CITY AT THE CENTER
WEST ALLIS

City of West Allis

Resolution

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2014-0178

Final Action:

Sponsor(s): Public Works Committee

Resolution relative to adopting a new policy in the City of West Allis Policies & Procedures Manual for when a pedlet in the City right-of-way is applied for.

WHEREAS, the City of West Allis approved a communication from the Department of Development (#2014-0441), regarding the Parklets and Pedlets Policy (the "Policy"), subject to two (2) amendments; and,

WHEREAS, the first amendment to the Policy reduced the umbrella insurance requirement from $5,000,000 to $2,000,000; and,

WHEREAS, the second amendment limited the Policy to Pedlets Only, and also limited them to only be located along W. Greenfield Avenue from S. 70 St. to S. 76 St.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the attached Pedlets Policy, Section No. 2823, be and is hereby approved for inclusion in the City of West Allis Policies & Procedures Manual.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized and directed to include such policy in the City of West Allis Policies & Procedures Manual and distribute said Policy to all department, divisions and offices.

DEV-R-770-8-5-14-bjb

cc: Public Works
Development Department
Attorney's Office

ADOPTED 8-5-14

Monica Schultz

Monica Schultz, City Clerk

APPROVED 8/8/14

Dan Devine

Dan Devine, Mayor

Pedlets	Engineering			2800
	2823	1-6	8/5/14	7/25/14

1.0 PURPOSE:

To describe the procedures to be followed by the Engineering Department and other City departments when pedlets in the City right-of-way are applied for.

2.0 ORGANIZATIONS AND PERSONS AFFECTED:

This policy applies to all City of West Allis departments, boards, commissions, and the general public.

3.0 POLICY:

It is the policy of the Engineering Department to follow a uniform procedure in conformance with state law and City ordinances when granting privileges for pedlets.

4.0 DESCRIPTION

A pedlet is a structure which acts as a sidewalk extension beyond the existing curb line. A pedlet is typically utilized to allow for a business to use the existing sidewalk as an extension of the business and the pedlet acts as new route for pedestrians to get around the extension of the business on the sidewalk.

Pedlets reflect the diversity and creativity of the people and organizations which sponsor and design them.

Pedlets are only allowed along W. Greenfield Ave. from S. 70 St. – S. 76 St.

5.0 PROCEDURES:

5.1 RESPONSIBILITY

The Engineering Department shall be responsible for accepting applications for pedlets and determining if all of the criteria for granting a privilege for a pedlet set forth herein have been met. The City Attorney shall determine if the insurance requirements set forth in section 5.2.1(2) and bond requirements in section 5.2.1 have been met. Upon a determination by the City Engineer and City Attorney that all requirements have been met, a grant of privilege for a pedlet shall be issued by the City Engineer.

5.2 GENERAL PROCEDURE

5.2.1 GRANT OF PRIVILEGE AND INSURANCE REQUIREMENTS

1.) Major Grant of Privilege Required.

2.) Certificate of Liability Insurance in the amount of $1,000,000, with a $2,000,000 aggregate and a $2,000,000 umbrella. "Such insurance shall name the City of West Allis as an additional insured, waive subrogation, be primary, provide notice of cancellation to the City, and shall have an endorsement specifically stating that the pedlet and use of the sidewalk or other extended premises area are covered by the insurance, all in a form approved by the City Attorney. "

3.) A Performance Bond in the amount of $10,000 or a Cash Bond in the amount of $10,000 in a form approved by the City Attorney.

4.) A one-time fee of $50.00.

5.) Board of Public Works Approval.

5.2.2 Maintenance of Requirements. The City Engineer shall ensure that the fee is paid and that the bond and insurance requirements are up to date. If any holder of an encroachment grant fails to meet the terms and conditions, the City Engineer shall send written notification to such holder. Failure to cure all defects within 30 days shall be grounds for the City Engineer to refer the matter to the City Attorney. The City Attorney shall take all legal and equitable steps to obtain compliance.

