

MEETING MINUTES

CAPITAL CENTER COMMISSION

Thursday, September 14, 2006

12:00 Noon

First Floor Conference Room

30 Exchange Terrace

Providence, RI

1. Roll Call

Chairman Gardner called the meeting to order at 12:05 PM. Members present included Leslie A. Gardner, Greg Benik, Merlin DeConti, Steve Durkee, Barry Fain (arrived 12:15 PM), Duncan Johnson, Phil Stone, Chris Thomas, Stanley Weiss, and Councilwoman Rita Williams.

Staff present included Deborah Melino-Wender, Executive Director and Richard Peirce, Legal Counsel.

Others present included Chris Marsella, Marsella Development, Robert Bromley, Senate Fiscal Office, Nat Finley, Spagnolo & Gisness; Lee Burneson and Tom Niles, The Procaccianti Group; Charles Meyers, Metropark; Ron Chrzanowski, Capital Properties, John Freeman, PAF/Flemings, Tom Smith, Ruth's Chris; Mike McBride, Capital Grille.

2. Minutes

2.1 Approval of Commission Minutes of August 10, 2006

The motion was duly made, seconded and unanimously passed to approve the minutes of the Capital Center Commission meeting of August 10, 2006.

2.2 Acceptance of Design Review Committee Minutes of August 1, 2006 and August 22, 2006.

The motion was duly made, seconded and unanimously passed to accept the minutes of the Design Review Committee minutes of August 1, 2006 and August 22, 2006.

3. Report of the Executive Director

The Executive Director updated the Commission on the meeting held with certain state department heads concerning Station Park.

4. Design Review Committee Appointment

Chairman Gardner informed the Committee that Barry Fain is stepping down from his position on the Design Review Committee, but will retain his position on the full Commission. She noted that Mr. Fain has given many years of service to the DRC and attended many early morning meetings. Chairman Gardner informed the

Committee that she is recommending Chris Thomas to fill the open position on the DRC.

The motion was duly made, seconded and unanimously passed to appoint Christopher Thomas to the Design Review Committee.

5. Parcel 1: Capital Grille: Request for Entrance Modifications

Chairman Gardner noted that the request to replace the revolving door to a glass vestibule area with double doors has been recently recommended for approval by the DRC. She also noted that Ted Sanderson of RIHPHC has also approved the proposal. Mr. McBride presented the proposed plan to the Commission. Mr. DeConti noted that there should be double doors on the side. A brief discussion followed.

The motion was duly made, seconded and unanimously passed to approve the proposed changes to the entrance vestibule area, as presented, to include the double doors.

6. Parcel 1: Parking Booth: Request for Extension of Approval

Chairman Gardner noted that the Commission initially approved the parking booth on Parcel 1 on July 14, 1994. This approval has been extended every two years since that time. Chris Marsella noted that they are seeking an additional two year extension.

The motion was duly made, seconded and unanimously passed to extend the approval for the booth and the controlled access and egress gates for Parcel 1 at Exchange Street for a two year period through July 8, 2008.

7. Parcels 3 & 4: Request for Extension of Interim Parking

Chairman Gardner stated that the Commission initially granted approval for interim parking on October 10, 1991. This approval has been extended at various times and now expires on October 10, 2006. She noted that Capital Properties has paid the two-year interim fee of \$2,500.

The motion was duly made, seconded and unanimously passed to approve the extension of the interim parking on Parcels 2 and 4 through October 10, 2008.

**8. Parcel 9: GTECH Building
Request for Approval: Building Modifications
Request for Approval: Ruth's Chris**

Building Modifications: Chairman Gardner explained that the parcel 9 team presented a request at the August 22nd DRC meeting to change the glass at the corner tower. GTECH has revised its plans for the lobby space and the structure of the parking garage shows through the glass and looks unfinished. The team is proposing to reduce the height of the clear glass to 23' and to use translucent etched glass, similar to that which appears in other areas of the building for the remaining area.

She noted that the DRC is recommending approval of the proposed changes to the glass façade at the corner to incorporate a random pattern of glass.

Mr. Finley presented the plans for the building. The presentation was followed by a brief discussion. Mr. DeConti said he would feel better if the glass reflects other things on the building.

The motion was duly made, seconded and unanimously passed to approve the proposed changes to the glass façade at the corner tower, incorporating a random patter of glass, as presented.

Ruth's Chris Restaurant Signage: Chairman Gardner noted that the signage for Ruth's Chris restaurant was presented to the DRC at its meeting of September 12, and the DRC is recommending approval, with dimmer switches to be installed to control the brightness of the signs. Mr. Smith presented the signage plan for the restaurant. He informed the Commission that it will be a 325 seat restaurant fronting on Waterplace. Mr. Smith reviewed the concerns of the DRC with the possible brightness of the sign lighting and said that Ruth's Chris agreed to install dimmer capabilities.

A brief discussion followed. The motion was duly made, seconded and unanimously passed to approve the Ruth's Chris signage with the condition that the restaurant installs dimming switches for use during Waterfire and that it work with the DRC to adjust the illumination, as required, depending upon the surrounding evening context.

Public Hearing

9. Parcel 11: Westin Hotel expansion: Public Hearing Application for Signage Waivers: Westin Hotel and Flemings Restaurant

The public hearing began at 12:30 PM. The minutes of this portion of the meeting can be found in the stenographic record. The public hearing was closed at 12:45 PM.

10. Parcel 11: Westin Hotel Expansion: Action Application for Signage Waivers: Westin Hotel and Flemings Restaurant

There was a brief discussion. The Executive Director reviewed the "Findings of Fact" and the "Report and Recommendations" with the Commission.

Mr. Thomas made the following motion, which was seconded by Mr. Stone:

1. To adopt the Report and Recommendations and the Findings of Fact of the Design Review Committee dated September 12, 2006 relative to the request for waivers from the Providence Zoning Ordinance.
2. That after a review of the request for the waivers, filed by PRI XVIII, L.P. and Flemings Prime Steakhouse and Wine Bar, from the Providence Zoning

Ordinance, contained therein, the Report and Recommendation and Findings of Fact of the Design Review Committee; and the testimony and documentary evidence and facts represented to the Commission today, the evidence establishes that pursuant to Section 504.1 A (2) Waivers of the Providence Zoning Ordinance, the proposed signage is in harmony with the general purposes and intent of the Capital Center Commission Design and Development Regulations and are in accordance with the requirements of Section 504 of the Providence Zoning Ordinance to permit (a) internally and halo illuminated signs; and (b) contemporary sign materials.

3. To grant the requested waivers subject to the same terms and conditions set forth in the report of the Design Review Committee of September 12, 2006, namely: that this waiver is being granted based on the testimony and documentary evidence and facts presented by the applicant in the Design Review Committee Public Hearing of September 12, 2006 and the Capital Center Commission Public Hearing of September 14, 2006.

The granting of this waiver is subject to the receipt of Federal, State and City approvals, where applicable, and also subject to any conditions set forth in the Design Review Committee's recommendation of September 12, 2006, namely:

- a. that the approval of the waivers for signage not be construed as establishing a precedent for other development parcels within Capital Center.
4. To authorize the Chairman and the executive Director to execute on behalf of the Commission the necessary documents with respect to the granting of the aforesaid waivers.

The motion passed unanimously.

11. New Business

There was no new business.

12. Adjournment

The meeting was adjourned at 12:50 PM.

Robert Reichley
Secretary