

**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

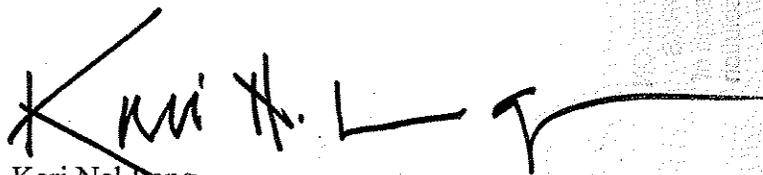
**CITY OF PROVIDENCE**  
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**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 Nel Lang  
Executive Director  
West Broadway Neighborhood Association (WBNA, Inc.)  
1560 Westminster  
Ave. RI 02909  
831-9344

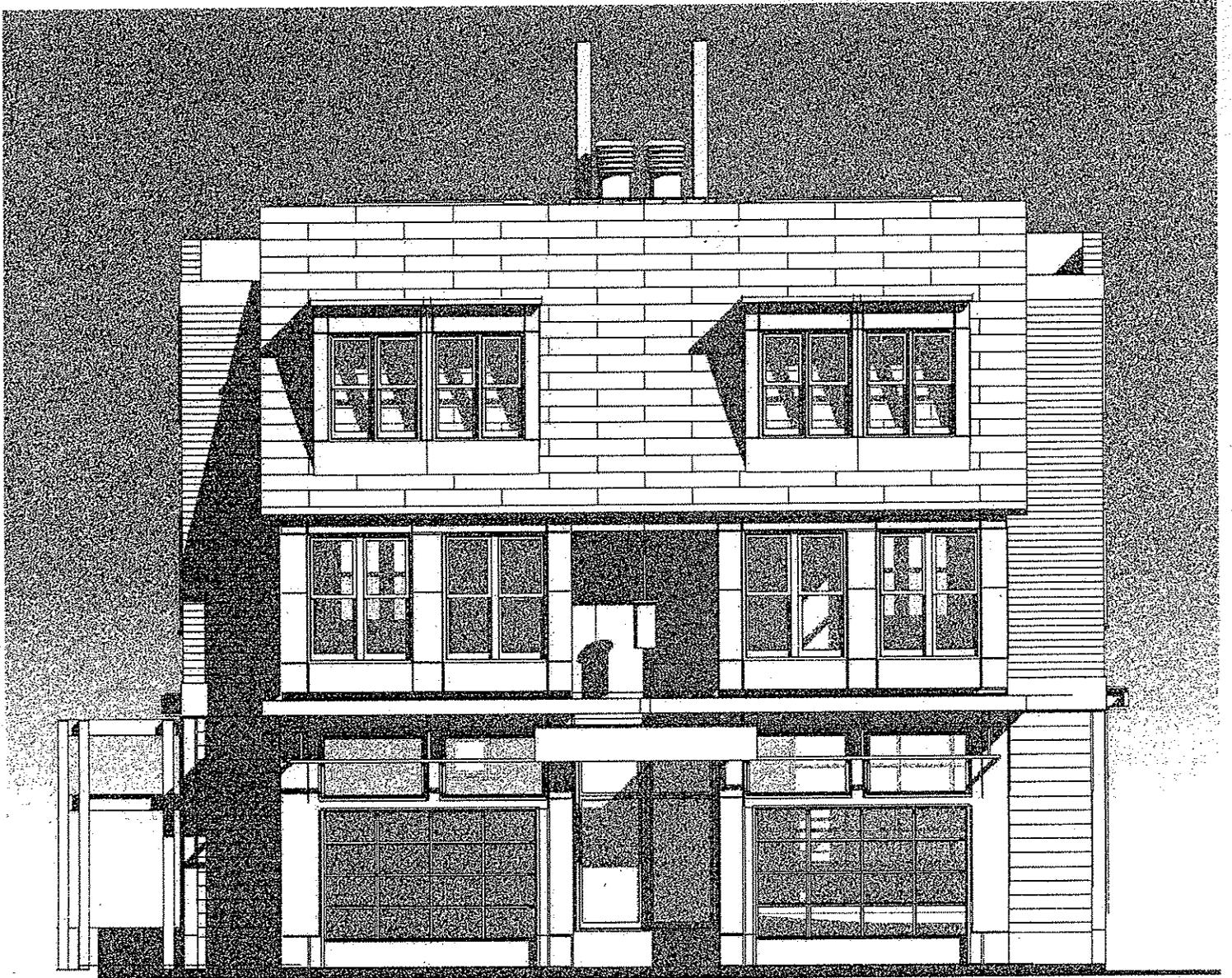
DEPT. OF CITY CLERK  
PROVIDENCE, R.I.  
2007 JUL 10 P 1:03

