87.50%	\$36.70	\$23,642.14	\$251,858.34	\$275,500.48	\$ 311,480.24
10	8,741,816	Base + 95.00%	\$36.70	\$23,642.14	\$282,323.38	\$305,965.52	\$ 320,824.65
						\$1,495,757.50	\$ 2,467,613.17

Savings to applicant:

(\$971,855.67)

* Base Value subject to change as of 12/31/2018, due to full revaluation

EXHIBIT A - 1292 Westminster

TAX STABILIZATION PLAN		TAX PAYMENT UNDER STABILIZATION AGREEMENT	
TAX YEAR	BASE ASSESSMENT TAX	PERCENTAGE OF FULL ASSESSMENT INCREASES	TAX PAYMENT UNDER STABILIZATION AGREEMENT
1	BA TAX		BA TAX
2	BA TAX	\$0.00	BA TAX
3	BA TAX	12.50% of (Year 3 Assessment Value-Base Assessment) * Year 3 Commercial Tax Rate	BA TAX plus 12.50% of (Year 3 Assessment Value-Base Assessment) * Year 3 Commercial Tax Rate
4	BA TAX	25.00% of (Year 4 Assessment Value-Base Assessment) * Year 4 Commercial Tax Rate	BA TAX plus 25.00% of (Year 4 Assessment Value-Base Assessment) * Year 4 Commercial Tax Rate
5	BA TAX	37.50% of (Year 5 Assessment Value-Base Assessment) * Year 5 Commercial Tax Rate	BA TAX plus 37.50% of (Year 5 Assessment Value-Base Assessment) * Year 5 Commercial Tax Rate
6	BA TAX	50.00% of (Year 6 Assessment Value-Base Assessment) * Year 6 Commercial Tax Rate	BA TAX plus 50.00% of (Year 6 Assessment Value-Base Assessment) * Year 6 Commercial Tax Rate
7	BA TAX	62.50% of (Year 7 Assessment Value-Base Assessment) * Year 7 Commercial Tax Rate	BA TAX plus 62.50% of (Year 7 Assessment Value-Base Assessment) * Year 7 Commercial Tax Rate
8	BA TAX	75.00% of (Year 8 Assessment Value-Base Assessment) * Year 8 Commercial Tax Rate	BA TAX plus 75.00% of (Year 8 Assessment Value-Base Assessment) * Year 8 Commercial Tax Rate
9	BA TAX	87.50% of (Year 9 Assessment Value-Base Assessment) * Year 9 Commercial Tax Rate	BA TAX plus 87.50% of (Year 9 Assessment Value-Base Assessment) * Year 9 Commercial Tax Rate
10	BA TAX	95.00% of (Year 10 Assessment Value-Base Assessment) * Year 10 Commercial Tax Rate	BA TAX plus 95.00% of (Year 10 Assessment Value-Base Assessment) * Year 10 Commercial Tax Rate
11			

FULL TAXATION RESUMES

* All years refer to Tax Years

Joelle C. Rocha, Esquire
jrocha@ksrplaw.com

Via Hand Delivery

January 3, 2019

John J. Igliazzi, Chairman, City of Providence Finance Committee
c/o Lori Hagen, City Clerk
City of Providence
25 Dorrance Street
Providence, RI

RE: TSA Application for 1292 Westminster Street Property

Dear Chairman Igliazzi:

Per your request at last night's committee meeting with respect to the above-referenced application for a TSA, we have provided the following information:

1. An updated listing of the financial and technical details of the construction, relevant to the TSA, as well as the format sent to me today by Treasurer Lombardi. You'll note that we provided one of these as a handout at last night's hearing, but the term of the TSA has now been corrected to reflect that the proposed TSA is for a term of 10 years, *not 15*. We have also provided this document in storyboard form as part of this submission.
2. Copies of the approvals of the proposed building by the City Plan Commission ("CPC"), at all levels of review: master plan, preliminary plan, and final plan. Additionally, since one member referenced his appeal of the Project at one of the levels of approval (the second stage—preliminary plan), we have also attached the decision of the Board of Appeals upholding the decision of the CPC in granting preliminary plan approval.
3. A listing of the current Planning Board members, as well as the CPC members who voted at master plan, and preliminary plan for the Project. Final plan approval was delegated to staff.
4. Copies of the approvals from the City Historic District Commission for both the construction of the proposed building shown on the rendering provided on the

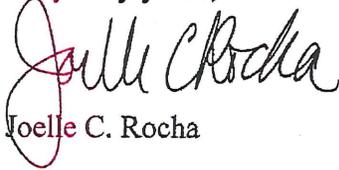
story board last night, and the demolition of the structure that existed at the Property.

5. A listing of the Members of the Historic District Commission.
6. A copy of the demolition permit issued by the City on July 2, 2018.
7. A copy of the foundation permit issued by the City on July 3, 2018.
8. A copy of the building permit issued by the City on October 15, 2018.

Since one of the objectors brought up the appeal for the approval, as it relates to off-site parking (an issue I would argue which isn't relevant for the property or building my client is seeking the tax stabilization agreement on), I want the committee to be aware that the off-site parking location, 334 Carpenter Street was also rehabilitated by my client, at his expense. I have attached pictures at tab 9 for reference, to the extent this information is relevant.

Thank you in advance for your attention to this matter. Of course, if you need any additional information, our team would be happy to provide it. We look forward to continuing to work with the City on this Project.

Very truly yours,

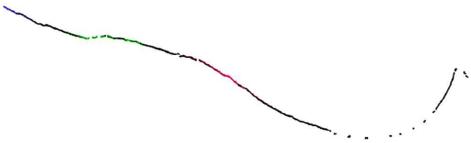
A handwritten signature in black ink that reads "Joelle C. Rocha". The signature is written in a cursive style with a large initial "J".

Joelle C. Rocha

Cc: Client and development team
James J. Lombardi III, Treasurer

EXHIBIT 1

J



1292 WESTMINSTER STREET TSA INFORMATION

1. What is the present value of the building?
Response: the building has been demolished. The property (prior to demolition) was assessed at \$644,200.00
2. What will be the value of the building upon completion?
Response: TBD by Tax Assessor.
3. How much money is being invested into project?
Response: \$8,000,000.00
4. Will it be new construction dollars?
Response: Yes.
5. What are the costs of permits (building and otherwise) you are paying to the City of Providence?
Response: \$50,000-\$75,000
6. What is the amount of taxes being abated?
Response: TBD by Tax Assessor
7. What is total square footage of the building to be built?
Response: 44,810 SF
8. How is each space being allocated? i.e., restaurant, office, retail, residential, etc.
Response: First floor has commercial space and a restaurant space.
Floors 2-5 are for the 35 residential units
9. What is the square footage for each space?
Response:

Residential Square Footage:	31,784 SF
Commercial Square Footage:	2,350 SF
Restaurant Square Footage:	4,267 SF
10. What will be the prices of the residential units? The average rent?
Response: Estimated, as market conditions will better determine when units are complete.
 - (Studio – 1 total): 428 SF @ \$1200/month
 - (1 Bed, 1 Bath – 31 total): 528 SF – 810 SF @ \$1400/month
 - (2 Bed, 1 Bath – 3 total): 980 SF – 1,010 SF @ \$1800/month
11. How large/small will each residential unit be? The square footage?
Response: See above.
12. How many jobs will be created, temporarily & permanently & type of same?
Response: 200 +/- Construction jobs, 25-35 permanent jobs: 3 for building/residential portion; approx. 25 for restaurant; approx. 5 for commercial/retail space
13. If project moves forward, how long will it take to construct project?
Response: December 2019, estimated completion.
14. If project moves forward, do they have the full financing to begin project?
Response: Yes.

Property Information

1292 Westminster
Street
Providence, RI 02907

12.27.18

TSA Application

Currently Assessed Value:	\$644,200.00
Investment in Property:	\$8,000,000.00
Anticipated Assessment after Investment (@ year 10):	\$
Renovation Square footage Total:	44,810 SF
Residential Square Footage:	31,784 SF
Commercial Square Footage:	2,350 SF
Restaurant Square Footage:	4,267 SF
Square Footage per Floor:	
	5,380 SF – BASEMENT
	8,334 SF – 1ST FLOOR
	8,525 SF – 2ND FLOOR
	8,825 SF – 3RD FLOOR
	7,958 SF – 4TH FLOOR
	6,080 SF – 5 TH FLOOR
Unit Square Footages and Price (Studio – 1 total):	428 SF @ \$1200/month
Unit Square Footages and Price (1 Bed, 1 Bath – 31 total):	528 SF – 810 SF @ \$1400/month
Unit Square Footages and Price (2 Bed, 1 Bath – 3 total):	980 SF – 1,010 SF @ \$1800/month
Jobs Created:	200 +/- Construction jobs, 25-30 permanent jobs
Construction Start Date:	July, 2018
Construction Schedule Completion Date:	December 2019
Approximate Permit Fees:	\$50,000-\$75,000
Use:	Mixed use
TSA Term:	10 years

EXHIBIT 2



City Plan Commission
Jorge O. Elorza, Mayor

August 28, 2017

Lori Hagen, City Clerk
Office of the City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Doc No: 00179961
Book: 11814 Page: 131

**Re: Notice of Master Plan Approval and Notice of Appeal for Major Land Development Project
17-034 MA at 1292 Westminster Street (AP 32 Lot 233)**

Michael Lemoi, Owner
Eric Zuena, Applicant

Dear Ms. Hagen:

The City Plan Commission (CPC) voted to approve the master plan for the subject major land development project at a regular meeting on August 15, 2017, subject to the findings of fact and conditions of approval noted below.

In accordance with Rhode Island General Laws Section 45-23-63, the applicant must record this decision in the land evidence records within thirty-five (35) days after the CPC's vote.

Pursuant to Rhode Island General Laws Section 45-23-67, the CPC is required to post its decision on major and minor subdivisions and land development projects in the Office of the City Clerk to begin the 20-day appeal period. Therefore, this letter serves as notice that a decision has been rendered on the subject matter. This letter must be posted in your office for a period of 20 days, beginning with the day you receive this letter. Any appeals to this decision must be immediately transmitted to this Department. If no appeals are filed, this letter may be removed from your bulletin board 20 days after it has been posted.

