

PARKLET PROGRAM AND SIDEWALK SEATING IN THE PUBLIC RIGHT-OF-WAY REGULATIONS

PURPOSE

These regulations (“Parklet Program and Sidewalk Seating in the Public Right-of-Way Regulations”) are adopted by the Director of Public Works (“Director”) pursuant to San Jose Municipal Code Chapter 13.37, (“Chapter 13.37”). Parklets and Sidewalk Seating shall be designed and installed to comply with the requirements set forth in these Parklet Program and Sidewalk Seating in the Public Right-of-Way Regulations.

MINOR ENCROACHMENT PERMITS

Installation and operation of Parklets and Sidewalk Seating shall require the execution of Minor Encroachment Permits pursuant to Chapter 13.37. The Permittee will be responsible for all requirements contained in the Minor Encroachment Permit.

CALIFORNIA ALCOHOLIC BEVERAGE CONTROL (ABC)

Applicants shall comply with all applicable ABC regulations regarding alcohol use for their establishment within the Parklet or Sidewalk Seating area. The issuance of a Minor Encroachment Permit does not constitute any ABC approval or zoning approval for alcohol use by the City. Applicants are solely responsible for securing a valid ABC license to allow/extend business operations within the encroachment area.

PERMIT RENEWAL

The Minor Encroachment Permit expires annually on July 1st. However, the City may grant at its sole discretion, permit extensions between one (1) and five (5) years.

The Permittee is responsible for renewing the permit, if so desired, prior to its expiration. The following is required to renew the permit:

- Encroachment Permit Application (Renewal)
- Payment of annual renewal fee
- Updated insurance

The application will be reviewed by City staff and approved/denied based on the following criteria:

- Existing Parklet/Sidewalk Seating is in compliance with original Permit conditions
- Existing Parklet/Sidewalk Seating is well maintained
- Fronting business is in good standing without significant community complaints, violations, or citations

Based on the findings of the above review, the City may renew, renew with revised conditions, or deny the permit.

TRANSFER OF PERMITS

Permits for Parklets and Sidewalk Seating are unique to each Permittee and may not be transferred or assigned. A Permittee will remain liable for the Parklet/Sidewalk Seating

regardless of changes to property ownership or tenancy. If a Permittee desires to be released from the requirements of its Permit, the Permittee shall notify the City of its intent to remove the Parklet/Sidewalk Seating and restore the public right-of-way. Alternatively, a new Applicant may apply for a Minor Encroachment Permit to obtain a new permit for the existing Parklet/Sidewalk Seating.

REVOCATION AND REMOVAL

The City may revoke a Minor Encroachment Permit pursuant to Chapter 13.37 of the San Jose Municipal Code if:

- 1) The City determines to use the public property for a public purpose
- 2) The City determines that the encroachment conflicts with the public's current or prospective use of the public property
- 3) The City determines that the encroachment constitutes a public nuisance
- 4) The encroachment is declared unlawful by court of competent jurisdiction
- 5) The Permittee is in violation of the permit conditions or program regulations

Additionally, the permit may be revoked upon cessation of use of the Parklet/Sidewalk Seating area for more than 90 days, Permittee's failure to maintain the Parklet/Sidewalk Seating, or determination that it poses a dangerous condition to life or property. Permittees will be provided written notification of violations and given five (5) working days to address them and provide written response of actions taken. Failure to address the violations will result in the revocation of the permit.

Upon revocation of the Minor Encroachment Permit, the Permittee, at its sole expense and within thirty (30) calendar days, shall remove the encroachment and restore the public right-of-way to its original condition. Furthermore, the City, at the sole expense of the Permittee, may pay to remove the encroachment and restore the public right-of-way upon determining that it is in the best interest of the public to do so. The City may also remove the encroachment without notice in the event of an emergency.

