

THE CITY OF PROVIDENCE
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RESOLUTION OF THE CITY COUNCIL

No. 1273

Approved May 24, 1968

RESOLVED, that Howard Realty Company shall be and it hereby is authorized to maintain certain piles and pile caps in the sidewalk areas of Westminster Street and Kennedy Plaza adjacent to its property, but within the curblines of said sidewalks and to the extent shown on a plan prepared by Messrs. Robinson, Green and Beretta, attached to this resolution, and dated July 27, 1966 and bearing caption "Addition to Howard Building, 155 Westminster Street - 77 Kennedy Plaza, Providence, Rhode Island, Mezzanine, Ground Floor Framing and Foundation Plans".

IN CITY COUNCIL

MAY 16 1968

READ and PASSED

Russell J. Boyle
President
Conant C. Brown
Clerk

APPROVED

MAY 24 1968

Joseph A. Berley
MAYOR

RESOLUTION
OF THE
CITY COUNCIL

Council President Doyle and Councilman Harrett, by request

PETITION TO THE CITY COUNCIL

TO THE HONORABLE CITY COUNCIL OF THE CITY OF PROVIDENCE:

The undersigned respectfully petitions your honorable body

1. Petitioner, Howard Realty Company, is a Rhode Island corporation, which owns the Howard Building property, so-called, located at 10 Dorrance Street, 151 and 155 Westminster Street and 77 and 81 Kennedy Plaza in the City of Providence and bounded by Westminster Street, Dorrance Street, Kennedy Plaza and property of Peoples Savings Bank.

2. Petitioner has constructed a ten-story building at 10 Dorrance Street, work on which commenced early in 1957 on land originally occupied by the old Howard Building destroyed as a result of the 1954 hurricane.

3. Beginning in 1966 your petitioner has constructed an Addition to the Howard Building on land purchased in 1965.

4. Both the earlier building and the Addition were built without basements and on steel encased concrete piles, due to known serious foundation problems.

5. In connection with the original plan, it was necessary, in order to avoid eccentric loading of the piles, to place some of the piles and some of the pile caps in part beyond the property line in the sidewalk areas of Westminster Street, Dorrance Street and Kennedy Plaza. Accordingly, petitioner on February 5, 1957, applied for and was granted a permit to do this by the Building Inspector of the City of Providence which was issued by him under powers conferred by Chapter 524 of the Ordinances of 1926.

6. When the new Addition was planned, the architect, again for the purpose of avoiding eccentric loading of the piles adjacent to the streets, designed the pile and pile caps to extend outward beyond the building lines into portions of the sidewalk areas but in all cases inside the curb line. The design of this pile system in Westminster Street and Kennedy Plaza is shown upon the architect's plan attached to and hereby made a part of this petition.

7. Those charged with the responsibility of designing the pile system for the Addition either assumed that permission to have the piles and caps extend beyond the building lines was implicit in the filing of the foundation plans and obtaining of a building permit for construction of the foundations or in some other manner failed to realize that a legal problem was presented requiring specific authority from the City, and accordingly said piles have been installed so that they do extend into the sidewalk areas of both Westminster Street and Kennedy Plaza, all as shown on the accompanying plan, but in all cases within the curblines.

8. The aforesaid construction does not conform with the provisions of Section 309.1 of the Providence Building Ordinance in that portions thereof extend beyond one foot from the building lines and in that portions extend beyond the building lines at levels above eight feet below grade.

9. The facts hereinbefore stated in this petition were not discovered by the petitioner until its counsel commenced work on documents required for the permanent financing of said building and failure earlier to procure special permission occurred by reason of accident and mistake and not intentionally.

10. It is respectfully submitted that the maintenance of said Howard Building and the Addition thereto is of economic advantage to many citizens of the City of Providence, said structures represent a valuable addition to the tax base of said City and the erection and existence of said structures is consistent with and promotes the general welfare.

WHEREFORE your petitioner prays that this Honorable Council pass a resolution substantially in the following form:

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

Page 2

"RESOLUTION GRANTING PERMISSION TO HOWARD REALTY COMPANY
TO MAINTAIN PILES AND PILE CAPS IN CERTAIN SIDEWALK AREAS OF
WESTMINSTER STREET AND KENNEDY PLAZA

"RESOLVED that Howard Realty Company shall be and it hereby
is authorized to maintain certain piles and pile caps in the
sidewalk areas of Westminster Street and Kennedy Plaza adjacent
to its property, but within the curblines of said sidewalks and
to the extent shown on a plan prepared by Messrs. Robinson, Green
and Beretta, and dated July 27, 1966 and bearing caption "Addition
to Howard Building, 155 Westminster Street - 77 Kennedy Plaza,
Providence, Rhode Island, Mezzanine, Ground Floor Framing and
Foundation Plans".

