

**CITY OF PROVIDENCE
ZONING BOARD OF APPEAL**

IN RE: Appeal by Jack Lindenfeld from a Decision of the City Plan Commission’s granting Master Plan Approval for Major Land Development Project 23-012 MA

269 Wickenden Street (Plat 18, Lots 190 and 192)

**The City Plan Commission’s Memorandum
in Support of its Objection to Appeal**

The Providence City Plan Commission (“CPC”) submits this Memorandum in support of its grant of master plan approval for the Major Land Development Project at 269 Wickenden Street (the “Property”). The CPC requests that the City of Providence Zoning Board of Appeals (the “Board”) deny and dismiss the appeal of Jack Lindenfeld (“Appellant”) because Appellant fails to meet his burden of demonstrating that the CPC committed clear legal error, prejudicial procedural error, or that the weight of the evidence does not support the CPC’s findings and Decision. The CPC’s role in this appeal, however, is not to endorse a particular development as an advocate; rather it is to support the legal authority and procedure of the CPC in its granting of master plan approval for the Property.

Facts

This appeal relates to Fox Point Capital, LLC’s (the “Applicant”) application for master plan approval for Major Land Development Project 23-012MA. The Applicant proposes to construct a five-story mixed use building on the Property that includes commercial space, 75 residential units, and internal parking. The Property is located in the C-2 zone, and retail and residential mixed-use development is permitted by right. *See* Zoning Use Matrix, at Section 1201 of the Providence Zoning Ordinance of 2014, as amended (the “Ordinance”). It is important to

note that the Applicant also received master plan approval by the CPC for an earlier design iteration of the development on August 15, 2023.¹

As part of its request for master plan approval for its latest design iteration, the Applicant requested:

1. A design waiver from sill height within 2 feet of grade (Section 503.A.3.c of the Ordinance);
2. A design waiver for locating residential use within 20 feet of Wickenden Street (503.A.8 of the Ordinance);
3. A dimensional adjustment for building height in the amount of one story and 16.5 feet for a total height of five stories and approximately 66.5 feet (Section 1904.E.1.i and Section 1904.E.2 of Ordinance); and
4. A dimensional adjustment for rear yard setback of 10 feet when 20 feet is required. (Section 1904.E.1.i and Section 1904.E.2 of Ordinance)

At a lengthy hearing on October 17, 2023, the Applicant presented its latest proposal through its attorney, Dylan Conley, Esq., and the testimony of architect Kevin Diamond. During public comment multiple members of the public testified both for and against the development project.² Concerns were expressed about increased traffic in the area, the scale of the development in relation to the surrounding neighborhood, and the fact that the residential units were market rate rather than designated for affordable housing. There was no expert testimony presented other than that offered by the Applicant and its professional.

At the close of the hearing, the CPC granted master plan approval to the development project with conditions,³ but it denied the dimensional adjustment for the rear yard setback. *See*

¹ Like the hearing on the appealed master plan approval, the public hearing in August was also quite lengthy. The CPC heard over three hours of testimony in August regarding an earlier design iteration of the proposed development, including but not limited to testimony regarding the development's consistency with the Comprehensive Plan and the Ordinance.

² Appellant, Jack Lindenfeld, did not speak at the public meeting on October 17, 2023; however, attorney Tim More did speak on behalf of unspecified abutters. *See Exhibit B*, p. 55.

³ The conditions include (1) providing clarity on the cellar level conforming to the definition of a cellar by providing multiple section drawings and a plan for the cellar level showing all sloped and flat sections at the ceilings and floors of this level, the calculation of average grade, and graphic representations of the full three-dimensional

Decision of the City Plan Commission, attached hereto as *Exhibit A*. Appellant timely filed a Notice of Appeal, asserting that he is an aggrieved party as an abutting owner of real estate within 200 feet of the proposed development site.⁴ Appellant argues in his memorandum of law (1) that the proposed development violates Providence’s Comprehensive Plan, (2) that the CPC improperly granted a height adjustment, (3) that the CPC improperly granted design waivers regarding the proximity of residential space to a main street and height of windowsills, (4) that a fiscal impact statement was not provided, and (5) that the proposed development’s loading space did not satisfy the requirements of the Ordinance.⁵

Standard of Review

In an appeal from a decision of the CPC to the Board, the Appellant must demonstrate that the CPC committed clear legal error, prejudicial procedural error,⁶ or that the weight of the evidence does not support the CPC’s findings and decision. The CPC decision should stand so long as there is relevant evidence that a reasonable person would accept as adequate to support its conclusion. The Board “shall not substitute its own judgment for that of the planning board or the administrative officer but must consider the issue upon the findings and the record of the planning

volume of the cellar level above and below average grade, (2) providing floor plans that include accurate calculation of the developed square footage of the building, (3) a landscaping plan subject to the City Forester’s approval, which must include a robust amount of plantings in the rear yard setback to buffer the building from the abutting use, (4) drainage management and erosion control plans at preliminary plan stage, (5) a signage plan at preliminary plan stage, and (6) that the loading space shall remain in the preliminary plan. *See Exhibit A*.

⁴ Appellant owns 123 Brook Street via quitclaim deed dated January 27, 2003. *See* Appellant’s Notice of Appeal.

⁵ In Appellant’s Notice of Appeal, an “Exhibit A” was attached entitled, “Summary.” *See* Appellant’s Notice of Appeal. This “summary” appears to offer additional objections to the CPC’s Decision; however, not all of these objections were briefed by Appellant in his memorandum of law. The CPC is limiting its memorandum to what was briefed in Appellant’s memorandum and suggests that the Board consider the other arguments waived.

⁶ Procedural error is only “prejudicial” if it led the agency to make a different finding/decision or prevented specific facts or arguments from being presented and entered into the record. *See* definition of prejudice: “damage or detriment to one’s legal rights or claims,” *Black’s Law Dictionary*, 2nd edition. *See also Sprague v. Zoning Board of Review of the Town of Charlestown*, 2004 WL 2813763.

board or administrative officer.” *See* R.I. Gen. Laws § 45-23-70(a). The Board may “...reverse or affirm wholly or partly and may modify the ... Decision ... appealed from and may make any orders, requirements, decisions, or determinations that ought to be made ... ” (R.I. Gen. Laws § 45-24-61), but it cannot substitute its own judgment for that of the local board. “The credibility of witnesses and weight of the evidence is the sole prerogative of the [CPC].” *Coderre v. Zoning Board of Review*, 105 R.I. 266, 270 (1969).

The Board reviews questions of law *de novo*, and it applies the canons of statutory interpretation. Where the provisions of a statute, ordinance, or regulations are clear, it applies the plain and ordinary meaning. If the provisions are unclear or subject to more than one reasonable interpretation, “...the construction given by the agency, or Board, charged with its enforcement is entitled to weight and deference, as long as that construction is not clearly erroneous or unauthorized...even when other reasonable constructions of the statute are possible.” *West v. McDonald*, 18 A.3d 526, 532 (R.I. 2011).

Argument

A. The CPC Made Clear, Competent, and Sufficient Findings Regarding Compliance with the Comprehensive Plan

Appellant first argues that the CPC made inadequate findings regarding the proposed development’s consistency with the Comprehensive Plan and the Ordinance. This is inaccurate. In its deliberations and Decision, the CPC found that the proposal satisfied all the general purposes outlined in § 45-23-30 and was consistent with the Comprehensive Plan and the Ordinance. The Board heard and agreed with the testimony and recommendation from Robert Azar, Deputy Director of Planning for the City of Providence, that the development was consistent with the Comprehensive Plan and the Ordinance. *See* Transcript of Hearing In Re Major Land Development Project 23-021 MA, p. 34-36, attached hereto as *Exhibit B*. Furthermore, the CPC

made clear factual findings in its Decision regarding the project's consistency with the Comprehensive Plan and the Ordinance as required by Section 806 of the Development Review Regulations.⁷

Specifically regarding the Comprehensive Plan, the CPC found (1) the proposed mixed-use development is located in an area that the future land use map in the Comprehensive Plan intends for neighborhood commercial/mixed use development, (2) the project conformed to objective BE-2 of the Comprehensive Plan which encourages new development to complement traditional character, as well as (3) the project addressed objective H-2 of the Plan, which encourages creation of new housing. Regarding the Ordinance, the CPC found (1) the proposed retail and residential mixed use development is permitted by right in the C-2 zone, (2) the dimension and site design of the building were in conformance with the design guidelines for multi-family development per Section 1202.K of the Ordinance, (3) parking, although not required by the Ordinance for this development, was being provided, and (4) the landscaping requirements of the Ordinance would be met by maintaining five trees on Wickenden Street and more plantings in the building's rear. *See Exhibit A.*

In short, after reviewing all the evidence in the record, including the presentation by the Applicant and the detailed testimony and recommendation of the City's Planning Department, the CPC made sufficient and reasonable findings that adequately supported its conclusion that the development was consistent with the Comprehensive Plan and the Ordinance. The Appellant cannot meet his burden of proof that the CPC committed clear legal error, prejudicial procedural error, or that the weight of the evidence does not support the CPC's findings and Decision

⁷ In its Decision, the CPC also addressed environmental impact, buildable lot, and street access for the project as required by Section 806 of the Development Review Regulations. *See Exhibit A.*

regarding the development's consistency and compliance with the Comprehensive Plan and/or the Ordinance.

B. The CPC Made Competent Findings Regarding the Granting of the Height Adjustment

Secondly, the Appellant argues that the CPC failed to make sufficient findings as required by Section 1904 of the Ordinance that granting the height adjustment for the proposed development would comply with the Comprehensive Plan. Section 1904.E.1 of the Ordinance authorizes the CPC to grant adjustments to dimensional regulations, stating as follows:

1. The City Plan Commission has the authority to make adjustments to certain dimensional and design standards through land development project review when one or more of the following occur:

- h. Where structured parking is provided.
- i. Where vertical mixed-use development is provided, of which at least 50% is devoted to residential use.

Id.

Here, the Applicant was eligible for a height adjustment because the development proposal offers structured parking⁸ and is a vertical mixed-use development with over 50% assigned to residential use. The Applicant requested a height adjustment of five stories and approximately 66.5 feet, where four stories and 50 feet are permitted by right. After hearing comprehensive testimony from the Applicant's architect, as well as Robert Azar, the CPC determined that the proposed design, including horizontal eaves and setbacks, reduced the visibility of the development's fifth story at street level, an original concern of the CPC on the former design proposal,⁹ bringing it in

⁸ Structured parking is parking within a structure below, at or above grade, usually in a manner such that vehicles are not visible from the public street.

⁹ In the earlier design for the proposed development presented in August 2023, the CPC continued the question of whether or not it would approve the Applicant's proposed height adjustment to the preliminary plan stage of land development review. The CPC found the latest design, however, more in line with the height allowed by right in the zone as well as the surrounding neighborhood. *See Exhibit B*, p. 125.

line with the Comprehensive Plan, the Ordinance,¹⁰ and the surrounding neighborhood. *See Exhibit B*, pages 113, 125, 136, and 140. Commissioner Verdi stated in deliberations, “I do believe that, regarding the height, that the Applicant has listened to what was requested at the last meeting; and based on what was in the staff report, what was presented in the documents, that there is evidence to grant the dimensional adjustment for 16½ feet and one story because of the internal parking and because of the mixed use development with over 50 percent dedicated to residential use.” *Exhibit B*, p. 140. The weight of the evidence supported the Board’s Decision. Again, the Appellant cannot meet his burden of proof that the CPC committed clear legal error, prejudicial procedural error, or that the weight of the evidence does not support the CPC’s findings and Decision regarding the granting of the height adjustment.

C. The CPC Lawfully Granted the Design Waivers

Next, Appellant argues that the CPC did not have the authority to grant design waivers. This is a legal argument that the Board reviews *de novo*, and it must apply the canons of statutory interpretation. Just as the CPC is allowed to grant height adjustments for land development projects, as discussed above, it can also lawfully grant design waivers. The Appellant claims that Section 1904 of the Ordinance only allows the CPC to “modify,” not “waive,” design standards. *See* Section 1904.E.3 of the Ordinance. This argument, however, is semantics and much ado about

¹⁰ The CPC raised concerns in the hearing regarding the slope, elevation, and classification of the lowest level of the development as a cellar, which, per the Zoning Ordinance’s rules of measurement, is not considered a story. *See* Section 201 and 202.B.3. of the Ordinance, and *see* p. 109-112 and 117-118 of *Exhibit B*. The elevation drawings produced at the time of the hearing, while still conceptual, did indicate the lowest level was a cellar. For this reason, the CPC added a condition to master plan approval that the Applicant needed “to provide clarity on the cellar level, conforming to the definition of a cellar...” *See Exhibit A*, condition 1. If the drawings were to change or provide more detail at preliminary plan stage as to indicate the lowest level is another story and not a cellar per the Ordinance, making the building a total of six stories, the CPC’s concerns suggest it might be disinclined to grant a two-story building height adjustment -- which relief is allowable but within the CPC’s discretion per Section 1904.E.2.

nothing; the definition of modification according to *Black's Law Dictionary*, 2nd Edition, is “a “change to something,” which logically encompasses waiver.

Indeed, design standards and design waivers are intrinsic to land use, planning and development. For example, see:

Section 45-24-30. General purposes of zoning ordinances.

- (a) Zoning regulations shall be developed and maintained in accordance with a comprehensive plan prepared, adopted, and as may be amended, in accordance with chapter 22.2 of this title and shall be designed to address the following purposes. The general assembly recognizes these purposes, each with equal priority and numbered for reference purposes only.

* * *

(11) *Promoting a high level of quality in design in the development of private and public facilities.*

R.I. Gen. Laws § 45-24-30. (emphasis added).

In addition, the Zoning Enabling Act authorizes zoning ordinances to include special provisions for design flexibility, stating as follows:

Section 45-24-33 – Standard Provisions

- (b) A zoning ordinance may include special provisions for any or all of the following:

- (1) Authorizing development incentives, including, but not limited to, additional permitted uses, increased development and density, or additional *design* or dimensional *flexibility* in exchange for:
 - (i) Increased open space;
 - (ii) *Increased housing choices*;
 - (iii) Traffic and pedestrian improvements;
 - (iv) Public and/or private facilities; and/or
 - (v) Other amenities as desired by the city or town and consistent with its comprehensive plan

R.I. Gen. Laws § 45-24-33 (emphasis added.)

Several Rhode Island cases include references to design standards in zoning or land use ordinances in other municipalities. *See, e.g. Anolik v. Newport Zoning Board of Review*, 1993 WL 853787 (upholding planning commission’s decision based solely on design standards); *Freitas v. Middletown Zoning Board of Review*, 1990 WL 10000156 (referring to parking design standards of the ordinance). Such standards and waivers are further recognized in Rathkopf’s *Law of Zoning and Planning*, a seminal treatise. *See, e.g. 3 Rathkopf’s The Law of Zoning and Planning* § 52:11 (4th ed.) (recognizing design controls and standards within the development review process); 5 Rathkopf’s *The Law of Zoning and Planning* § 83:32 (4th ed.) (Nov. 2020 update) (deviations from off-street parking requirements may be allowed by variances or by providing for design waivers) (*citing 426 Royal, LLC v. Planning Bd. of Township of South Brunswick*, 2016 WL 3263209 (upholding granting of design waivers of requirements as to parking area separation from on-site access roadways)).

In accordance with these land use concepts, the Ordinance includes not only Use Standards (see, e.g. Ordinance Article 12, Table 12-1 – Use Matrix; Ordinance Sections 1202, 1203), and Dimensional Standards (see Ordinance Sections 402, 502, 602, 702, 802, 902), but also Design Standards (see Ordinance Sections 503, 605, 606, 803, 903). The Appellant cannot disregard the existence of design standards or the CPC’s authority to impose, modify, or waive them.

D. A Fiscal Impact Study is Not Required

Appellant also argues that a fiscal impact statement for the proposed development was required pursuant to Section 605.2 of the Development Review Regulations. Section 605 of the Development Review Regulations states: “*Impact Statements*: In certain instances, the Commission *may* require an impact statement, at the expense of the applicant...The Commission’s decision to require an impact statement shall only be made pursuant to a vote of the Commission

with findings setting forth the need for such a statement....” (emphasis added). The regulation says “may” not “shall.” In this case, the CPC did not require a fiscal impact statement; thus the Appellant’s argument fails in this regard.

E. The Proposed Development’s Loading Space Does Not Violate the Ordinance

Finally, the Appellant argues that the loading space provided for in the Applicant’s proposed development plan does not meet the access requirements of Sections 1404.C and dimensional requirements of Section 1406 of the Ordinance. Section 1404.C. does not apply as it relates to “parking areas” not “loading spaces.” Section 1406 does, indeed, address off street loading spaces; however, in this case, the loading space is not required because the residential portion of the development does not exceed 40,000 square feet (see Zoning Ordinance Section 1403.A, Table 14-2). The plans indicate that the amount of residential space in the building is, conveniently, 39,999 sq. ft, and thus it does not trigger the requirements of Section 1406.B When more detailed construction documents are produced at the development’s preliminary plan stage clarifying the total amount of residential space of the development, a loading space which is fully compliant with the Ordinance may be required.

Conclusion

The CPC carried out all proper procedures, made all necessary findings, and executed its lawful authority to grant conditional master plan approval to the Property. Appellant has not met his burden of proof that the CPC committed clear legal error, prejudicial procedural error, or that the weight of the evidence does not support the CPC’s findings and Decision granting master plan approval to the proposed development for 269 Wickenden Street. For this reason, the City Plan Commission respectfully requests that this Board uphold the CPC’s Decision and dismiss the Appellant’s appeal.

Providence City Plan Commission

By and through its attorney,

/s/ Sharon G. Garner

Sharon Gilmore Garner, Esq.

Senior Assistant City Solicitor

444 Westminster Street

Providence, RI 02903

sgarner@providenceri.gov

12 January 2024

EXHIBIT A



CITY OF PROVIDENCE
MAYOR BRETT P. SMILEY

**Decision of the City Plan Commission granting Master Plan approval for
Land Development Project 23-012 MA at 269 Wickenden Street
(AP 18 Lots 190 and 192)
November 9, 2023**

Owner and Applicant: Fox Point Capital LLC

The City Plan Commission (CPC) voted to approve the master plan for the subject Land Development Project at a meeting on October 17, 2023.

Project Overview

The applicant is proposing to construct a five story mixed use building with a height of 66'-5", with a cellar that will provide internal parking, and a mix of uses that includes commercial space and 75 residential units. A dimensional adjustment for height over the 50', four story limit of the zone was requested. An adjustment from the rear yard setback requirement of 20' from a residential zone, to maintain a setback of 10' was also requested. Design waivers for the height of window sills and locating residential use on a portion of the ground floor on a main street were also requested.

Findings of Fact

The CPC made the following findings of fact at the master plan stage in accordance with section 806 of the CPCs Development Review Regulations:

1. Consistency with Providence Tomorrow: The Comprehensive Plan – The subject property is located in an area that the future land use map of Providence Tomorrow: The Comprehensive Plan intends for Neighborhood Commercial/Mixed Use development. The plan describes these areas as ones intended to foster pedestrian oriented needs like retail and housing in buildings oriented toward the street. The CPC found that the development conforms to this land use designation. As the building will be located on Wickenden Street, a main street defined by mixed use development, the CPC found it conformed to objective BE-2 of the plan which encourages new development to complement traditional character. Creation of housing will conform to objective H-2 of the plan which encourages creation of new housing.

2. Compliance with Zoning Ordinance

The CPC made the following findings:

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

DEPARTMENT OF PLANNING & DEVELOPMENT

JOSEPH A. DOORLEY JR. MUNICIPAL BUILDING, 444 WESTMINSTER ST, PROVIDENCE RI 02903
PHONE (401) 333-1400 WWW.PROVIDENCE-RI.GOV/PLANNING

Dimension and site design: The building will be located on a corner lot fronting on Wickenden and Brook Streets. Wickenden Street has been designated as the front yard and Brook Street will serve as the side yard. Wickenden Street slopes upward traveling east from the intersection with Brook Street. A commercial space, an internal parking area with 12 spaces and a loading space will be at the cellar level. This is not counted as part of the height requirement as over half of this area will be located below the average grade of the lot. A building height of five stories and approximately 66'5", measured from the average grade to the ridge of the roof is proposed. A dimensional adjustment was requested for the proposed height which exceeds the 50', four story height limit of the zone.

The building's width has been broken up into three distinct segments. The western segment will feature five residential stories over the cellar with balconies for the residential units and a penthouse. Horizontal eaves on the fourth story and the location of the penthouse, set back from the wall of the upper story, reduce the visibility of the fifth story from the intersection of Wickenden and Brook Streets. The CPC found that this conformed to their requirement that the presence of the fifth story be minimized from the street level at the corner of Brook and Wickenden Streets. The center and eastern segment have shed dormers and a gabled roof respectively. Balconies will be provided on each floor facing Wickenden Street. The CPC found that the building's design incorporates alternating projecting and recessed sections, which is encouraged for multifamily development. The use of a common architectural theme, balconies, and incorporation of varied dimensional elements are in conformance with the design guidelines for multifamily development per Section 1202.K of the ordinance.

The building will be set to the front and side lot lines, exceeding the 60% and 40% build-to zone percentage requirements respectively. Vehicles will access the cellar parking area from Brook Street, which also contains the electrical equipment space, elevator, and the trash removal area.

The southeastern portion of the building abuts the residential zone to the south. A rear yard setback of 20' is required from the abutting zone but 10' was proposed for which a dimensional adjustment was requested.

The cellar and ground floor level will mostly provide commercial space along Wickenden Street and have glazed facades. A portion of the residential space, 66', will be located within 20' of Wickenden Street, for which a design waiver was requested. A design waiver was also requested for the window sills on the first floor, which are higher than two feet from the adjacent grade.

Parking: Twelve internal parking spaces will be provided. However, no parking is required as the building will be located on a lot which does not exceed 10,000 SF. Fifteen bicycle spaces are required, calculated as one bicycle space for every five units. Long term parking for 18 spaces will be provided in the internal parking area. A loading space is depicted adjacent to the driveway.

