

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE ZONING BOARD OF REVIEW

* * * * *
PROCEEDINGS AT HEARING IN RE:

AREF SHEHADEH (APPLICANT)
215 BROADWAY, LLC (OWNER)
215 Broadway

* * * * *

April 14, 2021 5:30 P.M.

VIRTUAL MEETING
held using Zoom Platform

BEFORE: SCOTT WOLF, ACTING CHAIRPERSON
ARTHUR STROTHER
ANTHIA MANIOTES
BIANCA RODRIGUEZ
MARCUS MITCHELL, 1st Alternate
JAMES SCOTT, 2nd Alternate

INSPECTION & STANDARDS
RECEIVED

MAY 10 2021

APPEARANCES:

FOR THE ZONING BOARD OF REVIEW .. **LISA DINERMAN, ESQUIRE**
CITY SOLICITOR

FOR THE APPLICANT . **JOHN J. GARRAHY, ESQUIRE**

ALSO PRESENT:
BOUPHA SATH, ZONING ASSISTANT
ALEXIS J. THOMPSON, ZONING BOARD SECRETARY
CHOYON MANJREKAR, PRINCIPAL PLANNER

1 **APPLICATION:**

2 **AREF SHEHADEH (APPLICANT)**

3 **215 BROADWAY, LLC (OWNER)**

4 215 Broadway

5

6 **MS. THOMPSON:** We have an applicant
7 team that's made up of Mr. Garrahy, Mr. Casale,
8 Mr. Jeffrey, and Mr. Shehadeh. I will note that we
9 do have a hand raised in the attendee pool already.
10 We will be taking public comment on this matter.
11 You may raise your hand now and we will get to you
12 after the presentation and when the Chair calls for
13 public comment. And if you leave your hand up
14 there, I will call you in order and hear from
15 everyone that wants to speak.

16 Mr. Chair, I will go ahead and introduce the
17 matter.

18 **MR. WOLF:** Thank you, yes, please
19 do.

20 **MS. THOMPSON:** This is Applicant
21 Aref Shehadeh, and owner 215 Broadway, LLC. The
22 subject property is 215 Broadway, which is located
23 in an R-P, residential professional district, and an
24 HD, historic overlay district. The application is

1 for dimensional variances from the requirements of
2 Tables 4-1 and 14-1 of the zoning ordinance, and
3 those are for lot area and lot width per dwelling
4 unit from Table 4-1, and Table 14-1 is for parking.

5 The Applicant proposes to convert the
6 existing mixed use building, which currently has
7 seven dwelling units in it and law offices, and he
8 would like to convert them to twelve residential
9 units and provide eight parking spaces.

10 The lot contains 9200 square feet and has
11 92 feet of width. And typically -- not typically.
12 The zoning ordinance in Table 4-1 requires 1,650
13 square feet of lot area per dwelling unit, so that
14 would be multiplied by twelve, so there's a
15 shortfall of lot area; and, again, multiplying
16 twelve proposed units with twelve feet of width also
17 results in a shortfall of lot width.

18 With that, I will let you take it, Mr. Garrahy.

19 **MR. WOLF:** Welcome, Mr. Garrahy,
20 and your team.

21 **MR. GARRAHY:** Thank you,
22 Mr. Chairman. John Garrahy on behalf of the
23 Applicant, 215 Broadway, LLC. I think perhaps do
24 you want to swear in the witnesses at this point.

1 **MR. WOLF:** Yes, yes, let's do
2 that.

3 So I believe it's all, gentlemen. You three
4 gentlemen who may be testifying please raise your
5 right hand.

6 **(WITNESSES BEING DULY SWORN)**

7 **MR. WOLF:** I think I saw a nod or
8 a "yes."

9 **MR. GARRAHY:** Yes.

10 **MR. WOLF:** Thank you. Go ahead,
11 Mr. Garrahy, the floor is yours.

12 **MR. GARRAHY:** Thank you,
13 Mr. Chairman, members of the board. John Garrahy on
14 behalf of the Applicant. So a couple of preliminary
15 remarks, and then I'm going to have Mr. Casale
16 address the building, the construction that's going
17 on, and address the standards. I'm going to have
18 Mr. Jeffrey address -- who's a real estate expert
19 and a Broadway expert -- address some of the
20 standards, the community, and the neighborhood up
21 there as well and talk about those types of things.
22 And the owner is here to address any questions that
23 you have as well.

24 Let me address a couple of points as an

1 initial matter. This is a beautiful structure.
2 This is an old Victorian structure. I'm looking at
3 some of the pictures. I was able to go up there a
4 couple days ago and took some pictures, and it's
5 just an incredible structure that we want to
6 preserve. You had an application before you earlier
7 that has been before the HDC, as I understood it,
8 for quite some time in order to make sure that it
9 meets the character of the neighborhood on Broadway.

10 This structure, the intent is to maintain
11 the structure, and that's the purpose of this
12 application, so that it can be maintained. It
13 is going -- there are no exterior structural
14 alterations being made to this structure. And nor
15 should there be any because it is just a terrific
16 old Victorian structure. I'm not an architectural
17 expert, but I do like old buildings, and this is one
18 of them.

19 So if I can address the zoning. You know,
20 I've been doing this for a while, and when I first
21 started, I was under the impression that kind of
22 neighborhoods stay the same and don't change and the
23 zoning kind of stays the same. That's not true.
24 And, you know, for Broadway, so Broadway started

1 before I was born. These old Victorian one-family
2 homes --

3 **MR. WOLF:** That definitely makes
4 it historical, Mr. Garrahy, right? Sorry, I
5 couldn't resist.

6 **MR. GARRAHY:** Does that have to do
7 with my age? I wasn't sure. Okay.

8 **MR. WOLF:** Sorry.

9 **MR. GARRAHY:** Point taken, point
10 taken.

11 In any event, neighborhoods transform over
12 time, and we've seen that particularly on Broadway.
13 And, you know, for sometime they're these old,
14 beautiful Victoria neighborhoods; and then
15 essentially -- and this is emblematic of the R-P
16 zone -- they became kind of a mixed use with law
17 offices or other offices that were mixed in with
18 these types of dwellings and single-families, when
19 families became smaller, were no longer economical
20 to maintain, and the offices went in.

21 So now we're getting into a situation where
22 Broadway is transforming again, and it's a beautiful
23 neighborhood. It's a unique iconic neighborhood in
24 the City of Providence, for sure. And we want to

1 maintain those iconic structures and neighborhood.
2 But it's not the same neighborhood it was, and there
3 are still some offices up there mixed throughout,
4 but a lot of these structures, mixed structures --
5 you'll have to excuse me; that's my dog barking. I
6 hope you cannot hear him. But, in any event, I'll
7 try to keep him down low.

8 **MR. WOLF:** He's encouraging you.

9 **MR. GARRAHY:** In any event, so
10 that's a transformation. And what happens is that
11 as these structures -- the change in the
12 neighborhood, the characteristics change. We try to
13 maintain the neighborhood, try to maintain the
14 structures, but they have to be economical in order
15 to maintain them.

16 And I know this board has had several of
17 these old Victorian structures, some on Elmwood
18 Avenue that I recall, that you granted that dreaded
19 use variance, frankly, because the structures could
20 not be maintained unless there was a greater number
21 of multiple-family units within them in order to
22 maintain the structure, which clearly, you know,
23 takes some effort and money in order to maintain.

24 So this structure is going to be maintained,

1 that's the intent and purposes of what we're doing
2 here. Now, I understand there was some conversation
3 about whether or not this was going to be used as an
4 Airbnb, short-term rentals. And let me just
5 disaffirm that right from the start. It's not going
6 to be used as short-term rentals. It's not the
7 intent.

8 Again, my age is coming into this, but this
9 is an old-fashioned apartment house, you know, where
10 people are going to live here. It's young
11 professionals that use this space; that live on
12 Broadway; that either use this as a home office or
13 commute downtown, bicycle downtown; it's on a bus
14 line.

15 So this is going to be an apartment,
16 twelve-unit apartment structure, not short-term
17 rentals. And if there's any concern with respect to
18 that, the board can make it a condition that it
19 would not be subject to short-term rentals.
20 Although, under the ordinance, it is permissible, I
21 understand that, because of the R-P zone. So it is
22 permissible; but we agree that, essentially, there
23 would not be any short-term rentals in this
24 structure. It's not the intent. It adds to the

1 stability to have people that live here for longer
2 periods of time, and that's what we're trying --
3 that's what we're trying to accomplish, and that's
4 the intent of it.

5 Let me just also address the fact of the
6 parking spaces. There is a shortage of four parking
7 spaces. We're asking for relief from that
8 requirement. And apropos of some of the last
9 testimony that was discussed, there is currently
10 thirteen parking spaces on-site here. So that if we
11 left it the way it was, there would not be any need
12 for any variance from the parking requirements. But
13 the intent is to soften the yard, the backyard, and
14 to put in certain landscaped and green areas.

15 So as a result of our reaching out, as a
16 result of some comments to try to soften of area, we
17 do need some relief in order, in order to meet the
18 parking requirements. But, you know, we're taking
19 the place and, in place of that, we're putting in
20 landscaping requirements. And our client believes
21 that in light of where this is, on a very busy bus
22 lane, that economically he does not need the twelve
23 parking spaces.

24 And I know, you know, from a law office point

1 of view or from an office point of view, you might
2 need those parking spaces because of people coming
3 and going. But with a residential structure, we
4 believe that eight parking spaces are sufficient to
5 accommodate it. It relieves some of the congestion,
6 certainly; and that's the need for the relief on
7 parking.

8 I have Mr. Casale who I want to address
9 what's going to happen here. Again, no exterior
10 renovation. This beautiful structure is going to be
11 kept and maintained. The hope is that there would
12 be twelve residential units in this structure. And,
13 you know, I think there is a relief requested from
14 the lot area per dwelling unit requirement. But I
15 would suggest that you want a dense area on a busy
16 street and you want them on the busy street.

17 And that does not add to the density, it adds
18 to the character of the area, where you have lots of
19 people in this area, people who live here, work
20 here, and go to the restaurants here. So I think
21 that's a positive in this place, and it's totally
22 appropriate to have those number of units, if they
23 fit in the structure.

24 And they fit in the structure. So that's an

1 important criteria. It's not -- the structure is
2 not being enlarged. It's being converted so it can
3 have that many people. And the sizes of each of the
4 units, we believe, are appropriate in order to
5 accommodate the young professionals that will occupy
6 those one- and two-bedroom units that will occupy
7 this building.

8 So that's essentially what we have. I want
9 to have Peter talk about the structure and Doug
10 talk about the neighborhood, essentially. So,
11 Mr. Chairman, I'll pause there for a minute, if
12 there are any questions, but that's where I'm
13 headed.

14 **MR. WOLF:** Okay. Any questions
15 from my colleagues? Miss Dinerman, you have a
16 comment?

17 **MS. DINERMAN:** I was going to
18 clarify that the reason Mr. Garrahy is stressing
19 that there are no exterior changes is because,
20 therefore, there is no Historic District Commission
21 review required.

22 **MR. WOLF:** That's important.

23 **MS. DINERMAN:** So that would have
24 been determined during the pre-application review

1 process, where the Technical Review Committee,
2 which includes DPD and someone from Inspections
3 and Standards and others, that if there are any
4 requirements for Historic District Commission
5 review, that would have been required before they
6 came to this board. There are none because, as Mr.
7 Garrahy said, there are no exterior changes, so it's
8 only interior.

9 **MR. WOLF:** Thank you. That's very
10 helpful.

11 **MS. DINERMAN:** I want to make that
12 clear to the board.

13 **MR. WOLF:** Yes.

14 **MR. GARRAHY:** I thank my Sister
15 for that. Thank you very much.

16 Mr. Chairman, Mr. Casale will testify. He
17 has testified before this board in the past, and I
18 ask that he be qualified in the area of building
19 codes and land-use issues. I know you're familiar
20 with him and maybe you don't need to qualify him,
21 but you know of his expertise.

22 **MR. WOLF:** Yes, indeed.

23 **MR. GARRAHY:** Thank you,
24 Mr. Chairman.

PETER CASALE

(HAVING PREVIOUSLY BEEN DULY SWORN)

EXAMINATION BY MR. GARRAHY

1
2
3
4 **Q.** So, Mr. Casale, you're familiar with the
5 property at 215 Broadway, are you not?

6 **A.** Yes, sir, I am.

7 **Q.** Can you describe the property generally and
8 the proposed renovations.

9 **A.** So a brief overview. You've got an 1867
10 constructed, single-family dwelling, beautiful,
11 prominent Victorian structure. It totals a little
12 bit over 8,000 square feet of floor area between
13 four floors of the building, including part of the
14 basement which has a very high ceiling capacity.
15 It's situated in the middle of what was a double lot
16 at one time, but the owners at that time built it
17 smack dab in the middle.

18 Over the years, to allude to what you were
19 discussing a little bit earlier, Broadway in
20 Providence has undergone many changes. So this went
21 from a single-family dwelling to a time when doctors
22 and accountants and lawyers had offices in a bunch
23 of the buildings up there on Broadway, and now it's
24 come to its next iteration which would be

1 residential, and that's the way the area has been
2 trending.

3 Briefly, with this amount of square footage,
4 8400 square feet, it's not plausible in any way,
5 shape, or form to be limited to six dwelling units,
6 which would be, by right, in the R-P district for
7 residential. It's already nonconforming for seven
8 dwelling units, and the spaces where the lawyers
9 offices were -- and I'm pretty sure you've had a
10 visit in that building -- are very large and spread
11 out between two floors.

12 **MR. WOLF:** Mr. Casale, I just want
13 to interject --

14 **A.** The --

15 **MR. WOLF:** Can I interject for a
16 second, Mr. Casale?

17 **MR. CASALE:** Oh, I'm sorry.

18 **MR. WOLF:** That's all right. You
19 indicated that it's not plausible to have the
20 property limited to six dwelling units. I'm not
21 necessarily disputing that, but can you elaborate a
22 little bit on that point.

23 **MR. CASALE:** Sure. If you take
24 the 8400 square feet, basically you'd have, if you

1 were able to break it up into just evenly the
2 chunks, it basically comes out to -- 1650 for the
3 six units, you would be -- I am just doing a little
4 quick math.

5 **MR. WOLF:** I understand.

6 **MR. CASALE:** You'd have 1407
7 square feet per dwelling unit. I would offer that
8 many dwellings in the City of Providence aren't
9 1400 square feet, never mind apartments. There are
10 particular incidents in some of the downtown very
11 tall buildings that you have larger square footage
12 but that is less than one-tenth of 1 percent.

13 **MR. WOLF:** Those tend to be the
14 so-called penthouses, I guess.

15 **MR. CASALE:** That's what I was
16 alluding to.

17 **MR. WOLF:** Right.

18 **MR. CASALE:** So, practically, I
19 don't know that if this building were split up into
20 six apartments of 1400-plus square feet each, first
21 of all, how it would be laid out logistically in the
22 structure itself the way the stair towers are set
23 up. If you, basically, I guess, cut the cake down
24 the middle and then dissected it and just add two on

1 each floor, you'd have substantially larger units
2 which, in today's day and age, aren't marketable.

3 That's really not my realm, but I do know
4 about it because I experience with my clients what
5 they're going through, and I experience many
6 development projects, specifically in Providence,
7 and everything is gearing downward. From the
8 downtown core, you've got units, micro lofts, as
9 little as 280 to 310 square feet. And those things
10 are basically almost full, if not full, in some of
11 the projects that I've worked on. Some of the
12 mid-range ones now are between 5- and 700 square
13 feet. And that, for this building, is the target
14 size, if you will.

15 **MR. WOLF:** Okay. That's helpful,
16 that's helpful. Thank you. That's very helpful.
17 Thank you.

18 **A.** In a nutshell, we took a great deal of time
19 with the owner and the city agencies and we came up
20 with a plan. This proposal before you tonight was
21 not the first crack. We took the feedback that we
22 got from Planning and the Technical Review Committee
23 and we implemented it into this plan. As Brother
24 Garrahy -- even though I'm not an attorney, I feel

1 like we're all brothers and sisters tonight.

2 **MR. WOLF:** You can still be an
3 informal brother, right?

4 **A.** We don't really want to ask for more relief,
5 but we feel in this point it's justified because
6 there's a lot of blacktop at this site, and we are
7 dismantling, I would say, a good 25 to 30 percent of
8 it in the proposal.

9 And that seemed more fitting, the beauty
10 sitting up above Broadway, and it just lends to the
11 character of the neighborhood. It lends to a very
12 desirable location to draw the young professionals
13 to live in those size apartments and to come out
14 their front door and walk to their favorite cafe,
15 restaurant, bike shop, theater -- hopefully when it
16 opens back up -- and a short walk to downtown or a
17 very quick bike ride.

