

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 305

EFFECTIVE ~~APPROX~~ May 30, 2011


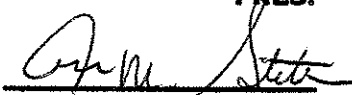
IT IS HEREBY RESOLVED, That His Honor, the Mayor, is authorized to grant a non-exclusive aerial easement over the sidewalk area at 1577 Westminster Street in the City of Providence to the West Broadway Neighborhood Association, Inc. (WBNA). Said easement is granted only insofar as the City of Providence has authority to grant said easement of said property. Said easement shall be granted specifically upon the following provisions:

1. Said easement shall be utilized only for the installation and maintenance of a permanent three-foot canopy.
2. Said easement shall be deemed to run with the land and shall operate against any successors in title and the easement or a memorandum of same shall be recorded in the Office of Land Records for the City of Providence.
3. Said easement shall be subject to a right of reverter/right of reversion in the event that the situs of the easement is no longer utilized for the aforesated purposes.
4. WBNA and its successors shall execute an indemnification and hold-harmless agreement with the City of Providence. Said agreement shall be approved by the Department of Law of the City of Providence.
5. WBNA and its successors shall supply the City of Providence with an insurance policy naming said City of Providence, its agents, officers, servants and employees as additional-named insureds in a sum not less than one hundred thousand dollars (\$100,000.00) which policy shall be approved by the Department of Law of the City of Providence.
6. In the event that the City of Providence or its designee shall, for any public purpose, require the extinguishment of the easement granted herein and upon the ninety (90) days notice hereinbefore mentioned, WBNA shall, at its own expense, and without claim against the City, its officers, servants or employees, for any damages whatsoever, remove the canopy.
7. Such other terms and conditions as may be reflected in the record and minutes of the City Council Committee on Public Works and/or as may be deemed appropriate by the Mayor or the Department of Law.


IN CITY COUNCIL

MAY 19 2011

READ AND PASSED


PRES.

CLERK

Effective without the
Mayor's Signature


Anna M. Stetson
City Clerk

CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

To permit a permanent three-foot canopy over the twelve-foot sidewalk at 1577 Westminster Street.

Kari H. Lang

Kari Nel Lang
Executive Director
West Broadway Neighborhood Association (WBNA, Inc.)

1560 Westminster
Pro. RI 02909
831-9344

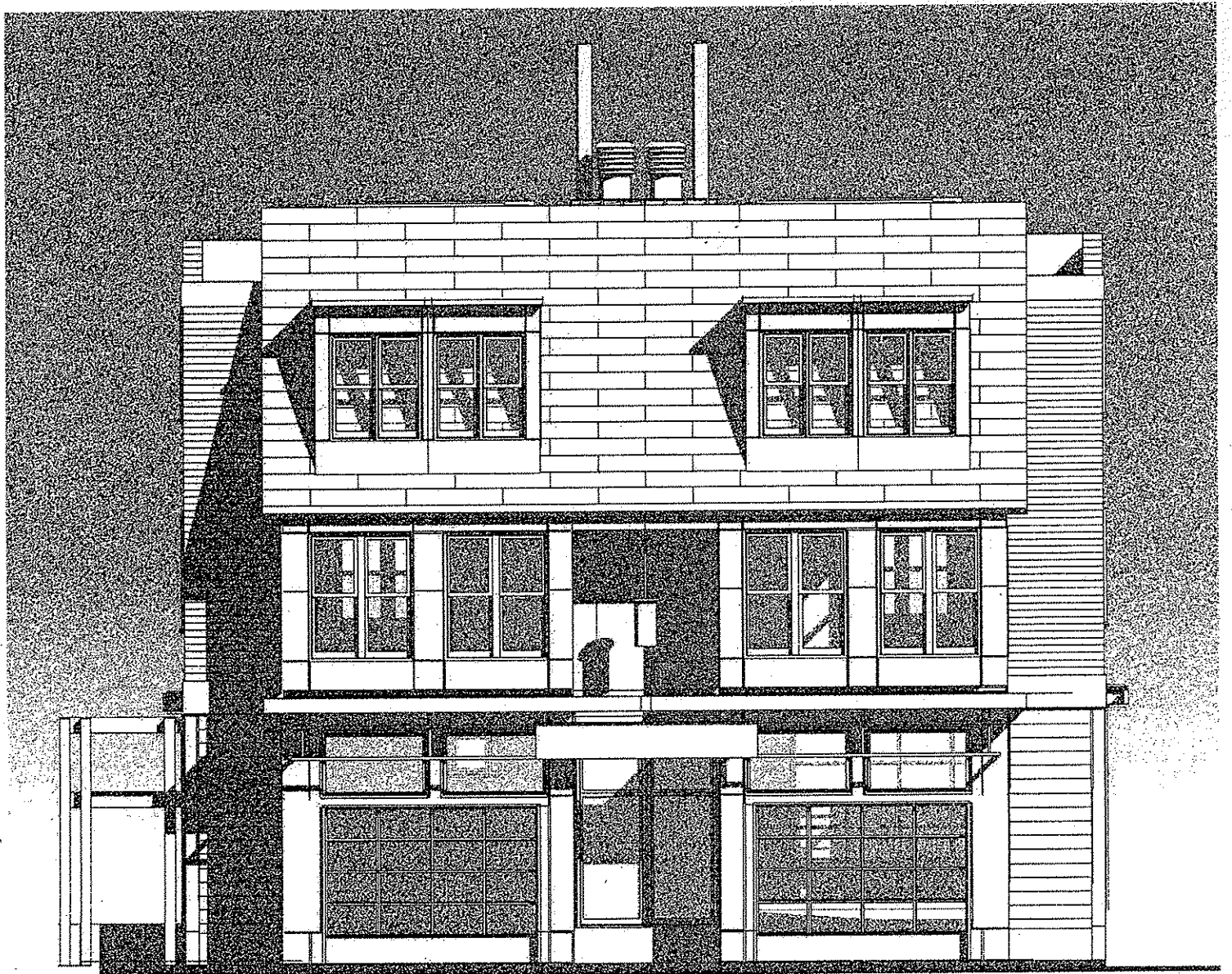
DEPT. OF CITY CLERK
PROVIDENCE, R.I.
2007 JUL 10 P 1:03

