

March 15, 2004

To the Public Improvements Committee

Subject: Common Council Resolution File Number 031468

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 031468, being a petition for a special privilege submitted by Gary Johnson on behalf of Shasha LLC to construct and maintain a second floor balcony/deck across the front of that portion of the building to be used for outdoor dining and signage above the public right-of-way located at 2028 East North Avenue. Mr. Johnson presently operates a similar business on the first floor of his portion of the building, which is to the west. During the last few years, Mr. Johnson has established a sidewalk area dining facility. It has projected approximately 7.5 feet and has been enclosed by some metal fencing, during the dining season. This moves the pedestrian path closer to the curb, which could help with passage in the deck area.

The request is to construct and maintain a balcony/deck structure with signage that will be supported by the building and by steel columns with concrete footings at the building at 2028 East North Avenue. The balcony/deck structure is proposed to encroach approximately 10 feet 8 ½ inches into the 15-foot wide fully paved public sidewalk area for a distance of approximately 22 feet 10 inches. The clear height from the sidewalk to the underside of the roof structure is to be a minimum of 10 feet 3 inches. The balcony/deck structure will consist of wood decking over a concrete slab with steel guardrail and wood handrail around the perimeter of the deck. The signage consists of a painted aluminum sign at the east end of the deck with backlit illuminated lettering on both sides, stating the name of the business. The aluminum sign is 12 feet wide by 9 feet 5 inches high and extends past the edge of the deck, with a minimum clear height of 11 feet 2 inches.

To the Public Improvements Committee  
March 15, 2004  
Page 2

It does not appear that the proposed balcony/deck encroachment or signage into the public right-of-way of North Avenue will have an adverse effect on the general use of the public right-of-way at this location after they are constructed. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will allow the balcony/deck structure and signage to encroach into the public right-of-way. The applicant will be required to obtain and keep a loading zone or "no parking" status adjacent to the balcony/deck structure as long as the structure is in place.

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