5.2.3 Applicability. The bond and insurance requirements existing at the time an encroachment was granted shall continue, regardless of ownership change, unless proof of such requirements lapses or is not provided for a period of six months. Such lapse shall require full compliance with the terms of this policy as if the application is for a new encroachment. The City reserves the right to change the insurance requirements for an upcoming season at the discretion of the Common Council.

6.0 PEDLET DESIGN GUIDELINES

1.) Permitted only for food and drink establishments.

2.) Cannot extend beyond the width of the applicant's tenant frontage.

3.) If being used to accommodate outdoor dining and/or an extension of premise, it will require a Special Use Permit for outdoor dining.

4.) Requires a Major Grant of Privilege.

5.) Large decorative planters should be utilized on each end of the pedlet to add protection to the structure.

6.) Reflective elements at corners. Reflective elements are required at the outside corners of all pedlets. Soft-hit posts are a standard solution deployed at the outside edges; however the City will consider additional reflective elements incorporated in the pedlet design. Drainage to be integrated into the design (usually a pipe at curb or some clearance to allow for surface runoff along curb line.

7.) No advertising. Logos, advertising, or other branding is prohibited. A small unobtrusive plaque recognizing project sponsors and material donors may be acceptable.

8.) A railing is required to be installed around perimeter to prevent people from walking off into street.

9.) Design for easy removal. Because pedlets may sit on top of critical infrastructure and utilities such as gas lines, sewer and water mains, they need to be designed for easy removal in case of an emergency. No pedlet component may weigh more than 200 pounds.

10.) The pedlet shall be ADA accessible.

a.) Sidewalk Condition and Maintenance. The sidewalk abutting the pedlet shall be in a state of good repair and maintenance, with a grade of no more than 5% running slope at the Pedlet Entry. Sidewalk flags or cracks shall not exceed ½" in vertical change of elevation or in horizontal separation. Vertical changes between ¼" and ½" high shall be beveled. Tree well areas shall be filled level to the sidewalk surface.

b.) Pedlet Path. A pedlet path is an accessible route that connects the sidewalk to the Pedlet Entry, Deck Surface, Wheelchair Turning Space and Wheelchair Resting Space.

i. The Pedlet Path shall under no circumstances be less than 48" wide minimum. Once on the pedlet's Deck Surface, the Pedlet Path shall be 36" wide minimum.

ii. The cross slope along any portion of the Path shall not exceed 1:48 (2%).

c.) Pedlet's Entry and Deck Surface. The Pedlet Entry is where the Pedlet Path joins the pedlet's Deck Surface. An ideal Pedlet Entry should be located in an unobstructed area where there is the least amount of running slope along the sidewalk and curb.

d.) Any openings between the sidewalk and the Deck Surface shall be flush without a horizontal or vertical separation that would allow the passage of a ½" sphere.

e.) Where the curb or a portion of the curb is damaged, has settled lower than the deck surface, or has a separation greater than ½", a continuous threshold unit shall span from the deck to the sidewalk surface over the curb. Changes in level from the threshold's top surface material and the deck or the sidewalk shall not exceed ½" maximum. Changes in level of ¼" high maximum shall be permitted to be vertical, and changes in level between ¼" and ½" shall be beveled with a slope not steeper than 1:2.

f.) Where the Deck Surface edge abuts existing driveways or curb ramps, the driveway area or curb ramp shall be temporarily filled-in for the duration of the Pedlets installation.

g.) Deck Surface. The Pedlets Deck Surface shall be firm, stable and slip resistant.

i. The Deck Surface's maximum cross slope shall be no greater than 1:48 (2%) measured perpendicular to the sidewalk or curb. The Pedlet's underlying frame or structure may need to be tapered or shimmed in

order to accommodate the slope of the crown and the gutter in the street.

ii. The Deck Surface's maximum running slope (parallel to the curb) is 1:48 (2%) for the Wheelchair Turning Space, the Wheelchair Resting Space and the routes that connect them. For other Deck Surfaces, the running slope may not exceed 1:20 (5%). The Deck Surface materials shall be installed with no gaps between them larger than would permit the passage of a ½" sphere. Elongated openings shall be placed so that the long dimensions are perpendicular to the dominant direction of travel.

iii. The Deck Surface shall have no abrupt changes in level exceeding ½" along the Pedlet Path. No changes in level (even if they are less than ½") are recommended at either the Wheelchair Turning Spaces or Resting Spaces.

iv. The Deck Surface shall all be on one level unless the change in level is served by a ramp, additional Pedlet Entries, or otherwise permitted on a case by case basis. When stairs or ramps are permitted, they must meet all building code requirements for rise, run, width, handrails, and contrasting stair striping for the visually impaired.

