

COMMITTEE ON ORDINANCES

PUBLIC HEARING

NOVEMBER 12, 1997

PROVIDENCE CITY HALL COUNCIL CHAMBERS

6:00 P.M.

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## COMMITTEE ORDINANCES

## PUBLIC HEARING

WEDNESDAY, NOVEMBER 12, 1997

(COMMENCING AT 6:00 P.M.)

THE CHAIRPERSON: Good evening.

I would like to begin this public hearing on November 12th. It is the Committee on Ordinances, and we have before us one item. Will the clerk -- I'll recognize who is here. I'm the Chairperson of the Ordinance Committee, Councilwoman Rita Williams, Ward 2, and to my left is Councilman Terry Hasset from Ward 12. This is a public hearing. No decisions will be made at this time.

We're here to listen to comments on the proposed amendment to the Zoning Ordinance. We do not need a quorum, and we have a stenographer, who is recording the minutes of this meeting, and those minutes will be available to other council members, as needed. Could we have Tom Deller from the Planning Department explain the amendment to the Ordinance?

MR. DELLER: Thank you, Councilwoman. For the record, Thomas Deller, Deputy Director of Planning and Development. The ordinance before you this evening is a proposed amendment to the

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1 Providence Zoning Ordinance 1994-24, that would amend  
2 Use Code 33.5 outdoor skating rink and would add to use  
3 Table 3, Section 303, Use Code 33.5 outdoor skating  
4 rink. The proposal is to allow the creation of skating  
5 rinks in open space areas that are owned by the city.  
6 What is in the ordinance is definitions as to what the  
7 outdoor skating rink is and an amendment to the Use  
8 Table that would spell out which zones an outdoor  
9 skating rink will be permitted in.

10 Basically, if you look at the Use Table, it  
11 will only be allowed in the high density areas, which  
12 are downtown zones, waterfront zones, and the public  
13 space and open space zones, which are property owned by  
14 the City of Providence and would not be allowed in any  
15 of the residential or commercial zones. We have been  
16 working on this Ordinance, examining it and reexamining  
17 it, to see if it may need some adjustments before  
18 adoption, and there are two points that I would like to  
19 make for consideration. As you may know, State Law does  
20 allow you to make any amendments to an ordinance, as  
21 long as the issues are presented at a public hearing.

22 The first issue that we would like to raise  
23 is that we would like to consider changing the language,  
24 "public ownership" to "ownership by the Providence Board

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1 of Park Cmmissions." So that it is very clear that it is  
2 intended for ownership by the City. "Public ownership"  
3 can mean other organizations.

4 Additionally, we want to -- we may want to  
5 look at under Section 3, Footnote 3, subject to Section  
6 502 of this Ordinance, for any use located within the  
7 DOWNCITY Overlay District. We don't think we want to do  
8 anything to that at this point. So that we can have  
9 some chance to look at that before the committee  
10 meeting, I wanted to put that on the record, that we may  
11 discuss that and present some possible language  
12 changes. Because it is a language change, State Law  
13 does not require that there be any notice of any  
14 abutters. We're not changing any zoning classification  
15 on any property. It is just a language change to the  
16 Ordinance to create use of 33.5.

17 THE CHAIRPERSON: So, are you  
18 making an amendment to what we have before us?

19 MR. DELLER: We may come to you  
20 at your committee meeting and ask you to make at least  
21 one change, possibly, two, in those two areas.

22 THE CHAIRPERSON: So, that  
23 could be done in committee and -- but actually, it would  
24 limit it even more --

1 MR. DELLER: Yes.

2 THE CHAIRPERSON: (Continued)

3 -- in terms of who could own and run any kind of skating  
4 rink in the area?

