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JUNE 18, 2020 WATERFRONT COMMISSION HEARING

VOTE: APPROVAL OF PROPOSED FEE AMENDMENT, 885-RICR-00-00-3 PART 3, EAST PROVIDENCE WATERFRONT COMMISSION APPLICATION AND PROCESSING FEES, EFFECTIVE DATE JUNE 11, 2019.

885-RICR-00-00-3

TITLE 885 – EAST PROVIDENCE WATERFRONT DISTRICT

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 3 – East Providence Waterfront Commission Application and Processing Fees

3.1 Commission Fees-General

- A. 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 including peer review.
- B. The applicant shall submit a certified bank check with the development application payable to the East Providence Waterfront Commission in the amount listed below.
- C. All filing and application fees are non-refundable.

3.2 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.

3.2.1 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.

3.2.2 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.

3.3 Tier II Fees - Major Projects

3.3.1 Application Fees

- A. 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.
 - 1. Multi-phase projects will be considered one project, and the fee paid must reflect the total cost of the project.
 - 2. Total fees are not capped.
 - 3. Development fees for project costs less than \$5,000,000 are due in full at project application at the fee rate of 0.50%.
 - 4. Development fees payable for projects with a cost of \$5,000,000 or greater are due in four phases as follows.
 - a. Twenty-five percent (25%) of the total fee is due at the time of application.
 - b. Ten percent (10%) of the total fee shall be paid prior to issuance of a Notice of Decision.
 - c. 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.

- d. 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.
5. 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 § 3.3.1(A)(4) of this Part.
 - a. Fee rate for project costs \$5,000,000 to \$19,999,999 is 0.50%.
 - b. Fee rate for project costs \$20,000,000 to \$24,999,999 is 0.40%.
 - c. Fee rate for project costs \$25,000,000 to \$29,999,999 is 0.35%.
 - d. Fee rate for project costs \$30,000,000 to \$39,999,999 is 0.30%.
 - e. Fee rate for project costs \$40,000,000 to \$49,999,999 is 0.25%.
 - f. Fee rate for project costs \$100,000,000 and greater is 0.20%.

6. 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 \$4,999,999	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 \$ 87,500	\$ 18,750 21,875	\$ 7,500 8,750	\$ 37,500 43,750	\$ 11,250 13,125
\$ 30,000,000	0.30 %	\$90,000	\$ 26,250 22,500	\$ 10,500 9,000	\$ 52,500 45,000	\$ 15,750 13,500
\$ 40,000,000	0.25 %	\$ 80,000 100,000	\$ 250,000	\$ 108,000	\$ 540,000	\$ 152,000
\$ 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	0.205 %	\$2050,000	\$ 62,500 50,000	\$ 205,000	\$10025,000	\$ 30,07,500
\$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

7. Additional Professional Review Fees

- a. 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, **planning**, 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.

- b. 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.
- c. 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.

3.4 Public Entities

The following fees shall apply for public entities only, including state and municipal governments and excluding utilities (and not to any public/private applicants):

3.4.1 Tier I Minor Applications

Application fee for projects with an estimated cost up to \$99,999 shall be paid in accordance with the fee schedule stated in § 3.2.2 of this Part.

3.4.2 Tier II Major Projects

- A. Projects with an estimated cost of between \$100,000 and \$4,999,999 shall pay a fee at the rate of 0.50% or \$1,000.00, whichever is less.
- B. Projects with an estimated cost of \$5,000,000 or more shall pay \$2,000.00.

3.5 Other Miscellaneous Fees

- A. Miscellaneous fees include the following.

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. 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 § 3.3.1 of this Part in accordance with the scope of plan modification. Applicant is responsible for all peer review and hearing fees.
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.
4. For implementation of any Conditions of Approval requiring inspection, applicant shall be responsible for the cost by the commission's consultants.

B. Zoning Amendment (text and/or map change) request by a private developer to expand Waterfront District

1. Advisory opinion to Planning Board and City Council

a. Up to one acre - \$200

b. One and up to five acres - \$500

c. Five and up to 20 acres - \$1,000

d. Greater than 20 acres - \$1,500

2. Design guidelines for new sub-district - \$500 payable to the East Providence Waterfront Commission. Applicant shall be responsible for the fee for the commission's architectural consultant to develop guidelines, with staff coordination.

3.6 City Application Fees

- A. The applicant is obligated to pay any development permitting fees applicable to City Agencies such as building permit, sewer, and subdivision fees.
- B. No building permit or certificate of occupancy will be issued without payment of all applicable Waterfront Commission fees.

3.7 Tax Increment Financing (TIF) Fees

- A. 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.

- B. 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.

3.7.1 Application

The TIF application fee, payable to the East Providence Waterfront Commission, is \$4,000.00 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.

3.7.2 TIF Amendment Fee

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.