FILED

THE COMMISSIONER

RECORDS

CLERK



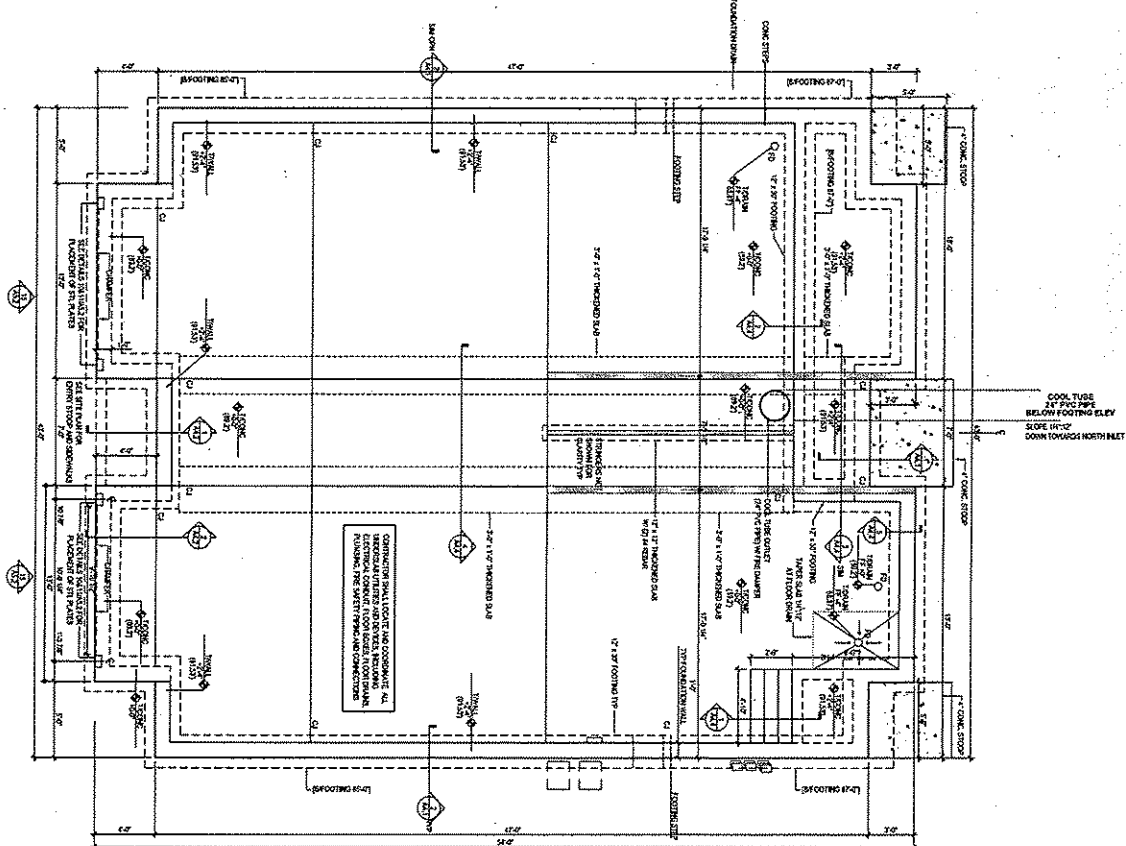
1577 Westminster Street, Providence
West Broadway Neighborhood Association

