

January 23, 2004

To the Public Improvements Committee

Subject: Common Council Resolution File Number 030912

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 030912, being a petition for a special privilege submitted by 400 North Broadway, LLC, to construct and maintain balconies, a concrete platform with steps and a steel canopy that are proposed to encroach into the public right-of-way at 402 North Broadway.

The request is to construct and maintain twelve balconies at the 5th, 6th, 7th and 8th floor levels extending six feet from the south face of the building into the public right-of-way of East St. Paul Avenue, which is two feet greater than that which is allowed by Section 245-4 of the Milwaukee Code of Ordinances. Similar balconies are proposed on the east (back) face of the building; however, those balconies would extend over private property (recently vacated alley)

Additionally, permission is requested for a steel canopy to extend 10 feet into the public right-of-way of North Broadway which is 4 feet in excess of the Code. Although the Petition and plans refer to this structure as a canopy, it is a fixed awning. Even at that, it does not comply with some of the provisions of Section 245-7 of the Code of Ordinances. In addition there are to be 12 smaller fixed awnings that are not totally Code compliant; four are on North Broadway and eight are on East St. Paul Avenue. These also require Common Council approval. These non-compliances relate to: the pitch of the roof (in this case too flat); the roof drainage (no louvers or downspouts); the projection (encroachment) of the structure (just for the ten-foot item).

Also, a 30-foot long concrete platform with steps that would project about 4.7 feet into the 15.2 feet wide sidewalk area is proposed to be located in the public right-of-way of East St. Paul Avenue. Inspection of building plans found excess door swings and gates at the property transformer location for the building on both East St. Paul Avenue and North Broadway are also proposed to encroach into the public rights-of-way, permission for which is incorporated into the special privilege. On the North Broadway side at each of the four proposed double doors, there are proposed to be a raised concrete

platform projecting 3 feet. Two are to be 6-feet 6-inches wide and two are to be 5-feet 8-inches wide. It appears that the height above the sidewalk is to be approximately 0 feet 6 9/16 inches.

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It does not appear that the proposed balconies, fixed awnings, platforms, platform with steps and excess door swings encroaching into the public right-of-way will have an adverse effect on the general use of the public rights-of-way at this location. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow these items to encroach into the public rights-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Mariano A. Schifalacqua
Commissioner of Public Works

Martin G. Collins
Commissioner
Department of Neighborhood Services

JJM:cjt
Attachment