

AUG 27 2020

CITY OF PROVIDENCE

BUILDING BOARD OF REVIEW

APPEAL FROM THE DECISION OF THE BUILDING OFFICIAL
DEPARTMENT OF INSPECTION AND STANDARDS

Date: 8/27/20

To the Building Board of Review:

The undersigned hereby appeals from the decision of the Building Official of the Department of Inspection and Standards dated 8/18/2020, affecting the following described premises as are hereinafter set forth.

Owner(s): Rhode Island Hospital Telephone: 401-453-6400

Address: 593 Eddy Street, Providence, RI Zip Code: 02903

Appellant(s): Rhode Island Hospital Telephone: 401-453-6400

Address: 593 Eddy Street, Providence RI Zip Code: 02903

1. Location of premises: 461 Eddy Street (a/k/a 145 Globe Street), Providence RI 02903

2. Assessor's Plat(s): 022 Lot(s): 1044

3. Dimensions: Lot #: _____ Frontage: _____ Depth: _____ Area: _____ sq.ft.
Lot #: _____ Frontage: _____ Depth: _____ Area: _____ sq.ft.
Lot #: _____ Frontage: _____ Depth: _____ Area: _____ sq.ft.

4. Zoning District(s) in which premises are located: Downtown Overlay

5. Are premises located within: (check one) _____ Historical District
 _____ Downtown Overlay District
_____ Capital Center District

6. How long have you owned the subject premises: Since September 11, 2015

7. Type of Construction: n/a

8. Size of existing building(s): 15,000 sqft

9. Size of proposed building(s): 0sqft

10. Present use of premises: Vacant

11. Proposed use of premises: n/a

12. Give extent of proposed construction or alterations: n/a

Rhode Island Hospital ("Hospital"), the appellant in this matter, is the owner of real property located at 461 Eddy Street, Providence, RI. The building on the premises, commonly known as the Ward Baking building, has been vacant for years and was acquired by the Hospital in 2015 in a serious state of disrepair. Presently, the building is vacant, boarded, surrounded by wire fence, and rapidly deteriorating.

By letter dated August 5, 2020, the Hospital sought authorization for emergency demolition of the building from the Department of Inspection and Standards ("DIS"). A copy of the request is attached as Exhibit 1. The request was supported by a recommendation from a structural engineer that the building be demolished immediately. In fact, the structural engineer made clear that the "building is unsafe to enter" and that "with the roof and 2nd floor collapsing, the exterior walls are no longer braced and could fall into the street at anytime."

Notwithstanding this unequivocal support, DIS chose to deny the Hospital's request with a one sentence email dated August 18, 2020 and attached as Exhibit 2 ("Denial"). Instead of allowing the Hospital to demolish the building which a structural engineer recommended for demolition "as soon as possible to avoid catastrophic failure and perhaps injury to the public," DIS chose to issue the Denial and a corrective order demanding that the Hospital bring the building up to code within "seventy-two (24) hours."

The Hospital appeals the Denial on several grounds and incorporates the Hospital's other appeals currently pending. The Denial is an abuse of discretion. DIS ignored evidence of the condition of the building presented by the Hospital. Second, the Hospital believes that DIS failed to follow the procedures set forth in Ordinance 1907(E)(2)(e) in issuing the Denial. Lastly, the Denial is not supported by any report, grounds or determination shared with the Hospital. The Denial was a single sentence without more.

For these reasons, and those that may be presented in a supplement or a hearing, the Hospital requests that the Denial be reversed and the Hospital be authorized to demolish the building.

The Hospital has a statutory right to appeal pursuant to R.I. Gen. Laws § 23-27.3-124.3 and this appeal automatically operates as a stay pursuant to R.I. Gen. Laws § 23-27.3-127.1.1 and/or § 23-27.3-127.2.2.

Exhibit 1

Chace Ruttenberg & Freedman, LLP
Attorneys at Law

Robert B. Berkelhammer*¹
Nathan W. Chace
Andre S. Digou*
Douglas J. Emanuel*²
Robert D. Fine*
Carl I. Freedman
Macrina G. Hjerpe*³
Bret W. Jedele
Drew P. Kaplan
Richard J. Land*
Matthew L. Mercer¹
Allan M. Shine*
Don E. Wineberg*

Andrew W. Sbordone*
Zachary H. Valentine*

Bruce R. Ruttenberg, *rewert*

* Also admitted in Massachusetts
¹ Also admitted in Connecticut
² Also admitted in New York
³ Also admitted in Washington, D.C.

