



# CITY OF LODI

# COUNCIL COMMUNICATION

**AGENDA TITLE:** Modification of Encroachment Permit for Gourmet Sandwich Shop, 230 West Pine Street  
**MEETING DATE:** August 17, 1994  
**PREPARED BY:** Public Works Director

**RECOMMENDED ACTION:** That the City Council approve modifications to the existing encroachment permit for outdoor tables at the Gourmet Sandwich Shop located at 230 West Pine Street.

**BACKGROUND INFORMATION:** On May 5, 1993, the City Council approved the issuance of an encroachment permit to allow the owners of the Gourmet Sandwich Shop, Dennis and Michelle Bernard, to place three tables with two chairs each on the sidewalk on Pine Street during business hours. The tables were to be placed immediately adjacent to the wall of the building. A copy of the current encroachment permit is attached. The owners would like to provide more outdoor seating for their customers and have requested that the encroachment permit be modified to allow the placement of tables and chairs adjacent to the curb on Pine Street and along the portion of the sidewalk on Lee Avenue which fronts their business. Staff is supportive of this concept and recommends that the City Council modify the conditions of the encroachment permit to read as follows:

Allow the placement of tables with two (2) chairs each within the sidewalk right-of-way on Pine Street and Lee Avenue subject to the following conditions:

- 1) Encroachment shall be limited to the sidewalk right-of-way fronting 230 West Pine Street (Gourmet Sandwich Shop).
- 2) Encroachment permitted during business hours only.
- 3) Encroachment to be no closer than two (2) feet from the face of curb.
- 4) A minimum of five (5) feet of unobstructed width shall be provided on the sidewalk for pedestrian traffic.
- 5) Encroachment shall not obstruct store entry or impede traveling public.
- 6) Permittee shall maintain right-of-way in a clean and neat manner.

This permit is subject to annual inspection and revocation by City Council action at any time.

There are currently several newspaper dispensers and a City bench along the west wall of the building. The City bench can be relocated at the owners' request. If the newspaper dispensers are to be relocated, staff needs to be consulted for approval of the new location and revision of the existing encroachment permits for the dispensers.

As a matter of information, it is the intent to develop more generic guidelines for sidewalk encroachments as part of the downtown redevelopment plan so Council approval can be obtained for an administrative procedure to allow over-the-counter issuance for this type of encroachment permit.

**FUNDING:** None.

*Jack L. Ronsko*  
 Jack L. Ronsko  
 Public Works Director

Prepared by Sharon A. Welch, Associate Civil Engineer

**Attachment**

- cc: City Attorney  
 Street Superintendent  
 Associate Civil Engineer - Development Services  
 Mr. and Mrs. Dennis Bernard

APPROVED

*Thomas A. Peterson*

THOMAS A. PETERSON  
 City Manager



recycled paper



# CITY OF LODI

PUBLIC WORKS DEPARTMENT  
221 W. PINE ST. 333-6706  
CALL BOX 3006  
LODI, CALIFORNIA 95241-1910

# ENCROACHMENT PERMIT

Permit Address 230 WEST PINE STREET "GOURMET SANDWICH" RESTAURANT

Applicant's Name (Owner/Contractor) DENNIS & MICHELLE BERNARD Address \_\_\_\_\_

Starting Date 5/6/93 Completion Date \_\_\_\_\_ License No. \_\_\_\_\_ Phone 333-2965

Owner/Contractor \_\_\_\_\_ Address \_\_\_\_\_ Phone \_\_\_\_\_

Pursuant to the provisions of the Lodi Municipal Code, the undersigned applies for permission to excavate, construct, and/or otherwise encroach on City Street Right-of-Way or Easement by performing the following work:

**NOTIFY USA (800) 642-2444 48 HOURS PRIOR TO ANY EXCAVATION.**

The work consists of placement of (three) tables with (two each)

chairs against building frontage within public right-of-way.