WILLIAM KITE ARCHITECTS

A1.1

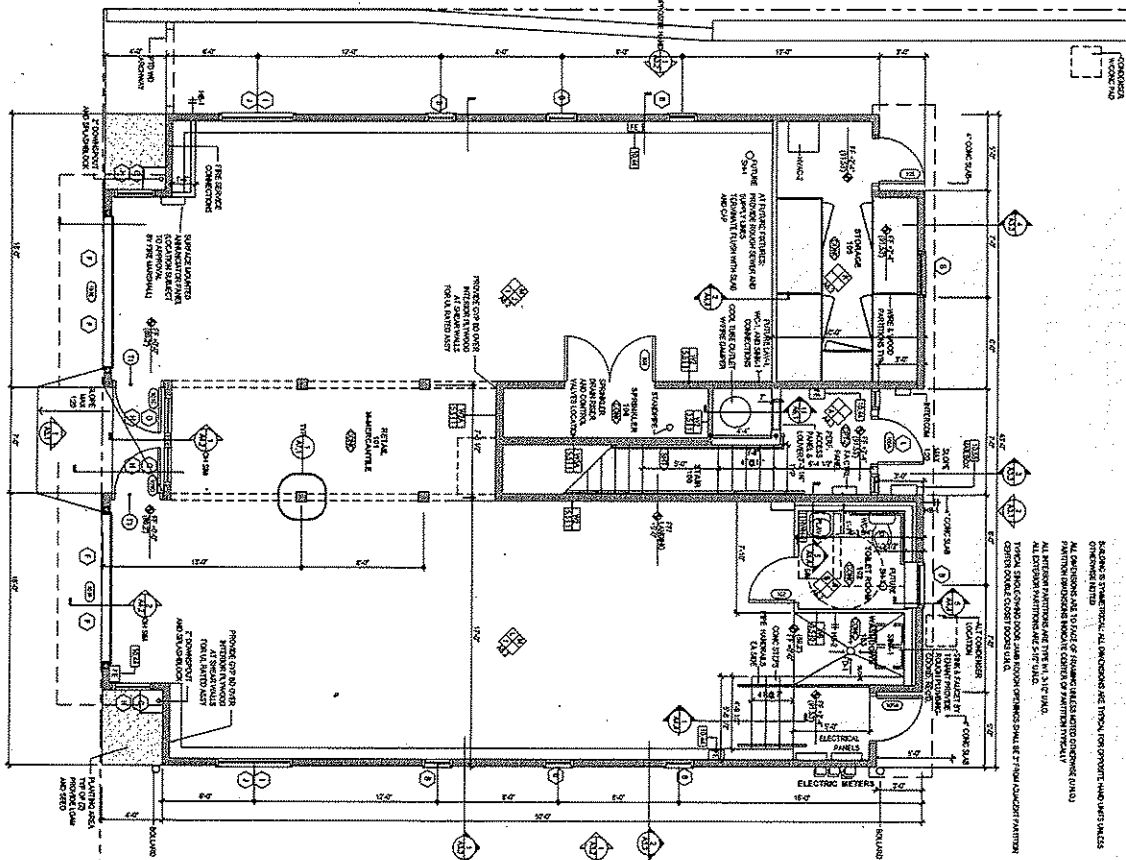
FIRST FLOOR PLAN

18'x17'0"



FIRST FLOOR PLAN

18'x17'0"



ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN TO THE CENTER OF THE WALL OR TO THE FACE OF THE WALL, UNLESS OTHERWISE NOTED. ALL DIMENSIONS ARE TO BE VERIFIED BY THE FIELD ENGINEER. ALL DIMENSIONS ARE TO BE VERIFIED BY THE FIELD ENGINEER. ALL DIMENSIONS ARE TO BE VERIFIED BY THE FIELD ENGINEER.

