

ENGINEERING SERVICES DEPARTMENT

Capital Improvement Projects
District Support Services
Field Operations
Subdivision Engineering
Traffic Engineering

SIDEWALK CAFE PERMIT

_____ -PE
APPLICATION NO.

DATE RECEIVED: _____ - _____ - _____

BUSINESS NAME: _____

JOB SITE ADDRESS:

ASSESSOR PARCEL NO.:

PROPERTY OWNER INFORMATION:

BUSINESS OWNER INFORMATION:

NAME

CONTACT NAME

MAILING ADDRESS

MAILING ADDRESS

CITY, STATE, ZIP CODE

CITY, STATE, ZIP CODE

TELEPHONE NO.

TELEPHONE NO.

DESCRIPTION OF WORK TO BE DONE:

NO. OF TABLES: _____

NO. OF CHAIRS: _____

OTHER: _____

City staff approvals required:

Standard conditions signed:
Business registration verified:

Current Planning approval:
Fire Prevention approval:

Proof of Insurance:
Coverage: \$ _____
Company: _____
Policy No.: _____
Expiration Date: _____

Permit Issued By:
_____ Pursuant
to Site Plan

PERMIT FEE: \$ 150.00

(receipt no.)

cc: Code Enforcement

SPECIFIC CONDITIONS

Pursuant to Section 30.48.050(A) [Exhibit "A"] of the City of Encinitas Municipal Code, sidewalk cafes are permitted accessory uses subject to the following:

1. The sidewalk cafe shall be conducted accessory to a legally established restaurant use.
2. An encroachment permit for the sidewalk cafe shall be obtained from the Director of Engineering Services. In addition to typical application requirements for an encroachment permit, specific compliance items are to be provided as follows:
 - A. A site plan to scale showing local conditions, including street and sidewalk widths, the number of tables and chairs which will be used and their location. **THE NUMBER OF TABLES AND CHAIRS SHOWN ON THE PLAN CAN NOT BE EXCEEDED WITHOUT PRIOR CITY MODIFICATION OF THE ENCROACHMENT PERMIT.** The adjacent sidewalk between the tables and chairs and the top of the curb must remain free of any structure or device for a distance of four (4) feet [Exhibit "B"].
 - B. A valid liability insurance policy, which names the City of Encinitas as additionally insured and has a minimum coverage of \$1,000,000.00, shall be filed with the Director of Engineering Services. An annual inspection and file maintenance fee will be charged; as per resolution.
 - C. Evidence to the satisfaction of the Director of Community Development that the sidewalk cafe will comply with the parking requirements contained in Chapter 30.54 of the City of Encinitas Municipal Code.
 - D. Stamped, addressed envelopes for notifying contiguous property owners in accordance with Section 30.01 of the Municipal Code.
3. The operation of the sidewalk cafe shall meet applicable requirements of the San Diego County Department of Environmental Health.
4. The hours of operation of the sidewalk cafe shall be limited to the hours of operation of the restaurant use.
5. No sound amplification device, musical instrument, or sound reproduction device shall be operated or used with the sidewalk café, and any outdoor lighting shall comply with applicable performance standards, all as stated within Chapter 30.40 of the Municipal Code.
6. Outdoor dining areas must be kept clear of litter, food scraps, and soiled dishes, and shall be cleaned on a daily basis. Public trash receptacles shall not be used by the sidewalk cafe for waste disposal.
7. The City may revoke the encroachment permit for a sidewalk cafe upon substantiated evidence of noncompliance with the approved site plan and/or expiration of the required liability insurance policy.
8. The Director of Engineering Services must find that the sidewalk cafe will not adversely affect the neighborhood nor be detrimental to persons residing, visiting, or working in the area.

EXHIBIT “A”
ENCROACHMENT PERMIT NO. _____-PE

MUNICIPAL CODE

30.48.050 Commercial Use Types. Subject to the restrictions and limitations specified, the following accessory buildings and uses shall be permitted in Commercial Zones:

- A. Sidewalk Cafes/Outdoor Cafes. Sidewalk cafes/outdoor cafes shall be a permitted accessory use provided the following conditions are complied with: (Ord. 94-11)
1. The sidewalk/outdoor cafe shall be conducted accessory to a legally established Food and Beverage Retail Sales or Eating and Drinking Establishment use type and clearly shown on a plot plan prepared to the satisfaction of the Community Development Director.
 2. An encroachment permit for a sidewalk cafe is issued by the Department of Engineering Services when the sidewalk is within the public rights of way.
 3. The operation of a sidewalk/outdoor cafe shall meet applicable requirements of the Department of Health Services.
 4. Contiguous property owners shall be notified in accordance with Section 30.01 if the sidewalk/outdoor cafe is within the public rights of way or in a commercial complex of five or fewer tenants. If the sidewalk/outdoor cafe is in a commercial complex of six or more tenants, then the remaining tenants in the commercial complex shall be notified in accordance with Section 30.01, provided that the notification shall only include the tenants in the commercial complex where the proposed sidewalk/outdoor cafe is to be located.
 5. The hours of operation of the sidewalk/outdoor cafe shall be limited to the hours of operation of the associated eating or drinking establishment.
 6. No sound amplification device, musical instrument or sound reproduction device shall be operated or used with a sidewalk/outdoor cafe and any outdoor lighting shall comply with performance standards.
 7. A finding shall be made that the sidewalk/outdoor cafe will not adversely affect the neighborhood nor be detrimental to persons residing, visiting, or working in the area.
 8. The area of the sidewalk/outdoor cafe and the area of the restaurant shall be used in determining the parking requirements of the primary restaurant use. A sidewalk/outdoor cafe added to an existing restaurant shall adhere to the parking standards for restaurants contained within Section 30.54 of the Municipal Code or applicable specific plan. The area of the sidewalk/outdoor cafe shall not remove any required parking areas and the cafe area shall not block access to the property or surrounding areas. The area for pedestrian access must remain at least 42 inches in width. Cafe equipment is not to extend beyond the width of the building where the business is located, nor more than five feet from the face of the building unless a finding is made by the Director of Community Development that additional area is available for the cafe.
 9. The sidewalk/outdoor cafe must be reviewed by and found to meet the standards of the Encinitas Fire Marshal relative to access and flammability.
 10. All other appropriate provisions of the Municipal Code, including sign regulations, must be met.

EXHIBIT "B"
ENCROACHMENT PERMIT NO. _____ -PE

SITE PLAN

Date Prepared: _____

Date Revised: _____

Name of Preparer: _____

EXHIBIT "C"
ENCROACHMENT PERMIT NO. _____-PE

NOTICE OF THE FILING OF AN APPLICATION

The restaurant known as _____, located at _____, has filed an application with the City of Encinitas for a sidewalk cafe permit. The application is seeking approval of _____ tables and _____ chairs to be placed on the sidewalk in front of the restaurant.

If the sidewalk cafe permit is issued, the restaurant management must maintain an area on the adjoining sidewalk for clear walking and other access for pedestrians. In addition, the restaurant must supply additional parking for the increased customers.

If you would like to review this application, please contact the Engineering Services counter at the Civic Center, 505 S. Vulcan Avenue (between "D" and "E" Streets), between the hours of 8:00 am and 5:00 pm.

The application will be available for review from the date of this mailing (_____) until _____, a period of ten days.

The Director of Engineering Services may issue the sidewalk cafe permit if the applicant complies with certain conditions. The decision of the Director of Engineering Services may be appealed to the City Council within 15 calendar days from the date of the decision.

For additional information, please either visit the Engineering Services counter at the address listed above or call (760) 633-2770.

Engineering Services Department
City of Encinitas