Encroachment not to exceed 36"; to be removed by 5:00pm each day;

not to obstruct store entry or impede traveling public. The hours

of operation are 8:30am - 5:00pm.

Right-of-way to be maintained in a clean and neat manner.

Permit can be revoked by City Council action at any time.

Permit void if work not started within 6 months of permit date.

(Space For Sketch)

- Licensed Contractor required for this work.
- Certificate of insurance in the owner's name which names the City of Lodi as an Additional Named Insured for Comprehensive General and Automobile insurance in the amount of \$1,000,000 combined single limit is required.

The undersigned does hereby agree to indemnify and save the City of Lodi free and harmless from any liability, in accordance with the provisions of Sec. 12.04.040 of the Lodi Municipal Code. Permittee is specifically aware of Sec. 12.04.290 thereof relating to the relocation or removal of said encroachment if future construction requires such relocation.

If the work for which this encroachment permit has been issued has not been completed by \_\_\_\_\_, the City of Lodi shall have the right to complete the work, and to file a Cause of Action to recoup the City's expenses in completing the work and for all other costs and fees in accordance with the provisions of Sec. 12.04.120 of the Lodi Municipal Code.

Date 5/1/93 Signed Michelle Kathleen Bernard

### Required Improvement Security

Certificate of Insurance  
Comp. Gen. Policy No. \_\_\_\_\_ Exp. \_\_\_\_\_

Automotive Policy No. \_\_\_\_\_ Exp. \_\_\_\_\_

Referred to GEORGE BRADLEY Date \_\_\_\_\_

Inspected \_\_\_\_\_ Date \_\_\_\_\_

Completed \_\_\_\_\_ Date \_\_\_\_\_

Reviewed \_\_\_\_\_ Date \_\_\_\_\_

This permit is granted subject to all provisions of Chapter 12.04 of the Lodi Municipal Code and to all general provisions and applicable special provisions as shown on the reverse side.

Permit Approved: **CITY OF LODI**

By: [Signature]

Public Above Ground Date 5/21/93

Public Underground

Private, to be maintained or relocated by owner as required

Other Permit No. 93057

CITY COUNCIL

JACK A. SIEGLOCK, Mayor  
STEPHEN J. MANN  
Mayor Pro Tempore  
RAY G. DAVENPORT  
PHILLIP A. PENNINO  
JOHN R. (Randy) SNIDER

CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
(209) 334-5634  
FAX (209) 333-6795

THOMAS A. PETERSON  
City Manager  
JENNIFER M. PERIN  
City Clerk  
BOB McNATT  
City Attorney

August 11, 1994

Mr. and Mrs. Dennis Bernard  
Gourmet Sandwich Shop  
230 West Pine Street  
Lodi, CA 95240

SUBJECT: Modification of Encroachment Permit for Gourmet Sandwich Shop,  
230 West Pine Street

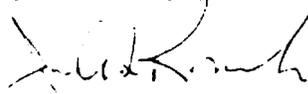
Enclosed is a copy of background information on an item that is on the City Council agenda of Wednesday, August 17, 1994, at 7 p.m. The meeting will be held in the City Council Chamber, Carnegie Forum, 305 West Pine Street.

This item is on the consent calendar and is usually not discussed unless a Council Member requests discussion. The public is given an opportunity to address items on the consent calendar at the appropriate time.

If you wish to write to the City Council, please address your letter to City Council, City of Lodi, P. O. Box 3006, Lodi, California, 95241-1910. Be sure to allow time for the mail. Or, you may hand-deliver the letter to City Hall, 221 West Pine Street.

If you wish to address the Council at the Council meeting, be sure to fill out a speaker's card (available at the Carnegie Forum immediately prior to the start of the meeting) and give it to the City Clerk. If you have any questions about communicating with the Council, please contact Jennifer Perin, City Clerk, at (209) 333-6702.

If you have any questions about the item itself, please call Sharon Welch at (209) 333-6706.

  
Jack L. Ronsko  
Public Works Director

JLR/lm

Enclosure

cc: City Clerk