11.) Term of use March 1 through November 15.

12.) Corner locations. In general, pedlets must be located at least one parking space away from an intersection or street corner. Pedlets close to corners can be more exposed to the risk of a collision by motorized vehicle. In some instances, a curb-extension (bulb-out), or some other physical barrier that would protect the pedlet in a corner location may allow the city to consider a corner pedlet on a case-by-case basis.

13.) Parking spaces. Pedlets can be sited along the curb line on streets where on-street parking spaces exist. They can be considered in any location where there are or would be space(s) for on-street parallel, angled, or perpendicular parking.

14.) Driveways. Pedlets may be installed in front of a driveway if the applicant is the owner of the driveway or obtains written permission from the property owner to install the pedlet. If the driveway has been abandoned or no longer provides access to off-street parking space, it shall be cleared and removed before the pedlet is installed.

15.) Other locations. Other locations adjacent to the curb will be considered on a case-by-case basis.

16.) Street slope. Pedlets are generally permitted on streets with a running slope (grade) of five percent or less. When installed on streets with running slopes of three percent or greater, pedlets will need to include a wheelchair rest area.

17.) Pedlets may be permitted on streets over five percent if they can provide safe access and turnaround area for wheelchair users. Pedlets on streets with a running slope over five percent pose significant design challenges. For those pedlet proposals, you should anticipate a longer and more robust review process, and be aware there is a somewhat greater chance that such pedlets will not be issued permits.

18.) Long-term City projects / future City-sponsored streetscape improvements. As part of its initial screening process, the City reviews proposed pedlet locations for potential conflicts with future programmed streetscape improvements and repaving projects. The City may reject pedlet proposals that conflict with impending streetscape improvements. Pedlets installed on streets scheduled for future improvements will likely need to be removed prior to improvements being constructed.

7.0 INCLUSIVE DESIGN (ADA COMPLIANCE)

1.) Pedlet design must be accessible and welcoming to all users, including people with physical disabilities, wheelchair users and those with impaired vision. Inclusive design considerations will affect many aspects of the pedlet design ranging from how to allocate space within the pedlet to the materials you chose to use. A few examples of the issues City staff will evaluate while reviewing pedlets design include:

a.) Slip resistant surface materials.

b.) Ensuring wheelchair users can access and enjoy your pedlet.

c.) Platform surface. The top of the pedlet platform must be flush with the sidewalk with a maximum gap of one-half inch. In the case of a sloping street, staff will work with the designer to address issues of access. The platform provides the structural base for the pedlet. The City strongly recommends consulting a design or construction professional to ensure that the platform will be sturdy and safe.

d.) Drainage. The pedlet cannot impede the flow of curbside drainage. Designers are strongly encouraged to cover openings at either end of the pedlet with screens to prevent blockage from debris.

e.) Street crown and curb height. Most streets are crowned (parabolic in cross-section) and typically edged with a six-inch-high curb. This is to ensure that stormwater flows towards the curb and gutter during a rainstorm. The curb is intended to prevent water from jumping the curb and flooding adjacent buildings. This means that the elevation of the street rises the further you move from the curb, effectively reducing the amount of space to build the pedlet platform. Whereas along the curb there may be 6 inches of clearance for your platform structure, clearance can be reduced to as little as 2 inches further into the street. Furthermore, both curb heights and street crown heights vary with each street segment. Applicants and designers are strongly advised to take field measurements before beginning the design to make sure their proposed platform solution will fit within the allotted space and satisfy all slope and accessibility requirements.

f.) Extend the sidewalk. Pedlets should be designed as an extension of the sidewalk, with multiple points of entry along the curbside edge. This may not be feasible on steeply sloped sites.

