



470 Nepperhan Avenue | Suite 200 | Yonkers, New York 10701 (914) 509-8651 www.yonkersida.com

PLEASE NOTE: Confidential information should NOT be inserted in this form as this form will be posted on our website. All confidential information should be inserted by marking "see confidential attachment note 1" etc.

APPLICANT INFORMAT	ION							
Applicant's Name: Erin Construction a	c.	Date of final application Submission:	1 / 17 / 2019					
Name of Person Completing Application and Title: John Murnane CEO								
Name of Company (if applicable): Erin C	Name of Company (if applicable): Erin Construction & Development Co., Inc. (Erin)							
Address: 121 Lakeville Road, Nev	v Hyde Park, NY 1104	0						
Phone: 516.616.4610	Mobile:		Email: alana@erinconstruc	tion.com				
PROJECT INFORMATION	v							
Project Address: 9-11 Riverdale	Avenue, Yonkers							
Block(s) & Lot(s): Block 501 Lots	s 26 & 27							
Present Legal Owner of Site:	Murnane	Is applicant/a	ffiliate present owner of the site?	Yes No				
How will the site be acquired: (if applicable)		When is the site planned to be acquired:						
I DM7 I	DM7							
	sed Area:		*if unknown, please inqui	e with IDA Staff				
PRINCIPAL USE OF PROJECT: Attach your full Project Narrative Statement describing project (i.e: land acquisition, scope of construction, timeline, sq footage, usage breakdown, anticipated revenues, contribution to community, etc.) and renderings to the completed application upon final submission.								
Is the location currently:		Proposed Project's operation type:						
Vacant land ☐ Abandoned ☐ In use / occupied Please provide a brief description of the current use of project location(s): The property is currently a vacant lot. Local artists exhibit their sculptures on the site through an agreement with the Blue Door Gallery next door.		☐ Commercial ☐ Manufacturing ☐ Other: ☐ Retail (complete retail questionnaire) ☐ Housing: Senior / Affordable / Market Rate ☐ Housing please provide # of units, unit mix, street level use: 29 rental apartments in project with unit mix of 6 studios, 21 one beds and 2 two beds. Please provide a brief description of the principal use of project upor completion: 29 rental apartments with one private communal space, rooftop deck/garden, basement bike storage and 2 ground floor spaces totalling 2200SF.						
	Estimated date project will need to begin utilizing benefits: 3 / 1 / 2019							
Likelihood of accomplishing prop	Likelihood of accomplishing proposed project within three (3) years:							



YEDC

APPLICATION FOR FINANCIAL ASSISTANCE

ESTIMATED PROJECT COSTS (Use best estim	nates. A	ny gmendments should be	sent as addendum to application)
VALUE OF PROPERTY to be acquired If you intend to leverage property already owned indicate intended to leverage property already owned in	ė	700,000 4,298,542	
NON CONSTRUCTION Equipment / Furnishings: SOFT COSTS: Other (explain): TOTAL PROJECT COST	\$. \$. \$.	1,544,509 6,543,051	
Is there likelihood that the Project would NOT be un ☐ Yes ☐ No Please provide an attached statement COST (Financial Assistance) BENEFIT (Economic D	ent indi	cating why the Project sho	
FINANCIAL ASSISTANCE REQUESTED (check all that	VALUE OF EXEMPTIONS		
SALES AND USE TAX EXEMPTION: Estimated value of Goods and Services to be exempt from sales and use tax (see "Recapture" on page 8)	Value of taxable purchases:		to be completed by IDA staff
MORTGAGE RECORDING TAX EXEMPTION:		nated Mortgage amount: 750,000	\$
REAL PROPERTY TAX AGREEMENT (PILOT) Requested duration of PILOT:	YEAR	s: <u>30</u>	\$
☐ INDUSTRIAL REVENUE BOND (IRB) Is a purchaser for the Bonds in place? ☐ Yes ☐ No		nated value of bond:	\$
TOTAL VALUE OF FINANCIAL ASSISTANCE REQ Economic Development = BENEFIT	UESTE	D:	\$
Private Funds invested \$ 1,793,051 Estimated Bank Financing \$ 4,750,000 State and Federal grant/credit: \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$		OTHER BENEFITS: Community Developm Development that will Regionally Significant	hool District: \$