REGULATION CHANGES

The City may amend the Parklet Program and Sidewalk Seating in the Public Right-of-Way Regulations at any time and such amendments shall be applicable to any subsequent Permits, even if an application had been submitted prior to the amendments. Applicants may withdraw their application if they do not agree with the amendments made to the regulations.

DEFINITIONS

The definitions set forth in these Parklet Program and Sidewalk Seating in the Public Right-of-Way Regulations have the following meanings:

- A. "Parklet" means a temporary, non-structural platform constructed within the traveled portion of right-of-way that replaces one or more parallel parking spaces. In the place of vehicle parking, a platform is built to bring the grade of the sidewalk out into the street. Once the platform is installed, furnishings such as tables, chairs, benches, bike parking, and/or landscaping may be placed on the platform.
- B. "Sidewalk Seating" means tables, chairs, and all related appurtenances placed within the

Frontage and Furnishing Zones of a public sidewalk and intended for the purposes of customer seating and/or consumption of food or beverage by patrons when such is located adjacent to an eating establishment having the same operator.

- C. “Incidental Sidewalk Seating” means a small sidewalk seating area which features a maximum of two (2) tables and four (4) chairs in a single row placed within the Frontage or Furnishing Zones of a public sidewalk and intended for the purposes of customer seating and/or consumption of food or beverage by patrons when such is located adjacent to an eating establishment having the same operator.
- D. “Table Service” means prepared food or drinks brought to a customer for consumption at a table or counter maintained by an eating/drinking establishment.
- E. “Through Zone” means the unobstructed area of sidewalk where primary pedestrian circulation occurs. The Through Zone shall remain free and clear of physical obstructions at all times.
- F. “Frontage Zone” means the sidewalk area between the Through Zone and the front of the adjacent property/building which may accommodate pedestrian oriented activities.
- G. “Furnishing Zone” means the area between the Through Zone and the Curb Zone where streetscape amenities are typically located.
- H. “Curb Zone” means the area located between the Furnishing Zone and the road and defines the boundary between the pedestrian realm and the roadway.

