

DOWNTOWN DESIGN REVIEW COMMITTEE RULES AND REGULATIONS

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SECTION 1- GENERAL PROVISIONS

- 1.1 **AUTHORITY.** These rules and regulations are adopted pursuant to Article 17, "D-1 Downtown District," of the Providence Zoning Ordinance (Chapter 2014-39, No. 513, as amended) hereinafter referred to as the Ordinance, authorizing the Downtown Design Review Committee (DRC) to adopt rules and regulations which are necessary to carry out its functions.
- 1.2 **PURPOSE.** To establish procedures for processing applications for Certificates of Design Approval, for granting waivers and development incentives, for enforcement, and for the internal management of the DRC.
- 1.3 **GENERAL RULES.** The DRC shall be governed by the terms of the Ordinance.
- 1.4 **JURISDICTION.** Under the Ordinance, the DRC shall have the authority to regulate all improvements on public and private land in the D-1 Zone and the Downcity District Overlay Zone, including the construction, reconstruction, alteration, repair, demolition, removal, and rehabilitation of the exterior of new and existing buildings and appurtenances, as designated in accordance with the Ordinance and shown on the Official Zoning Map.

However, for any property located in the D-1 zone or ES Overlay District that is also located in the I-195 Redevelopment District, the I-195 Redevelopment District Commission shall serve as the Downtown Design Review Committee. A Memorandum of Understanding (MOU) between the DDRC and the I-195 Commission allows the the Commission to utilize the DDRC and its staff to perform review of all development applications in the manner and according to the timelines set forth in the Zoning Ordinance. The DDRC performs development application reviews, in an advisory capacity to, and in consultation with the District, on such basis.

SECTION 2 - ORGANIZATION

- 2.1 **MEMBERSHIP.** The DRC shall be constituted in accordance with Article 17 of the Ordinance.
- A. **Chair.** A Chair shall be appointed by the Mayor. The Chair shall preside over all DRC meetings and shall decide all points of order and procedure, unless directed otherwise by a majority of the DRC in session at the time. The Chair shall be eligible to vote on any matter before the DRC. The Chair shall appoint any committees found necessary to investigate any matters before the DRC.
 - B. **Vice Chair.** A Vice Chair shall be elected by majority vote of the DRC from among its members, and shall be eligible for re-election. The Vice Chair shall serve as acting Chair in the absence of the Chair. At such times, the Vice Chair shall have all the same powers and duties as the Chair. The Vice Chair shall be elected at the first regular meeting of the DRC, and thereafter at the first regular meeting of each calendar year.
 - C. **Acting Chair.** In the absence of both the Chair and the Vice Chair, an Acting Chair may be elected by the majority vote of the quorum. At such times, the Acting Chair will have the same powers and duties as the Chair.
- 2.2 **STAFF.** The Department of Planning and Development shall supply staff for the DRC's day to day operations, and a member of the staff shall serve as secretary to the DRC. Staff shall not be eligible to vote upon any matter before the DRC. The duties of staff shall be as follows:
- A. **Keep** all records, conduct all correspondence of the DRC, provide public information, and handle the clerical and administrative work of the DRC.

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- B. Act as liaison between the DRC and all other agencies, departments and organizations to which it must relate in the conduct of its affairs.
- C. Consult with applicants and property owners regarding the review procedures, rules and regulations, and standards and guidelines of the DRC.
- D. Prepare a written analysis of each application pending before the DRC, discussing the historical and architectural significance of the property, consistency of the proposal with the intent of the DRC Ordinance and standards and guidelines, and other pertinent information.
- E. Issue in-house staff approvals for applications for Certificates of Design Approval within the Downcity District for repairs and restoration, minor alterations and additions, and site improvements, and for applications for Certificates of Design Approval in the D-1 Zone but outside the Downcity District for repairs and restoration, minor alterations and additions, site improvements, major alterations and additions, and new construction as defined in and consistent with the Zoning Ordinance and these rules and regulations. Staff reviews may be conducted without public notice. However, notice shall be sent by first class mail to the applicant, property owner, and abutting property owners that a complete application for a major alteration, addition or new construction requiring staff review has been received. The DRC may, by action at a meeting open to the public, direct to staff the approval of any application. Staff may not deny an application, but shall refer such action to the DRC for review at a public meeting.
- F. Perform such duties and assume such other responsibilities as the DRC may from time to time direct.

2.3 RECORDS. The DRC shall keep written records of its meetings, deliberations, and decisions. The Secretary of the DRC shall have the primary responsibility for keeping the records. The DRC may also require a verbatim, recorded or stenographic record. All records shall be open to the public.

- A. Review of DRC Records. Requests to view the DRC's records may be made in writing, and are subject to the procedures of the Access to Public Records Act.
- B. Minutes. Minutes of DRC hearings shall show the vote of each member on each question, including absences and abstentions. At minimum, minutes shall contain:
 - 1. A listing of DRC members present and absent.
 - 2. A listing of others present, specifically staff, city solicitor, public agency staff applicants and/or other representatives, and anyone offering public comment.
 - 3. Approval of the minutes of the previous meeting.
 - 4. Summary of applications for design approval, including a description of the relevant features of the building, structure or appurtenance which will be affected and a summary of the proposed scope of work.
 - 5. Summary of arguments and materials presented for each application, including supporting documents, objections and corrections, and public comment.
 - 6. Summary of DRC deliberations for each application, including all references to the DRC standards and guidelines used.
 - 7. Findings of fact made, conclusions reached, and actions or motions taken on each application or other general business before the DRC.

