



DOWNTOWN DESIGN REVIEW COMMITTEE

Department of Planning and Development
444 Westminster Street, Providence, RI 02903
(401) 680-8400
(401) 680-8492 fax

OFFICE USE ONLY	
Application No:	_____
Date Received:	_____
Date Accepted:	_____
By:	_____
Downcity District	// D-1 //
Review:	Staff // DRC //
Hearing Date:	_____
NR Status:	_____

APPLICATION FOR CERTIFICATE OF DESIGN APPROVAL OR WAIVER

PLEASE PRINT OR TYPE, COMPLETING BOTH PAGES OF THIS FORM.

PART 1 – GENERAL INFORMATION

PROPERTY ADDRESS:	PLAT/LOT	
Property Name (if any):		
OWNER NAME:	PHONE:	EMAIL:
Mailing Address:	Zip Code:	
APPLICANT NAME:	PHONE:	EMAIL:
Mailing Address:	Zip Code:	
ARCHITECT/CONTRACTOR NAME (if any):		
Mailing Address:	Zip Code:	
CONTACT PERSON:	PHONE:	EMAIL:

PART 2 – DESCRIPTION OF PROPOSED WORK

This application is for: Conceptual Design Approval Final Design Approval Waiver

Application Category (check as many as necessary):

- Repair/Replacement/Restoration
- Minor Alterations/Additions
- Major Alterations/Additions
- New Construction
- Site Improvements
- Moving of Structures
- Public Art
- Temporary Use

Waiver Category (check as many as necessary):

- Non-conforming Signs
- Non-conforming New Construction
- Demolition
- Curb Cut Width
- Accessory Use Surface Parking
- Roof Structures
- Mechanical Equipment
- Structures or Landscaping w/in a view corridor

Incentive Category:

- Height Bonus
- Transfer of Development Rights

Briefly but completely describe the entire scope of work. For large projects, an itemized list is recommended. Attach additional pages if necessary.

PART 3 – DOCUMENTATION SUBMITTED

The DRC staff will provide checklists of specific documentation required for your project (see the DRC’s Documentation Requirements). Incomplete applications cannot be submitted for review. All documentation must be labeled and dated. All documentation will be retained by the DRC as part of the public record. Please check off all items submitted as required documentation for your application.

- _____ **35mm or Digital Photographs**
- _____ **Drawings, to scale** (block plan, site plan, elevations, floor plans, and sections as necessary to illustrate the project. Include existing and proposed conditions).
- _____ **Shop Drawings, Product Literature, Specifications**
- _____ **Material/Color Samples**
- _____ **Model** (new construction projects only)
- _____ **Financial Data** (demolition proposals only)
- _____ **List of Expert Witnesses or Owner’s Representatives** (public hearings only. Include name, business address, and professional qualifications.)
- _____ **Other Information** (specify: _____).
- _____ **Application Fee** (amount: \$ _____. Checks or money orders only made payable to City Collector. Cash will not be accepted.)
- _____ **Description of Eligibility for Incentives** (see Section 603 of the Providence Zoning Ordinance).

PART 4 – LIST OF ABUTTING PROPERTY OWNERS

When an application is to be reviewed at a public meeting, all owners of abutting properties must be given advance written notice of the meeting and an opportunity to comment on the application. For applications of Certificates of Design Approval, “abutter” is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; streets are considered common property lines. For applications for waivers, “abutters” are those properties within 200 feet of any lot line of the subject property. Names and complete mailing addresses are to be obtained from the most current records of the City Tax Assessor (Providence City Hall, 25 Dorrance Street, Providence, telephone (401) 421-7740, TDD (401) 751-0203). Abutting lots which lie outside the plat in which the subject property is located must also be included. Attach additional sheets if necessary.

<u>Plat/Lot</u>	<u>Street Address</u>	<u>Owner Name and Address (include city, state, zip code)</u>
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

PART 5 – SIGNATURES

Both signatures are required. Please print or type name under signature. Owner’s signature authorizes DRC members and staff to make periodic site visits during project review.

I certify that all information contained in this application is true and accurate to the best of my knowledge.