Respectfully submitted,

HOWARD REALTY COMPANY

By Gerald W. Harrington
Vice-President



CITY OF PROVIDENCE, RHODE ISLAND
MAYOR JOSEPH A. DOORLEY, JR.

DEPARTMENT OF PUBLIC WORKS . 700 ALLENS AVENUE . 02905

Lawrence P. McGarry, Director

Robert B. Strong, Deputy Director

May 10, 1968

Mr. Vincent Vespia
City Clerk
City Clerk's Office
City Hall-Prov., R. I.

Re: Howard Realty Company
Addition to Howard Building

Dear Sir:

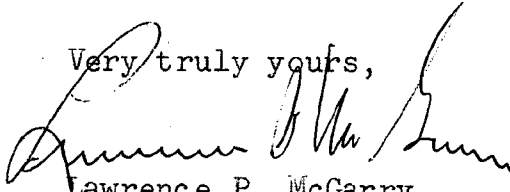
This Department has no objections to encroachments under the sidewalks as follows:

Westminster Street - Max $4\frac{1}{2}$ "

Kennedy Plaza - Max 2' $4\frac{1}{4}$ "

This is indicated on Print S-I Drawing 26, submitted by Mr. Harrington, attorney for petitioner.

Very truly yours,


Lawrence P. McGarry
Director of Public Works

LPMCG:jm

DEPT. OF CITY CLERK
PROVIDENCE, R.I.

MAY 13 11 05 AM '68

FILED

HOWARD REALTY COMPANY

Memorandum Concerning Encroachment by Foundation Structures on Abutting Streets

Public Laws of 1909, Chapter 472, Section 29, provided as a part of a special act applicable alone to the City of Providence, in Section 29 thereof, in part as follows:

"Permits for the building of coal-holes, coal-slides, vaults or constructions of such like nature in or under the sidewalks of streets in said City may be granted by the inspector. . ." (Emphasis supplied)

This statute was self-executing and no ordinance was either provided or enacted thereunder.

In 1923 there was a change of philosophy on the part of the legislature and power was conferred on the City to deal with the matter of building regulations by ordinance. Public Laws of 1923, Chapter 2370, which was subsequently renumbered in connection with the 1923 revision of the General Laws as Public Laws of 1923, Chapter 484, Section 1 provided in part as follows:

"The city of Providence is hereby authorized and empowered to pass, ordain and establish such ordinances, rules and regulations respecting the construction, repair, maintenance and removal of buildings and other structures within said city as may be deemed necessary for the promotion of the health, safety, morals or general welfare, and to amend, alter or repeal the same from time to time. In carrying out the provisions hereof, the city council also may provide for the selection of an inspector of buildings, . . .; may provide for the installation, maintenance and removal of coal holes, vaults and other structures under sidewalks; . . ."

Chapter 485 (2370) took effect on passage and the bill was approved by the governor on April 24, 1923.

Under this Enabling Act the City Council passed an ordinance in 1926, being Ordinances of 1926, Chapter 524, Section

53(a) of which provided:

"Permits for the building of coal-holes, coal-slides, vaults or construction of such like nature in or under the sidewalks of streets or highways may be granted by the Inspector and without such permit no such excavation or construction shall be made."

By an administrative interpretation the Building Inspector assumed the exercise of power under this Ordinance and under Public Laws of 1923, Chapter 485, to issue permits from time to time to various applicants to extend such things as piles, footings and pile caps outwards beyond the property lines into the sidewalk areas in public highways in the City. In 1957 it granted such a permit to the Howard Realty Company in connection with the construction of the original portion of the present Howard Building. The pile caps along Westminster Street, Dorrance Street and Exchange Place were so extended a distance not to exceed three feet under a specific written permit granted by the Building Inspector. As a matter of fact there were three such permissions granted in the calendar year 1967, one of which was to the Providence Journal Company with respect to the construction of its Addition.

In 1951, pursuant to authority granted by a resolution of the Providence City Council, No. 309, approved November 12, 1941, a committee was set up to revise the building ordinances of the City of Providence. This committee worked very slowly but finally, as the end of its work approached, a new special statute applicable to the City of Providence alone was passed by the legislature in 1954. This was Public Laws of 1954, Chapter 3338. This statute provided as follows:

"The city of Providence is hereby authorized and empowered to pass, ordain and establish such ordinances, rules and regulations respecting the construction, use, repair, alteration, maintenance, demolition and removal of buildings and structures and their service equipment within said city as may be deemed necessary for the promotion of the health, safety, morals or general welfare and to amend or repeal the same from time to time.

"Without limiting the generality of the foregoing, such ordinances, rules and regulations shall include the power:--

"SECTION 1. 1. To enact and amend building codes, electrical codes, plumbing codes, air pollution codes and any other codes or ordinances of similar nature.