2.4 OFFICE. The DRC's office shall be located in the Department of Planning and Development.

2.5 LEGAL COUNSEL. The City Solicitor's office shall be requested by the DRC to assist in all legal matters.

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SECTION 3 – PUBLIC MEETINGS

- 3.1 **REGULAR MEETINGS.** The DRC shall establish a schedule of regular meetings for the calendar year and post it in the City Clerk's office, on the Secretary of State's website, and at the Department of Planning and Development. Regular meetings shall be held monthly in the offices of the Department of Planning and Development or at such other day, time or location, with appropriate advance notice. When the regular meeting shall include a public hearing to review applications for development incentives or waivers of DRC regulations, in accordance with the Ordinance, notice of such meeting shall be provided at least 14 days in advance of the meeting (see Section 4.2 herein).
- 3.2 **BUSINESS MEETINGS.** The DRC may hold a business meeting for the purposes of discussing standards and guidelines, rules and regulations, procedures, and such other business as may come before it.
- 3.3 **SPECIAL MEETINGS.** Special meetings of the DRC may be called at any time by the Chair. At least forty-eight (48) hours notice of the time and place of the special meeting shall be given by the Secretary or the Chair to each member of the DRC and shall be posted in the City Clerk's office and the Department of Planning and Development.
- 3.4 **CANCELLATION OF MEETINGS.** When in the opinion of the Chair there is good cause, the Chair may dispense with a regular meeting by giving notice to all members and all applicants scheduled for the meeting, not less than 24 hours prior to the time set for the meeting.
- 3.5 **ATTENDANCE.** All regular and alternate members are expected to attend scheduled DRC meetings. Absences due to illness, death or other emergencies of like nature may be recognized as excused absences. The DRC shall advise the Mayor of any member of the DRC who fails to attend more than three (3) consecutive regular meetings, and shall request that the position be declared vacant and a new member be appointed. The staff shall notify a member when he or she is approaching the maximum number of unexcused absences. When a member has exceeded the maximum number of unexcused absences, the staff shall notify the DRC.
- 3.6 **CONDUCT OF MEETINGS.** All meetings shall be open to the public. The order of business at regular meetings shall include:
- A. Call to order.
 - B. Roll call.
 - C. Approval of the minutes of the previous meeting(s).
 - D. Committee reports.
 - E. Old business, including issues continued from a previous meeting (and reading of the staff report, if any).
 - F. New business, including applications for Certificates of Design Approval, for development incentives and for waivers of DRC regulations (and reading of the staff report, if any).
 - G. Other business, including Pre-Application Reviews.
 - H. Adjournment.
- 3.7 **EXECUTIVE SESSION.** For purposes authorized by the Open Meetings Act, the DRC may on a motion duly adopted and for reasons stated on the record, adjourn to executive session.
- 3.8 **PUBLIC ATTENDANCE AND PARTICIPATION.** Interested persons are encouraged to attend meetings of the DRC and to file statements with the DRC before or at a meeting commenting on matters before it. All DRC meetings shall be held in an accessible location; meeting notices shall indicate how sign language interpretation may be obtained. Public comment shall be concise and germane to the functions and policies of the DRC and to the matters or issues before it; shall be presented within reasonable time limits; and shall avoid duplicating information or views already expressed. The Chair may limit the amount of time allowed at a public meeting for verbal testimony

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regarding any application or other business before the DRC. Such limit shall be announced at the beginning of the meeting, and noted on the written public notice of the meeting. Written testimony may be submitted for DRC consideration in all cases.

SECTION 4 - PROCEDURES

- 4.1 PUBLIC MEETING. Applications for a Certificate of Design Approval for major alterations and additions, new construction, and moving of structures within the Downcity District and any other application directed to it by staff shall be reviewed by the DRC at a public meeting.
- A. Exceptions. Applications for Certificates of Design Approval within the Downcity District involving repairs and restoration, minor alterations, and site improvements shall not require review at a public meeting unless referred to one by the DRC staff. Applications for Certificates of Design Approval in the D-1 Zone but outside the Downcity District involving repairs and restoration, minor alterations and additions, site improvements, major alterations and additions, and new construction shall not require review at a public meeting unless referred to one by the DRC staff.
 - B. Public Hearing. A public hearing shall be scheduled for review of any application for demolition, development incentives or for a waiver of DRC regulations in the D-1 Zone and the Downcity District.
- 4.2 NOTICE. Notice of all DRC meetings shall be sent by first class mail to the applicant, property owner, abutting property owners, and all others requesting notice of the Downtown Design Review Committee.
- A. The notice shall indicate the date, time, and location of the meeting, identify the street address of the subject property, and briefly describe the application. The notice shall also indicate that applications are available for public inspection at the DRC's office during regular business hours; that verbal testimony may be limited due to time constraints; and that all meetings are accessible to the disabled.
 - B. The applicant shall supply the DRC with a list of names and mailing addresses of all abutting property owners from the most current records of the City Tax Assessor.
 - 1. With regard to an application for Certificate of Design Approval, "abutter" is defined as one whose property abuts, that is, adjoins at a border, boundary, or point with no intervening land.
 - 2. With regard to an application for a development incentive or a waiver of DRC regulations, "abutter" is defined as any owner of real property located within two hundred (200) feet of the perimeter of the lot lines of the subject property.
 - C. Notice of the public hearing on an application for demolition, a development incentive or a waiver of DRC regulations shall be given by mail as noted in Sections 4.2(A) and 4.2(B) above. The applicant shall be responsible for the postage fee. Notice shall also be given at least fourteen (14) calendar days in advance in a newspaper of general circulation in the City. DRC Staff shall prepare the notice, however, the applicant will be responsible for placing the notice and the cost of the notice.
 - D. Additional Notice. Any individual or organization requesting notice of any DRC meeting by mail or email, shall register a name and mailing address or email address with the DRC. Registrations shall be renewed annually by July 1. Failure to renew the registration shall relieve the DRC of the responsibility of mailing or emailing the notice. Any parties wishing to receive notice of any DRC meeting are encouraged to sign up with the Rhode Island Secretary of State's website to receive automated notice. Registration with the DRC to receive mail or electronic notice shall not entitle the recipient to aggrieved party status as defined in the zoning ordinance.