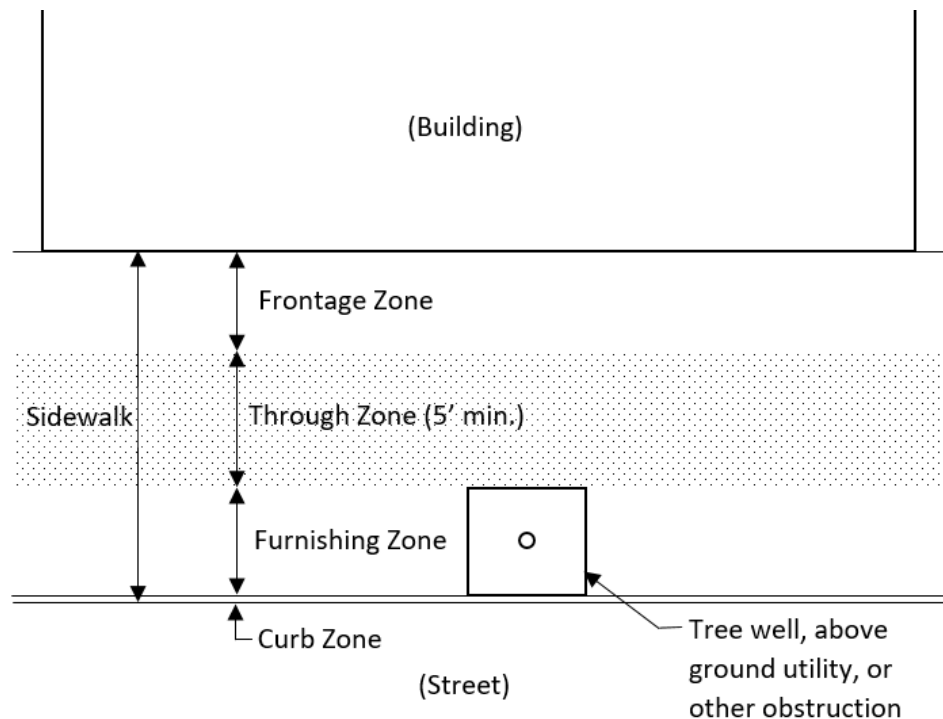


Figure 1. Sidewalk Zones

PARKLET REGULATIONS	
Eligible Applicants	<p>The following persons or entities are eligible to submit an application for a Minor Encroachment Permit for a Parklet:</p> <ol style="list-style-type: none"> 1. Fronting ground-floor business owner or operator, or 2. Fronting property owner, or 3. A business association responsible for an allowed area on behalf of an allowed business establishment located in their pre-defined area boundaries.
Eligible Locations	<p>Parklets shall be limited to the Downtown Core, Neighborhood Business Districts, Urban Villages, Specific Plan Areas, and Historic Districts as identified in the Envision San Jose 2040 General Plan.</p>
Allowed Uses	<ul style="list-style-type: none"> • Outdoor dining, with or without table service, incidental to a public eating establishment • Private (customer) seating • Public seating • Bicycle parking
Prohibited Uses	<ul style="list-style-type: none"> • Advertising • Amplified sound • Consumption of alcohol except in conjunction with a public eating establishment with a valid ABC license • Smoking • Storage of materials including storage of movable furniture and equipment outside of business hours
Hours of Operation	<p>Allowed hours of operation are from 7a.m. to 12a.m. inclusive of the following:</p> <ol style="list-style-type: none"> 1. The Parklet shall be utilized for private use during the permittee’s business hours. 2. The Parklet shall be utilized for public use before and after permittee’s business hours.
Location Criteria	<p>Parklet location requirements are as follows:</p> <ol style="list-style-type: none"> 1. The proposed location should have a posted speed limit of 25 mph or less. Streets with higher speed limits may be considered on a case-by-case basis and will be required to implement additional safety measures. 2. The parklet shall be set back from the street corner by at least one parking space, approximately twenty feet (20’), or protected by a bulb-out or similar feature. 3. Parklets should be located on streets with running slopes of 5% or

	<p>less. Streets with grades greater than 5% may be considered on a case-by-case basis.</p> <ol style="list-style-type: none"> 4. Parklets shall be located at least ten feet (10') from driveways. 5. Parklets may replace yellow zones, blue zones, or motorcycle parking if there are appropriate adjacent locations for these zones to be relocated and the Applicant pays additional fees and costs to relocate these zones. 6. Parklets may replace white zones or green zones if the business that originally requested the zone agrees to re-purpose the area for use as a Parklet. 7. Parklets shall not be located in red zones. 8. Parklets shall not be located in front of fire hydrants. 9. Parklets shall not be located in front of bus stops. 10. Parklets shall not be located over storm inlets, manholes or other utility access points. 11. Parklets shall not obstruct access to above grade utility structures.
<p>Design Parameters</p>	<p>In addition to any other technical parameters required by the City, Parklets shall conform to all of the following:</p> <ol style="list-style-type: none"> 1. Parklets shall be designed to improve the aesthetics of the streetscape and constructed with durable, safe, and high quality materials. 2. A pre-approved Parklet design may be utilized or a custom design may be proposed. 3. Parklets shall be a maximum width of six feet (6') and shall be set back at least four feet (4') from adjacent parking spaces (side setbacks). 4. Parklets shall not occupy more than two (2) parking spaces unless there are special circumstances that would be approved by Public Works. 5. Parklets shall not interfere with vehicle traffic lanes or bicycle lanes. 6. Unused driveway cuts, sidewalk defects, empty tree wells, or other sidewalk conditions adjacent to the proposed Parklet location shall be repaired and addressed by the Applicant as required to ensure safe ingress and egress conditions. 7. Access panels to maintain the gutter and area underneath the Parklet shall be required, and the design shall allow drainage along the gutter to pass underneath the Parklet. 8. Parklets shall include permanent seating integrated into the structure. 9. The perimeter of the Parklet shall include: planters, railings, or cables at a minimum height of 30" and with spacing that allows the ability to clearly see inside the Parklet at all times. 10. Parklets shall have vertical elements that are visible to passing vehicles without obstructing driver views. 11. Overhead elements, such as umbrellas, shall provide a minimum vertical clearance of seven feet (7') above grade.