Project Overview

The subject lot measures approximately 16,825 SF. It is zoned C-2 and is within the Historic District. It is occupied by a single story building which is proposed to be demolished and replaced by a five story mixed use building with 7,200 SF of commercial space on the ground floor and 35 dwelling units on floors two through five. The project has received conceptual approval from the Historic District Commission (HDC). A height of approximately 58 feet is proposed, requiring an adjustment of eight feet above the 50 foot height limit in this zone. Forty three parking spaces are required but 22 vehicular spaces and 18 bike spaces will be provided.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
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The applicant requested an adjustment for a 50 percent reduction in the amount of parking provided.

Findings of Fact

The CPC reviewed the project and made the following findings of fact:

- 1. Consistency with Providence Tomorrow: The Comprehensive Plan** - The subject property is located in an area that the future land use map of Providence Tomorrow: The Comprehensive Plan intends for Neighborhood Commercial/Mixed Use. The plan describes these areas as ones intended to foster the expansion of traditional, transit and pedestrian oriented commercial uses that serve neighborhood needs. Also, the Comprehensive Plan Map of Areas of Stability and Change identifies Westminster Street as a growth corridor, which is defined as follows:

These areas are located along key commercial and transit corridors in the city. These corridors present an excellent opportunity for pedestrian-oriented, mixed-use development at higher densities than the surrounding neighborhoods to support an improved transit system. Development on these corridors would likely have nodes of higher intensity and activity at key intersections. The areas considered growth corridors will also address the transition from the commercial uses to the adjacent residential uses

The CPC found that the development would be in conformance with both designations. Further, the CPC found that provision of housing would conform to objectives H-1 and H-2 of the comprehensive plan which seek to create new housing opportunities and improve existing housing.

- 2. Compliance with Zoning Ordinance**

The CPC made the following findings:

Use: The proposed residential and commercial uses are permitted by right in the C-2 zone.

Dimension: The CPC found that the development largely conforms to the dimensional requirements of the C-2 zone. However, the applicant requested dimensional adjustments from the height restriction and parking requirements.

Building Design: The CPC found that the development conformed to the design requirements of the C-2 zone. Elevations show that the ground floor would provide a transparency of over 50 percent on the north and east elevations with a main public entrance accessible from the street. The building façade is composed of brick and cementitious and metal panels, which are materials permitted by the ordinance. While fenestration is not required on the western elevation, the CPC expressed a desire to see windows on the fourth and fifth floors on this side of the building. This would necessitate setting back the top two floors by at least five feet to comply with the building code.

Parking: The applicant is seeking a dimensional adjustment to reduce the parking requirement by 50 percent. Forty three parking spaces are required but 22 will be provided in a parking area at the rear of the building in addition to 18 permanent indoor bike spaces. Thirty five parking spaces are required for the residential use and 14 for the commercial space for a total of 49, calculated as one per dwelling unit and one per 500 SF of development respectively. The total is reduced by five due the 2,500 SF parking exemption for commercial space. Seven bicycle spaces are required for every five dwelling units but 18 are proposed. As the total exceeds 120% of required bicycle spaces, the required parking is further reduced by one space for a total requirement of 43 spaces. The applicant would meet the parking requirement if the CPC were to grant the requested parking adjustment.

The CPC declined to approve the request for a dimensional adjustment for parking. The applicant may revise the request for a parking adjustment at the preliminary plan stage by providing supplemental offsite parking or finding other means to reduce the magnitude of the adjustment.

Building Height: Building height in the C-2 zone is limited to four stories and 50 feet. The applicant is seeking a height adjustment to provide five stories and a height of approximately 58 feet. The CPC granted the height adjustment subject to Section 1904.E.1.i, finding that the applicant would provide mixed use development of which 50 percent is devoted to residential use. The CPC granted the adjustment subject to the condition that the applicant set back the fourth and fifth floors on the western façade by more than five feet from the westerly lot line to allow for provision of fenestration on the western elevation.

Landscaping: The 16,824 SF lot requires approximately 2,525 SF of canopy coverage in addition to the planting strip around the parking area on Harrison and Powhatan Streets. Per the City Forester's review of the plan, the applicant will meet the canopy coverage requirement by retaining trees on Westminster Street and making plantings within the strip. The CPC required that the applicant provide a detailed landscaping plan at the preliminary plan stage.

Lighting: The CPC required that the applicant submit a lighting and signage plan at the preliminary plan stage.

3. Environmental Impact

The CPC required that a stormwater management plan, an erosion control plan and a site maintenance plan be submitted at the preliminary plan stage and shall be subject to the approval of the City Engineer. The CPC found that no negative environmental impacts are expected as the applicant is expected to come into compliance with applicable environmental regulations.

4. Buildable Lot

The CPC found that there are no physical constraints that impact development of this property as the property meets the dimensional requirements for this zone.

5. Street Access

The CPC required that the site layout be subject to review by the fire department to ensure that adequate fire access is provided. Adequate vehicular and pedestrian access is provided from Westminster and Harrison Streets.

ACTION

Based on their analysis and findings, the CPC approved the Master Plan subject to the following conditions:

1. The following plan components shall be submitted at the preliminary plan stage:
 - Stormwater management plan
 - Erosion control plan
 - Site maintenance plan
 - Lighting and signage plan
 - Detailed landscape plan.
 - Any required state approvals
2. The CPC declined to grant the parking adjustment. If the applicant intends to re-apply for the adjustment at the preliminary plan stage, the request for relief shall be substantially changed. Changes may include providing parking offsite or finding other ways to reduce the magnitude or need for the adjustment.
3. The CPC granted the height adjustment subject to the condition that the applicant set back the fourth and fifth floors on the western façade by more than five feet from the westerly lot line to allow for provision of fenestration on the western façade.
4. The CPC required that the building's design be approved by the Historic District Commission prior to the preliminary plan stage.

Sincerely,



Choyon Manjrekar
Administrative Officer

Cc: Eric Zuena, ZDS
Michael Lemoi
Jeffrey Lykins, Building Official
William Bombard, City Engineer

RECEIVED:

Providence
Received for Record
Aug 29, 2017 at 01:29P
Document Num: 00179961
John A Murphy
Recorder of Deeds

City Plan Commission
Jorge O. Elorza, Mayor

**Decision of the City Plan Commission granting Preliminary Plan Approval
for Major Land Development Project 17-034 MA at 1292 Westminster
Street (AP 32 Lot 233)
February 28, 2018**

**Owner
and Applicant: 1290 Westminster Street LLC
c/o Michael Lemoj
311 Broadway
Providence RI 02903**

The City Plan Commission (CPC) voted to approve the Preliminary Plan for the subject Major Land Development Project at a regular meeting on February 20, 2018. The CPC acted subject to the findings of fact and conditions of approval noted below.

Project Overview

The subject lot measures approximately 16,825 SF and is zoned C-2 under the Historic District overlay and occupied by a single story building which will be demolished and replaced by a 58 foot tall five-story mixed use building with 7,200 SF of commercial space on the ground floor and 35 dwelling units on floors 2-5. The CPC granted an eight foot, one story dimensional adjustment from the height restriction at the master plan stage. Forty three parking spaces are required but 22 onsite vehicular spaces and 18 bike spaces will be provided. Sixteen additional dedicated spaces will be provided in an accessory parking lot also owned by the applicant. The applicant originally requested a parking adjustment for five spaces, but received an adjustment for six spaces based on the CPCs findings. The applicant also requested a waiver from the requirement that all state approvals be submitted at the preliminary plan stage.

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Findings of Fact

The CPC made the following findings of fact in accordance with section 806 of the CPCs development review regulations, based on the applicant's presentation, their analysis of the plan and the Department of Planning and Development's (DPD) recommendations:

- 1. Consistency with Providence Tomorrow: The Comprehensive Plan** – The subject property is located in an area that the future land use map of Providence Tomorrow: The Comprehensive Plan intends for Neighborhood Commercial/Mixed Use. The plan describes these areas as ones intended to foster the expansion of traditional, transit and pedestrian oriented commercial uses that serve neighborhood needs. The CPC found that the development would be in conformance with this designation. The CPC found that provision of housing would conform to objectives H-1 and H-2 of the comprehensive plan which seek to create new housing opportunities and improve existing housing.

According to Map 11.1 of the Comprehensive plan, Westminster Street is designated a growth corridor which is suited to accommodate high density mixed use development to accommodate an improved transit system. The CPC found that the development would be in conformance with objective LU-2 which encourages growth within corridors best suited to provide access to jobs and transit.

- 2. Compliance with Zoning Ordinance**

The CPC made the following findings:

Use: The CPC found that the mixed use development is permitted by right in the C-2 zone.

Dimension: The CPC found that the development conforms to the dimensional requirements of the C-2 zone. The applicant received an adjustment of 8 feet and one story from the C-2 height limit at the master plan stage. The applicant will be using the existing foundation for the planned building, which slightly encroaches onto the public right of way on Westminster Street. Articulations on the building's façade include a canopy that projects three feet and windows that project two feet over the right of way. The CPC required that the applicant obtain any required encroachment permits from the Department of Public Works (DPW).

Parking: The applicant requires a total of 43 parking spaces. Twenty two spaces will be provided on site and additional parking will provided in an accessory parking lot at 334 Carpenter Street, which is about 0.1 miles away from the development. The site is currently used as an auto repair business with two service bays and per a plan provided,

accommodates 23 spaces onsite. Three parking spaces are required per bay in addition to one space for every 500 SF of indoor sales and display area. With seven spaces provided for the auto use, the other 16 were proposed for use by the subject development. A total of 38 spaces will be available for the development, which would require an adjustment of five parking spaces.

The CPC required that the applicant improve the condition of the lot at 334 Carpenter Street. This would include repaving, restriping and cleaning up the lot. The CPC also required that the applicant bring the site into full conformance with the landscaping requirement. The CPC found that adding landscaping would reduce the amount of available parking by one space, requiring an adjustment of six spaces instead of five as proposed by the applicant.

The CPC found that the parking adjustment was required per Section 1904.E.1.b. and c. of the zoning ordinance as the location, size and type of use require an adjustment. The CPC granted the six space parking adjustment finding that the applicant complied with the CPC's requirement that the request for the parking adjustment be substantially altered from the master plan stage. The applicant had initially requested a 22 space adjustment.

The Director of the Department Inspection and Standards (DIS) has reviewed the parking arrangement and found that the additional parking is within a reasonable distance of the development, conforms to the ordinance and that the parking is not required for another use. The CPC required that the applicant shall permit the Director of Inspection and Standards to file a lien designating the use of the lot for parking for the development at 1292 Westminster Street.

