

May 7, 2004

To the Public Improvements Committee

Subject: Common Council Resolution File Number 031332

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 031332, being a request for an amendment to a special privilege granted to Hotel Metro, LLC, for use of the public right-of-way as a sidewalk café along the east side of North Milwaukee Street adjacent to the hotel/restaurant at 732-48 North Milwaukee Street. The applicant also requested permission to place a covered walk on the south side of East Mason Street, east of North Milwaukee Street, at the 411 East Mason Street entrance.

The existing special privilege, Common Council Resolution File Number 971928, adopted on May 27, 1998, granted permission for the sidewalk café and covered walk occupying the public rights-of-way abutting the property known as 411 East Mason Street. Permission for sidewalk cafés is now allowed through a permit process only and is no longer granted by adoption of a special privilege resolution, and, therefore, is not included in the subject special privilege resolution.

The present request is to keep the existing covered walk on the south side of East Mason Street and to keep and use a storm enclosure in the sidewalk area on the east side of North Milwaukee Street, adjacent to 732-48 North Milwaukee Street that they had placed without permission. The storm enclosure is to provide a vestibule condition, generally during the colder months. The storm enclosure door is located on the west façade. They were contacted, as they were the previous winter (2002) when they placed the same structure, and at that time, they decided not to seek formal approval for it to remain and, therefore, removed it. They are now, however, seeking post formal approval.

Our field viewings revealed that the covered walk is still there on East Mason Street as is the storm enclosure on North Milwaukee Street. In addition, in the public right-of-way on the East Mason Street side of the property we observed that there is a concrete bench along the building near the entrance, and surrounding each of the two vertical supports for the covered walk a 2-foot square planter has been created, in which vegetation surrounds and camouflages almost the entire cylindrical vertical supports. Further, on the North Milwaukee Street side there is a 60-foot long area that during the "café season" is used as a sidewalk area dining facility. A railing delineates this area and there are eleven flower boxes astride the top rail. On each of two City "harp-light" poles, they have placed 1 planter surrounding the pole with the bottom approximately 7.5 feet

above the sidewalk. The light base appears to preclude someone walking directly under the planters.

The covered walk structure, which is centered approximately 90 feet east of the eastline of North Milwaukee Street, at the East Mason Street entrance to the hotel, is 8 feet 3 inches wide and projects approximately 10.5 feet on the south side of East Mason Street. This is in an area where there is a 3-foot curb setback, which reduces the sidewalk area from 15 feet to 12 feet. The vertical supports are centered approximately 7 feet north of the southline of East Mason Street on each side of the structure. This was intended to provide approximately 6 feet 9 inches of clear space for through pedestrians along the building. With the planters surrounding the support posts, there is only approximately 5.75 feet clear width for pedestrians along the building and approximately 4.2 feet clear width along the curb. The applicant is required to keep a loading zone or "no parking" status adjacent to the covered walk as long as the covered walk is in place and there currently is a loading zone.

The approximately 5.6-foot wide, 8.5-foot high storm enclosure projects approximately 6.5 feet into the fully paved 15-foot wide east sidewalk area of North Milwaukee Street. There is a parking meter at this location also, therefore leaving approximately 7.3 feet for through pedestrians. When the 3-foot wide door is fully opened, only approximately 4.3 feet is available for through pedestrians and 3.5 feet at the light pole base. If they had come for permission for the storm enclosure before putting it in place, we probably would have had them put the door on the north or south face so as not to adversely affect the through pedestrian movements. Since this is a sporadic restriction, we are willing to allow this to remain. At such time that they replace the enclosure, the door should be relocated to eliminate this intrusion into the through pedestrian path.

In the area of North Milwaukee Street where the railing area exists, there are trees, which are surrounded by tree guards and this installation is located within a box-out. There are no tree grates or lawn within the box-out, only soil. Under the worst condition, when the soil is wet, this becomes mud. The distance from the railing to the tree guard is approximately 6 feet, including some mud; from the railing to the inside of the box-out header, there is only approximately 4.8 feet for pedestrian use; at the light pole there is approximately 6-feet for pedestrian use. They have also requested that the railing remain in place all year long, even in the winter when snow storage along the curb area would perhaps encroach into the available area and narrow it to the point of minimum passability. It was observed several times that for the movement of bi-directional pedestrians, when more than one person was grouped, it was necessary for single-file movement to occur. This does not appear to be desirable and it is not something that we believe should be established on a full-time basis

In the beginning when the subject of allowing tables and chairs (initially by special privilege) to be placed on the public sidewalk was being considered, it was determined that movable planters could be used at the ends or along the café in order to

designate a through pedestrian path, and then removed from the public right-of-way when the café season was over. In a very few instances, a fence-like delineator was allowed to be placed on the sidewalk and would be used for the same reason and under the same condition. Eventually and probably by coincidence, when the procedure was changed to a permit system for a “sidewalk area dining facility”, it was determined

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that we would allow “fences” to be mounted to the sidewalk with the conditions that they be removed in the non-outdoor eating season and the “holes” be filled so that water did not get in freezing and popping the concrete. This procedure has generally worked well. When it has been observed that a fence is still up, the permittee has removed it upon being reminded of the conditions.

For an area of sidewalk essentially along the entire building to be fenced during the winter months thereby depriving pedestrian usage does not appear to be well-advised. With the “fence” not in place, pedestrians will only be constricted for about 6 feet at the storm enclosure. We recommend against leaving the “fence” up on a “year-round” basis.

We are not aware that the storm enclosure, covered walk, bench, planters on the light poles, or planters around the covered walk supports have had an adverse effect on the general use of the public rights-of-way. We have, therefore, prepared the attached resolution, which, if adopted, would allow only these items to occupy the rights-of-way along the hotel.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

James P. Purko  
Director of Operations

Martin G. Collins  
Commissioner  
Department of Neighborhood Services

JJM:cjt

Attachments