Applicant: _____ Owner: _____

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DOCUMENTATION REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATES OF DESIGN APPROVAL, WAIVERS AND DEVELOPMENT INCENTIVES

Applications for Certificates of Design Approval, Waivers and Development Incentives must be accompanied by photographs, drawings and other information to illustrate a proposal and its impact on an individual structure or site and the district at large. Documentation requirements vary depending on the scope of work. If your project is not listed below, contact staff for advice about supplying adequate documentation. Incomplete applications cannot be reviewed and cause delays in the review process.

REPAIRS, REPLACEMENT AND RESTORATION OF MISSING FEATURES

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. Also, reconstruction of altered or missing features to their appearance at a previous point in time, using physical, pictorial, documentary or historical evidence.

- ❑ A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
- ❑ 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.
- ❑ 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.
- ❑ Scaled drawings (3 copies) and/or manufacturer's literature for all replacement elements. Where a missing feature is being reconstructed, 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.
- ❑ Test patches, material or color samples, if requested by staff.
- ❑ Historic photographs or drawings, or photographs illustrating physical evidence, of a feature to be reconstructed or restored.

MINOR ALTERATIONS AND ADDITIONS

Includes reversible changes such as awnings, canopies, signs, storm windows and doors, shutters and blinds, skylights, satellite dish antennae and other electrical equipment, mechanical equipment and screening, and roof decks. Also, small volumetric additions to an existing structure.

- ❑ A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
- ❑ 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.
 - For awnings and canopies: Three (3) copies of 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).

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- For signs: Three (3) copies of a scaled elevation drawing (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.
- For storm windows and doors: Manufacturer's specifications and product information, including proposed dimensions and colors.
- For rooftop installations (e.g. headhouses, mechanical/electrical equipment and decks): Three (3) copies each of a scaled roof plan showing the new element in context with other rooftop elements such as chimneys, headhouses, and parapet walls; 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.
- For grade level installations (small additions, mechanical/electrical equipment): Three (3) copies each of a scaled site plan showing the new element in context with the primary structure and other site elements such as fences, 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.
- For exterior ductwork: Three (3) copies of 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.
- For shutters and blinds: Three (3) copies of a scaled elevation drawing illustrating the shutters/blinds in place on the building, their relationship to the size and shape of window openings, and method of attachment; or written specifications detailing the dimensional relationships between the window openings and the proposed shutters/blinds, and the method of attachment. Also, manufacturer's specifications or product information on the proposed shutters or blinds and shutter hardware, if available, including description of materials.

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 a 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, oriels and balconies; changes to storefronts, steps and entryways; cladding exterior walls in a new material; barrier-free access improvements; and fire escapes.

- A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
- 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.
- One (1) full-sized set of 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

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the drawings needed for varying types of projects are listed below: *this is not an exhaustive list*, check with staff about documenting your particular project.

- Site Plan: for projections and recesses, wheelchair ramps, stairs, ground-level porches and decks, changes in grade, underground parking garages, major volumetric additions, etc. Show the entire building, adjacent buildings, and property lines. Indicate north arrow.
 - Floor Plans: for projections and recesses, new window and door openings, upper floor porches and 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; indicate whether an internal second means of egress is possible. Indicate north arrow.
 - Roof Plan: for dormers, chimneys, monitors, cupolas, skylights, railings and balustrades, and changes to the roofline, including major volumetric additions. Indicate north arrow.
 - 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.
 - 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.
- Ten (10) complete sets of drawings reduced to 11x17 inches for mailing purposes.
 - Written approval from the fire department for the design and location of any proposed fire escape.
 - Copy of any required zoning, building, or access code variances obtained for the project.
 - Manufacturer's specifications or literature for elements such as windows and doors, vents, wheelchair lifts, etc. indicating all dimensions, details and finishes.
 - List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form).

NEW CONSTRUCTION

Review of proposed new primary or secondary structures usually follows a three-phase review process: conceptual review and final review of the design, done by the DRC, and construction detail review usually done by staff after design approval.

- A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
- 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.

