

Waterfront Special Development District Commission

Minutes of Monday, August 21, 2006 Public Hearing

Present were members: Chairman Patrick Rogers, Jay Gregory, Luis Torrado, John Pesce, Jacob Harpootian, Bruce Chick, William J. Fazioli; ~~ex-officio member~~: Richard Brown; counsel: Attorney Robin Main; and staff: Jeanne Boyle, Steve Coutu and Heidi Green. ✓

The meeting began at 6:40 p.m.

1. Chairman's Opening Remarks

Chairman Rogers welcomed Mr. Fazioli to the Commission. Chairman Rogers also introduced the new City Manager, Richard Brown. Chairman Rogers notified the Commission that there was going to be a financial audit of the Waterfront's accounting records by the same firm that audits the City's records. Chairman Rogers announced that Mr. Harpootian was appointed as the Chairman of the Hearing Panel. *also*

*is he
ex-officio? he is
not W. Comm. staff*

2. Approval of Minutes

A. Minutes of July 17, 2006

Motion to approve was made by Mr. Gregory and seconded by Mr. Pesce. Unanimous vote to approve with no changes.

3. New Business

A. Affordable Housing Presentation-Framework for in lieu payment David Bachrach, CDBG Coordinator

Mr. Bachrach has been working on devising a framework for the in lieu payment option for affordable housing in the Waterfront District. ~~He suggested that in lieu payments be deposited into a trust fund to be used to construct affordable housing within the city.~~ He recommended the in lieu option not exceed 5% of the 10% required for affordable housing. Mr. Bachrach indicated that land costs and availability of land should be considered when weighing the in lieu option. Mr. Bachrach explained that the in lieu payment per unit according to Rhode Island Housing as well as endorsed by affordable housing organizations is \$225,000. ~~Mr. Bachrach further indicated that the affordable housing definition and income guidelines for both renters and homeowners are set forth by the State.~~

Mr. Pesce inquired about the determination of \$225,000 per unit. He asked if that is the selling price per unit. Mr. Bachrach indicated that amount is not necessarily the selling price but rather a base line with expected subsidies. Mr. Bachrach stated that the sales price per unit would be based on income. The calculation would account for an individual or family making 120% median come and allowing for 30% of that income to be used for housing. As such, an

affordable unit typically sells for between \$130,000 and \$150,000. ~~Mr. Fazioli stated that the Ross Commons condominium project contains 6 affordable units that sold for between \$145,000 to \$155,000. Mr. Harpootian commented that he was concerned about the in lieu payments being deposited into a trust fund and dispersed in a "timely" manner. He does not think that is specific enough. He suggested that the Commission select specific sites and direct developers to construct the affordable units. He recommended that the Commission draft specific guidelines as to when and how the funds will be expended to construct affordable housing units.~~

~~Mr. Bachrach indicated that he would like to see an Affordable Housing Commission which would expend and manage affordable housing funds and seek available real estate. He stated that he was researching nonprofits to see if East Providence could partner with one to construct affordable units.~~

Attorney Main stated that the Waterfront regulations strongly encourage incorporating the affordable units within the proposed developments in the Waterfront. She further indicated that there must be an analysis of the in lieu option and the public benefit must be demonstrated by the developer to construct affordable housing units off site. Attorney Main stated that Commission may not want to specifically support a 5% off site in lieu option since the law specifically prefers 10% affordable units within the waterfront development. Attorney Main further pointed out that if a mechanism were to be adopted by the Waterfront Commission, it would be incorporated within the regulations. As such, there would have to be formal notice and public hearings concerning the mechanism for the in lieu alternative to be incorporated into the regulations.

Mr. Fazioli indicated that the mechanism should be a flexible alternative that meets public policy. Mr. Gregory suggested that he would feel more comfortable if the off site units were to be constructed in the waterfront. ~~However, maintenance should be considered because condominium associations may not wish to maintain units off site.~~

Chairman Rogers suggested that staff and counsel should proceed to the next step with the framework for the in lieu option in greater detail and the Commission will consider the issue further.

B. Tockwotton Development-Request for Extension of Approval

Mr. Kevin McKay appeared as Tockwotton's representative for its request for an extension of approval by the Waterfront Commission. Mr. McKay indicated that the construction of Waterfront Drive just commenced and is scheduled to be completed by next August. Additionally, Mr. McKay has been working with the City, CRMC and DOT to plan for the revetment along the Waterfront. Also, there have been some complications regarding the relocation of the electric transmission towers and lines with National Grid and the City of Providence. As such, Tockwotton petitioned the Commission for a six-month extension of the Conditional Use Provision. The Waterfront Commission approved Tockwotton's application on September 19, 2005. Mr. Harpootian suggested that the applicant be granted a year extension rather than a six month extension so he did not have to request two extensions.

There was a Motion made by Mr. Gregory and seconded by Mr. Chick to grant a one year extension of the Conditional Use Provision to the applicant.

Roll Call Vote:

Mr. Pesce: Aye
Mr. Torrado: Aye
Mr. Chick: Aye
Mr. Harpootian: Aye
Mr. Gregory: Aye
Mr. Fazioli: Aye
Chairman Rogers Abstained

4. Continued Business

Chairman Rogers indicated that Ms. Green has been working with Advertising Ventures on the Developers Package and website which are almost complete.

5. Reports of Commission's Subcommittees

A. Design Review Committee

No reports.

B. Hearing Panel

No reports.

6. Miscellaneous Other Business

No miscellaneous other business.

7. Staff Report

A. General Counsel's Report

No reports.

B. Executive Director's Report

Director Boyle indicated that GeoNova conducted a neighborhood meeting on August 16, 2006. She stated that approximately 50 members of the public attended the meeting. The primary concerns were traffic on Roger Williams Avenue and Bourne Avenue. Director Boyle pointed out that there are existing problems with the traffic in this area. ~~However, when the GeoNova and Phillipsdale Landing developments are combined there may be 250-300 cars during peak hours.~~ As such, its important to focus on traffic mitigation, its phasing, who will be responsible for the mitigation as well as monitoring the traffic as mitigation measures are implemented.

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Director Boyle stated that Mary Voce informed the public that GeoNova intends to comply with the 10% affordable housing requirements as outlined in the Waterfront regulations. Director Boyle informed the Commissioners that she has been working with GeoNova, City staff and Commission consultants to work out the details of the development proposal. ~~To date, 2 of the 3 issues have been resolved.~~ The first resolved issue is the Urban Coastal Greenway regulations promulgated by CRMC. GeoNova and CRMC have come to a resolution regarding drainage, public access and buffer requirements. The second issue pertains to wetland regulations applicable to Omega Pond enforced by the DEM. GeoNova and DEM have reached a compromise concerning the buffers and public access to Omega Pond. The third unresolved issue pertains to access to the site and negotiations between GeoNova, DOT and P & W. This issue is outstanding and negotiations are ongoing.

To date,
some
important
issues
have been
resolved.

8. Communications

There was no discussion regarding communications.

9. Adjournment

Motion to adjourn made at 7:45 p.m.

Respectfully submitted,

Jeanne M. Boyle
Interim Executive Director

JMB/hjg