

MEETING MINUTES

CAPITAL CENTER COMMISSION

November 4, 2004

12:00 Noon

**First Floor Theater
30 Exchange Terrace
Providence, RI**

1. Roll Call

Chairman Gardner called the meeting to order at 12:10 AM. Members present included Leslie A. Gardner, Steve Daniels, Ken Dulgarian, Steve Durkee, Wilfrid L. Gates, Jr., Jay Goodman, V. Duncan Johnson, Barry Preston (arrived 12:15 PM), Robert Reichley, Senator William Walaska, Stanley Weiss, and Councilwoman Rita Williams.

Staff present included Deborah Melino-Wender, Executive Director; David Spillane, Goody, Clancy and Associates, Inc., Design Consultant; and Richard Peirce, Roberts, Carroll, Feldstein and Peirce, Inc., legal counsel.

Others present included Amy Vitale, Partridge, Snow & Hahn; Greg Smith, Providence Journal; Robert Roth and Doug Weeks, RS Roth Inc.; Nicholas Iselin and Richard Libardoni, Intercontinental; Jonathan Cardello, James Gray and Julie Hennigan, ADD Inc.; Richard Galvin, Commonwealth Ventures; Charles Meyers, Metropark; Ron Chrzanowski, Capital Properties; Patrick Guida, Tillinghast, Licht, et al; Tim More, Benefit Street; Nat Finley, Spagnolo & Gisness; Anthony Thomas, Foundry Associates.

2. Meeting Minutes

2.1 Approval of Commission Minutes of September 9, 2004

The motion was duly made, seconded and unanimously passed to approve the minutes of the Capital Center Commission meeting of September 9, 2004.

2.2 Acceptance of Design Review Committee Minutes of August 31, 2004; September 7, 2004; September 14, 2004; September 21, 2004 and September 28, 2004.

The motion was duly made, seconded and unanimously passed to accept the minutes of the Design Review Committee meetings of August 31, 2004; September 7, 2004; September 14, 2004; September 21, 2004 and September 28, 2004.

3. Report of the Executive Director

The Executive Director read two pieces of correspondence that have been received regarding Parcel 9 GTECH.

The Executive Director will then reviewed the dates of DRC and CCC public hearings for Parcel 9. She also referenced an article on the Capital Center District which had recently appeared in the New York Times.

4. Parcel 6: Request for Extension of Certificate of Approval

Chairman Gardner explained that the Certificate of Approval and Certificate of Approval for Deviations for the original Parcel 6 design was originally issued on November 13, 2003. This approval expires after one year if the developer has not received a building permit.

Mr. Roth has reported to the Executive Director that he has filed for a building permit for the first building and will file for a building permit on the second building soon. The building permit has not yet been issued. Mr. Roth is requesting a six-month extension to the original design while he pursues the building permit.

The motion was duly made, seconded and unanimously passed to extend the Certificate of Approval and Certificate of Approval of Deviations for Parcel 6 for a six-month period, expiring on May 13, 2005.

Chairman Gardner opened the public hearing at 12:15 PM.

5. Parcel 2: Public Hearing:

Application for Development, Deviations and Waiver

The minutes of this portion of the meeting can be found in the stenographic record. The public hearing was closed at approximately 1:15 PM

6. Parcel 2: Action

Application for Development, Deviations and Waiver

Chairman Gardner noted that the following items have been distributed to the Commission members, the public hearing notice as appeared in the Providence Journal; the DRC Findings of Fact (with David Spillane's comments attached); the DRC Report and Recommendations; a Draft CCC motion; a Draft Certificate of Approval, and a Draft Approval of Deviations and Waiver.

Discussion by the Commission members continued. Mr. Gates stated that the recommendation of the DRC and the presentation represents six months of effort by the DRC, certain members of the Commission and the public. He stated that the Design Review Committee believes in the project as submitted. Mr. Gates made the motion, as attached, to approve the requested deviations and waiver. Mr. Weiss seconded the motion. Mr. Preston made a motion to amended the motion to include the following conditional language: " that the developer consider the design of the

lower level wall facing the Woonasquatucket River with the DRC and consider comments relative to the design of the retail roof.” Mr. Gates seconded the motion for purposes of discussion. Mr. Gates explained that his motion, by including reference to the design development plans and the mock-ups will bring these items back to the DRC as the project progresses. The details and changing relationships that develop as the design progresses will need to come back to the Committee. Mr. Preston then withdrew his motion.

