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CITY OF PROVIDENCE
RHODE ISLAND



CITY COUNCIL

JOURNAL OF PROCEEDINGS

No. 58 City Council Regular Meeting, Thursday, March 1, 2001, 7:30 o'clock P.M. (E.S.T.)

PRESIDING

COUNCIL PRESIDENT

JOHN J. LOMBARDI

ROLL CALL

Present: Council President Lombardi,
Councilmen Allen, Aponte, Butler, Clarkin,
DeLuca, Councilwoman DiRuzzo, Council-
men Hassett, Igliozi, Jackson, Mancini,
Councilwomen Nolan, Romano, Williams
and Young—15.

Absent: None.

IN CITY COUNCIL

APR 26 2001

APPROVED:

Michael R. Clement CLERK
RP

1113

FILED
APR 4 12 28 PM '01
DEPT. OF CITY CLERK
PROVIDENCE, R.I.

INVOCATION

The Invocation is given by COUNCIL-
WOMAN RITA M. WILLIAMS.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

COUNCILWOMAN CAROL A. ROMANO
leads the members of the City Council and
the Assemblage in the Pledge of Allegiance
to the Flag of the United States of America.

APPOINTMENTS BY HIS HONOR THE MAYOR

Communication dated January 4, 2001,
Informing the Honorable Members of the City
Council that pursuant to Sections 302(b) and
1010 of the Providence Home Rule Charter of
1980, he is this day reappointing Mr. Americo
Mallozzi of 51 Wyndham Avenue, Providence,
Rhode Island, as a Member of the Housing
Board of Review for a term to expire in January,
2006, and respectfully submits the same for
approval.

Communication dated February 20, 2001,
Informing the Honorable Members of the City
Council that pursuant to Sections 302(b) and
415 of the Providence Home Rule Charter of
1980, he is this day reappointing Ms. Sarah
Dowling of 109 Hazard Avenue, Providence,
Rhode Island, 02906, as a Member of the Salary
Review Commission for a term to expire in
January, 2003, and respectfully submits the
same for approval.

Communication dated February 20, 2001, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1103 of the Providence Home Rule Charter of 1980, he is this day appointing Mr. Fitzgerald Himmelsbach of 197 Knight Street, Providence, Rhode Island, 02909, as a Member of the Providence Human Relations Commission for a term to expire in January, 2004, and respectfully submits the same for approval.

Communication dated February 20, 2001, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 415 of the Providence Home Rule Charter of 1980, he is this day reappointing Mr. Michael

Van Leesten of 11 Belair Avenue, Providence, Rhode Island, 02906, as a Member of the Providence Salary Review Commission for a term to expire in January, 2003, and respectfully submits the same for approval.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Severally Receives the Communications and Refers the Same to the Committee on Finance.

The motion to Receive and Refer is Sustained.

ORDINANCES SECOND READING

The following Ordinances were in City Council February 15, 2001, Read and Passed the First Time and are severally returned for Passage the Second Time:

An Ordinance in accordance with Chapter 21, Section 19 of the Code of Ordinances of the City of Providence entitled: "Capital Equipment Budget", as amended.

Be it ordained by the City of Providence:

Section 1. That the City of Providence (Providence School Department) enter into a

lease purchase agreement to finance the purchase of the following list of capital items and improvements totaling \$2,300,000 subsequently in accordance with the attached schedule of estimated payments.

Textbooks	\$1,776,895
One hundred thirty nine (139)	
Personal Computers	173,750

Student Lockers	80,000
Eight Hundred (800) Student Chairs	43,300
Assistive Device Equipment (Special Education)	38,600
Partitions	37,700
Thirty nine (39) Printers	34,350
Three hundred sixty (360) Student Desks	26,060
Twenty seven (27) File Cabinets	18,700
Twenty three (23) Office Desks	17,250
Thirty (30) Tables	12,075
Thirty nine (39) Bookcases	9,200
Twenty three (23) Office Chairs	5,750
Eight (8) Televisions	5,000
Physical Education Equipment	4,900
Copy Machine	3,800
Eight (8) Overhead Projectors	3,360
504 Compliance Equipment	3,000
Fifteen (15) Stools	1,650
Eight (8) VCR's	1,600
Five (5) Storage Racks	1,500
Two (2) Music Keyboards	1,000
Four (4) Television Carts	560
Total Providence School Department	\$2,300,000

An Ordinance amending the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, approved June 27, 1994, as amended, by amending Providence Zoning District Map Numbers 53 and 57 of the Official Zoning Map by changing the Zoning District Designation of certain lots, as amended.

Be it ordained by the City of Providence:

Section 1. Chapter 1994-24, No. 365 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27th, 1994, as amended, is

hereby amended by changing the zoning district designation of certain lots of the Zoning District Map Numbers 53 and 57 of the Official Zoning Map as follows:

Zoning District Map 53

From C-4 to C-2: Lots 167, 511, 513, 525.

Zoning District Map 57

From M-1 to C-2: Lot 159

From C-4 to C-2: Lots 187, 188, 189, 190, 330

Section 2. Zoning District Map 53, Lots 302 and 704; and Zoning District Map 57, Lot 336 shall remain zoned C-4 with restrictions to be noted on the Zoning District Map, as follows:

"Notwithstanding other provisions of the Zoning Ordinance, the following use codes are prohibited on those lots shown on Zoning District Map 53, Lots 302 and 704; and Zoning District Map 57, Lot 336:

Use Code 45 Repair Service

Use Code 48 Heavy Contract Construction Service

Use Code 53.1 Retail Sale of Petroleum Products

Use Code 56.2 Drinking Establishment — Bar or Tavern

Use Code 57.2 Drive In Establishment

Use Code 59 Retail Trade — Automotive, Marine Craft, Aircraft, and Accessories

Use Code 61.1 Motor Vehicle Rental Center

Use Code 61.3 Taxicab Terminal

Use Code 61.4 Truck and Trailer Rental Office
and Storage."

