EAST PROVIDENCE WATERFRONT SPECIAL DEVELOPMENT DISTRICT COMMISSION

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NOTICE OF DECISION

APPLICATION AND PROCESSING FEES

Date: March 12, 2019

At a public hearing held at the February 21, 2019 meeting, the East Providence Waterfront Special Development District Commission ("Waterfront Commission") reviewed proposed amendments to previously approved application and processing fees. Amendments included the following:

- Establishes a fee for Hearing Panel and Waterfront Commission hearings for conditional use and deviations for a project without alterations, additions or construction.
- Establishes fees for extension of approval, plan modification, and signage review.
- Clarifies the applicant's responsibility for reimbursement of Commission's consultant fees and hearing costs.
- Amends Tax Increment Financing (TIF) application fees for requests up to $15,000,000, $15,000,000 to $30,000,000, and above $30,000,000.
- Establishes TIF amendment fees for requests up to $15,000,000, $15,000,000 to $30,000,000, and above $30,000,000.

A hearing for fee amendment is required per the Commission's enabling legislation, Rhode Island State Law Chapter 345, 2003 S 1187, An Act Relating to Special Development Districts -- East Providence. Section 7. Additional general powers. The hearing was noticed in the February 7, 2019 *East Providence Post.*

As required by Chapter 19, Article 9 of the Revised Ordinances of the City of East Providence the East Providence Waterfront Special Development District Commission ("Waterfront Commission") staff determined that the proposed plan is consistent with the purposes, intent and performance standards of the Waterfront District Zoning District Regulations. Proposed amendments are attached in the format required under the Administrative Procedures Act.

On a motion by Mr. Hardcastle, seconded by Mr. Kern, the commission voted unanimously to amend previously approved Waterfront Commission application and processing fees:

Mr. Conley – Aye Mr. Moura – Aye Mr. Kern – Aye Mr. Willey – Aye Mr. Hardcastle – Aye Mr. Coulombe – Aye Chair votes – Aye

Filed in the East Providence Land Development and Decision Index
Book 1 Page 207

William J. Fazioli /PS

William J. Fazioli, Chairman

cc: Waterfront Commission
City Council
Acting Planning Director
Waterfront Commission Legal Counsel
City Solicitor

Attachment: East Providence Waterfront Commission Application and Processing Fees

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885-RICR-00-00-2

TITLE 885 - East Providence Waterfront Commission

CHAPTER 00 – N/A

SUBCHAPTER 00 - N/A

PART 2 – East Providence Waterfront Commission 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 public hearings including, but not limited to advertising, certified mail, the stenographer, legal fees, design review, administrative costs and other direct costs.

The applicant shall submit a certified bank check with the development application payable to the East Providence Waterfront Commission in the amount listed below.

All filing and application fees are non-refundable.

2.1 TIER I Fees - Minor Projects

This fee schedule applies to determinations of consistency of use, hearing panel review, and alterations, additions and new construction with an estimated construction cost of $100,000 or less. Project costs shall be determined by the Executive Director but shall exclude site acquisition, remediation, and site preparation costs.

2.1.1 Certification of Consistency of Use and Hearing Panel Review

A. The fee for a certificate of consistency of use is $100.00.

B. The fee for Hearing Panel and Waterfront Commission hearings for conditional use and deviations for a project without alterations, additions or construction is $200.00.

2.1.2 Alterations, Additions and Construction

A. The project fee for project costs up to $5,000 is $50.00.

B. The project fee for project costs from $5,000 to $9,999 is $100.00.

C. The project fee for project costs from $10,000 to $49,999 is $250.00.

D. The project fee for project costs from $50,000 to $99,999 is $500.00.

2.2 Tier II Fees - Major Projects

2.2.1 Application Fees

The fee schedule below applies to alterations, additions, and new construction with an estimated construction cost in excess of $100,000. Project costs shall exclude site acquisition, remediation and site preparation costs. Applicants shall submit a construction cost estimate broken down on a per square foot basis by land use. The Commission will have the construction cost estimate upon which the fee is calculated, reviewed and verified.

