

CITY COUNCIL MEETING"

MAY 6, 1981

Page 415

CC-31

REQUEST TO USE
SCHOOL STREET MALL
(PUBLIC
RIGHT-OF-WAY)
GRANTED

Council was informed that Mr. Tim Brophy, owner of Brophy's Restaurant at 15 S. School Street, has requested permission to place portable tables and chairs in the mall area next to the restaurant. According to Staff, it is not a permitted use under the guidelines for encroachment permit issuing as adopted by the City Council.

Staff's report outlined some of the problems that may arise should such a permit be issued.

Following discussion, with questions being directed to Staff and to Mr. Brophy, who was in the audience, Council on motion of Councilman Katnich, Murphy second, approved the request to use the School Street Mall (public right-of-way) for private use (to place portable tables and chairs in the mall area next to the restaurant) with the following conditions:

- a) An Encroachment Permit be obtained for one year, renewable at that time provided there have been no major problems.
- b) Access be maintained to the public phone.



CITY OF LODI

PUBLIC WORKS DEPARTMENT

COUNCIL COMMUNICATION

TO: City Council
FROM: City Manager
DATE: April 24, 1981
SUBJECT: 15 S. School Street - Brophy's Restaurant

RECOMMENDED ACTION: That the City Council deny Mr. Brophy's request to use the School Street Mall (public right-of-way) for private use.

BACKGROUND INFORMATION: Mr. Tim Brophy, owner of Brophy's Restaurant at 15 S. School Street, has requested permission to place portable tables and chairs in the mall area next to the restaurant (letter attached as Exhibit A). It is not a permitted use under the guidelines for encroachment permit issuing as adopted by the City Council. A sketch showing the proposal to scale is attached.

We have discussed the proposal with both the Fire Department and the Police Department, and neither has any problem with the installation.

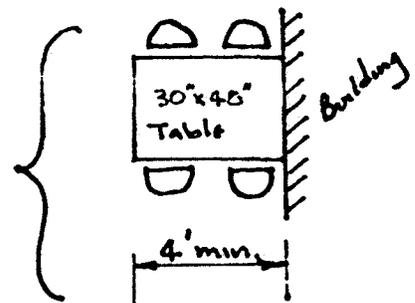
Some problems that may arise with such a permit are as follows:

1. Setting precedent in use of public right-of-way for private use;
2. Possible insurance problems;
3. Limiting use to patrons of Brophy's Restaurant and enforcement thereof;
4. Request for equal space by property owners across the mall;
5. Possible vandalism;
6. Conflict with other promotions: sidewalk sales, downtown merchants, parades, festival, etc. which might also wish to use the alley and create pedestrian blockage.
7. Litter, cleanliness, and responsibility therefore.

It is felt that the installation would be a positive one, increasing the availability of service and providing a new concept for the downtown area. However, because of the reasons stated above, we cannot recommend approval of this request.

If Council does approve request, it is suggested that:

1. Hours of operation be established;
2. Limit the number of tables (4 maximum);
3. Consider rectangular tables which would limit encroachment to 4 feet;



APPROVED:

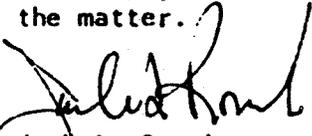
HENRY A. GLAVES, City Manager

FILE NO.

City Council
April 24, 1981
Page 2

4. Encroachment permit be obtained for one year. Renewable at that time provided there have been no major problems;
5. Access be maintained to public phone.

Mr. Brophy has received a copy of this memorandum and may wish to speak on the matter.



Jack L. Ronsko
Public Works Director

JLR:GER:dmw

Att.

cc: Mr. Tim Brophy

March 22, 1981

Public Works Dept.
City of Lodi
Public Works Director
Jack L. Ronsko

Dear Mr. Ronsko,

Brophy's Restaurant (Formerly The Mall Coffee Shop),
at 15 S. School St., would like to apply for an Encroach-
ment Permit. We would like to put 4-6 portable tables,
with umbrellas, in the mall area next to the restaurant.

The enclosed drawing shows the entrance to Brophy's,
and the mall with tables.

The tables will only take up $\frac{1}{3}$ rd the width of the
mall and will not hamper foot traffic.

We plan to put the tables inside when we close, and
in case of a fire, the tables can be easily moved out of
the way.

Naturally, we feel the sidewalk cafe look will increase
our business, but also, it will enhance the look and at-
mosphere of the downtown area.

Thankyou for
your consideration,

Tim Brophy

Tim Brophy
Owner
Brophy's

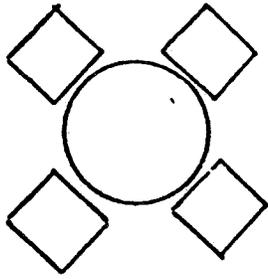
RECEIVED

MAR 23 1981



CITY OF LODI
PUBLIC WORKS DEPARTMENT

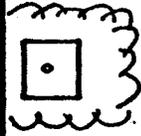
6'



TYPICAL
INSTALLATION
1/4" = 1'

HOUSE OF
FABRICS

20'



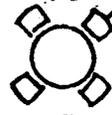
Bench (Typ)

Planter & Bush (Typ)



Tables & Chairs

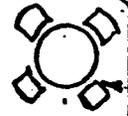
BROPHY'S



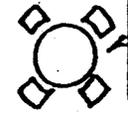
Doorway (Typ)



Public Telephone



Tables & Chairs...