18 So part of the trending with the smaller
19 units -- I'm getting a little ahead of myself
20 here -- also goes into the lack of the parking mode.
21 So more than half of the clients that are coming
22 forward, the clients that I serve, don't have cars,
23 and they don't need that parking space. And this is
24 indicative of this type of development where you've

1 got this unit size and your market person or people
2 are -- some of them still do have cars and many of
3 them, we're finding, don't. And they prefer bicycle
4 and bus transportation.

5 This is on a bus line. I believe it's been --
6 the busiest bike lane is Broadway. I would like to
7 say I heard that from someone at Planning, I can't
8 quite remember who said it, but I've seen it for
9 myself. It's a fairly active bike lane.

10 So divided into the twelve units, making use
11 of the existing units that are on part of the second
12 floor, on the third floor, and at the lower level.
13 What's unique about this structure, interior wise,
14 is that it's got nine-and-a-half foot ceilings in
15 the lower level. It's got beautiful windows that
16 are egressable, which meets the building and fire
17 code criteria, and it's got walk-out exits. So
18 given that, for building safety and lifestyle
19 safety, the twelve units is where we came down to so
20 we made sure every space had clear, unfettered exit
21 access to get out of the building safely in the
22 event of an emergency.

23 It's 8400-and-change square feet interior
24 wise. And breaking that up into, you know, 550 to

1 700 square foot units is what's fitting for this
2 structure. And giving back the 20 -- I think it's
3 around 28, 29 percent, I don't have the exact
4 figure, around 30 percent of that impervious surface
5 to greening and a beautiful patio out back that the
6 residents can enjoy the outside, I think is
7 perfectly fitting for this Victorian structure.

8 I'm very familiar with Broadway. I have
9 become very familiar with this building.

10 **Q.** Mr. Casale, to follow up on that, from a
11 building code perspective, is it possible to break
12 it up into the twelve units and have the
13 accessibility that is necessary under the building
14 code?

15 **A.** It is. And, specifically working with the
16 owner, that's -- I play the devil's advocate in that
17 respect, because I make sure that they're not going
18 to have an issue when they get to permitting.
19 Assuming that we are successful at this stage and we
20 go on to permitting, it would make no sense to bring
21 a design forward that doesn't, on its face value,
22 comply with building and fire code at the space,
23 which is egress, separation, and protection. The
24 building is going to be fully sprinklered; it's

1 going to have a brand new fire alarm system.

2 Q. Mr. Casale, from a neighborhood point of the
3 view, could you describe the area where the property
4 is located and is this unit, this structure with
5 twelve units in it, consistent with the neighboring
6 uses.

7 A. So, Broadway, you've got everything. You've
8 got commercial establishments. You've got low-rise
9 -- right next door, there's a one-story bistro that
10 had many uses over the years, all commercial.
11 You've got single-family dwellings, probably a third
12 of the size of this one. You've got apartment
13 buildings. You've got mixed use structures. You've
14 got parking lots. You've got restaurants, a big
15 theater. It's a very diverse neighborhood. It's
16 very densely developed. And part of being up in the
17 Broadway Historic District lends itself, that's the
18 character and the charm of being in that area.

19 So given that, the area can, and the
20 structure specifically, can support the proposed
21 development.

22 Q. And can you talk -- and I know I did a little
23 bit -- but can you talk about the relief that we
24 need, the three areas of relief that we need here,

1 and why they are necessary.

2 **A.** So I think I touched on each one, but I will
3 get more specific now to make sure that we fully
4 shake that out. So lot area per dwelling unit, so
5 in the R-P for residential, the requirement is 1650
6 square feet of land area for each dwelling unit.
7 What that -- we're seeking relief from that
8 calculation. If you do the math, the 1650 times the
9 twelve units means that there's 19,400 square feet
10 required of land. The parcel currently has 9200
11 square feet. We're 10,200 square feet short.

12 I think the calculation, short of the
13 Broadway district being a C zone, where the lot area
14 per dwelling isn't an issue anymore, the R-P being
15 at 1650 doesn't take into account -- and this is why
16 the board is here -- a structure of this size, so
17 perfectly fitting for a new development, if you
18 will.

19 We saw one earlier tonight, which targeted
20 and met all of that criteria, but it was in a C-1.
21 That's the way the area is trending. I think the
22 1650 is, given this structure and its unique sizing
23 and massing, is too stringent a requirement for this
24 parcel. 9200 square feet is a good-sized lot. It

1 can certainly support the twelve units.

2 The other issue is lot width. So with the
3 lot area per dwelling unit, the ordinance requires
4 twelve feet of lot width per dwelling unit. So
5 12 times 12 is 144 lineal feet, and I think we are
6 at 100 -- let me find that number right here so I
7 get it correct --

8 **MS. THOMPSON:** I believe it's 92,
9 Mr. Casale.

10 **MR. CASALE:** Okay. Thank you very
11 much. Between the screens, I'm going nuts with my
12 new glasses. I apologize.

13 **A.** So given the fact that the lot would have to
14 be another 50 feet long, that would bring us, absorb
15 the bistro and be down to the corner, we don't have
16 any ability to gain any more lot frontage or lot
17 width; and that's why we're asking for that one.

18 The parking, I did touch on. As Attorney
19 Garrahy stated, you know, we have, you know,
20 thirteen spots there right now, but it's a very hard
21 surface. Our intention is to soften up everything
22 on the Broadway face and remove a couple of those
23 parking spaces and to remove the parking spaces
24 directly behind the building for the new outdoor

1 patio, green space area and just have one single
2 drive-around lane to accommodate the roundabout
3 traffic. So lot area per dwelling unit, lot width,
4 and parking.

5 **MR. GARRAHY:** So, Mr. Casale, I'm
6 going to ask you the standards with respect that the
7 Zoning Board applies to this dimensional variance,
8 to the extent that you can answer it. I'm going to
9 ask Mr. Jeffrey the same questions, and he will fill
10 in those gaps, if there are any, with respect to
11 those issues.

12 **Q.** So, Mr. Casale, is the hardship for which the
13 Applicant seeks relief due to the unique character
14 of the structure and not to the general character of
15 the surrounding area, in your opinion?

16 **A.** In my opinion, it is. Specifically you've
17 got an absolutely massive 8400-plus square foot
18 structure interior measurements sitting on 9200
19 square feet. The sizing and the massing of the
20 structure is very unique for Providence. Might be
21 typical for that area, but it's certainly unique for
22 Providence. And the fact that it was a
23 single-family dwelling at one point in time still
24 astonishes me.

1 **Q.** And the lot area per dwelling unit applies to
2 the R-P zone, not necessarily to this area alone, is
3 that correct?

4 **A.** That is correct, throughout the city and R-P.

5 **Q.** In your opinion, the action of the Applicant,
6 is it his desire to primarily realize greater
7 financial gain in this case?

8 **A.** In my opinion, it is not. It's rather to
9 have the best use fitting possible for the building
10 and the area and physically laying out the units in
11 a fashion that it takes its eye toward preservation
12 of the building, the location of the stairways,
13 which we're improving but not changing the location
14 of, and a maximum beneficial use of the interior
15 space that's available.

16 **Q.** In your opinion, would the granting of the
17 requested variances alter the general character of
18 the surrounding area or impair the intent or
19 purposes of the zoning ordinance or the
20 comprehensive plan?

21 **A.** I don't believe it would at all for a few
22 reasons. First and foremost, the building houses
23 seven apartments and it housed a slew of lawyers.

24 I don't know the term for a bunch of lawyers

1 in one spot. I'm sure Mr. Wolf has a joke for that.

2 **MR. WOLF:** Depends on who's
3 opinion of the characterization.

4 **A.** So it's between a gaggle and a murder, I
5 don't know.

6 But the volume of this building is actually
7 going to decrease. So given that, I don't think
8 there's any negative impact on the area or the
9 character of the area, specifically because the
10 exterior of the building is not changing. It's
11 actually being brought closer into compliance with
12 pervious surfaces and coverage percentages, and it's
13 certainly fitting for the number of people by
14 apartment that we're proposing for the building.

15 **Q.** Mr. Casale, you're familiar with Providence's
16 Comprehensive Plan, are you not?

17 **A.** I am.

18 **Q.** You've had an opportunity to review it from
19 time to time on different projects?

20 **A.** I have.

21 **Q.** And do you -- can you recite for us and let
22 us know what parts of the comprehensive plan this
23 project is consistent with.

24 **A.** I will. I won't go into reading each one,

1 but I'll give you the actual section numbers and the
2 heading. So, in my review of the comprehensive
3 plan, I did find the project as proposed to be
4 consistent with the intent and purpose of the
5 comprehensive plan, specifically Objective E5,
6 which is Preservation Planning, preserving historic
7 buildings, and that contributes positively to
8 Providence's urban fabric.

9 Objective B6, Design Leadership, ensuring
10 that the City of Providence takes the lead in design
11 excellence and historic preservation, given the
12 owners's proposal to restore and maintain the
13 exterior of this building as it is.

14 Objective B7, Neighborhood Character and
15 Design. Once again, the face of the building, the
16 way it sits will remain, and it will be maintained.
17 It will only be improved to be repaired and
18 maintained with like materials. I don't know about
19 the color scheme, but we've been in touch with --
20 well, I have been in touch with Mr. Martin over at
21 HDC getting ready for some exterior repairs that we
22 have to do around the eaves and the jet work.

23 Goal 4, Create, revitalize, and preserve
24 housing.

1 Objective H1 and Objective H2, which talks
2 about existing housing, which we are, and creating
3 new housing, which we're proposing.

4 Objective H3, which is housing for all,
5 creating new and preserving existing affordable
6 workforce and moderate income rental.

7 Objective H5, Housing Design, promoting
8 high-quality residential design throughout the city;
9 hence, the preservation of the beautiful historical
10 structure.

11 **Q.** So, in your opinion, this promotes many of
12 the provisions of the comprehensive plan that you
13 just recited, true?

14 **A.** In my opinion, yes, it does.

15 **Q.** And is the relief being sought the least
16 relief necessary to accomplish the purposes here?

17 **A.** It is. Like I said about the parking,
18 typically we wouldn't ask for that because it
19 complies plus one right now. But given the interest
20 of the beautiful structure, I think the
21 complimentary plantings and giving up on some of
22 those parking spaces, which the ownership doesn't
23 feel that they actually need to rent the apartments,
24 lends us to come and ask for that relief. So I

1 believe we are asking for the least relief
2 necessary.

3 Q. And, in your opinion, will the hardship to be
4 suffered by the owner, if the variances are not
5 granted, amount to more than a mere inconvenience?
6 And if yes, why?

7 A. It does, in my opinion. And specifically he
8 would be limited to carrying on with the seven
9 apartments and the law office, which the owner was
10 there since the family, I think, in 1947. So for
11 their specific use, for their law firm and their
12 partners, I think it served a purpose. I think it's
13 definitely outgrown that purpose. The current
14 ownership's hardship would be well beyond a mere
15 inconvenience because what else to do with that
16 great amount of square footage other than bring it
17 back to residential, and residential that's
18 appropriately sized to meet the market demand.

19 Q. And the units would be too large for the
20 marketplace if they had to go with seven units, is
21 that correct?

22 A. In my opinion, yes. I think at the seven it
23 would bring it down to 1180, 1200 square feet, still
24 way out of character for residential units.

1 **MR. GARRAHY:** Okay. Mr. Jeffrey
2 can comment on that with respect to the
3 marketability of those units.

4 I have no further questions of Mr. Casale,
5 unless the board does.

6 **MR. WOLF:** I don't, but I welcome
7 any questions from my colleagues.

8 **(NO RESPONSE HEARD/SEEN)**

9 **MR. WOLF:** Hearing none, you can
10 keep going, Mr. Garrahy.

11 **MR. GARRAHY:** Okay. Mr. Jeffrey
12 is here. Mr. Jeffrey is a real estate broker and
13 salesman who has an office on Broadway. His resume
14 has been submitted. It's a part of the record, and
15 I ask that it be an exhibit in this matter,
16 Mr. Chairman.

17 **MR. WOLF:** Sure. Alexis.

18 **MR. GARRAHY:** I ask that he be
19 qualified -- I'm sorry.

20 **MR. WOLF:** Go ahead, go ahead.

21 **MR. GARRAHY:** I ask that he be
22 qualified as an expert in the area of real estate
23 brokerage and development --

24 **MR. WOLF:** I'm okay with that.

1 **MR. GARRAHY:** -- recognizing his
2 qualifications and his resume, Mr. Chairman.

3 **MR. WOLF:** Yes.

4 **MR. GARRAHY:** And I'd also say,
5 I'd also say, I'm asking he be qualified in this,
6 but he's an expert on all things Broadway, having
7 been there.

8 **MR. WOLF:** That's a niche. That's
9 a new niche.

10 **DOUGLAS JEFFREY**

11 **(HAVING PREVIOUSLY BEEN DULY SWORN)**

12 **EXAMINATION BY MR. GARRAHY**

13 **Q.** So, Mr. Jeffrey, can you talk just briefly
14 about your qualifications, particularly your
15 qualifications to be an expert on all things
16 Broadway.

17 **A.** Sure. Well, first and foremost, the shame
18 of plug here, my company's name is "Broadway Real
19 Estate Group." That's item number one I'd like
20 to put on the record. But I've had an office on
21 Broadway since 1996. I grew up, I spent my youth,
22 maybe as the crow flies, maybe less than a half mile
23 from Broadway. I have frequented Broadway since I
24 was a young man.

1 I have sold, owned, managed property on
2 Broadway for 20 years; and I currently have a lot of
3 land across from St. Mary's Church that I have plans
4 submitted to build my office and three apartments on
5 Broadway. So I've worked on Broadway for 25 years,
6 and I've been familiar with the area my whole life.

7 Q. And can you talk a little bit about the
8 changing nature of Broadway that we talked about --

9 A. Sure.

10 Q. -- a little bit earlier.

11 A. Sure. So, you know, in my youth, Broadway
12 was known as the place where you went to a doctor's
13 office or, you know, maybe your mom and dad went and
14 got their taxes done. It was really a professional,
15 almost solely professional on first floor with some
16 residences on second and third floors. There was
17 limited retail. There was several drugstores,
18 D'Andrea's Drugs, DePasquale's Drugs. There was
19 a couple liquor stores and maybe a couple gas
20 stations.

21 And how the neighborhood has really changed
22 is many of the professional uses have vacated.
23 it's now more of a residential area with more of
24 a retail/commercial presence. I'd say in the last

1 probably ten years that's really become even more
2 prevalent on the street.

3 Q. You're familiar with the plans for this
4 project, are you not?

5 A. I am.

6 Q. Okay, and the number of units. Can you talk
7 about why the number of units in this structure,
8 historic structure, is appropriate and will not
9 adversely effect the neighborhood.

10 A. Sure.

11 Q. And the marketability, if I can, and also
12 talk about why it's appropriately sized units and
13 the marketability and the ability to be able to rent
14 out these units at this size.

15 A. Sure. Thank you. So I think the first thing
16 I'd like to do is perhaps point to some recent
17 developments in the neighborhood and how they were
18 developed and what their logic was.

19 Specifically, you can look at 369 Broadway
20 tonight, which was heard before this case, and I
21 believe they're constructing seven smaller units in
22 the rear of that building. There's the former
23 convent on Broadway, 540 Broadway, which is
24 predominately small one-bedroom and smaller

1 two-bedroom units.

2 There's new construction apartments being
3 built on West Fountain Street. New construction
4 apartments built on Westminster Street and new
5 construction apartments built on Atwells Avenue; and
6 they all -- and there was a conversion of office
7 space on the corner of Atwells and Bradford.

8 All of those units are smaller, one-bedroom
9 apartments which, as the previous case had
10 indicated, allows people to really live by
11 themselves with no roommates and have their own
12 bathroom and kitchen facilities. And that has
13 become the trend in this neighborhood really since
14 the trend has left college students to move probably
15 closer to their campuses.

16 **Q.** So the appropriate -- so is the scale and
17 density for this building appropriate for the
18 neighborhood as well as being marketable for it?

19 **A.** I believe so. I think that there are, you
20 know, plenty of units in the general vicinity of
21 that area that are smaller units. The density is
22 certainly, given the size of that building and the
23 size of the land, I think the density is certainly
24 appropriate for the neighborhood, and I think it

1 fits with the character of the immediate
2 surroundings.

3 Q. Okay. And if the units were larger, would
4 they be difficult to lease out? Is that -- to your
5 point, is it not the market that people are not
6 looking for larger units here?