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- 4.3 ADVANCE REVIEW OF PROPOSALS. All DRC members shall, if possible, review application documents prior to a public meeting so as to be familiar with the matters on the agenda. Interested members of the public may review applications at the DRC's office during regular business hours.
- 4.4 QUORUM. Quorum for the DRC shall be as established by Section 1715 of the Ordinance. Where a regular member is unable to serve, the first alternate member may vote in his/her absence; the second alternate may vote if two regular members are unable to serve.
- 4.5 VOTING. With the exception of votes taken in executive session, all votes of the DRC shall be taken in open public session. The concurring vote of three (3) members shall be necessary to approve or disapprove of any application for a Certificate of Design Approval before the DRC. The concurring vote of four (4) members shall be necessary to grant demolition approval, a waiver or a development incentive, or to amend these rules and regulations or the DRC standards and guidelines. No member or alternate member may vote to grant demolition approval, a waiver or a development incentive unless he or she has attended the DRC hearings or reviewed the record concerning the matter. Abstentions may be permitted. Proxy voting is not allowed.
- 4.6 CONTINUANCE. A decision on a matter before the DRC may, upon a majority vote of the members in attendance, be taken under advisement and continued until the next regular meeting or until a special meeting called by the Chair, under any of the following circumstances:
- A. More information is needed.
 - B. More time is needed to study the merits of the proposal.
 - C. A subcommittee of the DRC will be established to work with the applicant and to make a recommendation to the full Commission prior to a final vote.
 - D. The applicant requests a continuance.
- 4.7 CONFLICT OF INTEREST. No DRC member shall take part in the consideration or determination of any application for design approval in which he or she is a party or has a financial interest. DRC members are subject to the Rhode Island Ethics Code. It shall be the responsibility of the DRC member having the potential conflict of interest to disclose such conflict in writing and to recuse himself or herself from participation in the discussion or the vote. Minutes shall reflect such recusals. DRC staff or the City Solicitor may assist in determining whether or not such conflict exists.
- 4.8 CONDUCT OF MEMBERS. Members of the DRC shall be discouraged from expressing individual opinions on the proper judgment of any application prior to the determination on that application, except in accordance with these rules.
- 4.9 ADVISORY OPINIONS. Outside of a regular meeting, the DRC shall refrain from any indication of approval or disapproval, but shall not, for that reason, be barred from a reasonable discussion of an applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the DRC at a pre-application hearing, at a site visit, or at an informal meeting shall in any way be official or binding upon the DRC. Only the official vote of the DRC shall be binding.
- 4.10 SITE VISITS. A subcommittee of the DRC, or the staff, shall be available to meet on site with the applicant and/or his or her representatives at any time in the design process in order to advise them informally concerning the DRC's procedures and guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. The applicant shall agree, by signing the application, to allow the DRC, as a group or individually, or the staff to make site visits from time to time as deemed necessary.
- 4.11 REVIEW CRITERIA FOR DEMOLITON. When an application for demolition waiver is received by the DRC, the Committee shall consider, but not be limited to, the following:

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- A. The documentation requirements for demolition submitted by the applicant.
- B. Any report on the historic value and architectural quality of the existing building(s) submitted by the applicant. This may include, but not be limited to, an initial evaluation of the historic or architectural significance of the building, and for structures found by the DRC to be historically or architecturally significant, an appraisal of the property and/or structural analysis of the building paid for by the applicant.
- C. The criteria in Sections 1907 (E)(2)(c) and (d) of the Zoning Ordinance.
- D. Any report issued by the Rhode Island Historic Preservation and Heritage Commission (RIHPHC) on the historical and architectural significance of the building (s), and the contributing status of the building(s) to the National Register.
- E. An evaluation of the building(s) issued by DRC Staff.

4.12 APPEALS. Any person aggrieved by a determination of the DRC may appeal that decision within twenty (20) days of the date of the written resolution, in accordance with Section 1918 of the zoning ordinance. Appeals are made to the Zoning Board of Appeal.

SECTION 5 - APPLICATIONS

5.1 APPLICATIONS FOR CERTIFICATES OF DESIGN APPROVAL. An application for a Certificate of Design Approval is required for any change which affects the exterior appearance of a structure or its appurtenances located in the D-1 Zone, including construction, alteration, repair, moving or demolition. (An appurtenance is a feature other than a principal or accessory structure which contributes to the exterior appearance of a property, including but not limited to paving, doors, windows, signs, materials, decorative accessories, fences, and historic landscape features.