EMPLOYMI	ENTPLAN	La la Carte			
	-		If financia	l assistance is granted	
	CURRENT # of jobs at proposed project location	# of jobs to be RELOCATED TO project location	Estimate # of FT and PT jobs to be <u>RETAINED</u>	Estimate the # of FT and PT jobs to be <u>CREATED</u> upon THREE years after project completion	Estimate the # of residents of the Labor Market Area in which the Project is located that will fill the FT and PT jobs t be created upon THREE years after Project completion*
Full Time - FT	0	4	4	4	4
Part Time - PT	0	10	10	10	10
Total .		735564			
*Labor Market	Area includes:		1101		
CALADY EDIN	IGE RENEEITS E	OP IORS TO R	E DETAINED A	AND/OR CREATED:	
		# job	#jobs	SALARY	FRINGE BENEFITS
JOB CA	ATEGORY	RETAINED	CREATED	(\$ Average or \$ Range)	(\$ Average or \$ Range)
Management					
Professional					
Administrative				_ = ==	
roduction/Skille	d Worker		*		
ndependent Con	tractor				
Other (not includin	ng construction jobs)				
INTER-MUNI	CIPAL MOVE DE	TERMINATIO	N		
Will the project a) Result	:	abandonment o		lity of the applicant from	one area of the State of New York
	in the removal of a				roject from one area of the State of
c) Result	in the abandonme	ent of one or mo	re plants or fac	ilities located in the State	e of New York? 🛘 Yes 🗏 No
	y of the above exp	_	•	•	prevent the Project from ts position in its respective industry:



YEDC onkers Economic Development Corporation

APPLICATION FOR FINANCIAL ASSISTANCE

ONSTRUCTION							
Estimated length of	construction: 24	MONTHS	Estimated 5 start:	/ <u>2019</u>	Estimated completion:	4/	2021
Estimate cost of pro	ject construction: $\frac{4,2}{}$	298,54	2	_			
Total cost attributal	pject construction: $\frac{4}{5}$ ple to materials: $\frac{2}{5}$ ple to labor: $\frac{1}{5}$	579,12	25				
Total cost attributal	ole to labor: \$1,7	719,41	7	20			
	construction jobs will b			roject: 6			
	e number of work hours o				ct construction	n: 12,000	_
Council of Westche	ction be governed by a proster and Putnam Counties to the preceding question, pleased).	s, New York	AFL-CIO ("Counci	")¹? □ Yes	■ No		
CONTRACTOR	INFORMATION If contr	actor/subcon	tractor has a permaner	nt location in or a	round Westchesto	er County pleas	se use
(Attached form for	nstruction Contractor or a any additional and attach ete if form is not included	to the con	npleted Application				
■ Contractor	☐ Subcontractor			- ite			
Name:			Company Na	me:		21	• • • •
Address:				-			
☐ Contractor	☐ Subcontractor	4.5					
Name:			Company Na	me:	0	8	
Address:	da da						·
☐ Contractor	☐ Subcontractor						<u> </u>
Name:			Company Na	me:			
Address:			= 1	-			

¹This may be either a PLA already in effect with the landlord of the Project facility, or a PLA made (or to be made) between the Applicant and the Council directly in connection with Project Construction.





CONSTRUCTION (continued)						
If some or all of the Contractor(s) or Subcontractor(s) to be involved in Project construction cannot reasonably be identified at this time, state whether it is Applicant's intention to require the following in its contract(s) for Project construction:						
a) Local hiring (100 mile radius from project site): Yes No						
b) Will contract require local hiring?						
If Yes, percentage of manual workers that will be local: 30 %						
c) Union Labor?:						
d) If Non-Union, will contract require payment of Prevailing Wage?: Yes No						
If the answer to question "(b)" or "(c)" above is NO, explain omission: It's possible our elevator sub will be union but we are not 100% sure at this time.						
We do endeavor to hire subcontractors who live and work primarily in the neighborhoods in which						
we work.						
NOTES:						
For purposes of this Application, "Prevailing Wage" shall mean the "prevailing rate of wage" as defined in Article 8 of the New York Labor Law.						
If Applicant has indicated herein that Project Construction will involve a PLA, union labor, local hiring, and/or payment of Prevailing Wage, the Agency reserves the right to include such requirements in the Project Documentation as conditions for the extension and retention of tax benefits.						
ENVIRONMENTAL REVIEW:						
Has the required environmental review under the State Environmental Quality Review Act (SEQRA) been completed? ☐ Yes ☐ No						
If yes, please attach all documentation (e.g. environmental assessment form, environmental impact statement, findings and determinations of lead agency, to the extent applicable).						
Please see attached.						





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APPLICANT'S COUNSEL

Name of Counsel: Matthew Hal		Phone 646.768.4102		
Address Goldstein Ha	all, 80 Broad Street Suite 303, NY 10004	Email: mhall@goldsteinhall.com		
PRINCIPAL O	WNERS DIRECTORS: (List owners with 15% or more in equi	ty holdings with and their ownership percentage)		
Type of entity:	☐ Limited; Num ☐ Limited Liability Company/Partnership: Number of	ber of General Partners: ber of Limited Partners:		
	☐ Sole Proprietorship			
If a foreign orga	anization, is the Applicant authorized to do business in t	he State of New York?		
Corporate Struct	ure – (Attach a schematic if Applicant is a subsidiary or otherw	rise affiliated with another entity)		





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REPRESENTATIONS by the APPLICANT

THE APPLICANT UNDERSTANDS AND AGREES WITH THE AGENCY AS FOLLOWS:

- A) <u>Job Listings</u> In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives and Financial Assistance from the Agency, except otherwise provided by collective bargaining agreements, new employment opportunities created as a result of the Project will be listed with the New York State Department of Labor Community Services Division (the "DOL") and with the administrative entity (collectively with the DOL, the "JTPA Entities") of the service delivery area created by the federal job training partnership act (Public Law 97-300) ("JTPA") in which the Project is located.
- B) <u>First Consideration for Employ</u> In accordance with Section 858-b(2) of the New York General Municipal Law, the Applicant understands and agrees that, if the Project receives and Financial Assistance from the Agency, except otherwise provided by collective bargaining agreements, where practicable, the Applicant will first consider persons eligible to participate in JTPA programs who shall be referred by the JTPA Entities for new employment opportunities created as a result of the Project.
- C) Annual Sales Tax Filings In accordance with the Section 874(8) of the New York General Municipal Law, the Applicant understands and agrees that, if the project receives any sales tax exemptions as part of the Financial Assistance from the Agency, in accordance with Section 874(8) of the General Municipal Law the Applicant agrees to file, or cause to be filed, with the New York State Department of Taxation and Finance, the Annual form prescribed by the Department of Taxation and Finance, describing the value of all sales tax exemptions claimed by the Applicant and all consultants or subcontractors retained by the Applicant.
- D) <u>Annual Employment Reports</u> The Applicant understands and agrees that, if the Project receives any Financial Assistance from the Agency, the Applicant agrees to file, or cause to be filed, with the Agency on an annual basis, reports regarding the number of people employed at the project site including corresponding payroll records for the year ending.
- E) Compliance with N.Y. GML Sec. 862(1): Applicant understands and agrees that the provisions of Section 862(1) of the New York General Municipal Law, as provided below, will not be violated if Financial Assistance is provided for the proposed Project:
 - § 862. Restrictions on funds of the agency. (1) No funds of the agency shall be used in respect of any project if the completion thereof would result in the removal of an industrial or manufacturing plant of the project occupant from one area of the state to another area of the state or in the abandonment of one or more plants or facilities of the project occupant located within the state, provided, however, that neither restriction shall apply if the agency shall determine on the basis of the application before it that the project is reasonably necessary to discourage the project occupant from removing such other plant or facility to a location outside the state or is reasonably necessary to preserve the competitive position of the project occupant in its respective industry.
- F) <u>Compliance with Applicable Laws:</u> The Applicant confirms and acknowledges that the owner, occupant, or operator receiving Financial Assistance for the proposed Project is in substantial compliance with applicable local, state and federal tax, worker protection and environmental laws, rules and regulations.