Landscaping: The City Forester approved the landscaping plan for the development at 1292 Westminster Street. The CPC required that the landscaping on the accessory parking lot be subject to the City Forester's approval.

Lighting and signage: The CPC found that the lighting and signage plans meet the requirements of the zoning ordinance.

3. Environmental Impact

A stormwater management, site management plan and erosion control plan have been submitted. The plans shall be subject to the approval of the City Engineer prior to final plan submission.

The applicant requested a waiver from the requirement that all state approvals shall be provided at the preliminary plan stage. The applicant is awaiting approval of the stormwater

connection and sewer connection permits from the Narragansett Bay Commission (NBC) as well as a stormwater construction permit from the Department of Environmental Management (DEM). The CPC granted the waiver finding that they are in the best interest of good planning practice and subject to the condition that all approvals be submitted with the final plan. The applicant shall return to the CPC should the approvals require a change to the final site plan.

The CPC found that no negative environmental impacts are expected as the applicant is expected to come into conformance with applicable environmental regulations.

4. Buildable Lot

The CPC found that there are no physical constraints that impact development of this property as the applicant meets the dimensional requirements for this zone.

5. Street Access

The CPC found that adequate vehicular and pedestrian access is provided from Westminster and Harrison Streets.

ACTION

1. Upon a motion by Commissioner Verdi, seconded by Commissioner Bilodeau, the CPC voted as follows to grant a waiver from the requirement that all state approvals be submitted at the preliminary plan stage:

M. Gazdacko, AYE; H. Bilodeau AYE; N. Verdi AYE; Luis Torrado AYE;
J. Opton-Himmel AYE

In accordance with the CPCs action, the waiver is granted subject to the condition that all approvals be submitted at the final plan stage and that the applicant shall return to the CPC should the approvals result in any changes to the submitted plan.

2. Upon a motion by Commissioner Verdi, seconded by Commissioner Bilodeau, the CPC voted as follows to grant a parking adjustment for six spaces finding that it is required in accordance with Section 1904.E.1.b. and c:

M. Gazdacko, AYE; H. Bilodeau AYE; N. Verdi AYE; Luis Torrado AYE;
J. Opton-Himmel AYE

In accordance with the CPCs action, the waiver is granted subject to the following conditions:

- i. The applicant shall permit the Building Official to file a lien designating the use of the lot at 334 Carpenter Street to provide parking for the subject development.
 - ii. The lot at 334 Carpenter Street shall be landscaped in conformance with the zoning ordinance and subject to the City Forester's approval.
 - iii. The applicant shall repave, restripe and improve the lot at 334 Carpenter Street. The applicant shall replace the sidewalk adjacent to the parking lot.
3. Upon a motion by Commissioner Torrado, seconded by Commissioner Opton-Himmel, the CPC voted as follows to grant preliminary plan approval:

H. Bilodeau AYE; N. Verdi AYE; Luis Torrado AYE;
J. Opton-Himmel AYE; M. Gazdacko NO;

In accordance with the CPC's action, the preliminary plan is approved subject to the following conditions:

- i. The stormwater management, erosion control and site maintenance plans shall be subject to review by the City Engineer prior to final plan submission. The site maintenance plan shall be recorded against the title of the property.
- ii. The applicant shall obtain any required encroachment permits from the DPW for any portions of the building that extend into the public right of way.
- iii. Final plan approval shall be delegated to DPD staff.

RECEIVED:
Providence
Received for Record
Mar 07, 2018 at 09:25A
Document Num: 00194232
John A Murphy
Recorder of Deeds


Choyon Manjrekar
Administrative Officer

In accordance with Rhode Island General Laws Section 45-23-63, this decision must be recorded in the land evidence records within thirty-five (35) days after the CPC's vote.

In addition, in accordance with Rhode Island General Laws Section 45-23-67, this decision shall be posted in the office of the City Clerk for a period of 20 days. Any appeals to this decision must be immediately transmitted to the DPD. If no appeals are filed, this letter may be removed by the City Clerk 20 days after it has been posted.



City Plan Commission
Jorge O. Elorza, Mayor

**Decision of the City Plan Commission granting Final Plan Approval for
Major Land Development Project 17-034 MA at 1292 Westminster Street
(AP 32 Lot 233)**

June 21, 2018

Doc No: 00202516
Book: 12077 Page: 105

**Owner
and Applicant: 1290 Westminster Street LLC
c/o Michael Lemoj
311 Broadway
Providence RI 02903**

The City Plan Commission (CPC) voted to approve the Preliminary Plan for the subject Major Land Development Project at a regular meeting on February 20, 2018 and delegated final plan approval to the Department of Planning and Development (DPD). The DPD approved the plan subject to the noted findings of fact.

Project Overview

The subject lot measures approximately 16,825 SF and is zoned C-2 under the Historic District overlay and occupied by a single story building which will be demolished and replaced by a 58 foot tall five-story mixed use building with 7,200 SF of commercial space on the ground floor and 35 dwelling units on floors 2-5. The CPC granted an eight foot, one story dimensional adjustment from the height restriction at the master plan stage. Forty three parking spaces are required but 22 onsite vehicular spaces and 18 bike spaces will be provided. Sixteen additional dedicated spaces will be provided in an accessory parking lot also owned by the applicant. The applicant originally requested a parking adjustment for five spaces, but received an adjustment for six spaces based on the CPCs findings.

DEPARTMENT OF PLANNING AND DEVELOPMENT
444 Westminster Street, Providence, Rhode Island 02903
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www.providenceri.com

Findings of Fact

The CPC made the following findings of fact in accordance with section 806 of the CPCs development review regulations, based on the applicant's presentation, their analysis of the plan and the Department of Planning and Development's (DPD) recommendations:

1. *Consistency with Providence Tomorrow: The Comprehensive Plan* – The subject property is located in an area that the future land use map of Providence Tomorrow: The Comprehensive Plan intends for Neighborhood Commercial/Mixed Use. The plan describes these areas as ones intended to foster the expansion of traditional, transit and pedestrian oriented commercial uses that serve neighborhood needs. The CPC found that the development would be in conformance with this designation. The CPC found that provision of housing would conform to objectives H-1 and H-2 of the comprehensive plan which seek to create new housing opportunities and improve existing housing.

According to Map 11.1 of the Comprehensive plan, Westminster Street is designated a growth corridor which is suited to accommodate high density mixed use development to accommodate an improved transit system. The CPC found that the development would be in conformance with objective LU-2 which encourages growth within corridors best suited to provide access to jobs and transit.

2. *Compliance with Zoning Ordinance*

The CPC made the following findings:

Use: The CPC found that the mixed use development is permitted by right in the C-2 zone.

Dimension: The CPC found that the development conforms to the dimensional requirements of the C-2 zone. The applicant received an adjustment of 8 feet and one story from the C-2 height limit at the master plan stage. The applicant will be using the existing foundation for the planned building, which slightly encroaches onto the public right of way on Westminster Street. Articulations on the building's façade include a canopy that projects three feet and windows that project two feet over the right of way. The CPC required that the applicant obtain any required encroachment permits from the Department of Public Works (DPW).

Parking: The applicant requires a total of 43 parking spaces. Twenty two spaces will be provided on site and additional parking will provided in an accessory parking lot at 334 Carpenter Street, which is about 0.1 miles away from the development. The site is currently used as an auto repair business with two service bays and per a plan provided, accommodates 23 spaces onsite. Three parking spaces are required per bay in addition to

one space for every 500 SF of indoor sales and display area. With seven spaces provided for the auto use, the other 16 were proposed for use by the subject development. A total of 38 spaces will be available for the development, which would require an adjustment of five parking spaces.

The CPC required that the applicant improve the condition of the lot at 334 Carpenter Street. This would include repaving, restriping and cleaning up the lot. The CPC also required that the applicant bring the site into full conformance with the landscaping requirement. The CPC found that adding landscaping would reduce the amount of available parking by one space, requiring an adjustment of six spaces instead of five as proposed by the applicant. The applicant has submitted a landscaping plan for the parking lot, which was approved by the City Forester.

The CPC found that the parking adjustment was required per Section 1904.E.1.b. and c. of the zoning ordinance as the location, size and type of use require an adjustment. The CPC granted the six space parking adjustment finding that the applicant complied with the CPC's requirement that the request for the parking adjustment be substantially altered from the master plan stage. The applicant had initially requested a 22 space adjustment.

The Director of the Department Inspection and Standards (DIS) has reviewed the parking arrangement and found that the additional parking is within a reasonable distance of the development, conforms to the ordinance and that the parking is not required for another use. The applicant shall permit the Director of Inspection and Standards to file a lien designating the use of the lot for parking for the development at 1292 Westminster Street prior to applying for building permits.

Landscaping: The City Forester approved the landscaping plan for the development at 1292 Westminster Street as well as the parking lot at 334 Carpenter Street.

Lighting and signage: The CPC found that the lighting and signage plans meet the requirements of the zoning ordinance.

3. Environmental Impact

A stormwater management, site management plan and erosion control plan have been submitted and shall be subject to approval by the City Engineer.

The applicant has submitted stormwater connection and sewer connection permits from the Narragansett Bay Commission (NBC) as well as a stormwater construction permit from the

Doc No: 00202516
Book: 12077 Page: 108

Department of Environmental Management (DEM). The applicant shall return to the CPC should any environmental approvals require a change to the final site plan.

The CPC found that no negative environmental impacts are expected as the applicant is expected to come into conformance with applicable environmental regulations.

4. Buildable Lot

The CPC found that there are no physical constraints that impact development of this property as the applicant meets the dimensional requirements for this zone.

5. Street Access

The CPC found that adequate vehicular and pedestrian access is provided from Westminster and Harrison Streets.

ACTION

Based on their analysis, and finding that the applicant has fulfilled the CPC's conditions of approval, the DPD hereby approves the final plan.



Choyon Manjrekar
Administrative Officer

In accordance with Rhode Island General Laws Section 45-23-63, this decision must be recorded in the land evidence records within thirty-five (35) days after the CPC's vote.

In addition, in accordance with Rhode Island General Laws Section 45-23-67, this decision shall be posted in the office of the City Clerk for a period of 20 days. Any appeals to this decision must be immediately transmitted to the DPD. If no appeals are filed, this letter may be removed by the City Clerk 20 days after it has been posted.

