

# **PARKLET REGULATIONS**

These regulations (“Parklet Regulations”) are adopted by the Director of Public Works pursuant to the Declaration of the Director of Emergency Services of the City of San José Suspending Enforcement of Certain Provisions in Land Use Permits and Approvals and Zoning and Encroachment Requirements in the San José Municipal Code issued June 26, 2020 (“Parklet Order”). The City may amend these Parklet Regulations at any time and such amendments shall be applicable to any Permits issued thereafter, even if an application had been submitted prior to the amendments. These Parklet Regulations shall only apply to Parklets created pursuant to the Parklet Order. Terms not defined in these Parklet Regulations shall have the meanings set forth in the Parklet Order.

## **ENCROACHMENT PERMITS**

Each business operating within a Parklet shall first obtain an encroachment permit from the City (“Permit”). Permits contain the terms and conditions for a business’ use of a Parklet. Each business that obtains a Permit (“Permittee”) shall be responsible for complying with all requirements in its Permit.

## **ELIGIBLE GEOGRAPHIC AREAS**

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.

## **LOCATION CRITERIA**

Parklet location criteria are as follows:

1. The proposed location must be on a street with a posted speed limit of 25 mph or less.
2. The City will prioritize locations where there is substantial local business support for repurposing most of the on-street parking along the block, allowing larger Parklet areas to be created.
3. Parklets will 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.
4. Parklets will be located at least ten feet (10’) from driveways.
5. Parklets may replace white zones or green zones. Parklets may replace yellow zones on a case-by-case basis.
6. Parklets will not be located in red or blue curb zones.
7. Parklets will not be located in front of or restrict access to fire hydrants.
8. Parklets will not be located in front of or interfere with bus stops.
9. Parklets will not obstruct access to storm inlets, manholes or other utility access points, including above grade utility facilities.

## **ALCOHOL IN PARKLETS**

Permittees shall comply with all applicable California Alcoholic Beverage Control (“ABC”) regulations regarding alcohol use for their operations within a Parklet. Permittees are solely responsible for securing a valid ABC license to allow/extend business operations within the Parklet. A Permit does not constitute approval by the ABC or City for alcohol use in a Parklet.

## **ALLOWED USES**

Only the following uses are allowed in Parklets:

1. Outdoor dining, with or without table service;
2. Retail operations; and
3. Customer and general public seating.

## **HOURS OF OPERATION**

Permittees may use Parklets daily between of hours of 7 a.m. and 10 p.m.

## **PARKLET USE PARAMETERS**

Parklet use shall conform to all of the following:

1. Parklet use shall not interfere with vehicle or bicycle traffic within the right-of-way or pedestrians on the sidewalk;
2. Overhead elements, such as umbrellas, shall provide a minimum vertical clearance of seven feet (7') above sidewalk grade and shall not protrude within the sidewalk area or beyond the horizontal boundary of any Traffic Barrier; and
3. Permittees shall provide an ADA accessible table and/or route if another is not available.

All of the following are prohibited in Parklets:

1. Advertising;
2. Amplified sound;
3. Consumption of alcohol except in compliance with a valid ABC license;
4. Smoking;
5. Gas or diesel generators; and
6. Electrical cords that cross the public sidewalk.

## **MAINTENANCE AND OPERATIONS**

Parklet maintenance and operations shall conform to all of the following:

1. During non-business hours, items placed in Parklets such as materials, furniture and equipment shall either be removed from the Parklet or secured in such a way as to not interfere with public use of the right-of-way or sidewalk;
2. Food trays or carts may not be stored in Parklets;
3. The Parklet area shall be kept in a safe condition at all times, and all landscaping shall be kept in good health; and
4. Permittees shall keep Parklets free of litter and debris and keep the portion of the Traffic Barriers within the Parklet area clean and well-maintained.