12. Soft hit posts, wheel stops, and reflective elements are required on the outside corners of both sides of the Parklet.
13. A minimum of two (2) “Public Parklet” signs shall be affixed to the structure in highly visible locations.
14. Bolting or anchoring the Parklet into the roadway shall not be permitted.
15. The cross slope on the Parklet surface may not exceed 2% in any direction.
16. Parklet decking should be flush with the curb with a maximum horizontal gap of ½ inch. Vertical separations between ¼ inch and ½ inch high shall be beveled with a slope not steeper than 25%.

The below Parklet Design Parameters is a diagram that can serve as a general guideline for an Applicant’s Parklet design submittal. The final approval of each Parklet application is subject to the Director’s discretion in accordance with applicable laws and regulations.

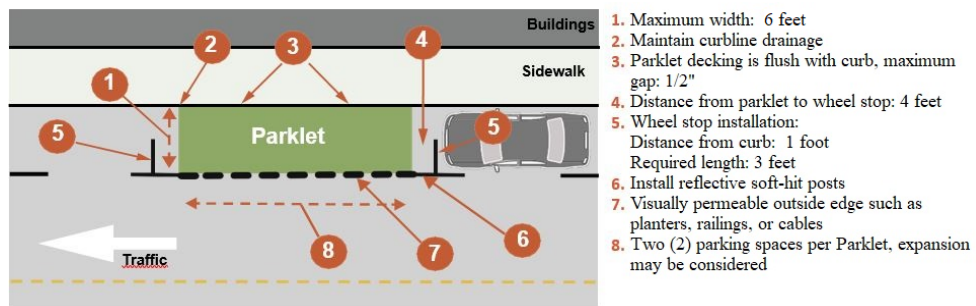


Figure 2. Parklet Design Parameters

Maintenance and Operations

- Movable furniture (i.e. tables, chairs, umbrellas, etc.) and equipment shall either be removed from the Parklet area and any other portion of the public right-of-way during non-business hours or secured in such a way as to allow full and continued use by the public.
- The Parklet area shall be maintained in good condition, and all landscaping shall be kept in good health. Any dead or dying plants should be promptly removed and replaced.
- Permittee is required to submit a maintenance plan for keeping the space free of litter and graffiti.

Accessibility Compliance

All access points to the Parklet shall conform with the current Building Code adopted by the City of San José as well as the applicable Americans with Disabilities Act (ADA) accessibility standards. A minimum forty-eight inches (48”) ADA accessible entryway to the Parklet shall be maintained at all times.

PARKLET PROGRAM APPLICATION PROCESS

1) SUBMIT INITIAL APPLICATION

Applicant submits a complete application package that includes the following items:

- a) Application Form. All Applicants shall complete the Encroachment Permit Application form. Applications may be denied for the following reasons:
 - (1) The application is incomplete.
 - (2) The applicant has not resubmitted all required plans and/or documents as requested by City staff within ninety (90) days of request.
 - (3) Regulation requirements are not met.
 - (4) Any Parklet application may be denied at the discretion of the Director.

- b) Preliminary Site Plan. The preliminary site plan, drawn to scale, shall show the following information (provide as much detail as possible to aid in the City's review of the application):
 - 1) Show the proposed footprint of the Parklet including dimensions (length and width).
 - 2) Show and list elements proposed within the Parklet including tables, chairs, planter boxes, enclosures, etc.
 - 3) Show the location of parking meters and associated parking meter numbers that are proposed to be removed. These numbers are generally posted on the meter facing the street.
 - 4) Show and label:
 - i. Property lines
 - ii. Existing building(s) including doorway location(s)
 - iii. Width of business frontage
 - iv. Name and address of business
 - v. Name and address of adjacent businesses
 - vi. Sidewalk widths
 - vii. Indicate color of any painted curbs
 - viii. Street name(s)
 - ix. Dimensions of adjacent parking stalls
 - x. All surface structures within 20 feet of the proposed Parklet (e.g., fire hydrants, parking meters, poles, signs, street trees, manholes, utility covers, storm drain inlets, bike racks, streetlights, other parklets, etc.).

