



# SIDEWALK CAFÉ ENCROACHMENT PERMIT

\_\_\_\_\_ -PE  
APPLICATION NO.

**DATE RECEIVED:** \_\_\_\_\_

**BUSINESS NAME:** \_\_\_\_\_

**APN:** \_\_\_\_\_

\_\_\_\_\_

**JOB SITE ADDRESS:** \_\_\_\_\_

**BUSINESS REGISTRATION 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:**

**NUMBER OF TABLES:** \_\_\_\_\_

**NUMBER OF CHAIRS:** \_\_\_\_\_

**OTHER:** \_\_\_\_\_

**Required City Staff Approvals:**

Business registration verified:

Planning approval:

Fire Prevention approval:

<b>Proof of Insurance</b>
Coverage: \$ _____
Company: _____
Policy No.: _____
Expiration Date: _____

**Permit Issued By:**

Signature \_\_\_\_\_ Date \_\_\_\_\_

**Permit Fees:**

Permit Fees are located on the Engineering Fee Schedule.



## SIDEWALK CAFÉ ENCROACHMENT PERMIT PROCEDURE

**Business Name:** \_\_\_\_\_ **Application No.:** \_\_\_\_\_

1. This Sidewalk Café Encroachment Permit shall expire on April 30, \_\_\_\_\_. Applications for permit renewals must be submitted on or before April 1, or the next business day that City Hall is open if City Hall is closed April 1.
2. The operation of the sidewalk café shall comply with the City of Encinitas Sidewalk Café Policy and all other appropriate provisions of the Encinitas Municipal Code, including sign regulations.
3. The operation of the sidewalk cafe shall meet applicable requirements of the San Diego County Department of Environmental Health.
4. The pedestrian pathway must remain at least five (5) feet in width with free and clear passage for pedestrians at all times. The pedestrian pathway must exclude planter areas, fire hydrants, street lights, other street furniture, two (2) feet from the face of the curb for on-street auto parking overhang and door-opening area, and area for any approved A-frame signage. A plaque stating "A 5 FOOT WIDE CLEAR PATH MUST BE MAINTAINED ON SIDEWALK AT ALL TIMES" shall be posted in an unobstructed location at the front of establishment with the sidewalk café.
5. The area of the sidewalk cafe shall not remove any required parking areas and the cafe area shall not block access to the property or surrounding areas.
6. The hours of operation of the sidewalk café shall be limited to:
  - The hours of operation of the associated eating and drinking establishment.
  - \_\_\_\_\_ M to \_\_\_\_\_ M
7. The sidewalk cafe must be reviewed by and found to meet the standards of the Encinitas Fire Marshal relative to access and flammability.
8. Tables, furniture, heaters, café equipment, menu boards, etc. shall be located as shown on the approved site plan and shall not deviate from the depicted locations without an approved modification to the Sidewalk Dining Encroachment Permit.
9. The sidewalk café shall be limited to \_\_\_\_\_ tables and \_\_\_\_\_ chairs are approved as shown on the approved site plan.
10. The sidewalk café service area, tables, chairs, and other furniture and equipment shall not extend beyond the width of the associated establishment. Additionally (checked options apply):
  - The sidewalk café service area, tables, chairs, and other furniture and equipment shall not extend more than five (5) feet from the property line where the associated establishment is located. At no time shall any table, chair, or other piece of furniture or restaurant/café equipment be placed near the curb. (For areas along South Coast Highway 101 where the sidewalk is improved for the full width from property line to curb.)
  - The sidewalk café service area, tables, chairs, furniture, equipment, etc. are permitted near the curb as depicted on the approved sidewalk café site plan. These items shall not be located other than as shown on the approved sidewalk café site plan. (For areas along South Coast Highway 101 where the sidewalk is adjacent to the property line but not improved for the full width from property line to curb, and for lettered side streets and Second Street in the downtown area, and other locations throughout the City.)
  - In no case shall any sidewalk café table, chair, or other furniture or equipment be located less than two (2) feet from the face of the curb. (For areas along South Coast Highway 101 where the sidewalk is adjacent to the property line but not improved for the full width from property line to curb.)
11. A sidewalk café may be allowed one (1) menu board subject to the following:

- a. The menu board shall be limited to five (5) feet in height.
  - b. The menu board shall be limited to three (3) square feet in area.
  - c. The menu board shall not be specifically illuminated with any type of illumination, internal or external.
  - d. The menu board shall be portable, self-supporting and stable, and weighted or constructed to withstand overturning by wind or contact.
  - e. The menu board shall be located within the approved sidewalk café encroachment area.
  - f. The location of the menu board shall be clearly shown on the approved site plan for the sidewalk café.
12. Any freestanding heaters, canopies, awnings, umbrellas, or similar structures for the sidewalk café shall maintain a minimum vertical distance of seven (7) feet from the sidewalk surface.
  13. No sound amplification device, musical instrument or sound reproduction device shall be operated or used with the sidewalk cafe.
  14. Outdoor lighting for sidewalk café areas shall not have a measured light standard in excess of one foot-candle at the edge of the curblin e or beyond the width of the establishment with which the sidewalk café area is associated. Outdoor lighting fixtures shall be fully shielded so as to cause all emitted sustained light to be projected below an imaginary horizontal plane passing through the lowest point of the luminary, lamp or light source used in the fixture.
  15. In accordance with Section 9.28 of the Encinitas Municipal Code, no service or consumption of alcoholic beverages shall be allowed on the public right-of-way, including any sidewalk café establishments.
  16. Storage of tables, chairs, or other furniture or equipment on the public right-of-way or visible therefrom shall be prohibited. All tables, chairs, and other furniture and equipment shall be stored inside when the associated establishment is not open for business, or preparing/closing down for the day.
  17. A liability insurance policy for the sidewalk café establishment naming the City as additionally insured for \$1,000,000 shall be maintained at all times, a copy of which shall be kept on file with the Permit at the City. The term of the Sidewalk Café Encroachment Permit shall be limited to the dates that the liability insurance is valid.
  18. After initial inspection, the site will be inspected randomly at least one time per year.
  19. Violations, including no permit or an invalid permit, may subject the permittee to a double fee assessment.
  20. In the event of noncompliance, the City will steps to enforce the requirements as follows:
    - a. Inspect the site; write and deliver a Stop/Correct Work Notice.
    - b. If no effort is made to comply within 24 hours: Mail and hand deliver a written Notice of Intent to Revoke Encroachment Permit to permittee, setting forth a date and time within 48 hours of the Notice upon which the Sidewalk Dining Encroachment Permit will become invalid if the encroachment infraction is not corrected.
    - c. If two or more Stop/Correct Work Notices have been issued within the past 30 days, or if no effort is made to comply by the prescribed date: Revoke the permit and remove any and all sidewalk obstructions and encroachments. Removed items will be stored for 30 days and then discarded unless retrieved by the permittee.
    - d. If an encroachment permit is revoked, an encroachment permit shall not be issued for the same property for a period of one year.
    - e. Revocation of Sidewalk Café Encroachment Permit may be appealed to the City Council within 15 days of the date of revocation. Appeals will be considered by the City Council pursuant to Chapter 1.12 of the Municipal Code.