The motion, which is attached to these minutes, which was made by Mr. Gates and seconded by Mr. Weiss passed unanimously.

Mr. Gates then made the motion, which is attached to these minutes, relative to the approval of the project as a whole. Mr. Reichley seconded the motion which passed unanimously.

7. New Business

There was no new business.

8. Adjournment

The meeting was adjourned at 1:35PM.

Robert Reichley
Secretary

**MOTION FOR
CAPITAL CENTER COMMISSION ACTION**

**Parcel 2
November 4, 2004**

Motion #1: I move that the Capital Center Commission take the following action:
(NOTE: This motion relates to the granting of the requested deviations.)

1. Adopt the Report and Recommendations and the Findings of Fact of the Design Review Committee dated October 26, 2004 relative to the request for development and deviations from the Design and Development Regulations and a zoning waiver for the City of Providence Zoning Ordinance.
2. After a review of the request for the deviations from the Design and Development Regulations contained therein; the request for a zoning waiver from the Zoning Ordinance of the City of Providence, the Report and Recommendation and Findings of Fact of the Design Review Committee; and the testimony presented to the Commission today, the evidence establishes that the literal enforcement of from Sections 3.3.B(preferred uses), 3.3.C(building edges), 4.B.2.b (preferred uses), 4.B.2.c (building edges), 4.B.2.d (height and massing), 4.B.2.e (parking and service), 4.B.2.f (pedestrian circulation), 4.B.2.g (vehicular circulation), 4.C.1(uses), and 5.B.3 (general provisions) of the Design Development Regulations and from Section 306 Dimensional Regulations of the Providence Zoning Ordinance pursuant to Section 504.2.C (1)Waivers: building height would preclude the full enjoyment by the owner of a permitted use and would amount to more than a mere inconvenience.
3. Grant the requested deviations and zoning waiver subject to the same terms and conditions set forth in the report of the Design Review Committee of October 26, 2004, namely:
 - a. that no material changes are made to the plans and specifications of the development without the prior approval of the DRC and the Commission.
 - b. that the developer and the owner seek and receive the approval of the State Historic Preservation Officer
 - c. that the design development plan, the signage plan and the lighting scheme details be brought back to the DRC and the Commission for review and approval.

- d. that the developers actively seek a development team for the build out of Phase 2 of the parcel in accordance with the massing plans presented to the Commission.
 - e. that the developers report to the Commission every six months regarding the progress in developing Phase 2 of the parcel.
 - f. that the developer makes design development and construction progress reports, including on-site full scale mock-ups, to the Commission as reasonably requested by the Executive Director.
 - g. that all conditions set forth in the Design and Development Regulations are met and continue to be met by the developer.
 - h. that the developers consider the recommendations of David Spillane of Goody, Clancy and Associates, Inc, the Capital Center Commission's design consultant, as stated in a memorandum dated October 19, 2004.
4. Authorize the Chairman and the Executive Director to execute on behalf of the Commission necessary documents with respect to the granting of the aforesaid deviations and waivers.

Motion #2: I move that the Capital Center Commission take the following action:
(NOTE: This motion relates to the approval of the project as a whole.)

1. Approve the development plans as presented subject to the same terms and conditions set forth in the report of the Design Review Committee of October 26, 2004, namely:

- a. that no material changes are made to the plans and specifications of the development without the prior approval of the DRC and the Commission.
- b. that the developer and the owner seek and receive the approval of the State Historic Preservation Officer
- c. that the design development plans, signage plan and lighting scheme details be brought back to the DRC and the Commission for review and approval.
- d. that the developers actively seek a development team for the build out of Phase 2 of the parcel in accordance with the massing plans presented to the Commission
- e. that the developers report to the Commission every six months regarding the progress in developing Phase 2 of the parcel.
- f. that the developer makes design development and construction progress reports, including on-site full scale mock-ups, to the Commission as reasonably requested by the Executive Director.
- g. that all conditions set forth in the Design and Development Regulations are met and continue to be met by the developer.
- h. that the developers consider the recommendations of David Spillane of Goody, Clancy and Associates, Inc, the Capital Center Commission's design consultant, as stated in a memorandum dated October 19, 2004.

2. Authorize the Chairman and the Executive Director to execute on behalf of the Commission necessary documents with respect to the granting of the aforesaid approval.