Section 3. This Ordinance shall take effect upon passage.

An Ordinance in amendment of Chapter 1994-24, No. 365 of the Ordinances of the City of Providence entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, by amending Providence Zoning District Map Number 68 of the Official Zoning Map by changing the Zoning District Designation of certain lots from C-1 to C-2 and certain lots from R-3 to C-2.

Be it ordained by the City of Providence:

Section 1. Chapter 1994-24, No. 365 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is hereby amended by changing the zoning district designation of certain lots of the Zoning District Map 68 of the Official Zoning Map as follows:

From C-1 to C-2: Lots 54, 501, 202, 205, 206, 207, 318, 320 and 769

From R-3 to C-2: Lots 50, 57, 58, 59, 60, 79, 80, 81, 82, 83, 84, 85, 86, 87, 89, 98, 102, 158, 160 and 243.

Section 2. This Ordinance shall take effect upon passage.

An Ordinance in amendment of Chapter 1994-24, No. 365 of the Ordinances of the City of Providence entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, by amending Providence Zoning District Map Number 63 of the Official Zoning Map by changing the Zoning District Designation of certain lots from R-M to C-2.

Be it ordained by the City of Providence:

Section 1. Chapter 1994-24, No. 365 of the Ordinances of the City of Providence, entitled "The City of Providence Zoning Ordinance" approved June 27, 1994, as amended, is hereby amended by changing the zoning district designation of certain lots of the Zoning District Map 63 of the Official Zoning Map as follows:

From R-M to C-2: Lots 313, 311, 310, 298, 297, 296, 295, 346, 347, 349, 350, 433, 341, 562, 388, 339, 457, 456, 336 and 26.

Section 2. This Ordinance shall take effect upon passage.

An Ordinance amending the City of Providence Zoning Ordinance Chapter 1994-24, No. 365, approved June 27, 1994, as amended (Commercial Overlay Districts).

Be it ordained by the City of Providence:

Section 1. The Providence Zoning Ordinance Chapter 1994-24, No. 365, approved June 27, 1994, as amended, shall be further amended as follows:

A. *Section 101.7 — Overlay Zoning Districts* is amended to add the following sub-paragraph following the Main Street Commercial Overlay District:

Commercial Corridor Overlay Districts (CCOD) — This overlay zone is superimposed on existing zoning districts on commercial corridor throughout Providence. The overlay zone requires additional dimensional requirements and performance standards as provided in Section 507. In some instances, the CCOD covers blocks that border the commercial area, in order to comprehensively protect the integrity of the block, and reduce the impacts of development on adjacent residential neighborhoods.

B. *Article V — Special Zones* shall be amended by adding a new Section 507 entitled "Commercial Corridor Overlay District," as follows:

Section 507 — Commercial Corridor Overlay District: The Commercial Corridor Overlay District (CCOD) is hereby created in recognition of the critical role that neighborhood commercial districts play in the viability of surrounding areas. Many commercial streets are currently defined by poorly maintained buildings, negligible traffic controls and pedestrian amenities, multiple vacant lots, deteriorated infrastructure, and a lack of neighborhood-oriented retail and service businesses. This overlay will ensure that existing and future development contributes to a continuous and active street that addresses the contextual, human-scale, mixed-use, pedestrian-friendly and automobile-accessible needs of the neighborhood and encourages neighborhood-oriented economic development. The CCOD would require dimensional and performance standards that exceed the minimum standards

provided for in the underlying zones. The uses for the underlying M, C and R zones shall not be changed except as provided herein.

507.1 *Applicability* — The CCOD applies to all existing and proposed buildings within the overlay zone, which are guided by the following principles:

A. The design of the exterior facade of all buildings, including all exterior physical improvements within the CCOD shall meet the requirements as provided in this section.

B. Any open space within any lot, whether occupied by a building or not, shall be subject to the requirements of this section.

C. For any new construction, the requirements of this section shall apply to all parts of the building and lot.

D. Any structural addition that adds more than 25% increase in gross floor area shall be designed to bring a building into conformance with the requirements of this section.

E. Any storefront renovations, where more than 25% of the facade of the store is altered, replaced, rehabilitated or restored, shall comply with storefront design requirements of this section.

F. Any lot improvement shall be required to conform to landscaping and fencing requirements of this section.

G. Requirements for the "main street" are more demanding than requirements for a side street, unless stated otherwise herein.

H. Where the CCOD is also includes the Historic District overlay zone, pursuant to Sec.

501, said Sec. 501 shall take precedence over this section.

507.2 *Use* — Any permitted use within the underlying zoning districts are permitted in the CCOD, with the following exceptions:

A. Residential uses in any C zone that is overlaid by the CCOD are prohibited from the first floor of a building that faces the main street.

B. Uses that require enclosed buildings that are not inhabited by people and have 110 windows are prohibited.

507.3 *Dimensional Requirements* — Dimensional requirements of Section 304 shall be required, except as provided below:

A. *Minimum Front Yard* — Any new building in any C zone that is overlaid by the CCOD shall be built with zero setbacks from the front lot line along the main street. The first floor entrance may be recessed no more than 4 feet' deep and 6 feet wide.

B. *Frontage* — Any new building in any C zone that is overlaid by the CCOD must extend a minimum of 60% of the lot frontage.

C. *Residential Lot Lines* — Residential buildings are permitted to be set back between 4 feet and 6 feet from the front lot line to accommodate a stoop, porch, or window design and provide a front yard space. The portion of the lot that extends from the front lot line to a parallel line 4 feet to 6 feet back from said front lot line shall, at the minimum, comply with Section 506.3 D) Front Lot Line Treatment.

D. *Front Lot Line Treatment* — Wherever there is no building at the front property line,

or if any part of the lot is used to accommodate parking, such area shall comply with the following:

1. *Fence or Brick Wall* — A fence or brick wall (less than 4 feet high) shall run the entire frontage of said lot. If the side frontage on a corner lot is used for parking, a wall or fence is required. Low fences (4 feet or less) shall be of wrought iron, ornamental metal or painted wood pickets. Any tall fence (ranging from 4 feet to 6 feet), necessitated for security purposes, shall be visually transparent wrought iron, or ornamental metal and shall include trees that are taller than the fence planted every 20 feet. All chain link, barbed wire or razor wire fences are prohibited. Fences and walls shall be low or transparent to allow viewing of landscaping. Solid fences or walls over 4 feet are prohibited.

2. *Landscaping* — A landscaped edge that is at least 4 feet wide shall run the entire frontage of said lot. The landscaped edge shall include a low brick wall or fence as described in Section 506.3 D). 1. Front Lot Line Treatment, Fence or Brick Wall. The landscaped area shall be planted with ground cover, low shrubs or flowering plants. At least one shrub or vine shall be planted abutting the wall every 10 feet. Trees are required every 20 feet along front property lines where there is not a building. Trees are required every 20 feet along the side lot line on corner lots and rear lot lines if the rear of the property is used for parking and abuts a residential use or street. In addition, parking lots shall have one tree for every 10 spaces. New trees shall have a minimum caliper of 2 inches.

E. *Corner Lots* — Buildings on a corner lot must be set to the corner of the front and side lot lines, with no setback. Where there is no building at the street corner property line,

fencing or low brick walls with trees and landscaping is required in conformance with Section 506.3 D). Clearly designated and continuous sidewalks shall be maintained around all corners. Parking is prohibited at the corner of each lot, within a square area measuring 20 feet on each side of said corner.

F. Drive In Establishments in the CCOD: New drive in establishments in the CCOD shall follow the requirements of the underlying zoning provisions for such use in accordance with Section 303, Use Code 57.2 of this ordinance. In any underlying C- 2 zone, where a drive in establishment is permitted by special use permit, the Board, in addition to the criteria set forth in Section 902.4, shall (a) impose a condition that a special use permit for a drive in establishment be limited only to the business enterprise applying for such permit and that said special use permit for a drive in establishment shall become null and void if and when said business enterprise ceases to operate or is changed to another business and (b) require that a stacking lane for the drive in establishment be wholly contained within the lot in question.

507.4 *Building Treatment.*

A. Demolition — Any building that conforms to the use, dimensional and other requirements of this section shall not be demolished in whole or in part. Any building that does not meet one or more of the use or dimensional requirements of this section shall not be demolished except by special use permit by the Board, which shall make findings of fact that the building is unsafe, hazardous, and unfit for habitation or use and that construction on a new building that meets all the requirements of this section shall commence on

the subject site within eighteen (18) months of the demolition of the original building.

B. Building Height — Any one story building must have a first floor with not less than 10 feet from floor to ceiling.

C. Building Walls — No more than 10 consecutive linear feet of blank wall is allowed along the main street. No building shall extend along the main street for more than 35 linear feet without an entrance.

D. Transition Line — A building shall have a transition line along the front facade that creates a distinction between the first and upper floors.

E. Roof Treatment — The building shall have a well-defined roofline that finishes as a parapet with a cornice or overhang on the front facade along the main street or along the side facade if the building is on a corner or the side facade is visible from the main street or a side street.

F. Main Entrances — Buildings shall have their main entrance from the main street. Corner buildings may have entries at the corner of the front and side street facades.

G. Residential Porches — Covered entry porches are required for new residential buildings on the main street. Entry porches shall be preserved and maintained on existing residential buildings. Porch alterations must be repairs of existing design only and /or must be in keeping with the historic character of the original building.

H. Building Materials and Finishes — The primary building materials of the front facade, side facades visible from the main street, or

along a side street frontage at a street corner shall be brick, wood, pre-cast concrete or smooth stucco (conventional or synthetic). Limestone, sandstone, granite and terra cotta are also permitted. Finish treatments shall be paint, stain, unfinished brick or stone or painted stucco.

I. *Vinyl or Aluminum Siding* — Vinyl or aluminum siding is not permitted for any first floor or street level exterior of any building. Upper story levels may have vinyl or aluminum siding only upon approval by the Board as a special use permit, pursuant to Section 902.4.

J. *Concrete Building Materials* — The use of corrugated or cinderblock concrete walls is not permitted.

K. *Roof Materials* — Building materials for sloping roofs including mansards shall be slate, wood or asphalt shingles or standing seam metal.

L. *Lighting*: Small shielded fixtures shall be used and directed towards the building. Site lighting must be limited to the property. Light spill onto the street or adjacent properties is not permitted.

