

INTERNAL OPERATING PROCEDURES
THE DESIGN AND DEVELOPMENT REGULATIONS
OF
THE CAPITAL CENTER COMMISSION

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Amended: March 10, 1994
September 14, 1995
February 9, 1996
May 12, 2010

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SECTION 1

1.0 PURPOSES OF THE INTERNAL OPERATING PROCEDURES

1.1 PURPOSES

The following procedures (hereinafter, the “Internal Operating Procedures”) are intended to implement the Design and Development Regulations promulgated by the Capital Center Commission (the “Design and Development Regulations”). The review process and the Internal Operating Procedures have been carefully formulated for the following purposes:

- (i) to encourage the exchange of information, concepts and ideas between Applicants and Commission staff;
- (ii) to expedite approval of plans submitted by Applicants that are in conformance with the Capital Center Project Development Plan (as defined in Section 1.6(c) of the Design and Development Regulations and hereinafter referred to as the “Plan”) and the Design and Development Regulations;
- (iii) to expedite requests to utilize development parcels for interim uses; and
- (iv) to facilitate careful and deliberate consideration of individual requests for changes to the Plan and the Design and Development Regulations.

SECTION 2

2.0 THE CAPITAL CENTER COMMISSION

The Capital Center Commission was created under Rhode Island General Law of 1981, Section 2, Chapter 322, as amended and under City of Providence Chapter 1982-54 Ordinance No. 493.

To assist in the design review of projects, the Capital Center Commission has created two committees, the Design Review Committee (DRC) and the Hearing Panel (HP).

2.1 THE DESIGN REVIEW COMMITTEE

2.1.1 COMPOSITION OF THE DESIGN REVIEW COMMITTEE

A. The Design Review Committee shall consist of four (4) Commissioners (the “Commission Members”) and three (3) other individuals having the following qualifications:

- (i) One member shall be an architect licensed as such under the laws of the State of Rhode Island who is presently engaged in practice and is familiar with principles and practices of urban design;
- (ii) One member shall be an attorney licensed to practice law in the State of Rhode Island with experience in the field of real estate development, or a City Planner with an extensive familiarity with the City of Providence zoning Ordinance.
- (iii) One member shall be familiar with the financial aspects of real estate development.

The non-Board members of the Design Review Committee are hereinafter referred to as the “Advisory Members”.

B. Members of the Design Review Committee shall serve initial staggered terms of one (1), two (2), and three (3) years, as follows:

- (i) One Commission Member and one Advisory Member shall each serve for a term of one (1) year or until his/her death or resignation or until his/her successor is appointed and shall have qualified.
- (ii) One Commission Member and one Advisory Member shall serve for a term of two (2) years or until his/her death or resignation or until his or her successor is appointed and shall have qualified.

- (iii) The Chairman of the Design Review Committee, one Commission Member, and one Advisory Member shall each serve for a term of three (3) years or until his/her death or resignation or until his/her successor is appointed and shall have qualified.

The terms of each member of the Design Review Committee shall be for three (3) years. Each member of the Design Review Committee shall be appointed by the Board of Commissioners, and a Chairman of the Design Review Committee shall be selected from among the Commission Members by the Board of Commissioners.

2.1.2 ATTENDANCE OF CERTAIN OFFICIALS AT DESIGN REVIEW COMMITTEE MEETINGS

The Chairman shall invite the following individuals or their designees to attend each meeting of the Design Review Committee. However, these individuals shall have no authority to vote on Committee matters:

- The Secretary of the Providence Zoning Board of Review,
- The Director of Planning and Development
- The Executive Director of the Rhode Island Historical Preservation and Heritage Commission, and
- The Executive Director of the Providence Preservation Society, and
- The Director of Inspection and Standards

2.1.3 QUORUM AND VOTES NECESSARY TO MAKE RECOMMENDATIONS

A majority of the Design Review Committee shall constitute a quorum for the transaction of business at a meeting. The affirmative vote of a majority of the members of the Design Review Committee at a meeting at which a quorum is present shall be necessary to adopt recommendations to be made to the Hearing Panel (if required) and to the Board of Commissioners.

2.2 HEARING PANEL

2.2.1 COMPOSITION OF THE HEARING PANEL

The Commission shall designate from among its members a Hearing Panel consisting of five (5) members, none of whom shall be serving a concurrent term on the Design Review Committee. The Members of the Hearing Panel shall serve a one-year (1) term commencing on January of each year until such member's death, resignation or removal from the Board of Commissioners or until his or her successor shall have been appointed or shall have qualified. The Board of Commissioners shall appoint a chairperson from among the Hearing Panel members and said members shall constitute a committee of the Board of Commissioners.

SECTION 3

3.0 DEFINITIONS AND RULES OF CONSTRUCTION

As used in these Internal Operating Procedures:

- (A) The word “Developer” means an individual, corporation, partnership, joint venture, or other entity who shall act as Developer of a plan for the design and development of a parcel or parcels and/or for the provision of interim uses on said parcel(s) or for the approval of public construction located within the Capital Center Special Development District. If the Developer is not the property owner, the property owner must support the proposal by co-signing the application. For purposes hereof, the term “Applicant” shall refer to the property owner, and the Developer if different from the property owner.
- (B) The word “Application” means the material containing the information set forth in Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 and 4.7 of these Internal Operating Procedures in a format established from time to time by the Commission and/or the Executive Director.
- (C) The word “By-Laws” means the By-Laws adopted by the Board of Commissioners of the Commission on June 14, 1983, and all amendments thereto new or hereafter in effect.
- (D) The word or words “Commission” or “Capital Center Commission” mean(s) the Capital Center Commission, a public corporation created pursuant to a special Act of the General Assembly of the State of Rhode Island, more particularly defined in Section 1.6(a) of the Design and Development Regulations
- (E) The term “Administrative Officer” means the Administrative Officer of the Commission.
- (F) The word “Project” means a plan or plans submitted by an Applicant for the development of a parcel or parcels within the Capital Center Special Development District.