5 MR. DELLER: That's correct.

6 THE CHAIRPERSON: Thank you.

7 Nancy Derrig, our Superintendent of Parks, would you  
8 like to comment on this?

9 MR. DELLER: Rita, do you want  
10 to see this? Do you want to see the boards on the  
11 skating rink?

12 THE CHAIRPERSON: Sure.

13 MS. DERRIG: If you can see  
14 that this is the area of the rink, and the connections.  
15 This is, first, an orientation map to show you where the  
16 rink is going to be and the fact that it's going to  
17 connect to Waterplace Park. As you know, Waterplace  
18 Park, which is also a property of the Parks Department,  
19 has had tremendous success, but its numbers of people  
20 have really pretty much stayed on the river walk all  
21 through the summer, and since we have owned the  
22 property. This is intended to show you that this is an  
23 opportunity that will have -- that is a very unique one  
24 in that we'll be able to attract some of the visitors

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1 from the mall, from the State House area, and from  
2 Waterplace Park, right down directly into this area,  
3 (indicating) which, as you know right now, is not a very  
4 well-populated area of town, especially in the evening.

5 This is a direct pass through, as you might  
6 know, right through WaterPlace Park. The area, too,  
7 we're talking about building the rink on is called the  
8 Francis Street loop, and it is the area that the buses  
9 have their turnaround on, right underneath the Cookson  
10 Building. So, you're familiar with that.

11 MR. HASSETT: Yeah.

12 MS. DERRIG: This is what it  
13 looks like now. (Indicating) It usually houses about  
14 nine buses during rush hour, morning and afternoon.  
15 RIPTA would be moving out. That's not the discussion  
16 for this evening, but they will be vacating this within  
17 the next 30 days or so, so that we can begin  
18 demolition. This is the actual design of the rink. The  
19 areas -- this is the very large staircase that leads  
20 directly to West Exchange to the Cookson Building, and  
21 these are two bleachers that are staying. They're in  
22 the design right now. Originally, when this area was  
23 built, it was actually built as an amphitheater for  
24 public presentations and festivals of that kind. It

1 never worked out that way years ago, and I'm not quite  
2 sure why. But these were built as bleachers, and they  
3 would remain.

4 This is almost 40,000 square feet and for  
5 comparison, it's almost three times the size of  
6 Rockefeller Center, which is about 5,000 square feet.  
7 It's in a natural depression in the landscape, so that,  
8 it would leave a wonderful area on these three brick  
9 bleachers for the public to watch the skating. That's  
10 as much of an attraction as the actual skating itself,  
11 as you know. This is a large building that will house a  
12 ticket office, a rental -- skate rental office, locker  
13 rooms, two small party rooms, two small birthday party  
14 rooms for children, as well as a center atrium area.  
15 This building here is a restaurant that would be built  
16 by someone else. We're going out to bid for an operator  
17 now. It would contain about -- well, the footage is  
18 uncertain now, but a very large portion of it would be  
19 outdoor seating, so that people can look out and look  
20 down on skaters.

21 This is what the building looks like. It  
22 was designed by Bill Warner (sic) to fit in with this  
23 entire downtown area. It has, from the outside, sort of  
24 an opaque look so that you can still see the skaters

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1 from Kennedy Plaza. From the inside, you'd be looking  
2 back out onto the city skyline. These two towers are  
3 meant to be a beautiful building. We don't intend to  
4 build sort of -- it's a very functional building, but it  
5 should be beautiful as well. Sometimes when you go to  
6 rink buildings in other towns, recreational areas,  
7 they're sort of cinderblock-kinds of buildings, and we  
8 certainly never wanted to do anything like that, so it's  
9 quite handsome, as you can see. There will be a great  
10 deal of landscaping around it. We would ask that, I  
11 think, to the City.

12 The important thing, as well, is we're  
13 working very closely with RIPTA so that the entire area  
14 will be upgraded. It will be, I think, an enormous  
15 improvement in Kennedy Plaza, and once the building is  
16 done, there's going to be an effort among businesses and  
17 RIPTA and others to really upgrade the entire  
18 maintenance of downtown and the entire area.

19 THE CHAIRPERSON: Thank you.

20 MR. HASSETT: Is that red  
21 dotted area -- where does that -- where would that lead  
22 to? Was there some other ground thing going on? Where  
23 would that go?

