

November 21, 2006

To the Public Works Committee

Subject: Common Council Resolution File Number 971860

Dear Honorable Members:

Returned herewith is Common Council Resolution File 971860, which amends a special privilege to Joseph P. Balistreri for change of ownership for a covered walk; grants permission for a second covered walk, a line fence and eight moveable planters; and combines two previously granted special privileges for the premises at 1962 North Prospect Avenue.

In 1929, Shorecrest Realty Company petitioned for a special privilege to construct and maintain a covered walk for the Prospect Avenue entrance to the premises. Permission for said covered walk was granted under Common Council Resolution File Number 42711. Common Council Resolution File Number 42711-a amended this special privilege for change of bonding company.

Joseph P. Balistreri petitioned for a special privilege to keep and maintain a sidewalk café in North Prospect Avenue. Permission for the sidewalk café was granted in 1977 under Common Council Resolution File Number 77-221. Subsequently, sidewalk cafes were permitted to be in the public right-of-way as long as they meet the guidelines for sidewalk area dining facilities as stated in Exhibit A of Common Council Resolution File Number 980245, however the subject sidewalk café does not meet these criteria because the area of the café has been permanently elevated from the surrounding sidewalk grade by about 3 inches with patio pavers. In addition, there is a permanent fence surrounding the café area.

A site visit revealed the presence of eight moveable planters in the east sidewalk area of North Prospect Avenue, a second covered walk in the west sidewalk area of North Summit Avenue, and a line fence also in the west sidewalk area of North Summit Avenue. The moveable planters are attached with plastic fasteners to the fence enclosing the sidewalk café area; however, they could be freestanding and are easily detached from

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the fencing. The line fence is actually several separate sections of a fence that, perhaps, once enclosed a patio area partially in Summit Avenue.

We are not aware that the presence of said items has had or will have an adverse effect on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, which, if adopted, will change the name of the grantee to Joseph P. Balistreri for the covered walk on Prospect Avenue; grant permission for a second covered walk, moveable planters, and the line fence; and will combine previously separate special privilege resolutions.

Very truly yours,

Jeffrey S. Polenske, P.E.  
City Engineer

Jeffrey J. Mantes  
Commissioner of Public Works

Martin G. Collins  
Commissioner  
Department of Neighborhood Services

MDL:lja  
Attachment

c: Alderman Michael D'Amato