

April 17, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 011520

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 011520, being a petition submitted by Market Street Partners II LLP , for use of the public right-of-way to place a covered walk on the east side of North Water Street adjacent to the property at 1114 North Water Street, being the location of Brew City Barbecue..

The applicant's request is to place and maintain a 5-foot 10 ½-inch wide covered walk projecting approximately 9 feet 7 inches into the 12-foot wide fully concrete paved public sidewalk area. The vertical supports are approximately 2 feet east of the present curbline and the covered walk is centered approximately 140 feet south of the southline of East Juneau Avenue at the main entrance to the establishment at this location. Common Council Resolution File Number 62-1211-a, adopted on July 24, 1962, a policy resolution on covered walks, stipulates that the width of covered walks "shall be no less than the width of the doorway opening plus one foot on either side, but not less than 6 feet." This was discussed with the proposed structure contractor as well as with the manager of Brew City. They have agreed to make it 6 feet wide.

Our field observations revealed that there are nine brackets attached to the building. The manager said that these are not for government flags (items that would be allowable by Section 245-4 of the Code of Ordinances) but have been and still are intended to be used for flags of civic interest, such as sports teams, holidays, etc. Permission for these brackets and flags, as intended, would require Code relief and, therefore, has been incorporated into the special privilege resolution.

We do not believe that the covered walk will have an adverse effect on the general use of the public right-of-way at this location. We are not aware that the flags has had any adverse effects. We have, therefore, prepared the attached special privilege resolution that, if adopted, would allow the covered walk and brackets and flags to encroach into the public right-of-way. The applicant will be required to keep a loading zone or "no parking" status adjacent to the covered walk as long as the covered walk is in place. There presently is a loading zone at this location that has been in existence since 1992.

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:dle
Attachment