24 MS. DERRIG: This goes -- now,

1 this is City Hall, (Indicating), so you would be able to  
2 walk through a path that we're going to develop, and  
3 then, as you see, there are two archways on either side  
4 of that very large staircase, the central staircase,  
5 that now leads you into an underground passage, which is  
6 going to be developed. There are people -- those are  
7 going to be open for future development, as well as  
8 commercial and retail and restaurant places. On the  
9 other side of that, you come out at Waterplace Park.  
10 You actually come out at the --

11 MR. DELLER: Capital Grill  
12 parking lot. If I may, you have read about it in the  
13 paper, the proposal for the hotel right here. One of  
14 the requirements of the Capital Center Guidelines is  
15 that the development of either -- whichever side gets  
16 developed first, is required to build a pedestrian plaza  
17 in that location to connect to to steps that go under  
18 Memorial Boulevard.

19 MR. HASSETT: So, you would  
20 develop the commercial and the underground section  
21 there?

22 MR. DELLER: There's a new  
23 restaurant proposed for this location, next to the  
24 Capital Grill. This area under Exchange Terrace Bridge

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1 was built by the State in cooperation with the City, on  
2 the grounds that we would do two things; that we would  
3 make access from Kennedy Plaza down through to  
4 Waterplace Park and that we would have some sort of  
5 commercial vitality. Now, what has happened is there's  
6 a lease agreement with Rob Marcella, of Marcella  
7 Development Company, which has these buildings which  
8 allows them to operate some sort of commercial  
9 enterprise. What we're going to propose, and this is  
10 all a separate issue, not relative to this, but I'll  
11 tell you what's going to happen is we're going to  
12 propose to the City Council that they transfer the lease  
13 of this space to the Board of Parks Commission, so that  
14 the Board of Parks Commission can put in children  
15 equipment, Zamboni, and other supplies under the bridge  
16 and work with Ron to develop the commercial space here,  
17 while keeping this pedestrian access through. So what  
18 we're hoping is we'll have Capital Grill, they'll open  
19 their blinds; a new restaurant here, that just went  
20 before the CAP commissioner, and it's expected to be  
21 approved by December, this is some sort of public space  
22 that's being discussed right now, and has to wait for  
23 negotiations with the Parks Department in this location,  
24 and then the ice skating rink, so you'll go in with the

1 vitality of the ice state skating rink with potentially  
2 a restaurant under, to some sort of public activity, two  
3 restaurants, onto Waterplace Park. It's been in place  
4 all along. It's been a very difficult thing to do,  
5 because we haven't enough public things happening to  
6 create the energy to make it work. If you go there now  
7 and look out the window, now you can see the bright  
8 lights flowing out from under the arches. It's  
9 finished. It's clean. It's secure. It's well lighted.  
10 We just don't have a use there.

11 THE CHAIRPERSON: Thank you.

12 We do have one opponent in the audience, Pat Cortellesa.  
13 Would you come to the mike, please, and state your name  
14 and address for the record?

15 MR. CORTELLESA: Pat Vincent  
16 Cortellesa, 109 Chapin Avenue in Providence. I'm here  
17 today to represent several taxpayers for the City of  
18 Providence regarding this issue on this change of the  
19 ordinance. The main concern that the people I have  
20 spoken to, and my own concerns, are the financial  
21 obligations of the taxpayers on this ice rink. The  
22 plans look very impressive; however, the costs haven't  
23 been brought up just now. Hearsay is 3 to 4 million  
24 dollars to build this ice rink. Hopefully, there won't

