



SIDEWALK CAFÉ ENCROACHMENT 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:

Current Planning approval:

Fire Prevention approval:

Business registration verified:

Permit Issued By:

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

Signature Date

PERMIT FEE: \$ 290.00

SIDEWALK CAFÉ ENCROACHMENT PERMIT PROCEDURE

1. A completed application and site plan is to be submitted to the Engineering Services Department for review and approval. Prior to permit issuance the business registration and liability insurance must be verified. Applicable fees must be paid at issuance.
2. The Engineering Department will route the application to the Planning & Building Department and Fire Department for review and approval of application. Site plan must meet and maintain Encinitas Municipal Code requirements for all departments.
3. Upon permit issuance an inspection of the site, ensuring compliance with permit conditions and site plan, will occur. After the initial inspection the site will be inspected randomly at least one time per year.

Notes to permittee:

- Permit term will be limited to dates insurance is valid. Violations, including no permit or an invalid permit, may subject the permittee to a double fee assessment. Please ensure insurance is kept valid and an up to date copy is on file with the city at all times.
- A-frame promotional signage requires a separate encroachment permit.

I have reviewed and agree to comply with the above terms and conditions of this Encroachment Permit.

(signature of property owner/tenant).

(date)

(print name)

(title)

Community Development Department; Current Planning Division:

Fire Department; Fire Prevention Bureau:

Site Plan/Application approved by:

Site Plan/Application approved by:

(signature) (date)

(signature) (date)

(print name)

(print name)

(title)

(title)



MUNICIPAL CODE CHAPTER 30.48 COMMERCIAL USE TYPES: SIDEWALK CAFES

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 Planning and Building Director. (Ord. 2003-08).
 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 Planning and Building that additional area is available for the cafe. (Ord. 2003-08).

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.