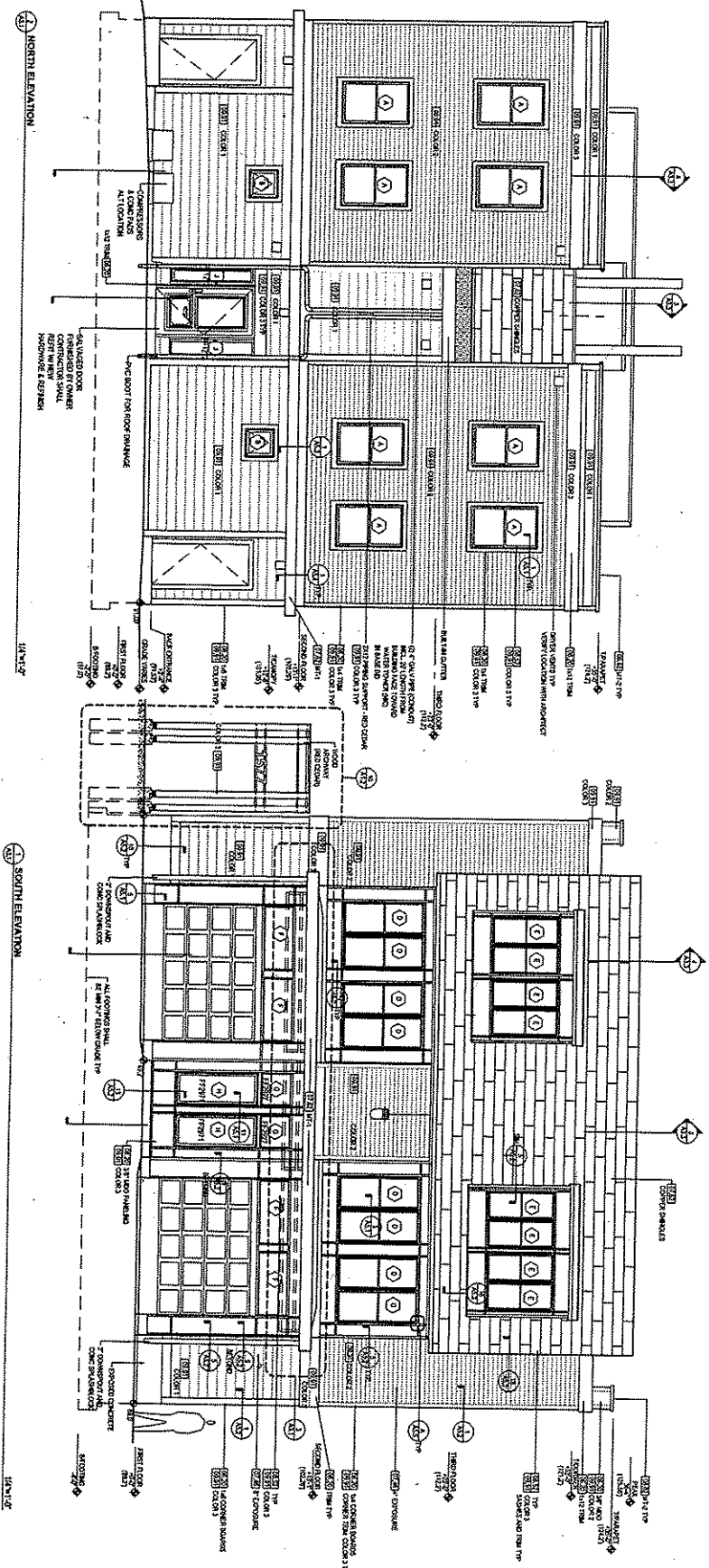
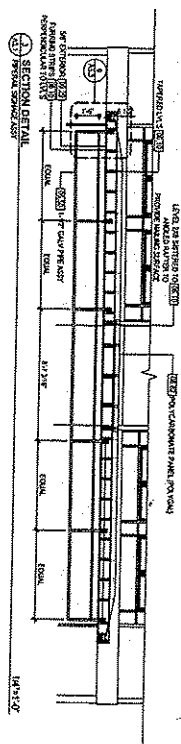


WILLIAM KITE ARCHITECTS, INC.
100 West 17th Street
New York, New York 10011
Tel: 212-123-4567
Fax: 212-123-4568
www.williamkite.com

1577 WESTMINSTER ST
WEST BROADWAY
NEIGHBORHOOD ASSOCIATION

PROJECT NO. 0411
NO. DATE ISSUED FOR
04.12.08 02 SET
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A2.1



VOLUME 100, PART 1, 1997
 100 Vols. \$200.00
 Binding 2 \$50
 Shipping & Postage \$25.00
 \$275.00
 YES! \$61.25 (2000-2001)
 FAX \$61.25 (2000-2001)
 E-mail \$61.25 (2000-2001)

1677 WESTMINSTER ST
WEST BROADWAY
NEIGHBORHOOD ASSOCIATION

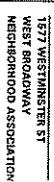
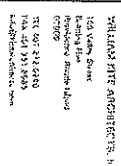
1999