- A. Applications for Certificates of Design Approval may be accepted in the following categories.
 - 1. New Construction: erecting a new principal or accessory structure.
 - 2. Major Alterations and Additions: changes in materials, design, dimensions, configuration, texture and visual appearance, which will permanently affect the integrity or character of a structure. Examples of projects in this category include: changes to rooflines, cornice lines, and rooftop structures; changes to window and door openings and configurations; creating new openings or blocking up existing ones; installation or removal of bays, oriels, and balconies; changes to storefronts, steps and entryways; cladding exterior walls in a new material; removal or alteration of significant ornamentation; barrier-free access improvements; installation of fire escapes; and large additions (including elevator and stair towers).
 - 3. Minor Alterations and Additions: reversible changes which will not permanently affect the integrity or character of a structure. Examples of projects in this category include awnings and canopies, signs, replacement windows and doors, storm windows and doors, skylights, satellite dish antennae and other mechanical or electrical equipment; also, small additions such as roof decks, elevator and stair headhouses.
 - 4. Site Improvements: paving, fencing, streetwalls, retaining walls and landscaping.
 - 5. Repairs, Replacement and Restoration: work intended to remedy damage or deterioration, which will result in a change in the type of materials, dimensions, design, configuration, texture or visual appearance. May include repointing, chemical or mechanical cleaning, sealing, painting and patching of masonry. Also, restoration of altered or missing features to their appearance at a previous point in time, using physical, documentary or historical evidence.

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6. Moving of Structures: relocating any structure within its current lot, into the district from an outside site, from one site to another within the district, or out of the district altogether.
7. Public Art: installation of public art including sculptures, monuments, and the proposed painting or installation of murals, including the location, size, materials, method of attachment, durability, and quality of execution. Design concept will be reviewed to ensure that there will be no commercial content; designs with commercial content will be viewed as signs.
8. Demolition: partial or complete removal of a structure.

B. Pre-Application Review. In addition to consulting with staff, applicants may seek an informal Pre-Application Review with the DRC when new construction, major additions or alterations, moving of structures or demolition are proposed. Such requests shall be submitted in writing. The DRC shall use the same order of business as in reviewing application for Design Approval, with the following exceptions:

1. No formal determination to approve or deny the proposal shall be made.
2. The DRC may provide agencies of the City with advisory opinions, which shall identify preliminary design issues, and may suggest solutions.
3. After a Pre-Application Review, the DRC shall provide the applicant with a written advisory opinion. Advisory opinions shall be non-binding.

C. Conceptual Approval. An applicant proposing new construction, major additions or major alterations may first file an application for Conceptual Design Approval from the DRC. The DRC shall use the same order of business as in reviewing applications for final approval, and may grant or deny Conceptual Approval. Applicants whose projects receive Conceptual Approval shall provide project details and construction drawings for final approval before construction begins.

5.2 APPLICATION FOR WAIVER OF DRC REGULATIONS. An application for a waiver of the regulations in Article 6, Downtown District, of the Ordinance may be made to the DRC for the following purposes only. Such applications are subject to a public hearing, notice of which shall be provided at least fourteen (14) days in advance of a newspaper of general circulation in Providence. Waiver categories are as follows:

- A. Installation of non-conforming signs
- B. Non-conforming new construction to include height, recess line, setback, transparency, parking garage design, or frontage line relationship of new construction
- C. Demolition of any building in the D-1 Zone
- D. Accessory use surface parking
- E. Structures or landscaping located within a view corridor exceeding three feet in height
- F. Mechanical equipment mounted on the façade of an A Street building
- G. Roof structures
- H. Curb cut width related to driveway access for loading docks

5.3 APPLICATIONS FOR DEVELOPMENT INCENTIVES. An application for a development incentive (height bonus or transfer of development rights) may be filed and reviewed in accordance with the provisions of Section 603 of the Ordinance. Such applications are subject to a public hearing, notice of which shall be provided at least fourteen (14) days in advance in a newspaper of general circulation in Providence.

5.4 APPLICATIONS FOR PUBLIC ART PROJECTS. In accordance with Section 1800 of the Ordinance, an application must be filed for design approval of the permanent installation of a work of art on any public or private property, which is intended to be installed out of doors and viewed by or accessible

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to the public.