- c) Statement of Purpose. Provide a statement of purpose describing in detail how the Parklet will be used and hours of operation (particularly the hours that the Parklet will be occupied).

- d) Application Fee. An Encroachment Permit application fee is due at the time of initial submittal. See Public Works Permit Fees schedule.

- e) Community Outreach and Consent Letters. Each Applicant is responsible for conducting adequate community outreach in the development of its proposed Parklet prior to submitting an application package. Such outreach should include neighbors, owners, and tenants adjacent to the subject property and any merchant or neighborhood groups. Documentation of support in the form of a letter, a

petition, email, etc. should be provided. Furthermore, the Applicant shall submit consent letters (or equivalent) from the following:

- 1) Direct neighbors/businesses
- 2) Property owner, if the Applicant is the owner or operator of a business establishment
- 3) Fronting business owner or operator, if the Applicant is the property owner

2) INITIAL APPLICATION REVIEW

The Department of Public Works will coordinate review of the application to ensure that the proposed Parklet meets the intent of the program as well as key regulation requirements. A committee of staff from various City departments (Transportation, Public Works, Economic Development, Police, and Fire) will review each complete application package on a first-come-first-served basis using the following criteria:

- a) Parklet is supported by the surrounding community.
- b) Parklet enhances the aesthetic quality of the streetscape.
- c) Parklet meets established location and design parameters.
- d) Fronting business is in good standing without significant community complaints, violations, or citations.

If the initial application meets the above criteria, the Department of Public Works will notify the Applicant regarding the Public Notice Period.

If the initial application does not meet the above criteria, the Applicant will be notified. If the plans can be revised, the Applicant will be given 10 days to resubmit.

3) PUBLIC NOTICE PERIOD

The City will issue a Notice of Application for a Parklet (“Notice”) to the Applicant. The Notice shall be posted by the Applicant in a readily visible location in front of the business where the Parklet is proposed for ten (10) calendar days. The purpose of the Notice is to provide the public opportunity to express its support for or opposition to the application. If no objection is registered, the initial application will be accepted for the Parklet Program. Skip to Step 5.

If an objection is registered, see Section 4 below.

4) OBJECTIONS RAISED DURING PUBLIC NOTICE PERIOD

- a) If the Department receives objections during the Public Notice Period, it will coordinate with the objector and Applicant to determine if there are feasible alternatives to make the Parklet acceptable. The City may require redesign of the Parklet to attempt to alleviate objections.
- b) Final objections will be submitted in writing to the Director of Public Works.
- c) If objections to the Parklet are still outstanding, the Director of Public Works will make a final determination on the application based on the proposal, expressed concerns, and overall benefit.
- d) If the Director ultimately rejects the application, the Applicant may appeal the

decision in accordance with Part 5 of Chapter 13.37 of the San Jose Municipal Code.

5) **SUBMIT FINAL PLANS AND DOCUMENTS**

Applicants with an accepted initial application will be instructed to submit a fully detailed site plan including cross sections and elevations prepared by a professional engineer/architect or designer. Public Works staff will work with the Applicant in a collaborative fashion during this period to ensure that the Parklet design is appropriate and that the final drawings produced meet regulation requirements. Final plans shall include all the following:

- a) Address
- b) Location Map
- c) Plan View
- d) Elevations
- e) Sections
- f) Structural Design
- g) Construction Details
- h) Accessibility Plan
- i) And any other requirements as determined by the Department/Director

