

MEETING MINUTES
CAPITAL CENTER COMMISSION

Thursday, November 15, 2007

12:00 Noon

First Floor Theater

30 Exchange Terrace

Providence, RI

1. Roll Call

Chairman Gardner called the meeting to order at 12:10 PM. Members present included Leslie A. Gardner, Guy Abelson, Greg Benik, Jennifer Cookke, Merlin DeConti, Barry Fain (arrived 12:PM), Duncan Johnson, Robert Reichley, Philip Stone, and Christopher Thomas. Members absent included Councilwoman Josephine DiRuzzo, Councilman Terrence Hassett, Steve Durkee, Wilfrid L. Gates, Jr., and Stanley Weiss.

Staff present included Deborah Melino-Wender.

Others present included Jason Kelly, Moran Shipping, Nathan Kelly, Horsley Witten Group; Peter Ruggerio, attorney, Randy Collins, Gates Leighton and Associates, Inc.; Michael Levesque, Alise Sarkasian, RI House of Representatives; and Meredith Holderbaum, RI Senate Fiscal.

2. Minutes

2.1 Approval of Commission Minutes of September 20, 2007

The motion was duly made, seconded and unanimously passed to approve the minutes of the Capital Center Commission meeting of September 20, 2007.

2.2 Acceptance of Design Review Committee Minutes of September 11, 2007 and September 18, 2007

The motion was duly made, seconded and unanimously passed to accept the minutes of the Design Review Committee meetings of September 11, 2007 and September 18, 2007.

3. Report of the Executive Director

The Executive Director reported that there had been a groundbreaking ceremony the previous week for the Capitol Cove, Parcel 6 development. She reported on the construction progress.

4. Membership

Chairman Gardner notified the Commission members that Robert Reichley will be stepping down from the Commission at the end of the year. She reminded the Committee that Mr. Reichley has had a long and successful service with the Commission and its Design Review Committee and that he had also served on the first Board of the RI Convention Center Authority. Chairman Gardner presented Mr. Reichley with a Resolution of Appreciation and stated that he will be missed.

5. 2008 Meeting Schedule

The Chairman noted that the 2008 Capital Center Meeting Schedule is included in the agenda packet.

Chairman Gardner opened the public hearing at 12:20 PM. The minutes of this portion of the meeting can be found in the stenographic record.

6. Parcel 14: 110 Francis Street: Public Hearing Application for Development and Variances

The public hearing was closed at 12:45 PM

7. Parcel 14: 110 Francis Street: Action Application for Development and Variances

The Executive Director distributed the DRC Findings of Fact; the DRC Report and Recommendations, and the drafts of the Certificate of Approval, and Certificate of Variance. These were reviewed with the Commission members.

The following motion was made by Mr. Johnson and seconded by Mr. Thomas and unanimously passed.

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

1. Adopt the Report and Recommendations and the Findings of Fact of the Design Review Committee dated November 6, 2007 relative to the request for development and variances from the Design and Development Regulations.
2. After a review of the request for the variances from the Design and Development Regulations contained therein; 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 3.4.B (Preferred Uses), 4.B.14.b(Preferred Uses), and 4.C.6 (Parking and Service) of the Design Development Regulations result in unnecessary hardship on the applicant, the granting of the variance is not contrary to the public interest, the granting of the variance requested is the minimum possible variance which can be granted which will meet the applicant's need, and is consistent with the spirit of the Development Plan and is not contrary to the public interest.
3. Grant the requested variances subject to the same terms and conditions set forth in the report of the Design Review Committee of November 6, 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;

- d. that surface parking must be ancillary to the applicant's business use as specifically described in the application (Applicant's Business Use) and no other purpose. The important operational demands described in the applications for the variances are a basis for the finding of hardship and must remain an integral part are to the applicant's business use.
- e. that the ancillary parking is for the use of only the applicant's employees and business invitees who are on the premises in relation to the applicant's business use. The variance granted does not permit parking by the general public.
- f. that the parking area as shown on the plans submitted in support of the application for variances are constructed and maintained in strict compliance with the plans submitted in support of the application for variance.
- g. That the variance for the surface parking lot is for the benefit of the present property owners only and does not run with the land;
- h. that all conditions set forth in the Design and Development Regulations are met and continue to be met by the developer.
- i. that the approval of the variances for uses 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 variances.

The following motion was made by Mr. Fain and seconded by Mr. Stone and unanimously passed:

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 November 6, 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;
 - d. that surface parking must be ancillary to the applicant's business use as specifically described in the application (Applicant's Business Use) and no other purpose. The important operational demands described in the applications for the variances are a

basis for the finding of hardship and must remain an integral part are to the applicant's business use.

- e. that the ancillary parking is for the use of only the applicant's employees and business invitees who are on the premises in relation to the applicant's business use. The variance granted does not permit parking by the general public.
 - f. that the parking area as shown on the plans submitted in support of the application for variances are constructed and maintained in strict compliance with the plans submitted in support of the application for variance.
 - g. That the variance for the surface parking lot is for the benefit of the present property owners only and does not run with the land;
 - h. that all conditions set forth in the Design and Development Regulations are met and continue to be met by the developer.
 - i. that the approval of the variances for uses for parking not be construed as establishing a precedent for other development parcels within Capital Center.
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.

8. New Business

Mr. DeConti noted that he does not feel that two public hearings (one for the DRC and one for the CCC) are necessary. A brief discussion followed. Chairman Gardner noted that the Commission wanted to be very careful in how the hearings were conducted. She stated that the Executive Director and legal counsel would review the background of this procedure.

9. Adjournment

The meeting was adjourned at 1:00 PM.

Robert Reichley
Secretary