

**FINANCIAL OVERSIGHT AND MANAGEMENT BOARD  
FOR PUERTO RICO**



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Executive Director

**BY ELECTRONIC MAIL**

July 18, 2018

Mr. Eduardo Nevares-Chaulon  
Viewpoint at the Park LLC  
PO Box 194020  
San Juan, PR 00919

Dear Mr. Nevares:

The Financial Oversight and Management Board for Puerto Rico (“Oversight Board”) has designated **Viewpoint at Roosevelt** as a **Critical Project** in accordance with Section 503(c) of PROMESA, through a Resolution approved by Unanimous Written Consent on June 27, 2018.

The Oversight Board has determined that the Viewpoint at Roosevelt project, as submitted and presented to the Board, meets the statutory criteria in Section 503(a)(1) as follows:

*(A) The impact the project will have on an emergency*

Public housing post-Maria has become an infrastructure emergency in accordance with Act 76, as amended. The Governor of Puerto Rico has issued a determination on behalf of this project, attached as part of this document, that includes similar language.

*(B) The availability of immediate private capital or other funds, including loan guarantees, loans, or grants to implement, operate, or maintain the project;*

Project has immediate availability of private capital and federal funds. (See Finance Section of Critical Project Report: Viewpoint of Roosevelt, May 1<sup>st</sup>, 2018, known as “the Report”.)

*(C) The cost of the project and amount of Puerto Rico government funds, if any, necessary to complete and maintain the project;*

The project does not rely on any Government of Puerto Rico funds for execution.

*(D) The environmental and economic benefits provided by the project, including the number of jobs to be created that will be held by residents of Puerto Rico and the expected economic impact, including the impact on ratepayers, if applicable;*

Project meets criteria, creating 120 jobs during construction, and having a positive economic benefit for Puerto Rico (see attached Report). In addition, the Project's site is part of the Tren Urbano's Joint Development Program, which is sponsored by the Federal Transit Administration and implemented by the Puerto Rico Highway and Transportation Authority, as a program to promote the development of transit-oriented developments.

*(E) The status of the project if it is existing or ongoing*

Project is existing, funded, with relevant permits, and is shovel ready.

#### **I. Designation Purposes:**

The Oversight Board designation as a Critical Project only allows the Sponsor to secure (for the Project) the benefits that such designation affords in accordance with the Title V of PROMESA, and clarifying that such designation:

(a) entitles the Sponsor to an expedited permitting process for the procurement of the Project's permits, authorizations and/or endorsement but does not guarantee the approval thereof;

(b) does not waive the Sponsors of their duty to demonstrate that they have obtained the required authorization from the Project's site legal owner to file any required submission to secure permits, authorizations, endorsements, comments and/or recommendations.

#### **II. Material Changes in the Project Status:**

The Critical Project designation is awarded to individual projects solely based on the merits of the project, as submitted. Any changes that occur prior to the implementation of the project, material or immaterial, must be notified to the Oversight Board in writing within ten (10) days of such change. The Oversight Board shall decide within thirty (30) days if such changes alter the Critical Project designation. Material changes include, but are not limited to:

- Cost changes that alter the Benefit Cost Analysis
- Feasibility changes or changes in availability of funds (private, federal, or governmental)
- Site location, contractual changes in site procurement, or zoning changes

#### **III. Expedited Permitting Process:**

Mr. Eduardo Nevares-Chaulon

June 22<sup>nd</sup>, 2018

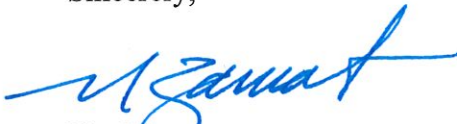
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**Implementation and Prioritization** - According to **Section 503(a)(3)(C)**, *“the Revitalization Coordinator shall require Puerto Rico Agencies to implement the Expedited Permitting Process for Critical Projects. Critical Projects shall be prioritized to the maximum extent possible in each Puerto Rico Agency regardless of any agreements transferring or delegating permitting authority to any other Territorial Instrumentality or municipality.”*

**Expedited Permitting Process Compliance** - If during the implementation of the project the Project Sponsor finds any *“failure of a Puerto Rico Agency to adhere”* to the Expedited Permitting Plan, the project sponsor must immediately inform the Oversight Board in writing. The Oversight Board will direct the offending party to comply with the Expedited Permitting Process as it is provided in **Section 504(c)(2)**.

**Length of Expedited Permitting Process** – According to **Section 504(a)(2)(b)**, *“With respect to a Puerto Rico Agency’s activities related only to a Critical Project, such Puerto Rico Agency shall operate as if the Governor has declared an emergency pursuant to section 2 of Act 76 (3 L.P.R.A. 1931). Section 12 of Act 76 (3 L.P.R.A. 1942) shall not be applicable to Critical Projects. Furthermore, any transactions, processes, projects, works, or programs essential to the completion of a Critical Project shall continue to be processed and completed under such Expedited Permitting Process regardless of the termination of the Oversight Board under section 209.”*

Sincerely,



Noel Zamot  
Revitalization Coordinator

CC: Natalie A. Jaresko  
Cristian Sobrino Vega

Attachments:

Viewpoint Critical Project Report  
UWC Board Resolution Viewpoint