g.) Pedlet's *Positive Edge* at Perimeter of *Deck Surface*: Pedlets need a P*ositive Edge* along the open sides the *Deck Surface* that is parallel to the vehicular traffic lane, to inhibit people who, while lingering, may inadvertently wander into vehicular traffic. *Positive Edges* serve to reduce potential tripping hazards at drop-offs along open sides of the *Deck Surface.*

i. A *Positive Edge* along vehicular traffic lanes may be achieved by providing a railing of no less than 42 inches in height with openings of no more than 4 inches, or by other means as described in the next paragraph. All railings must be able to withstand a 250 lb. force anywhere and in any direction along the top of the rail from within the pedlet. When using a horizontal cable rail or similar flexible design, the barrier shall have a solid cap rail at the top of the barrier, and a solid curb or barrier that is a minimum of 5" high at the bottom of the barrier to provide warning to people who are blind or have low vision. Where a solid railing is provided at the top of the barrier, the railing must be constructed to withstand the forces of people leaning or sitting on it without structural failure. Top rail assemblies shall be designed to resist a load of 50 plf (0.73kN/m) applied in any direction at the top and to transfer this load through the supports to the structure.

ii. Other means for achieving this *Positive Edge* can include raised planters no less than 17 inches high and 12 inches deep, built-in seating or other built-in furnishings no less than 17 inches high and no less than 12 inches deep, dense plantings that visually enclose the space and discourage pass through, bicycle parking arrangements that act to provide a *Positive Edge*, or some other such similar means. In some instances, such as residential streets, alleys, shared public ways or other non-arterial streets, other barriers may be considered on a case-by-case basis.

iii. At other areas, for example where the edge is perpendicular to the vehicle traffic lane, where any portion of the *Deck Surface's* perimeter is ½" or more above the street, curb, or sidewalk level, the edge shall be positively marked by a vertical element or barrier that is 17 inches minimum in height. These vertical elements shall have visual contrast with the *Deck Surface* material: either light on dark or dark on light. (See Figures D.3 and D.4)

8.0 OVERSIGHT

8.1 Department of Development staff shall approve all items proposed to be placed on the pedlets, including but not limited to, tables, umbrellas, chairs, signage and hanging baskets. Staff shall have the right to ask the applicant to remove those items for safety or aesthetic purposes.

8.1.1 Removal Procedure

1.) Pedlets that are erected or maintained contrary to the requirements of this Policy shall be removed via the following process.

a.) The applicant shall receive a notice to remove the pedlet or that portion of the pedlet and/or accoutrements to the pedlet within 24 hours. If the applicant has not removed the pedlet, portion of the pedlet, or identified accoutrement(s) within 24 hours the Public Works Department shall have the right to remove the pedlet, that portion of the pedlet, or any accoutrement(s) and place the item(s) into storage. Once in storage the applicant shall be notified of its location and it shall have 5 days to pick up the materials from the date of notification. If the applicant does not pick up the-materials within that time period the Public Works Department shall recycle or discard the materials. Any holder of a grant of privilege for a pedlet who fails to remove the pedlet or accoutrements to the

pedlet that is erected or maintained contrary to the requirements this Policy shall be banned from having a pedlet the following permit season. Thereafter, such applicant and permit holder shall be eligible for a pedlet but shall be subject to such other reasonable requirements and conditions as may be set by the City Engineer and/or the Board of Public Works as are needed to ensure compliance with the requirements of this section.

8.2 Approval by the City Engineer of the pedlet structure and other related items outside of the structure shall be required prior to issuance of the grant of privilege. The other related items shall include but not be limited to the following:

1.) Clear zones, distances from intersections for sight distance, operational characteristics of the roadway (e.g. do "defacto" turn lanes/bypass lanes exist?), etc. are all important considerations to safety for the traveling public as well as the safety of those using pedlets.

2.) The document mentions decorative planters at protective barriers, but their sufficiency and locations should still be overseen by engineering for safety purposes to ensure they are a proper crash cushion.

3.) Street signing, to ensure its continued visibility after the pedlet is built.