RECEIVED:

Providence
Received for Record
Jun 22, 2018 at 02:07P
Document Num: 00202516
John A Murphs
Recorder of Deeds

Jorge O. Elorza
Mayor

Marc Greenfield
Chair



Zoning Board of Review

June 13, 2018

RESOLUTION NO. 2018-01A

IN RE: APPEAL FROM DECISION OF CITY PLAN COMMISSION
GRANTING PRELIMINARY PLAN APPROVAL FOR MAJOR
LAND DEVELOPMENT PROJECT (17-034 MA)

PROPERTY: 1292 WESTMINSTER STREET
ASSESSOR'S PLAT 32, LOT 233

APPELLANT: JOHN BERGMAN

Counsel: Timothy T. More, Esq.
50 South Main Street
Providence, RI 02903

APPELLEES: 1290 WESTMINSTER STREET, LLC
MICHAEL LEMOI

Counsel: Joelle Rocha, Esq.
128 Dorrance Street, Suite 300
Providence, RI 02903

AGENCY: PROVIDENCE CITY PLAN COMMISSION

Counsel: Kelley Nickson Morris, Esq.
c/o City Solicitor

2018 JUN 14 A 10:47
FILED
DEPT OF CITY CLERK
PROVIDENCE, RI

On May 9, 2018, the above matter came for a duly noticed public hearing before the Zoning Board of Review, sitting as the Board of Appeal (the "Board") under R.I. Gen. Laws § 45-23-57 of the Development Review Act (the "Act"), for consideration of an appeal from the City Plan Commission's (the "CPC") decision granting Preliminary Plan Approval for a major land development project at 1292 Westminster Street (the "Project"). The following Board members were present: Chair Greenfield, Messrs. Wolf, Baldwin and Strother and Ms. Anthony.¹

WHEREAS, prior to the hearing, the Board had before it:

- a. The Notice of Appeal and accompanying documents filed by Appellant;
- b. The entire administrative record of the CPC;
- c. The CPC's written decision granting Preliminary Plan Approval, dated February 28, 2018 (the "Decision");
- d. Memoranda of law submitted to the Board by counsel for the Appellant, the Applicant and the CPC; and

WHEREAS, at the May 9, 2018 hearing, the Board heard oral argument of counsel for all parties; and

WHEREAS, Appellant asserted that the Decision was affected by prejudicial procedural error, clear error, and a lack of the weight of the evidence for numerous reasons set forth and discussed below; and the Applicant and CPC contended that there were no such errors and that the Decision was supported by the substantial weight of the probative evidence.

WHEREFORE, upon consideration of the complete administrative record of the CPC, the memoranda and oral arguments of the parties, and having deliberated thereon, the Board hereby DENIES the appeal and UPHOLDS the CPC's Decision granting Preliminary Plan Approval, by unanimous vote (5-0).

The Board finds that the Decision is not affected by prejudicial procedural error or clear error, and is supported by the weight of the evidence of record, based *inter alia* on the following.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Procedural Background

- A. On July 26, 2017, an application was filed with the CPC seeking approval for a Major Land Development Project at 1292 Westminster Street (Assessor's Plat 32, Lot 233) (the Property). The Property is located in a C-2 (commercial) zoning district, and an historic

¹ Mr. Capellan was not present.

overlay district (the "Property"). The Application lists the property owner as 1290 Westminster Street, LLC c/o Michael Lemoi and the Applicant as 1290 Westminster Street, LLC c/o Eric Zueria of ZDS, Inc.

- B. The Applicant and Owner (together the "Applicants") proposed to construct a five story mixed-use building with approximately 7,200 sq. ft. of commercial space on the first floor and a total of 35 dwelling units on floors 2-5. The Applicants also requested two adjustments: a dimensional (height) adjustment of approximately 9 feet from the 50 foot height restriction, and an adjustment for a reduction in the amount of required parking spaces.
- C. On August 15, 2017, the CPC held a public hearing on the application for Master Plan approval. The CPC voted to grant Master Plan approval, and to allow the height adjustment for a fifth floor of residential units. The CPC also voted to defer, until the preliminary plan stage, the Applicant's request for a parking adjustment.
- D. The Applicants proceeded to the Preliminary Plan stage of review, and requested that the CPC waive the requirements that they submit 5 specific technical documents at the preliminary plan stage, and instead defer their submission until the final plan stage. On November 3, 2017, the administrative officer of the CPC determined that the Preliminary Plan application was complete, subject to the CPC's grant of the 5 waiver requests. No appeal was filed from the Certificate of Completion.
- E. On November 14, 2017, the CPC held a public hearing on the Preliminary Plan application. The CPC voted to deny the Applicants' waiver requests, deferred consideration of the proposed parking adjustment, and continued the hearing until January 16, 2018, subject to the Applicants' submission of the 5 technical reports.
- F. At the January 16, 2018 meeting, the Applicants requested a continuance until the CPC's meeting of February 20, 2018.
- G. Prior to February 17, 2018, the Applicants submitted 4 of the 5 technical reports required, and withdrew their request for waivers for filing same. The CPC's administrative officer issued a Certificate of Completion of the Application, subject to the CPC's approval of the remaining waiver request. No appeal was filed from the Certificate of Completion.
- H. On February 20, 2018, the CPC held its last hearing on the Preliminary Plan application. After considering the testimony of numerous objectors, and upon deliberations, the CPC voted to grant Preliminary Plan approval, and incorporated the findings in the Staff Report. The CPC's Notice of Approval of the Preliminary Plan was recorded in the land evidence records on March 7, 2018.
- I. On March 20, 2018, Appellant timely filed a Notice of Appeal with this Board from the CPC's grant of Preliminary Plan Approval, pursuant to § 45-23-67(a) of the Act and the Board's Policies and Procedures.

Standard of Review

The Board reviews the Decision under the following standard set forth in R.I. Gen.Laws § 45-23-70, and Section 811.6 of the City of Providence Development Review Regulations (the "Regulations"), which provide as follows:

"... the board of appeal shall not substitute its own judgment for that of the planning board or the administrative officer but must consider the issue upon the findings and record of the planning board or administrative officer. The board of appeal shall not reverse a decision of the planning board or administrative officer except on a finding of prejudicial procedural error, clear error, or lack of support by the weight of the evidence of record."

Issues Raised in the Appeal

1. Appellant's allegations of error at the Master Plan stage are time-barred. Appellant had 20 days from Master Plan Approval to file an appeal with this Board. Appellant did not do so.²
2. The Board rejects Appellant's claim that the Application for the Project is invalid because it lists Michael Lemoi as the Owner of the Property. The Application lists the Owner as 1290 Westminster Street, LLC c/o Michael Lemoi. The Deed for the Property reflects the owner is 1290 Westminster, LLC. Michael Lemoi is the principal of the LLC and signed the Application on its behalf.
3. Appellant's challenges to notice are without merit. R.I. Gen. Laws § 45-23-42 and Section 805(a) of the Development Review Regulations (the "Regulations") require that notice provide the date, time and place of a hearing or meeting; the street address of the subject property; "a brief description of the extent of the . . . development project;" and "... if any waiver or modification is required, shall describe the waiver or modification."
 - a. The notices contained all of the information required by the statute and Ordinance, described the proposed project and the character of the relief sought (parking and height adjustments and waiver requests), and provided sufficient information for interested parties to appear and voice their concerns.
 - b. Notices for the January 16, 2018 and February 20, hearings did not have to be sent to abutters by certified mail. Abutters, including Appellant, received mailed notices

² Having missed the deadline to appeal to the Board, Appellant filed suit in Superior Court, attempted to obtain judicial review of the CPC's grant of Master Plan Approval. The Applicant filed a motion to dismiss, which was granted by the Superior Court. See C.A. No. PC-2017-5408.

of the November 14, 2017 hearing on preliminary plan approval. At the hearing of November 14, 2017, the CPC voted to continue the hearing until a date certain of January 16, 2018. At the January 16, 2018 meeting, the CPC voted to continue the hearing to a date certain of February 20, 2018.

c. Appellant was present at each and every hearing on the Application from August 2017 through February 20, 2018.³ He therefore waived any claims of defective notice.

4. The CPC has authority to grant waivers pursuant to R.I. Gen. Laws § 54-23-62(b), and Section 807.2 of the Regulations. The record reflects that the CPC acknowledged that it customarily grants such waivers. See Transcript of CPC Hearing of February 20, 2018, p. 95. The Board also accepts the representation of counsel for the CPC that this practice is based on impracticality because the CPC has statutory time deadlines within which to act on applications, and state agencies do not review plans within the same timelines. Here, the CPC granted a waiver for only one remaining approval. There is no prejudicial error in granting the request because the submission requirement itself is not waived, and any failure or defect in the submission must be reviewed by the CPC at the final plan stage.

5. The CPC is authorized to grant a parking adjustment based on criteria set forth in R.I. Gen. Laws § 45-24-47 and in Ordinance Sections 1904. E.1.b and c: where the physical characteristics, location or size of the site, and type of use require an adjustment. It properly did so here.

a. The Applicants demonstrated, and the CPC found, that the mixed use development would require 43 vehicle parking spaces. Based on the size of the lot, and the developer's intention to maintain the foundation of the existing structure, the Project could only accommodate 22 on-site parking spaces. The transcripts reflect that the CPC had considerable discussion of the parking needs for the Project, and the fact that a parking adjustment was required.

b. The evidence demonstrates that the CPC did not accept the Applicants' first proposal for alternative off-site parking, which did not comply with the Ordinance. It subsequently accepted the off-site parking at 334 Carpenter Street, based on the certification of the Director that the parking complied with Section 1404.A.1.a of the Ordinance, and Applicants' voluntary agreement to repave the lot and increase the canopy coverage.

c. The determination of whether off-site parking for a property is permissible rests with the Director under Ordinance Section 1404.A.1.a (Director may find that there is appropriate off-site parking to meet on-site parking requirements for a residential property or for the residential component of mixed-use developments if

³ Appellant voiced his concerns at each meeting, and presented expert testimony in support of his objections.

