

CHAPTER 1982-54

No. 493 **AN ORDINANCE** ESTABLISHING A SPECIAL DEVELOPMENT DISTRICT IN THE CITY OF PROVIDENCE AND DESIGNATING THE CAPITAL CENTER COMMISSION, A COMMISSION CREATED BY THE RHODE ISLAND GENERAL ASSEMBLY, AS A PUBLIC BODY OF THE CITY OF PROVIDENCE TO ADOPT, IMPLEMENT AND ADMINISTER A PLAN OF DEVELOPMENT FOR SUCH SPECIAL DEVELOPMENT DISTRICT PURSUANT TO SECTIONS 45-24.4 ET SEQ. 'RHODE ISLAND SPECIAL DEVELOPMENT DISTRICT ENABLING ACT'.

Approved September 10, 1982

*Be it ordained by the City of Providence:*

ARTICLE I. Purposes

It has been determined that there exists within the City of Providence railroad and former railroad properties including the Union Station complex and adjacent lands thereto which are the subject of a railroad relocation project involving the coordination of federal, state, local and private action and which areas are in or contiguous to urban areas of the City of Providence of historical, aesthetic, social, cultural and economic importance which are hereby declared to be important public assets. It has also been determined that there is a need to design the development of such areas for the purposes of preserving for the citizens of Providence and the general public the important historical and aesthetic features of such areas, promoting of commercial and economic development and the attractiveness of our City for appropriate business, industrial and tourist trade resources and investment, and developing of an attractive environment that fosters the social welfare and health of the public and is harmonious with the social, historic and cultural environment that exists in the City of Providence, and the coordinating of the federal, state, local and private action that influences said railroad relocation project.

It is hereby declared to be an important public goal of the City of Providence to govern in a comprehensive and coordinated manner the development of such areas, including, implementation of special land use controls, proper urban planning, developmental tools and the implementation and administration of the plan of development which sets forth design and development criteria regulation and enforcement procedures.

Finally, it is recognized that the State of Rhode Island has declared it a public purpose and policy of this State to encourage appropriate, comprehensive and coordinated development of railroad and former railroad properties and adjacent lands that are or may be the subject of railroad relocation projects and specifically has authorized creation of special development districts in each of the cities of the State and the creation of special development district commissions to adopt, implement, and administer plans of development that establish and enforce design development criteria and regulations for the development of such areas.

ARTICLE II. Description of the Special Development District.

In accordance with the procedures established herein, the following described area which is part of or contiguous with a railroad or former railroad property and adjacent lands thereto shall be established, designated, laid out defined as the Capital

No.

**CHAPTER**

**AN ORDINANCE**

Center Special Development District:

The Capital Center Special Development District is that tract of land generally bounded by Gaspee Street, Smith Street, Canal Street, West Exchange Street and Interstate Route 95 but is more particularly described in that certain document entitled "Capital Center Project, Providence, Rhode Island" prepared for the City of Providence and the State of Rhode Island by Skidmore, Owings & Merrill, Washington, D.C., dated July, 1980, attached hereto as Exhibit A.

ARTICLE III. Public Hearings Prior to Designation of Special Development District and Amendment of Boundaries of Capital Center Special Development District.

There shall be a public hearing by the Committee on Urban Redevelopment, Renewal and Planning to investigate and make recommendations to the City Council concerning the proposed Capital Center Special Development District. All interested persons shall be given opportunity to be heard at such public hearing. The city clerk is hereby instructed to give written notice of said hearing, by registered or certified mail, at least seven (7) days before date of said hearing, to all owners of any real property within two hundred (200) feet of the perimeter of the proposed Capital Center Special Development District as described herein and also to give notice, by publication in a newspaper general circulation within this city at least once each week for three (3) successive weeks prior to the date of such hearing. Such newspaper notice containing a description of the proposed Capital Center Special Development District shall be inserted once in its entirety and thereafter a weekly formal legal notice shall be inserted stating that a public hearing will be held, specifying the time and place of such hearing and all such weekly formal notices shall include reference to said original advertisement which gave the full description. Written notice of such public hearing shall similarly contain a description of the proposed Capital Center Special Development District.

