

COVID-19 TEMPORARY USE/ENCROACHMENT PERMIT APPLICATION

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- [EMAIL APPLICATION AND SUPPORTIVE DOCUMENTATION AS OUTLINED UNDER "GENERAL REQUIREMENTS" TO COVID19@ENCINITASCA.GOV.](#)



CITY OF ENCINITAS DEVELOPMENT SERVICES DEPARTMENT

www.encinitasca.gov
505 South Vulcan Avenue
Encinitas, California 92024
(760) 633-2708 or covid19@encinitasca.gov

Through the passage of the City of Encinitas City Council Resolution Nos. 2020-33, 2020-40, 2020-53 and 2020-60, the City is suspending various regulations and permit restrictions to assist businesses that have been impacted by COVID-19 by allowing underutilized outdoor space, located within public rights-of-way and on non-residential private properties, to be converted to accommodate outdoor commercial operations including but not limited to dining with or without alcohol services, retail and other commercial activities. Relief sought through this permit shall not intensify the use beyond the pre-COVID-19 condition. The suspension of EMC provisions and discretionary permit conditions shall last until the local emergency is terminated or the withdrawal of ABC Notices of Regulatory Relief, whichever occurs sooner.

Please select one or both of the following permit options.

- TEMPORARY USE PERMIT** – Required for expansion of commercial uses (i.e. dining, alcohol services, retail, etc.) on private properties
- TEMPORARY ENCROACHMENT PERMIT** – Required for expansion of commercial uses (i.e. dining, alcohol services, retail, etc.) within the City of Encinitas Public Right-of-Way

BUSINESS INFORMATION

Business Name/Description: _____

Address: _____

City/State/ZIP: _____

APN(s): _____

- PROPERTY/BUSINESS OWNER** **AUTHORIZED REPRESENTATIVE ***

Name: _____ Company Name: _____

Address: _____

City/State/ZIP: _____

Phone: _____ Email: _____

* A letter of authorization is required

REQUEST

Submittal of this Temporary Use/Encroachment Permit Application shall not constitute approval of the request. The applicant guarantees to save, indemnify and hold harmless the City of Encinitas and all its agents, officers, employees and officials against all liabilities, judgments, costs and expenses, which may in any manner or form arise in consequence of the issuance of a permit or any work performed in consequence thereof.

SIGNATURE

- By checking this box, I hereby certify that I am the owner or an authorized agent and that the information contained in this application and accompanying submittal items are correct and true. **If an authorized agent, please attach letter of authorization.**

Print Name and Title (if applicable)

Date

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GENERAL REQUIREMENTS

Please submit the application form in digital format (PDF) along with the following required documentations:

- ❖ Verification of property ownership or, if the applicant is not the property owner, a letter of authorization must be provided.
- ❖ Provide description of proposed activity, including operational plan for how customers, employees, ADA accessibility, restroom availability, parking and traffic will be handled. Indicate if alcohol service is proposed.
- ❖ Provide description of proposed changes or improvements proposed for the site. (NOTE: This may prompt other permits.) This should identify the location and existing use proposed to be modified to accommodate the Temporary Use/Encroachment. For example, if surplus parking stalls are intended to be replaced with outdoor commercial use, please indicate the total number and location of existing parking stalls and the number of parking stalls being replaced with outdoor commercial use.
- ❖ Provide a thorough explanation of outdoor activity or improvements that may result in impacts to surrounding property (i.e. outdoor lighting and speakers). Note, the City may impose restrictions on these proposed outdoor activities or improvements.
- ❖ Site plans (and floor plans as appropriate) showing the property as currently improved as well as details identifying the location and scope of the proposed Temporary Use/Encroachment activity. At a minimum, the site plan should show the proposed scope and location of improvements (scaled and dimensioned), property lines, ADA accessibility, restroom availability, parking, and traffic circulation.
- ❖ Clearly indicate if the proposed expansion is necessary to accommodate pre-COVID-19 capacity/occupancy while maintaining social distancing and other County Health Official's required sanitation protocols.
- ❖ For expansion of commercial uses within the City of Encinitas public right-of-way, provide proof of insurance (copy of original certificate of insurance document). The City of Encinitas must be listed as a "Certificate Holder" and an "Additionally Insured".
- ❖ See attached

NOTICE TO APPLICANT

- ❖ If the location of the proposed Temporary Use/Encroachment Permit involves multiple properties and owners, the permit application must be accompanied by signatures of all owners or letter(s) of authorization.
- ❖ The proposed temporary commercial use expansion must be associated with an existing permitted business within the City of Encinitas with a valid Business Registration Certificate and located on the same property as the Primary Use or adjacent to the Primary Use if the temporary expansion is located within the City of Encinitas public right-of-way.
- ❖ Submittal of this Temporary Use/Encroachment Permit Application does not constitute approval of the request.
- ❖ Sheriff's Department and State Department of Alcoholic Beverage Control (ABC) approvals are required for expansion of alcohol services.
- ❖ Additional information and clarification may be requested by the various City Departments in order to process the permit application.
- ❖ Conditions of approval may be imposed to ensure no negative impacts are created by the request.
- ❖ Site inspections may be required before and after the temporary activity is initiated.
- ❖ If the applicant/operation does not abide by the City conditions of approval, the Temporary Use/Encroachment Permit may be revoked.
- ❖ Temporary Encroachment Permits within the public rights-of-way shall be limited to dates insurances are valid and may be renewed upon submittal of updated insurance certificate to the City of Encinitas.
- ❖ The Temporary Encroachment Permit approval authorizing temporary expansion of alcohol service areas in the public right-of-way is temporary and may be terminated by the City at any time. The City intends to provide a 10-day notice of the termination; however, such approval may be withdrawn immediately should the needs of public safety dictate.
- ❖ The Temporary Use/Encroachment Permit approval may remain in effect until after the local emergency is lifted, unless otherwise extended by the City of Encinitas City Council.