FILED

THE COMMITTEE ON

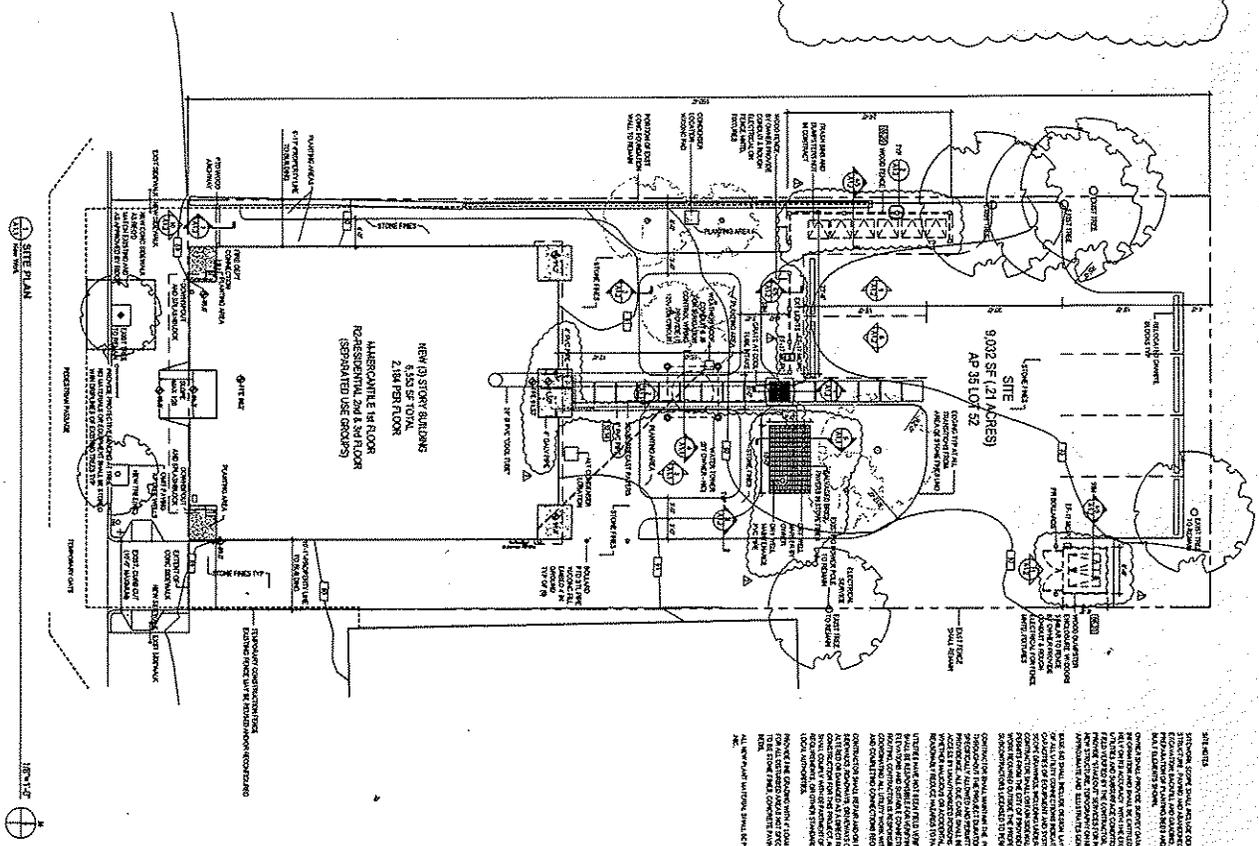
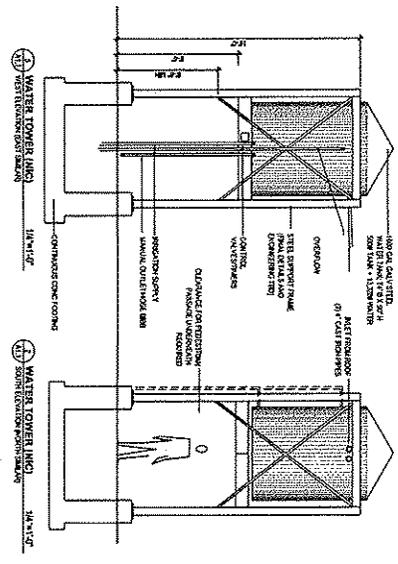
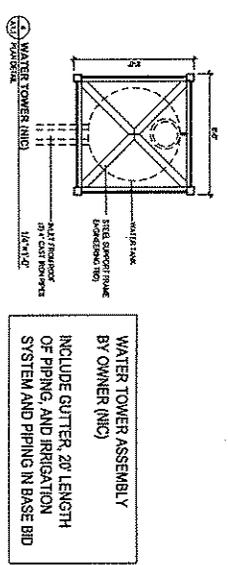
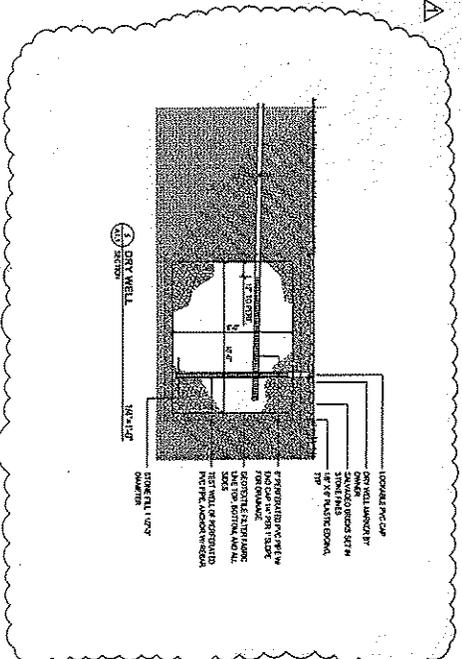
PROVIDENCE