VIA EMAIL (jatchue@providenceri.gov)
AND FEDERAL EXPRESS

August 5, 2020

Joseph M. Atchue
Director
City of Providence Department
of Inspection and Standards
444 Westminster Street
Providence, RI 02903

Re: *Request for Order Approving Emergency Demolition
Former Victory Plating Building (a.k.a. Ward Bakery Building)
461 Eddy Street, Providence*

Dear Director Atchue:

This office represents Rhode Island Hospital ("Owner"), the owner of 461 Eddy Street (the "Building").

Last week, the second floor of the Building collapsed, and pushed out a boarded-up window on the Building's first floor. In response, the Owner commissioned C.A. Pretzer, Associates, Inc. ("Pretzer") to analyze the hazard presented by the partially-collapsed Building. On Thursday, July 30, 2020, Pretzer issued a report to Owner, stating unequivocally that the Building is unsafe to enter, thus precluding rehabilitation. "With the roof and 2nd floor collapsing, the exterior walls are no longer braced and could fall into the street at any time." Pretzer recommends demolition "as soon as possible to avoid catastrophic failure and perhaps injury to the public." A copy of Pretzer's report is enclosed.

Section 1907(E)(2)(e) of the City of Providence Zoning Ordinance governs requests for emergency demolitions. Ordinarily, a request for an emergency demolition necessitates your convening a committee consisting of the Fire Marshal, the Planning Director, a structural engineer hired under the City's auspices, the Chair of the Downtown Design Rehabilitation Committee and you, for the purpose of evaluating the request for emergency demolition. However, if (after consulting with on-site life safety officials) you determine that "the structure is in danger of imminent collapse or is an immediate danger to public

CR&F

Joseph M. Atchue
Director
August 5, 2020
Page 2

safety, and there is no time to convene" the aforementioned committee, you are authorized to order the structure demolished immediately.

Given Pretzer's opinion that "the exterior walls are no longer braced and could fall into the street at any time," and that the "building is unsafe to enter," the Owner urges you to order demolition, as Pretzer recommends, "as soon as possible to avoid catastrophic failure and perhaps injury to the public."

Based on the foregoing, I respectfully request that you order the immediate demolition of the Building.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl I. Freedman", with a long horizontal line extending to the right.

Carl I. Freedman
Enclosure

Cc: Nicholas P. Dominick, Jr.
Jody Bishop

CR&F



C.A. PRETZER ASSOCIATES, INC. 50 Freeway Drive, Cranston, RI 02920

STRUCTURAL ENGINEERS
DESIGN, CONSULTATION, INVESTIGATION
T. 401-785-2690

MICHAEL J. GRAFE, P.E.
THOMAS P. GRAFE, P.E.
DAVID GRANDPRÉ, P.E.

July 30, 2020

Ms. Jody Bishop
Lifespan Property Management
765 Allens Avenue, Suite 100
Providence, RI 02903

RE: Former Victory Plating Building
461 Eddy Street, Providence, RI
CAPA File 221049.20

Dear Ms. Bishop,

Recently a portion of the second floor collapsed and pushed out a boarded-up window on the Eddy Street side (east side) of the building.

I met you at the site on July 30, 2020, to review the structure. The only access was the window that had been pushed out.

The exterior brick walls are still standing when viewed from the outside, refer to photos 1, 2 & 3. However, the inside wood framing at the roof and second floor levels is rotted out and collapsing, refer to photos 4, 5, & 6. The building is unsafe to enter.

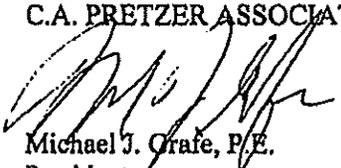
With the roof and 2nd floor collapsing, the exterior walls are no longer braced and could fall into the street at anytime.

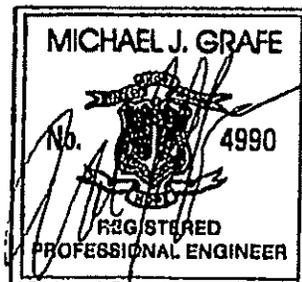
We recommend that the building be demolished as soon as possible to avoid catastrophic failure and perhaps injury to the public.

Please call me if you have any questions.

Sincerely,

C.A. PRETZER ASSOCIATES, INC.


Michael J. Grafe, P.E.
President



Attachment 1



Photo 1
North side.



Photo 2
South and east side.

Attachment 1

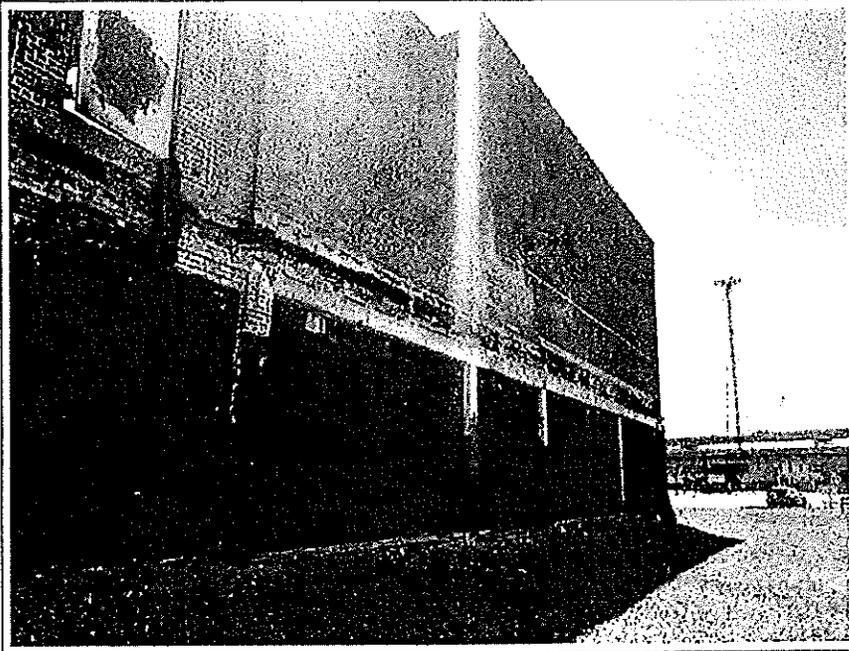


Photo 3

West side.

Attachment 1



Photo 4

Large section of roof and second floor collapsed.

Attachment 1

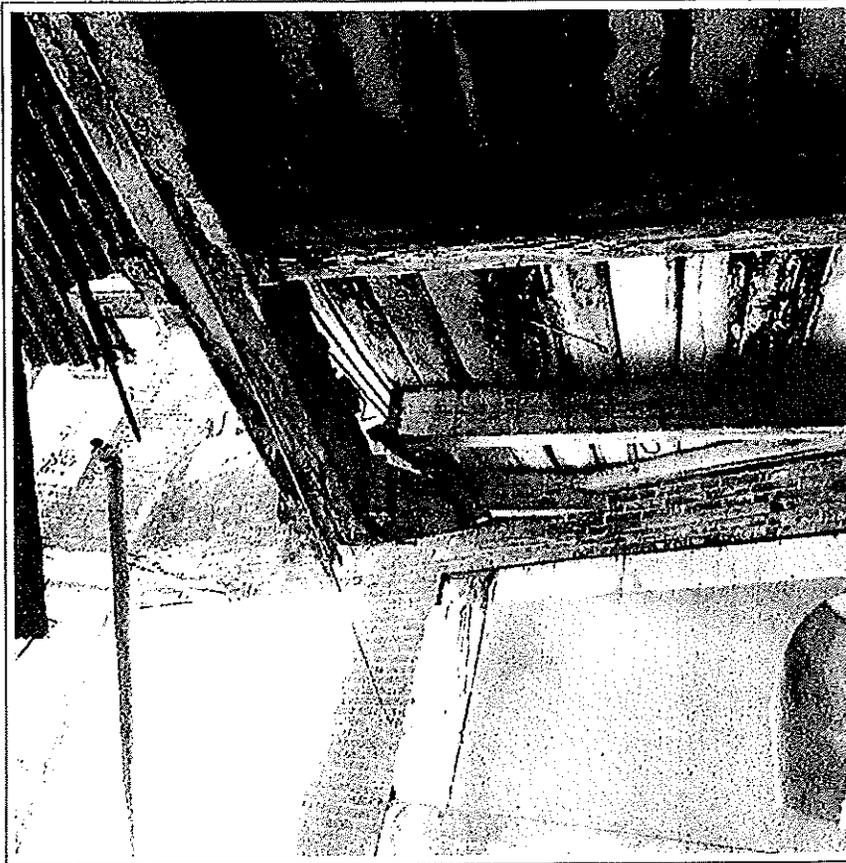


Photo 5

Second floor beam
collapsing.

Attachment 1

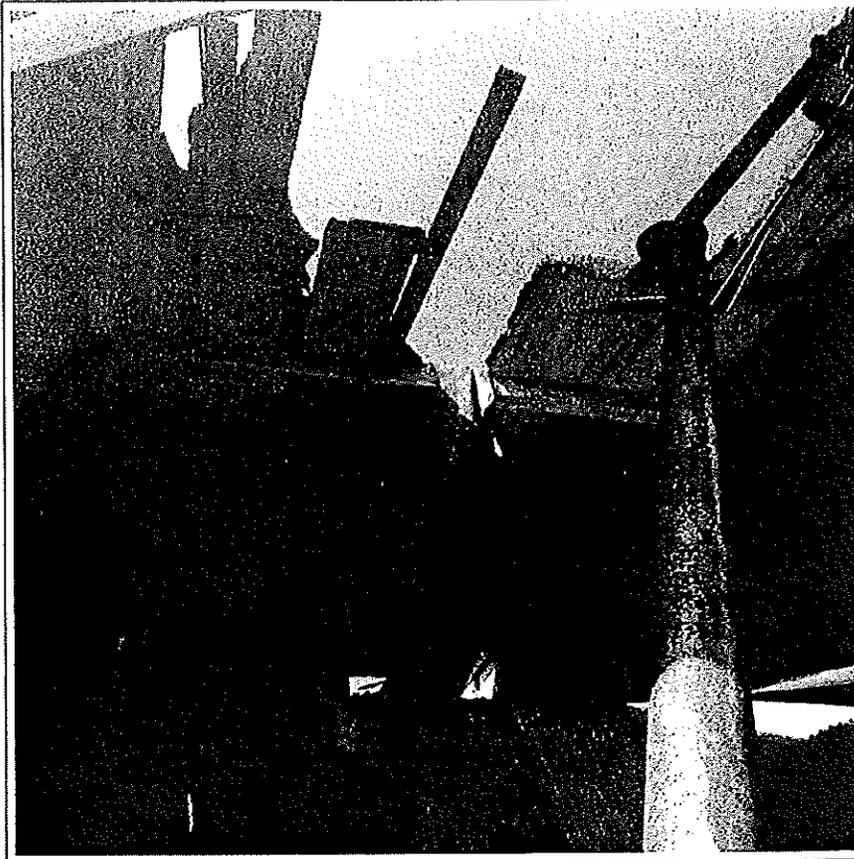


Photo 6

Roof is wide open to the elements.

Exhibit 2

From: Atchue, Joseph <Jatchue@providenceri.gov>
Sent: Tuesday, August 18, 2020 12:56 PM
To: Doug Emanuel <demanuel@crflp.com>
Cc: Carl Freedman <cfreedman@crflp.com>; Bishop, Jody H <JBishop@Lifespan.org>; ndominick@lifespan.org;
Thompson, Alexis <Athompson@providenceri.gov>; Azar, Robert <razar@providenceri.gov>; Martin, Jason
<jmartin@providenceri.gov>; Ise, Christopher <cise@providenceri.gov>; Dinerman, Lisa
<Ldinerman@providenceri.gov>; Pierson, Sara <Spierson@providenceri.gov>
Subject: RE: Request for Order Approving Emergency Demolition

Good afternoon,

Please see the attached notice of violation. Please be advised that this order requires you to repair the building.
Demolition is not approved.

Thank you,
Joe



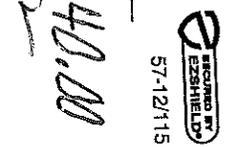
CHACE RUTTENBERG & FREEDMAN LLP

CLIENT EXPENSES
1 PARK ROW STE 300
PROVIDENCE, RI 02903-1261

DATE 8/27/10

\$ 440.00
DOLLARS

DOLLARS



1017

PAY TO THE ORDER OF

City of Providence - City Manager
John Delmonico, Esq. and John

**Citizens Bank*

FOR _____

[Signature]
Ch. Freedman