M. *Types of Building Lighting*: Storefront lighting (exterior and interior) shall be incandescent or metal halide and shall remain illuminated until nine p.m. on weekdays and Saturday. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners).

N. *Trademark Buildings*: Buildings housing trademark businesses of local, regional and national "chain" retailers must conform to these regulations.

O. *Utilities and Services*: On site utilities, junction boxes, HVAC, antennae, satellite dish and utility boxes shall be located underground, on the roof of buildings, or above ground at the rear of the building. They shall not be easily visible or audible to pedestrians on the sidewalk. Utility boxes, mechanical equipment and dumpsters shall not be located in the public pedestrian space. They shall be located a minimum distance of 20' from the sidewalk and screened from view.

P. *Awnings*: Awnings on the main street are encouraged. Awnings shall be designed to provide a convenient covered sidewalk area for pedestrians. Awnings may be utilized for signage and lighting and shall conform to Section 607 for the appropriate signage and Section 507.4 M) for lighting. Awnings shall not cover significant architectural features.

Q. *Canopies*: Free standing canopies shall be scaled to passenger automobiles and not to buses or large trucks. Canopy heights shall not exceed 13 feet clear. Canopy lighting shall conform with Section 506.4 M for lighting requirements. Signs are not permitted on canopies in the CCOD.

R. *Security Window Guards*: Solid surface roll down window guards are not permitted.

507.5 Storefront Design.

A) *Existing Storefronts* — Existing buildings which have been designed for retail use on the first floor shall maintain the storefront design. Renovations that exceed 25% of the facade must conform to new construction requirements as provided in Section 506.5 O).

B) *New Storefronts* — For any new construction, the first floor transparency shall

be equal to at least 70% of the wall area between the height of 2 and 9 feet from the ground. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. Interior window treatments shall not block views into storefronts.

C) *Upper Story Treatment* — The upper floors of all new buildings shall have 15% to 40% transparency of wall surface. All glass shall be clear or lightly tinted. Heavily tinted or reflective glass is not permitted. At least 50% shall be operable windows with a minimum vertical dimension of 4.5 feet and a minimum horizontal dimension of 2.5 feet. Windows in masonry buildings shall be recessed at least 4 inches from the plane of the facade. Continuous strip windows without major vertical dimensions are not permitted. First floor and upper story windows in existing buildings shall not be filled with opaque material such as brick, metal or sheet rock.

507.6 *Parking and Loading* — Parking and loading requirements of Article VII shall be required, except as provided below:

A) *Principal Use Parking* — Principal use parking lots (Use Code 64 Parking Principal Use and 64.1 Parking Lot Principal Use) are prohibited in the CCOD.

B) *Space Requirements* — Parking space requirements may be reduced by a minimum of 50% but cannot exceed a maximum of 50% of the spaces required by Section 703.2. The paved area of a lot shall not exceed the maximum parking required herein.

C) *Landscaping* — Along all parking lots and loading areas, a 4-foot wide landscaped edge shall be maintained where the property meets the street or sidewalk. This shall include

a fence or low brick wall (less than 4 feet high). Clearly delineated pedestrian paths into the parking lot shall be provided for lots of more than 20 spaces. Parking areas shall accommodate bicycle racks. Lots with more than 20 spaces shall be separated by landscaped islands 8 feet wide. Parking lots shall have a minimum of one tree for every 10 required spaces. Trees are required every 20 feet at rear lot lines if the rear of the property is used for parking and abuts a residential zone or use or the street. Trees shall be planted in protected pervious plots of at least 60 square feet. Fencing placement, heights and materials must comply with Section 506.3 D) 1, Fence or Brick Wall and landscaping placement and materials must comply with Section 506.3 D) 2., Landscaping.

D) *Site Access* — Parking lots are not permitted in front of buildings and shall be located to the rear of buildings, wherever possible. Parking may be allowed at the side of buildings but shall not exceed 44 feet (one 20-foot parking bay and one 24-foot access lane) in width along the street. Parking lots that are 64 feet in width along the front facade (two 20 foot bays of parking and one 24 foot central access lane) are allowed only if a building addition extends 20 feet to conceal the bay of parking along the side of the building. Landscaping is required as provided in Section 506.6 C).

E) *Loading*: Loading areas shall be to the side or rear of the building. If visible from the main street, the side loading area shall be screened from view, and shall conform with Section 506.6 C).

F) *Lighting* — Lighting poles shall be located within landscaped islands for safety and aesthetic reasons. Poles shall be staggered to maintain a uniform light distribution. Light

fixture height shall be less than 14 feet to minimize dark spots. Lights in landscaped areas shall be below the tree canopy to minimize dark spots. Light fixtures shall be restricted to 250-watt metal halide lamps. High pressure and low-pressure sodium bulbs are not allowed in locations visible from the main street sidewalks (or side streets at corners). Lights shall have a light cutoff at less than 90 degrees and a beam cutoff of less than 75 degrees. The total cutoff of light shall occur within the lot lines.

G) *Stormwater Runoff Reduction* — Drive-way and parking lot surfaces are encouraged to be permeable, using such materials as brick, concrete pavers, "grass-crete" and other similar permeable materials, but not gravel. Vegetative buffers shall be planted to treat runoff as it percolates into the soil.

H) *Curb Cuts* — One lane curb cuts shall be 10 feet wide. Two lane curb cuts shall be 15 feet wide. No more than one 18-foot curb cut or two separate 10-foot curb cuts are allowed per lot. The distance between curb cuts shall be no less than 50 feet. The continuity of the sidewalk surface shall be maintained across a curb cut while the material of the driveway shall be interrupted.