Additionally, Applicants shall submit the following documents:

- a. Insurances
 - i. Applicant's Insurance (Parklet use): \$1,000,000 General Liability naming the City of San Jose Risk Management as additional insured.
 - ii. Contractor's Insurance (construction): \$1,000,000 each for General Liability, Automobile Liability, and Worker's Compensation & Employer's Liability. The City of San Jose Risk Management shall be named as additional insured.
- b. Maintenance Plan. Submit a plan describing maintenance activities to keep the Parklet clean and inviting for the community. The plan should address maintenance, repair, and/or replacement of the Parklet deck, furniture (built-in and movable), plants, and surrounding pavement as well as graffiti abatement and pest control.

6) **CITY APPROVAL OF FINAL PLANS**

The Department of Public Works will coordinate with the Department of Planning, Building and Code Enforcement (PBCE), and the Department of Transportation (DOT) to review the plans. Applicants may receive additional comments which will need to be incorporated into the final plan prior to permit approval. Revisions and resubmittals may be required.

7) **PUBLIC WORKS ISSUES PERMIT**

When it has been determined by the Director/Department that the application satisfies all requirements of these Parklet Regulations and Chapter 13.37 of the San Jose

Municipal Code, and the Applicant has paid all necessary fees, the Department of Public Works will grant final approval and issue a Minor Encroachment Permit for the Parklet.

8) CONSTRUCT THE PARKLET

Upon permit issuance and as a condition of permit approval, the Permittee is required to inform the Department of Public Works no less than ten (10) days before beginning any site work. Once the Permittee has completed installation of the Parklet, the Permittee shall notify Public Works for final inspection and acceptance.

9) MONITORING AND COMPLIANCE

It is the responsibility of the Permittee to ensure the Parklet remains in compliance with the conditions of its permit at all times. Regular maintenance activities should be performed per the required maintenance plan for the Parklet. The area should be kept clean and inviting for members of the public.

10) LIMITS ON PERMITS FOR PARKLETS

Permits are available on a first-come, first-served basis. Parklets will be allowed to displace a maximum of fifty (50) metered parking spaces City-wide. There is no limit on the number of permits that may be issued for Parklets that occupy unmetered parking spaces.

SIDEWALK SEATING REGULATIONS	
Eligible Applicants	The owner/operator of a fronting ground floor business establishment or fronting property owner is eligible to submit an application for a Minor Encroachment Permit for Sidewalk Seating.
Eligible Locations	Sidewalk Seating shall be limited to the Downtown Core, Neighborhood Business Districts, Urban Villages, Specific Plan Areas, and Historic Districts as identified in the Envision San Jose 2040 General Plan.
Allowed Uses	<ul style="list-style-type: none"> • Outdoor dining, with or without table service • Private (customer) seating • Public seating
Prohibited Uses	<ul style="list-style-type: none"> • Advertising • Amplified sound • Consumption of alcohol except in conjunction with a valid ABC license • Smoking • Storage of materials including storage of movable furniture and equipment outside of business hours. Exceptions may be granted on a case-by-case basis
Hours of Operation	The hours of operation for a permitted Sidewalk Seating area shall be the same as the operating hours of the business establishment but shall not operate past 12:00 a.m.
Location Criteria	<ol style="list-style-type: none"> 1. Sidewalk Seating shall not extend beyond the business frontage unless written consent from the neighboring business owner is provided. 2. Sidewalk Seating shall be set back a minimum of five feet (5') from building corners. 3. Sidewalk Seating within the Furnishing Zone shall be set back a minimum of 2 feet (2') from the curb. Loading zones, bus stops, adjacent travel lanes or other conditions may prohibit Sidewalk Seating.
Design Parameters	<ol style="list-style-type: none"> 1. Sidewalks less than ten feet (10') wide shall maintain a minimum clear pedestrian Through Zone of five feet (5'). 2. Sidewalks greater than ten feet (10') wide shall maintain a minimum clear pedestrian Through Zone of fifty percent (50%) of the total sidewalk width. 3. Sidewalk Seating shall not obstruct doorways, fire equipment/connections, or interfere with ingress/egress into or out of a building.