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REPRESENTATIONS by the APPLICANT (continued)

- G) <u>False and Misleading Information:</u> The Applicant confirms and acknowledges that the submission of any knowingly false or knowingly misleading information may lead to the immediate termination of any Financial Assistance and the reimbursement of an amount equal to all or part of any tax exemption claimed by reason of the Agency's involvement the Project.
- H) Recapture: Should the Applicant not expend or hire as presented, the Agency may view such information/status as failing to meet the established standards of economic performance. In such events, some or all of the benefits taken by the Applicant will be subject to recapture.

I)	Absence of Conflicts of Interest – The Applicant has received from the Agency a list of the members, officers and
	employees of the Agency. No member, officers or employees of the Agency has an interest, whether direct of
	indirect, in any transaction contemplated by this Application, except as herein described:

- J) All indemnifications and representations made by the Applicant in the within Application for Financial Assistance are made both to YIDA and YEDC.
- k) YIDA and YEDC are represented by Harris Beach PLLC as transaction counsel, or if Harris Beach PLLC has a conflict then YIDA and YEDC will identify an alternative law firm to act as Transaction Counsel. You are responsible for the costs and expenses of YIDA and YEDC Transaction Counsel and YIDA and YEDC will establish and have you maintain escrowed funds as the project progresses to pay Transaction Counsel fees. YOU WILL RECEIVE AN ACKNOWLEDGEMENT AFTER SUBMISSION OF THIS APPLICATION THAT OUTLINES ALL COSTS AND BENEFITS AND YOU WILL NEED TO SIGN THE ACKNOWLEDGMENT BEFORE FINAL APPROVALS ARE MADE AVAILABLE.





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HOLD HARMLESS AGREEMENT

Applicant hereby releases City of Yonkers Industrial Development Agency and the members, officers, servants, agents and employees thereof (the "Agency") from, and agrees that the Agency shall not be liable for and the applicant agrees to indemnify, defend, pay and hold the Agency harmless from and against any and all liability arising from or expense incurred by the Agency concerning (A) the Agency's costs and expenses in the examination and processing of, as well as action pursuant to or upon, the attached Application, as well as verification of assertions in the application or other applicant submittals or applicant claims made now or in the future, regardless of whether or not the application or the Project described therein or the tax exemptions and other assistance requested therein are favorably acted upon by the Agency, (B) the Agency's costs and expenses in reviewing any acquisition, construction and/or installation of the Project described therein and (C) and further action, costs and expenses taken by the Agency – with respect to the project; including without limiting the generality of the foregoing, all causes of action and fees and expenses for Agency attorneys, accountants, economists, engineers, architects or other professionals or consultants incurred regarding any part of the application or the review and/or approval and/or monitoring of compliance by the applicant with all laws, rules and regulations and/or in defending any suits or actions which may arise as a result or any for the foregoing. If, for any reason, the applicant fails to conclude or consummate necessary negotiations, or fails, within a reasonable or specified period of time, to take reasonable, proper or requested action, or withdraws, abandons, cancels or neglects the Application, or if the Agency or the applicant are unable to reach final agreement with the respect to the Project, then, in the event, upon presentation of an invoice itemizing the same, the applicant shall pay to the Agency, its agents or assigns, all costs incurred by the Agency in the processing of the Application, including fees and expenses for Agency attorneys, accountants, economists, engineers architects or other professionals or consultants, if any.

Applicant upon approval shall be responsible for any reasonable costs incurred by the Agency to verify employment or use of benefits received by the YIDA or other information required under the Public Authorities Accountability Act or other law, rule or regulation otherwise at the time said Verification is required.

This Indemnity and Hold Harmless Agreement shall survive any closing or other transaction in which benefits are sought or received by the applicant and shall continue for a period of time up to and including three years after the last benefit is received by the applicant from the City of Yonkers Industrial Development Agency.



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CERTIFICATION

The applicant and the individual executing this application on behalf of the applicant acknowledge that the Agency will rely on the representations made herein when acting on this application and hereby represent that the statements made herein do not contain any untrue statement of a material fact and do not omit to state a material fact necessary to make the statements contained herein not misleading.