507.7 *Signage* — Signage requirements of Article VI shall be required, except as provided below:

A) *Wall Sign* — Wall signs shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic). Signs shall be placed on the building so as not to obscure architectural features and details. Internally illuminated neon signs are permitted.

B) *Free Standing Sign* — A freestanding sign shall be externally illuminated by incandescent, metal halide or halogen light and shall be made of metal, painted wood or similar material (no plastic).

C) *Roof Signs* — Roof signs are prohibited.

B. *Section 103 A) — Official Zoning, Map* — Providence Zoning District Maps 14 and 17, dated October 24, 1991 and amended June 27, 1994, shall be further amended as follows:

The Commercial Corridor Overlay Zone encompasses the following lots:

Zoning District Map 23; Lots 64, 65, 69, 70, 71, 76, 139, 140, 142, 588, 693, 753, 896, and 897.

Zoning District Map 24; Lots 35, 36, 37, 38, 596, 603, 612, and 641.

Zoning District Map 29; Lots 318 319 321, 325, 327, 328, 335, 336, 337, 353, 355, 359, 360, 361, 362, 393, 425, 490, 493, and 508.

Zoning District Map 30 Lots 32, 35, 379, 449, 452, 479, 483, 505, 510, 511, 599, 615, 616, 627, 652, 659.

Zoning District Map 44, Lots 141, 142, 144, 200, 201, 202, 203, 246, 259, 260, 273, 300, 302, 347, 348, 385, 722, 732.

Zoning District Map 45, Lots 1, 2, 3, 4, 6, 7, 11, 17, 35, 36, 515, 553, 554, 602, 646, 651, 668, 771, 772, 786, 836, 859, 860.

Zoning District Map 48, Lots 14, 776, 836, 898, 899, 900, 901, 902, 904, 905, 906, 907, 908, 910, 911, 912, 915, 916, 917, 942, 1036, 1037, 1039, 1073.

Zoning District Map 49, Lots 234, 250, 252, 277, 278, 279, 280, 306, 336, 338, 527, 573 Zoning District Map 52, Lots 11, 141, 149.

Zoning District Map 53, Lots 3, 5, 6, 7, 8, 9, 10, 14, 17, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 35, 53, 141, 167, 183, 191, 192, 193, 194, 196, 198, 301, 302, 320, 378, 379, 383, 389, 397, 398, 399, 400, 436, 471, 472, 486, 487, 490, 491, 494, 495, 511, 513, 515, 521, 527, 582, 620, 653, 676, 694, 697, 700, 713.

Zoning District Map 57, Lots 36, 98, 99, 100, 159, 188, 189, 190, 328, 330.

Zoning District Map 58, Lots 187, 340, 368, 369, 370, 371, 372, 411, 412, 413, 446, 450, 458, 463, 464, 465, 466, 467, 468, 469, 470, 793, 794, 800, 801, 808, 809, 810.

Zoning District Map 59, Lots 1, 4, 5, 8, 10, 11, 13, 16, 17, 19, 20, 21, 22, 23, 24, 25, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 40, 41, 43, 44, 156, 446, 883, 884.

Zoning District Map 87, Lots 296, 337, 407, 410, 441, 513, 514.

Zoning District Map 90, Lot 1.

Section 2. This Ordinance shall take effect upon passage.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters.

Collectively Passed the Second Time, on motion of **COUNCILMAN ALLEN**, seconded by **COUNCILWOMAN WILLIAMS**, by the following Roll Call Vote:

Ayes: Council President Lombardi, Councilmen Allen, Aponte, Butler, Clar-kin, DeLuca, Hassett, Igliazzi, Jackson, Mancini, Councilwomen Nolan, Romano, Williams and Young—14.

Nays: None.

Absent: Councilwoman DiRuzzo—1.

The motion for Passage the Second Time is Sustained.

PRESENTATION OF ORDINANCES

COUNCILMAN APONTE:

An Ordinance establishing a tax stabilization plan for J & H Realty, LLC.

COUNCIL PRESIDENT LOMBARDI Refers the Ordinance to the Committee on Finance.

The motion to Refer is Sustained.

COUNCILWOMAN YOUNG:

An Ordinance in amendment of and in addition to Chapter 1984-17 of the Ordinances of the City of Providence, approved March 9, 1984, entitled "An Ordinance approving and adopting the Official Redevelopment Plan for the Upper South Providence Revitalization Project" for additional acquisition.

COUNCIL PRESIDENT LOMBARDI Refers the Ordinance to the Committee on Urban Redevelopment, Renewal and Planning.

The motion to Refer is Sustained.

PRESENTATION OF RESOLUTIONS

COUNCIL PRESIDENT LOMBARDI (By Request):

Resolution Supporting Senate Bill 0071 which provides that the one per cent increase approved last year in the Hotel-Motel Room Tax be distributed to the communities in which the hotel is located that generated the tax.

Resolution Supporting passage of legislation that will increase the PILOT appropriation for Fiscal Year 2002 to thirty five percent (35%) of all tax that would have been collected had the property been taxable.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters.

COUNCIL PRESIDENT LOMBARDI Severally Refers the Resolutions to the Committee on Legislation.

The motion to Refer is Sustained.