A. Multi-phase projects will be considered one project, and the fee paid must reflect the total cost of the project.

B. Total fees are not capped.

C. Development fees for project costs less than $5,000,000 are due in full at project application at the fee rate of 0.50%.

D. Development fees payable for projects with a cost of $5,000,000 or greater are due in four phases as follows.

1. Twenty-five percent (25%) of the total fee is due at the time of application.

2. Ten percent (10%) of the total fee shall be paid prior to issuance of a Notice of Decision.

3. Fifty percent (50%) of the total fee must be paid in full at the time of application for the first building permit. For phased projects, applicant may petition the Waterfront Commission for approval to pay a prorated fee for payment in full prior to the application for the first building permit for each phase.

4. The final fifteen percent (15%) of the total fee is due in full at the time of application for the first certificate of occupancy. For phased projects, applicant may petition the Waterfront Commission for approval to pay a prorated fee in full prior to the application for the first certificate of occupancy for each phase.

E. Development fee rates for projects $5,000,000 or greater are established for project cost ranges as defined below and are payable in phases as defined in § 2.2.1 D of this Part.

1. Fee rate for project costs $5,000,000 to $19,999,999 is 0.50%.

2. Fee rate for project costs $20,000,000 to $24,999,999 is 0.40%.

3. Fee rate for project costs $25,000,000 to $29,999,999 is 0.35%.

4. Fee rate for project costs $30,000,000 to $39,999,999 is 0.30%.

5. Fee rate for project costs $40,000,000 to $49,999,999 is 0.25%.

6. Fee rate for project costs $100,000,000 and greater is 0.20%.

Examples of Project Fees are provided in the following table.

Project Cost	Fee Rate	Total Fee	Due at Application	Due prior to Notice of Decision	Due at Building Permit	Due at Cert. of Occupancy
			25%	10%	50%	15%
$100,000 to $4,999,000	0.50%	$ 500 +	$500 +			
$ 5,000,000	0.50%	$ 25,000	$ 6,250	$ 2,500	$ 12,500	$ 3,750
$ 10,000,000	0.50%	$ 50,000	$ 12,500	$ 5,000	$ 25,000	$ 7,500
$ 15,000,000	0.50%	$ 75,000	$ 18,750	$ 7,500	$ 37,500	$ 11,250
$ 20,000,000	0.40%	$ 80,000	$ 20,000	$ 8,000	$ 40,000	$ 12,000
$ 25,000,000	0.35%	$ 75,000	$ 18,750	$ 7,500	$ 37,500	$ 11,250
$ 30,000,000	0.30%	$90,000	$ 26,250	$ 10,500	$ 52,500	$ 15,750
$ 40,000,000	0.20%	$ 80,000	$ 20,000	$ 8,000	$ 40,000	$ 12,000
$ 50,000,000	0.25%	$125,000	$ 31,250	$ 12,500	$ 62,500	$ 18,750
$ 75,000,000	0.25%	$187,500	$ 46,875	$ 18,750	$ 93,750	$ 28,125
$100,000,000	0.25%	$250,000	$ 62,500	$ 25,000	$125,000	$ 37,500
$100,000,000 +	0.20%	.20% of Project Cost	25% of Total Fee	10% of Total Fee	50% of Total Fee	15% of Total Fee

F. Additional Professional Review Fees

1. The Waterfront Commission may require the applicant to pay additional review fees in advance so that the Commission may hire outside professionals to conduct review of impact analyses submitted by the applicant and to conduct independent reviews. The elements of an application for which the Commission may require additional review fees shall include, but not be limited to, the following; legal issues, drainage, traffic, noise environmental assessments, architecture, landscape architecture, and geotechnical sampling and testing. The amount of the additional review fee(s) shall be based upon written cost estimates prepared by qualified consultants based upon a written scope work prepared by the Executive Director in consultation with Design Review Committee and applicable City staff. The applicant shall be afforded

opportunity to review and comment on the scope of work and the proposed fees. These review fees shall be deposited in a review escrow account established by the Commission or, at the discretion of the Executive Director, the applicant shall be billed for expenses incurred.