- 4. Sidewalk Seating elements shall not be permanently connected to the sidewalk, except as required by a valid ABC license. Exceptions may be granted on a case-by-case basis.
- 5. The pedestrian Through Zone shall maintain a minimum five feet (5') clearance and remain free of obstructions both permanent and temporary, including but not limited to street lights, fire hydrants, poles, signs, bicycle racks, vegetation, trees (including tree-wells), planters, news racks, parking meters, bus shelters, benches, tables, chairs, umbrellas, heaters, waste receptacles, enclosures, and any other feature included as part of the sidewalk seating application.
- 6. Sidewalk Seating elements which extend into the Through Zone (i.e. umbrellas) shall be a minimum of seven feet (7') above the sidewalk surface within the Through Zone.

Incidental Sidewalk Seating

The application process for Incidental Sidewalk Seating is shorter than the full review required for Sidewalk Seating or Parklets and is intended for business establishments that would like to place minimal seating in front of their properties. Incidental Sidewalk Seating refers to outdoor seating consisting of up to two sets of one (1) table and two (2) chairs or two (2) benches aligned in a single row. Incidental Sidewalk Seating may be placed in the Frontage Zone or Furnishing Zone.

- Option 1: Two tables and four chairs maximum
- Option 2: Two benches maximum

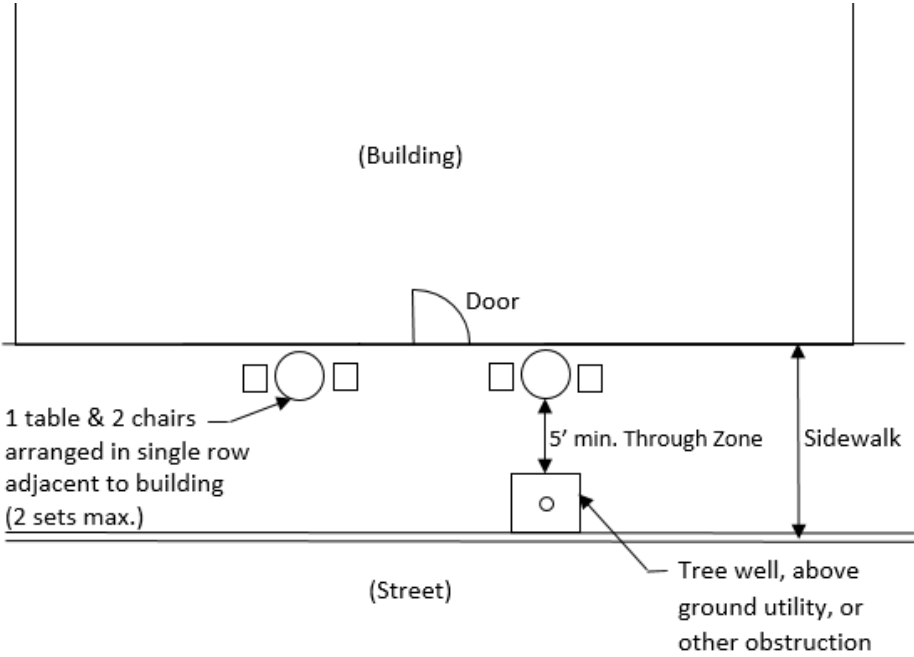


Figure 3. Incidental Sidewalk Seating Table and Chair Configuration

	Minor Encroachment Permits for Incidental Sidewalk Seating do not expire. However, it is the responsibility of the permittee to ensure Sidewalk Seating regulations are met at all times. Failure to do so may lead to revocation of the permit. All outdoor furniture is required to be removed from the sidewalk and stored inside at the end of the business day. Drinking establishments are ineligible for Incidental Sidewalk Seating.
Maintenance and Operations	<ul style="list-style-type: none"> • Movable furniture (i.e. tables, chairs, umbrellas, etc.) and equipment shall be removed from the seating area or any other portion of the public right-of-way during non-business hours. Exceptions may be granted on a case-by-case basis. • The Sidewalk Seating area shall be maintained in good condition and all landscaping shall be kept in good health. Any dead or dying plants should be promptly removed and replaced. • Permittee is required to submit a maintenance plan for keeping the space free of litter and graffiti.
Accessibility Compliance	Sidewalk Seating elements shall comply with the current Building Code adopted by the City of San Jose and applicable Americans with Disabilities Act (ADA) accessibility standards.

SIDEWALK SEATING APPLICATION PROCESS

1. SUBMIT APPLICATION

Applicant submits a complete application package that includes the following items:

- a. Application Form. All Applicants shall complete the Encroachment Permit Application form. Applications may be denied for the following reasons:
 - (1) The application is incomplete.
 - (2) The applicant has not resubmitted all required plans and/or documents as requested by City staff within ninety (90) days of request.
 - (3) Regulation requirements are not met.
