

AN ORDINANCE
CHAPTER

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1989-10

No. 219

AN ORDINANCE IN AMENDMENT OF AND IN ADDITION TO CHAPTER 1982-54 OF THE ORDINANCES OF THE CITY OF PROVIDENCE APPROVED SEPTEMBER 10, 1982 AND ENTITLED: "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 May 15, 1989

Be it ordained by the City of Providence:

Section 1. That Chapter 1982-54, Ordinance No. 493, approved September 10, 1982, and entitled: "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'" be and the same is hereby amended as follows:

A. the Description of the Special Development district set forth in Article II is hereby amended to add the contiguous area generally bounded by Hayes Street, Francis Street, Gaspee Street, Promenade Street, and Interstate Route 95 and is more particularly described in Exhibit B attached hereto.

Section 2. That said Chapter 1982-54 of the Ordinance of the City of Providence as adopted and as heretofore amended, be and the same is hereby ratified and affirmed in all other respects.

Section 3. That this Ordinance shall take effect on its passage and shall be filed with the City Clerk who is hereby authorized and directed to forward a certified copy thereof to the Capital Center Commission.

IN CITY COUNCIL

IN CITY COUNCIL

MAY 15 1989

FINAL READING
READ AND PASSED

First Reading Read and Passed
Referred to Committee on
URBAN REDEVELOPMENT
RENEWAL & PLANNING

James R. Stewart
PRESIDENT

Greg M. Menlove CLERK

Greg M. Menlove CLERK

APPROVED
MAY 15 1989
John J. Delaney
MAYOR

No.

CHAPTER AN ORDINANCE	No.
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS	AN ORDINANCE
CITY OF PROVIDENCE	

As introduced by the City of Providence:

COMMITTEE ON URBAN REDEVELOPMENT

IN CITY COUNCIL

FEB 2 1989

FIRST READING

REFERRED TO COMMITTEE ON

URBAN REDEVELOPMENT
RENEWAL & PLANNING

Joseph M. Mendonca CLERK

THE COMMITTEE ON
URBAN REDEVELOPMENT
RENEWAL & PLANNING
Approves Passage of
The Within Ordinance

Joseph M. Mendonca
Clerk Chairman
March 7, 1989

THE COMMITTEE ON
URBAN REDEVELOPMENT
RENEWAL & PLANNING
Approves Passage of
The Within Ordinance

Joseph M. Mendonca
Clerk Chairman
May 2, 1989

*Councilwoman Brassil and
Councilwoman DiRizzo (By Request)*

Exhibit B
(Page 1 of 2 Pages)

that certain tract of land situated in the City of Providence, State of Rhode Island added to the Capital Center Special Development District being bounded and described as follows:

Beginning at a point, said point being the intersection of the southerly line of Hayes Street and the Westerly line of Francis Street,

thence running in a Westerly direction along the Southerly line of Hayes Street to its intersection with the Easterly line of Interstate Route 95;

thence turning and running Southerly along the Easterly highway line of Interstate Route 95 to its intersection with the Northerly line of Promenade Street;

thence turning and running in an Easterly direction to its intersection with the Westerly line of Gaspee Street;

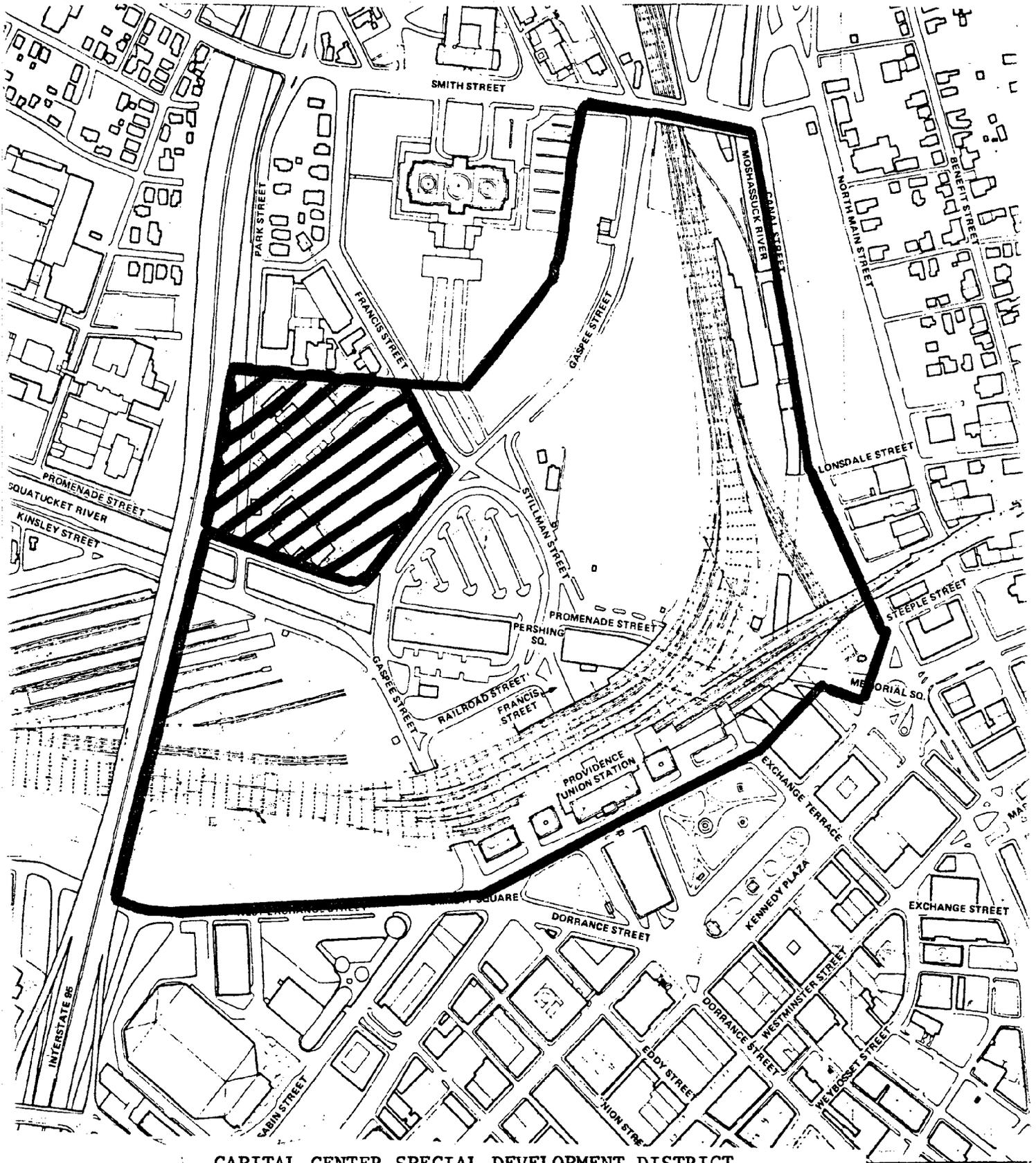
thence turning and running in a North Easterly direction along the Westerly line of Gaspee Street to its intersection with the Westerly line of Francis Street;

thence turning and running in a North Westerly direction along the Westerly line of Francis Street to its intersection with the Southerly line of Hayes Street and the point and place of beginning.