7 A. Correct.

8 Q. They're looking for 6-, 700 square foot
9 units, is that correct?

10 A. Yes. You know, in previous years you had
11 quite a bit of Johnson & Wales students, college
12 students, who lived in the area. And, you know,
13 having three sons who went through college and lived
14 off campus, typically what happens is four or five
15 of them get together, rent an apartment, share the
16 rent and share the utility expenses. And I would
17 say that that trend has really moved away from the
18 West End in general.

19 And what's really happened is a lot of those,
20 probably a lot of those young people who lived here
21 as students have come back as young professionals,
22 they really want their own space. I think it's a
23 trend with younger people to want to live in their
24 own space without roommates or maybe one roommate.

1 So larger apartments really tend to attract
2 multiple young people who live as roommates in
3 multi-bedrooms; and those apartments are really
4 not as desirable as they were probably, you know,
5 seven to ten years ago.

6 Q. Okay. And with respect to the standards,
7 let's talk about the hardship which the applicant
8 seeks relief is due to the unique character of the
9 structure and not to the general character of the
10 surrounding area.

11 Is it the unique structure that creates the
12 hardship?

13 A. It is a unique structure. Yes, it's a
14 massive structure, as Peter indicated, 8,000 square
15 feet on a good-sized piece of land. I think this,
16 you know, makes it a unique building, definitely for
17 Providence; and even by Broadway standards, it's a
18 very big building.

19 Q. Okay. And the hardship is not the result of
20 any prior action of the Applicant, to your
21 knowledge?

22 A. It is not.

23 Q. Okay. And with respect to the desire to
24 primarily realize greater financial gain, can you

1 say that it's not the case?

2 **A.** That is not the case. I think that this
3 design in this plan submitted by the Applicant
4 really fits with the character and makeup of the
5 neighborhood as we know it now.

6 **Q.** And in your professional opinion, will the
7 granting of the requested variance alter the general
8 character of the surrounding area or impair the
9 intent and purposes of the zoning ordinance or the
10 comprehensive plan?

11 **A.** No. To the contrary, I think I would be of
12 the opinion that it would enhance the surrounding
13 area. And if I can speak specifically, Mr. Garrahy,
14 that area does have some retail use with no
15 off-street parking, the Nitro Coffee Bar -- that my
16 kids frequent whenever they're in town. It has a
17 very good cold brew; whoever hasn't tried it, I
18 recommend that you do -- and the Broadway Bistro.
19 So there's two retail establishments there that have
20 no off-street parking. And having a law office, and
21 myself having a professional office on Broadway, we
22 have off-street parking, but people do tend to park
23 on the street for retail and professional use.

24 I think having this use changed to

1 residential, it would have self-contained parking,
2 which I think would free up the off-street parking
3 issues -- I'm sorry, on-street parking issues that
4 exist in that immediate area. So I think it would,
5 frankly, enhance that area.

6 **Q.** And is the relief being sought the least
7 relief necessary to accomplish the purposes sought?

8 **A.** It is. Given the, given the volume of that
9 building, it is the least relief necessary.

10 **Q.** It's necessary because of the size of the
11 structure, is that correct?

12 **A.** Correct, right. It's a massive building.
13 And what's unique about it also, as Peter indicated,
14 the basement, you know, for an old building has nine
15 foot ceilings; so it's a very big building.

16 **Q.** Okay. And the Applicant would suffer more
17 than a mere inconvenience if the variances were not
18 granted, in your opinion?

19 **A.** Yes. I can actually speak to that personally,
20 if I can. You know, I've had an office on Broadway
21 since '96. I've had plenty of opportunity to buy
22 existing buildings on Broadway to locate my office.
23 We've decided to construct a building because many
24 of these old buildings are a huge challenge for ADA,

1 Americans With Disabilities Act, requirements for
2 access. Very difficult to incorporate fire code,
3 life-safety issues for offices in old buildings.

4 So I think, frankly, what he -- what the
5 Applicant is doing is probably the best use for that
6 building as residential. I think to rent, you know,
7 to rent office space on Broadway has become a
8 challenge for those reasons. I think a lot of
9 professions or professionals are gravitating
10 towards, unfortunately, the white boxes with the
11 central air conditioning and elevators and handicap
12 ramps. That really doesn't exist in our
13 neighborhood. So I think it would be more than a
14 mere inconvenience.

15 And as we spoke about the size of the
16 apartments, I think, as evidenced in all the new
17 development in the neighborhood, and I can't think
18 of any exceptions, all of the new development in the
19 neighborhood has been smaller, 5-, 6-, 700 square
20 foot apartments, which is what this plan calls for.
21 So I think it's well -- the market has been well
22 established in that neighborhood as to what the
23 needs are.

24 Q. And this building, as proposed, meets that

1 marketplace?

2 **A.** Absolutely.

3 **MR. GARRAHY:** Mr. Chairman, I
4 don't have any further questions, unless the board
5 does.

6 **MR. WOLF:** Okay. Thank you.
7 Colleagues, questions?

8 **(NO RESPONSE HEARD/SEEN)**

9 **MR. WOLF:** Okay. Hearing, seeing
10 none --

11 **MS. MANIOTES:** I'm sorry, I do.

12 **MR. WOLF:** Okay, yes.

13 **MS. MANIOTES:** I just wonder if we
14 can briefly go -- the plans that I have are a little
15 bit confusing. If we can briefly go floor by floor,
16 I don't know who best from your team to explain --

17 **MR. GARRAHY:** Yes.

18 **MS. MANIOTES:** -- explain what's
19 happening to each floor. So is it correct to say
20 that basement or garden level and first floor is
21 currently just law offices, existing as law offices,
22 and they will be residential? Because there's no
23 labels in the existing, and, actually, I think some
24 of the existing are just replicas of the proposed.

1 Who would be able to explain that?

2 MR. GARRAHY: He's muted. Yeah,
3 he's muted, the Applicant.

4 MS. MANIOTES: So the basement,
5 the basement currently shows bedrooms and kitchens
6 and living room in both existing and proposed.

7 MR. SHEHADEH: Yes. Can you folks
8 hear me?

9 MR. GARRAHY: We can.

10 MR. SHEHADEH: Okay. So --

11 MS. MANIOTES: There's a lot of
12 echo.

13 MS. THOMPSON: I'm going to mute
14 you, Mr. Shehadeh, trying to fix this.

15 (BRIEF PAUSE)

16 MR. SHEHADEH: How is that now,
17 better?

18 MS. THOMPSON: Yes.

19 MS. MANIOTES: Thank you.

20 MS. THOMPSON: Thank you.

21 AREF SHEHADEH

22 (HAVING PREVIOUSLY BEEN DULY SWORN)

23 MR. SHEHADEH: Perfect.

24 So the previous owner did have several

1 apartments in the basement. Whether or not they
2 were, you know, they were legal, quote unquote, is a
3 question for him; but that's what it was.

4 **MS. MANIOTES:** Okay. So existing,
5 just really quickly, how many units are in the
6 basement existing? Is there just one?

7 **MR. SHEHADEH:** There are two.

8 **MS. MANIOTES:** There are two?

9 **MR. SHEHADEH:** Yes.

10 **MS. MANIOTES:** Because I see a
11 kitchen, a meter room, a bedroom, and a living room
12 as the only labels. I see two as --

13 **MR. SHEHADEH:** I don't know what
14 it's called, but it's there. There's two kitchens.
15 One is very small.

16 **MS. MANIOTES:** Okay. So we're
17 going from two to two in the basement?

18 **MR. SHEHADEH:** Let me just verify.

19 **(BRIEF PAUSE - DOCUMENTS BEING PERUSED)**

20 **MR. SHEHADEH:** I have a different
21 set of plans that are a bit more clear. Just one
22 more moment.

23 **(BRIEF PAUSE - DOCUMENTS BEING PERUSED)**

24 **MS. THOMPSON:** I can allow you to

1 share your screen, if you'd like. And you could --
2 if they are the same plan with some more clarity,
3 you can submit them as an exhibit. Obviously,
4 you can't submit a different plan unless --
5 Miss Dinerman can speak to that. But let me know
6 if you'd like to screen share.

7 **MR. SHEHADEH:** Sure.

8 **MR. WOLF:** That's fine.

9 **(ATTORNEY DINERMAN SPEAKING WHILE MUTED)**

10 **STENOGRAPHER:** Ms. Dinerman,
11 you're muted.

12 **MS. DINERMAN:** I think the answer
13 was "yes." Okay.

14 **MR. SHEHADEH:** Can you folks hear
15 me too?

16 **MR. GARRAHY:** Yes.

17 **MR. WOLF:** Yes.

18 **MS. THOMPSON:** We can.

19 **MS. MANIOTES:** So that's proposed.

20 **MR. SHEHADEH:** So let me get this.

21 **(PLAN BEING DISPLAYED ON SCREEN)**

22 **MR. SHEHADEH:** Okay. So the
23 existing does not show the breakdown, but I will go
24 through the proposed, which has some shaded areas

1 which make it clearer. So here is the existing
2 basement. You'll see this space is all completely
3 open. So if we go through, here is the one bedroom.
4 Another studio right over here. This is actually
5 existing. Same thing with this, one bedroom, that's
6 existing. And these floors are all around, you
7 know, a little over 2000 square feet. (indicating)

8 **MS. MANIOTES:** Okay. I'm sorry, I
9 think -- I've already lost you. I'm still not --

10 **MR. GARRAHY:** How many units are
11 proposed? How many units are proposed?

12 **MS. MANIOTES:** I know how many
13 units are proposed, there's three; but I want to
14 understand how many are existing. I kind of want to
15 understand the density change floor by floor but not
16 to take everyone's time. Like, I was hoping for a
17 quick count on each floor.

18 **MR. SHEHADEH:** I think I can give
19 you a quick run-through --

20 **STENOGRAPHER:** Who is speaking? I
21 can't see you.

22 **MR. SHEHADEH:** Me.

23 **MS. THOMPSON:** It's Mr. Shehadeh.

24 **STENOGRAPHER:** Thank you.

1 **MR. SHEHADEH:** Mr. Shehadeh.
2 I'm sorry.

3 **MS. THOMPSON:** With screen
4 sharing, not all faces are visible at one. So
5 Mr. Shehadeh is going through floor by floor
6 existing and proposed number of units, I think,
7 for Ms. Maniotes' request.

8 **MR. SHEHADEH:** Yes.

9 **MR. WOLF:** Is that right? Is that
10 what we want? Okay. Is that what you're seeking,
11 Anthia?

12 **MS. MANIOTES:** Yes. But I don't
13 need to -- I understand the proposed. I want to
14 know what that unit number comes from, is a result
15 of. So if there's two, you know, do they turn into
16 three in the proposed? If there's three, do they
17 turn into four? I just want to see the difference
18 in density per floor.

19 **MR. SHEHADEH:** Okay. I can try to
20 do it. This is Mr. Shehadeh. The challenges -- so
21 the second floor was also sort of quasi-occupied as
22 a law office.

23 **MS. MANIOTES:** Okay.

24 **MR. SHEHADEH:** There are clear

1 walls that delineated between apartments, so it's a
2 bit confusing.

3 **MS. MANIOTES:** Practically, it
4 doesn't even matter, honestly. If you have clear
5 numbers, that's all I care about. You don't need to
6 go through it and point to your screen.

7 **MR. SHEHADEH:** Okay. Yeah, I
8 mean, the basement has two; it will have three.

9 **MS. MANIOTES:** Yup.

10 **MR. SHEHADEH:** The first floor was
11 the law office. It will have four.

12 **MS. MANIOTES:** Yup.

13 **MR. SHEHADEH:** The second floor
14 had a number of apartments and that quasi-law
15 office; that will be three. And two on the top
16 floor.

17 **MS. MANIOTES:** So what does the
18 second floor have for apartments, though?

19 **MR. SHEHADEH:** They have three
20 apartments now.

21 **MS. MANIOTES:** Three, okay.

22 **MR. SHEHADEH:** And the third has
23 two apartments now.

24 **MS. MANIOTES:** Okay. And the

1 second floor has three apartments proposed, correct?

2 **MR. SHEHADEH:** Correct.

3 **MS. MANIOTES:** Okay. That was it.

4 Thank you.

5 **(MR. WOLF SPEAKING WHILE MUTED)**

6 **MR. WOLF:** Sorry, I was muted.

7 Other questions from my colleagues?

8 **(NO RESPONSE HEARD/SEEN)**

9 **MR. WOLF:** No. Okay. Then we
10 should turn, I suggest, to the public, any public
11 comments from people from the audience.

12 So, Alexis, can you orchestrate that for us.

13 **MS. THOMPSON:** Absolutely,
14 Mr. Chair. I do have a number of hands raised. I
15 am going to start at the top, Mr. Christopher
16 D'Ovidio. I apologize if I pronounced your name
17 incorrectly. Please state your full name for the
18 record and your address.

19 **MR. D'OVIDIO:** Yes, Christopher
20 D'Ovidio. I'm an attorney, Bar No. 6475. My law
21 office, D'Ovidio Law, is located at 469 Centerville
22 Road, Suite 204, and that's in Warwick, Rhode
23 Island.

24 **MR. WOLF:** You can proceed,

1 Mr. D'Ovidio. Are you speaking on your own behalf?

2 **MR. D'OVIDIO:** I represent
3 Ms. Merrill Friedemann. She is the owner of the
4 property directly across the street at 214 Broadway.
5 We also have with us today -- she'll be speaking.
6 She happens to be an attorney, and that's her law
7 office across the street. And we also have our
8 expert, Mr. Ramzi Loqa, to speak today.

9 So I wanted to have an opportunity to
10 cross-examine the experts that were presented
11 tonight. Is that permissible?

12 **MR. WOLF:** I'm going to defer it
13 our counselor, Ms. Dinerman.

14 **MS. DINERMAN:** We do not do
15 cross-examination.

16 **MR. D'OVIDIO:** Is that listed in
17 your rules of procedure?

18 **MS. DINERMAN:** I believe it is.

19 **MR. D'OVIDIO:** Because I checked,
20 and I didn't see that it was impermissible. And I
21 don't want to be didactic with my Sister on this
22 front. Okay. Maybe I'll just address those issues,
23 which might give the members of the board an
24 opportunity to think about what was said and maybe

1 they can ask those questions.

2 **MS. DINERMAN:** You can certainly
3 do that, and you can also certainly put Mr. Loqa on
4 to counter any evidence that was put in by
5 Mr. Garrahy's experts.

6 **MR. D'OVIDIO:** Indeed I will, as
7 well as Ms. Friedemann will do the same.

8 **MR. WOLF:** For the sake of
9 efficiency, why don't I swear Mr. Loqa in. You and
10 your attorney get a pass on the swearing in.

11 **MR. D'OVIDIO:** So, do I --

12 **MS. DINERMAN:** They don't get a
13 pass if they're testifying as a witness.

14 **MR. WOLF:** Oh, okay.

15 **MS. DINERMAN:** They only get a
16 pass if they're representing someone. This is a
17 homeowner or abutter.

18 **MR. WOLF:** So Mr. D'Ovidio gets a
19 pass --

20 **MS. DINERMAN:** Correct.

21 **MR. WOLF:** -- but the other
22 attorney does not. Let's swear in the other
23 attorney and Mr. Loqa.

24 **(WITNESSES BEING DULY SWORN)**

1 **MR. WOLF:** Thank you. You can
2 proceed, Mr. D'Ovidio.

3 **MR. D'OVIDIO:** Yes. So I
4 understand that Mr. -- my Brother Garrahy -- I like
5 that, by the way. I've not been practicing as long
6 as others, but I like that old-school way of doing
7 stuff, so I'm going to go along with that.

8 So Mr. Garrahy has stated that the
9 application, the whole purpose of this project, is
10 to -- (INAUDIBLE).

11 **MR. WOLF:** We lost you,
12 Mr. D'Ovidio, unless you're making a very dramatic
13 pause.

14 **MR. D'OVIDIO:** Start video. Oh,
15 you know what happened, someone started my video.

16 **MS. THOMPSON:** I apologize. I
17 promoted them to panelists so they could present.

18 **MR. D'OVIDIO:** Okay.

19 **MS. THOMPSON:** My apologies,
20 Mr. D'Ovidio.

21 **MR. D'OVIDIO:** No worries.

22 **MS. THOMPSON:** Carry on.

23 **MR. D'OVIDIO:** I thought it was my
24 connection.

