



## **STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Regular Meeting of February 11, 2020

**TO:** Members of the City Council

**SUBMITTED BY:** Michael Roberts, Public Works Director/City Engineer

**SUBJECT:** Approval of the Amended Encroachment Easement and Agreement for Block N of the Bayfront Project

### **RECOMMENDED ACTION:**

Adopt a resolution approving the Amended Encroachment Easement and Agreement for Block N of the Bayfront Project and authorizing the City Manager to execute said Agreement on behalf of the City Council.

### **FISCAL IMPACT OF RECOMMENDATION:**

There are no fiscal impacts associated with the approval of the final map.

### **DISCUSSION:**

In June 2017, the Council approved the Final Map for Block N, a triangular, 2.2-acre lot bounded by John Muir Parkway to the east, Bayfront Boulevard to the north, and Refugio Creek to the south. A multi-family, mixed-use retail development is nearing construction on this site, with construction completion and occupancy anticipated as soon as April 2020. In December 2017, the Council approved an Encroachment Easement and Agreement (Attachment 3) granting the property owner (Hercules Development Partners, represented by Ledcor) rights to construct and maintain overhead structures such as building arcades and shopfront awnings on the second floor that will encroach 5–12 feet into the public right of way on John Muir Parkway and Bayfront Boulevard. The amended Encroachment Easement and Agreement would revise the previously approved and recorded encroachment to allow building signage to extend into the public right of way near the corner of the building at the intersection of John Muir Parkway and Bayfront Boulevard. Though the amended easement would allow aerial encroachments (including signs) to extend up to seven (7) feet from the building, the currently approved sign near the corner of the building will extend just under four (4) feet from the building. The overhead structures, included the signage, are included in the approved project plans (Design Review Permit #17-01) and allowed under the provisions of the Hercules Waterfront District Master Plan. Unfortunately, the original easement failed to call for this approved element.

### **ATTACHMENTS:**

1. Resolution

2. Encroachment Easement and Agreement
3. Existing Encroachment Easement and Agreement (December 2017)

<i>Financial Impact</i>			
<b>Description:</b> Not applicable.			
<b>Funding Source:</b>			
<b>Budget Recap:</b>			
Total Estimated cost:	\$	New Revenue:	\$
Amount Budgeted:	\$	Lost Revenue:	\$
New funding required:	\$	New Personnel:	\$
Council Policy Change: Yes <input type="checkbox"/> No <input type="checkbox"/>			