“ . . . the proposed location is within a reasonable distance of the use, the off-site parking conforms to this Ordinance, and the off-site parking is not required for another use.”). The Director determined that the parking spaces at 334 Carpenter Street could be used towards meeting the residential parking requirements for 1292 Westminster Street. See Director’s letter of February 13, 2018. No appeal was filed from the Director’s determination.

d. There is no requirement in the Ordinance or the Regulations that the Applicant present the deed for 334 Carpenter Street to the CPC. The deed was presented to the Director as evidence that the off-site parking was owned by the Applicants.

e. Appellant has not presented any legal support for the proposition that 334 Carpenter Street is somehow converted to a mixed use (not permitted in the R-3 Zone) because the parking spaces are being used to by the mixed use Project, and the Board is aware of no such law. The zone in which the off-site parking spaces are located is irrelevant. Nothing in the Ordinance prohibits the use of the parking at 334 Carpenter Street by properties in other zoning districts. In any event, here, the existing parking spaces at Carpenter Street are for residential use, and are to be used for the residential use requirements of the mixed-use Project.

6. The Applicant was not required to provide the CPC with a traffic impact statement or a fiscal impact statement and report. Appellant misrepresents that the language of Regulation Section 605 makes such submissions “mandatory.” Section 605 states as follows:

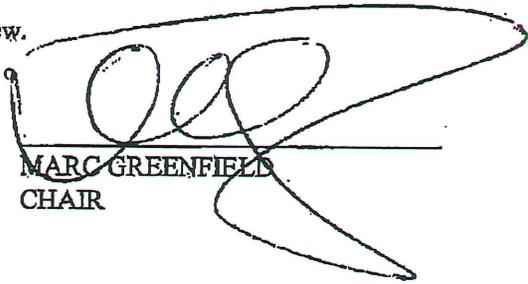
“Impact Statements: In certain instances, the Commission may require an impact statement, at the expense of the applicant. . . . The Commission’s decision to require an impact statement shall only be made pursuant to a vote of the Commission with findings setting forth the need for such statement. Such impact statements shall include, but are not limited to, the following: . . .”

The CPC did not vote to require any impact statements.

7. Appellant has not met his burden of demonstrating prejudicial procedural error or clear error. The weight of the evidence, including the Staff Report, supports the CPC’s findings in granting Preliminary Plan Approval.

WHEREFORE, on motion by Ms. Anthony, seconded by Mr. Wolf, the Board voted unanimously to DENY the appeal and UPHOLD the decision of the CPC granting Preliminary Plan Approval.

By Order of the Zoning Board of Review.



MARC GREENFIELD
CHAIR

MOTION TO DENY THE APPEAL

MADE BY: Anthony

SECONDED BY: Wolf

MEMBERS VOTING IN FAVOR OF THE MOTION: Greenfield, Strother, Wolf, Anthony,
Baldwin

EXHIBIT 3

City Plan Commission Information Requested

I. Current Membership of the City Plan Commission:

Christine West, Chair
Michael Gazdacko, Vice Chair
Harrison Bilodeau, Secretary
Joseph Elliot, Council President Designee
Jules Opton-Himmel
Luis Torrado, Mayoral Designee
Nicole Verdi

II. Members who were present and voted on the 1292 Westminster Project at Master Plan (first stage of review) on August 15, 2017:

In Favor:

- o Christine West
- o Jules Opton-Himmel
- o Luis Torrado
- o Harrison Bilodeau
- o Joe Elliot

•
• Opposed:

• Michael Gazdacko
•

III. Members who were present and voted on the 1292 Westminster Project at Preliminary Plan (second stage of review) on February 20, 2018:

In favor:

- o Nicole Verdi
- o Jules Opton-Himmel
- o Luis Torrado
- o Harrison Bilodeau

Opposed:

Michael Gazdacko

EXHIBIT 4



Providence Historic District Commission

Jorge O. Elorza
Mayor

August 29, 2017

APPLICANT

Eric Zuena
ZDS – Inc.
86 Weybosset Street, Suite 302
Providence, RI 02903

OWNER

Michael Lemoi
1292 Westminster Street LLC
311 Broadway
Providence, RI 02909

RESOLUTION 17-20

Application 17.061

WHEREAS, the applicant, Eric Zuena, ZDS – Inc., applied to the Providence Historic District Commission for a Certificate of Appropriateness for Demolition and New Construction at 1292 Westminister Street, Plat 32, Lot 233, and,

WHEREAS, the Commission held a Regular Meeting on the matter on June 26, 2017, during which Eric Zuena, applicant/architect, appeared before the Commission for the scheduled item; and,

WHEREAS, the Commission members individually viewed the site which is the subject of the application; and,

WHEREAS, based upon the evidence presented, the Commission made the following findings of fact:

1. The structures located at 1292 Westminister Street are of minimal historical and architectural significance to the Armory local historic district;
2. The work as proposed consists of the demolition and partial demolition of the structures on the lot and the construction of a five-story, mixed-use building with retail on the first floor and four residential floors above;
3. The alterations are congruous with the structure, its appurtenances, and the surrounding historic district;

4. The work as proposed is in accord with PHDC Standard 8 as follows: the work will be done so that it does not destroy the historic character of the property or the district; and,

WHEREAS, based upon the above findings of fact the Commission determined that the structures at 1292 Westminster Street are deemed to be secondary and non-contributing, with the following conditions:

- i. The remaining portions of the application are to be continued to a date certain of July 24, 2017, with the applicant to return to the Commission with revised documentation with the suggested recommendations discussed during the meeting regarding design and a reduced fifth-floor mass; and,

Mr. Fontecchio made a motion to deem the structures at 1292 Westminster Street to be secondary and non-contributing; Mrs. Regan seconded; all of the members present voted in favor; the motion passed unanimously.

NOW THEREFORE BE IT RESOLVED that the structures at 1292 Westminster Street have been deemed to be secondary and non-contributing and that the application for Demolition & New Construction is to be continued to a date certain of July 24, 2017. Parties wishing to appeal a decision made by the PHDC have 20 days from the date of the resolution to file with the Zoning Board of Review. The Zoning Board of Review may be contacted at 401.680.5375. This approval is valid for one year from the date of this Resolution.



Michael S. Marino
Chair



Providence Historic District Commission

Jorge O. Elorza
Mayor

August 29 2017

APPLICANT

Eric Zuena
ZDS – Inc.
86 Weybosset Street, Suite 302
Providence, RI 02903

OWNER

Michael Lemoi
1292 Westminster Street LLC
311 Broadway
Providence, RI 02909

RESOLUTION 17-21

Application 17.061

WHEREAS, the applicant, Eric Zuena, applied to the Providence Historic District Commission for a Certificate of Appropriateness for Demolition of 1292 Westminster Street, Plat 32, Lot 233, and,

WHEREAS, the Commission held a Regular Meeting on the matter on July 24, 2017, during which Eric Zuena, applicant/architect, appeared before the Commission for the scheduled item; and,

WHEREAS, the Commission members individually viewed the site which is the subject of the application; and,

WHEREAS, based upon the evidence presented, the Commission made the following findings of fact:

1. 1292 Westminster Street has been deemed to be secondary, non-contributing structures of minimal historical and architectural significance to the Armory local historic district;
2. The work as proposed consists of Demolition and includes the removal of the existing structures;
3. The application for Demolition is considered complete; The PHDC waives the requirement for documenting financial information relative to the demolition, because the structures slated for demolition are secondary structures;

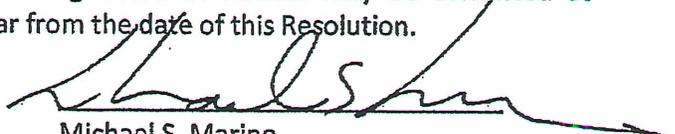
4. The PHDC is satisfied that there are no alternatives to demolition because no reasonable expectation exists that the structures can be sold for preservation either on or off site;
5. The alterations are congruous with the structure, its appurtenances, and the surrounding historic district;
6. The work as proposed is in accord with PHDC Standard 8 as follows: the work will be done so that it does not destroy the historic character of the property or the district; and,

WHEREAS, based upon the above findings of fact the Commission determined that the structures at 1292 Westminster Street are secondary and non-contributing to the architectural and historical significance of the Armory local historic district, that the Demolition specified above is appropriate and hereby grant final approval to the application for a Certificate of Appropriateness for demolition as submitted, with the following conditions:

- i. The Certificate of Appropriateness is not to be issued until all required City processes are complete; and,

Dr. Lund made a motion to grant final approval of the application, with the above conditions, citing Standard 8 and the findings in the staff report; Mr. Kaplan seconded; all of the members present voted in favor; the motion passed unanimously.

NOW THEREFORE BE IT RESOLVED that the application for demolition is approved. Parties wishing to appeal a decision made by the PHDC have 20 days from the date of the resolution to file with the Zoning Board of Review. The Zoning Board of Review may be contacted at 401.680.5375. This approval is valid for one year from the date of this Resolution.



Michael S. Marino
Chair



Providence Historic District Commission

Jorge O. Elorza
Mayor

August 29 2017

APPLICANT
Eric Zuena
ZDS – Inc.
86 Weybosset Street, Suite 302
Providence, RI 02903

OWNER
Michael Lemoi
1292 Westminster Street LLC
311 Broadway
Providence, RI 02909

RESOLUTION 17-22 Application 17.061

WHEREAS, the applicant, Eric Zuena, applied to the Providence Historic District Commission for a Certificate of Appropriateness for New Construction at 1292 Westminster Street, Plat 32, Lot 233, and,

WHEREAS, the Commission held a Regular Meeting on the matter on July 24, 2017, during which Eric Zuena, applicant/architect, appeared before the Commission for the scheduled item; and,

WHEREAS, the Commission members individually viewed the site which is the subject of the application; and,

WHEREAS, based upon the evidence presented, the Commission made the following findings of fact:

1. The structures at 1292 Westminster Street have been deemed to be secondary, non-contributing structures of minimal historical and architectural significance to the Armory local historic district (Res 17-20); the Commission has granted final approval for demolition (Res 17-21);
2. The work as proposed consists of New Construction and includes the construction of a five-story, mixed-use building with retail on the first floor and four residential floors above;
3. The application for New Construction is considered complete;

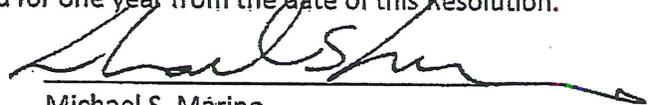
4. The alterations are congruous with the structure, its appurtenances, and the surrounding historic district;
5. The Commission stated their concern about the reduction in the mass of the fifth floor. The Commission would like to see the mass of the fifth floor reduced so that it is approximately 20% less than the mass of the lower floors;
6. The work as proposed is in accord with PHDC Standard 8 as follows: the work will be done so that it does not destroy the historic character of the property or the district; and,

WHEREAS, based upon the above findings of fact the Commission determined that the New Construction specified above is appropriate and hereby grant Conceptual Approval to the application for a Certificate of Appropriateness, as amended, with the following conditions:

- i. The fifth floor is to be reduced substantially in mass, consistent with the Commission's discussion, as detailed above; and,
- ii. The applicant is to return for final approval after Master Plan approval has been granted by the City Plan Commission; and,

Mr. Kaplan a motion to grant Conceptual Approval of the application as amended, citing Standard 8 and the findings in the staff report; Dr. Lund seconded; Members Marino, Schoettle, Lund, Kaplan and Wilson-Barnes voted in favor; Members de Boer and Regan were opposed; the motion passed.