1 In any case, I will submit, and I think as my
2 Sister said, the Solicitor, really this Applicant
3 has no choice but to maintain this building. So I
4 want to dispel this notion that the Applicant is
5 doing the community a favor by not changing the
6 outside. He can't, right? The Historic District
7 wouldn't allow him to do that. And maybe there's a
8 notion that but for him buying this and doing what
9 he's doing here, this building would fall into
10 disrepair. I want to dispel that notion that
11 somehow this project, but for it, the historic
12 nature of this building won't be maintained.

13 I also wanted -- this is something that
14 Mr. Garrahy stated, as well as Mr. Casale, and even
15 Mr. Jeffrey, that this neighborhood -- neighborhoods
16 transform all the time. I agree; they do. But
17 there's a way in which neighborhoods transform, and
18 that's through zoning, zoning ordinances, and the
19 comprehensive plan.

20 Specifically -- and I'll get to when we speak
21 to either Mr. Casale or Mr. Jeffrey -- does the
22 comprehensive plan call for high density on
23 Broadway? Now, we know that throughout the city,
24 the comprehensive plan calls for more affordable and

1 diverse housing; no doubt about that here. I'm not
2 going to argue that the comprehensive plan calls for
3 that. But I don't think there was anything that was
4 cited by Mr. Casale in the comprehensive plan that
5 said: Hey, on Broadway, let's increase the density
6 by twofold. Doesn't say that in the comprehensive
7 plan.

8 So if you want to transform, fine. There's a
9 process to do that; that's an amendment of the
10 comprehensive plan and the zoning ordinance to
11 follow. That hasn't been done for this area.

12 Offices are leaving. Well, we'll hear from
13 my client, Miss Merrill Friedemann, who has got a
14 law office across the street, who has been working
15 and owning -- she owns two buildings in the area.
16 She has been in this current building for seven
17 years, and she's been working on Broadway for
18 thirteen. She will speak to whether offices are
19 leaving or not.

20 Short-term rental. I know it's been an
21 issue. That might not be the intent of this
22 Applicant today. We don't know who's going to own
23 this building tomorrow or what his intent might be
24 next. Considering Mr. Jeffrey might tell him that

1 the market should dictate that he do short-term,
2 right, because it seems that's where this whole
3 project is ended, is oriented towards, right, what
4 does the market dictate, or what does the market
5 call for.

6 Parking, shortage of four spaces. We're
7 going to get to that. I'm just curious, can someone
8 let me know whether or not the greening of the
9 property, therefore, the reducing of the spots, is
10 that voluntary or is that required as part of the
11 project? Seems rather gracious of them to green up
12 their property for their tenants. So does anyone
13 have that answer to that? I'm just curious.

14 **MS. THOMPSON:** The nonconforming
15 site element would be considered over-paving. It is
16 only into conformance when it is touched, so to
17 speak. So there is a certain standard in Article 20
18 of the ordinance that requires it, should you be
19 changing a certain percentage of that nonconforming
20 site element.

21 So what's being proposed in this application
22 is not required, it is voluntary.

23 **MR. D'OVIDIO:** So they're
24 voluntarily reducing lots, parking spaces and,

1 therefore, then asking for a variance. Seems like
2 not the least relief that's necessary for that
3 particular request. Because if it's voluntarily,
4 why don't they just not do the greening and keep the
5 number of parking spaces so they don't need a
6 variance, possibly, or they might not need as much
7 of a variance for parking?

8 There was --

9 **MR. WOLF:** So you think it would
10 be better for the neighborhood to have more
11 impervious surface and less greenery?

12 **MR. D'OVIDIO:** Well, I don't
13 suggest that you have to have impervious parking,
14 Mr. Chairman, because we can have permeable surfaces
15 for parking. In fact, I would argue that I think
16 the zoning ordinance would require that in certain
17 circumstances.

18 **MS. THOMPSON:** I can correct the
19 record on the zoning ordinance. It's very specific
20 in the Providence Zoning Ordinance that anything
21 parked upon is considered impervious surface. So
22 regardless of permeable pavers or gravel, or
23 whatnot, used for parking, the Providence Zoning
24 Ordinance considers that impervious surface on the

1 lot.

2 **MR. D'OVIDIO:** I concur. I was
3 only answering the Chairman's specific question.

4 **MR. WOLF:** Okay.

5 **MR. D'OVIDIO:** Like whether or not
6 it's better to have this runoff or is it better to
7 have greenery, as I was trying to address that
8 specific question.

9 **MR. WOLF:** Okay. Thank you.

10 **MR. D'OVIDIO:** Whether or not
11 dense living is consistent -- it's not -- it's in
12 direct contravention for the zoning ordinance for
13 this area. The zoning ordinance clearly states
14 1650 square feet per unit. So while there might be
15 a desire for dense development, that's not what's
16 called for in the zoning ordinance. And to exceed
17 that density is not consistent with it; in fact,
18 it's in contravention of the intent of the zoning
19 ordinance. Otherwise, the zoning ordinance would
20 say something.

21 In fact, the comprehensive plan might even
22 say that. That, hey, even though it called for
23 1650, we desire to have the 400 or 500. It doesn't
24 say that in the comprehensive plan. So I think we

1 should be -- because that's a community, that's a
2 community effort. Right? The community thinks
3 about how do we want our community to build out
4 five, ten, twenty years, not selective developers.

5 So I just wanted to -- now, Mr. Casale, he
6 indicates that there's -- I think he said there was
7 9200 square feet. If you go to the actual -- and
8 this is kind of a bit vexing that we don't have
9 rapid answers to our questions. If you look at the
10 plan that was submitted by Mr. Richard Bzdyra -- I
11 use him as a surveyor all the time -- he's dictated
12 that there's 9,045 square feet for this lot, 9,045.
13 You divide that by 1650, you end up with 5.5 units.
14 Okay. By right, that's what this property can host.

15 Now --

16 **MR. WOLF:** What's your -- counsel,
17 what's your source, again, for that 9 --

18 **MR. D'OVIDIO:** The application
19 that's online.

20 **MR. WOLF:** 9,050 versus 9,200.

21 **MR. D'OVIDIO:** Look at the plan.

22 **MR. WOLF:** Okay.

23 **MR. D'OVIDIO:** If you look at the
24 plan, it's right there, it's a survey by Mr. Bzdyra,

1 Class 1 survey. Says it right on it.

2 **MR. WOLF:** Okay.

3 **MR. D'OVIDIO:** Okay. Now, I really
4 should get to the nuts and bolts here. They're
5 saying that what's marketable now are these micro
6 apartments; that, that we can't rent 1400 or 1200
7 square foot apartments. Well, let me ask you.
8 Let's say a micro unit you can rent for a thousand
9 dollars, and a 1400 costs 2000. Well, no one wants
10 to rent a big apartment for 2000. How about renting
11 that 1400 for the same price as a micro unit? Is it
12 marketable that way?

13 To suggest that these units are too big and
14 therefore unmarketable, only because if they're big
15 you have to get more money for them, and no one
16 wants to pay that money. But you can make these
17 apartments the same price as the micro units, and I
18 guarantee you that, this notion that, oh, people
19 want to live in small spaces -- just like you and
20 me, if I could buy a 1300 square foot cape for
21 300,000 or I could buy a 5,000 mansion for the same
22 price, which one would you choose? More likely the
23 bigger one.

24 So to suggest that six units simply are not

1 marketable, they are, if they're priced right. Now,
2 the reason why, I would submit, that they want more
3 units, double than what is allowed by right, is
4 because they want to make more money, simple as
5 that. It's all about a financial gain. If you
6 build six large units here, you'll rent them at the
7 right price; people will rent them.

8 As I said, it's not plausible to rent them,
9 not -- well, first of all, Mr. Casale is not an
10 expert in real estate at all. I would submit that
11 we should strike his statement that this is not
12 marketable.

13 **MR. GARRAHY:** You know, if I can
14 -- Mr. Chairman, may I. I don't -- usually I let
15 people speak, but he's talking about Mr. Casale not
16 being an expert. He's not an expert in this area.
17 Mr. Casale and Mr. Jeffrey are certainly more of an
18 expert in this area than he is.

19 **MR. D'OVIDIO:** All I'm saying --

20 **MR. GARRAHY:** Just a minute. I'm
21 making a point.

22 He can certainly argue all he wants and he
23 can talk forever. But he needs to -- if he wants to
24 ask somebody a question, Mr. Loqa who he has as an

1 expert, he can ask him questions. But he wants to
2 testify as an expert into all these matters, and I
3 object to that.

4 **MR. D'OIDIO:** No, I'm not
5 testifying. I'm giving an offer of proof, Attorney
6 Garrahy -- and I'm allowed to do that as an
7 attorney -- to offer proof to the court, the members
8 of this board, if you will, so they can begin to
9 think, gees, Mr. Casale, I'm not sure what he -- he
10 does zoning, he does comprehensive plan, but how is
11 he the person to speak to marketability?

12 He even said, he even suggested in his own,
13 in his own testimony that this is not his area of
14 expertise, that it would be Mr. Jeffrey. That's the
15 only reason I'm asking this board to be circumspect
16 about Mr. Casale's statements about marketability.
17 That's all.

18 **MR. GARRAHY:** You're entitled to
19 talk about the creditability of witnesses. You're
20 not entitled to give an opinion or an offer of proof
21 where you're not going to have an expert testify to
22 it.

23 **MR. D'OIDIO:** We are going to
24 have an expert testify. I'm laying the

1 groundwork --

2 **MS. DINERMAN:** Then you can ask
3 your expert.

4 **MR. D'OVIDIO:** I certainly will.

5 **MS. DINERMAN:** Okay.

6 **MR. D'OVIDIO:** I certainly will.

7 **MS. DINERMAN:** I think the board
8 is well aware that Mr. Casale is someone who does
9 not have that expertise, and I believe that's why
10 Mr. Garrahy called Mr. Jeffrey to testify with
11 respect to that.

12 **MR. D'OVIDIO:** Right. And I just
13 wanted to have some clarity --

14 **MS. DINERMAN:** I'm not defending
15 the Applicant's case, but I don't think you -- I
16 think that the board will weigh the testimony and
17 the evidence that's before them. It's certainly --
18 you may certainly question your witness.

19 **MR. D'OVIDIO:** Right, I understand
20 that. But I think it's --

21 **MS. DINERMAN:** I mean, you can't --
22 as an attorney, you can't come and say, "I'm making
23 an offer of proof that if I had a real estate
24 expert, my real estate expert would say."

1 **MR. D'OVIDIO:** No, no, no. What
2 I'm saying to you is that I don't think Mr. Casale
3 should be, as he actually indicated, be opining
4 about real estate. That's for the record.

5 **MS. DINERMAN:** Okay. That's fine.
6 The board will --

7 **MR. D'OVIDIO:** I'm establishing
8 this for the record.

9 **MS. DINERMAN:** Okay.

10 **MR. D'OVIDIO:** I'm establishing it
11 for the record.

12 **MR. WOLF:** In fairness to him, he
13 acknowledged he wasn't a real estate expert.

14 **MR. D'OVIDIO:** Right, and I just
15 wanted to underscore it.

16 **MR. WOLF:** He acknowledged that.
17 But we do have Mr. Jeffrey who is a real estate
18 expert.

19 **MR. D'OVIDIO:** Right. And I'm
20 going to get to Mr. Jeffrey's expertise in a second,
21 so hold on.

22 When Mr. Casale was speaking about the
23 uniqueness of the structure -- and I don't want to
24 be didactic -- but the uniqueness, right, that is

1 what is -- let's give an example. Okay. When
2 you're trying to build a single-family home on an
3 undersized lot, sometimes you need ten foot
4 setbacks. But in order to get a reasonable size
5 single-family home, you say, I need eight feet.
6 Okay. Why? Because this lot was subdivided and
7 platted. It's much smaller than all the lots
8 around. That makes it unique.

9 There is not one iota of testimony that
10 described how this lot or this building was unique.
11 In fact, Mr. Casale also testified that it may be
12 bigger for Providence standards but, in fact, it's
13 not for Broadway. His own statement about
14 uniqueness was belied by his own testimony. So I
15 would submit to you that the uniqueness standard has
16 not been met pursuant to Mr. Casale's testimony.

17 Financial gain. Again, he says -- it was
18 testified it's not for financial gain. I would
19 submit that six units -- there's seven units now and
20 it's being used. I don't see why six units can't be
21 sold -- can't be rented. I haven't seen a report
22 from a licensed certified real estate appraiser.
23 Typically, when I come to a matter like this, that's
24 who I hire to present my case.

1 General character will be impaired. Well, if
2 you notice, that no one on this street is building
3 twelve units, at least no one is exceeding the
4 square footage density. There might have been
5 things that have that approved; Mr. Jeffrey spoke to
6 that. He said that there were some larger units
7 nearby, but none of them exceed, as far as we can
8 tell, the 600 square feet per unit. And the 200
9 foot radius, as my expert will testify, there's
10 one-, two-, maybe three-bedroom homes, not seven.

11 **MR. WOLF:** In that 200 foot radius,
12 are there any buildings that are designed for
13 residential purposes that are as large as this one?

14 **MR. D'OVIDIO:** I don't know. I'm
15 going to have Mr. Ramzi speak to that.

16 **MR. WOLF:** Okay.

17 **MR. MITCHELL:** Miss Dinerman,
18 question for you. I think I know Mr. D'Ovidio, so
19 do I need to recuse myself?

20 **MR. D'OVIDIO:** No.

21 **MS. DINERMAN:** No.

22 **MR. MITCHELL:** Okay.

23 **MR. WOLF:** I know him too.

24 **MS. DINERMAN:** Members of the

1 board often know people who are testifying before
2 the board. If you have no financial interest with
3 Mr. D'Ovidio, you need not recuse yourself.

4 **MR. MITCHELL:** Okay.

5 **MR. D'OVIDIO:** Yeah, I don't think
6 there's any financials between myself, Mr. Wolf,
7 Mr. Mitchell, or their family members.

8 **MR. WOLF:** And I can attest to
9 that as far as my case is concerned.

10 **MS. DINERMAN:** We all have
11 personal conflicts, Mr. Mitchell, but that's
12 different from having a conflict of interest under
13 the code. But I'm happy, happy that you asked.

14 **MR. D'OVIDIO:** So, yeah, I want to
15 go on to the least relief standard. So the question
16 is, is that: Will this unit, this building, be
17 useable? And I'm not going to go to the no
18 beneficial use. The question is: If he has 5.5 --
19 let's say it's six, because I can probably get an
20 administrative variance on the six, okay, without
21 coming to the board, and I'm not going to usurp your
22 opinion on that, Miss Solicitor. But why can't he
23 have six? It's all about, well, if I do six and I'm
24 going to have large apartments and those are not

1 marketable -- I just don't follow that logic.

2 And why it's a mere inconvenient if he can't
3 have seven; that's a question I want to ask my --
4 that Mr. Ramzi will speak to. I'm not sure whether
5 or not there's seven legal apartments there. And
6 when we look at the frontage, he's also -- I'm not
7 even sure, was that requested in the public notice,
8 frontage, do you know.

9 **MS. THOMPSON:** Yes.

10 **MR. D'OVIDIO:** Was that requested
11 in their application, Alex -- Alexis?

12 **MS. THOMPSON:** It was both
13 requested and noticed as such.

14 **MR. D'OVIDIO:** Okay. So at
15 90 feet, right, so the question is: What will
16 happen if he's not able to do six? Right?

17 Mr. Jeffrey, he qualified as an expert in the
18 area of brokerage and development, an expert in
19 Broadway. I think a lot of people have made that
20 attestation. I'm not sure if -- to me, just for the
21 record, experts have to have certain training,
22 experience, and qualifications to qualify as an
23 expert.

24 I looked at his resume. I don't -- I see --

1 I think he has a license to be a broker and an
2 agent, but I don't see any licenses or anything that
3 talks about his ability to be qualified as to the
4 value of property, how to assess marketability based
5 on some sort of certification as a certified real
6 estate appraiser. That's the appropriate expert to
7 make that opinion, for the record.

8 He said that it is the changing nature of
9 Broadway. And, again, I say that should be done via
10 the public process of amending the comprehensive
11 plan and the zoning ordinance. That hasn't been
12 done for this area. He says it is primarily
13 residential and retail, primarily. Well, my client
14 will testify and differ to that because she has a
15 commercial building directly across the street.

16 There was -- I'm not sure if the record
17 reflects this, but there was one, two, three, four,
18 five -- six letters. Right? I think there was four
19 of them in support -- excuse me, three in support of
20 the project. Is that accurate, Alex -- Alexis?

21 **MS. THOMPSON:** There are six
22 letters received, yes.

23 **MR. D'OIDIO:** Okay. And so two
24 of them are in opposition, is that correct?