CLERK



1577 Westminster Street, Providence  
West Broadway Neighborhood Association

WILLIAM KITE ARCHITECTS



SITE NOTES:  
 1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.  
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.  
 4. THE CONTRACTOR SHALL PROTECT ALL EXISTING TREES AND LANDSCAPING.  
 5. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.  
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE MATERIALS FROM THE SITE.  
 7. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.  
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE MATERIALS FROM THE SITE.  
 9. THE CONTRACTOR SHALL MAINTAIN THE SITE IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS.  
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEBRIS AND WASTE MATERIALS FROM THE SITE.



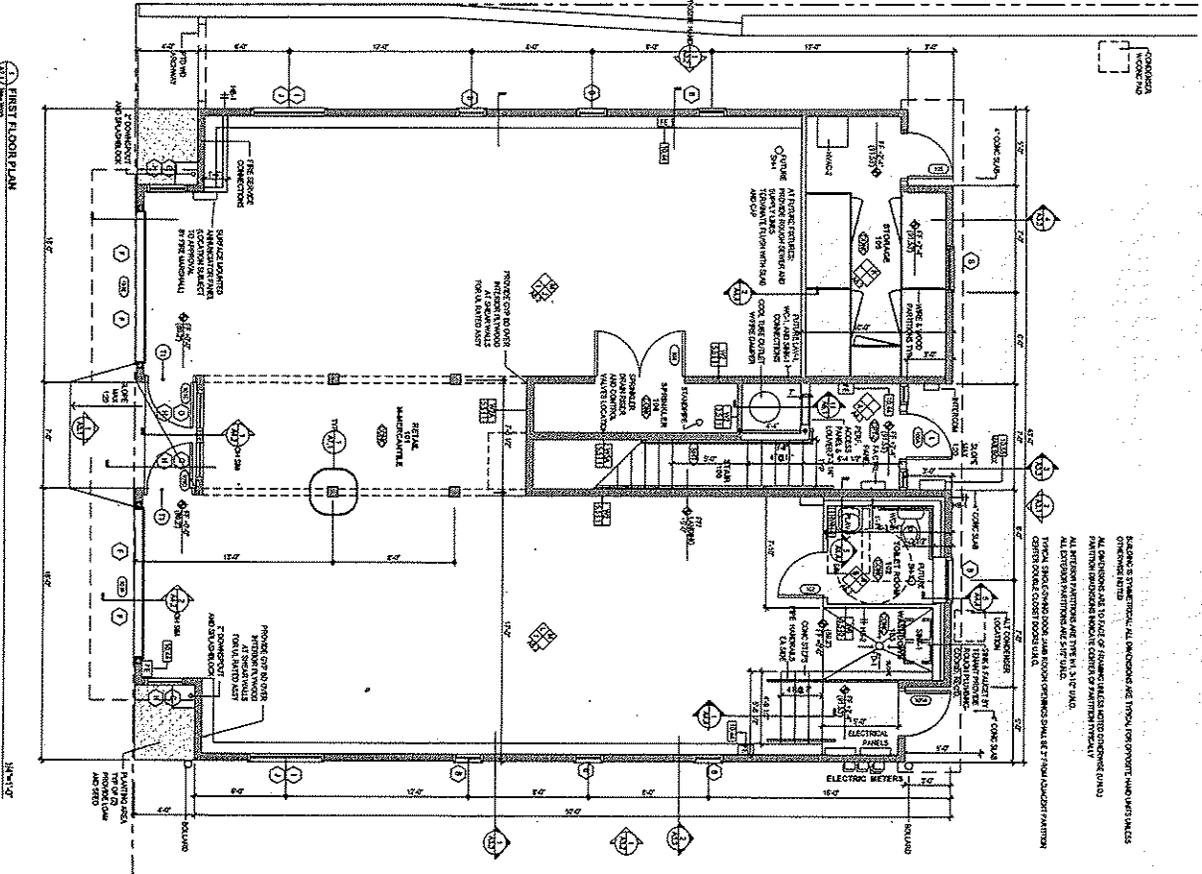
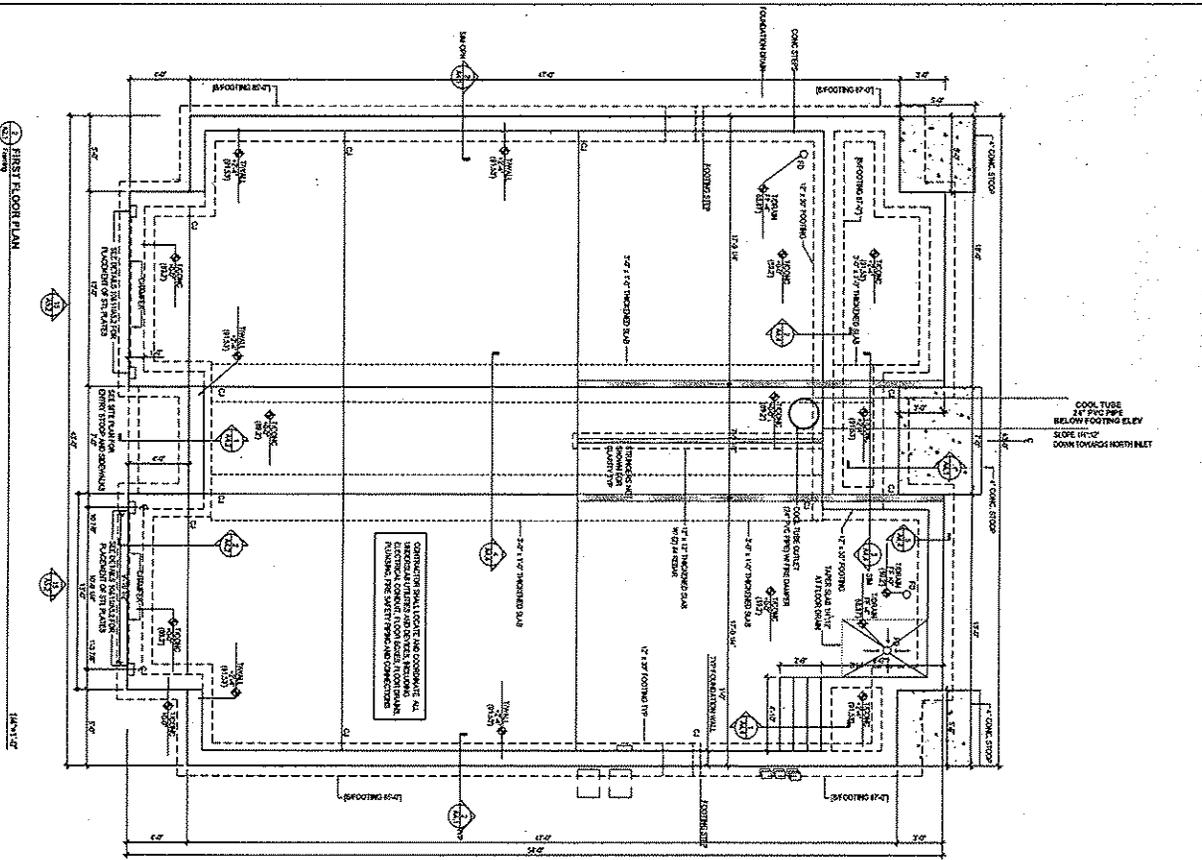
WILLIAM KITE ARCHITECTS, INC.  
 108 York Street  
 Portland, Oregon 97204  
 Phone: 503.224.1234  
 Fax: 503.224.1235  
 PK000000000000



1277 WESTWINGEN ST  
 WEST BEND, WI  
 NEIGHBORHOOD ASSOCIATION

PROJECT NAME: 1277 WESTWINGEN ST  
 NO. 0422  
 DRAWING NO: 012345  
 DATE: 01/23/2024  
 SHEET NO: 1 OF 1  
 SCALE: AS SHOWN  
 DESIGNER: W. KITE  
 CHECKER: J. SMITH  
 DATE: 01/23/2024

A1.1



ALL DIMENSIONS ARE IN FEET AND INCHES.  
 ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
 ALL DIMENSIONS ARE TO CENTER OF MEMBER UNLESS NOTED OTHERWISE.  
 ALL DIMENSIONS ARE TO CENTER OF MEMBER UNLESS NOTED OTHERWISE.  
 ALL DIMENSIONS ARE TO CENTER OF MEMBER UNLESS NOTED OTHERWISE.  
 ALL DIMENSIONS ARE TO CENTER OF MEMBER UNLESS NOTED OTHERWISE.



**VILLIAM KITE ARCHITECTS, INC.**  
 1800 VASA STREET  
 SUITE 200  
 WEST BROADWAY  
 NEW YORK, NY 10013  
 TEL: 212-279-1234  
 FAX: 212-279-1235  
 WWW.VILLIAMKITE.COM

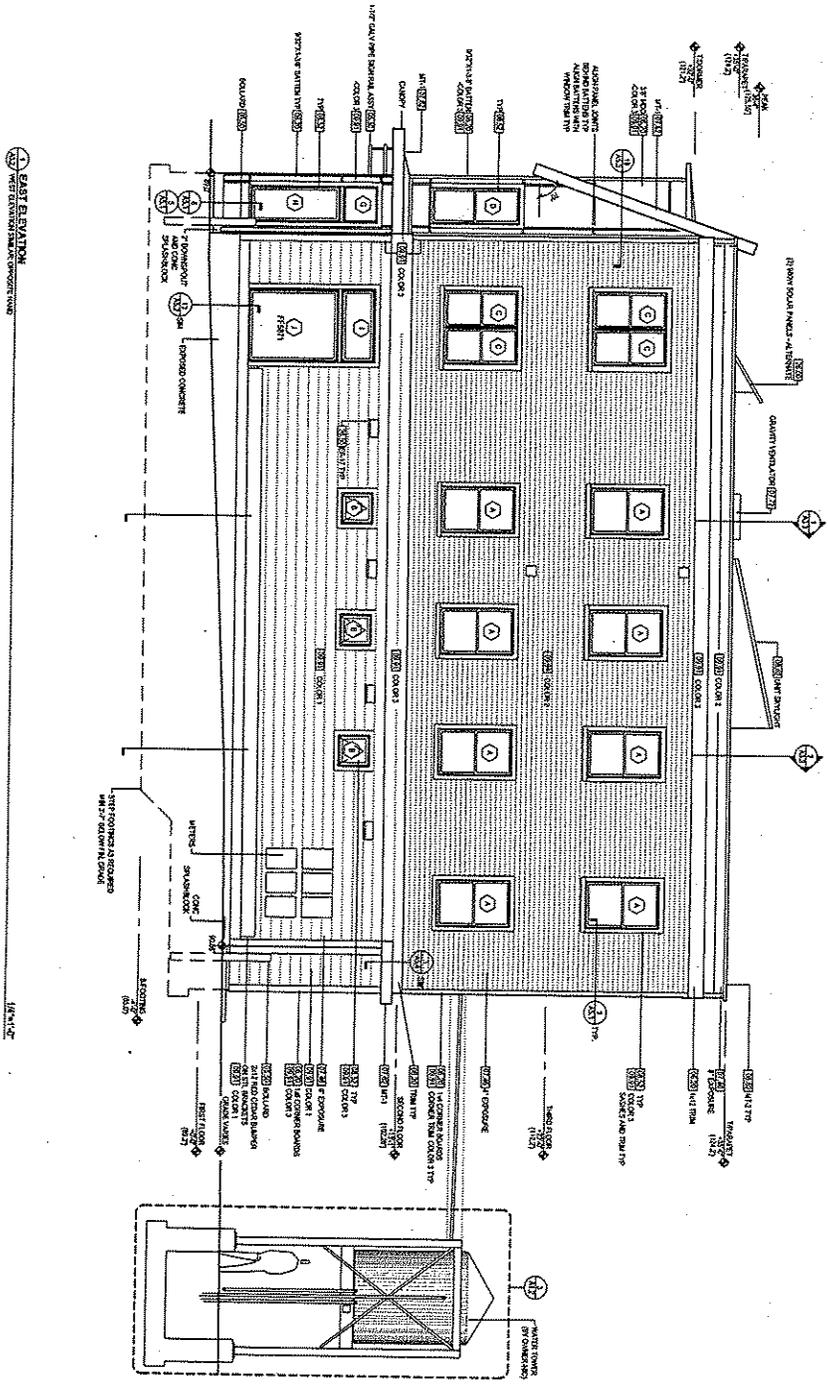


1577 WEST HAINES ST  
 WEST BROADWAY  
 NEIGHBORHOOD ASSOCIATION

PROJECT NO: 0411  
 DATE: 08/20/08  
 DRAWING NO: A2.1  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 PROJECT: New Work & Foundation Plan Part Floor

**A2.1**





EAST ELEVATION  
 WEST BROADWAY NEIGHBORHOOD ASSOCIATION



WILLIAM KITE ARCHITECTS, P.A.  
 155 South Green  
 Portland, Oregon 97204  
 TEL: 503.242.4440  
 FAX: 503.253.8889  
 www.kitearchitects.com