- A. Definitions. For the purposes of these regulations, the following definitions will apply:
1. "*Public Property*" includes buildings, structures, and open spaces which are owned by the state or municipal government or agency thereof.
 2. "*Work of Art*" includes sculptures, bas reliefs, tiles, carvings, structures, murals, signs, banners, lighting, etc. which is non-commercial in content and intended to convey an artistic message.
 3. "*Permanent*" indicates either the method of attachment of a work of art (adhered or attached to a surface in such a way as to deface property or be difficult to remove without damaging the underlying surface), or the intended duration of time for its exhibition (two years or more), or both.
 4. "*Temporary*" indicates an easily reversible method of attachment of a work of art, or an intended duration of time for exhibition up to two years, or both. The two year period shall commence when the piece is first installed and shall run continuously until the piece is removed.
- B. All proposed temporary art projects, on either public or private property, shall be exempt from DRC review. This exemption does not negate the applicant's obligation to maintain the piece while installed, and to seek approvals from other city agencies as appropriate, including but not limited to the Department of Public Works, the Parks Department, and the Department of Inspection and Standards. When temporary artworks are removed, the site shall be returned to its original condition prior to installation. After two years, a temporary piece may not be reinstalled on the same site without DRC approval.
- C. All proposed permanent art projects shall be reviewed at a regular public meeting of the DRC.
- D. The DRC shall review how the proposed artwork will affect the design, proportions, structure, materials, and visual appearance of the site where it will be installed; what signs and lighting may be associated with the piece; the materials, construction and method of attachment of the piece and their compatibility with the site; the accessibility of the piece and the site; and the long-term stability and maintenance of the piece.
- E. The artistic content and merit of the piece, how the site was selected, and the source of financial support for the production and installation of the piece are all issues outside the DRC's jurisdiction. However, until such time as the City of Providence implements regulations addressing these issues with regard to public art, brief comments relative to these matters may be made at the DRC meeting in order to become part of the record.
- F. DRC approval of any installation of public art shall be contingent upon the applicant or owner of the piece taking responsibility for regular maintenance, and for conservation treatments as needed. A written commitment for same, signed by the responsible party, must be submitted with the application. If the DRC believes that a proposed piece of art represents liability issues, then it may also request that third-party liability insurance be provided by the owner or applicant.
- G. DRC approval of any installation of public art shall be valid for one year from the date a Certificate of Design Approval is issued. In accordance with Section 1902 of the Ordinance, a one-time extension of the approval, for an additional six months, may be granted by the DRC after discussion and vote at a regular meeting. The applicant seeking an extension must demonstrate due diligence in proceeding with the project, and a substantial financial commitment to completing it. If the piece is not installed within 12 months (18 months with an extension) of the original

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approval, or a building permit is not obtained within that same period, the DRC approval shall expire, and a new application shall be required for additional review.

- H. DRC approval shall not oblige the City of Providence to fund the creation, installation, maintenance, insurance or removal of the piece.

5.5 EXEMPTIONS

- A. Capital Center. Any property in the D-1 Zone that is also within the Capital Center Special Development District (see Section 1909 of the Ordinance) is exempt from DRC review until such time as the Capital Center Special Development District ceases to exist.
- B. I-195 Redevelopment District. Any property in the D-1 Zone that is also within the I-195 Redevelopment District is exempt from DRC review. The I-195 Redevelopment District Commission shall serve as the DRC (see Section 1.1 herein). When the I-195 Redevelopment District Commission dissolves in accordance with R.I.G.L. 42-64.14-22, the DRC and its staff shall assume jurisdiction over said property.
- C. D-1 Zone Properties. The work items listed below will not be reviewed by the DRC, provided that staff confirms that the project meets the guidelines described in this section. Where any work exempt from DRC review will require a building permit, staff may provide a letter to the Department of Inspection and Standards confirming that no DRC approval will be required for the project.
 - 1. In Kind Repairs/Replacement: Work which is meant to remedy damage or deterioration of a structure or its appurtenances will not be reviewed provided the work results in no change in type of materials, dimensions, design, configuration, texture or visual appearance. Written specifications may be required.
 - 2. Painting of Previously Painted Surfaces/Paint Colors: The painting of previously painted wood, metal, masonry, concrete or other surfaces will not be reviewed. Also, paint color will not be reviewed, although technical information on period colors and surface preparation is available upon request. *However, chemical, mechanical and abrasive methods of paint removal and the painting of previously unpainted masonry surfaces will require review. Also, the painting of murals on previously painted or unpainted surfaces will require review.*
 - 3. Traffic signs: Signs identifying street names, speed limits, direction of travel, parking restrictions and other traffic control information may be installed by the City on freestanding poles on any public way without review.
 - 4. Street Improvements: Plant materials (including street trees), street and sidewalk paving, curbing and drainage improvements, including ramping or curbs to improve wheelchair access, and public amenities, including street lights, traffic signals, permanent planters, street furniture, public open spaces, and public information signs, may be installed by the City without review. Where streets are to be excavated for access to utility trenches, coordination among the various utility companies is encouraged to reduce the incidence of separate construction projects. Where street or sidewalk paving or curbing is to be repaired, patching materials shall match the existing.
 - 5. Flags and Banners Not Functioning as Signs: Municipal, state, U.S. and foreign national flags, and banners not designed to provide advertisement, announcement, direction or communication, may be installed on poles attached to a building facade or in a front, side or rear yard. Flagpoles or brackets attached to buildings should be located so as not to damage or obscure significant architectural features. Flags and banners may be illuminated provided the lighting is directed toward the flag and does not spill over onto neighboring properties or

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the public way; electrical conduit should be out of view or painted to match the background color wherever possible. *Banners functioning as signs will require review.*