COUNCILWOMAN DiRUZZO, COUNCIL PRESIDENT LOMBARDI, COUNCILMAN ALLEN, COUNCILMAN APONTE, COUNCILMAN BUTLER, COUNCILMAN CLARKIN, COUNCILMAN DeLUCA, COUNCILMAN HASSETT, COUNCILMAN IGLIOZZI, COUNCILMAN JACKSON, COUNCILMAN MANCINI, COUNCILWOMAN NOLAN, COUNCILWOMAN ROMANO, COUNCILWOMAN WILLIAMS and COUNCILWOMAN YOUNG:

Resolution Extending Sincere Congratulations to Captain Richard Tarlaian, Lieutenant Steven M. Melaragno, Sergeant Daniel E. Gannon, Sergeant John K. Ryan and Sergeant Kenneth J. Vinacco, upon their recent promotions.

Resolved, That the Members of the Providence City Council hereby extend their Sincere Congratulations to Captain Richard Tarlaian, Lieutenant Steven M. Melaragno, Sergeant

Daniel E. Gannon, Sergeant John K. Ryan and Sergeant Kenneth J. Vinacco, upon their recent promotions.

Read and Passed, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

REPORTS FROM COMMITTEES

COUNCILMAN ROBERT M. CLARKIN, Chairman COMMITTEE ON PUBLIC WORKS

Transmits the following with recommendation the same be severally Approved:

Resolution Authorizing the construction and permanent placement of trash receptacles along Smith Street sidewalks in the Smith Hill Business District, as part of an "anti-litter" initiative.

Resolved, That the construction and permanent placement of trash receptacles along Smith Street sidewalks in the Smith Hill Business District, is hereby authorized as part of an "anti-litter" initiative.

Resolution Requesting the Traffic Engineer to establish Hopkins Street from Benefit Street to South Main Street a one-way.

Resolved, That the Traffic Engineer is requested to establish Hopkins Street from Benefit Street to South Main Street a one-way.

Resolution Requesting the Traffic Engineer to cause the installation of "no trucks" signage along Benefit Street.

Resolved, That the Traffic Engineer is requested to cause the installation of "no trucks" signage along Benefit Street.

Resolution Requesting the Traffic Engineer to establish a "no parking — loading zone" at 472 Smith Street, adequate for one parking space.

Resolved, That the Traffic Engineer is requested to establish a "no parking — loading zone" at 472 Smith Street, adequate for one parking space.

Resolution Granting an easement to allow construction of a balcony above a city sidewalk.

Whereas, Richard Kinsman (hereinafter "Petitioner"), has sought to encroach upon the air space above the public way of South Main Street adjacent to Unit 218 of the Corliss Landing Condominiums, so called, so as to construct a balcony as an incident to those premises; and

Whereas, Said balcony will encroach upon the public walkway; and

Whereas, After study of Petitioner's request, the City, acting through its appropriate authorities, has determined that the proposed encroachment is not adverse to the public interest,

Now, therefore, be it Resolved, That the Petitioner is granted permission to encroach

upon the public way for the purpose of constructing and maintaining a balcony in the air space above the public right of way of South Main Street adjacent to Unit 218 of Corliss Landing Condominiums, so-called (and no other encroachment for any other purpose is permitted), provided said grant is specifically conditioned upon the following.

1. All construction with relation to the said bay window is to be completed in accordance with plans and specifications submitted by the Petitioner to the city Department of Inspection & Standards as those plans may have been modified and/or approved by said department, the Department of Public Works, and the Council Committee on Public Works. (Copies of the subject plans are attached hereto as Exhibits A,A, AZ).

2. The Petitioner shall supply and retain in effect a certificate of insurance in an amount of not less than one hundred thousand dollars (\$100,000.00) protecting the City of Providence and its successors and assigns, its agents, servants, officers and employees as additional-named insureds against claims for the construction, maintenance and/or existence of said ramp encroachment. Said insurance shall be from a company and in a form acceptable to the Department of Law.

3. The Petitioner shall execute an indemnification and hold harmless agreement satisfactory to the City Solicitor.

4. The Petitioner shall grant to the appropriate public utility(ies) and/or governmental agency(ies), by pertinent document, any easements, licenses, or the like, so as to maintain public services.

5. A certified copy of the within Resolution shall be recorded in the Office of Land Evidence of the City of Providence.

6. Any rights or obligations granted hereunder shall be deemed to run with the land and shall operate against any and all successors in interest and/or title.

7. Said encroachment shall extend onto the public way not more than three feet and two and one-half inches (3'2½").

8. Any rights or obligations granted hereunder shall remain in full force and effect for so long as the encroachment permitted hereby does not cease to be utilized for the purposes for which it was granted provided, however, Petitioner shall at its own expense remove said encroachment in the event the City notifies said Petitioner or any successor in interest thirty (30) days in advance of the intent of the City to utilize said realty for any purposes. By commencing any alteration pursuant to this grant, Petitioner specifically agrees to the conditions enumerated herein and waives any claim for damages it may have for such use.

9. Such other reasonable conditions as the Mayor and/or the Department of Law may impose hereunder.

Resolution Granting permission to construct two sets of stairs on the sidewalk of 165 Poe Street to allow for ingress and egress to said building for its patrons.

Whereas, JBR/LLC represented by Joseph Manfredi (hereinafter "Petitioner"), has sought:

(a) To encroach upon the existing sidewalk located adjacent to 165 Poe Street, so as to construct a stairway and to construct a handicapped access ramp adjacent to said real estate to allow ingress and egress from said premises.

Whereas, Said stairs and access ramp will encroach upon the public walkway; and.

