

TO: James L. App, City Manager
FROM: Ed Gallagher, Community Development Director
SUBJECT: Request for Encroachment into Public Right-of-Way, 839 12th Street
DATE: January 15, 2013

Needs: That the City Council consider a request to construct a raised wooden deck for sidewalk seating in the public right-of-way at 839 12th Street.

Facts:

1. At their meeting of December 18, 2012, the City Council reviewed and denied the applicant, NKT Holdings, LLC, their request to place a permanent concrete structure in the public right-of-way to accommodate outdoor seating associated with the prospective tenant, the Artisan Restaurant.
2. While sidewalk seating is commonly permitted, this was the first request for placement of a permanent structure in the public right-of-way to accommodate that purpose.
3. The applicant has returned with a modified request to place a fully removable wooden deck to accommodate the outdoor seating.

Analysis
and

Conclusion: The architect for the owners of the Artisan Restaurant has modified their request for an encroachment permit and are now proposing to place a removable wooden deck for outdoor seating in the sidewalk area adjacent to 839 12th Street.

Sidewalk seating has been accepted as an amenity in the downtown core. The municipal code defines allowable street furniture as follows *"certain tables, chairs and similar improvements, which are often referred to as street furniture, may, under certain circumstances, be appropriate encroachments into the public right-of-way"*. This language would appear to provide the latitude to approve a non-permanent structure there, to accommodate a typical outdoor seating arrangement.

The sidewalk seating will likely interfere with the prominence of the commemorative bricks located near the new entrance to the building. The applicant has been working with Main Street to determine an appropriate point of relocation.

Policy

Reference: Paso Robles Municipal Code Section 11.30.011.

Fiscal

Impact: None.

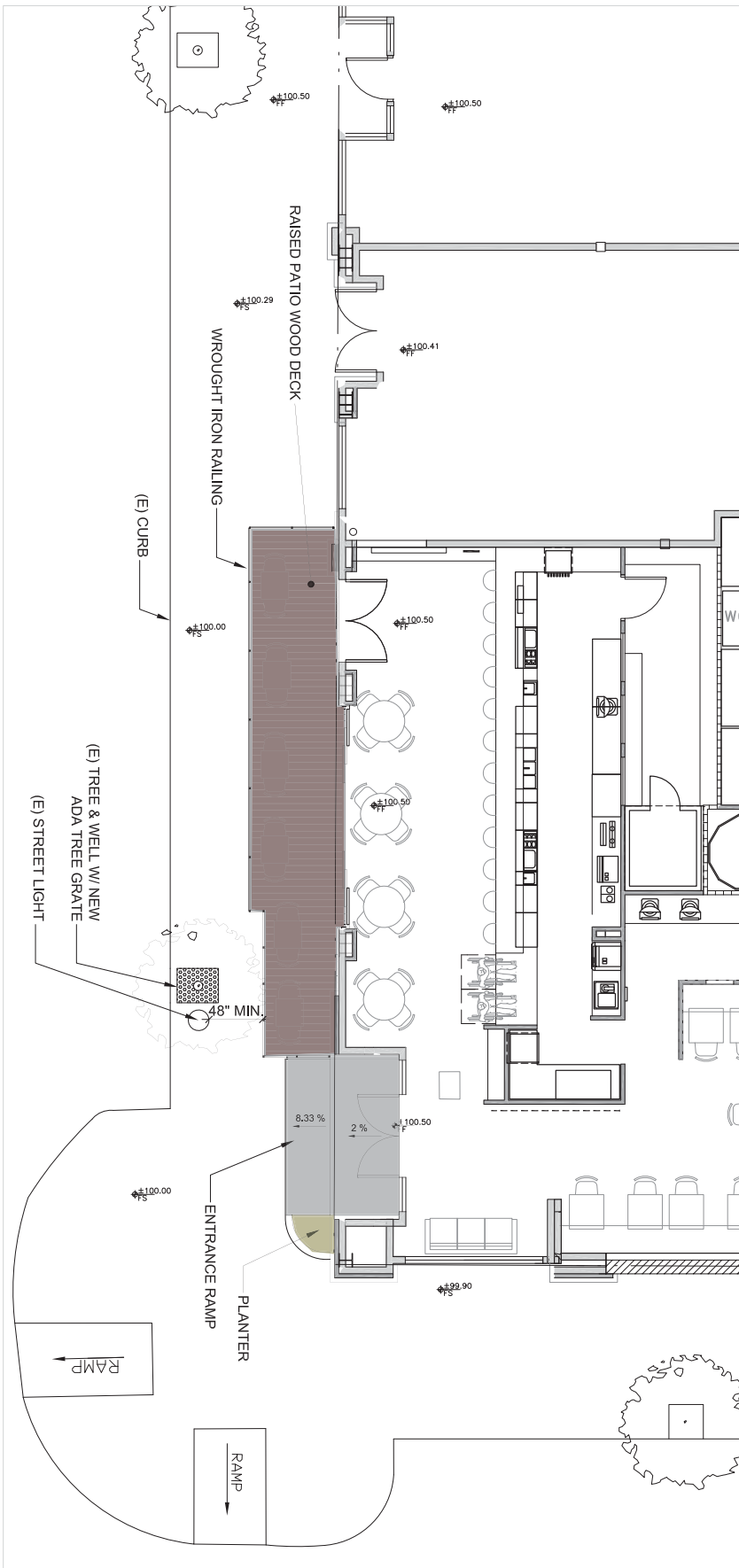
Options:

- a. That the City Council authorize the City Engineer to issue an encroachment permit for construction of a non-permanent raised wooden seating area at 839 12th Street.
- b. That the City Council amend, modify or reject the above option.

Attachments:

1) Site Plan

EXTERIOR PATIO MODIFICATIONS



839 12TH St. PASO ROBLES, CA.

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