

**MEETING MINUTES**  
**CAPITAL CENTER COMMISSION**

**Thursday, September 20, 2007**  
**12:00 Noon**  
**First Floor Theater**  
**30 Exchange Terrace**  
**Providence, RI**

**1. Roll Call**

Chairman Gardner called the meeting to order at 12:07 PM, without a quorum present. Members present included Leslie A. Gardner, Wilfrid L. Gates, Jr., Robert Reichley, Guy Abelson, Greg Benik, Phil Stone, Jennifer Cooke, Steve Durkee (arrived 12:11 AM) and Barry Fain (arrived at 12:15 PM). Members absent included Merlin DeConti, Christopher Thomas, Stanley Weiss, Councilman Terrence Hassett and Councilwoman Josephine DiRuzzo.

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

Others present included Robert Bromley, Senate Fiscal Office; Randy Collins, Gates, Leighton & Associates; Brad Dimeo, Dimeo Construction; Doug Anderson and Tom Bovis, BCBSRI; Charles Meyers, Metropark; Jason Kelly and Sue Newman, Moran Shipping; Nathan Kelly, Horsley Witten Group; John Boehnert, Partridge, Snow & Hahn; Nick Iselin, Intercontinental Development; Ron Chrzanowski, Capital Properties; and Mark Spaulding and Andrew Goetz, SMMA.

The order of the meeting was changed until a quorum could be declared.

**2. Report of the Executive Director**

The Executive Director informed the Commission that the “clean and green” work at Station Park has started. She also updated the Commission on the status of Parcel 6.

**3. Parcel 14: RI Medical Society Building: Presentation of Surface Parking Request**

**Presenter: Randy Collins, Gates Leighton & Associates**

Mr. Gates recused himself on this agenda item.

Chairman Gardner informed the Commission that Moran Shipping has purchased the RI Medical Society Building and the adjacent lot and will be relocating its headquarter operations here. She said that Moran Shipping will be presenting their landscaping plans for a parking lot on the adjacent vacant lot and they would like the Commission to consider granting a variance to the Regulations for permanent parking. Chairman Gardner stated that this item is not on the agenda for action, just for presentation and discussion.

Mr. Kelly briefly informed the Commission of his company’s purchase of the building and their future plans. Mr. Collins presented the landscaping plan for the parking lot, which would include fencing along the perimeter, a card access gate and perimeter landscaping. Mr.

Collins informed the Commission that the parking would be restricted to the employees and visitors for Moran Shipping.

The Executive Director informed the Commission that this proposal would require that the Commission grant a use variance, which would be the least variance required to satisfy the parking needs of Moran Shipping. She noted that the Commission's regulations prohibit surface parking and that it has been granted only on an interim basis in the past. She stated that for this parcel, the parking would be restricted for the use of the adjacent building and that this building predated the adoption of the Design and Development Regulations. Mr. Peirce informed the Commission that the factors to consider in granting the variance that will be requested include the fact that the building did pre-date the regulations and that the parking will be only for the employees and patron of the use ancillary and immediately adjacent to the proposed parking lot. He also stated that the variance, if granted, should be subject to an approved parking lot plan which makes the parking as unobtrusive as possible.

Chairman Gardner noted that the Design Review Committee has reviewed these plans and is recommending that the Commission proceed with a public hearing.

No vote was taken and Mr. Kelly stated that they would proceed with an application for a variance for a surface parking lot. The Executive Director said that the public hearing would likely be held at the Commission's November meeting.

#### **4. FY '08 Budget Update**

The Executive Director informed the Commission that the budget has been updated to include the revised funding allocations from the City and the State. She noted that this information was included in the agenda packets.

A quorum was declared at 12:17 PM and the public hearing was opened at 12:18 PM

#### **5. Parcel 2C: Public Hearing**

**Application for Development, Deviations, Variance and Waiver**

**Presenters: Tom Bovis, Blue Cross & Blue Shield of RI;**

**Mark Spaulding, SMMA (Symmes, Maini, & McKee Associates)**

The minutes of this portion of the meeting can be found in the stenographic record. The public hearing was closed at 1:10 PM

#### **6. Parcel 2C: Action**

**Application for Development, Deviations, Variance and Waiver**

The Executive Director distributed the DRC Findings of Fact; the DRC Report and Recommendations, and the drafts of the Certificate of Approval, Certificate of Approval of Deviations, Certificate of Approval of Variance, and Certificate of Approval of Waiver.