The boundaries of the proposed Capital Center Special Development District which are established, designated, laid out and defined according to provisions of this Article III may be amended only in accordance with the procedures set forth in this Article.

ARTICLE IV. Designation of Capital Center Commission.

The Capital Center Commission, a commission constituted and established as a public corporation by the General Assembly, in the State of Rhode Island, is hereby designated as Capital Center Special Development District Commission for the Capital Center Special Development District. It shall adopt, implement and administer a plan of development for the Capital Center Special Development District. Said Capital Center Commission is hereby designated a public agency of the City of Providence and shall have all of the powers, rights, duties, obligations specified in Title 45, Chapter 24.4 of the Rhode Island General Laws, 1956, as amended.

ARTICLE V. Miscellaneous.

Section I. All ordinances, rules, regulations and any part thereof that are in conflict with this ordinance are hereby repealed, provided that nothing herein shall be deemed to impair, amend, repeal or otherwise supersede the jurisdiction of the Zoning Board of Review in the area designated Capital Center Special Development District pursuant to this ordinance.

Section II. The invalidity of any article, section, clause, sentence or provisions of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE VI. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL

AUG 5 1982  
FIRST READING  
READ AND PASSED

Rose M. Menlove CLERK

IN CITY  
COUNCIL

SEP 2 1982  
SEP 2 1982  
FINAL READING  
READ AND PASSED

Robert L. Lynch  
PRESIDENT

Rose M. Menlove  
CLERK

APPROVED

SEP 10 1982

Vincent A. Canale  
MAYOR

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CONF  
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IN CITY COUNCIL  
JAN 21 1982  
FIRST READING  
REFERRED TO COMMITTEE ON

JEDAN REDEVELOPMENT  
RENEWAL & PLANNING

Rose M. Mendonca CLERK

THE COMMITTEE ON  
URBAN REDEVELOPMENT  
RENEWAL & PLANNING

Recommends *Be Continued*

Richard R. Clement  
Clerk

THE COMMITTEE ON  
URBAN REDEVELOPMENT  
RENEWAL & PLANNING

Approves Passage of  
The Within Ordinance

Rose M. Mendonca  
Clerk Chairman

*July 6, 1982*

*Councilman Evolins and Councilwoman Bessil (By Request)*

# URBAN CONSULTANTS

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Economic Development • Project Coordination

TO: Mike Clement  
City Clerk's Office

FROM: Ron Marsella

DATE: April 16, 1982

SUBJECT: Public Hearing re:  
Capital Center Special Development District

As I noted in our conversation, State Enabling Legislation requires that, "The city clerk is hereby instructed to give written notice of said hearing, by registered or certified mail, at least seven (7) days before date of said hearing, to all owners of any real property within two hundred (200) feet of the perimeter of the proposed Capital Center Special Development District as described herein..." Stan Bernstein and I are working together to identify the 20 or so property owners involved.

Attached is a form letter which I suggest you use for this purpose. If you approve of my suggestion I would plan to provide you with all the necessary copies and envelopes addressed and ready for forwarding by the Clerk's office. I hope to achieve this objective prior to the end of this month giving us ample time to meet the requirements of the law.

If you have any questions, don't hesitate to contact me.

RM:bm  
enclosure

P.S. The ads will be going in the paper April 20, May 4 and May 11.

cc: Stan Bernstein  
Rose Mendonca

TO WHOM IT MAY CONCERN:

Pursuant to the requirements of Sections 5,6 & 7 of Chapter 24.4, Title 45 of the General Laws of Rhode Island 1981, entitled the "Rhode Island Special Development District Enabling Act", the Committee on Urban Redevelopment, Renewal and Planning of the City Council of the City of Providence will conduct a Public Hearing in the Chamber of the City Council, City Hall, Providence, RI on May 18, 1982 at 8:00 p.m. The purpose of the Hearing will be to consider a proposed ordinance "establishing a special development district in the City of Providence and designating the Capital Center Commission, a commission created by the Rhode Island General Assembly, as a public body of the City of Providence to adopt, implement and administer a plan of development for such special development district pursuant to Sections 45-24.4 et seq. 'Rhode Island Special Development District Enabling Act'."