CONCEPTUAL REVIEW

- One (1) full-size set of scaled architectural drawings of the proposed new construction. Drawings should be titled, indicate the scale, and labeled with the property address and date. The scale should be sufficient to indicate clearly all aspects of the project. Drawings should include:

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- Site Plan: illustrating the location of all new construction in relationship to all other site elements, the property lines, and structures on abutting properties. Site plan should be based upon data provided by a registered land surveyor, and shall clearly indicate the location of all design features of the proposed construction, including: building setbacks, landscape features, paved areas, parking areas, walls, fences, mechanical equipment, and other planned improvements. Indicate north arrow.
 - Conceptual Floor Plans, Roof Plan and Exterior Elevations: showing the design concept for all four elevations, all interior floors, and the roof. Drawings should illustrate the relationship of the proposed structure to abutting buildings, and shall clearly indicate all design features of the proposed construction, including: building materials, and colors of all permanent exterior finish materials; location, configuration and type of doors and windows; overall dimensions; general details of roofing, siding, ornament and trim; location and type of any proposed signs; exterior mechanical equipment; and other building or site features.
 - Axonometric or Perspective Drawings (and/or Model): illustrating in three dimensions the proposed construction in context with the surrounding area and abutting buildings.
- Ten (10) complete sets of the above drawings, reduced to 11x17 inches for mailing purposes.
 - List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form).

FINAL REVIEW

- Written list of all changes made to the project design since conceptual approval. Changes shall also be highlighted on the drawings submitted for final review.
- One (1) full-size set of final design drawings, to scale, depicting the final design of the project. Drawings shall include floor, roof, and site plans, all exterior elevations, building sections and exterior details. Drawings should be titled, indicate the scale, and labeled with the property address and date.
- Ten (10) sets of final design drawings, to scale, reduced to 11x17 inches for mailing purposes.
- Any other information requested by the DRC or the staff.

CONSTRUCTION DETAILS

- Three (3) sets of scaled construction drawings.
- Material and color samples, if requested, should be made available on site.

SITE IMPROVEMENTS

Includes paving, fencing, streetwalls, retaining walls and landscaping.

- A completed application form for a Certificate of Design Approval or Waiver signed by the applicant and the property owner, describing the proposed scope of work.
- 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.

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- ❑ A scaled site plan (3 copies), illustrating the proposed changes in context with the building, other existing site elements, and the property lines. Indicate north arrow.
- ❑ For retaining walls, fences, terraces and site improvements other than paving, scaled elevation and section drawings (3 copies) showing the height, materials and design of the element and its relationship to surrounding site or building elements. An engineer or other qualified professional should design structural retaining walls.
- ❑ Material samples, if requested by staff.

MOVING OF STRUCTURES

- ❑ A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work,
- ❑ 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.
- ❑ A certified report from an engineer or the moving company describing the method of moving, expected loss of historic fabric, timetable, etc.
- ❑ Ten (10) complete sets of the drawings noted below, as applicable, reduced to 11x17 inches for mailing purposes.

If the structure is to be **moved to a site** within the Downcity District:

- ❑ A scaled site plan of the proposed location of the structure, indicating its relationship to the new site and the surrounding neighborhood. Drawings should be titled, indicate the scale and north arrow, and note the street address and date.
- ❑ Scaled elevation drawings of the building in its proposed new site in the district, showing its relationship to abutting buildings on all sides; and a scaled foundation plan. Drawings should be titled, indicate the scale, and note the street address and date.

If the structure is to be **moved from a site** within the Downcity District:

- ❑ Written description of the reason for the move, the proposed new location for the structure, and the proposed treatment of the site on which the structure is currently located.
- ❑ Scaled elevation drawings and site plans (10 sets) showing the proposed new construction or site treatment once the building is moved, and the relationship of new construction to abutting properties on all sides. Drawings should be titled, indicate the scale, and note the street address and date. (See also New Construction and Site Improvements documentation requirements.)
- ❑ List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form).

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PUBLIC ART

Includes installation of sculptures, monuments, and murals.

- ❑ A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
- ❑ 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.
 - For projects on public or private property: One (1) full-size scaled site plan showing the proposed improvements or amenities in relation to other existing structures and site features. Indicate north arrow.
- ❑ Manufacturer's specifications showing materials, dimensions and finish colors of all equipment, planters, furniture, and signs.
 - For murals: One (1) full-size 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. A colored rendering or 35mm or digital photographs of the mural's design may also be submitted for informational purposes.
- ❑ Ten (10) complete set of the above drawings, reduced to 11x 17 inches for mailing purposes.
- ❑ List of the names and mailing addresses of all abutting property owners, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form).

