Proposed San José Municipal Code Changes

Sidewalk Cafe ➔ Outdoor Sidewalk Seating

Community Meeting
September 28, 2017

Juan Borrelli, AICP
Small Business Ally
Meeting Overview

- Vision – public life in our City
- Placemaking and Easy Urbanism Initiative
- Previous meetings, feedback, and coordination to date
- Current Sidewalk Cafe requirements
- Proposed changes for Outdoor Sidewalk Seating
- Next Steps and timeline
- Questions and answers
Vision – Public Life in San José

Interdepartmental priorities for a public life strategy

- **Public Life** – people of diverse backgrounds interacting in public spaces as distinctive features of everyday life in our City
- **Tangible Benefits** – improved health, safety, happiness, community cohesion, social equity, economic development, environmental sustainability, community pride and identity
- **City in Transition** – from its suburban development past emphasizing private life, to a more urban future that can bring a robust public life
- **Work to Create Special Places** – active with community life throughout the City, which is at the heart of the Envision San José 2040 General Plan
- **Recognize Diversity** – different cultures view and use public spaces differently, and in that space is where different people can meet and mix
Placemaking and Easy Urbanism Initiative

Concurrent with the Vision for Public Life exercise, a Placemaking and Easy Urbanism Committee formed to enhance public life by

- Evaluating policy, projects, and opportunities
- Engaging stakeholders to help identify barriers
- Identifying how to compliment interdepartmental work
- Identifying gaps in or duplication of services
- Considering how to leverage human and fiscal resources
- Assessing how to “get to yes”
- Increasing vibrancy in the public realm by removing barriers to activation
Placemaking and Easy Urbanism Initiative

“Placemaking” – when a cross-section of partners strategically shape the physical and social character of a neighborhood or city by

• Activating spaces
• Rejuvenating structures and streetscapes
• Improving local business viability and public safety
• Bringing diverse people together to celebrate, inspire, and be inspired

www.sanjoseca.gov/planning
Placemaking and Easy Urbanism Initiative

“Easy Urbanism” (Urban Activation) – an approach or initiative where cross-sector community partners and staff across multiple City departments work together to:

- Lower barriers to Placemaking to make it more-easily attainable
- Share best practices, lessons learned, and trends
- Raise awareness of Placemaking activities happening citywide
Placemaking and Easy Urbanism Initiative

December 2016 Placemaking and Easy Urbanism Kick-Off Workshop

• 45 community stakeholders and inter-departmental staff
• Facilitated visioning exercise and sub-group breakout sessions on various types of Placemaking and Easy Urbanism events
• Sought to identify issues, assess work effort prioritization, and seek guidance on barrier removal processes
Placemaking and Easy Urbanism Initiative

12/16 Meeting Feedback – amend the municipal code to facilitate Placemaking and Easy Urbanism for

- Sidewalk Cafes in the public right-of-way
- Temporary or “Interim” Special Events on private property
  - Food truck events
  - Special celebrations at Urban Agriculture sites
  - Code-compliant metal shipping containers converted for food, drink, and retail
Placemaking and Easy Urbanism Initiative

May 2017 Placemaking and Easy Urbanism Community Meeting

- Smaller group of community stakeholders and inter-departmental staff
- Discussed current processes, findings and requirements for sidewalk cafes and temporary/interim special events
- Discussed sidewalk café processes in other jurisdictions that were evaluated (Mountain View and Livermore)
- Gathered additional feedback on requirement “pain-points” and suggested process improvements from stakeholders for sidewalk cafes in the public right-of-way and temporary or “interim” special events on private property
Placemaking and Easy Urbanism Initiative

5/17 Meeting Feedback – amend the municipal code to facilitate Placemaking and Easy Urbanism for

- **Sidewalk Cafes in the public right-of-way** *(this year)*
  - Allow more types of businesses to activate the sidewalk
  - Simplify the review process and allow more applicants
  - Lower permit costs

- **Temporary or “Interim” Special Events on private property** *(next year)*
  - Allow more frequent events without immediately triggering SUP/CUP permits
  - Create a certification/self-certification food truck program to reward safe or “good” operators and minimize Fire inspection costs

www.sanjoseca.gov/planning
Sidewalk Cafe

Current Summary Requirements

• Allowed citywide for dining only (public eating establishments that are “bona fide restaurants”, per code section 20.200.940), and drinking, only when in conjunction with dining

• Only the operator of a business establishment (“business owner”) can apply

• Hours are limited to those associated with the public eating establishment, and for those in downtown with an entertainment permit, a sidewalk café can be utilized by-right until 2 a.m.