Landscaping: A total of 1,500 SF of canopy coverage is required based on the size of the development. The applicant is proposing to meet this requirement by maintaining five small trees (300 SF each) on Wickenden Street adjacent to the development. The City Forester required that the applicant replace existing trees or make a payment in lieu of plantings should any existing street trees not survive during building construction. The CPC also required that the preliminary plan reflect more plantings at the building's rear. The landscaping plan shall be subject to the City Forester's

approval.

Environmental management: The development does not trigger conformance with the stormwater ordinance as the site is less than 20,000 SF and already developed. However, the applicant is required to demonstrate that existing runoff will not be exacerbated. The CPC required that the applicant's drainage plan shall be subject to the City Engineer's review and be submitted with the preliminary plan. An erosion control plan is also required with the preliminary plan submission.

Signage: Plans indicate the use of wall, awning, and projecting signs for the commercial spaces. The CPC required that the preliminary plan submission include detailed plans that include the sign dimensions and locations.

Design Waiver: The applicant applied for a design waiver from section 503.A.8 of the ordinance which requires that no residential use be located on the ground floor within 20' of a main street, which is the designation for Wickenden Street. Per the plan, 66' of residential space will be provided within 20' of Wickenden Street. However, this residential portion of the building is higher than the adjoining grade. The cellar level below this space will provide commercial space at grade for much of the frontage. The CPC granted the waiver, finding that the design would not affect the commercial nature of the street.

Due to the slope of the lot on Wickenden Street, the average grade is lower than the grade adjacent to the windowsills on the first floor, resulting in a height that's over two feet from the adjacent grade. Based on plans provided, the location of the sills is influenced by the slope of the lot and location of the adjacent grade, which accommodates a portion of the cellar. The CPC granted the waiver, finding that the bottom of the window sills cannot be located within two feet of the adjacent grade due to the slope of the lot.

Dimensional adjustment: The applicant requested dimensional adjustments for the building's height, for approximately 16'5" and one story, and from the rear yard setback requirement where a 20' setback is required, but a setback of 10' was requested. The CPC found that the applicant is eligible for the adjustments due to the provision of mixed use development with over 50% assigned to residential use and internal parking.

The CPC voted to grant the height adjustment, but voted to deny the rear setback requirement as described below.

3. Environmental Impact

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

4. Bulldable Lot

The CPC required that the applicant apply for an administrative subdivision to configure the lots as depicted on the plan. The CPC found that there are no physical constraints that impact development of this property, as the lot will comply with the dimensional requirements of the C-2 zone with no impediments to development.

5. Street Access

The CPC found that adequate vehicular and pedestrian access will be provided from Wickenden and Brook Streets.

Action – Design Waivers

On a motion by Commissioner Verdi, seconded by Commissioner Sanchez, the CPC voted to grant the design waiver from sill height within 2' of the adjacent grade.

The CPC voted as follows:

Aye: N. Verdi, N. Sanchez, C. Lipschitz, M. Gazdacko

On a motion by Commissioner Verdi, seconded by Commissioner Lipschitz, the CPC voted to approve the design waiver for locating residential use within 20' of Wickenden Street.

The CPC voted as follows:

Aye: N. Verdi, C. Lipschitz, N. Sanchez, M. Gazdacko

Action – Dimensional Adjustments

On a motion by Commissioner Verdi, seconded by Commissioner Sanchez, the CPC voted to grant the dimensional adjustment for building height in the amount of one story and 16'5" for a total height of approximately 66'5" and five stories. The CPC found that the applicant had changed the building's design to address the CPC's concerns of the presence of the fifth story from the ground level.

The CPC voted as follows:

Aye: N. Verdi, N. Sanchez, C. Lipschitz, M. Gazdacko

On a motion by Commissioner Sanchez, seconded by Commissioner Lipschitz, the CPC voted to deny the dimensional adjustment for the proposed rear yard setback finding that the applicant had not demonstrated that it was integral to the building's design.

The CPC voted as follows:

Aye: N. Sanchez, C. Lipschitz, M. Gazdacko

Nay: N. Verdi

The motion passed 3 -1.

Action – Master Plan Approval

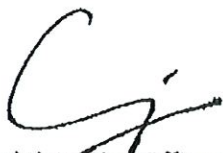
On a motion by Commissioner Verdi, seconded by Commissioner Sanchez, the CPC voted to approve the master plan subject to the following conditions:

1. To provide clarity on the cellar level conforming to the definition of a cellar, the applicant shall provide more detail on its design at the preliminary plan stage, including multiple section drawings and a plan for the cellar level showing all sloped and flat sections at the ceilings and floors of this level, the calculation of average grade, and graphic representation of the full three-dimensional volume of the cellar level above and below average grade.
2. The applicant shall provide floor plans that include accurate calculation of the developed square footage of the building.

3. The landscaping plan shall be subject to the City Forester's approval. The plan shall include a robust amount of plantings in the rear yard setback to buffer the building from the abutting use.
4. Drainage management and erosion control plans shall be submitted at the preliminary plan stage.
5. A signage plan shall be submitted with the preliminary plan.
6. The loading space shall remain in the preliminary plan.

The CPC voted as follows:

Aye: N. Verdi, N. Sanchez, C. Lipschitz, M. Gazdacko



Administrative Officer
Choyon Manjrekar

In accordance with Rhode Island General Laws Section 45-23-63, this decision must be recorded in the land evidence records within twenty (20) days after the CPC's vote. In addition, in accordance with Rhode Island General Laws Section 45-23-67, this decision shall be posted in the office of the City Clerk for a period of 20 days. Any appeals to this decision must be immediately transmitted to the DPD. If no appeals are filed, this letter may be removed by the City Clerk 20 days after it has been posted.

RECEIVED:
Providence
Received for Record
NOV 14, 2023 02:01 PM
Document Num: 2023357290
Jeanne Pascone
Recorder of Deeds

EXHIBIT B

STATE OF RHODE ISLAND

PROVIDENCE CITY PLAN COMMISSION

* * * * *
PROCEEDINGS AT HEARING IN RE:

**MAJOR LAND DEVELOPMENT PROJECT
PUBLIC INFORMATIONAL MEETING**

Case No. 23-021MA

APPLICANT: Fox Point Capital, LLC
269 Wickenden Street

* * * * *

October 17, 2023 4:45 P.M.

MEETING held in-person and
virtually via Zoom platform

BEFORE: MICHAEL GAZDACKO, CHAIR
NICOLE VERDI, VICE CHAIR
NOEL SANCHEZ
CHARLOTTE LIPSCHITZ

APPEARANCES:

FOR THE
COMMISSION **SHARON GILMORE GARNER, ESQUIRE**
ASSISTANT CITY SOLICITOR

FOR THE
APPLICANT **DYLAN B. CONLEY, ESQUIRE**

ALSO PRESENT:

ROBERT AZAR, DEPUTY DIRECTOR
CHOYON MANJREKAR, PRINCIPAL PLANNER
LEV SIMON, PLANNING TECHNICIAN

I N D E X

PAGE

**MAJOR LAND DEVELOPMENT PROJECT
PUBLIC INFORMATIONAL MEETING**

Case No. 23-021MA

APPLICANT: Fox Point Capital, LLC
269 Wickenden Street

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

ATTORNEY DYLAN CONLEY ..	7, 15, 23, 31, 115
KEVIN DIAMOND	12, 19, 116
MR. AZAR	33
EILEEN AFONSO	39
PAUL EVANS	42
TOBY ARMENT	44
DANIEL MORRIS	47
KEN ORNSTEIN	49
LINDA PERRY	50
MELINDA RAINSBERGER	52
ROZ RUSTIGIAN	53
TIMOTHY MORE, ESQUIRE	55
VINCENT BUONANNO	57
MICHAEL BELL	60
LILY BOGOSIAN.....	61, 108
JOHN WOOLSEY	63
WILLIAM MORGAN	65

WITNESSES/SPEAKERS continued

1		
2		
3	RICHARD SCHIEFERDECKER	66
4	IAN SAXINE	67
5	ALYSSA PEACHEY	69
6	JUSTIN BAPTISTA	69
7	DAISY SCHNEPEL	71
8	CHARLES HEWITT	72
9	DOUG VICTOR	72
10	CHARLES FISHBEIN	74
11	LAUREN ADRAIN	75
12	CHRISTIAN ROSELUND	77
13	HARRY ADLER	79
14	CARL FARMER	81
15	AARON HILL	82
16	MATT SCHAELLING	84
17	SUSAN COSTELLO	86
18	LESLIE MYERS	89
19	AISHA McADAMS	90
20	TEDDY BOGOSIAN	92
21	TOYOKO SCHIEFERDECKER	93
22	GRANT DULGARIAN	95
23	JILL PEARLMAN	96
24	RACHEL SCHWARTZ	98

WITNESSES/SPEAKERS continued

1		
2	CEDRIC YE	99
3	ALEX BILIOURIS	101
4	VINCENT SCORZIELLO	103
5	KATHERINE PREVOST	105
6	NINA MARKOV	106
7	DARIA PHOEBE BRASHEAR	107
8		
9		

MOTIONS/VOTES

10		
11		
12	1. MOTION made by MS. VERDI	139
13	(to approve the design waiver	
14	for a location of sills over	
15	2 feet from adjacent grade)	
16	SECOND made by MR. SANCHEZ	139
17	VOTE TAKEN	139
18	(roll call vote)	
19	(approved)	
20		
21	2. MOTION made by MS. VERDI	140
22	(to grant design waiver for	
23	location of the residential use	
24	within 20 feet of a main street)	
	SECOND made by MS. LIPSCHITZ	140
	VOTE TAKEN	140
	(roll call vote)	
	(approved)	

MOTIONS/VOTES continued

- 1
2
3 **3. MOTION** made by **MS. VERDI** **140**
4 (to grant dimensional adjustment
5 for 16 1/2 and one story)
- 6 **SECOND** made by **MR. SANCHEZ** **141**
- 7 **VOTE TAKEN** **142**
8 (roll call vote)
9 (approved)
- 10 **4. MOTION** made by **MS. VERDI** **142**
11 (to grant the dimensional adjustment
12 for the 10-foot rear yard setback)
- 13 **SECOND** (NO SECOND MADE)
14 (MOTION FAILS)
- 15 **5. MOTION** made by **MR. SANCHEZ** **145**
16 (to deny the dimensional adjustment
17 for the 10-foot rear yard setback)
- 18 **SECOND** made by **MS. LIPSCHITZ** **146**
- 19 **VOTE TAKEN** **146**
20 (roll call vote)
21 (approved)
- 22 **6. MOTION** made by **MS. VERDI** **147**
23 (to approve master plan
24 with conditions)
- SECOND** made by **MR. SANCHEZ** **149**
- VOTE TAKEN** **149**
 (roll call vote)
 (approved)

1 APPLICATION:

2 **MAJOR LAND DEVELOPMENT PROJECT**
3 **PUBLIC INFORMATIONAL MEETING**

4 Case No. 23-021MA

5 **APPLICANT:** Fox Point Capital, LLC
6 269 Wickenden Street

7 **CHAIR GAZDACKO:** With that, we
8 will move right into Agenda Item No. 5. This is a
9 major land development project, Case No. 23-021MA.
10 It's 269 Wickenden Street.

11 **MR. AZAR:** Okay. Mr. Chair, I will
12 do the introduction for this one.

13 Is there anybody in the room or online that
14 is going to be putting up the slide show for this?
15 Dylan, if you could tell me who, I could promote
16 them to panelist.

17 **MR. CONLEY:** Kevin Diamond.

18 **MR. AZAR:** I see Kamil. Could it
19 be Kamil?

20 **MR. CONLEY:** Kamil works.

21 **CHAIR GAZDACKO:** Okay.

22 Commissioners, this is a case you'll be
23 familiar with. You heard it not too long ago at
24 master plan. This is a proposal for a five-story,
 mixed use building at 269 Wickenden Street. It's a

1 C-2 zone. And the Applicant is seeking dimensional
2 adjustments for height and for rear yard setback.
3 They're also requesting design waivers for
4 residential use on a main street within 20 feet of
5 the street and the height of the windowsills from
6 grade.

7 You'll recall that when you last considered
8 master plan, you approved the master plan, but you
9 declined to act on the dimensional adjustment for
10 height. You did approve the design waiver for the
11 windowsills. There is the additional design
12 waiver -- I'm sorry -- yeah, additional design
13 waiver for the 20-foot rule at the frontage and also
14 an additional request for the rear yard setback.

15 You did want to see some design changes to
16 this building. They have been working at this, and
17 they have now presented a new design. So I think
18 I'm going to let Attorney Conley take it from here.
19 And I'm trying to promote Kamil to panelist. I
20 don't know if that's working. I am going to
21 maybe --

22 **MR. CONLEY:** I'm told that they're
23 physically sprinting from their office to the
24 location. Their office is about four or five doors

1 down. I can begin the presentation in regards to
2 some of the travel.

3 **MR. AZAR:** Okay. I'm going to put
4 it up on the screen. The folks online are not going
5 to be able to see this, but I'll put it up on the
6 screen here. And when we have someone who is able
7 to show this through Zoom, we can do it that way.
8 But why don't you go ahead and get started.

9 **MR. CONLEY:** Thank you.

10 Dylan Conley on behalf of the Applicant.

11 When we were first here in front of the
12 commission, we received master plan approval for the
13 project. This commission confirmed that the
14 application was qualified for the height adjustment,
15 but action was deferred on the fifth story itself.
16 That was specific to the design.

17 What we've done, in the interim, is we've
18 taken feedback from the preceding master plan public
19 informational meeting, real feedback from both the
20 public and the commission. And we're requesting the
21 following approvals which, to date, have neither
22 been approved nor denied. This is the approval of
23 the fifth story as will be presented momentarily.

24 I am told Kamil has that ready, if you need

1 to add him in.

2 **MR. AZAR:** Okay.

3 **MR. CONLEY:** There is a dimensional
4 adjustment being requested for a 10-foot rear yard
5 setback. That is new. And then we also have a
6 request for an approval of a reduction, commercial
7 uses along Wickenden Street. That's a little bit of
8 an in-the-weeds language interpretation phenomenon.
9 Basically, there will be commercial uses along the
10 entirety of Wickenden, but there is a commercial
11 bay -- we had a large-scale commercial bay that
12 folks are very concerned about. I believe the phrase
13 used was the corporatization of Wickenden Street,
14 and they wanted the commercial bays to be more akin
15 to be used by local and small businesses. So on
16 that front, what we've done is basically eliminated
17 the large commercial bay and replaced it with some
18 residential uses.

19 We also heard the crowd, the public, loud and
20 clear on the desire to address the housing crisis.
21 So when we converted the commercial square footage
22 into residential square footage, we also expanded
23 some of the residential square footage. We traded,
24 effectively, what was really premium commercial

1 square footage and really premium fifth-story
2 residential square footage for more standard
3 new-market residential square footage. So the total
4 number of units has gone up, but those units are
5 relatively more affordable than some of the square
6 footage we had originally designed, especially in
7 the rear portion of the building, comparing that
8 directly to the fifth story along the corner of
9 Brook and Wickenden.

10 So one of the things that the commission
11 advised us was that the fifth story should not be
12 visible from the corner of Wickenden and Brook. And
13 so what we've done is increased the setback.
14 There's an eave that the architect will be able to
15 show you. From the corner of Wickenden and Brook,
16 the fifth story is no longer visible at all in any
17 way, shape, or form. In fact, you need a significant
18 distance from the project in order to see the fifth
19 story along that presentation.

20 The other thing that we heard from this
21 commission, which I thought was very insightful, was
22 the desire to have the massing kind of fit more the
23 pattern of Wickenden. And when you look at this
24 building, as you would be walking up or walking down

1 Wickenden, you're looking at an angle. It presents
2 as three separate buildings, and it presents as
3 three separate massings that are very comparable
4 to the massing that's traditionally seen on upper
5 Wickenden, further away from downtown.

6 So, you know, on that front, I think what we
7 did is we worked really hard to try to accomplish a
8 more -- I think someone described it as three
9 stories with an attic. So if you look at where the
10 massing is now, instead of it being a rectangular
11 monolith, you have them broken up such that -- if we
12 could just scroll down to the overall view.

13 **(PLANS DISPLAYED ON SCREEN)**

14 **MR. CONLEY:** There we go.

15 They look like three separate buildings with
16 attics. Right? I think it's very complimentary to
17 the sort of uses that are in the area generally. As
18 you can see, the fifth story is hidden. Even the
19 massing on the building along Brook has been broken
20 up into two primary pieces.

21 So I think, with that, I would love to
22 hand over the architectural presentation to
23 Kevin Diamond. Kevin is here.

24 **MR. DIAMOND:** Good evening.

1 **CHAIR GAZDACKO:** Welcome back.

2 **KEVIN DIAMOND**

3 **MR. DIAMOND:** Thank you very much.
4 Thank you all for your time this evening. Dylan,
5 great introduction. Thank you very much.

6 I think Dylan hit the nail on the head and
7 adequately conveyed our design concept. We've heard
8 the comments from and feedback from neighbors and
9 from the City loud and clear. And we've worked
10 really hard during this process to really tailor the
11 iterative design process to be very communicative
12 and be very open. And I feel that this process has
13 been very transparent.

14 We've been very clear about our obstacles.
15 Our design intent -- and I think that it's been a
16 really productive process, and we'd like to say
17 thank you to everybody for being able to really be a
18 part of that process with us. I think good design
19 never happens in a vacuum, and I think that this
20 proposal is a really, really great example of
21 architecture that could engage with community, and I
22 think that that's what's really happening here.

23 So I think since you've seen this last, as
24 Dylan noted, we've taken the facade of the building,

1 which read as one building, and have, I think,
2 successfully broken into three pieces. So each
3 of those pieces do read as really no wider than
4 any of the other average homes that happen along
5 Wickenden Street. So as you're continuing that
6 experience up or down the street, our building, the
7 overall design goal, is to serve as an extension of
8 all those homes that are already -- the proportions
9 that are already existent, to be sort of a cohesive
10 design experience.

11 Another thing that we heard loud and clear
12 and worked really hard to understand and wrap our
13 head around and respond to is pulling the top story
14 of the building back nearly 12 feet on the corner of
15 both Wickenden -- actually, just north of 12 feet,
16 on the corner of Wickenden and Brook. So that, at
17 any point in the intersection, you can't see that
18 top story. So I think what we have here is
19 something that we're all, our team, very, very
20 excited about and very proud of. And we'd love to
21 hear any questions you would have about the design.

22 **CHAIR GAZDACKO:** Okay. Would you
23 like to roll through the schematics of the building
24 and whatnot --

1 **MR. DIAMOND:** Absolutely.

2 **CHAIR GAZDACKO:** -- the changes
3 that you've made, just to give a brief overview for
4 the commissioners and the general public.

5 **MR. DIAMOND:** Absolutely.

6 So I talked about sort of the high-level
7 moves of breaking the facade into three components
8 and really addressing the human scale of the
9 building. I think that's evidenced by the cover
10 page here.

11 In terms of the elevations, the building --
12 if you go to the next page here. The elevations, I
13 think, also portray sort of a tripartite design
14 intent, breaking the width of building into three
15 components. Taking in a pretty common architectural
16 form, which is the gable, putting that on the
17 left-hand side of the building; and then the middle
18 volume; and then a flat roof, sort of like a little
19 corner building, something quaint and human scale,
20 along the edge of Brook and Wickenden Street
21 happening here in the elevation.

22 I'd be happy to walk through some of the
23 changes to the plan, too, if you'd like.

24

1 **MR. CONLEY:** I just want to jump
2 in. One of the tricky things, about when you're
3 reviewing these elevations, is this is not a view
4 that a person would ever really see. So just for
5 the benefit of the public, when you're looking at
6 these plan sets, these elevations are basically in a
7 vacuum. You wouldn't have a view of the building
8 like this.

9 The views of the building are angled from
10 either coming up and down Wickenden Street where it
11 presents much more as three separate buildings. So
12 when we do see the elevations, I just want to remind
13 folks that this is what the experience will be like
14 in person. The elevations are really necessary for
15 us to understand things like height and measurement,
16 et cetera.

17 **CHAIR GAZDACKO:** Understood. Thank
18 you for the qualification.

19 **MR. DIAMOND:** Well put.

20 **CHAIR GAZDACKO:** One second.

21 **MR. DIAMOND:** Sure.

22 **MR. AZAR:** Mr. Chair, I just
23 wanted to make sure that, in looking at that
24 Wickenden Street elevation, that the Applicant

1 explain what's happening at the various levels of
2 this building, specifically what is happening at the
3 ground level, which in some places is the basement
4 level and in some places is the first floor. And
5 then also that the first floor actually is
6 split-level. I think that's going to be really
7 important, because it will help illustrate the
8 design waiver that you're asking for; and it will
9 also help, I think, everybody understand how this
10 building functions.

11 **MR. DIAMOND:** That's great.

12 Absolutely.

13 So, yeah, I think what we're referring to
14 here is, essentially, what we've done is, we've
15 taken the cellar -- one of the major changes since
16 the initial application is we've continued to slope
17 the parking deck all the way to the end of the
18 building, which basically sinks the building further
19 into the ground. And then we've taken the first
20 floor of the building and we've split it, so
21 actually the cross-section of the building has a
22 jog.

23 **MR. AZAR:** Can we have Kamil put
24 up the Wickenden Street elevation.

(PLANS DISPLAYED ON SCREEN)

1
2 **MR. AZAR:** Right there. All
3 right. So just to amplify this. This is the first
4 floor of the building, right here. This is floor
5 one, two, three, four, five. And for this, this
6 particular area, that's the situation. (indicating)

7 Here you have this level right here, which
8 is, which is, the, quote-unquote, basement. So this
9 is the first level, which, as you can see, the floor
10 of this level is higher than the floor of this
11 level. This eventually dives down and under, such
12 that you would have a large proportion off of this,
13 which is below grade and which is considered a
14 basement. (indicating) That's why -- and when more
15 of the volume of this lowest level is below grade,
16 we call that a basement, and it doesn't count as a
17 story.

18 So this appears to have six levels, and it
19 does; but this is a basement and this is the first
20 story, second, third, fourth, and fifth. That's why
21 it appears this way.

22 **CHAIR GAZDACKO:** That's a good
23 clarification. Thank you, Bob.

24 **MR. AZAR:** And can you explain,

1 from this elevation, why you need this design
2 waiver.

3 **MR. CONLEY:** So there is language
4 that within the 20 feet on the first floor of
5 certain streets, Wickenden being one of them, that
6 it must be commercial use.

7 **MR. AZAR:** It's that it can't be
8 residential.

9 **MR. CONLEY:** Thank you. It can't
10 be residential. Thank you. So what you actually
11 see is the ground pedestrian level all along
12 Wickenden is not residential. But the first floor,
13 because of the way the building is sunk, is
14 residential on the right side of the building.
15 Right where that mouse is. So the design waiver
16 we're asking is for that level, which is the first
17 floor, to be residential.

18 But we are not -- I believe that the intent
19 of that regulation was to basically have
20 pedestrian-level retail in certain locations, or
21 at least not residential. So we are still doing
22 that with cellar-level residential all along the
23 grade there.

24 **MR. SANCHEZ:** You mean commercial.

1 **MR. CONLEY:** Yes, cellar-level
2 commercial. Thank you.

3 **MR. SANCHEZ:** Correct.

4 **MR. CONLEY:** It's clear in my
5 mind.

6 **CHAIR GAZDACKO:** Yes, thank you,
7 likewise.

8 **MR. DIAMOND:** Thank you.

9 I think early iterations of this building,
10 sort of the cellar wall, was very opaque; and we've
11 worked to break that down to add a lot of glazing
12 that activates the commercial bay off the sidewalk,
13 which, I think, meets the intent of having
14 commercial spaces off the sidewalk. I think the way
15 the site sort of slopes and then the, sort of like,
16 grading of the site is sort of the unique
17 characteristics of this that sort of lends itself to
18 the waiver being sought.

19 **CHAIR GAZDACKO:** Do you want to go
20 through the schematic floor plans now?

21 **(PLANS DISPLAYED ON SCREEN)**

22 **MR. DIAMOND:** Sure, be glad to.

23 So on the cellar level, as you can see here,
24 we have the commercial bay that opens up to

1 Wickenden Street that was pictured in the
2 rendering -- on the corner, the blue volume -- with
3 parking underground, bike storage at the rear, and
4 then a loading space that's accessed off the
5 driveway. That's the extent of the cellar level.

6 On the first floor, we have another
7 commercial space with tall ceilings on the right.
8 That would be opened up to Wickenden Street; and
9 then, essentially, this is Level 1 which, as we've
10 seen in the rendering, is fairly higher at the
11 corner, given the drop in grade; and that's where
12 residential space would be. And we've indicated
13 that with a crosshatch rectangle, just to make the
14 point clear of what's happening there.

15 And that's basically it. We haven't laid out
16 the units yet. This is just, essentially, a
17 diagrammatic floor plan that shows where the
18 residential spaces are for circulation and
19 commercial.

20 **CHAIR GAZDACKO:** How -- what is
21 the square foot of the residential use and what is
22 the square foot, proposed square foot of the
23 commercial use?

24 **MR. DIAMOND:** We have a table in

1 the front on the first page.

2 **CHAIR GAZDACKO:** You show
3 39,999 square feet of residential units, which is
4 one square foot below where some benchmarks fall in
5 where you need to provide additional things, like a
6 loading zone, which you're showing. But I'm just
7 wondering if you could put on the record what the
8 residential square footage is going to be. Because
9 this is vesting your layout of your building,
10 basically, your floor plan.

11 **MR. CONLEY:** Sure. So we're not
12 asking for any relief related to the loading zone.
13 Originally, there was -- we were trying to figure
14 out where to put a loading space within this plan at
15 that 40,000-square-foot threshold. I do believe
16 that there is potential for us to eventually be
17 above that 39,999. But, presently, we're only
18 submitting for the 39,999, and we are including the
19 loading zone. So it's sort of a belt-and-suspenders
20 application. Because we may be in a scenario where
21 a loading zone could be required, we're providing
22 it.

23 **CHAIR GAZDACKO:** Okay.

24 **MR. AZAR:** Mr. Chair, just a

1 couple of other things I'd like them to address. If
2 you can go back to the Wickenden Street facade. Do
3 you still need this waiver from the windowsills
4 above 2 feet? It looks like you've got a lot of
5 glazing that's coming down pretty close to the
6 ground now.

7 **MR. CONLEY:** I wasn't sure if it
8 would -- I didn't know if we needed it relative to
9 the first floor because the windowsills were raised.

10 **MR. AZAR:** Yeah.

11 **MR. DIAMOND:** The first-floor
12 cellar.

13 **MR. CONLEY:** My approach was to
14 apply for it, in case. It's really driven by the
15 grading.

16 **MR. AZAR:** Right. Okay.

17 **CHAIR GAZDACKO:** Do you want to
18 ask other questions and come back to that?

19 **MR. AZAR:** Yeah, we could sort of
20 come back to that. I want to look at the rule and
21 see exactly what it says.

22 But the other thing is you are now -- you've
23 talked about the dimensional adjustment for the
24 height. You haven't talked about the dimensional

1 adjustment from the rear yard setback. Can you show
2 that?

3 **CHAIR GAZDACKO:** This is one that
4 piqued my interest more than others, actually.

5 **MR. CONLEY:** So, basically, the
6 exchange of the premium commercial square footage
7 and the premium residential square footage is
8 squeezing the building's project viability relative
9 for total square footage available for rent.

10 What you have in a C-1 zone is a 10-foot
11 setback against a residential zone. What you have
12 in a C-2 zone is a 20-foot setback. This building,
13 all of the uses included in it, the size, scale of
14 the building, et cetera, would all be permissible in
15 a C-1 zone. So what we're looking for is something
16 that is approved, by right, throughout the city.
17 The discretionary adjustment for that additional 10
18 feet back is the rear of the lot, there's not a lot
19 of activity there.

20 If you're familiar with the area at all,
21 there's sort of a parking lot with an awkward
22 jut-out up against some relatively dense residential
23 that's set back a bit from the lot line. We're
24 still giving -- how much space is it from the

1 building itself? It's a little bit over 10 feet, I
2 believe.

3 **MR. DIAMOND:** Roughly, yeah. I
4 think --

5 **MR. CONLEY:** It's at least 10 feet
6 of space from the property line and in addition --
7 off the top of my head, I'm not sure what the gap is
8 with the residential building nearby, but it's more
9 than that. They're not on the lot line.

10 **CHAIR GAZDACKO:** Right. But it's
11 the property line you're creating in order to stay
12 at that 10,000-square-foot threshold. So I take
13 issue with the expansion of this to the rear
14 property line to expand the intensity, while trying
15 to minimize your regulatory burden by creating that
16 additional lot at the bottom. We can talk about it
17 more later.

18 You also proposed, in the last layout, a
19 generator behind the building, which, obviously,
20 it's not here now because there's not room for it.
21 I want to be abundantly clear that this "not for
22 development" can have no, no -- nothing to do with
23 this building on it. So if you have a generator
24 that's powering this building, it cannot be one

1 square inch onto that property that you're
2 subdividing to keep that property 10,000 square
3 feet. Keep that parcel.

4 **MR. CONLEY:** Understood.

5 **MR. DIAMOND:** Understood. And I
6 think for the feasibility of getting the generator
7 there, in and out, it wouldn't work anyway. So it's
8 not part of our plan.

9 **CHAIR GAZDACKO:** Any other
10 significant changes?

11 **MR. CONLEY:** Well, relative to the
12 standards for master plan, no. There's a reduction
13 in parking spaces and an increase in housing units.
14 But we are still 10 parking spaces above the minimum
15 required for the building. I mean, I guess that's
16 material in the sense that it's a point of interest
17 relative to the delta between the original proposal
18 and the present proposal. But we're not asking for
19 any relief there.

20 **CHAIR GAZDACKO:** You had 20-some
21 previously; and now you're at what?

22 **MR. CONLEY:** 20 with no loading
23 bay, and now we are 10 with a loading bay.

24 **CHAIR GAZDACKO:** And you're

1 proposing bike storage in this iteration. How many
2 bike parking spaces do you have? Is this just a
3 schematic for now?

4 **MR. CONLEY:** It's 1 per 5, so it
5 meets code.

6 **MR. DIAMOND:** It's compliant.

7 **CHAIR GAZDACKO:** Commissioners, do
8 you have questions for the Applicant? I feel like
9 I'm taking all the time here.

10 **MS. LIPSCHITZ:** I have a question.
11 I think there was also a mention somewhere in here
12 of a transformer.

13 **CHAIR GAZDACKO:** Yeah, the
14 transformer -- on the previous iteration, it was
15 shown at that little jog, if you're looking at the
16 landscape plan. It was the bottom portion of the
17 area that doesn't have a building closest to
18 Brook Street. Is that still the proposed location?

19 **MR. CONLEY:** We think there's a
20 likelihood it's a vault.

21 **CHAIR GAZDACKO:** A vault on one
22 side of the building?

23 **MR. DIAMOND:** We have to get past
24 this step before that.

1 **CHAIR GAZDACKO:** I'm sorry. We
2 didn't understand that.

3 **MR. DIAMOND:** I'm so sorry.

4 Yeah, so we -- in terms of whether it's a
5 vault or a pad transformer, it's largely going to
6 depend on engineering weighing in. So we're
7 essentially earmarking that space on that corner as
8 a potential location. And if it needs to grow and
9 the building needs to be reduced to accommodate
10 that, that's something we can discuss at a later
11 date.

12 But I think at the moment it's either going
13 to be there or in the form of a vault inside the
14 cellar. It's just -- it's not determined yet.

15 **CHAIR GAZDACKO:** Where would
16 that -- just, hypothetically, what would you be
17 reducing inside that cellar space to create that
18 vault?

19 **MR. DIAMOND:** I don't know at the
20 moment.

21 **CHAIR GAZDACKO:** Okay.

22 **MR. DIAMOND:** Largely it's going
23 to be determined by Rhode Island Energy and their
24 requirements.

1 **CHAIR GAZDACKO:** Good luck with
2 that.

3 **MS. LIPSCHITZ:** I had one other
4 question, which is the first-floor residential
5 units, they look like they're accessed by a stair
6 and an elevator. But is there -- can you talk
7 about, a little bit about how the egress is working
8 from those units.

9 **MR. DIAMOND:** Particularly on the
10 first floor?

11 **MS. LIPSCHITZ:** Yes, because of
12 the split-level, I guess, is my question.

13 **MR. DIAMOND:** Got it.

14 Yes, so it's essentially a split-level, and
15 the elevator will have a secondary stop to get to
16 that level. So that's -- it has its own stop,
17 obviously, to get to that space, specific space.
18 And then there's egress off of the stair in the
19 center and then, essentially, getting to the
20 staircase to the right. It's something that we're
21 still working through.

22 **CHAIR GAZDACKO:** So would you
23 propose that stair on the left-hand side be exiting
24 through the parking area, through the cellar?

1 **MR. DIAMOND:** Yeah, and there's a
2 path of travel that leads out to Brook Street, so
3 you're not walking through the drive aisle.

4 **CHAIR GAZDACKO:** And then the
5 other stair would exit to grade on Wickenden Street
6 through that hallway?

7 **MR. DIAMOND:** Through the hallway,
8 correct.

9 **MS. LIPSCHITZ:** So currently
10 there's no path between the units on the left and on
11 the right side?

12 **MR. DIAMOND:** At the moment, no.

13 **CHAIR GAZDACKO:** So that's a
14 dead-end corridor.

15 **MR. AZAR:** On that floor.

16 **MS. LIPSCHITZ:** Right.

17 **MR. AZAR:** Only on that floor.

18 **CHAIR GAZDACKO:** On the first
19 floor, on that half of the first floor.

20 **MS. LIPSCHITZ:** I guess the reason
21 I bring this up is not -- I know that's a building
22 code issue, but just knowing that there would
23 probably be changes in how the residential access
24 would be.

1 **MR. SANCHEZ:** One question that
2 comes to mind, that 40,000 square foot residential
3 doesn't trigger anything other than the loading
4 dock?

5 **AUDIENCE:** Can't hear you.

6 **MR. AZAR:** The question was: Does
7 the 40,000 square feet trigger anything other than
8 the loading zone? The answer is no.

9 **MR. DIAMOND:** Just to reiterate,
10 I'm sorry. This is just a graphical situation that
11 threw me off. Essentially, the door to Unit 104
12 would fly to the left and there would actually be
13 steps down to the lobby. My apologies; it's a lot
14 of moving pieces. That solves the egress question.
15 So you have access -- that's how you're getting into
16 those units. You're not going to have somebody come
17 into a fire stair from the cellar to get to the
18 left-hand units.

19 **MS. LIPSCHITZ:** Got it.

20 **MR. DIAMOND:** So that would be the
21 update after master plan, to be adding that into
22 sort of a half step that gets -- to get to those,
23 that raised portion of Level 1. My apologies for
24 the graphical sort of missing piece there.

1 **CHAIR GAZDACKO:** Okay. Any other
2 questions? I know we have two issues I think we're
3 still looking at. But I'm thinking, if your
4 presentation is wrapped up, or if you want to have
5 anything else, information, we can hear the staff
6 report, open up to public comment, and come back on
7 those two issues.

8 **MR. CONLEY:** Mr. Chairman, I do
9 have a relatively lengthy memo, including Exhibits A
10 through J. Within those exhibits, almost all of
11 them are already part of the administrative record,
12 as they were submitted at the previous master plan
13 approval. The only additional items that are a
14 part of the record for this meeting, which is this
15 submission, the previous master plan approval and
16 the recommendation relative to this submission.

17 So there's no new information in there in the
18 sense that there's any new information being
19 provided outside of the public record in terms of
20 the exhibits. Within my memorandum, I do discuss,
21 in some details, some objections that I believe are
22 submitted in writing. I can respond to those in
23 detail. I also have a discussion of the doctrine of
24 administrative finality.

1 To be honest, I would be very happy to defer
2 to after public comment and only address those
3 things as may be necessary. I don't know that
4 addressing a hypothetical in detail is to the
5 benefit of anyone at this point in time. But I
6 did want to provide all that material so that it
7 is a part of the record in one convenient stack.

8 **(DOCUMENT PACKAGE SUBMITTED**
9 **TO THE COMISSION)**

10 **CHAIR GAZDACKO:** It's hard for us
11 to review all of this documentation when it's
12 submitted during the meeting.

13 **MR. CONLEY:** I will go through the
14 memo as necessary. It's not anything related to the
15 relief that hasn't already been presented. And each
16 and every single one of the exhibits are already
17 part of the administrative record. There's no new
18 material in there.

19 **CHAIR GAZDACKO:** Okay. All right.
20 We'll continue to review this.

21 **MS. VERDI:** I was just going to
22 say, because the exhibits are already in, I don't
23 feel like I need another copy of all the exhibits.

24 **CHAIR GAZDACKO:** Yes.

1 **MS. VERDI:** And I think we can get
2 to public comment.

3 **CHAIR GAZDACKO:** Anything else
4 from the Applicant?

5 **MR. CONLEY:** Nothing at this time.

6 **CHAIR GAZDACKO:** Okay. I guess,
7 with that, we'll hear the staff report and then open
8 up to public comment. We do have quite a few people
9 who are interested in this matter.

10 **MR. AZAR:** Okay. So because this
11 is a major land development project, you have to
12 make certain findings. In addition, there are
13 requests for design waivers and dimensional
14 adjustments. We've had a little bit of discussion
15 about the design waivers and whether they're
16 necessary.

17 Honestly, this building has a little bit
18 of -- it's a little odd in the way that it is being
19 proposed with that sort of -- with the different
20 levels across the facade. So I think we still have
21 a little bit of a question here about whether the
22 sill height is required because it doesn't apply to
23 residential. So I think that they might not need
24 that.

1 But let's assume they do. They certainly
2 applied for it, and then they've also applied for
3 this other waiver for having residential within
4 20 feet of the main street on the ground floor.
5 Again, that's a little odd because the residential
6 is elevated above commercial frontage. I think, out
7 of an abundance of caution, if you're inclined to
8 grant this project, you should grant those two
9 waivers.

10 Dimensional adjustments. This is a mixed use
11 project with more than 50 percent of the building
12 devoted to residential. It also has a certain degree
13 of structured parking, although it's minimal. I
14 would argue that it's the mixed use component of the
15 building that makes it eligible for the dimensional
16 adjustments, which includes the height and then the
17 rear yard setback.

18 Then, with respect to the findings, there are
19 several findings that you have to make for any land
20 development project. First is consistency with the
21 comprehensive plan. We believe this project is
22 consistent with the comprehensive plan. It's in an
23 area that the future land use map calls neighborhood
24 commercial and mixed use. So certainly, from a use

1 standpoint, it is consistent with that designation.

2 The building will be located on Wickenden
3 Street. It will conform to Objective BE3, which
4 encourages new development to complement traditional
5 character; and creation of housing will conform to
6 Objective H2 of the plan, which encourages creation
7 of new housing.

8 With respect to compliance with the zoning
9 ordinance, the uses are permitted by right. We've
10 talked about dimensional conformance. This would
11 require these dimensional adjustments. Parking is
12 not required, as the lot size does not exceed
13 10,000 square feet. They have some parking in the
14 cellar, in addition to a required amount of bicycle
15 parking. They have provided for a loading space.

16 They'll meet the landscaping requirement by
17 retaining existing street trees. If they can't,
18 they'll have to replace those. And in any event,
19 the final landscaping plan comes to you at the
20 preliminary plan and would be subject to the
21 City Forester's approval. Signage plan. They would
22 have to submit at preliminary plan.

23 Environmental impacts. We expect that this
24 project will come into conformance with all

1 applicable environmental regulations. This is a
2 buildable lot, and it has adequate street access.

3 So we recommend that you approve the
4 dimensional adjustment, both dimensional
5 adjustments; we recommend that you approve the
6 design waivers; and we recommend that you approve
7 master plan subject to a landscaping plan, a
8 drainage management plan, and a signage plan be
9 submitted with the preliminary plan.

10 **CHAIR GAZDACKO:** Okay. Thank you,
11 Bob. Since we do have quite a few people here, and
12 we don't want to interrupt in the middle of public
13 comment, I'm going to say that we take a five-minute
14 restroom break -- we've been at this for about two
15 hours now -- and then we'll get back in.

16 Public comment will be limited to two minutes
17 per person, again; and if someone before you has
18 said what you're planning to say, we'd ask that you
19 say ditto or likewise. So we will break for five
20 minutes and come back at -- it is -- we will come
21 back at 6:32.

22
23 **(BRIEF RECESS)**
24

1 **(CITY PLAN COMMISSION**
2 **HEARING RESUMES)**

3
4 **CHAIR GAZDACKO:** So, again, we're
5 going to move into the public comment portion of
6 this agenda item. There seems to be a lot of public
7 interest this evening on this agenda item. We want
8 to make another couple of announcements quickly.

9 We have received a lot of public testimony in
10 advance of this meeting. If you've submitted
11 something, it is on the record; and we have all
12 reviewed them prior to coming here this evening. We
13 have copies of all of them, and they're all included
14 as a part of this record.

15 There is, there is public comment in favor of
16 the project. There's public comment opposed to the
17 project. So please, if you've already submitted,
18 let your fellow neighbors speak if they haven't
19 spoken already. Again, we're doing a two-minute
20 time for each individual.

21 **MR. SANCHEZ:** Before we do public
22 comment, I had one question I wanted clarification
23 on.

24 **CHAIR GAZDACKO:** Oh, yeah, go

1 ahead.

2 **MR. SANCHEZ:** In this project,
3 what's considered the rear yard? It's a corner lot
4 and it has a side lot.

5 **MR. AZAR:** Yes. So the rear yard
6 would be that opposite the Wickenden Street facade.
7 And, regardless, even if it's a side yard or a rear
8 yard, there's still that same required setback. But
9 in this case, we're interpreting the facade of the
10 building opposite Wickenden Street as the rear yard.

11 **MR. SANCHEZ:** And so does the lot
12 line run -- it's not a straight line, and so the
13 building is at the lot line in the, sorry, in the
14 back of the yard. The lot is not a straight lot,
15 the line.

16 **MR. AZAR:** You're right. Bear
17 with me just a minute, please.

18 **(BRIEF PAUSE)**

19 **MR. AZAR:** So the portion of the
20 building that abuts the lot on -- to the south on
21 Brook Street, that lot to the south -- I'm sort of
22 indicating this on the screen -- is in the C-2 zone,
23 and there is no required setback here.

24 This right here, the lot to the south here,

1 is in a residential zone; and that's why the setback
2 is required here. (indicating)

3 **MR. SANCHEZ:** So just in that
4 section.

5 **MR. AZAR:** That's correct.

6 **MR. SANCHEZ:** Now I understand
7 what's happening.

8 **CHAIR GAZDACKO:** Okay. All right.
9 Now, again, we'll be calling you up, if you signed
10 in. We'll also be giving the virtual friends a
11 chance to comment as well. I'm going to have my
12 stopwatch. I respectfully request that you abide by
13 the two-minute time frame to make sure everyone gets
14 to say their piece.

15 All right. So, with that, we will call
16 Eileen Afonso.

17 Everyone just please state and spell your
18 name for the record and then go right into it. I
19 won't start the timer until after that's done.

20 **MS. AFONSO:** Eileen Afonso.

21 **EILEEN AFONSO**

22 **CHAIR GAZDACKO:** Thank you.

23 **MS. AFONSO:** Hello. I live one
24 block away from this major land development project

1 on Wickenden Street. Yes, it is a major land
2 development, and it also has major issues. It has a
3 designation of 75 residential units. And I think
4 the last time it had 20-something parking and now
5 it's reduced to 10, if I'm not mistaken. This
6 causes a major concern in my neighborhood. I've
7 lived there all my life.

8 One of them is parking. That's usually a
9 general situation and that's a problem. There is
10 hardly any parking at all or no parking at all. I
11 know that. The last time I told you, I go to CVS,
12 come back, and don't have a parking space at my
13 own house, which I've lived in the same house for
14 68 years.

