

September 4, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 020246

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 020246, being a request for an amendment to a special privilege granted to Flannery's Pub Inc. d/b/a Flannery's Bar & Restaurant, for use of the public right-of-way as a sidewalk café along the south side of East Wells Street adjacent to the premises at 425 East Wells Street.

The existing special privilege, Common Council Resolution File Number 971947, adopted on May 27, 1998, granted permission for use of the sidewalk area as a sidewalk café, which consisted of tables and chairs on raised wooden decks on the sidewalk surrounded by tubular railing.

This business has now also moved into the space in an adjacent building. The outside seating is proposed to also be in front of that space. In conjunction with this expansion, they propose to remove the decking, and place tables and chairs directly on the sidewalk at either side of the main entrance to the establishment, creating a 4-foot wide by 20-foot long sidewalk café area west of the entrance and a 4-foot wide by 40-foot long sidewalk café area east of the entrance. The proposal requires a special privilege in lieu of a sidewalk area dining facility permit in that the clearance for pedestrians at parking meters adjacent to the sidewalk café is less than 6 feet, which is the minimum required for sidewalk cafes in the downtown area.

We have prepared the attached resolution, which, if adopted, would allow the sidewalk café areas with less than 6 feet of pedestrian clearance to occupy the right-of-way along the building for sidewalk café seating. We are not aware that the existing café has had an adverse effect upon the public right-of-way in this area nor do we believe that the expanded (widened) café will either. We have, therefore, prepared the attached amending special privilege resolution that, if adopted, would allow the café area to be expanded.

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