1377 WESTMINSTER ST  
 WEST BROADWAY  
 NEIGHBORHOOD ASSOCIATION

Architect: William Kite  
 01303

PROJECT NO. 0111  
 DATE: 08/2014  
 DRAWING NO. 0111-01

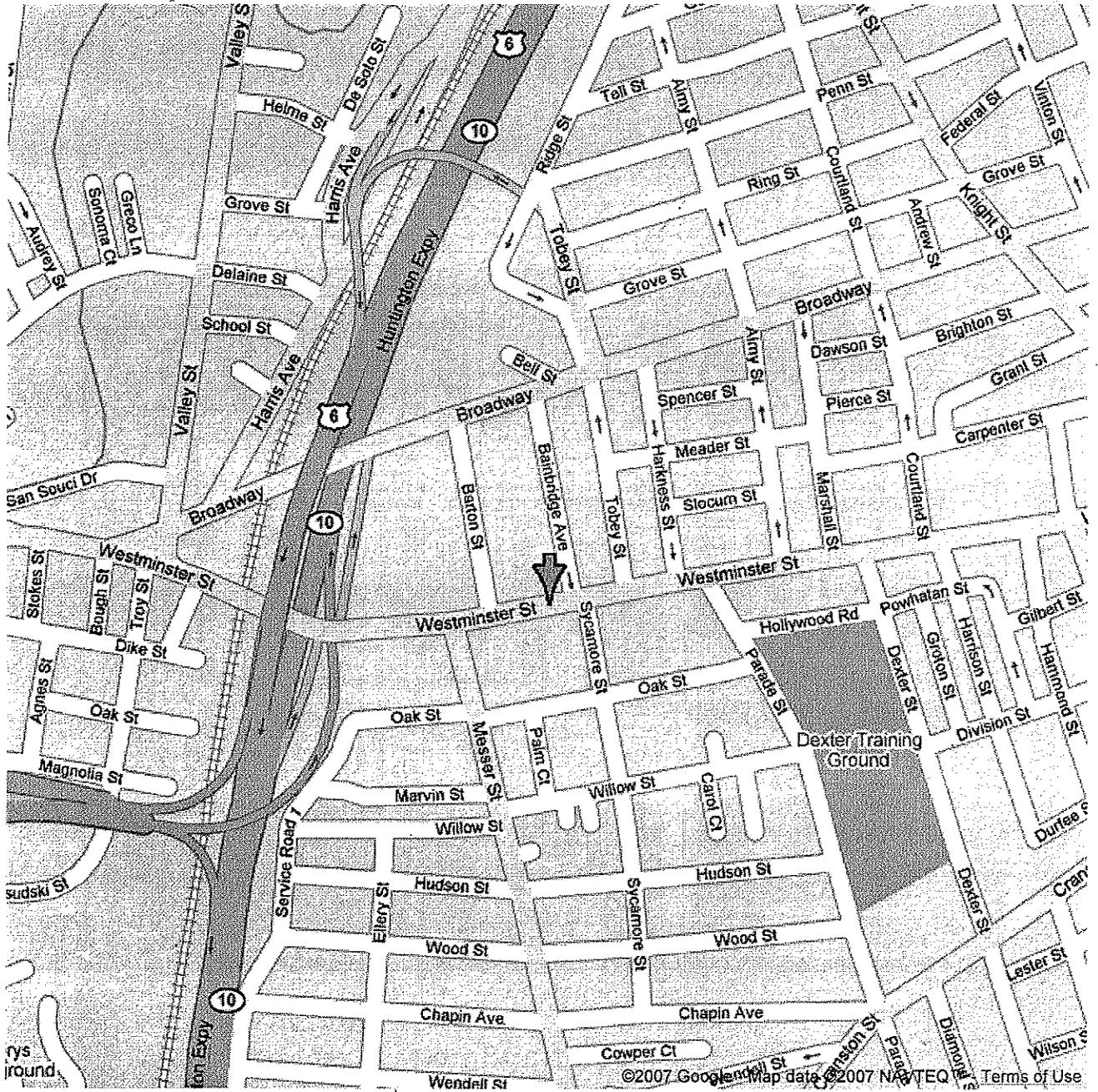
Building Elevation  
 East - West

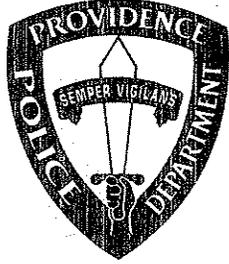
A3.2



Address **1577 Westminster St**  
**Providence, RI 02909**

Notes





**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.

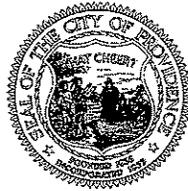
The Providence Fire Department has no objection to the construction of this canopy under the condition that it is installed in a manner that is consistent with all applicable codes and standards. There is nothing prohibiting the construction of this canopy under the Rhode Island Uniform Fire Code.

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

Yours truly,

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.

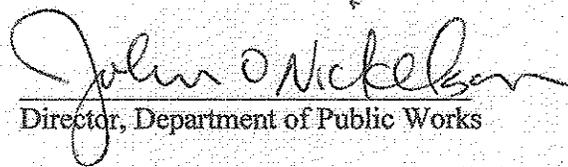
### IV. Encroachments Over, Under, or Onto Public Rights-of-Way

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

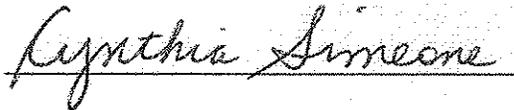
supported by the ground within the public right-of-way, that it does not have an adverse impact on pedestrian or wheelchair access. All such encroachments shall conform to the applicable building code and zoning ordinance as certified by the DIS.

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.

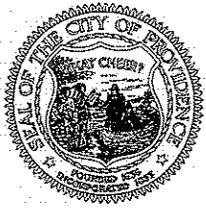
Dated: November 6, 2007

  
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,

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 *WCBS*  
CC: Paul J. Thomas, Director of Public Works  
Date: May 10, 2011  
Re: Agenda Items for May 10, 2011

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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