	John Murnane	ر being first duly sworn, deposes and says:
1. T	That I am the Owner/ CEO	of Erin Construction & Development CO., Inc. and that I am
	(Corporate Officer	(Applicant)
(duly authorized on behalf of the Ap	plicant to bind the Applicant.
	The state of the s	ion, I know the contents thereof, and that to the best of my knowledge and belief Application are true, accurate and complete.
		Sols men
	11 1 1 10 11	(Signature of Officer)
this	cribed and affirmed to me under penal 17 May of <i>January</i> 20 <u>19</u> .	ties of perjury
	2	Piotr Kulesza
_0	m	Notary Public, State of New York
•	(Notary Public)	No. 01KU6295277
		Qualified in Nassau County Commission Expires 12/30/2021

APPLICATION FEE & PROCESSING

Enclose with this Application is the non-refundable Application Fee in the amount of \$600.00 to remittance address:

YONKERS INDUSTRIAL DEVELOPMENT AGENCY

470 Nepperhan Avenue, Suite 200 Yonkers New York 10701

FEES

AGENCY CLOSING FEE:

The Agency will collect an Agency Fee at the time of IDA closing. Fees are based on the type of financial transaction. (Please see fee schedule below)

Agency Fee Type

Bond Transactions

Straight Lease Transactions

.5% of Total Project Cost

1% of Total Project Cost

ANNUAL ADMIN FEE:

The Agency will collect an Annual Administrative Fee based on your project type and amount. This fee will be due annually on Feb 28th, after IDA benefits are provided to the project. (Please see fee schedule below)

Project Type: Straight Lease Annual Fee Up to \$10M \$ 500 Over \$10M \$1,000

Project Type: BONDS Annual Fee Up to \$10M \$1,000 Over \$10M \$2,000

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Project Summary 9-11 Riverdale Avenue, Yonkers

Project Overview

Currently a vacant lot along a prime corridor of Getty Square, Yonkers, we plan to create a mixed used project that retains the current look of the existing streetscape but with a modern touch. In maximizing what's allowable under the DMX zoning code for downtown, Erin Construction and Development proposes to improve upon the vacant lot with a 9-story mixed use residential and commercial building that will house 29 rental apartments over approximately 15,000 square feet and two ground floor commercial spaces totaling 2,150 square feet. Apartment mix is six (6) studios, 21 one bedrooms and two (2) two bedrooms. There will be a roof top terrace, a common area of 700 square feet for resident use only, basement storage and bike rack.

Parking code requires one space for every apartment (29 parking spots) and one space for every 300 square feet of commercial (8 parking spots). City of Yonkers provided us with ten (10) 'free' spots for the residential piece which lowers the minimum parking requirement to 19 spots for a total of 27 parking spots required for this project. Due to space constraints, it is not feasible to include parking as per zoning on site, even with the generous allowance. As a result, a payment in lieu of parking strategy is our only reasonable approach at this stage and we do not need to seek any variances with the Zoning Board for this project.

Our rental assumptions in sum:

- While neither explicitly deemed affordable housing nor government subsidy provision to bind apartments to regulatory agreements, we are mission driven to set rents that suit the economic needs of a wide range of households. We are also driven to be conservative in our economic projections to manage profitability and operating cost expectations. Therefore, we propose rents for a non-luxury but high end spec building deemed market rate for the immediate neighborhood.
- Our AMI is based on the 2017 Westchester County 100% AMI for a family of four (4) at \$107,800.
- 10% of the total units must be set aside as affordable to 80% AMI as per City of Yonkers zoning requirement.
 - o Four (4) studio apartments are underwritten to 71% AMI and two (2) studios are 80% AMI and therefore deemed affordable as defined by the City exceeding mandatory minimum.
- Remaining 25 apartments range in AMI from 95-115% AMI.

Apt	# of				
Type	Units	Rent	AMI Rent (100%)	% of AMI	
			-	9	
Studio	2	1,450	\$1,838	80%	
Studio	4	1,300	\$1,838	71%	
One Bed	4	1,800	\$1,898	95%	
One Bed	11	2,000	\$1,898	105%	
One Bed	6	2,200	\$1,898	116%	
Two Bed	2	2,700	\$2,381	113%	
	29	20,800			

Total development cost is \$6.5M +/-. The Community Preservation Corporation (CPC), a leading mortgage lender for small buildings in NYC and NYS, has provided us with a soft commitment to lend \$4,750,000. Remaining costs have been self-funded already with additional developer equity required at construction loan closing. Pending all necessary approvals, a 3rd or 4th quarter FY 2019 construction loan closing is projected. Permanent loan takeout by NY Pension Fund is underwritten to take place 30 months after construction start date.