Unless otherwise expressly provided, all terms used herein shall have the same meanings as set forth in the Design and Development Regulations, and the Rules of Construction set forth in Section 1.4 of the Design and Development Regulations shall apply to these Internal Operating Procedures. In the event of any conflict between the Design and Development Regulations and these Internal Operating Regulations, the Design and Development Regulations shall control.

SECTION 4

4.0 APPLICATION PROCESS

4.1 GENERAL PROVISIONS

The applicant shall submit the application for development approval in one of the following forms:

1. As a permanent development project
2. As a permanent phased-in development project
3. As an interim use project
4. As a public use project
5. As a modification to an existing approved project
6. A non-conforming project

Applications shall be submitted in accordance with the submittal requirements set forth in this section. Applications will be reviewed in accordance with Section 4 of these Procedures and for conformance with the Design and Development Regulations. Specific matters to be considered by the reviewing bodies include:

- use (including mandatory retail frontage),
- siting (including build-to lines, set backs, and visual corridors),
- open space and landscaping (including mandatory spaces and pedestrian connections),
- massing and height (including wind and shadow effects),
- entry (how the building entry is recognized),
- circulation (vehicular, pedestrian, parking and service),
- streetscape elements (including signs, lighting and paving),
- roofscape (including structures, signs and mechanical equipment),
- building signage,
- interim uses, and
- phasing

Prior to submission of a formal Application for the development and design of a parcel or parcels, Developers are encouraged to meet with the Administrative Officer on an informal basis to discuss submittal requirements, the Design and Development Regulations, and these Internal Operating Procedures. Pre-application workshops with the Design Review Committee are strongly encouraged and may be requested by the developer and may be required by the Chairperson of the Capital Center Commission.

4.2 PERMANENT AND PERMANENT PHASED-IN DEVELOPMENT PROJECTS

4.2.1 SUBMITTAL REQUIREMENTS: PERMANENT DEVELOPMENT PROJECTS

Developers requesting approval of a project shall deliver fifteen (15) copies of documentation containing the following information to the attention of the Administrative Officer, Capital Center Commission, 30 Exchange Terrace, Providence, Rhode Island 02903:

- A. A brief resume of the Developer (and its constituent legal entities) containing the Developer's name, business address and business experience. If the Developer is a general partnership, the Application shall contain a resume of each general partner. If the Developer is a limited partnership, the Application shall contain resumes of each general partner as well as resumes of each limited partner having a twenty-five (25%) or greater limited partnership interest individually or in the aggregate in the Developer. If the Developer is a corporation, or if the Developer is a general or limited partnership which has a corporation as its general partner, the Application shall contain resumes of each individual owning a ten percent (10%) or greater interest in such corporation's issued and outstanding voting stock. If the Developer is not the owner, the Application shall specify whether the property will be purchased or leased and the timing and conditions for same, and the Commission may request similar information concerning the property owner.
- B. A brief description of the Project, including the Project names, uses, size of buildings, square footage by use, and amenities.
- C. A certification from the Developer's architect that:
 - (i) the Project complies in all respects with the Design and Development Regulations, or
 - (ii) the Project does not comply with the Design and Development Regulations and/or the Providence Zoning Ordinance with a fully documented explanation of the requested modifications, deviations, and/or zoning waivers including, but not limited to, the information required by Section 4.2 hereof.
- D. A phasing plan if phasing is required (in addition to the requirements of Section 4.2.2 below). The phasing plan shall include, in part, the proposed schedule for the completion of the development of the entire parcel and justification for the phasing request.
- E. A rendering, showing the Project and its relationship to surrounding structures and context shall be included.
- F. A site plan containing the following information:

- (i) The proposed site plan at a scale of 1"=16' or 1"=20', including:
 - (a) Title block, scale and north point.
 - (b) Location and dimensions of adjoining and interior streets and easements, if any.
 - (c) Dimensions of the site at its boundaries; setbacks; front, side and rear yards; and square footage of the site.
 - (d) Location and grades of open spaces within the site.
 - (e) Location of pedestrian circulation and points of access and egress.
 - (f) Contours of proposed grading at intervals of 2' and spot elevations as necessary to show access features.
 - (g) Location, dimensions, and first floor elevations for each existing and proposed building.
 - (h) Parking and service items as follows:
 - (h.1) Locations and number of parking spaces and traffic circulation to and from spaces;
 - (h.2) Traffic and service access points to site and to buildings;
 - (h.3) Identification and location of lighting standards (or notation if none are to be installed); and
 - (h.4) Identification of materials proposed in parking areas.
 - (i) Location, dimensions, identification and material proposed for walks, walls, driveways, catch basins, ramps, utility areas, signs, and other permanent improvements.
 - (j) Location, number, size and general identification of the plant material proposed for planted and grass areas.
 - (k) Size and placement of signage systems.

G. Drawings of proposed buildings and/or structures including:

- (i) Building plans at a scale of 1"=16', or 1"=20', or 1"=8' of each below grade level, entry level(s), each typical floor, and roof indicating circulation and uses.
- (ii) Exterior elevations of each side of each building or structure showing:
 - (l) Articulation of entries;
 - (m) Height of building elevations;
 - (n) Articulation of roof line and any roof structures;
 - (o) Location, type, and direction of lighting; and
 - (p) Retail frontage.
- (iii) Transverse and longitudinal building selections relative to the adjoining public right-of-way.

H. Photographs of the rendering and the model

Developers shall submit a single colored and mounted presentation set. Each plan

submitted by the applicant for permanent development shall be certified by the appropriate professional preparing such plan.

