

**TO: JAMES L. APP, CITY MANAGER**  
**FROM: ROBERT LATA, COMMUNITY DEVELOPMENT DIRECTOR**  
**SUBJECT: MASTAGNI BUILDINGS WALKWAY ENCROACHMENT PERMIT**  
**DATE: OCTOBER 19, 2004**

**Needs:** For the City Council to consider options related to an approved Encroachment Permit issued to Portney Construction for the covered walkways for the Mastagni buildings on the corner of 12<sup>th</sup> and Park Streets.

- Facts:**
1. The City Council approved the Encroachment Permit to establish covered walkways along the property frontages at 739 and 801 12<sup>th</sup> Street.
  2. The walkways were permitted to provide safe pedestrian access along the street frontages during reconstruction of these buildings which were lost from the San Simeon earthquake.
  3. The estimated completion date on the Encroachment Permit for the reconstruction of the buildings is December 31, 2005.
  4. The construction plans for the buildings are in plancheck with the Building Division. They are currently awaiting response to comments from the applicant. There is a potential that the applicant *may* be able to complete the plancheck process, pick up their permits and commence construction on the buildings by the end of the calendar year 2004.
  5. The covered walkways encroach up to 16 parking spaces and the sidewalk along the property frontages.
  6. According to the Deputy City Attorney, if the applicant does not volunteer to move the walkway, the City does not have grounds on which to revoke this permit.

**Analysis  
And  
Conclusion:**

The City Council authorized installation of the walkways at its meeting on April 20, 2004. Consistent with the authorization, the applicant applied and received approval for an Encroachment Permit to enable the establishment of a pedestrian walkway along the property frontages. These are located within the public right-of-way for the two Mastagni buildings that were destroyed or demolished as a result of the earthquake last December.

The permit was requested so that the applicant would have enough room on their properties to excavate, stage equipment, and reconstruct their buildings. The replacement building footprints will use the entire area of both properties. This would make it significantly more difficult and complex to construct the properties without encroaching into the public right-of-way.

At this time, the applicant is in plancheck with the Building Division for review of their plans. (See attached Memorandum.) The timing of building permit issuance and

commencement of construction largely depends on when the plans are complete. However, the walkway is not needed until the applicant begins construction.

The City has received concern from members of the community that the walkways take up parking spaces and generally create difficulty to get around. The Council directed staff to schedule a discussion of the options. One of these options may be requiring the applicant to temporarily relocate the walkways onto the applicant's property out of the public right-of-way until January 2005.

It is also important to note that the Encroachment Permit is active until December 31, 2005, and that the applicant has used their own resources to construct and install the walkway. There are no special conditions or other terms required with this permit. After discussing this issue with the applicant, they are very concerned about the prospect of moving the walkways because it would result in tremendous expense and time delays. They indicated that the walkways may need to be reconstructed if they are moved and damaged. The timing of requiring the applicant to relocate them may result in time delays if they need to use their resources moving the walkways instead of working on construction. Staff obtained an estimate of the potential costs involved, which ranges from \$7,500 to \$10,000.

**Policy**

**Reference:** General Plan and Zoning Code.

**Fiscal**

**Impact::** There would be costs to the City if the City participated in or paid for the relocation of the walkways. The actual cost of this work is unavailable at this time.

**Options:**

The City Council will be asked to select one of the following options:

- a. Uphold the valid Encroachment Permit, which is in compliance with City codes and regulations, and continue to permit the pedestrian walkways to remain in their present locations until the permit expires or sooner if the applicant removes them before December 31, 2005.
- b. Amend, modify, or reject the above option.

**Attachment:**

1. Letter from Deputy Building Official
2. Copy of Encroachment Permit

TO: BOB LATA  
FROM: STEVE PERKINS  
SUBJECT: MASTAGNI/WALKWAYS  
DATE: OCTOBER 6, 2004

Bob,

Regarding your email of October 6, 2004 concerning Mastagni temporary in-place sidewalks at 12<sup>th</sup> and Park.

Plans for 739 and 801 12<sup>th</sup> Street building reconstruction were submitted to the Building Division on June 17<sup>th</sup> 2004. Both plans were returned to applicant (Saunders) on July 7, 2004 for corrections. On September 1, 2004 plans for 739 12<sup>th</sup> were returned to the City for recheck, plans for 801 12<sup>th</sup> were not. On September 13, 2004 plans were returned to applicant for further corrections. See attached Tracking Sheets.

Regarding potential timing for permit issuance, I could not give an accurate guess to issuance due to the following issues;

- It is not known when plans will be resubmitted to the Building Division for completeness of plan review. Plans for 801 12<sup>th</sup> have been back to applicant for three months with no indication from owner or applicant when plans will be returned. Plans for 739 12<sup>th</sup> have been back to applicant for one month with no indication from owner or applicant when plans will be returned. Additionally, plans for 739 12<sup>th</sup> were revised from the original submittal and resulted in additional corrections.
- A Rough Grade Certificate must be submitted to the Engineering Division prior to permit issuance. At this time no earth work has been started and the Building Division is not aware of any start date proposed.
- Prior to issue of permits, plans will need to be reviewed by the Planning Division for conformance with applicable Architectural approvals of development. Plans do not have final review until the project has completed Building Plan review.
- The original Agent for Owner (Saunders) is no longer associated with the project and could potentially cause further delays.