Whereas, After study of Petitioner's request, the City, acting through its appropriate authorities, has determined that the proposed encroachments are not adverse to the public interest,

Now, therefore, be it Resolved, That the Petitioner is granted permission to encroach upon the public way for the purpose of constructing and maintaining a stairway and a handicapped-access ramp at or near the entrance to the building located at 165 Poe Street. No other encroachment for any purposes shall be permitted.

1. All construction with relation to the said stairway and ramp is to be completed in accordance with plans and specifications submitted by the Petitioner to the city Department of Inspection & Standards as those plans may have been modified and/or approved by said department, the Department of Public Works, and the Council Committee on Public Works. (Said plans shall be maintained on file in the Office of the City Clerk and the plan showing the encroachment are attached hereto as Exhibit "A").

2. The Petitioner shall supply and retain in effect a certificate of insurance in an amount of not less than one hundred thousand dollars (\$100,000.00) protecting the City of Providence and its successors and assigns, its agents,

servants, officers and employees as additional-named insureds against claims for the construction, maintenance and/or existence of said ramp encroachment. Said insurance shall be from a company and in a form acceptable to the Department of Law.

3. The Petitioner shall execute an indemnification and hold harmless agreement satisfactory to the City Solicitor.

4. The Petitioner shall grant to the appropriate public utility(ies) and/or governmental agency(ies), by pertinent document, any easements, licenses, or the like, so as to maintain existing public services.

5. A certified copy of the within Resolution shall be recorded in the Office of Land Evidence of the City of Providence.

6. Any rights or obligations granted hereunder shall be deemed to run with the land and shall operate against any and all successors in interest and/or title.

7. The encroachment granted hereunder shall not extend into the public right-of-way more than 4' 10" (four feet ten inches) not more than 13' in length as shows in Exhibit A".

8. Any rights or obligations granted hereunder shall remain in full force and effect for so long as the encroachment permitted hereby does not cease to be utilized for the purposes for which it was granted provided, however, Petitioner shall at its own expense remove said encroachment in the event the City notifies said Petitioner or any successor in interest thirty (30) days in advance of the intent of the City to utilize said realty for any purposes. By commencing any alteration pursuant to this grant, Petitioner specifically

agrees to the conditions enumerated herein and waives any claim for damages it may have for such use.

9. Such other reasonable conditions as the Mayor and/or the Department of Law may impose hereunder.

Resolution Granting permission to encroach into the municipal air space of the City of Providence in conjunction with its construction of a dormitory on property owned by Johnson & Wales University at the corner of Page Street and Weybossett Street (Assessor Plat 20, Lot 375).

Whereas, Johnson & Wales University, (hereinafter "Petitioner"), has sought:

(a) To encroach into the air space above the public way on the Weybossett Street side (northern side) of premises located at 32 Page Street so as to construct a series of bay windows at that site;

Whereas, Said bay window will encroach upon the public walkway; and

Whereas, After study of Petitioner's request, the City, acting through its appropriate authorities, has determined that the proposed encroachments are not adverse to the public interest,

Now, therefore, be it Resolved, That the Petitioner is granted permission to encroach upon the air space over the public way for the purpose of constructing and maintaining said twelve (12) bay windows at that situs (and no other encroachment(s) for any purpose(s) is

permitted), provided said grant is specifically conditioned upon the following:

1. All construction with relation to the said ramps is to be completed in accordance with plans and specifications submitted by the Petitioner to the city Department of Inspection & Standards as those plans may have been modified and/or approved by said department, the Department of Public Works, and the Council Committee on Public Works. (Copies of the subject plans are attached hereto as Exhibits "A" and "A-1").

2. The Petitioner shall supply and retain in effect a certificate of insurance in an amount of not less than one hundred thousand dollars (\$100,000.00) protecting the City of Providence and its successors and assigns, its agents, servants, officers and employees as additional-named insureds against claims for the construction, maintenance and/or existence of said ramp encroachment. Said insurance shall be from a company and in a form acceptable to the Department of Law.

3. The Petitioner shall execute an indemnification and hold harmless agreement satisfactory to the City Solicitor.

4. The Petitioner shall grant to the appropriate public utility(ies) and/or governmental agency(ies), by pertinent document, any easements, licenses, or the like, so as to maintain public services.

5. A certified copy of the within Resolution shall be recorded in the Office of Land Evidence of the City of Providence.

6. Any rights or obligations granted hereunder shall be deemed to run with the land and shall operate against any and all successors in interest and/or title.

7. Said encroachment shall extend into the public way not more than twenty four (24") inches.

8. Any rights or obligations granted hereunder shall remain in full force and effect for so long as the encroachment permitted hereby does not cease to be utilized for the purposes for which it was granted provided, however, Petitioner shall at its own expense remove said encroachment in the event the City notifies said Petitioner or any successor in interest thirty (30) days in advance of the intent of the City to utilize said realty for any purposes. By commencing any alteration pursuant to this grant, Petitioner specifically agrees to the conditions enumerated herein and waives any claim for damages it may have for such use.

9. Such other reasonable conditions as the Mayor and/or the Department of Law may impose hereunder.

Resolution Requesting the City Council Committee on Public Works to review and approve a traffic calming pattern to be implemented in the Wayland Square neighborhood.

Resolved, That the City Council Committee on Public Works is requested to review and approve a traffic calming pattern to be implemented in the Wayland Square neighborhood.

COUNCILMAN ALLEN moves to dispense with the reading of the foregoing matters.

Collectively Passed, on motion of
COUNCILMAN ALLEN, seconded by
COUNCILWOMAN WILLIAMS.