1 **MS. THOMPSON:** One in opposition,
2 and one asking questions. I don't know that I
3 would --

4 **MR. D'OVIDIO:** Okay. The West
5 Broadway Neighborhood Association, right, that was
6 sort of not for or against but had some questions.
7 In fact, they asked for a continuance, right? Okay.
8 And then you've got the one from Miss Nadia Winter;
9 she's in opposition to it, correct?

10 **MR. WOLF:** I believe so, yeah.
11 And then I think we had four that were in support.

12 **MR. D'OVIDIO:** Right. I see
13 three, maybe there's four. But if you notice in
14 each one of those letters, in each one of those
15 letters, the support is premised on that the parking
16 will be contained on this lot. Now, I don't know,
17 there's no traffic expert or anybody who I think is
18 qualified to say whether or not people are going to
19 have cars that live here or not. How much -- are
20 they only for one person or are they for two people?

21 So if you have twelve units, you have a
22 couple that's living there, that's 24 people. But
23 you need at least one parking, per the ordinance per
24 parking space, right off the bat. And they're going

1 to talk about why you don't have eight units;
2 Mr. Loqa is going to do that. All four of them are
3 in support, premised on a faulty assumption that all
4 the parking will be contained on this property. And
5 we know we're not going to have twelve spots
6 already. And --

7 **MR. WOLF:** Again, you're kind
8 of -- you're saying that the assertions on the other
9 side are not from the experts, but you're asserting
10 something that I don't think we can take at face
11 value based --

12 **MR. D'OVIDIO:** No, no. I'd like
13 to be able to -- if these letters are going to be
14 introduced as or are part of the record, I want to
15 speak to them to say they are premised on a faulty
16 assumption. You can take it or not. I'm asserting
17 that it says: I'm in favor of limited congestion --
18 the plans are in line with keeping all apartments
19 contained within the property line; same with the
20 cars, all the cars will be within this property --

21 **MS. DINERMAN:** They are all lay
22 opinion, Mr. D'Ovidio. None of them are expert
23 opinions. They're lay opinions. And lay opinions
24 on traffic and congestion are not admissible in the

1 zoning -- in zoning as you probably know, if you do
2 any of this.

3 **MR. D'OVIDIO:** In fact, I used to
4 teach land-use planning at Roger Williams University
5 for 15 years, as well as my regular practice. I
6 know that.

7 **MS. DINERMAN:** This board knows
8 quite well that if there are issues of traffic that
9 are raised, there has to be a traffic expert.

10 **MR. D'OVIDIO:** Right. I guess the
11 issue that I'm trying to point out: To the extent
12 that this board is going to give any weight to
13 people who are in favor of this project, that's why
14 they sent their letters in, there may be some weight
15 given to that, that people are in favor of it. But
16 what it does show, what it does show is that the
17 people in this community don't recognize and realize
18 that this project will not contain all the cars that
19 could be on this project on its property. That's
20 the only point I want to make.

21 I want to move on to presenting Mr. Ramzi.
22 Has he testified before you folks before?

23 **MR. WOLF:** Yes, a number of times.

24 **MR. D'OVIDIO:** Do I need to lay

1 the foundation for him as an expert?

2 **MR. WOLF:** He's certainly an
3 expert in some areas. What are you presenting him
4 as an expert in?

5 **MR. D'OVIDIO:** Okay. So I think
6 he's an expert in zoning ordinance, building code,
7 comprehensive plan consistency review. That is that
8 he is an expert in reviewing a project like this to
9 ensure it's consistent with the zoning ordinance,
10 building codes, and the comprehensive plan.

11 **MR. GARRAHY:** And I'd object to
12 the comprehensive plan expertise.

13 **MR. D'OVIDIO:** Now, I want to let
14 you know, that I never had an opportunity to object,
15 and I tried to object, to your expert Mr. Jeffrey,
16 because he doesn't have it. And I'll object for the
17 record. I don't think Mr. Jeffrey is an expert as a
18 real estate expert.

19 Be that as it may, what do you want to accept
20 him as?

21 **MR. WOLF:** Well --

22 **MS. DINERMAN:** The board, the
23 board will weigh the credibility of the testimony as
24 it chooses.

1 **MR. D'OVIDIO:** Thank you. I want
2 to note that -- Mr. Ramzi, can you just explain your
3 professional experience relative to the areas of
4 expertise that I suggested you had experience in.

5 **(MR. LOQA SPEAKING WHILE MUTED)**

6 **MR. WOLF:** I would suggest, I
7 think, I think there's probably a consensus, at
8 least on the first two items you mentioned. I'd
9 rather, I'd rather not go through a long exhaustive,
10 you know, cross-examination of Mr. Loqa's
11 credentials. A number of us are pretty familiar
12 with him.

13 **MR. D'OVIDIO:** Okay.

14 **MR. WOLF:** Just leave out the
15 comprehensive plan, and I think we can accept him as
16 an expert on the other items you mentioned.

17 **MR. D'OVIDIO:** Very well. The
18 reason why I say that, Mr. Chair, that I want him to
19 opine --

20 **MR. WOLF:** Well, he can opine on
21 anything he wants to. It's just how much weight we
22 ascribe to it.

23 **MR. D'OVIDIO:** I follow that.

24 Mr. Loqa -- "Ramzi" I'll call you -- would

1 you be so kind as to give us your opinion of this
2 project relative to its consistency with the zoning
3 ordinance.

4 RAMZI LOQA

5 (HAVING PREVIOUSLY BEEN DULY SWORN)

6 MR. LOQA: Okay. In reviewing --
7 in reviewing the plan and reading the application
8 that was submitted, I noticed one thing, that the
9 legal use of the premises as it stands in the
10 Building Department right now has five units, three
11 offices. And a permit was taken out, the last
12 permit was taken out, in March of '94 as such.

13 And that came about as a result, because
14 prior to that, way back in '73, when the lot was
15 zoned R-4, there was a variance requested, because
16 it was not allowed back then, to allow five unit
17 apartments, one dental office, and five lawyers
18 offices. So it stayed that way all along. I don't
19 know how it became seven, possibly that the two more
20 were illegal and just occupied there. So that's not
21 really -- the application should say five units
22 instead of seven units. So that's number one.

23 Looking at the application and the plans,
24 there are multiple units injected into the building,

1 offices chopped up into apartments. But the more
2 important thing is, if we go through the ordinance,
3 the hardship is seeking relief due to unique
4 characteristics. And all of us know that there are
5 similar kind of buildings on Broadway similar to the
6 size, but they may be sitting on smaller lots, not a
7 lot as big as what the Applicant has, but they are
8 just as unique as this building; and they're not
9 converting it into multi units or as was proposed
10 here. So this is really -- I don't believe that
11 this is due to unique characteristics.

12 Also, the requested variance have to prove
13 the variance will not alter the general
14 characteristics of the surrounding area. You just
15 look, open your radius map, and you'll see adjoining
16 to it three-unit, two-unit, four-unit all around it.
17 There's only one that has seven units, one. And
18 that's -- the one with the seven units is outside of
19 the 200 foot radius. So most of them are less
20 than -- not even seven; and they are asking for
21 twelve.

22 So, really, that would affect the character
23 of the surrounding area, because you're going to
24 have multi-units that are a lot higher than what the

1 other buildings have.

2 **MR. WOLF:** What if the twelve
3 units that they're requesting have fewer people in
4 them, though, than the buildings that have a smaller
5 number of units, which is entirely possible?

6 **MR. LOQA:** Well, you're going to
7 have -- you're going to have at least two people in
8 this, that's 24 buildings -- people.

9 **MR. WOLF:** I don't think -- I
10 think, based on the testimony, they're assuming that
11 some people are going to live by themselves, that
12 not everybody --

13 **MR. LOQA:** Assuming, they're not
14 sure. I mean --

15 **MR. WOLF:** Well, no.

16 **MR. LOQA:** There's no guarantee
17 that's going to happen.

18 **MR. WOLF:** Death and taxes are the
19 only things we're sure about.

20 **MR. LOQA:** Yeah, right.

21 So, I would said that, you know, as I said,
22 if you look around, everywhere is multi-units.

23 **MR. WOLF:** I'm just making the
24 point that I don't think you can, I don't think you

1 can -- I think it may be a little bit of an
2 apples-and-oranges comparison to say that because
3 this building is going to have more units, proposed
4 to have more units, than some other buildings in the
5 area, that, therefore, it's going to -- it's going
6 to create more people than it should be creating and
7 it's going to have more people added to the
8 neighborhood; although, I don't know why that's a
9 bad thing.

10 **MR. LOQA:** All I'm saying is that,
11 according to the ordinance, it says that it not
12 alter the general characteristics. And the general
13 characteristics is less than even seven, three. How
14 many can you have? Three? Six people? Nine
15 people?

16 **MR. WOLF:** Well, I don't want to
17 belabor it.

18 **MR. LOQA:** Yeah, I know. I'm just
19 trying to -- I'm going by what the ordinance says.

20 **MR. WOLF:** I don't want to get
21 into how many angels can fit on the head of a pin.

22 **MR. LOQA:** All right. Okay. The
23 next, to be granted is the least relief necessary.
24 We are doubling the capacity. We are required to

1 have 90 -- if you go by sixteen units -- twelve
2 units, you need over 19,000 square feet. What we
3 have here, 9,045, which is not even less than half
4 of what is being required.

5 In granting the dimensional variance, the
6 hardship suffered by the owner for no profit; to me
7 it sounds like renting these spaces is for
8 profitable use. As I said, the legal use is five
9 today and you can have 5.5, and you can go up to
10 six, because within that 10 percent the Director of
11 the Department can give you that, I mean as long as
12 the neighbors around do not object to it.

13 So mere inconvenience. I don't follow that.
14 How is that mere inconvenience? I mean, you asking,
15 you asking the Zoning Board to approve double what
16 is permitted. To me, that doesn't sound like mere
17 inconvenience.

18 And one other thing I have, also, as far as
19 the parking, I know, granted, they are volunteering
20 to reduce it, which is good, create more greenery,
21 but there is a requirement under the building code
22 that you need handicap access, you need a ramp to
23 get into the building. None is shown here on these
24 drawings. And when you do the ramp, that means you

1 will lose at least a space or two, so now you're
2 down to six.

3 And I notice there is not one handicap spot,
4 which is bigger than what is shown on the plans. So
5 it may alter that. And, by the way, if you do the
6 handicap ramp, you need historical approval. The
7 Commission has to approve that, the shape of it, and
8 where it's going to go, and all that stuff.

9 That's all I have.

10 **MR. D'OIDIO:** Mr. Chair, I'd like
11 to have the client, Ms. Merrill Friedemann, speak to
12 the project and the testimony that's been provided,
13 and her personal experience working on Broadway.

14 **MR. WOLF:** Sure. Please proceed.
15 That's fine.

16 **MERRILL FRIEDEMANN**

17 **(HAVING PREVIOUSLY BEEN DULY SWORN)**

18 **MS. FRIEDEMANN:** Good evening,
19 Mr. Chairman and members of the board. I appreciate
20 your time this evening. Thank you for listening to
21 me and allowing me to present this evidence. I
22 didn't get this notice until several days after
23 within the two-week period, so I've been putting
24 this together rather quickly.

1 I do want to make a comment about the things
2 that have been said which, you know, I'm hearing all
3 this testimony about what it's like to live on
4 Broadway, what it's like to exist on Broadway, and
5 it is very interesting to me. Because, first of
6 all, the fact that lawyers, it's been said during
7 this entire time, have left Broadway and have no
8 place in Broadway, that's not true. I started out
9 on Broadway with Bill Dimitri who is right across
10 the street from the Imperial Club.

11 From there, I left the practice of law only
12 part time for a little while because my son was
13 diagnosed with autism, which was -- is really a
14 full-time job. I went back to practicing law with
15 my partner and left downtown because downtown was
16 not a welcoming place. The parking, the cost, the
17 expense, it was very difficult for our clientele to
18 go to downtown and pay for the parking.

19 So we contacted the Kerins, who are lawyers
20 at 478 Broadway, and they were so happy to have us.
21 There were seven lawyers in that building. And I
22 will tell you, that despite the testimony of the
23 experts, the lawyers who left 215 Broadway went down
24 to 478 Broadway and rented space there. So clearly

1 there's a desire for professional space.

2 Once we made a commitment to come to
3 Broadway, we purchased a building from Armory
4 Revival. We ended up not going there because the
5 real estate agency that was there, the man who owned
6 it, his wife was sick, he didn't want to move. We
7 saw this building, which is the old Franciscan Home
8 for the priory. Tom Sweeney was the realtor, who my
9 partner knew, he's here, Anthony Gianfrancesco. And
10 it was the most magnificent building we've ever been
11 in. I've heard a lot of numbers and money and what
12 is and what isn't. But this is a magnificent place.
13 And it is really on the cusp of being something
14 great.

15 I want to tell you something about my
16 business, because I feel like we've all somewhat
17 been maligned. If you put this development -- why
18 twelve? It could be six. It could be eight. Why
19 twelve? There's no reason for twelve units across
20 the street. And when I'm hearing about how many --
21 you know, the testimony of the expert -- and I'm a
22 trial lawyer, so this is how I present myself, and I
23 hope you'll forgive me -- but it sounds like you
24 have a saturated market. And when I hear about

1 single professionals, it makes me think of my
2 dedication to my children and the fact there's
3 nothing about having people with children living in
4 this neighborhood.

5 But let me tell you, next door was a rooming
6 house. It had two convicted child molesters living
7 in it. It had two drug dealers. I had to get no
8 trespass orders. The building was sold. It's now
9 an artist colony at 216 Broadway. There are Chinese
10 people there. They have made it to be a magnificent
11 artist retreat, and it's fabulous. They have a
12 little girl that lives there, and she goes to school
13 every morning.

14 I'm going to tell you about the population we
15 represent and the people that come to my office
16 every day, and why you really want to have lawyers
17 like me on Broadway and not want to have these dense
18 units so that I have no parking. The continuation
19 of the horrible trash issue. Okay. And also the
20 fact that Broadway is so overcrowded with cars,
21 pedestrians, and bicycles, that twelve units is
22 really going to be taxing, especially in this area.

23 Where I park every day, that I've had to get
24 a smaller car, I can't fit my car on Broadway. And

1 let me tell you about the population we represent.
2 We represent mostly Hispanic people, mostly where
3 their English is a second language. We represent
4 people who are Cambodian, Laotian, Indian, Greek,
5 Italian. These are the people that we represent.
6 We are not fancy corporate lawyers. These are the
7 people that come to our offices.

8 They come to our offices because they're in
9 their neighborhoods; we are accessible. If you
10 start turning us away, those people who can't travel
11 to the Metro Park in Warwick, okay, are not, are not
12 going to have access to the legal services that we
13 give, most of which are walk-in people, people that
14 we currently represent that we give pro bono advice
15 to.

16 I don't know if a coffee shop has the same
17 value to these people. And I'm perplexed because we
18 talked about professional offices, how lawyers are
19 leaving, which they're not; most of us are still
20 staying here, for now. But you have three new real
21 estate agents on Broadway; I think they're
22 professionals, just like us. You have two new
23 salons. And with all due respect, as a woman,
24 people who own salons are absolutely the most

1 professional people. And you have two coffee shops
2 now and restaurants. This neighborhood hasn't
3 changed at all. It's just been an exchange of
4 lawyers for real estate agents.

5 So with that said, you know, that we have
6 this issue where people are giving these anecdotal,
7 you know, stories about, you know, "I'm the Broadway
8 guy," well, I have to tell you, I'm the Broadway
9 girl. And I'm going to tell you that there is no
10 place, okay, that has such a diverse population of
11 professionals and people, and you don't need twelve
12 units. Okay.

13 You have the former GZA Engineering, which is
14 530 Broadway, that has 32 units. Those units are, I
15 think, the micro-type units, \$1400 a month, \$1400 a
16 month. Is that what we're going to have across the
17 street? I don't know how that fits in with the
18 whole plan that I've heard about affordable housing,
19 housing for families. It's all about young
20 professionals. And I thought that the whole push to
21 have the revitalization of Broadway was also not to
22 have it gentrified. And by putting twelve units,
23 which are all going to look the same as all the
24 other units here, is a gentrification.

1 So what is it about the twelve units? I
2 agree with Mr. Loqa -- just because I've known him
3 for a long time, and he, obviously, with his
4 experience, has given testimony to you before --
5 they meet none of the legal standards that they've
6 submitted to you. And I'm somewhat surprised, given
7 the fact that there are no, no comparable buildings
8 in this area that haven't been created sometime
9 after -- and, by the way, it's called the Remington
10 House, the building across the street is the
11 Remington House -- no other buildings, expect those
12 that have been created, have twelve units.

