

City Council Agenda Memo

From: Jackie Lanning, City Engineer

Council Meeting: September 22, 2020

Subject: Encroachment Easement into Public Right-Of-Way for 327 Main Avenue

Person(s) Responsible: Jackie Lanning, City Engineer

Summary:

The City Engineering Department received a request to construct an accessible entrance and to reconstruct the canopy over the basement stairway at the Ram Pub, located at 327 Main Avenue. The City Council has the authority to grant authorization for the encroachment. If granted, the City will draft an easement to reflect the approved encroachment.

Background:

The City Council adopted Resolution 20-017 on February 25, 2020, to revise the criteria for building in the public right-of-way (attached). The City Council also adopted an amendment to the City Ordinance to allow construction in the public right of way. The follow is an excerpt from Brookings City Ordinance Chapter 74-32:

Sec. 74-32. - Building upon public right-of-way prohibited; exceptions.

- (a) No person may erect or maintain any building in a location or position that the building shall stand, in whole or in part, upon any public street, road, alley or sidewalk in the city.*
- (b) No building may be constructed so that any part of the building shall project into or over any street, road, alley or sidewalk, except jut windows, cornices and other projections from a building above the first story may extend over an adjoining street, road, alley or sidewalk a distance not exceeding 18 inches.*
- (c) No person, without written authorization from the city council as provided in this section, may construct any improvement, including any step, deck, landing or other entrance to any building extending over or upon the sidewalk, nor shall any person erect in or upon any public street, alley or road any flight of stairs or steps leading to any floor of any building.*
- (d) Any building or improvement erected or maintained in violation of this section shall be deemed a public nuisance and may be abated.*
- (e) Any person seeking authorization to construct a step, deck, landing or other entrance to any building located within the B-1 central business district which will extend over or upon the sidewalk shall first file an application with the city engineer.*

- (f) *The city engineer, upon receipt of an application for authorization which conforms to the criteria, standards and specifications established by resolution of the city council, shall issue a recommendation concerning a request to construct an improvement to extend upon or over the sidewalk within the B-1 central business district in the city; provided, however, that the erection of such constructed improvement shall not occur unless approved by the city council, and if approved, shall be in conformity with the criteria, standards and specifications approved by the city council and on file in the office of the city engineer.*
- (g) *The city council, upon receiving the city engineer's recommendation, may issue a written authorization and easement to construct an improvement upon the public sidewalk within the B-1 central business district upon such terms and conditions as the city council determines appropriate in the circumstances.*

(Code 1996, § 33-34; Ord. No. 24-04, § I, 11-23-2004)

Item Details:

The City Engineering Department received a request to construct an accessible entrance and to reconstruct the canopy over the basement stairway at the Ram Pub, located at 327 Main Avenue.

The property owner's architect, designArc Group submitted the following information related to the request:

- Memo explaining the reasons for the encroachment and responses to each criteria item listed in Resolution 20-017
- Survey drawing with ramp dimensions
- Plan Drawings and pictures

Engineering and building staff reviewed the submitted information. Staff is recommending the following:

- Staff concurs that the reconstruction of the canopy over the basement stairway will not increase the encroachment into the public right-of-way and will allow the historic window to be exposed.
- Staff concurs that constructing the accessible ramp inside the Ram Pub building would create building code issues with the floor structure and head-clearance. Staff also concurs with the sidewalk replacement along the ramp area that will provide an ADA accessible route on the public sidewalk.
- Staff reviewed the proposed public sidewalk width that will remain after the ramp is constructed, especially related to the 3.6' sidewalk width between the proposed ramp and the light pole as shown on the survey drawing. The 3.6' sidewalk width meets Section 403.5, Clear Width, of the International Building Code, reference ICC A117.1. The code allows "*The clear width shall be permitted to be reduced to 32 inches (815 mm) minimum for a length of 24 inches (610 mm) maximum provided the reduced width segments are separated by segments that are 48 inches (1220) minimum in length and 36 inches (915*

mm) minimum in width.” Staff concurs that the proposed sidewalk width meets the code.

The Development Review Team reviewed the renovation plans at their February 6, 2020 meeting. The DRT discussed the criteria that was adopted by Resolution 68-04 and recommended that the resolution be reviewed by the City Council, which was ultimately revised with the adoption of Resolution 20-017. The DRT also discussed that the Ramp Pub representatives would need to submit a memo showing hardship to qualify for the right-of-way encroachment and that a four-foot wide ramp and a four-foot wide public sidewalk would maintain ADA compliance for both.

The following exhibits are provided:

- Resolution 20-017 Criteria for Building in the Public Right of Way
- Ordinance 74-32 Building Upon Public Right of Way Prohibited; Exceptions
- Exhibit A: Application, memo, survey drawing, plan drawings, pictures

Legal Consideration:

The City Council has the authority to grant authorization for the encroachment. If granted, the City will draft an easement to reflect the approved encroachment.

Strategic Plan Consideration:

NA

Financial Consideration:

None.

Options and Recommendation:

Staff recommends approval of the encroachment into the 4th Street public right-of-way for an accessible ramp and a canopy over the stairway as shown on the submitted exhibits.

The City Council has the following options:

1. Approve the motion as presented.
2. Deny
3. Amend the motion
4. Move the item to a work session
5. Do nothing

Supporting Documentation:

Resolution 20-017

City Code Section 74-32

Application with exhibits