* * * * *

"6. To regulate the installation of heating apparatus, the construction and location of elevators, escalators, hoistways and approaches thereto; the location, size and height of signs, flags, awnings, marquees, vaults, coal holes and all other things and structures within the limits of the streets and sidewalks."

Parenthetically it should be stated at this point that the special statute affecting the City of Providence was passed by the legislature in a context where the General Assembly had already passed a general statute applicable to all cities and towns, namely, Public Laws of 1950, Chapter 2525, Section 1, which is now embodied in General Laws of 1956, Section 23-27-1, which provides as follows:

"Ordinances regulating construction and equipment of buildings.--Town and city councils may from time to time make and ordain all ordinances and regulations for their respective towns and cities, not repugnant to law, as they may deem necessary, regulating the manner of constructing and equipping of all buildings and other structures within said town or city which may be erected, altered or repaired after the passage of such ordinance."

Acting under the power thus conferred by the General Assembly in Public Laws of 1954, Chapter 3338, the City of Providence

passed a building ordinance (Ordinances of 1956, Chapter 1079) representing the culmination of the work of the committee above referred to and under its terms Chapter 524 of the ordinances of the City of Providence, approved September 27, 1926, as amended, was repealed. Under Section 1924.0 of the ordinance, it became effective on March 31, 1957. The permit with respect to the piles and pile caps under the first portion of the Howard Building, construction of which was begun in 1957, was granted prior to the effective date of this ordinance. This was permit No. 1, 1957.

Chapter 1079 of the Ordinances of 1956 provided in Section 309.0 thereof as follows:

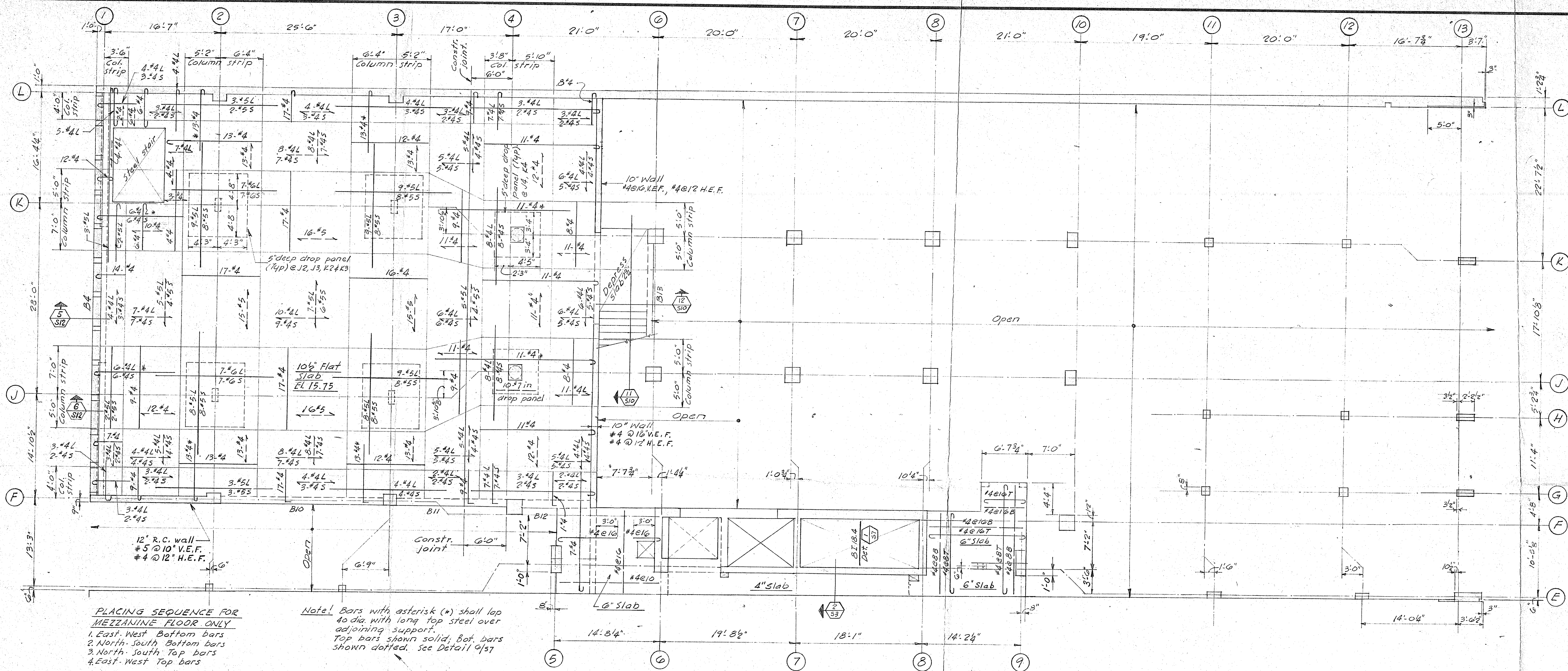
"Except as herein provided, no part of any building hereafter erected or additions to an existing building heretofore erected, shall project beyond the lot lines or beyond the building line, when such line is established by this Code, zoning law or any other law or statute controlling building construction."

Section 309.1 provided as follows:

"BELOW GRADE. No part of a building hereafter erected below grade, necessary for structural support of the building, shall project beyond the lot lines except that the footings of street walls or their supports located at least eight (8) feet below grade, may project not more than twelve (12) inches beyond the street lot line."

From the history of the applicable statutes and regulations, it seems reasonably clear that the legislature conferred on the City of Providence the power through its City Council to regulate and control various structures to be built underneath the sidewalk portions of the streets of the City; it further seems clear that the City exercised this power under the 1956 Ordinance in Section 309.0. If it had the power and exercised the power, then there is no reason why

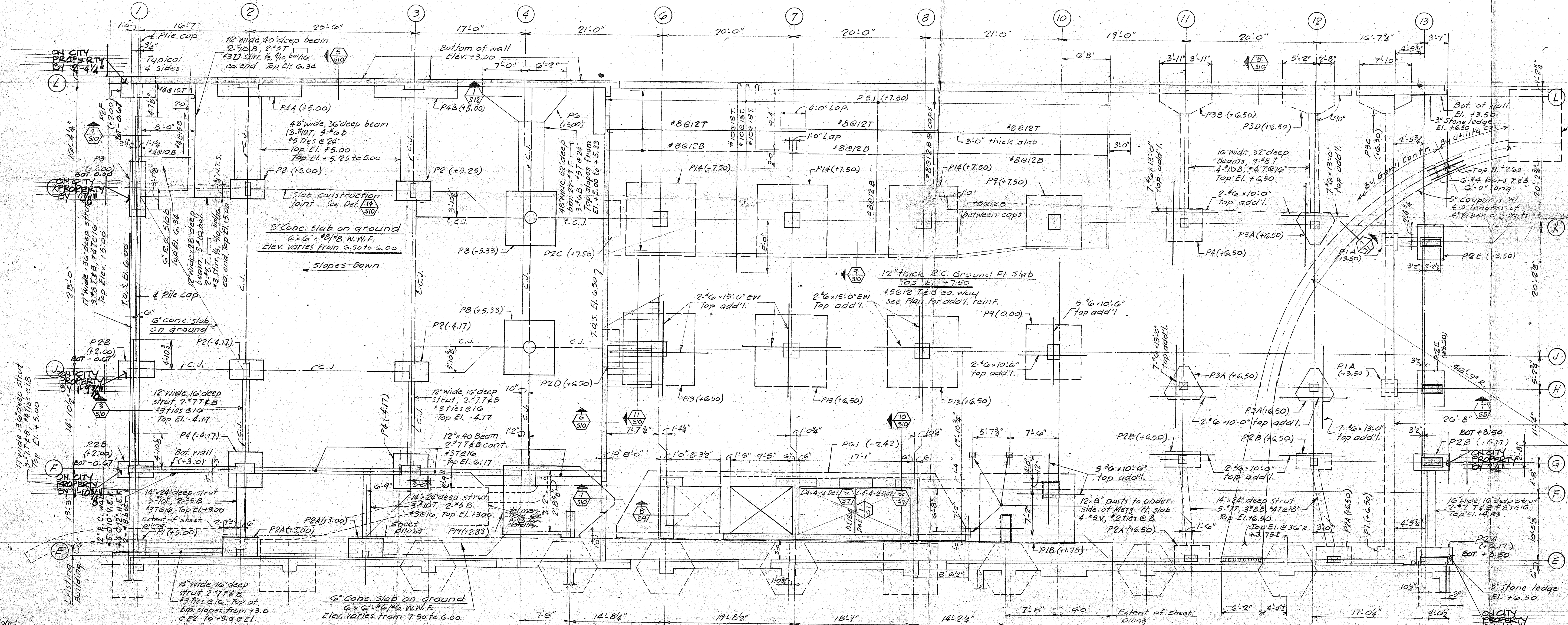
it cannot exercise the power again in a given instance by allowing the Howard Realty Company to maintain its pile caps and piles in the area of the sidewalk adjacent to the Howard Building with respect to those installed in connection with the construction of the new Addition.



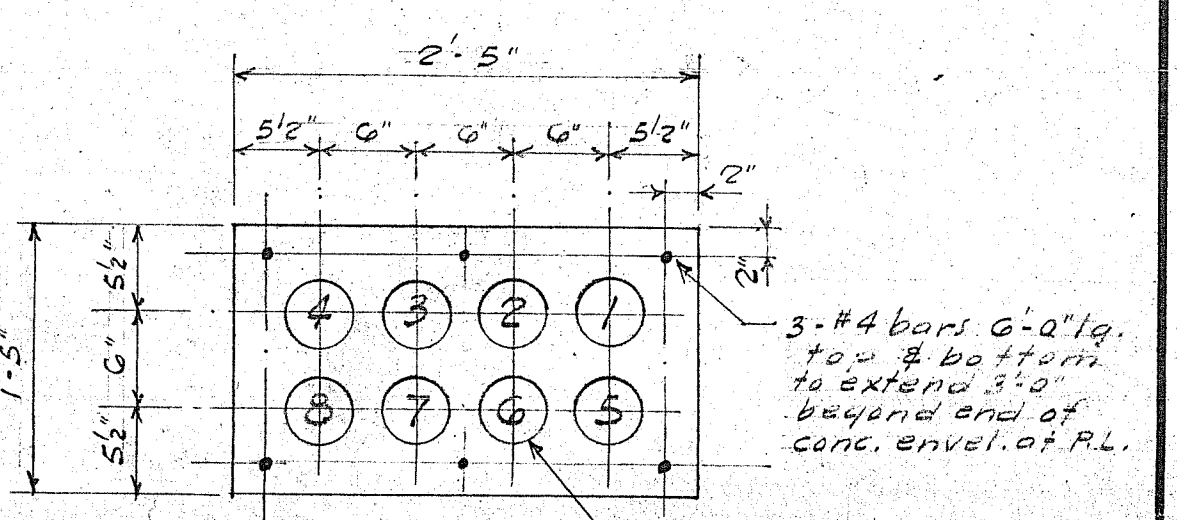
PLACING SEQUENCE FOR MEZZANINE FLOOR ONLY
 1. East-West Bottom bars
 2. North-South Bottom bars
 3. North-South Top bars
 4. East-West Top bars

MEZZANINE FLOOR FRAMING PLAN
 SCALE: 1/8" = 1'-0" Top of slab Elev. 15.75

- GENERAL NOTES:**
- FOUNDATIONS:** All piles shall be cast-in-place concrete piles driven to refusal and are designed for a load of 60 tons each. See specifications for all requirements pertaining to this work. Test piles shall be located by the piling inspector. Sheet piling shall be placed as located on the drawings.
 - CONCRETE:** Refer to the specifications for all proportions, strengths, admixtures and other requirements pertaining to concrete construction. Except as otherwise noted or specified, all concrete work is designed in accordance with the A.C.I. Building Code (AC 318-63), details of construction and reinforcement shall conform to that code and the A.C.I. Detailing Manual (A.C.I. 318-57).
 Concrete Design Stresses:
 Columns - as noted on the column schedule
 Concrete walls exposed to weather - 4000 p.s.i.
 Well on column line L - 4000 p.s.i.
 Concrete piles - 4000 p.s.i.
 All other concrete work - 3000 p.s.i.
 Reinforcement steel strength:
 Columns - as noted on the column schedule
 Concrete walls not noted in column schedule - 40000 p.s.i.
 Columns - 40000 p.s.i.
 All other work - 60000 p.s.i.
 Reinforcing steel shall be deformed bars of new billet steel. Wire fabric shall be electrically welded. See specifications for specific A.S.T.M. standard specification designation for each permissible class of reinforcement. All reinforcement shall be accurately located, firmly supported and held by use of suitable accessories and securely wired in position. All laps shall be a minimum of 33 diameters unless noted. All bar hooks shall be bent to minimum standard dimensions. All bar hooks shall have a minimum extension of 16 diameters unless noted. All bar hooks shall be in position before casting concrete.
 Reinforcement for walls shall be detailed on 1/4" scale elevations. Reinforcement for slabs shall be detailed on two separate plans, one showing bottom reinforcement and accessories and the other showing top reinforcement and accessories.
 Concrete protection for reinforcement shall be as follows:
 A. Footings or other work cast against natural soil or compacted fill - 3"
 B. Slabs, etc. cast against compacted fill as a form - 1"
 C. Formed surfaces to be exposed to weather or against earth - 2"
 D. Formed surfaces not to be exposed to weather or against earth:
 Walls - 1"
 Slabs - 1/2"
 Beams - 1/2"
 Columns - 1/2"
 - STRUCTURAL STEEL:** Except as otherwise shown or specified, all structural steel work shall conform to the A.I.S.C. Specification for the Design, Fabrication and Erection of Structural Steel for Buildings. See specifications for requirements for connections, painting, etc.
 - DESIGN LIVE LOADS:**
 Roof - 30 p.s.f.
 Roof & 2nd floor level, North portion - 20 p.s.f.
 Roof & 3rd floor level, South portion - 20 p.s.f.
 Office space - 120 p.s.f.
 Toilet rooms - 60 p.s.f.
 Storage rooms - 11th floor, 17th floor - 120 p.s.f.
 Other storage rooms - 120 p.s.f.
 Mechanical Room, 2nd floor - 125 p.s.f.
 *Includes provision for temporary partitions, permanent partitions and possible 60" wide corridor in each bay.
 - MISCELLANEOUS:** Provide solid masonry under all bearings for walls. Where masonry facing occurs with concrete backup provide metal anchors, etc., as detailed and specified.
 Shop drawings showing all materials and details for complete execution of the various portions of work shall be submitted and approved prior to starting fabrication.



GROUND FLOOR FRAMING AND FOUNDATION PLAN
 SCALE: 1/8" = 1'-0" Finished Floor Elev. varies, see plan



SECTION 1-1
 1" = 1'-0"

COPY 1 OF 7

ROBINSON, GREEN & BERETTA
 ARCHITECTS AND ENGINEERS
 2 JOHN STREET PROVIDENCE, RHODE ISLAND 02906
 BASIL W. GILBERT, C.E. GASPEE 1-4927

ADDITION TO THE HOWARD BUILDING
 155 WESTMINSTER ST. - 77 KENNEDY PLAZA
 PROVIDENCE, R. I.

DATE: JULY 27, 1966 DRAWN: G.T.B. BY CHECKED: P.V.M. BY JOB: 1880 NO

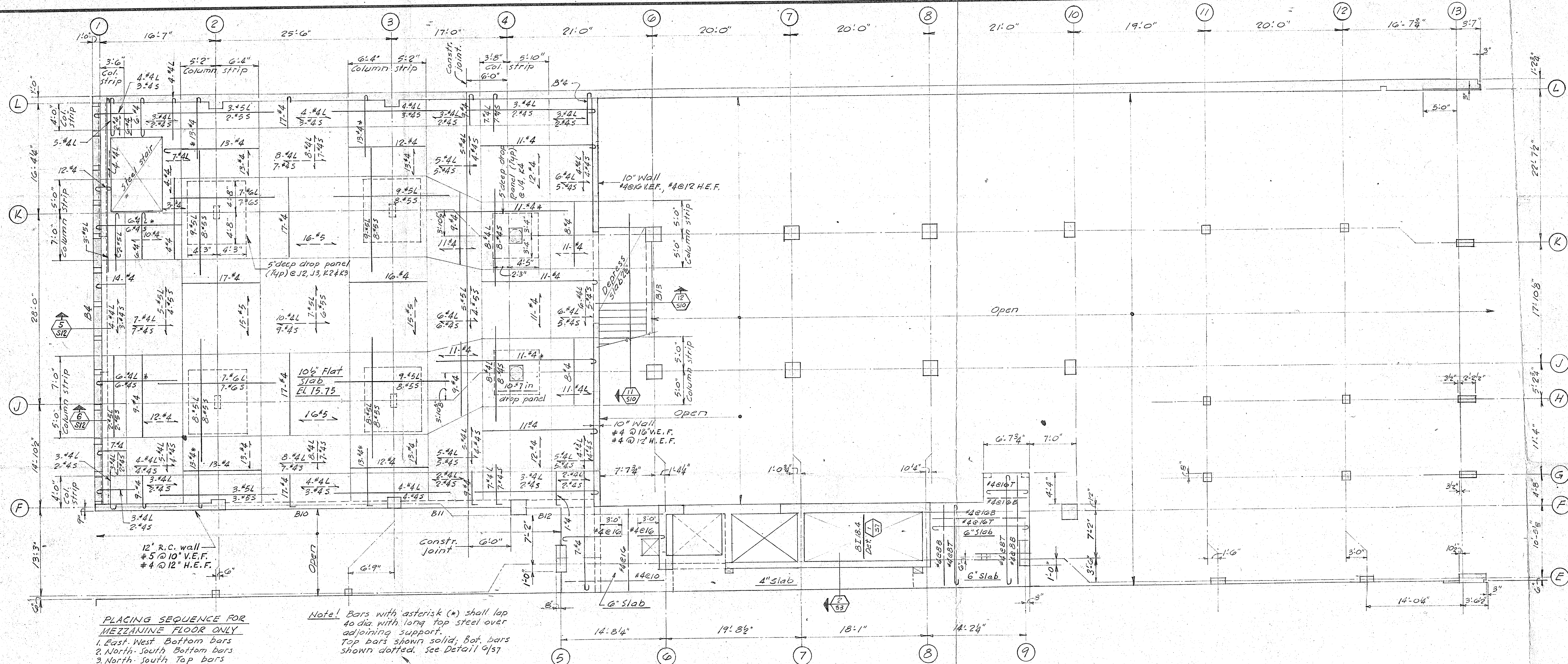
MEZZANINE, GROUND FLOOR FRAMING AND FOUNDATION PLANS

SHEET 51 NO 26 OF 60

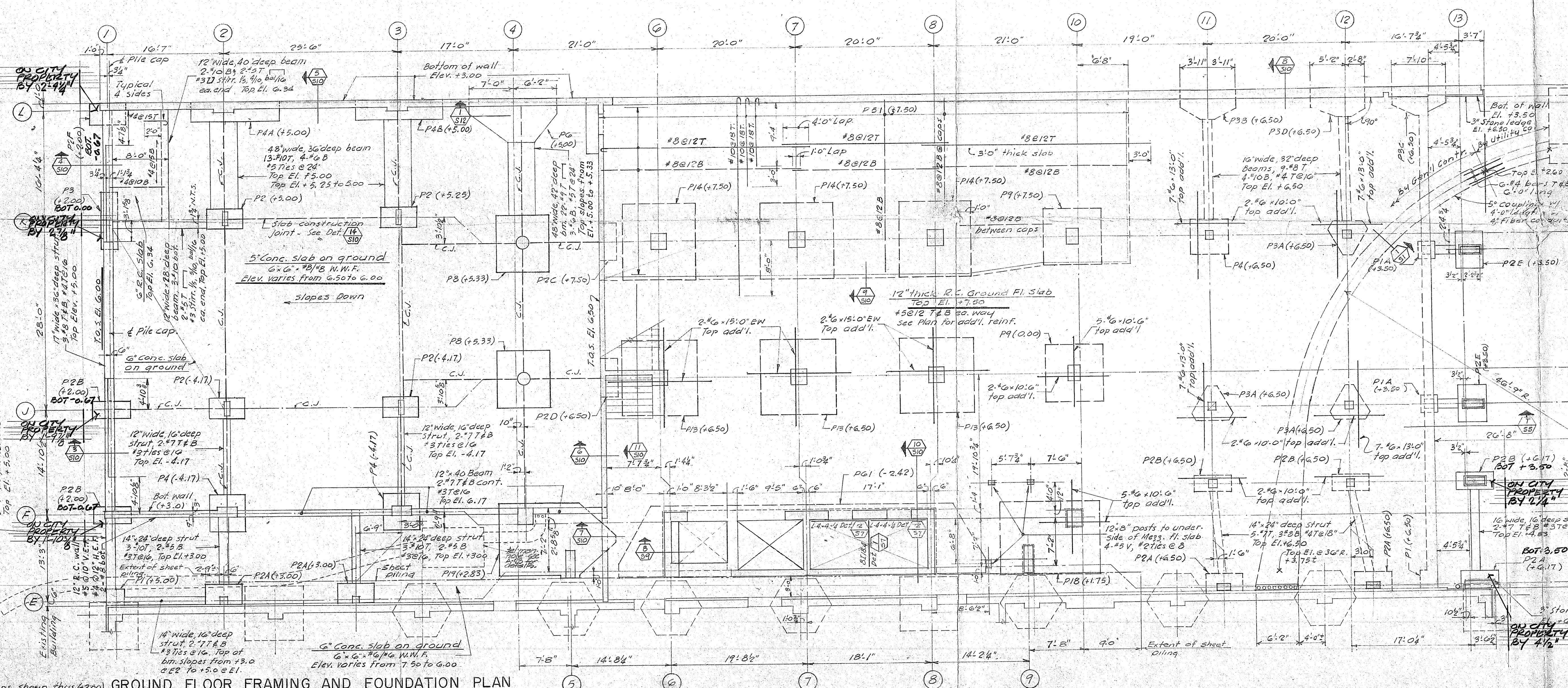
ARTHUR W. LOOKUP
 REGISTERED PROFESSIONAL ENGINEER

- GENERAL NOTES -

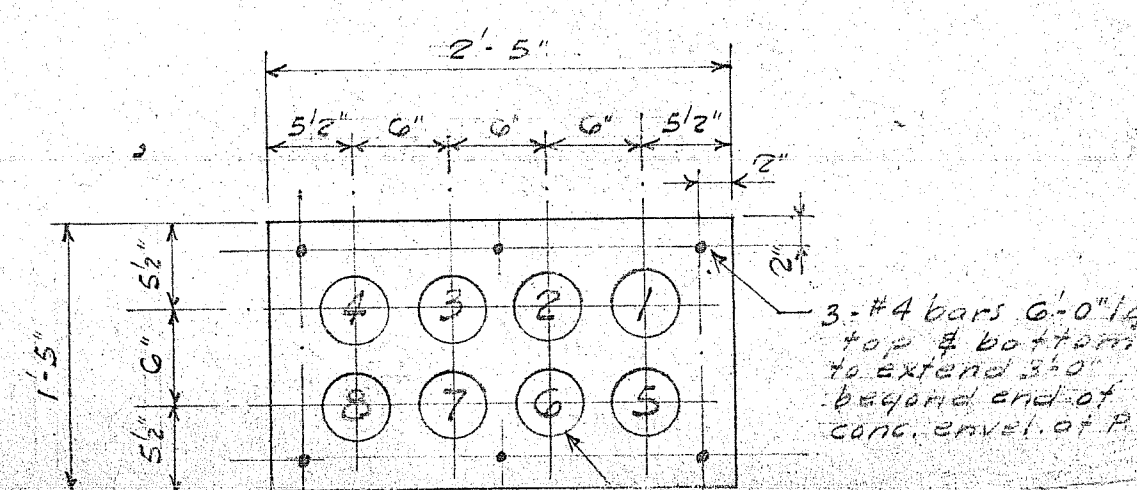
- FOUNDATIONS:** All piles shall be cast-in-place concrete piles, driven to refusal and are designed for a load of 60 tons each. See specifications for all requirements pertaining to this work. Test piles shall be located by the piling inspector. Sheet piling shall be placed as located on the drawings.
- CONCRETE:** Refer to the specifications for all proportions, strengths, admixtures and other requirements pertaining to concrete construction. Except as otherwise noted or specified, all concrete work is designed in accordance with the A.C.I. Building Code (1931-33) and the A.C.I. Detailing Manual (A.C.I. 315-57).
Concrete Design Strengths:
 Columns: as noted on the column schedule
 concrete work exposed to weather-4000 p.s.i.
 Wall on column line L-4000 p.s.i.
 concrete piles-4000 p.s.i.
 All other concrete work-3000 p.s.i.
Reinforcement Yield Strength:
 Columns: as noted on the column schedule
 concrete walls not noted in col. schedule 4000 p.s.i.
 Columns: 4000 p.s.i.
 All other work 60,000 p.s.i.
Reinforcing steel: shall be deformed bars of new billet steel, wire fabric shall be electrically welded. See specifications for specific A.S.T.M. standard specification designation for each permissible class of reinforcement. All reinforcement shall be accurately located, firmly supported and held by use of suitable accessories and securely wired in position. All laps shall be a minimum of 32 diameters, unless noted. All bars shall be bent to minimum standard dimensions. All 90° hooks shall have a minimum extension of 10 dia. unless noted. All required sleeves, inserts, anchor bolts, etc., shall be in position before casting concrete.
Reinforcement for walls: shall be detailed on 1/4" scale elevations. Reinforcement for slabs shall be detailed on two separate plans, one showing bottom reinforcement and accessories and the other showing top reinforcement and accessories. Concrete protection for reinforcement shall be as follows:
 A. Footings or other work cast against natural soil or compacted fill-3"
 B. Slabs, etc. cast against compacted fill or a form-1"
 C. Formed surfaces to be exposed to weather or against earth-2"
 D. Formed surfaces not to be exposed to weather or against earth-1"
 Slabs-1"
 Beams-1"
 Columns-1"
- STRUCTURAL STEEL:** Except as otherwise shown or specified, all structural steel work shall conform to the A.I.S.C. Specification for the Design, Fabrication and Erection of Structural Steel for Buildings. See specifications for requirements for connections, painting, etc.
- DESIGN LIVE LOADS:**
 Roof-30 p.s.f.
 2nd & 3rd floor level- North portion-20 p.s.f.
 2nd & 3rd floor level- South portion-15 p.s.f.
 Office space-15 p.s.f.
 Retail space-15 p.s.f.
 Storage rooms-15 p.s.f.
 11th floor, 12th floor-15 p.s.f.
 Other storage rooms-15 p.s.f.
 Mechanical Room, 2nd floor-20 p.s.f.
 *Includes provision for temporary partitions, permanent partitions and possible 6" or wider corridor in each bay.
- MISCELLANEOUS:** Provide solid masonry under all bearings for inlets. Where masonry facing occurs with concrete backup provide metal anchors, etc., as detailed and specified. Shop drawings showing all materials and details for complete execution of the various portions of work shall be submitted and approved prior to starting fabrication.



MEZZANINE FLOOR FRAMING PLAN
SCALE 1/8" = 1'-0" Top of slab Elev. 13.75



GROUND FLOOR FRAMING AND FOUNDATION PLAN
SCALE 1/8" = 1'-0" Finished Floor Elev. varies, see Plan



SECTION 1
1" = 1'-0"



COPY 2 OF 7
ROBINSON, GREEN & BERETTA
 ARCHITECTS AND ENGINEERS
 2 JOHN STREET PROVIDENCE, RHODE ISLAND 02906
 BASIL W. GILBERT, C.E. GASPEE 1-4827

ADDITION TO
THE HOWARD BUILDING
 155 WESTMINSTER ST. - 77 KENNEDY PLAZA
 PROVIDENCE, R. I.

DATE	DRAWN	BY	CHECKED	BY	JOB
JULY 27, 1966	G.T.B.	P.V.M.			1880
MEZZANINE, GROUND FLOOR FRAMING AND FOUNDATION PLANS					
SHEET S1 NO 26 OF 60					