LEGEND:

EXHIBIT B
(Page 2 of 2 Pages)

 AREA APPROVED ON 9/10/82
 AREA ADDED



CAPITAL CENTER SPECIAL DEVELOPMENT DISTRICT





CAPITAL CENTER COMMISSION



MEMORANDUM

TO: Councilwoman Carolyn Brassil
Councilwoman Josephine DiRusso

FROM: Stanley Bernstein, Executive Director
Capital Center Commission

SUBJECT: Amendment to Special Development District

DATE: January 23, 1989

On January 12, 1989 at the Capital Center Commission meeting, you both agreed to sponsor an amendment to the Capital Center Special Development District to include the URI-Roger Williams Building area, and I agreed to prepare a draft ordinance for your review. Accordingly, I am attaching a copy of the ordinance (#493) approved **Sept. 10, 1982** which established the initial bounds of the Capital Center Special Development District. It is noted that Article III therein establishes the procedure to be utilized for any amendments to said boundary (Public Hearing is required).

Also attached for your review is the proposed amendment that adds the URI-Roger Williams Buildings area to the Special Development District. This proposed amendment was reviewed by the City's Department of Planning & Development, which has extensive expertise in similar amendments. Specifically, Mr. Soo Dip Chin reviewed and commented on the body of the proposed ordinance and the map, and Mr. Louis Calcagni did likewise for the engineering description.

If the proposed ordinance is satisfactory, I will gladly work with Rose Mendonca through the administrative and legal processing, i.e. if you both and she feel I can be of any assistance.

SB:lb

Attachment 5

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

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

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.

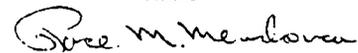
Section I. All ordinances, rules, regulations and any part thereof that are in conflict with this ordinance are hereby repealed, provided that nothing herein shall be deemed to impair, amend, repeal or otherwise supersede the jurisdiction of the Zoning Board of Review in the area designated Capital Center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