2. If any such professional review is required by the Waterfront Commission, the Commission shall so indicate at the Pre-Application stage of review, based upon a recommendation of the Executive Director. The determination will be based upon the understanding of the Commission and staff, at that time, of the issues posed by an application. This shall not preclude the Commission from requiring such outside professional review at a later stage in the review process if additional information is received which leads the commission to believe that such additional professional review is required for an adequate consideration of the proposal.

3. As part of the public record, the Waterfront Commission shall indicate its intent to spend any portion of the professional fee escrow account and shall specify the purpose for the proposed expenditure(s). Those moneys deposited by the applicant and not spent by the Waterfront Commission in the course of its review shall be returned to the applicant within thirty (30) days after the Waterfront Commission renders its final decision on the application.

2.3 Public Entities

The following fees shall apply for public entities only (and not to any public/private applicants):

2.3.1 Tier I Minor Applications

A. Application fee for projects with an estimated cost of $50,000 or less shall pay $500.00.

B. Projects with an estimated cost of $50,000 to $100,000 shall pay $1,000.00.

2.3.2 Tier II Major Projects

A. Projects with an estimated cost of between $100,000 and $5,000,000 shall pay $1,500.00.

B. Projects with an estimated cost of $5,000,000 or more shall pay $2,000.00.

2.3.3 Applicants shall be responsible for all advertising, stenographer, public notice/advertising and mailing costs. Applicants shall reimburse the Waterfront

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Commission for all costs and fees associated with peer review by Commission consultants.

2.4 Other Miscellaneous Fees

~~Other fees ranging from $100 to $500 are applicable for extension of approval, plan modification, and signage review~~ Miscellaneous fees include the following.

2.4.1 The fee to request an extension of approval is $100.00 for Tier I (construction cost at or below $100,000) and $500.00 for Tier II (construction cost above $100,000) projects.

2.4.2 The Plan Modification fee is $500.00 for Tier I application and $1,000.00 per Tier II application. The Waterfront Commission reserves the right to reconsider fees due as defined in § 2.2.1 of this Part in accordance with the scope of plan modification. Applicant is responsible for all peer review and hearing fees.

2.4.3 The fee for Signage Review is $100.00 per application. Applicant shall be responsible for the cost of peer review by the commission's consulting architect.

2.4.4 For implementation of any Conditions of Approval requiring inspection, applicant shall be responsible for the cost by the commission's consultants.

2.5 City Application Fees

The applicant is obligated to pay any development permitting fees applicable to City Agencies such as building permit, sewer, and subdivision fees.

No building permit or certificate of occupancy will be issued without payment of all applicable Waterfront Commission fees.

2.6 Tax Increment Financing Fees

Applicant shall be invoiced for all public hearing fees paid by the Waterfront Commission including legal notice and stenographer costs. Applicant shall be responsible for certified mailing to property owners within the 200-foot public notice area.

Applicant shall be responsible for reimbursement of all consultant fees including legal and TIF bond review fees incurred by the Waterfront Commission.

Waterfront Commission fees are exclusive of any fees or reimbursable costs incurred for City review.

2.6.1 Application

~~Total fee is 1% of requested TIF assistance, payable to the East Providence Waterfront Commission.~~

A. The TIF application fee, payable to the East Providence Waterfront Commission, is ~~$2,500~~4,000.00 ~~initial application fee (credited towards the 1% fee)~~ for TIF requests up to $15,000,000; $5,000.00 for TIF requests $15,000,000 to $30,000,000; and $7,500.00 for TIF requests above $30,000,000.

~~B. $10,000 retainer for consultant fees (not included in 1% fee).~~

~~C. 1. Payment of up to $50,000 for consultant fees (inclusive of $10,000 retainer) above and beyond 1% fee.$2,500 when TIF plan is approved by the City Council (credited towards the 1% fee).~~

~~D. Balance of fees upon successful closing of bond.~~

~~E. Annual fee of 0.5% of annual increment (or outstanding principal balance).~~

2.6.2 TIF Amendment Fee

A. TIF modification or amendment application fee, payable to the East Providence Waterfront Commission, is $3,000.00 for requests up to $15,000,000, $4,000.00 for requests $15,000,000 to $30,000,000 and $5,000.00 for requests above $30,000,000.

Legend: Underline is amended text

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