NOW THEREFORE BE IT RESOLVED that the application for Conceptual Approval is approved. Parties wishing to appeal a decision made by the PHDC have 20 days from the date of the resolution to file with the Zoning Board of Review. The Zoning Board of Review may be contacted at 401.680.5375. This approval is valid for one year from the date of this Resolution.



Michael S. Marino
Chair

EXHIBIT 5

Historic District Commission Information Requested

Chairman: Michael S. Marino

I. Members who voted on Resolution 17-20:

In favor (all):

Members Marino, Schoettle, deBoer, Fontecchio, Regan, Kaplan, and Angiel

II. Members who voted on Resolution 17-21 and 17-22 (same hearing):

In favor (all):

Members Marino, Schoettle, Lund, Kaplan, Wilson-Barnes, deBoer, and Regan

EXHIBIT 6

7/22/18



POST THIS CARD SO IT IS VISIBLE FROM THE STREET

DEMOLITION

PERMITS
DIVISION

THE BID OR CONTRACTOR
RECOMMENDS THAT

THE CITY OF PORTLAND
APPROVE THIS DEMOLITION
PERMIT APPLICATION

APPROVED TO PERFORM THE
FOLLOWING PROJECTS:

REPAIRS TO EXISTING SIDEWALK

ADDITIONAL COMMENTS

AS SITE LOCATION

OWNER/PROPERTY

1234 5th Avenue NE
Portland, Oregon 97232

1234 5th Avenue NE
Portland, Oregon 97232

NOTICE: This card must be prominently displayed on the site of the demolition project. The card must be visible from the street. The card must be replaced if it is damaged or obscured. The card must be replaced if it is obscured by construction equipment or materials. The card must be replaced if it is obscured by construction equipment or materials. The card must be replaced if it is obscured by construction equipment or materials.

NOTICE: A copy of this card must be prominently displayed on the site of the demolition project.

FOR MORE INFORMATION VISIT US AT www.portland.gov/permits



FOR MORE INFORMATION VISIT US AT www.portland.gov/permits

EXHIBIT 7



POST THIS CARD SO IT IS VISIBLE FROM THE STREET BUILDING PERMIT

NAME OF CONTRACTOR THIS IS TO CERTIFY THAT RI CONTRACTOR	NAME LICENSE TYPE COMPANY BOBBI IF PROPER OWNER INDICATE HERE	PERMIT NO. 5547 DATE ISSUED 07/20/18 NUMERICAL CODE 23
IS PERMITTED TO PERFORM THE FOLLOWING SCOPE OF WORK	Foundation only for mixed use 5 story building 7200 square feet of commercial space on the first floor and 35 dwelling units floors 2-5.	
ADDITIONAL REMARKS	PLAT - LOT - UNIT (3202) 35000 AREA: 1132 ZONING: G2, HD BUILDING OR SIGN CATEGORY: Type 33 Bld with no for sign on the building USE: COMMERCIAL	
AT SITE LOCATION:	ADDRESS: 1282 WESTMINSTER PROVIDENCE, RI 02904 NAME: NEW GOVERNMENT WORSHIP CENTER, INC. ADDRESS: 1282 WESTMINSTER STREET PROVIDENCE, RI	
OWNER AGENCY	(Left blank)	

Provided that the person accepting this Permit shall in every respect conform to the terms of the application in this office and to the provisions of the State and Ordinance relating to Building, Construction, Alteration, and Maintenance of Buildings in the municipality and shall begin work on credit building by (within SIX MONTHS from the date of issuance of the permit) and shall be subject to a yearly
 Completion.
 Any person who shall violate any of the Statutes and Ordinances relating to Zoning, Construction, Alteration, and Maintenance in the municipality shall be punished by penalties imposed by the City Building Code
 and Local Zoning Ordinances.

APR 11 11 11

**NOTE: A copy of this card must be presented when
 applying for an Electrical, Mechanical, and/or Plumbing permit.
 TO SCHEDULE INSPECTIONS CALL 781.302.5311**

Website: www.providence-ri.gov

Stage of Construction

Signature

Signature of Contractor

Date

1211 3025311

EXHIBIT 8

		POST THIS CARD SO IT IS VISIBLE FROM THE STREET BUILDING PERMIT			
THIS IS TO CERTIFY THAT RI CONTRACTOR		NAME: LICENSE TYPE: COMPANY: BCRB: IF PROPERTY OWNER, INDICATE HERE:		PERMIT #: 105847 DATE: October 15, 2018 NUMERICAL CODE: 28	
IS PERMITTED TO PERFORM THE FOLLOWING SCOPE OF WORK		Construction of a new mixed use 5 story building 7200 sq ft of commercial space on the first floor and 35 dwelling units floors 2-5.			
ADDITIONAL REMARKS					
AT SITE LOCATION		ADDRESS: 1292 Westminster St Providence, RI 02909		PLAT - LOT - UNIT: 032-0233-0000 AREA: 16824 ZONING: C-2, HD BUILDING CLASSIFICATION: Type 3B Ext. walls are Noncombustible Not protected USE/OCCUPANCY:	
OWNER/AGENCY		NAME: NEW COVENANT WORSHIP CENTER, INC. ADDRESS: 1292 WESTMINSTER STREET PROVIDENCE, R.I.			

Provided that the person accepting this Permit shall in every respect conform to the terms of the application on file in this office and to the provisions of the Statutes and Ordinances relating to the Zoning, Construction, Alteration, and Maintenance of Buildings in the municipality and shall begin work on said building by (within SIX MONTHS from the date of issuance of this permit) hereof and prosecute the work thereon to a speedy Completion. Any person who shall violate any of the Statutes and Ordinances relating to Zoning, Construction, Alteration, and Maintenance in the municipality shall be punished by penalties imposed by the State Building Code and Local Zoning Ordinances.

NOTE: A copy of this card must be presented when applying for an Electrical, Mechanical, and/or Plumbing permit. TO SCHEDULE INSPECTIONS CALL 401-680-5451



BUILDING OFFICIAL

Work shall not proceed until the inspector has approved the various stages of construction.

Stage of Construction	Signature	Stage of Construction	Signature
1. _____	_____	1. _____	_____
2. _____	_____	2. _____	_____
3. _____	_____	3. _____	_____

28

Building Dept 401-680-5450
 Fire Alarm/Prev 401-243-6050

**CITY OF PROVIDENCE
 INSPECTION APPROVAL**

Electrical Dept 401-680-5360
 Mechanical Dept 401-680-5367
 Plumbing Dept 401-680-5367

*Separate Permits are Required for
 Each Trade*

INSPECTION TYPE	APPROVED BY	DATE	REMARKS
Setbacks			
Erosion Control			
Foundation Footings			
Foundation Forms			
Deck/Porch Footings			

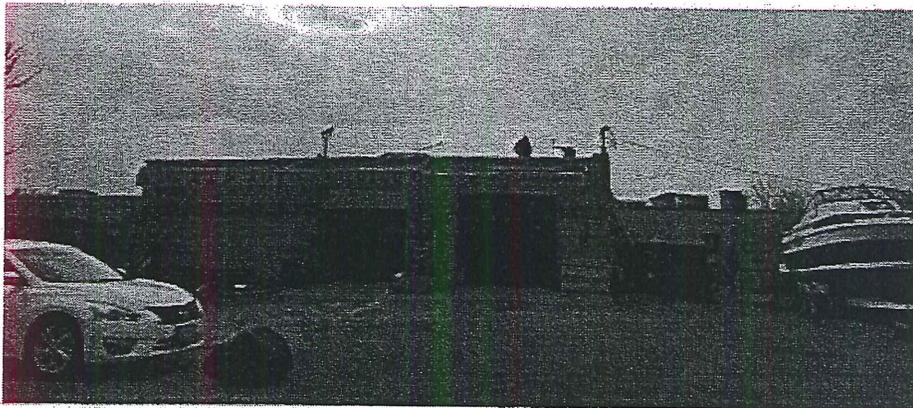
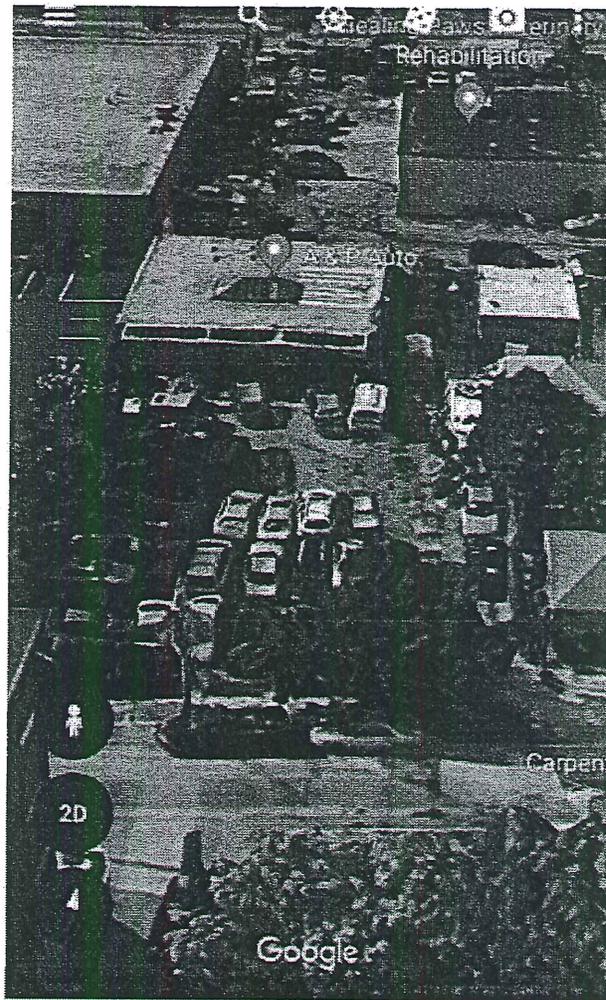
10/15/2018

