

TO: James L. App, City Manager
FROM: Ron Whisenand, Community Development Director
SUBJECT: Request for Temporary Building Encroachment into the Public Right of Way, Gilson
DATE: December 15, 2009

Needs: For the City Council to consider a request by Robert Gilson to allow the temporary placement of building amenities in the public right-of-way.

- Facts:**
1. Robert Gilson has submitted a letter of request to place a wooden deck on the east edge of his building located at 705 Pine Street. The deck will protrude into the Pine Street public right-of-way.
 2. The area of right-of-way proposed for use by Gilson is located behind the existing sidewalk and is currently landscaped.
 3. Curbs and sidewalks exist at this location. The distance from the curb to right-of-way line is 14 feet. The sidewalk is located directly behind the curb and is five feet wide.
 4. In the context of the Town Center Plan, we will recommend the eventual implementation of angle parking on the west side of Pine Street in this block. Angle parking along with sidewalk will require the use of the entire 80-foot right-of-way of Pine Street.
 5. There is no need for angle parking until the entire block can be completed. Therefore, a temporary placement of the wooden deck will not interfere with the use of the right-of-way in the existing condition.

**Analysis
and
Conclusion:**

An example of precedent to this request was the placement of the handicap ramps in front of the historical bath house building on 11th Street at Pine. In that case, the encroachment is permanent and the ramps were placed as a measure to maintain the historical structure while complying with modern disability access requirements.

In the case of 705 Pine Street, the encroachment is temporary and can be removed at any time the City desires to make use of the public right-of-way. There is potential future use of the right-of-way for wider sidewalks. These wider sidewalks could occur with or without the eventual placement of angle parking.

**Policy
Reference:** None

**Fiscal
Impact:** None

- Options:**
- a. That the City Council approve the request of Robert Gilson and authorize the mayor to enter into an agreement with Gilson to place a building amenity in the public right-of-way subject to the condition that the encroachment is temporary and will be removed at the request of the City at any time.
 - b. Amend, modify or reject the above option.

Attachment:

1. Letter and Exhibit from Gilson

GILSON PROPERTIES

RECEIVED

NOV 30 2009

Engineering Division

To: John Falkenstien

From: Robert Gilson

Re: Encroachment Agreement at 705 Pine Street

John,

Thank you in advance for your consideration of an encroachment permit/agreement from the City for the eastern edge of 705 Pine Street. I understand that it would likely be revoked in the future to accommodate angle parking.

Please note our desire is to float a wooden deck off the eastern edge of the building to create a more attractive tenant opportunity.

Thank you,



Robert Gilson