6. Hardware and Electrical Devices: Door hardware should be compatible with the size and finish of the original examples. Buzzers, intercoms, and mailboxes should be located within a recessed entry vestibule or other inconspicuous location whenever possible.
7. Holiday Decorations and Other Temporary Installations: Holiday decorations on public or private property may be displayed without review. Other temporary installations, such as tents, tables, chairs, and/or booths related to an outdoor special event (party, concert, art show, farmer's market, etc.) may be placed on public or private property without DRC review, provided that such installations are kept in place for no more than fourteen (14) days at a time and are removed within 48 hours of the end of the event. *Holiday decorations and other temporary installations must comply with all other applicable city ordinances.*
8. Outdoor Merchandise Displays and Planters: Ground floor businesses may display merchandise or portable planters on the sidewalk in front of their storefronts without review, provided that all elements are removed when the business is closed and that all applicable city ordinances are met. Pushcart vendors and itinerant peddlers must also comply with all applicable city ordinances. Items placed on a public sidewalk should be approved by the Dept. of Public Works to ensure adequate pedestrian traffic flow.
9. Outdoor Seating Areas: Eating and drinking establishments may install portable tables and chairs in an outdoor seating area without review, provided the furniture is stored indoors when the business is not open. Enclosures for outdoor seating areas (including portable fences and planters) may also be installed on a temporary basis (from April 1 through October 31 each year) without review. Seating areas on a public sidewalk must be approved by the Dept. of Public Works to ensure adequate pedestrian traffic flow.
10. Portable Window Air Conditioners: Seasonal window air conditioners may be installed within existing window openings; their location on primary elevations is discouraged. *Through-wall air conditioners will require review.*
11. Signs: The following types of signs are exempt from review. *Any type of sign not specifically listed hereunder will be reviewed*
 - a) Handicapped Access: Signs identifying an accessible entrance or parking space should avoid damaging or obscuring significant architectural features, while conforming to the State Building Code Commission's Accessibility Standards (ADAAG)
 - b) Temporary Signs: Temporary signs, including sale advertisements, political signs, grand openings signs, real estate signs, marquee lettering and performance advertisements, etc., will not be reviewed. Where attached to a building, temporary signs should be designed and located so as not to damage or obscure significant architectural features. See Section 1606 of the Providence Zoning Ordinance for regulations regarding size and duration of temporary signs.
 - c) Interior Window Signs: Signs located inside a window or door, whether attached directly to or suspended behind the glass or frame, will not be reviewed. Paper signs are discouraged.
 - d) Plaques: Sign plaques or lettering describing the name of a property or its historic or architectural significance will not be reviewed. Plaques should be attached so as not to damage or obscure significant architectural features.

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- e) No Parking/Private Parking Signs: "No Parking" signs on private property, and signs indicating non-commercial "private parking" uses, will not be reviewed, but shall be attached so as not to damage or obscure significant architectural features. Such signs shall be limited to one square foot in area.
- 12. Storage Sheds and Dumpsters: Prefabricated storage sheds and garbage dumpsters (smaller than 60 square feet and less than 6 feet tall) may be installed without review in rear yards only. Construction dumpsters may be installed on site for the duration of a project but must be removed within 10 days after construction is completed; construction dumpsters may not be installed on the public street or sidewalk without permission from the Department of Public Works. *Larger structures, screening and alternative locations will require review.*
- 13. Striping for Parking Areas: Parking stall stripes may be painted on a paved surface parking lot in accordance with Section 1404 of the Ordinance. Striping may include graphics indicating handicapped accessible spaces.
- 14. Window Boxes: Wooden or metal window boxes for plants should be painted. The size should match the width of the window opening. Try to attach boxes and/or supportive brackets into masonry joints to avoid damaging window surrounds.

5.6 FILING OF APPLICATIONS:

- A. Applications for Certificate of Design Approval shall be filed with staff at least fourteen (14) and no more than thirty (30) calendar days before a regular meeting. Applications shall be submitted in person by appointment with the DRC staff
- B. Applications for a development incentive or a waiver of DRC regulations shall be filed at least twenty-one (21) and no more than thirty (30) calendar days prior to a regular meeting of the DRC. Applications shall be submitted in person by appointment with the DRC staff.
- C. All applications must be signed by the property owner and applicant. Applications must be accompanied by all documentation reasonable necessary to evaluate the proposal, including photographs, drawings, plans, or other information as requested by the DRC or staff. It is the owner's/applicant's responsibility to submit all required documentation.

5.7 DOCUMENTATION REQUIREMENTS: At minimum, all applications shall consist of a completed application form for a Certificate of Design Approval (signed by the property owner) and 35mm or digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur. Photos must be labeled with the street address, compass direction and date. (Photocopies may be acceptable if the images reproduce clearly.) In addition to the application form and photos, other information may be required depending on the specific project, as requested by the DRC or staff. The DRC may publish documentation requirements to assist applicants in completing their applications.

5.8 ACCEPTANCE OF APPLICATIONS: Staff shall review all applications for completeness of documentation, in accordance with Section 5.6 of these rules. Incomplete applications cannot be accepted for review. Staff shall notify applicants to supply any missing information. Applications subject to staff review shall be deemed accepted as of the date that all required documentation is received. Staff shall note the date of acceptance on the application form, after which the formal review period begins. Staff reviews may be conducted without public notice. However, within 15 days of receipt of a complete application for a major alteration, addition or new construction that requires staff review, notice shall be sent by first class mail to the applicant, property owner, and abutting property owners, that notifies them that a complete application has been received.

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5.9 REVIEW CRITERIA: In reviewing applications for design approval, development incentives or waivers, the DRC shall use the criteria set forth in the Ordinance, including the U.S. Secretary of the Interior's Standards for Rehabilitation, as amended. When voting on any application, the DRC shall specify which criteria and standards are relevant to its decision.

