

October 17, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 890530  
Property at 2071 North Summit Avenue

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 890530, Substitute 3, being a request for amending a Special Privilege, CC 880611, that was granted to Mr. Peter Aldrian to construct/install and maintain planters, brick pavers, tree grates and a set of double doors within the west sidewalk area adjacent to 2071 North Summit Avenue by now granting permission for several more items to encroach into the public right-of-way of North Summit Avenue.

Mr. Aldrian made his request for amendment for the placement of some additional items in 1989. The original items (CC 880611) were tree grates in the tree border, raised planting areas between the main walk and the property line, transverse bands of brick pavers periodically located in the main path of pedestrians. At the time of a routine field viewing, it was noticed that there was a set of double doors that extend, when fully open, beyond the 12-inches allowable. This was communicated with Mr. Aldrian who requested an amendment. Mr. Aldrian's request also acknowledged a change of proposal that would be not to plant trees, hence the tree grates would not be needed, but to install pedestrian-scale lights instead. A review was made and submitted to the Public Improvements Committee, dated November 20, 1989. That resolution eventually became Substitute 1.

A follow-up letter, dated November 29, 1989, from Mr. Aldrian indicated that there would also be trees, hence tree grates. In our subsequent field viewing, it was noted that the lights were already in place. These lights had brackets that held banners. On the banners was the monogram of the business in the building at 2071 North Summit Avenue. This caused us to prepare and submit a resolution, dated December 1, 1989, that was identified as Substitute 2. It included the tree grates and the poles with the banners.

Mr. Lee Jensen, the then Commissioner of Building Inspection, one of the signators of the original amendment was opposed to the banners and submitted a letter to the then Committee's Chair expressing his opposition to the banners. We are unaware of

any direct action or activity by the Committee on this which would have given us some direction.

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Unfortunately, this matter has languished "in Committee" all of this time, however, a recent directive from the Committee caused the site to be visited revealing that some changes had taken place. They are as follows: the banners, as well as the brackets that they were attached to, have been removed; the double-door has been replaced with a single door, that also has an excess door-swing projection; at this door a raised brick surface platform had been constructed; a barrier-free access ramp to said platform had been constructed; an entrance portico with wood columns had been constructed on top of said platform; a fabric covered awning-type structure had been installed; and a raised wood timber had been placed. All of these items all located within the 17-foot wide public sidewalk area. In order for these items to remain within the right-of-way, a special privilege needs to be adopted by the Common Council.

We are not aware that any of these items has had any adverse effect on the usage of the public right-of-way. We have, therefore, prepared and are submitting herewith an amending special privilege resolution, which allows all of these encroaching/projecting items to remain within the right-of-way. It is identified as Substitute 3. We sincerely hope that if Mr. Aldrian or his tenants desire in the future to have additional things be in the public right-of-way, that permission be sought and obtained first and then proper permits be obtained.

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 (Resolution Substitute 3)  
(ENGINEERS/PI SUB RES 890530-RS)