The following motions were duly made, seconded and unanimously passed:

**Motion #1:** (relating to the granting of the requested deviations, variance and zoning waiver.)

1. To adopt the Report and Recommendations and the Findings of Fact of the Design Review Committee dated September 18, 2007 relative to the request for development deviations and

a variance 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 and variance 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: (a) the literal enforcement of Sections 4.B.2.c (Building Edges), 4.B.2.d (Height and Massing), 4.C.1 (Uses), and 4.C.6 (Parking and Service) of the Design Development Regulations and of Section 703.1 Parking Requirements of the Providence Zoning Ordinance pursuant to Section 504.2.C (4)Waivers: Parking, would preclude the full enjoyment by the owner of a permitted use and would amount to more than a mere inconvenience, and (b) owing to special considerations, the literal enforcement of Section 4.C.1 (Uses) would result in unnecessary hardship where the requested variance regarding the first floor cafeteria will not be contrary to the public interest, where the spirit of the Development Plan will be observed and substantial justice will be done.
3. To grant the requested deviations, variance and zoning waiver subject to the same terms and conditions set forth in the report of the Design Review Committee of September 18, 2007, 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 signage plan be brought back to the DRC and the Commission for review and approval and that the final details of the landscaping plan be remanded to the Design Review Committee;
  - d. that the renderings be updated to reflect the final project design, as presented;
  - e. that the height of the flagpoles on the west side of the project be increased to a height that gives significance to these flagpoles within the skyline;
  - f. that the granting of the deviation and waivers related to parking are specifically conditioned upon the following: (1) the applicant will provide 180 on-site parking spaces; (2) the applicant will provide 66 parking spaces in parking garages and/or lots within the Capital Center District; (3) the applicant will provide a minimum of 82 parking spaces outside of the District; and (4) the applicant will file with the Executive Director its parking plan which includes the incentives it has offered to its employees for the use of public transportation and ride sharing and the location and number of the required off-site spaces both within and outside of the District.
  - g. that the developers report to the Commission every six months regarding the progress in developing Phase 2C of the parcel.

- h. that the developer makes design development and construction progress reports, including full on-site mock-ups, to the Commission as reasonably requested by the Executive Director.
  - i. that all conditions set forth in the Design and Development Regulations are met and continue to be met by the developer.
  - j. 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 September 17, 2007, and
  - k. that the approval of the deviations for building edges, height and massing, uses, and parking and service, the variance for uses and the zoning waiver for parking not be construed as establishing a precedent for other development parcels within Capital Center.
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, variance and waivers.

**Motion #2:** (relating to the approval of the project as a whole.)

- 1. To approve the development plans as presented subject to the same terms and conditions set forth in the report of the Design Review Committee of September 18, 2007, 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 signage plan be brought back to the DRC and the Commission for review and approval and that the final details of the landscaping plan be remanded to the Design Review Committee;
  - d. that the renderings be updated to reflect the final project design, as presented;
  - e. that the height of the flagpoles on the west side of the project be increased to a height that gives significance to these flagpoles within the skyscape;
  - f. that the granting of the deviation and waivers related to parking are specifically conditioned upon the following: (1) the applicant will provide 180 on-site parking spaces; (2) the applicant will provide 66 parking spaces in parking garages and/or lots within the Capital Center District; (3) the applicant will provide a minimum of 82 parking spaces outside of the District; and (4) the applicant will file with the Executive Director its parking plan which includes the incentives it has offered to its employees for the use of public transportation and ride sharing and the location and number of the required off-site spaces both within and outside of the District.

- g. that the developers report to the Commission every six months regarding the progress in developing Phase 2C of the parcel;
- h. that the developer makes design development and construction progress reports, including full on-site mock-ups, to the Commission as reasonably requested by the Executive Director;
- i. that all conditions set forth in the Design and Development Regulations are met and continue to be met by the developer;
- j. 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 September 17, 2007, and
- k. that the approval of the deviations for building edges, height and massing, uses, and parking and service, the variance for uses and the zoning waiver for parking not be construed as establishing a precedent for other development parcels within Capital Center.

2. To 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.

## **7. Minutes**

### **2.1 Approval of Commission Minutes of July 12, 2007**

The motion was duly made, seconded and unanimously passed to approve the minutes of the Capital Center Commission meeting of July 12, 2007.

### **2.2 Acceptance of Design Review Committee Minutes of July 10, 2007; July 31, 2007; August 14, 2007; August 28, 2007.**

The motion was duly made, seconded and unanimously passed to accept the minutes of the Design Review Committee meetings of July 10, 2007, July 31, 2007, August 14, 2007 and August 28, 2007.

## **8. New Business**

There was no new business.

## **9. Adjournment**

The meeting was adjourned at 1:20 PM.

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Robert Reichley  
Secretary