15 Public transportation has been suggested. Is
16 that reliable? I don't know. I don't think so.
17 Traffic is also a major concern. Wickenden Street,
18 as everyone knows, is a segue to many local
19 institutions, such as Brown, RISD, hospitals. Has
20 there been a traffic study? I'm just concerned
21 about that. Because right now, it is extremely
22 congested and, at times, not safe.

23 A five-story design, it just doesn't fit the
24 neighborhood. I don't think it is cohesive, and

1 it's not an extension. Right next to it is my
2 friend's house, and it's only two floors. Most
3 houses in Fox Point are three floors with an attic
4 or two floors. I mean, think about that.

5 This will definitely change the climate and
6 the culture of the neighborhood. That's what I'm
7 concerned about as well. Yes, I know it fills in
8 all the requirements. Yes, it has this many
9 windows, that many floors. Yes, it has the parking,
10 it has the 10 parking spots, but it just doesn't
11 fit. It doesn't make sense; it really doesn't.

12 I'm going to ask, as a long-time resident of
13 Fox Point, I'm asking the City Plan Commission to
14 please listen to the Fox Point voices.

15 **(AUDIENCE APPLAUSE)**

16 **MS. AFONSO:** Please oppose this.

17 **CHAIR GAZDACKO:** I will give you
18 another 30 seconds, so wrap it up.

19 **MS. AFONSO:** Please oppose this
20 project. Thank you.

21 **(AUDIENCE APPLAUSE)**

22 **CHAIR GAZDACKO:** Thank you.

23 All right. The next individual is Paul Evans.
24 On deck -- let's just do an on deck also, maybe

1 stand right here, Toby Arment.

2 Go ahead, Paul.

3 **MR. EVANS:** Paul Evans.

4 **PAUL EVANS**

5 **CHAIR GAZDACKO:** Perfect. Thank
6 you. Go right ahead.

7 **MR. EVANS:** Good evening,
8 Mr. Chairman, members of the City Plan Commission.
9 To be direct and to the point, I would like to
10 revisit the height issue presented by this proposed
11 project. In particular, I'd like to address the key
12 assertion made on Page 2 of the CPC overview and the
13 analysis and identification of potential issues,
14 dimensions, and site designs.

15 It is stated the first floor area containing
16 commercial space, parking, et cetera, is considered
17 a cellar, which is not required as part of the
18 height requirement -- which is not counted as part
19 of the height requirement. Based on the drawings
20 presented and dated 9/19, the most recent drawing
21 seen, it appears the area is, instead, a basement.
22 According to Page 217 of the Providence Zoning
23 Ordinance, Article 2, Section 202(B)(3), including
24 Figure 2-5, a basement is counted as a story.

1 As illustrated and described in the
2 ordinance, if the height from the average elevation
3 line to the upper surface of the floor above is
4 equal to or greater than 50 percent of the overall
5 floor-to-floor height, the area is a basement,
6 otherwise defined as the first story.

7 The average grade called out by the drawing
8 elevation sheets is assigned a base reference height
9 of zero feet, zero inches. The other overall
10 floor-to-floor height is 13 feet 2 1/2 inches. The
11 height from the average grade line to the upper most
12 surface of the floor above is 9 feet 5 inches, or
13 74.5 percent. It is well in excess of the 50
14 percent requirement by which the basement -- by
15 which a basement is defined.

16 In summary, the drawing set presented
17 describes a six-story building, not a five-story
18 building as has been consistently described.

19 **(AUDIENCE APPLAUSE)**

20 **MR. EVANS:** For that reason, it
21 is requested that the application for dimensional
22 adjustments at 269 Wickenden Street, as it is
23 currently proposed, be denied. Thank you for your
24 time taken to consider my concern and review its

1 merits.

2 **CHAIR GAZDACKO:** Thank you very
3 much.

4 **(AUDIENCE APPLAUSE)**

5 **CHAIR GAZDACKO:** Toby, you're up.
6 On deck is Daniel Morris. Again, state your name
7 and spell your last name for the record, please.

8 **MR. ARMENT:** Toby Arment.

9 **TOBY ARMENT**

10 **MR. ARMENT:** I'm a resident of
11 Fox Point, and I want to start off by thanking the
12 commission for all you've done recognizing the
13 housing crisis and doing your part to fight it. It
14 is a serious issue; one that impacts many people.

15 **(AUDIENCE APPLAUSE)**

16 **MR. ARMENT:** All renters in
17 Providence are cost burdened by their rent. And I
18 would like to point out that these people are
19 probably not the ones who are able to come to these
20 public meetings to give comment, to forgo child care
21 possibilities to be here.

22 **(AUDIENCE APPLAUSE)**

23 **MR. ARMENT:** So I want you to keep
24 in mind these kind of things when we're thinking

1 about whose voices are being taken into account in
2 our democracy and who cares more about affordability
3 than about neighborhood character.

4 **CHAIR GAZDACKO:** I'm going to
5 pause you for just one second while you take a
6 breath. I'm pausing my timer. The stenographer has
7 trouble recording what is being said if there's
8 outbursts or clapping, booing, anything from the
9 others in attendance. Please reserve your comments
10 for when you're called up in front for public
11 testimony, please. Thank you.

12 **MR. ARMENT:** Thank you.

13 In addition to supporting this project,
14 for the fact that it will bring new units to
15 the neighborhood, which is going to support
16 affordability, and also bring more residents who
17 are able to support local businesses. I support
18 this project, in and of itself, for my benefit.
19 It's going to allow three new, small businesses to
20 open in the area. It is also going to add value to
21 the site, which increases the tax ability to the
22 site, which is going to increase the tax revenue to
23 the city, which benefits city services for all of
24 us. That is a good thing.

1 Additionally, I think this is just -- we need
2 housing to be built. And this is being built by a
3 good developer. This developer, I am plainly
4 impressed. They're been able to fit so much into a
5 small box; they've listened to all the comments;
6 they've changed the design iteratively; they've
7 listened to feedback; they've taken steps to
8 activate the ground floor, make rents more
9 affordable, make it more in line with the
10 neighborhood character, added parking for bikes
11 and cars. A lot of things that I think is not easy
12 to do.

13 And I would like to point out, on the point
14 about parking, I, as a resident of Fox Point, do
15 not own a car. I was able to come to this meeting
16 without a car. I get my groceries without a car.
17 I think many people who will live in this building
18 will not have cars, and that's better for everybody
19 else. That's less cars on the street for you guys.

20 And for all these reasons, that it is going
21 to be good for our tax rolls, good for
22 affordability, I would like to support this
23 development. Thank you.

24 **CHAIR GAZDACKO:** Thank you very

1 much.

2 (AUDIENCE APPLAUSE)

3 CHAIR GAZDACKO: In between would
4 be the only appropriate time. Thank you.

5 Daniel, you're up. Ken Orenstein is on deck.

6 Again, state your name and spell your last
7 name for the record, please.

8 MR. MORRIS: My name is
9 Daniel Morris.

10 DANIEL MORRIS

11 MR. MORRIS: I am a renter in
12 Providence. I live on Jastram Street in the
13 Elmhurst neighborhood.

14 Like was mentioned a few times during this
15 meeting, the city is in the midst of a housing
16 crisis at this moment in time. I sacrifice over
17 half of my monthly income to rent, along with my
18 partner. We are unable to find cheaper rents in the
19 city. We wish we could. I am in support of this
20 project due to the construction of a lot more
21 housing. 75 units is a great addition to the
22 housing crisis we are in.

23 In regards to the issue of parking that was
24 brought up, I am also impressed that the developer

1 has added bike parking. I also generally do not
2 commute in the city by car. I usually use RIPTA or
3 bike. Having bicycle parking in the building is a
4 great way to alleviate car travel, the necessity of
5 it, and will lessen the congestion, congestion of
6 parking on the street.

7 But, overall, the addition of 75 rental units
8 in the city, hopefully, will just add more housing
9 stock desperately needed for renters, like myself,
10 who are increasingly having the problem of affording
11 rents.

12 In addition, the development is in the site
13 of a place with a lot of restaurants and small
14 businesses, which are desperately in need of
15 workers. This would be a great place for them to
16 live and to be within a walkable, bikeable, or bus
17 to work. The restaurant or small shop owners, they
18 will tell you that they cannot find labor. Part of
19 that reason is because of the high rental prices
20 that the city is experiencing. So, hopefully, with
21 the approval of this project, this will be one area
22 that those who work in our thriving small business
23 community could also live. So for that reason, I
24 support this project. Thank you.

1 **CHAIR GAZDACKO:** Thank you.

2 Ken, you're up. Linda Perry on deck.

3 **(AUDIENCE APPLAUSE)**

4 **MR. ORENSTEIN:** Hi. My name is
5 Ken Orenstein.

6 **KEN ORENSTEIN**

7 **MR. ORENSTEIN:** The developer and
8 developer's architect has presented an extreme,
9 extreme example of what can now be put in the city
10 given the disconnect between zoning and building.

11 Before 2014 or so, the city was regulated by
12 BOCA code. BOCA code basically allowed three floors
13 with an attic of wood frame. When we switched to
14 IBC -- this is why you're seeing these developments
15 all around the city -- it created the opportunity to
16 build either with platform construction, which is a
17 concrete base, separating that use below it to
18 residential use above it. It would start off at
19 three floors, which is what you saw in the Gilbane
20 property on Thayer Street. Now it's four and five.

21 So the only thing left to you folks, given
22 what has occurred between the disconnect of the
23 zoning code and the building code, is 75 feet, at
24 which point height-wise comes into play; and,

1 therefore, you need additional fire safety and
2 other regulations. You also, inadvertently, or
3 advertently, are raising land value costs which,
4 therefore, force the development of the extreme
5 amount of development. Because the minute one is
6 approved, the next owner is going to say he's going
7 to raise his values. So, therefore, you're creating
8 a self-fulfilling prophecy of forcing development to
9 be at this scale, whether you want it or not.

10 **CHAIR GAZDACKO:** Thank you.

11 **(AUDIENCE APPLAUSE)**

12 **CHAIR GAZDACKO:** Linda, you're up.
13 Melinda Rainsberger, you're on deck.

14 **MS. PERRY:** Hi, everyone at the
15 table there. My name is Linda Perry.

16 **LINDA PERRY**

17 **MS. PERRY:** I live in
18 Washington Park. And I'm here to speak up for
19 the people that live in Fox Point, and I am glad
20 to see a lot of people here that live there.

21 There is a lot of issues relating to this
22 building. It's the height, the mass, the look, the
23 displacement of other small businesses, and the
24 relationship to other residents that live in the

1 neighborhood that have lived there for decades.

2 Now, we can't stop progress. But not all
3 building, not all development is good development,
4 as I've learned. And there's lighting issues.
5 There's flooding issues. And this will set a
6 precedent in the neighborhood, a precedent that will
7 bring other people, like the gentleman just said,
8 well, if he does it, why can't I do it. And you're
9 going -- this body will say, well, it fits in with
10 the rest of the neighborhood and on and on it goes.

11 So we could wake up one day and see the empty
12 lot where the Duck & Bunny was torn down on
13 Easter Sunday several years ago, and somebody says,
14 well, I want to put in a big basement, and I want to
15 have a six-story building; and then it will be okay
16 to do that because this was done here, right up the
17 street.

18 I believe that the Fire Department should
19 have a say. I believe that there's not enough
20 parking or impervious ground. I believe that there
21 will be issues, environmental issues, parking
22 issues, and lighting issues. And there is no
23 parking on the right side of the hill going up
24 Wickenden Street; there never is. It's a really

1 bad cluster of an intersection and it's dangerous.
2 And God forbid you have anywhere where, like,
3 there's a trash night, you're exposed to road rage.
4 And that's not a joke; that's a serious situation.

5 I can hear the bell ringing, and that's it.
6 There's really no room for emergency parking. And
7 when this happens, you know, Wickenden Street could
8 go the way of Brown University saying, you know,
9 let's just move in there. And I am done. Thank you.

10 **CHAIR GAZDACKO:** Thank you.

11 **(AUDIENCE APPLAUSE)**

12 **CHAIR GAZDACKO:** All right.

13 Melinda, you're up. Roz Rustigian, you're on
14 deck.

15 **MS. RAINSBERGER:** Thanks so much.
16 My name is Melinda Rainsberger.

17 **MELINDA RAINSBERGER**

18 **MS. RAINSBERGER:** Thank you for
19 having us today and letting us all talk. I'm really
20 excited about this building, and I came here to say
21 that. I wrote it down. I've called Rhode Island
22 home for the last 23 years. I've lived and worked
23 here. I've only owned a car for three of those
24 years; and that's one of the reasons I love

1 Rhode Island and I love Providence. I also run the
2 48 Hour Film Project for Providence. I see a lot of
3 creative people. I see a lot of the families. I
4 see a lot of students that love Providence, and they
5 want to be here; and they're being pushed out.

6 And this is an opportunity to make a space
7 for them because that's what cities need. Cities
8 need people to live, and that means that we need to
9 make space for them. We need to find spaces for
10 them. And something like this only increases the
11 value and resiliency of our city. So thank you so
12 much for having me speak today. And that's my time.

13 **(AUDIENCE APPLAUSE)**

14 **CHAIR GAZDACKO:** Thank you.

15 Roz, you're up. And Tim More is on deck.

16 Tim More, we also do have your letter, just
17 so you know.

18 **MS. RUSTIGIAN:** Hi, I'm
19 Roz Rustigian.

20 **ROZ RUSTIGIAN**

21 **MS. RUSTIGIAN:** I have been in
22 Providence on Benefit Street for 72 years. And I
23 have a good sense of the flavor of the neighborhood.
24 I view this project as the first stone in the pond

1 that's going to kill the creativity, the valor, the
2 independence, the spunk of the people who have
3 populated Wickenden Street with their commercial
4 endeavors, their hopes, and their dreams.

5 As others before me have said, once this
6 building raises property values around it,
7 everything else is going to fall. And I don't want
8 to live -- I don't want to be a Stepford wife, and I
9 don't want to live in everytown USA. It is
10 appalling that I took a trip to Mexico years ago, I
11 couldn't tell whether I was on Route 2 or in Mexico.
12 And the product of what this city has allowed to
13 have happened on Thayer Street is illustrative of
14 the points that I'm bringing up. And that's all I
15 have to say.

16 **CHAIR GAZDACKO:** Thank you.

17 **(AUDIENCE APPLAUSE)**

18 **CHAIR GAZDACKO:** Again, Tim, again,
19 we have your memo, so if you're here to say anything
20 else.

21 Vincent Buonanno, you're on deck. And,
22 Vincent, we also have a letter from you.

23 **MR. MORE:** I just would say two
24 things.

1 **CHAIR GAZDACKO:** Introduce
2 yourself.

3 **MR. MORE:** Timothy More. I live
4 at 135 Benefit Street.

5 **CHAIR GAZDACKO:** Thank you. Go
6 ahead.

7 **TIMOTHY MORE, ESQUIRE**

8 **MR. MORE:** I am here as legal
9 counsel for several of the abutters. As I stated in
10 the memo, this application shouldn't even be before
11 us tonight because there are no floor plans for half
12 the building. You have a requirement in your
13 regulations that the entrances into the ground floor
14 spaces are supposed to be clearly shown. You can't
15 see any entrances to speak of on the elevations. On
16 the floor plans, they show one entrance recessed
17 well into the building; they show one tiny, little
18 doorway in the left-hand commercial space. So the
19 building design does not meet that requirement, in
20 addition to the many other requirements.

21 But the main issue that I would -- two main
22 issues I would raise is the comp plan asks for a lot
23 more than simply a use that is compatible with other
24 uses in the neighborhood. It talks about height,

1 mass, scale of the building. And this building is
2 grossly larger than any of the neighboring
3 buildings, as I've noted in my memorandum. So to
4 say that this complies with the comp plan is a
5 fiction.

6 And the other element is the square footage
7 of the lot. A lot that is more than 10,000 square
8 feet has to require -- meet the parking
9 requirements. They have said, well, we're going to
10 remove 180 square feet from the development;
11 therefore, our lot will be only 10,000 square feet
12 and not 10,001 square feet. This was like the joke
13 they played of 39,999 square feet so they wouldn't
14 be 40,000.

15 There's no plans that you have that will give
16 you confirmation of the accuracy of that statement.
17 It's a fiction. They've just said, you know, here's
18 what we have and here's what we want to do; and they
19 want you to approve it. But it does not comply with
20 the law in many respects. Thank you very much.

21 **CHAIR GAZDACKO:** Thank you.

22 **(AUDIENCE APPLAUSE)**

23 **CHAIR GAZDACKO:** Vincent, you're
24 up. Michael Bell on deck.

1 **MR. BUONANNO:** My name is
2 Vincent Buonanno.

3 **VINCENT BUONANNO**

4 **MR. BUONANNO:** I'm a lifelong
5 Providence person, born here, and having lived
6 all of the houses that I've lived in between
7 Hope Street -- between Wickenden Street and
8 Olney Street to the north have been all the places
9 I've lived. I'm president of the Mile of History
10 Association, which is a neighborhood association for
11 people who live on Benefit Street. So I don't come,
12 I don't come representing any particular
13 constituency. This is not my zone of my association,
14 but I come as a concerned citizen about a place
15 where I often spent.

16 In the short period of time, which is quite
17 inadequate, I don't think I can do anything about
18 the details, but some excellent things were said
19 about the rules that actually are not being complied
20 with in this job. So I just want to give a little
21 bit of a historic note to where we are.

22 Historic preservation used to be, in America,
23 preserving the houses of things, people, or famous
24 artists, or very, very old houses. Stephen Hopkins

1 is sort of
2 a sign of a house when that was a thing. And then,
3 of course, other preservation projects built with
4 bigger complexes and so forth.

5 But today, there's an understanding that
6 preservation, human aspects of a place, have to do
7 not just with the most rich or famous people but
8 with the general populace. Fox Point is a perfect
9 example of an ethnic neighborhood. It was
10 Cape Verdean and Irish and African Americans, and so
11 forth, for all these decades. Preserving the spirit
12 of that place, I see no concern of that -- what I've
13 heard -- in the summaries from the commission; and
14 maybe I'm not reading them enough.

15 I was kind of to see, today, to see the
16 attention given to all the heartfelt passion that
17 people feel for this neighborhood, which is, I
18 think, dismissed as a kind of nimbly thing. But,
19 you know, we're not -- it's how many square feet,
20 how many apartments, how much tax revenue, and so
21 forth.

22 This is a very disappointing aspect of it.
23 And I agree with Tim More that it is not, it is
24 not in agreement with the comprehensive plan about

1 what's thought to be, what's thought to be done in
2 a neighborhood.

3 When I saw the picture put up, your best
4 photograph of your building, which immediately it
5 was said, "This is actually not what it looks
6 like," this reminded me, this reminded me of when
7 Mark Twain first hit Vogney, and said, "It can't be
8 as bad as it sounds." This is the building, it
9 can't be as bad as it looks. It's awful. It's a
10 monstrosity. It's way out of scale for our
11 neighborhood.

12 **CHAIR GAZDACKO:** Okay.

13 **MR. BUONANNO:** It will increase
14 all of the social problems from cars to bicycles to
15 turnarounds to danger of truck deliveries and will
16 become a tremendous reality for all of us now in
17 the days of mass consumerism. So it's a very
18 unfortunate -- it's a very unfortunate thing. I
19 think it's a sad occasion and today we know that
20 preservation of a neighborhood --

21 **CHAIR GAZDACKO:** Wrapping up.

22 **MR. BUONANNO:** -- means much more
23 than just a few old houses. Is that okay?

24 **CHAIR GAZDACKO:** Thank you.

1 **(AUDIENCE APPLAUSE)**

2 **CHAIR GAZDACKO:** All right.

3 Michael Bell is up next. Lily Bogosian on deck.

4 **MR. BELL:** Hi. Thank you for
5 letting me speak tonight. My name is Michael Bell.

6 **MICHAEL BELL**

7 **MR. BELL:** I'm a Fox Point
8 resident, been there for about 17 years on
9 Sheldon Street. I just want to echo a lot of what
10 I've heard in opposition to the project. I just
11 think it is truly out of scale, and I don't think it
12 really fits with the comprehensive plan,
13 specifically LU1, with keeping things in scale and
14 preserving stable neighborhoods, which the comp plan
15 has designated Fox Point as an area of stability.

16 You know, it's just -- it is a sad day. I
17 think it's really going to fundamentally change the
18 neighborhood in a negative way. I'm not against
19 housing, but I don't think this is going to solve
20 the housing crisis. It's not going to be affordable
21 for anybody. It's going to drive up the rents
22 everywhere.

23 So my appeal to you is to just say to really
24 look at this not as an individual project that maybe

1 checked off all the administrative boxes but to look
2 at it holistically with the neighborhood and what it
3 really means. Because once Wickenden Street is
4 gone, it's not coming back; and it's a cherished
5 part of the city that many, many people love.

6 So that's all I have to say.

7 **CHAIR GAZDACKO:** Thank you.

8 Lily Bogosian is up. On deck is John Woolsey.

9 **MS. BOGOSIAN:** Good evening. My
10 name is Lily Bogosian.

11 **LILY BOGOSIAN**

12 **MS. BOGOSIAN:** I am a resident
13 on John Street in Fox Point, and I am also the
14 president of the Fox Point Neighborhood Association.

15 I want to start by bringing to your attention
16 some of the concerns that were made in statements at
17 the last meeting. They were echoed throughout much
18 of the testimony, and I'm going to take them -- I
19 took these from the recording of the last meeting.
20 And I am not a stenographer. We have a very good
21 one, whom I admire. But I took them as literally as
22 I possibly could, verbatim. These are some of what
23 they said.

24 The mass of the building is so big it will

1 turn the building from residential with commercial
2 to a commercial building with residential, because
3 there is no passageway, it is one, long building.
4 Passageways on Wickenden are part of the
5 comprehensive plan. This does not comply. I'm
6 taking this literally.

7 This is a transformational project that will
8 change the unique and, dare I say, quaint feeling on
9 Wickenden. It will have an impact. It is a large
10 building, and it does take away from the area.
11 Whether it's residents that are there, people that
12 travel throughout the state to visit companies or
13 friends, and also tourists who can find a unique
14 place in Providence that can be enjoyed.

15 We have to weigh-in on that impact and what
16 that does to the historic fabric or the cultural
17 fabric of that street and neighborhood. Take that
18 consideration in your decision today. It's a
19 question of the right place and the right context.

20 This, this seems to be going in and out. I
21 just want to say that those statements echo our
22 neighborhood, but they were made at the last meeting
23 by our commissioners. At the last CPC meeting, the
24 board of directors -- am I out?

1 **CHAIR GAZDACKO:** Yes.

2 **MS. BOGOSIAN:** Okay. Well, then,
3 I will say, listen to your commissioners, please,
4 because they all said that, verbatim. Please reject
5 this building.

6 **CHAIR GAZDACKO:** Okay. Thank you.

7 **(AUDIENCE APPLAUSE)**

8 **CHAIR GAZDACKO:** John Woolsey,
9 you're up. And Carolyn Morgan on deck.

10 **MR. WOOLSEY:** My name is
11 John Woolsey.

12 **JOHN WOOLSEY**

13 **MR. WOOLSEY:** I've been a 25-year
14 resident of Fox Point. Last time I wrote a letter
15 to you about this project, but I don't think it got
16 read. So this time I'm going to use my two minutes
17 to speak.

18 I urge you to deny the requested waivers for
19 this project on Wickenden Street. The developer has
20 said, in his words, that he wants to work with the
21 neighborhood, his words. Yet he petitions for your
22 help in breaking neighborhood rules for all the
23 various things that Bob Azar has listed; waiver
24 for the building height, waiver of the rear yard

1 setback, various other design waivers. These are
2 some of the particulars. And more generally, his
3 project shows no compatibility with the scale and
4 the density and the character of Wickenden Street
5 or the Fox Point neighborhood.

6 There is no reason for you to approve his
7 request. It is not consistent with the comprehensive
8 plan. The Applicant is working for himself, and
9 he's out to make a buck. Well, God bless him. But
10 you work for the city, the city of neighborhoods
11 and taxpayers. You need to be safeguarding those
12 neighborhoods and the residents in them against
13 overblown, inappropriate projects like this one.

14 So I respectfully request that you do the job
15 that you were appointed to do and reject this
16 application. Thank you.

17 **CHAIR GAZDACKO:** Okay. Thank you.

18 **(AUDIENCE APPLAUSE)**

19 **CHAIR GAZDACKO:** We have
20 Charles Morgan up. And William on deck.

21 **MR. MORGAN:** William Morgan.

22 **CHAIR GAZDACKO:** Sorry. Before you
23 start, you said your name, and then we have Richard.
24 Go ahead.

WILLIAM MORGAN

1
2 **MR. MORGAN:** The proposal for
3 269 Wickenden fails to meet any of the most basic of
4 tenets of good city planning. Will it contribute to
5 the street? The neighborhood? The city? Will it
6 be an enriching presence or just a further example
7 of the global blandemic? Do you trust this
8 particular developer to deliver quality housing?
9 Do you believe that this developer has the best
10 interest of our citizens at heart? Or is their
11 philosophy of urban design simply to extract the
12 most rentable space and give nothing back to
13 Providence in the way of amenities, aesthetics,
14 services, or streetlights -- street life.

15 Everything about this building proposal
16 suggests cheapness, shortcuts, and any lack of
17 Providence-based vision. So we're back to where
18 the last person spoke, what is the function of the
19 City Plan Commission? Is it to provide active
20 advice and guidance on how to make Providence a
21 better place, or is it simply to rubber-stamp any
22 development regardless of merit or failing?

23 The first district councilman, alderman,
24 whatever you call him, got 30 pieces of silver from

1 the developer; and I wonder if you have too. And if
2 you haven't, maybe you should too.

3 **(AUDIENCE APPLAUSE)**

4 **CHAIR GAZDACKO:** Before we move
5 on to the next individual, that is, I think, a very
6 rude thing to say to this commission. We are
7 appointed members. We do not take monetary bribes
8 from anyone, any applicant that comes before us.

9 Sit down, you've had your time. I regret
10 that you said that. That is very offensive. We
11 will go on to the next individual. Thank you.

12 **MR. SCHIEFERDECKER:** Richard
13 Schieferdecker. I live at 122 Brook Street. I am
14 an abutter to this proposal.

15 **RICHARD SCHIEFERDECKER**

16 **CHAIR GAZDACKO:** Thank you.

17 **MR. SCHIEFERDECKER:** Thanks. And
18 I just want to say that I agree with all the
19 previous testimony that's opposed to this proposal.
20 I registered my disagreement with the proposal, for
21 my opposition to the proposal at the first meeting
22 for the master plan. And I'd like to say that I
23 think the revisions to the proposal only make it
24 worse, as far as I can see. Thank you.

1 **CHAIR GAZDACKO:** Thank you.

2 All right. Ian Saxine is up next. And
3 Alyssa Peachey is on deck.

4 **MR. SAXINE:** Ian Saxine.

5 **IAN SAXINE**

6 **MR. SAXINE:** I live at
7 500 Wickenden Street. I'm on Fox Point. I thank
8 the commission for its time. I support this, and I
9 only wish it were higher. Views are not a right
10 that come with property ownership. And this is an
11 excellent place for an apartment building of this
12 nature. It's situated on a major thoroughfare for
13 pedestrian and public transportation.

14 I plan to live in Providence for the next
15 50 years. And it would never occur to me that, as a
16 long-time resident of Providence, I would work so
17 hard to keep others from being able to live here
18 affordably.

19 I would like to note that the Fox Point
20 Neighborhood Association last week was work-shopping
21 ideas at their meeting that included will an
22 apartment building ruin hurricane preparedness?
23 Will it attract homeless people? And won't somebody
24 think of the nesting insects. Not nearly the level

1 of legal analysis one would hope they could provide,
2 and certainly not consideration for the renters or
3 people trying to own homes in the future in the
4 city, which is increasingly difficult.

5 These arguments are aesthetic that are raised
6 against this property. They are not serious and
7 befitting of the commission's time, as I think we've
8 seen with recent testimony here, which speaks for
9 itself, although not in the way that these
10 neighborhood associations intend. They do not
11 represent most of the neighborhood that they claim
12 to, but rather a minority of reactionary-landed
13 residents who are unwilling to make room for
14 more people that want to live in our great city
15 affordably and, yes, provide creativity and spunk
16 to neighborhoods like Fox Point for many generations
17 to come. Thank you.

18 **CHAIR GAZDACKO:** Thank you.

19 **(AUDIENCE APPLAUSE)**

20 **CHAIR GAZDACKO:** Alyssa Peachey.

21 And then on deck is Justin Baptista.

22 **MS. PEACHEY:** I am Alyssa Peachey.
23
24

ALYSSA PEACHEY

1
2 **MS. PEACHEY:** I want to say I like
3 Wickenden Street a lot. I shop there very often.
4 My favorite restaurant is on Wickenden. And I'm
5 really excited about this project, and I think it's
6 a good idea to bring a lot of people to this
7 apartment. I don't have a car. I get everywhere in
8 Providence by RIPTA, by walking. I think a lot of
9 people that move to this apartment also won't have a
10 car. So maybe you should consider more bike
11 storage, something to recommend. But thank you for
12 your time.

13 **CHAIR GAZDACKO:** Thank you.

14 **(AUDIENCE APPLAUSE)**

15 **CHAIR GAZDACKO:** Justin Baptista.
16 And Daisy Schnepel is on deck.

17 **MR. BAPTISTA:** Justin Baptista.

JUSTIN BAPTISTA

18
19 **MR. BAPTISTA:** Hello there. I
20 spoke up in the previous meeting about 269 Wickenden
21 Street, about my love for Fox Point and my
22 opposition to the project, that both remain
23 unchanged. The only way I think this project could
24 be fully supportive by the Fox Point community would

1 be if it was more scaled down than what the
2 developers are willing to accommodate and more in
3 line with the aesthetics of the Fox Point community.

4 But the developers will never agree to such
5 changes, because despite, despite all their talk
6 about it being good for the community, all they
7 truly care about is money, how much they'll profit
8 off this project, even at the community's expense.
9 That's what's behind their pretense of good
10 intentions. And if you give in to them and pave the
11 way for this monstrosity as is, what you'll get in
12 return, besides the flow of cash that those of you
13 on the board or for the project are banking on, is
14 an outraged community suffering from the impact.

15 And communities like Fox Point have long
16 memories. They don't, they don't forget or forgive,
17 and that can be a hell of a hindrance in the scenery
18 of politics. So what you ultimately need to ask
19 yourselves is, is that risk worth taking for the
20 long run. Thank you.

21 **(AUDIENCE APPLAUSE)**

22 **CHAIR GAZDACKO:** Okay. Daisy.
23 And then Charles Hewitt on deck.

24 **MS. SCHNEPEL:** My name is

1 Daisy Schnepel.

2 **DAISY SCHNEPEL**

3 **MS. SCHNEPEL:** I am vice president
4 of the Fox Point Neighborhood Association. I've
5 lived in Providence since 1976, and I bought in
6 Fox Point because I like the area. I worked on the
7 past comp plan. I've put a lot of time into my
8 neighborhood and into Providence.

9 I agree that this project is too big, and
10 I'm just surprised to see that you will allow the
11 developer to increase the space and increase the
12 volume of residential inhabitants by 20 percent. It
13 was bad before, and now it's worse. So the impact
14 will be, will be unthinkable on Wickenden Street in
15 particular and very difficult for everyone to get
16 over. Thank you for your time.

17 **CHAIR GAZDACKO:** Thank you.

18 **(AUDIENCE APPLAUSE)**

19 **CHAIR GAZDACKO:** All right.
20 Charles is up. And Doug Victor is on deck.

21 **MR. HEWITT:** Good evening. I'm
22 Charles Hewitt.

23

24

CHARLES HEWITT

1
2 **MR. HEWITT:** I'm not going to
3 take my full time. I just want to say that I
4 absolutely agree with the folks from Fox Point that
5 oppose this project. I think the mass is way out of
6 scale. The extension to turn five stories into six
7 stories and call it a day, I think that is
8 ridiculous.

9 So I will just end it there, but I am very
10 much opposed to this project.

11 **CHAIR GAZDACKO:** Thank you.

12 **(AUDIENCE APPLAUSE)**

13 **CHAIR GAZDACKO:** All right.

14 Doug Victor is up. Charles Fishbein is on
15 deck.

16 **MR. VICTOR:** Hard to sit down once
17 you have been hit by a car. Doug Victor. I live on
18 Princeton Avenue.

DOUG VICTOR

19 **MR. VICTOR:** Thank you very much.

20 I believe we have five or six neighborhood
21 leaders from the South Side and the West End
22 neighborhood who are in opposition and have sent
23 letters and some people are here tonight. So I
24

1 just want to say that many of us, throughout the
2 city and the South Side and the West End, stand with
3 Fox Point in opposition to this project.

4 A couple of the things that were said
5 earlier. One is the word "odd," and I think that's
6 very appropriate, oddness. This building is very
7 odd for the nature of the Fox Point neighborhood.
8 Mr. Conley called it complementary. Many of us fail
9 to see that or understand that. The architect spoke
10 about listening to residents loud and clear. Well,
11 here we are tonight. Is he listening now?

12 You know, your vote that you make tonight, or
13 if it gets postponed until another time for reasons
14 that you may decide as a commission, your vote will
15 be looked at by history. And how would you measure
16 up.

17 In conclusion, our *Providence Monthly*, I
18 would like to read something from this, and it's
19 very brief. Thoughts on Housing and Transportation.
20 This is a photograph of Brent Runyon, who is the
21 previous director of the Providence Preservation
22 Society: We have always felt strongly that one of
23 the best characteristics of Providence are the
24 unique and different neighborhoods that make it

1 such a livable, historic city. We need a plan that
2 creates more housing, that preserves neighborhoods
3 and benefits residents.

4 So a side comment, there needs to be a way
5 that that is balanced.

6 **CHAIR GAZDACKO:** Okay. Wrap up.

7 **MR. VICTOR:** And, like everything
8 else, the devil is in the detail. Zoning needs to
9 prevent neighborhoods from being overrun with
10 four-story boxes, and design review needs a more
11 prominent place.

12 **CHAIR GAZDACKO:** Sir, thank you.

13 **MR. VICTOR:** Thank you very much
14 for your time.

15 **(AUDIENCE APPLAUSE)**

16 **CHAIR GAZDACKO:** Sir, thank you.

17 We have Charles. And Lauren Adrain is on
18 deck.

19 **MR. FISHBEIN:** Charlie Fishbein.

20 **CHARLES FISHBEIN**

21 **MR. FISHBEIN:** My family has been
22 in business on Wickenden Street for over 40 years.
23 I come to this meeting with some words that come at
24 me like trust and truth, instead I just heard

1 pretense. The rendering that was shown, at the last
2 meeting and this one, it shows a wide street and
3 nothing on the other side. There is no indicator
4 of how this building is going to impact the
5 neighborhood, as if it's a free-standing building.
6 That's about as disingenuous a rendering as I can
7 think of.

8 The units were increased from 60 to 75.
9 Parking spaces were reduced from 20 to 10. You're
10 kidding, right? I keep hearing questions like, will
11 they, meaning you, get away with this. Thank you.

12 **CHAIR GAZDACKO:** Okay. Thank you.

13 **(AUDIENCE APPLAUSE)**

14 **CHAIR GAZDACKO:** Lauren is up.

15 And Christian Roselund is on deck.

16 **MR. ADRAIN:** Lauren Adrain.

17 **LAUREN ADRAIN**

18 **MR. ADRAIN:** I'm a 30-year
19 Fox Point resident. I serve on the MoHA Board. I'm
20 the Founder of National Neighborhood Day. I'm a
21 strong supporter of development, and I know most of
22 my fellow neighbors are as well. We want more
23 neighbors who expand and improve the quality of the
24 neighborhood. I am also a strong believer in the

1 long-term value created by prudent, appropriate
2 development. There's no do-over once such a project
3 is built. In fact, it will set a precedent that
4 enables and encourages more and larger such
5 projects.

6 I understand the desire to approve
7 dimensional adjustments in support of development,
8 but forget about local residents for the moment. I
9 believe if we were to have any human on the planet
10 look at the images of Wickenden Street and ask them
11 to pick out the drawings that don't fit, 100 percent
12 would be likely to identify this proposal. The same
13 humans would say they see six stories, not five, on
14 the corner.

15 If it looks like a duck, walks like a duck,
16 and sounds like a duck, it's probably a duck. If
17 inappropriate projects were ducks, this proposal
18 would quack very loudly to any interested and even
19 completely disinterested people.

20 Let's set the stage for appropriate
21 development in Fox Point that accomplishes the goals
22 of development and building our city while being
23 sensitive to the character and content of our
24 neighborhoods. Thank you.

1 **CHAIR GAZDACKO:** Thank you.

2 **(AUDIENCE APPLAUSE)**

3 **CHAIR GAZDACKO:** Christian is up.
4 Harry Adler on deck.

5 **MR. ROSELUND:** Thank you, members
6 of the commission for taking the time to hear my
7 testimony and those of everyone else here.

8 My name is Christian Roselund.

9 **CHRISTIAN ROSELUND**

10 **MR. ROSELUND:** I am an East Side
11 resident, and I am the Ward 3 coordinator for the
12 Providence Urbanist Network. Not all of our
13 neighbors could make it tonight, but those who are
14 here are in favor.

15 I strongly support the project at 269
16 Wickenden primarily because it brings us
17 75 units of much needed housing. We are in the
18 middle of a housing crisis right now. Rents went
19 up 23 percent in one year alone. The average rent
20 for a two-bedroom apartment is \$2,200, which is
21 47 percent of the area average median income. Many
22 people in this city are rent burdened, and the
23 problem is we simply don't have enough housing.

24 Rhode Island was 50th in new housing, in

1 per capita new housing development over the last
2 30 years. And this is a primary contributor, this
3 is the reason why we're having these problems today,
4 including rising homeless.

5 I, frankly, envy the members of the land of
6 gentry here tonight who acquired their homes 30 or
7 40 years ago by pushing out the Cape Verdean
8 residents and are now attempting to -- are so
9 concerned about matters, subjective aesthetic
10 matters like neighborhood character.

11 Personally, I don't think that this damages
12 the neighborhood character of Fox Point at all. I
13 go to Fox Point; I go to Wickenden Street often; and
14 I enjoy it. This brings new businesses, this brings
15 new housing, and this brings an opportunity for more
16 people to afford their rent in this city. And I
17 think that we need to maybe revisit Maslow's
18 hierarchy of needs here for those who are opposed to
19 this project.

20 Housing is a more fundamental need than your
21 subjective concerns about neighborhood experience.
22 And there are many people, there are over 700 people
23 sleeping outdoors tonight in Rhode Island; and I
24 think they'd love to have a place indoors so they

1 too can worry about subjective aesthetic matters. I
2 find the arguments that have been made against this
3 project disingenuous. Thank you for your time.

4 **CHAIR GAZDACKO:** Thank you.

5 **(AUDIENCE APPLAUSE)**

6 **CHAIR GAZDACKO:** Harry Adler.
7 Carl Farmer is on deck.

8 **MR. ADLER:** Harry Adler.

9 **HARRY ADLER**

10 **MR. ADLER:** I'm wearing a T-shirt
11 from my business which states that we've been in
12 business 101 years. It's three years old. We've
13 been in business 104 years. And I think of my
14 business a little bit like Cheers, and people are
15 coming in and this is a topic of conversation that
16 I'm bringing up. What do you think about this
17 development? I can't tell you the last time I heard
18 any one of my customers speak in favor of it.

19 They're not speaking against development.
20 There's a housing crisis, so build housing. Does it
21 have to be this butt ugly? You know, this is like
22 Yogi Berra saying, about a sports bar in New York,
23 it's so popular no one goes there anymore. That's
24 Thayer Street. We don't go to Thayer Street

1 anymore. That is a Trojan horse.

2 This project is a Trojan horse for Wickenden
3 Street. And you commissioners are the gatekeepers.
4 You let this happen, you are going to take a street
5 and turn it into Thayer Street, which is not a
6 positive development for the city.

7 So you have a weighted responsibility because
8 it's not just this project. This project could
9 happen and be aesthetically pleasing, because the
10 argument that aesthetics do not matter to a city
11 is absurd. It's offensive. It's ridiculous.
12 Providence wins by being a beautiful city of old
13 houses that are well cared for, which could be
14 blended with sensible, beautiful, new architecture,
15 which this project simply is not.

16 And anyone who thinks that that doesn't
17 matter is very out of touch with what I'm hearing
18 day to day. So please do your jobs, protect our
19 future. Thank you.

20 **(AUDIENCE APPLAUSE)**

21 **CHAIR GAZDACKO:** Okay. Carl Farmer.
22 On deck is Aaron Hill.

23 **MR. FARMER:** Hello, my name is
24 Carl Farmer.

CARL FARMER

1
2 **MR. FARMER:** I'm a trained
3 architect. I am also a part-time architectural
4 professor. I have built housing and received, I
5 believe the last time I counted, seven awards for
6 the housing projects that we have done. I feel that
7 we must look at what this meeting is about; and if I
8 read it correctly, it's talking about a height
9 adjustment.

10 Now, when I have done the figures here -- and
11 granted I might not be a great mathematician -- the
12 developer is asking for a 20 percent increase. I
13 would love to be able to go before planning boards
14 and always know that I can get 20 percent extra for
15 very little effort. It doesn't really work that
16 way. I don't understand why this is what you're
17 asking for.

18 This is a monolithic building that is
19 replacing two individual buildings. It supposedly
20 has been used through a bit of facade architecture
21 to make this big blob look like three buildings.
22 That's like putting lipstick on the proverbial pig.

23 So I would like you to do what you're meant
24 to do tonight, which is consider the 20 percent

1 increase. That's not -- you know, we've heard all
2 sorts of other arguments about the aesthetics and
3 such like that. That's not what good architecture
4 is. Good architecture is providing things for the
5 community. And that's what I've done in all the
6 housing developments that I have done. And this
7 would not be a development I would put my name on.
8 Thank you.

9 **CHAIR GAZDACKO:** Okay. Thank you.

10 **(AUDIENCE APPLAUSE)**

11 **CHAIR GAZDACKO:** Aaron Hill. On
12 deck is Matt Schaeelling.

13 **MR. HILL:** My name is Aaron Hill.

14 **AARON HILL**

15 **MR. HILL:** I am a renter in
16 Providence. I'm a public school teacher of
17 government and politics. And I am a member of the
18 Providence Urbanist Network.

19 I want to thank the development team for the
20 major improvements on this project. I want to thank
21 the commission for your great work and sacrifices
22 being here. I know all of my civic students find
23 it funny that this is what all of us spend our
24 free time doing, but I do wish that we saw more

1 working-class people here rather than the
2 aristocracy that I think is largely present in
3 this room tonight.

4 I'm here to voice my support for this
5 development.

6 **(AUDIENCE INTERRUPTION)**

7 **MR. HILL:** I'm here to voice my
8 support for this development.

9 **CHAIR GAZDACKO:** If you're going
10 to interrupt, you'll be asked to leave.

11 **MR. HILL:** May I continue?

12 **CHAIR GAZDACKO:** Yes, you may.

13 **MR. HILL:** I'm here to support
14 my -- voice my support for this development because
15 dense residential development like this is a
16 positive social good, and it confronts two of our
17 biggest issues: The housing crisis in our state and
18 the climate crisis on our planet. Victories against
19 both of these issues are won in the small battles
20 like these tonight.

21 If we want to stop climate change, it will be
22 by providing working- and middle-class people places
23 where they can walk down the street for groceries,
24 for coffee, and to shop at small businesses, just

1 like at this development. If we want to fight the
2 housing crisis, it will be 75 units at a time, just
3 like this project. So if we want to let our planet
4 burn and let teachers and working-class people, like
5 me, go without a place to live that they can afford,
6 then, go ahead and oppose this project and save your
7 parking space.

8 But if you genuinely believe we should save
9 our earth and you generally believe we should help
10 normal people lower their rent cost, so they're not
11 spending 50 percent of a paycheck on rent, then you
12 should support this project, which I am glad to say
13 that I do. Thank you.

14 **CHAIR GAZDACKO:** Okay. Thank you.

15 **(AUDIENCE APPLAUSE)**

16 **CHAIR GAZDACKO:** Matt Schaelling.
17 And Susan Costello on deck.

18 **MR. SCHAELLING:** Hello. I'm
19 Matt Schaelling.

20 **MATT SCHAELLING**

21 **MR. SCHAELLING:** I am here in
22 support of the project. I'm an East Side resident.
23 I live and also my office is, you know, within a
24 short walking distance of this development. And,

1 yeah, I agree with the comments in support of the
2 project. I think more housing is important. I
3 really agree with the comments just made about the
4 housing environmental crisis, in addition to the
5 housing crisis, that dense development is good for
6 us. And I don't think that dense development
7 negatively affects me as a resident of the area.

8 I think it's nice to have more people around,
9 especially if there's less parking and less cars.
10 My wife and I, when we decided to move here, closer
11 to the downtown, a couple years ago, we sold the
12 car, we decided we really wanted to be able to live
13 with mostly walking and biking; and so I'm glad to
14 see that this development is aligned with some of
15 those ideals.

16 Yeah, I want to encourage you to support this
17 development. And I think there's a lot of concerns
18 about -- there's been concerns about aesthetic
19 character, but I feel like, in conjunction with
20 that, it's also been about the height. And I feel
21 like I'm not convinced that, if you made it one
22 floor shorter, that everybody would love it. I
23 think they would still have the same aesthetic
24 concerns. So that's why I'm a little bit confused

1 from my fellow residents.

2 I think that the aesthetic change is going to
3 happen; and if we want to work together to build the
4 most beautiful building we can, I'm in support of
5 that. But I don't think that six stories versus
6 five stories versus four stories, or whatever your
7 concerns are, is like the tipping point on aesthetic
8 character. I think that there's going to be a new
9 building, and let's work together to build a
10 beautiful neighborhood together and to invite new
11 neighbors. Thank you.

12 **CHAIR GAZDACKO:** Thank you.

13 **(AUDIENCE APPLAUSE)**

14 **CHAIR GAZDACKO:** Susan Costello.
15 Leslie Myers is on deck.

16 **MS. COSTELLO:** I'm Susan Costello,
17 and I live on John Street.

18 **SUSAN COSTELLO**

19 **MS. COSTELLO:** And I'm concerned
20 about the dimensional setbacks and heights. The
21 developer can build a parking garage and decide to
22 provide parking, which is not required by Providence
23 zoning, for 18 occupants who own cars; and in so
24 doing, the city zoning will allow zoning relief

1 around building heights and setbacks via variances
2 despite the fact that the regulations reflect
3 careful consideration of health, safety, and
4 welfare.

5 The City is not saying, okay, let's make some
6 tradeoffs to achieve larger goals; in this case,
7 encouraging biking and walking and discouraging
8 cars. Instead, it's not asking the developer to
9 tell future occupants only 18 may own a car, and
10 then the City will allow relief with regards to the
11 building height. Instead, it's saying, go ahead,
12 build that garage, that ignores potential ownership
13 of between 16 and 20 cars without parking spaces,
14 and we will allow you to increase the building
15 height beyond the allowable 50 feet by 16 feet 5
16 inches.

17 And the City is saying no problem. The narrow,
18 historic streets of the surrounding neighborhood
19 will be absorbing the additional cars. The
20 neighborhoods will assume the burden. The variance
21 will also allow for the rear yard setback adjacent
22 to an additional residential building, an area that
23 is normally planted providing a buffer between two
24 residential buildings, an area that would be perfect

1 for a sizable garden and tree canopy. Instead, the
2 developer may reduce the 20-foot setback to 10 and
3 expands the building footprint.

4 The developer may also opt out of the on-site
5 tree canopy and use existing street trees to fulfill
6 the tree canopy requirement, in the end, providing
7 no additional street canopy coverage and no natural
8 absorptive area on-site. The City is not saying, if
9 you care for the existing street trees, plants,
10 swales, near the curb cut at Brook and Wickenden
11 and plant a 1,500-foot tree canopy on-site ensuring
12 clean air and water in the future, we will grant you
13 a rear yard setback variance.

14 Without the City -- again, the City is
15 assuming that the neighbors will step up with their
16 gardens and canopies; that the neighbors will assume
17 the burden, and the progressive concept of an
18 on-site required tree canopy is lost.

19 **CHAIR GAZDACKO:** Thank you very
20 much.

21 **(AUDIENCE APPLAUSE)**

22 **CHAIR GAZDACKO:** Leslie Myers is
23 up. I heard a few people in the audience who didn't
24 get a chance to sign up. If you'll just stand up by

1 this column, if you wish to speak on this matter as
2 well, just line up, and we'll call you up next.

3 **MS. MYERS:** Leslie Myers.

4 **LESLIE MYERS**

5 **MS. MYERS:** First I want to say
6 what I am for. I am a long-term representative on
7 the 195 District Land Development. I represented
8 Fox Point. I was for a ten-story building, which is
9 going to be on the other side of Trader Joe's. I
10 was for affordable housing in the Pennrose project,
11 which is going up next to the church.

12 And I am extraordinarily saddened that
13 there's a misunderstanding and wool has been pulled
14 over the eyes of so many people that 269 Wickenden
15 is going to be affordable. It's market rate.
16 Everyone who -- all of the people who want to work
17 and walk and work in this neighborhood are not going
18 to be able to afford these apartments. This
19 developer has a long record of picking cherry
20 locations for his developments at market rates. So
21 that's just a total red herring, and I am deeply
22 saddened at that.

23 I now want to address the CPC's mandate, as
24 they have described it, that they are now stepping

1 up to following what the State of Rhode Island has
2 mandated. And I would like you to look at the
3 State of Rhode Island at the 195 District and see
4 that they are doing a much better job than the
5 conversation around this particular development.

6 I am very concerned that the only -- the only
7 justification I keep rehearing from the CPC is "by
8 right," they have by right to build it. I will say
9 one last thing. Finally, Wickenden is the only
10 fully rented retail district in the city. New
11 retail built over the last two to five years remains
12 empty. New development has not brought in new
13 business at the retail street level. Wickenden is
14 the healthiest retail district in the city and this
15 project will bring it down.

16 **CHAIR GAZDACKO:** Okay.

17 **(AUDIENCE APPLAUSE)**

18 **MS. McADAMS:** My name is
19 Aisha McAdams.

20 **AISHA McADAMS**

21 **MS. McADAMS:** I am a resident of
22 Fox Point. I had lived there a few years ago and
23 moved back because I loved it so much, and I was a
24 resident in between in Boston. I left Boston

1 because Boston was a place that I could not see
2 myself affording to be able to settle down, plant
3 roots. And I came back to Providence because
4 Providence is a place that I truly do love and want
5 to plant roots.

6 But seeing, since having been here, lived
7 here a few years ago and seeing the change, the
8 commercialization, the corporatization, the
9 development, I'm not in support of this apartment.
10 I understand there is a housing crisis; it is well
11 aware. But to say that these apartments are
12 affordable, that it would address the housing
13 crisis, is a bit of an exaggeration.

14 Fox Point is a neighborhood and a community
15 that I do want to invest in, eventually have a
16 family in. But with the continuous development, I
17 don't think and I don't feel that the neighborhood,
18 this development is going to bring in people.
19 Again, from my own experience of knowing people who
20 have moved into these apartments, they're not coming
21 from Rhode Island; they're coming from outside
22 areas. They're coming from Boston. They're coming
23 from New York. They're coming from Connecticut.

24 So I think, if we want to invest in this

1 community, invest in the people in Rhode Island, I
2 think we should oppose this. Thank you.

3 **CHAIR GAZDACKO:** Okay. Thank you.

4 **(AUDIENCE APPLAUSE)**

5 **MR. BOGOSIAN:** Thank you. My name
6 is Teddy Bogosian. I live at 14 John Street, not a
7 part of the land of aristocracy.

8 **TEDDY BOGOSIAN**

9 **MR. BOGOSIAN:** So based on our
10 last meeting, it seems to me that we recognize that
11 there are more than a thousand new apartments going
12 up within two miles or so of this development within
13 the next two years. And I just wonder how much is
14 enough for you all. We're looking at Brook Street
15 at the Brown new dormitory developments. We're
16 seeing a lot of neighbors who used to have
17 apartments for rent that were filled and now they're
18 vacant. And I just wonder whether anyone has taken
19 into account the actual five-year or three-year
20 future of the neighborhood, or whether you're just
21 considering this independently.

22 And the last thing I'd like to say is that
23 for you all to accept making the project so much
24 bigger, based on the resistance from the last

1 meeting, just speaks to the futility of this whole
2 enterprise. I wish I could say that I feel like
3 you're listening to the people here and acting as an
4 honest broker; but, honestly, it's hard to see that,
5 and it's hard to say that. Thank you very much.

6 **(AUDIENCE APPLAUSE)**

7 **CHAIR GAZDACKO:** Before you start,
8 if you're joining us from home and you'd like to say
9 anything, we're winding down with the in-person,
10 please raise your virtual hand in the middle bottom
11 portion of your screen or press *9 if you're joining
12 us from the phone. Go ahead.

13 **MS. SCHIEFERDECKER:** Toyoko
14 Schieferdecker.

15 **TOYOKO SCHIEFERDECKER**

16 **MS. SCHIEFERDECKER:** I am an
17 abutter to this proposed project. I live on Brook
18 Street. I already submitted a letter, but I wanted
19 to add one thing because people seem to be confused
20 or don't understand that most of the store owners on
21 Wickenden Street are renting, they are renters. So
22 if more of those buildings come in on the street,
23 then all the new owners will create a bigger space
24 or higher the rent.

1 Those stores we love, that everybody wants to
2 live here because we like Wickenden Street. Right?
3 But those stores won't be there. You know, this is
4 very shortsighted. It would be wonderful for five,
5 ten years maybe, maybe; but after that, it will all
6 be national chain stores. I'm big on local and
7 individual stores. I always try to shop local as
8 much as possible, and then I want to support local
9 businesses. But this, you know, will be a very huge
10 impact to the local business, individual business
11 owners.

12 I just wanted you to think that even as
13 many -- many buildings, even many buildings built
14 on Wickenden Street, it's not going to be the same.
15 Maybe the same for five, ten years; but after that,
16 it will be completely different, that maybe you
17 don't want to live there anymore.

18 So I want you to think about not just now but
19 for a little bit farther in the future and see what
20 kind of impact this building will create. Thank you
21 very much.

22 **CHAIR GAZDACKO:** Thank you.

23 **(AUDIENCE APPLAUSE)**

24 **MR. DULGARIAN:** My name is

1 Grant Dulgarian.

2 **GRANT DULGARIAN**

3 **MR. DULGARIAN:** You've heard me
4 talk before about Providence. What attracts folks
5 to Providence is because it's a human scale. I grew
6 up with the zoning ordinance that was three-story
7 not to exceed 45 feet. That's human scale. Four
8 stories is marginal; after that, it's not.

9 But I'm not going to talk about -- I'm not
10 going to testify to what I planned on. I'm yielding
11 my time to the head of the Fox Point Neighborhood
12 Association because my sense was she had more to
13 say. And so we'll talk again in the future.

14 I just want to make one mention, and that is
15 that everybody here, who's concerned about this
16 process, needs to be involved in the process of the
17 once-a-decade development of our comprehensive plan.
18 It's happening right now, and the City needs to hear
19 from everybody here, as far as the powers of the
20 Zoning Board and the powers of the City Plan
21 Commission and what should be the guidelines for
22 both. So I yield the rest of my time to the head of
23 the Fox Point Neighborhood Association.

24 **CHAIR GAZDACKO:** Okay. The next

1 individuals.

2 **(AUDIENCE APPLAUSE)**

3 **MS. PEARLMAN:** My name is
4 Jill Pearlman.

5 **JILL PEARLMAN**

6 **MS. PEARLMAN:** Thank you to the
7 commission to being here and for listening
8 attentively with full ears, open mind, and open
9 slate without sneering, prejudice, and all this
10 kind of stuff.

11 So I wanted -- a couple things. I have
12 written a letter for previous hearings. A couple
13 things that I've heard that I wanted to respond to.
14 One, just a reminder that Providence is the creative
15 capital, and we pride ourselves on the arts. So to
16 say -- for someone to say that these objections are
17 not serious, these aesthetics, is somehow offensive
18 to the whole idea of the city. Or that subjective,
19 aesthetic values have no bearing or have no right in
20 the discussion, seems to me, completely off, off the
21 point of what we're all here to discuss, which is a
22 love of the city, which is a beautiful place.

23 People come here because they recognize it as
24 something that other cities don't have, which is

1 partly -- which is the human feel but also an appeal
2 to -- I don't think beauty and aesthetic is
3 something offensive or ever should be offensive in
4 any kind of modern value or modern city. Along with
5 that is the idea of the context; you know, context
6 is everything.

7 So as many people in the neighborhood have
8 said, we're not against development and everyone
9 wants more housing, more people to be able to live,
10 but context is everything in planning. And the idea
11 of putting this building -- this building does not
12 have to be on this corner in this neighborhood. All
13 the arguments that were posed for the pros don't
14 address why it has to be right here on that block
15 and congest, to conflict with all the things that
16 the neighbors have said.

17 So I do oppose it. I don't oppose development
18 or building, but I think that this particular
19 well-chosen building in a well-chosen site would be,
20 by far, better. Thank you.

21 **(AUDIENCE APPLAUSE)**

22 **CHAIR GAZDACKO:** Thank you. We're
23 going to move on to our online audience. We have
24 people here who would also like to speak.

1 Again, the same rules, two-minute time and
2 please state your name and spell your last name for
3 the stenographer, please.

4 **MR. AZAR:** Rachel Schwartz. You
5 can unmute.

6 **RACHEL SCHWARTZ**

7 **MS. SCHWARTZ:** Hi. Thank you,
8 thank you for letting me speak. I am listening to
9 a lot of people talking this evening, and I just
10 want to reiterate what they said in opposition.

11 I'm not going to go through all the arguments,
12 but I actually think that this project is a huge
13 mistake for the neighborhood. It's very large,
14 much too large for the ambiance and the feel of
15 Wickenden. I think it will cause a domino effect
16 and will cause Wickenden Street, over a very short
17 period of time, to be ruined; and it won't be the
18 gem that it is in the future. Thank you.

19 **CHAIR GAZDACKO:** Thank you.

20 **(AUDIENCE APPLAUSE)**

21 **MR. AZAR:** Cedric Ye, you can
22 unmute.

23 **MR. YE:** Hello. Thank you so much
24 for the recognition. My name is Cedric Ye.

CEDRIC YE

1
2 **MR. YE:** I'm a little bit -- I'm
3 recovering from the flu right now, so apologies, if
4 you can be a little bit patient, but I really wanted
5 to give my input on the project.

6 So I'm a high school student, and I live on
7 the East Side, about a mile away from the proposed
8 269 Wickenden Street development. And I'm speaking
9 in full, strong support of the proposed dimensional
10 adjustments.

11 As other people have discussed today,
12 Providence faces a dire housing crisis. According
13 to Zillow, Providence's over-the-year rent increases
14 are now the second highest in the nation. An
15 average rent now makes up 47 percent of the average
16 Providence income.

17 I am 15 years old, meaning that I have seven
18 years until I graduate college. Today's
19 homeownership is already extremely challenging; and
20 if these trends continue on track for seven more
21 years, it will become simply impossible for my
22 generation. Rent increases that continue on today's
23 trajectory, could mean that I would not be able to
24 afford living in Providence at all, which could push

1 me and others my age to leave altogether; and I
2 cannot imagine how a working-class family would be
3 able to survive.

4 A housing crisis of this magnitude requires
5 urgent, swift action on every front possible to
6 protect our communities and most vulnerable
7 residents from displacement. And multiple,
8 accredited research institutions, like UC Berkley
9 and UCLA, do unanimously agree that one of the most
10 effective ways is to build market-rate housing
11 units, more of them.

12 The proposed development would bring 75 much
13 very direly needed units into the market, a crucial
14 step in keeping Providence affordable. And in such
15 a dire housing crisis, we simply cannot afford for
16 this number to be lowered by downsizing or removing
17 an entire floor; and we cannot afford to continue
18 adding more and more barriers to this badly needed
19 project.

20 There is opposition to this project in the
21 room today. But as a city in the neighborhood, we
22 just can't afford for this project not to be built.
23 Our neighbors and community members are being
24 displaced and threatened at an unprecedented rate.

1 And without urgent, decisive action, it will
2 devastate our entire community with a then similarly
3 catastrophic --

4 **CHAIR GAZDACKO:** We're going to
5 wrap it up right there. You have reached your time
6 limit. Thank you.

7 **(AUDIENCE APPLAUSE)**

8 **MR. AZAR:** Okay. Next is Alex B.

9 **MR. BILIOURIS:** Good evening. My
10 name is Alex Biliouris.

11 **ALEX BILIOURIS**

12 **MR. BILIOURIS:** I'm the principal
13 of BK Realty Corporation. We own the building
14 directly adjacent to this property at
15 241-243 Wickenden Street. It's a mixed use building
16 with commercial on the street level and apartments
17 above. The building is turn-of-the-century
18 construction.

19 So I'm here to basically not oppose the
20 development, because I'm not opposed to development.
21 I'm sure you'll take the proper measures to make
22 sure that whatever is constructed is done properly.
23 My concern is one of the construction itself and the
24 requirements for making sure that we don't see any

1 type of catastrophic event as a result of
2 excavation, blasting, or anything that could
3 potentially impact our building. As I said, it was
4 built at the turn of the century.

5 And I'm not sure if you're the body that
6 would put those requirements in place. But I can
7 tell you, since we own property across from
8 Traders Joe's, when they were building that, we own
9 a unit in the Corliss Building, and that building
10 was continuously shaking. So that's a big concern
11 of ours.

12 Also concerned about business interruption
13 during construction, entry and exit of construction
14 vehicles. There's already construction going on a
15 couple blocks behind us. So these are just
16 considerations I think this board should be looking
17 into. And then, of course, again, the big issue is
18 the structural integrity of our building. We do
19 have, you know, six apartments above the commercial,
20 and our concern is for any potential hazards that
21 might be created.

22 **MR. AZAR:** Thank you. Okay. Next
23 we have Vincent Scorziello.

24 **CHAIR GAZDACKO:** If you're there,

1 you can unmute yourself.

2 **MR. SCORZIELLO:** Can you hear me?

3 **CHAIR GAZDACKO:** Yes. State your
4 name and spell your last name for the record,
5 please.

6 **MR. SCORZIELLO:** Sure.
7 Vincent Scorziello.

8 **VINCENT SCORZIELLO**

9 **MR. SCORZIELLO:** I'd like to agree
10 with all the people, the neighbors, and the
11 residents of Fox Point who have spoken out against
12 this project. I agree with the majority of them
13 that this is just out of scale on that location.
14 It feels like the developer is trying to squeeze an
15 elephant into a tea cup there. If this were being
16 proposed on I-195 land or along the highway, sure,
17 that seems to make sense but not, not in that tight
18 corner; it just doesn't fit.

19 I also agree with the people who are in favor
20 of this project that Providence needs more housing,
21 affordable housing; but I disagree that this project
22 addresses that problem. This isn't working-class
23 or normal people housing, as previous speakers have
24 said that we need. As far as I understand, these

1 are apartments at market rate in a neighborhood
2 that's just getting more and more expensive.

3 I lived in Boston for almost 20 years before
4 we moved to Providence in 2005; and we bought a
5 two-family here on the East Side. And I've never
6 experienced rents going down. It just doesn't seem
7 to be a thing that happens without some kind of, you
8 know, affordable housing, Section 8 kind of
9 situation. So this will not address a homelessness
10 crisis or affordable housing crisis, as far as I can
11 tell.

12 The units are aimed at younger people with
13 money, as far as I can tell. It seems to be mostly
14 studio and one-bedrooms, which is ideal for students
15 and, in this case, Brown and RISD students. And
16 these are expensive schools, and the students tend
17 to have money. They also tend to come with cars.

18 And as a business owner on the street, those
19 cars end up being parked in front of your business
20 for days at a time if they don't have a place to
21 park. So that's also a concern that I, and most of
22 the other business owners on the street, have.

23 We're not against development. And if this
24 developer were to cut this building down to make it

1 fit the neighborhood, you'd still have more housing,
2 more people in the neighborhood, but it would fit.
3 That's what I would urge in this case. Thank you.

4 **CHAIR GAZDACKO:** All right. Thank
5 you.

6 **MR. AZAR:** Katherine Prevost.

7 **MS. PREVOST:** My name is
8 Katherine Prevost.

9 **KATHERINE PREVOST**

10 **MS. PREVOST:** And I would like to
11 support this. I am somebody who does understand why
12 this needs to be at this location. It's because we
13 already have enough density here in terms of shops
14 and other businesses that support people, that
15 people can live in this area and walk; that I will
16 bike to this area from Edgewood, where I live, to
17 visit shops here. And I would like there to be more
18 interesting local shops here, which I'm glad to see
19 today the improvements of having small spaces for
20 shops so that we don't have that issue with
21 extremely large spaces where only national chains
22 can move into. All of the things that people
23 supporting this have said, I am strongly in favor
24 of this. Thank you very much.

1 **CHAIR GAZDACKO:** Okay. Thank you.

2 **(AUDIENCE APPLAUSE)**

3 **MR. AZAR:** Okay. Nina Markov is
4 next.

5 **MS. MARKOV:** Hi. Can you hear me?

6 **CHAIR GAZDACKO:** Yes.

7 **MS. MARKOV:** Hi. I'm Nina Markov.

8 **NINA MARKOV**

9 **MS. MARKOV:** I'm on the
10 College Hill Neighborhood Association Board. And
11 I'm just here to support the other neighborhood
12 associations. I don't think that this building
13 should be built in this form. A smaller building
14 that better suits the neighborhood would be totally
15 acceptable. I am completely in favor of appropriate
16 development, and we definitely need more housing.

17 But I also don't understand the idea that
18 good design is elitist and only for the landed
19 gentry. I think that even people of modest means
20 deserve good design. This building will be around
21 for a hundred years, and it's important for us to
22 consider building things that are beautiful and that
23 everyone can enjoy.

24 So I will stop there because everybody has

1 already made the arguments against the building
2 eloquently, more eloquently than I could. Thanks.

3 **CHAIR GAZDACKO:** Thank you.

4 **(AUDIENCE APPLAUSE)**

5 **MR. AZAR:** Okay. And last is
6 Daria Brashear.

7 **CHAIR GAZDACKO:** You can unmute
8 yourself.

9 **MS. BRASHEAR:** Hello. My name is
10 Daria Phoebe Brashear.

11 **DARIA PHOEBE BRASHEAR**

12 **MR. BRASHEAR:** I live in Edgewood.
13 As a person who recently experienced difficulties
14 finding a place to live, including in Fox Point, I
15 understand the value in creating more residences.
16 As someone who, as one of the people who is head of
17 the Fox Point Neighborhood Association claims to
18 value, a person who travels to Fox Point, I am
19 excited for what I expect this development to add.

20 We heard multiple comments suggesting which
21 opinions should bear more weight based on who's
22 fortunate enough to have already found housing,
23 possibly when costs were lower. And I suggest the
24 people who already know where they are living today,

1 tomorrow, those voices should bear less weight.
2 Providence has a housing crisis, and I ask that you
3 approve this project. Thank you for your time.

4 **(AUDIENCE APPLAUSE)**

5 **CHAIR GAZDACKO:** Thank you. All
6 right. That was the last person. I wouldn't
7 normally do this, but I'll allow Lily Bogosian one
8 additional minute, which was all that was remaining
9 for Grant Dulgarian. But, please, don't make me
10 regret this by going over.

11 **MS. BOGOSIAN:** I'm going to try
12 to make you regret it. Thank you for giving me a
13 minute.

14 **CHAIR GAZDACKO:** You have one
15 minute.

16 **MS. BOGOSIAN:** Thank you for one
17 minute.

18 All I want to say, really, is that the
19 Fox Point Neighborhood Association is very much in
20 favor of responsible development. I spoke to, in
21 fact, one of your directors last week, and I had a
22 very good conversation. I think I've made it very
23 clear, we have made it very clear that we support
24 responsible development. We've seen -- I don't know

1 whether you're even aware of it, but between the
2 state and the city, we have approximately 14- to
3 1,600 new apartment units coming up in the next year
4 to two, that's a lot of units, within a stone's
5 throw of this one.

6 That's a lot. And do we have a housing
7 crisis? We could debate that; we could look at the
8 census bureau and say we don't. But I don't think
9 we need to do that. I think the question is where
10 do you stop? There's a place for everything. This
11 particular -- you know, we support the parcel, too,
12 around the corner, which is huge. There's a place
13 for everything. This, as someone pointed out, is a
14 bustling neighborhood, and it's the last one. It's
15 funky; it's great; and I hope that you will consider
16 what we have to say. Thank you so much.

17 **CHAIR GAZDACKO:** All right.

18 **(AUDIENCE APPLAUSE)**

19 **CHAIR GAZDACKO:** All right. And
20 with that, we will close the public comment portion
21 of this agenda item. There are quite a few opinions
22 on this one. Where do we begin?

23 **MS. LIPSCHITZ:** Can I just ask a
24 question?

1 **CHAIR GAZDACKO:** Yes.

2 **MS. LIPSCHITZ:** That maybe goes
3 back a long way in the comments, which is the
4 definition of basement versus cellar.

5 **CHAIR GAZDACKO:** Actually, yeah,
6 Bob can answer that.

7 **MR. SANCHEZ:** That was my question,
8 too.

9 **MR. AZAR:** The way to think of it
10 is, if more than half of the volume of that, that
11 element of the building, is below grade, then it's a
12 cellar, and it's not counted as a story. If more
13 than half of the volume is above grade, then it's a
14 basement, and it is counted as a story.

15 And if you look in their package on Page SD5,
16 the Section No. 1, longitudinal section through the
17 garage -- I think, illustrates this probably the
18 best --

19 **MS. LIPSCHITZ:** I don't have that.

20 **MR. AZAR:** Oh, this is the one
21 that was handed out. This is the one that was
22 handed out.

23 **MS. VERDI:** Some of us have
24 colored ones and some of us have black and white.

1 **MS. LIPSCHITZ:** We've got it.
2 Okay.

3 **MR. AZAR:** SD5. So they show
4 volume above average grade and then volume below
5 average grade. And the volume above average grade
6 is about a little more than half of what's below
7 average grade. So this is something that has been
8 reviewed with our Zoning Official, and she concurs
9 with their calculation. Therefore -- and you can
10 see it's a little complicated because you've got a
11 cellar that's got a sloping floor and you have the
12 height of the ceiling changes.

13 **MS. LIPSCHITZ:** I guess where my
14 question comes from, and I hadn't looked at this
15 drawing, but their plans at least don't show any
16 sort of, like, notation of the slope of the -- like,
17 the actual ramping of the car service. So it seems
18 like a very finicky calculation that is close in its
19 character. But just because there will need to be
20 flat areas and --

21 **MR. AZAR:** Well, I mean, that
22 could be something that the architect might respond
23 to. My understanding is that they intend for this
24 to be -- they said it earlier -- that they intend

1 for the slope to carry through all the way to the
2 end, as depicted by that section.

3 **MS. LIPSCHITZ:** It seems tricky
4 with the parking spaces that they have transfers to
5 that slope and also the commercial space, mechanical
6 space and --

7 **MR. AZAR:** I think that's a
8 legitimate question for an architect to ask.

9 **CHAIR GAZDACKO:** Any other
10 discussion points before bringing the Applicant back
11 up? There were quite a few, quite a few comments
12 related to items that we would look at at
13 preliminary plan, lighting, landscaping, things like
14 that. That's not under our purview today.

15 One thing to note is that, while we have
16 certain design criteria, we are not a design board,
17 unlike the downtown review. We are the City Plan
18 Commission, and we don't -- we only have a certain
19 amount of objectivity where it comes to design and
20 we try to work with the Applicant to make the best
21 design within the purview of our oversight.

22 A lot of these things are -- like it's been
23 mentioned a few times, they are asking for
24 dimensional relief related to height, rear yard

1 setback, and then some design waivers. So if you
2 think about the size of the building that would be
3 by right, I actually, I don't know how significantly
4 that would change the opposition to this. I think
5 the idea of this large of a building in the corner,
6 whether it's four-story, five-story, or six-story, I
7 think they're still -- I think it's the size and the
8 massing of this building.

9 Now, I have to say, as skeptical as I was
10 about them coming back this quickly, the exterior
11 facade is significantly improved over the last
12 iteration. I asked for it to present differently
13 than it was, and you did bring that back. So I do
14 appreciate that. Not without my concern still, but
15 I do want to give credit that you did -- this is a
16 completely different building --

17 **MR. CONLEY:** Thank you.

18 **CHAIR GAZDACKO:** -- from the
19 exterior, from what you presented two months ago, I
20 think it was, that you were here. There are a
21 few -- I mean, a lot of -- there was, there was
22 support for this project as well.

23 One thing that definitely is not under our
24 purview is construction means and methods; that's

1 not us. That's Department of Standards and
2 Inspections during the construction process, or
3 OSHA, I guess. They are ultimate oversight.

4 Again, just something I want to state. We
5 are volunteers. So we are volunteering here; we are
6 not paid; we are not City employees. We are here
7 because we care about the city, good planning
8 practice. I just -- I'm still kind of burning about
9 the accusation that we would be financially
10 incentivized to approve or disapprove any project.
11 That's just offensive in so many ways.

12 My fellow commissioners take time out of
13 their day. They are not compensated for this in any
14 way, shape, or form. And they're here because they
15 care. And we're here because we are trying to
16 interpret and put forward good projects within the
17 constraints that we have as reviewers of these
18 projects.

19 If we did what a lot of the objectors said
20 and just said no, we'd be wasting a lot of time and
21 financial resources of the city, leading us up to an
22 appeal, probably a very, a very likely appeal, from
23 an applicant. We need to make certain findings, and
24 we only have certain criteria to do so.

1 So I just wanted to say that again. I don't
2 know. Most people here understand that, but for
3 someone to say that monetary investments in us
4 personally would be any factor is just offensive
5 beyond anything I've heard to date. So just putting
6 that out there. My commissioners are upstanding
7 citizens of this area. And I thank them for their
8 service.

9 So with that, let's open it back up to the
10 Applicant to respond to any other additional comment
11 that maybe they want to respond to right away.

12 **MR. CONLEY:** Mr. Chairman, I do
13 believe the entirety of the administrative record on
14 this particular project is exhaustive. I think our
15 presentations were not only representing but
16 representing in a very short time window, as you've
17 noted. We are very happy to answer any questions,
18 specific to the cellar versus basement phenomenon.

19 Kevin can talk to about that in more detail.
20 We will be compliant with the code. We expect that
21 that will be -- we have to be in order for the bell
22 to be realized in its current shape and form as
23 proposed.

24 For the details on that, Kevin, you are the

1 math on that?

2 **MR. DIAMOND:** Sure. Absolutely.
3 And I'm able to talk through any bit of it.

4 But on Sheet SD10, there are several cross
5 sections through the cellar of the building that
6 sort of lay out the calculation that --

7 **MR. AZAR:** Kevin, there's no SD10
8 in either of the packages.

9 **MR. DIAMOND:** Oh.

10 **CHAIR GAZDACKO:** Not that we
11 received.

12 **MR. DIAMOND:** Oh, my. Okay. I
13 can share this on the screen. Is that helpful?

14 **MR. AZAR:** Yes. I'm going to need
15 to promote you to panelist. Are you logged into the
16 Zoom?

17 **MR. DIAMOND:** I will be in one
18 moment here.

19 **(BRIEF PAUSE)**

20 **MR. DIAMOND:** So while this is
21 being loaded up, I'm going to walk you through it,
22 because a lot of this information is actually
23 depicted in the building elevation. So if you want
24 to go to the building elevation, it might be a

1 little easier to take a look at that, and I can
2 talk through the specifics.

3 **(PLANS BEING DISPLAYED ON SCREEN)**

4 **MR. DIAMOND:** Thank you.
5 Appreciate it. Great.

6 So the elevation along Wickenden Street, I'm
7 just going to use as an exhibit to explain the logic
8 of the project. So at the right-hand side of the
9 image, right where it says "lowest grade," that is
10 where a car would enter, and it slopes continuously
11 down to the left-hand side of the image. And the
12 calculations that we've -- I'm going to bring my
13 computer up with me that has some calculations, if
14 that's okay.

15 So, essentially, what happens in grade in
16 this sections is the building slopes down this way,
17 all the way to the end of the structure. It's a
18 continuous slope, which is different from our
19 original proposal, which only sloped partially and
20 then flattened out.

21 So the actual cubic calculations were very
22 mathematical. It was done on a volumetric
23 calculation. We went ahead and, essentially,
24 calculated all of the cubic area above grade, all

1 the cubic area below grade, based upon the average
2 grade plane on the site. And as a result, the total
3 volume below average grade is 62.5 percent. And
4 we'd be willing to share any of our calculations
5 with this commission, upon request.

6 **CHAIR GAZDACKO:** Bob, you said
7 that you and Alexis have already reviewed this?

8 **MR. AZAR:** That's right.

9 **CHAIR GAZDACKO:** Okay. Any other
10 questions, follow-up, for the Applicant?

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

12 **CHAIR GAZDACKO:** The rear yard
13 setback, that additional area, what does it do to
14 your project if we don't grant that tonight?

15 **MR. CONLEY:** It's a pretty severe
16 impediment. So trying to realize the square
17 footage, not every single square foot of a project
18 is worth the same. So the exchange in total amount
19 of square footage is not one to one. That square
20 footage in the rear is worth significantly less than
21 the premium square footage and the square footage at
22 the corner of Wickenden and Brook. The Wickenden
23 and Brook square footage is your city-view,
24 water-view square footage.

1 Another component about that, we are applying
2 for the relief based on conversations we've had with
3 the City. I take the Chair's comment about not
4 using the lot "not for development" in any way for
5 the development. I appreciate that consideration.
6 The language on the 2-foot windowsills, on the
7 20 feet not residential on the first floor, and the
8 language on the rear setback, when you look at each
9 of those in the code, we're applying for each of
10 them because they may apply. I'm not convinced that
11 any of those three waivers necessarily apply.

12 **CHAIR GAZDACKO:** So the first two
13 I agree with you, the rear yard setback, that's
14 pretty cut and dry, unless you eliminate that
15 property line.

16 **MR. CONLEY:** It's from the
17 abutting property. So there's a zero yard setback
18 when you're up against a commercial parcel, as we
19 are to the east of the site.

20 **CHAIR GAZDACKO:** Correct. And
21 because you're making an arbitrary lot line to
22 reduce your -- you're saying that that's your new
23 setback versus the residential behind that?

24 **MR. CONLEY:** So under the code,

1 when you read the code, it's to the parcel line. So
2 there could be a zero line setback all the way up
3 and through that line. Based on our conversations
4 with the City, they've asked us to honor the
5 distance from the residential zone as opposed to the
6 parcel, and we've done so.

7 **MR. AZAR:** Mr. Chair, you know, we
8 don't believe that you can -- where you have a
9 commercially zoned lot up against a residentially
10 zoned lot, we don't think that you can create a
11 subdivision of an infinitesimally shallow lot to
12 avoid the setback requirement. It's an absolutely
13 absurd result, and that's what I said to Mr. Conley.

14 The proposed parcel "not for development" is
15 still their parcel. It's not technically part of
16 the lot that has the building on it, but it's part
17 of their property and their property holdings. And
18 you know, we insist that the 20-foot setback is a
19 requirement and that they need to request this
20 adjustment to get down to 10 feet.

21 **MR. CONLEY:** That's why we applied
22 for it.

23 **MS. LIPSCHITZ:** Whether or not
24 they have that new lot line, they still are -- it's

1 still 10 feet instead of 20 feet, right?

2 **MR. AZAR:** Yes.

3 **MS. LIPSCHITZ:** Okay.

4 **MR. CONLEY:** Just as the building
5 goes back, it gets narrower. So I guess it's my
6 understanding that we're not even using the full
7 buildable footprint in that area.

8 **MR. DIAMOND:** Correct.

9 **CHAIR GAZDACKO:** How so?

10 **MR. DIAMOND:** So the render --
11 essentially, the view of the building that would
12 best portray what we're getting at here is going
13 down the hill from Wickenden. So coming down, let's
14 see here, the last page, there you go, left-hand
15 image.

16 **(PLANS DISPLAYED ON SCREEN)**

17 **MR. DIAMOND:** So, essentially, we
18 are not using the entire width of the buildable
19 footprint. So, basically, by extending the building
20 back towards the rear yard, we've been able to,
21 essentially, slim up the width of the building to
22 allow for more light to come into the building,
23 windows, glazing.

24 **CHAIR GAZDACKO:** Oh, along that

1 property line?

2 **MR. DIAMOND:** Exactly, yes. So,
3 essentially, if you're staring at -- so it's the
4 northern property line.

5 **CHAIR GAZDACKO:** You're also
6 encroaching a significant amount of rentable square
7 footage over the public right-of-way, which you'll
8 need an encroachment permit for. It just seems like
9 a lot.

10 I mean, at this point, I'm less offended by
11 the additional height and more to the setbacks in
12 the rear. I think the design of the building has
13 come a long way. And it just seems like, even when
14 you get a little bit, you're trying to get a little
15 bit more.

16 Anything else?

17 **MR. CONLEY:** You know, if there's
18 questions -- I don't want to keep repeating other
19 things that we've said over the course of the
20 application, so I'm trying to be respectful of the
21 board's time and the record. I could talk about
22 the impact of Class A housing on affordability
23 downstream for about an hour-and-a-half, but I don't
24 think that's a standard you would want me to go

1 through.

2 **CHAIR GAZDACKO:** No, thank you.

3 **MR. CONLEY:** Thank you,
4 Mr. Chairman.

5 **CHAIR GAZDACKO:** Anything else for
6 the Applicant before we dismiss them?

7 **MS. LIPSCHITZ:** Can I just make
8 one other clarification.

9 **CHAIR GAZDACKO:** Sure.

10 **MS. LIPSCHITZ:** 108 or -- yeah,
11 108 square feet that we're cutting off of the lot
12 to get to the 10,000 is what means that they don't
13 require parking on their --

14 **CHAIR GAZDACKO:** Correct.

15 **MS. LIPSCHITZ:** Okay. But it's
16 also what enables them to ask for the dimensional
17 variance?

18 **CHAIR GAZDACKO:** No.

19 **MR. AZAR:** They still, they still
20 need that, they still need that dimensional
21 adjustment regardless, because this, this part of
22 the building is within 10 feet of --

23 **MS. LIPSCHITZ:** No, so I
24 understand the back, the rear setback. But the

1 extra height, they're slightly more, I guess,
2 deserving of because they've required parking, but
3 they require -- but their lot area doesn't require
4 them to have parking.

5 **CHAIR GAZDACKO:** I actually tend
6 to think that we're looking at the extra height more
7 for the commercial use than the parking, because
8 they've significantly reduced the parking.

9 **MS. LIPSCHITZ:** Right.

10 **CHAIR GAZDACKO:** And either or
11 allows the Applicant to request the additional
12 height.

13 **MS. LIPSCHITZ:** Okay.

14 **CHAIR GAZDACKO:** And they are
15 saying they have two reasons. I think they have
16 one strong reason and one okay reason.

17 **MS. LIPSCHITZ:** Sure.

18 **CHAIR GAZDACKO:** The commercial
19 space, I think, is what I would justify the
20 additional height on.

21 All right. Anything else?

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

23 **CHAIR GAZDACKO:** With that, we can
24 excuse the Applicant. Thank you.

1 **MR. CONLEY:** Thank you.

2 **MR. DIAMOND:** Thank you all.

3 **CHAIR GAZDACKO:** We've heard a lot
4 on this one. I do, I do agree, I think the look of
5 the building is much more in line with the size that
6 they're allowed to do by right, which was my goal
7 when we sent them back on master plan without
8 granting the height.

9 The fact that there's new waivers, the two
10 design waivers in the front, I think those are just
11 safety measures. I don't, I don't think those --
12 those may not even apply, but I think it's best
13 for us to assume that they do, and those are just
14 because of the unique characteristics of the
15 grading. I see no issues with those two design
16 waivers.

17 The one in the rear is the one that still
18 continues to baffle me. I don't know what we can do
19 as far as requiring additional landscaping or things
20 of that nature at preliminary phase, if we were to
21 grant this. I think that's the only way I'd be even
22 comfortable contemplating it. You know, we're
23 talking about so much in so little an area.

24 The height, I'm finally almost okay with; and

1 then we have to give another bit of relief in
2 addition to that. So that's what -- that's what I'm
3 struggling with right now. I don't know how you
4 guys feel.

5 **MR. SANCHEZ:** So it's an
6 additional 10 feet over four stories or five
7 stories.

8 **CHAIR GAZDACKO:** For the height?

9 **MR. SANCHEZ:** No, I'm just trying
10 to calculate the square foot that they would lose if
11 we didn't grant that relief.

12 **MS. LIPSCHITZ:** 10 feet over.

13 **MR. AZAR:** 10 feet deep and about
14 43-and-change feet wide.

15 **MR. SANCHEZ:** That's 2,000 square
16 feet, roughly, a little bit more, 2,600, 2,700.

17 **CHAIR GAZDACKO:** I definitely think
18 that the additional height is worth more than that
19 2,300, 2,500 square feet in the back. But I'm not
20 the one building this building.

21 **MR. SANCHEZ:** I mean, if we didn't
22 grant this, it would probably drive up the cost of
23 the rents to make it worse. It might anyway. We
24 don't control that.

1 **CHAIR GAZDACKO:** We don't control
2 that aspect, and that can't be a part of our
3 decision.

4 I think, at minimum, if we were to
5 contemplate the relief in the back -- sorry, not
6 relief, it's a dimensional adjustment, it would
7 be -- I think we'd need some pretty robust
8 plantings, especially in the Parcel B "not for
9 development."

10 **MS. VERDI:** Does that, the rear
11 adjustment, need to be decided today? Could we
12 potentially decide, approve master with the others
13 and hold that to preliminary so we could wait to
14 see --

15 **CHAIR GAZDACKO:** A more fully
16 fleshed.

17 **MS. VERDI:** -- some of the stuff
18 you're discussing.

19 **CHAIR GAZDACKO:** We might see them
20 back for master again in two months.

21 **MR. SANCHEZ:** We're looking at 5
22 or 7 or 8 percent difference in the amount of floor
23 space for residential.

24 **CHAIR GAZDACKO:** For 40,000, we're

1 talking about 2,200 --

2 **MR. SANCHEZ:** 25, 26, 27,
3 something like that.

4 **CHAIR GAZDACKO:** Yeah, give or
5 take. What are your thoughts on that, a dimensional
6 adjustment? I mean, we did it with the height.

7 **MR. AZAR:** I'll just say that the
8 reason why we're still here at master plan, after
9 how many hours of testimony last time and more this
10 time, the reason why we're still here is because
11 they, the Applicants, are insisting that you make a
12 decision on the height.

13 **CHAIR GAZDACKO:** The adjustment.

14 **MR. AZAR:** The dimensional
15 adjustment. They wanted to come back very quickly
16 afterwards because they want a decision on that.

17 **MS. VERDI:** On both or --

18 **MR. AZAR:** I'm assuming both, I'm
19 assuming both because, you know, this is -- the
20 discussion has been, well -- and I don't want to --
21 I don't -- there's a lot of nuance to this
22 discussion. But what I have, essentially, heard
23 from the developers is that there's a certain amount
24 of square footage that works for this project. And

1 if they reduce the square footage at the top, which
2 they have done because you required them to, they
3 need to make up for that square footage somewhere
4 else.

5 And the way they're doing that is by pushing
6 the building further into the rear yard. And as the
7 Chairman said, you know, there are already portions
8 of the facade that are encroaching over the public
9 right-of-way, which happens, which people do.
10 There's a lot of it in this particular case.