4.2.2 SUBMITTAL REQUIREMENTS: PHASED IN DEVELOPMENT PROJECTS

Applicants seeking approval for phased-in or subdivided Projects shall submit the documentation required in Sections 4.2.1, as applicable, using either Method A or Method B below:

- A. Method A: Submission may be made for an entire parcel, in which case a phasing plan and a site plan or plans representing the conditions that will exist across the entire parcel at the conclusion of each phase are also required as part of the submittal.
- B. Method B: Submission may be made for the individual phase only, in which case the following materials defining the overall parcel development shall be submitted:
 - (i) A 1"=16' or 1"=20' or 1"=8' scale site plan;
 - (ii) Transverse and longitudinal site selections;
 - (iii) A 1"=50' scale model for use as an insert in the Capital Center model; and
 - (iv) A rendering showing the overall project and its relationship to surrounding structures, streets, and open spaces.

While approvals granted pursuant to Method B will be for the individual phase only, the remaining phases must be in conformance with the Design and Development Regulations. If not, Method A submission will be required.

4.3 INTERIM USE PROJECTS

Any property owner desiring to use its property within the Development District for an Interim Use shall make application to the Commission in accordance with instructions prescribed by the Commission, which shall describe the Interim Use and shall contain such information as may be required by the Design and Development Regulations and by the Commission. Surface parking, landscaped areas, including temporary public sculptures, and temporary signage are the only allowable Interim Uses.

An Interim Use shall be approved if such Interim Use is in accordance with the applicable provisions of the Design and Development Regulations. Any approval may contain such special conditions as the Commission is authorized to impose under Section 1.13.4 of the Design and Development Regulations.

All initial approvals for surface parking and landscaped areas shall be for a period of up to two years. All initial approvals for temporary signage shall be for a period of up to one year. The provisions for the extension of the initial approval period are detailed in Section 5.2.

4.3.1 INTERIM USE SUBMITTAL REQUIREMENTS

The original submission and any requested extensions of an approved interim use shall include ten (10) copies of written justification and a parcel subdivision depicting, in part and where applicable, the area to be utilized, access and egress, use and time schedule, and the proposed site improvements and/or treatment of the site. (See Exhibit B for the review process.) Each plan submitted by the applicant for an interim use shall be certified by the appropriate professional preparing such plan. The interim use plan shall identify the portion of the parcel to be utilized, the use and timing for the interim site improvements proposed, egress from and access to the site and other information as may justify approval of the request.

4.4 PUBLIC CONSTRUCTION

The submission shall include ten (10) copies of an explanation of the proposed public improvements together with plans and specifications. (See Exhibit B for review process.)

4.5 REQUESTED MODIFICATIONS TO AN APPROVED PROJECT

(amended 5/12/10)

Requested modifications in scope of work, design, materials or details of a project, after a Certificate of Approval is granted, shall be submitted to the Commission for review and approval as set forth herein, before construction and/or installation of the changes begins. Proposed changes shall be submitted in writing and documented as necessary by photographs, plans and drawings.

4.5.1 SUBMITTAL REQUIREMENTS: MODIFICATIONS TO APPROVED PROJECTS

The following is a list of application categories and related documentation requirements.

- A. Repair and Replacement: Includes any work intended to remedy damage or deterioration which will result in a change in the existing type of materials, dimensions, design, configuration, detailing, texture and visual appearance; examples include masonry patching, repainting, cleaning, sealing and painting; and replacement windows and doors. Documentation is as follows:
 - (i) 35mm or digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
 - (ii) Written specifications for the repair or replacement of masonry, wood, architectural metals, roofing, etc., including specifications for repainting, cleaning, and sealing or waterproofing. Describe materials and techniques to be used, and location on the property where the work will be done.

- (iii) Scaled drawings and/or manufacturer's literature for all replacement elements. Drawings should include plan, elevation and section views showing the new feature in context with the rest of the building or site. All dimensions are to be indicated.
 - (iv) Test patches, material or color samples, if requested by staff.
- B. Minor Alterations: Includes reversible changes such as awnings, canopies, signs, skylights, satellite dish antennae and other electrical equipment, mechanical equipment and screening. Also, small volumetric additions to an existing structure. Documentation is as follows:
- (i) 35mm or digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
 - (a) For awnings and canopies: Scaled elevation, section, and site plan drawings of the building, showing front and side views of the awning or canopy in place on the building, its relationship to other facade and site elements, the method of attachment, and all dimensions. Indicate the location, dimensions, colors and typefaces of all lettering and graphics, and method of illumination (if any).
 - (b) For signs (permanent and temporary): Scaled elevation drawings. Include side views if proposing a projecting sign, and a site plan for a freestanding sign, showing the proposed sign(s) in place on the building or site and in relationship to the building and other site features, including the property line. Also, 3 copies of a scaled drawing of the sign itself, indicating its type, dimensions, materials, colors, graphics and lettering, method of attachment and any illumination. Material and color samples may be requested by staff.
 - (c) For rooftop installations (e.g. headhouses, mechanical and electrical equipment): A scaled roof plan showing the new element in context with other rooftop elements; a scaled section drawing indicating sightlines within 500 feet of the property, and scaled front and side elevation drawing of any structure, railing or screening showing its design, materials and height. Also, manufacturer's literature for skylights, antennae and electrical or mechanical equipment, specifically noting dimensions, design, and finish colors.
 - (d) For grade level installations (small additions, mechanical and electrical equipment): A scaled site plan showing the new element in context with the primary structure and other site elements such as retaining walls and property lines; and scaled front and side elevation of any structure or screening showing its design, materials and height. Also, manufacturer's literature for

the equipment, specifically noting dimensions, design, and finish colors.

- (e) For exterior ductwork: A scaled elevation drawing showing the proposed location and method of attachment, in relation to other building elements. Also, manufacturer's literature for the equipment, specifically noting dimensions, design, and finish colors.

C. Site Improvements: Includes paving, fencing, streetwalls, retaining walls and landscaping. Documentation is as follows:

35mm or digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.

- (i) A scaled site plan illustrating the proposed changes in context with the building, other existing site elements, and the property lines.
- (ii) A landscape plan, including elevations, with detailed information on plant material.
- (iii) For retaining walls, fences, terraces and site improvements other than paving, scaled elevation and section drawings showing the height, materials and design of the element and its relationship to surrounding site or building elements. An engineer or other qualified professional shall design structural retaining walls.
- (iv) Material samples must be submitted (unless otherwise waived).

