

# REPORT

To the Honorable Mayor and City Council  
From the City Manager

April 24, 2006

## Subject

Grant of Revocable Encroachment Permit for Decorative Up-Lighting Flush-Mounted in the Sidewalk on the Fox Theatre Block

## Recommendation

Approve and authorize execution of the Grant of Revocable Encroachment Permit for the installation of up to 30 flush-mounted up-lights along with the necessary electrical conduits and mechanical and electrical connections in the sidewalk in the public right-of-way on three sides of the Fox Theatre Block.

## Background

The Fox Theatre Block is comprised of the 2200 block of Broadway and the 800 blocks of Hamilton Street and Middlefield Road. As part of the Downtown Retail Cinema and Courthouse Square projects, new streetscape, including sidewalks, street trees, and lighting will be installed along two sides of the Fox Theatre Block. The Downtown Retail Cinema building will have light fixtures mounted on the building façade in various ways to wash the exterior walls with a warm glow of light. Ground-mounted lights and other types of fixtures will be used to highlight the grand Courthouse portico, as well as other features, such as trees and fountains throughout the Courthouse Square area.

Since the Fox Theatre is a significant historic resource, as well as a key part of the defining perimeter for the Courthouse Square, the owner has applied to the City to add similar up-lighting for the Fox Theatre Block in context with these other City improvements. As proposed, the lights would be of the same manufacture, mounting detail, and finish as those used in Courthouse Square. *Generally, the lights are proposed to be approximately 10-inches in diameter and to be mounted flush with the sidewalk grade and centered in a 15-inch wide concrete band that will run flush with the building bases on these blocks.* The lights are proposed to be located at each significant pilaster column on all three facades. A total of 23 lights are proposed, including eight on Broadway, seven on Middlefield, and eight on Hamilton. The lights can be adjusted both in terms of light intensity (70 – 150 Watt bulbs may be installed in these fixtures) and in terms of angle of light projection. Both of these variables are intended to be adjusted in the field, to ensure that light is cast only on the building (without glaring toward the public right-of-way or into the sky) at an appropriate level that will not compete with other light sources or signage on the building and that will meet National Historic Register standards for lighting. In the future, the applicant may also light the parking lot side of the building using a similar method, and more lighting may be needed on the south end of Middlefield Road, thus the Permit is for a total of 30 fixtures as well as the associated conduit.

The Architectural Review Committee (ARC) considered the proposed up-lighting at their meeting on March 14, 2006 and granted design review approval with conditions. The conditions specify that staff shall field-verify the lighting at night to ensure that the fixtures

are properly adjusted to not produce glare. Also, the hours of lighting operation shall be limited to evening business hours, and shall be shut off after the close of performances. In reviewing the lighting proposal for the Fox Theatre Block, the ARC considered the overall lighting environmental on the different streetscapes. Building lighting includes the existing Fox and Little Fox marquee signs, and previously approved, but not yet installed, historically appropriate sconces and pendant lights at each new entrance alcove on three facades. The applicant also indicates that the Fox Theatre's central tower feature on Broadway was historically lit from within, and he intends to reestablish this in the future. The applicant proposed to the ARC that all future tenant signage will be discrete and backlit, and located in between the up-lit portions of the building. The context for the lighting environment from the new streetscape improvements will include up-lit Palm trees on Broadway and Middlefield; up-lit Cherry trees on Broadway; and down-light from the proposed new pedestrian scaled street lights on Middlefield and Broadway. No streetscape changes are proposed on this portion of Hamilton Street at this time. The ARC determined that these elements would create an enhanced pedestrian experience with "layers" of lighting that will complement both the City's improvements and this important historic building.

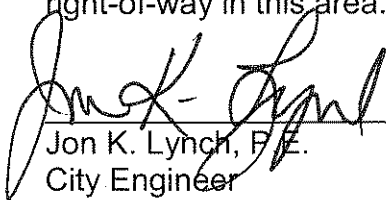
The Encroachment Permit will allow up to 30 up-light fixtures and associated conduits, transformers, and other related equipment. The mechanical portions of the fixtures and equipment will be completely concealed within the sidewalk and/or adjacent building. The property owner is responsible for all construction, maintenance, removal, and replacement costs for this encroachment. The fixtures will be connected to the property's power supply and will not be supplied with City funded power sources. The City reserves the right to revoke this encroachment permit for any reason in the future.

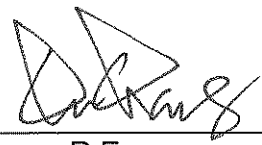
**Alternative**

Do not grant the encroachment permit, and require that the applicant either forgo lighting the building, or provide building lighting through another method, such as façade or soffit mounted fixtures.

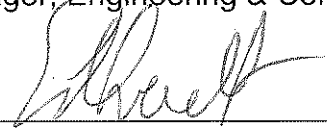
**Fiscal Impact**

There will be no fiscal impacts to the City. The property owner will be fully responsible for removing the encroachment in the event that the City requires overhead access to the right-of-way in this area.

  
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Jon K. Lynch, P.E.  
City Engineer

  
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Chu Chang, P.E.  
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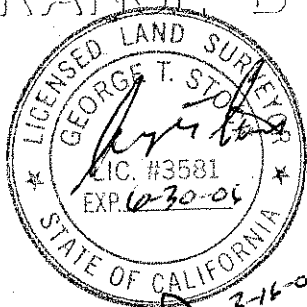
JP/DF:ss  
s/library/reports/lynch/2006IRevocable Encroachment Permit\_Fox Block

Attachments: Plat Map

HAMILTON STREET

MIDDLEFIELD ROAD

BLOCK 3  
RANGE B



40' BROADWAY

N86°30'00"E 279.99'

2' ENCROACHMENT  
N86°30'00"E 203.99'

BLOCK 3  
RANGE A

1 M 79

BY CURB AND BUILDING MEASUREMENTS

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SMITH, RANDLETT, FOULK & STOCK, INC.  
CIVIL ENGINEERS & LAND SURVEYORS REDWOOD CITY, CALIFORNIA

PLAT OF ENCROACHMENT  
EXHIBIT "B"

SCALE: NTS  
3-16-06

FOR: JOHN ANAGNOSTOU

SURV.  
PLAT GTS

06008-A