Pre Backfill			
Piers/Pre Slab			
Grout/Bond Beam			
Partial Rough			
Rough			
Insulation			
Wallboard			
Pre Ceiling			
Grade			
Landscape			
Parking			
Zoning Approval			
Partial Final			
Final			

EXHIBIT 9

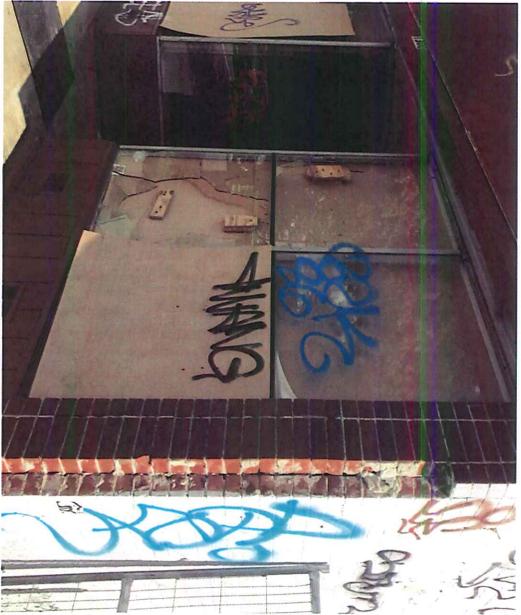
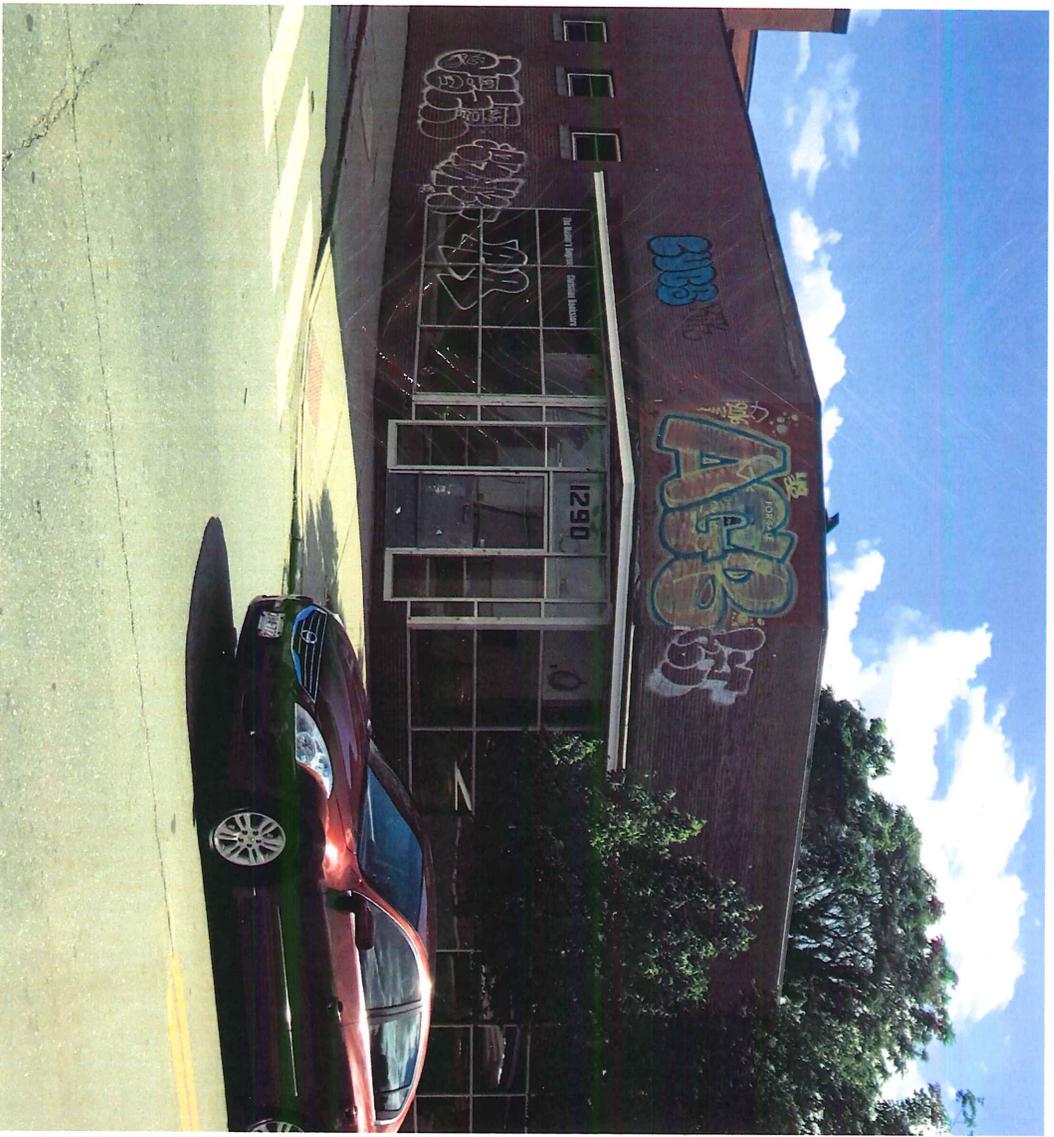
Photos of 334 Carpenter Street (16 spaces for parking for 1292 Westminster Street proposed building):

Before:



After:





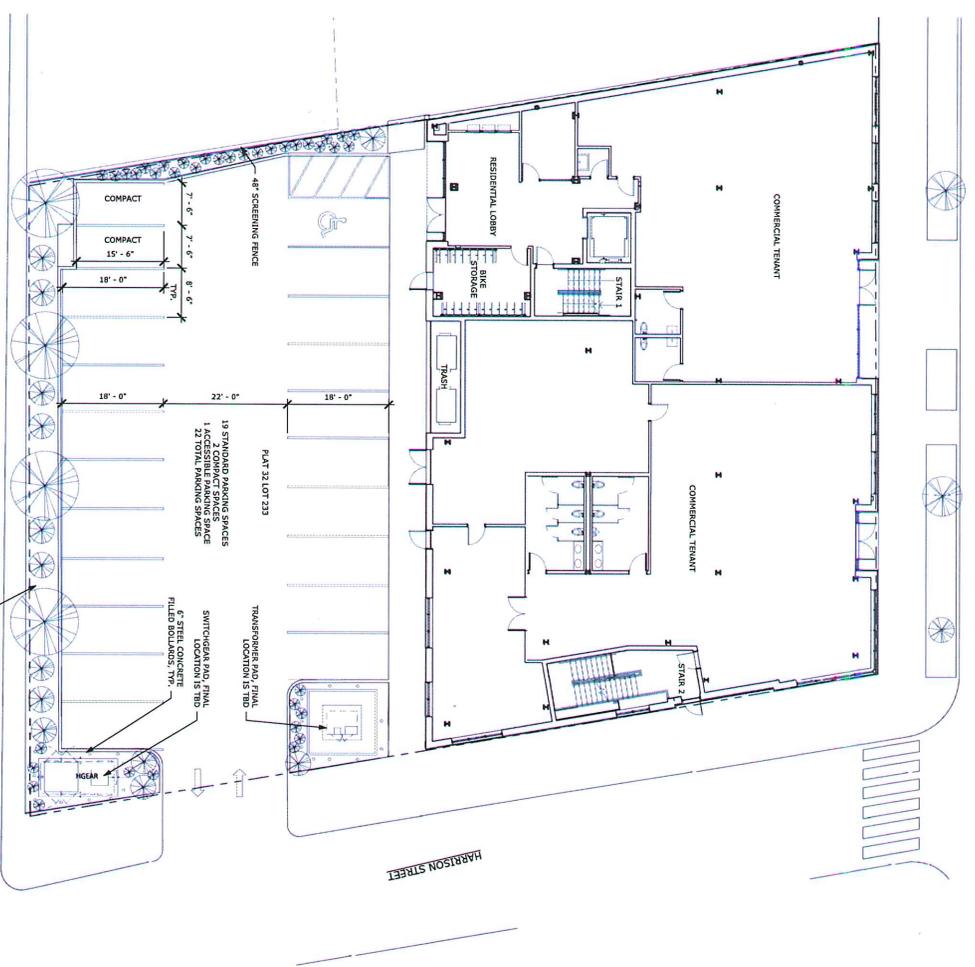
Existing Photos

1290 Westminister Street

December 2018

ZDS

WESTMINSTER STREET



NOTE: SITE LAYOUT SHALL BE COORDINATED WITH SITE AND ELECTRICAL DRAWINGS.

