

I-195 REDEVELOPMENT DISTRICT

**RESOLUTION REGARDING APPROVAL OF UPPER FLOOR FAÇADE TRANSPARENCY
WAIVER FOR PARCEL 9 / PHASE 2**

December 18, 2024

WHEREAS: Pursuant to the Rhode Island Special Economic Development District Enabling Act (the “SEDD Act”), the Commission is charged with approving all plans for development within the I-195 Redevelopment District; and

WHEREAS: Pursuant to the SEDD Act, the Commission has adopted a Development Plan applicable to construction within the I-195 Redevelopment District; and

WHEREAS On January 18, 2023, the Commission granted a waiver to Pennrose, LLC (“Pennrose”), the proposed purchaser of Phase 2 of Parcel 9, from the provisions of *Section 2.5 A.2.d.* of the Development Plan with respect to upper floor transparency for a residential use for the proposed development on Parcel 9, Phase 2 (the “Project”); and

WHEREAS As required by the Commission, Pennrose has made certain revisions to the plans for the Project and as a result of such revisions Pennrose has requested a further waiver from the provisions of *Section 2.5 A. 2. d* of the Development Plan with respect to upper floor façade transparency for a residential use at the Project (the “2024 Waiver”); and

WHEREAS: Utile, Inc., the District’s design consultant (“Utile”), has determined that the 2024 Waiver is appropriate and has recommended, by letter dated December 4, 2024, a copy of which letter is attached hereto as Exhibit A and is incorporated herein by reference (the “Utile Letter”), that the District grant the 2024 Waiver; and

WHEREAS: At a public hearing held this date, the Commission heard a presentation by Utile with respect to the 2024 Waiver; and

WHEREAS: The Commission invited comments from the public but none were offered.

NOW, THEREFORE, acting by and through its Commissioners, the District hereby resolves as follows:

RESOLVED: That the District hereby (a) finds that, given the geography of Parcel 9 Phase 2, budgetary constraints imposed by state funding for affordable housing and Rhode Island Housing energy efficiency targets, enforcement of the upper floor façade transparency regulations for a residential use contained in the Development Plan would preclude the full enjoyment by the owner of a permitted use and amount to more than a mere inconvenience, (b) adopts the recommendations contained in the Utile Letter with respect to the 2024 Waiver and (c) grants the 2024 Waiver.

EXHIBIT A

UTILE LETTER

utile

December 4, 2024

Caroline Skuncik
Executive Director
I-195 Redevelopment District
225 Dyer Street, Fourth Floor,
Providence, RI 02903

RE: Parcel 9, Phase 2 Upper Story Transparency Waiver Recommendation

Dear Caroline,

Utile, the I-195 Redevelopment District's Urban Design and Planning consultant, recommends that the Commission grant the requested waiver (see below) for Phase 2 of the Pennrose proposal for Parcel 9.

Summary of Prior Transparency Waivers Granted

Parcel 9 Phase 2 has been granted three transparency waivers to date:

- Section 2.5.A.2.b.i: a reduced minimum of 40% transparency for non-residential ground floor uses (December 2020),
- Section 2.5.A.2.c: a reduced minimum of 30% transparency for residential ground floor uses (December 2020), and
- Section 2.5.A.2.d: a reduced minimum of 30% transparency for upper story uses (January 2023).

Waiver Recommendation

Utile recommends that the requested transparency waiver to Section 2.5.A.2.d of the 2020 Development Plan allowing for a minimum of 25% transparency for upper story uses is granted based on the following site- and project-specific constraints and contextual factors:

1. Residential Context: nearby commercial uses are minimal now and for the foreseeable future (unlike elsewhere in the District), so a more residential level of transparency is contextually appropriate.
2. Unique Siting: four public-facing facades makes it difficult to accommodate resident parking, service and back-of-house uses while meeting the transparency requirement.
3. CityWalk Frontage: does not require commercial activation, intensive planting, murals and other activation is sufficient.
4. State Funding Constraints & Standards: budgetary constraints imposed by state funding combined with market-based cost escalation and Rhode Island Housing (RIH) energy efficiency targets would make it cost-prohibitive to meet the transparency requirements in this context for this program.

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utile

Please do not hesitate to reach out if you have questions or would like additional information.

Regards,

A handwritten signature in black ink that reads "Tim Love". The signature is fluid and cursive, with the first name "Tim" and last name "Love" clearly distinguishable.

Tim Love, Principal
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