

ENGINEERING SERVICES DEPARTMENT

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

PERMANENT ENCROACHMENT

APPLICATION & PERMIT PROCEDURE

(Ordinances 87-02, 87-12, 88-08)

Permanent Encroachment Permits are issued in order to allow the encroachment of non-standard works into the public right-of-way or a public easement. Prior review by the Field Operations Division is required. Typically, an Encroachment Maintenance and Removal Covenant, properly executed by the property owner(s), is to be recorded as an encumbrance against the real property and guarantees future compliance with the terms of the issued permit.

Special permanent encroachments as follows: a)*Sidewalk Cafe*, b)*Newsracks*, and c)*A-frame Signage* are not within the scope of this procedure and are discussed elsewhere.

Typical examples of permanent encroachments allowed per this process include as follows:

- a) Driveway approaches constructed of hydraulic cement concrete where there is no established line and grade,
- b) Parkway pavement of any material located between the flowline and property line in the area normally reserved for underground utilities and sidewalk,
- c) Landscape amenities within the dirt parkway considered limited and non-intrusive,
- d) Structural enhancements within older commercial zones considered limited and non-invasive,
- e) Entry monumentation associated with planned development, and
- f) Privately maintained streets, alleys, or storm drains, and their appurtenances; portions of manufactured slopes and their accessories on same.

Compliance with the following application procedure is required of the applicant:

1. Complete the part of the Engineering Development Application that is not for office use and where pertinent. Please provide an accurate and complete description of work. Sign and date.
2. Pay the non-refundable permit fee of \$290.00. Note that applications submitted in reaction to a Notice of Violation require a double permit fee of \$580.00.
3. Submit a site plan drawn on white paper, 8-1/2"X11", that shows the proposed encroachment as it relates to existing improvements, property lines, and easement lines, and calls out dimensions, grades, and materials. The plan and all of its elements must be clearly legible.
4. Submit a clearly legible copy of the latest recorded grant deed affecting the property. Information regarding the vesting and the legal description is required. A substitute document, such as a preliminary title report or trust deed, may satisfy this requirement.

The Field Operations Division will review the proposed encroachment and make comment. Depending on workload, this process may take up to two weeks. An Engineering Technician will contact the applicant by telephone and give the results. An application may be approved, approved with conditions, or denied.

If an application is approved or approved with conditions, the applicant will need to revisit the Engineering Counter and be issued a Permanent Encroachment Permit. Either one or more of the following items may be conditions that need to be satisfied by the applicant prior to issuance and are generally described:

1. Typically, an Encroachment Maintenance and Removal Covenant will be required. The Engineering Technician will prepare the document. The property owner(s) will need to execute the document by signing and being properly acknowledged by a Notary Public. The applicant will need to pay the recording fee, payable to the County Recorder, as follows:
 - \$7.00 for Page 1 of each document
 - + \$1.00 for conforming of the City's copy
 - + \$3.00 for each Page after Page 1The City will record the finished document.
2. A Traffic Control Plan may also be required although not typically. Work to be done on or near Circulation Element roads are subject to this condition. The plan should show delineation, signage, barriers, and other warning devices, and schedules, all as needed to separate the job site from the flow of traffic, whether vehicular or pedestrian. The Traffic Engineering Division is charged with finding the plan acceptable. Call (760) 633-2704 for assistance.
3. A security deposit may be a condition. See Ordinance 93-24.
4. Proof of insurance may be a condition. See the applicable handout.

Under all circumstances, the date of issuance will be no less than forty-eight hours (i.e, two days that the City is open for normal business) prior to the start (or resumption, if previously in violation) of work. A pre-encroachment conference may be required. The Engineering Inspector will be assigned and a contact telephone number provided, all at issuance.

The applicant, now the permittee, has the continuing obligation to keep in proper contact with the assigned inspector. Proper contact is defined as follows: a)initial call prior to start of work, b)intermediate calls for inspection when truly ready and at the correct stage of work, and c)final call for inspection when job is complete to the satisfaction of the inspector. Problems are better resolved by calling the inspector, leaving messages, and making and keeping appointments in the field, if necessary.

When the assigned Engineering Inspector is satisfied that the job is complete, the permit will be countersigned and filed. Refund of any posted security deposit then will be initiated and may take up to thirty days. The permit will become part of the City's permanent record.

If an application for a Permanent Encroachment Permit is denied, the appeal process will be discussed. The applicant will have to submit an appeal request in writing to the Director of Engineering Services who will make a decision on the merits of the appeal. If the appeal is denied, the applicant may further appeal to the City Council through the City Clerk's office. Filing fees and appeal deadlines are applicable.

Any questions or concerns should be directed to the staff at the Engineering Counter, in person, or by telephone at (760) 633-2779/2780.

cc Field Operations Division