D. Streetscape Improvements and Public Amenities: Includes installation of or changes to streetlights, traffic signals, permanent planters, street furniture, open spaces, kiosks, bicycle racks, public information signs, sculptures, and murals. Documentation is as follows:

- (i) 35mm or digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.
 - (a) For projects on an individual property: Scaled site plan showing the proposed improvements or amenities in relation to other existing structures and site features.
 - (b) For projects on the public street or sidewalk: Scaled block plan showing the proposed amenities in relation to other existing structures and street furniture (light poles, sign poles, parking meters, bicycle racks, etc.), as well as underground utilities and vaults. *For projects involving the public right-of-way, consult with the City's Department of Public Works or the Rhode Island Department of Transportation, depending on the location, for necessary approvals.*

(ii) Manufacturer's specifications showing materials, dimensions and finish colors of all equipment, planters, furniture, and signs.

(a) For murals: Scaled elevation drawing showing the location and dimensions of the mural; a written description of its purpose and the length of time it will be exhibited; and a description of the materials and method of attachment; and a colored rendering , 35mm or digital photographs of the design.

(b) For sculptures: Scaled elevation drawing showing the location and dimensions of the sculpture; a written description of its purpose and the length of time it will be exhibited; and a description of the materials and method of attachment. A digital image or three-dimensional model of the sculpture shall be submitted.

E. Major Alterations and Additions: Includes changes in materials, design, dimensions, configuration, texture, and visual appearance, which will permanently affect the integrity or character of a structure. Also, adding large volume to an existing structure. Examples include changes to rooflines and rooftop structures; changes to window and door openings and configurations; creating new openings or blocking up existing ones; installing through-wall vents and air conditioners; installing or removing bays and balconies; changes to storefronts, steps and entryways; cladding exterior walls in a new material; barrier-free access improvements; and fire escapes. Documentation is as follows:

(i) 35mm or digital photographs of the property, showing the entire building elevation(s) and close-ups of the area where the work will occur.

(ii) Scaled plan, elevation and section drawings as necessary, illustrating existing conditions and proposed changes. All drawings should show proposed changes in relationship to major architectural features: e.g., a new door should be shown in context with the entire elevation. Drawings should be titled, indicate the scale, labeled with the street address and dated. Examples of the drawings needed for varying types of projects are listed below. Check with staff about documenting your particular project.

(a) Site Plan: for projections and recesses, wheelchair ramps, stairs, decks, changes in grade, underground parking garages, major volumetric additions, etc. Show the entire building, adjacent buildings, and property lines.

(b) Floor Plans: for projections and recesses, new window and door openings, upper floor balconies, fire escapes, barrier-free access, storefronts, major volumetric additions, etc. For fire escapes, show interior room layouts and location of proposed fire doors or

fire escapes and indicate whether an internal second means of egress is possible.

- (c) Roof Plan: for dormers, chimneys, monitors, cupolas, skylights, railings and balustrades, and changes to the roofline, including major volumetric additions.
 - (d) Elevations: for changes in wall materials and surfaces, fenestration, ornamentation, roof forms and elements, porches, stairs, entryways, grade levels, foundations, storefronts, fire escapes (including supports) and egress doors or windows, barrier-free access, through-wall vents and air conditioners, major volumetric additions, etc. Show front and side views of three-dimensional elements.
 - (e) Sections: for projections and recesses, major volumetric additions, changes in roof form, porches and stairs, underground parking garages, details such as railings, trim and ornamentation.
- (iii) Written approval from the fire department for the design and location of any proposed fire escape.
 - (iv) Copy of any required zoning, building, or access code variances obtained for the project.
 - (v) Manufacturer's specifications or literature for elements such as windows and doors, vents, wheelchair lifts, etc. indicating all dimensions, details and finishes.

A complete set of full-sized scaled plans shall be submitted to the Administrative Officer. The Administrative Officer will review the changes with the Chairperson of the Commission. The Chairperson shall either approve or disapprove the application or shall determine that the changes are significant enough to warrant a full review at a regular meeting of the Design Review Committee (DRC) and the Capital Center Commission (CCC). If it is determined that the application must be reviewed by the DRC and CCC, copies of the required documentation shall be submitted to the Administrative Officer. Once the documentation is received, the project will be scheduled for review at the next available meeting. Proposed modifications will be reviewed for conformity with the Design and Development Regulations and the Providence Zoning Ordinance. Any modification not approved by the Chairman or the Commission shall be deemed a violation of the Certificate of Approval.

4.6 NON-CONFORMING PROJECTS

Applicants seeking approval of designs which do not comply with the Design and Development Regulations and/or which require a waiver to the Providence Zoning Ordinance shall submit additional documentation supporting the non-conformance and/or waiver request, together with the documentation required by Section 4.2 hereof. Such additional documentation shall include an identification of the benefits and impacts of the proposed change, and an explanation as to the necessity for the deviation, variance, special exception, and/or waiver requested.

The Commission is the final judge as to the adequacy of materials submitted in support of a deviation, variance, special exception, and/or waiver and may, in its sole discretion, request further documentation from the Applicant.

4.7 APPLICATION AND PROCESSING FEE

The Developer shall pay an application and processing fee to cover the cost of review. Such fees shall be determined on an annual basis by the Administrative Officer with the approval of the Commission. Said fees are set forth within the “Instructions for the Filing of an Application for Development with the Capital Center Special Development District”. If any subsequent reviews of proposed modifications to the building, the signage, and/or the site require, in the opinion of the Chairperson of the Commission, the use of design or legal consultants or require any public notice and or hearing, such cost shall be borne by the applicant.