INDEX 691

NO. DATE RECEIVED
08/26/08 888 SET

Building Extensions North - South

A3.1



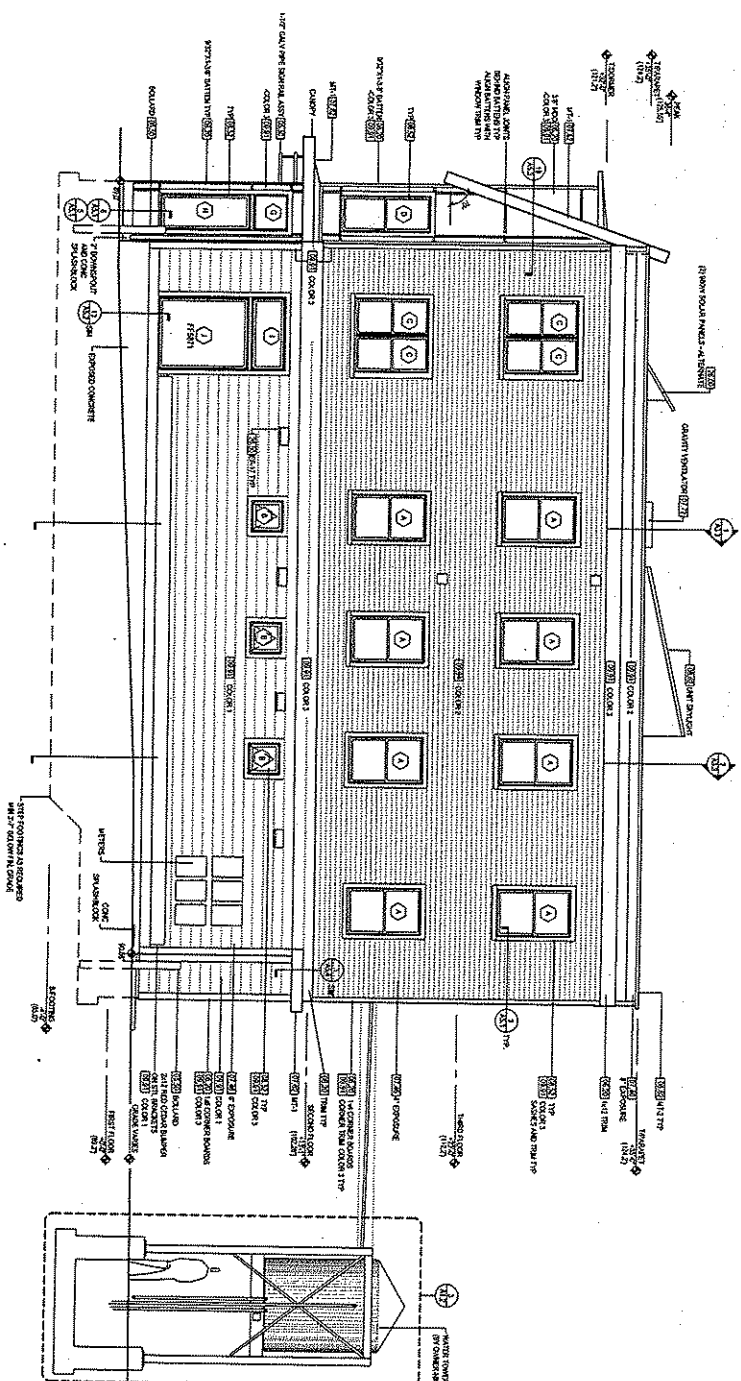
Reference: 11/10/2011
02/003

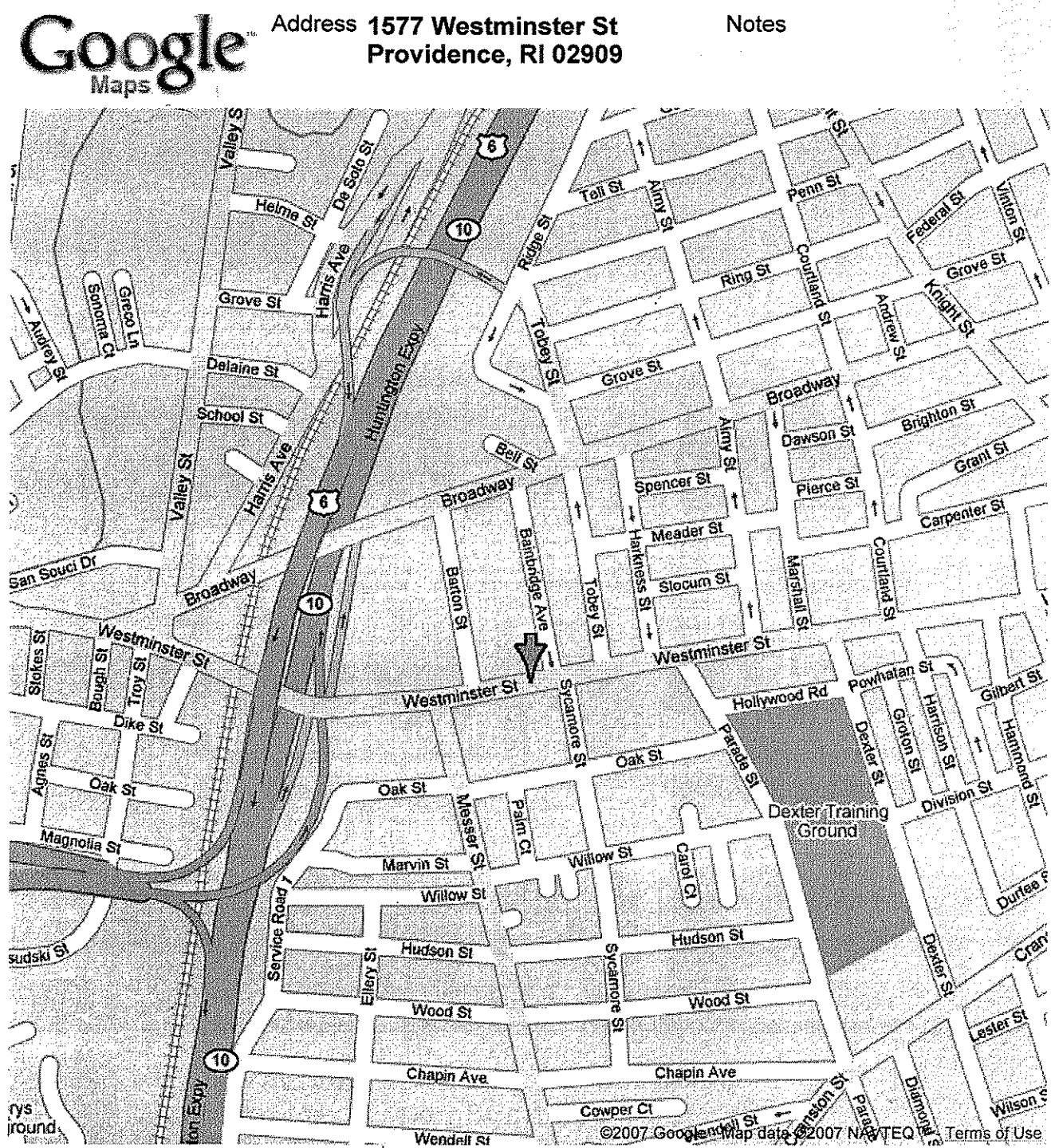
PHILIP J. NG. 054

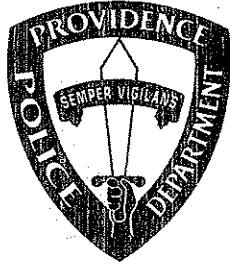
NO. DATE 1921/10/28
11:00 AM 11:00 AM 11:00 AM 11:00 AM 11:00 AM
08.25.09 800 SET

Building Elevations East - West

A3.3.2







Department of Public Safety, Police Department
"Building Pride in Providence"

May 16, 2007

To: Anna M. Stetson, Second Deputy City Clerk

From: Capt. James T. Nolette

Subject: Petition from Kari Lang

After looking at the petition and descriptions enclosed, the Police Department has no objections to proposed 3 foot canopy.

Sincerely,

Capt. James T. Nolette

Anthony J. Di Giulio
Fire Marshal

George D. Calise
Deputy Fire Marshal



David N. Cicilline
Mayor

George S. Farrell
Chief of Department

Providence Fire Prevention Division
"Smoke Detectors Save Lives"

September 12, 2007

Ms. Anna M. Stetson
City Clerk
City of Providence

Reference: Property located at 1577 Westminster Street Providence RI. 02909

Dear Ms. Stetson:

The Providence Fire Department has reviewed the proposed petition to the Honorable City Council of the City of Providence for a permit to construct a three-foot canopy over the twelve-foot sidewalk at 1577 Westminster Street.

The Providence Fire Department has no objection to the construction of this canopy under the condition that it is installed in a manner that is consistent with all applicable codes and standards. There is nothing prohibiting the construction of this canopy under the Rhode Island Uniform Fire Code.

If I can be of any further assistance please call me at 243-6050.

Yours truly,

A handwritten signature in black ink, appearing to read "Richard A. Silva".