Door

Lamp pole

6' Min

SCHOOL ST.

NORTH
SCALE: 1" = 10'

CITY COUNCIL

JAMES A. McCARTY, Mayor
ROBERT G. MURPHY, Mayor Pro Tem
RICHARD L. HUGHES
WALTER KATNICH
JAMES W. PINKERTON, Jr

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
POST OFFICE BOX 320
LODI, CALIFORNIA 95241
(209) 334-5634

HENRY A. CLAVES, Jr.
City Manager

ALICE M. REIMICHE
City Clerk

RONALD M. STEIN
City Attorney

May 11, 1981

Mr. Tim Brophy
15 S. School Street
Lodi, CA 95240

Dear Mr. Brophy:

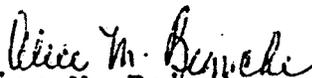
This letter will confirm the action taken by the Lodi City Council in approving your request to use the School Street Mall (public right-of-way) for private use, i.e. to place portable tables and chairs in the mall area next to the restaurant.

This approval was conditioned as follows:

- a) an encroachment permit must be obtained for one year, which permit will be renewable at that time provided that there have been no major problems
- b) that access be maintained to the public telephone

Should you have any questions regarding this action, please do not hesitate to call this office.

Very truly yours,


Alice M. Reimiche
City Clerk

AR:dg



CITY OF LODI

PUBLIC WORKS DEPARTMENT
221 W. PINE ST. 368-0641
LODI, CALIFORNIA 95240

ENCROACHMENT PERMIT

Owner TIM Brophy Address 15 S. Federal St.

Permit Address Same

Contractor Owner Address _____

Phone _____ License No. _____ Starting Date 1/1/81 Completion Date 1/1/81

Pursuant to the provisions of the Code of the City of Lodi, the undersigned applies for permission to excavate, construct, and/or otherwise encroach on City Street Right-of-Way by performing the following work:

(Describe here what work is to be done and attach plans if available)

Permission for encroachment Space for Sketch
into Mall area south of restaurant
subject to following conditions:
 1. Maximum number of tables - 4
 2. Encroachment not to exceed 5' sidewalk
 3. Hours of operation - 2pm to 10pm
 4. Tables to be removed from sidewalk by 10pm
 5. Access to public phone

The undersigned does hereby agree to indemnify and save the City of Lodi free and harmless from any liability, in accordance with the provisions of Sec. 9A-4 of Code of the City of Lodi. Applicant will, upon request furnish a certificate of insurance naming the City of Lodi as an additional assured. Owner is specifically aware of Sec. 9A-29 thereof relating to the relocation or removal of said encroachment if future construction requires such relocation.

Owner's Agent

Date _____ Owner

Bond _____

Referred to _____

Inspected _____ Date _____

Completed _____ Date _____

Reviewed _____ Date _____

This permit is granted subject to all provisions of Chapter 9A of the Code of the City of Lodi, and to all general provisions and applicable special provisions as shown on the reverse side.

Permit Approved: **CITY OF LODI**

By: _____

Public Above Ground

Public Underground Date _____

Private Other Permit No. _____

Follow up

*CC-6
CC-31*

June 17, 1982

Department of Alcoholic Beverage Control
1215 O Street
Sacramento, CA 95814

Re: Application for Alcoholic Beverage License -
Edward W. Brophy, Jr. and Marilyn J. Brophy,
Brophy's Cafe, 15 S. School Street, Lodi, CA

Gentlemen:

Enclosed please find a copy of a letter sent to Mr. Edward W. (Tim) Brophy, Brophy's Cafe, 15 S. School Street, Lodi, indicating action taken by the City Council of the City of Lodi at a regular meeting held May 19, 1982, whereby Council by motion action granted an indefinite encroachment permit for permission to encroach into the mall area and consented to the sale of beer and wine in both the outdoor area and in the indoor area of Brophy's Cafe.

If you have any questions regarding this action, please do not hesitate to contact this office.

Very truly yours,

Alice M. Reimche
City Clerk

AR:dg

Enc.

CITY COUNCIL

FRED M. REID, Mayor
ROBERT C. MURPHY,
Mayor Pro Tempore
EVELYN M. OLSON
JAMES W. PINKERTON, Jr.
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
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(209) 334-5634

HENRY A. CLAVES, Jr.
City Manager

ALICE M. REIMCHE
City Clerk

RONALD A. STEIN
City Attorney

May 26, 1982

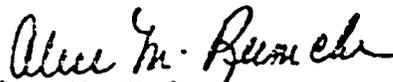
Mr. Edward W. (Tim) Brophy
Brophy's Restaurant
15 S. School Street
Lodi, CA 95240

Dear Mr. Brophy:

Your May 13, 1982 letter requesting permission to serve beer and wine to your patrons at the outdoor tables as well as the indoor tables at Brophy's Restaurant was presented to the Lodi City Council at its May 19, 1982 regular meeting. It was determined that the encroachment permit that you had been granted approximately one year ago for permission to encroach into the mall area south of the restaurant was due to expire on May 31, 1982. Following Council discussion on the matter, the City Council by motion action granted you an indefinite encroachment permit for permission to encroach into the mall area and, further, consented to the sale of beer and wine in both the outdoor area and in the indoor area of your restaurant.

Should you have any questions regarding the action taken by the City Council in this matter, please do not hesitate to call this office.

Very truly yours,


Alice M. Reimche
City Clerk

AR:dg