13 Now, I will tell you there is no parking in
14 this area since Nitro Brew came in. There is
15 20-minute parking in front of our building. And, to
16 be a good neighbor, I asked my staff to park either
17 on the side streets or in the driveway so we would
18 have some room for clients and some room for these
19 people who go in and out of the coffee shop. You
20 are going to tax the parking here where basically
21 our employees won't be able to tax -- won't be able
22 to park.

23 The other thing is, we're talking about
24 businesses on Broadway, because I'm a business owner

1 and I own it, I employ eight people. So by, again,
2 taxing the street and turning it into something that
3 isn't more akin to a neighborhood for somebody that
4 lives here, okay, and works here, and looking at
5 this neighborhood as being a family, friendly,
6 professional, like a nice place where you get in
7 your sweet spot because it's just really improving,
8 it's improving because we have families here, not
9 twelve units next door.

10 We have two gentlemen who live behind me, not
11 twelve units next door. We have a three-family,
12 which is an enormous building on Palace and
13 Broadway, not twelve units. No legal justification
14 for the twelve units. And, in fact, I find it
15 interesting that he's asking not only for twelve
16 units but on half the lot size, which is almost
17 unprecedented. And I just don't know what makes
18 this building so unique.

19 Now, I know that Ramzi wasn't able to speak
20 about the comprehensive plan, which I had to
21 familiarize myself with; but at this point, I look
22 at what's best for Providence, and I look at what's
23 best for Broadway. I had a conversation with Rachel
24 Miller, who's a council person, about -- just one

1 week ago with several other people in Providence --
2 about, you know, creative housing for people with
3 autism, okay, and how I've seen creative housing
4 develop over the years, you know, for
5 high-functioning people who work.

6 And I said, you know, sometimes that housing
7 has to be, you know, six or seven units. And I'm
8 being told that stuff will never fly on Broadway.
9 And now we are -- you know, the owner is proposing
10 twelve units, where the only legal units that he has
11 are five.

12 So I just -- I'm a little perplexed from all
13 my, you know, experience on Broadway, the strictness
14 of the HDC, and the fact that, as my lawyer said, he
15 has to maintain the building anyway, like all of us
16 do. But there's no need for twelve units. I've
17 looked at the map surrounding this, two- and three-
18 and one-families.

19 **MR. WOLF:** I would like to ask you
20 to wrap up. You've made a number of points that
21 we're hearing, but I think we're starting to get a
22 little repetitive.

23 **MS. FRIEDEMANN:** But, I mean, this
24 is, you know, this is a place where I've been for a

1 long time. And I think that I should get more than
2 ten-days' notice before I know that this is what my
3 neighborhood is going to become to present the
4 evidence. I mean, I'm happy -- and my lawyer has
5 been wonderful about getting this together. But
6 this is a serious consideration, and I hope you take
7 my comments seriously, because it really -- I mean,
8 this is really affecting what we're going to do here
9 in the future, and I hope you know that. Because
10 this isn't just our office, it's my home. Its a
11 place where people have a really good quality of
12 life, and we're adding to the community. So I hope
13 that you'll take my comments seriously.

14 **MR. WOLF:** We will.

15 **MS. FRIEDEMANN:** Thank you.

16 **MR. WOLF:** Thank you very much.

17 Alexis, you wanted to say something?

18 **MS. THOMPSON:** I just wanted to
19 let you know, Mr. Chair, that there are other hands
20 raised in the attendee pool.

21 **MR. WOLF:** Yeah, and the hour is
22 getting a little bit late, so let's try to expedite
23 things.

24 **MS. DINERMAN:** I think, I think,

1 you can -- well, first of all, Attorney -- my
2 Brother, are you done presenting?

3 **MR. D'OVIDIO:** Well, for the sake
4 of time, I want other people to have an opportunity
5 to speak. So at this juncture, I'll yield to the
6 other folks who have a hand up. But I don't think I
7 need to speak anymore, but I want to be able to
8 reserve, reserve that opportunity if necessary.
9 Okay. So I'll let the other people speak. It's
10 getting late.

11 **MR. WOLF:** Okay.

12 **MS. DINERMAN:** Yes, it is.

13 **MR. WOLF:** All right. Let's go to
14 our next person.

15 **MS. DINERMAN:** So in order to
16 allow people an opportunity to speak, but to speak
17 to the things that are relevant, I'd like to give
18 some instructions and some information to people who
19 are perhaps in the audience. The board is
20 considering only the legal criteria for the use
21 variance. This isn't a -- this is not a dimensional
22 use issue --

23 **MR. WOLF:** Dimensional variance.

24 **MS. THOMPSON:** Dimensional

1 variance.

2 **MS. DINERMAN:** Dimensional, I'm
3 sorry. Did I say "use"?

4 **MR. WOLF:** You said "use."

5 **MS. DINERMAN:** I'm sorry. That
6 was a complete misstatement on my part.

7 **MR. WOLF:** Well, after a 13-hour
8 day or whatever --

9 **MS. DINERMAN:** Yes, I've been up
10 working since seven.

11 **MR. WOLF:** Yes.

12 **MS. DINERMAN:** The issues that are
13 relevant are whether or not they meet the criteria.
14 It's not a popularity contest. The variance goes to
15 the property, not the owners. If anyone wants to
16 get up and say he's a great guy, that doesn't matter
17 either. Okay. And I think I'll leave it at that
18 for now and make sure that we don't go further
19 astray.

20 **MR. WOLF:** Yeah, and I'd ask
21 people to try to limit their remarks to three or
22 four minutes max, assuming we have a number of folks
23 still to hear from.

24 **MS. THOMPSON:** We have two hands

1 raised, so I'm going to get to that, Mr. Chair.

2 **MR. WOLF:** Oh, okay. Well, that's
3 not that many. Okay.

4 **MS. THOMPSON:** Mr. Chairman, a few
5 more have popped up.

6 Paul DiMaio to speak. Please state your full
7 name and address for the stenographer before you
8 begin speaking.

9 **(NO RESPONSE HEARD/SEEN)**

10 **MR. WOLF:** Is Paul plugged into
11 us?

12 **MS. THOMPSON:** I have asked him to
13 unmute. There is another person with the same last
14 name. I'm going to allow them to speak, too, with
15 the possibility that they are together.

16 **MS. DINERMAN:** If you are just
17 going to agree with what someone else has already
18 said, would you please state that and not repeat it.
19 Thank you.

20 **MS. THOMPSON:** I have two members
21 of the public, Paul DiMaio and Priscilla DiMaio, if
22 you would unmute and speak, if you wish to;
23 otherwise, I'm going to move to the next person.

24 **MR. DiMAIO:** Paul DiMaio.

1 (NOISE - CONNECTION FEEDBACK)

2 MR. WOLF: Big echo, sir.

3 MS. THOMPSON: You have a lot of
4 echos.

5 (NOISE - CONNECTION FEEDBACK)

6 MS. THOMPSON: Mr. DiMaio, we are
7 unable to hear you, and the stenographer is unable
8 to hear you.

9 MR. WOLF: What are his options?

10 MR. MANJREKAR: Do they have a
11 phone on in the background? If you have that,
12 please turn that off.

13 MS. THOMPSON: Thank you, Choyon.
14 Try again, Mr. DiMaio.

15 (NO RESPONSE HEARD/SEEN)

16 MS. DINERMAN: It looks like he's
17 muted.

18 MS. THOMPSON: He's not. There
19 are two, and he was under the "Priscilla DiMaio"
20 name, but he stated his name is "Paul DiMaio." I'm
21 going to mute you and move to the next person in
22 line at the moment, and then we will come back
23 around.

24 MR. WOLF: Okay.

1 **MS. THOMPSON:** I'm going to move
2 to Cari Lang of the West Broadway Neighborhood
3 Association.

4 **MS. LANG:** Hello. Thank you for
5 listening to me. I just wanted to make two quick
6 points --

7 **MR. WOLF:** Just for the record --
8 Cari, actually, just for the record, a lot of us
9 know you, but can you state your full name and
10 address and then I'll swear you in.

11 **MS. LANG:** Thank you, Scott.
12 I'm sorry. My name is Cari Lang. I'm the Executive
13 Director of the West Broadway Neighborhood
14 Association.

15 **CARI LANG**

16 **(HAVING BEEN DULY SWORN)**

17 **MR. WOLF:** Okay, thank you.
18 Proceed.

19 **MS. LANG:** Two quick comments. I
20 need to second the point that was made about the
21 number of small units and that that is very much
22 oversaturating the neighborhood market. I'd also,
23 in terms of expert witnesses, I probably do not
24 qualify in terms of the training and everything, but

1 I have worked at the West Broadway Neighborhood
2 Association for 25 years, so I also am very familiar
3 with Broadway and with the neighborhood in general.

4 And I believe in some of the expert testimony
5 there is some statements -- testimony saying that
6 the size of the units, if it were the
7 five-and-a-half to six units, would be something
8 between, I'm sorry, 1200 and 1400 square feet, and
9 that that unit was too big and would not be
10 rentable, and it does not fit with the neighborhood.
11 That is completely untrue.

12 This neighborhood, as we know, is a multi --
13 is made up largely -- and this is not on Broadway,
14 Broadway abuts -- is made up of largely multi-family
15 units, often three-, four-family units; and there's
16 a typical square footage for an apartment. This is
17 definitely between a thousand and 1400 square feet.
18 And that rental market is very tight, very popular;
19 and there could be -- there's definitely a need for
20 more of those units.

21 And, as stated, there's a huge need for more
22 family housing and more affordable housing. And we
23 need some diversity of housing types. Small micro
24 units is oversaturated; we don't need more of them.

1 We need the larger units.

2 Thank you very much, and I appreciate your
3 serious consideration of this matter.

4 **MR. WOLF:** Thank you very much.

5 Alexis, do we have other people that want to
6 speak?

7 **MS. THOMPSON:** Yes, I am going to
8 allow Mr. BJ Dupre to speak.

9 **MR. DUPRE:** Robert E. Dupre, Jr.,
10 and I live at 235 Broadway in Providence.

11 **ROBERT E. DUPRE, JR.**

12 **(HAVING BEEN DULY SWORN)**

13 **MR. WOLF:** Thank you.

14 **MR. DUPRE:** So a couple things. I
15 live, I live at 235 Broadway. I live in a house
16 that's 6,000 square feet. I bought my house from
17 Doug Jeffrey, and he is an expert on Broadway and
18 all things Broadway; and I can't disagree with that.

19 But a couple things. One is that the
20 house -- you know, when we talk about the size of
21 houses, usually you don't take the basement space.
22 Anything that's below grade, you're not taking that
23 as part of the space. So I guess my house, if I
24 were to consider my basement, which also has nine

1 foot ceilings, I would have almost 8,000 square
2 feet. My house is three units. Okay. Never had
3 a problem renting out the units, even though, you
4 know, they are not equally divided; I live in most
5 of the house.

6 But you should know, right in the immediately
7 vicinity, across the street from me, two of the
8 three houses that I look at are both owner occupied
9 with people who live in big, single, basically
10 single-family homes with accessory apartments. So
11 these are, in fact, desirable.

12 And I'm concerned about what twelve units,
13 twelve small units will do to the way Broadway is
14 changing. And I think that we see that, you know,
15 we see lots of little micro units. I'm also the
16 President of the Armory Revival Company, and I'm
17 going to suggest I am an expert on the West Side.
18 I've been doing this as the president of my company
19 for 35 years, and we've done a lot of development
20 and we've done a lot of redevelopment.

21 A couple things about where the neighborhood
22 is going. We recently had some psychiatrist move
23 out of the back of our office at 334 Broadway, and
24 then pretty quickly it was filled by attorneys who

1 were moving from downtown, liked the fact that they
2 had parking easily accessible right outside their
3 door; and so they moved in and they've been
4 tremendous.

5 Two years ago, we had the top floor of our
6 building which basically sat vacant for a long time,
7 and because of the amount of taxes that we were --
8 the taxes got up to \$20,000 a year on our building.
9 So we said, well, we can't leave that space vacant.
10 And so we renovated it into a two-bedroom two-bath
11 unit. And it's about 1500 square feet. And that
12 rented up immediately; the first people that saw it
13 actually took it.

14 So this idea that the only thing that is
15 renting is little small apartments, you know, that's
16 what is being built. Because what it costs to build
17 units like we have today -- so if you were to take
18 the house, like my house, 6,000 feet, it would be
19 maybe \$1.8 million minimum to reproduce my house,
20 and that doesn't include the land value.

21 So, anyway, these big houses on Broadway,
22 this is what Broadway is made of. These are all
23 lots of apartments that are in excess of, you know,
24 a thousand, 1400; that's the norm in the Armory

1 District. And I can speak to that because I've
2 owned hundreds of units in the Armory District. And
3 these are a floor that's 1200 square feet, typical
4 two-bedroom, one bath, double parlor, big kitchen.
5 This is the norm. So this is not like -- this is
6 not something out of the ordinary.

7 One of the things that we see going on, when
8 you go to build new buildings, people were building
9 these little small units because this is what people
10 can afford. They can't afford necessarily, you
11 know, if you were to build the unit new, you would
12 have to get \$3,000 a month for a unit that's 1400
13 square feet. People can't afford that. So you do
14 500 square foot units, and they each pay a thousand
15 dollars a month and they all can afford that.
16 They'd probably pay \$1200 a month and they can
17 afford it. Might be a much better deal on a per
18 square foot basis for the bigger unit, but people
19 just can't afford the bigger units in a brand new
20 building.

21 So, anyway, I don't want to belabor it, but I
22 just finished renovating a building on Westminster
23 Street, the last building before you head down the
24 hill into Olneyville. So it's a big mansard. It's

1 not a great spot. Certainly not as good as the spot
2 here on Broadway. But those apartments, they were
3 all completely renovated as two-bedroom two-bath
4 units. One rented for 2300; one rented for 2600;
5 the other rented for 2500; and they all rented with
6 the first or second people that saw it.

7 So depends on what you're trying to -- what
8 you're looking for. Bigger apartments -- and I'm
9 not getting students. I'm getting older people who
10 are looking to -- you know, they sold their big
11 house in East Greenwich or Barrington and they want
12 to move in the city to be closer to their kids, to
13 the restaurants downtown, et cetera.

14 There is a market, and don't believe that's
15 the only market there is. That's what's being built
16 new is these little small units. There is a market
17 for bigger, nicer units. And I have -- I can tell
18 you that I have hundreds of them that will disprove
19 the whole idea that you can only rent a small unit.

20 Anyway, what I'm asking for is this --
21 because I spent a lot of time going to these
22 meetings when we got a new zoning code, right, when
23 we rewrote the zoning ordinance. I went to meeting
24 after meeting after meeting. I didn't see a lot of

1 people who were testifying at those meetings, but I
2 was there. And so I'm hoping that the Zoning Board
3 says, okay, either we rewrite the zoning code so
4 that says no, we can put twelve units on a lot
5 that's zone for six, right, otherwise we need to --
6 this is why we have a zoning code.

7 So I'm concerned that this is like -- if you
8 were to tell me: Listen, it's a big house; I'm
9 going to do two in the basement, okay, two on, you
10 know, two on each floor, ends up with eight units;
11 I would be okay with that. I'm a developer; I
12 understand these things. Eight units? I could live
13 with eight units. Twelve units? I think this is
14 way too much.

15 This is chopping this building up and losing
16 the grand spaces that you have and chopping them up
17 into little units. And I would hope that this is
18 not what's going to become of Broadway, where we're
19 going to just stop this flaunting and not paying
20 attention to the rules and jamming all these units
21 into these beautiful buildings that had big elegant
22 spaces.

23 Anyway, it's been a long night, and I
24 appreciate you listening to all this. Anyway, I

1 hope we don't have twelve units stuck in that big
2 building. Thank you.

3 **MR. WOLF:** Thank you, BJ,
4 appreciate it.

5 Okay. Do we have other people who want to
6 speak, Alexis?

7 **MS. THOMPSON:** I have Priscilla
8 DiMaio, who I believe is also -- there's more than
9 one DiMaio. So I'm going to allow that person to
10 speak again and see if we can get a better audio.

11 **MR. WOLF:** Great.

12 **MS. FACHA DiMAIO:** Can you hear me?

13 **MS. THOMPSON:** We can.

14 **MR. WOLF:** Yes.

15 **MS. FACHA DiMAIO:** Well, Paul
16 DiMaio and I are going to share the same Zoom
17 screen, and it was getting feedback because I was on
18 one and he was on the other. So we're only going to
19 be on one.

20 **MS. THOMPSON:** Thank you.