Lieutenant Richard A. Silva
Assistant Deputy State Fire Marshal

JOHN D. NICKELSON, P. E.
Director



DAVID N. CICILLINE
Mayor

Department of Public Works

"Building Pride in Providence"

March 20, 2008

Kari Nel Lang
Executive Director
West Broadway Neighborhood Association
1560 Westminster Street
Providence, RI 02909

RE: 1577 Westminster Street

Dear Ms. Lang:

In response to your letter of January 29, 2008, I have reviewed your request for approval of a canopy projection over the public right-of-way for property located along 1577 Westminster Street.

The West Broadway Neighborhood Association intends to construct a three stories high 6,650 square foot building along Westminster Street. The building is proposed with four condominium units on the second and third floor and a food cooperative retail store on the ground floor. The building is 43 feet wide on the Westminster Street front elevation.

The building is designed to follow the West Side Overlay zone which requires that the building be built to the street. The building has a permanent canopy projection on the front of the building, similar to an awning; it is twelve feet above grade and projects three feet into the R.O.W. William Kite Architects advises that the encroachment is in conformance with the Building Code.

In accordance with *Rules and Regulations Governing Encroachments Over, Onto, or Under Public Rights-of-Way*, authority for which is found in the City Code of Ordinances, Sections 2-117 ("General powers and duties of director") and 23-6 ("Opening, excavating, etc., on, in, across or under public roadway or sidewalk"). "The Director of Public Works may permit an encroachment not for habitation to encroach over, onto, or under a Public Right-of-Way by not more than four feet, in no case to extend farther than the curb line. Prior to granting such permission, the Director of Public Works must find that the encroachment will not impair the public health, safety, or welfare, and if the encroachment is proposed to be supported by the ground within the public right-of-way, that it does not have an adverse impact on pedestrian or wheelchair access. All such encroachments shall conform to the applicable building code and zoning ordinance as certified by the DIS."

A review of the plans indicates the projection over the property line is approximately three feet and the height of the canopy over the sidewalk will be in excess of twelve feet. It is my

Department of Public Works
"Building Pride in Providence"

opinion that the encroachment will not impair the public health, safety, or welfare. The canopy is not supported from the ground so does not have an adverse impact on pedestrian or wheelchair access. The encroachment, as shown on the plan prepared by WILLIAM KITE ARCHITECTS INC, dated 08.28.06 and provided electronically by Christine Malecki West on February 20, is approved.

Regards,

John D. Nickelson, PE
Director

C: Kerry Anderson
William Bombard
Chris Ise
Alix Ogden
Francisco Ramirez
Adrienne Southgate
file

CITY OF PROVIDENCE
DEPARTMENT OF PUBLIC WORKS

RULES AND REGULATIONS
GOVERNING ENCROACHMENTS OVER, ONTO, OR UNDER
PUBLIC RIGHTS-OF-WAY

Effective Date: November 6, 2007

RULES AND REGULATIONS
GOVERNING ENCROACHMENTS OVER, ONTO, OR UNDER
PUBLIC RIGHTS-OF-WAY

I. Introduction.

These Rules and Regulations are promulgated to assist employees of the City of Providence (City), generally those operating within the aegis of the City's Departments of Inspection and Standards (DIS), Planning and Development (DPD), and Public Works (DPW), who provide guidance to individuals and developers, contractors, or other business persons with regard to encroachments over, onto, or under public rights-of-way (generally, encroachments). The authority for such promulgation is found in the City Code of Ordinances, Sections 2-117 ("General powers and duties of director") and 23-6 ("Opening, excavating, etc., on, in, across or under public roadway or sidewalk").

The DPW, DPD, and DIS are the City's primary agencies for the regulation of demolition, excavation, and construction, including permitting, engineering and zoning. These agencies have worked together to create a cohesive and consistent approach to encroachments, so that applications falling within certain parameters can be handled administratively. Major applications involving more than the limited encroachments described in this set of regulations will continue to be handled through the process of making application to the Providence City Clerk for City Council authorization for easements or abandonments.

II. Applicability.

These regulations apply to all applications for excavation or construction which fall within the parameters described below. As to such applications, no structure, fixture, excavation, obstruction or encroachment shall be erected or maintained over, onto, or

under any public right-of-way except in accordance with these regulations. Other applications continue to be governed by State law, such as R.I.G.L. § 24-7-1 ("Sidewalks").

III. Definitions

In these regulations, the following definitions apply:

1. *Encroachment not for Habitation.* Any construction that projects from a building over, onto, or under a public right-of-way that is not designed for, nor can accommodate, human or other habitation, including awnings, canopies, marquees, signs, architectural embellishments, foundations, wheelchair ramps, and the like, whether supported by the ground or not.
2. *Encroachment for Habitation.* Any construction that projects from a building over, onto, or under a public right-of-way that is designed for, or can accommodate, human or other habitation, including balconies, bay windows, arcades, overhangs, basement vaults, subterranean parking garages and the like, whether supported by the ground or not.
3. *Public Right-of-Way.* Any street, highway, sidewalk, or undeveloped land owned by the City over which the general public is permitted to pass.