Site Description

9-11 Riverdale Avenue is a 0.08-acre property located in the City of Yonkers, Westchester County, New York (identified as City of Yonkers tax lot parcels: Section 1, Block 501, Lots 26 and 27). The property consists of two contiguous parcels located on the western side of Riverdale Avenue; Lot 26 (9 Riverdale Avenue) is located to the north and Lot 27 (11 Riverdale Avenue) to the south. The site is an open yard with a partially demolished concrete wall located at the northwest portion of the property. Adjoining the property is a recently rehabbed office building to the north, church to the east and west and residences and art gallery located in a mixed use building immediately south.

The site is located in the DM-X Mixed Use District which is a high concentration of commercial, residential and institutional developments in the Downtown and encourages ground floor commercial uses to activate the street level environment. The overall property size is 48 feet wide (street frontage) by 92 feet deep that requires a 20 foot setback. In the DM-X Mixed Use District, the maximum building height permitted is 100 feet.

A Phase 1 and a Phase 2 (because the site contained a laundry 100 years ago) were conducted and no adverse environmental conditions were found.

9-11 Riverdale Avenue is located within the neighborhood of Getty Square, a dense and growing residential part of Yonkers with a bustling and vibrant retail shopping environment. There are farmers' markets, a CSA and thriving restaurants of all cuisines. Getty Square's heavy pedestrian foot traffic is bolstered by its role as a key transit hub of Yonkers and Westchester. Bee-Line buses, MTA express buses, Metro-North Railroad, and Amtrak converge in Getty Square and connections are often little more than a few blocks. Getty Square's WalkScore of 95 out of 100 is the highest of any neighborhood in Westchester, making it one of the best places in Westchester County to be car-free. The neighborhood enjoys close access to the waterfront which has benefited from a targeted Master Plan to extend and improve upon its use as evidenced by more activity centered around the Landmarked Pier and beyond.

Development Team

Developer and General Contractor/Erin Construction and Development Co. Inc. - Since its founding in 1995 by John Murnane, Erin Construction and Development, Inc. has participated in the redevelopment and preservation of thousands of quality, affordable multi-family housing in New York City and the metro area. With a primary focus on general contracting and construction management, we also have experience in technical assistance, project planning and real estate finance. Often partnering with non-profit, mission driven organizations, Erin delivers outstanding value to the diverse needs of their clients and as a result, its portfolio and customer-base has grown exponentially over the years.

Architect/H2M - H2M is a multi-disciplined, professional design and consulting firm located in the NY metro area. They retain staff resources of over 350 employees with specializations in mechanical, electrical, water supply, sanitary, chemical, civil, traffic and structural in architectural and engineering, respectively, geologists, hydrogeologists, environmental scientists, surveyors and related technical support personnel. H2M has completed thousands of private, public and municipal projects for dozens of federal, state and local agencies and governments.

Land Use Counsel/Zarin Steinmetz - Zarin Steinmetz is well known throughout the New York metropolitan area, specifically the Hudson Valley, for its concentration in all aspects of land development. They represent private and municipal clients in zoning and land use, environmental law (including SEQRA/NEPA), solid and hazardous waste, real estate and business transactions, eminent domain, and related litigation in state and

federal courts. Their mission is to satisfy our clients' demands through legal excellence, attorney accessibility and responsiveness, sound judgment, and cost efficiency.

Closing Counsel/Goldstein Hall —Goldstein Hall PLLC is a full service real estate law firm with a concentration in affordable housing and community development. Since their inception in 2006, they have been proud to continue to enhance our reputation as a smart, reputable, and responsive firm. As a certified Benefit Corporation (B-Corp), their mission goes beyond just legal representation as a socially responsible firm to act as change agents for the communities and residents they work with, as well as for serving our clients legal and consulting needs.