It should be noted that the proposed ordinance does not pertain to the funding of public improvements nor to a specific plan for development of the area.

The proposed Special Development District is located within the area generally bounded by Gaspee Street, Smith Street, Canal Street, West Exchange Street and Interstate Route 95.

All persons or agencies interested in the above proposed ordinance will have an opportunity to be heard and/or to submit communications in writing. Copies of the proposed ordinance may be obtained prior to said hearing at the Providence Redevelopment Agency, 40 Fountain Street, Providence, Rhode Island.

Respectfully submitted,

Rose Mendonca  
City Clerk

JOHN RAO, JR.  
REAL ESTATE

77 Union Street

~~GARDNER BUILDING~~  
~~40 FOUNTAIN STREET~~  
PROVIDENCE, RHODE ISLAND  
DEXTER 1-1708

June 14, 1982

The Committee on Urban Development  
Renewal and Planning  
c/o Mr. Thomas F. O'Connor, Jr.  
Chairman  
Providence City Hall  
Providence, RI

Gentlemen:

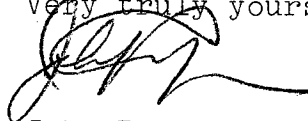
Re: Proposed Capital Center Special Development  
District

Please be advised that the undersigned owns a certain parcel of real estate located at the corners of Gaspee and West Exchange Streets in the City of Providence, State of Rhode Island also designated as City of Providence Tax Assessor's Plat 19 Lots 20 and 42. It is my understanding that the proposed Capitol Center Special Development District is intended to include my subject parcel.

Please be advised by this correspondence that the undersigned hereby objects to the inclusion of this parcel within the boundaries of the proposed Capitol Center Special Development District and further requests that subject property be excluded from the aforesaid Capitol Center Special Development District.

If there is anything further you wish to know with respect to this matter, you may contact the undersigned at the above address.

Very truly yours,



John Rao, Jr.

DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

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FILE



# URBAN CONSULTANTS

Economic Development • Project Coordination

TO: Participants at City Council Hearing  
June 15, 1982

FROM: Robert E. Freeman

The ordinance being discussed this evening will permit the establishment of a Special Development District in the area known as Capital Center. Within the district a special set of development criteria will be in force, in almost all cases more strict than existing zoning dictates. The criteria will set forth land use and parking requirements, establish a range of building heights, and mandate set-backs and building lines. Beyond these general principles, which have received an urban planning award from Progressive Architecture, the criteria do not specify specific architectural styles or expression.

The Criteria will be administered by the Capital Center Commission (appointed jointly by the Mayor, Governor and Providence Foundation) and including two state legislators and two city councilmen, which must grant a certificate of conformance before a building permit can be issued. (In this way, it is analogous to the Providence Historic District, which has been in operation for 20 years). The Commission does not supersede the Zoning Board of Review. Its primary functions are to ensure both the quality of new construction at Capital Center and its compatibility with the existing downtown and adjacent areas.