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1 be any public subsidies involved in that money. If it's  
2 private donations or private enterprising from the  
3 banks, that might work, but right now, regarding the tax  
4 issues and the high taxes of property, and tangible  
5 taxes, the taxpayers that I've talked to don't think  
6 this is feasible at this time. There's also some  
7 considerations on the City Charter regarding lease  
8 property. From my knowledge, it does not have to have  
9 an open bid regarding any property that the City of  
10 Providence leases out to the public. They're interested  
11 in basically open bids on the use of the buildings that  
12 are in the plan. Also, the rental from these properties  
13 would go to the general budget to decrease our budget  
14 deficit? Or will it be used for situations as  
15 entertainment, things like that? This would be probably  
16 not conducive if the money that goes toward the rink  
17 doesn't pay for some kind of taxes or for the budget.  
18 Restaurant loans from the PRA should also be not used i  
19 building this restaurant. Again, public subsidies  
20 should not be used on this project. The money could be  
21 used toward the school, the budget, and/or other more  
22 important issues that the City faces at this time.  
23 Also, the 50 million dollar bond issue should not be --  
24 any of that money should not be used for this project.

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1 Each ward is really having a hard time meeting its  
2 obligations just with normal things like people really  
3 need out there; so, hopefully, they won't need any of  
4 that money.

5 THE CHAIRPERSON: Could I just  
6 interrupt you for one minute? What is before us now is  
7 not how this would be funded, but merely the change in  
8 the use, just allowing the zoning in the downtown area,  
9 open spaces, but in this area to be able to have an  
10 outdoor ice skating rink, so that's really the only  
11 issue before the Ordinance Committee, is the change of  
12 use for this area. So, if you could address yourself to  
13 that, if you have any objections to using this area for  
14 an ice skating rink, that's really what is before us.

15 MR. CORTELLESA: Well, right  
16 now, I would say RIPTA is using the circle right now for  
17 bus transportation, and right now, most of the people  
18 enjoy that circle for its convenience locale to their  
19 jobs and to the other federal government type of  
20 businesses downtown they associate with, so I would say  
21 right now, there would probably be a hardship placed on  
22 these people if it's changed. I have no further  
23 questions.

24 THE CHAIRPERSON: Councilwoman

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1 DiRuzzo from Ward 15 has joined us. She's also on the  
2 Ordinance Committee. Councilwoman, did you have a  
3 chance to review the changes and also the plan for --

4 MS. DIRUZZO: Yup.

5 THE CHAIRPERSON: Do you have  
6 any questions? Are there any other people in the  
7 audience who would like to address the committee?

8 MR. DELGARIAN: Grant

9 Delgarian, 20 Exeter Street. I welcome the skating rink  
10 being included in the open space zone category. It  
11 never occurred to me that it wasn't. So, I'm glad to  
12 see it's finally going to happen; however, this  
13 ancillary building that we're talking about creating, to  
14 me, is not an open space item. It's more in the public  
15 building category. And so, I would not want to see the  
16 open space category include the rest of what I think I  
17 saw in the advertisement, these ancillary buildings,  
18 blah, blah blah. It's not as if we're going to have a  
19 little chunk of this area zoned public building all by  
20 its lonesome, because across the street is the City  
21 Hall, and across the other way is a building to be,  
22 presumably, the RIPTA terminal that used to be the  
23 restaurant. So, it would seem that the zone line can be  
24 drawn between the rink and the building, and the

1 building could be part of a public building zone that  
2 already exists, and the rink could be part of the open  
3 space zone that already exists on either side. So, I  
4 would be in favor of including the ice skating rink in  
5 the open space zone, but I would not be in favor of the  
6 ancillary building being included in the open space  
7 zone. The ancillary building ought to be in the public  
8 space zone category.

9 THE CHAIRPERSON: Thank you.

10 Are there any other comments regarding this amendment to  
11 the Zoning Ordinance? Hearing none, we'll call this  
12 public hearing to an end. Thank you.

13 (THE HEARING CONCLUDED AT 6:20 P.M.)

## C E R T I F I C A T I O N

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2  
3 I, LORI ANN MEROLLA, do hereby certify that  
4 the foregoing transcript, Pages 1 through 14, is true  
5 and accurate according to my stenographic notes.  
6

7 IT WITNESS WHEREOF, I set my hand this 8th  
8 day of January, 1998.  
9

10 *Lori A. Merolla, R.P.R.*

11 Lori A. Merolla, R.P.R.

12 Notary Public  
13

14 (My Commission Expires 8-15-01)  
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