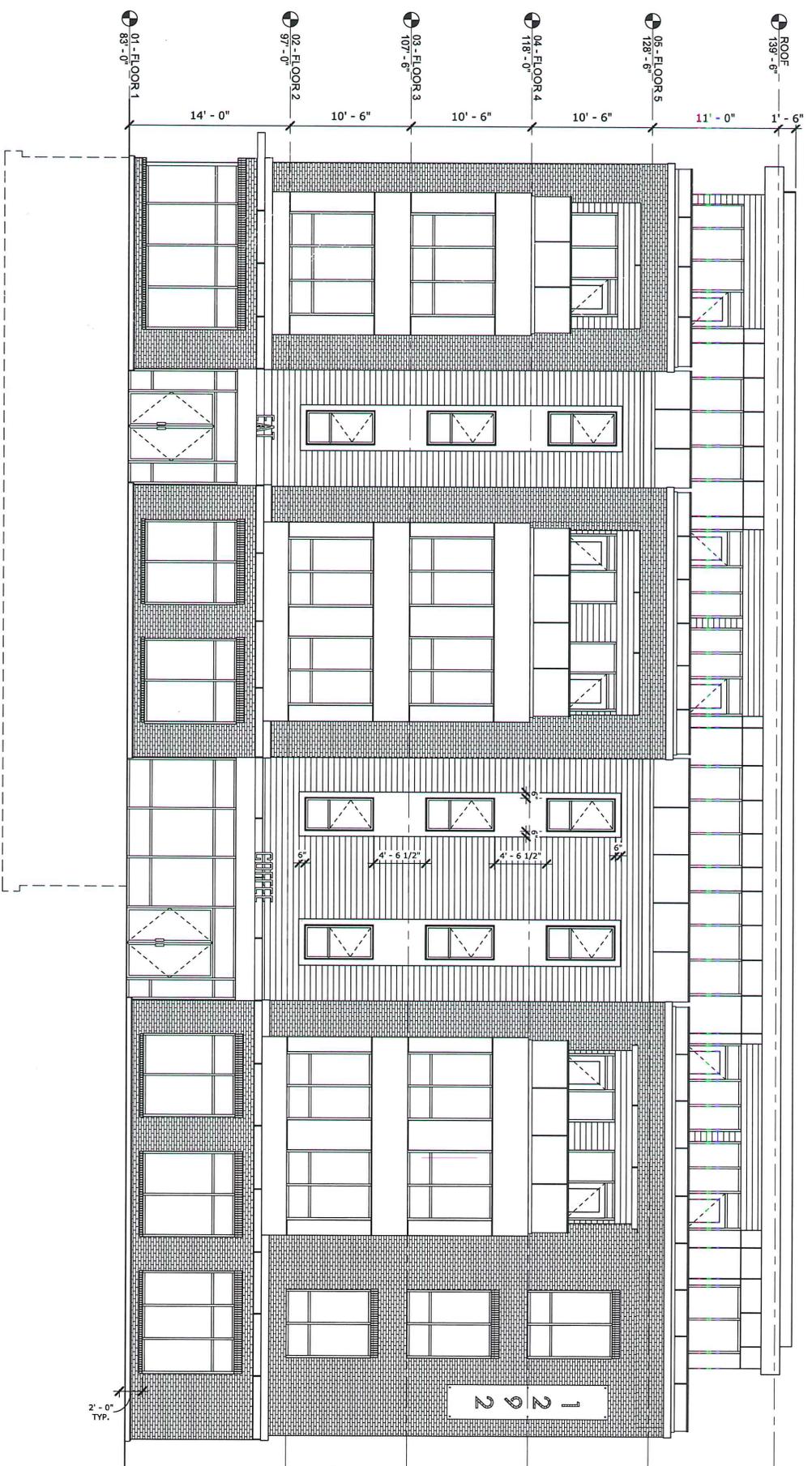


Site Plan

1290 Westminster

December 2018



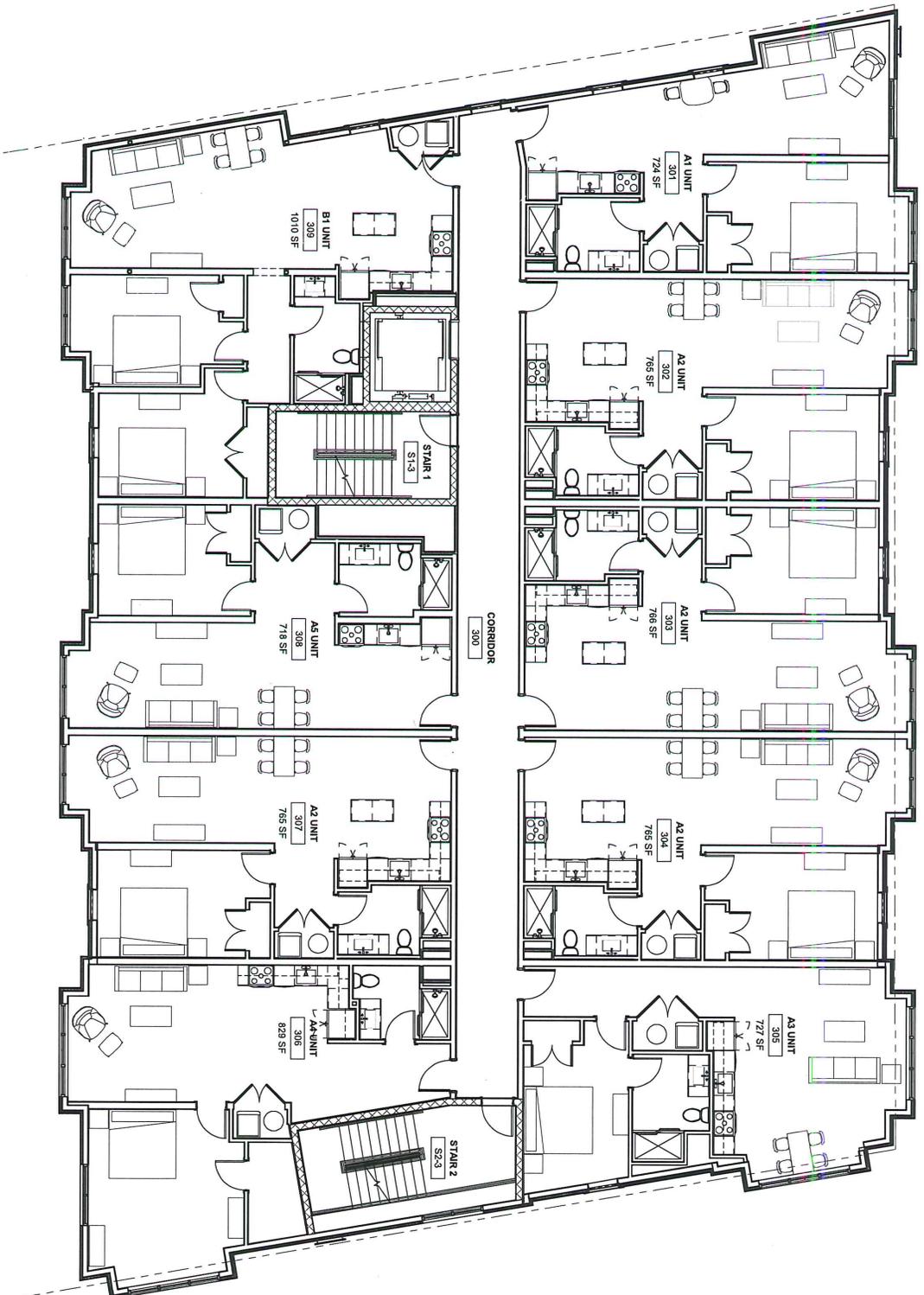


Building Elevation - Westminster Street

1290 Westminster

December 2018



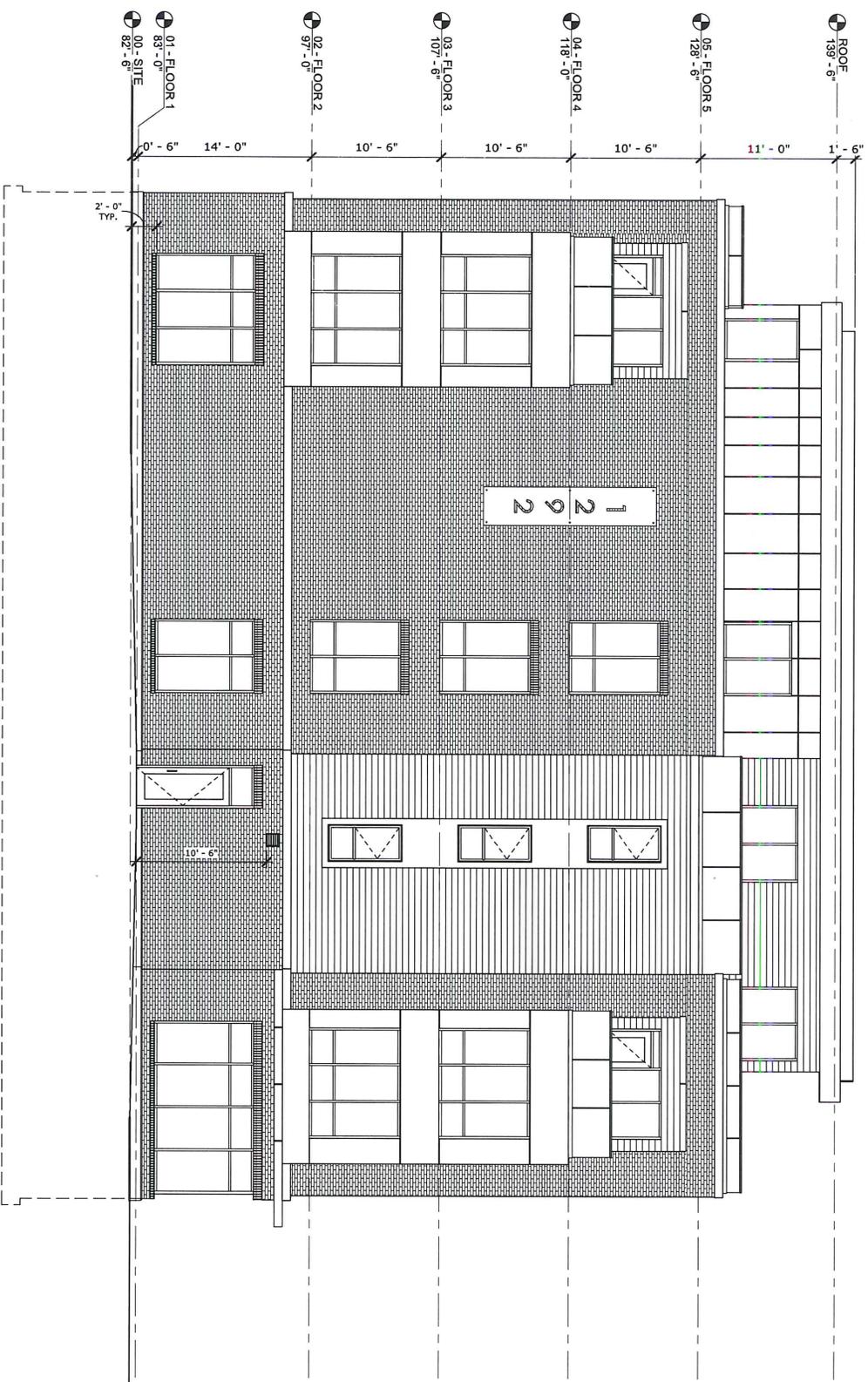


Residential Floor Plan

1290 Westminister

December 2018





Building Elevation - Harrison Street

1290 Westminster

December 2018