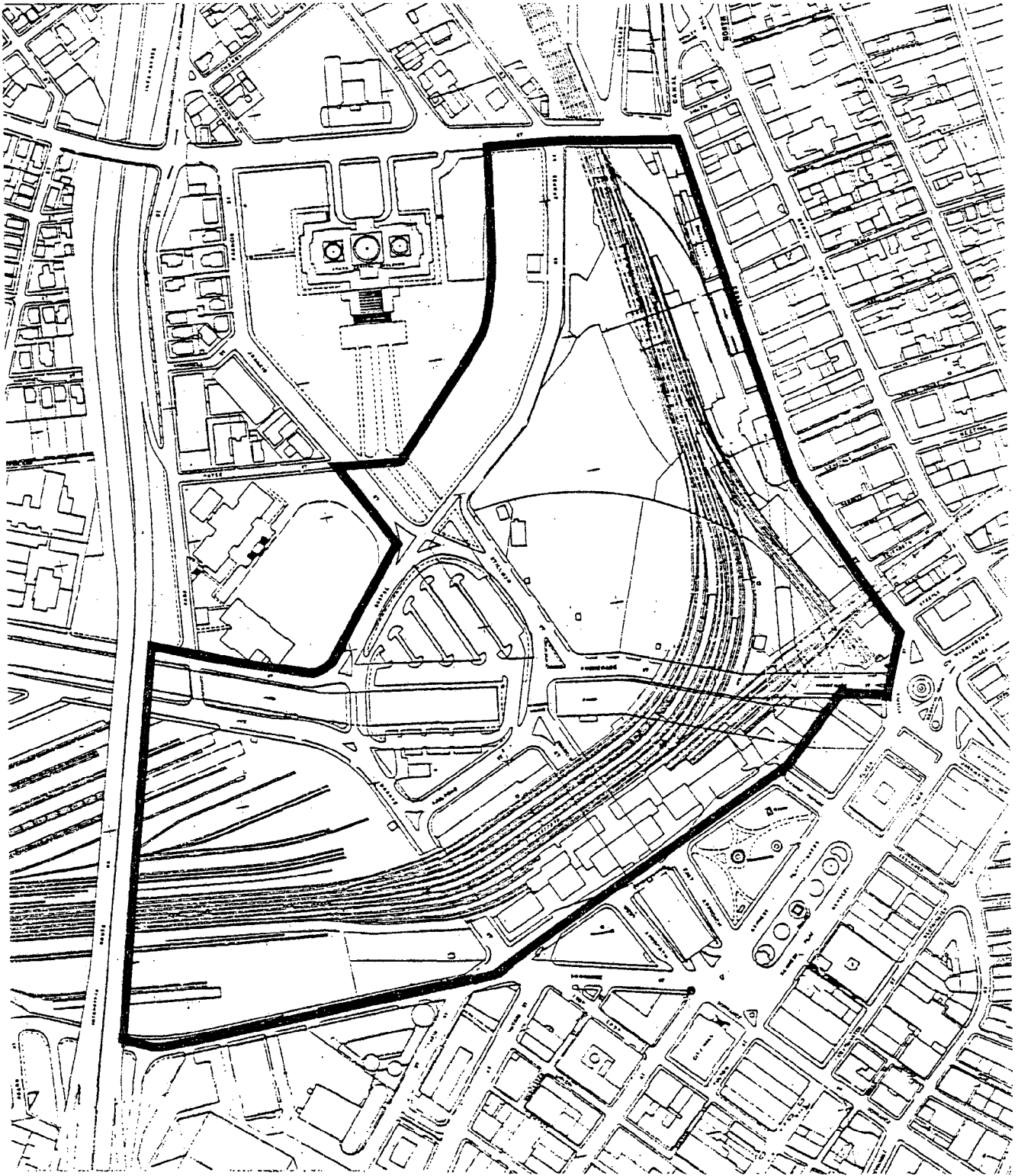
Because the hearing deals with the general principle of establishing a special development district and not with funding, real estate transfers, or the development plan, your comments should concentrate on the following:

1. Support for the general principle of a special development district in this important part of the city.
2. The need for such a district to control the quality and kind of future development there.
3. The ability of a district commission to ensure that new development is complementary rather than competitive with downtown.
4. The high caliber of the present Commission and benefits of the tripartite appointing mechanism to ensure the future quality, public spirit, and breadth of vision of the Commission.

Thanks for your participation; if I can answer any questions about the hearing and/or the ordinance, please do not hesitate to contact me.

One Smith Hill, Providence, Rhode Island 02903 (401) 421-5380

EXHIBIT A



ATTACHMENT TO EXHIBIT A

That certain tract of land situated in the City of Providence, State of Rhode Island, being bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly line of Smith Street and the westerly line of Canal Street;

thence running in a southwesterly direction along the said westerly line of Canal Street to an angle point in said Canal Street;

thence turning and running in a southeasterly direction along the said line of Canal Street to its intersection with the northerly line of Memorial Square;

thence turning and running in a southwesterly direction along the said line of Memorial Square to the intersection with the southerly line of Promeneade Street;

thence turning and running in a westerly direction along the said line of Promeneade Street to the northerly corner of the Federal Building property;

thence turning and running in a southwesterly direction along the northerly line of said Federal building property to its intersection with the center line of Exchange Terrace;