21 **MR. WOLF:** Thank you. Please just
22 state your full name and address, and then I'll
23 swear you in.

24 **MS. FACHA DiMAIO:** Priscilla Facha

1 DiMaio. I'm an abutting land owner at 58 and 64
2 Kenyon Street in Providence.

3 PRISCILLA FACHA DiMAIO

4 (HAVING BEEN DULY SWORN)

5 MR. WOLF: Thank you. You can
6 proceed.

7 MS. FACHA DiMAIO: Thank you. I am
8 a previous occupant as an attorney at 215 Broadway,
9 and the building was sold in December, and the
10 attorneys disbursed. There wasn't a situation where
11 the attorneys all went down to another office on
12 Broadway, as Attorney Merrill had indicated; there
13 was one attorney, and not that that has any
14 relevancy to anything.

15 But my issue is the concern about the
16 parking. First of all, on any given day on Broadway
17 when the law office was intact, there was about six,
18 seven attorneys; there was about ten staff. And
19 during the day, with the staff, the attorneys, and
20 the clients coming in, there could have been 30, 40
21 people coming in and out of that building at any one
22 time. The parking lot was limited to the attorneys,
23 so we never had a problem with parking with our
24 clients.

1 And the concern about the parking with the
2 tenants in the units, nobody has brought up the fact
3 that these tenants will be coming there at night,
4 the cars will be parked at night. More likely than
5 not, during the day, they're gone; they are not
6 going to be staying there. And when they're there
7 at night, they're going to add to the community and
8 to the economy by visiting the local restaurants,
9 coffee shops. So I think it enhances the
10 neighborhood; it doesn't take away from it.

11 So I think all of the concerns about parking
12 is just ridiculous because we never had a problem.
13 And since we've been gone, it's probably limited,
14 made it more accessible to other people on the
15 street. And, again, the parking for the tenants
16 will be in the parking lot, and again, they're going
17 to be gone during the day.

18 And now I turn it over to Paul DiMaio.

19 **MR. DiMAIO:** Can you hear me?

20 **MR. WOLF:** Mr. DiMaio, can you
21 state your name and address, and I'll swear you in.

22 **MR. DiMAIO:** Paul J. DiMaio. My
23 home address is 11 Bellevue Drive in Johnston. I'm
24 also half owner in the buildings behind this

1 facility, 64 and 58 Kenyon Street, and I also sold
2 the building to these people.

3 PAUL DiMAIO

4 (HAVING BEEN DULY SWORN)

5 MR. WOLF: Thank you. You can
6 proceed.

7 MR. DiMAIO: Talking about bar
8 numbers, mine is 36, rather than Bar No.
9 6,000-something.

10 MR. WOLF: Okay.

11 MR. DiMAIO: I've been practicing
12 law since 1968.

13 My father bought this building in 1947 when
14 I was a little kid, moved his dental office from
15 the city to there. I saw him renovate this from a
16 single-family house -- there was the Shawnessy
17 family -- to seven apartments and one dental office,
18 seven apartments and one dental office. Two
19 apartments on the first floor and the dental office
20 on the first floor, three apartments on the second
21 floor, and two on the third floor; and they're still
22 intact. The only change, when I came in and
23 moved my office there in '71 or '72, we got a zoning
24 change for five apartments, three on the second

1 floor, two on the third floor, and five lawyers on
2 the first floor and the dental office. So over the
3 years, we've had as many as seven to ten lawyers in
4 there as well as eight to ten staff members, all
5 requiring parking spaces.

6 We used to make our tenants leave the
7 building -- leave the parking during the day because
8 there was no room for them while we were there.
9 They'd park all around the side streets. The use
10 he's got now will definitely not have the same use.
11 We had seven to ten competent, busy attorneys,
12 people in and out of there all the time taking many
13 parking spaces.

14 Now, talk about economy, it's easy to
15 say that -- first of all, these people paid
16 substantial money for this building. And, by the
17 way, it was not contingent upon the zoning. It was
18 a clean sale. I don't get anything extra if you
19 approve this or don't approve it. But the taxes on
20 that building were about 20,000 a year when I left.
21 Insurance was all almost 15,000. So that's 35,000 a
22 year. I could not get that kind of money from the
23 lawyers, nor could I ask.

24 There's law offices -- my daughter was the

1 one who moved down the street, only one lawyer that
2 moved down the street; that's 500 bucks a month
3 these days. The other lawyers went elsewhere. One
4 went to Frank Caprio's office. They're not paying
5 you more than 5-, \$600 a month.

6 So let's talk about economy. What can this
7 man -- can he afford to rent these places for \$500,
8 a thousand dollars a month? I was going to be a
9 landlord and said no, I can't do it because I
10 couldn't afford to do that. I would have to
11 renovate it and do all the work. I've been in that
12 building since '71.

13 He's the right choice. I wanted somebody to
14 maintain that building. He needs that to be able to
15 afford the overhead and keep it up. As far as I'm
16 concerned, there's no way that's going to add more
17 to this neighborhood that already was there.

18 **MR. WOLF:** Okay.

19 **MR. DiMAIO:** Basically, not to
20 keep you more involved, some of these things I heard
21 were absolutely -- talking about Mr. Broadway, I am
22 Mr. Broadway.

23 **MR. WOLF:** I think we have several
24 people vying for that title. I think we may need to

1 have a contest.

2 **MR. DiMAIO:** I saw a change on the
3 street. My father was one of two professionals
4 there. He retired in '95. By the way, there was no
5 other change in '92, as my friend Ramzi Loqa --
6 haven't seen you in years, Ramzi, hello. His
7 cousin, we're very close, we've been close for
8 years. But there was only -- there was a fire there
9 in '92. We didn't change the use.

10 We did -- I did have a couple apartments in
11 the cellar. Two elderly friends of mine that were
12 broke, and they needed a place to stay. So I spent
13 thousands to give them a place. Even though it
14 wasn't legal, I made sure it was safe. And their
15 rent was 300 bucks a month, because I had to pay a
16 mortgage on that place. That's what I did for them.

17 He can't afford to do that. So he needs this.
18 I'm with him. He's been a good, young man right
19 along. We're supporting you. Whatever you need to
20 do to get it done, we appreciate it. Thank you.

21 **MR. WOLF:** Thank you, sir, very
22 much.

23 **MS. DINERMAN:** I just want to be
24 clear. I think, Mr. DiMaio, you're saying that you

1 owned the building that is at issue right now? This
2 particular building is what you owned and you sold
3 it?

4 **MR. DiMAIO:** Yes, that's what I'm
5 talking about. I own two buildings behind it now.

6 **MS. DINERMAN:** Correct. All
7 right. Does the board understand that? He's the
8 prior owner of the building.

9 **MR. DiMAIO:** Yes.

10 **MS. DINERMAN:** And also an
11 abutter.

12 **MR. DiMAIO:** There was no
13 contingency. I didn't sell it to him if he got the
14 zoning.

15 **MR. WOLF:** Understand.

16 **MS. DINERMAN:** We understand.

17 **MR. WOLF:** Right. You made that
18 clear, sir. Appreciate that. Thank you.

19 All right. Alexis, who else do we have?

20 **MS. THOMPSON:** We have no further
21 hands raised at this moment.

22 **MR. WOLF:** Okay. I guess we
23 should afford Counsel Garrahy and his team to
24 provide some feedback on what has been said. So

1 feel free.

2 **MR. GARRAHY:** Mr. Chairman, thank
3 you. I won't, I won't go on and on. I just think
4 there was a couple -- several things that were said
5 that were not true. I think, because it's an
6 existing building, the handicap spaces are not
7 accurate under the building code. So just -- there
8 were a couple things just that were not accurate.
9 And clearly, you know, if it needs to go to HDC,
10 it's going to go to HDC.

11 Clearly there's a lot of people that have a
12 very keen interest in that area, in that
13 neighborhood; and you can't discourage them in any
14 respect. I think you're going to maintain the
15 integrity of the structure, which is key. And, you
16 know, and you need to be able to afford that. And
17 as Mr. DiMaio said, if you're going to have a legal
18 unit for these types of structures, you're going to
19 have to have a number of units and a number of rents
20 paid to be able to do that, or else you're not going
21 to be able to maintain them in the manner that
22 they're maintained.

23 We respect the neighborhood, and we respect
24 their opinion. But you want people up there; you

1 want people up there; you want residents on the
2 street. I mean, that's the vitality of the
3 neighborhood. And it seems to me that, you know,
4 when you have, you know, these urban corridors, you
5 know, you have an urban corridor in Boston and
6 New York, you know, it's not that you have a
7 twelve-unit that creates the problem. You want the
8 units to have a number of people in them in order to
9 create the vitality. That's what you want.

10 You want the coffee shops, and you want the
11 residences. And you want the density on main
12 streets; you don't want them on the back streets.
13 So here you have the density and you have this
14 requirement of lot area per dwelling unit that
15 applies everywhere; and we're telling you, based
16 upon expert testimony, why, why a deviation is
17 appropriate in this case. And that's the purpose of
18 the Zoning Board, to provide deviations when it's
19 appropriate and when you meet the standards set
20 forth in the zoning ordinance.

21 And I would suggest to you, Mr. Chairman and
22 members of the board, that we've met that standard.
23 We've presented you expert testimony with respect to
24 those issues, and we have established the relevance

1 and the ability to obtain the variances in this
2 case. Thank you, Mr. Chairman.

3 **MR. WOLF:** Thank you.

4 **MS. DINERMAN:** I believe Choyon
5 wanted to speak to the comp plan.

6 **MR. WOLF:** Sure. Go ahead,
7 Choyon.

8 **MR. MANJREKAR:** Sure, Mr. Chair.
9 Just since there was talk about the comprehensive
10 plan, I thought I'd elaborate on how the plan speaks
11 to density. So Map 11.1 is the map that talks about
12 areas of stability and areas of change, and it shows
13 the areas of the city that are to remain stable and
14 areas of change where growth is to be directed
15 towards. And those are on growth corridors on
16 streets like Atwells and Broadway.

17 And the plan describes these areas as ones as
18 key commercial and transit corridors in the city
19 that present an excellent opportunity for
20 pedestrian-oriented mixed use development at higher
21 densities than surrounding neighborhoods.

22 **STENOGRAPHER:** I'm sorry. I'm
23 getting much feedback.

24 **(PERSONS BEING MUTED)**

1 **STENOGRAPHER:** I'm sorry. Choyon,
2 please continue.

3 **MR. MANJREKAR:** Sure. So,
4 Commissioners, as I was saying, the plan recommends
5 that growth be directed onto these growth corridors,
6 like Broadway, with higher density to support an
7 improved transit system. And that also ties into
8 our recommendation for reduced parking, which is
9 because people can avail of proximate transit
10 facilities.

11 Also, Objective LU2 talks about directing
12 growth, specifically towards growth corridors that
13 have back-end support, higher density, and
14 accommodate different types of design.

15 And, finally, Objective H2, Strategy A, which
16 we do cite in our report, states that it should
17 provide for diversity of the type, density, and
18 location of housing, which is why we included that
19 in regards to this request for relief.

20 **MR. WOLF:** So, Choyon, one of the
21 points I think some of the objectors were making is
22 that while the comprehensive plan's vision for the
23 city may have, may have points that square with what
24 is proposed for this development, that the

1 comprehensive plan may not be so clear about whether
2 this proposal is consistent with the comprehensive
3 plan's vision for this particular neighborhood.

4 Can you -- I mean -- so I'm not quite sure
5 which of the provisions you've cited are aspirations
6 for the city as a whole or are -- I mean, you did
7 talk about how this is a proposed area of change and
8 of growth. But is there anything more specific in
9 the comprehensive plan about level of density that
10 the city envisions as being appropriate or
11 desirable?

12 **MR. MANJREKAR:** The comprehensive
13 plan doesn't get into hard numbers that way. But,
14 you know, this -- I mean, this stretch of Broadway
15 right into downtown is what's an area of growth.
16 And, you know, we do -- and it's not just Broadway.
17 There are other streets throughout the city where we
18 look to have these type of projects with higher
19 density in proximity to transit. So given that it
20 is a growth corridor, we find that it would be -- we
21 find that this increased density would be
22 appropriate --

23 **MR. WOLF:** Okay.

24 **MR. MANJREKAR:** -- for this

1 location.

2 **MR. WOLF:** Okay. Thank you.

3 Thank you.

4 **MS. DINERMAN:** So, to me, that
5 means increased density. But then so the real
6 issue, to me, appears to be if it's the least relief
7 necessary. And you have to determine if you have
8 the evidence you need on that fact. I'm not saying
9 it's the only factor. I'm saying when we're talk --
10 when I'm comparing what Choyon is talking about in
11 terms of density, the issue is how much density.

12 **MR. WOLF:** Right. Right.

13 Alexis.

14 **MS. THOMPSON:** Mr. Chair and
15 Miss Dinerman, I just want to clarify that you
16 have -- are you in the deliberation phase? Have
17 you closed the hearing?

18 **MR. WOLF:** No, no.

19 **MS. DINERMAN:** Yes.

20 **MR. WOLF:** I don't think so
21 because I --

22 **MS. DINERMAN:** But I think it is
23 time to close the hearing and read the report and
24 recommendation.

1 **MR. WOLF:** Right, but we're not
2 officially --

3 **MS. DINERMAN:** I was just giving
4 an instruction.

5 **MR. WOLF:** Right. Okay. I'm
6 happy to move this along.

7 **MS. THOMPSON:** If you are going to
8 close the hearing, sir, I'm going to need a minute
9 to transfer Mr. D'Ovidio and his witnesses back to
10 the attendee pool.

11 **MR. WOLF:** Okay. Let's do that.

12 **MS. THOMPSON:** Thank you.

13 **MR. WOLF:** Thank you, all, for
14 your input.

15 **(BRIEF PAUSE)**

16 **MR. WOLF:** If you can give me a
17 high sign, Alexis, when I should read the DPD
18 recommendation.

19 **MS. THOMPSON:** One moment.

20 **(BRIEF PAUSE)**

21 **MS. THOMPSON:** I am all set now.

22 I also want to note that Mr. Strother has
23 been absent for a few minutes, so we are again going
24 to use the five members that have been present

1 throughout.

2 **MR. WOLF:** Okay. All right. So
3 this is the -- I'm about to read the recommendation
4 of the Department of Planning and Development on
5 this case, 215 Broadway:

6 "Based on plans provided and review of the
7 site's configuration, it appears that the relief
8 requested is due to the unique character of the
9 property. The building is currently being used as
10 a law office with seven residences and is proposed
11 for complete residential use with twelve residential
12 units.

13 "The R-P zone requires 1,650 square feet of
14 lot area per dwelling unit. With a lot area of 9,200
15 square feet, only six units would be permitted,
16 which would be significantly larger than the average
17 apartment. A mix of one- and two-bedroom units will
18 be provided from the basement to the third story.
19 With conversion of the law office to residential
20 uses, plans show that the building's size and
21 massing are appropriate for accommodating the twelve
22 proposed units which will be closer in size to an
23 average apartment. Provision of housing would
24 conform to Objective H2 of the comprehensive plan

1 which encourages creation of new housing.

2 "If the number of units were to be reduced to
3 conform to the lot size and width requirements of
4 the zone, it could result in more than a mere
5 inconvenience, as the existing structure would be
6 underutilized relative to the number of units that
7 can be provided.

8 "Twelve parking spaces are required but eight
9 will be provided. The unique character of the site
10 does not allow for provision of more parking.

11 Denial of the variance could result in a hardship,
12 as it would prevent reuse of the building based on a
13 lack of parking. The site is in proximity to public
14 transport, bicycle infrastructure and is within
15 walking distance of downtown, which reduces the need
16 for additional parking.

17 "Based on the foregoing discussion, the DPD
18 recommends that the requested relief be granted."

19 So we will close the hearing and deliberate.
20 Okay. Where do we begin?

21 **MS. DINERMAN:** One criteria at a
22 time.

23 **MR. WOLF:** Yeah. Okay.

24 **MS. DINERMAN:** That's my

1 suggestion.

2 **MR. WOLF:** Okay. All right.

3 That's fine. So the first criteria I have on my
4 list is: That the hardship from which the applicant
5 seeks relief is due to the unique characteristics of
6 the subject land or structure, not to the general
7 characteristics of the surrounding area and is not
8 due to a physical or economic disability of the
9 applicant, excepting those physical disabilities
10 addressed in the section of Rhode Island law.

