

December 1, 2004

To the Public Improvements Committee

Subject: Common Council Resolution File Number 031693

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 031693, being a petition from EG 1818 Hubbard, LLC for a special privilege to allow landscaping and an outdoor café to be located within the public right-of-way of East Vine Street adjacent to 1818 North Hubbard Street.

The City of Milwaukee had constructed a public stairway to provide a convenient means for the walking public to get from North Hubbard Street down to North Commerce Street, approximately 35 feet difference in elevation. The stairway has a platform about mid-level where there is a gap in the north handrail. This gap had been left, apparently, since the abutting property owner, now known as 1818 Hubbard LLC, had inquired about placing a sidewalk from the steps up to his building, that was then being built.

Apparently, during a break from our usual winter weather, a structural wall (predominantly north-south) was built extending from the private property of 1818 North Hubbard Street, near its east property line, onto the East Vine Street right-of-way. This had been built without obtaining either a "building" permit or a DPW permit. Initially, this type of wall was viewed disdainfully; that is, the material was not the currently in vogue material. Therefore, the preferred action was removal or at least removal and in-vogue replacement. Nevertheless, the ultimate decision was that the wall could remain providing that it be softened by plant material. In addition, the wall could only remain located within the right-of-way by obtaining a special privilege for all of their proposed items. Our subsequent inquiries revealed: 1) that this wall was built in order to prevent erosion and to safeguard the ground between the building and their property line; (2) that since there is no ability for vehicular access to the East Vine Street right-of-way abutting their property, they desire to use the area for patio, etc., generally accessed by the lower level of the restaurant, Roots, being established in the building; (3) that the patio area would include steps, sidewalk, concrete and brick "slabs", low masonry landscaping walls, and various vegetation; and (4) that their intent is to do what it takes for the wall to remain.



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Said items are located within the area between the eastline and 60 feet east of the eastline of North Hubbard Street and the northline and 35 feet south of the northline of East Vine Street. The 11-inch wide masonry retaining wall, between 6 and 2 feet tall, built to stabilize the slope for the building and patio for the building at 1818 North Hubbard Street, encroaches into the East Vine Street public way an approximate length of 29 feet. Various 8-inch wide, lannon stone retaining walls, averaging 2 feet in height for a total length of approximately 147 feet, stabilize the slope to allow for 5 levels of terraced garden beds and for garden beds around a brick paved patio. In addition to the aforementioned retaining walls, the applicant also constructed sidewalk and steps from the East Vine Street stairs to an entrance to the restaurant at 1818 North Hubbard Street. Finally, the applicant also constructed a level, brick paved patio area approximately 18 feet 6 inches long and 16 feet 8 inches wide.

We are not aware that the presence of the aforementioned items has had an adverse effect upon the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow said items to occupy the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

Martin G. Collins  
Commissioner  
Department of Neighborhood Services

MDL:cjt

Attachment