5.0 REVIEW AND APPROVAL PROCESS

5.1 GENERAL PROVISIONS

Applications shall be submitted in accordance with the submittal requirements set forth in Section 4. All applications for permanent, phased-in, interim and public use projects and modifications to existing projects will be subject to review by four (4) independent reviewing bodies. These bodies are in the order of review:

- (i) The Administrative Officer;
- (ii) The Design Review Committee;
- (iii) The Hearing Panel, where required; and
- (iv) The Capital Center Commission.

The statutes establishing the Commission require action to be taken on an Application within forty-five (45) days from the date of filing unless an extension is mutually agreed upon by both the Applicant and the Commission or unless the Commission specifically finds that circumstances require additional time for study, up to a maximum of an additional forty-five (45) days. The review period shall begin to run on the date on which the determines that the Application is complete and so notifies the Applicant in writing. The letter from the Administrative Officer shall state the date the application is deemed to be complete and such letter shall be filed with the minutes of the Commission.

The review process, including applicable time periods, is outlined in Exhibits A and B which are incorporated by reference into these Internal Operating Procedures. Applications will be reviewed for conformance with the Design and Development Regulations.

The Design Review Committee and the Capital Center Commission shall hold one public hearing on each application for a permanent, a permanent phased-in and public use project. Additionally, the Design Review Committee and the Capital Center Commission shall hold one public hearing on any request for a zoning waiver in accordance with Section 7.2.

5.2 GENERAL PROVISIONS: INTERIM USES

Surface parking, landscaped areas, temporary public sculpture and temporary signage are the only allowable Interim Uses. An Interim Use shall be approved if such Interim Use is in accordance with the applicable provisions of the Design and Development Regulations. Any approval may contain such special conditions as the Commission is authorized to impose under Section 1.13.14 of the Design and Development Regulations.

5.2.1 Length of Approval

- **Surface Parking and Landscaped Areas:** All initial approvals for surface parking and landscaped areas shall be for a period of up to two years. Thereafter, the property owner shall be required to file an application for the continuation of such interim use, and the Commission may allow for the continuation of such use for such period as the Commission determines reasonable, but not longer than until the land is required for public or private improvements.
- **Temporary Signage:** All initial approvals for temporary signage shall be for a period of up to one year. The Administrative Officer is authorized to renew the approval for temporary signage for up to one additional year. Thereafter, the property owner shall be required to file an application for the continuance of such interim use, and the Commission may allow for the continuation of such use for such period as the Commission determines reasonable.

However, the Administrative Officer, at any time after the granting of the approval for an Interim Use, may issue a ninety (90) day notice that a condition exists which causes the Interim Use not to conform to the requirements of the Design and Development Regulations and any other special conditions imposed upon the property, whereupon the applicant shall be required to correct such conditions prior to the expiration of the ninety day period. The Commission will not consider any application for the continuation of any Interim Use for an extended period of time where the issuance of a ninety day correction notice has not been formally satisfied by the Executive Director.

5.2.2 Interim Uses Less Than 60 Days

Applications for non-renewable approvals of any interim use for a period not to exceed sixty (60) days shall be reviewed by the Chairperson of the Commission who shall either approve or disapprove the application or refer the application to the Design Review Committee and the Commission for action. At the request of the applicant, any application for an interim use of less than 60 days which is not approved by the Chairman will be forwarded to the Design Review Committee and the Capital Center Commission for action. All proposed interim uses will be reviewed in accordance with the Design and Development Regulations and the Providence Zoning Ordinance.

5.2.3 Approval by the Chairman on an Emergency basis for Interim Uses of Less Than 90 days.

If, due to a lack of quorum, the Chairperson of the Commission is unable to convene a meeting of the Commission to act on the application for an interim use of more than sixty (60) but less than ninety (90) days, the Chairperson shall review the application for conformance with the regulations, spirit and purpose of the Capital Center plan, and shall either approve or disapprove the application. If the Chairperson approves the application, this approval is in effect only until the next meeting of the Commission at which time the Commission may either approve, disapprove or refer the application to the Design Review Committee. The Commission is under no obligation to approve the application and if approved, may impose any special conditions as the Commission is authorized to impose under Section 1.13.4 of the Design and Development Regulations.

5.3 REVIEWING BODIES: ROLES AND RESPONSIBILITIES

5.3.1 THE ADMINISTRATIVE OFFICER

Initial review shall be made by the Administrative Officer who shall also serve as the primary liaison between the Developer and each of the reviewing bodies. The primary role of the Administrative Officer will be to determine whether the Application package is complete. The Administrative Officer may use technical support from the State of Rhode Island and the City of Providence and depending upon need and budgetary constraints, the Administrative Officer may retain outside consultants with the approval of the Commission. The resources available to the Administrative Officer should include expertise in architecture/urban design, real estate development, planning and law.

The Administrative Officer shall notify the State Historic Preservation Officer of all meetings and public hearings.

5.3.2 THE DESIGN REVIEW COMMITTEE

The Design Review Committee shall review all proposed amendments to the Design and Development Regulations, proposals for Interim Uses, plans for public improvements, and applications for the development of parcels, including requests for deviations, variances, special exemptions to the Design and Development Regulations, and/or zoning waivers. It shall evaluate each application presented by the Administrative Officer for conformance with the reviewing criteria set forth in Section 4.1 hereof and make recommendations to the Hearing and/or the Board of Commissioners for their action as set forth in these procedures.

5.3.2A CONDUCT OF DESIGN REVIEW COMMITTEE'S MEETINGS

Any meetings or actions of the Design Review Committee shall be conducted in accordance with Sections 4 through 6, inclusive of Article II of the By-Laws. The Design Review Committee shall hold one public hearing on each Application pursuant to and in accordance with the procedures set forth in Article IV of the

By-Laws, including the procedures for public notice set forth in Section 2, Article IV of the By-Laws. However, unless specifically ordered by the Commission and if in the judgment of the Chairperson of the Commission the application conforms to the Design and Development Regulations, as amended, the Design Review Committee shall not conduct a public hearing on:

- applications for Interim Uses under Section 4.3;
- applications for the approval of signage and lighting plans under Section 5.4; and
- applications for the approval of structural modifications, and/or building materials modifications under Section 4.5.

5.3.3 HEARING PANEL

The Commission may designate a Hearing Panel to which the Chairperson may refer, in his or her discretion, applications for deviations, variances, special exceptions, and/or zoning waivers, where an application involves unusually complex factual issues and/or a lengthy evidentiary hearing.

5.3.3a HEARINGS BEFORE THE HEARING PANEL

In the case of any application for a variance, special exception, deviation to the Design and Development Regulations, or zoning waiver referred to the Hearing Panel by the Chairperson of the Commission, the Hearing Panel shall hold a public hearing on each such application pursuant to and in accordance with the procedure set forth in Article IV of the By-Laws, including the procedures for public notices with respect to variances, special exceptions, deviations, zoning waivers, and design review set forth in Section 2 of Article IV of the By-Laws.

5.3.3b CONDUCT OF HEARING PANEL MEETINGS

Any meetings or actions of the Hearing Panel shall be conducted in accordance with Sections 4 through 6, inclusive, of Article II of the By-Laws. The Hearing Panel shall summarize the facts brought out at hearings and submit its findings to the Commission along with a transcript of its hearings. If a particular matter is carried over from the previous year, the Hearing Panel which began review of the matter shall continue on the matter until findings are made.

5.3.4 THE CAPITAL CENTER COMMISSION

The recommendations of the Design Review Committee, the transcript of any public hearing(s), and, where reference to the Hearing Panel established pursuant to Section 4.4 has been made, the Findings of Fact of the Hearing Panel shall be forwarded to the Commission, the only body authorized make a decision on the merits of the application.

5.3.4a CONDUCT OF CAPITAL CENTER COMMISSION MEETINGS

Any meetings or actions of the Capital Center Commission shall be conducted in accordance with Sections 4 through 6, inclusive of Article II of the By-Laws. The Commission shall review the record and hold a public hearing on each application, for which notice shall be given in accordance with the procedures set

forth in Section 2 of Article IV of the By-Laws, provided. However, the Commission shall not conduct a public hearing on:

- applications for interim use under Section 4.3;
- applications for the approval of structural modifications and/or building materials modifications under Section 4.5; and
- approval of signage and lighting plans under Section 5.4 if, in the judgment of the Chairperson of the Commission, the application conforms to the Design and Development Regulations, as amended.

In each case where no reference to the Hearing Panel has been made, the Commission shall receive such evidence as the parties may present on questions of fact and may approve, modify or reject the recommendations of the Design Review Committee. Where reference to the Hearing Panel has been made, the Commission shall not hear new evidence and shall not substitute its judgment for that of the Hearing Panel as to the weight of the evidence on questions of fact but may approve, modify or reject the recommendations of the Design Review Committee and the Hearing Panel. The Commission may remand the matter to the Design Review committee, or, where an initial reference has been made to the Hearing Panel, to the Hearing Panel for further findings or other action.

If after a public hearing or at any step of the review process, the Commission approves a project in a form materially different than the form in which the project was submitted to the public hearing, the Commission shall determine whether a hearing on the project as approved is required. If so, a subsequent hearing shall be held in accordance with Section 5.4 hereof.

5.3.4b QUORUM AND VOTES NECESSARY TO MAKE A DECISION

A majority of the Board of Commissioners shall constitute a quorum for the transaction of business at a meeting. The affirmative vote of a majority of the members of the Board of Commissioners at a meeting at which a quorum is present shall be necessary to render a decision.

5.4 SCHEDULING OF PUBLIC HEARINGS

For each application requiring public hearings, the public hearing held by the Design Review Committee pursuant to Section 5.3.2 and the public hearing, if any, held by the Hearing Panel pursuant to Section 5.3.3 may be publicly advertised in the same notice and may be scheduled for the same date and time. The Commission hearing on any application requiring a public hearing pursuant to Section 5.3.4 may be publicly advertised in the same notice with the public hearing on the same application by the Design Review Committee and by the Hearing Panel, if any, or such Commission hearing may be noticed separately.

5.4.1 PUBLIC HEARING WAIVER

Any other provisions of these Internal Operating Procedures to the contrary notwithstanding, applications for structural modifications and/or building materials modifications and applications for approval of signage and lighting plans, any of

which are related to an application which has previously been presented at a public hearing and thereafter approved, shall not require a public hearing before either the Design Review Committee or the Commission if, in the judgment of the Chairperson of the Commission, the approvals requested conform to the Design and Development Regulations, as amended.

5.5 FOLLOW-UP REVIEW

At the completion of design development and at such other times as the Commission may deem appropriate, the Developer shall submit additional design materials to the commission for the purpose of determining whether the Developer is proceeding in accordance with the Design and Development Regulations and the Certificate of Approval. The Developer shall notify the Commission of any design changes subsequent to the date of the Certificate of Approval on a “Follow-up Review Form” provided by the Commission.

6.0 APPEALS

6.1 STATUTORY DIRECTIVE

Any person aggrieved by a final decision of the Commission may appeal to the Superior Court of Providence County in accordance with Rhode Island General Laws, Section 45-24, 4-16.

7.0 ZONING WAIVERS

7.1 AUTHORITY

The power for the Capital Center Commission to grant certain zoning waivers within the Capital Center Special Development District is derived pursuant to Article V Section 504.1 “Capital Center Commission” of the Providence Zoning Ordinance Chapter 1995-8, No. 344, approved May 26, 1995, as amended, (hereinafter referred to as the Ordinance) authorizing the Capital Center Commission to grant certain zoning waivers governing building height, setback, signs, landscaping and parking. In granting a waiver, the Capital Center Commission may impose such conditions deemed necessary to carry out the purpose of Section 504.1 of the Ordinance.

7.2 PROCEDURE FOR PUBLIC HEARING

A public hearing(s) shall be held on any application for a zoning waiver in accordance with Section 903 of the Ordinance and in accordance with the procedures set forth in Article IV of the By-Laws of the Commission. At the discretion of the Chairperson of the Commission, this public hearing may be held in conjunction with the public hearing requirements under Sections 5.3.2, 5.3.3, 5.3.4 and 5.4 of these procedures.