11 So we heard a lot of discussion about that.
12 I think the main case for this being -- for there
13 being unique characteristics here is the size of the
14 building. And I think some of the people who don't
15 want this, or who oppose this relief, feel as though
16 the size of the building isn't that unusual or
17 unique. And I have in my notes that I think one of
18 the -- that part of the Applicant's team said this
19 is a massive structure, even by Broadway standards,
20 which, you know, I'm not sure if that's true or not.
21 But, you know, I think some of the folks who oppose
22 this were implying that this was sort of a typical
23 structure for Broadway. So there's a little bit of,
24 I guess at least, disagreement on that.

1 How do other folks feel about this? This
2 particular criteria? Are we dealing with a unique
3 set of characteristics of the subject land that
4 justify the Applicant seeking relief based on a
5 hardship created by those unique characteristics?

6 **MR. SCOTT:** I think they meet the
7 standard, Mr. Chairman, because, obviously, these
8 large Victorians are kind of the signature of the
9 Broadway neighborhood. But they are also very --
10 they are a hundred-plus-year-old buildings. They're
11 from the Victorian era; they have certain
12 limitations; they don't have all the new bells and
13 whistles. But I do think they meet that standard of
14 proof on this particular item.

15 **MR. WOLF:** Okay. Other thoughts?
16 People want to weigh in on this?

17 **(NO RESPONSE HEARD/SEEN)**

18 **MR. WOLF:** All right. Well, I
19 tend to agree with you, Mr. Scott.

20 The second, the second standard is: That the
21 hardship is not the result of any prior action of
22 the applicant and does not result primarily from the
23 desire of the applicant to realize greater financial
24 gain.

1 So I don't think -- I think the first -- I
2 think it's pretty straightforward that at least the
3 first part of that criteria is met; that the
4 hardship isn't the result of any prior action of the
5 applicant. Result primarily from the desire of the
6 applicant to realize greater financial gain -- I'm
7 emphasizing a few words here -- because I don't --
8 I think we have to be careful to note that this
9 criteria doesn't say that a person is not allowed
10 to achieve financial gain. So I think that's an
11 important point.

12 Yes, they are not in this for charity. They
13 are in this to make a buck. I don't think that the
14 ordinance says that, in and of itself, is a case for
15 denial. And I think what they're saying is in order
16 for them to make this financially feasible, not to
17 have a, you know, a windfall, but to make it
18 financially feasible, to provide them with some
19 profit, they claim they need this number of units.
20 That's what I'm hearing.

21 And they're also saying that if we have fewer
22 units, it's not marketable to what they perceive as
23 the demand, the type of housing demand that's most
24 prevalent in the area. Now, you've heard people,

1 other people say no, that's not true, there's plenty
2 of demand for bigger units and that the applicant is
3 exaggerating how much professionals are moving
4 out -- I mean how much professional businesses are
5 moving out and how much we should be catering to
6 young professionals as opposed to families.

7 So, you know, I see a lot of strands here,
8 and, you know, I would hope that there's room in
9 this neighborhood, and a desire of this
10 neighborhood, to have a variety of different kinds
11 of people and family structures. And I don't think
12 having more young professionals is a bad thing. I
13 think making it exclusionary against families would
14 be a bad thing. But I don't think adding twelve
15 units here does that. So I'm inclined to feel that
16 they have met this standard as well.

17 But what do other folks think?

18 **MS. MANIOTES:** Anthia Maniotes.
19 I'm struggling with that one. I think there was no
20 business plan. There was no hard numbers. There
21 was a lot of, you know, speaking from real estate
22 experts and neighborhood opinions about what is
23 marketable, what is not.

24 There was testimony from the former building

1 owner that, you know, was in support of the
2 application saying that he needs that many in order
3 to maintain the, maintain the building. But I mean,
4 without, without hard math, not that there
5 necessarily needed to be a business plan, but it's
6 hard for me to imagine that it would take that, that
7 amount of units to make it at all feasible.

8 That density -- it's the density that I'm
9 having a hard time reconciling. It's the density
10 relative to the, you know, relative to the financial
11 gain and to the least relief necessary.

12 **MR. WOLF:** Not necessarily that
13 it's too dense for the neighborhood, but do you
14 think it may, it may -- it may say that they're
15 trying to get a windfall as opposed to a reasonable
16 profit?

17 **MS. MANIOTES:** Right. And that I
18 don't know that that's the least relief necessary.
19 Like, eight units may be the least relief necessary,
20 for lack -- you know, I'm just making that up.

21 **MR. WOLF:** Yeah, that's what
22 Mr. Dupre was saying.

23 **MS. DINERMAN:** I think, I think
24 you're right in your legal analysis, Miss Maniotes,

1 that those two criteria are pretty -- are
2 intertwined.

3 **MS. MANIOTES:** Are together.

4 **MS. DINERMAN:** Yes. Whether it's
5 the least relief necessary is intertwined --

6 **MS. MANIOTES:** Who is to say.

7 **MS. DINERMAN:** -- with the amount
8 of financial gain that they're seeking, whether it's
9 greater than necessary. And I think the board has
10 to determine whether or not it has sufficient
11 evidence to make a finding on that.

12 **MR. WOLF:** Do we also have --
13 well, I was going to say, do we have sufficient
14 expertise to make that determination?

15 **MS. MANIOTES:** Exactly.

16 **MR. WOLF:** That's a really tough
17 kind of call. I don't think any of us -- I don't
18 know everybody's background -- but I don't think any
19 of us are economists or maybe a few of us are real
20 estate experts or quasi experts. But I don't know.

21 In any event, do other people want to weigh
22 in?

23 **MS. DINERMAN:** Well, there is
24 legal support for requiring financials in order to

1 make that kind of decision.

2 **MR. WOLF:** Uh-huh. So we can
3 argue that the application is somewhat deficient
4 in not providing that?

5 **MS. DINERMAN:** You can --

6 **MR. WOLF:** I am not saying it is.

7 **MS. DINERMAN:** If you feel that
8 you need that information, you can request further
9 information on that specific issue only.

10 **MR. WOLF:** Right, right.

11 **MS. DINERMAN:** Leaving it aside.

12 **MR. WOLF:** Right. Yeah, I think
13 that -- I am, I am influenced by some of the
14 testimony about the fact that this is, including
15 what Choyon said, this is a neighborhood that is
16 designated as a growth district, basically, by the
17 city. And that one of the elements of the
18 comprehensive plan is that we need more housing in
19 the city.

20 And so I, you know, ipso facto, I don't think
21 having a number of units in a building, unless it's,
22 you know, it's not creating Bombay or Calcutta type
23 of conditions, I think you could argue that having
24 more density, reasonable well-planned density is a

1 good thing for the city based on what's in the
2 comprehensive plan. Are they making too big a buck
3 in pursuing something good for the city? I don't
4 know.

5 Any other thoughts on that one before we move
6 on to others?

7 **MR. MITCHELL:** Yes.

8 **MR. WOLF:** Yes, Mr. Mitchell.

9 **MR. MITCHELL:** Thank you,
10 Mr. Chairman. Miss Maniotes speaks my mind. That's
11 almost exactly what I was going to say. That I'm
12 not convinced that they've met the standard for not
13 having financial gain. And coupled --

14 **MR. WOLF:** Not having what I would
15 call excessive financial gain? And I'm just
16 paraphrasing what's in the --

17 **MR. MITCHELL:** I heard you
18 speaking, so my statement is no, I don't feel -- I
19 feel that they exceeded that.

20 **MR. WOLF:** Okay. I just wanted to
21 clarify.

22 **MR. MITCHELL:** And that's also
23 coupled with the least relief necessary, as it was
24 already stated. So those were my thoughts from the

1 beginning.

2 **MR. WOLF:** Okay. All right. The
3 next element: Is that the granting of the requested
4 variance will not alter the general character of the
5 surround area or impair the intent or purpose of the
6 ordinance or the comprehensive plan.

7 I thought that -- I tend to feel that they
8 have met that standard, despite some testimony to
9 the contrary. This is a pretty active, vibrant,
10 diverse place. And I also think that twelve units,
11 twelve small units, are going to have fewer people
12 or not more people, potentially, than six larger
13 units. And so I think, I think you have to look --
14 when you're looking at too much density -- I'm not
15 talking about profit. But when we're talking about
16 what's too much density for a neighborhood, it's not
17 just the number of units that are in the building,
18 it's how many people are going to live in that
19 building.

20 So, other thoughts? Yes, Mr. Scott.

21 **MR. SCOTT:** I think they've met
22 the standard with the comprehensive plan. It's
23 pretty clear in there that they want a variety of
24 different types of housing and that, as was stated,

1 that's a change corridor, along with Atwells and a
2 couple other streets going into downtown. That one
3 is pretty straightforward to me.

4 Speaking to, you know, the hardship not being
5 a result of a prior action, I believe that part of
6 the standard, but I'd also like us to make sure,
7 Miss Maniotes, it's sort of ambiguous to the
8 financial gain elements, which also feeds into the
9 relief granted.

10 **MR. WOLF:** Least relief necessary.

11 **MR. SCOTT:** Sorry. The least
12 relief necessary, relief granted.

13 **MR. WOLF:** Right.

14 **MR. SCOTT:** So I'm sort of in the
15 same boat as them on that.

16 **MR. WOLF:** Okay. And that is the
17 next element here, and we've already discussed that.
18 It seems like several of you have doubts that
19 they've met that standard. I guess I'm more
20 inclined to feel they have. But you're making some
21 goods points as to why perhaps they have not.

22 And then if we don't grant this -- I'm
23 paraphrasing here -- are we subjecting them to much
24 more -- to more than a mere inconvenience. And it

1 says: The fact that a use may be more profitable or
2 that a structure may be more valuable after the
3 relief is granted is not grounds for relief.

4 I think it would clearly be more than a mere
5 inconvenience. You could argue maybe it's a
6 justified more than mere inconvenience. But I think
7 it would be more than a mere inconvenience, given
8 some of the assumptions they're making about what it
9 takes to make this reasonably profitable and to
10 maintain the property. Obviously, we can argue
11 about whether we agree with those assumptions.

12 Other thoughts?

13 **MS. DINERMAN:** That, again, is all
14 tied up. It all seems, to me, to be one issue.

15 **MR. WOLF:** Yeah.

16 **MS. DINERMAN:** It wouldn't be more
17 than an inconvenience if you required them to
18 have -- what did Miss Maniotes say -- eight
19 apartments or ten apartments.

20 **MR. WOLF:** Right. Right.

21 **MS. DINERMAN:** You know, what can
22 they demonstrate to you.

23 **MR. WOLF:** Right.

24 **MS. DINERMAN:** What has been

1 demonstrated to you.

2 **MR. WOLF:** Right. So those are --
3 I believe those are all the standards. Did I miss
4 any? I think I've covered the standards that we're
5 supposed to apply to a dimensional variance, to
6 consider for dimensional variance.

7 One thing that's occurring to me -- I am a
8 former political strategist and consultant -- I'm
9 sensing that the votes are not there for a motion to
10 approve the full request. I'm sensing there might
11 be the votes to approve something greater than seven
12 units but less than twelve.

13 And before we get into the motion phase, is
14 there some interest in going down that path.

15 **MR. MITCHELL:** I'm not sure that
16 it's appropriate for us to try to structure what
17 their proposal might be. I mean, they would need to
18 come back with something restructured that meets
19 their needs.

20 **MR. GARRAHY:** So, Mr. Chairman, if
21 I may.

22 **MR. WOLF:** Yeah.

23 **MR. GARRAHY:** You were reading my
24 mind. I'm not sure it's appropriate. I'm hearing --

1 I feel the same way you do. And I'm not sure that
2 if -- you know, if we've got to come back, it's got
3 to be a substantial change. So I think it might be
4 appropriate for us to withdraw at this time and come
5 back with a lower number of units based upon what
6 we're hearing. Otherwise, we might run the risk of
7 not being able to come back, not showing a
8 substantial change in circumstances.

9 **MR. WOLF:** I'm open to that.

10 Counselor, what's your thought on that?

11 **MS. DINERMAN:** That's fine. My
12 suggestion, Mr. Garrahy, is that I think we've --
13 the board has pretty much identified what
14 information it is that they need to determine that
15 it's the least relief necessary, and I think they'd
16 like to see some financial information. To the
17 extent that that's possible, I think you should
18 include that in the next application.

19 But I would agree with you, as if I were an
20 applicant's attorney, I would do what you are doing
21 or ask for a continuance to come back with the
22 financial information, so whichever you prefer.
23 But I think -- well, yes, it's what you prefer.

24 **MR. GARRAHY:** I'm not sure we can

1 come back. I think it's more appropriate to
2 withdraw -- ask to be withdrawn without prejudice,
3 if I may.

4 **MR. WOLF:** Okay. Do we -- I'm
5 fine with that, but I can't make a motion.

6 Would someone like to make a motion?

7 **MS. DINERMAN:** Is that your
8 request, Mr. Garrahy? And then they can move to
9 accept your request.

10 **MR. GARRAHY:** Yes.

11 **MR. WOLF:** Why don't you just
12 repeat it so we have the language correct,
13 Mr. Garrahy.

14 **MR. GARRAHY:** Yes. If I may
15 request a withdrawal without prejudice of the
16 application.

17 **MR. WOLF:** Okay. So does someone
18 want to make a motion to that effect?

19 **MR. SCOTT:** So moved.

20 **MR. WOLF:** That's Mr. Scott. Is
21 there a second?

22 **MR. MITCHELL:** Second.

23 **MS. MANIOTES:** Second.

24 **MR. WOLF:** Boy, that's a tie.

1 **MR. MITCHELL:** Ladies first.

2 **MR. WOLF:** Okay. Miss Maniotes.

3 Any further discussion?

4 **(NO RESPONSE HEARD/SEEN)**

5 **MR. WOLF:** Alexis, why don't we
6 call the roll on that motion.

7 **MS. THOMPSON:** A motion to approve
8 the request to withdraw the application by the
9 Applicant.

10 **MR. WOLF:** Right. It's a little
11 bit of a double negative. If we want to allow --

12 **MS. THOMPSON:** I think it's fine.

13 **MR. WOLF:** -- the application to
14 be withdrawn -- no, I'm just trying to make sure
15 everybody understands.

16 **MS. THOMPSON:** Yes. You are
17 approving --

18 **MR. WOLF:** Of you are allowing the
19 application to be withdrawn, we would be voting
20 "yes." If we don't want to allow it, we would be
21 voting "no."

22 **MS. THOMPSON:** Precisely.

23 **MR. WOLF:** Okay.

24 **MS. THOMPSON:** All right. The

1 motion was made by Mr. Scott, seconded by
2 Ms. Maniotes.

3 Mr. Scott.

4 MR. SCOTT: Nay -- Aye.

5 MS. THOMPSON: Miss Maniotes.

6 MS. MANIOTES: Aye.

7 MS. THOMPSON: Mr. Mitchell.

8 MR. MITCHELL: Aye.

9 MS. THOMPSON: Miss Rodriguez.

10 MS. RODRIGUEZ: Aye.

11 MS. THOMPSON: And Mr. Wolf.

12 MR. WOLF: Aye.

13 MS. THOMPSON: The motion to
14 approve the request to withdrawal carries.

15 MR. WOLF: Okay.

16 MR. GARRAHY: Thank you very much.
17 Sorry it took so long to get there.

18 MS. DINERMAN: This was a
19 five-hour hearing.

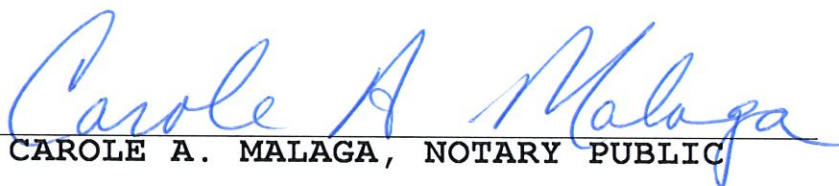
20 MR. WOLF: It was an interesting
21 and thought-provoking hearing, let me put it that
22 way. I don't know if it makes you feel better about
23 it.

24 (HEARING ADJOURNED AT THIS POINT)

C E R T I F I C A T E

1
2
3
4 I, **CAROLE A. MALAGA**, hereby certify that
5 the foregoing is a true, accurate, and complete
6 transcript of my notes taken at the
7 above-entitled **VIRTUAL** Providence Zoning Board
8 of Review hearing.
9

10 IN WITNESS WHEREOF, I have hereunto set
11 my hand this 28th day of April, 2021.
12

13
14 
15
16 **CAROLE A. MALAGA, NOTARY PUBLIC**

17
18
19 DATE: **APRIL 14, 2021**

20 IN RE: **AREF SHEHADEH (APPLICANT)**

21 **215 BROADWAY, LLC (OWNER)**

22 215 Broadway
23
24