REQUESTS FOR WAIVERS

The DRC may grant waivers to certain of its regulations, as provided by Section 502 of the Providence Zoning Ordinance, for demolition, non-conforming signs, non-conforming new construction, curb cut width, accessory use surface parking, roof structures, mechanical equipment, and structures or landscaping within a view corridor. Since most waivers will be requested in the context of an application for Certificate

of Design Approval, applicants should refer to the appropriate category for additional documentation requirements.

- ❑ A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
- ❑ 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.
- ❑ Written description of the specific reasons for the waiver, consistent with the provisions of the zoning ordinance.
- ❑ List of the names and mailing addresses of all owners of abutting property within 200 feet of the subject property, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those

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sharing side or rear lot lines. (See backside of application form). The applicant is to provide printed mailing labels.

DEMOLITION

Includes partial or whole demolition of a structure.

- ❑ A completed application form for a Certificate of Design Approval or Waiver, signed by the applicant and the property owner, describing the proposed scope of work.
- ❑ 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.
- ❑ List of the names and mailing addresses of all owners of abutting property within 200 feet of the subject property, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form). The applicant is to provide printed mailing labels.
- ❑ Written description of the architectural and historic significance of the building.
- ❑ Written evaluation of the structural condition of the building and its adaptability for rehabilitation, by the building inspector or professional structural engineer licensed in Rhode Island. All dangerous conditions should be identified. Include a copy of any outstanding building code violations cited on the property.
- ❑ An itemized breakdown of the feasibility of all possible alternatives to demolition that were considered, and reasons why such alternatives were rejected. Alternatives may include rehabilitation, adaptive reuse, relocation, or sale of the property to another owner willing to preserve it. Include financial data comparing the costs of all alternatives.
- ❑ One (1) full-size site plan, to scale, showing the location of the structure proposed to be demolished in relationship to other structures on the property, and to the property lines. Also, ten (10) additional sets of drawings reduced to 11x17 inches for mailing purposes.
- ❑ One (1) full-size set of scaled plans, elevations, and sections illustrating the new structure to be built on site (see New Construction requirements, above). Also, ten (10) additional sets of drawings reduced to 11x17 inches for mailing purposes.
- ❑ Form of ownership of the property, including the names and addresses of the owners. If the owner is an organization, governmental entity, or corporation. Include the name, address and telephone number of a contact person.
- ❑ The fair market value of the property as determined by a qualified professional expert.
- ❑ The amount paid for the property, the date of purchase, and the name of the seller, including the relationship between the applicant or owner of record and the party from whom the property was purchased.
- ❑ The price asked for the property and any offers received in the previous three years.
- ❑ If the property is commercial or income-producing: the gross annual income from the property for the past three years, the itemized operating and maintenance expenses for the previous three years, the depreciation deduction and annual cash flow before and after debt service for the previous three years.

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- ❑ The remaining balance on any mortgage or other financing secured by the property and the annual debt service for the past three years.
- ❑ Three bids for the cost of the proposed demolition compared to the cost of stabilizing or "mothballing" the structure, and compared to the cost of rehabilitating the structure.
- ❑ A list of all economic incentives for preserving the structure available to the applicant through federal, state, city or private programs, including tax incentives, grants and loans.

REQUESTS FOR DEVELOPMENT INCENTIVES

Where applicants are requesting the DRC to grant a bonus of additional height or density or a transfer of development rights. Where an incentive is sought for a project subject to design review, see the applicable category above for additional documentation requirements.

FOR BONUSES:

- ❑ Written description of the project's eligibility for a bonus, and the bonus amount requested, consistent with the provisions of Section 502.6 of the Providence Zoning Ordinance (effective 6/22/12).
- ❑ Where the project will provide certain uses in exchange for a bonus, one (1) set of scaled floor plans of the structure showing the floor area dedicated to active ground-floor uses and/or publicly accessible open space. Projects are eligible for a height bonus with the inclusion of a parking garage. Also, ten (10) sets of drawings reduced to 11x17 inches for mailing purposes.
- ❑ List of the names and mailing addresses of all owners of abutting property within 200 feet of the subject property, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form). The applicant is to provide printed mailing labels.

FOR TRANSFER OF DEVELOPMENT RIGHTS:

- ❑ Copy of executed agreement between the owners of the sending and receiving lots, consistent with the provisions of Section 502.7 of the Providence Zoning Ordinance (effective 6/27/94).
- ❑ Copy of executed agreement between the owner of the sending lot and the R I. Historical Preservation Commission regarding the preservation restrictions on the exterior of the structure on the sending lot, consistent with the provisions of Section 502.6 of the Providence Zoning Ordinance (effective 6/22/12).
- ❑ List of the names and mailing addresses of all owners of abutting property within 200 feet of the subject property, derived from the most current records of the City Tax Assessor. "Abutter" is defined as any property whose lot lines touch the front, side or rear lot lines of the subject property; since streets are common property lines, properties across the street are included as abutters. Properties on a corner should include the three opposite corner properties as abutters, in addition to those sharing side or rear lot lines. (See backside of application form). The applicant is to provide printed mailing labels.

See Major Alterations or New Construction documentation requirements, as applicable, for the project proposed for the receiving lot.



Downtown Design Review Committee

Jorge O. Elorza, Mayor

SCHEDULE OF APPLICATION FEES

Effective 6/19/17

Under city ordinance (Chapter 2017-20, No. 280), as of June 19, 2017, filing fees will be charged for applications for Certificates of Design Approval, Waivers, Demolition Waivers, and Development Incentives. Fees are set in the following categories:

- | | |
|-----------------|---|
| No Fee | <u>Repairs, replacements in-kind, restoration</u> of missing or altered features based on historical, documentary, pictorial or physical evidence. |
| \$50.00 | <u>Minor Alterations</u> , such as awnings and canopies, signs, replacement windows and doors, storm windows and doors, skylights, satellite dish antennae and other mechanical or electrical equipment, telecommunications equipment, site improvements, public art, and small additions including roof decks, elevator and stair headhouses. |
| \$100.00 | <u>Major Alterations</u> , such as replacements not in-kind, changes to wall materials and surfaces, window and door openings, ornamentation, roof forms or elements, porches, stairs and entryways, grade levels and foundations, storefronts, fire escapes, barrier-free access improvements, and large additions including elevator and stair towers. |
| \$400.00 | <u>New Construction</u> , including moving of structures. |
| \$100.00 | <u>Waivers, Demolition Waivers, or Development Incentives.</u>
Add fee to any category listed above. |

Fees may be paid by check or money order, made payable to the City Collector. Cash will not be accepted.

DOWNTOWN DESIGN REVIEW COMMITTEE RULES AND REGULATIONS

Adopted 10/15/12. Amended 11/16/15.

Section 1 GENERAL PROVISIONS

- 1.1 Authority
- 1.2 Purpose
- 1.3 General Rules
- 1.4 Jurisdiction

Section 2 ORGANIZATION

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- 2.3 Records
- 2.4 Office
- 2.5 Legal Counsel

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- 3.2 Business Meetings
- 3.3 Special Meetings
- 3.4 Cancellation of Meetings
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- 3.6 Conduct of Meetings
- 3.7 Executive Session
- 3.8 Public Attendance and Participation

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- 4.3 Advance Review of Proposals
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- 4.9 Advisory Opinions
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Section 5 APPLICATIONS

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- 5.5 Exemptions
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- 5.10 Consideration of Applications
- 5.11 Determinations on an Application
- 5.12 Expiration of Approval
- 5.13 Time Period to Act
- 5.14 Modifications to an Approved Project
- 5.15 Modifications to a Pending Application
- 5.16 Resubmittal of a Denied Application
- 5.17 Reconsideration of a Decision
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Section 6 ENFORCEMENT

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Section 7 AMENDMENTS AND SEVERABILITY

- 7.1 Amendments
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DOWNTOWN DESIGN REVIEW COMMITTEE RULES AND REGULATIONS

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.