7.2.1 Design Review Committee

The Design Review Committee shall review all requests for zoning waivers in accordance with Section 5.3.2 of these procedures. The Design Review Committee shall hold one public hearing on each application for a zoning waiver. The application for the zoning waiver may be considered at the same public hearing on the Application in accordance with Section 5.4 of these procedures.

7.2.2 Hearing Panel

The Chairperson of the Commission, in his or her sole discretion, may refer an application for a zoning waiver to the Hearing Panel where an application involves unusually complex factual issues and/or a lengthy evidentiary hearing. The application for the zoning waiver may be considered at the same public hearing on the Application in accordance with Section 5.4 of these procedures.

7.2.3 Decision by the Capital Center Commission

The Capital Center Commission shall review all requests for zoning waivers in accordance with Section 5.3.4 of these procedures. The Capital Center Commission shall hold one public hearing on each application for a zoning waiver. The application for the zoning waiver may be considered at the same public hearing on the Application in accordance with Section 5.4 of these procedures.

7.2.4 Schedule of Hearings

For each application for a zoning waiver requiring public hearings, the public hearing held by the Design Review Committee pursuant to Sections 5.3.2 and 5.4 and Section 7.2.1 and the public hearing, if any, held by the Hearing Panel pursuant to Sections 5.3.3 and 7.2.2 may be publicly advertised in the same notice and may be scheduled for the same date and time. The Commission hearing on any application requiring a public hearing pursuant to Sections 5.3.4 and Section 7.2.3 may be publicly advertised in the same notice with public hearing on the same application by the Design Review Committee and by the Hearing Panel, if any or such Commission hearing may be noticed separately, provided that the notification requirements of Section 903 of the Zoning Ordinance are followed.

7.3 APPEALS

Any person aggrieved by a final decision of the Commission with respect to any zoning waiver may appeal to the Providence Zoning Board of Review pursuant to Section 902 of the Providence Zoning Ordinance.

CAPITAL CENTER COMMISSION

BASIC REVIEW PROCESS

Timetable

Step 1:

The application for the development of the entire parcel or for phased development is submitted to the Administrative Officer who reviews it for completeness. If incomplete, the Administrative Officer notifies the Applicant in writing of any outstanding items. (Note: The Applicant is strongly urged to meet with the Design Review Committee and present the design and development plans at least once prior to submitting the completed application.)

Step 2:

When, in the opinion of the Administrative Officer, the application is complete, the Administrative Officer notifies the Applicant in writing that the application is complete and accepted for filing. The Administrative Officer submits a copy of the application to the State Historic Preservation Officer.

Day 1

Step 3:

The Administrative Officer forwards copies of the application to the Design Review Committee (DRC) members for review and evaluation and, where referred by the Chairman to the Hearing Panel if a variance, deviation, special exception or zoning waiver is requested in the Application. The Design Review Committee shall hold public hearings on the design and development proposal, including any requests for deviations, variances, special exceptions, and/or zoning waivers and shall hold at least one hearing on each application pursuant to Article IV of the By-Laws. The property owner(s) and/or developer(s) and their architect present the plan at the public meeting(s) and public hearing.

Days 1-30

Step 4:

If the application is in conformance with the Design and Development Regulations, the Commission, and, where referred by the Chairman, the Hearing Panel are so notified. The application, the recommendations of the Design Review

Days 30-45

Committee and the hearing transcript are presented to the Capital Center Commission for approval.

If an application for a deviation, variance, special exception, and/or zoning waiver has been referred to the Hearing Panel, the Hearing Panel holds a public hearing thereon, immediately following the public hearing held by the DRC. The Hearing Panel then convenes, deliberates and forwards the transcripts of its hearing and Findings of Fact to the Commission. Public notice of any such public hearing may be given simultaneously with the notice for the DRC public hearing, in accordance with Section 2 of Article IV of the By-Laws.

Step 5:

Days 40-45

The Commission receives the reports of the Administrative Officer, the DRC, transcripts of any hearing(s) and, in those cases where reference to the Hearing Panel has been made, the Findings of Fact of the Hearing Panel. The Commission then makes an independent determination, either concurring or overriding the recommendations. (The property owner(s) and/or the developer(s) and their architect and/or engineer may be requested to present the application to the Commission.) The Commission may also remand the application to the DRC or, in the cases where initial reference has been made to the Hearing Panel, to the Hearing Panel for further study. All determinations of the Commission shall be in writing. The schedule may be extended for up to a maximum of an additional forty-five (45) days if such is mutually agreed to by the Applicant and the Commission, or if the Commission makes a finding of fact that circumstances require an additional time for study.

Step 6:

Days 40-45

The Administrative Officer notifies the Applicant in writing of the Commission's decision as follows:

- a. If approved, a Certificate of Approval is issued stipulating the precise items of non-conformance, variance, and/or zoning waiver to be allowed and any other conditions of approval.
- b. If disapproved, Notice of Rejection is issued with reasons for rejection. Applicant may resubmit with changes or may appeal.

Step 7:**Days 45-50**

The Administrative Officer notifies the State Historic Preservation Officer of the Commission's action and the basis for same and requests a formal determination as to whether the approved changes will adversely affect National Register or National Register eligible properties.

CAPITAL CENTER COMMISSION

REVIEW PROCESS FOR PROPOSALS FOR INTERIM USES

Step 1:

Applications are received by the Administrative Officer and reviewed for completeness. If incomplete, the Administrative Officer notifies the Applicant of outstanding items.

Step 2:

Days 1-10

If complete, the Administrative Officer so notifies the Applicant, and the Administrative Officer submits the application to the Design Review Committee. The property owner(s), and/or the developer(s) and their architect and/or engineer are required to make a presentation at the DRC meeting.