5.10 CONSIDERATION OF APPLICATIONS: The applicant or a designated agent shall attend the meeting to present the application to the DRC; however, the applicant's failure to appear shall not preclude the DRC from acting on any complete application scheduled at a duly noticed regular meeting or public hearing. Each application shall be called individually in the order shown on the meeting agenda. All interested parties wishing to speak to an application shall identify themselves and their relationship to the project. (Attorneys advocating on behalf of clients appearing before the DRC shall not give testimony and therefore need not be sworn.) The order of business for consideration of applications for design approval or waiver may include the following:

- A. A staff report on the historic and architectural significance of the property, issues to consider, relationship of the proposal to the criteria in the Ordinance and the standards and guidelines, and a recommendation for action.
- B. A presentation by the applicant, including arguments and material in support of the application. The applicant shall present the material in a way that both the DRC and the public audience may hear, see and understand the verbal and graphic description of the proposed work and its appurtenances and historic landscape features of the property.
- C. Subcommittee report, if any.
- D. Statements or arguments submitted by any official, commission or department of the City of Providence, any state agency, or any local historical, preservation or business organization.
- E. Public comments from interested parties, abutters, etc.
- F. DRC members questions of the applicant, staff or subcommittee concerning the application.
- G. Close the meeting to public testimony.
- H. DRC deliberations, based upon the evidence submitted, including a discussion of the relationship of the proposal to the provisions of the Ordinance and the Standards and Guidelines.
- I. Findings of fact, motion(s) to approve or deny the application, and voting.

5.11 DETERMINATIONS: An application for a Certificate of Design Approval, development incentive or waiver of DRC regulations may be approved, denied, or approved with conditions by the DRC. Motions to grant or deny an application shall include findings of fact relative to the historic and architectural significance of the property, its contribution to the character of Downtown, and the relationship of the proposal to the review criteria in the Zoning Ordinance.

- A. Decisions: All decisions of the DRC and all decisions by staff for major alterations, additions or new construction shall be in writing. The DRC or its staff shall articulate and explain the reasons and basis of each decision on a record, consistent with the provisions of the Ordinance. The Director of the Department of Planning and Development shall approve and sign all staff determinations for major alterations, additions or new construction. Any conditions of approval shall be specified in the written decision; it shall be the applicant's responsibility to meet those conditions before a Certificate of Design Approval will be issued. In the case of a decision not to approve an application, the DRC shall specify the basis for its conclusion that the proposed activity would be incongruous with the provisions of the Ordinance. Written decisions shall be addressed to the applicant and the property owner, copied to the Director of the Department of

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Inspection and Standards, to the City Solicitor, and to the DRC Chair; and filed with DRC records at the Department of Planning and Development. All written decisions made by the DRC and all staff written decisions for major alterations, additions or new construction shall be posted in the City Clerk's office for 20 days.

- B. Issuance of a Certificate of Design Approval: Once all conditions of approval have been met, the DRC or its designee shall:
1. Complete and stamp a Certificate of Design Approval, and stamp three (3) sets of all approved plans and drawings. The documents will be dated, stamped and signed by the Chair or the staff as directed by the Chair.
 2. Forward the original Certificate and a copy, along with two (2) sets of signed and stamped documents, to the Department of Inspection and Standards or the applicant, if requested. The original Certificate and one (1) set of signed and stamped documents may be claimed there or presented by the applicant when filing for the necessary building permits. Where a project will not require a building permit, staff may forward the Certificate and one set of signed and stamped documents directly to the applicant.
 3. Retain one (1) set of stamped and signed documents for the DRC files at the Department of Planning and Development.
- C. Recording of Waivers and Development Incentives: All decisions evidencing the granting of a waiver or a development incentive shall be recorded by the applicant in the Land Evidence Records of the City, in accordance with Sections 1715 (B)(6) and 603(F) of the Ordinance. A copy of such record shall be forwarded by the applicant to the DRC for its files. Permits cannot be issued by the Department of Inspection and Standards until such recording is confirmed. Failure by the applicant to file the decision within thirty (30) days after its issuance shall cause said decision automatically to become null and void.
- D. Other Reviews Pending: The DRC may issue a Certificate of Design Approval where an application would otherwise be approved except that one (1) or more necessary city, state, or federal agency approvals are pending. If other necessary approvals are not obtained within six (6) months of the date of the Certificate, then the Certificate will become null and void and a new application will be required to proceed with the project. If other agency reviews result in changes to the project approved by the DRC, then those changes shall be brought back to the DRC for approval.

5.12 EXPIRATION OF APPROVAL: DRC approval of any application shall expire six (6) months after the date of the written decision or the date of the Certificate of Design Approval, whichever is later, unless the applicant shall, within the six (6) months:

- A. obtain a legal building permit and proceed with construction;
- B. obtain a certificate of occupancy when no legal building permit is required; or
- C. complete the project.

The DRC staff, upon written request and for cause shown prior to the expiration of the initial six (6) month period, may renew a Certificate of Design Approval, including waivers and development incentives approved by the DRC, for a second six (6) month period. (*See Section 5.4 for special regulations for public art projects.*) Should an applicant fail to obtain a legal building permit within the second six (6) month period, the DRC staff, upon written request prior to the end of the second six (6) month period, may renew a Certificate of Design Approval for a third six (6) month period. The request for renewal of waivers or development incentives for a third six (6) month period may only be renewed by the DRC at a public hearing. An applicant's failure to act before an approval expires shall cause the approval to become null and void and will require the applicant to file a new application for

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DRC approval before proceeding with the project.

5.13 TIME PERIOD TO ACT.

- A. DRC staff shall act within 30 days from the date of acceptance of a complete application in accordance with these rules and regulations. For incomplete applications, DRC staff shall notify the applicant, in writing, of all deficiencies in the application. A determination by the DRC or its staff shall be made within 60 days of receipt and determination of a complete application.
- B. Extensions: An extension may be granted by mutual agreement between the applicant and the DRC or staff. In the event that the DRC shall make a written determination within the 60-day period that a particular application requires further time for additional study and information, the DRC shall have a period of up to 90 days from the date of acceptance of a complete application within which to act on such application.
- C. Automatic Approval: The failure of the DRC or its staff to act within the time periods specified above shall be deemed to constitute approval unless an extension is agreed upon mutually by the applicant and the DRC or its staff.