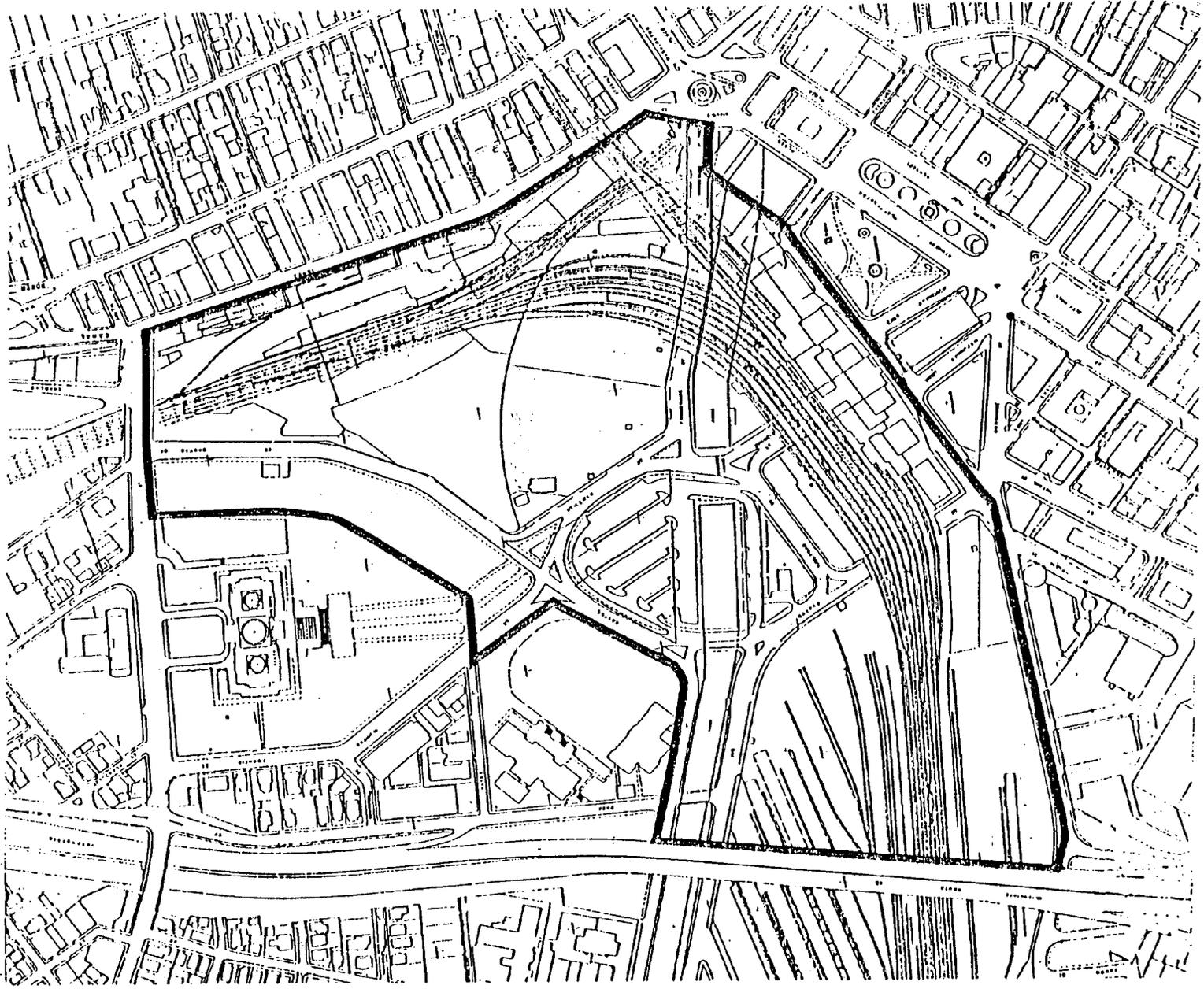
A true copy,

Attest:



Rose M. Mendonca,
City Clerk.

HÍBIT 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.



CAPITAL CENTER COMMISSION



Memorandum:

TO: Rose Mendonca, City Clerk

FROM: Stan Bernstein, Executive Director
Capital Center Commission

SUBJECT: Proposed Amendment to Capital Center
Special Development District

DATE: January 30, 1989

Attached as a follow-up to my earlier memorandum of January 23rd relative to the above subject matter is a list of property owners within 200 feet of the perimeter of the proposed area to be added to the Special Development District area approved by Ordinance No. 493 on September 10, 1982.

It is noted that Article 111 of the above cited ordinance sets forth the procedure to be utilized in amending the Special Development District. You should check with the City Solicitor as to whether the 200 feet applies to the area to be added or whether it applies to the entire area. If the latter, please advise and I'll transmit a revised ownership list.

attachment:

Jan. 27, 1989
S.B.

PROPERTY OWNERS WITHIN 200 FT. OF PERIMETER
OF AREA TO BE ADDED TO CAPITAL CENTER SPECIAL
DEVELOPMENT DISTRICT.

<u>PLAT 4</u>	<u>OWNER</u>	<u>ADDRESS</u>
189	Marie L. Ahearn, Mary Ball Howkins, Philip Lieberman, Toni H. Oliviero, and Yvonne L. Sandstroem d/b/a Capitol Skyline	c/o Yvonne L. Sandstroem 29 Creighton Street Providence, RI 02908
192, 193	RI Medical Society	9-11 Hayes St. and 106 Francis St. Providence, RI 02908
195, 196	Gloria Dei Evangelical Lutheran Church	15 Hayes Street Providence, RI 02908
Lot 174, 231	State of Rhode Island	c/o Governor Edward D. DiPrete Executive Chambers State House Providence, RI 02903

66 The Foundry Associates 3 Holden St.
Providence, R.I. 02908

<u>PLAT 19</u>	<u>OWNER</u>	<u>ADDRESS</u>
125, 110, 124, (AMTRAK)	National Railroad Passenger Corp. (AMTRAK)	Attn. Mr. Tony DeAngello Asst. V.P. for Real Estate 400 N. Capitol, N.W. Washington, D.C. 20001

OTHER INTERESTED PARTIES

- (1) City Council Properties Committee City Clerk's Office
Providence City Hall
Providence, RI 02903
- (2) State Properties Committee 301 Promenade Street
Providence, RI 02908
- (3) City of Providence The Hon. Joseph R.
Paolino, Mayor
City of Providence
Providence City Hall
Providence, RI 02903