• Must provide the City with specific insurance and indemnification requirements described in the sidewalk café application
Current Application Process

- Submit a complete Sidewalk Cafe Application
- Reviewed by Planning, Public Works, Fire, Finance, Risk Management Departments and sometimes Police Department
- Processing time: approx. 1-3 months
- Approved administratively (no public hearing)
- One-time fee approx. $1,200
- New Fee Schedule reduced fees to approx. $600
Sidewalk Cafe ➔ Outdoor Sidewalk Seating

Key Proposed Changes

• More businesses can apply – still allowed is dining associated public eating establishments ("bona fide restaurants"), and drinking, only when in conjunction with dining (no proposed changes for service of alcohol in Outdoor Sidewalk Seating areas)

• Also proposed to be allowed to apply for Outdoor Sidewalk Seating are
  - Retail sales
  - Bakery
  - Banquet facility
  - Office, gen. business and admin.
  - Medical/dental/clinic/out-patient
  - Research and development
  - Information center
  - Personal service
  - Recreation, comm. (indoor)
  - Private club or lodge
  - Private instruction, pers. enrich.
  - Retail art studio/instruc. art studio
  - Auditorium
  - Theater, indoor
  - Museum, library, comm. cntr.
  - Hotel or motel
  - Bed and breakfast inn
  - Printing and publishing
Key Proposed Changes

- **More applicants can apply** – still allowed are operators of a business establishment (“business owner”)

- Also proposed to be allowed are
  - **Property owner** of a property that has an allowed business establishment
  - **Business association** responsible for an allowed area on behalf of a business establishment or property owner with an allowed business establishment in their pre-defined area boundaries (*provided insurance and indemnification requirements can be met*)
Sidewalk Cafe ➔ Outdoor Sidewalk Seating

Key Proposed Changes

- **Eligible locations** – building on the Vision for Public Life in San José and the Placemaking and Easy Urbanism Initiative, we are proposing to allow Outdoor Sidewalk Seating in commercially-zoned areas where, per the Envision San José 2040 General Plan, there is a already plan to focus on streetscape activation, creating special places, and improving local business viability and public safety

- Proposed eligible areas would include, as amended

  - Downtown
  - Neighborhood business districts
  - Urban villages
  - Specific plan areas
  - Most historic districts
  - Most conservation areas
Sidewalk Cafe → Outdoor Sidewalk Seating

Key Proposed Changes

• **Hours** – Outdoor Sidewalk Seating hours are still limited to the hours associated with the eligible business, but **only** until 12 midnight when not located in the downtown core area.

• For eligible businesses located in the downtown core area, the Outdoor Sidewalk Seating hours are limited to the hours associated with the eligible business, **and** can include any late night hours allowed with an approved SUP or UP.
Sidewalk Cafe ➔ Outdoor Sidewalk Seating

Proposed Application Process

• **Over The Counter review** – Outdoor Sidewalk Seating applications are proposed to be submitted and reviewed over the counter by 1st floor Development Services Permit Center Planning staff.

• **Checklist criteria** – Utilizing an interdepartmental-developed checklist worksheet, Planning staff would conduct the Planning, Fire, and Public Works reviews, along with (potentially) the Finance Department Risk Management Group review for the insurance and indemnification requirements, to issue an Outdoor Sidewalk Seating Permit if all checklist criteria and conditions can be met.

• **Permit application and review cost** – **FREE** (unless other department review is required for Outdoor Sidewalk Seating projects that are sufficiently unclear if they meet the checklist criteria and conditions, or not).

www.sanjoseca.gov/planning
Sidewalk Cafe ➔ Outdoor Sidewalk Seating

Interdepartmental coordination to date

- Planning, Building, and Code Enforcement
- Office of Economic Development
- Office of Cultural Affairs
- Department of Public Works
- Department of Transportation
- Fire Department
- Finance Department Risk Management Group
- City Attorney’s Office (CAO)
- **Additional/Ongoing Coordination** – San José Police Department, Finance, and CAO
Outdoor Sidewalk Seating

Next Steps and Timeline

- **Tonight** – receive additional feedback on the proposed Outdoor Sidewalk Seating changes

- **October** – additional coordination with the San José Police and Finance Risk Management Departments, and the City Attorney’s Office, to prepare final draft Outdoor Sidewalk Seating municipal code revisions

- **Public Hearings** – anticipating the final draft Outdoor Sidewalk Seating municipal code revisions to be heard/decided upon:
  - Planning Commission: **Wednesday, November 15, 2017**
  - Mayor and City Council: **Tuesday, December 12, 2017**
Questions?

Juan Borrelli, AICP
Small Business Ally
City of San José
PBCE - Development Services
juan.borrelli@sanjoseca.gov
(408) 975-2655

Placemaking / Easy Urbanism webpage: