

**TO: James L. App, City Manager**  
**FROM: Ron Whisenand, Community Development Director**  
**SUBJECT: Request for Temporary Removal of Parking and Sidewalk  
1244 Park Street (Hughes)**  
**DATE: August 5, 2008**

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**Needs:** That the City Council consider a request to allow continued restriction of the use of parking and sidewalk at 1244 Park Street.

**Facts:**

1. Charlie Main, representing Wayne Hughes, owner of the building at 1244 Park Street, has requested continuation of the time limits associated with an encroachment permit for the temporary removal of parking and sidewalk on both 13<sup>th</sup> and Park Streets.
2. Downtown parking removed for construction activities has the potential to affect business activities. Therefore, these requests are routinely brought to council for consideration.
3. We have received a complaint from the adjacent business owner, John Cardinale, that the closure of sidewalk and parking has been detrimental to his business.

**Analysis  
and**

**Conclusion:** On December 18, 2007, the Council approved a request by Warren Hamrick, representing the building owner, to fence the site and restrict the use of sidewalk and parking adjacent to 1244 Park Street for six months, ending June 30, 2008. Ten downtown parking spaces are affected. Pedestrians have been routed across both 13<sup>th</sup> and Park Streets in order to avoid the construction area.

Charlie Main, general contractor for the building construction, has requested continuation of the parking and sidewalk closures. In meetings with staff regarding this request, placement of a covered walkway was discussed as an alternative to re-establishing the parking and avoiding the need to route pedestrians across 13<sup>th</sup> Street.

The applicant has agreed to this alternative and, in the interest of restoring access, has agreed to have the walkway installed by Friday, August 1<sup>st</sup>. Council approval will still be required to keep this alternative walkway in place for the estimated 8 – 12 weeks while construction is being wrapped up. The plans for the covered walkway will be shared with adjacent businesses.

**Policy**

**Reference:** Paso Robles Municipal Code Sections 11.12.060.

**Fiscal**

**Impact:** None.

**Options:**

- a. That the City Council adopt Resolution 08-xxx approving a request for continued restriction of the use of sidewalks adjacent to 1244 Park Street subject to conditions for the construction and maintenance of a covered walkway and its removal, no later than the completion of construction or October 31<sup>st</sup>, whichever occurs first.
- b. That the City Council amend, modify or reject the above options.

Attachments: (3)

- 1) Letter from Charlie Main
- 2) Letter from John Cardinale
- 3) Resolution Option a

**From:** Charlie Main [charlie@themaincompany.com]  
**Sent:** Tuesday, July 22, 2008 3:45 PM  
**To:** John Falkenstien  
**Cc:** Clyde Ganes; 'Warren Hamrick'; 'Jim Smith'  
**Subject:** Request for time extension  
**Dear John,**

Pursuant to our discussions of last week, please place The Main Company on the City Council meeting agenda for August 5<sup>th</sup> to request a time extension for the fencing at 1244 Park Street to September 15<sup>th</sup>.

Reasons for the delay are as follows:

1. Discovery of tunnel underneath the sidewalk caused a delay of 30 days.
2. More than doubling of the work scope by the owner.
3. Additional work scope defined on the civil engineering drawings approved on March 12<sup>th</sup>.
4. Specifically, completion of the stucco work is targeted by 3<sup>rd</sup> week of August. Immediately following the stucco completion, The Main Company will reconstruct the curb and gutter, the sidewalks, and repave as required. We anticipate 2-3 weeks to complete this scope of work.

The Main Company is committed to completion of the exterior improvements and removing the temporary facilities as soon as possible.

Respectfully,

Charlie Main  
The Main Company

July 28, 2008

We are business owners in downtown Paso Robles. We opened our Market and Cheese Shop in 2002. We have experienced steady growth for six years.

When we found out that the Idler's Building had been purchased and was set to be partially demolished, excavated, and redesigned, we were looking forward to the positive effects the remodeling and new businesses would bring to the area. We attended the City Council meeting which addressed the requests from the architect and contractors, and were confident that the project would be completed by July 1, 2008.

From the very day the construction began, we were negatively affected by the extreme conditions next to us. Our building is all but attached to the Idlers Building, and we were subjected to all the noise and vibrations coming from next door during the demolition. Our walls are essentially shared with the building next door, and there were times we could not speak or be heard above the noise. At the same time a chainlink fence was erected from the corner of our building to the middle of the traffic lane, and down and around the corner of our block. The city required in the resolution that the contractor provide signage and directions and assistance to customers trying to find their way to our business. This was never done; we put up our own signs.

We found daily that the trucks belonging to the various construction workers were parked around our shop, both on the street and in the adjacent parking lot, despite the signs directing the workers to park outside the downtown core (also in the City's resolution). We had one parking space remaining in front after the fence went up, and it was occupied almost constantly by construction vehicles, or orange cones. It was left to us to try to convince the workers to park elsewhere.

When the time came to excavate and rebuild the alley that runs alongside our building, the parking lot was blocked for three weeks.

What this adds up to is an impossible situation for us to try to survive while waiting for completion of the project on or before July 1. From the first day we have watched our business decline, and our income drastically reduced. Our regular customers could not find us (many believed it was our building being demolished), could not get in, or simply gave up. We received phone calls asking where we had relocated. We rely heavily on tourist trade, as well, and the downtown visitors were unable to walk our block. We watched daily as people would round the corner at 13th and Pine, start down the sidewalk, then turn around at the sight of the massive construction area. We could see people streaming past the corner at 13th and Park, with no view of us and no way to round that corner. These are both examples of where signs and directions may have helped us, but there were none provided and we could not afford to take care of it ourselves.

The bottom line is that we have used up our resources trying to stay in business during the first six months of 2008. Our sales have plummeted, and it is nearly impossible to keep product in stock. What concerns us now is the fact that the building process will go on several months more, having reached and passed the time allowed by the city. We have been decimated by the construction, with no resources left. We have lost much of our summer tourist trade, and now face the upcoming holiday season with the construction continuing. We believe that there must be some recourse when a building project goes over the allotted time, and the surrounding small businesses face the

extension of their hardship for some months to come. Although we survived the six-month disruption of business, we are not prepared to withstand any further losses. We would hope there would be some financial remuneration at this point to enable us to stay in business. If the project goes on into November, as projected, it will have nearly doubled in its duration. When the City Council approves a construction project such as this, it seems the guidelines and time frame would be respected and adhered to. When they are not, is there no contingency plan to protect affected businesses?

Our Cheese Shop is more than just a business: it has been for six years our livelihood, and, more importantly, the fulfillment of a dream. We have planned our future around this business, for us and our family. We do not want to lose it.

We are very grateful for the quick response from the city when the situation was brought to their attention, and we hope it will not prove to be too little, too late.

Thank you for your consideration.

The image shows two handwritten signatures in black ink. The top signature is "Jim Huggins" and the bottom signature is "John Cardwell". Both are written in a cursive, flowing style.

	JAN	FEB	MAR	APRIL	MAY	JUNE	July-1-21	PTD
07	14,220	19,360	23,921	20,026	22,175	17,189	13,763	130,654
08	10,710	14,515	19,823	15,690	21,322	18,443	8,332	102,835

RESOLUTION NO. 08-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
APPROVING A REQUEST FOR AN ENCROACHMENT PERMIT FOR TEMPORARY  
RESTRICTION OF USE OF SIDEWALK AT 1244 PARK STREET (HUGHES)

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WHEREAS, Charlie Main, representing the owners of the building at 1244 Park Street, has applied for an encroachment permit to restrict the use of parking and the public sidewalk on both the Park Street and 13<sup>th</sup> Street frontages; and

WHEREAS, the restriction of parking and detour of pedestrians will result in disruption of business activities downtown and inconvenience to the general public; and

WHEREAS, safety of the public during construction activities on the building at 1244 Park Street is essential; and

WHEREAS, placement of a covered walkway on 13<sup>th</sup> Street will avoid the need to detour pedestrians across 13<sup>th</sup> Street; and

WHEREAS, painting the covered walkway will amend its appearance and appropriate maintenance of the site will diminish the impact of the project on the downtown.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED as follows:

SECTION 1. That the City Council of the City of El Paso de Robles does hereby approve the request for restriction of use of public sidewalk adjacent to 1244 Park Street, on both Park Street and 13<sup>th</sup> Street frontages from July 1, 2008 until October 31, 2008, subject to the following conditions;

- A covered walkway shall be placed on 13<sup>th</sup> Street.
- The covered walkway shall be maintained in a safe and clean manner.
- The covered walkway and entire construction site shall be kept clean of all advertising.
- Advisory signs will be placed notifying the general public that all businesses are open and direction shall be provided for safety and guidance to destinations.
- The general contractor will arrange for the parking of construction vehicles outside the downtown core to the maximum extent possible for the duration of the project.

PASSED AND ADOPTED by the City Council of the City of El Paso de Robles this 5<sup>th</sup> day of August, 2008 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Deborah D. Robinson, Deputy City Clerk