The motion for Passage is Sustained.

**COUNCILMAN KEVIN JACKSON, Chairman
COMMITTEE ON FINANCE**

**Transmits the following with recommenda-
tion the same be severally Approved:**

Communication from His Honor, the Mayor, dated January 2, 2001, Informing the Honorable Members of the City Council that pursuant to Sections 302(b) and 1011 of the Providence Home Rule Charter of 1980, he is this day appointing Mr. Steven M. Nappa of 28 Doane Avenue, Providence, Rhode Island, 02906, as a Member of the Building Board of Review for a term to expire in January, 2005, and respectfully submits the same for approval.

Communication from His Honor, the Mayor, dated February 9, 2001, Informing the Honorable Members of the City Council that pursuant to Section 17-8-1 of the General Laws of Rhode Island, 1956, as amended, and Section

203(a) of the City Charter, he is this day nominating Mr. Laurence K. Flynn of 54 Basswood Avenue, Providence, Rhode Island, 02908, as a Member of the Board of Canvassers for a term to expire on the first Monday in March, 2007, and respectfully submits the same for approval.

**COUNCILMAN ALLEN moves to dis-
pense with the reading of the foregoing
matters.**

**Collectively Approved, on motion of
COUNCILMAN ALLEN, seconded by
COUNCILWOMAN WILLIAMS.**

The motion for Approval is Sustained.

COMMUNICATIONS AND REPORTS

Certificates from the City Assessor (Nos. 9E and 10E) recommending the same be severally cancelled pursuant to the provisions of Sections 14 and 15 of Title 44, Chapter 7 of the General Laws of Rhode Island, 1956, as amended.

COUNCIL PRESIDENT LOMBARDI
Severally Refers the Certificates to the
Committee on Claims and Pending Suits.

The motion to Refer is Sustained.

FROM THE CLERK'S DESK

Petition from John Weiss, Vice President of Weiss Properties, to allow the construction of a ramp at 32 Branch Avenue that will make the main entrance handicapped accessible.

COUNCIL PRESIDENT LOMBARDI
Refers the Petition to the Committee on
Public Works.

The motion to Refer is Sustained.

Petitions for Compensation for Injuries
and Damages, viz:

Marianna Criscione

Travelers Insurance a/s/o Jina Minaya

Bruin Corp or Attleboro, Inc.

Rob Giovino

Joe Battaglia

Somsanouk Hongkham

Caroline Gilroy-Brown

Andrew C. Stasium

Cherilyn Hudson

Allstate Insurance a/s/o Robert Grocholski

Donna Rotondo Cummings

James D. Marsden

Fernando Prensa (Robert V. Russo, Esquire)

Judith A. Raponi

Martin Akinde

Roxana Reyes and Martha Serrano (Chris-
topher E. Fay, Esquire)

Toba Weiss (Joseph P. Marasco, Esquire)

Joseph DePasquale

Linda Layous

Paula and Robert Menard

Barbara Mercier (John S. Coughlin, Esquire)

John Oakes

Barbara A. Bernardo

**COUNCIL PRESIDENT LOMBARDI
Severally Refers the Petitions to the
Committee on Claims and Pending Suits.**

Ronald Crudele

Kevin P. Donoghue

The motion to Refer is Sustained.

Misty R. Tolleson

PRESENTATION OF CITATIONS

"In Congratulations"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS of the CITY COUNCIL:**

Citations Extending Congratulations.

Resolved, That the Members of the City Council extend their sincere congratulations to the following:

Arlene Weber, in recognition of the celebration of her retirement from the Department of Labor and Training after thirty three years of dedicated service to the State of Rhode Island.

Mr. and Mrs. Robert V. Enright, in recognition of the celebration of the birth of their son, Dawson Robert Enright, born on November 8, 2000.

Ingrid and David Fernandez, in recognition of the celebration of the birth of their son, Ivan Sebastian Fernandez, born on November 22, 2000.

Joseph T. Corrente, in recognition of being the recipient of the 2001 Freeman Award from the Providence Engineering Society.

Wendall J. Flanders, P.E., in recognition of being the recipient of the 2001 Engineer of the Year Award from the Rhode Island Society of Professional Engineers.

**Severally Read and Collectively Passed,
on motion of COUNCILMAN ALLEN, sec-
onded by COUNCILWOMAN WILLIAMS.**

The motion for Passage is Sustained.

PRESENTATION OF RESOLUTIONS

"In Memorium"

**COUNCIL PRESIDENT LOMBARDI and
the MEMBERS of the CITY COUNCIL:**

Resolutions Extending Sympathy.

Resolved, That the Members of the City
Council extend their sincere sympathy to the
families of the following:

Anthony "Fat" Fioco

Alphonse "Gary" Garafano

Domenico Granata

Jose Vieira

Vincent Cyburt

John F. DeFlorian

Viola J. DeFazio

Armando G. Tudino

Vilma E. Generali

John B. Zannini

Dominic "Don" Fiorenzano

**Severally Read and Collectively Passed,
by a Unanimous Rising Vote, on motion of
COUNCILMAN ALLEN, seconded by
COUNCILWOMAN WILLIAMS.**

The motion for Passage is Sustained.

ADJOURNMENT

There being no further business, on motion of COUNCILMAN ALLEN, seconded by COUNCILWOMAN WILLIAMS, it is voted to adjourn at 7:40 o'clock P.M. (E.S.T.).

Michael R. Clement

City Clerk

March 1]

1136

[2001