 - (4) Applications may be denied at the discretion of the Director.

- b. Site Plan. The site plan, drawn to scale, shall provide the following information:
 - 1) Name of project and description of proposed use.
 - 2) Location map and Assessor’s Parcel Number(s).
 - 3) The proposed location of the Sidewalk Seating area including dimensions (length and width) and area (square footage).
 - 4) Show and list all elements proposed within the Sidewalk Seating area including number of tables, chairs, planter boxes, enclosures/railings, etc.
 - 5) Show and label:
 - (i) property lines, existing building(s) including doorway location(s)
 - (ii) width of business frontage
 - (iii) name and address of business

- (iv) name and address of adjacent businesses
 - (v) sidewalk width between building and face of curb
 - (vi) street name(s) and color of any painted curbs
 - (vii) all surface structures within 20 feet of the proposed Sidewalk Seating area (e.g., fire hydrants, parking meters, poles, signs, street trees, manholes, utility covers, storm drain inlets, streetlights, bike racks, newspaper racks, etc.)
- 6) Show dimensions of proposed pedestrian Through Zone. As much as possible, a straight path should be provided for the Through Zone.
 - 7) Provide as much detail as possible to aid in the City's review of the application.
- c. Accessibility Plan
 - d. Statement of Purpose. Provide a statement of purpose describing in detail how the Sidewalk Seating area will be used and hours of operation (particularly the hours that the area will be occupied for Sidewalk Seating).
 - e. Application Fee. An Encroachment Permit application fee is due at the time of submittal. See Public Works Permit Fees schedule.
 - f. Insurance. Submit Certificate of Insurance for \$1,000,000 General Liability naming the City of San Jose Risk Management as additional insured.

Incidental Sidewalk Seating applicants will be required to submit an application form, fees, and insurance.

2. APPLICATION REVIEW

The Department of Public Works will coordinate review of the application to ensure that the proposed Sidewalk Seating meets regulation requirements. A committee of staff from various City departments (Transportation, Public Works, Economic Development, Police, and Fire) will review each complete application package on a first-come-first-served basis. Applicants may receive comments which will need to be incorporated into the site plan prior to permit approval. Revisions and resubmittals may be required. Incidental Sidewalk Seating applications will only be reviewed for insurance requirements.

3. PUBLIC WORKS ISSUES PERMIT

When it has been determined by the Director/Department that the application satisfies all requirements of these Sidewalk Seating Regulations and Chapter 13.37 of the San Jose Municipal Code, and the Applicant has paid all necessary fees, the Department of Public Works will grant final approval and issue a Minor Encroachment Permit for Sidewalk Seating.

A Minor Encroachment Permit for Incidental Sidewalk Seating will be issued and will include additional conditions requiring the Permittee to ensure that the business establishment is in conformance with Incidental Sidewalk Seating requirements at all times.