REVIEW CONSIDERATIONS

Please note that the City may impose limitations on the area, frequency, timing, and overall activity associated with the request. These limitations are intended to minimize disturbances caused by traffic and vehicular flow, reduction in parking availability, and outdoor noise and lighting.

For those properties occupied by multiple users and tenants, the City will need verification from the property owner (or authorized property management company) that the proposed Temporary Use/Encroachment Permit Application is supported. An equitable use of common outdoor area, for multiple temporary use activities, should be achieved. The submittal of one Temporary Use/Encroachment Permit application, that encompass all interested restaurant and retail tenants within a shopping center or geographic location, is encouraged.

FOR ADDITIONAL INFORMATION PLEASE CONTACT

[Temporary Use Permit/Planning Inquiries](#)

Tel.: (760) 633-2683
Email: covid19@encinitasca.gov

[Temporary Encroachment Permit/Engineering Inquiries](#)

Tel.: (760) 633-2808
Email: covid19@encinitasca.gov

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PROVIDE A DETAILED WRITTEN NARRATIVE OF THE PROPOSED ACTIVITY IN THE AREA BELOW

| CHECKLIST - REQUIREMENTS | | | | |
|---|-------|-------------------------------|------------------------------|-------------------------------|
| General Requirements | Notes | Consistency | | |
| 1. <i>Has the property owner(s) provided written approval with reference to the site/floor plan(s)?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 2. <i>Does the site/floor plan(s) provide dimensions that are clearly marked?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 3. <i>Is all indoor and outdoor seating spaced at least six feet apart?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 4. <i>Does the site plan clearly delineate the anticipated vehicular circulation for the property with the proposed outdoor area?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 5. <i>Does the submittal provide sufficient information to confirm the post-COVID-19 indoor and outdoor dining or commercial area is no more than the pre-COVID-19 seating/intensity?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 6. <i>Is expansion of alcohol services proposed on private property or in the public right-of-way? If yes, have ABC and Sheriff's Department issued approval of proposal?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 7. <i>Is the outside dining area delineated through a temporary means that does not exceed 3 feet in height and is placed in a safe manner around the outdoor dining area?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 8. <i>Is heating, cooking or open flames proposed in the sidewalk dining/retail area? Such activities are not permitted. However, space heaters are permitted provided that they are an outdoor approved type, are located in accordance with the manufacturers' recommendations, and are located at least two (2) feet from the edge of any umbrella canvas, any foliage, or any other flammable object or material.</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 9. <i>Is food preparation, plastic food displays, food storage, or refrigeration apparatus proposed? Such activities are not permitted.</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 10. <i>Is independent, battery powered LED lighting provided for outdoor dining spaces?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 11. <i>Does the site plan identify existing and proposed restroom availability to customers and employees?</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| Building and Safety Requirements | Notes | Consistency | | |
| 1. <i>Minimum requirements within the American with Disability Acts (ADA) are maintained. Existing accessible parking and access is maintained and will not be re-purposed for restaurant or retail use.</i> <ul style="list-style-type: none"> • <i>Has a clearly marked four-foot wide pedestrian pathway (path of travel) from walkways on the site, public sidewalks,</i> | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |

| | | | | |
|--|--------------|-------------------------------|------------------------------|-------------------------------|
| <p>crosswalks, bus stops, and accessible parking to all public entrances been maintained?</p> <p>Note: No outdoor use may obstruct this required pedestrian clearance in any matter, regardless of the width of the sidewalks.</p> | | | | |
| Fire Prevention Requirements | Notes | Consistency | | |
| 1. The twenty-four (24) feet fire lane will not be obstructed at any time. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 2. Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by barriers or seating. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 3. The pedestrian path shall maintain a minimum of six (6) feet from large obstructions. No tables, chairs, umbrellas, or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 4. Fire extinguishers are placed within 75 feet of travel to the furthest table. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 5. No electrical lines or cords will be used. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| If tents or canopies are proposed: | | | | |
| 6. Single tents, or the aggregate area of multiple tents, shall not exceed 400 sq. ft. without obtaining a fire department permit. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 7. Tents shall not obstruct exits or exit paths from buildings. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 8. All tent legs weighted minimum 40 lbs. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 9. Weights (no less than 40 lbs.) shall be securely attached to canopy roof and canopy leg separately. <ul style="list-style-type: none"> a. Ropes and straps should be high quality. b. Bungee or rubber straps are prohibited. c. Weights must be on the ground and not dangling. d. Weights and lines must not pose a hazard and clearly visible. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 10. No heaters will be used under tents/canopies or umbrellas. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 11. Signage is to be posted indicating that smoking is prohibited under tents or shade structures. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 12. Umbrellas and other decorative material shall be fire-retardant, pressure-treated or manufactured of fire-resistant material. No portion of an umbrella shall be less than eighty (80) inches above the sidewalk. | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| Engineering Requirements | Notes | Consistency | | |
| 1. Is a copy of the original certificate of insurance document provided? | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |
| 2. If applicable, do encroachments into the public Right-of-Way maintain a minimum of five (5) feet free and clear ADA accessible path of travel on the public sidewalk? | | Yes: <input type="checkbox"/> | No: <input type="checkbox"/> | N/A: <input type="checkbox"/> |