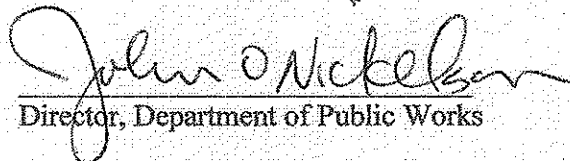
IV. Encroachments Over, Under, or Onto Public Rights-of-Way

1. The Director of Public Works may permit an encroachment not for habitation to encroach over, onto, or under a Public Right-of-Way by not more than four feet, in no case to extend farther than the curb line. Prior to granting such permission, the Director of Public Works must find that the encroachment will not impair the public health, safety, or welfare, and if the encroachment is proposed to be

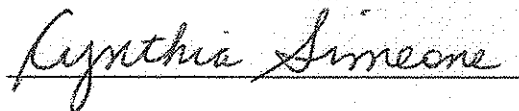
supported by the ground within the public right-of-way, that it does not have an adverse impact on pedestrian or wheelchair access. All such encroachments shall conform to the applicable building code and zoning ordinance as certified by the DIS.

2. All encroachments for habitation shall require an easement to be granted at the sole discretion of the City Council.
3. No encroachment that is contrary to the regulations of the Providence Zoning Ordinance or the applicable building code shall be permitted under these regulations.

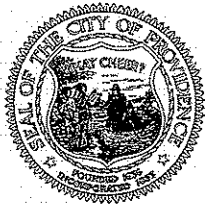
Dated: November 6, 2007


Director, Department of Public Works

Witness:



Dated: Nov. 6, 2007



Providence City Plan Commission

DAVID N. CICILLINE.
Mayor

August 30, 2007

Honorable Leon F. Tejada, Chair
Committee on Public Works
Providence City Hall
25 Dorrance Street
Providence, RI 02903

Attn: Anna Stetson, City Clerk

Dear Councilman Tejada:

**Re: CPC Referral No. 3291: Petition to Install a Permanent Canopy over the
Sidewalk at 1577 Westminster Street**

Dear Councilman Tejada:

The City Plan Commission (CPC), at its regular meeting on Tuesday, August 21, 2007, reviewed and evaluated the Committee on Public Works request for the Commission's recommendation on the above-referenced matter.

The Commission determined that the proposed easement is consistent with the Comprehensive Plan and Section 100 of the Zoning Ordinance and voted to recommend that the Committee on Public Works approve the easement.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris J. Ise".

Christopher J. Ise
Administrative Officer

cc: Kari Lang, WBNA



CITY OF PROVIDENCE
Angel Taveras, Mayor

MEMO

To: Committee on Public Works

From: William C. Bombard, PE, City Engineer *WCB*

CC: Paul J. Thomas, Director of Public Works

Date: May 10, 2011

Re: Agenda Items for May 10, 2011

- Item 2. Be advised that Westminster Street in the location of house number 1577 is a state highway and solely under the jurisdiction of the Rhode Island Dept of Transportation. Additional approval from that agency may be required for a canopy to encroach on the public way.
- Item 3. Old Road had previously been a one-way street in the past. Since the street is only 21 feet wide, it does not readily allow for on street parking and two-way traffic. Changing the road to one-way will increase the speed of the traffic.
- Items 5 & 6 Observation were made on six different occasions by staff of Traffic Engineering and during all that time only one small delivery truck was observed. We have the technology to count all vehicles over an extended period and make a distinction between the types of vehicles on the road. It is recommended that this equipment be deployed when available.
- Item 7 On October 21, 2009, both a 25 MPH speed limit sign, as well as a CHILDREN sign, were installed on Vaughan Street.
- Item 8 On March 4, 2010, a NO DUMPING sign was installed at the end of Barstow Street.
- Item 9 We are gathering data to determine if a four-way stop is warranted at the intersection of Kossuth and Putnam.
- Item 10 Completed December 15, 2010.
- Item 11 A traffic study will be performed on Gentian Ave. It will traffic volume counts, speed study and an accident study.
- Item 12 Completed February 18, 2011.
- Item 17 The crosswalks were recently repainted in the vicinity of the school. An inventory of the signs will be performed.
- Item 18 Previous studies by Traffic Engineering indicate that a traffic signal is warranted for the intersection of Branch/Douglas/Burns.

DEPARTMENT OF PUBLIC WORKS

700 Allens Avenue Providence, Rhode Island 02905
401 467 7950 ph | 401 941 2567 fax
www.providenceri.com