5.14 MODIFICATIONS TO AN APPROVED PROJECT: Modifications in scope of work, design, materials or details of a project after approval is granted shall be brought to the attention of the DRC staff for review before construction of the changes begins. Proposed changes shall be submitted in writing and documented as necessary by photographs, plans and drawings. Staff will determine if the changes are significant enough to warrant full DRC review at a regular meeting. Proposed modifications will be reviewed in accordance with these rules and regulations and the Providence Zoning Ordinance. Any modification not approved by the DRC shall be deemed a violation of the Certificate and of the Zoning Ordinance.

5.15 MODIFICATIONS TO A PENDING APPLICATION: A pending application may be modified by a written request from the applicant to the DRC. Such request shall include a description of the proposed change and shall be accompanied by drawings, plans, and/or photographs as necessary. If the application has already been noticed out and scheduled for review at a DRC meeting, then changes in the scope of work or additional requests for waivers or development incentives cannot be considered formally until such time as proper public notice is given. A modified application shall be handled in accordance with these rules and regulations.

5.16 RESUBMITTAL OF A DENIED APPLICATION: An application for Certificate of Design Approval, development incentive or waiver which has been denied by the DRC shall not be heard again for a period of one (1) year from the date of the written decision, unless the majority of the DRC present at a meeting agrees to waive this requirement.

5.17 RECONSIDERATION OF A DECISION: An applicant may request the DRC to reconsider its decision on an application in cases where there is a substantial change in the facts, evidence or conditions relating to the application. Such request may be made in writing within a period of one year from the date of the written decision, and shall include the pertinent new information that the applicant wishes the DRC to consider. The order of business for reconsideration of previously denied applications shall be as follows:

- A. The Chair shall entertain a motion from a member of the DRC that the applicant be allowed to present evidence in support of the request for reconsideration. Such evidence shall be limited to that which is necessary to enable the DRC to determine whether or not there has been substantial change in the facts, evidence or conditions relating to the application; provided, however, that the applicant shall be given the opportunity to present any other additional supporting evidence if the DRC decides to reconsider the application.

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- B. After receiving the evidence, the DRC shall proceed to deliberate whether or not there has been a substantial change in the facts, evidence or conditions relating to the application which would warrant reconsideration. If the DRC finds that there has been such a change, it shall vote to reconsider the application, and then proceed to review the application as if it were a new application.

5.18 ZONING VARIANCES: Projects which will require relief from provisions of the Ordinance shall first file an application for a Certificate of Design Approval with the Downtown Design Review Committee. Those seeking a waiver of regulations in Article 6, Section 604 of the Ordinance shall follow procedures described in Section 6 of these rules and regulations. The DRC shall provide the Zoning Board with a recommendation. If the DRC approves an application, the DRC shall make the approval contingent upon the granting of any necessary zoning variances. Written confirmation that all variances have been granted shall be submitted before a Certificate of Design Approval is issued.

SECTION 6 - ENFORCEMENT

6.1 ENFORCEMENT: Enforcement of DRC jurisdiction and decisions shall be through the Director of the Department of Inspection and Standards, in accordance with Article 1709 of the Providence Zoning Ordinance.

6.2 VIOLATIONS: Any exterior work to a structure or appurtenance within the D-1 Zone, which proceeds without a Certificate of Design Approval or waiver from the DRC, or which does not comply with the provisions of a Certificate of Design Approval or a waiver issued by the DRC, shall be deemed a violation of the Ordinance. Work in progress or already completed without a Certificate of Design Approval may be deemed a violation.

6.3 PROCEDURES:

- A. Any person may report a violation to the DRC.
- B. Staff will confirm that the work is a violation and report it to the Department of Inspection and Standards; if the work is in progress, staff will request the Department of Inspection and Standards to issue a stop-work order.
- C. Whether the work is in progress or already completed, staff will address a written notice to the property owner, requesting that an application for Certificate of Design Approval or waiver be filed within thirty (30) days.
- D. The DRC shall review the application in accordance with the Ordinance and these rules and regulations; Staff may review and approve an application for work begun or completed in violation of the Ordinance. Any modifications required to bring the work into compliance with the standards and guidelines shall be made conditions of approval, and a deadline for completion of corrective action shall be set.
- E. Failure of the property owner to file an application for a Certificate of Design Approval within thirty (30) days, or to correct the violation as directed within the deadline set by the DRC, shall cause the matter to be referred to the Department of Inspection and Standards for enforcement.
- F. If the DRC issued conditions of approval for work done in violation, staff shall inspect the property to confirm that the violation has been corrected. If so, staff shall inform the Department of Inspection and Standards that the violation may be dismissed. If not, the matter shall be referred to the Department of Inspection and Standards for enforcement.
- G. Written records of all violations shall be kept in the DRC's files. Regular updates shall be provided to the DRC and the Director of the Department of Inspection and Standards.

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SECTION 7 - AMENDMENTS AND SEVERABILITY

7.1 AMENDMENTS: These rules may be amended at any time by an affirmative concurring vote of four members of the DRC.

7.2 SEVERABILITY: The provisions of these rules and regulations are severable; if any such provisions or provisions shall be held invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of these rules and regulations.