Step 3:

Days 10-45

The Design Review Committee transmits its report to the Commission, whereupon the Commission approves with or without modifications, or rejects the application. The property owner(s) and/or developer(s) and their architect and/or engineer may be requested to present the application to the Commission.

Step 4:

Day 45

The Administrative Officer notifies the Applicant in writing of the Commission's decision as follows:

- a. If approved, a Certificate of Approval is issued stipulating the precise items of non-conformance, variance, and/or zoning waiver to be allowed and any other conditions of approval.
- b. If disapproved, a Notice of Rejection is issued with the reasons for the rejection. Applicant may resubmit with changes or may appeal.

EXHIBIT C

Amended: ~~September 1987~~
~~May 11, 1989~~
~~October 11, 1990~~
~~October 13, 1994~~
~~October 12, 1995~~
~~February 8, 1996~~
~~June 13, 1996~~
~~December 11, 1997~~
~~September 14, 2000~~
~~February 12, 2009~~
~~March 14, 2012~~
April 8, 2015

CAPITAL CENTER COMMISSION

APPLICATION AND PROCESSING FEE

A. Pre-application Reviews:

The Capital Center Commission shall assume its legal and design review consultants' costs for the Design Review Committee initial pre-application workshop meeting. However, the developer and/or property owner shall reimburse the Commission monthly for the legal and design review costs of any additional workshop meetings or consultations requested by the developer and/or property owner or are required by the Design Review Committee and/or the Capital Center Commission. In addition, the developer and/or property owner shall pay a pre-application fee in an amount determined by the Commission's Administrative Officer up to a maximum of 50% of the application fee for permanent and permanent phased-in development. The Commission's Administrative Officer in the Administrative Officer's sole discretion may permit the payment of the pre-application fee in increments as the pre-application reviews occur. Any portion of the pre-application fee actually paid by the developer and/or property owner shall be non-refundable regardless of whether the formal application is ultimately filed. Any pre-application fee actually paid shall be credited to the application fee which is due upon the filing of a formal application.

B. Application and Processing Fees:

With the exception of the initial pre-application workshop meeting, the applicant is responsible for all design workshop costs and all costs relating to design review and all public hearings including, but not limited to advertising, certified mail, the public stenographer, legal fees, design review, administrative costs and other direct costs.

With the application, the Applicant shall submit a certified check in the amount listed below. Additionally, the applicant shall reimburse the Commission for any additional direct costs within 30 days of receipt of an invoice from the Commission. If the direct costs associated with the design review and the public hearings is less than the advance amount, then the Commission shall reimburse the unexpended balance to the Applicant within 60 days of receipt of invoices for all associated costs.

If any subsequent review of proposed modifications to the building, the signage, and/or the site require, in the sole opinion of the Chairperson of the Commission, the use of design or legal consultants, and or any additional public hearings, such cost shall be borne by the applicant and reimbursed to the Commission.

The Commission, in its sole discretion, may waive the application and processing fee in whole or in part for applications of limited scope submitted by charitable or nonprofit entities acting in the public interest.

1. Permanent and Permanent Phased-In Development

Fee = a + b + c. Fee not to exceed \$40,000.

Project Value	Development Application Fee
(a) Up to and including \$5 million	x 0.002
(b) More than \$5 million up to and including \$10 million	x 0.00175
(c) Over \$10 million	x 0.0015

Project costs shall include all associated site costs and construction costs (including land and soft costs) necessary to obtain a certificate of occupancy. A written estimate of the project costs shall be prepared by a qualified appraiser, engineer or architect and supplied to the Commission by the applicant.

Plus:

Advance against direct costs \$3,000

Extension of Approval for Permanent Uses

Each extension \$ 750

Permanent Signage

\$ 250

Permanent Parking

\$ 1,500

2. Other Plan Amendments/ Modifications

375 basis points (.0375) of total project value with a minimum fee of \$750 and a maximum fee of \$15,000

3. Interim Use Application Fees

With the application for the interim use, the applicant shall submit a check in the amount listed below which represents the Commission's application and administrative fee. In addition, the applicant shall reimburse the Commission for all design review and public hearing costs associated with the review of the application, including but not limited to advertising, certified mail, public stenographer, legal fees and design consultants. These interim application fees shall be waived for any public construction.

Fee Schedule (Initial Approval and Each Renewal and/or Extension):

Non-Renewable Temporary Use of Less than Six Months:	\$ 300
Interim Uses of More Than Six Months:	
Temporary Signage	\$ 300
Interim Parking (Annual Fee)	
Less than 50 spaces	\$ 500
51 - 150 spaces	\$ 750
151 - 250 spaces	\$1,250
251 - 350 spaces	\$1,500
351 - 500 spaces	\$2,000
501 - 999 spaces	\$2,500
1,000 - 2,000 spaces	\$3,500
2,100 + spaces	\$4,000
Modification to Approved Interim Use	\$ 300
Zoning Waiver	
Application Fee	\$ 450
Advance Against Direct Costs	<u>\$1,500</u>
Total Application Fee	<u>\$1,950</u>

DATE

Dear Applicant;

Enclosed please find a copy of the Internal Operating Procedures of the Capital Center Commission. These procedures, which have been adopted by the Commission, set forth the application and review process for all development and renovation within the Capital Center Special Development District. As part of your application process, you should review and become familiar with the Commission's Design and Development regulations which set forth specific development criteria for each parcel with the District.

The Capital Center Special Development District lies within the city of Providence's Downcity District. In those instances in which there is a conflict between the underlying city zoning regulations and the Design and Development Regulations, the stricter of the two will apply. The Zoning Ordinance of the City of Providence, as amended, gives the Capital Center Commission the power to grant specific waivers to the zoning ordinance without the need for the applicant to go before the Zoning Board of Review.

The applicant should be aware that once the project is approved and completed, any subsequent modifications to the building, the signage, and/or the site must first be brought before the Commission for approval.

Please call me if you have any questions on the enclosed.

Sincerely,

Christopher J. Ise
Administrative Officer