Department of Law
"Building Pride In Providence"

TO: Rose M. Mendonca, City Clerk
FROM: Edward C. Clifton, City Solicitor *Edward C. Clifton*
DATE: February 14, 1989
RE: Capital Center (Special Development District)

M E M O

Recently you forwarded to this office several documents relative to the above subject matter. Included within was Mr. Stanley Berstein's letter addressed to you dated January 30, 1989. That letter asked specifically that "(Y)ou should check with the City Solicitor as to whether (under Article III of Ordinance No. 493, 9/10/82) the 200 feet applies to the area to be added or whether it applies to the entire area."

A reading of Article III of Ordinance No. 493, 9/10/82 does not supply a definitive answer to the question. Reading Article III allows, in my opinion, both arguments to be advanced, i.e., that all property owners within 200 feet of the entire capital center to be notified or all property owners within 200 feet of the additional area are to be notified.

The precise language contained in Article III is that

"...(T)he city clerk is hereby instructed to give written notice 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..."

Article III is silent as to what is required for amendments or modifications to the original described parcels. Obviously the most conservative, and perhaps the most appropriate procedure would be to give

Rose M. Mendonca
February 14, 1989

Page Two

notice to all owners of real property within 200 feet of the entire capital center. By doing that, one could not later claim that they should have been notified but were not.

The alternative is to notify only those property owners within 200 feet of the newly added parcel, operating from the premise that (1) the other owners have been previously notified and have participated in the process; (2) the only one who should have input in this decision are those within 200 feet of the additional parcel.

I suggest that the Commission and its attorney be consulted and that the decision should be left to them, as your role in this matter may be purely ministerial.

... ECC/vav

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STATEMENT TO CITY OF PROVIDENCE
COMMITTEE ON URBAN REDEVELOPMENT RENEWAL
and PLANNING at May 2, 1989 PUBLIC HEARING

My name is Stanley Bernstein, and I am the Executive Director of the CAPITAL CENTER COMMISSION, which was created by State legislation in 1981 as a public Corporation empowered to adopt, implement and administer a plan of development within special development districts related to railroad relocation projects.

As a follow-up to the state legislation, the City Council in Sept. 1982 established the Capital Center Special Development District and designated the CAPITAL CENTER COMMISSION as a public body of the City of Providence to adopt, implement and administer a plan of development within the established district.

That plan of development is represented by Design and Development Regulations which control the public and private development being planned, presently underway, and completed.

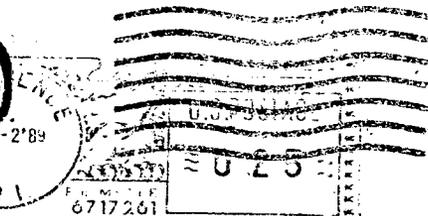
The proposed amendment to the Special Development District to expand its North-westerly boundary to include URI - Roger Williams building area was introduced by two Capital Center Commissioners, Councilwomen Carolyn Brassil and Josephine DiRuzzo. They and the other commissioners felt that while the option agreement dated October 25, 1988 between the State of Rhode Island and the Providence Place developer subjects the Providence Place development plan to the approval of the Capital Center Commission, the Commission would be in a stronger legal position to enforce the Design & Development Regulations if the URI - Roger Williams building area is included within the Special Development District.

For that reason and for the reason that the Capital Center Commission has a public - open design and professional review process that should be extended to the URI - Roger Williams area, the Commission respectfully requests City Council approval of the requested expansion of the Special Development District.


Stanley Bernstein
Executive Director
Capital Center Commission



CAPITAL CENTER COMMISSION
 Commerce Center
 30 Exchange Terrace
 Providence, Rhode Island 02903



Ms. Rose Mendonca
 City Clerk
 City Hall
 Providence, RI 02903



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