thence turning and running in a general southwesterly direction along the said centerline of Exchange Terrace to its intersection with the centerline of West Exchange Street;

thence turning and running in a westerly direction along the said line of West Exchange Street to its intersection with the State Highway line of Interstate Route 95;

thence turning and running in a northerly direction along the easterly highway line of Route 95 to its intersection with the northerly line of Promeneade Street;

thence turning and running an easterly direction along the said line of Promeneade Street to its intersection with the northerly line of Gaspee Street;

thence turning and running northeasterly along the westerly line of Gaspee Street to its intersection with the westerly line of Francis Street;

thence turning and running in a northerly direction along the said line of Francis Street to its intersection with the southerly line of Hayes Street;

thence turning and running in an easterly direction along the extended southerly line of Hayes Street to a point 200 feet westerly of the northerly line of Gaspee Street;

thence running in a northeasterly and northerly direction 200' and parrallel of the said line of Gaspee Street to its intersection with the southerly line of Smith Street;

thence turning and running in an easterly direction along the said line of Smith Street to its intersection with the westerly line of Canal and the point and place of beginning.



Council Chamber, City of Providence, Rhode Island

02903

JOSEPH R. PAOLINO, JR.  
COUNCILMAN

RESIDENCE  
221 BROADWAY  
TELEPHONE  
(401) 751-8844

March 16, 1982

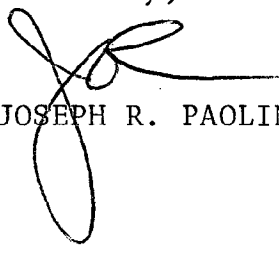
Mr. Michael Clement  
Deputy City Clerk  
City Hall  
Providence, Rhode Island 02903

Dear Mike:

Enclosed is the letter I received from Jack Partridge, counsel to the Capital Center Commission, along with the description that is to be amended.

If you have any questions, please do not hesitate to call me.

Sincerely,

  
JOSEPH R. PAOLINO, JR.

JRP:ls  
Enclosure

TILLINGHAST, COLLINS & GRAHAM

COUNSELORS AT LAW

2000 HOSPITAL TRUST TOWER

PROVIDENCE, RHODE ISLAND 02903

(401) 456-1200

March 4, 1982

Councilman Joseph Paolino, Jr.  
57 Eddy Street  
Providence, Rhode Island

Dear Joe;

I am enclosing a revised description of the Capital Center Special Development District which should be utilized as amendment to the existing description which as you know merely represents a map of the area in question as described by the planners of the project. Since at this point in time, we do not have a survey which completely describes the Capital Center district, we have utilized existing streets to describe the district. It is possible that prior to the council's final action on the district, a better description will be available; however, to encourage prompt action by the City Council, the enclosed description would seem to be sufficient.

If you have any questions with regard to this matter, please do not hesitate to call me.

Very truly yours,



John J. Partridge

JJP:jw

Enclosure

cc: Judge Alfred H. Joslin  
Mr. Ronald Marsella

The Capital Center Special Development District is that of land generally bounded as follows:

Easterly by the center line of Canal Street, northerly by the center line of Smith Street, westerly and northwesterly by a line two hundred feet (200') westerly of and parallel to the westerly line of Gaspee Street, southwesterly by the center line of Francis Street, northwesterly by the center line of Gaspee Street, northeasterly by the center line of Promenade Street, westerly by the easterly line of Interstate Route 95, southerly and southeasterly by the center line of West Exchange Street, southwesterly by the center line of Exchange Terrace and southeasterly by the center line of Exchange Place.

# URBAN CONSULTANTS

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Economic Development • Project Coordination

TO: Mike Clement  
City Clerk's Office

FROM: Ron Marsella

DATE: April 16, 1982

SUBJECT: Public Hearing re:  
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If you have any questions, don't hesitate to contact me.

RM:bm  
enclosure

P.S. The ads will be going in the paper April 20, May 4 and May 11.

cc: Stan Bernstein  
Rose Mendonca

DEPT. OF CITY CLERK  
PROVIDENCE, R.I.

APR 19 9 51 AM '82

RECEIVED