11 But, you know, that's kind of what this is
12 about. This is about them trying to achieve a
13 certain amount of square footage to make the numbers
14 work, however they're making the numbers work. I
15 don't pretend to understand how these numbers work,
16 whether a project works or doesn't work. But, you
17 know, you definitely, you definitely have a building
18 that is taking up every inch of the site and then
19 some.

20 **MS. LIPSCHITZ:** And so I'm
21 assuming, with that square footage number, there's
22 no ability to trade the ground floor square footage
23 with the upper floor, with the --

24 **MR. AZAR:** Well, that was one of

1 our suggestions the first time around, which was to
2 maybe reduce some of the commercial square footage.
3 I can't -- I don't know to what degree -- I don't
4 know how that's changed. But, you know, that was
5 one of the things that we talked about. But this
6 is -- what you have in front of you is the solution
7 that they've proposed. And so, you know, what you
8 did last time was approve master plan but kick the
9 can on the dimensional adjustment --

10 **CHAIR GAZDACKO:** I have a feeling
11 if we do the same this time, they'll be back shortly
12 for master plan again.

13 **MR. AZAR:** And then we'll have
14 another three hours of testimony.

15 **CHAIR GAZDACKO:** And another
16 meeting like this.

17 **MR. SANCHEZ:** I mean, I like --
18 the design feels a lot better from the front.

19 **CHAIR GAZDACKO:** I agree
20 completely.

21 **MR. SANCHEZ:** I don't know much
22 more about design, but if they could design that
23 out, that required setback.

24 **CHAIR GAZDACKO:** I guess maybe

1 we can put a recommendation to look at the rear
2 setback and propose a robust planting area in the
3 back along the residential, as much as feasible,
4 at the preliminary plan phase. That would be the
5 minimum I think I'd be comfortable with.

6 **MS. VERDI:** I do acknowledge that
7 there have been significant improvements from the
8 last time that this was before the commission. And
9 I also want to say that I appreciate, and I think
10 we, as a commission, really appreciate hearing from
11 the community.

12 **CHAIR GAZDACKO:** Absolutely.

13 **MS. VERDI:** And the fact that
14 there was this amount of public comment, and that
15 there's clearly disagreement in the community. You
16 know, there were folks that spoke in favor, and
17 there were folks that spoke against. And both sides
18 had a lot of passion.

19 **CHAIR GAZDACKO:** Very passionate.

20 **MS. VERDI:** And I think it's
21 interesting that aesthetics was brought up multiple
22 times. What is aesthetically pleasing to one person
23 might not be aesthetically pleasing to another. And
24 so it's really -- it's difficult when you're saying

1 don't approve this because of the aesthetics or
2 approve this because of the aesthetics, because
3 that's really subjective.

4 And I try, to the extent possible and
5 feasible, with the work we do here, to be as
6 objective as possible. I feel with what's been
7 presented and what was laid out in the staff report,
8 I feel comfortable approving this. I like your
9 idea in regards to the rear, you know, making
10 preliminary conditional on what you said and making
11 that a requirement for preliminary.

12 But I will say that that rear is -- I think
13 this would be easier if that wasn't before us. But
14 we signed up to this because we care, and we signed
15 up to this to make decisions that are not easy. And
16 I do think, based on what was presented, we've been
17 presented with evidence to support that adjustment.

18 **CHAIR GAZDACKO:** I agree with that.

19 **MS. VERDI:** That's where I'm
20 leaning.

21 **CHAIR GAZDACKO:** It would be so
22 much easier if they just came back for the height,
23 like, that they didn't have approved last time.

24 **MS. VERDI:** Correct.

1 **CHAIR GAZDACKO:** But they didn't.

2 Yeah, I think I'm -- I'm getting there. I'm
3 going to need to see a pretty robust planting in the
4 back. There's going to need to be a buffer there,
5 significant buffer. And, obviously, that
6 "not-to-develop" parcel, that should just be
7 chock-full of landscape but also on their property
8 side, as well, of this parcel.

9 **MS. LIPSCHITZ:** I think where I'm
10 getting stopped up is that -- and I hear the point
11 that the aesthetics are subjective, and so I'm
12 trying to bring everything back to kind of the
13 ground rules that have been set up. I guess I --
14 there's a lot of vagueness in how the plans match
15 the elevations right now and how we exactly
16 calculate that volume, given that some spaces are
17 going to have to be flat or there's going to have to
18 be a transformer somewhere. And those are things
19 that, you know, I'm sure they don't know at this
20 point because we're just at an early level of
21 planning.

22 **CHAIR GAZDACKO:** But we can
23 request any of those at the next stage of review
24 that you'd specifically like to see.

1 **MS. LIPSCHITZ:** Okay.

2 **CHAIR GAZDACKO:** That could be a
3 condition of preliminary plan -- sorry, a condition
4 of master plan approval for preliminary plan, show
5 up with X, Y, Z at preliminary plan stage.

6 **MS. LIPSCHITZ:** Got it. Because I
7 think some of that stuff might start to affect this
8 back, the rear setback area that we're calling for a
9 robust planting in.

10 **CHAIR GAZDACKO:** I don't disagree.
11 I mean, we don't have to approve that.

12 **MS. VERDI:** But that was --

13 **CHAIR GAZDACKO:** I mean, before
14 final; it's all the others.

15 **MS. VERDI:** Or -- so I'm open to
16 that, potentially. But also if we get to
17 preliminary and they show -- and this is -- I'm not
18 an architect, but if they show that they need what
19 we're saying is required to be a robust planting
20 area, to put a transformer, then that gives us
21 grounds to not approve the preliminary plan.

22 **CHAIR GAZDACKO:** Absolutely.

23 **MS. LIPSCHITZ:** Sure.

24 **MS. VERDI:** So, you know, we're

1 setting it up for, you have to show us, you know,
2 you tell me what are the things you want for
3 preliminary; but it sounds like transformer, it
4 sounds like certain -- I don't know what you would
5 call this.

6 **MR. SANCHEZ:** Definitions of the
7 flat.

8 **MS. VERDI:** The definitions of the
9 flat.

10 **CHAIR GAZDACKO:** We need the
11 parking detail plans.

12 **MR. AZAR:** And if it turns out
13 what they're representing today is that that's a
14 cellar --

15 **MS. LIPSCHITZ:** Yeah. And --

16 **MR. AZAR:** -- based on the
17 definition of a cellar, then they're going to have
18 to do that exercise again at preliminary plan, with
19 whatever modifications they make to the plan. And
20 if it turns out it's not a cellar anymore, then --

21 **MS. LIPSCHITZ:** Right.

22 **MR. SANCHEZ:** Like, are you
23 saying, about the plantings, without the setback
24 adjustment or with the setback adjustment? Like,

1 keeping it 10 feet or going back to --

2 **CHAIR GAZDACKO:** I worry about
3 having them back again in two months. But we don't
4 have to approve all of the dimensional adjustments.
5 I'm finally sold on the height. I'm okay on the
6 height.

7 **MR. SANCHEZ:** Well, but we heard
8 from Bob about the intensity of requiring that
9 20 feet, the setback for the backyard; and that is
10 already coming in because of a change they made to
11 stay under another, another dimension.

12 I would say let's do the 20 feet with
13 plantings. But, you know, we've had it before where
14 just one pushes the other, and we get where we're
15 back looking at something else.

16 **CHAIR GAZDACKO:** So you're saying
17 don't approve the dimensional adjustment for the
18 rear.

19 **MR. SANCHEZ:** Right. That would
20 be my --

21 **CHAIR GAZDACKO:** I'm okay with the
22 design waivers. I'm fine with the height. But the
23 rear is the choke point. I mean, it's --

24 **MR. SANCHEZ:** Well, we've got to

1 stop at some point.

2 **CHAIR GAZDACKO:** -- like the
3 straw. They're really trying to get so much out of
4 this parcel.

5 **MS. LIPSCHITZ:** Yeah, and I think
6 I'm slightly less sold on the height than you are,
7 but I also didn't hear -- I wasn't in the room for
8 the last --

9 **CHAIR GAZDACKO:** It's much better.

10 **MS. LIPSCHITZ:** But I'd almost,
11 you know -- again, what keeps coming to mind is that
12 sort of trade puts back in the height of at least
13 one of these three sections.

14 **CHAIR GAZDACKO:** Yeah.

15 **MS. LIPSCHITZ:** And I think --

16 **CHAIR GAZDACKO:** Yeah, we have
17 encroachment over the public right-of-way.

18 **MS. LIPSCHITZ:** It's a lot.

19 **CHAIR GAZDACKO:** We have additional
20 height. And we have a setback in the rear on a lot
21 that they're coming off 100-some-odd square feet to
22 make 10,000 square feet so they can be under certain
23 restrictions.

24 **MS. LIPSCHITZ:** And I guess I hear

1 all the arguments for housing, and I, you know, I
2 agree with them. I just wonder how many housing
3 units we lose.

4 **CHAIR GAZDACKO:** At 2,000 square
5 feet, maybe a unit or two.

6 **MS. LIPSCHITZ:** Two.

7 **MR. SANCHEZ:** Some of the single
8 units are small.

9 **CHAIR GAZDACKO:** Yeah.

10 **MR. SANCHEZ:** 500 square feet.

11 **CHAIR GAZDACKO:** Okay. So maybe
12 two-and-a-half, three.

13 **MS. LIPSCHITZ:** But I also hear
14 that there's a *pro forma* here and it's going to
15 work --

16 **CHAIR GAZDACKO:** But that's not,
17 that's not our problem. That's the developer's
18 problem trying to figure out how to pencil it out.

19 Well, I think we've discussed this enough. I
20 think the only way to continue is to start going
21 through it, we have a whole bunch of votes we need
22 to take. We will need to take one for the -- we'll
23 have to take two dimension adjustments, two design
24 waivers, and then master plan, and any other

1 additional, additional conditions that we'd like to
2 add to the master plan approval, specifically what
3 we'd like to see for preliminary plan or additional,
4 if we're approving the master plan, that is.

5 **MR. AZAR:** I would start with the
6 waivers.

7 **MS. VERDI:** Okay. Based on what
8 we heard, I will make a motion to approve the design
9 waiver for a location of sills over 2 feet from the
10 adjacent grade, finding that it's required due to
11 the grade of the lot.

12 **CHAIR GAZDACKO:** Okay. We have a
13 motion. Do we have a second?

14 **MR. SANCHEZ:** I'll second.

15 **CHAIR GAZDACKO:** All right. We
16 have a fully-formed motion. We'll go around with a
17 voice vote for all of these.

18 Noel.

19 **MR. SANCHEZ:** Aye.

20 **CHAIR GAZDACKO:** Charlotte.

21 **MS. LIPSCHITZ:** Aye.

22 **CHAIR GAZDACKO:** Noel -- Nicole.

23 **MS. VERDI:** Aye.

24 **CHAIR GAZDACKO:** And I vote Aye.

1 **MS. VERDI:** Then I'll make a
2 motion that we grant the design waiver for the
3 location of the residential use within 20 feet of a
4 main street.

5 **MS. LIPSCHITZ:** I'll second.

6 **CHAIR GAZDACKO:** All right.

7 Noel.

8 **MR. SANCHEZ:** Aye.

9 **CHAIR GAZDACKO:** Charlotte.

10 **MS. LIPSCHITZ:** Aye.

11 **CHAIR GAZDACKO:** Nicole.

12 **MS. VERDI:** Aye.

13 **CHAIR GAZDACKO:** And I vote Aye.

14 **MS. VERDI:** Okay. I'll move to
15 the dimension adjustment. I'm going to make a
16 motion, I do believe that, regarding the height,
17 that the Applicant has listened to what was
18 requested at the last meeting; and based on what was
19 in the staff report, what was presented in the
20 documents, that there is evidence to grant the
21 dimensional adjustment for 16 1/2 and one story
22 because of the internal parking and because of the
23 mixed use development with over 50 percent dedicated
24 to residential use.

1 **CHAIR GAZDACKO:** The height.

2 **MS. VERDI:** This is the height.

3 **CHAIR GAZDACKO:** Do we have a
4 second?

5 **MR. SANCHEZ:** Sorry. Can you
6 explain how, then, the requirement that Charlotte
7 proposed would go into this or to --

8 **CHAIR GAZDACKO:** Any additional
9 would be, if we're voting on the master plan, as
10 conditions of master plan approval.

11 **MS. VERDI:** I might put a condition
12 on, or in the next one, I might add a condition in
13 my motion. But I don't -- I think it's more
14 appropriate to add some of the conditions that were
15 mentioned by Charlotte in regards to the rear yard.
16 I don't think it's necessary yet on this height.
17 But I am going to add some more into the next
18 motion, just for full awareness.

19 **MR. SANCHEZ:** Okay.

20 **CHAIR GAZDACKO:** Okay. So we have
21 a motion.

22 Do we have a second?

23 **MR. SANCHEZ:** I'll second it.

24 **CHAIR GAZDACKO:** All right. We'll

1 go around again.

2 Noel.

3 **MR. SANCHEZ:** Aye.

4 **CHAIR GAZDACKO:** Charlotte.

5 **MS. LIPSCHITZ:** Aye.

6 **CHAIR GAZDACKO:** Nicole.

7 **MS. VERDI:** Aye.

8 **CHAIR GAZDACKO:** And I vote Aye.

9 **MS. VERDI:** Okay. Now, listening
10 to my fellow commissioners, I am going to make a
11 motion to grant the setback, based on what we heard
12 before us, based on what was presented. But I do
13 think it's really important, and so I'm going to
14 make it a condition of this motion and I'm also
15 going to make it a condition of the master, if we
16 get there, that for the next meeting and for us to
17 grant preliminary approval, we need to be shown
18 robust plantings in the rear; we need to know
19 exactly where the transformer is going to be; and --
20 correct me if I say this wrong -- but we need to be
21 shown the grading specifications of the cellar floor
22 and more details to make sure what has been
23 presented to us can actually work.

24 **MS. LIPSCHITZ:** And just to be

1 clear, your motion is to approve the 10 feet from
2 the initial -- the outside most lot line, not the
3 new -- the 10 feet from the initial --

4 **MR. SANCHEZ:** 10-foot setback.

5 **MS. LIPSCHITZ:** Yeah, 10-foot
6 setback.

7 **MR. SANCHEZ:** As it's drawn there.

8 **MS. LIPSCHITZ:** Yeah, exactly, as
9 it's drawn.

10 **MS. VERDI:** Correct.

11 **MR. MANJREKAR:** Can you elaborate
12 what you mean by "work," "can actually work."

13 **MS. VERDI:** So this is where I'm
14 not an architect. I could use some help.

15 **MS. LIPSCHITZ:** Okay. I think
16 what I'm interested in seeing is not just a pure
17 sloped section, but the section through a variety of
18 conditions at that cellar floor so that we
19 understand both the ceiling heights and the floor
20 heights with the necessary landings; and we're
21 actually looking at the full cubic volume, you know,
22 a few section cuts through the cubic volume of that
23 cellar.

24 **MS. VERDI:** Because I think those

1 added conditions are really related to -- they're
2 definitely related to the master plan, but they're
3 also really related to that dimensional adjustment,
4 which is why I'd like to, even though it's not
5 traditional, add them to that.

6 **CHAIR GAZDACKO:** And then we'll do
7 it --

8 **MS. VERDI:** And we'll also do it
9 in master, if we get there.

10 **CHAIR GAZDACKO:** And any other
11 conditions of master plan approval, obviously.

12 **MS. VERDI:** Correct.

13 **CHAIR GAZDACKO:** So we have a
14 motion.

15 Do we have a second?

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

17 **CHAIR GAZDACKO:** If not a second,
18 the motion fails.

19 **MS. VERDI:** Okay.

20 **CHAIR GAZDACKO:** And in the
21 alternative, do we have a motion to deny the
22 dimensional adjustment for the 10-foot rear setback?

23 **MS. LIPSCHITZ:** I guess the thing
24 I'm just thinking about is the definition of the

1 cellar is really the thing that affects the height
2 adjustment, not necessarily the back adjustment. I
3 think we've approved the height adjustment based on,
4 I think, the statement today and the statement
5 amongst this group that this is going to be a
6 cellar.

7 **CHAIR GAZDACKO:** And if it's not,
8 they don't have the height --

9 **MS. LIPSCHITZ:** Yeah. So I think
10 it's almost -- that provision is kind of moot. I
11 guess my question, and maybe it goes back to a
12 comment you made, is whether the 20 feet is really
13 what we should be enforcing here or not.

14 **MR. SANCHEZ:** Right. I think the
15 standard setback. It wasn't presented before.

16 **MS. LIPSCHITZ:** Right.

17 **MR. SANCHEZ:** It's to compensate
18 for a loss of space. I understand there may be
19 other ways to do that.

20 **MS. LIPSCHITZ:** And I guess I
21 question how much planting can really go in 10 feet.

22 **MR. SANCHEZ:** So I will make a
23 motion to deny.

24 **CHAIR GAZDACKO:** So we had a

1 motion, and we didn't have a second. Now we have a
2 motion to deny.

3 Do we have a second?

4 **MS. LIPSCHITZ:** I second.

5 **CHAIR GAZDACKO:** Okay. We have
6 a fully-formed motion to deny the dimensional
7 adjustment for the rear 10-foot setback.

8 Noel.

9 **MR. SANCHEZ:** I will deny it,
10 because I don't know if I say yes or no.

11 **CHAIR GAZDACKO:** It's yes --

12 **MR. SANCHEZ:** Aye.

13 **CHAIR GAZDACKO:** -- because you're
14 voting to deny.

15 **MR. AZAR:** Can I -- yes, that's
16 correct, that's the correct form. Just so everybody
17 understands, any, any -- there's got to be at least
18 three of you voting in the affirmative either to
19 approve or deny something, and you have to act. You
20 have to make --

21 **MR. SANCHEZ:** If it doesn't pass,
22 we'll have to do another vote.

23 **MR. AZAR:** You'll have to until
24 you get it.

1 **MR. SANCHEZ:** We get to talk in
2 between.

3 **CHAIR GAZDACKO:** We do. We get to
4 deliberate in between.

5 **MR. SANCHEZ:** I already said Aye.

6 **CHAIR GAZDACKO:** So you said Aye.
7 Charlotte.

8 **MS. LIPSCHITZ:** Aye.

9 **CHAIR GAZDACKO:** Nicole.

10 **MS. VERDI:** No.

11 **CHAIR GAZDACKO:** I vote Aye. The
12 dimensional adjustment for the 10 year -- foot rear
13 yard setback is denied.

14 Now we can move on to the master plan.

15 **MS. VERDI:** Okay. I'll make a
16 motion to approve the master plan, based on
17 everything that was presented, subject to the three
18 following conditions. I still would like, for the
19 next meeting, to make sure that the information
20 you're requesting is brought before us.

21 **CHAIR GAZDACKO:** Oh, absolutely.

22 **MS. VERDI:** So I would like to add
23 as a condition: So the transformer; and then the
24 specifications regarding the cellar --

1 **CHAIR GAZDACKO:** I would still
2 like to see planting in that rear area.

3 **MS. VERDI:** -- and a planting plan
4 in the rear.

5 **CHAIR GAZDACKO:** Especially for
6 the "not-to-be-developed" parcel, given that that's
7 going to be landlocked and not developable. I want
8 to make sure that, since that's being donated,
9 basically, to get the lot under 10,000 square feet,
10 that there's some community benefit there.

11 **MS. VERDI:** Okay.

12 **MS. LIPSCHITZ:** Yeah. And just to
13 be clear, I don't think, at that point, they're
14 going to know definitively how the transformer is
15 going to be planned, because that's going to come
16 later on, or it could come later on, but I imagine
17 they can at least present a viable proposal.

18 **MS. VERDI:** Okay.

19 **CHAIR GAZDACKO:** Okay. We also
20 want to see, you know, fully-formed floor plans and
21 square footage, unlike they were able to present
22 today, for the entire building.

23 **MS. VERDI:** Okay. So let me just
24 restate them. So the three conditions that are

1 already in --

2 **CHAIR GAZDACKO:** Oh.

3 **MS. VERDI:** What?

4 **CHAIR GAZDACKO:** And that the
5 loading space remains.

6 **MS. VERDI:** Okay.

7 **MS. LIPSCHITZ:** Long list.

8 **MS. VERDI:** So the three that
9 currently are in the staff report; we also want to
10 know a plan for the proposed transformer location;
11 the grading specifications and the details regarding
12 the cellar to show that it actually will be a cellar
13 under the definition; a plantings plan to show
14 robust planting in the rear for the
15 "not-to-be-developed" parcel; floor plans that
16 include square footage; and that the loading area
17 remain.

18 **CHAIR GAZDACKO:** We have a motion.

19 Do we have a second?

20 **MR. SANCHEZ:** I'll second that.

21 **CHAIR GAZDACKO:** All right. Go
22 around.

23 Noel.

24 **MR. SANCHEZ:** Aye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

CHAIR GAZDACKO: Charlotte.

MS. LIPSCHITZ: Aye.

CHAIR GAZDACKO: Nicole.

MS. VERDI: Aye.

CHAIR GAZDACKO: And I vote Aye.

Best of luck.

(APPLICATION HEARING ADJOURNED AT THIS POINT)

C E R T I F I C A T E

1
2
3 I, **CAROLE A. MALAGA**, hereby certify
4 that the foregoing is a true, accurate, and
5 complete transcript of my notes taken at the
6 above-entitled **IN-PERSON/VIRTUAL via Zoom**
7 Providence City Plan Commission hearing.
8

9 IN WITNESS WHEREOF, I have hereunto set
10 my hand this 9th day of December 2023.
11
12
13

14 /s/ Carole A. Malaga
15 **CAROLE A. MALAGA, NOTARY PUBLIC**
16

17 DATE: **OCTOBER 17, 2023**
18

19 IN RE: **MAJOR LAND DEVELOPMENT PROJECT**
20 **PUBLIC INFORMATIONAL MEETING**
Case No. 23-021MA
21 **APPLICANT:** Fox Point Capital, LLC
269 Wickenden Street
22
23
24