Implications for site construction disruption by moving temporary side walk onto property could be the following;

- In order to accomplish the required over-excavation and recompaction of the building site(s), the building pad area would have to be free and clear of all obstructions up to and possibly beyond the building lines.
- In order to construct needed sub-grade retaining walls, the pad area would have to be free and clear of all obstruction up to and possibly beyond the building lines.

As with the plan review times, it is unknown as to the time needed for the above to be accomplished. It is dependant upon the owner and their contractors and how fast they can proceed with the work.

Moving the sidewalk onto the property would not cause any delay for issuance of building permits, only possible delays in construction.

#### POSSIBLE PLAN REVIEW AND PERMIT ISSUANCE TIME LINE

**IF** plans were to be returned to the City for recheck on October 15<sup>th</sup> and **IF** all correction items have been properly corrected, plans could possibly be back to City by November 8. **IF** Rough Grade Certificates are complete and submitted to the Engineering Division and **IF** all previously approved Architectural are consistent with final plans, and **IF** no other problems, issues, or delays arise, it could be possible for permits to be issued by the week of November 22ed.

Steve

## Permit number: B04-0677

<u>Dept</u>	<u>Date</u>	<u>by</u>	<u>Where</u>	<u>Comment</u>
B	6/17/04	SP	Cabinet	Packet Submitted – Steve spoke with Jim Saunders to complete application.
B	6/18/04	Bna	PC fee paid	Mailed receipt-applications submitted
B	6/18/04	Mcb	CA Code Check	Plan Check
E	06/21/04	ss	Engineering	(3) copies for plan check
E	06/29/04	Ss	Approved	To planning for review
B	7/7/04	Drd	Cabinet	Returned From Ca Code Check
B	7/7/04	Drd	J. Saunders	Returned for corrections.
P	07/20/04	SZ	Approved Eng	to building file
B	9/1/04	Mcb	Cabinet	Corrections returned by applicant
B	9/1/04	Mcb	CA Code Check	Re-Check
B	9/10/04	Mcb	Cabinet	Returned by CA Code Check
B	9/13/04	Mcb	J. Saunders	Corrections

## Permit number: B04-0676

<u>Dept</u>	<u>Date</u>	<u>by</u>	<u>Where</u>	<u>Comment</u>
B	6/17/04		Cabinet	Packet Submitted – NEED APPLICATION – STEVE SPOKE WITH JIM SAUNDERS
B	6/18/04	Bna	PC fee	Paid – mailed receipt-applications submitted
B	6/18/04	Mcb	CA Code Check	Plan Check
E	06/21/04	ss	Engineering	(3) copies for plan check
E	06/29/04	Ss	Approved	To planning for review
B	7/7/04	Drd	Cabinet	Returned from Ca Code Check
B	7/7/04	Drd	J. Saunders	Returned for corrections
P	07/20/04	SZ	Approved Eng	to building file



City of Paso Robles
Department of Public Works

ENCROACHMENT PERMIT

CALL U.S.A. 48 HOURS BEFORE YOU DIG
1-800-227-2600

Contractor: PORTNEY CONSTRUCTION Date: APRIL 1, 2004
Business Address: 1140 RAILROAD STREET Phone: 805-237-9969
City, State Zip: PASO ROBLES, CA 93446 Fax: 805-238-7961
City Business License #: 04-3127 State License #: 598414 Class: A, B, C-21,
Owner: DOUG PORTNEY ASB, HAZ

Job Location: 739-807 12th St., 1209 & 1214-1220 Prk Project Number (if applicable):

Estimated Start Date: April 5, 2004

Estimated Completion Date: 12/31/05

Permission is granted to work within the public right-of way for the construction of the following improvements:

Respectfully requesting permission to set pedestrian walkways within the public
right-of-way around the sites of earthquake-devastated Acorn and Marlow Building
to facilitate safe, secured construction sites.

SPECIAL CONDITIONS:

The undersigned applicant/permittee agrees that the work will be done in accordance with and subject to this permit's
terms and conditions, the State Vehicle Code, the State Streets & Highways Code and is subject to inspection.

Kate Abraham
Signature of Applicant (Permittee)

D. Esau
Signature of Authorizing Engineer

Applicant Initials (indicates receipt of the attached "Encroachment Permit General Provisions")

BOND AMOUNT \$

Fees waived. Earthquake

Check No. CONTACT CY BOZNER, related

S.R. EYES INSPECTOR 24 HRS. PRIOR TO & DURING ALL PHASES OF

\*\*\* YOU MUST CALL FOR INSPECTION UPON COMPLETION OF THE PROJECT \*\*\*
(805) 227-7223
Reference your Permit Number when requesting inspection e 237-3800

FINAL INSPECTION BY:

DATE: